



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** June 5, 2018  
**Report Number:** SRPRS.18.109

**Department:** Planning and Regulatory Services  
**Division:** Development Planning

**Subject:** Request for Direction – Official Plan  
Amendment, Zoning By-law Amendment and  
Draft Plan of Subdivision Applications – Yonge  
MCD Inc. – Town Files D01-16002, D02-16012  
and D03-16006

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### **Owner:**

Yonge MCD Inc.  
81 Zenway Boulevard, Unit 24  
Vaughan, Ontario  
L4H 0S5

### **Agent:**

Weston Consulting  
201 Millway Avenue, Suite 19  
Vaughan, Ontario  
L4K 5K8

### **Location:**

**Legal Description:** Part of Lots 1, 2 and 23, Registered Plan 1642, Lots 1, 2, 3 and 4, Registered Plan 3600 and Lots 1 and 4, Registered Plan 3766  
**Municipal Addresses:** 12 and 24 Naughton Drive, 0, 11014, 11034, 11044 and 11076 Yonge Street, 0, 47 and 59 Brookside Road

### **Purpose:**

A request for direction concerning Official Plan Amendment, Zoning By-law Amendment and draft Plan of Subdivision applications to permit the construction of a mixed-use high, medium and low density development on the subject lands. The applications have been appealed to the Local Planning Appeal Tribunal (LPAT), for Council's failure to make a decision within the statutory timeframes prescribed by the *Planning Act*.

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### Recommendations:

- a) That the Local Planning Appeal Tribunal be advised that Council does not support the Official Plan Amendment, Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Yonge MCD Inc. for the lands legally described as Part of Lots 1, 2 and 23, Registered Plan 1642, Lots 1, 2, 3 and 4, Registered Plan 3600 and Lots 1 and 4, Registered Plan 3766 (Municipal Addresses: 12 and 24 Naughton Drive, 0, 11014, 11034, 11044 and 11076 Yonge Street, 0, 47 and 59 Brookside Road), Town Files D01-16002, D02-16012 and D03-16006, for the principle reasons outlined in SRPRS.18.109;
- b) That staff be directed to continue discussions with the applicant to resolve the matters outlined in SRPRS.18.109; and,
- c) That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal hearing in support of Council's position concerning the subject applications.

### Contact Person:

Shelly Cham, Senior Planner – Subdivisions, phone number 905-747-6470 and/or Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

### Report Approval:

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

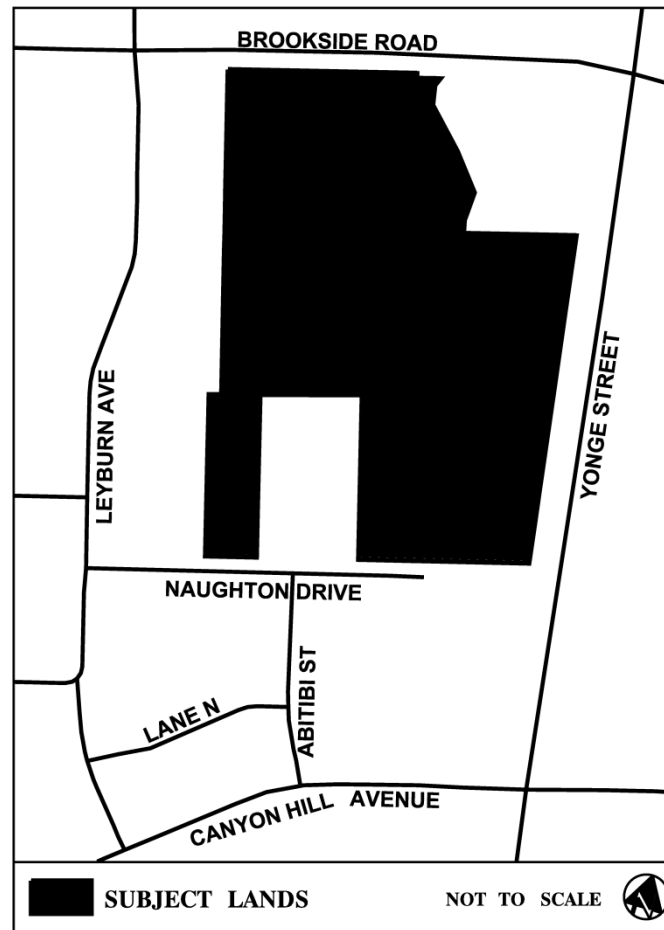
**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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### Location Map:

Below are maps displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



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### Background:

A resident's meeting hosted by the local Councillor was held on August 10, 2016 and subsequently the statutory Council Public Meeting was held on October 5, 2016 wherein Council received Staff Report SRPRS.16.159 for information purposes and directed that all comments be referred back to staff regarding the subject applications (refer to Appendix A). Members of the public were in attendance at both meetings and provided a number of comments/concerns pertaining to the subject applications which are discussed later in report under Public Comments Received Section.

