



Faraed Amin
Deputy City Manager

City Planning Division
Metro Hall, 22nd Floor
55 John Street
Toronto, Ontario. M5V 3C6

Ted Tyndorf
Chief Planner and Executive Director
Rod McPhail, Director
Transportation Planning
Tel: 416-392-8100
Fax: 416-392-3821

February 14, 2006

Mr. Kevin Plautz
Project Officer
Ministry of the Environment
Environmental Assessment & Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

File: 2002 035534 ESC 42 TM

Dear Mr. Plautz:

**Re: Transportation Improvements in the Markham By-pass Corridor
South of Highway 407
Filing of Environmental Assessment Report**

City staff from appropriate Divisions have carefully reviewed the Final Environmental Assessment Report (EAR) as filed with the Ministry on December 23, 2005. We note that comments are required by February 17, 2006. The City Council cycle of meetings does not provide for a new Council position within this timeframe, and so I am writing to inform you of the City position to date. Council will be dealing with the matter once a report has been submitted to the March 7, 2006 meeting of Works Committee.

The Final EAR has incorporated many of the comments provided on the Draft EAR in December 2005, which we appreciate. This has improved the accuracy of the document in certain areas, particularly with respect to indicating the Villages of Fairtree subdivision on the north side of Steeles Avenue just east of Tapscott Road on some of the mapping.

Unfortunately this development is still not well indicated on the maps which set out the various alternative alignments which were tested (for example Exhibits 6-8, 6-9 etc). The constraint it poses to any extension of Alternative C to the north is therefore not clearly explained. As well, there are several statements concerning implementation of the project which leave the erroneous impression that the City of Toronto will look after building the southern section (for example, Sections 7.2.3 and 7.2.11).

As you are aware, in June 2005 City Council took a position on the technically preferred alignment for the Markham By-pass Extension. For completeness, this position is appended. Since the Recommended Alignment is the same as the technically preferred alignment south of

Steeles Avenue, this position will not change. The City will not take on proponency for the section of the undertaking south of Steeles Avenue.

City staff prefer a version of Alternative C within Toronto, which could be partially implemented by developers through plans of subdivision on the lands east of Tapscott Road. Steeles Avenue will not be widened to 8 lanes as modelled in the EAR as part of Alternative C. Map 3 of the City of Toronto Official Plan, as approved by the OMB on January 25, 2006, indicates that Steeles Avenue shall have an ultimate right-of-way of 36 m which can provide 6 lanes. At present there is an approved EA for a widening to 4 lanes in this area, but no funding has been allocated by the City for construction.

The EA study provided for in the Official Plan policies, as ordered by the OMB in 2000 when approving the creation of the Morningside Heights Community (OPA 974), has now been completed. The City is of the opinion that the policies have done their work and no longer apply from January 1, 2006. The City will not protect the lands covered by the range of alignment alternatives from now on. The City will not build the Recommended Alignment south of Steeles Avenue.

In light of the fact that there is no proponent for this undertaking with the jurisdiction to complete the project through the City of Toronto, and given City Council's repeated confirmation that it will not take proponency of the undertaking and is strongly opposed to the undertaking, I hereby request that the Minister refuse this Environmental Assessment. The City of Toronto is of the view that in the absence of a proponent for the EA, it should not be accepted.

However, if the Minister is of the view that this matter should be considered by the Tribunal, the City of Toronto hereby requests an opportunity to be heard by the tribunal on the limited issue of whether or not the EAR should be accepted in the absence of a proponent within the City of Toronto pursuant to s.7.2(3) of the Environmental Assessment Act.

In the interim, the EAR will remain an interesting document but will not bind the City of Toronto in any manner with respect to development in the area or implementation of the recommended design.

Yours truly,



Rod McPhail, Director
Transportation Planning

CJ/nbb

cc: Steve Mota, Region of York

Attachment

Attachment : Council Resolutions

Consolidated Clause in Works Committee Report 6, which was considered by City Council on June 14, 15 and 16, 2005.

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**Morningside Avenue/Markham By-Pass Extension
Individual Project Environmental Assessment Study
Status Report (Ward 42 - Scarborough Rouge River)**

City Council on June 14, 15 and 16, 2005, adopted this Clause without amendment.

