

City of Mississauga
Corporate Report



<p>Date: May 7, 2025</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: H-OZ 23-6 W9 and OZ/OPA 20-019 W9</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: May 26, 2025</p>

Subject

SECTION 37 COMMUNITY BENEFITS REPORT (WARD 9)

Community Benefits contribution under Section 37

6719 Glen Erin Drive, northeast corner of Aquitaine Avenue and Glen Erin Drive

Owner: Blackrock Aquitaine Limited

Files: H-OZ 23-6 W9 and OZ/OPA 20-019 W9

Recommendation

1. That the report dated May 7, 2025 from the Commissioner of Planning and Building recommending approval for the reallocation of Section 37 Community Benefits under Files H-OZ 23-6 W9 and OZ/OPA 20-019 W9, Blackrock Aquitaine Limited, 6719 Glen Erin Drive, be approved and that amended Section 37 agreement be executed in accordance with the following:
 - (a) That \$427,189 of the previously secured Section 37 community benefits contribution be reallocated for general park improvements in Lake Aquitaine Park.
 - (b) 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 an amending Section 37 agreement, including any necessary documents ancillary thereto, in a form and content satisfactory to Legal Services.

Executive Summary

- The City is seeking to establish a community benefits contribution under Section 37 of the *Planning Act*, secured through an existing registered agreement in the amount of \$427,189
- The contribution has not yet been collected as per the terms of the agreement, a building permit has not been issued. Staff propose that the contribution be collected upon execution of the Amending Section 37 Agreement

- Staff are recommending that, as per consultation with the Ward Councillor, the previously determined Section 37 contribution be reallocated for general park improvements in Lake Aquitaine Park, as several of the originally identified projects have been completed or are no longer prioritized
- The most recent 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 amending Section 37 agreement

Background

On September 16, 2015, the Planning and Development Committee considered Official Plan Amendment and Rezoning applications under File OZ 14/002 W9, submitted by Blackrock Aquitaine Limited for the lands at 6719 Glen Erin Drive, located at the northeast corner of Aquitaine Avenue and Glen Erin Drive. The proposal was to permit 93 townhouse units and establish a maximum Floor Space Index (FSI) of 1.34. The applications were recommended for approval under PDC-0052-2015 and adopted by City Council on October 14, 2015, through Council Resolution 0159-2015. As part of the implementing by-laws, Council applied a Holding ("H") Provision under By-law 0225-2007, requiring the execution of a Section 37 agreement and a development agreement prior to development proceeding.

On June 12, 2017, staff brought forward a Section 37 Community Benefits Report for File OZ 14/002 W9, recommending a contribution of \$427,189 and authorization for staff to execute the agreement (Appendix 2). The report was considered by the Planning and Development Committee under PDC-0035-2017, and the recommendation was adopted by Council on June 21, 2017, through Council Resolution 0107-2017. A development agreement was also approved by Council on June 7, 2017, which required the payment of the contribution before building permit issuance.

While the Section 37 Agreement and Development Agreement were executed and registered on title, the financial contribution was not collected, as no building permit was issued.

On March 29, 2021, a statutory public meeting was held for a revised development proposal under File OZ/OPA 20-019 W9. The revised applications were brought forward to the Planning and Development Committee on August 8, 2022, and recommended for approval under PDC-0080-2022. City Council adopted the applications on August 10, 2022, through Council Resolution 0169-2022. The revised development permits:

- Retention of the existing 13-storey rental apartment building (179 units)
- Construction of a new 12-storey rental apartment building (184 units)
- Four blocks of rental townhomes (28 units)
- An increased maximum Floor Space Index (FSI) of 2.0

As part of the implementing by-laws, the Holding ("H") Provision was maintained to ensure that updated agreements were finalized prior to the issuance of building permits. Specifically, the holding provision requires:

1. Execution of an Amending Section 37 Agreement.
2. Execution of a new development agreement to the satisfaction of the City.

This report seeks Council authorization to execute an Amending Section 37 Agreement to reflect the reallocation of the previously secured contribution of \$427,189 to general park improvements in Lake Aquitaine Park, as determined through consultation with the Ward Councillor. As the contribution remains outstanding, but secured through a registered agreement, it will now be collected upon execution of Amending Section 37 Agreement.

Comments

An aerial photograph and the concept plan for the proposed development is provided in Appendix 1.

