

City Council

Notice of Motion

MM5.13	ACTION			Ward: 11
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Release of Section 37 Funds from the Development at 231-237 College Street to the Toronto District School Board for School Ground improvements at Kensington Community School - by Councillor Mike Layton, seconded by Councillor Joe Cressy

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mike Layton, seconded by Councillor Joe Cressy, recommends that:

1. City Council increase the Approved 2019 Operating Budget for Non-Program by \$125,000.00 gross, \$0 net, (Cost Centre: NP2161) fully funded by Section 37 funds obtained in the development 231-237 College Street and 177-189 Huron Street (Source Account: XR3026-3700836), for the purpose of providing one-time capital funding to the Toronto District School Board for school ground improvements at Kensington Community School located at 401 College Street.
2. 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 and Community Planning staff.
3. City Council authorize the execution of a Community Access Agreement with the Toronto District School Board for the school ground improvements at Kensington Community 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 school ground facilities satisfactory to the City Solicitor, and prepared in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor.

Summary

In 2017, City Council negotiated funds for Kensington Community School for a Toronto

District School Board supported school grounds improvement project. The school is planning to renovate the north-west corner of their front yard, at College Street and Lippincott Street – a well-used outdoor community space which has fallen into disrepair over many years. The school has conducted site surveys and community consultations, and created formal plans to revive this space and turn it into a family-friendly community plaza. The funds will be supplemented by funding from the Toronto District School Board.

The City of Toronto secured funds under Section 37 of the Planning Act with the owners of the development at 231-237 College Street and 177-189 Huron Street, authorized by site-specific Zoning By-law 806-2015. The By-law and the associated Section 37 Agreement provides that certain funds shall be used specifically a variety of community benefits including for streetscape improvements. Both instruments also provide that in the event that some or all of the cash contributions have not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the unused cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of 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. Three years have passed since the By-law came into full force and effect. Accordingly, this Motion proposes to redirect \$125,000 from the unused cash contribution for streetscape improvements to the Toronto District School Board towards the cost of the outdoor community space.

The Section 37 Implementation Guidelines (section 5.7) approved by Council in 2007 states:

Cash contributions toward the capital improvement of school board playgrounds are eligible Section 37 community benefits 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 performing a similar function in the same community that could otherwise benefit from the cash contribution.

A Community Access Agreement to be signed by the Toronto District School Board will contain provisions governing the purpose of the funds, the financial reporting requirements, and access to the school grounds at the school. The Community Access Agreement will be executed between the City and the Toronto District School Board, drawn up in consultation with the local Councillor.

Background Information (City Council)

Member Motion MM5.13

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131065.pdf>)