



Staff Report for Council Meeting

Date of Meeting: May 13, 2020

Report Number: SRPRS.20.058

Department: Planning and Regulatory Services

Division: Policy Planning

Subject: **SRPRS.20.058 – Directions Report for the Yonge and Bernard Key Development Area – City File Numbers: D11-17001 and D24-17001**

Purpose:

The purpose of this staff report is to seek Council direction on the on-going litigation before the Local Planning Appeal Tribunal (LPAT or the Tribunal) regarding the Yonge and Bernard Key Development Area Secondary Plan and implementing Zoning By-law, as well as the related appeal of the Part I Official Plan by TSMJC Properties Inc. (TSMJC).

Recommendation(s):

- a) That Staff Report SRPRS.20.058 be received;
- b) That Council advise the LPAT that it supports the proposed modifications to the Secondary Plan (Appendix A) and amendments to the Implementing Zoning By-law (Appendix B) attached to SRPRS.20.058;
- c) That, in order to ensure that the proposed changes to the Secondary Plan and Zoning By-law conform with the Official Plan, and to resolve outstanding appeals to the Official Plan launched by TSMJC Properties Inc. (filed on June 11, 2010, revised on March 20, 2012, and confirmed on March 3, 2014), Council advise the LPAT that it supports the proposed amendments to the Part I Official Plan as set out in Appendix C attached to SRPRS.20.058; and
- d) That the Commissioner of Planning and Regulatory Services be given authority to recommend further changes to the LPAT regarding the proposed Secondary Plan, Zoning By-law, and Official Plan modifications attached to SRPRS.20.058 for the purposes of facilitating the resolution of appeals, provided that the Commissioner is satisfied that the general intent and purpose of the relevant policies and provisions in the Secondary Plan, Zoning By-law and Official Plan modifications as endorsed by Council are maintained.

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- e) That appropriate City Staff and Legal counsel be directed to appear at the LPAT hearing in support of Council's position concerning the revised Secondary Plan and Implementing Zoning By-law, and proposed modification to the Part I Official Plan.

Contact Person:

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Report Approval:

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

Approved by: Mary-Anne Dempster, Acting City Manager

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

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Summary:

This report provides an update to Council regarding the consultation, research and analyses that followed the May 14, 2019 Council direction to re-assess the efficacy of the Yonge/Bernard Key Development Area Secondary Plan and Implementing Zoning By-law. In addition, in light of the upcoming LPAT hearing regarding the appeals of the Secondary Plan and Implementing Zoning By-law and the related appeal of the Part I Official Plan that had been scheduled to commence on June 22, 2020, this report seeks Council's endorsement of the proposed revisions to the Secondary Plan and Implementing Zoning By-law, as well as modifications to the Part 1 Official Plan.

Please note that by letter dated March 24, 2020, the Tribunal directed that all hearing events scheduled between March 16th and June 30th were adjourned. However, no specific direction has been provided by LPAT in respect of hearings that were scheduled to commence prior to June 30th but continue thereafter – in this case, until Friday, July 10th. Staff continue to seek clarification from the Tribunal in that regard. In the interim, unless and until the Tribunal directs otherwise, Staff are proceeding on the assumption that it may be the Tribunal's intention to proceed with a hearing on the remaining post-June 30th hearing dates, and Staff are preparing for a prospective hearing on that basis.

Why are the Secondary Plan and Implementing Zoning By-law being Revisited?

On November 27, 2017, Council adopted the Secondary Plan and Implementing Zoning By-law for the Yonge/Bernard Key Development Area (KDA), in accordance with the in-force policies of the City's Part I Official Plan. These planning instruments were subsequently appealed to the LPAT in January 2018 by a number of appellants, and a hearing on the matter was originally scheduled for July 2019. On May 14, 2019 Council passed a resolution that supported a request for an adjournment of the LPAT hearing scheduled for July 2019 so as to permit the City the opportunity for further community engagement to re-assess the efficacy of the Secondary Plan in light of the recent and ongoing growth initiatives by the Province and the Region, and to explore whether increased heights and densities could be accommodated within the KDA (see Appendix D). Following the May 2019 Council Meeting, the Tribunal issued a decision on August 7, 2019 granting an adjournment of the July 2019 hearing on the basis requested by the City, and rescheduled the hearing for 14 days commencing June 22, 2020.

This report provides an overview of the comments received through the community and stakeholder engagement process and summarizes the findings of the City's analyses that was undertaken in support of determining whether additional heights and densities can be accommodated in the KDA.

Based on the analysis to date, staff are recommending modifications that will permit greater height and density within the KDA, as well as several policy changes that implement corresponding to the Planning Act, the Provincial Growth Plan for the Greater Golden Horseshoe (2019), the Provincial Policy Statement, 2020 and emerging policy direction from the Region of York.

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Why are modifications proposed to the Part I Official Plan?

At the request of the City and the appellant (TSMJC), the LPAT consolidated appeals by TSMJC related to their appeal of the 2010 Part I Official Plan along with their appeals to the Secondary Plan and Zoning By-law, given that the various appeals were inextricably linked. TSMJC's Part I Official Plan appeal is mostly site and area-specific; but the LPAT Orders dealing with the Part I Official Plan allows any approved modifications to apply more broadly to the entire KDA, as appropriate. In this instance, the Part I OP appeal relates to several policies in the Part I Official Plan but is largely focused on the Yonge and Bernard KDA. The resolution of these appeals is required to ensure that the proposed Secondary Plan and Zoning By-law conform with the Part I Official Plan.

Overview of proposed to the Secondary Plan and Zoning By-law

Pursuant to the direction of Council, staff have embarked on an open and transparent process to consider revisions to the Secondary Plan and Zoning By-law as adopted with a view to permitting greater density and height in the KDA, as well as consistency and conformity with Provincial and Regional policy direction. Proposed changes are intended to provide greater flexibility and opportunity to achieve the vision for the KDA as a mixed-use urban node within the City's urban structure, recognizing that KDAs are second only to Richmond Hill Centre in the overall intensification hierarchy. As provided in Appendices C and D, there are numerous proposed changes to both the Secondary Plan and Zoning By-law. The rationale for those changes is provided therein. While many of the proposed changes are intended to provide clarity, several represent a major policy shift from the Secondary Plan and Zoning By-law. These changes are summarized as follows:

1. Change to the boundary of the KDA in the northwest quadrant that would more precisely define the boundary of the KDA in relation to planned and approved streets;
2. Changes to the density allocation for various parcels within the KDA commensurate with Character Area policies of the Secondary Plan and whereby the overall maximum density of development for the KDA, with the change in boundary, would increase from 3.0 FSI to 3.84 FSI, and introduce policy and zoning provisions that require a minimum density of 1.5 FSI on any given site within the KDA in order to achieve the Region's minimum density requirements for the Bernard Major Transit Station Area;
3. Changes to the way in which the permitted height of development is controlled within the KDA, which no longer limits height to 10 and 15 storeys in accordance with the adopted Secondary Plan, but rather permits taller buildings subject to policies related to angular plane, built form, and density;
4. An exception policy intended to provide flexibility for Open Space lands to facilitate a reduction to the minimum required buffer area of a floodplain or hazard lands, if it can be demonstrated to the satisfaction of Council and the Toronto and Region Conservation Authority that the reduced buffer would not result in a risk to human health and safety or to property.

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5. Changes to the parkland policies to encourage the provision of urban plazas (private open spaces that are accessible to the public) and the provision of linear parks with minimum widths that are commiserate with the scale of development permitted around them;
6. Changes to the transportation policies intended to provide a more comprehensive list of possible transportation demand management options to achieve necessary modal splits that will support the permitted level of density within the KDA.
7. Changes to the planned street network to establish a public ring-road system to facilitate internal trips while minimizing traffic impact to adjacent neighbourhoods.
8. A change to the encroachment policy, to provide Council with the flexibility to permit underground garages and other such private encroachments on public lands, such as street right-of ways and public parks;
9. The addition of a new Holding By-law provision, which is intended to control the appropriate phasing of development within the KDA in relation to the provision of transportation infrastructure and the achievement of desired modal splits within the KDA as well as along the balance of the Yonge Street, Bathurst Street and Bayview Avenue corridors; and
10. Corresponding modifications to the Secondary Plan and Zoning By-law Schedules.

Do the proposed changes conform with Provincial Plans and the Regional Official Plan? Are they consistent with the Provincial Policy Statement?

As is detailed in this report and Appendices F, G, and H, in Staff's opinion the proposed Official Plan amendment, Secondary Plan and implementing Zoning By-law are all consistent with the Provincial Policy Statement, 2014 and 2020, and conform with the Growth Plan (2019), the Oak Ridges Moraine Conservation Plan (2017), and the Region of York Official Plan (2010).

Background

City-building is a key focus of the 2010 Richmond Hill Official Plan (Part I OP), which directs the majority of the City's planned intensification to a series of centres and corridors. In order to plan effectively for this intensification, the Part I Official Plan directs the preparation of new Secondary Plans to guide the land use and design of the designated centres, including the KDAs. Preparing Secondary Plans enables the City to ensure that each centre is planned holistically as a complete community, and contributes to Richmond Hill's evolution from a suburban to an urban community.

Local Context and KDA Policy Framework History

The area of the Yonge and Bernard Key Development Area (KDA) Secondary Plan is centered at the intersection of Yonge Street and Bernard Avenue and presently has a gross land area of approximately 25 hectares. As depicted in Figure 1 below, this area is presently underdeveloped with strip plazas, large format retail stores, vast parking lots, some vacant lands, and a York Region Transit bus terminal. Accordingly, this area was identified as an area for redevelopment in the 2010 Official Plan where future

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development would accommodate a large portion of the City's forecasted population and employment growth. The purpose of this Secondary Plan is to further articulate the policies of the City's Official Plan by providing additional area-specific policies to guide future development and public investment in the KDA.



Figure 1 Air photo of the Bernard KDA and surrounding area, 2017

In November 2016, an Interim Control By-law (ICBL) was passed by the then-Town Council to temporarily restrict new development in the KDA and adjacent lands. The purpose of the ICBL was to provide additional time to complete the necessary planning studies for the preparation of a Secondary Plan and implementing Zoning By-law for the KDA that appropriately reflected the policy direction set out in the Official Plan, as adopted by Council. The ICBL was subsequently appealed to the then-OMB by several landowners within the KDA. However, following a hearing which took place in October 2017, the ICBL was ultimately upheld by the OMB in a Decision and Order issued on May 30, 2018 (PL160680).

As a result of the OMB approval, the majority of the lands within the KDA remain subject to the ICBL pending the disposition of appeals on the KDA Secondary Plan and Implementing Zoning By-law. The exceptions are the townhouse portion of the Dogliola

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lands in the southwest quadrant and the Richmond Hill Retirement Residence lands in the northeast quadrant, both of which have site-specific zoning in place pursuant to settlements with the City and OMB/LPAT approvals.

Council approved the Terms of Reference for the KDA Secondary Plan project on November 28, 2016 (refer to staff report SRPRS.16.191). A multi-disciplinary team led by Urban Strategies Inc. together with the firms BA Group (Transportation Planning), The Municipal Infrastructure Group (Water, Wastewater and Stormwater), Golder Associates (Geotechnical and Hydrogeology) and Savanta (Natural Heritage) was retained to complete the project in January 2017.

In July 2017, Council endorsed the KDA Recommendations Report (refer to SRPRS.17.127). A statutory public meeting on the Draft KDA Secondary Plan was held on November 1, 2017 (refer to SRPRS.17.167) in accordance with the requirements of the Planning Act. On November 27, 2017, Council adopted the KDA Secondary Plan and Implementing Zoning By-law. Concurrent with its adoption, Council also approved recommendations to take further steps to advocate that relevant Regional transportation and road improvements in the vicinity of the Yonge/Bernard KDA be completed in a timely manner to coincide with the initial build-out of the KDA.

In November 2017, Council adopted the Secondary Plan and Implementing Zoning By-law for the Yonge/Bernard KDA. Both documents were subsequently appealed to the then OMB (now LPAT) by various landowners within all four quadrants of the KDA, and by one resident who lives just outside the southeast quadrant.

Following the appeals, a number of changes have occurred that impact the long-term planning for the KDA and give rise to the need to reconsider the original 2017 Council-adopted Secondary Plan and implementing Zoning By-law, as set out below.

Richmond Hill Council Resolutions

[Council Resolution, April 16, 2019 \(Bernard KDA\)](#)

On April 16, 2019, the then-new Council passed a Resolution (refer to Appendix E) directing City Staff to, among other matters, establish an overall density in the KDA at 4.0 FSI, with maximum densities of 5.5 FSI at corner properties, and to establish a maximum building height in the KDA of 37 storeys at the intersection of Yonge Street and Bernard Avenue. Council directed City Staff to do all things necessary to give effect to this direction as a means of resolving appeals at the LPAT without the need for a contested hearing.

[Council Resolution, May 14, 2019 \(Bernard KDA\)](#)

Following the April 2019 Resolution on the Bernard KDA, and pursuant to several deputations from the public, Council passed a subsequent Resolution on May 14, 2019 (the “May 2019 Resolution”) which rescinded the April 2019 Resolution (refer to Appendix D). The May 2019 Resolution directed that the City support an adjournment of the LPAT hearing scheduled for July 2019 so as to permit the City the opportunity for

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further community engagement to re-assess the efficacy of the Secondary Plan in light of the recent and ongoing growth initiatives by the Province and the Region.

Through its May 2019 Resolution, Council expressed a desire to set a more ambitious vision and development aspirations for both of the City's KDAs and the City's intensification areas overall, compared to what was envisioned through the adoption of the City's 2010 Official Plan. In the recitals to the May 2019 Resolution, Council was also explicit in emphasizing the importance of planning for the KDA in the context of a new vision for the City's urban structure through a review and update of the City's OP, and to duly consult with the public and other affected stakeholders on such matters.

