

City of Mississauga
Corporate Report



<p>Date: March 4, 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 file: OZ 17/014 W3</p>
	<p>Meeting date: March 28, 2022</p>

Subject

SECTION 37 COMMUNITY BENEFITS REPORT (WARD 3)

**Community Benefits contribution under Section 37 for a 15 storey apartment building
 1750 Bloor Street and 3315 Fieldgate Drive,**

southeast corner of Bloor Street and Fieldgate Drive

Owner: TC Core GP Inc. Mustang Equities Inc. (Hazelview Investments)

File: OZ 17/014 W3

Recommendation

That the report dated March 4, 2022 from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under File OZ 17/014 W3, TC Core GP Inc. Mustang Equities Inc. (Hazelview Investments), 1750 Bloor Street and 3315 Fieldgate Drive, be approved and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$1,346,000.00 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 TC Core GP Inc. Mustang Equities Inc. (Hazelview Investments), 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 applications
- The proposal has been evaluated against the criteria contained in the Corporate Policy and Procedure on Bonus Zoning
- The Community Benefits contribution comprises \$1,346,000.00 toward park improvements
- 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 June 28, 2021, a Recommendation Report was presented to Planning and Development Committee (PDC) recommending approval of an official plan amendment and rezoning applications on the subject lands under File OZ 17/014 W7, by TC Core GP Inc. Mustang Equities Inc. (Hazelview Investments), to permit a 15 storey apartment building, subject to certain conditions. Recommendation PDC-0047-2021 was subsequently adopted by Council on June 30, 2021. 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.

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.

Planning staff met with representatives from Community Services, Transportation and Works, and Corporate Services to discuss potential community benefits. Subsequent to this meeting, Planning staff then communicated with the developer and met with Ward 3 Councillor, Chris Fonseca, 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 \$1,346,000.00, which will include:

- Funds towards Burnhamdale Park - \$1,018,000.00
 - Two dedicated pickleball courts - \$130,000.00
 - Chat Benches seating area / Bike Parking - \$20,000.00
 - 30 Tress - \$23,000.00
 - Splash Pad (minor) - \$325,000.00
 - Site grading and infrastructure - \$65,000.00
 - Picnic Shelter (metal) - \$105,000.00
 - Drainage improvements to reduce flooding risk - \$350,000.00
- Funds towards Bethesda Common Park - \$328,000
 - Replacement sand with engineered wood fibre safety surface - \$75,000.00
 - New play equipment - \$148,000.00
 - Picnic shelter (metal) - \$105,000.00

In the event that any of these improvements cannot be accommodated, the monies may be applied to other park improvements in the area.

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 June 4, 2021 presented to PDC on June 28, 2021, 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 contribution towards Burnhamdale Park and Bethesda Common Park is considered a "highest priority" Community Benefit, as it is in the immediate vicinity of the site.

In order to determine a fair value of the Community Benefits, Realty Services retained an independent land appraisal to determine the increased value of the land resulting from the height and density increase. In this instance, acknowledging that Mississauga Official Plan policies permit developments of up to 11 storeys in this area, staff have determined that the relationship between the proposed \$1,346,000.00 worth of community benefits and the land value of the requested height and density increase is acceptable. This amount represents approximately 21% 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.

In accordance with the Corporate Policy and Procedure, Ward 3 Councillor, Chris Fonseca, 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.

The land appraisal report prepared by an independent land appraiser is available for viewing. The proposed contribution towards Burnhamdale Park and Bethesda Common Park improvements is subject to a detailed review by the Community Services Department.

Section 37 Agreement

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

- a Community Benefit contribution of \$1,346,000.00
- the contribution is to be used towards improvements to Burnhamdale Park and Bethesda Common Park
- the agreement is to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the said benefits

Engagement and Consultation

Ward 3 Councillor, Chris Fonseca conducted a survey that went out to the community between December 2, 2021 and January 12, 2022. Community feedback was used when determining how the Community Benefit funds would be allocated.

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 height and 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.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Concept Plan



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

Prepared by: Tori Stockwell, Development Planner