



Toronto and Region  
**Conservation**  
Authority

April 20, 2023

CFN 66429.24  
X-ref: CFN 64161.08

**By Email Only (leighann.penner@richmondhill.ca)**

Ms. Leigh Ann Penner  
City of Richmond Hill  
225 East Beave Creek Road  
Richmond Hill, ON  
L4B 3P4

Dear Ms Penner:

**Re: D01-20015 (Official Plan Amendment)  
D02-20015 (Zoning By-law Amendment)  
Related: D06-22036 (Site Plan)  
9301, 9325 and 9335 Yonge Street, City of Richmond Hill  
Owner: Whitehorn Investments Limited, Stephen-Mitchell Realty Limited, 891566  
Ontario Limited, Ledbrow Investments Ltd.  
Agent: Smart Centres c/o Mark Resnick**

Further to our letter dated August 18, 2021 and November 7, 2022, this letter acknowledges receipt of the second Official Plan Amendment and Zoning By-law Amendment applications, received March 20, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

The following comments are issued in accordance with Section 21.1(1) of the *Conservation Authorities Act*, which requires TRCA to provide programs and services related to natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the *Planning Act*, ensure that decisions under the *Planning Act* are consistent with the natural hazard policies of the Provincial Policy Statement (PPS). In accordance with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include non-mandatory comments pertaining to natural heritage matters, for example, outside of our core planning mandate and regulatory authority.

In addition, TRCA must also ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section of 8 of TRCA's Living City Policies) for implementation of the regulation.

We recognize that this application was submitted prior to the changes to the *Conservation Authorities Act* and associated regulation coming into effect. On this basis, to avoid unnecessary delays in the processing of the application, we offer the City the following advisory review

comments on this application, in addition to comments related to our regulation and natural hazards, and we defer the implementation of the advisory comments to City staff.

### **Purpose of the Application**

It is our understanding that the purpose of the above applications is to permit a high density mixed-use development comprised of 2 residential condominium towers, 42 and 45 storeys in height, connected by a 5 storey podium with at-grade retail and 1 level of underground parking fronting onto 16<sup>th</sup> Avenue.

**Revised:** The subject application represents the first phase of a multi-phased redevelopment of the overall landholding. The proposed development includes a combined total of 1,047 dwelling units, 68,499.64 square metres of Gross Floor Area, a Floor Space Index of 8.84, 844 parking spaces, 676 bicycle parking spaces, and vehicular access from 16th Avenue.

### **Site Context**

#### **Regulation 166/06**

The subject lands are partially within the TRCA's Regulated Area as its eastern portion is located adjacent to a valley corridor associated with the Don River Watershed. Although the applications are related to addresses 9301, 9325 and 9335 Yonge Street, the lands specific to this proposed works is located outside TRCA's Regulated Area, therefore a permit will not be required for this specific development.

Based on our review of the Master Plan (IBI, June 2022), future phased development blocks identified as Block D, F, G, Green Space and associated New Street D appear to be within and/or adjacent to TRCA's Regulated Areas. As such, In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any works taking place in our Regulated Areas. TRCA may provide further comments upon receiving future phase applications.

### **Permitting**

Although the applications are related to addresses 9301, 9325 and 9335 Yonge Street, the lands specific to this proposed works is located outside TRCA's Regulated Area, therefore a permit will not be required for this specific development.

Future phases of the Master Plan, please note the subject lands are partially located within TRCA's Regulated Area. On this basis, a TRCA permit is required from this Authority prior to any works commencing in our Regulated Areas, pursuant to Regulation 166/06, as amended. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

### **Application Specific Comments**

TRCA staff have completed a review of the noted application and offer detailed comments in **Appendix B**.

### **Recommendation**

The TRCA trusts that our technical review of this application is of assistance to the City of Richmond Hill. As the proposed development is not located within a TRCA Regulated Area, staff recommends that the City of Richmond Hill ensure that the proposed works meet CTC SPP policies. Hereafter, TRCA staff defers the issue to the satisfaction of the municipality. However, the TRCA will provide technical expertise in the continued review of this application, per our operational protocol with York Region.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me 437-880-2286 or [linda.bui@trca.ca](mailto:linda.bui@trca.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Bui', with a long horizontal flourish extending to the right.

