



September 16, 2020

CFN: 62544.04
X-ref: 43424.06

BY EMAIL: simone.fiore@richmondhill.ca

Ms. Simone Fiore
City of Richmond Hill
225 East Beaver Creek
Richmond Hill, ON
L4B 3P4

Dear Ms. Fiore,

**Re: D01-20003 – Official Plan Amendment
D02-20009 – Zoning By-law Amendment
13572 and 13586 Bayview Avenue, Richmond Hill
Azan Holdings Inc.**

This letter will acknowledge receipt of the above-noted applications. Toronto and Region Conservation Authority (TRCA) staff have reviewed the submission and offer the following comments. A list of materials reviewed is available in Appendix A.

Purpose of Application

It is our understanding that the purpose of these applications is to permit an 11-storey high-rise residential building with a proposed GFA of 14,303 square metres, 122 dwelling units a density of 111 units per hectare.

Application TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06

The subject properties are located within a TRCA Regulated Area of the Humber River Watershed. A portion of 13586 Bayview Avenue contains a portion of the Wilcox-St. George Provincially Significant Wetland Complex, which extends north and west from the properties. Both 13572 and 13586 Bayview Avenue are within the area of interference of this wetland. 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 of the following works taking place on the subject lands:

- a) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere

Living City Policies for Planning and Development in the Watersheds of the TRCA:

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development (including the creation of new lots), site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

Source Protection Plan: CTC Source Protection Region

Please be advised that the subject properties appears to fall within a Wellhead Protection Area Q2 (WHPA –Q2) under the Credit Valley-Toronto & Region-Central Lake Ontario Source Protection Plan (CTC SPP). A small area appears to be located in a Highly Vulnerable Aquifer (HVA). TRCA supports the legislated protection of municipal drinking water sources through the *Clean Water Act* and acts as a technical advisor to the municipality for some aspects of the CTC SPP. However, municipalities are the approval authority responsible for ensuring that *Planning Act* applications conform to the CTC SPP. Therefore, TRCA staff recommend contacting your local Risk Management Official for further information regarding the CTC SPP requirements.

Oak Ridges Moraine Conservation Plan (ORMCP):

The subject properties are located on the Oak Ridges Moraine (ORM), within the Settlement Area land use designation of the Oak Ridges Moraine Conservation Plan (ORMCP). The subject properties are also located within the Minimum Vegetation Protection Zone (MVPZ) of a Key Natural Heritage Feature (KNHF) and/or hydrologically Sensitive Features (HSFs) (i.e.,

Snively Wetland Wilcox St. George Provincially Significant Wetland Complex [PSW]). In accordance with the ORMCP, a Natural Heritage Evaluation (NHE) is typically required in support of any development within the MAI of KNHFs or HSFs to delineate and assess the nearby features(s) and demonstrate that no adverse impacts to the ecological integrity of the ORM area will result from the proposed development. The proponents have submitted an NHE, prepared by Beacon Environmental, dated April 2020 which has been reviewed as part of this submission.

The TRCA has objectives related to the maintenance, restoration and enhancement of the ORMCP area. The TRCA must be satisfied that there will be no negative impacts on the natural features resulting from the approval of the subject application. However, given that municipalities are the designated approval authority under the Oak Ridges Moraine Conservation Act, TRCA staff recommends that the City of Richmond Hill ensure that this application conforms to the provisions of the ORCMP.

As the works qualify as Major Development within the ORMCP, the application must conform with the watershed plan (Humber River Watershed Plan).

Humber River Watershed Plan, June 2008

Under the *Humber River Watershed Plan, June 2008*, water balance needs to be maintained to pre-development volumes of infiltration, evapotranspiration and surface runoff.

History

TRCA has previously reviewed an OPA / ZBA application for these properties under CFN 43424.06 (X-ref: 40126.12) which originally proposed a 6 storey residential building. A total of three formal submissions were received for TRCA review with the most recent comments provided in our August 18, 2014 letter. The proposed development went through several revisions and it was noted in the last review in 2014 the proposed development provided for a full 10 metre minimum vegetation protection zone (MVPZ) from the PSW along both the north and south sections of the properties and approximately a 30 metre MVPZ for the western portion of the property (with only minor encroachments). In addition, the revised plans comprised of a 4 storey building.

A pre-consultation meeting was held with the proponents and TRCA staff in February 2020 to discuss the feasibility of potentially proposing changes from what was reviewed in 2014 (i.e. parking and NHE requirements). Given the limited information on the proposed changes, TRCA noted our August 18, 2014 correspondence was still applicable. It is our understanding that this most recent submission proposes an 11 storey building within a similar footprint proposed in 2014. The delineation of the previous staked limits of the dripline, wetland, and their buffers has also shifted based on a single site visit without confirmation from the Ministry of Natural Resources and Forestry (MNRF), TRCA and City staff. TRCA staff understand contact has been initiated with MNRF and no response as been received up to date.

