

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 13, 2016

CASE NO(S): PL110189

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants:

Amir-Hessam Limited & 668152 Ontario Limited
583753 Ontario Limited
Yonge Bayview Holdings Inc.
K.J. Beamish Holdings Limited
Signature Developments Inc.
TSMJC Properties Inc.
Haulover Investments Limited
New Era Developments (2011) Inc.
Rice Commercial Group and Major Mac Realty Inc.
Loblaw Properties Limited
E. Manson Investments
North Leslie Residential Landowners Group Inc.
Montanaro Estates Limited and William & Yvonne Worden
Baif Developments Limited
Arten Developments Inc.
Stonecourt Construction Inc.
P. Campagna Investments Ltd., P.A.
Campagna and 1480420 Ontario Ltd.
Ram Nischal, Rekha Nischal, Neelam Narula and Raj Kumar
Angelo, Louise and Josephine Cimetta and Shiplake Developments Ltd.
Great Land (Westwood) Inc.
775377 Ontario Ltd. (Belmont)
Robert Salna and Robert Salna Holdings Inc.
AME-SON Holdings Ltd.
Corsica Development Inc.
Elginbay Corporation
Sitzer Group Holdings No. 1 Limited, Grall

Corporation Limited, Natweiss Investments Limited, 967933 Ontario Limited & Loblaws Inc. (owners of the Richmond Heights Shopping Centre)
 Dickson 48 Property Inc., Sedgewick Property Inc., Long Body Homes Inc., & 1419079 Ontario
 1191621 Ontario Inc.
 1835942 Ontario Inc.
 1122270 Ontario Inc.

Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the Town of Richmond Hill

Municipality: Town of Richmond Hill

OMB Case No.: PL110189

OMB File No.: PL110189

OMB Case Name: Cimetta v. Richmond Hill (Town)

Heard: April 1, 2016 in Richmond Hill, Ontario

APPEARANCES:

Parties

Counsel

Town of Richmond Hill	Barnet Kussner
Regional Municipality of York	Frank Santaguida
Rice Commercial Group of Companies Major Mac 404 Realty Inc.	Ira Kagan
Baif Developments Limited 404 Richmond Heights Shopping Centre	Roslyn Houser
Robert Salna Holdings Inc.	Jeffrey Streisfield
TSMJC Properties Inc.	Aaron Platt
775377 Ontario Ltd. (Belmont)	Susan Rosenthal
P. Campagna Investments Ltd. P.A. Campagna 1480420 Ontario Ltd.	Andrea Skinner

1191261 Ontario Inc. (#44)

Mary Flynn-Guglietti (DNA)

Signature 153 16th Avenue Inc.
Signature Developments Inc.
New Era Developments (2011) Inc.
1191261 Ontario Inc. (#45)

Barry Horosko (DNA)

AME-SON Holdings Ltd. (DNA)

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON
APRIL 1, 2016 AND ORDER OF THE BOARD**

[1] The remaining appeals of the 2010 Official Plan (“OP”) for the Town of Richmond Hill (“Town”) were scheduled for a further pre-hearing, notice of which was given in the Board’s disposition issued on January 19, 2016. The Town circulated an agenda and the issues raised at the hearing, including a motion to dismiss an appeal and future hearing dates, are addressed below.

[2] The Town served and filed a notice of motion (Exhibit 114) seeking an order dismissing the appeal of AME-SON Holdings Inc. (“AME-SON”) , Appellant #38, without the necessity of holding a hearing. The affidavit of Brian Defreitas, a qualified land use planner, was provided in support of the requested relief. The evidence of Mr. Defreitas explained the background and the various attempts to contact AME-SON in connection with its appeal, which was received by the Regional Municipality of York (“Region”) on November 4, 2011. Suffice to say that this Appellant has not taken any steps to advance the matter beyond initial meetings held with Town staff held in late 2011 and attendance at pre-hearing conferences held in 2012. Mr. Kussner advised that he had contacted representatives of AME-SON on several occasions and most recently after service of the motion. There was no indication that anyone would attend the pre-hearing. The appeal letter seeks a conversion of its property from employment to non-employment (including residential) uses. Ms. Flynn-Guglietti, who represents an adjacent landowner in the Newkirk Business Park and immediately north of the AME-SON property, has written to the Town objecting to any change in land use and that it would oppose any mixed use/residential land uses being approved in close proximity to

her client's industrial operations. The Town is also opposed to any conversion of the lands. As indicated above, AME-SON did not appear at the pre-hearing or file any responding material with respect to the motion. On this basis, and relying on the submissions of Mr. Kussner, and in accordance with the provisions of the *Planning Act*, the appeal of the Town's 2010 OP by AME-SON, Appellant #38, is dismissed.

