

March 19 2019

To: City of Toronto, TRCA and Parks Canada

Re: Zoning Bylaw Amendment 6461 Steeles Ave East, No. 18 271324 ESC 22 OZ
Toronto wildlife Centre Development

Honourary Friends

Lois James, "Save the Rouge" founding member and Order of Canada Recipient

Paul Harpley, "Save the Rouge" founding member

Hon. David Peterson, former Ontario Premier

Hon. Gerry Phillips, former MPP Scarborough Agincourt

Hon. Alvin Curling, former MPP Scarborough Rouge River

Derek Lee, former MP Scarborough Rouge River

Rathika Sitsabaiesan, former MP Scarborough Rouge River

Joyce Trimmer, former Mayor of Scarborough, posthumous

Bobbi Hunter, founding member of Greenpeace Executive

Dear City of Toronto and Parks Canada:

This letter is based on: our review of the TWC file and relevant Ontario Greenbelt, PPS, Rouge Park and City of Toronto land use designations and policies; my 34 years of experience with Rouge Park and Watershed Plans and Land Use Policies; and my six years of experience applying legislation and public policy as: a Vice Chair with Ontario's EA Board; a Consolidated Hearings Board Member; and a Niagara Escarpment Plan Hearings Officer. FRW has also consulted with professional planners and lawyers.

As Rouge Park, Watershed and Greenbelt guardians, Friends of the Rouge (FRW) scrutinizes developments, even when they have a commendable purpose. When decision makers are "in the dark" with respect to the true policy and budgetary implications of a proposed development, the public interest is undermined and the cost to the City and its taxpayers "mushrooms" out of control.

Animal rescue and rehabilitation is commendable, however, the majority of the animals rescued by TWC are squirrels, racoons, skunks, geese, ducks, gulls, pigeons and other animals which are over-populated in urban areas. Geese, ducks and gulls contribute to pollution of our water by defecating at beaches and parks, and squirrels and racoons can cause considerable damage to homes and buildings. These over-abundant species prey on other less common wildlife leading to loss of biodiversity.

Rouge Park is a nationally important refuge for wildlife, including many rare and at-risk species. Sites near valley and stream corridors, like this one, are particularly important for restoring habitat size, connectivity and biodiversity to prioritize ecological integrity and implement "due diligence" Rouge Park and Watershed Plans for reducing the costly impacts of climate change, runoff, flooding, pollution and biodiversity loss.

Since its 2012 support (in principle) by the TRCA and Parks Canada, the proposed Toronto Wildlife Centre (TWC) Building / Development has tripled in size from approximately 20,000 square feet to 60,000 ft² and it now has an estimated cost of nearly \$30 Million. This funding is mainly being requested from municipal, provincial and federal government sources.

The greatly increased size and cost of this TWC development proposal seems highly questionable at a time when taxpayers are stressed and we do not have sufficient funding to improve transit, provide more homeless shelters and affordable housing, and repair our existing natural and built infrastructure.

After several years of trying to extend a large water pipeline into the Greenbelt, contrary to Greenbelt Policy 4.2.2.2, TWC is now proposing to extract groundwater to service the proposed development. If this is a feasible option, why did it take so long to propose.

The March 12, 2019 Toronto Planning Report notes:

The current zoning applying to the subject lands does not permit the operation of TWC which includes an animal shelter, veterinary hospital, education facility and intern residence.

TWC Proposal - Contrary to Greenbelt, Rouge Park, Watershed and Toronto Plans

TWC's work to rescue injured or orphaned animals is commendable, however, the "natural heritage system" designation of the 6461 Steeles Avenue site and the tripling of the scale of the TWC development proposal seems completely contrary to federal, provincial and municipal laws, plans and policies.

