

MINUTES of the public portion of the 53rd meeting of the Board of Directors of the Toronto Waterfront Revitalization Corporation held at Radisson Admiral Hotel, 249 Queen's Quay West, Toronto, Ontario on Thursday, July 13, 2006, at 9:00 a.m., local time.

PRESENT: Peter Smith, Interim Chair
Bill Charnetski
Renato Discenza
Vivien Dzau
Kevin Garland
Ross McGregor
Mayor David Miller
John Ronson
Mark Wilson

ABSENT: Janet Graham

In addition to the general public, the following additional persons were in attendance, unless otherwise noted, throughout the meeting or only for particular business items as noted in these minutes: John Campbell, President and Chief Executive Officer; Edward Dato, Chief Financial Officer; Victor Wong, V.P. Legal; Kristin Jenkins, V.P. Public Affairs; Marisa Piattelli, V.P. Government Relations and Special Project Management; Christopher Glaisek, V.P. Planning and Design; Brad Searchfield, V.P. Development WDL; Robert Siddall, incoming Chief Financial Officer; Paul Mantini, Bennett Jones LLP; Allan Leibel, Goodmans LLP; Leslie Woo, Special Assistant to the Mayor; Michael Van Valkenburgh, Michael Van Valkenburgh Associates Inc.

The Interim Chairman, Peter Smith, continued in the chair, and Ann Marie Landry continued to act as secretary of the meeting.

1. Approval of Minutes

The minutes of the public portion of the 52nd meeting of the Board held on June 16, 2006 were tabled, and **ON MOTION** duly made, seconded and carried, it was **RESOLVED** that the minutes of the 52nd meeting of the Board held on June 16, 2006 were approved subject to noted amendments.

2. Interim Chairman's Remarks

The Interim Chairman expressed his gratitude to the Board for their continued support. He advised that after discussions with Management and given summer vacation schedules, the August Board meeting would be cancelled.

3. CEO's Report

John Campbell tabled reports and information on various matters, which included the following subjects and information and on which the following Board and Management comments were made:

- *West Don Lands* (“WDL”) - A detailed report was tabled.

Board Comments: First occupancy in 2008 was questioned as it was supposed to be in 2007. It was advised previously that pre-development requirements mandate that the berm has to be built and this requires a 12 month construction schedule with no way to speed this up. The Corporation is looking at ways to compress the schedule in order to meet the tight timelines. The Board requested that any issues which may jeopardize the schedule be brought to the Board.

- *East Bayfront* (“EBF”) - The Corporation continues to refine the Business and Implementation Plan in consultation with the City’s Waterfront Secretariat. The Plan will be reviewed by the City’s Policy and Finance Committee on July 18, 2006 and will be submitted to City Council on July 25, 2006. The Toronto Economic Development Corporation (“TEDCO”) has provided comments on the Plan which have been acknowledged and addressed specifically.
- *Legal Services Procurement* – The Corporation has undergone a procurement for legal services. The winning proponents are Goodmans LLP for municipal/development services, Bennett Jones LLP for consolidated services and Blakes, Cassels & Graydon LLP for district energy. The Corporation has had a briefing session with Bennett Jones to ensure a smooth transition. Paul Mantini of Bennett Jones LLP was introduced to the Board.
- *Staff* – A V.P. Construction and a Chief Financial Officer were hired. David Whyte and Robert Siddall were introduced.

Board Comments: The Board acknowledged Edward Dato’s contribution to the Corporation over the past three years and thanked him for his efforts with respect to the systems and processes put in place that have brought the Corporation forward to where it is today.

- *Miscellaneous*
 - The Interim Chair tabled a letter from a landowner in EBF regarding design and Section 37 issues. John Campbell advised that the Corporation is working with the landowner to find solutions to the design issues but the Section 37 issues are more complicated. The major issue being the financial repercussions to the re-zoning of EBF, i.e. the 20% of affordable housing levy mandated by the City of Toronto. The Corporation and City staff have met with the landowner several times but a resolution has not yet been reached. The Corporation and the City will continue to work with the landowner to try to resolve any outstanding issues.
 - The Interim Chair advised that membership on the Board Committees will need to be addressed and he will undertake to do this.