Local Planning Appeal Tribunal Decisions

Following the May 2019 Resolution, a motion was brought before the Tribunal for a proposed adjournment of the June 2019 hearing of the Secondary Plan and implementing Zoning By-law. In addition to the City, the adjournment was ultimately supported by all of the appellant landowners within the KDA and by the Yonge-Bernard Residents' Association, a non-appellant party to the appeals. In its Decision and Order issued on August 7, 2019, the Tribunal granted the adjournment for the reasons noted above and rescheduled the hearing to commence on June 22, 2020.

In the meantime, in August 2019, the LPAT held a two-day hearing to address two site-specific matters which were both the subject of Council-approved settlements. One of these matters was related to the Yonge MCD lands located just outside the northwest quadrant of the KDA, within the South Brookside Tertiary Plan area (Yonge MCD). Yonge MCD had made site-specific development applications and appeals for its lands both within and adjacent to the KDA, and a settlement in respect of its non-KDA lands as outlined in staff report SRPRS.19.133 was endorsed by Council for approval by LPAT. The other matter was in respect of a settlement as outlined in staff report SRPRS.19.098 related to lands on which the existing Richmond Hill Retirement Residence is located (70 Bernard Avenue).

On April 20, 2020, the LPAT issued its Decision and Order with respect to both of these matters. The Tribunal approved in principle the Yonge MCD development concept for lands denoted as Phase 1 within their concept plan and which is within the South Brookside Tertiary Plan area, and ordered that the implementing planning instruments (Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision) need to be brought before the Tribunal for approval once they have been finalized. The land use permissions on the balance of the Yonge MCD lands denoted as Phase 2 on their concept plan, most of which are within the KDA, remain the subject of its ongoing site-specific appeals, which currently remain consolidated with the appeals of the Secondary Plan and implementing Zoning By-law.

As part of the Tribunal's approval relating to 70 Bernard Avenue, it ordered that the implementing Zoning By-law for the KDA be approved as it applies to those lands on a site-specific basis, with modifications to three definitions in the Zoning By-law. As a

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result, the implementing Zoning By-law is now in full force and effect at it applies to 70 Bernard Avenue. As such, the changes to Zoning By-law presently before Council for consideration would not apply to 70 Bernard Avenue. Moreover, the interim control by-law no longer applies to 70 Bernard Avenue. A copy of this decision is provided in Appendix F.

Changes to the Regional and Provincial Policy Context

Since Council's adoption of the KDA Secondary Plan and Implementing Zoning By-law in November 2017, there have been a number of changes to Provincial policies and legislation, as well as emerging Regional policy direction respecting Major Transit Station Areas (MTSA's) that affect planning in the KDA. The Growth Plan 2019 came into effect on May 2019 and it provides new direction for MTSA's. Moreover, the *Planning Act* was amended by new legislation in 2018 and 2019, and those changes also affect the development of the KDA. Below is a summary of the notable changes and how they impact planning in the Bernard KDA.

Planning Act Changes

Bill 139 - Building Better Communities and Conserving Watersheds Act

Bill 139, the *Building Better Communities and Conserving Watersheds Act* received Royal Assent on December 12, 2017 and was proclaimed in force as of April 2018. When introduced, Bill 139 made significant changes to the *Planning Act* and the land use planning approvals process. Bill 139 introduced the following key changes to the *Planning Act* which directly affects planning for the KDA:

- a 2-year moratorium on private applications to amend newly approved Secondary Plans;
- provisions allowing OP's to include policies to delineate Protected Major Transit Station Areas (PMTSA) with decisions on those policies and implementing zoning by-laws not subject to appeal except by the Minister, and further,
- private applications to amend PMTSA policies and implementing zoning by-laws are not subject to appeal, where Council either refuses or fails to make a decision on those private applications.

With respect to PMTSA's, Bill 139 introduced *Planning Act* provisions allowing OPs to include policies relating to development around higher order transit stations and stops. A definition was also added for the term "higher order transit". These changes would allow upper-tier municipalities like York Region to establish policies identifying protected major transit station areas in the Regional Official Plan (ROP), including delineating the boundary and assigning a minimum people and jobs per hectare density target for the area. At the ROP level, these policies are to be approved by the Minister. Local municipalities would then amend their OP's to identify the uses of land, buildings, and structures within the identified major transit station areas, and to establish minimum/maximum densities and heights in each PMTSA. Decisions on these policies

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cannot be appealed except by the Minister and requests to amend the policies can only be made with Council approval.

These changes are relevant to the Yonge and Bernard KDA area, because it is located within a Major Transit Station Area (MTSA) as defined by the Growth Plan and because the Region is contemplating this MTSA as a “PMTSA.” As such, staff recommend being proactive about changes to the Secondary Plan and implementing Zoning By-law through this LPAT process so as to minimize the need for further revisions to the Secondary Plan once the Region’s Official Plan has been updated and put into effect.

Bill 108 – More Homes, More Choice Act

On June 6, 2019, Bill 108 – the *More Homes, More Choice Act* received Royal Assent. The legislation is intended to increase the supply of housing, with a focus on shortening approvals, building of a variety of housing types, and providing certainty in the calculation of development levies. Bill 108 is part of the Provincial government’s broader strategy for addressing Ontario’s housing affordability needs, which also included revisions to the Growth Plan for the Greater Golden Horseshoe, it incorporates significant amendments to various statutes governing land use including the Planning Act.

One of the key Bill 108 changes to the Planning Act was the repeal and replacement of the existing Section 37 density bonusing provisions with a new community benefits charge. Under the new provisions of the Planning Act, where a municipality has passed a community benefits charge by-law, the community benefits charge may replace the parkland dedication provisions in some cases. Under the amended Section 37 provisions, there is no longer an opportunity for the City to negotiate with a development proponent to permit an increase in height and/or density in return for “community benefits.”

The original 2017 Council-adopted Secondary Plan contemplated that Section 37 agreements could be negotiated as part of the development approval process. As such, while the Secondary Plan allocated maximum densities across the KDA that would result in an overall maximum density of 3.0 floor space index (FSI); by virtue of permitting these Section 37 agreements, there was potential that the build-out of the KDA could result in densities exceeding the allocated maximums both on individual sites and for the KDA overall. As such, the actual FSI for the KDA overall at full build-out could not be confirmed at the time the Council adopted the Secondary Plan. With the Bill 108 changes to Section 37 of the Planning Act, staff have had to take a second look at how density should be allocated to the KDA, and reconsider how community benefits can be provided and secured within the KDA.

Based on the Bill 108 changes to the Planning Act, should Council ultimately decide to enact a Community Benefits Charge By-law, all new development within the CBC By-law area will be required to pay the prescribed charge. The charge will be based on a percentage of the land value of a given development site as of the date prior to building permit issuance. The higher the land value, the higher the charge that can be directed

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to the provision of community benefits that will support growth within the City overall and the KDA in particular. This change to the Planning Act also means that an increase in the maximum density for the development site can only occur through an amendment to the Secondary Plan and the Zoning By-law wherein the maximum density is prescribed – in contrast to the former Section 37 process, which enabled additional heights and densities beyond the prescribed maximums in return for community benefits to the satisfaction of Council. As noted above, Council still has the discretion to refuse or withhold a decision on such applications, should the Region of York identify this KDA as a PMTSA. Accordingly, staff needed to determine what the ultimate maximum density for this KDA should be through the proposed changes to the Secondary Plan and implementing zoning by-law. Staff's recommendation to apply a maximum 3.84 FSI for the KDA overall is discussed later in this report.

Major Transit Station Areas

As noted above, under the Growth Plan, York Region in consultation with local municipalities must delineate MTSA boundaries and set minimum density targets for MTSA's located on priority transit corridors. Priority transit corridors in Richmond Hill generally consist of portions of the Highway 7 and Yonge Street corridors. The Yonge/Bernard KDA is located along the Yonge Street priority transit corridor.

MTSA densities in priority transit corridors must meet the Growth Plan's minimum densities of 200 residents and jobs per hectare for subway stations, 160 residents and jobs per hectare for bus rapid transit stations and stops, and 150 residents and jobs per hectare for GO Rail stations.

In April 2019, Regional Council endorsed its Planning for Intensification Background Report wherein draft major transit station area delineations and minimum density targets were identified for the Region's MTSA's. MTSA's refer to the area including and around existing and planned higher order transit stations and stops, and generally comprise the area within a 500-800 metre radius of a transit station.

Increasing the KDA's overall maximum density to 3.84 FSI as recommended in the proposed modifications to the Secondary Plan (refer to Appendix A) and Implementing Zoning By-law (refer to Appendix B) would result in the KDA being planned with an estimated gross density of 510 residents and jobs combined per hectare at full build-out, within the proposed 26.8 ha area of the KDA (which is approximately 10% of the total land within an 800m radius of the BRT station). When considering the 500 and 800 metre radii of the BRT station (see Figure 2), however, this density along with planned development along the Yonge Street corridor/the remaining MTSA area, and within areas designated Neighbourhood, would become 220 r&j/ha and 140 r&j/ha, respectively, at full build-out of these larger areas.



Figure 2 500 and 800 Metre Radius around Bernard BRT Station and Terminal

Bernard BRT Major Transit Station Area (Regional MTSA #43)

The Yonge/Bernard KDA is located within the broader area of the Bernard BRT Station MTSA identified by the Region (refer to Figure 3). The Bernard MTSA has a gross land area of approximately 63.64 hectares, of which approximately 26.8 gross hectares are comprised of lands within the KDA. A minimum density target of 200 residents and jobs per hectare was established by the Region as the minimum targeted density for this MTSA, along with a targeted mix of 80% residents and 20% jobs. Staff note that at the time the KDA Secondary Plan and Implementing Zoning By-law were brought forward for adoption by Council in November 2017, the Region had not yet delineated the boundaries of its MTSA's, nor had the Region set minimum targeted MTSA densities and residents to job ratios. These minimum targeted densities and residents to job ratios have since been endorsed by Regional Council and accordingly, they have been considered by City Staff as part of the process to re-assess the efficacy of the KDA

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Secondary Plan. Based on the foregoing, City Staff undertook an analysis of the Bernard MTSA to ensure that any proposed changes to the Secondary Plan and implementing Zoning By-law would conform with the Region's forthcoming MTSA targets and policies.

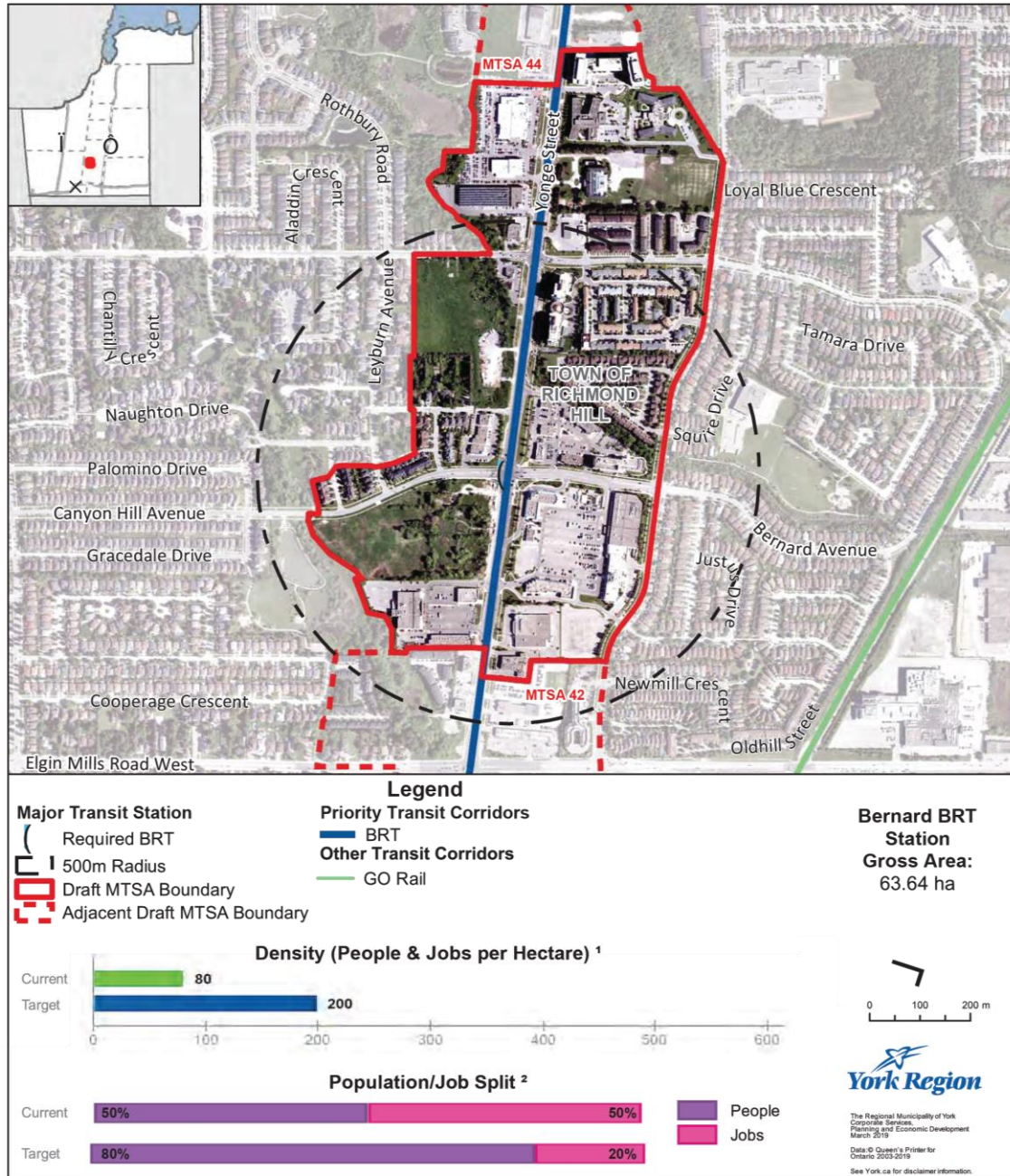
On that basis, staff determined that in order to ensure that all new development within the KDA is transit-supportive and can support a minimum of 200 residents and jobs per hectare, new development in the KDA must demonstrate that it can achieve a minimum density of 1.5 FSI. Staff also noted that in order to meet the Region's proposed targets for the proportions of residents and jobs, the original adopted 2017 Secondary Plan policies and zoning by-law were not sufficient to ensure that the Region's desired mix of residents and jobs could be met within the MTSA as a whole. Accordingly, staff determined that developments within the KDA - especially along the Yonge Street corridor and on lands with "active at grade frontages" - should allocate gross floor area as part of their developments to accommodate retail, commercial, community, and office uses.

