

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** October 17, 2023

**CASE NO(S):** OLT-22-002152  
(Formerly PL190576)

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

|                              |  |
|------------------------------|--|
| Applicant and Appellant:     | Metroview Developments (Garden) Inc.   |
| Subject:                     | Request to amend the Official Plan – Failure of the City of Richmond Hill to adopt the requested amendment   |
| Existing Designation:        | “Richmond Hill Centre”   |
| Proposed Designation:        | To maintain the existing “Richmond Hill Centre” designation but permit a maximum density of 6.54 Floor Space Index (FSI) and a maximum height of 54-storeys on a site-specific basis |
| Property Address:            | 8700 & 8710 Yonge Street   |
| Municipality:                | City of Richmond Hill  |
| Approval Authority File No.: | D01-18007  |
| OLT Case No.:                | OLT-22-002152  |
| Legacy Case No.:             | PL190576   |
| OLT Lead Case No.:           | OLT-22-002152  |
| Legacy Lead Case No.:        | PL190576   |
| Case Name:                   | Metroview Developments (Garden) Inc. v. Richmond Hill (City)   |

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

|                          |  |
|--------------------------|--|
| Applicant and Appellant: | Metroview Developments (Garden) Inc.   |
| Subject:                 | Application to amend Zoning By-law No. 2523, as amended, of the former Township of Vaughan – Neglect of application by the City of Richmond Hill |
| Existing Zoning:         | “General Commercial One (GC1) Zone”  |

Proposed Zoning: “Residential Multiple Ten Special (RM10-S) Zone”  
with site-specific development standards in order to  
facilitate the proposed mixed-use development

Property Address: 8700 & 8710 Yonge Street

Municipality: City of Richmond Hill

Municipality File No.: D02-18033

OLT Case No.: OLT-22-002155

Legacy Case No.: PL190577

OLT Lead Case No.: OLT-22-002152

Legacy Lead Case No.: PL190576

**Heard:** September 18, 2023 by Written Hearing

## **APPEARANCES:**

### **Parties**

Metroview Developments  
(Garden) Inc.

City of Richmond Hill

### **Counsel**

Ian Andres

Carlton Thorne

## **DECISION DELIVERED BY S. DIXON AND ORDER OF THE TRIBUNAL**

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### **[Link to Order](#)**

## **INTRODUCTION**

[1] This Decision and Order arises from appeals filed by Metroview Developments (Garden) Inc. (“Appellant”) pursuant to sections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”), concerning Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (together, “Applications”) in the City of Richmond Hill (“City”) for lands known municipally as 8700 and 8710 Yonge Street (“Subject Lands”).

[2] The Applications initially sought to amend the City Official Plan (“COP”) and Zoning By-law No. 2523 (“ZBL”) to facilitate the redevelopment of the Subject Lands

with a high-density mixed-use development consisting of two towers of 20 and 13 storeys, connected by a six-storey podium with commercial uses at grade, with 336 dwelling units and a Floor Space Index (“FSI”) of 4.01.

[3] At the statutory public meeting held by the City on May 8, 2019, members of City Council suggested that additional height and density could be accommodated on the Subject Lands given its location as a highly visible gateway into the City’s Urban Growth Centre.

[4] Council did not make a decision on the Applications within the statutory timeframe of the Act and the Applications were appealed on that basis. The Appeal noted the Appellant’s intention to submit a revised proposal to seek additional density and reconfigure the built form into a single taller tower with improved architectural design to address the prominence of the gateway location and its proximity to the future terminus of the Yonge Street subway line and other significant transit infrastructure.

## **SETTLEMENT**

[5] The Applications were revised and a settlement was reached between the Parties that proposes to redevelop the Subject Lands with a single 30-storey mixed-use tower rising from an eight-storey podium, with 527 dwelling units and an FSI of 4.92 (“Settlement Proposal”). The Settlement Proposal also:

- a) Incorporates a new north-south road with a 20-metre right-of-way, lined with street trees and townhouses, along the western boundary of the Subject Lands;
- b) Provides parkland dedication in the form of a 4.5-metre strip of land along the northern boundary of the Subject Lands, which will ultimately contribute to the development of a 15-metre-wide pedestrian/cycling connection;

- c) Incorporates over 2,100 square metres (“m<sup>2</sup>”) of outdoor amenity space and over 1,000 m<sup>2</sup> of indoor amenity space;
- d) Provides 440 residential parking spaces, 79 visitor parking spaces, and 11 commercial parking spaces; and
- e) Provides 358 long-term and 52 short-term bicycle parking spaces.

