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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: Comprehensive Zoning By-law Project (Centres and Corridors) Response  
9301, 9325 and 9335 Yonge Street  
Whitehorn Investments Limited, Stephen Mitchell Realty Limited, 891566  
Ontario Limited and Ledrow Investments Ltd.**

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Goldberg Group is submitting this correspondence on behalf of Whitehorn Investments Limited, Stephen Mitchell Realty Limited, 891566 Ontario Limited and Ledrow Investments Ltd., the "Owner" of the property legally described as 'Part of Lot 41, Concession 1 EYS, and municipally known as 9301, 9325 and 9335 Yonge Street (the 'subject property'). The subject property is located at the northeast corner of the intersection of Yone Street and 16<sup>th</sup> Avenue. The subject lands comprise an existing regional shopping centre with approval through the Ontario Land Tribunal (OLT) for two buildings of 42 and 45 storeys on the southern portion of the site. The OLT Decision and Order in Case No. OLT-23-000670 issued on September 23, 2024, and approved OPA 53 and By-law 89-24.

We have completed a review of the February 25, 2025, version of the CZBL, 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 site specific comments on behalf of the Owner as follows:

### **Schedules**

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The subject lands are within the Key Development Area - Yonge/Carrville/16<sup>th</sup> Avenue Zone (KDA-YC) zoning category as depicted on Schedule A3. It is our position that Schedule A3 should reflect a Site Specific Exception that would be included in Section 19 – Exceptions of the CZBL. Although Schedules B3 and C3 reflect the density and height permissions granted respectively by the OLT we suggest that in order to fully recognize the zoning standards approved in By-law 89-24, a site specific exception provision is warranted in Section 19.

We also note that Schedule C3 identifies a minimum building height of 3 storeys on the remaining commercial lands. The existing commercial plaza is primarily 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.

We request that the CZBL include a site specific exception in Section 19 that recognizes the existing approvals obtained for the site.

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### **Section 1.12: Transition**

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There appears 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 require a zoning approval to also have 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, Schedules B3 and C3 recognize the permitted density and heights only and with the repeal of parent by-laws, as amended, for lands subject to the CZBL, the zoning standards approved through By-law 89-24 would appear to revert to the new CZBL standards and which will 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.

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

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We provide the following site specific concerns related to the proposed KDA-YC Zone:

- Table 4.1C provides zoning standards to be applied to the entirety of the corresponding zone.
- Table 4.1C provides KDA-YC standards which set out minimum 3m setbacks to the base building and 6m to the tower component adjacent to street frontages and identifies a 6m flankage setback. These setbacks are not reflective of the approved development as identified in By-law 89-24.
- Approved setbacks and zoning standards in by-law 89-24 that vary from the CZBL are not identified or reflected within Section 19 - Exceptions and should ensure that the approval is accurately reflected.

Schedule D1 sets out Parking Strategy Areas 1 – 4 and identifies the Centres and Corridors as Parking Strategy Area 1 (PSA 1). Parking Table 10.8B identifies the parking rates for PSA 1 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 existing 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 above, we also provide our general comments on the CZBL as follows:

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### **Section 3.2: Mechanical Equipment and Penthouses**

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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.

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### **Section 3.3: Amenity Space**

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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.

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### **Section 3.4: Encroachments**

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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 0.9m for steps including landing is not sufficient. We suggest this should be increased to at least 1.5 metres;
- 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 provision 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

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### **Section 3.5: Separation**

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

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### **Section 3.6: Landscaping**

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

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### **Section 3.7: Building Unit Mix**

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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.

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

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There appear to be several uses which we wish to confirm are permitted, including:

- Commercial/Trade Schools;
- Commercial Fitness/Recreation Facilities;
- Craft or Retail Brewery;
- Financial Institutions;
- Medical Offices and Clinics;
- Office (in addition to Major Office);
- Personal Service, and Pet Service Shops;
- Place of Amusement, or Place of Entertainment;
- Place of Worship;
- Private Club;
- Restaurants, including take-out restaurants;
- Retail, including convenience retail; and
- Veterinary Offices and Clinics;

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, 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 and within Centres and the KDAs.

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.

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**Table 4.1C: Centre and Corridors Zone Standards and Special Provisions**

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In addition to the site specific comments provided previously, we provide the following general comments related to the proposed zoning standards:

- 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. 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.

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, plumbing or elevator equipment and service and elevator shafts; and
- Indoor amenity spaces or bicycle parking facilities required by the CZBL;

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**Section 10.0: Parking and Loading Regulations**

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We support the inclusion of permissions 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 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 – Special Provisions Item 3 identifies a requirement for a minimum of 6 public bicycle parking spaces. Are these spaces for visitors or for some form of 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 (or higher levels above grade) and potentially require extra levels for parking which may incur additional costs. If there are unsuitable spaces for vehicle parking in parking levels below P1 (or above Level 1 above grade), there should be an opportunity to utilize these areas for bike parking for efficiency purposes.

### **10.13 Electric Vehicle Parking Standards**

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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 our 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

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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. The CZBL should incorporate into Section 19 - Exceptions the approved zoning standards found in By-law 89-24 to fully recognize the approved zoning standards that are applicable to 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 89-24.

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. Whitehorn Investments Limited, Stephen Mitchell Realty Limited, 891566 Ontario Limited and Ledrow Investments Ltd.  
Mr. Salvatore Aiello, Manager, Development Zoning