

City of Mississauga

# Corporate Report



Date: May 19, 2017

Originator's file:  
OZ 14/002 W9To: Chair and Members of Planning and Development  
CommitteeFrom: Edward R. Sajecki, Commissioner of Planning and  
BuildingMeeting date:  
2017/06/12

## Subject

### **SECTION 37 COMMUNITY BENEFITS REPORT (WARD 9)**

**6719 Glen Erin Drive, east side of Glen Erin Drive, north of Aquitaine Avenue****Owner: Blackrock Aquitaine Limited****File: OZ 14/002 W9**

## Recommendation

That the report dated May 19, 2017, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under OZ 14/002 W9, Blackrock Aquitaine Limited, 6719 Glen Erin Drive be adopted, and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of approximately \$427,189 be approved as the amount for the Section 37 Community Benefit 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 the Registered Owner, and that the agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the Community Benefits.

## 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 Corporate Policy and Procedure on Bonus Zoning requiring cash contributions be paid prior to the approval of the implementing Zoning By-law
- The Community Benefits contribution is \$427,189 and will be used for purposes such as

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improvements to the Lake Aquitaine Trail, Hunter's Green Park, Maplewood Park and additional tree planting in Ward 9

## Background

On December 7, 2015, a Supplementary Report was presented to Planning and Development Committee (PDC) which concluded that the proposed official plan amendment and rezoning applications are acceptable from a planning standpoint and should be approved to permit 83 condominium townhome and stacked townhomes in addition to the existing 13 storey rental apartment building, subject to a number of conditions, including reporting back to Council on the recommended community benefits.

PDC passed Recommendation PDC-0068-2015, which was adopted by Council on December 9, 2015.

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

### Corporate Policy and Procedure on Bonus Zoning

The Corporate Policy and Procedure on Bonus Zoning requires cash contributions to be submitted prior to approval of the implementing Zoning By-law. During negotiations, the applicant requested that the Community Benefit contribution be deferred until prior to the issuance of the first above grade building permit. The applicant further requested that the Community Benefit contribution be indexed for inflation.

Staff considered these requests but found that the request would set a precedent for others to amend the City's Corporate Policy on Bonus Zoning. The Corporate Policy and Procedure on Bonus Zoning also does not address indexing for inflation.

## Comments

Background information, including an aerial photograph showing the subject lands and the location of the City Parks recommended for improvements 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 Procedures as meaning facilities or cash secured by the City and provided by an owner/developer for specific public capital facilities, services or matters. Section 19.8.2 of Mississauga Official Plan provides examples of potential community benefits, such as the provision of public art, the provision of multi-modal transportation facilities or the provision of streetscape improvements.

Following Council's approval in principle of the December 7, 2015 report, staff met with Ward 9 Councillor, Pat Saito, to discuss the possible community benefits relating to the proposal. During negotiations, the applicant requested that the Community Benefit contributions be made prior to the first above grade building permit and that the contributions be subject to inflation indexing. Staff was not able to agree to these requests because they did not conform to the Corporate Policy and Procedures on Bonus Zoning which request payment prior to Council approval of the Zoning By-law.

Through the discussions with the Councillor and the owner, the owner has committed to Community Benefits in the value of approximately \$427,189.

Specifically, the contribution will be used for:

Improvements	Amount
<b>Lake Aquitaine Trail</b>	
<ul style="list-style-type: none"> <li>Pathway relocation (benches, tree removal, tree planting, and light standard relocation)</li> <li>Fitness Area (may include information panels, parallel bars, push up bars, pull up bars, workout bench and benches)</li> <li>Improvements to Lake Aquitaine Trail south of Aquitaine Avenue</li> </ul>	\$248,789
<b>Maplewood Park</b>	
<ul style="list-style-type: none"> <li>Four (4) benches and pads</li> </ul>	\$17,032
<b>Hunter's Green Park</b>	
<ul style="list-style-type: none"> <li>Contribution to play structure replacement</li> <li>Contribution to tennis court replacement (50% of total cost)</li> </ul>	\$156,368
<b>Tree Planting</b>	
<ul style="list-style-type: none"> <li>Planting additional trees in Ward 9</li> </ul>	\$5,000
<b>Total Amount</b>	<b>\$427,189</b>

## 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 Recommendation Report dated November 17, 2015 presented to PDC on December 7, 2015, evaluated the proposed official plan amendment and rezoning and recommended that the applications be approved as they are acceptable from a planning standpoint and represent good planning.

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

The proposed contribution of \$427,189 towards park improvements is considered a "high priority" community benefit, as it is a contribution in the immediate vicinity of the site. The applicant's proposal is not increasing the height from what the Zoning By-law currently permits. The Floor Space Index (FSI) is increasing as a result of the additional 83 back to back townhomes.

The improvements to Lake Aquitaine Trail, Maplewood Park, and Hunter's Green Park provide a transition from the existing parking lot to the abutting trail system. Proposed improvements enhance the public realm within the immediate area and neighbourhood.

In order to determine the fair value of the Community Benefits contribution, Realty Services retained an independent land appraisal to determine the increased value of the land resulting from the density increase. In this instance, the increased value of the land has been determined to be \$2,140,000. According to the Corporate Policy and Procedures, a community benefit contribution should be in the range of 20% to 40% of the increased value of the land. The estimated value of \$427,189 represents 20% of the land lift value and is within the prescribed range for securing community benefit contributions.

