

May 26, 2025

By E-Mail Only to *clerks@richmondhill.ca*

City Council
City of Richmond Hill
225 East Beaver Creek
Richmond Hill, ON L4B 3P4

Attention: Mr. Stephen Huycke, City Clerk

His Worship Mayor West and Members of Council:

**Re: Council Public Meeting May 27, 2025
Draft Richmond Hill Centre Zoning By-law Amendment
Comments of Marshgrass Holdings Inc. and Yonge Bayview Holdings Inc.
City File: MZBA-25-0001**

We are counsel to Marshgrass Holdings Inc., the owner of the lands municipally known as 8800 Yonge Street and 7 Roosevelt Drive (the “**Yonge Property**”) and Yonge Bayview Holdings Inc., the owner of the lands municipally known as 5 and 45 Red Maple Road (collectively referred to hereinafter as the “**Owners**”). Yonge Bayview Holdings Inc. is also the owner of lands within the High Tech Transit Oriented Community (“**TOC**”).

We have reviewed City Staff Report SRCM.25.07 and the draft Richmond Hill Centre Zoning By-law Amendment (the “**RHC ZBA**”) as it relates to the Owners’ lands. We are writing to provide the Owners’ initial comments on the draft RHC ZBA. We may have further comments upon completion of a detailed review of the draft by-law or in response to any future revisions that may be proposed.

TOC Lands

The TOC lands are subject to an enhanced Minister’s Zoning Order under O. Reg. 344/22 (the “**EMZO**”), and accordingly, they are proposed to be excluded from the areas to which the RHC ZBA will apply. Yonge Bayview Holdings Inc. agrees with the exclusion of the TOC lands from the RHC ZBA as the EMZO governs the zoning of these lands. We note for the record that we disagree with the comments in the Staff Report which suggest that policies of the Richmond Hill Centre Secondary Plan may apply to the TOC lands at the site plan stage. The EMZO exempts the TOC lands from section 41 of the *Planning Act*, and therefore, there will be no site plan approval process for these lands.

Yonge Property

The Yonge Property is recently vacant but was previously occupied by a vehicles sales business. The draft RHC ZBA proposes to rezone the Yonge Property to RHC with a minimum density of 2.0 FSI and maximum density of 3.0 FSI and a minimum podium height of 3 storeys and maximum podium height of 6 storeys.

The permitted uses in the RHC zone include a variety of residential and non-residential uses. The Owners wish to ensure that the non-residential uses which are currently permitted in the in-force zoning will be preserved in the new RHC ZBA. We are conducting a detailed comparative review of the non-residential uses in the current and proposed by-laws and may have further comments on this matter.

In advance of completing our detailed review, we note that it is not clear whether a motor vehicle sales establishment remains a permitted use. In the parent Comprehensive Zoning By-law 30-25 (“**CZBL**”), which the RHC ZBA would amend, “motor vehicle sales establishment” is identified in bold in related definitions (i.e. “automobile service station”) indicating that it is a defined term, however, no definition of the term exists. The defined term “commercial” does not specifically exclude “motor vehicle sales establishment” as it does with other vehicle related uses, so it is our interpretation that a use similar to the prior truck sales business would be permitted on the Yonge Property. However, in order to provide clarity and certainty, it is the Owners’ view that these terms should be clarified through the RHC ZBA so that existing and recent permitted uses on the Yonge Property will continue to be permitted.

Red Maple Properties

45 Red Maple Road is occupied by a multi-unit retail plaza comprised of over 17,000 square metres of gross floor area, an associated surface parking lot and vacant lands. 5 Red Maple Road is occupied by a gas station and car wash. The commercial plaza and associated parking area on the northern portion of 45 Red Maple Road is included within the area to which the RHC ZBA applies, while the vacant, southern portion of the property is not. The 5 Red Maple Road property is also not included within the RHC ZBA. The Staff Report identifies that these lands will be included in a future ZBA as part of the “Utility Corridor” area.

The RHC ZBA proposes to zone the 45 Red Maple property as RHC with a minimum density of 2.5 FSI and maximum density of 4.5 FSI and minimum podium height of 6 storeys and maximum podium height of 8 storeys. While the proposed RHC zone continues to permit Commercial and Major Retail uses, the Major Retail uses are proposed to be subject to special provisions within the CZBL which do not reflect existing conditions and are not appropriate for 45 Red Maple site. Special provision number 11 in Table 4.1B of the CZBL requires that Major Retail shall only be permitted within an integrated mixed-use building with parking below grade or within an above-grade parking

structure. Special provision number 23 limits Major Retail uses to 30,000 gross leasable square metres.

The existing plaza on 45 Red Maple Road would not comply with the special provisions proposed for the RHC zone as the plaza is purely commercial in nature and has surface parking. The current permissions for stand-alone retail uses without restrictions on the size of retail should continue to be maintained on the 45 Red Maple site to allow the existing retail plaza to operate and expand, as may be appropriate to meet market demands, in advance of the full-scale redevelopment of the site. While the CZBL includes provisions to allow for the continuation of existing legal non-conforming uses, as required by section 34(9) of the *Planning Act*, it is not desirable nor is it good planning to force the 45 Red Maple site into legal non-conforming status. Further, the provisions respecting the expansion of legal non-complying buildings in the CZBL would be overly restrictive when applied to the 45 Red Maple site and would not provide the necessary flexibility for the Owners to expand and modify the existing uses.

The Owners therefore request that the RHC ZBA be revised to ensure that the existing uses on 45 Red Maple Road will continue to be permitted and allowed to expand in the future in advance of full-scale redevelopment of lands.

With respect to the vacant southern portion of 45 Red Maple Road and 5 Red Maple Road, the Owners will review and comment as appropriate on any future proposed zoning for these lands. As with the lands which are subject to the RHC ZBA, the Owners will be seeking to ensure that any future zoning for the remainder of the Red Maple Road properties continues to recognize existing uses and permissions and their potential for expansion.

Conclusion

The Owners request that the above-noted revisions be made to the draft RHC ZBA before it is brought forward to Council for enactment in the Fall.

On behalf of the Owners, we request notice of any further reports, meetings or decisions by Council or its Committees in respect of this matter.

Thank you for your consideration of our clients' comments. The Owners would welcome the opportunity to meet with planning staff to further discuss their concerns.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid (she/her)

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copy: Client
Clement Chong, City of Richmond Hill Project Manager