

November 16, 2017

Mayor Barrow and Members of Council
c/o Office of the Clerk
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, Ontario L4C 4Y5

MGP File: 15-2407

Attn: Stephen M. A. Huycke

Dear Mayor Barrow and Members of Council:

**RE: Yonge Street and Bernard Avenue Key Development Area (KDA) Draft Secondary Plan
Dogliola Developments Inc. – 10922, 10944, 10956 Yonge Street**

We are the planning consultants representing Dogliola Developments Inc. ("Dogliola"), the owner of 10922, 10944 and 10956 Yonge Street located within the Town of Richmond Hill ("Subject Property"). Dogliola has been actively involved in the Yonge Street and Bernard Avenue Key Development Area (KDA) Study process and continue to have dialogue with City staff with respect to proposed development concepts on the Subject Property.

MGP provided comment on the Yonge and Bernard Key Development Area (KDA) Draft Secondary Plan when it was considered at the November 1st Council Public Meeting. In general, we agreed with the intent and aspects of the Draft Secondary Plan, however requested that the height limits proposed be re-visited at the intersection of Yonge and Canyon Hill to allow for greater heights and that the minimum heights in the *Interior Character Area* remain flexible specifically as it relates to townhouse typologies.

We have since reviewed the staff report (scheduled for the November 20th Committee of the Whole Meeting) and the proposed finalized Secondary Plan and implementing Zoning By-Law and note that there have been no revisions to the height regime proposed.

We believe that there is an opportunity to plan the Yonge and Bernard KDA into a true sub-centre as envisioned in the Official Plan by prescribing heights that take better advantage of the planned transit investment in the area and by providing greater flexibility in the heights proposed for the *Interior Character Areas* to accommodate a wider range of ground-related built-forms.

Our comment on the Proposed Yonge and Bernard Key Development Area Secondary Plan, specifically with respect to the proposed height regime is provided below.

Increase the Maximum Heights in the Corridor Character Area

Within the Town's hierarchy of intensification, as identified in the Official Plan, *Key Development Areas* are second only to *Richmond Hill Centre*. The proposed Secondary Plan prescribes a maximum height of 15 storeys for *Corridor Character Areas* (as per Section 12.2.2 Height and Schedule 1). The 15-storey maximum height is no greater than certain other areas within the Town designated *Regional Mixed-Use Corridor* and/or *Local Centre*, both of which are explicitly stated to accommodate intensification at a scale and intensity less than the KDA.

It is our understanding that one of the objectives of the Secondary Plan is to provide a policy framework that directs development of the greatest heights and densities towards the Yonge Street and Bernard/Canyon Hill intersection to take advantage of the planned transit investment (VivaNext Rapidway) and the existing Bernard bus terminal. A height limit of 15 storeys is no greater than what is already prescribed in the Official Plan. The Secondary Plan does not propose any policies that promotes development that better optimizes investment of public transit in the area.

There is an opportunity through this process to assign a greater maximum height within the Yonge and Bernard KDA – toward the Yonge street frontage – that better implements the Town's urban structure by properly recognizing the importance of this KDA as an intensification area and by differentiating it from other areas that are not planned to accommodate development at the same scale and intensity.

Greater Flexibility in Heights in the Interior Character Area

As per Section 12.2 of the proposed Secondary Plan, *Interior Character Areas* are intended to provide a built form transition from higher density to lower density areas with a mix of uses such as at grade retail or live/work units and provide a range of housing forms such as townhouses to mid-rise buildings. Schedule 1 provides a height range of 4-10 storeys in these areas.

With respect to the Subject Property, townhouses are an appropriate built form for the lands further from the Yonge Street frontage and are a permitted use in *Interior Character Areas*. Schedule 1 however, stipulates that townhouses in this Area must be a minimum of 4 storeys. In my opinion, this is an overly prescriptive policy as it essentially forces all townhouses in this Area to be 4-storeys as this is typically the maximum height for townhouses. Constraining all townhouses to be 4-storeys erodes housing affordability (as these units typically have greater floor space and additional Ontario Building Code requirements which equates to greater cost for the end user) and eliminates the choice of providing a conventional 3-storey townhouse.