The 6461 Steeles TRCA / Rouge Park property is located within the Ontario Greenbelt Natural Heritage System which includes core and linkage areas of the "Protected Countryside" with the highest concentration of the most significant and/or sensitive natural features and functions. The subject property is also within the Natural Heritage System on Map 9 of Toronto's Official Plan which states: "**development is generally not permitted in the Natural Heritage System**"

The TWC development proposal involves the building of: a new football field sized building; a parking lot for 50 cars and 2 buses; a large septic field; and thousands of metres of tall wooden fencing to surround the site and its outdoor animal cages. If approved, the TWC development proposal will disturb, displace and fence approximately 8 hectares (15 football fields) of public Rouge Park lands. This large development is contrary to:

- the priority for ecological integrity in *Rouge National Park Act* section 6(1);
- Greenbelt Plan section 3.2.7 provisions for prioritizing ecological integrity;
- Greenbelt Plan section 3.2.2.3 Natural Heritage System policies;
- the science-based requirements for ecological integrity outlined by Environment Canada in *How Much habitat is Enough*, 2013;
- TRCA's Rouge Watershed Plan and Targeted Natural Heritage System which outlines restoration of natural cover on the entire 67 acre site;
- Provincial Policy Statement section 2.2.1 for protecting, improving or restoring water quality and quantity and avoiding cumulative impacts;

- Toronto OP Policy 4.3.2 which says that development is generally prohibited in the "Natural Area" with exceptions that do not include the TWC use;
- Toronto Official Plan Policy 4.3.3 which states that "Natural Areas" will be maintained primarily in a natural state ...

Consistent with federal, provincial, municipal and TRCA Plans for prioritizing ecological integrity, watershed health and "due diligence", the entire 6461 Steeles Ave property was designated for ecological restoration within the TRCA's Rouge Watershed Plan and associated Targeted Natural Heritage System. This site is also within the existing Rouge Park and it is slated for transfer to Rouge National Urban Park (RNUP). RNUP Act section 6(1) states:

Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, must be the first priority of the Minister when considering all aspects of the management of the Park.

Environment Canada's science-based report "How Much Habitat is Enough, 2013" recommends more than 60% combined forest and wetland cover per watershed to achieve ecological integrity and watershed health. The TRCA's 2013 and 2018 Rouge Watershed Report Cards show only 13% Forest Cover for a "D" Grade

"The current quantity, quality and distribution of natural cover are insufficient to provide long-term support for many of the native communities and species present in the watershed now."

The Ontario Greenbelt Plan states:

"Ontario will work collaboratively with Parks Canada, municipalities and other relevant agencies and organizations to ensure ecological integrity is the first management priority for the Rouge National Urban Park"

Provincial Policy Statement 2.2.1 states that: *"Planning authorities shall protect, improve or restore the quality and quantity of water by: a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development".*

Below please find a few elements of the TWC Development proposal which appear contrary to the above laws, plans and policies:

- The TWC development would contravene the 2013, Provincial and Federal Agreement to "meet or exceed" Greenbelt Plan policies (= Rouge Park policies) during the creation, management and administration of the national park;
- Approximately 75,000 square metres (15 football fields) of land targeted by the TRCA for habitat restoration of natural cover to prioritize ecological integrity, watershed health, and due diligence, would instead be developed;

- The proposed TWC intern house, indoor and outdoor animal cages and associated human and animal feces would increase the amount of bacteria and nutrient loadings on the site contrary to PPS 2.2.1 and Greenbelt Policy 3.2.2.3;
- the increased use of groundwater and production of septic field wastewater, and the runoff from paved areas, outdoor wildlife cages and associated small vehicle (ATV) paths, would tend to adversely impact water quality and quantity contrary to PPS 2.2.1 and Greenbelt Policy 3.2.2.3;
- thousands of metres of tall wooden fencing would be erected around the site reducing habitat connectivity and creating visual impacts contrary to ecological integrity and the requirements of Rouge Park, Greenbelt and Toronto Plans;
- The disturbed area, including buildings and wildlife cages (structures) would exceed the 25 per cent maximum established by Greenbelt Plan ;
- An intermittent stream would be re-located by the TRCA to provide space for the outdoor animal cages with likely impacts on hydrological features and functions contrary to Greenbelt and Rouge Park policies;
- A barn containing nesting habitat for barn swallow, a species at risk, would be dismantled and rebuilt, displacing barn swallow nests;
- A pond containing habitat for painted turtles and snapping turtles (species at risk) would be drained disturbing turtle and amphibian habitat;
- The development and its septic field are within 100 metres of a known aboriginal burial site and development could disturb undetected aboriginal remains and artifacts;

