

TORONTO LANDS CORPORATION
TLC Guidelines for Proposed Developments in the Vicinity of TDSB Properties

To: Chair and Members of the Toronto Lands Corporation

Date: September 26, 2019

Recommendation

That the report, *TLC Guidelines for Proposed Developments in the Vicinity of TDSB Properties*, be received and forwarded to TDSB for information.

Rationale

With Toronto District School Board ownership of approximately 600 properties across the City of Toronto, there are times where a developer will be submitting a development application to the City of Toronto requesting approval to develop a site that is situated adjacent or in close proximity to an operating school or TDSB asset. In some situations, the developer may also require temporary occupation or access of TDSB property during its construction project.

In order to protect TDSB's properties, students, and staff from potential adverse impacts of abutting and nearby development and construction, TLC staff have prepared the following guidelines:

1. Development Review: TLC Land Use Planning developed a guideline, attached as **Appendix A** to this report, to ensure that development applications in the vicinity of TDSB properties are reviewed in a comprehensive and consistent manner; and,
2. TDSB Property Requirements by Developer: TLC Real Estate developed a guideline, attached as **Appendix B** to this report, to provide a transparent process for when a developer has interests in obtaining temporary occupation or access to TDSB real estate during its redevelopment project.

This approach supports TLC's mission to unlock the potential of TDSB properties for the benefit of students, staff and communities and TLC's vision of exceptional learning spaces serving vibrant communities.

The TLC guidelines are working documents that will be amended from time to time to reflect updated research, best practices, and lessons learned from development/construction projects. This report is to introduce the Board to the operational approach that will guide staff's work in these areas.

Context

In June 2018, (TDSB) approved directions of the Planning and Priorities Committee with respect to land use planning matters, including the following:

"That the Director of Education:

- (d) Take any and all measures to minimize adverse impacts resulting from development adjacent to school sites;
- (f) Report periodically to the Board, at a minimum annually, to provide a general overview and highlights of the various land use planning matters in which the TDSB is involved."

TLC is now responsible for reviewing all land use planning matters on behalf of the TDSB. To this end, TLC Land Use Planning reviews all development applications submitted to the City of Toronto to identify potential adverse impacts on TDSB properties, including impacts such as, but not limited to, student health and safety, shadowing, setback, wind, noise, traffic and construction. In accordance with the above, TDSB directions, TLC Report #2019-06-779 (Strategy to Address Growth and Intensification) advised the TLC Board that TLC staff was preparing a guideline document to ensure a comprehensive and consistent approach to reviewing development applications that may have impacts on TDSB sites. The guideline (Appendix A) provides a protocol for the TLC Land Use Planning team to review development applications.

To assist TLC Land Use Planning in reviewing proposed development applications, TLC can provide the development community with a list of items from Section C of Appendix A (with respect to building/site design and traffic/parking details) to include as part of their formal application submission. TLC Land Use Planning engages with the developer and City staff at the commencement of the application process to identify, discuss, and mitigate potential concerns as early as possible, and where appropriate, address concerns by securing zoning by-law restrictions (e.g. setbacks, heights) and site plan conditions (e.g. construction management review).

There may be cases where the TDSB concerns are not satisfactorily addressed in the development review process. In these cases where the developer also requires access or temporary occupation of a portion of the TDSB asset, there then remains an opportunity to obtain and secure additional requirements in exchange for the right to use the TDSB property. These requirements would continue to focus on student health and safety, in conjunction with a short-term revenue stream and potentially explore opportunities that may be available as a result of any redevelopment scheme, all subject to Board approval. Currently, there remain a number of site plan applications that have been approved by the City and any request for use of a portion of the TDSB asset will be addressed on an individual basis and subject to Board approval.

The type of use or access a developer could request from a property perspective, may be, but not limited to:

- Crane swings – no loads swinging over on TDSB assets
- Construction Staging
- Equipment storage
- Parking
- Access for vehicle or trucks to the development site
- Tiebacks, shoring
- Temporary or permanent easement(s) (surface, sub-surface)
- Temporary Hoarding on Property Line

The items listed above would typically not be part of the developer's site plan application but the requirements would evolve during the development, construction planning process.

In the early stages of the planning process (e.g. when seeking official plan amendments or zoning approvals), the developer would likely not know if they require any access or use of a portion of the TDSB asset. Notwithstanding, it is important that the developer be advised by TLC Real Estate in each case that any negotiated agreement for access or temporary right of use of a portion of TDSB lands will always be subject to TDSB Board of Trustee approval. As TLC engages with developers who may request a temporary interest in use or access of a portion of a TDSB asset, TLC Real Estate proposes to provide the developer with the guideline (Appendix B). The guideline provides a fair and transparent process that will inform the development community of its expected responsibilities and potential requirements to ensure student health and safety prior to any approvals to enter into a temporary agreement for use of TDSB property.

TLC will be responsible for understanding the development impacts or opportunities, if any, and thereafter engage TDSB staff or external consultants as may be required during negotiations with the developer in order to resolve and mitigate development impacts to TDSB property, while protecting the student community.

