

SUBMISSION TO

The Honourable Laurel Broten

Minister of the Environment

by: **Citizens Concerned about the Future
of the Etobicoke Waterfront**

June 16, 2006

c.c. James O'Mara, Director
Environmental Assessment and Approvals Branch
Ministry of the Environment

The City of Toronto plans to construct a skateboard facility and ice skating track on a 4800 square metre site at a cost of approximately \$2.5 million. The identified site is currently a meadow and part the naturalized waterfront park named Col. Samuel Smith Park in southern Etobicoke.

Col. Samuel Smith Park is part of the 69 hectare property known as The Lakeshore Grounds. It comprises the land formerly used as the Lakeshore Psychiatric Hospital as well as land created by the Metropolitan Toronto and Region Conservation Authority (predecessor of the Toronto and Region Conservation Authority – TRCA) through lakefill, in accordance with conditions set out in a 1980 Environmental Assessment approval.

In 1992 modifications to the Master Plan for the park were authorized by the Conservation Authority. These reflected changing approaches to shoreline regeneration (i.e. creation of a wetland/marsh) and public access as endorsed by the Province of Ontario Royal Commission Report on the Future of the Toronto Waterfront, “Regeneration.” The most significant modification was the replacement of a swimming lake with a marsh/wetland, in keeping with the Conservation Authority’s natural habitat initiative.

The Ministry of the Environment approved the modifications and granted the Authority an exemption from the Environmental Assessment Act in 1993. One of the reasons cited for granting the exemption was that “there exists a Master Plan Amendment process to include public involvement and the municipal planning process in the review of the Official Plan.”

The City of Etobicoke completed the Master Design and Implementation Plan for the Lakeshore Grounds in 1996. The Master Plan was the product of extensive consultation between the then current and future occupants of the buildings and land that make up the Lakeshore Grounds as well as local community groups and residents. Citizens Concerned about the Future of the Etobicoke Waterfront (CCFEW) was deeply involved in this process and was represented on the Planning Committee. The Master Plan was ratified by all stakeholders and approved by the City of Etobicoke.

This support gave provincial ministries the confidence to complete land exchanges with various stakeholders on the basis of their concurrence with the Master Plan. Major investment by the provincial and municipal governments has occurred since 1996 to upgrade and modify existing buildings for use by Humber College and to redevelop the Assembly Hall as a cultural centre. The Toronto Catholic District School Board is currently constructing a secondary school fronting on Kipling Avenue in accordance with the Master Plan. In keeping with the Master Plan originally proposed residential uses have been eliminated from the Lakeshore Grounds. Institutional uses (i.e. educational and cultural facilities) provide a transition between the adjacent residential neighbourhoods and the parkland. The TRCA and the Toronto Parks Department have undertaken extensive tree planting and naturalization of the open areas and wetlands.

In the 2005 Capital Budget for the City of Toronto, Council approved \$500,000 to build a

district level permanent concrete skateboard facility in the west region of the City. The Parks Department decided to locate this in Col. Samuel Smith Park. In the 2006-2008 Capital Budget a \$2 million ice skating track contiguous with the skateboard facility was approved in Col. Samuel Smith Park.

The proposed site is in an area of the park designated for regeneration in the Master Plan and is adjacent to the Natural Heritage Area. It borders a treed corridor containing a creek that flows into the wetland areas.

CCFEW believes that the decision to construct the skateboard/skating facility at this site violates the existing EA approvals and the Master Plan for Col. Samuel Smith Park. CCFEW has endeavoured to generate genuine consultation and discussion about this proposal and have been frustrated by the City's insistence that this was an administrative decision and therefore not subject to a public planning process. We are hereby requesting that you designate this project as subject to the Environmental Assessment Act because there are no other statutory regimes that will adequately address fundamental concerns about the City's decision. While the decision to proceed has been made by the Parks Department there has as yet been no call for tenders or contracts entered into to build the facility.