[3] The Town filed an updated version of the matrix (Exhibit 115, Appendix 1) which sets out the portions of the OP remaining under appeal and the remaining Appellants. A revised version of the Deferred Areas Schedule (Exhibit 116, Appendix 2) was also provided. If upon review there is reason to believe revisions are required to the matrix, Counsel should contact the Town and any changes can be incorporated into the next update. Exhibits 115 and 116 represent an accurate reflection of the remaining policies under appeal as at April 1, 2016 and are set out as Attachment 1 to this disposition.

[4] An updated schedule of the Town's Preferred Phasing of Hearings was filed (Exhibit 117) confirming the outstanding appeals and indicating where hearing dates are not yet established. In most instances additional information is required from other agencies and/or the Town and the Appellants involved continue to work toward final resolution of the respective appeals. The appeal by Richmond Heights Shopping Centre (Appellant #41) is close to resolution and Mr. Kussner advised he is working with Ms. Houser to complete a settlement. Appellant #44, represented by Ms. Flynn-Guglietti, has agreed to scope its appeal and that matter will likely be resolved. There are several appeals (represented by Ms. Skinner, Appellant #30; and Mr. Streisfield, Appellant #37) that are awaiting the outcome of the Lake Wilcox SPA and the timing is in the hands of the Province. A draft SPA will be circulated, followed by a public meeting. The appeal by TSMJC Properties Inc. ("TSMJC", Appellant #10), represented by Mr. Platt, will be addressed at a separate pre-hearing, set out below. The Group 17/18 appeals, which involves Ms. Rosenthal's clients (Belmont, Appellant #35), should be settled, contingent upon translating the result of the MESP into a resolution of the appeal. Similarly, the "Flyover" matter is under discussion and will be addressed through a separate process. Finally, by way of update, in cases where the Town has been unable to extract a

response from an Appellant (relevant to certain “employment lands” appeals) with respect to either resolving an appeal or setting a hearing date, a motion to dismiss may be launched, returnable at the next pre-hearing. The hearing set with respect to the appeal by Signature 153 16th Avenue Inc. (Appellant #7) was previously adjourned, *sine die*, and the Town is anxious to address that matter with Counsel.

[5] The Procedural Order in connection with the “employment lands” hearing has been issued and the evidence will be exchanged over the next two months. The parties to the hearing include the Town and the Region and will address the appeals by Rice Commercial Group, Major Mac Realty Inc. and Baif Developments Limited. The hearing will commence, as scheduled, at **10 a.m. on Monday June 20, 2016 at:**

**Committee Room 2
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4B 3P4**

If any procedural matters in connection with that hearing require direction, Counsel should contact the Case Coordinator, Tome Kondinski at 416-326-6799 and a telephone conference call may be arranged.

[6] As part of the decision and order issued on January 19, 2016, the Board approved (at the request of the parties) the Official Plan Amendment and Zoning By-law Amendment (“By-law”) agreed upon between the Town and Shiplake/Cimetta. Counsel have since determined that the version of the By-law (Exhibit 111B) provided to the Board and attached to the January 19, 2016 disposition neglected to include the Schedules. Consequently, a revised Exhibit 111B which represents the correct version of the By-law, is approved in the manner set out as Attachment 2 to this decision.

[7] The next pre-hearing conference will commence at **10 a.m. on Friday, September 9, 2016 at:**

**Committee Room 2
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4B 3P4**

[8] A further pre-hearing conference is also scheduled to commence at **10 a.m. on Wednesday November 2, 2016 at:**

**Committee Room 2
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4B 3P4**

The purpose of this pre-hearing will be to address the appeal by TSMJC and an application is expected to be filed with the Town within the next few months.

[9] If any matters arise before the hearing events referred to above and a telephone conference call is required, counsel may contact the Case Coordinator.

“J. de P. Seaborn”

J. de P. SEABORN
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

APPENDIX '1'
PL110189

Portions of the Richmond Hill Official Plan (July 2010) Remaining Under Appeal Following OMB Partial Approval Order (April 2016)

How to read this chart:	
X	Town-wide Appeal
S	Site or Area Specific Appeal
*	Site or Area Specific Exception Policy being sought without specifying particular policies under appeal
SS	See Note 4 below

