

From: Denis Gagnon

Sent: Monday, June 17, 2019 10:29 AM

To: Clerks Richmondhill <clerks@richmondhill.ca>

Cc: Sarah Mowder <sarah.mowder@richmondhill.ca>; David West <david.west@richmondhill.ca>; Denis Beaulieu <denis.beaulieu@richmondhill.ca>

Subject: Rezoning Application for Lot 14, Plan 269 - 116 Lucas Street, Richmond Hill, Ontario - Town File No. D02-18010 (Related File D06-18020) (SRPRS.19.008)

Dear Ms. Mowder, Mr. Beaulieu and Councillor West,

Subject: Rezoning Application for Lot 14, Plan 269 -116 Lucas Street, Richmond Hill, Ontario - Town File No. D02-18010 (Related File D06-18020) (SRPRS.19.008)

This email is intended to serve as a notice of my intent to address the Committee of the Whole, scheduled for 1:00 pm on Tuesday, June 18th, 2019, at the Council Chambers of the Municipal Offices of Richmond Hill, Ontario.

Please find attached to this a PDF copy of a letter to the Town of Richmond Hill, a letter which outlines my concerns regarding the above-noted rezoning application for Lot 14, Plan 269 (116 Lucas Street), Richmond Hill, Ontario.

Please feel free to contact me at any time, should you have any questions and/or concerns.

Sincerely,

Denis Gagnon, P.Eng.

Denis Gagnon, P.Eng.  
120 Lucas Street,  
Richmond Hill, Ontario

June 16, 2019

Town of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, Ontario  
L4B 3P4

Attention of:

Ms. Sarah Mowder, Planner I – Subdivision, Development Planning Division  
Mr. Denis Beaulieu, Manager of Development, Subdivisions  
Mr. David West, Councillor, Ward 4, Richmond Hill, ON

Dear Ms. Mowder, Mr. Beaulieu and Councillor West,

**Subject: Rezoning Application for Lot 14, Plan 269 - 116 Lucas Street, Richmond Hill, Ontario - Town File No. D02-18010 (Related File D06-18020) (SRPRS.19.008)**

Further to your letter dated the 7<sup>th</sup> day of June, 2019, I am writing in reference to the Staff Report prepared by the Town of Richmond Hill (“the Town”) and the associated Zoning By-law Amendment and related site plan application made by Desiree and Ivona Tomanelli (“the Applicant”), on the 23<sup>rd</sup> day of April 2018, to the Town (Town File No. D06-18020). I am also writing pursuant to the statutory Richmond Hill Public Meeting and associated notice requirements of the *Planning Act*.

This letter is also intended to serve as notice of my intent to address the Committee of the Whole, scheduled for 1:00 pm on Tuesday, June 18<sup>th</sup>, 2019, at the Council Chambers of the Municipal Offices of Richmond Hill, Ontario.

### **Introduction**

It is my understanding that the Town Staff recommends approval of the Applicant’s Zoning By-Law application, subject to the following:

1. a Zoning By-law Amendment be made, under By-law 66-71, to vary the current **Residential Second Density (R2) Zone** for the lands known as Lot 14, Plan 269, Richmond Hill, Ontario, to **Residential Multiple First Density (RM1) Zone**, as amended, and that the amending Zoning By-Law establish the specific development standards as outlined in Staff Reports SRPRS.19.118; and,
2. that the subject Zoning By-law amendment be brought forward to a regular meeting Council for consideration and enactment.

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120 Lucas Street,  
Richmond Hill, Ontario

In addition to the subject Zoning By-law amendment, the Applicant requests that exceptions be made to the applicable RM1 Zone category standards, to facilitate the construction of two semi-detached, two-storey dwellings at Lot 14, Plan 269 ("116 Lucas Street"). The Applicant requests that said exceptions allow for:

