



Staff Report for Committee of the Whole Meeting

Date of Meeting: November 20, 2017

Report Number: SRPRS.17.197

Department: Planning and Regulatory Services

Division: Policy Planning

Subject: **SRPRS.17.197 Yonge and Bernard Key
Development Area Secondary Plan and Zoning
By-law - Town File No's: D11-17001 and D24-
17001**

Purpose:

The purpose of this staff report is to present comments received on the Yonge and Bernard Key Development Area Draft Secondary Plan and Zoning By-law (dated October 2017) and to make recommendations on the adoption of the final Secondary Plan and Zoning By-law.

Recommendation(s):

1. That Staff Report SRPRS.17.197 be received;
2. That the Yonge and Bernard Key Development Area Secondary Plan (Appendix A) and Implementing Zoning By-law (Appendix B) be adopted.

Contact Person:

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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.

Introduction:

Richmond Hill's Official Plan (OP) policies direct the majority of the Town's planned intensification to a series of designated centres and corridors. To plan effectively for intensification, the OP requires the preparation of new Secondary Plans to guide the land use and design of the new centres over the long-term, including key development areas (KDAs). The preparation of Secondary Plans will enable the Town to ensure that each new planned centre contributes to Richmond Hill's evolution into a "*new kind of urban*" community.

As noted at the November 1, 2017 Council Public Meeting, the purpose of the Yonge and Bernard Key Development Area (Bernard KDA) Secondary Plan is to further articulate the policies and vision of the OP by providing additional area-specific policies to guide future development and public investment in the Bernard KDA. The purpose of the Zoning By-law is to implement the Secondary Plan policies. It is important to note that the Draft Secondary Plan does not propose to change the policies already in effect in the OP for the Bernard KDA area.

The Bernard KDA is centered at the intersection of Yonge Street and Canyon Hill Avenue/Bernard Avenue and has a land area of approximately 19.6 hectares. Under the OP's intensification hierarchy, the Bernard KDA is envisioned to become the third most intensely developed area in the Town after the Richmond Hill Centre and the Yonge and 16th KDA.

This report provides an update to Council regarding the consultation, research and analysis that followed the Council Public Meeting, and the proposed revisions to the Draft Secondary Plan and Zoning By-law in response to the comments received on the draft documents.

Consultation on the Draft Secondary Plan and Zoning By-law:

In addition to the public consultation during the background stages of the Bernard KDA project (see SRPRS.17.127), the Draft Secondary Plan and Zoning By-law stage involved stakeholder engagement through a variety of consultation meetings. These sessions focused on gathering input from the public on key concerns on the Draft documents and include a web-based commenting period, meetings with landowners, the November 1, 2017 Council Public Meeting, and an additional residents' meeting. Issues and concerns raised at the meetings and in written correspondence are incorporated in this staff report as part of the comments received on the Draft Secondary Plan and Zoning By-law. A list of written and verbal submissions is attached to this report as Appendix C.

Web-based Commenting Period

A web-based public comment period on the Draft Secondary Plan and Zoning By-law was initiated on October 5, 2017 when the documents became available at the Planning

and Regulatory Services Department public counter and on the Town's website. Since the time the Draft documents were publicly released, 22 written comments were received from residents, landowners or their representatives, public agencies and other stakeholders.

Meetings with Landowners

In addition to the written and verbal submissions received, meetings were held with a number of stakeholders including landowners or their representatives on the Draft Secondary Plan and Zoning By-law. Subsequent to the release of the Secondary Plan and Zoning By-law, all landowners in the Bernard KDA were invited to meet with staff to provide an opportunity to further discuss concerns. Staff have met with all landowners who requested a meeting (a total of 6 meetings were held). Clarification was provided through these meetings regarding policies in the Secondary Plan and Zoning By-law interpretations.

Council Public Meeting

A statutory Council Public Meeting pursuant to the *Planning Act* was held on November 1, 2017 to provide information and to receive comments on the Draft documents. At the Council Public Meeting, staff was directed to report back on the comments received on the Draft documents and to provide staff's recommendation for proceeding with a revised Secondary Plan and Zoning By-law. Also at the meeting, 20 delegations were made by the public providing additional comments on the Draft documents.

