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November 1, 2023

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Senior Planning, Planning Policy
City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON, L4B 3P4

Via email: chun.chu@richmondhill.ca

Dear Ms. Chu:

**RE: AMENDMENT 18.5 TO THE RICHMOND HILL OFFICIAL PLAN, YONGE STREET AND CARRVILLE/16TH AVENUE KEY DEVELOPMENT AREA COMMENTS – BATCH 2 HILLCREST MALL, 9350 YONGE STREET, RICHMOND HILL
OUR FILE: 1607Z**

On behalf of our client, Hillcrest Property Holdings Inc. and Montez Core Income Fund Limited Partnership, (the 'Owner'), we are pleased to provide the following comments on the proposed Batch 2 changes to the City of Richmond Hill Official Plan Yonge Street and Carrville/16th Key Development Area policies (OPA 18.5).

Hillcrest Mall, 9350 Yonge Street (the 'Subject Lands') has been subject to an Official Plan Amendment Application (D01-20009), a Zoning By-law Amendment Application (D02-20018), and most recently a Site Plan Application (D06-21055). Applications D01-20009 and D02-20018 were appealed to the Ontario Land Tribunal (OLT) on March 23, 2022. On February 22, 2023, Council adopted staffs recommendation to support the revised Official Plan Amendment and Zoning By-law Amendment, subject to conditions. We continue to engage with City staff regarding the proposed development as it relates to POPS, private roadway and urban design matters.

We would like to thank City staff for meeting with us and our clients on August 31, 2023 and for clarifying and resolving a number of our concerns. What follows is a summary of remaining concerns based on the latest draft of the Yonge Street and Carrville/16th Avenue Key Development Area:



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OP (2023 Consolidation)	OPA 18.5 Changes (May 11, 2023)	Comment	Proposed November 2023	Comment to November 2023 Draft (Batch 2)
<p>4.4.1 Land Use</p> <p>4. It is a long-term objective of this Plan that <i>intensification</i> of existing <i>major retail</i> uses occur through redevelopment into a more compact built form. New <i>major retail development</i> shall be permitted in the Key Development Areas only where it can be demonstrated that the use is to be integrated into the base of buildings as part of mixed-use, transit-oriented development.</p> <p>Expansions to Hillcrest Mall in the Yonge Street and 16th Avenue KDA shall be encouraged to integrate new <i>development</i> in a mixed-use format.</p>	<p>[No change, renumbered to 4.4.1(3)]</p>	<p>'Major Retail Development' is not a defined term, however 'Development', 'Major Development', and 'Major Retail' are. These defined terms have conflicting size thresholds, so we would recommend 'Major Retail Development' be defined or follow existing defined terms per the Official Plan to provide clarity.</p>	<p>[No—change Minor edit, renumbered to 4.4.1(3)]</p> <p>3. It is a long-term objective of this Plan that intensification of existing major retail uses occur through redevelopment into a more compact built form. New development of major retail development shall be permitted in the Key Development Areas only where it can be demonstrated that the use is to be integrated into the base of buildings as part of mixed-use, transit-oriented development. Expansions to Hillcrest Mall in the Yonge Street and 16th Avenue KDA shall be encouraged to integrate new development in a mixed-use format</p>	<p>Thank you for clarifying that development of major retail continues to be permitted.</p> <p>Given Hillcrest mall is a retail centre, we would like clarification as to whether the existing mall is allowed to continue to expand without the need for it to be mixed use. This may be covered through interim uses, but we are seeking confirmation of such.</p>