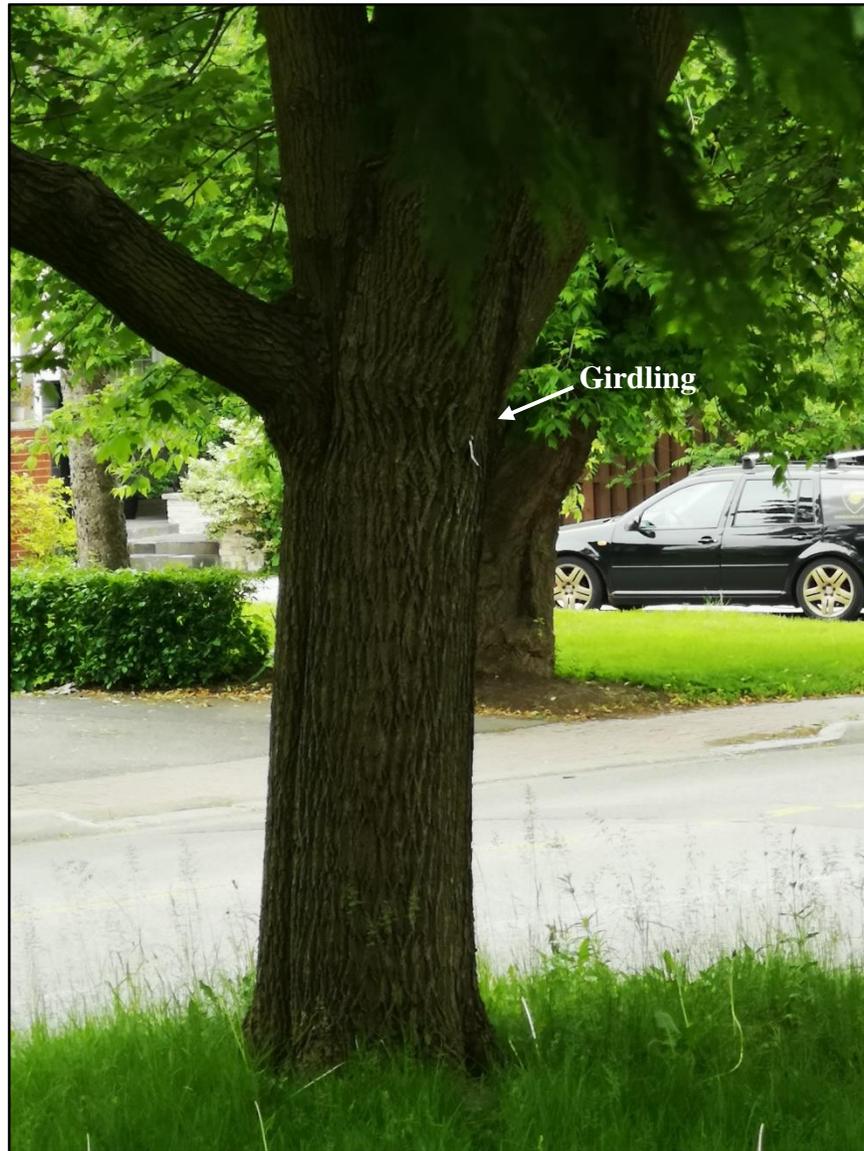
1. decreasing the required Minimum Lot Frontage (MLF) requirement from 10.67 m to 7.72 m per lot, a 28% MLF reduction,
2. increasing the maximum allowable 116.58 sq. m Gross Floor Area (GFA) to 230.68 sq. m, a 98% GFA increase,
3. increasing the maximum permissible dwelling height of 8.5 m to 9.04 m, a maximum dwelling height increase of 06%.
4. decreasing the Minimum Front Yard Setback (MFYS) requirement of 9.1 m to 6.0 m, a 52% MFYS decrease,
5. decreasing the Minimum Interior Yard Setback (MIYS) requirement of 2.13 m to 1.3 m, a 64% MIYS decrease,

### **Loss of Trees**

Based on my June 14<sup>th</sup>, 2019, review of the Arborist Report made available at the Planning Counter of the Town's Municipal Offices (4<sup>th</sup> floor, 225 East Beaver Creek Road), I understand that the Applicant proposes to remove Tree No. 1066, a Town-owned Norway Maple tree, to facilitate the construction of two semi-detached dwellings at 116 Lucas Street. It is noted that Tree No. 1066 was described within the Arborist Report as having "... *girdling on the West side of the tree...*" and "... *decay from an old pruning wound on the East side of the crown, ...*", and as having "... *imbalanced growth...*" and "... *poor growth rates...*"

