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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: Response to Draft Comprehensive Zoning By-law 30-25 Amendment  
Report SRPBS.25.090 (City File: MZBA-23-0001)  
9019 Bayview Avenue  
Wycliffe Village Inc.**

Goldberg Group acts on behalf of Wycliffe Village Inc., the Owner of the property legally described as 'PL 65M2541, PT BLK 155 PL 65M2541 BLK 154', and municipally known as 9019 Bayview Avenue (the "**subject property**"). The subject property is located on the east side of Bayview Avenue, south of Blackmore Avenue, and presently supports a multi-unit commercial plaza which has existed since approximately 1991.

On behalf of our Client, we have previously provided comments with respect to the Comprehensive Zoning By-law 30-25 (the "**CZBL**") prior to adoption by Council on March 10 and March 25, 2025.

We have reviewed the proposed amendments to the CZBL to expand the area of the CZBL to include lands designated *Neighbourhood* within the City Official Plan (the "**RHOP**"), which includes the subject property.

Schedule 'A' to the proposed CZBL amendment indicates that the subject site is to be placed within the *Neighbourhood Mixed Use (NMU) Zone*.

While our Client has no immediate intention to redevelop the property, there may be potential to realize same in future. Similarly, it is in the interest of our Client to preserve the existing operation and potential expansion of the existing commercial plaza. On this basis, we provide the following comments:

**Table 5.1A: Neighbourhood Zone Permitted Uses**

The subject property is presently identified within the *Community Commercial (CC) Zone* of By-law 107-86, as amended. We remain concerned with respect to the specificity of the definition of '*Commercial*' uses within the CZBL, and request confirmation that any use presently permitted at the subject site will remain permitted should the CZBL be approved.

Additionally, we have the following concerns related to the Special Provisions of **Table 5.1B**:

**Special Provision 12** outlines that development on lands containing existing commercial uses must retain or exceed the amount of gross leasable floor area devoted to commercial uses. We feel this provision ignores the market realities that would lead to a decision to redevelop a property – namely that there may be a lack of demand for existing commercial floor area. While we appreciate the desire to maintain a mixed-use framework for commercial lands as a means to achieve a *complete community*, we suggest that this provision should be revised to allow the reduction of commercial floor area on the basis of site specific context and market demand, rather than taking an overly broad approach to the entire City.

We also note that **Special Provision 13** of this Table restricts the establishment of department stores, and limits non-residential uses to a maximum of 1 supermarket or ‘anchor tenant’. We request clarification as to what comprises an ‘anchor tenant’.

We suggest this Provision takes an overly broad approach that eliminates the flexibility required to support a vibrant, mixed-use development. There are numerous examples of situations wherein commercial uses with large floorplates can be appropriately incorporated into a mixed use context. Further, the provision of same may help to justify a redevelopment to a mixed use format in certain cases.

**Special Provision 14** provides that Outdoor Patios in the NMU Zone must comply with the Regulations related to same within **Section 3.15**. We suggest there is need to recognize Outdoor Patios in existing commercial plaza’s to ensure they are not placed into a lawful non-conforming situation.

We note there appears to be a disconnect between the definition of ‘*Commercial*’ which provides a broad summary, and the more specific provisions of this Section and the definition of ‘*Outdoor Patio*’ which references specific uses including restaurant, tavern, and banquet hall – none of which are defined within the CZBL.

We also suggest that the regulations of this Section are overly restrictive. In particular, we note the following:

- **Regulation 3.15.1(2):** We suggest that flexibility be incorporated to allow for outdoor patios which exceed 20% of the GFA of the use which it serves.
- **Regulation 3.15.1(3):** We suggest that the basis of this regulation is faulty, in that it is unlikely that modern developments would possess extra parking area to allow an outdoor patio to be established. This regulation also seems to be placing the emphasis on preserving parking facilities, whereas the direction of the PPS, York Region, and Richmond Hill Official Plans all speak towards promoting pedestrian and active modes of transportation. On this basis, we suggest that the regulation be reconsidered. Further, we suggest that consideration should be given to permitting ‘temporary’ patios where it can be established that parking utilization would allow for same while still satisfying actual demand.
- **Regulations 3.15.1(4):** This regulation appears to remove the potential to reasonably accommodate an Outdoor Patio on the subject site, given it is abutted on three sides by Residential Zones. We suggest that consideration should be given to provide a minimum setback from a Residential Zone as a means to ensure appropriate separation.

- **Regulation 3.15.1(6):** Similar to our comments to **Subsection (3)** above, the intent of this Regulation appears to focus more on protecting parking areas than maximizing the potential to implement an Outdoor Patio. We do not understand the requirement for a setback from driveway, internal circulation area, or parking aisle given the need for enclosure of a Patio with a barrier as required by **Subsection (5)**.
- **Regulation 3.15.1(7):** We suggest the restriction on musical instruments, live performances, or outdoor speakers unless a setback of 100 metres is provided from an adjacent Residential Zone must be revised. We again suggest this effectively removes the reasonable establishment of an Outdoor Patio. Further, the existing City Noise By-law 43-20 already provides control over when 'amplified sound' may occur.

