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June 26, 2024

VIA EMAIL (to [zoning@richmondhill.ca](mailto:zoning@richmondhill.ca))

Ms. Anna Henriques  
Manager of Development – Zoning  
City of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, ON L4B 3P4

Dear Ms. Henriques:

**RE: New Comprehensive Zoning By-law for the City of Richmond Hill  
Strategic Directions Reports (Phase 2)  
Comments on behalf of 9218 Yonge Street Inc.**

We are the lawyers for 9218 Yonge Street Inc., the owner of the lands municipally known as 9218 Yonge Street in the City of Richmond Hill (“**9218 Yonge**”). We are writing to provide comments on the Strategic Directions Reports that have been prepared to guide the drafting of the City of Richmond Hill’s New Comprehensive Zoning By-law (the “**New CZBL**”).

9218 Yonge is the subject of site-specific applications for an Official Plan Amendment and a Zoning By-law Amendment that were appealed to the Ontario Land Tribunal and proceeded to a settlement hearing on May 7, 2024 (OLT Lead Case No. 22-003667). The approvals that were granted by the Tribunal permit the redevelopment of 9218 Yonge with two residential towers with heights of 42 and 36 storeys joined by a 6-storey podium base. **A copy of the written decision that was issued by the Tribunal on May 28, 2024 is attached as Schedule A.**

We are writing to ensure that the New CZBL acknowledges and contains express recognition of the site-specific zoning permissions that apply to 9218 Yonge. For ease of reference, we note that the draft Zoning By-law Amendment that was approved in principle for 9218 Yonge can be found at page 21 of this correspondence, and that our client and the City have been directed to provide the Tribunal with the final form of the Zoning By-law Amendment by September 6, 2024.

Please provide us with written notice of City Council’s consideration of the New CZBL, as well as notice of any other reports, studies, public meetings, consultations, and committee or Council meetings in this matter. Our contact information is provided herein.

Yours truly,

**Overland LLP**



Per: Michael Cara

**Schedule "A"**

**Ontario Land Tribunal Decision for 9218 Yonge Street (dated May 28, 2024)**

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** May 28, 2024

**CASE NO(S):** OLT-22-003667

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 9218 Yonge Street Inc.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit a high-density mixed-use development comprised of two towers with heights at 36-storeys and 42-storeys connected by a 6-storey podium consisting of 796 residential units and ground floor commercial uses  
Reference Number: D01-21010  
Property Address: 9218 Yonge Street  
Municipality/UT: City of Richmond Hill/ Regional Municipality of York  
OLT Case No.: OLT-22-003667  
OLT Lead Case No.: OLT-22-003667  
OLT Case Name: 9218 Yonge Street Inc. v. Richmond Hill (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: 9218 Yonge Street Inc.  
Subject: Application to amend the Zoning By-law – Neglect to make a decision  
Description: To permit a high-density mixed-use development comprised of two towers with heights at 36-storeys and 42-storeys connected by a 6-storey podium consisting of 796 residential units and ground floor commercial uses  
Reference Number: D02-21020  
Property Address: 9218 Yonge Street  
Municipality/UT: City of Richmond Hill/ Regional Municipality of York  
OLT Case No.: OLT-22-003668  
OLT Lead Case No.: OLT-22-003667

**Heard:** May 7, 2024 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

9218 Yonge Street Inc.

Christopher Tanzola  
Michael Cara (*in absentia*)

City of Richmond Hill

Carlton Thorne  
Antonio Dimilta

Region Municipality of York

Samantha Whalen  
Bola Ogunmefun (*in absentia*)

2864249 Ontario Inc.

Brett Davis  
Isaac Tang (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON MAY 7, 2024 AND INTERIM ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Tribunal convened a Settlement Hearing (“Settlement”) in respect of the appeals filed by 9218 Yonge Street Inc. (“Appellant”) against the City of Richmond Hill’s (“City”) failure to make a decision on an application to Amend the Official Plan (“OPA”) and the Zoning By-law (“ZBA”) within the timeframes prescribed in the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”).

[2] The lands that are the subject of the applications are located at 9218 Yonge Street (“Subject Lands”) and the original proposal is to redevelop the Subject Lands with a mixed-use building comprising of two residential towers having heights of 42 and 36 storeys joined by a 6-storey podium base. The building proposes 796 residential units, 834.39 square metres of grade-related retail floor space, a Floor Space Index of 8.35, and a total of 697 parking spaces.

[3] The Tribunal having been advised that the Parties have reached a settlement and having heard the testimony of Mr. Manett attesting to the merit of the planning instruments being introduced through this settlement, allows the OPA in part, as modified as set out in Attachment 1 to this Order, and as modified, is approved.

[4] The Tribunal allows the appeal against By-law No. 2523 of the City of Richmond Hill, in part and approves the ZBA in principle, as set out in Attachment 2 to this Order. The Tribunal will withhold the issuance of its Final Order with respect to the related ZBA until such time as the City advises the Tribunal that the implementing ZBA has been finalized to the satisfaction of the Commissioner of Planning and Building Services.

### **DESCRIPTION OF SITE AND SURROUNDING CONTEXT**

[5] The Subject Site is located at the southwest corner of Yonge Street and Carville Road. Carville Road continues as 16th Avenue east of Yonge Street. The Property has a frontage of approximately 69.7 metres along Carville Road and 75.5 metres along Yonge Street. The Site has an area of approximately 0.74 hectares (1.82 acres). The Property is currently improved with two commercial buildings, each one-storey in height, and surface parking.

