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May 4, 2011

VIA FAX

Regional Chair Bill Fisch and Members of Regional Council
The Regional Municipality of York
Corporate Services Department
York Region Administrative Building
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly
Regional Clerk

Regional Chair and Members of Regional Council:

Re: Arten Developments Inc.
Proposed New Town of Richmond Hill Official Plan
File Nos.: D10-CO-IN and D10-OP-DR

We are the solicitors for Rosetown Suites Inc. and Arten Developments Inc. (collectively, "Arten"). We have reviewed the Report of the Commissioner of Planning and Development Services with respect to the Proposed New Town of Richmond Hill Official Plan (the "Proposed Official Plan"), which will be considered by the Planning and Economic Development Committee on May 4, 2011.

Further to our previous correspondence to the Region dated July 23, 2010, please find enclosed copies of correspondence to the Town of Richmond Hill from ourselves, Arten, and Arten's planning consultant addressing the Proposed Official Plan and associated studies. In addition to the attached correspondence, we have also made numerous oral deputations before the Town of Richmond to address the issues set out therein.

We note that the concerns set out in the attached correspondence remain outstanding, including, but not limited to, Arten's concerns with the proposed heights and densities for the segment of Major Mackenzie Drive East situated between Yonge Street and the Newkirk GO Station, which is planned as a Regional Rapid Transit Corridor.

Please provide us with notice of the Region's decision in this matter to the attention of the author and Daniel Artenosi (dartenosi@mccarthy.ca or at 416-601-8115).

mccarthy
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Please feel free to contact the undersigned should you require any further information.

Yours very truly,

McCarthy Tétrault LLP

Per:


For: Christopher J. Tanzola

CJT/dba

c: Augustine Ko, Senior Planner, Regional Municipality of York
Donna McLarty, Town Clerk, Town of Richmond Hill
Dean Arsenosi, Rosetown Suites Inc. and Arsen Developments Inc.

Enc.

Letter from Arsen Development Group to the Town of Richmond Hill and The Planning Partnership dated January 20, 2009.

Letter from McCarthy Tétrault LLP to Mayor David Barrow and Members of Council dated November 27, 2009.

Letter from McCarthy Tétrault LLP to Mayor David Barrow and Members of Council dated June 9, 2010.

Letter from McCarthy Tétrault LLP to Mayor David Barrow and Members of Council dated June 22, 2010.

Letter from McCarthy Tétrault LLP to Mayor David Barrow and Members of Council dated July 12, 2010.

Letter from McCarthy Tétrault LLP to Regional Chair Bill Fisch and Members of Regional Council dated July 23, 2010.

***Building Urban Lifestyles***

Town of Richmond Hill
Planning and Development Department
225 East Beaver Creek Road
Richmond Hill, Ontario
L4B 3P4

January 20, 2009

The Planning Partnership
201- 1255 Bay Street
Toronto, Ontario
M5R 2A9

Attention: Ms. Michelle Dobbie

Attention: Ms. Donna Hinde

Dear Mesdames:

Re: Downtown Design and Land Use Strategy

As the principals of Rosetown Suites Inc., we have interests in lands located at the northeast corner of Major Mackenzie Drive East and Church Street South. While not included within the prescribed study area for the above-noted downtown initiative, we have been monitoring the study's progress.

The study has recommended a number of distinct land use precincts within the downtown; including both 'Village District' and 'Town Centre District' in the area of Major Mackenzie Drive and Yonge Street. The land use and related built-form/urban design framework set out in the study's recommendations will form part of the context for the redevelopment of our lands due to our properties' physical proximity to these areas.

We note that the study acknowledges the significant role of Major Mackenzie Drive East with respect to: functioning as a major east-west transportation route through the downtown; providing an important pedestrian and vehicular link between the downtown to the GO station; and, functioning as a 'gateway' to the downtown core. In addition, the study identifies that Bus Rapid Transit will be advanced along Yonge Street, with a station near Major Mackenzie Drive.

In our submission, these are important elements to the consideration of the future development on lands abutting the downtown area, including our lands at Major Mackenzie Drive East and Church Street South. A more intensified form of development in this area would provide: additional support to downtown businesses; support for, and accessibility to GO Train and BRT transit options; improvements to the pedestrian realm along this portion of Major Mackenzie Drive; and, reinforcement of a number of Provincial policy initiatives.

With respect to development potential, the study identifies 'shoulder areas' at the southwest quadrant of Major Mackenzie Drive/Church Street, where mid-rise buildings of 6 to 8 storeys are recommended. In our submission, our lands, in addition to responding to the role/function of Major Mackenzie Drive and the downtown, exhibit comparable physical characteristics to other identified 'shoulder areas'. Accordingly, a similar built-form is appropriate provided that such built-form also has regard for the related built-form and urban design principles (including building step-backs from lower intensity uses).



