



Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.5160
iandres@goodmans.ca

May 2, 2023

Our File No.: 181354

Via Email

Richmond Hill City Council
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Proposed Richmond Hill Centre Secondary Plan – Report SRCM.23.06
Committee of the Whole Meeting – May 3, 2023 – Item 11.8**

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**”).

As you may recall, 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**”), and which are subject to a three-week hearing on the merits scheduled to commence on September 18, 2023.

On behalf of Metroview, we have been closely monitoring the Richmond Hill Centre Secondary Plan (“**RHCSP**”) process, and we provided written and oral submissions to City Council on October 28, 2021 in respect of the previous draft of the RHCSP. Unfortunately, the updated draft of the RHCSP fails to address the concerns previously expressed and therefore remains flawed.

The Metroview Applications

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 and a floor space index (“FSI”) of 6.54 times the lot area. Prior to its resubmission, Metroview met and consulted with City 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.

As a result, the OLT originally scheduled the Metroview Appeals to a hearing set to commence in March 2022. However, that hearing was adjourned at the parties’ joint request to provide an opportunity for further settlement discussions.

Although those discussions have not resulted in a settlement, as a result of the feedback received from the City and in an attempt to compromise, Metroview did choose to revise its proposal to significantly reduce the overall height and density. Accordingly, the current Metroview Applications are seeking approval of a single 45-storey tower atop a podium building with a reduced FSI of 5.81, with the overall site layout largely unchanged. Since City Council recently instructed staff to continue to oppose the current iteration of the Metroview Applications, it is expected that the hearing will proceed in September 2023 and the OLT will make a decision.

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.

As noted in the RHCSP reports, the landscape within the RHC has changed significantly as a result of the enhanced ministerial zoning order (“EMZO”) issued by the Minister of Municipal Affairs



and Housing (the “**Minister**”) for a large area east of Yonge Street. Specifically, the EMZO has approved much taller buildings and higher densities than were previously contemplated by the City. Of particular relevance, on the small block immediately opposite the Metroview Property at the northeast corner of Yonge Street and Garden Avenue, the EMZO permits two 137 metre towers (approximately 45 storeys each) and 73,369 m² of gross floor area (“**GFA**”), which is roughly 70% more GFA than Metroview is proposing on its larger site at the northwest corner.

Given that the Metroview Property is within an urban growth centre and a major transit station area, and in the context of the EMZO permitting the equivalent building heights and significantly higher density immediately across the street, the Metroview Applications are entirely appropriate.

The Metroview Property represents a special location and unique development opportunity. It is a very short walk to the highest order transit station and will be one of the first impressions visitors see when entering Richmond Hill from the south and when approaching the new transit hub from the west. It is a gateway to the RHC and to the overall City, and it deserves an iconic building that achieves design excellence and frames this important intersection on the emerging skyline.

Inappropriate Density Limits for West of Yonge Character Area

The most glaring deficiency in the proposed RHSCP continues to be the minimum and maximum FSIs of 2.0 and 3.0, respectively, proposed on Schedule 2 for the West of Yonge Character Area, which includes the Metroview Property.

Aside from a general direction in proposed policy 10.3.1.1 that “the highest and most dense forms of development will be located around High Tech Station, with building heights and densities progressively decreasing towards the edges of Richmond Hill Centre”, there is no justification provided for these absurdly low densities, and there are several reasons why they are inappropriate.

First, the existing RHOP, which was adopted in 2010 long before the provincial government confirmed the extension of the subway into Richmond Hill, currently requires a higher minimum density of 2.5 FSI per RHC development block. There is no planning policy support whatsoever to reduce the required minimum density within an urban growth centre in 2023.

Second, the densities envisioned in the RHSCP for development blocks fronting on the west side of Yonge Street are far below the densities approved by the City and OLT within the past 12 years for other comparable mixed-use developments along the Yonge Street Regional Corridor, which routinely exceed 4.0 and even 5.0 FSI, in areas that are beneath the RHC in the City’s well-established intensification hierarchy.

If the City was comfortable supporting 4.9 FSI for Metroview’s project in the Downtown Local Centre at Yonge Street and Elmwood Avenue (which is merely serviced by a rapid bus line and is several levels below the RHC in the City’s intensification hierarchy), surely the Metroview Property at Yonge Street and Garden Avenue (which is located less than 400 metres from the highest-order inter-modal subway station) can accommodate higher density. Moreover, two other



projects within the same RHC West of Yonge Character Area, 8868 Yonge Street and 8888 Yonge Street, are currently being constructed with FSIs of 5.09 and 4.2, respectively.

Third, the purported maximum density of 3.0 FSI for the West of Yonge Character Area does not conform with the new York Region Official Plan (“**ROP**”). While it is acknowledged that the version of the ROP originally adopted by the Region contemplated lower-tier municipalities establishing maximum heights and densities within their major transit station areas (“**MTSAs**”), those policies were specifically deleted by the Minister when he approved the ROP in November 2022. As such, the City is not entitled to impose maximum heights or densities within the RHC, regardless of whether they are imposed on a site-specific or area-specific basis.