<p>4.4.2 Design: Walkable Streets and People Places</p> <p>2. Within the Key Development Areas, parking for new <i>major retail development</i> shall be required to locate below grade or in structured parking integrated at the rear or side of a building.</p>	<p>[Policy (2), no change, renumbered to 4.4.3 Yonge Street and Bernard Avenue Key Development Area, as policy (2)]</p>	<p>'Major Retail Development' is not a defined term, however 'Development' and 'Major Development' are. Please provide a definition for Major Retail Development.</p> <p>Consideration should be provided to existing uses, allowing for the reconfiguration of surface parking.</p>	<p>[Policy (2): no change, moved to Section 4.4.3 Yonge Street and Bernard Avenue Key Development Area, and renumbered as policy (3)]</p>	<p>Per our meeting on August 31st, we still believe that consideration should be provided to existing uses, allowing for the reconfiguration of surface parking.</p>
	<p>4.4.2.1 MIX OF LAND USE</p> <p>It is the policy of Council that:</p> <p>2. As the Yonge Street and Carrville/16th Avenue KDA redevelops over time, the proportion of gross floor area associated with <i>commercial, retail, office, major office</i>, or community uses shall retain a minimum of 15% of the overall total gross floor area in the KDA. Accordingly, the following policies apply in the KDA:</p> <p>a. <i>Development</i> on lands with existing <i>retail, commercial</i> or <i>office</i> uses shall maintain or increase the existing amount of <i>gross leasable floor area</i> devoted to <i>retail, commercial</i> or <i>office</i> uses</p>	<p>This policy does not contemplate renovations or deductions to the existing mall space. It simply notes that any development is anticipated to maintain or increase the amount of gross leasable floor area devoted to retail, commercial or office. We would recommend flexibility be permitted to ensure the overall commercial function, but still allow for variations in the gross floor area should the need arise that there would be a slight loss due to changes in tenancies or right-sizing of retail units. A simple amendment to the policy could replace 'shall' with 'should' to denote the policy intent, but still allow flexibility.</p>	<p>2. As the Yonge Street and Carrville/16th Avenue KDA redevelops over time, the proportion of gross floor area associated with commercial, retail, office, major office, or community uses shall retain be at a minimum, of 15% of the overall total gross floor area in the KDA. Accordingly, the following policies apply in the KDA:</p> <p>a. Development on lands with existing retail, commercial or office uses shall maintain or increase the existing amount of gross leasable floor area devoted to retail, commercial or office uses to enhance and support the existing retail, commercial and office focus of the area.</p>	<p>We reiterate our previous concerns that any development is anticipated to maintain or increase the amount of gross leasable floor area devoted to retail, commercial or office. We would recommend flexibility be permitted to ensure the overall commercial function, but still allow for variations in the gross floor area should the need arise that there would be a slight loss due to changes in tenancies or right-sizing of retail units. A simple amendment to the policy could replace 'shall' with 'should' to denote the policy intent, but still allow flexibility.</p>

	<p>to enhance and support the existing retail, commercial and office focus of the area.</p>			
	<p>c. An east-west corridor in the northwest and northeast quadrants of the KDA, as identified in Schedule C3 (Active Transportation) will be designed as a generally continuous market promenade. <i>Development</i> along the market promenade shall provide <i>retail</i> and <i>commercial</i> uses at grade, and where feasible, on floors above grade within the base building.</p>	<p>We request the deletion of the Market Promenade in its entirety.</p> <p>Alternatively, we request that the proposed Market Promenade should be located further north at the existing signal along Yonge Street as we do not agree with the proposed location of the Market Promenade on the Hillcrest Mall lands. The current location does not have a signal, and is in close proximity to the intersection of Yonge and Carrville. There is also potential to conflict with existing transit routes running along Yonge Street.</p>	<p>c. An east-west corridor in the northwest and northeast quadrants of the KDA, as identified in Schedule C3 (Active Transportation) will be designed as a generally continuous market promenade. Development along the market promenade shall provide retail and commercial uses at grade, and where feasible, on floors above grade within the base building.</p>	<p>We appreciate the revised market promenade location. There is still a concern with the local street being shown south of the main access to Hillcrest Mall. The existing BRT infrastructure prohibits any connection from this proposed street (pedestrian, cycle or vehicular) across Yonge to the market promenade proposed for the NE quadrant. Moreover, the location of the proposed street between two signalized intersections and within approximately 100 m of the primary Yonge and 16th/Carrville intersection is expected to result in restricted maneuvering which is not</p>

				typical of a public road. For these reasons we request that the road be removed from the schedule or <u>explicitly</u> identified as a future private drive.
	e. <i>Retail, commercial</i> or community uses are required to front onto existing or planned public parks or urban plazas	We recommend the Policy be amended to add 'where contemplated' and should be 'encouraged' rather than 'required'. We also request clarity as to whether the park or public roads take priority with respecting fronting retail, commercial or community uses.	e. Parks and urban open space shall be fronted by retail, commercial or community uses. Are required to front onto existing or planned public parks or urban plazas.	We continue to recommend the Policy be amended to add 'where contemplated' and should be 'encouraged' rather than 'required'. We also request clarity as to whether the park or public roads take priority with respecting fronting retail, commercial or community uses.
	[New Sidebar] When determining maximum permissible total gross floor area for the site, the calculation is based on multiplying the development portion of the site area (inclusive of any lands that may be dedicated to a public authority for public infrastructure, such as a right-of-way or park) by the maximum Floor Space Index (FSI) allocated to the site or portion of the site.	We recommend also including areas for POPS when determining the maximum FSI.	When determining maximum permissible total gross floor area for the site, the calculation is based on multiplying the developable area portion of the site area (inclusive of any lands that may be dedicated to a public authority for public infrastructure, such as a right-of-way or park) by the maximum Floor Space Index (FSI) allocated to the site or portion of the site.	We are seeking clarity as to whether the lands dedicated to a public authority for parks or rights-of-way are still included in the FSI. Based on the Batch 2 edits, it appears they have been removed and cannot be counted towards developable area, however, based on a meeting with City staff on October 31st, we were advised this is not the case. We would like clarity as to what is included in the determination of the FSI as it materially impacts existing