[6] Extracts from a Special City Council Meeting, held on September 6, 2023, were received by the Tribunal (hereby marked as Exhibit 1), indicating a unanimous decision by City Council in support of the Settlement Proposal, and requesting that the Tribunal:

- a) Approve the OPA attached to this Decision as Attachment 1;
- b) Approve, in principle, the ZBA attached to this Decision as Attachment 2; and
- c) Withhold the issuance of the Final Order with respect to the ZBA until such time as the City advises the Tribunal that a Site Plan Application has been finalised between the Parties.

[7] In support of the Settlement Proposal, the Tribunal is in receipt of a sworn Affidavit from Michael Goldberg (retained by the Appellant), which is hereby marked as Exhibit 2. Mr. Goldberg is the founding Principal of Goldberg Group, a Registered Professional Planner, and has been practicing land use planning for approximately 40 years. He has been qualified by the Tribunal to provide expert opinion evidence on matters pertaining to land use planning on numerous occasions and is hereby so qualified again.

[8] The Tribunal makes the following findings on the uncontested Affidavit evidence of Mr. Goldberg.

## **SITE AND AREA CONTEXT**

### **Land Use**

[9] The Subject Lands are located at the northwest corner of Yonge Street and Garden Avenue. Currently, the Subject Lands are occupied by a two-storey motel surrounded by surface parking, with two driveway access points from Garden Avenue.

[10] The Subject Lands are within the Richmond Hill Centre, as shown on Schedules A1 and A2 of the COP. Richmond Hill Centre is an Urban Growth Centre as defined by the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (“Growth Plan”).

[11] A single detached residential neighbourhood exists to the immediate north, northwest and west of the Subject Lands. The dwellings to the north are part of Richmond Hill Centre and are intended to redevelop with high-density mixed-use buildings.

[12] Retail plazas exist to the east and northeast of the Subject Lands – on the east side of Yonge Street – which are also part of the Richmond Hill Centre and are likewise intended to redevelop with high-density mixed-use buildings.

[13] A gas station exists to the immediate south of the Subject Lands. A wooded area and stormwater management pond are to the southeast.

### **Transportation**

[14] Yonge Street is a major regional transportation/transit corridor running north-south through the Region of York (“Region”) from downtown Toronto in the south to beyond Newmarket in the north. It is identified in the COP as a Regional Corridor and is designated as an Arterial Street. Garden Avenue is designated as a Collector Street. East of Yonge Street, Garden Avenue turns into Connector Road, which curves south to connect with Highway 7.

[15] Highway 7 and Highway 407 are immediately south of the intersection of Yonge Street and Garden Avenue/Connector Road. Highway 407 includes on and off ramps at Yonge Street, while access to Highway 7 is limited to Connector Road. Highway 7 provides east-west connectivity throughout the Region and beyond.

[16] Richmond Hill Centre Terminal is located approximately 350 metres east of the Subject Lands along Connector Road, servicing the VIVA and GO Transit surface routes traveling east-west and north-south. Langstaff GO Station is located to the southeast of Richmond Hill Centre Terminal on the east side of the rail tracks, connected by a pedestrian bridge. The area surrounding Richmond Hill Centre Terminal and Langstaff GO Station is proposed to be significantly expanded as a major transit hub, accommodating the new Richmond Hill Centre subway station of the Yonge Street subway line extension.

[17] Bus Rapid Transit is currently operational in dedicated centre lanes along Yonge Street, with the closest station approximately 130 metres to the north of the Subject Lands.

[18] Many existing transit routes operate in the vicinity of the Subject Lands and utilise the Richmond Hill Centre Terminal to provide transit accessibility throughout Richmond Hill and beyond.

## **PLANNING ANALYSIS**

[19] Mr. Goldberg proffered that the Subject Lands are located within an Urban Growth Centre, a Protected Major Transit Station Area, and on an Intensification Corridor, which collectively are expected to accommodate reurbanisation and intensification that is compact, optimised, and transit supportive.

[20] He proffered that the OPA is required to increase the permitted height and density on the Subject Lands, and to provide relief from the current transition policies

requiring development to fit within a 45-degree angular plane from the neighbourhood to the west.

