



March 18, 2024

Re: STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT OF 3291 KINGSTON ROAD Prepared for: 3291 Kingston Road ASI File: 20PL-097 13 August 2020

Dear Mr. Robert Von Bitter

The Cliffcrest Scarborough Village SW Residents Association (CSVSWRA) is an incorporated not-for-profit association representing the residents of these neighbourhoods.

We are following up to share some information that we have found and to ask what steps should be taken next.

In 2020 Toronto Maps indicated Archaeological Potential for 3291 Kingston Road, 2 & 4 Windy Ridge Drive sites. We recently learned that these maps have been changed and requested a copy of the Stage 1 and 2 Archaeological Assessment report that recommended removing the archaeological potential at the 3291 Kingston Road site. We are curious about some details. We are aware that as part of the City's *Archaeological Management Plan*, the City identified sites and areas with "archaeological potential". If a site is pink on the map, City Planning requests an Archaeological Assessment as part of any development application (Stage 1 and 2) to do a little more investigation.

In this case the stage 1 Assessment concluded there was potential due to the location proximity to the Lake Ontario shoreline and Bellamy Ravine etc., but the Stage 2 Assessment involving test sites did not find anything. We assume that the City of Toronto map was changed for this area as they were satisfied that the Archaeological Stage 2 assessment did not encounter anything.

The concern we have is that on page 6 under the title of Previous Assessments, it is noted; "ASI has no record of any other archaeological assessments conducted in the immediate vicinity (50 metres of the subject property)". They only reference a 2010 Stage 1 Archaeological Assessment that ASI did of the Kingston Road Corridor for a City of Toronto Transit Project, and concede it **did not include the present subject property (Windy Ridge).** "

In this case the TRCA did conduct a Stage 1 Terrestrial Archaeological Study which does includes the subject property dated June 30, 2015, and it is not referenced in the ASI assessment dated August 13, 2020. This TRCA study is part of the final EA for the SWP and was submitted to the Province, and is a public document. This seems like a disconnect and duplication of effort. The TRCA studies are funded by the taxpayers and should be utilized by City Planning. **Why would the TRCA Archaeological assessment not be referenced and part of this review when it is a public document?**

<https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2018/06/17163610/SWP-EA-FINAL-Appendix-E-Terrestrial-Arch-Stage-1-Report-REV-JN15.pdf>

The TRCA Stage 1 Archaeological Report covered the entire scope of the SWP including this area. Their conclusions and maps confirm this area has medium potential and recommended a Stage 2 Assessment prior to any construction for the SWP (Maps 22 and 23, page 46). **More than 6.5 million dollars were spent on the SWP EA and much effort to complete, would you please respond as to why these studies were not considered?**

Scarborough Bluffs are a treasure; residents are disappointed that such an important part of Scarborough's history is not being given more care in its assessment. As well, noting the omission of the TRCA study in the ASI August 13, 2020 report, **will Heritage and City Planning be conducting a further review of this report?**

The attached October 11, 2023 letter from a concerned resident was submitted and is on record with the OLT. This letter echo's many of the concerns raised and not responded to by many residents and the RA for this site and studies submitted. **Can you please direct us to who can respond to her/our concerns?**

In addition to the Archaeological Assessment, there are concerns about the review of the Natural Heritage Study. **Why is the City again not considering expert studies conducted by the TRCA pertaining to concerns regarding the proposed development being adjacent to a Natural Heritage System, ANSI, and ESA?**

As part of the EA for the SWP the TRCA conducted a Natural Environment Technical Report dated January 2018 which includes the subject property.

<https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2018/06/17162049/Appendix-D-Amended-September-4-2018.pdf>

The Natural Heritage **Study submitted by the developer attached** dated November 19, 2021 (attached) **is brief** and does not reference previous TRCA studies of this area.