[How do these Regional and Provincial changes Impact the KDA?](#)

In light of the recent changes to Provincial policy and the emerging Regional policy framework respecting MTSAs, it is expected that Council will take up this opportunity to update the Secondary Plan and Implementing Zoning By-law so as to: (a) recognize the KDA as being part of a broader MTSA; and (b) fulfill the anticipated policy direction of the ROP regarding minimum density and targeted mix of uses. This would also minimize the prospect that the City will need to further revisit the KDA policies and zoning provisions after the ROP is adopted.

**Bernard BRT Station
 On Yonge South BRT Corridor**

Along Yonge Street at Bernard Avenue/Canyon Hill Avenue, Richmond Hill



¹ Values are rounded to the nearest 5 People & Jobs per Hectare

² Values are rounded to the nearest 5%

Figure 3 Bernard BRT MTSA, per York Region April 2019 Staff Report

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Other considerations that Impact Planning for the KDA

In addition to the new Provincial policies and emerging Regional policy direction with which the Secondary Plan and Implementing Zoning By-law must be consistent and conform, there are several other key aspects that affect planning in the KDA which must also be taken into consideration through a reassessment of the Secondary Plan and Implementing Zoning By-law. They include:

- Decisions that have been made by Council and planning approvals with respect to parkland and the location of parks within the KDA.
 - In 2018, Council endorsed the South Brookside Tertiary Plan which affects the northwest quadrant of the KDA. Through the Tertiary Plan process, it was determined that a linear park will be implemented within the Tertiary Plan area along the natural heritage system adjacent to the Rouge River watercourse.
 - As part of the 2017 Council approval of a development application within the southwest quadrant, the City acquired lands along the western edge of the KDA in proximity to Canyon Hill Avenue which will have the effect of expanding Toll Bar park.
- Active development applications that are in process now, within and around the KDA. These applications were submitted at various times and reflect different types of built form and are summarized in more detail below; and
- Addressing appellant concerns. There are 7 remaining appellants who appealed the Secondary Plan and Zoning By-law, and an one additional non-appellant party to those appeals (in addition to the Region and the TRCA, which are also non-appellant parties). They consist of two primary groups: landowners within the KDA, and local area residents either within or adjacent to the KDA. A summary of the issues raised by the appellant groups is provided in Figure 4 below.

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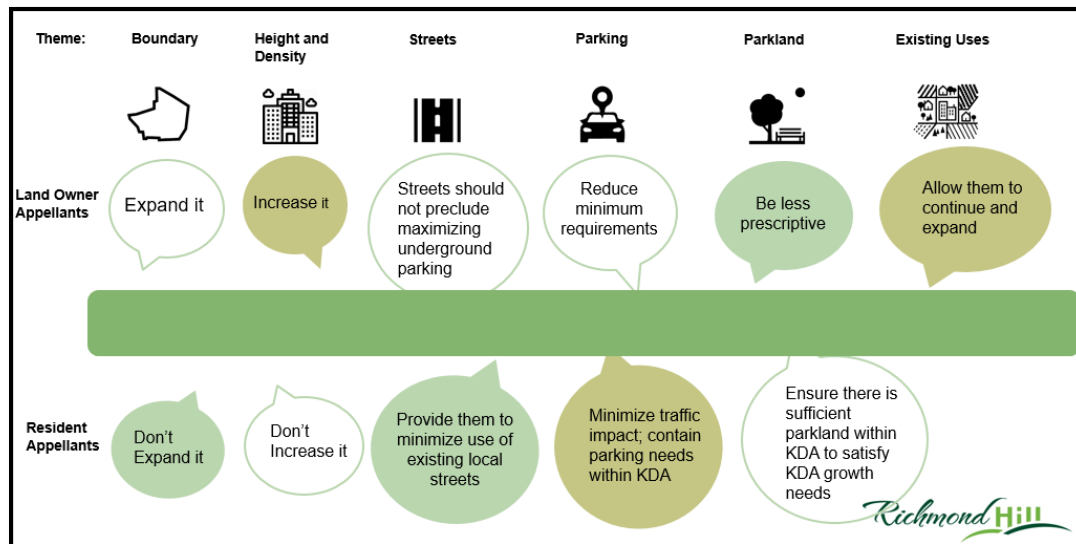


Figure 4 Summary of Appellant Issues (per December 2019 Open House Presentation)

From the perspective of both the landowners and residents perspective, the issues of height and density are primary concerns. Landowners within the KDA are seeking greater heights and densities, while the resident groups have expressed a strong opposition to increases in height and density beyond what was approved by Council in the original adopted 2017 Secondary Plan. With respect to streets, landowners have expressed a desire to allow for stratification below public streets so as to maximize opportunities for underground parking (and in some cases a desire for private roads instead of new public streets), while residents are supportive of new public streets to minimize the impacts of growth on the existing public road network. With respect to parkland, the landowners have cited concerns with the prescriptiveness of parkland policies, while the residents are concerned with ensuring that there is sufficient parkland within the KDA to satisfy growth and the need for places to allow for respite and recreation.

Proposed Developments in the KDA

The Yonge/Bernard KDA is experiencing significant development pressures. As of the writing of this report, there are development aspirations encompassing all four quadrants of the KDA. At present, there are active site-specific development applications in the northwest, southwest and southeast quadrants of the KDA, and concept plans have been prepared which encompass the North Elgin Centre plaza lands at 11005 Yonge Street in the northeast quadrant, and the recent zoning approval for the adjacent Retirement Residence lands at 70 Bernard Avenue (refer to Map 1). These concept plans, while not reflective of formal and complete development applications as of the date of this report, identify preliminary development aspirations on the part of the landowners within this area of the KDA.

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The densities contemplated by the developments that are proposed in all four quadrants of the KDA range from 0.91 FSI to 5.35 FSI. A summary of the proposed developments in the KDA and the pertinent site statistics are provided in Table 1.

Table 1: Proposed Site-Specific Development Statistics in the Yonge/Bernard Key Development Area

KDA Quadrant	Area (Map reference)	Site-specific Developments Statistics in the KDA				
		Proposed Height (in storeys)	Proposed Density (FSI)	Proposed New Residential Units	Mixed Use Provided?	% of Comm/Retail of Total GFA
Southwest	1	3 ¹	0.9	129	No	n/a
Southwest	2	25-29 ²	5.0	1,160	Yes	1.0%
Southeast	3	16, 18 ³	3.25	375	No	n/a
Northeast	4	9 ⁴	2.5	91	No	n/a
Northeast	5	15, 22, 27, 36 ⁵	5.35	1,044	Yes	2.2%
Northwest	6	4, 15, 20, 30 ⁶	2.92	600	Yes	11.5%
Outside KDA	7	3-4, 6 ⁷	1.3	302	No	0%
Outside KDA	8	12 ⁸	3.22	186	No	0%
Outside KDA	9	8 ⁹	2.82	114	No	0%

Full build-out of the KDA is expected to occur over the long term, and it is anticipated that this timing may extend out to 2041 or beyond. However, the active development applications currently in process within the KDA serve as a useful indication of the scale and intensity of development sought by existing KDA landowners in the short to medium-term.

¹ Active Application - Dogliola Developments Ltd., Site Statistics from Site Plan dated June 5, 2019

² Active Application - Dogliola Developments Ltd. and Campo Ridge Home Corp, Site Statistics from SRPRS.20.002 dated January 22, 2020

³ Active Application - TSMJC Properties Inc., Site Statistics from Site Plan dated June 18, 2019

⁴ Concept Plan - Retirement Residence, Oak Ridges Gardens, Site Statistics dated January 21, 2019

⁵ Concept Plan - North Elgin Centre, Owners Submission to Public Open House dated December 10, 2019

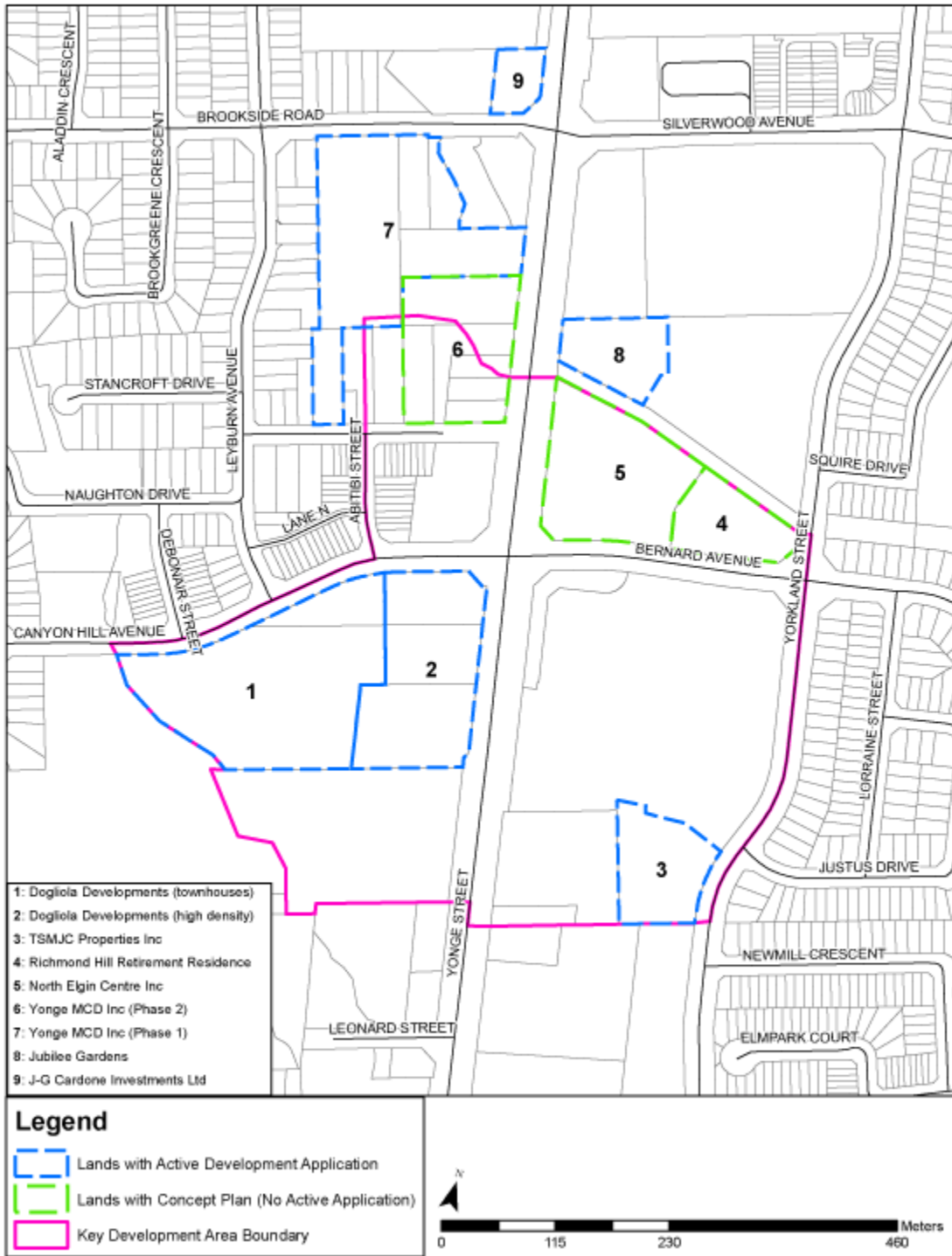
⁶ Active Application - Yonge MCD (Phase 2), Site Statistics dated February 6, 2020

⁷ Active Application – Yonge MCD Inc., Site Statistics from Site Plan dated June 12, 2019.

⁸ Active Application – Jubilee Gardens, Site Statistics from Site Plan dated February 5, 2019.

⁹ Active Application – J-G Cordone Investments Ltd, Site Statistics from SRPRS.19.015 dated February 6, 2019.

Map 1 – Location of Proposed Developments in the Yonge/Bernard Key Development Area



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Public, Landowner and Stakeholder Consultation:

Stakeholders were engaged through a number of consultation methods and focused on gathering input on the process to revisit the Secondary Plan for the KDA, as directed by Council. Feedback from the consultation was analyzed and used to inform revisions to the 2017 as-adopted KDA Secondary Plan and Implementing Zoning By-law, this is discussed in greater detail in following sections of this report.

Public Open House (December 10, 2019)

A Public Open House was held on December 10, 2019 to inform the larger community about the City's process to revisit and update the Secondary Plan and the opportunity to provide input. Notification of this event was provided through the City's website, letters to all properties and property owners within 120 metres of the 2017 KDA study area, and via the e-mail notification list for the KDA. An estimated 120+ participants attended the event. Members of Council were also in attendance.

Staff and HDR (the transportation consultants) prepared display boards which were intended to inform the public on specific topics related to the "reset" of the Secondary Plan and Zoning By-law such as: the park and open space system, the transportation system, community design matters, and to provide an overview of the adopted Secondary Plan and related development applications that were in process at the time of the event. Staff also provided a presentation to highlight why and in what context the Secondary Plan was being reconsidered. Following the presentation, there was an extensive question and answer period. All materials shared at this event are available on the Stage 4 section of the [project website](#).

