

CFN 40270.11

April 20, 2020

By Email

Ms. Mary Caputo
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON, L6A 1T1

Dear Ms. Caputo:

**Re: LPAT Case No. PL170151
Official Plan Amendment Application OP.08.017
Zoning By-law Amendment Application Z.16.022
7553 Islington Avenue and 150 Bruce Street
East Side of Islington Avenue, South of Highway 7
City of Vaughan, York Region
(Raymond Nicolini, 7553 Islington Holding Inc.)**

The purpose of this letter is to acknowledge receipt of and to provide comments on Official Plan Amendment Application OP.08.017 and Zoning By-law Amendment Application Z.16.022. Appendix 'A' provides a complete list of the materials submitted to Toronto and Region Conservation Authority (TRCA) to assist in our review.

Background***Planning Applications and Appeals***

It is our understanding that the Owner has submitted revised applications to facilitate the development of 7553 Islington Avenue and 150 Bruce Street (the subject property) with one 21-storey residential building consisting of 530 residential units and 549 parking spaces within 7 levels of underground parking. The proposed development also includes amenity areas, landscaping, a primary access driveway from Islington Avenue and a secondary emergency access from Bruce Street.

The subject property is designated Open Space (7553 Islington Avenue) and Low Rise Residential (150 Bruce Street) by the City of Vaughan's in-effect OPA 240 (Woodbridge Community Plan), as amended by OPA 269. The lands are also designated Natural Areas by the Vaughan Official Plan (VOP) (2010), which is currently under appeal by the Owner. The proposed uses are not permitted under the current designations. It is our understanding that the Owner proposes to amend the Official Plan to Mid-Rise Residential and Open Space, with site specific policies.

The subject property is zoned OS1 Open Space Conservation Zone, A Agricultural Zone and R1 Residential Zone by Zoning By-law 1-88, subject to site specific exception 9(643). The OS1 Open Space Conservation Zone generally coincides with the limit of the Regional Storm flood plain on the subject lands. The R1 Residential Zone only applies to the existing single-family residence at 150

Bruce Street. The Owner proposes to rezone the subject property to RA3 Apartment Residential Zone and OS1 Open Space Conservation Zone, together with site-specific exceptions. The OS1 Open Space Conservation Zone would continue to apply to the flood prone portion of the site while the other valleylands would be rezoned RA3 Apartment Residential Zone to allow for the future multi-storey building.

Both the official plan amendment and the zoning by-law amendment applications are currently under appeal to the Local Planning Appeal Tribunal (LPAT), along with the appeal of the VOP (2010). TRCA is a Party to these matters.

Context for TRCA's Comments

As per 'The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority' (LCP) (2014), TRCA staff provide the following comments as part of:

- TRCA's commenting role under the *Planning Act*,
- TRCA's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement (PPS)* (2014);
- TRCA's regulatory authority under the *Conservation Authorities Act* and Ontario Regulation 166/06, *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*;
- TRCA's role as a resource management agency operating on a local watershed basis; and,
- Our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice on their behalf.

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

TRCA staff reviewed and previously commented on earlier versions of the proposed development in letters to the proponent and City dated July 28, 2008, February 23, 2009, June 8, 2015 and February 2, 2017. Our previous comment letters have identified that TRCA staff do not support development on the valley walls or within the valley corridor on the subject property. Further our correspondence has identified that TRCA staff do not support the scale of development proposed as it does not meet planning policy requirements or the tests for a permit under Ontario Regulation 166/06 due to the natural hazards and natural features that traverse the property. Despite our previous written and verbal comments, the owner has proceeded with a proposal on the site that does not meet or reflect TRCA, City, Regional and Provincial policy, the in-effect planning permissions and relevant technical requirements.

Site Characteristics

The 1.78-hectare property is located on the east side of Islington Avenue, south of Highway 7 and Legion Court Road and immediately west of Bruce Street. The site is located within the Humber River valley corridor. The valley corridor in this location is over 400 metres wide, with the subject property on its eastern slope. The valley slope on the subject property is wooded. The top of the valley slope is located near Bruce Street, which then slopes down toward Islington Avenue. The grade differential is significant; the elevation difference is approximately 25 metres from the top of the site to the bottom. The site is also partially within the Regional Storm flood plain associated with the Humber River. The river is situated just west of the property on the opposite side of Islington Avenue.