Page 2 notes the Natural Heritage Information Centre (NHIC) records several species at risk within the 2 -1 km squares that includes the property, but given the urban developed nature of the property and developed lands, presence of these species on the property and adjacent lands are highly unlikely. These occurrence records are likely associated with the Bellamy Ravine and Bluffs. **This is pure speculation, and there is no evidence to support this.** The birds don't just stay in the ravine

Page 2 further comments that the closest proximity to the Natural Heritage area is 50 meters, and the Provincial Policy statement does not provide a minimum setback from an ANSI. The Natural Heritage Reference Manual suggests the setback should be determined by other natural features within the ANSI, woodlands, valleylands, wetlands etc. The setback must be sufficient to ensure there are not negative impacts to the natural heritage features, or their ecological functions. They use the existing road, gas station and houses that the setback is sufficient to prevent any negative impacts. **Again, no evidence to support there would be no impact.**

The Atlantic and Mississippi migratory bird flyways converge in Toronto. The Bellamy Ravine is a migratory route for over 100 bird species, as well as Monarch butterflies. Urban Forestry in their report to City Planning, did not support the destruction of more than 80 mature trees at the site. Deer, foxes, and other wildlife are often found lounging in the yards of neighbouring homes. Residents of Cliffcrest and Scarborough Village are extremely concerned about the impact of development encroachment in this environmentally significant area.

Page 3 then states there should be an erosion sediment control plan, as a minimum erosion control fencing should be installed around the perimeter of the work area. As a minimum? **What does this mean?** A fence is going to prevent erosion?

Aquifers are very close to the surface yet this unique geography and is NEVER considered in development approvals for this important environmentally fragile area in the City. These **studies should not be a checkbox indicating the report is received;** the review of these studies are an important step put in place to ensure the right decisions are made. Development **without thorough studies to assess the full cumulative impacts** could result in an environmental catastrophe and considerable damage to residential properties, our ravines, Bluffs and the Waterfront Trail, and significant costs for the City and its ratepayers.

We bring these examples to your attention for awareness to ask for guidance on what should be a next step to ensure that that all information that is available is gathered so that the best decisions can be made? Each report that is required in the review of a development project is important and should be thorough to capture full impact. These are necessary checks and balances to ensure the best decisions are made. After all, we are going to have to live with the consequences of decisions made for decades to come.

Sincerely,

Marina Tadenc on behalf of Board of Directors & Team
Cliffcrest Scarborough Village SW Residents Association
<https://cliffcrestscarboroughvillagesw.ca/about-us/>

Attached:

STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT Report for 3291 KINGSTON ROAD

To:

Robert.vonBitter@ontario.ca, Archaeological Data Co-Ordinator

cc.

archaeology@ontario.ca
Councillor_Kandavel@toronto.ca
councillor_ainslie@toronto.ca
john.mackenzie@trca.ca
DBegum-QP@ndp.on.ca
sustainablecity@toronto.ca
Christian.Ventresca@toronto.ca
info@apaontario.ca
info@csvsw.ca

Participant Letter submitted to OLT:

October 11, 2023

Mr. Christopher Molnar
Senior Planner
Ontario Land Tribunal
655 Bay Street, Suite 1500,
Toronto, ON M5G 1E5

Re: OLT 22-004294 and OLT 22-004295 – Participant Submission

I requested to be a party in the Ontario Land Tribunal’s review of the proposed condominium project at 3291 Kingston Road, #2 and #4 Windy Ridge Drive. I was not granted party status, but was granted participant status. I provided a statement at the time of the initial hearing, and would like to provide my concerns in writing prior to the October 24, 2023 CMC. My concerns relate to the potential environmental impact of this development, and the lack of TRCA involvement.

The Cliffcrest Scarborough Village South West Residents Association was granted party status, and I assumed they would be able to raise the environmental concerns with the City. I have now been informed that they were unable to raise any of the residents’ concerns with the city in regards to traffic or the environment, and were only able to review the massing of the building.

I am a lifelong resident of the Cliffcrest community since 1958. I am a member of The Scarborough Southwest Environment Committee and on the Planning and Development Committee for the Cliffcrest Scarborough Village South West Residents Association. I was also a volunteer member of the Stakeholder’s Committee for the Scarborough Waterfront Project from 2014 to 2018. During this period numerous studies were done of this area by the TRCA and I question why they were not considered by City Planning when assessing the site for the proposed condominium.

