



## **Staff Report for City Manager Delegated Authority**

**Date of Meeting:** August 26, 2020

**Report Number:** D.A.20.023

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** D.A.20.023 – Request for Approval –  
Assignment of Municipal Servicing Allocation –  
Laurier Homes (Richmond Hill) Inc. – City Files  
D06-18064, D06-18065, D06-18066 and D06-  
18067 (Related File D03-15006)

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### **Owner:**

Laurier Homes (Richmond Hill) Inc.  
150 Connie Crescent, Unit 4  
Vaughan, Ontario  
L4K 1L9

### **Agent:**

Evans Planning Inc.  
8481 Keele Street, Unit 12  
Vaughan, Ontario  
L4K 1Z7

### **Location:**

**Legal Description:** Part of Lot 4, Plan 3267 and Part of Lot 46, Concession 1, W.Y.S.  
**Municipal Addresses:** 44, 48, 54 and 60 Arnold Crescent

### **Purpose:**

A request for approval concerning the assignment of municipal servicing allocation to facilitate the construction of a residential development comprised of 3 single detached dwelling units and 88 stacked townhouse dwelling units on the subject lands.

### **Recommendations:**

- a) That the request by Laurier Homes (Richmond Hill) Inc. for 259.41 persons equivalent of additional servicing allocation (3 single detached dwellings and 88 stacked townhouse dwellings) for the lands known as Part of Lot 4,

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**Plan 3267 and Part of Lot 46, Concession 1, W.Y.S. (Municipal Addresses: 44, 48, 54 and 60 Arnold Crescent), City Files D06-18064, D06-18065, D06-18066 and D06-18067, be approved; and,**

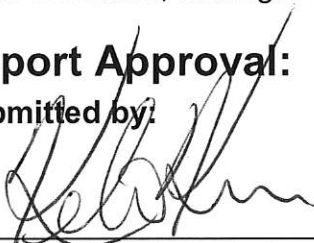
- b) **That the assigned servicing allocation be released by the Commissioner of Planning and Regulatory Services in accordance with By-law 109-11.**

### Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or  
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

### Report Approval:

Submitted by:



Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by:

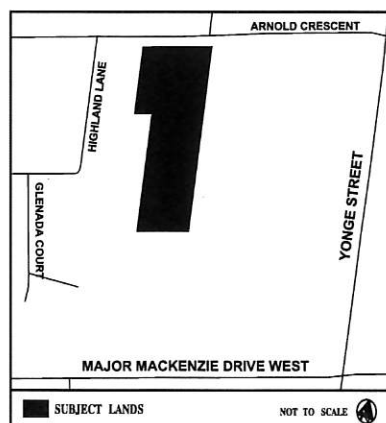


Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

### Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



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### Background:

On February 13, 2017, Council endorsed the recommendations of Staff Report SRPRS.17.023 and advised the then Ontario Municipal Board (now the Local Planning Appeal Tribunal or LPAT) that the City supported proposed Zoning By-law Amendment and draft Plan of Subdivision applications (City Files D02-15019 and D03-15006) to permit a residential development comprised of 3 single detached dwellings and 88 stacked townhouse dwellings on the subject lands (refer to Appendix “A”). The LPAT issued an Order approving the Zoning By-law Amendment and draft Plan of Subdivision applications on July 12, 2018 (refer to Appendix “B”).

The applicant has submitted a request for municipal servicing allocation in order to facilitate the issuance of Site Plan approval and the construction of the proposed development on the subject lands. The purpose of this report is to seek the City Manager’s approval to assign municipal servicing allocation (259.41 persons equivalent) to the proposed development on the subject lands.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located on the south side of Arnold Crescent, west of Yonge Street, and have a total lot area of 1.123 hectares (2.77 acres) (refer to Map 1). The lands presently support two single detached dwellings which are proposed to be demolished, and abut Arnold Crescent to the north, commercial uses to the east, and residential uses to the south and west.

#### Proposed Development

The proposed development is comprised of 3 single detached dwellings and 88 stacked townhouse dwellings on the subject lands (refer to Map 2). The following is a summary table outlining the relevant statistics of the applicant’s development proposal based on the current plans and drawings submitted to the City as part of the Site Plan approval process:

- **Total Lot Area:** 1.123 hectares (2.775 acres)
  - **Public Road/Sight Triangle:** 0.303 hectares (0.749 acres)  
(Blocks 1 and 2)
  - **Single Detached Dwellings (Block 3):** 0.134 hectares (0.331 acres)
  - **Townhouse Dwellings (Block 4):** 0.686 hectares (1.694 acres)
- **Total Number of Dwelling Units:** 91
  - **Single Detached Dwellings:** 3
  - **Stacked Townhouse Dwellings:** 88
- **Proposed Density:** 81.03 units/hectare (32.79 units/acre)
- **Proposed Floor Area Ratio (FAR):** 0.97

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### Interim Growth Management Strategy

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of municipal servicing allocation. The eight growth management criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has identified that the proposed development would meet Criteria 1, 3, 4, 5, 6, 7 and 8 (refer to Appendix “C”). Additionally, the proposed development has been reviewed in accordance with the City’s Sustainability Performance Metrics chart and has achieved a score of 42 which is considered a “good” performance level. Staff has reviewed the submission and agrees that the proposal meets the aforementioned criteria, as follows:

- the subject lands are located within the Downtown Local Centre, which comprises a variety of existing and/or planned residential, commercial and retail uses, parks and open spaces;
- the proposed development will facilitate the extension of Elizabeth Street south of Arnold Crescent. Ultimately, the road is planned to connect to Major Mackenzie Drive West when adjacent lands to the south redevelop, thereby providing a key north-south alternative to Yonge Street when travelling through the Downtown Core;
- the proposed development is located one block west of the Downtown Core along Yonge Street and is within the Downtown Local Centre as identified in the Official Plan. The proposed development will enable future residents to utilize the amenities located in the Downtown Core;
- the subject lands are located approximately 167 metres west of Yonge Street. York Region Transit operates several bus routes along Yonge Street through the Downtown Core, including the VIVA Blue Line and route 98/99 along Yonge Street. In addition, routes 589/590 also operate as an ‘on-request’ service along Yonge Street, Arnold Crescent and Major Mackenzie Drive. Further, routes 4/4a and 25 both operate along Major Mackenzie Drive West in close proximity to the proposed development. The nearest bus stops are located at the intersection of Arnold Crescent and Yonge Street, a distance of approximately 200 metres;
- a Sustainability Metrics Implementation Tool has been prepared by the applicant in support of the proposed development. Through the implementation of various measures, including minimizing surface parking, providing traffic calming measures



