

Section 37

Density Bonusing and Community Benefits Charge

Principles of Use in Brampton

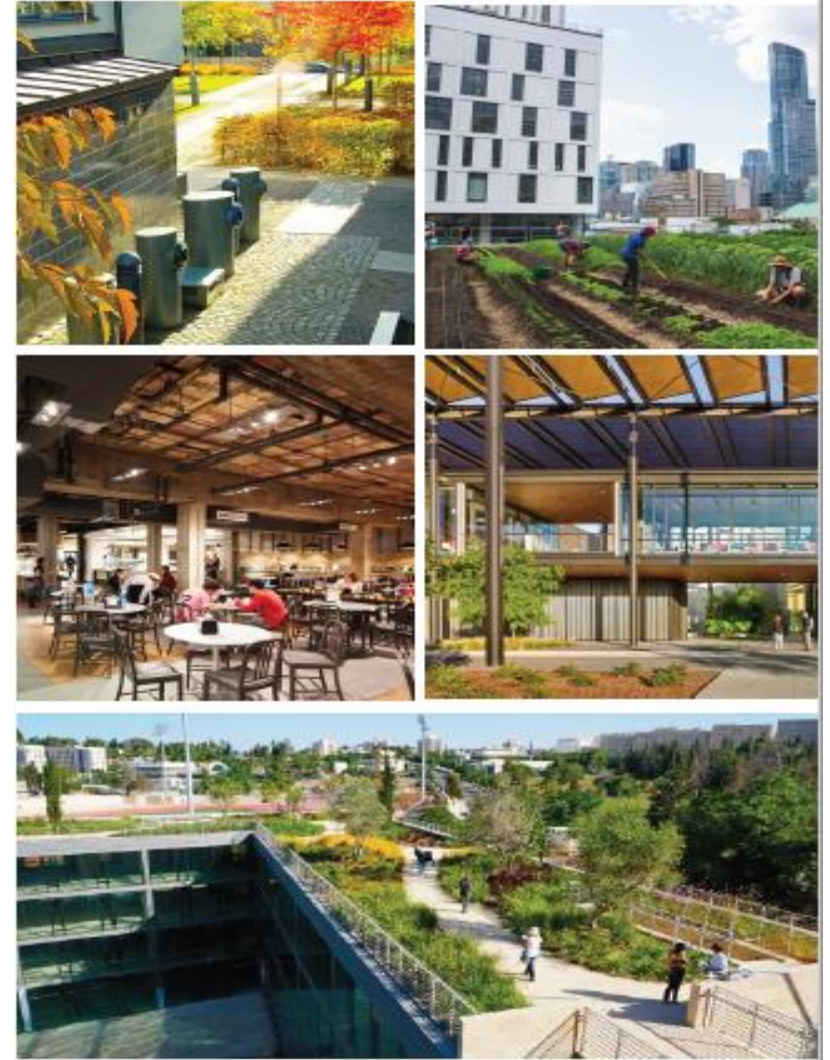
CITY PLANNING AND DESIGN
PLANNING, BUILDING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF BRAMPTON



C O U N C I L W O R K S H O P J U N E 2 8 , 2 0 2 1

Overview

1. Direction from Housing Brampton
2. Community Infrastructure Cost-sharing Tools
3. Section 37 Density Bonusing
4. Brampton's Approach
5. Section 37 Community Benefit Charges
6. Next Steps



Housing Brampton

City of Brampton Housing Strategy and Action Plan

Endorsed by City Council May 19, 2021

Recommendation PDC064-2021 – Clause 5:

“That staff advance the timely implementation of regulatory tools identified in Housing Brampton, such as inclusionary zoning, **density bonusing and/or a Community Benefits Charge By-law**, to facilitate affordable housing in appropriate development applications.”



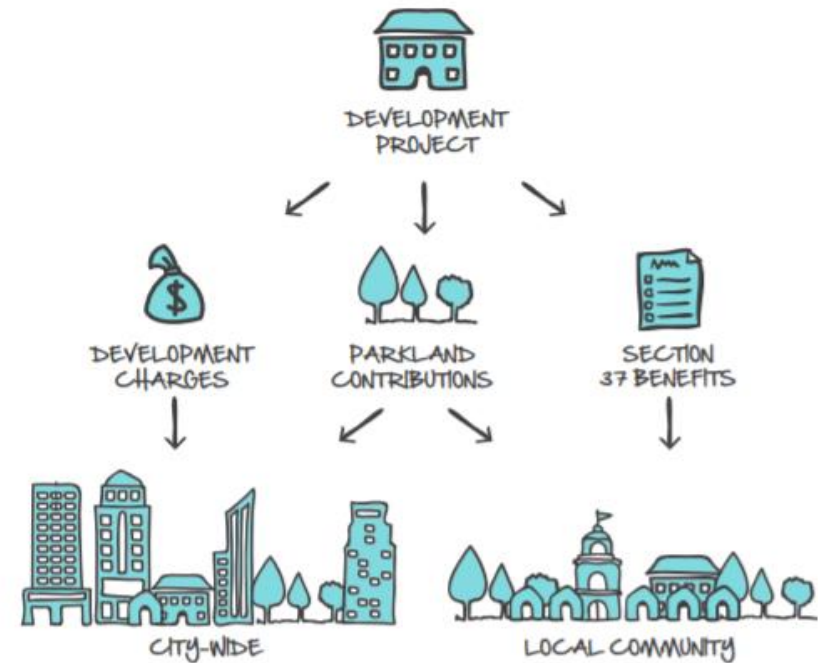
Community Infrastructure Cost Sharing Tools

Development Charges – Provides for city-wide infrastructure/essential services following the principle that “growth pays for growth”.

Parkland Contributions – Provides for city-wide and local parkland dedications through land conveyance or cash in lieu.

Section 37 – A way to obtain local community benefits from applicable development applications.