The City Council direction on 3291 Kingston Road may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.14> which has been publicly available since August 3, 2023. There are a number of outstanding studies requested by the City, including a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review; a revised Transportation Impact Study or addendum, and a revised Arborist Report or addendum, Landscape Plan and Tree Protection Plan. It is my understanding that these studies have not been completed and will not be done prior to the City reaching a settlement with the developer and approving the project.

I feel that the impact of this development which is directly adjacent to lands designated as being ANSI (Areas of Natural and Scientific Interest) under the Provincial Legislation and ESA (Environmentally Significant Areas) under Chapter 3.4. Of the City of Toronto Official Plan has not been fully considered by the Developer or City Planning.

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The erosion of the Scarborough Bluffs presents one of the most troublesome coastal erosion issues in Ontario, and is an ongoing issue. There has been no evidence presented to support this massive development so close to the Bellamy Ravine and Doris McCarthy trail will not impact this important Natural Heritage System. There was a significant slide this spring just east of the trail

along the shoreline, which caused the closure of the trail. This is an ongoing problem and concern. I strongly feel that the TRCA should be involved in assessing the impact of the proposed development.

The Bellamy Ravine, Doris McCarthy Trail and Scarborough Bluffs meet the definition of a Natural Heritage System as per Section 3.4 of the City's Official Plan. The Lake Iroquois shorecliff is specifically mentioned and this area meets every criteria noted and is highlighted on Map 9, with the area extending to the corner of Kingston Road and Windy Ridge. When developments is proposed at or near lands shown as part of the natural heritage system, the proposed development's impact on the system is to be evaluated and an impact study may be required. This development is very close to the Bellamy Ravine, and I question why an impact study is not being done.

Chapter 3.4 of the Official Plan speaks to these areas and planning considerations. Map 12A confirms that the proposed site is directly adjacent to both an ESA as defined in the Official Plan, and provincially designated ANSI as per Map 12B. Map 9 confirms it is directly adjacent to a Natural Heritage System. The interactive map on the City of Toronto website confirms the proposed site is a designated ESA, and is directly adjacent to a Natural Heritage system, TRCA lands, lands protected by the City's Ravine and Natural Feature Protection by law, is a Provincially regulated ANSI, and also has archaeological potential.

There are numerous studies completed by the TRCA which I highlight in my Party Status Request that have not been reviewed or considered by planning staff. The SWP Final Environmental Assessment includes; a Geotechnical Report, Coastal Technical Report, Natural Environment Technical Report and Stage 1 Terrestrial Archaeology Report. All of these studies cover the entire scope of the Scarborough Waterfront Project area from Midland Avenue to Highland Creek, and from Lake Ontario to Kingston Road and Lawrence Ave and includes the proposed condo site.

These reports were prepared by experts, are public documents and should be part of the review process when considering any development in this area. After being on the SWP Stakeholders Committee for 3.5 years, and involved in the planning and consultation process, I do not understand why the TRCA has not been consulted. The studies have been done with taxpayer's money and are in my view being ignored.

The Scarborough Bluffs and Doris McCarthy Trail are of significant environmental, historical, archaeological, geological and scientific importance, not only to Scarborough, but the entire world. They are a unique sequence of glacial sediments on the shore of Lake Ontario, and represent 60,000 years of glacial history. They are one of the last remaining and most complete records of the Wisconsin glacial advance at the end of the Pleistocene Ice Age. The cliff was once the shoreline of the prehistoric Glacial Lake Iroquois which existed 13,000 years ago. Human life dates back 12,000 years and this area was home to many Indigenous peoples, and was one of the first areas settled by European Colonialists.

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The SWP Final EA Terrestrial Archaeology Stage 1 report confirms that the condo site has medium potential and the areas just west of the Bellamy Ravine have high potential. The recommendations on pages 33- 35 of the report confirms that there is potential for both Pre-Contact and Euro-Canadian sites on and around the proposed condo site. They conclude the site has the potential for buried cultural resources and a Stage 2 Archaeology Assessment is required before any ground disturbing activities within the boundaries of the Scarborough Waterfront Project. Will this be done prior to breaking ground for the condominium project?

