

TE4.38_Toronto and East York Community Council consideration on March 19, 2019

299 Glenlake Avenue_Zoning By-law Amendment Application_Preliminary Report_submission_ProtectNatureTO



19 March, 2019

VIA E-MAIL: teycc@toronto.ca

Re: Toronto and East York Community Council consideration on March 19, 2019 -

299 Glenlake Avenue - Zoning By-law Amendment Application - Preliminary Report

Dear Councillors,

On behalf of ProtectNatureTO, a coalition of over 20 nature- and stewardship-based groups advocating for the protection of Toronto's remaining natural heritage, wildlife habitats and enhancement of natural areas across the City, we are writing to express our concerns over additional development proposal within the High Park Apartment Neighbourhood Study Area accommodating already two massive intensification proposals by Minto Inc. and 1213763 Ontario Inc. - both proposals presently at LPAT.

High Park Apartment Neighbourhood Study Area is located in proximity of one of the most significant city-wide natural heritage in Toronto – High Park where negative impacts on hydrology, natural heritage features and ecological function *due to single, multiple or successive development or site alteration activities* may result "in degradation that threatens the health and integrity of the natural features or ecological functions for which the area is identified."

"This application proposes to amend the Zoning By-law for 299 Glenlake Avenue to permit an 11-storey infill apartment building (37.3 m in height, including mechanical penthouse) with 123 residential rental units situated to the north of the existing tower and fronting Glenlake Avenue" (<http://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130447.pdf>)

Although, this application may not by itself represent significant redevelopment of the area, it constitutes a "*multiple development*" within HPANCH Study Area and the impacts of this proposal, to be consistent with requirements of PPS 2014, must be assessed in relation to other existing proposals in the Study Area to evaluate the overall potential cumulative indirect impacts. This includes the additional coverage and resulting impervious surfaces, preventing infiltration of water into the soils – indirect cumulative hydrologic impacts and further increase of user demands pressures – cumulative indirect impacts of increase use of natural heritage and ensuing degradation of natural features in High Park.

Most of High Park is designated as ANSI/ESA and protected by the layer of policies, most importantly the PPS 2014 that requires of the proponent of development to demonstrate through Study no negative impacts on natural heritage features and ecological function due to *single, multiple or successive development or site alteration activities* and the City OP as amended by OPA 262 - environmental policies.

OPA 262 was unanimously approved by the City Council, in the fall of 2015 and later in 2016 by the Province. There were no appeals to the amendment and it is now in full force and effect.

The City of Toronto participated in the review and update of the PPS 2014 which includes new policies that address climate change, the promotion of green energy and conservation as well as policies pertaining to green infrastructure. **City Council's planning decisions are required to be consistent with the PPS 2014.** <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

Considering:

“Increased recreational use of High Park is the main indirect and cumulative impact that may potentially occur as a result of intensification in the HPANCH Study Area.”

and

“The magnitude of indirect and cumulative impacts from new development in the HPAN are largely dependent on the projected population growth in the BWVA corridor, the HPAN, and their use of High Park and thus are difficult to predict.”

Mitigation of indirect impacts on offsite features due to potential increase in usership is complex and requires coordinated management, policy enforcement and cooperation affecting many parties”. (DOUGAN & ASSOCIATES, HPANCH Study Addendum)

and

“Natural areas are vulnerable to heavy use, as they have low ‘wear tolerance’ and natural ecosystems deteriorate relatively quickly under conditions of overuse.

Natural environments have a threshold (or "tipping point") for disruption beyond which severe and possibly irreversible damage is done to ecological health. Knowing where thresholds exist and when they are reached is important for understanding and managing the impacts of use. It allows for the development of early warning systems to identify at-risk locations so that timely action can protect them.” **Parks Plan, 2013-2017** <http://www.toronto.ca/legdocs/mmis/2013/pe/bgrd/backgroundfile-57282.pdf>

and

Existing density in HPANCH Study is already high. Based on 2016 Census information:

Area 19.6 Ha Population 8,500 Pop/Ha 434

Density will rise in 2019 with completion of 51 Quebec Ave., 2x25 storey and 16 townhomes for another 1,120 to

Area 19.6 Ha Population 9,620 Pop/Ha 491

and

The combined proposals in HPANCH would add 3,000 – 5,000 new residents across of High Park, which is an addition of a little town across of “Jewel of Toronto Parks” (*“High Park: Restoring a Jewel of Toronto’s Park System”*. 2008) that has undergone many years of extensive and costly restoration and where potential impacts of adjacent development of this magnitude will interfere with hydrologic features and will result in a chronic and unsustainable use and degradation

Considering all of this ProtectNatureTO is concerned that PPS 2014 fundamental requirement of the long term protection of Natural features and areas may have been compromised in respect to the High Park.

