

March 4, 2021

Transmittal No. 2021 – 99
(Public)

Community Access Agreement: Dublin Heights School, 100 Bainbridge Avenue Report

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 *Community Access Agreement: Dublin Heights School, 100 Bainbridge Avenue, report* attached herein.

The TLC Board decided that:

1. The acceptance of funding in the amount of \$110,000 from the City of Toronto to fund costs associated with site improvements at Dublin Heights Elementary and Middle School, as outlined in the Appendix;
2. Authority be granted for TLC to execute a Community Access Agreement with the City of Toronto for a term of five (5) years commencing on or about January 1, 2022 with key business terms and conditions as specified herein;
3. The Community Access Agreement be in a form and content satisfactory to TLC Legal Counsel; and
4. 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
Community Access Agreement:
Dublin Heights School, 100 Bainbridge Avenue

To: Chair and Members of the Toronto Lands Corporation

Date: February 16, 2021

Recommendations:

- 1) The acceptance of funding in the amount of \$110,000 from the City of Toronto to fund costs associated with site improvements at Dublin Heights Elementary and Middle School, as outlined in the Appendix;
- 2) That authority be granted for TLC to execute a Community Access Agreement with the City of Toronto for a term of five (5) years commencing on or about January 1, 2022 with key business terms and conditions as specified herein;
- 3) That the Community Access Agreement be in a form and content satisfactory to TLC Legal Counsel; and
- 4) The report be forwarded to TDSB Board for approval.

Background

Section 37 of the Planning Act allows the City of Toronto to collect funds from a development application in return for additional density. The City's policy permits these funds to be allocated toward improvements to school Board playgrounds when the playground serves as a local park and it is seen as a community benefit. At City Council meeting of November 19-20, 2007, Council adopted and further amended as of January, 2016, states,

"Improvements to School Board Playgrounds

Cash contributions toward the capital improvement of school board playgrounds are eligible S. 37 community benefits where the playground serves as a local park, where the public will continue to have reasonable access for the foreseeable future, and where there is no local City-owned parkland performing a similar function in the same community that could otherwise benefit from the cash contribution."

The process to obtain Section funding from the City to the Board is initiated by City Council adopting a City Councillor's Motion that specifies the dollar amount and general conditions prior to the release of funding in exchange for community access which occurs on non-school days and after school hours. According to TDSB report in 2018, there have been thirty-nine Section funding allocations benefitting thirty-three schools across the City. The value of the contributions ranged individually from \$8,000 to \$1.5 million with a total sum of \$6,310,924 to TDSB schools. In order for the TDSB to receive the

specified funding for any project, the public partners require a Community Access Agreement which authorizes the fund transfer and specifies terms and conditions related to the project.

Under the new TLC mandate, TLC is now responsible for review, reporting and finalizing agreements related to securing the financial commitments through Community Access Agreements that are negotiated with the City of Toronto. TLC has worked with City legal to prepare a standard form of agreement leaving site improvement design and funding allocation details to be co-ordinated by TDSB staff for individual sites.

As these opportunities are presented to the school board, TLC will continue to finalize the legal agreements only once TDSB and City staff have completed the necessary design and funding allocations. The "Community Access Agreement" reports will address the amount of Section funding approved by the City of Toronto and a description of the project at the specific school.

The Toronto District School Board is planning to make site improvements at Dublin Heights Elementary and Middle School municipally located at 100 Bainbridge Avenue and is partnering with the City of Toronto and the local school community for funding contributions.

These additional sources of funds create an opportunity for TDSB to make site improvements that provide enhanced learning or physical activity for students and the entire community while strengthening the partnership relationship with the City.

Rationale

Toronto City Council has approved a motion (as shown in Appendix A) allocating \$110,000 in funding for site improvements at Dublin Heights Elementary and Middle School.

The City funded enhancements to the schoolyard (as highlighted in Appendix B1 and B2) is for a new accessible playground as prepared by TDSB staff. The current playground is too small and is inadequate for the special needs students at the school and for the broader community. The new equipment will allow children of all abilities to participate in recreational activities.

