

City of Mississauga  
**Additional Agenda**



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**Council**

**Date**

March 27, 2019

**Time**

9:00 AM

**Location**

Council Chamber, 2<sup>nd</sup> Floor Civic Centre  
300 City Centre Drive, Mississauga, ON L5B 3C1

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10. **INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS**

- 10.1. Report dated March 4, 2019 from the Commissioner of Planning and Building:  
**Demolition Control By-law for Residential Uses – Supplementary Report.**

Recommendation

1. That the Demolition Control By-law, as outlined in the report titled "Demolition Control By-law for Residential Uses" dated January 25, 2019 and the report titled "Demolition Control By-law for Residential Uses – Supplementary Report" dated March 4, 2019 from the Commissioner of Planning and Building, be approved.
2. That staff be directed to amend the Planning Act Processing Fees and Charges By-law 225-18 to include a new Demolition Control Permit Fee as outlined in the report titled "Demolition Control By-law for Residential Uses – Supplementary Report" dated March 4, 2019 from the Commissioner of Planning and Building.

11. **PRESENTATION OF COMMITTEE REPORTS**

**REVISED:**

- 11.3. General Committee Report 6-2019 dated March 20, 2019

**ADDITIONAL:**

- 11.4. Planning and Development Committee Report 5-2019 dated March 18, 2019

## 12. **UNFINISHED BUSINESS**

### 12.1. **Town Hall and Communication Plan: Regional Governance Review**

Direction was given to staff at the March 20, 2019 General Committee meeting to come back with a date and format for a town hall meeting and a communication plan with respect to the Regional Governance Review.

Item 11.3. General Committee Report 6-2019: Recommendations GC-0143-2019 and GC-0144-2019

## 14. **CORRESPONDENCE**

### 14.1. *Information Item*

- 14.1.3. Correspondence dated March 25, 2019 from Glen Broll, Glen Schnarr & Associates Inc. regarding Official Plan and Zoning By-law Amendment Application OZ 15/006 W7 South-west quadrant of Burnhamthorpe Road West and Grand Park Drive RioTrin Properties (Burnhamthorpe) Inc. 3920-3980 Grand Park Drive, Mississauga.

Item 11.4./ Receipt Recommended

## 17. **INTRODUCTION AND CONSIDERATION OF BY-LAWS**

- 17.3. A by-law to establish and determine the terms of a Demolition Control By-law.

PDC-0005-2019/ February 19, 2019

- 17.4. A by-law to amend the *Planning Act* Processing Fees By-law 0225-2018, with respect to Schedule A regarding the addition of Planning and Building Department fees for six (6) or more rental units.

PDC-0005-2019/ February 19, 2019

## 21. **CLOSED SESSION**

- 21.6. Personal matters about an identifiable individual, including municipal or local board employees: **Citizen Appointments to the Towing Industry Advisory Committee.**
- 21.7. Personal matters about an identifiable individual, including municipal or local board employees: **Citizen Appointments to the Accessibility Advisory Committee.**
- 21.8. Personal matters about an identifiable individual, including municipal or local board employees: **Citizen Appointments to the Environmental Action Committee.**

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- 21.9. Personal matters about an identifiable individual, including municipal or local board employees: **Citizen Appointments to the Governance Committee.**
- 21.10. Personal matters about an identifiable individual, including municipal or local board employees: **Citizen Appointments to the Mississauga Cycling Advisory Committee.**

City of Mississauga  
**Corporate Report**



Date: 2019/03/04

To: Mayor and Members of Council

From: Andrew Whittemore, M.U.R.P., Commissioner of  
 Planning and Building

Originator's files:  
 CD.06.REN

Meeting date:  
 2019/03/27

## Subject

**Demolition Control By-law for Residential Uses – Supplementary Report**

## Recommendation

1. That the Demolition Control By-law, as outlined in the report titled "Demolition Control By-law for Residential Uses" dated January 25, 2019 and the report titled "Demolition Control By-law for Residential Uses – Supplementary Report" dated March 4, 2019 from the Commissioner of Planning and Building, be approved.
2. That staff be directed to amend the Planning Act Processing Fees and Charges By-law 225-18 to include a new Demolition Control Permit Fee as outlined in the report titled "Demolition Control By-law for Residential Uses – Supplementary Report" dated March 4, 2019 from the Commissioner of Planning and Building.

## Report Highlights

- At its meeting of February 19, 2019 the Planning and Development Committee considered a report proposing a new Demolition Control By-law for the City.
- Planning and Development Committee approved the report in principle and directed that staff report back on how the Demolition Control By-law would affect existing development applications and the establishment of a fee.
- A fee of \$160 per residential unit is proposed for Demolition Control Permits for applications to demolish six or more rental units where Council approval is required.

## Background

At its meeting of February 19, 2019 the Planning and Development Committee considered a report titled “Demolition Control By-law for Residential Uses” from the Commissioner of Planning and Building.

The purpose of the Demolition Control By-law is to prevent the premature removal of housing units before plans to redevelop are in place. The Planning and Development Committee approved the report recommendations to establish a new Demolition Control By-law in principle and directed staff to report back on the questions raised at the meeting (PDC Recommendation # 0005-2109). Additionally, the Committee directed staff to examine an appropriate fee for the permit.

## Comments

### 1. Impact of the Proposed Demolition Control By-law on Development Applications in Progress

#### 2700 Aquitaine Avenue

Official Plan Amendment and Rezoning application OZ/OPA 13/13 for 2700 Aquitaine proposes the removal of 112 existing rental garden suite units and the addition of 451 new rental apartment units. A Demolition Control Permit will be required as the application results in the demolition of residential units. This application, however, is exempt from the requirements of the Rental Housing Protection By-law because it obtained zoning by-law approval prior to January 1, 2019.

#### 6550 Glen Erin Drive

Official Plan Amendment and Rezoning Application OZ 17/010 for 6550 Glen Erin Drive proposes a new 12 storey apartment building with 208 rental units. A parking reduction was secured through a previously approved minor variance application (A-5/15). Once the variance was granted, the removal of the excess parking would be permitted.

