

## Comments on 2020 Maritime Use Strategy Final Report, October Draft

Ed Hore, November 9, 2020

I am a lawyer, kayak instructor and local resident, and sit on the Stakeholder Advisory Committee. I chair Waterfront for All, an umbrella group of residents' associations. I used to be co-chair of the York Quay Neighbourhood Association.

In general, the 2020 Marine Use Strategy Final Report ("MUSFR") is an excellent and necessary document. A few comments:

### Cruise Liner Terminal

The Multi-user Pier (aka cruise liner terminal) proposed for the Yonge Street Slip referenced at pages 69, 78 and 84 of the MUSFR is a terrible idea. Toronto already has "good infrastructure [for cruise liners] in place" (MUSFR, p. 69) at the former Rochester Ferry Terminal at the Eastern Gap. There is no need to move cruise ships to the centre of the downtown waterfront.

The proposed terminal would, it seems, be massive, to accommodate cruise liners as much as 220 metres long (MUSFR p. 69). It would include food and beverage and retail space, with possible lower level off-limits to the public for "vessel operations" i.e. warehouse space (MUSFR p. 78), a return to the Toronto industrial waterfront of decades past.

A cruise ship terminal would likely sit idle for ten months of the year; Toronto has limits on its appeal as a cruise ship destination due to its climate. Restaurants and retail can better be accommodated on the retail ground floor of the many condo and business towers going up nearby.

If buses must come to the proposed terminal to pick up cruise liner tourists, as noted in MUSFR p. 84, why not simply continue to have tourists board buses at the former Rochester terminal at the Eastern Gap, as happens now? They can be bussed to Queens Quay for a stroll and to enjoy the restaurants and shops – a cheaper way to bring tourist dollars to the Queens Quay area than building a cruise liner on Queens Quay for \$45 million (the estimated cost according to MUSFR p. 78).

It is unclear what business benefits this huge building would bring. Cruise ship patrons are already "satisfied with the service they receive when visiting Toronto" (p. 69). Does Toronto

miss out on cruise ship traffic now due to lack of such a terminal? Likely the answer is that most or all Lake Ontario cruise liners come to Toronto already.

Building such a huge structure amounts to paving over much of the Yonge Street slip. The waterfront slips, including and perhaps especially the Yonge Slip at the foot of Toronto's main street, are invaluable assets of the city. There will always be calls to fill them in and extend the city into the Lake. Such calls should always be opposed.

The cruise liner terminal would be another obstacle for those walking along the waterfront, like the Redpath Sugar Refinery. Yet everyone agrees people should be able to walk from one end of the harbour to the other. Adding a huge new obstacle is a move in the wrong direction.

Allocating space to this structure would be a waste a lot of dock wall, a scarce resource. The MUSFR notes the "shortage of dock wall length, marina slips and waterfront access for recreational uses ...." (p. 63).

We can do better as a city than build a big and likely ugly white elephant on the lake at the foot of Yonge at a cost of \$45 million.

I believe public opposition to this structure, if seriously proposed, will be prolonged and intense.

### **Kayaks and Canoes**

The MUSFR has lots of photographs of kayaks and canoes (eg pages 44, 48 and 68). And indeed kayaks have become iconic symbols of the Toronto waterfront. The report notes correctly that the "amount of small boat recreational users (i.e. people canoeing and kayaking) is expected to increase over time." (MUSFR p. 69)

The report makes three recommendations:

1. Villiers Island: Accommodating the growth in paddling (such as more on-shore storage) "is only possible to a certain extent", and should wait until Canoe Cove at Villiers Island is built - where there will be "ample opportunities" to meet this demand (MUSFR pp. 69, 82).
2. Infrastructure needs: Water-access points for kayaks and canoes should be near roads and public transit, with parking and onshore storage (MUSFR p. 69).

3. Kayak or canoe sharing: There may be opportunities “to introduce kayak or canoe sharing” similar to bike sharing “at various places alongside the water”, so people won’t have to bring their own equipment, allowing some form of “island hopping” (MUSFR p.69).

I’ll comment on each of these separately.

#### 1. Canoe Cove at Villiers Island

The proposed kayak and canoe facility at Canoe Cove on Villiers Island mentioned on p. 82 is a great idea, but I am concerned by the MUSFR’s statement that a "rigid safety plan" is necessary for it - due to the proximity, it says, of industrial users.

No such “rigid safety plan” exists now, yet paddlers have been using harbour safely in co-existence with industrial users for decades. Long experience has taught the proper balance of safety rules and access to the water appropriate for the circumstances on Toronto harbour, exemplified by the operations of Harbourfront Canoe and Kayak Centre (HCKC) in the Rees Street Slip.

