

Date: 2022-10-13

Subject: Recommendation Report: Proposed Amendment to the Parkland Dedication Policies of the Official Plan

Contact: Ed Fagan, Director, Parks Maintenance & Forestry
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Report Number: Community Services-2022-951

Recommendations:

1. **THAT** the recommendation report titled “Proposed Amendment to the Parkland Dedication Policies of the Official Plan” to the Special Council meeting of November 16, 2022, be received, and the draft Official Plan Amendment be presented for public consultation and comments;
2. **THAT** if no delegates are present at the Statutory Public Meeting of November 16, 2022, and no comments are received, the Official Plan Amendment attached as Appendix A be adopted by Council at the December 14, 2022 meeting.

Overview:

- As permitted under Sections 42, 51.1 and 53 of the *Planning Act*, 1990, Parkland Dedication By-law 283-2013 enables the City to require, as a condition of development or redevelopment, land for parks and other recreational purposes, or an equivalent amount of cash-in-lieu of land (CIL). The *Planning Act* also sets out legislated maximums for how much land a by-law may require depending on the land use.
- Both the Parkland By-law and the City’s Official Plan (OP) require land conveyance for residential development/redevelopment at a Standard Rate of 5% of the land, or an Alternative Rate, as set out in the *Planning Act*, whichever is greater.
- Bill 197, the COVID-19 Economic Recovery Act, 2020, made a number of changes to the *Planning Act* related to parkland dedication requirements. Any inforce parkland by-law and official plan utilizing the Alternative Rate expired as of September 18, 2022. As such, the City will need to pass a

new parkland by-law and an amendment to the Official Plan to continue using the Alternative Rate.

- **Staff is recommending changes to the Official Plan policies only as it pertains to Parkland Dedication (s. 5.21) for proposed residential uses. A new policy is proposed to be added related to parkland dedication for proposed mixed use development and dedication rate to residential developments within Intensification Corridors and Strategic Growth Areas.**
- **The purpose of this report is to present the proposed Official Plan Amendment at a Statutory Public meeting for public review and comments.**
- **This report will also be brought forward for additional consideration at the November 28, 2022 Planning and Development Committee meeting if required.**
- **Should no comments be received on the proposed amendment, staff recommends adoption of the Official Plan Amendment at the December 14, 2022 Council meeting.**
- **The Parks Plan and proposed Parkland Dedication By-law will be presented to Council under a separate report.**

Background:

Municipalities acquire lands for park or other public recreational purposes through legislated authority provided in the *Planning Act*. The City seeks dedications of land through the development process or, cash-in-lieu of parkland dedication (CIL) where the conveyance of land is not required, not suitable or is insufficient. The payment must represent the value of the land that would otherwise have been conveyed, and typically, Brampton uses the CIL to purchase lands elsewhere for larger City or Community Parks. As per the *Planning Act*, the City is able to use several methods of collecting CIL, in terms of the calculation methodologies and the timing of collection.

The *Planning Act* (s.42) permits the conveyance of parkland to a municipality as a condition of development/redevelopment, at an established Standard Rate for residential uses of 5% of the land, or an Alternative Rate as set out in the *Act*, whichever is greater. Similarly, the *Planning Act*, also specifies the rates for CIL using a Standard or Alternative Rate.

Using the Alternative Rate is only permitted if the municipality has a Parks Plan in place, and Official Plan policies identifying parkland needs to support the growing population.

Both the City's Parkland By-law 283-2013 and the Official Plan (Section 5.21) contain provisions for parkland dedication and CIL using both the Standard and Alternative Rates.

Current Situation:

Bill 197, the COVID-19 Economic Recovery Act, 2020, made a number of legislative changes to the *Planning Act* related to parkland dedication requirements. Any in-force parkland by-law and official plan using the Alternative Rate expired on September 18, 2022. As such, the City is no longer able to collect the Alternative Rate.

In order to continue using the Alternative Rate and update the approach to parkland conveyance resulting from future growth, Brampton has to update its Parkland Dedication By-law and Official Plan policies.

The legislative changes brought forward by Bill 197 now grant the Ontario Lands Tribunal (OLT) the authority to hear appeals related to any part of a Parkland By-law involving the Alternative Rate, including the power to reduce the Alternative Rate, if considered appropriate.

The City has undertaken a review of its parkland future needs through a new Parks Plan, which provides a series of recommendations to be implemented through an updated parkland by-law and official plan policies.

The Parks Plan recommends a Standard Rate for residential uses in established neighbourhoods and Designated Greenfield Areas of 5% of the land, or an Alternative Rate as set in the *Planning Act*, whichever generated the greater parkland dedication to the City.

The Parks Plan also recognizes the increased pressure for parkland resulting from higher density development in some of the City's intensification areas such as proposed Strategic Growth Areas, and the need to include policies that reference mixed use development, which are not included in the current Official Plan.

Section 5.21 -Parkland Dedication- of the Official Plan Amendment is proposed to be amended to reflect the recommendations of the Parks Plan in accordance with the updated Parkland Dedication By-law and rates set out by the *Planning Act*. The proposed amendments will only apply to parkland dedication requirements for proposed residential uses, and a new policy for mixed-use developments.

Corporate Implications:

Financial Implications:

There are no direct financial implications associated with this report.

Term of Council Priorities:

This report aligns with the “Brampton is a Green City” 2018-2022 Term of Council priority.

Conclusion:

Brampton has completed its Parks Plan, which identifies parkland needs to support the City’s growing population. The recommendations of the Parks Plan are being implemented in an updated Parkland Dedication By-law and proposed amendments to the parkland dedication policies of the Official Plan, which are being presented to the public for review and comment, and subsequent Council adoption.

Reviewed by:

Ed Fagan
Director, Parks Maintenance and
Forestry
Community Services

Approved by:

Marlon Kallideen
Commissioner, Community Services

Attachments:

Appendix A: Proposed Official Plan Amendment



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

To OPA - Parkland Dedication Final.docx

The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13, hereby ENACTS as follows:

1. Amendment Number OP 2006– _____ to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of the Official Plan.

ENACTED and PASSED this [enter date] day of [enter month], 2022.

Approved as to
form.

20__/_/month/day

[insert name]

Patrick Brown, Mayor

Approved as to
content.

20__/_/month/day

[insert name]

Peter Fay, City Clerk

(Parkland Dedication)

AMENDMENT NUMBER OP 2006 –
To the Official Plan of the City of Brampton Planning Area

AMENDMENT NUMBER OP 2006 –
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 PURPOSE

The Parkland Dedication policies in Section 5.21 are being updated to be consistent with the new Parkland Dedication By-law and the Parks Plan 2041.

2.0 LOCATION

This amendment affects all lands within the City of Brampton.

3.0 AMENDMENT AND POLICIES

3.1 The document known as the 2006 Official Plan of the City of Brampton Planning Area is hereby amended:

(1) by deleting Subsection 5.21.1 Parkland Dedication in its entirety and replacing it with the following:

“5.21.1 Pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended, and the City’s Parkland Dedication By-law, the City, as a condition of development or redevelopment, or subdivision approval or consent, shall require the conveyance of parkland, or cash in lieu thereof at the rate of:

- For residential purposes in established neighbourhoods and Designated Greenfield Areas, the City shall apply a parkland dedication rate of 5% of the land area, or the alternative rate as set out in the *Planning Act* for land conveyance, whichever generates the greater parkland dedication to the City. In lieu of the conveyance of land, the City may require a payment-in-lieu of a land dedication equivalent to the value of 5% of the land area, or the alternative rate as set out in the *Planning Act* for cash in lieu payments.
- For residential purposes in Intensification/Strategic Growth Areas, as defined in the Parkland Dedication By-law, as amended from time to time, the City shall require a parkland dedication rate/payment-in-lieu equivalent as set out in the Parkland Dedication By-law, or the applicable alternative rate as set out in the *Planning Act*.
- For commercial or industrial purposes: parkland dedication and/or payment-in-lieu equivalent in the amount equal to 2% of the land being developed; and,
- For all other non-residential purposes: parkland dedication and/or payment-in-lieu equivalent in the amount equal to 5% of the land being developed.
- For mixed use development based on a pro-rated mixture of land uses formula as set out in the Parkland Dedication By-law.”

(2) By deleting 5.22 and 5.23 in their entirety.

(3) By adding the following as 5.21.6:
“ 5.21.6 Permitted Exemptions and Reductions:

Any permitted exemptions and reductions are as set out in the Parkland Dedication By-law, which may be amended from time to time.”

Date: 2022-10-13

Subject: **Brampton Parks Plan and Parkland Dedication By-Law**

Contact: **Marlon Kallideen, Commissioner, Community Services**

Report Number: Community Services-2022-968

Recommendations:

1. That the report from Melissa Qi, Advisor, Community Services dated October 13, 2022, to the Committee of Council meeting of November 16, 2022, re: **Brampton Parks Plan and Parkland Dedication By-Law**, be received; and
2. That Council endorse the City of Brampton Parks Plan 2041, as provided in Appendix A; and
3. That Council endorse the Parkland Dedication By-law as provided in Appendix B in principle, and that staff be directed to bring the final form of By-law forward for passing at the December 14, 2022 meeting, which may be amended to reflect changes to the Planning Act, if passed by the Province of Ontario in advance of December 14, 2022.

Overview:

- **Parks are a vital component of the City of Brampton. They contribute to healthy and complete communities while offering an attractive quality of place for residents, businesses and visitors.**
- **Parkland dedication is the main tool used by municipalities to secure new parkland to ensure their parks systems and related infrastructure keep pace with the growth of development. Municipalities can collect parkland dedication in the form of land or cash-in-lieu of parkland.**
- **The province passed Bill 197 in 2020 which entailed a number of changes relating to parkland dedication. Municipalities are required to pass a new Parkland Dedication By-Law to continue using the alternative rate for parkland dedication or cash-in-lieu. The Bill further granted the Ontario**

Land Tribunal to power to hear appeals, order amendments or amend the by-law relating to the alternative requirement and cash-in-lieu.

- **On October 25, 2022, the government introduced Bill 23 with further changes to parkland dedication. If passed, the proposed Parkland Dedication By-Law would need to be updated accordingly.**
- **The *Planning Act* requires a municipality to prepare a parks plan to examine the need for parkland in a municipality. To satisfy this legislative requirement, staff engaged the Planning Partnership, NBLC and Monteith Brown to produce the City of Brampton's Parks Plan (Appendix A).**
- **Brampton's Parks Plan supports the City's existing target of 1.6 hectares of active parkland per 1,000 residents. Brampton's population is projected to grow by 33% by 2041, of which 22% is expected within central secondary plan areas. The City will need another 315.7 hectares of parkland by 2041, meaning an average of 15.8 hectares per year. Alternative acquisition strategies such as strata parkland and Private Owned Public Spaces should be considered to help achieve the target.**
- **The new Parkland Dedication By-Law (Appendix B) incorporates recommendations from Brampton's Parks Plan. For residential developments in Intensification/Strategic Growth Areas, the new By-Law proposes a dedication rate or cash-in-lieu equivalent of \$21,200 per dwelling unit or 1 hectare per 500 dwelling units, whichever is less. Recognizing this is a significant increase from the existing rate, albeit comparable to that of similar municipalities, a phased approach is incorporated in the By-Law to lessen the impacts.**

Background:

Parks are a vital component of the City of Brampton. They contribute to healthy and complete communities while offering an attractive quality of place for residents, businesses and visitors. Parks can improve quality of life by providing spaces for recreational activities, social gathering, and offering mental and physical health benefits. Parks contribute important environmental benefits to the communities by reducing air pollution and greenhouse gas emissions, and combating urban heat island effect. Parks also offer important economic benefits, including increasing property value, increasing tourism expenditures, decreasing health care expenditures, reducing storm water management costs and savings associated with reduced air pollution.

Parkland dedication is the main tool used by municipalities to secure new parkland to ensure their parks systems and related infrastructure keep pace with the growth of development. Under the *Planning Act*, municipalities are permitted to collect parkland

dedication from all new development, in the form of land for parks or recreational purposes or cash-in-lieu of parkland (CIL), at its sole discretion. The *Planning Act* also establishes the rates at which parkland can be collected. Each municipality interprets and applies the *Planning Act* in the creation of their individual Parkland Dedication By-laws.

Bill 197, *the COVID-19 Economic Recovery Act*, passed by the Province in 2020 made a number of changes to the *Planning Act* relating to parkland dedication, which required the passage of a new Parkland Dedication By-Law if a municipality wanted to use the alternative rate in the by-law, currently set at a rate of 1 hectare per 300 units for land conveyance, or the value of 1 hectare per 500 units for a cash-in-lieu payment. Therefore, in order to continue to use the alternative rate for parkland dedication or cash-in-lieu, this new parkland dedication by-law is required to be passed. Any in-force by-law that allows the municipality to collect the alternative rate, expired on September 18, 2022.

Bill 197 further allows appeals of a municipality's Parkland Dedication By-Law to be filed with the Ontario Land Tribunal (OLT), and the OLT has the power to order an amendment to the by-law or amend the by-law as it relates to the alternative requirement and cash-in-lieu. If an order or an amendment is made, the municipality must refund the difference in land value or cash-in-lieu plus any interest.

In terms of public consultation, the *Planning Act* requires the municipality to consult with the public or public bodies as it is considered appropriate before passing a Parkland Dedication By-Law. To satisfy this requirement, the November 16, 2022 Special Council meeting and the November 28, 2022 Planning and Development Committee meeting will elicit the views of the public on this Parkland Dedication By-Law.

On October 25, 2022, the government of Ontario introduced Bill 23, *the More Homes Built Faster Act*, which is draft legislation which, among other changes, proposes further changes to the parkland dedication section of the *Planning Act* to achieve the Province's goal of facilitating the creation of 1.5 million new homes by 2031. The main change impacting parkland dedication and cash-in-lieu is the reduction of the maximum alternative parkland dedication rate from 1 hectare per 300 dwelling units to 1 hectare per 600 net residential units for land conveyance, and from 1 hectare per 500 dwelling units to 1 hectare per 1,000 net residential units for cash-in-lieu. In addition, there is a proposed overall cap for a land conveyance or cash-in-lieu of 10% in the case of land proposed for development or redevelopment that is 5 hectares in area or less, or 15% in the case of land proposed for development or redevelopment that is greater than 5 hectares. Finally, the draft legislation includes additional exemptions or reductions to the requirements for parkland dedication for affordable or attainable residential units and additional residential units. If this legislation is passed as proposed, the Parkland Dedication By-Law attached to this report should be updated accordingly in order to conform to the legislation.

Current Situation:

City of Brampton Parks Plan 2041

Section 42 (4.1) and (4.2) of the *Planning Act* requires a municipality to prepare and make publicly available a parks plan that examines the need of parkland in a municipality. To fulfill the legislative requirement, staff engaged the Planning Partnership, NBLC and Monteith Brown to produce the City of Brampton Parks Plan 2041, presented as Appendix A. The goal of the Parks Plan is to ensure that the guidelines are responsive to the needs of existing communities and areas of growth; to provide direction to address long-term parkland needs allowing for flexibility in parks design and use; and to provide a set of recommendations or considerations that incorporate best practices for parkland dedication, the payment of cash-in-lieu, and the use of cash-in-lieu. An online survey was made available between March and April of 2022 to allow local residents to share their thoughts on Brampton's Parks System.

The City's proposed Official Plan – Brampton Plan – identifies a target of 1.6 hectares of active parkland per 1,000 residents, and seeks to achieve an additional 240 hectares of parkland by 2051. This is the same target established in the 2017 Parks and Recreation Master Plan. As of 2021, the City of Brampton has 1,173.5 hectares of active parkland within 407 parks, resulting in a ratio of 1.68 hectares per 1,000 residents. Although the City's current supply of active parkland is slightly above the provision target, the growth of parkland supply in relation to population is declining. Between 2016 and 2021, Brampton's population grew by nearly 14% but the amount of active parkland increased by 7%.

Brampton's population is projected to grow by 33% by 2041, an increase of 232,530 persons. 22% of the overall population growth is projected to occur within the central secondary plan areas, including downtown Brampton, Queen Street Corridor and Hurontario-Main Corridor. Collectively, they have an above average per capita supply of active parkland at present (2.4 hectares per 1,000), however, by 2041, this ratio is anticipated to be reduced to as low as 1.1 hectares per 1,000 if no new parks are secured.

By 2041, the City's parkland requirement will grow to 1,489.2 hectares. An additional 315.7 hectares will be required by 2041, meaning an average of 15.8 hectares per year. The ratio of 1.68 hectares of active parkland per 1,000 persons is forecasted to decline to 1.34 hectares per 1,000 persons if no new parks are secured beyond those in the development pipeline. This projection underlines the importance of securing additional parkland to address this shortfall, be it through land conveyance, purchase and acquisition and alternative tools and mechanisms.

Alternative park acquisition strategies have emerged in response to growing intensification pressures and high density development activities, and should be considered in any innovative policy approach to urban park system provision. Two such tools are strata parkland and Privately Owned Public Spaces (POPs). Strata parkland is

a public park developed above private infrastructure, typically parking garages or storm water infrastructure. The park space is deeded to the municipality by the property developer, and is thus publicly owned, whereas the underlying infrastructure is maintained within private ownership. POPs are privately owned spaces that are publicly accessible via legal agreements between the property owner and the municipality, but are privately operated and maintained. Municipal programming and overall control of these spaces are more limited than traditional table land parks or strata parks.

The Parks Plan lays out a series of recommendations and the new Parkland Dedication By-Law incorporates a number of those recommendations pertaining to alternative park acquisition strategies. Other recommendation from the Parks Plan can be considered for incorporation in an accompanying park planning and design guideline. Please refer to Appendix A for more details.

Parkland Dedication By-Law

A new Parkland Dedication By-Law incorporating the legislative changes and recommendations from the City of Brampton Parks Plan 2041 is presented as Appendix B. Below are key highlights on the proposed land conveyance and payment-in-lieu calculations.

For commercial and industrial purposes, the City shall require parkland dedication and/or a payment-in-lieu equivalent to 2% of the Land Area. For all other non-residential purposes, the City shall require parkland dedication and/or a payment-in-lieu equal to 5% of the Land Area.

For residential developments in Established Neighbourhoods and Designated Greenfield Areas, the rate shall be 5% of the Land Area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the City. Alternatively, the City may require a payment-in-lieu of a land dedication of a rate of 5% of the Land Area, or 1 hectare per 500 dwelling units, whichever is greater.

For residential developments in Intensification/Strategic Growth Areas, which are defined as Downtown Brampton, Queen Street Corridor and Hurontario-Main Corridor as per the Parks Plan, the City shall require a dedication rate or payment-in-lieu equivalent of \$21,200 per dwelling unit or 1 hectare per 500 dwelling units, whichever is less. The rate of \$21,200 is proposed to be phased in, as set out in the Parkland Dedication By-law.

In addition, in Intensification/Strategic Growth Areas it is proposed that the City consider accepting lands subject to Strata Park arrangements or Privately Owned Public Spaces at 50% credit towards satisfying the parkland dedication requirements in Intensification/Strategic Growth Areas, provided an agreement to the satisfaction of the City is entered into with the landowner.

For mixed-use development, the City shall conveyance of land or payment-in-lieu based on a pro-rated mixture of land uses using the following formula:

Total Contribution = Residential Contribution + Pro-Rated Other Non-Residential Contribution + Pro-Rated Commercial/Industrial Contribution

Total Contribution = Residential Contribution + ((Other Non-Residential GFA/Total GFA)(Site Area *.05)) + ((Commercial/Industrial GFA/Total GFA)*(Site Area *.02))*

Although the new rate represents a significant increase, the overall high-density residential rate per unit is consistent with other comparable municipalities in the Greater Toronto Area, and supports the City's goal of achieving 1.6 hectares of parkland per 1,000 persons.

- City of Toronto, \$25,000 per unit
- City of Mississauga, \$25,112 per unit by August 2023
- City of Vaughan, \$27,994 per unit by March 2025 (phased approach)
- City of Markham, \$30,460 to \$34,980 per unit
- Town of Oakville, \$22,269 per unit

Corporate Implications:

Financial Implications:

The Development Finance Section - Revenue Services Division (Corporate Services) is actively involved in the collection of all CIL requirements from all new developments. Any increase in CIL Parkland payment-in-lieu rate will support the acquisition of parkland citywide. Any changes as a result of Bill 23 would impact the ability to meet the City's parkland acquisition targets.

Term of Council Priorities:

This report aligns with the "Brampton is a Green City" 2018-2022 Term of Council priority.

Conclusion:

Parks are a vital component of the City of Brampton. The Parks Plan supports the City's existing target of 1.6 hectares of active parkland per 1,000 persons. The new Parkland Dedication By-Law helps the City achieve the target. Staff recommends Council endorse the City of Brampton Parks Plan 2041, and endorse the Parkland Dedication By-Law in principle. Staff will return to Council for approval on the final form of the By-law on December 14, 2022, incorporating any public comments and legislative changes.

Authored by:

Reviewed by:

Melissa Qi
Advisor, Special Projects
Community Services

Ed Fagan
Director, Parks Maintenance & Forestry
Community Services

Approved by:

Marlon Kallideen
Commissioner
Community Services

Attachments:

- Appendix A: City of Brampton Parks Plan 2041
- Appendix B: Parkland Dedication By-Law



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

A By-law to require the conveyance of parkland or the payment in lieu of
parkland pursuant to the Planning Act

WHEREAS Sections 42, 51.1 and 53 of the Planning Act authorize local municipalities to require that land, or payment in lieu thereof, be conveyed to the local municipality for park, or other public recreational purposes as a condition of Development, or Redevelopment, or the subdivision of land;

AND WHEREAS Council for the Corporation of the City of Brampton deems it necessary and expedient to enact a By-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements;

AND WHEREAS the City of Brampton Official Plan contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement;

AND WHEREAS Council for the Corporation of the City of Brampton desires to repeal and replace Bylaw 283-2013 with an updated By-law to provide for the conveyance of land and payment in lieu thereof for park and other public recreational purposes and the use of the alternate requirement;

AND WHEREAS Section 23.1 to 23.3 of the Municipal Act authorize the delegation of powers or duties of the municipality subject to restrictions;

COUNCIL ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

Additional Residential Unit means one or two accessory Dwelling Units located within a primary detached, semi-detached or townhouse dwelling, or in an ancillary structure on the same parcel of land as the primary dwelling, so long as the cumulative GFA of the Additional Residential Unit is less than that of the primary Dwelling Unit;

Building Permit means the first permit issued under the *Building Code Act, 1992*, S.O. 1992, c. 23 for a building or structure;

City means The Corporation of the City of Brampton;

Commercial Purposes means the use of land, building or structure, or part thereof, for the retail sale of goods and/or services, as well as non-governmental office facilities;

Council means the Council of the City of Brampton;

Designated Greenfield Area means lands within the City's settlement area, but outside of the delineated Built Boundary as defined by A Place to Grow: Growth Plan for the Greater Golden Horseshoe, which have been designated in the Official Plan for future Development;

Development means the construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

Dwelling Unit means any property of one or more habitable rooms designed, occupied or intended to be occupied as living quarters of a single domestic establishment (self-contained unit) and shall as a minimum contain sanitary facilities, accommodation for sleeping and prepare and serve meals in which one or more persons may sleep and prepare and serve meals, but does not include a housekeeping hotel suite or a housekeeping suite in a long term care facility;

Established Neighbourhood means areas within Brampton's "Built Boundary", as defined by A Place to Grow: Growth Plan for the Greater Golden Horseshoe,

and which are not identified as Designated Greenfield Area or as Intensification/Strategic Growth Area within the City of Brampton Parks Strategy, dated October 2022;

Gross Floor Area means the same as the applicable definition within the City of Brampton Zoning By-law 270-2004, as may be amended from time to time;

Industrial Purposes means the use of land, building or structure, or part thereof for manufacturing, warehousing, distribution and/or recycling operations. Industrial purposes may also include the bulk storage of goods and related accessory uses;

Intensification/Strategic Growth Areas means those areas identified by the City of Brampton Parks Strategy dated October 2022 as Downtown Brampton, Hurontario/Main Corridor, and the Queen Street Corridor;

Land Area means:

- a) The area of land subject to an application for Development; or,
- b) The area of land that is to be conveyed under this by-law in fee simple to the City and which conveyance can be registered in the Land Registry Office;

Mixed Use means the use of land, buildings or structures intended and designated to contain both residential and non-residential uses, or commercial/industrial uses and other non-residential uses, within the same building or on discrete portions of the same site;

Planning Act means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

Redevelopment means the removal of buildings or structures from land and further Development of the land, or the substantial renovation of a building or structure and a change in the character or intensity (density) of use in connection therewith;

Residential Purposes means lands, buildings, or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use building or structure, and in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit;

Temporary Sales Structure means a structure used for the principal purpose of promoting the sale of new residential units, and which will be demolished within no more than three years of completion.

2. Calculation of Conveyance and/or Payment in Lieu

2.1 Required Parkland Conveyance and/or Equivalent Payment in Lieu for Non-Residential Purposes

As a condition of Development or Redevelopment of land, the City shall require the conveyance of land or equivalent payment in lieu to the City for parks and other public recreational purposes as follows:

- a) **Commercial Purpose and Industrial Purpose:** Where any form of commercial or industrial Development or Redevelopment is proposed, and where no prior parkland dedication has been provided, or payment in lieu paid, the City shall require parkland dedication and/or an equivalent payment in lieu in the amount equal to 2 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the City.
- b) **All Other Non-Residential Purposes:** Where any form of non-residential Redevelopment is proposed, and where no prior parkland dedication has been provided, or payment in lieu paid, the City shall require parkland dedication and/or an equivalent payment in lieu in the amount equal to 5 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the City.

2.2 Required Parkland Conveyance and/or Equivalent Payment in Lieu for Mixed-Use Development

As a condition of Development or Redevelopment of land for mixed-use Development, the City shall require the conveyance of land and/or equivalent payment in lieu to the City for parks and other public recreational purposes based on the pro-rated mixture of land uses proposed, as follows:

- i.
$$\text{Total Contribution} = \text{Residential Contribution} + ((\text{Other Non-Residential GFA} / \text{Total GFA}) * (\text{Site Area} * .05)) + ((\text{Commercial/Industrial GFA} / \text{Total GFA}) * (\text{Site Area} * .02))$$

2.3 Required Parkland Conveyance and/or Equivalent Payment in Lieu for Residential Development in Established Neighbourhoods and Designated Greenfield Areas

As a condition of Development or Redevelopment of land, the City shall require the conveyance of land and/or an equivalent payment in-lieu to the City for parks and other public recreational purposes within any Established Neighbourhood or Designated Greenfield Area, as follows:

- i. The City shall apply a parkland dedication rate of 5% of the Land Area, or 1 hectare per 300 Dwelling Units, whichever generates the greater parkland dedication to the City. As an alternative, the City may require a

payment in lieu of a land dedication at a rate of 5% of the Land Area, or 1 hectare per 500 Dwelling Units, whichever is greater.