FUNDING COMMUNITY BENEFITS AND INFRASTRUCTURE

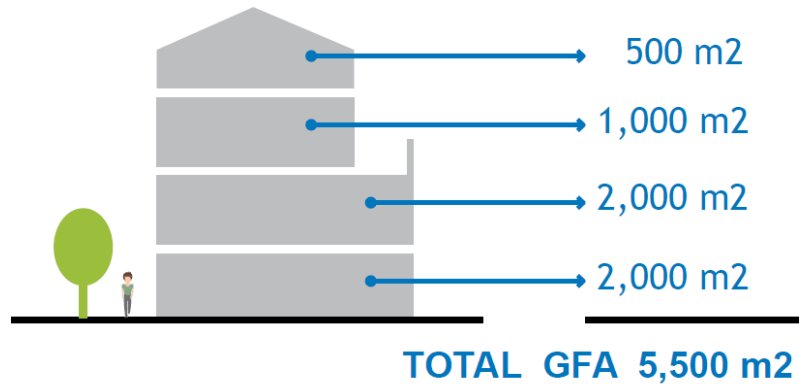


Density

Measured in units/net hectare or FSI

GROSS FLOOR AREA (GFA):

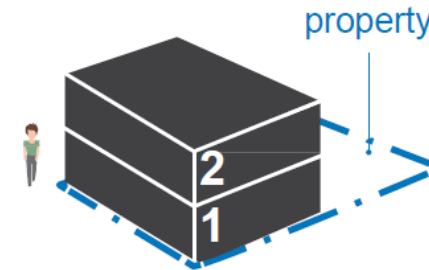
» The total amount of space within a building.



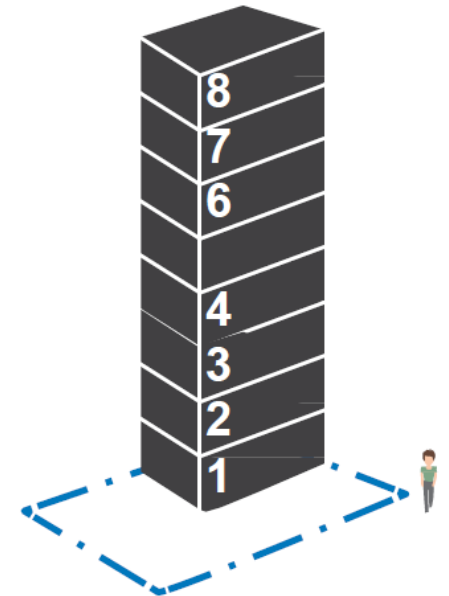
FLOOR SPACE INDEX (FSI):

» The ratio of a building's gross floor area relative to the size of the property that it occupies.

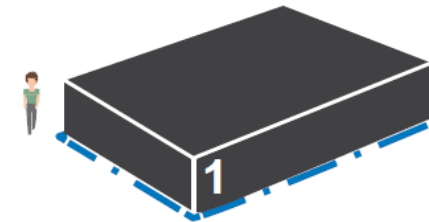
FSI = 1
(100%)



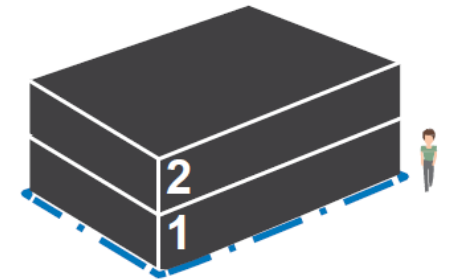
FSI = 2
(200%)



FSI = 1
(100%)

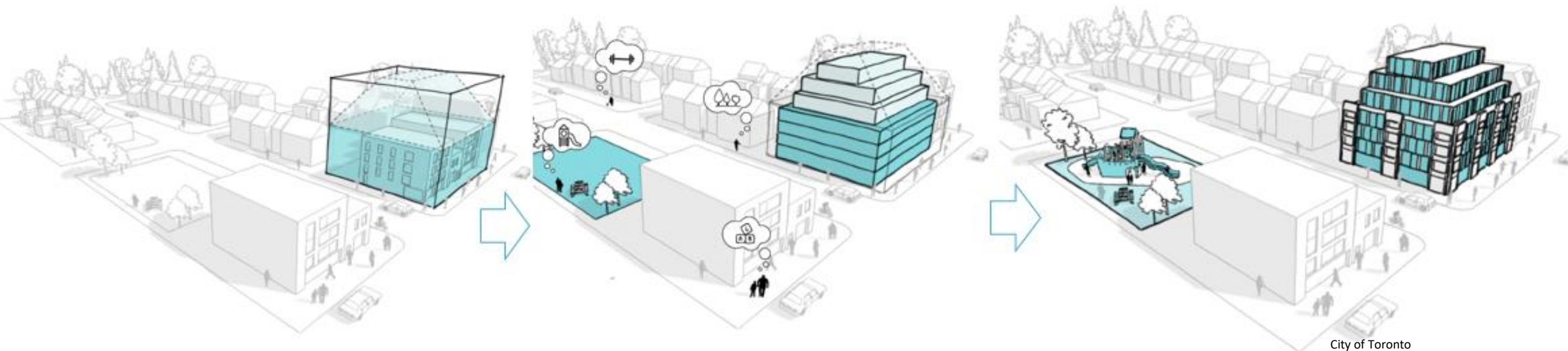


FSI = 2
(200%)

