

Staff have considered the comments received and have provided changes to the documents where possible in the context of good planning principles and having regard for the local, regional and provincial planning policy context currently in effect....

During the background stages of the project, there was a public workshop, a public open house, and many landowner and stakeholder meetings. During the Secondary Plan and Zoning By-law stage of the project, there was a web-based commenting period, additional landowner meetings, a Council Public Meeting, and an additional meeting with residents. *Through these consultation sessions, the public was provided with consultation opportunities beyond the statutory requirements of the Planning Act, and was given the opportunity to consult with Town staff to provide comments and ask questions* (emphasis mine). Adoption of the Secondary Plan and Zoning By-law by November 27, 2017 also fulfills the Town's commitment from November 2016 when the ICBL was adopted (see staff report SRPRS.16.191). (SPRS 17.197 p. 3 and 12)

Council's "bolt from the blue" steps to scuttle key provisions of the KDA plan are not in keeping with the Town's past conduct regarding this matter, regardless of whether it technically complies with the Planning Act. _____.

- _____ **eschewing consideration of practical planning realities and professional documentation:**

(RE) _____ *Special Council Meeting Minutes C#16-19* for 16 April 2019 and *Confirmatory By-law #64-19*. _____ This conclusion is reinforced after reviewing commentary prepared by Mr. John Li on the motion, the original Town planning and other documentation related to the KDA, along with some related media regarding the KDA area and other matters.

I will address some of the 16 April Motion's "whereas" clauses below:

Whereas, the Yonge / Bernard Key Development Area ... (is) located on the Yonge Street corridor with direct access to Bus Rapid Transit (BRT) and other transit transportation options including the Bernard Bus terminal; and

Whereas, the Yonge Street subway funding expansion to Richmond Hill has been announced by the Premier of Province of Ontario, Doug Ford on Wednesday, April 10, 2019; and

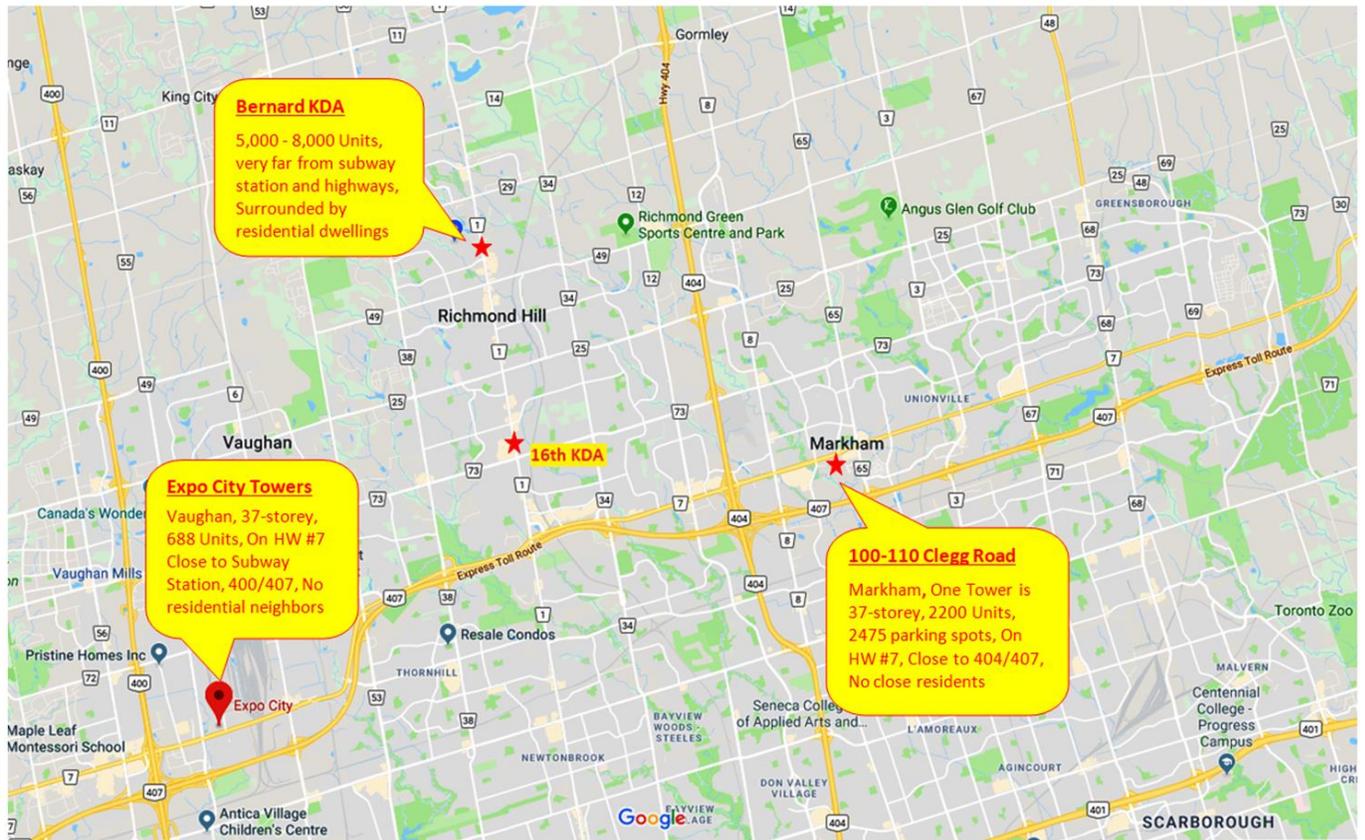
Whereas, the Province of Ontario has advised... it will soon assign higher-level planning policies to lands associated with public transit provisions...

