

**North York Centre Secondary Plan
Parkland Dedication Policies – Preliminary Report**

Date:	March 17, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	23, 24 - Willowdale
Reference Number:	File No. 2008 111155 NPS 00 TM

SUMMARY

This report reviews and recommends next steps on the issue of parkland dedication rates in the policies of the North York Centre Secondary Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. staff be directed to schedule a Community Consultation Meeting in the spring of 2008 on the issues raised in this report;
2. notice for the Community Consultation Meeting be given to all relevant resident associations in the North York Centre area and advertised in the local paper; and
3. a report on the results of this review and any recommended draft Secondary Plan Amendment be prepared for North York Community Council, including that any notice for a public meeting under the Planning Act be given in accordance with the regulations under the Planning Act.

Financial Impact

The financial impact of any proposed amendment will need to be assessed by the Deputy City Manager and Chief Financial Officer and included in any subsequent final report to Community Council.

ISSUE BACKGROUND

The parkland policies in the North York Centre Secondary Plan were originally approved under the former North York Official Plan and carried forward under the City of Toronto Official Plan approved in 2006. Where there is a difference between the Secondary Plan and Official Plan, the Secondary Plan prevails. North York Centre is one of four Secondary Plans in the City with parkland policies and rates that vary from the alternative rate for the rest of the City.

The following is a summary of the current policies and rates governing parkland dedication in the North York Centre Secondary Plan and City of Toronto Official Plan:

North York Centre Secondary Plan

Parkland dedication policies and rates are found in Section 6.5 of the North York Centre Secondary Plan (Attachment 1). In general, the parkland dedication rate policies in the North York Centre Secondary Plan are:

- 5% of lands for residential development
- 2% for all other uses
- alternative residential rate of 0.6 hectares for every 560 units
 - to a maximum of 10 % for sites less than 1 hectare (15% for sites greater than 1 hectare)
 - density for the first 5% is conveyed to the City along with the land
 - density in excess of 5% remains on the development site
 - cash-in-lieu of parkland is limited to a maximum 5% of the site value
 - off-site parkland can be secured within 0.8 km of North York Centre

Instead of being implemented through passing of an area-wide By-law, the North York Centre policies have been implemented through development applications on a site-by-site basis.

City of Toronto Official Plan

The City of Toronto Official Plan parkland dedication rate policies are in Attachment 2. The major elements include:

- 5% of lands for residential development
- 2% for all other uses
- alternative residential rate of 0.4 hectares per 300 units
 - subject to “caps” based on net site area (i.e., parkland dedication will not exceed 10% for sites less than 1 hectare, 15% for sites of 1-5 hectares, and 20% for sites over 5 hectares) for both land or cash-in-lieu of land

By-law 1420-2007

The parkland dedication rate in the City of Toronto Official Plan for residential uses has been implemented through the approval of By-law 1420-2007 (Attachment 3). The By-law schedule (Attachment 3a) currently identifies the North York Centre as an area where a different alternative parkland dedication rate as set out in the Secondary Plan applies.

Key Difference

The key difference between the parkland dedication policies of the North York Centre and those of the Toronto Official Plan and By-law 1420-2007 is that for sites less than 1 hectare (more typical of North York Centre) cash-in-lieu of parkland is limited at 5% in the North York Centre and 10% City-wide. City-wide “caps” increase to 15% (1-5 hectare sites) and 20% (5+ hectare sites).

Issues:

Given that there is a difference between the parkland dedication rates in the North York Centre Secondary Plan and the City-wide rate in the Official Plan, it would be appropriate to review the parkland dedication rates and policies for the North York Centre. This review would consider the recent alternative parkland dedication By-law which City Council passed in late 2007.

It should also be noted that a number of existing parkland dedication by-laws remain to be harmonized, including dedication requirements for non-residential uses. Parks staff have advised that they have targeted reporting on the matter in the summer of 2008. This work may also consider the North York Centre and any potential changes to the Secondary Plan.

