

School Closures

(City Council on May 9, 10 and 11, 2000, amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) having regard that the City of Toronto, the Toronto District School Board and the Toronto Catholic District School Board recognize that, based on the many services and facilities housed and provided by local schools which go well beyond direct instructional programs, each school is serving a whole community, supporting not just students but all families in the community in a variety of ways, the Toronto District School Board and the Toronto Catholic District School Board be requested:*
 - (a) to work with the City of Toronto in a process of community- and neighbourhood-wide consultation (beyond parent input) in each of the communities affected by any proposed school closures, such consultation to consider the full range of services and facilities provided by the schools;*
 - (b) before any further schools are approved for closure, to join the City of Toronto in presenting the full impact of the new provincial funding formula on City- and community-related services and resources to the provincial government for its re-evaluation of the adequacy of the funding formula and the current narrow definition of ‘use’ in the funding formula;*
 - (c) prior to any school closures, to join the City of Toronto in establishing a joint task force to work on ensuring that the existing community and City services will be adequately maintained in each of the neighbourhoods;*
 - (d) given that a number of the schools slated for possible closure, such as Frank Oak and Bathurst Heights, have an important role in serving high risk areas and providing significant special education programs, and that some of those facilities were designed specifically for those purposes, to delay any closures until all such services and facilities are secured for the provision of those programs;*
 - (e) to provide the City of Toronto with the right of first refusal with respect to the Phase I surplus school sites;*
 - (f) entertain proposals that express interest for only a component of any site;*
and

- (g) *to draw the Area Review Committee (ARC) boundaries in such a way as to avoid overcrowding in the adjacent schools just outside those boundaries in the balance of the school closure process;*
- (2) *the Mayor, or his representative, and interested Members of Council, accompanied by appropriate staff, and with supporting documentation, appear as a delegation at the Toronto District School Board on Monday, May 15, 2000, at 6:30 p.m., to present the City of Toronto's position to Chair Gail Nyberg and her colleagues;*
- (3) *a Committee be established, with representatives from the Toronto District School Board, the Toronto Catholic District School Board and the City of Toronto, to determine how the City of Toronto can ensure these facilities are used to meet the needs of the community;*
- (4) *the City identify and pursue its legal rights, in cases where an agreement with the School Boards is affected by a school closure;*
- (5) *the City's position for relocating existing facilities be that the School Boards or the Province of Ontario pick up 100 percent of the costs incurred;*
- (6) *any future capital expenditures by the City of Toronto on school land be subject to a condition in the agreement that the School Board is required to refund the funds expended if the school closes;*
- (7) *City Council indicate to the Toronto District School Board its intention to contract for infant/toddler child care facilities through a partnership involving the Woodgreen Community Centre, in both the Bruce Public School and the Morse Public School, and the Toronto District School Board be requested to take this information into account in its deliberations;*
- (8) *City Council confirm its intention to facilitate the continued operation of the City-financed, state-of-the-art community kitchen at Bruce Public School, and the Toronto District School Board be informed that the City of Toronto wishes to both ensure that the community kitchen at Bruce Public School continues to function and enter into discussions concerning how this can be accomplished;*
- (9) *the Commissioner of Urban Development Services be requested to:*
 - (a) *take all action possible to lease the school sites for community uses and submit a status update report to the Planning and Transportation Committee and the Economic Development and Parks Committee; and*
 - (b) *submit a report to the Planning and Transportation Committee on the impact of the closure of the Corpus Christi Catholic School on enrolment in the surrounding public schools;*

- (10) *the Commissioner of Economic Development, Culture and Tourism be requested to:*
- (a) *include McNicoll Public School as an opportunity to meet or offset community recreation and child care needs as part of studies which are being undertaken and report thereon as soon as possible to the Economic Development and Parks Committee; and*
 - (b) *submit a report to the Economic Development and Parks Committee on the condition, ownership and options for future use, including to the broader community, of the Midland Avenue Collegiate and Bathurst Heights Collegiate pools; and*
- (11) *the joint report dated May 5, 2000, from the Commissioner of Urban Development Services, the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Corporate Services, embodying the following recommendations, be adopted:*
'It is recommended that:
- (a) *the Commissioner of Corporate Services, in conjunction with other appropriate City staff, be directed to meet with representatives of the Toronto District School Board to:*
 - (i) *ensure that any lease agreements entered into with outside parties with respect to surplus school facilities include provisions which secure continued community access to the open space, including on-site childcare operators' right to access and use of dedicated outdoor space during operating hours; and*
 - (ii) *begin negotiations to protect the City's interest in Capital investments that have been made to school facilities, in accordance with the principles contained therein; and*
 - (b) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' ”)*

The Planning and Transportation Committee recommends:

- (1) **the adoption of the report (March 2, 2000) from the Commissioner, Urban Development Services, subject to:**
- (a) **deleting all the words following the words “Appendix A” in Recommendation No. (2), so as to read:**
 - “(2) **this report be forwarded to the Toronto District School Board and the Toronto Catholic District School Board, and that they be requested to**

review and adopt the principles for re-use of surplus school contained within Appendix A; and”; and

- (b) expanding upon Recommendation (3) by directing staff to determine what steps are required to ensure that public access to evening use of school facilities is maintained;**
- (2) that a policy be adopted which directs that the recovery of capital costs contributed towards school facilities by the City be negotiated with the School Boards; and**
- (3) the Commissioner of Urban Development Services be requested to evaluate the proposed uses to determine the extent to which they match the existing zoning requirements, and that re-zoning applications be required when the present zoning requirements are not met.**

The Planning and Transportation Committee reports, for the information of Council, having requested the Commissioner of Urban Development Services to report directly to Council for its meeting on May 9, 2000 on:

- (1) any new developments or information which may be available by that time;
- (2) how the City can protect its investment in Hawthorne School as outlined in the joint communication (April 25, 2000) from Mary Ford and Rob Maxwell, by ensuring that it remains open for future public use, especially with regard to the handicapped-accessible playground adjacent to this facility; and
- (3) the possible use of a “holding” by-law as necessary to protect school properties.