[6] Low-scale commercial development is located immediately south of the Subject Site on the west side of Yonge Street, north and south of Spruce Avenue. Further south, on the west side of Yonge Street, is a high-density mixed-use development consisting of two 15-storey towers. To the west of the Subject Site, along Carville Road, a proposed development known as the “Goldenville” application was approved in principle with a high-density mixed-use proposal comprised of two 32-storey towers and a 16-storey tower, with a floor space index (FSI) of 5.66 times.

[7] To the north, at the northwest corner of Yonge and Carville, is the Hillcrest Mall site (9350 Yonge Street). For this site, the Official Plan Amendment has been approved, and the Zoning By-law Amendment has been approved in principle for a mixed-use

development comprised of two residential towers with heights of 26 and 30 storeys with an FSI of 4.8.

[8] Immediately south of 9251 Yonge Street, the “Great Lands” development has been constructed with four residential towers of 11, 11, 20, and 24 storeys and a floor area ratio (FAR) of 390 percent.

## **CHRONOLOGY OF THE APPLICATIONS**

[9] The applications for an OPA and ZBA were submitted to the City on November 10, 2021, and determined to be complete on November 30, 2021.

[10] Due to the City’s refusal to make a decision regarding the requested OPA and ZBA applications for the Subject Site, the Applications were appealed to the Tribunal on April 27, 2022.

[11] On March 8, 2024, the Applicant filed a “With-Prejudice” revised submission with the City (“Revised Development Proposal”).

[12] On March 27, 2024, City Council accepted the Revised Development Proposal, and directed that appropriate City staff were to appear at the Ontario Land Tribunal as necessary in support of the Council’s position supporting the subject applications.

## **PROPOSED SETTLEMENT**

[13] Briefly summarized, the Settlement Proposal outlines the following changes to the initial submission:

Proposal / Statistics	2023 Proposal, as considered in Staff Report SRPBS.23.031	March 7 2024 Settlement Proposal Accepted by the City
Number of Units	796 units	796 units
Building Heights	42 and 36 storeys	42 and 36 storeys
Podium Height	6 storeys	6 storeys
Floor Space Index	8.34	8.34
Total Gross Floor Area	61,577.90 m <sup>2</sup>	61,596.10 m <sup>2</sup> (+18.2 m <sup>2</sup> )
Retail/Commercial Area	781.0 m <sup>2</sup>	781.0 m <sup>2</sup>
U/G Parking Levels	4 levels	4 levels
Parking Spaces (Visitor & Commercial)	135	138 (+3)
Parking Spaces (Residential)	537	528 (-9)
Parking Spaces (Car Share)	5	5
Parking Spaces (Total)	677	671 (-6)
Bicycle Parking Spaces	505	618 (+113)
Outdoor Amenity Space	1,592.0 m <sup>2</sup>	1,592.0 m <sup>2</sup>

[14] The Settlement Proposal has also been updated to include matters related to transportation, parking, loading, waste management, servicing, and access/connectivity. The Site Plan drawing has been updated to accommodate vehicular and pedestrian interconnections to the properties to the south and west, with the final details of such interconnections to be resolved with the City through the Site Plan approval process. The architectural plans have also been updated to address comments related to turning radii onto Carville Road and Yonge Street, loading space and waste management details, and shoring/dewatering systems for the underground parking garage.

[15] The Settlement Proposal provides for an east-west pedestrian and vehicular connection along the southern boundary of the Subject Site for the purpose of providing interconnections to the properties to the west and to the south.

[16] The following Transportation Demand Management (TDM) measures will be secured in the development approvals for the Site:

- a) Transit incentives in the form of Presto cards provided to residents and employees of the proposed development;
- b) Transit and active transportation information packages and communications strategy;

- c) Pedestrian and cycling connections through the site plan design of the proposed development;
- d) Weather protection for a minimum of 50 percent of short-term bicycle spaces;
- e) Secured locations at-grade or one level underground for long-term bicycle spaces;
- f) Entrances to indoor bicycle parking areas shall be a minimum of 2.0 metres wide and automatic/powerd;
- g) One bicycle maintenance facility to be provided per 200 long-term bicycle spaces or portion thereof;
- h) Provision of bicycle maintenance facilities, which include a repair stand, tools, and an air pump for inflating bicycle tires;
- i) One shower/change facility is to be provided for every 60 bicycle parking spaces for non-residential uses or a portion thereof;
- j) Six additional bicycle parking spaces are to be provided for public use, in addition to the short-term spaces noted above;
- k) Work-from-home space with a minimum area of 100 square metres to be provided within the proposed development, for use by residents only;
- l) Five car share spaces to be provided on site with an \$80 per unit per year membership to be provided for a period of three years and the engagement of a reputable car share provider to operate a minimum of two car share vehicles at the Site for a minimum period of three years; and



- m) Provisions of a TDM monitoring program consisting of initial and follow-up surveys that shall be distributed to residents when the proposed development reaches 50 percent occupancy and at approximately two years after the date of the initial survey, respectively.

## **EVIDENCE AND ANALYSIS**

[17] The written materials before the Tribunal were the Affidavit of Michael Manett sworn on May 1, 2024, which was marked as Exhibit 1. Mr. Manett is a full member of the Canadian Institute of Planners and a Registered Professional Planner with the Ontario Professional Planners Institute. He has over 50 years of land use planning and urban design experience. The Tribunal qualified him to provide *viva voce* opinion evidence on land use planning with the consent of the Parties.

[18] Mr. Manett provided a comprehensive contextual and planning rationale in support of the Proposed Development. He opined that both the OPA and the ZBA, which will facilitate the Proposed Development, satisfies all requisite legislative tests and overall, is representative of good planning and urban design and is in the public interest.