There are two existing historic single-family residences and associated ancillary structures on the property. Both of these or their access are subject to natural hazards (erosion or floodplain) on the site,

and accordingly, redevelopment opportunities on this site are extremely limited. New development is not supported, and only very minimal modifications or expansions to the existing dwellings may be permissible.

The subject property is Regulated by TRCA pursuant to Ontario Regulation 166/06 under the *Conservation Authorities Act* given its location within the Humber River valley corridor. A permit is required from TRCA prior to conducting any regulated activities (e.g., development or site alteration) within the regulated valleylands.

Site Walks

TRCA staff have conducted three formal site walks in order to identify and delineate the limit of the natural features on the site. These site walks took place on January 29, 2015 (where the limit of the physical **toe of slope** was identified and staked, not the physical top of slope), March 20, 2015 (where TRCA ecology staff conducted an observational assessment of the property as it related to vegetation) and June 20, 2018 (where TRCA staff new to the file conducted observations of the site with City and Regional staff). Individual TRCA staff have also stopped by the site to conduct visual assessments and collect photographic information either with the proponent or from the road right-of-way.

Revised Proposal

The Owner has revised the development concept from the previous 2016 proposal. The building form has changed from two residential towers on a podium base to one singular building with an increased setback from Bruce Street. The building height has increased from 19 to 21 storeys, which will appear as 14 storeys on Bruce Street and 21 storeys on Islington Avenue given the building's location on the valley wall. There is also an increase in the number of residential units and parking spaces proposed, but an overall reduction in gross floor area.

The building continues to be located on the valley wall and would require significant grade modifications and cutting into the slope to accommodate the proposal. Furthermore, the entire development is below the top of slope of the valley corridor, which TRCA staff have consistently noted as being closer to Bruce Street at an elevation higher than what the proponent has shown on the current submission materials.

Additionally, the primary access to the site off Islington Avenue is still in the flood plain. While the applicant has attempted to address this issue with the provision of a secondary emergency access off Bruce Street, this access point is located on the slope within an erosion hazard. Accordingly, both proposed access roads to the subject property are within natural hazards

Significant tree removals would also be required to accommodate the proposed plan given the mass of the building and its underground garage and the excavation required into the valley slope for its construction.

TRCA's Comments

For reasons outlined in our previous correspondence and for those reiterated and expanded upon herein, TRCA staff do not support the redevelopment of the subject property as proposed.

The *Planning Act* states that any comments from review agencies and decisions by an approval authority on land use planning applications shall be consistent with the PPS that is in effect on the date of the decision. The 2014 PPS is applicable to this application, and the policies contained in the 2014 PPS represent minimum standards. It is our position that current proposal does not meet the minimum standards established by the Province, as outlined in Sections 2 and 3 of the PPS. Given this, the

following analysis is focused on the policies contained in the PPS with some reference to the policies of the Region, City and TRCA, the City's zoning by-law and TRCA's regulation.

A summary of our position is as follows:

A) Development and Site Alteration are Proposed in the Natural Heritage System

Subsection 2.1.2 of the PPS states that 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."

The subject property is located within the Humber River watershed and is entirely within the natural heritage system. The location of the subject property within the Humber River valley corridor and the larger natural heritage system is recognized in the Greenlands System mapping of the *York Region Official Plan* (YROP) (2010) and its predecessor, the Natural Heritage Network Schedule of the VOP (2010) and the *TRCA Terrestrial Natural Heritage System Strategy* (2007).

The area has been recognized for its environmental importance and contributions for more than 30 years. In the mid-1980s, OPA 240 designated the subject lands and other similar areas in Woodbridge as Open Space due to their environmental sensitivity "in recognition of their valuable scenic, educational and wildlife habitat significance." The amending OPA 269 for 7553 Islington Avenue further recognized that even though the existing structure on the subject lands predated both the official plan and the zoning by-law at the time, the lands were designated Open Space instead of Residential given their "river valley location".

The valleyland and woodland on the subject property support an assemblage of flora and faunal species, which bolsters the overall health, biodiversity and sustainability of the natural system on a local and regional scale. These significant features should not only be recognized as important singular ecological elements within the scoped context of the subject property, but be recognized together as a functional unit which serves as a contiguous natural corridor of the Humber River valley and adjacent Jersey Creek valley connected to the broad extent of the natural heritage system across the landscape. As noted above, this natural heritage system has been recognized for its environmental significance since at least the mid-1980s, even before the prevalence of ecological systems planning in the province.