I submit to the Town that the girdling on the West side of Tree No. 1066 is an old injury to the tree and that the tree has fully and long since healed from such injury. As such, the past girdling injury to the tree does not in any manner affect the general health of Tree No. 1066. I also submit to the Town that the old pruning wound to and imbalanced growth of Tree No. 1066, is a consequence of the Town's neglect of the tree. Last, I submit that Tree No. 1066 is in general good health and that the tree can be pruned to restore balanced growth. An image of the girdling injury to Tree No. 1066, as noted within the Arborist Report, is provided in Figure 1 of this letter.

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120 Lucas Street,  
Richmond Hill, Ontario



**Figure 1 Girdling on Tree No. 1066**

It is my understanding that Town Staff also recommends approving the Applicant's request to remove a Norway Maple (Tree No. 1067) at the rear of the existing dwelling at 116 Lucas Street. I also understand that the Town Staff recommends that the proposed branch and/or tree root impacts to Tree No. 1064, 1065, 1082, 1083, 1084, 1085 and 1086, located at 112, 120 and 116 Lucas Street also be permitted. It is noted, as detailed within the Arborist Report, that the proposed development at 116 Lucas Street would impact the Tree Protection Zones (TPZ) of Tree No. 1064, 1065, 1082, 1083, 1084, 1085 and 1086, in amounts ranging between 6% to 30% of the TPZ. As such, I submit that

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Richmond Hill, Ontario

further consideration be made to the impacts to the above-noted trees, prior to Town Staff recommending approval of the proposed development at 116 Lucas Street. Last, I note that the Tree Protection Preservation Plan mentioned within Town Staff Report No. SRPRS.19.118 was not made available, at the time I attended the Town Planning Counter.

### **Preservation of Heritage Character**

With respect to the Preservation of Heritage Character at 116 Lucas Street, please be advised that I have also had the opportunity to review the June 06<sup>th</sup>, 2018, Planning Justification Report submitted by Alexander Planning Inc. (“Alexander”), concerning the proposed development at 116 Lucas Street.

*Alexander indicated within their report that “... although not identified as a transition area within the Benson Hunt Tertiary Plan, the subject property forms a transition between a higher density apartment walk up development to the North and the single detached residential development to the South. As such, the introduction of a semi-detached built form to this property is appropriate as it serves to provide a transition in both height and density between existing multiple family dwellings to the North and the single detached 1 and 1-1/2 storey dwellings to the South. The proposed development implements the vision and design of the Benson Hunt Tertiary Plan.”*

In their concluding remarks, Alexander submitted that the proposed development at 116 Lucas Street was “... appropriate for the area...”, “... consistent with the policy documents...”, and would “... produce lots which are compatible with immediate neighbours and appropriate within the context of the surrounding neighbourhood.”

As such, and as indicated within Town Staff Report No. SRPRS.19.118, it is the opinion of Town Staff that the proposed design is “... compatible with the surrounding neighbourhood.” I note that the Town Staff’s recommendation to approve the proposed development at 116 Lucas Street is in great part founded on the Alexander report.

The Alexander report is factually incorrect in its description of the dwellings to the North of 116 Lucas Street. The dwellings immediately to the North of and adjacent to 116 Lucas Street, including 120, 120A, 122 and 122A Lucas Street and 126, 126A, 128 and 128A Lucas Street, are not “... higher density apartment walk up...” dwellings, but are in fact two double semi-detached two-storey dwellings. As such, the building descriptions offered within the Alexander report are misleading to area residents, Town Staff and Town Council. Contrary to the Alexander report conclusions, the proposed development at 116

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Lucas Street would, in fact, have a significant impact on the Preservation of Heritage Character at 116 Lucas Street.