The Demolition Control By-law would not be applicable in this instance as no existing dwelling units are proposed to be removed. Section 33 of the *Planning Act* defines residential property as a building that contains one or more dwelling units, but does not include subordinate or accessory buildings such as a parking garage.

## 2. Exemptions to Address Building Safety Standards

Planning and Development Committee requested that staff clarify what is meant when Demolition Control Permits are exempt as a result of ‘health and safety’ standards. The reference to health and safety standards is contained in the *Building Code Act*, *Planning Act* and *Fire Protection and Prevention Act*. The Demolition Control By-law will not apply to the demolition of residential dwellings that is required to address unsafe building conditions such as a building that has suffered extensive fire damage. As the Demolition Control By-law already aligns with building safety standards and, for clarity, the reference to “health” has been removed.

The By-law also works in conjunction with the Property Standard By-law which is the tool to address “run-down” buildings. Allowing a property to fall into disrepair is uncommon in Mississauga. At present, there is one such example where a residential dwelling has been neglected for 15-20 years and the roof has collapsed into the dwelling. The dwelling has been deemed unsafe. In this case, a Demolition Control Permit would not be required to remove the building.

## 3. Demolition Control Permit Conditions

The fundamental objective of demolition control is to ensure that redevelopment takes place after residential dwelling units are removed. The Permit will not substantially impact the applications of homeowners demolishing and replacing a residential dwelling. Applications may be subject to conditions regarding the time within which redevelopment should be completed. The majority of replacement homes are reconstructed in less than two years and any demolition and reconstruction permits could be applied for concurrently.

In the event that redevelopment work is not completed in time, proponents may request an extension from Council. The application for extension can be in the form of a letter submitted to the Clerk.

In some circumstances, the landowner may choose to demolish without replacement and leave vacant land. One example of this is when properties are combined to create a larger lot. Where no replacement dwelling is proposed, the objectives of the Demolition Control By-law are not met. In these circumstances, applications for a Demolition Control Permit will be referred to Council for decision. Council can approve, refuse and also has flexibility on whether it imposes conditions under these circumstances. This has been the practice of other municipalities.

#### 4. Introduction of a Fee for Demolition Control Permits

Planning and Development Committee requested that staff introduce a fee for Demolition Control Permits. Staff have looked at the anticipated time commitment for each type of Demolition Control Application and are proposing the fees summarized in Table 1.

<b>Table 1:</b> <b>Proposed Demolition Control Permit Fees</b> <b>(Section 33 of <i>Planning Act</i>)</b>	
<b>For Delegated Authority (CBO or CPB)*</b>	<b>Proposed Fee</b>
<ul style="list-style-type: none"> <li>Replacement Houses (CBO)</li> <li>Less than 6 rental units (CBO)</li> <li>6 or more Ownership Units (CPB)</li> </ul>	<b>None at this time</b> To be revisited when fees and charges by-law reviewed
<b>Council Authority</b>	
<ul style="list-style-type: none"> <li>6 or more rental units</li> </ul>	<b>\$160 per unit</b> proposed to be demolished <i>Example 10 units x \$160 = \$1,600</i> <i>(Effective once the Demolition Control By-law is in force)</i>

\*CBO (Chief Building Official), CPB (Commissioner of Planning and Building or delegate)

No fee is recommended for Demolition Control Permits where there is delegated authority. This includes applications for replacement houses, proposals for demolition of less than six rental units and the removal of six or more ownership units. These applications are anticipated to follow the existing Building Code process for Demolition Permits very closely and not anticipated to require additional time and resources.

Demolition Control Permits for six or more rental units will be approved by Council. These applications may require meetings with proponents, a review of applications, preparation of comments and reports to Council. They may also require coordination with policies in the Rental Housing Protection By-law. A fee of \$160 per unit is considered appropriate until such time as the City has more experience on the time and effort to administer Demolition Control Permits.

The proposed Demolition Permit fee will be effective upon Council approval of the Demolition Control By-law.

### Financial Impact

A fee of \$160 per unit is proposed for Demolition Control Permits of six or more rental units. There have been three applications of this type over the last ten years therefore the financial impact is expected to be relatively minor. This fee will be recognized under General Ledger account 525105 Fees-General. The majority of Demolition Control applications will fall under the

COUNCIL

2019/03/04

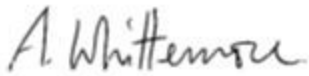
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delegated authority stream with no fee proposed. The fees can be reviewed again during the City's comprehensive Fees and Charges update.

## Conclusion

This report provides additional clarification on discussion matters at the February 19, 2019 meeting of Planning and Development Committee where the proposed Demolition Control By-law was considered. It is recommended that Council approve the Demolition Control By-law including the fee contemplated in this report.



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Andrew Whitemore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Emily Irvine Irvine, Planner, City Planning Strategies



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Revised March 22, 2019

## **REPORT 6 – 2019**

To: MAYOR AND MEMBERS OF COUNCIL

The General Committee presents its sixth for 2019 and recommends:

GC-0117-2019

1. That the deputation by Ralph Fornari, Resident regarding neighbourhood grading concerns be referred to staff to report back to General Committee.
2. That staff be directed to carry out a review of the merit of a comprehensive drainage by-law and report back to General Committee.

(Ward 1)

GC-0118-2019

That the deputation by David Wojcik, President & CEO, Mississauga Board of Trade regarding the Regional Governance Review be received.

GC-0119-2019

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement a parking prohibition on both sides of Tudor Gate and Harkiss Road on Saturday from 8:00 a.m. to 5:00 p.m. as outlined in the report from the Commissioner of Transportation and Works, dated March 5, 2019, entitled "Parking Prohibition – Tudor Gate and Harkiss Road (Ward 8)".

