

Consolidated Clause in Planning and Transportation Committee Report 6, which was considered by City Council on September 25, 26 and 27, 2006.

5

**Don Mills Road Transit Improvements Environmental Assessment
Draft Terms of Reference
(Don Valley East, Don Valley West, Toronto Centre-Rosedale,
Toronto-Danforth)**

City Council on September 25, 26 and 27, 2006, amended this Clause by deleting Recommendation (1) of the Planning and Transportation Committee and replacing it with the following:

- “(1) the study be of transit improvements for a continuous service between Don Mills Station (Sheppard subway) and the Downtown Core, to be carried out as an integrated and co-ordinated environmental assessment study of this continuous transit service along with the environmental assessments for the Waterfront and on Kingston Road; in particular, the combined environmental assessments will examine and evaluate transit needs and connections. The Chief Planner and Executive Director is directed to modify the Terms of Reference for the Don Mills EA to reflect the description of the aforementioned undertaking and the integration and co-ordination between the EAs, which will include exchange of public/stakeholder input, updates and links in public consultation processes and consistency of evaluation criteria;”.*

This Clause, as amended, was adopted by City Council.

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (August 15, 2006) from the Chief Planner and Executive Director, City Planning, subject to:

- (1) deleting Recommendation (1) and replacing with the following:**

- “(1) WHEREAS City Council adopted the Don Valley Corridor Transportation Master Plan (DVCTMP) at its meeting of May 17 to 19, 2005; and**

WHEREAS one of the Higher Order TTC improvements recommended by the DVCTMP was “Don Mills BRT service to North Downtown connecting to the Bloor-Danforth subway and to the Downtown core via the Richmond/Adelaide one-way pair” (DVCTMP – Page 36); and

WHEREAS the DVCTMP designated that service to the Bloor-Danforth subway and to the downtown core are “High Priority” and “should be pursued immediately” (DVCTMP – Page 40 and Table 8); and

WHEREAS the DVCTMP envisaged that these interrelated services would be investigated together “as part of a future environmental assessment study” (DVCTMP – page 21) and commented that such “follow-on EA study would assess in more detail the routing options south of Overlea Boulevard and connections to the Bloor-Danforth Subway and downtown (DVCTMP – Table 8) and noted “With respect to transit markets, much of this study has focussed on access to both midtown Toronto (North Downtown) and the traditional “downtown core”. Servicing these two markets requires flexibility with respect to alternate routing. These issues need to be investigated as part of a future environmental assessment study....” (DVCTMP – page 21); and

WHEREAS City Council, at its meeting of May 17 to 19, 2005, confirmed the essential integrated nature of the Don Mills service and the downtown core service in adopting the recommendations of the Planning and Transportation Committee and the Works Committee (meeting April 7, 2005), as amended by City Council at its meeting May 17 to 19, 2005, including that “(IV) options other than the bus ramps to Castle Frank Station, such as a transit stop/station on Bayview Avenue, with a vertical connection to the Castle Frank Station by way of a people mover (elevator or covered escalator) be reviewed as a possible alternative” and that “(V) opportunities for light rail be reviewed as an alternative to bus rapid transit, including designing the project to later convert to light rail if not presently the preferred option” and that “(VI) options to increase the Don Mills BRT route include connections with Queen Street, King Street and the Waterfront” and that “(VII)(b) when assessing alternatives to link a future possible transit corridor to the Bloor/Danforth Subway, give preference to alternatives that do not use the Bloor Street ramp to the Castle Frank Stations” and that “(2)(d) the option of carrying traffic directly from Adelaide Street East to the Don Valley Parkway, without connection to the Bayview extension, be included in the Environmental Assessment for the Downtown Core options” (Minutes of the Council of the City of Toronto, May 17, 18 19, 2005, s. 6.126 – page 27; Planning and Transportation Committee and Works Committee Decision Document Meeting 1 – page 2); and

WHEREAS to facilitate the examination of integrated solutions and to reduce the likelihood of suboptimal ones, it is desirable that these interrelated services be the subject of a single environmental assessment study rather than a bifurcated study; and

WHEREAS draft Terms of Reference for a bifurcated Environmental Assessment Study for Don Mills Road Transit Improvements between Don Mills Station and the Bloor-Danforth subway alone, were presented to the public at three Open Houses at which strong and repeated representations

were heard to the effect that service to North Downtown connecting to the Bloor-Danforth subway and to the Downtown core should be the subject of a single integrated environmental assessment study as envisioned in the DVCTMP; and

WHEREAS the Environmental Assessment Study will include a comprehensive public consultation program;

