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Our File No.: 181354

Via Email

Richmond Hill City Council
225 East Beaver Creek Road
Richmond Hill, ON
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Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Draft Richmond Hill Centre Secondary Plan – Report SRCM.21.14
Council Public Meeting – October 28, 2021 – Item 3.1**

We are the solicitors for Metroview Developments (Garden) Inc. (“**Metroview**”), the owner of the properties known municipally as 8700 and 8710 Yonge Street, located at the northwest corner of Yonge Street and Garden Avenue (the “**Metroview Property**”).

The Metroview Property is the subject of site-specific official plan and zoning by-law amendment applications (the “**Metroview Applications**”) which remain under appeal at the Ontario Land Tribunal (“**OLT**”) as a result of the City’s failure to make a decision within the statutory time frames (the “**Metroview Appeals**”).

The Metroview Applications were originally filed in December 2018 seeking approval of two high-rise residential towers connected by a podium building with retail and commercial uses at grade, along with the dedication of a new 20-metre wide public street along the western portion of the site which would provide vehicular access to the proposed development while also improving the local road network, as contemplated in the Richmond Hill Official Plan (“**RHOP**”).

During the first Council Public Meeting on the Metroview Applications held in May 2019, certain members of Council remarked that the Metroview Property is an important gateway to the Richmond Hill Centre (the “**RHC**”) which can and should accommodate significant additional height and density, as well as reduced parking rates given its proximity to transit. Encouraged by that feedback, Metroview retained a world-renowned architect to go back to the drawing board to design a new spectacular landmark building for this important location.



In December 2019, Metroview made a comprehensive resubmission seeking approval for a revised mixed-use development comprised of a single 54-storey tower atop a podium building wrapping around the key street frontages. Prior to its resubmission, Metroview met and consulted with City Planning and Urban Design staff on multiple occasions. The revised proposal was arrived at through a collaborative approach with staff with the objective of achieving the best overall design and built form for this vital gateway site. The revised proposal also continued to include the dedication of a new 20-metre wide public street along the western lot line.

Despite Metroview's efforts to respond to the encouragement and direction it had received from the City, Council ultimately decided not to support the revised Metroview Applications following a second Council Public Meeting in February 2021. The OLT subsequently scheduled the Metroview Appeals to a two-week hearing which is currently set to commence in March 2022.

However, as a result of recent discussions with the City, Metroview has decided to now revise its proposal once more to reduce the overall height and density, in the hope that a resolution may ultimately be achieved based on a revised built form and massing that is acceptable to the parties and that appropriately responds to the Provincial and Regional policy directions. Consequently, the parties have requested that the OLT adjourn the hearing to provide an opportunity for Metroview to submit another revised proposal which can be considered and evaluated by staff in the context of the emerging Richmond Hill Centre Secondary Plan ("RHCSP") policy framework.

Significance of Richmond Hill Centre and Metroview Property

The RHC is one of only three provincially-designated urban growth centres in the southern part of York Region, and one of only two that will connect to the Line 1 subway (the other being the Vaughan Metropolitan Centre).

While Metroview understands that context is important and that new development must fit comfortably with its surroundings and provide appropriate transition to low-rise residential areas, it is also an imperative in Provincial and Regional planning policy to achieve optimal heights and densities throughout the designated urban growth centres.

Since the Metroview Applications were originally filed, the prognosis for the RHC has continued to improve, with the Province recently designating the Yonge Street subway extension as one of its highest priority transit projects, and construction expected to be completed within the decade. In the meantime, updated versions of the Provincial Policy Statement and Growth Plan have been issued which further underscore the need for transit-supportive mixed-use development and the efficient use of land and infrastructure.

The Metroview Property represents a special location and unique development opportunity. Despite being located on the west side of Yonge Street, it is a very short walk to the highest order transit stations and will be one of the first impressions visitors see when entering Richmond Hill



from the south. It is a gateway to the RHC and to the overall City, and it deserves an iconic building that achieves design excellence and demarcates the RHC on the emerging City skyline.

Timing of the Richmond Hill Centre Secondary Plan

While it is understood that the existing RHOP contemplates the preparation and adoption of an RHCSP, the underlying policy framework is now significantly outdated, arising out of background reports published 12+ years ago.

York Region is nearing completion of its municipal comprehensive review process which will culminate in a new Regional Official Plan (“**ROP**”) being adopted to bring Regional planning policy into conformity with the 2019 Growth Plan (as amended). The City is also engaged in a comprehensive review of its RHOP with forthcoming amendments to achieve Provincial and Regional policy conformity. Among the required updates are renewed policies which use the 2051 population and employment forecasts to plan and manage growth.

