

Date: 2021-02-10

Subject: **Downtown Brampton Flood Protection: Federal Contribution Agreement and Commencement of Procurement for Detailed Design**

Contact: **Michael Heralall, Sr. Manager, Environment, 905-874-3585**

Report Number: Public Works & Engineering-2021-217

Recommendations:

1. That the report titled **Downtown Brampton Flood Protection: Federal Contribution Agreement and Commencement of Procurement** to the Committee of Council Meeting of February 24, 2021 be received;
2. That staff be authorized on behalf of the City to enter into a Contribution Agreement with the Government of Canada to access up to \$38.8M of Federal funds towards the implementation of the Downtown Brampton Flood Protection solution recommended in the approved Environmental Assessment, representing the amount approved by the Federal Government under the Disaster Mitigation and Adaptation Fund;
3. That Council commit the remaining project costs of \$67.6M for implementation of the Downtown Brampton Flood Protection; and
4. That the Purchasing Agent be authorized to begin procurement for detailed design of the Downtown Brampton Flood Protection works.

Overview:

- **The Downtown Brampton Flood Protection Environmental Assessment was approved in September 2020 and recommended an engineering solution to mitigate existing flood vulnerability in Downtown Brampton. The flood mitigation is key to enabling Riverwalk, a Term of Council Priority.**

- **The preliminary estimated cost for the flood protection component of Riverwalk is approximately \$107M, including the costs of land acquisition.**
 - **Council approved \$5.88M in the 2021 Capital Budget for detailed design of the flood protection works. Detailed design is expected to start in 2021, and take at least two years to complete.**
 - **The Federal Government has announced up to \$38.8M will be made available for the flood mitigation project under the Disaster Mitigation and Adaptation Fund.**
 - **The Government of Canada requires the remaining project costs to be committed as a condition of entering into a funding agreement with the City.**
- **Construction will commence following detailed design, and is expected to start late 2023 at the earliest. Construction of the project is expected to take three to five years, but exact timing and duration will be become known as detailed design is developed.**
- **Committing the remaining project costs does not preclude the City from pursuing additional funding opportunities to reduce the City portion of the project costs, including such opportunities as may become available at the Provincial level.**

Background:

Downtown Brampton is subject to flooding during extreme storm events similar to the historic Hurricane Hazel (1954), and as a result is within the regulatory flood plain of the Etobicoke Creek. The Provincial Policy Statement has long commanded that development shall be directed outside of areas subject to flooding, typically resulting in no developments within the regulatory floodplain. The few exceptions are for areas that were always within the floodplain, and where it is important to maintain the economic viability of such areas. In such cases, the area may be designated a Special Policy Area (SPA) by the Province of Ontario, which allows for some limited development activity informed by risk management.

Downtown Brampton is one such Special Policy Area, and the current restrictions on development within the Downtown Area will not support a vision for transformation of the Downtown into a vibrant urban center as envisioned in Vision 2040, and affirmed by a current Term of Council priority to unlock Downtown Brampton. Removal of the development restrictions can be achieved by eliminating or reducing the flood risk within Downtown Brampton.

Riverwalk has also been identified as a priority for Council, including the recent Term of Council Priorities – Mid-term Update, presented in December 2020. Staff continue to provide oversight of this project to ensure the project stays on schedule.

Current Situation:

The Downtown Brampton Flood Protection Environmental Assessment (EA) commenced in September 2018, and was led by the Toronto and Region Conservation Authority (TRCA) in partnership with the City of Brampton. The EA investigated various approaches to flood risk reduction in the Downtown Brampton area, and recommends widening and deepening of the Etobicoke Creek through Downtown Brampton and several bridge replacements from Church Street to the CNR inclusive to accommodate the widening. The EA was approved in September 2020, and approval of the EA allows the City to move forward to the next stages of detailed design and construction.

Property Impacts

A key principle during assessment of flood protection solutions in the EA was minimizing impacts to private property. Given the complexity of the established urban environment that formed the study area and the need to minimize the property impacts, a greater level of data collection and analysis was required than would be typical for an EA. However, it was determined that implementation of the flood protection will adversely affect up to ten properties within the project area, with full or partial takings required to construct the project. Further analysis possible only during detailed design may refine the property requirements and perhaps allow some further reduction in property requirements for partial takings. Staff will work with affected property owners throughout the detailed design and construction process.

Project Costs

The EA has estimated it will cost \$107M to implement the flood protection. Of this cost, approximately \$9M represents the estimated cost to acquire property for the project.

Federal Project Funding

The City of Brampton submitted an application for project funding under the Disaster Mitigation and Adaptation Fund (DMAF) in July 2020. The application was successful, and the Federal Government announced in November 2020 that the City of Brampton would be able to access up to \$38.8M of Federal funds towards the implementation of the flood protection. This amount represents 40% of the eligible project costs of \$97M, as land acquisition costs for this project were not eligible for funding.