The Natural Environment Technical Report t and the TRCA February 2012 Scarborough Shoreline Terrestrial and Biological Inventory and Assessment confirm that the Scarborough Shoreline, Bluffs and Bellamy Ravine area are home to more varied species of flora and fauna than any other

location in Ontario even rural areas. This includes several at risk species due to human disturbance associated with development. This area is a migratory bird route, and the report further explains how the residential tree canopy that exists north of the Bluffs provides food, shelter, resting stops on migration routes, and nesting areas for birds and wildlife. The proposed development calls for the removal of 80 mature trees which support wildlife, absorb water, and prevent erosion.

Chapter 3.4 of the Official Plan further explains how the City and the TRCA have developed an inventory as part of a Natural Heritage Study, and how the TRCA identifies and provides strategic direction for improving natural ecosystem and increasing biodiversity. The information is made public and used to evaluate development proposals and identify priority locations where the system should be protected, restored and enhanced.

The City has undertaken a program of further study and fieldwork to confirm and identify areas within the natural heritage system that are particularly sensitive and require additional protection to preserve their environmentally significant qualities. These areas deemed Environmentally Significant Areas and include the Scarborough Bluffs, Doris McCarthy Trail, and Bellamy Ravine and extend to the corner of Kingston Road and Windy Ridge Drive.

Chapter 3.4 outlines 25 Policies pertaining to development on or near lands shown as part of the natural heritage system on Map 9 which again includes the Scarborough Bluffs, Doris McCarthy Trail and Bellamy Ravine extending to the corner of Kingston Road and Windy Ridge Drive.

Policies 13 – 16 speaks to proposed development in or near the Natural Heritage System. These developments will be evaluated to assess the impacts on the natural heritage system. Policy 14 speaks to areas of land or water within the natural heritage system with characteristics particularly sensitive and notes these areas require additional protection to preserve their environmentally significant qualities. Development or site alteration, with the exception of trails, where appropriate, and conservation, flood and erosion control projects is not permitted on lands within the natural heritage system that exhibit any of these characteristics.

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I feel that it is vital that the OLT consider the Municipal and Provincial legislation pertaining to the proposed development which is adjacent to this important Natural Heritage System, Environmentally Significant Area, and Area of Natural and Scientific Interest. I feel that the OLT should review and consider the studies in the SWP Final EA, and all other TRCA studies pertaining to this area. This proposed development needs to be evaluated to assess the impacts on the natural heritage system.

The Natural Heritage study submitted by the developer dated November 19, 2021 is brief, incomplete, lacks detail and supportive evidence and is not in keeping with previous TRCA studies and makes no reference to them. I feel that more weight should be afforded to the detailed TRCA studies based on years of research and investigative field work, than a Developer paid for study based on a desktop review of secondary source information which is not cited, and a onetime site visit by a Botanist/Certified Arborist On October 22, 2021.

On Page 3 paragraph 1 they note that based on the distance of the property from the natural heritage feature (approximately 50 m) and the developed nature of the intervening lands, the setback of the property from the natural heritage feature is considered sufficient to prevent any negative impacts from the proposed development. This area was developed in the 1940's and 1950's prior to the creation of the TRCA and would not be approved today. In my view, this statement is concerning and misleading and does not conform to Chapter 3.4.

In my view, the City has access to expert scientific studies and advice through their partnership with the TRCA, which they refuse to access. Millions of dollars have been and will continue to be spent on the SWP project, biological and terrestrial studies, geological studies, archaeological

studies, and shore erosion and slope erosion projects. It is disappointing as a taxpayer when these studies are not considered in assessing the environmental impact of development projects adjacent to a Natural Heritage System.

Thank you.