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on new residential roads, sub-metering dwelling units to promote energy conservation, using energy efficient lighting and occupancy sensors, and providing waste separation on site, the proposed development achieves a score of 42, which is considered a “good” performance level;

- the proposed development seeks to implement the vision of the Official Plan with regard to intensification of the Downtown Local Centre. The proposed development will intensify and make more efficient use of four under-utilized properties within the Downtown Local Centre, while providing an appropriate transition to the existing low density residential uses to the north, west and south; and,
- the stacked townhouse dwelling units provide an alternative housing form and tenure which will contribute to the range of housing options within this area of the City.

The subject lands are comprised of four (4) existing single detached dwelling lots resulting in a servicing allocation credit for 14.24 persons equivalent. The proposed development requires a total of 273.65 persons equivalent of servicing allocation, resulting in a requirement for 259.41 persons equivalent of additional servicing allocation in order to facilitate construction of the proposed development on the subject lands.

Staff further notes that the metrics that the applicant has committed to in support of its allocation request will be secured through the Site Plan approval process and reflected in the Site Plan Agreement, where applicable. The approved plans forming part of the Site Plan Agreement must denote the applicable metrics and depict the requisite information on said plans.

### Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

### Relationship to the Strategic Plan:

The recommendations of this report will facilitate a development proposal that is aligned with the City's Strategic Plan. In this regard, the development proposal is aligned with **Goal One – Stronger Connections in Richmond Hill** by providing opportunities for connections at a neighbourhood level, **Goal Two – Better Choice in Richmond Hill** by providing better options for where to live, and **Goal Four – Wise Management of Resources in Richmond Hill** by creating opportunities for reducing commute times, increasing access and incorporating energy efficient design.

### Conclusion:

The applicant is seeking the City Manager's approval of its request for the assignment of municipal servicing allocation to facilitate a low and medium density residential development to be constructed on its land holdings. Staff is of the opinion that the development proposal satisfies the City's Interim Growth Management Strategy criteria and is consistent with the City's servicing allocation policy. On this basis, staff

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recommends that the City Manager assign 259.41 persons equivalent of servicing allocation to facilitate final approval and construction of the proposed development on the subject lands.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix "A", Extract from Council Meeting C#04-17 held February 13, 2017
- Appendix "B", LPAT Decision (Case Number PL160105) dated July 12, 2018
- Appendix "C", IGMS Report prepared by Evans Planning Inc., dated August 14, 2020
- Map 1, Aerial Photography
- Map 2, Proposed Site Plan
- Map 3, Proposed Renderings (Townhouse Block)
- Map 4, Proposed Elevations (Single Detached Dwellings)



This is an aerial map of a residential neighborhood. The map shows numerous property lots, each outlined in orange and labeled with a number. A prominent red dashed line outlines a specific area in the center of the map, which appears to be a large, undeveloped lot or a park area. The map is oriented with North at the top. Several streets are labeled in white text with black outlines: LORNE AVENUE (top), YONGE STREET (top center), ARNOLD CRESCENT (left side), HIGHLAND LANE (center), GLENADA COURT (center right), GLENADA COURT (bottom right), and GUINEVERE COURT (bottom right). The lots are numbered in various sequences, such as 10097, 10099, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10069, 10070, 10071, 10072, 10073, 10074, 10075, 10076, 10077, 10078, 10079, 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087, 10088, 10089, 10090, 10091, 10092, 10093, 10094, 10095, 10096, 10097, 10098, 10099, 10100, 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, 10123, 10124, 10125, 10126, 10127, 10128, 10129, 10130, 10131, 10132, 10133, 10134, 10135, 10136, 10137, 10138, 10139, 10140, 10141, 10142, 10143, 10144, 10145, 10146, 10147, 10148, 10149, 10150, 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10163, 10164, 10165, 10166, 10167, 10168, 10169, 10170, 10171, 10172, 10173, 10174, 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191, 10192, 10193, 10194, 10195, 10196, 10197, 10198, 10199, 10200, 10201, 10202, 10203, 10204, 10205, 10206, 10207, 10208, 10209, 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10219, 10220, 10221, 10222, 10223, 10224, 10225, 10226, 10227, 10228, 10229, 10230, 10231, 10232, 10233, 10234, 10235, 10236, 10237, 10238, 10239, 10240, 10241, 10242, 10243, 10244, 10245, 10246, 10247, 10248, 10249, 10250, 10251, 10252, 10253, 10254, 10255, 10256, 10257, 10258, 10259, 10260, 10261, 10262, 10263, 10264, 10265, 10266, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, 10294, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, 10328, 10329, 10330, 10331, 10332, 10333, 10334, 10335, 10336, 10337, 10338, 10339, 10340, 10341, 10342, 10343, 10344, 10345, 10346, 10347, 10348, 10349, 10350, 10351, 10352, 10353, 10354, 10355, 10356, 10357, 10358, 10359, 10360, 10361, 10362, 10363, 10364, 10365, 10366, 10367, 10368, 10369, 10370, 10371, 10372, 10373, 10374, 10375, 10376, 10377, 10378, 10379, 10380, 10381, 10382, 10383, 10384, 10385, 10386, 10387, 10388, 10389, 10390, 10391, 10392, 10393, 10394, 10395, 10396, 10397, 10398, 10399, 10400, 10401, 10402, 10403, 10404, 10405, 10406, 10407, 10408, 10409, 10410, 10411, 10412, 10413, 10414, 10415, 10416, 10417, 10418, 10419, 10420, 10421, 10422, 10423, 10424, 10425, 10426, 10427, 10428, 10429, 10430, 10431, 10432, 10433, 10434, 10435, 10436, 10437, 10438, 10439, 10440, 10441, 10442, 10443, 10444, 10445, 10446, 10447, 10448, 10449, 10450, 10451, 10452, 10453, 10454, 10455, 10456, 10457, 10458, 10459, 10460, 10461, 10462, 10463, 10464, 10465, 10466, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481, 10482, 10483, 10484, 10485, 10486, 10487, 10488, 10489, 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10499, 10500, 10501, 10502, 10503, 10504, 10505, 10506, 10507, 10508, 10509, 10510, 10511, 10512, 10513, 10514, 10515, 10516, 10517, 10518, 10519, 10520, 10521, 10522, 10523, 10524, 10525, 10526, 10527, 10528, 10529, 10530, 10531, 10532, 10533, 10534, 10535, 10536, 10537, 10538, 10539, 10540, 10541, 10542, 10543, 10544, 10545, 10546, 10547, 10548, 10549, 10550, 10551, 10552, 10553, 10554, 10555, 10556, 10557, 10558, 10559, 10560,