### **Shadow Impact**

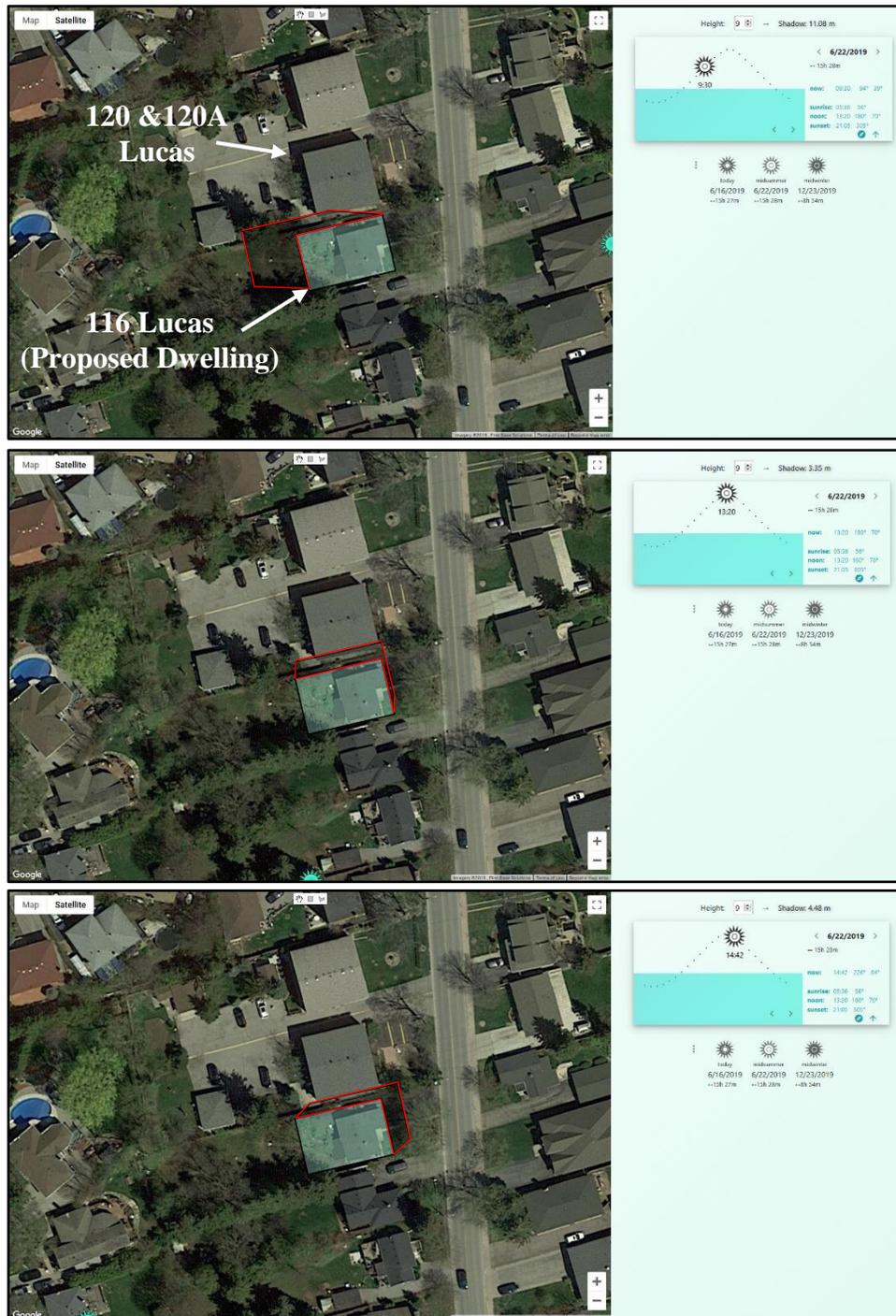
With respect to Shadow Impacts to the lands and dwellings adjacent to 116 Lucas Street and that may arise by the proposed development at 116 Lucas Street, it was noted within Town Staff Report No. SRPRS.19.118 that “... *the proposed development is not expected to create any adverse shadowing impacts on adjacent lands.*” I note that no formal Shadow Impact studies were submitted to the Town by the Applicant, as it relates to the proposed development at 116 Lucas Street. I also note that the Shadow Impacts from any given structure is a function of height and of distance.

Having no evidence that there would be no Shadow Impacts to the lands immediately North of and adjacent to 116 Lucas Street, I conducted a preliminary evaluation of the Shadow Impacts of the proposed development, as based on the proposed dwelling height and MIYS. Given that the South faces of 120 and 120A Lucas Street serve as the dwellings’ main and only entrances and that both dwellings only have two faces with windows, I have found that the Shadow Impacts to 120 and 120A Lucas Street by the proposed development would be extensive and adverse.

