

March 4, 2021

Transmittal No. 2021 – 103
(Public)

George Harvey CI, 1700 Keele Street Temporary License Agreement with City of Toronto for Fairbank Silverthorn Storm Trunk Sewer Project

To: Alexander Brown, Chair, Toronto District School Board (TDSB)

This communication is to inform you of a recent decision made by the TLC Board at its meeting of March 4, 2021 with respect to the report, *George Harvey CI, 1700 Keele Street Temporary License Agreement with City of Toronto for Fairbank Silverthorn Storm Trunk Sewer Project*, report attached herein.

The TLC Board decided that:

1. Authority be granted for TLC to enter into a temporary license agreement with the City of Toronto (City) for the City use of a portion of the George Harvey CI school parking lot in ex-change for the TDSB use of a portion of a City parking lot of similar size located at 15 Rother-ham Avenue, as outlined in Appendix 1, for a term not to exceed twenty-four (24) months with key business terms and conditions as specified herein;
2. An agreement be in a form and content satisfactory to TLC Legal Counsel; and
3. The report be forwarded to TDSB Board for approval

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the report is requested.

Sincerely,



Brenda Patterson
Chair, TLC

cc. D. Sage, Executive Officer, TLC

cc. C. Snider, Associate Director, Business Operations and Service Excellence, TDSB

TORONTO LANDS CORPORATION

COMMITTEE DECISION ITEM

George Harvey CI, 1700 Keele Street

Temporary License Agreement with City of Toronto for Fairbank Silverthorn Storm Trunk Sewer Project

To: Chair and Members of the Toronto Lands Corporation

Date: February 16, 2021

Recommendations:

- 1) Authority be granted for TLC to enter into a temporary license agreement with the City of Toronto (City) for the City use of a portion of the George Harvey CI school parking lot in exchange for the TDSB use of a portion of a City parking lot of similar size located at 15 Rotherham Avenue, as outlined in Appendix 1, for a term not to exceed twenty four (24) months with key business terms and conditions as specified herein;
- 2) An agreement be in a form and content satisfactory to TLC Legal Counsel; and
- 3) The report be forwarded to TDSB Board for approval.

Rationale

The City of Toronto's Basement Flooding Protection Program is a multi-year program that is designed to alleviate the risk of flooding by making improvements to the sewer system and overland drainage routes. Projects are taking place across the city and specifically in the area of Fairbank-Silverthorn region, where George Harvey CI is located, the City of Toronto (City) is required to construct a new storm trunk sewer system. This construction of a large storm sewer system was recommended by the Investigation of Chronic Basement Flooding – Study Area 3 Environmental Assessment, that was completed in 2010. It is anticipated construction near the TDSB school will commence in Q4 of 2021 and take approximately eighteen (18) to twenty-four (24) months to complete. In City infrastructure projects such as the Basement Flooding Program, there may be a request to use or acquire TDSB property in order to assist in a preferred work plan or even to enable project completion.

In December 2019, TLC was approached by the City with a request to temporary utilize a portion of TDSB property at George Harvey CI, municipally located at 1700 Keele Street, to assist with the Fairbank Silverthorn Storm Trunk Sewer Project. The City is planning to install a new storm sewer in the municipal road allowances surrounding this school and requesting to use a portion of the school's parking lot as a staging area. The temporary use of the school parking lot will enable the City to relocate the staging area off Nashville Avenue and allow this municipal street to remain open to vehicular traffic during the construction period. This will significantly reduce the impacts to the school and local residents by improving the traffic flow to the entire neighbourhood during the construction period.

Context

TLC has worked with City staff for almost a year and engaged TDSB school officials to fully understand the scope of the City sewer project and the impacts in this community, particularly potential real

estate and student impacts at George Harvey CI. Specifically, consideration has been given to mitigation measures for the duration of the City project that include student safety, property damage, traffic flow and a detailed construction management plan. The City had concluded that moving the construction staging area into a portion of the school parking lot located off Nashville Avenue will help minimize disruption as much as possible to the school and the surrounding neighbourhood resulting from this large construction project. The collaborative approach with the City public partner has allowed the TLC to negotiate a temporary arrangement that has taken into consideration the concerns of the TDSB at this location amongst other real estate matters.

