

## **Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District**

**Date:** May 5, 2023

**To:** Toronto and East York Community Council

**From:** Executive Director, Transit Expansion Division

**Wards:** Wards 4, 9, 10, 11, 12, 13, 14, 19

### **SUMMARY**

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Metrolinx's Ontario Line will be approximately 15.6 kilometres in length and will include 15 stations along its route. The Ontario Line will connect to other higher-order transit options including the Eglinton Crosstown LRT, Line 1, Line 2, and to the GO network, in addition to numerous TTC streetcar and bus routes. The purpose of this report is to provide additional information requested by the Subcommittee on Metrolinx's Ontario Line Construction within the boundaries of Toronto and East York Community Council (TEYCC), including details on:

- costs of awarded contracts and the companies that make up the consortiums delivering the work;
- federal funding;
- provincial plans for community benefits;
- engagement with Business Improvement Areas and available supports for businesses along the alignment;
- ongoing activities to manage traffic congestion, including traffic management plans and permit conditions, and other construction impacts;
- noise and vibration levels;
- plans for tree retention and to approaches to mitigate impacts to parks during construction; and
- details of affordable housing plans and impacts to housing, amongst other matters.

### **RECOMMENDATIONS**

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The Executive Director, Transit Expansion Division, recommends that:

1. Toronto and East York Community Council receive this report for information.

## FINANCIAL IMPACT

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There are no financial impacts associated with this report. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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In January 2020, City Council adopted, as amended, EX12.3 Toronto-Ontario Transit Partnership - Status Update, which included the Ontario-Toronto Memorandum of Understanding on Transit-Oriented Development ("MOU on TOD", now known as the "MOU on Transit Oriented Communities (TOC)") as Attachment 1. The MOU on TOC established a series of shared objectives for TOC and identified the roles and responsibilities of the City and Province for TOC specific to the Subway Program.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX12.3>

In September 2020, City Council adopted, with amendments, EX16.5 Provincial Priority Transit Expansion Projects - Subway Program Status Update Third Quarter 2020, which provided a status update on the Province's Subway Program in Toronto, including within the boundaries of Toronto and East York Community Council.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX16.5>

In November 2020, City Council adopted, with amendments, EX18.3 Update on Metrolinx Transit Expansion Projects - Fourth Quarter 2020 and adopted directives related to several Metrolinx transit expansion projects, including the Ontario Line.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX18.3>

In May 2021, City Council adopted EX23.3 Provincial Transit-Oriented Communities Program, which included requests of the Province to commit to early discussions with the City on potential TOC developments in order to shape commercial agreements in ways that are supportive of the City's planning vision.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX23>

On July 6, 2021, City Council adopted EX25.5 Update on Metrolinx Transit Expansion Projects - Second Quarter 2021, which provided a status update on Metrolinx-led transit expansion projects currently underway in Toronto, including the Ontario Line.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX25.5>

On April 6, 2022, City Council adopted with amendments EX31.2 Ontario Line Transit Oriented Communities, which directed Staff to finalize negotiations and execute an agreement on a Value Allocation Framework for the Province's TOC program and to enter into a series of Memorandums of Understanding with the Province at each Ontario Line station to document City and Provincial commitments.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.EX31.2>

On June 15, 2022, City Council adopted, with amendments, EX33.1 Metrolinx Transit Expansion Projects - Second Quarter 2022, which provided an update on milestones of

the Subways Program and requested City Council approval for closures of roads, sidewalks and multi-use trails to support construction of the Subways Program.

Link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.E X33.1>

On February 23, 2023, Toronto and East York Community Council adopted TE3.43 Striking a Sub-committee on Metrolinx's Ontario Line Construction, which requested the establishment of a subcommittee composed of Councillors from Wards 10, 13 and 14 and directed the Executive Director, Transit Expansion Division to report to the first meeting in March 2023 regarding the current status of the Ontario Line, pedestrian and traffic management plans, and opportunities for City and resident involvement.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE 3.43>

On May 10, 2023, City Council adopted TE4.70 Update on Metrolinx's Ontario Line Construction within the Toronto and East York District, which provided details on the current status of the Ontario Line project within the boundaries of Toronto and East York Community Council (TEYCC), including timelines, construction mitigation plans, and community engagement milestones. Through the report, City Council also directed staff to report back to the May 24, 2023 meeting of TEYCC with Ontario Line specific information.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE 4.70>

## **COMMENTS**

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### **Ontario Line Project Status and Schedule**

The Ontario Line is a planned 15.6-kilometer subway, with 15 stations along its route. Construction of the Ontario Line officially began in December 2021 when Metrolinx broke ground by commencing early works at Exhibition Station. Major construction will begin in 2023 and the project is planned for completion in 2031.