BLOCK 17

## Legend

**CHIEF** SUBJECT LANDS



UNDER SEPARATE SPA SUBMSION (SINGLES)



ENCLOSED ORDINANCES AND NOTIFICATIONS IN GENERAL CONFORMITY WITH THE CITY OF RICHMOND HILL.  
 10-1-2008 10:00 AM 10:00 AM 10:00 AM 10:00 AM 10:00 AM

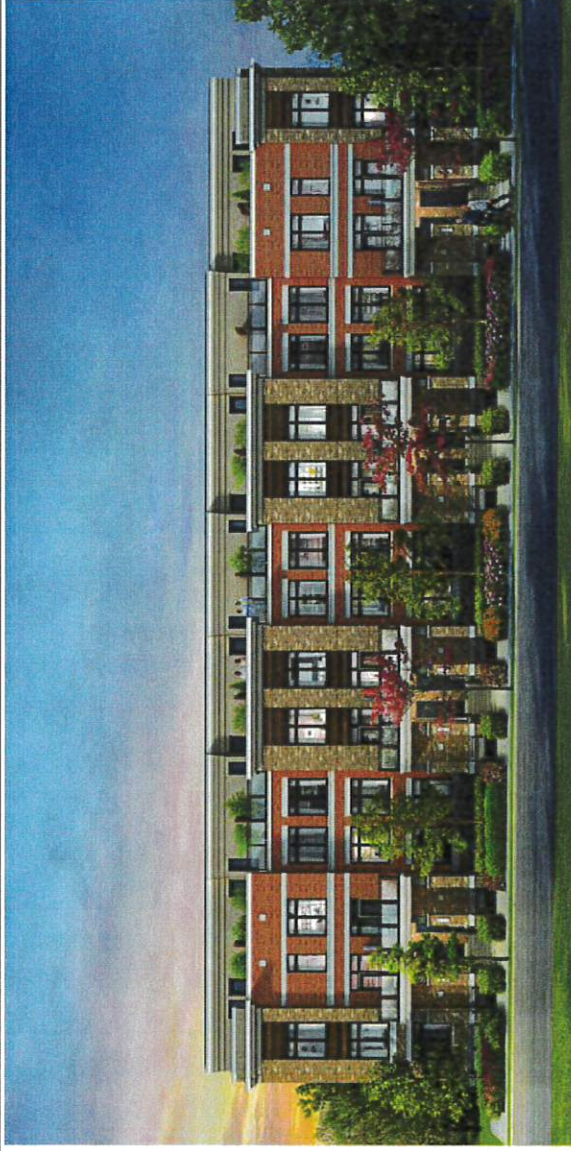
ISSUED FOR BUILDING PERMIT - 2020 07 20

7) UNDERGROUND FOOTING HAS BEEN SET TO THE DEEPEST FOOTING FOR PARALLEL STRUCTURE (SEE STRUCTURAL ENGINEER PLANS). THE CONTRACTOR MAY SET FOOTINGS AT HIS DISCRETION, SO LONG AS A MINIMUM OF 1.76M FROM UNDERGROUND FOOTING TO THE PROPOSED GRADE IS MAINTAINED THROUGHOUT FOR THE PERIMETER OF THE BUILDING.

SF/HL A.D.20.023



# MAP 3 - PROPOSED RENDERINGS (TOWNHOUSE BLOCK)



1 EAST ELEVATION



1 WEST ELEVATION

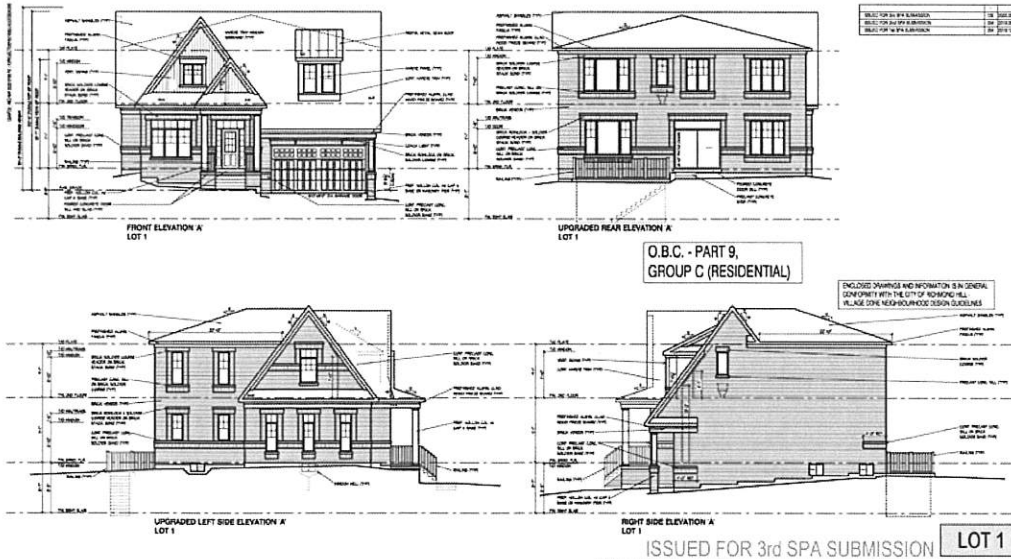
ISSUED FOR

CITY OF RICHMOND HILL  
PLANNING AND REGULATORY  
SERVICES DEPARTMENT

SF/HL A.D.20.023



# MAP 4 - PROPOSED ELEVATIONS (SINGLE DETACHED DWELLINGS)



**Appendix A**  
**Extract from Council Meeting**  
**C#04-17 held February 13, 2017**  
**Confirmatory By-law 16-17**

**4.0 Request for Direction – Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium Applications – Laurier Homes (Richmond Hill) Inc. – 44, 48, 54 and 60 Arnold Crescent – Files Numbers D02-15019, D03-15006 and D05-15007 - (Staff Report SRPRS.17.023)**

