

May 26, 2022

CFN 58559

**SENT BY E-MAIL (letizia.d'addario@vaughan.ca)**

Letizia V. D'Addario  
Senior Planner  
Development Planning Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

Dear Ms. D'Addario:

**Re: Revised Conditions of Draft Plan Approval  
Draft Plan of Subdivision Application 19T-18V001  
Part of Lot 15, Concession 4  
2901 Rutherford Road  
City of Vaughan, York Region  
Rutherford Road Land Development Corporation/Caldari Land Development  
Corporation. (Agent: Bousfields Inc.)**

Further to our previous letter dated October 21, 2020, this letter acknowledges receipt of a resubmission of Draft Plan of Subdivision 19T-17V006. A digital copy of the circulation was received by the Toronto and Region Conservation Authority (TRCA) on April 11, 2022. A list of the documents reviewed by TRCA can be found in Appendix 'A' of this letter.

**Background**

TRCA previously provided conditions of draft plan approval to the City of Vaughan on October 21, 2020. It is our understanding that the draft plan of subdivision has been revised to create new blocks resulting in the following breakdown:

| <b>2020 Draft Plan Blocks</b>           | <b>2022 Draft Plan Blocks</b>               |
|-----------------------------------------|---------------------------------------------|
| Block 1 – High-Rise Mixed Use – 0.79 ha | Block 4, 5, 19 - High-Rise Mixed – 5.762 ha |
| Block 2, 17 – Regional R.O.W – 0.076 ha | Block 2 – Regional R.O.W – 0.059 ha         |
| Block 3 – Future Road – 0.046 ha        | Block 3 – Future Road – 0.044 ha            |
| Block 4-6 – Blocks – 0.047 ha           | Blocks 1, 6, 7 – Blocks – 0.162 ha          |
| Block 7 – Road Widening – 0.060 ha      | Block 8 – Road Widening – 0.077 ha          |
| Block 8-16 = 0.3m Reserves – 0.015 ha   | Blocks 9-17 – 0.3 metre Reserve – 0.015 ha  |

|                                                                                            |                                                                                            |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Roads<br>26.0 metre R.O.W – 339 metre – 0.875 ha<br>20.0 metre R.O.W – 87 metre – 0.080 ha | Block 18 – Park – 0.821 ha                                                                 |
|                                                                                            | Roads<br>26.0 metre R.O.W – 339 metre – 0.874 ha<br>20.0 metre R.O.W – 87 metre – 0.077 ha |

It is the understanding of TRCA staff that the intent behind the revision to the draft plan of subdivision is to implement the full build out of the site, which had previously been revised to include just one development block (formerly identified as Block 1 and currently identified as Block 4) and the proposed Caldari Road extension.

### Application Specific Comment

Based on a review of the materials noted in Appendix 'A', comments have been provided in Appendix 'C'. These comments speak preliminary to detailed designs items related to the protection, enhancement, and compensation strategy for the proposed impacts to the natural heritage system, stormwater management design, and geotechnical engineering requirements for the proposed road extension.

### Recommendations

TRCA has no objection to the approval of Draft Plan of Subdivision 19T-18V001, subject to the revised conditions listed in Appendix 'B'.

Should any revisions to Draft Plan of Subdivision Application 19T-18V001 be proposed now or in the future, TRCA staff asks to be given the opportunity to amend our conditions and comments accordingly. Please provide the Notice of Decision for the draft plan of subdivision once approved.

### Fees/Timing

Please note that this project will be subject to a clearance fee at the time of clearance, which will be based on the fee schedule in effect at that time.