The proposed structure(s) would, in fact, create extensive cast shadow onto 120 and 120A Lucas Street, during most hours of most days of the year, and would substantially reduce sunlight and daylight exposure at 120 and 120A Lucas Street. The Shadow Impacts from the proposed dwellings at 116 Lucas Street and onto 120 and 120A Lucas Street are illustrated in the images of Figures 2 to 4 of this letter, as they would occur during fall and spring equinoxes and during winter and summer solstices.

As such, and contrary to the Town Staff report conclusions that “... *the proposed development is not expected to create any adverse shadowing impacts on adjacent lands*”, I submit that the statements offered within the Shadow Impact section of Town Staff Report No. SRPRS.19.118 are unfounded, misleading and fail to address the very real and significant Shadow Impacts that the proposed dwellings at 116 Lucas Street would create, on the lands and dwellings at 120 and 120A Lucas Street. Last, it is my opinion that Town Staff failed to perform its due diligence, by not ensuring that the Applicant provide a Shadow Impact report.

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120 Lucas Street,  
Richmond Hill, Ontario



**Figure 2 Shadow Impacts to 120, 120A Lucas Street, Summer Solstice**

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120 Lucas Street,  
Richmond Hill, Ontario

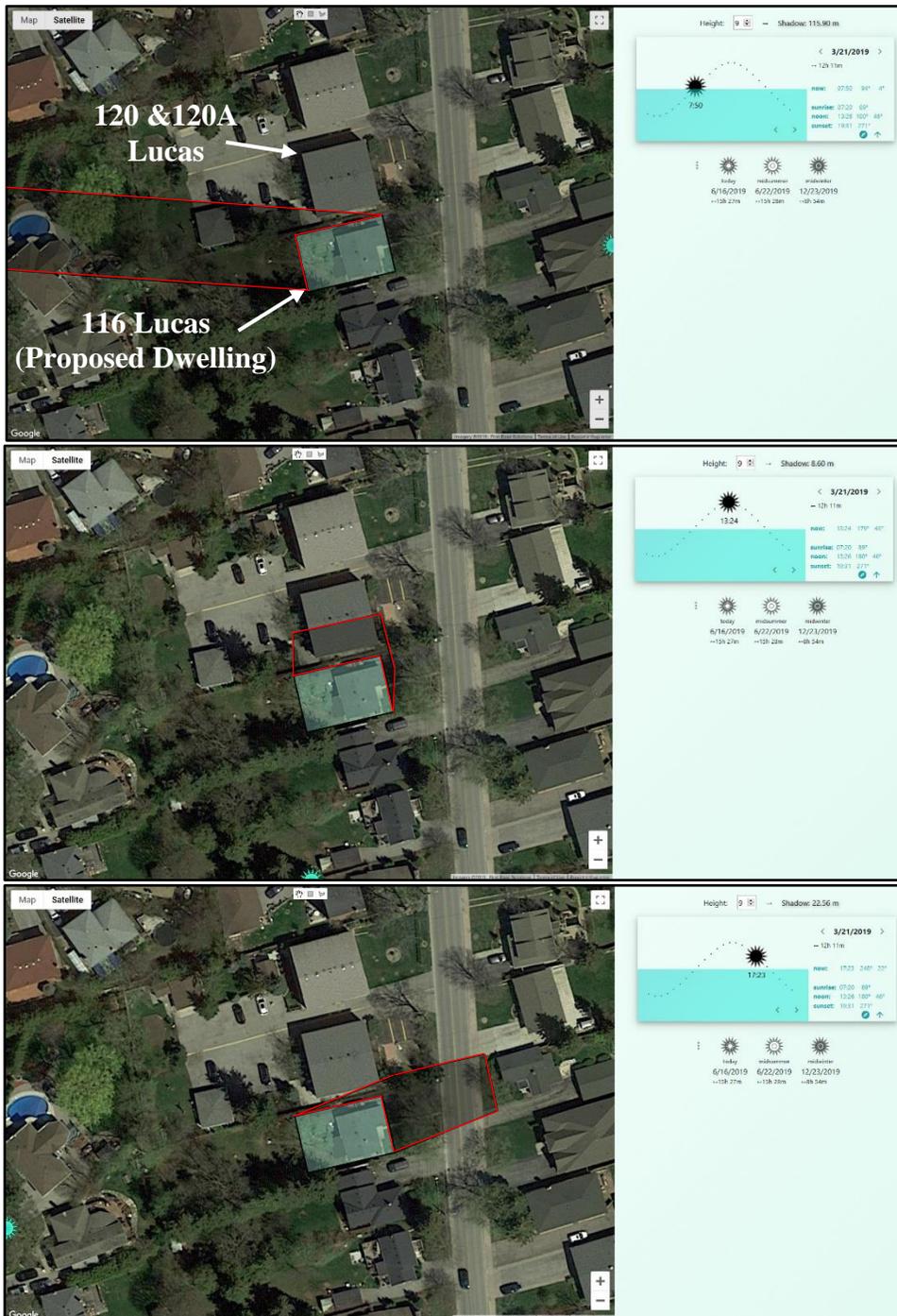


Figure 3 Shadow Impacts to 120, 120A Lucas Street, Fall/Spring Equinox

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120 Lucas Street,  
Richmond Hill, Ontario