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

Enhancements of the Natural Heritage System is identified in Section 19.8.2 (c) of the Mississauga Official Plan as one of the community benefits that may be provided in exchange for bonuses in height and/or density. In accordance with the Corporate Policy and Procedure, the Ward 9 Councillor, (Pat Saito), was consulted.

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

The Section 37 Agreement will be registered on title and the City will be provided with the funds to cover the cost of park improvements and area tree planting.

**5. Securing the Community Benefit Contribution**

The payment of the Community Benefit contribution in the form of cash is to occur prior to the first above grade building permit.



**Section 37 Agreement**

The Planning and Building Department and the owner have reached a mutually agreed upon terms and conditions of the Community Benefit and related agreement for the subject lands. The agreement provisions will include the following:

- The community benefit contribution is valued at \$427,189
- The contribution is to be used for improvements to Lake Aquitaine Trail, Maplewood Park, Hunter's Green Park and some additional tree planting in the immediate area on City lands
- 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 has concluded that the proposed Section 37 Community Benefit contribution is appropriate, based on the increased density being recommended through the official plan amendment and rezoning applications. The contribution towards the trail and park improvements will help to implement the policies of the Mississauga Official Plan.

**Attachments**

Appendix 1: Aerial Photograph

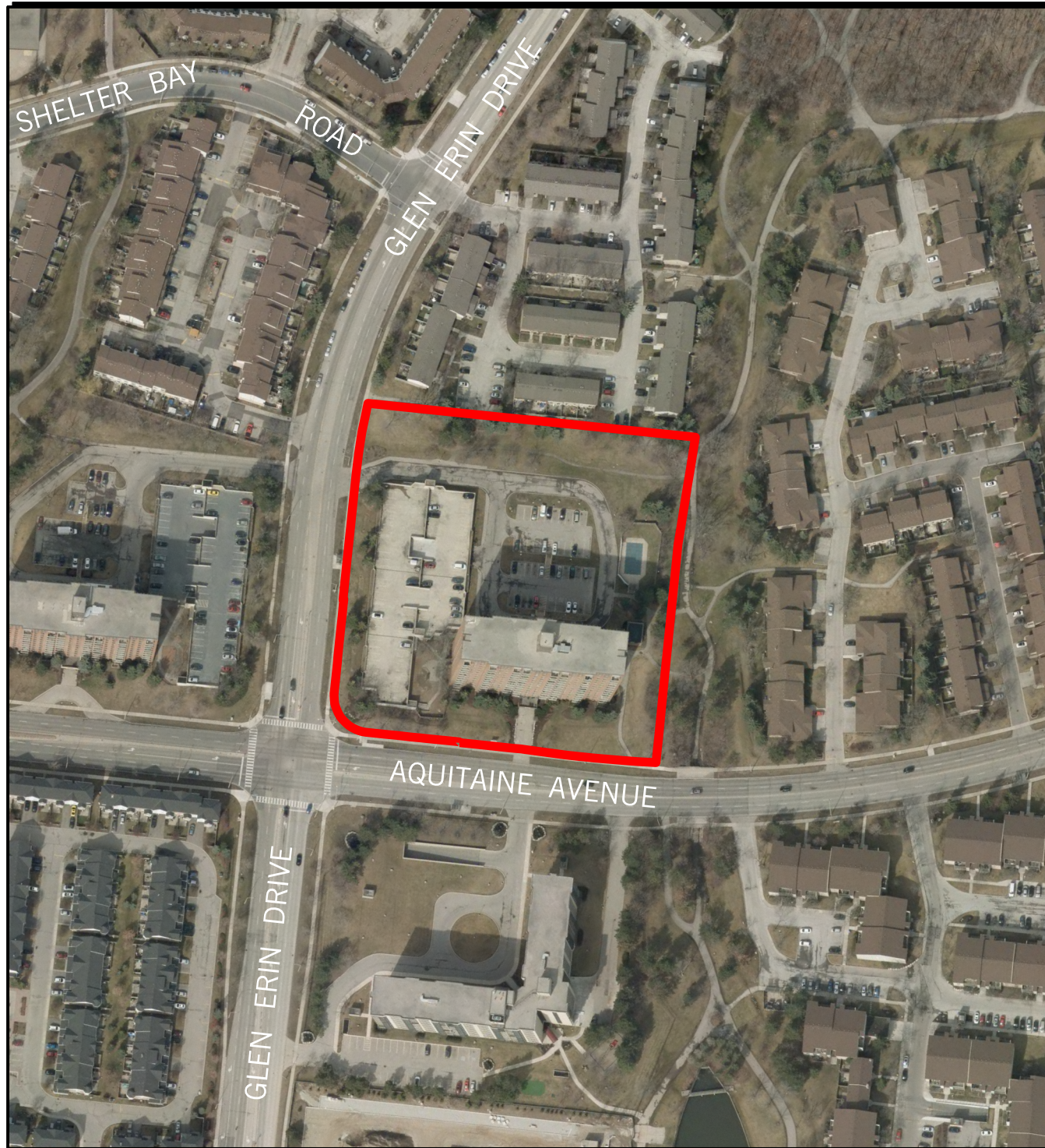
Appendix 2: Concept Plan



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Michael Hynes, Development Planner



LEGEND:



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2016



TITLE: BLACKROCK AQUITAINE LIMITED

FILE NO: OZ 14/ 002 W9



MISSISSAUGA

Produced by  
T&W, Geomatics



