

January 17, 2022

CFN: 64161.13  
X-Ref: 60760.16

**BY EMAIL ONLY**

Kaitlyn Graham  
City of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, ON L4B 3P4

**Dear Kaitlyn Graham:**

**Re: D01-21009 (Official Plan Amendment)  
D02-21018 (Zoning By-law Amendment)  
11283 Yonge Street, Richmond Hill  
Mon Sheong Foundation**

This letter will acknowledge receipt of the above noted applications. Toronto and Region Conservation Authority (TRCA) staff have reviewed the materials submitted relating to the above-noted application 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 permit a 15 storey retirement residence and long-term care facility containing 198 residential units for seniors, 190 long-term care beds as well as 419 square metres of at grade commercial space. The proposed development includes 116 parking spaces, 70 of which are provided on the adjacent lands to the south.

**Applicable 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 (as amended):**

The *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Based on the available mapping at this time, the majority of the subject property is located within TRCA's Regulated Area of the Rouge River Watershed as it contains a valley corridor, Regulatory floodplain, Provincially Significant Wetland (PSW) feature and its associated 120 metre area of interference. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- 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, 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, 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 PSWs and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

#### **Oak Ridges Moraine Conservation Plan:**

The subject property is located within the Settlement Area land use designation of the Oak Ridges Moraine Conservation Plan (ORMCP). Under the ORMCP, Settlement Areas have the objectives of maintaining, and where possible improving or restoring, the health, diversity, size and connectivity of Key Natural Heritage Features (KNHF), Key Hydrologic Features (KHF) and the related ecological functions. The subject property contains several KNHFs and KHFs including a watercourse, PSW, potential significant woodland feature, and potential significant valleyland feature.

In accordance with the ORMCP, new development is generally prohibited within KNHFs and KHF. Where new development is proposed adjacent to KNHFs and KHF it must be supported by a Natural Heritage Evaluation which, among other things, identifies a required Minimum Vegetation Protection Zone (i.e. buffer) for KNHFs and KHF. Further, in accordance with the ORMCP, applications for major development are required to be accompanied by a stormwater management report and water balance.

As a technical service provider to the City, the TRCA will be reviewing the proposed development for conformity with the ORMCP and other policies related to TRCA's jurisdiction. Given that the City is the Planning Approval Authority, the City will also need to ensure that the proposed development conforms with the ORMCP.

### **York Region Official Plan**

The subject property is located partially the Regional Greenlands System as identified by York Region's Official Plan (OP). York Region's OP contains policies that require the protection of KNHFs and KHF 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 KNHFs, KHF, 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).

### **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 Vulnerable Areas pursuant to the CTC SPP including a Wellhead Protection Area-Q (WHPA-Q) below the downgradient line and Highly Vulnerable Aquifer. It is our understanding that the proposed development will require, at minimum, Site Plan approval. Therefore, in accordance with Policy REC-1 of the CTC SPP, a water balance will be required.

### **History**

As noted in our Concept Development letter dated November 26, 2019, that on September 24, 2019, TRCA staff conducted a site visit of the subject property. Based on this visit, it was confirmed that the rear portion of the site contains a woodland, valley slope (approximately 2.5 metres high), PSW feature, and watercourse associated with the Rouge River Watershed. Please note, through our site visit and a site visit previously conducted by TRCA staff for the adjacent property to the north, it was determined that there is also a Headwater Drainage Feature along the northern property boundary.

As part of our site visit TRCA staff (Michelle Bates, Abdul Djirdeh, and Catalina Herrera) staked the top of bank and dripline of the woodland/contiguous vegetation. TRCA staff note that Jean-Christophe De Massiac of Beacon Environmental also staked the wetland limit, which will be subject to review and acceptance by the Ministry of Natural Resources and Forestry (MNR). On October 22, 2019 TRCA staff received a copy of the staking survey prepared by ertl

surveyors, dated/revised on September 26, 2019. TRCA staff confirm that this survey accurately reflects the staked limits and advise that this staking is subject to the following limitations:

1. The staked limit is valid for a period of no more than 5 years, after which time if the proposed development is not substantially underway, a new staking may be required.
2. The staked features are only one component which will be used to assist in establishing limits of development on this property and does not actually represent the limit of development. Additional technical and planning information will be required in order to determine the limit of development.
3. The wetland limit staked by Beacon Environmental is subject to review and acceptance by the MNRF. It is our understanding that Beacon Environmental will send their staked limit and assessment to the MNRF. Please ensure that the TRCA is informed of the outcome and response from MNRF, as the wetland limit will be considered in the future planning and permit applications.

### **Application Specific Comments**

#### ***Planning***

1. Please confirm the location of fencing between the proposed development and Natural Heritage System.
2. It is TRCA's expectation that the natural system and associated buffer will be transferred into public ownership. It is noted that 1,506.67 square metres of the natural system will be conveyed into public ownership. Please further delineate the boundary area to be conveyed to public ownership.
3. Please confirm the length and height of the proposed retaining wall. Cross-section drawings should be submitted for review.
4. According to Schedule "2" of the Draft Zoning By-law Amendment, the area to be rezoned to Flood "F" appears to follow the boundary of the 10 m setback from the dripline and does not incorporate the 30 metre offset from the wetland which would bring the line further inland and closer to the proposed development. Please adjust the line.