(Ward 8)

GC-0120-2019

That the 2018 statement of remuneration and expenses detailed in Appendix 1 attached to the report dated March 2, 2019 from the Commissioner of Corporate Services and Chief Financial Officer entitled 2018 Council Remuneration and Expenses be received for information.

GC-0121-2019

1. That the draft Parental Leave Benefits Supplement Policy, attached as Appendix 1 to this Corporate Report dated March 6, 2019 from the Commissioner of Corporate Services and Chief Financial Officer, be approved.
2. That the following revisions to the current Corporate Policies be approved:
  - a. Maternity Benefits Supplement 01-05-03, attached as Appendix 2 and 3
  - b. Pregnancy Leave/Parental Leave 01-06-05, attached as Appendix 4 and 5.

GC-0122-2019

That the deputation and associated presentation by Rob Cummins, Manager Digital Strategy & Experience presenting on the Digital Modernization Project be received.

(AAC-0001-2019)

GC-0123-2019

That the deputation by Keith Sheardown, Video Production Contractor, Transit Academy requesting volunteers to be in the MiWay Training Video be received.

(AAC-0002-2019)

GC-0124-2019

That the deputation and associated presentation by Michelle Berquist, Project Leader Transportation, Transportation & Works presenting on the Mississauga Moves Update be received.

(AAC-0003-2019)

GC-0125-2019

That the deputation and associated presentation by Jennifer Cowan, Accessibility Specialist and Alana Tyers, Manager Service Development, MiWay presenting on Annual Accessibility Report and MiWay Annual Accessibility Report be received.

(AAC-0004-2019)

GC-0126-2019

That the verbal update provided by Jennifer Cowan, Accessibility Specialist with respect to the Accessibility For Ontarians with Disabilities Act (AODA) be received.

(AAC-0005-2019)

GC-0127-2019

That the verbal update provided by Naz Husain and Carol-Ann Chafe, Citizen Members and Members of the Region of Peel Accessibility Advisory Committee be received.

(AAC-0006-2019)

GC-0128-2019

1. That the memorandum by Jennifer Cowan, Accessibility Specialist dated February 1, 2019 with respect to the Update on the 2018 Annual Report of the Multi-Year Accessibility Plan for the City of Mississauga and MiWay be received for information.
2. That the 2018 Annual Report of the Multi-Year Accessibility Plan be approved.
3. That the MiWay 2018 Annual Accessibility Report be approved.
4. That the 2018 Municipal Elections Accessibility Report be approved.

(AAC-0007-2019)

GC-0129-2019

That the Council Resolution 0001-2019 pertaining to the guidelines related to City's festivals and events be received for information.

(AAC-0008-2019)

GC-0130-2019

That the updated Accessibility Advisory Committee Terms of Reference be approved.

(AAC-0009-2019)

GC-0131-2019

1. That the Accessibility Advisory Committee Work Plan, be received.
2. That staff update and complete the 2015-2018 Accessibility Committee Work Plan and forward any outstanding items to a future AAC Work Plan.

(AAC-0010-2019)

GC-0132-2019

That the deputation by Joe Avsec, Manager, Traffic and Sustainable Transportation, Region of Peel and Megan McCombe, Supervisor, Environmental Education, Region of Peel regarding the Overview of the Region of Peel Vision Zero Road Safety Strategic Plan; Proposed 2019 Road Safety Strategic Plan and Countermeasures Implementation Plan, and Pedestrian Education Initiative be received.

(RSC-0007-2019)

GC-0133-2019

That the Road Safety Committee Chair or designate attend the Region of Peel Vision Zero Task Force meeting.

(RSC-0008-2019)

GC-0134-2019

That the Road Safety Committee endorsed the Vision Zero Framework proposed in the Draft Transportation Master plan, as amended.

(RSC-0009-2019)

GC-0135-2019

That the Road Safety Committee Terms of Reference be amended at a future meeting with its new members.

(RSC-0010-2019)

GC-0136-2019

That the email dated February 14, 2019 entitled The Use of Countdown Timers at Intersections from Sunil Sharma, Citizen Member, be received.

(RSC-00011-2019)

GC-0137-2019

That the January 2019 Road Watch Statistics be received.

(RSC-0012-2019)

GC-0138-2019

That the deputation by Rebecca Sciarra and Annie Veilleux from ASI, regarding an update to Phase 1 of the Cultural Heritage Landscape Project be received for information.

(HAC-0017-2019)

GC-0139-2019

That the property at 26 Ann Street, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process, as per the Corporate Report from the Commissioner of Community Services dated February 19, 2019.

(Ward 1)

(HAC-0018-2019)

GC-0140-2019

That the property at 869 Sangster Avenue, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to alter and demolish proceed through the applicable process, as per the Corporate Report from the Commissioner of Community Services dated February 19, 2019.

(Ward 2)

(HAC-0019-2019)

GC-0141-2019

1. That the Memorandum dated February 11, 2019 from Paul Damaso, Director, Culture Division entitled New Heritage Designation Plaque Design, be received;
2. That staff be directed to further investigate the intention of changing the current Heritage Designation plaque design and look into options that would incorporate the City's rebranding into the current design.

(HAC-0020-2019)

GC-0142-2019

That the Memorandum dated January 24, 2019 from Paul Damaso, Director, Culture Division entitled New Construction Adjacent to a Listed Property: 3650 Eglinton Avenue West (Ward 8), be received.

(Ward 8)

(HAC-0021-2019)

GC-0143-2019

1. That the report dated March 13, 2019 entitled “Regional Government Review – Preferred Reform Option for the City of Mississauga” be received.
2. That staff bring back an executive summary of the report entitled “Regional Government Review – Preferred Reform Option for the City of Mississauga” to the next Council meeting.
3. That staff hold a public town hall meeting to receive feedback from residents regarding the Regional Government Review.

