TORONTO

STAFF REPORT
ACTION REQUIRED
with Confidential Attachment

Parkland Dedication By-law – Alternate Rate (former City of North York)

Date:	June 12, 2008
To:	City Council
From:	City Solicitor
Wards:	Wards 8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

To report on the form of the requested Alternate Rate Parkland Dedication By-law and review the list of properties within the former City of North York to which the alternate rate should apply.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendation in Attachment 1; and

2. City Council authorize the public release of the confidential recommendations in Attachment 1 if adopted by Council

DECISION HISTORY

At its meeting held on December 11, 12 and 13, 2007 City Council adopted By-law No. 1420-2007 which implemented a specific policy in the new Official Plan providing for a higher "alternate rate" of parkland dedication in respect of residential development in parks deficient areas of the City.

At its meeting of April 28 and 29, 2008, through the adoption of NY14.64, the City Solicitor was directed to prepare the necessary by-law to bring into effect a similar alternate rate of parkland dedication for those sites within the boundaries of the North York Community Council which are the subject of outstanding appeals against the new Official Plan. The sites to be considered are those which would remain subject to the old North York Official Plan pending resolution of such appeals.

FINANCIAL IMPACT

The financial impact is discussed in the confidential information (Attachment No. 1) portion of this report.

ISSUE BACKGROUND

By-law 1420-2007 provides for a higher rate of parkland dedication on a City-wide basis in cases where residential development is located in parks deficient areas. Such areas are depicted on a map attached to By-law 1420-2007 and also include any lands fronting on an Avenue or contained within a Mixed-Use Area as shown in the Official Plan. However, the Ontario Municipal Board Order dated July 6, 2006 approving the new Official Plan incorporated listed properties which are temporarily exempted from the new Official Plan, until the ongoing planning processes associated with these sites can be completed. These properties are also therefore not subject to the new alternate rate parkland dedication policy contained in the Official Plan.

Over time City staff have been attending at the Ontario Municipal Board and applying to adjust the July 6, 2006 Board Order to reflect the completion of these planning matters. At the date of writing, 17 sites within the boundaries of the North York Community Council continue to be exempted from the new Official Plan, and therefore remain under the former North York Official Plan. While these sites could not be brought under By-law 1420-2007 which implements only the new Official Plan, it is possible to create an alternate rate regime similar to the City-wide one by enacting a separate implementing by-law based on the parkland dedication policies of the former North York Official Plan, which rely on the alternate rate provisions of section 42 of the *Planning Act*. While such by-law would necessarily be of temporary effect, it will impact ongoing planning processes for each exempted site.

COMMENTS

This report provides in the confidential attachment an analysis of the planning status of the exempted sites within the boundaries of the North York Community Council and makes recommendations for the inclusion or exclusion of each of the affected properties in the proposed North York alternate rate parkland dedication by-law.

CONTACT

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SIGNATURE

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Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Report and Chart