I suggest revising the height range in *Interior Character Areas* to 3 – 10 storeys as this would allow the possibility to provide conventional 3-storey townhouses (where appropriate) and increased housing choice to future residents. From a planning perspective, the 3 – 10 storey height range would provide a minimum height that is no shorter than the Secondary Plan's *Neighbourhood Edge Character Areas* and still represent a height increase from the existing residential uses to the north; with the flexibility to provide mid-rises buildings up to 10-storeys while still achieving the built-form transition objectives of the Plan.

I ask Council to consider the above comments prior to adopting the proposed Secondary Plan as I believe there can be revisions made to the height regime of the Plan that properly positions the Yonge and Bernard KDA as the area expected to accommodate intensification at levels only behind Richmond Hill Centre, while also providing the interior areas of the Secondary Plan greater flexibility to provide a wider range of housing forms.

Should you have any questions or wish to discuss the above, please do not hesitate to contact me at 905-513-0170 x107.

Yours very truly,

MALONE GIVEN PARSONS LTD.

A handwritten signature in black ink, appearing to read 'Lincoln Lo', with a stylized flourish at the end.

Lincoln Lo, MCIP, RPP
llo@mgp.ca

cc: Dogliola Developments Inc.
Town of Richmond Hill Clerk



*land use planning
&
development*

23 Foxwood Road, Thornhill, ON L4J 9C4
Tel: 905.889.1564 | Fax: 905.889.6309
Website : Manettplanning.com

November 20, 2017

Mayor Barrow and Members of Council
Town of Richmond Hill
P.O. Box 300
225 East Beaver Creek Road
Richmond Hill, Ontario L4C 4Y5

Dear Mayor Barrow and Members of Council:

**Re: Draft Yonge Street and Bernard Avenue Key Development Area
Secondary Plan and Implementing Zoning By-law
(SRPRS.17.197) File No. D11-17001 and D24-17001**

As noted in my earlier correspondence to you on this matter, dated October 31, 2017, I act on behalf of North Elgin Centre Inc. (NEC), the owner of 11005 Yonge Street, which is a 1.84 ha (4.56 acre) property located at the northeast intersection of Yonge Street and Bernard Avenue, where the main focus of the KDA Plan is to occur. The subject lands are currently in use for commercial purposes including 19 businesses with 3,384 sq.m. (36,420 sq.ft.) of gross leasable area.

This property is at the key location where the most intensification within the KDA is proposed. The site has been identified as being within the Corridor Character Area with height limits of 10-15 storeys and a maximum density of 4.0 FSI, as identified on Schedules 1 and 2 of the KDA Plan. It is acknowledged that this location is serviced by public transit and is immediately north of the important bus terminal serving this part of the Town. It is also noted that the intent of the KDA Plan is to enhance the retail and commercial character of the area through intensification and establishing a greater mix of uses through new development.

NEC supports the general intent of the KDA Plan as outlined above and is in agreement with the proposed designation and density applicable to the subject property.

With respect to the vision outlined under Section 12.1.2 of the Plan, NEC also supports the shift away from the focus on automobile use towards the creation of a transit, cycling and pedestrian oriented destination with taller and higher density development in the Corridor Character Area. The vision directs that the highest and most dense buildings, with a high-rise form and more urban format, are directed to be along Yonge Street with opportunities for new office and major office development, which would clearly include the subject property.