It is recommended that:

- (1) City Council advise York Region that it strongly opposes and formally objects to the technically preferred alignment for the extension of Morningside Avenue south of Steeles Avenue East, as developed in the Environmental Assessment Study for transportation improvements in the Markham By-pass Corridor south of Highway 407;
 - (2) City Council request York Region to:
 - (a) re-evaluate Alignment C north and south of Steeles Avenue East, that being the City's preferred alignment south of Steeles Avenue East, and advise City Council of the implications of maintaining Steeles Avenue at its approved width of four traffic lanes; and
 - (b) conduct additional community consultation with City of Toronto residents and Scarborough Community Council following completion of this further evaluation of Alignment C, with notice being provided to the residents in consultation with City staff;
 - (3) the Acting General Manager of Transportation Services and the Chief Planner and Executive Director of City Planning, in consultation with the City Solicitor, report back to Works Committee on the legal and financial implications for the City of Toronto should York Region apply for and receive Environmental Assessment approval for the technically preferred alignment; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”;
- (II) the report from the Chief Planner and Executive Director, City Planning and Acting General Manager, Transportation Services be forwarded to Scarborough Community Council for consideration, with a request that the Community Council hold a special evening meeting in October 2005 on this issue; and

- (III) the report be forwarded to the Province of Ontario, the Regional Municipality of York, the Town of Markham, the Toronto and Region Conservation Authority, the Rouge Park Alliance, the Friends of the Rouge Watershed, and the Save the Rouge environmental groups.

Notice of Motion

I(5) Morningside Avenue/Markham By-pass Extension

Moved by Councillor Cho, seconded by Councillor De Baeremaeker

"WHEREAS City Council on June 14, 15 and 16, 2005 adopted, without amendment, Works Committee Report 6, Clause 5, headed 'Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River), and in so doing, requested York Region to conduct additional community consultation on the by-pass extension; and

WHEREAS Scarborough Community Council recently held an evening meeting to consider the results of the additional community consultation and the further transportation analysis which was conducted by the York Region study team arising from City Council's request; and

WHEREAS as a result of this further information, Council should make new recommendations on the Morningside Avenue/Markham by-pass extension;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 6, Clause 5, headed 'Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council delete the Recommendation of the Works Committee contained in the Clause and adopt instead the following new recommendations:

'It is recommended that City Council:

- (1) advise York Region that it strongly opposes and formally objects to any north/south road in York Region that will increase traffic congestion in the City of Toronto;
- (2) advise York Region that it strongly opposes and formally objects to the extension of Morningside Avenue south of Steeles Avenue East, as developed in the

Environmental Assessment Study for transportation improvements in the Markham By-pass Corridor;

- (3) request York Region to do the following:
 - (a) re-evaluate Alignment C north of Steeles Avenue East, and
 - (b) conduct an additional community consultation meeting with City of Toronto residents and the Scarborough Community Council, following completion of this further evaluation of Alignment C, with notice being provided to the residents in consultation with local City of Toronto Ward Councillor; and
- (4) inform York Region that:
 - (a) the City intends to keep Steeles Avenue, east of Markham, at its current width of two traffic lanes in keeping with its rural surroundings; and
 - (b) the City neither intends nor has budgeted any funds to construct the Alignment C south of Steeles Avenue East;

AND BE IT FURTHER RESOLVED THAT Council's position be forwarded to the Province of Ontario, the Regional Municipality of York, the Town of Markham, the Toronto and Region Conservation Authority, the Rouge Park Alliance, the Friends of the Rouge Watershed and the Save the Rouge environmental groups."

Disposition:

City Council on December 5, 6 and 7, 2005, re-opened Works Committee Report 6, Clause 5, headed "Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River)", for further consideration, and adopted the balance of this Motion, without amendment.

Council also considered the following:

- Petition submitted by Councillor Raymond Cho, Ward 42 - Scarborough - Rouge River, containing the signatures of approximately 323 individuals in opposition to the Morningside Avenue/Markham By-pass Extension [Communication 22(a)].
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- Communication (October 31, 2005) from the Regional Municipality of York [Communication 22(b)].