Meeting with Residents

At the request of some of the residents who attended the November 1 Council Public Meeting, a meeting was held on November 7, 2017 with Town staff. This meeting provided an additional opportunity for residents to provide comments and ask questions to staff regarding the Draft Secondary Plan and Zoning By-law documents, particularly about transportation related concerns.

Response to Comments Received on the Draft Secondary Plan and Zoning By-law (dated October 2017):

Staff have considered the comments received and have provided changes to the documents where possible in the context of good planning principles and having regard for the local, regional and provincial planning policy context currently in effect. Some of the comments received were regarding issues that go beyond the scope to which these documents can provide a solution, such as issues regarding matters located outside of the KDA or outside of the Town's jurisdiction (e.g. Regional roads fall under York Region's jurisdiction). Many of the comments were related to area infrastructure improvements that are planned to occur over the long-term or through other Town and Regional projects. These changes can be informed by the planned development directed through the Secondary Plan.

Role of Secondary Plan and Zoning By-law documents

The purpose of the Secondary Plan is to further articulate the policies in the Part 1 Official Plan such as how height and density are to be distributed, where new public streets, parks, and transit facilities are planned, and the need for transportation demand management strategies to support a modal shift towards greater transit use. The Secondary Plan provides direction to guide the long-term evolution of the area from an auto-oriented commercial/retail centre to a pedestrian-oriented mixed-use community based on comprehensive planning. The Zoning By-law implements the Secondary Plan policies by providing specific development standards to reflect the mixed-use vision for the Bernard KDA and provide opportunity for as of right development where only a site plan approval would be required.

Through the background work of the project, Town staff and the consultants analyzed the impacts of the OP provisions for the Bernard KDA and confirmed that there is capacity for the level of development as outlined in the Part 1 OP (maximum height of 15 storeys and a density between 2.5 FSI and 3.0 FSI). However, many of the development proposals and/or concepts in the area aspire to exceed the level of development that is planned for the Secondary Plan area with proposed building heights well above 15 storeys and proposed densities higher than what is identified on Schedule 2 of the Secondary Plan (see attached Map 1 which identifies sites, landowner proposals/concepts, and status with respect to the development process).

Adopting the Bernard KDA Secondary Plan and Zoning By-law in a timely manner helps to guide future development, and helps to provide protection from over-development. These detailed planning documents are informed by comprehensive Bernard KDA specific studies. These documents provide greater certainty regarding the type and scale of development that is appropriate for this area. The Secondary Plan and Zoning By-law provide greater detail, direction, and parameters than what is presently provided in the Official Plan. The Secondary Plan and Zoning By-law provide key direction in the review and approval of development applications.

Having the Secondary Plan and Zoning By-law in place, before the Interim Control By-law (ICBL) expires, will help inform matters at upcoming Ontario Municipal Board (OMB) hearings regarding development applications in the Bernard KDA that are under appeal. With a Council adopted Secondary Plan, there is stronger justification and supporting evidence to help the Town defend the vision and goals of both the Part 1 OP and Secondary Plan at the OMB.

Summary of Comments by Theme

The following section summarizes the main comments received on the Draft Secondary Plan and Zoning By-law. The key issues and concerns are organized into the following themes:

1. Transportation;
2. Other infrastructure to support growth;

3. Built form; and
4. Consultation.

The themes help to summarize the comments received and generally reflect aspects of the Secondary Plan and Zoning By-law in which the majority of the comments are focused. Staff's responses to the comments and any revisions are provided under each theme. It is important to note that not all comments received resulted in a revision to the documents.

1. Transportation

Traffic and Railway Crossing

Comments were received on traffic within and near the Bernard KDA. There were concerns about current and future traffic issues and also comments on the assumptions used in the Yonge-Bernard KDA Transportation Study. Comments were also received about road widenings and the need for a grade separation at the railway crossing at Elgin Mills Road, east of Yonge Street.

Town Staff Response:

Accommodating the level of intensification that is planned within the Bernard KDA requires the Secondary Plan and Zoning By-law to help facilitate a shift in the modal split towards non-auto modes of travel (i.e. public transit, cycling and walking). The provision of creating a compact mixed use community provides greater opportunities for people to live and work in the Bernard KDA, access to transit and less reliance on cars. Much of this is achieved with higher density development. The provision of frequent, reliable transit service at peak times will assist in providing capacity to accommodate the long-term growth in the Bernard KDA. Accordingly, the transportation analysis concluded that the only new transportation infrastructure that is required to support the planned level of development is the Bus Rapidway project along Yonge Street and the planned new public collector and local streets. Additional transportation improvements outside of the Bernard KDA boundary will also help to address current conditions.

