



City of Toronto Funding for Fencing at Church Street JPS

To: Finance, Budget and Enrolment Committee

Date: 3 April, 2019

Report No.: 04-19-3609

Strategic Directions

1. 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 \$1,051,744.54 be received from the City of Toronto to fund the costs associated with fencing upgrades at Church Street Junior 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 the Toronto District School Board's General Counsel for a term of twenty years.

Context

Toronto City Council has approved three motions that direct funding to an extensive fencing upgrade at Church Street Junior Public School.

The fencing upgrade has two main components: a new concrete retaining wall with an illuminated (or lit) glass guard and a new marine-grade metal fence.

Appendix A shows illustrations of both the lit glass guard and the metal fence, and Appendix B indicates their locations on the master plan for the site.

Appendix C contains the City Council motion for the lit glass guard, and Appendices D and E show the motions for the metal fence.

The City of Toronto's total contribution is \$1,051,744.54. The estimated cost breakdown for its portion of the project is shown in Appendix F.

The City's funding has been secured through the use of contributions it has received by way of the application of Sections 37 and 45 of the *Planning Act*.

As outlined in Appendix G, 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 timelines associated with the following milestones are estimates:

- Project tendered: April 2019
- Finalize community use agreement negotiations with the City of Toronto: April/May 2019
- TDSB and City of Toronto sign the agreement: May 2019
- Award contract: May/June 2019
- Construction start date: July 2019
- Date for completion: December 2019

Resource Implications

The Board is contributing \$250,000 towards the project, which is equivalent to the cost of the new concrete retaining wall (that supports the glass guard) and what it would have cost to install new chain link fencing on top of it.

Communications Considerations

School community consultations were held during the design development process, which included a public meeting that reviewed the final scope of the project.

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: Lit Glass Guard and Metal Fence
- Appendix B: Glass Guard and Metal Fence Location as Shown on the Master Plan

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- Appendix C: City Council Motion (MM31.23) for Funding for the Lit Glass Guard
- Appendix D: City Council Motion (MM41.9) for Funding for New Metal Fencing
- Appendix E: City Council Motion (MM5.5) for Funding for New Metal Fencing
- Appendix F: Cost Breakdown
- Appendix G: Sections 37 and 45 of the Planning Act

