

October 5, 2021

HPGI File: 15428

**Development Planning Department**

Town of Richmond Hill  
225 East Beaver Creek Road  
L4C 4Y5

**Attn: Jeff Healey, MCIP, RPP**  
**Senior Planner**

**Re: Comment Letter**  
**OPA & ZBLA Applications – Files D01-21005 & D02-21008**  
**1000 Elgin Mills Road East – Elgin House Properties Limited**

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Humphries Planning Group Inc. (HPGI) represents Elbay Developments Inc. (“Elbay”), the Owner of the lands located at 930 Elgin Mills Road East, in the City of Richmond Hill, and immediately adjacent to 1000 Elgin Mills Road East (the “Subject Site”), which is subject to Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) applications submitted by Elgin House Properties Limited (“Elgin House”).

**History of Elbay Planning Applications**

In June 2019, Elbay received Council approval of their OPA, ZBLA and Draft Plan of Subdivision Applications (Files D01-17004, D02-14017 and D03-14004) for 216-unit stacked townhouse development with one level of underground parking, as well as the provision of a new public street and a stormwater management facility, and the protection of the natural heritage system on the subject lands. Elbay has already sold many of the townhouse units at this time.

**History of Elgin House Planning Applications**

Elgin House originally submitted OPA, ZBLA and Site Plan applications (Files D01-15007, D02-15036 and D06-15079) in 2015. The first architectural set of drawings Elbay was provided from Elgin House was from September 2015, which provided for 4 storey townhouse dwellings located along the western limit of the Subject Site. This version of the Site Plan provided for adequate transitioning to the Elbay lands, as there was a stepping up of building massing along the Elgin House site – see **Attachment 1**.

A revised Site Plan, dated December 2017, was provided to Elbay from the consultant of Elgin House, which then proposed high-rise buildings located at the north-west corner of the Subject Site, adjacent to the Elbay lands. The Site Plan proposed that Building B would be terraced from 6 storeys, to 7, to 8, to 9 and then to the 10<sup>th</sup> storey, again providing for consideration of transitioning from the Elbay lands – see **Attachment 2**.

The original Elgin House OPA, ZBLA and Site Plan applications (Files D01-15007, D02-15036 and D06-15079) were approved in July 2017, which included permission for two 10 storeys buildings and the removal of certain transitioning policies from medium density residential uses, based on the two-10 storey concept. At that time, consideration for transitioning from the Elbay site was not considered, as it was in previous iterations of the Eglin House site plan. A revised Site Plan was provided for Elbay July 2019, which had Building B at 10 storeys immediately adjacent to the Elbay lands – see **Attachment 3**.

#### **Comments on Files D01-21005 & D02-21008**

OPA and ZBLA applications were submitted on June 8, 2021 (Files D01-21005 and D02-21008) to the increase building height of Building B (adjacent to the Elbay lands) from 10-storeys to 14-storeys, resulting in 52 additional dwelling units and to reduce the required parking rate requirements – see **Attachment 4**.

#### **Comments on TIS/Parking Study**

No new parking spaces are being proposed with the revised proposal. The original proposed development was approved with a parking rate of 1.25 spaces per unit whereas now a rate of 1.25 spaces per unit for 3-bedroom units, 1.1 spaces per unit for 2-bedroom units and 0.9 spaces per unit for 1-bedroom units is being proposed. Elbay is concerned with the applicant proposing 52 extra units, without providing any additional parking spaces or recommending any mitigation measures to address the capacity constraints under future total traffic conditions. It should also be noted that the applicant is proposing a non-blended parking rate, the traffic report has reviewed proxy sites and only analyzed them based on a blended rate. Moreover, Elbay's transportation consultant has reviewed the Updated Transportation Study completed by LEA Consulting and has provided technical comments in a letter dated August 19, 2021. Concerns include the proxy sites used in LEA's Study and the fact that LEA claims there are 2 Major Transit Station Areas in close proximity, even though the closest is 2.5 kilometers away (more than a 30-minute walk).