Despite purporting to “align with” the emerging ROP and RHOP policy direction, the RHCSP Study Report continues to reference outdated 2031 population and employment forecasts and it contains no meaningful analysis of the updated planning context.

It is unclear why staff feel compelled to finalize the RHSCP and recommend that it be adopted on the eve of the Region and City completing their conformity exercises and significantly updating their respective official plans.

Inappropriate Density Limits for West of Yonge Character Area

The most glaring deficiency in the draft RHSCP is the maximum density of 2.5 FSI proposed for the West of Yonge Character Area, which includes the Metroview Property. Aside from a vague statement that the “lowest, least dense buildings are generally expected to be located at the edges of the Study Area, adjacent to existing residential neighbourhoods”, there is no justification provided in the RHCSP Study Report for this absurdly low density limit.

To put this in context, despite the RHC being at the very top of the City’s existing intensification hierarchy, the 2010 RHOP already permits at least 2.5 FSI on every property fronting on Yonge Street for over three kilometres north of the Metroview Property. Moreover, the City has routinely approved numerous Yonge Street developments with densities of 4.0 FSI and higher over the past 10 years, to the point that 4.0 FSI is now considered the bare minimum. Metroview’s project at Yonge and Elmwood was just approved at 4.9 FSI despite being located in the Downtown Local Centre (which is three levels lower than the RHC in the existing intensification hierarchy) and merely adjacent to a BRT stop (as opposed to a being a short walk from a new subway station).

Furthermore, the RHCSP Study Report expressly acknowledges on page 15 that two recent developments were approved at 8868 Yonge Street (Collecdev) and 8888 Yonge St (another Metroview project), in the West of Yonge Character Area, with FSIs of 5.09 and 4.2, respectively.



Yet in the same report a density limit of 2.5 FSI is proposed for those same properties. It is simply not credible to suggest that lands within a provincially-designated urban growth centre should be capped at less than half of the density for which they were recently approved.

The Metroview Property is less than 500 metres from the planned High Tech Subway Station and Langstaff GO Station, which amounts to a 5 minute walk. Provincial policy demands a much higher level of intensification for the Metroview Property, and it would be wholly inappropriate to impose an artificial density limit anywhere near the proposed 2.5 FSI.

Angular Plane Flexibility for West of Yonge Character Area

Although the draft RHCSPP does not propose to impose any specific height limits, we note that the RHCSPP Study Report includes a table on page 28 with “anticipated height ranges”. For the Metroview Property within the West of Yonge Character Area, the anticipated range is 12-25 storeys. However, given the stated intent to “realize a more interesting skyline and diverse urban character”, it is respectfully submitted that buildings taller than 25 storeys may be appropriate in some locations, including important gateway sites such as the Metroview Property.

In this regard, we also note that proposed policy 1.3.4.3 (and the commentary on page 32 of the RHCSPP Study Report) contemplates buildings taller than 20 storeys penetrating a 45 degree angular plane measured from the neighbourhood adjacent to the West of Yonge Character Area, on lots greater than 100 metres in depth, where it is “demonstrated that the impacts of the building, including shadows, wind, comfort, and overlook, can be addressed to the City’s satisfaction”.

While Metroview is pleased to see this flexible approach to transition, there is no good reason for the policy to be limited to sites greater than 100 metres in depth. The Metroview Property is approximately 85 metres deep and yet the identified transition impacts can be appropriately addressed with a landmark building at the corner of Yonge and Garden that exceeds 20 storeys in height. There is simply no significance to a property having a threshold depth of at least 100 metres. Accordingly, policy 1.3.4.3 should apply to all properties in the West of Yonge Character Area, with no lot depth threshold, so that Metroview and other property owners have an opportunity to qualitatively demonstrate how the identified impacts can be minimized.

Summary

Given the recent amendments to provincial policy and the pending municipal comprehensive review exercises, it is clear that the RHC must be optimized. If the City continues to impose an artificial maximum density of 2.5 FSI to the West of Yonge Character Area, despite recent approvals with twice as much density, the RHC will not achieve an appropriate level of intensification, and the significant transit investments being made by the Province and Region will be undermined. The Metroview Property is uniquely situated and the City must not miss the opportunity to achieve urban design excellence at this key gateway location.



We respectfully request that Metroview's concerns be given serious consideration as City staff proceed through the RHCSP process. We will be making a deputation at the Council Public Meeting and would be happy to answer any questions you may have.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Ian Andres", with a long, sweeping horizontal stroke extending to the right.

Ian Andres
IDA/vw

cc: Dalvir Passi, Metroview

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