

March 4, 2021

Transmittal No. 2021 – 101
(Public)

Community Access Agreement: King Edward Junior and Senior Public School, 112 Lippincott 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: King Edward Junior and Senior Public School, 112 Lippincott Street*, attached herein.

The TLC Board decided that:

- 1) The acceptance of funding in the amount of \$150,000 from the City of Toronto to fund costs associated with site improvements at King Edward Junior and Senior 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 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

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:

King Edward Junior and Senior Public School, 112 Lippincott Street

To: Chair and Members of the Toronto Lands Corporation

Date: February 16, 2021

Recommendations:

- 1) The acceptance of funding in the amount of \$150,000 from the City of Toronto to fund costs associated with site improvements at King Edward Junior and Senior 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 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

The Toronto District School Board is planning to undertake site improvements at King Edward Junior and Senior Public School municipally located at 112 Lippincott Street and is partnering with the City of Toronto and the local school community 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 \$150,000 in funding for site improvements at King Edward Junior and Senior Public School.

The City funded enhancements to the schoolyard (as highlighted in Appendix B1 and B2) is for a new paved pathway that will go around the field plus the installation of an outdoor classroom/learning centre. This work will complement work that the TDSB is completing, which includes improvements to the parking lot, pathways and play areas that have deteriorated overtime. TDSB will also be planting new trees to replace trees that have been lost due to the Emerald Ash Borer and will be carrying out grading modifications to address drainage concerns.

In the absence of sufficient City playgrounds nearby, the King Edward Junior and Senior Public School grounds will serve that purpose for the local community.

The estimated cost breakdown of the City funding is highlighted in Appendix C. This revitalization of the playground is part of a larger project with additional funding coming from the school fundraising. According to TDSB staff, the total TDSB approved project budget is estimated at \$595,000 with the City providing a contribution of approximately 25% 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: \$150,000;
- 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 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

R:\TLC\G) Governance - Policy\G05 Board Rpts\2021 TLC Board Reports\Policy & Planning\February 16, 2021

Appendix A: City of Toronto Council Motion

City Council consideration on July 28, 2020

MM23.11	ACTION	Amended		Ward: 11
---------	--------	---------	--	----------

Authorization to Release Section 37 and 45 Funds to Toronto District School Board for the King Edward Junior and Senior Public School Yard Revitalization - by Councillor Mike Layton, seconded by Councillor Joe Cressy

City Council Decision

City Council on July 28 and 29, 2020, adopted the following:

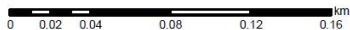
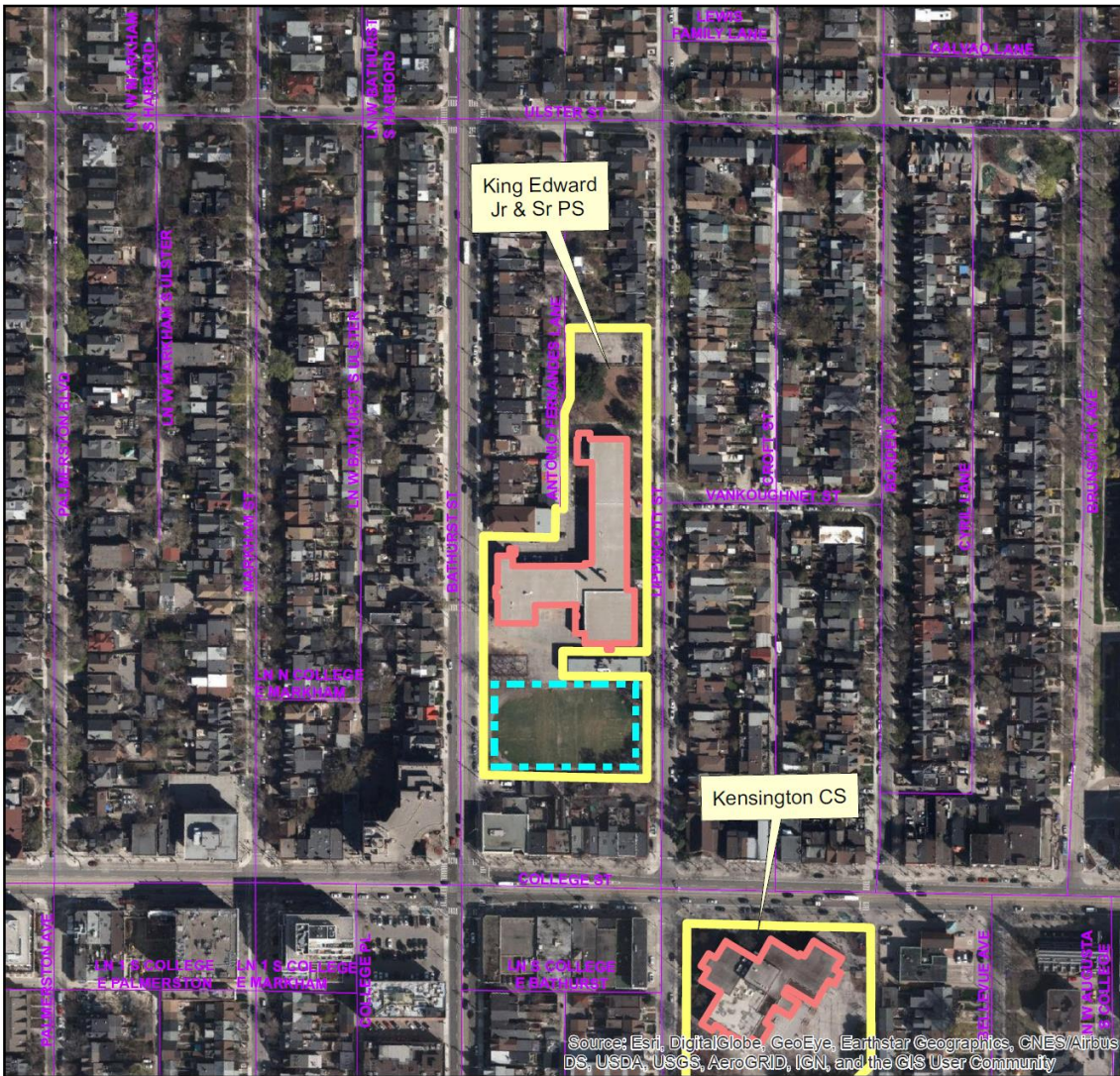
1. City Council increase the Approved 2020 Operating Budget for Non-Program (NP2161), by \$150,000.00 gross, \$0 net, to fund the Toronto District School Board for the King Edward Junior and Senior Yard Revitalization, fully funded by community benefits related to the following developments:
 - a. 233 College Street, secured for local public realm and parkland improvements, in the amount of \$75,719.08 (Source Account: XR3028-4500219); and
 - b. 231-237 College Street and 177-189 Huron Street, secured for cycling infrastructure but as there remains funds unspent, the contribution may be redirected to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands, in the amount of \$74,280.92 (Source Account: XR3026-3700838).
2. City Council request City staff from the Management Services Branch of the Parks, Forestry and Recreation Division to participate in the preparation of the Community Access Agreement and City Council 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 playground improvements at King Edward Junior and Senior Public 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 MM23.11

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-152954.pdf>

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



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

Area of Work

Legend



Facility

TDSB



Leased

Leased
Site

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
Demolition & Removals & Site Prep	LS	1	\$ 10,000.00	\$ 10,000.00
Asphalt Paving Running Track	LS	1	\$ 65,000.00	\$ 65,000.00
Outdoor Learning Area	LS	1	\$ 25,000.00	\$ 25,000.00
Line Painting	LS	1	\$ 10,000.00	\$ 10,000.00
			SUBTOTAL	\$ 110,000.00
Mobilization & Demobilization				\$ 12,000.00
Contingency				\$ 15,000.00
Consulting fees & Permits				\$ 10,000.00
HST Share (2.16%)				\$ 3,000.00
TOTAL				\$ 150,000.00