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March 17, 2025

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

Dear Mayor and Members of Council:

**Re: Comprehensive Zoning By-law Project (Centres and Corridors) Response
1070 Major Mackenzie Drive East
First Baymac Developments Limited & Canadian Property Holdings (Ontario)
Inc.**

Goldberg Group is submitting this letter on behalf of First Baymac Developments Limited & Canadian Property Holdings (Ontario) ("Baymac"), the Owner of the property legally described as 'Part of Lot 21, Concession 2 (RHM) and Parts 7-15 and part of Lot 18, Plan 65R23506', and municipally known as 1070 Major Mackenzie Drive East (the 'subject property'). The subject property is located at the northeast corner of the intersection of Major Mackenzie Drive and Bayview Avenue. The subject lands comprise an existing shopping centre with approval through the Ontario Land Tribunal (OLT) for a 9 storey retirement residence at the westerly end of the site.

The approval of the west end of the subject lands for a 9 storey retirement residence was the subject of a contested Ontario Land Tribunal ("OLT") hearing (Case No. OLT-22-004270) which resulted in a decision dated November 1, 2023, approving the proposed development. Subsequently, an Order dated May 22, 2024, was issued approving Official Plan Amendment 34 ("OPA 34") and Zoning By-law Amendment ("ZBA") 51-24.

We have reviewed the February 25, 2025, draft of the CZBL that was released on March 12, 2025. It is understood that the Administration (Section 1), General Regulations (Section 3), and Parking/Loading Regulations (Section 10) contained in the draft are intended to apply to the entire City. On this basis, we provide the following comments on a site specific basis on behalf of Baymac as follows:

Schedules

The subject lands are within the Local Development Area 2 (LDA2) zoning category and Schedule A8-2 identifies exception 7.6 applying to the west end of the larger land holdings of 1070 Major Mackenzie Drive East. Schedules B8-2 and C8-2 reflect the height and density permissions granted by the OLT for the approved retirement residence, however Schedule C8-2 also identifies a minimum building height of 3 storeys on the remaining commercial

lands. The existing commercial plaza is a single storey development and with the CZBL setting out a minimum 3 storey building height, the existing commercial uses will not comply with the minimum heights being implemented. The corresponding Exception (19.7.6) should reflect that the exception applies only to the west end of the property as set out on Schedule A8.2 as it currently could be interpreted that the only permitted use on the entirety of the site is a retirement residence. It is suggested that Exception 7.6 refers to Schedule A8-2 to identify the lands subject to the retirement residence permission. Can Exception 7.6 also identify that remaining commercial buildings on the site can be 1 storey in height?

Section 1.12: Transition

There appear to be no transition provisions to recognize previous zoning approvals through a Council decision or from an approval administered by the OLT. However, it is noted that the transition provisions links zoning approvals to a complete Site Plan application. For the subject lands, a site plan application was filed and deemed complete so it is our understanding that the previous OLT approval is recognized through the current transition wording. However, Exception 7.6 does not appropriately recognize approved zoning standards associated with the approved by-law and with the repeal of parent by-laws as amended, for lands subject to the CZBL, the zoning standards approved through By-law 51-24 would appear to revert to the CZBL standards that do not reflect the approvals achieved.

In a broader sense, it is recommended that such transition matters as it relates to zoning standards that differ from those proposed by the CZBL should be incorporated within the Site Specific Exceptions with full details of the zoning standards. At present, Exception 7.6, simply identifies the permission of a 9 storey retirement residence.

Tables 4.1.A and 4.1.B: Centre and Corridors Permitted Uses and Special Provisions

The subject site is proposed to be located within the *Local Development Area 2 (LDA-2)* Zone. The permission of 'Retirement Residence' is not found in the list of permitted uses in Table 4.1A.

Tables 4.1C and 4.1D: Centre and Corridors Zone Standards and Special Provisions

We provide the following concerns related to the proposed minimum yard setbacks for the LDA-2 Zone:

- Table 4.1C provides LDA-2 standards which appear to only apply to Mid-Rise and Low-Rise buildings. In accordance with the City OP definition, a High-Rise "means buildings or structures with a height of 9 storeys or greater". Similarly, the draft CZBL adopts this definition. Accordingly, an evaluation of the LDA-2 standards against a high-rise building or the approved development is not possible and is not accounted for in the draft by-law.
- Approved setbacks and zoning standards in by-law 51-24 that vary from the CZBL are not identified or reflected within exception 7.6. Specifically, the south setback facing Major Mackenzie Drive approved at 1.5m would be replaced with a 3.0m setback in the CZBL. This flankage yard requirement would have significant impact

on the development should the site specific standards of By-law 51-24 not be formally recognized within the CZBL.