The Planning and Transportation Committee submits the following report (March 2, 2000) from the Commissioner, Urban Development Services:

Purpose:

The purpose of this report is to:

- (1) provide members of Council with an update regarding TDSB Phase 1 closures; and
- (2) provide a preliminary assessment of the impact of Toronto District School Board (TDSB) Phase 2 school closures on the local delivery of municipal services and programs.

Financial Implications:

Potential financial impacts for the City will be reported on separately, once requests for proposals for surplus school properties have been received and the City’s interests have been fully assessed.

Recommendations:

It is recommended that:

- (1) City Council adopt the draft principles for re-use of surplus schools as set out in Appendix A to this report;
- (2) this report be forwarded to the Toronto District School Board and the Toronto Catholic District School Board, and that they be requested to review and adopt the principles for re-use of surplus schools contained within Appendix A, prior to the release of any requests for proposals for schools declared surplus; and
- (3) the Toronto District School Board be requested to consult with appropriate City officials prior to any restriction of evening use of school facilities, to ensure that existing municipal programs can be adequately accommodated, and public meeting space continues to be available to local residents.

Executive Summary:

Phase I:

In response to Provincial funding cuts, the Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) have embarked on multi-phased asset consolidation plans that will result in an estimated 45 school closures in total. The TDSB approved the first phase of 10 closures in June, 1999, and formally declared the properties surplus at its meeting held on February 9, 2000. Requests for Proposals to lease the individual properties will be circulated to a number of public bodies, including the City of Toronto, within the next few weeks. This report provides an update on the facilities ultimately approved for closure in Phase I, and potential City interests in these properties. Council should adopt the draft principles attached to this report (Appendix A) and request the TDSB and the TCDSB to also adopt them. Staff will report further on the Phase I closures when the RFP has been issued.

Phase II:

The second phase of recommended closures and consolidations was presented to the TDSB at its meeting held on February 23, 2000. The TDSB staff report recommends the following 8 schools as candidates for closure/relocation/consolidation:

Closures:

Bathurst Heights SS – 640 Lawrence Avenue West
Bruce Jr PS – 51 Larchmount Avenue
Heather Heights Jr PS – 80 Slan Avenue

Relocations:

Downtown Alternative School – 85 Lower Jarvis Street
Frank Oke SS – 500 Alliance Avenue
Ursula Franklin Academy – 90 Croatia Street

Consolidations:

Carleton Village Jr & Sr PS/City School – 2054 Davenport Road & 315 Osler Street
Essex Jr & Sr PS/Hawthorne II Bilingual Alternative School – 50 Essex Street

Final approval of these proposed closures will occur after school communities have had an opportunity to review and comment on TDSB staff recommendations, and have submitted their findings to the Board of Trustees. If approved, facilities recommended in this phase will close effective June 2001.

The closure/relocation/consolidation of these facilities will impact on:

- (i) 1,487 hours of municipal recreational programming ranging from aquatics to basketball, for a total of 1,791 participants;
- (iii) public access to at least 1 indoor swimming pool;
- (iv) approximately 18 acres of open space which is currently available for use by local residents;
- (iv) 4 licensed child care programs offering a total of 219 spaces for children aged 0 to 10 years; 115 of the children presently enrolled receive a fee subsidy;
- (v) 4 parenting programs;
- (vi) dental screening, immunization and prenatal support offered by Public Health; and
- (vii) school nutrition programs funded through Public Health

Comments:

- (A) Update on Phase 1 TDSB Closures

At its meeting held on February 9, 2000, the TDSB formally declared the schools approved for closure in Phase 1 surplus to the needs of the Board. Therefore, the following schools will close in June, 2000, and the properties will be offered for lease, as required by Provincial Regulation 444 (Disposition of Surplus Real Property):

Brookbanks P.S. – 217 Brookbanks Drive
McNicoll P.S. – 155 McNicoll Avenue

Midland Avenue CI – 720 Midland Avenue
Earls court PS – 21 Ascot Avenue
Grace Street PS – 65 Grace Street
Heydon Park SS – 11 St. Annes Road
Hughes PS – 177 Caledonia Road
DB Hood CS – 2327 Dufferin Street
Shaw Street portion of Givins/Shaw PS – 180 Shaw Street
Ossington PS portion of Ossington/Old Orchard PS – 380 Ossington Avenue

The recommendation to close Cordella PS, located at 175 Cordella Avenue, was referred back to TDSB staff for further study, after consultation with the school community illustrated the difficulties in accessing schools in adjacent communities posed by the physical barriers surrounding the area. After a closer examination, TDSB staff ultimately recommended that Cordella PS remain open, and the Board of Trustees concurred.