A comment sheet was distributed to participants at the meeting which sought general comments on the process to revisit the Secondary Plan and input on various elements of planning for the KDA including: parkland and community benefits, transportation, and urban design and built form. A total of 12 respondents provided comments via the comment sheet, as well as a submission from one of the area landowners which included a concept plan for their site. (Copies of these submissions are provided in Appendix I of this report.)

Meetings with Landowner and Resident Appellants (January 22 and 23, 2020)

Meetings with appellants and parties to the Secondary Plan and Implementing Zoning By-law appeals took place on January 22, 2020 (Resident Appellants/Parties) and January 23, 2020 (Landowner Appellants). These meetings were held on a without prejudice basis. The purpose of these meetings was to gauge acceptance of emerging changes proposed for the Secondary Plan and Zoning By-law based on input received to date, to ensure common understanding of issues and concerns from the appellants, and to maximize consensus on proposed changes wherever possible.

At these meetings, City Staff provided an overview of the analyses undertaken for the Secondary Plan review process including, but not limited to, a review of all issues lists

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and comments received to date, forecasting scenarios regarding population, units and employment at build-out in the KDA, findings from the transportation and urban design analyses, and potential policy changes to the Secondary Plan that were being considered by Staff in response to these and other relevant policy considerations.

Web-based Commenting Period (February 14, 2020 – March 13, 2020)

On February 14, 2020, City Staff released draft versions of the proposed changes to the Secondary Plan and implementing Zoning By-law on the City's website. These proposed changes took into consideration the feedback received from the Open House on December 10, 2019, the meetings with appellants and parties held on January 22 and 23, 2020, and the input of Technical Advisory Team members, as well as previously mentioned changes to Provincial and Regional policies and results from the emerging transportation and urban design analyses. The draft documents identified proposed modifications to the Secondary Plan and implementing Zoning By-law and highlighted, among other matters, proposed modifications to increase the maximum heights and densities in the KDA on a site and area-specific basis, and to increase the overall density of the KDA to a maximum of 4.0 FSI. In addition, the City posted the draft Transportation Study and analysis undertaken in support of the reassessment of the Secondary Plan with increased heights and densities. This material continues to be available on the City's [website](#). Notification was sent by e-mail to members of Council, appellants, landowners and persons on the City's notification list for the Yonge/Bernard KDA. A web-based commenting period on the revised Secondary Plan and Implementing Zoning By-law documents was launched following the release of the documents with comments on the posted documents being accepted until March 13, 2020.

Public Information Session (March 3, 2020)

A subsequent Public Information Session was held on March 3, 2020. All members of Council were invited to attend. At that time, City Staff presented the proposed changes to the Secondary Plan and Zoning By-law and particularly highlighted the proposed site-specific increases in heights and densities in the KDA. A panel of City Staff were available to respond to questions. Approximately 30 participants attended the event and provided feedback which cited concerns with the estimated forecasted growth within the KDA and the proposed heights and densities set out in the Secondary Plan, and the resulting impacts they would have on the neighbouring community in terms of access to services and traffic congestion. In addition, comments were received which questioned the placement of the KDA in the context of the City's overall urban structure, and the timing of bringing forward a Secondary Plan and Implementing Zoning By-law with greater heights and densities in advance of the City undertaking a comprehensive update to its Official Plan.

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Meetings with Landowner and Resident Appellants (April 16 to April 24, 2020)

Prior to finalizing recommendations for Council's consideration, staff undertook to meet individually with every party and participant to the LPAT appeals of the Secondary Plan and Zoning By-law. Meetings with appellants and parties took place in all but one instance. Prior to these meetings, staff shared an overview of key changes proposed for the Secondary Plan and Zoning by-law on a confidential and without prejudice basis for their consideration and feedback. At the conclusion of those meetings, staff were able to make additional modifications to the Secondary Plan, Zoning By-law and Part I Official Plan with a view to minimizing the issues that remained in dispute.

Analysis and Summary of Findings

As part of the process of reviewing and re-assessing the efficacy of the original adopted 2017 KDA Secondary Plan and Implementing Zoning By-law, staff undertook additional transportation, urban design, and parkland analyses to determine whether and to what extent additional height and density could be supported within the KDA. In addition, City Staff prepared a growth and density distribution analysis for the KDA in light of its status as an identified Major Transit Station Area, to ensure that the Region's targeted density and mix of land uses for the broader Bernard MTSA can be achieved.

Transportation

Given the concerns of both staff and area residents that the ability to accommodate growth within the KDA may be constrained by transportation capacity, the City retained HDR as qualified transportation consultants to prepare an updated transportation study for the KDA. This study in draft form was posted on the City's [website](#) on February 14, 2020 and continues to be available for review. The Final HDR study is provided in Appendix G.

HDR's work was split into two phases as follows:

- Phase 1 involved a technical peer review of the transportation work previously undertaken by BA Group for the original adopted 2017 Secondary Plan. This included a review of study assumptions, methodology, modal split, background growth assumptions, trip generation methodology and trip assignment assumptions.
- Phase 2 involved the preparation of a "Transportation Study Update" incorporating recommended changes, refinements, and improvements identified from the technical peer review of the BA Study.

Among other matters, the intent of the transportation study update was to refine and update existing conditions in the KDA, which included an expanded study area, a transportation capacity assessment with consideration of the planned infrastructure improvements within and surrounding the KDA, updated population and employment targets to support further intensification, and a sensitivity analysis to determine the phasing of development levels in the KDA. The revisited analysis addresses public and stakeholder comments and concerns, and provides recommendations regarding the

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potential of the existing and planned transportation network to support intensification within the KDA.

Summary of Findings

The updated HDR transportation study as drafted (and using the adopted KDA boundary) reconfirmed that the proposed density of the adopted 2017 Secondary Plan (3.0 FSI) can be accommodated with the proposed transportation network within the KDA. Through Phase 1 of the transportation work, the peer review of the BA Study identified opportunities to improve and refine the transportation assessment. The revised analysis concluded that further intensification within the KDA can be supported up to a maximum overall density of 4.0 FSI. However, the full-build out of the KDA to a maximum of 4.0 FSI overall (with an assumed yield of up to 10,980 residents and 3,187 jobs, or approximately 14,200 combined) can only be supported on the condition that the planned improvements to the regional and municipal road network within and surrounding the KDA are implemented. The necessary planned network elements, in addition to the proposed street network within the KDA as depicted on Schedule 4 of the proposed Secondary Plan (see Appendix C), are shown in figure 5 (below) and identified in a new Holding By-law provision of the proposed Secondary Plan.

Holding By-law (S. 12.5.4.2)

Ensures provision of necessary projects to support KDA and surrounding area growth, per Transportation report:

- a. Highway 404 HOV expansion ✓
- b. Yonge Street Rapidway ✓
- c. Leslie Street road widening ✓
- d. Elgin Mills Road East grade separation over the C.N. rail corridor; \$
- e. Elgin Mills Road West road widening; \$
- f. 19th Avenue road widening \$, and
- 31 g. Bathurst Street road widening ⌚

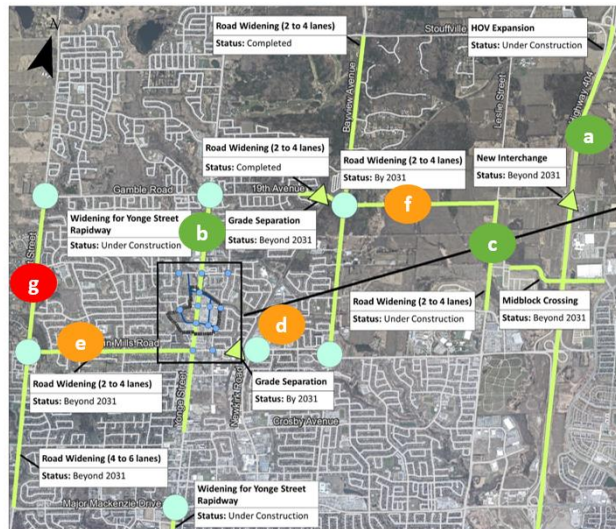


Figure 5 Planned Network Requirements to achieve full build out of the KDA (per presentation at the March 3, 2020 Public Information Session) NOTE: ✓ depicts construction project that are under way or completed, \$ depicts projects that are within the Region's 10-year capital plan; ⌚ depicts projects that are identified in the Region's Transportation Master Plan but not yet funded.

Furthermore, the HDR study indicated that in order to support the full build-out of the KDA and the proposed increase in density beyond the original adopted Secondary Plan

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density of 3.0 FSI overall, a minimum 30% transit mode split must be achieved within the KDA and along the Yonge Street corridor, while a minimum 20% modal split is required along the Bayview Avenue and Bathurst Street corridors. Transit modal split means the percentage of overall trips made at peak times that use transit and other modes of active transportation including walking and cycling. These minimum transit modal splits are in-line with the Metrolinx Mobility Hub Guidelines, which recommend a transit mode split of 20% to 35% for BRT stations.¹⁰

Based on the anticipated transportation impacts, HDR recommends that the planned density of development for the KDA be phased and monitored based on the implementation of the planned transportation improvements and the attainment of transit mode split targets. Sensitivity analyses were conducted to determine whether additional maximum density beyond 3.0 FSI overall could be supported based on three key factors – namely, completion of the York Region 2020 10-Year Road and Transit Capital Construction Program, Bathurst Street road widening between Major Mackenzie Drive West and Gamble Road, and the attainment of the transit modal splits noted above.

In accordance with the transportation study findings, with the current Regional 2020 10-year capital projects under construction or funded and the existing transit modal split, approximately 7,961 residents and 2,400 jobs, or 10,400 combined can be supported without the need for any holds being placed on development.

In order to accommodate growth in excess of 10,400 residents and jobs combined, HDR recommends utilizing Holding Provisions as part of the KDA Zoning By-law. Specifically, they recommend the following thresholds to lift the “hold” which staff also recommend providing in the Secondary Plan (see policy 12.5.4.2):

In order to accommodate growth greater than 10,400 residents and jobs combined and up to approximately 9,772 residents and 2,872 jobs, or 12,650 combined, the following must occur: (1) road improvements identified in the 2020 10-Year Capital Program must be implemented, (2) a transit mode split of 17% for the KDA and Yonge Street corridor must be achieved; while 11% mode split is required for the Bayview Avenue and Bathurst Street corridors, and (3) the widening of Bathurst Street from Major MacKenzie Drive West to Gamble Road (which is currently not in the Region’s 10-Year Capital Plan), must be implemented. Alternatively, if the Bathurst Street widening has not been completed, then a 30% transit mode split in the KDA and Yonge Street corridor and a 20% mode split in the Bayview Avenue and Bathurst Street corridors must be achieved

For development that would accommodate growth between 12,650 and 14,200 residents and jobs combined (the assumed capacity of the KDA at the outset of the transportation analysis), the resulting requirement is that all road improvements must be constructed, including the Bathurst Street widening, and the KDA and Yonge Street

¹⁰ Source: Metrolinx Mobility Hub Guidelines, 2011
http://www.metrolinx.com/en/regionalplanning/mobilityhubs/mobility_hubs_guidelines.aspx

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corridor must achieve a modal split of 30% non-auto trips, while a modal split of 20% non-auto trips must be achieved in the Bayview Avenue and Bathurst Street corridors.

Accordingly, staff are recommending the inclusion of a holding by-law provision in the Secondary Plan (policy 12.5.4.2), and that the implementing Zoning By-law apply a “hold” on all lands within the KDA, which may be lifted when the conditions prescribed by the Secondary Plan are satisfied (per section 5.31 of the zoning by-law). It is noted that the expansion of the subway into Richmond Hill and continued investment in transit overall will be key in achieving the above noted transit modal splits.

The finalized HDR transportation study recognizes that staff are proposing to increase the size of the KDA. However, the allocation of density across the KDA achieves an overall density of 3.84 FSI and does not estimate any increase in residents and jobs from what was assumed at the outset of HDR’s analysis. As such, the increase in boundary and the overall density proposed does not result in any change to the HDR analysis or conclusions.

The updated transportation study completed by HDR also includes comprehensive parking and transportation demand management (TDM) strategies to support intensification of the KDA. Reduced parking requirements from the adopted zoning by-law for residential and non-residential uses are introduced to support the higher non-vehicle modal split envisioned for the KDA. Additional reductions to parking requirements are proposed along with opportunities to further reduce these parking requirements through the implementation of other specific parking strategies, including the provision of car-share spaces and the application of shared parking formula between certain uses. Additionally, blended parking requirements for non-residential uses are proposed to benefit commercial uses in order to facilitate future changes of specific commercial uses.

The comprehensive TDM policies and strategies which have been developed will assist in supporting the reduced parking rates proposed. They are also designed to reduce the amount of vehicular traffic and congestion in the KDA by decreasing the need for vehicular travel, shifting travel away from single occupant vehicles, and peak period travel. These TDM strategies include, but are not limited to, the supply of private and public bicycle parking facilities, establishment of pedestrian and bicycling network, provision of carpool spaces, implementation of micro shuttle services, and shared mobility hub services within the Bernard Terminal. Accordingly, the proposed Secondary Plan policies and implementing Zoning By-law provisions have been updated to incorporate HDR’s recommendations.

Based on the foregoing, staff are satisfied that the planned transportation system within the KDA and beyond can support a planned density of 3.84 FSI overall within the expanded KDA at full-build-out, subject to the proposed holding provisions set out above.

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Urban Design

From an urban design perspective, a community design approach exercise was undertaken in-house by City Staff to model building massing, height, and density within the KDA Secondary Plan area. Among other matters, an analysis was conducted to determine whether increased site-specific densities and building heights greater than 3.0 FSI and 15 storeys (as had been contemplated in 2017) could be accommodated within the KDA when applying urban design principles, including the following:

Development Blocks and Density Principles:

To ensure that developments and the streetscape character contribute to efficient and attractive pedestrian and vehicular connections, Staff analyzed the KDA area based on 16 manageable blocks that range in size between 0.9 ha to 2.6 ha. These blocks are located in three distinct character areas within the Bernard KDA.