[21] The ZBA, he proffered, is required to rezone the Subject Lands from “General Commercial (GC)” to “Multiple Residential Ten Special (RM 10-S)”. The ZBA will also introduce site-specific development standards required to implement the Settlement Proposal, including standards pertaining to height, density, parking, lot coverage, setbacks, and landscaping.

[22] In Mr. Goldberg’s opinion, the Settlement Proposal appropriately responds to the unique context of the Subject Lands as a gateway site to the City’s downtown, and the planned context on the east side of Yonge Street, which includes permissions for 85- to 89-storey towers immediately adjacent to the future subway station.

[23] In Mr. Goldberg’s opinion, the combination of the open space and public realm treatment of the Settlement Proposal, and the proposed high-quality architecture, will create a built form presence befitting of a significant gateway to the City.

[24] Mr. Goldberg proffered that the Settlement Proposal appropriately addresses the neighbourhoods to the north and west of the Subject Lands by contributing to a transitional decrease in height from the east and through the use of generous setbacks, the new landscaped public road to the west, and the new linear public park to the north. Shadow implications, he proffered, have been considered and evaluated and no adverse impacts arise from the Settlement Proposal on any nearby or adjacent properties.

[25] In Mr. Goldberg’s opinion, the Settlement Proposal has appropriate regard to the matters of provincial interest set out in the Act – particularly matters 2(f), 2(h), 2(n), 2(p) and 2(q) – and is consistent with the Provincial Policy Statement, 2020, conforms with the Growth Plan, and conforms with the Region Official Plan.

[26] Mr. Goldberg further opined that the Settlement Proposal generally advances the policy and urban structural intent of the COP and warrants an amendment to same, to the extent proposed, given the location of the Subject Lands and planned context in the immediate vicinity.

[27] Finally, it is Mr. Goldberg's opinion that the Settlement Proposal is premised on sound and reasonable planning analysis, represents good planning, and is in the public interest.

## FINDINGS

[28] Based on the uncontroverted planning evidence of Mr. Goldberg, the Tribunal finds that the Settlement Proposal satisfies all statutory tests as referenced above, represents good planning, and is in the public interest.

## ORDER

[29] **THE TRIBUNAL ORDERS** that the appeal pursuant to subsection 22(7) of the *Planning Act* is allowed in part and the Official Plan for the City of Richmond Hill is amended as set out in **Attachment 1** to this Order.

## INTERIM ORDER

[30] **THE TRIBUNAL ORDERS** that the appeal pursuant to subsection 34(11) of the *Planning Act* is allowed in part and the amendment to Zoning By-law No. 2523 of the Corporation of the Former Township of Vaughan (i.e., the City of Richmond Hill) set out in **Attachment 2** to this Order is approved in principle.

[31] The final approval of the ZBA shall be withheld by the Tribunal until such time as counsel for the City advises the Tribunal that a Site Plan Application has been finalised for the Subject Lands.



[32] The Tribunal may be spoken to in the event the Parties require the Tribunal's assistance regarding the implementation of the Interim Order above.

*"S. Dixon"*

S. DIXON  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## **ATTACHMENT 1**

### **Richmond Hill Official Plan Official Plan Amendment 44**

The attached schedule and explanatory text constitute Amendment No. 44 to the Richmond Hill Official Plan.

This amendment was approved by the Ontario Land Tribunal in accordance with Sections 17 and 22 of the *Planning Act* on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**Part One - The Preamble** is not a part of the Amendment.

**Part Two - The Amendment**, consisting of text and maps, constitutes Amendment 44 to the Richmond Hill Official Plan.

## **Part One – The Preamble**

### **1.1 Purpose**

The purpose of this Amendment to the Richmond Hill Official Plan is to permit a high density mixed use residential/commercial development comprised of a 30-storey building on the subject lands.

### **1.2 Location**

The lands affected by this Amendment are located at the northwest corner of Yonge Street and Garden Avenue and are described as Part of Lots 1, 2, 3 and 4 on Registered Plan 1984, and known municipally as 8700 and 8710 Yonge Street (the "subject lands"). The subject lands have an approximate lot area of 0.76 hectares (1.88 acres) and are shown on Schedule 1 attached hereto.

