



**STAFF REPORT
ACTION REQUIRED**

**Proposed Use of Lands on the Ashbridges Bay
Treatment Plant Site for a Toronto Transit Commission
Light Rail Vehicle Facility**

Date:	May 3, 2010
To:	Public Works and Infrastructure Committee
From:	City Solicitor General Manager, Toronto Water Deputy City Manager
Wards:	Ward 32
Reference Number:	

SUMMARY

The City entered into a mediation which resulted in an Agreement in relation to an Environmental Assessment (“EA”) conducted on operations at the Ashbridges Bay Treatment Plant (“ABTP”). Pursuant to the Agreement, the City completed a conceptual landscape plan (the “Plan”) for the ABTP site. The City now wishes to permit a portion of the land covered under the Plan to be used for a proposed TTC Light Rail Vehicle maintenance and storage facility. The Agreement requires that any new proposed use of ABTP lands must be raised with the Neighbourhood Liaison Committee (“NLC”), a committee created under the Agreement. If the NLC has significant concerns, such proposed use must be approved by City Council. The NLC has been consulted on the proposed TTC use, and opposes it. Council approval of the proposed use is therefore required. Toronto Water advises that the lands are not required for its operational purposes.

RECOMMENDATIONS

The City Solicitor and Deputy City Manager recommend that:

1. City Council approve the proposed use of lands approximately as shown in the dark outline on Appendix "A" for a Toronto Transit Commission Light Rail Vehicle maintenance and storage facility ("LRV facility"); and
2. the appropriate City staff be authorized and directed to take the necessary steps to give effect thereto.

Financial Impact

These recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Mediation Agreement was adopted as Report 9, Clause 2 of the Works and Utilities Committee, and approved by City Council on June 9, 10, and 11, 1999. The conceptual landscape plan was approved by Council in 2003. The link for that authority is set out below.

<Q:\2003\Standing\Works\clauses\200305-001.wcc.doc>

At its meeting of November 30, December 1, 2, 4 and 7, 2009, City Council approved a report authorizing an agreement with the Toronto Port Authority which amongst other matters provides for the purchase of approximately 18 acres of land at the ABTP. City staff are still in the process of completing that transfer. The 18 acre parcel is part of the land identified for the proposed LRV facility. The link for this authority is set out below.

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/cc42.9.pdf>

ISSUE BACKGROUND

An Environmental Assessment ("EA") was carried out on the Ashbridges Bay Treatment Plant ("ABTP") from 1989 to 1998, at which time the EA was submitted to the Ministry of the Environment ("MOE"). Nine persons requested a hearing on the EA. In order to avoid a hearing, the City conducted a voluntary mediation which resulted in an agreement (the "Agreement") signed by the City and nine persons. The Agreement contains commitments made by the City to undertake a landscape architecture site plan (the "Plan").

The Plan, approved by Council in 2003, covers lands not required for sewage treatment plant (“STP”) uses. The Plan is conceptual and subject to detailed design.

One element of the Plan known as the “Hill”, is located at the northwest corner of the ABTP. No detailed design has been carried out for this area. This area is being considered as the potential site for the TTC’s LRV facility required in the area. The TTC is carrying out an assessment of this site under the Provincial Transit Project Assessment Process (“TPAP”) Regulation, enacted under the *Environmental Assessment Act* (“EAA”).

The Agreement sets out a process to be followed where a new proposed use, such as the LRV facility, is considered for ABTP lands.

Section 6.1.7 of Resolution No. 9 of the Agreement provides as follows:

The NLC will be consulted regarding any proposed use of the MTP Site and any proposed amendments to the Site Plan. If the NLC considers any proposed use or development or any amendment to the Site Plan to be significant in its applications for the ultimate development of the site or in its visual or other impact on the neighbours of the MTP, the City agrees that no such use, development or amendment will be implemented unless it has received approval by City Council, and if necessary, approval under any applicable provincial legislation.

Therefore, under the Agreement, the following steps are required:

1. Consultation with the NLC;
2. Determination of whether the NLC considers the proposed use significant;
3. If so, approval by City Council of the proposed use.

Consultation

The TTC held three open houses in June of 2009 to consult with the public regarding the rationale and site selection for the LRV facility. City staff ensured that all members of the public on the City’s ABTP consultation list (approximately 750 persons), including all NLC members, were sent written notice of these meetings. The TTC also sent out approximately 25,000 flyers and advertised in a local newspaper. Nine NLC members attended these meetings, including one of the NLC co-chairs, and five made written comments. TTC held further public meetings, with notice, on February 18 and April 8, 2010. Further consultation by the TTC continues as the TTC carries out the preliminary planning and TPAP process for the project.

The proposed LRV use was an Agenda item at NLC meetings No. 94 (September 17, 2009), No. 95 (November 19, 2009), No. 96 (February 25, 2010) and No. 97 (April 19, 2010). The TTC provided a written presentation at Meeting No. 94 and a further written and verbal presentation at Meeting No. 96. Staff from Toronto Water, and the TTC were available for questions at NLC Meeting No. 97.

NLC Position

By a motion adopted at its Meeting No. 96, the NLC indicated that it was opposed to the LRV facility being located at the ABTP. The motion is attached as Appendix "B".

The Implementation and Compliance Monitoring Committee ("ICMC"), a second local committee created under the Agreement, indicated in its Annual Compliance Report for 2009 that "the TTC should find an alternative site". Many of the ICMC members are also members of the NLC.

The NLC, and ICMC clearly consider the proposed use significant for the purpose of the Agreement. As a result, City Council approval of the proposed use is required.

Approval of Proposed Use

The TTC has ordered 204 new Light Rail Vehicles (LRV) to replace the existing streetcar fleet. A new facility is required for the storage of 100 of the new vehicles and to provide for maintenance of the new fleet. The TTC undertook an analysis including public consultation of alternative sites for the LRV facility. At its meeting of December 16, 2009 the Commission confirmed that the Ashbridges Bay site was the preferred site for the LRV facility. The details of the TTC proposed use will be finalized through the TPAP process and subsequent detailed design.

The NLC has been notified of the proposed TTC use and the TPAP process, and has discussed the matter as an agenda item at its four most recent meetings.

Toronto Water has carried out an analysis of its requirements for future sewage treatment plant ("STP") uses. Toronto Water has concluded that the subject lands are not required for STP uses except for a small underground area measuring approximately 33 by 282 metres running along the southerly edge of the lands outlined in Appendix "A", which area shall remain under the operational management of Toronto Water, in relation to which TTC and Toronto Water will co-operate on issues related to maintenance, access, etc. Toronto Water reviewed its conclusions regarding its land requirements with the NLC at the most recent NLC meeting No. 97 and confirmed to the NLC that the subject lands are not required for STP uses.

COMMENTS

The proposed TTC use is a new use on the ABTP site. Under the Agreement, if a new use is of significant concern to the NLC, it must be approved by Council.

The details of the proposed LRV use, and its integration with the conceptual Plan are to be developed through the TTC's TPAP process and subsequent detailed design.

The soil currently stored on this area is anticipated to be removed by the TTC in accordance with all applicable laws.

It is therefore recommended that City Council approve the proposed use of the lands for the TTC LRV facility.

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SIGNATURE

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ATTACHMENTS

Appendix "A" - Property Information Sheet
Appendix "B" - NLC Motion adopted at Meeting No. 96