The MUSFR says a Working Group will develop the “New Don Mouth Boating Management Strategy” i.e. the aforementioned “rigid safety plan”, and recommends organizations that would be on the Working Group. Oddly, no paddling representative is mentioned. If such a safety plan is needed, there must be paddler representation on the Working Group.

It would be most regrettable if the proposed Canoe Cove facility at Villiers Island amounted to allowing canoes and kayaks only within some tiny enclosed area (like the paddleboats at Ontario Place) or subject to unduly restrictive rules. Canoes and kayaks now range freely and safely all over the inner and outer harbours, both Gaps, and through the island lagoons. This has been the case for decades.

HCKC, at the Reese Street Slip, though not lavish, has evolved practices over thirty five years that make it popular, successful, and safe, both for locals and visitors. It is a great asset to the City. Whatever happens, it should not be moved or shut down. It is a template for future canoe and kayak facilities because it works so well.

Kayaks and canoes play a key role in allowing visitors to see the beauty of Toronto harbour and the islands. We should build on this. The MUSFR notes the potential of the “island and lagoons” as a selling point when promoting Toronto as a waterfront destination at p. 86. But MUSFR refers to the lagoons only as a “sailing destination”. In fact the lagoons are best seen,

and in some cases can *only* be seen, from a canoe or kayak. That's how thousands of visitors visit them every year.

I conduct kayak tours in the summer. I can attest that visitors are stunned by the beauty of the lagoons, and the views they offer.

The Parliament Slip, as suggested at MUSFR p. 81, is well worth considering as an additional location for rentals and water-access for canoes and kayaks, as is Harbour Square Park Basin (although small), as mentioned at MUSFR p. 76.

It should be noted that space for kayak and canoe storage need not occupy valuable and scarce real estate *on land*. The storage racks at HCKC are on floating docks. Many examples can be found around the world of floating paddling facilities (Denmark in particular has some excellent examples).

## 2. Paddling Infrastructure

It is excellent that the Report outlines some necessary features of a paddling facility such as road access and storage space for boats at page 69. A paddlesport-oriented building with office and teaching space, and berthing space for motorized safety boats, should be added

The MUSFR says at page 38 that indigenous peoples recommend educational opportunities "on how to use kayaks and other non-motorized boats in the inner harbour". Yet the importance of water-safety and paddling education, or teaching facilities where it can be done, are not mentioned or recommended anywhere else in the report.

A paddlesport-oriented building with an office and teaching spaces for paddling and small boat instruction should be added to the list of desired infrastructure at p. 69. The MUSFR "is meant to be aspirational" (MUSFR, Executive Summary). This should be one of the aspirations. Examples of urban paddlesport buildings exist in many urban centres around the world.

Another requirement that should be listed is berthing for one or more motorized safety boats (likely, pontoon boats) for reasons explained below.

## 3. Canoe and kayak sharing

"Sharing" of canoes and kayaks, suggested at MUSFR page 69, i.e. making canoes and kayaks available for people to borrow without supervision, raises significant safety concerns. The

situation is not the same as bike sharing. Almost everyone knows how to ride a bike, but not necessarily how to paddle a kayak or canoe, how to deal with winds or waves, how essential it is to wear a life jacket and so on.

In this respect, canoe and kayak “sharing” creates very different challenges from on-shore canoe and kayak storage where people keep a kayak or canoe that they own (the MUSFR correctly notes “there is very limited storage space available [on the waterfront] to store a canoe or kayak storage” at p. 35).

People who own a kayak or canoe can be presumed to have some level of knowledge of water safety. Offering kayak and canoes to people with no experience, however, necessarily requires some education and supervision. For example, HCKC at the Rees Street Slip rents kayaks to people with no experience on nice summer days; but it is important to note the staff make sure renters are wearing a life jacket before they get on the water, and also gives them some basic instruction. Then renters typically paddle safely across the harbour to the Toronto Islands and lagoons. This is safe because HCKC is unobtrusively supervising; it has three pontoon boats to pick up paddlers in an emergency, or to ferry paddlers to the calm Island waterways – safer for inexperienced paddlers on slightly rough days, and better for stand-up paddle boards. (Thus, the need for such safety boats at Canoe Cove on Villiers Island, noted above.)

HCKC also makes judgement calls about when rentals must be suspended due to bad weather. It offers classes and Paddle Canada certifications, and runs paddling summer camps for kids. There are many experienced paddlers around HCKC who use the storage facilities to keep their kayaks. All of this creates a general culture of education and respect for water safety at HCC that has worked well for decades.

The MUSFR should mention the need for water safety education as desirable and worth devoting resources to on Toronto’s waterfront.

### **Paddlers Lane at the BBTCA Marine Exclusion Zone**

A safety problem arises in the summer because there are so many boats, of different sizes, going at different speeds (and sometimes at excessive speed, as noted below), everywhere on the harbour, but in particular in the heavily trafficked waters going around the Marine Exclusion Zone (MEZ) at the end of the airport runways.