Both the BRT line and the subway extension were already considered at the time of the original KDA plan. While Doug Ford's announcement from 6 days before your motion was passed is encouraging, it doesn't functionally change any of the facts on the ground due to the well-established historical fact *that "a politician's announcement isn't shovels in the ground"*. At this point, the announcement is little more than a *"transit puffery"*. Moreover, the original KDA already provided for densities that pushed the limits of good planning for this part of Richmond Hill.

Whereas, the Cities of Markham and Vaughan have approved buildings above 37 storey; and

Whereas, the Yonge / 16th Avenue KDA have approved heights in excess of the 20 storey maximum height established back in 2010 together with approved (net) site densities above 5.25...

With respect, Richmond Hill isn't Markham or Vaughan and those developments are located in *newly built out industrial areas*, located directly on Highway #7, and with each located just a few kilometers from two major highways. _____ Please see the following graphic prepared by Mr. John Li below to illustrate the point.



Bernard KDA 37-storey height limit vs. Vaughan and Markham Approved Projects

Moreover, the example of the Yonge/16th KDA represents an OMB-imposed planning aberration in the context of the Town failing to have a secondary plan in place by the time the matter was before the OMB¹. A conscientious New Council would see the Yonge/16th KDA as representing an aberration of good planning and not a suggestion for a “new normal”. In any event, Yonge/16th is on a major East/West intersection, a few kilometers from Highway 407. In case you forgot, the East/West intersection of Yonge/Eglin Mills is still 2 lanes before ending at Dufferin, which itself is 2 lanes at that point! Remember as well that Yonge/16th is much closer to both the current and future nearest subway stops.

¹ Zarzour, Kim. “Richmond Hill approves future plans for Yonge and Bernard area.” *Richmond Hill Liberal*, YorkRegion.com, 28 November 2017, <https://www.yorkregion.com/news-story/7968306-richmond-hill-approves-future-plans-for-yonge-and-bernard-area/?fbclid=iwar3z0r8swj2ntudek3jns7sliofhst1w-faocpqp0jz8eqgklpqzmlhvyo#.XM4IodT3afI>.

In light of the above, using the Yonge/16th FSI imposed by the OMB of 5.25 to justify imposing an FSI of 4 to 5.5 in the Bernard KDA amounts to another unprincipled recipe for gridlock!

