



July 11 2022

Toronto City Hall  
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Toronto, ON M5H 2N2  
Julie Amoroso  
email: [exc@toronto.ca](mailto:exc@toronto.ca)

**RE: EX34.3 Growth Funding Tools - Alternative Parkland Dedication Rate**

Dear Mayor Tory, Chair, and Members, Executive Committee.

Toronto's park system plays an essential role in supporting a healthy, equitable, competitive and livable city, and helps to make communities more resilient to contemporary challenges, from climate change to COVID-19. Meanwhile the parkland provision per capita is declining.

This report recommends a phased approach to the consideration and implementation of a new alternative parkland dedication framework, including interim re-enactment of the City's current alternative parkland dedication by-law in 2022, continued engagement on staff's proposed approach and analysis of the impacts of Bill 109's legislative changes through early 2023 and presentation of a new by-law in the second quarter of 2023.

In accordance with provincial legislation, the City must adopt a parkland dedication by-law before September 18, 2022, to be able to apply an alternative parkland dedication rate. The Planning Act's standard parkland dedication rates of 5% for residential uses and 2% for non-residential uses remain unchanged as a result of provincial legislative changes.

**We support the key recommendations in the staff report:**

- **That City Council direct the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning to continue stakeholder and public consultation on an updated Alternative Parkland Dedication Rate**, including continued consultation on a density-responsive alternative parkland dedication approach and parkland

need in the context of Bill 109's changes to the Planning Act and report back with final recommendations in the second quarter of 2023.

**That City Council amend the Official Plan substantially in accordance with Official Plan Amendment 588 City-wide Alternative Parkland Dedication Rate**, in Attachment 1 to this report

There are two major issues related to Bill 109, passed in April 2022

### **1. Rate basis**

The alternative rate that can be applied to developments that have been designated by the Province as “transit oriented communities” (TOC), introducing new rate caps based on site size.

- Designated TOC developments on sites of five hectares or less would have an alternative rate cap of 10 percent of the land or its value as compared to 15% for sites between one and five hectares under the current alternative rate, and
- Such development on sites greater than five hectares would have a cap of 15 percent as compared to 20% under the current alternative rate.

This is a reduction of up to 33%, or one-third, of parkland dedication revenue on sites that will be developed with Alternative Parkland Dedication Rate high density projects.

Transit Oriented Communities are at higher densities so should have higher - not lower - parkland requirements.

We strongly agree with the report that this change runs contrary to the intended policy shift to a density-responsive parkland dedication framework by maintaining a site-size based approach to parkland dedication that does not recognize that it is the growth proposed by a development, not the size of the property, which generates demand for parkland and places pressure on existing park spaces.

Therefore we recommend:

- **That the City request the Province to eliminate the reduced parkland requirements on lands designated as Transit Oriented Communities.**

### **2. Encumbered parklands**

Bill 109 legislative changes require the Province to identify encumbered land in a TOC development (e.g. lands subject to an easement or with below grade infrastructure) that shall fully count towards the requirement for public parkland. In accepting encumbered land towards parkland dedication, the City will face challenges with the design, maintenance and operations of these spaces. For example, a park delivered above a below-grade parking structure can have ongoing and significant maintenance requirements, and may be limited in the types of tree

planting and programming that can be supported. This will result in higher operating costs, reduced programming opportunities, and challenging urban tree conditions.

We agree there are several challenges with encumbered parklands. However given that as the density of the City increases, park space is increasingly needed, yet may only be available through encumbered lands. Parks may need to find ways to make this work<sup>1</sup>.

If encumbered park dedications are to be accepted, they require long-term agreements on title requiring a property owner to restore above-grade park space (including trees) that may have to be temporarily removed at a future date. In addition, trees require root space. Encumbered park space must require adequate below-grade "soil boxes" sufficient to allow for large mature trees, not just small ornamentals. (NOTE: This should apply to street trees, too.)

These are considerations that need to be taken into account in the report on alternative park dedications that is to be forthcoming in 2023.

Recognizing that the encumbrance reduces the value to the community and the long term costs to the City of such park space, the required parkland dedication should be increased to compensate for the encumbrance. Therefore we recommend:

- **That Executive Committee request that staff investigate the challenges and the implication of encumbered park land and report back in 2023 as part of its report back on Alternative Parkland Dedication rates**

Respectfully submitted

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA

Cathie Macdonald  
Co-Chair, FoNTRA

Cc: Gregg Lintern, Chief Planner and Executive Director, City Planning Division  
Janie Romoff, General Manager, Parks, Forestry and Recreation Division

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<sup>1</sup> Note in Deer Park, the One Delisle project will allocate a new large park over two parking garages and at Yonge and St. Clair the Wittington project is the same. Note also the proposal to deck over the Davisville track and yard.

Paul Farish, Manager, Planning, Parks Development & Capital Projects,  
Parks, Forestry and Recreation Division

**The Federation of North Toronto Residents' Associations (FoNTRA)** is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.