Schedule D1 sets out Parking Strategy Areas 1 – 4 and identifies the Local Corridor as Parking Strategy Area 3 (PSA 3). Parking Table 10.8B identifies the parking rates for PSA 3 that set out minimum and maximum rates. Although the rates vary by use, the concern this raises in relation to the existing shopping centre is whether the current parking is provided above the maximum rates and creates a legal-non-conforming condition as it relates to parking.

In addition to the site specific comments we also provide our general comments on the CZBL as a whole as follows:

Section 3.2: Mechanical Equipment and Penthouses

Taller buildings may require telescoping building maintenance units, which may extend beyond 6-metres above a roof during operation. Does this ‘in operation’ height need to be considered for the purposes of 3.2(a)?

We suggest subsection (d) should permit mechanical equipment without a setback where architectural screening is provided in a manner that forms part of the architectural expression of the building.

Section 3.3: Amenity Space

We suggest that a similar provision to 3.2(a) should be included with respect to amenity space located on the rooftop of a building. It is suggested that an indoor amenity space connected to a mechanical penthouse, and which provides access to an outdoor amenity space on the rooftop should not be considered a ‘storey’ and should be excluded from the calculation of ‘building height’.

We also suggest that the minimum number of units requiring amenity space should be increased to 40 dwelling units, with a decreasing amount over 200 units.

Section 3.4: Permitted Encroachments

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

- Canopies associated with a mid- or high-rise building should be able to extend to a property line abutting a street;
- The proposed encroachment of 1.1 m for steps including landing may not be sufficient in certain instances. We suggest this should simply read “No closer than 0.3m to a property line”.
- Subsection (b) does not seem to consider the potential requirements of building code, noise, privacy, or wind for mid-rise or tall buildings;

- Encroachments should include provisions for privacy screens between outdoor patios, balconies, and/or terraces; and
- We suggest that additional provisions are required for intake/exhaust vents, and 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

Section 3.5: Separation

We suggest that a minimum separation distance of 11 metres be utilized for appropriate separation distance for the podiums of mid- or high-rise buildings.

Section 3.6: Landscaping

We recommend that **Section 3.6(a)(ii)** should be reduced to 1.5m, which is sufficient for a landscape strip.

Section 3.7: Building Unit Mix

Similar to Section 3.3, we suggest that any requirement outlining a minimum provision of 3-bedroom units should be increased to 40 or more units.

Tables 4.1.A and 4.1.B: Centre and Corridors Permitted Uses and Special Provisions

Considering existing market conditions and impacts on the long term retail/commercial leasing environment following COVID-19, we have concerns with respect to Special Provision 5 of Table 4.1B, which requires the existing leasable floor area of existing commercial uses to be retained or enlarged through redevelopment. We suggest that the need to replace non-residential floor area should be considered on a site by site basis, rather than as a blanket requirement across the corridor.

We appreciate the intent of the City to maximize the provision of non-residential floor area along the Centres and Corridors as a means to create a complete community, with a vibrant and active public realm. Notwithstanding this, we suggest that the ability to implement a feasible development proposal with a large provision of non-residential floor area requires a larger suite of incentives and interventions in order to minimize the cost of constructing this floor area.

Tables 4.1C and 4.1D: Centre and Corridors Zone Standards and Special Provisions

In addition to the site specific comments provided previously, we provide the following general comments related to the proposed minimum yard setbacks:

- We suggest that all yard setbacks are better provided as ranges or 'build within' zones to allow flexibility during an application stage, without requiring relief from the CZBL. In particular, we find that the flankage yard tower setback requirements are generally much too large;

- We suggest that no setback should be required for any levels above the first storey within a base-building/podium;

It is also noted that Special Provision 1 still makes reference to angular planes for mid-rise and high-rise buildings within certain zones. The angular plane reference is to Neighbourhood designated lands with no consideration of special circumstances such as when the adjacent Neighbourhood lands are occupied by a school, park or other “non-residential” use. We suggest that consideration should be given to alternative methods of transition given that many municipalities have started moving away from this metric given the impacts on sustainability and cost of construction.

Special Provision 4 identifies the need for a 7.5m setback to side or rear lot lines where there are window openings. As identified earlier, this should be reduced to 5.5m to reflect building code requirements.