Moved by: Councillor West

Seconded by: Councillor Cilevitz

- a) That the Ontario Municipal Board be advised that Council does not support the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium applications submitted by Laurier Homes (Richmond Hill) Inc. (File Numbers D02-15019, D03-15006 and D05-15007) as outlined in Staff Report SRPRS.17.023 for the following principle reasons:
  - i) lack of compatibility with the existing character of adjacent and surrounding areas;
  - ii) lack of compatibility and respect for the character of the Arnold Cres. streetscape resulting from the loss of mature trees, the introduction of semi-detached dwellings where none exist presently, the reduced front yard setbacks of the proposed dwellings compared to existing homes, and the minimal lot depths proposed;
  - iii) the overall height and density of the stacked townhouse development does not provide an appropriate transition between the low density residential lands to the west and to the south;
  - iv) lack of appropriate buffering and transition between the development and the historic cemetery lands to the east;
  - v) impacts on the heritage character of area including the designated and listed heritage buildings in the area, especially related to Arnold Cres. and the McConaghy Centre to the east;
- b) That the retainer of outside experts to be chosen by the Town Solicitor, subject to such terms and conditions as approved by the Town Solicitor, to attend at the Ontario Municipal Board hearing with respect to Council's decision, as required, be approved;
- c) That the Town Solicitor be directed to request Ontario Municipal Board-led mediation with the applicant and to report back in the event of any proposed settlement to resolve some or all of Council's reasons for appeal.

Motion Failed to Carry

**Appendix A**  
**Extract from Council Meeting**  
**C#04-17 held February 13, 2017**  
**Confirmatory By-law 16-17**

Moved by: Regional and Local Councillor Spatafora  
Seconded by: Councillor Beros

- a) That the Ontario Municipal Board be advised that Council supports in principle the Zoning By-law Amendment, Draft Plans of Subdivision and Condominium (Common Element) applications submitted by Laurier Homes (Richmond Hill) Inc. for lands legally described as Part of Lot 4, Plan 3267, Part of Lot 46, Concession 1, W.Y.S. (municipal addresses: 44, 48, 54 and 60 Arnold Crescent), File Numbers D02-15019, D03-15006 and D05-15007, based on the plan titled "214097 – Laurier Homes, Scheme G, prepared by 4 Architecture Inc., dated January 2017, Drawing Number 214097DSP01 (the "Revised Application");
- b) That staff be directed to continue to work with the applicant to finalize the subject Zoning Bylaw Amendment, draft Plan of Subdivision and draft Plan of Condominium, and their respective conditions (collectively referred to as the "Planning Instruments"), required to implement the Revised Application, to the satisfaction of the Commissioner of Planning and Regulatory Services;
- c) That appropriate Town staff be directed to appear at the Ontario Municipal Board hearing in support of Council's position;
- d) That the Ontario Municipal Board be requested to withhold its Final Order(s) respecting the Planning Instruments until such time as a related Site Plan application has been submitted to the Town and finalized to the satisfaction of the Commissioner of Planning and Regulatory Services and upon payment of the applicable processing fees for the above noted applications in accordance with the Town's Tariff of Fees By-law 95-16; and
- e) Council resolves to accept cash-in-lieu of parkland dedication for the development proposal.

Carried



August 14, 2020

City of Richmond Hill  
Planning and Regulatory Services  
225 East Beaver Creek Road  
Richmond Hill, Ontario  
L4C 4Y5

Attn: Mr. Calvin Kwan, Commissioner, Planning & Regulatory Services

Dear Mr. Kwan,

RE: Interim Growth Management Strategy Report  
Draft Plan of Subdivision (D03-15006)  
Site Plan Control Approval (City Files: D06-18064, D06-18065, D06-18066, D06-18067)  
Laurier Homes (Richmond Hill) Inc.  
Lot 4 of Registered Plan 3267 and Part of Lot 46, Concession 1  
44, 54, 58 and 60 Arnold Crescent

Applications for Draft Plan of Subdivision and Site Plan Control approval have been submitted to the City of Richmond Hill for properties located at 44, 54, 58, and 60 Arnold Crescent. The applications contemplate the re-development of these lands with a three new single detached lots fronting onto Arnold Crescent, the extension of Elizabeth Street South beyond Arnold Crescent, and 88 stacked townhouse dwelling units fronting onto the new public road.

A Zoning By-law Amendment to facilitate the development was approved by the Local Planning Appeal Tribunal (LPAT) in a decision issued on July 12, 2018. The implementing Zoning By-law was approved by City of Richmond Hill Council as By-law 69-20 on July 8, 2020.

The subject lands are comprised of 4 individual lots of record, and currently support three (3) single detached homes. Therefore, eighty-eight (88) new residential units will be required to qualify for servicing allocation within the interim period.

Town of Richmond Hill Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. Providing community benefits and completion of required key infrastructure.
2. Developments that have a mix of uses to provide for live-work relationships.
3. Developments that enhance the vitality of the Downtown Core.
4. Higher-order transit supportive development.



5. Developments that represent sustainable and innovative community and building design.
6. Completion of communities.
7. Small scale infill development.
8. Opportunities to provide affordable housing.

This submission examines the project's eligibility criteria with respect to the Interim Growth Management Strategy on Servicing Allocation. It is our opinion that the proposal satisfies several of the qualifying criteria identified in Staff Report SPRD.08.032. The following is a summary of the features of this proposal which we believe meet the qualifying criteria to grant this project servicing allocation.

**1. Providing community benefits and completion of required key infrastructure.**

The proposed development will facilitate the extension of Elizabeth Street South past Arnold Crescent. The first leg of the new public road provided through the proposed development has been approved by City Council. Ultimately, the road will connect to Major Mackenzie Drive West when the lands south of the subject property are redeveloped, and will provide a key north-south alternative to Yonge Street for travelling through the Downtown Core.