Within Established Neighbourhoods and Designated Greenfield Areas, the City's priority shall be land dedication, and payment in lieu shall only be considered where no reasonable alternative exists.

2.4 Required Parkland Conveyance and/or Equivalent Payment in Lieu for Residential Development within Intensification/Strategic Growth Areas

- i. As a condition of Development or Redevelopment of land, the City shall require the conveyance of land and/or an equivalent payment in lieu to the City for parks and other public recreational purposes within the City's identified Intensification/Strategic Growth Areas as follows:

Upon passage of the Parkland Dedication By-law -	\$14,000 per Dwelling Unit
February 1, 2024-	\$18,000 per Dwelling Unit
February 1, 2025-	\$21,200 per Dwelling Unit

or the conveyance of land and/or equivalent payment in lieu of 1 hectare per 500 Dwelling Units, whichever is less.

- ii. The City, in its sole discretion, may accept the following encumbered lands at 50% credit toward satisfying the parkland dedication requirements in Intensification/Strategic Growth Areas:
 - a) lands that are subject to strata park arrangements, subject to legal agreements being entered into with the City which addresses matters including but not limited to, maintenance, programming, and operations, to the satisfaction of the City;
 - b) Privately Owned Public Spaces, subject to legal agreements being entered into with the City which addresses matters including but not limited to, maintenance, programming, and operations, to the satisfaction of the City.
- iii. In no circumstances will the City accept lands that restrict in any way, public programming on the lands.

3. Parkland Credits

3.1 Lands Previously Conveyed

- i. Where land has previously been conveyed, or a payment in lieu of such conveyance has been previously received by the City, no additional conveyance or payment in respect of the land subject to the earlier

conveyance or payment may be required by the City in respect of subsequent Development or Redevelopment applications, unless:

- a) There is a change in the proposed Development which would increase the number of residential Dwelling Units of the current use or currently approved use; or,
 - b) Lands originally identified for Development or Redevelopment for Commercial or Industrial Purposes are instead proposed for Development or Redevelopment for residential or any other non-residential land use that generate a higher parkland dedication.
- ii. Where such increase in the number of Dwelling Units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from Commercial or Industrial Purposes to any other land use, the conveyance or equivalent payment in lieu of conveyance as the case may be, will be subject to the increase in Dwelling Units/land use proposed and the value determined the day before the day that the first building permit is issued.

3.2 Credits Considered

Parkland dedication credits may be considered by the City where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the City, including a determination of appropriate value, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the City may be required.

4. Determining when Payment in lieu is appropriate

The City shall determine when payment in lieu of a land conveyance is acceptable versus where a land contribution will be required. The City may also consider when a combination of on-site land dedication, off-site land dedication, subject to a determination of appropriate value, and/or payment in lieu of land is appropriate.

5. Timing for Land Value Assessment

Where land is required to be conveyed to the City, and/or payment in lieu is required to be paid to the City in accordance with this Parkland Dedication By-law:

- i. For Development or Redevelopment subject to Section 42 of the Planning Act, the value of the land or payment in lieu equivalent to be paid shall be determined as the value of the land the day before the day that the building permit is issued, and if more than one building permit is required,

the value shall be calculated the day before the day that the first building permit is issued;

- ii. For Development or Redevelopment subject to Sections 51.1 and 53 of the Planning Act, the value of the land or equivalent payment in lieu shall be determined in accordance with the conditions of approval of a plan of subdivision or condominium pursuant to Section 51 of the Planning Act or the conditions of provisional consent pursuant to Section 53 of the Planning Act; or,
- iii. For Development or Redevelopment which occurs pursuant to either of Sections 42 or 51.1 of the Planning Act and for which approvals are issued in phases, the City shall calculate and require the conveyance of land for park purposes or the payment of an equivalent payment in lieu, in accordance with the provisions of this Parkland Dedication By-law, on a phase by phase basis.

6. Administration

6.1 Applicability of this By-law

This Parkland Dedication By-law is applicable to all lands within the limits of the City.

6.2 Delegation to Staff

Council hereby delegates to the Commissioner of Community Services, or his or her designate, the administration of this Parkland Dedication By-Law, including the authority to:

- i. Negotiate parkland dedication and/or payment of an equivalent payment in lieu for each Development or Redevelopment application, and execution of parkland dedication agreements or amendments thereto as may be necessary, in accordance with the provisions of the City's Parkland Dedication By-Law;
- ii. Establish the location and configuration of land required to be conveyed;
- iii. Establish the value of land for the purpose of calculating any required payment; and,
- iv. Maintain records of all lands and payment in lieu received and including all expenditures from the payment in lieu parkland reserve fund. The payment in lieu of parkland dedication record and associated financial statements shall be reported to the Treasurer.

Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke or restrict any delegated power that has been delegated pursuant to this By-law.

6.3 Agreements Apply

Notwithstanding any other provisions in this Parkland Dedication By-law, where before, or after the passing of this By-law, Council has approved or authorized an Agreement with respect to the dedication of parkland and/or the equivalent payment in lieu of parkland, the terms of that Agreement, including any subsequent amendments to that Agreement, shall remain binding between the parties, and any parkland dedication and/or payment in lieu of parkland shall be in accordance with the rates specified in the Agreement, rather than the rates provided for in this Parkland Dedication By-law.

6.4 Condition of Land

Where land is required to be conveyed to the City for park purposes:

- i. Subject to 1.4 (b) above, the land shall be free and clear of all legal and other encumbrances;
- ii. the land shall be subject to the delivery to the City of a Record of Site Condition that satisfies, at a minimum, a Phase 1 Environmental Site Assessment that meets the requirements of Ontario Regulation 153/04 pursuant to the Environmental Protection Act, R.S.O. 1990, c. E.19, for the use of the land as a public park. Prior to accepting lands for park purposes, the City reserves the right to require a Phase 2 Environmental Site Assessment be undertaken following the Phase 1 Environmental Site Assessment.
- iii. the City shall have the right to refuse the conveyance of land that is deemed unsuitable for park or public recreation purpose which includes, but is not limited to, the following:
 - a) land that has been or will be conveyed to the City for stormwater management facilities, highways, roadways, walkways, or any other non-parkland purpose;
 - b) Natural Hazard Lands;
 - c) lands that are constrained or otherwise deemed undesirable by the City due to, among other things, their size, location, grade, drainage, flooding, or configuration;
 - d) lands which have unsuitable or unstable soil conditions, including lands which are contaminated;

- e) utility rights of way or easements, including but not limited to hydro, gas, cable, and telecommunications.

In cases where the City determines that the proposed for parkland dedication is unsuitable for parks or public recreation purposes, the City shall require payment of cash in lieu of the land conveyance, in the amounts set out this Parkland Dedication By-law.

6.5 Exemptions

The following types of Development or Redevelopment are exempt from this By-law:

- i. Development or Redevelopment undertaken by the Province of Ontario, a municipality including any corporation owned, controlled, and operated by the City of Brampton or the Regional Municipality of Peel or a Board of Education as defined in the Education Act, R.S.O., 1990, c.E2;
- ii. Replacement of an existing Dwelling Unit on an existing lot;
- iii. Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Act, 2021;
- iv. a college or university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
- v. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- vi. Public hospitals;
- vii. Additional Residential Units; and
- viii. Temporary Sales Structures.

6.6 Index

Any applicable equivalent payment in lieu rate shall be adjusted annually on February 1 and August 1, without amendment to this By-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Construction Price Statistics (Non-residential Building Construction Price Index) or any successor thereto.

6.7 Severability

In the event that any section of this Parkland Dedication By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of this Parkland Dedication

By-law shall be severed from the balance of this By-law, which will continue to operate in full force and effect.

6.8 Repeal

By-law 283-2013 is hereby repealed.

6.9 Short Title

This By-law may be cited as the "Parkland Dedication By-law."

6.10 Effective Date

This By-law shall come into force and effect at 12:01 am on December XX, 2022.

PASSED this XX day of December, 2022

Approved as
to form.

20 __/month/day

[insert name]

Patrick Brown, Mayor

Peter Fay, City Clerk

Approved as
to Content.

20 __/month/day

[insert name]

City of Brampton **Parks Plan 2041**

October 2022



**The Planning Partnership
NBLC
Monteith Brown**

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- Appendix I Parkland Design Guidelines + Examples of Urban Park Typologies
- Appendix II Downtown Parks System Research
- Appendix III Options for Ownership of the City's Parkland System

1.0 INTRODUCTION

1.1 Overview

The City of Brampton has seen dramatic growth over the past 40 years, and while the City continues to experience greenfield growth, there is a significant shift taking place away from traditional suburban development forms to higher density developments and infill projects. This shift in development is creating pressures on existing and proposed parkland, and levels of service.

In addition, the City is also facing increased pressure to accept alternative parkland spaces as land becomes more expensive and less readily available within the City; particularly within its Intensification Areas/ Strategic Growth Areas, as defined in the Brampton Official Plan. In order to ensure that the growing population is well-served by its public parkland system, and that the newly generated parkland reflects the evolving built form of the City, the City must develop and adopt a new parkland dedication regime. There are three key goals in the development of a Parks Plan and, ultimately, a Parkland Dedication By-Law:

- To ensure that the guidelines are responsive to the needs of existing communities and areas of growth;
- To provide direction to address long-term parkland needs allowing for flexibility in parks design and use; and,
- To provide a set of recommendations/considerations that incorporate best practices for parkland dedication, the payment of cash-in-lieu, and the use of cash-in-lieu.

This Parks Plan, prepared to fulfill the requirements of Bill 73, also includes a number of appendices including:

- **Appendix I: Examples of Urban Park Typologies**
- **Appendix II: Downtown Parks System Research**
- **Appendix III: Options for Ownership of the City's Parkland System**

Key City Objectives

Based on research and ongoing conversations with City staff there was tremendous general agreement on a number of key objectives for this Parks Plan, including:

- Parks are considered to be a lifeline for people in the community. It was noted, specifically, that parks have become an urban escape for people amid the ongoing COVID-19 pandemic. Parks are a crucial component contributing to the quality of life of residents. Parks are a necessary component of a complete and livable community;
- Public sector investment in parks can be leveraged into a private sector investment response. Park system investment is a key stimulus for change, establishing the appropriate environment for redevelopment and revitalization;
- The City's new approach to parkland dedication should be guided by principles of equity, consistency and transparency. It is also important to recognize that the new Parkland Dedication By-Law must be defensible and compliant to current provincial regulations; and,
- This Parks Plan needs to be:
 - Clear, and must find the right balance between achieving a great parkland system for the City, and the financial feasibility of new development; and,
 - Cognizant of the inherent differences between the established neighbourhood context, and the context of the City's planned Intensification Areas/Strategic Growth Areas.

2.0 CURRENT LEGISLATION/POLICY REVIEW

2.1 The Planning Act

It is a fundamental planning practice that an appropriate and equitable parkland system is planned and developed to provide for the recreational needs of the existing and future residents of the City of Brampton. In order to achieve this, the parks system must include the right amount of space, the right mixture of park types, the right level of quality and design, and the right programming.

Achieving this balance is a complex task given the numerous realities (social, political, economic) that influence the development of urban land and the provision of parks and open spaces within cities. Legislation within the *Ontario Planning Act* provides municipalities with some tools to acquire parkland through development, much in the same manner as development charges are collected through development to service growth. These tools were originally developed to address lower density subdivision style development, and where applied to higher density residential and mixed-use developments, those tools may have additional and consequential effects, and can broadly impact the financial viability of developing higher density residential structures. Generally, the negative financial implication is exacerbated as density is increased.

Parkland conveyance authority is established in the *Planning Act*. Section 42 pertains to parkland conveyances associated with Draft Plans of Subdivision, and sections 51.1 and 53 pertain to parkland requirements as a condition of Site Plan Approval and Consents to Sever.

Bill 73

In late 2016, a number of amendments to the *Planning Act* were implemented through Bill 73 that impact parkland conveyance policies. These updates are included in the description of the *Planning Act* policies below:

Land Conveyance - The *Planning Act* establishes parameters for conveyances for park or other recreational purposes, as follows:

- Not exceeding 2% of land area in the case of commercial or industrial development.
- Not exceeding 5% of land area in the case of all other types of development.
- For residential purposes, the Act permits municipalities to utilize 5% of land area OR an alternative requirement of conveyance based on a maximum rate of 1 hectare for every 300 dwelling units, subject to enabling policies within the approved local Official Plan.

These three conveyance rates are identified as the maximum rate for each scenario within the *Planning Act*.

Payment-in-Lieu and Land Valuation - Municipalities may also accept payment-in-lieu of parkland conveyance. This payment can be made in the form of cash or other reasonable alternatives, as deemed appropriate by the municipality. In either case the payment must represent the value of the land that would otherwise have been conveyed. The *Planning Act* policies that establish parameters for payment-in-lieu and land valuation are as follows:

- If the alternative requirement for residential development is used (1 ha/300 units), when the municipality accepts payment-in-lieu of land, a maximum rate of 1 hectare for each 500 units will instead be used;
- All cash accepted as payment-in-lieu must be deposited into a special account and used for the acquisition of land to be used for park or other recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes;
- Regarding land development and redevelopment, payment is to be determined based on the value of the land as of the day before the issuance of the first building permit; and,
- Regarding subdivision development and consents, respectively, payment is to be determined based on the value of the land as of the day before the approval of the draft plan of subdivision or provisional consent, as the case may be;

Reductions for Sustainability - As per section 42 (6.2 and 6.3), a municipality may establish policies to permit a reduction in payment-in-lieu where a redevelopment project meets certain sustainability criteria as set out in the Official Plan and where no land is available to be conveyed for park or other public recreational purposes.

Implementation of Conveyance Policy - Historically, the *Planning Act* provided some inherent flexibility in the way municipalities implement conveyance policies, primarily by what the Act remained silent on. With amendments enacted through Bill 73, however, municipalities are now required to justify conveyance policies if the alternative requirement for residential conveyance is implemented. The following are relevant policies and notes regarding implementation:

- The Act does not prescribe which method (or rate up to the maximum) is to be applied in any situation;
- The Act does not indicate if, where, or when the municipality may require less than the maximums identified in either approach;
- The Act now specifies that prior to a municipality implementing Official Plan policies to implement the alternative requirement of conveyance for park for residential development; the municipality must produce a “Parks Plan” that examines the need for parkland in the municipality; and,
- The Act now also specifies that municipalities must submit, yearly, a financial statement detailing

the deposits and expenditures of the special cash-in-lieu fund. This provides additional transparency that municipalities are accounting for and spending these monies appropriately.

Bill 197

In addition to the important changes to the *Planning Act* enacted through Bill 73, in 2020 the Province enacted Bill 197, which, among other matters, made further amendments to the *Planning Act* affecting parkland dedication. Bill 197 provides for additional checks and balances on the use of alternative parkland standards that the City can apply in response to judicial interpretations that previously prohibited parkland by-law appeals. More specifically, Bill 197 enacts the following:

- Parkland rates set out by By-law can be challenged by appeal to the Ontario Lands Tribunal (OLT); and,
- Municipalities must update their Parkland dedication By-laws by September 18, 2022.

Bill 197 also creates an entirely new regime for the use of Section 37 of the *Planning Act*, with the focus on achieving defined community benefits through a new Community Benefits Charge By-law which is linked to the value of the property, as well as a number of changes to Development Charges. All of these elements of change to the *Planning Act*, as well as Development Charges will need to be considered in the context of Brampton's approach to defining and achieving a robust and appropriate parkland system.

2.2 City of Brampton Official Plan

Current Official Plan (2006) – Parkland Policies

Official Plans are developed under a framework established by the Province of Ontario to ensure that short and long-term growth is coordinated in a manner to meet local social, economic, built and natural environment needs and aspirations. Among their many purposes, Official Plans establish the policy context for building and maintaining a robust parks system that is able to accommodate growth and develop healthy and sustainable communities.

The current City of Brampton Official Plan was adopted by Council in 2006 and approved by the Ontario Municipal Board in 2008. This Plan remains in effect until repealed and replaced by the new Brampton Plan.

Policies relating to parks are largely contained in Sections 4.7 (“Recreational Open Space”) and 5.21 (“Parkland Dedication”). Selected policies from these sections are noted below; for more detail, specific reference should be made to the Official Plan.

- It is a goal of the City to maximize the service level for public parkland, guided by the Parks and Recreation Master Plan. Further, it is an objective to establish a system of parks and recreation

facilities that accommodates a wide array of recreation, leisure, cultural and environmentally-focused opportunities catering to persons of varying abilities and cultural backgrounds.

- A parkland hierarchy has been established that is characteristic of the distribution and demand needs of the community, which includes City, Community and Neighbourhood Parks. Policies, design considerations, and service radii are defined for each parkland type. Parkland elements are often defined and identified through Secondary Plans and Community Block Plans.
- The Plan also allows for semi public open spaces provided by private developments that allow reasonable use by the public. These spaces are not considered as contributing towards parkland dedications under the *Planning Act*.
- Park blocks less than 0.5 hectares will only be permitted in exceptional cases and in special situations, such as a shortage of open space alternatives or community building purposes.
- Pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, the City requires 5% of the land being developed for residential purposes (or an alternative rate of 1 hectare per 300 dwelling units) or 2% of the land being developed for commercial or industrial purposes to be conveyed to the City. Off-site conveyance is permitted at the discretion of the City.
- Policies are in place to require cash-in-lieu of parkland, including at a rate of 1 hectare per 500 dwelling units when applying the alternative rate. Council may from time to time, offer reductions to these rates to encourage economic development within defined areas of the City or to meet other objectives. The Plan states that a Parkland Dedication By-law shall be prepared to administer these requirements.
- Environmentally sensitive/significant areas, valleylands and watercourse corridors (including associated environmental hazards and defined conservation buffers), vista blocks, and other lands unsuitable for development do not contribute towards the parkland dedication requirements under the *Planning Act*, though may be required to be gratuitously conveyed to the municipality.

Proposed Official Plan (Draft Brampton Plan, April 2022) – Parkland Policies

The City's new Official Plan – Brampton Plan – is currently in draft form. A second draft is being prepared for public review and comment prior to Council adoption in early 2023. The new Brampton Plan cannot come into full force and effect prior to Provincial approval of the Peel Region Official Plan; timing for this remains uncertain.

Brampton Plan builds on the work completed through Brampton's 2040 Vision and contains policies that will guide growth and development over the 2051 planning horizon, when Brampton's population base is forecast to reach approximately 1 million people. Specifically, the Plan focuses on improving livability,

quality of life and place-quality within the city, including creating opportunities to create compact and complete 15-minute neighbourhoods.

The Plan recognizes parks and open space as a key city-wide priority as part of the Health and Wellness City-Wide Building Block. Notably, the new Official Plan supports “rethinking” of the existing parks hierarchy including cash-in-lieu policies and consideration of smaller-scale non-traditional “green” spaces, including publicly accessible open spaces (POPS) and urban plazas, linear retrofits, and adaptive reuse of existing parks and open spaces.

Selected policies from these sections are noted below; for more detail, specific reference should be made to Brampton Plan, which is in draft form and subject to change.

- The Plan identifies parks and open spaces as necessary elements of city-building as the city grows and changes. Maintaining, enhancing and expanding the parks and open space are a key component of the City’s Health and Wellness Building Block. The Plan identifies a target of 1.6 hectares of active parkland per 1000 residents and seeks to achieve the addition of over 240 hectares of new parkland to the City’s inventory by 2051. This is the same target that was established in the 2017 Parks and Recreation Master Plan and supported within this Parkland Dedication Strategy.
- The parkland and open space classification system has been expanded from the current Official Plan to reflect different scales and levels of accessibility as planned throughout the City, particularly in Intensification Areas/Strategic Growth Areas prioritized for intensification and higher-density mixed-uses. The Brampton Plan provides definitions, locational considerations, uses and design considerations for each element of the hierarchy, including:
 - City Parks (policies are similar to the current Official Plan)
 - Community Parks (policies are similar to the current Official Plan)
 - Neighbourhood Parks (policies are similar to the current Official Plan)
 - Urban Parks
 - This is a new park type, recommended in the Parks and Recreation Master Plan
 - They are specialized parks that are located within Brampton’s Centres, Boulevards, and Corridors, intended to supplement the needs of high-density neighbourhoods
 - The category also includes Urban Squares (which may be as small as 0.1 hectares) and Privately Owned Publicly-Accessible Spaces (which do not replace the need for new public parks and open spaces)
 - Linear Connectors
 - This is a new park type, recommended in the Parks and Recreation Master Plan

- They include lands that are oriented to off-road recreational trails and other connecting links between parkland or major community destinations
 - Brampton Eco-Park
 - This is a new open space type that combines a variety of other parks, open space, natural heritage and public lands to form a connected network of sustainable spaces
 - Brampton Eco Park will be a large and growing municipal park and nature reserve existing across the city and interwoven within the city landscape. It consists of Eco Spaces, including but not limited to the Natural Heritage System, parks, green spaces, green infrastructure streetscapes, utility corridors, and yards that strive for the Eco Park principles.
- The integration of private amenity spaces is a stronger theme in this new Official Plan, with the City requiring developers of multi-residential development to provide on-site private amenity spaces to supplement the public parkland system, promote active transportation, and facilitate connectivity between parkland and the public realm.
- Similar to the current policy, off-site parkland dedication may be acceptable to the City where it meets certain conditions outlined in the plan. Further, conveyance of Natural Heritage System or natural hazard lands will not be considered as contributing towards the parkland dedication requirements, though the City will explore opportunities to secure these lands in public ownership.
- The calculations for parkland dedication remain the same for residential (5% of developable land or one hectare for each 300 dwelling units) and non-residential uses (2% of developable land).
- The Plan allows for the acceptance of cash-in-lieu of parkland and identifies circumstances where it may be required. Cash-in-lieu may be used on a city-wide basis based on priorities determined by the City for any purpose permitted under the *Planning Act*. The Plan does not make explicit mention to the cash-in-lieu alternative rate (one hectare for each 500 dwelling units, or such lesser rate acceptable to Council); this item will be addressed through the updated Parkland Dedication By-law.
- In addition to traditional mechanisms for expanding the parks system, the Plan indicates that the City may choose use a land bank or land exchanges to address parkland needs.
- The Plan supports the use of Community Benefits Charges for, among other items, the conservation of existing parks and open space or the creation of new parks and open space. A Community Benefits Charges By-law is required in order to enact and further define this provision.

2.3 Brampton Parkland Dedication By-Law (2013)

The Brampton Parkland Dedication By-law, 2013 (By-law no. 283-2013) was passed in October 2013. In 2017, it was amended by By-law 220-2017. It applies to all lands within the geographic boundary of the City. The By-law pre-dates Bills 109 and 197, which amended relevant sections of the *Planning Act*, and must be updated if the City wishes to continue to apply the alternative parkland rate.

The By-law includes the same formulas as the current Official Plan for the conveyance of land for park purposes (e.g., for residential lands: 5% of the net area or 1 ha per 300 units; for commercial, industrial and institutional lands: 2% of the net area). Additional details are provided for mixed use developments or redevelopments. As per the Official Plan, the conveyance of any valleyland or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds shall not be considered a conveyance of land for park purposes.

Currently, the By-law states that City-wide average land values for a variety of land use categories will be used in calculating cash-in-lieu of parkland pursuant to sections 51.1 or 53 of the *Planning Act*. These land values will be reviewed annually by the City by way of appraisal and adjusted at the City's discretion. For row-house or apartment developments for which an approval pursuant to sections 41, 51.1 or 53 of the *Planning Act* is not required (e.g., the alternative rate under section 42), cash-in-lieu shall be calculated using the market value of the lands as of the day before the issuance of the first building permit, but not exceeding 10% of the value of the Net Area of the Lands or \$3,500.00 per residential unit (indexed in accordance with the provisions of the By-law).

The By-law identifies various exemptions for parkland dedication, including:

- Land, buildings or structures owned by and used for the purposes of The Corporation of the City of Brampton or a Board of Education;
- The replacement of any building that is destroyed by accidental causes provided that no intensification or change of use is proposed;
- The enlargement of an existing dwelling unit provided that the enlargement does not result in additional dwelling units;
- The enlargement of an existing Commercial, Industrial, or Institutional building or structure if the total floor area is enlarged by 50% or less;
- A temporary building or structure;
- Cases where the total cash-in-lieu payable is less than \$100; and
- The replacement of an existing dwelling unit as principal residence by the current owner provided that the replacement does not result in additional dwelling units.

2.4 The Growth Plan

One of the most significant influences on modern urban development patterns affecting Brampton is the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan contributes to creating a more compact and urban built form, which protects existing natural resources and more efficiently utilizes space with a range of land uses. The key directives of the Growth Plan prescribe growth and density targets for each upper tier and single tier municipality. Upper-tier municipalities then prescribe growth and density targets for lower-tier municipalities. Municipalities are required to delineate built-up areas, or intensification areas, where growth is to be directed and forecasted targets are to be achieved.

The Growth Plan, implemented first through the Region of Peel Official Plan, requires that a minimum percentage of all residential development be accommodated through intensification opportunities. In effect, these policies dictate that urbanization and intensification trends will continue and occur at greater intensities throughout the Greater Golden Horseshoe (GGH). Brampton's urban structure of Centres and Corridors are the City's areas for intensification opportunity, with significant high-density, mixed use aspirations, in support of a growing transit system.

New greenfield development opportunities are still permitted and anticipated in Brampton. The Growth Plan also mandates a minimum density target for greenfield development that is substantially higher than has been achieved over time in Brampton's traditional neighbourhoods.

Overall, the Growth Plan policies indicate that a much denser development form, for both infill and greenfield developments, is required in order to achieve the required forecasted targets. This directly impacts how the City of Brampton's plans for development and its ability to acquire land or cash for parks. This new reality impacts the remaining supply of land within the municipality for park development and influences the potential size, location and design of new parks.

Brampton is also experiencing substantial land value increases, much higher density development and subsequent new residential needs. All signs are pointing to an evolving parkland reality within Brampton, one that will require the City and its residents to continue to expand the definition of parkland to include a mixture of large and small spaces that are interconnected and locally unique. This evolving definition will contribute to a total parkland system that is situated in place (whether urban or suburban) and that offers a full range of experiences

3.0 BRAMPTON'S PARKLAND SYSTEM - TODAY AND TOMORROW

3.1 Overview

Brampton's parks engage residents and visitors from all walks of life, fostering healthy lifestyles and environments while connecting the community and embracing its diversity. Parks are critical pieces of the City's social and environmental infrastructure by supporting gatherings, leisure activities, sporting events, and the City's environmental objectives.

