

March 3, 2022

CFN: 64222.04

BY EMAIL: sandra.demaria@richmondhill.ca

Ms. Sandra DeMaria
City of Richmond Hill
225 East Beaver Creek
Richmond Hill, ON
L4B 3P4

Dear Ms. DeMaria,

**Re: D01-21008 (Official Plan Amendment)
D02-21016 (Zoning By-law Amendment)
0 John Birchall Road
Block 51, Plan 65M4668
Leslie Elgin Developments Inc.**

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.

Purpose of Application

It is our understanding that the purpose of this application is to permit a high-density residential development consisting of two apartment buildings, 27 and 31 storeys in height, on the subject property.

Applicable 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:

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

The subject property is directly adjacent to TRCA's Regulated Area as it is in close proximity to the valley corridor of a tributary of the Rouge River (identified in the North Leslie MESP as Tributary 2-M) and a Provincially Significant Wetland (PSW) located therein. The limits of this valley corridor were determined through the MESP and Leslie Elgin Draft Plan of Subdivision stages. Block 51, the lands subject of these applications, is located outside of this corridor and outside of TRCA's regulation limit, which in this area is based upon a 30 metre setback from the PSW located within the valley corridor.

Please note that the regulation limit was adjusted through this area as part of a permit streamlining exercise from 120 metres from the PSW to 30 metres in 2019/2020. As such, a permit for the works located on Block 51 will not require a permit under Ontario Regulation 166/06.

However, the stormwater management scheme for the development includes an outlet swale and rip-rap pad which is located within TRCA's Regulated Area. These works will require a permit under Ontario Regulation 166/06.

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.

Credit Valley, Toronto and Region and Central Lake Ontario 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 Well Head Protection Area-Q (WHAP-Q), which is considered a Vulnerable Area pursuant to the CTC SPP. Certain types of development applications within WHAP-Q areas must conform to policy REC-1 of the CTC SPP which requires a water balance; however, the subject property is located below the downgradient line and a best-efforts / best management practices approach to meeting water balance would typically be applied.

Oak Ridges Moraine Conservation Plan (ORMCP)

The subject properties are 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 properties.

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 ORCMP.

Application Specific Comments

General Comment

1. It is our understanding that the City of Richmond Hill is amenable to the proposed swale along the eastern property limit (of Block 51) to the watercourse within the already established buffer.

Ecology

2. TRCA ecology staff are interested in the design of the future SWM outfall and look forward to reviewing details of the design at a future stage of the development.

Water Resources Engineering

General

3. All design calculations for the proposed SWM facilities will be further reviewed at the detailed design stage (i.e. infiltration trench design and provided volume, detailed design of the underground storage tanks, permanent erosion protections, location and design of outfall structures).

Water Quantity

4. Please note that Section 2.4.2 of the report indicated that the total discharge rate from drainage area A-1 exceeds the target release rates previously established for 2 year up to and including 100 year flows. Please explore alternative outlet control devices (i.e. similar devices used for drainage area A-2) to ensure that the proposed discharge will satisfy the target release rates.

5. Please provide modified rational method calculations to demonstrate that the provided volume is sufficient to satisfy the required storage volumes in order to meet the target release rates.
6. TRCA will defer water quantity control for Drainage Area A-2 to the City as it drains into existing municipal infrastructure.

Water Quality

7. The North Leslie MESP indicated that filter based OGS (i.e. Jellyfish) system will be proposed for the proposed site plan. However, the FSR indicated that no water quality control is proposed. Please update the proposed site plan design to include water quality treatment measures and provide 80% TSS removal for the entire subject development. Please include all supporting calculations and excerpts.

Floodplain

8. Previously floodplain mapping was prepared for the site area as part of the North Leslie MESP. However, the Rouge hydrologic information was updated in September 2018, therefore, please ensure that the flood hazard limit previously established for the subject site have not changed with the updated hydrologic flows in this area. Please provide a figure with the latest flood hazard limit delineated on the plan and provide all relevant modelling and assessment in the subsequent submission for review. It should be noted that the hydraulic model to be used should include the crossing on John Birchall Road.

Water Balance

9. The report indicated that 5 mm on-site retention volume target of 47 m³ will be provided via underground infiltration system. Details of the proposed infiltration system will be reviewed at detailed design stage.

Hydrogeology

Dewatering

10. We acknowledge that matters involving the IMED are within the City's purview. However, we note that the proposal includes two levels of underground parking. Please note that any permanent excavation exceeding the safe excavation established in the MESP would require sign off from the City's peer reviewer prior to the issuance of a TRCA permit where a permit is required. It is further acknowledged that the discharge short and long term are intended to be directed towards municipal infrastructure. TRCA remains interested in any further refinements dewatering volumes and ZOI through detailed design and/or changes to intended discharge location.

Water Balance

11. At detailed design, please submit results of Guelph permeameter testing to determine actual infiltration rate.

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 / Zoning By-law Amendment application is subject to TRCA Planning Services review fee in the amount of **\$3,100** (Official

Plan / Zoning By-law Amendment - Minor). The applicant is responsible for arranging payment of this fee to our office within 60 days of this letter.

Recommendation

Based on the above, TRCA staff do not have any objections to Official Plan Amendment Application D01-21008 and Zoning By-law Amendment Application D02-21016 subject to the following conditions:

1. That a permit from the TRCA pursuant to Ontario Regulation 166/06, as amended, be obtained from the TRCA prior to the proposed works occurring within TRCA's Regulated Area; and
2. The applicant submit the Official Plan / Zoning By-law Amendment Application review fee noted above payable to the TRCA.

It is our expectation that comments 2 through 11 above will be addressed at a detailed design stage.

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

Yours truly,

Anthony Sun, RPP, MCIP
Senior Planner, Development Planning and Permits
Tel: (416)661-6600 ext. 5724

J:\DSS\York Region\Richmond Hill\64222.04 PL1 Leslie Elgin Block 51 Mar 3, 2022.docx