

City of Mississauga

Corporate Report



<p>Date: August 14, 2024</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 19/016 W4</p>
	<p>Meeting date: September 3, 2024</p>

Subject

REALLOCATION OF SECTION 37 COMMUNITY BENEFITS REPORT (WARD 4)
Community Benefits contribution under Section 37
600 and 620 Lolita Gardens, northwest quadrant of Dundas Street East and Cawthra Road
Owner: Hanseatic Holdings Limited c/o Park Property Management
File: OZ 19/016 W4

Recommendation

That the report dated August 14, 2024, from the Commissioner of Planning and Building outlining the recommended reallocation of Section 37 Community Benefits under File OZ 19/016 W4 for 600 and 620 Lolita Gardens, be approved and that an amended development agreement be executed in accordance with the following:

1. That the sum of \$2,232,000 be allocated to park and road improvements in Ward 4;
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 amended Section 37 agreement with Hanseatic Holdings Limited c/o Park Property Management.

Executive Summary

- The City received a community benefits contribution in the amount of \$2,232,000 under File OZ 19/016 W4, Hanseatic Holdings Limited c/o Park Property Management, 600 and 620 Lolita Gardens
- The original Section 37 Community Benefits Report dated May 6, 2022, narrowly scoped where the Community Benefits contribution was to be allocated, including specific parks and specific park improvements/features

- Some of the previously identified projects have received funding from other sources. Ward 4 Councillor, John Kovac, has requested that the \$2,232,000 community benefit contribution be available for a broader range of park and road improvements throughout Ward 4
- 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 an amended Development Agreement, which contains the Section 37 contribution details in one of the appended schedules.

Background

On May 30, 2022, a Section 37 Community Benefits Report was presented to the Planning and Development Committee (PDC). Recommendation PDC-0044-2022 was then adopted by Council on June 8, 2022:

That the report dated May 6, 2022, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefit under file OZ 19/016 W4, Hanseatic Holdings Limited c/o Park Property Management, 600 and 620 Lolita Gardens, be approved and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$2,232,000.00 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 Hanseatic Holdings Limited c/o Park Property Management, 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.

The Section 37 Community Benefits Report dated May 6, 2022 and the executed Development Agreement (where the Section 37 contribution details are captured in Schedule F) are very specific in terms of where the Community Benefit contribution of \$2,232,000 is to be allocated:

Funds towards City Parks, including: Cedarbrae Park, McKenzie Park, Brentwood Park, Greenfield Park, Stonebrook Park and Mississauga Valleys – \$2,020,750.

- benches,
- leash free zone (enclosed dog park),
- community garden,

- shade structure,
- chess table,
- new artificial rink,
- accessible pathway.

Funds towards Traffic Improvements – \$211,250

- Traffic calming - \$125,000.00
- Pedestrian crossing - \$75,000.00
- Onsite pedestrian access to Dundas Street East - \$11,250

Since executing the Development Agreement and securing the community benefit contribution from the landowner, some of these improvements have received funding from other sources. Additionally, Ward 4 Councillor, John Kovac, has requested that the Section 37 contribution be available for a broader range of park and road improvements throughout Ward 4, in order to better respond to current needs within the Ward.

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

Comments

The May 6, 2022 Section 37 Community Benefits Report is attached as Appendix 1.

The Section 37 community benefits contribution of \$2,232,000 was secured and the Development Agreement, which includes the Section 37 conditions in Schedule F, was executed on June 8, 2022. A total of \$2,552,000 is currently in the Section 37 Reserve Fund. This amount includes the \$2,232,000 contribution from the landowner, plus \$320,000 in interest that has accrued.

It is proposed that the \$2,232,000 contribution, plus any interest that is accrued, be allocated more broadly to park and road improvements throughout Ward 4.

Guiding Implementation Principles

The Section 37 community benefits proposal was evaluated through the previous Section 37 report attached in Appendix 1. 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 previous Section 37 Community Benefits report.

2. A reasonable planning relationship between the secured community benefit and the proposed increase in development is required

The proposed reallocation of the contribution to park and road improvements throughout Ward 4 represents a “highest priority” community benefit. The improvements will occur in the vicinity of the site and more broadly throughout Ward 4, which is the area most impacted by the increased height and density resulting from the proposed development.

3. Community benefit contribution should respond to community needs

Ward 4 Councillor, John Kovac, initiated the process to reallocate the Section 37 contribution in order to better respond to current community needs.

4. Ensure that the negotiation process of the Section 37 Agreement is transparent

This was addressed in the previous Section 37 Community Benefits report.

Staff and the local Ward Councillor have ensured transparency through the proposed reallocation process by consulting with the landowner/applicant that made the original contribution. The landowner/applicant is supportive of the proposed reallocation.

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 conclude 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.

Attachments

Appendix 1: Section 37 Community Benefits Report (Ward 4), 600 and 620 Lolita Gardens, Hanseatic Holdings Limited c/o Park Property Management, File OZ 19/016 W4



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