

2023.TE5.2 - 35, 41, 95 High Park Avenue, 66, 102-116 Pacific Avenue-Zoning By-law Amendment Application - Removal of Holding Symbol ("H") - Decision Report–Approval-submission Lenka Holubec

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RE: TE5.2 - 35, 41, 95 High Park Avenue, 66, 102-116 Pacific Avenue - Zoning By-law Amendment Application - Removal of Holding Symbol ("H") - Decision Report – Approval submission, Lenka Holubec

Dear Chair Councillor Gord Perks , Vice Chair Councillor Brad Bradford and Councillors,

Thank you for this opportunity to comment on TE5.2 - 35, 41, 95 High Park Avenue, 66, 102-116 Pacific Avenue-Zoning By-law Amendment Application - Removal of Holding Symbol ("H") - Decision Report.

As a long-time member of High Park neighbourhood community and an advocate for nature protection, I have participated in High Park Apartment Neighbourhood Area Character Study working group and Bloor West Village Avenue Study LAC. As a Party pursuing the natural heritage concerns for High Park - regarding direct/indirect impacts of development on the protected ESA/ANSI - I was involved in the LPAT's hearings on appeals by GWL and Minto for development of their sites in the High Park neighbourhood.

On TE5.2 - 35, 41, 95 High Park Avenue, 66, 102-116 Pacific Avenue - Zoning By-law Amendment Application - Removal of Holding Symbol ("H") - Decision Report

<https://www.toronto.ca/legdocs/mmis/2023/te/bgrd/backgroundfile-236395.pdf>

“Site-specific Zoning By-law No. 229-2023 (OLT) includes a holding symbol which requires that certain conditions be fulfilled prior to development proceeding on site. Staff have reviewed the materials submitted in support of the application and are satisfied that the conditions have been fulfilled. The removal of the holding symbol is appropriate at this time”.

In respect to High Park’s protected ESA/ANSI the Tribunal agreed that:

[PL170954&PL170866 Decision The Interim Order of the Tribunal FEB-21-2020](#)

“[70] Ms. Holubec submits that these developments should not be approved by the Tribunal without “careful planning.”

[71] The Tribunal agrees. “

My strong recommendation is that:

These developments do not proceed on site prior to “careful planning” - as referred to in “The Interim Order of the Tribunal from Feb 21, 2020” in regards to High Park’s protected natural heritage - takes place.

High Park is such a significant biodiversity hotspot that it is critical now to pursue Toronto’s biodiversity goals and protect this gem during planning phases of any further development in conformity with the city adopted policies prioritizing fundamental protection rules to support conservation/protection of this rare ecosystem and continued support of the ESAs and biodiversity in Toronto.

To fulfill a task of “careful planning”, **Master Plan is needed** including a detailed management plan, dealing with public use, prioritizing protection as required by and in consistency with [Toronto Official Plan Office Consolidation February 2019 Chapter 3,4](#)

Natural Environment and in the context of [High Park – Terrestrial Biological Inventory](#) and [Natural Heritage Impact Study, Bloor West Village Avenue Study, May 2018](#), studies recommendations for management of public use and to mitigate indirect cumulative impacts of increased use due rise of usership related the adjacent development and population growth in walking distance (500m) and evaluate properly the implications of any changes on protected features and ecological functions.

To my knowledge, there is no such a plan (Master Plan) initiated to mitigate cumulative impacts of increased use of protected natural features and ecological functions (providing stop over for migratory birds as one of 3 top locations along waterfront) consistent with [Toronto Official Plan Office Consolidation February 2019 Chapter 3,4 Natural Environment](#) and in the context of recommendations in [High Park – Terrestrial Biological Inventory](#) and [Natural Heritage Impact Study, Bloor West Village Avenue Study, May 2018](#).

As it follows from recent Council consideration - **2023.IE3.7 - High Park Movement Strategy - Final Report, City Council consideration on May 10, 2023** - <https://secure.toronto.ca/council/agenda-item.do?item=2023.IE3.7> , High Park is experiencing extreme levels of visitation as a result of population growth in the city, in the Park's vicinity and the adjacent development along Bloor St. West and north of the Bloor over past years. This was lately accelerated by increase of the parks use during Covid.

The increased use increases conflict among users, as was noted by Janie Romoff, a General Manager of PF&R, at HPMS Council meeting. At the same time this increased use also pushes High Park's carrying capacity to provide for a wide range of rare flora, fauna at risk and rapidly declining migratory birds into the territory of multiple tipping points.

"Natural areas are vulnerable to heavy use, as they have low 'wear tolerance' and natural ecosystems deteriorate relatively quickly under conditions of overuse" Parks Plan, 2013-2017

There is also now a strong evidence following from [High Park – Terrestrial Biological Inventory](#) , prepared by Environmental Monitoring and Data Management, TRCA in November, 2019 that:

- **"The main disturbances affecting High Park at present are intensive trampling from park visitors and off-leash dogs in upland habitats"**
- **"The abundance of dogs-off leash found outside the fenced in dog park at Dog Hill may be contributing to the lack of ground nesting birds."**
- **"Intensification and infill development of the neighbourhoods around High Park is anticipated. It is a desirable location. This could exacerbate the user pressures on this already heavily visited park, unless there is careful planning."**
- **"Uncontrolled recreational activities present a risk to the quality of the habitat in High Park."**
- **"High participation rates increase the negative effects on habitats and species" pg. 53**

[List of references to off leash dogs impacts in High Park – Terrestrial Biological Inventory, TRCA, 2019.pdf](#)

A combined proposals from GWL and Minto would add about 1500 more units, minimum of 3000 more residents and thousands of pets to already too high and not sustainable use.