[19] It is Mr. Manett's opinion that the Settlement Proposal is transit-supportive and compatible with the surrounding residential area, which will contribute to the creation of complete communities. The revised development introduces a high-density development that is supportive of existing and planned transit infrastructure, provides for an urban built form that is massed, designed, and oriented to people and creates an active and attractive street condition, and reduced and/or shared parking requirements that reflect the close proximity to transit and complementary uses.

[20] The Proposed Development optimizes the use of existing land and infrastructure within a settlement area while also contributing to a number of Provincial objectives, including an increase to the number and type of housing options, encouraging the use

of existing and planned higher-order transit infrastructure, and creating a high quality, safe, accessible, attractive, and vibrant community. The Proposed Development will also assist in the provision of additional housing choices for existing and future residents and support the Province and the City in meeting their housing objectives.

[21] Mr. Manett attested that the Proposed Development establishes an appropriate transition to the surrounding area as a mixed-use, high-rise development being proposed within the Yonge and Carrville/16th Avenue Key Development Area (KDA) and at the corner of two main arterial roads, being Carrville Road and Yonge Street. The proposal has also been designed in a sensitive manner to ensure compatibility with adjacent land uses.

[22] Overall, Mr. Manett opined that the OPA and ZBA are consistent with the Provincial Policy Statement, 2020 (“PPS”) and conform to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), conform with the Region of York Official Plan and the City of Richmond Hill Official Plan, and that the Settlement Proposal represents good planning, good design, and is in the public interest.

[23] On the strength of the uncontradicted expert opinion evidence of Mr. Manett, and upon a review of the applicable provisions of the Act, the PPS, the Growth Plan, and the OPs, the Tribunal is satisfied that the proposed development through the OPA and ZBA represents an efficient use of land, resources, and infrastructure, and it achieves important local and provincial policy objectives.

[24] Further, the Tribunal is of the view that the Settlement reached by the Parties is fair and reasonable and that the resulting OPA and ZBA represents good planning in the public interest. The Tribunal commends the Parties in working collaboratively in order to reach a settlement in these proceedings.

**INTERIM ORDER**

[25] **THE TRIBUNAL ORDERS** that the appeal is allowed in part, and the Official Plan Amendment for the City of Richmond Hill is modified as set out in Attachment 1 to this Order, and as modified, is approved.

[26] **THE TRIBUNAL ORDERS** that the appeal against By-law No. 2523 of the City of Richmond Hill is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of the pre-requisite matters identified in paragraph [27] below, and the Zoning By-law Amendment set out in Attachment 2 to this Order, is approved in principle.

[27] The Tribunal will withhold issuance of its Final Order in relation to the Zoning By-law Amendment contingent upon receipt of confirmation from the City Solicitor that the Draft Zoning By-law Amendment has been finalized to the satisfaction of the City's Commissioner of Planning and Building Services.

[28] The Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-law Amendment and the issuance of the Final Order.

[29] If the Parties do not submit the final draft of the Zoning By-law Amendment, and do not request the issuance of the Final Order on or before **Friday, September 6, 2024**, the Appellant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Zoning By-law Amendment and request for the issuance of the Final Order of the Tribunal.

[30] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadlines for the submission of the final form of the instrument and the issuance of the Final Order.

[31] The Member may be spoken to should any issues arise with respect to the implementation of this Order.

*“D. Chipman”*

D. CHIPMAN  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

**Amendment 46  
To The Richmond Hill  
Official Plan**

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(i)

## **Richmond Hill Official Plan**

### **Official Plan Amendment 46**

The attached schedule and explanatory text constitute Amendment No. 46 to the Richmond Hill Official Plan.

This amendment was approved by the Ontario Land Tribunal in accordance with Sections 17 and 22 of the *Planning Act* on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

-1-

**Part One - The Preamble** is not a part of the Amendment.

**Part Two - The Amendment**, consisting of text and maps, constitutes Amendment 46 to the Richmond Hill Official Plan.



-2-

## **Part One – The Preamble**

### **1.1 Purpose**

On July 26, 2018, the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) issued its Decision approving Official Plan Amendment No. 7 (“OPA 7”) to the Richmond Hill Official Plan. OPA 7 provided site-specific exceptions to permit a mixed-use, high density residential/commercial development comprised of two residential buildings connected by a 6 storey podium and commercial uses at grade. The purpose of this Amendment to the Richmond Hill Official Plan is to further amend Chapter 6 of the Official Plan in order to establish site specific policies related to the lands known as 9218 Yonge Street. This amendment is intended to permit a high density, mixed-use, residential/commercial development comprised of two (2) residential apartment buildings with heights of 42 and 36 storeys that are connected by a 6-storey podium on the subject lands.

### **1.2 Location**

The lands affected by this Amendment are located at the southwest corner of Yonge Street and Carrville Road, municipally known as 9218 Yonge Street and are legally described as Part of Lots 283, 284, 285 and 286, Plan 1960. The subject lands have a total area of approximately 0.738 hectares (1.823 acres) and are shown on Schedule “1” attached hereto.

### **1.3 Basis**

The proposed amendment is considered appropriate in accordance with the reasons provided by the Ontario Land Tribunal in its Decision dated \_\_\_\_\_ (Case No. OLT-22-003667):

-3-

## Part Two - The Amendment

### 2.1 Introduction

All of this part of the document entitled **Part Two – The Amendment**, consisting of the following text in section 2.2 and the attached Schedule “1”, constitute Amendment 46 to the Richmond Hill Official Plan.

