



c 4 Communication COUNCIL: Dec 13/16 CW Rpt. No. 43 Item 9
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**DATE:** DECEMBER 13, 2016

**TO:** HONOURABLE MAYOR AND MEMBERS OF COUNCIL

**FROM:** JOHN MACKENZIE,  
DEPUTY CITY MANAGER, PLANNING AND GROWTH MANAGEMENT

**SUBJECT:** COUNCIL COMMUNICATION – COMMITTEE OF THE WHOLE - DECEMBER 6, 2016 - ITEM 9, REPORT 43

**STATUS UPDATE REPORT  
IMPLEMENTATION GUIDELINES FOR PLANNING ACT SECTION 37 POLICIES  
OF THE VAUGHAN OFFICIAL PLAN (VOP) 2010 (VOLUME 1) (10.1.2.9-10.1.2.12)  
BONUSING FOR INCREASES IN HEIGHT AND/OR DENSITY  
SECTION 37 OF THE PLANNING ACT (FILE: 25.6.1)**

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**Recommendation**

The Deputy City Manager, Planning and Growth Management recommends:

1. That the following red-lined change be added to the proposed changes to the Section 37 Implementation Guidelines, outlined in Attachment 1 to the Committee of the Whole report (Item 9, Report 43) dated December 6, 2016, following the first paragraph of “Section 6.3 – Consultation with Councillors and Communities”:

“The memorandum noted above, will be sent once the quantum of the Section 37 benefit has been defined using the appraisal methodology and land value formula outlined in the Section 37 Guidelines. It will be copied to the Senior Manager of Real Estate, and will request whether the Ward Councillor would like to hold a meeting with the affected community to discuss how Section 37 benefits could be distributed. In the case that the meeting is requested, it will be arranged and facilitated through the office of the respective Councillor and include the attendance of the appropriate City staff. The objective of the meeting will be to advise the community of the values identified for the alternative benefits and to seek community input on how the benefits can be allocated with regard for “good planning” principles and the Nexus principle. The office of the Ward Councillor will be responsible for organizing details respecting the meeting date, invitees, time and location, and providing this information in the appropriate section of the memorandum. Once completed, the memorandum will be returned to the Development Planning Department.”

**Background - Analysis and Options**

**Background**

This communication is in response to the following comments received by members of Council at the Committee of the Whole meeting of December 6, 2016. Council’s comments and staff’s responses are detailed below.

**1) Comment:**

That staff provide further information respecting the intended use of Section 37 benefits received for Baif Developments Limited, Files OP.12.019 and Z.12.047 (northwest corner of Bathurst Street and Beverley Glen Boulevard).

**Response:**

The community benefits secured by the City through the Section 37 agreement with Baif Developments Limited, with respect to the development at 2 Beverley Glen Boulevard are summarized as follows:

No.	Item	Amount	Description
1	Public Art	Not less than \$350,000.00	<p>This amount shall be used to select, design, acquire, and install one piece of Public Art within prominent, highly visible and publicly-accessible areas within the development lands or adjacent publicly-owned lands. The City will own (and the owner will maintain, to the City's satisfaction) the Public Art.</p> <p>Further information regarding the City's Public Art Program is set out below.</p>
2	Monetary Contribution	\$350,000.00	<p>This amount is to be used by the City for the provision of services, facilities or other matters to assist in achieving municipal objectives, particularly for community benefits including, but not limited to, improvements to the Thornhill Green Park, Benjamin Vaughan District Park and/or Rosemount Community Centre and the City Playhouse Theatre.</p>
3	Transit Passes	Up to \$50,000.00	<p>The owner will purchase YRT/Viva monthly passes for purchasers of condominium units within its development on a first-come, first-serve basis. Each pass will be for one month and will be effective for the month after interim occupancy of the purchaser's unit. Notice language in each agreement of purchase and sale will be included to ensure that purchasers will be notified of this program. If the monetary limit has not been reached by the time that 70% of the units in the first building within the development are occupied, the limit will increase in accordance with the Consumer Price Index until it is reached.</p>

With respect to Item No. 1 (Public Art), the principles of the City's Public Art Program are as follows:

- The Owner shall retain a public art consultant, to the approval of the City, to prepare the Public Art Plan for the project that conforms to the policies of the Council approved City-Wide Public Art Program.
- The Public Art Plan shall outline:
  - (i) The site opportunities for the proposed locations of the public art within prominent, highly visible, and publicly accessible areas within the site or within adjacent publicly-owned lands;

- (ii) The proposed timing for the installation of the public art in relation to the timing of the development;
- (iii) The estimated cost of designing, creating and installing the proposed public art and the proposed artist(s);
- (iv) The public art selection method (including the composition of the Public Art Selection Jury);
- (v) Review by the City's Design Review Panel or Public Art Advisor Committee (if established); and
- (vi) The public art maintenance strategy.

- The Public Art Plan will be brought forward for Council's consideration/approval.

With respect to Item No. 2 (Monetary Contribution), the improvements to be completed will be subject to further review by City staff in consultation with the Ward Councillor.

**2) Comment:**

The Section 37 process should seek to ensure that the community in the vicinity of the development application requesting the additional height/density is provided an opportunity to review the alternative Section 37 benefits being considered and to provide their input.

**Response:**

To address comments expressed at the Committee of the Whole meeting that the affected community should be more engaged in the selection of Section 37 benefits, staff have recommended the addition of a paragraph to the Implementation Guidelines. The proposed recommendation provides an opportunity to meet with the community, once the development application has been reviewed by planning staff and alternative benefits have been identified and quantified using the land valuation formula outlined in the Guidelines. The meeting would be attended by the appropriate City staff, and organized and facilitated by the office of the Ward Councillor. The meeting would permit a presentation of the alternative benefits under consideration, and an opportunity for community feedback prior to the completion of the technical report containing the final staff recommendation for consideration by Council.

**Conclusion**

The information and additional recommendation outlined in this communication are provided to respond to the comments expressed at the Committee of the Whole meeting of December 6, 2016, respecting the Section 37 Implementation Guidelines.

**Report prepared by:**

Anna Sicilia, Project Manager, New Community Areas, ext. 8063

Respectfully submitted,



JOHN MACKENZIE  
Deputy City Manager  
Planning and Growth Management

Copy to:

Daniel Kostopoulos, City Manager  
Jeffrey Abrams, City Clerk  
Roy McQuillin, Director of Policy Planning and Environmental Sustainability