

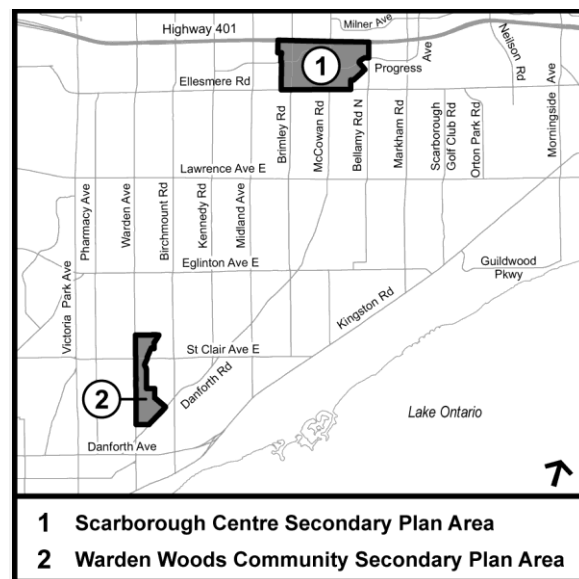
**Scarborough Centre Secondary Plan and  
Warden Woods Community Secondary Plan:  
Parkland Dedication - Alternative Rate Policies,  
City-Initiated Official Plan Amendments –  
Preliminary Report**

<b>Date:</b>	May 26, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Community Planning, Scarborough District
<b>Wards:</b>	Wards 35, 37 & 38
<b>Reference Number:</b>	16 154816 EPS 00 OZ

**SUMMARY**

This report recommends steps to be taken to harmonize the policies respecting the alternative parkland dedication rate as set out in the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan with the alternative parkland dedication policies as set out in the Official Plan by initiating an amendment to the Scarborough Centre and Warden Woods Community Secondary Plans. Further, this report outlines the steps to be taken to ensure these policies are consistent with the City of Toronto Municipal Code Chapter 415, Development of Land (Article III: Conveyance of Land for Park Purposes as a Condition of Development).

City Planning recommends that a community consultation meeting be held. A final report and Public Meeting is targeted for the 4<sup>th</sup> quarter of 2016.



## RECOMMENDATIONS

### The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting(s) in September, 2016, together with the Ward Councillors.
2. Notice for the community consultation meeting be given by a notice in the local newspapers.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### Financial Impact

An amendment to the alternative rate of the parkland dedication policies in the Scarborough Centre Secondary Plan (See Attachment 1: Scarborough Centre Secondary Plan) and the Warden Woods Community Secondary Plan (See Attachment 2: Warden Woods Community Secondary Plan) by bringing into effect the City-wide alternative rate parkland dedication policies which provide for a "cap" on the amount of parkland and cash-in-lieu, could have an impact on future cash-in-lieu revenues. Currently, the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan do not contain a policy which provides for a "cap" on the alternative rate for parkland dedication as is provided in the Official Plan.

The principal effect of any proposed amendment would be to bring the amount of parkland dedication (including cash-in-lieu of parkland) received from development in both the Scarborough Centre and Warden Woods Community Secondary Plan areas consistent with other areas of the City of Toronto. This may result in a different amount of cash-in-lieu received for parkland than otherwise currently provided in each of the Secondary Plans where no cap is provided. However, potential changes to the amount of cash-in-lieu are uncertain as it depends upon the scale and rate of development in the Scarborough Centre and the Warden Woods Community. The financial impact of any proposed amendment may need to be assessed by the Deputy City Manager and Chief Financial Officer and included in any subsequent final report to Community Council.

### DECISION HISTORY

#### Official Plan Alternative Parkland Dedication Policies:

At its meeting of November 26, 27 and 28, 2002, Council adopted the current Official Plan. The Plan was subsequently appealed by various parties. The Official Plan came into effect upon approval (in part) by the Ontario Municipal Board (OMB) in June 2006. Parkland dedication policies contained in the Official Plan (at the time of adoption by Council in 2002) included the provision of an alternative rate of 0.4 hectares per 300 dwelling units which applied to proposals for residential development in "parkland acquisition priority areas" of the City where Council identified a need for parkland. No "cap" was applicable to the alternate rate at the time of the adoption of the Official Plan.

However, as noted below, a "cap" was introduced later as a result of a settlement of appeals against the Official Plan.

At its meeting of April 12, 13, and 14, 2005, City Council adopted the recommendations of the Planning and Transportation Committee Report 3, Clause 16 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 approved this settlement and brought into effect a "cap" for the alternative rate for parkland dedication as now included in Section 3.2.3 of the Official Plan. An excerpt from the Official Plan for the policies respecting parkland dedication is attached (See Attachment 3: Alternative Parkland Dedication Policies).