We appreciate the clarification that Floor Space Index (FSI) is to be calculated on the basis of gross lot area, prior to conveyance to a public authority, and support this method. Notwithstanding this, we suggest that certain floor area within the development may be appropriate for exclusion from the calculation of FSI, including:

- Non-residential floor area that replaces existing floor area on the property;
- Affordable dwelling units;
- The area associated with public access to non-residential floor area from an underground parking facility;
- a room or enclosed area, including its enclosing walls, within the building or structure, that is used exclusively for the accommodation of mechanical equipment, including heating, cooling, ventilation, electrical equipment shafts, fire protection equipment, plumbing or elevator equipment shafts, fire prevention equipment, and service and elevator shafts; and
- Indoor amenity spaces or bicycle parking facilities required by the CZBL;

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).

Section 10.2(1) provides for deficiencies in parking, whether below minimums or above maximums and recognizes existing parking at time of by-law adoption as the required parking for a site. This is particularly important for commercial plaza sites that provide parking on previously required higher rates and avoids the site becoming legal non-conforming.

Section 10.5 respecting Daylight Triangles identifies that they must be free of any encroachment or obstruction. In the past, these Daylight Triangle have been transferred

unencumbered to the Region or the City. Is there consideration given to Daylight Triangles being provided as easements as opposed to unencumbered transfers that would permit below grade parking structures the use of the lands below a daylight triangle resulting in regularity in shape and increased functionality of below grade parking structures?

Provision for shared parking other than that set out in 10.9.1, and off-site parking do not appear to be included in the CZBL, and should be considered. Shared use between visitor and retail uses are beneficial in reducing parking requirements.

It is our experience that stacked bicycle parking spaces often have lower standards than those indicated in Table 10.10A. 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.

Table 10.10C (3) identifies a minimum of 6 public bicycle parking spaces. Is this specifically for visitors or designated “bike-share” spaces? Special Provision 4 requires all bike parking to be at-grade or 1 level up in an above grade structure or 1 level down in a below grade structure. Flexibility of bike parking on multiple levels should be provided. Providing all bike parking at the P1 level (below grade for example) will force developments to move the majority of car parking to lower levels and potentially require extra levels for parking which would incur significant expense. If there are unsuitable spaces for vehicle parking in parking levels below P1, there should be an opportunity to utilize these areas for bike parking for efficiency purposes.

10.13 Electric Vehicle Parking Standards

Section 10.13.1 requires that a minimum number of “Electric Vehicle Parking Spaces” and “Electric Vehicle Ready Parking Spaces” be provided for lands subject to the CZBL. However, as a result of the Bill 185 amendments to the *Planning Act*, the City no longer has the authority to require an owner to provide and maintain parking facilities on lands within a protected major transit station area. This means that the City cannot require the provision of a minimum number of “Electric Vehicle Parking Spaces” or “Electric Vehicle Ready Parking Spaces” for the majority of the lands proposed to be subject to the CZBL.

In addition, regardless of whether lands are located within a protected minimum transit station area, it is Baymac’s position that it is beyond the City’s zoning authority to regulate the manner of construction and construction standards by imposing minimum EV requirements, as such standards are appropriately and exclusively governed by the Ontario Building Code.

We request that staff consider the inclusion of a transition provision specific to EV-parking so buildings well advanced in their approvals or permitting do not get caught mid-process by these new EV-parking by-law requirements.

Conclusion

We question the timing of the *Centres and Corridors* portion of the Comprehensive Zoning By-law (the “**CZBL**”) being enacted, given that the City has not yet updated the City Official Plan (the “**RHOP**”) for these areas of the City. Accordingly, we suggest that the approval of a Zoning framework for the *Centres and Corridors* is premature until such time as the RHOP framework is in effect which is consistent with the Provincial Planning Statement (2024) and the York Region Official Plan (2022).

On this basis, it is suggested that it would be more appropriate for the CZBL to first be established for those areas of the City for which the RHOP has been updated – such as the *Neighbourhood* designation for which the policy framework of Official Plan Amendment No. 18.3 – and is in force and effect.

It is our opinion that the CZBL being advanced on March 19, 2025, at the Committee of the Whole requires further modifications to fully recognize the details of previous planning approvals on a site specific basis. Although the CZBL incorporates Exception 7.6 in Section 19, the exception provisions fail to fully recognize the approved zoning standard set out in by-law 51-24 that should remain applicable to the subject lands. For the approved retirement residence on the west portion of the subject lands, the CZBL and Exception 7.6 should clearly incorporate the approved zoning standards for the subject lands

We are open to discussions with the City, however, it is imperative that the CZBL being advanced recognizes the zoning approval achieved for the site through by-law 51-24.

If you have any questions or require additional information, please do not hesitate to contact the undersigned at ext. 2103.

Yours truly,

GOLDBERG GROUP



Todd Trudelle
Associate

cc. First Baymac Developments Limited & Canadian Property Holdings (Ontario) Inc.
Mr. Salvatore Aiello, Manager, Development Zoning