### **1.3 Basis**

The proposed amendment is considered appropriate in accordance with the reasons provided by the Ontario Land Tribunal in its Decision (OLT Case No. OLT-22-002152).

## Part Two - The Amendment

### 2.1 Introduction

All of this part of the document entitled **Part Two – The Amendment**, consisting of the following text outlined in Section 2.2 constitute Amendment 44 to the Richmond Hill Official Plan.

### 2.2 Details of the Amendment

The Official Plan of the City of Richmond Hill, is amended as follows:

2.2.1 That **Schedule A11** (Exceptions) to the Richmond Hill Official Plan be amended to identify the subject lands as Exception Area Number 42, as shown on Schedule 1 attached.

2.2.2 By adding the following to Chapter 6 (Exceptions):

"6.42

Notwithstanding any other provision of Part 1 or Part 2 (Secondary Plans) of this Plan to the contrary, for the lands described as Part of Lots 1, 2, 3 and 4 on Registered Plan 1984 (Municipal Address: 8700 and 8710 Yonge Street) and shown as Exception Area Number 42 on Schedule A11 (Exceptions) to this Plan, the following shall apply:

- a. It is intended that the subject lands be developed in the form of a high density, mixed use residential/commercial building of 30 storeys, with a base building height of 8 storeys and a maximum Gross Floor Area (GFA) of 37,585.0 square metres based on a gross combined site area of 7,639 square metres;
- b. The maximum density shall be 4.92 Floor Space Index (FSI);
- c. The maximum building height for a single tower shall be 30 storeys; and,
- d. The base building height shall not exceed 25 metres.





## ATTACHMENT 2

### BY-LAW NO. XX – 23

A By-law to Amend By-law No. 2523, as amended,  
of The Corporation of the former Township of  
Vaughan

Now Therefore the Ontario Land Tribunal hereby approves as follows:

1. That By-law No. 2523, as amended, of The Corporation of the former Township of Vaughan, be and is hereby amended as follows:
  - a) By rezoning the lands shown on Schedule "A" to By-law No. XX-23 (the "Lands") from "General Commercial One (GC1) Zone" to "Residential Multiple Ten Special (RM10-S) Zone" under By-law 25-23, as amended.
2. By adding the following to Section 25 – EXCEPTIONS of By-law No. 2523:

#### **"RH 202"**

Notwithstanding any inconsistent or conflicting provision of By-law No. 2523, as amended, the following special provision shall apply to Lands zoned "Multiple Residential Ten (RM10) Zone and more particularly identified on Schedule "A" to By-law XX-23 and denoted by a bracketed number (RH202):

#### **1. DEFINITIONS**

For the purposes of this By-law, the following definitions shall apply:

- (a) **AMENITY SPACE** – shall mean an outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- (b) **COMMERCIAL USE** – shall mean the use of land, buildings or structures for the purpose of buying or selling commodities and supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit. Notwithstanding the foregoing, commercial uses shall exclude automobile service station, gas bar convenience retail store, gas bar, motor vehicle/lubrication establishment, motor vehicle washing establishment, auto body repair shop, repair shops for internal combustion engines, motorized vehicles or similar uses, public garage.
- (c) **DWELLING, APARTMENT** - Means a building containing five (5) or more dwelling units all of which have a common external access to the building by means of a common corridor system. An apartment dwelling may take the form of a high rise, mid-rise or low rise building.
- (d) **FLOOR SPACE INDEX** – shall mean the maximum **gross floor area** of all buildings on a lot expressed as a ratio or multiple of the lot area.
- (e) **GROSS FLOOR AREA** – shall be defined as the aggregate of the floor areas of all the STOREYS of a BUILDING, excluding areas below grade, mechanical / electrical spaces, elevator shafts, elevator rooms, stairs and equipment, fire prevention and plumbing equipment rooms, indoor amenity space, loading and service areas, garbage collection and recycling areas, storage lockers and bicycle storage areas.
- (f) **HEIGHT** – shall be defined as the vertical distance measured from ESTABLISHED GRADE of 196.90 m ASL to the highest point of the roof surface, excluding any parapets or mechanical penthouse.



