

March 4, 2021

Transmittal No. 2020 – 100
(Public)

Community Access Agreement: Huron Street Junior Public School, 541 Huron Street

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: Huron Street Junior Public School, 541 Huron Street*, attached herein.

The TLC Board decided that:

1. The acceptance of funding in the amount of \$637,000 from the City of Toronto to fund costs associated with site improvements at Huron Street Junior Public 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 twenty (20) years commencing on or about January 1, 2023 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:
Huron Street Junior Public School, 541 Huron Street

To: Chair and Members of the Toronto Lands Corporation

Date: February 16, 2021

Recommendations:

- 1) The acceptance of funding in the amount of \$637,000 from the City of Toronto to fund costs associated with site improvements at Huron Street Junior Public 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 twenty (20) years commencing on or about January 1, 2023 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

The Toronto District School Board is planning to undertake site improvements at Huron Street Junior Public School municipally located at 541 Huron Street and is partnering with the City of Toronto for funding contributions.

Section 37 of the Planning Act allows the City 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 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 in the same community and in combination results in a community benefit. As a condition of transferring the Section 37 funds, the City requires TDSB to enter into a Community Access Agreement.

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 \$637,000 in funding for site improvements at Huron Street Junior Public School. The City funded enhancements to the schoolyard (as highlighted in Appendix B1 and B2) is for improvements to the entire school board vacant land area at 541 Huron based on the master plan. This includes a multi-purpose field, kindergar-

ten play area, social gathering places, and teaching and learning spaces. The current playground is outdated and is inadequate for the students at the school and for the broader community. The new playground will allow children of all abilities from grades 1 to 8 to participate in recreational activities.

In the absence of sufficient City playgrounds nearby, the Huron Street Junior Public School grounds will serve that purpose for the local community.

The estimated cost breakdown of the City funding for the entire scope of work is highlighted in Appendix C. A substantial project according to TDSB staff with the total TDSB approved project budget is estimated at \$637,000 with the City providing 100% of the contribution to the overall project. As the City is contributing 100% of the funding, TDSB can only commence this expansive project, including the early design and tendering process, upon receipt of funding from the City.

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 for 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;
- The project, including early design work and tendering, will not commence until City funding is received;
- Estimated construction start: July 2022;
- Estimated construction completion: December 31, 2022;
- City's Contribution: \$637,000;
- Term: 20-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 will 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

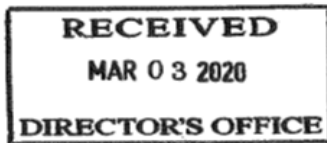
Daryl Sage, Executive Officer, Toronto Lands Corporation, at dsage.tlc@tdsb.on.ca or at 416-393-0575

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

Appendix A: City of Toronto Council Motion



City Clerk's Office



Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Ulli S. Watkins
City Clerk

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e-mail: Marilyn.Toft@toronto.ca
web: www.toronto.ca

In reply please quote:
Ref.: 20-EX13.2

February 25, 2020

Dr. John Malloy
Director of Education
Toronto District School Board
5050 Yonge Street
Toronto, Ontario
M2N 5N8

Dear Dr. Malloy:

**Subject: Executive Committee Item 13.2
2020 Capital and Operating Budgets (Ward All)**

City Council on February 19, 2020, adopted this Item as amended, and in so doing, has:

1. increased the Staff Recommended 2020 Operating Budget for Corporate Accounts - Non-Program Expenditures (NP2161), by \$637,000.00 gross, \$0 net, fully funded by Section 37 community benefits related to a development at 275 Albany Avenue and 420 Dupont Street (Source Account: 220096) to fund the Toronto District School Board for the Huron Street Public School Playground Project;
2. requested the General Manager, Parks, Forestry and Recreation to participate in the preparation of the Community Access Agreement and has requested the City Solicitor to draw up the Agreement, in consultation with Community Planning staff and the Ward Councillor in reference to 1 above;
3. authorized the execution of a Community Access Agreement for a duration of a minimum of 20 years with the Toronto District School Board for the playground improvements at Huron Street Public School in reference to 1 above, to the satisfaction of the City Solicitor; and
4. directed that the funds in 1 above 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

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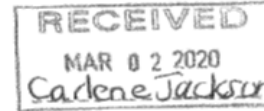
General Manager, Parks, Forestry and Recreation and the Ward Councillor, and prepared in consultation with City Solicitor.

