

SUBMISSION TO CITY COUNCIL RE: OPA-23-0003
OBJECTING TO THE APPLICATION TO REDESIGNATE THE
“SUBJECT LANDS” AS A KEY DEVELOPMENT AREA

1. **Parkway Hotels provided misleading information in its Application.**

- A. The “Subject Lands” (as referred to in the application) includes also City Hall, the Shoppes of the Parkway, our two condominium building sites, the roadway adjacent to our condo buildings, and underground parking and at-grade parking for the various uses.

The Planning Opinion report provided as part of the application shows that the “size of land” under municipal address “600 Highway 7E” is 7.59 ha. This includes the “surrounding lands” of 3.58 ha. currently owned by City Hall, the shopping mall and the 2 condo buildings. This is FALSE information.

The developer has intentionally included the surrounding lands as “Subject Lands” in the application to give a false impression that they have a “developable land” of 8.63 ha for the proposed development, when in fact they only have a Site Area of 5.05 ha (as per page 6 of Planning Opinion Report). Since the Site Area (5.05 ha) is a “well developed” site with 2 hotels and conference centre, a strip plaza and a 2-storey office building, the actual size of the “developable land” made available upon the demolition of the two-storey office building, Best Western Hotel and the strip plaza at 9005 Leslie St, will be approximately 2 ha and it is scattered in three sites on the Subject Land. It clearly does not meet the Official Plan guidelines to even consider designating this small parcel of “scattered” land as a Key Development Area.

- B. Parkway did NOT include the Gross Floor Area of the existing Sheraton Hotels and Conference Centre for their calculation of FSI.

Page 6 of the Planning Opinion Report treated the Subject Lands as an “empty lot” and used the NEW (to be constructed) Gross Floor Area of 280,490 sq. metres for the calculation of the FSI. The applicant seemed to have conveniently ignored the fact that Sheraton Hotel and the Conference Centre will continue to be in operation after the development project, hence they should include the Gross Floor Area of the current Sheraton Hotel and Conference Centre and other related facilities in their calculation of FSI.

- C. The City staff have issued the Notice of Complete Applications Under the Planning Act based on the wrong information provided by Parkway (i.e., the land size, the Gross Floor Area, the FSI, etc.). These are

“key” information that the developer must provide. While we are not sure of Parkway’s real intent in providing false information in its application, we feel strongly that this application should be rejected because it is based on false information intended to mislead the public.

2. **It is an Abuse of Process to use the “Official Plan Amendment” process to redesignate the Subject Lands to a Key Development Area.**

The City’s 2010 Official Plan designates lands in East Beaver Creek Road and Highway 7 area as “Employment Area and Employment Corridor.” Through the Official Plan Review, Official Plan Amendment (OPA) 18.3 was approved by Council on June 27, 2022 to designate the Subject Lands as part of the East Beaver Creek and Highway 7 Local Centre.

The OPA 18.3 is not subject of appeal and it came into force on Sept 9, 2022. (according to the Certificate of Approval signed by RH Director of Community Planning and Development Services on January 10, 2023.)

If Parkway Hotels is not satisfied with the designation under OPA 18.3 as a “Local Centre”, they should have followed the due process and filed an appeal with Ontario Land Tribunal during the period when OPA 18.3 was still appealable. It is an abuse of process for Parkway to submit a development proposal and use it as a disguise for their application to change the designation of the Subject Lands to Key Development Area.

If the Council allows this application to proceed, this would invite a flood of developers to challenge the Official Plan and Official Plan Amendment process for no other reason but to increase the maximum density and height of their development site. This would make it impossible to enact the Official Plan to make sure there is “planned” growth and development in Richmond Hill.

3. **This Application is a Challenge to the Legality and Integrity of the Official Plan**

The urban structure as shown on Schedule A1 (City Structure) to the Official forms a spatial framework for land use and development in Richmond Hill. The Official Plan directs the highest and densest developments to Richmond Hill Centre. Second in the intensification are two Key Development Areas (i.e., Yonge St and 16th Ave KDA and Yonge Street and Bernard Ave KDA). The Plan gives reasons for why KDAs are located on Yonge Street Corridor and why these two KDAs are designated.

