



Corporate Report

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DATE: March 1, 2011

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 21, 2011

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Assessing Planning Tools for Mississauga: Requested Modifications to the Proposed New Mississauga Official Plan Policies Regarding Bonus Zoning and Community Improvement - Report on Comments**

- RECOMMENDATION:**
1. That the requested modifications contained in the reports titled "Assessing Planning Tools for Mississauga - Recommendations Report", dated August 31, 2010, from the Commissioner of Planning and Building, as amended by the recommendations in the reports "Assessing Planning Tools for Mississauga: Requested Modifications to the Proposed New Mississauga Official Plan Policies Regarding Bonus Zoning and Community Improvement" dated January 25, 2011 from the Commissioner of Planning and Building and "Assessing Planning Tools for Mississauga: Requested Modifications to the Proposed New Mississauga Official Plan Policies Regarding Bonus Zoning and Community Improvement – Report on Comments", dated March 1, 2011, from the Commissioner of Planning and Building, be approved.
 2. That the City Clerk be authorized to forward the requested modifications contained in the above-noted reports to the Region of Peel for incorporation in the Notice of Decision on Mississauga Official Plan.

BACKGROUND:

City Council, on February 23, 2011, considered the report titled “Assessing Planning Tools for Mississauga: Requested Modifications to the Proposed New Mississauga Official Plan Policies Regarding Bonus Zoning and Community Improvement” dated January 25, 2011 from the Commissioner of Planning and Building and adopted the following:

“PDC-0009-2011

1. That the submissions made at the public meeting held at the Planning and Development Committee meeting on February 14, 2011 to consider recommendations regarding Bonus Zoning and Community Improvement Plans contained in the report titled “Assessing Planning Tools for Mississauga: Recommendations Report” dated August 31, 2010 from the Commissioner of Planning and Building, be received.
2. That staff report back to the Planning and Development Committee on the submissions made with respect to the report titled “Assessing Planning Tools for Mississauga: Recommendations Report” dated August 31, 2010 from the Commissioner of Planning and Building.”

COMMENTS:**Public Consultation Process**

On February 14, 2011, a statutory public meeting was held to consider the requested modifications to the proposed new Mississauga Official Plan policies for Bonus Zoning and Community Improvement. At that meeting, one person addressed the Planning and Development Committee (PDC) – Ms. Dorothy Tomiuk representing MIRANET.

In addition to the statutory public meeting, residents and other stakeholders were invited to attend two open houses held on February 4 and 7, 2011.

Proposed Revisions to the Requested Modifications

Planning and Building Department staff have considered the results of the public consultation process, as well as comments received from the Planning and Development Committee and further staff discussions and provide the following responses to issues raised.

Bonus Zoning**Comment**

Bonus zoning should only be applied to development which adheres to overall “good planning”. (Ms. Dorothy Tomiuk on behalf of MIRANET)

Response

The requested modifications to Section 19.7.1 of the proposed new Mississauga Official Plan include a policy which indicates that to be eligible for increases in height and/or density, a development must constitute good planning and be consistent with the intent and objectives of the Official Plan and other City policies. This means that a community benefit, secured through a Section 37, Bonus Zoning agreement, cannot be used to achieve a state of good planning for an otherwise deficient development. “Good planning” is a prerequisite to the consideration of a Bonus Zoning contribution. No change to the requested modifications is required.

Comment

What does bonus zoning aim to achieve? (Ms. Dorothy Tomiuk on behalf of MIRANET)

Response

Bonus zoning is a planning tool which enables municipalities to acquire community benefits in conjunction with a rezoning permitting increased height and/or density over and above existing planning permissions.

To clarify how bonus zoning will be applied, it is proposed that the last sentence of Section 19.7.1 be deleted and replaced with the following:

These by-laws are intended to allow the community to share tangibly in benefits that landowners accrue from achieving increased height and/or density permissions on their lands.

Comment

The term “*equitable relationship*” in Section 19.7.3 e of the proposed new Mississauga Official Plan should be changed to “*a reasonable relationship*”. (Planning and Building Staff)

Response

There is some confusion that the term “*equitable relationship*” means “*equal*” rather than “*fair*” or “*just*”. This revised wording would be consistent with phrasing used by other municipalities. Mississauga strives to achieve a community benefit that has a value of 20% to 40% of the land value lift (consistent with the City of Toronto's practice) rather than equal to the development proponent's benefit. "Reasonable" is, therefore, a more appropriate term and policy 19.7.3 e should be deleted and replaced with the following:

e. a special study is required from the applicant that establishes a reasonable relationship between the benefits to the owner of the value of the density increase that may be permitted and the value of the facility, service, or matter to the public.

Comment

There should be a documented protocol for negotiating and implementing bonus zoning. (Ms. Dorothy Tomiuk on behalf of MIRANET)

Response

In addition to the requested modifications to the proposed new Mississauga Official Plan, municipal corporate policies are being developed to serve as an interpretive guide for the implementation of bonus zoning and community improvement. A further report on the corporate policies for bonus zoning and community improvement is expected to be presented to Planning and Development Committee later this year. No change to the requested modifications is required.

Community Improvement**Comment**

The benefits and costs of Community Improvement Plans should be well documented and presented prior to implementation. (Ms. Dorothy Tomiuk on behalf of MIRANET)

Response

When a Community Improvement Plan is being proposed for a particular area, the costs and benefits associated with any financial incentive programs are evaluated through a public process prior to approval by City Council. No change to the requested modifications is required.

Comment

How can the planning tools be integrated? (Planning and Development Committee)

Response

Staff are examining how certain planning tools (Bonus Zoning, Community Improvement Plans, Community Infrastructure Impact Studies) can work together to achieve greater strategic planning benefits. For example, having a better understanding of the local community's needs can inform bonus zoning negotiations or shape community improvement programs.

Following the completion of a Community Infrastructure Impact Assessment of the Downtown and Phase 2 of this study, staff will report back to the Planning and Development Committee on opportunities to integrate these planning tools. No change to the requested modifications is required.

STRATEGIC PLAN: Bonus zoning and community improvement plans are important tools that are currently being used by a number of municipalities in Ontario to support a range of strategic initiatives where some type of incentive, community improvement or growth management objective is contemplated.

The revisions to the requested modifications to the bonus zoning and community improvement policies of the proposed new Mississauga Official Plan will enhance the City's ability to apply these tools where it is appropriate to advance one or more of the strategic pillars for change.

Move: Developing a Transit Oriented City
Belong: Ensuring Youth, Older Adults and New Immigrants Thrive
Connect: Completing Our Neighbourhoods
Prosper: Cultivating Creative and Innovative Businesses
Green: Living Green

FINANCIAL IMPACT: Not applicable

CONCLUSION: Based on comments obtained through the public consultation process and subsequently from staff, minor revisions are recommended to the requested modifications to the proposed new Mississauga Official Plan Policies regarding bonus zoning and community improvement plans. The requested modifications will ensure that these planning tools are better understood and appropriately applied in the City.

Original Signed By:

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Paulina Mikicich, Policy Planning Division