GC-0144-2019

WHEREAS the City of Mississauga is a 45-year-old growing, urban municipality with a population approaching 800,000 residents, home to over 91,000 businesses. By 2041, the population of Mississauga is expected to be over 900,000; and

WHEREAS the City of Mississauga is the 3rd largest city in Ontario and 6th largest in Canada, and the largest municipality in Ontario that is part of a two-tier, regional governance model; and  
WHEREAS other smaller municipalities in Ontario are single tier and not part of a regional governance model; and

WHEREAS the Region of Peel is unique in that it is the smallest region in the province in terms of number of lower-tier member municipalities, two of which are the 3rd and 4th largest cities in the province; and

WHEREAS the City of Mississauga, the City of Brampton, and the Town of Caledon are in different stages of growth and development, often resulting in the member municipalities of the Region of Peel having different or competing priorities; and

WHEREAS while regional government may be used to cost-share the delivery of services and the building of capital infrastructure between multiple municipalities that member municipalities would otherwise not have the financial capacity to provide on their own, the City of Mississauga has the administrative and financial capacity to govern our own affairs, independent of a regional government; and

WHEREAS the ability of Mississauga to deliver services to our residents and businesses, as well as enact policies and programs that are in the best interests of our residents is often made more difficult because of considerable, and unnecessary duplication of the delivery of the same services between the City of Mississauga and the Region of Peel; and

WHEREAS, the City of Mississauga currently provides 59 percent of the funding to the Region of Peel, but only maintains 50 percent of the vote at Regional Council; and

WHEREAS the residents and businesses of the City of Mississauga contribute an additional \$85 million annually in additional funding to the region, beyond what is provided back to the City of Mississauga; and

WHEREAS the City of Mississauga has a distinct identity from the Region of Peel and the two other member municipalities, and residents most often identify as residents of Mississauga and not as residents of Peel; and

WHEREAS the residents of the City of Mississauga have through citizen satisfaction surveys repeatedly expressed confidence in the City's ability to deliver services, satisfaction with the quality of life in our City, and a strong desire for Mississauga to continue to grow and prosper; and

WHEREAS between 2004 and 2005, the Council of the City of Mississauga made a strong business case, supported by a Citizens' Taskforce, to the Ontario Government, led by former Mayor Hazel McCallion and supported unanimously by the Council of the day, that Mississauga should be given single-tier status; and

WHEREAS the City of Mississauga Council and residents have long held the view that Mississauga can operate as a single-tier municipality, independent of regional government; and

WHEREAS on every measure, Mississauga is working and should be used as an example by the Province of Ontario of a well-governed, successful municipality; and

WHEREAS the Ontario Government has announced a review of regional governance across the province, including the Region of Peel and has asked the affected upper tier and lower tier municipalities for their feedback on the effectiveness of regional governance; and

WHEREAS this opportunity provides the City of Mississauga with an opportunity to present a single, unified voice to the province about the future governance of our city.

THEREFORE BE IT RESOLVED THAT the following motion be approved in principal:

1. That the position of the City of Mississauga Council through the province's Regional Governance Review, is that the Government of Ontario pass legislation to make the City of Mississauga a single tier municipality, independent of the Region of Peel, maintaining the current municipal borders of the City of Mississauga;
2. If the Province of Ontario does not grant single-tier status to the City of Mississauga, that the Ontario government delineate the roles and responsibilities of upper and lower-tier municipalities to eliminate duplication, enhance service delivery and address the needs

of residents in each member municipality, including adhering to the principle of representation by population; and

3. The City of Mississauga is opposed to the amalgamation of the City of Mississauga with any other municipality; and
4. The City of Mississauga forward an executive summary of the report to the Premier, the Minister of Municipal Affairs and Housing, local Members of Provincial Parliament, the Province's Advisors on Regional Governance, Michael Fenn and Ken Seiling, the Chair of the Region of Peel, the Mayors of Brampton and Caledon and the Association of Municipalities of Ontario;
5. The City of Mississauga engages in a public education campaign to raise awareness about the Regional Governance Review and the City's position, and further that the City of Mississauga encourages the public to provide their comments and feedback through the formal public consultation portal.

#### GC-0145-2019

That a by-law be enacted authorizing the Mayor and Clerk to execute an agreement between The Corporation of the City of Mississauga and Her Majesty the Queen in Right of Canada, as represented by the Minister of Justice and Attorney General of Canada, and any ancillary documents, to provide for the administration of parking tickets issued at Lester B. Pearson International Airport, all in a form satisfactory to the City Solicitor.

#### GC-0146-2019

1. That a by-law be enacted authorizing the Commissioner of Transportation and Works to execute, on behalf of The Corporation of the City of Mississauga ("City"), a 10-year agreement as well as any necessary ancillary documents and amendments, between the City and Trout Unlimited Canada to continue the operation of the Yellow Fish Road Storm Drain Marking Program in Mississauga, in a form satisfactory to the City Solicitor; and
2. That, for housekeeping purposes, resolution 0087-2003 and recommendation GC-0235-2003 be repealed.

#### GC-0147-2019

That the deputation and associated presentation by Jeffrey Abrams, Integrity Commissioner with respect to the Council Code of Conduct, be received.

(GOV-0001-2019)

GC-0148-2019

1. That the motion submitted by Councillor Parrish with respect to suggested amendments to the Council Code of Conduct be received and referred to the Council Code of Conduct Review;
2. That the Integrity Commissioner meet with Councillor Parrish for follow-up on questions posed by the Councillor at the February 25, 2019 Governance Committee meeting.

(GOV-0002-2019)

GC-0149-2019

That the Governance Committee meet to review the Council Code of Conduct and discuss possible amendments, upon completion of the citizen appointments to the Committee for the current term of Council.

(GOV-0003-2019)

GC-0150-2019

That the Governance Committee Work Plan, updated for the February 25, 2019 Governance Committee meeting, be received.

(GOV-0004-2019)

GC-0151-2019

That the summary of Cycling Network Priorities Discussion dated February 24, 2019 be received.

(MCAC-0016-2019)

GC-0152-2019

That the memorandum dated February 28, 2019 from Matthew Sweet, Manager, Active Transportation entitled Review of Bicycle Traffic Signal Installations be received.