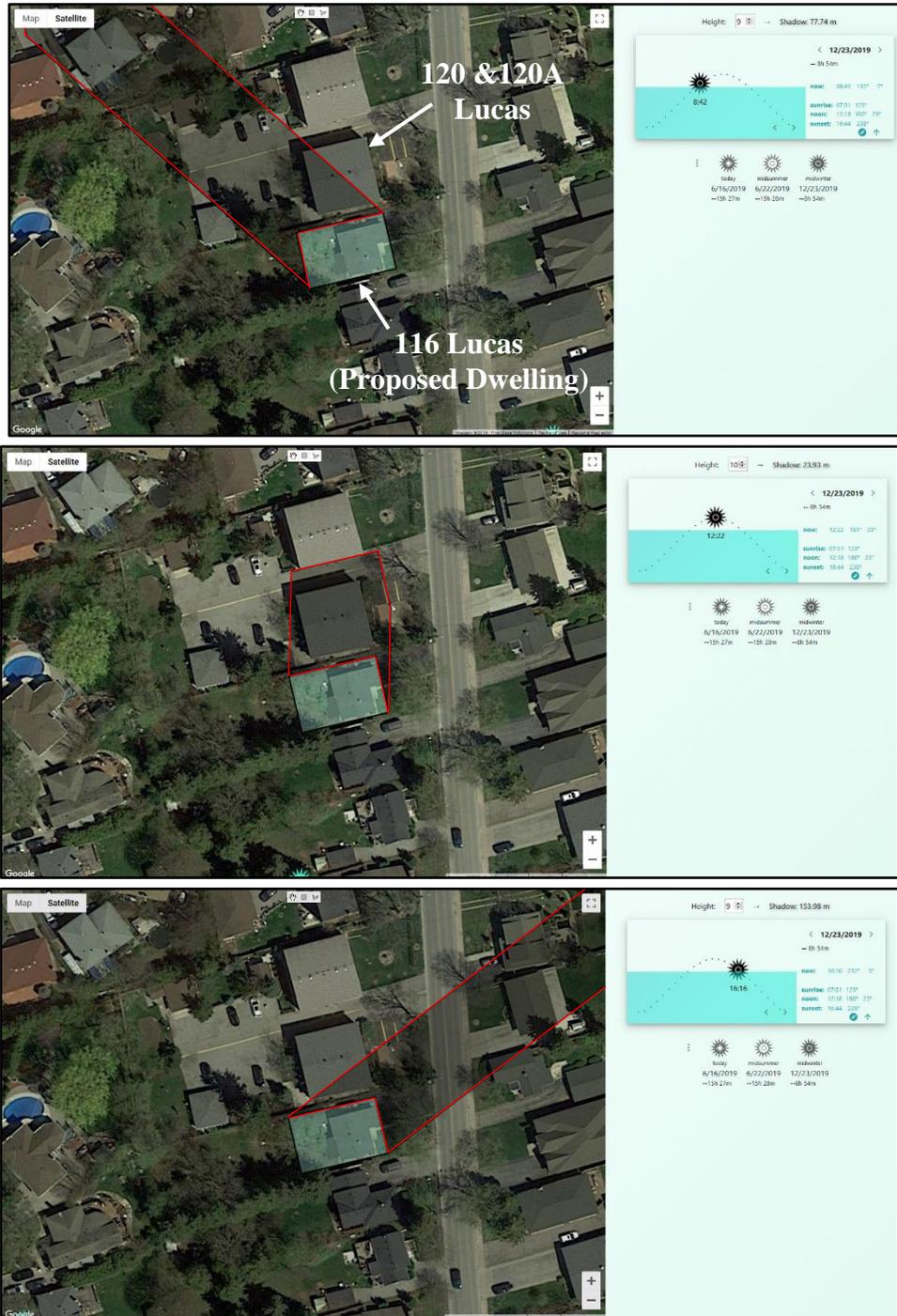


Figure 4 Shadow Impacts to 120, 120A Lucas Street, Winter Solstice

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120 Lucas Street,  
Richmond Hill, Ontario

### **Concluding Remarks**

In conclusion, should Town Council grant approval of the proposed R2 Zone By-law amendment(s) at 116 Lucas Street, I ask that any and all proposed site-specific exceptions to the applicable standards at 116 Lucas Street not be granted, and that any and all proposed structures at 116 Lucas Street conform to the design criteria of the RM1 Zone standards, including but not be limited to gross floor area and building height restrictions, maximum allowable garage widths, minimum front, rear and side yard setbacks, compatibility with adjacent building form(s) and tree preservation programs.

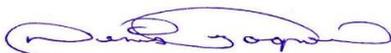
I also ask that Town Staff request that the Applicant perform and submit an official Shadow Impact study and that Town Staff carefully evaluate said study, prior to Staff recommending site-specific exceptions to the applicable standards at 116 Lucas Street. I note that my preliminary assessment of the Shadow Impacts by the proposed dwellings at 116 Lucas Street indicate that the Shadow Impacts would be significant and adverse in nature, to the residents at 120 and 120A Lucas Street.

Until such time that a formal Shadow Impact study has been submitted by the Applicant and evaluated by Town Staff, it is my opinion that approval of any site-specific exceptions at 116 Lucas Street would not be appropriate and would not constitute good planning.