By-law 1420-2007:

Although in effect in 2005, a two-year transition period had been implemented by City Council to permit residential development applications in the "pipeline" an 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 expired at the end of 2007.

At its meeting of December 13, 2007, Council enacted By-law 1420-2007 (an amendment to Municipal Code Chapter 415, Development of Land) to implement the alternative rate for the conveyance of land for parks purposes and to add a "cap" for the alternative rate on a City-wide basis. (See Attachment 4: Excerpt from By-law 1420-2007). This By-law came into effect on January 1, 2008, and included the provision that:

"415-22B *Where a Secondary Plan or 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.*"

By-law 1420-2007 also amended Municipal Code, Chapter 415 to identify Scarborough Centre and the Warden Woods Community as: "Secondary Plan Areas where the new OP Alternative Parkland Dedication Rates apply" (See Attachment 5: Parkland Acquisition Priority Areas).

By-law 486-2008:

At its meeting of May 27, 2008 Council enacted By-law 486-2008 to amend the Municipal Code Chapter 415 (respecting where secondary plans prevail) to read as follows:

"415-22B *Where a secondary plan or a site or area specific policy legally in effect on January 1, 2008, 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 over the alternative rates set out in § 415-22A.*"

By-law 1020-2010:

To harmonize the former municipalities' by-laws respecting all other parkland dedication requirements on a City-wide basis, Council enacted By-law 1020-2010 to further amend the Municipal Code Chapter 415 (this By-law took effect on May 3, 2011). The By-law, amongst other matters, repealed several of the former municipal By-laws which pertained to parkland dedication, including former City of Scarborough By-law 20512 and By-law 22660.

Scarborough Centre Secondary Plan & Warden Woods Community Secondary Plan:

At its meeting of December 5, 6 and 7, 2005, Council adopted the Scarborough Centre Secondary Plan (Official Plan Amendment (OPA) 1146). Parkland policies (including the provision of an alternative rate of 0.4 hectares per 300 dwelling units) were included in this secondary plan. To implement these parkland policies, By-law 1021-2005 (an amendment to the former City of Scarborough By-law No. 20512, being "a by-law respecting the dedication of land for park purposes for residential development") was enacted by Council on December 7, 2005.

At its meeting of October 28, 2005, Council adopted the Warden Woods Community Secondary Plan (OPA 1145). Parkland dedication policies (including the provision of an alternative rate of 0.4 hectares per 300 dwelling units) were included in the Warden Woods Community Secondary Plan.

The parkland dedication policies (including the provision of an alternative rate) in both the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan were consistent with adopted (but under appeal) policies respecting an alternative rate for parkland dedication contained in the Official Plan, adopted by City Council in 2002.

## **ISSUE BACKGROUND**

Sections 42, 51(1) and 53 of the *Planning Act* permit, as a condition of development or redevelopment, a municipality, by by-law, to require that land or cash-in-lieu of lands, be conveyed to the municipality for parks or other public recreational purposes in an amount not exceeding 2 percent of the land/value for commercial or industrial purposes and 5 percent of the land/value for all other cases (e.g. residential and mixed use). The *Act* also provides for an "alternative rate" of one hectare for each 300 dwelling units proposed or a lesser rate as may be set out in a by-law, provided that the municipality has specific policies in its Official Plan dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement. As noted above, the City's Official Plan does contain provisions for parkland dedication and an alternative rate.

### Current Alternative Rate Parkland Dedication Policies

The current policies and rates governing parkland dedication in the Scarborough Centre Secondary Plan; the Warden Woods Community Secondary Plan and the Official Plan are provided as an attachment to this report. (See Attachment 3: Alternative Parkland Dedication Policies.

The difference between the parkland dedication policies of the Scarborough Centre/Warden Woods Community Secondary Plans and those of the (now in force) Official Plan and the Municipal Code Chapter 415 (Development of Land), is that the current OP policies now include a "cap" based upon the size of the lands subject to development/redevelopment.

Given the difference between these parkland dedication alternative rates, it would be appropriate to consider a City-initiated Official Plan Amendment to amend both the Scarborough Centre and the Warden Woods Community Secondary Plans to delete the alternative rate pertaining to the parkland dedication policies. Further, it would be appropriate to amend Municipal Code Chapter 415 to ensure the current Official Plan alternative rate parkland dedication policies would subsequently apply to these secondary plan areas.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **COMMENTS**

The intent of the secondary plan policies for parkland dedication contained within the Scarborough Centre Secondary Plan and the Warden Woods Secondary Plan was to provide for an alternative rate consistent with the Official Plan which, at the time, was under appeal. The parkland dedication policies contained in the Official Plan at the time of adoption by Council and in the Scarborough Centre and Warden Woods Community Secondary Plans, all provided for an alternative rate of 0.4 hectares per 300 dwelling units, with no "cap".

