



## **City Funding for Interior Renovations at Jesse Ketchum Junior and Senior Public School**

**To:** Finance, Budget and Enrolment Committee

**Date:** 3 April, 2019

**Report No.:** 04-19-3611

### **Strategic Directions**

- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

### **Recommendation**

It is recommended that the following be approved:

1. That \$1,500,000 be received from the City of Toronto to fund the costs associated with improvements to the school building at Jesse Ketchum Junior and Senior Public School.
2. That the Director be authorized to enter into a Community Access Agreement with the City of Toronto on terms and conditions and in a form and content satisfactory to Toronto District School Board's General Counsel for a period of twenty years.

### **Context**

Toronto City Council has approved a motion (as shown in Appendix A) allocating \$1,500,000 in funding for improvements to the "community space" within the Jesse Ketchum school building.

Based on preliminary design development, the funding will be invested in three parts of the school building: the gymnasium, the lunchroom and the kitchen.

The exact scope of the project will not be known until the detailed design development stage that will start after the Toronto District School Board receives the funding from the

City of Toronto. See *Action Plan and Associated Timeline* section below for more information.

The City's funding has been secured through the use of contributions it has received by way of the application of Section 37 of the Planning Act.

As outlined in Appendix B, in order to receive Section funding, the Board is required to enter into a Community Access Agreement with the City that speaks to community access requirements and the duration of the TDSB's commitment to uphold community access.

## **Action Plan and Associated Timeline**

The timeline associated with the following milestones are estimates:

- Finalize community use agreement negotiations with the City of Toronto: April/May 2019
- TDSB and City of Toronto sign the agreement: May/June 2019
- City of Toronto transfers the funds to the TDSB: June/July 2019
- Architectural design services retained: August 2019
- Detailed design development with input from the school: September 2019 – March 2020
- Tendering and reporting of contract award to the Board of Trustees: March/April 2020
- Construction start date: June 2020
- Date for completion: April 2021

## **Resource Implications**

Funding for the design development, permits and construction will be provided by the City of Toronto.

## **Communications Considerations**

N/A

## **Board Policy and Procedure Reference(s)**

- Policy P011, Community Use of Board Facilities (Permits)
- Procedure PR666, Community Use of Board Facilities (Permits)

## **Appendices**

- Appendix A: City of Toronto Council Motion

- Appendix B: Section 37 of the Planning Act

**From**

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Appendix A: Toronto City Council Motion – Jesse Ketchum



**Tracking Status**

- City Council adopted this item on August 25, 2014 without amendments and without debate.
- This item was considered by Toronto and East York Community Council on August 12, 2014 and was adopted with amendments. It will be considered by City Council on August 25, 2014.

**City Council consideration on August 25, 2014**

TE34.32	ACTION	Adopted on Consent		Ward:27
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**Final Report - 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street - Official Plan and Zoning Amendment**

**City Council Decision**

City Council on August 25, 26, 27 and 28, 2014, adopted the following:

1. City Council amend the Official Plan, for the lands at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street substantially in accordance with the draft Official Plan Amendment attached as Attachment 12 to the report (July 24, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, as amended, for the lands at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13 to the report (July 24, 2014) from the Director, Community Planning, Toronto and East York District, with the following amendments to the draft by-law:
  - a. Delete 1(h)(i) to 1(h)(iv) and replace with the following:  
 “1(h)(i) a minimum of 0.3 residential parking spaces per dwelling unit;”.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required, including revisions which may be required to the Zoning By-law Amendment to address comments (from Development Engineering dated August 7, 2014) relating to driveway isle widths and slopes to the satisfaction of the General Manager, Transportation Services and the City Solicitor.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. an indexed contribution of \$11,500,000 to be paid or secured at the times noted in each of the sections below in the Section 37 Agreement. The total amounts are indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and is detailed as follows:
    - a. an indexed cash contribution of \$1,500,000 towards improvements to community space at Jesse Ketchum School, as secured in an agreement between the City of Toronto and the Toronto District School Board, to be paid within 30 days of the site specific zoning by-law coming into full force and effect. If an agreement is not reached between the City of Toronto and the Toronto District School Board to the satisfaction of the local councillor, the cash contribution of \$1,500,000 shall be used towards community, cultural, recreational services and facilities in Ward 27;
    - b. an indexed cash contribution of \$3,500,000 towards new or existing community and/or cultural space, to be paid prior to the issuance of the first above-grade building permit;
    - c. an indexed value of \$850,000 towards public art on site (including the public open space), in accordance with the City of Toronto Public Art Program;
    - d. an indexed cash contribution of \$4,500,000 towards streetscape and park improvements, including new parkland acquisitions in the local area to be paid prior to the issuance of the first above-grade building permit; and
    - e. an indexed cash contribution of \$1,150,000 towards new or existing affordable housing including capital repairs of Toronto Community Housing in Ward 27, to be paid prior to the issuance of the first above-grade building permit.
  - ii. In the event the cash contributions referred to above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- i. the provision and design of a public park at grade (strata title), having a maximum size of 693 square metres, secured in the Section 37 Agreement as a means of legal convenience to the satisfaction of the Acting General Manager of Parks, Forestry and Recreation in consultation with the local Councillor; and
  - ii. the public park in maintained by the owner at its expense in a manner satisfactory to the Acting General Manager of Parks, Forestry and Recreation together with provisions for indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance and the stratification.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to obtain approval to close the public lane extending northerly from Cumberland Street and a portion of the east/west lane.
6. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a revised Functional Servicing Report to the satisfaction of the Executive Director, Engineering and Construction Services.
7. City Council require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure is required to support this development.
8. City Council accept the stratified conveyance of 583.5 square metres of the 693 square metre public park as fully satisfying the parkland dedication requirement pursuant to Section 42 of the Planning Act, which lands are permitted to be encumbered by the below grade parking garage.
9. City Council direct that a Working Group be formed by the Director, Community Planning, Toronto and East York District, in consultation with the local Councillor, composed of the applicant, the Greater Yorkville Residents Association and the ABC Residents Association and their memberships, the Bloor Yorkville Business Improvement Area, the Yonge-Bay-Bloor Business Association, adjacent property owners, City Planning and other appropriate staff, including Transportation Services staff, to review the site plan application and construction management plans once they are submitted.

*Statutory - Planning Act, RSO 1990*

## Appendix B – Section 37 of the Planning Act

Section 37 of the Planning Act allows the City to collect funds from a development application in return for additional density. The City policy requires that Section 37 funds be earmarked for community benefits in the host ward of the development application.

The City has prepared general guidelines for staff and the development community to work within. Examples of appropriate use of Section 37 funding include:

- Parks (Park Improvements, Playing Field, Open Space, Playground)
- Roads and Streetscapes (Road and Streetscape Improvements, Parking Area, Traffic Calming, Road Allowance)
- Environment Improvements (Re-naturalization, Trail and Path Improvements, Greening Initiatives)

Section 37 cash contributions from the City may also be used appropriately towards the capital costs of facilities on school properties or within school buildings.

The current process to transfer Section 37 funding from the City to the Board is initiated by a Motion at City Council and requires the Board to enter into a Community Use Agreement with the City that speaks to community access requirements and the duration of the Board's commitment to uphold community access.

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