The subject applications propose to redesignate approximately half of the 1.78-hectare site to Mid-Rise Residential, which is approximately 20 percent of the valley corridor width in this location. The construction impact from the removal of woodland vegetation, excavation into the valley wall and fill placement in the flood plain includes an even greater area. It is the position of TRCA staff that this is a major intrusion into the natural heritage system, and cannot be considered to be a minor refinement to it. The proposed development does not protect the full extent of the natural features on the site for the long term and it contributes to the cumulative loss of natural features at both a local and regional scale. As such, the proposal is not consistent with Section 2 of the PPS and TRCA staff recommend that the natural heritage system in this location be protected and buffered from development based on our advisory role to the City and Region per TRCA's MOU with York Region and as a commenting agency under the *Planning Act* with expertise in natural resource management.

The proponent has highlighted other recent development approvals in the area in support of the current proposal. Many of these projects are at the edge of or are far removed from the natural

heritage system and are not comparable. One example is in the natural system but within an approved Special Policy Area (SPA), where historic development in the flood plain has occurred and where limited forms of redevelopment are permitted as directed by the Province. In contrast, the subject property is not in the SPA and has historically been recognized and protected for its natural attributes and hazards.

B) Development and Site Alteration are Proposed in Significant Natural Features

Pursuant to Subsection 2.1.5 of the PPS, development and site alteration shall not be permitted in significant woodlands and significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Significant Woodlands and Significant Valleylands

The subject lands are within the Humber River valley corridor and contain woodlands. As more fully articulated in TRCA's letter of February 2, 2017, it is our opinion that this woodland and valleyland are "significant" under the PPS as they meet the criteria for identifying significant woodlands and significant valleylands in the PPS and in the *Natural Heritage Reference Manual for Natural Heritage Policies of the PPS, 2005 (2010)*. The woodland covers the slope and extends up and onto the tableland next to Bruce Street, which leaves the entire site within the valley corridor.

Further, municipal official plan policies in York Region and Vaughan direct collaboration with conservation authorities for the precise delineation of valley corridors given our watershed knowledge and regulatory responsibilities to the Province as it relates to natural hazards like valleylands. Section 3.3.1.2. of the VOP (2010), for example, states that valley and stream corridors shall be defined according to the policies of TRCA. TRCA's LCP (2014) defines a valley or stream corridor as 10 metres from the greater of the long term stable top of slope/bank, stable toe of slope, Regulatory (Regional) flood plain, meander belt, and any contiguous natural features or areas (e.g., woodlands). TRCA staff rely on this definition and other data sources when delineating the boundaries of valley corridors, including provincial technical guidelines; aerial, topographic and regulatory mapping; field investigations; site-specific studies; and, feature staking protocols.

The valley corridor in this location is approximately 400 metres wide, with the subject property on its eastern slope. It is our opinion that the top of the valley slope runs approximately 20 metres parallel to Bruce Street. The physical top of the valley slope has been determined by TRCA staff to be at the same approximate elevation as Bruce Street (163 metres above sea level (masl)) and not mid-way down the valley slope as suggested by the proponent (at an approximate elevation between 141 and 145 masl). Field observations and topographical mapping all suggest it is one contiguous slope with some breaks and terraces. However, the first point of inflection, or the point where the grade changes from flat tableland to a distinguished valley landform, is at approximately 163 masl. This is consistent with the definition of the physical top of slope/bank in the *TRCA Field Staking Protocol (2017)*. Further, the delineation of the top of slope in this location is consistent with past TRCA correspondence which have all indicated that the subject lands are within the erosion (slope) hazard and that all development must be setback from the erosion (slope) hazard.

In determining the limits of a valley corridor, the physical top of bank needs to be delineated based upon the physical landform and contiguous vegetation. Where the slope may be unstable as a result of its inclination and height, a geotechnical assessment is required in order to determine whether further setbacks, above and beyond the staked top of bank, are required. Delineating limits of development associated with a valley system is a layered approach, in

which all hazards and ecological limits (constraints) need to be determined and mapped. The greatest of the constraints in addition to all applicable buffers and setbacks represents the limit of development adjacent to the valley corridor.