Key details on the procurement milestones for the Ontario Line were outlined in the March 22, 2023, report to the Subcommittee on Metrolinx's Ontario Line Construction. Since that time, Metrolinx has achieved additional procurement milestones for the north segment of the Ontario Line. On April 4, 2023, Infrastructure Ontario (IO) and Metrolinx issued Requests for Proposals (RFPs) for the North Pape Tunnel and Underground Stations contract and the North Elevated Guideway and Stations contract, which shortlisted three teams to bid on each contract, to be delivered using a Progressive Design-Build delivery model.

### **Additional Updates Requested by Toronto and East York Community Council**

#### *Contract Prices and Companies of the Connect 6ix and Ontario Transit Group Consortiums*

IO and Metrolinx have awarded a fixed price contract to Connect 6ix valued at \$9 billion for the Rolling Stock, Systems, Operations and Maintenance (RSSOM) contract, which includes \$2.3 billion for capital costs and \$6.7 billion for short-term construction financing and transaction costs, train costs and 30-year operations and maintenance,

lifecycle, and long-term financing. City staff have requested a detailed breakdown of these amounts, however, Metrolinx and IO have not provided this additional information. As requested by TEYCC, the table below identifies the companies that make up the Connect 6ix consortium.

<b>Connect 6ix team</b>	
<b>Applicant Lead</b>	<ul style="list-style-type: none"> <li>• Plenary Americas</li> <li>• Hitachi Rail</li> <li>• Webuild Group (Salini Impreglio Canada Holding Inc.)</li> <li>• Transdev Canada Inc.</li> </ul>
<b>Design Team</b>	<ul style="list-style-type: none"> <li>• Hitachi Rail</li> <li>• IBI Group Professional Services (Canada) Inc.</li> </ul>
<b>Construction Team</b>	<ul style="list-style-type: none"> <li>• Hitachi Rail</li> <li>• Webuild Group (Astaldi Canada Design &amp; Construction Inc. and Salini Impreglio Civil Works Inc.)</li> <li>• NGE Contracting Inc.</li> </ul>
<b>Operations, Maintenance and Rehabilitation Team</b>	<ul style="list-style-type: none"> <li>• Hitachi Rail</li> <li>• Transdev Canada Inc.</li> </ul>
<b>Financial Advisors</b>	<ul style="list-style-type: none"> <li>• National Bank Financial Inc.</li> <li>• Sumitomo Mitsui Banking Corporation</li> </ul>

IO and Metrolinx have awarded a fixed-price contract to Ontario Transit Group for \$6 billion to design, build and finance the Ontario Line Southern Civil, Stations and Tunnel package, with \$5.5 billion allocated for capital costs, and \$0.5 billion for financing and transaction costs. City staff have requested a detailed breakdown of these amounts; however, Metrolinx and IO have not provided this detailed information. As requested by TEYCC, the table below identifies the companies that make up the Ontario Transit Group consortium.

<b>Ontario Transit Group</b>	
<b>Applicant Lead</b>	<ul style="list-style-type: none"> <li>• Ferrovial Construction Canada Inc.</li> <li>• VINCI Construction Grands Projets</li> </ul>
<b>Design Team</b>	<ul style="list-style-type: none"> <li>• AECOM Canada Ltd.</li> <li>• COWI North America Ltd.</li> <li>• GHD Limited</li> <li>• SENER Group</li> </ul>
<b>Construction Team</b>	<ul style="list-style-type: none"> <li>• Ferrovial Construction Canada Inc.</li> <li>• Janin Atlas Inc.</li> </ul>

Ontario Transit Group	
Financial Advisors	<ul style="list-style-type: none"> <li>Agentis Capital</li> </ul>

*Federal Funding for the Ontario Line*

On May 11, 2021, the federal government announced funding of \$10.4 billion for the Province of Ontario’s Subway Program (i.e., the Ontario Line, Scarborough Subway Extension, Eglinton Crosstown West Extension and Yonge North Subway Extension). Of the \$10.4 billion federal funding commitment towards the Subway Program, roughly \$4.02 billion is committed towards the Ontario Line<sup>1</sup>.

