

7 December 2024

City Clerk

City of Richmond Hill

Re: **Report SRPBS.24.124 – Request for Comments – Comprehensive Zoning
By-law Project (Phase 1-A – City of Richmond Hill – City File MZBA-23-0001**

Attached, please find comments to be considered by City Council at its scheduled meeting of 10 December 2024.

I will not be able to attend the meeting in person, but do wish to have the comments circulated.

Thank you for your assistance.

Neil Zaph

Comments on Richmond Hill's Comprehensive Zoning Bylaw Project – Phase 1A

Background:

The staff report on Phase 1A of the Comprehensive Zoning Bylaw Project is to come before City Council on 10 December 2024. The purpose is to request comments concerning the first draft of Phase 1A.

My comments provided for consideration by City Council are outlined in the following sections:

1. Village Local Centre – OPA 18.6

Summary: The Village Local Centre (“Village LC”) OPA 18.6 sets out a vision for the lands generally located on and surrounding Yonge Street between Major Mackenzie Drive and Benson Avenue/Crosby Street. This area is envisioned as continuing to serve as the centre piece of the city’s historic main street, provides opportunities for aging in place, and will have intensification that is subordinate to the City’s Key development areas. Also, it is intended the character and identity of the Village LC be reinforced and enhanced through appropriate height and massing.

Comment: There is a concern that the height and massing identified within the area bounded by Benson Avenue to the north, Wright Street to the south, Hall Street to the west, and Yonge Street to the east is significantly larger than the adjacent areas. The height for this area is 2-15 storeys, while other adjacent areas to the south have height levels of 2-9 storeys.

Keeping in mind that most of the housing recently made or being made in the area west of Yonge Street have been townhomes of 3 storeys in height.

This difference in height limits proposed does not seem to be a way to reinforce/enhance the character and identity of the city centre. Instead, it would detract from the historic area. A project at 107 Hall Street that is currently being reviewed by the city is an indication of what the impact a 15-storey building with parking would have to the neighbourhood and the downtown core.

What would make more sense is to retain the city centre so that it continues to be seen as a unique place by having lower heights (2-5 storeys) at this location and ensuring the historic centre is not overwhelmed by large structures and would help in not detracting from the architectural elements located in this area.

There are many areas outside the Village LC that can accommodate increased density that should be investigated and pursued.

2. Short Term Accommodations.

Summary: Although the Comprehensive Zoning Bylaw has both use regulations (page 58 of the report) and a definition (page 86 of the report) it is important that Council and staff are aware that Condominiums are not necessarily bound by what is contained in the city's proposed document¹.

Comment: Condominium Corporations by virtue of their Declaration, Bylaws and Rules of the Corporation under the Ontario *Condominium Act 1998* in most cases have wording that prevents short term accommodations from being established within in their condominium units whether they be townhomes for apartment style condominiums. The statement most commonly found is:

“The condominium units shall only be used as a private single- family residence and for no other purpose, and the owner of each unit shall comply and require all residents and visitors to his/her unit to comply with the *Condominium Act 1998*.”

Ontario court cases have dealt with the single-family terminology, and the Ontario Court of Appeals have upheld the single-family residence restriction within the condominium corporation's declaration bylaws and rules. In addition, the court ruled that it does not infringe nor violate section 2(1) of the Human Rights Code².

The Commissioner of Community Services has already received comments on the short-term accommodation section of the report in a separate document, and

¹ Regulation under Section 15.1 which states:

A short-term accommodation is permitted in a **dwelling unit** or **accessory residential unit**, if the **dwelling unit** or **accessory residential unit** is on a **lot** exclusively occupied as a **principal residence** of the operator of the **short-term accommodation**.

and a Definition under Section 17.0 which states:

Short Term Accommodation Means all or a part of a **dwelling unit** that is used to provide sleeping accommodation for any rental period that is less than 28 consecutive days and the principal residence of the short-term rental operator.

² Ontario Human Rights Code Section 2(1): Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.

it is understood that the planning team will consider the information noted above as well as other comments related licensing, and enforcement.