Whereas, parking standards in intensification sites have a direct impact on housing affordability and transit utilization (including the transit modal split); and

Whereas, the Yonge / Bernard KDA zoning bylaw contains deficient parking standards and do not properly address the need for:

1. Car sharing;
2. Electric vehicle charging stations;
3. Small compact car space requirements;
4. Carpooling; and
5. Other Transportation Demand Management Measures (TDM); and

Whereas, Climate Change and CO2 emissions from vehicles is a pressing concern for our and future generations...

Parking does have a direct impact on housing affordability because of the *market value* of a parking space. Accordingly, unlike _____ the City's "*Cash in lieu*" of parkland provisions, this WILL actually have an impact on the affordability of units because the market value of a home without parking will be diminished. A builder can only charge what the market will bear.

I will not bother addressing the alleged deficient parking standards, _____. In particular, Car sharing services and EV charging stations don't really diminish the need for parking spaces. I will however _____. The practical reality of Climate Change exists and WILL cause increasing problems in any event, regardless of any parking spaces you excuse from existing. You don't have to be an expert to know that in cities, these issues will include flooding and *increased stresses on sewer and storm management*. Council's April 16 motion puts dramatically increased stresses on those services within the KDA "for current and future generations" – _____

Whereas, the new City Council is aware that all Property Owners within the KDA are opposed to the Secondary Plan and Zoning By-law adopted by the previous Council; and

Whereas, both residents and landowners within the Yonge / Bernard KDA opposed the introduction of new public streets because they will encourage additional automobile use and traffic infiltration to adjacent residential neighborhoods;

The Property Owners within the KDA are focused on maximizing their ROI (Return On Investment). That provides *obvious conflicts of interests* with the present and future surrounding community in and around the KDA. BUT WHAT ABOUT THAT COMMUNITY? _____ fail to mention the context of their greater opposition to the population densities in the original KDA plan calling for 8000 to 10,000 residents and 1200 to 2000 jobs by 2031!.

For added context, I will provide a _____ "cut and paste" excerpt from my November 28, 2016 submissions in support of the original KDA Interim Control By-Law (ICBL). It deals with my own traffic concerns on behalf of "We are Westbrook" related to the neighbourhood area to the North/West of the KDA. Notice my references to *population density* and the resulting need for *traffic permeability*:

Provincial intensification targets don't provide an excuse for bad urban planning. 5000 souls and 1800 vehicles, jammed onto 4.6 hectares, with a waterway, and vehicular access only via Brookside Road and the functional southbound lane-way

next to the Second Cup would amount to bad urban planning. Yes, "urban sprawl" is a bad thing, but so is bad urban planning. Those who complain that developers will "walk away from Richmond Hill" if they can't jam people into developments more suitable to AirBNB business planning than raising families engage in fear mongering that has no place in the responsible planning of communities.

Now I will move onto some of the "Therefore be it resolved" clauses of Council's April 16 motion.

Therefore, be it resolved that Council direct staff to take the following position:

1. The Secondary Plan be revised to remove north / south and east / west public roads within the north east and south east quadrants of the KDA;

Resolution #1 _____ It creates a sink of density (with 8000 to 10,000 residents and 1200 to 2000 jobs, per the KDA plan), while crippling traffic permeability between Yonge Street. and Yorkland Street. This will increase commuter bottlenecks turning from Yonge onto Elgin Mills and vice-versa. *This is already a high collision area!* Severing plans for local public roads flies in the face of EVERY professional urban planning document provided for the Town! It only serves to greatly increase congestion on all area streets, including the new ones planned for the West side of Yonge.

In addition, I will bring to your attention the following excerpts from the Staff's "Street Network" section of *SPRS 17.197*, whose expert advice you should be reminded of:

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

Public streets not only provide for connectivity and mobility, but are also fundamental to the Town's public infrastructure needs. Public infrastructure such as water, storm water and sewage services are generally located below the public right-of-way. Access to this infrastructure is important so that these services can be properly maintained. Public streets also provide space for green infrastructure such as trees and other plantings. In addition, they provide a route for public transit and access to the Bernard Terminal and also provide appropriately sized urban development blocks for redevelopment, as well as large retail establishments within the base of new buildings.

