



November 24, 2017

Memo to: Mayor and Members of Council
Copy to: Antonio Dimilta, Town Solicitor
From: Kelvin Kwan, Commissioner, Planning and Regulatory Services
Subject: Yonge and Bernard Key Development Area Secondary Plan and Zoning by-law

At the November 20th Committee of the Whole meeting, the Committee discussed Agenda Item 11.11, staff report SRPRS.17.197 regarding the Yonge and Bernard Key Development Area Secondary Plan and Zoning By-law (Town files D11-17001 and D24-17001). During the discussion, Councillor West proposed the following motion:

- a) That staff report SRPRS.17.197 be received;
- b) That the Yonge and Bernard Key Development Area Secondary Plan (Appendix A) and Implementing By-law (Appendix B) be adopted;
- c) That Richmond Hill Council take further steps to advocate that relevant regional transportation and road improvements in the Yonge/Bernard KDA vicinity be completed in a timely manner to coincide with the initial build out in the KDA, including, at a minimum, the Elgin Mills railway grade separation, the widening of Elgin Mills Road between Bathurst Street and Yonge Street as outlined in the York Region Transportation Master Plan, and intersection improvements be completed at Elgin Mills/Yonge and Yorkland/Elgin Mills.
- d) That Richmond Hill Council advocates for the widening of 19th Avenue from Yonge Street to Highway 404 and for a highway interchange at Highway 404.
- e) That if the transportation improvements listed in clause (c) are not completed before 15% of the total housing units prescribed in the KDA Secondary Plan are approved, that a Planning mechanism comparable to a holding by-law be initiated to pause development in the area;
- f) That during the hold period referred to in clause (e) a review of the local and Regional Transportation conditions in the KDA area be completed and all suggested adjustments be made to the transportation network according to recommendations coming out of the traffic review before further development in the KDA is approved;
- g) That the BRT Yonge Project be completed before any building over 4 storeys be approved within the KDA area.

After some discussion, Council adopted the following recommendation:

That the motion of Councillor West in respect to staff report SRPRS.17.197 be referred to the Council meeting on November 27, 2017, to permit staff to provide comments on the motion.

Staff have considered the proposed items of Councillor West's motion, and provide the following comments:

1. With respect to items "a" and "b", these are the recommendations put forward by staff via staff report SRPRS.17.197 and staff continue to support these recommendations.

The proposed Secondary Plan and Zoning By-law for the Yonge and Bernard KDA are sound planning documents. Staff and the consultants have worked diligently to obtain the necessary information, undertake the required analysis, and meaningfully consult with the public, landowners and stakeholders. The resulting documents conform to the Town's Official Plan, conform to the Region's Official Plan and the applicable Provincial Plans, and are consistent with the Provincial Policy Statement. They provide the appropriate planning direction to direct development in this area that will provide for a more compact, transit supportive, mixed-use community that can be supported by the existing and planned infrastructure for this area, and provides appropriate transition to the existing adjacent Neighbourhood area.

2. With respect to items "c" and "d" – these items speak to Council's actions to advocate for infrastructure outside of the KDA to be undertaken by other levels of government/agencies to enhance movement within and around the KDA. These are appropriate recommendations to respond to the existing traffic concerns identified by the residents in this area. Staff, however, reiterate that the development within the KDA and the town-wide Regional transportation improvements run in parallel to each other and will occur over time.
3. With respect to item "e" – this recommendation speaks to a future action by Council based on certain growth thresholds being met, with the objective of confirming the transportation analysis of 2017 which stated that only the BRT and the proposed local roads are required transportation improvements to support development in the KDA. The recommendation indicates that Council would apply a planning mechanism to "pause" development if certain transportation improvements have not been completed prior to 15% of the total housing units in the KDA are approved (the threshold).