Where a geotechnical assessment is required, where slope stability needs to be assessed as a constraint, a long-term stable top of slope (LTSTOS) can be calculated. For the subject application, the proponent's consultants have identified that the LTSTOS is in the same approximate location as their physical top of slope (approximately 145 masl), which has led to the Owner to conclude that the proposed multi-storey residential building is outside of the valleyland. The LTSTOS and the physical top of slope identified by the proponent are located part way down the valley slope (approximately 145 masl), whereas the top of bank of this valley corridor, as determined by TRCA is at approximately 163 masl. Accordingly, TRCA staff do not agree with the consultants' conclusions. In our opinion, the reported top of slope and LTSTOS in the geotechnical reports do not correspond to current site topography, and do not capture the full extent of the valley corridor. The subject property, and the proposed development, are located within a significant valleyland.

Negative Impacts

The PPS goes on to define negative impacts as 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. The definition does not state that all impacts are negative, nor does it preclude the use of mitigation to prevent, modify or alleviate the impacts to the significant natural heritage features or areas.

The subject site is within a highly vegetated valley with a significant slope. In this case, development and site alteration are proposed in both a significant valleyland and significant woodland. The scale of the project is such that impacts to the natural features and their ecological functions cannot be avoided or mitigated. The proposed project will have an immediate negative impact on the natural features on the site and will contribute to the incremental loss of habitat and biodiversity within the natural heritage system at a local and regional scale.

Given the above, as advisors to both the City and Region, TRCA staff are identifying that the proposal is not consistent with Section 2 of the PPS and are recommending that it not be supported.

C) Development and Site Alteration are Proposed in Hazardous Lands

Section 3.1 of the PPS establishes policies related to Natural Hazards so that development is directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. Subsection 3.1.1 b) states that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Hazardous lands are defined by the PPS as property or lands that could be unsafe for development due to naturally occurring processes.

Flooding Hazards

Flooding hazards are generally defined by the PPS as the inundation of areas adjacent to shoreline, river or stream systems not ordinarily covered by water. For the Humber River, this is the flood resulting from the rainfall actually experienced during a major storm (i.e., the Hurricane Hazel storm of 1954) transposed over the watershed and combined with the local conditions. This is referred to as the Regional or Regulatory flood plain.

The Humber River is located to the west of the subject property, on the opposite side of Islington Avenue. The flood plain associated with the Humber River is at an elevation of 142.8 masl in this location, which overtops Islington Avenue during a Regional Storm event to a depth between ~3.7 and 4.4 metres. The flood plain also impacts the subject lands. Approximately 0.5 hectares of the 1.78-hectare site is subject to flooding under a Regional Storm event.

Site alteration is proposed in the flood plain to facilitate the installation of the access road from Islington Avenue. While the consultant has provided a cut/fill balance within the flood plain to confirm there will be negligible impact to flood storage and conveyance, TRCA's policies discourage site alteration in the flood plain to facilitate new development. Further, Subsection 3.1.2 of the PPS states that "Development and site alteration shall not be permitted within ...a floodway regardless of whether the area of inundation contains highpoints of land not subject to flooding." While the driveway is the only portion of the proposal in the flood prone area, the PPS policies do not support development or site alteration in the floodway regardless if there are portions of the site not subject to flooding. As such, the proposal is not consistent with this policy.

Erosion Hazards

An erosion hazard "means the loss of land, due to human or natural processes, that poses a threat to life and property" in accordance with the PPS. Erosion hazards within valley or stream corridors include both the erosion potential of the actual river or stream bank, as well as the potential for erosion or slope stability issues associated with the valley walls. The identification of the hazard depends on whether there is well defined valley corridor that is part of a confined system or a relatively flat landscape that is not bounded by valley walls and is part of an unconfined system.

In accordance with the *MNRF Technical Guide for Rivers & Streams Systems: Erosion Hazard Limit (2002)* and TRCA's LCP (2014), confined systems are those depressional features associated with a river or stream that are well defined by valley walls. Confined river or stream valleys can exhibit three different conditions within which erosion hazards exist or may develop: valley slopes that are steep but stable, valley slopes that are over steepened and potentially unstable, and valley slopes that are subject to active toe erosion.