Framed in part by the location of the new local road and the linear park, these blocks have been assigned density to ensure equitable distribution of the overall density and to provide effective built form transition from Yonge Street to the existing neighbourhoods.

Community Design Principles:

1) Character Areas

The Bernard KDA is comprised of three distinct character areas. The Corridor Character Area reflects the Yonge Street corridor of taller and higher density development; accordingly, a higher density of development was investigated for these areas in comparison to the Interior and Neighbourhood Edge character areas. The Interior Character Area provides for the transitional tier of development between the Corridor Character Area and the Neighbourhood Edge Character Area. The Neighbourhood Edge Character Area provides a built form transition between the lower rise established neighbourhoods adjacent to the Bernard KDA and the higher intensity form in the centre of the KDA and along the Corridor.

2) Publicly Accessible Open Spaces

Southeast Quadrant Linear Open Space

An east-west linear open space connecting Yorkland Street to Yonge Street is envisioned with an approximate width of 23.0m. This proposed width is consistent with the City's Urban Design Guidelines direction for linear parks. The linear open space not only delineates development blocks - it also functions as an important place-making focus in the KDA. Design of developments adjacent to the linear open space will need to observe design principles that minimize shadow impact and maximize sky view. Its location will help establish urban design parameters to guide development and provision of open spaces. The location of the linear open space at the centre of the southeast quadrant will create a sense of place and civic identity to the KDA, allow for visual and pedestrian connections between developments and the neighbourhood, and create active frontages along the two sides of the open space for future commercial uses.

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Southwest Quadrant Linear Open Space

An east west linear park is envisioned in the southwest quadrant to connect the new public street to the German Mills Creek and complement the new and existing expansion of Toll Bar Park.

Additional open space areas are envisioned within the KDA that may be privately owned but publically accessible. These planned areas are classified as “urban plazas.”

To facilitate these open space areas, new policies are proposed in the Secondary Plan that specify linear park widths that are commensurate with the scale of development expected to occur in those areas, and that support the creation of urban plazas. Additionally, the Secondary Plan includes policies that requires the form of development to minimize shadowing on park land. Furthermore, provisions in the Zoning By-law related to setbacks, landscaping, density, etc., also serve to ensure that these open spaces are provided and are welcoming to future users.

2) Built Form Typologies and Neighborhood Transition

A wide range of building forms has been assessed to meet the needs of future residents of the Bernard KDA. A minimum of 10.0 m wide areas dedicated to 3-storeys townhouses along Yorkland, Canyon Hill Avenue, and Abitibi Road has been assessed to complement the existing low-rise homes in those areas. High-rise buildings in a mixed-use format have been assessed to front onto Yonge Street, Bernard Avenue and the proposed public streets.

A 45° angular plane measured from the property boundary of existing low rise homes was taken into consideration to ensure that an appropriate transition in terms of height, views and privacy of existing homes is maintained throughout the KDA. Appropriately-scaled street walls with active at-grade uses is maintained throughout active streets and the linear open space at the southeast quadrant in accordance with the policies of the Secondary Plan.

3) Walkable Community

Landscaped setbacks, tower separation distances, and step backs of towers above the street wall were taken into consideration to ensure pedestrian-friendly streetscapes. A variety of slender point towers (Approx. 750 m² floorplate) set atop a pedestrian-scaled street wall is proposed, in accordance with the Part 1 OP policy regarding tower floorplate size. A range of building heights is contemplated along Yonge Street and Bernard Avenue to add visual interest to the streetscape. To appropriately transition to the adjacent neighbourhood, the tallest buildings within the KDA are contemplated to front onto Yonge Street, and the Secondary Plan includes a policy intended to ensure that this expectation is achieved.

Design Considerations within a Block:

The Bernard Bus Terminal is anticipated to be integrated in the design of the southeast corner of Yonge Street and Bernard Avenue. Buildings fronting onto the linear open space will have active uses at the ground level of the building, and building frontages

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are anticipated to have a high level of architectural expression and use of materials. The massing of buildings and the location of towers are required to protect for maximum sun exposure onto the open spaces.

At-grade parking, servicing and loading are expected to be integrated within new buildings or in an underground structure. Vehicular access shall be consolidated with adjacent sites. Enhanced streetscape elements such as tree planting, pedestrian amenity, pedestrian crossing, landscaped areas etc. should be provided along active streets and open spaces. At-grade amenity and rooftop amenity/green roof should be provided. Accordingly, there are Secondary Plan policies and zoning provisions to ensure these elements are achieved over the long term within the KDA.

Based on the forgoing, the urban design analysis completed for the KDA confirmed that by permitting height of buildings to be controlled by urban design principles related to angular plane, site context, transition to areas outside of the KDA, as well as permitted density; development within the KDA will be afforded design flexibility in building height and massing, and can accommodate an eclectic mix of built form, while always ensuring the development of a high-quality, transit supportive, complete community.

Based on the above, staff ultimately decided that a policy led height regime is supportable and is recommended to Council on that basis. Accordingly, Schedule “C” provided in the KDA Zoning by-law (see Appendix B of this staff report) identifies only the minimum 3 storey height requirement for buildings located within the “neighbourhood edge” areas of the Secondary Plan in accordance with the Part 1 OP policy, and a 4-storey height minimum for development anywhere else in the KDA. This 4-storey height minimum is provided to ensure that the proposed minimum density of 1.5 FSI is met on lands within the KDA where a maximum density is not less than 1.5 FSI. Based on the modelling undertaken to date, when allocated densities, angular plane, and other Secondary Plan policies and zoning by-law provisions related to transition, shadowing, tower/mid-rise building separation, floorplate size, setbacks, storey height, podium size, and calculation of GFA are collectively applied, the resulting development would likely continue to be in the range of 3–30 storeys, possibly with a few exceptions.

Staff also note that this policy-led height regime has not been tried in the City on an area-wide basis; however, it has informed previous decisions by City Council and the Ontario Municipal Board (now LPAT) on a site-by site basis either as part of a Section 37 negotiation or through a hearing. Staff believe using this policy regime within the Bernard KDA may present an opportunity to “pilot” this approach on a City-wide basis, while the City continues to undertake the Official Plan update process.

Parkland and Open Space

As noted above, a number of recent legislative and policy changes have led Staff to recommend various proposed changes to Schedule 3 - Open Space and to the related policies in the Secondary Plan. These include recent decisions made by Council on site-

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specific applications and on the approval of the South Brookside Tertiary Plan, changes to the Planning Act provisions related to parkland dedication, and a change in thinking with respect to urban design with respect to the KDA specifically.

Collectively, the modifications to the Secondary Plan which are proposed in response to the various matters described above are intended to ensure that growth within the KDA is supported by adequate and appropriate open space available for the use and enjoyment of area residents and workers. The provision of open space, however, is not limited to lands within the KDA itself. Staff must also consider the adequate provision of parkland within the surrounding areas and the service level which these areas are able to accommodate. Based on the existing park network surrounding the KDA and the planned parkland identified in the Secondary Plan, residents and employees within the Bernard KDA will be provided with a 5 minute (400 m) walking distance to parkland, which is consistent with the City's 2013 Parks Plan (as shown in Figure 6 below). Collectively, the existing and planned parkland within the KDA and surrounding area currently provides and will continue to provide a suitable variety of park amenities for area residents. This service level will be further enhanced should landowners choose to provide privately-owned urban plazas that are accessible to the public as contemplated in the Secondary Plan.

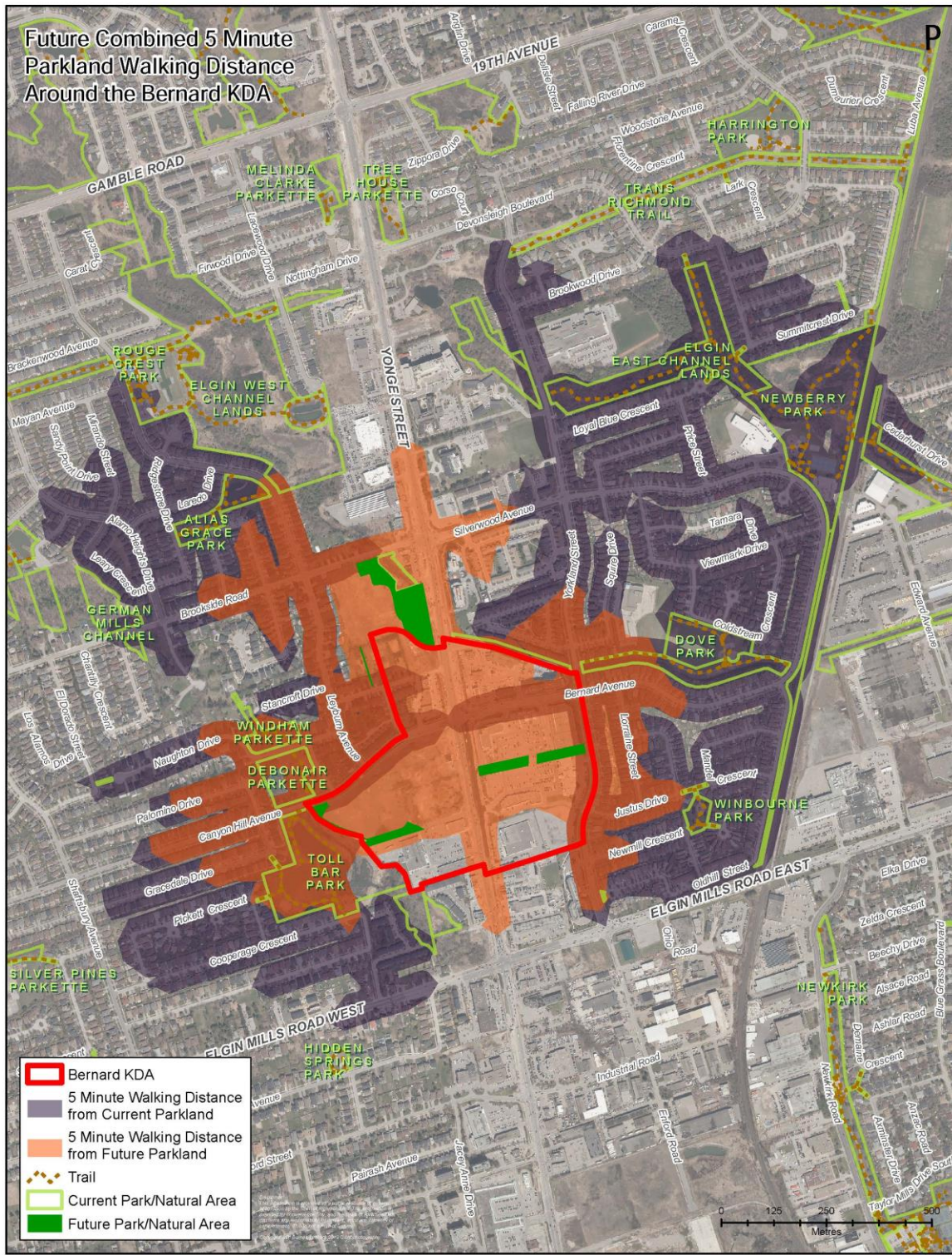


Figure 6 Future Combined 5 Minute Parkland Walking Distance Around the Bernard KDA

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Population and Job forecasting for the KDA

A large part of the discussions with members of the public that took place during the engagement process leading up to this Report has been about the population and job forecast for the KDA. The purpose of the forecast is to help plan for necessary infrastructure to support future growth. The forecast is based on many assumptions and is intended as an estimate only. The assumptions used to derive the forecast are based on the policies of the Secondary Plan and the Part I Official Plan in terms of allocated density, mix of use, built form, and industry standards regarding household size, etc. Actual numbers and timing of development may significantly vary. As proposed changes to the KDA boundary and allocation of density to specific areas were made, the actual forecast numbers also varied. Based on the proposed Secondary Plan provided in Appendix A, the population and job forecast on a is provided in Appendix H, along with all of the assumptions that were used to derive the forecast.

As noted above, a preliminary forecast was provided to HDR to assist them with their transportation analysis. This analysis used a forecast of 10,980 residents and 3,187 jobs at full build-out. Through a more granular forecasting approach and based on the proposed boundary and allocated density within the KDA, the forecasted build-out population and jobs are 10,600 residents and 3,000 jobs, yielding a gross combined density of 510 residents and jobs per hectare. Using different assumptions regarding possible job growth within the KDA, the potential growth in the KDA could also be estimated to be up to 11,800 residents with only 1,500 jobs, yielding a gross density of 480 residents and jobs.

Recommended Secondary Plan and Zoning By-law

Based on the foregoing, Staff are recommending a number of proposed revisions to the original adopted 2017 Secondary Plan and implementing Zoning By-law. These changes are intended as a response to the updated Provincial policies and emerging Regional policy direction related to Major Transit Station Areas, and in response to comments received from the public and other stakeholders. The Secondary Plan (Appendix A) and implementing Zoning By-law (Appendix B) provide “track changes” to the text of the Secondary Plan and Zoning By-law along with commentary providing a brief rationale for the changes proposed. The comments highlighted in yellow identify where a change has been made since the proposed changes were first posted on the City’s website on February 14, 2020.

The following sections of this Report identify issues raised by the public and stakeholders and provide a more detailed rationale for the proposed policies and provisions in the Secondary Plan and Zoning By-law in relation to the issues raised.

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Response to Comments Received and Proposed Modifications to the KDA Secondary Plan and Implementing Zoning By-law:

As noted below, staff undertook various methods to obtain public and stakeholder input on proposed changes to the Secondary Plan and Zoning By-law. To date, over 50 written and verbal submissions on the proposed KDA Secondary Plan and Implementing Zoning By-law have been received by the City from the development industry, members of the general public, and other stakeholders. Key issues and commentary from these submissions are grouped into policy themes discussed in more detail below. A list of the submissions received to date and copies of them are appended to this report (refer to Appendix I).