The ARTEN Development Group - 2174 Major Mackenzie Drive, Vaughan, Ontario L6A 3Y8
Phone: 905-737-0125 Fax: 905-737-7915 Web: www.artengroup.com

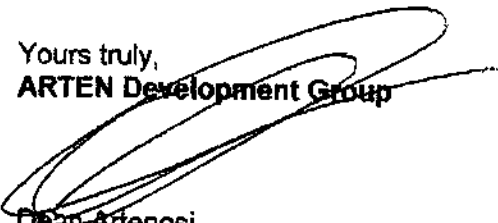
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We recognize that, as our lands are not within the prescribed study area; however, we are providing these preliminary observations to the Town for consideration during the forthcoming Official Plan Review.

If you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,

ARTEN Development Group


Dean Artenosi
President

c.c. Wendy Nott, Walker Nott Dragicevic
Clifford Korman, Kirkor Architects
Alun Lloyd, BA Group
Moiz Behar, MBPD Inc.
Mathew Somerville, ERA Architects Inc
Daniel Artenosi, McCarthy Tetrault
Christopher J. Tanzola, McCarthy Tetrault

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November 27, 2009

Mayor David Barrow and Members of Council
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4C 4Y5

Attention: Ana Bassios
Commissioner of Planning and Development

Your Worship and Members of Council:

Re: **Arten Developments Inc.**
Recommended Major Policy Directions for the Town's New Official Plan
(SRPD.09.086)
File Nos.: D10-CO-IN, D10-ST-EN, D10-ST-EC, D10-ST-HO

We are the solicitors for Arten Developments Inc. ("Arten"). Arten currently has pending applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval for the lands municipally known as 64 & 72 Major Mackenzie Drive East and 115 and 119 Church Street South in the Town of Richmond Hill (the "Site"). The Site is generally located in the northeast quadrant of Major Mackenzie Drive East and Church Street South, one block east of Yonge Street. Arten's applications would permit, in part, the development of an 8-storey apartment building along Major Mackenzie Drive East (the "Development Proposal").

On October 19, 2009, we attended the Committee of the Whole on behalf of Arten to express our concerns with respect to the Recommended Major Policy Directions for the Town's New Official Plan Staff Report (SRPD.09.086) dated October 1, 2009 (the "Major Policy Directions Report"). Further to our submissions to the Committee of the Whole, we are now writing to further express our concerns with respect to the Major Policy Directions Report, for the reasons generally described below.

We note at the outset that Staff Report (SRPD.09.036) related to the recommended Urban Structure for the Town's New Official Plan (the "Urban Structure Report"), describes Major Mackenzie Drive, apart from Yonge Street and Highway 7, as "the most suitable potential local corridor for transit and redevelopment over time." Accordingly, the Urban Structure Report identifies Major Mackenzie Drive as a "Local Corridor".

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It should be noted further that the Draft York Region Official Plan identifies Major Mackenzie Drive (between Weston Road and Ninth Line) as a "Regional Rapid Transit Corridor." The Draft York Region Official Plan provides that in order to achieve higher transit usage by supporting improvements in service, convenient access and good urban design, medium and high-density urban development should be directed to rapid transit corridors. This policy direction is consistent with the 2009 York Region Transportation Master Plan, which identifies the same portion of Major Mackenzie Drive as a "Rapid Transit Corridor."

Notwithstanding the clear indications of the significance of Major Mackenzie Drive in these policy documents, the Major Policy Directions Report recommends that development along the Major Mackenzie Local Corridor be limited to 2 to 4 storeys in height with a maximum floor space index of 1.5 times coverage. These proposed height and density restrictions for the Major Mackenzie Local Corridor give rise to serious planning and public policy concerns.

We first observe that the proposed height and density restrictions are of general application, without any regard to the specific characteristics that exist for the various segments along the Major Mackenzie Local Corridor. This policy direction would appear to contradict the Town's previous direction, as set out in the Urban Structure Report, which provides that not all segments of Major Mackenzie Drive will redevelop consistently. In this regard, we note that there have been previous planning studies undertaken by the Town, as well as materials put forward as part of the current residential intensification study review, which identified the possibility for greater heights and density than that proposed in the Major Policy Directions Report for the segment of Major Mackenzie Drive in proximity to Yonge Street.

The proposed height and density restrictions are also in conflict with the policy direction of the Draft York Region Official Plan, which calls for medium and high-density urban development along rapid transit corridors. As discussed, this Regional policy direction is intended to achieve higher transit usage by supporting improvements in service, convenient access and good urban design. It is noteworthy that documents prepared in conjunction with the Town's Official Plan review process identify "high intensity" as development with 9 or more storeys in height, while "medium intensity" encompasses development ranging between 5-8 storeys in height. The last category, "low intensity," includes development that is "up to 4 storeys" in height. On this basis, therefore, the treatment of the Major Mackenzie Local Corridor in the Major Policy Directions Report would only qualify as "low intensity."