Last, I ask that Town-owned Tree No. 1066 not be removed and that it be preserved to maintain the overall character of Lucas Street. I also ask that further consideration be given to the impacts on the TPZ of Tree No. 1064, 1065, 1082, 1083, 1084, 1085 and 1086, prior to Council granting approval of the proposed development at 116 Lucas Street.

In closing, I would ask that the Town also request that the Applicant provide cause for seeking a Zoning By-law Amendment at 116 Lucas Street.

Yours very truly,



Denis Gagnon, P.Eng.

120A Lucas St.  
Richmond Hill, Ontario L4C 4P5

June 17, 2019

Ms. Sarah Mowder, Planner I – Subdivisions, Development Planning Division  
Denis Bealieu, Manager of Development - Subdivisions  
Kelvin Kwan, Commissioner of Planning and Regulatory Services  
Neil Garbe, City Manager  
Councillor David West, Richmond Hill Ward 4 Councillor  
Town of Richmond Hill  
225 East Beaver Creek Rd.  
Richmond Hill, Ontario  
L4B 3P4

Dear Ms. Mowder, Councillor West, etal

**RE: Rezoning Application for 116 Lucas St., Town File #D02 – 18010**

We just received the notice (on Wednesday, June 12, 2019) for the Committee of the Whole Meeting to be held on Tuesday, June 18, 2019.

It is disturbing that the Staff and Council are trying to implement such drastic changes to the village core neighbourhood without giving the residents enough time to evaluate its recommendation. The professional planners and Staff and Council take time to work through this complicated matter, yet it expects non-professional citizens to react to its recommendation in less than a week. This cannot be allowed and we thus seek and believe we should be provided appropriate respect and courtesy, and allowed enough and appropriate time to respond to the Report. We thus request the Council to set aside this agenda to a later date so we can evaluate, analyse and respond accordingly.