In terms of policies, the Secondary Plan provides direction that includes a combination of active transportation and transportation demand management (TDM) strategies to help support this shift for the Bernard KDA to transform from an auto-oriented area into a more pedestrian and cycling-friendly area, with the ability to take public transit. The Zoning By-law also includes minimum and maximum parking standards to help achieve modal split targets. Shifting the modal split would also help to minimize the impact of additional traffic on the existing and planned street network in the Bernard KDA. The Secondary Plan and the Part 1 OP will influence the Town and Region's future Transportation Master Plan updates, which will consider transportation improvements and prioritization of projects.

Over the long-term, a number of transportation improvement projects will help to enhance the transportation network not only within the Bernard KDA but also within the larger street network of the Town and York Region. The attached Map 2 identifies

transportation projects in York Region's current Development Charges (DC) By-Law. Map 2 also includes the projects' construction status, proposed timing, and whether they are incorporated in the 10-year capital plan. These projects include planned improvements to the Regional street network within the 10 year capital plan, including road widenings in the vicinity of the study area (e.g. Elgin Mills Road, west of Yonge Street; Bayview Avenue from Elgin Mills Road to Stouffville Road; Bathurst Street from Highway 7 to Gamble Road; and 19th Avenue from Jefferson Forest Drive to Bayview Avenue). Given the length of time it will take to see full build-out of the KDA, it is anticipated that these projects which range from presently under construction to 2031 as the horizon for the Region's DC By-law will continue to assist transportation in the area.

Another planned transportation network improvement in proximity to the study area includes the grade separation of the Richmond Hill GO line at Elgin Mills Road, east of Yonge Street. The grade separation of the railway crossing at Elgin Mills Road is identified as a top priority for the Town through the Railway Crossings Grade Separation Prioritization Study (SRCAO.16.07). Further, Council in their comments on the Region's 2017 Development Charges Background Study and By-law (SRPRS.17.086) recommended that the grade separation be included in the Region's 10 year Capital Road Construction Program for 2018. The Town understands the impact that the future grade separated railway crossing at Elgin Mills could have for improving traffic operations in the area. The transportation analyses undertaken to prepare the Secondary Plan were based on the conservative assumption that the street network outside of the KDA did not include any of the transportation infrastructure projects noted above. As the surrounding transportation improvements are implemented, it is anticipated that traffic re-routing and operation on some of the local streets will improve.

Collectively, the greater area street network changes, infrastructure projects, TDM measures and compact development are expected to better manage the transportation impacts by the planned increased density over the long term. As these transportation infrastructure projects are already planned, some will need to be prioritized and the Town will continue to advocate for needed changes as appropriate and provide input to York Region staff as they review their Capital Plan annually. Going forward, residents will have more options for travel such as transit, cycling, walking, shared-vehicles, and other options provided through TDM proposals brought forward with new development.

During the November 1, 2017 Council Public Meeting, residents had specific questions and comments on technical components of the transportation study conducted by BA Group and also suggested the following list of infrastructure improvements for consideration by the Region and/or Town:

- i) Add car lanes on Yonge Street from 19th Avenue to Elgin Mills Road;
- ii) Widen Elgin Mills Road from Newkirk Road to Bathurst Street;
- iii) Widen Yorkland Street from Silverwood Avenue to Elgin Mills Road;
- iv) Build a grade separation over the railway on Elgin Mills Road;
- v) Remove street parking in the old town on Yonge Street; and,

- vi) Increase bus routes.

Town staff met with some of these residents on November 7, 2017 to discuss their concerns about the transportation study and infrastructure improvements. The attached Appendix D addresses and clarifies some of the specific assumptions made in the Yonge-Bernard KDA Transportation Study and provides comments on the suggested infrastructure improvements listed above. Several of the suggested transportation infrastructure improvements are already planned or supported by the Region and/or Town with the exception of the Yonge Street road widening, the removal of on-street parking in the old town on Yonge Street, and the widening of Elgin Mills from Yonge Street to Newkirk Road.