Federal Contribution Agreement

The City of Brampton is required to enter into a Contribution Agreement with the Government of Canada in order to access the funds being made available under DMAF. The administering Federal Agency, Infrastructure Canada, has provided a draft Contribution Agreement to the City and a requirement of this Contribution Agreement is for the City to commit to the remaining project costs. As advised by Infrastructure Canada, this may take the form of a resolution by Council that speaks to this commitment.

A risk in delaying the execution of the Contribution Agreement is the possibility of a Federal election and potential change in priorities at the Federal level before the Agreement is legally binding.

Detailed Design

Council has approved \$5.88M through the City's 2021 Capital Budget to complete the detailed design of the Downtown Brampton Flood Protection works. During detailed design, commitments to future work made in the approved Environmental Assessment would be addressed, including:

- Developing and implementing a communications plan for notifying landowners, residents, businesses, recreational users etc. of updates to the project.
- Considering construction of temporary recreational trails during construction activities.
- Conducting pre- and post-construction assessments of buildings immediately adjacent to the concrete channel to ensure impacts arising from construction can be assessed, identified and remediated.
- Undertaking reviews to identify cultural heritage resources beyond those with existing municipal recognition.
- Conduct Heritage Impact Assessment for St. Mary's Roman Catholic Cemetery.
- Coordinating with CN and Metrolinx regarding scheduling of track expansion and infrastructure works

Staff will begin procurement for engineering services for detailed design with Council's approval through this report.

Integration with Urban Design Master Plan (UDMP)

The detailed design of the flood protection works will incorporate those design elements of the Urban Design (Open Space) Master Plan that are within the boundaries of the flood protection works. Development of the UDMP is currently in progress, and expected to be complete in June 2021. Some of the potential elements are contouring of the side slopes of the channel, vegetative and surficial treatments on the channel slopes, low flow channel design along the bottom of the channel, and design of open spaces at Church Street.

Implementation Report

A key deliverable of the detailed design phase will be an Implementation Report that describes how the detailed design incorporates the Preferred Alternative Solution from the EA as well as the design elements of the UDMP, identifies any changes to impacts, mitigation, compensation and enhancement measures arising from the detailed design.

Corporate Implications:

Financial Implications:

As per recommendations in this report, there is sufficient funding available to begin procurement for detailed design of the Downtown Brampton Flood Protection work. Funding for construction phase of the flood protection works will be spread out over the expected duration of the project. Further details will become available as the detailed design is developed. Once the Contribution Agreement is signed, staff will include funding in future budget capital asks as the project progresses for Council's approval.

Other Implications:

Continued External Funding Advocacy

The terms of the Federal DMAF Contribution Agreement does not prevent the City from continuing to seek additional funding to reduce the City's portion of the flood mitigation project costs.

On November 25, 2020, Council directed staff (Resolution #C436-2020) to continue to engage with the Province of Ontario in an effort to secure financial support for the Riverwalk project up to the remaining \$58.3M. In collaboration with staff from Government Relations, Riverwalk has been identified as a priority advocacy issue, and will be

incorporated in all advocacy initiatives (i.e. pre-budget submissions, AMO Annual Conference, meetings with Members of Parliament), as well as additional opportunities as they arise. Government Relations will continue to provide updates, specific to advocacy initiatives when available.

Term of Council Priorities:

The Downtown Brampton Flood Protection contributes to the “**Brampton is a City of Opportunities**” Term of Council priorities specifically “Unlock Uptown and Downtown” to allow for the realization of urban transformation and unlock economic potential.

Conclusion:

The Downtown Brampton Flood Protection project is a key component of the Riverwalk, a central piece within the urban transformation vision for Downtown Brampton. Implementation of flood protection to reduce flood risk in Downtown Brampton would allow for the removal of the Special Policy Area designation on the Downtown, and allow for the future removal of SPA planning restrictions thus opening the door for progressive planning and redevelopment in the Downtown. The Province has approved the Environmental Assessment, clearing the way for the City to move forward to detailed design and implementation. Council continues to affirm the importance of Riverwalk as a key city-building initiative, and has approved \$5.88M for detailed design to commence.

In addition, the Federal government recognizes the importance of this project to Brampton, and to risk management for natural hazards, and is prepared to provide up to \$38.8M towards the Project.

The City is required to enter into a legal funding agreement with the Government of Canada, for which Council will have to commit to the remaining project costs of \$67.6M as a requirement of the funding agreement. Time is of the essence for executing the funding agreement, and staff recommend Council pass a funding resolution to allow the funding agreement to be executed immediately. Staff also seek Council approval to begin procurement of engineering services for detailed design of the Downtown Brampton Flood Protection works.

Authored by:

Michael Heralall, P.Eng.
Senior Manager, Environment
Public Works & Engineering

Reviewed by:

Michael Won, P.Eng.
Director, Environment & Development
Engineering
Public Works & Engineering

Approved by:

Jayne Holmes, P.Eng.
Acting Commissioner, Public Works &
Engineering

Submitted by:

David Barrick
Chief Administrative Officer

Attachment: Draft Contribution Agreement – DMAF, City of Brampton, Feb 2021