4. Don River Park Presentation

Michael Van Valkenburgh of Michael Van Valkenburgh Associates Inc., the lead design firm for the Don River Park (“the Park”) provided the Board with a presentation on the Don River Park design highlighting the following:

- The park is approximately 16.87 acres with 8.06 acres of wet lands and 8.81 acres of park;
- The design team looked at what the character of the Park should be, how the Don River can be a presence in the Park, how the Park should connect to the City and the river to ensure that it is a viable urban park and what is the programmatic capacity of the site;
- The design team looked at several design concepts, incorporated feedback from the City, the Design Review Panel and the public through public consultations and developed the current design concept;
- The assets of the Park include the openness to the sky, the Don River alongside the Park along with a pedestrian path and the industrial landscape of the site;
- Some challenges included the fact that the Don River is very important to migrating birds and there is a very strong ecological area on the site which had to be preserved, and the maintenance of the Park being as it is very large and open;
- The Park thresholds include:
 - Front Street Esplanade - strolling promenade
 - River Square - multi-use Urban Plaza
 - Eastern Avenue Overpass - edge Sports
 - King and Queen Street Triangle - neighbourhood terrace
 - Community Centre - program overlap
 - Don River Trail - river connection

- Program expectations include bird watching, cycling, running, kayaking, soccer, fishing, picnicking, skateboarding, rugby, hockey, sledding, lacrosse, baseball, festivals, basketball, market strolling, ecology studying, to name a few;
- An open space will be created for multi-programming which could include kite flying, sunbathing, softball, bird-watching, cycling, soccer etc.;
- The Park planting character incorporates trees, 21st Century urban prairie and marsh. The design calls for sturdy trees that will survive the environment (ie. harsh winters, lack of water, etc.) such as Eastern White Pine, Japanese Balsam Poplar, Larch and Gray Dogwood. A soil expert was retained by the design team who has introduced new and innovative ways such as an anti-compaction strategy to ensure the life span of the trees;
- Sustainability was a key component and focus of the design team who explored ecological stormwater management, marsh and wet meadows, wind turbines and water harvesting;
- The design incorporates a resource centre in the Park and an open-air vs. enclosed concept is still under consideration.
- The schematic design is just about complete and is slated to be tabled at the Design Review Panel committee meeting in September. It will then go out to tender.

Mayor Miller then left the meeting.

Board Comments: The Board cautioned the Corporation to ensure that the resource centre is properly managed and maintained and questioned winter uses in the Park, lighting and the ongoing maintenance of the Park. Mr. Van Valkenburgh responded to the questions. John Campbell advised that the ongoing maintenance of the newly created parks, as a result of waterfront revitalization, is an issue for the City. The Corporation is participating on a Steering Committee with the City to deal with the maintenance for parks as well as the waterfront area in general.

5. Communications Report

The Communications Report was tabled and received by the Board. Ross McGregor advised that the Government Relations and Communications Committee will start engaging in the very near future.

6. Value for Money Audit

Vivien Dzau reported that the revised Request for Proposals (“RFP”) was submitted to the Secretariats who contacted Ms. Dzau with commentary and questions. She reported that the Corporation has completed its work on the RFP and is awaiting approval from two of the three levels of Government.

7. Environmental Issues

Victor Wong tabled a Business Plan for an Environmental Insurance Fund in the amount of \$10 million for the Corporation which was approved by the Finance and Risk Management Committee on June 27, 2006 and which is under consideration by the three levels of Government.