The comments received through the written and verbal submissions made at the December 10, 2019 Open House, the March 3, 2020 Public Information Session, the web-based comment period, and the various meetings between staff and stakeholders, have all been considered by City Staff in bringing forward this Staff Report. The following section summarizes the main comments received on the proposed modifications to the revised Secondary Plan and Zoning By-law. Key issues and concerns raised are organized into the following key themes:

- General Support for Proposed Changes to Secondary Plan and Implementing Zoning By-law;
- KDA Boundary;
- Height and Density;
- Providing a Mix of Residents and Jobs;
- Traffic and Congestion;
- Public Streets;
- Potential Public Trails;
- Public Schools;
- Housing;
- Greenway, Parks and Urban Open Space System; and
- Holding Provision (Holding By-law) and Development Thresholds

Staff's responses to the comments provided are set out under each theme.

General Support for Proposed Changes to Secondary Plan and Implementing Zoning By-law

Comments were received from area residents citing a lack of support and in some instances, strong opposition to the proposed modifications to the KDA Secondary Plan and Implementing Zoning By-law. Many of the comments were received by way of a petition in nature and indicate "No" to the proposed changes. In addition, numerous area residents cited concerns with the level of density and intensification and the impacts on

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traffic and overall quality of life in the area should the planned levels of intensification in the KDA be permitted.

By contrast, the City also received comments from landowners within the KDA highlighting general support for the proposed modifications to increase the height and density in the KDA beyond what was set out in the original 2017 adopted Secondary Plan. Most of these comments also provided suggestions for some specific policy changes.

City Staff response:

As noted above, while there continues to appear to be a lack of consensus with respect to how this KDA should develop in the future, it should be noted that all of those who provided comments appear to respect the fact that intensifying this area through redevelopment is appropriate, and there is a basic consensus of support for this area to be a mixed-use, complete, compact, transit supportive community. The resounding issue is to what extent and degree such growth should occur. While much discussion is focused on the full build-out of the KDA, experience with city-building has shown that redevelopment of an area invariably occurs incrementally, and usually over a long period of time. As such, there will always be opportunities to revisit this plan in the future and make further adjustments as necessary, whether major or minor, in order to better address changing circumstances as they arise over time.

As noted in the foregoing with respect to changes to the Planning Act, going forward City Council has much greater control with respect to when and if changes to the Secondary Plan and implementing zoning by-law as it relates to permitted uses, density and height are warranted. Furthermore, the proposed holding provisions provide the City with the necessary controls to ensure that build-out of the KDA is coordinated with the required transportation improvements and changes in travel behaviour, among other matters.

KDA Boundary

Through consultation with stakeholders, it was identified that the shallow depth of the Secondary Plan area in the northwest quadrant of the Plan presented a challenge in terms of facilitating the planning objective to locate the tallest buildings in the Plan on Yonge Street, and also providing for an appropriate transition to the lower density neighbourhood to the west.

City Staff Response

When the Part 1 Official Plan was adopted back in 2010, the initial boundaries of the Yonge Bernard KDA were established at a high level only.. In general, the location of the KDA and the boundaries were established on the basis of the ability to see intensification and redevelopment occur inward from Yonge Street, including a streets and blocks pattern. The ability to develop inward from Yonge Street rather than simply in a linear corridor-like manner along Yonge Street is one of the defining characteristics

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of the KDA which sets it apart from the Regional Mixed Use Corridor along other parts of Yonge Street.

In an attempt to provide for more clarity for the western and northern boundaries of the Secondary Plan on the west side of Yonge Street - boundaries which would better implement the desired principles of appropriate transition to the neighbourhood, as well as providing an opportunity to have the tallest buildings in the Plan to be located on Yonge Street - staff recommend the northerly extension of Abitibi Street as the new western boundary in this area, and, and the proposed new street that runs west to east through the Yonge MCD property as the north boundary. It should be noted that despite the proposed inclusion of these lands within the KDA boundary, the overall forecasted growth of the KDA has not changed from the general assumption of build-out growth used by HDR in its transportation study, owing to how density is assigned to individual portions of the KDA.

Height and Density

As noted above, many of the comments provided by members of the public cited concerns with the proposed heights and densities identified in the modified Secondary Plan and implementing Zoning By-law. Concerns were raised by residents that live in the vicinity of the KDA that height and density permissions in the KDA of up to 30 storeys and 4.0 FSI overall are too high, and that the resulting gross density of 523 people and jobs per hectare (net density of 650 people and jobs per hectare) is unprecedented in York Region and not necessary for this area of the City. Residents have also cited concerns that the level of density proposed is more appropriate for areas that are served by higher-order transit like a subway, and not by bus rapid transit.

In contrast, landowners within the KDA, who are also appellants to the Secondary Plan and Zoning By-law, have confirmed their general support for the proposed increases to the heights and densities identified in the Secondary Plan and Implementing Zoning By-law. In so doing, however, some requested more clarification as to the basis for why heights in the KDA were proposed to be a maximum of 30 storeys and suggested that this was an arbitrary limit.

City Staff response:

The transportation and urban design analyses undertaken by the City found that from a planning, urban design and transportation perspective, densities greater than 3.0 FSI for the KDA overall could be supported along with building heights greater than 15 storeys. With respect to transportation needs and impacts, however, it was recognized that this would require certain improvements to existing conditions in order to accommodate such additional density. The increase in overall density from 3.0 FSI to 3.84 FSI is proposed to be subject to development being placed under a holding provision in order to ensure the provision of the necessary mix of use, infrastructure and transit modal split requirements. As described above, the allocation of density of 5.0 FSI along the Yonge Street corridor, together with a lesser density of 3.0 FSI in the interior character areas, ensures an appropriate transition of height and density from Yonge Street

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frontages to the existing surrounding Neighbourhood areas. Allocation of density to discrete areas of the KDA and the application of angular plane and other recognized and widely-accepted policies regarding built form, provide an appropriate and more flexible framework for regulating height and minimizing the resulting impacts on the surrounding neighbourhood, while still allowing for future development to be of high-quality architecture and to create a strong visual expression of the KDA as a destination with a clear identity as one of the City's major urban nodes. This is implemented accordingly through the proposed changes to the Zoning By-law, which establishes one Key Development Area (KDA) Zone with a range of uses and permissive development standards. In conjunction, the Zoning By-law also provides the gradation of density, minimum height prescriptions and angular plane requirement which will collectively facilitate a mix of uses and built forms on the KDA lands, while respecting the surrounding neighbourhoods and ensuring appropriate transition to them.

Providing a Mix of Residents and Jobs

In an effort to attempt to meet the Region's target residents to jobs ratio of 80:20 in the Bernard MTSA at full build-out, it was determined that there would need to be additional non-residential floor area added to the KDA. In order to meet the targeted ratio at full build-out of the KDA, staff considered a new policy in the Secondary Plan that would require 15% of most new development to be allocated to non-residential uses. However, comments received from the landowners raised numerous concerns and objections to this proposed requirement. Generally, landowners felt that it would be highly challenging to design most of their buildings with 15 percent of their floor area for employment uses in the absence of an assured market available to lease the non-residential space.

City Staff response:

The current ratio of residents to jobs in the KDA is close to 0:100 given that at present, the lands in the KDA are either commercial uses or undeveloped. As new development proceeds over time, much of the new gross floor area will be for residential uses. Depending upon the strength of the market for employment uses in the KDA, the balance between residential and employment uses will gradually skew towards residential.

In order to provide for a complete community, there needs to be a mix and range of uses, particularly shops and services to provide for existing and new residents of the area. The provision of employment also assists with reducing auto dependency and provides for a better transit modal split in the area, each of which help support new growth in the KDA.

To respond to the foregoing, City staff have developed and modified policies in the Secondary Plan and implementing Zoning By-law that will require at a minimum, that the existing amounts of non-residential floor area be maintained over time. Accordingly, any employment floor space on a property that is proposed to be demolished must be replaced. In this fashion, the current amount of employment floor space will not be reduced. The Secondary Plan policies also contain a policy to encourage new and additional employment floor space to be developed in all areas of the KDA. As the area

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population increases and corresponding markets for employment are developed, it is anticipated that new floor space for employment uses will follow. Furthermore, as a condition of removing the “hold” on lands within the KDA, the applicant is required to demonstrate how the mix of use policies are being implemented on their site.

Traffic and Congestion

Many area residents raised concerns with the amount of traffic and congestion that is perceived to be generated by the additional densities proposed in the modified Secondary Plan and implementing Zoning By-law. Their specific concerns include an increase in vehicular traffic, traffic accidents, pedestrian safety, and resulting congestion both within the KDA and into the adjacent neighbourhoods if the densities in the proposed Secondary Plan are permitted. In addition, area residents along Yorkland Street have cited concerns with increased traffic volumes along Yorkland Street and the connection to Justus Drive resulting from the levels of density proposed in the KDA, and the difficulty this would cause for gaining access to and from their residential driveways.

City Staff response:

The HDR report includes commentary regarding traffic safety and congestion. To improve traffic safety, there are many operational improvements that can be undertaken by the City and Region within their respective rights-of-way. The proposed street network and pedestrian/cycling paths within the KDA, once constructed, will be designed to ensure the safety of all users. The network identified in the schedules is designed to encourage and direct growth related traffic within the KDA away from the existing neighbourhoods and toward Yonge Street via a ring road system with multiple points of intersection with Yonge Street to minimize congestion at any one intersection. The road network represents the minimum that is required for new development to be accommodated. It is expected that private streets and pedestrian pathways will further augment and support this network. Finally, implementation of transportation demand management measures will also operate to reduce and minimize the generation of new vehicular traffic and the impact of new growth within the KDA.

Public Streets

Comments have been received regarding the public street network proposed for the KDA, as set out in the proposed February 2020 Secondary Plan. In particular, the landowners of 11005 Yonge Street (North Elgin Centre or NEC) have cited concerns with the public street that is shown to traverse through the plaza property which connects Bernard Avenue with Yonge Street and future signalized intersections at Yonge Street and at Bernard Avenue. The landowners of the plaza have raised concerns that there has not been any demonstrated need for a public street through their property and that they do not support a bypass road traversing through the property so as to serve external traffic, as this would undermine the future transit-supportive development aspirations proposed by landowners for the property.

In addition, area residents along Yorkland Street have cited concerns with the public street connection in the southeast quadrant, which links Yonge Street to Yorkland Street.

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Residents have raised concerns that this connection would enable more vehicular traffic to funnel onto Yorkland Street, thereby exacerbating congestion.

Furthermore, comments from some of the landowners continue to express a desire that underground parking garages and/or tunnels be permitted to locate under new public streets and parks by means of stratified ownership.

City Staff response:

Once again, the preferred road network identified for this KDA is designed as a ring-road system intended to serve as the primary points of access/egress for the new development blocks, in order to contain and direct growth related traffic within the KDA away from the existing Neighbourhoods and toward multiple points of signalized intersections along Yonge Street. In order to function coherently as an integrated whole, the proposed network requires an effective ring road system of public streets within all four quadrants, and private roads will function only to augment that system, not replace it in whole or in part. Moreover, the public streets within the KDA serve multiple purposes beyond just vehicular traffic. They provide a finer grid of connected streets to serve all types and levels of mobility, including transit, cyclists, and pedestrians. They provide new opportunities for storefronts, which animate streets and linkages and improve walkability of and social interaction within a community. These public streets also provide important sewer, water, storm sewer infrastructure that serves individual buildings and sites.

Staff also note that the comments from one of the appellants (North Elgin Centre) were specific to vehicular movements only; they did not speak to how commercial facilities on the site are accessed by the public, nor did they speak to how streets contribute to the overall community-building fabric of the KDA. In addition, staff note that the concept plan provided by North Elgin Centre (NEC) contemplates a future private street that, with the exception of providing underground parking below it, appears to provide the connectivity and proposed width envisioned in the Secondary Plan; as such, staff do not believe identifying the street as public has an impact of the applicant's proposed concept plan. In addition, details with respect to the municipal servicing have not been determined at this time. Accordingly, staff continue to support the identification of a local road in the northeast quadrant of the KDA no less than in the other three quadrants, as well as the associated signals and all-way stop controls proposed for it.

With respect to the Yorkland Street connection, the street network in the south-east quadrant has been modified from the original 2017 Secondary Plan. The connection to Yorkland is proposed to be removed, whereas the connection eastbound from Yonge Street which then swings northward to Bernard Avenue is planned to be a collector road. This will serve as part of the proposed ring road system to distribute traffic from new developments toward Yonge Street.

Policies in the Secondary Plan have also be modified in recognition of the approval by the then-OMB of Official Plan policies which prescribe right-of-way widths for various road typologies. As a result of this approval, within the KDA there is potential to build more narrow rights-of-way (i.e. 15 metres) given the associated urban form of development.

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With respect to accommodating underground parking under public streets and parks through stratification of ownership, the City has engaged consultants to undertake a further study to better understand the risks and opportunities of stratification, and other mechanisms whereby private and public uses can co-exist on the same area of land. Through that further process, the City will be in a better position to consider and determine appropriate policies and mechanisms to allow for such arrangements. Accordingly, with the proposed changes to the encroachment section (12.4.7), the Secondary Plan no longer specifically prohibits encroachment of any new development on public lands, such as stratified ownership. Rather, it leaves the door open to determine how, when and where that can be accommodated. Following the conclusion of the stratification study, staff will bring forward specific recommendations for Council's consideration. Should a recognized need be identified and should there be a need include a policy with respect to specific prohibitions or permissions for encroachment, it may be inserted by way of an amendment to the Part I Official Plan so that it can be applicable to all areas where it is desired/needed.

Potential Public Trails

Comments have been provided to Staff regarding the potential public trail link proposed for the KDA in the northeast quadrant, as set out in the proposed February 2020 version of Secondary Plan. In particular, the landowners of both 11005 Yonge Street (North Elgin Centre) and 70 Bernard Avenue have raised concerns with a proposed public trail traversing through their respective landholdings.