April 14, 2018 Email from Mississauga of New Credit First Nation

"In addition to the failures you speak to in your email regarding Non Compliance by the TRCA, I would add that the TRCA has neglected to consult with the Mississaugas of New Credit First Nation (MNCFN). Further, the TRCA has not given consideration to the Aboriginal Title Claim Submission for the Rouge Valley Tract or the MNCFN Aboriginal Title Claim Submission for the waters in the MNCFN Treaty Territory. The Rouge Valley Tract Claim was submitted to Ontario on March 31, 2015 and the Water Claim was submitted to Ontario on September 21, 2016.

In a February 11, 2019 letter to a consultant for TWC, Toronto Engineer Saleem Khan notes that a registered professional engineer has not yet confirmed that the proposed water flow rate of 2,200 litres is the most conservative estimate and that adequate water sources are available to meet the domestic and fire demands of the proposed TWC development. He also notes the need for *Ontario Water Resource Act* approvals for the septic system and possibly a permit to take water for the groundwater removal. In conclusion, he states:

"Unless specifically identified to be addressed during the site plan process, the above noted information must be provided prior to the introduction of the zoning bylaw amendment to Toronto City Council"

Similarly, a December 19, 2018 TRCA Hydrogeologist Letter notes:

"While we are not suggesting that the site cannot be serviced, we do think it is prudent to complete investigations. ... with the new servicing scheme we would like more information on the quality and quantity of groundwater available to service the proposed development prior to final approval of the Zoning Bylaw amendment."

Conclusion

This TWC proposal was prematurely supported by the TRCA Board and Parks Canada, prior to the legally required *Planning Act* review and contrary to Greenbelt Plan and legal advice in an **August 13, 2015 memo from a City of Toronto Solicitor**.

TRCA is acting like a co-proponent by raising \$15 Million of public funding and providing a \$1 lease for 27 hectares (67 acres) of public parkland with a house and barn. TRCA is relocating a stream and probably fencing the site. This situation creates a conflict with TRCA's public interest responsibilities as a watershed and public land manager, reviewer of *Planning Act* applications and regulatory authority.

More than 50% of Rouge Park's public lands already in private leases are far below fair market value, often to people with TRCA or other government connections. This situation is leading to inexcusable delays in the implementation of longstanding "due diligence" Rouge Park and Watershed remedial action plans for restoring forest and wetland cover to improve ecological integrity, and mitigate pollution, climate change and flooding liabilities.

There are approximately 200 existing buildings in Rouge Park and they will probably require more than \$50 Million in overdue maintenance and renovation to meet safety and building code standards. A recent report revealed that approximately 40% of Parks Canada's real estate holdings across Canada are in "poor" condition.

The City of Toronto, Parks Canada and TRCA have a legal responsibility to make decisions which conform with laws and policies, like the *Planning Act and Provincial Policy Statement*, the Greenbelt Plan, the Rouge Park Management Plan; the Ontario Water Resources Act; and Federal legislation like the *Canada Water Act and Rouge NU Park Act*. However, the TRCA and Parks Canada continued to support the original TWC proposal, despite its clear non-conformance with applicable laws, plans and policies.

A disservice is done to the TRCA, Parks Canada, Toronto Council and the public, when they are asked to support the TWC rezoning proposal without adequate information about the financial implications and issues regarding non-conformity with Greenbelt, Rouge Park and Watershed Plans and Toronto's Official Plan; and without the above information requested by the TRCA hydrogeologist and Toronto Engineer.

There is danger that Toronto Council could suffer a similar disservice, if the TWC rezoning application is approved without adequate information and without demonstrated conformance with existing federal, Provincial and Municipal laws, plans and policies.

When decision makers are kept in “in the dark” with respect to the true policy and budgetary implications of a proposed development like the TWC, the public interest is compromised and the cost to taxpayers “mushrooms” out of control.

FRW is willing to work with all stakeholders to find a more suitable locations and / or sizing and design of the TWC development proposal outside of the Greenbelt and Rouge Park.

