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March 14, 2025

The Corporation of the City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, Ontario
L4B 3P4

Attn: Mayor West and Members of City Council

Dear Mayor West:

**Re: Response to Draft Comprehensive Zoning By-law (Centres & Corridors)
295 King Road
King South-East Developments 295 Inc.**

Goldberg Group acts on behalf of King South-East Developments 295 Inc., the 'Owner' of the lands legally described as 'Lot 3, Plan M38', and municipally known as 295 King Road (the 'subject property'). The subject property is located on the south side of King Road, east of Bond Crescent.

A previous application to amend the City of Richmond Hill Zoning By-law to permit the redevelopment of the subject property with 15 townhouse dwellings of common element condominium tenure was approved on July 5, 2023 as City File No. D02-21013. Implementing By-law 75-23 was approved by City Council on July 12, 2023 and is now in full force and effect.

To implement the land use permitted through this By-law, it was necessary to also obtain approval of applications for Site Plan Control (SPA), and Draft Plan of Condominium (Common Element) (DPOC). These applications were submitted to the City and deemed complete as City Files: SP-24-0028 and CON-24-0009 as of October 24, 2024, and remain under review.

On behalf of our Client, we have previously provided comments with respect to draft of the Comprehensive Zoning By-law released in February 2025 (the "CZBL"), attached hereto as Appendix 'A' for convenience.

While we are pleased to see revisions to the document to address several of the previously raised issues, we continue to have concerns with lack of transition regulations to recognize and maintain the prior approval for the subject property.

Additionally, we are concerned with the speed with which the approval of the document has been advanced.

While the CZBL has been advertised as being for the 'Centres and Corridors', the document contains Administration, General Regulations, and Parking/Loading Standards which appear to be intended to apply City-wide. The preliminary draft of the CZBL was only released for public review prior to the Council Public Meeting on February 25, 2025. Now, a further

updated draft has been released, and is proposed for approval only 22 days following the Public Meeting, with only 7 calendar days to review.

On this basis, we feel it is only prudent for the City to defer approval of the CZBL until greater time has been provided to allow for detailed review of the potential impacts of the Regulations on existing and potential development. In doing so, there would also be more time for meaningful consultation directly with stakeholders.

This could potentially avoid delays in the implementation of the CZBL due to appeals, as well as the need to amend the CZBL in the near future to rectify oversights or unforeseen issues, and to bring the document into consistency with the Official Plan when the policies related to the Centres and Corridors are updated as part of the ongoing Review of the Official Plan.

We welcome the opportunity to meet with City Staff to discuss the above comments and concerns, and request to be notified of any further activity or reporting on this matter.

If you have any questions or require additional information, please do not hesitate to contact the undersigned at ext. 2101.

Yours truly,

GOLDBERG GROUP



Adam Layton, MCIP, RPP

cc. King South-East Developments 295 Inc.
Mr. Gus Galanis
Ms. Deborah Giannetta
Mr. Salvatore Aiello

Appendix 'A' – Prior Comments



ADAM LAYTON, MCIP, RPP
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March 11, 2025

The Corporation of the City of Richmond Hill
Planning and Infrastructure Department
225 East Beaver Creek Road
Richmond Hill, Ontario L4B 3P4

Attn: Mr. Salvatore Aiello, Manager, Development Zoning

Dear Mr. Aiello:

**Re: Response to Draft Comprehensive Zoning By-law (Centres & Corridors)
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We have reviewed the February 2025 draft of the draft Comprehensive Zoning By-law (the "CZBL"). While we acknowledge that specific Zone classifications and standards are being enacted for the *Centres and Corridors* at the present time and would not apply to the subject property, it is our understanding that various Sections of the CZBL are intended to apply across the City, including:

- Administration (Section 1);
- General Regulations (Section 3); and
- Parking/Loading Regulations (Section 10).

On this basis, we provide the following comments on behalf of our Client:

Schedules

All Schedules are very difficult to read, with several of the area specific maps including no street names to assist in orienting oneself. We request that a higher quality version of the Schedules be provided. Additionally, we suggest that sub-numbering should be included on all maps for ease of reference.

Section 1.12: Transition

Subsections 1.12.2, 1.12.3, 1.12.4, and 1.12.5 provide that only minor variance, consent, site plan, or heritage approvals or decisions are recognized back to January 1, 2015.