OPA 262 was approved by the Province in May 2016. The OPA is in full force and effect. The main disturbances affecting High Park at present is too intense, out of control and non-compatible recreational use (presence of DOLA, off leash dogs, fishing, cherry blossom, crowding, no enforcement and the lacking implementation of the city adopted protection laws).

The inclusion of new supportive policies on integrated watershed management and watershed as a base for indirect impacts, cumulative effects, enhancement of biodiversity, climate change, green infrastructure and emphasis on storm water were additions in PPS 2014, **were fully adopted into OPA 262, 2016 and should be also fully reflected before this development proceeds on site.**

Yours sincerely,

Lenka Holubec, member [ProtectNatureTO](#) and [HighParkNature](#)

Background:

The City Official Plan adopted a high level of protection regarding designated natural heritage [Toronto Official Plan Office Consolidation February 2019 Chapter 3,4 Natural Environment](#)

the ESA/ANSIs : ***“Activities will be limited to those that are compatible with the preservation of the natural features and ecological functions attributed to the areas”***

[Toronto_Municipal Code Chapter 608_Parks_dogs prohibited areas](#)

A. **Natural or environmentally sensitive areas** (including designated ravines, wooded or savannah areas, sites of natural or scientific interest, areas which have undergone significant habitat restoration, wetlands or their buffer zones).

[Our Plan Toronto: Draft Environment and Climate Change Official Plan Policy Updates](#) just recently proclaimed:

“The City of Toronto has a strong legacy of introducing leading-edge policies to protect the natural environment and address climate change...This Official Plan update emphasizes achieving net zero emissions and climate adaptation and reliance. Protection and enhancement of the City's natural heritage system and water resource systems is a key element of climate adaptation and resilience.”

Previous submissions related to HPANCH Study, BWVA Study, HPMS, etc. protection issues in High Park:

<https://www.toronto.ca/legdocs/mmis/2018/ey/comm/communicationfile-83276.pdf>

June 5, 2018 Submission from Lenka Holubec (EY.New.EY31.4.40)

EY31.4_Final Report HPANCH Study_June 6_2018_Lenka Holubec

<https://www.toronto.ca/legdocs/mmis/2018/cc/comm/communicationfile-85166.pdf>

EY31.4_Submission_Final Report HPANCH Study_City Council June 26_18

<https://www.toronto.ca/legdocs/mmis/2023/mpb/comm/communicationfile-165731.pdf>

2023.MPB4.1, 2023 Operating and Capital Budgets, Clyde Robinson and Lenka Holubec Letter

Re: **Funding for a pilot project allocating Special Constables to patrol selected natural parks,**

{such as High Park- more than half of the park designated as the ESA (Environmentally Significant Area), the ANSI (Areas of Natural and Scientific Interest), the Grenadier Pond – Provincially Significant Wetland; or the Ashbridge's Bay Park (Natural Heritage System - to date over 714 species of flora and fauna have been documented)}

<https://www.toronto.ca/legdocs/mmis/2023/ie/comm/communicationfile-168266.pdf>

IE3.7 Infrastructure and Environment Committee consideration on April 26, 2023_ High Park Movement Strategy - Final Report submission Lenka Holubec

(April 25, 2023) Letter from Lenka Holubec (IE.Supp)

2023.IE3.7 - High Park Movement Strategy - Final Report, City Council consideration on May 10, 2023, submission Lenka Holubec

<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-169554.pdf>

Biodiversity is in a severe decline locally and globally. The city adopted policy goals not just in respect to climate and net zero but also towards enhancing biodiversity “Protection and enhancement of the City's natural heritage system.”

HPMS should not be concluded/advanced prior to High Park’s Master Plan takes place, including a detailed management plan prioritizing protection as required by and in consistency with [Toronto Official Plan Office Consolidation February 2019 Chapter 3,4 Natural Environment](#) and in the context of [High Park – Terrestrial Biological Inventory](#) and [Natural Heritage Impact](#)

[Study, Bloor West Village Avenue Study, May 2018](#), studies recommendations for management of public use and to mitigate increase of use due to population growth, the adjacent development and evaluate properly the implications of any changes proposed along HPMS on protected features and ecological function. **Impact Study** needs to accompany HPMS in the absence of the Master Plan.

