

COMMUNICATION C14
ITEM NO. 2
COMMITTEE OF THE WHOLE
(PUBLIC MEETING)
January 18, 2022

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From: JOHN DELUCA [REDACTED]
Sent: Monday, January 17, 2022 8:51 AM
To: Clerks@vaughan.ca
Cc: Council@vaughan.ca
Subject: [External] Zoning By-law Amendment File Z.21.046

January 17, 2022

Dear Mayor Bevilacqua and Vaughan Councillors,

We are writing the communication in opposition to Zoning By-law Amendment File Z.21.046 of the Draft Plan of Subdivision Amendment 19T-17V009. Below are the reasons we opposition.

Reasons this is a problematic application:

1) We have a signed LPAT agreement of 90 units on 1600 Teston, with a proper storm management pond, and a plan that was based on clear and thoughtful recommendations from the TRCA. The city really should not consider these major changes that are far more than "tweaks" (as the Deputy City Manager of Planning noted) but are major and ones that will lead to a series of cascading changes. In short, the city has a fiduciary function of protecting the public from poor development decisions when an LPAT decision is made. The other issue is, does the city have the authority to make these changes that have major implications significantly impacting this development when there is a clear LPAT agreement?

2) They are asking for ridiculous exemptions that I discuss below. Even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of

course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

3) It was the TRCA that determined that the OS1-H area was not to be developed, as it was supposed to be left as natural heritage land due to it being at "top of bank" (the top of a high slope), a significant part of the Oak Ridges Moraine, and therefore logically should have a storm management pond at the bottom/low point in the southern part of the development. The other major problem with the application is that the city did not include the TRCA comments in the package they sent nor Savanta's natural heritage studies (there are at least 2 studies and possibly more that were not included). Savanta submitted a very substandard and questionable 2019 Environmental Impact Assessment report of the Rizmi lands (11333 Dufferin) at Kirby/Dufferin.

4) Storm management tanks have not ever been used in Vaughan residential developments. While a couple of these tanks have been used in industrial developments in York Region, one is being piloted and the one in Richmond Hill was studied by TRCA and found to have deficiencies – it was not working as designed. Once built, deficiencies are almost impossible to rectify.

Some studies point out the benefits of these tanks such as keeping water cool for slow downstream release benefiting some aquatic species. The main problem is that the developer wants to put the storage tank on the side of a hill, whereas the stormwater management pond is always located at a low point in the subdivision such as the Laurentian, Maple Downs, and Mackenzie Ridge ponds.

The downsides of storm management tanks are numerous ranging from cost issues to other problems that may be associated with flooding and here are other reasons not to use storm management tanks:

a) They are expensive, difficult and costly to fix, can clog, and empty slowly. This would probably result in flooding.

b) The TRCA reviewed the water storage tank located in Richmond Hill, which sits underneath the commercial plaza parking lot. It found that water does not drain at as it should, did not meet the objectives of the design which means that water ponds and can contribute to West Nile Virus

c) The risk of placing them in residential areas such as a valley land like 1600 Teston are high in terms of malfunctions and flooding. With what are seen as 100 or even 200 year storms on the west coast and east coast seem more frequent and have led to extensive and dramatic flooding. Storm management tanks empty very slowly and do get clogged, as well as difficult to clean. Storm management ponds are easily cleaned and maintained. Storm management tanks may have to be taken apart once they stop draining at an enormous expense to taxpayers.

d) Who is going to compensate those who experience flood damage as a result of irresponsible decisions? Will councillors and engineers who support using storm management tanks in residential areas share the costs and responsibility when residence and insurance companies sue them?

e) The storm management tank will be on a hill and not at the lowest part of the subdivision, but at one of the highest points. How will the water get up there? Will there be pumping stations? How about drainage? Will we have flooding issues, since the tank is on a hill above parts of the subdivision? What will be the long range costs of such a ridiculous proposal? Who will cover the costs of maintenance? The storm management was placed where the old house will be torn down because it is one of the lowest parts of the development (in OS1-H) in order to easily draining the Little Don River (next to the proposed storm management pond).