The amount of \$10 million was questioned by the Board and Mr. Wong advised that this amount was given by Aon Insurance, the Corporation's insurance broker, as a reasonable limit commonly available from insurers at a reasonable price for third party environmental insurance based on their understanding of the needs of the Corporation and current environmental information. He advised that the main purposes of the fund are:

- i) to complement any third party environmental insurance taken out by the Corporation on a case by case basis to cover deductibles and exclusions typically found in any insurance policy;
- ii) to backstop any indemnities given to governments or their agencies for site preparation or remediation work conducted on lands owned by governments or their agencies;
- iii) to address gaps between the unlimited indemnities requested by a level of government and what can be obtained from consultant/contractors; and
- iv) to pay for legal defence costs of the Corporation if the Corporation is sued for environmental claims.

Discussion ensued, and **ON MOTION** duly made, seconded and carried, it was **RESOLVED** that the Business Plan for an Environmental Insurance Fund in the amount of \$10 million be approved.

8. Occupational Health and Safety Compliance

Victor Wong tabled a memo regarding the Corporation's potential roles, obligations and liabilities as "Constructor" under the Occupational Health and Safety Act (Ontario) ("OHSA") and Section 217.1 (Criminal Code). He reported that as the West Don Lands project moves forward, the Corporation will be involved in significant construction activities within the area and must understand the Corporation's unique role as master developer of the WDL in the context of a "Constructor".

He advised that the Corporation, Directors and Officers can be liable for fines and/or imprisonment for occupational health and safety infractions. He noted that Aon Insurance has advised that the Corporation's directors and officers insurance does not cover fines and penalties under OHSA or the Criminal Code because such violations are considered quasi-criminal in nature and are not typically covered by insurance policies.

He advised that the next steps are as follows:

- The Corporation will consider retaining an OHSA expert to assist in establishing a health and safety program and properly manage this issue on an on-going basis;
- David Whyte, V.P. Construction, will formulate a comprehensive OHSA program to minimize potential OHS prosecutions and maximize the Corporation's due diligence defenses;
- The Corporation will determine which specific projects within the entire project require the Corporation, Ontario Realty Corporation ("ORC") or the City of Toronto to be the designated "Contractor" under OHSA;
- The Corporation will develop a strategy to be submitted to the Ministry of Labour to ascertain whether the Corporation should be designated as the "Constructor" for all or parts of the project providing greater certainty regarding the Corporation's risks and potential liabilities that would arise under OHS legislation.

He further advised that the Corporation will provide the Board with an overall strategy to deal with occupational health and safety issues. The Board agreed that the strategy should be tabled with the Finance and Risk Management Committee prior to tabling it at the Board.

9. Central Waterfront Temporary Installation

Christopher Glaisek provided the Board with a detailed overview of an initiative that the Corporation would like to undertake during the month of August, the details of which are as follows:

- At the conclusion of the Central Waterfront Innovative Design Competition, the Jury recommended that parts of the winning proposal be implemented on an interim basis sometime during the summer.
- West 8's visionary plan for a continuous public promenade and recreation trail on Queen's Quay Boulevard was considered to be an ideal "test case" for a temporary installation.
- The merits of this undertaking include:
 - learning valuable lessons that can be applied to the final design;
 - sustaining momentum generated by the design competition;
 - giving Torontonians a sense that a major piece of the city has been returned to the public realm;
 - delivering tangible results to the public right away;
 - generating public support for the implementation of the larger plan; and
 - strengthening the Corporation's image as an agent of positive change.
- The Corporation is contemplating the feasibility of closing the two southern traffic lanes of Queen's Quay Boulevard in the Central Waterfront for a ten-

day period in August and transform the resulting space into a linear park through the installation of a temporary landscape designed by West 8.

- Closing the lanes will allow for several new features such as:
 - The Martin Goodman Trail will run virtually uninterrupted from east to west;
 - A dramatic picnic lawn will erase an 800-metre long lane of asphalt;
 - A linear flower garden will beautify the Queens Quay Streetcar right-of-way;
 - Sculptural gateways will grace the east and west entries to the new parkscape;
 - Urban beaches will transform the heads of slips into children's play places; and
 - Large graphic reproductions will showcase the design vision throughout the area.

