

## **AGENCY & DEPARTMENT COMMENT SHEET**

Prepared: November 12, 2019  
Lead Planner: Leilani Lee-Yates

### **Proposed Official Plan and Zoning By-law Amendment Applications**

**84 Nancy Street**

**Part Lot 33, Block 3 Plan BOL7 Bolton and Part Lot 34, Block 3 Plan BOL7 Bolton; Town of Caledon; Regional Municipality of Peel**

**File Numbers: POPA 19-02 and RZ 19-03**

---

The following comments were received regarding the above-noted Official Plan Amendment and Zoning By-law Amendment applications. A consolidated comment letter, dated Nov. 1, 2019, was provided to the applicant and posted on the Town of Caledon website at: <https://www.caledon.ca/en/townhall/84-nancy-street.asp>.

### **EXTERNAL AGENCY COMMENTS**

**The following agencies have no concerns with the amendment or provided conditions of approval:**

- Canada Post – Sept. 19, 2019;
- Dufferin-Peel Catholic District School Board – August 26, 2019;
- Peel District School Board – Aug. 14, 2019;
- Hydro One Networks Inc. – Aug. 22, 2019;
- Enbridge Gas Inc. – Aug. 14, 2019.

**The following agency was also circulated (comments have not been received):**

- Municipal Property Assessment Corporation (MPAC)

### **Region of Peel – Oct. 10, 2019 (attached)**

- Regional staff have concerns that the proposed development is in a significant valley corridor. The Region relies on the environmental expertise of TRCA staff for the review of development applications located within or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. Technical comments from the TRCA have indicated that the development is proposed in a significant valley corridor, which warrants the Core Area designation. The Region's Official Plan (ROP) prohibits development and site alteration within the Core Areas of the Greenlands System. The applications do not demonstrate conformity with ROP policies related to development within valley corridors and erosion hazards. Regional staff are not in support of the approval of the application.

### **Toronto and Region Conservation Authority (TRCA) – Sept. 26, 2019 (attached)**

- It is the opinion of TRCA staff that the valley corridor in which the subject lands are located is "significant" and warrants the "Core Area" of the Region of Peel Greenlands System, and the



Town of Caledon Environmental Policy Area land use designations. Through site visits conducted on May 31, 2018 and June 4, 2019, TRCA staff has concluded that the entire subject lands are located below the valley top of bank. The appropriate risk management approach for this site should be in the form of avoidance instead of facilitating the development that will rely heavily on a retaining wall system that requires on-going maintenance and upkeep.

- TRCA staff are of the opinion that the proposed development is not consistent and does not conform to the *Provincial Policy Statement, 2014*, (Section 2, Natural Heritage and Section 3, Natural Hazards), the Region of Peel Official Plan, Town of Caledon Official Plan and the TRCA Living City Policies. TRCA staff recommend denial of the applications.

#### **Ontario Provincial Police (OPP) – Caledon Detachment – Aug. 12, 2019**

- Access to the property from Queen Street would be by way of a turning movement onto Nancy and Elizabeth Streets. Presently, a signalized intersection does not exist in this location south of King Street and turning movements made by northbound vehicles from Queen Street onto Elizabeth Street are done from a live lane of traffic on a hill. If there is a significant increase in the volume of traffic waiting to attempt a turning movement from Queen Street onto Nancy Street or Elizabeth Street in order to access the property, this may present an unsafe situation if stopped traffic then backs up towards the crest of the hill.

#### **TOWN OF CALEDON – DEPARTMENT COMMENTS**

##### **The following departments have no objection to the applications or have provided conditions of approval:**

- Town of Caledon Legal Services;
- Town of Caledon Fire and Emergency Services;
- Town of Caledon Finance, Finance and Infrastructure Services;
- Town of Caledon, Legislative Services, Accessibility.

#### **Town of Caledon Policy and Sustainability, Community Services – Sept. 24, 2019**

- Based on the forecasted amount of growth to 2031 in the Town of Caledon Official Plan, this proposal, with the proposed 159 units and equivalent population of 501, would exceed the forecast for Bolton. The subject site was not anticipated to accommodate a significant amount of growth to 2031.
- The Town has completed a Housing Study which is intended to provide directions to meet the housing needs of the community. The proponent needs to discuss the following key directions of the Study:
  - What Universal Design features will be provided within the units and throughout the building? The floor plans should illustrate how Universal Design features are incorporated in each unit type and the common areas.
  - How has the Region of Peel's affordable housing targets as outlined in the current Regional Official Plan has been addressed? Also, the proponent needs to discuss how



it meets the Peel Housing and Homelessness Plan housing targets for affordable housing. To understand whether the Region's affordable housing targets will be met, information about the general price range for each bedroom type should be provided.

