

Port Lands Flood Protection - New Cherry Street and Commissioners Street Interim Road Opening

Date: June 14, 2022

To: Toronto and East York Community Council

From: Director, Transportation Planning and Capital Program and Director, Traffic Management, Transportation Services

Wards: Ward 14, Toronto-Danforth

SUMMARY

This report proposes to extend Commissioners Street and realign a portion of Cherry Street by permanently closing a portion of the public highway and dedicating segments of public highway to the west. In addition, Toronto Transit Commission (TTC) operates a transit service on Cherry Street and Commissioners Street, therefore City Council approval of this report is required. Cherry Street and Commissioners Street are classified as major arterial roadways.

As part of the Port Lands Flood Protection Project and Enabling Infrastructure Project, Waterfront Toronto, on behalf of the three levels of government, will construct the new mouth of Don River through the lands currently designated as Cherry Street between Commissioners Street and Polson Street.

In order to facilitate construction of the new river mouth, a portion of the existing alignment of Cherry Street between Commissioners Street and a point 216 metres south will be removed and a new segment of Cherry Street will be constructed to the west of the current Cherry Street. The new Cherry Street alignment will intersect with the current Cherry Street alignment, approximately 67 metres north of Polson Street and ultimately connect to Lake Shore Boulevard East at Cherry Street North. In addition, Commissioners Street will be extended approximately 100 metres west and will connect to the new Cherry Street alignment. Vehicular traffic, pedestrians and cyclists on the current Cherry Street alignment will be shifted to the new alignment. The vehicular traffic lanes, trails and cycle tracks will be constructed to base asphalt condition. During the initial opening of new Cherry Street and the Commissioners Street extension, the lands to the east of the travelled lanes, trails and sidewalks on new Cherry Street and the lands to the south of the travelled lanes, trails and sidewalks on Commissioners Street will still be under construction, as shown in Attachment 1. The sections of land under construction will accommodate a future Light Rail Transit alignment. Therefore, this phase is considered the interim opening. During this interim period, most of the lands being opened as public highway will be leased from The Toronto Economic Development Corporation (TEDCO), with use of a small triangular

portion of the new Cherry Street bridge to be secured from PortsToronto by way of easement.

This report only deals with the portion of the new Cherry Street between Commissioners and Polson Street and Commissioners Street, between new Cherry Street and current Cherry Street. The anticipated date of the interim road opening is August 2022. A staff report will be submitted in Q2 2023 for subsequent dedication of the construction staging areas which run along the interim roads and the opening of the northern section of the new Cherry Street alignment, between Commissioners Street and Lake Shore Boulevard at Cherry Street North.

The cycling infrastructure on the interim roadways and temporary cycling lane on current Cherry Street is dealt through a companion report "Port Lands Flood Protection - Interim Road Opening (Cycling Infrastructure)" requiring Infrastructure and Environment Committee approval.

Authorization is being requested to designate the lands which contain the travelled lanes, trails and sidewalks as public highways and to implement traffic and parking by-laws for the interim road opening, to take effect in respect of each parcel of land after the new Cherry Street and Commissioners Street extension has been constructed by Waterfront Toronto to its interim condition to the satisfaction of the City and accepted and commissioned by the City and after a property right allowing its use as a public highway is granted to the City by the landowner. The City is accepting the road on an interim basis. Waterfront Toronto is required to complete the above mentioned construction activities prior to final acceptance.

Transportation Services is also requesting authority to install traffic control signals at the intersection of new Cherry Street and Commissioners Street as well as implement parking and traffic regulations on new Cherry Street and Commissioners Street extension.

Transportation Services is requesting authorization to temporarily close the Martin Goodman Trail on the east side of current Cherry Street, between Polson Street and a point 81 metres south, in order to accommodate a construction staging area. Trail users will be redirected to the west side of the current Cherry Street at the Ship Channel Bridge, by way of temporary traffic control signals.

Transportation Services also recommends that a portion of existing Cherry Street, between Commissioners Street and a point 216 metres south, designated as Part 53 on Plan 66R-32609 and shown in Attachment 3 (the "Highway"), be permanently closed. Once closed, it is intended that Part 53 on the Plan will be retained by the City and licensed to Waterfront Toronto to complete flood protection work.