**3. Developments that enhance the vitality of the Downtown Core.**

This development is located one block west of the Downtown Core along Yonge Street, and is within the Downtown Local Centre as identified within the Official Plan. The subject property is located less than a five-minutes' walk for future residents. Sidewalks already exist along Arnold Crescent, and the extension of Elizabeth Street South will be a public road which also contains a sidewalk. As a result, there will be a direct pedestrian connection to the heart of the Town's Downtown Core for all units within the development. The net gain of 88 dwellings will enable the future residents of the proposed development to utilize the amenities located in the Downtown Core.

**4. Higher-order transit supportive development.**

The subject property is located approximately 167 metres west of Yonge Street. York Region Transit operates several bus routes along Yonge Street through the Downtown Core, including the VIVA Blue Line and route 98/99 (Yonge). Route 589/590 (Richmond Hill Local) also operates as an 'on-request' service along Yonge Street, Arnold Crescent and Major Mackenzie Drive. Further, route 4/4A (Major Mackenzie), and route 25 (Major Mackenzie) operate along Major Mackenzie Drive in proximity to the subject property. The nearest bus stops are located at the intersection of Arnold Crescent and Yonge street, a distance of approximately 200 metres.

Additionally, the subject property is almost entirely located within the proposed Major Mackenzie BRT Station Major Transit Station Area as contemplated by the Region of York as part of its ongoing Municipal Comprehensive Review.

The proposed residential development contemplated transit supportive densities within an MTSA, thus providing easy access to existing public transit infrastructure providing both inter- and intra-regional connections.



### **5. Developments that represent sustainable and innovative community and building design.**

A Sustainability Metrics Implementation Tool has been provided in support of the Site Plan Control application for the Stacked Townhouse portion of the development (City File D06-18064). Through the implementation of various measures, including minimizing surface parking, providing traffic calming strategies on new residential roads, sub-metering dwelling units to promote energy conservation, using energy efficient lighting and occupancy sensors, and providing waste separation on site, the development has achieved a score of 42, which places it at the 'Good' performance level. The location of the subject property in proximity to higher order transit and the amenities located along the Yonge Street corridor also contribute to this score.

The proposed single detached dwellings are to be built to Energy Star standards, achieving energy efficiency greater than a home constructed to the standards of the Ontario Building Code.

### **6. Completion of communities.**

The proposed development seeks to intensify underutilized lands within the Downtown Local Centre, and within a proposed MTSA. The proposed dwellings will be in close proximity to existing community and commercial amenities. The development provides a more intensified and efficient use of resources when compared to the current condition of the property. The proposed development will introduce stacked townhouse dwellings to the area, thus further aiding to the diversity of housing options within the community. Residents of the proposed units will be able to easily access existing amenities and infrastructure. Further, the height of the contemplated development represents a transition from the Downtown Local Centre to the existing single detached built form west of the subject property.

Finally, the proposed development will facilitate the extension of a new public road through the extension of Elizabeth Street South past Arnold Crescent. This extension is ultimately to connect to Major Mackenzie Drive West, providing a key north-south alternative to Yonge Street for travelling through the Downtown Core.

### **7. Small scale infill development.**

The proposed development seeks to implement the vision of the Richmond Hill Official Plan with regard to intensification within the Downtown Local Centre. The development will intensify and make more efficient use of four under-utilized properties within the Local Centre, while providing an appropriate transition to the adjacent lands to the west. The design and massing of the proposed development is compatible with the existing community, and will facilitate the future extension of Elizabeth Street South to Major Mackenzie Drive in the future.

### **8. Opportunities to provide affordable housing.**

The proposed development is to be sold at market rates, however the stacked townhouse dwellings provide an alternative housing form and tenure which will contribute to the range of housing options within this area of the Town. Generally, stacked townhouse dwellings represent a more affordable option when compared to single detached dwellings.

**Conclusion**

In summary, many of the objectives of the qualifying criteria identified in Staff Report SRPD 08.032 will be satisfied through the approval of allocation for the proposed development. The submitted development plan will promote the objectives of all but criterion 2. Should you have any additional questions or comments regarding this project's conformity with the criteria, or require any further information, please contact the writer at your earliest convenience.

Yours truly,



Adam Layton, RPP, MCIP

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** July 12, 2018

**CASE NO(S):** PL160105

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Laurier Homes (Richmond Hill) Inc.
Subject:	Application to amend Zoning By-law No. 66-71, as amended – Refusal or neglect of Town of Richmond Hill to make a decision
Existing Zoning:	"Residential First Density (R1) Zone"
Proposed Zoning:	"Residential Second Density (R2) Zone" and "Residential Multiple Second Density (RM2) Zone"
Purpose:	To permit the development of 4 single-detached dwellings and 37 condominium block townhouse units
Property Address/Description:	44, 48, 54 and 60 Arnold Crescent/ Lot 4 of Registered Plan 3267 and Part of Lot 46, Concession 1
Municipality:	Town of Richmond Hill
Municipal File No.:	D02-15019
OMB Case No.:	PL160105
OMB File No.:	PL160105
OMB Case Name:	Laurier Homes (Richmond Hill) Inc. v. Richmond Hill (Town)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Laurier Homes (Richmond Hill) Inc.
Subject:	Proposed Plan of Subdivision - Failure of the Town of Richmond Hill to make a decision
Purpose:	To permit the development of 4 single-detached dwellings and 37 condominium block

Property Address/Description: townhouse units  
44, 48, 54 and 60 Arnold Crescent/ Lot 4 of  
Registered Plan 3267 and Part of Lot 46,  
Concession 1

Municipality: Town of Richmond Hill  
Municipal File No.: D03-15006  
OMB Case No.: PL160105  
OMB File No.: PL160106

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Laurier Homes (Richmond Hill) Inc.  
Subject: Proposed Plan of Condominium - Failure of  
the Town of Richmond Hill to make a decision  
Purpose: To permit the development of 4 single-  
detached dwellings and 37 condominium block  
townhouse units

Property Address/Description: 44, 48, 54 and 60 Arnold Crescent/ Lot 4 of  
Registered Plan 3267 and Part of Lot 46,  
Concession 1

Municipality: Town of Richmond Hill  
Municipal File No.: D05-15007  
OMB Case No.: PL160105  
OMB File No.: PL160107