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By-law XX-23

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- (g) **HOME OCCUPATION:** means an office operated within a dwelling unit, incidental and secondary to the residential use and shall not occupy more than 25% of the **gross floor area** of the dwelling unit. Medical office (medical clinic) and veterinary clinic uses are not permitted.
- (h) **LIVE-WORK UNIT** – means a dwelling unit that is primarily used as living space with subsidiary working space accessible from the living area, reserved for and regularly used by one or more residents of the dwelling unit. The work space component may be used for business and professional offices with ancillary retail. Medical office (medical clinic) and veterinary clinic uses are not permitted.
- (i) **LOT COVERAGE** - Means the percentage of the gross lot area, covered by all buildings, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade or provides linkage between buildings above the ground floor.
- (j) **MECHANICAL PENTHOUSE (MPH)** – shall mean the rooftop floor area above the livable area of a building that is used exclusively for the accommodation of stairwells, and/or mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment and includes walls and structures intended to screen the mechanical penthouse and equipment.
- (k) **STOREY** – shall be defined as that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above, provided that any portion of a **storey** exceeding 3.6 m in height shall be deemed an additional **storey**, save for and except the ground floor which may maintain a maximum height of 8.25 m within the service areas.
- (l) **TOWER FLOOR PLATE** – shall mean the total gross floor area of individual floors within the building located above the eighth **storey**, measured from the exterior of the main walls at each **storey**, excluding balconies.

## 2. **PERMITTED USES**

No building or structure or part thereof shall be erected or used except for one or more of the following purposes:

- a) **APARTMENT DWELLING** (1);
- b) **COMMERCIAL USE**;
- c) **HOME OCCUPATION** (1)(2); and,
- d) **LIVE-WORK UNIT** (1)(2).

Notes:

- (1) No dwelling units shall be permitted to face Yonge Street on the ground floor of a building.
- (2) Home occupation uses and live work units shall only be permitted within ground level dwelling units.

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By-law XX-23

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### 3. **DEVELOPMENT STANDARDS**

The following development standards shall apply (1) (2) (3) (4) (5) (6):

|   |  |
|---|--|
| Maximum <b>Height</b> exclusive of MPH        | 30 <b>storeys</b> (94.0 m) (308.5 ft)            |
| Maximum Podium (base building) <b>Height</b>  | 8 <b>storeys</b> (25.0 m) (82.0 ft)              |
| Maximum <b>Gross Floor Area</b>               | 37,600 m <sup>2</sup> (404,736 ft <sup>2</sup> ) |
| Maximum <b>Floor Space Index</b>              | 4.92   |
| Maximum <b>LOT COVERAGE</b>                   | 60%  |
| Minimum <b>Front Yard</b> (Yonge Street)      | 2.5m (8.2 ft)                                    |
| Minimum <b>Front Yard</b> (daylight triangle) | 0 m (0 ft)                                       |
| Minimum <b>Side Yard</b> (north)              | 3.0 m (9.8 ft)                                   |
| Minimum <b>Side Yard</b> (Garden Avenue)      | 1.8 m (5.9 ft)                                   |
| Minimum <b>Rear Yard</b> (new public street)  | 2.6 m (8.53 ft)                                  |

**NOTES:**

- (1) For the purpose of calculating the Floor Space Index and Lot Coverage, the lot area shall be deemed to be 7,639 square metres (82,228.2 square feet), regardless of any conveyances for road widening purposes, dedications or severances.
- (2) For the purposes of this By-law, the front lot line shall be the lot line abutting Yonge Street.
- (3) The maximum **tower floor plate** shall be 865 square metres (9,311.1 square feet).
- (4) A **mechanical penthouse** shall be permitted to project 8.3 metres above the maximum permitted building **height**.
- (5) Balconies and architectural features shall be permitted to project 2.0 metres into the required yard setbacks and shall not project beyond the lot line.
- (6) A minimum of 630 square metres (6,782 square feet) of **commercial gross floor area** shall be provided along the Yonge Street frontage.