On November 28, 2016, Council directed staff to undertake a planning study for the Yonge and Bernard Key Development Area (**Bernard KDA**) and its environs. In support of this direction, Council enacted Interim Control By-law 100-16 (ICBL) for a period of one year to prohibit the use of lands, buildings or structures within the study area to allow for a comprehensive review of this area (refer to Appendix B). As a result of the ICBL, the review and processing of the subject applications were held in abeyance pending the outcome of the planning study. The planning study culminated in Council's adoption of Official Plan Amendment 12, the Yonge and Bernard Key Development Area Secondary Plan (KDA Secondary Plan) and Zoning By-law 111-17 (KDA By-law) on November 27, 2017 (refer to Appendix C). Subsequently, both the KDA Secondary Plan and the KDA By-law were appealed to the Local Planning Appeal Tribunal (LPAT) by a number of parties, including the applicant. As a result of the appeals, the ICBL continues to be in effect over the study area. The planning study also concluded that the lands outside of the **Bernard KDA** and designated **Neighbourhood** should be subject to a Tertiary Plan to guide the implementation of medium density residential uses in the area. In this regard, the South Brookside Tertiary Plan (Tertiary Plan) was received by Committee of the Whole on May 22, 2018 and will proceed to Council on May 28, 2018 for approval.

On June 29, 2017, the applicant appealed the subject applications to the LPAT on the basis that Council had not issued a decision within the prescribed timeframes of the *Planning Act*. A Pre-Hearing Conference was held regarding the appeal of the subject applications on January 16, 2018 at which the Town, the Regional Municipality of York (Region) and the Toronto and Region Conservation Authority (TRCA) were granted party status to the proceedings, and a number of area residents were granted participant status. A second Pre-Hearing Conference is to be held on June 25, 2018. Accordingly, the purpose of this report is to seek Council's direction on the subject applications in order to advise the LPAT at the June 25, 2018 Pre-Hearing Conference on said position. As the appeals predate April 3, 2018, they will be addressed through the statutory regime that was in effect at the time of the appeals, that is the former OMB process.

Staff and the applicant have met through the ICBL, KDA Secondary Plan study and the Tertiary Plan study in an effort to resolve matters of dispute. In this regard, staff will continue such ongoing discussions with the applicant after the second Pre-Hearing Conference to address the matters outlined in this report.

## Summary Analysis:

### Site Location and Adjacent Uses

The subject lands are located at the northwest corner of Yonge Street and Naughton Drive and have a total lot area of 4.64 hectares (11.47 acres). The lands are presently vacant and abut Brookside Road to the north, Yonge Street and a tributary of the Rouge River watershed to the east, Naughton Drive and existing residential uses to the south, and Town owned lands and existing residential uses to the west (refer to Map 1). The larger area context includes low density residential uses to the north and west, medium density residential uses and planned high density uses to the south, and on the east side of Yonge Street is a commercial plaza and an apartment building.

### Development Proposal

The applicant is seeking approval of its Official Plan Amendment, Zoning By-law Amendment and draft Plan of Subdivision applications to permit a mixed-use high, medium and low density development comprised of four high density residential apartment buildings with commercial uses within one of the buildings, a 3-storey commercial and office building, stacked townhouses, condominium and street townhouses and single detached dwellings (refer to Map 2). The subject draft Plan of Subdivision proposes to create residential lots and/or blocks for single detached dwellings, street townhouse units, condominium townhouse units and stacked townhouse units, a block for the proposed high density apartment buildings and the commercial/office building, a park, open space, a walkway, and a new public street denoted as Street A (refer to Map 3). The following is a summary table outlining the pertinent statistics of the proposed development based on the plans and drawings submitted to the Town (refer to Maps 2, 3 and 4):

- **Total Lot Area:** 4.64 hectares (11.47 acres)
- **Residential Blocks:** 0.91 hectares (2.25 acres)
- **Mixed Use Block:** 2.25 hectares (5.56 acres)
- **Park Block:** 0.24 hectare (0.59 acre)
- **Open Space Blocks:** 0.88 hectare (2.18 acres)
- **Walkway, reserve and right of ways:** 0.37 hectare (0.91 acre)
- **Total Gross Floor Area (GFA):** 91,000 square metres (979,516 square feet)
  - **Commercial and Office:** 4,800 square metres (51,667 square feet)
  - **Residential Tower 1:** 27,100 square metres (291,702 square feet)
  - **Residential Tower 2:** 26,100 square metres (280,938 square feet)
  - **Residential Tower 3:** 18,200 square metres (195,903 square feet)
  - **Residential Tower 4:** 14,800 square metres (159,306 square feet)
- **Building Heights:**
  - **Tower 1:** 29 storeys
  - **Tower 2:** 29 storeys
  - **Tower 3:** 20 storeys
  - **Tower 4:** 16 storeys

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- **Total Number of Dwelling Units: 1181**
  - **Tower 1: 298**
  - **Tower 2: 308**
  - **Tower 3: 209**
  - **Tower 4: 176**
  - **Total Stacked Townhouse Units: 138**
  - **Total Condominium Townhouse Units: 22**
  - **Total Street Townhouse Units: 22**
  - **Total Single Detached Lots: 8**
- **Total Parking: 1882 spaces**

The single detached dwellings are proposed to front onto Brookside Road and Naughton Drive whereas the street townhouses and the condominium townhouses are proposed to have access onto a new public street, denoted as Street A on the draft Plan of Subdivision. Access for the balance of the lands is proposed via private roads connecting to Street A and Naughton Drive. The high density residential buildings and the proposed three-storey office/commercial building are proposed to front onto Yonge Street and along the environmental feature.

It should be noted that to date, a Site Plan application has not been submitted in support of the proposed development.