#### **No Consideration for Transitioning to Elbay Lands**

Staff Report No. SRPRS.17.128, dated July 4, 2017 recommended approval of the original Elgin House Planning applications, based on the Site Plan concept, which included two 10 storey buildings located at the northern end of their site. As part of those approvals, staff recommended approval of an OPA, which specifically removed the following transition policies of the North Leslie Secondary Plan (NLSP), specifically Policies 9.6.2.3 g) and h):

*g) Buildings in excess of 4 storeys in height shall be stepped at minimum intervals of 2 storeys where they abut a Low or Medium Density Residential designation or existing development.*

*h) Where adjacent lands are designated Low or Medium Density Residential, the height of all new buildings, within 25 metres of the property line of these designations, shall not be greater than 2 storeys above the existing adjacent buildings, or, if vacant, 2 storeys above the maximum permitted height in the adjacent designation.*

The removal of these transition policies was based on two 10-storey building. This is especially clear because the NLSP has a specific policy that the maximum height within the Medium/High Density Residential Development is 10-storeys per Policy 9.6.2.3 e):

*e) The maximum height shall be 10 storeys.*

Also, the NLSP has an additional Policy, that all housing forms conform to the height requirements of the NLSP, specifically Policy 9.6.2.3 a):

*a) The predominant use of land in areas designated Medium/High Density Residential as shown on **Schedule "A"** – (Land Use Plan) to this Secondary Plan shall be townhouses, stacked townhouses, back to back townhouses, low-rise to mid-rise apartment buildings and other similar housing forms which conform to the density and height requirements of this Secondary Plan.*

Elgin House is now proposing a 14-storey building and, a further OPA is required to amend policy 9.6.2.3e). It is appropriate to also consider transition policies 9.6.2.3 g) and h) to ensure a proper interface with the Elbay lands is achieved. This can possibly be done by changing the proposal so that Building A is proposed for 14 storeys, rather than Building B, or by requiring the upper storeys of Building B be terraced back away from the Elbay property.

The Planning Justification Addendum completed by KLM Planning Partners Inc., dated June 8, 2020, did not consider the appropriateness of the 14-storey proposal in terms of proper transitioning to the Elbay lands, rather it only looked at transitioning to the low-rise residential sites. Through the previous OPA 9 on the Subject Lands, Policy 9.6.2.3 l) of the prescribes an angular plane requirement for the subject lands that reads:

*l. The requirements of Sections 9.6.2.3 (g) and (h) of this Secondary Plan shall not be applicable to the lands known as 1000 Elgin Mills Road East, provided that buildings on those lands maintain a minimum 45-degree angular plane measured from the lot line of adjacent lands designated Low Density Residential."*

The Addendum Report concludes that based on the angular plane study, the proposed increase in building height will continue to provide an appropriate transition in built form to the surrounding land uses in both density and heights.

Site-specific Policy 9.6.2.3 l) was based on two 10-storey buildings, not a 14-storey

building. Now that Elgin House is proposing a 14-storey building through a further OPA, the transition policies 9.6.2.3 g) and h) should be considered by the Applicant and by Planning Staff to ensure proper transitioning to the Elbay lands. Also, if an Angular Plane Study is completed from easterly property limit the Elbay lands, it is clear that the proposed 14-storey building does not fit within the angular plane, which indicates possible overlook and privacy are impacts that have not been properly addressed. We agree with Planning Staff's position that because the proposed 14-storey building exceed heights permitted in the NLSP, the proposal should meet the 45-degree angular plane requirement from the Elbay site, which may be achieved through stepping back the massing/terracing the building. Proper height limits applied to the relevant building types become paramount to maintaining appropriate transition in scale. Also, a 14-storey building is considered a high-rise building and should conform to the City's Official Plan design criteria of policy 3.4.1.59. We agree with Urban Design Staff's position that the tower floorplate should be reduced in order to meet the applicable design criteria.

### **Overlook and Privacy Concerns**

An Angular Plane Study has been completed by AJT on behalf of Elbay. This study clearly illustrates that the proposed 14-storey building does not fit within the angular plane. indicating that overlook and loss of privacy respecting the approved stacked townhouse units approved on the Elbay lands are significant planning issues that have not been properly considered or addressed.

The proposed taller neighbouring building will have an effect of overlooking and privacy, thereby causing a negative impact on the future residents of the approved Elbay project. This has been demonstrated through sectional drawings prepared by Tregebov Cogan Architecture. The 45 degree angular plane is not a requirement of the Official Plan in this case, since the Elbay lands are medium density residential, however for reference it is illustrated on the drawings and the balcony of the 5<sup>th</sup> storey and above are beyond the angular plane, demonstrating the potential for less of privacy Should a 14 storey building be approved, it will lead to 10 storeys of units with balconies that will create privacy and overlook concerns. The proposed 4 storey height increase would provide for 8 additional suites with glazing and balconies directly overlooking the development. If the average persons per unit of 3 for Richmond Hill is used based on 2016 census data, it would lead to 24 additional persons would be overlooking the approved Elbay development with a greater vantage point than those within the previously approved 10 storeys.