As stated in earlier reports, Regulation 444 requires school boards to issue Requests for Proposals (RFP's) to lease to a list of 10 provincially-mandated recipients. The City ranks fifth in the list of priorities, after the various publicly funded elementary, secondary and post secondary educational interests have been satisfied. All of the designated public bodies will receive the RFP's simultaneously and will have 90 days in which to respond. The TDSB will assess any submissions received in accordance with the priorities set out in Regulation 444. If there is no interest expressed by higher ranking organizations, the City may lease specific properties at market value.

An inter-departmental City staff team has completed their assessment of the City's interests in these properties, based on Council-approved priorities. Staff first determined which programs could be accommodated in neighbouring facilities. City staff were able to:

- find alternate locations for all of the recreation programs located in schools declared surplus in Phase 1;
- assist the individual child care operators to develop appropriate plans for their individual programs. To date, all of the programs affected by Phase 1 closures have secured space in either the closed school or one of the designated receiving schools, and in some cases have requested expanded licensed capacities; and
- identify as high priority the retention of community access to the open spaces associated with:

Hughes P.S.
Ossington P.S.
Grace Street P.S.
Heydon Park S.S.

The review of open space conducted by Economic Development Culture and Tourism Department staff considered factors such as parkland provision levels, previous investment in playground improvements and usability of the properties.

City staff initiated the development of principles for re-use of surplus facilities which would assist in providing some certainty regarding the school boards' attempts to secure other tenants for the closed school sites. Existing policies and practices of the school boards were examined and incorporated into a document which details a commitment to:

- (1) consultation with local residents and City officials prior to leasing facilities;
- (2) adherence to existing Official Plan policies;
- (3) accommodation of existing community programs and services within their existing or alternate premises; and
- (4) public use of school yards.

The draft principles are contained within Appendix A, and it is recommended that City Council adopt these principles and request the two Boards to do likewise.

Staff from both the TDSB and TCDSB have reviewed the draft principles, and the TDSB has provided some feedback. If incorporated into the documents circulated as part of the RFP's for these sites, the principles will assist in safeguarding public access. It is therefore imperative that both the TDSB and TCDSB review and adopt a mutually agreed upon set of principles prior to the release of the RFP's.

If principles of re-use cannot be agreed upon, City Council may opt to explore the possibility of submitting a proposal to lease the open space only for the sites deemed to be of a high priority. While the RFP's have not as yet been released, they may not allow for interests to be expressed for only a component of the site.

In the event that none of the RFP recipients express an interest in any of these surplus properties, they may then be offered to private sector bodies, such as private schools and commercial interests.

(B) Factors in Determining Candidates for Closure in Phase 2

Recommended reductions in surplus capacities were achieved through either:

- closures;
- relocations of educational programs to new, more appropriate facilities; or
- consolidation of educational programs into one portion of the existing facility, and the closure of the remainder OR the relocation of one portion of a school campus to another building within the same campus, and the closure of the vacated facility.

In determining which schools to review for closure, TDSB staff first exempted schools which are:

- designated as receiving schools for facilities approved for closure in the first phase;
- located in “isolated” areas, where there would not be a TDSB school operating within Provincially-prescribed walking distances; and
- located in areas where neighbouring facilities do not have sufficient capacity to accommodate displaced students.

The following criteria were then applied:

- schools operating at less than 60% of their Provincially-rated capacities; and
- schools which could benefit from boundary adjustments or program relocations in order to make them more operationally efficient.

A list of schools recommended for closure/relocation/consolidation, and the recommended receiving schools can be found in Appendix B.

(C) Public Consultation Process

As in the Phase 1 closures, Area Review Committees (ARC’s) will be formed for each of the schools identified for potential closure. In instances of closure and relocation, representation will be sought from the affected school, as well as those identified as potential receiving schools. Consolidation is not expected to impact neighbouring schools, therefore the ARC’s will be comprised of representatives from the effected school only.

In all instances, 2 community representatives will be invited to participate. There is no formal involvement of City staff or elected officials, or the service deliverers who are tenants within the facilities recommended for closure. However, they may attend as non-voting observers.

The process outlined for consultation and reporting is as follows:

- ARC’s will meet to review the data used by TDSB staff as the basis of their recommendations, raise issues that may not have been addressed and make alternate recommendations between March 6, 2000 and May 12, 2000;
- ARC reports must be submitted to the Executive Officer of Facility Services by May 15, 2000 for analysis;
- ARC members will be invited to present their findings to the Board of Trustees on May 15, 2000;
- staff will release their final recommendations during the week of June 12, 2000;

- ARC members will be given another opportunity to depute before the Board on June 26, 2000; and
- final staff report will go to the Board for decision on June 28, 2000.

City Councillors will be apprised of the first meeting dates, times and locations of each ARC, and subsequent meetings will be scheduled at the discretion of the ARC members.

(D) Municipal Use of Schools Identified in Phase 2

The primary municipal program areas affected by school closures are licensed daycare, recreation programs and public health services and programs. It is important to note that many non-municipal service providers and organizations also make extensive use of school facilities, however, the TDSB has not yet consolidated their permitting information, and do not have comprehensive information about broader community use. Therefore, City staff have had to confine their assessment to municipally operated or funded programs and services.

An overview of municipal programs is contained within Appendix C.

(i) Licensed Child Care

There are a total of 4 programs which are directly affected by the proposed Phase 2 closures, which will be affected in different ways. All 4 programs are operated on a non-profit basis by 4 distinct boards of directors.

