



February 22, 2021

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**BY EMAIL ONLY**

Mr. Jeff Healey  
City of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, ON L4B 3P4

**Dear Mr. Jeff Healey:**

**Re: D01-20013 (Official Plan Amendment)  
D02-20025 (Zoning By-law Amendment)  
11160 Yonge Street, Richmond Hill  
Hazelview Developments 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 for this submission has been attached in Appendix A.

**Purpose of Application**

It is our understanding that the purpose of these applications is to facilitate the development of a high-density mixed use residential/commercial development comprised of three towers (15, 18 and 35 storeys) comprised of 731 residential units and 510 square metres of commercial floor space at grade.

**Applicable Regulations and Policies**

*Ontario Regulation 166/06*

The subject property is regulated by the TRCA as it traversed by a valley corridor containing a regional storm flood plain and continuous vegetation. 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:

- 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

In addition to our regulatory responsibilities, the 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. As such, it is the responsibility of the TRCA, pursuant to a Memorandum of Understanding with the Province, to ensure that portions of Provincial Policies relevant to TRCA's jurisdiction are adhered to. Furthermore, the TRCA has a Memorandum of Understanding with the Region of York and an operational protocol with the City of Richmond Hill, where we advise our municipal partners on matters related to the Provincial interest as well as natural heritage and hazard issues.

### **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" made up 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, 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 m buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 m buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 m buffer from Provincially Significant Wetlands and a 10 m buffer from all other wetlands and any contiguous natural features or areas.

### **York Region Official Plan**

The subject property is partially located within the Regional Greenlands System and Woodlands as identified by York Region's Official Plan (OP). York Region's OP contains policies that require the protection of key natural heritage features and key hydrologic features and the adjacent lands necessary to maintain these features in a linked system. Further, York Region's OP generally directs new development and site alteration away from hazardous lands, and requires setbacks, buffers and/or access allowance from hazardous lands. As the subject property is partially within and adjacent to key natural heritage, key hydrological features, and hazardous lands, the applicant must demonstrate that the proposed development conforms with the applicable policies of York Region's OP, including those of Chapter 2 (Sustainable Natural Environment).

### **Oak Ridges Moraine Conservation Plan (ORMCP)**

The subject property is designated as Settlement Area in the Oak Ridges Moraine Conservation Plan (ORMCP). Under the ORMCP, Minimum Vegetative Protection Zones (MVPZ), typically of 30 metres, and Minimum Areas of Influence (120 metres) are applied to Key Natural Heritage Features (KNHFs) and Hydrologically Sensitive Features (HSFs) on or in close proximity to the subject property.

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, we recommend that the City of Richmond Hill ensure that this application conforms to the provisions of the ORMCP.

### **CTC Source Protection Plan**

The Source Protection Plan (SPP) under the *Clean Water Act, 2006*, developed for the Credit Valley, Toronto and Region and Central Lake Ontario (CTC) Source Protection Region came into effect on

December 31, 2015 and was amended in 2019. The CTC SPP contains policies to ensure that existing activities occurring when the Plan took effect cease to be significant drinking water threats, and to prevent future activities from becoming significant threats to drinking water.

The subject property is located within a Wellhead Protection Area-Q (WHPA-Q) below the downgradient which is considered Vulnerable Areas pursuant to the CTC SPP. TRCA staff note that all Site Plan applications (excluding a single family dwelling with a building footprint of less than 500 square metres) and Subdivision applications within WHPA-Q areas must conform to Policy REC-1 of the CTC SPP which requires a water balance.

### **Application Specific Comments**

#### *Planning*

1. Please indicate on all relevant plans (Site Plan, Grading Plan, Servicing Plan etc.) the flood plain, contiguous dripline, top of bank and associated buffer in relation to the proposed development, confirming that development is outside of the natural hazard and features and associated buffers.
2. The submitted materials show an outfall discharging to the watercourse. The proponent should confirm the existing condition of the outfall. TRCA will require additional clarification on existing SWM controls and the proposed flows and required erosion protections.
3. The Natural Heritage Evaluation (NHE), prepared by Savanta, dated October 2020 notes 0.0372 ha of woodland is proposed for removal. Please provide further clarification for the purpose of the removal of significant woodlands.
4. The watercourse is considered contributing habitat to Redside Dace. Therefore, it is recommended that the proponents contact Ministry of the Environment, Conservation and Parks (MECP).

#### *Ecology*

5. The subject site contains Significant Woodlands, Significant Valleyland, Significant Wildlife Habitat, Habitat of Threatened and Endangered Species therefore, the required buffers should be outlined in the Natural Heritage Evaluation (NHE), prepared by Savanta, dated October 2020. Please revise the NHE to include a discussion on required buffers associated with the relevant policies. A discussion is also required with respect to how these buffers are to be achieved in the site plan.
6. At detail design, please ensure the buffer restoration plans conform to TRCA's Post-Construction Restoration Guidelines.
7. Please provide a stand-alone Erosion and Sediment Control (ESC) Plan during the detailed design stage including, but not limited to, the location and details (consistent with OPSDs) of all of the ESC measures required for the construction of the site. TRCA staff strongly encourage the applicant to explore a multi-barrier approach to be incorporated into the ESC plan, especially adjacent to the watercourse. The ESC plans should conform to our ESC Guidelines, all of which are available on our website.

