

City of Mississauga

# Corporate Report



<p>Date: July 15, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's files: OZ 16/011 W11, H-OZ 19/005 W11, OZ 17/020 W11 and H-OZ 21/001 W11</p> <hr/> <p>Meeting date: August 8, 2022</p>
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## Subject

### **REALLOCATION OF SECTION 37 COMMUNITY BENEFITS REPORT (WARD 11)**

**Community Benefits contribution under Section 37**

**5155 Mississauga Road and 36-46 Main Street**

**Owners: City Park (Old Barber) Homes Inc. and Ravines on Main Inc. (Previously City Park (Main Street) Inc.)**

**Files: OZ 16/011 W11 and H-OZ 19/005 W11; and, OZ 17/020 W11 and H-OZ 21/001 W11**

## Recommendation

That the report dated July 15, 2022, from the Commissioner of Planning and Building outlining the recommended reallocation of Section 37 Community Benefits under Files OZ 16/011 W11 and H-OZ 19/005 W11, City Park (Old Barber) Homes Inc., 5155 Mississauga Road, and OZ 17/020 W11 and H-OZ 21/001 W11, Ravines on Main Inc. (previously City Park (Main Street) Inc.), 36 - 46 Main Street, be approved and that amended Section 37 agreements be executed in accordance with the following:

1. That \$40,000 of the collected Section 37 Community Benefits contribution from OZ 16/011 W11 and H-OZ 19/005 W11, City Park (Old Barber) Homes Inc., 5155 Mississauga Road, be reallocated to an upgraded boulevard treatment (fence installation and tree planting) along the north side of Melody Drive, east of Mississauga Road, extending the depth of the property at 5235 Mississauga Road;
2. That \$8,000 of the collected Section 37 Community Benefits contribution from OZ 17/020 W11 and H-OZ 21/001 W11, Ravines on Main Inc., 36 – 46 Main Street, be reallocated to planters and Streetsville signage and associated hardware;

Originator's files: OZ 16/011 W11, H-OZ 19/005 W11, OZ 17/020 W11 and H-OZ 21/001 W11

3. 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 amended Section 37 agreements with City Park (Old Barber) Homes Inc. and Ravines on Main Inc.

## Executive Summary

- The City received a Community Benefits contribution in the amount of \$700,000 under Files OZ 16/011 W11 and H-OZ 19/005 W11, City Park (Old Barber) Homes Inc., 5155 Mississauga Road
- The City received a Community Benefits contribution in the amount of \$185,000 under Files OZ 17/020 W11 and H-OZ 21/001 W11, City Park (Main Street) Inc., 36 – 46 Main Street
- Since securing the contributions, some community benefit projects have received funding from other sources, leaving some of the Community Benefits contributions to be reallocated
- Staff propose to reallocate \$40,000 of the \$700,000 Community Benefits contribution to an upgraded boulevard treatment (fence installation and tree planting) along the north side of Melody Drive, east of Mississauga Road
- Staff propose to reallocate \$8,000 of the \$185,000 Community Benefits contribution to planters and Streetsville signage and associated hardware
- The proposal has been evaluated against the criteria contained in the Corporate Policy and Procedure on Bonus Zoning
- The request can be supported subject to the execution of amended Section 37 agreements

## Background

### 5155 Mississauga Road (OZ 16/011 W11 and H-OZ 19/005 W11)

On February 24, 2020, a Section 37 Community Benefits Report was presented to Planning and Development Committee (PDC). Recommendation PDC-0011-2020 was then adopted by Council on March 4, 2020:

That the report dated January 31, 2020, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under File OZ 16/011 W11, City Park (Old Barber) Homes Inc., 5155 Mississauga Road, be adopted and that a Section 37 agreement be executed in accordance with the following:

Originator's files: OZ 16/011 W11, H-OZ 19/005 W11, OZ 17/020 W11 and H-OZ 21/001 W11

1. That the sum of \$700,000 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 execute the Section 37 agreement with City Park (Old Barber) Homes 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

### **36-46 Main Street (OZ 17/020 W11 and H-OZ 21/001 W11)**

On February 14, 2022, a Section 37 Community Benefit Report was presented to the Planning and Development Committee (PDC). Recommendation PDC-0012-2022 was then adopted by Council on March 2, 2022:

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 TM17007 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.

Since executing the Section 37 Community Benefit agreements and securing the community benefit contributions, Ward 11 Councillor, George Carlson has requested that a portion of the community benefit contributions be reallocated to other projects in Ward 11.

The purpose of this report is to provide comments and a recommendation with respect to the proposed reallocation of a portion of the secured Section 37 community benefit contributions.