The proposed taller neighbouring building will also have an effect on sky exposure since the residents of the Elbay units will be looking at a taller building. The 60-degree field of vision at the 14 storey building would affect the outdoor amenity space from part of approved Building A and part of Building C on the Elbay lands, whereas with the 10 storey building there is no effect at 60 degree field of vision. The 120-degree field of vision at the approved 10 storey height would affect the outdoor amenity space from part of approved Building A and part of Building C on the Elbay lands. The 120-degree field of vision at the



proposed 14 storey height would affect the outdoor amenity space from approved Buildings D and B and all of Building A, C and E on the Elbay lands in its entirety, which will lead to issues of sky exposure or visual impacts for the residents of the units within these 3 additional buildings due to the proposed change. This would lead to a much greater visual impact for the residents on the Elbay lands, as demonstrated generally through plan and sectional drawings prepare by Tregebov Cogan Architecture.

### **Piecemeal Nature of Applications/Incremental Policy Changes**

Elbay is also concerned with the approach Eglin House has taken with their planning applications, as their proposal for a 14 storey building has come forward in a piecemeal fashion, after an approval for 10 storeys has already been given. Also, the original approved OPA took out the transition policies in the context of 10 storeys, and now Elgin House has come back with a proposal for 14 storeys and a submission of second OPA. There is uncertainty as to whether the City would have approved or staff supported removing those transition policies with a proposed 14 storeys. Instead, Elgin House got the transition polices removed and now come in with a taller building, which illustrates the problem with incremental policy changes through multiple OPA's.

In summary, Elbay has several concerns with proposal with regards to the parking and traffic, transitioning to the Elbay lands, sky exposure and overlook impacts and loss of privacy. As outlined in this letter, these significant issues that have not been properly considered or addressed.

Should you require anything clarification, please do not hesitate to contact the undersigned.

Yours truly,  
**HUMPHRIES PLANNING GROUP INC.**

A handwritten signature in dark ink, appearing to read 'MR McConville', is positioned above the printed name.

Mark McConville, M.Sc.Pl., MCIP, RPP  
Associate

cc. Elbay Developments Inc.

TOPOGRAPHICAL INFORMATION DERIVED FROM:  
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ELEVATIONS SHOWN HEREIN ARE GEODETIC AND ARE REFERRED TO TOWN OF RICHMOND HILL  
BENCH MARK NO. 446 = 143.7, HAVING AN ELEVATION = 229.364metres.

DISCLAIMER: SOME OF THE TOPOGRAPHICAL FEATURES ARE COVERED BY SNOW/ICE

LEGEND:

BB DENOTES BELT BOY  
BP DENOTES BELT POLE  
MS DENOTES METAL BAR  
WP DENOTES WOOD POST  
CP DENOTES CABLE PEDESTAL  
BO DENOTES BOLLARD  
CSW DENOTES CONCRETE SIDEWALK  
CSM DENOTES CONCRETE SIDEWALK