The program located in Bathurst Heights Secondary School, Bathurst Heights Community Day Care, provides service to 41 children aged 0 to 5 years. The recommended closure of this school may result in a relocation of this program, however the approach taken with respect to the Phase 1 closures allowed operators a choice of remaining in the closed school, or relocating to another TDSB facility. Programs for younger children require dedicated space and have a number of specialized facility requirements (such as changing and sleeping areas for infants). Relocation of this program will likely require costly renovations to any new premises.

Hawthorne-on-Essex Day Care has a licensed capacity for 89 children aged 2 ½ to 10 years, and is located in the portion of Essex Public School which is being proposed for closure. Therefore, the program may have to relocate within the same facility.

Perth School Age Satellite is located at Carleton Village Junior Public School at 2054 Davenport Road, and has capacity to serve 24 children aged 6 to 10 years. It is situated in the portion of the Carleton Village campus recommended for closure, and may therefore have to relocate. However, programs for school aged children do not require dedicated space or specialized facility features, should the operator choose to move, making potential relocation somewhat simpler.

Downtown Alternative School Day Care is located at 85 Lower Jarvis Street, and has capacity to serve 65 children aged 2 ½ to 10 years. A new location for the educational programs has not yet been identified, therefore it is unclear whether there will be sufficient space within the new premises for the child care program.

As stated in previous reports, school closures may result in enrolment pressures within neighbouring schools, many of which already house a daycare program. Additional enrolment may make it difficult to house displaced programs and may also place the tenancy of existing programs in jeopardy, as space within schools for community programs becomes increasingly scarce. City staff will continue to monitor this situation.

(ii) Open Space

School yards often contribute significantly to a community's open space, and are generally used extensively by local residents. The total amount of usable open space in Phase 2 is approximately 18 acres. Generally, school sites provide good recreational opportunities, and Economic Development Culture and Tourism Department staff will conduct an assessment of City priorities similar to the one undertaken for the Phase 1 sites.

In addition, the City contributed \$50,000 toward playground improvements at Bruce Public School, which were completed in 1980.

(iii) Recreation

Recreation programming is concentrated within 2 of the 8 facilities identified for potential closure, which accommodate 71 aquatics programs ranging from aqua tots to swimming activities for seniors.

Bathurst Heights SS is used extensively for daytime and evening swim programs. A total of 989 hours of programming is offered annually to over 1,500 participants. Economic Development Culture and Tourism Department staff have indicated that it will be extremely difficult to relocate the programs currently being offered at this facility.

Carleton Village Sr PS is also used to provide 75 hours of aquatics programming for 133 participants, and 45 hours of basketball to 26 participants annually. However, the facilities used by the Economic Development Culture and Tourism Department are located within the portion of the Carleton Village campus recommended for retention. Therefore, relocation of programs may not be required.

(iv) Public Health

Public Health programs typically take the form of school nutrition programs, in addition to providing support to parenting and family resource programs. Funding for nutrition programs is typically used for portable equipment that can be readily moved to a receiving school. Generally, dedicated space is not required for Public Health programs, and relocation costs would be minimal.

(E) Implications for Municipally Delivered Services

City staff will explore the possibility of on-going municipal use of the pool at Bathurst Heights SS with the TDSB and any future tenants.

With respect to the 4 non-profit child care programs, each board of directors must decide whether it is in the best interests of their programs to relocate along with their school populations, or negotiate their continued presence within the closed school. City staff are available to provide assistance to these operators, as requested.

Once the extent of relocation has been determined, costs associated with moving and renovation can then be determined. The TDSB has indicated to centres affected in the first phase of closures that it is willing to fund relocations within facilities, but only 50% of the costs of moving programs between facilities. The Children's Services Division of the Community Services Department will be preparing a report on the financial implications for City budgets as a result of program relocations, once the operators' plans have been finalized.

(F) Zoning and Permitted Uses of Candidates for Closure

A summary of the zoning and Official Plan designations for each of the schools recommended for closure/relocation is contained within Appendix D.

All of the sites have some form of residential permission, ranging from single detached homes to apartment units. However, the TDSB has indicated its intention to lease (rather than sell) any facilities closed in Phase 2, as it did in Phase 1. Therefore, any redevelopment of these sites for residential purposes seems unlikely at this point in time.

(G) Restricted Evening Use of Schools

In addition to school closures, community access to schools is also hampered by a lack of Provincial funding for caretaking staff. The Boards require that a staff member be on the premises during evening use of their schools in the event of an emergency, and to close the facility once the programs have concluded. Since the introduction of the new funding formula, the TCDSB has had to reduce its complement of caretaking staff by 158 full time equivalent positions, which has resulted in the closure of 67 facilities for community use after 7:30 p.m.

Once the TCDSB policy was fully implemented, TDSB staff indicated that requests for evening use of their facilities increased dramatically. However, the TDSB may be required to implement a similar policy of restricted community access, once the union contract with its caretaking staff expires on August 31, 2000. The Board of Trustees approved the elimination of 112 contract and 300 full time positions, effective September 1, 2000. Therefore, any curtailment of the community's use of schools in the evening will not occur until the fall, and at this point in time, facilities recommended for restricted community use have not yet been identified.

It is anticipated that as access to schools becomes increasingly constrained, demand for City facilities will increase significantly. Recreation centre staff report that many of the City's facilities are operating at full capacity, and there is limited ability to accommodate extra demand. City staff have expressed a willingness to work with the TDSB to ensure that there is adequate distribution of recreation programs across the City, and that no neighbourhood is without access to public meeting space.