The proponent has not demonstrated how the proposed development will adopt these directions.

#### **Town of Caledon Heritage Planning, Community Services – Oct. 16, 2019**

- The Bolton Heritage Conservation District (BHCD) provides guidance for new residential built form. The subject site at the top of Nancy Street has a commanding vantage point in relation to the overall HCD and the adjacent properties on Nancy Street. Although the proposed building has a narrow footprint and is divided into podium, tower and penthouse, the relationship to the existing built form in the BHCD is not reflected in the scale to the surrounding residential area or to Queen Street South. The BHCD specifically describes the "green bowl and topography of the Humber River Valley" as an attribute that contributes to the character of Bolton and identifies five key views from and into the valley that will be conserved. The proposed building negatively impacts the two views identified in the BHCD, specifically those looking North and South across the valley on Queen Street. This has already been negatively impacted by the removal of the trees from the site.

#### **Town of Caledon Urban Design, Community Services – Oct. 16, 2019**

- Although the proposal discusses an 8 storey building, the building is in fact 11 storeys high facing Nancy Street to the south and 8 storeys to the north facing the community centre. Other than a change in materials there is no distinct change in the building's form that shows a relationship between podium, tower and penthouse that is compatible with the one to two storey buildings that are on Nancy Street. The Shadow Study does not show the full impact on the surrounding houses during the longest days in the winter (i.e. Dec. 21) and summer (i.e. June 21). Staff is concerned that surrounding houses will be shaded for prolonged periods of time throughout the year.

#### **Town of Caledon Development Engineering, Community Services – Sept. 11, 2019**

- Updates to engineering drawings and the Stormwater Management, Functional Servicing and Geotechnical studies are required to meet Town of Caledon standards. The Noise Feasibility Study is to be peer reviewed at the applicant's expense. A Hydrogeological Investigation must be prepared and will be peer reviewed at the applicant's expense. The proposed storm sewer connection on Elizabeth Street east of Nancy Street ultimately connects to Highway 50 and drainage from the south of the property is directed towards the Highway 50 Region of Peel right-of-way. The site is within the TRCA Regulated Area and ultimately outlets to the Humber River. Therefore, review and approval of the Stormwater Management Report and Functional Servicing Report is also required by the Region of Peel and TRCA.

#### **Town of Caledon Open Space, Community Services – Sept. 11, 2019**

- A 45% landscape area is required, but only 43.2% is provided. The play facility requirements (i.e. amount, area and location) were not addressed in this submission. Should the



application proceed to Site Plan Approval, revisions are required to the Tree Inventory Report and landscape plans to meet Town of Caledon and TRCA standards.

**Town of Caledon Transportation Engineering, Finance and Infrastructure Services – Oct. 7, 2019**

- The left-turn at the intersection of King street and Nancy Street needs to be re-evaluated as the diagrams are not consistent with the traffic volumes and lane configuration.

**Town of Caledon Zoning Administrator, Community Services – Oct. 16, 2019**

- Revisions to the draft Zoning By-law are required to clarify proposed permitted uses and provisions such as setbacks, building area and building height.
- The draft Zoning By-law does not satisfactorily identify the form, use and parking provisions for the proposed development. Furthermore, there are inconsistencies between the draft Zoning By-law and the details shown on the site plan.
- Staff requires further information as to the intended use for the proposed development. Is the proposal for a senior lifestyle apartment/condominium building only or will seniors with health concerns require staff on duty at all times, such as a nurse, dietician, etc.?
- RM Zone has a maximum height of 12.2m for an Apartment Building of 7 or more dwelling units. The draft zoning by-law indicates a special standard. Staff does not support this proposed standard or height.
- A total of 206 spaces is required. Statistics Drawing RZ001 states there are 186 parking spaces. Therefore, there is currently a deficiency of 20 spaces. Staff do not support any further reduction and parking will be very difficult to achieve on Nancy Street.
- Parking space widths within the underground parking do not comply.
- There is no provision for a Play Facility Area, which is a concern to staff because private home daycare is a proposed use and the residents should have an outdoor play facility. The Multiple Residential (RM) Zone requires at a minimum, 1 play facility for each lot with more than 10 dwelling units, and a minimum area of 4%. Play facilities shall only be permitted in a rear yard or interior side yard but not in any portion of a privacy yard.

