



May 3, 2011

York Region
Regional Clerks Office
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attn: Denis Kelly, Regional Clerk

Dear Mr. Kelly

**Re: May 4, 2011 Planning and Economic Development Committee
Item D4, Richmond Hill Official Plan
&
10909 Yonge Street (Bernard Plaza)
TSMJC Properties Inc.**

PMG Planning Consultants are planners for TSMJC Properties Inc., the owners of the "Bernard Plaza" at the south east corner of Yonge Street and Bernard Avenue.

On June 8, 2010, we wrote to the Town of Richmond Hill raising concerns with certain policies which impacted these lands (letter attached). Prior to the July 2010 endorsement of the Official Plan by Richmond Hill Council, changes were made to Section 4.4.1.7 to address our concerns regarding timing of a Concept Plan in relationship to a Secondary Plan, and the ambiguity of the term "development block".

The Town however, did not address our concerns regarding the minimum and maximum densities established in Section 4.4.1.6 and the specific height limits established in Section 4.4.1.9. We continue to feel that these sections should speak to broader principles to allow either the Secondary Plan or the Concept Plan process to address this level of detail.

Subsequent to our June 8, 2010 letter, it has become public knowledge that the Ontario Building Code is seeking to require increased building efficiencies in the order of 25%. With this in mind, we feel that Sections 3.2.3.26 and 3.2.3.30 are redundant, and if implemented and enforced after the changes to the OBC, would be onerous. Modification #29 in the staff report introduces the words "shall be encouraged to" into Section 3.2.3.26, but we still have concerns, and feel that any attempt to enforce any standards beyond the OBC would not be within the jurisdiction of the Town under the Municipal or Planning Acts.

Given these concerns we would request that Planning and Economic Development Committee recommend that Sections 4.4.1.6, 4.4.1.9, 3.2.3.26

and 3.2.3.30 be referred back to the Town for further consultation, and that the Regional Council support this recommendation.

We also request that we be provided with any Notice of Decision issued in relation to the approval of the Richmond Hill Official Plan, and any meeting minutes related to recommendations and decisions of York Region Council or its Committees.



Yours, very truly,

PMG Planning Consultants

A handwritten signature in black ink, appearing to read 'H. Rimon', written over a horizontal line.

Hessie Rimon, P. Eng., MCIP, RPP
President
HR/ps

c.c.: TSMJC Properties Inc.

June 8, 2010

Project No. 2776

Town of Richmond Hill
Clerk's Office
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Attention: Ms. D. McLarty
Town Clerk



Dear Ms. McLarty:

Re: 10909 Yonge Street (Bernard Plaza)
TSMJC Properties Inc.
Town File: D06-09029
Town of Richmond Hill

PMG Planning Consultants are planners for TSMJC Properties Inc., the owners of the "Bernard Plaza", at the south east corner of Yonge Street and Bernard Avenue.

This site ($\pm 71,440 \text{ m}^2$, 17.65 ac) is designated "Community Commercial" in the Official Plan. The proposed Plan contemplates to replace this designation with a Key Development Area designation. This land use would be extended to the four quadrants centred on the Yonge Street / Bernard Avenue intersection. Our clients' concern arises from the proposed approval process rather than the proposed land use designations, and from some of the detailed requirements prescribed in such a high level document, when further controls (Secondary Plan & Concept Plan) are being established in this Official Plan:

- Section 4.4.1.7 requires that an applicant submit a "Concept Plan", which demonstrates how the development meets the land use and design policies of the Official Plan for areas identified as a development blocks in a Secondary Plan. The term "development block" is not defined and is therefore confusing. Section 4.4.1.1 indicates that the Town shall prepare a Secondary Plan for the Yonge Street and Bernard Avenue KDA. These two policies together raise the concern that it does not appear that the Town will consider a development application, even if a "Concept Plan" is provided and approved, until the Town has gone through the process of preparing and approving a Secondary Plan for the entire KDA area. As the Secondary Plan is anticipated to deal with all four quadrants of this KDA, appeals by other landholders in other quadrants could further delay the process. We are concerned that this could sterilize the potential redevelopment of the site for years.
- Section 4.4.1.6 establishes tight minimum and maximum densities for development blocks within the KDA, then indicates that the boundaries for the development blocks are identified in the Secondary Plan. As the Secondary Plan is to be prepared by the Town, the ability for the applicant to best distribute the density on the property in a functional manner is severely limited, and may require an Official Plan Amendment to the Secondary Plan to make small adjustments which

could be in keeping with a mutually agreeable "Concept Plan".

- Section 4.4.1.7 establishes extremely specific heights. As this Plan calls for both a Secondary Plan and Concept Plan, we are concerned that the detailed preparation of these documents may require an amendment to Official Plan to implement a mutually acceptable massing plan developed through a more detailed and precise process. We suggest that it is more appropriate for the Official Plan to deal with broader principles, and allow the more detailed processes to address the specifics.

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We would request that this section of the Official Plan be restructured to ensure the following:

- That a Secondary Plan be prepared by the Town in consultation with affected land owners;
- That applications be allowed to proceed in advance of the KDA Secondary Plan, provided a Concept Plan is submitted and approved for the subject quadrant;
- That the specific height, density and block requirements be removed from the Plan, and developed through either the Concept Plan or Secondary Plan process, whichever ever comes first.

In short we are suggesting that Council find a way to streamline the approval process for development proposals within the Key Development Areas, and attend to the ambiguity in terminology. Thank you.

Yours very truly,

PMG Planning Consultants


Hessie Rimon, P. Eng., MCIP, RPP
President
HR/ed
c.c.: TSMJC Properties Inc.