

June 6, 2023

CFN 66410.01

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Brashanthe Manoharan
Planner II
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Dear Brashanthe Manoharan:

**Re: Official Plan Amendment & Zoning By-law Amendment Application PLAN 21 144733
– 2nd Submission
77 Anderson Avenue, City of Markham
Owner: Meadow Park Investments (BT) Inc. c/o Joran Weiner
Agent: Humphries Planning Group Inc. c/o Nicole Cappadocia**

This letter acknowledges receipt of materials submitted to our office on April 14, 2023 in support of the above noted applications. Toronto and Region Conservation Authority (TRCA) staff have reviewed the applications and the 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 outside of our core planning mandate, such as comments pertaining to natural heritage matters.

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 8 of TRCA's The Living City Policies) which are utilized by TRCA staff to evaluate a proposal's ability to meet the tests of this regulation.

Purpose of the Application

It is our understanding that the purpose of the subject applications is to facilitate the development of a 45-storey high-rise mixed-use building and four levels of underground parking on the property. The Official Plan Amendment (OPA) proposes to re-designate the property from "Service Employment" and "Greenway" to "Mixed-Use High Rise" and "Greenway", and the Zoning By-law Amendment (ZBA) proposes to re-zone the property from Select Industrial with

limited Commercial Zone (M.I.C) and Open Space 1 (OS1) Zone under By-law 88-76 to Residential Four (R4) and Open Space One (OS1) Zone under By-law 177-96 to facilitate the development of a 45-storey high-rise mixed-use building and four levels of underground parking on the property.

Recommendations

Based on our review of this submission we provide our comments in **Appendix 'B'** of this letter. We appreciate the work undertaken by the project team to address most of our comments on the OPA and ZBA. However, we require additional information and revisions to the proposed development to demonstrate that it will be adequately protected from the spill occurring immediately west and south of the property. Such revisions may impact the location and/or footprint of the proposed building and/or underground parking.

Overall, **we have no objection to the proposed OPA** as we are satisfied with the proposed land use designations in principle. Given that additional information and revisions are required to demonstrate that the proposed development will be adequately protected from the spill, **it is our opinion that the approval of the ZBA is premature at this time and a re-submission addressing the outstanding comments in Appendix 'B' to our satisfaction is required prior to the approval of the ZBA.**

Should you have any questions or comments, please do not hesitate to contact the undersigned at 437-880-2287 or michelle.howorth@trca.ca.

TRCA requests to be notified of any decisions made by the City on this application(s), or any appeals that may be made to the Ontario Land Tribunal by any party in respect of this application(s).

Sincerely,

Michelle Howorth

Senior Planner

Development Planning and Permits | Development and Engineering Services

Attachments: Appendix A - Materials Reviewed by TRCA
 Appendix B - Commenting Table

Appendix 'A': Materials Reviewed by TRCA

- Comment/Response Matrix
- Cover Letter, prepared by Humphries Planning Group Inc., dated March 27, 2023
- Draft OPA
- Draft ZBA
- Architectural Plans, prepared by Graziani + Corazza Architects Inc., dated March 2023
- Engineering Plans, prepared by SCS consulting group Ltd., dated March 2023
- Functional Servicing and Stormwater Management Report, prepared by SCS Consulting Group Ltd., dated March 2023
- Landscape Plans, prepared by landscape planning architects, dated March 6, 2023
- Natural Heritage Impact Report, prepared by Ages Consultants Ltd., dated December 21, 2021
- Planning Justification Report, prepare by Humphries Planning Group, dated March 2023.
- Preliminary Hydrogeological Assessment, prepared by Soil Engineers Ltd., dated March 2023.

Appendix 'B': TRCA Review Comments

The following comments are based on review of the materials noted in Appendix 'A', current policies and technical information which may be subject to change in the future.