Furthermore, the Intensification Intensity/Height Spectrum shown in Figure 1.A of the Major Policy Directions Report recommends a maximum height of 4-storeys and a maximum floor space index of 1.0 times coverage for "neighbourhoods", which are identified as the "Lowest Intensity." Insofar as the Major Policy Directions Report recommends the same height restrictions and marginally higher density restrictions for the Major Mackenzie Local Corridor as those proposed for "neighbourhoods," amongst other "Lowest Intensity" land uses, such recommendations fail to account for the important and planned function that Major Mackenzie Drive will serve for the Town and the Region as a whole.

McCarthy Tétrault

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Accordingly, the Major Policy Directions Report raises significant concerns from both a planning and public policy perspective. These concerns are heightened given the significant public investment in infrastructure that will be required as part of the transformation of Major Mackenzie Drive into a Regional Rapid Transit Corridor. Insofar as the proposed heights and density for Major Mackenzie Drive are significantly less than those contemplated by the Draft York Region Official Plan for regional rapid transit corridors, such policies would conflict with the Draft York Region Official Plan.

Apart from its inconsistency with other Regional and Town policy documents, the Major Policy Directions Report is also problematic vis-à-vis Provincial policy documents. The *Planning Act* requires that all decisions by a municipal council in respect of any authority that affects a planning matter shall conform with the Growth Plan for the Greater Golden Horseshoe, 2006 (the "Growth Plan"). Of particular note is the Growth Plan's emphasis on "optimizing" the use of existing land supply and existing and new infrastructure for the purpose of supporting growth in a compact and efficient form. As stated in the Growth Plan, the emphasis placed on intensification and optimization represents "a new approach to city-building in the GGH, one which concentrates more on making better use of our existing infrastructure, and less on continuously expanding the urban boundary." The *Planning Act* further requires planning decisions to be consistent with the 2005 Provincial Policy Statement, which also directs municipalities to optimize the long-term availability and use of land and infrastructure.

As stated, it has previously been acknowledged that greater heights and density would be appropriate for the segment of Major Mackenzie Drive in proximity to Yonge Street than those proposed in the Major Policy Directions Report. As part of the process leading up to the Development Proposal, our client has confirmed, with the input and collaboration of its consultants, that greater height and density is warranted along this segment of Major Mackenzie Drive.

Based on the above, the Major Policy Directions Report's recommendations for Local Corridors propose less height and density than what would otherwise be appropriate. Therefore, the recommendations cannot be said to conform to the Growth Plan's requirement of optimizing the use of land and infrastructure, and are not consistent with the similar policy direction set out in the Provincial Policy Statement. In this regard, the recommended policy direction does not represent good planning and is not in the public interest. The Town should take these matters into consideration when moving forward with its Official Plan review process.

McCarthy Tétrault

November 27, 2009

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We welcome the opportunity to discuss these matters further. Please feel free to contact the undersigned should you have any questions or concerns.

Yours very truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read 'Daniel B. Artenosi', with a horizontal line extending to the right.

Daniel B. Artenosi
Associate | Sociétaire

DBA/

c. Wendy Nott

Barristers & Solicitors
Patent & Trade-mark Agents

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June 9, 2010

Mayor David Barrow and Members of Council
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4C 4Y5

Attention: **Donna McLarty**
Town Clerk

Your Worship and Members of Council:

Re: Arten Developments Inc.
Proposed New Town of Richmond Hill Official Plan ("Proposed Official Plan")
File Nos.: D10-CO-IN and D10-OP-DR

We are the solicitors for Rosetown Suites Inc. and Arten Developments Inc. (collectively, "Arten"). Arten has current applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval for the lands municipally known as 64 & 72 Major Mackenzie Drive East and 115 and 119 Church Street South in the Town of Richmond Hill (the "Site"). The Site is generally located in the northeast quadrant of Major Mackenzie Drive East and Church Street South, one block east of Yonge Street.

On behalf of our client, we are writing to provide our preliminary comments on the Proposed New Town of Richmond Hill Official Plan, as reflected in the May 6, 2010 Draft (the "Proposed Official Plan"), and in particular, the policies proposed for the segment of Major Mackenzie Drive East generally between Yonge Street and Pugsley Avenue. In addition to our written submissions set out below, we will be in attendance at the June 9, 2010 Statutory Public Meeting to make an oral deputation.

Background

Arten Proposal

Arten's current planning applications propose the development of the Site with an 8-storey, 85-unit apartment building fronting on Major Mackenzie Drive, as well as the construction of a new

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Mayor Barrow and Members of Council

semi-detached dwelling and the conservation of two heritage-listed houses on the Church Street frontage of the Site. The total gross floor area of the proposal is approximately 2 times the area of the Site. Underground parking is proposed on the Site, with access from Church Street, and a right-in, right-out driveway is proposed for pick-up and drop-off activity on Major Mackenzie Drive (the "Arten Proposal").