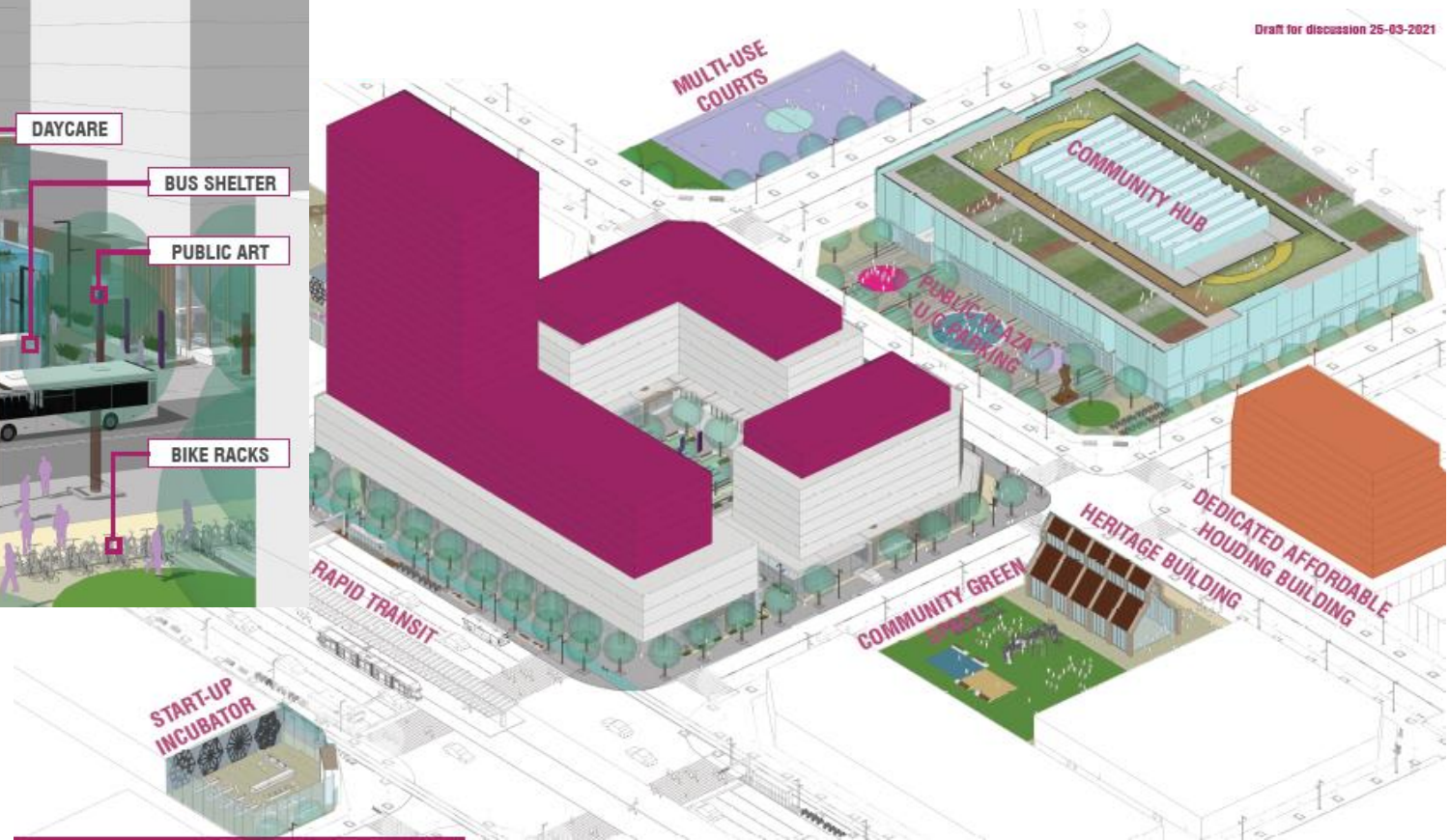


Density Bonusing (Bonus Zoning)

- ❑ A tool to exchange increase in zoned height and/or density of development in return for "facilities, services or matters"
- ❑ The owner/developer and the community share in the increased value of the development
- ❑ Land Uplift Value calculated to determine contribution
- ❑ Section 37 Agreement registered on title