### 2.2 Details of the Amendment

The Richmond Hill Official Plan is amended as follows:

2.2.1 That **Section 6.22** be deleted and replaced with the following:

“6.22

Notwithstanding any other provision of this Plan to the contrary, in accordance with the Ontario Land Tribunal Decision dated \_\_\_\_ (Case No. OLT-22-003667) for the lands known as Part of Lots 283, 284, 285 and 286, Plan 1960 (Municipal Address: 9218 Yonge Street) and shown as Exception Area Number 22 on **Schedule A11** (Exceptions) to this Plan, the following shall apply:

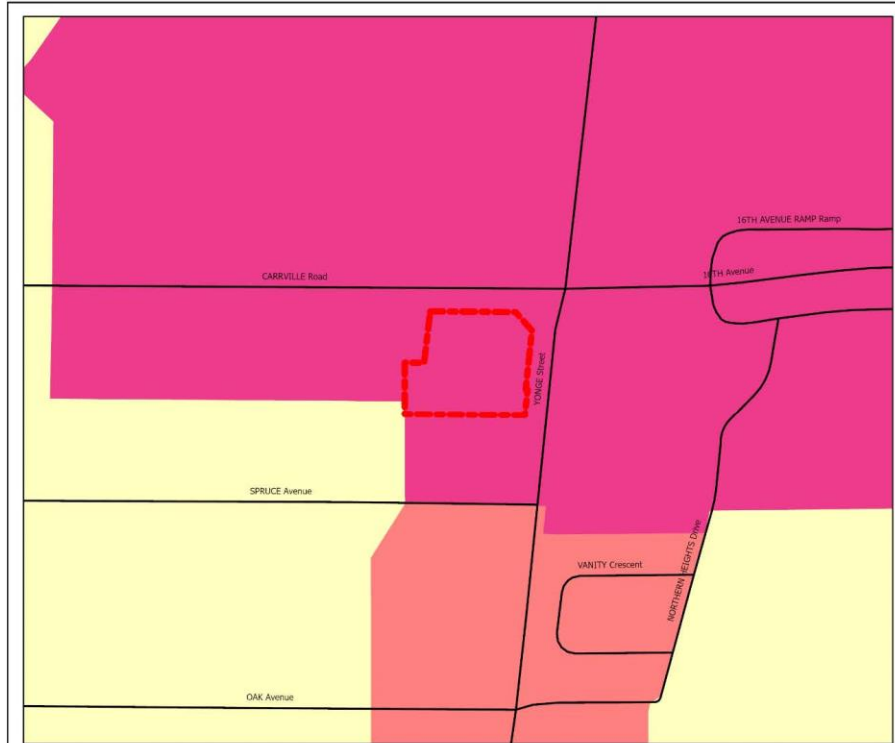
- a. It is intended that the subject lands be developed in the form of a high density, mixed-use residential/commercial building comprised of two residential buildings connected by a 6-storey podium building and commercial uses at grade;
- b. The maximum combined gross floor area of all buildings on the subject lands shall be 61,650.0 square metres (663,595.08 square feet);
- c. The maximum building heights of the two residential buildings permitted on the subject lands shall be 42 storeys and 36 storeys, joined by a 6-storey podium;
- d. The maximum site density permitted on the subject lands shall be 8.35 FSI (Floor Space Index) based on a site area of 7,382.5 square metres (79,464.57 square feet); and,
- e. No buildings or structures above grade shall be permitted within 8 metres (26.24 feet) of the southern property limit, along the full length of the subject lands. However, this 8 metre area may be improved for pedestrian and vehicular purposes above grade, as well as for parking and structural uses below grade, in accordance with the City’s performance standards for such facilities. The 8 metre area shall be used to accommodate a required continuous vehicular and pedestrian interconnection to and from properties to the south and to the west of the subject lands. The following shall be secured through the development approval process:

- a. Pedestrian access via a public access easement over a sidewalk; and,
- b. Vehicular and pedestrian access to the lands to the south and to the west of the subject lands via private reciprocal easements or such other arrangement to the satisfaction of the Commissioner of Planning and Building Services.”

### **2.3 Interpretation and Implementation**

The implementation of this Amendment shall be in accordance with the provisions of the Planning Act, R.S.O. 1990, and the respective policies of the City of Richmond Hill Official Plan.





The provisions of the Official Plan as amended from time to time, regarding the interpretation of the Official Plan of the City of Richmond Hill, apply in regard to this Official Plan Amendment. In the event of conflict with the Official Plan or any amendment thereto, the provisions of Amendment 46 shall prevail unless otherwise specified.



AMENDMENT No. 46 TO THE  
OFFICIAL PLAN OF THE RICHMOND HILL PLANNING AREA  
SCHEDULE 1  
LAND USE PLAN

NOTE: THIS SCHEDULE FORMS PART OF AMENDMENT No. 46 TO THE  
OFFICIAL PLAN OF THE RICHMOND HILL PLANNING AREA  
AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT

**Legend**

-  Area affected by this amendment
-  Key Development Area
-  Regional Mixed Use Corridor
-  Neighbourhood

# ATTACHMENT 2

## THE CORPORATION OF THE CITY OF RICHMOND HILL

### BY-LAW NO. \_\_\_\_\_

A By-law to Amend By-law No. 2523, as amended,  
of the former Corporation of the Township of Vaughan.