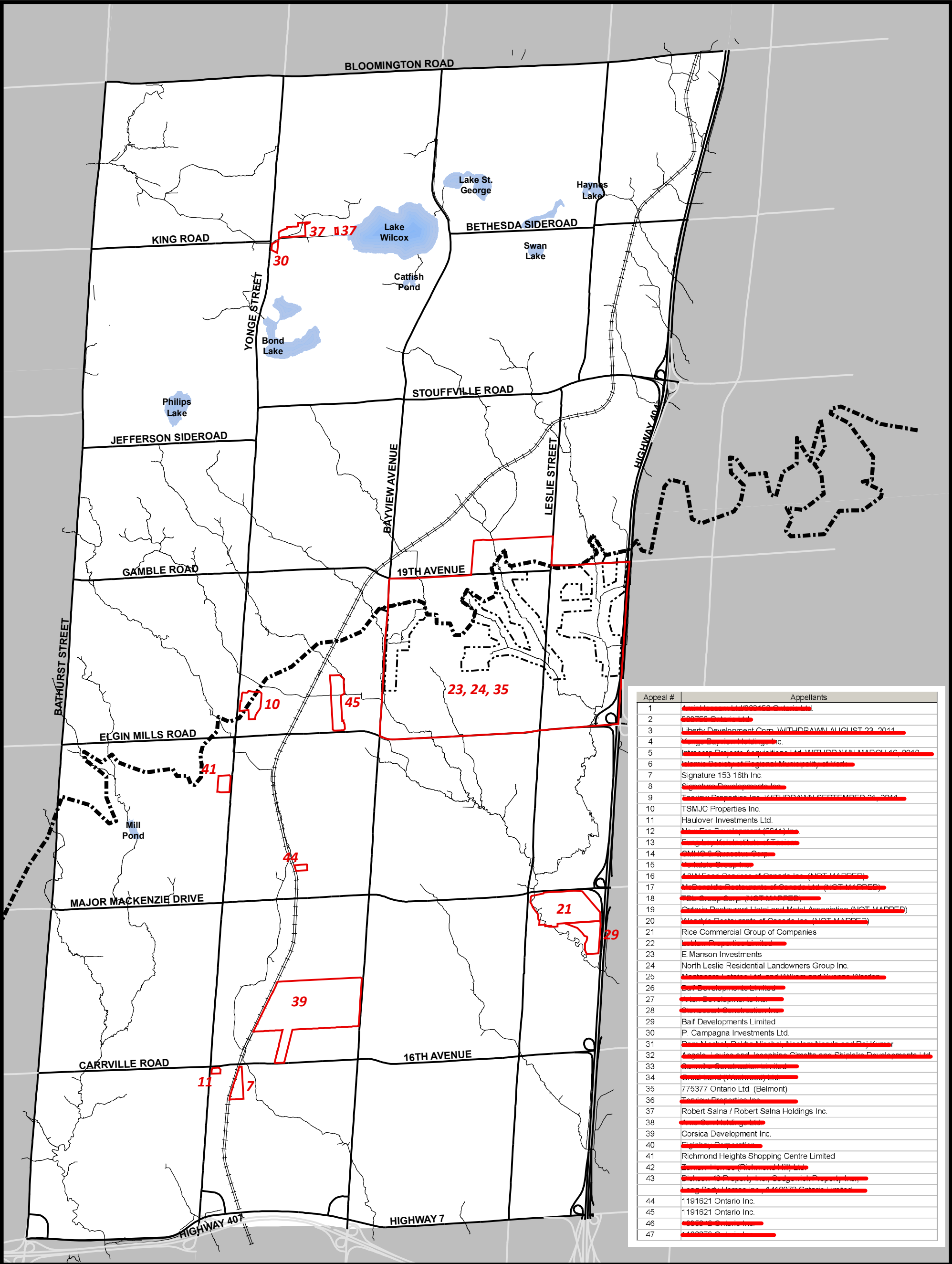
Note 1: In cases where an entire Section of the Plan is listed below, it shall be interpreted as meaning the appellant takes issue with that Section in its entirety, including all text and illustrations in subsections and policies.

Note 2: Notwithstanding that certain policies below are indicated with an 's' (as opposed to an 'x') as remaining under appeal on a site-specific or area-specific basis, the Town acknowledges that appellants remain at liberty to seek modifications, deletions or additions to the text of those policies which may be of general application to some or all of the lands across the Town. The Town will not use the 's' as a reason to oppose the changes on jurisdictional or other grounds but is, of course, at liberty to oppose the changes on their planning merits.

Note 3: The appeal by Baif Developments Ltd. (#26) is subject to a site-specific exception policy for its lands in the Downtown Local Centre, which remains pending.

Note 4: **Note 3:** Where a policy or Schedule is noted with an SS, the appeal is not subject to Note 2 above. Instead, it remains under appeal on a truly site-specific basis by which the appellant is limited to seeking a site-specific exception or modification, and the policy or Schedule will not be considered to be in force and effect for the purposes of that appeal.