## **Comments**

### **5155 Mississauga Road (OZ 16/011 W11 and H-OZ 19/005 W11)**

The January 31, 2020 Section 37 Community Benefits Report is attached as Appendix 1.

The Section 37 community benefits contribution of \$700,000 was secured and the Section 37 agreement was executed on July 31, 2020. A total of \$64,910 of the community benefits contribution is currently in the Section 37 Reserve Fund. This amount consists of the original contribution amount of \$61,124, plus \$3,786 in interest that has accrued. This portion of the community benefits contribution was allocated to Streetsville community signage and the possibility of constructing a protective enclosure for the historic William Couse Carriage. Both of these projects have since received funding from different sources and, therefore, a portion of the remaining community benefits contribution can be reallocated. It is proposed that \$40,000 of the remaining \$64,910 be allocated to an upgraded boulevard treatment (fence installation and tree planting) along the north side of Melody Drive, east of Mississauga Road, extending the depth of the property at 5235 Mississauga Road. Should there be any left over money after the completion of the upgraded boulevard treatment, it will be added to the remaining \$24,910 in the Section 37 Reserve Fund for the enclosure of the William Couse Carriage house.

### **36-46 Main Street (OZ 17/020 W11 and H-OZ 21/001 W11)**

The January 21, 2022, Section 37 Community Benefits Report is attached as Appendix 2.

The Section 37 community benefits contribution of \$185,000 was secured and the Section 37 agreement was executed on March 4, 2022. The entire \$185,000 community benefits contribution is currently in the Section 37 Reserve Fund. The community benefits contribution is to be used towards lifecycle repairs and upgrades to the Streetsville Village Square electrical infrastructure, with any remaining funding to be used towards lighting of the recently installed gateway signage on Main Street. It is proposed that \$8,000 of the \$185,000 be allocated to planters and Streetsville signage and associated hardware. The remaining \$177,000 will remain in the Section 37 Reserve Fund to be used towards the originally planned community benefits.

### **Guiding Implementation Principles**

The Section 37 community benefits proposals were evaluated through the two previous Section 37 reports attached in Appendices 1 and 2. The proposed reallocation 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. This was assessed in the two previous Section 37 Community Benefits reports.

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

The proposed upgraded boulevard treatment (fence installation and tree planting) along the north side of Melody Drive, east of Mississauga Road, extending the depth of the

Originator's files: OZ 16/011 W11, H-OZ 19/005 W11, OZ 17/020 W11 and H-OZ 21/001 W11

property at 5235 Mississauga Road is in the immediate vicinity of 5155 Mississauga Road and, therefore, represents a "highest priority" and a "next priority" community benefit.

The proposed contribution towards planters and Streetsville signage and associated hardware is in the immediate vicinity of 36-46 Main Street and, therefore, represents a "highest priority" community benefit.

### **3. Community Benefit contributions should respond to community needs**

In accordance with the Corporate Policy and Procedure, Ward 11 Councillor, George Carlson, has been consulted and supports the proposed reallocation of the community benefit contributions.

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

This was addressed in the two previous Section 37 Community Benefits reports.

### **Section 37 Agreement**

The Planning and Building Department and the owner (City Park Homes owns both projects) have reached a mutually agreed upon terms and conditions of the community benefits and related agreements. The amended agreement provisions will include the following:

- a Community Benefit contribution of \$40,000 will be used to upgrade the City boulevard (fence installation and tree planting) along the north side of Melody Drive, east of Mississauga Road, extending the depth of the property at 5235 Mississauga Road
- a Community Benefit contribution of \$8,000 will be used to provide planters and Streetsville signage and associated hardware

## **Financial Impact**

The cash benefits received from a Section 37 agreement have been collected and are being held in a Section 37 Reserve Fund set up for that purpose. This fund is 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 reallocation of Section 37 Community Benefits is appropriate and adheres to the criteria contained in the Corporate Policy and Procedure on Bonus Zoning.

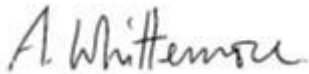
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Originator's files: OZ 16/011 W11, H-OZ 19/005 W11, OZ 17/020 W11 and H-OZ 21/001 W11

## Attachments

Appendix 1: Section 37 Community Benefits Report (Ward 11), 5155 Mississauga Road, City Park (Old Barber) Homes Inc., OZ 16/011 W11

Appendix 2: Section 37 Community Benefits Report (Ward 11), 36, 38, 40, 44 and 46 Main Street, City Park (Main Street) Inc., OZ 17/020 W11



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

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