Donna McParland

November 19, 2021

Mr. Ryan Debergh
Junior Development Manager
LCH Developments
5 Allen Avenue
Toronto, Ontario
M4M 1T5

Dear Mr. Debergh:

**Re: 3291 Kingston Road, 2 and 4 Windy Ridge Drive, City of Toronto
Natural Heritage Impact Study (NHIS)**

Introduction

LGL Limited was retained by LCH Developments to carry out a Natural Heritage Impact Study (NHIS) for properties located at 3291 Kingston Road and 2 and 4 Windy Ridge Drive in the City of Toronto (the Property). LCH Developments proposes to redevelop the Property from a low-rise apartment building and two single family dwellings to an 11-storey residential tower. Areas located adjacent to the property have been identified under Toronto's Ravine and Natural Feature Protection By-law, Scarborough Bluffs Area of Natural and Scientific Interest (ANSI), Bellamy Ravine/Sylvan Park Environmentally Significant Area (ESA) and Ontario Regulation 166/06; therefore, a Natural Heritage Impact Study (NHIS) is required to support the application for rezoning and site plan approval. In addition, the proposed redevelopment is located on adjacent lands within 120 m of a provincially significant life science ANSI, which triggers the requirement to prepare an Environmental Impact Study (EIS) in accordance with the Provincial Policy Statement (MMAH 2020). The location of the Property is shown in **Figure 1** (attached).

Background Information

A desktop review of secondary source information was carried out to identify natural heritage features/areas located on and adjacent to the Property. Based on this desktop review, there are no natural heritage features or regulated areas (Ravine and Natural Feature Protection By-law or Ontario Regulation 166/06) located on the Property. There is an area regulated by the Toronto Ravine and

Established in 1971

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natural heritage feature/area must be sufficient to ensure that there will be no negative impacts on the natural heritage features or their ecological functions. Typical setbacks range from 10 m to 30 m depending on the type, geographical extent and ecological function of the natural heritage feature. Based on the distance of the property from the natural heritage feature (approximately 50 m) and the developed nature of the intervening lands, the setback of the Property from the natural heritage feature is considered sufficient to prevent any negative impacts from the proposed development.

Environmental Protection

In order to avoid, minimize or mitigate potential impacts from the proposed development, the following best management practices are recommended:

- An erosion and sediment control plan should be prepared and implemented to avoid the migration of sediments from the property to catch basins and ditches. The erosion and sediment control plan should be prepared in accordance with OPSS 805 – Temporary Erosion and Sediment Control Measures and the Erosion and Sediment Control Guide for Urban Construction (TRCA 2019). As a minimum, erosion control fencing should be installed around the perimeter of the work area.
- A vegetation clearing timing restriction of April 1 to August 31 should be implemented to avoid the nesting period for most bird species. In the event that vegetation clearing must be undertaken between April 1 and August 31, a nest survey should be conducted by a qualified avian biologist to identify and locate active nests of species covered by the *Migratory Birds Convention Act*. If an active nest is located, a mitigation plan shall be developed and provided to Environment Canada – Ontario Region/MECP for review prior to implementation.
- The building and property should employ bird-friendly design principles in accordance with: CSA A460:19 - Bird Friendly Building Design (Canadian Standards Association 2019); Bird-Friendly Best Practices: Glass (City of Toronto 2016); Best Practices for Effective Lighting (City of Toronto 2017); and, Toronto Green Standard Version 4 (City of Toronto 2021).

Based on our review of existing natural heritage information and a site visit performed by LGL's Botanist/Certified Arborist, it is our professional opinion that the proposed development will have no negative impacts on natural heritage features/areas or their ecological function on or adjacent to the Property.

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Natural Feature Protection By-law and Ontario Regulation 166/06 located approximately 50 m south of the Property, south of the Kingston Road/Ravine Drive/Windy Ridge Drive intersection, as shown in **Figure 1**. This area is designated as the Bellamy Ravine/Sylvan Park Environmentally Sensitive Area (ESA) and comprises part of the Scarborough Bluffs Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI). This same area is regulated by the Toronto and Region Conservation Authority (TRCA) under Ontario Regulation 166/06. Bellamy Creek emerges within the Bellamy Ravine on the south side of Kingston Road and flows south through the ravine to Lake Ontario.