Proposed Zone Exemptions:

Unfortunately, even though we have a clear LPAT agreement for 90 lots, there is also a request for zone exemptions for the 90 residential lots for building heights, rear yard setbacks, setbacks to accessory structures, yard encroachments and side yard setback reductions adjacent to public walkways and open space blocks. Put simply, they want to build larger units, with a notable footprint (taking up more lot, smaller backyards (which are not too generous relative to our area), and much higher than permitted. In short, even with the 90 units that we agreed on in the LPAT minutes of settlement, these will be much larger houses with smaller lots. As it is, there will not be a park, so if a family wants a decent size lot for children, a pool, pets, and other uses, the lots would be very small with a larger house. Of course, this will lead to more water running off from the hard surfaces that need to make its way into a proper storm management pond.

Final Thoughts:

What is most troubling is that documents are missing such as the TRCA, Savanta, and other reports. It was the TRCA that determined the OSI-H designation and for that portion not to be developed. We also do not know what they want to place on what could be "freed up" OS1-H land. The documentation provided does not say what will happen if this OS1-H land stays in private hands instead of being a storm management pond and hill that would be part of the natural heritage system on the property. Having this green space on the Oak Ridges Moraine (ORM) adds to the area and preserves part of the ORM. Based on the attached 2017 drawings (see the attachment), we can only guess that it would be a future phase 2 development. This would probably be quite a few townhouses. In addition, my guess that this would also open the possibility of the 90 lots becoming over 250 to 300 townhouses. If the OSI-H land is included, it could be well over 300 townhouses shoehorned into this piece of land. In terms of development, it seems everything goes to maximize intensification. Then, with all these hard surfaces, how would the storm management tank operate on a hill? In addition, there is still NO park being proposed/added to this development and the children of the area must walk at least 1+ km to the closest park. Moving the stormwater management pond to a storage tank on a hill freeing up OS1-H land (where the pond was supposed to be) and now having the ability to be developed as a future phase, would create a further erosion of the greenspace left. Also, if the storage tanks fail, who will be flooded?

So far, we do not have public transportation on Dufferin north of Major Mackenzie. The Kirby GO station is not a reality nor do we have public transportation on Kirby. Dufferin north of Eagle's Nest has two lanes as well as Kirby and Teston. The Teston extension is complicated, going through two former landfills (Toronto and Vaughan), wetlands, and other sensitive areas (not to mention the estimated \$100,000,000.00 bridge over the Little Don). The Kirby extension has been a problematic process, so far costing us almost \$1,000,000.00 extra for the financially botched Kirby Road Environmental Assessment. Our schools will eventually be overflowing again, roads will be again jammed with traffic, and water supply (water pressure) / wastewater will surely become an issue due to the York Region's questionable management and almost 3 billion dollar debt, along with potential flooding problems.

We will have to hire a lawyer and experts to help navigate through this unnecessary mess. I do blame the city for not stopping the developer for trying to change this LPAT agreement that took us so long to negotiate in terms time and financial resources, all to have this headache of more unnecessary development and the potential townhouses. Keep in mind that whatever happens at 1600 Teston will set a precedent in Vaughan and will influence development of Rizmi (11333 Dufferin), the property at the northeast corner of Teston and Dufferin, the land north of Kirby by Dufferin, and other land. This developer has already put townhouses in at Grand Trunk and made a Faustian bargain with the city and TRCA, ignoring residents. Once a terrible precedent like this is set, we will have further issues that are far worse with rogue developers and some councilors who continually ignore us, putting us into debt instead of promoting responsible and thoughtful development. I have always said we are not against forward-thinking development and would prefer state-of-the-art planning guided by civic-minded innovators.

Sincerely,
E.J. De Luca
Vaughan ON