Site investigations and a review of available records are used to determine the type, scale and extent of site hazards, and the consequent risk to life, property and structures. TRCA has regulation mapping, both current and historical, topographic information, air photos and LIDAR data to assist in our review. TRCA staff have also visited the site and reviewed the materials provided by the proponent. As noted in past correspondence, TRCA staff have concluded that the subject lands are within a confined valley system with a top of valley slope that is at the same approximate elevation as Bruce Street. The toe of slope is also located on the subject lands, with the Humber River on the opposite side of Islington Avenue. The slope is approximately 25 metres in height and steeper than 4 Horizontal:1 Vertical (H:V) unit. Some local areas are steeper than 2H:1V. While the top of the valley slope was never staked and surveyed in the field with TRCA staff, we have continually noted that the entire site is within the erosion (slope) hazard and part of the larger Humber River valley corridor. The reported physical top of slope and LTSTOS in the consultant's geotechnical reports are inaccurate and do not correspond to current site topography and provincial guidance. TRCA staff do support the delineation of the erosion (slope) hazard on the subject lands.

To facilitate the proposed development, a major excavation into the valley slope is required. The excavation into the slope to accommodate the multi-storey residential building is approximately 22 metres high, 55 metres wide and 130 metres long. The details of the grading and required retaining systems have not been provided to date; however, the retaining systems in the form of shoring and permanent retaining walls will be required for the proposed development including the future access from Bruce Street through the top of the valley slope.

In accordance with provincial technical guidelines, "development should not occur on or on top of valley walls because the long-term stability of the slope, and therefore public health and safety, cannot be guaranteed. Development should be set back from the top of valley walls far enough to avoid increases in loading forces on the top of slope, changes in drainage patterns that would compromise slope stability or exacerbate erosion of the slope face, and loss of stabilizing vegetation on the slope face." Prevention approaches are the preferred approach for management of riverine hazards over protection works (non-structural or structural engineering solutions) as they reduce or minimize hazard losses by modifying the loss potential. Prevention is generally achieved by directing development and site alteration to areas outside of hazardous lands.

The introduction of structures into the slope to retain the soil and facilitate the proposed multi-storey development, including the access ramp from Bruce Street, will potentially create a hazard over the long-term. Such deficiencies can be triggered once the structural walls or some of their important elements (e.g. drainage system) reach the end of their life cycle or are not appropriately maintained or rehabilitated in a timely manner. The MNR technical guide recognizes "that there is no guarantee that protection works will offer protection for the 100 year planning horizon", which is why prevention is the preferred approach for land use planning as it relates to natural hazards. This was highlighted by TRCA staff in past correspondence and is forms part of why TRCA staff cannot support the revised development proposal.

In addition, the geotechnical studies prepared by the consulting team performed some deep-seated sliding modelling for some slope cross-sections and concluded that such failure mode is unlikely to occur for the site. However, the deep-seated sliding is mainly representative of massive soil release. Therefore, it does not account for the shallow sliding and debris in over steep areas in the long-term due to surface water, environmental degradation such as frost wedge and weathering, or other similar impacts. The deep-seated sliding model cannot capture such potential long-term risk where the proposed development is substantially encroached into the slope, as this is the case for this site. The risk of being impacted by displaced materials and other shallower soil movement due to the environmental degradation or surface water cannot be eliminated.

The proposed development has not assessed the long-term hazards in an appropriate risk assessment framework with consideration of all aspects pertaining to the long-term planning horizon, particularly those that may be triggered in the long-term by the alterations to the slope and relying on the engineering structures to address them.

Natural Hazards Summary

Development and site alteration are proposed in the flood plain of the Humber River and the erosion hazard associated with the valley slope. These are considered hazardous lands and unsafe for development due to naturally occurring processes. As such, the proposal is not consistent with Section 3.1 of the PPS, and it is not possible for TRCA staff to support the development per our delegated responsibility for natural hazards and our regulatory role under the *Conservation Authorities Act*.

D) Development and Site Alteration are Proposed where there is No Safe Access

Subsection 3.1.2 of the PPS states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards or erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

As noted previously, the entire frontage of the subject property is within the Regional Storm flood plain of the Humber River, as is Islington Avenue both north and south of the subject lands. Flood depths on Islington Avenue range from ~3.7 to 4.4 metres and flood velocities are in the order of approximately 0.50 metres/second during a Regional Storm event. In accordance with Appendix 6 of the *MNRF Technical Guide for Rivers & Streams Systems: Flooding Hazard Limit (2002)*, the resulting flood depths and depth-velocity product demonstrates that the area of Islington Avenue presents a high-risk to the public during a Regional flood. Further, the depths are greater than those considered accessible by emergency vehicles, if the municipality would allow access by emergency vehicles into flood waters which we understand the City of Vaughan would not. Therefore, there is no safe access on Islington Avenue for the movement of people and vehicles during a Regional Storm event.