Car free High Park in a long term can be only realized as a part of a plan (Master Plan) dealing fully with complex issues, while prioritizing protection lenses when making decisions on preferred strategy.” end of excerpt

[List of references to off leash dogs impacts in High Park – Terrestrial Biological Inventory, TRCA, 2019.pdf](#)

[High Park – Terrestrial Biological Inventory](#) includes about 20 references to dogs, such as:

*“The main disturbances affecting High Park at present are intensive trampling from park visitors and **off-leash dogs** in upland habitats, and storm water runoff in the wetlands and riparian areas causing nutrient loading and flash flooding. Other threats include storm damage to forests that are lacking native regeneration, insect outbreaks, and invasive species.” Pg. 52/53*

*“**The abundance of dogs-off leash** found outside the fenced in dog park at Dog Hill may be contributing to the lack of ground nesting birds.” Pg. 53*

*Hikers and dog-walkers are intensive users of the site. The fenced dogs-off leash area on Dog Hill is well constructed and accommodates and manages many dogs, however **many owners walk their dogs off-leash outside this designated area. Leash laws may need be enforced outside designated areas.** Where off-leash dog use occurs (regardless of whether it is officially permitted or is not), there is a considerable risk of disturbance to low and ground-nesting birds and herpetofauna such as American toad and gartersnake in upland foraging habitats. Trampling has also had a severe impact on the Spring Road Ravine, which has sensitive forest plants along the east side between Howard Pond and High Park Blvd (see Map 11a). Such disturbance would result in reduced abundance and possibly eventual extirpation of these species. If resources are limited for enforcement of leash laws, the patrols can be targeted in areas where there are high concentrations of L1-L3 species and communities.” Pg. 55*

[Natural Heritage Impact Study, Bloor West Village Avenue Study, May 2018](#) High Park Apartment Neighbourhood Natural Heritage Impact Study

The potential for indirect impacts due to intensification has been a major concern of stakeholders throughout the Bloor West Village Avenue Study consultation process. Through consultation with the City and public, D&A has prepared a summary of Inventory, Management and Enhancement Opportunities which would enhance Resource Management Planning, Personnel and Funding, and Monitoring and Adaptive Management for High Park, the Humber River Corridor, and the Area of Influence. The overarching intent of the opportunities is to increase the resilience of natural heritage for High Park.

5.Impact Assessment

Indirect and Cumulative Impacts As described in the BWVA NHIS, indirect and cumulative impacts are less predictable and harder to mitigate than direct impacts, as they occur outside of the direct development footprint.

pg.18

Existing legislation, and City/TRCA policies, by-laws, regulations and management plans offer opportunities to manage these impacts. **Increased recreational use of High Park is the main indirect and cumulative impact that may potentially occur as a result of intensification in the HPAN.**

APPENDIX 5 – Monitoring, Management and Enhancement Opportunities in High Park and the Humber River Valley

Resilience: The ability of an ecosystem to recover and maintain the desired condition of diversity, integrity, and ecological processes following disturbances.

...

Monitoring

- Vascular plant inventories of High Park and Humber valley should be updated (last formal High Park

updates: Varga 2008, Kamstra 2009) in order to reconfirm rare plant species occurrence and trends;

- Informal trail mapping should be undertaken so that trends in trail creation, use and impacts can be quantified;
- **Trail usership (including use by cyclists) should be surveyed to help determine trail adequacy and usage patterns;**
- **Dog usage in High Park should be monitored seasonally/annually to assist in planning for stronger enforcement or alternative off-leash area.**
- **High-potential erosion locations should be identified, quantified and prioritized for remediation;**
- Buildings in High Park should be checked for the presence of gravel roofs or chimneys that may support birds, or cavities that may support bats. If these habitats exist, surveys could be undertaken to determine if bats, Common Nighthawk or Chimney Swifts are utilizing buildings in order to clarify the extent of SAR use of built structures in High Park;
- **The 1995 Gartner Lee study of Grenadier Pond should be updated and a similar water balance wetland enhancement study for Spring Creek should be undertaken to determine current groundwater inputs and to guide future infrastructure management works**
- **Turtle populations in High Park vicinity and Humber valley should be studied,** including the identification of high-potential nesting areas and road mortality hot spots;
- **Invertebrate diversity of Grenadier Pond and Spring Creek systems should be studied;** end of excerpt

Parks Plan, 2013-2017

“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.

The use of parkland needs to be compatible with its physical capacities. Parks, Forestry and Recreation currently has little data on how many people use city parks, how parks are used, and how high levels of use impact parks. This makes it challenging to prevent issues that might arise and as a result problems are dealt with case-by-case, often once damage has already been done” end of excerpt

Impacts of dogs on wildlife and water quality

Metro Regional Government, Portland, Oregon, Lori Hennings, Senior Natural Resource Scientist
The evidence that dogs negatively impact wildlife is overwhelming.

Impacts include:

- “1. The presence of dogs causes wildlife to move away, temporarily or permanently reducing the amount of available habitat in which to feed, breed and rest.
 2. Disturbance and stress response. Repeated stress causes long-term impacts on wildlife including reduced reproduction and growth, suppressed immune system and increased vulnerability to disease and parasites.
 3. Indirect and direct mortality – Dogs transmit diseases (such as canine distemper virus and rabies) to and from wildlife. Loose dogs kill wildlife.
 4. Human disease and water quality impacts - Dog waste pollutes water and transmits harmful parasites and diseases to people.”
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