

## **Bayview "Bus Ramp Easement"**

**Date:** June 27, 2017

**To:** City Council

**From:** City Manager

**Wards:** Ward 28 - Toronto Centre - Rosedale

### **SUMMARY**

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The West Don Lands neighbourhood is an emerging neighbourhood in the east downtown of the city. The West Don Lands is immediately adjacent to Corktown, an established neighbourhood to the north. The subdivision agreement for the West Don Lands includes an easement for a potential ramp to connect eastbound buses on Adelaide Street West to Bayview Avenue. The easement was secured in 2009 in recognition of City Council's May 2005 approval of the Don Valley Corridor Transportation Master Plan (TMP). The TMP identified the bus ramp as a transit alternative to improve bus service between the Don Valley corridor and the downtown core.

Transit planning for improved service into the downtown core has been further advanced by the Relief Line project since the completion of the TMP in 2005. The bus ramp, which would have a significant negative impact on the further development, character and public realm in the neighbourhood, is no longer required as a transit improvement. As a result, it is recommended that the easement be removed from the subdivision agreement.

### **RECOMMENDATIONS**

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The City Manager recommends:

1. City Council authorize the release or partial releases of the City's interest in the Bayview "Bus Ramp Easement" registered against title to the properties legally described as Parts 2, 4 and 6 on Plan 66R-25396 in exchange for receipt by the City of fair market value consideration, which shall include grants to the City of a 3m buffer zone and negative support easement for the Downtown

Relief Line, such release or partial releases to otherwise be granted on terms and conditions acceptable to the Chief Corporate Officer in consultation with TTC's Chief Capital Officer, and in a form satisfactory to the City Solicitor; and,

2. City Council direct the City Clerk to forward this report and decision to the Chief Executive Officer of the Toronto Transit Commission for information and any action as deemed appropriate. The decision of this report shall satisfy City Council's decision #4 on City Manager's Report- Advancing Planning and Design for the Relief Line and Yonge Subway Extension adopted on May 24, 25 and 26, 2017.

## **FINANCIAL IMPACT**

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There are no financial implications associated with the adoption of the recommendations in this report.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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The following Council decisions relate to the Bayview Bus Ramp Easement:

At its meeting of May 24, 25 and 26, 2017, City Council considered Report EX25.1 on "Advancing Planning and Design for the Relief Line and Yonge Subway Extension", and in so doing, adopted two motions of particular relevance to the Bayview "Bus Ramp Easement".

One, City Council request the Chief Planner and Executive Director, City Planning in partnership with the Chief Executive Officer, Toronto Transit Commission and Metrolinx, to advance the planning and design of the Relief Line South based on the recommended alignment and report to City Council, when a Class 3 cost estimate and schedule has been developed for the project, which is anticipated to be in the fourth quarter of 2019.

Two, City Council request the Chief Planner and Executive Director, City Planning in consultation with the Chief Executive Officer, Toronto Transit Commission, to report as soon as possible, and at the latest to the September 5, 2017 meeting of the Toronto Transit Commission Board, and the September 26, 2017 meeting of the Executive Committee, on the requirement for and possible removal of the Bayview "Bus Ramp Easement" in the West Don Lands as it relates to City Council's consideration of the Relief Line Project and the build-out of the West Don Lands Precinct .

Link to City Council's May 24, 25 and 26, 2017 decision document:  
<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getCouncilDecisionDocumentReport&meetingId=11859>

At its meeting of May 17, 18 and 19, 2005, City Council considered Planning and Transportation Committee and Works Committee Report 1, and in so doing adopted the findings of the Don Valley Corridor Transportation Master Plan.

Link to City Council's May 17, 18 and 19, 2005 decision document:  
<http://www.toronto.ca/legdocs/2005/agendas/council/cc050517/cofa.pdf>

## **COMMENTS**

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### Don Valley Corridor Transportation Master Plan

The key objective of the 2005 Don Valley Corridor Transportation Master Plan study was to develop cost-effective solutions for increasing transit passenger carrying capacity in the corridor. The study identified various alternative improvement solutions, which focused on a Bus Rapid Transit (BRT) service on Don Mills Road and connecting options to either Castle Frank, Broadview or Pape Subway station. A further option to connect south to the Downtown Core was also identified. This route was assumed to be an express service at the south end of the study area. All of the alternative solutions were identified as subject to future Environmental Assessment study, however the studies were not initiated.