Benefit Options



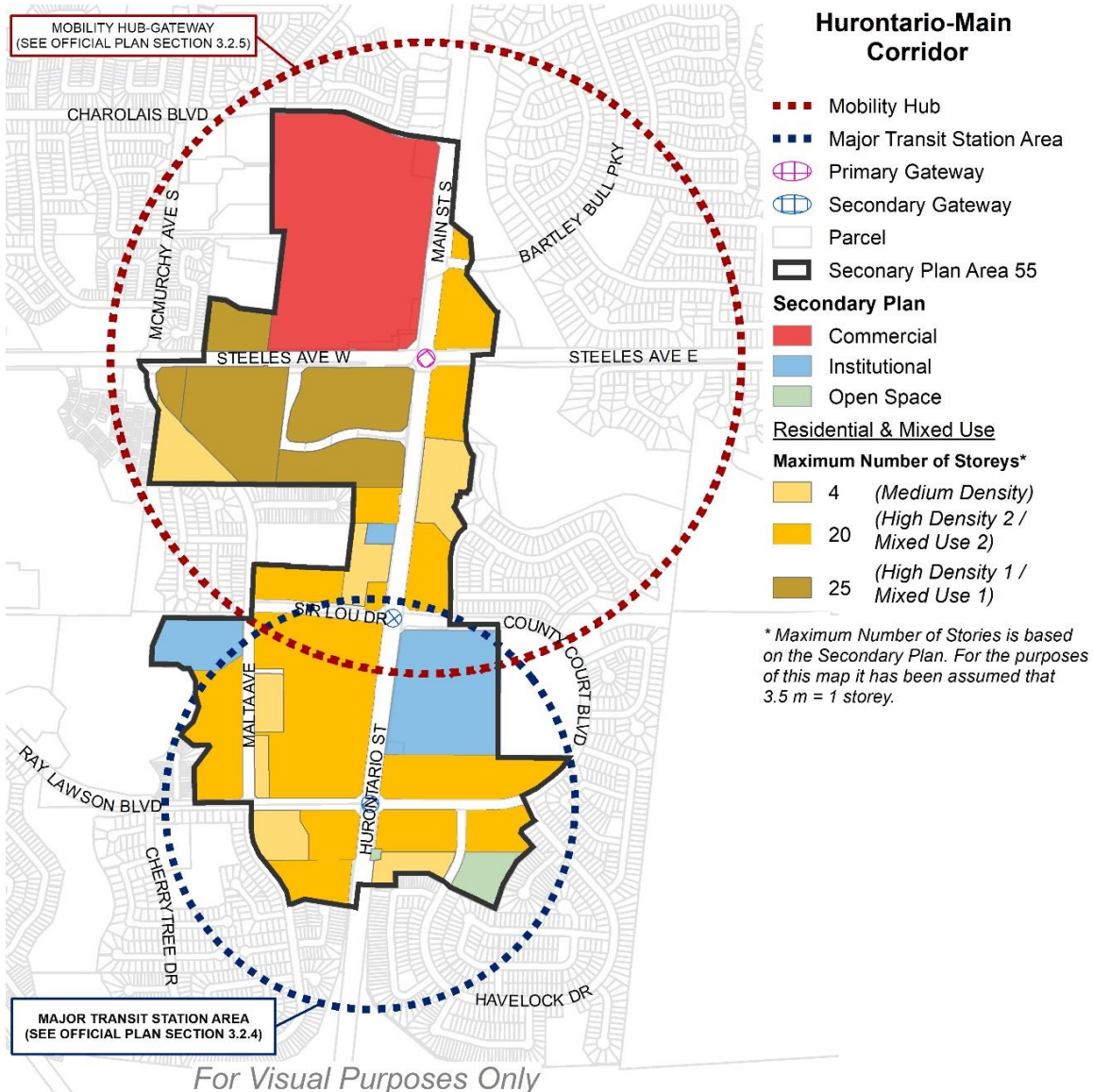
Brampton Official Plan

Policy on Density Bonusing

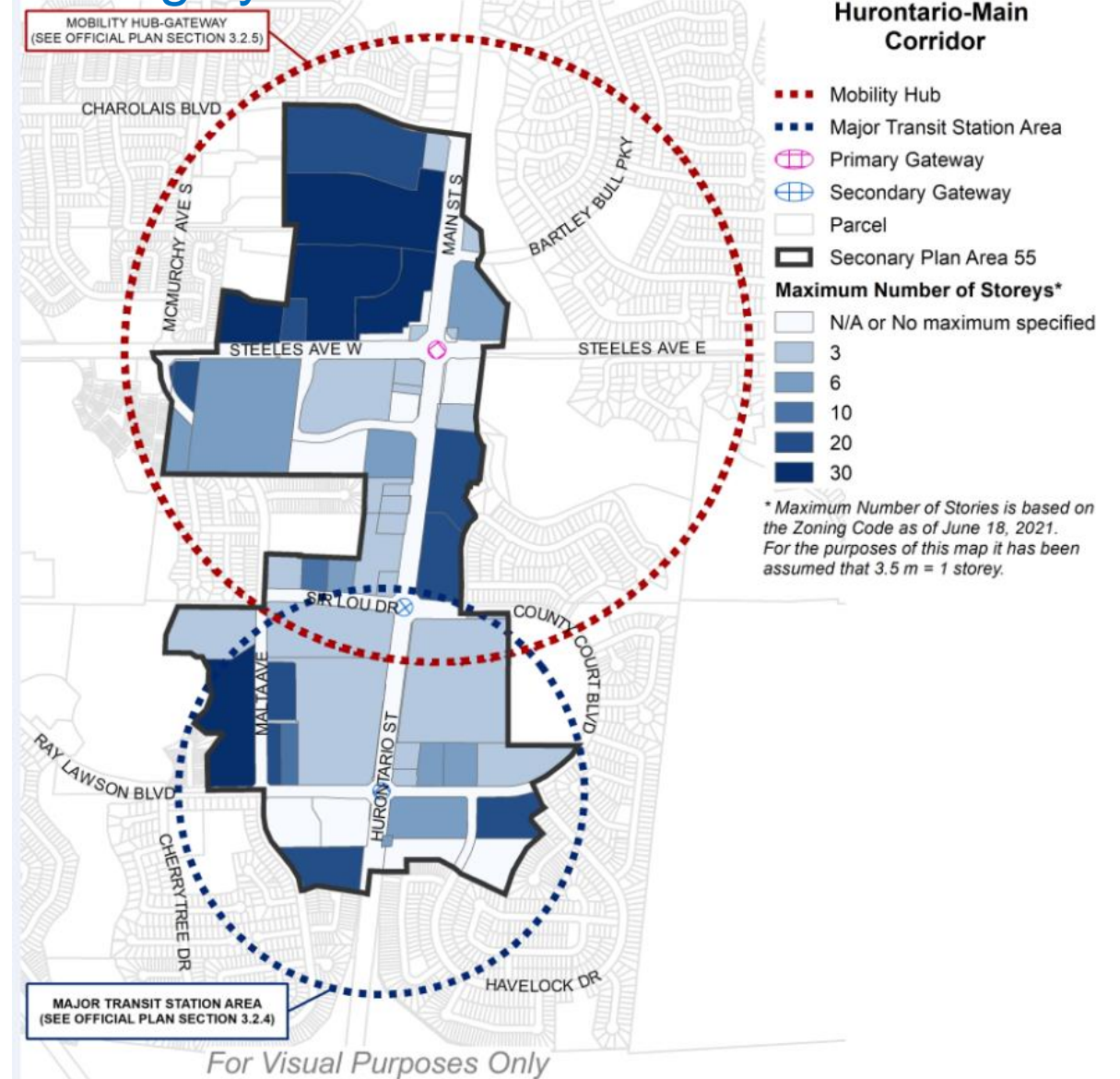
- ☐ Reflects provisions of Section 37 of the Planning Act prior to the CBC
- ☐ The City may develop bonusing policies on a City wide, area specific or site specific basis.
- ☐ Height and density increases shall not result in inappropriate neighbourhood scale or intensity or exceed capacity of community and physical services.
- ☐ Any facilities, services or matters obtained through density bonusing provisions shall be logically applied to areas impacted to realize community benefits because of density bonusing.