Participation in the Public Process

Both ourselves and our client have participated in the public process associated with the Proposed Official Plan, including monitoring and reviewing background reports and studies released prior to the current draft of the Proposed Official Plan.

In particular, on October 19, 2009, we attended on behalf of our client at the Committee of the Whole to express our concerns with respect to the Recommended Major Policy Directions for the Town's New Official Plan Staff Report (SRPD.09.086) dated October 1, 2009. We subsequently provided written submissions to Town Council by letter dated November 27, 2009 summarizing our oral deputation at the October 19 Committee of the Whole Meeting (a copy of that correspondence is attached).

Both ourselves and our client attended the statutory Public Open House held on May 12, 2010, at which we raised issues similar to those set out below.

Proposed Official Plan Policies for the Major Mackenzie Local Mixed Use Corridor

Under the Proposed Official Plan, all of Major Mackenzie Drive within the Town's boundaries is identified as a "Local Corridor" on the proposed Urban Structure Plan. Major Mackenzie Drive is also identified as an "Arterial Street" with a planned right-of-way width of 36 metres. Major Mackenzie Drive is planned as a "Future Rapid Transit Corridor" and the policies provide that it is to be "supported" as such.

The segment of Major Mackenzie Drive East between Yonge Street and the Newkirk GO Station is proposed to be designated a "Local Mixed Use Corridor," with a maximum building height of 4 stories and a maximum density of 1.5 times coverage.

Adopted York Region Official Plan Policies for Major Mackenzie Drive

The Adopted York Region Official Plan currently awaiting Ministerial approval (the "Adopted Regional OP") identifies Major Mackenzie Drive (between Weston Road and Ninth Line) as a "Regional Rapid Transit Corridor," which is consistent with the 2009 York Region Transportation Master Plan. The Adopted Regional OP provides that in order to achieve higher transit usage, by supporting improvements in service, convenient access and good urban design, medium and high-density urban development should be directed to rapid transit corridors.

The Adopted Regional OP further designates the Major Mackenzie Regional Rapid Transit Corridor as having a planned right-of-way width of "up to 45 metres." Our recent dealings with

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Mayor Barrow and Members of Council

the Region in relation to the Arten Proposal for the Site have confirmed that the Region is protecting for a 45-metre-wide right-of-way along this segment of Major Mackenzie Drive East, which we understand is intended to facilitate the transformation of Major Mackenzie Drive into a regional rapid transit corridor.

Proposed Official Plan Conflicts with Adopted Regional OP

In our submission, the proposed height and density restrictions set out in the Proposed Official Plan for this segment of Major Mackenzie Drive are in conflict with the policies of the Adopted Regional OP, which call for medium and high-density urban development along rapid transit corridors. As stated, this Regional policy direction is intended to achieve higher transit usage by supporting improvements in service, convenient access and good urban design.

It is noteworthy that earlier documents prepared in conjunction with the Town's Official Plan review process identify "high intensity" as development with 9 or more storeys in height, while "medium intensity" encompasses development ranging between 5-8 storeys in height. The last category, "low intensity," includes development that is "up to 4 storeys" in height. The Proposed Official Plan itself contains definitions in Chapter 7 that identify "high-rise" as buildings or structures with a height of 9 storeys or greater; "mid-rise" as buildings or structures with heights ranging between 5 storeys and 8 storeys; and "low-rise" as buildings or structures with a height of 4 storeys or less.

We note that the Proposed Official Plan calls for heights in the Major Mackenzie Local Mixed Use Corridor designation that are similar to the heights proposed for the Neighbourhoods designation – generally a maximum of 3 storeys, and 4 storeys on arterial roads. In addition, although a maximum density of 1.5 times coverage is notionally proposed for the Local Mixed Use Corridor, we submit that such density cannot realistically be achieved on either the north or south side of Major Mackenzie Drive East, given the built form restriction of 4 storeys. In our view, on typical lots the more likely result is a density below 1.0 times coverage, which is generally associated with low density residential development. Low-rise forms of development with densities at or below 1.0 times coverage cannot meaningfully be described as the medium and high-density urban development that is contemplated for rapid transit corridors by the Adopted Regional OP.

These proposed height and density restrictions fail to account for the important planned function that the Major Mackenzie Regional Rapid Transit Corridor will serve for the Town and the Region as a whole.

Segment-Specific Context and Characteristics

The segment of Major Mackenzie Drive East between Yonge Street and Pugsley Avenue is uniquely situated between the Newkirk GO Station and the Town's Downtown core running along Yonge Street.