Appellant names are provided for convenience and reference purposes only.																																																		
Appellant No.		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47		
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	(38)										SS																																							
	(39)										SS																																							



Appeal #	Appellants
1	~~Amish Development Ltd. (2004) Ltd.~~
2	~~100750 Ontario Ltd.~~
3	~~Liberty Development Corp. (WITHDRAWN AUGUST 23, 2014)~~
4	~~Wings Bay North Holdings Inc.~~
5	~~Interpro Projects Acquisitions Ltd. (WITHDRAWN MARCH 10, 2013)~~
6	~~Interpro Projects Acquisitions Ltd. (WITHDRAWN MARCH 10, 2013)~~
7	Signature 153 16th Inc.
8	~~Signature Developments Inc.~~
9	~~Signature Properties Inc. (WITHDRAWN SEPTEMBER 24, 2014)~~
10	TSMJC Properties Inc.
11	Haulover Investments Ltd.
12	~~Howe Development Ltd. (2014) Inc.~~
13	~~Emigley/Kelley/Robinson/Toronto~~
14	~~OMUC 6 Ontario Ltd.~~
15	~~Maple Shopping~~
16	~~Amish Development of Canada Inc. (NOT MAPPED)~~
17	~~M.P. Development of Canada Ltd. (NOT MAPPED)~~
18	~~Red Group Corp. (NOT MAPPED)~~
19	~~Ontario Restaurant Hotel and Motel Association (NOT MAPPED)~~
20	~~Wendy's Restaurants of Canada Inc. (NOT MAPPED)~~
21	Rice Commercial Group of Companies
22	~~Interpro Properties Inc.~~
23	E. Manson Investments
24	North Leslie Residential Landowners Group Inc.
25	~~Maple Development Ltd. and Maple Development of Canada Inc.~~
26	~~Maple Development Limited~~
27	~~Maple Development Limited~~
28	~~Maple Development Limited~~
29	Balf Developments Limited
30	P. Campagna Investments Ltd.
31	~~Maple Development of Canada Inc. (NOT MAPPED)~~
32	~~Angela, Louise and Josephine Girault and Chisale Developments Ltd.~~
33	~~Camille Construction Limited~~
34	~~Great Lakes (Westwood) Ltd.~~
35	775377 Ontario Ltd. (Belmont)
36	~~Signature Properties Inc.~~
37	Robert Salna / Robert Salna Holdings Inc.
38	~~Amish Development Ltd.~~
39	Corsica Development Inc.
40	Emigley Corporation
41	Richmond Heights Shopping Centre Limited
42	~~Maple Development of Canada Inc. (NOT MAPPED)~~
43	~~Maple Development of Canada Inc. (NOT MAPPED)~~
44	1191821 Ontario Inc.
45	1191821 Ontario Inc.
46	~~Maple Development of Canada Inc. (NOT MAPPED)~~
47	~~Maple Development of Canada Inc. (NOT MAPPED)~~

RICHMOND HILL
OFFICIAL PLAN
Deferred Areas
SCHEDULE A0

Legend

Deferred Areas

Oak Ridges Moraine Conservation Plan Area

Greenbelt Plan Area

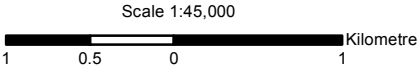
Waterbodies

Watercourses

C.N.R.

NOTE: The information provided in this Schedule constitutes an operative part of the Richmond Hill Official Plan. While every effort is made to ensure its accuracy, currency and completeness, it is not a plan of survey. Due to size constraints and changes that occur over time, the Town cannot warrant its accuracy, currency and completeness. Interested parties are therefore urged to make enquiries with the Town of Richmond Hill Planning And Regulatory Services Department to ensure that the information depicted in this Schedule is accurate, current and complete in all respects.

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Richmond Hill

PLANNING & REGULATORY SERVICES
DEPARTMENT

ATTACHMENT 2

Ex. 1115
Jan 07/16

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO.7-16

A By-law to Amend By-law No. 2523, as amended, of
The Corporation of the Town of Richmond Hill

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD APPROVES AS FOLLOWS:

1. That By-law No. 2523, as amended, of The Corporation of the Town of Richmond Hill as amended, be and is hereby further amended as follows:

- a) By rezoning the lands shown on Schedule "A" attached hereto from "Second Density Residential (R2) Zone" to "Multiple Residential Ten (RM10) Zone" and "Temporary Open Space (OS) Zone".
- b) By adding the following to SECTION 25 - EXCEPTIONS of By-law No. 2523:

"RM10(165)

Notwithstanding any inconsistent or conflicting provisions of By-law No. 2523, as amended, the following special provisions shall apply to those lands legally described as Part of Lot 38, Concession 1 (Municipal Address: 8874 Yonge Street) and zoned "RM10 Zone" and "OS Zone" as shown on Schedules "A" and "B" to this by-law:

1) DEFINITIONS

For the purposes of this By-law, the following definitions shall either be added to, or shall replace the existing definitions set out in Section 2:

a) **APARTMENT DWELLING**

Means a building or structure containing five or more dwelling units all of which have a common external access to the building by means of a common corridor system and/or direct exterior access for ground floor live-work and/or residential units.

b) **LIVE-WORK UNIT**

Means a Dwelling unit that includes living space and working space accessible from the living area, reserved for and regularly used by one or more of the occupants of that unit. The working space component may be used for the following uses permitted within this by-law:

- Personal Service Shop;
- Business and professional Offices; and
- Medical Offices (excluding clinics)

c) **RETIREMENT RESIDENCE**

Means a building or structure that provides living accommodation primarily to retired persons or couples where each suite has a separate entrance from a common hall, contains sanitary facilities, and does not provide kitchen facilities, oven/stove electrical connections or a kitchen exhaust vent. Common facilities are provided for the preparation and consumption of meals. As well, common lounges, recreation facilities and medical care facilities may also be provided within the building or structure.

d) **GROSS FLOOR AREA (GFA)**

Means the aggregate of the Floor Areas of a building above established grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding:

- Loading areas (enclosed and/or open);

- 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 prevention equipment, plumbing or elevator equipment and service and elevator shafts;
- Bicycle storage and parking areas within the building;
- Any below grade areas;
- Any space with a floor to ceiling height of less than 1.8metres (5.9feet);
- Unenclosed balconies and terraces; and,
- Any openings in floor slabs such as, but not limited to, a two storey atrium or second floor of loading space.

e) BUILDING HEIGHT

Means the height of the building from the ESTABLISHED GRADE to the roof surface.

f) ESTABLISHED GRADE

Means with reference to a building or structure, the following elevations shall be utilized for calculating building height:

Building A: 200.30
Building B: 201.10
Building C: 201.35

g) MECHANICAL PENTHOUSE

Means the rooftop floor area above the livable area of an apartment building that is used exclusively for the accommodation of 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.

h) FLOOR AREA RATIO

Means the maximum gross floor area of all buildings on the Lot expressed as a ratio or multiple of the Lot Area.

i) TOWER FLOOR PLATE

Means the horizontal floor area of a single floor within a tall building tower, above the base building, measured from the exterior of the main walls of such floor, excluding balconies.

j) EAST BLOCK

Means the development block located between the proposed north/south local road and Yonge Street as indicated on Schedules "A" and "B" to this by-law.

k) WEST BLOCK

Means the development block located west of the proposed north/south local road as indicated on Schedules "A" and "B" to this by-law.

2) DEVELOPMENT STANDARDS - OVERALL BLOCK

No building or structure or part thereof shall be erected or used except in accordance with the following and in accordance with Schedule "B" to this by-law:

MAXIMUM GROSS FLOOR AREA	48,773m ²
MAXIMUM FLOOR AREA RATIO	305% (1)

NOTES:

- (1) For the purposes of calculating the maximum floor area ratio, the lot area shall be deemed to be 15,993 square metres (172,153 square feet), regardless of any conveyances for road widening purposes, dedications or severances.

3) PERMITTED USES - EAST BLOCK

No building or structure or part thereof shall be erected or used except for one or more of the following uses (1)(2):

- a) APARTMENT DWELLINGS (1)
- b) LIVE/WORK UNIT (1)(2)
- c) RETAIL STORE
- d) FINANCIAL INSTITUTION
- e) CONVENIENCE RETAIL STORE
- f) LAUNDRY AND/OR DRY CLEANING ESTABLISHMENT
- g) BAKE SHOP
- h) SUPERMARKET
- i) PERSONAL SERVICE SHOP
- j) RESTAURANT, FAST FOOD RESTAURANT, TAKE OUT RESTAURANT
- k) BUSINESS OR PROFESSIONAL OFFICES
- l) CLINIC AND MEDICAL OFFICES

NOTES:

- (1) No dwelling units shall be permitted to face Yonge Street on the ground floor of a building or structure.
- (2) A maximum of 5 live/work units shall be permitted.