- To implement these elements, Queens Quay Boulevard would be partially closed in two areas. From Spadina Avenue to York Street, the two southern lanes would be closed to create the new park, recreational trail, and gardens. All east-bound movements would be detoured onto Lakeshore Boulevard, and access to all properties on the south side of Queens Quay Boulevard would be maintained by stationing uniformed police officers at all non-signalized intersections. From York Street to Richardson Street, the southernmost lane would be closed in order to provide a car-free link to the Martin Goodman Trail terminus in East Bayfront. East-bound movements, while restricted to one lane instead of two, would continue as they do today. Simple barricades would be used to safely separate the trail from the cars.

- Events and programming could include:
 - Opening event with ceremonial painting of the Martin Goodman Trail stripes;
 - 5K run along the new Martin Goodman Trail, starting at Cherry Beach and ending at Harbourfront Centre;
 - Children's bike decorating contest and parade;
 - Bike Share stations set-up along the waterfront;
 - Free movie nights featuring first-run films or classics like *On the Waterfront*;
 - Free canoeing and kayaking lessons at John Quay and Natrel pond one weekend;
 - Free harbour tours aboard the tall ship *Kajama*;
 - Sand castle building exhibition;
 - Closing night concert on the Harbourfront Centre Stage; and
 - Closing night fireworks over the harbour.

- A functional plan for the temporary closure has been drafted and is currently being reviewed by city staff for approval of a temporary closure permit. The

plan will maintain full access to all users and buildings on the south side of Queens Quay Boulevard through the use of uniformed police officers at all driveways, service entries and emergency routes. They will direct traffic so cars can safely cross the TTC right-of-way whenever necessary and help direct eastbound drivers to the detour routes, which will be clearly marked with signage. In order to obtain the temporary road closure permit in time for the event, Corporation staff were required to submit a request at community council prior to the July board meeting.

- The Corporation has retained Wow Inc., through a competitive process, to assist in managing events and programming. Crossing guards will be hired through the police department, and supplemented by “ushers” provided by Wow or Harbourfront Centre if and where necessary. Set-up and break-down of the installation will be done by a construction manager, to be procured through a competitive process. Corporation staff will closely oversee all aspects of the events and landscape installation.
- Comparable events were used as a precedent for establishing a budget ceiling for this project. Based on the initial concept design and range of programs, it is expected that this ten-day event will cost approximately \$900,000 (\$400,000 for landscape installation/street closure and maintenance, \$250,000 for events/programs/marketing, \$100,000 for traffic operations/maintenance and \$150,000 for a 20% contingency). The final budget will become more firm as the overall project is refined and a more detailed design and approval process is undertaken. Sponsorships and in-kind donations will be pursued, and could therefore offset some of these costs.
- Part of the marketing plan will include “wrapping” a Toronto streetcar with event advertising. The Corporation is presently in discussions with the Toronto Transit Commission (“TTC”) to see how this could work.
- The Corporation will monitor the event to gauge traffic numbers and visitor counts as well as to get some insight into why people are coming to the waterfront and what they think of the installation and programming. The Corporation will also ensure that the appropriate public outreach to local residents and merchants is undertaken. A preliminary outreach to merchants and residents resulted in some concerns and challenges but generally, a high level of support. The Corporation will ensure continued dialogue with the Community Advisory Committee.

Discussion ensued, and **ON MOTION** duly made, seconded and carried, it was **RESOLVED** that the Central Waterfront Temporary Installation Plan as presented above, be and is hereby approved.

10. Termination of the Meeting

There being no further business, **ON MOTION** duly made, seconded and carried, it was **RESOLVED** that the meeting be terminated.

Interim Chair

Secretary of the Meeting