Yours truly,

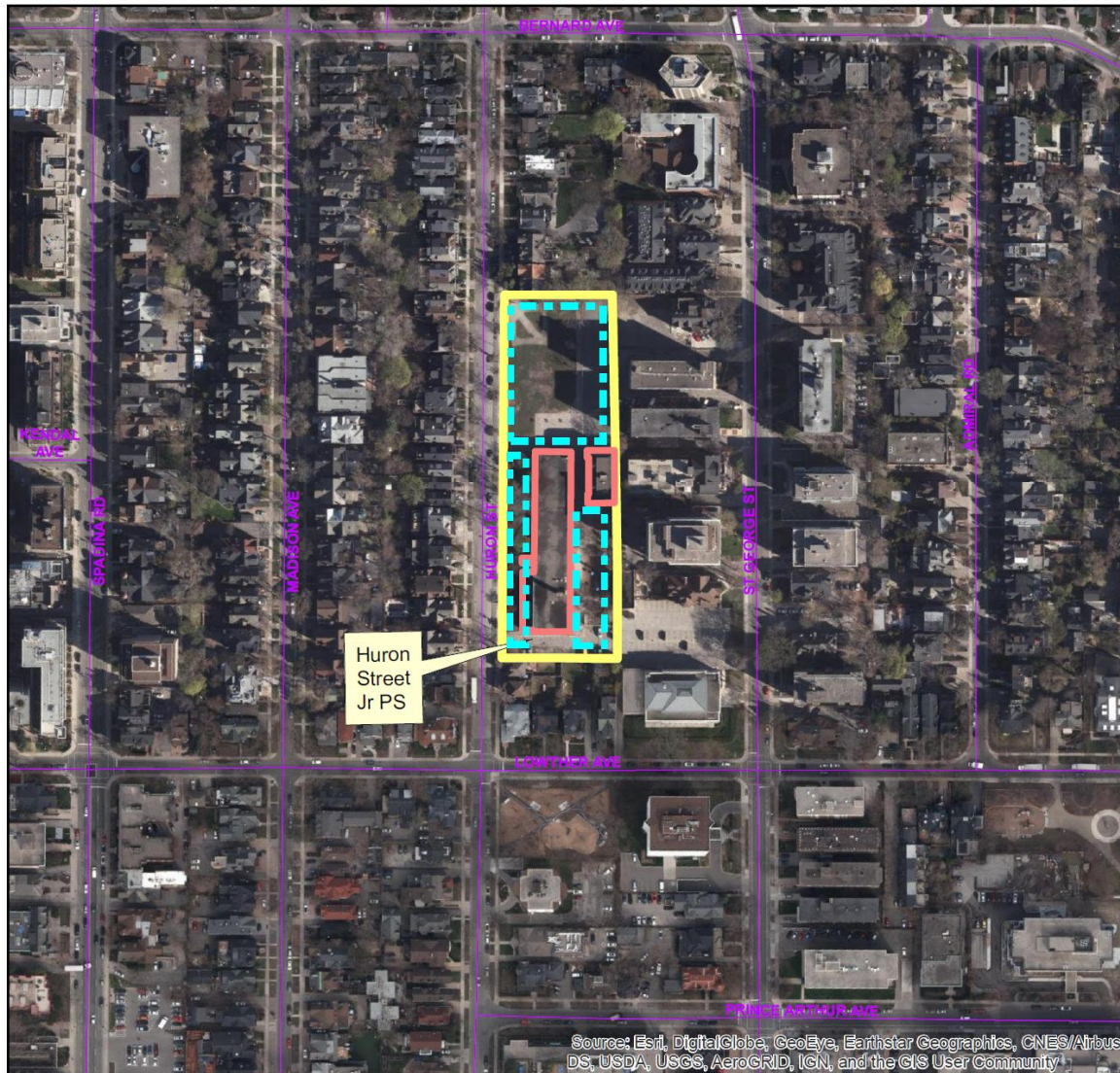
for City Clerk

M. Toft/sb

c. City Manager



Appendix B1: Location of the School and the Project



0 0.02 0.04 0.08 0.12 0.16 km

Produced by:
Strategy and Planning, TDSB
April 2013

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:

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:

Descripton	Units	No. of Units	Unit Price	Extended Price
Front of School incl. Kindergarten Area	LS	1	\$ 53,000.00	\$ 53,000.00
Playing Field & Court Area	LS	1	\$ 210,000.00	\$ 210,000.00
Kindergarten Area	LS	1	\$ 150,000.00	\$ 150,000.00
Rear School Yard	LS	1	\$ 100,000.00	\$ 100,000.00
			SUBTOTAL	\$ 513,000.00
			Contingency	\$ 78,000.00
			Consulting fees & Permits	\$ 31,000.00
			HST Share (2.16%)	\$ 15,000.00
			TOTAL	\$ 637,000.00