



Memorandum

July 7, 2021

MEMO TO: Acting Mayor and Members of Council

COPY TO: Executive Leadership Team

FROM: Kelvin Kwan, Commissioner of Planning and Infrastructure

SUBJECT: **SRPI.21.067 – Request for Approval – Zoning By-law Amendment and Revised Draft Plan of Subdivision Applications – Country Wide Homes (Jefferson) Inc. and Giuseppina Brunetto – 30 Beech Avenue, 211, 223, 235, 251, 273, 291 and 305 Jefferson Sideroad, and 196, 210, 226, 234, 246, 260, 276 and 288 Harris Avenue – City Files D02-20017, D03-14008 and D03-16002**

At its meeting of June 23, 2021, Council considered the recommendations contained in Staff Report SRPI.21.067 and adopted the following referral motion:

That staff report SRPI.21.067 be referred back to staff to permit staff and the applicant to address the concerns raised by Sridhar Methuku in his delegation, including matters related to landform features on 257 Harris Avenue and the TRCA, for a report back at the July 7, 2021 Council meeting.

In his delegation to Council, Mr. Methuku of 257 Harris Avenue indicated that he was in attendance to discuss two matters, namely the existing stormwater outlet and environmental features identified on his property. These items are discussed in greater detail below, along with responses to some of the concerns and comments expressed by members of Council during the debate portion of this agenda item.

Stormwater Outlet Location

Mr. Methuku addressed Council respecting his previously-stated concerns about a proposed stormwater management pond on the subject lands utilizing an existing historical drainage outlet through his property. As acknowledged by Mr. Methuku in his delegation, this matter has been satisfactorily addressed through a commitment from the applicant (Country Wide Homes) to relocate the stormwater outlet to another suitable location further east along Harris Avenue. In this regard, a concept plan for an alternative storm outlet location has been accepted in principal by the City's Development Engineering Division, subject to a detailed design as part of the applicant's next engineering submission. Furthermore, the Toronto and Region Conservation Authority (TRCA) has no major concerns respecting the proposed new outfall location, and will provide formal comments once a detailed design has been submitted for review.

A concern was raised by a member of Council about relocating the storm outlet in the context of negatively impacting other landowners on the south side of Harris Avenue. Staff notes that the proposed new outlet location will drain into City-owned open space lands acquired in 2016 as part of the approval of the Heathwood subdivision. These lands form part of and are connected to existing valleyland and natural linkage corridors owned by the TRCA. In this regard, there are no anticipated negative impacts to other private properties in the area as a result of relocating the storm outlet. In fact, the municipal services and infrastructure to be constructed by the applicant will benefit all landowners on the south side of Harris Avenue by facilitating redevelopment opportunities on their own properties, including Mr. Methuku.

Environmental Features

Members of Council and Mr. Methuku have requested that staff and the applicant engage the TRCA to remove the development restrictions and environmental features associated with 257 Harris Avenue.

By way of background, development and site alteration on Mr. Methuku's property is regulated by the TRCA as part of their core mandate pursuant to the *Conservation Authorities Act*, and requires a permit to be issued under Ontario Regulation 166/06. The property is located within a Landform Conservation Area pursuant to the *Oak Ridges Moraine Conservation Plan*, and contains hazardous land by virtue of the slopes and valley features on the property and adjacent lands. The *Conservation Authorities Act* defines "hazardous land" as "*land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock*". Permit applications made under Ontario Regulation 166/06 are assessed to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land in accordance with TRCA's programs and policies. Recommendations are then forwarded to the TRCA's Executive Committee, which decides whether to approve or refuse each application. There are also appeal mechanisms before the TRCA Hearing Board and the Ontario Land Tribunal (OLT).

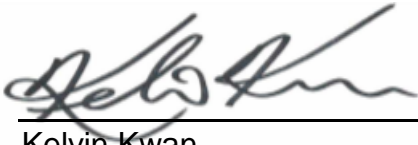
City staff met with the TRCA in December 2020 to discuss the environmental features and development constraints associated with Mr. Methuku's property. TRCA staff confirmed the presence of hazard land on Mr. Methuku's property, as well as adjacent lands where top-of-bank staking exercises have already been completed in support of development applications. Subject to the submission of appropriate technical studies, TRCA staff did indicate a willingness to consider minor refinements to the anticipated limits of development along the frontage of the property, but they do not support removal or filling of the existing features. Mr. Methuku has yet to file a permit application with the TRCA, a planning application with the City, or the requisite studies in support of either process (e.g. Natural Heritage Evaluation, Slope Stability Study, Landform Conservation Assessment). Notwithstanding, based on the technical information currently available, there appears to be redevelopment potential along the Harris Avenue frontage of Mr. Methuku's property in accordance with the Harris-Beech Infill Study.

City staff met with Mr. Methuku and his environmental consultant on June 21, 2021, wherein it was recommended that the next step in the process should be for Mr. Methuku to prepare a development concept plan in order to advance discussions with the TRCA respecting the limits of development on his property. Given that Mr. Methuku has now retained an environmental consultant and the applicant has committed to providing him with relevant technical information and guidance, it is recommended that he

and his consultant work towards the submission of a Concept Development Application to the TRCA. The Concept Development Application Service allows landowners to present preliminary development proposals, and for TRCA staff to conduct site visits, review preliminary proposals, and provide comment letters outlining TRCA's preliminary position on what can be supported on a property based on TRCA policies.

On the basis of the foregoing, staff are unable to advocate for or support the removal of the environmental features on Mr. Methuku's property as doing so would be contrary to Provincial and Local planning policies and plans. As the TRCA ultimately has jurisdiction over hazard lands, and no planning applications have been filed with the City, Mr. Methuku is encouraged to work with his environmental consultant to prepare a Concept Development Application submission for consideration by the TRCA. Staff has been working extensively with Mr. Methuku in an attempt to address his concerns, and will continue to assist as appropriate and necessary to advance any future development applications.

Submitted by:



Kelvin Kwan
Commissioner of Planning and Infrastructure