



Town of Newmarket
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Community Improvement Plan Partnerships Staff Report

Report Number: 2019-26

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: March 4, 2019

Recommendations

1. That the report entitled Community Improvement Plan Partnerships dated March 4, 2019 be received;
2. That staff be directed to begin the process to amend the Official Plan substantially as presented in Attachment 1 to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to a statutory public meeting as required by the *Planning Act*;
3. That following the public meeting, that comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Amendments to the *Planning Act* in 2006 enabled upper-tier municipalities to implement Community Improvement Plans, and to allow lower-tier municipalities such as Newmarket to partner and participate in them. In order to do so, the Town is required to add a policy to its Official Plan stating that the Town may choose to do so. Any budget requirements caused by the Town's participation in a Regional Community Improvement Plan still require the standard Council approvals process in addition to the process proposed herein to amend the Official Plan. This report proposes adding the required

Official Plan policy in order to provide Council with the option to employ such partnerships with the Region.

Purpose

The purpose of this report is to initiate the Official Plan Amendment process to add a policy to the Town's Official Plan to allow the Town to partner and participate in any Community Improvement Plan ("CIP") adopted by the Regional Municipality of York ("the Region"). As is discussed below, this policy is required in order for Council to be able to authorize the Town to partner on such programs. The Region does not currently have any CIPs in place but is working toward creating one to encourage affordable rental housing.

Implementing this policy in the Official Plan would not oblige the Town to participate in any CIP. Rather, adding this policy would allow Council the option to participate in a Regional CIP if one is implemented, adding another tool for the Town to be able to employ to encourage investment and improvement in the community.

Background

The *Planning Act* has long provided for the ability for municipalities to adopt Community Improvement Plans ("CIP"s). CIPs allow municipal councils to determine that improvement within a designated community improvement project area is desirable because of "age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason", as set out in subsection 28(1) of the *Planning Act*.

CIPs provide additional tools for municipalities to develop policies and programs such as acquiring and selling land, rehabilitating or constructing buildings, providing grants or loans, and other activities based on their own local needs and opportunities to bring about change and growth.

Project areas range from specific properties to streets, neighbourhoods and entire communities, while program coverage can span a wide spectrum of municipal objectives including, but not limited to:

- Municipally Driven Programs
 - infrastructure works
 - municipal property acquisition, land assembly and sale of lands
 - municipal facilities construction and rehabilitation
 - public space, parks and recreation works
 - signage, streetscape and landscaping improvements

- Incentive-Based Programs (grant, loan and property tax assistance)
 - preservation and reuse of heritage and industrial buildings
 - brownfields environmental assessment, remediation and redevelopment

- commercial building façade improvements
- downtown/core area and waterfront revitalization
- project feasibility studies
- space conversion for residential and commercial uses
- structural improvements to buildings (e.g., building upgrades)
- property tax assistance for remediation purposes

In 2006 the *Planning and Conservation Land Statute Law Amendment Act* came into force which made amendments to the *Planning Act*. This included the addition of the power for upper-tier municipalities to employ Community Improvement Plans for certain prescribed matters as laid out in O. Reg. 550/06, which includes:

1. Infrastructure that is within the upper-tier municipality's jurisdiction.
2. Land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment.
3. Affordable housing.

The amendment also added the ability and for lower- and upper-tier municipalities to participate in the programs of one another's Community Improvement Plans. In order to participate in the programs of the other tier's Community Improvement Plans, the *Planning Act* requires that the Official Plan of the municipality contain policies related to such participation. The York Region Official Plan ("YROP") contains such a policy, reading:

8.3.6 To use the Community Improvement provisions of the *Planning Act* to implement the policies of this Plan. In doing so, the Region may:

- a. designate any part of the Region as a Community Improvement Project Area;
- b. enact a Regional Community Improvement Plan that utilizes incentive programs including making grants or loans within the Community Improvement Plan Area either to registered property owners or to local municipalities; and,
- c. participate in a Community Improvement Plan of a local municipality.** [*emphasis added*]

The proposed amendment to the Town's Official Plan would add a comparable policy that would allow the Town to partner and participate in any Regional CIP.

No Regional CIP is in place at this time. However, as was discussed in Report 2018-61, the Region is in the process of such a CIP to encourage mid-range affordable rental housing development.

Proposed Regional CIP

Regional Council has recently endorsed the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”. This draft guideline and plan proposes to offer incentives as part of an effort to encourage private purpose-built rental housing supply for mid-range income households. This would assist in the creation of rental units that are greater in price than affordable units (which are restricted to 125% of average market rent) and support the creation of mid-range income units (at 175% of average market rent, or less), which targets households who earn incomes in the fifth and sixth decile (see image below).