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June 9, 2010

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Regarding proximity to Yonge Street, permitting greater heights and densities in this segment would promote pedestrian activity in the Downtown, supporting businesses, providing access to amenities for residents, and contributing to the revitalization of the Town's core.

In addition, greater intensity of development is specifically warranted in this segment of Major Mackenzie Drive East because of the existing and planned transit infrastructure along Yonge Street (a Regional Rapid Transit Corridor) and the Newkirk GO Station (which provides the linkage to the inter-regional transit system). As part of the future planned rapid transit corridor, this segment of Major Mackenzie Drive East provides a direct link between these two important transit networks.

Previous planning studies undertaken by the Town, as well as materials put forward as part of the Official Plan residential intensification study, have identified the possibility for greater heights and density for the segment of Major Mackenzie Drive in proximity to Yonge Street as compared to those set out in the Proposed Official Plan.

The planned width of this segment of Major Mackenzie Drive East also warrants greater heights than those set out in the Proposed Official Plan. The Region is seeking protection of a 45-metre right-of-way. To appropriately enclose the street, from an urban design perspective, a ratio of roadway width to building height should be in the order of 1:1 or at minimum 1:0.5, suggesting that building heights in the "mid-rise" range, as defined by the Proposed Official Plan (up to 8 storeys), would not be inappropriate. There are opportunities for increased heights and densities to be achieved along this segment of Major Mackenzie Drive East while still maintaining an appropriate relationship to abutting lower density residential properties.

Growth Plan and Provincial Policy Statement

To the extent that greater heights and densities can be achieved along this segment of Major Mackenzie Drive East, the Proposed Official Plan does not conform to the direction set out in the 2006 Growth Plan as it does not optimize the use of existing land supply and existing and new infrastructure for the purpose of supporting growth in a compact and efficient form. Similarly, the Proposed Official Plan is not consistent with the 2005 Provincial Policy Statement, which also directs municipalities to optimize the long-term availability and use of land and infrastructure.

We note that the Proposed Official Plan states that surface parking shall be minimized wherever possible, and also that underground parking should be encouraged or even required. It is unclear whether it would be feasible to achieve these policy objectives along this segment of Major Mackenzie Drive East based on the proposed maximum height and density for the Major Mackenzie Local Mixed Use Corridor. If this tension between the maximum height and density permissions and the policy directions related to underground parking ultimately serve to undermine the development potential of properties along this segment of Major Mackenzie Drive East, this in turn would further undermine the optimal use of existing land supply and existing and planned transit infrastructure.

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June 9, 2010

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Mayor Barrow and Members of Council

Affordable Housing

The Proposed Official Plan states that a minimum of 25% of new housing units within the settlement area "shall be *affordable*." It is unclear how this policy is intended to operate for individual development sites within the settlement area, and it is further unclear whether this general and mandatory policy is appropriate.

We welcome the opportunity to meet with the Town to discuss these matters further. Please feel free to contact the undersigned should you have any questions or concerns, or in his absence, Daniel Artenosi at 416-601-8115.

Yours very truly,

McCarthy Tétrault LLP

Per:



Christopher J. Tanzola
Associate | Sociétaire

CJT/dba

c. Ana Bassios, Commissioner of Planning and Development

Barristers & Solicitors
Patent & Trade-mark Agents

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June 22, 2010

Mayor David Barrow and Members of Council
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4C 4Y5

Attention: **Donna McLarty**
Town Clerk

Your Worship and Members of Council:

Re: **Arten Developments Inc.**
Proposed Draft Official Plan, File Nos.: D10-CO-IN and D10-OP-DR
Proposed Revision to Local Mixed-Use Corridor Policies

We are the solicitors for Rosetown Suites Inc. and Arten Developments Inc. (collectively, "Arten"). Further to our letter dated June 9, 2010 and our deputation at the June 9, 2010 Statutory Public Meeting regarding the Proposed New Town of Richmond Hill Official Plan (the "Draft Official Plan"), please find attached proposed revisions to Section 4.7 of the Draft Official Plan.

The proposed revisions have been prepared by Walker Nott Dragicevic Associates Limited, our client's planning consultants, and are shown in **bold lettering** on the attached. Generally, the proposed revisions would include new policies that recognize the ability to provide greater heights and densities within the Local Mixed-Use Corridor designation located generally between Yonge Street and the Pugsley Avenue/GO Station Local Development Area.

Please note that this submission is intended to address proposed revisions to Section 4.7, and that we may have additional comments with respect to the Draft Official Plan at a later date.

McCarthyTétrault

June 22, 2010

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Mayor Barrow and Members of Council

We welcome the opportunity to meet with the Town to discuss this matter further. Please feel free to contact the undersigned should you have any questions or comments, or in his absence, Daniel Artenosi at 416-601-8115.