#### *Water Resources Engineer*

8. Please include TRCA's Regulatory Floodplain on the drawings. Please ensure all proposed works are located outside of the Regulatory Floodplain.
9. Please provide any relevant excerpts from the MESP (e.g. criteria requirements).

10. TRCA staff are unclear about the existing characteristics of the site. Please confirm the existing characteristics of the site, particularly the breakdown of impervious/pervious area of the existing site and any details about existing stormwater management controls for the site (if any), to help inform design requirements of the proposed site.
11. Please provide a conceptual rating curve for the subject site for all storm events (i.e. 2, 5, 10, 25, 50, 100) based on the unitary release/storage rates noted in Anthony Sun's email in Appendix C (Functional Servicing & Stormwater Management Report, prepared by KWA, dated October 9, 2020).

Please confirm if Area ID 100 drains to the proposed underground storage tank as well as through the area drains. If so, please ensure the contributions from the area drains are added to the calculations of the underground storage tank.

12. Water quality control criteria for the site would require an *Enhanced* level of protection (i.e. 80% T.S.S. removal). A "treatment train" approach should be utilized wherever feasible, in order to treat runoff at the source, en route, and at end-of-pipe. 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 provide supporting information to demonstrate that quality control criteria can be satisfied.
13. Section 5.3.2. (Functional Servicing & Stormwater Management Report, prepared by KWA, dated October 9, 2020) discusses TRCA's retention requirement of 15 mm / impervious ha and calculates a retention volume of 123 m<sup>3</sup>. However, the discussion that follows appears to speak to the proposed detention volumes for the site, which is a distinct concept to retention volumes. Please revise design / discussion accordingly to address.
14. Section 5.3.4 (Functional Servicing & Stormwater Management Report, prepared by KWA, dated October 9, 2020) discusses water balance and retention volumes. Please note that retention volume requirements / sizing should be above the initial abstraction. Please revise calculations accordingly.
15. It is strongly recommended that options to retain water are explored at this stage and that potential reuse options (as a harvesting tank is noted for this purpose) are explored at this stage to demonstrate an acceptable drawdown time of the retained water (i.e. 48-72 hours).

#### **Geotechnical**

16. The site plan shows an outfall discharging to the creek; however, the details on how the surrounding areas and slope is protected against the erosion by outfall discharge have not been provided within the submission. It is required that appropriate erosion protection be developed by qualified engineer for the outfall and the details of such protection need to be shown on the drawings accordingly.
17. No site grading plan has been provided. Please provide the site grading plan showing all grading strategy information. Depending on the grading strategy shown on the grading plan, the review and sign-off for the grading may be also needed by a geotechnical engineer.

#### **Natural Feature/Hazard Land Conveyance**

As an element of this application, TRCA encourages the transfer of the natural system, where appropriate, into public ownership to reduce and/or eliminate the risk to life and property and to foster local and regional environmental linkages. As such, through this Planning Act application, it is our expectation that the boundaries of the natural system (including buffers) be placed in a

protective zoning category (i.e. Open Space/Hazard Land) and gratuitously dedicated into public ownership.

### **Permitting**

As noted above, the subject property is 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 Fee**

In addition to regulatory 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 Toronto and Region Conservation Authority has implemented a fee schedule for our planning application review services. As such, the application is subject to a blended review fee of **\$8,950.00** (2018 TRCA Planning Fees Schedule – Official Plan Amendment/Zoning By-law Amendment - Standard). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

### **Recommendation**

On the basis of the comments noted above, it is our opinion that this application is **premature** as additional information is required prior to TRCA staff providing support of the Official Plan Amendment and Zoning By-law Amendment. We request the applicant address our comments to TRCA's staff's satisfaction. Please include a response letter within your resubmission outlining how you have addressed each of the technical comments noted above.

We trust this is of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Yours truly,



Linda Bui  
Planner, Development Planning and Permits  
[linda.bui@trca.ca](mailto:linda.bui@trca.ca), Extension 5289

**Appendix 'A'**  
**Materials Submitted**

- Arborist & Tree Preservation Report, prepared by MEP Design, dated October 9, 2020
- Architectural Package, prepared by Graziani and Corazza Architects Inc., dated October 8, 2020
- Development Application Summary
- Functional Servicing & Stormwater Management Report, prepared by KWA, dated October 9, 2020
- Geotechnical Investigation Report, prepared by Terrapex, dated October 9, 2020
- Hydrogeological Review, prepared by Terrapex, dated October 6, 2020
- Landscape Plan Package, prepared by MEP Design, dated October 9, 2020
- Natural Heritage Evaluation, prepared by Savanta, dated October 2020
- Phase I Environmental Site Assessment, prepared by Pinchin, dated June 5, 2018
- Planning and Urban Design Report, prepared by Goldberg Group, dated October 27, 2020
- Plan of Survey with Topo, prepared by AGM, dated December 7, 2018