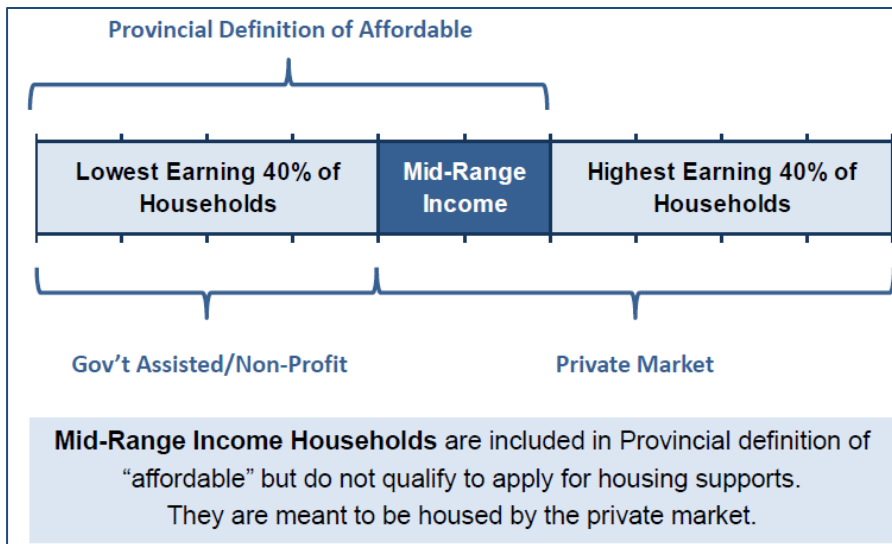


Figure 1: Mid-range income range (Source: York Region)

The Draft Rental Housing Incentives Guideline and Community Improvement Plan has not yet been approved by Regional Council, and may be amended before approval or may not be approved. If the Draft Guideline is not approved, there will remain no current Regional CIP in which the Town can participate. However, by adding the proposed policy the Town will be able to decide whether to participate in any future Region CIP that may be implemented.

The new draft Regional guideline and plan, if approved by Regional Council, would provide for a 48-month deferral of Regional development application fees (in addition to the 36-month DC deferral for purpose-built high-density rental buildings), as well as a Tax Increment Equivalent Grant (TIEG) for the Regional portion of property taxes for up to 5 years.

A TIEG is an annual grant equal to all or a portion of the property tax increase (increment) following the completion of a project that has resulted in an increase in the assessed value of the property. In effect, the increase in property tax that occurs due to the increased value of the development is phased in over a period of time as the municipality “grants back” a diminishing portion of the increase each year. The Guideline

incorporates a five year TIEG with a grant for 80 per cent of the tax increment in year one, reduced by 20 per cent a year to full taxes paid in year five.

A TIEG can only be implemented through the use of a Community Improvement Plan (CIP). CIPs are authorized under Section 28 of the *Planning Act* and provide for a broad ability for municipalities to provide grants or loans in conformity with the policies of the Plan. To date the Town has adopted a CIP for the Main Street area, but has no CIP that would enable grants in any other part of Newmarket. Regional Council has directed Region staff to implement a CIP that would enable the provision of the incentives of the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”, namely the TIEG.

The Draft Rental Housing Incentives Guideline and Community Improvement Plan is proposed to extend across the entire area that is designated as the Urban Area in the YROP, which includes all of the Town of Newmarket. This enables the Region to provide the rental incentives within the Guideline anywhere in the CIP area. However, the policies of the Guideline are such that they will prioritize development in Centres & Corridors such as Yonge Street and Davis Drive, and require the support and incentives of the respective lower-tier municipality. In this way, the CIP will only be provided to projects that receive Town support. The requirements for developments to access the incentives of the proposed Regional CIP are that the development:

- Be affordable to the mid-range income group (maximum 175% of average market rent).
- Be developed, marketed and maintained as a rental property for a minimum of 20 years.
- Have Local Municipal support including similar or better incentives.
- Include open pro forma work shared with Regional staff.
- Demonstrate that attempts have been made to access senior government incentives.

The proposed Regional CIP would require the approval of each development’s incentives by both local and regional municipalities on a case-by-case basis, save for if either Council were to establish a budget and delegate authority to staff to administer the program without the need for approval of individual projects. The proposed amendment to the Official Plan would enable the Town to partner with the Region on incentives through this CIP, although would not oblige the Town to do so.

The proposed amendment to the Official Plan would enable the Town to participate in any future Regional CIP, and not only the currently-proposed Draft Rental Housing Incentives Guideline.