The reasons for our request to you are:

1. The environmental impact of the City's proposal has not been evaluated within the context of current natural heritage policies
2. There has been no adequate evaluation of alternatives to the current proposal
3. There has been a lack of transparency and consultation in the decision making process
4. The Province has an historic and ongoing connection and involvement in The Lakeshore Grounds

This development poses a threat to parkland intended for passive recreation compatible with a natural habitat. CCFEW, along with other concerned groups and individuals has urged the City to look again at the other sites originally proposed for this skateboard park. CCFEW would support a location in a less secluded, urban environment, where such a large expanse of pavement would not be incongruous.

CCFEW does not oppose the ice skating path as originally conceived in 1996. The 1996 Master Plan proposes such a track and states that it would not have the same environmental impact as a hockey rink as "it is not one large concrete surface. The design is flexible and can be adapted to preserve trees." The current plan to combine the skating track with a skateboard facility completely changes the nature of the proposal and will indeed create "one large concrete surface."

1. THE ENVIRONMENTAL IMPACT OF THE CITY'S PROPOSAL HAS NOT BEEN EVALUATED WITHIN THE CONTEXT OF CURRENT NATURAL HERITAGE POLICIES

The facility that is planned violates the Master Plan and the City's Official Plan and is not in keeping with the principles outlined in the Toronto and Region Terrestrial Natural Heritage System Strategy of the TRCA.

A leaflet produced in partnership with the City and describing the Lakeshore Grounds says:

"Aside from its recreational value, the land is important for its habitat conservation. The grounds contain over 1200 trees and house many migrating birds, due to the shoreline location and nearby vegetation. Wetland creation projects enhance bird habitat conditions adding to the ecological significance of the park."

A report commissioned by the City indicates that the Lakeshore Grounds are used by at least 160 different species of birds of which 121 are migrants.

Master Plan:

The "Goal, Design Principles and Site Management Guidelines" for the Lakeshore Grounds were adopted by the former Etobicoke Council on April 28 1997 and with amalgamation became the policy of the City of Toronto.

The stated goal is: "to conserve the heritage features, evoke historical land uses and restore ecological integrity to the site while providing a place that is distinctive, accessible and conducive to the public's education, recreation and well-being."

Under the heading "Public Recreation Principles" the Guidelines state:

Parts of the former hospital grounds were specifically designed and constructed to provide a place for recreation. This use should be continued and expanded;

- *areas and facilities for active and passive recreation should be provided with the qualification that passive recreation facilities should dominate at this location*
- *recreation facilities and areas should only be developed in a manner that is compatible with existing heritage and environmental features*
- *public recreation should be provided in a manner that encourages multiple use of areas. Single purpose facilities which occupy large land areas should be discouraged at this specific site.*
- *in recognition that this is a waterfront site, provide leisure facilities and services that are water dependent or related as top priority especially within the waterfront viewshed area."*

CCFEW's position is that a skateboard and skating facility with lights, music and year-round activity is a single purpose facility that was not envisaged when these principles were approved. Traditional recreation in the Lakeshore Grounds has been walking, bird watching, nature study and enjoying views of the waterfront. The meadows are not cut and the areas where the grass is cut are not maintained as playing fields. There is a

cricket pitch and a gazebo in the grassy circle called “The Amusement Grounds” which is designated “Heritage Conservation” in the Master Plan. What exists is a recreational environment which is not compatible with a skateboarding and skating facility.

Official Plan:

On April 12, 13 and 14, 2005 Toronto City Council adopted modifications to the City’s Official Plan with respect to “The Natural Heritage System and Inventory” which read as follows:

“When development is proposed on or near lands shown as part of the natural heritage system, the proposed development’s impact on the system is to be evaluated and an impact study may be required.”

The cursory assessment done by the City of the skateboard facility and skating track falls far short of what was envisaged in this O.P. statement.

A “Natural Environment Assessment” was prepared by Marshall Macklin Monaghan in 2006. It was only after a Freedom of Information request had been filed by a local resident that the terms of reference for the study were made available to CCFEW. This is indicative of the City’s approach of making decisions about this project with minimal public participation. There was no public consultation about the terms of reference or during the preparation of the assessment.