At the time of requesting clearance of TRCA conditions of draft plan approval, we ask that the applicant submit their request in writing to TRCA offices a minimum of **90 days** in advance of expected registration. Additional time may be required in cases where open space lands are to be dedicated into public ownership, and/or Ontario Regulation 166/06 permits are required from TRCA (i.e., grading and servicing, SWM ponds, infrastructure works). We ask that the applicant consider these requirements and take into consideration the required timelines prior to the submission of draft plan clearance requests.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5743, or at [stephen.bohan@trca.ca](mailto:stephen.bohan@trca.ca)

Sincerely,



Stephen Bohan  
Senior Planner

Development Planning and Permits | Development and Engineering Services

**Appendix 'A': List of Materials Reviewed by TRCA**

*The following materials were received by TRCA on April 11, 2022:*

- Drawing No. 12125-64dp, Draft Plan of Subdivision, prepared by Bousfield Inc., dated March 30, 2022.
- Comment Response Matrix, prepared by proponent, dated March 11, 2022.
- 2901 Rutherford Road Letter - Development Limits-Waterway Program, prepared by Bousfield Inc., dated February 22, 2022.
- Response Letter, prepared by Studio TLA, dated February 17, 2022.
- Abeja District Master Plan + Park Programming, prepared by Studio TLA, dated March 2022.
- Edge Management Plan, prepared by Dillon Consulting, dated March 2022.
- Valley Stewardship Plan, prepared by Dillon Consulting, dated March 2022.
- Woodland Area Compensation for the Property Located at Jane Street and Rutherford Road, prepared by Dillon Consulting, dated March 14, 2022.
- RLDC - Subdivision Comment Matrix, prepared by proponent, dated March 11, 2022.
- Slope Stability Assessment, prepared by McClymont & Rak Engineers, Inc., dated November 2019.
- Functional Servicing Report, prepared by Valdor Engineering Inc., revised dated March 2022.
- Drawing No. GP-1, General Plan, prepared by Valdor Engineering Inc., dated November 2018.
- Limit of Development Figure, prepared by Dillon Consulting, dated March 25, 2022.
- MZO Map, Part 15, Concession 4, City of Vaughan, not dated.

**Appendix 'B' – TRCA's Conditions of Draft Plan Approval****TRCA's Conditions of Draft Plan Approval**

TRCA staff recommends approval of Draft Plan of Proposed Subdivision, Part of Lot 15, Concession 4, (Geographic Township of Vaughan), City of Vaughan, Regional Municipality of York, prepared by Bousfields Inc., dated March 30, 2022, subject to the following conditions:

**Red-line Revisions**

1. That this draft plan of subdivision be subject to red-line revision(s) to meet the requirements of TRCA's conditions of draft plan approval, if necessary, to the satisfaction of TRCA.
2. Prior to the registration of the Plan of Subdivision, the Owner shall provide an M-Plan showing the lot/block lines and any required revisions to the satisfaction of the City of Vaughan and TRCA.

**Prior to Works Commencing**

3. That prior to topsoil stripping and prior to the registration of this plan or any phase thereof, the Owner shall submit a detailed engineering report and plans to the satisfaction of TRCA for any proposed topsoil stripping in the plan area. This submission shall include:
  - o Detailed plans illustrating the topsoil stripping proposal, including but not limited to the locations, staging and methodology.
  - o An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after topsoil stripping.
4. That prior to any development or site alteration (except for topsoil stripping) and prior to the registration of this plan or any phase thereof, the Owner shall submit a Functional Servicing Report (FSR) and detailed engineering reports (e.g., Stormwater Management, Site Level Water Balance) that describes in detail the applicable stormwater management criteria, how the proposed storm drainage system will be designed to meet stormwater management criteria, and how it will comply to TRCA requirements. These reports shall include, but not limited to:
  - i. A description of the storm drainage system and appropriate stormwater management techniques including minor and major flow controls for the proposed development of the subject land and how it will comply with all related TRCA requirements for quantity, quality, water balance and erosion control.
  - ii. Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system.
  - iii. Appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural heritage system, both aquatic and terrestrial.

