



February 25, 2025

Zone Richmond Hill Team
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Dear Zone Richmond Hill Team:

**RE: COMPREHENSIVE ZONING BY-LAW PHASE 1A: ZONE RICHMOND HILL
ZONING FOR YONGE STREET & CARRVILLE/16 AVENUE KEY DEVELOPMENT AREA
OUR FILE 16071**

On behalf of our client, Oxford Properties Group, Hillcrest Property Holdings Inc. and Montez Core Income Fund Limited Partnership (the 'Owner'), MHBC Planning has reviewed the draft City of Richmond Hill Comprehensive Zoning By-law Phase 1a as it affects their lands at 9350 Yonge Street, located northwest of the Yonge Street and Carrville Road intersection ('Subject Lands').

This letter provides an overview of the current development applications before the City of Richmond Hill for the Subject Lands and the current applicable York Region and City of Richmond Hill Official Plans policies, as well as current Zoning By-law regulations. These policies and regulations establish the context for the comments and recommendations outlined below regarding the Phase 1a of the Comprehensive Zoning By-law.

SITE AND POLICY CONTEXT

The Subject Lands have frontage along Carville Road to the south (approx. 380 m) and Yonge Street to the east (approx. 473 m). The Subject Lands have an approximate lot area of 18.44 hectares (45.57 acres) and currently contain the Hillcrest Mall commercial shopping centre and three stand-alone commercial buildings along the Yonge Street frontage.

Applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the Subject Lands were submitted in August 2020 (City File Nos. D01-20009 & D02-20018). On March 23, 2022, these applications were appealed to the Ontario Land Tribunal ("OLT"). The OPA application has since been settled through the OLT. We continue to work with City staff through the ZBA appeal.

A Site Plan Application (D06-21055) was submitted in September 2021, prior to the OLT appeal and settlement, and is currently being reviewed by City staff.

York Region Official Plan

The Subject Lands are located within the Urban Area as identified on Map 1 – Regional Structure and are further designated as being within a Regional Corridor, north of a Regional Centre, and are located on a Regional Rapid Transit Corridor in the York Region Official Plan (ROP). It is the intent that lands within the Urban Area be strategically focused for growth and accommodate the additional employment and population growth in York Region to the planning horizon of 2031.

Within Appendix 2 of the ROP, the 16th-Carville BRT Station has been identified as a Protected Major Transit Station (PMTSA 39) and intended to provide a minimum density target of 300 people and jobs/hectare.

Richmond Hill OPA 18.5 – Yonge Street and Carville/16th Avenue Secondary Plan

Oxford actively participated with City staff throughout the secondary planning process for the Yonge Street and Carville/16th Avenue KDA ('Yonge KDA'). This participation is noted within the Special Council Meeting, November 29, 2023 staff report, "*SRPBS.23.044 Request for Approval - OPA 18.5 Yonge and Carrville/16th Avenue Key Development Area (City File MOPA-22-0001)*" wherein Oxford engaged with City planning staff to ensure that key matters were addressed within amending policies.

Following Oxford's engagement with City staff, the Official Plan Amendment No. 18.5 ('OPA 18.5') was adopted by Council at a Special Council Meeting on November 29, 2023, through By-law 132-23. OPA 18.5 was subsequently appealed and is currently being adjudicated. As such, OPA 18.5 is not currently in force and effect.

Although OPA 18.5 may not be in effect, it is important to note City planning staff's comments regarding building heights within this Yonge KDA. In the Special Meeting of Council on November 29, 2023, Staff Report, "SRPBS.23.044: Request for Approval – OPA 18.5 Yonge and Carville/16th Avenue KDA," stated in the section on Height and Density that:

The density changes made in the northwest and northeast quadrants are appropriate because they are in line with the urban design principles of this KDA whereby the tallest buildings are directed to the intersection of Yonge and Carrville Road / 16th Avenue. Density is also concentrated along Yonge Street where the Regional Corridor and the VIVA Bus Rapid Transit (BRT) are located and currently in operation to serve the KDA and adjoining Regional Corridor.