				development applications at Hillcrest Mall.
	4.4.2.1(6)(e) - Height and Density		The maximum height of a building is dependent on not exceeding the allocated density of development as prescribed in Schedule C1 (Density Allocation) and the application of the 45 degree angular plane as per Policy 3.4.1(55) of this Plan among other placemaking policies.	Many municipalities are revisiting the 45 degree angular plane requirement. In some instances a 60 degree angular plane has been deemed acceptable. We would recommend revising this policy to speak to general placemaking policies, and deleting specific urban design provisions that may change over time.
	4.4.2.3 PUBLIC REALM The Yonge Street and Carrville/16th Avenue Key Development Area will provide for a high quality public realm that encompass a wide range of publicly accessible spaces, including sidewalks, streets, parks, natural areas, trails and paths. The KDA will be served by a more connected and multi-modal transportation system. Creating smaller development blocks with the introduction of new streets will improve circulation and access to amenities and destinations. In addition, the introduction of new parks and trails in the KDA will complement existing parks and urban open space, while offering active and passive recreational opportunities. Over time, this KDA will facilitate the development of a continuous network	Please include Privately Owned Public Space (POPS) in the list of high quality public realm areas, as these areas are also publicly accessible.	No change proposed	Based on our meeting of August 31, we were advised that POPS would be considered publicly accessible spaces, but it is notably not included. We are requesting the Privately Owned Public Spaces (POPS) be <u>explicitly</u> included in the list of publicly accessible spaces.

	of publicly accessible spaces for the pedestrian and cyclist.			
	<p>4.4.2.3 Public Streets</p> <p>1. Proponents of <i>development</i> shall implement the street network and active transportation network as conceptually shown on Schedule C2 (Public Realm), to support a fine-grained street network along with more connections for cyclists and pedestrians.</p>	Please ensure that publicly accessible private drives are included in this.	No change proposed	We reiterate our previous comment that publicly accessible private driveways be explicitly included as a road typology permissible for those connections identified in Schedule C2 as 'Planned Local Streets'.
	<p>4.4.2.3.1 Public Streets (Side Bar)</p>		<p>NOTE TO READER: While not part of this OPA, a new sidebar will be added next to Section 4.4.2.3(1) with the following text:</p> <p>"Requested interconnections among development sites are intended to supplement the fine-grained street network, improve multi-modal circulation, and minimize vehicular accesses onto arterial roads. Such interconnections may be required to include the following:</p> <ul style="list-style-type: none"> • sidewalks on both sides; • bicycle facilities; • vehicle travel lanes and turn radii that can support servicing vehicles; • parking and curbside pick-up / drop-off lanes as appropriate; and/or application of the City's minimum standards for design, construction, and maintenance." 	We request that private roads be included as types of interconnections among development sites. Further, please confirm that the bullet point list is intended to represent a potential list of requirements and not an actual list of requirements.

	<p>4.4.2.3 Public Streets</p>		<p>4. Development that would entail the demolition of all or part of the existing Hillcrest Mall is required to complete area specific planning and transportation studies to the satisfaction of the City. These studies shall determine, among other matters, an improved multi-modal fine-grained street network within the northwest quadrant of the KDA that also provides increased connectivity to the surrounding neighbourhoods.</p>	<p>We request staff clarify what is intended by "part" of the mall. Is there a specific threshold that is required to be demolished prior to additional planning and transportation studies being required? For instance, malls often go through aesthetic changes/upgrades, and often times common mall entrances are demolished and rebuilt to create a unified approach to the mall for customers. Would this constitute a partial demolition as envisioned by this new policy?</p>
	<p>4.4.2.3 Active Transportation Connections</p> <p>8. <i>Development</i> shall provide safe, comfortable and attractive pedestrian and cycling connections within the KDA and to adjacent Neighbourhoods, as conceptually shown on Schedule C3 (Active Transportation), and</p>	<p>Please expand to note or clarify what types of streets require sidewalks on both sides, as typically private roads do not provide for sidewalks on both sides.</p>	<p>9. Development shall provide safe, comfortable and attractive pedestrian and cycling connections within the KDA and to adjacent neighbourhoods, as conceptually shown on Schedule C3 (Active Transportation), and</p>	<p>We request that some flexibility be given or alternatively Policy 9.c be deleted as there are various examples of new streets with sidewalks on a single-side of a road. Most notably private condo streets typically will have</p>