A fundamental principle in the Draft KDA Plan that **NEC does not support** is the **provision” of a fine-grained walkable street network** to improve pedestrian and cycling infrastructure and access to public transit” stated in policy 12.1.3 1. a. This principle forms the basis of Policy 12.4 - Connectivity and Mobility, and the result of the implementation of the Principle and Policy is the creation of an undesirable and unwarranted “Planned Public Street” that traverses a significant portion of the NEC property. The concept of adding more streets is not consistent with the principle of a “shift away from the focus on automobile use towards the creation of a transit, cycling and pedestrian oriented destination”. It is common knowledge that roads attract vehicles. Vehicle use and pedestrian/cycling activity conflict with each other. The creation of a transit, cycling and pedestrian oriented destination can be accommodated through the introduction of a “pathway,” limited to pedestrian and cycling activity, within development blocks or land use parcels that would require a significantly less land area/width to perform its connectivity function. There is absolutely no need, or justification, to add additional public streets that will provide for more vehicles within the areas that should be earmarked for higher density development. The additional, unnecessary road, would also undermine making the most efficient use of the land and is not required to provide for pedestrian and cycling connections within the KDA or to connect with areas beyond the KDA. A well-designed “pathway” system could fulfill that function utilizing less space in a safer manner.

The elimination of the additional, “Planned Public Street” within the subject property will also provide more opportunity to achieve other positive aspects of the Plan such as the provision of private urban plaza (which is part of a future redevelopment concept, Landscaped Courtyard, for the subject property), as identified in Policy 12.3 2. The use of a “pathway”, rather than a Public Street, will further promote the use of “active transportation” as envisioned in Policy 12.4.1. and more pedestrian-oriented blocks with pedestrian and cycling connections as noted in Policy 12.4 1. b. and supported by Policies 12.4 1. c., d., e. and f.

It should also be noted that the proposed “Planned Public Street”, identified within the subject property on Schedules 1, 2, 3 and 4 has an intersection location at Yonge Street that is only 170m north of Bernard Avenue, which would not comply with the Region of York minimum spacing distance of 215m, and clearly less than the Region’s desired spacing of 300m for signalized intersections.

On this basis **we had requested that the “Planned Public Street” be removed from Schedules 1, 2, 3, and 4 of the Draft KDA Plan where it is shown on the subject lands.**

As input from NEC, a critical stakeholder within the Plan area, we had suggested and recommended that **a “pathway” system concept be incorporated into the KDA Plan policies and schedules and the “pathway” system be implemented through redevelopment plans for properties within the KDA.** We believe that this approach to the creation of a transit, cycling and pedestrian oriented destination is more appropriate than creating additional Public Streets which will only serve to add additional vehicles to the area and take up space that could otherwise be used for actual development in

support of area intensification. Therefore, we recommended that the policies in Section 12.4 be reconsidered and altered accordingly.

It is acknowledged that town staff did meet with us on November 13, 2017 to discuss the matters that we raised in our deputation to Council of November 1, 2017 and in our written submission of October 30, 2017. We are extremely disappointed that our legitimate concerns related to the unnecessary planned public street through the subject property were dismissed and we were advised that the road was needed to distribute traffic through the entire KDA. It was also indicated to us that the “fine grade network” was needed to support the need to the Region for a signalized intersection. It was indicated that the Region supports the intersection location at a location that is less than their criteria requires. We have not seen any transportation analysis that supports the need for this planned public street on the subject site, the need for the finer grade road system at the scale proposed on the subject site, or any support from the Region for an intersection location on Yonge Street that is significantly less than their current locational criteria that would require an additional break in the dedicated higher-level bus lane.

It has also been suggested that the need for the public street through the subject property is based upon the need to provide “appropriately sized urban development blocks for redevelopment”. There do not appear to be any criteria established for what would constitute an “appropriately sized urban development block.” It is, and has always been, our position that the subject site itself is an appropriately sized development block and inserting a public street will significantly reduce the available developable land on the subject site and bring automotive traffic into the site which actually is in conflict with the pedestrian and cycling uses that are intended to be served by a connection through the site. The property, in its entirety, should be considered a development block with the opportunity through a site plan to accommodate a pedestrian and cycling connection through the site, as part of transit supportive redevelopment that discourages additional vehicular traffic through the use of a “pathway” rather than a public street.