This section provides context and guidance to the establishment of parkland dedication policies through the examination of parkland supplies and future needs in Brampton. Specifically, this approach:

- Identifies current and future parkland supplies both city-wide and in specific areas of Brampton, including key growth areas such as the Urban Growth Centre, Queen Street Corridor, several Major Transit Station Areas (MTSAs) and greenfield areas;
- Illustrates areas of low and high parkland supply, including the identification of areas that will experience increasing pressure and demand for parkland; and,
- Illustrates how parkland supplies may change over time based on projected parkland supplies and population forecasts.

3.2 The Concept of a Parkland System

The City of Brampton has developed a parkland system, where the system includes a full range of park types, with a full range of specified recreational functions, but with recognition that not every park space is required to achieve every recreational function. The whole system is functionally greater than the sum of its individual components. Each of the identified components of the parkland plays a crucial role in creating and maintaining the City's high quality of life by providing:

- Woodlots that contribute to the City's sustainability objectives;
- River valleys and other key landforms that are unique and sustain important natural heritage functions;
- Environmental education facilities that promote a broader understanding of key natural heritage features and their ecological functions;
- An interconnected active transportation/trails network that facilitates education, recreation and an active, healthy lifestyle; and,
- The City's parkland system, including:
 - Larger scale parks that provide opportunities for active recreation and sports activities; and,

- Smaller scale parks that add interest and opportunities for relaxation, contemplation and other more passive recreational pursuits.

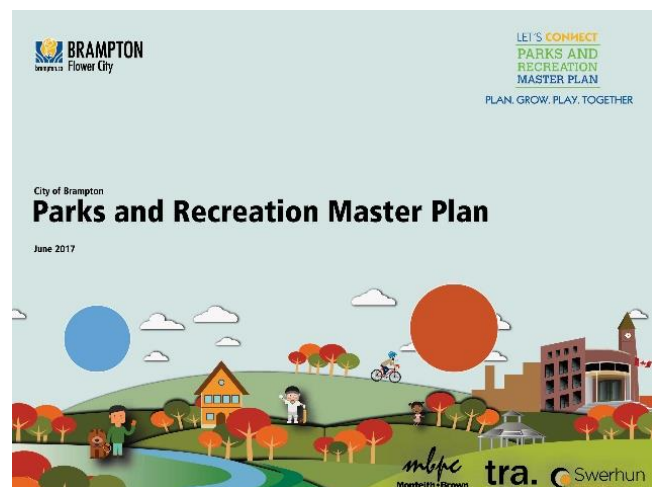
It is the comprehensive parklands system, in its entirety, that creates an image of Brampton as a beautiful city that accommodates a full range of contextual and recreational experiences for residents of all ages and abilities to enjoy throughout their lifetime.

3.3 Parks and Recreation Master Plan (2017)

In 2017, the City prepared a Parks and Recreation Master Plan (PRMP) to guide the delivery of parks and recreation services to the year 2041. The PRMP established a vision – “Plan. Grow. Play. Together.” – and five guiding principles that emphasize the importance of parks and recreation services in supporting individual and community health, accessibility, inclusivity, community development, and environmental and financial sustainability.

Building upon the City of Brampton’s Official Plan, the PRMP introduced new classifications of parkland to better reflect evolving needs, including those in areas of residential intensification. These and other policy considerations have been examined through this Parkland Dedication Strategy.

Notably, the PRMP established a city-wide provision target of **1.6 hectares of “useable, tableland” parkland per 1,000 residents**; this generally includes lands classified as City, Community and Neighbourhood Parks. This target has been supported within this Parkland Dedication Strategy and is used as the basis for the identification of future parkland supplies, recognizing that there are many ways in which the City secures parkland.



The demand for parkland is influenced by several factors, such as distribution and proximity to residential areas, historical provision levels, non-municipal lands, urban density, population composition, amenity needs, community objectives, and public input. The public parks system is highly valued by Brampton residents and efforts should be made to ensure that provision levels respond to accepted service levels.

3.4 Current Parkland Supply

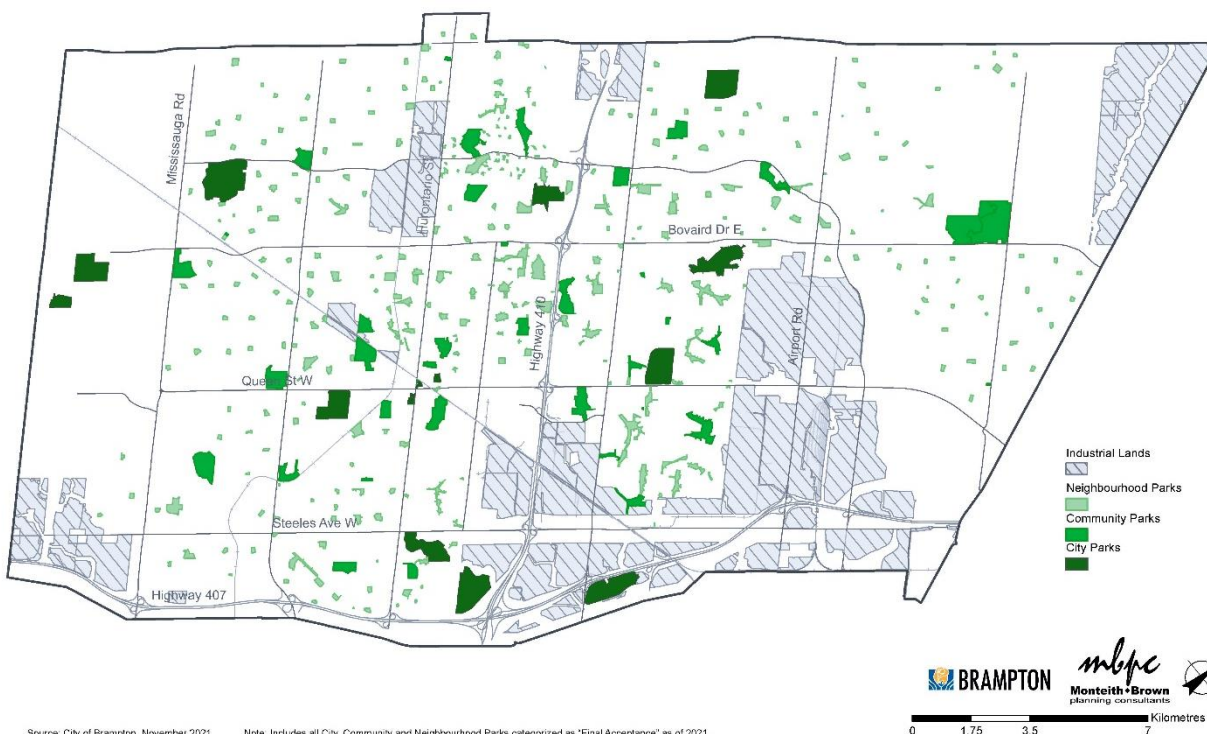
In 2021, the City of Brampton counted 1,173.5 hectares of active parkland within 407 parks, resulting in a ratio of 1.68 hectares per 1000 residents. The current parkland supply in Brampton is identified in **Table 1**, and shown on Map 1.

Table 1: City of Brampton “Active” Parkland, 2021

Parkland Supply	2021
Number of Parks (classified as Neighbourhood, Community or City)	407 parks
Active Parkland Supply	1,173.5 ha
- Neighbourhood	400.3 ha
- Community	402.8 ha
- City	370.4 ha
2021 Population	698,200
Active Parkland Service Level	1.68 ha / 1,000
PRMP Provision Standard	1.6 hectares of “active parkland” per 1,000 residents
Other Open Space Properties, such as Environmental Parks, Stormwater Management Ponds, and Conservation Authority lands (excluded from analysis)	2,557.3 hectares

Population source: Region of Peel (January 2021).
Parkland source: City of Brampton (November 2021).

Map 1: Existing Parkland by Type, 2021



While the City's current (2021) supply of active parkland is slightly above the provision target established in the PRMP, the growth of parkland supply in relation to population is declining. Between 2016 and 2021, Brampton's population grew by nearly 14% but the amount of active parkland increased by 7% (half of the population growth rate). The City's per capita parkland ratios are declining as higher density residential development forms emerge and land becomes costlier and scarcer. If the rate of parkland acquisition continues to lag behind the pace of population growth, this declining trend of parkland service level will continue and intensify.

Further, the PRMP target applies specifically to "active" classifications of parkland (Neighbourhood, Community and City Parks). Recent work completed by the City indicates that 25% of these lands consist of natural heritage features, storm water management and other non-programmable space that cannot be used to satisfy active recreational requirements. This underscores the importance of securing suitable, developable land in the future.

The PRMP provision target is intended to be applied city-wide; however, equity in distribution is one of the PRMP's guiding principles, and thus it is a goal of the City to ensure that all residents have equitable access to parkland and park services. To support a more detailed analysis, Brampton's parkland inventory was assessed at a local level using the City's 45 Secondary Plan Areas. Areas with no or low populations (fewer than 750 residents) have been excluded from the analysis.

More than two out of three Brampton Secondary Plan areas fall below the city-wide average of 1.68 hectares of active parkland (Neighbourhood, Community and City Parks) per 1,000 persons. Parkland distribution relative to population is disproportionate with just five of the City's Secondary Plan areas (of which there are 43) accounting for 53% of active parkland supplies.

The areas with the largest populations and lowest per capita parkland ratios - listed below – **should be a priority for parkland acquisition and development:**

- Springdale (SP #2) with a population of 97,110 and a service level of 0.86 ha/1000;
- Bram East (SP #41) with a population of 62,200 and a service level of 0.27 ha/1000;
- Fletcher's Meadow (SP #44) with a population of 60,190 and a service level of 0.56 ha/1000;
- Bram West (SP #40d) with a population of 20,880 and a service level of 0.68 ha/1000; and,
- Vales of Castlemore (SP #42) with a population of 17,540 and a service level of 0.51 ha/1000,

The following **Map 2** and **Table 2** show 2021 per capita parkland supplies by secondary plan areas across the entire city.

Map 2: Parkland Per Capita, 2021 (by Secondary Plan Area)

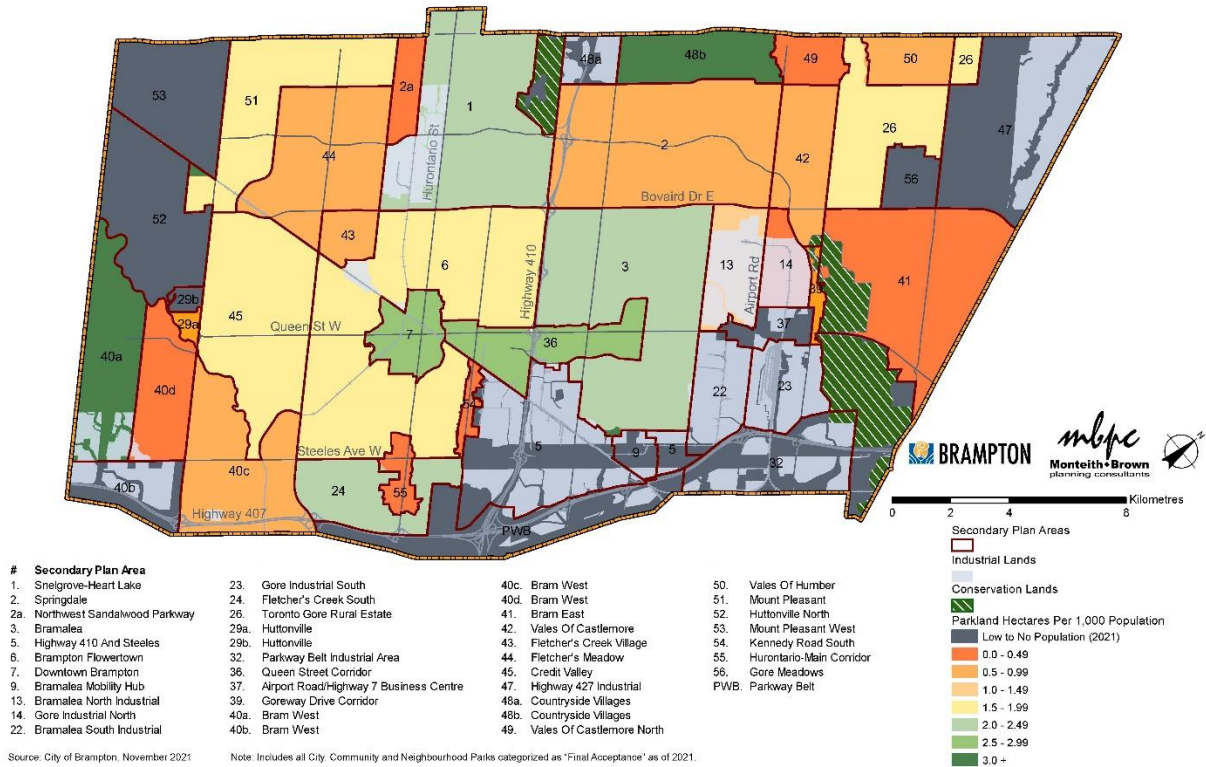


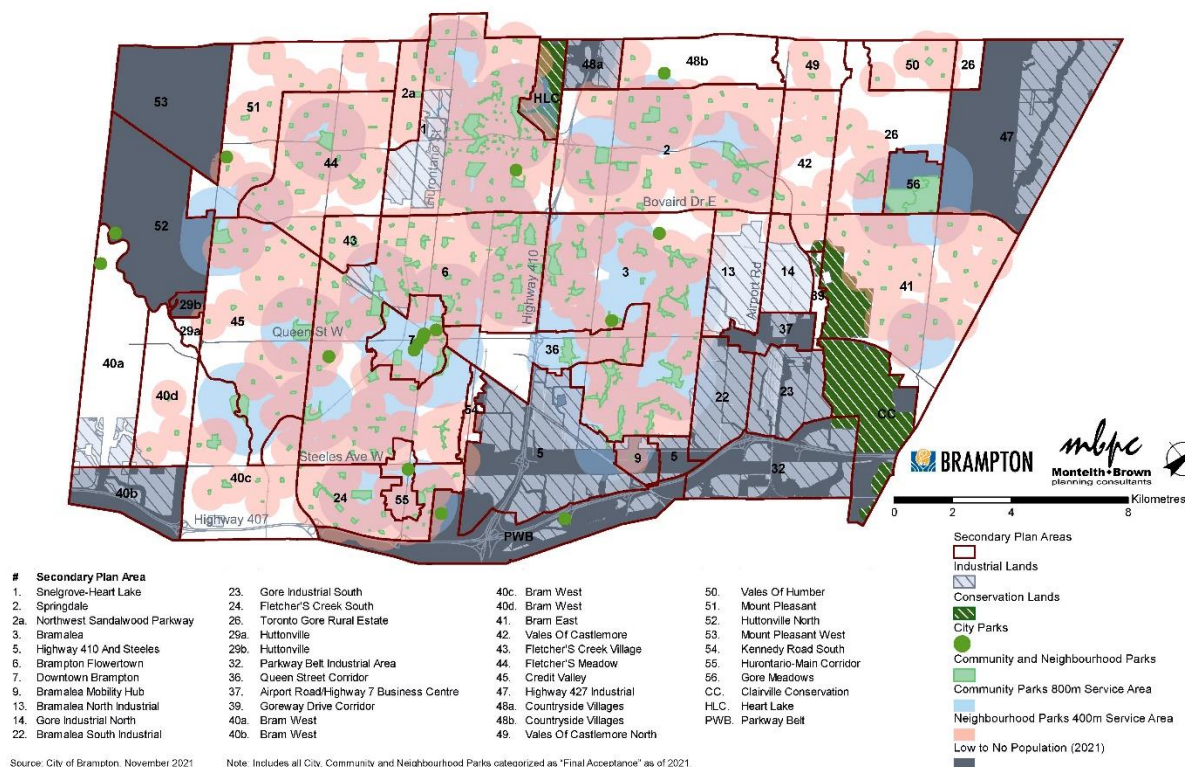
Table 2: Parkland Per Capita, 2021 (by Secondary Plan Area)

Secondary Plan Number and Name	Number of Active Parks (2021)	Active Parks Hectares (2021)	Population (2021)	Hectares/1000 (2021)
40 (a) Bram West	1	10.82	1,880	5.76
48 (b) Countryside Villages	3	40.45	7,370	5.49
7 Downtown Brampton	16	34.09	12,190	2.80
36 Queen Street Corridor	8	60.48	22,160	2.73
1 Snelgrove-Heart Lake	66	103.93	42,570	2.44
3 Bramalea	37	158.83	72,160	2.20
24 Fletcher's Creek South	19	64.26	30,100	2.13
26 Toronto Gore Rural Estate	3	4.86	2,480	1.96
51 Mount Pleasant	13	40.35	24,430	1.65
6 Brampton Flowertown	79	188.27	114,260	1.65
45 Credit Valley	23	69.25	43,300	1.60
13 Bramalea North Industrial	1	4.02	3,050	1.32
2 Springdale	37	83.32	97,110	0.86
40 (c) Bram West	8	14.27	20,880	0.68
43 Fletcher's Creek Village	4	6.57	10,710	0.61
50 Vales of Humber	6	4.43	7,550	0.59
44 Fletcher's Meadow	26	33.66	60,190	0.56
42 Vales of Castlemore	10	8.91	17,540	0.51
2(a) Northwest Sandalwood Parkway	4	5.17	11,780	0.44
55 Hurontario-Main Corridor	1	1.79	5,250	0.34
49 Vales of Castlemore North	2	2.02	6,850	0.29
14 Gore Industrial North	1	0.86	3,170	0.27
41 Bram East	26	16.61	62,200	0.27
40 (d) Bram West	3	2.10	10,230	0.21
54 Kennedy Road South	4	0.73	4,260	0.17
39 Goreway Drive Corridor	0	0.00	1,740	0.00
29 (a) Huttonville	0	0.00	1,240	0.00
5 Highway 410 and Steeles	1	44.34	660	n/a*
9 Bramalea Mobility Hub	1	0.17	0	n/a*
22 Bramalea South Industrial	0	0.00	0	n/a*
23 Gore Industrial South	0	0.00	10	n/a*
29 (b) Huttonville	0	0.00	240	n/a*
32 Parkway Belt Industrial Area	0	0.00	10	n/a*
37 Airport Road/Highway 7 Bus. Centre	0	0.00	20	n/a*
40 (b) Bram West	0	0.00	0	n/a*
47 Highway 427 Industrial	0	0.00	360	n/a*
48 (a) Countryside Villages	0	0.00	30	n/a*
52 Huttonville North	1	35.85	130	n/a*
53 Mount Pleasant West	0	0.00	130	n/a*
56 Gore Meadows	2	93.00	40	n/a*
CC Clairville Conservation	0	0.00	90	n/a*
HLC Heart Lake	0	0.00	10	n/a*
PWB Parkway Belt	1	40.04	10	n/a*
Total	407	1,173.5	698,200	1.68

*areas with low to no population; parkland provision has not been assessed

A distributional analysis of parks in Brampton's built-up residential areas finds physical access to generally be effective as most residents live near a park. As shown on the following **Map 3**, however, notable gaps in park availability exist at the City's northern and western edges along with several smaller gaps throughout the City.

Map 3: Parkland Walkability Analysis, 2021



3.5 Looking Ahead to 2041

Between 2021 and 2041, Brampton's population is projected to grow by 33% – an increase of 232,530 persons. The greatest amount of growth is forecasted for the following communities, all of which are Greenfield areas located at the City's edges and will require additional parkland to meet community needs:

- Huttonville North (SP #52): 37,810 new residents;
- Mount Pleasant West (SP #53): 30,740 new residents; and,
- Highway 427 Industrial (SP #47): 30,760 new residents;

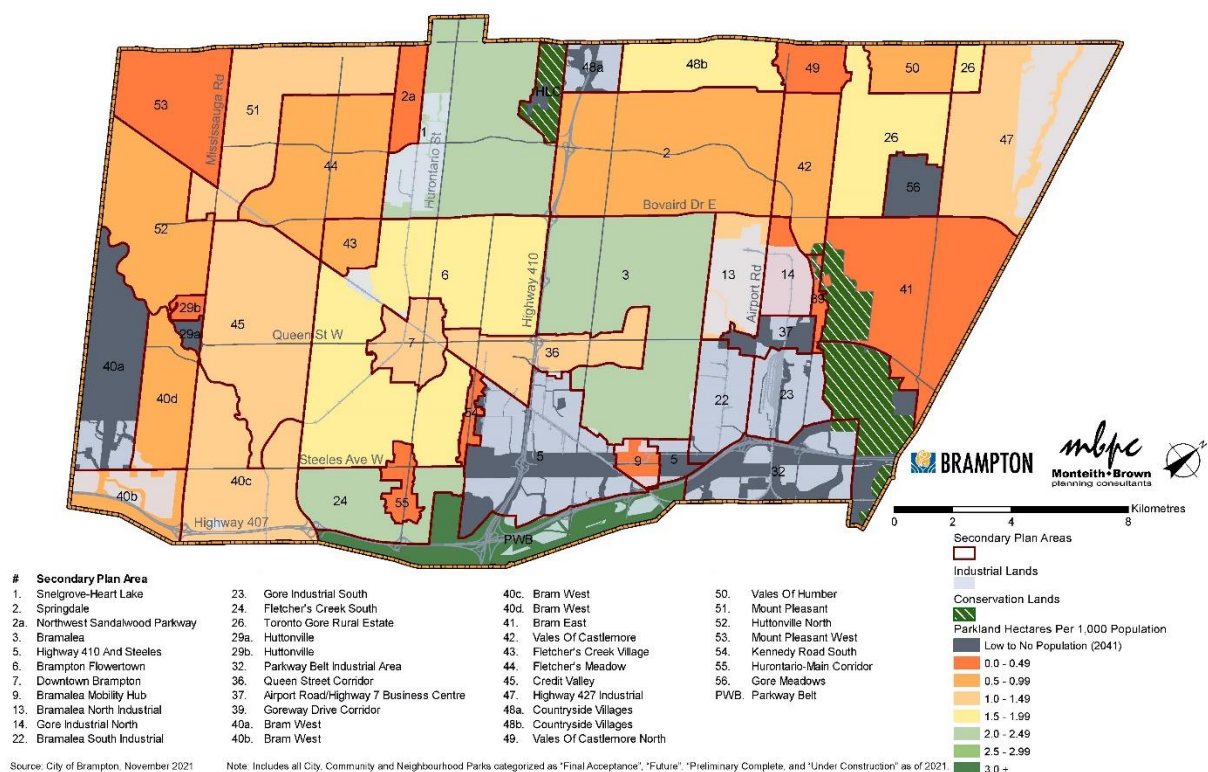
Growth areas within the central secondary plan areas – including Downtown Brampton (SP #7), Queen Street Corridor (SP #36), and Hurontario-Main Corridor (SP #55) – are projected to account for 22% of the City's overall population growth by 2041. These areas will accommodate much of the City's new high density residential development. Collectively, they have an above average per capita supply of active

parkland at present (2.4 ha/1000); however, by 2041 this ratio will be reduced as low as 1.1 ha/1,000, which is below the city-wide target of 1.6ha/1,000. The challenges in securing larger park parcels to address deficiencies was highlighted in a recent report¹ that finds that the number of planned large parks in the Greater Golden Horseshoe is not anticipated to keep pace with population growth.

By 2041, the City's parkland requirement will grow to 1,489.2 hectares (930,730 persons multiplied by 1.6ha/1,000). With a current supply of 1,173.5 hectares, this means that an additional 315.7 hectares will be required by 2041 – an average of 15.8 hectares per year. **The current ratio of 1.68 ha of active parkland per 1,000 persons is forecasted to decline to 1.34 ha of active parkland per 1,000 persons by 2041 if no new parks are secured beyond those in the development pipeline.** This projection underlines the importance of securing additional parkland (through land conveyance, purchase and acquisition and alternative tools and mechanisms) to address this shortfall.

The following **Map 4 and Table 3** illustrate how the City's projected population growth will impact parkland supplies (note: parkland acquisitions beyond those currently in the pipeline are not known at this time).

Map 4: Parkland Per Capita, 2041 (by Secondary Plan Area)



¹ Green Infrastructure Ontario Coalition & Re-Public Urbanism. 2022. Improving Access to Large Parks in Ontario's Golden Horseshoe: Policy, Planning and Funding Strategies. Prepared with support from the Greenbelt Foundation, Ontario Parks Association and Toronto Region Conservation Authority.