(MCAC-0017-2019)

GC-0153-2019

That the following safety measures be referred to Transportation and Works staff for consideration to implement at crossride intersections:

- a) To implement 'No Right Turn on Red' restrictions
- b) To paint crossride intersections green
- c) That increased enforcement is needed from the Peel Regional Police at crossride locations

(MCAC-0018-2019)

GC-0154-2019

That the clock tower be lit for World Down Syndrome Day on March 21, 2019.



**REPORT 5 - 2019**

To: MAYOR AND MEMBERS OF COUNCIL

The Planning and Development Committee presents its fifth Report for 2019 and recommends:

**PDC-0021-2019**

1. That the report dated February 22, 2019, from the Commissioner of Planning and Building regarding the applications by NYX Capital Corp. to permit 155 back to back stacked condominium townhomes in seven blocks on public and private road, to extend Emby Drive, and to amend the limits of the Greenlands, under File OZ 18/012 W11, 51 and 57 Tannery Street and 208 Emby Drive, be received for information.
2. That four oral submissions be received.  
(Ward 11)

**PDC-0022-2019**

1. That the report dated February 22, 2019, from the Commissioner of Planning and Building regarding the applications by Maple Brown Investments to permit a ten storey condominium apartment building with 35 units and one level of underground parking, under File OZ 18/007 W1, 55 Port Street East, be received for information.
2. That 11 oral submissions be received.  
(Ward 1)

**PDC-0023-2019**

1. WHEREAS RioTrin Properties (Burnhamthorpe) Inc. has submitted official plan amendment and rezoning applications to permit a 25 storey, 272 unit apartment building with retail commercial uses on the ground floor for the lands located at 3900 – 3980 Grand Park Drive (File OZ 15/006 W7);

AND WHEREAS City Council has received and considered staff's report on the proposed development along with written and oral submissions relating to this matter, including those submitted on behalf of Fielding Environmental, a chemical recycling plant located in the immediate vicinity of the proposal;

AND WHEREAS concerns regarding public health and safety and compatibility of uses, including the application of the provincial D-6 Guidelines, among other issues, have been raised;

AND WHEREAS City Council, in accordance with section 2 of the *Planning Act*, shall have regard to matters of provincial interest, including the orderly development of safe and healthy communities, the protection of public health and safety; and the appropriate location of growth and development, among other things;

AND WHEREAS subsection 3(5) of the *Planning Act* requires that City Council's decisions in respect of planning matters shall be consistent with provincial policy statements and shall conform with provincial plans;

THEREFORE BE IT RESOLVED:

1. That the applications filed under File OZ 15/006 W7 submitted by RioTrin Properties (Burnhamthorpe) Inc. for the lands located at 3900 – 3980 Grand Park Drive be refused on the basis that:
  - a) the proposal is not consistent with the Provincial Policy Statement;
  - b) the proposal does not conform and conflicts with all applicable Provincial Plans;
  - c) the proposal does not conform with the Region of Peel Official Plan;
  - d) the proposal does not conform with the Mississauga Official Plan, including but not limited to policy 16.11.1.1 which states that no new residential development will be permitted within the 300m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, until the closure of the plant, or suitable cleanup of emissions has been carried out to the satisfaction of the Provincial Government;
  - e) the proposal does not have regard for matters of provincial interest; and
  - f) the proposal does not represent good planning;
2. That City Council's decision reflects that City Council has fully considered all of the written and oral submissions relating to this matter;
3. That the City Solicitor, or her delegate, be authorized to defend City Council's decision and to retain external consultants, as required, should this matter be appealed to the Local Planning Appeal Tribunal; and

4. That in the event that any development arising out of the subject applications is approved, City Council require the execution of all necessary agreements, satisfactory to the City of Mississauga, including but not limited to a Development Agreement and Section 37 Agreement, as well as payment of cash-in-lieu of parkland in accordance with the *Planning Act* and the City's policies and by-laws.
2. That five oral submissions be received.  
(Ward 7)



March 25, 2019

The Corporation of the City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario L5B 3C1

Attention: The Mayor and Members of City Council

**Re: Official Plan and Zoning By-law Amendment Application OZ 15/006 W7  
South-west quadrant of Burnhamthorpe Road West and Grand Park Drive  
RioTrin Properties (Burnhamthorpe) Inc.  
3920-3980 Grand Park Drive, Mississauga**

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Glen Schnarr & Associates Inc. are the Planning Consultants for RioTrin Properties (Burnhamthorpe) Inc., owner of the above-noted lands located in the City of Mississauga.

The included letter summarizes the comments made in our deputation to the Planning and Development Committee presented on March 18, 2019 and is an addendum to our Planning Justification Report dated August 2015 prepared in support of the redevelopment proposal. It evaluates the proposed Official Plan and Zoning By-law Amendment in the context of the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and City of Mississauga Official Plan and Zoning By-law 0225-2007.

The included Schedules address the Davies Howe letter of March 15, 2019, the SGL Planning and Design Inc. letter of March 14, 2019, and the March 8, 2019 Report prepared by Cyril Hare & Associates Inc. submitted to the Planning and Development Committee meeting of March 18, 2019.

Please find included with this letter the following Schedules:

- **Schedule "A"**: A letter prepared by Glen Schnarr & Associates Inc. addressing the letter prepared by SGL Planning and Design Inc.
- **Schedule "B"**: A letter prepared by Glen Schnarr & Associates Inc. addressing the Report prepared by Cyril Hare & Associates Inc.
- **Schedule "C"**: A letter prepared by Novus Environmental addressing the letter by Davies Howe and SGL Planning and Design Inc.