0.10m DENOTES CONTOUR LINE WITH TRUNK  
DIAMETER 0.10 metres

0.10m DENOTES DECIDUOUS TREE WITH TRUNK  
DIAMETER 0.10 metres

2000 DENOTES ELEVATIONS

AREA = 2874.3 sqm  
AREA = 7035.7 sqm  
TOTAL = 9910.0 sqm

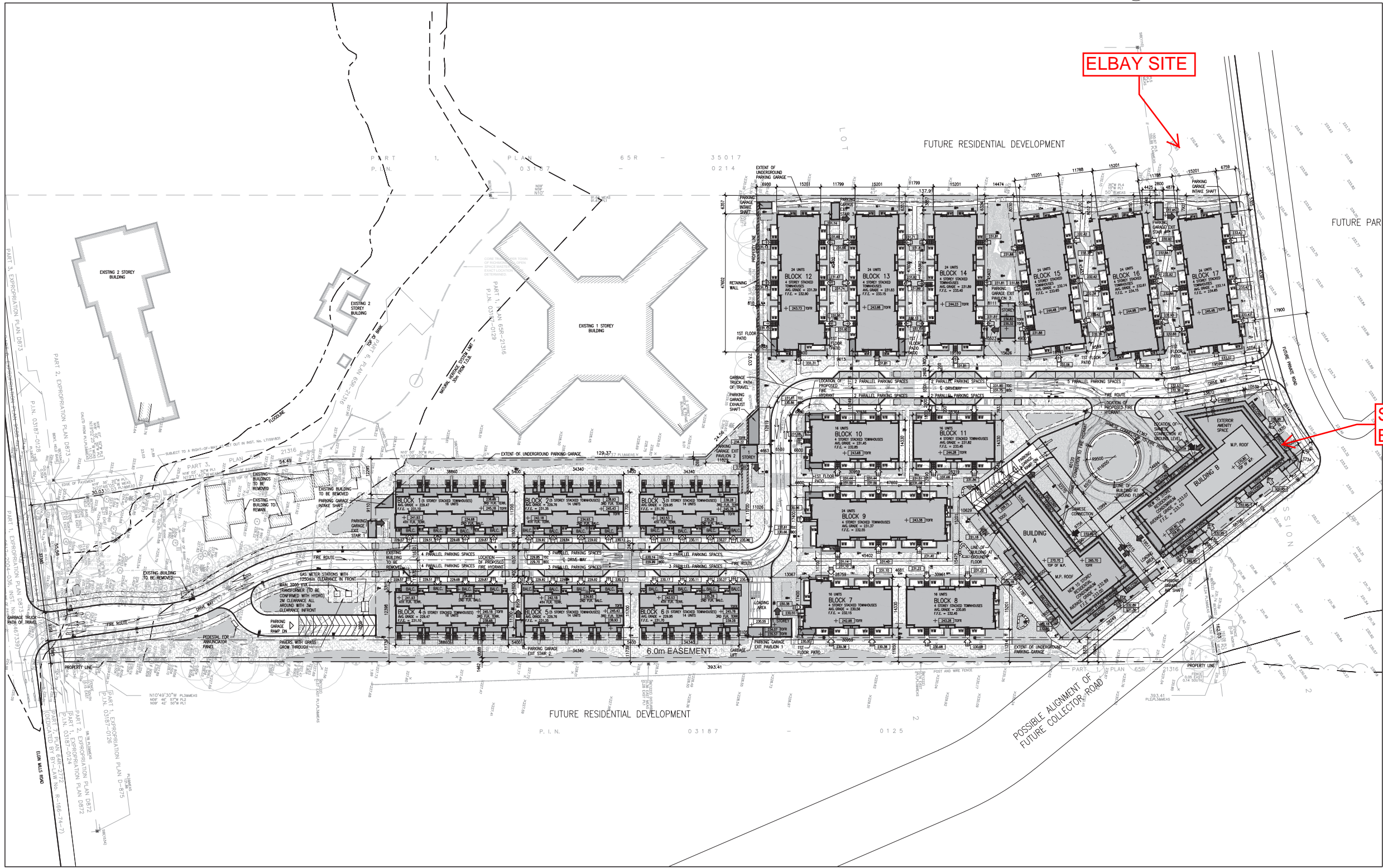
LINE OF EXISTING BUILDING  
LINE OF PROPOSED BUILDING  
LINE OF PROPOSED BUILDING AT GROUND FLOOR  
LINE OF PROPOSED BUILDING AT GROUND FLOOR  
LINE OF PROPOSED BUILDING AT GROUND FLOOR

PROPERTY LINE  
LINE OF EXTENT OF PROPOSED UNDERGROUND  
PARKING GARAGE  
FIRE ROUTE  
ELEVATION - TOP OF FINISHED ROOF  
PROPOSED GRADE  
DRIVE AISLE TRAFFIC FLOW DIRECTION

RESIDENTIAL CONDOMINIUM  
ENTRANCE  
BUILDING ENTRANCE  
(SECONDARY)  
BUILDING EXIT  
OVERHEAD DOOR

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2 Notes and Legend  
A101 SCALE: NTS



REVISION RECORD

ISSUE RECORD

2015-09-24 ISSUED FOR SPA  
ISSUE RECORD



Quadrangle

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1000 Elgin Mills Road  
Richmond Hill, Ontario  
for Sequoia Grove Homes

15030 NOTED TEAM LK  
PROJECT SCALE DRAWN REVIEWED

Site Plan

A101

1 Site Plan  
A101 SCALE: 1:500



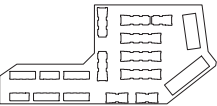


3 Topographic Legend and Survey Information  
A101 SCALE: N/A

2 Legend  
A101 SCALE: N/A







Key Map

REVISION RECORD

2020-05-14	ISSUED FOR TENDER
2020-01-27	ISSUED FOR PERMIT
2017-12-08	SITE PLAN APPROVAL
2017-11-21	SITE PLAN APPROVAL

ISSUE RECORD



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1000 Elgin Mills Road  
Richmond Hill, Ontario  
for Sequoia Grove Homes

15030 SHOWN MG LMK  
PROJECT SCALE DRAWN REVIEWED

Angular Plane - Site Plan

A900

Note: This drawing is the property of the Architect and may not be reproduced or used without the expressed consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.

