

February 11, 2025

By E-Mail

Mayor and Members of Council
c/o Clerks Department
City of Richmond Hill
225 East Beaver Hall Road
Richmond Hill, ON L4B 3P4

Dear Mr. Mayor and Members of Council:

**Re: Public Meeting - Revised Official Plan and Zoning By-law Amendments
9861 Yonge Development Inc.
City Files D01-12011 and D02-12032**

Aird & Berlis LLP acts on behalf of 9861 Yonge Developments Inc. (the “**Owner**”) with respect to its Official Plan and Zoning By-law amendment applications for the above-noted lands.

The original applications to redevelop these lands were made in 2012 and appealed to the Ontario Municipal Board (as it then was) in 2017. Through multiple rounds of comments and redesigns, the Owner and the City ultimately agreed in 2021 to a settlement to develop the site with a 10-storey midrise, mixed use building with a 3-storey height along Church Street (the “**Settlement Proposal**”). This Settlement Proposal was approved by the Ontario Land Tribunal (“**OLT**”) in November, 2023, subject to the Owner submitting a complete Site Plan application.

Since the conditional approval of the Settlement Proposal, the Owner has further revised its plans in order to reflect and respond to recent changes to provincial, regional and City policies and priorities, as well as the changing built form of surrounding properties and the City’s Civic District and Downtown Local Centre. The resulting revised proposal provides for a 21-storey tower along Yonge Street, while maintaining a 45° angular plane to the residential neighbourhood on the east side of Church Street (the “**Revised Proposal**”).

The Changing Policy Landscape

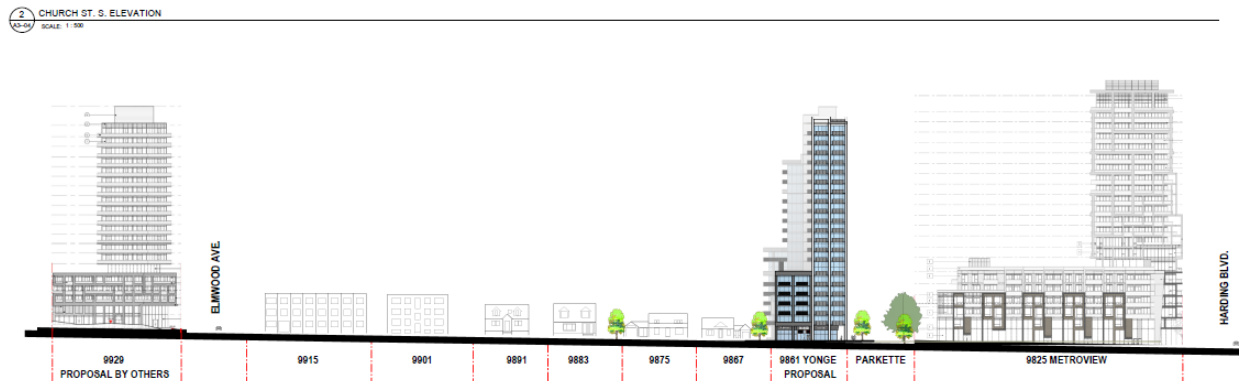
There have been a number of important policy changes and advancements in the years since the Settlement Proposal was agreed to that suggest that a 10-storey midrise building no longer reflects an efficient development pattern that optimizes the use of land and infrastructure. Key among these changes is the identification of the lands within a Protected Major Transit Station Area (“**PMTSA**”). The Province has determined that PMTSAs are intended to support higher density mixed use and transit-oriented development. PMTSAs are to be a key focus area for targeted intensification and growth within the City.

Under Council approved Official Plan Amendment 18.6 (“**OPA 18.6**”), the lands have been redesignated from the former Downtown Local Centre designation to the Regional Mixed-Use Corridor designation. The Regional Mixed-Use Corridor designation contemplates heights of up to 15 storeys, 50% greater than the Settlement Proposal put forward. Although OPA 18.6 remains

under appeal and not yet in force, it signals an understanding by Council that the Yonge Street corridor is intended to achieve greater heights and densities than previous plans had contemplated.

The Changing Built-form along Yonge Street

While the 21-storey tower being advanced through the Revised Proposal exceeds the permitted heights within OPA 18.6, it is consistent with the policy direction to transition heights within the City Civic District from the tallest heights in the south to shorter heights in the north. In response to this policy direction, the Revised Proposal transitions from the 22-storey approved height on the south side of the adjacent parkette, to the 20-storey approved height further north at 9929 Yonge Street.



The Revised Proposal directs its greatest heights and massing to the Yonge Street frontage, consistent with the City’s Urban Design Guidelines, animating the street as well as the future parkette at its southern boundary line. Importantly, it continues to respect the 45° angular plane to the residential neighbourhood on the east side of Church Street. Lastly, recent revisions to the Revised Proposal also ensure a 12.5m tower separation to the northern boundary line, enabling a similar redevelopment potential for the neighbouring property.

Staff Comments on the Revised Proposal

Staff have provided some comments on the Revised Proposal in their staff report circulated to Council. Since those comments were circulated, staff and the Owner have continued to work collaboratively on minor improvements to the plans to satisfy any outstanding concerns. These revisions include:

- Providing the full 12.5m setback from the north property line for all tower floors above the 6-storey podium; and
- Introducing a 2m stepback along the eastern portion of the southern façade above the sixth storey to enhance building articulation along the parkette.

We believe that, with these changes, the Revised Proposal is responsive to its surrounding context and has appropriate regard for the City’s Urban Design Guidelines. Further, it is our opinion that the Revised Proposal is consistent with the new PPS 2024, and conforms with both the Regional Official Plan and City Official Plan.

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Next Steps with OLT

While the OLT issued a written decision on the Settlement Proposal in November, 2023, it withheld its final Order to implement the approval pending the submission of a complete Site Plan application. In withholding its Order, the OLT maintains jurisdiction over this planning application. Should Council support the Revised Proposal, it is our intention to return to the Tribunal on consent of the City to seek final approval of the Revised Proposal, either through a settlement hearing or by way of written settlement motion.

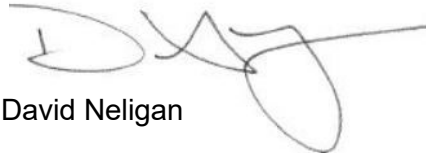
Should Council not support the Revised Proposal, the matter would still return to the OLT with a request for a Case Management Conference and, ultimately, the scheduling of a contested hearing.

The Owner is appreciative of City Staff for continuing to work with them in advancing this Revised Proposal, and we are hopeful that we can return to the OLT with Council's support to finally resolve this longstanding planning process on mutual consent.

I will be in attendance at the Public Meeting on February 11, 2025 to speak to this matter and to answer any questions you may have.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'D Neligan', with a long horizontal line extending to the right.

David Neligan

DN:DPN

- c. W. Long and A. Yarazavi
- M. Testaguzza
- C. Thorne, Legal Services