

City of Toronto Recommendations for Metrolinx's Ontario Line Construction within the Toronto and East York District

Date: June 26, 2023

To: Subcommittee on Metrolinx's Ontario Line Construction

From: Executive Director, Transit Expansion Division

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

SUMMARY

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 the GO network, in addition to numerous TTC streetcar and bus routes.

Coordinated and integrated action across all orders of government as part of the Ontario Line construction is critical to the project's success and to ensuring and protecting the interests of residents and businesses impacted in Toronto. The Ontario Line continues to provide a unique opportunity for the Government of Ontario, in collaboration with the Government of Canada and the City of Toronto, to work together in optimizing public investments to meet their respective mobility, housing, and economic growth targets and, most importantly, to provide the type of transit needed for Toronto's current and future residents.

City staff have provided updates to City Council on Metrolinx's Ontario Line construction within the Toronto and East York District through the first report to the Ontario Line Subcommittee (Subcommittee), TE4.70 - Update on Metrolinx's Ontario Line Construction within the Toronto and East York District, and through TE5.46 - Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District. City staff have also responded to directives from City Council to provide additional information requested regarding the Ontario Line project through EX5.3 - Update on Metrolinx Subways Program – Second Quarter 2023.

The purpose of this report is to fulfill the Subcommittee's mandate by consolidating City staff recommendations on reducing the construction impacts, providing opportunities for residents and businesses and supporting the communities most impacted by the Ontario Line construction. These recommendations incorporate public feedback provided throughout the Subcommittee's duration, reflect City Council directives on the above-noted staff reports, and provide a clear and comprehensive package of initiatives that the Province and Metrolinx should implement to construct the Ontario Line.

This report recommends best practices regarding:

- Community benefits;
- Business supports;
- Community engagement;
- Traffic and construction management;
- Affordable housing and rental replacement; and,
- Parks and neighbourhood investments.

RECOMMENDATIONS

City Council direct the Executive Director, Transit Expansion Division to recommend that the Province of Ontario and Metrolinx implement the following best practices in the construction of the Ontario Line:

Community Benefits

1. In consultation with the City's Community Benefits Unit, develop project-specific "community benefit plans" for the construction of the Ontario Line that will include, at minimum, the following components:
 - a) Measurable targets for local and social hiring opportunities that are intended to reach Indigenous, Black, and equity-deserving groups, and hiring opportunities that include both construction trade and PAT (professional, administrative, and technical) positions;
 - b) Measurable targets for local and social procurement that create opportunities with local businesses and diverse suppliers, such as social enterprises, Indigenous-owned businesses, and Black-owned businesses;
 - c) Transparent and accountable monitoring and oversight structure that includes community involvement and public reporting; and
 - d) Consider the use of a Project Labour Agreement (PLA).

Business Supports

2. Meet on a regular basis with Business Improvement Areas (BIAs) and the City's BIA Office to develop business support solutions based on lessons learned from the Eglinton Crosstown LRT to mitigate construction impacts on businesses from the Ontario Line, including to:
 - a) Develop a communication and marketing strategy to support businesses;
 - b) Install improved signage and wayfinding for customers and visitors to the area;
 - c) Ensure any future planning along the alignment is coordinated with a strategy to manage traffic impacts and appropriately plan for parking in consultation with City staff;
 - d) Maintain public access to businesses for the entire length of the Ontario Line during construction and continually identify opportunities to improve access and visibility for businesses;

- e) Undertake regular site inspections, provide 24 hour/7 day a week site contacts and require contractors to keep construction areas clean and orderly;
- f) Initiate and publish studies and benchmarks to track the economic impacts of Ontario Line construction;
- g) Provide direct support to businesses, including direct financial compensation, subsidies, and business development supports; and
- h) Proactively develop plans for recovery and rebuild initiatives.