In the absence of a City playground nearby, the Dublin Heights school grounds will serve that purpose for the local community.

The estimated cost breakdown of the City funding is highlighted in Appendix C. This project is part of a larger project with additional funding coming from TDSB budget, the school childcare, and some school fundraising meant to address site deficiencies. According to TDSB staff, The total TDSB approved budget is estimated at \$430,000 with the City providing a contribution of approximately 25% to the overall project. Additional funding from the school, estimated to be \$20,000, will be beneficial to the overall project.

The TDSB staff advise that there is no expected student accommodation impact during the construction build out for the new assessable playground. In addition, TDSB staff confirms that outdoor playground activity may continue during the construction project and plans to commence the project when summer recess commences to reduce student impact.

Community Access Agreement: Key Business Terms and Conditions

TLC has entered into negotiations with the City of Toronto for the required Community Access Agreement in order to assist in the funding for the school playground improvements. Outlined below are the recommended key terms and conditions which are subject to Board approval.

- City funding is received after the Agreement is executed by all parties;
- Estimated construction start: July 2021;
- Estimated construction completion: December 31, 2021;
- City's Contribution: \$110,000;
- Term: 5-year term, commencing once the construction is completed;
- Termination Clause: TDSB has the right to terminate this Agreement at any time during the term by providing at least six (6) months prior written notice to the City for the purpose of sale of TDSB Lands or for the purpose of constructing buildings or other improvements on TDSB Lands, provided that on termination, TDSB shall pay to the City an amount determined by multiplying the funds by a fraction equal to the remaining number of months in the term divided by 60. TDSB shall consult with the City in the event that the school yard area improvements need to be permanently removed from the school yard area during the term, save and except in cases of emergency or health and safety concerns, in which case TDSB shall notify the City as soon as possible.
- The City funding shall not be used for ongoing maintenance or operating costs which remains the responsibility of TDSB.
- Community Access: The school yard area shall be available to TDSB for use during school operating hours, as amended from time to time, and the City with have access for use by the general public during non- school hours.

The negotiated terms and conditions of the agreement are considered fair and reasonable and will provide overall benefit to students and the local community. Overall, the project represents a good working framework between two public agencies and demonstrates how different school and community needs can be maximized through the effective utilization of public assets.

RISK ASSESSMENT

N/A

IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

COMMUNICATIONS APPROACH

N/A

APPENDICIES:

Appendix A City of Toronto Council Motion
 Appendix B1 Location of the School and the Project
 Appendix B2 TDSB Master Plan for the Project
 Appendix C Cost Breakdown for the Use of the Section 37 Funds

Routing

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

From

Daryl Sage, Executive Officer, Toronto Lands Corporation, at dsage.tlc@tdsb.on.ca or at 416-393-0575

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

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Appendix A: City of Toronto Council Motion

| | | | | |
|--------|--------|---------|--|---------|
| MM8.29 | ACTION | Adopted | | Ward: 6 |
|--------|--------|---------|--|---------|

Authorization to Release Section 37 Funds to the Toronto District School Board for the Dublin Heights Elementary and Middle School Accessible Playground - by Councillor James Pasternak, seconded by Councillor Mike Colle

City Council Decision

City Council on June 18 and 19, 2019, adopted the following:

1. City Council increase the Approved 2019 Operating Budget for Non-Program (NP2161) by \$110,000 gross, \$0 net, fully funded by Section 37 community benefits related to a development at 9 Tippet Road and 525 Wilson Avenue (Source Account: XR3026-3700923) to fund the Toronto District School Board for the Dublin Heights Elementary and Middle School Accessible Playground Project.
2. City Council request staff from the Management Services Branch of the Parks, Forestry and Recreation Division to participate in the preparation of the Community Access Agreement and request the City Solicitor to draw up the Agreement, in consultation with the Ward Councillor and Community Planning staff.
3. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the walkway improvements at Dublin Heights Elementary and Middle School, to the satisfaction of the City Solicitor.
4. City Council direct that the funds be forwarded to the Toronto District School Board once the Toronto District School Board has signed a Community Access Agreement with the City governing the purpose of the funds, the financial reporting requirements, and addressing community access to the playground facilities satisfactory to the City Solicitor, and prepared in consultation with the General Manager, Parks Forestry and Recreation and the Ward Councillor.