“2.1.1 Natural features and areas shall be protected for the long term.” PPS 2014

It is the City’s obligation to manage and protect public natural assets including making of the crucial planning land use decisions consistent with the relevant protection policies regulating natural heritage in Toronto.

Yours Sincerely,

Lenka Holubec on behalf of ProtectNatureTO

Background:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

Environment Overview

The City Planning Division consulted with the public and developed policies pertaining to climate change and energy, the natural environment and green infrastructure. In addition, 68 new Environmentally Significant Areas (ESAs) were identified in the City. **The result was Official Plan Amendment 262 which was adopted by Council in November 2015. The intent of OPA 262 is to:**

- strengthen the existing environmental policies
- encompass new priorities that have emerged since the adoption of the last Official Plan
- designate new ESAs

The public consultation process for the Environmental Policies and Environmentally Significant Areas is now complete.

City Council approved OPA 262 in November 2015. Details of the meeting including background information, reports and communications can be viewed in the [agenda item history](#).

Approval Process OPA 262 was approved by the Province in May 2016. There were no appeals to the amendment and it is now in full force and effect.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG7.2>

Official Plan Five Year Review: Final Recommendation Report - Amendments to the Official Plan Environmental Policies and Designation of Environmentally Significant Areas

City Council Decision

City Council on November 3 and 4, 2015, adopted the following:

CITY OF TORONTO

BY-LAW No. 1158-2015

To adopt Amendment No. 262 to the Official Plan of the City of Toronto with respect to the Environmental Policies and Designation of Environmentally Significant Areas.

This report presents recommended environmental policies and the designation of 68 new and the expansion of 14 existing Environmentally Significant Areas (ESA). The proposed changes to the environmental policies are the result of extensive consultation with stakeholders including environmental groups, community associations, the general public, the development industry, City Divisions including Parks, Forestry and Recreation, Toronto Water, Public Health, Environment and Energy, the Toronto and Region Conservation Authority (TRCA) and with the Ministries of Municipal Affairs and Housing (MMAH), and Environment and Climate Change (MOECC). The proposed ESA designations are the result of detailed review of previous studies and extensive field surveys carried out between 2009 and 2012.

The recommended Official Plan amendment appended to this report as Attachment 1a contains a series of specific, strategic policy revisions to strengthen, refine and clarify existing policies, address Council direction on Climate Change and bring the Official Plan into conformity with the 2014 Provincial Policy Statement.

The recommended amendments to the existing text, policies and mapping **will enhance the policies related to energy, biodiversity, natural environment, environmentally significant areas, water, natural hazards, lake filling and green infrastructure and assist the City to address climate change.** Attachment 2 illustrates how the Official Plan will read if the amendments proposed in Attachment 1a are adopted.

BACKGROUND**Provincial Policy Framework**

The Province of Ontario has placed increased emphasis on the environment through the Growth Plan for the Greater Golden Horseshoe, the 2014 Provincial Policy Statement and the enactment of the Greenbelt Plan as follows.

Provincial Policy Statement 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy and resilient communities; wise use and management of resources; and protecting public health and safety. The City of Toronto participated in the review and update of the PPS which includes new policies that address climate change, the promotion of green energy and conservation as well as policies pertaining to green infrastructure. **City Council's planning decisions are required to be consistent with the PPS.**

While the Official Plan's environmental policies are generally consistent with the 2014 Provincial Policy Statement, the revisions to the environmental policies in the proposed amendment reflect the PPS' increased emphasis upon the protection of natural heritage, water, biodiversity, energy conservation and efficiency and climate change.