To illustrate this point, we are attaching a letter from the Minister to the Peel Regional Chair, dated February 9, 2023, which confirms that the Minister’s decision to delete the equivalent policies in the new Peel Region Official Plan removed “the discretion of lower-tier municipalities to set maximum heights within Major Transit Station Areas” with the intent of ensuring “that transit supportive outcomes are achieved, and that adequate housing supply is brought forward faster”.

There is no doubt that the same logic and intent governed the Minister’s decision to modify the York ROP to remove Richmond Hill’s discretion to set maximum heights and densities within its MTSAs. Accordingly, if the RHCSP is adopted with maximum densities on Schedule 2, it will not conform with the ROP, nor will it adhere to provincial housing and intensification policies.

Revised Angular Plane and Gateway Policies

In our October 2021 submissions, we commented on policy 1.3.4.3 (as proposed in the previous draft of the RHCSP) and the corresponding commentary in the October 2021 RHCSP Study Report (the “**Study Report**”) which contemplated 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. While we questioned the arbitrariness of the 100 metre threshold, we welcomed the flexible approach to transition, and Metroview employed this approach, in part, when subsequently revising its development proposal.

The Study Report also included several conceptual land use images for the West of Yonge Character Area which envisioned a landscaped strip along the west edge of the new north-south public street proposed for the Metroview Property, within the boundary of the RHC but immediately adjacent to the existing neighbourhood, presumably to assist with transition and to provide for an attractive linear park or enhanced boulevard condition.

Without explanation, this landscaped strip and the flexible approach to transition have been abandoned in the revised draft of the RHCSP. The western boundary appears to have been slightly retracted and the policies in section 10.3.4 are instead proposed to revert to the angular plane policies in the parent RHOP, which are generic and do not account for the increased intensification required to be accommodated in the RHC (with only minor projections contemplated).



On the other hand, we note that proposed section 10.3.5 recognizes that the intersection of Garden Avenue and Yonge Street is a major gateway and an important location and entrance to Richmond Hill, and that development will create a sense of entrance and arrival. Metroview supports the proposed policies in 10.3.5.1 requiring design excellence, identity strengthening, a prioritized pedestrian experience and high quality public realm. Indeed, the Metroview Applications as currently proposed would meet and exceed these policies.

Accordingly, before adopting the RHCSP, we respectfully request that Council direct staff to re-introduce policies and mapping which provide for a more flexible approach to addressing transition on a site-specific basis, particularly for large and important gateway sites. Reverting to a prescribed generic approach to transition based on a rigid angular plane standard would otherwise undermine the City's important place-making and intensification objectives.

Summary

Given the existing housing crisis and recent amendments to provincial and local policy, it is clear that the RHC must be optimized throughout its limits, beyond the area subject to the EMZO.

If the City continues to impose an artificial maximum density of 3.0 FSI to the West of Yonge Character Area, the RHC will not achieve its full potential. The Metroview Property is uniquely situated and the City must not miss the opportunity to achieve urban design excellence and appropriate intensification at this key gateway location.

Thank you for your consideration. We will be making a deputation at Wednesday's 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 underline.

Ian Andres
IDA/rr

cc: Dalvir Passi, Metroview

7373099

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2023-662

February 9, 2023

Nando Iannicca
Regional Chair and CEO
Regional Municipality of Peel
nando.iannicca@peelregion.ca

Dear Regional Chair Iannicca:

This information is provided for members of Peel Regional Council in advance of its consideration of Official Plan Amendments 142, 143, 144 and 146 at the Peel Region Council meeting on February 9, 2023, at 9:30 a.m. These Official Plan Amendments are amendments to the City of Mississauga Official Plan.

On November 4, 2022, I approved the new Official Plan of the Region of Peel.

Section 5.6.19.10 of the Region of Peel Official Plan, as modified, removes the discretion of lower-tier municipalities to set maximum heights within Major Transit Station Areas. The intent of this modification is to ensure that transit supportive outcomes are achieved, and that adequate housing supply is brought forward faster.

While the new Region of Peel Official Plan is clear, Ministry staff understand that Mississauga OPAs 142, 143, 144 and 146, contain provisions that purport to set a maximum height limit within certain Major Transit Station Areas

As a result, any endorsement by Regional Council of these provisions is contrary to the modifications made to Section 5.6.19.10 of the legally in-effect Regional Official Plan.

Thank you for your attention on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

- c. Councillor Stephen Dasko – Ward 1 stephen.dasko@mississauga.ca
Mayor Bonnie Crombie, City of Mississauga Mayor@Mississauga.ca
Tara Buonpensiero, Acting Chief Planner Peel Region
Tara.Buonpensiero@peelregion.ca