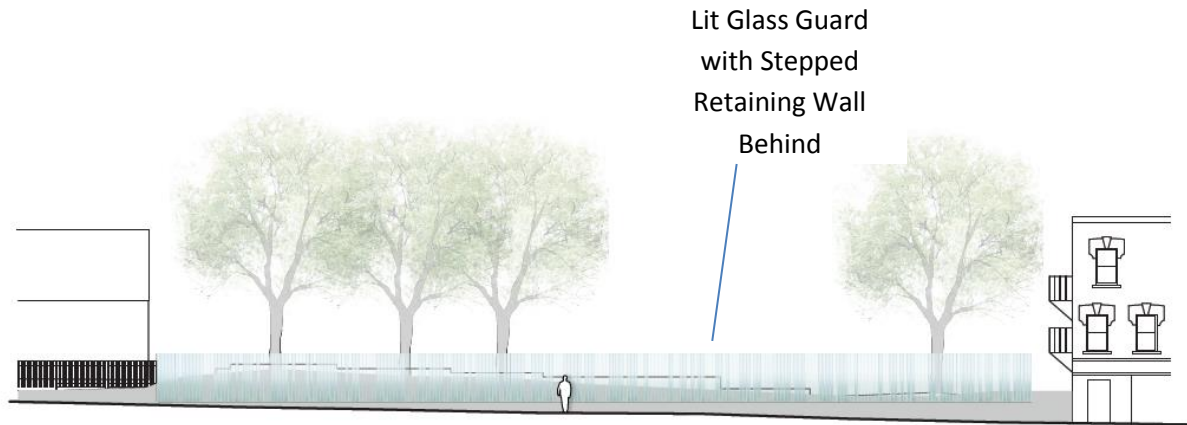
From

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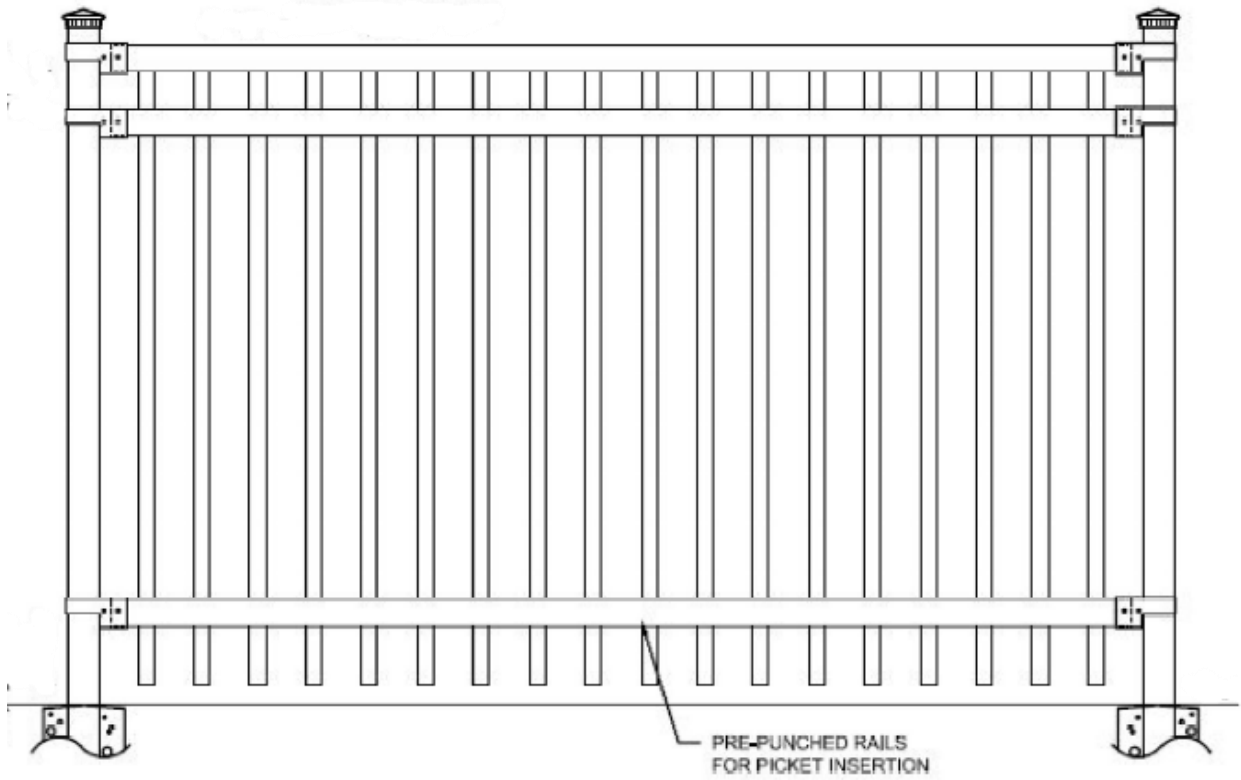
Appendix A – Lit Glass Guard and Metal Fence