NOW THEREFORE BE IT RESOLVED THAT City Council support the carrying out of an integrated and co-ordinated environmental assessment study of transit improvements for a continuous Don Mills service to North Downtown connecting to the Bloor-Danforth subway and to the Downtown Core (DVCTMP – page 36) under terms of reference drafted in conformity with the recommendations of the Planning and Transportation Committee and Works Committee at its meeting April 7, 2005, adopted, as amended, by Council of the City of Toronto at its meeting May 17 to 19, 2005 (s626 – page 27)”; and

(2) adding the following:

“the Environmental Assessment Study public consultation program include the following stakeholders:

(a) Ward 34 Councillor and the following:

- Don Mills Residents Inc.;
- Don Valley East (RACA);
- Fenside Community Association;
- O’Connor Hills Ratepayers Association;
- Bermondsey Business Association;
- Victoria Village Community Association;
- Condominium Corporations (Ward 34); and

(b) all Ward Councillors, Community and Ratepayers Associations, and Condominium Corporations, in the Don Valley Corridor.”

The Planning and Transportation Committee submits the report (August 15, 2006) from the Chief Planner and Executive Director, City Planning:

Purpose:

To advise on the status of the Draft Terms of Reference (ToR) for the Don Mills Road Transit Improvements Environmental Assessment (EA), and seek endorsement to proceed with the EA to study transit improvements along Don Mills Road between Don Mills Station (Sheppard Subway) and the Bloor-Danforth subway, as described in the ToR.

Financial Implications and Impact Statement:

There are no financial implications resulting from adoption of this report. The approved budgeted costs for conducting the EA study, after the Terms of Reference stage, is \$578,436.70 including all applicable taxes and charges. The cost to the City net of GST is \$545,695.00. Funding is available in the 2006 approved Capital Budget for - WBS Element CUR 028 Development Funded Studies. It is proposed that funds not spent in 2006 will be transferred to the 2007 Capital Budget submission.

Recommendations:

It is recommended that:

- (1) Council confirm its support to proceed with an individual EA study of transit improvements on Don Mills Road between Don Mills Station (Sheppard subway) and the Bloor-Danforth subway as the highest priority transit service improvement in the Don Mills corridor as documented in the Draft Terms of Reference; and
- (2) Council authorize staff to submit the Draft Terms of Reference for the study to the Minister of the Environment for approval, following the adoption of this report.

Background:

At its meeting of May 17-19 2005, City Council adopted the recommendations of Planning & Transportation Committee and Works Committee Joint Report 1 regarding the Don Valley Corridor Transportation Master Plan (DVCTMP). The DVCTMP identifies a series of recommended improvements and initiatives for increasing person-carrying capacity in the Don Valley corridor.

City Council endorsed nine “Key Initiatives” recommended in the DVCTMP and supported additional EA and operational studies required to implement the elements identified as “High Priority Projects” of the Master Plan. These studies would be completed by the agency or agencies that have jurisdiction and/or interest in the project. Among the Stage 1 High Priority Elements of the Master Plan is the introduction of improved, higher capacity transit service on Don Mills Road. While the DVCTMP provides much of the background analysis and justification for the project, additional EA approval is required to identify and re-evaluate issues such as: vehicle technology (e.g., bus, streetcar, light rail, etc.), routing options, and alignment configurations (e.g. reserved transit lanes, partial or exclusive right-of-way) as part of possible conceptual design options. The EA study will fully define and evaluate project alternatives in greater detail and include a comprehensive public consultation program.

Since the approval of the DVCTMP, City staff has been working with TTC, GO Transit and York Region and other agencies to undertake the necessary actions to implement the recommendations of the DVCTMP, particularly the Stage 1, High Priority components. A number of projects are underway or have been implemented, including:

- Feasibility study of bus shoulder lane operations on DVP – joint project with GO Transit
- Transportation Management Association (TMA) for Consumers Road Business Area – implemented as part of the Smart Commute initiative which is co-funded by the City, other GTA municipalities and Transport Canada
- VIVA Quick Start Implementation – TTC and City staff has worked with York Region and VIVA staff to assist in implementation of new transit stops within the City along VIVA’s north-south route from Highway 7 to Don Mills Station
- Expansion of the Cummer GO Station commuter parking lot – GO Transit is investigating options to expand the lot within the hydro corridor
- Don Valley Parkway Operational improvements south of Highway 401 – some improvements were constructed as part of structural rehabilitation at York Mills Road and further operational/design opportunities are being examined as part of the bus shoulder lane operation study
- RESCU and Compass integration enhancements – City staff is involved in on-going collaboration with the Ministry of Transportation regarding integration and operations between RESCU and Compass systems
- Initiation of the ToR for the Don Mills Road Transit Improvements EA