**Heard:** March 27-31, 2017 in Richmond Hill, Ontario

## **APPEARANCES:**

### **Parties**

Laurier Homes (Richmond Hill) Inc.  
Town of Richmond Hill  
Don Thomson

### **Counsel\*/Representative**

Stephen Waque\*; Isaac Tang\*  
Sylvan Roleau\*; Alexis Alyea\*; A. Adani\*  
M. Virginia MacLean\*

### **Participants**

Elyse Pomeranz  
David Fleiner

Self-represented  
Self-represented

Harry Harakh	Self-represented
Ingrid Wharton	Self-represented
David Mock	Walter Haluza
Mostafa Showracki	Pierre Amplemann

## **DECISION OF THE TRIBUNAL DELIVERED BY STEFAN KRZECZUNOWICZ**

### **INTRODUCTION**

[1] This was a hearing into an appeal by Laurier Homes (Richmond Hill) Inc. (the “Applicant”) of the failure of the Town of Richmond Hill (the “Town”) to make decisions on applications for a zoning by-law amendment and draft plans of subdivision and condominium for a proposed redevelopment at 44, 48, 54, and 60 Arnold Crescent (the “site”).

[2] The Applicant’s original proposal was for 37 townhouses and four single detached houses fronting an interior driveway. Following extensive consultation with the other parties, the application was revised so that the rezoning and draft plans would permit three single detached houses fronting Arnold Crescent and 88 townhouses fronting a new public road on the site (see Exhibit 3, Tab 3). Town Council expressed its support for the revised applications on February 13, 2017 (Exhibit 4). Don Thomson did likewise through Minutes of Settlement signed with the Applicant on March 24, 2017 (Exhibit 1). The revised applications before the Tribunal therefore represent a settlement between all three parties.

### **Physical Context**

[3] The site is an amalgam of four properties: 1.1 hectares in area with about 70 metres of frontage along Arnold Crescent. It is located near the intersection of Yonge and Major Mackenzie Drive, an area that is both the historical commercial centre of the Town and the focus of much redevelopment activity in recent years.



[4] The site is bounded by Arnold Crescent to the north, the Richmond Hill Cemetery to the west, and private residential lands to the south and west. Mature trees abound, both on and near the site.

### **Witnesses**

[4] The Tribunal heard evidence from Murray Evans, Stephen Hunt, and Anil Seegobin, whom the Board qualified to provide expert opinion evidence in matters of land use planning, architecture and urban design, and transportation planning and transportation engineering respectively.

[5] The revised applications were opposed by six Participants.

### **LEGISLATIVE TESTS**

[6] In this appeal the Tribunal must consider the merits of the redevelopment with reference to the “provincial interests” set out in s. 2 of the *Planning Act* (the “Act”). The adjudicative tests to be applied include whether the proposal conforms to applicable provincial and official plans and whether it is consistent with the Provincial Policy Statement, 2014 (“PPS”).

[7] In considering the draft plan of subdivision, the Tribunal must also have regard to the list of relevant subdivision evaluation criteria in s.51(24) of the Act and, with respect to any conditions of approval, the requirements of s.51(25) of the Act.

[8] The Tribunal must also have regard to the decisions of Town Council on the amendment and the information Council had when making its decisions. Among the many documents entered into evidence in this respect were:

- a. Town staff report supporting the revised applications (Exhibit 5c, Tab 22)
- b. Council’s resolution to support the revised applications (Exhibit 4)

- c. Draft Zoning By-law Amendment (Exhibit 1, Schedule "B")
- d. Draft Plans of Subdivision and Condominium (Exhibit 5c, p.955)
- e. Draft Plan of Subdivision and Condominium approval conditions (Exhibit 5c, pp.956-67 and pp.968-71)

[9] As well, minutes of the meeting of the Town's Committee of the Whole in which the revised proposal was presented and discussed were entered into evidence as Exhibit 3.

### **PARTICIPANTS' CONCERNS**

[10] The Participants had direct and legitimate interests in the Applicant's proposal and unanimously opposed the development, though not always for the same reasons. Two, Elyse Pomeranz and Ingrid Wharton, are residents of Arnold Crescent, Ms. Wharton having lived on the street for more than 50 years. Two more, Harry Harakh and David Mock, held the perspective of abutting neighbours. Both David Fleiner and Dr. Mostafa Showracki live further afield, though still within the neighbourhood context.

[11] The overlapping concerns were that the proposed development:

- a. would require the removal of 104 trees—many of them mature—on the site;
- b. would lead to unacceptable vehicular traffic along Arnold Crescent;
- c. would not adequately respect important cultural heritage features, including Ms. Wharton's designated heritage home on Arnold Crescent; and
- d. represents overdevelopment and excessive intensification for the site.

[12] In this last respect, Mr. Fleiner, who exhibited detailed knowledge of the land use planning policy context, viewed the proposed townhouses as too tall and too dense and the public roadway as poorly planned.

[13] Walter Haluza spoke on behalf of Mr. Mock. Both represent the interests of the Richmond Hill Cemetery Board, which owns and operates a cemetery to the immediate east of the site. Their concerns centred on the public roadway, specifically:

- a. the utility of a sidewalk, which they felt it to be unnecessary;
- b. the setback of the road from the cemetery lot line, which they felt to be too narrow; and
- c. root and tree damage arising from road construction.

[14] Finally, Ms. Wharton, Dr. Showracki (through his agent Pierre Amplemann), and Mr. Fleiner felt that introducing the 88 townhouse proposal—up from 37 townhouses in the original application—in February 2017 gave them insufficient time to respond to what were substantial revisions and effectively excluded them from the public process in which they had, up until then, been active participants. In their view, the applications should have been formally resubmitted and a new public process started. Mr. Fleiner testified that, had he known the Town would agree to the revised proposal, he might have sought party status in the appeal.

## **DISPOSITION**

[15] The Tribunal will allow the appeals. General reasons for this decision are provided below, including analysis that more directly addresses the Participants' concerns.

[16] The Tribunal accepts Mr. Evans's testimony that the proposal represents appropriate transit-supportive intensification that would make efficient use of existing

municipal infrastructure and services within a Settlement Area. The proposed design is for a compact built form that would make more efficient use of the site and would contribute to a “complete community” as defined by the Provincial Growth Plan for the Greater Golden Horseshoe 2017 (“Growth Plan”). For these reasons the Tribunal finds the proposal to be consistent with the PPS and to conform to the Growth Plan.