| # | 1 st Submission Comments - February 2022 | 2 nd Submission Comments – June 2023 |
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| Development Planning and Permits | | |
| 1. | In accordance with our 2021 TRCA Planning Fee Schedule, the required review fee is \$9,400 (Combined OPA/ZBA – Standard) which covers up to three submissions. Please confirm this review fee has been paid to TRCA prior to making any re-submissions for the proposed OPA or ZBA. | Standing comment. TRCA has received payment in the amount of \$9,400 (2021 Planning Services Fee Schedule – OPA & ZBA – Standard) for these applications. Please note that this fee covers up to three submissions, after which additional fees will apply, and additional fees will be required for any additional planning or permit applications for the subject property. |
| 2. | Please be advised that a permit from TRCA under Ontario Regulation 166/06, as amended, will be required for the proposed development. This will be a standing comment. | Standing comment. |
| 3. | <p>Defining the Natural System and Limit of Development: TRCA's Living City Policies require new development to be set back outside of the Natural System which includes and is not limited to the following natural hazards, natural features, setback and buffer areas:</p> <ul style="list-style-type: none"> Valley and Stream Corridors: 10 metre setback from the long term stable top of slope, Regulatory flood plain, and any contiguous natural features/vegetation; Wetlands: 30 metre buffer from provincially significant wetlands and 10 metre buffer for all other wetlands and any contiguous natural features/vegetation. <p>a) Please update all site plans (engineering, architectural, landscaping) to delineate all components of the Natural System and any other areas requiring protection under federal, provincial or municipal policies or legislation. Please see TRCA's technical comments below regarding additional information that is required to define these areas. It is recommend to colour coordinate lines for each natural hazard or natural feature with their setback or buffer area.</p> <p>b) Please update all site plans to demonstrate that the proposed development (including but not limited to buildings/structures, parking, amenity areas, grading, site alteration, etc.) above and below ground will be located outside of the Natural System and any other areas that may require protection.</p> <p>c) The OPA and ZBA schedules should updated to ensure that all natural hazards, natural features and their setback/buffer areas are captured within the Greenway designation and Open Space 1 (OS1) Zone.</p> | <p>A & B: Partially addressed (see below).</p> <p>East side of the development: Addressed for OPA and ZBA through Figure 1.0 prepared by SCS within the NHE, as it is consistent with discussions that occurred with the landowner on July 20, 2023.</p> <p><i>At the Site Plan Application stage please ensure that the Site Plan, Grading Servicing and ESC Plans show labelling for the LTSTOS, wetland, and setback measurements to the LTSTOS, wetland, and flood plain (suggest show periodic buffer measurements where the buffer is 10m, less than 10m and more than 10m) and the spill protection measures (once determined). The limit of ESC measures will need follow the limit of development agreed upon at the OPA and ZBA stage.</i></p> <p>South and west sides of the development: Not addressed.</p> <ul style="list-style-type: none"> The setbacks to the spill shown in Figure 1.0 prepared by SCS within the NHE should be measured from the outermost edge of development (e.g., southwest corner should be from the underground parking) and are difficult to read. Please provide a high quality figure. Please update the freeboards so they are based on the proposed grades. This is meant to ensure the development as a whole is protected, rather than only the building. Please provide further efforts to set grades a minimum of 0.3m above the spill elevations (currently the grading freeboard appears to be 0.11-0.15m at the south side of the site and 0.29m at the northwest corner). We recommend investigating the potential for grading within the Anderson Avenue and Bur Oak Avenue boulevards as this could help to avoid or reduce impacts to the location and/or footprint the proposed building and underground parking. The spill and setbacks/freeboards should also be provided on the grading plan. <p><i>Background: TRCA's latest 2D Flood Plain Modeling indicates that a spill is present along the west and south sides of the site. The proposed development will need to be adequately protected from the spill. As discussed with the landowner (via TRCA email dated July 13, 2022 and meeting on July 20, 2023) if a 10-metre development setback to the spill is not feasible, we can consider spill protection through combination of a:</i></p> |