### Planning Analysis:

Staff has concluded a comprehensive review of the subject applications and is of the opinion that that the proposal as presently constituted is not supportable on the following basis:

- the proposal does not have regard for the Town of Richmond Hill Official Plan, 2010 (the Plan) in terms of land use, density and height;
- the proposal has no regard for the Council adopted KDA Secondary Plan;
- the proposal has not demonstrated conformity to the Plan as it pertains to hazardous lands and minimum buffer policies;
- the proposal has not demonstrated conformity to the *Oak Ridges Moraine Conservation Plan 2017 (ORMCP)* and the Plan as it pertains to key natural heritage/key hydrological features, related minimum vegetation protection zones, and major development policies;
- the proposal has not demonstrated conformity to the *CTC Sourcewater Protection Plan (2015) (CTC)* policies;
- the applicant has not demonstrated technical feasibility of the development proposal;
- the proposal does not have regard for the recommendations of the Tertiary Plan as it relates to the **Low Density Residential Area**, parkland and street network; and,
- the townhouse form of development proposed within the portion of the lands designated **Neighbourhood** may be considered appropriate, however, the extent of

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townhouses proposed on the subject lands must address the balance of issues raised in this report.

Outlined below is a detailed analysis of the aforementioned key issues with respect to the proposed development relative to the provincial policy regime and the Plan.

### Provincial Policy Regime

Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement (PPS)*, the *Growth Plan for the Greater Golden Horseshoe (2017)* (Growth Plan), the *Oak Ridges Moraine Conservation Plan (2017)*, the Regional Official Plan (ROP), and the Plan.

Staff notes that the Town's in-force Plan is consistent with the PPS, and conforms to the Growth Plan, the *ORMCP* and the ROP that were in-force at the time of approval. Since the Plan's approval, the PPS, and the Growth Plan and *ORMCP* were updated in 2014 and 2017, respectively. The KDA Secondary Plan recently adopted by Council is consistent and conforms to these updated provincial policy documents and the ROP. Outlined below is a more detailed discussion of the proposal relative to the Town's Plan and KDA Secondary Plan.

### Town of Richmond Hill Official Plan (2010)

The Plan establishes a comprehensive Urban Structure and policy regime for the Town that takes into consideration the Town's historical growth patterns and includes the **Centres and Corridors, Neighbourhoods, Employment Lands** and the **Greenway System**. The various designations that implement the **Centres and Corridors** are defined in Schedule A2 (Land Use) of the Plan (refer to Map 5). The Urban Structure is based on a hierarchy of intensification, with the greatest mix and range of uses and the highest densities directed to major public rapid transit terminals and stations. The **Centres and Corridors** are intended to accommodate the majority of the Town's projected population growth. Within this intensification hierarchy, the **Bernard KDA** is planned as the third most intensely developed area in Richmond Hill after the **Richmond Hill Centre** and the Yonge and 16<sup>th</sup> **KDA (16<sup>th</sup> KDA)**. Through the adoption of the KDA Secondary Plan, the boundary of the **Bernard KDA** has been determined. Where approved, the addition of new lands or the expansion of existing **Centres and Corridors** shall only be initiated by the Town through a municipal comprehensive review.

The **Neighbourhood** is intended to accommodate limited intensification through small-scale infill and redevelopment with low rise low density built forms. The **Greenway System** is comprised of environmental, agricultural, and urban open spaces lands that are intended to be protected, enhanced and actively managed over the long term.

The Plan designates the southeast portion of the subject lands **KDA** within the **Bernard KDA** and the balance of the lands are designated **Neighbourhood** and **Natural Core**

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pursuant to Schedule A2 (Land Use) of the Plan (refer to Map 5). The Town recently undertook a comprehensive planning study which culminated in the adoption of the KDA Secondary Plan in November 2017 for the lands that make up the **Bernard KDA**. Staff notes that the applications predate the KDA Secondary Plan. Therefore the determinative policy regime applicable to the subject lands is the **KDA, Neighbourhood** and **Natural Core** policies in the Plan. Notwithstanding this, the KDA Secondary Plan represents the Council's most up-to-date vision for the **Bernard KDA** and articulates the Plan policies in further detail for this area. As such, consideration of the KDA Secondary Plan is appropriate to guide the review of the subject applications.

### Discussion and Analysis

On the basis of the preceding, the following sections summarize the issues pertaining to the development proposal:

#### **KDA, Neighbourhood and Natural Core Designations**

The applicant proposes to define the land use designations of **KDA, Neighbourhood** and the **Natural Core** on the subject lands differently than prescribed on Schedule A2 (Land Use) of the Town's Plan and the KDA Secondary Plan (refer to Maps 5, 7 and 8). One of the grounds of appeal as identified in the applicant's Notice of Appeal of the KDA Secondary Plan was that the **KDA** boundary in the Council adopted KDA Secondary Plan was that it is improperly configured and did not include additional portions of the subject lands. It is important to note that as part of the Planning Study undertaken by staff, the **KDA** boundary was carefully reviewed in the context of the Plan and subsequently approved by Council. As such, Council has considered and specified the limits of the **Bernard KDA** as well as the limits of the **KDA** and **Neighbourhood** on the subject lands through their adoption of the KDA Secondary Plan.