RECOMMENDATIONS

The Director, Transportation Planning and Capital Program and Director, Traffic Management, Transportation Services recommends that:

1. City Council authorize public highway designation for the lands shown as:
 - (a) Parts 1-9, 13-20, 25, 34, and 45-48 on Plan 66R-32609, set out as Attachment 3 (the "Plan"), to take effect on the date that notice of a lease of the said lands from TEDCO to the City authorizing its use as a public highway is registered on title (the "Lease Registration Date"); and
 - (b) Part 59 on the Plan, to take effect on the later of the Lease Registration Date and the date that a transfer of easement from the Toronto Port Authority (PortsToronto) authorizing its use as a public highway is registered on title to the lands,

(collectively, the "Interim Roadways") and reconfigure Cherry Street in an interim condition as shown in Attachment 2 to the report (May 21, 2020) from the Director, Transportation Planning and Capital Program and Director, Traffic Management, Transportation Services. The lands designated as Parts 3, 6, 8 9 and 20 are to be dedicated in name as Commissioners Street. The lands designated as Parts 1, 2, 4, 5, 7, 13-19, 25, 34, 45-48 and 59 are to be dedicated in name as Cherry Street.
2. City Council authorize the appropriate City officials to take all steps necessary to implement the proposed dedication referred to in Recommendation 1 above, including requesting the City Solicitor to prepare and submit the relevant bills and to pay any costs necessary to register the resultant by-laws, if required.
3. City Council authorize the General Manager, Transportation Services, to negotiate, enter into and execute an agreement with Waterfront Toronto on terms and conditions satisfactory to the General Manager, Transportation Services, in relation to, among other things, street and pedestrian lighting on, as well as the construction, maintenance and warranty work of, the Interim Roadways and the new Cherry Street bridge; as well as to negotiate, enter into, and execute any other necessary agreements or documents, on behalf of the City, to temporarily exercise the City's authority.
4. City Council designate a 40 km/h speed limit on Cherry Street, between Polson Street and Commissioners Street (west intersection).
5. City Council designate a 40 km/h speed limit on Commissioners Street, between the west end of Commissioners Street and Cherry Street (east intersection).
6. City Council prohibit stopping at all times on both sides of Cherry Street, between Commissioners Street (west intersection) and Polson Street.
7. City Council prohibit stopping at all times on both sides of Commissioners Street, between the west end of Commissioners Street and Cherry Street (east intersection).

8. City Council prohibit southbound right turns on a red signal at all times at the intersection of Cherry Street and Commissioners Street (east intersection).
9. City Council temporarily close to pedestrian and cycling traffic Martin Goodman Trail on the east side of Cherry Street, between Polson Street and a point 81 metres south, from August 8, 2022 to December 31, 2022, inclusive, to facilitate a construction staging area.
10. City Council approve the installation of traffic control signals at the intersection of Cherry Street and Commissioners Street (west intersection).
11. City Council authorize the General Manager, Transportation Services, in issuing any requisite permits as delegated in Municipal Code Chapter 743, Streets and Sidewalks, Use of, to include additional permit terms as the General Manager of Transportation Services deems necessary and appropriate in the interim.
12. City Council direct that Waterfront Toronto be responsible for all costs incurred with respect to road repairs, traffic signage modifications, installation of traffic control set-up, and installation of traffic control signals.
13. City Council authorize the permanent closure of a portion of Cherry Street, shown as Part 53 on the Plan 66R-32609 set out as Attachment 3 to the report dated June 13, 2022, from the Director, Transportation Planning and Capital Program, and Director, Traffic Management Centre, Transportation Services, once the lands shown as parts 1-9, 13-20, 25, 34, and 45-48 on Plan 66R-32609 are designated as public highways.
14. City Council enact a by-law substantially in the form of the draft by-law set out as Attachment 4 to the report dated June 13, 2022, from the Director, Transportation Planning and Capital Program, and Director, Traffic Management Centre, Transportation Services.
15. City Council authorize the appropriate City officials to submit directly to Council at the appropriate time any necessary bills to amend the appropriate City of Toronto Municipal Code Chapters, and any Schedules to the Chapters, to reinstate the traffic and parking regulations to what they were immediately prior to the by-law amendments made in connection with the report (June 13, 2022) from the Director, Transportation Planning and Capital Program and Director, Traffic Management, Transportation Services.
16. City Council authorize the appropriate City officials to submit directly to Council at the appropriate time any necessary bills to amend the effective date of any dedication by-law(s) and/or traffic and parking regulation by-law(s) made in connection with the report (June 13, 2022) from the Director, Transportation Planning and Capital Program and Director, Traffic Management, Transportation Services, to, among other things, insert a specific effective date.