Through the transportation assessments completed for the Bernard KDA, most of the planned connections were identified as a public local street, while the east/west connection from Leyburn Avenue to Justus Drive was identified as a public collector street... (*SPRS 17.197*, p.7 & 8)

With respect, *Resolution #1 _____* undermining public interest considerations for locals, and Richmond Hillers in general, "forever going forward".

2. The maximum height limit for properties at or close to the Yonge / Bernard intersection be 37 Storeys and that height shall transition down from the intersection while recognizing that all parts of the KDA are expected to have tall buildings; and

3. That the overall density for the KDA shall be 4.0 FSI with maximum densities for corner properties at 5.5 FSI; and

8. That staff do all things necessary to give effect to the above in order to resolve the appeals before LPAT without a contested hearing.

Regarding **Resolution #2**, and the 37 storey building limit, please see _____ “Whereas comments” section above. On the other hand, this height limit (raises issues) with respect to the surrounding Neighbourhood areas. This includes the properties owned by **Young MCD** abutting the KDA. Last time I checked (last night) they still had their Application notice on Brookside Road, which included the 991 High Rise residential units from their original 2 x 29 storey, 1 x 20 storey and 1 x 16 storey high rise application (that’s 94 total storeys!) A small portion of their land lies within the KDA. So now MCD can presumably fit 37 of their storeys there (never mind the single-family homes on Naughton Drive and the quaint, small residential streets right next to it!) However, MCD’s property to the North of the KDA (next to the backyards of the Non-KDA neighbourhood) are still legally limited to 3 storeys. I will bring to your attention the following excerpts from the Staff’s “Transition to Neighbourhood” of SPRS 17.197:

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

Response:

Maintaining an appropriate transition between areas of intensification, like the Bernard KDA and the lower-rise Neighbourhood is a cornerstone of the vision for “building a new kind of urban” community... the Secondary Plan shows a 3 storey height limit (yellow colour) where the Bernard KDA abuts the Neighbourhood land use designation... As noted in the Bernard KDA Recommendations Report, it was determined that this area is appropriate for infill development given its frontage onto Brookside Road and its proximity to public transit stops... Within the Tertiary Plan area, height transition to the existing Neighbourhood will occur and as such, a 3 storey height limit can be applied to lands in the Tertiary Plan area rather than to lands within the KDA.

_____ there is no “appropriate transition” area reasonably feasible for a “*downtown Toronto density, steel & glass condo community*” and the surrounding Neighbourhood on just over 4.6 hectares of property!

Regarding **Resolution #8**, given that Young MCD is one of the appellants that the New Council wants to settle with, _____ principled and professional planning principles, for the Neighbourhood. _____.

Regarding **Resolution #3**, I am honestly not as much concerned about the FSI levels as I am about how they are utilized and the possible population densities and traffic bottlenecks they will cause. Correct me if I’m wrong, but Council is on record as saying that this measure will not change the original 8000 to 10,000 residents and 1200 to 2000 jobs projections by 2031 for the KDA (which means about 469 — 612 residents and jobs combined per hectare, per the secondary plan.) **I will remind you of Councillor**

Muench's declaration that the motion won't affect the population density originally estimated in the KDA plan². However, as they are currently worded, New Council's measures seem like an invitation for even higher densities! Remember, Vaughan's future downtown core has a target density of 200 residents and jobs combined per hectare in the VMC secondary plan³! Accordingly, immediate steps must be taken

In addition, immediate steps must be taken to ensure that the redevelopment of the Yonge/Bernard KDA results in an area that draws people and business towards it, rather than pushing them away from it. Council has a moral obligation to avoid the risks of creating a slum in Richmond Hill due to planned densities - which already are similar to St. Jamestown's (a really bad example of urbanism) per the KDA plan.

- **(No strict need to address this on public record today_____)**

One of the things that sets Richmond Hill apart from other communities is that it has historically been a place where one doesn't have to be wealthy to benefit from living in a rich community.

All the above is respectfully submitted.

