

City of Mississauga

Corporate Report



Date: 2020/01/10

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 16/003 W11

Meeting date:
2020/02/03

Subject

SECTION 37 COMMUNITY BENEFITS REPORT (WARD 11)

Community Benefits contribution under Section 37 to permit three apartment buildings with heights of 11, 15 and 25 storeys with accessory retail and office commercial uses 2475 Eglinton Avenue West, northeast quadrant of Eglinton Avenue West and Erin Mills Parkway

Owner: Daniels HR Corporation (Daniels)

File: OZ 16/003 W11

Recommendation

That the report dated January 10, 2020, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under File OZ 16/003 W11, Daniels, 2475 Eglinton Avenue West, be adopted and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$660,000 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 Daniels, 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 comprises \$660,000, which will be used towards the implementation of affordable housing initiatives, a multi-use trail and outdoor fitness equipment surrounding the City of Mississauga stormwater management pond adjacent to the site, and upgrades to Forest Hill Park and/or Manor Hill Park.
- 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 19, 2019, Council approved official plan amendment and rezoning applications on the subject lands under File OZ 16/003 W11 by Daniels, to permit three apartment buildings containing 911 units with heights of 11, 15 and 25 storeys with accessory retail and office commercial uses and a maximum floor space index of 3.4 subject to certain conditions. The applicant confirmed that the intended tenure of two of the buildings is purpose built rental and senior's housing.

As part of the recommendation, Legal Services was directed to request the Local Planning Appeal Tribunal to withhold any Order approving this development application until such time as the City confirms that the applicant has satisfied all requirements of the City and of external agencies. In accordance with Section 37 of the *Planning Act* and the Corporate Policy and Procedure on Bonus Zoning, the delivery of a Section 37 agreement satisfactory to the City of Mississauga providing for community benefits was identified as an outstanding City requirement. 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.

Following Council's approval in principle of the subject applications, Planning staff contacted representatives from Community Services, Transportation and Works, and Corporate Services to discuss potential community benefits. Following this, 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.

Confirmation has been provided by the owner that the Community Benefit is \$660,000 towards four possible uses for the contribution.

Daniels HR Corporation has had success with affordable housing initiatives on behalf of the Region of Peel in the City of Mississauga's Downtown Core, in the City of Toronto through their developments in Regent Park, as well as successful partnerships with Habitat for Humanity to allocate units in various Daniels Communities throughout the Greater Toronto Area. Further negotiations and discussions regarding this potential contribution and its delivery would need to take place between the City, the Region of Peel and Daniels HR Corporation.

A portion of the contribution may go towards the installation of a multi-use trail and outdoor fitness equipment surrounding the City of Mississauga stormwater management pond located to the east of the site. Additional technical information and discussions would need to take place to determine the feasibility of this project.

The Section 37 community benefits can also be used towards upgrades to Forest Hill Park and/or Manor Hill Park, which are the nearest parks to the development. These upgrades could consist of outdoor fitness equipment, a shade structure, and a water feature (splash pad).

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 approved Resolution 0151-2019 on June 19, 2019 in support of the applications, and the Local Planning and Appeal Tribunal (LPAT) issued a decision on July 26, 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.

The proposed contribution towards the implementation of affordable housing initiatives is considered both a "highest priority" and a "next priority" Community Benefit as its implications would be applicable to the site and to the broader community.

A contribution towards upgrades to Forest Hill Park and/or Manor Hill Park or to the installation of a multi-use trail and outdoor fitness equipment surrounding the adjacent stormwater management pond represent a "highest priority" Community Benefit as these upgrades affect the immediate vicinity of the site and benefit the surrounding community.

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 \$3,300,000. 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 \$660,000 represents 20% of the land lift value. Two of the proposed buildings are intended to be for purpose built rental and senior's housing, which also contribute positively to the City.

3. Community Benefit contributions should respond to community needs.

The provision of affordable housing is an important one for Mississauga and forms part of one of the City's Strategic Plan pillars. Upgrades to Forest Hill Park and/or Manor Hill Park and the multi-use trail and outdoor fitness equipment surrounding the adjacent stormwater management pond contribute to the City's objective of building a desirable urban form and complete communities. Mississauga Official Plan contains policies that speak to transforming the public realm and ensuring that the Green System contributes to a high quality urban environment, as well as implementing a viable and safe active transportation network for cyclists and pedestrians of all abilities.

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 affordable housing initiatives, park upgrades, multi-use trail or outdoor fitness equipment would be subject to a detailed assessment. Affordable housing initiatives may also be subject to community consultation and Council approval.

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 \$660,000;
- the contribution is to be used towards affordable housing initiatives and/or upgrades to Forest Hill Park and/or Manor Hill Park and/or a contribution to the installation of a multi-use trail and outdoor fitness equipment surrounding the City of Mississauga stormwater management pond located to the east of the site. The allocation to 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 affordable housing, park upgrades and/or the installation of a multi-use trail will help to implement the guiding principles in Mississauga Official Plan with regards to the environment, complete communities, a multi-modal city, and a desirable urban form. Completion of the agreement will allow the LPAT to issue its final order thereby approving the applications.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Concept Plan



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

Prepared by: Caleigh McInnes, Development Planner