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 representatives from Community Services, Transportation and Works, and Corporate Services to discuss potential community benefits. Subsequent to this meeting, Planning staff then met with the developer and Ward 9 Councillor, Martin Reid, on separate occasions to discuss the possible community benefits relating to the proposal.

Written confirmation has been provided by the owner confirming that the Community Benefit is \$427,189 which is the previously secured Section 37 community benefits contribution be reallocated for general park improvements in Lake Aquitaine Park.

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 July 12, 2022 presented to PDC on August 8, 2022, evaluated the proposed official plan amendment and rezoning and recommended that the applications be approved as they were acceptable from a planning standpoint and represents good planning.

2. Reasonable Planning Relationship Between the Secured Community Benefit and the Proposed Increase in Development

The Section 37 contribution of \$427,189 was secured through a registered agreement executed in 2017, based on the land value uplift associated with the original approvals. Since that time, the applicant has received revised development permissions allowing increased height and density. Although a new appraisal was prepared identifying a further uplift in land value resulting from the amended approvals, no additional contribution is being secured.

This approach reflects the direction of Ward 9 Councillor, Martin Reid, who has agreed to maintain the previously secured amount. The rationale for this approach is to support the delivery of new rental housing units in alignment with the City's broader objectives under the Mayor's Housing Action Plan, including the January 29, 2025 repeal of the City's Community Benefits Charge (CBC) By-law. While no CBC will be collected, the original Section 37 contribution remains in effect and is being carried forward through an Amending Agreement.

3. Community Benefit Contribution Should Respond to Community Needs

The original contribution was allocated to a list of park and trail improvements in the surrounding area. However, some of these projects have since been completed or are no longer priorities. Staff are now recommending that the secured contribution be reallocated for general park improvements in Lake Aquitaine Park, and to be determined in consultation with the Ward 9 Councillor. This approach maintains flexibility to respond to updated community needs while still delivering local public benefits in keeping with the intent of the original agreement.

4. Ensure That the Negotiation Process of Section 37 Agreements Is Transparent

The Section 37 contribution was originally secured through a registered agreement that clearly set out the value and the facilities to which it would be directed. This report

recommends an Amending Section 37 Agreement to reflect the reallocation of those funds. The negotiation process has followed the City's established policies and procedures to ensure transparency and public accountability in securing community benefits.

5. Securing the Community Benefits Contribution

The community benefits contribution was secured through a registered agreement executed in 2017, which required the payment of the contribution before building permit issuance. While the funds have not yet been collected (as no building permit was issued), the contribution remains enforceable and through the proposed Amending Agreement, will be payable upon execution, ensuring earlier collection and delivery of the secured benefit. Execution of an Amending Section 37 Agreement is required to update the community benefit allocation and enable removal of the Holding ("H") provision.

It is noted that on January 29, 2025, City Council repealed its Community Benefits Charge (CBC) By-law as part of a broader strategy to incentivize housing construction and reduce financial barriers to development. While no CBC will be collected in relation to this project, the Section 37 framework remains applicable due to the timing of the original approvals. The secured contribution will continue to be collected accordingly.

Section 37 Agreement

The Planning and Building Department and the owner have reached a mutually agreed upon amendment to the terms and conditions of the existing Section 37 Agreement for the subject lands. The Amending Agreement will include the following:

- A Community Benefit contribution of \$427,189 consistent with the amount secured through the original agreement
- The contribution is to be used toward general park improvements in Lake Aquitaine Park, in consultation with the Ward Councillor
- The agreement is to be registered on title in a manner satisfactory to the City Solicitor, to secure the said benefits
- The contribution will be collected upon execution of the Amending Agreement

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 height and 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.

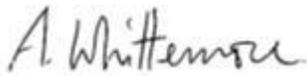
While the revised development approvals permit increased height and density, no additional contribution is being secured. The previously secured contribution of \$427,189 is being maintained, consistent with the Ward Councillor's direction and in support of broader housing objectives outlined in the Mayor's Housing Action Plan.

As outlined in the Executive Summary and Recommendations, the contribution will be collected upon execution of the Amending Agreement and allocated toward general park improvements in Lake Aquitaine Park. Staff are seeking authority to execute the Amending Section 37 Agreement for Council's consideration and passage.

Attachments

Appendix 1: Aerial Photograph & Site Plan

Appendix 2: Previous Section 37 Community Benefits Report – May 19, 2017



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

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