

Application for Consent - Development of Wetland - Lower Duck Pond and Removal of Trees - High Park Ravine - 1873 Bloor Street West (High Park)

(City Council on December 14, 15 and 16, 1999, amended this Clause, by amending the recommendation of the Toronto Community Council by inserting the words “(with the exception of those trees designated as J, L, and M on Plan 3 appended to the report)” after the words “willow trees”, so that such recommendation shall now read as follows:

“The Toronto Community Council recommends the adoption of the following report (November 15, 1999) from the Acting Commissioner of Urban Planning and Development Services, subject to the willow trees (with the exception of those trees designated as J, L and M on Plan 3 appended to the report) not being cut down and the Commissioner reporting thereon to the Toronto Community Council in one year’s time:”.)

The Toronto Community Council recommends the adoption of the following report (November 15, 1999) from the Acting Commissioner of Urban Planning and Development Services, subject to the willow trees not being cut down and the Commissioner reporting thereon to the Toronto Community Council in one year’s time:

Purpose:

To obtain City Council's consent to Application No. 099040 respecting grade changes and the creation of a berm associated with the development of a wetland in the Lower Duck Pond as well as the removal of thirty-five trees within the High Park Ravine.

Financial Implications and Impact Statement:

The project has received funding approval from the Department of Economic Development, Culture and Tourism, Parks and Recreation Division for capital budget items of \$15,000 from SAP Account No. 28000021 and \$6,300 from SAP Account No. 28000053 for tree removal along the Spring Creek Watershed. The Lower Duck Pond project has funding from Works and Emergency Services, Water and Wastewater Division for a capital budget item of \$357,000 from SAP Account No. 23000021, which includes the projected cost of tree cutting around the pond of \$2,991.00.

Recommendations:

It is recommended that:

- (1) City Council consent to Application No. 099040 respecting 1873 Bloor Street West (High Park) to permit grade changes, the creation of a berm and the removal of thirteen trees around the Lower Duck Pond and the removal of twenty-two trees adjacent to Spring Road, Deer Pen Road and Centre Road subject to the following conditions:

- (a) that the work be undertaken substantially in accordance with the Lower Duck Pond Site Plan (C-01), Sections and Details (C-02) and Details (C-03) of the Pilot Treatment Wetland, all dated September 8, 1999, prepared by Gore and Storrie Ltd. and date stamped as received October 6, 1999 and Spring Creek Watershed – Tree Cutting Location Map (M-1), (M-2) and (M-3) all dated September 1999 and prepared by Works and Emergency Services, Maps and Surveying Section, and date stamped as received on October 6, 1999, all as on file with the Acting Commissioner of Urban Planning and Development Services; and,
- (b) that a permit application be submitted and approved by the Toronto and Region Conservation Authority under Ontario Regulation 158, prior to commencement of the project.

Background:

Project:

The application is for grade changes and the creation of a berm associated with the development of a wetland in the Lower Duck Pond as well as removal of certain trees associated with the project. The application also includes the removal of trees adjacent to Spring Road, Deer Pen Road and Centre Road. The Lower Duck Pond, Spring Road, Deer Pen Road and Centre Road are located in the southeast corner of High Park (see attached Maps 1-3).

Spring Creek Water Quality and the Lower Duck Pond:

The proposed pilot wetland in the Lower Duck Pond is part of an on-going strategy by the City of Toronto to restore the natural vegetation and to improve the water quality in High Park. Stormwater enters High Park at its northeast corner and flows into two man-made sedimentation ponds. The sedimentation ponds discharge into Spring Creek, which flows along the east side of the park and in turn, the Creek discharges into the Lower Duck Pond. From the Lower Duck Pond, an outflow weir discharges to the Lake Ontario waterfront. However, much of this stormwater flow is contaminated with pollutants and water quality is further degraded by runoff from the animal paddocks in the park.

In 1998, the Works and Emergency Services Department initiated an Environmental Assessment process for two related projects. One project was to identify a preferred alternative for improving the effectiveness of the sedimentation ponds at removing sediments and other contaminants before they enter Spring Creek. The second project was to determine the feasibility of wetland treatment technology for improving Spring Creek water quality. This latter project and its outcome are the subject of this report and the need for a Ravine Consent application.