Tim Tucci

Media Cited:

Wang, Sheila, "Richmond Hill residents shocked at 37 storeys planned for Yonge & Bernard." *Richmond Hill Liberal*, YorkRegion.com, 6 May 2019, https://www.yorkregion.com/news-story/9334974-richmond-hill-residents-shocked-at-37-storeys-planned-for-yonge-bernard/?fbclid=iwar1whcufvppbz116_yjj6jbq3xzurkktiivzffzswoxykklffjlf0vphq#.XNGym1cC55I

Zarour, Kim. "Richmond Hill approves future plans for Yonge and Bernard area." *Richmond Hill Liberal*, YorkRegion.com, 28 November 2017, <https://www.yorkregion.com/news-story/7968306-richmond-hill-approves-future-plans-for-yonge-and-bernard-area/?fbclid=iwar3z0r8swj2ntudek3jns7sliofhst1w-faocpp0jz8eqgklpqzmlhvpoy#.XM4lodT3afl>

² Wang, Sheila, "Richmond Hill residents shocked at 37 storeys planned for Yonge & Bernard." *Richmond Hill Liberal*, YorkRegion.com, 6 May 2019, https://www.yorkregion.com/news-story/9334974-richmond-hill-residents-shocked-at-37-storeys-planned-for-yonge-bernard/?fbclid=iwar1whcufvppbz116_yjj6jbq3xzurkktiivzffzswoxykklffjlf0vphq#.XNGym1cC55I

³ *Ibid*

From: Jeffrey @ LAND LAW [mailto:jeffrey@landplanlaw.com]

Sent: Tuesday, May 14, 2019 9:11 AM

To: Clerks Richmondhill <clerks@richmondhill.ca>

Cc: Lena Sampogna <lena.sampogna@richmondhill.ca>; council_members.trh@richmondhill.ca; Joe DiPaola <joe.dipaola@richmondhill.ca>; Tom Muench <tom.muench@richmondhill.ca>; Neil Garbe <neil.garbe@richmondhill.ca>; Barnet Kussner <bkussner@weirfoulds.com>; Ira Kagan <ikagan@ksllp.ca>; Mark Flowers <markf@davieshowe.com>; John Alati <johna@davieshowe.com>; Aaron Platt <aaronp@davieshowe.com>; Patricia Foran <pforan@airdberlis.com>

Subject: Re: Yonge Bernard KDA and Zoning Appeals before LPAT - open letter to City Council (for May 14 Council meeting)

Dear Mayor Barrow and Members of Council;

I represent North Elgin Centre whose property is located at the north east corner of the Yonge Bernard KDA.

I write further to our April 12, 2019 communication to Council (below) and by this email request to appear as a delegation regarding the above matter and the matter of governance.

I note that 3 delegations are scheduled to appear at the May 14 council meeting. We would like to hear what they have to say and respond.

As noted in my April 12, 2019 communication....City Staff have held meetings with various landowners and landowners and others have engaged with their local representatives. Our client submitted to Staff and Council a detailed development concept for its lands. Our client was asked to reconsider the built form and consider higher height.

We have done that. Our client has engaged with the City.

On April 16, 2019, Council passed a resolution giving direction on the above matter. Thereafter Counsel for the City wrote to the Tribunal (LPAT) to request an extension of time. NEC and the other landowners consented to the City's request set out below..

From City's lawyer to all parties and LPAT...

"By copy of this email to all parties I am therefore requesting that they confirm their clients' consent to a request by the City to the Tribunal as follows:

1. That under the circumstances it will waive the requirement to produce the final density analysis which informs the proposed modifications as now directed by Council, until the specific modifications to the Secondary Plan and Zoning By-law have been prepared and are available for exchange to all parties; and

2. That the exchange deadline for the City's final density analysis and all parties' proposed modifications be extended from May 17th to June 14th (concurrent with the exchange deadline for initial witness statements).