Community Engagement

3. Ensure Construction Liaison Committees (CLCs):
 - a) Act as a forum for inclusive and meaningful two-way communication regarding the Ontario Line, allowing impacted communities to receive updates on construction from Metrolinx, to provide feedback to Metrolinx on community concerns and proposals, and to proactively identify and problem-solve local concerns and issues;
 - b) Receive project information from Metrolinx in a prompt manner to address neighbourhood and community improvements and identify short and long-term impacts of project construction works, activities and operations, and steps being taken to address these impacts;
 - c) Provide opportunity for community members to suggest potential mitigation options to address negative impacts of construction;
 - d) Have an ability to provide input into station names;
 - e) Include members from local elected officials, local businesses, BIAs, community associations, social service providers/not-for-profits, condominium corporations, impacted community members, and City staff; and
 - f) Serve as a forum for accountability and transparency by providing an update on each of this report's sections at each CLC meeting.

4. Provide detailed engagement plans with local communities impacted by Ontario Line construction, including strategies for how Metrolinx will engage and coordinate with community members that include but are not limited to local residents, businesses, BIAs, schools and school boards, and Indigenous, Black and other equity-deserving communities that may be impacted. Engagement plans should include activities such as in-person and virtual open houses, with opportunities for multilingual engagement support.

5. Ensure public notification for all community meetings at least two weeks in advance of the scheduled date. Provide a two-month look-ahead calendar on the Metrolinx website for all community engagements with details on how the public can participate.

Traffic and Construction Management

6. Regularly assess Ontario Line construction sites and associated road closures, in consultation with the City's Transportation Services Division, to identify potential

opportunities to optimize the size of staging areas and/or the duration of road closures and provide updates to the local Councillors.

7. Review and implement best practices from comparable cities, as part of Traffic Management Plans, related to construction zone management, minimizing construction footprints, construction coordination, and traffic mitigation, in consultation with the City's Transportation Services staff.
8. Require its contractors to keep the construction area clean and tidy.

Affordable Housing and Rental Replacement

9. Establish a minimum target for the delivery of affordable rental housing in all Transit Oriented Community (TOC) proposals, consistent with the City's Official Plan Inclusionary Zoning policy framework and apply best practices from the City's Housing Now program.
10. Work with the City and the Canada Mortgage and Housing Corporation to identify opportunities/programs that augment provincial investments and further enhance the delivery of affordable rental housing on each site.
11. Apply Official Plan policies regarding the demolition of existing rental housing units and dwellings by requiring replacement rental dwelling units and/or dwelling rooms with similar rents, and that tenant relocation and assistance, beyond the requirements of the Residential Tenancies Act, be provided to impacted tenants to lessen hardship.
12. In consultation with the local Councillor, actively engage with community members that are immediately adjacent to and may be directly impacted by construction activities and develop an action plan that considers options to ensure their safety and comfort during construction including measures to reduce noise, vibration, and construction dust.

Parks and Neighbourhood Investments

13. In consultation with the City's Park, Forestry and Recreation Division:
 - a) Adhere to applicable municipal by-laws and associated compensation requirements on all public and private trees and proactively engage with City staff and the community on park restoration plans;
 - b) Protect access to park facilities to allow residents continued use of park facilities; and
 - c) Explore additional opportunities for neighbourhood investments to add or enhance parkland impacted or adjacent to the Ontario Line construction area, including upgrades to existing parks and recreation facilities with funding from Metrolinx's community benefits plan.

Real Estate

14. As previously requested by City Council, make publicly available detailed mapping of all City land requirements, including land type, current use, size and extent of property interest (temporary or permanent takings), and provide updates on a semi-annual basis.
15. For dispositions related to parkland, make all reasonable efforts to provide to the City an exchange of land of nearby property of equivalent or larger area and comparable or superior green space utility acceptable to the City.

FINANCIAL IMPACT

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

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 the Ontario Line.

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 within the boundaries of Toronto and East York Community Council (TEYCC).

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

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 in Toronto.