- iv. Detailed plans indicating location, orientation, size and description of all stormwater management features, including outlet structures, and all other proposed servicing facilities (e.g., infiltration trenches, etc.), grading, site alterations, development, and infrastructure, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06.
- v. Design of flow dispersal measures and treatments associated with stormwater management outlets to reduce potential erosion, impacts to the natural system, and maximization of potential infiltration, to the satisfaction of the TRCA.
- vi. Detailed plans and calculations for the proposed lot-level, conveyance and end-of-pipe controls to be implemented on the site.
- vii. The integration of Low Impact Development (LID) measures and the employment of source and conveyance controls to: mimic pre-development site hydrology, overall site water balance, pre-development water budget to satisfy the CTC Source Protection Plan criteria, and feature-based water balance to the satisfaction of the TRCA.
- viii. A subsurface investigation (including assessment of groundwater levels) for the final design of underground parking structures/foundations, site grading and stormwater management infrastructure. The recommendations of the subsurface assessment will be used to inform the final design and construction plans. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated
- ix. An evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation measures, and any permitting requirements.
- x. Grading plans for the subject lands.
- xi. Supplementary slope stability assessment, cross-sections and details where grading and filling is proposed in or adjacent to the Park (Block 18) and Valleylands. The cross-sections and details shall include, but shall not be limited to, existing and proposed grades; limits of the natural features, hazards and buffers; transition to the adjacent tableland areas; interim and permanent stabilization of the slopes/disturbed areas; soil remediation; mitigation; tree protection; sediment and erosion controls; supporting geotechnical/soils analyses; and compensation to the satisfaction of TRCA.
- xii. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction.

The Owner shall carry out, or cause to be carried out, the recommendations of the engineering reports and details of the plans approved by TRCA to the satisfaction of TRCA. This shall be identified as a requirement within the subdivision agreement.

5. That prior to the registration of this plan or any phase thereof, the Owner shall submit and attain the approval of TRCA and City of Vaughan for a Compensation Plan for the 1.34 ha woodland feature on the southeastern portion of the site per recommendation no. 3 of the City of Vaughan's Council Resolution, dated October 21, 2020, and encroachments of the Caldari Road extension into the valley corridor on the northeastern portion of the site. The compensation agreement shall be consistent with TRCA's Guideline for Determining Ecosystem Compensation (dated June 2018). For the purposes of the Compensation Plan, the compensation project shall include both (a) ecosystem structure compensation, at the appropriate ratio as per the guideline, and (b) land base compensation as per the guideline.
  - a. Loss of land removed from the natural heritage system, must be compensated at a 1:1 ratio and be compensated for by adding equal land base into the natural heritage system, either on the subject lands or off-site. Lands identified for addition into the natural system, either on the development site or elsewhere on the landscape, must improve the overall ecological function of the natural system. As such, they must be in a condition that can be fully restored with trees and shrubs with no grades steeper than 3:1 and sufficient topsoil depths to support growth. If replicating land base for off-site compensation, the new lands must be located as close to the original location as possible to help ensure the restored ecosystem functions and services remain accessibly to the local community, and land secured for compensation must be located outside of (but connected to) the identified natural systems of the City of Vaughan so that they can be added to the system to make up the loss. Alternatively, if impacted features cannot be compensated for on-site and another parcel of land is not readily available off-site, to compensate for the lost land base associated with the impact, cash-in-lieu is required that reflects market value of the developed lands being gained. The market value of the development site must be determined through recent comparable sales data or an appraisal.
  - b. Replication of the existing ecosystem structure associated with the 1.34 ha woodland and the portion of the valley corridor impacted by the encroachment of the Caldari Road extension shall be consistent with TRCA's compensation guideline to ensure that the same ecosystem structure is re-established in a reasonable time frame without significant lag time. The report and plans must verify the appropriate ratios for ecosystem structure compensation as required by the guidelines using basal area. The total area of natural system loss will be determined for all areas required for lot creation, road construction and any grading required for construction. Once the ratios and total areas have been confirmed, opportunities to implement that compensation should be explored on-site first. Any required ecosystem structure compensation that cannot be implemented on-site must be provided off-site in proximity to the subject lands.
6. That prior to site alteration and prior to the registration of this plan or any phase thereof, the Owner prepare a tree protection and preservation plan for the site to the satisfaction of TRCA.
7. That prior to the registration of this plan or any phase thereof, the Owner prepare a program including comprehensive edge management and restoration planting plans for the Park (Block 18) and Valleylands, per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020. The reports and plans shall include details for the preservation and enhancement of the natural features on, and adjacent to the site, to the satisfaction of TRCA and City of Vaughan.
8. That prior to the registration of this plan or any phase thereof, the Owner prepare and implement a valley stewardship management plan per the City of Vaughan's memo 'Program