Application Specific Comments

Planning

1. The lands within the Natural Heritage System and buffer is recommended to be placed within an appropriate environmental protection designation and gratuitously dedicated to the City or other appropriate public agency.
2. The delineation of the PSW and dripline appear to differ from what TRCA has previously agreed in our correspondence dated August 18, 2014. TRCA request that any revisions to

the previous staked limits of the dripline, wetland and their associated buffers require confirmation of approval from MNRF. TRCA staff understand that contact has been initiated with MNRF, but no confirmation has been given. Therefore, any revisions to the previously staked limited cannot be supported at this time. Please confirm the PSW limit with MNRF and apply to all appropriate plans.

3. Drawing No. CL-1, Conceptual Landscape Plan, prepared by MSA, dated April 22, 2020 includes a 1.5m – 2m wide granular pathway leading from the proposed building and circles the entire buffer area with encroachment into the adjacent property. TRCA would not support an amenity space in the buffer which should be free of encumbrance. It is our expectation that the lands will be fenced to minimize impacts on the Natural System and should be illustrated on all appropriate plans. Please revise all drawings to remove the encroachment.
4. As noted in the NHE (prepared by Beacon Environmental, dated April 2020), minor encroachments onto the 30 m wetland buffer is being proposed and that additional area as been added to the buffer in the southeast portion of the site in order to achieve the equivalent area. It is expected that the full 30 metre buffer continues to be warranted.
5. As previously noted in our March 1, 2011 letter, due to the current flows contributing to the Snively Wetland Complex, additional discharge may not be considered acceptable as it may contribute to a potential flood risk. There are known flooding issues associated with the PSW. Therefore, the proponents should reach out to the City to discuss potential projects to bring drainage towards Bayview Avenue. There may be shared cost opportunities that the proponents could explore with the City.

Hydrogeology

6. Based on the current submission material, Hydrogeological staff does not have any concerns with respect to the proposed Official Plan and Zoning By-law applications, however reserves the right for further comment at the time of site plan application when more detailed information will be available.

Ecology

7. The current and previous proposed footprints appear to be similar, please provide a response to TRCA's previous comments dated Aug. 18, 2014 and how each comment has been addressed in the recent submission.
8. Please revise Figure 2 of the NHE (prepared by Beacon, dated April 2020) to clearly show the previous staked limits of the dripline, wetland, and their buffers (as agreed to in OPA 129) in conjunction with the updated limits and corresponding buffers. Please confirm the limit of the wetland with the Ministry of Natural Resources and Forestry. This coordination with the MNRF was previously requested, and the confirmed PSW limit needs to be added to the NHE.
9. In addition, the NHE (prepared by Beacon, dated April 2020) needs to contain all floral and faunal inventories. Currently, it is lacking the inventories from 2020 (three season surveys).
10. Please do not resubmit the revised NHE until the limit of the PSW has been confirmed with MNRF and all floral and faunal data from 2020 have been included.

11. Please revise Figure 3 of the NHE (prepared by Beacon, dated April 2020) to only show the ELC communities and the Previously Approved Development Constraints, as currently, the figure is very confusing with the proposed development on it.
12. Please revise Section 8.1 Impact Assessment of the NHE (prepared by Beacon, dated April 2020) to include an assessment of adding stormwater to an already flooded wetland. Since the Region of York, City of Richmond Hill and TRCA are working collaboratively on alleviating the existing flooding issues for the Snively Wetland, a discussion regarding additional stormwater to this feature is warranted. Existing homes and properties are currently being flooded by the extremely high water levels in the wetland, and with no outlet for this feature, additional stormwater will exacerbate the flooding issues. TRCA ecology recommend that the development avoid discharging any stormwater to this feature, and perhaps discharging to the Bayview Avenue storm system. Revisions to the site plans are required. (Comment 4 is similar)
13. Please remove all proposed encroachments to both the features and their buffers. Due to the sensitivity of the PSW encroachments will not be entertained. Please revise the NHE (prepared by Beacon, dated April 2020) and site plans accordingly. Since human occupation of the site is proposed to increase dramatically, full buffers are warranted. (Comment 3 is similar)
14. Please revise the NHE (prepared by Beacon, dated April 2020) and site plans to remove the proposed trail and add a fence to the limit of development to limit access to the sensitive PSW. (Comment 3 is similar)
15. Please confirm that Bird Friendly Development Guidelines will be incorporated into the building design, and outline what these measures will include.
16. Please revise the NHE (prepared by Beacon, dated April 2020), site plans and Conceptual Landscape Plan (prepared by MSA, dated April 22, 2020) to remove all proposed works outside of the property line. Currently, works are proposed on adjacent lands. In addition, please revise the Conceptual Landscape Plan (prepared by MSA, dated April 22, 2020) to remove the proposed trail and all encroachments from the buffers. The buffer planting needs to be increased substantially, to provide an ecological gain, and to buffer the PSW from the proposed development. Due to the increased density of residents, the buffer planting should be as dense as possible to mitigate noise, light, etc.
17. Please update the tree preservation plan (prepared by Kuntz Forestry Consulting Inc., dated February 20, 2020) to include all agreed to staked limits and associated buffers, as currently it is unclear whether any trees are to be removed from buffer areas.