To provide safe access to the site during times of flooding hazards, the Owner is proposing a secondary emergency access off of Bruce Street. As presented above, the top of the valley slope has been determined by TRCA staff to be at the same approximate elevation as Bruce Street (163 masl) and not mid-way down the valley slope as suggested by the proponent. Thus, it is TRCA's position that the secondary emergency access from Bruce Street extends into the valley slope and, therefore, within the erosion (slope) hazard. While the consultants have indicated that the new residential structure including the access road from Bruce Street "will improve the overall ground stability within the deemed hazard areas on the site", the provincial technical guidelines for erosion hazards promote avoidance of hazardous lands over engineered solutions as the long-term integrity of development in these areas cannot be guaranteed.

In summary, the development concept proposes the introduction of 530 new residential units into an area that would not be accessible from Islington Avenue during times of flooding hazards. A secondary emergency access is proposed outside the flood hazard from Bruce Street. This secondary access is proposed within an erosion (slope) hazard where development and site alteration should be avoided given the natural processes that could impact those areas. As such, there is no safe access to the proposed development. Based on TRCA's delegated responsibility for representing the Provincial interest with respect to the implementation of Section 3.1 (Natural Hazards) under the PPS, staff cannot support the proposed official plan amendment and zoning by-law amendment applications for this reason.

E) Development and Site Alteration are Proposed in a TRCA Regulated Area

In participating in the review of applications under the *Planning Act*, TRCA ensures that applicants and approval authorities are aware of any Section 28 regulation requirements under the *Conservation Authorities Act*. A permit will be required from TRCA under Ontario Regulation 166/06 for any development on the subject property given its location within the Humber River valley corridor (note that the definition of 'development' under the *Conservation Authorities Act* differs from that under the PPS). TRCA assists in the coordination of these applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process. Although permission under Section 28 may not be sought or issued for many years after approval of a planning application, in order to support a proposal under the planning process,

TRCA needs to ensure that the requirements under the Regulation can likely be fulfilled at the time a development application is received.

In accordance with Ontario Regulation 166/06, development may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected (i.e., the five tests). Based upon our review of the revised proposal and as articulated in past correspondence, the project would not meet the relevant tests for the control of flooding, erosion and the conservation of land. As such, TRCA staff would be unable to recommend approval of a permit under Ontario Regulation 166/06 for the proposed development. For this additional reason, TRCA staff cannot recommend approval of the planning applications to the City.

Finally, the subject lands are designated Open Space by Vaughan's in-effect OPA 240, as amended by OPA 269. In the Open Space designation, if any lands in the areas regulated by TRCA "are released from the regulation by MTRCA, they will be considered for development subject to processing of an Official Plan Amendment." At the time of the subject official plan amendment application in 2008, the lands were regulated by TRCA and they continue to be regulated by TRCA pursuant to Ontario Regulation 166/06 due to their location within the Humber River valley corridor. These lands have not been "released from the regulation" by TRCA and are, therefore, not appropriate for the scale of development proposed.

Recommendation

Considering the above, TRCA staff are of the opinion that Official Plan Amendment Application OP.08.017 and Zoning By-law Amendment Application Z.16.022 should be refused as they do not demonstrate conformity or consistency with the following applicable policies and regulation:

- Provincial Policy Statement (2014);
- York Region Official Plan (1994 or 2010);
- Vaughan OPA 240 (Woodbridge Community Plan), as amended by OPA 269;
- Vaughan Official Plan (2010);
- Vaughan Zoning By-law 1-88;
- TRCA's Living City Policies (2014); and
- Ontario Regulation 166/06.

The overall intent of these policies and land-use planning tools is to prevent new development that would introduce risk to life and property associated with flooding, erosion and slope stability and/or that is not compatible with the protection and rehabilitation of these natural resources in their natural state. In this regard, we note the following:

- The subject lands are part of the natural heritage system and within a significant valleyland and a significant woodland. Development and site alteration are proposed in those natural features, which is contrary to policy.
- The scale of the project is such that impacts to the natural features and their ecological functions cannot be avoided or mitigated. The proposed project will have an immediate negative impact on the natural features on the site and will contribute to the incremental loss of habitat and biodiversity within the natural heritage system at a local and regional scale.
- The proposed development also encroaches into the flood plain of the Humber River and the erosion hazard associated with the valley slope. These are considered hazardous lands and unsafe for development due to naturally occurring processes. As such, development and site alteration should be directed away from these hazardous areas. The current proposal does not fully recognize or respect those hazardous lands.