Conclusion:

Appropriate City staff will assist in the deliberations of the local ARC's, if requested, and will monitor the impacts of relocating local services and programs. Once the TDSB has approved Phase 2 closures, a further assessment of City interests in the sites declared surplus will be conducted, in anticipation of the circulation of a new round of RFP's.

The implications of restricted community access to schools will continue to be monitored, and staff will pursue the possibility of joint planning in this area. Staff will also report to Planning and Transportation Committee, if the TDSB and TCDSB do not respond to the request to incorporate principles for re-use of surplus schools within any RFP's for surplus sites.

Contact:

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Appendix A

Draft Principles for Re-Use of Closed Schools

The Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) will have regard to the following principles when considering the selection of tenants for its surplus school facilities:

- As a general principle, it is the intent of the TDSB and the TCDSB to retain ownership of its surplus school sites, however in the event that school sites are offered for sale, such sales will be governed by Regulation 444.
- The TDSB and the TCDSB will work cooperatively with City of Toronto officials during the process of declaring schools surplus to their needs, and will provide early notification of plans to disposition of these sites.
- The TDSB and the TCDSB, when considering the long term lease of surplus school sites, will endeavour to retain public access to the school's open space, subject to the requirements of the future tenant(s).

- In the event that leased school facilities and open space are available for public use, all costs associated with such uses shall be in accordance with leasing and permit policies and procedures approved by the relevant School Board.
- The TDSB and the TCDSB, when considering alternative uses for its surplus sites, will adhere to a process of community consultation in accordance with each School Board's leasing and permit policies and procedures.
- The Boards, when considering alternative uses for its surplus schools sites, will seek uses which are in accordance with the intent of the City of Toronto's Official Plan policies.
- The TDSB and TCDSB will endeavour to relocate existing community services or programs housed in schools approved for closure subject to the availability of school space and the requirements of Regulation 444.
- All changes to the terms and conditions of shared use agreements resulting from the closure of school facilities, will be subject to negotiations between the City of Toronto and the relevant School Board.

Appendix B

Enrolment Information on TDSB Schools Identified in Phase 2

School	99-00 Enrolment	Capacity	Potential Receiving Schools
Closures			
Bruce Jr PS - 51 Larchmount Avenue (ward 25)	235	443	Duke of Connaught Jr & Sr PS; Morse Street Jr PS
Heather Heights Jr PS – 80 Slan Avenue (ward 16)	233	536	George B. Little Jr PS
Bathurst Heights SS - 640 Lawrence Avenue West (ward 8)	481	1,275	Downsview SS; Sir Sanford Fleming Academy; Vaughan Road Academy
Relocations			
Downtown Alternative School – 85 Lower Jarvis Street (ward 24)	129	175	Unspecified
Frank Oke SS – 500 Alliance Avenue (ward 27)	97	341	Unspecified
Ursula Franklin Academy – 90 Croatia Street (ward 20)	436	1,013	Heydon Park site at 11 St. Anne's Road
Consolidations			
Carleton Village Jr & Sr PS – 2054 Davenport Road & 315 Osler Street (ward 21)	396	693	Carleton Village Sr PS at 315 Osler Street
	320	800	
Essex Jr & Sr PS/Hawthorne Alternative School – 50 Essex Street (ward 21)	562	1,011	Easterly portion of the adjoining facilities
Totals	1,278	2,504	

Appendix C

Municipal Programs in TDSB Phase 2 Schools

School	Recreation	Public Health/Family Resource Programs	Licensed Child Care
Bruce Jr PS – 51 Larchmount Avenue	None	Lunch & breakfast Prgram; Parenting program	None
Heather Heights Jr PS – 80 Slan Avenue	None	None	None
Bathurst Heights SS – 640 Lawrence Avenue West	Aquatics	None	Licensed for 41 children aged 0 to 5 years
Downtown Alternative School – 85 Lower Jarvis Street	None	Parenting program	Licensed for 65 children aged 2-½ to 10 years
Frank Oke SS – 500 Alliance Avenue	None	None	None
Ursula Franklin Academy - 90 Croatia Street	None	None	None
Carleton Village Jr PS - 2054 Davenport Road; Sr School - 315 Osler Street	None	Parenting program	Licensed for 24 children aged 6 to 10 years
	Aquatics; indoor sports drop-in programs	None	None
Essex Jr & Sr PS/Hawthorne Alternative School – 50 Essex Street	None	Parenting program	Licensed for 89 children aged 2-½ to 10 years
Totals	2 pools	4 parenting programs	219 licensed child care spaces

Appendix D

Site Assessments for TDSB Schools Identified in Phase 2

School	Facility Size (sq ft)	Estimated Effected Open Space (acres)	Official Plan Designation	Zoning
*Bruce Jr PS – 51 Larchmount Avenue	49,921	1.11	Low Density Residential Area	R3 Z1.0 – apartment
*Heather Heights Jr PS – 80 Slan Avenue	48,975	3.6	Public School	S – single detached
*Bathurst Heights SS – 640 Lawrence Avenue West	178,349	4.3	Arterial Corridor Area	RM4 – apartment
Downtown Alternative School – 85 Lower Jarvis Street	26,029	0	Medium Density mixed Commercial/ Residential	CR T4.0 C1.0 R3.0; commercial/ residential; R3 Z2.5 – apartment
*Frank Oke SS – 500 Alliance Avenue	46,521	2.5	School	R2; semi-detached

*Ursula Franklin Academy - 90 Croatia Street	204,529	4.57	Low Density Residential Area	R4 Z1.0 – apartment
*Carleton Village Jr & Sr 2054 Davenport Road & 315 Osler Street	89,619	1.63	Low Density Residential Area	R4 Z1.0/R2 Z0.6; apartment
	100,803	0	Low Density Residential Area	R2 Z 0.6; apartment
Essex Jr & Sr PS/Hawthorne Alternative School – 50 Essex Street	148,207	1.75	Low Density Residential Area	R2 Z0.6; Apartment
Totals	881,573	19.46		

* denotes schools where open space will be impacted.