#### ***Hydrogeology***

5. The applicant is requested to provide North/South and East/West cross-sections showing the stratigraphy and foundation elevations, including the elevator shaft.
6. Foundation waterproofing may be required if the foundation is founded in the permeable sand and gravel layer. Estimated dewatering rates and discharge locations for both permanent and permanent dewatering should be provided at detailed design.

### **Water Resources Engineering**

#### ***General***

7. Please explore opportunities to discharge stormwater to existing infrastructure on Yonge Street and avoid introducing a new outfall structure to the valley corridor.

#### **Floodplain / Development Limits**

8. Please provide the floodline on all relevant drawings and figures with associated setbacks. Please contact TRCA to request the latest floodplain mapping.

9. Per the Servicing and SWM Report (N Engineering Inc., October 2021), existing grades are to be matched at the boundary limits. However, per the Site Grading Plan, Drawing C1, there is approximately a 2 m elevation change from the limit of the proposed works to the development limit, at a distance of approximately 3 m. Please include additional detailed grading information on the grading plan to demonstrate how the existing grades will be matched at the boundary limit.

#### Water Quantity Control

10. Section 6.0 of the Servicing and SWM report (N Engineering Inc., October 19, 2021) indicated that post- to pre-development peak flow controls will be provided for the proposed development. However, the subject site is located within the Upper Rouge River Subwatershed. Therefore, please refer to the 2018 Rouge River Watershed Hydrology Report (prepared by Wood, dated September 2018) for the 2-100 year unitary peak flow control, storage control, and 15 mm on-site retention requirements. Please update the report and design accordingly.

Please ensure that the storage provided on the roof will only be available for the roof drainage. Therefore, if additional storage volume is required for the road surface, roof storage cannot be considered as overall provided storage.

11. Please provide a post-development drainage plan illustrating the controlled and uncontrolled catchments, drainage area characteristics, and proposed outlets.

#### Erosion Control / Water Balance

12. The Hydrogeological Report (Harden Environmental Services Limited, March 2021) includes a water balance assessment and suggested mitigation measures, however the water balance assessment is not referenced in the Servicing and SWM Report (N Engineering Inc., October 19, 2021). Please revise the reports to ensure consistency, especially in relation to the following items:
  - a. Water balance criteria.
  - b. Site drainage area characteristics.
  - c. Proposed mitigation measures.

13. Please provide cross sections through the proposed infiltration facility illustrating the seasonally high groundwater elevation and ensuring a minimum of 1 m clearance from the groundwater level to the bottom of the infiltration facility.

14. Please provide calculations to ensure the proposed infiltration facility has been designed to drawdown within 48 hours per TRCA criteria.

#### Outfall

15. Should there be no possible opportunity to discharge stormwater to existing infrastructure on Yonge street per the comment above, at the site plan stage:
  - a. Please provide additional details on the outlet erosion protection including dimensions of the splash pad and sizing calculations for the riprap/riverstone.
  - b. Please provide additional grading information on the proposed outfall location including sections to demonstrate how the existing grades will be matched surrounding the outfall.
  - c. Please note the servicing drawing has multiple proposed outlet inverts. Please confirm the proposed outlet invert and revise the drawing as required.

## Erosion Sediment Control

16. Please note that TRCA will defer review of the Erosion and Sediment Control Strategy until the site plan submission. Detailed ESC drawings and ESC report should 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).

## Ecology

17. The Provincially Significant Wetland (PSW) limit was staked by Beacon Consulting and TRCA on September 24, 2019 to be approved by MNRF. Please provide correspondence from MNRF confirming approval of modified PSW limit.
18. Please expand on potential impacts of the proposed development on the habitat function and hydrology of the adjacent sensitive PSW habitat.
  - a. Clearly identify the potential risk and/or impact on the wetland from the proposed development (e.g. dewatering) as the hydrology of swamp environments are typically very sensitive. If needed, consult with the hydrogeologist to support assessment.
19. As temporary dewatering is being proposed, develop a proposal for maintaining the hydrology of the wetland (e.g. may require sending water to the wetland etc). It does not appear that any permanent dewatering is required, please confirm.
  - a. Please carry out TRCA's feature based water balance risk assessment to confirm requirements, if any.
20. Please provide appropriate details associated with construction dewatering such as dewatering rates, discharge location, and proposed treatment options.
21. Pre to post water balance should be demonstrated. The 85m<sup>3</sup> deficit in infiltration should not be deferred to detail design, it should be addressed at OPA/ZBA as the development footprint may change to fulfill the requirements. At this stage, it needs to be demonstrated water balance can be achieved.
22. It appears that a new outfall is being proposed, in the buffer to the woodland, discharging stormwater runoff towards the Natural Heritage System. Given the sensitivity of the adjacent features (PSW, cold water tributary) and proximity to the HDF, consider discharging the stormwater runoff towards municipal infrastructure. There should not be an increase in flow being directed towards the NHS.
23. The NHE should assess the impact of the permanent shadow effect from the building on the significant woodland and provincially significant wetland. Please advise.
24. Moving forward, TRCA would support the creation of separate lots. One lot would include the natural feature/hazard (woodland/valley) and respective buffer and one would be the residential/commercial lot with viable building envelopes. TRCA would prefer that the Natural System be zoned for environmental protection and placed into public ownership.

