

March 4, 2021

Transmittal No. 2021 – 105
(Public)

Midtown Toronto Storm Sewer Relief Project (MTSSRP): Strategic Partnership to Advance City Building with the TDSB

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, *Midtown Toronto Storm Sewer Relief Project (MTSSRP): Strategic Partnership to Advance City Building with the TDSB*, report attached herein.

The TLC Board decided that:

1. That TLC be granted authority to negotiate a term sheet between the City of Toronto and the Toronto District School Board that permits TDSB lands at North Preparatory Jr. School also known as Memorial Park to form a part of the City's Midtown Toronto Storm Sewer Relief Project (MTSSRP).
2. That approval for TLC to execute the partnership agreement be conditional upon:
 - a. receiving confirmation of a City Council motion approving a satisfactory CreateTO report and recommendations by April 30th, 2021.
 - b. a joint City/TDSB public meeting being held to inform the residents of the Forest Hill area and school communities of Forest Hill Collegiate Institute and North Preparatory Jr. Elementary Schools of the MTSSRP, its impact and timelines along with the partnership opportunities between the City and TDSB.
 - c. a project timeline and layout that mitigates student and community disruption while also ensuring City access to all required funding for the project
 - d. TDSB providing to the City its analysis of the operational impact on both North Prep and FHCI schools which are to form a part of the MTSSRP implementation plan.
 - e. North Prep school students remaining on site through to project completion, supported by a TDSB approved on-site student safety plan.
 - f. ensuring that the MTSSRP will provide for continued access by Forest Hill Collegiate Institute and North Preparatory Jr. Elementary School students to recreational space and that the City's on-site construction plan and timeline will be coordinated with TDSB staff.

- g. site remedies as required by TDSB to address student and programming needs be at no cost to TDSB and that the City will provide written confirmation to keep TDSB financially whole through to project completion.
 - h. the pupil accommodation opportunities from the MTSSRP within Ward 8 being guided by the Long-Term Pupil Accommodation Plan as approved by TDSB.
 - i. all existing TDSB site amenities impacted by the MTSSRP be replaced to a standard satisfactory to TDSB.
 - j. facilitating TDSB student access or programming access to the City's lands or encumbered lands as required following the completion of the MTSSRP
3. That TLC and CreateTO collaborate to jointly pursue and secure where possible, additional City/TDSB building or hub opportunities and to bring forward other partnership opportunities that can provide services and benefits for students and community, at no cost to TDSB.
4. That all property transaction be in a form satisfactory to TLC's legal counsel, Ontario Regulation 444/98 and where required the Ministry of Education.
5. That TLC provide a status report to the TDSB Board prior to December 31, 2021.
6. The report be forwarded to TDSB requesting approval of recommendations contained within.

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the report: Midtown Toronto Storm Sewer Relief Project (MTSSRP): Strategic Partnership to Advance City Building with the TDSB, 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

Board Decision Item

Midtown Toronto Storm Sewer Relief Project (MTSSRP): Strategic Partnership to Advance City Building with the Toronto District School Board

To: Chair and Members of TLC Board

Date: March 4, 2021

Recommendations:

7. That TLC be granted authority to negotiate a term sheet between the City of Toronto and the Toronto District School Board that permits TDSB lands at North Preparatory Jr. School also known as Memorial Park to form a part of the City's Midtown Toronto Storm Sewer Relief Project (MTSSRP).
8. That approval for TLC to execute the partnership agreement be conditional upon:
 - a. receiving confirmation of a City Council motion approving a satisfactory CreateTO report and recommendations by April 30th 2021.
 - b. a joint City/TDSB public meeting being held to inform the residents of the Forest Hill area and school communities of Forest Hill Collegiate Institute and North Preparatory Jr. Elementary Schools of the MTSSRP, its impact and timelines along with the partnership opportunities between the City and TDSB.
 - c. a project timeline and layout that mitigates student and community disruption while also ensuring City access to all required funding for the project
 - d. TDSB providing to the City its analysis of the operational impact on both North Prep and FHCI schools which are to form a part of the MTSSRP implementation plan.
 - e. North Prep school students remaining on site through to project completion, supported by a TDSB approved on-site student safety plan.
 - f. ensuring that the MTSSRP will provide for continued access by Forest Hill Collegiate Institute and North Preparatory Jr. Elementary School students to recreational space and that the City's on-site construction plan and timeline will be coordinated with TDSB staff.
 - g. site remedies as required by TDSB to address student and programming needs be at no cost to TDSB and that the City will provide written confirmation to keep TDSB financially whole through to project completion.
 - h. the pupil accommodation opportunities from the MTSSRP within Ward 8 being guided by the Long-Term Pupil Accommodation Plan as approved by TDSB.
 - i. all existing TDSB site amenities impacted by the MTSSRP be replaced to a standard satisfactory to TDSB.