A review of the Natural Heritage Information Centre (NHIC) database indicates occurrence records for several species at risk - Bank Swallow (Threatened); Butternut (Endangered); Eastern Milksnake (Special Concern); Eastern Wood-pewee (Special Concern); and, Wood Thrush (Threatened) - within the two, 1 km grid squares that include the Property. Conditions on and adjacent to the Property are unfavourable for these species given the urban, developed nature of the Property and surrounding lands; therefore, the presence of these species on and adjacent to the Property is highly unlikely. These occurrence records are likely associated with the nearby Bellamy Ravine and Scarborough Bluffs. The Arborist Report/Tree Protection Plan has confirmed that no species at risk trees are located on or adjacent to the Property.

Site Visit

A site visit was performed by an LGL Botanist/Certified Arborist on October 22, 2021 to confirm existing conditions. Based on the site visit, there are no terrestrial or aquatic ecosystems located on or immediately adjacent to the Property. There are trees located on the Property and within the boulevard along Kingston Road/Ravine Drive/Windy Ridge Drive which are addressed under separate cover in the Arborist Report/Tree Protection Plan. The closest natural heritage feature/area is the Bellamy Ravine located approximately 50 m south of the Property.

Adjacent Lands and Setbacks

The closest distance between the Property and the Bellamy Ravine is approximately 50 m. The lands adjacent to the Bellamy Ravine (between the Bellamy Ravine and the Property) are developed and include municipal roads, a Pioneer Gas Station and single-family residences.

The Provincial Policy Statement (MMAH 2020) does not recommend a minimum setback from a provincially significant life science ANSI and the Natural Heritage Reference Manual (MNR 2010) suggests that the setback should be determined by other natural heritage features which may occur within the ANSI such as woodlands, valleylands and wetlands. In all cases, the setback from the

LGL Limited environmental research associates

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Please feel free to contact me if you have any further requirements.