Height Permissions

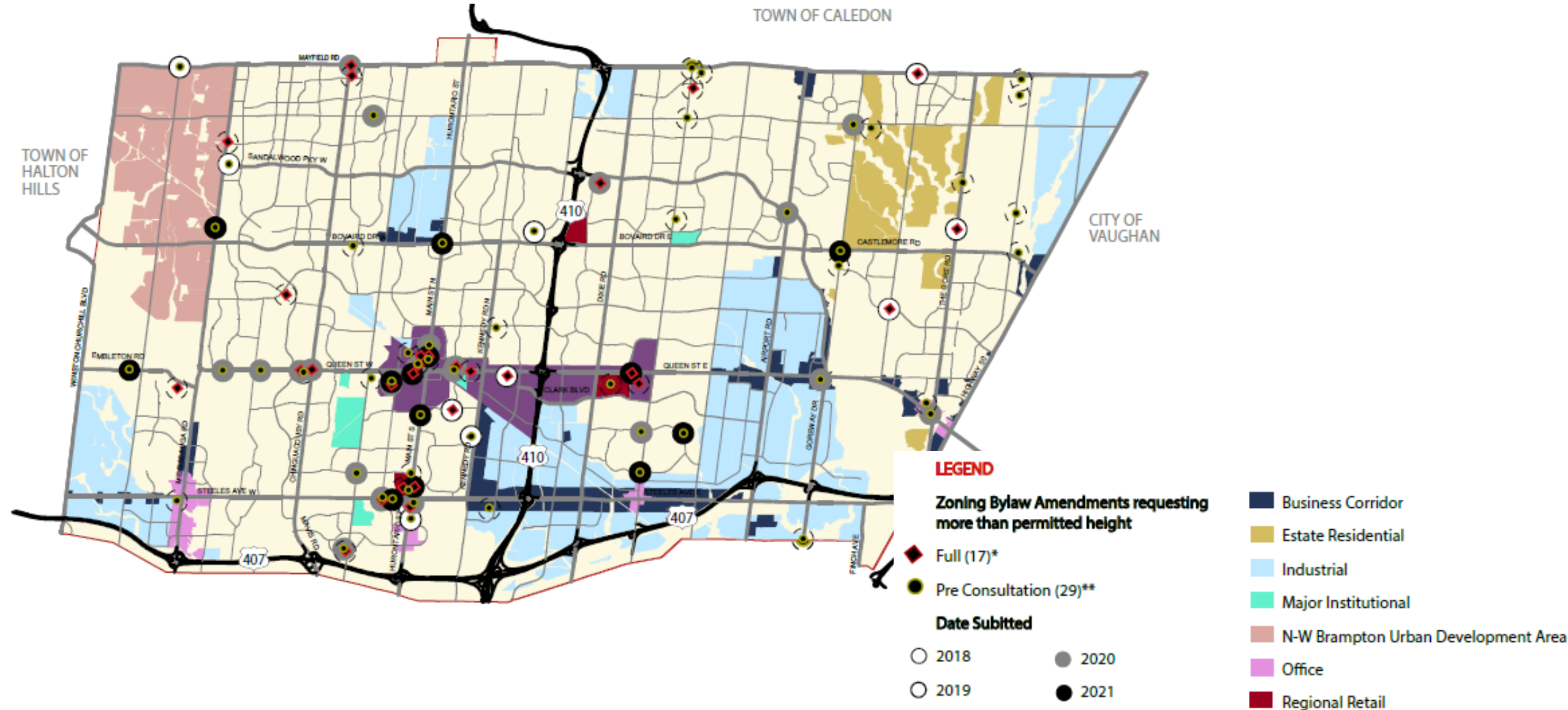
Secondary Plan



Zoning By-law

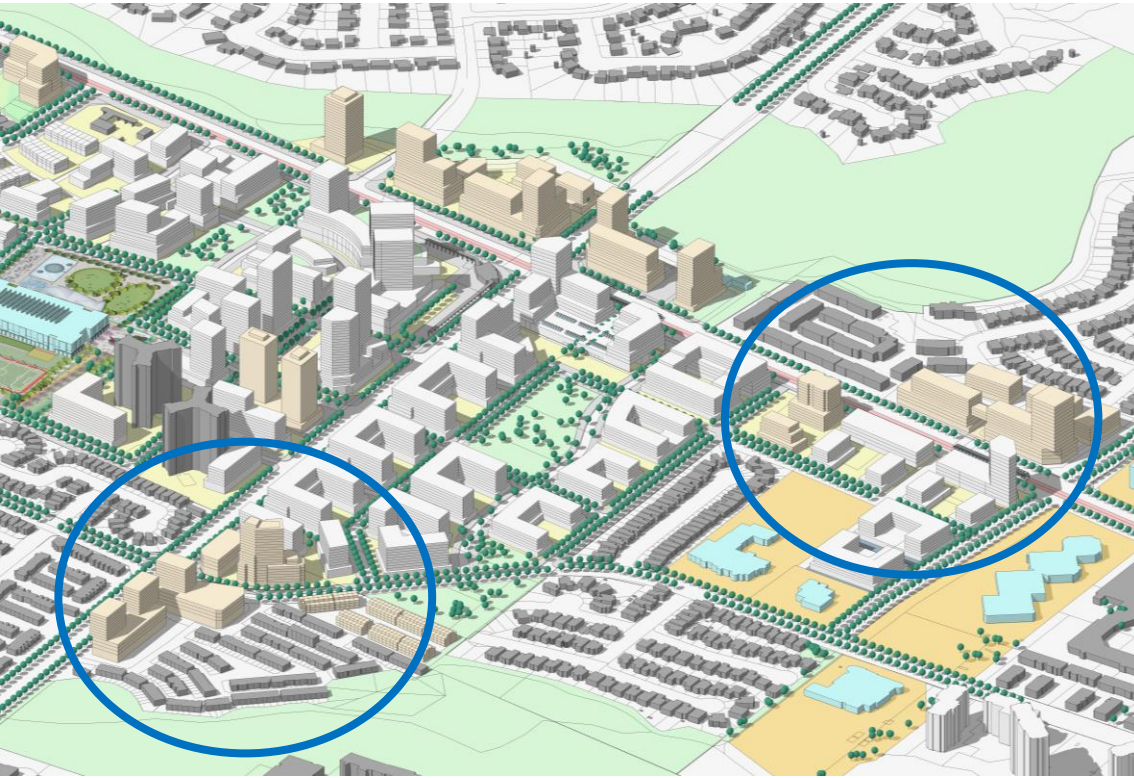


Preliminary Review of Requests for Height Increases

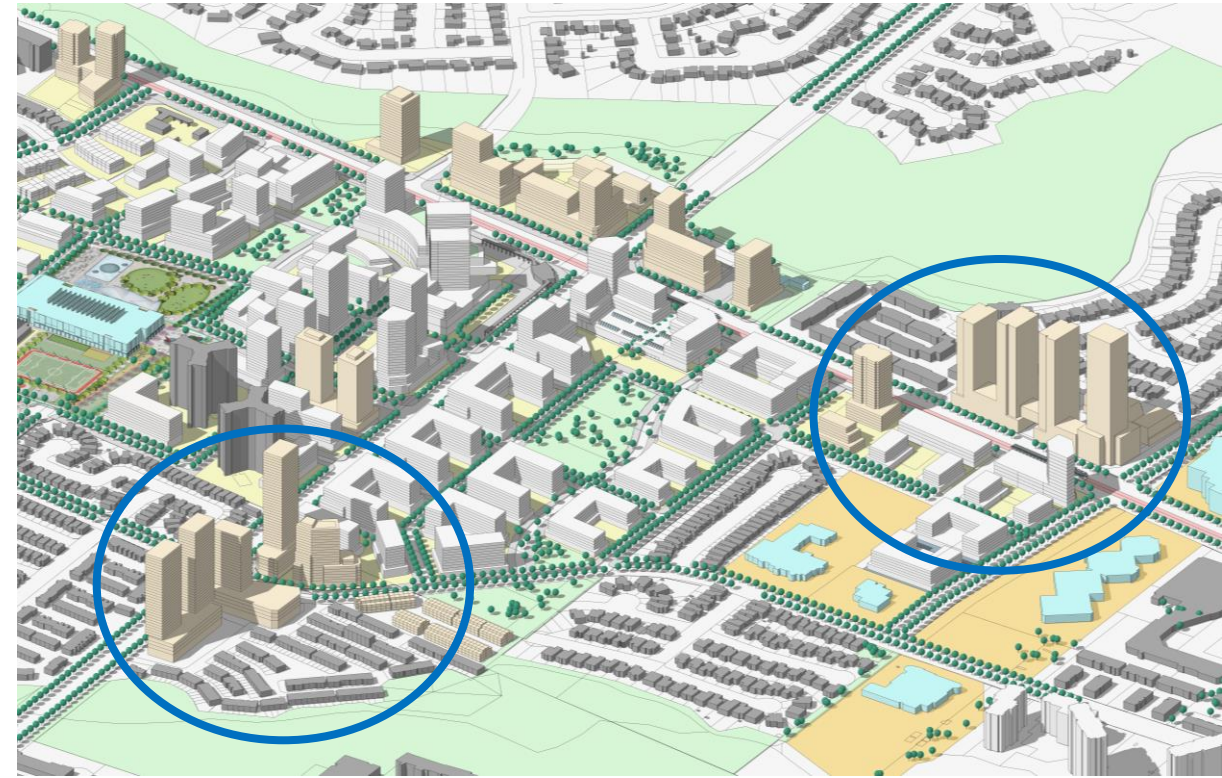


Uptown Brampton Built Form

“As of Right” Heights



Requested Heights



Benchmarking- Toronto

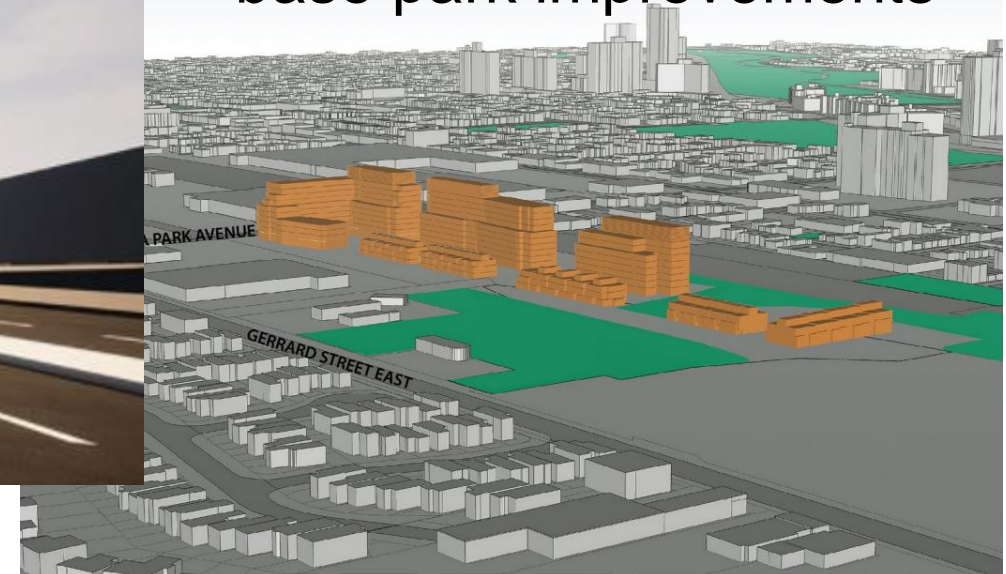
- ❑ The development must represent good planning
- ❑ Affordable housing treated as a priority community benefit
- ❑ Toronto uses cash-in-lieu for affordable housing in 2 ways:
 - ❑ Transfer to Eva's Initiatives for Homeless Youth for affordable housing improvements
 - ❑ Contribution to Capital Revolving Fund for Affordable Housing

Quarry Lands, Toronto

Diamondcorp, Kilmer Brownfield, Habitat for Humanity

Value of Community Benefit Secured

- 57 affordable ownership units to Habitat for Humanity
- \$500,000 toward above-base park improvements



Benchmarking- Oakville

- ☐ Application should be justified as good planning
- ☐ A real estate review to examine the valuation of the bonus & the value of the public benefits exchanged
- ☐ A holding by-law placed if S.37 benefits are not finalized
- ☐ Cash-in-lieu to be paid prior to the issuance of a building permit