Policy 5.5.1 of the Toronto Official Plan indicates that prior to approval of a proposed Official Plan Amendment, at least one Community Consultation Meeting is held in addition to the minimum statutory meeting requirement of the *Planning Act*. Therefore, a Community Consultation Meeting should be held to introduce the issue, and following the necessary background research and analysis, staff should prepare a follow-up report and any appropriate draft amendment to the Secondary Plan for Community Council’s consideration.

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ATTACHMENTS

Attachment 1: North York Centre Secondary Plan Parkland Dedication Rate Policies

Attachment 2: City of Toronto Official Plan Parkland Dedication Rate Policies

Attachment 3: Excerpts of By-law 1420-2007

Attachment 3a: Parkland Acquisition Priority Areas in By-law 1420-2007

Attachment 1: North York Centre Secondary Plan Parkland Dedication Rate Policies

“6.5 Parkland Dedication

- (a) All development or redevelopment proposals will be subject to sections 42, 51 or 53 of the Planning Act, RSO 1990. Except as provided for in Subsection (b) below, all proposals will be subject to the dedication of 5 per cent of lands for parks purposes for residential development, and 2 per cent for all other uses.
- (b) For residential development in the North York Centre, an alternative parkland dedication rate of 0.6 hectares per 560 dwelling units or portion thereof, will be applied based on a local park standard for the North York Centre of 0.6 hectares per 1,000 population.
 - (i) For sites of 1 hectare or more in size, the parkland dedication will not exceed 15 per cent of the development site.
 - (ii) For sites less than 1 hectare in size, the parkland dedication will not exceed 10 per cent of the development site.
 - (iii) The density attributable to the first 5 per cent of the land dedication will be conveyed to the City along with the land.
 - (iv) Any density attributable to the land dedication in excess of 5 per cent of the site will remain on the development site.
 - (v) Any payment of cash-in-lieu of the land dedication will be limited to a maximum of 5 per cent of the value of the site.
- (c) Parkland dedication either in the form of land or cash-in-lieu of land or land and cash-in-lieu will be required for each development. The specific combination of land or cash will be determined as part of the consideration of a specific proposal.
- (d) Where as part of a development, on site parkland dedication is not feasible and the abutting Community is below the established park standard of 1 hectare per 1,000 population, an off-site parkland dedication which is located within 0.8 kilometres of the site may be considered.
- (e) When a development is located in a part of the North York Centre South or North York Centre North where the abutting Community is below the established level of 1 hectare per 1,000 population, the City will endeavour to acquire parkland within 0.8 kilometres of the site in an effort to achieve the established standard in that Community.
- (f) Land taken by the City should meet the following criteria:
 - (i) the land should be free of any encumbrances;
 - (ii) it should be developable land;
 - (iii) it should be visible and publicly accessible;
 - (iv) it should be of a usable shape, topography and size that reflects its intended use; and
 - (v) where possible, it should be consolidated with an existing or proposed park.”

Attachment 2: City of Toronto Official Plan Parkland Dedication Rate Policies

- “4. All development will be subject to the dedication of 5 per cent of lands for parks purposes for residential development and 2 per cent for all other uses unless the alternative parkland dedication rate applies.
5. 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.”

Attachment 3: Excerpt of By-law 1420-2007

“415-22. Conveyance of Land for Parks Purposes; Alternative Rate.

A. As a condition of development of land for residential purposes in a parkland acquisition priority area, the owner of the land shall convey or cause to be conveyed to the City the greater of:

(1) Land equal to 5 percent (5%) of the land to be developed; or

(2) Land at a rate of 0.4 hectares for each 300 dwelling units proposed provided that:

(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.

B. Where a Secondary Plan or a Site or Area Specific policy provides for a different Alternative Rate or an exemption, the alternative rate or the exemption set out in the Secondary Plan or the Site or Area Specific policy shall prevail.”

Attachment 3a: Parkland Acquisition Priority Areas in By-law 1420-2007