Environmental Assessment Process:

The application was subject to a comprehensive Environmental Assessment process which is described in detail in Appendix A. Numerous community groups and public agencies were

involved in the consideration of design alternatives and the selection of the “preferred alternative”. Construction work is pending the approval of this Ravine Consent Application.

Comments:

Creation of Berm and Dredging Changes:

The grade changes consist primarily of dredging the Lower Duck Pond and the creation of a berm that will separate the existing pond area from the wetland area. The height of the berm is approximately one metre above the water’s edge, and it will run through an existing island, connecting it to the mainland.

Tree Removal:

As part of the construction of the wetland, thirteen trees need to be removed. The trees range in diameter (at breast height) from 34 cm to 90 cm and are species which are not native to High Park. There are two main categories for the tree removal. Five trees need to be removed to facilitate the creation of the wetland, and eight trees need to be removed to complete associated improvements to the vegetation and terrestrial habitat in the area around the Lower Duck Pond. Of the five trees which need to be removed to facilitate the creation of the wetland, one tree needs to be removed because it is blocking construction access. Two other trees are causing shading to the open water where wetland plants must become established to make the wetland successful, and the remaining two trees are affected by regrading that is necessary to construct the berm.

Tree Removal along Spring Road:

As part of this Ravine Application, Economic Development, Culture and Tourism, Parks and Recreation Division is proposing to remove twenty-two trees along Spring Road, Deer Pen Road and Centre Road. The trees range in diameter (at breast height) from 33 cm to 57 cm. The rationale for their removal is that the trees are not native to the park. The trees are Norway Maple and European Willow and they were planted at a time when the invasive nature of the trees and the impact they have in displacing native communities were not recognised. The removal of the trees will enable the re-establishment of native trees. In a few places, such as the area around the picnic shelter on Spring Road, there will be some replanting of white pine, cedar and white birch to recreate the native forest.

Comments from Civic Officials:

The Lower Duck Pond is located within an area designated as a “Natural Area” under Part I of the Official Plan. Section 2.30 of the Plan requires an Environmental Impact Study to be submitted with any development application in a Natural Area, unless the proposal is subject to a full environmental assessment, and is approved under the Environmental Assessment Act. In this case, the application has received approval under the Environmental Assessment Act. The application complies with the requirements of the Zoning By-law.

The Commissioner of Works and Emergency Services has indicated that he has no requirements for the approval of this application.

Heritage Toronto has indicated that it has no concerns or comments regarding the application.

The Toronto and Region Conservation Authority (TRCA) has indicated that it is supportive of the application. The TRCA also indicated that in accordance with Ontario Regulation 158 (Fill, Construction and Alteration to Waterways Regulation, under the Conservation Authorities Act), a permit will be required.

Planning Considerations:

The applicant is proposing a wetland in the Lower Duck Pond to enhance water quality and the ecosystem of the pond by using natural biological processes. The wetland is a pilot project that may serve as a model for alternative stormwater management practices. The removal of the trees is an essential component of the project.

The proposed tree removals along Spring Road, Deer Pen Road and Centre Road will facilitate the restoration of the natural habitat in the area.

Conclusions:

I believe that the proposal for the development of the wetland in the Lower Duck Pond and selective tree cutting along Spring Road is both reasonable and within the intent of Chapter 276 Ravines, of the former City of Toronto's Municipal Code. Therefore, I recommend that City Council give consent to the proposed development.

Contact:

Barry Brooks
Planner

Telephone: 392-0758

Fax: 392-1330

E-Mail: bbrooks@city.toronto.on.ca

SoMei Quan
Planner

Telephone: 392-1812

Fax: 392-1330

E-Mail: squan0@city.toronto.on.ca

Appendix A:

The Environmental Assessment Process:

The Environmental Assessment process provides for a high level of public consultation both at the initial planning phases of a project, through the review of alternative solutions, and in the selection of the preferred design. With respect to the proposed wetland, the project followed the planning and design process for a Schedule B, Class Environmental Assessment for Municipal Water and Wastewater Projects. This process involves describing the problem, identifying and assessing alternative solutions and identifying the preferred design.