Federal funding for the Ontario Line project is provided through the Investing in Canada Infrastructure Program - Public Transit Infrastructure Stream (ICIP-PTIS) and is confirmed under the executed Integrated Bilateral Agreement (IBA) between the Government of Canada and Province of Ontario<sup>2</sup>. Under this agreement, public transit projects must improve capacity of public transit infrastructure, improve quality and/or safety of existing or future transit systems, or improve access to a public transit system. Based on City staff review of the IBA, there are no federal requirements for affordable housing under ICIP-PTIS.

Under the ICIP-PTIS agreement, the Province will ensure that all funded projects with total estimated eligible expenditures of \$10 million or more, will report on community employment benefits provided to at least three federal target groups (i.e., apprentices from traditionally disadvantaged communities, Indigenous peoples, women, persons with disabilities, veterans, youth, new Canadians, or small-medium-sized enterprises and social enterprises). The community employment benefits assessments will be determined by the Province of Ontario to ensure alignment with Ontario’s Community Benefits Framework, currently being developed. The Province will report annually to the federal government no later than November 30, through the project progress report, or through existing provincial reporting frameworks, on expected and actual results related to community employment benefits for the Ontario Line and other ICIP-PTIS funded projects.

*Community Benefits Plans*

City staff have requested Metrolinx to provide details of community benefits plans for the Ontario Line contracts across the Subway Program and specifically within the boundaries of TEYCC. Metrolinx has advised the City that it has established a four-pillar approach to deliver community benefits and supports which will guide Ontario Line contracts. Pillar 1 is Employment Supports, Pillar 2 is Local Business Supports, Pillar 3 is Public Realm Improvements, and Pillar 4 is Community Improvement.

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1 <https://www.canada.ca/en/office-infrastructure/news/2021/05/background-the-governments-of-canada-and-ontario-make-the-largest-investment-in-public-transit-in-canadian-history.html>  
2 <https://www.infrastructure.gc.ca/prog/agreements-ententes/2018/2018-on-eng.html>

Metrolinx's overarching objective is to provide transit as the main benefit and offset or minimize the impact of construction on local communities and businesses. Metrolinx has advised the City that it will work with Ontario Line contractors to achieve the goals and objectives of the four pillars within the project scope and budget, and will report on the outcomes achieved. Each Ontario Line contract will have requirements for Apprenticeship and Workforce Development Plans (that detail employment opportunities for Indigenous, Black and historically disadvantaged communities), using social enterprises and local businesses as part of procurement, and require a variety of engagement activities and supports for local communities and businesses. Metrolinx also intends to play a 'connector' role, by working with municipalities on requests for other community supports.

Based on City staff review of publicly available South Civils and RSSOM project agreements for the Ontario Line, City staff have confirmed that the RSSOM contract<sup>3</sup> includes general requirements for the contractor to provide opportunities for equity-deserving groups, including Indigenous, Black, and other racialized communities.

Under the South Civils contract<sup>4</sup>, Metrolinx has required its contractor to develop and track a dashboard that demonstrates local employment impacts, including the hiring of professional, administrative and technical staff for the project, in order to track economic benefits, including employment benefits, arising from the project, and to demonstrate how Project Co. has utilized local businesses for goods and services during the construction of the project, noting:

- business name and location;
- type(s) of good(s) or service(s) procured and dollar amount of the contract;
- details pertaining to the performance or quality of the work; and
- how the contract was sourced.

Metrolinx also participates on the Community Benefits Advisory Group convened by the City's Social Development, Finance and Administration Division. The Advisory Group brings together the knowledge and experiences of a range of key stakeholders to collaboratively problem solve key challenges related to community benefits implementation. The City's Community Benefits Unit within the Social Development, Finance and Administration (SDF) Division along with the Transit Expansion Division have engaged in discussions with Metrolinx about community benefits best practices such as the use of hard targets in project agreements, the importance of tools to monitor and track progress, and the principles of transparency and accountability to the community. Metrolinx is aware of the City-led creation of a community benefits toolkit that begins pilot testing on City of Toronto projects in 2023.