[17] The proposal conforms to the Region of York Official Plan as it exemplifies modest intensification within a designated Local Corridor in the Region’s Urban Area. The Tribunal notes that the site itself is within easy walking distance of two designated Regional Rapid Transit Corridors, where significant transit investment and intensification are planned for.

[18] The proposal also conforms to the Town’s Official Plan (“OP”) and— notwithstanding its approval in 2017 (i.e. after the application was filed but prior to the revised application)—the Downtown Local Centre Secondary Plan. Under this local policy framework, the site falls almost entirely within a designated Village District in the Downtown Local Centre, an area where intensification and redevelopment is encouraged subject to a range of land use and urban design criteria. According to Messrs. Evans and Hunt these criteria are met: the proposed buildings are low and medium density residential units and are within three to five storeys in height; the density of the site contributes to prescribed density targets (see below); the townhouses and roadway design, which includes road and sidewalk access from Arnold Street, establishes a development that is pedestrian friendly and human scale; the underground parking is unobtrusive; the development contributes to a greater range and mix of housing within the Downtown Local Centre; and, importantly, appropriate transition from the Downtown Local Centre to adjoining low density Neighbourhoods is achieved through the use of, among other things, substantial rear yard setbacks and a stepped back townhouse design.

[19] The Tribunal accepts Mr. Hunt’s opinion that the proposed design meets the Town’s Village Core and Town-Wide Urban Design Guidelines in respect of ensuring

that the development is compatible with the existing built environment and provides appropriate transition to surrounding properties.

[20] It is noted that the north-west corner of the site falls outside the Downtown Local Centre. However, the single detached lot that covers this corner represents an extension of the built environment along Arnold Crescent and Highland Lane. What is proposed is therefore in keeping with the intensification and transition policies of the OP and the Downtown Local Centre Secondary Plan and should be treated, for planning purposes, as the Downtown Local Centre.

[21] The Tribunal finds that the Draft Plan has sufficient regard to the subdivision criteria set out in s.51(24) of the Act.

- a. Mr. Evans highlighted the size and configuration of the three lots proposed to accommodate single detached homes fronting Arnold Crescent (Exhibit 3, Tab 3). The Tribunal finds that the form and design of the homes would reinforce the existing streetscape and provide a suitable transition to the denser townhouse forms to the south.
- b. The 88 townhouses present as a four-storey stacked design organized in three blocks, though the uninhabitable space on the fourth storey means that they qualify as three-and-a-half-storey homes under the Building Code. The units would range in size from 800 metres squared ("m<sup>2</sup>") to 1,300 m<sup>2</sup>. On-site parking would be provided underground and the 117 spaces (including for visitors and the disabled) falls within the prescribed range for the site under the Downtown Parking Strategy. The rear yard setbacks to the single detached homes along Highland Lane are generous, ranging anywhere from 11 metres to 30 metres. This ensures that, in the neighbourhood context, the townhouse blocks are substantially separated from the low density residential areas to the west. Indeed, even at its narrowest, the rear yard setbacks fall well below the 45 degree angular plane recommended by the Town's Urban Design Guidelines



(Exhibit 6, Tab 8).

- c. The roadway, 15.5 metres wide with a turnaround area at the southern (enclosed) end, is to be conveyed to the Town. The configuration and dimensions of the roadway in respect of public health, safety, and waste management requirements have been vetted by the Town's engineers and Fire Department. The Tribunal is persuaded that the need for a southerly extension of Elizabeth Street was identified as early as 2009. In the short term, the roadway provides appropriate access to the townhouses for vehicles and pedestrians alike. In the long term, the roadway will play an important role in tying together the road network within the Downtown Local Centre. In short, the Tribunal does not agree with Mr. Fleiner that the roadway is poorly planned or with Mr. Haluza that the roadway is too narrow.
- d. There are no issues in respect of easement restrictions, natural resources, flood control, and the adequacy of utilities, municipal services, and schools. Mr. Evans noted that local school boards, who were notified in accordance with the provisions of the Act, raised no issues with the proposal.

[22] The site is currently zoned "R1" under By-law No. 66-71. This zoning only permits large lot single detached dwellings. The site specific zoning by-law amendment would rezone the property "R2" (for single detached dwellings) and "RM2" (for multiple density dwellings) and regulate the proposed land division and uses through very prescriptive density, coverage, angular plane, height, building, parking structure, exterior staircase, and sight triangle setbacks, lot configuration (frontage, area, and coverage), and parking (private, visitor, and bicycle) standards. The standards would vary depending on the zone.

## Density and Overdevelopment

[23] Based on the testimony of the expert witnesses, the Tribunal finds Mr. Fleiner's objections about excessive density on the site to be unwarranted. The overall density target for the Village District is 2 ("FSI") (Floor Space Index, or the ratio of floor space to land area) and the density target for the site is 1.25 FSI. There is no reason to doubt Mr. Evans' calculation of the proposed density of 0.96 FSI for the site, which includes the entire "developable area" including the roadway. Such an FSI is consistent with a development that serves as a transition between the lower density residential areas to the west and the higher density forms planned for along Yonge Street within the Village District.

[24] Mr. Fleiner infers that the density targets were "fixed" by the Town in 2017 to accommodate the Applicant's revised proposal. Not so. The Village District targets are integrated with other Downtown Local Centre targets to direct density to specific areas, to ensure appropriate transition to areas outside the Local Centre, and to allow for viable development proposals. The Tribunal concludes that the Town, through its policies, and the Applicant are simply of the same mind about what is appropriate for this site.

[25] In any case, appropriate density is as much in the eye of the beholder as it is an abstract FSI ratio. The proposed development must fit its physical surroundings as much as it meets prescribed density targets. In this case it does both. The single detached dwellings match the existing built form along Arnold Crescent and serve as a transition away from Yonge Street and the proposed townhouses. The townhouses themselves rise to a height that is in keeping with the OP vision for the area and is still below what is permissible. Above all, the townhouses are suitably scaled in relation to nearby properties. They also reinforce the existing physical character of Elizabeth Street, due north of the site, where medium and high density built forms—including three- and four-storey apartments—already provide a transition to the low density residential areas to the west.