With respect to the **Natural Core** designation, a tributary is located within the north easterly portion of the subject lands which forms part of the Rouge River watershed pursuant to Schedule A4 of the Plan (refer to Map 6). This portion of the tributary is also a contributing habitat of Redside Dace, which is an endangered species. Accordingly, the tributary and its environs constitute a key natural heritage feature and a key hydrological feature. The *ORMCP* and the Plan policies pertaining to key natural heritage/key hydrological features and the prescribed minimum vegetation protection zones (MVPZs) apply to this tributary and is subject to approval by the Ministry of Natural Resource. The greatest extent of the delineated limit of the features and the related MVPZs constitutes the **Natural Core** designation. The delineated limit of the key natural heritage/hydrological features depicted on the applicant's Concept Plan does not appear to conform to the *ORMCP* or the Plan policies (refer to Appendices F and G). In addition, the tributary and its environs also constitute hazardous lands as defined within the Plan. TRCA staff have also noted concerns with the delineated limits of the Regional Storm Floodline, erosion hazard and the related buffers depicted on the applicant's Concept Plan (refer to Appendix G). Based on their concerns, TRCA is a party to the appeal of the development applications and matters related to the hazardous lands policies will be reviewed and determined in consultation with TRCA staff. Further, the



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Plan policies direct for the conveyance of environmental and hazardous lands into public ownership to ensure its protection over the long term. However until the limit of the **Natural Core** designation, the hazardous lands and its related buffer(s) are determined, the appropriateness of the proposed limit of development along the tributary cannot be appropriately evaluated and is therefore considered premature.

### Land Use

The **Bernard KDA** permits a range of uses including high density residential uses whereas the predominant land use permitted within the **Neighbourhood** designation are low rise, low density residential uses such as single and semi-detached dwellings. The applicant proposes to permit high density residential uses in the **KDA** designated lands with a density of 4.5 FSI and heights up to 29-storeys. Within the **Neighbourhood** portion of the subject lands, the applicant proposes two sub-designated areas, denoted as xx-1 and xx-2 on Schedule 2 of the applicant's draft OPA (refer to Appendix D) which seeks to permit high density residential uses up to 20-storeys and medium density residential uses up to 4-storeys respectively within these subareas (refer to Appendices D and E).

While high density uses such as apartment buildings are envisioned in the **KDA**, these uses are not envisioned at the densities and height as proposed by the subject applications. This is discussed in greater detail in the Density and Height Section of this report. Within the **Neighbourhood** designation, the Plan directs for limited intensification with redevelopment and new development in a low rise, low density built form. The applicant is proposing high density residential apartments within xx-1 area which is not envisioned or permitted by the Plan. It is staff's opinion that the proposed apartment building built form is not appropriate in the **Neighbourhood** portion of the subject lands given its predominantly low rise, low density character.

Additionally, the applicant proposes medium density residential uses in the form of street townhouses, condominium townhouses and stacked townhouses within the xx-2 area. In this regard, Policy 4.9.1.2(2) of the Plan permits medium density uses such as townhouses along arterial streets within the **Neighbourhood** designation, and only on collector and local streets where there is a Council approved Tertiary Plan that directs these uses, where appropriate. The subject lands have frontage on Brookside Drive, a collector street, and Naughton Drive and Street A which are local streets and therefore a Tertiary Plan is required to guide medium density uses in this area. Further discussion regarding the South Brookside Tertiary Plan and the proposed medium density uses will be addressed under the South Brookside Tertiary Plan Section of this report.

### South Brookside Tertiary Plan, May 2018

The South Brookside Tertiary Plan deploys low and medium density residential uses, a proposed street network, parkland and built form in an overall recommended structure as depicted on Schedule 1 (refer to Map 12). In terms of land uses, Schedule 1 illustrates low density residential uses (i.e. singles and semis) along the periphery of the Tertiary Plan study area abutting existing low density residential uses on Leyburn

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Avenue and Brookside Road. The interior of the study area envisions medium density residential uses with an overlay area that would provide for apartment type medium density residential uses.

While the subject applications and appeals predate the Tertiary Plan, it is important to note that the Plan directs that medium density residential uses are only permitted where there is an approved Tertiary Plan directing for such uses. In this regard, the townhouse development within the **Neighbourhood** portion of the subject lands are only permitted when the Tertiary Plan receives Council's approval. Given that the Tertiary Plan is proceeding to Council imminently and it is based on a comprehensive study of the South Brookside area, it is appropriate to give consideration relative to the subject applications. In this regard, staff has reviewed the proposal in accordance with the findings of the Tertiary Plan and notes the following:

- **Low Density Residential Area:**

- the proposed single detached dwellings along Brookside Road and Naughton Drive are envisioned within the **Low Density Residential Area**. However, the Tertiary Plan's design guidelines recommends minimum lot frontages of 13 to 15 metres (43 to 50 feet) for interior lots and 16 metres (53 feet) for corner lots to provide for built form compatibility with the existing character of the **Neighbourhood** whereas the subject applications propose lot frontages along Brookside Road of 11.7 to 13.4 metres (38 to 44 feet) which is not consistent with the guidelines; and,
- the proposed townhouse form of development in the **Low Density Residential Area** abutting the existing single detached dwellings on Leyburn Avenue is not envisioned in the Tertiary Plan as it does not provide for appropriate built form transition.

- **Medium Density Residential Area:**

- the proposed streets and condominium townhouses are forms of medium density residential uses envisioned in the **Medium Density Residential Area** and subject to the design guidelines;
- the proposed stacked townhouse dwellings represent an appropriate form of intensification within the **Medium Density Overlay Area**. Given its close proximity to Yonge Street and the **KDA**, the proposed built form would provide for an appropriate transition to the interior of the **Neighbourhood**, subject to the development proposal having addressed the balance of the issues identified in this report. Staff notes that the proposed four-storey stacked townhouses would exceed the Plan's prescribed maximum height and density of three-storey and 50 UPH, respectively.

