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March 17, 2025

Our File Nos.: 140432 and 210837

Via Email

Richmond Hill City Council
225 East Beaver Creek Road
Richmond Hill, ON
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Attention: City Clerk

Dear Mayor West and Members of Council:

**Re: Proposed Comprehensive Zoning By-law (Centres and Corridors)
Staff Report SRPBS.25.029 – City File No. MZBA-23-0001
Committee of the Whole Meeting – March 19, 2025 – Item 11.10**

We are solicitors for Baif Developments Limited (“**Baif**”), the owner of the following properties which are directly affected by the municipally-initiated Comprehensive Zoning By-law (“**CZBL**”) recommended for enactment in Staff Report SRPBS.25.029 (the “**Staff Report**”):

- Block 9, Plan 65M-2368 and Parts 12 and 13, Plan 65R-12296, a 3.56 hectare vacant parcel known municipally as 0 Addison Street (the “**Yonge Block**”);
- Block 4, Plan 65M-2369 and Part 5, Plan 65R-12296, a 1.71 hectare vacant parcel known municipally as 0 Hopkins Street (the “**Major Mackenzie Block**”);
- Part of Lots 69 and 70, Concession 1, E.Y.S., Lots 7 to 15 and 1’ Reserve, and Part of Lots 1 to 16 and 16, all of Collingwood Road, Plan 339, a 28.84 hectare primarily vacant parcel known municipally as 13515 and 13715 Yonge Street and 53 St. Laurent Drive, of which approximately 4 hectares along the Yonge Street frontage is within the area proposed to be regulated by the CZBL (the “**Yonge Zone Future Development Blocks**”).

We understand that written submissions in respect of the proposed CZBL have already been provided to the City by Baif through its email correspondence with Planning staff, along with a formal letter submitted by Goldberg Group on behalf of Baif on March 14, 2025 which articulated specific concerns relating to the Yonge Block and Major Mackenzie Block as well as general comments relating to the new standards proposed in the CZBL (the “**Goldberg Letter**”).



Accordingly, the purpose of this letter is to reiterate the concerns previously expressed by Baif, and to ensure Baif is formally on record providing its written submissions to City Council in respect of all of its landholdings to which the proposed CZBL would apply.

Yonge Block and Major Mackenzie Block

As set out in the Goldberg Letter, Baif's primary concern with the CZBL is that it fails to maintain the zoning for the Yonge Block and Major Mackenzie Block approved by the Ontario Municipal Board ("**OMB**") in its Order dated May 25, 2016 as a further site-specific amendment to By-law 181-81, as amended, of The Corporation of the Town of Richmond Hill, (the "**In-Force Zoning**").

The In-Force Zoning sets out detailed development standards to facilitate the comprehensive mixed-use development of the Yonge Block and Major Mackenzie Block, including permitted uses, gross floor areas, floor area ratios, lot coverages, setbacks, building heights, permitted encroachments, vehicular and bicycle parking rates, as well as a series of site-specific definitions. Moreover, the In-Force Zoning includes a requirement for the owner to provide facilities, services or matters in the form of a lump sum cash payment as authorized under subsection 37(1) of the *Planning Act* as it read at the time (the "**Section 37 Requirement**").

Although it appears that proposed exception provision 7.4 (in Section 19) in the draft CZBL intends to carry forward the site-specific permissions approved by the OMB, it does not fully and accurately reflect the In-Force Zoning. Instead, it appears to simply copy verbatim the site-specific policy language in section 6.15 of the existing Richmond Hill Official Plan (which was also approved by the OMB in its May 25, 2016 order). The purpose of a zoning by-law is to regulate the matters set out in section 34 of the *Planning Act*, not to simply echo policy language. This will become especially problematic since the CZBL otherwise contains development standards related to matters such as setbacks and building heights, and it is not entirely clear from sections 2.4 and 19 of the proposed CZBL which standards would govern.

Even more problematic is section 1.14 of the CZBL, which proposes to repeal existing By-law 181-81, as amended, for those lands subject to the CZBL. Should this repeal occur, it would have the effect of immediately extinguishing the Section 37 Requirement for the Yonge Block and Major Mackenzie Block pursuant to the transitional provisions in subsection 37.1(4) of the *Planning Act*. Together with other items resolved through minutes of settlement between Baif, the City and the Region of York, the Section 37 Requirement was the culmination of extensive negotiations between Baif and the City as part of the OMB approval process. Not only was it implemented through the In-Force Zoning, but it was also secured through a section 37 agreement between Baif and the City which is registered on title to the lands. As such, Baif does not consent to the Section 37 Requirement being unilaterally extinguished by the City through the CZBL.

Before the CZBL is enacted by City Council, it must be further modified to ensure it does not apply to the Yonge Block or the Major Mackenzie Block, by removing all references to those lands



in the text and schedules of the CZBL, so that the In-Force Zoning and Section 37 Requirement remain in effect for the Yonge Block and the Major Mackenzie Block.

Yonge Zone Future Development Blocks

The Yonge Zone Future Development Blocks are shown as Blocks 10, 11 and 12 within Draft Plan of Subdivision 19T(R)-93027 (the “**Draft Plan**”) that was recently approved by the City (with conditions) pursuant to a Notice of Decision dated January 24, 2025 (City File D03-93005).

In connection with this approval, the majority of the lands with the Draft Plan are also subject to proposed site-specific zoning by-law amendment 27-25 to be considered for enactment by City Council on March 26, 2025 (the same day as the CZBL is proposed to be enacted). However, the Yonge Zone Future Development Blocks are excluded from the forthcoming site-specific zoning by-law amendment and would instead retain their existing zoning under By-law 313-96, as amended, of The Corporation of the Town of Richmond Hill.

Given that the Yonge Zone Future Development Blocks were not the subject of a recent development approval or section 37 agreement, Baif does not object to the these lands being included within the area subject to the new CZBL.

Nevertheless, many of the concerns Baif has expressed in its previous submissions to the City (including the general comments in the Goldberg Letter) are also of concern in relation to the Yonge Zone Future Development Blocks. Of particular concern are the mandatory electric vehicle parking space requirements in section 10.13 of the proposed CZBL, which exceed the City’s zoning authority under section 34 of the *Planning Act*, as the manner of construction and construction standards are appropriately and exclusively governed by the Ontario Building Code.

Summary

Thank you for your consideration. Please ensure we are provided with notice of any decision(s) made by Council in respect of this matter.

Yours truly,

Goodmans LLP

A blue ink signature, appearing to read "Ian Andres", written in a cursive style.

Ian Andres
IDA/rr

cc: Paul Minz and Lynn Barkey, Baif Developments