17. City Council authorize the City Solicitor to introduce the necessary bills to amend the effective date of By-law Nos. 653-2014, 654-2014, 655-2014, 706-2014, and 707-2014, which By-laws were previously enacted by City Council, to refer to the specific effective date of November 14, 2014.

18. City Council authorize the City Solicitor to amend City of Toronto Municipal Code, Chapter 950, Traffic and Parking to introduce the necessary bills to give effect to City Council's decision and City Council authorize the City Solicitor to make any necessary clarifications, refinements, minor modifications, technical amendments, or by-law amendments as may be identified by the City Solicitor or General Manager, Transportation Services, in order to give effect to Recommendations 1 to 17, inclusive, above.

FINANCIAL IMPACT

Transportation Services will be responsible for funding maintenance and operational activities for the Interim Roadways and the new Cherry Street bridge as negotiated with Waterfront Toronto.

The Chief Financial Officer and Treasurer has reviewed this report and agreed with the financial impact information.

DECISION HISTORY

By DAF 2022-131, the Director, Transaction Services on June 9, 2022, authorized the General Manager, Transportation Services to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of the City of Toronto Municipal Code Chapter 162, with Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. The General Manager, Transportation Services, is further authorized to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule A+ activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five (5) working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Highway will be considered.

City Council, at its meeting on February 2, 2022 adopted Item TE32.50 "Construction Staging Area - Time Extension - Port Lands Flood Protection - Cherry Street Temporary Diversion Road " to extend the closure of the two southbound lanes on Cherry Street, between a point 55 metres south of Commissioners Street and a point 393.5 metres further south, until July 31, 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE32.50>

City Council, at its meeting on February 2, 2022 adopted Item TE30. 18 "Port Lands Flood Protection - Cherry Street Temporary Diversion Road Time Extension" to extend the closure of the two southbound lanes on Cherry Street, between a point 55 metres south of Commissioners Street and a point 393.5 metres further south, until May 31, 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE30.18>

City Council, at its meeting on May 28, 2020 adopted Item CC21.16 "Port Lands Flood Protection - Cherry Street Temporary Diversion Road and Traffic Control Signals" authorizing a temporary closure of the two southbound lanes on Cherry Street, between a point 55 metres south of Commissioners Street and a point 393.5 metres further south, to accommodate a construction staging area, from June 29, 2020 to February 28, 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.16>

City Council, at its meeting on November 26 and 27, 2019 adopted Item TE10.29 "Construction Staging - Port Land Flood Protection and Enabling Infrastructure Project" authorizing a temporary full closure of Commissioners Street, between Cherry Street and a point 120 metres of Don Roadway; and Don Roadway, between Villiers Street and Commissioners Street to accommodate construction staging.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE10.29>

City Council, at its meeting on December 5, 6, 7 and 8, 2017 adopted as amended Item PG24.6 "Port Lands Planning Initiatives – Final Report" to guide the revitalization of the Port Lands.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.6>

City Council, at its meeting on November 8 and 9, 2016 adopted Item 2016 EX18.3 "Port Lands Flood Protection Due Diligence Review and Next Steps" authorizing the start of Essroc Quay Lake Filling and Naturalization capital project to be created with the Waterfront Revitalization Initiative Capital Program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX18.3>

COMMENTS

Project Background

The Port Lands Flood Protection Project, led by Waterfront Toronto, will provide flood protection to the level of a regulatory storm event (the equivalent of Hurricane Hazel) for the Port Lands and South of Eastern Avenue areas. As part of the project, Cherry Street will be re-aligned west of its current location from Lake Shore Boulevard East to Polson Street. The re-aligned Cherry Street will be the main north-south access route for the western portion of the Port Lands.

Waterfront Toronto has retained Ellis Don to provide construction management services for the Port Lands Flood Protection Project including the construction of the new Cherry Street alignment. This work, which will involve raising the grade of the roadway by more than two metres, has required extensive ground improvements. The final configuration of Cherry Street will include two-way, single lane traffic, pedestrian and cycling infrastructure, public realm improvements.