To summarize, TDSB providing a temporary staging area for the City in a portion of its parking lot will allow Nashville Avenue to remain as a thoroughfare for vehicles during the project. In exchange, TDSB will be granted similar parking in very close walking proximity to the school to allow for alternate parking. In addition, the TDSB will receive a new reconstructed parking lot at the end of the project. The City has also provided for a temporary school bus drop off zone and additional street parking. TDSB staff are in concurrence with the terms and conditions negotiated by TLC for this City project.

Key Business Terms and Conditions

TLC has negotiated a temporary license agreement with the City for the use of a portion of the George Harvey CI parking lot as a short-term construction staging area. TLC recommends Board approval of the key business terms and conditions as described herein and as further illustrated in the attached Appendix 1 for reference.

- *Temporary Property Requirement:* Portion of George Harvey CI parking lot comprised of approximately twenty-four (24) parking spots, municipally known as 1700 Keele Street;
- *Purpose of Land Use:* Construction Staging Area;
- *Temporary Property Exchange:* At the same time, the City will grant TDSB a temporary license agreement for TDSB parking at a nearby City property located at 15 Rotherham Avenue within very close proximity to George Harvey CI;
- *Ease of Access:* The City will install a pedestrian entrance/exit along the east side of the City parking lot to allow for easy access onto the Keele Street sidewalk closest to the school;
- *Additional Parking:* The City will allow street parking for up to five (5) vehicles along Rotherham Avenue for staff and students during the City project;
- *Term:* Eighteen (18) months, option to extend for a further six (6) months. Total term will not exceed 24 months;
- *Commencement Date:* Estimated October, 2021
- *Consideration:* As there will be an equal exchange of parking spots in each lot, in close proximity to one another, the payable market rent is considered equal, therefore, the equitable exchange results in nominal consideration.
- *Exclusive Use-Maintenance:* Each party will have exclusive use of the short term licensed areas and be responsible for maintenance. However, the City agrees to compensate TDSB for the maintenance costs associated with the replacement parking area at 15 Rotherham Avenue;
- *Construction Management Plan:* The City will implement a Construction Plan with requirements as agreed and finalized with TLC/TDSB staff.
- *Key Ongoing Mitigation Measures During Construction:*
 - The City will separate the TDSB parking lot into two areas to ensure that the remaining portion of the lot can continue to be used by the school for parking, garbage pickup and daycare drop off.
 - The City will construct a new access route into their licensed area at the school and will not use the existing entrance from Nashville Avenue into the school parking lot.
 - Parking enforcement for City staff and contractors will be the responsibility of the City.
 - City will create a temporary school bus drop off zone along the southbound lanes of Keele Street, within close proximity of the main school doors facing Keele Street.

- The City will create an alternate pathway leading to school exit #10, along Bicknell Avenue which will be paved, flat and wheelchair accessible.
- *Restoration:* The City, at its sole expense, will be responsible for complete restoration of all property areas impacted, including the complete restoration of the entire TDSB parking lot. This work will be completed during school recess (summer or March break);
- *Student Education Component:* The City will use its best efforts to work with TDSB to provide an educational component related to this large construction project as a learning opportunity for students. This will be incorporated into the school STEM enrichment program that is offered at George Harvey CI. As part of the STEM Educational component, when the Tunnel Boring Machine is breaking through at this location; and the new one is being placed into the ground, the City will notify TDSB a few days in advance and this activity may be filmed by the City's contractor and later presented to students as an educational seminar with a City representative. The school may include some materials provided by the City to provide a display case at the school for educational purposes.
- *Associated Costs:* All fees and taxes for the license agreement, including legal expenses, (legal expenses will be capped at \$15,000) will be covered by the City.

Taking all factors into consideration with respect to the City request to use TDSB property for this major storm trunk sewer project, the temporary property exchange and negotiated terms and conditions are considered fair and reasonable by TLC and will mitigate student and local community impact. Student benefit will provide for an educational component which exposure can lead to a stronger understanding of construction elements and career opportunities associated with a large City infrastructure project. The City has committed to continue to work with the school officials throughout the project to help minimize the impacts to George Harvey CI.

Overall, the terms of settlement represent a good working framework between the public agencies and demonstrates how different school and community needs can be achieved through the collaborative effort of all parties and the effective utilization of sharing public assets.