**Finance and Infrastructure Services, Finance – September 13, 2019**

**Comments:**

- For property tax purposes, 84 Nancy Street, Bolton (Plan BOL 7 Block 3 Part Lots 33,39) is currently assessed as Residential, (\$581,250 CVA). The Town's share of taxes levied, based on current value assessment is approximately \$3,200. As at November 11, 2019, the property tax account is determined to be current.



- If the proposed development (includes an eight storey residential condominium building with 159 units) were to proceed as planned, the taxable assessment value of the property would change to reflect any development that would have taken place.
- Under applicable By-laws, Development Charges would apply as follows:
  - i. Town of Caledon: (a) \$17,683.60 per apartment unit > 70 m<sup>2</sup>; and (b) \$10,378.49 per apartment unit 70 m<sup>2</sup> or less.
  - ii. Region of Peel: (a) \$33,641.41 per apartment unit > 70 m<sup>2</sup>; and (b) \$22,251.77 per apartment unit 70 m<sup>2</sup> or less.
  - iii. School Boards: \$4,572 per any residential unit.
  - iv. GO Transit: (a) \$403.59 per apartment unit > 70 m<sup>2</sup>; and (b) \$209.15 per apartment unit 70 m<sup>2</sup> or less.
- The Development Charges comments and estimates above are as at November 11, 2019 and are based upon information provided to the Town by the applicant, current Region and School Board By-laws in effect and current rates, which are indexed twice a year. Development Charges are calculated and payable at the time of building permit issuance. Development Charge By-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on the Development Charges By-law and rates in effect at the time of building permit, and actual information related to the construction as provided in the building permit application.

October 10, 2019

Leilani Lee-Yates  
Town of Caledon  
6311 Old Church Road  
Caledon ON L7C 1J6

## Public Works

10 Peel Centre Dr.  
Suite A  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

peelregion.ca

**Re: Application for Official Plan and Zoning By-law Amendment**  
**Region File: OZ-19-002C & RZ-19-003C**  
**84 Nancy Street, Bolton**  
**Town of Caledon**

Regional staff have reviewed the above applications and have the following comments.

### **REGIONAL REQUIREMENTS**

#### **Regional Official Plan**

##### **Greenland Core Area and Hazard Lands**

Regional staff have concerns that the proposed development is in a significant valley corridor. The Region relies on the environmental expertise of the Toronto Region Conservation Authority (TRCA) staff for the review of development applications located within or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. Technical comments from the TRCA have indicated that the development is proposed in a significant valley corridor, which warrants the Core Area designation. The Region's Official Plan (ROP) Policy 2.3.2.6 prohibits development and site alteration within the Core Areas of the Greenlands System.

Technical comments from the TRCA have also indicated concerns with regards to erosion. The Region's Official Plan has policies regarding valley corridors and erosion hazards. The objective of these policies are to prevent or minimize the risk to human life and property associated with erosion and/or slope instability. ROP Policy 2.4.4.2.2 "[directs] the area municipalities, in consultation with the conservation authorities, to include in their official plans policies that support non-structural risk management measures and generally prohibit development and site alterations within the erosion hazard limit." Further, Policy 2.4.4.2.3 "[d]irects the area municipalities, in consultation with the conservation authorities, to prohibit development and site alterations within the erosion hazard limit, subject to certain criteria being met." The proposal does not demonstrate conformance with these policies.

Additionally, Policies 2.4.4.2.4 and 2.4.4.2.5 seek to "[d]iscourage the creation of additional tableland within valley and stream corridors" and "[g]enerally prohibit the creation of new lots within valley and stream corridors and erosion hazard areas." The proposal does not demonstrate conformance with these policies.

Based on the review of the above policies, Regional staff are not in support of the approval of the application.

Technical Comments

Technical comments on the Functional Servicing Report, Noise Study, etc. have not been provided at this time due to the above concerns.

Concluding Comments

If there are any questions or concerns, please contact me at your earliest convenience at 905-791-7800 ext. 4710, or by email at: [wayne.koethe@peelregion.ca](mailto:wayne.koethe@peelregion.ca).