- j. facilitating TDSB student access or programming access to the City's lands or encumbered lands as required following the completion of the MTSSRP
9. That TLC and CreateTO collaborate to jointly pursue and secure where possible, additional City/TDSB building or hub opportunities and to bring forward other partnership opportunities that can provide services and benefits for students and community, at no cost to TDSB.
10. That all property transaction be in a form satisfactory to TLC's legal counsel, Ontario Regulation 444/98 and where required the Ministry of Education.
11. That TLC provide a status report to the TDSB Board prior to December 31, 2021.
12. That this report be forwarded to TDSB requesting approval of recommendations contained within.

BACKGROUND:

Historically, school board lands as a public asset have formed an integral part in the City's ability to address infrastructure project needs such as water, transit, parks etc. These joint property undertakings are necessary to advance growth in the city while supporting and promoting the safety and well-being of citizens. Collaborative initiatives between two public agencies are a contributing factor towards building and sustaining vibrant communities.

TDSB properties are central in every Toronto community. Not only do these grounds serve student and programming needs, fields have been relied upon for drainage in flood prone areas, provide community access points to green space within neighbourhoods, support underground utilities and host many community parks and recreational activities relating to ice rinks, swimming pools, cricket pitches, tennis, bocce ball, baseball, and soccer pitches etc.

Storm water management has garnered much attention over the past decade given the increasing severity of weather patterns. Residents in certain areas of the City have been significantly impacted by both surface area and basement flooding. In August 2005, more than 4,200 basements in the City were flooded. Since that time, the City committed to a comprehensive engineering and water management review which eventually culminated into a Council approved strategic water management plan.

Specifically, the Forest Hill Area residents have been faced with chronic flooding. In June 2017, the Midtown Toronto Storm Sewer Relief Project (MTSSRP) was approved by Council requiring construction of an underground storm water storage tank, deep wet well, and a high inlet capacity catch basin.

In determining the most appropriate location for the project, the City developed the following criteria:

- creating the most benefit to the residents and businesses in the area
- least environmental impact
- least impact on the residents and businesses in the area
- feasibility of implementation, reliability and cost.

Two locations were assessed against the above criteria: North Prep/Memorial Park and Viewmount Park. Both selected areas had the capacity to accommodate the size of the underground storage infrastructure to be constructed. TDSB's North Prep/Memorial Park site provides major advantages such

as it allows for gravity drainage of the whole area without the need of pumping stations to and from the tank, which increases significantly the reliability of the system as well as providing a much better use of the tax-payers money. Based on topography, available footprint, feasibility and implementation of the required storage system as well as high reliability and low risk solutions, North Prep/Memorial Park was identified as the only solution that can be implemented to mitigate the basement flooding in the area.

The City first approached TDSB in 2017 to secure access to the school sports field which is in use by Forest Hill Collegiate and Northern Preparatory Jr. School for their respective outdoor education programs. TDSB staff declined interest in the City's project.

Following a subsequent request for reconsideration, TDSB staff communicated to the City in July 2018 that the request would not be accommodated.

In summary, TDSB staff concerns related to:

- the installation timeline to complete the project
- a permanent easement would be required for future ongoing access
- project impact on land value
- preliminary estimates requiring approximately 2.5 acres of the school board lands plus additional temporary lands to host construction staging
- outdoor recreation of the two schools would be negated during construction

With the introduction and launch of TLC's modernization strategy last fall, City and CreateTO executive staff reached out to TLC to explore opportunities that could leverage resources by unlocking value in order to maximize student and public benefit. In January 2021, the City and CreateTO raised the community and federal importance to move forward with MTSSRP. It was noted that the Minister of Infrastructure and Communities announced funding for four major flooding and storm mitigation projects in the City of Toronto and the Regional Municipality of York that will make communities more resilient to natural disasters. The federal government through the Disaster Mitigation and Adaptation Fund (DMAF) will provide the City of Toronto with \$37.16 million in funding for MTSSRP.