Background Information (City Council)

Member Motion MM8.29

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-134541.pdf>)

(June 18, 2019) Fiscal Impact Statement from the Chief Financial Officer and Treasurer

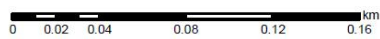
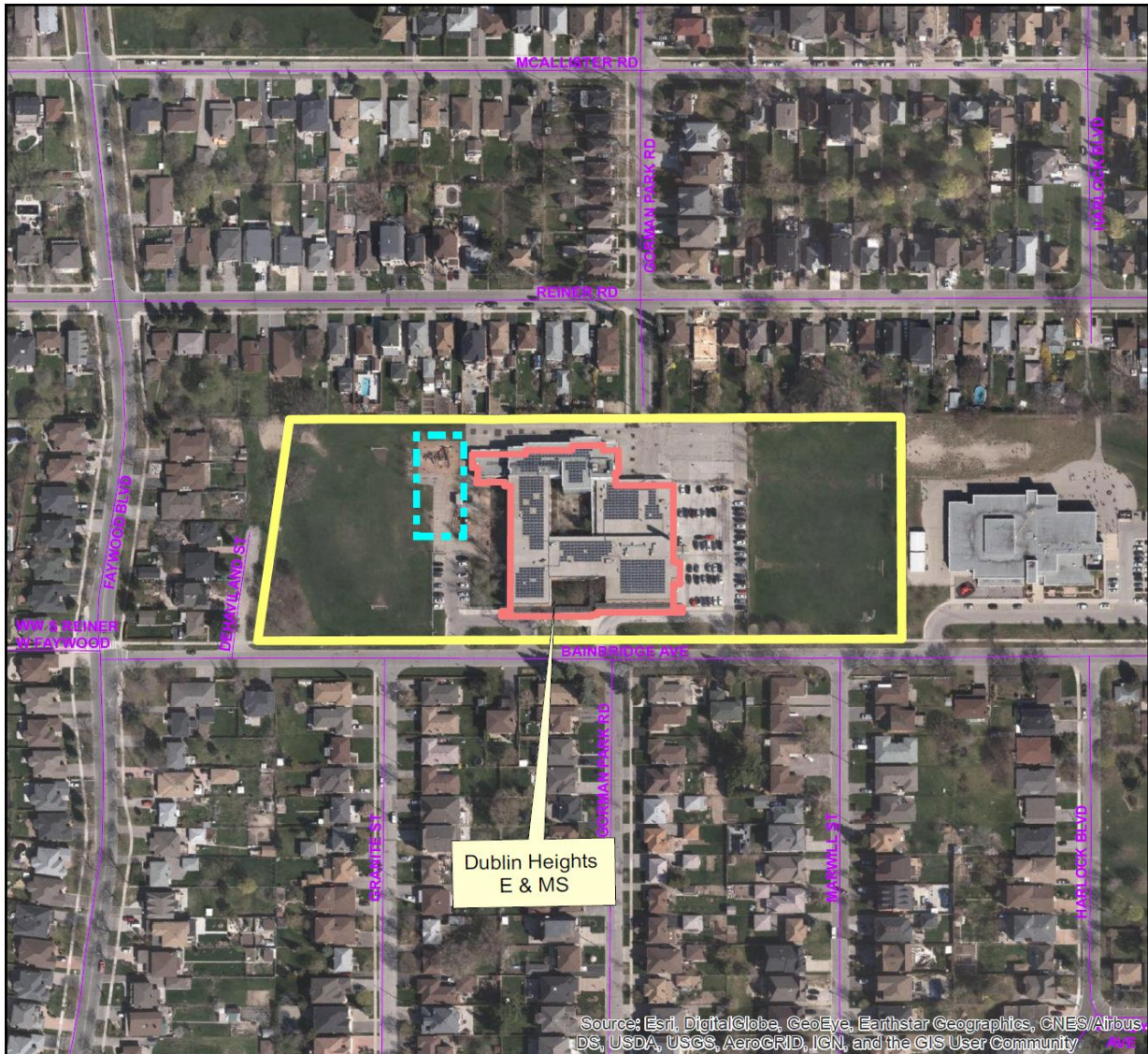
(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135035.pdf>)