Following the intensification hierarchy are Regional Corridors and five Local Centres. East Beaver Creek and Highway 7 is identified as one of five Local Centres named in the Official Plan. The Plan states in details why and how these five areas are identified as Local Centres.

Under the disguise of an OP Amendment, the developer is challenging the criteria used for land use designation (as a Local Centre or a Key Development Area) and to seek fundamental changes in the “City Structure” and “Intensification Hierarchy” as set out in the current Official Plan. What they are trying to do is beyond the scope and mandate of an “OP Amendment”.

If they are in disagreement with the criteria used for designation of land use intensification, they should have filed an appeal of the Official Plan to the OLT at the time when the Official Plan was first approved by the Council.

This application must be rejected because it does not comply the Zoning By-laws as well as Schedule A1 (City Structure) and Schedule A2 (Land Use) of the Official Plan and the Official Plan Amendment. As a matter of fact, OPA 18.3 came into force only recently (on Sept 9, 2022) to designate the “Subject Lands” as a Local Centre. It would make a mockery of the Council and the administration in Richmond Hill if this invasive development is allowed in this area.

4. This application is a Challenge to the Official Plan Amendment Process and The Key Directions Report

The City Plan 2041 Key Directions Report is a foundational document for the preparation of amendments to the Official Plan 2010. The City staff conducted extensive consultation with stakeholders and the public and made their recommendation in the Key Directions Report, which provides a framework for the updating of the Official Plan that ensures the proposed Vision and Urban Structure for City Plan 2041 can be achieved.

The Key Directions was endorsed by Council February 9, 2022. The proposed Urban Structure maintains the 2010 Official Plan framework of identifying Centres and Corridors and Employment Lands. It affirms the designation of East Beaver Creek and Highway 7 as a Local Centre.

The report devoted 8 pages (page 58-63, 131, 152) to identify and address five Key Directions in East Beaver Creek and Highway 7 area. It

also presents a “Vision Statement” for this Local Area, based on the public and stakeholder response.

According to their application, Parkway Hotels actively participated in the City’s Official Plan Review. They provided two written submissions and made two deputations to Council requesting that the East Beaver Creek and Highway 7 Area be identified as a Key Development Area. The City staff and Council carefully considered their submissions and decided to affirm the designation of East Beaver Creek and Highway 7 as a Local Centre; and Council enacted its decision by passing OPA 18.3 to designate this area as a Local Centre. If Parkway is not satisfied with the outcome of the Official Plan Review, they should have filed an appeal with OLT when OPA 18.3 was passed.

As stated in the Key Directions Report, Density without amenity is overcrowding. Density with amenity is community.”

The City Council and staff must strive to protect and preserve the integrity of the Official Plan and the Key Directions Report to ensure future compliance of the Official Plan by other developers.

5. The “Subject Lands” does NOT meet the Basic Criteria to be designated as a Key Development Area

OPA 4.4 states that KDAs are intensification areas located on a Regional Corridor where public rapid transit services intersect with major nodes of retail and commercial development activity, and where opportunities exist for redevelopment of large sites that can support new public streets, parks and urban open space connections. OPA 18.3 identifies KDAs as areas where large parking fields, underutilized sites, and/or parcels of vacant land presently exist.

The City staff has applied objective planning standards and policies before designating the two KDAs to be on Yonge Street (i.e., the Yonge Street and 16th Ave/Carrville Rd KDA and Yonge Street and Bernard Ave KDA) and preparing a Secondary Plan for each KDA. From our point of view, it is quite evident that the Subject Lands do not meet the basic criteria to be considered a KDA; in that they are NOT “areas where *large* parking fields, underutilized sites, and/or parcels of vacant land presently exist”, and the land is NOT large enough to support new public streets, parks and urban open space connections as required for a KDA.