The amending OPA 18.5 policy regarding height is noted as follows:

6. *The following height requirements shall apply to development in the KDA:*
 - a. *A minimum building height of 3 storeys;*
 - b. *A maximum base building height of 6 storeys for high-rise buildings;*
 - c. *A maximum street wall height of 4 storeys after which a step back is required for developments that front onto the market promenade as identified on Schedule C3 (Active Transportation);*

- d. The tallest heights should be directed to the Yonge and Carrville/16th Avenue intersection and to lands adjacent to the potential future GO Transit and TTC subway stations;*
- e. 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.*

Zoning By-Law 39-71

By-law 39-71 as amended, currently zones the Subject Lands as District Commercial (DC) Zone. On January 23, 2001, the Council of the Corporation of the City of Richmond Hill passed By-law 25-02, to amend Zoning By-law 39-71, that added drive through facility permissions and a minimum required parking rate of 4.77 spaces per 1,000 square feet of Commercial Gross Floor Area on the Subject Lands.

On November 22, 2010, the Council of the Corporation of the City of Richmond Hill passed By-law 100-10, to amend Zoning By-law 39-71, that harmonized the definitions and applicable development standards for the Subject Lands.

In January 2020 the landowners submitted a Zoning By-law Amendment D02-20018, ('ZBA') to rezone a portion of the Subject Lands to Key Development Area 1 Zone - with site specific development standards (KDA1-XX) to facilitate a high-rise mixed-use development, with the balance of the lands remaining under the DC Zone. As noted previously, this file was appealed to the OLT and settlement discussion are ongoing with City staff at this time.

COMPREHENSIVE ZONING BY-LAW – PHASE 1A

As part of Staff Report SRPBS.25.017, draft zoning by-law materials were made available for review, which were updates to the materials previously released in December 2024. The following is a summary of the various materials.

Zone District

The Subject Lands are located within the Yonge Street and Carville/16th Avenue Key Development Area (KDA) Zones. The Subject Lands were previously proposed to be split zoned as:

- 1) Yonge Street and Carville/16th Avenue Key Development Area Zone 1 (KDA-YC1), which applied to the portion of the site fronting Yonge Street; and,
- 2) Yonge Street and Carville/16th Avenue Key Development Area (KDA-YC2), which applied to the west side of the site, generally encompassing the existing Hillcrest Mall.

In this draft version released with the City staff report, there now appears to be one KDA-YC zone which applies to the Subject Lands.

Schedules

PHASE 1A ZONING BY-LAW AMENDMENT: Yonge & Carville/16 Ave KDA PART 3: MAPS & SCHEDULES & SUBJECT LANDS		
Schedule Number	Title	Subject Lands
A1	Zones	KDA-YC
B1	Maximum Density	1.0 Mall site From north to south (4 blocks) a) 2.0 – 4.8 b) 2.0 – 5.0 c) 2.0 – 6.0 d) 2.0 – 7.0
C1	Height (FSI)	3
D1	Parking Strategy Areas	Centres & Corridors

Permitted Uses

The following chart compares the uses within the draft by-law submitted by Oxford (KDA1-XX, D02-20018) against the proposed permitted uses of the Yonge Street and Carville/16th Avenue Key Development Area (KDA-YC).

Green highlighted rows indicate permitted uses and red highlighted rows indicate uses that are not permitted in the applicable By-laws.

