TORONTO

STAFF REPORT
INFORMATION ONLY

Supplemental Information for Acquisition of a Portion of 1100 Briar Hill Avenue for Parkland

Date:	April 9, 2013
To:	Executive Committee
From:	Chief Corporate Officer and General Manager, Parks, Forestry & Recreation
Wards:	**15 – Eglinton-Lawrence**
Reference Number:	P:2013\Internal Services\RE\EC13013re (AFS #17116)

SUMMARY

The purpose of this Supplemental Report is to provide additional information about the acquisition of the south-west corner of 1100 Briar Hill Avenue, consisting approximately 0.37 acres from the Toronto Lands Corporation (`TLC`) for parkland purposes.

Financial Impact

To purchase the subject property would require City Council to amend the 2013 Capital Budget of Parks Forestry and Recreation by the addition of a project "1100 Briar Hill Avenue Parkland Acquisition" for $1,162,060.00 with funding provided from the Parkland Acquisition – North District Local Parkland Reserve Fund (XR-2206).

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

DECISION HISTORY

The subject property, owned by the TDSB, was declared surplus to their needs on April 11, 2012. Any offers to purchase this property needed to be received by the TDSB by July 17, 2012. The City advised of its interest in the subject property on July 17, 2012 and entered into discussions on the matter with TLC staff.

(March 28, 2013) Letter and disposition from Budget Committee, where the item was forwarded to the Executive Committee without recommendation.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.BU39.7
The questions raised at Budget Committee are being addressed by this information report.

(February 25, 2013) Letter and disposition from the Government Management Committee on Acquisition of South-West Corner of 1100 Briar Hill Avenue for Parkland (http://www.toronto.ca/legdocs/mmis/2013/bu/bgrd/backgroundfile-57195.htm)
(February 4, 2013) Report from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation, on Acquisition of South-West Corner of 1100 Briar Hill Avenue for Parkland
(http://www.toronto.ca/legdocs/mmis/2013/bu/bgrd/backgroundfile-57191.pdf)
This is the original report, and the following are appendixes to that report:
(February 4, 2013) Appendix A – Terms and Conditions
(http:/www.toronto.ca/legdocs/mmis/2013/bu/bgrd/backgroundfile-57192.pdf)
(February 4, 2013) Appendix B – Location Map
(http://www.toronto.ca/legdocs/mmis/2013/bu/bgrd/backgroundfile-57193.pdf)
(February 4, 2013) Appendix B1 – Aerial Location Map
(http://www.toronto.ca/legdocs/mmis/2013/bu/bgrd/backgroundfile-57194.pdf)

ISSUE BACKGROUND

1100 Briar Hill Avenue is a former school site situated at the north-east corner of Dufferin Street and Briar Hill Avenue. The former school site consists of approximately 2.4 acres.

Toronto District School Board (TDSB), at its meeting of April 11, 2012, declared the Briar Hill Junior PS site surplus to its requirements and referred the property to the TLC for disposition. A portion of the property until recently was utilized by the local community as their local park space. In particular, the south west corner of the site contains a fenced in playground area with a stand of several mature trees within and just outside of the playground area. Parks Forestry & Recreation focused its efforts on acquiring the playground area and protecting the mature trees located at the south-west corner of the property.

The subject property is currently vacant. The portion of the property which is being acquired has functioned as the open space component of the former school site and has been used as a playground.

TLC has requested that it requires the transaction with the City to close on the subject property by June 30th, 2013.

COMMENTS

At Budget Committee on March 28, 2013, there were a number of questions about this potential acquisition, and a supplemental report is being provided to Executive Committee to address the questions raised. The questions related to the following:

Roles - role of TLC and Build Toronto for surplus school sites;
Value - whether the acquisition of this land for parks is good value for the City; and
Section 42 – is this acquisition the appropriate use of Section 42 parkland reserves.

Roles

The TLC administers the circulation of surplus sites through *Ontario Regulation 444* of the *Education Act*, R.S.O. 1990, c. E.2 and markets surplus land on behalf of TDSB. The TLC's mission is to maximize the TDSB's real estate revenues in order to reinvest in TDSB schools and students. The TLC does this by working to maximize the income they gather on properties that the TDSB directs to the TLC, both for lease management and for sale.