Yours truly,

LGL Limited
environmental research associates

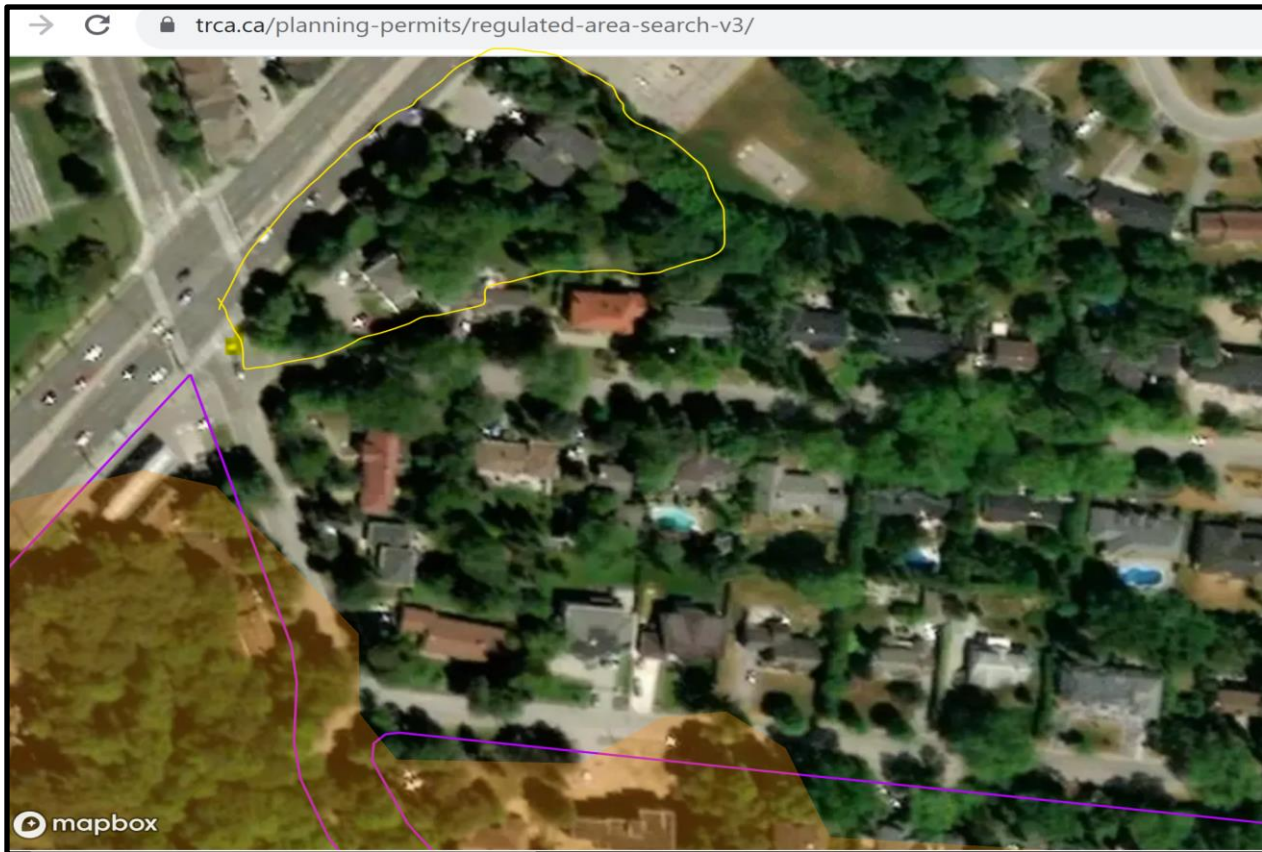


Grant N. Kauffman, M.E.S.
Vice President, Ontario Region
Senior Planning Ecologist

Attachment

Additional information:

The image of TRCA maps shows in purple TRCA regulated Lands, In yellow the subject site for a 360-unit mid-rise building proposal.



2020 Heritage Map: <https://map.toronto.ca/torontomaps/>

Archaeological Potential

- Some properties on Windy Ridge and the developer property is classified on city map as Archaeological Potential.

TRCA Protected Lands

- The proposed condo development site is located at the gateway to the Doris McCarthy Trail, which is of recreational, natural and historical significance and is one of only four access points for the Scarborough Waterfront Shoreline on the list of Toronto Region and Conservation Authority's erosion protection projects.

Proposed Condo
343 Units, 310 vehicle parking
Additional 600 - 700 residents

With reference to page 9 of the report that concedes that this does not mean there are no isolated or deeply buried archaeological deposits. **We are curious to know how workers are trained to identify these deposits?**

RA Newsletter:

Read our April 23, 2023 RA newsletter story, NO BLUFF about the BLUFFS!

https://cliffcrestscarboroughvillagesw.ca/data/documents/24_NEWLETTER_March_April2023.pdf

See

photo of one of two separate significant landslides that occurred this March just east of the Doris McCarthy Trail. The landslide came across the pedestrian path and into the water.

Some simple research reveals the proposed site sits 50 meters from Belamy Ravine, “Gates Gully”.

The ravine was easily accessed by boat and used long before settlers. It was well known to smugglers in the early century who arrived at night to covertly carry goods up the trail trying to bypass import taxes. There are also rumors of buried treasure hidden in the ravine by American Soldiers in 1813 that has never been found! Hikers can find fossils in the earth. Jane Fairburn’s book, *Along the Shore*, **chronicles exciting archaeological discoveries, some of which are among the oldest in Toronto.** No place along Kingston Road does development come so close to the Bluffs. *Along the Shore*, page 42 - In 1801 William Cornell and Levi Annis cut Kingston Road out of the bush, following another pre-existing aboriginal path along the lake and it became the arterial route into York from the east.

https://commons.wikimedia.org/wiki/File:Road_Between_Kingston_and_York,_Upper_Canada.jpg

What is an archaeological assessment?

During an AIA, sites are located and recorded, and site significance is evaluated to assess the nature and extent of expected impacts. AIAs also include recommendations to manage the expected impact of property development on the site. These recommendations may include: Avoiding the site. Feb 12, 2024

What is the natural heritage system Ontario?

Natural heritage systems include natural heritage areas and restored and working lands that allow plants and animals to move from one area to the next. The natural heritage system area layer is updated when natural heritage system boundaries are updated or when new information is added. Jul 17, 2014