### *Business Improvement Areas and Planned Supports for Businesses*

The Toronto Association of Business Improvement Areas (TABIA), a not-for-profit organization representing the City's 84 BIAs, and the impacted Ontario Line BIAs have raised several issues and concerns with the City of Toronto BIA Office related to Ontario

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<sup>3</sup> <https://www.infrastructureontario.ca/contentassets/75c0fbfd527b4afd9bd955b1168a31cc/ontario20line-rssom-project20agreement.pdf>

<sup>4</sup> <https://www.infrastructureontario.ca/contentassets/82dfd5d05cda46c896250ab4d3a9097a/ontario20line-southern-civil-project20agreement.pdf>

Line construction. The City's BIA Office has regular dedicated meetings with the impacted BIA's and also holds quarterly meetings with the BIA's, TABIA, Metrolinx, the City and the TTC. The BIAs have identified various concerns relating to Ontario Line construction which Metrolinx, working with the City and BIAs, should address, including:

- Signage-wayfinding for customers;
- Regular site inspections, 24 hour/7 day contact and timely responses to issues;
- Communication and marketing strategy;
- Traffic and parking planning and coordination;
- Economic studies and benchmarks;
- Recovery and rebuild initiatives; and
- Providing direct supports for businesses, including business development supports.

Metrolinx has committed to working with City staff to consider the items noted above and the lessons learned from ECLRT and apply them to the Subway Program.

### *Business Support Programs*

The Eglinton Crosstown Support Grant (ECSG) was established and funded exclusively by the City in 2019 to assist 11 BIAs significantly impacted by the construction of the Eglinton Crosstown LRT (ECLRT). The program is also intended to encourage the development and testing of innovative and effective construction mitigation solutions that are scalable and applicable to other major construction work in Toronto. The ECSG Program is operated by the City's BIA Office and to date has funded 29 projects valued at \$1,266,300 through eight rounds to address the impacts of construction on local businesses.

In January 2023, the ECSG Program was expanded and renamed as the Transit Expansion Construction Mitigation Grant (TECMG) Program<sup>5</sup>. The TECMG Program provides funding to local business communities city-wide that are impacted by major long term transit construction. The TECMG Program provides grants to BIAs and not-for-profit organizations with strong local business involvement to deliver projects and initiatives that address the negative impacts of long-term transit construction on local businesses. The Program is funded by the City, in partnership with Metrolinx and FedDev Ontario. The TECMG Program offers \$10,000, \$25,000, or \$50,000 grants to BIAs and non-profit organizations for selected projects that include a range of initiatives. These initiatives include business engagement, area marketing and branding, creative event activations, research and needs assessment, and beautification. BIAs and non-for-profits in communities impacted by Ontario Line construction will be eligible to apply for support through the TECMG Program.

The City also has numerous ongoing non-transit specific support programs available to assist businesses to mitigate construction impacts. The Streetscape Improvement Program<sup>6</sup> provides eligible BIAs with funding and project management services to implement capital projects above city standard treatment, including lighting, street furniture, trees, paving, art installations and other elements within the City's right-of-way.

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<sup>5</sup> <https://www.toronto.ca/business-economy/business-operation-growth/business-incentives/construction-mitigation-grant-program/>

<sup>6</sup> [Streetscape Improvement Program – City of Toronto](#)

The Streetscape Master Plan Program<sup>7</sup> provides BIAs with funding to secure professional design and engineering services to develop a long-term vision for streetscape improvements and investments. Developed with significant input from City staff, Streetscape Master Plans provide a framework for the goals and aspirations of the BIA and a reference tool for City Divisions and agencies when capital works are considered for the area. Additionally, Streetscape Master Plans allow BIAs to create a unique and consistent identity for their district through streetscape improvements. Details on other programs available to support businesses and BIAs (such as the Main Street Innovation Fund, Digital Main Street, and Business Webinars) can be found at the City of Toronto's Business Supports webpage<sup>8</sup>.

Metrolinx has also funded an Economic Development Officer position through the City's BIA Office to act as a liaison between Metrolinx and the City's impacted BIAs and businesses. This Officer meets with the impacted BIA's on a regular basis and coordinates timely responses from Metrolinx and City Divisions, while identifying and promoting program, operational and policy interventions to further assist impacted businesses and communities.

The City's BIA Office is also in the process of developing a program to track the ongoing economic impact of the Ontario Line construction. Once complete, the tool will be used to support evidence-based program and policy development and intergovernmental engagement.

### *Traffic Management Planning*

Metrolinx contractors must submit detailed traffic management plans for Ontario Line construction sites as part of the transportation permit application. Transportation Services staff review these plans to ensure compliance with the applicable standards, policies and safety and mobility requirements for the travelling public and community. Prior to implementation of the traffic management plan, Transportation Services staff visit the site with Metrolinx's contractor to account for any site-specific modifications. Once implemented, Transportation Services staff, in coordination with Metrolinx and their contractor, inspects the installation to ensure compliance with the approved traffic management plan and permit conditions. City staff meet regularly with Metrolinx and/or their contractors to receive the latest updates regarding traffic management planning and ensure timely updates can be provided to City Councillors.