Appendices

Appendix A Development Review Guideline: Reviewing Proposed Development in the Vicinity of TDSB Sites

Appendix B Real Estate Guideline: Development Community Requiring Temporary Occupation or Access of TDSB Real Estate

Routing

TLC Board: 26 September 2019
TDSB Board: October 2019 Cycle

From

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Last update: Sept. 20, 2019

APPENDIX A:

DEVELOPMENT REVIEW Guideline: REVIEWING PROPOSED Development IN THE VICINITY OF TDSB Sites

A. Purpose

The purpose of this guideline is to provide TLC staff with direction and consistency to evaluate long-term land use planning and short-term construction impacts of a new development application (official plan amendment, zoning by-law amendment, site plan, draft plan of subdivision, severance) that is proposed in close proximity to a school site.

B. DEVELOPMENT REVIEW PROCESS

1. Pre-Application Consultation Meeting with City and Developer

The City of Toronto has a pre-application consultation process where applicants have an opportunity to meet with City staff to discuss their development proposal prior to a formal application submission. When the City invites TLC to attend the pre-application meeting, TLC land use planning staff will:

- identify proximity of proposed development to school property(ies)
- advise City staff and developer that TLC is the agent for TDSB on land use planning matters, and all correspondence during the planning approval process should be directed through TLC
- request information from developer (see Section C below), to be provided to TLC in advance of or as part of formal complete application
- identify any preliminary potential concerns
- advise developer of required precautions during demolition and construction

2. Review of Development Application

As part of the municipal circulation process, the City of Toronto provides TLC with development applications for review and comment. During this process, TLC land use planning staff will, where applicable:

- communicate with the school community through the school principal, advising that TLC is reviewing the development application
- obtain and review all relevant application materials (and subsequent resubmission materials) and evaluate potential impacts of development applications, including, but not limited to:
 - built form, urban design, site organization
 - landscaping and treatment of any mutual property line
 - sun/shadow
 - wind impact on school property and pedestrian access routes for students and staff;
 - traffic impacts on local street network
 - land use compatibility

The specific site context will be considered in each case, including a review of the Official Plan policies applicable to the development site and TDSB site, as well as any relevant secondary plan and urban design guidelines.

- visit school site and meet with school principal
- where required, engage and consult with appropriate technical consultants and TDSB staff to address and mitigate impacts on TDSB properties
- meet with developer to discuss:
 - additional information as provided by the school principal
 - additional information required to assist with TLC's evaluation (see Section C below)
 - land use planning concerns and potential impacts

- potential mitigation to address concerns and impacts
- at site plan stage [i.e. zoning approval granted]: technical site information and construction management information required, including but not limited to details regarding demolition, erection process, cranes, traffic, utilities, ground water, and safety measures
- whether any requirements for temporary occupation or access of TDSB property (see document “Guideline: Development Community Requiring Temporary Occupation or Access of TDSB Real Estate”)
- advise developer of required precautions during demolition and construction, including but not limited to:
 - construction hoarding of a minimum height of 12 feet and safety netting to be erected during demolition and construction
 - construction site maintenance, including: tying down materials, daily sweeping, weekly washing of site and adjacent sidewalks/roadways
 - pre- and post-construction condition surveys of school site
 - regular air monitoring for dust and diesel emissions, and inspection of air filters on school sites
 - pedestrian safety (e.g. traffic controller) during construction
 - minimizing impact on school operations by scheduling most disruptive demolition and construction activities (e.g. excavation) during school breaks
 - communication strategy to ensure open communications regarding timing of construction and any construction issues and concerns
- prepare formal response to City planning staff, advising of potential proximity concerns
- meet with City staff to discuss concerns/mitigation and ensure appropriate conditions of approval are included in site plan agreement or other development agreement, including for example, the following with respect to construction:

“The developer is required to take any and all precautions during the demolition and construction to ensure that there are no risks to the health and safety of students and staff. Prior to issuance of site plan approval, the applicant shall provide to the satisfaction of (which will not be unreasonably withheld) the Toronto District School Board details regarding construction management, hazard/risk assessments, construction and demolition schedule and timelines, traffic management (pedestrian/vehicular/cycling), proposed sidewalk/street closures, construction equipment movement, noise/dust/air attenuation and mitigation as it relates to the school site and surrounding area.”
- where outstanding issues, provide written submission and/or oral deputation to Community Council

3. Prior to Site Plan Approval

- prior to providing clearance of site plan approval conditions (requested during the development application review process), TLC land use planning staff will ensure receipt of requested information, and forward to appropriate TDSB staff, TLC staff, and/or consultant for review
- in situations where the developer requires access or occupation of a TDSB site, refer to document “Guideline: Development Community Requiring Temporary Occupation or Access of TDSB Real Estate”

C. PRELIMINARY INFORMATION TO REQUEST FROM Developers

Building/site design

1. Number of units, types of units, tenureship, affordability
2. Height (metres and storeys)
3. Shadow Impact on school building and school yards:
 - Test dates and times: March 21st and Sept 21st for the operating hours of school between 8:00-4:00pm, at specific intervals
 - Where schools have roof-top solar panels, effect of the sun-shadow on panels

4. Wind impact on school yards and pedestrian access routes
5. Impact on heritage attributes of school (where applicable)
6. Balconies facing school site
7. Windows facing school site
8. Nature of the exterior cladding
9. Location of entrances and exits to building and site
10. Number of levels of parking: idea of depth of excavation and amount of traffic
11. Location of garage air intakes and venting
12. Location of parking garage entrance/exit
13. Location of loading area
14. Location of garbage storage/pickup
15. Locations of any combustion equipment (boilers, generators) and their exhaust stacks
16. Adjacent sites – what setbacks/barriers/fencing/screening/landscaping will be provided or removed between the properties?