Street Network

Comments were received regarding the proposed street network. There were concerns about the location of the planned public street that connects Naughton Drive. There were requests to replace one of the planned local streets with pedestrian pathways and to change the planned public streets to private streets.

Town Staff Response:

It is appropriate to identify new public streets at the Secondary Plan level as the area is analyzed at a more detailed level than the Part 1 OP. The Secondary Plan details additional opportunities for connections, increasing permeability, and creating a finer-grain street network. The street network shown on Schedule 4 of the Secondary Plan provides flexibility as the proposed plan includes a policy that allows for minor adjustments to the location of the streets shown on Schedule 4 (see Policy 12.4.4.2(6)). To further clarify this policy, the Secondary Plan schedules have been revised to show the planned public street near Naughton Drive with a dotted line as it may be located either within the KDA or the adjacent Neighbourhood designation. Additional language was added to section 12.4.4.2 of the Secondary Plan to clarify that the proposed Naughton link may be located within the Bernard KDA or within the Neighbourhood.

In terms of public versus private streets, public streets serve many purposes and are not just to accommodate vehicular traffic. Public streets have been planned to be inclusive to accommodate the movement of all modes of transportation for pedestrians, cyclists, and drivers by providing sidewalks, cycling facilities (such as bike lanes), and vehicular lanes. Public streets provide more access points to move into, out of, and within the KDA. These streets also create frontages for businesses to attract customers, provide an opportunity for on-street “convenience” parking, and provide “eyes-on-the-street” for greater safety. Building a more compact community with more public streets that are lined with store-fronts and sidewalks and adding new traffic signals, provides more space for pedestrians to walk and cross the street more safely at intersections.

Public streets not only provide for connectivity and mobility, but are also fundamental to the Town’s public infrastructure needs. Public infrastructure such as water, storm water and sewage services are generally located below the public right-of-way. Access to this infrastructure is important so that these services can be properly maintained. Public

streets also provide space for green infrastructure such as trees and other plantings. In addition, they provide a route for public transit and access to the Bernard Terminal and also provide appropriately sized urban development blocks for redevelopment, as well as large retail establishments within the base of new buildings.

Through the transportation assessments completed for the Bernard KDA, most of the planned connections were identified as a public local street, while the east/west connection from Leyburn Avenue to Justus Drive was identified as a public collector street. For greater clarity, the Secondary Plan Schedules have been revised with new labels for the planned public streets that identify either planned local streets or planned collector streets.

Parking

Comments were received regarding parking. There were requests that above ground parking should be exempt from the calculation of height and density. There were also requests to allow private parking under public parks.

Town Staff Response:

The Secondary Plan policies encourage that parking be provided below grade where feasible. In some areas, underground parking may not be possible due to high groundwater, and as such, parking would be permitted in above grade parking structures. Including above grade parking in the height and density calculations is intended to incentivize underground parking and maximize the potential space for non-residential leasable uses to animate the street and provide jobs within the KDA.

The proposed Zoning By-law calculates building height and gross floor area relative to the finished elevation of the principal entrance to that building. This would recognize sites with varied topography and would exclude portions of the building from said calculation. Further, the By-law prescribes that where a floor of a parking structure does not constitute a “storey” of the building, that floor of the structure is not intended to be calculated as GFA. The effect of the provisions would ensure that building height and gross floor area are calculated equitably.

In terms of parking below parks, it may be permitted where the Town deems it to be appropriate as per the Part 1 OP policy 3.1.8(3)(i). For example, applicants would need to demonstrate that the role and function of the park is not limited by the conditions of the land and that the public has a similar level of access to the park.

3. Other Infrastructure to Support Growth

Parks

Comments were received regarding parks. There were concerns that there are parkland deficiencies in the Bernard KDA.

