



Report to: Development Services Committee

Report Date: May 8, 2017

SUBJECT: Langstaff Gateway
Pomona Creek Crossings
Construction Agreement, Ward 1

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REVIEWED BY: Brian Lee, Director of Engineering, ext. 7507

RECOMMENDATION:

- 1) That the report titled “Langstaff Gateway Pomona Creek Crossings Construction Agreement”, be received;
- 2) That Council authorize the Mayor and Clerk to execute one or more construction agreements with Markham Gateway Development Inc., as necessary, to allow for the construction of Pomona Mills Creek crossings as part of the environmental remediation and creek restoration and enhancement works in the Langstaff Gateway Secondary Plan Area;
- 3) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek authorization from Council for the Mayor and Clerk to enter into one or more construction agreements with Markham Gateway Development Inc. to construct crossings over the Pomona Mills Creek in the Langstaff Gateway Secondary Plan.

BACKGROUND:

Langstaff Gateway Secondary Plan

The Langstaff Gateway Secondary Plan was adopted by Markham Council on June 8, 2010. The Secondary Plan Area comprises 47 hectares of lands and is generally bounded by Yonge Street to the west, Highway 407 to the north, Bayview Avenue to the east and the Holy Cross Cemetery to the south. The Canadian National Railways (CNR) rail tracks bisect the Secondary Plan Area in a general north-south direction, and the Pomona Mills Creek runs through the western portion of the Secondary Plan Area, between Yonge Street and the CNR tracks. A map showing the location of Secondary Plan is appended to this report as Figure 1.

Markham Gateway Development Inc. to remediate and enhance Pomona Mills Creek

Markham Gateway Development Inc. ("Markham Gateway") owns lands within the Secondary Plan generally bounded by Yonge Street to the west, Highway 407 to the north, the CNR tracks to the east and the Holy Cross Cemetery to the south. Markham Gateway representatives, the TRCA, and City staff have met a number of times to discuss the proposed environmental remediation of its lands, the restoration and enhancement of Pomona Mills Creek, and other City requirements and studies that need to be submitted to support its development.

Proposed Approval Process

The applicant is proposing to concurrently undertake several major initiatives regarding the Langstaff Gateway Development, including:

- Revisions to the Langstaff Gateway Master Plan, approved by the City and Region of York in 2011, to reflect proposed changes to the crossing of the CN Rail line. The original proposal proposed a set of east-west overpasses. However, due to the costs and engineering and urban design complexities associated with this proposal, the main landowners are now proposing that these roads go under the CN Rail line. This will involve significant revisions to the approved Master Plan, which are now being considered by the applicant and staff.
- A draft plan of subdivision application, submission anticipated shortly, to create an initial residential development block (Phase 1A) and associated municipal infrastructure in the south west portion of Langstaff, between Yonge Street and Pomona Creek. Staff anticipated that this initial phase will include two high-rise apartment buildings totalling some 450 residential units. This subdivision plan will also establish the road pattern in the immediate area (including the Pomona Creek crossings and a proposed park block on the east side of the Creek) within the context of the Master Plan revisions noted above.
- Creek restoration works and installation of culverts for the Pomona Creek crossings, which the Toronto & Region Conservation Authority has advised, the work must be undertaken between July and September, as noted in more detail in the sections below. It should be noted that site grading works such as the creek restoration and road crossings would typically be undertaken after draft plan approval. However, given the very restricted summer construction window in which these works can proceed, the Markham Gateway has proposed to complete the works in advance of draft plan approval, hence the need for Council authorization to enter into a stand-alone construction agreement to permit the creek restoration works.

Markham Gateway is presently undertaking studies in order to carry out environmental remediation and restoration works for the Pomona Mills Creek. The City undertook a

Schedule B Class Environmental Assessment Study entitled “Town of Markham Pomona Mills Creek Erosion Restoration and Habitat Enhancement Study”, which was completed in September 2010. As part of the creek restoration works, Markham Gateway is requesting, at this time, approval to install culverts. These culverts will support new roads and potential trails and multi-use paths that will cross Pomona Mills Creek and be part of the municipal infrastructure of the future Markham Gateway development. Markham Gateway will be required to comply with the environmental assessment process as it relates to the installation of the culverts.

DISCUSSION:

Approvals by City and Toronto and Region Conservation Authority are required to permit installation of culverts

The design of the culverts is being reviewed by City staff and external agencies having jurisdiction. Specifically, Toronto and Region Conservation Authority (TRCA) staff is reviewing the design to ensure that it meets its *Crossing Guidelines for Valley and Stream Corridors, September 2015*. These guidelines ensure that the design satisfies engineering (flooding, geomorphic, geotechnical, etc.) and natural heritage requirements. Markham Gateway will need to obtain a permit from the TRCA in accordance with Ontario Regulation 166/06 prior to any construction commencing. City staff is reviewing the design to ensure that the culvert design meets the City’s engineering requirements (placement, width, elevation, etc.). A construction agreement between the City and Markham Gateway is required to grant permission and specify Markham Gateway’s obligations to install the culverts prior to draft plan approval of a subdivision application. The agreement will require Markham Gateway to agree to the standard requirements, including but not be limited to the following:

- Submitting satisfactory drawings;
- Submitting financial securities and applicable fees
- Providing confirmation that approvals from all applicable external agencies have been received;
- Agreeing to assume all risks associated with constructing the culverts prior to approval of a draft plan of subdivision, including any requirements to reconstruct or relocate the culverts to comply with the final approved draft plan of subdivision; and,
- Agreeing to indemnify and save harmless the City from and against any and all damages.

Granting permission to Markham Gateway to install the culverts as part of its restoration works will avoid future disturbances to Pomona Mills Creek when construction of the future Markham Gateway Phase 1A development commences. In addition, it would allow Markham Gateway to take advantage of TRCA’s construction window for creek rehabilitation.

CONCLUSION:

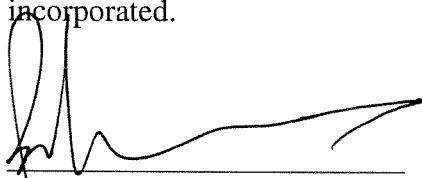
Staff recommend that Council authorize the Mayor and Clerk to enter into a Construction Agreement with Markham Gateway for the installation of culverts over Pomona Mills Creek in the Langstaff Gateway Secondary Plan, in a form and content satisfactory to the Chief Administrative Office and the City Solicitor, subject to the approval of the Toronto and Region Conservation Authority.

FINANCIAL CONSIDERATIONS:

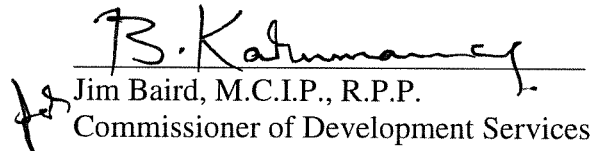
The construction agreement will require Markham Gateway to fund all of the costs of installing the culverts. Staff will review the availability of development charge credits to Markham Gateway for the construction of the culverts as a part of the development approval process and include it in a future subdivision agreement, which may entail additional works to be funded by the Markham Gateway. The process and criteria for providing credits will be in accordance with the City's Development Charge Credit and Reimbursement Policy.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning and Legal Departments have been consulted and their comments have been incorporated.



Brian Lee, P. Eng.
Director of Engineering





Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1- Location Map



AERIAL PHOTO 2016

-  LANGSTAFF GATEWAY
-  APPROXIMATE AREA OF CREEK RESTORATION