Historic Downtown CIP

The Town currently has one CIP located in the historic downtown area, centred on Main Street South and extending from Davis Drive to Water Street. This CIP provides assistance in the form of grants and loans for:

- Project feasibility studies
- Façade improvement & restoration
- Interior renovation & improvement
- Business signs
- Redevelopment & rehabilitation of buildings
- Development charges
- Planning & building fees
- Parking requirements
- Parkland dedication payments

Adopting the proposed amendment to the Official Plan will not affect the existing Historic Downtown CIP. If an eligible development were proposed and approved by Council within the existing Historic Downtown CIP area, it would be possible for the Town and the Region to employ the incentives of both CIPs for the same project.

Discussion

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the *Act*, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement (PPS). The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the PPS support improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and accommodating an appropriate range and mix of residential, employment, recreation, parks and open space and other uses to meet long term goals.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed amendment is an addition of a policy to enable Council to partner with the Regional Municipality of York on any Regional Community Improvement Plans. The proposed policy enables the use of a power provided for in the *Planning Act* – the exercise of which power would then be bound by the limits of the *Act* and the requirements that planning decisions including CIPs be consistent with the PPS.

Growth Plan

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

The proposed amendment to the Official Plan does not change the land-use permissions in Newmarket. Rather, it simply enables Council to employ a tool available under the *Planning Act* – the use of which is required to be employed making decisions which conform to the provisions of the Growth Plan.

York Region Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The proposed policy closely matches a similar policy with the YROP and allows the Town to partner with the Region in CIPs that the Region may adopt.

Conclusion

The proposed Official Plan Amendment should be provided for public consultation as required by the *Planning Act* including a statutory public meeting. Following this consultation staff will return with a report or by-law and recommendation to Council.

Business Plan and Strategic Plan Linkages

Economic Development & Jobs – Creating vibrant and livable corridors along Davis Drive and Yonge Street by supporting opportunities for partnerships and with other levels of government.

Efficiency & Financial Management – Taking advantage of opportunities for funding to achieve Town goals of development.

Consultation

This report was provided for review to partners at the Regional Municipality of York. Subject to Council's approval of the recommendations of this report, the proposed Official Plan Amendment will be circulated through the standard notice process for Official Plan amendments.

Human Resource Considerations

None.

Budget Impact

No budget impacts are anticipated related to this report. The future budget impact of any participation in a CIP, should Council adopt the proposed amendment, would be discussed in the report(s) applicable to that development.

Attachments

Attachment 1 – Proposed Official Plan Amendment

Approval

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

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**AMENDMENT NO. 23
TO THE
TOWN OF NEWMARKET
OFFICIAL PLAN**

**AMENDMENT NO. 23
TO THE
NEWMARKET
OFFICIAL PLAN
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PART A – THE PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this amendment is to enable the Town to participate in Community Improvement Plans in partnership with the Regional Municipality of York.

2. LOCATION

As a general policy of the Official Plan, this amendment applies to the entire Town of Newmarket.

3. BASIS OF THE AMENDMENT

The *Planning Act* has long provided for the ability for municipalities to adopt Community Improvement Plans. Community Improvement Plans allow municipal councils to determine that improvement within a designated community improvement project area is be desirable because of “age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”, as set out in subsection 28(1) of the *Planning Act*. Community Improvement Plans provide additional tools for municipalities to develop policies and programs such as acquiring and selling land, rehabilitating or constructing buildings, providing grants or loans, and other activities based on their own local needs and opportunities to bring about change and growth.

In 2006 the *Planning and Conservation Land Statute Law Amendment Act* came into force which made amendments to the *Planning Act*. This included the addition of the power for upper-tier municipalities to employ Community Improvement Plans for certain prescribed matters. The amendment also added the ability and for lower- and upper-tier municipalities to participate in the programs of one another’s Community Improvement Plans through making grants and loans to one another. In order to participate in the programs of the other tier’s Community Improvement Plans, the *Planning Act* requires that the Official Plan of the municipality contain policies related to such participation. This amendment adds such a policy to the Town’s Official Plan, which then permits Newmarket Council with the option to participate in any Regional Community Improvement Plan.

PART B – THE AMENDMENT

All of this part of the document entitled “Part B – The Amendment”, consisting of the following text, constitutes Amendment No. 23 to the Newmarket Official Plan.

1. POLICIES

The Newmarket Official Plan is hereby amended as follows:

Section 13.4 Implementation is amended to add subsection g) to read “participation in Community Improvement Plans of the Regional Municipality of York”.

2. IMPLEMENTATION

This Amendment to the Official Plan will be implemented as follows:

a) Participation in Regional Community Improvement Plans

The Council of the Town of Newmarket will determine whether to participate in Community Improvement Plans adopted by the Regional Municipality of York. Grants and loans made through such programs will be on such terms as to security and otherwise as the Council considers appropriate.