Table 3: Parkland Per Capita, 2041 (by Secondary Plan Area)

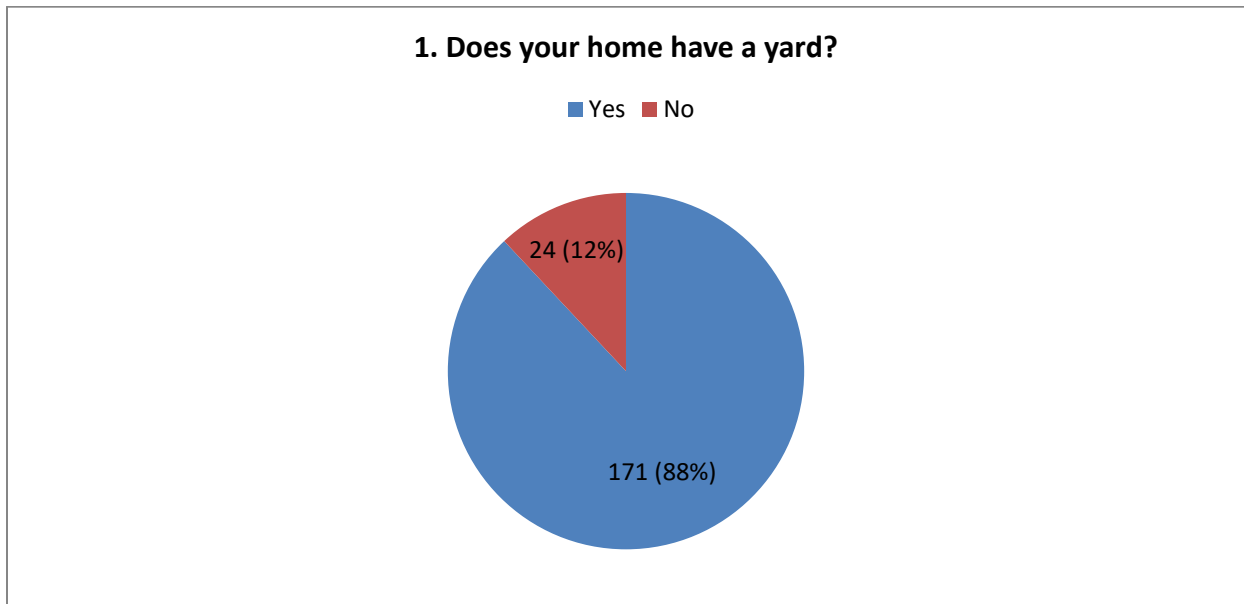
Secondary Plan Number and Name		Number of Active Parks (2021+pipeline)	Active Parks Hectares (2021+pipeline)	Population (2041)	Hectares/1000 (2041)
PWB	Parkway Belt	1	40.04	1,620	24.72
1	Snelgrove-Heart Lake	66	103.93	45,650	2.28
3	Bramalea	37	158.83	70,600	2.25
24	Fletcher's Creek South	19	64.26	31,590	2.03
26	Toronto Gore Rural Estate	3	4.86	2,600	1.87
48 (b)	Countryside Villages	13	48.34	28,200	1.71
6	Brampton Flowertown	79	188.27	116,040	1.62
13	Bramalea North Industrial	1	4.02	2,880	1.40
45	Credit Valley	23	69.25	51,120	1.35
7	Downtown Brampton	16	34.09	25,270	1.35
36	Queen Street Corridor	8	60.48	46,400	1.30
47	Highway 427 Industrial	17	34.20	31,120	1.10
51	Mount Pleasant	24	51.37	47,490	1.08
40 (a)	Bram West	1	10.82	10,550	1.03
40 (d)	Bram West	8	17.33	18,100	0.96
52	Huttonville North	1	35.85	37,940	0.95
2	Springdale	37	83.32	97,140	0.86
40 (c)	Bram West	8	14.27	21,800	0.65
50	Vales of Humber	8	5.53	9,170	0.60
43	Fletcher's Creek Village	4	6.57	11,340	0.58
44	Fletcher's Meadow	26	33.66	59,320	0.57
42	Vales of Castlemore	11	9.23	16,770	0.55
2(a)	Northwest Sandalwood Parkway	4	5.17	11,130	0.46
29 (b)	Huttonville	1	0.64	1,930	0.33
41	Bram East	29	18.70	62,210	0.30
49	Vales of Castlemore North	2	2.02	6,930	0.29
14	Gore Industrial North	1	0.86	3,600	0.24
54	Kennedy Road South	4	0.73	4,020	0.18
55	Hurontario-Main Corridor	2	2.32	20,050	0.12
9	Bramalea Mobility Hub	1	0.17	2,540	0.07
53	Mount Pleasant West	0	0.00	30,870	0.00
39	Goreway Drive Corridor	0	0.00	3,230	0.00
5	Highway 410 and Steeles	1	44.34	750	n/a*
56	Gore Meadows	2	93.00	530	n/a*
29 (a)	Huttonville	0	0.00	240	n/a*
CC	Clairville Conservation	0	0.00	80	n/a*
48 (a)	Countryside Villages	0	0.00	30	n/a*
37	Airport Road/Hwy7 Bus. Centre	0	0.00	20	n/a*
32	Parkway Belt Industrial Area	0	0.00	20	n/a*
40 (b)	Bram West	0	0.00	10	n/a*
23	Gore Industrial South	0	0.00	10	n/a*
HLC	Heart Lake	0	0.00	10	n/a*
22	Bramalea South Industrial	0	0.00	0	n/a*
Total		458	1246.5	930,730	1.34

Note: Table includes 73ha of parkland that is in the development pipeline (but not yet open to the public)

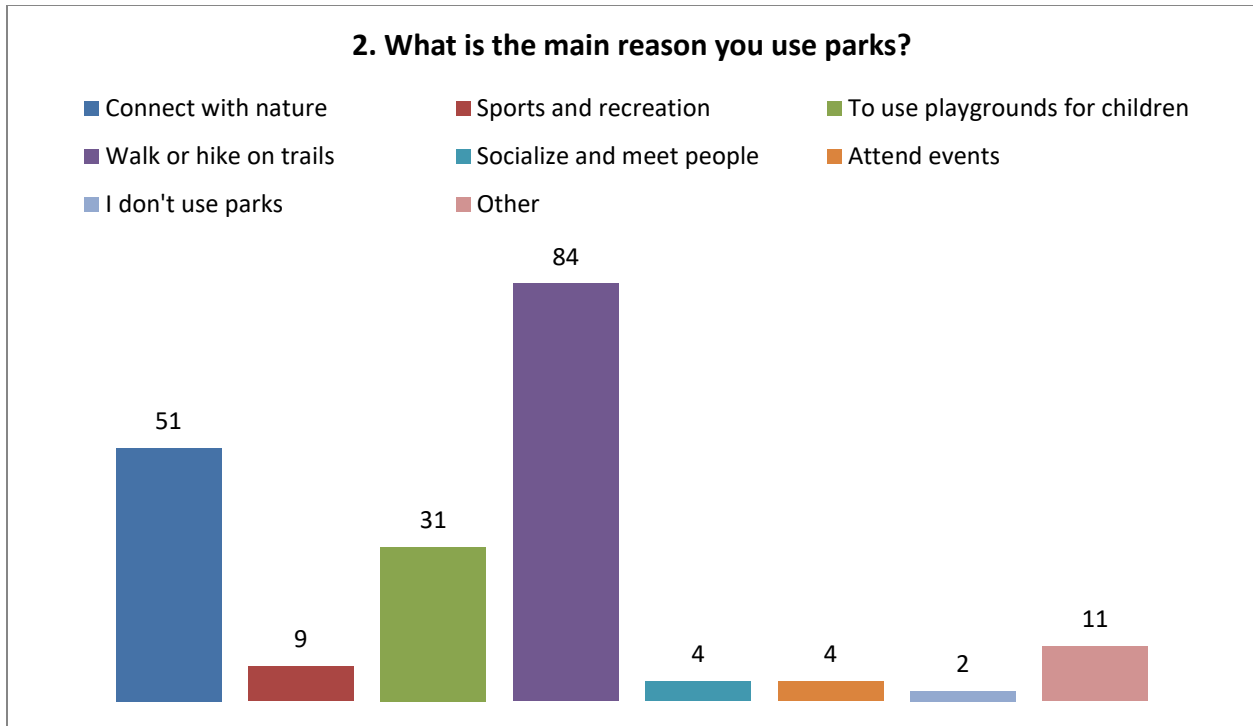
* areas with low to no population; parkland provision has not been assessed

4.0 BRAMPTON PARKS SURVEY

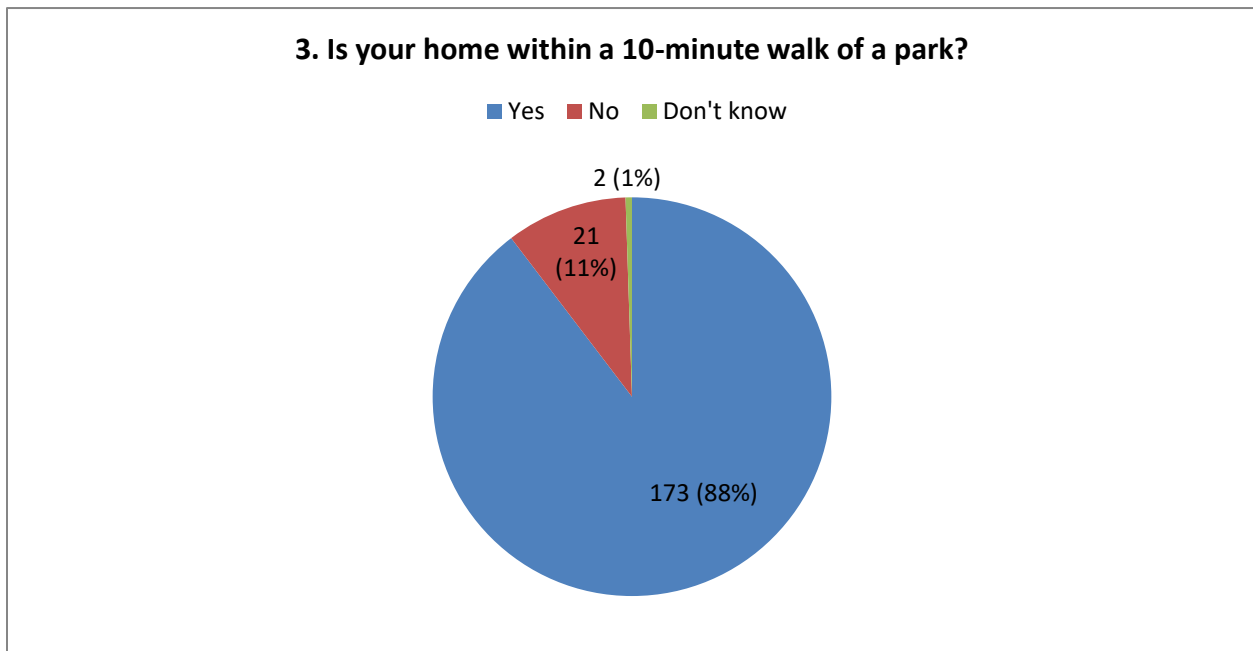
The following charts represent the results of *Brampton's Parks Survey*. The online survey was created as an opportunity for local residents to share their thoughts on Brampton's Parks System and to ensure the quality and quantity of parks meet the needs of the growing city. The survey covered topics such as proximity to parkland, main use of parks, facilities offered at local parks, park typology, and other related topics. The results below represent the 198 responses collected from March 7, 2022 to April 8, 2022.



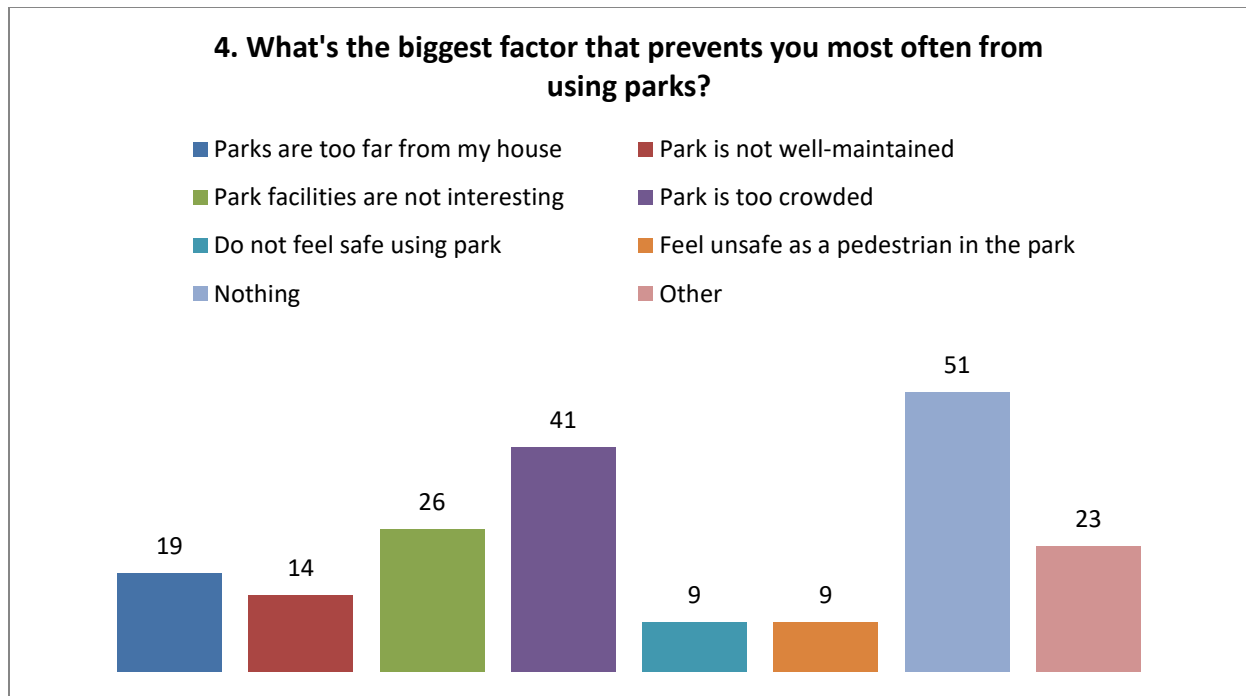
Majority (88%) of respondents have a yard. 12% of respondents do not have a yard.



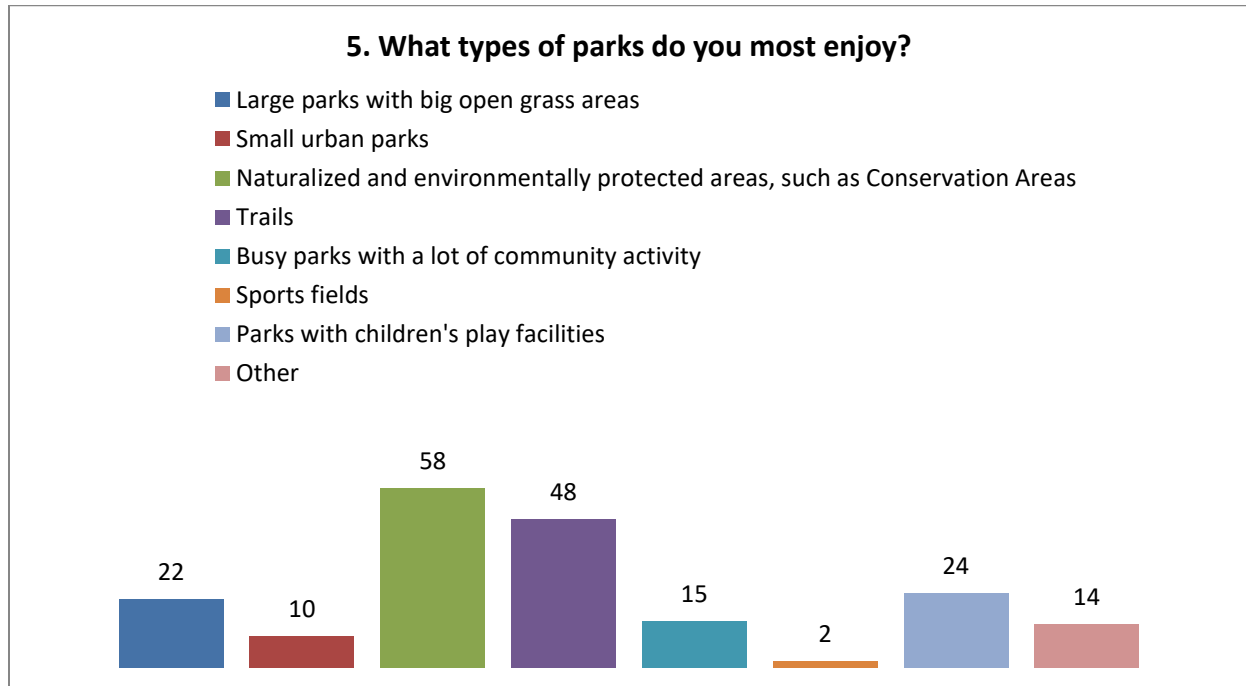
Most use parks to walk or hike on trails (43%). Other popular reasons for use include connecting with nature and playgrounds for children.



Most respondents (90%) live within a 10-minute walk of a park.



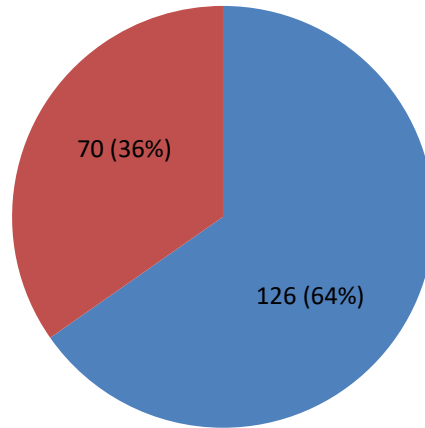
Most are not discouraged from using parks. Of those citing a reason, the largest response was that the park is too crowded, followed by uninteresting park facilities.



Most people enjoy naturalized and environmentally protected parks, such as Conservation Areas. People also highly enjoy trails and open green spaces.

6. There are enough parks near where I live

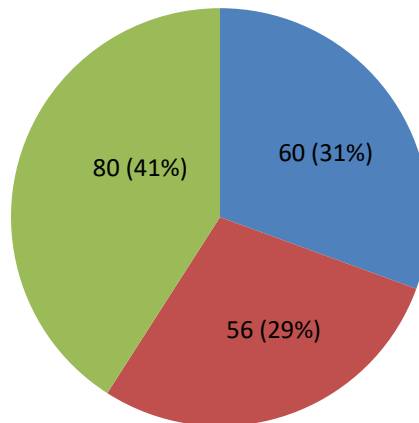
■ Yes ■ No



Most people (65%) believe there are enough parks where they live. A significant number of people (35%) believe there are not enough parks where they live.

7. The park closest to my home is not usually crowded

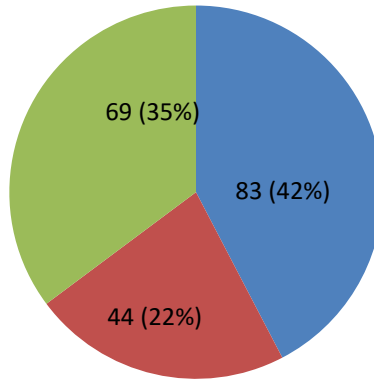
■ Yes ■ No ■ Sometimes



40% of people found that the park closest to their home is sometimes crowded.

8. The features and facilities in the park closest to where I live meet my family's need

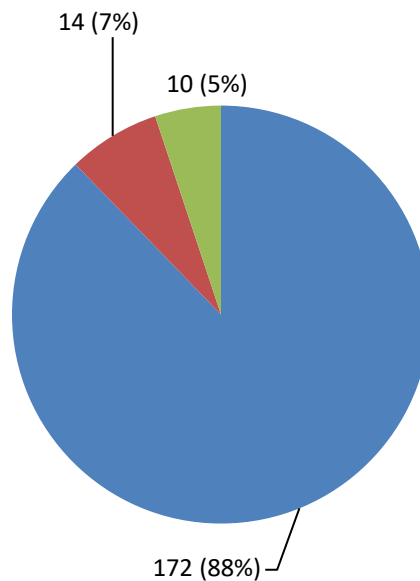
■ Yes ■ No ■ Sometimes



Majority of people (42%) found that the features and facilities in the park closest to where they live, meet their family's needs.

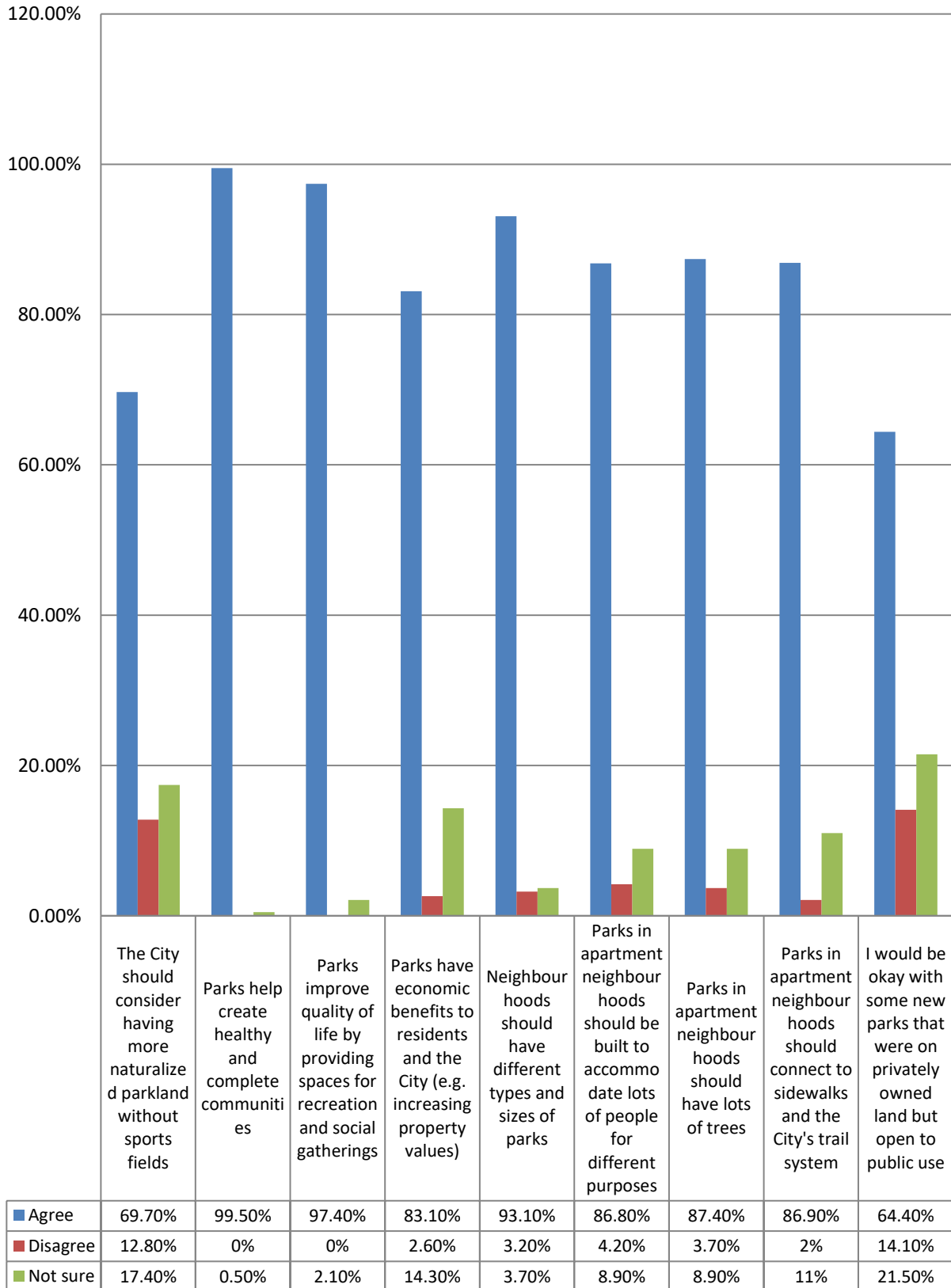
9. I can get to my local park easily

■ Yes ■ No ■ Sometimes

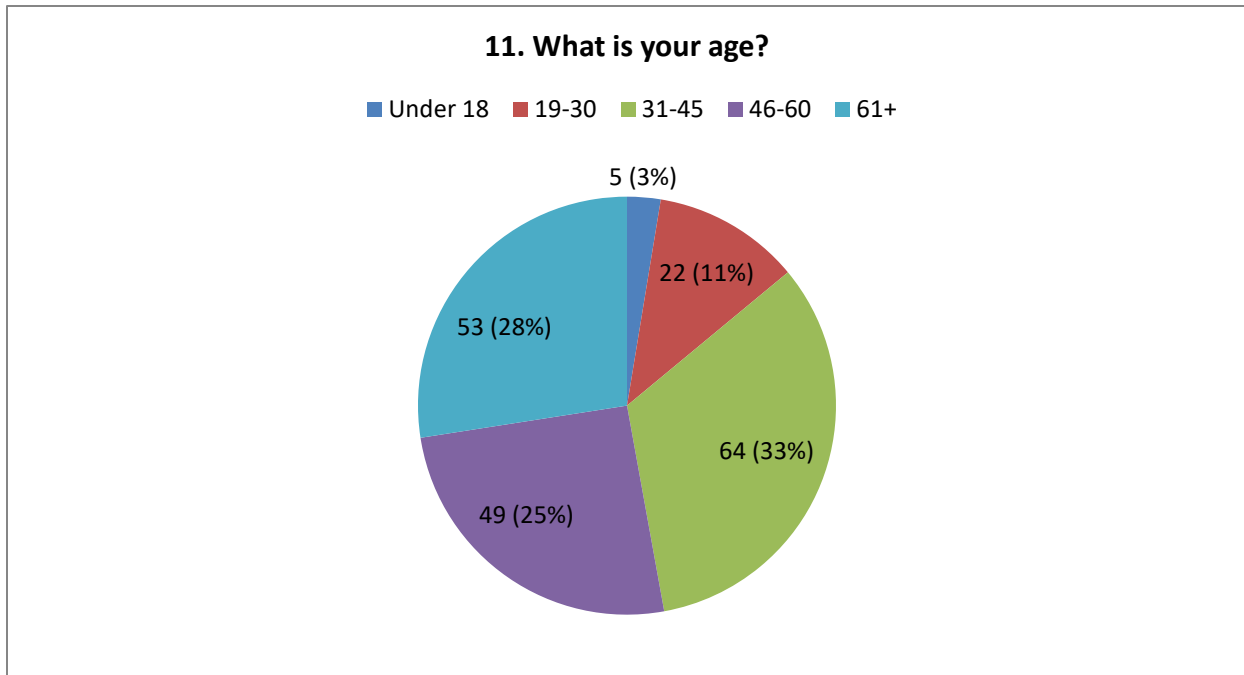


Majority of people (88%) found that they can get to their local park easily

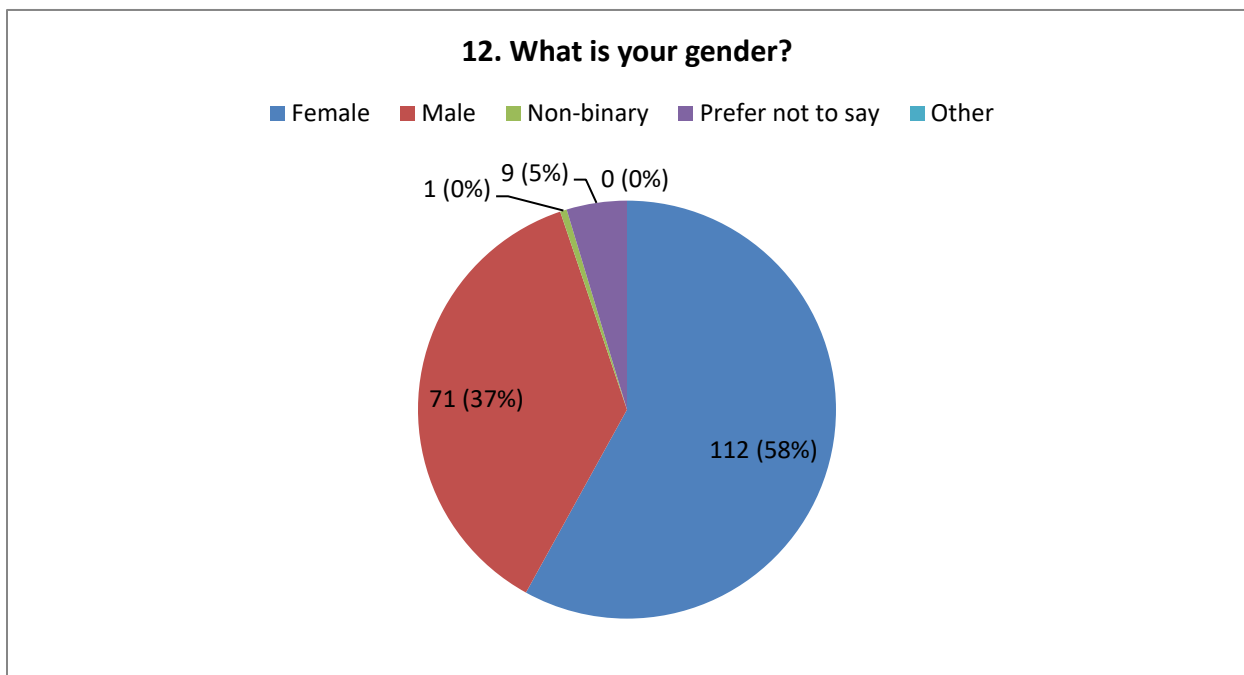
10. Please rate whether you agree with the following statements:



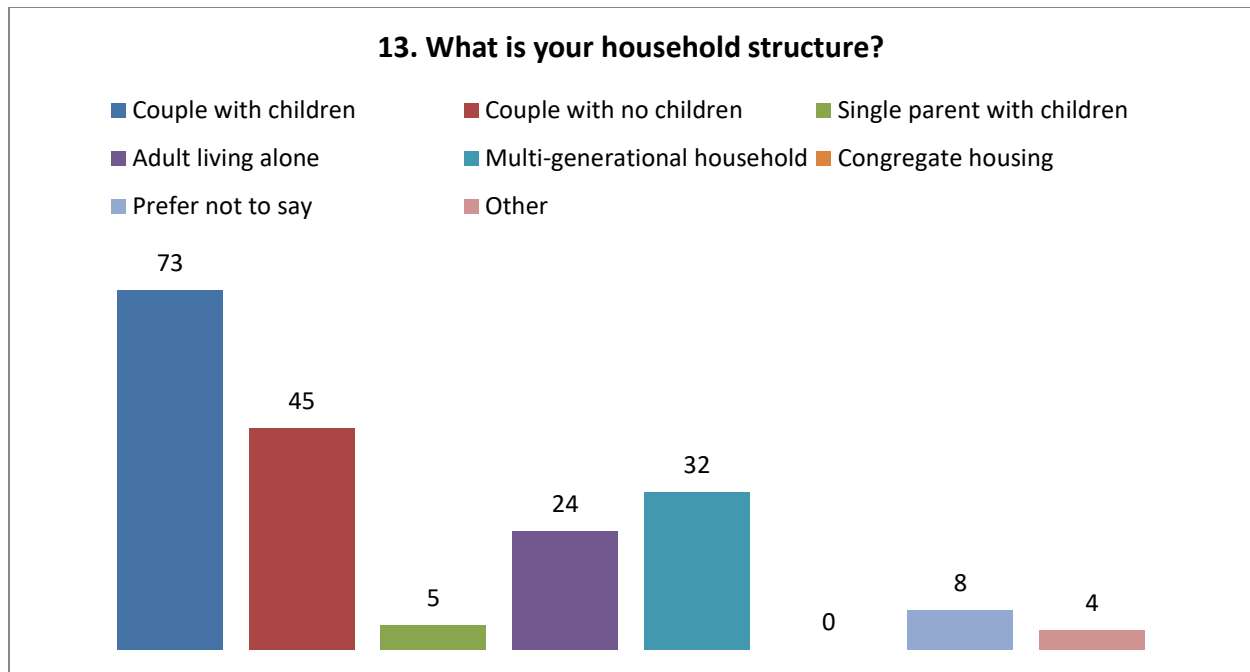
The following results convey the necessity for accessible, well-connected parkland of various types, to facilitate complete communities, improved quality of life, and economic benefits to residents.



