

ATTACHMENT 9



memorandum

DATE: January 15, 2020
TO: Mary Caputo, Senior Planner
FROM: Nick Cascone, Environmental Planner
CC: Tony Iacobelli, Manager of Environmental Sustainability
FILE NO: OP.08.017, Z.16.022
ADDRESS: 7553 Islington Avenue and 150 Bruce Street

Introduction:

The Policy Planning and Environmental Sustainability (PPES) Department has received a request for comments on an Official Plan Amendment and Zoning Bylaw Amendment application for the lands located at 7553 Islington Avenue and 150 Bruce Street. These applications were received by PPES, Environmental Planning staff on July 30, 2019. The following materials were reviewed:

- Environmental Impact Study 7553 Islington Avenue, prepared by WSP, dated July 3, 2019;
- Proposed Development and Site Constraints Map, prepared by WSP, dated May 2019;
- Geotechnical Slope Characterization and Stability Assessments Summary, prepared by WSP, dated May 28, 2019;
- Arborist Report, prepared by Brodie and Associated Landscape Architects Inc., revised June 17, 2019;
- Hazard Tree Report, prepared by Brodie and Associates Landscape Architects Inc., dated May 3, 2019;
- Drawing No. A101, Site Plan, prepared by Richmond Architects Ltd., dated June 12, 2019.

Policy Framework:

Given the initial submission date of the Official Plan Amendment application for the site (circa 2008) and current Vaughan Official Plan (VOP) 2010 appeal to the Local Planning Appeal Tribunal (LPAT), Environmental Planning staff have prepared the following comments using Official Plan Amendment (OPA) 240 (Woodbridge Community Plan) as the operative municipal planning document.

Notwithstanding, as an appeal to the current Regional Official Plan was not filed for the site, it is our understanding that the policies of the York Region Official Plan (YROP) 2010 are in-effect. Further, Section 3, Paragraph 5 (a and b) of the *Planning Act* states that a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision. As such, it is our understanding that the application must conform to the PPS, 2014.

Site Context:

The subject property is located along the eastern slope of the Humber River and contains a woodland and steep slope. The physical top of slope is located near Bruce Street and descends towards Islington Avenue. Though highly manicured along Islington Avenue, the site is heavily vegetated (woodland) from the toe of the valley slope up to Bruce Street.

Application Specific Comments:

Further to our July 21, 2017 correspondence, Environmental Planning staff reviewed the revised materials submitted in support of these applications and offer the following comments:

Woodlands/Significant Woodlands:

Within the updated Environmental Impact Study (EIS), the applicant has purported that the treed portion of the subject property does not classify as a woodland feature and as such, it cannot be identified as a *significant* woodland. To support this claim, the applicant completed vegetation surveys of the site, which concluded that the feature does not meet the definition of a woodland per the *Forestry Act*, which has been adopted by the YROP, VOP and in part by the PPS.

1. Based on the assessment prepared by the applicant, it is our understanding that surveys of the feature were contained to vegetation located on the subject lands. As noted within the EIS, this represents approximately 1.2 hectares of treed area. Using Map 5 within the YROP, the applicant has also noted that the broader feature has an area of approximately 15.9 hectares. As such, staff have concerns with this assessment being used as a proxy for the broader feature as it only represents 7.5% of its total land base. It is our opinion that localized variances in woodland density on the subject property (due to historic vegetation clearing/thinning around the existing dwelling) may be skewing this result. The treed portion of the site should not be viewed in isolation from the broader feature.
2. Given the above noted discrepancies with the EIS, it is our opinion that the entirety of the feature would meet relevant definitions to be considered a woodland. Furthermore, the feature also meets necessary criteria for significance under section 2.2.45 of the YROP. This is supported by the fact that the feature is significant per the York Region Significant Woodlands Study (2005).

Section 2.2.44 of the YROP notes that development and site alteration is prohibited within significant woodlands and their associated vegetation protection zone except as provided for elsewhere within the plan. As the proposed development would result in substantial vegetation removals to a significant woodland, it is the opinion of Environmental Planning staff that it does not meet relevant YROP policies.

3. The EIS notes that in its current state, the treed area on the site does not meet the PPS definition of a woodland. However, the applicant has applied the PPS

definition on a site-specific basis and has not considered the woodland feature as a whole. When assessing the entirety of the feature, including the portion located on the subject lands, it is our opinion that it does meet the definition of a woodland. The PPS definition as it relates to the subject woodland has been further assessed below by Environmental Planning staff:

- a. (*Woodlands*) “means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products.”
 - It is our opinion that the subject feature meets majority of the benefits listed above, including erosion prevention (given its location on a steep slope), hydrological and nutrient cycling and provision of wildlife.
 - b. “*Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.”
 - While this aspect of the definition is broad in nature, it is our opinion that the feature can be considered a treed area, woodlot and/or forested area.
 - c. “*Woodlands* may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest.”
 - The applicant has used the Forestry Act definition to argue that the feature is not considered to be a woodland. However, the PPS definition also notes that a woodland can be delineated using the Province’s Ecological Land Classification (ELC) system. On Figure 3 of the EIS, the applicant has identified the vegetated portion of the site as F0D2-4 (Dry-Fresh Oak-Hardwood Deciduous Forest), which would classify the feature as a woodland.
4. Notwithstanding relevant definitions of a woodland, it is also our opinion that the feature is *significant*. When assessing the feature in accordance with the criteria provided within the Province’s Natural Heritage Reference Manual for the PPS, the feature meets many (if not all) of the criteria required to be considered significant. Per the PPS, development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions. As the proposed development will require the removal of a significant portion of the woodland, it is the opinion of Environmental Planning staff

that there will be substantial negative impacts to the feature. The proposal does not conform to Section 2.1.5 b) of the PPS.