Build Toronto's mission is to unlock the value of under-utilized lands and intensify, where feasible, properties owned by the City to attract targeted industries, stimulate the creation of desirable employment, regenerate neighbourhoods and generate property tax revenue. In this instance, there is no role for Build Toronto to play.

TLC went through the circulation of this site in the summer of 2012. Real Estate Staff on behalf of Parks Forestry & Recreation submitted a letter of interest stating that the City of Toronto would like to purchase a portion of this site. TLC contacted the City to discuss and negotiate with the City for a portion of this vacant school site at 1100 Briar Hill Avenue. The City and the TLC are following the protocol developed by the two parties and guided by *Ontario Regulation 444*.

Value

As noted in the February 4, 2013 report, there are several factors that make this site a priority acquisition for Parks Forestry &and Recreation. In addition to the site being used as parkland by the surrounding community for the past 50 years, the community is currently underserved with parkland, having the lowest of the five levels of parks provision. It is also important to note that Section 3.2.3.1 of the Official Plan notes that "Toronto's system of parks and open spaces will continue to be a necessary element of city-building as the City grows and changes. Maintaining, enhancing and expanding the system requires the following actions:

a) Adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks

b) Protecting access to existing publicly accessible open spaces, as well as expanding the system of open spaces and developing open space linkages"

City Staff was interested in the portion of the site that includes a fenced-in area that has been used by the community as a playground and has a canopy of mature trees overhead. In addition to the fenced-in area, the City also included the area with benches and mature trees that runs along the north edge of the fenced-in area. This portion of the vacant school site already looks like a park, and until the school board closed the school, removed the one play structure (the swings still remain) and locked the gates in the fence, this area functioned as parkland for the community.

This acquisition is of a single parcel of land also means that the City does not have to assemble various parcels of lands in order to create a usable park space. Acquiring a useable park site in a low provision area at fair market value makes this a high priority acquisition project for Parks Forestry & Recreation.

The rest of the site is to be sold by the TLC for residential redevelopment purposes. While City Staff in Real Estate, Parks Forestry & Recreation, City Planning and Legal met with TLC to discuss the acquisition of the parkland, discussions also considered the future uses and scale of development for the rest of the site.

The TLC has requested that this sale be completed by the end of June, which requires that the City Council authority for the sale be given by May City Council. This is consistent with the financial year end for TLC, and as advised by the TLC the purchase by the City must be completed to create severance of park space from the rest of the site in order to allow TLC to sell the remainder of the site to a third party.

Section 42

Section 42 cash-in-lieu of parkland money can only be used for parkland acquisition or parkland development as set out in the *Planning Act*. The Cash-In-Lieu (CIL) Dedication Policy is implemented by the City's Harmonized Parkland Dedication By-law 1020-2010. The Policy charges 2% of lands (or CIL) for commercial uses and 5% for all other uses (unless the Alternate Rate applies). The CIL Allocation Policy directs the first 5% of CIL payments to be distributed as follows:

	City Wide	District
Land Acquisition	25% to acquire parkland throughout the City	25% to acquire parkland within the District
Park Development	25% to develop and upgrade parks and recreation facilities throughout the City	25% to develop and upgrade parks and recreation facilities within the District

Once the money is received and put in reserves, money for acquisitions can only be used for acquisitions.

At this location a Section 42 parkland dedication would not be large enough to secure the dedication of the portion of the school site that already looks and acts as a park. When a development application for the rest of the site is submitted, there will be discussions about whether there should be an on-site parkland dedication that could be added to the land the City has acquired through this report, or whether there should be cash-in-lieu of parkland payment. In general it is City of Toronto policy to obtain parkland dedication as a priority over a payment of cash-in-lieu of parkland whenever a reasonable sized park would result.

SUMMARY

This proposed acquisition is for a consolidated parcel of parkland that is already a valued community open space, in a low parkland provision area for fair market value that can be expanded through a future on-site parkland dedication. It is being purchased with funds specifically set aside for use for parkland acquisition and nothing else.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix "A" – Aerial Location Map