City Staff response:

While the February 2020 Secondary Plan had identified a "potential trail" within the Greenway system of the KDA lands, staff note that there already is an in-force policy in the Part I Official Plan that contemplates the City considering the development of trails within portions of the Greenway System, which is likely to be under public ownership. Accordingly, there is no need to identify such a trail within the Secondary Plan.

Public Schools

During the December 10, 2019 and March 3, 2020 public open houses, comments were received from area residents regarding concerns with the level of growth being generated by the planned densities in the KDA and specifically, the impacts this would have on local schools and their ability to accommodate new students. Area residents noted that area schools are already operating at capacity, and little information was provided as to whether the schools that serve the broader catchment area of the KDA have sufficient capacity to accommodate more student growth.

City Staff response:

Through the process to revisit the efficacy of the Secondary Plan and implementing Zoning By-law, City Staff contacted staff at both the York Region District School Board (YDSB) and York Catholic District School Board (YCDSB) to provide feedback on student accommodation requirements resulting from an increase in the planned growth for the KDA, as set out in the proposed modifications to the Secondary Plan. City Staff received

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responses from both school boards indicating that the proposed growth envisioned for the KDA, even with the further increase in densities now proposed, can be accommodated within the existing capacity of elementary schools that presently serve the KDA, and without triggering the need for additional schools sites within the KDA. However, the YDSB did raise concerns with the phasing/implementation of development within the KDA, and more specifically, whether the units forecasted for the KDA could be exceeded without the need for a update to the Secondary Plan. As noted above with respect to Bill 108, any further increase in the planned density of the KDA can only occur by way of an amendment to the Secondary Plan and implementing Zoning By-law. Any future increase in density would invariably be undertaken in consultation with the school boards, as is the case with all development applications.

Furthermore, Staff note that the Secondary Plan and Zoning By-law include provisions which place development under a holding provision so as to ensure the orderly development of growth within the KDA. These provisions allow for new development that would result in exceeding 10,400 residents and jobs combined in the KDA, to be “phased” with the timing of key transportation infrastructure and the achievement of specific transportation modal splits within and outside of the KDA. Accordingly, as the overall KDA density approaches its build-out capacity, the City will continue to engage with the school boards to ensure that they remain prepared to accommodate future growth within the KDA and beyond. The adopted versions of both the Secondary Plan and Zoning By-law have been modified to remove the locational requirements for schools, to be more permissive for schools to be established at appropriate locations anywhere within the KDA.

Housing

Comments were received regarding the housing policies set out in the Secondary Plan. The comments include a request for revisions to the policy requirement that 35% of new dwelling units in the KDA be affordable, by becoming less prescriptive and providing approximations rather than a specific minimum requirement. In addition, comments were received in support of the proposed requirement for 5% of units to contain 3 or more bedrooms.

City Staff response:

The provision of affordable housing within the KDA is an essential and inextricable component of the City’s ability to accommodate growth overall. The minimum 35% target was established by the Region through adoption of its Official Plan in 2010. This target was established through the Region’s Housing and Homelessness Plan. Annual monitoring reports by the Region indicate that the need for affordable housing continues to be a key issue for the Region overall and for the City of Richmond Hill in particular. The City’s 2019 Socio Economic report indicates that more than 35% of the City’s households are spending greater than 30% of their income on shelter, and 20.5% of households are actually spending more than 50% of their income on shelter. This indicates that there is indeed a shortage of affordable housing, and until that gap is addressed, the City is under a policy obligation to ensure that new development is indeed

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geared to all household income levels. Based on the York Region's 2019 report entitled "Housing Matters: A Review of the Housing Market in York Region", most bachelor and 1 bedroom apartment units are deemed "affordable" based on their sale value or rental fee. However, these unit types may not be suitable for all household types and sizes. As such, from both a policy conformity perspective and a real need perspective, Staff are of the opinion that it would not be appropriate or in conformity with Regional policy to reduce the Region's affordable housing target, nor minimize within this Secondary Plan the level of prescription provided in the Part I Official Plan policies.

Greenway, Parks and Urban Open Space System

Comments were received from the landowners in the northeast quadrant of the KDA regarding the Greenway and open space system within that part of the KDA.. In particular, the landowners of 11005 Yonge Street (North Elgin Centre) and 70 Bernard Avenue have raised concerns with the Greenway System shown on the Schedules to the proposed Secondary Plan (Appendix A) and the Open Space zone shown on the Implementing Zoning By-law (Appendix B) applicable to the NEC lands. The landowners note that there is a well-defined drainage channel which exists to the rear of the plaza lands along the north side of the NEC property that is not accessible to the public. They contend that the full extent of the NEC property should be considered developable and should not be designated Greenway System in the Secondary Plan or zoned Open Space in the Zoning By-law, and that no supporting rationale has been provided by City Staff or the TRCA so as to warrant designating such lands as hazardous or within a floodplain.

City Staff response:

The Greenway system is identified in the in-force Part I Official Plan, and the area in question is designated Natural Core in the Official Plan. The Greenway System is derived from the watercourse and the natural features both within and near it. In 2017, Savanta noted that there were natural heritage features in this area and recommended applying the Oak Ridges Moraine Conservation Plan minimum vegetative protection zone buffers to those features. Since then, the City and TRCA have reviewed updated and more detailed natural heritage evaluation information regarding these features which was detailed in a report prepared for a development application immediately north of the channel. Based on that report, TRCA and City staff have determined that a 10 metre minimum vegetation protection zone (MVPZ) is appropriate in relation to the permanent stream and wetland associated with the channel.

Accordingly, in the proposed changes to the implementing KDA Zoning By-law, the Open Space Zone for this quadrant now reflects a 10 metre MVPZ to the channel wall, whereas the original adopted 2017 Zoning By-law had applied 30 metres. It is acknowledged that the Part I Official Plan may permit a reduction in the MVPZ where a development application provides a Natural Heritage Evaluation which demonstrates to the satisfaction of the City and TRCA that a reduced buffer would continue to ensure no negative impact to the feature and/or its function.

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With respect to the floodplain, the natural hazard policies in the Part I Official Plan apply. Those policies require a minimum buffer of 10 metres from the outer limits of the hazard lands. To address comments from the landowners in the northeast quadrant, City and TRCA staff understand the landowners' request to consider more urban floodplain control measures which could minimize the necessary buffer to the hazard lands associated with the existing channel, and which could also minimize the resulting constraints on development. The in-force Part I Official Plan (which applies on a City-wide basis) requires a minimum 10 metre buffer in relation to the hazard lands associated with the channel. The Part I OP contemplates a potential increase in the size of the required buffer, but it does not contemplate any reduction thereto. However, City staff and TRCA are agreeable in principle to the concept of a reduced buffer as it relates to the Bernard KDA lands, subject to demonstration through the appropriate technical studies that such a reduction will not pose a risk to human health and safety or property, that it will not adversely impact upon adjacent properties or infrastructure, and that it will not have a negative impact on the adjacent key natural heritage features or key hydrological features and/or their functions.

As such, the revised Secondary Plan includes a new policy (policy 12.2.1 (3)), which was developed collaboratively between City staff and TRCA, that will allow flexibility in the determination of the appropriate buffer to the existing hazard lands within the Bernard KDA. This Policy allows the buffer to be reduced as part of any application for proposed development or site alteration subject to the proponent demonstrating to the satisfaction of the City and the Conservation Authority through a Geotechnical Study, Natural Heritage Evaluation and/or Floodplain Assessment that the proposed development or site alteration will not pose a risk to human health and safety or property, that it will not adversely impact upon adjacent properties or infrastructure, and that it will not have a negative impact on the adjacent key natural heritage features or key hydrological features and/or their functions.

Only through such detailed studies can it be determined with any certainty how much of a reduced buffer can be accommodated for proposed new development. In the absence of such detailed information being provided through a specific development application, and in the absence of the detailed studies required to both evaluate the detailed impacts of a reduced buffer and recommend the extent of the buffer that remains necessary based on the specific form and scale of development proposed, both City Staff and TRCA are of the opinion that it would be premature to consider any further reduction from the 10 metre buffer now proposed or to eliminate that proposed buffer altogether. Rather, in the opinion of Staff and the TRCA, the flexible policy now proposed as part of the changes to the Secondary Plan provides an appropriate balance between the need to accommodate the densities now proposed in the KDA, both on individual parcels and across the KDA overall, and the need to ensure that new development or site alteration will not pose a risk to human health and safety or property, that it will not adversely impact upon adjacent properties or infrastructure, and that it will not have a negative impact on the adjacent key natural heritage features or key hydrological features and/or their functions.

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Holding Provision (Holding By-law) and Development Thresholds

Through the engagement process, comments were received from landowners, residents and other stakeholders regarding the need for proposed modifications to the Secondary Plan and Implementing Zoning By-law to include policy direction and provisions related to the use of a holding symbol (“H”) on development, in accordance with Section 36 of the Planning Act.

City Staff response:

As noted above, the use of a holding (H) provision within the Zoning By-law and in accordance with clear and specific criteria to guide the lifting of the holding provision, ensures the orderly development of the KDA. This provision allows for development to occur at higher densities than what was contemplated when the KDA was first established under the Part I Official Plan in 2010, and also in 2017 when the Secondary Plan was first adopted. Through the use of the Holding provision, Council has the necessary planning tools to ensure that the KDA can be built-out at a higher level of density while still ensuring that the necessary infrastructure and desired levels of transit-oriented development are both achievable and implemented. The thresholds provided in the Secondary Plan as criteria to guide the lifting of the Holding provision are directly tied to the findings of the HDR transportation report. Should it be determined at some point in the future that the Holding provision is no longer required, Council can decide to amend the Secondary Plan and Zoning by-law accordingly.

When this policy was first proposed, City staff used FSI density as a preliminary threshold. However, after speaking with area residents, staff are now proposing to use combined residents and jobs as the guiding threshold, which is more consistent with the assumptions used by HDR as noted above in the Transportation Analysis section of this report. If FSI was used as the threshold and residential units were ultimately smaller or floor space ratios for employees were lower, the resultant number of residents or jobs could be greater than anticipated. By contrast, if actual persons and jobs are used as the threshold, there would then be much less potential for the threshold to be exceeded.

Staff are also proposing that the Holding policy and implementing zoning by-law provisions also include consideration of the mix of use within the KDA, consistent with HDRs assumptions regarding the mix of residents and jobs that were forecasted for the KDA. As such, in addition to demonstrating that the modal split and transportation infrastructure improvements thresholds are met, the development proponent is also required to demonstrate that the mix of use policies of the Secondary Plan are being implemented as required on the site, before the Hold is lifted.

Proposed Changes to the Yonge/Bernard KDA Secondary Plan and Implementing Zoning By-law - Schedules

Key changes reflected in the proposed revisions to the Secondary Plan and implementing Zoning By-law schedules are summarized in Table 2 below.

Table 2: Proposed Modifications to Secondary Plan and Implementing Zoning By-law Schedules Recommended to Council

Theme	Proposed Modification to Secondary Plan	Proposed Modification to Implementing Zoning By-law
KDA Boundary	<p>That Schedules 1-4 be modified to refine the KDA boundary in the northwest quadrant of the KDA to reflect the latest approved concept for the street connecting Brookside Road to Naughton Drive and to Yonge Street.</p> <p>Rationale: The boundary of the KDA in the northwest quadrant has been modified to provide a clear delineation of the KDA boundary that is framed by existing and proposed streets. Given the way in which angular plane is measured, this expansion also permits taller buildings fronting on Yonge Street within this quadrant, while continuing to maintain appropriate transition to the Neighbourhood along the street edge.</p>	<p>That Schedules A-D in the Zoning By-law be modified to refine the KDA boundary in the northwest quadrant of the KDA.</p>
Character Area/KDA Zones	<p>A new Character Area schedule (Schedule 1) is introduced to illustrate the Character Area policies of the Secondary Plan. This schedule also provides contextual elements such as planned streets, parkland and the general area of the Greenway System per Schedule A2 land use designations of the Official Plan.</p>	<p>Schedule “A” has been modified to depict a “KDA” zone whereas previously Schedule “A” depicted two zone categories “KDA1” and “KDA2”. The proposed modification recognizes that a range of uses and built forms can be achieved through one zone category and related provisions would guide the location and forms of development accordingly.</p> <p>Furthermore, and as noted above, the Open Space Zone in the northeast quadrant has been reduced to a 10 m width.</p>
Height	<p>Schedule 2 is modified to remove the numeric maximum building height limits and rely on the policies of the Secondary Plan such as: angular plane, built-form, shadowing, transition, minimum building height, and</p>	<p>Schedule “C” is modified remove the numeric maximum building height limits.</p> <p>Schedule “D” Angular Plane is modified to identify the locations from which angular plane is to be measured based on changes to the KDA boundary.</p>

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Theme	Proposed Modification to Secondary Plan	Proposed Modification to Implementing Zoning By-law
	allocated density, to control height instead.	
	<p>Rationale: While the February 14th proposed Secondary Plan and Zoning By-law identified various maximum building heights across the KDA, the same results can be achieved without having to identify them in dimensioned bands across the KDA. The proposed policy led framework provides much greater flexibility to allow an array of building heights while respecting transition to the Neighbourhood provided by angular plane controls. This approach will allow for flexibility and adaptability in community and urban design.</p>	
Maximum Density	Schedule 2 is modified to allocate density from 1.0 FSI – 5.0 FSI to specific areas of the KDA.	Schedule “B” of the ZBL is modified to allocate density from 3.0 FSI – 5.0 FSI to specific areas of the KDA. (Areas subject to 1 FSI in the Secondary Plan are not located within the this zoning by-law.)
	<p>Rationale: Given changes to the Planning Act and to provide greater certainty for the development industry and area residents and businesses, the proposed density reflects true maximums, as opposed to maximums that could be exceeded through a City and development proponent negotiated agreement. The proposed maximum FSIs are based on Character Area descriptions, approved development in the southwest quadrant, urban design policies and principles, and, take into consideration future streets and/or linear parks to distinguish between character area. The overall density does not exceed 3.84 and has been confirmed to be supportable from a transportation and infrastructure perspective.</p>	
Parks and Urban Open Space	Schedules 3 and 4 are modified to envision the parks and urban open space system in the KDA as a series of linear parks (with minimum widths) and privately-owned, publicly accessible spaces such as urban plazas.	No modification to Zoning By-law. Parkland is a permitted use under the public authority provisions of the By-law which apply to the KDA Zone.
	<p>Rationale: Proposed modifications reflect feedback received based on public open house and technical advisory team comments whereby the KDA is proposed to rely on linear parks and urban plazas (private open space accessible to the public) to provide more flexibility. The urban square in the southwest quadrant is proposed to be removed based on</p>	