### Density and Height

The **KDA** designation prescribes minimum and maximum densities for a development block and minimum and maximum building heights. The KDA Secondary Plan builds on the Plan policies and has concluded that the whole of the **Bernard KDA** is considered one development block with three different character areas: Corridor Character Area,

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Interior Character Area and Neighbourhood Edge Area. These character areas are to guide the deployment of height and density across the development block. Overall, the prescribed densities and heights as outlined in the KDA Secondary Plan achieve the envisioned densities in accordance with the Plan. More specifically, the KDA Secondary Plan density targets are 9,200-12,000 residents and jobs (365-476 residents and jobs per hectare) which would exceed the minimum density target of 160 residents and jobs per hectare established in the *Growth Plan, 2017*. The KDA Secondary Plan identifies lands along Yonge Street as a **Corridor Character Area** which envisions a mix of uses and built forms with the tallest and most dense buildings encouraged to front onto the Yonge Street Corridor, pursuant to Schedules 2 and 3 of the KDA Secondary Plan (refer to Maps 8 and 9). Unlike the **Corridor Character Area**, the **Interior Character** and **Neighbourhood Edge** areas are intended to accommodate less intensified development with a maximum density of 2.0 FSI over the two areas, and heights of four-10 storeys and three-storeys, respectively.

The following table summarizes the applicant's proposed densities and heights relative to the Plan and KDA Secondary Plan permissions:

| Proposed Policy                             | Applicant's Proposal  | Town of Richmond Hill Official Plan, 2010 | Adopted KDA Secondary Plan, November 2017 |
|---|---|---|---|
| <b>Minimum Density – KDA</b>                | 2.5 FSI   | 2.5 FSI                                   | N/A                                       |
| <b>Maximum Density – KDA</b>                | 4.5 FSI   | 3.0 FSI                                   | 4.0 FSI                                   |
| <b>Minimum Height – KDA</b>                 | 2-storeys   | 3-storeys                                 | 10-storeys                                |
| <b>Maximum Height – KDA</b>                 | 29-storeys  | 15-storeys                                | 15-storeys                                |
| <b>Maximum Density – Neighbourhood xx-1</b> | 160 UPH<br>(assumes the proposed density is blended across the xx-1 and xx-2 lands) | 50 UPH                                    | N/A                                       |
| <b>Maximum Height – Neighbourhood xx-1</b>  | 20-storeys  | 3-storeys                                 | N/A                                       |
| <b>Maximum Density – Neighbourhood xx-2</b> | 160 UPH<br>(assumes the proposed density is blended across the xx-1 and xx-2 lands) | 50 UPH                                    | N/A                                       |
| <b>Maximum Height – Neighbourhood xx-2</b>  | 4-storeys   | 3-storeys                                 | N/A                                       |

The applicant proposes a density of 4.5 FSI based on the portion of the subject lands located within the **KDA** and that these lands are intended as a standalone development block whereas the KDA Secondary Plan has determined that the whole of the **KDA** is

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one development block to allow for appropriate gradation of density to be deployed. It is important to note that on the basis of the whole of the **KDA** as one development block, the KDA Secondary Plan provides for a density greater than 4.0 FSI for the **Corridor Character Area**, as compared to the Plan. The applicant's proposal exceeds this increased density permission. It is staff's opinion that the applicant has not justified the appropriateness of the proposed increased density and its implications on the balance of the **Bernard KDA** development block. Further, the proposed density of 4.5 FSI within the **KDA** portion of the subject lands includes a 29-storey apartment building whereas the Plan prescribes a maximum building height of 15-storeys. As such, the proposal does not have regard for the Plan and is inconsistent with the KDA Secondary Plan with regards to density, maximum building heights and the establishment of a development block.

With regard to the proposed density of 160 UPH for the **Neighbourhood** portion of the subject lands, it appears it is calculated based on the combined xx-1 and xx-2 subareas which would include the high density residential apartments. As noted previously, staff is not in support of the high density residential apartments in the **Neighbourhood** designation, and as such cannot support the proposed increased density. Additionally, the proposed density is blended over the two subareas, therefore staff is unable to determine the proposed density for the standalone townhouse built forms. However, staff notes that the proposed stacked townhouse built form would likely facilitate a higher unit per hectare density that would exceed 50 UPH. The final determination of the extent of townhouses that could be supported within the xx-1 and xx-2 sub areas and the related density remains subject to the applicant addressing the balance of the issues noted in this report.

With respect to height, the Plan directs that the Town shall promote the establishment of a skyline by directing high rise built form in a series of pulses that correspond with the centres of the urban structure with the highest concentration in the **RHC**, followed by the **KDAs**, the **Downtown Local Centre**, the **Local Development Areas** and the **Oak Ridges Local Centre**. In this regard, the permitted maximum building height of 15-storeys directed by the Plan correlate with the permitted land uses and densities in the **KDA** designation to achieve the skyline contemplated in the Plan. The applicant's proposal to permit a maximum building height of 29-storeys in the KDA does not have regard for the Plan or the KDA Secondary Plan. Similarly, the applicant's proposed 20-storey building height in the **Neighbourhood** is contrary to the low-rise, low-density character of the **Neighbourhood**.

### Street Network

The Plan directs for a "new kind of urban" development which provides for walkable streets, built form and people places. As such, development shall promote a compact land use pattern. This is to be achieved by establishing walkable public street patterns and a lot fabric that allows for future development, intensification and creating or continuing a fine-grained street network. Accordingly, the KDA Secondary Plan reinforces the Plan by establishing policies that direct for a fine-grain grid street network

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and block structure. This street network would provide for increased options for moving around the area with less reliance on Yonge Street, and to create shorter and more pedestrian oriented blocks that provide logical and direct connections within the **KDA** and between the area and the surrounding **Neighbourhood**. Specifically, Schedule 4 (refer to Map 10) depicts new streets connecting Brookside Road to Yonge Street, a new street from Naughton Drive, and pedestrian and cycling connections in an effort to achieve the envisioned fine-grain grid street network (refer to Appendix K).