5. In November 2002, AMEC completed the Focus Rural Area Woodland Ecosystem Assessment for the City in support Official Plan Amendment 600. As part of this study, the City requested that AMEC assess the broader woodland feature which encompasses the subject lands. Based on this evaluation, it was determined that the broader woodland feature has an approximate size of 19.2 hectares and is “high” functioning due to its structure/diversity, maturity and importance for erosion control. Further, the feature is identified as substantially mature/semi-mature tributary valley and contains a mix of upland and floodplain forest. This study further supports the significant ecological integrity and function of the woodland.

Valleyland/Significant Valleyland:

The EIS separates the subject lands into two segments: (a) the lower sloped portion of the site which is part of a valley; and (b) the upper sloped portion of the site which not considered to be part of a valley. This position is partially based on a “composite stable top of bank” that was allegedly staked by the TRCA on January 29, 2015. This position is also supported by a geotechnical assessment completed for the site which has located the position of the Long-Term Stable Top of Slope (LTSTOS) approximately at the 145 metre contour (about halfway up the site from Islington Avenue).

6. In past correspondence, the TRCA has consistently maintained that they disagree with the delineation of the LTSTOS as determined by the applicant. Further, contrary to what has been identified on the Site Constraints Map provided within the EIS, the Top of Slope was never staked by TRCA staff. The slope is continuous at this site although it contains some minor localized flattening/terraces in the location of the existing dwelling. In their February 2, 2017 comment letter, TRCA staff noted that the top of slope is located near Bruce Street, meaning the entirety of the site is located within a valley.
7. The PPS defines valleylands as “a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.” It is our opinion that the entirety of the site meets this definition as it is located along the wall/slope associated with the valley landform. The feature also contains flowing water in the form of the Humber River, which is located directly adjacent to the site, just west of Islington Avenue. Further, the Regional Floodplain (142.8 metres above sea level) extends from the river and onto the lower portion of the site.

It is also the opinion of Environmental Planning staff that the valley meets the test of significance in accordance with the criteria provided within the Province’s Natural Heritage Reference Manual.

8. The PPS notes that “development and site alteration shall not be permitted in significant valley lands south and east of the Canadian Shield unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.” As the proposed development will result in the removal of significant vegetation contiguous with the valley (i.e. the woodland), it is our opinion that there will be substantial negative impacts to the ecology of the feature. In addition, given the excavation and grading required for the proposed development, there will also be considerable impacts to the valley landform (slope) as well. As such, the proposal does not meet Section 2.1.5 c) of the PPS.
9. The definition of a valleyland within the YROP is similar to that within the PPS. However, the YROP further defines *significant* valleylands as “those areas which are ecologically important in terms of features, functions, representation or amount, and contribute to the quality and diversity of an identifiable geographic area or natural heritage system.” Given the broad nature of this definition, it is our opinion that the valleyland traversing the subject lands also meets the Region’s description of significance. As the significant woodland located on the site forms part of the broader valleyland, findings from the AMEC Focus Rural Area Woodland Ecosystem Assessment, 2002 support the fact that the system is ecologically important. Further, in an area (Woodbridge) where historic development patterns have led to urbanization of the Humber River valley, the relatively unaltered character of the site contributes to the diversity and quality of the broader natural heritage system.

In accordance with Section 2.2.4 of the YROP, development and site alteration within significant valleylands unless it is demonstrated that the works will not result in a negative impact on the natural feature or its ecological functions. As described above, the proposed development will result in substantial vegetation removals as well as manipulation of the valley slope. Environmental Planning staff are of the opinion that the proposed development will inevitably result in significant negative impacts to the feature.

Significant Wildlife Habitat:

10. Within the EIS, it is noted that given the treed nature of the site and the presence of cavity trees, the site has the potential to harbor bat maternity roost colonies. Further, the Eastern Wood-pewee, a species of conservation concern, was observed in 2012 nearby in the larger woodland area and just south of the subject lands. While additional surveys are required to confirm the presence of Significant Wildlife Habitat (SWH) in accordance with the Province’s Significant Wildlife Habitat Technical Manual, the woodland can be considered as a candidate SWH. If it is confirmed the site contains SWH, the policies within Section 2.15 d) of the PPS would apply. Nevertheless, the recent presence of Eastern Wood-pewee and potential for bat maternity colonies supports the significant ecological function provided by the features located on the site and the importance of maintaining the

ecological integrity of lands designated for protection in the City's natural heritage system.

Official Plan and Zoning Designation:

11. Schedule A of OPA 240 designates the subject lands as "Open Space." In accordance with Section 3, paragraph e) of OPA 240, it is noted that "a few areas are defined as being environmentally sensitive and have been designated as Open Space and identified as Environmentally Sensitive Areas in recognition of their valuable scenic, educational and wildlife habitat significance." Given this designation within OPA 240, it is our opinion that the subject lands have long been recognized as forming part of an environmentally sensitive and significant area (i.e. a significant woodland and valleyland). Environmental Planning staff would not be supportive of an Official Plan Amendment which would have the effect of removing environmental protections currently afforded to the site by the Open Space designation within OPA 240.

12. The subject property is zoned OS1 (Open Space Conservation Zone), A (Agricultural Zone) and R1 (Residential Zone) by Zoning By-law 1-88. In general, the OS1 zone coincides with the limit of the Regulatory Floodplain on the subject lands. The R1 zone applies to the existing single-family dwelling at 150 Bruce Street. The current proposal wishes to rezone the upper portion of the site as RA3 (Apartment Residential Zone). However, as this portion of the site forms part of a significant valleyland and woodland, Environmental Planning staff do not support the proposed zoning change.

I trust the above comments are of assistance. Please do not hesitate to contact me if you have any questions or concerns.



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