By-law 1420-2007 which harmonized the alternative rate provisions in the Municipal Code Chapter 415, including a "cap" on the alternative rate for parkland dedication was enacted by Council following the adoption of the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan and in response to the changes made to the Official Plan parkland dedication policies as a result of a settlement of appeals against the Official Plan and subsequent approval by the OMB. As a result, the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan do not mirror the parkland dedication policies pertaining to the alternative rates of the Official Plan and in effect, provide for a higher rate because there is no "cap" on the alternate rate.

An amendment to the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan would be appropriate since:

- Currently, the alternative rates of 0.4 hectares per 300 dwelling units that is provided within the Scarborough Centre and Warden Woods Community Secondary Plans are not consistent with the Official Plan and the City's Municipal Code Chapter 415 (Development of Land).
- In-consistency between the parkland dedication policies of the Scarborough Centre/Warden Woods Community Secondary Plans and the City-wide policies create inequitable requirements for proponents of development that is based on geographic (planning) areas. Specifically, application of the City-wide policies for a certain type of development in one area of the City would result in a particular parkland dedication or cash-in-lieu requirement, while the same development in the Scarborough Centre or Warden Woods Community could generate quite a different parkland dedication requirement due to the fact that there is no "cap" on the alternative rate in each of these Secondary Plans.
- The alternative parkland rate set out in the secondary plans for Scarborough Centre and Warden Woods will require a much larger dedication requirement when applied to higher density residential developments. Within some areas, such as the Scarborough Centre, where more intensified development is anticipated, the current alternative rate of 0.4 hectares per 300 (without a cap) could result in the majority of the development site being required as parkland and could result in little or no viable developable land.
- As noted above, the intent of the parkland dedication policies of the Scarborough Centre Secondary Plan and the Warden Woods Community Secondary Plan was to provide for an alternative rate that was consistent with the in-force Official Plan. It was not intended that the policies create a more stringent parkland dedication requirement than is set out in the Official Plan and Municipal Code Chapter 415 for lands with identified park acquisition areas.

Since the Secondary Plans for Scarborough Centre and the Warden Woods Community preceded the final approval of the Official Plan by the OMB and preceded amendments to the Municipal Code Chapter 415 to implement the Official Plan policies respecting the alternative rate for parkland dedication, it would be appropriate to prepare an amendment for Council's consideration that would provide consistent parkland dedication policies with the Official Plan and Municipal Code Chapter 415.

## **CONTACT**

Russell Crooks, Senior Planner  
Tel. No. (416) 396-7040  
Fax No. (416) 396-4265  
E-mail: rcrooks@toronto.ca