Linda Bui  
Planner  
Development Planning and Permits | Development and Engineering Services

## **Appendix A Materials Reviewed**

- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Planning Addendum, prepared by Goldberg Group, dated February 16, 2023
- Comment Response Letter, prepared by Smart Centres, dated February 22, 2023
- Architectural Package (AZ000 - AZ1110), prepared by Sweeny&Co Architects, dated May 6, 2022
- Masterplan, prepared by IBI, dated June 2022
- Landscape Package (LC.000 - LR.100), prepared by Studio TLA, dated January 25, 2023
- Functional Servicing and Stormwater Management Report, prepared by ARUP, dated February 17, 2023
- Civil Drawing Package (1-01 - 1-03), prepared by ARUP, dated February 17, 2023
- Hydrogeological Investigation and Water Balance Assessment, prepared by EXP, revised 4 dated June 14, 2022

## **Appendix B Application Specific Comments**

1. **No Action Required At This time.** This comment is being provided as advisory for future phases of the Master Plan.

As noted above, the subject property is located within TRCA's Regulated Area. However, based on our review, the proposed Phase 1 development is outside TRCA's regulation limit. As such, at this time, a TRCA permit pursuant to Ontario Regulation 166/06, is not required.

TRCA staff note Figure 1 (South Hill Masterplan Urban Design Brief Addendum, prepared by IBI, dated June 2022) provides a conceptual framework plan which proposes future buildings, roads and pedestrian routes within or in close proximity to TRCA's Regulated Area. Please note, TRCA has an interest in all future development on the above mentioned properties and all forthcoming applications pertaining to the subject lands must be circulated to the TRCA for review and comments. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

### **TRCA staff offer the following comments for City of Richmond Hill staff to consider**

#### **Quality Control:**

2. Please provide clarification on the proposed "Filter" treatment. Please provide preliminary sizing and illustrate the filter treatment location on the proposed development drainage plan, provide typical details, and clarification for how runoff from the laneway area will drain to the "filter treatment".

TRCA looks forward to reviewing the detailed design of the proposed filter treatment system at the Site Plan application stage.

#### **Erosion Control/Water Balance:**

3. As TRCA erosion control criteria is retention of first 5 mm of runoff from the entire subject development, please consider providing a figure illustrating the location of the proposed LIDs and the catchment area associated with each LID measure. Please provide calculations demonstrating the required and provided storage volumes for each catchment area associated with the proposed LIDs.

The applicant notes that the current layout of the development precludes the inclusion of LIDs as the whole site is impervious and the basement level occupies the entire footprint of the site. Further consideration of potential LID feasibility (i.e. soil cells, soakaway pits, off site solutions) to be considered in future stages of design.

TRCA looks forward to reviewing the detailed design of the proposed filter treatment system at the Site Plan application stage.

#### **Erosion and Sediment Control:**

4. TRCA suggests that detailed ESC drawings and ESC report be provided at the detailed design stage for review, including all appropriate general ESC notes in accordance with the Erosion and Sediment Control Guideline for Urban Construction, 2006. The most up-to-date guideline can be found at [www.sustainabletechnologies.ca](http://www.sustainabletechnologies.ca). TRCA standard erosion and sediment notes can be found here:

[https://trca.ca/app/uploads/2016/02/Guidelines\\_for\\_Standard\\_Notes\\_on\\_Infrastructure\\_Project\\_OR\\_166\\_06\\_Submissions.pdf](https://trca.ca/app/uploads/2016/02/Guidelines_for_Standard_Notes_on_Infrastructure_Project_OR_166_06_Submissions.pdf).

Drawing 1-03 depicts a preliminary ESC plan. TRCA looks forward to reviewing the detailed design of the ESC plans at the Site Plan application stage.