The Tertiary Plan further builds on the KDA Secondary Plan and depicts a street network that is consistent with the KDA Secondary Plan on Schedule 1. Street connections from Brookside Drive to Yonge Street are denoted as Streets A and B, and street connections from Naughton Drive to the new street network are denoted as Street C, which would provide for a continuous connection to Abitibi Street.

The Plan policies, the KDA Secondary Plan and the Tertiary Plan are critical to achieving a compact land use pattern with connections within and between the larger area. The majority of the proposed street network envisioned for the KDA Secondary Plan and the Tertiary Plan are to be located within the subject lands, with the exception of the north/south Abitibi Street extension, which is envisioned to be located on abutting lands, aligned with Abitibi Street to the south. The applicant's proposal provides for a new public street that would extend from Brookside Road and terminate in a cul-de-sac design within the subject lands, which is inconsistent with the planned street network of the KDA Secondary Plan and the Tertiary Plan.

### Parkland

The Plan directs that development shall orient and site parks and other features to create new public views that frame key natural heritage and key hydrological features and other significant views and features. Further, development located adjacent to the **Greenway System** including parks shall be designed to frame the edges of these areas. The KDA Secondary Plan builds on these policies and identifies an urban square to be located within the subject lands to complement the environmental feature and to define the edge of the **Bernard KDA** on Schedule 3 of the Tertiary Plan (refer to Map 9). Further, Schedule 1 of the Tertiary Plan depicts a linear park adjacent to the full length of the Rouge River tributary connecting to parkettes fronting onto Brookside Drive and the proposed new Street A. This park location and configuration provides for an improved public connection with the **Greenway System** and provide for both active and passive recreational opportunities.

The applicant's development proposal locates a park block away from the environmental lands, framed on all three sides by private roads. This location and configuration of parkland as proposed by the applicant is inconsistent with the Plan, the **KDA** Secondary Plan policies, and the Tertiary Plan.

## Feasibility of Development

To ensure that the proposed development is feasible, a number of studies are required related to technical matters such as water balance, hydrogeology, urban design and transportation.

### Major Development and CTC Sourcewater Protection Plan

The proposal constitutes Major Development as defined by the *ORMCP* and the Plan. The Major Development policies direct that the proposal must conform to the approved watershed plan. In addition, the subject lands are located within the Wellhead Protection Area – Q2 (WHPA-Q2) in the *CTC*. Accordingly, the proposal must meet the water balance requirements for pre and post development as prescribed in the *CTC*. The applicant has yet to satisfactorily address the aforementioned requirements of the *ORMCP*, the Town's Plan and the *CTC* as it pertains to major development and the water balance for pre and post development (refer to Appendix H). Therefore based on the foregoing, the proposal as presently constituted, does not conform to the Plan, the *ORMCP* and the *CTC*.

### Hydrogeology

The subject lands are located within the Oak Ridges Aquifer. Development Engineering and TRCA staff have reviewed the hydrogeological and geotechnical reports submitted in support of the subject applications and note that additional information is required (refer to Appendices G and H). Amongst other matters, the supporting documents must determine the requirements for temporary construction, permanent dewatering systems, and impacts to the Natural Heritage system, existing wells and adjacent structures. The applicant has proposed a three-storey underground parking structure associated with the high density development. TRCA staff advised that they do not support this structure due to the foundations of the underground parking structure being located within the Oak Ridges Aquifer. Further, the applicant must confirm whether any municipal servicing is proposed to be located within the aquifer. Based on the foregoing, approval of the proposed development is premature and not supportable.

### Urban Design

Urban Design staff does not support the applications on the basis that the applicant's development proposal does not conform to the Plan policies pertaining to the Urban Structure and that it does not provide for appropriate built form transition to the abutting **Neighbourhood**. Urban Design staff recommends that the applicant consider an alternative design to implement the KDA Secondary Plan and adhere to the Tertiary Plan so as to provide transition of scales of building forms to the abutting **Neighbourhood**, implement the proposed street network, and provide pedestrian access and visibility to the **Natural Core**.

Further, Urban Design staff is unable at this time to provide comments on the proposed built forms of the high density development of the applicant's proposal until information such as the size of tower floor plates, separation distances between buildings, sun/shadow impact, wind impact, pedestrian amenities and traffic circulation has been

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submitted in order to address conformity with relevant policies of the Plan and compliance to the Town wide urban design guidelines (refer to Appendix I).

### **Development Engineering Matters**

Development Engineering staff has reviewed the reports and plans submitted in support of the subject application and advise as follows (refer to Appendices K and L):

- the Functional Servicing Report has not satisfactorily demonstrated the feasibility of the proposed servicing design;
- a revised Traffic Impact Study is required to satisfactorily address staff's comments pertaining to the proposal; and,
- underground parking plans, a TDM Plan and a noise study are required in support of the applications.

### **Regional of York**

A revised Traffic Impact Study is required to satisfactorily address Regional transportation concerns prior to the approval of the applicant's Official Plan Amendment application (refer to Appendix J). To date, a revised report has yet to be submitted.

In addition to the preceding, the Region advises that it is protecting for a 45 metre right-of-way along this section of Yonge Street, with a setback referenced from 22.5 metres from the centerline of construction of Yonge Street. However, additional lands may be required beyond the 45 metres as a result of the vivaNext Project. In this regard, the required road widenings may impact the ultimate location, configuration and size of one of the proposed high density apartment building and the associated underground structure. To date, the applicant has yet to address this matter.

