

October 4, 2022

By E-Mail to Andrew.doersam@ontario.ca

Honourable Minister Steve Clark
Minister of Municipal Affairs and Housing
c/o Andrew Doersam
Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

Dear Minister Clark:

**Re: 2022 Adopted York Region Official Plan
Comments of Condor Properties and Metrus Properties
Bridge and High Tech Transit Oriented Communities**

We are counsel to Condor Properties and Metrus Properties, which control lands within the Province's planned Bridge Transit Oriented Community ("TOC") in the City of Markham and High Tech TOC in the City of Richmond Hill.

We are writing to provide our clients' comments and requested modifications in respect of the new 2022 York Region Official Plan ("YROP"), which was adopted by the Region on June 30, 2022 and forwarded to you for approval.

Background

On April 14, 2022, you issued Minister's Zoning Orders ("MZO") for the High Tech TOC (O. Reg. 344/22) and the Bridge TOC (O.Reg. 345/22). The MZOs provide permissions for a range and mix of residential, commercial and institutional uses to support the development of vibrant, higher density, mixed use communities that will support the Province's investments in transit.

Collectively, the High Tech and Bridge MZOs provide for over 3.6 Million square metres of GFA comprised of a mix of residential uses, primarily in the form of high density apartment buildings, and non-residential uses, including office and community facilities. The Bridge TOC is anticipated to provide housing for 35,653 people within 20,490 units and 9,405 jobs for a combined density of 1,774 people and jobs per hectare. The High Tech TOC is anticipated to accommodate 36,743 people in 21,116 units and provide for 9,565 jobs for an overall density of 2,304 people and jobs per hectare.

Prior to the adoption of the new YROP, we filed written submissions with the Region's Committee of the Whole outlining how certain of the policies and underlying assumptions of the YROP, particularly those related to growth planning in the Major Transit Station Areas ("MTSA") and Regional Centres, do not reflect the level of growth and density that is planned for the TOCs. In this correspondence, we identified revisions that should be made to the YROP to more closely reflect the Province's intentions for the development of the TOCs as established through the MZOs. A copy of our May 18, 2022 comment letter is attached.

Unfortunately, our clients' comments and requested revisions were not addressed prior to the adoption of the YROP.

Requested Modifications

In order to ensure that the Region's planning and growth management policy framework is aligned with and appropriately implements the Province's vision for the Bridge and High Tech TOCs and its significant investment in new transit infrastructure within the Region, modifications to the YROP are needed. Accordingly, our clients request that, prior to approval, you modify the policies and maps of the YROP, as set out in our attached comment letter.

Further, to ensure that the planning framework for the Bridge and High Tech TOCs is coordinated across all levels of government, our clients also ask that you request the Cities of Markham and Richmond Hill to update their Official Plans and applicable Secondary Plans in accordance with the MZOs and the YROP, as we have requested it to be modified, on a priority basis. These updates are important to ensure a consistent and comprehensive planning framework that will facilitate the implementation of the MZOs and the timely delivery of much needed homes, jobs and transit infrastructure within the Region. Pursuant to s.27(1) of the *Planning Act*, the Cities' Official Plans should be updated within one year of your decision to approve the YROP.

Thank you for your review and consideration of these comments. Our clients would be pleased to meet with Ministry staff to further discuss how the YROP and the lower-tier Official Plans can be updated to reflect the future development of the Bridge and High Tech TOCs as permitted by the MZOs.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid

copy: Clients
Messrs. Peter Smith and David Charezenko, Bousfields Inc.
Messrs. Andrew Ferancik and Kevin McKrow, WND Associates

May 18, 2022

By E-Mail Only to RegionalClerk@york.ca and futureyork@york.ca

Committee of the Whole
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Regional Chair Emmerson and Members of the Committee:

**Re: Public Meeting – May 19, 2022
2021 Draft Updated York Region Official Plan (“Draft YROP”)
Submission Letter – Bridge and High Tech Transit Oriented Communities**

We are counsel to Condor Properties and Metrus Properties, which control lands within the Province’s planned Bridge Transit Oriented Community (“TOC”) in the City of Markham and High Tech TOC in the City of Richmond Hill.

