

Consolidated Clause in Policy and Finance Committee Report 8, which was considered by City Council on September 28, 29 and 30, 2005.

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**Environmental Assessment for Transit Projects
in the Eastern Waterfront**

City Council on September 28, 29 and 30, 2005, adopted this Clause without amendment.

The Policy and Finance Committee recommends that City Council receive the communication (June 23, 2005) from the General Secretary, Toronto Transit Commission.

At its meeting on Wednesday, June 22, 2005, the Commission considered the attached report entitled, "Environmental Assessments for Transit Projects in the Eastern Waterfront."

The Commission adopted the Recommendation contained in the report, as listed below:

"It is recommended that the Commission:

- (1) authorize the execution of an "Eligible Recipient" agreement between the Toronto Transit Commission and the Toronto Waterfront Revitalisation Corporation (TWRC), regarding Environmental Assessments for transit projects in the eastern waterfront, such an agreement to be in a form that is satisfactory to the Chief General Manager and General Counsel, noting that:
 - (i) TTC staff will be undertaking the Environmental Assessment (EA) studies for the construction of transit facilities in the eastern waterfront on behalf of the Toronto Waterfront Revitalisation Corporation (TWRC);
 - (ii) the TWRC has agreed to fund the cost of completing the studies and the agreement will reflect this;
 - (iii) the EA studies will involve staff from the TTC, the City of Toronto and the TWRC under the direction of a Steering Committee of staff drawn from these agencies;
 - (iv) TTC staff, in conjunction with the City and TWRC, plan to issue a Request for Proposals for consulting assistance to undertake the studies as soon as possible following completion of the "Eligible Recipient" agreement, and;
- (2) Forward this report to the City of Toronto and the Toronto Waterfront Revitalisation Corporation."

The foregoing is forwarded to City of Toronto Council through the Policy and Finance Committee for information.

Toronto Transit Commission
Report No. 32

Meeting Date: June 22, 2005

Subject: Environmental Assessments For Transit Projects in the Eastern Waterfront

Recommendations:

It is recommended that the Commission:

- (1) authorize the execution of an “Eligible Recipient” agreement between the Toronto Transit Commission and the Toronto Waterfront Revitalisation Corporation (TWRC), regarding Environmental Assessments for transit projects in the eastern waterfront, such an agreement to be in a form that is satisfactory to the Chief General Manager and General Counsel, noting that:
 - (i) TTC staff will be undertaking the Environmental Assessment (EA) studies for the construction of transit facilities in the eastern waterfront on behalf of the Toronto Waterfront Revitalisation Corporation (TWRC);
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 - (iii) the EA studies will involve staff from the TTC, the City of Toronto and the TWRC under the direction of a Steering Committee of staff drawn from these agencies;
 - (iv) TTC staff, in conjunction with the City and TWRC, plan to issue a Request for Proposals for consulting assistance to undertake the studies as soon as possible following completion of the “Eligible Recipient” agreement, and;
- (2) forward this report to the City of Toronto and the Toronto Waterfront Revitalisation Corporation.

Funding:

These capital project expenditures were included “below the line” under the Waterfront Initiatives in the East Bayfront and West Donlands Streetcar projects (as set out on pages 1415 to 1424 of the Expansion initiatives) of the TTC 2005-2009 Capital Program, which was approved by City Council on February 23, 2005. Funding for these projects has not yet been committed but will be provided through the TWRC. Execution of the “Eligible Recipient” agreement will allow funds to flow from the TWRC to the TTC for the EA studies.

Background:

The revitalisation of Toronto's eastern waterfront has been a high priority for the City of Toronto for many years. In the last few years, it has been the subject of an extensive planning and design process undertaken by the Toronto Waterfront Revitalisation Corporation and the City of Toronto. The City approved a secondary plan for the area in April 2003, and, since that time, the TWRC in conjunction with the City, has prepared a "Sustainability Framework" to guide the development towards a sustainable, environmentally-sound design. Central to both these documents is the need for higher-capacity transit facilities through the area to create communities which rely primarily on non-auto based travel modes for travel to, from, and within the area.

This approach has been strongly supported by the TTC and City Council, notably through their support for the concept of a "Transit First" approach to development. A report entitled "Transit First Investments in Toronto's Waterfront", which was approved by the TTC and City Council in June and July 2004, describes the importance of having a high-quality transit service in place when the first developments in the area are being occupied to encourage a high level of transit use from the outset. On this basis, Council directed that:

"Zoning by-laws to implement the East Bayfront and West Don Lands precinct plans be conditional on the construction of the streetcar rights-of-ways required for the "transit first" approach."