25. Please identify on a figure the location of removal of 370m<sup>2</sup> of existing compacted gravel. Install ESC measures as necessary.

Detailed Design (Site Plan Stage) please submit the following updated plan:

26. A detailed grading plan with setback limits etc;
27. An erosion and sediment control (ESC) plan to isolate the work area and protect the adjacent natural features. Please see TRCA's Guideline for Urban Construction to assist with this [https://sustainabletechnologies.ca/app/uploads/2020/01/ESC-Guide-for-Urban-Construction\\_FINAL.pdf](https://sustainabletechnologies.ca/app/uploads/2020/01/ESC-Guide-for-Urban-Construction_FINAL.pdf)
  - a. Please identify staging/stockpile area, include construction staging and sequencing note, and provide unwatering/dewatering details etc;
28. Please consider incorporating bird friendly design-based solutions to make glass on buildings more visible to birds, such as visual markers and/or muting reflections. For more information on solutions that could be used, please refer to bird-friendly development guidelines, such as:  
  
York Region Bird Friendly Design Standard  
<https://www.york.ca/wps/wcm/connect/yorkpublic/38c134cf-0189-4223-98fa-bd5261e76471/jun+21+bird.pdf?MOD=AJPERES>
29. Please consider invasive species management plan to enhance the natural heritage and increase resilience of the proposed restoration plantings.
30. Please display the native seed mix proposed for the area to be terraseeded.
  - a. Please specify nurse cover crop used with seed mix. Common Oats (*Avena sativa*) and/or Buckwheat (*Fagopyrum esculentum*) are recommended, if seeding later in the year, use a winter wheat as this will ensure growth in late fall. b. Note that the use of Annual Ryegrass (*Lolium multiflorum*) is not recommended due its allelopathic properties as well as its confusion and potential hybridization with Perennial Rye (*Lolium perenne*).
  - b. Please indicate on the plans that a minimum depth of 50mm of compost will be used for terraseeding.
31. Please increase the quantity of proposed tree and shrub whips to account for mortality rates, reduce risk of invasive species colonization and to ensure 100% density cover.

### **Land Dedication**

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. It is our expectation that the boundaries of the valley corridor, Regulatory floodplain, Provincially Significant Wetland (PSW) feature (including the 10 m buffer) on the subject lands will be placed in a protective zoning category (i.e. Open Space/Hazard Land) and gratuitously dedicated to the City of Richmond Hill or the TRCA.

## Permits

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 way of this letter, the applicant is advised that this Official Plan Amendment and Zoning By-law Amendment application is subject to TRCA Planning Services review fee in the amount of **\$9,400** (Blended Fee OPA / ZBA - Standard). The applicant is responsible for arranging payment of this fee to our 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 Reviewed**

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- Surveyor's Real Property Report, prepared by ERTL Surveyors, dated September 8, 2020
- Drawing No. unknown, Adjacent Property Plan, prepared by Evans Planning, dated October 19, 2021
- Architecture Package (A-1.0 - A-3.1a), prepared by N Architecture Inc., dated October 26, 2021
- Cover Letter, prepared by Evans Planning, dated October 29, 2021
- Development Application Summary, prepared by unknown, dated unknown
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Geotechnical Investigation, prepared by Sola Engineering, dated September 22, 2021
- Hydrological Assessment, prepared by Harden Environmental Services Limited, dated March 2021
- Natural Heritage Evaluation, prepared by Beacon Environmental, dated October 2021
- Oak Ridges Moraine Conformity Report, prepared by Evans Planning, dated October 2021
- Planning Justification Report, prepared by Evans Planning, dated October 2021
- Urban Design Brief, prepared by N Architecture Inc., dated October 26, 2021
- Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated August 30, 2021
- Drawing No. 1, Tree Inventory and Preservation Plan, prepared by Kuntz Forestry Consulting Inc., dated August 30, 2021
- Design Concept Package, prepared by N Architecture Inc., dated October 21, 2021
- Civil Package (C1 - C4), prepared by N Architecture Inc., dated October 19, 2021
- Servicing and Stormwater Management Report, prepared N Engineering Inc., dated October 19, 2021
- Landscape Package (L-L1 - L-D4), prepared by Henry Kortekaas & Associates Inc, dated August 31, 2021
- Landscape Cost Estimate, prepared by Henry Kortekaas & Associates Inc., dated October 26, 2021