Majority of respondents (33%) identified as being within the 31-45 year age range.



Majority of respondents (56%) identified as female, followed by those who identified as male (36%).



Majority of respondents identified as living in a household consisting of a couple with children. The second most common response was a household consisting of a couple with no children.

5.0 THE VALUE OF PARKS

5.1 Overview

Parks are a vital component of the City of Brampton. Parks contribute to healthy and complete communities, and offer an attractive quality of place for residents, businesses and visitors alike. Parks can improve the quality of life of residents by providing spaces for recreational activities and social gathering, as well as offering mental and physical health benefits. Proximity to parks is associated with higher levels of physical activity by nearby residents, which can reduce the incidence of certain chronic illnesses associated with a sedentary lifestyle. Beyond the physical health benefits, parks can also improve psychological health and development. In fact, the benefits of spending time in nature on physical and mental health is leading some doctors to prescribe spending time in nature and parks for children and teenagers who are experiencing obesity and mental health challenges. The value of parks has never been more apparent than during the recent pandemic which resulted in a tremendous increase in number of residents using the parks system on a year round basis.

Alongside the social and health-related benefits of parks, there are important environmental benefits for communities with green features, such as trees, integrated within the park system. Trees remove significant amounts of air pollution from our atmosphere each year, and sequester carbon, reducing greenhouse gas emissions. Further, parks and trees play an important role in combatting the urban heat island effect. A study in 2019 showed that on an extremely hot day in an urban setting, parks were substantially cooler than other parts of an urban environment that lacked trees and greenspace (National Recreation and Parks Association, 2019). As summer days get hotter and temperatures increase annually, parks and trees will play an increasingly important role in keeping residents cool.

In addition to the environmental and health related benefits of parks, parks also offer important economic benefits to residents and municipalities. These economic benefits include increased property values, increased tourism expenditures, decreased health care expenditures, reduced storm water management costs, and savings associated with reduced air pollution.

5.2 Quality of Place/Quality of Life

Parks of all types and scales are crucial to the functional attributes of a City. The following first explores how parks contribute to place making and quality of life, and then outlines the economic and environmental value of investing in the park system.

- **Healthy and Complete Communities** - Parks contribute to healthy and complete communities, and offer an attractive quality of place for residents, businesses and visitors alike. For residents in particular, the social and health benefits of parks have been well documented, and are associated

with the role parks play in community development, and in creating a sense of community, community belonging, reducing the incidence of crime, promoting physical activity, supporting psychological and social development and improving environmental indicators.

- **Community Development & A Sense of Community** - In his work on *Why America Needs More Town Parks and Open Space* (2003), Paul M. Sherer, found that parks play a role in community development by making cities more livable, offering recreational opportunities for diverse populations and providing places for people from all socio-economic strata to gather and create a sense of community. Sherer reports that “*research shows that residents of neighbourhoods with greenery in common spaces are more likely to enjoy stronger social ties than those who live surrounded by barren concrete.*”

Similar findings were reported in a 2008 report by The Trust for Public Land (TPL) Centre for Park Excellence on the value of Philadelphia’s park space system, which found parks allow communities to build “social capital” through human relationships that promote neighbourhood strength and safety. Further, the TPL found that the act of improving or renewing a park space together as a community can strengthen “social capital”

Taking a more historical view, Sherer found that in the late 19th century investment in parks reflected a belief in the community and the related health benefits of parks in providing opportunities for recreation and social interaction. Parks were understood as “necessities” in urban settings, not “amenities” (Sherer, 2003).

- **Greater Opportunity for Physical Activity & Reduced Incidence of Chronic Illnesses & Associated Costs** - Proximity to parks associated with higher levels of physical activity by nearby residents, which can reduce the incidence of certain chronic illnesses associated with a sedentary lifestyle. With regard to increased levels of physical activity, Sherer (2003) found that those who have access to parks exercise more, and that “*access to places for physical activity combined with informational outreach produced a 48.4% increase in frequency of physical activity.*” Similar findings have been reported by the Urban Land Institute (2013) and Harnik & Simms (2004).

The correlation between physical activity and chronic illness has received a substantial amount of attention in recent years. Referencing a study from the Journal of Applied Psychology, the Urban Land Institute (2013) reported that “*communities designed for exercise can prevent 90.0% of type 2 diabetes, as well as 50 percent of heart disease, stroke, and site-specific cancers*”.

Community design features that contribute to active living were identified and included “public places such as greenways, multiuse trails, playgrounds, pools, athletic fields, and other recreation facilities that encourage physical exercise” (ULI, 2013). In terms of reduced health care costs, a 2008 study by the TPL found Philadelphia’s park space system generates \$70 million worth of savings in medical expenses annually. “*A recent study of major U.K cities showed that when*

communities are surrounded by more green space, life expectancy increases significantly” (Alan Logan, interview with Michelle Adelman, CBC News, February 22, 2014).

- **Psychological Health & Development** - Beyond the physical health benefits, parks can also improve psychological health and development. In particular, contact with the natural environment has been shown to improve both physical and psychological health (Sherer, 2003). Play is also central to learning and development in small children, connected to muscle strength, coordination, cognition, and reasoning. As put by Sherer (2003), “exercise has been shown to increase the brain’s capacity for learning”, so creating recreational opportunities for children contributes to both their physical and psychological development.

“People moving to towns with more parks and gardens not only report greater well-being than those without access to amenities, but their improved mental health lasts for at least three years after their move”, according to results of a study published in the journal of Environmental Science and Technology by Ian Adcock of the University of Exeter Medical School.

- **Crime Reduction** - The perceived and real sense of safety contributes to a community’s attractiveness and positive functioning, which can be impacted by the incidence of crime. In this regard Sherer (2003) reports that *“access to public parks and recreational facilities has been strongly linked to reductions in crime and in particular to juvenile delinquency”* by giving youth a safe environment in which to recreate, interact, and spend time. As such, *“research supports the widely held belief that community involvement in neighbourhood parks is correlated with lower levels of crime”* (Sherer, 2003). Notably, poorly maintained public spaces are associated with the exact opposite effect – that being an increase in the perceived or real incidence of crime.
- **Environmental Indicators** - Alongside the social and health-related benefits of parks, there are important environmental benefits for communities with integrated green features, such as trees, integrated within the park system. For example, *“trees reduce air pollution and water pollution, they help keep cities cooler, and they are a more effective and less expensive way to manage storm water runoff than building systems of concrete sewers and drainage ditches”* (Sherer, 2003).

In particular, trees and shrubs improve urban air quality by removing air pollutants including nitrogen dioxide, sulfur dioxide, carbon monoxide, ozone, and particulate matter (The Trust for Public Land Center for Park Excellence & Philadelphia Parks Alliance, 2008). Trees also remove polluted particulate matter in groundwater naturally before this water reaches storm sewers (Sherer, 2003).

5.3 Economic Value of Parks

Public sector investment in parks can be leveraged into a private sector investment response. Park system investment is a key stimulus for change, establishing the appropriate environment for redevelopment and revitalization.

Assigning economic value to parks has historically been anecdotal. More recently, the “multiple perspectives” approach, alongside other research and case studies confirm the important economic benefits of investing in parks, and begin the move to more quantitative economic evidence.

There has been considerable work done in the United States on measuring the economic value of parks. Much of this work has been spearheaded by the California-based Trust for Public Land (TPL). In the 2009, publication by Harnick and Welle, *Measuring the Economic Value of a City Park System*, an approach was developed that has since been used to assess the value of park space in several US cities, including Sacramento, Philadelphia, Boston, San Diego and Washington. The approach taken by TPL is to develop a methodology to quantify economic value according to seven distinct perspectives and discussed as follows:

- **Increased property values** – which looks at the extent to which proximity to a park space adds value to the market and assessed value of residential property;
- **Increased tourist expenditure** – which assesses the number of visitors to a community who spend more time and money in the community than they otherwise would have, because they are participating in activities in parks, or simply enjoying being outdoors;
- **Direct use value** – which measures the value that users place upon the availability of park spaces (i.e. how much they would be prepared to pay for the opportunity to enjoy parks if they were not freely available);
- **Health value** – which measures the value of the savings in medical costs to individuals and society-at-large, by virtue of the fact that people who use parks (and the broader public realm) are healthier and less likely to incur medical expenses;
- **Community cohesion value** – which measures the value to the community overall of participating in parks-related initiatives (i.e. individuals donating their time and/or money and working together on park-related projects), a concept very similar to what Jane Jacobs had identified as “social capital” in her 1961 work, *The Life and Death of Great American Cities*;
- **Reduced storm water management costs** – which examines the value of park spaces in helping reduce runoff during periods of heavy rainfall, and enabling precipitation to filter and recharge

groundwater – the savings to the municipality in terms of fewer gallons of storm water that require treatment can be directly measured; and,

- **Value of reduced air pollution** – which examines the effect of trees and vegetation acting as the “lungs” of the Town and removing various toxins from the air, including nitrogen dioxide, sulphur dioxide, carbon monoxide, ozone, and certain particulates. The objective is to assess the extent to which park spaces in a given community have this effect – based upon the ambient air quality of the Town – and then measures the value (cost) of removing these materials from the air through technological means, such as scrubbers.

While this approach does provide a tangible way to quantify economic value, it should be realized that the benefits accrue to different parties in different ways. Some benefits are realized directly by individuals and municipalities (e.g. increased property values that benefit individual households through enhanced market values of their properties, and to municipalities through higher taxes realized through increased assessment of the same properties) while others accrue to society generally (such as “community cohesion value”). **Table 4** identifies for each type of benefit, an indication of who exactly the beneficiaries are, and examples of the approach being used.

Table 4:

Aspect of Economic Value Measured	Beneficiaries	Some Metrics and Examples
Increase Property Values	<ul style="list-style-type: none"> • Individual property owners • Municipalities (increased taxes) 	Evidence based upon a large sample of parks shows that location of a residence within 500 ft. of a park will increase market and assessed value by, on average, 5.0% - and for ‘really excellent’ parks this added value can be as high as 15.0%
Increased Tourist Expenditure	<ul style="list-style-type: none"> • Businesses in the community • Municipalities (thorough business taxes) 	Parks in San Diego were found to increase expenditures on the part of out-of-town tourists by \$114 million, which resulted in \$8.7 million in tax revenue going straight to the Town (2007 study)
Direct Use Value	<ul style="list-style-type: none"> • Society generally: Households who do not need to pay directly to use parks 	A 2006 study estimated the value of parks in Boston in this regard as being equivalent to \$354 million
Health Value	<ul style="list-style-type: none"> • Individuals and higher levels of government, through reduced health costs 	In Sacramento, in 2007, a study of the value of health benefits estimated that park participation saved the local health care system just under \$20 million

Community Cohesion Value	<ul style="list-style-type: none"> Society generally: Households who do not need to pay directly to use parks 	A 206 study of the value of social capital attributable to participation in parks related initiatives and projects estimated an economic value of \$8.6 million in contributions and volunteer time
Reduced Storm Water Management Costs	<ul style="list-style-type: none"> Municipalities 	Park runoff reduction savings in a 2007 study in Philadelphia estimated savings of \$5.9 million to the Town
Value of Reduced Air Pollution	<ul style="list-style-type: none"> Individuals and higher levels of government, through reduced environmental remediation costs and better health outcomes 	A 2005 study in Washington estimated the costs of removing pollutants from the air (had not the park system done this 'for free') as \$19.9 million

In addition to the economic benefits identified, numerous studies have shown that significant public investment in park space can generate other positive impacts, some of which are related to those already identified. For example, park space can:

- Promote reinvestment by the private sector in old and new building stock** – Experience across North America indicates that public sector investment in park space stimulates private sector investment in new buildings. Creating a beautiful park is an investment in the future. Public dollars spent secure existing tax revenues and have the potential to generate tremendous additional financial returns to all levels of government.
- Maintain existing retailers and attract new businesses** – Success breeds success, and an enhanced park space system through a shopping district ensures the retention of current tenants and attracts new retailers. Public investment sends a strong message to the private sector.
- Enhance a Municipality's reputation** – Tourism increases with an array of park spaces, activities, and events that are supported by the public sector. By identifying an area as having the potential to become a key tourist destination, its transformation enhances the City's ability to attract tourists.

5.4 The Impact of Parks on Commercial & Residential Property Value

Real estate markets, especially residential markets, place a high value on proximity to parks and other key public realm network components as an advantage, primarily through the amenities they provide. In fact, a number of real estate studies suggest that a premium exists for residences located close to park spaces. Commercial markets also respond positively to investments in parks and the broader public realm network, which can stimulate revitalization, private-sector investment, and attract new visitors and customers to an area.

The following are some relevant and interesting points taken from studies exploring the relationship between property values and proximity to parks and other open space components.

The principle inherent to these case studies is that investment in parks is required as a key stimulus to enhance the demand for development which, in turn, will establish the appropriate environment for revitalization, redevelopment and economic prosperity.

1. Times Square, New York

In the early 1980s, Times Square was filled with illegal or illicit businesses, and was shunned by residents and tourists alike. In 1984, there were only 3,000 people in the 13-acre Times Square area involved in legitimate businesses, generating a total of \$6 million US in property taxes.

In 1992, the 42nd Street Redevelopment Plan dramatically changed the face of Times Square. Financed with over \$300 million US in public money, the redevelopment has been enormously successful with more than \$2.5 billion US in new private sector development built since 1995.

In 1992, when the Times Square Business Improvement District started, lease rates averaged \$38.00 US/ft², and vacancy rates were 20.0%. By 2001, lease rates had increased to \$58.00 US/ft² and vacancy rates have dropped to just fewer than 5.0%. Today, the area is home to 280 restaurants and 670 retail stores. Tourism has increased dramatically with over 12 million theatre patrons spending \$590 million US annually on tickets alone.

2. Dundas Square, Toronto

In 1998, as part of its Yonge Street Regeneration Project, the City of Toronto approved the expropriation and demolition of the buildings on site and the construction of Yonge-Dundas Square. The Square is managed as a commercial venture by a broad based stakeholder group including local businesses and Toronto Metropolitan University.

The City's investment in the acquisition of the private landholdings and in the development of an urban park space has spawned extensive real estate investment along Dundas Street, has

attracted new, high value retail tenants and driven out much of the criminal element that had formerly populated the area.

3. Millennium Park, Chicago

Chicago's Millennium Park is an oft-cited example of the potential economic spin-offs associated with public investment in park space. Located on Chicago's waterfront, the Park has completely transformed what was formally a desolate stretch of rail yards, parking lots and remnant industrial uses. Since opening in 2004, Millennium Park has quickly become one of the City's primary landmarks and tourist draws, in large part because of its high quality design and impressive public art collection, including works by renowned artists Jaume Plensa and Anish Kapoor.

Not only does Millennium Park generate substantial revenues from tourists who come to Chicago to experience it, but within a year of its opening, residential real estate values in adjacent neighbourhoods saw a nearly \$400 US per square foot increase in value. Within that same year, approximately \$1.4 billion US in residential development was directly attributed to the Park's development (as reported in a 2006 New York Times article).

4. Post Office Square, Boston

For years, a two acre parcel of land in the midst of Boston's Financial District was occupied by an unsightly, 500,000 square foot concrete parking garage. But, in the early 1980s, at the urging of surrounding businesses, the City joined a unique public-private partnership to demolish the structure and create an underground garage covered by a gracefully designed park.

Most observers agree, Post Office Square has changed Boston forever. The Square has boosted the value of surrounding properties, while providing an elegant green focus to an otherwise crowded commercial area.

5. Waterfront Toronto, Toronto

Recognizing the importance of park spaces as a key component of the urban structure and as a way to demonstrate commitment to a development vision, Waterfront Toronto has been actively planning and developing parks and public spaces as part of its overall waterfront revitalization efforts. Dedicating approximately 25.0% of the waterfront area to parks and public spaces, the Waterfront Parks and Public Spaces Framework is planning an interconnected parks system with over 90 individual parks and public spaces.

To date, Waterfront Toronto has made considerable investments in park space development, with nearly 20 new or enhanced parks and public spaces opened since 2004. Three of its most recently completed park space projects, Sherbourne Common, Sugar Beach, and Underpass Park have

already reached near-iconic status, cited in various publications for their innovative designs and appearing in numerous City tourism promotional campaigns.

In addition to those specific examples, there are a range of general conclusions from the literature review that identify the economic benefits of a great public realm network, including an array of park spaces and streetscape elements:

- Sherer (2003) finds that *“quality of life is a determining factor in real estate values and economic vitality.”* He quotes a 1998 real estate industry report, which calls *livability “a litmus test for determining the strength of the real estate investment market...if people want to live in a place, companies, stores, hotels, and apartments will follow”* (Sherer, 2003).
- In a study of residential units within 245 metres of parks in Portland, Oregon, it was estimated that a 1.0% to 3.0% property value premium could be attributed to the park space (Bolitzer & Netusil, 2000);
- In Dallas, Texas, homes facing one of 14 parks were found to be worth 22.0% more than homes more than 1.3 kilometres from such amenities (Miller, 2001);
- A study from Boulder, Colorado found that the average values of homes next to the greenbelt were 32.0% higher than those 975 metres away (Sherer, 2003).
- It has been suggested that a positive impact of about 20.0% on property values abutting or fronting a park is a reasonable point of departure, and that the impact is likely to be substantial, within roughly 150 metres;
- A study on the impacts of the Bryant Park revitalization in New York found that *“within two years of reopening, leasing activity on neighboring Sixth Avenue had increased 60.0% over the previous year”* (Sherer, 2003). As such, Sherer concluded that *“commercial asking rents, residential sale prices, and assessed values for properties near a well- improved park generally exceeded rents in surrounding submarkets”* (Sherer, 2003).
- A study by New Yorkers for Parks found that capital improvements to park spaces can increase nearby commercial and residential real estate values as well as commercial asking rents, residential sales prices, and assessed property values, as opposed to those in other submarkets (New Yorkers for Parks, Ernst & Young, 2002). Overall, the study found that *“close proximity to a quality park is a positive site attribute that can enhance the curb appeal and value of adjacent real estate”* The study also found *“park spaces to be community assets, with real impacts on the decision to purchase, invest, or finance a property in their neighbourhood”* (New Yorkers for Parks, Ernst & Young, 2002).

- A study by the Virginia Cooperative Extension showed that *“access to green space increased worker productivity and that greening business districts increased community pride and drew more customers”* (Kilbourne, 2009).
- Recreational opportunities and urban life can contribute to the selection of cities in which to locate corporate headquarters, as was the case in Boeing’s decision to locate in Chicago (Sherer, 2003); and,
- A study by Credit Valley Conservation found *that “abutting a natural feature [which are often considered as natural parks] can increase property value from 1.0% to 5.0%, depending on the type of natural feature.”* The same study also found that natural features in south Mississauga increase property values by an average of \$8,010 per property, which is equal to over approximately 2.4% of the base property value. In north Mississauga, property values increase by approximately \$10,273 or 3.6% of the base value (Credit Valley Conservation, 2009).

6.0 INNOVATIVE TOOLS & POLICIES

6.1 Urban & Suburban Context

Planning and developing parks within urban contexts (Brampton's Intensification Areas/Strategic Growth Areas) presents a number of new challenges and potential opportunities in comparison to a more traditional suburban context. Parkland policies, including park provision, within subdivision and greenfield developments are well established and generally much more straightforward to design and apply. In comparison, urban parks have higher daily use requiring more ongoing maintenance. They are typically more highly designed with unique plantings and materials requiring a higher quality of construction and in many cases more short and long-term upkeep. Land is more expensive and scarcer requiring innovative approaches to acquire suitable and adequate lands in areas of need, and the programmatic elements vary vastly from large open suburban parks. It should be noted that while urban parks are more expensive to design, construct and maintain than their suburban counterparts, their use is generally substantially higher and potentially more diverse. Cost per person/user for an urban park would typically be on par with that for a suburban park, if not lower. The expectations of public space vary based on the location of these amenities within the City. Residents, who choose to live in Downtown Brampton, or a higher density development area, are typically doing so for the exchange in amenity access compared to lower density areas further from urban cores. For example, it would be challenging to expect a majority of downtown residents in Brampton to have direct pedestrian access to major sports fields and large backyards, in addition to the commercial, transit and lifestyle amenities of the urban core. Similarly it would be impractical to suggest that a resident in the middle of a low density suburban subdivision receive the same level of transit service at their doorstep or have direct and pedestrian access to commercial and cultural experiences on par with what are offered in Downtown Brampton and other urban centres.

The decision to live in Downtown Brampton (and the denser Intensification Areas/Strategic Growth Areas) is a decision to balance urban amenities with urban impacts. The balance of priorities and realities of more urban living includes: increased transit service and active transportation options, increased commercial, institutional and cultural activity, but decreased housing size and private amenity space due to intensification.

The Suburban Parkland System

In a typical suburban neighbourhood there is a substantial private space element (backyard/ front yard), along with a park space hierarchy that includes large scale parks that are mostly green and include sports fields. In many cases, the suburban parkland system incorporates school sites, community recreation centres, and natural heritage system connections. For the most part, the suburban park space system is owned, designed and maintained by the public sector or associated agencies. The provision of suburban

parkland is relatively straightforward, as they are planned as part of a central feature in the overall subdivision design and land is readily available.

Suburban parkland is characterized as public, big, green, and programmed.

Urban Parkland Context

Parkland within a denser urban area, like Brampton's Intensification Areas/Strategic Growth Areas, includes an array of park spaces that can have both green and hard surface design components, and includes crucial connectivity components, including sidewalks, lanes, and mid-block connections. The park spaces and broader public realm networks in a denser urban area are more complex than the suburban parkland system and include primarily public spaces, but can also include semi-public spaces, located atop of other infrastructure or facilities (public or private), private lands (strata parks) and other private components that all work together to form a highly interconnected network. The broader public realm network can be comprised of a number of elements, including urban parks, urban squares, pocket parks, sliver (narrow) open spaces, courtyards and/or connecting links.

Park spaces and the broader public realm network in an urban context are:

- Highly animated by the people who walk from place to place and their interaction with the uses within the adjacent buildings;
- More heavily used and more diverse in their component parts and, as such require a higher cost of design and development, as well as an enhanced maintenance protocol;
- Integrated as part of the pedestrian circulation network within the area; and,
- Flexible to accommodate different users and events, and will respond to the use patterns that may be dramatically different throughout the day, week and/or year.

Urban parkland is characterized as diverse, flexible, small, and connected.

The acquisition of an urban park is very different from a suburban park. The likelihood of traditional parkland conveyance is reduced due to land scarcity in more highly developed areas, thus land is more expensive requiring additional public resources to compete with the market and purchase land for parks. The sum of these realities results in a new urban context requiring new tools and approaches to achieve parkland goals and a dynamic urban public realm.

6.2 An Innovative Policy Approach

Planning for an urban parkland system requires nuanced policies that support the development of a high quality and diverse parkland system. Parkland conveyance policies should enable a variety of solutions for different contexts and locations, with built in flexibility and quality control mechanisms. Beyond parkland conveyance policies, flexibility and quality control considerations are also needed within supporting municipal policies and practices that dictate how parkland is integrated as an element of community design, and how parkland can be used.