	<p>where appropriate, supplement those connections by:</p> <p>c. Providing sidewalks on both sides of all new street as identified on Schedule C2.</p>		<p>where appropriate, supplement those connections by:</p> <p>c. Providing sidewalks on both sides of all new streets as identified in Schedule C2.</p>	<p>a sidewalk on one side of the street.</p>
	<p>4.4.2.3 Active Transportation Connections</p> <p>10. The City will work with development proponents and York Region to explore opportunities to provide a multi-modal crossing to connect the market promenade across Yonge Street over the long term.</p>	<p>We request the deletion of the Market Promenade in its entirety.</p> <p>Alternatively, we request that the proposed Market Promenade should be located further north at the existing signal along Yonge Street as we do not agree with the proposed location of the Market Promenade on the Hillcrest Mall lands. The current location does not have a signal, and is in close proximity to the intersection of Yonge and Carrville. There is also potential to conflict with existing transit routes running along Yonge Street.</p>	<p>10. The City will work with development proponents and York Region to explore opportunities to provide a multi-modal crossing to connect the market promenade across Yonge Street over the long term.</p>	<p>We appreciate the revised market promenade location. There is still a concern with the local street being shown south of the main access to Hillcrest Mall. The existing BRT infrastructure prohibits any connection from this proposed street (pedestrian, cycle or vehicular) across Yonge to the market promenade proposed for the NE quadrant. Moreover, the location of the proposed street between two signalized intersections and within approximately 100 m of the primary Yonge and 16th/Carrville intersection is expected to result in restricted maneuvering which is not typical of a public road. For these reasons we request that the road be removed from the schedule or <u>explicitly</u> identified as a future private drive.</p>
	<p>4.4.2.3 Open Space</p>			

	<p>11. A series of public gathering spaces will be created to enhance and complement existing public spaces. These spaces will serve as focal points within the Yonge Street and Carrville/16th Avenue KDA. Over time, these spaces will contribute to creating a continuous network of public spaces for pedestrians and cyclists. As such, <i>development</i> shall provide public parkland as conceptually shown in Schedule C2 (Public Realm), and which are described generally as follows:</p>	<p>Please ensure that Open Space also includes POPS or stratified parklands.</p>	<p>11. A series of public gathering spaces will be created to enhance and complement existing public spaces. These spaces will serve as focal points within the Yonge Street and Carrville/16th Avenue KDA. Over time, these spaces will contribute to creating a continuous network of public spaces for pedestrians and cyclists. As such, development shall provide public parkland as conceptually shown in Schedule C2 (Public Realm), and which are described generally as follows:</p>	<p>We continue to seek clarification that Open Space also includes POPS or stratified parklands.</p>
	<p>b. An urban square is planned in the northwest quadrant of the KDA. This urban square will provide access to outdoor recreational facilities within walking distance of residents and workers in this KDA, while drawing visitors to this area. Its proximity to Hillcrest Mall and frontage on Carrville Road will make it highly accessible and provide opportunities for social connections;</p>	<p>Please provide a definition or clarity for what constitutes an 'urban square', or amend wording to note Urban Plaza, as per Policy 3.4.4(14), allowing privately-owned publicly accessible spaces.</p>	<p>b. An urban square is planned in the northwest quadrant of the KDA. This urban square will provide access to outdoor recreational facilities within walking distance of residents and workers in this KDA, while drawing visitors to this area. Its proximity to Hillcrest Mall and frontage on Carrville Road will make it highly accessible and provide opportunities for social connections;</p> <p>f. Minor adjustments to the location of parks shown on Schedule C2 and Schedule C3 of this Plan shall not require an amendment to this Plan,</p>	<p>As previously noted, please provide a definition or clarity for what constitutes an 'urban square', or amend wording to note Urban Plaza, as per Policy 3.4.4(14), allowing privately-owned publicly accessible spaces.</p>