In our previous correspondence, NEC indicated its concerns with respect to the height limitation of 15 storeys for lands at the intersection of Yonge Street and Bernard Avenue within the Corridor Character Area. In order to achieve a density of 4.0 FSI, utilizing the angular plane criteria to provide for the transition to the adjacent lower density residential neighbourhood, a 15 storey height can clearly be exceeded in order to provide for the Built Form envisioned in Policy 12.2.5 and the provisions of Policy 12.2.7 Housing.

Staff indicated to us at our meeting that Urban Strategies, the Town’s consultants, had created some massing models illustrating what development could look like on the site (details of this work was not provided to us) however, our view remains that there has never been any actual testing of how a 4.0 density could be achieved on particular sites that would require any limitation of the potential for higher

buildings that would support the overall intent and policies related to the intensification in this KDA. The 15 storey height results in an arbitrary limitation that will impact on the ability to achieve the desired intensification density together with the provision of architectural variety on a site where the proposed development concept complies with angular plane and other site development criteria. Although this height maximum was established in the Official Plan (which was arbitrary in the first instance) it was expected that the Secondary Plan/KDA process would provide a more detailed analysis of this matter to actually test the ability of sites to accommodate intensification in support of economically feasible transit supported development. To date this evaluation has not occurred.

NEC has tested the density, angular plane criteria and attempted to incorporate the KDA vision and principles through creation of a Concept Plan for the subject lands as input to the KDA Plan process which was submitted on October 30, 2017. The concept illustrated that a density of just under 4.0 could be achieved on the site but would require height clearly in excess of 15 storeys (and that was without a public street that would have the effect of reducing the developable land area) in order to achieve the intended density on the site.

A cycling and pedestrian “pathway” would traverse through the site and connect Bernard Avenue to Yonge Street around the perimeter of future buildings. The driveway to the site would provide for continuing access from Bernard Avenue, and through an existing easement, to the Seniors residence to the east.

We are therefore opposed to the proposed KDA Secondary Plan, to which no changes appear to have been made based on input received from residents and key stakeholders. We urge Council to consider the input received and direct Town staff to seriously consider the requested changes prior to formally adopting the KDA Secondary Plan. We also request that we be formally notified with respect to any decisions made by Council on this matter.

Thank you for your consideration of our input to this important ongoing land use process in the Town.

Yours Truly,

MPLAN INC.



per: Michael S. Manett, MCIP RPP

cc: North Elgin Centre Inc.

From: Dee Sutters

Sent: Monday, November 20, 2017 8:27 AM

To: Dave Barrow; Tom Muench; Vito Spatafora; Brenda Hogg; Greg Beros; Castro Liu; David West; Karen Cilevitz; Godwin Chan

Subject: NO to traffic diversion from Yonge St to Yorkland

Dear Mayor and Members of Council:

Please do NOT allow extra traffic to be diverted from Yonge Street south on Yorkland.

There is already far too much traffic in this area especially in the rush hour and as a 19 year resident of the Upper Yonge Subdivision I am already fearful of actually trying to cross at the intersection of Yorkland/Justus (four way stop) either in a car or as a pedestrian. There have been several collisions and many near misses at this intersection and even more at the intersection with Newmill opposite DelManor Seniors Home.

Adding more traffic to Yorkland will only exacerbate the situation and endanger the lives of the residents in this area.

Please listen to the concerns of your residents, and work with the Region of York and Metrolinx to formulate an alternative plan to deal with the Yonge Street south bound traffic.