The assessor visited the park on only two days during July and August – not a good time to view nesting or migratory birds or migrating monarch butterflies. No contact was made with local groups many of whom have been involved in waterfront and environmental issues for years – the Lakefront Owners Association for example participated in the original environmental assessment of Col. Samuel Smith Park in 1980. CCFEW was formed in 1989 and has played an active role in issues concerning the Lakeshore Grounds. In 1997 CCFEW was funded by the Ministry of Environment and Energy to prepare “Toward the Ecological Restoration of South Etobicoke” which included a history and description of the Lakeshore Grounds. More recently the TRCA’s Etobicoke-Mimico Watershed’s Coalition has identified opportunities at the Lakeshore Grounds to improve the area’s Terrestrial Natural Heritage System. We have no record of the assessor consulting with the TRCA staff who have for years been involved in the planning, development and naturalization of Col. Samuel Smith Park.

There is no acknowledgement in the Natural Environment Assessment of the history of the Lakeshore Grounds or of the Master Plan. The assessment deals only with the actual area to be occupied by the skateboard facility and does not discuss the impact this facility will have in the context of a natural waterfront park.

Please see Appendix 1, attached, for a copy of the “Natural Environment Assessment” and CCFEW’s more detailed comments.

Terrestrial Natural Heritage System:

The TRCA is working to protect the land base within the Greater Toronto Area where there is existing and potential natural cover. A target has been set for restoration of cover by 2100. The present level of cover within the G.T.A. is 17% of the land base and the target for 2100 is 30%.

Within the urbanized areas of the Etobicoke and Mimico Creek Valleys the present cover is 6% and 3% respectively and the targets are 12% and 8%. The Lakeshore Grounds are mid-way between these two creek valleys and represent a significant amount of cover with the potential for that to be increased. There is a proposal from the Etobicoke-Mimico Watershed's Coalition to include the Lakeshore Grounds and area between the watersheds of the Mimico and Etobicoke creeks in their study area.

The proposed skateboard site is a meadow that was targeted for regeneration in the original Master Plan for the Grounds. To cover this area with concrete represents a lost opportunity for regeneration as well as a risk to the surrounding trees and corridors of natural cover.

In CCFEW's 1997 report "Toward the Ecological Restoration of South Etobicoke," one of the recommendations made was that North Creek, which is just east of the proposed skateboard facility and which flows into the wetland systems of the park, be restored. This report anticipated and complements the approach taken in Terrestrial Natural Heritage System. Drainage from \$2.5 million of concrete will do nothing to restore this creek to its original state.

2. THERE HAS BEEN NO ADEQUATE EVALUATION OF ALTERNATIVES TO THE CURRENT PLAN

City staff have stated that the site selection process for the facility was based on a review of a number of criteria such as size, access to the site, compatibility with other uses in a given park and visibility from public streets so as to provide surveillance and security. Four parks in southern Etobicoke were considered possible locations for the skateboard facility.

CCFEW has been unable to determine the weight given to each of these criteria and the basis on which they were determined. We believe that both the criteria and their evaluation should be the subject of public discussion before decisions are made.

Col. Samuel Smith Park was the only one of the four identified sites for which any kind of a natural assessment was made. However the need for such an assessment appears to have been given no weight in the final decision. The Natural Environment Assessment recommends that no vegetation on the site be removed during the period between April and the end of July when migratory birds could be disturbed. It recommends that the facility be set back 3 to 5 metres from the dripline of the treeline bordering the creek to the east of the site. It acknowledges that the site will require a stormwater management system but presumes (without documentation) that the adjacent wetland can absorb the run-off. There is no weight given in the City's selection

process to either delays in construction or the extra costs that will be incurred at Samuel Smith and not at any of the other three identified sites.

Recent reports indicate that funding constraints require that the facility be built in phases over several years, meaning that the \$2.5 million cost estimate may be exceeded. CCFEW has been unable to obtain from the City an estimate of the total cost of the project. The extra disturbance to birds and wildlife by phasing and any increased costs have played no part in the evaluation of alternatives and the decision-making process.