Interim Road Opening

In order to facilitate construction of the new river mouth, a portion of the existing alignment of Cherry Street between Commissioners Street and Polson Street will be removed. Commissioners Street will be extended approximately 100 metres west of current Cherry Street, also known as the Commissioners Street Extension, and will connect to the new Cherry Street alignment. The new Cherry Street alignment is located west of the current Cherry Street, between Polson Street and Commissioners Street extension, as shown on Attachment 1.

The lands on the east side of new Cherry Street and the south side of the Commissioners Street extension, which will eventually become part of the public highways, will be under construction to prepare the lands for a future Light Rail Transit alignment.

The new Cherry Street alignment, between Commissioners Street and Polson Street, will feature one northbound and one southbound vehicular traffic lane. A 4.0 metre bi-directional cycle track and a 3.0 metre sidewalk will be located on the west side of the subject section of new Cherry Street. The Commissioners Street extension will feature one westbound and one eastbound vehicular traffic lane. A 3.0 metre sidewalk and a 2.0 metre westbound cycle track will be located on the north side of the roadway with a 2.0 metre eastbound cycle track on the south side. This phase is considered the interim opening.

It should be noted that the Ship Channel Bridge on Cherry Street is currently under rehabilitation by PortsToronto. In order to facilitate construction activities, a construction staging area has been set-up on the southbound travel lane. As a result of the lane reduction, temporary traffic control signals are present at each end of the set-up to alternate two-way traffic flow. Additionally, Waterfront Toronto requires a temporary closure of the Martin Goodman Trail on the east side of existing Cherry Street, from Polson Street and a point 81 metres further south, to facilitate excavation for clean cap and construction of road base and paving. With the trail closure in place, people cycling will be detoured onto a temporary 3.0 metre wide bi-directional cycling lane on west side of current Cherry Street, between a point 23 metres south of Polson Street and a point 104 metres further south and pedestrians will be redirected onto the existing sidewalk on the west side of the roadway.

Matters related to the proposed cycling infrastructure and temporary cycling lane will be discussed in a companion report "Port Lands Flood Protection - Interim Road Opening (Cycling Infrastructure)" requiring Infrastructure and Environment Committee approval.

During the interim opening phase, the Interim Roadways will be leased from TEDCO, with the exception of a small triangular sidewalk area of the new Cherry Street bridge, designated as Parts 59 on Attachment 3 (the "PortsToronto Parcel") for which the City is seeking an easement from PortsToronto.

These lands will be dedicated as public highway once these interim land interests have been secured, and the Interim Roadways have been constructed by Waterfront Toronto in their interim condition to the satisfaction of Engineering Construction Services, and accepted and commissioned. Additionally, the proposed traffic by-law amendments will take effect once the lands from TEDCO have been dedicated. Ownership of all of these lands will be ultimately acquired once the streets are fully constructed and accepted by the City, and with respect to the PortsToronto Parcel, after the requisite approval has been obtained from the federal Minister of Transport for the transfer.

Transportation Services will be responsible for funding maintenance and operational activities for the Interim Roadways and the new Cherry Street bridge as negotiated with Waterfront Toronto.

TTC bus service will operate along the Interim Roadways. New bus stops are planned at the intersection of new Cherry Street and Commissioners Street once the construction of the public right-of-way is completed.

Additional staff reports will be submitted in Q2 2023 for the opening of new Cherry Street alignment, between Commissioners Street and Lake Shore Boulevard at Cherry Street North, as this report only deals with the portion of the new Cherry Street between Commissioners and Polson Street.

Road Closure

Transportation Services has reviewed the feasibility of closing of Part 53 of the Plan and has determined that it can be closed. Once closed, the lands will be licensed to Waterfront Toronto in order to undertake flood protection work.

The closing process requires approval from City Council. The draft by-law is an appendix to this report that recommends the closure of the Highway which will be tabled at the same Toronto and East York Community Council meeting where the public will have the opportunity to speak to the matter if they wish to do so.

The requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notices page of the City's website for at least five (5) working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Highway will be considered.

The Ward Councillor has been advised of the recommendations of this report.

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ATTACHMENTS

Attachment 1: Interim Road Opening
Attachment 2: Key Map: Port Lands Flood Protection Project
Attachment 3: Plan 66R-32609
Attachment 4: Draft Road Closure By-law Part 53