

Submission_EY29.3_Status Report_ City Initiated High Park Apartment Neighbourhood Area Character Study_ Etobicoke York Community Council consideration on April 4, 2018_Lenka Holubec

Provincial Policy Statement 2014 Policy Highlights:
Natural Heritage

"Nature is bountiful. It is also fragile and finite.

Ontario's natural heritage resources are valuable and finely balanced. They have a finite capacity to support development and land use change".

Dear Councillors,

I appreciate that City has Initiated High Park Apartment Neighbourhood Area Character Study in accordance with Official Plan Policy 2.3.1.3 which provides direction to undertake a study in response to significant intensification proposals.

Being a participant to the Working Group for this Study, I also appreciate public consultation process that is to provide community feedback in respect to the Character Defining Elements and Draft Guiding Principles that will be used to develop the Site and Area Specific Policy and implementing Urban Design Guidelines.

Status Report recognizes that *"the area is in close proximity to High Park which contains a Provincial Area of Natural and Scientific Interest (ANSI), Environmentally Significant Areas, a natural heritage system, ravines and natural features. High Park is recognized as a significant stopover for migratory birds, and the mature tree canopy and structures in the area are possible habitat for species of conservation concern."*

It also lists Natural Features and Environment among Character Defining Elements: *"The natural environment is a defining feature for the area due to its proximity to High Park and its sensitive natural heritage features. Components to be evaluated within this character defining group include natural heritage features, water (including infiltration and hydrogeology), topography, trees and vegetation, and birds and wildlife"*.

Report describes Existing Planning Policy Framework in detail but omits references to Legal Framework regarding protection of Natural Heritage afforded by PPS 2014, The City Official Plan and its Amendment OP 262 (Environmental Policies) and Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement. NHRM represents the province's recommended technical criteria and approaches for protecting natural heritage features and areas and natural heritage systems in Ontario in a manner consistent with the Provincial Policy Statement.

At this point, it is crucial to recognize that High Park, mostly designated as ESA/ANSI – Environmentally Significant Area/Area of Natural and Scientific Interest, faces a critical situation. The capacity of sensitive natural areas and fragile wildlife habitats to regenerate ever increasing stress and disturbance is finite, while the impacts from development on hydrologic features, natural features and ecological function are to be expected and are already occurring along all Key Sensitivities and Natural Features in High Park.

People often describe their High Park's experience, walking through the woodlands appreciating native plants and observing wildlife, similar to being "out of town". This unique experience is an attribute of the natural areas still capable of retaining their ecological integrity and capacity to function as ecosystem and wildlife habitat to allow natural features such as woodlands, wetlands, meadows, flowers, birds, butterflies, reptiles, waterfowl, birds of prey, migratory birds and mammals to survive and us to reap the benefits of "out of town" experience.

The policies existing to protect Natural Heritage for the long term represent according PPS 2014 minimum standards and *"Planning authorities must make minimizing environmental impacts a high priority in the design process for proposed developments adjacent to natural features to be consistent with the PPS"*.

It seems that there may not be yet adequate realization of how the ecosystems are affected by unsustainable use by ever increasing number of local residents or the watersheds by increases of impervious surface and changes to infiltration.

If we are to protect High Parks' unique Natural Heritage for the long term, this recognition is crucial as much as a full implementation the existing policies and guidelines.

The Provincial Policy Statement, 2014 aims to protect our environment through policies that safeguard, enhance, and mitigate potential impacts to our natural heritage features.

It provides clear direction for planning matters and decisions under the Planning Act to protect our water, woodlands, wetlands, coast wetlands, and endangered and threatened species habitat, and recognizes the need for the most protection in areas of the province with the greatest development pressures.

Section 3 of the Planning Act requires that all decisions and advice affecting land use planning matters shall be consistent with the Provincial Policy Statement. The shall be consistent with standard is a strong implementation standard that focuses on achieving policy outcomes.

Proponent of development adjacent to Natural Heritage must demonstrate that there will be NO NEGATIVE IMPACTS on Natural Heritage, Natural Features and Ecological Function due to single, multiple or successive development. Adjacent lands must be also evaluated. Cumulative direct or indirect impacts must be evaluated.

PPS 2014 "2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

City Initiated High Park Apartment Neighbourhood Area Character Study and parallel BWVA Study will be playing a critical role in respect to protection of High Park's Natural Heritage for the long term.

Thanks,

Lenka Holubec

"Since early 90th, there was a growing awareness in the City of Toronto of having to protect remaining valuable natural areas – ecosystem approach to prevent undermining and destroying of these irreplaceable assets."

"Too often in the past, we have considered green space as an afterthought, what was left over after development took its course. We now realize that if any natural spaces are to remain, we must take a pro-active approach to saving them".

