

Alternative Parkland Dedication By-law

Date:	November 14, 2007
To:	Parks and Environment Committee
From:	Brenda Librecz, General Manager, Parks, Forestry and Recreation
Wards:	All
Reference Number:	

SUMMARY

The City of Toronto Official Plan introduced a new city-wide alternative parkland dedication policy in 2005. Although in effect, the alternative parkland dedication policy has not been applied to date in accordance with a two year transition period implemented at the time of approval to permit residential development applications in the “pipeline” ample opportunity to reach the building permit stage and to fulfil park levy obligations under the Official Plan terms of the former municipalities. The two year transition period expires at the end of 2007 and this report recommends the adoption of an Alternative Parkland Dedication By-law for January 1, 2008 to enact the Official Plan policy.

The Alternative Parkland Dedication By-law will apply to residential development in the residential portion of mixed use development in areas of the City where parkland acquisition priority areas have been identified.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. The City Solicitor be authorized to introduce a Bill to amend Municipal Code, Chapter 415, Development of Land, to provide for the Official Plan alternative parkland dedication rate of 0.4 hectares per 300 units that will be applied to proposals for residential development and for the residential portion of mixed use development in the parkland acquisition priority areas identified in Attachment 1 to this report and in accordance with Official Plan policies.

Financial Impact

The alternative Parkland Dedication By-Law will have a financial impact through cash-in-lieu parkland dedication payments through the alternative rate structure. Details of this financial impact are being assessed and will be included in a report to the Parks and Environment Committee after the first quarter of 2008.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting on April 12, 13, and 14, 2005, City Council adopted the recommendations of the Planning and Transportation Committee communication (March 7, 2005) which set out a settlement of certain Ontario Municipal Board appeals of the Official Plan, including the Alternative Parkland Dedication Policy.

On November 15, 2005, the Ontario Municipal Board panel approved this settlement and brought into effect a new city-wide Alternative Parkland Dedication Policy which now forms Policy 5 of Section 3.2.3 of the new Official Plan.

ISSUE BACKGROUND

Official Plan Policy 3.2.3.5 states that an alternative parkland dedication rate of 0.4 hectares per 300 residential units will be applied to proposals for residential development in “parkland acquisition priority areas” of the city where Council has identified a need for parkland and enacted an Alternative Parkland Dedication By-law.

This report identifies the parkland acquisition priority areas which will be incorporated in an Alternative Parkland Dedication By-law that will be placed before Council at its December, 2007 meeting.

This report is time sensitive. The policies of the new Official Plan that allow the use of the alternative parkland dedication rate commencing in 2008 require enactment of an Alternative Parkland Dedication By-law before the end of 2007.

The Alternative Parkland Dedication By-law is not subject to appeal.

COMMENTS

The alternative parkland dedication rate set out in the Official Plan will be applied to residential development within parkland acquisition priority areas. The alternative parkland rate will require a larger dedication requirement for higher density residential developments, based on a rate set out in the Official Plan policy and subject to a set of “caps” based on the size of the development

site. The alternative parkland dedication is in Section 3.2.3.5 of the Official Plan policy, as follows:

“An alternative parkland dedication rate of 0.4 hectares per 300 units will be applied to proposals for residential development and for the residential portion of mixed use development as follows:

- a) the development proposal is in a priority area where Council has identified a need for parkland and enacted an Alternative Parkland Dedication Bylaw;
- b) for sites less than 1 hectare in size, the parkland dedication will not exceed 10 per cent of the development site, net of any conveyances for public road purposes;
- c) for sites 1 hectare to 5 hectares in size, the parkland dedication will not exceed 15 per cent of the development site, net of any conveyances for public road purposes;
- d) for sites greater than 5 hectares in size, the parkland dedication will not exceed 20 per cent of the development site, net of any conveyances for public road purposes;
- e) in no case will the parkland dedication, cash-in-lieu, or combination thereof, be less than 5 per cent of the development site or the value of the development site, net of any conveyances for public road purposes;
- f) where the size, shape or location of the proposed parkland is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require cash-in-lieu. The value of cash-in-lieu will not exceed:
 - i) 10 per cent of the value of the development site, net of any conveyances for public road purposes, for sites less than 1 hectare in size;
 - ii) 15 per cent of the value of the development site, net of any conveyances for public road purposes, for sites 1 hectare to 5 hectares in size;
 - iii) 20 per cent of the value of the development site, net of any conveyances for public road purposes, for sites over 5 hectares in size;
- g) to maximize opportunities to obtain parkland, the dedication of land is preferred to a dedication of cash-in-lieu, especially on sites 1 hectare or greater in size;
- h) any payment of cash-in-lieu of land to be conveyed through the alternative rate provision in excess of 5 per cent of the site area will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development; and
- i) this alternative parkland dedication will not be applied by the City until January 1, 2008. For any complete building permit application that complies with applicable zoning, received prior to January 1, 2008, the City will apply the alternative parkland dedication of the predecessor municipal Official Plan. A complete building permit application is considered to be an application submitted to the Chief Building Official for an above grade building permit which substantially complies with all technical

requirements of the Building Code Act and includes the payment of all applicable fees. Any Alternative Parkland Dedication By-law enacted by the City prior to January 1, 2008 will conform to these transition policies.”

Parkland Acquisition Priority Areas

Priority areas for the application of the alternative parkland dedication rate have been identified on the basis of parkland service levels and residential growth/development pressures on service levels. These two factors do not represent the full spectrum of parkland needs that additional population will present the city, but they do relate directly to the intent of the alternate rate as a planning tool in the new Official Plan.

Parkland service levels vary across the city, a reflection of the city’s varied history and development. There are extensive areas of the city where parkland service levels are consistently low, along with smaller concentrations of low provision. Map 8B of the Official Plan shows a composite measure of “local” parkland service levels across the city based on a set of small geographic cells (known as Local Parkland Assessment Cells or LPACs).

Parkland dedication requirements are not expected to remedy historic “deficiencies” in parkland provision, but they should help minimize impacts on service levels resulting from growth and development.

Growth and development pressures were identified from a combination of (1) a “top down” approach based on the Official Plan’s outlook on urban structure and growth areas and (2) a “bottom up” review of anticipated development and associated population change within each of the City’s districts with Community Planning staff in the City Planning Division.

The following outlines the main considerations in identifying the parkland acquisition priority areas for the alternative parkland dedication by-law.

1. “Growth areas” identified in the Official Plan

The Official Plan identifies areas of the city that have the most growth potential (shown on Map 2 of the Official Plan). Growth areas most relevant to residential development are the Downtown, the Central Waterfront, the Centres (Scarborough, North York, Etobicoke, and Yonge-Eglinton) and the Avenues.

- The Downtown, the Central Waterfront and the Centres are well-defined areas of the city where residential growth will occur within the context of diverse and dense development. These areas have low parkland service levels. These areas have been included as priority areas.
- The Avenues are considered growth areas that will undergo gradual reurbanization. The Official Plan outlines a process for studying sections of the Avenues to guide development. Potential for growth and intensification along the Avenues varies. Parkland

service levels also vary from one Avenue to another and also along sections of individual Avenues. These areas have been included as priority areas.

- Mixed Use areas shown in the Official Plan are also subject to growth and intensification. The alternative parkland dedication rate should apply to residential development in Mixed Use areas whether they proceed as-of-right or by way of an application for rezoning or Official Plan amendment.
- Employment areas are also considered growth areas in the Official Plan. Although these areas are not expected to undergo residential development, any Employment Area lands that may be redesignated for residential purposes would be subject to the alternative parkland dedication rate.

2. Secondary Plan Areas

The Official Plan includes a number of Secondary Plans. The Official Plan states that the role of Secondary Plans is to “set the stage for reurbanization of a defined area to stimulate and guide development in keeping with the Plan’s objectives.” In general, Secondary Plan areas are parts of the city prone to growth and change, for example, large areas of vacant or underutilized land. The Secondary Plan areas are, in most cases, characterized by low parkland service levels.