Permitted Uses Comparison Chart: ZBL 39-71 to Draft 1A Zoning By-Law		
Permitted Uses	D02-20018	1a ZBL Table 4.1A
	KDA1-XX	KDA-YC
Apartment Dwelling (HRB, MRB, and LRB)		
Short Term Accommodation		
Additional Residential Unit		
Block Townhouse Dwelling		
Street Townhouse Dwelling		
Rear Lane Townhouse Dwelling		
Stacked Townhouse Dwelling		
Back-to-Back Dwelling		
Quadruplexes		
Live-Work		
Home Occupation		
Arts and Cultural Facilities		
Commercial		
Major Office		
Major Retail		
Day Nursery		

Permitted Uses Comparison Chart: ZBL 39-71 to Draft 1A Zoning By-Law		
Permitted Uses	D02-20018	1a ZBL Table 4.1A
	KDA1-XX	KDA-YC
Hospitals		
Public Authority		
Place of Worship		
Private Utility		
Primary to Post Secondary School		
Long Term Care Facility		
Assisted Living Residence		
Social Services		
Community Use		

Provisions for KDA-YC Zone

The following chart identifies the similarities and discrepancies between the proposed provisions of the KDA1-XX (D02-20018) to the KDA-YC zone. Of concern for the Subject Lands is the lack of clarity in regard to the maximum permissible building heights of the KDA-YC zone. Red indicates provisions that are not aligned.

COMPARISON CHART: Bread Block Zone Standards - KDA1-XX vs KDA-YC Draft #2 Zoning By-Law (Jan. 2025)			
	D02-20018	Draft Phase 1a ZBA Table 4.1C	
Provisions	KDA1-XX	Mid-Rise	High-Rise
Lot Frontage (min.m.)	30	30	30
Front Yard Setback (min.m.)	0.85 (east)	3	3
Rear Yard Setback (min.m.)	2.2 (west)	0	0
Side Yard Setback (min.m.)	11.0 (north) 8.0 (south)	0	0
Flankage Yard Setback (min.m.)	--	3	3
Daylight Triangle Setback (min.m.)	--	0	0
Rear Yard Setback (min.m.) – Tower	--	--	12.5
Side Yard Setback (min.m.) – Tower	--	--	12.5
Flankage Yard Setback (min.m.) – Tower	--	--	6
Daylight Triangle Setback (min.m.) – Tower	--	--	3
First Storey Height (max.m.)	3 – Townhouse 4.5 – Retail/Lobbies	--	6
Building Height (min./max.)	North Tower: 26 storeys South Tower: 30 Storeys	See Schedule B (3 storeys)	
FSI (max)	Block A: 5.79 Block B: 10.36 Block C: 6.89 Block E: 5.13 Block F: 4.75	See Schedule C: Block A: 2.0 – 7.0 Block B: 2.0 – 7.0 Block C: 2.0 – 6.0 Block E: 2.0 – 5.0 Block F: 2.0 – 4.8	

COMPARISON CHART: Hillcrest Mall Zone Standards - DC vs KDA-YC ZBL 270-2004 to Draft #2 Zoning By-Law (Jan. 2025)		
Provisions	ZBL 39-71 DC	Draft Phase 1a ZBA KDA-YC
Lot Frontage (min.m.)	60	30
Front Yard Setback	3 (min.m.) 6 (max.m.)	3 (min.m.)
Rear Yard Setback (min.m.)	9	0
Side Yard Setback (min.m.)	3	0
Flankage Yard Setback (min.m.)	--	3
Daylight Triangle Setback (min.m.)	--	0
Building Height (min./max.m.)	18	See Schedule B (3 storeys)
FSI (max)	1	See Schedule C (1 FSI)

It is noted that with Table 4.1C Centres and Corridors Zone Standards that for mid-rise and high-rise buildings in the KDA-YC zone there are eleven (11) special provisions. The following highlights several of these in a brief format:

- 1) Front Yard/Flankage Yards may be reduced to 0 metres above first 10.5 metres of building height;
- 2) Side/Rear Yards are increased to 3 metres for the first 10.5 metres of building height where a building abuts a street, lane or public park;
- 3) Main walls of low- to high-rise building that face a side/rear yard that does not abut a street, lane or public park and contains windows/openings, minimum side yard or rear yard setback of 7.5 metres from the main wall of the building with windows or openings to the side lot line or rear lot line shall be required;
- 4) Mid- and high-rise buildings, main wall above the podium abutting front or flankage yard, or street, lane or public park, shall have a minimum 6 metre setback and shall be stepped back a minimum of 3 metres from the first storey of the podium.
- 5) FSI is calculated on the total lot area prior to conveyance of lands to the public authority
- 6) Building heights, both minimums/maximums and podium heights are identified in storeys and metres in Schedule B
- 7) Community uses, parks and opens spaces and infrastructure and interim development are excluded from minimum density calculation;
- 8) Required yards do not apply to below grade portions of the buildings/structures

Interim Development

Section 3.1.11 permits expansions of existing buildings/structures for non-residential uses and will not be greater than 15% of the total GFA of the existing building. This expansion may have a maximum height of 2 storeys and will not include below grade structures. This would not be consistent with the proposed heights noted in Schedule B. Within the KDA-YC new stand-alone building(s) or structures are also permitted in addition to Section 3.1.11(1) provisions.

Mechanical Equipment and Penthouses

It is noted in section 3.2, that parapets, mechanical penthouses and other decorative roof structures are excluded from the calculation of maximum building height, including screening of mechanical

equipment up to a 6-metre maximum height. Any rooftop mechanical equipment is to be stepped back a minimum of 3 metres from all edges of the roof. The proposed zoning as part of D02-20018 requests a permitted mechanical penthouse of 8.1m.

Amenity Space

Section 3.3 indicates that for low- to high-rise buildings with over 20 dwelling units, are to provide amenity space for each dwelling unit at a rate of 2m²/unit. Within D06-21055, 3.8 sq.m. of combined indoor and outdoor amenity space is proposed.

RECOMMENDED AMENDMENTS

1) Regulations vs Design Guidelines

Table 4.1D: Centers and Corridors Special Provisions contains an extensive list of standards, which should be deleted as they speak to architectural design guidelines. Such removal would facilitate more innovative and creative solutions to built form within a growth area.

2) Schedules

The Schedules appear to have not been thoroughly reviewed in context of recent policy amendments and their intent. While OPA 18.5 is under appeal, the Council did adopt the amendments. As such, the Schedules should reflect the direction adopted by Council for this YC KDA and specifically related to building heights.

- Schedule A1: Zones
There is an inconsistency between the Zone Types noted in this Schedule for the Subject Lands as they do not align with the draft Table 4.1C: Centres and Corridors Zone Standards. The Schedule notes that the Subject Lands are zoned "KDA-YC" while the draft Table 4.1C identifies two sub-types as 'KDA-YC1' and 'KDA-YC2' but no 'KDA-YC'. This should be corrected either within the Schedule or to Table 4.1C. Similarly, in section 2.1 Zones and Zone Categories, subsection 2.1(1) only identifies one zone label for Yonge/Carrville/16th KDA and that is 'KDA-YC'.
- Schedule B1: Maximum Density
No comments as this reflects OPA 18.5, Schedule C1: Density Allocation.
- Schedule C1: Height
This Schedule indicates that the extent of the Subject Lands has one height as '3', whereas other C1 schedules indicate what appears to be a range of heights, such as '3-10' and '3-20'. The heights for the Subject Lands should be corrected to reflect not only OPA 18.5 regarding permissible building heights, but also the applicable densities/FSIs along Yonge Street as per Schedule B1.
- Schedule D1: Parking Areas
Schedule D1 now indicates that the Subject Lands are within a "Centres and Corridors" parking area – but not in any of the Areas 1 to 4. As the Schedule is now drawn showing the Subject Lands in solid black colouring, it cannot be assumed that the Subject Lands are in either Area 1 or Area 2, although all lands appear to be in Area 4. The draft Table

10.8.2: Automobile Parking Space Minimum and Maximum Regulations does not identify parking space rates for 'Centres and Corridors', and it may be assumed that Area 4 requirements prevail. In the draft ZBR released in November, 2024, the KDA-YC was identified as a PSA 1.