Growth Plan for the Greater Golden Horseshoe (2006)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan. The current Official Plan policies for the environment are in conformity with the Provincial Growth Plan.

3.4 The Natural Environment to emphasize that the City's natural heritage system is significant both within and beyond Toronto and requires long term protection. The fourth paragraph about the urban forest is further refined by clarifying that non-native, non-invasive species may be planted when urban conditions limit the survival of native species.

...

Policy 3.4.18 is revised to articulate innovative methods of stormwater management including stormwater attenuation and re-use and use of green infrastructure. Policy 20 is merged with policy 18 and revised to more explicitly address resiliency and alternative energy systems in accordance with Council policy.

d) Chapter 4: 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. In addition to providing protection, the Parks and Open Space Areas policies allow for limited development which is compatible, minimizes adverse impacts on natural features and meets the Development Criteria in Parks and Open Space Areas. Policies are amended enhance protection for natural heritage features.

ii) Secondary Plans: Policies for Local Growth Opportunities

Section 5.2.1 Secondary Plans, Policy 4 is amended to encourage green infrastructure and the development of a Community Energy Plan to address energy conservation, resilience to power disruptions and renewable and alternative energy systems when undertaking a secondary plan.

Growth Plan for the Greater Golden Horseshoe, 2017

May 2017

http://placestogrow.ca/index.php?Itemid=14&id=430&option=com_content&task=view#1.2

1.2.3 How to Read this Plan

Relationship with the Provincial Policy Statement (PPS)

The PPS provides overall policy directions on matters of provincial interest related to land use and *development* in Ontario, and applies to the *GGH*, except where this Plan or another provincial plan provides otherwise.

Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. **This Plan is to be read in conjunction with the PPS. The policies of this Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.** Where the policies of this Plan address the same, similar, related, or overlapping matters as policies in the PPS, applying the more specific policies of this Plan satisfies the requirements of the more general policies in the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in this Plan, those PPS policies must be independently satisfied.

As provided for in the Places to Grow Act, 2005, this Plan prevails where there is a conflict between this Plan and the PPS. **The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.**

<http://www.mah.gov.on.ca/Page14980.aspx#Applying+the+Provincial+Policy+Statement>

What's new in the Provincial Policy Statement, 2014?

Natural Heritage (Policy 2.1)

The Provincial Policy Statement, 2014 aims to protect our environment through policies that safeguard, enhance, and mitigate potential impacts to our natural heritage features and areas, while reflecting geographic variation. **The Provincial Policy Statement, 2014 provides clear direction for planning matters and decisions under the Planning Act to protect our water, woodlands, wetlands, coastal 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.** Natural heritage features and areas contribute to Ontario's long term economic prosperity, environmental health, and social well-being and it is in the public interest to protect these resources even where they are abundant.

Provincial Policy Statement 2014

<http://www.mah.gov.on.ca/page10679.aspx>

The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

2.1 Natural Heritage

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

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.

Adjacent lands: means

...

b) for the purposes of policy 2.1.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;

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.

Natural Heritage Reference Manual, 2010, The Official Guide to PPS 2014

13.00 Addressing Impacts of Development and site Alteration

13.2 Determining Negative Impacts

To determine negative impacts on a significant natural heritage feature or area, the cumulative negative impacts from development or site alteration activities (e.g., impacts that adversely affect the stability of the feature and its ability to continue) must be considered against the integrity of the feature. The current and future ecological functions of the natural feature or area as they relate to the surrounding natural heritage system (e.g., connectivity) must be considered as well.

13.4 Determining an Appropriate Level of Assessment

Once it has been established that a planning application triggers the need for an impact assessment, the appropriate level of detail and effort required to assess the development impacts will vary, depending on the characteristics of the site and the proposed development.