Key Facts:

TDSB North Prep/Memorial Park Site:

- 14.14 Acre (616,089 sf) contiguous site. The area of the TDSB site upon which the school track is located is referred to as Memorial Park. (Appendix A)
- North Prep School capacity is 258 pp, project 2024 enrolment 258 students, building age 85yrs
- Access to Chaplin Street is encumbered by existing permanent and temporary easements in favour of the City (Appendix B)
- Grossman Forrest Hill Area Arena is located on North Prep Site
- Land Use Designation - Official Plan-Parks, Neighbourhoods, Zoning-Open Space, Recreation, Residential

MTSSRP

- North Prep/Memorial Park identified as the only solution that can be implemented to mitigate the basement flooding in the area.
- On-site construction starts Sept 2023, project substantial completion date December 2027 (Appendix C)
- Phase I due diligence completion date March 2021, Phase II completion date September 2021
- Federal funding (\$37.16M) conditional upon achieving milestones within construction schedule
- Total City Budget for the project is \$240M with approval to fund in 2021 and over subsequent project years to 2028.
- Proposed Preliminary MTSSRP Design (Appendix D)

The MTSSRP is a major City, value added community project, allowing TLC to seek opportunities to advance the modernization of TDSB school facilities. To test the ability for the project to move forward, the City must conduct Phase I & II environmental and geotechnical studies. Given the City's timeline urgency, TLC staff will negotiate a temporary access agreement as permitted within the authority of the TDSB/TLC's Shareholder's Direction. The terms and conditions of the temporary access agreement will be in a form satisfactory to TLC's legal counsel. This temporary access agreement will only permit the City to enter upon TDSB lands, complete its Phase I & Phase II studies and restore the lands to their current state. The temporary access by the City will not adversely affect the programming needs of the schools. The temporary access agreement will not grant any additional authority to the City for the overall MTSSRP to proceed or commit TDSB to proceed with the project beyond the temporary access agreement terms.

Given the concerns raised by TDSB staff, TLC will support TDSB in the following ways:

- the MTSSRP has a three-year construction timeline. TLC will negotiate, to support the outcome of TDSB's operational analysis of FHCI and North Prep program and student needs, a requirement for North Prep students to remain on site during the construction period and that the City will address TDSB needs at no cost to TDSB.
- understanding that there are existing restrictive covenants that encumber the North Prep lands in perpetuity, combined with the property's land use designation under the City's Official Plan and current site zoning, any additional easement requirements will not have material effect on land value. Instead of "highest and best use", TLC will seek to secure maximum value and favourable conditions in exchange for City access such as:
 - In exchange for acquiring a portion of the TDSB lands, the City of Toronto would provide funding towards the possible construction of a new TDSB public school or to support accommodation pressures in the general neighbourhood. Funding would come from Toronto Water's capital program for the MTSSRP. TLC has benchmarked this value contribution at \$20M.

RATIONALE:

The TLC requisite recommendations within this report have been developed in TDSB's best interest and to enable TLC and CreateTO to move forward toward the development of a partnership agreement aligning with TLC's modernization strategy, TDSB's broader pupil accommodation needs and with City building community initiatives. A compatible CreateTO Report will be presented to its Board and City Council following TLC's March 4th Board meeting.

The TLC and CreateTO partnership approach taken on this initiative has opened the possibility to reimagine outcomes from a more holistic public agency perspective. The two teams recognize greater potential for solutions whereby City and school board assets could be repurposed, recycled and re-used for public benefit. The opportunity generated by moving the MTSSRP forward aligns with TLC's:

Mission:

- Unlock the potential of TDSB properties for the benefit of students, staff and communities

Vision:

- Exceptional learning spaces serving vibrant communities

Core Principles:

- TDSB lands will be preserved as public assets to the greatest extent possible
- Continuous modernization of TDSB schools strengthens the public education system
- Maximizing TDSB land value extends beyond the financial and is to include community and social value
- TDSB will be kept financially whole in the development of public service initiatives

There are and will be many project details requiring concerted efforts by all parties for this partnership project to be successful. It is also recognized that an open and transparent process between both pub-

lic agencies is of major importance along with the need to be accountable for the social and economic impacts of this undertaking. By moving this partnership opportunity forward, the current conceptual thinking will be further detailed in order to be responsive to school and community interest.