Consultation with the public and government review agencies included newsletters, public open houses, a site tour and a workshop. The mailing list of interested groups and individuals included representatives from the High Park Citizens Advisory Committee, the Roncesvalles Macdonell Residents Association, the Bloor/Indian Grove Ratepayer's Association, the Swansea Area Ratepayers Association, the High Park Tenants Association, the High Park/Parkside Residents' Association and the Bloor-by-the Park BIA. The open houses were held on March 5, 1998 and May 27, 1998. A workshop was also held on March 5, 1998 and a tour of the site was conducted on April 18, 1998.

On July 7 and 9, 1998, Works and Emergency Services issued a Notice of Completion and a screening report was prepared for public review. The screening report documented the problem, the alternatives considered, the rationale for the preferred solution and the public consultation process. Various materials relevant to the project, including all correspondence, were appended.

The Notice of Completion then triggered a 30 day period for interested parties to provide written comments and to request that the Minister of the Environment "bump-up" the project to an individual Environmental Assessment, if their concerns were not met. Since there was no "bump-up" request, Works and Emergency Services was able to proceed with the design of the Pilot Treatment Wetland. Construction work is pending approval of this Ravine Consent Application.

Appendix B:

Comments of Civic Officials

1. Heritage Toronto (October 28, 1999)

Colborne Lodge, in High Park, is listed on the City of Toronto's Inventory of Heritage Properties and is operated by Heritage Toronto as an actively interpreted historic site. The natural and cultural landscape surrounding Colborne Lodge is a contributing heritage characteristic whose preservation we wish to safeguard.

I have reviewed the City Forester's report and accompanying maps, discussed the project with Beth McEwan at Parks and Recreation and consulted with the Heritage Toronto site supervisor at Colborne Lodge. Heritage Toronto has no concerns or comments regarding this request for a minor variance to the Municipal Code that would permit the removal of 35 non-native trees from High Park (1873 Bloor Street West).

The nearest tree identified for removal is more than 150 m away from Colborne Lodge and is not in anyway associated with the historic site. However, should the City Forester wish to enlarge the proposed survey to include trees that are significantly closer to Colborne Lodge, we would appreciate being contacted again for further comments.

2. Economic Development, Culture & Tourism (October 25, 1999)

This will acknowledge our receipt of the plans pertaining to the above noted minor variance application which were circulated to Forestry Services on October 8, 1999.

Further to our submission requesting removal of trees in the Spring Creek Watershed in High Park, we supported the proposed tree cutting based on the rationale described in the report that was attached to the above noted application.

3. Urban Planning & Development Services (November 1, 1999)

Our comments concerning this proposal are as follows:

Description:	Removal of trees and grade changes		
Zoning Designation:	G/Gr	Map:	47H 313
Applicable By-law(s):	438-86, as amended		
Plans prepared by:	CG&S	Plans dated:	September 1999

Zoning Review

A review of the information submitted indicates the proposal complies with the City's zoning by-laws.

Other Applicable Legislation and Required Approvals

1. The proposal DOES NOT require conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
2. The property is listed historical, and the proposal requires the approval of Heritage Toronto under the Ontario Heritage Act.
3. The proposal requires Approval for a Minor Variance from the City of Toronto Municipal Code, Chapter 276, Ravines.

4. Works and Emergency Services (October 20, 1999)

The development is associated with the Lower Duck pond in High Park.

This project has been designed in conjunction with Works and Emergency Services and Economic Development, Parks and Recreation Forestry Services. All requirements with respect to the ravine protection have been satisfied with this design and I have no requirements with respect to this application.

The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 26, 1999) from Karen Yukich and Ron Allan, High Park Citizens' Advisory Committee, and a copy thereof is on file in the office of the City Clerk.

Insert Table/Map No. 1
1873 Bloor Street West

Insert Table/Map No. 2
1873 Bloor Street West

Insert Table/Map No. 3
1873 Bloor Street West