

# City of Mississauga

# Corporate Report



<p>Date: November 23, 2020</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's files: OZ 13/017 W7</p>
	<p>Meeting date: December 7, 2020</p>

## Subject

### **SECTION 37 COMMUNITY BENEFITS REPORT (WARD 7)**

**Community Benefits contribution under Section 37 to permit an apartment building with a height of 28 storeys with ground floor non-residential uses**

**45 Agnes Street, Northeast corner of Agnes Street and Cook Street**

**Owner: 45 Agnes GP Corp.**

**File: OZ 13/017 W7**

## Recommendation

That the report dated November 23, 2020, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under File OZ 13/017 W7, 45 Agnes GP Corp., 45 Agnes Street, be adopted and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$1,373,500 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 45 Agnes GP Corp., 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 \$1,373,500, which will be allocated to the development of parks in the Cooksville area
- 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 April 10, 2017, a Recommendation Report was presented to Planning and Development Committee (PDC) recommending approval of official plan amendment and rezoning applications on the subjects lands under File OZ 13/017 W7, by 45 Agnes GP Corp., to permit a 28 storey residential apartment building with ground floor non-residential uses subject to certain conditions. PDC passed Recommendation PDC-0016-2017 which was subsequently adopted by Council on April 26, 2017. As part of the recommendation, staff was 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 Section 37 report outlining the recommended Community Benefits. 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 met with representatives from Community Services, Transportation and Works, and Corporate Services

to discuss potential community benefits. An appraisal of the property was undertaken in 2016 on behalf of the previous owner and based on the land lift of the property an amount of \$1,000,000 (or 26.6% of the land lift) was determined as the amount of Community Benefit contribution for this site. Since this time, a new owner has purchased the property and is pursuing the completion of the applications. Planning staff have met with the developer and Ward 7 Councillor, Dipika Damerla on separate occasions to discuss the possible community benefits and an increased contribution amount to account for inflation relating to land value. These monies will be allocated towards the acquisition and development of parks within the Cooksville area.

### **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 March 17, 2017 presented to PDC on April 10, 2017, evaluated the proposed official plan amendment and rezoning and recommended that the applications be approved as they are acceptable from a planning standpoint and represents good planning.

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

The proposed contribution towards secured community benefit is considered a "next priority" Community Benefit, as it is a contribution in the form of funds used to address a City-wide need which is related to the site, but which cannot be included on the site.

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. In this instance, acknowledging that Mississauga Official Plan policies permit apartments in this area up to 25 storeys, staff have determined that the relationship between the proposed \$1,373,500 worth of community benefits and the land value of the requested height and density increase is acceptable. This amount represents approximate 26.6% of the land lift value in 2016, plus inflation, which is in line with the Corporate Policy and Procedure and is acceptable to both the City and the owner.

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

It has been identified that the Cooksville area contains a shortfall in the amount of parkland in the area. One of the goals in the City's Strategic Plan pillars is to provide opportunities for everyone to enjoy great parks, plazas and unique natural environments.

The development of parks in the Cooksville area contribute to the City's objective of building a desirable urban form and complete communities.

In accordance with the Corporate Policy and Procedure, Ward 7 Councillor, Dipika Damerla, 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.

**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:

- a Community Benefit contribution of \$1,373,500;
- the contribution is to be used towards the development of parks in the Cookville area;
- 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.

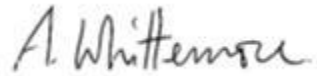
**Conclusion**

Staff have concluded that the proposed Section 37 Community Benefit is appropriate, based on the increased height and density being recommended through the official plan amendment and rezoning applications. The proposal adheres to the criteria contained in the Corporate Policy and Procedure on Bonus Zoning. Further, the contribution towards development of parks in the Cooksville area will help to implement the list of guiding principle in Mississauga Official Plan.

**Attachments**

Appendix 1: Aerial Photograph

Appendix 2: Concept Plan



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

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