As part of the permit conditions, Metrolinx's contractors are not permitted to park their private vehicles in the work zones. Transportation Services Division staff (i.e., Work Zone Traffic Coordinators and Transportation Standards Officers) regularly visit sites to ensure compliance with permit conditions. Metrolinx is requested to encourage its contractors to take transit to work sites, thus reducing additional congestion on City roads and additional demand on the existing on-street parking supply. Project Co. will also be responsible for confirming that it does not significantly impact the parking supply in the area. Additionally, private vehicle parking will be prohibited in the work zones as a condition of permits issued to Metrolinx contractors.

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<sup>7</sup> [Streetscape Master Plan Program – City of Toronto](#)

<sup>8</sup> <https://www.toronto.ca/business-economy/business-operation-growth/business-support/>



Detailed traffic management plans for Ontario Line construction sites will be shared with Transportation Services Division staff as these plans are developed by Metrolinx's contractors. City staff meet regularly with Metrolinx and/or their contractors to receive the latest updates regarding traffic management planning and ensure timely updates can be provided to City Councillors.

### *Noise and Vibration Levels for Ontario Line Operations*

As reported by Metrolinx in the Ontario Line Environmental Impact Assessment Report - Noise and Vibration Impact Assessment Report<sup>9</sup>, train movements on the Ontario Line are expected to comply with the applicable criteria and standards set by the Province and the City. Pass-by noise from an Ontario Line train is estimated to range from 56 to 78 decibels (dB).

For the Lakeshore East (LSE) Joint Corridor, Ontario Line trains will run along dedicated tracks in the existing rail corridor, alongside GO and VIA Rail trains. The Ontario Line will be electrified, and the noise profile of an electric train is lower than a heavy rail train. Noise barriers of varying heights will be utilized in the LSE joint corridor to mitigate the level of noise that additional trains will cause and remains within the permitted range. As communicated in the open letter to the communities of Riverside and Leslieville<sup>10</sup>, Metrolinx notes that studies undertaken as part of the LSE Joint Corridor Early Works Report showed the new noise walls to be built along the rail corridor from Eastern Avenue to Pape Avenue will result in noise levels that are lower than they are today in most areas of Riverside and Leslieville. For example, noise from passing trains at Jimmie Simpson Recreation Centre, are expected to have an average daytime reduction of 7dB below current conditions based on current designs.

Train movements in the northern sections of the Ontario Line are predicted to comply with applicable criteria with minimal mitigation, based on the assessment of existing design information. Once the Ontario Line is in operation, Metrolinx will continue to work with the City to manage and mitigate noise and vibration, through continual track and vehicle maintenance, monitoring, and inspections.

### *Metrolinx Tree Replacement Plans*

As a Provincial agency, Metrolinx is not subject to municipal permits and approvals, including compensation requirements for tree removals on Metrolinx-owned property (Metrolinx Lands), including lands acquired through expropriation. Metrolinx follows their own Vegetation Guideline for tree removals on Metrolinx Lands<sup>11</sup>. Compensation for trees within Metrolinx Lands that are also located within a designated natural area will reflect the principles of the Toronto and Region Conservation Authority's (TRCA) 2018 Guideline for Determining Ecosystem Compensation (ecological compensation). All other trees within Metrolinx Lands will be at a baseline compensation ratio of 1:1. The compensation approach developed by and recommended in Metrolinx's guideline

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<sup>9</sup> [Noise and Vibration Impact Assessment Report \(metrolinx.com\)](https://www.metrolinx.com/en-ca/ontario-line-environmental-impact-assessment-report-noise-and-vibration-impact-assessment-report)

<sup>10</sup> [riverside and leslievile open letter final iznufd.pdf \(metrolinx.com\)](#)

<sup>11</sup> [Microsoft Word - Metrolinx Vegetation Guideline 2022 Update final Version June 29, 2022 Accepted tracked changes](#)

applies to tree removals associated with Metrolinx capital projects only and does not apply to vegetation removal associated with routine operational maintenance work on Metrolinx lands to ensure safe operations and sightlines.