Traffic/Parking details

1. Traffic Impact Assessment to consider school-related operations and traffic, including:
 - hours of school activity (before and after care, bell times, permit holders, summer programs)
 - school entrances and access routes
 - **City crossing guards**
 - pick-up/drop-off locations for parents, busses, daycare
 - student travel paths
 - pedestrian walkways /cyclist routes /vehicular network
 - school bus operations
 - ingress/egress from school site
 - transit stop location(s)
2. Traffic Impact Assessment to consider traffic impact of development on the above school-related operations, which future vehicular traffic assessment considers the following:
 - increased school-related traffic where anticipated increased enrolment
 - cumulative impact of development applications/growth in the area
3. Where seeking relief from parking requirements, documentation to justify assumptions:
 - E.g. if parking rates for existing rental is used to determine parking rates for proposed condominiums – are they comparable?

SEPTEMBER, 2019
(may be amended as required)

APPENDIX B:

Real Estate Guideline: Development Community Requiring Temporary Occupation of TDSB Real Estate

Purpose

The purpose of this guideline is to provide TLC/TDSB with direction to staff when they become aware or have been contacted by a property owner who is considering redevelopment of real estate in close proximity or ad-

adjacent to a TDSB school and may potentially have an interest in temporary occupation, use or access of the TDSB asset during the construction project.

Objective

To engage with a property owner (Developer) who may be constructing in close proximity or adjacent to TDSB school property if the property owner may require a temporary interest in TDSB land for access or occupation during its construction project.

The overall objective is to protect the health and safety of the students while preserving TDSB interests and exploring opportunities that may be available to TDSB through any redevelopment plan.

Responsibility

All inquiries for use of TDSB property should be forwarded to a Senior Manager, Real Estate, Toronto Lands Corporation, who is the agent for TDSB on real estate matters. A meeting will be scheduled to discuss requirements, process, timelines along with a site visit. The developer should be prepared to bring its list of requirements, preliminary drawings of site plan, etc.

TLC will be responsible to understand the development impacts or opportunities, if any, and thereafter engage TDSB staff and consultants as may be required during negotiations with the Developer in order to resolve and mitigate TDSB impacts.

Any negotiated agreement for use of TDSB real estate will be subject to TLC/TDSB Board approval.

Communications Plan

TLC and TDSB will co-ordinate a communication strategy throughout any redevelopment activity that may impact a TDSB site and ensure the school community is informed on a regular basis. A communications plan may be in print, school public meetings, social media.

Potential Type of Access or Occupation Requirements by Developer constructing adjacent or in close proximity to TDSB Assets

The type of use a developer could request from a property perspective, may be, but not limited to:

- Crane swings – no loads swinging over on TDSB assets
- Construction Staging
- Equipment storage
- Parking
- Access for vehicle or trucks to the development site
- Tiebacks, shoring
- Temporary or permanent easement(s) (surface, sub-surface)
- Temporary Hoarding on Property Line

The Non-Property Impacts that will need to be addressed may include, but not limited to:

Student health and safety, dust, noise, traffic flow, air quality, vibration, existing building condition, building shadowing, utilities, etc.

Due to a redevelopment, if approved by the City of Toronto Council, LPAT or OMB, the TLC/TDSB discussions with the Developer is to provide for mitigation measures to address any and all identified impacts.

Negotiations with the Developer will determine terms and conditions that can be incorporated into legal binding agreements with the Developer that address the needs of TDSB or provide opportunities to be further explored by the parties.

Developer Potential Requirements

During this process, Developers may be required to submit reports/studies and undertake actions, *at the Developer's expense*, related to the following items, but not limited to:

- Environmental
- Traffic Management Plan
- Noise
- Vibration
- Dust
- Building and ground monitoring
- Pre and Post Construction Surveys
- Real Estate Appraisal to establish value
- Planning Reports
- Communication Plan
- Heritage (land and building)
- Potential Donations
- TDSB site improvements/modifications
- Security
- Site protection (hoarding)
- Legal Agreements (property)
- External Legal Fees (may be capped per project)

The list of potential items that Developer's may be required to consider in relation to TDSB sites is provided as an initial checklist for further discussion once a meeting has been convened.

The Guideline is provided to ensure all parties receive all information at the outset and to ensure that that the outcome does assess impacts, needs, opportunities and can be incorporated into an agreement, if required, subject to Board approval.

These guidelines do not address student accommodation needs which is a separate issue that may be necessary for further discussion with the Developer through TLC, Land Use Planning.

This Guideline does not address public infrastructure projects.

This Guideline is a public document.