The City's lawyer then states: "In our respectful submission, neither of these adjustments should pose an undue hardship for any party. The nature and extent of the modifications which the City will now be proposing have already been set out with considerable specificity in items #1-8 above [i.e in the council resolution]. Moreover, it is our hope and expectation that prior to the requested TCC/PHC [now scheduled for May 21] we can discuss and hopefully reach agreement among all parties on other adjustments which may be necessary to ensure no undue prejudice or unfairness to any party as a result of these changes – for example, affording parties a broader latitude in their reply witness statements to address the modifications proposed by other parties. "

As noted above, our client consented to the City's request.

Moreover, the proposed modifications to the Secondary Plan as directed by Council are sufficient to resolve our client's appeals without a contested 28 day hearing and within the timelines of the Procedural Order submitted by the City, on consent of the parties, to LPAT.

It should also be noted that the Order of Evidence in the procedural order requires that the Appellants call their case first and work cooperatively to avoid duplication. The PO provides:

ORDER OF EVIDENCE

NOTE: Where parties of like interest have issues in common, they shall make reasonable efforts to coordinate their examinations-in-chief and cross-examinations so as to minimize any duplication or overlap of evidence.

A. SECONDARY PLAN AND IMPLEMENTING ZONING BY-LAW APPEALS

(LPAT File Nos. PL180073, PL180074)

Evidence-in-Chief

1. Town of Richmond Hill (Factual Overview Evidence re Part I Official Plan)
2. Appellants, Parties and Participants opposed to Secondary Plan and/or Implementing Zoning By-law
3. Town of Richmond Hill
4. Regional Municipality of York
5. Toronto and Region Conservation Authority
6. Other Parties and Participants in Support of Secondary Plan and/or Implementing Zoning By-law

LPAT has scheduled a telephone conference to be held: at: 9:00 AM on: Tuesday, May 21, 2019 to discuss the new timeline and the City's request as noted above.

NEC supports the April 16 Council resolution which is consistent with the City's Open for Business policy.

We will work cooperatively with all concerned especially given the housing crisis in Richmond Hill as noted in the Socio-Economic Report recently released by Staff.

Thank you.

Jeffrey E Streisfield, BA LLB MES

Land Lawyer & Land Development Manager

L A N D L A W T M

<http://landplanlaw.com>

tel: 416 460 2518

Almost 30 years experience in:

Planning & Development Approvals

Municipal & Environmental Law

Boundary & Property Disputes

Trials, Hearings, OMB (LPAT) and Court Appeals

On Friday, April 12, 2019, 8:03:32 p.m. EDT, Jeffrey @ LAND LAW <jeffrey@landplanlaw.com> wrote:

Dear Mayor and Members of City Council;

Our client North Elgin Centre wishes to address a matter of significant importance to the KDA and would ask that you consider same before taking any decision on this matter.

Background

The former Council of Richmond Hill passed an interim control bylaw. It thereafter prepared and adopted a secondary plan and zoning bylaw - all of which are under appeal to LPAT. It did all of this after Staff asked the Region to exempt the Secondary Plan from Regional Approval.

Under current City Council, the City filed a procedural order (PO) with LPAT. The PO is supported by all who are parties to the appeals. Timelines have been set including a hearing in July 2019.

In view of these time lines, City Staff have held meetings with various landowners and landowners and others have engaged with their local representatives. Our client submitted to Staff and Council a detailed development concept for its lands. Our client was asked to reconsider the built form and consider higher height.

We have done that. Our client has engaged with the City.

There is, I believe, general consensus from KDA landowners who have corner properties - and dual if not more frontages on public streets - that heights in the KDA should be greater than 30 storeys (closer to 40) and that the overall assignment of FSI should exceed 5.0 FSI.

NEC's development concept proves that out. It also addresses in the most serious way deficient parking standards contained in the bylaw that were approved by the former Council.

Our client has embraced progressive parking standards - ones that are transit supportive and will impact housing affordability as well as lower carbon emissions. Richmond Hill Council should embrace this - especially since the subway funding announcement.