Water

18. Please note that the feasibility of an outlet to Bayview Avenue needs to be confirmed as TRCA staff have concerns with increasing runoff volume to the Snively Wetland. Please note that here may be opportunities to coordinate with Richmond Hill in a proposed outfall to Bayview Avenue since the city is undergoing a study to remediate flooding conditions within the area of Snively Wetland.
19. Please note that TRCA has taken a position whereby OGS units, regardless of manufacturer, as a stand-alone measure can achieve up to a 50% TSS removal. As TRCA requires 80% TSS removal, additional measures must be considered. Please note that if the

proposed soakaway pit is designated to provide quality control, please provide sizing calculations as per Table 3.2 of the Stormwater Management Planning and Design Manual (MOE, 2003).

20. The minimum erosion control requirement within TRCA's jurisdiction is retention of the first 5 mm of every rainfall event. Please demonstrate on-site retention of the first 5 mm of every rainfall event (without the use of initial abstraction, as noted in Stormwater Management Criteria (TRCA, 2012)). Please provide supporting information to demonstrate that erosion control criteria have been satisfied.
21. As part of the annual water balance assessment:
 - a) Please confirm the total rainfall volume and evapotranspiration for all land uses seen in Table 11 of the Hydrogeological Investigation (prepared by Palmer, dated April 27, 2020).
 - b) Please ensure the split of impervious and pervious area matches with the Functional Servicing and Stormwater Management Report (Masongsong Associates, dated April 2020).
 - c) TRCA staff are unclear why impervious areas like "rooftop" are only 90% impervious. Please review and revise accordingly.
 - d) TRCA Water Resources Engineering staff withhold further comments until the next submission.
22. For cisterns/storage facilities providing rainwater reuse, please evaluate the supply and demand to ensure ample drawdown time of the retention storage.
23. During the detailed design stage, TRCA staff will be looking for inlet capacity calculations to ensure that the quantity control facility receives runoff from all storm events up to and including the 100 year storm.
24. During the detailed design stage, please ensure that an erosion and sediment control plan be provided for review for each phase of construction.

Permit

As noted above, the subject properties are located within TRCA's Regulated Area. On this basis, a TRCA permit is required from this Authority prior to the proposed works commencing on the subject site, pursuant to Ontario 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 Review Fees

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

TRCA staff understand the current owners remitted TRCA's 2010 Planning Services fee under CFN 43424.06 in the amount of \$4,235.00. Please note, three submissions were submitted for TRCA review under CFN 43424.06 with the last comment letter issued August 18, 2014. Since then, new City File numbers were created and circulated to TRCA for review. Given the files have been received under TRCA's updated 2018 Planning Fee schedule, a top-up blended

OPA / ZBA fee to current cost (Official Plan Amendment / Zoning By-law Amendment - \$12,600 – Major) is required under our File Continuation category which is applicable to files that continue beyond two years from the date of submission of the application. A credit of \$4,235.00 would make the balance owing **\$8,365.00**.

Please note that TRCA reserves the right to request additional / an increased fee rate should the review require a substantially greater level of effort than anticipated for a Major application in accordance with our fee schedule. Our Major fee currently covered up to 3 submissions for review.

Recommendation

In light of the above noted comments, prior to TRCA staff supporting the proposed Official Plan Amendment and Zoning By-law Amendment applications, additional information and revisions are required. TRCA staff request that the staked limits of the dripline, wetland, and their buffers be appropriate delineated to the satisfaction of the City, MNRF and TRCA. Please include a response letter with your resubmission outlining how the comments have been addressed.

Additional comments may arise as a result of further technical review of supplementary materials.

I trust these comments are of assistance. Should you have any further questions or comments, do not hesitate to contact the undersigned.

Yours truly,



Linda Bui
Planner, Development Planning and Permits
linda.bui@trca.ca, Extension 5289

Appendix A

- Drawing No. RZ-01 - RZ -09, Architectural Package, prepared by Dialog, dated April 22, 2020
- Drawing No. SGR-1, Site Servicing and Grading Plan, prepared by Masongsong Associates, dated April 22, 2020
- Drawing No. DET-1, Details Plan, prepared by Masongsong Associates, dated April 13, 2020
- Functional Servicing and Stormwater Management Report, Masongsong Associates, dated April 2020
- Geotechnical Investigation, prepared by WSP, dated April 9, 2020
- Hydrogeological Investigation, prepared by Palmer, dated April 27, 2020
- Drawing No. CL-1, Conceptual Landscape Plan, prepared by MSA, dated April 22, 2020
- Natural Heritage Evaluation, prepared by Beacon Environmental, dated April 2020
- Phase One Environmental Site Assessment, prepared by WSP, dated April 2020
- Planning Justification Report, prepared by Evans Planning Inc., dated April 22, 2020
- Surveyors Real Property Report, prepared by KRCMAR, dated April 2, 2020
- Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated February 20, 2020
- Drawing No. 1, Tree Inventory and Preservation Plan, prepared by Kuntz Forestry Consulting Inc., dated February 20, 2020