Planning is proceeding quickly for the West Don and East Bayfront precincts. The Precinct Plan and EA Master Plan for the West Don Lands was approved by Council at its meeting of May 17, 18, and 19, 2005. The Precinct Plan and the EA Master Plan for the East Bayfront is expected to be brought forward to Council in October 2005. The lifting of the holding provisions and the draft plan of subdivision in the West Don Lands could be brought to Council for approval in early 2006 which would allow development activity later that year.

To fulfil Council's direction regarding a "transit first" approach to development in the area, work must proceed immediately on the approval, design, and construction of transit facilities to serve the area.

Discussion:

The precinct plans and EA Master Plans provide a strong framework for the assessment of options and the selection of a preferred approach to providing transit service to these areas. The construction of higher-capacity transit facilities are, however, subject to the provisions of the Ontario Environmental Assessment Act and the Canadian Environmental Assessment Act. Undertaking individual EA studies for these projects is expected to take approximately two years, which would allow construction of the proposed transit facilities to be underway in 2008.

The planned project in the West Don Lands area could be constructed and in operation by 2009. The planned project to serve the East Bayfront is more complex to construct and, at the earliest, could be in operation in 2012.

As the future owner-operator of the proposed transit facilities, it is appropriate for the TTC to take the lead in designing and constructing the required facilities. On this basis, the TWRC and the City have agreed, in principle, to the TTC being the proponent for these projects and to take the lead in preparing the required Environmental Assessment studies. Both City staff and the TWRC will have extensive involvement in the studies. A Steering Committee of senior staff from each agency will be formed to ensure that the projects proceed as quickly as possible while meeting the objectives of all of the agencies involved. TTC staff expect, and look forward to, a productive working relationship with the TWRC and the City through all stages of the EA process.

The TWRC has budgeted for undertaking these EA studies in 2005 and 2006, as well as including funds in their five-year capital budget for construction of transit facilities for West Don Lands and East Bayfront. The TWRC has agreed to fund the EA studies but this requires an “Eligible Recipient” agreement between the TWRC and the TTC to allow funds to flow from the TWRC to the TTC. The purpose of this report is to obtain approval from the Commission for TTC staff to enter into such an agreement to allow the EA studies to proceed as quickly as possible.

At present, there is an “Eligible Recipient” agreement in place between the TTC and the TWRC for the construction of the second subway platform at Union Station. This will be used as a model for the development of a second agreement to address these EA studies. It is expected that a third “Eligible Recipient” agreement will be required once the EA studies are complete, to allow for design and construction of whatever transit facilities are approved through the EA process.

The Mayor has requested that the Ontario Minister of Environment exempt waterfront transit projects from the conditions of Ontario’s *Environmental Assessment Act*. This request has been made on the basis that the processes currently in place by the City and TWRC for environmental protection meet or exceed the statutory requirements of the Act. Given the partnership between all levels of government to proceed quickly with the redevelopment of Toronto’s Waterfront, it would be in the best interests of all for transit projects in the waterfront to be exempt from the Act.

Even if the projects are formally exempted from the Ontario EA Act, more-detailed work needs to be undertaken on transit options and designs for the waterfront before construction can begin, and these design decisions will require approval by the City and the TWRC. Formal exemption from the EA Act would shorten the time required for approvals, but would have little effect on the work program required to finalize preferred designs for transit projects in the waterfront. For this reason, it is recommended that the study process proceed on the basis that Provincial EA approval will be required and, if a Provincial exemption for the projects is obtained, the work program and related agreements will be revised at that time.

The federal and provincial EA processes will address the transit service needs of the three precincts identified in the City’s and TWRC’s planning process, notably, the West Don, the East Bayfront, and the Port Lands. An individual transit EA will be required for each precinct but the projects are linked. The proposed approach is to simultaneously prepare terms of reference, as required under the *Environmental Assessment Act*, for each of the projects which draw on a common base of information concerning area conditions, the need, and justification for the projects. This will ensure that the need and justification for the projects reflects the linkages between the projects and avoids concerns about “piecemeal” planning for the area.

Following the preparation of three terms of references, one for each of the precincts, completion of the EAs will proceed for two of the three precincts, the West Don Lands and the East Bayfront. Completion of the EA for the Port Lands will be deferred to allow other plans for the area to be finalized that define required elements to be considered in the Port Lands transit EA. Notably, these include finalisation of the Don Mouth Naturalisation Project and plans for road improvements at the Cherry Street/Lakeshore intersection and the bridge crossings at the mouth of the Don River.

As the Environmental Assessments proceed, there will be full community consultation regarding the proposals. The Commission will be briefed on the results and conclusions of the studies at key milestones in the process.

Justification:

An “Eligible Recipient” agreement is required between the TWRC and the TTC in order for the TTC to receive the funding required to undertake the transit EAs in the eastern waterfront. It is important that the EAs proceed as quickly as possible in support of the revitalisation of Toronto’s waterfront.