Don Mills Road Corridor

The Don Mills Road corridor comprises three distinct transit components of varying priority and market-potential:

Stage 1 - High Priority

- (1) Don Mills Station(Sheppard Subway) to the Bloor-Danforth subway;

Stage 2 - High Priority

- (1) Bloor-Danforth subway to Downtown and Waterfront District; and
- (2) Don Mills Station (Sheppard Subway) extending north beyond Sheppard Avenue

City/TTC staff have prepared a Draft ToR for the Don Mills Road Transit Improvements EA study, Stage 1 - High Priority component of the project Don Mills Station (Sheppard subway) to Bloor-Danforth subway (see Attachment 1). The Draft ToR has been prepared pursuant to the Individual EA process under the Environmental Assessment Act. The ToR is the first stage of an Individual EA study and must be submitted to the Ministry of the Environment (MOE) for approval prior to conducting the EA study. The intent of the ToR is to summarize the work plan, public consultation plan, and identify the specific issues that need to be addressed during the EA study.

The City of Toronto and the TTC are co-proponents for this study. The City Planning Division, specifically the Transportation Planning section, will be responsible for the overall daily project management activities. The core Project Team will also have staff representation from the Transportation Services Division.

As part of the public consultation for the Draft ToR, staff held Open House sessions at three locations in the study area in April 2006. The Open Houses were publicized in local and regional newspapers. The public consultation process is documented in Appendix B of the Draft ToR (attached). Issues and comments received at the Open Houses and during the subsequent comment period are also documented in Appendix B, along with actions and responses.

In addition to these Open Houses, three separate stakeholder groups requested individual meetings with the Project Team to specifically discuss their individual concerns. These meetings were held with the following groups:

- Drumsnab / Castle Frank / Mckenzie Concerned Residents (May 25th, 2006);
- South Rosedale Ratepayers' Association (June 8th, 2006); and
- Task Force to Bring back the Don (July 19th, 2006)

The meeting with Castle Frank / Drumsnab / MacKenzie Concerned Residents was held after a submission was sent to staff (dated May 8, 2006), prepared by the group's transportation consultant, Mr. Michael Tedesco. The submission laid out concerns regarding the Draft ToR, including the study scope and range of alternatives to be investigated.

City and TTC project staff attended, at the request of the South Rosedale Ratepayers Association (SRRRA) and Councillor Kyle Rae, a community meeting in the Rosedale neighbourhood.

The Task Force to Bring Back the Don invited staff to attend their regular meeting on July 19th, 2006. At this meeting, staff provided an overview of the status of the Draft ToR and heard comments from the group. Staff received a follow-up letter to confirm their comment on the Draft ToR.

The comments provided at each meeting, or included in follow-up correspondence, are included among the Key Issues table in Appendix B. Where appropriate, modifications were made to the Draft ToR in response to the issues and concerns raised.

Comments:

At the meeting on May 25, 2006 with representatives of the Castle Frank/Drumsnab/ MacKenzie Concerned Residents group, project staff agreed to incorporate clarifications in the Draft ToR regarding the assessment of overall corridor transit needs and the air quality and noise assessments required during the EA study. However, staff did not agree with the group's requests concerning the EA's scope and specific routing options:

- (1) Routing Options - options connecting to Castle Frank station via the Bloor ramp should be removed from the Draft ToR and replaced with options that stay on Bayview Avenue; and
- (2) EA Scope - the current EA must include a full assessment of routing options into the Downtown Core.

Discussion of staff's position on these issues is provided below.

From the residents' perspective, routing options accessing Castle Frank station via the Bloor ramp are not preferred. However, the Environmental Assessment requires the proponent to include all reasonable options. The DVCTMP did examine routing options via the Bloor ramp and found them to be reasonable and feasible. Therefore, they should be carried forward for further study during the EA. In addition, Council directed that options connecting to Castle Frank station via a station/connection on Bayview Avenue (i.e. not using the Bloor ramp) must be examined as part of the EA study. The more detailed evaluation and examination of alternatives through the EA is the appropriate venue for determining a preferred routing option.

Written correspondence re-iterating the residents' concerns was received from Mr. Robert Rueter, partner of the law firm Rueter Scargall Bennett LLP, legal counsel for the Castle Frank-Drumsnab-MacKenzie Concerned Residents, dated June 28, 2006 (Attachment 2). Mr. Rueter, on behalf of his clients requested that the study area identified in the Draft ToR be amended to include consideration of transit improvements south of the current EA study limits (Bloor-Danforth subway) to the Downtown Core. Mr. Rueter's contention is that the expanded study limit is a requirement for the EA in accordance with Council's April 2005 adoption of the recommendations of Planning & Transportation Committee and Works Committee Joint Report 1 regarding the DVCTMP. Further, Mr. Rueter contends that not including the Downtown options in the EA would be improper and "legally defective".