Insert Table/Map No. 1
Recommended TDSB Closures/Relocations

The Planning and Transportation Committee also submits the following communication (April 25, 2000) from Mary Ford and Rob Maxwell:

We are writing on behalf of the Essex-Hawthorne School Consolidation Review Committee. Essex and Hawthorne Schools have been slated to be consolidated as part of the TDSB's Phase 2 Closure process.

The City has a significant stake in the outcome of the consolidation. Together, our schools are home to a licensed 89-space daycare; a parenting program; non-City recreational programming; and a variety of community uses within the buildings. In addition, the schools' playground provides the only open green space and play facilities in the immediate area.

The report before you today should note that in 1992 the City contributed a substantial amount of money to assist in the construction of a handicapped-accessible playground adjacent to Hawthorne School. We would like to ask that the City protect its investment in this facility by ensuring that it remains open for public use, regardless of the future disposition of Hawthorne School.

The schools' various stakeholders have been participating with the TDSB in an intensive but positive process to ensure that the consolidation occurs in a way that meets all of our needs. The issues identified by City staff are fundamental to the success of our discussions. We welcome the recommendations in this report as an important contribution to this process, and hope the committee will adopt them.

The Planning and Transportation Committee reports, for the information of Council, also having had before it during consideration of this matter, a communication (March 3, 2000) from the Executive Officer, Facility Services, Toronto District School Board, forwarding, in compliance with *Ontario Regulation 444/98*, a proposal for school properties, which was forwarded to all Members of Council with the agenda of the Planning and Transportation Committee for its meeting on April 25, 2000, and a copy thereof is on file in the office of the City Clerk.

(City Council on May 9, 10 and 11, 2000, had before it, during consideration of the foregoing Clause, the following joint report (May 5, 2000) from the Commissioner of Urban Development Services, Commissioner of Economic Development, Culture and Tourism and Commissioner of Corporate Services:

Purpose:

To respond to the Planning and Transportation Committee's request for a report directly to Council on a number of matters related to school closures.

To identify the City's interest in the Phase I closed school sites that are subject to the TDSB's recently released proposal to lease.

Financial Implications and Impact Statement:

There are no financial implications associated with this report.

Recommendations:

It is recommended that:

- (1) the Commissioner of Corporate Services, in conjunction with other appropriate City staff, be directed to meet with representatives of the TDSB to:
 - (a) ensure that any lease agreements entered into with outside parties with respect to surplus school facilities include provisions which secure continued community access to the open space, including on-site childcare operators' right to access and use dedicated outdoor space during operating hours; and*
 - (b) begin negotiations to protect the City's interest in capital investments that have been made to school facilities, in accordance with the principles contained herein.**
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.*

Background:

Since the preparation of the report on school closures dated March 2, 2000, a number of new developments have occurred:

- The Toronto District School Board (TDSB) issued requests for proposals to lease 8 of the 10 facilities identified for closure effective June 2000, on March 3, 2000.*
- The City's interest in protecting continued access to school play yards has not been reflected in the documents circulated to the provincially prescribed list of proposal to lease recipients.*
- A draft leasing policy has been tabled by TDSB staff, and will be considered at the TDSB's regularly scheduled meeting in June.*

In addition, at its meeting held on April 25, 2000, the Planning and Transportation Committee considered the City staff report, and made a number of recommendations, including a request for a report directly to the Council meeting scheduled to begin on May 9, 2000, regarding the:

- Determination of how the City can protect its investment in Hawthorne/Essex P.S., by ensuring that it remains open for future public use, especially with regard to the handicapped-accessible playground adjacent to this facility; and*

- *Assessment of the possible use of a “holding” by-law as necessary to protect school properties.*

This report has therefore been prepared in response to both the new developments, and the Planning and Transportation Committee’s request for a report directly to Council.

Comments:

1. Requests for Proposals to Lease TDSB Schools Approved for Closure

Since the preparation of the March 2, 2000 report on school closures, the Chief Administrative Officer has received a package of proposals to lease for 8 of the 10 TDSB schools approved for closure effective June, 2000. Proposals to lease were received for the following school sites:

<i>School</i>	<i>Exempted Components</i>	<i>Total Amount of Facility Space for Lease</i>
<i>Brookbanks P.S. - 217 Brookbanks Drive</i>	<i>None</i>	<i>73,001 square feet</i>
<i>DB Hood Community School – 2327 Dufferin Street</i>	<i>2,040 square feet currently being used for the existing licensed child care program (2 classrooms)</i>	<i>57,142 square feet</i>
<i>Earlscourt Jr PS – 21 Ascot Avenue</i>	<i>None</i>	<i>55,347 square feet</i>
<i>Grace Street Jr PS – 65 Grace Street</i>	<i>None</i>	<i>45,435 square feet</i>
<i>Hughes Jr PS – 177 Caledonia Road</i>	<i>2,916 square feet currently being used for the existing licensed child care program (2 classrooms)</i>	<i>50,068 square feet</i>
<i>McNicoll PS – 155 McNicoll Avenue</i>	<i>2,964 square feet currently being used for the existing licensed child care program (3 classrooms)</i>	<i>50,068 square feet</i>
<i>Midland Avenue CI – 720 Midland Avenue</i>	<i>None</i>	<i>225,421 square feet</i>
<i>Old Orchard PS – 380 Ossington Avenue</i>	<i>6,239 square feet currently being used for the existing licensed child care program (4 classrooms); All associated outdoor space</i>	<i>8,208 square feet</i>

Heydon Park Secondary School was approved for closure, but has been proposed as the future location of the Ursula Franklin Academy, which has been identified as a candidate for closure in Phase 2. If it is decided that this facility is not suited to the program’s needs, it will become part of the proposals to lease released during the second phase of closures proposed for 2001.