4) DEVELOPMENT STANDARDS - EAST BLOCK

No building or structure or part thereof shall be erected or used except in accordance with the following and in accordance with Schedule "B" to this by-law:

MAXIMUM GROSS FLOOR AREA	33,444 m ²
MAXIMUM TOWER FLOOR PLATE	800 m ²
MINIMUM FRONT YARD SETBACK:(1)(2)(3)	3.1 m
MINIMUM SIDE YARD SETBACK NORTH: (1)(2) BUILDING A BUILDING B	Nil 0.65 metres
MINIMUM SIDE YARD SETBACK SOUTH: (1)(2) BUILDING A BUILDING B	3.0 m 3.15 metres
MINIMUM REAR YARD SETBACK (1)(2) BUILDING A BUILDING B	13.6 m 1.6 m
MAXIMUM BUILDING HEIGHT	15 storeys (54 m)
MAXIMUM PODIUM (BASE BUILDING) HEIGHT ON YONGE STREET	7 Storeys (26 m)
BELOW GRADE SETBACK	nil to all property lines
MAXIMUM COVERAGE OF MECHANICAL PENTHOUSE	50%
MINIMUM BUILDING SEPARATION	7.75 metres

NOTES:

- (1) Yonge Street shall be deemed to be the front lot line.
- (2) Yard setbacks shall be calculated and measured from the future property lines after all conveyances for road widening purposes or dedications.
- (3) The following encroachments above the specified heights and setbacks shall be permitted:

- a) Mechanical Penthouses to a maximum of 5.5 metres; and,
- b) Balconies, columns, bay windows and sills, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, signage, ornamental and architectural features (including parapets), landscape structures and features on amenity roof terraces, mechanical screens and flag poles, to a maximum of 2.25 metres (7.4 feet).

5) PARKING STANDARDS - EAST BLOCK

Parking spaces shall be provided in accordance with the following:

1-bedroom dwelling unit	0.9 parking spaces per dwelling unit
1-bedroom + Den dwelling unit	0.9 parking spaces per dwelling unit
2-bedroom dwelling unit	1.0 parking spaces per dwelling unit
2-bedroom + Den dwelling unit	1.0 parking spaces per dwelling unit
3-bedroom dwelling unit	1.2 parking spaces per dwelling unit
Visitor parking spaces	0.15 parking spaces per dwelling unit or live/work unit
Live/Work unit	1.0 parking spaces per unit
Business and Professional Offices	2.0 parking spaces per 100 m ² of gross floor area
Commercial uses	3.0 parking spaces per 100 m ² of gross floor area
Restaurants	Minimum 3.9 parking spaces up to a maximum 4.9 parking spaces per 100m ² of gross floor area for Fast Food Restaurant Minimum 3.0 parking spaces up to a maximum 3.75 parking spaces per 100m ² of gross floor area for Restaurant
Clinics and Medical Offices (3)	5.4 spaces per 100 m ² Pharmacy: 2.2 spaces per 100 m ²

NOTES:

- (1) Above grade parking shall only be permitted at the rear or side of a Building.
- (2) No loading or service areas shall be permitted along Yonge Street.
- (3) Clinics shall include medical, dental or drugless practitioners as well as laboratory and pharmacy uses as accessory uses.

6) PERMITTED USES - WEST BLOCK

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

RETIREMENT RESIDENCE

7) DEVELOPMENT STANDARDS - WEST BLOCK

No building or structure or part thereof shall be erected or used except in accordance with the following and Schedule "B" to this by-law:

MAXIMUM GROSS FLOOR AREA	15,328 m ²

MINIMUM FRONT YARD SETBACK (1):	
to daylight triangle	nil
to Westwood Lane	1.5 m (4.9 ft.)
MINIMUM FLANKAGE YARD	3.0 m (9.8 ft.)
MINIMUM SIDE YARD SETBACK (INTERIOR)	11.1m (36.4 ft.)
MINIMUM REAR YARD SETBACK (2)	3.0 m (9.8 ft.)
MAXIMUM BUILDING HEIGHT (3)	8 storeys (29 m)
BELOW GRADE SETBACK	11 m to west property line, nil to all other property lines
MAXIMUM COVERAGE OF MECHANICAL PENTHOUSE	50%
MAXIMUM NUMBER OF RETIREMENT RESIDENCE SUITES	165

NOTES:

- (1) Westwood Lane shall be deemed to be the front lot line.
- (2) No building or structure or part thereof shall be located above a 45 degree angular plane measured perpendicular from the westerly lot line abutting a Residential zone, starting at a height equal to the finished grade at the lot line. Notwithstanding the foregoing, flags, flagpoles, lights, signage, unenclosed balconies and terraces, parapets, fences and at-grade landscaping structures shall be permitted to encroach above a 45 degree angular plane.
- (3) Building heights and setbacks shall be distributed on the site as set out on Schedule "B" hereto. The maximum height for any building or structure on the lot shall not exceed the heights specified on Schedule "B". Notwithstanding the foregoing, the following encroachments above the specified heights and setbacks shall be permitted:
- a) Mechanical Penthouses to a maximum of 5.5 metres; and,
 - b) Balconies, columns, bay windows and sills, railings, cornices, wall-mounted lighting fixtures, awnings, canopies, eaves, guardrails, balustrades, privacy screens, trellises, gazebos, shade structures, screen walls, signage, ornamental and architectural features (including parapets), landscape structures and features on amenity roof terraces, mechanical screens and flag poles, to a maximum of 2.25 metres (7.4 feet).

8) PARKING STANDARDS - WEST BLOCK

Parking spaces shall be provided in accordance with the following:

Retirement Residence Suites	0.33 parking spaces per suite
Visitor parking spaces	0.15 parking spaces per suite

9) TEMPORARY OPEN SPACE (OS) ZONE

The permitted uses of the lands zoned "OS Zone" on Schedule "A" to this by-law shall be as follows:

- a) a public recreation park; and,
- b) a public walkway

10) SECTION 37 AGREEMENT

- a) Pursuant to Section 37 of the *Planning Act*, the density of the development permitted by this exception is permitted subject to ongoing compliance with the conditions set out in this exception and in return for the provision, by the Owner of the Site (the "Owner"), of the facilities, services and matters set out in this subsection, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the Town of Richmond Hill (the "Town") with conditions providing for, inter alia, the location, design, construction, finishing, inspection, approval and timing of the Owner's provision of the facilities, services and matters set out herein and the posting of securities therefore, indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, termination and unwinding, and registration and priority of agreement.
- b) The agreement or agreements referred to in Paragraph a) above shall be registered on title to the Site prior to the Town entering into and executing a Site Plan Agreement with the Owner, pursuant to Section 41 of the *Planning Act*.
- c) The Owner, at the Owner's expense and in accordance with and subject to the agreement or agreements referred to in Paragraph a) above, shall provide or fund the following facilities, services and matters on terms satisfactory to the Town, in order to permit the increase in density authorized under this exception regulation:

The provision of either:

- Option A: the construction of a modified greenhouse/architectural structure to be located within the Town owned park lands to the immediate south of the Site (Sunnywood Park), free of all liens and charges. The structure shall be between 93 square metres and 232 square metres (1,000 square feet to 2,500 square feet) in size. The agreement or agreements referred to in Paragraph a) above shall provide for the Town to exercise design control, acting reasonably, into the finishing of the structure and for the Town or its delegate to inspect and approve the structure prior to its acceptance by the Town.

or

- Option B: the provision of the following items:
 - a cash contribution toward street lighting for Yonge Street and Garden Avenue upgrades;
 - landscaping enhancements and the provision of specialty senior's enhancements to Sunnywood Park including a community garden with concrete raised planters, water supply, a storage building, a covered pavilion and 10-12 pieces of seniors' skills equipment, or, at the sole discretion of the Town, a cash contribution towards such enhancements and/or equipment;
 - silva cell tree planting along the right-of way of the "Proposed Public Road" shown on Schedules "A" and "B" attached hereto ; and,
 - a cash contribution to the Town's Public Art fund.

- d) The Town shall provide written notice to the Owner as to which of the available community benefits outlined above that it wishes the Owner to provide, prior to the Town entering into and executing a Site Plan Agreement with the Owner, pursuant to Section 41 of the *Planning Act*."

2. All other provisions of By-law No.2523, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedules "A" and "B" attached hereto.
3. The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this By-

law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.

4. Schedules "A" and "B" attached to By-law No. 7-16 are declared to form a part of this By-law.

THE CORPORATION OF THE TOWN OF RICHMOND HILL

EXPLANATORY NOTE TO BY-LAW NO.7-16

By-law No. 7-16 affects lands described as Part of Lot 38, Concession 1 (Municipal Address: 8874 Yonge Street).