For trees within public or private lands, Metrolinx voluntarily follows applicable municipal by-laws and associated compensation requirements as the best practice. The injury, destruction, or removal of trees on City-owned land and private property are guided by Municipal Code Chapter 658: Ravine and Natural Feature Protection, Municipal Code Chapter 608: Parks, and Municipal Code Chapter 813: Trees - collectively referred to as the City's tree by-laws. The City's compensation requirements are 3:1 for trees and area-based for natural and ravine regulated areas. Metrolinx will work directly with residents to address the loss of trees on private property, including obtaining necessary permits to satisfy applicable municipal by-laws and regulations.

#### *City Requirements for Replanting Plans and Cash in Lieu*

The injury, destruction, or removal of trees on City-owned land and private property are guided by the City's tree by-laws. Under the City's tree by-laws there is an option to receive and approve a restoration plan or take cash in lieu as part of an approved injury or removal permit.

Due to the nature of the Ontario Line contracts, whereby Metrolinx procures teams for design work and then plans to handover lands to contractors through various phases of construction, restoration plans cannot be completed and submitted at the time of an Urban Forestry permit application. In these cases, and consistent with the City's tree by-laws, the Parks, Forestry and Recreation (PFR) Division requires and receives cash in lieu. Cash in lieu value is determined either by per tree or by area-based basis. The compensation guidelines are 3:1 for public and private trees at \$583 per tree and for ravine areas the guidelines are area based at \$26 per square metre.

A restoration plan would typically detail the number of trees and/or shrubs to be replanted, and provide details and specifications for minimum soil quality, quantity and standard maintenance requirements during a warranty period. This becomes the minimum standards to which Metrolinx's design and construction teams would be held accountable for, through the preparation of restoration plans and implementation. Cash in lieu is returned to Metrolinx following approval of a satisfactory landscape restoration plan. The expectation is that Metrolinx and/or their contractors deliver the landscape restoration plan as approved by the City. The City has worked closely with Metrolinx to establish these requirements in their Ontario Line contracts.

With the exception of Moss Park, where there are PFR capital projects underway, there are currently no plans for the City to take on replacement planting due to Ontario Line works. The City is expecting to receive restoration plans from Metrolinx for all other lands impacted by their project as the Ontario Line advances.

#### *Tree Size Requirements for Replanting*

The City prioritizes large growing, long lived shade trees to replace trees removed from public and private land. Permit conditions require a minimum caliper size of 50

millimetres for replacement trees on public and private property, and sizes for replanting in naturalized areas will vary in order to provide a mix of 100% native vegetation (e.g., conifers, smaller understory trees, shrubs and ground cover).

### *Expected Forestry Impacts Not Currently Under Review by PFR*

There are a range of environmental impacts anticipated from the Ontario Line construction, per Metrolinx's final EIAR which acknowledged the potential impacts of the project on natural, built and cultural landscapes. The EIAR also outlines the extent of mitigation and monitoring activities that Metrolinx and their various contractors are obligated to undertake both during construction and operations. PFR tracks tree impacts through the permitting process and will ensure that Metrolinx continues to be responsible for assuring their projects adhere to the EIAR mitigation measures, including mitigation measures such as scheduling tree removals before the nesting period, and working with TRCA for the installation of bat boxes in advance of removals.

Short-term construction impacts are not always possible to predict early on in the project due to the nature of transit construction contracts. However, City staff will continue to review and comment on Metrolinx's Ontario Line project through the design development process and through the review of Metrolinx's restoration plans. In all cases, the priority will be restoring sensitive lands to their existing condition and replacing street trees within the public realm, and along the various segments of the Ontario Line. Furthermore, Metrolinx advised City staff that its Vegetation Guideline aligns with its sustainability goals and corporate policy priorities, most notably the Metrolinx Sustainability Strategy goal to minimize the impact on ecosystems by considering the effects of infrastructure and services on ecosystems and associated services and make best efforts to manage, preserve or protect them.