Dee Sutters

11 Lorraine Street, Richmond Hill



**WESTON
CONSULTING**

planning + urban design

Town of Richmond Hill
Clerks Department
255 East Beaver Creek Road
Richmond Hill, ON L4B 3P4

November 20, 2017
File 7179

Submitted via email to
clerks@richmondhill.ca

**Attn: Stephen Huycke
Town Clerk**

**RE: Response to Revised Draft Yonge & Bernard Key Development Area Secondary Plan
and Implementing Zoning By-law
SRPRS.17.197 – Town File No. D11-17001 and D24-17001**

Weston Consulting is the planning consultant for Yonge MCD Inc. (the 'proponent'), the registered owners of 59 Brookside Road (the 'subject property'), formerly identified as 49 Brookside Road, 59 Brookside Road, 11014 Yonge Street, 11076 Yonge Street, 12 Naughton Road and 24 Naughton Road, in the Town of Richmond Hill. The subject property is legally described as Part of Lots 1, 2, and 23 on Registered Plan 1624, All of Lots 1, 2, 3 and 4 on Registered Plan 3600 and All of Lots 1 and 4 on Registered Plan 3799, Town of Richmond Hill.

The subject property is currently subject to applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, City File Nos. D01-16002, D02-16012 and D03-16006. Applications were submitted on April 29, 2016 and subsequently deemed Complete under the *Planning Act* on May 16, 2016. A Statutory Public Meeting was held on October 5, 2016 and various meetings have been held with Planning and Engineering Town of Richmond Hill staff. The applications are currently the subject of an appeal to the Ontario Municipal Board (PL170770).

Weston Consulting, along with the proponent, participated in the stakeholder consultation meetings with the Yonge and Bernard Key Development Area (KDA) Team on January 12, 2017, in addition to attending both public workshops held on March 1st and March 30th, 2017. Subsequent submissions were made on May 17, 2017 in response to the Bernard Key Development Area Planning Study and Preferred Option and Policy Direction Report and on the Draft Secondary Plan (SP) and Implementing By-law on November 1, 2017. We also met with staff on October 25, 2017 and have continued to work with staff through the Secondary Plan process.

As part of our recent review of the revised draft SP and draft By-law, we provide the following comments for your review and consideration.

The proposed height restrictions do not provide an appropriate level of height and density to accommodate appropriate growth within the KDA. The revised draft SP does not include policies for the provision of additional heights to accommodate the prospect of above ground parking.

While it is recognized that below ground parking is preferred, the SP plan policies do not provide relief of height where underground parking is not technically feasible due to a high-water table and aquifer restrictions. It is our opinion that relief from above ground parking height should be provided, and that overall heights above 15 stories should be considered.

The draft SP provides opportunities for stratified public parks to allow for private below grade parking which we support. However, it is our opinion that the Town should also consider these opportunities below public roads as the principles of stratified ownership are unchanged in instances of parks or roads, and can be accommodated under both scenarios. It is our opinion that providing for stratified ownership of public roads is appropriate and implements good planning principles.

The subject lands have been identified as an area for an Urban Square to be provided. We request clarification that the same level of variability identified in Section 12.3.4 of the SP respecting public parks is intended to include flexibility in the location and size of Urban Squares as well.

We have requested that the lands to the west of the proposed KDA boundary be included within this area as part of previous submissions on through the SP process. Should the boundary not be expanded, we request that suitable development permissions for these lands be included in the Tertiary Plan to support higher density development.

We generally agree to the changes made to the SP which provide additional clarification of the angular plan policies and park sunlight policies. Revisions to the Secondary Plan also include a dotted line as representation for a future Naughton Drive connection so the alignment of this connection can be determined through detailed design work. However, it should be noted that we are in support of the existing Naughton Drive being opening at the western closure to allow for additional connectivity in the absence of a north south connection to Naughton Drive.

The memorandum dated November 13, 2017 from Richard Hui, Manager of Transportation does not confirm the Region's acceptance of the proposed signalization across Yonge Street at the northern boundary of the KDA. We maintain that there are concerns of the viability of that access in its proposed location. The memo further notes that the Yonge MCD lands beyond the KDA boundary were considered; however, the recommendation and assumptions may not ultimately be the preferred land use option for the lands as the Tertiary Plan. is not yet complete. Our traffic engineer is reviewing this memo and the traffic report completed as part of the SP process and will provide feedback on this matter.