As you know, the Minister of Municipal Affairs and Housing (“Minister”) issued Minister’s Zoning Orders (“MZO”) for the High Tech TOC (O. Reg. 344/22) and the Bridge TOC (O.Reg. 345/22) on April 14, 2022. The MZOs provide permissions for a range and mix of residential, commercial and institutional uses to support the development of vibrant, higher density, mixed use communities that will support the Province’s investments in transit.

Collectively, the High Tech and Bridge MZOs provide for over 3.6 Million square metres of GFA comprised of a mix of residential uses, primarily in the form of high density apartment buildings, and non-residential uses, including office and community facilities. The Bridge TOC is anticipated to provide housing for 35,653 people within 20,490 units and 9,405 jobs for a combined density of 1,774 people and jobs per hectare. The High Tech TOC is anticipated to accommodate 36,743 people in 21,116 units and provide for 9,565 jobs for an overall density of 2,304 people and jobs per hectare.

Our clients and their land use planning consultants have reviewed the Draft YROP in the context of the recently approved MZOs for the two TOCs. As the Draft YROP was prepared prior to the issuance of the MZOs, some of the policies and underlying assumptions, particularly those related to growth planning in the Major Transit Station Areas (“MTSA”) and Regional Centres do not reflect the level of growth and density that is planned for the TOCs. In addition, the Draft YROP would benefit from revisions to more

closely reflect the Province's intentions for the development of these TOCs, as established through the MZOs. Our clients' more detailed comments follow.

Comments on Draft YROP

Growth and Intensification

The Draft YROP establishes population and employment forecasts in Table 1 and intensification unit targets in Table 6 for the Region as a whole and for each of Markham and Richmond Hill to the time horizon of 2051. While the Region's Municipal Comprehensive Review ("MCR") identified the Richmond Hill/Langstaff Gateway Centre to accommodate a significant share of the growth and intensification to 2051 for each of Markham and Richmond Hill, the assumptions which informed these forecasts would not have accounted for the higher densities approved for the Bridge and High Tech TOCs through the MZOs.

Appendix 2 identifies the Region's MTSA's and their minimum density targets. For MTSA 13 Langstaff GO Station and MTSA 14 Langstaff Longbridge Subway Station, which include the Bridge TOC, and MTSA 50 Richmond Hill Centre Subway Station, which includes the High Tech TOC, the proposed minimum density targets are 400 people and jobs per hectare. These minimum targets are significantly lower than the anticipated densities permitted through the Bridge and High Tech MZOs.

The policies of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") make it clear that population and employment growth forecasts, intensification targets and MTSA density targets are minimums which can and should be exceeded. The development of the Bridge and High Tech TOCs will contribute to the achievement, and likely exceedance, of the Draft YROP's growth forecasts and targets.

As the Bridge and High Tech TOCs build out over time, it will be important for the Region to ensure that infrastructure and services are planned and delivered in a manner that is coordinated with the TOC development and which supports the transit infrastructure investments.

Activity Rates

The Draft YROP proposes an activity rate of 1 job for every 2 residents Region-wide (policy 2.3.3.2) and within Regional Centres (policy 4.4.1.6). The MZOs for the Bridge and High Tech TOCs establish maximum and minimum GFAs for residential and non-residential uses which will not meet the proposed resident-to-employee ratio target of 2:1 for the Richmond Hill/Langstaff Gateway Centre.

Affordable Housing

The Draft YROP includes policy direction that a minimum of 35% of new housing in Regional Centres and MTSAs be affordable housing (policy 2.3.2.3) with such requirements to be established through local secondary plans and implementation strategies (policies 4.4.23, 4.4.24, 4.4.29). The MZOs address the provision of affordable housing in the Bridge and High Tech TOCs, which provisions take precedence over any inclusionary zoning policies or requirements that the Region, Markham or Richmond Hill may impose in the future.

