



June 21, 2022

City of Richmond Hill  
Corporate and Financial Services Department  
225 East Beaver Creek Road  
Richmond Hill, Ontario  
L4B 3P4

Attn: Ms. Gigi Li, Director, Financial Services

Dear Ms. Li,

Re: Response to Proposed Community Benefits Charge By-law  
13351 and 13359 Yonge Street  
Yonge Ridge Developments Inc.

Evans Planning has been retained by Yonge Ridge Developments Inc. to assist with the development of lands located at 13351 and 13359 Yonge Street in the City of Richmond Hill (the subject property). The subject property is located in the southeast corner of the intersection of Yonge Street and Ridge Road, and possesses frontage along both streets. The property has a total area of approximately 0.473 hectares (1.17 acres).

The subject property is designated as *Oak Ridges Local Centre* within the City of Richmond Hill Official Plan. The predominant land use within this designation is mixed-use, transit-oriented development, including medium density residential, office, retail, commercial, automotive service commercial, community uses, parks, urban open spaces, and live-work units. Development is limited to a maximum height of four (4) storeys and a maximum density of 1.0 FSI.

An application to amend the Zoning By-law was submitted to the City of Richmond Hill in December 2017, and was deemed complete effective December 20, 2017 as file D02-17044. The contemplated redevelopment consists of 50 back-to-back stacked townhouse dwelling units of standard condominium tenure. Access to an underground parking structure would be provided from Ridge Road, while an operational access route is provided from Yonge Street. The upper units in the proposed buildings benefit from exclusive rooftop terraces accessed by a small 'pop-up' structure. These structures do not contain any living space, consisting only of staircase, landing, and mechanical room (refer to Appendix 'A'). Accordingly, we are advised that they would not be considered a 'storey' based on the provisions of the Ontario Building Code. Further, it is our experience that City Planning and Building Departments would not consider this form of rooftop access to be a 'storey'.

At its meeting of October 13, 2021, Council adopted the recommendations of City Planning Staff to approve the proposed Zoning By-law Amendment in principle. Council also delegated the assignment of servicing allocation for the proposed development to the Commissioner of Planning, and directed that all comments concerning the applicant's related Site Plan application (City File D06-19028) be referred back to Staff.

A formal resubmission to of the above referenced Site Plan Control application was provided to the City to address remaining comments and was delivered to the City on January 6, 2022. Through this submission, several internal departments have provided their clearance. It is understood that the implementing Zoning By-law Amendment is to be presented to City Council for approval at a meeting in July 2022.

In reviewing the proposed Community Benefits Charge (CBC) By-law, we provide the following comments:

- **Definition of 'Grade'**

With respect to the subject property, there is a significant grade change between the interior of the site and both the Ridge Road and Yonge Street property lines. In particular, it is noted that the access to the parking structure is level with the elevation of Ridge Road, but is below grade at the interior of the site. Further, the buildings have been designed to step up in accordance with the change of elevation along Yonge Street, such that the 'established grade' varies based on where along the property frontage it is measured.

Within the proposed CBC By-law, 'grade' is defined as meaning *'the level of the ground adjacent to the outside wall of a Building'*. We respectfully suggest that in the context of the subject property, this definition does not provide sufficient clarity to determine what the 'grade' level is for the purposes of establishing what the 'First Storey' of the building is.

As the By-law outlines that a CBC shall not be imposed with respect to development with fewer than five storeys at or above ground, clarity in this definition is essential.

We note that the proposed Zoning By-law Amendment for the property presently being finalized by Staff would establish a definition of 'established grade' which references a specific elevation above sea level to eliminate the uncertainty related to this determination. Accordingly, we would suggest that the CBC By-law should be revised to recognize a definition of 'established grade' where implemented through a site-specific Zoning By-law Amendment.

- **Definition of 'Storey'**

As noted above, the proposed development contemplates rooftop access through a 'pop-up' structure for the upper units, however it is not clear whether such a structure would be considered a 'storey' for the purposes of the By-law given the present definition, being *'a level of a Building, other than a Basement, located between any floor and the floor, ceiling or roof immediately above it'*.

Again, as the By-law outlines that a CBC shall not be imposed with respect to development with fewer than five storeys at or above ground, clarity in this definition is essential. We suggest that the definition be revised to include an exemption for rooftop accesses which are limited in size and do not contain any living space.



We are of the opinion that the purpose and intent of the CBC regime was to establish a means to ensure a benefit to the community for height and density beyond that otherwise permitted within the Official Plan or Zoning By-law. Given that the proposed development conforms to the vision and intent of the Official Plan with respect to the form of development appropriate for the subject property, we ask that the requested revisions should be implemented to ensure that the proposed development is not subject to the Charge.

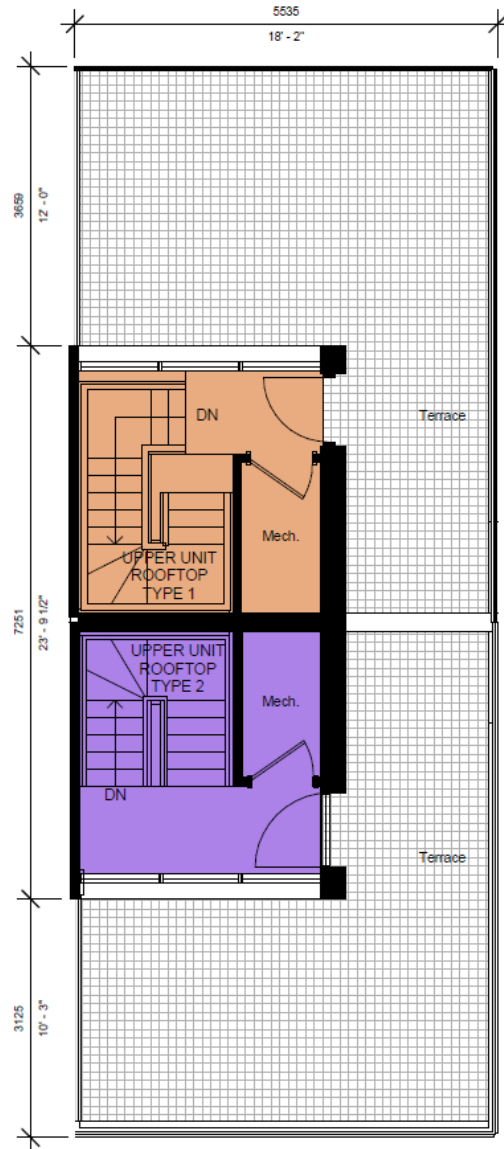
Should you have any questions regarding this matter, please contact the undersigned. We request to be notified in advance of any further reporting, consultation, or decisions with respect to this matter.

Yours truly,

Adam Layton, RPP, MCIP

cc. Yonge Ridge Developments Inc.  
City Clerk

Appendix 'A' – Rooftop Access 'Pop-Up' Design



5 TYPICAL TOWNHOUSE ROOFTOP  
1 : 75