Regards,



Wayne Koethe, RPP, MCIP  
Intermediate Planner  
Development Services

---

**Public Works**

10 Peel Centre Dr., Suite A, Brampton, ON L6T 4B9  
Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)



September 26, 2019

CFN 60782.02

**BY EMAIL: leilani.lee-yates@caledon.ca**

Ms. Leilani Lee-Yates, MCIP, RPP  
Senior Planner  
Town of Caledon  
6311 Old Church Road  
Caledon, ON  
L7C 1J6

Dear Ms. Lee-Yates:

**Re: Official Plan Amendment – POPA 19-02  
Zoning By-law Amendment – RZ 19-03  
84 Nancy Street  
Part Lots 33, 39, Block 3, Plan BOL7  
Town of Caledon  
International Real Estate Group (Agent: Weston Consulting Group Incorporated)**

This letter will acknowledge receipt of the Town of Caledon's circulation for the above noted Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) applications received on August 15, 2019. Thank you for the opportunity to review and provide comments on the plans and supporting studies identified below:

- Cover Letter, dated August 12, 2019, prepared by Town of Caledon;
- Cover Letter, dated July 2, 2019, prepared by Weston Consulting Group Inc.;
- Survey, dated July 30, 2018, prepared by Ertl Surveyors;
- Environmental Impact Study (EIS), dated June 25, 2019, prepared by CIMA;
- Review of Valley Feature and Related Development Policies, dated December 18, 2018;
- Tree Inventory Report, dated June 25, 2019, prepared by CIMA;
- Forest Edge Management Report, dated June 25, 2019, prepared by CIMA;
- Functional Servicing Report, dated June 21, 2019, prepared by Calder Engineering Ltd.;
- Geotechnical Report, dated October 2018, prepared by Soil Engineers Ltd.;
- Cover Sheet, Drawing No. RZ000, dated June 26, 2019, prepared by Turner Fleischer Architects Inc.;
- Statistics, Drawing No. RZ001, dated June 26, 2019, prepared by Turner Fleischer Architects Inc.;
- Context Plan, Drawing No. RZ004, dated June 26, 2019, prepared by Turner Fleischer Architects Inc.;
- Site Plan (Roof), Drawing No. RZ005, dated June 26, 2019, prepared by Turner Fleischer Architects Inc.;
- Site Plan/Parking Level 2, Drawing No. RZ102, dated June 26, 2019, prepared by Turner Fleischer Architects Inc.;
- Site Servicing and Grading Plan, Drawing No. 17-185-01, dated June 21, 2019, prepared by Calder Engineering Ltd.



As per the TRCA's "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), staff provides the following comments, as part of TRCA's commenting role under the *Planning Act*, the Authority'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 O. Reg. 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*, and our Memorandum of Understanding (MOU) with the Region of Peel and Town of Caledon, wherein we provide environmental and technical advice.

### **Purpose of the Application**

It is our understanding that the purpose of the above noted OPA and ZBLA applications is to permit an 8-storey residential condominium building containing 159 units, with 3 storeys of underground parking. We further understand the OPA proposes to re-designate the lands from Environmental Policy Area (EPA) to High Density Residential. The ZBLA proposes to rezone the lands from Environmental Policy Area 1 (EPA1) and Environmental Policy Area 2 (EPA2) to a site-specific Multiple Residential Exception zone (RM-XX).

### **O. Reg. 166/06**

The subject property is located entirely within a significant valley corridor associated with the Main Branch of Humber River, a tributary of the Humber River Watershed. As such, the entirety of the subject lands are Regulated by the TRCA under O. Reg. 166/06 (as amended) and are subject to the policies of TRCA's LCP. Permits are required from the TRCA for any works within the regulated area, including earthworks, site grading, and servicing.

### **Comments**

#### **Planning and Development**

1. The environmental reports submitted for our review evaluate the proposed development against Section 8 (Policies for the Administration of TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) of TRCA's LCP, and the "five tests" associated with O. Reg. 166/06. TRCA staff have reviewed these reports and find that the associated arguments are ill founded and not supported by science and policy planning.
2. In light of the above, there are certain sections of the EIS (Section 2.6.5 – Significant Valleylands) which state that the subject property is located within the Humber River Valley, which meets the definition of valley as per the Town's Official Plan (OP) and that the catchment area of the valley and the prominence of the landform would qualify the feature as being significant in accordance with Provincial criteria.
3. It is staff's opinion that the submitted reports fail to address the full suite of applicable planning policies that must be considered as part of the evaluation. This includes the PPS and Natural Heritage Reference Manual (NHRF); Peel OP and Greenlands System policies including Table 2 (Criteria and Thresholds for the Identification of Core Valley and Stream Corridors); Town OP and environmental policies (Section 3.2 and 5.7) including Table 3.1 (Ecosystem Framework); and Section 7 and 8 of TRCA's LCP. Based on our review of this planning hierarchy, it is staff's opinion that the subject property is located within a significant valley corridor, which is appropriately designated Core Area and EPA.
4. In addition to TRCA's regulatory authority and policies noted in Section 8 of TRCA's LCP, it is important to recognize that TRCA has a significant advisory role and delegated authority under the *Planning Act* to member municipalities, which is critical in implementing PPS requirements. In this instance, this role is formally established through MOUS between TRCA, the Region and Town, whereby TRCA staff provide environmental and technical advice on matters related to the *Planning Act*. We also have a delegated authority as it relates to natural hazard policies of the PPS, which is