15.400.2 Zone Provisions		
The following regulations apply:		
a)	Maximum number of <i>storeys</i> (upon execution of a Section 37 agreement)	8
b)	Maximum <i>height</i> (upon execution of a Section 37 agreement)	30.0 m

Benchmarking- Burlington

- ☐ Application should be justified as good planning
- ☐ Special regard for intensification areas
- ☐ S.37 Agreement is executed prior to the approval of the OPA or ZBA
- ☐ Increased value of the land is be determined through an appraisal
- ☐ Ward Councillor is consulted by staff prior to any negotiations

Adi Development, Burlington

374 Martha Street– Mixed-Use Building

Value of Community Benefit Secured

- \$550,000 for waterfront park
- \$300,000 to Region of Halton for affordable housing in Burlington
- \$100,000 towards public art reserve fund
- Provision of one publicly accessible car share vehicle located on Martha Street within the public ROW to contribute to the City's car-share network



Benchmarking- Vaughan

- Primary focus on the Intensification Areas of Vaughan
- S.37 Agreement is executed prior to the enactment of the zoning by-law amendment
- Applications for certain non-profit or public facilities may be exempted
- Any affordable housing has to be maintained as affordable for 20 years
- S.37 Agreements do not in any way entitle reductions in Development Charges

VMC Residences III, Vaughan

Millway Avenue and Portage Parkway – High Density Residential

Value of Community Benefit Secured

- \$1 million for pedestrian bridge
- \$3.5 million for on-site public art budget



BAIF Development, Vaughan

Beverley Glen Boulevard- High Density Residential

Value of Community Benefit Secured

- \$50,000 YRT/Viva transit passes to condo purchasers
- \$350,000 public art installation
- \$350,000 community services/facilities installation



Benchmarking- Mississauga

- ❑ All rezoning applications for increases in height and/or density in the City
- ❑ Applications that are under appeal at LPAT
- ❑ S.37 Agreements negotiated on a case-by-case basis
- ❑ City strives to achieve a value in the range of 20% to 40% of the land lift value
- ❑ City retains an independent real estate appraiser
- ❑ Cash-in-lieu to occur prior to Council approval of the Zoning By-law

Brightwater, Port Credit, Mississauga

Value of Community Benefit Secured

- Strata conveyance to Region for 150 subsidised units
- 150 purpose-built market rental units
- \$250,000 for pedestrian and cycling bridge
- \$50,000 for traffic calming
- Development of YMCA facility on site or \$3M cash contribution to City



Brampton Density Bonusing Principles

1. The development must represent good planning

- ☐ Matters required to support a development are not considered to be eligible S.37 community benefits, and should be provided by the developer anyways
- ☐ An owner/developer should not obtain inappropriately high density or height increases by offering community benefits and the City should not approve development simply to get community benefits

Brampton Density Bonusing Principles

2. There should be a reasonable planning relationship between the secured community benefits and the contributing development

☐ Location priority - In-kind contribution: On-site or in the vicinity of the site

Cash contribution: may be used for City-wide capital projects

☐ Benefit Priority - In-kind: Affordable and rental housing units
Cash: Housing Catalyst Capital Project

Brampton Density Bonusing Process Parameters

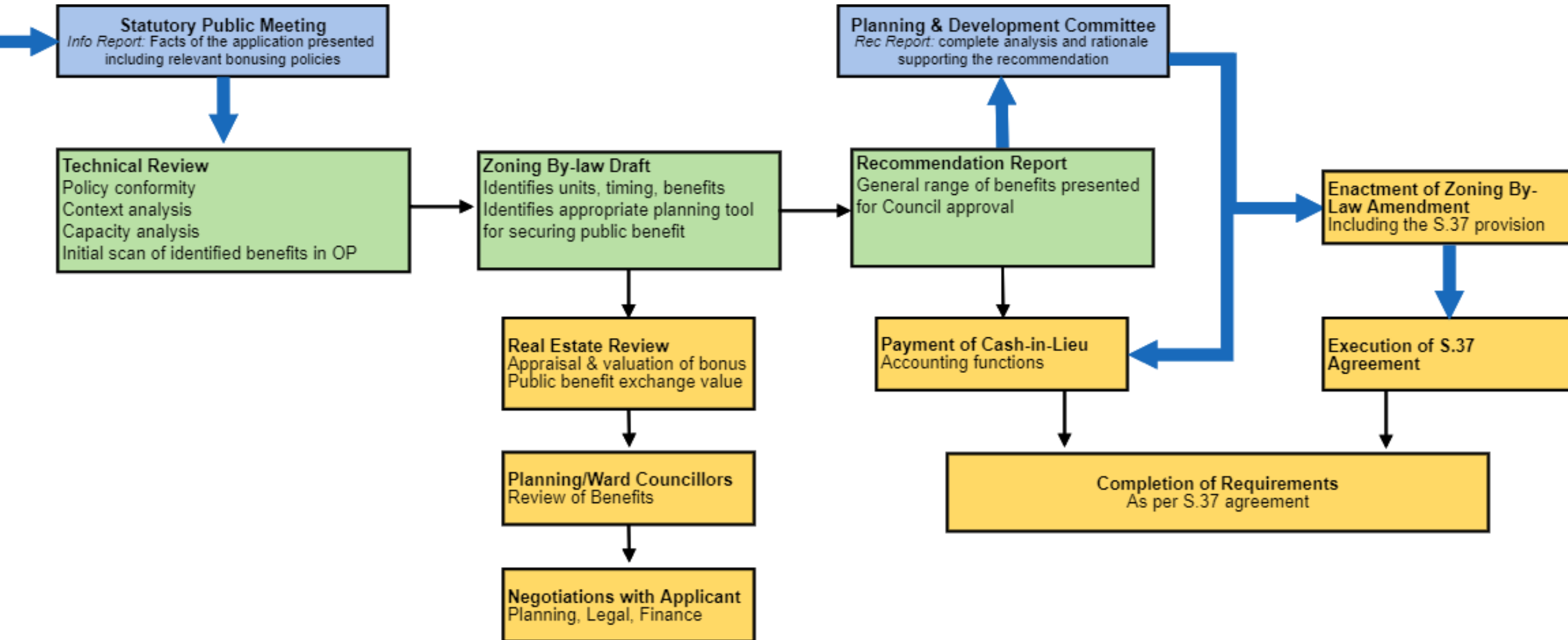
- ☐ Will be required for all zoning applications proposing density and/or height increases
- ☐ Applications for certain non-profit or public facilities may be exempted
- ☐ S.37 Agreements will be negotiated on a case-by-case basis
- ☐ General contribution range will be 20-60% of uplift value
- ☐ The Ward Councillors will always be consulted by City Planning staff prior to any negotiation of S.37 community benefits with applicant