### *Jimmie Simpson Playground, Saulter Street Parkette and McLeary Playground*

PFR is working closely with Metrolinx to ensure that all parks and playgrounds in the vicinity of Ontario Line alignment are kept safe and accessible throughout the duration of construction, where possible. At this time, there are no known impacts to Saulter Street Parkette beyond visual and noise impacts due to construction. Additionally, PFR staff have negotiated a number of conditions in the licence agreements between Metrolinx and the City for both Jimmie Simpson and McLeary playgrounds, including but not limited to the following:

- Community Notices will be shared by Metrolinx with the Ward Councillor, City staff and the local community a minimum 72 hours in advance of the work.
- Metrolinx contractors shall be responsible for:
  - Submitting a pre-construction and post construction survey to City staff for review and approval.
  - Ensuring appropriate construction signage posted at all park access points and other key areas prior to (a minimum of three days before commencement of the work) and during construction activities, as per Ontario Traffic Manual requirements.
  - Compliance with noise and air quality limits established for the project consistent with the MECP requirements and the City's noise by-law and dust

- suppression measures in accordance with Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities.
- Providing a site plan and construction staging plans to City staff for review and approval, outlining the extents of the proposed access ramps/routes, parking and/or staging areas, the locations of all existing park infrastructure and the locations of solid hoarding, fencing and/or safety barriers.
  - Ensuring proper protective barriers, fencing and hoarding are established and maintained around any contractors work limits, to the satisfaction of the City. Daily inspection of the protective barriers is to be conducted by Metrolinx and/or their contractors.
  - All parkland and parks facilities shall remain unobstructed and safely available for public use at all times with proper protective barriers around the contractor's work limits. Should a trail detour, sidewalk closure or alternative park access point be required, proper signage must be installed in advance, including contractor's emergency contact information, at trail and park entry points.
  - Notwithstanding vehicles, equipment and/or machinery directly required for the Permitted Purpose, as defined in the Licence Agreement, no other vehicles shall be permitted to park within the park or licenced area. Metrolinx and its contractors shall secure additional parking to minimize the number of vehicles entering and/or parking within City parkland licenced to Metrolinx.
  - Prior to departure from site, Metrolinx and their contractors shall provide a detailed landscape restoration plan to PFR for approval, detailing how the licenced lands will be restored meeting municipal standards and returned to the City. Metrolinx and their contractors shall be financially responsible for preparing and implementing the final approved restoration plan to the satisfaction of the City.
  - Metrolinx and their contractors shall be held financially responsible to remove in their entirety any temporary construction access roads, ramps and/or any other temporary site alterations prior to restoration of the property, and to restore all temporarily impacted park areas as a result of the construction works to existing or better conditions, all to the City's satisfaction.
  - Metrolinx's contractors shall, at their expense, design and implement the recommendations of the Joint Corridor Design Competition with respect to park improvements within or adjacent to both Jimmie Simpson Park and McCleary Playground. These improvements shall be identified on a plan submitted to PFR for review by Metrolinx and/or their contractors prior to implementation.

Trees in *Jimmie Simpson Playground, Saulter Street Parkette and McLeary Playground* are on public lands therefore Urban Forestry conditions were included in the licence agreements and must be adhered to by Metrolinx contractors, such as avoiding unnecessary tree injuries or removals and maintaining minimum tree protection zones in accordance with City requirements. Metrolinx contractors shall require an Urban Forestry permit application and associated fees along with compensation for said requirements will apply. Additionally, tree removals shall be staggered and timed according to the required works, such that the opportunity is provided for existing trees to be retained until commencement of construction works justifying their removal where feasible. Timing windows for tree removal shall be in accordance with provincial and federal legislation as required (e.g., Migratory Birds Convention Act, Endangered Species Act, etc.).

For Jimmie Simpson Playground, in addition to the conditions outlined above, Metrolinx and their contractors shall at their expense remove in their entirety the existing retaining walls located along the western park boundary, between the rail corridor and Jimmie Simpson Park, returning the area to an acceptable park state meeting City standard as defined in an approved landscape restoration plan. In the event that an existing park facility in Jimmie Simpson is affected by construction (e.g., baseball diamond, splash pad), Metrolinx and their contractors shall compensate the City for loss of permit fees at the predetermined rates approved by Council for the duration of the encumbrance. The park's existing driveway, parking lot and emergency access laneway from the parking lot to the outdoor ice rink shall remain in place, unencumbered and safely accessible to emergency, operation and service vehicles and members of the public at all times.

For McCleary Playground, in addition to the conditions outlined above, should any existing park assets require removal and/or relocation on site, this is to be identified on a site plan provided to PFR for review and approval prior to removal and/or relocation. This matter may also require further negotiation of an interim park space along with public consultation to the satisfaction of PFR.