for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020, addressing issues associated with removal and restoration of unauthorised dumping/littering, historic structures and invasive species that may impact the overall ecological health of the valley corridor. The scope of this plan should include both the portion of the valley corridor located on the subject lands (Park - Block 18) as well as the City of Vaughan owned property located to the immediately to the east (Valleylands), to the satisfaction of TRCA and the City of Vaughan.

9. That prior to the registration of this plan or any phase thereof, the Owner shall prepare trail plans and details per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, 2020, for areas within and adjacent to the Park (Block 18) and Valleylands to the satisfaction of TRCA and the City of Vaughan.
10. That prior to the registration of this plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
11. That the Park (Block 18) be dedicated into public ownership, per the City of Vaughan's memo 'Program for Waterway – Rutherford Land Development Corporation – 2901 Rutherford Road, dated December 3, free of all charges and encumbrances, to the satisfaction of TRCA and the City of Vaughan.

### **Subdivision Agreement**

12. That the Owner agrees in the subdivision agreement, in wording acceptable to TRCA:
  - i. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of draft plan approval.
  - ii. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA.
  - iii. To obtain all necessary permits from TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
  - iv. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA.
  - v. To erect a permanent fence along all blocks that abut the Park (Block 18), the Valleylands and in other areas as may be required to protect existing and future open space lands from unauthorized/non-programmed entry to the satisfaction of TRCA.
  - vi. To prohibit grading works within the Park (Block 18) and the Valleylands unless approved by TRCA; and

- vii. To prohibit retaining walls in or adjacent to the Park (Block 18) and the Valleylands unless approved by TRCA.

**Fees**

- 13. That the Owner provide a copy of the fully executed subdivision agreement and pay TRCA the required draft plan of subdivision planning review fees, clearances fees and permit fees (topsoil stripping, grading, servicing, etc.) to the TRCA.



## **Appendix 'C' – Comments for Detailed Design & Draft Plan Clearance**

### **Natural Heritage System Management**

#### *Valleyland Stewardship Management Plan*

1. TRCA is supportive of the objectives and strategies included in the plan. However, there are no specific areas identified where the potential works will take place. Please identify specific areas for site cleanup, invasives removal and restoration planting. A simple plan with polygons identifying these areas will suffice. For areas where planting is to take place, species and quantities of plantings will also be required.

#### *Tree Compensation Letter*

2. Given the Council resolution, dated October 21, 2020, compensation for woodland removals is required. The proposed approach to compensation in this letter focuses on 1.02ha of the 1.34ha of woodland proposed to be removed. It is not clear from the memo what framework was used to determine the tree, shrub and seed quantities included. It does not appear that this approach addresses the lag time required to replace ecosystem services currently being provided by the woodland, or the loss in natural heritage system land base.

TRCA advises that woodland compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation be used to adequately offset impacts. This would include both ecosystem structure compensation, at the appropriate ratio as per the guideline, and land base compensation as per the guideline. Please revise the compensation approach to be consistent with TRCA's guideline.

3. Regarding the proposed woodland removals within TRCA's regulated area, TRCA will require compensation consistent with TRCA's Guideline for Determining Ecosystem Compensation through the issuance of our permit. This would include both ecosystem structure compensation, at the appropriate ratio as per the guideline, and land base compensation as per the guideline.