Brampton Density Bonusing Process Parameters

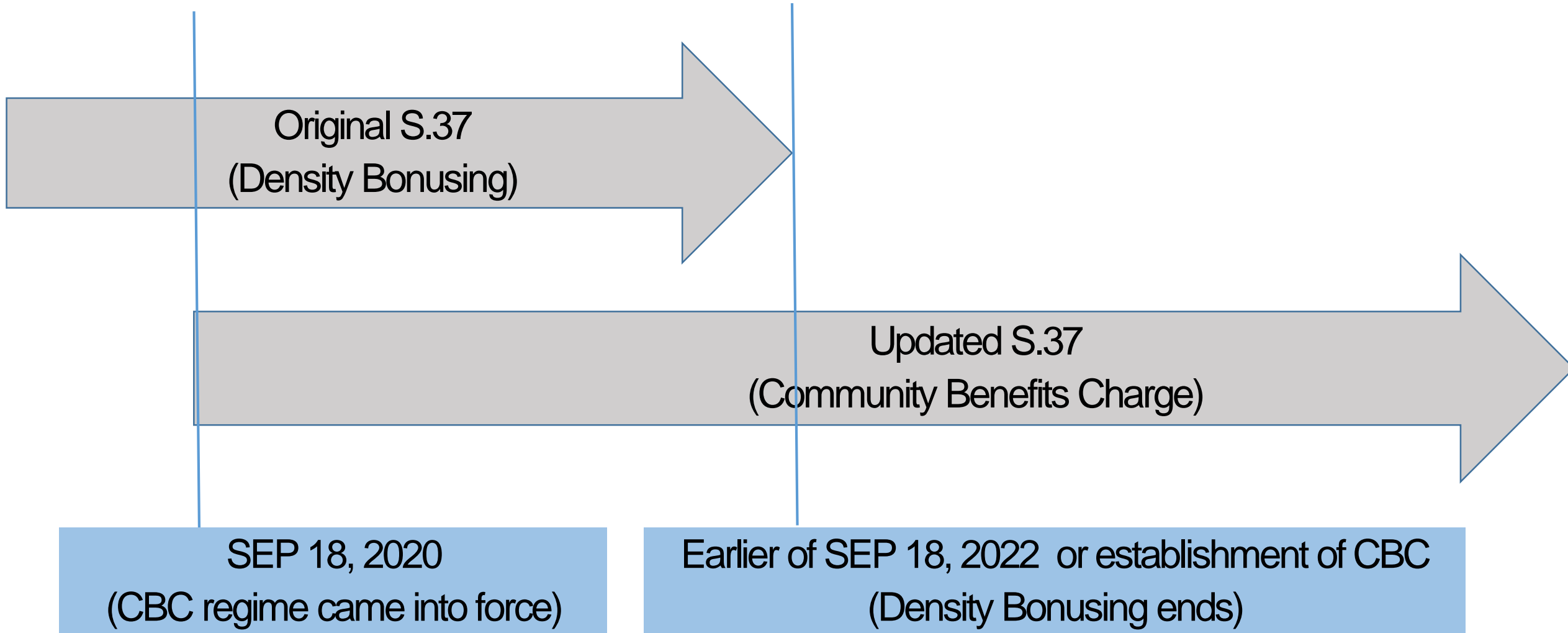
- ☐ Applicants will bear the cost of appraisals.
- ☐ The Zoning By-law will include a provision that a S.37 Agreement will be registered on title; unless cash contributions paid prior to ZBA approval.
- ☐ Timing of the payment of benefits will be tied into the S.37 Agreement.
- ☐ Cash benefits will be held in a S.37 Reserve Fund and moved to special accounts already established by City Council and intended to be used for capital facilities in the broader community (e.g. Housing Catalyst Capital Fund).

Process Chart

***DRAFT: PLEASE REFER TO FINAL VERSION ONLINE**



Planning Act – Section 37 Amendments



Community Benefits Charge (CBC)

Legislative Basics

- ☐ Imposed by by-law (no term limit)
- ☐ Only local municipalities can charge
- ☐ Can only be levied against higher density development
- ☐ 5 or more storeys, &
- ☐ 10 or more residential units
- ☐ Requires a “strategy”
- ☐ Legislation does not prescribe CBC rate structure

CBC may be imposed on developments or redevelopments that require:

- ZBA
- minor variance
- conveyance of land
- plan of subdivision
- a consent
- the approval of a description under section 9 of the Condominium Act, 1998
- the issuance of a building permit

Regulation sets cap at 4% of land value the day before a building permit is issued

Use of CBC Fund

Can recover any “growth related” capital cost

- ☐ No prescribed list of eligible services
- ☐ Initial considerations:
 - ☐ Affordable housing
 - ☐ Parking (no longer DC eligible)
 - ☐ Parkland development
 - ☐ Active Transportation
 - ☐ Eligible DC services (no overlap with DCs)
 - ☐ Parkland acquisition (no overlap with S.42)
 - ☐ Public Art
 - ☐ Other services

Next Steps

1. Brampton will pursue Density Bonusing until Sep 18, 2022
2. Brampton will initiate a CBC Strategy and Implementation Framework in Q3, 2021

Thank you!

City Contributors

Legal Services

Finance

Realty Services

Development Services

Parks Planning

City Planning and Design

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