#### NOW THEREFORE THE Ontario Land Tribunal approves AS FOLLOWS:

1. By-law No. 2523 of the former Corporation of the Township of Vaughan ("By-law No. 2523"), as amended, be and is hereby further amended as follows:
  - a. by amending the site-specific zoning regulations applicable to the lands as shown on Schedule "A" of this By-law \_\_\_\_\_ (the "Lands") that are within the "Key Development Area One (KDA1) Zone", as shown on Schedule "A" attached hereto under By-law 2523; and,
  - b. By adding the following to Section 25 – EXCEPTIONS:

"RH \_\_\_\_\_"

Notwithstanding any inconsistent or conflicting provisions with the provisions of By-Law 2523, as amended, the following special provisions shall apply to the Lands zoned "Key Development Area One (KDA1) Zone" and more particularly shown as "KDA1" on Schedule "A" attached hereto:

#### 1) DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

##### a) AMENITY

Means outdoor space on a LOT that is communal and available for use by the occupants of a BUILDING on the LOT for recreational or social activities.

##### b) BICYCLE MAINTENANCE FACILITY

Means an area for bicycle repairs and maintenance which may include work space, a repair stand, tools, and an air pump for inflating bicycle tires.

##### c) BUILDING

Means a STRUCTURE occupying an area greater than 10 square metres (107.64 square feet) consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all works, fixtures and service systems appurtenant thereto.

##### d) CAR-SHARE

Means a program offering short-term rental service of motor vehicles that are owned by a profit or non-profit car-sharing organization.

##### e) CAR-SHARE PARKING SPACE

Means a PARKING SPACE that is demarcated and reserved exclusively for CAR-SHARE use.

##### f) CLINIC

Means a medical office which contains three or more medical practitioners.

##### g) COMPACT PARKING SPACE

Means a parking space with minimum dimensions of 2.4m x 4.8m which is used for parking of smaller compact size motor vehicles.

**h) DAY NURSERY**

Means a day nursery facility licensed under the *Child Care and Early Years Act* or its successor.

**i) DWELLING, APARTMENT**

Means a building containing five (5) or more dwelling units all of which have a common external access to the building by means of a common corridor system.

**j) FINANCIAL INSTITUTION**

Means a bank, credit union, trust company, savings office or retail banking operation which is open to the general public, but not including an investment office.

**k) FLOOR AREA**

Means the total horizontal area of all floors in a BUILDING.

**l) FLOOR AREA, GROSS**

Means the aggregate of the FLOOR AREAS of a BUILDING, measured between the exterior faces of the exterior walls of the BUILDING at each floor level but excluding basement, MECHANICAL PENTHOUSES, loading areas, a parking structure, elevator shaft, stairwell, mechanical or electrical rooms, and any space with a floor to ceiling height of less than 1.8 metres.

**m) FLOOR SPACE INDEX (FSI)**

Means the total GROSS FLOOR AREA of all BUILDINGS on a LOT expressed as a ratio or multiple of the LOT AREA.

**n) GRADE**

Means the level of the ground adjacent to the outside wall of a BUILDING or STRUCTURE.

**o) GRADE, ESTABLISHED**

Means with reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and, when used with reference to a structure other than a building, shall mean the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, or road means the elevation of the street or road established by the Corporation or other designated authority. [NTD: The calculation of established grade needs to be confirmed with the City. If a different grade than is currently showing on the Architectural Plans is to be used, then heights need to be recalculated rather than the building being modified.]

**p) HEIGHT, BUILDING**

Means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to the highest point of the roof surface or in case of a structure with no roof, the highest point of the said STRUCTURE.

Flagpoles and roof constructions which are less than 5.5 metres in height and do not occupy more than 30% of the area of the roof upon which they are located shall not be included in the calculation of maximum height.

**q) HIGH RISE**

Means buildings or structures with a height of 9 storeys or higher.

**r) LANDSCAPING**

Means a combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements all of which is designed to enhance the visual amenity of the

property and shall not include amenity space, parking areas, driveways and ramps.

**s) OFFICE**

Means a building or part of a building used for conducting the affairs of business, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

**t) OFFICE, MEDICAL**

Means a building or part of a building used for the medical, dental, surgical and/or therapeutical treatment of human beings, but does not include a public or private hospital, or a professional office of a medical practitioner located in his or her residence.

**u) MECHANICAL PENTHOUSE**

Means the rooftop area above the livable area of a building that is used exclusively for the accommodation of stairwells and/or mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment and includes walls, structures intended to screen the mechanical penthouse and equipment.

**v) PERSONAL SERVICE SHOP**

Means a BUILDING or part of a BUILDING in which services involving the care of persons or their apparel are performed. Without limiting the generality of the foregoing, PERSONAL SERVICE SHOP includes a barber shop, a hair dressing shop, a manicure shop, a shoe repair, a DRY CLEANING DEPOT and similar service establishments.

**w) PODIUM**

Means the portion of a high rise building below the tower portion of a high rise building that abuts a front yard, flankage yard or a yard abutting a lane or public park.

**x) RESTAURANT**

Means a building or structure, or part thereof, whose principal business is the preparation and serving of food and refreshments to the public for consumption within the building or structure but does not include a drive-in restaurant, take-out restaurant, or fast food restaurant.

**y) RESTAURANT FAST FOOD**

Means a building or structure, or part thereof, whose principal business is the sale of pre-prepared food or rapidly prepared food directly to the customer in a ready to consume state for consumption either within or the outside of the building.

**z) RESTAURANT TAKE OUT**

Means a building or structure, or part thereof, designed and used for the sale of food or refreshments to the public and from which food or refreshment is made available to the customer from within the building; in addition no provision is made for consumption of the food or refreshment by the customer while in their car, within the building, or elsewhere on the site.