			provided that the intent of this Plan is maintained.	
<p>Schedules</p>	<p>Draft Schedule C1 – Yonge Street and Carrville/16th Avenue Key Development Area Density Allocation</p>	<p>Overall, the City is proposing the Hillcrest Mall lands to have an FSI of 3.07 in the Draft KDA Policies.</p> <p>As a portion of the Hillcrest Mall lands is intended to be developed in the future, we would recommend the City include policy language to identify higher densities along the major corridors away from low density residential and avoid individual FSIs within potential development blocks as these may change in the future.</p> <p>We request policy clearly note that there is an ability to deploy density provided within the overall Hillcrest Mall lands as necessary, to facilitate the future development of the property as generally envisioned through the master plan concept shared with City Staff.</p>	<p>1. The density for the Bread Block northern most development parcel in the NW quadrant fronting Yonge Street from is changed from a "4.79" FSI to "4.8" FSI.</p> <p>2. The Hillcrest Mall development block is decreased from a "2.0" FSI to "1.0" FSI.</p> <p>3. The development block located immediately south of the Bread Block What was previously two mid-block parcels with "4.0" and "5.0" FSI were merged into a single mid-block development parcel with a FSI of "5.0". in the NW quadrant is increased from "4.0" to "5.0" FSI and it is merged with the block located immediately south of it to form a single development block with a "5.0" FSI.</p>	<p>We have serious concerns with the revised Schedule C1 as presented in the Batch 2 amendments. In our meeting on August 31st, and in our Conceptual Master Plan which has been provided on numerous occasions, we outlined the future development and FSIs required to achieve the City's intensification targets necessary to meet the Region of York's PMTSA policies and the City's overall growth targets.</p> <p>We acknowledge that we expressed support for reducing the density of the mall parcel within the NW quadrant from 2x to 1x FSI, to reflect the continued operation of this important retail asset predominantly in its current form. The intent was to redeploy that density along the Yonge Street BRT corridor and away from the Neighbourhood designated areas to the west and north. However the updated Schedule C1 instead <u>reduced</u> the overall gross FSI available across the NW quadrant by 106,500 m². This is not an appropriate redistribution.</p> <p>We are requesting that the mid-block parcel be identified at 6x FSI, similar to the majority of the</p>

				mid-block frontage in the NE quadrant of the KDA, and that boundary of the southwestern parcel be adjusted to include the proposed urban square which will be a key element of the redevelopment of the mall lands. We are requesting a meeting with City staff to walk through this issue in greater detail.
	Draft Schedule C2 – Yonge Street and Carrville/16 th Avenue Key Development Area Public Realm	Proposed north/south and east/west local connection on the Hillcrest Mall lands in Schedule C2 should be denoted as a private road. Discussions regarding this access are currently ongoing with City staff.	NONE IMPACTING HILLCREST	We reiterate our original comment that the Proposed north/south and east/west local connection on the Hillcrest Mall lands in Schedule C2 should be denoted as a private road.
	Draft Schedule C3 – Yonge Street and Carrville/16 th Avenue Key Development Area Active Transportation	We request the deletion of the Market Promenade in its entirety. Alternatively, we request that the proposed Market Promenade identified on Schedule C3 should be located further north at the existing signal along Yonge Street as we do not agree with the proposed location of the Market Promenade on the Hillcrest Mall lands. The current location does not have a signal, and is in close proximity to the intersection of Yonge and Carrville. There is also potential to	4. The Market Promenade in the northern quadrants is proposed to zig-zag along Yonge Street.	We appreciate the revised market promenade location. There is still a concern with the local street being shown south of the main access to Hillcrest Mall. The existing BRT infrastructure prohibits any connection from this proposed street (pedestrian, cycle or vehicular) across Yonge to the market promenade proposed for the NE quadrant. Moreover, the location of the proposed street between two signalized

		<p>conflict with existing transit routes running along Yonge Street.</p>		<p>intersections and within approximately 100 m of the primary Yonge and 16th/Carrville intersection is expected to result in restricted maneuvering which is not typical of a public road. For these reasons we request that the road be removed from the schedule or <u>explicitly</u> identified as a future private drive.</p>
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In closing, our client has heard throughout consultation on the KDA and at November 1st's Committee of the Whole that Hillcrest Mall continues to be viewed as an important community anchor, amenity and employer within the Yonge 16th / Carrville community. Oxford Properties shares this view and hopes to compliment the continued success of the mall with thoughtful intensification, including the creation of important public spaces and purpose-built rental housing, such as that which is proposed in its first application for the northern parcel within its lands.

We trust these comments and requests for revisions are helpful. We request a meeting with City staff to discuss our comments above, especially with respect to the FSI provisions and the removal of streets and parks from the area density calculations. Thank you for the opportunity to provide comments and we look forward to continuing our collaboration together.

Yours truly,
MHBC

Oz Kemal, BES, MCIP, RPP
Partner