We request that staff confirm the open space limits presented in the SP and the Implementing Zoning By-law on the Yonge MCD lands. We request that these limits reflect the submitted environmental constraints mapping and background reports completed for this area.

The proposed concept submitted by Yonge MCD to staff on a Without Prejudice basis is generally consistent with the implementing by-law subject to the regulations on height and density. However, we have concerns with some of the regulations respecting Table A4, Section 5.4, Section 5.9, Section 5.14 and Section 5.16. We request clarification from staff on these matters and have

requested a meeting to review the above regulations in the hopes of having matters addressed to our satisfaction.

It is also important to note that we were anticipating that the completion of the Tertiary Plan for the lands within the Interim Control By-law Study Area, but outside the KDA Secondary Plan Area would be completed in conjunction SP. The Tertiary Plan has not yet been completed and we request a commitment from staff on when it will proceed to approval.

We submit the above comments for your consideration of the Secondary Plan. While we generally agree in principle to certain policies proposed, we maintain a level of concern with the matters discussed herein. We anticipate that we will continue to work with Planning Staff through the Secondary Plan, Tertiary Plan and site-specific application processes and are committed to this ongoing dialog.

We are pleased to submit the above comments for review and consideration as part of the SP process and trust that they will be considered and form part of the public record. We reserve the right to provide further detailed comments as appropriate. Should you have any questions or require any additional information, please contact the undersigned at extension 241 or Sabrina Sgoffo at extension 243.

Yours truly,

Weston Consulting

Per/

Ryan Guetter, BES, MCIP, RPP
Senior Vice President

c. F. Mazzotta, Yonge MCD Inc.
J. Alati, Davies Howe LLP
K. Kwan, Town of Richmond Hill
S. Von Kursell, Town of Richmond Hill

Fasken Martineau DuMoulin LLP

Barristers and Solicitors
Patent and Trade-mark Agents

Bay Adelaide Centre
333 Bay Street, Suite 2400
P.O. Box 20
Toronto, Ontario M5H 2T6
Canada

+ 1 416 366 8381 General
+ 1 416 364 7813 Fax
1 800 268 8424 Toll-free

fasken.com



Sarah J. Turney
Direct +1 416 865 4542
sturney@fasken.com

November 20, 2017
File No.: 283722.00003/17900

BY EMAIL - clerks@richmondhill.ca

Office of the Clerk
Town of Richmond Hill
225 East Beaver Creek
RICHMOND HILL ON L4B 3P4

Attention: Council

Re: 10870 Yonge Street, Richmond Hill (the “Property”)

We are lawyers acting on behalf of 10870 Yonge Street Limited, which is the owner of the Property.

We write on behalf of our client, to provide its position in respect of the recommendations made in Staff Report SRPRS.17.197, entitled “Yonge and Bernard Key Development Area Secondary Plan and Zoning By-law (SRPRS.17.197) Town File Numbers: D11-17001 and D24-17001” (the “**Report**”).

The Report contains recommendations that support the creation of a public road in the general location of the existing private road abutting the northerly boundary of the Property (the “**Private Road**”). Our client opposes that recommendation.

Our client owns and operates a retail commercial plaza on the Property. The existing Private Road provides access to the retail shopping plaza for our client’s tenants, their customers and their suppliers. Trucks delivering products to our client’s tenants rely on the Private Road for access, and to deliver their products.

The creation of a new public road may increase traffic and congestion on the existing Private Road and is likely to adversely impact our client’s tenants, their customers and their suppliers. It may also undermine the safe and efficient access that our client and tenants rely upon. On behalf of our client, we take the position that these concerns have not been adequately addressed and that the creation of a public road in the location of the Private Road, is not supportable.

The foregoing written submission to Council is provided on behalf of 10870 Yonge Street Limited, in accordance with the *Planning Act*.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP



Sarah J. Turney

SJT/tm