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

We respectfully request that you review our letters and based on their conclusions approve the above referenced Official Plan and Zoning By-law Amendment application submitted by RioTrin Properties (Burnhamthorpe) Inc. in accordance with the recommendations contained in the February 22, 2019, Public Meeting Recommendation Report prepared by the Planning and Building Department.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Glen Broll, M.C.I.P., R.P.P.  
Partner

C: D. Rusnov, Office of the City Clerk  
M. Cassin, Planning and Building Department

X: Project Files\Mississauga\556-002 (Grand Park Dr\_ Mississauga)\Correspondence\GSAI Council Cover Letter



March 25, 2019

Our file: 556-002

The Corporation of the City of Mississauga  
Planning and Building Department  
Development and Design Division  
300 City Centre Drive, 6<sup>th</sup> Floor  
Mississauga, Ontario L5B 3C1

Attention: Mrs. Marianne Cassin, M.C.I.P., R.P.P.  
Manager, Central Development

**Re: Official Plan and Zoning By-law Amendment Application OZ 15/006 W7  
South-west quadrant of Burnhamthorpe Road West and Grand Park Drive  
RioTrin Properties (Burnhamthorpe) Inc.  
3920-3980 Grand Park Drive, Mississauga**

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Glen Schnarr & Associates Inc. are the Planning Consultants for RioTrin Properties (Burnhamthorpe) Inc., owner of the above-noted lands located in the City of Mississauga ( the “Proposed Redevelopment”).

This letter and the included Schedules summarize the comments made in our deputation to the Planning and Development Committee presented on March 18, 2019 (the “PDC Deputation”) and is an addendum to our Planning Justification Report dated August 2015 prepared in support of the redevelopment proposal. It evaluates the proposed Official Plan and Zoning By-law Amendment in the context of the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and City of Mississauga Official Plan and Zoning By-law 0225-2007 (the “Planning Justification Report”).

The attached Schedules also respond to the Davies Howe letter of March 15, 2019, the SGL Planning and Design Inc. letter of March 14, 2019, and the March 8, 2019 Report prepared by Cyril Hare & Associates Inc. submitted to the Planning and Development Committee meeting of March 18, 2019. The Schedules are:

- **Schedule “A”:** A letter prepared by Glen Schnarr & Associates Inc. addressing the March 14, 2019 Letter prepared by SGL Planning and Design Inc.
- **Schedule “B”:** A letter prepared by Glen Schnarr & Associates Inc. addressing the March 8, 2019 Report prepared by Cyril Hare & Associates Inc.



- **Schedule “C”:** A letter prepared by Novus Environmental addressing the letters prepared by Davies Howe and SGL Planning and Design Inc.

## **1.0     The Provincial Policy Statement (2014)**

As stated at our PDC Deputation and as supported by the oral and written presentation from City Planning Staff and the Fire Chief, the Official Plan Amendment and the Zoning By-law Amendment before City Council to permit the proposed Redevelopment are consistent with the Provincial Policy Statement (“PPS”). Further, as stated in our PDC Deputation, the current policies of the Official Plan applicable to the proposed development that are in need of amendment, and the requirements of the City of Mississauga Zoning By-law that are proposed to be amended, are not consistent with the PPS.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The PPS promotes efficient development patterns by directing growth to settlement areas and discouraging the unnecessary and inefficient expansion of these areas, encouraging the effective use of existing and planned infrastructure and by accommodating a range and mix of residential uses. It also encourages the protection and preservation of natural heritage features over the long term.

Section 1 of the PPS outlines policies associated with future development and land use patterns. These policies promote efficient development and land use patterns that minimize land consumption and servicing costs through the accommodation of an appropriate range and mix of residential, employment (which includes industrial and commercial uses), institutional, recreation, park, and open space uses based on sufficient infrastructure and public service facilities. Development and land use patterns that may cause environmental or public health and safety concerns are to be avoided.

Settlement areas are to be the focus of growth and development and shall be based on densities and land use patterns that efficiently use land, infrastructure and public service facilities. Negative impacts to air quality and climate change are to be minimized through the support of active transportation. Development is to be transit-supportive where transit is planned or exists.

Opportunities for redevelopment and intensification are promoted, where they can be accommodated, based on appropriate development standards that facilitate compact form, while avoiding or mitigating risks to public health and safety. New development taking place in designated growth areas should occur adjacent to the existing built-up area and have a compact form, mix of uses and densities.



Major facilities and sensitive land uses are to be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Policies for employment areas are also found in Section 1 and require that Planning authorities plan for, protect, and preserve employment areas for current and future uses. Employment areas may be converted to non-employment uses through a comprehensive review where it has been determined that the land is not required for employment purposes and that there is a need for the conversion. Long-term economic prosperity is to be supported by promoting opportunities for economic development and community investment-readiness by optimizing the availability of land, infrastructure, and public service facilities.

Energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns are to be supported by promoting compact form and a structure of nodes and corridors. Active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas is also to be supported. Major employment, commercial and other travel-intensive land uses are to be focused on sites which are well served by transit where this exists or is to be developed. The mix of employment and housing uses to shorten commute journeys and decrease transportation congestion is also to be improved.

### **1.1 The Official Plan Amendment for the Proposed Redevelopment and the PPS**

The existing height policies of the Mississauga Official Plan (Policies 16.1.1.1 and 16.1.1.2), which Staff have taken the position requires an Official Plan Amendment for heights greater than four storeys, are in our opinion inconsistent with the vision, goals and objectives of the PPS because it does not maximize the achievement of efficient development patterns and limits the achievement of appropriate intensification along a Corridor. The policy results in lower densities and fewer units and is therefore less supportive of transit and does not minimize negative air quality. Improved air quality and reduced greenhouse gas emissions are also not supported as effectively. Fewer residents are also provided to support the existing and proposed commercial uses.

