

C3 - CW (WS)
September 10/2013
Item 2

City of Vaughan

Section 37 Policy Discussion

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September 10, 2013

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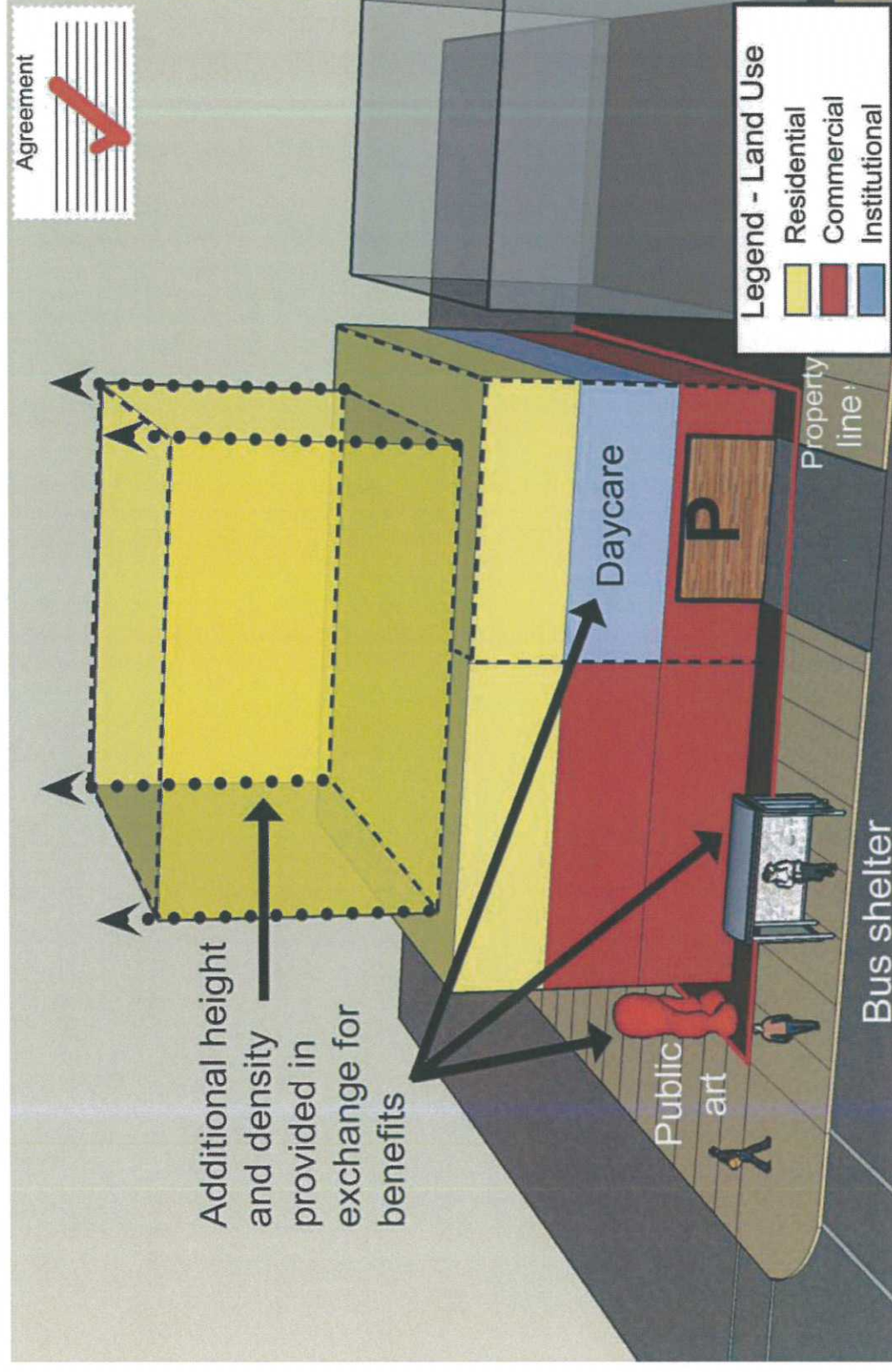
Presentation Outline

- Section 37 background
- Proposed Policy
- Proposed Guideline

Section 37 Background

- Section 37 of the Planning Act authorizes local municipalities to increase zoned height and/or density of development in return for “facilities, services or matters”
- It also authorizes the municipality to enter into an agreement with the land owner to secure the “facilities, services or matters”
- The agreement may be registered on title

Section 37 Background



VMC Sub Committee Report on Section 37

Section 37 Background-Other Municipal Experience

- Toronto has most extensive experience: since 1998, have raised \$350+ million city-wide (in 2012 dollars) plus in-kind benefits
- Benefits include public art, daycare, affordable housing, community service facilities, parks and streetscape improvements
- Burlington, Ottawa, Mississauga, London, Cambridge also have experience with Section 37

Section 37 Background-Other Municipal Experience

- York Region OP encourages use of Section 37 by local municipalities in support of compact and transit-oriented development
- York Region endorsed Section 37 policies in the Vaughan Official Plan 2010
- Other municipalities have policies, but limited experience

Section 37 Existing Official Plan Policy

Existing Section 10.1.2.9 of the Vaughan Official Plan includes a comprehensive list of benefits that can be secured as part of a Section 37 arrangement

Affordable housing

Day care

Cultural/community facilities

Environmental upgrades

Transit connections

Heritage conservation

Public art

Parkland improvements

Streetscape Improvements

Land

Section 37 Existing Official Plan Policy

Existing Section 8.1.15 of the Vaughan Metropolitan Centre Plan lists a number of additional community benefits that may qualify for bonusing.