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

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, including the Ontario Line, and 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.EX33.1>

On December 15, 2021, City Council adopted EX28.12 Metrolinx Subways Program - Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs, which provides a clear process regarding the acquisition, disposal and valuation of City lands required by Metrolinx for the Subway Program.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2021.EX28.12>

On February 23, 2023, TEYCC adopted item 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 moving forward.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE3.43>

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 TEYCC, including timelines, construction mitigation plans, and community engagement milestones.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE4.70>

On June 14, 2023, City Council adopted TE5.46 Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District, which provided additional details on the Ontario Line project requested by City Council.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE5.46>

On June 14, 2023, City Council adopted with amendments EX5.3 Update on Metrolinx Subways Program – Second Quarter 2023, which provided updates on the entirety of the Subways Program on procurement, design, construction, and engagement milestones achieved by Metrolinx since staff last reported to City Council in June 2022 and addressed related City Council directives.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EX5.3>

COMMENTS

The Province of Ontario is delivering the Ontario Line, through Metrolinx, as part of the Subways Program. The Ontario Line will be a 15.6-kilometer subway with 15 stations along its route, and is planned for completion in 2031. The Ontario Line is prescribed as a "rapid transit project" that is the sole responsibility of Metrolinx under the Metrolinx Act. Rapid transit systems, that are prescribed as the sole responsibility of Metrolinx, are also included in the definition of a "Regional Transit System" in the Metrolinx Act.

Metrolinx has a number of legislative powers and obligations in respect of the regional transit system including the power to hold, manage, operate, fund and deliver the system. As part of Metrolinx's powers to carry out its objective of operating the regional transit system, Metrolinx is required to pass by-laws in respect of the services delivered by the regional transit system to (a) establish the location, routes and frequencies of the services, (b) establish the fares, and (c) establish the fees charged for parking. Metrolinx also has authority to enter into agreements with the City and TTC to operate and maintain the regional transit systems. The Preliminary Agreement, signed by the Province and the City, includes high level principles on the parties' roles and responsibilities pertaining to the Subways Program, including the Ontario Line.

Updates regarding Ontario Line procurement milestones, timelines, construction mitigation plans, community engagement plans, and other matters were outlined in the March 22, 2023, report to the Subcommittee on Metrolinx's Ontario Line Construction (TE4.70) and in the May 24, 2023, Follow-up Report on Metrolinx's Ontario Line Construction in the Toronto East York District (TE5.46). City staff also provided additional information regarding the Ontario Line, requested by City Council in the Update on Metrolinx Subways Program – Second Quarter 2023 (EX5.3).

The mandate of the Subcommittee on Metrolinx's Ontario Line Construction (Subcommittee), established and convened on March 22, 2023, is to hear from the public regarding Metrolinx's development, construction and implementation of the Ontario Line and develop recommendations to be provided to Metrolinx and the Province of Ontario. Based on feedback received at the Subcommittee and subsequent directives from City Council, City staff have developed best practice recommendations in the areas outlined below to be shared with Metrolinx and the Province of Ontario for the implementation of the Ontario Line.

These recommendations will help reduce the negative impacts of long-term construction on residents and businesses, create meaningful local opportunities for communities along the project's alignment to benefit from the project during the construction period, and maximize the investments of all orders of government to advance transit, housing opportunities and economic growth.

Community Benefits

Metrolinx has established a four-pillar approach to deliver community benefits and supports through "Employment Supports, Local Business Supports, Public Realm Improvements, and Community Improvement". Metrolinx has advised City staff that the overarching objective for the Ontario Line is to provide transit as the main benefit and offset or minimize the impact of construction on local communities and businesses. City staff continue to discuss community benefit best practices that should be incorporated into the project with Metrolinx, such as establishing hard targets and tracking metrics.

As a way of addressing the first two pillars, "Employment Supports" and "Local Business Supports", City staff in the Community Benefits Unit recommend that Metrolinx and the Province of Ontario implement project-specific "community benefits plans" for the construction of the Ontario line. In alignment with community benefits best practices, these plans should include measurable targets for local and social hiring, local and social procurement, and other community-identified priorities. Community benefits plans are intended to reach local residents, Indigenous, Black, and equity-deserving communities.

Transparency, accountability, and community engagement are vital for successfully implementing community benefits plans. Therefore, City staff recommend that Metrolinx and the Province of Ontario develop a monitoring and oversight structure that includes community involvement and public reporting.