The proposed Official Plan Amendment which, further to the request of Staff amends the Mississauga Official Plan to specifically state that a building with a height of 25 storeys is permitted as part of the Proposed Redevelopment is, in our opinion consistent with the policies of the PPS. The





Subject Lands are within a Settlement Area and will contribute to the provision of an appropriate range and mix of compact residential and commercial uses in the Fairview Neighbourhood. Their redevelopment represents an intensification of existing retail commercial and restaurant uses on a Corridor that minimizes land consumption and makes efficient use of infrastructure and public service facilities. It has a compact form, mix of uses and densities that results in an efficient use of land that avoids the need for unjustified, uneconomical expansion as the lands are within an established community. It is an adaptive re-use of land that is transit-supportive and will minimize the length and number of vehicle trips due to the proposed density, mix of uses and the proximity to the mobility hub in the Downtown Core.

As demonstrated by the peer review and approval of the various studies prepared by Novus Environmental, and the review of the proposed redevelopment by the City of Mississauga Fire Department and Emergency Management Section, the proposed redevelopment is appropriately designed, buffered and separated from the existing employment and commercial uses on Mavis Road. Impacts from odour, noise and other contaminants, and the risk to public health and safety from the proposed redevelopment have been assessed and found to not be a concern.

Based on the above, the proposed redevelopment does not negatively impact existing uses in the surrounding area and can co-exist with them, consistent with the approval of other sensitive uses by the City. It is consistent with the form and residential housing type of the adjacent lands to the east and is compatible with the adjacent employment and commercial lands to the west. It is important to note that these existing uses to the west are designated “Mixed Use” and are not in a designated Employment Area in the City’s Official Plan. Notwithstanding this, these lands can continue to operate under the Provincial approvals they have received since additional mitigation is not required. The economic viability of both the existing employment and commercial uses and the Grand Park plaza are therefore not affected by the proposed development.

## **1.2 The Zoning By-law Amendment for the Proposed Redevelopment and the PPS**

Mississauga Zoning By-law 0225-2007 zones the subject lands General Commercial – Exception 5 (“C3-5”), which permits retail, office, hospitality, motor vehicle and entertainment/recreation uses to a maximum height of four storeys. The provisions are inconsistent with the vision, goals and objectives of the PPS because they limit the opportunity of providing a compact, appropriate intensification of mixed uses along a Corridor that contributes to maximizing the efficient use of land, infrastructure, public service facilities and transit, while supporting improved air quality and reduced greenhouse gas emissions.



The proposed Zoning By-law Amendment would, however, allow this to be achieved and is therefore consistent with the PPS. A further summary of the proposed Zoning By-law Amendment is found later in this letter.

It is therefore our opinion that the current policies of the Official Plan applicable to the proposed redevelopment that are in need of amendment, and the requirements of the City of Mississauga Zoning By-law that are proposed to be amended, are not consistent with the PPS. The proposed Official Plan and Zoning By-law Amendments are, however, consistent with the policies of the PPS.

## **2.0 The Growth Plan for the Greater Golden Horseshoe (2017)**

As stated at our PDC Deputation and as supported by the oral and written presentation from City Planning Staff and the Fire Chief, the Official Plan Amendment and the Zoning By-law Amendment before City Council to permit the Proposed Development conform to the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). Further, as stated in our PDC Deputation, the current policies of the Official Plan applicable to the proposed redevelopment that are in need of amendment, and the requirements of the City of Mississauga Zoning By-law that are proposed to be amended, do not conform to the Growth Plan.

The Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) builds on the policy directions contained in the PPS and in this regard, is intended to function as a policy framework for achieving strong and prosperous communities by managing growth in the Greater Golden Horseshoe (GGH) Region. The Growth Plan facilitates this vision by reinforcing the need to direct growth to settlement areas that have the capacity to accommodate growth, and by promoting transit supportive densities and a mix of land uses while ensuring that there are adequate water and wastewater services to support growth.

The policies contained in the Growth Plan guide infrastructure, transportation and land use planning in the GGH. The goal of the Growth Plan is to enhance the quality of life for residents. The policies of the Growth Plan must be read in conjunction with other provincial plans and the PPS.

Section 2 – Policies for Where and How to Grow indicates that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, existing or planned municipal water and wastewater systems and can support the achievement of complete communities. Within settlement areas growth is to be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, and in areas with



existing or planned public services facilities. Intensification is, however, generally encouraged throughout the delineated built-up area to achieve the desired urban structure.

Complete communities such as mixed use neighbourhoods that offer and support opportunities for people to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores and services, a full range of housing, transportation options and public service facilities are to be achieved by promoting a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. A diverse range and mix of housing options and expanded convenient access to a range of transportation options, public service facilities, and open space, parks, trails and other recreational facilities are to be provided.

Economic development is to be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. The availability of sufficient land, in appropriate locations, for a variety of employment uses to accommodate forecasted employment is to be ensured. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit. Employment areas are to be protected for employment uses over the long term.

## **2.1 The Official Plan Amendment for the Proposed Redevelopment and the Growth Plan**

As with the PPS, the height policy of the Official Plan does not conform to the vision, goals, and objectives of the Growth Plan. By limiting the height to four storeys, less growth is directed to the delineated built-up area. There is less appropriate intensification along a Corridor that is served by transit and is consistent and compatible with existing surrounding land uses. Expanded, convenient access to local stores, transportation options, and public services is limited as fewer residents are available to support their use. Existing employment uses are also supported less as result.

The proposed redevelopment promotes the policies of the Growth Plan as it is located within the Delineated Built-Up Area, which is serviced by existing municipal water and wastewater systems, and where intensification is generally supported. The proposed mixed use apartment and retail commercial uses, and their proximity to an existing commercial plaza, will provide a mix of land uses, a range and mix of employment types, and easy access to local stores and services which will, in turn, reduce the need for long commuting. The proposed development therefore contributes to achieving a complete community in the Fairview Neighbourhood.

Economic development is promoted by supporting the continued positive function of the existing businesses in the Grand Park commercial plaza due to the proximity of the proposed mixed uses, thereby



contributing to the achievement of a balance of jobs and housing. As indicated in Section 1.0 of this Addendum, the employment and commercial uses along Mavis Road, which are designated “Mixed Use” and not “Business Employment” in the Mississauga Official Plan, are not negatively affected by the proposed development and can co-exist with them, as they do with other sensitive land uses that are located closer to them than the proposed redevelopment. The viability of these uses is maintained as they can continue to operate in accordance with the Provincial approvals they have received.