Flexibility

There should be enough flexibility in the policy to take into account and respond to context-specific priorities, such as the presence of natural features, built form and density of area developments, opportunities to provide community-specific facilities or to improve the connectivity of the parks and trails network beyond the specific development site. Policies should also respond to changes to real estate values over time.

Quality Control

Quality control mechanisms should be built into parkland conveyance policies and practices. To ensure the maximum public amenity is achieved, parkland conveyance needs to be addressed early on in the development approval process, and the City needs to have significant influence on the shape and location of new urban parks. For example, it is essential that park spaces in major redevelopment areas are centrally located, and not relegated to less desirable, left over spaces. The use of cash-in-lieu funds is another opportunity to maximize the amenity provided by parkland, and it is important that the City combines its financial resources to create meaningful parks in targeted areas.

Community Design

Integrating adjacent land uses can contribute to the success of parks. Parkland use can be optimized by ensuring edges are animated with active urban uses (often commercial uses), by integrating public facilities (such as public buildings, schools, daycare, libraries, etc.) with parkland, and by promoting the joint use of outdoor spaces.

6.3 Strata Parks and Privately Owned Public Spaces (POPS)

Alternative park acquisition strategies have emerged in response to growing intensification pressures and high-density development activity and should be considered in any innovative policy approach to urban park system provision. Two such tools are strata parkland and Privately Owned Public Spaces (POPS). These two park models are typically urban parks located on the site of a development that serve both the tenants of the structure and the public at large.

Strata parkland is a public park developed above private infrastructure, typically parking garages or storm water infrastructure (public or private). The park space is deeded to the municipality by the property developer, and is thus publicly owned (and typically publicly operated), whereas the underlying infrastructure is maintained within private ownership. This is not a new innovation or phenomenon, however there is a rise in the frequency that this arrangement is being requested by developers and accepted by municipalities in the Greater Toronto Area, and reflects the need for land efficiencies in higher density urban contexts where land values are elevated and available land supplies are constrained.

POPS are privately owned spaces that are publicly accessible via legal agreements between the property owner and the municipality and are privately operated and maintained. Municipal programming and overall control of these spaces is more limited than traditional table land parks or strata parks.

These alternative parkland models have unique characteristics that can improve the park system and secure needed parkland on-site. However, they can also add complexity and financial risk compared to traditional parkland dedication and cash-in-lieu models. These park ownership models are tools that the City can add to their park system toolbox and employ when required to address a complex development or parkland dedication scenario. A number of high quality and high profile examples of these types of parks exist across North America, including Millennium Park in Chicago, the High Line in New York, Nathan Phillips Square and Yonge-Dundas Square in Toronto. Markham has a number of strata parks already developed, such those at World on Yonge and the Circa development in Markham Centre, among others.

Legal Overview of Strata Title

Stratified ownership of land, often simply called “strata title”, refers to fee simple ownership of land divided not just two dimensionally (parcels that are next to one another), but three dimensionally as well (parcels that are above and below one another). Normally, an owner of land conceptually owns all the land below the surface of the ground and all the air above it, often referred to as “heaven to the centre-of-the-Earth” ownership. Strata title allows one owner to own above a certain height, while another owner owns below that height. Strata title is most often used, for example, in the creation of condominiums where fee simple ownership of a parcel of land is essentially divided into boxes in the air, to secure “air rights” above a certain height for a different owner than the owner of the land at ground level, or to create underground structures owned by one owner while the surface and above is owned by someone else, often the case for a parking garage or subway.

“Air rights” are perhaps the best known application of strata title and the legal framework applicable to strata parks is identical. The only differences between strata parkland and “air rights” are practical ones: strata parkland is generally at or near grade level and “air rights” typically exist at some significant level above grade. Similar easements (in particular rights of support and servicing) are necessary to make effective use of any strata arrangement.

Strata parcels of land are created through the same *Planning Act* mechanisms (i.e. Plan of Subdivision, Consent) that implement any other subdivision of land, usually with the assistance of a strata reference plan that uses a two dimensional reference plan to depict three dimensional parcels.

Appurtenant easements are not automatically created when a strata parcel is created. Therefore, for example, there may be no realistic way to access or use a strata parcel for “air rights” if that parcel exists above a height of 50 metres without easements or the voluntary cooperation of the owner of the parcel below 50 metres. That is why it is common for easements to be created simultaneously with strata parcels (and for Committees of Adjustment and other Consent approval authorities to insist on it), to allow the strata parcel(s) to be effectively used in perpetuity, regardless of what happens with the parcels above or below it, as the case may be. The same logic applies to strata parkland. If for example, an above-grade strata parcel exists for parkland without rights of support from the below-grade strata parcel directly beneath, the parkland parcel might be susceptible to being unusable if, for example, the water holding tank below it wasn’t being properly maintained. The park use might be interrupted every time the water tank requires servicing or replacement. Well written and thoughtful easements for rights of support ensure that the parkland use above-grade can continue even if major maintenance or reconstruction of the below-grade infrastructure is taking place every 20 years.

In particular, a support easement ensures that even if the owner of the parcel below intends to remove its improvements the land above can continue to function. A simple example of such an easement in the context of strata parkland owned by a municipality is as follows:

Easement in Gross (Support)

Support easements can be over certain parts of the parcels above and below, or “in gross” over the whole of the other parcel(s). Similar easements that provide for maintenance, access and other services are also common.

A typical example of a strata parkland arrangement is the creation of two strata parcels, one beginning 1.2 metres below ground level and extending “to heaven” (the “parkland parcel”), and the other beginning 1.2 metres below ground level and extending “to the centre-of-the-Earth” (the “parking garage parcel”). The parkland parcel would extend below the ground level far enough to allow for tree planting, soil, water lines, and other associated infrastructure to service the parkland. The parking garage parcel would be subject to a support easement, meaning that even if the garage were demolished, support for the park above would have to be maintained. The parkland parcel might also be subject to easements for services (i.e. utilities) to travel through the below-grade portion of the parkland parcel to reach the parking garage parcel and all infrastructures under laying the parkland parcel. A reciprocal agreement between the two parcel owners that sets out how and when work that intrudes on the other parcel can be done, including provisions for emergency repairs, cost- sharing, etc.

A reciprocal agreement may establish dispute resolution mechanisms, such as arbitration or mediation, but the enforcement of easement terms could also be pursued in the normal manner through the Superior Court of Justice. Unlike other real estate law concepts, the common law does not form the legal basis of strata title. A large volume of case law exists in Ontario concerning disputes that have arisen in the context of strata title between adjacent parcel owners, but most is very fact specific and typically relates to business disputes or oversights in the creation of the parcels or their appurtenant easements. The concept and application of strata title is well established and not by nature controversial.

Legal Issues Associated with Multiple Owners on the Land

There is no limitation on what other entity may own the strata parcel beneath a strata parkland parcel. The below-grade strata parcel may therefore include common elements of a condominium corporation, and often does.

Technically, land that forms part of the common elements is owned by the condominium owners, not the condominium corporation, who only manages the common elements. The condominium common elements can be subject to the same easements necessary to protect and make the strata parkland work operationally that any other land beneath strata parkland can be subject to:

- Maintenance and other reciprocal
- Rights of support
- Treating condominium as a neighbours

Use of Legal Instruments to Achieve POPS

Leases, licenses and easements are other options that many GTA municipalities have utilized to create parkland in a manner similar to strata where non-stratified fee simple ownership of new parkland is not desired or possible. These legal agreements are the basis for establishing POPS.

Leases and licenses are essentially time-limited permissions to use a portion of the subject lands (usually, in the case of parkland, the above-grade portion only) for certain specific parks purposes only. Licenses can typically be revoked at the will of the owner, whereas leases can provide a greater level of security for a specified time frame. When parks licenses or leases expire, there is generally no obligation for the owner to renew the lease or license. Even if expropriation is then considered, the costs to the municipality to do so can be prohibitive.

An easement is another mechanism that can be used to secure parkland in some circumstances, in particular if the parkland in question is a trail or path. An easement can be created in perpetuity but is limited to the uses described in the easement. In this context the terms of the easement would have to be worded in a careful and flexible manner to ensure that the fee simple owner could not object to increased or changing use of the parkland over time. **Table 5** provides a high-level comparison of the various alternatives to secure parkland.

Table 5: Comparison of Various Alternatives to Secure Parkland

	Length of Time	Flexibility of Permitted Uses	Park Use Subject to Interpretation	Termination	Costs
Non-Stratified Fee Simple Park (typical City Park)	Indefinite	No limitation	None (unless land is subject to easements by adjacent land owners)	N/A	City owned, maintenance of park only
Strata Parkland	Indefinite	No limitation	Yes (land is subject to easements and reciprocal agreements that may interfere with park use)	N/A	City owned, maintenance of park only
Park Lease (POPS)	Time limited – typically less than 99 years	Only uses specified in lease	Specified in lease (sometimes none, sometimes significant)	At the end of term or upon occurrence of certain events as specified in lease	Lease payments, typically maintained by land owner
Park License (POPS)	Time limited – typically less than 21 years	Only uses specified in license	Yes (at will of owner, or subject to terms of the license)	May be terminated at any time	License fees, typically maintained by land owner
Easements (POPS)	Time limited or indefinite	Only uses specified in easement	Yes (as set out in easement)	Possibly trigger event or time specified in easement, if any	City owned, typically maintained by land owner, or as specified in the easement

Use of Alternative Parkland Agreements

Non-legal and site-specific considerations will usually dictate which of the above alternatives the best approach is in any particular circumstance. Considerations may include: the City's desire to acquire parkland on-site or off-site, the City's interest in acquiring payment-in-lieu or parkland, whether the City desires full ownership of the parkland versus private ownership, maintenance considerations, the size of the parkland or public space, or the desired programming, among others. These scenarios are described below.

A strata parkland conveyance can be the best alternative to fee simple parkland for both the developer and the City when the City wants parkland, insists on owning that parkland, but the developer also needs the space to provide parking and can do so below-grade.

Easements are often appropriate when the proposed parkland area is for a specific purpose that is suitable for an easement, such as a pathway that connects two public spaces where the intended use is primarily pedestrian ingress and egress, and the area will still be considered to be and maintained as if it is part of the park. License's and leases can be the most appropriate if, for example, the proposed park includes special decorative elements, such as paving or a fountain, and the City wishes to ensure that the full obligation and costs to maintain those elements are with the developer, rather than the City who may not prefer to take on the additional cost or responsibility for maintenance.

Table 6: Comparison of Examples for Parkland Dedication Tools

	Size of Park Area (or equivalent Payment in Lieu	Maintenance of Park	Future Increase in Value of Land
Fee Simple Parkland Conveyance	500 m2 (5% of the developed land, "heaven to centre of the earth")	All city parks budget, to the extent new and ongoing capital and operating funds are available	Belongs entirely to the City, (however the <i>Planning Act</i> prevents the City from using the dedicated Parkland for any other purpose)
Above-grade Strata Parkland Conveyance Example 1	750m2 (greater than 5% of the development land, above-grade only, because the value of the above-grade only does not fully satisfy the 5% parkland dedication requirement)	All City parks budget, to the extent new and ongoing capital and operating funds are available	Above-grade parcel belongs to City, below-grade to other owner. However, market value depressed because practical usefulness of strata title is less than "heaven to center of the earth" ownership
Above-grade Strata Parkland Conveyance Example 2	500m2 (5% of the surface area, but not in full satisfaction of the parkland requirement because it does not include below-	All City parks budget, to the extent new and ongoing capital and operating funds are available	Above-grade parcel belongs to City, below-grade to other owner. However, market value depressed because

	grade. Additional payment provided by developer to make up the difference.)		practical usefulness of strata title is less than “heaven to center of the earth” ownership
POPS Lease or License	1000m2 (much greater than 5% of the development land because the value of a lease or license is much less than the fee simple value of the same area of land)	High end improvements installed and maintained by the owner entirely to specific City standards and at the owner’s sole expense	Belongs entirely to private owner

The value of POPS can qualify as “payment in lieu” of fee simple parkland conveyance, as set out in s. 42(6) of the *Planning Act*. The value of these tools would be assessed on a case by case basis but would normally be a fraction of the fee simple value of the same area of land. A value of any obligations of the developer for ongoing maintenance to specified standards would also be quantified, if applicable.

Parkland Credits for Strata and POPS

The *Planning Act* permits the municipality to pass a By-law requiring the conveyance of parkland, or cash payment-in-lieu thereof, as a condition of development or redevelopment of land. There is no legal impediment to the City’s implementing By-law allowing for the acceptance of strata parkland in satisfaction of that requirement.

The *Planning Act* parkland dedication rates refer to fee simple “heaven to centre-of-the-Earth” ownership. Therefore, if the parkland dedication requirement for a proposed development is 5%, strata parkland that covered 5% of the surface area of the development would not fully satisfy the parkland dedication requirement. In that case the applicant would either be required to provide additional cash-in-lieu equivalent to the value of the strata parcels below the strata parkland to make up the difference, or to convey additional above-grade strata parkland of that value to make up the difference. Two examples of municipalities who have negotiated strata agreements are Markham and Vaughan. Markham has negotiated strata agreements on a site-specific basis and has provided up to 100% credit for the land area of the strata park and required the remainder of the dedication as cash-in-lieu. Vaughan has negotiated a credit of 1/3 of the land area dedicated as strata parkland, using the rationale that air rights, surface area, and below grade rights should be considered as equal thirds of the total fee simple land dedication. It is important to note that both Markham and Vaughan have recently adopted new Parkland Dedication By-laws that have different approaches to strata park definition and acceptance.

If some form of POPS is the site-specific parkland preference, Section 42(6) of the *Planning Act* would allow the conveyance of the lease, easement or license that creates the POPS to be conveyed as “payment in lieu” of the conveyance of fee simple land. The appropriate value of the POPS (certainly considerably less than the fee simple value of the same amount of land) would have to be determined at that time. It

appears that only a small number of municipalities in southern Ontario provide parkland credits for POPS. In the case of the City of Kitchener, they would consider using cash-in-lieu of parkland to then pay the developer for the lease/license of the POPS as opposed to accepting it directly as the payment-in-lieu in order to maintain fiscal transparency.

Policy Framework

There is currently no provincial policy that precludes a municipality from accepting strata parkland or POPS as a form of parkland dedication or payment-in-lieu. As previously discussed, all stratified parcels, including strata parkland, are created through the same *Planning Act* mechanisms. The eventual park, whether fee simple non-stratified park, strata parkland, or POPS must meet the City's objectives for a public park (e.g. accessibility, design standards), and ultimately the power to determine whether or not to pursue acquisition of alternative parkland agreements rests with the City.

Strata Parkland and POPS Considerations

Quality of Engineering and Construction

Poor engineering and/or poor quality construction affect all aspects of a park's function and lifecycle, and they are both fundamental considerations in this discussion. For the most part, the lifecycle terms that are discussed in this report will be dramatically reduced where engineering and construction is of a sub-standard quality. There are best practices and higher quality materials available to ensure maximum longevity. The key is to find or develop appropriate standards from an engineering, design, construction and installation perspective, and require the use of high quality materials.

Waterproofing Membrane

Good quality membranes now claim a 30 to 40 year lifecycle. Experience has shown that membranes used in the past last approximately 20 years. The quality of the installation of the membrane, the quality of the membrane itself, the design of the park space, the maintenance protocols and the characteristics of the underlying infrastructure will all have an impact on how long a membrane will and should last. In a general sense, it is expected that a modern urban park built over structures/infrastructure will last as long as the membrane beneath it – about 30 years. At which point maintenance on specific sections of the membrane or complete replacement of the membrane will be required.

Cost of Park Development

A typical suburban park space, with landscape planting, trees, grass, sports fields and play structures cost between \$25.00 and \$95.00/square meter, with an average cost of about \$55.00/square metre. In comparison, a typical urban park, although usually much smaller, that includes hard surfaces, trees, landscape plantings and seating cost between \$90.00 and \$1,500.00/square metre, with an average of approximately \$545.00/square metre.

Urban parks built over structures/infrastructure tend to be very cost comparative to a typical urban park. The key additional cost element for an urban park built in a strata scenario is the cost of the roof structure and required membrane, not necessarily the park itself.

It is important to note that the costs for both suburban parks and urban parks vary widely due to the design details of the park.

Ongoing Maintenance Protocols

Park maintenance protocols that utilize salt or other corrosive chemicals will affect (shorten) the lifecycle of the waterproofing membrane. Further, and in a general sense, urban park spaces require a much more robust maintenance protocol than a typical suburban park space, regardless of whether or not it is built over top of a structure/ infrastructure.

Suburban parks need to be maintained between once or twice a week, depending on the level of use. Busy urban parks need to be maintained every day, and sometimes more than once per day, depending upon use.

With respect to ongoing maintenance there is a substantial difference between a typical suburban park and a typical urban park. The difference between a typical urban park and an urban park built over a structure/infrastructure is not significant, and varies depending upon the level of park use, although care must be taken to ensure the lifecycle of the membrane.

Lifecycle

A typical suburban park includes some components that have a long, indefinite lifecycle, and while it is recognized that some components of a suburban park may need to be “refreshed” from time to time, there really is not a definitive lifecycle that is identifiable.

A typical urban park has a defined lifecycle of about 30 years. That time frame is defined partly due to its expected usage levels, and partly by the lifespan of trees within the urban context. That lifecycle depends upon soil depth, soil volumes, soil quality and maintenance protocols, and what we have learned from a lack of species diversity in our urban forest.

Interestingly, the lifecycle of an urban park built over a structure/infrastructure is subject to the same tree-life constraint, and also the expected lifecycle of the membrane beneath it. This lifecycle is also similar for urban streetscape development.

Generally, an urban park, an urban park built over a structure/infrastructure and urban streetscapes need to be substantially rebuilt every 30 years or so. That lifecycle will be dramatically affected by the quality of the original engineering, construction and ongoing maintenance of the facilities. For urban and urban parks

built over structure/infrastructure, that lifecycle will also be affected by the quality of the membrane and the quality of its installation.

There is an inevitable trade-off in the provision of a strata park; the requirement to substantially replace portions of the park when underlying infrastructure requires replacement or heavy maintenance, requiring the loss of use of sections (or the entire park) for a season every 20 to 30 years. The expected lifecycle of the membrane and underlying infrastructure should be a driving force behind the design of a strata park (and urban parks more broadly). A number of design considerations for strata parks include, but are not limited to:

- **Paving/Base Structure:** the selection of soft and hardscape base structure is impacted by the need to lift and replace the base structure of the park to access the underlying infrastructure. In this regard, modular paving can provide the required flexibility in a hardscape material.
- **Vegetation:** the tree canopy in an urban park will be different to that in a suburban park; this is particularly true for strata parks. Specific tree species can be selected that fit the lifecycle of the strata park or designed to be located in areas that should not be required to be disturbed in the maintenance/reconstruction. Shrubbery, higher quality plantings and fast growing tree species should all be considered.
- **Programming:** the strata park will likely be designed to suit a more passive recreational program. The reality of the dense setting, cost of land, nature of associated development and demographics of people who typically choose to live in denser areas will drive the desired park uses, which will likely vary from typical suburban parkland uses.

Practical Insights on Strata Parks and POPS

Interviews with a number of urban engineering and landscape architectural practitioners were conducted in order to gain an understanding of how Strata Parks and POPS have been developed and the issues and opportunities they present from both the private and public sectors. These interviews illuminate the polarity of opinion around these alternative park spaces, typically with the private sector (developers and professional consultants (planning, engineering, and landscape architecture)) highly in favour and local governments more hesitant to adopt them as part the parkland system (and to credit them as such).

A number of pros and cons, risks and rewards are inherent to the use of non-fee simple parkland conveyance tools. A number of these attributes, both positive and negative, have been described throughout this section, and many more are identified by the interview participants. Ultimately, the goal is for the City of Brampton to enact parkland conveyance policies that are fair for the City and for the private sector, that provide high-quality park spaces in areas of need, and enable the City to flexibly plan for and

attain these parks. Inevitably this requires a balancing of risks and rewards in using alternative parkland acquisition tools and rates to the standard *Planning Act* provisions.

The interviews, which are summarized below, have informed large portions of the discussion throughout this section, and will potentially inform strategies and recommendations on alternative parkland conveyance tools in this Parks Plan, which in turn will help guide the City's new Parkland Dedication Bylaw.

Perspectives from the Urban Development Industry

Telephone and in-person interviews were conducted with 15 individuals from the private sector (developers and professional consultants (planning, engineering, and landscape architecture)) who are involved in urban development projects. Key topics that emerged through these conversations included:

1. Benefits of Strata Parkland and POPS:

- They can be city-building tools;
- Secures park space where it is needed (denser urban areas) and at the location where parkland dedication policies intended (on-site);
- Efficient use of land, both on building sites and on surface water management areas;
- Improves value of developed site and surrounding land;
- Marketability of the project for developers; and,
- Win-Win for all when negotiated fairly: City doesn't pay for park/land elsewhere, developers get a better project, and community gets public space.

2. Parkland Dedication Credits:

- Developing publicly accessible space has a benefit to all parties – the process has to be fair;
- Credits should be provided for strata and for POPS;
- 100% credit for publicly accessible park land may be fair in certain circumstances;
- Any dedication required above the strata parkland area is typically conveyed through cash; and,
- Other municipalities have credited less than 100% of land area for strata (down to 1/3 of area in Vaughan).

3. Operations and Maintenance Considerations:

- All urban parks require more nuanced and higher volume of maintenance than typical suburban parks
- Private landscape/maintenance crews are likely more suited to maintain urban parks as they have more nuanced and specialized approaches/tools than typical city crews;
- Desire for private maintenance options in strata agreement;

- Maintenance agreements should be clear at early stage so eventual owners know and can account for costs;
- Maintenance protocols affect life of park (use of salt or corrosive products);
- 30 years is typical lifespan for large scale maintenance on urban parks;
- 30+ years is typical lifespan for water-proofing layers (strata); and,
- 20+ year lifespan for concrete storm water management tanks.

4. Park Design and Appropriate Structures:

- Both strata parks and POPS have similar design considerations and costs to other urban-style parks;
- Key is to find and develop appropriate standards from engineering, design, construction and installation perspective and require high quality materials;
- Design considerations:
 - Installation: affects lifespan and quality of space;
 - Structural Adequacy: load capacity, material adequacy;
 - Soil Depth: limits planting types and impacts overall design (ideal 1.2 to 1.5 metres depth);
- Has to look and feel public;
- Design should be completed in association with engineers as strata creates more complex structural scenario;
- Most common strata structure is parking garage; and,
- Could see surface water strata/agreements, or raised structures being viable for strata/POPS.

5. Legal Considerations:

- Legal framework can be complex – but likely less so with further experience;
- Strata, POPS, easements are all fairly typical and simple legal considerations from developers perspective:
 - Warranty, conveying land, completeness; and,
- High quality and accurate design, materials, installation and survey reduce legal issues.

6. Financial Considerations:

- Urban parks cost 10x more to construct than suburban parks;
- Strata is similar cost to other urban parks;
- Developers: no disincentives if credits are provided;
- Owners establish reserve funds to cover the cost of capital/repair for underlying private infrastructure and for park if it needs to be rebuilt due to private property issues;

- Only municipal input should be maintenance and requisite capital improvements (~30 years); and,
- Developers do not bear the costs of strata or POPS development or maintenance; these costs will always be borne by the eventual residents.

7. Recommendations and Next Steps:

- POPS and strata ought to be considered and serve different purposes in different scenarios (and should be credited), but are not always feasible or appropriate;
- SWM strata – Where parks/open space is layered or combined with pond/park systems - municipalities may consider strata arrangements to efficiently use these lands in regards to Growth Plan requirements;
- Likely only suited to denser, more urban settings;
- DC reductions for strata parks ought to be considered when parkland is constructed by developers as opposed to City;
- Good experiences negotiating strata with Markham;
- Markham is moving in the right directions with strata;
- Direct social (provision of parks on-site) and economic benefit (property tax uplift for both POPS and strata, and free maintenance regarding POPS) of these tools ought to offset additional costs of maintenance and institutional learning; and,
- Consider a simpler permit system for property owner to host events/activities at the parks as these spaces have the potential to attract a large number of users for new and varied recreational activities (e.g. movies, markets).

Summary/Conclusions

The ultimate decision regarding which tools to include in a parkland acquisition toolbox lies with local governments, however the contemporary urban realities facing most of the GTA (i.e. Growth Plan targets driving intensification, increased land values, reduced land supply in areas of intensification) will continue to progress in Brampton and the City ought to consider all available tools in order to ensure that the park system continues to flourish and serve Brampton's existing and future residents. Future development in Brampton will require new approaches to providing a diverse and flexible parks system to accommodate the new densities of urban dwellers. Strata parks and POPS are examples of these tools.

It is the intention of this Parks Plan to ensure that the City is adapting to the evolving urban development realities with the full suite of available park provision options and with eyes wide open to the benefits and risks associated with alternative park conveyance tools in order to make the most informed decisions regarding what is best for Brampton today and into the future.

Part of this equation is the consideration of the value of attaining parkland in dense areas versus the cost of purchasing other land near to densifying areas that require parkland. Strata parks and POPS are two potential options to address this, and they carry additional benefits as well as risks and costs to the City. These two parks conveyance tools should be considered as alternatives to acquiring fee simple table land parks, not as a new baseline. Strata agreements and POPS will provide a different type of park, and contribute to a varied urban park system that ideally connects to Brampton's evolving Parkland System. In contrast, and as discussed throughout this section, there are a number of other considerations regarding strata parks and POPS. Strata parks require sound legal agreements that delineate ownership between to the two vertical parcels of land. These agreements need to balance the risks of City ownership of the park above private infrastructure and recognize that the park will require public investment to maintain. The City must also be prepared to enforce the contract should the eventual condo corporation be unwilling or unable to conduct repairs and maintenance on their infrastructure without ensuring the park is unaffected or compensating the City for disturbances and loss of service due to their infrastructure failures.

Strata parkland is inherently encumbered, thus an appropriate parkland conveyance credit that is less than 100% is required to be established. This extends to both strata parks located above private infrastructure (e.g. parking garage), and layered infrastructure that is assumed by the City as a utility (e.g. park above an underground storm water management). A fixed number for every scenario of a strata park may not be most appropriate, as the City may want flexibility to negotiate these agreements based on the value of the public space that is proposed and the balance of other City initiatives (e.g. brownfield development, affordable housing).

The adoption of design standards for strata parks and POPS would provide the City with minimum enforceable requirements for these park types ensuring high quality product, materials and construction that will serve to extend the life of the park and the waterproofing liner by reducing the opportunity for failures.