The option to connect to the Downtown Core south of Bloor/Danforth was limited by the available space in the Don Valley Parkway (DVP) corridor. As a result, the construction of a new one-way, bus-only ramp connecting eastbound Adelaide Street (at the Eastern Avenue Diversion) to northbound Bayview Avenue was identified in lieu of providing this service on the DVP. The preferred bus route in the southbound direction followed the DVP and Richmond Street off-ramp westbound into the downtown core.

The TMP also assumed a reserved bus lane on Richmond Street and Adelaide Street as far west as Peter Street, and a new reserved bus lane on Bayview Avenue in the northbound direction. North of Rosedale Valley Road there were two options for connecting from northbound Bayview Avenue. One option was via the Bloor Street on-ramp to the northbound DVP and exiting at Don Mills Road to the north. This option required lane improvements to the section leading to the on-ramp. The second option required the construction of the Redway Road extension north of Pottery Road between Bayview Avenue and Millwood Road. Buses would then travel south on Millwood Road, and east on Overlea Boulevard to northbound Don Mills Road. (See Attachment A)

The land required for the bus-only ramp was included as an easement in the December 2009 (updated March 2011) Subdivision Agreement for the West Don Lands (described as part of Blocks 5, 6 and 8 from Plan 66M-2473 designated as Parts 2, 4 and 6 on Plan 66R-25396). (See Attachment B) Block 5 is referenced to the property at 170 Eastern Avenue, which is the subject of a December 2016 Site Plan application (revised application submitted May 2017) and an April 2017 Committee of Adjustment hearing.

### Build-Out of West Don Lands

Since the completion of the Subdivision Agreement, a number of events have occurred that influence and impact this new neighbourhood. The most significant event was the Toronto Pan Am and Parapan American Games held in July and August of 2015. The Athlete's Village for the Games was located in the West Don Lands immediately south of 170 Eastern Avenue, and centred along Front Street between Bayview Avenue and Cherry Street. This event significantly accelerated a portion of the development of the West Don Lands, and the Village was subsequently opened to housing and other uses consistent with the subdivision plan. As part of the development plans significant public realm, parks and open spaces were created, and have become key factors in the vibrancy of the West Don Lands and Corktown Common.

The existing area under the Eastern Avenue Diversion was always recognized as a particular challenge to the neighbourhood and the public realm environment, one which poses a significant physical and visual barrier. Similar to developments in other cities around the world, this area was re-imagined and designed as the award-winning Underpass Park. The design includes passive and active areas, various lighting schemes, special event programming, public art, recreational uses, and has featured in music videos, commercials and other media. The space is well used by residents, visitors, and children and young people in particular.

One of the most significant benefits of the park has been helping to reduce the barrier effect caused by the overpass structure and improving overall safety in the area. The introduction of an added ramp structure would undermine many of the positive benefits created by Underpass Park, and increase the barrier effect in the neighbourhood. At the same time the express bus route would not serve the community that is directly impacted by the ramp.

### River City 4 Development – 170 Eastern Avenue

In December 2016, Urban Capital submitted a Site Plan application to develop a 12-storey residential condominium building with residential penthouse, containing 144 units, retail uses on the ground floor and 84 below grade parking spaces at

170 Eastern Avenue. The Site Plan process is nearing completion and the majority of issues have been resolved. The building, as currently proposed, encroaches slightly and above grade into the easement at the northeast corner of the site, and the building's service and loading area is located entirely within the easement. Below grade, the parking extends to the full extent of the site, including the lands subject to the easement. Without the removal of the easement, the project would require significant modification.

On April 26, 2017, an application for Minor Variance to amend site-specific By-law 588-2006 was heard by the Committee of Adjustment for variances related to building height, a reduction in the required setbacks, an increase in the coverage of the residential and mechanical penthouse, an increase in the balcony projections, and a reduction in the parking stall lengths. The application was approved by the Committee of Adjustment subject to the following condition:

“Condition 19 identified in the Plan of Subdivision Agreement for the part of Blocks 5, 6, and 8 on Plan 66M-2473 designated as Parts 2, 4 and 6 on Plan 66R-25396 stipulating that an easement be dedicated to the City for the purposes of a bus ramp easement is in effect and must be adhered to, until such time that City Council recommends the elimination of the bus ramp easement as a long term transit solution for the Don Valley Corridor. Alternatively, should the bus ramp not be removed, the owner has the option to revise the design to completely eliminate any portion of the building (above and below grade) within part of Blocks 5, 6, and 8 on Plan 66M-2473 designated as Parts 2, 4 and 6 on Plan 66R-25396.”

