

City of Mississauga
Corporate Report



<p>Date: January 21, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's files: OZ 17/020 W11, T-M17007 W11 and H-OZ 21/001 W11</p>
	<p>Meeting date: February 14, 2022</p>

Subject

SECTION 37 COMMUNITY BENEFITS REPORT (WARD 11)

Community Benefits Contribution under Section 37 to permit seven freehold townhomes and 19 condominium townhomes

36, 38, 40, 44 and 46 Main Street, northeast corner of Main Street and Wyndham Street

Owner: City Park (Main Street) Inc.

File: OZ 17/020 W11, T-M17007 W11 and H-OZ 21/001 W11

Recommendation

That the report dated January 21, 2022, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under File OZ 17/020 W11 and T-M17007 W11, City Park (Main Street) Inc., 36, 38, 40, 44 and 46 Main Street, be adopted and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$185,000.00 be approved as the amount for the Section 37 Community Benefits contribution.
2. That City Council enact a by-law under Section 37 of the *Planning Act* to authorize the Commissioner of Planning and Building and the City Clerk to execute the Section 37 agreement with City Park (Main Street) Inc., and that the agreement be registered on title to the lands in a manner satisfactory to the City Solicitor to secure the community benefits contribution.

Executive Summary

- The City is seeking a Community Benefits contribution under Section 37 of the *Planning Act*, in conjunction with the proponent's official plan amendment and rezoning application

Originator's files: OZ 17/020 W11
T-M17007 W11
H-OZ 21/001 W11

- The proposal has been evaluated against the criteria contained in the Corporate Policy and Procedure on Bonus Zoning
- The Community Benefits contribution is \$185,000 which will be used towards lifecycle repairs and upgrades to the Streetsville Village Square electrical infrastructure, with any remaining funding be used towards lighting of recently installed gateway signage on Main Street
- The request can be supported subject to the execution of a Section 37 agreement and payment of the cash contribution by the owner

Background

On September 28, 2020, a Recommendation Report was presented to Planning and Development Committee (PDC) recommending approval of official plan amendment and rezoning applications on the subjects lands under File OZ 17/020 W11, by City Park (Main Street) Inc., to permit 7 freehold townhomes and 19 condominium townhomes subject to certain conditions.

PDC passed Recommendation PDC-0034-2020 which was subsequently adopted by Council on October 14, 2020. As part of the recommendation, staff was directed to hold discussions with the applicant to secure Community Benefits in accordance with Section 37 of the *Planning Act* and the Corporate Policy and Procedure on Bonus Zoning, and to return to Council with a Section 37 report outlining the recommended Community Benefits. The purpose of this report is to provide comments and a recommendation with respect to the proposed Section 37 Community Benefits.

Present Status

Official Plan Amendment 111 and the implementing zoning by-law (0029-2021) were adopted by Council on February 3, 2021. This report addresses the outstanding Section 37 contribution that is required to be made to the City in order to lift the "H" Holding Symbol from the zoning of the site.

Comments

Background information, including an aerial photograph and the concept plan for the proposed development, is provided in Appendices 1 and 2.

Section 37 Community Benefits Proposal

Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning on September 26, 2012. In accordance with Section 37 of the *Planning Act* and policies contained in Mississauga Official Plan, this policy enables the City to secure community benefits when

increases in permitted development are deemed good planning by Council through the approval of a development application. The receipt of the Community Benefits discussed in this report conforms to Mississauga Official Plan and the Corporate Policy and Procedure on Bonus Zoning.

"Community Benefits" is defined in the Corporate Policy and Procedure as meaning facilities or cash secured by the City and provided by an owner/developer for specific public capital facilities, services or matters. Chapter 19.8.2 of the Official Plan provides examples of potential Community Benefits, e.g. the provision of public art, the provision of multi-modal transportation facilities, the provision of streetscape improvements, etc.

Following Council's approval in principle of the subject applications, Planning staff consulted with representatives from Community Services, Transportation and Works, and Corporate Services to discuss potential community benefits. Subsequent to these discussions, Planning staff then met with the developer and Ward 11 Councillor, George Carlson, on separate occasions to discuss the possible community benefits relating to the proposal.