Appendix

Appendix 1 George Harvey Collegiate Institute, 1700 Keele Street

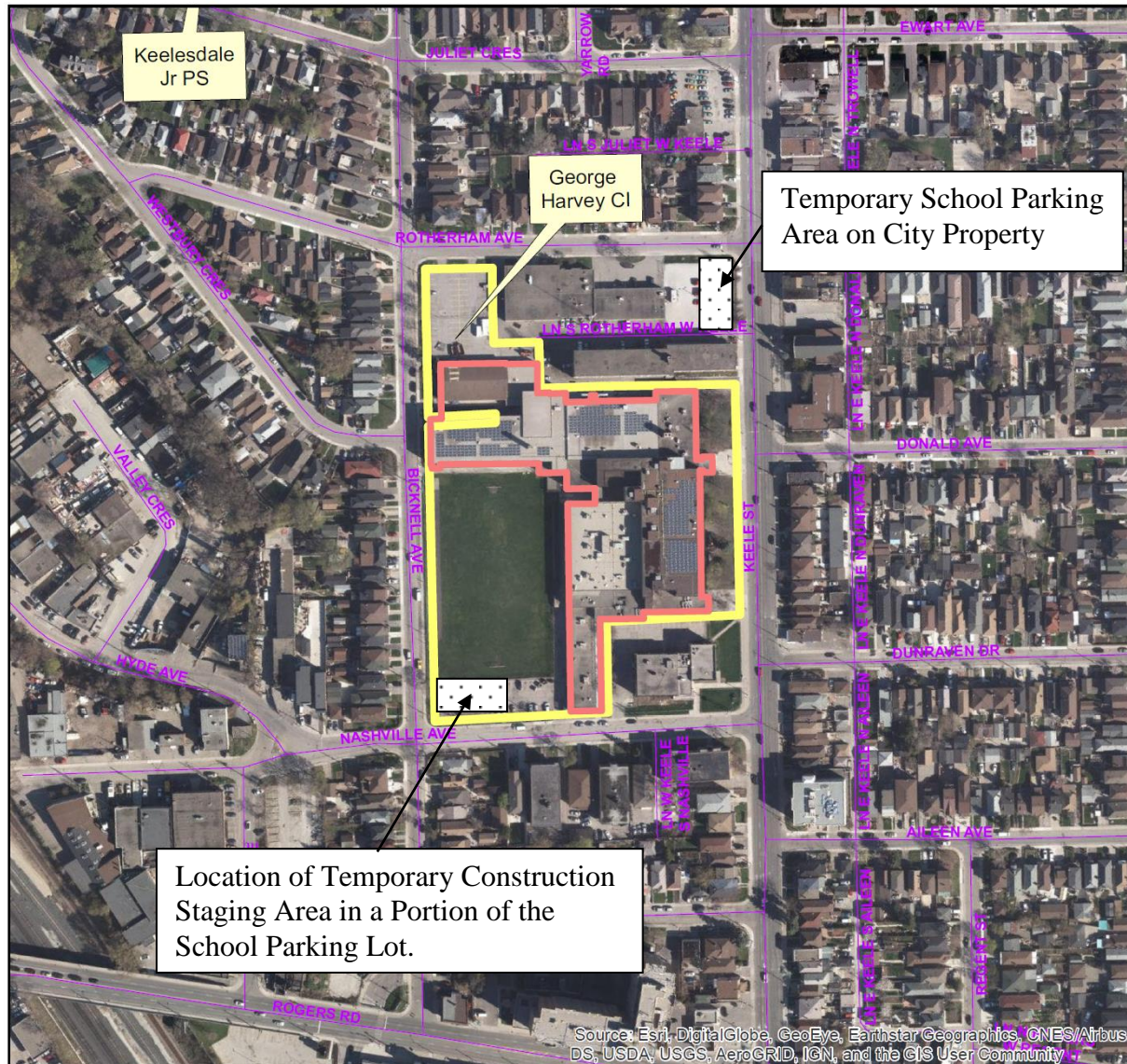
Routing

TLC Board: 4 March 2021
TDSB Board Cycle: March 2021

From

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Anita Cook, Executive Manager, Real Estate, Toronto Lands Corporation, at acook.tlc@tdsb.on.ca at 416-393-0632



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Produced by:
Strategy and Planning, TDSB
April 2019

Source:
Base Map- Geospatial Competency Centre
Facility -Strategy and Planning, TDSB
Data- City of Toronto



Legend

- Facility
- TDSB Site
- Leased Site

L:/GISData/project/Ortho/Ortho Template 2018.mxd