Several of the Secondary Plan areas contain historic policies which require parkland dedication at a different rate than the 0.4 ha per 300 units in the new Official Plan policy. Alternative parkland dedication rates that currently exist in Secondary Plans or as site specific policies are included as parkland acquisition priority areas, although they will continue at their current rate.

3. Other areas

Areas of the city with low levels of parkland provision were included as priority areas for parkland acquisition. The LPACs were reviewed with respect to anticipated development and growth. Where growth appeared to be sufficient to reduce parkland service levels in areas of moderate provision levels, the cell was included as a parkland acquisition priority area.

Attachment 1 to this report sets out the main points to be included in the alternative parkland dedication by-law, including the areas to be identified as parkland acquisition priority areas.

NEXT STEPS

Adoption of the Alternative Parkland Dedication By-law will provide the City with an important tool to acquire parkland and additional resources to improve existing parks and recreation facilities.

At present, the city still employs a number of parkland dedication by-laws that apply to industrial and commercial development as well as residential uses. Work on harmonizing these by-laws is underway and expected to be complete in the first quarter of 2008. At that time, staff will report on policies for use of cash-in-lieu of parkland dedication.

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SIGNATURE

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LIST OF ATTACHMENTS

Attachment 1 - Key Components of the Alternative Parkland Dedication By-law
Attachment 1(a) – Parkland Acquisition Priority Area Map

Key Components of the Alternative Parkland Dedication By-law

Application

1. The by-law will apply to all residential developments and to the residential portion of mixed use developments:
 - A. In areas identified on the Parkland Acquisition Priority Area Map, as attached (Attachment 1(a)); and
 - B. In Employment Areas, Mixed Use Areas and the Avenues where identified in the Official Plan.
2. Alternative Parkland Dedication rates that currently exist in Secondary Plans or as site specific policies that were carried forward into the new Official Plan will continue to apply notwithstanding the Alternative Parkland Dedication rate proposed by this by-law and as stated as Policy 3.2.3.5 in the Official Plan.

Alternative Parkland Rate

1. An alternative parkland dedication rate of 0.4 hectares for each 300 dwelling units be applied as follows:
 - A. For sites less than 1 hectare in size, the parkland dedication will not exceed 10 percent of the development site, net of any conveyances for public road purposes.
 - B. For sites 1 hectare to 5 hectares in size, the parkland dedication will not exceed 15 percent of the development site, net of any conveyances for public road purposes.
 - C. For sites greater than 5 hectares in size, the parkland dedication will not exceed 20 percent of the development site, net of any conveyances for public road purposes.
2. However, in no case shall the parkland dedication, cash-in-lieu or the combination thereof, be less than 5 percent of the development site or the value of the development site, net of any conveyances for public road purposes.
3. This rate will apply proportionately to the residential component of mixed use developments.
4. Where the size, shape or location of land proposed for parkland dedication is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash-in-lieu of land provided that the value of the cash-in-lieu does not exceed:
 1. For sites less than 1 hectare in size, 10 percent of the value of the development site, net of any conveyances for public road purposes.

2. For sites 1 hectare to 5 hectares in size, 15 percent of the value of the development site, net of any conveyances for public road purposes.
3. For sites over 5 hectares in size, 20 percent of the value of the development site, net of any conveyances for public road purposes.
4. Where a single parcel of land is proposed for both commercial or industrial development and residential or mixed use residential development, the respective rate shall be applied to the total appraised value of the parcel in the same proportion as the gross floor area of the commercial or industrial use is to the gross floor area of the residential or mixed use residential use.
5. Any payment of cash-in-lieu of land to be conveyed through the alternative rate provision in excess of 5 percent of the site area will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development.

Transition

The Alternative Parkland Dedication will not be applied before January 1, 2008. In accordance with the Official Plan Policy, the City will apply the alternative parkland dedication of the former municipal Official Plans for any complete building permit application that complies with applicable zoning and received prior to January 1, 2008.