### **Flood Plain Management**

4. The limit of development drawing has an outdated TRCA flood plain and an outdated Floodline 10 metre Buffer. Please update the floodline based on the updated TRCA hydraulic modelling. Please contact [alwish.gnanaraj@trca.ca](mailto:alwish.gnanaraj@trca.ca) if a data request needs to be placed for the TRCA updated floodplain mapsheet or hydraulic model.

### **Stormwater Management**

#### *Water Quantity*

5. TRCA recognizes that calculations have been provided to demonstrate the flow control requirement for Blocks 1 to 5. However, please clarify and/or provide a separate drainage area plan with the areas specified in Table G2 and G3 (Woodlot, Roads – North to Caldari/South to Caldari, North Block to Caldari Road, South Block to Caldari Road, Lots to Riverrock Gate, etc) to help verify the flow control to 116.5 L/s/ha for the areas Blocks 1 to 4 and 5 (North Outlet).
6. Please note that if green roofs are not proposed, the water quantity calculations must be revised to account for the roof area as impervious. TRCA strongly encourages that LID options

be explored for feasibility at this stage to ensure that there is adequate space allotted for them at the detailed design stage.

#### *Water Quality*

7. OGS design (Stormceptor EF) has been provided in Appendix H. However, the report says that a Jellyfish filter unit will be proposed. Please clarify this discrepancy.

#### *Erosion Control*

8. Please note that TRCA's current Erosion Control criteria is 25 mm over 48-hour detention in the SWM pond. Since the existing SWM pond only provides 24 hour detention and further, has not been designed for the entire 7.938 ha site area, please investigate possibilities and show best efforts to meet the current TRCA Erosion Control criteria.

#### *Water Balance and Infiltration*

9. The site is located within an area of the WHPA-Q2 that has been identified as being down-gradient of municipal wells. As such, the project is exempt from the REC-1 part 2 policy. Development of the site is still subject to the REC-1 part 1 policy of the CTC SPP. In accordance with the REC-1 part 1 policy, new development is required to implement best management practices, such as Low Impact Development (LID), with the goal of maintaining predevelopment recharge.

Please demonstrate best efforts to provide post development to predevelopment infiltration mitigation, in addition to the TRCA *first* 5 mm onsite retention water balance requirement. Please demonstrate using the average annual infiltration calculations how close the proposed measures will be to achieving the target levels.

10. The proponents have mentioned several LID measures in the report and have clarified that they will be factored in during the site plan stage. However, please demonstrate that all spatial requirements have been considered including the placement of any required mitigation footprints.
11. TRCA encourages an emphasis on passive LIDs that don't require manual draining like a cistern. If the cistern is proposed as the sole LID please demonstrate that there will be adequate demand for the water (car-washing, water for landscaping etc.) to ensure the tank will be empty prior to the next storm event.

#### **Geotechnical Engineering**

12. Grading information for the proposed road which include cross-sections and a longitudinal profile is required. The site grading plan should clearly depict the existing slope and grade elevations vs proposed elevations. The cross-sections should capture the entire slope. Furthermore, the side slope inclinations of the cut area should be clearly shown and the applicant will have to demonstrate that the side slopes will remain stable long-term.
13. A portion of the proposed road and embankment encroaches into the erosion hazard and, as such, a supplementary slope stability assessment will have to be conducted to ensure the proposed road and embankment will not be negatively impacted long-term by slope erosion. The supplementary slope assessment will need to demonstrate that the road and embankment is safe from any potential slope instability (for a minimum safety factor of 1.5).

**Landscape Plantings**

14. TRCA looks forward to review of the detailed landscape/restoration plans that implement the measures proposed in the Edge Management Plan.

**Erosion and Sediment Controls During Construction**

15. TRCA will require a comprehensive, multi-barrier Erosion and Sediment Control Plans and a Report as a part of the detailed design for the development. Please use the following link as a guide. <https://sustainabletechnologies.ca/app/uploads/2013/01/ESC-Guideline-December-2006.pdf>.