established through a formal MOU between Conservation Ontario (CO) and the Ministry of Natural Resources and Forestry (MNR). As such, the evaluation must also consider Section 7 (Policies for Environmental Planning) of TRCA's LCP. These policies are used for TRCA's role as a public commenting body, delegated authority, service provider, resource management agency, and landowner. Further, the above noted planning framework and policies recognize the important relationship with the *Conservation Authorities Act* (CA Act) and TRCA's regulatory responsibilities. This relationship is critical when also considering the "five tests" and for determining the appropriateness of development within a regulated area. Recognizing this relationship, it is staff's opinion that the proposed development is located within a significant valley corridor, which is not permitted in accordance with the above noted planning policies, and that permission should not be granted for the proposed development pursuant to O. Reg. 166/06.

5. As a component of the Zoning By-law (2006-50) update in 2006, as well as the amendments to the OP at that time, a comprehensive methodology has already taken place to map the existing EPA boundary. Although it is recognized as part of this methodology that prior to development occurring on an individual property, the precise limits of the valley corridor may be further refined through the staking of the top of bank, as confirmed through multiple site visits (May 31, 2018, and June 4, 2019) the entire site is located below top of bank. As such, the subject lands have already been thoroughly examined to determine the appropriateness of refinement to the EPA, and it has already been determined that the lands should remain designated EPA.
6. Although it is our opinion that the valley corridor is considered to be "significant", which warrants the Core Area and EPA designation, it is important to also recognize that the PPS sets the standards for conservation at a Provincial level, and allows and encourages municipalities to go beyond this standard to reflect the needs for conservation at the local scale.
7. The environmental reports identify that the site is significantly more disturbed than the adjacent slopes and the forest cover that characterizes the adjacent slopes does not extent on to the site. It is important to recognize that the adjacent forest community previously extended onto the site as seen in 2013 air photos but has been removed in recent years. Regardless, the valley corridor remains a significant feature, even in absence of a vegetation.

### **Geotechnical Engineering**

8. In addition to the above, TRCA staff have reviewed the Geotechnical Report. In staff's opinion, the appropriate risk management approach for this site should be in the form of avoidance instead of facilitating the development that will rely heavily on a retaining system that requires ongoing maintenance and upkeep. It is also staff's opinion that the proposed development has not met the regulatory test associated with erosion as the risk assessment has not included the full range of potential hazards.

### **Hydrogeology**

9. Please confirm the number of underground parking levels. The Geotechnical Report suggests that 2 underground parking levels are proposed, and the plans suggest 3 levels. The report will need to be revised if more than 2 underground parking levels are proposed. Please advise.

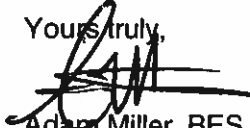
### **Recommendation**

Given the above, TRCA staff are of the opinion that the OPA and ZBLA are not consistent and in conformity with Provincial Policy. Specifically, Section 2 and 3 (Natural Heritage and Natural Hazards) of the PPS. Additionally, it is our position that the applications are not consistent and in conformity with the Region of Peel OP and their Greenland System policies, Town of Caledon OP and environmental policies, and TRCA's LCP. Further, TRCA staff do not support the subject applications. The subject property has been appropriately identified as EPA and the re-designation of these lands into an OP category that supports further development is not supported by TRCA staff. Accordingly, in our opinion the appropriate uses for the

subject property are those provided for in the current EPA and EPA1 designation. As such, TRCA staff recommend **denial** of the above noted OPA and ZBLA.

I trust these comments are of assistance. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Yours truly,



Adam Miller, BES, MCIP, RPP  
Senior Planner  
Development Planning & Permits  
Extension 5244  
/am

cc: Quentin Hanchard, Associate Director, TRCA  
Martin Quarcoopome, Weston Consulting: [mquarcoopome@westonconsulting.com](mailto:mquarcoopome@westonconsulting.com)  
Casey Blakely, Town of Caledon: [casey.blakely@caledon.ca](mailto:casey.blakely@caledon.ca)  
Wayne Koethe, Region of Peel: [wayne.koethe@peelregion.ca](mailto:wayne.koethe@peelregion.ca)