CCFEW has reviewed skateboard facilities location studies in other municipalities (and indeed elsewhere in the City of Toronto). We have learned that visibility of the facility from a public street is always one of the criteria given greatest emphasis. Col. Samuel Smith Park is the only one of the four proposed sites in South Etobicoke without visibility from a public street. The skateboard facility will be located in a meadow with trees and a building to the north, a tree corridor to the east and south and is visible only from a park access road and parking lot to the west.

Two of the originally proposed sites abut busy public streets, one with a police facility and the other with a high school adjacent to the park. The third possible site fronts on a residential public road.

Security and surveillance issues with respect to the facility have been raised many times with the City by the general public in letters and emails. The Etobicoke Yacht Club which has a boating basin and club house south of the proposed facility stated in a recent email to their members:

“Our concerns about safety and security remain: this is a very isolated location especially “after-hours” and does not have the visibility that was stated as one of the necessary criteria. As this site has been considered, we expect that staff have viewed it during the day when there is activity in the park. As a visit to the area in “off-hours” will show, this location can be very isolated. Usually, members of the Yacht Club are the only people coming and going at these times and we do not want to become responsible for supervising the skateboarders in and around the facility.”

CCFEW fears that, should the project proceed, security concerns will inevitably lead to attempts to open up the area by removing trees and underbrush and by installing permanent lighting. Although the city’s Natural Environment Assessment of the site recommends enhancing the underbrush vegetation, the opposite approach has been repeatedly used in the Lakeshore Grounds in response to security concerns. The environmental impact of either removing underbrush or installing permanent lighting has not been taken into account.

The proponent has not proved a demonstrable public need for this kind of facility to be located in an environmentally significant park. Alternative sites have not been adequately evaluated and were prematurely dismissed for unpersuasive reasons.

3. THERE HAS BEEN A LACK OF TRANSPARENCY AND CONSULTATION IN THE DECISION MAKING PROCESS

In June 2005 an open/house public meeting was held and Parks Dept. staff described four possible sites for a skateboard facility in south Etobicoke. This was the one and only meeting advertised and open to the general public for the purpose of discussing possible locations for a skateboard facility. There has been no advertisement seeking public comment.

At this meeting:

- there was no mention of building an ice skating track at the same location
- no documentation was provided
- there was general discussion about the merits of the four sites but no discussion of the criteria or method of evaluation that would be used to determine the best site
- the only site to which environmental objections were raised was Col. Samuel Smith Park

At the meeting City staff and the local Councillor made it clear that Samuel Smith was their preferred site. When asked by a member of the public what the next step would be City staff replied that they would be selecting the site and building the facility and that a further public meeting would not be necessary.

City staff attended a regular meeting of agencies and tenants of Col. Samuel Smith Park (i.e. Humber College, the Jean Tweed Centre, the Gatehouse, Lakeshore Arts, Citizens Concerned about the Future of the Etobicoke Waterfront (CCFEW) and the Lakeshore Yacht Club) and said that Col. Samuel Smith was one of the sites being considered for a skateboard facility. Representatives of CCFEW and the Etobicoke Yacht Club raised concerns about the environmental impact of the project and the lack of public surveillance of the site.

CCFEW asked for an opportunity to address the Board of the TRCA with respect to the City's decision. Members of CCFEW attended the Authority meeting on January 6, 2006 as did a representative of the Toronto Ornithological Club and several local residents. In response to the issues raised, the Board unanimously and by recorded vote passed the following resolution and directed that it be forwarded to the City of Toronto:

WHEREAS Etobicoke Council approved the Master Design and Implementation Plan on April 28, 1997, per Resolution 178;

THEREFORE LET IT BE RESOLVED THAT the City of Toronto be requested to review the status of any agreements that govern the overall management of the Lakeshore Grounds;

THAT the Toronto and Regional Conservation Authority (TRCA) request that the

City of Toronto continue the dialogue with interested stakeholders, including TRCA, regarding an appropriate level of environmental evaluation and the development of a skateboard facility design that will enhance the unique natural environment of the Lakeshore Grounds;

THAT TRCA request that the City of Toronto take this opportunity to prepare an integrated detailed site design for the skating facility as well as the skateboard park, to ensure all environmental concerns are addressed.