### 4. **PARKING REQUIREMENTS**

For every building or structure permitted in this by-law, parking spaces shall be provided in accordance with the following minimum standards:

|                                      |                                  |
|--------------------------------------|----------------------------------|
| Bachelor:                            | 0.6 spaces per unit              |
| One Bedroom:                         | 0.8 spaces per unit              |
| Two Bedroom:                         | 0.9 spaces per unit              |
| Three Bedroom:                       | 1.0 spaces per unit              |
| Townhouse:                           | 1.0 spaces per unit              |
| Visitor:                             | 0.15 spaces per unit             |
| Retail:                              | 1.7 spaces per 100 square metres |
| Bicycle Parking Resident (Long Term) | 0.68 spaces per unit             |
| Bicycle Parking Visitor (Short Term) | 0.07 spaces per unit             |

### 5. **Amenity space** must be provided at a rate of 2.0 square metres (21.53 square feet) per dwelling unit."

3. All other provisions of By-law No. 2523, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule "A" attached hereto.
4. The imperial measurements found in this by-law in brackets are provided for

The Corporation of the City of Richmond Hill  
By-law XX-23

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**The Corporation of the City of Richmond Hill**

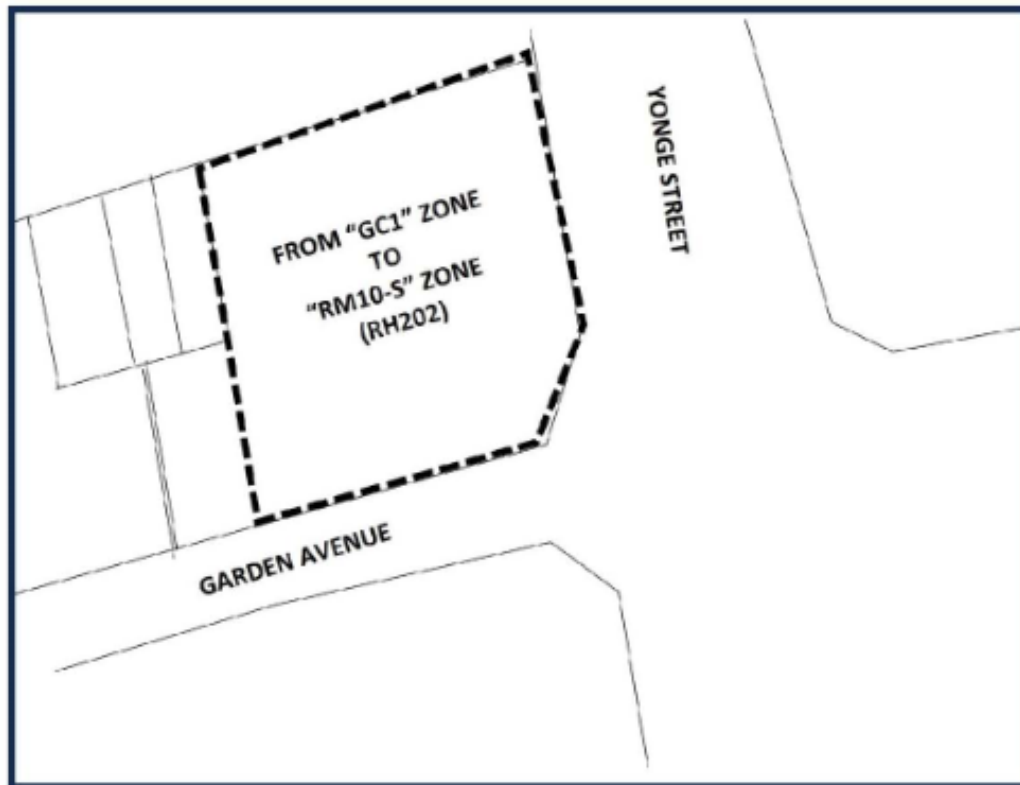
**Explanatory Note to By-law XX-23**

By-law XX-23 affects lands known as Part of Lots 1, 2, 3, and 4, Registered Plan 1984, municipally known as 8700 and 8710 Yonge Street, and located at the northwest corner of Yonge Street and Garden Avenue.

The lands are currently zoned "General Commercial One (GC1 Zone)". The "GC1" Zone permits various commercial uses and indoor recreational uses, but, does not permit residential uses.

By-law XX-23 will have the effect of rezoning the subject lands to "Residential Multiple Ten Special (RM10-S) Zone under By-law 2523, as amended with site specific development standards to permit the construction of a high-density mixed use residential/commercial development comprised of a 30-storey apartment building on the subject lands.

## SCHEDULE "A" TO BY-LAW NO. XX - 23



This is Schedule "A" to By-law No. XX-23 as approved by the Ontario land Tribunal in OLT case file 22-002152 in a Decision and/or Order dated \_\_\_\_.