**aa) RETAIL**

Means a use conducted in a building or structure or part thereof in which goods, merchandise, substances or items are displayed, rented or sold directly to the general public.

**bb) STOREY**

Means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at

least 1.8 metres above established grade, and provided that the floor to ceiling height of a storey shall not exceed 4.5 metres.

**cc) STRUCTURE**

Means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground. For the purpose of this By-law, a fence, a retaining wall, a light standard and a sign shall be deemed not to be STRUCTURES.

**dd) TOWER**

Means all storeys above six storeys in a high rise building.

**ee) TOWER FLOOR PLATE**

Means the gross floor area of each storey in a tower.

**ff) VETERINARY CLINIC**

Means the premises of a veterinary surgeon, where animals, birds, or other livestock are treated but are not boarded overnight.

**2) PERMITTED USES**

No building or structure or part thereof shall be erected or used except for one or more of the following uses:

**Residential Uses:**

- Apartment Dwelling

**Non-Residential Uses (1)(2):**

- Day Nursery;
- Financial Institution;
- Medical Office/Clinic;
- Office;
- Personal Service Shop
- Restaurant;
- Restaurant Fast Food
- Restaurant Take-Out
- Retail;
- Veterinary Clinic

**- NOTES:**

- (1) One or more of the permitted uses is permitted in a building that is a high rise building.
- (2) Outdoor storage of goods, materials, garbage and recycling, machinery or equipment is prohibited.
- (3) Dwelling Units shall not be permitted to front onto Yonge Street or Carrville Road on the first Storey of a Building.

**3) DEVELOPMENT STANDARDS**

The development standards below shall apply to a high rise or mid-rise building:

<b>MINIMUM LOT FRONTAGE (CORNER LOT):</b>	30 metres
<b>MINIMUM LOT AREA:</b>	N/A
<b>MAXIMUM GROSS FLOOR AREA:</b>	61,650 square metres
<b>MAXIMUM NUMBER OF DWELLING UNITS:</b>	796
<b>MAXIMUM FSI (6):</b>	8.35
<b>MINIMUM FSI (6):</b>	2.5
<b>MINIMUM FRONT YARD SETBACK (1)(2):</b>	3.0 metres
<b>MINIMUM SIDE YARD SETBACK(1)(2)(3)(5):</b>	12.5 metres
<b>MINIMUM FLANKAGE YARD SETBACK (1)(2)(3):</b>	3.0 metres



<b>MINIMUM REAR YARD SETBACK (1)(2)(3)(5):</b>	12.5 metres
<b>MAXIMUM BUILDING HEIGHT (4):</b>	42 storeys or 134.0 metres from established grade, whichever is the lesser, excluding the Mechanical Penthouse [NTD: See comment above regarding definition of established grade]
<b>MINIMUM BUILDING HEIGHT</b>	3 storeys
<b>MAXIMUM PODIUM BUILDING HEIGHT (4):</b>	6 storeys
<b>MINIMUM TOWER SEPARATION:</b>	25 metres
<b>MAXIMUM TOWER FLOOR PLATE:</b>	750 square metres
<b>MINIMUM SETBACK TO DAYLIGHTING TRIANGLE</b>	8.0 metres
<b>MINIMUM PERCENTAGE OF THREE-BEDROOM UNITS</b>	9%
<b>MINIMUM GFA FOR NON-RESIDENTIAL USES</b>	781 square metres
<b>MINIMUM REQUIRED AMENITY SPACE</b>	2 square metres per dwelling unit

**NOTES:**

- (1) For the purposes of this by-law, the Yonge Street property line shall be deemed the front lot line; the west property line is the rear lot line, Carrville Road is the flankage and the south property line is the side lot line.
- (2) The minimum required yard setbacks shall not apply to any portion of a building or structure below grade.
- (3) A tower shall not be permitted closer than 12.5 metres from a side or rear yard that does not abut a street, lane or a public park.
- (4) The required height of the first storey of a building abutting Yonge Street or Carrville Road, measured between the floor of the first storey and the ceiling of the first storey, shall be a minimum of 4.5 metres and a maximum of 5.5 metres, and shall not be deemed to be an additional storey notwithstanding the definition of STOREY above.
- (5) No buildings or structures above grade shall be permitted within 8 metres (26.24 feet) of the southerly property limit. However, this 8 metre area may be improved for pedestrian and vehicular purposes above grade, as well as parking and structural uses below grade in accordance with City performance standards for such facilities.
- (6) For the purpose of calculating the maximum FSI, the LOT AREA shall be deemed to be 7,382.50 square metres, regardless of any conveyance(s) for road widening purposes, dedications or severances.

**4) PROJECTIONS**

The following are permitted to project over the maximum height or minimum required yards defined in this by-law as listed below:

<b>Structure</b>	<b>Yards In Which Projections are Permitted</b>	<b>Maximum Projections Into A Minimum Required Yard</b>
Sills, belt courses, cornices, eaves or canopies or gutters	any yard	70 centimetres

Structure	Yards In Which Projections are Permitted	Maximum Projections Into A Minimum Required Yard
Chimneys, fireplaces, or pilasters	any yard	40 centimetres
Window bays	Front yard, rear yard, and flankage yard	1.0 metre over a maximum width of 3.0 metres
Balconies	Front yard and rear yard for street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling or a quadruplex dwelling; any yard for other building types	2.0 metres
Roof overhangs	any yard	90 centimetres
A canopy or portico over a major entrance to a high rise, mid rise or low rise building	any yard	One half (1/2) the setback of the building from the street line
Exterior steps including any associated landings (for frame construction only)	any yard	90 centimetres
Satellite Dishes	any yard	90 centimetres

- a) No balcony projecting into a minimum required yard as permitted by this subsection shall be enclosed to a height of more than 1.10 metres above floor level exclusive of roof supports, but this shall not prohibit the enclosure of a balcony by latticing or screening or any other form of enclosure provided that 50 percent of the vertical plane of the wall is open to the movement of air.
- b) In no case shall the roof overhang of any detached accessory structure encroach any closer than 0.45 metres to any lot line.
- c) A balcony cannot project beyond the main wall of a building abutting any arterial road, where the floor of the balcony is 10.5 metres or less measured from grade.