## **SIGNATURE**

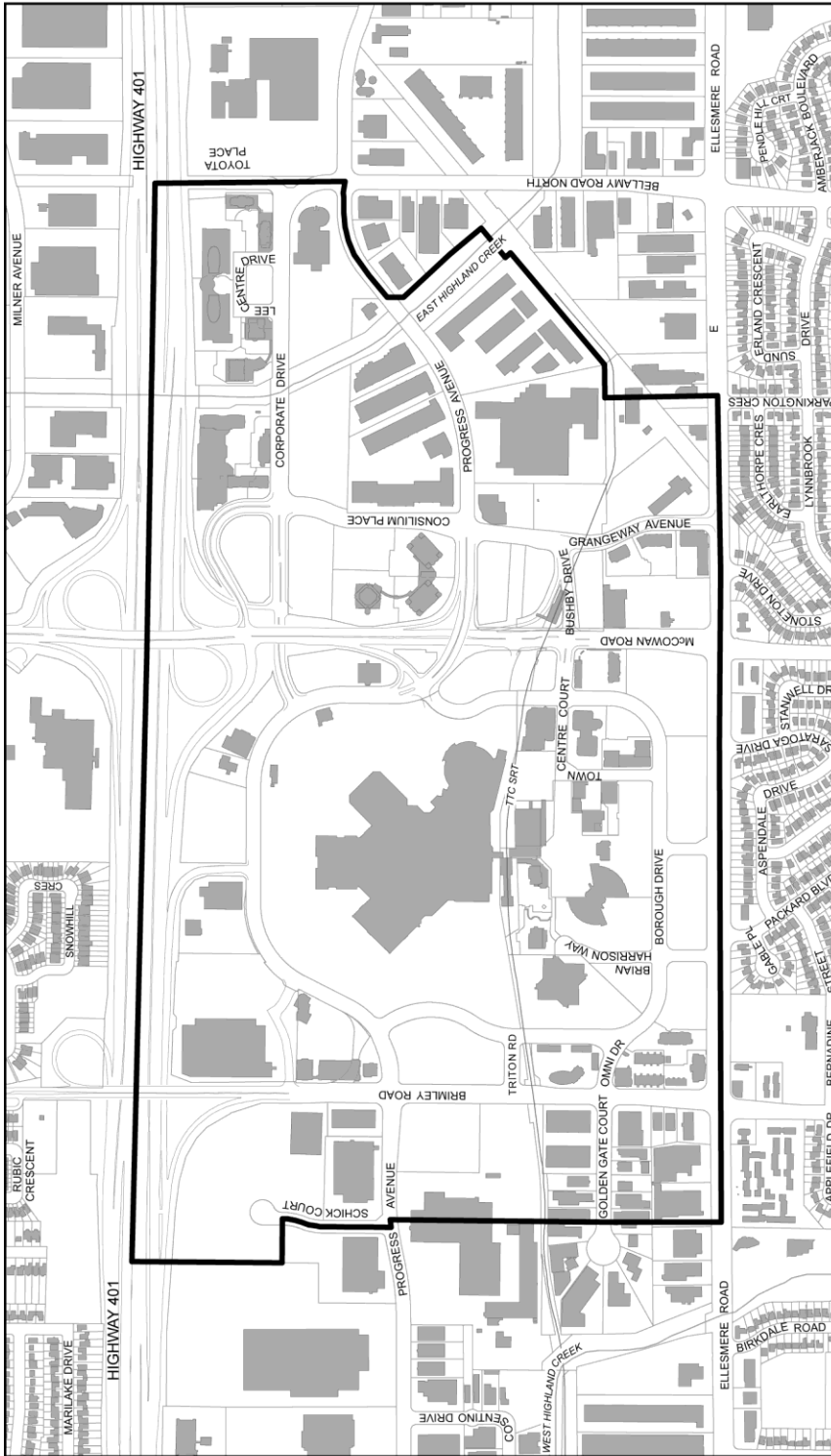
---

Paul Zuliani, Acting Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Scarborough Centre Secondary Plan  
Attachment 2: Warden Woods Community Secondary Plan  
Attachment 3: Alternative Parkland Dedication Policies  
Attachment 4: Excerpt from By-law 1420-2007  
Attachment 5: Parkland Acquisition Priority Areas