Town Staff Response:

The Town's Parks Plan plans for parks to accommodate the proposed growth as projected in the OP. The Parks Plan includes a parkland needs analysis to determine the Town's future needs for additional parkland. Based on the needs analysis, the majority of the Bernard KDA is within walking distance to existing parkland (refer to Map 1 in the Town's Parks Plan). Also, the Bernard KDA is not within a local parks need area (refer to the Parks Plan, Map 2) or a community park needs area (refer to the Parks Plan, Map 5.2). Map 3.2 in the Parks Plan shows that in 2011 the concession blocks in which the KDA is located had a per capita parkland provision rate that was slightly below the median range of 1.15-1.43 hectares of parkland per 1000 people. The OP recognizes a specific need for two new park types – Urban Squares and Linear Parks – within the centres and corridors of the Town. As such, the Secondary Plan has identified three urban squares and three linear parks within the Bernard KDA. These new parks will be essential for visual and functional relief from dense building forms, provide places to relax and socialize, and create connections between destinations.

Schools

Comments were received regarding future schools in the Bernard KDA. There were concerns about the lack of a school site identified within the Bernard KDA, schools in the surrounding area being over capacity and how to accommodate future students who will live within the Bernard KDA.

Town Staff Response:

The Town consulted with staff from York Region District School Board (YRDSB) and York Catholic District School Board in January, 2017. Both school boards did not identify the need for a school within the Bernard KDA and as such, the Secondary Plan Schedules do not identify a school site location on the Schedules. Additional feedback was received from YRDSB in October 2017 confirming the recommendation that no school sites will be required within the Bernard KDA.

Both school boards have indicated that as the Bernard KDA develops, they will continue to monitor enrollment and review student accommodation strategies utilizing existing and planned school facilities in the surrounding area.

Servicing Capacity and Timing of Development

Comments were received regarding servicing the increased population. There were concerns that there is not enough capacity for the level of development planned for the Bernard KDA, particularly sewage capacity. Comments were received regarding the timing of development and timing of infrastructure. There were requests to include a phasing timetable of the development of the Bernard KDA with corresponding infrastructure needed.

Town Staff Response:

As per the Part 1 OP, development may require studies to be completed and criteria to be met before development applications are approved and building permits are issued. This criteria includes demonstration that there is sufficient capacity for infrastructure to service new development. Nevertheless, the Secondary Plan notes that the Town's

Urban Master Environmental Servicing Plan determined there is sewage capacity to support growth. The Secondary Plan policies require the submission of a servicing study with new development applications to ensure there is sufficient capacity to be able to support additional levels of development.

As mentioned, the background work regarding transportation demonstrated that only the Bus Rapidway project along Yonge Street needs to be in place to support the planned level of development in the Bernard KDA. The Bus Rapidway project along Yonge Street is currently under construction and targeted to be complete in December 2020. As major development applications can take a number of years between the Town receiving a development application and when construction is actually completed, the completion of the Bus Rapidway project should generally coincide with the completion of the earliest major redevelopment projects within the Bernard KDA. As such, a phasing timetable of development is not necessary.

4. Built Form

Height and Angular Plane

Comments were received on the built form requirements. There were comments that higher building heights should be allowed in the Bernard KDA and other comments that the heights should remain at the 15 storey maximum as per the Part 1 OP. There was also a comment that height should only be determined using the angular plane measurement.

Town Staff Response:

Maintaining an appropriate height transition between areas of intensification, like Bernard KDA and the adjacent lower-rise Neighbourhood, is an important component of good planning and allow for the appropriate inclusion of intensification areas into the existing urban context. The height policies in the OP limit the scale of development in the Bernard KDA and help minimize the impact of intensification on the lower-rise surrounding Neighbourhood. The Secondary Plan and Zoning By-law rely on the maximum height policies found in the Part 1 OP. Continuing to plan for a maximum building height of 15 storeys remains appropriate within the Bernard KDA. Planning for this level of development in an area that will have bus rapid transit infrastructure is in conformity with the 2017 *Growth Plan* targets for this type of major transit station area.

Meeting the angular plane requirements is an important factor to ensure appropriate transition to the lower-rise surrounding neighbourhood is met. However, using an angular plane measurement is only one factor with respect to building height. The Part 1 OP also provides height limits through other built form policies to implement the Town's Urban Structure (e.g. density, number of storeys, and urban design) and to create distinct communities of varying heights and densities. If only the angular plane is used, there might be very little variety of building form within the Town and the heights may go beyond what can be accommodated as it does not take into consideration capacity for development and impacts on future growth within the Town.

Density

Comments were received on the density policies. There were concerns about the feasibility of an expansion to an existing building at 70 Bernard Avenue located in the northeast area of the Bernard KDA with the allocated density of 2.0 FSI. There was also a request to exclude more factors from the density calculation so that the amount of potential GFA could be higher.