Givins/Shaw PS was also excluded from the proposal to lease process until the renovations required for the relocation of the educational programs, and the restoration of the Shaw Street portion of the facility have been completed, and the children can be safely accommodated

on-site. The refurbished Shaw Street facility will be included as part of the proposals to lease for Phase 2 closures.

Each of the proposals to lease recipients must express interest in individual sites by June 1, 2000. Therefore, Council must approve a course of action at its May meeting.

2. Identified City Interests

The inter-departmental staff team completed their assessment of the City's interests in these properties, based on Council approved program priorities for municipally-delivered services (open space, recreation, public health and children's services). In addition, Real Estate staff circulated the proposal to lease to all City Departments, Agencies, Boards and Commissions, and affected Ward Councillors, to determine if there was any additional City interests in these properties.

With respect to municipal programs presently operating out of Phase 1 schools, City staff have been able to confirm the continued use of closed indoor facilities for licensed child care, and/or the availability of alternative locations for the delivery of existing public health, child care and recreation programs. However, residents' access to open space cannot be adequately accommodated elsewhere, and staff are therefore recommending that continued access to the play yards of surplus Phase 1 schools be negotiated with the TDSB.

In addition, two expressions of interest have been received from City Councillors with respect to 2 individual sites. Councillor Pantalone (Ward 20) has expressed an interest in retaining public access to Grace Street Public School playground and open space. Councillor Shiner (Ward 12) has been working with local service providers to develop a proposal to lease McNicoll Public School as a multi-purpose community service hub.

Preliminary findings being formulated in conjunction with a soon to be completed City Study, assessing provisional levels of major indoor and outdoor recreation facilities on a city-wide basis, indicate that the area in which the McNicoll school site is located is generally well supplied with a wide range of indoor community recreation facilities. There are a number of other public and institutional (school) facilities that exist within close proximity to residents within the vicinity of the subject site.

Access to the Grace Street Public School's play yard will be covered in any negotiated agreement between the City and the TDSB regarding community access to the school yards of Phase 1 schools.

3. Draft Leasing Policy

TDSB staff have tabled a draft leasing policy for the Trustees' consideration, which affects a number of the City's interests and concerns regarding public access to closed school sites, and proposed alternate uses. The draft policy addresses the need for the TDSB to:

- Retain ownership of surplus facilities*

- *Provide a revenue stream through the lease of surplus properties as a means of augmenting insufficient building maintenance funds*
- *Retain public access to open space, subject to the requirements of the future tenant(s)*
- *Give priority to child care programs*
- *Inform local residents of proposed alternate uses of closed schools*
- *Seek uses which comply with the City's Official Plan*
- *Recover all costs associated with public use of closed facilities*
- *Provide City of Toronto officials with appropriate notice of leasing arrangements of surplus schools*

While access to open space has been incorporated into the draft TDSB leasing policy, it is not yet approved, and has therefore not been included in the documents circulated as part of the proposals to lease. In the absence of the Trustees' approval, TDSB staff have been unable to confirm the application of the proposed leasing policy to any responses to the proposals to lease received for the Phase 1 schools. However, in order to provide local residents with some assurance of their continued access to play yards associated with closed schools, an explicit statement needs to be provided by the TDSB. Therefore, this report recommends a formal request to the TDSB for clarification of this issue.

The intent of the City's interest in the proposals to lease is not to pre-empt the lease of these sites to other interested parties, but to ensure that the site-specific lease provisions secure the current level of public access to the open space. In recognition of the fact that the local property tax base was used to purchase and construct these facilities, it is felt that the communities' long term investment in these properties should be reflected through continued access to the open space provided at each of these sites, at no cost to the City.

The TDSB's proposals to lease did recognize the retention of the childcare facilities located at 4 of the 8 school sites approved for closure. The proposals to lease exclude the classroom space occupied by the childcare programs, but do not recognize the childcare operators' required access to dedicated playgrounds and other on-site amenities. Provincial licensing requirements as specified under the Day Nurseries Act, states that there must be dedicated and appropriate outdoor open space, and appropriate drop-off and pick-up provisions. City staff will request TDSB to include the daycare operators' right to access and use of dedicated outdoor space during operating hours in any lease arrangement with the future occupants of these facilities.

4. Recovery of City Capital Investment in Surplus School Facilities

In the past, the former municipalities frequently provided capital funding for improvements to school facilities, which were open for use by local residents. Investments of this sort were seen

as a cost-effective means of providing neighbourhoods with a range of community facilities and amenities. The school closures approved to date have raised concerns about the municipal contributions made in the past, in light of the uncertainty of on-going community access to closed schools. At the April 25, 2000 meeting of the Planning and Transportation Committee, staff were requested to develop a policy which governs the recovery of municipal capital investment in properties owned by the local boards of education.