Strata parks ensure that the City is in full ownership of the park in perpetuity. This enables the City to design and program the park; however on-going maintenance and long-term large-scale maintenance are both the responsibility of the City. Strata parks often require a more sophisticated maintenance program than typical suburban parks and require a higher volume of maintenance. The park will also require substantial replanting and reconstruction once the waterproofing layer requires replacement (every 30 years or so). A large scale reconstruction will require the loss of service for approximately a season, however if the park is available for 30 years, then this trade off may seem reasonable.

POPS and strata will typically be located adjacent to private condos and in the long term, there is concern that the residents may consider the public park a nuisance. In this regard, the legal agreement may be required to be enforced to either ensure the park remains publicly accessible (or within public ownership in the case of strata) or that the owner be required to compensate the City for the loss of the park (potentially

through repayment of the parkland conveyance credit or other credit type provided by the City to the original developer).

A POPS removes public ownership from the equation, which is beneficial to the City as they do not have to assume legal risks or financial obligations of on-going and long-term maintenance of the park. The trade-off is that the park is not truly public. It is publicly accessible and the terms of public access will be established in the contract, however there is a limit to the power the City will have regarding design, maintenance standards, programming, long-term public access, and public expression within the park.

In order to ensure that the use of these alternative parkland acquisition tools are fair, transparent and appropriately contribute to the overall system, a number of considerations must be taken into account moving forward, including:

- Determination of which parkland acquisition tool is appropriate for specific scenarios;
- Assessment of risks and determination of mechanisms to mitigate risks;
- Responsibility for the cost and quality of initial engineering, park design and construction;
- Responsibility to ensure that the City has the necessary expertise to establish appropriate design and development standards and inspection requirements;
- Responsibility for ongoing maintenance of the park itself, to an appropriate urban standard, with a particular concern where the park is connected with a residential condominium;
- Ensuring ongoing and unencumbered public access to the space, particularly where the park is connected to a residential condominium;
- Recognition that the park space will need to be replaced about every 30 years;
- Determination if/when urban strata parkland and POPS will count toward parkland dedication requirements, and whether the value of the parkland is pro-rated versus a typical urban park space; and,
- Ensuring that a legal framework and reciprocal agreements are in place that satisfies all party's needs.

7.0 RECOMMENDATIONS / CONSIDERATIONS

The following are the recommendations of this Parks Plan for the City of Brampton to the year 2041. Some of the recommendations may be appropriate for inclusion into a new Parkland Dedication By-law, while others may be within an accompanying park planning and design guideline. The recommendations provided are based on research from other jurisdictions, as well as from discussions with City staff. In addition, the recommendations have been influenced by the related experience of the consulting team from planning, design and fiscal perspectives.

The recommendations are organized into the following Sub-Sections, and are supported by more detailed information provided in a number of Technical Appendices:

- Key Parkland System Objectives;
- Establishing a Context Appropriate Parkland Hierarchy;
- Achieving the City's Parkland System;
- Generating Land/Cash-in-Lieu of Land;
- Options for the Ownership of the City's Parkland System;
- Understanding Cash-In-Lieu of Parkland;
- Developers/Development Forms that may be Exempt from Parkland Dedication;
- Lands that should Count/Not Count for Parkland Dedication; and,
- Administration of the City's Parkland Dedication By-law.

7.1 Key Parkland System Objectives

The Official Plan provides a comprehensive overview that describes the City's objectives for the parkland system. In addition, and based on research and ongoing conversations with City staff, a number of additional key objectives for this Parks Plan should also be recognized and considered, including:

- Parks have become an urban escape for people amid the recent COVID-19 pandemic and ongoing endemic. Parks are a crucial component contributing to the quality of life of residents. Parks are a necessary component of a complete and livable community; and,
- Public-sector investment in parks can be leveraged into a private-sector investment response. Park system investment is a key stimulus for change, establishing the appropriate environment for redevelopment and revitalization.

Further, it is important to recognize that this Parks Plan needs to:

- Find the right balance between achieving a great parkland system for the City, and the financial considerations for new development; and,
- Be cognizant of the inherent differences between the established neighbourhood context, and the in the context of the City's identified Intensification Areas/Strategic Growth Areas.

Overall, the City's new approach to parkland dedication, as informed by this Parks Plan, should be guided by principles of fairness, equity, consistency and transparency. It is also important to recognize that the City's new Parkland Dedication By-Law must be defensible and compliant to current provincial regulations.

7.2 Establishing a Context Appropriate Parkland Hierarchy

The Concept of a "Parkland System"

The City of Brampton has developed a Parkland System that includes a full range of park types, with a full range of specified recreational functions, but with recognition that not every park space is required to achieve every recreational function. The whole system is functionally greater than the sum of its individual components. Each of the identified components of the Parkland System plays a crucial role in creating and maintaining the City's high quality of life by providing a range of park types, including:

- Larger scale parks that provide opportunities for active recreation and sports activities; and,
- Smaller scale parks that add interest and opportunities for relaxation, contemplation and other more passive recreational pursuits; and,
- An emerging and interconnected active transportation/trails network that facilitates education, recreation and an active, healthy lifestyle.

Park Hierarchy for Established Residential Communities and Designated Greenfield Areas

The parkland system in the City's established communities and within Designated Greenfield Areas is characterized as public, big, green and programmed. In many cases, the parkland system in the City's established communities and within delineated greenfield residential communities is owned, designed and maintained by the City.

As noted earlier in this Parks Plan, the City of Brampton has been extremely successful in achieving a diverse, well designed and well used parkland system throughout the City's established communities, and that has continued through the planning and development of northern and western Brampton. The Official Plan currently articulates a robust parkland system that is appropriate for the City's established communities and within delineated greenfield residential communities, with a number of refinements.

Recommendation 1: *It is recommended that the City retain its current park system hierarchy, as articulated in the Official Plan - for application everywhere within the municipality, except within the defined Intensification Areas/Strategic Growth Areas. The current park system hierarchy is included within the City's established Parkland System standard of 1.6 hectares/1000 people.*

The Urban Park Hierarchy for the Intensification Areas/Strategic Growth Areas

Urban park spaces are characterized as diverse, flexible, small and connected. Urban parks are expected to play a critical role in providing outdoor space in Brampton's evolving Downtown and other defined Intensification Areas/Strategic Growth Areas. Urban park spaces have both green and hardscape design components, and are inherently connected to the abutting public sidewalk system. The urban park system hierarchy includes primarily public spaces, but can include semi-public spaces and private components that work to form an interconnected network. The urban park system hierarchy is fundamentally different from its traditional suburban counterpart because it is:

- Animated by the people who walk from place to place and interact with the land uses in the adjacent buildings;
- More heavily used and more diverse in their component parts and, as such, require a higher cost of design and development, and an enhanced maintenance protocol;
- Integrated as part of the pedestrian circulation network within a Strategic Growth Area; and,
- Flexible to accommodate different users and events, and will respond to use patterns that may be dramatically different at different times of the day.

Recommendation 2: *It is recommended that the City identify a robust urban park system hierarchy, including urban squares and linear connections, for implementation through the planning and development of its Intensification Areas/Strategic Growth Areas. Examples of Urban Parks are provided in **Appendix I**. All spaces identified within the urban parkland hierarchy shall generally meet the following criteria:*

- *Have frontage on at least one, and preferably more than one, public streets;*
- *Serve park users within a 5 to 10 minute walk from 80% of the residents within the defined Strategic Growth Area; and,*
- *Not be encumbered by driveways, access lanes, garbage storage areas, utility vaults or other such uses that would take away from the enjoyment or use of the park.*

It is expected that the appropriate park system hierarchy within the Intensification Areas/Strategic Growth areas will be identified within the Official Plan, City-adopted Secondary Plans, Precinct Plans or Comprehensive Block Plans.

Recommendation 3: *It is recommended that the City consider adding to the urban park system hierarchy a number of “Smaller Other Urban Park Spaces”, examples of which are provided in **Appendix I**. It is expected that these elements of the urban park system hierarchy within the Intensification Areas/Strategic Growth Areas may either be identified within City-adopted Secondary Plans, Precinct Plans or Comprehensive Block Plans, OR may be identified as part of site specific development applications. All spaces identified within the urban park system hierarchy shall generally meet the following criteria:*

- *Have frontage on at least one or more public streets or publicly accessible private streets;*
- *Serve park users within a 2 to 5 minute walk from mixed-use neighbourhoods;*
- *Not be encumbered by driveways, access lanes, garbage storage areas, utility vaults or other such uses that would take away from the enjoyment or use of the park; and,*
- *Be recognizable by the park user as a public and publicly accessible park.*

7.3 Achieving the City's Parkland System

Meeting the City's Parkland Target of 1.6 ha/1000 people

The City's has been successful, over time in achieving its Parkland System Target of 1.6 hectares/1,000 people. Currently, the City is at approximately 1.68 hectares/1,000 people. By the year 2041, the City of Brampton is expected to grow by 232,530 people, which through application of the 1.6 hectares/1000 people standard, generates the need for 315.7 hectares of new park space within the City. To assist the City in achieving this target, there are a number of key recommendations that should be considered for implementation including:

Recommendation 4: *It is recommended that, for the immediate future, the City continue to utilize the parkland system standard of 1.6 hectares/1,000 people. To achieve that standard, the City shall utilize the following acquisition tools:*

- *The parkland dedication/cash-in-lieu provisions of the Planning Act;*
- *The community benefits provisions of the Planning Act;*
- *Public acquisition;*
- *Land exchanges;*
- *Donations, gifts, bequests; and,*
- *Other methods deemed appropriate by the City.*

Recommendation 5: *It is recommended that the City generate enough parkland/cash-in-lieu of parkland to ensure that the parkland system standard of 1.6 hectares/1000 people is achieved in 2041. It is understood that:*

- *Parkland within new greenfield residential communities will be comprehensively planned and achieved as those communities build out over time;*

- *Parkland within the identified Secondary Plan Areas that are under-served will be the focus for the City's Parkland Acquisition Strategy;*
- *Parkland within the Intensification Areas/Strategic Growth Areas will not achieve the parkland system standard, and will therefore, in addition to achieving the established Strategic Growth Area standard, need to generate cash-in-lieu and/or provide off-site land dedications elsewhere in the City to off-set identified parkland shortfalls.*

Further, the amount of parkland necessary to achieve the parkland target by 2041 is substantial. This reality may require that the City consider accepting as an off-site parkland dedication unconstrained lands within the Natural Heritage System:

Recommendation 6: *It is recommended that the City consider off-site parkland dedication opportunities in order to augment its supply of parkland as a way of achieving its parkland system standard of 1.6 hectares/1,000 people. Where an off-site land dedication is considered appropriate, the land area of the off-site parkland dedication shall be subject to the following criteria:*

- *The off-site land area is land that is acceptable as parkland dedication, in accordance with the requirements identified in this Parks Plan;*
- *The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated; and,*
- *An off-site parkland dedication shall be to the satisfaction of the City.*

Ensuring an Equitable Distribution of Park Spaces

The results of the analysis in section 3.0 of this Parks Plan have subdivided Brampton into its recognized Secondary Plan Areas in order to carry out an analysis of current park service levels throughout the City. That work has identified that while Brampton has done well in achieving its parkland system standard of 1.6 hectares/1000 people overall. However, when 2041 population estimates are established, there are various locations throughout the City that are considered to be underserved by parks.

Recommendation 7: *The following Secondary Plan Areas shall become the focus for parkland acquisition activity, utilizing all of the parkland securement tools identified:*

- *Springdale (SP #2);*
- *Bram East (SP #41);*
- *Fletcher's Meadow (SP #44);*
- *Bram West (SP #40d); and,*
- *Vales of Castlemore (SP #42).*

7.4 Generating Land/Cash-In-Lieu of Land

As previously identified, the City will need to utilize a full array of planning and financial tools to achieve their stated parkland system standard of 1.6 hectares/1000 people. The *Planning Act* is a critical tool which allows the City to require parkland, or cash-in-lieu of parkland through the development approval process.

The City of Brampton incorporates a full array of development types and community contexts, and it is appropriate to consider parkland dedication in a way that recognizes those differences. This section focuses on these differences and promotes an approach to calculating parkland dedication based on land use and density.

Commercial and Industrial Uses

For Commercial and Industrial land use categories, the *Planning Act* states that parkland dedication shall be up to a maximum of 2 percent of the Gross Land Area proposed for development. It is important to note that in the case of the parkland dedication requirement for commercial and/or industrial forms of development is based on the land area, and not the scale or intensity of development and, as a result, there should not be any additional parkland dedication requirement for new commercial and/or industrial development, or expansions to existing commercial and/or industrial development, assuming that the Gross Land Area of the Site does not change.

Recommendation 8: It is recommended that the City require parkland dedication for commercial and/or industrial development in the amount of 2 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication. It is also recommended that for the replacement or expansion of existing commercial and industrial uses, that there is no additional parkland requirement.

Notwithstanding that specific recommendation, where commercial and/or industrial development is proposed, and where no prior parkland dedication has been provided or cash-in-lieu paid, the City may require parkland dedication in the amount of 2 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication.

Other Land Uses (Non-Residential, Non-Commercial, Non-Industrial)

For all other non-residential land uses, the *Planning Act* states that parkland dedication shall be up to a maximum of 5 percent of the Gross Land Area proposed for development or redevelopment. It is important to note that in the case of the parkland dedication requirement for all other forms of non-residential development is based on the land area, and not the scale or intensity of development. Therefore, there should not be an additional parkland dedication requirement for new non-residential development, or expansions to existing non-residential development assuming that the Gross Land Area of the Site does not change.

***Recommendation 9:** It is recommended that the City require parkland dedication for all other non-residential, non-commercial, and/or non-industrial development in the amount of 5 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication. It is also recommended that for the replacement or expansion of existing non-residential, non-commercial, and/or non-industrial uses, that there is no additional parkland dedication requirement.*

Notwithstanding that specific recommendation, where new or expanded non-residential, non-commercial, and/or industrial development is proposed, and where no prior parkland dedication has been provided or cash-in-lieu paid the City may require parkland dedication in the amount of 5 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication.

Residential Land Uses in Established Communities and Designated Greenfield Residential Neighbourhoods

Calculating residential parkland dedication that is applicable throughout Brampton is complex. The important question that needs to be addressed is what the appropriate approach is for established communities and designated greenfield residential neighbourhoods VERSUS an appropriate approach in an urban intensification context - the City's Intensification Areas/Strategic Growth Areas. The goal is to identify a fair and consistent approach that recognizes the diversity of development contexts within the City of Brampton.

In the most general sense, the Planning Act provides the following legislative authority for the City to achieve a parkland dedication through the residential development process:

- Up to a maximum of 5 percent of the Gross Land Area; or,
- An alternative rate of up to a maximum of 1 hectare per 300 dwelling units; or,
- Where the alternative rate for cash-in-lieu is utilized, up to a maximum of 1 hectare per 500 dwelling units.

It is, of course, important to note that the *Planning Act* now requires that this Parks Plan provide the justification for the use of the "alternative rate", or any other rate greater than the 5 percent provision. Further, the new Parkland Dedication By-law that establishes the City's ability to utilize an "alternative rate" is subject to appeal at the Ontario Land Tribunal.

Established Residential Neighbourhoods - The City of Brampton has historically done an excellent job in creating, building and maintaining a public parkland system that is appropriate within its primarily low to moderate density established residential neighbourhoods - where gross densities are less than 50 persons per hectare. These communities have incorporated a hierarchy of park spaces that are appropriate for their context, and are enshrined in the City's Official Plan and current Parkland Dedication By-law.

To achieve this success, the legislative tools provided by the *Planning Act* and the policy framework included in the City's Official Plan and Parkland Dedication By-law have worked very well. Established residential neighbourhoods have generally been developed on the basis of 5% of gross land area because that parkland dedication standard typically generated the greatest amount of parkland, in comparison to the alternative standard of 1 hectare per 300 dwelling units.

Table 7 identifies a number of parkland dedication scenarios for 350 gross hectares of residential development land within Brampton's existing residential neighbourhoods:

Table 7

Parkland Standard/Density	Density in Units	Units Generated	People Generated	Parkland Generated
5% of Gross Land Area				17.5 ha
1ha/300 dwelling units @ 30 persons/ha	9.2 units/ha	3,220 units		10.7 ha
1.6ha/1000 people @3ppu	13.8 units/ha		9,660 people	15.5 ha
1 ha/300 dwelling units @ 45 persons/ha		4,830 units		16.1 ha
1.6ha/1000 people @3ppu			14,490 people	23.2ha

In these examples it is clear that the 5 percent standard generates the greatest amount of parkland in lower density residential communities. Further, the parkland generation target of 1.6ha/1,000 people exceeds the maximum parkland dedication of the *Planning Act* in the higher density scenarios, and, in the lower density scenarios, is not as beneficial to the City as the application of the 5 percent metric of the *Planning Act*.

New Greenfield Residential Neighbourhoods - It is expected that the traditional hierarchy of parkland that has been implemented throughout Brampton's existing residential neighbourhoods, including within North Brampton, will continue to be successful within any other new greenfield residential neighbourhoods that are to be developed within Brampton. However, as density requirements increase within these neighbourhoods, as may be mandated by the Provincial Growth Plan, and/or the Region of Peel Official Plan, the use of the *Planning Act* alternative parkland dedication rate of 1 hectare per 300 dwelling units will begin to generate substantially more parkland than the 5 percent standard. The increase in parkland dedication generated by the alternative rate is further enhanced as household sizes decrease, affecting the number of dwelling units. **Table 8** identifies a number of parkland dedication scenarios for 350 gross hectares of residential development land within Brampton's new greenfield residential neighbourhoods:

Table 8

Parkland Standard/Density	Density in Units	Units Generated	People Generated	Parkland Generated
5% of Gross Land Area				17.5 ha
1ha/300 dwelling units @ 50 persons/ha	17.6 units/ha	6,160 units		20.5 ha
1.6ha/1000 people @2.5ppu			15,400 people	24.6 ha
1 ha/300 dwelling units @ 70 persons/ha	25.0 units/ha	8,750 units		29.2 ha
1.6ha/1000 people @2.5ppu			21,875 people	35.0 ha

In these examples it is clear that the alternative parkland dedication standard of the *Planning Act* at 1 hectare per 300 dwelling units generates the greatest amount of parkland in the City's lower density residential neighbourhoods (the designated greenfield residential communities), influenced by increasing densities and lowering average household sizes. The use of alternative parkland dedication standard has yielded a more-than-satisfactory results to satisfy the City's parkland provision target of 1.6ha/1000 people in this context.

Recommendation 10: *It is recommended that the City of Brampton, throughout its established communities, and within any new designated greenfield residential community, continue to apply a parkland dedication rate of 1 hectare/300 dwelling units, or 5 percent of the gross land area, whichever generates the greater parkland dedication to the City. Where cash-in-lieu of parkland is acceptable to the City, it shall not exceed a value based on 1 hectare/500 dwelling units.*

Residential Intensification within Existing Communities and New Greenfield Residential Communities - Intensification is expected within Brampton's existing communities, as well as, in the future, within any new greenfield residential communities. In these circumstances, the parkland dedication requirement is difficult to quantify. It is important to remember that most existing communities already have a parkland system within them, and many existing properties may have already contributed to parkland dedication requirements (to some degree) when they were originally developed to meet the parkland needs at that time.

Where intensification is proposed within an existing community or new greenfield residential community, additional parkland dedication may be difficult to achieve, but should be considered particularly where more dwelling units in a more intense built-form are being proposed, or there is a conversion from commercial or industrial land uses to any other land use, or where an additional use is introduced including residential. It is important to recognize that more dwelling units will have an incremental impact on existing parkland resources.

Recommendation 11: *It is recommended that the City identify that for Residential Intensification within an Existing Community or a New Greenfield Residential Community the City shall apply a parkland dedication rate of 5% of the land area, or 1 hectare per 300 dwelling units, whichever is greater. As an alternative, the City may require a payment-in-lieu of a land dedication at a rate of 5% of the land area (equivalent value), or on the basis of 1 hectare per 500 dwelling units, whichever is greater.*

Recommendation 12: *It is recommended that the City identify that Additional Residential Units permitted by the Official Plan and Implementing Zoning By-Law is exempt from any parkland dedication requirement.*

Significant Residential Intensification within Established Communities and New Greenfield Residential Communities - The City may get significant residential intensification proposals on lands that are not currently identified within any of the City's designated Intensification Areas/Strategic Growth Areas. In these instances, significant residential intensification within an established community, or within any new Greenfield residential community in the future, may be proposed, but may not necessarily be desired. As such, the City may wish to utilize parkland dedication as a way to mitigate the impacts of intensification in areas where it is not anticipated, and to ensure that adequate parkland is available within the surrounding lower intensity residential neighbourhood.

Recommendation 13: *It is recommended that the City, throughout its established communities and within its new Greenfield residential communities where significant intensification is proposed and not anticipated by the Official Plan (requiring an Official Plan Amendment), apply a parkland dedication rate that is the same as the one applied within the Intensification Areas/Strategic Growth Areas.*

Development in the Intensification Areas/Strategic Growth Areas

Residential Intensification within the defined Intensification Areas/Strategic Growth Areas - The City of Brampton's Official Plan identifies an urban structure that includes a number of Intensification Areas/Strategic Growth Areas. These Intensification Areas/Strategic Growth Areas are expected to accommodate higher density forms of development. In these identified locations, land areas and development sites are limited in size, and land, in general, is both at a premium and significantly more expensive than in any other locations throughout the City.

In considering the amount of parkland dedication achieved on an individual development site, the context of the objectives of the City, the Region and the Province need to be considered. For the very dense and highly urban development anticipated, the approach to parkland dedication needs to be clarified, based on an understanding of what can be considered to be fair and reasonable. Fundamentally, that means finding a balance between the incentive versus disincentive impacts of the cost of the provision of parkland, as well as the desire to promote good City-building principles.

The experience of the Study Team indicates that the 5 percent of land area for higher density forms of residential development is wholly inadequate for any high density, mixed-use community that is expected to be a desirable place to live. The Study Team also concludes that the alternative parkland dedication standard identified in the *Planning Act* of 1 hectare/300 dwelling units may negatively affect the financial considerations for development projects within the City's defined Intensification Areas/Strategic Growth Areas. The key is to identify a parkland dedication/cash-in-lieu requirement that is fair and consistent within the City's Intensification Areas/Strategic Growth Areas. A standard that is not a substantive barrier to ongoing investment and intensification initiatives, a standard that delivers an appropriate urban parkland system that meets the needs of current and future residents in these higher density areas, and a standard that:

- Generates the opportunity (either by providing off-site land dedication, or cash-in-lieu of land) to provide additional parkland elsewhere within the City in support of the City's parkland system standard of 1.6 hectares/1000 people; and,
- To generate cash-in-lieu of land for the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.

The following **Tables 9, 10 and 11** provide a methodology for establishing a per unit cost for parkland dedication within the Intensification Areas/Strategic Growth Areas in Brampton, as follows:

- To calculate the lands generated for parkland City-wide from growth and development within the Intensification Areas/Strategic Growth Area, the population growth estimates are multiplied by the City-wide parkland target of 1.6 hectares/1000 people, as shown on Table 9. It is important to note that it is not expected that all of the parkland need will necessarily be dedicated/acquired within the Intensification Areas/Strategic Growth Areas themselves - it is a parkland target expected to be accommodated on a City-wide basis.

Table 9:

Park Need in the Strategic Growth Areas/Intensification Areas

Secondary Plan Area*	2021 Pop.	2041 Pop.	Growth	Land Need @1.6ha/1000 people
7. Downtown Brampton	12,190	25,270	13,080	20.9 ha
55. Hurontario/Main Corridor	5,250	20,050	14,800	23.7 ha
36. Queen Street Corridor	22,160	46,400	24,240	38.8 ha
TOTALS			52,120	83.4 ha

- The following land value assumptions identified in Table 10, are based on an assessment of land sales data, and are modified based on a host of assumptions related to geographic location, and in some cases, assumptions about potential unit mix yield. The following land values are identified for use in this analysis:
 - **Intensification Areas/Strategic Growth Areas** - \$20,000,000/hectare based on a blended rate of land values ranging from \$15,000,000 to \$25,000,000/ha. Blending includes assumptions about geographic location as well as anticipated unit mix yield;
 - **Lands in proximity to Intensification Areas/Strategic Growth Areas** - \$5,500,000/hectare based on a price range average of between \$5,000,000 and \$6,000,000/hectare. These lands are generally within existing, developed neighbourhoods, in proximity to the defined Intensification Areas/Strategic Growth Areas; and,
 - **Acquisition opportunities elsewhere** - \$2,750,000/hectare based on the average of a range of land values for vacant lands within the Settlement Area, as well as lands within a rural context. The range is from \$1,500,000 to \$4,000,000/hectare.

Table 10:**Estimate of Land Acquisition Cost in Strategic Growth Areas/Intensification Areas**

Secondary Plan Area	% Apartments	% Multiples	High Density	Medium Density	Weighted Average
7. Downtown Brampton	90%	10%	\$25,000,000	\$18,750,000	\$24,375,000
55. Hurontario/Main Corridor	70%	30%	\$20,000,000	\$15,000,000	\$18,500,000
36. Queen Street Corridor	70%	30%	\$20,000,000	\$15,000,000	\$18,500,000
OVERALL WEIGHTED AVG					\$20,000,000

Table 11 identifies a methodology for calculating a per unit cost for parkland dedication for residential development within the Intensification Areas/Strategic Growth Areas. It is important to note, that while the per unit cost identified in **Table 11** is lower than the maximum parkland dedication rate of 1 hectare/300 dwelling units identified within the *Planning Act*, it is substantially higher than the City of Brampton's current practice.

Table 11:**Estimate Per Unit Parkland Cost - Strategic Growth Areas/Intensification Areas**

	Total	Within SGA/IA	In Proximity to SGA/IA	Elsewhere in the City
Proportionate Share	100%	25%	37.5%	37.5%
Land Need	83 ha	21 ha	31 ha	31ha
Value/ha		\$20,000,000	\$5,500,000/ha	\$2,750,000/ha
Cost of Parkland	\$674,954,000	\$416,960,000	\$171,966,000	\$85,998,000
LESS Cash-in-lieu Account*	\$113,500,000			
Cost Assigned to other Tools (15%)	\$84,218,100			
Cost Assigned to Parkland Dedication By-law (85%)	\$477,235,900			
Anticipated Growth @ 2.3 ppu	22,492			
Per Unit Cost in SGA/IA	\$21,218.00			

Recommendation 14: *It is recommended that the City identify a per unit parkland dedication cost of \$21,218/unit within the Intensification Areas/Strategic Growth Areas, as identified in this Parks Plan. It is important to reiterate that the per unit parkland dedication cost is expected to provide land within the Intensification Area/Strategic Growth Area, or cash to acquire land within the Intensification Areas/Strategic Growth Areas, as well as cash to be utilized for parkland acquisition outside of the boundaries of the Intensification Areas/Strategic Growth Area. Further, given that this new per unit parkland fee is substantially greater than the current fee, it is recommended that the fee structure be phased in over time, in order to ameliorate the financial impact of this change*

Mixed-Use Developments - It is anticipated that mixed-use development applications will be primarily located within the Intensification Areas/Strategic Growth Areas identified in the Official Plan. The calculation of parkland dedication requirements for mixed-use developments can vary, and can be calculated through a number of mathematical formulae.