Subway entrances	Cultural facilities
Special parks facilities	Public amenities
Structured parking	Streetscape Improvements
Community facility upgrades	

Section 37 Proposed Revisions to Official Plan Policy

1. Increased height and density may be authorized in return for provision of community benefits provided:
 - There is a reasonable planning relationship between the increase in height and density and the community benefits
 - The development represents good planning
 - Infrastructure can support the increase

Section 37 Proposed Revisions to Official Plan Policy

2. Benefits would be over and above what can be otherwise secured through the Planning Act (park contributions) and DCs and may include:

- Public art
- Non profit/public cultural facilities
- Park improvements above City standard
- Upgrades to community facilities above City standards
- Enhanced off-site access to natural/environmental features
- Access to public transit
- Non profit day care
- Upgrades to cultural heritage facilities
- Public Parking
- District energy
- Land for municipal purposes
- Other improvements identified in local plans

3. Benefits to be determined based on:

- Objectives of the Official Plan
- Local community needs
- Unique needs based on intensification issues
- Priority given to benefits in geographic proximity to the development representing a “reasonable planning relationship”

Section 37 Proposed Revisions to Official Plan Policy

4. Height and density increases to be implemented by a site specific zoning by-law amendment

- Bylaw will identify facilities, services and matters (i.e. community benefits) to be provided

5. Community benefits will be secured through a “Section 37” agreement between the City and the owner

Section 37 Implementation Guidelines

Application Process

- Application to increase height and density above limits set in Official Plan to be subject to Section 37
- Exemptions to be identified by Council i.e. non profit development, or public facilities that benefit the community
- Size threshold: generally developments over 2000 sq m and 1000 sq m in additional density
- Planning Department administers the development approval process in consultation with Legal, Real Estate, and Finance Departments; and with the aid of other relevant departments

Section 37 Implementation Guidelines--Principles

Good Planning

- **Planning staff** will review the application to determine consistency with other OP policies: urban design, transportation, environment etc. i.e. consistency with principles of good planning



Section 37 Implementation Guidelines--Principles

Establish a Reasonable Planning Relationship Between:
Increase in Height and Density and Community Benefits

- Geographic proximity between development and community benefit
- First priority—in close proximity to the development
- May include community benefits within local community or contributions to City-wide funds for such things as public art or major capital facilities

Section 37 Implementation Guidelines--Valuation

Step 3—Determine Increase in Land Value

- City will seek to achieve a value for community benefits equal to between 20-35% of the increase in land value
- Community benefits to be over and above Development Charges or what can otherwise be secured under the Planning Act
- The Real Estate Department will hire an appraiser, paid for by the applicant, to determine increase in land value
- In case of dispute, developer can seek second opinion on appraisal

Section 37 Implementation Guidelines--Protocol

Protocol for Determining Benefits

- Planning staff to manage negotiations in consultation with the relevant municipal departments
- Need to determine exact benefits to be provided—total to equal the value to accrue to the City
- Consult local studies (if these have been prepared), Official Plan policies, City Departments (Parks, Recreation and Culture, Finance, Legal, etc.)
- Consult Ward Councillor and seek community feedback at public meeting(s)
- Details of value of benefits and negotiation process to be included in comprehensive technical report on application to ensure transparency

Section 37 Implementation Guidelines--Example

An account will need to be set up for Section 37 contributions by the **Finance Department**



Park Improvements



Community Facilities and
Libraries



Heritage Preservation



Cultural Facilities



Public Art

Site Specific Bylaw

- Contributions/benefits to be itemized in the site specific bylaw
- Requirement that owner enter into a Section 37 Agreement prior to the adoption of the site specific bylaw by Council
- The Agreement will be registered on title
- Cash contributions/benefits to be paid prior to release of building permit
- Cash payments to be placed in a special Section 37 Reserve Fund managed by the Finance Department

Section 37 Implementation Guidelines--Comparison

Municipality	Development Threshold	Percentage of Value Increase	Protocol	Geography
City of Toronto	Greater than 10,000 sq m; Density increase exceeds 1500 sq m	Not specified/under review	City Planning staff to coordinate; Ward Councillor to be consulted prior to any discussions or negotiations	Priority given to on-site or in the local area
City of Ottawa	Greater than 7000 sq m; Density increase is 25% of more than otherwise permitted	To be based on "uplift value" -- Inner Urban Area \$250/sq m Outer Urban Area \$130/sq m (to be drawn down based on relevance of zoning/OP; retention of heritage; implementation of public benefits within development)	Planning and Growth Management staff to coordinate; Ward Councillor to be consulted prior to any discussions or negotiations	Appropriate geographic relationship to address amenities and services in the local community
City of Mississauga	Greater than 5000 sq m; Density increase exceeds 1500 sq m	20-40% of the increase in land value	Planning and Building staff to lead discussions; Ward Councillor must be consulted prior to any negotiation	Highest priority—on site or immediate vicinity; next priority community benefits to address city-wide needs
City of Markham	Greater than 5000 sq m; Density increase exceeds 1500 sq m	Not specified	Planning staff are to be lead negotiators; Councillor(s) to be involved	Highest priority—on-site provision of community benefits; next level of priority—immediate vicinity of the site; City wide benefits to be considered where fund exists
City of Burlington	No threshold specified	Not specified	Staff committee chaired by Director of Development Services	High priority for on-site or near site community benefits; high priority for city-wide community benefits
City of Vaughan (Proposed)	Generally greater than 2000 sq m; Density increase exceeds 1000 sq m	20-35%	Planning staff to manage negotiations; Ward Councillor to be consulted	Highest priority—immediate vicinity; next level—local area; City-wide needs to be considered where appropriate

Questions?