Further, there appear to be no transition provisions to recognize previous zoning approvals through a Council decision or from an approval administered by the OLT. Without a transition provision or recognition of a previous approval through site specific exemptions the previous zoning would not be recognized. We suggest that relying on the status of a site plan control application is not sufficient to protect for appropriate transition in this regard.

We are also concerned that this framework could many properties into a lawful non-conforming condition, which is best avoided. We suggest that a longer timeframe should be considered to allow past approvals or decisions to be maintained for the purposes of compliance with the CZBL.

Alternatively, such matters may be addressed through Site Specific Exceptions. At present, the draft does not appear to include many Exceptions, showing only two properties.

Section 3.1.6: Non-Conforming Uses

As was noted at the Council Public Meeting of February 25, 2025 by another party, we question why **Regulation 3.1.6(3)** prevents a non-conforming building or structure from being restored or reconstructed to the same specifications should it be damaged or destroyed, particularly when considered in conjunction with the Transition Regulations of Section 1.12 discussed in the previous section of this Letter.

We request that this Provision be modified to permit restoration or reconstruction irrespective of the level of damage or destruction.

Section 3.1.8: Common Element Condominiums

Section 3.1.14: Frontage on a Public Street

We suggest that a Provision is required within the CZBL which provides that a condominium 'Lane' is considered a 'Street' for the purposes of access, frontage, and setbacks.

It is noted that the CZBL defines a street as: *a public highway as defined by the Municipal Act, 2001 S.O. 2001, c.25, as amended and shall exclude an unopened road allowance of any **street** which is shown on a Registered **Plan of Subdivision** which has been deemed not to be a Registered **Plan of Subdivision** under Section 50 of the Planning Act, R.S.O. 1990, or a predecessor thereof.*

The site-specific By-law for the subject property required a Provision to this effect. Thus, the imposition of such a standard within the CZBL would allow for the simplification of interpretation through future redevelopment proposals.

Section 3.1.10: Municipal Services

3.1.10(1)(c)(vii): *For the purposes of this regulation, municipal services are deemed to be available to the lands, **building** or **structure** within a plan of subdivision registered after the enactment of this By-law, when the **street**, water, storm sewer, sanitary sewer and stormwater management facilities required to service such lands, **building** or **structure** satisfy the following requirements: ...two separate vehicular accesses into any plan of subdivision have been provided and kept open for the purposes of ingress and egress, to the satisfaction of the Commissioner.*

The proposed development only possesses a single vehicular access by way of a driveway or condominium ‘**Lane**’ through the adjacent lands. The requirement for multiple accesses would thus appear to create a conflict with respect to the determination of when municipal services may be available for the subject site. We request that this provision be modified to rectify this.

3.1.10(1)(d): *For the purposes of this By-law, municipal services are deemed to be available to the lands, **building** or **structure** that is not within a plan of subdivision referred to in regulation (c), or that is within a plan of subdivision referred to in regulation (c) but that is to be located on a parcel of land that is not the whole of a **lot** within that plan of subdivision, but which is created pursuant to the enactment of a by-law under subsection 50(5) of the Planning Act or pursuant to a consent under section 53 of the Planning Act, when the roads, water, storm sewer and sanitary sewer and stormwater management facilities required to service the lands, **building** or **structure** satisfy the following requirements:...*

We believe there is a typo in the reference to subsection 50(5) of the Planning Act, and suggest the referend should be to subject 50(7). We also note that subsection **3.1.10(1)(d)(i)** and **(ii)** make reference to public highways. As noted previously, modifications appear to be necessary to reflect access or servicing that is extended through private condominium ‘**Lanes**’.

Section 3.2: Mechanical Equipment and Penthouses

We request confirmation that rooftop access for maintenance, or leading to an amenity space, will continue to not constitute a ‘**storey**’.

Section 3.4: Projections

We provide the following suggestions with respect to the Permitted Encroachments:

- Canopies associated with all building types should be able to extend to a property line abutting a street or private lane;
- The proposed encroachment of 0.9m for steps including landing is not sufficient. We suggest this should be increased to at least 1.5 metres;
- Subsection (b) is overly complex, and does not seem to consider the potential requirements of code, noise, or wind for mid-rise or tall buildings;

- Subsection (e) should include provision for privacy screens between outdoor patios, balconies, and/or terraces;
- We suggest that additional provisions are required for landscape planters, and request that permission be provided to allow the encroachment of these features into any yard to within 0.3m of a property line; and
- We suggest that it be made explicit that a retaining wall is not considered a 'structure' requiring a permitted encroachment, regardless of the height of same.