Capital contributions formed a part of staff's overall assessment of the City's interest in the TDSB schools approved for closure in Phase 1, and were identified in previous reports on this matter. The breakdown of investments is as follows:

<i>Construction of Midland CI pool</i>	<i>-</i>	<i>\$122,500 (in 1965)</i>
<i>School yard improvements to Grace PS</i>	<i>-</i>	<i>\$176,000 (in 1985)</i>
<i>School yard improvements to Hughes PS</i>	<i>-</i>	<i>\$132,000 (in 1991)</i>
<i>School yard improvements to Givins/Shaw</i>	<i>-</i>	<i>\$177,150 (in 1981)</i>

These improvements have resulted in residents' increased access to indoor and outdoor recreational opportunities for a number of years. In many instances, the capital contributions were made many years ago, and any opportunity to recover an amortized portion of the original investment has long since past. Therefore, it is doubtful that the City would receive a substantial portion of funds from municipal investments made in Phase 1 schools.

Staff will negotiate with the school boards on the recovery of capital costs using the general principle that, subject to existing agreements, the boards should compensate the City for the depreciated cost of facilities that are to be closed and, where such investments were originally cost shared between a school board and the City, the compensation be prorated accordingly. This will be done in conjunction with assessments of the City's facility needs.

Staff were also instructed to provide a mechanism for protection of the City's investment in the accessible playground at Hawthorne/Essex PS, which has been recommended for consolidation as part of the Phase 2 closures. Any policy adopted by Council with respect to recovery of capital investments in school properties will be applied to this site. Staff are in the midst of assessing the City's interests in the Phase 2 sites, which will be the subject of a future report.

5. Land Use Issues

(a) Compliance of Alternate Uses with Existing Zoning By-laws

City staff are working closely with TDSB staff with respect to the future uses of surplus schools, and will be reviewing proposed uses very carefully. However, there is a strong commitment on the part of the TDSB, as evidenced in the draft leasing policy, to ensure compliance with all zoning and Official Plan requirements.

(b) *Enactment of Holding By-laws*

Urban Development Services staff were directed by the Planning and Transportation Committee to report on the possible use of a “holding” by-law as a potential mechanism for ensuring appropriate alternate uses of surplus schools. The alternate uses would have to be those that are in addition to the currently permitted uses provided for in the zoning by-law, as the “H” cannot be used as a mechanism to remove existing development rights. If the TDSB were to pursue uses in addition to those currently permitted, a re-zoning and possibly an Official Plan Amendment would be required.

Section 36 of the Planning Act, R.S.O. 1990, allows Council to enact a zoning by-law which contains holding provisions in situations where it has determined the ultimate use of the land, but wishes to delay its development or re-use, until specific conditions are met. The by-law may further stipulate the need for appropriate phasing of development, and the completion of specific technical and professional studies. Once conditions have been met, the “H” symbol may then be lifted through Council’s enactment of a by-law to remove the “H”.

Typically, Section 36 has been used to ensure that appropriate municipal infrastructure and environmental protective measures are either provided for, or are in place, prior to development. Permitted interim uses may be specified within the by-law, which could be restricted to the existing land uses, as well as others which may be deemed compatible with surrounding properties.

The use of Section 36 will necessitate an amendment to each of the school sites’ existing zoning by-laws, which must be supported on land use planning grounds. Furthermore, conditions for the removal of the “H” must be based on the completion of studies and/or municipal works which have been linked to the proposed use for the site. The proposed rezoning would also have to be in accordance with provisions in the applicable Official Plan. Each of the former municipal Official Plans contains general provisions for the use of a holding by-law with the exception of the former City of Toronto.

The use of a holding by-law will have no affect on the TDSB’s ability to lease out their school property, so long as the use is permitted under the provisions of the existing zoning by-laws. It would not be appropriate to apply an “H” as an attempt to restrict an existing use on a property, nor to limit additional uses, without knowing what the future conditions for lifting the “H” will be. As noted above, conditions for the “H” must be based on solid planning grounds, and must provide for clear “triggers” that, once met, would enable the owner to meet the conditions and thereby have the “H” removed. Land owners are entitled to certainty as to the uses permitted on their property. Application of the “H” to limit existing uses for the school sites would likely be challenged by both the TDSB and TCDSB. If Council’s concern is the existing zoning permissions on each of the sites, outside of the current school use, an “H” is not the appropriate tool to address this matter. The zoning for each of these sites generally reflects the permissions granted in the surrounding community (as identified in previous reports), which for the majority of sites is lower density residential uses.

The intent of the TDSB is to lease the schools identified for closure in Phase I, which allows for the possibility that some of the schools may be re-opened in the future, in response to fluctuations in enrollment. At this point in time, there are no plans to sell or redevelop the TDSB sites. Therefore, it appears premature to consider changes to the current zoning for these properties. No clear public objective would be served by the application of an “H” as the uses for each of these sites are currently permitted. If in the future the TDSB intends to seek re-development of these properties which would require amendments to the existing zoning and/or Official Plan designations, City staff would report further on both the appropriate process and tools to apply that would assist in ensuring the interests of the City are safeguarded.

Conclusions:

Recognizing the public value and current community use of the open space associated with the public schools and the impact that the school closures will place on local communities, Council’s interest in retaining the existing level of public access to the open space for the subject school sites should be articulated through the adoption of the recommendations in this report.

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Attachment:
Recommended TDSB Closures/Relocation