

City of Vaughan

Section 37 Policy Discussion

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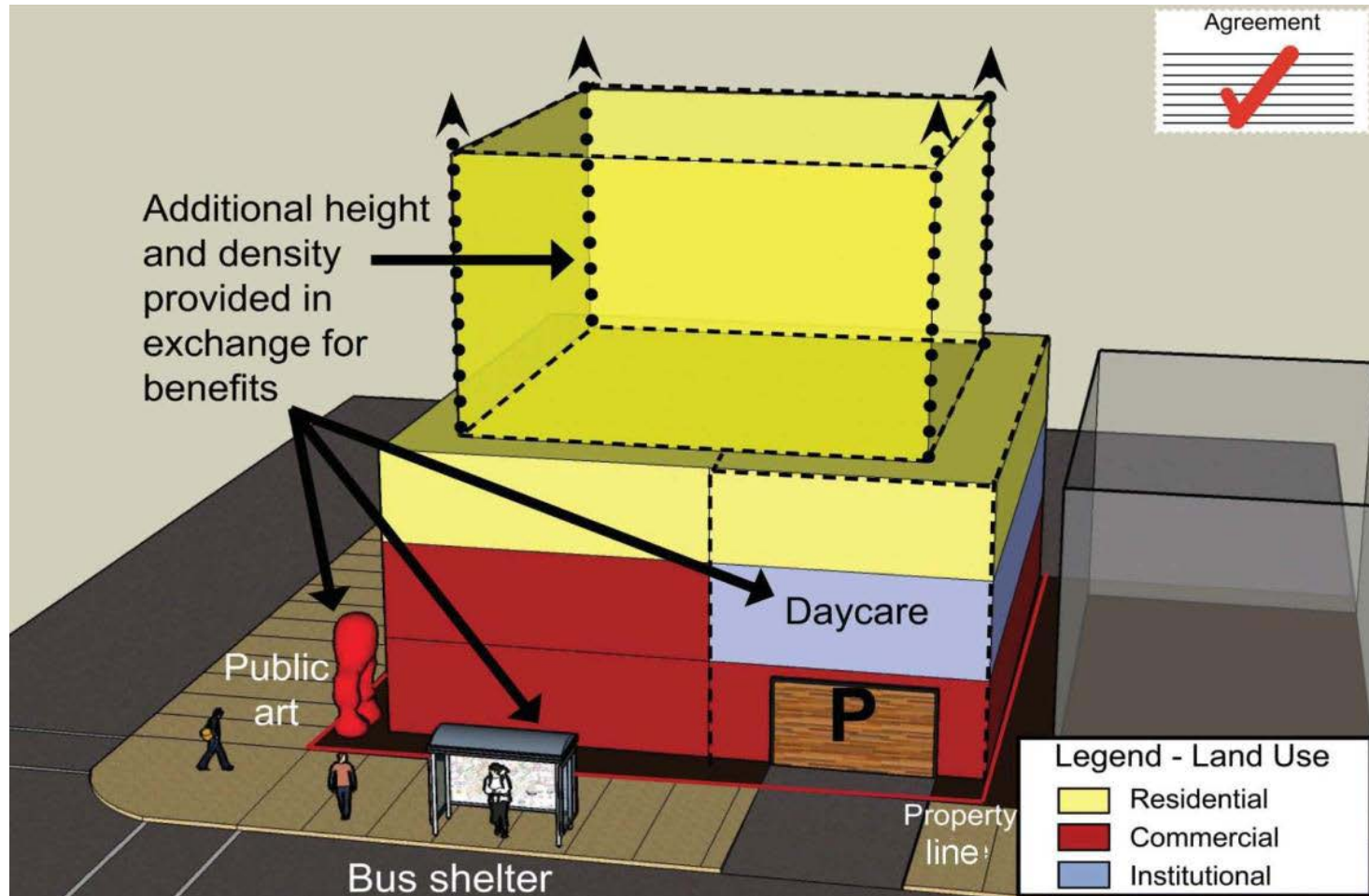
Presentation Outline

- 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 benefits
- 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 275+ 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 encourages use of Section 37 by local municipalities in support of compact and transit-oriented development
- Other municipalities have policies, but limited experience

Section 37 Existing Official Plan Policy

Existing Section 10.1.2.9 of the Vaughan Official Plan 2010 includes a comprehensive list of benefits that can be secured as part of a Section 37 arrangement

Affordable housing

Day care

Cultural/community

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 Secondary Plan lists a number of additional community benefits that may qualify for bonusing.

Subway entrances

Special parks facilities

Structured parking

Community facility upgrades

Cultural facilities

Public amenities

Streetscape Improvements

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
- Access to natural/environmental features
- Access to public transit
- Non profit day care
- Upgrades to cultural heritage assets
- 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

4. Height and density increases to be implemented by a site specific bylaw
 - 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: developments over 2000 sq m and 1000 sq m in additional density
- Planning Department responsible for administration

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
- Second priority—community benefits within local community
- Third priority—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 25-35% 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

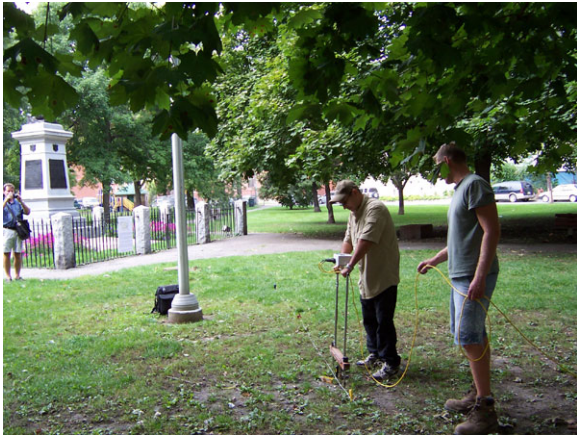
Section 37 Implementation Guidelines--Protocol

Protocol for Determining Benefits

- Planning staff to manage negotiations
- 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 and Recreation, Transportation 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 report on application to ensure transparency

Section 37 Implementation Guidelines--Example

A fund needs 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

- Requirement that owner enter into a Section 37 Agreement prior to the adoption of the site specific bylaw by Council
- Contributions/benefits to be itemized in the site specific bylaw
- 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--Discussion

Questions?