Yours very truly,

McCarthy Tétrault LLP

Per:



Christopher J. Tanzola
Associate | Sociétaire

CJT/dba

- c. Mayor David Barrow
Deputy Mayor and Regional & Local Councillor Brenda Hogg
Regional & Local Councillor Vito Spatafora
Councillor Greg Beros (Ward 1)
Councillor Arnie Warner (Ward 2)
Councillor David L. Cohen (Ward 3)
Councillor Lynn Foster (Ward 4)
Councillor Nick Papa (Ward 5)
Councillor Godwin Chan (Ward 6)
Ana Bassios, Commissioner of Planning and Development
Mimma Carone, 65 & 75 Major Mackenzie Drive East
Vito Carone, 151 Church Street
Shervin Abdzadeh, 152 Major Mackenzie Drive East
Ferruccio Mazzullo, 128 Major Mackenzie Drive East
Mark Khani, 145 Major Mackenzie Drive East
Sam Rosenberg, 499 Major Mackenzie Drive East
George Benbassat, 72 Major Mackenzie Drive East
N. Watkin, 209 Major Mackenzie Drive East
Mario Rosenberg, 125 Major Mackenzie Drive East
Frank Mazza, 119 Church Street
Maria and Carmine Stante, 185 Major Mackenzie Drive
Cindy Shinehoft and Michael Bowler-Jones, 160 Major Mackenzie Drive East
Americo Fraole, 203 Major Mackenzie Drive East

McCarthy Tétrault

June 22, 2010

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Mayor Barrow and Members of Council

George and Patricia Street, 215 Major Mackenzie Drive East
Sabr Ismailzadeh, Amir Ismailzadeh & Hamid Ismailzadeh, 219 and 227 Major
Mackenzie Drive East
Rosemary Tuzi, 120 Baker Street
Salvatore Piazza, 79 and 85 Major Mackenzie Drive East
Dean Artenosi, 45 and 53 Major Mackenzie Drive East
James Lee, 58 Major Mackenzie Drive East and 129 Church Street
Rose Falseti, 197 Major Mackenzie Drive East
Ben Mehdizadeh, 76 Major Mackenzie Drive East
Adriano Tari, 165 Major Mackenzie Drive East
Maryann Moinzadek, 166 Major Mackenzie Drive

Walker, Nott, Dragicevic
Associates Limited
Planning
Urban Design

4.7 LOCAL MIXED-USE CORRIDOR

The Local Mixed-Use Corridor designation functions as a smaller-scale, urban main street connecting the Local Development Areas (LDAs) and providing opportunities for east-west regional connection and the movement of people, goods and services by way of planned, long-term public rapid transit. The Local Mixed-Use Corridor designation envisions a more limited range and mix of land uses and activities in compact, pedestrian-oriented built form. The Local Mixed-Use Corridor designation does not apply across the entire length of the Local Corridor. This Plan recognizes that the character of development within the Local Mixed-Use Corridor designation will not be uniform across all segments. *In particular, the Local Mixed-Use Corridor situated generally between Yonge Street and the Local Development Area (LDA) located at Pugsley Avenue/GO Station is recognized as having the potential to accommodate a higher density of development as a result of its strategic location relative to the Yonge Street Regional Corridor, the LDA and the GO regional transit infrastructure.*

The identification of additional Local Corridors in the Town's urban structure and the designation of additional Local Mixed-Use Corridor lands shall be initiated only by the Town and only at the time of a *municipal comprehensive review*.

4.7.1 LAND USE

It is the policy of Council that:

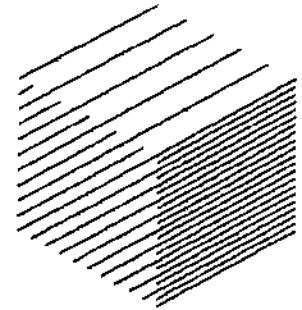
1. The predominant use of land within the Local Mixed-Use Corridor designation shown on **Schedule A2 (Land Use)** to this Plan shall be for mixed-use, transit-oriented development.
2. The following uses shall be permitted within the Local Mixed-Use Corridor designation:
 - a. *Medium density residential;*
 - b. *Office;*
 - c. *Small-scale commercial and retail uses that compliment the residential character of the area;*
 - d. *Community uses in accordance with Section 4.1 of this Plan;*
 - e. *Parks and urban open spaces in accordance with Section 3.4.4 of this Plan; and,*
 - f. *Live-work units in accordance with policies 3.3.3.2.9 through 3.3.3.2.10 of this Plan.*
3. *Development* shall be encouraged to be mixed-use and to be integrated physically within the same building or in separate buildings that are functionally integrated on the same site.
4. The maximum site density for development in the Local Corridor designation shall be 1.5 FSI.

