

City of Mississauga

Corporate Report



Date: November 11, 2022 To: Chair and Members of Planning and Development Committee	Originator's file: H-OZ 20/006 W1
From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Meeting date: December 5, 2022

Subject

SECTION 37 COMMUNITY BENEFITS REPORT (WARD 1)

Community Benefits contribution under Section 37 for an 8 to 12 storey apartment building with ground floor commercial space

1345 Lakeshore Road East, west side of Dixie Road, north of Lakeshore Road East

Owner: Vandyk Group of Companies

File: H-OZ 20/006 W1

Recommendation

That the report dated November 11, 2022, from the Commissioner of Planning and Building under File H-OZ 20/006 W1, Vandyk Group of Companies, 1345 Lakeshore Road East, be received for information.

Background

On, December 2, 2019, a Recommendation Report was presented to Planning and Development Committee (PDC) recommending approval of official plan amendment and rezoning applications on the subject lands under File OZ 19/008 W1, Vandyk Group of Companies, to permit an 8 to 12 storey apartment building with ground floor commercial space, subject to Holding Provisions, including a condition that the City and the applicant enter into a Section 37 – Community Benefits Agreement. PDC passed Recommendation PDC - 0089 – 2019, which was subsequently adopted by Council on December 11, 2019. As part of the recommendation, staff were 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 report. The purpose of this report is to provide PDC with an update with respect to Section 37 Community Benefits as they apply to the subject proposal.

Comments

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

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.

"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.

On December 11, 2019, Council passed an implementing Zoning By-law for the site that contained Holding Provisions, requiring the applicant to enter into a Section 37 Community Benefits agreement with the City. Pursuant to the procedure, the applicant engaged with the City's Realty Division in tendering an independent appraisal report to determine the uplift in value as a result of Council's approval of the proposal.

In May 2021, the City received the appraisal report authored by an independent appraiser. The report concluded that, notwithstanding Council's approval of the official plan amendment and rezoning applications, no uplift in value for the overall site was achieved.

The previous official plan permission for the site allowed a maximum of 10 storeys across the entirety of the site. The current proposal does not deploy a singular height throughout the site as previously permitted. Rather, the proposal includes lower heights along the Dixie Road and Lakeshore Road East edges. In effect, the proposal transfers the lost residential floor area to a small and central portion of the site, increasing the total height to 12 storeys in that area only. The appraisal report found that this transfer of density from one part of the site to another, resulting in a more desirable 4 to 8 storey urban form along Dixie Road and Lakeshore Road East, did not create any uplift in land value for the site.

While the previous zoning allowed for a height of 3 storeys, land along the Lakeshore Road corridor has been trading at values reflective of the Lakeview Local Area Plan Height Schedule. The appraisal report considers the shift of height within the site and recognized in the official plan did not result in an increase in permissions. Therefore, it was concluded that the rezoning application was only fulfilling what was envisioned in the local area plan and therefore, is not achieving adding any additional density.

Based on the above, the applicant and the City will not be entering into a Section 37 Community Benefits agreement and the Holding Provision is satisfied.

Financial Impact

There are no financial impacts resulting from the Recommendations in this report.

Conclusion

Staff have concluded that based on the appraisal report conducted by an independent appraiser, which indicates that there is no uplift in land value as a result of the associated official plan amendment and rezoning applications approved by Council, a Section 37 agreement will not be pursued.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Applicant's Renderings



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

Prepared by: David Ferro, Development Planner, MCIP, RPP