This property at 170 Eastern Avenue is also adjacent to the approved alignment for the Relief Line South subway connection linking Pape Subway and Osgoode Subway stations. On May 24, 25 and 26, 2017 City Council considered Item EX25.1 Advancing Planning and Design for the Relief Line and Yonge Subway Extension, and in so doing adopted a number of motions, including advancing the planning and design of the Relief Line South based on the recommended alignment.

TTC requires a 3m clear buffer zone around the subway tunnels for construction, maintenance and operation purposes. As the Relief Line is not built, the 3m buffer zone would also help mitigate some potential construction impacts to the development. As proposed, and based on the information provided to the City and TTC, a portion of the P3 level of the parking garage and tie-backs (tensioned cables drilled into the ground) at the south portion of the development site are within the 3m buffer zone. It is crucial for TTC to have a clear 3m buffer zone around the tunnels, without tie-backs (stressed or de-stressed). Tie-backs within the alignment and buffer zone could represent a critical impact on the tunnel boring machines, which cannot go through tie-backs. In situations where there are tie-backs, a different construction methodology will have to be used or the tie-backs have to be excavated out, both options add costs to the overall project.

As a condition of planning approval, the portion of the 3m buffer zone (horizontally and vertically) around the future subway tunnels should be conveyed to the City in fee ownership, free and clear of any encumbrances and for nominal consideration. Also, a negative support easement for support and protection against future loads bearing onto the tunnels will also be required. The negative support easement would limit future owners and developers (beyond what would be approved under the existing site plan application) from making alterations to the building that could impose structural loads onto the subway tunnels without TTC consultation. The 3m buffer zone and negative support easement are standard TTC requirements and have been granted by other developers through the City. City and TTC staff can work with the land owner through the site plan process to address the technical issues and timing of the conveyances for the buffer zone lands and negative support easement.

### Post-2005 Road Network Changes

In addition to the neighbourhood developments and changes in the immediate area of the bus ramp, since 2005 there have been a number of changes and City Council decisions related to the road network that was identified as part of the BRT improvements in the Don Valley Corridor TMP. These changes would further constrain the City's ability to implement the bus ramp and BRT plan as outlined in the TMP.

The sections of Richmond Street and Adelaide Street identified as requiring reserved bus lanes both accommodate recent separated cycle track pilot installations. This does not necessarily preclude the addition of reserve bus lanes, but it is a key factor which was not contemplated at the time of the TMP.

The TMP also contemplated adding a third lane on Bayview Avenue in the northbound direction. This was considered to be challenging but feasible given the corridor width. The road right-of-way on Bayview Avenue north of Queen Street is 15 metres wide, and is constrained by an above ground Hydro corridor, the railway corridor, retaining walls, limited setback in some cases, and there is a need to add sidewalks that do not currently exist. Last year the City also implemented a bi-directional and separated cycle path on the east side of Bayview Avenue north of Rosedale Valley Road in the section of the right-of-way where the reserved bus lane was considered. There is also a need to link the cycle path north of Rosedale Valley Road to the existing bicycle lanes on Bayview Avenue south of Queen Street, and fill in the gap.

In August 2014 the City's Public Works and Infrastructure Committee requested a staff report on the feasibility of extending Redway Road between Millwood Road and Bayview Avenue. As noted, this was identified in the 2005 TMP as an optional route for northbound Bayview buses destined for Don Mills Road. This

work is currently on hold, but a previous feasibility review in 2000 noted a number of challenges with building the road extension.

## Conclusion

The Don Valley Corridor TMP is now over ten years old and transit improvements to serve the study area have been further advanced through City Council's recent decisions on the Relief Line project. Based on the scope and network implications of the recommended alignment for the Relief Line South and the significant neighbourhood impacts described, the bus ramp is not considered to be a viable long-term solution to meet the transit needs in the corridor. This report recommends that City Council authorize the release or partial releases of the City's interest in the Bayview "Bus Ramp Easement" in exchange for receipt by the City of fair market value consideration, which shall include grants to the City of a 3m buffer zone and negative support easement for the Downtown Relief Line.