#### 4.1) Mechanical Equipment and Penthouses

- a) Parapets, mechanical penthouses, and other decorative roof structures including screening of mechanical equipment up to a maximum height of 5.5 metres shall be deemed not to be a storey and shall be excluded from the calculation of maximum building height.
- b) Notwithstanding (a), a mechanical penthouse, having a sloped roof of not less than 20.0%, up to a maximum height of 7.8 metres measured to the midpoint of the sloped roof, and a maximum height of 10.25 metres measured to the peak, shall be deemed not to be a storey and shall be excluded from the calculation of maximum building height.

- d) A mechanical penthouse shall not occupy more than 65 percent of the area of the roof upon which it is located. [NTD: Further restrictions to the mechanical equipment and penthouses may be appropriate]

5) **LANDSCAPING**

The following provisions shall apply to a high rise building on a lot:

- a) a minimum of 20% of the lot area must be landscaping.

6) **PARKING STANDARDS**

- a) No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless parking spaces are provided on the same lot in accordance with the provisions of this Section. The number of parking spaces required shall be calculated in accordance with the standards set out below:

Use	Minimum Parking Space Standard	Maximum Parking Space Standard
<b>RESIDENTIAL (parking space per Dwelling Unit)</b>		
<b>a) Apartment Dwelling</b>		
i) Bachelor & 1 bedroom less than 55m <sup>2</sup>	0.55	0.90
ii) 1 Bedroom equal or greater than 55m <sup>2</sup>	0.65	1.00
iii) 2 bedroom	0.70	1.15
iv) 3+ bedroom	0.85	1.25
v) Visitor	0.15	0.20
<b>NON RESIDENTIAL (parking space per 100 square metres of Gross Floor Area, unless otherwise specified)</b>		
i) Office	2.4	3.5
ii) Medical Offices/Clinics	2.4	3.5
iv) Day Nursery	2.4	3.5
v) Financial Institution	2.4	3.5
(vi) Veterinary Clinics	2.4	3.5
(vii) Restaurants Restaurant Fast Food Restaurant Take-Out	2.4	3.5
(viii) Retail	2.4	3.5
(ix) Personal Service Shop	2.4	3.5

**NOTES:**

- 1) Where there is one or more uses on a lot, the minimum required parking spaces and the portion thereof shall be applied to each of the uses identified in the above table.
- 2) In addition to the requirements set out in the table in Section 6 of this By-law, a minimum of 1 car-share parking spaces shall be provided for each 160 dwelling units or portion thereof , up to a maximum of 1 car share parking space per 60 dwelling units.
- 3) Where parking spaces for residential-visitors and non-residential uses are provided, the parking spaces must be shared for use by both residential-visitors and non-residential uses. These shared spaces shall be accessible by all tenants and visitors to the non-residential uses.
- 4) A maximum of 10% of the total parking spaces provided for residents (excludes parking spaces for visitors, non-residential uses, and shared parking spaces) are permitted to be in the form of compact parking spaces. Compact parking spaces are not permitted for parking spaces for use by residential-visitors, non-residential uses, and shared parking spaces.

**6.1 Parking Area Requirements**

- a) Each parking space perpendicular to an aisle shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres.
- b) Each parking space parallel to an aisle shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres.
- c) A parking space that is not perpendicular or parallel to an aisle shall have an area comprised of a rectangle with a minimum width of 2.75 metres and a minimum length of 5.8 metres.
- d) The width of an aisle shall comply with the following provisions:
  - i) Aisles perpendicular to the parking space: a minimum of 6 metres.
  - ii) Parking spaces at sixty (60) degrees to the aisle a minimum of 5.5 metres; and,
  - iii) Parking spaces at forty-five (45) degrees to the aisle a minimum of 3.7 metres.
- e) Tandem parking spaces shall not be permitted in a parking structure or parking area.
- f) All parking areas shall be located in the rear yard or side yards of a lot.
- g) Parking areas shall not be permitted to locate in any yard abutting an arterial road.

**6.2 Bicycle space standards and requirements**

No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless bicycle spaces are provided on the same lot where there is a parking structure, in accordance with the provisions of this Section.

- a) The following Table shall apply:

	<b>Minimum Rate – Long-Term Bicycle Spaces</b>	<b>Minimum Rate – Short-Term Bicycle Spaces</b>
Residential Use	0.72 bicycle space per dwelling unit	0.045 bicycle spaces per dwelling unit.
Non-residential Use	0.195 bicycle space per 100 square metres of gross floor area	0.225 bicycle space per 100 square metres of gross floor area

Short-term bicycle parking spaces shall be located at grade. Furthermore, a minimum of 50% of the required short-term bicycle parking spaces for residential and non-residential use shall be in a covered area.

