



Report to: Development Services Committee

Meeting Date: April 25, 2022

SUBJECT: Provincial Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle

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Senior Planner, Policy and Research

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RECOMMENDATION:

1. That the report titled “Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle” be received;
2. And further that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide an update on the Provincial Bridge Station Transit Oriented Community (TOC) proposal by Infrastructure Ontario (IO) regarding the TOC Program Agreement-in-Principle.

BACKGROUND:

The TOC program is intended to facilitate the development of transit-oriented communities around transit stations along the Yonge North Subway Extension (YNSE) and other priority rapid transit lines in the Greater Toronto Area

To implement the TOC program, IO is partnering with developers to build high density housing and employment within walking distance of new transit stations, which will fund the construction cost of subway projects. The following TOC’s have been announced along the YNSE in York Region:

- Bridge (Markham)
- High Tech (Richmond Hill)

In addition, the following TOC’s have been announced along the Ontario Line in Toronto:

- Corktown Station block
- East Harbour
- Exhibition Jefferson site
- Exhibition Atlantic site
- First Parliament block
- King-Bathurst NE corner
- King-Bathurst SE corner
- Queen-Spadina NE corner
- Queen-Spadina SW corner

A Staff Recommendation Report introducing the Bridge Station TOC proposal and recommending several areas for improvement went to Development Services Committee (DSC) on January 24, 2022

The staff report titled "[City Comments on Provincial Bridge Station Transit Oriented Community Proposal, \(Ward 1\)](#)" recommended that the City not support the Bridge Station TOC as proposed, and detailed the following areas of concern:

- The Bridge Station TOC would result in much higher densities than envisioned in the Langstaff Gateway Secondary Plan;
- The Bridge Station TOC has not been planned comprehensively;
- A comprehensive transportation analysis and plan are required;
- The Bridge Station TOC would be a primarily residential community with inadequate non-residential uses, including employment uses;
- The provision of parkland is insufficient and further justification is required to cover Pomona Mills Creek. In addition, the acceptance of the Bridge park by CN and its technical feasibility remain to be confirmed;
- The proponent has not adequately planned for civic uses;
- Revisions are needed with regard to tower placement, development blocks, grading, and shadow impacts;
- No commitment has been made to affordable housing;
- Phasing, staging, and financial plans are required;
- Additional sanitary servicing and capacity allocation details are required; and
- Information is needed on how automated vacuum waste system (AVAC) and District Energy can be accommodated.

On January 25, 2022, Markham City Council adopted two resolutions related to the Bridge Station TOC proposal (see Appendix "A"). The resolutions stated that the City of Markham does not support the Bridge Station TOC proposal and requested that the Province immediately withdraw the TOC proposal. The resolutions further requested that the Province revise the Bridge Station TOC proposal to address several matters, should the TOC proposal not be withdrawn. Markham Council adopted a third resolution related to the Bridge Station TOC on March 29, 2022 (see Appendix "B"), which requested that the Province comprehensively plan the remainder of the lands in and around the Langstaff Gateway Secondary Plan and Richmond Hill Secondary Plan area and commission a Blue-Sky Planning Exercise for the Richmond Hill/Langstaff Urban Growth Centre (including burying the hydro transmission lines and relocating the stormwater management pond). All three resolutions were forwarded to the Ministries of Infrastructure, Municipal Affairs and Housing, and Transportation; and Infrastructure Ontario.

OPTIONS/ DISCUSSION:**The Province announced Royal Orchard as a confirmed fifth station along the YNSE on April 20, 2022**

During an announcement on the Bridge Station and High Tech Station TOC's, the Premier confirmed that as a result of TOC proceeds, it will fund and build an additional transit station at Royal Orchard.

The Province has not revised the Bridge Station TOC proposal in response to Markham Council resolutions

Staff maintain that the Bridge Station TOC should be better aligned with the vision of the Langstaff Gateway Secondary Plan (OPA 183) to create a complete, vibrant and sustainable community with an appropriate mix and density of land uses and provide for a more appropriate balance of population and jobs to create a destination. Unfortunately, the Province has made no revisions to the TOC proposal following months of meetings between staff and elected officials.

On April 8, 2022, the Province issued a letter to the City, responding to the Council resolutions dated January 25, 2022 and March 29, 2022 (see Appendix "C"). The table below summarizes the contents of the letter:

Provincial response to Markham Council resolutions on the Bridge Station TOC	
Planning Rationale/ Alignment with Langstaff Gateway Secondary Plan	<p>The Province began its planning for the Bridge TOC site by looking to the existing Langstaff Gateway Secondary Plan and incorporating many of the key features into the proposal (i.e. Bridge Park).</p> <p>The TOC Program mandate primarily focuses on the development of land required for transit purposes, and therefore, including the entirety of the Langstaff Gateway Secondary Plan area as part of the Bridge Station TOC is outside the scope of the program.</p>
Phasing Plans	The Province will work with Markham to create a detailed phasing plan for the site as the TOC development progresses.
Employment Use	The Province will take the advice of Markham into consideration as the TOC site proposal is reviewed and will revise the mix of uses for the site, if required, as the site development progresses.
Consultations	The Province has engaged with stakeholders and the public on the Bridge Station TOC site. The Province will continue to engage with the Ministry of Education to determine school site requirements and with the City of Markham, stakeholders and the public as the TOC site develops.
Transportation/ Planning Studies	The Province worked with two consultants to complete initial transportation studies based on available data and plans. The Province does not anticipate significant changes to the