- Furthermore, both proposed access points to the subject property are within natural hazards. Accordingly, there is no safe access to the proposed development.

It is for these reasons, as well as those provided in this letter that the proposed development is not supported.

Fees

TRCA staff acknowledge past receipt of the complex zoning by-law amendment application review fee of \$20,000 in 2016 and the official plan amendment application review fee of \$1,050 in 2014. TRCA staff reserve the right to request additional fees or to adjust the fees for any future work based on the fee schedules in place at the time.

We trust these comments are of assistance. Should you have any questions, please do not hesitate to contact the undersigned. Please notify TRCA of any comments or decisions made by the City on the subject applications.

Sincerely,

Quentin Hanchard, MES(Pl.), MCIP, RPP, EP, PLE
Associate Director, Development Planning and Permits
Development and Engineering Services
Extension 5324

Encl.

cc: By email

Ryan Guetter, Weston Consulting
Raymond Nicolini, 7553 Islington Holding Inc.
Karen Whitney, Duncan MacAskill & Augustine Ko, York Region
Bill Kiru, Mauro Peverini, Carmela Marrelli, Tony Iacobelli, Nicholas Cascone & Sharon Walker,
City of Vaughan
Sameer Dhalla, Adam Miller, Jackie Burkart, Maria Parish, Dan Hipple & Ali Shirazi, TRCA
Tim Duncan, Gardiner Roberts LLP

Appendix 'A': Materials Reviewed by TRCA

- Request for Comments, prepared by the City of Vaughan, dated July 30, 2019.
- Description of the Development Proposal, prepared by Weston Consulting, dated July 11, 2019.
- Planning Justification Report Addendum, prepared by Weston Consulting, dated July 2019.
- Urban Design Brief, prepared by Weston Consulting, dated July 2019.
- Draft Official Plan Amendment(s), dated July 11, 2019.
- Draft Zoning By-law Amendment, dated July 11, 2019.
- Sketch Showing Topography of Part of Lot 22 and All of Lot 23, Registrar's Compiled Plan 9831, City of Vaughan, Regional Municipality of York, prepared by J.D. Barnes Limited, dated July 11, 2012.
- Site Plan (Sheets A0 and A101), prepared by Richmond Architects Ltd., Revision No. 4 dated July 30, 2019.
- Parking Level and Floor Plans (Sheets A200 to A212), prepared by Richmond Architects Ltd., Revision No. 4 dated July 30, 2019.
- Site and Building Elevations (Sheets A401 and A402), prepared by Richmond Architects Ltd., Revision No. 4 dated July 30, 2019.
- Section 1 (Sheet A501), prepared by Richmond Architects Ltd., Revision No. 4 dated July 30, 2019.
- Colour Massing Drawings (Sheets A0a and A0b), prepared by Richmond Architects Ltd., Revision No. 4 dated July 30, 2019.
- Figure 1, Cross Section Locations, prepared by WSP, dated April 2019.
- Figure 3, Typical Cross Section, prepared by WSP, dated October 2019.
- Geotechnical Slope Characterization and Stability Assessments Summary, prepared by WSP, dated May 28, 2019.
- Proposed Development and Site Constraints Plan, prepared by WSP, dated May 2019.
- Environmental Impact Study, prepared by WSP, dated July 3, 2019.
- Drawing L101, Landscape Master Plan, prepared by Stantec, revised June 13, 2019.
- Arborist Report, prepared by Brodie & Associates Landscape Architects Inc., revised June 17, 2019.
- Tree Inventory & Preservation Plan, prepared by Brodie & Associates Landscape Architects Inc., revised May 3, 2019.
- Hazard Tree Report, prepared by Brodie & Associates Landscape Architects Inc., dated May 3, 2019.
- Updated Stormwater Management Report, prepared by William Heywood, P. Eng., dated July 12, 2019.
- Flood Hazard Analysis Addendum Report, prepared by William Heywood, P. Eng., dated May 8, 2019.
- Copy of the City of Vaughan Pre-application Consultation Understanding, dated August 27, 2015.