## CONTACT

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## SIGNATURE

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Peter Wallace  
City Manager

## **ATTACHMENTS**

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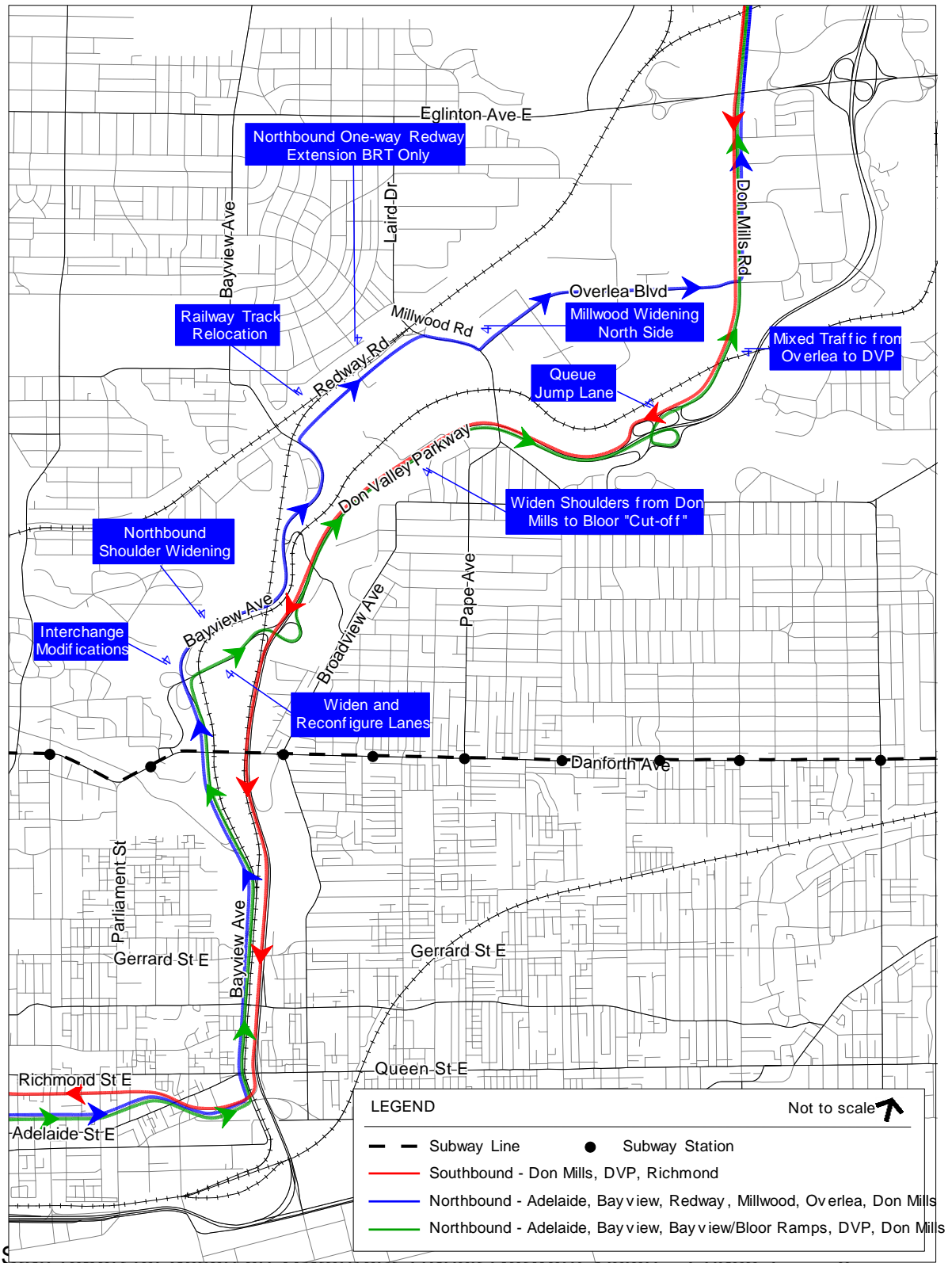
Attachment A – Alternative BRT Routings to Downtown Core

Attachment B – West Don Lands Phase 1 Subdivision Agreement



## ATTACHMENT A

Source: Don Valley Corridor TMP, 2005, Figure 9: Alternative BRT Routings to Downtown Core



ATTACHMENT B