Project labour agreements (PLAs) are project-specific labour relations agreements that cover all the trades on a project and last only as long as a project. Some US examples

suggest PLAs may be used to secure terms and conditions to achieve broader social, equity and community benefits goals such as construction trade equity hiring opportunities.

Construction Mitigation Initiatives for Businesses

The City's Business Improvement Areas (BIA) Office, in consultation with impacted BIAs, have identified various concerns relating to Ontario Line construction which Metrolinx, working with the City, should address to mitigate impacts to businesses.

As a result, City staff recommend Metrolinx and the Province of Ontario, in consultation with BIAs and the City's BIA Office, develop business support solutions based on lessons learned from the Eglinton Crosstown LRT to mitigate construction impacts on businesses from the Ontario Line, including to:

- Develop a communication and marketing strategy to support businesses;
- Install improved signage and wayfinding for customers and visitors to the area;
- Ensure any future planning along the alignment is coordinated with a strategy to manage traffic impacts and appropriately plan for parking, in consultation with City staff;
- Maintain public access to businesses for the entire length of the Ontario Line during construction and continually identify opportunities to improve access and visibility for businesses;
- Undertake regular site inspections, provide 24 hour/7 day a week site contacts and require contractors to keep construction areas clean and orderly;
- Initiate and publish studies and benchmarks to track the economic impacts of Ontario Line construction;
- Provide direct supports to businesses, including direct financial compensation, subsidies, and business development supports; and
- Proactively develop plans for recovery and rebuild initiatives.

Providing these supports to local businesses significantly impacted by the Ontario Line will assist them not only to survive and mitigate the sustained major construction impacts but also to implement effective and innovative solutions that may also enable them to prosper.

Engagement with Local Communities on Construction Impacts

Metrolinx is responsible for all community engagement for Ontario Line. Detailed plans on how various community members will be engaged for meaningful feedback, including through Construction Liaison Committees (CLCs), will enable communities to identify potential issues proactively.

As a result, City staff recommend Metrolinx and the Province follow the best practices for CLCs (concerning objectives and membership) outlined in the recommendations section of this report. Metrolinx should ensure broader community engagement planning efforts are undertaken to proactively and effectively communicate with the public, receive and implement feedback, and manage local impacts through the construction of the Ontario Line.

CLCs also serve as an important forum for building trust and accountability through direct communication with communities along the alignment of the project. As such, to ensure transparency and accountability to the public, this report recommends that Metrolinx report on actions and plans to address each section identified in this report during each CLC meeting.

Traffic Management and Road Closures

City staff meet regularly with Metrolinx and their contractors to receive the latest updates on construction activities, road closures, construction impacts and mitigation measures, including traffic management in the work zones. City staff will continually work with Metrolinx and their contractors to assess construction and traffic management plans and identify opportunities to reduce impacts on all road users and the community.

As a result, City staff recommend Metrolinx and their contractors follow the established provincial and municipal guidelines to ensure effective traffic management in the work zones. The traffic management plan should include appropriate signage for all road users and safe accommodation for pedestrians, bicyclists, and road users with accessibility needs and mobility challenges. Traffic management plans should maintain pedestrian access to transit service and businesses and include truck haul route plans and traffic impact analysis, including any modifications to traffic signal timing plans and turning restrictions. In general, plans should make all efforts to minimize the construction footprint and prioritize the movement of pedestrians, cyclists and road users.

Affordable Housing and Rental Replacement

Metrolinx and Infrastructure Ontario have advised City staff that details regarding development associated with the Ontario Line, including affordable housing, will be communicated publicly as the project progresses. The City has a robust policy framework supporting the achievement of diverse housing options and mixed-income communities. This framework is critical to ensuring housing choices for current and future residents and maintaining access to affordable and rental housing near transit for households who most need this housing option.

City staff have identified that Transit Oriented Community (TOC) proposals should provide affordable housing consistent with the City's Official Plan Inclusionary Zoning policy framework and incorporate best practices from the City's Housing Now program.