Town Staff Response:

Like the height policies, maintaining a transition of density will help minimize the impact of intensification on the lower-rise surrounding Neighbourhood. The Draft Secondary Plan and Zoning By-law proposed 4.0 FSI along the Yonge Street corridor and 2.0 FSI in the rest of the KDA. The density distribution generally corresponds to the height permissions as it directs the higher intensification towards the Regional corridor on Yonge Street and the bus terminal at the intersection at Bernard Avenue, while the lower intensification is directed towards the lower-rise surrounding neighbourhood. However, through additional analysis, it was determined that 2.0 FSI will not permit an expansion on the site located at 70 Bernard Avenue at the minimum permitted height given the existing building at that property and the constrained parcel size. The Secondary Plan and Zoning By-law Schedules have been revised for this site to reflect an increase of the FSI from 2.0 FSI to 2.5 FSI due to the property constraints and recognizing that there would be limited impacts to the properties to the north as the Natural Core designation acts as an additional transition between the KDA designation and the Neighbourhood designation.

As per the 2017 *Growth Plan*, the Province requires a minimum of 160 people and jobs per hectare for major transit station areas like the Bernard KDA. Through the analyses completed during the background work, factors such as above grade parking, common spaces, and amenity spaces were included in the density calculation for the Bernard KDA and still resulted in an amount of people and jobs per hectare that already meets and exceeds the minimum target by the Province. At a practical level, there would be insufficient infrastructure capacity to accept more growth if additional factors are excluded in the density calculation. However, the Zoning By-law has been revised to exclude the mechanical penthouse in the density calculation to be consistent with height provisions, which do not include mechanical penthouses in the height measurement.

Transition to Neighbourhood

Comments were received regarding the height transition to the surrounding neighbourhood. There were concerns that the 3 storey height limit is not shown on Schedule 1 in the northwest corner of the KDA next to the Neighbourhood land use designation.

Town Staff Response:

Maintaining an appropriate transition between areas of intensification, like the Bernard KDA and the lower-rise Neighbourhood is a cornerstone of the vision for “building a new kind of urban” community. Schedule 1 of the Secondary Plan shows a 3 storey height limit (yellow colour) where the Bernard KDA abuts the Neighbourhood land use

designation. The 3 storey height limit is not shown in the area in the northwestern most corner of the Bernard KDA as this area is adjacent to the proposed Tertiary Plan area within the Neighbourhood land use designation. As noted in the Bernard KDA Recommendations Report, it was determined that this area is appropriate for infill development given its frontage onto Brookside Road and its proximity to public transit stops. The future Tertiary Plan will provide a framework to help guide development in this area and may allow medium density residential uses, which could include townhouses. Within the Tertiary Plan area, height transition to the existing Neighbourhood will occur and as such, a 3 storey height limit can be applied to lands in the Tertiary Plan area rather than to lands within the KDA.

5. Consultation

Comments were received regarding public consultation. There were concerns that there was not enough time to review the Secondary Plan and Zoning By-law and provide comments. There were requests for more time to consult on and finalize the documents.

Town Staff Response:

The Bernard KDA Secondary Plan and Zoning By-law project has had extensive public consultation and has kept pace with the project's targeted timeframe as described in the project's Terms of Reference (see staff report SRPRS.16.151). During the background stages of the project, there was a public workshop, a public open house, and many landowner and stakeholder meetings. During the Secondary Plan and Zoning By-law stage of the project, there was a web-based commenting period, additional landowner meetings, a Council Public Meeting, and an additional meeting with residents. Through these consultation sessions, the public was provided with consultation opportunities beyond the statutory requirements of the *Planning Act*, and was given the opportunity to consult with Town staff to provide comments and ask questions. Adoption of the Secondary Plan and Zoning By-law by November 27, 2017 also fulfills the Town's commitment from November 2016 when the ICBL was adopted (see staff report SRPRS.16.191). Adoption by November 27, 2017 would occur 1 day prior to the expiry of the ICBL.

Proposed Changes to the Secondary Plan and Zoning By-law

The comments received at meetings and through the written and verbal submissions have been considered by staff in bringing forward this report. A number of revisions are proposed to the Draft Secondary Plan and Zoning By-law by staff in response to the comments received. The documents are proposed to be revised in order to strengthen the draft policies, to provide clarification on the intent of the policies, and correct technical or grammatical errors.