Motions (City Council)

Motion to Waive Referral (Carried)

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM8.29 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

Appendix B1: Location of the School and the Project



Produced by:
Strategy and Planning, TDSB
April 2019

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



Area of Work

Legend

-  Facility
-  TDSB Site
-  Leased Site

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

Appendix B2: TDSB Master Plan for the Project

The City funded enhancements are included in the following master plan for the school yard improvements:

MASTERPLAN

Schedule B2

ELEMENTS:

- Improved Site Drainage:**
The removal of the raised planters and new asphalt graded asphalt paving will improve the drainage issues around the school entrances and childcare space.
- Accessible Outdoor Classrooms and Social Spaces:**
Log-on-grade and armoured seats with pathway access to a generous compacted shredded mulch surface under shade trees provide social spaces and outdoor learning opportunities. New trees supplement existing.
- Accessible Meandering Path Loop:**
A 1.5 m wide meandering accessible asphalt path with rest stations along the way provides connectivity around the perimeter of the fields to social and teaching spaces.
- Improved Fields for Baseball and Soccer:**
Soccer fields are updated: relocation of senior field goals optimize play without obstruction and the junior field relies on collapsible nets for flexible play. Baseball diamonds have reduced crushed stone surfacing for more field space.
- More Basketball:**
A full court plus individual keys provide ample options for basketball in the grade 6-8 paved area at the portables.
- Elementary Playground Improvements:**
New play equipment will be installed in the grade 1-5 area with wood fibre safety surfacing. Adjacent tree social space provide shady seating with log-on-grade.
- Line Paint Games:**
Colourful four-square games add hopscotch provide hard surface activities in the elementary yard for recess and gym class.
- Improved Accessibility in the Courtyard:**
Access points, ramps, surfaces and walkway widths will be improved to ensure the courtyard is accessible.
- Improved Childcare and Kindergarten Areas:**
Removal/replacement of the playstructure, paving, timber curbs, and planting beds will improve drainage, accessibility, and the quality of the play space. Separate and complete MOE compliant play areas for toddlers and preschool/Kindergarten. Chalkboards and acrylic panels provide colour and activity on the new fencing. Natural log-on-grade and log tables provide seating. A second kindergarten classroom extends to a fenced outdoor space on the north side of the school.
- Bicycle Parking:**
Bicycle racks will be placed alongside the north end of the east parking lot and south of the small parking lot at the west end of the school.

Area of Work
Replacement of
Playground
Equipment, Safety
Surfacing & Paving



Appendix C: Cost Breakdown for the Use of the Section 37 Funds

The following table shows the estimated cost breakdown for the City funded enhancements at this school:

| Description | Units | No. of Units | Unit Price | Extended Price |
|---|-------|--------------|-----------------|----------------------|
| Demolition & Removals & Site Prep | LS | 1 | \$ 10,000.00 | \$ 10,000.00 |
| Playground Equipment incl. Installation | LS | 1 | \$ 37,000.00 | \$ 37,000.00 |
| Subsurface Drainage & Safety Surfacing | LS | 1 | \$ 15,000.00 | \$ 15,000.00 |
| Asphalt Paving Edging & AODA Access | LS | 1 | \$ 15,000.00 | \$ 15,000.00 |
| Inspection & Testing | LS | 1 | \$ 2,500.00 | \$ 2,500.00 |
| | | | SUBTOTAL | \$ 79,500.00 |
| Mobilization & Demobilization | | | | \$ 8,500.00 |
| Contingency | | | | \$ 8,000.00 |
| Consulting fees & Permits | | | | \$ 11,677.00 |
| HST Share (2.16%) | | | | \$ 2,323.00 |
| TOTAL | | | | \$ 110,000.00 |