AND FURTHER THAT TRCA send a letter to the City of Toronto offering assistance in the creation of a habitat restoration master plan for all lands in the vicinity of the Lakeshore Grounds.

To this date we are unaware of any response from the City to TRCA.

At CCFEW'S request the letter to the City from the TRCA was referred to the City's Economic Development and Parks Committee. It was accompanied on the agenda by a report from the City's General Manager of Parks, Forestry and Recreation which described four possible locations for a skateboard facility but re-stated the position taken in June 2005 that Col. Samuel Smith Park was the preferred site and that no further consultations were required. CCFEW, the Toronto Ornithological Club and interested individuals made presentations to the Economic Development and Parks Committee. The Committee voted to receive the staff report and took no action with respect to the motion passed by the TRCA.

4. THE PROVINCE HAS AN HISTORIC AND ONGOING CONNECTION AND INVOLVEMENT IN THE LAKESHORE GROUNDS

In 1980 a public hearing was held by the Environmental Assessment Board "concerning an undertaking proposed by the Metropolitan Toronto and Region Conservation Authority to create a regional waterfront park at the Col. Samuel Bois Smith Waterfront area which would take advantage of a unique waterfront setting." After three months of hearings the undertaking and required lakefilling were approved with modifications and conditions.

In 1979 the Ministry of Health declared the Lakeshore Psychiatric Hospital surplus to its needs and so an additional 64 acres of prime waterfront land was available to augment the area created by lakefill. It was ten years before a final land use plan was approved for the entire area.

The provincial government has been an active partner in the realization of the vision that emerged in the 1990's with respect to The Lakeshore Grounds and the creation of a Master Plan.

As the owner of the hospital property the province provided leadership through the Ontario Realty Corporation and the Management Board Secretariat in negotiating land exchanges and funding renovations to buildings in the Grounds and modifications to the shoreline that created this unique natural park on the Toronto waterfront. There was

public consultation and community partnership throughout this process. Citizens Concerned for the Future of the Etobicoke Waterfront was at the table during the planning discussions. CCFEW has raised funds over the last ten years for park signage as well as participating in clean-up and planting days and organising regular bird walks.

In an order dated March 30, 1993 the Minister of Environment gave three reasons for exempting the Conservation Authority's proposed modifications to Col. Samuel Smith Park from the EA Act:

- “the proposed amendments to the waterfront park plan will enhance the environment by creating aquatic habitat and providing safe public access
- the proposed wetland would be less costly (than a previously planned swimming lake) and would provide aquatic terrestrial habitat as part of regenerating the shoreline
- the (Conservation) Authority has consulted with the public in developing the proposed amendments and is confident that such amendments will not result in any concerns”

These reasons clearly indicate the Ministry's commitment to a naturalized rather than a recreational park. Equally important, they also reflect the Ministry's confidence in the process followed and the decisions made by the TRCA. There were no objections from stakeholders or the public to the proposed EA modifications.

Unfortunately this collaborative approach has ceased over the last three years and there is now a plan for a skateboard and skating facility which will unalterably change the nature of the park from a passive naturalized oasis to an active recreational area. This is a clear contravention of the Master Plan.

The City has not met the requirements of the Environmental Assessment Act and has failed to take seriously the need for public consultation as well as the environmental implications of their proposed development.

In view of the significant unresolved concerns regarding the rationale for this decision, the environmental impacts of the decision and the incompatibility of the proposed use with the planned and historical uses of the Lakeshore Grounds, CCFEW regrets that we have no other option but to ask for provincial intervention. The proponent has not adequately proven a demonstrable public need for a skateboard facility/skating track in Col. Samuel Smith Park.

CCFEW believes that it is incumbent on the Minister of the Environment to pass a project-specific regulation designating the planned skateboard facility and skating track in Col. Samuel Smith Park in the City of Toronto as an undertaking to which the Environmental Assessment Act applies.

APPENDICES

- 1 Natural Environment Assessment Prepared for Parks, Forestry and Recreation, City of Toronto by *Marshall Macklin Monaghan*
- 2 Comments About Natural Environment Assessment
Citizens Concerned about the Future of the Etobicoke Waterfront