



ADAM LAYTON, MCIP, RPP
alayton@goldberggroup.ca
(416) 322-6364 EXT. 2101

March 24, 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)
10594 Yonge Street
2593000 Ontario Ltd.**

Goldberg Group acts on behalf of 2593000 Ontario Ltd., the 'Owner' of the property legally described as 'Part of Block C, Registered Plan M-816', and municipally known as 10594 Yonge Street (the 'subject property'). The subject property is located north of Trayborn Avenue, west of Yonge Street and presently supports a single storey commercial building.

We have previously attended a pre-consultation meeting with City Staff to review the potential redevelopment of the property with a tall building containing a mix of uses (City File: PRE-24-0053). Comments and submission requirements were provided by the City on August 22, 2024. We are presently in the process of coordinating the preparation of materials to support the required applications to permit the intended development.

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 that several of our comments have been addressed, we continue to have concerns with many aspects of the CZBL, not least of which being 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 has been advanced by the Committee of the Whole for approval only 22 days following the Public Meeting, with only 7 calendar days to review the new draft.

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. 2593000 Ontario Ltd.
Mr. Gus Galanis
Ms. Deborah Giannetta
Mr. Salvatore Aiello

Appendix 'A' – Prior Comments



ADAM LAYTON, MCIP, RPP
alayton@goldberggroup.ca
(416) 322-6364 EXT. 2101

March 7, 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: Comprehensive Zoning By-law Project (Centres and Corridors)
Response
10594 Yonge Street
2593000 Ontario Ltd.**

Goldberg Group acts on behalf of 2593000 Ontario Ltd., the 'Owner' of the property legally described as 'Part of Block C, Registered Plan M-816', and municipally known as 10594 Yonge Street (the 'subject property'). The subject property is located north of Trayborn Avenue, west of Yonge Street and presently supports a single storey commercial building.

We have previously attended a pre-consultation meeting with City Staff to review the potential redevelopment of the property with a tall building containing a mix of uses (City File: PRE-24-0053). Comments and submission requirements were provided by the City on August 22, 2024. We are presently in the process of coordinating the preparation of materials to support the required applications to permit the intended development.

We have also attended the Council Public Meeting held on February 25, 2025, and questioned the timing of the *Centres and Corridors* portion of the Comprehensive Zoning By-law (the "CZBL") 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, we suggested that it would be more appropriate for the CZBL to first be established for those area 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.

We have continued to review the February 2025 draft of the CZBL. 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 behalf of the Owner as follows:

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.

Finally, based on the status of the RHOP update, we suggest that all height and density schedules are premature.

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 and in the absence of the RHOP review, may be “down zoning” lands from its previous approval.

We are concerned that this could place a large number of 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.

Additionally, 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 we question why Provision 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.

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.*

It has been our experience that site-specific applications often require a Provision to this effect within the implementing instrument. 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.*

It is our experience that many medium and high-density developments often only possess a single vehicular access by way of a driveway or condominium '**Lane**'. 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 lands subject to a technical plan of subdivision. 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. Modifications appear to be necessary to reflect access or servicing that is extended through private condominium '**Lanes**'.

Section 3.1.11: Interim Development

We request clarification as to the rationale behind the permitted expansions of existing buildings outlined in subsections **3.1.11(1)(b)** and **(c)**, being 15% of the total gross floor area, and 2-storeys, respectively. We suggest that consideration may be warranted for expansions which exceed these values based on site and area context, and existing uses.

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. Would this 'in operation' height be considered for the purposes of **Regulation 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 regulation 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 shall not be considered a 'storey' and shall 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: Projections

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) 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; 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 the proposed separation distances are too large, and would not result in an efficient use of urban lands. Alternatively, the Ontario Building Code already provides separation requirements for walls with unprotected openings, which would serve as an appropriate separation distance for the podium of mid- or high-rise buildings.

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 whether both '**hard landscaping**' and '**soft landscaping**' are included in the overall calculation of '**landscaping**'.

Regulation 3.6(a)(i): *The following provisions shall apply to a high rise, mid-rise or low rise building on a lot: A minimum of 20% of the lot area must be landscaping, which may be located at grade or on top of a building or structure; ...[Emphasis added]*

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]*

We also suggest that **Regulation 3.6(a)(ii)** should be reduced to 1.5m, which is sufficient to provide for a landscape strip.

We further question the restriction of **Regulations 3.6 (b)(ii)** and suggest that parking areas treated with permeable pavers or other means to permit stormwater infiltration should be considered as 'hard landscaping'.

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.

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 3.13: Regulations for Detached Garages

We suggest that in the case of any form of townhouse dwelling, a rear lane garage should not require any side yard setback from a lot line. Considering the typical width of a townhouse lot, this requirement would result in very narrow separation yards, with no functional usability, and also limit the interior floor area of the garage.

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 3.16: Outdoor Patio

- **Subsection (3):** Please clarify how this requirement would be applied considering the provisions of Section 34(1.1) of the Planning Act, which restrict the application of vehicular parking standards on lands within Protected Major Transit Station Areas, or areas surrounding existing or planned higher order transit?

This would seem to impact the majority of the lands within the Centres and Corridors.

- **Subsection (4):** We question why an outdoor patio would not be considered appropriate in other locations, such as where said patio would be separated by a collector or local road?
- **Subsection (8):** We question the rationale for this separation distance (100 metres)? The requirement seems onerous, particularly as it includes any form of outdoor speaker. We suggest that there are alternative means of preventing noise impacts on adjacent lands while maintaining flexibility for local businesses to maximize the utility of outdoor patios.

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.

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 *Regional Mixed Use Corridor (RM1-COR1)* Zone. While we note that this Zone permits 'Arts and Cultural Facilities' and 'Commercial' uses, which are rather broadly defined.

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.

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.

Additionally, there does not appear to be a definition of 'Gross Leasable Floor Area' provided in the By-law to determine the amount of area that is to be replaced.

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

We provide the following concerns related to the proposed minimum yard setbacks for the RMU-COR1 Zone:

- 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 setback requirement of 6 metres is much too large;
- We suggest that no setback should be required for any levels above the first storey within a base-building/podium;
- It has been our experience that little setback from a daylight triangle is often feasible, particularly in consideration of the minimum size of a daylight triangle required by the Region which can range from 10 to 15 metres. In this regard, we suggest that no setback be required for High-Rise buildings as well as Low-Rise and Mid-Rise buildings;
- It has been our experience that the required tower setback can be reduced to 10 metres without negative impact. We suggest that consideration be included to allow this reduction without amendment or relief to the CZBL;

It is also noted that Special Provision 1 still makes reference to angular planes for Mid-Rise and High-Rise buildings. 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 reflect building code requirements adjacent to other high-density developments.

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 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;
- any below grade areas; 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).

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.

Table 10.10.3, Special Provision 1 seems to require all visitor bicycle parking to be located at grade. We suggest that this should be relaxed to allow visitor bicycle parking below or above grade as needed. Requiring extra levels for parking is expensive and if unsuitable

space for vehicle parking is available at other levels, there should be an opportunity to utilize these areas for bike parking. This would also apply to Special Provision 5.

Further, we requested clarification as to what is meant in Special Provision 3 to this table, which references “Minimum of 6 public bicycle parking spaces”? Are these spaces distinct from visitor spaces?

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,

GOLDBERG GROUP



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