<http://trca.on.ca/trca-user-uploads/MetropolitanWaterfrontPlan.pdf>

Metropolitan Waterfront Plan, prepared by Metropolitan Planning Department, Feb 1994

Summary:

- HPANCH Study was initiated in early 2017, in response to significant intensification proposals submitted in the area near High Park proposing total increase of density of approx. 5,000 new residents.

GWL Properties - the applicant proposes 4 buildings on site designated as Apartment Neighbourhood increasing existing 963 units by 1,031 units to a total of 1,994 units. The proposed development is to take place on the property adjacent to High Park, which is in about 90 m distance south of this location.

Minto Properties –the applicant proposes two blocks of 3-storey townhouses, one 33-storey building with 3-storey townhouse units at grade, one 29-storey building with an 8-storey podium, and a 2- storey amenity pavilion in the rear. These proposed new buildings will contain 768 new units increasing 750 existing units to 1, 518 units in total.

The proposed developments are to take place on the properties in proximity of High Park's ESA/ANSI designated Natural Heritage.

- High Park Apartment Neighbourhood Character Study and BWVA Study Areas have intensified significantly over the past years already.
- High Park is mostly designated as ESA/ANSI – Environmentally Significant Area/Area of Natural and Scientific Interest, where the impacts on hydrologic features, natural features and ecological function are to be expected.
- Increase use of High Park by increasing number of local residents significantly accelerates overuse and resulting degradation of natural features and ecological function.
- When development of 51 Quebec Ave. will be completed in 2019 more than 1,300 new residents will move just across street of designated Natural Heritage. Cumulative impacts of increasing overuse may push High Park ecosystem beyond capacity to regenerate fauna and flora resulting in declining habitat to the species.
- **From Parks Usership Surveys follows that:**
*"People living closer to the park tended to visit more often. Among observed park users, 43% lived within 0.25 mile, and another 21% lived between 0.25 and 0.5 mile of the park. **Only 13% of park users lived more than 1 mile from the park. Of local residents, 38% living more than 1 mile away were infrequent park visitors, compared with 19% of those living less than 0.5 mile away**"*Distance Traveled to Visit the Park
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1805017/>

"Most park users (81%) live within one mile of the parks, and only 19 percent of park users live more than one mile from the park. This is a key finding"
https://www.rand.org/content/dam/rand/pubs/technical_reports/2006/RAND_TR357.pdf
- **Cumulative and Indirect Impacts**
All reasonably expected cumulative impacts to natural heritage and hydrologic features and functions must be identified and described in detail. Cumulative impacts refer to the combined or incremental effects of individual actions or impacts. An example would be the cumulative impact on breeding birds, of increased noise, increased predation (disturbance) by domestic pets and increased human intrusion due to residential development on land adjacent to a woodland. The cumulative effect of these individual impacts may be greater than the sum of the individual impacts. Cumulative impacts may result from the combination of different types of impacts (as in the preceding example), from the incremental effects of a series of impacts over time, or from the combined effects of neighbouring developments. Indirect impacts could include changes to drainage or water quality, which will likely affect a natural heritage feature or its function(s).
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- In fall of 2017, BWVA Study Desktop Investigation concluded HIGH DISTURBANCE along all Key Natural Features in High Park and impacts on hydrologic features.
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- Chronic overuse is difficult if not impossible to mitigate.

-Existing density in HPANCH Study Area is already higher than stipulated under the Official Plan for Apartment Neighborhood:

High Park Apartment Neighbourhood Character Study Area 2016 Density

Source: Statistics Canada, 2016 Census

8,500 + approx. 1,500 people and 568 new units when 51 Quebec Ave completed in 2019 = 10,000 population

Study Area: 19.1 ha

Population per hectare in 2019 - approx. 520

In 2019, when 2 25-storey towers at 51 Quebec Ave. are completed, more than 1,300 new residents will move in just across of High Park. It is expected that there will be negative impacts resulting from this single biggest population increase affecting ANSI of High Park Natural Heritage in many ways. Already existing overuse and resulting degradation will be accelerated.

Five urban growth centers were identified in Toronto, based on the City's Official Plan with a density target of 400 residents and jobs combined per hectare that each of these centers must meet by 2031. Density in HPANCH Study Area will be over 500 people per hectare by 2019.

-High Park Oak Woodlands Provincial Life Science ANSI Fact Sheet 2009/10/15 Excerpts from factsheet:

"High Park is located just north of the Lake Ontario shoreline, on the dry soils of a sand plain.

It represents the last sizeable natural area remaining on Toronto's Iroquois sand plain. Historically, the study area supported spectacular open oak woodlands or savannahs and pine barrens, with rich assemblages of prairie grasses and forbs.

Grenadier Pond, one of the City of Toronto's only remaining lakeshore marshes, occupies most of the western side of the park (Varga 1989).