1. Lit Glass Guard and Concrete Retaining Wall

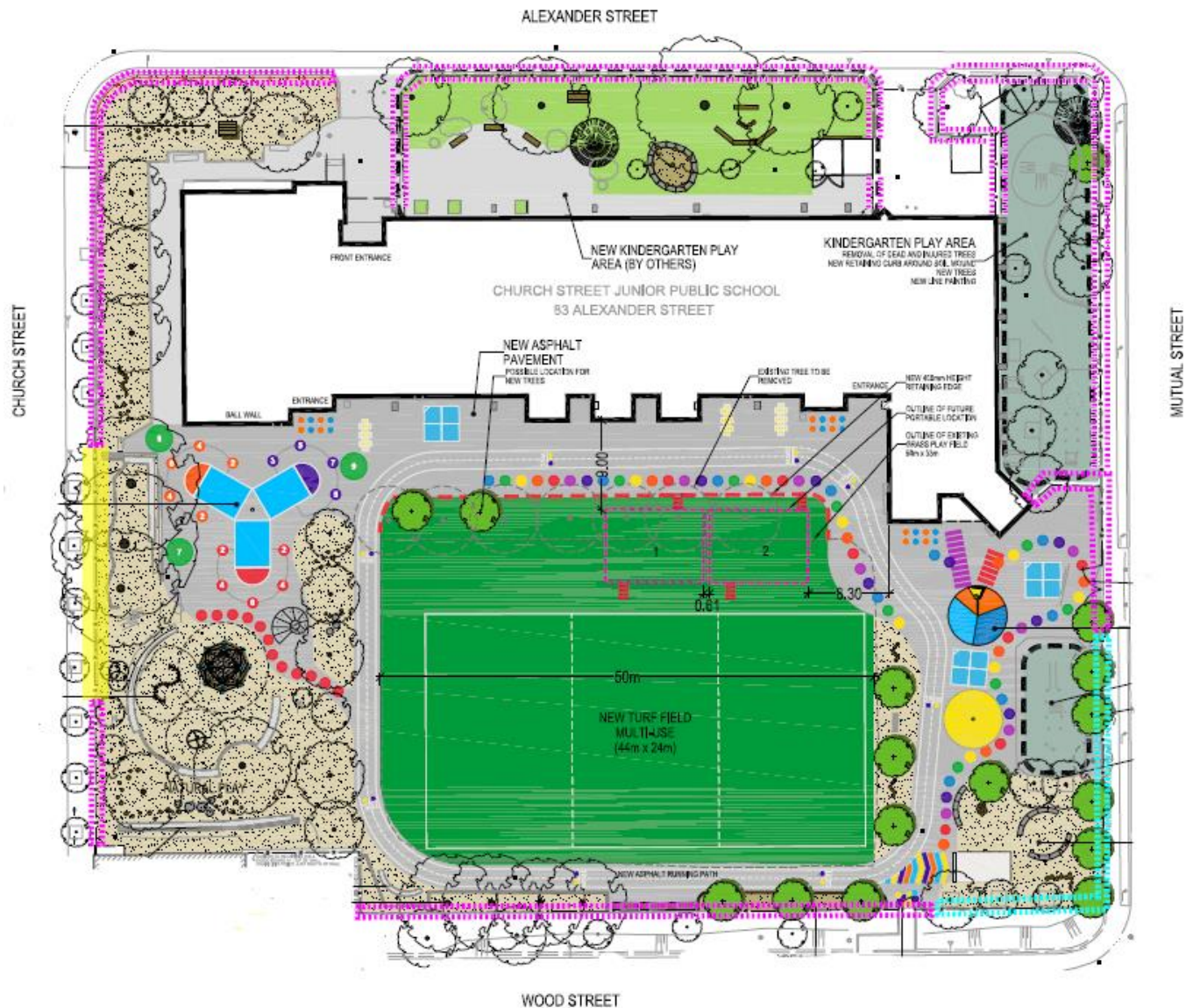


Church Street - West Elevation View – Sidewalk




2. Marine-Grade Metal Fence Detail



Appendix B – Glass Guard and Metal Fence Location as Shown on Church Street Master Plan



Legend

-  Extent of new retaining wall and lit glass guard.
-  Extent of new metal fencing including removal of posts and concrete footings.
-  Extent of existing chain link fencing to be removed and replaced with new metal fencing. Existing posts and concrete footings to remain.

Appendix C – City Council Motion (MM31.23) for Funding for the Lit Glass Guard

- [City Council](#) adopted this item on July 4, 2017 without amendments.

☐ **City Council consideration on July 4, 2017**

MM31.23	ACTION	Adopted		Ward: 27
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Authorization to Release Section 45(9) Funds, from the Development at 365-375 Church Street, to the Toronto District School Board towards Streetscape Improvements at Church Street Junior Public School - by Councillor Kristyn Wong-Tam, seconded by Councillor Shelley Carroll

City Council Decision

City Council on July 4, 5, 6 and 7, 2017, adopted the following:

1. City Council increase the approved 2017 Operating Budget for Non-Program by \$550,000.00 gross, \$0 net (Cost Centre: NP2161) on a one time basis, fully funded by Section 45(9) community benefits obtained in the development at 365 - 375 Church Street, (Source Account: XR3028-4500158), for the purpose of capital improvements by the Toronto District School Board in 2017/2018 for streetscape improvements including retaining wall restoration work and the fabrication and installation of a decorative fence along the east side of Church Street on the Church Street Junior Public School lands located at 83 Alexander Street.
2. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the capital improvements at Church Street Junior Public School for a term of twenty years, and otherwise on terms and conditions satisfactory to the City Solicitor.
3. City Council request City staff from the Management Services Branch of Parks, Forestry and Recreation 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, Community Planning staff and Transportation Services staff.
4. City Council direct that the funds be forwarded to the Toronto District School Board once the Toronto District School Board has signed the Community Access Agreement with the City, governing the purpose of the funds, the financial reporting requirements, and addressing community access to the improved facilities, drawn up in consultation with the Ward Councillor.

Appendix D – City Council Motion (MM41.9) for Funding for New Metal Fencing

- [City Council](#) adopted this item on May 22, 2018 without amendments.

City Council consideration on May 22, 2018

MM41.9	ACTION	Adopted		Ward: 27
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Authorization to Release Section 37 and 45(9) Funds to the Toronto District School Board towards Additional Streetscape Improvements at Church Street Public School - by Councillor Kristyn Wong-Tam, seconded by Councillor Janet Davis

City Council Decision

City Council on May 22, 23 and 24, 2018, adopted the following:

1. City Council increase the Approved 2018 Operating Budget for Non-Program by \$312,057.12 gross, \$0 net (Cost Centre: NP2161) on a one time basis for the purpose of capital improvements by the Toronto District School Board in 2018/2019 for streetscape improvements, including the fabrication and installation of an improved fence along the all sides of Church Street Junior Public School lands located at 83 Alexander Street, including Church Street, Alexander Street, Mutual Street, and Wood Street, fully funded from the following developments:
 - a. 365 - 375 Church Street secured for a range of community benefits including local streetscape improvements and local park improvements in consultation with the Ward Councillor and local stakeholders in the amount of \$172,201.05 (Source Account: XR3028-4500158); and
 - b. 355 Church Street secured for local street and/or park improvements in the immediate area of the lot in the amount of \$139,856.07 (Source Account: XR3026-3700687).
2. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the capital improvements at Church Street Junior Public School for a term of twenty years, and otherwise on terms and conditions satisfactory to the City Solicitor.
3. City Council request City staff from the Management Services Branch of Parks, Forestry and Recreation 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, Community Planning staff and Transportation Services staff.
4. City Council direct that the funds be forwarded to the Toronto District School Board once the Toronto District School Board has signed the Community Access Agreement with the City, governing the purpose of the funds, the financial reporting requirements, and addressing community access to the improved facilities, drawn up in consultation with the Ward Councillor.

Appendix E – City Council Motion (MM5.5) for Funding for Additional New Metal Fencing

- [City Council](#) adopted this item on March 27, 2019 without amendments.

☐ **City Council consideration on March 27, 2019**

MM5.5	ACTION	Adopted		Ward: 13
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Authorization to Release Section 37 Funds to the Toronto District School Board towards Additional Streetscape Improvements at Church Street Junior Public School - by Councillor Kristyn Wong-Tam, seconded by Councillor Shelley Carroll

City Council Decision

City Council on March 27 and 28, 2019, adopted the following:

1. City Council increase the Approved 2019 Operating Budget for Non-Program by \$189,687.42 gross, \$0 net (Cost Centre: NP2161) on a one-time basis for the purpose of capital improvements by the Toronto District School Board in 2019 for streetscape improvements including the fabrication and installation of an improved fence along the north side of Church Street Junior Public School lands located at 83 Alexander Street, including Church Street, Alexander Street, Mutual Street and Wood Street, fully funded from the following developments:
 - a. 355 Church Street secured for local street and/or park improvements in the immediate area of the lot in the amount \$189,687.42 (Source Account: XR3026-3700687)
2. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the capital improvements at Church Street Junior Public School for a term of twenty years, and otherwise on terms and conditions satisfactory to the City Solicitor.
3. City Council request City staff from the Management Services Branch of Parks, Forestry and Recreation 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, Community Planning staff and Transportation Services staff.
4. City Council direct that the funds be forwarded to the Toronto District School Board once the Toronto District School Board has signed the Community Access Agreement with the City, governing the purpose of the funds, the financial reporting requirements, and addressing community access to the improved facilities, drawn up in consultation with the Ward Councillor.