Schools

The MZOs provide for public schools to be located in blocks adjacent to public parks, consistent with the intention expressed in draft policy 2.3.12 regarding the planning and design of schools as part of complete communities. However, the MZOs also require that public schools within the TOCs will be provided as vertical or urban schools integrated into the base of multi-storey buildings. Draft policy 2.3.12 should be modified to recognize the urban school concept as part of the complete communities in the TOCs.

Mapping

On Map 2, a portion of the Bridge TOC, which currently contains a section of Pomona Mills Creek, is proposed to be identified within the Regional Greenlands System. Attached is an annotated version of Map 2 which depicts this area.

The development of the Bridge TOC will require elevated grading across the TOC to facilitate the Province's approved alignment of the Yonge North Subway Extension ("YNSE") through the centre of the TOC lands. As a result, the Pomona Mills Creek Park can no longer be designed and implemented as originally envisioned in Markham's Langstaff Gateway Secondary Plan. Instead, a portion of the open Pomona Mills Creek channel will be covered and will become part of a new public park, which exceeds the size of the originally planned Pomona Mills Creek Park. This area is zoned Open Space 1 Exception in the Bridge MZO, which permits the proposed park use.

Accordingly Map 2 should be updated to reflect the Bridge MZO and future park use by removing the identification of the Regional Greenlands System from the Bridge TOC area.

Map 10 Rapid Transit Network shows an outdated version of the route alignment for the YNSE and does not properly identify the location of the future Bridge and High Tech stations. Map 10 should be updated to reflect the Province's current plans.

Similarly, the mapping for MTSAs 13 and 14 in Appendix 2 should be updated to identify the current YNSE route alignment and future Bridge station and delineate the MTSA boundaries consistent with those for the Bridge TOC.

Our clients thank the Committee for your review and consideration of these comments. They and their land use planning consultants would be pleased to meet with Regional staff to further discuss how the Draft YROP can be updated to reflect the future development of the Bridge and High Tech TOCs as permitted by the MZOs.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid

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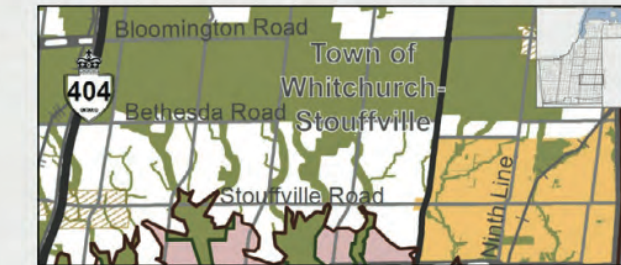
copy: Clients
Messrs. Peter Smith and David Charezenko, Bousfields Inc.
Messrs. Andrew Ferancik and Kevin McKrow, WND Associates

MAP 2 REGIONAL GREENLANDS SYSTEM

-  Regional Greenlands System
-  Urban Area
-  Towns and Villages
-  Future Urban Area
-  Hamlets
-  Area within ORMCP conditional upon amendments to Ontario Regulation 140/02*
- Greenbelt Plan**
 -  Greenbelt Plan Boundary
 -  Protected Countryside
 -  Urban River Valley
- Oak Ridges Moraine Conservation Plan**
 -  Oak Ridges Moraine Conservation Plan Boundary
 -  Countryside
- Provincial Highways**
 -  Existing
 -  Under Construction
- Municipal Boundaries**
 -  Regional Municipal Boundary
 -  Local Municipal Boundary

*Urban designations are conditional upon amendments to the ORM designations prior to adoption of the ROP.

Note: Should the Province refuse requested settlement area boundary expansions within the ORM, the following will be incorporated to reintroduce urban expansion on the Whitebelt lands in Whitchurch-Stouffville in accordance with Council direction of November 25, 2021.



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© Queen's Printer for Ontario 2003-2021, Includes Greenbelt and Oak Ridges Moraine Boundaries and Water Features