### **Official Plan Amendment Application**

In addition to the issues and comments noted previously, the proposed OPA is not supportable for the following reasons:

- the draft OPA proposes to amend Chapter 4 of the Plan. Chapter 4 amendments constitute a general Plan amendment which would impact all lands under the respective designations. It appears that the applicant is seeking site specific policies, therefore the appropriate means of amendment should be an amendment to Chapter 6 of the Plan to add an exception policy for the proposed development on the subject lands;
- Policy 1.1 to permit strata ownership over parkland is no longer required as the KDA Secondary Plan provides a policy that would permit underground parking below Town owned parks where the Town deems it necessary and appropriate (Policy 3.1.8(3)(i) of the Plan);
- Policy 1.2 proposes to exempt the subject lands from the Secondary Plan requirement is no longer required given that there is a Council adopted KDA Secondary Plan which is before the LPAT for approval;



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- Policy 1.4 proposes a minimum building height of two-storeys for the **KDA** lands yet the applicant's Concept Plan proposes the lowest building height of three-storeys for the proposed commercial and office building;
- Policy 1.9 to permit medium density uses in the **Neighbourhood** without the requirement for a Tertiary Plan is no longer necessary; and,
- Policy 1.11 proposes to modify policy 4.9.2.4 in the Plan which prescribes compatibility "tests" based on building form and type, massing, general pattern of streets, blocks, lots and lanes, landscaped areas and treatments and general pattern of yard setbacks, or those criteria as prescribed in an infill study or tertiary plan. This policy is important as it provides direction to appropriately and equally assess all development within the **Neighbourhood** designation. Further, the Tertiary Plan builds on this policy and has established design guidelines that are contextually sensitive to the South Brookside Area. In this regard, the applicant's proposal to forego this criteria and direct development to be compatible without any policy direction for its assessment of compatibility is not supported.

### Zoning By-law Amendment Application

The subject lands were zoned **Rural Residential (RR)** under By-law 2523, as amended, and **Residential Single Family Six (R6)** and **Flood (F)** under By-law 190-87, as amended, prior to the enactment of the ICBL (refer to Map 11). However, for the portion of the subject lands which are within the **KDA** designation, the KDA By-law has repealed the underlying zoning and placed that portion of the subject lands within the **KDA1 Zone** under the KDA By-law. At this time, because the KDA By-law has been appealed, the ICBL continues to be in effect. Therefore, the applicant's draft zoning by-law must address the KDA By-law as it pertains to the southeast portion of the lands for when the ICBL ceases to be in effect. For the balance of the lands, and Zoning By-laws 2523 and 190-87, as amended applies. In addition to the comments outlined in the previous sections of this report, the following are comments pertaining specifically to the zoning by-law:

- Development Engineering staff advises that the draft zoning by-law shall include development standards in the KDA By-law pertaining to parking, bicycle parking, loading and travel demand management strategies such as car share spaces and maximum parking rates;
- once the limits of the portion of the lands that comprises the **Natural Core** designation and hazardous lands have been defined, those lands should be placed into appropriate environmental zone protection categories; and,
- the proposed RM2 Zone category seeks to permit non-residential uses such as commercial and office uses. Based on the applicant's draft zoning by-law, this appears to be along the eastern portion of the subject lands abutting the environmental lands. In this regard, staff notes that for the portion of the lands designated **Neighbourhood**, the Plan has specific policies under Section 4.9.1.3 regarding the establishment of new Neighbourhood commercial sites. In addition to other criteria, the lands must have frontage on an arterial street, at the intersection of



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an arterial street and a collector street and there needs to be a Commercial Needs Study in support of the proposal. The portion of the subject lands designated **Neighbourhood** would not meet the aforementioned location criteria nor has the applicant submitted a Commercial Needs Study in support of the development proposal.

### Draft Plan of Subdivision Application

The draft Plan of Subdivision application is not supportable for the following for the reasons:

- the proposed draft Plan proposes a road network and parkland configuration that does not have regard for the Plan, the **KDA** Secondary Plan or the draft Tertiary Plan (refer to Appendix K);
- the limits of the **Natural Core** designation and hazardous lands has not been determined and therefore the size and configuration of the proposed open space blocks cannot be determined;
- road widenings along Brookside Drive and daylighting triangles to new streets are required and are not reflected on the draft Plan; and,
- Regional road widening requirements have not been reflected on the draft Plan of Subdivision.

### Public Comments Received

As noted previously, a Neighbourhood Resident's meeting and Council Public Meeting were held regarding the subject applications at which a number of residents were in attendance. At both of these meetings, a number of concerns and/or comments were expressed regarding the proposal. These were as follows:

- the proposal constitutes an over development of the subject lands;
- the proposed heights and densities of the proposal are out of character with the existing surrounding neighbourhood which is predominantly low rise residential consisting mainly of single detached dwellings. The proposal should be revised to provide for low rise and low density development;
- insufficient transition has been provided in terms of built form from the proposed development to the existing neighbourhood;
- the proposed density is not supported by the existing road network, transit, and educational facilities;
- the proposal would result in significant traffic congestion on the existing road network in the area;
- Brookside Drive presently slopes down towards Yonge Street and there is a concern that the increased traffic on Brookside Drive will result in hazardous conditions, especially during the winter;
- the proposed use of the Town owned Leyburn Avenue parcel as a walkway only benefits the proposed development and not the community as a whole and therefore is not appropriate;

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- the proposed development would adversely impact the area by creating shadowing impacts, increased noise levels, glare from the proposed glass buildings, removal of mature trees, and loss of privacy;
- the proposal should be required to provide for a public school; and,
- the development does not include sufficient parkland.