# Attachment 1: Scarborough Centre Secondary Plan



## Scarborough Centre Secondary Plan Area

**Toronto** City Planning  
Context Plan

File # 16 154816 EPS 00 0Z



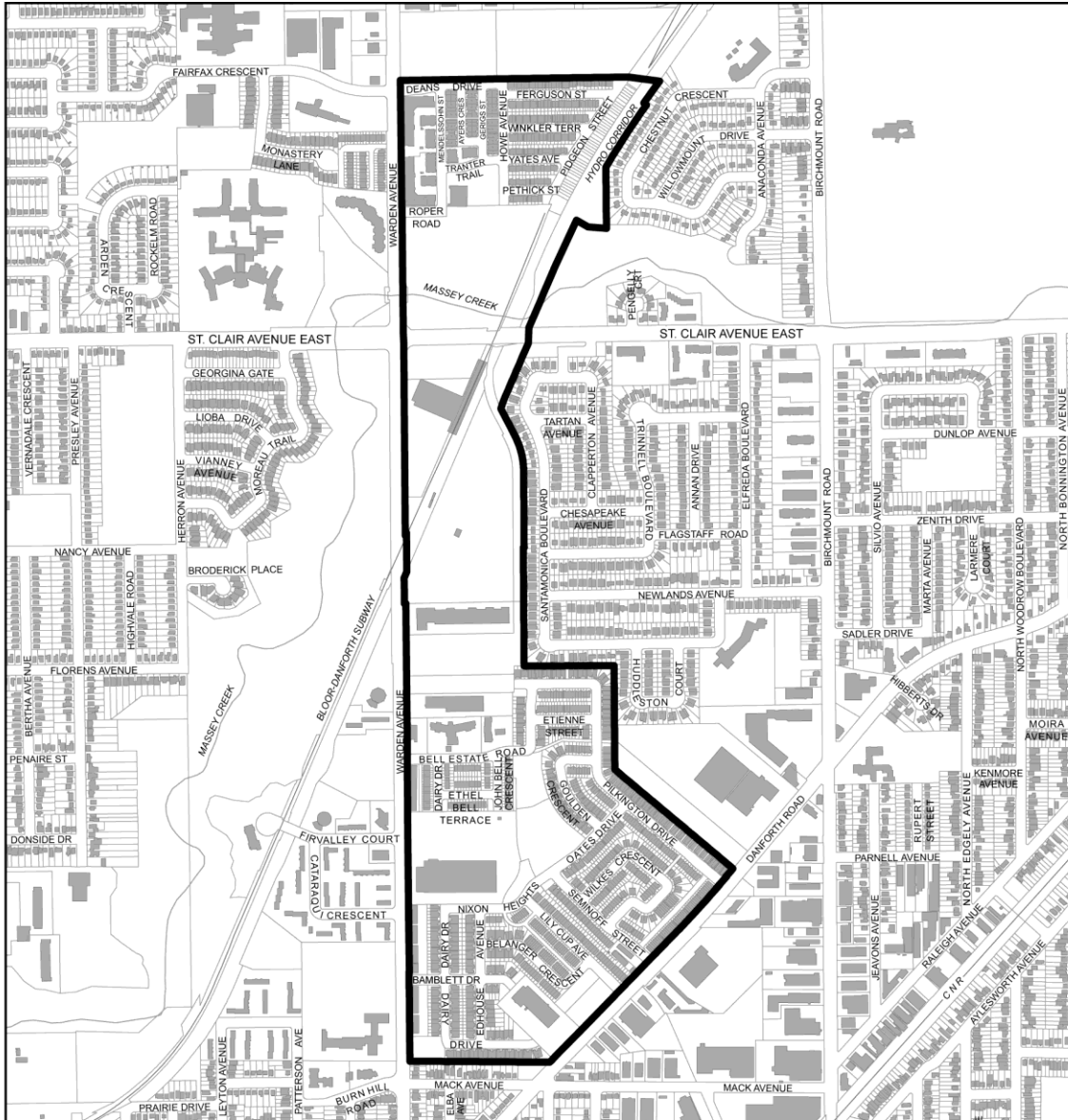
Not to Scale  
5/17/2016

Scarborough Centre Secondary Plan Area





## Attachment 2: Warden Woods Community Secondary Plan



### Warden Woods Community Secondary Plan Area

File # 16 154816 EPS 00 OZ



Not to Scale  
5/17/2016

### **Attachment 3: Alternative Parkland Dedication Policies**

#### **Scarborough Centre Secondary Plan:**

The following policy respecting an alternative rate for parkland dedications is found in Section 6.3 of the Scarborough Centre Secondary Plan (Chapter Six, Section 5 of the Official Plan):

- 6.3 Lands for park and recreation purposes will be provided pursuant to Section 42(3) of the Planning Act, R.S.O. 1990, at an alternative parkland conveyance of 0.4 hectare of land for every 300 dwelling units, which may be taken as land, a cash payment in lieu of a land dedication or a combination thereof, but in no case will this equal less than the statutory 5% as provided by the *Planning Act*"

#### **Warden Woods Community Secondary Plan:**

The following policy respecting an alternative rate for parkland dedications is found in Section 2.4.4 of the Warden Woods Community Secondary Plan (Chapter Six, Section 30 of the Official Plan):

- 2.4.4 Lands for park and recreational purposes will be provided at an alternative parkland conveyance rate pursuant to Section 42(3) of the Planning Act, R.S.O. 1990, which may be taken as a cash payment in lieu of a land dedication. To achieve Council's priority for parkland in the Warden Woods Community, a parkland dedication rate of 0.4 hectares per 300 dwelling units, or 5% of the land area, whichever is greater, will be provided.

#### **Official Plan:**

- 3.2.3.4. 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."
- 3.2.3.5. 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 By-law;
  - 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 4: Excerpt from 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.”

##### 415-24. Cash-in-lieu of Land Dedication.

- A. Despite § 415-22, 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) 10 percent of the value of the development site, net of any conveyances for public road purposes, for sites less than 1 hectare in size.
  - (2) 15 percent of the value of the development site, net of any conveyances for public road purposes, for sites 1 hectare to 5 hectares in size.
  - (3) 20 percent of the value of the development site, net of any conveyances for public road purposes, for sites over 5 hectares in size.
- B. In no case, will the parkland dedication, cash-in-lieu or 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.
- C. 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.

## Attachment 5: Parkland Acquisition Priority Areas