Appendix F – Cost Breakdown

The following table shows the estimated cost breakdown for the City of Toronto-funded portion of the project.

Description	Cost Estimate
Demolition, Removals & Site Prep	\$ 59,420.00
Glass Wall Guard	\$ 220,000.00
Fencing & Gates	\$ 437,090.60
Lighting	\$ 92,000.00
Construction Mock Up	\$ 15,000.00
SUBTOTAL	\$ 823,510.60
Mobilization & Demobilization	\$ 15,753.00
Contingency	\$ 86,759.00
Consulting Fees & Permits	\$ 103,484.59
HST	\$ 22,237.35
TOTAL	\$ 1,051,744.54

Appendix G – Sections 37 and 45 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)
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Section 37 cash contributions from the City of Toronto may also be appropriate towards the capital costs of facilities on school properties or within school buildings.

Section 45 of the *Planning Act* refers to minor variances to bylaws in respect of land, buildings or structures, approved by the City of Toronto Committee of Adjustment. Conditions may be attached to minor variances, which may include financial contributions toward a community project.

The current process to transfer Section 37 and 45 funding from the City of Toronto to the Board is initiated by a Motion at City Council and requires the TDSB to enter into a Community Use Agreement with the City of Toronto that speaks to community access requirements and the duration of the TDSB's commitment to uphold community access.



Our Mission

To enable all students to reach high levels of achievement and well-being and to acquire the knowledge, skills and values they need to become responsible, contributing members of a democratic and sustainable society.

We Value

- Each and every student's interests, strengths, passions, identities and needs
- A strong public education system
- A partnership of students, staff, family and community
- Shared leadership that builds trust, supports effective practices and enhances high expectations
- The diversity of our students, staff and our community
- The commitment and skills of our staff
- Equity, innovation, accountability and accessibility
- Learning and working spaces that are inclusive, caring, safe, respectful and environmentally sustainable

Our Goals

Transform Student Learning

We will have high expectations for all students and provide positive, supportive learning environments. On a foundation of literacy and math, students will deal with issues such as environmental sustainability, poverty and social justice to develop compassion, empathy and problem solving skills. Students will develop an understanding of technology and the ability to build healthy relationships.

Create a Culture for Student and Staff Well-Being

We will build positive school cultures and workplaces where mental health and well-being is a priority for all staff and students. Teachers will be provided with professional learning opportunities and the tools necessary to effectively support students, schools and communities.

Provide Equity of Access to Learning Opportunities for All Students

We will ensure that all schools offer a wide range of programming that reflects the voices, choices, abilities, identities and experiences of students. We will continually review policies, procedures and practices to ensure that they promote equity, inclusion and human rights practices and enhance learning opportunities for all students.

Allocate Human and Financial Resources Strategically to Support Student Needs

We will allocate resources, renew schools, improve services and remove barriers and biases to support student achievement and accommodate the different needs of students, staff and the community.

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

We will strengthen relationships and continue to build partnerships among students, staff, families and communities that support student needs and improve learning and well-being. We will continue to create an environment where every voice is welcomed and has influence.

Acknowledgement of Traditional Lands

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe (A NISH NA BEE), the Haudenosaunee (HOE DENA SHOW NEE) Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and Inuit peoples.

Reconnaissance des terres traditionnelles

Nous reconnaissons que nous sommes accueillis sur les terres des Mississaugas des Anichinabés (A NISH NA BAY), de la Confédération Haudenosaunee (HOE DENA SHOW NEE) et du Wendat. Nous voulons également reconnaître la pérennité de la présence des Premières Nations, des Métis et des Inuit."

Committee Mandate

- (i) To consider and make recommendations to the Board on finance matters, including procurement and contract awards, referred to it for consideration.
- (ii) To review the impact of enrolment and policy change on the Board's budget, including reviewing the impact of enrolment trends, and marketing strategies to bolster enrolment in declining areas of the city; and
- (iii) To consider strategies to balance the capital and operating budget over a multi-year period, and to make recommendations to the Board to balance the annual capital and operating budget.