

**Applicable Parkland Dedication Requirement for 1066 Avenue Road**

<b>Date:</b>	March 31, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	General Manager, Parks, Forestry and Recreation
<b>Wards:</b>	Ward 16 – Eglinton Lawrence
<b>Reference Number:</b>	

**SUMMARY**

To report on the application of the alternative parkland dedication by-law as it relates to 1066 Avenue Road.

A retirement home without the benefit of both full sanitary and full kitchen provisions and the provision of housekeeping services and meal plans are viewed as being commercial in nature in terms of parkland dedication and, therefore, subject to 2% parks levy.

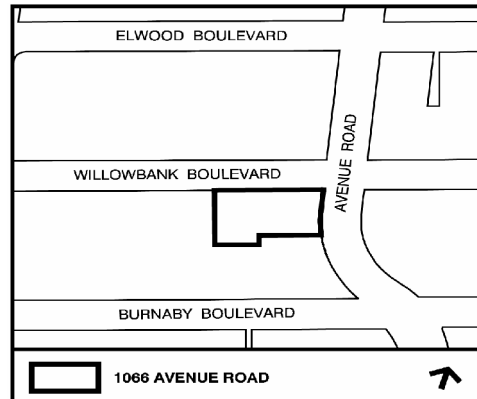
**Financial Impact**

There are no financial implications resulting from the adoption of this report.

**DECISION HISTORY**

The property is subject to the Official Plan and Zoning By-Law amendment applications for a retirement residence which were approved by City Council on March 3, 2008.

City Council, at its meeting of March 3, 2008, adopted a Notice of Motion requiring the General Manager of Parks, Forestry and Recreation in consultation with Acting Chief Planner and Executive Director, City Planning to report directly to North York Community Council on April 8, 2008, on the application of the alternative parkland dedication by-law with respect to the proposed development application at 1066 Avenue Road.



## ISSUE BACKGROUND

The Planning Act enables the municipality under Section 42 to require, as a condition of development or redevelopment of land, a conveyance of land and/or cash-in-lieu of land for park or other public recreational purposes. If the use is commercial, the site is subject to a 2% levy. For residential uses, the site is subject to 5%, or if the site is located within a Parkland Acquisition Priority Area as outlined in the Alternative Parkland Dedication By-law 1420-2007, the amount of conveyance is determined by the overall site size as follows.

Size of Site (net of any road conveyances)	Percentage (%) of Conveyance Required
Less than 1 hectare	10%
Between 1 and 5 hectares	15%
Greater than 5 hectares	20%

The regulation of retirement residences as it relates to the parkland dedication by-law City wide is being reviewed by the Strategic Services Branch of Parks, Forestry and Recreation and will form part of the parkland dedication by-law harmonization process. This report is tentatively scheduled for the June 2008 Parks and Environment Committee.

Parks, Forestry and Recreation consulted with City Planning, Building and Legal on the preparation of this report.

## COMMENTS

Original comments by Parks, Forestry and Recreation for the Official Plan and Zoning applications were provided on January 16, 2007. Revised comments, dated November 23, 2007, stated the site was subject to 5% cash-in-lieu under former City of Toronto Municipal Code Chapter 165 for parkland dedication. These comments were premised on the proposed building functioning as a multiple family residential building. These comments were provided to the applicant by City Planning staff; however, no communication was provided to Parks, Forestry and Recreation from the applicant regarding the comments.

At its meeting of December 11, 12 and 13, 2007, City Council adopted the Alternative Parkland Dedication By-law 1420-2007, Item PE11.3, which applies to new residential uses on the subject site. (<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-12-11-cc15-dd.pdf>)

In light of the adoption of the Alternative Parkland Dedication By-law, revised comments were issued to City Planning on January 28, 2008, which stated that the site was now subject to 10% cash-in-lieu of parkland dedication. These comments were provided to the applicant by City Planning staff and no communication was received by Parks, Forestry and Recreation from the applicant regarding the comments.

Upon further review of the parkland dedication requirements for 1066 Avenue Road, City Planning advised that the proposed retirement residence is to contain dwelling rooms and not dwelling units which were not identified in Parks, Forestry and Recreation's initial review of the application. Dwelling rooms are different than dwelling units in that they may include either but not both full sanitary conveniences or full kitchens, i.e. no electrical outlet to power a stove. Instead, there will be a centrally located dining room with food provided to the residents through a meal plan. The residents will also have house keeping services as part of their monthly rent.

Parks, Forestry and Recreation has been advised that the applicant operates a similar retirement residence at 866 Sheppard Avenue West near Bathurst Street.

It has been Parks, Forestry and Recreation's position in the past, which is also shared by City Building, that for the purpose of determining parkland dedication, a retirement residence that contains dwelling rooms and provides house keeping and meals in a central dining room as part of the monthly rent is deemed commercial use, as it functions similarly to a hotel and, therefore, subject to 2% parkland dedication. Therefore, on the basis of this new information Parks, Forestry and Recreation have changed their original position and are now advising that 1066 Avenue Road will be subject to a 2% cash-in-lieu of parkland dedication.

The decision to apply 2% parkland dedication to 1066 Avenue Road is consistent with how previous retirement residences have been regulated by the City in the North and South Districts such as 15 Barberry Place, approved in 2003 in the Bayview Avenue and Sheppard Area; 262 St. Clair Avenue West, approved in 2007; and the applicant's existing retirement residence at 866 Sheppard Avenue West, which was approved in 2003.

## **CONTACT**

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## **SIGNATURE**

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