	<p>conclusions of these studies based on the outcomes arising from further refinement by Metrolinx.</p> <p>The Province understands that the City wishes to commission a “blue sky planning exercise” and would be pleased to review the results.</p>
Design Standards	<p>The Province is committed to building the TOC sites to the prevailing standards at the time of construction, with appropriate and feasible solutions for waste systems.</p> <p>The building partner is exploring district energy solutions.</p>
Affordable Housing	<p>The Province will work with all parties on how affordable housing programs are designed and implemented for the Bridge TOC site.</p>
Forthcoming Agreements and Municipal Requirements	<p>The TOC Program Agreement-in-Principle outlines that developments charges, taxes and community benefit charges will be provided to the municipality. The Province and the lower-tier municipality, through the site-specific Memorandum of Understanding (MOU), will specify a maximum parkland contribution and this will be provided by way of land conveyance and/or cash-in-lieu.</p>
Parkland	<p>The Bridge Station TOC site is unable to accommodate 6 hectares of parkland. The Province has provided approximately 5 hectares of parkland within the site boundary.</p>
Zoning Approval	<p>The Minister of Municipal Affairs and Housing may consider a Minister’s Zoning Order (MZO), and should an MZO be issued, the Province may retain provincial authorities under that instrument, including but not limited to inclusionary zoning.</p> <p>Note: Following receipt of this letter an enhanced MZO was filed on April 14, 2022.</p>
Burying Hydro Lines	<p>At this time, burying the hydro transmission lines is outside the scope of the TOC Program mandate.</p>

On April 14, 2022, the Province filed an enhanced Minister’s Zoning Order (eMZO) to achieve zoning certainty for the Bridge Station TOC

The [eMZO](#) prevails over local by-laws and provides zoning permissions for the use of the land and development standards for the Bridge Station TOC. In addition, the eMZO modifies the traditional site plan approval process and restricts the City’s ability to apply inclusionary zoning. Staff presented an overview of the eMZO to DSC on April 20, 2022 entitled “[Update on Bridge Station Transit Oriented Community – Minister’s Zoning Order](#)”.

The Province is seeking Markham Council's endorsement and execution of a TOC Program Agreement-in-Principle (AIP) by end of April 2022

The Province is proposing two TOC Agreements with municipalities: a TOC Program AIP and a Site-Specific Memorandum of Understanding (MOU).

TOC Program AIP

The TOC Program AIP is intended to be an agreement between the Province, York Region, Markham, Richmond Hill, and Vaughan to confirm the broad approach for implementing the Bridge, High Tech and future TOC's along the YNSE, including the funding of Royal Orchard Station. The TOC Program AIP also establishes principles that will guide the development of the subsequent site-specific MOUs for TOC sites in York Region.

The TOC Program AIP proposes to address implementation matters such as: planning applications (e.g. plan of subdivision, site plan), phasing, parkland, affordable housing, heritage, and municipal infrastructure. In addition, the TOC Program AIP outlines, value allocation framework for TOC sites, including the approach to collecting community benefit charges, and development charges and additional community benefit proposed by the Province.

The Province is seeking to finalize and execute the TOC Program AIP by the end of April and is seeking Council endorsement. The Province will then undertake development of site-specific MOUs to address details of each TOC site.

Bill 109 has changed the Planning Act parkland dedication requirements and acceptance of encumbered land in TOC's

Bill 109, More Homes for Everyone Act, 2022, received Royal Assent on April 14, 2022. The More Homes for Everyone Act was part of legislative changes to implement the More Homes for Everyone Plan released on March 30, 2022. The legislation amends the Planning Act parkland dedication requirements specifically for TOC's as follows:

- for sites 5 hectares or less, parkland will be dedicated up to 10% of the land or its value; and,
- for sites greater than 5 hectares, parkland will be dedicated up to 15% of the land or its value.

In addition, the Planning Act is amended so that encumbered land may be identified and fully conveyed for park purposes in TOC's. Typically, encumbered parkland is not provided full credit as they limit the municipality's use of the parkland and have long-term maintenance/life-cycle impacts. Determination of parkland credit on encumbered lands would normally be assessed on opportunity for programming, function and operating/maintenance on a case-by-case basis. These changes restrict the City's ability to provide for appropriate parkland within the Bridge Station TOC based on population and secure parkland cash-in-lieu funds to provide parkland elsewhere in the City. While the Bridge Station TOC is currently proposing approximately 5 hectares of parkland (both encumbered and unencumbered) it is unclear whether these changes to the Planning Act will result in a reduction to 3.75 hectares (15% of the total land area of 25 hectares).

CONCLUSION:

Markham Staff has regularly met with the Province on the Bridge Station TOC since January 2022; however, the Province has not made any revisions to the proposal in response to Markham City Council resolutions or staff input. The Bridge Station TOC continues to represent a significant departure from the vision of the Langstaff Gateway Secondary Plan. On April 14, 2022, the Province issued an eMZO to achieve zoning certainty. The Province is now seeking Markham Council endorsement and execution of the TOC Program AIP by the end of April.

FINANCIAL CONSIDERATIONS

Staff are concerned about the potential financial risk associated with this agreement and potential implications of binding Council on future TOC's that have not be provided for review. Additionally, agreement(s) with the Province are needed to ensure that TOC-related resourcing and municipal costs are recovered.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Bridge Station TOC proposal does not align with the complete community vision in the BMFT and is not consistent with the Langstaff Gateway Secondary Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

All impacted City departments have been consulted on the Bridge Station TOC proposal.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P, R.P.P
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

APPENDICES:

Appendix "A" – Markham City Council resolutions dated January 25, 2022

Appendix "B" – Markham City Council resolution dated March 29, 2022

Appendix "C" – Letter from Assistant Deputy Minister dated April 8, 2022