**How can a 4,966.04 sq. ft. home (2 semi-detached) be allowed to be built on such a small lot?** This doesn't even take account of deck/porch that will be built that will make the development even bigger!

It is disturbing to note that the applicant changed the site plan from what they submitted at the Residents Information Meeting on February 27, 2019 wherein a 2,263 square feet development per unit (still being 80.34% overage variance) was proposed but this was increased to 2,483.02 square feet representing a 98% post-Meeting (18% overage from proposed Residents Meeting submission) over MGFA, even after allowing for proposed rezoning to RM1.

Moreover, the height has also increased from proposed 27' at Residents Meeting to 29.66' representing nearly 10% coverage. This 29.66' represents a miniscule 4.32% reduction in height from original application of a 31' three storey building.

The Minimum Interior Side Yard Setback also, if allowed, represents a dangerous precedent since houses will be close to one another. The application is looking for only 4.27' setback representing a 2.73' or 39% variance, even after allowing for rezoning to RM1. We should not allow homes being built too close to each other which could potentially create environmental and water flow challenges that is already a problem in the neighbourhood. Who will pay for infrastructure developments that will be required if such huge magnitude intensification is allowed?

The above represents a material change from the one submitted/proposed at the Residents Meeting and the residents who have interest in this application should have been informed of such a change and this could potentially create grounds for appeal.

The applicant's planner argues of existing multiple family dwellings to the North but fails to mention that these buildings conform to existing By-Laws and further confirms to current yard setbacks, MGFA, has low Maximum Coverage Area etc. Other arguments in the planners Report ("Alexander Report") are also misleading and it seems the Staff has accepted such argument which is flawed and doesn't make sense since The Benson /Tertiary Plan Area clearly refers to the proposed development site and the surrounding area as "Low Density Area", not a Medium Density or not even a "Transition Area".

All of the above has also not addressed questions we have raised before, namely, what would be the basis, rationale or justification for removing the lands from the provisions of amending by-laws 371-90 and 370-90 that the Applicant is requesting? Has there been some sort of City-wide initiative to dissolve these by-laws? If so, what kind of consultation has, or will happen in this regard?

Moreover, given the number of design related guideline documents and policies that are in place (Benson Hunt Tertiary Plan/Village Core Urban Design Guidelines), neither the incumbent nor the Staff have been able to demonstrate conformity to these documents and notwithstanding our requests for formal studies to be done (our letter of March 9, 2019) by conducting a more detailed and thorough built form review which should include an Urban Design Brief with Sun/Shadow study, nothing has been done. Therefore, unless the applicant can find a way to fit their building within the prescribed zone standards, the foregoing studies should be prepared and made available for public review.

It is obvious from the aforementioned that all variances are required only because the subject lot is skinny with a frontage that is undersized for a 4,966.04 sq ft. development thus confirming the proposed building is too big for lot size.

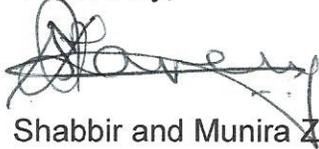
The aforementioned is not a good fit, nor is it compatible to the current village core neighbourhood since there are no monster homes in the area, and if permitted, this will be the first one allowed thus setting a dangerous precedent, destroying the character of the neighbourhood. Intensification should not adversely impact the community regarding

the environment, safety, density etc. The transition should fit the neighbourhood with good planning density. As a result, we will all be looking at concrete jungle brick walls from our houses. Is this Council willing to provide such a negative leadership?

We therefore implore The Council to continue to provide the vision, guidance and leadership to adhere to the applicable By-Laws, and the Tertiary Plan and Village Core guidelines to maintain the historical, charismatic and small-town character of the area and thus only permit the development that meets rules and guidelines, even after allowing for rezoning to RM1. No variances should be allowed.

I intend to address the Committee of the Whole meeting on Tuesday, June 18th, 2019.

Yours truly,

A handwritten signature in black ink, appearing to read 'Shabbir and Munira Zavery', written over a horizontal line.

Shabbir and Munira Zavery

cc. Mr. Stephen Huycke, The Town Clerk