Finally, we request clarification as to the rationale with respect to the permissions for various forms of Townhouse Dwellings within the *Neighbourhood Townhouse One (NT1)* and *Neighbourhood Townhouse Two (NT2)* Zones.

In particular, we question why the NT1 Zone permits Stacked Townhouse Dwellings, but not Block Residential Dwellings. The NT2 Zone permits Block Residential Dwellings, but not Stacked Townhouse Dwellings.

#### **Table 5.1B: Neighbourhood Standards**

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Aside from '*Low Rise Buildings*', this Table outlines that the provisions of the *Neighbourhood Townhouse One (NT1)*, *Neighbourhood Townhouse Two (NT2)*, or *Neighbourhood Apartment (NA)* Zone standards would apply.

While we suggest the implementation of any Zone Standards for lands that are candidates for redevelopment is premature until such time as the ongoing Official Plan Review has been completed, particularly with respect to consistency with the PPS 2024, our comments related to the standards of this Table are outlined below:

#### **NA Zone**

In this regard, we request clarification as to why the maximum height for a *Low Rise Building* is 4-storeys, whereas the NA Zone limits height to 2-storeys. We suggest that the subject site exists in a context wherein greater height can likely be justified for Apartment Buildings, particularly along the Bayview Avenue frontage. Notably, Bayview Avenue is identified in the Richmond Hill Official Plan as an *Arterial Street*, and thus a 4-storey building would be permitted based on the provisions of **Policy 4.9.1(4)**.

Accordingly, we suggest that the height restrictions for the NA Zone be revisited insofar as they would apply to the NMU Zone and/or lands abutting an Arterial Street.

Similarly, we suggest that the required for front, side, and flankage yard setback of 6-metres is excessive, and should be reduced.

#### **NT1 and NT2 Zones**

We suggest greater flexibility should be incorporated to avoid the need for future site specific amendments in the case of Block Residential and/or Stacked Townhouse Dwellings.

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## Section 1.12: Transition

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**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 April 5, 2012. Further **Subsection 1.12.8** outlines that the transition regulations do not apply once a built permit is issued, and cease to be of force and effect 3 years after passage of the CZBL by Council.

We do not feel that the cessation of Transition Regulations is appropriate.

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 (which currently identify only 9 sites across the entire City) the previous zoning would not be recognized.

We are concerned that this could put the existing building on the subject property 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.

## Section 3.1.8: Common Element Condominiums

### Section 3.1.13: Frontage on a Public Street

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We continue to 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. **[emphasis added]***

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.

This comment applies also to subsections **3.1.10(1)(d)(i)** and **(ii)**.

## Section 3.1.10: Municipal Services

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We reiterate our prior comments on this Section, as follows:

**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.

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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. Would this 'in operation' height be considered for the purposes of **Regulation 3.2(a)**?

We also suggest that subsection **3.2(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.

We also request confirmation that rooftop access for maintenance, or leading to an amenity space, will continue to not constitute a 'storey'.

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

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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.

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### **Section 3.4: Projections**

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

- Canopies associated with all building types should be able to extend to a property line abutting a street or private lane;
- Subsection (b) is overly complex, and does not seem to consider the potential requirements of the Ontario Building 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

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### **Section 3.5: Separation**

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We suggest that the proposed separation distances are too large, and would not result in 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.

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### Section 3.6: Landscaping

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We 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**’, particularly in low-rise developments.

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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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### Section 3.9.1: Home Occupations

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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.

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### Section 3.13: Regulations for Detached Garages

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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 and utility of the garage.

We also suggest steps internal to an attached garage should be permitted to encroach into the required parking space length or width (as outlined in **Subsection (h)**) in order to increase flexibility in addressing grade changes across a site, without needing to resort to exterior retaining walls or steep slopes.

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### Section 3.14: Regulations for Decks and Porches

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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.

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### Section 3.16: Reserve

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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.

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### Section 10.0: Parking and Loading Regulations

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We suggest that a Regulation should be added to Section 10.1 to allow for parking and loading to be provided off-site in the case of multi-phase development proposals. In such instances, there could foreseeably be a situation wherein land division occurs ahead of completion of all aspects of a development such that parking or loading is technically on a separate lot as an interim condition.

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). Similarly, we question why Type A and B compact spaces would not be permissible for developments including Block Residential Dwellings which include a shared underground parking facility.

**Special Provision 5** to **Table 10.7.1B** appears to incorrectly reference **Table 10.7C**.

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(6)**. 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.

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.C, 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.

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 10.11.1(4)**, we request clarification as to whether the driveway approach to a loading space, or the staging area abutting a space, must maintain an overhead clearance of 6.5 metres, or whether this applies only to the loading space itself.

### **Conclusion**

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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. Wycliffe Village Inc.