Proposed key changes to the Secondary Plan include:

- Policy revision to clarify that the angular plane may be measured from 10 metres above grade for side-lot or back-lot conditions;
- Policy revision for the time frame for adequate sunlight for parks is revised from "March to November" to "March to September";

- Additional description regarding the Naughton Drive connection;
- Policy revision to clarify that underground parking below public parks may be permitted as per the Part 1 OP;
- Identifying collector and local streets on all Schedules;
- Revision to all Schedules to show the Naughton Drive connection as a dotted line and that the alignment outside of the KDA is to be confirmed;
- Revision to Schedule 2 (Density) to reflect an increase in FSI from 2.0 to 2.5 FSI for the property at 70 Bernard Avenue; and,
- Revisions to text and schedules for minor typographical errors and formatting purposes.

Proposed key changes to the Zoning By-law include:

- Clarification that the angular plane may be measured from 10 metres above grade for side-lot or back-lot conditions and a corresponding revision to Schedule C to recognize these scenarios;
- Clarification that the mechanical penthouse is not included within the height or density calculation;
- Revision to allow more flexibility in the location of minor private utility structures;
- Revision to permit seasonal outdoor sales for major retail uses;
- Clarification to allow landscaping on above-grade structures such as parking structures to satisfy the 20% of the landscaping requirement;
- Clarification that the measurement of storeys for each building on a site is taken from the grade at which the primary entrance is located;
- Revision to Schedule A and Schedule B to reflect an increase in FSI from 2.0 to 2.5 FSI for the property at 70 Bernard Avenue;
- Revision to Schedule titles and legend labels for clarification purposes; and,
- Revisions of text and schedules for minor typographical errors and formatting purposes.

Conformity with Upper-Tier Plans and Provincial Policy:

The Bernard KDA Secondary Plan and Zoning By-law is required to conform to the planning direction in the upper-tier plans such as the Region of York Official Plan and to be consistent with policy statements provided by the Province of Ontario. The Province of Ontario governs the policy-led land use planning system through the *Planning Act*, the Provincial Policy Statement (2014) and Provincial Plans (e.g. the *Growth Plan for the Greater Golden Horseshoe*, 2017 and the *Oak Ridges Moraine Conservation Plan*, 2017). As the upper-tier municipality, York Region is the approval authority for any amendments to the Town's OP, including the Bernard KDA Secondary Plan.

In addition to the statements of conformity noted in the Staff Report on the Draft Secondary Plan and Zoning By-law (SRPRS.17.167), staff note that the proposed Bernard KDA Secondary Plan and Zoning By-law builds on the policies of the Part 1 OP. It provides more detailed direction to guide the evolution of the Bernard KDA as it becomes a more pedestrian-oriented destination, while maintaining the commercial and

retail character and providing for place-based intensification of the area. Implementation of the Secondary Plan through the Zoning By-law will help to achieve Town, Regional, and Provincial policy direction by planning for a key development area within the built-up area of Richmond Hill that will become a more mixed-use, transit-supportive, commercial and retail centre of the Town.

Financial/Staffing/Other Implications:

The approved Planning and Regulatory Services Department Capital Budget includes funding for this project. There are no financial/staffing/other implications.

Relationship to the Strategic Plan:

The Bernard KDA Secondary Plan is one of the Secondary Plans to be completed in order to implement the Town's Official Plan vision of Building a New Kind of Urban. It addresses each of the goals of the Strategic Plan – A Plan for People, A Plan for Change as follows:

Stronger Connections in Richmond Hill

The Secondary Plan will provide land use, transportation and design policies that encourage mixed-use, cycling- and pedestrian-friendly, transit-supportive, sustainable redevelopment to create a Centre where people of all ages can live, work and play. The Secondary Plan will also establish public realm policies to guide the creation of public art, urban squares, and enhanced streetscapes to improve pedestrian and cycling connections in the Bernard KDA.

Better Choice in Richmond Hill

The Secondary Plan will provide land use policies that encourage a mix of population and employment uses in the Bernard KDA, along with a range of housing types to provide options for people at all stages of life.

