



## STAFF REPORT INFORMATION ONLY

### Proposed Section 37 Implementation Guidelines: Status of Additional Requested Reports

<b>Date:</b>	May 10, 2007
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	All
<b>Reference Number:</b>	Pg070043

#### SUMMARY

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At the March 29, 2007 meeting of Planning and Growth Management Committee, Committee recommended adoption of the Proposed Section 37 Implementation Guidelines with a minor amendment. In addition, City Planning staff were requested to forward further reports, one with a specific timing of “in two months’ time”, meaning the May 31, 2007 Committee meeting. However, at the City Council meeting of April 23 and 24, 2007 consideration of the Guidelines was deferred to the May 23 and 24, 2007 Council meeting, and staff was further requested to consult with interested members of Council.

In light of the Council action, staff will be consulting with interested Council members and reporting to the May 23 and 24, 2007 Council meeting. Some of the issues raised by Council members in the consultations may overlap with the reports requested by Committee. As a result, the reports requested by Committee are being forwarded to the June 28, 2007 Committee meeting.

#### Financial Impact

This report will have no financial impact.

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#### DECISION HISTORY

The Planning and Growth Management Committee had before it at the March 29, 2007 meeting a report dated March 12, 2007 from the Chief Planner and Executive Director,

City Planning Division, entitled “Council Adoption of Proposed Section 37 Implementation Guidelines”. The Committee recommended that:

1. the revised S.37 Implementation Guidelines attached as Appendix A to the report be adopted for use by City Council, City staff, the development industry and the general public in the implementation of Official Plan policies pertaining to S.37 of the Planning Act, subject to amending paragraph 2 under Sub-section 2.3 entitled "Section 37 Community Benefits should be specific capital facilities, or cash contributions to achieve specific capital facilities", to read:

“Community benefits should be durable. Cash-in-lieu of capital facilities is only acceptable where the cash is secured for specific local capital facilities *“(and where through agreement capital maintenance funds can be secured to repair or maintain Toronto Community Housing Corporation properties).”* Operating, programming, and maintenance funds are not durable and are not appropriate community benefits (the only permitted exceptions are start-up funds where a child care facility is secured, in accordance with Official Plan policy 5.1.1.6(b), and rent levels and tenant relocation and assistance plans as required through the application of policies 5.1.1.6(h) and (i) and section 3.2.1.”; and

2. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

In addition, the Planning and Growth Management Committee requested:

- a. the Chief Planner and Executive Director of City Planning to report to the Committee on the following:
  - i. proposed Guidelines for cash in-lieu benefits that will provide both a protocol and guidelines governing these agreements. (Sub-section 2.3 of the report);
  - ii. guidelines and a protocol for how and when Section 37 benefits are negotiated, including guidelines on how calculations are made on particular projects and a protocol for Councillors to have access to the calculations and the rationale to those calculations prior to negotiating with the developer. (Sub-section 2.5 of the report); and
  - iii. in two months’ time, on a protocol to ensure that the principles of Appendix “A” Sections 2.11 and 2.12 are implemented practically;
- b. the Chief Planner and Executive Director of City Planning to solicit input from Councillors after one year from the adoption of the Guidelines on the outcomes achieved and on the efficacy of the Guidelines, and report to the Committee at its meeting in June 2008, on recommendations for modifications to the Guidelines.
- c. the Deputy City Manager and Chief Financial Officer and the Chief Planner and

Executive Director of City Planning to report to the Committee on a protocol to ensure the adequate tracking and reporting of funds received through Section 37 on a ward basis.

City Council on April 23 and 24, 2007, deferred consideration of this Item to the May 23, 2007 meeting of City Council, and requested that the Chief Planner and Executive Director, City Planning, consult with Members of Council who have asked questions, or have issues with the Section 37 guidelines.

## **ISSUE BACKGROUND**

In February 2006, City Council authorized staff to undertake a public consultation program on the Proposed S.37 Implementation Guidelines. An extensive consultation program was carried out, and revised Guidelines were forwarded to Planning and Transportation Committee at the July 4, 2006 meeting. Committee twice deferred the matter to facilitate settlement discussions with appellants to the Section 37 policies of the Official Plan.

Proposed modifications to the Official Plan Section 37 policies were adopted by Council at the September 2006 meeting. At that time, Council also requested staff to report to Planning and Growth Management Committee on proposed Section 37 implementation guidelines, among other matters. Staff forwarded a report dated March 12, 2007 to the March 29, 2007 meeting of Planning and Growth Management Committee, recommending adoption of Section 37 Implementation Guidelines, and the resulting decisions of Committee and Council are described above.

The internet links to the previous reports, which collectively provide a more detailed background, are as follows:

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060109/it004.pdf> (report Dec. 19/05)

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060109/it004a.pdf> (report Dec. 22/05)

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060704/it006.pdf> (report June 15/06)

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060905/it010.pdf> (report Aug. 15/06)

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-2397.pdf> (report March 12, 2007)

## **COMMENTS**

City Council deferred consideration of this Item PG3.3 at the April 23 and 24, 2007 meeting to the next Council meeting (May 23 and 24, 2007) and requested the Chief Planner and Executive Director, City Planning to consult with interested members of Council. A meeting was held for this purpose on May 10, 2007 and all members of

Council, or their representatives, were invited to attend to discuss any issues or concerns with respect to the Proposed S.37 Implementation Guidelines.

In light of Council's direction to consult further with Members of Council the reports requested by Planning and Growth Management Committee at the March 29, 2007 meeting, to deal with further guidelines and protocols, are not being forwarded to the May 31, 2007 Committee meeting. A report on the results of the consultation with Council members is expected to be forwarded to the May 23 and 24, 2007 Council meeting, and that report may address to some extent the same issues raised by Committee in the requests for further reports. Further reports may also be forwarded to the next Committee meeting (June 28, 2007).

## **CONTACT**

Barbara Leonhardt,  
Director of Policy and Research,  
City Planning Division,  
Tel: 416-392-8148, Fax: 416-392-3821  
E-mail: bleonha@toronto.ca

## **SIGNATURE**

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Ted Tyndorf  
Chief Planner and Executive Director  
City Planning Division