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| | | <ul style="list-style-type: none"> - A best efforts development setback; and, - a development freeboard by setting grades a minimum of 0.3m above the spill elevations (preferably 0.5m or higher if possible). <p>C: Addressed.</p> |
| Geotechnical Engineering | | |
| 1. | The geotechnical study by Soil Engineers Ltd has determined the Long-term Stable Top of Slope (LTSTOS) with the consideration of potential toe erosion and the area, which can be impacted on the tableland (Drawing No. 3 of the geotechnical report). Please plot the LTSTOS line determined by Soil Engineers Ltd. on all site plans to ensure that all proposed works including those above works above grade and underground also meet adequate setback (10-metres) from the LTSTOS line as well. | <p>Addressed.</p> <p><i>At the Site Plan Application and permitting stages, the shoring needs to be designed by geo-structural and/or structural engineer for the underground parking, and the engineer-stamped drawings will need to be provided for the shoring system as per the design by geo-structural and/or structural engineer.</i></p> |
| Planning Ecology | | |
| 1. | The NHE describes Mount Joy Creek as a constructed drainage channel. While TRCA recognizes that the system is highly altered, Mount Joy Creek is considered a watercourse and is managed as such. Therefore, the NHE should discuss the feature in this context rather than stating that “there are no natural features on the property to be regarded in planning for the redevelopment”. | Addressed. |
| 2. | The NHE states that Mount Joy Creek does not provide fish habitat. Please provide further documentation and any applicable field surveys supporting this conclusion. TRCA notes that Provincial Aquatic Resource Area data and TRCA monitoring data documents fish species within this general area of Mount Joy Creek. | Addressed. |
| 3. | The NHE states that the marsh community should not be considered a wetland as it is associated with a constructed drainage channel that conveys flows from the upstream development and flows into a stormwater management pond. As noted, Mount Joy Creek is considered a watercourse. While highly manipulated, it is not managed as stormwater management infrastructure. Please revise the Environmental Analysis section of the NHE accordingly. Furthermore, the NHE states that the riparian marsh meadow community is not a wetland as it does not contain ‘hydric’ soils. TRCA notes that the community contains wetland indicator species and therefore recommends that marsh communities that are found outside of the active channel, and are dominated by wetland vegetation, be appropriately mapped applying ELC methods and classified as wetland. Alternatively, the NHE should further document its conclusions that the marsh community is not a wetland due to the lack of hydric soils. The soil moisture regime should be classified and documented in relation to OWES criteria for ‘hydric soils’, and this should be based on soil samples. Field data and photographs should be included in the report to support findings. | Addressed. |
| 4. | Please provide ELC community mapping and associated data for vegetation communities found on the property. | Addressed. |
| 5. | The design should be revised to demonstrate that all applicable buffers and setbacks have been respected and development is removed from the Greenway System. While aboveground development may be appropriately setback from natural features and hazards, underground parking should be redesigned and removed accordingly. | Addressed. |
| 6. | A 30 m ‘passive amenity space’ associated with the Mount Joy Creek corridor has been shown on the plans and drawings. Please revise the Landscape Plan to show that all areas within the Greenway System will be appropriately naturalized and restored with native vegetation. Densities of plantings should be 0.5 - 1 m on centre for shrubs and 3 - 5 m on centre for trees. | Addressed. |
| 7. | TRCA notes that the Markham Road – Mount Joy Secondary Plan visioning exercise has identified a potential trail associated with the Greenway System that falls, in part, on the subject property. Please consult with the City of Markham to determine any future trail requirements that should be considered and incorporated into the Site Plan and associated restoration of the Greenway System. Please include correspondence/requirements in the re-submission. | Addressed. |
| 8. | The Hydrogeology Report outlines anticipated dewatering rates ranging from 60,238.62 L/day to 982,442.58 L/day for various construction related activities. The Environmental Impact Study in | Addressed for the OPA and ZBA stage. At the Site Plan stage, depending on the final dewatering plan TRCA may have additional comments. |

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| | consultation with the Hydrogeology Report should outline any anticipated impacts to features within the zone of influence, including Mount Joy Creek, and proposed mitigation. A groundwater dewatering mitigation strategy should be prepared that outlines anticipated dewatering rates, proposed mitigation, discharge methods, monitoring methods, and proposed contingencies. | |
| Hydrogeology | | |
| 1. | It is noted that groundwater monitoring at the subject site is ongoing. It is recommended to further assess construction and permanent dewatering rates estimates for accuracy, as this will inform the dewatering impact assessment and mitigation strategy (see Planning Ecology Comment No. 9). | Final hydrogeological investigation is deferred to the Site Plan stage. |
| Water Resources Engineering | | |
| 1. | Please delineate the existing regulatory flood plain on the topographic survey and site plans that show the proposed site (e.g. the grading plan, etc.). Please ensure that the flood plain is delineated based on the topographic survey data and TRCA's flood elevations. If you have not already please contact TRCA to purchase the current mapsheet with flood elevations. | Addressed. |
| 2. | Please revise Section 3.3 of the Functional Servicing and Stormwater Management Report to include TRCA's quantity control criteria for this location. (i.e. controlling post-development peak flows to pre-development levels for all storm events up to and including the 100 year storm (i.e. 2, 5, 10, 25, 50, 100 year storms.)) | Addressed. |
| 3. | In Section 3.0 of the Functional Servicing and Stormwater Management Report, please identify/discuss/assess any SWM controls in the existing condition. If there are no existing SWM controls, please clearly note this in Section 3.0. | Addressed. |
| 4. | TRCA staff have concerns with the calculations for required water balance volumes on page 55 of 100 of the Functional Servicing and Stormwater Management Report PDF, which should exclude initial abstraction. Please revise calculations on this page (and throughout the report) to establish the required water balance/erosion control volume for the site. | Addressed. |
| 5. | Table 3.3 notes Increased Topsoil Depth as a preferred BMP. It should be noted that TRCA acknowledges a benefit to erosion control / water balance for impervious surfaces draining to pervious surfaces of at least 300 mm depth, <u>amended</u> topsoil (amended topsoil as per TRCA's soil amendment guidelines.) This can be further assessed at Site Plan Stage. | Deferred to the Site Plan Application stage. |
| 6. | Section 8.0 'Summary' of the Functional Servicing and Stormwater Management Report notes relevant aspects of the stormwater management strategy that were not noted or discussed in the main body of the report (e.g. retention cistern, irrigation, mechanical cooling, permeable pavement courtyards). Consequently, some aspects of the proposed SWM strategy are unclear at this time. While it is recommended that these details be provided early on in the planning process, TRCA staff can defer further detailed comments related to all aspects of the proposed SWM/LID strategy to the Site Plan stage (as was previously agreed upon at the pre-con stage). | Addressed. |