High Park is one of the most significant natural areas in Toronto, especially in terms of its vegetation communities and rare flora. This LS-ANSI captures a wide diversity of native ecosystems, which include mature upland forests of black oak, white oak, red oak, black cherry, red maple, hemlock, white birch, beech, white ash, and white pine, as well as successional forests and cultural communities. The study area also contains bottomland forest and wetland communities, such as thicket swamps, meadow marsh, shallow marsh and submerged and floating-leaved aquatic.

This LS-ANSI provides habitat to a number of significant flora and fauna species, including 271 flora species and 71 fauna species. These species include Carolinian species restricted to the southern portion of Ontario, prairie and savannah associate species, wetland-dependent species, area-sensitive wetland and forest species, and species rarely found in urbanized contexts. The presence of such a list of species is unusual in southern Ontario, particularly within an urban landscape matrix."

CONDITION: GOOD 2009/10/15"

In fall of 2017, BWVA Study Desktop Investigation concluded HIGH DISTURBANCE along all Key Natural Features in High Park and impacts on hydrologic features.

-Migratory Birds in the City of Toronto (Dougan & Associates, 2009):

"Over the past 17 years the most common migrant bird groups in Toronto have been warblers, shorebirds and sparrows. The most consistent and greatest migratory bird concentrations identified with this data are natural areas on the lakeshore. **The Toronto Islands, Tommy Thompson Park and High Park together account for more than 70% of the TOC's migrant bird records for the period between 1990 and 2007.** Most of the remaining concentration areas are associated with some of the larger natural areas within the City, mainly located along the lakeshore and within the West Don and Humber Creek ravine systems."

Policies applicable:

Provincial Policy Statement 2014 Policy Highlights:

Natural Heritage

"Nature is bountiful. It is also fragile and finite.

Ontario's natural heritage resources are valuable and finely balanced. They have a finite capacity to support development and land use change".

Provincial Policy Statement 2014

"2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Negative impacts: means

a) in regard to policy 1.6.6.4 and 1.6.6.5, **degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development.** Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;

b) in regard to policy 2.2, **degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;**

c) in regard to **fish habitat, any permanent alteration to, or destruction of fish habitat,** except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and

d) in regard to **other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.**

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

The City Official Plan Amendment OP262 (Environmental Policies)

Excerpts:

Chapter 4:

"The natural heritage system is important to the City, both within and beyond our boundaries, and needs to be protected for the long term. It is made up of areas where protecting, restoring and enhancing the natural features and functions should have high priority in our city-building decisions. We must be careful to assess the impacts of new development in areas near the natural heritage system."

Land Use Designations

"Land use designations are a key implementation tool for protecting the City's natural environment by directing growth away from the City's protected natural areas most of which are contained within lands designated as Parks and Open Space Areas."

<http://cloca.ca/resources/Outside%20documents/Natural%20Heritage%20Policies%20of%20the%20Provincial%20Policy%20Statement%20MNR%202010.pdf>

NATURAL HERITAGE REFERENCE MANUAL for Natural Heritage Policies of the Provincial Policy Statement 2014

NHRM 2010 Natural Heritage Reference Manual, Official technical guide to PPS 2014

3.5.5 Review of Assessment

Excerpt:

"As part of the decision-making process, a planning authority may:

- approve the development application;
- require revision of the proposed development to avoid impacts that the planning authority deems unacceptable;
- impose conditions of approval, where empowered under the Planning Act, to address certain already identified issues in more detail or to address new issues raised during the assessment process; or
- refuse the application.

In situations in which mitigation measures cannot prevent negative impacts on the natural features or on the ecological functions for which the area is identified, an application should be refused."

13.5.5 Review of Assessment

The proponent submits an impact assessment to the planning authority. The planning authority reviews the assessment to determine whether it is acceptable in terms of the completeness of the inventory and description of features, the thoroughness of the evaluation of potential negative impacts, the adequacy of the mitigation measures and monitoring programs identified, and so on. In cases in which an approval authority does not have the capacity or expertise to review the EIS, the authority may commission a qualified professional to carry out a peer review.

13.5.6 Planning Authority Decision

In making its decision about a proposed development, the planning authority would consider the results of the assessment review, along with other relevant PPS policy (see section 2.3). The planning authority's decision can be contingent on the revision of the development proposal and/or the attachment of conditions. For example, approval may be contingent on the implementation of specific mitigation and/or monitoring measures. Alternatively, approval may be granted only after extensive revisions of the proposal.

13.5.4.1 Mitigation through Design of Land Uses

The first step toward avoiding negative impacts is to develop designs that have the least potential for affecting natural features. Design should also account for many other planning considerations, for example:

- providing densities supportive of public transit; and

- adhering to local road standards.

It is recognized that minimizing environmental impacts is just one consideration of design.

Policies 2.1.4 and 2.1.6 of the PPS are clear, however, in their requirement of no negative impacts on natural features.

Planning authorities must make minimizing environmental impacts a high priority in the design process for proposed developments adjacent to natural features to be consistent with the PPS."