A More Vibrant Richmond Hill

The Secondary Plan will enhance the image of the Bernard KDA by establishing a place making vision for this Centre, building on the area's existing role as a commercial/retail centre, anchored by a prominent bus terminal which will aid in making the area more accessible to become a destination point within Richmond Hill, building upon the area's existing role as a retail and commercial centre.

Wise Management of Resources in Richmond Hill

The Secondary Plan will include policy direction to promote sustainable development within the KDA, especially through the creation of enhanced streetscapes that can incorporate low impact development techniques. It will also set out direction to improve the live-work balance and improvements to the streetscape and transportation network within the KDA to enhance cycling and walkability to reduce the dependency on the private automobile.

Conclusion:

This staff report presents the comments received on the Draft Secondary Plan (attached as Appendix A) and Zoning By-law (attached as Appendix B) for the Bernard KDA and staff's response to the key themes. Staff have considered all comments and in some instances, changes to the Secondary Plan or Zoning By-law were made to reflect these comments, where appropriate and in conformity with the OP. The Secondary Plan and Zoning By-law have been developed and drafted in pace with the project's targeted timeline as described in the project's Terms of Reference (see SRPRS.16.151) and represent a thorough analysis and plan for the KDA, through the support of background reports and various consultation. Staff are confident that the Bernard KDA Secondary Plan and Zoning By-law remains a visionary and pragmatic document to help guide the transformation of the area from an auto-oriented commercial area to a more pedestrian and cyclist-friendly mixed-use destination based on comprehensive planning. The Bernard KDA Secondary Plan will also help to inform matters at future OMB hearings. To ensure that the Town interests with respect to development in the KDA are protected, staff recommend that the Secondary Plan and Zoning By-law be adopted by Council by November 27, 2017.

Next Steps:

As mentioned in staff report SRPRS.17.167, staff are currently preparing a Draft Tertiary Plan for the area northwest of the Bernard KDA boundary (south of Brookside Road and west of Yonge Street). It will be based on the findings of the background work for this project, associated public and landowner consultation, and additional staff analyses. Staff intend to work with landowners to implement the recommendation for medium and low density development in that area. The alignment of the street network and parks as shown on the Secondary Plan schedules outside the KDA boundary will be confirmed through this process. The Draft Tertiary Plan will be presented to Council at a later date once consultation with landowners and area residents has occurred.

Staff recommend the adoption of the Bernard KDA Secondary Plan and Zoning By-law in advance of the upcoming expiration of the ICBL (November 28, 2017) and in advance of the commencement of the OMB hearings related to the Bernard KDA on December 11, 2017 (pre-hearing conference for TSMJC) and January 16, 2018 (pre-hearing conference for Yonge MCD). Based on the foregoing, it is recommended that the attached Secondary Plan and Zoning By-law be brought forward to Council for adoption. At such time that Council adopts the Secondary Plan, it will then be forwarded to York Region for approval. The new Zoning By-law will replace the existing by-laws that apply to the KDA, excluding part of the lands in the southwest quadrant of the KDA which were released earlier through a settlement presented to the OMB in October of this year.

Attachments:

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

- Appendix A Bernard KDA Secondary Plan – Chapter 12: Yonge and Bernard Key Development Area
- Appendix B Bernard KDA Zoning By-law - Yonge and Bernard Key Development Area Secondary Plan Zoning By-law
- Appendix C List of written and verbal submissions received on the Draft Secondary Plan and Zoning By-law
- Appendix D Memo from Richard Hui, Manager of Transportation: Clarification on Transportation Study Assumptions
- Map 1 Current Development Proposals within and near Bernard KDA
- Map 2 Projects in York Region's Current Development Charge (DC) By-law

Report Approval Details

Document Title:	SRPRS.17.197.docx
Attachments:	- Appendix A - Secondary Plan.pdf - Appendix B - Zoning By-law.pdf - Appendix C - List of submissions.pdf - Appendix D - Transportation Memo.pdf - Map 1.pdf - Map 2 - Transportation Projects.pdf
Final Approval Date:	Nov 14, 2017

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

Patrick Lee - Nov 14, 2017 - 3:05 PM

Kelvin Kwan - Nov 14, 2017 - 3:56 PM

Neil Garbe - Nov 14, 2017 - 4:22 PM