HCKC has proposed a narrow “paddlers lane” which would go through the MEZ. Only kayaks and canoes could go through it. A corresponding width could be added to the east end of the MEZ to compensate. This would alleviate the danger that arises from kayaks and canoes, bigger

power boats, ferries, party boats etc going around the white buoys together, a situation that creates high wakes, and unsafe interactions between different sized vessels. This would help manage the interaction of different kinds of boat traffic on the harbour. Details can be obtained from Dave Corrigan of HCKC. The MUSFR should mention this.

### **“Permitted Vehicle Ferry”**

The "Permitted vehicle ferry" suggestion on MUSFR page 53 is a good idea. An alternative ferry dock on the city side is necessary.

However, passengers as well as vehicles should be allowed to use it. The Unwin area is less congested than the foot of Bay Street, with more space available for parking. Allowing passengers to take the Island ferry from an alternative ferry terminal near the Eastern Gap would enable families to park and unload a car when going on an excursion to the Island. Parking let alone stopping is difficult at the Jack Layton Ferry Terminal.

This would reduce the serious vehicle and pedestrian congestion in the summer at the foot of Bay Street.

### **Management**

The MUSFR mentions Safety at p. 96. It notes correctly more and better safety ladders up the dock walls are necessary, at p. 34. Ports Toronto should be commended for putting sturdy safety ladders along the south wall of the Western Gap recently, but in many other places safety ladders are in poor repair or completely absent. This can be a matter of life or death for someone unexpectedly in the water for whatever reason.

Speed limits are not mentioned, but should be. Speed limits are vital to kayaks, canoes and small boats, as large wakes can be dangerous, especially as they bounce off the dock walls in narrow waters such as those at the Eastern and Western Gaps.

The speed limits on the harbour are probably too high and too complicated. They are 5 knots (10 km/hr) if within 150 feet of any shoreline or breakwater, and 10 knots beyond (20km/hr). See Ports Toronto Port and Harbour Practices, sections 14 to 16. Ten km/hr is fast enough to produce big and dangerous wakes in the Eastern and Western Gaps, even assuming the speed limit is adhered to.

Unfortunately the speed limits, high as they are, are often ignored, perhaps because the two-level speed limit is difficult to remember and follow. Signs as to speed limits are almost non-existent. They should be large and prominent. The Report should recommend such signs.

I suggest large signs at both Gaps that say "Slow Down! No wake!"

The speed limits may have been developed years ago before the harbour was busy as it is now. To know what the speed limits are, you have to have taken, and remember, the Ports Toronto Power Vessels Operator course.

There are also problems with reckless behaviour by power boats and especially jet skis. More enforcement is needed as to speed limits and reckless boating that endangers others. The Report should discuss this need, and propose a plan to address it.

### **Waters Edge Ownership Map**

The Management section at page 91 talks about the need to sort out jurisdictional and ownership confusion on the waterfront, including developing a Waters Edge Ownership Map. This is certainly needed.

This effort should include the east end of Ward's Island, an area with particularly confused ownership issues. As an example, the dilapidated seawall on the Island side of the Eastern Gap used to extend hundreds of metres into the harbour, until removed in 2019 as a safety hazard. It was in a dangerous state of collapse, yet both adults and children could often be seen walking or running on it. Other dilapidated dock walls remain at the East end of the Island, and seem equally dangerous. So far as I know, the current Toronto Island Master Plan project will not attempt to resolve the jurisdictional issues that have led to this situation. It is better handled in the MUSFR.

### **Suggestion: A Sound Control Rule**

No mention is made of noise or sound problems in the MUSFR.

There have been many problems on the harbour with loud music from party boats and waters-edge nightclubs, and other noise sources. I dealt continually with various noise concerns from various sources when I was co-chair of the York Quay Neighbourhood Association. I represented (YQNA) in administrative litigation regarding amplified music at Rebel nightclub and the adjacent Cabana Pool Bar on Unwin Avenue on the harbour's east sea wall. The License

Appeal Tribunal found the Toronto Islanders suffered stress over the years because of noise from the nightclub. Such noise will affect more city-side residents as more move in nearby. <https://www.canlii.org/en/on/onlat/doc/2018/2018canlii79631/2018canlii79631.html?autocompleteStr=Powerhouse&autocompletePos=1>

The nightclub's appeal to the Ontario Divisional Court will likely be heard next spring.

The harbour is especially susceptible to noise problems due to the carrying power of amplified music and other noise over water. These problems will grow as more people live on the waterfront, and are impacted by music on or over the water, and as on-water or shoreline activities grow that potentially generate noise.

This concern relates to the management of the harbour, and should be at least mentioned in the MUSFR. Thought should be given to developing a noise control regime for Toronto harbour.