### *Affordable Housing Requirements*

The Province is committed to delivering Transit Oriented Communities (TOCs) and affordable housing through use of properties that may become available through the development of the Ontario Line project. In February 2020, the City and Province finalized the Ontario-Toronto Memorandum of Understanding (MOU) on the Transit-Oriented Development Program<sup>12</sup>. The MOU established a series of shared objectives for development of TOCs. Among these is the objective to increase housing supply, including affordable housing and other types. The MOU includes commitments by both parties to work together to advance TOC proposals that meet shared interests and that have regard to the City's planning framework. The MOU further outlines that the Province and City would work together on a structured process to review TOC proposals.

On April 6, 2022, City Council authorized the City Manager to finalize negotiations and execute the Value Allocation Framework for the Province's TOC Program based on terms outlined in Confidential Attachment 1 to EX31.2 – Ontario Line Transit Oriented Communities. On September 22, 2022 the Province and the City of Toronto executed the TOC Value Allocation Framework Agreement, which builds on the MOU by establishing a framework for how the value created by the Province through developments under the TOC Program is allocated towards community benefits and enhancements to public infrastructure. At each TOC site, the Province will make a contribution up to 8% of TOC value or 8% of land value forecast at building permit towards provincial priorities. Provincial priorities include, but are not limited to: housing outcomes, family and community services, and institutional space. The Province has sole discretion to define affordable housing requirements for each TOC site but will work with the City to determine how affordable housing is implemented.

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12 <https://www.toronto.ca/legdocs/mmis/2020/ex/bgrd/backgroundfile-141912.pdf>

IO is the provincial agency tasked with delivering the TOC Program on behalf of the provincial government. IO works with Metrolinx to understand the property requirements for subway projects, and where feasible, develops TOC proposals that would integrate development above and/or adjacent to transit facilities. The City has developed a TOC Review process that builds on the principles articulated in the TOC MOU to assist in establishing zoning parameters. The draft process was presented to Council in May 2021 through EX23.3 - Provincial Transit Oriented Communities Program and has undergone several refinements through the review experience of previous TOCs.

To date, the City has received and reviewed eight TOC proposals within the boundaries on TEYCC including:

- Corktown Station – comprising two city blocks between Berkeley Street and Parliament Street, south of King Street to Parliament Square park, referred to as the Corktown block (north) and the First Parliament block (south);
- Exhibition Station – comprising two sites on either side of the south end of Atlantic Avenue, referred to as the Atlantic site (east) and the Jefferson site (west);
- King and Bathurst Station – comprising two sites on the northeast and southeast corners of the intersection of King Street and Bathurst Street;
- Queen and Spadina Station – comprising two sites on the northeast and southwest corners of the intersection of Queen Street and Spadina Avenue;
- East Harbour Development Site – located within the Unilever Precinct being advanced through a development proposal filed by Cadillac Fairview and IO; and,
- Gerrard Carlaw North – abutting Carlaw Avenue to the west, Pape Avenue to the east, the existing laneway to the North, and the OL rail corridor and future Gerrard-Carlaw Station to the south.

City staff have provided information to the Province regarding its Housing Now program as a best practice in delivering affordable housing. IO has responded that more details on affordable housing will be communicated publicly as the projects progress.

### *Ontario Line Housing Impacts*

In instances where Metrolinx needs to acquire property to support the Ontario Line, Metrolinx has advised City staff that it is committed to ensuring that owners and tenants do not experience a financial loss. Each case is considered independently by Metrolinx, including to consider specific lease terms. Supports are tailored to the specific needs of the owner and/or tenant and are identified through discussions during the acquisition process.

City staff have requested information from Metrolinx regarding impacts and mitigating measures for Fontbonne Ministries supportive housing tenants at 791 Queen Street East, however, Metrolinx has not provided specific details to the City at the time of this report. Metrolinx has indicated they would continue to work with Fontbonne Ministries' staff to mitigate impacts. The City understands that Metrolinx has an approach to relocating tenants that may be impacted by transit projects and as such, City staff have also requested details regarding Metrolinx's Tenant Relocation policy and rental

replacement policy for units impacted by the Ontario Line. City staff have not received the details at the time of this report.

## **Next Steps**

Metrolinx is targeting the following key Ontario Line milestones for the remainder of 2023:

- Commence early works construction for the Lower Don Bridges – spring/summer 2023.
- Commence advanced works construction in the LSE Joint Corridor – spring 2023.
- Commence South Civils contract construction work – 2023.
- Negotiations and design development with top-ranked teams for the Ontario Line North contracts – early 2024.

City staff will report to TEYCC with updates in fall 2023, per direction from TEYCC to report back semi-annually.

## **CONTACT**

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## **SIGNATURE**

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