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Theme	Proposed Modification to Secondary Plan	Proposed Modification to Implementing Zoning By-law
	negotiations with the landowner wherein an expansion to Toll Bar Park was secured.	
Transit Terminal	Schedule 4 is modified to link to policy 12.4.2 to provide additional clarity that the ultimate location of the Bernard Bus Terminal shall be determined in consultation with the transit authority and that additional land required to support the terminal shall be dedicated to the Region in accordance with the provisions of the Planning Act.	No modification to Zoning By-law. Transit lines, railways and related facilities are permitted uses under the public authority provisions of the By-law which apply to the KDA Zone.
	Proposed modifications are intended to provide greater clarity with respect to the future bus terminal to ensure the facility is designed to maximize its utility and efficiency. The proposed modifications are intended to clarify that the design of the facility will be determined through a collaborative process among the development proponent, the City and the Region (transit authority), and that in accordance with sections 51 of the Planning Act, any additional land required for the terminal will be dedicated to the Region/transit authority.	
Street Network	Proposed modifications to Schedule 4 reconfigure the street network in the southeast quadrant, creating a collector street that connects Yonge Street to Bernard Avenue, and no street that connects the new street to Yorkland Street.	No modification to Zoning By-law. Public highways are a permitted use under the public authority provisions of the By-law which apply to the KDA Mixed Use Zones.
	Rationale: The street network in the southeast quadrant is proposed to be modified whereby the road between Yonge Street and Bernard Avenue is comprised of a direct route and designated as a collector street. The link connecting to Yorkland Street and Justus Drive is removed, with the expectation the connection would continue as a private driveway, as it is today. This change in addition to the linear park extending to Yorkland creates a number of clear development blocks within the KDA, while providing porosity and connectivity; as well as essential services for new development within the street network.	

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Theme	Proposed Modification to Secondary Plan	Proposed Modification to Implementing Zoning By-law
Active At Grade Frontage	Remove notation from Canyon Hill and the Leyburn extension in the southwest quadrant.	Revise the definition to be in accordance with the Secondary Plan Schedule 4.
	Rationale: In response to comments received from the landowner in the southwest quadrant who presently has a development application in process with the City. The landowner has indicated that the market for additional at grade non-residential GFA in bound from Yonge Street will be weak and highly difficult to lease	
Retention of existing non-residential GFA	No change.	Add a new schedule “E” to the by-law that identifies the current amount of non-residential GFA to be retained or replaced if demolished as a minimum requirement to uphold through redevelopment.
	Rationale: In accordance with the Secondary Plan and Growth Plan policies, the addition of this schedule assists the City to ensure that redevelopment proponents propose development that will achieve the intent of the Secondary Plan.	

In addition to the foregoing, staff notes that other proposed changes to the Zoning By-law are generally intended to implement the LPAT approval from April 2020, provide for greater clarity and consistency amongst various provisions, implement the Secondary Plan policies, address appellant issues, provide for more permissive zoning provisions and implement urban design guidelines. Please refer to Appendix B of this report for further details.

Proposed Complementary Modifications to the Part I Official Plan

Under the Planning Act, the proposed changes to the Secondary Plan and implementing Zoning By-law must also satisfy the test of conformity with the Part I Official Plan. As such, in order to support the approval and implementation of the proposed changes, corresponding modifications to the City’s Part I Official Plan which complement those changes are required. The specific modifications which are proposed by Staff for endorsement by Council and consideration and approval by LPAT are set out in Appendix C to this report. These proposed changes are also intended to resolve the outstanding appeal to the Part I Official Plan by TSMJC Properties Inc., which was consolidated with the Secondary Plan and Zoning By-law appeals. If approved by the Tribunal, it will serve

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to ensure that the proposed changes to the Secondary Plan and Zoning By-Law maintain conformity with the Part I Official Plan.

Consistency with Provincial Policy Statement and Conformity with Provincial Plans and York Region Official Plan:

The Yonge/Bernard KDA Secondary Plan and Zoning By-law is required to be consistent with the Provincial Policy Statement and to conform with and implement to the planning direction in the Provincial Growth Plan and the York Region Official Plan. At the time of preparing this report, the following are the in-force Provincial policy documents:

- Oak Ridges Moraine Conservation Plan, 2017 (which was also in effect at the time of adoption of the original 2017 Secondary Plan and zoning by-law; A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019), which came into effect after adoption; and
- The Provincial Policy Statement, 2014 (in effect at the time of adoption; however, the Provincial Policy Statement, 2020 is in effect as of May 1, 2020).

Provincial and Regional Policy Regime

The Provincial Policy Statement (PPS, 2014) sets the policy foundation for land use planning in the Province of Ontario. It is complemented by the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2019), which focuses on the land use challenges and opportunities of the region, and the *Oak Ridges Moraine Conservation Plan* (ORMCP, 2017), which focuses specifically on protecting the moraine's ecological and hydrological features and functions.

At the time of preparing this report, the in-force version of the PPS with which consistency must be demonstrated is the PPS 2014. However, Staff note that as of May 1, 2020, the PPS 2020 will be in effect. Accordingly, the analysis in Appendix J provides commentary on how the proposed SP, ZBL and OP policies are consistent with relevant policies of both the PPS 2014 and the PPS 2020.

Appendix K provides an in depth analysis of how the proposed Secondary Plan, Zoning By-Law and Official Plan conform with relevant policies of the Growth Plan 2019.

With respect to the Oak Ridges Moraine Conservation Plan, the majority of the KDA is also located within the Oak Ridges Moraine and therefore subject to the provisions of the Oak Ridges Moraine Conservation Plan, 2017. These lands are designated "settlement". The ORMCP directs that settlement areas accommodate growth and support intensification. The ORMCP directs that the key natural heritage and key hydrological feature policies and water balance policies be implemented within the settlement area. It is important to note that there are two prominent natural heritage

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features within the Bernard KDA. This includes the German Mills Creek and the Rouge River valley lands which extend to the northerly and southwest quadrants of the KDA respectively. Both of these natural areas frame the edges of the KDA and include lands that are located on the Oak Ridges Moraine, which are designated Natural Core within the City's Official Plan. Accordingly, minimum vegetation protection zones (buffers) have been applied to the meander belt of German Mills Creek and Rouge River, and woodlands and wetlands adjacent to or within the study area that are deemed "significant" in accordance with the ORMCP technical guidelines. Through a more detailed natural heritage evaluation at the time of a development application, the limits of a feature and their associated buffers are to be more precisely defined. Furthermore, the Secondary Plan's Enhanced Right of Way policies are intended, in part, to ensure that appropriate consideration is given to water balance, for this reason there is an emphasis on the provision of low impact development elements within or adjacent to the right of way.

With respect to the Region's Official Plan 2010, the Regional Official Plan provides overarching policy direction to local municipalities in York Region on many important regional and provincial policy objectives which include, among other matters, direction for managing growth, intensification and planning around transit station areas, employment, housing, natural heritage and infrastructure. The Region is presently undertaking a municipal comprehensive review of its Official Plan, which will culminate in an update of the ROP that will include updated population and job growth forecasts to 2041, related intensification targets for each lower-tier municipality, and other policy direction to ensure conformity to the Provincial Plans and consistency with the Provincial Policy Statement. Together, these documents provide direction on growth management, transportation, infrastructure, urban form, housing, natural heritage and resource protection that are relevant to the Yonge and Bernard KDA. As is noted in the aforementioned, changes to the SP and ZBL are proposed to not only implement the in effect policies of the Regional Official Plan, but also to address forthcoming changes resulting from the Region's current municipal comprehensive review work to ensure the ROP conforms with Provincial policy direction. A review of relevant in force policies of the ROP is provided in Appendix L, to demonstrate conformity with the ROP.

A full analysis of the relevant policies contained in the Provincial Policy Statement, 2014 and 2020, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, 2019, and the York Region Official Plan, 2010 in relation the KDA Secondary Plan and Implementing Zoning By-law, can be found in the Appendices J, K and L to this staff report. This analysis demonstrates that the proposed Secondary Plan and implementing zoning by-law, along with the proposed amendment to the Official Plan conform with the Provincial and Regional Plans, and that they are consistent with the Provincial Policy Statement.

Next Steps:

The proposed changes to the Secondary Plan (Appendix A), Implementing Zoning By-law (Appendix B), and Part I Official Plan (Appendix C) are recommended by City Staff

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as modifications to all three planning instruments and are being brought forward to Council for endorsement. A previously-scheduled hearing before the LPAT may proceed as early as July 2, 2020. Should Council support the proposed modifications to the Secondary Plan, implementing Zoning By-law and Part I Official Plan in accordance with Staff's recommendations and as attached to this report, appropriate City Staff and Legal counsel will need to appear before the LPAT in support of Council's direction. However, should the Tribunal decide following the upcoming status hearing on May 7, 2020 that the balance of the hearing dates from July 2nd to 10th are either already deemed to be adjourned or should now be adjourned, Staff will advise Council of any new hearing dates..

Financial/Staffing/Other Implications:

The approved Planning and Regulatory Services Department Capital Budget includes funding for this project.

Relationship to the Strategic Plan:

The Yonge/Bernard KDA Secondary Plan and Implementing Zoning By-law are one of the Secondary Plan/Zoning By-laws to be completed in order to implement the City's Official Plan. The Secondary Plan and Zoning By-law address each of the goals of the Strategic Plan – A Plan for People, a Plan for Change as follows:

Stronger Connections in Richmond Hill

The proposed changes to the Secondary Plan and Zoning By-law and Part I Official Plan will provide land use and design policies that encourage mixed-use, pedestrian-friendly, transit-supportive, sustainable redevelopment to create a Centre where people of all ages can live, work and play. The Secondary Plan and Zoning By-law will also establish public realm policies to guide the creation of public art, parks, urban plazas and streetscapes to enhance the pedestrian connections in the KDA.

Better Choice in Richmond Hill

The proposed changes to the Secondary Plan, Zoning By-law and Part I Official Plan will facilitate land use policies and standards that encourage a mix of population and employment uses in the 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 and Zoning By-law will enhance the image of the KDA by establishing a place making vision for this Centre, building on the area's existing role as a commercial/retail centre that is served by bus rapid transit along Yonge Street and proximity to the Bernard Bus terminal.

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Wise Management of Resources in Richmond Hill

The proposed changes to the Secondary Plan, Zoning By-law and Part I Official Plan will promote sustainable development creating opportunities for an improved live-work balance and providing public realm policies and standards to enhance walkability.

Conclusion:

This staff report recommends that Council endorse the proposed changes to the Secondary Plan, Zoning By-law, and Part I Official Plan identified in Appendices A, B and C, respectively. With Council's endorsement, staff will be in position to support and defend these planning instruments at the upcoming LPAT hearing as a means to implement Council's direction for the KDA. The proposed changes address many of the comments received from the public, landowners, and public agencies. Moreover, the proposed changes proactively implement in-force changes to Provincial policy and emerging changes to Regional planning policy, particularly as it relates to transit-oriented development.

Attachments:

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

Appendices

Appendix A – Revised Yonge/Bernard KDA Secondary Plan (with commentary and track changes)

Appendix A.1 – Proposed Secondary Plan (clean, no track changes)

Appendix B – Revised Yonge/Bernard KDA Implementing Zoning By-law (with commentary)

Appendix C – Part I Plan Modifications (which resolve outstanding TSMJC appeal to the Official Plan adopted in 2010)

Appendix D – May 14, 2019 Council Resolution

Appendix E – April 16, 2019 Council Resolution

Appendix F – Local Planning Appeal Tribunal Decision dated April 20, 2020

Appendix G – Final Transportation Report by HDR, April 2020

Appendix H – Population and Job Forecast and Assumptions for the KDA

Appendix I – List of Comments Received on Proposed Modifications to the KDA Secondary Plan and Implementing Zoning By-law

Appendix J – Provincial Policy Statement, 2014 and 2020 Analysis

Appendix K – A Place to Grow, Growth Plan 2019 for the Greater Golden Horseshoe
Analysis

Appendix L– York Region Official Plan, 2010 Analysis

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Report Approval Details

Document Title:	SRPRS.20.058_BernardKDA.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.20.058_AppA_SecondaryPlan_AnnotatedText.pdf- SRPRS.20.058_AppA1_SecondaryPlan.pdf- SRPRS.20.058_AppB_ZoningByLaw_Annotated.pdf- SRPRS.20.058 Appendix C-DraftOfficialPlanAmendment.pdf- SRPRS.20.058 Appendix D-Council Motion_May 14 2019.pdf- SRPRS.20.058 Appendix E-Council Motion_April 16 2019.pdf- SRPRS.20.058 Appendix F-LPAT-April17_2020.pdf- SRPRS.20.058_AppG_TransportationReport_Final.pdf- SRPRS.20.058_AppH_Forecast.pdf- SRPRS.20.058 Appendix I-Submissions.pdf- SRPRS.20.058_AppJ-PPS2014and2020.pdf- SRPRS.20.058_AppK_GrowthPlan.pdf- SRPRS.2.058_AppL-ROPconformity.pdf
Final Approval Date:	May 4, 2020

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

Patrick Lee - May 2, 2020 - 1:16 PM

Kelvin Kwan - May 2, 2020 - 2:52 PM

MaryAnne Dempster - May 4, 2020 - 11:33 AM