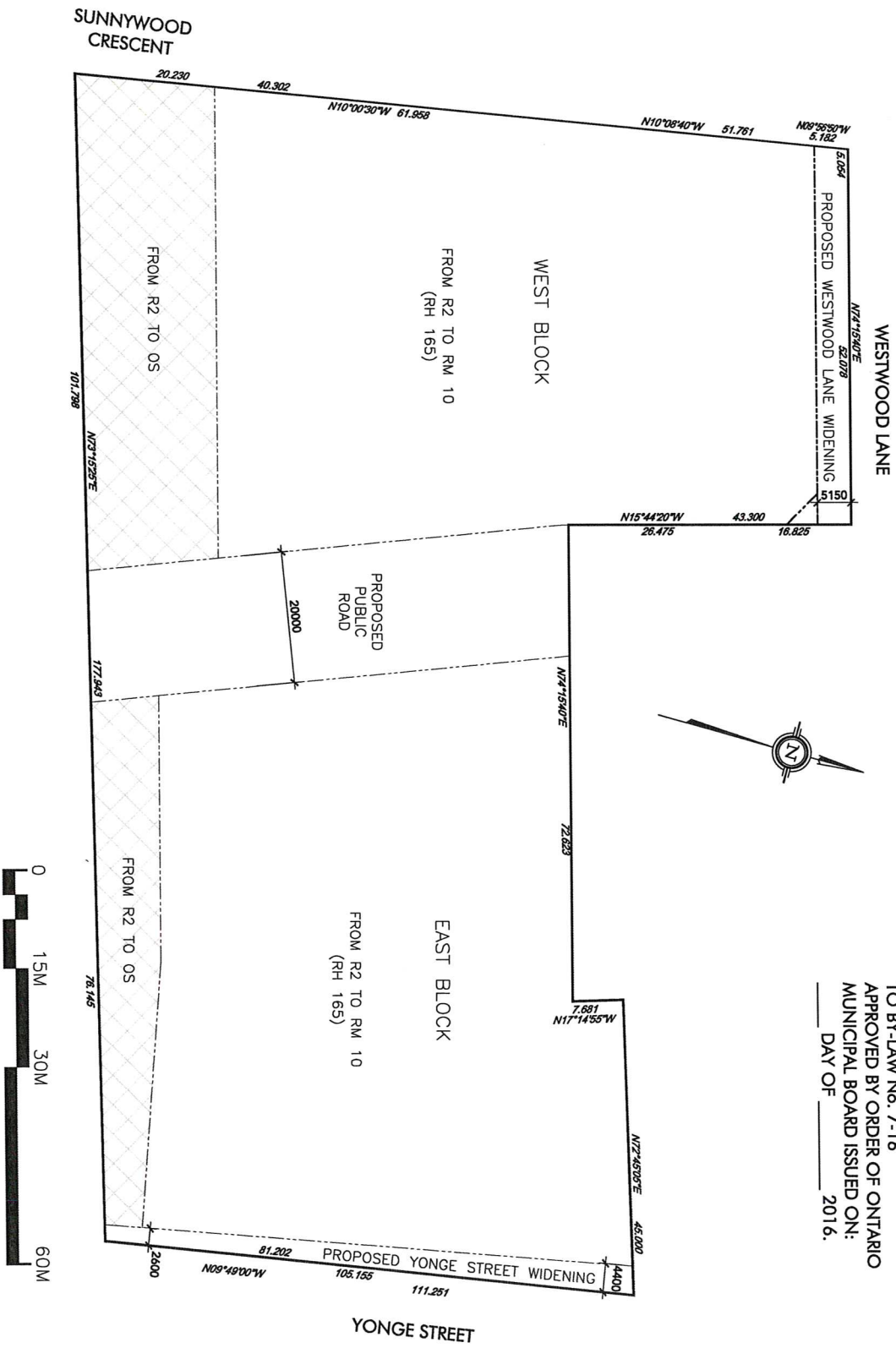
The subject lands are zoned "Second Density Residential (R2) Zone", which permits single detached dwellings as the predominant use. The effect of By-law No. 7-16 is to rezone the subject lands to "Multiple Residential Ten (RM10) Zone" and "Temporary Open Space (OS) Zone" with site specific development standards to permit the construction of a 15 storey mixed-use, high density residential-commercial building, a 15 storey high density residential building and an 8 storey retirement residence having 165 retirement suites. Lands along the southern part of the site are intended to be used as a public park.

The overall site will have a maximum Floor Area Ratio (FAR) of 3.05.

SCHEDULE 'A'

TO BY-LAW No. 7-16

THIS IS SCHEDULE 'A'
TO BY-LAW No. 7-16
APPROVED BY ORDER OF ONTARIO
MUNICIPAL BOARD ISSUED ON:
DAY OF 2016.



SCHEDULE 'B'

TO BY-LAW No. 7-16

WESTWOOD LANE

THIS IS SCHEDULE 'B'
TO BY-LAW No. 7-16
APPROVED BY ORDER OF ONTARIO
MUNICIPAL BOARD ISSUED ON:
DAY OF 2016.

