

MEMORANDUM

To: Jim Baird, City of Markham
From: Carolyn Woodland, Toronto & Region Conservation Authority (TRCA)
Date: June 12, 2014
Regarding: TRCA Update – West Cathedral Community Pond

TRCA Update on SWM Pond/Lake for West Cathedral Community

TRCA's ROLE AND MANDATE

TRCA is an agency mandated under the *Conservation Authority Act* to manage natural hazards (flood and slope hazards) and the natural heritage in our watersheds. The protection of valley and stream corridors and their water and drainage systems through our regulatory role is a primary foundation for our commenting and approval responsibilities in the development process. TRCA also provided advice, (over the last few years) on technical matters associated with fish habitat protection under a partnership arrangement with the federal Department of Fisheries and Oceans (DFO).

The lead planning, urban design and engineering responsibilities rests with the municipality for the integration of all development and technical aspects of community design and implementation. TRCA provides advice to the municipality on matters of natural heritage protection, floodplain and hazard management, stormwater management (SWM) and ecological restoration.

TRCA's INITIAL INVOLVEMENT

Several key documents were prepared that formed the vision for the West Cathedral Community including The Cathedral Community Design Plan, April 2002, The Nak Design Group, the Cathedral Community Planning District Official Plan/Secondary Plan Amendment, April 2004, The Planning Partnership, and the West Cathedral Open Space Study, March 2005, The Planning Partnership. All reports refer to the stormwater management proposal and the integration of naturalized planting and enhanced water management. Although there are some combined references to SWM/Lake proposal, all documents recognize the naturalized open space valley corridor for Carlton Creek and current configuration of the SWM pond and natural channel.

TRCA's primary involvement was in the review and endorsement of the Environmental and Servicing Master Plan for the West Cathedral community, which was written in 2002 and updated in 2005 by URS Cole Engineering and Gartner Lee Limited. Challenges arose between the parties over the reconciliation of the technical aspects of modifying the existing stream and standards for the proposed storm water management system versus the impacts of the developer's proposed parkland and development configuration.

PERMIT ISSUED

TRCA issued a construction permit in February 2005 to Bordeaux Developments based on a naturalized design completed by King David Inc. This permit facilitated the construction of a stormwater management pond and outfall, and 2) the installation of a watermain and stormwater sewer under the watercourse to service the Phase I of the draft approved subdivision. The applicant installed a sanitary sewer crossing without necessary approvals and DFO authorization was required to compensate for loss of fish habitat.

The stormwater management pond will control surface flows from the development areas entering into the watercourse so that there will be no downstream impacts to flood or erosion rates, as well as improved water quality.

SWM POND NEEDED FOR ROMAN DEVELOPMENT PHASE I

It is our understanding that the existing SWM pond located north of the cathedral was a facility supporting the conveyance of surface and stream flows from the Phase I of the Roman portion of development and lands to the north. TRCA assisted the team with negotiations with the federal Department of Fisheries and Oceans (DFO), who required fish habitat compensation for the relocation of the existing stream that ran through the site, and the creation of a new re-naturalized corridor that exists today around the periphery of the Roman lands. A net environmental gain was required to support the reconfiguration of the stream and the loss of wetland and natural floodplain.

CONCEPTUAL VISION VERSUS REQUIRED SWM POND

The original rendered concepts for the Roman lands included a European style square with a large Cathedral and a "lake" as a reflection pond as a key central feature associated with parkland in the community. TRCA understands that the landowner Helen Roman-Barber received a SWM pond, through her Markham approvals, not the "lake" that her consulting team and the marketing renderers had envisioned at the project outset – the concept of a recreational lake was also marketed to the buyers in the community by the development group.

No environmental feasibility studies have been conducted to our knowledge supporting the proposal of a lake or large pond beyond the storm water management requirements of the Town, Ministry of Environment (MOE) and conservation authority at that time.

SWM POND, STREAM CORRIDOR and WETLANDS NOW IN PLACE

The new stream corridor is now in place, and the SWM pond is located on site with a small enhanced wetland that was provided as part of the DFO environmental compensation negotiations. The pond and wetland area actually have matured well creating an attractive natural area with adjacent seating and lookout.