In addition to securing new affordable housing, City staff have identified that TOC proposals should conform with Official Plan Policies addressing the demolition of rental housing units and dwelling rooms, including that:

- Where six or more existing rental housing units will be lost due to a related transit project, a TOC proposal on the same site should provide the same number of rental units by bedroom type and size, to be maintained in the TOC with similar rents to those in effect before demolition, and tenant relocation and assistance be provided to impacted tenants by the transit project to lessen hardship, in accordance with Official Plan policy 3.2.1.6;

- Where six or more existing dwelling rooms will be lost due to a transit project, a TOC proposal on the same site should provide at least the same amount of residential gross floor area, to be maintained as rental dwelling rooms or rental bachelor units in the TOC with similar rents to those in effect before demolition, in accordance with Official Plan policy 3.2.1.11; and
- Tenant assistance be provided by a transit project that would result in the loss of one or more rental units or dwelling rooms, to lessen hardship for existing tenants, in accordance with Official Plan policy 3.2.1.12.

Requiring affordable rental housing as part of the planning and procurement process for the sites at or near the Ontario Line is critical in supporting the Provincial and the City's plans to achieve 285,000 new homes in Toronto by 2031. Creating housing opportunities, including affordable housing, is a critical factor in attracting key workers essential in supporting Toronto's social and economic growth.

Metrolinx should also take actions to mitigate the negative impact on residents living near or adjacent to Ontario Line construction zones by managing and limiting noise, vibration and construction dust. Where necessary, Metrolinx should also consider relocating residents while construction occurs.

Parks and Neighbourhood Investments

City staff continue to review and comment on design and restoration plans for the Ontario Line project to minimize impacts to trees and parks, restore sensitive lands to their existing condition, and replace street trees within the public realm based on municipal by-laws and guidelines. City staff request that Metrolinx adhere to all municipal by-laws as a best practice.

Under Pillar 3, "Public Realm Improvements" and Pillar 4, "Community Improvement" of Metrolinx's established four-pillar approach to deliver community benefits, City staff recommend that Metrolinx undertake improvements in those neighbourhoods directly impacted by construction. These could include upgrades to existing parks and recreation facilities, investments to enhance the liveability of these communities during and post-construction, and to bring further social and economic growth. Further, it is recommended that Metrolinx explore additional opportunities in communities adjacent to construction, not just those directly impacted, to maximize the project's benefits.

Engagement with City staff and the community is vital for the successful implementation of any park improvements, and Metrolinx shall utilize their Construction Liaison Committees in addition to public engagement to advance these discussions.

As a result, City staff recommend Metrolinx and the Province:

- Mitigate and minimize temporary and permanent impacts on parkland by avoiding park closures and, where possible, maintaining safe park access during construction. Should a park asset require removal and/or relocation on site, this will be identified on a site plan provided to the City's Park, Forestry and Recreation (PFR) Division for review in advance. This may also require further negotiation of interim park space and public consultation to satisfy PFR.

- In place of restoration plans at the time of an Urban Forestry permit application, submit cash in lieu consistent with the City's tree by-laws determined either by per tree or by area-based basis with the compensation guidelines at 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.
- Improve park access and provide park improvements of parks impacted by construction through restoration plans and detailed designs. Restoration plans should consider current City standards and the site's context detailing any park assets, 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 through the preparation of restoration plans and implementation.

Real Estate

As previously requested by City Council, Metrolinx should make publicly available detailed mapping of all City land requirements, including land type, current use, size and extent of property interest (temporary or permanent takings), and provide updates on a semi-annual basis. This information is being requested to provide a City-wide view of all City lands impacted (both temporarily and permanently) by the construction of the Ontario Line.

Furthermore, for dispositions related to parkland, Metrolinx is to make all reasonable efforts to provide to the City an exchange of land of nearby property of equivalent or larger area and comparable or superior green space utility that is acceptable to the City. The City requests this as under the City of Toronto Municipal Code and policies related to parkland, the City's priority is the compensation of land over consideration for disposal or sale of parkland.

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