It is generally desirable to include commercial and institutional elements to a development to create land use diversity, and to promote good live-work, live-shop relationships. Those uses are also important elements of a complete community at the neighbourhood scale. In addition, higher density, mixed-use contexts, where the primary land use is residential, it is the residential requirement for parkland that will far outweigh the contribution from the commercial or institutional components, particularly if the calculation is based on pro-rating GFA to establish a parkland dedication formula.

Recommendation 15: It is recommended that the City consider provisions for mixed-use development that identifies that for all mixed-use developments the parkland dedication requirement shall be based on the following Mixed-Use Formula:

Total Contribution = Residential Contribution + Pro-Rated Other Non-Residential Contribution + Pro-Rated Commercial/Industrial Contribution

Total Contribution = Residential Contribution (as defined in the By-law)

+ ((Other Non-Residential GFA/Total GFA)(Site Area *.05))*

+ ((Commercial/Industrial GFA/Total GFA)(Site Area *.02))*

The following is an example of how the mixed-use formula works:

Assumptions:	Site Land Value:	\$10,000,000.00
	Site Size:	5,000 m ²
	Floor Space Index:	6.0
	Total GFA:	30,000 m ²
	- GFA for Residential Uses	20,000 m ² /160 dwelling units
	- GFA for Other Non-Residential Uses	5,000 m ²
	- GFA for Commercial/Industrial Uses	5,000 m ²

Total Contribution = (160 dwelling units*\$21,218) + (.167*5,000 m ² *.05) + (.167*5,000 m ² *.02)
= \$3,394,880.00 + 41.75 m ² + 16.70 m ²
= \$3,394,880.00 + (41.75 m ² /5,000 m ² *Land Value) + (16.70 m ² /5,000 m ² *Land Value)
= \$3,394,880.00 + (41.75 m ² /5,000 m ² *\$10,000,000.00) + (16.70 m ² /5,000 m ² *\$10,000,000.00)
= \$3,394,880.00 + \$83,500.00 + \$33,400.00
= \$3,511,780.00

Recommendation 16: It is recommended that where cash-in-lieu is considered appropriate by the City, it shall be based on the cash equivalent of the application of the Mixed-Use Formula, or the alternative cash-in-lieu of land provisions of the Planning Act for residential development of 1 hectare/500 dwelling units, whichever is less.

The primary objective of the City is to promote appropriate mixed-use development in the appropriate locations as part of achieving the principles of City-building, and as such the City should consider how mixed-use developments may be incentivized.

***Recommendation 17:** It is recommended that where the City wishes to incentivize mixed-use development, that where the non-residential component represents less than 20% of the gross floor area, that the parkland dedication due from the non-residential component be reduced, or waived, to the satisfaction of the City.*

Achieving the Elements of the Urban Parkland System within the Intensification Areas/Strategic Growth Areas

In addition to establishing an appropriate parkland dedication/cash-in-lieu rate for application within the City's Intensification Areas/Strategic Growth Areas, it is crucial that actual parkland system elements be achieved to serve residents and businesses within the Intensification Areas/Strategic Growth Areas. There are a number of important city-building objectives at play. First, what is considered to be a robust, diverse and flexible urban parkland system; second, what is a fair and consistent methodology to calculate parkland dedication/cash-in-lieu contributions; and, third, how does the City leverage development within the Intensification Areas/Strategic Growth Areas to achieve its overall City-wide parkland targets and objectives. Research on achieved parkland in a number of urban centres in Canada and the United States is provided in **Appendix II**.

***Recommendation 18:** It is recommended that when preparing comprehensive plans (City-adopted Secondary Plans, Precinct Plans or Comprehensive Block Plans) for identified Intensification Areas/Strategic Growth Areas, that the City identifies a minimum of 7.5 percent, and an objective of 12 percent of the Gross Land Area as parkland, and that the planned urban parkland system within a comprehensively planned Strategic Growth Area be:*

- *Comprised of dedicated land in the Public Common, Urban Square and Promenade categories; and,*
- *Be distributed throughout the Strategic Growth Area, such that 80 percent of the residents of the Strategic Growth Area are within a maximum of a 2 minute walk from a defined urban park space element and that 100 percent of the residents of the Strategic Growth Area are within a maximum of a 5 minute walk from a defined Public Common, Urban Square or Promenade urban park space element.*

It is also an important objective of the City that in addition to the overall, and comprehensively planned urban parkland system, that all significant developments (defined as developments on sites that are equal to or greater than 1500 square metres in size) within a Strategic Growth Area make a recognizable contribution to the urban parkland system by requiring an on-site urban park space element. Innovation and diversity of urban park spaces is to be encouraged, and alternative land ownership strategies may be considered by the City as the identified Intensification Areas/Strategic Growth Areas become more urban over time.

Recommendation 19: *It is recommended that, in addition to the 12 percent of Gross Land Area identified within a comprehensive plan (City-adopted Secondary Plans, Precinct Plans or Comprehensive Block Plans) for identified Intensification Areas/Strategic Growth Areas, the City require that all development on all sites within the Intensification Areas/Strategic Growth Areas that are greater than 1500 square metres in size, shall include, at a minimum, a land contribution to the City for urban park purposes, that meet the following criteria:*

- *An on-site urban parkland system contribution of not less than 5 percent of the net developable site area for any residential or mixed-use development that includes residential uses, or 5 percent of the net developable site area for any stand-alone institutional building that includes no residential dwellings, or 2 percent of the developable site area for any stand-alone office or retail commercial development that includes no residential dwellings;*
- *An urban parkland system element shall have a minimum frontage on a public street right-of-way that is not less than 7.5 metres, or 60 percent of the depth of the urban parkland element, whichever is greater; and,*
- *Larger sites shall include larger urban parkland system elements and/or multiple urban parkland system elements.*

Recommendation 20: *It is recommended that the City explicitly identify that for sites less than 1500 square metres in size, the City may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.*

7.5 Options for the Ownership of the City's Parkland System

There are four primary approaches to the ownership/securement of the parkland system within the City of Brampton, as follows:

- **Fee Simple Parkland** - Fee simple parkland is land dedicated or otherwise acquired by the City without any form of legal or constraint. These lands are owned by the City. Throughout Brampton, it is the clear preference that all elements of the parkland system be owned by the City. Fee Simple ownership provides the City with the full responsibility and associated flexibility to ensure that parkland elements are appropriately designed, maintained and programmed. Fee Simple parkland elements, where achieved through the development approval process, shall count toward the required parkland dedication;

- **Strata Ownership** - Strata ownership is a form of City ownership that is achieved through the Condominium Act. Typically, Strata Ownership identifies the horizontal layer of a multi-level development that is to be dedicated to the City, and in this application, for public parkland purposes. Strata Ownership is City ownership, including all of the responsibilities and associated flexibility to ensure that parkland elements are appropriately designed, maintained and programed. Usually, Strata Ownership is used where a parkland element is to be built over the top of some underground structure or facility (such as a parking garage, or a storm water management facility). Where a Strata Ownership arrangement is used, including the appropriate legal agreements, the land area of the strata park shall be counted toward the required parkland dedication, but the actual land area to be counted may be discounted by to reconcile issues related to lifecycle costs - parkland over structure has a defined life span, typically related to the waterproofing membrane that separates the parkland from any below grade structure. The actual amount of the discount shall be determined at the sole discretion of, and to the satisfaction of the City;
- **Privately Owned Public Spaces (POPS)** - POPS are not owned by the City. They are parkland elements that remain in private ownership yet, nonetheless, may form an important component of the overall parkland system. The City may consider counting POPS toward the parkland dedication requirement only where appropriate legal agreements that guarantee that the park space is designed, built and maintained to City standards, and that it is open and accessible to the public at all times (or otherwise to the satisfaction of the City). Where the City chooses to count a POPS as part of the parkland dedication requirement, the actual land area to be counted shall be discounted in recognition that, notwithstanding required legal agreements, the City does not own the land and therefore cannot exercise the full extent of control over the design, maintenance and programing of the space. Where appropriate, the actual amount of the discount shall be determined at the sole discretion of, and to the satisfaction of the City; and,
- **Use Agreements/Easements** - While not a form of City ownership, it is important for the City to consider constrained lands (utility rights-of-way, lands associated with highway development, or other lands owned by a utility, a school board or other government agency) as contributors to the overall parkland system of the City where those lands can perform a recreational function that benefits the City. These lands, while not owned by the City, may be designed and maintained by the City to achieve a community benefit. While there is no need to consider the issue of any contribution toward parkland dedication requirements, these lands may be appropriately secured for public use through a use agreement or public use easement.

It is understood that municipal fee simple parkland ownership is a desirable objective of the City. However, where the elements of a more urban parkland system are to be considered, the alternatives of Strata Ownership and/or POPS can become important opportunities. Please refer to **Appendix III** for a more

fulsome discussion of the opportunities and risks of these ownership alternatives. Key to the success of these alternatives to fee simple municipal ownership are the legal agreements that are established to ensure the City's design expectations and maintenance protocols are achieved and that public access is ensured. Please note that a more detailed discussion of these ownership options is provided in **Appendix III**.

Ownership Options for the Parkland System within the Established Communities and New Greenfield Residential Communities

***Recommendation 21:** Where land is to be considered as a parkland dedication contribution under the Planning Act, it is recommended that the City require, as a first priority, the Fee Simple dedication for all parkland system elements within the established communities and new greenfield residential communities.*

However, where there is an appropriate rationale, the City may consider a Strata Ownership arrangement, as permitted under the Ontario Condominiums Act, for parks within the established communities and new greenfield residential communities, subject to a land area discount, in recognition of life-cycle cost issues. The actual amount of the land area discount shall be determined at the sole discretion of, and to the satisfaction of the City.

Ownership Options for the Urban Parkland System within the Intensification Areas/Strategic Growth Areas

In recognition that land is both scarce and expensive within the City's defined Intensification Areas/Strategic Growth Areas; it is important for the City to be able to consider alternative land ownership/securement options in order to maximize the efficient use of land, while still achieving the desired robust and flexible urban parkland system.

***Recommendation 22:** Where land is to be considered as a parkland dedication contribution under the Planning Act, it is recommended that the City, as a first priority, require fee simple parkland dedication for all Public Common, Urban Square and Promenade elements of the urban parkland system within the Intensification Areas/Strategic Growth Areas.*

However, where there is an appropriate rationale, it is recommended that the City consider a Strata Ownership arrangement for Public Common, Urban Square and Promenade elements of the urban parkland system within the Intensification Areas/Strategic Growth Areas, subject to a land area discount, in recognition of life-cycle cost issues, to the satisfaction of the City.

Recommendation 23: *It is recommended that the City continue to augment the urban parkland system within the Intensification Areas/Strategic Growth Areas with Privately Owned Public Spaces (POPS). To incentivize the provision of POPS, it is recommended that the City consider providing parkland dedication credit, where the following criteria are met, to the satisfaction of the City:*

- *It is an integral element, and is directly connected to the broader urban parkland system and the adjacent public sidewalk system;*
- *It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade;*
- *An appropriate legal agreement has been established between the owner and the City that guarantees that the space is designed, built and maintained to City standards, and is open and accessible to the public at all times (or as otherwise to the satisfaction of the City); and,*
- *The land area of the POPS is appropriately discounted, in recognition of the City's lack of programming control, to the satisfaction of the City.*

A key concern with POPS is that they may, over time, be converted to wholly private spaces, or may no longer be appropriately maintained to the satisfaction of the City. In these circumstances, the City may discontinue the POP agreement, and request compensation for the lost parkland dedication credit, based on appraised land value on the date of the discontinuance.

7.6 Understanding Cash-In-Lieu of Parkland

The *Planning Act* permits the City to require/accept cash-in-lieu of land dedication up to the value of the land otherwise to be conveyed. The cash-in-lieu requirement shall be based on:

- For commercial or industrial land uses - up to 2% of the value of the land area;
- For all other non-residential land uses - up to 5% of the value of the land area; and,
- For residential land uses - up to 5% of the value of the land area, OR, 1 hectare for each 500 dwelling units proposed, or such lesser rate as may be specified in the Parkland Dedication By-Law.

There are a number of other issues to be determined in the Parkland Dedication By-Law related to who should decide when cash-in-lieu is acceptable, how the cash payment is to be calculated, and how to deal with disputes, as they may arise from time to time.

Who decides when cash-in-lieu is acceptable?

In many jurisdictions, municipalities will respond to the developer's wishes regarding whether land or cash-in-lieu of land is provided, on a case-by-case basis. In Brampton, the City typically determines whether land, or cash-in-lieu of land or some combination thereof is appropriate based on the policies of the Official Plan, any applicable Secondary Plan and/or the identified needs of the community.

Recommendation 24: *It is recommended that the City clearly empower itself to determine, in consultation with staff and proponents of development, when cash-in-lieu is an acceptable approach, and when a land contribution will be required.*

The *Planning Act* permits the acceptance of cash-in-lieu without limitation on the type of use, the location within the City, or any other contextual circumstance. In that regard, the City does not require any definition of when cash-in-lieu is used, or not. The City can identify the circumstances where cash-in-lieu of parkland dedication may be permitted or required. Important to the conversation about parkland dedication is a commitment by the City to, as a first priority, acquire parkland assets through the development approval process. The decision to require land, or cash, or some combination thereof, for any specific development proposal should be part of the public process for an Official Plan Amendment, and/or a Rezoning application.

Recommendation 25: *It is recommended that the City state in the Parkland Dedication By-law, that land dedication always be the first priority, and that cash-in-lieu be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the City. Cash-in-lieu of land shall be considered under the following circumstances:*

- *Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;*
- *Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable park space;*
- *Where existing parkland is available and is deemed sufficient by the City in quantity and quality to accommodate further development in proximity to the proposed development; or,*
- *Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the City.*

How will land value be established?

The *Planning Act* provides specific direction to municipalities for "how" land value is to be established for the purposes of the payment of cash-in-lieu.

Recommendation 26: *It is recommended that the City identify that where cash-in-lieu is considered appropriate by the City, it shall be based on the cash equivalent of the applicable parkland dedication requirement as established in the Parkland Dedication By-law. Notwithstanding that statement, for residential, or the residential component of a mixed-use development, under no circumstances will a cash-in-lieu equivalent exceed 1 hectare per 500 dwelling units.*

Recommendation 27: *It is recommended that the City carry out land valuation in accordance with the Planning Act.*

How will cash-in-lieu be used by the City?

The *Planning Act* requires that the City establish a special bank account to hold funds generated through the cash-in-lieu provision. In all circumstances, it would be appropriate for the City to have a strategy for the disposition of those funds to acquire lands and carry out appropriate improvements to parklands throughout the City.

Recent legal opinions, based on a careful reading of the *Planning Act*, suggest that undefined capital improvements to parks (whether due to nearby population growth, or other reasons) are not a fundable item for cash-in-lieu of parkland under the *Planning Act*, and, where capital improvements to existing parks are necessary due to continuing population growth and changing use patterns, these capital improvements are more appropriately captured under the Development Charges By-law, or potentially, through the Community Benefits Charge.

Recommendation 28: *The City has established a special bank account for the receipt of all cash-in-lieu of land contributions accrued through the parkland dedication/cash-in-lieu of parkland process. It is recommended that the City clearly articulate that the accumulated cash-in-lieu may be used for the following priorities:*

- *The first priority shall be to fund the acquisition of parkland in proximity (within 800 metres or less) to the development that generated the cash-in-lieu payment, where possible;*
- *The second priority shall be to fund the acquisition of parkland within identified Secondary Plan Areas Below Parkland System Standard – 2041; and,*
- *The third priority shall be to fund the following:*

- *The acquisition of lands for public parkland and public recreational purposes anywhere in the City; and,*
- *The acquisition of lands for pathways, trails and associated infrastructure throughout the City, with a focus on missing links.*

Recommendation 29: *The City shall prepare a priority land acquisition strategy and a budget for allocating funds, on an annual basis, to acquire parkland acquisition and fund appropriate improvement projects. The goal will be to ensure that all cash-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion, and to avoid the land cost inflation issues that occur over time.*

Recommendation 30: *In administering the special bank account, it is recommended that the City identify the following provisions:*

- *Money in the special cash-in-lieu bank account may be invested in securities that the City is permitted to invest in under the Municipal Act; and,*
- *Any earnings derived from the investment shall be paid into the special cash-in-lieu bank account, and the Treasurer of the City shall report on the activities and status of the account in an Annual Financial Statement relating to the special cash-in-lieu bank account. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special cash-in-lieu bank account and all of the transactions relating to the account, as well as statements identifying:*
 - *Any land or machinery acquired during the year with funds from the special cash-in-lieu bank account;*
 - *Any capital improvements carried out during the year with funds from the special cash-in-lieu bank account;*
 - *Any building erected, improved or repaired during the year with funds from the special cash-in-lieu bank account;*
 - *The details of the amounts spent; and,*
- *The Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs (on request) and Council shall ensure that the Annual Financial Statement is made available to the public.*

Is a Land Bank Appropriate?

Overall, the City will receive cash-in-lieu of parkland, and may in some instances, receive land dedications that may not be immediately suitable for the development of a park. Land is a resource that over the past few years has been appreciating in value at a faster rate than many other forms of investment. This is a problem for the City because the time lags between when cash-in-lieu is collected, and when a corresponding land acquisition is implemented ensures that the cash has not appreciated at the same pace

as land. The result is the land area is smaller than anticipated or additional cash is required to acquire the same amount of land.

A land bank has the potential to be a tool of value to the City. The City could acquire land assets based on a "respond to opportunity" approach, and that land may, or may not ultimately be used for parkland but can be available to sell for other purposes to generate the cash, or trade for lands that are appropriate for parkland at the appropriate time. The City could also consider the acquisition of land for parks in strategic locations in advance, financing land acquisitions from a forecast of cash-in-lieu generated from future development. This might allow the City to get "out in front" of land value appreciation, acquiring land in today's dollars, and offsetting those costs with cash-in-lieu payments from lands that have appreciated in value later on. However, the obvious risk would be exposure to land market fluctuations.

The discussion about a land bank should be about the mechanics of how it could work, and what benefits it might provide to the City in making improvements to the overall parkland system over time.

***Recommendation 31:** It is recommended that the City explore the potential to establish a Land Bank for public parkland purposes, either as a mechanism to counter-act the inflationary effects of the cost of land or to ensure that land is available for public park purposes as the City continues to urbanize and intensify over time.*

7.7 Developers/Development Forms that may be Exempt from Parkland Dedication

The City may exempt certain categories of land use, or specific forms of development from the requirement to provide a parkland dedication and/or cash-in-lieu of land. In addition, some institutional developers, like school boards, hospitals and universities are also exempt. The City may also consider other institutional uses as exempt, or provide a reduced parkland dedication requirement for: special needs housing, affordable housing or any category of land use that is defined as providing a public benefit.

In addition, the City may consider eliminating or reducing the parkland dedication requirements as an incentive used to stimulate appropriate development. This could be applied site specifically, or based on achieving a number of defined public benefits, or generally within a geographic area or category of development. There is a concern that broadening the list of types of development types exempt from parkland dedication, or exempting whole land use categories will unduly compromise the City's ability to achieve the desired parkland system target.

Recommendation 32: *It is recommended that the City consider the following developers or development categories as exempt, or subject to a reduction from any parkland dedication/cash-in-lieu requirement:*

- *Development or redevelopment undertaken by the Province of Ontario, a municipality including any corporation owned, controlled and operated by the City of Brampton or the Regional Municipality of Peel or a Board of Education, as defined in the Education Act;*
- *Replacement of an existing Dwelling Unit on an existing lot;*
- *Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of the Fixing Long-Term Care Act;*
- *A college or university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;*
- *An Indigenous Institute prescribed for the purposes of the Indigenous Institutes Act;*
- *Public hospitals;*
- *Additional Residential Units; and,*
- *Temporary Sales Structures.*

Recommendation 33: *It is recommended that the City, notwithstanding the list of exemptions and/or reductions identified in this Parks Plan, reserve the right to exempt, or reduce the parkland dedication/cash-in-lieu requirement for any land use, development project, or specific development site, at the discretion of Council.*

7.8 Lands that Should Count/Not Count for Parkland Dedication

In a general sense, the City looks for lands to be dedicated for parkland that are otherwise considered developable. In some instances, however, it is important to remember that a diverse parkland system includes a range of public parkland, including public parks that may not be intended to accommodate sports fields or other active recreational activities. There is more flexibility with more passive park types to accommodate slopes, woodlots, natural heritage and cultural heritage features. Lands identified as within the Natural Heritage System are not typically acceptable for parkland dedication, with the notable exception of the City of London that does accept those lands with a significant reduction in value.

In the City of Brampton, there are also significant land areas that are identified as within the Greenbelt - lands with physical/natural constraints, as well as lands that are only constrained from development by the applicable Provincial and Regional policy frameworks. In some instances, these lands may be appropriate candidates to accommodate either active or passive recreational opportunities and as such, may be appropriate for consideration as parkland dedication.

Recommendation 34: *It is recommended that the City of Brampton identify the following as fully acceptable lands for parkland dedication:*

- *Lands in a condition satisfactory to the City and in accordance with the requirements of the City's Official Plan Policies and/or Parkland Dedication By-law respecting the acquisition of land, including a Record of Site Condition pursuant to the Environmental Protection Act; and,*
- *Lands that are generally free of any/all legal and other encumbrances.*

Recommendation 35: *It is recommended that the City of Brampton identify the following as potentially being acceptable lands for parkland dedication, but at a reduced rate:*

- *Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;*
- *Lands that include slopes between 5 percent and 15 percent, that are not included within the Natural Heritage System and/or,*
- *Lands that include designated cultural heritage resources or cultural heritage landscapes.*

Recommendation 36: *It is recommended that the City identify that it may accept, at a reduced rate, Strata Ownership, and, only within Intensification Areas/Strategic Growth Areas, may accept POPS, subject to required legal agreements, to the satisfaction of the City.*

Recommendation 37: *It is recommended that the City of Brampton identify the following as not acceptable lands for parkland dedication:*

- *Land that has been or will be conveyed to the City for stormwater management facilities, highways, roadways, walkways, or any other non-parkland purpose;*
- *Natural Hazard Lands;*
- *Lands that are constrained or otherwise deemed undesirable by the City due to, among other things, their size, location, grade, drainage, flooding, or configuration;*
- *Lands which have unsuitable or unstable soil conditions, including lands which are contaminated; and,*
- *Utility rights of way or easements, including but not limited to hydro, gas, cable and telecommunications.*

7.9 Administration of the City's New Parkland Dedication By-law

What is the overall applicability of the New By-Law?

In general, the Parkland Dedication By-Law should be applicable throughout the City, and for all categories and types of development, and in all geographic locations.

Recommendation 38: *It is recommended that the City, in its Parkland Dedication By-law, state that the By-law applies to all lands within the corporate limits of the City of Brampton, and that the Parkland Dedication By-law applies to all development applications pursuant to the Planning Act, which are submitted and deemed complete by the City. In addition:*

- *As a condition of development of land, the City shall require that parkland be conveyed to the City for park or other public recreational purposes; and,*
- *The required conveyance shall be in the form of land, or a cash-in-lieu equivalent to the value of the land required, or a combination of cash and land, at the discretion of the City.*

It is also important to recognize previous conveyances/payments for development, ensuring that the City does not inadvertently extra-charge a development for parkland dedication.

Recommendation 39: *It is recommended that the City, in its Parkland Dedication By-Law identify that where land has been previously been conveyed, or a payment of cash-in-lieu of such conveyance has been previously received by the City, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the City in respect of subsequent development or redevelopment applications, unless:*

- *There is a change in the proposed development which would increase the residential density (expressed as number of units) of the current use or currently approved use; or,*
- *Lands originally identified for development or redevelopment for commercial or industrial purposes are instead proposed for development or redevelopment for other purposes that generate a higher parkland dedication.*

Further, where such increase in density and/or dwelling units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from a commercial or industrial land use to any other land use, the conveyance will be subject to the increase in density/dwelling units/land use proposed and the value determined at the time of the application.

Recommendation 40: *It is recommended that the City, in its Parkland Dedication By-law, indicate that nothing in the By-law shall be interpreted so as to frustrate, invalidate or supersede any existing agreements that have been previously executed between the land owners and the City with respect to area specific parkland dedication, delivery and funding arrangements, provided that the proposed development proceeds in a manner set out under such agreements.*

Recommendation 41: *It is recommended that the City, in its Parkland Dedication By-law, identify that parkland dedication credits may be considered by the City where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the City, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the City may be required to facilitate the intent of this recommendation.*

By whom, and how should the New By-law be administered?

Recommendation 42: *It is recommended that the City delegate to the Commissioner of Community Services, or their designate, the administration of the Parkland Dedication By-Law, including authorization to:*

- *Negotiate parkland dedication and/or cash-in-lieu for each development application, in accordance with the provisions of the City's Parkland Dedication By-Law and the policies of the Official Plan;*
- *Establish the location and configuration of the land required to be conveyed;*
- *Establish the value of land for the purposes of calculating any required payment; and,*
- *Maintain records of all lands and cash-in-lieu received and including all expenditures from the cash-in-lieu parkland reserve fund. The cash-in-lieu parkland dedication record and associated financial statements shall be reported to the Treasurer of the City of Brampton.*

Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke or restrict any delegated power that has been established.

When should the New By-law be reviewed?

Recommendation 43: *It is recommended that the City review the Parkland Dedication By-Law, at a minimum, in response to changes in Provincial planning policies and/or whenever the City reviews its applicable Official Plan policies. The By-Law should also indicate that it should be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.*

When should the New By-law begin to apply?

It is anticipated that the new Parkland Dedication By-Law will be substantially different than the existing practices of the City of Brampton, and as such, the issue of when the new By-Law shall apply, and if there needs to be a transition period between when the new By-Law will take effect. Typically, the provisions of the new By-Law will apply to all development applications pursuant to the *Planning Act* which are submitted and deemed complete on or after the Effective Date of this By-Law, as determined by the approval of Council.

***Recommendation 44:** It is recommended that the City apply the Parkland Dedication By-law to all development applications pursuant to the Planning Act, which are submitted and deemed complete, as well as all developments that have been issued building permits following the Effective Date of the approval of the By-Law.*

Further, it is recommended that the City consider the implications if any Section of the By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of the By-law shall be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