With the endorsement from TDSB, City of Toronto and the Province of Ontario, this project will:

- strengthen the cooperative public agency approach,
- promote City and School Board building
- be a demonstrative model of how to unlock public asset value in support of contributing to vibrant community destinations for students and residents to enjoy.

APPENDIX:

- Appendix A - TDSB Property Profile
- Appendix B - Proposed Technical Layout
- Appendix C - Project Schedule
- Appendix D – Midtown Scope and Investigation Overview
- Appendix E – Site Plan with Easements

FROM:

Daryl Sage, CEO, TLC at dsage.tlc@tdsb.on.ca

Appendix A - TDSB Property Profile

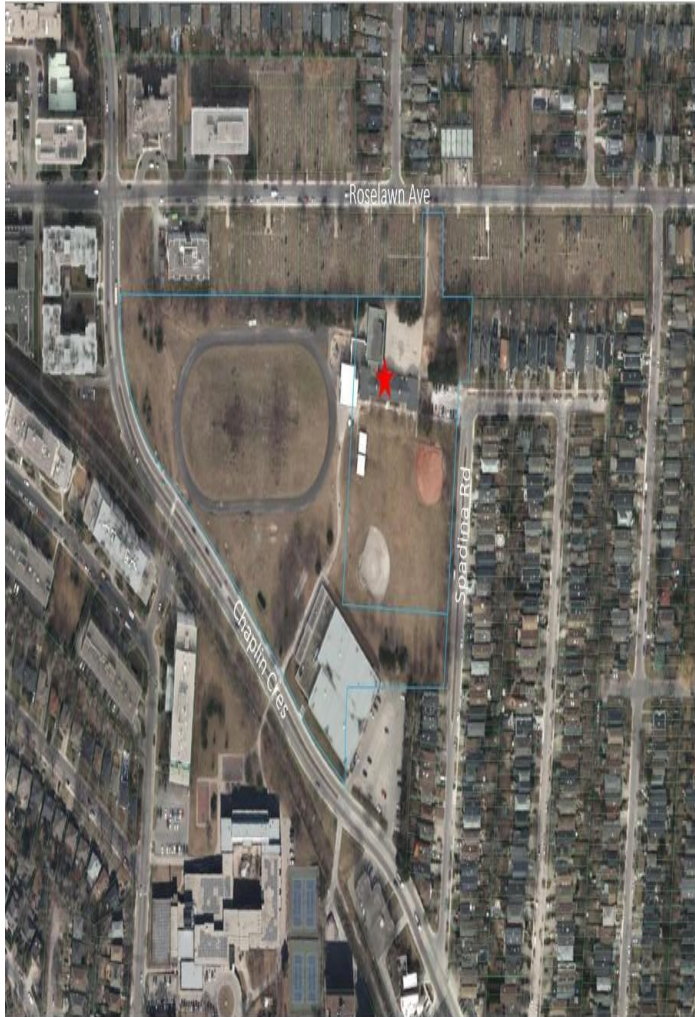
Ward 8 Trustee Laskin

PROPERTY DETAILS

District: North	Jurisdiction: TDSB	Official Plan: Parks, Neighbourhoods
Ward: 8 Eglinton-Lawrence, Councillor Colle	Current Use: Junior Public School	Zoning: Open Space Rec, Residential
Intersection: Bathurst & Eglinton Ave W	Occupants: TDSB	Area: 616,089 sf