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Peter R. Walker, FCP, RPP
Wendy Nott, FCP, RPP
Robert A. Dragicevic, MCP, RPP
Senior Principals

Marika Coffey
Controller

5. Development shall have a maximum building height of 4 storeys.
6. ***Notwithstanding policies 4.7.1.4 and 4.7.1.5, within the Local Mixed-Use Corridor designation located generally between Yonge Street and the Pugsley Avenue/GO Station Local Development Area (LDA) mid-rise buildings and additional development density shall be permitted, where appropriate, having regard to:***
 - a. *The appropriate depth of the development site;*
 - b. *The proposed land use and built form relationships between the proposed development and the abutting Neighbourhood designation resulting from the additional density; and,*
 - c. *The implementation requirements relating to built form and landscape necessary to address compatibility with abutting Neighbourhood designation.*



4.7.2 DESIGN

It is the policy of Council that:

Building a Strong, Vibrant Identity and Character

1. Applications for *development* may be required to submit a concept plan, in accordance with Section 5.2 of this Plan, which demonstrates how the proposed *development* meets the land use and design policies of this Plan and how it fits with the existing context of the site and surrounding area.

Walkable Streets and People Places

2. Where possible, built form may be designed to create breaks in the streetwall along the Local Mixed-Use Corridor designation to provide pedestrian-oriented parks and urban open spaces or other appropriate pedestrian amenities to the satisfaction of the Town. Access routes may also be permitted to create breaks in the streetwall along the Local Mixed-Use Corridor designation in accordance with policy 3.4.1.31 of this Plan.

Barristers & Solicitors
Patent & Trade-mark Agents

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July 12, 2010

Mayor David Barrow and Members of Council
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill ON L4C 4Y5

Attention: **Donna McLarty**
Town Clerk

Your Worship and Members of Council:

Re: Arten Developments Inc.
Proposed New Town of Richmond Hill Official Plan ("Proposed Official Plan")
File Nos.: D10-CO-IN and D10-OP-DR

We are the solicitors for Rosetown Suites Inc. and Arten Developments Inc. (collectively, "Arten"). On behalf of our client, we made an oral deputation at the Committee of the Whole on July 5, 2010 with respect to the Committee's consideration of the Proposed Official Plan. On behalf of our client, we are writing to respond to certain points that were raised by the Committee during the Committee Debate, as well as provide additional comments on the Proposed Official Plan.

Major Mackenzie Regional Rapid Transit Corridor

During the Committee Debate, comments were made by various members of the Committee related to the anticipated timing of the Regional Rapid Transit Corridor that is planned for Major Mackenzie Drive. Further to our previous submissions, we wish to draw your attention to the following:

- Major Mackenzie Drive between Weston Road and Ninth Line is planned and designated as a "Regional Rapid Transit Corridor" in the recently adopted York Region Official Plan (the "Region OP") with a planned street width of up to 45 metres
- The Region OP provides a policy direction to direct "medium-and high-density urban development to rapid transit corridors"

McCarthy Tétrault

July 12, 2010

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Mayor Barrow and Members of Council

On November 19, 2009, the Region of York adopted an update to the York Region Transportation Master Plan (the "2009 York Region Transportation Master Plan"). As set out in Section 7.3.2, the Major Mackenzie Drive Rapid Transit Corridor between Weston Road and Ninth Line is listed as a "Mid-term" transit project. According to the 2009 York Region Transportation Master Plan, "the significant population and employment growth projected along Major Mackenzie Drive and in the three municipalities in general, combined with high levels of traffic congestion projected in the immediate area, justifies the need to consider rapid transit service along this corridor by 2021" (emphasis added).

While we note that the 2008 Metrolinx Regional Transportation Plan does not show the Major Mackenzie Regional Rapid Transit Corridor on Schedule 1 (transit projects within the first 15 years) or Schedule 2 (transit projects within years 16 to 25), Section 5.4 states the following:

The first comprehensive review of the RTP will examine the results achieved in the early years of the plan's implementation, and the latest information on environmental, social and economic trends. As part of this review, specific projects and actions for beyond the 25-year time horizon of the current RTP will be identified. Some of these projects may also be recommended for earlier implementation as a result of this analysis. Priority projects for analysis include (from west to east)...

- ...new rapid transit service in York Region along Major Mackenzie Drive, with additional north-south connections to the Highway 7 corridor...(emphasis added)

In this regard, the 2008 Metrolinx Regional Transportation Plan contemplates changes to the currently anticipated timing of certain transit projects, and it specifically identifies new rapid transit service along Major Mackenzie Drive as being a "priority project."

The currently proposed timing for the Major Mackenzie Regional Rapid Transit Corridor in the 2008 Metrolinx Regional Transportation Plan is specifically noted in the 2009 York Region Transportation Master Plan. As stated in the 2009 York Region Transportation Master Plan, the Region has undertaken "a more thorough analysis of its needs and taken a more aggressive approach to sustainable transportation."