Determining an appropriate level of assessment for an EIS or equivalent study should be measured by factors that include the following:

A detailed assessment is appropriate, however, in cases in which:

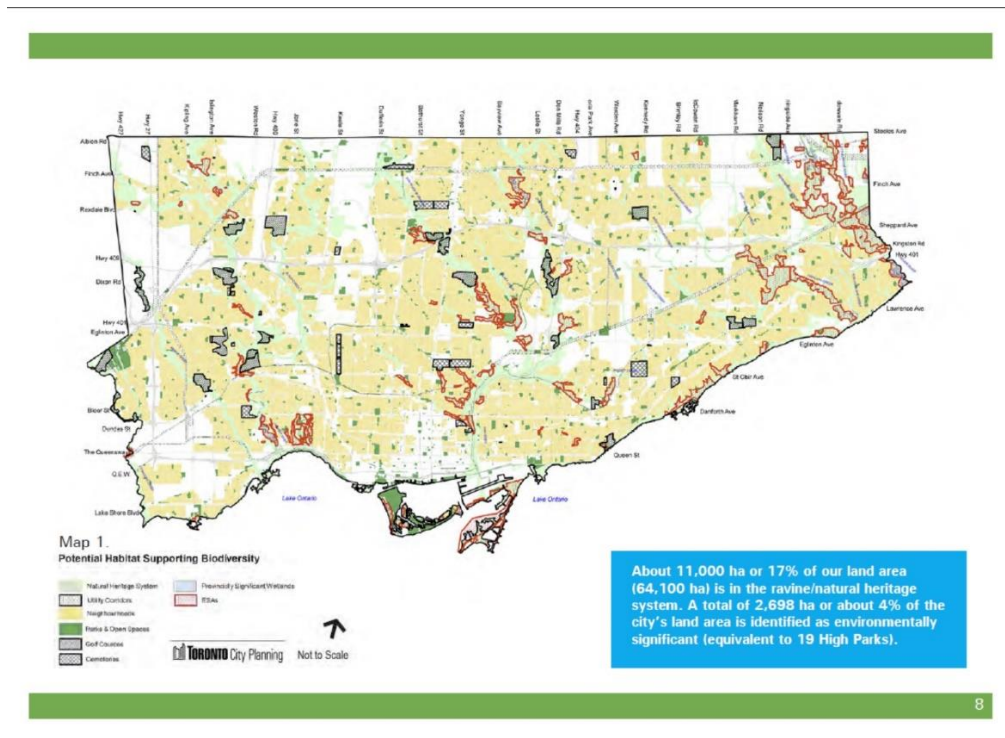
- the potential impacts of a proposal are unknown and a precautionary approach is needed;
- impacts on natural heritage features are likely to occur;
- appropriate impact mitigation techniques may not be readily available;
- the significance level of the natural heritage feature is high;
- the planning stage for the proposed development is advanced;
- the proposal may lead to multiple or successive development or site alteration activities; and
- the potential development would result in the elimination of a significant natural heritage feature.

Regardless of the assessment undertaken, the level of detail must be sufficient to demonstrate that there will be no negative impacts on the natural features or their ecological functions.

From THE DRAFT BIODIVERSITY STRATEGY FOR TORONTO

Major Natural Systems:

The highest biodiversity in Toronto occurs within the Natural Heritage System (Map 1) which includes the city's significant natural heritage features and functions including habitats such as forest, wetlands, meadows, beaches and bluffs that provide shelter, food sources, and breeding areas for hundreds of species of plants and animals. The natural heritage system also supports the city's 86 ESAs which are primarily located within valleys, ravines and along the waterfront – areas which also function as important migration corridors through the city and beyond our boundaries. Habitat size is important. Relatively large areas of natural habitat are particularly important because they contain, or have the potential to contain, high quality habitats such as interior forest which are fundamental to preserving and enhancing native biodiversity such as Carolinian forest species. Examples of relatively large tracts of high quality habitat are found in the Rouge Valley, Tommy Thompson Park, High Park, Toronto Islands and Lambton Park Prairie.



<https://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-80449.pdf>

How are Environmentally Significant Areas protected?

Environmentally Significant Areas are particularly sensitive and require protection to maintain their unique environmental qualities. Development and site alteration is not permitted in Environmentally Significant Areas and activities are limited to those that are compatible with the preservation of their natural features and ecological functions, such as managed trails and viewing areas. Environmentally Significant Areas exist within a larger connected natural system and cannot be viewed in isolation. Continued protection of this larger system is important to sustain Environmentally Significant Areas in the long-term and is an essential part of protecting biodiversity within the City of Toronto and beyond.