Shower and change facilities shall be provided at the rate of 1 per 30 long-term bicycle spaces or portion thereof for the non-residential uses identified in the table in Section 6.2a) and shall be in a shared area for use of all non-residential uses.

Bicycle maintenance facilities, shall be provided at a rate of 1 facility per 200 long term bicycle parking spaces or portion thereof.

A minimum of 6 public bicycle parking spaces shall be provided. Public bicycle parking spaces shall be located within 5.0m of a public right-of-way.

Bicycle parking spaces may be provided in vertical or horizontal storage or stacked arrangements. Doorways to bicycle parking areas within a building shall be a minimum of 2.0m wide.

The standard bicycle parking space dimensions shall be 1.8m x 0.6m. Stacked bicycle parking spaces shall be acceptable as bicycle parking spaces and may have reduced minimum dimensions of 1.63 metres by 0.36 metres. Notwithstanding, the minimum vertical clearance for each stacked bicycle parking space shall be 1.2m.

**7) Loading**

No person shall use any lot, building or structure in any zone for any purpose permitted by this By-law, unless loading spaces are provided on the same lot in accordance with the provisions of this Section. The number of loading spaces required shall be calculated in accordance with the standards set out below in the Table:

Use	Minimum Required Loading Space
<b>Building contains dwelling units</b>	
0 to 30 dwelling units	0
31 to 399 dwelling units	1
400 dwelling units or more (1)	2
<b>Buildings having a non-residential gross floor area less than 465 square metres</b>	0
<b>Buildings having a non-residential gross floor area of equal to 465 square metres and less than 2323 square metres.</b>	1
<b>Buildings having a non-residential gross floor area equal to 2323 square metres and up to 9290 square metres</b>	2
For every additional 9290 square metres of non-residential <b>gross floor area</b> thereof greater than 9290 square metres	1 additional

**7.1 Regulations for loading spaces**

- a) A loading space shall be paved, free of any encroachments and have a width of not less than 4 metres and a length of not less than 13 metres with a minimum of 6.5 metres overhead clearance.
- b) A loading space shall not be located in any yard adjoining a street unless screened from view from the street by a fence, screen wall, or landscaped berm with a height of not less than 1.5 metres.
- c) Aisles and driveways leading to a loading space shall not be used for the temporary parking or storage of 1 or more motor vehicles.

- 8) All other provisions of by-law No. 2523, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedules "A" and "B" attached hereto.
- 9) The imperial measurements found in this by-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.
- 10) Schedules "A" and "B" attached to By-law No. \_\_\_\_\_ are declared to form a part of this By-law.

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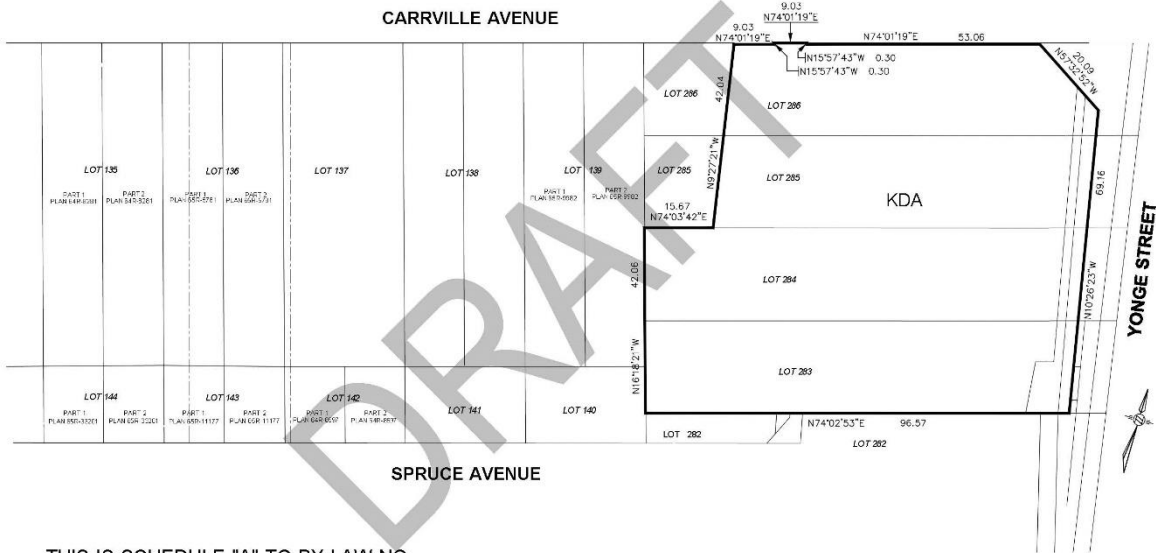
**THE CORPORATION OF THE CITY OF RICHMOND HILL****EXPLANATORY NOTE TO BY-LAW NO. \_\_\_\_\_**

By-law No. \_\_\_\_\_ affects lands described as Part of Lots 283, 284, 285 and 286, Plan 3805 (Municipal Address: 9218 Yonge Street).

By-law No. 2523, as amended of The Corporation of the Town of Richmond Hill zones the lands "Key Development Area 1 (KDA1) Zone". By-law No. \_\_\_ will have the effect of rezoning the subject lands with site specific regulations within the existing zone category "Key Development Area 1 (KDA1) Zone" to permit a mixed-use, high density residential/commercial development comprised of two towers connected by a podium with commercial uses at grade on the lands shown on Schedule "A".

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### SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_



THIS IS SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_

— AREA SUBJECT TO THIS BY-LAW

### SCHEDULE "B" TO BY-LAW \_\_\_\_\_

SCHEDULE B