There is a problem in that the rest of the site has been over-filled and the parkland component and pond periphery have never been finished properly. TRCA was not part of any negotiations regarding site plan agreements or conceptual park plans beyond the original stream relocation negotiations and construction permitting.

TRCA's NEXT INVOLVEMENT IN 2010 – 2011

In December 2009, Ms Roman hired Beacon consultants to submit an informal concept brief outlining the developer's desire to enlarge the SWM pond and reduce the floodplain and naturalized wetland/stream corridor into a narrow channel. The purpose of the pond expansion was promoted for aesthetic purposes - to establish a reflecting pond. It was the opinion of TRCA that the new proposal impacted the wetland area which functions as a natural headwater area, and supports indirect fish habitat for Redside Dace (a provincial protected endangered species). Concerns about overtopping flooding of Woodbine Avenue and the loss of riparian flood storage within the valley were not studied. TRCA did not support this concept.

In December 2011, TRCA was invited by Markham Parks and Recreation staff to meet with the owner of the development - Helen Roman-Barber and Helen's manager Martin Mahoney. Carolyn Woodland, the Director of Planning and Development at TRCA, toured the site and went through the unfinished cathedral together with the City and owner. We viewed the original marketing renderings for the West Cathedral Community and the owner was clear she wanted to re-configure the pond and remove the wetland to complete a "lake".

It is important to acknowledge that the enhanced wetland was part of Cathedral Town's original environmental approvals supporting development. The steepness of filling around one side of the pond is going to create a serious challenge in rationalizing an urban park around the pond with a viewing belvedere as portrayed in the early renderings.

TRCA HAS NOT HEARD ANYTHING ON THE POND/LAKE SINCE APRIL 2012

Two working sessions were conducted in April 2012 with Markham staff - one to discuss how they should move forward with an urban park development that reflects the existing conditions of the site, as well as, creates a well designed public park around the pond. A terraced parkland edge was recommended by TRCA to manage the steep grade changes that exist around the western edge of the pond. No one at Markham was advocating removing the wetland but improvement of the public amenity area around the pond was the key objective.

We all attended a meeting with Markham in April 2012 to work out an approach with Ms Roman-Barber, her staff and her landscape designers, Nak Design Group, to move forward with a concept to finish the parkland around the SWM pond. The working meeting (hosted by Markham) seemed to go well, and we thought that the owner and team would come back with a design plan. TRCA has not heard anything on any progress, and there have been no permitting applications come forward for review since that time.

TRCA IS NOT HOLDING UP THIS PROJECT

It is unfortunate TRCA was labeled a barrier in this project - that has never occurred. TRCA has worked to assist the developer and their consultants towards approvals through a demanding layering of environmental approvals with the province and federal agencies.

We were working with Markham staff to advance a design forward to complete a park that capitalized on the pond and wetland (although perhaps not as Ms Roman had originally envisioned). Markham holds the reins on this issue, although TRCA would have to permit the linear park and any redevelopment of the SWM edge - the lead planning, urban design and implementation authority rests with the City. TRCA would primarily look at any technical updates to the SWM pond to confirm that it functions for all existing and new development as originally intended, in consultation with the City. Any changes in vision for the area would be subject to redesign and technical efforts to confirm feasibility.

A NEW RECENT DRAFT PLAN WAS JUST SUBMITTED FOR BLOCKS AROUND THE CATHEDRAL

This was the status as of April 2012, and TRCA has had no active involvement since. We have only just received in the last few weeks for review, a new draft plan for the blocks around the Cathedral. No information is included as to the integration of the pond or parkland, or any proposals for changes to the SWM pond or stream corridor. Our recommendation is that piecemeal planning and approvals should be avoided in these last remaining high profile urban areas to ensure a high quality, public amenity focus to the community is achieved, with an integrated natural landscape of integrity that meets all environmental standards.

Carolyn Woodland

Director, Planning and Development

Toronto and Region Conservation Authority