Staff do not recommend adopting this recommendation as written for the following reasons:

- i. On a technical level, the recommendation as written results in a resolution to "authorize" Council to initiate a planning mechanism to pause development if (a) certain infrastructure projects are not completed and (b) 15% of the units in the KDA are approved. The purpose of the proposed pause appears to be to determine if the transportation system is operating sufficiently. This recommendation presupposes a Council action without first having the benefit of additional information. Staff should first undertake a technical review of the transportation system and report to Council as to

whether there is a need to impose a pause on further development. As such, the recommendation should clarify that staff prepare a planning report for Council's consideration.

It should also be noted that staff will always continue to monitor transportation matters through our regular development approval process, which requires transportation studies to be submitted with each development application.

- ii. Presently, the recommendation provides a threshold of approval for 15% of the units contemplated in the KDA. Given that the adoption of the Secondary Plan and Zoning By-law would approve 100% of the units to be built as of right, the threshold is theoretically already exceeded. As such, it would be more appropriate to connect it to units being "constructed and occupied."
- iii. Finally, while the recommendation does not specify a "planning mechanism" to "pause development", one tool could be to implement another interim control by-law (ICBL). Please note that the Planning Act prohibits enacting an ICBL within the same area until three years after the current ICBL has ceased to be in effect. As such, this timing element should also be noted.
4. With respect to item "f" – This recommendation proposes to cease planning approvals until such time as certain transportation improvements are completed. At this time, it is premature for this recommendation to specify that further development would not be approved until such time as all of the named infrastructure is complete, given that presently there is no evidence that any of it is actually required to service the proposed growth within the KDA. Consequently, staff do not support this aspect of the recommendation. With respect to the reference to undertaking a transportation review, however, staff suggest that recommendation "e" could be further modified to indicate that the report to Council would be concerning the possible need for a renewed transportation review and taking any necessary actions resulting from the conclusions of the review.
5. Recommendation "g" proposes to cap building height until the BRT Yonge Project is complete. The BRT Yonge project is due to be completed in 2020. Firstly, it should be noted that there is likely very limited development that would actually be occupied until after 2020; secondly, there is no relationship between building height and the installation of the BRT; and thirdly, capping height to 4 storeys is inconsistent with the intent of the KDA vision where 4 storeys is generally the minimum height in the Interior Character Area/KDA2 areas of the KDA and not even permitted in the Corridor Character Area/KDA 1 areas. Consequently, this recommendation is not supported. Having said that, staff suggest that it would be appropriate to reference the BRT Yonge Project completion in recommendation "e".

Based on the foregoing, if Council is desirous to include additional direction in its decision, staff recommend that Council adopt the following revised recommendations in relation to staff report SRPRS.17.197:

- a) That staff report SRPRS 17.197 be received;

- b) That the Yonge and Bernard Key Development Area Secondary Plan (Appendix A) and Implementing By-law (Appendix B) be adopted;
- c) That Richmond Hill Council take further steps to advocate that relevant regional transportation and road improvements in the Yonge/Bernard KDA vicinity be completed in a timely manner to coincide with the initial build out in the KDA, including, at a minimum, the Elgin Mills railway grade separation, the widening of Elgin Mills Road between Bathurst St. and Yonge St. as outlined in the York Region Transportation Master Plan, and intersection improvements be completed at Elgin Mills/Yonge and Yorkland/Elgin Mills;
- d) That Richmond Hill Council advocates for the widening of 19th Ave from Yonge St. to Highway 404 and for a highway interchange at Highway 404;
- e) That if the transportation improvements listed in clause c) and the BRT Yonge project are not completed before the latter of 15% of the total housing units prescribed in the KDA Secondary Plan are constructed and occupied, or 3 years from the date the Interim Control By-law (By-law 100-16) ceases to be in effect, that a Planning report be brought to Council to consider initiating a pause to development in the area, in order for staff to conduct a review of the local and regional transportation conditions in the KDA and suggest adjustments to the transportation network and any other appropriate action(s) to address any emerging transportation issues.