

# City of Mississauga

## Corporate Report



Date: 2020/01/31

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's file:  
OZ 16/011 W11

Meeting date:  
2020/02/24

## Subject

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

**Community Benefits contribution under Section 37 to permit 4 detached and 2 semi-detached homes, 14 condominium townhomes and 4 back to back condominium dwelling units within the existing heritage building (Old Barber House)**

**5155 Mississauga Road, northeast corner of Mississauga Road and Barbertown Road**

**Owner: City Park (Old Barber) Homes Inc.**

**Files: OZ 16/011 W11**

## Recommendation

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:

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 to 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.

## Report Highlights

- 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 is \$700,000, which will be used towards the heritage building restoration on site, landscape improvements on site, Streetsville Community signage and possibility for the restoration and protective enclosure of the historic William Couse Carriage
- 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 11, 2018, a Recommendation Report was presented to the Planning and Development Committee (PDC) recommending approval in principle of official plan amendment and rezoning applications on these lands under File OZ 16/011 W11 by City Park (Old Barber) Homes Inc. to permit 4 detached and 2 semi-detached homes, 14 condominium townhomes, and 4 back to back condominium dwelling units within the existing heritage building.

PDC passed Recommendation PDC-0044-2018, which was adopted by Council on June 20, 2018. As part of the recommendation, staff is to report back to Council on the recommended community benefits.

On February 8, 2019, the Local Planning Appeal Tribunal approved the proposed redevelopment on the subject lands.

The purpose of this report is to provide comments and a recommendation with respect to the proposed Section 37 Community Benefit contributions.

## Comments

Background information including a concept plan and aerial photograph 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 met with Ward 11 Councillor, George Carlson to discuss possible community benefits relating to the proposal. Staff also had discussion with the owner's agent. Based on the discussions, three uses and a fourth potential were established for the contribution.

Confirmation has been provided by the owner that the Community Benefit is \$700,000 towards three uses for the contribution.

The proposed Community Benefits are:

- The Old Barber House is a designated heritage resource located on the subject property. The majority of the contribution will be utilized for the restoration of this significant heritage building and the Old Barber House outbuilding. Further detailed negotiations and discussions regarding this heritage building restoration and its delivery will still need to take place between the City and the proponent - \$544,761
- A portion of the contribution will be used for significant landscaping, in excess of normal site plan requirements, including front yard garden improvements of the Old Barber House property - \$94,115
- The contribution will also go towards Streetsville Community area signage and possibility for the restoration and protective enclosure of the William Couse Carriage following an investigation into the feasibility. Additional information and discussions will still need to take place to determine the costs and placement of these particular community benefits - \$61,124

### **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 Planning and Building Department evaluated the proposed official plan amendment and rezoning applications and recommended that they be approved as they are acceptable from a planning standpoint and represent good planning. Council passed Recommendation PDC-0044-2018 on June 20, 2018 in support of the applications, and the Local Planning Appeal Tribunal issued a decision on February 8, 2019 approving the applications subject to resolution of outstanding technical matters.

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

Mississauga's cultural heritage resources reflect the social, cultural and ethnic heritage of the city and as such, are imperative to conserve and protect. The proposed contribution towards the on-site building restoration and landscape improvements of a significant heritage resource is considered a "highest priority" under the City of Mississauga's Bonus Zoning policies and procedures.

A contribution toward the provision of Streetsville Community area signage and the investigation of the restoration and protective enclosure of the William Couse Carriage affects the immediate vicinity of the site and the surrounding community and, therefore, represents "highest priority" and "next priority".

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. The overall increased value of this land has been determined to be \$2,900,000. According to the Corporate Policy and Procedure, a Community Benefit contribution should be in the range of 20% to 40% of the increased value of the land. The contribution of \$700,000 represents 24% of the land lift value.

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

The protection of heritage resources is important and is supported by policies within the City's Official Plan. The provision of community signage contributes to the City's objective of supporting distinct community identities that foster community pride and building complete communities.

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.**

The land appraisal report prepared by an independent land appraiser is available for viewing. Any proposed initiatives, improvements and upgrades, would be subject to a detailed assessment by the Planning and Building Department, Community Services Department (Parks and Forestry and Culture) and Transportation and Works 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 \$700,000;

- the contribution is to be used towards the restoration of the Old Barber House, landscape design including front yard gardens on the Old Barber House property, the design, construction and installation of community signage and possibly towards of the restoration and enclosure of the William Couse Carriage following a feasibility investigation. The detailed allocation towards each of the potential projects will be finalized in consultation with the local Ward Councillor;
- 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 heritage restoration, landscape (front garden) improvements, community signage and potentially towards of the restoration and protective enclosure of the William Couse Carriage will help to implement the guiding principles in Mississauga Official Plan with regards to the complete communities and a desirable urban form.

## Attachments

Appendix 1: Concept Plan

Appendix 2: Aerial Photography



---

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

Prepared by: Robert Ruggiero, Development Planner





LEGEND:



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2019



TITLE: CITY PARK (OLD BARBER)  
HOMES INC.

FILE NO: OZ 16/011 W11 & T-M16003 W11



MISSISSAUGA

Produced by  
Corporate Services,  
Geospatial Solutions