Transit improvements between Don Mills Station (Sheppard subway) and the Bloor-Danforth subway were identified as Stage 1 High Priority in the DVCTMP.

These transit improvements can provide an opportunity to develop a cost-effective surface transit alternative serving trips to/from the residential and employment areas within the Don Mills Road corridor and the north Downtown (north of Dundas Street), as well as integrate with York Region Transit and GO Transit services. Transit improvements between Don Mills Station (Sheppard subway) and the Bloor-Danforth subway were identified as having the following benefits:

- the greatest potential for increasing the share of trips made by transit in the Don Valley corridor; and
- providing the highest potential transit service benefits, both to existing and projected new riders.

It is staff's position that transit improvements on Don Mills Road between the Sheppard subway and the Bloor-Danforth subway is the highest priority surface transit project in the Don Mills corridor. This position is reinforced by the analysis and recommendations in the DVCTMP and Council's direction.

Proceeding with the Don Mills Road Transit Improvements EA, between the Don Mills Station (Sheppard subway) and Bloor-Danforth subway, and implementing the infrastructure and services is not dependant on, nor will it preclude, alternatives for additional service to the Downtown core. The Don Mills corridor transit services contemplated in the DVCTMP are two separate services, serving two distinct travel markets (destinations), albeit in the same Don Mills corridor. These transit services may also be operated separately and implemented in stages, with common infrastructure north of Bloor-Danforth.

The Draft ToR includes a requirement to protect for and consider integration of transit services both north of the Sheppard Avenue and south of the Bloor-Danforth subway to the downtown and Waterfront districts. In the assessment of routing and design alternatives for the Don Mills Station to Bloor-Danforth service future integration will be among the key evaluation criteria used, as stipulated in the Draft ToR.

The development of transit infrastructure improvements on Don Mills Road between Don Mills Station north of Sheppard Avenue connecting to VIVA services in York Region requires York Region to advance their transit project north of Steeles Avenue.

Transit improvements between the Bloor-Danforth subway and Downtown would be a separate and distinct service in the Don Valley corridor subject to a review through a separate EA study to be completed under a new transit environmental assessment process. In addition, the TTC (and City) has initiated the Waterfront Transit EAs for the West Donlands, East Bayfront, and Portlands areas. These EAs will also include an assessment of transit service integration options from these areas to/from the Bloor-Danforth subway.

As described in the Draft ToR, the EA Study for improved transit services between the Don Mills subway station and the Bloor-Danforth subway line will include a comprehensive public consultation program.

The Draft ToR includes a description of the approvals process for the ToR. Once the Draft ToR is submitted to the Minister, a notice of submission will be advertised in the same media as the commencement notice. Any member of the public or any agency will have 30 days as of the notice of submission to provide comments on the Draft ToR. Once the comment period is closed, MOE staff will review comments and clarify any concerns with City/TTC staff. If the Minister approves the Terms of Reference, the City/TTC can proceed with the EA.

Conclusion:

Proceeding with the EA for Transit Improvements between Don Mills Station (Sheppard subway) and Bloor-Danforth subway and implementing the identified improvements to transit infrastructure and services is the highest priority for increasing passenger carrying capacity in the Don Mills Corridor. Therefore, the EA should proceed as documented in the Draft ToR. Transit improvements to be studied are not dependant on, nor will they preclude, alternatives for additional service to the Downtown core or Waterfront Districts.

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The Planning and Transportation Committee considered Attachment 1 : August 10, 2006 Draft – Don Mills Road Transit Improvements Environmental Assessment Terms of Reference and Attachment 2 : Rueter Scargall Bennett June 28, 2006 letter, and copies have been forwarded to Members of City Council under separate cover.

The Planning and Transportation Committee also considered the communication (August 30, 2006) from Councillor Kyle Rae, Ward 27, Toronto Centre-Rosedale.

The following persons addressed the Planning and Transportation Committee:

- Robert Rueter;
- W. Edwin Jarman;
- John D. McNeil;
- Jeff Layton;
- Davis Scott;
- Geoff Kettel on behalf of Advisory Committee of the Jenner Jean-Marie Community Centre;
- Faye Lyons, Government Relations Specialist, CAA South Central Ontario;
- Councillor Carroll, Ward 33, Don Valley East;
- Councillor Pitfield, Ward 26, Don Valley West; and
- Councillor Rae, Ward 27, Toronto Centre-Rosedale.