The developer needs to recognize the fact that the “developable lands” on the Subject Site are three small “pockets” of land (with total area of about 4-5 acres) situated on an “already developed” site (with existing Sheraton Hotels, Conference Centre and retail shops) and the “developable land” can be made available only after the demolition of 3 small-size existing buildings. The fact that the “developable land” is scattered and small in size makes it impossible to develop such lands to be a KDA.

6. The Application is not supported by the Key Directions Report

The City’s Official Plan Update is informed by the Key Directions Report, which was endorsed by Council on February 9, 2022. It should be noted that Parkway participates in the City’s Official Plan Review process and provided two written submissions and made two deputations to Council.

The Key Directions Report does NOT support the designation of the Subject Lands as a Key Development Area.

The Vision Statement in the City 2041 Key Directions Report states that "East Beaver Creek and Highway 7 should be a gateway hub to service the broader employment and area residents, which provides access to a variety of businesses and cultural elements, is well supported by transit".

One of the Intensification Key Directions for this Local Centre is to convert from Employment designations to support a mix of uses, with the area predominantly continuing to support employment uses.

Nowhere in the Key Directions Report suggests that there be high-density and high-rise residential development in this Local Centre.

The Vision Statement and Key Directions for this Local Centre will be ignored if approval for amendment can be given and the Vision Statement will become a nightmare for the residents. City government and the Council policies, plans and directions will in future have no place with the citizens.

7. The Application Fails to address the Key Directions for this Area “to Provide a Civic Presence relative to the City’s Municipal Administrative Building with an Open Space Facility”

The City Plan 2041 Key Directions Report clearly identified the importance to establish the existing municipal administrative building as a place for civic interaction. It was suggested that there would be improvements to green spaces around the building to provide more of a “City Hall” appearance, and to enhance placemaking at the site.

Putting a 42-storey building right adjacent to the City Hall and putting another eight 42-storey towers in the vicinity of City Hall would seriously erode the image of City Hall and create a poor work environment for the municipal employees.

If approved by Council, this development would create a concrete forest with 9 towers five times the height of City Hall surrounding the Municipal Administrative Building. Is this the kind of “civic presence” and “placemaking” that Council wish the City Hall to become?. Is this the image and legacy that City Council wishes to create for Richmond Hill city?

Since the proposed towers are to be built around City Hall, it will adversely affect the “work environment” of the Councilors and municipal employees, such as traffic gridlock, overcrowding, blocked views and shadowing effect, noise and air pollution, fire safety, lack of green space, etc.

Concluding Remarks about the Application:

The current proposal to build nine towers with some being 48 storey high (i.e., 42 storey high towers on top of 6-storey podium) with a FSI of 5.5, far exceeds the height and density allowed for Local Centres and KDAs and is closer to the development density allowed in Richmond Hill Centre, which accommodates the highest level of intensification in the City, with the greatest height of 40 storeys and the maximum density of 6.5 FSI. The RHOP states that the two designated KDAs (both of which are on Yonge Street Regional Corridor) have a maximum density of 4 FSI and a maximum height of 20 storeys.

The application is an unreasonable stretch in concept and unethical demand for change of the Official Plan which sets the direction and limits in land use, land designation, occupancy permit, Floor Space Index.... The worst is considering this site as underutilized, demolishing some structure there and asking it to be rezoned as a Key Development Area in the middle of a well established and busy traffic area. Then nine towers of 35-42 storeys are erected on the busy and well-developed area, and this is inconsistent with ethos and spirit of the City of Richmond Hill Official Plan. The acceptance of such is allowing the applicant to rewrite the criteria for land use designation to meet their objective at the expense of the City. This will simply bring misery and suffering to the neighbouring condo residents and municipal employees. And the misery and woe will be felt by travelers stuck in traffic on this strip of Highway 7 and by all Richmond Hill residents.

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