Section 3.6: Landscaping

We note that there is no definition for the term '**landscaping**'. For the purposes of Regulations **3.6(a)** and **(b)**, we request clarification as to whether the requirements refer to '**hard**' or '**soft**' landscaping, which are both defined terms in the definitions. Alternatively, a definition for '**landscaping**' that identifies if both '**hard landscaping**' and '**soft landscaping**' are included in the overall calculation of '**landscaping**'.

Regulation 3.6(b)(i): *The following provisions shall apply to a **street townhouse dwelling, block townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back to back dwelling** or a **quadruplex dwelling**: A minimum 45% of the area of a **front yard** or a **flankage yard** shall be used for no other purpose than **landscaping**. Notwithstanding the foregoing, where a by-law permits **detached accessory structures** or **porches** to project into a **front yard** or **flankage yard**, the area of the **lot** covered by the **detached accessory structures** or **porches** shall be included in the calculation of the minimum landscaping; ...[Emphasis added]*

Further, we suggest that parking or driveway areas treated with permeable pavers or other means to permit stormwater infiltration should be considered as '**hard landscaping**'.

Section 3.9.1: Home Occupations

We question the rationale behind several of the development standards related to Home Occupations outlined in Subsection (1), including the following:

- **Subsection (g):** Why can veterinary services not operate out of a dwelling if it can be demonstrated that appropriate noise control measures have been implemented to avoid impact on adjacent lands?
- **Subsection (i):** We suggest this requirement requires greater clarification as to what is considered a "typical" vehicle employed in residential deliveries? We understand that the intent of this provision is likely to avoid large trucks entering into residential areas, however suggest that this may be out of the control of an operator of a home business.
- **Subsection (j):** We question why a home business could not operation with a small number of employees (i.e. 1 or 2)?
- **Subsection (k):** We question the rationale behind the limit of only 4 students or patrons at one time.

Section 3.15: Regulations for Decks and Porches

With respect to **Subsections (a)(i), and (b)**, we suggest that the requirement that a porch not be closer to a side lot line than the main building or beyond a side main wall may result in the need for relief in the case of side lot lines that are not parallel (i.e. pie shaped lots). This has been our experience with similar standards in other municipalities with similar provisions.

We suggest a side yard setback be provided instead of alignment with the wall of a dwelling to allow flexibility in the design and construction of decks and porches.

Section 3.17: Reserve

We suggest that any reserves should be considered part of the lot for the purposes of calculating setbacks and lot area to allow the efficient use of urban lands.

Section 10.0: Parking and Loading Regulations

We support the inclusion of permission to provide a proportion of required parking spaces as 'compact' parking spaces, however request clarification as to whether both Type A and Type B compact spaces are permitted within a single development project (i.e. accounting for 50% of required parking).

We suggest that there may be situations wherein parking structures may be appropriate to be located above grade, beyond those Zones specified in **Regulation 10.7.1(7)**. In this instance, we suggest permission should be provided within the CZBL to avoid the need to seek relief while protecting for an appropriate interface with the public realm.

Provision for shared parking, and off-site parking do not appear to be included in the CZBL and should be considered.

Regulation 10.7.4 does not appear to contemplate a situation where a barrier free access ramps connects to a municipal sidewalk and is required to immediately start to rise from the public sidewalk. In this regard, how will setbacks be satisfied?

It is our experience that stacked bicycle parking spaces often have lesser width and clearance than those indicated in **Table 10.10.1**. We suggest that the standards be relaxed to avoid potential need for relief. Additionally, we suggest that permission should be provided to allow a wall-mounted bicycle parking space to encroach into the vertical clearance of a vehicular parking space to further expand the provision of bicycle parking opportunities within mid- and high-rise buildings.

For the purposes of interpreting **Regulation 10.11.9.1(4)**, please clarify that the driveway approach to a loading space, or the staging area abutting a space do not need to maintain an overhead clearance of 6.5 metres, and that only the loading space itself is required to do so.

Table 10.11.2 appears to suggest there is a note/special provision for buildings containing more than 400 dwelling units, however there is no associated note.

Conclusion

We welcome the opportunity to meet with City Staff to discuss the above comments and concerns, and request to be notified of any further activity or reporting on this matter.

If you have any questions or require additional information, please do not hesitate to contact the undersigned at ext. 2101.

Yours truly,

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