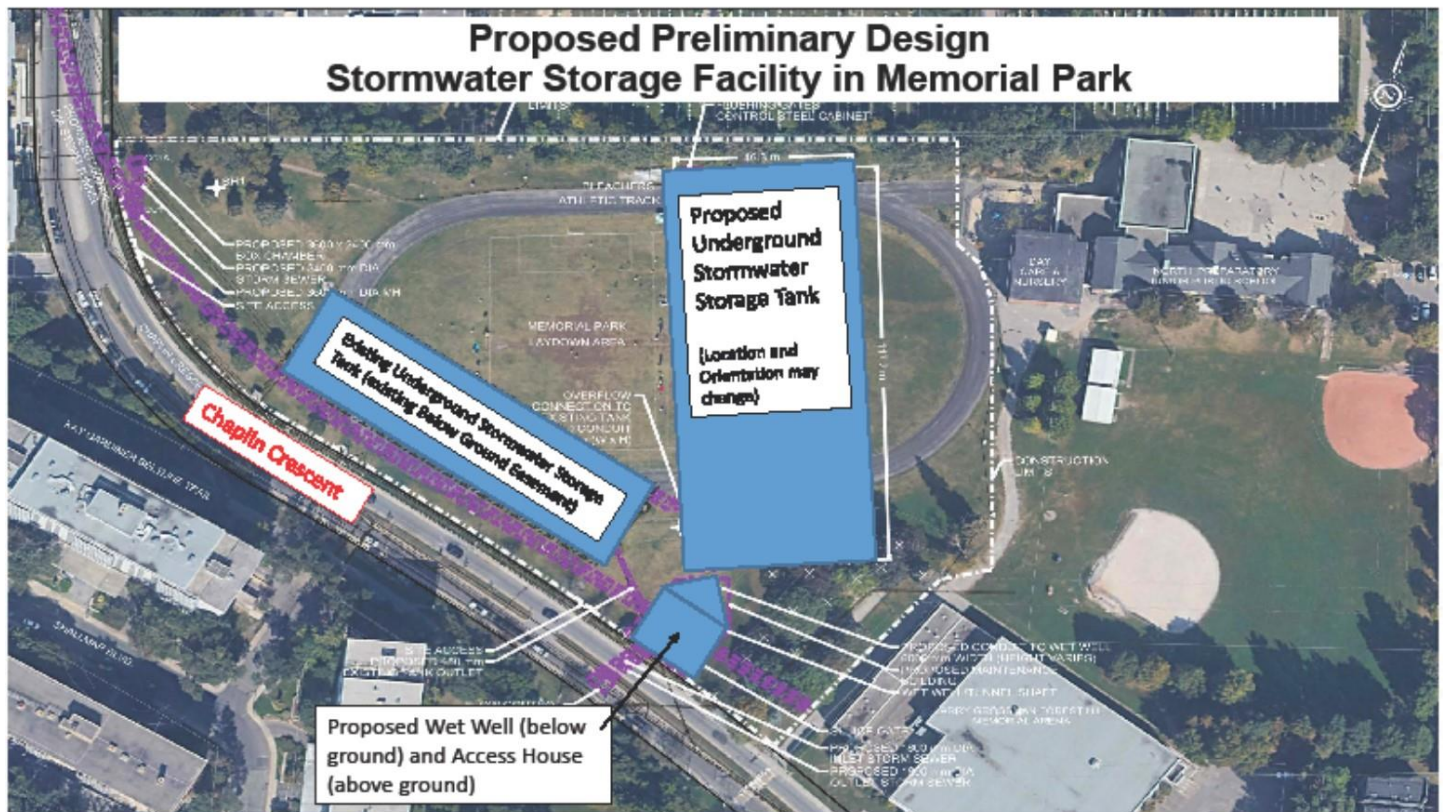
Site Summary

- North Preparatory Junior Public School for children in grades JK-06.
- TDSB owns the lands that the school, Memorial Park (running track & baseball diamonds), and Larry Grossman Forest Hill Memorial Arena are on.



Site Under Consideration

Appendix B - Proposed Technical Layout



Appendix C - Project Schedule

High Level Schedule – Milestones



Activity Name	Start Date	End Date
Phase 1 Field Investigations in Memorial Park (Temporary Access Agreement Required ASAP)	ASAP Approx. Mar/21	Approx. May/21
Phase 2 Field Investigations in Memorial Park	Approx. Sept/21	Approx. Jan/22
Detailed Design	Jan 2021	Dec 2022
Procurement and Tender Period	Dec 2022	Sep 2023
Construction	Sep 2023	Dec 2027
Substantial Completion	December 2027	