3) Building Height

The following highlights the multiple discrepancies amongst policies, proposed Zone tables, schedules and definitions.

- a) Table 4.1C: Centres and Corridors Zone Standards, currently indicates that all building height standards, irrespective of zone type, are shown on Schedule 'B'. This is a concern, as the draft Schedule B1 indicates that the minimum and maximum building height for the Subject Lands is '3' throughout. This would not be in conformity with the following:
- The adopted OPA 18.5 policies that permit greater heights on the Subject Lands;
 - Table 4.1A: Centres and Uses Permitted Uses, that permit mid-rise and high-rise Apartment Dwellings in KDA-YC, such as the Subject lands.
 - Table 4.1C first two rows showing that KDA-YC-1 and KDA-YC2 permit both mid-rise and high-rise building (as it is assumed that 'HRB' and 'MRB' are abbreviations of this term, although not identified in text; these should be identified in s.1.7(3) Defined Terms);
 - Table 4.1D: Centers and Corridors Special Provisions, Special Provision No. 10 states that required minimum and permitted maximum building heights, including podium heights, are identified in storeys and metres on Schedule B; and,
 - Definitions:
 - Mid-Rise - means buildings or structures with heights ranging between five (5) storeys and eight (8) storeys.
 - High-Rise - means buildings or structures with a height of nine (9) storeys or greater.
- b) Regarding angular planes, Table 4.1D Centers and Corridors Special Provisions indicates that for mid-or high-rise buildings, a maximum 45-degree angular plane from the adjacent property line of a Residential Zone, shall apply. Where a building is up to 15 metres in height, the building may protrude within this angular plane.

Given that OPA 18.5 policies address matters such as step-backs and shadow impacts, it is unnecessary to further regulate these outcomes and requirements through the zoning. The addition of these policies as regulations in the Zoning By-law may hinder area specific design solutions to accommodate growth. Additionally, regulating all aspects of the built form will result in all buildings, whether mid-rise or high-rise to mirror one another.

4) FSI (Density)

- a) Regulations for density and FSI have been provided on Schedule B1 – Density: Yonge Street and Carville/16th Avenue KDA.

Similar to the regulations for maximum building height, the refinements of densities and heights within the Zoning By-law limits the ability to deploy density appropriately within a

block and is redundant. Regulating height and density in a KDA is counterintuitive to the goals that the City has outlined for these areas. The outcome will be a loss of sense of place within any KDA, and likely numerous and time-consuming zoning amendments to address overly rigid performance standards.

5) Table A1

Under section 3.1.11: Interim Development, regulation 3.1.11.a speaks to non-residential uses prescribed in Table A1. The draft Zoning By-law does not contain a Table A1.

6) Site Specific Zoning

As a portion of the Subject Lands is under application D02-20018, we believe it would be appropriate to match the draft Phase 1a Zoning By-law to the proposed 'KDA1-XX' zoning. City staff are currently reviewing the zoning proposed under D02-20018, with the intent of having a joint settlement provided to the OLT in the coming months.

7) Provisions

While a table has been provided above comparing the proposed 'Bread Block' development with the KDA-YC draft zoning provisions, we would also like to note that many of the provisions proposed may be required to be adjusted in order to support development across the balance of the Subject Lands. Specifically, provisions related to front, rear and side yard setbacks for tower components may be required to be adjusted, along with the proposed heights in Schedule B.

CONCLUSION

We appreciate the opportunity to provide the City with our comments regarding the Draft 1a Zoning By-law. Based on the above, adjustments are required to the draft by-law for both the 'Bread Block' lands and the balance of the Hilcrest Mall lands. Should you wish to discuss our current proposed development under application D06-21055, opportunities to amend the City's draft Zoning By-law in support of our current application, or require clarification of same, we would be pleased to meet with you.

Thank you.

Yours truly,

MHBC



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