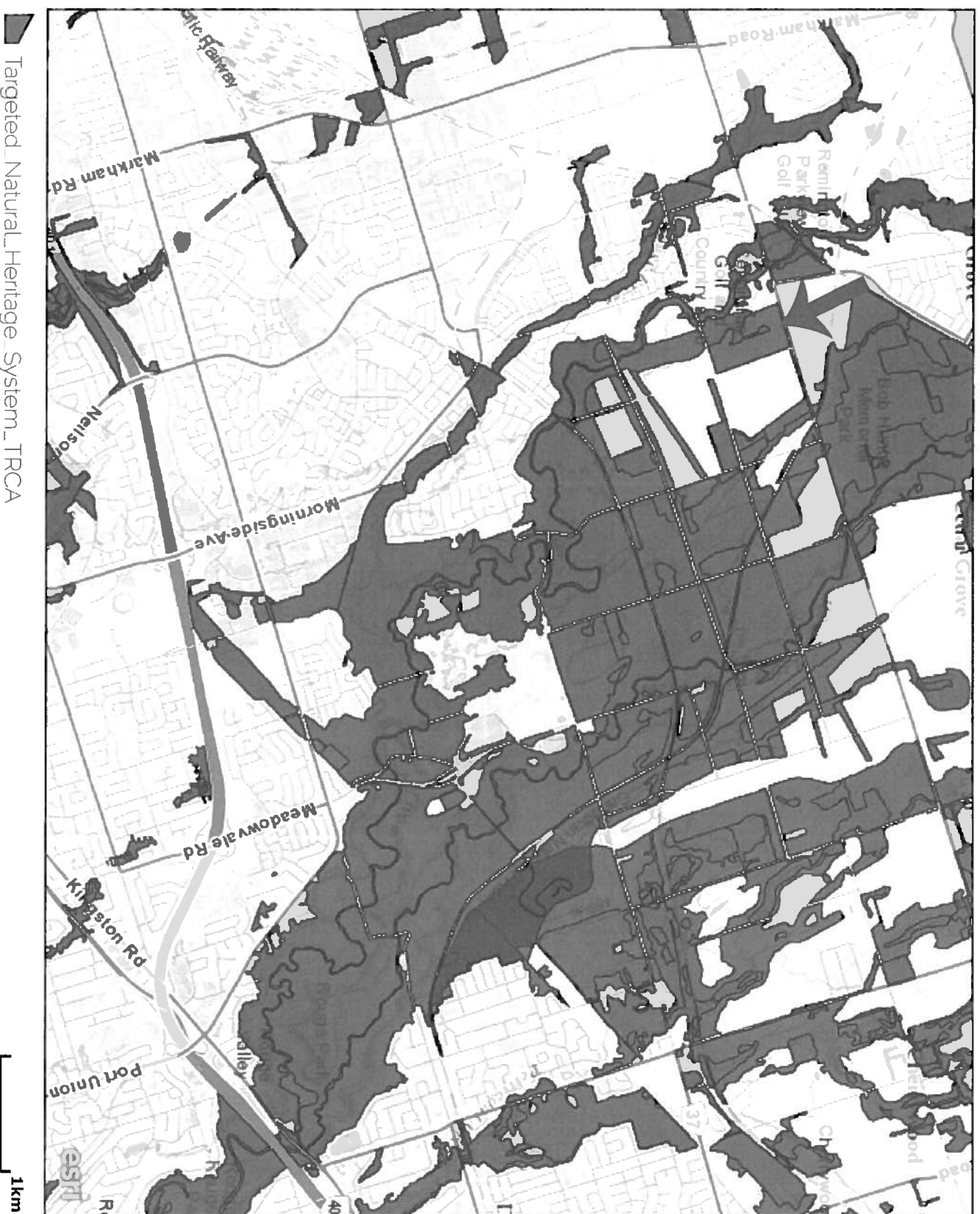
Sincerely,



Jim Robb, FRW General Manager
Phone: 647-891-9550

Attachment: Map showing entire site with TRCA Targeted Natural Heritage System

TRCA Targeted Natural Heritage System: 6461 Steeles Ave site



TICA dataset from 2007/08 produced using <https://data.trca.ca/dataset/target-natural-heritage-system-tica>