### **Financial/Staffing/Other Implications:**

As these applications have been appealed to the LPAT, there will be a draw on staff and financial resources. These will be accommodated in the existing budgets.

### **Relationship to the Strategic Plan:**

The recommendations of this staff report would generally align with **Goal Four: Wise Management of Resources in Richmond Hill** by being responsible and committing to use land responsibly and serving as a role model for municipal management.

### **Conclusion:**

Staff is seeking Council direction with respect to the applicant's proposal to permit a mixed-use, high, medium and low density development on their land holdings. Staff has undertaken a comprehensive review of the subject applications and is of the opinion that the proposal is not supportable for the principle reasons outlined in this report. The proposal does not represent proper and orderly planning and does not implement the vision for this area as envisioned in the Plan, the KDA Secondary Plan and the South Brookside Tertiary Plan. Accordingly, staff recommends Council not support the subject applications and to advise the LPAT of their position at the June 25, 2018 Pre-Hearing Conference.

## Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C32-16 Held October 5, 2016
- Appendix B, Extract from Council Meeting C38-16 Held November 28, 2016
- Appendix C, Extract from Council Meeting C41-14 Held November 27, 2017
- Appendix D, Draft Official Plan Amendment
- Appendix E, Draft Zoning By-law Amendment
- Appendix F, Memo from S. von Kursell, Parks Planning and Policy Coordinator, dated July 15, 2016
- Appendix G, Letter from A. Sun, Planner II, Toronto and Region Conservation Authority, dated August 19, 2016
- Appendix H, Email from J. Walters, Manager of Stormwater and Subdivisions, dated March 29, 2018
- Appendix I, Letter from J. Leung, Manager of Urban Design, dated April 31, 2018
- Appendix J, Letter from K. Whitney, Director of Community Planning and Development Services, dated September 30, 2016
- Appendix K, Memo from S. Wat, Traffic Analyst, dated May 2, 2018
- Appendix L, Memo re: Functional Servicing and Stormwater Management Report, dated September 12, 2016
- Map 1 Aerial Photograph
- Map 2 Concept Site Plan
- Map 3 Draft Plan of Subdivision D03-16006
- Map 4 Concept Yonge Streetscape Elevation
- Map 5 Schedule A2, Town of Richmond Hill Official Plan, July 2010
- Map 6 Schedule A4, Town of Richmond Hill Official Plan, July 2010
- Map 7 Schedule 1, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 8 Schedule 2, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 9 Schedule 3, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 10 Schedule 4, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 11 Existing Zoning
- Map 12 Schedule 1, Draft South Brookside Tertiary Plan

## Report Approval Details

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|-----------------|--|
| Document Title: | SRPRS.18.109.docx  |
| Attachments:    | <ul style="list-style-type: none"> <li>- Appendix A.pdf</li> <li>- Appendix B.pdf</li> <li>- Appendix C.pdf</li> <li>- Appendix D.pdf</li> <li>- Appendix E.pdf</li> <li>- Appendix F.pdf</li> <li>- Appendix G.pdf</li> <li>- Appendix H.pdf</li> <li>- Appendix I.pdf</li> <li>- Appendix J.pdf</li> <li>- Appendix K.pdf</li> <li>- Appendix L.pdf</li> <li>- MAP_1_AERIAL_PHOTOGRAPH.pdf</li> <li>- MAP_2_CONCEPT_SITE_PLAN.pdf</li> <li>- MAP_3_DRAFT PLAN OF SUBDIVISION D03-16006.pdf</li> <li>- MAP_4_CONCEPT_YONGE_STREETSCAPE_ELEVATION_NEW.pdf</li> <li>-</li> <li>MAP_5_SCHEDULE_A2_TOWN_OF_RICHMOND_HILL_OFFICIAL_PLA<br/>N_JULY_2010.pdf</li> <li>-</li> <li>MAP_6_SCHEDULE_A4_TOWN_OF_RICHMOND_HILL_OFFICIAL_PLA<br/>N_JULY_2010.pdf</li> <li>-</li> <li>MAP_7_SCHEDULE_1_BERNARD_KDA_SECONDARY_PLAN_ADOPTED<br/>NOVEMBER 27_2017.pdf</li> <li>-</li> <li>MAP_8_SCHEDULE_2_BERNARD_KDA_SECONDARY_PLAN_ADOPTED<br/>NOVEMBER 27_2017.pdf</li> <li>-</li> <li>MAP_9_SCHEDULE_3_BERNARD_KDA_SECONDARY_PLAN_ADOPTED<br/>NOVEMBER 27_2017.pdf</li> <li>-</li> <li>MAP_10_SCHEDULE_4_BERNARD_KDA_SECONDARY_PLAN_ADOPT<br/>ED NOVEMBER 27_2017.pdf</li> <li>-</li> <li>MAP_11_EXISTING_ZONING.pdf</li> <li>-</li> <li>MAP_12_SCHEDULE_1_DRAFT_SOUTH_BROOKSIDE_TERTIARY_PLA<br/>N.pdf</li> </ul> |

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| Final<br>Approval<br>Date: | May 29, 2018 |
|----------------------------|--------------|

This report and all of its attachments were approved and signed as outlined below:

**Gus Galanis - May 29, 2018 - 1:28 PM**

**Kelvin Kwan - May 29, 2018 - 1:32 PM**

**Neil Garbe - May 29, 2018 - 2:54 PM**