## **Cultural Heritage**

[26] The Tribunal finds that the proposal is consistent with Provincial and OP policies that seek to protect the Town's cultural heritage. It is noted that, while several homes and institutions in the neighbourhood are designated heritage buildings, the site has no such buildings and does not fall within a Heritage Conservation District. Moreover, a Cultural Heritage Impact Assessment conducted for the Applicant concluded that the substantial building setbacks incorporated into the site plan are sufficient to mitigate any adverse impacts of a planning nature on the heritage buildings nearby, including Ms. Wharton's home on Arnold Crescent (Exhibit 12).

## **Trees**

[27] There are 174 trees on the site, of which 104 would be removed under the proposal. The Tribunal supports the Participants' desire to protect existing trees, both as a matter of principle and to preserve the neighbourhood character. However, it must be recognized that some tree loss should be expected whenever redevelopment takes place within a highly urbanized area such as this. Moreover, the Tribunal finds that the Applicant has not been insensitive to existing trees. A professional arborist was retained to mitigate the impact of the development on the trees; this has resulted in, among other things, a landscape plan that preserves mature trees where feasible (for example, to the rear of Townhouse Block B). Additional efforts to preserve trees at the north-west corner of the site have been successful through the settlement with Don Thomson. And, while recognizing the Participants' strong views on the inadequacy of the Town's tree replacement policies, it is noted that these policies provide for the replacement of all the 104 trees proposed to be removed either on site or off site using payments from the Applicant. In this way, although individual trees are lost, the overall tree canopy of the Town is maintained over the long term.

## **Traffic**

[28] The Participants' concerns about increased traffic were, in the Tribunal's view,

adequately addressed by Mr. Seegobin. According to Mr. Seegobin, the increase in vehicle volume to capacity ratios at the Arnold/Yonge and Arnold/Major Mackenzie intersections arising from the proposed development would be modest, would not trigger any road improvements, and would not materially affect the road level of service at these locations. Moreover, traffic infiltration from Yonge Street to Major Mackenzie via Arnold Crescent would be marginal. Mr. Seegobin's views were not substantively challenged.

### **Mr. Harakh's Property**

[29] Mr. Harakh's property, due south of the site, contains a single detached dwelling and vehicular access to Major Mackenzie Drive. Although similar in land use and built form to the low density Neighbourhoods to the west, the property falls within the Downtown Local Centre. As such, the transition policies that apply along the west lot line of the site—including the 45 degree angular plane restriction—do not apply to the proposed development in relation to Mr. Harakh's property.

[30] Mr. Evans argued that, because of its designation, Mr. Harakh's property should be treated as if it will intensify in the future. As such, deep setbacks similar to those on the west lot line, are inappropriate because they would create space between future medium density forms that is both unnecessary and an inefficient use of land. Mr. Harakh, who has no plans to sell or otherwise improve his property, believes he entitled to greater protection from noise, light, and potential trespassers, than what is afforded by the proposed design.

[31] The Tribunal accepts that Mr. Harakh's property has, essentially, become a legal non-conforming use that is now planned to accommodate a similar development to what is being proposed on the Applicant's site. There is no plan, however, for *when* his property is to redevelop. As such, the Tribunal finds that in the interim Mr. Harakh is entitled to a measure of privacy above and beyond what is required by the OP policy framework.

[32] A condition of approval that addresses Mr. Harakh's privacy is included below in the Tribunal's order.

### **Planning Process**

[33] The Participants, while not entitled to be included in settlement discussions, are entitled to have their views heard on the application, including the revision. In this case, the public process was long and, clearly, resulted in a development proposal that the Participants did not like. However, the Tribunal finds that the process, while convoluted, was not unfair. The revised application went through the normal review by Town staff. Staff's professional planning opinions were set out in detail in a report that was made publically available on February 1 2017. The proposal was considered by Committee of the Whole on February 6, 2017 and the Committee at that time heard the concerns of Messrs. Fleiner, Harakh, Mock, and Dr. Showracki. Having reviewed the information that the Council had in approving a settlement, the Tribunal is in no doubt that the planning process in respect of the original and revised applications was thorough, suitably consultative, and well-coordinated.

### **Conditions**

[34] Mr. Evans testified that the proposed draft plan of subdivision conditions are standard clearing conditions for the division of land and represent good planning.

[35] The Tribunal is satisfied that conditions 36-39 appropriately safeguard trees and tree roots along the Richmond Hill Cemetery lot line.

### **DISPOSITION AND ORDER**

[36] The Tribunal finds the revised applications to conform to applicable provincial and official plans and to be consistent with the PPS. The proposal represents "good planning" in that appropriate regard has been had to "provincial interests" set out in s. 2 of the Act. With respect to the draft plan of subdivision, the relevant evaluation criteria in



s.51(24) of the Act have been met. Finally, the Tribunal finds the planning concerns of the Participants to have been allayed by the evidence adduced in this appeal.

[37] As such, the Tribunal allows the appeal of the zoning by-law amendment in part. The Tribunal approves, in principle, the zoning by-law amendment set out in Exhibit 1, Schedule "B". The Tribunal withholds its Order approving the zoning by-law amendment pending approval of final site plan drawings by the Town's Commissioner of Planning and Regulatory Services and payment of all applicable fees by the Applicant.

[38] The Tribunal allows the appeal of the draft plan of subdivision and draft plan of condominium and approves the draft plan of subdivision set out in Exhibit 2, Schedule "C", subject to the conditions set out in Exhibit 5c, Tab 22, pp.956-67, and payment of all applicable fees by the Applicant. The conditions may be amended to reflect the approval by this Tribunal as required.

[39] The conditions are to be amended to provide for a 2 metre high solid wooden fence to be constructed along the lot line dividing Mr. Harakh's property from the site.

[40] The Tribunal withholds its Order approving the draft plan of condominium indefinitely.

[41] Finally, the Tribunal orders that the Town shall have the authority to clear the conditions of draft plan approval and to administer final approval of the draft plan of subdivision for the purposes of subsection 51(58) of the Act.

[42] Should difficulties arise leading up to issuance of the Order, the Tribunal may be spoken to.

*"Stefan Krzeczunowicz"*

STEFAN KRZECZUNOWICZ  
MEMBER

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**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario

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