

Planning and Development Committee

Date

February 26, 2018

Time

7:00 p.m.

Location

Council Chamber, 2nd Floor Civic Centre
300 City Centre Drive, Mississauga, ON L5B3C1

4.6. **MATTER DEFERRED FROM JANUARY 15, 2018 MEETING**

Amended Section 37 Community Benefits Report (Ward 3)

1850 Rathburn Road East and 4100 Ponytrail Drive, west side of Ponytrail Drive, north of Burnhamthorpe Road East

Owner: Forest Park Circle Ltd.

File: OZ 12/009 W3

City of Mississauga
Corporate Report



<p>Date: 2018/02/08</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's file: OZ 12/009 W3</p>
<p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Meeting date: 2018/03/19</p>

Subject

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Recommendation

That the report dated March 5, 2018 from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefit contribution under File OZ 12/009 W3, Forest Park Circle Ltd. be adopted and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of \$750,000.00 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 Benefit 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 and can be supported subject to the execution of a Section 37 agreement
- The Community Benefits contribution is \$750,000.00, which will be used towards the installation of a spray pad at Garnetwood Park, elevator improvements in the existing

apartment buildings, landscaping enhancements and on-site stormwater management upgrades

Background

On March 21, 2016, a Recommendation Report was presented to Planning and Development Committee (PDC) recommending approval of official plan amendment and rezoning applications on these lands to permit two new condominium apartment buildings of 12 and 15 storeys in addition to the two existing rental apartment buildings.

PDC passed Recommendation PDC-0015-2016, which was adopted by Council on April 11, 2016. As part of the recommendation, staff is to report back to Council on the recommended Community Benefit contribution.

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

The report was brought forward to the January 15, 2018 Planning and Development Committee. Two representatives from the Rockwood Homeowners Association spoke at the meeting and expressed their concerns with the allocation of the Community Benefit contribution. Ward 3 Councillor, Chris Fonseca requested that this matter be referred back to staff for further review and that a report be brought back to the Planning and Development Committee.

Comments

Background information including an aerial photograph and concept plan are attached as 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 Benefit" 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 or the provision of streetscape improvements.

Following Council's approval in principle of the subject applications, Planning staff met with Ward 3 Councillor, Chris Fonseca on separate occasions to discuss the possible community benefits

relating to the proposal. Discussions were also held with representatives from different departments within the City, the local residents, the applicant and the owner.

After the report was deferred from the January 15, 2018 Planning and Development Committee meeting, Planning Staff and Councillor Fonseca discussed the matter with the representatives of the Rockwood Homeowners Association. Further discussions were also held with Community Services staff, the applicant and the owner. Based on these discussions, the Community Benefits for which the contribution would be used were revised.

The Community Benefit will include:

- Funds toward the installation of a spray pad in Garnetwood Park – \$377,124.00
- **On-site landscape improvements in excess of normal site plan requirements including: a pergola feature and benches at the intersection of Rathburn Road East and Ponytrail Drive – \$202,290.00**
- **Funds towards trees and other improvements in Shaver Trail – \$28,206**
- Upsized stormwater management tank – \$50,000.00
- A portion of the cost towards elevator cab retrofits in the existing apartment buildings on-site – \$92,380.00

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 1, 2016 presented to PDC on March 21, 2016, 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 contribution toward upgraded landscaping, elevator improvements and stormwater upgrades will benefit the existing community on-site and in the immediate neighbourhood. The proposed contribution toward a spray pad in Garnetwood Park will benefit the larger, surrounding community. The items listed represent a highest priority Community Benefit as they are on-site or in the immediate vicinity of the site.

In order to determine a fair value of the Community Benefits, Realty Services retained an independent land appraiser to determine the increased value of the land resulting from the height and density increase. The overall increased value of the land has been determined to

be \$3,000,000.00. 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 \$750,000.00 represents 25% of the land lift value.

3. Community Benefit contributions should respond to community needs.

According to the Corporate Policy and Procedure, The provision of eligible Community Benefits will be considered on the following location basis:

- highest priority - on-site or in the immediate vicinity of the site
- next priority - Community Benefit contributions in the form of funds used to address City-wide needs which are related to the site, but which cannot economically be included on-site
- other eligible Community Benefits.

The spray pad in Garnetwood Park was identified as a need by the local residents, Ward 3 Councillor Chris Fonseca and the Community Services Department. Based on the Future Directions Parks and Forestry Master Plan, the service area requires an additional spray pad and the proposed location will benefit the wider community. Mississauga Official Plan contains policies that encourage parks and open spaces to be designed to meet the recreational needs of the community.

Stormwater management was identified as a concern by local residents during the public meetings and the upgraded stormwater management tank will address this concern. Additional planting and improvements to Shaver Trail was also identified as a need by the local residents and supported by the Community Services Department.

The state of the existing buildings on site was highlighted as an issue by the current residents and surrounding community. One of the items identified by the current residents was the functionality and appearance of the elevators. A property standards inspection was completed by City By-law Enforcement staff on March 9, 2015. As a result of this inspection, a property standards order was issued requiring that the up/down elevator buttons be repaired so that they light up on each floor when in use. This contravention was corrected March 11, 2015 and no other issues were found. Although the elevators met the required standards, further elevator upgrades were undertaken that benefit the current residents of 1850 Rathburn Road East and 4100 Ponytrail Drive and a portion of the costs to upgrade the elevators is considered in the allocation of the community benefit. In accordance with the Corporate Policy and Procedure, Ward 3 Councillor Chris Fonseca 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. On-site upgrades and enhancements are subject to a detailed review by Transportation and Works, By-law Enforcement and Development and Design staff. The proposed contribution towards a spray pad in Garnetwood Park is subject to a detailed review by Community Services staff.

A report titled "Community Benefits Policy Review" dated November 10, 2017, from the Commissioner of Planning and Building proposed changes to the Corporate Policy and Procedure for 'Bonus Zoning' (Policy No. 07-03-01) and amendments to the Implementation Bonus Zoning

policies in Mississauga Official Plan. While the new policy is not in effect, the contribution of 25% is consistent with the proposed changes presented in the report.

Section 37 Agreement

The Planning and Building Department and the owner have negotiated mutually agreed upon conditions for the Community Benefit which will be reflected in the related agreement. The agreement provisions will include the following:

- A Community Benefit contribution valued at \$750,000.00
- The contribution is to be used toward installation of a spray pad at Garnetwood Park, elevator improvements in the existing apartment buildings, on-site landscaping enhancements and on-site stormwater management upgrades
- The agreement is to be registered on title to the lands in the manner satisfactory to the City Solicitor

Financial Impact

Cash benefits received from the 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 payment received under this policy.

Conclusion

Staff has 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. The proposal adheres to the criteria contained in the Corporate Policy and Procedure on Bonus Zoning.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Concept Plan



Edward R. Sajecki, Commissioner of Planning and Building

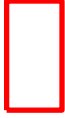
Prepared by: Aiden Stanley, Development Planner

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DATE OF AERIAL IMAGERY: SPRING 2017

LEGEND:



SUBJECT LANDS

TITLE: FOREST PARK CIRCLE LTD.

FILE NO: OZ 12/ 009 W3

Produced by
T&W, Geomatics

MISSISSAUGA