Additional Concerns

We have additional land use planning concerns with the Proposed Official Plan, including basic concerns related to the Plan's conformity to the Growth Plan, and we reserve our rights in this respect. We submit that greater time is required in order to properly address, and for the Town to properly consider, such concerns.

McCarthy Tétrault

July 12, 2010

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Mayor Barrow and Members of Council

We welcome the opportunity to meet with the Town to discuss these matters further. Please feel free to contact the undersigned should you have any questions or concerns, or in his absence, Christopher Tanzola at 416-601-7855.

Yours very truly,

McCarthy Tétrault LLP

Per:



Daniel B. Artenosi
Associate | Sociétaire

DBA

- c. Ana Bassios, Commissioner of Planning and Development
Mayor David Barrow
Deputy Mayor and Regional & Local Councillor Brenda Hogg
Regional & Local Councillor Vito Spatafora
Councillor Greg Beres (Ward 1)
Councillor Arnie Warner (Ward 2)
Councillor David L. Cohen (Ward 3)
Councillor Lynn Foster (Ward 4)
Councillor Nick Papa (Ward 5)
Councillor Godwin Chan (Ward 6)
Ana Bassios, Commissioner of Planning and Development
Mimma Carone, 65 & 75 Major Mackenzie Drive East
Vito Carone, 151 Church Street
Shervin Abdzadeh, 152 Major Mackenzie Drive East
Ferruccio Mazzullo, 128 Major Mackenzie Drive East
Mark Khani, 145 Major Mackenzie Drive East
Sam Rosenberg, 499 Major Mackenzie Drive East
George Benbassat, 72 Major Mackenzie Drive East
N. Watkin, 209 Major Mackenzie Drive East
Mario Rosenberg, 125 Major Mackenzie Drive East
Frank Mazza, 119 Church Street
Maria and Carmine Stante, 185 Major Mackenzie Drive
Cindy Shinehoft and Michael Bowler-Jones, 160 Major Mackenzie Drive East
Americo Fraole, 203 Major Mackenzie Drive East
George and Patricia Street, 215 Major Mackenzie Drive East

McCarthy Tétrault

July 12, 2010

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Mayor Barrow and Members of Council

Sabr Ismailzadeh, Amir Ismailzadeh & Hamid Ismailzadeh, 219 and 227 Major Mackenzie Drive East
Rosemary Tuzi, 120 Baker Street
Salvatore Piazza, 79 and 85 Major Mackenzie Drive East
Dean Artenosi, 45 and 53 Major Mackenzie Drive East
James Lee, 58 Major Mackenzie Drive East and 129 Church Street
Rose Falseti, 197 Major Mackenzie Drive East
Ben Mehdizadeh, 76 Major Mackenzie Drive East
Adriano Tari, 165 Major Mackenzie Drive East
Maryann Moinzadek, 166 Major Mackenzie Drive

Barristers & Solicitors
Patent & Trade-mark Agents

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July 23, 2010

VIA OVERNIGHT COURIER

Regional Chair Bill Fisch and Members of Regional Council
The Regional Municipality of York
Corporate Services Department
York Region Administrative Building
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly
Regional Clerk

Regional Chair and Members of Regional Council:

Re: Arten Developments Inc.
Proposed New Town of Richmond Hill Official Plan ("Proposed Official Plan")
File Nos.: D10-CO-IN and D10-OP-DR

We are the solicitors for Rosetown Suites Inc. and Arten Developments Inc. (collectively, "Arten"). Arten has current applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval for the lands municipally known as 64 & 72 Major Mackenzie Drive East and 115 and 119 Church Street South in the Town of Richmond Hill (the "Site"). The Site is generally located in the northeast quadrant of Major Mackenzie Drive East and Church Street South, one block east of Yonge Street.

We are in receipt of the notice of the passing of a by-law to repeal the Official Plan for the Richmond Hill planning area adopted on December 24, 1981 and to adopt the Richmond Hill Official Plan dated July 2010 as the Official Plan for the Town of Richmond Hill (the "New Official Plan") under Sections 17(23) and 21(1) of the *Planning Act, R.S.O. 1990*, as amended.

We have made numerous written and oral depositions to the Town of Richmond Hill in respect of the New Official Plan. Our submissions form part of the public record in this matter.

McCarthy Tétrault

July 23, 2010

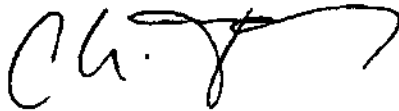
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Please provide us with notice of the Region's decision in this matter to the attention of the author and Daniel Artenosi (dartenosi@mccarthy.ca or at 416-601-8115).

Yours very truly,

McCarthy Tétrault LLP

Per:



Christopher J. Tanzola

CJT/cjg

c: Donna McLarty, Town Clerk, Town of Richmond Hill
Dean Artensoi, Rosetown Suites Inc. and Arten Developments Inc.