Written confirmation has been provided by the owner confirming that the Community Benefit is \$185,000.00 and will be put towards lifecycle repairs and upgrades to the Streetsville Village Square electrical infrastructure, with any remaining funds allocated toward lighting of recently installed gateway signage on Main Street.

Guiding Implementation Principles

The Section 37 Community Benefits proposal has been evaluated against the following guiding implementation principles contained in the Corporate Policy and Procedure on Bonus Zoning.

1. Development must represent good planning.

A fundamental requirement of the use of Section 37 is that the application being considered must first and foremost be considered "good planning" regardless of the Community Benefit contribution.

The Recommendation Report dated September 4, 2020 presented to PDC on September 28, 2020, evaluated the proposed official plan amendment and rezoning and recommended that the applications be approved as they are acceptable from a planning standpoint and represent good planning.

2. A reasonable planning relationship between the secured Community Benefit and the proposed increase in development is required.

The proposed contributions towards upgrades to the electrical infrastructure in Streetstville Village Square and the potential lighting of the Streetsville gateway signage on Main

Street will benefit the immediate neighbourhood. The items listed represent a "highest priority" Community Benefit, as they are in the immediate vicinity of the site.

In order to determine a fair value of the Community Benefits, Realty Services retained an independent land appraiser to determine the increased value of the land resulting from the height and density increase. In this instance, acknowledging that the previous as of right zoning permitted up to 7 detached dwelling units, staff have determined that the relationship between the proposed \$185,000.00 worth of community benefits and the land value of the requested height and density increase is acceptable. This amount represents 20% of the land lift value, which is in line with the Corporate Policy and Procedure and is acceptable to both the City and the owner.

3. Community Benefit contributions should respond to community needs.

The creation of complete communities including cultural infrastructure, and building a desirable urban form including the public realm are some of Mississauga Official Plan's guiding principles. Upgrades to Streetsville Village Square were identified as a need through discussions with Ward 11 Councillor George Carlson, the Streetsville BIA and staff in the Parks, Forestry and Environment Division and Facilities and Property Management Division. Upgraded lighting of the recently constructed Streetsville gateway signage on Main Street will enhance and illuminate the signage at night. In accordance with the Corporate Policy and Procedure, Ward 11 Councillor George Carlson, has been consulted regarding the negotiations and supports the proposed Community Benefit contribution.

4. Ensure that the negotiation process of Section 37 Agreements is transparent.

Upon receipt of the proposed Community Benefit, the funds will be placed in a Section 37 Reserve fund, and then allocated to the Parks, Forestry and Environment Division through the WIP process. The project will ultimately be managed by Park Development in consultation with Facilities and Property Management. As the community benefit is being used to repair and improve existing site infrastructure, community consultation is not required.

Section 37 Agreement

The Planning and Building Department and the owner have reached mutually agreed upon terms and conditions of the Community Benefit and the related agreement for the subject lands. The agreement provisions will include the following:

- a Community Benefit contribution of \$185,000.00;
- the contribution is to be used toward lifecycle repairs and upgrades to the Streetsville Village Square electrical infrastructure, with any remaining funds allocated toward lighting of recently installed gateway signage on Main Street

- the agreement is to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the said benefits.

Financial Impact

Cash benefits received from a Section 37 agreement will be collected by the Planning and Building Department and held in a Section 37 Reserve Fund set up for that purpose. This fund will be managed by Accounting, Corporate Financial Services, who are responsible for maintaining a record of all cash payments received under this policy.

Conclusion

Staff have concluded that the proposed Section 37 Community Benefit is appropriate, based on the increased density being recommended through the official plan amendment and rezoning applications; and that the proposal adheres to the criteria contained in the Corporate Policy and Procedure on Bonus Zoning. Further, the contribution towards lifecycle repairs and upgrades to the Streetsville Village Square electrical infrastructure, with any remaining funds allocated toward lighting of recently installed gateway signage on Main Street will help to implement complete community and building a desirable urban form principles in Mississauga Official Plan.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Concept Plan



(Chris Rouse, Acting Commissioner)

Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Matthew Shilton, Development Planner