Our client insists that its appeals be resolved in a timely manner - within the current LPAT time frame and without the need for a contested hearing. Any decision to be taken by Council that would frustrate and delay the timely resolution of the appeals - so the new City of Richmond Hill can get shovels in the ground (and create the needed housing) may not be welcomed.

The requests being made by the site specific appellants appear to be more than reasonable - especially in view of the recent subway funding announcement. Council should seize the opportunity and clearly demonstrate their support for a subway and being open for business including development in the Yonge Bernard KDA.

We believe our appeals can be resolved in short order - without needless expense. NEC supports the efforts of its local councillor and others who have the vision and insight to get us all to this end.

Please advise us of any decision taken on this matter.

Thank you.

Jeffrey E Streisfield, BA LLB MES

Land Lawyer & Land Development Manager

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<http://landplanlaw.com>

tel: 416 460 2518

Almost 30 years experience in:

Planning & Development Approvals

Municipal & Environmental Law

Boundary & Property Disputes

Trials, Hearings, OMB (LPAT) and Court Appeals

From: noreply@richmondhill.ca
To: [Anthony Petrielli](#); [Clerks Richmondhill](#)
Subject: New Submission - Confirmation Application to Appear
Date: Tuesday, May 14, 2019 9:44:21 AM

Hello,

Please note the following response to Application to Appear has been submitted at Tuesday May 14th 2019 9:43 AM with reference number 2019-05-14-005.

- **Subject / Application**
Yonge Bernard KDA and Zoning Appeals pending before the LPAT
- **Date of Meeting (if known)**
5/14/2019
- **Is this... (choose one)**
Council
- **Name**
John Alati
- **Firm/Organization (if any)**
Davies Howe LLP
- **Address**
425 Adelaide Street W, The Tenth Floor
- **Postal Code**
M5V 3C1
- **Email**
johna@davieshowe.com
- **Contact Phone**
416-977-7088
- **Comment**
I represent Yonge MCD , a portion of our client's property is located in the Yonge Bernard KDA. Our client has appealed the Yonge Bernard Secondary Plan to the LPAT and also has private appeals of its private OPA and zoning amendment applications pending and consolidated

before the LPAT for hearing. On April 16 Council passed a resolution recommending increases to the height and density permissions in the KDA and giving staff and its outside legal counsel direction on this matter. Our client supports the direction taken by Council in its April 16, 2019 resolution and is anxious to proceed with its hearing. It is also of the view and its planners and consultants have demonstrated that higher heights and densities should be supported within the KDA. I would like an opportunity to depute before Council today. I note that other deputants are also listed to speak on this matter. We would like an opportunity to respond to some of these deputants comments.

[This is an automated email notification -- please do not respond]

KDA Development Motion by Muench

My name is Pat Pollock and I am the chairperson of the Mayvern Area Residents Association. My thanks go to those Councillors who openly opposed and continue to oppose the Muench motion:-Barrow, Cilevitz and West. These are the only Council members who truly support the vision of our residents. That being said, I am very concerned about some recent actions of this Council.

First the Downtown Core's Secondary Plan is repealed and then without appropriate consultation at the Public Council Meeting an amendment was approved to NOT refer a proposed development to staff at Elmwood and Yonge, at the edge of the Downtown core. It wasn't high enough!!

Now Councillor Muench makes a motion to allow a 37-storey condo be built in the KDA of Yonge and Bernard. No public consultation, no supporting documents, no consultation with staff, NOTHING. Why are you attacking the Secondary Plans? They went through a whole process which included public consultation, and OMB hearings. They are what the public are willing to accept.

You as elected officials are supposed to be representing those who put you into office. Isn't that the way democracy works? Apparently not by you. I am disgusted, appalled, angry and very dissatisfied with the actions of council.

My hope is that you will reverse this last decision and allow development within this Yonge/Bernard KDA Secondary Plan to work as it is set out to do. There are statements that say what is to be developed and what is not. There are suggested roadways to help with dealing with traffic congestion. There are heights of buildings so that congestion is controlled and the buildings would fit into the community as the Official Plan dictates. Stop messing around with these Secondary Plans. Do not allow this motion to go ahead, I urge you to repeal it.