The location of the Subject Lands adjacent to Burnhamthorpe Road West, which is identified as a Corridor by the Mississauga Official Plan, and their proximity to a significant mobility hub in the Downtown Core will provide easy access to intra and inter-city transit facilities. This will in turn reduce dependence on the automobile and increase the modal share for transit, walking and cycling.

## **2.2 The Zoning By-law Amendment for the Proposed Redevelopment and the Growth Plan**

As with the PPS, the existing zone provisions do not conform to the vision, goals and objectives of the Growth Plan because appropriate intensification in the Delineated Built Boundary and Delineated Built-Up Area is not achieved as envisioned. Expanded convenient access to local stores, a multi-modal transportation system, and public service facilities is limited as residential uses are not permitted. Existing employee areas are supported less as a result.

The proposed Zoning By-law Amendment would allow these to occur and therefore conforms to the Growth Plan. A further summary of the proposed Zoning By-law Amendment is found later in this letter.

For these reasons, it is our opinion the current policies of the Official Plan applicable to the proposed redevelopment that are in need of amendment, and the requirements of the City of Mississauga Zoning By-law that are proposed to be amended, do not conform with the Growth Plan. The proposed Official Plan and Zoning By-law Amendments conform to the policies of the Growth Plan.

## **3.0 The Region of Peel Official Plan (December 2016)**

As stated at our PDC Deputation and as supported by the oral and written presentation from City Planning Staff and the Fire Chief, the Official Plan Amendment and the Zoning By-law Amendment before City Council to permit the proposed redevelopment conform to the Region of Peel Official Plan. A more detailed analysis is found in our Planning Justification Report.



An analysis of the Region's Official Plan policies is contained on page 6, Appendix 2 of the February 22, 2019, Public Meeting Recommendation Report which indicates that the subject property is located within the Region of Peel Urban System. General Objectives and Policies in Section 5 of the Official Plan direct development and redevelopment to the Urban System in order to achieve healthy complete urban communities that contain living, working and recreational opportunities, which respect the natural environment, resources and the characteristics of existing communities. A further objective is to achieve an urban structure, form and densities which are pedestrian-friendly and transit-supportive.

The Region will also support the development of area municipal official plan policies including, but not limited to, setbacks for residential developments, transportation corridors and the separation of sensitive land uses from both planned and existing sources of harmful emissions.

The proposed redevelopment satisfies the objectives and policies of the ROP. It is within the "Urban System" and direct growths to the built-up area through intensification. It is an intensified and compact form and mix of uses that efficiently uses land, services, and infrastructure. The proposed mix of existing and proposed uses contribute to the establishment of healthy urban communities by offering a variety and range of housing, employment and recreational activities that provide living, working and recreational opportunities. It contributes to providing a range and mix of housing types, densities and spaces in the Fairview Neighbourhood. The proposed redevelopment is located on a Corridor that is served by transit and a Primary On-Road/Boulevard cycling route. It is also located in close proximity to the Downtown Core transit network which is, or is planned to be, comprised of bus rapid transit corridors, light rail transit and a transit terminal. Transportation choices, a mix of housing, a range of jobs and easy access to retail and service uses is therefore provided.

The Subject Lands are served by municipal water and wastewater services. The intensification of the uses will therefore allow for the efficient use of land, established services, and infrastructure within the Fairview Neighbourhood.

As indicated previously, the proposed redevelopment is compatible with the surrounding land uses and does not adversely affect them. It is consistent with the form and type of residential development to the east and can co-exist with the existing employment and commercial uses to the west. Those employment and commercial uses, though designated "Mixed Use" and not "Business Employment" in the City of Mississauga Official Plan, can continue to operate in accordance with the approvals they have received from the Province. Their function, and the continued positive function of the existing Grand Park commercial plaza will be maintained.



Based on the above, it is our opinion that the proposed Official Plan Amendment conforms to the Region of Peel Official Plan. An amendment to the Region of Peel Official Plan is not required for the proposed redevelopment.

#### **4.0 Mississauga Official Plan (August 2018)**

As stated at our PDC Deputation and as supported by the oral and written presentation from City Planning Staff and the Fire Chief, the Official Plan Amendment and the Zoning By-law Amendment before City Council to permit the proposed redevelopment conform to the Mississauga Official Plan (the “MOP”). A more detailed analysis is found in our Planning Justification Report. The highlights of the analysis are provided below.

The City of Mississauga Official Plan (MOP) sets out the goals, objectives and policies to guide future development and intensification within the City. It provides policies to manage and direct the physical change of the city and the effects of such change on the social, economic, cultural and natural environment. It also forms the basis for the review and approval of development applications.

Section 5 of the MOP contains policies that direct growth within the City. These policies encourage compact, mixed use development in appropriate locations to provide greater opportunities to live and work in Mississauga and reduce the need for extensive travel to fulfill the needs of day-to-day living. New growth will be accommodated through redevelopment and intensification within developed areas. While most of this new growth will be directed to Intensification Areas, growth and intensification outside of these areas is permitted by MOP. The character of stable residential neighbourhoods is to be protected and conserved.

Schedule 1 - Urban System of the MOP indicates that the subject lands are within “Neighbourhoods”. “Neighbourhoods” focus on residential uses and associated services and facilities. The “Neighbourhoods” policies applicable to the subject lands indicate that residential intensification is to generally occur through infilling and the development of existing commercial sites as mixed-use areas. Higher density uses are to be proposed on sites identified by a local area plan, along Corridors or in conjunction with existing apartment sites or commercial centres. Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan. Development must be sensitive to the existing and planned context and include appropriate transitions in use, built form, density and scale.





A maximum building height of four storeys is permitted in all Neighbourhoods. This height can, however, be exceeded subject to:

- a. an appropriate transition in heights that respects the surrounding context being achieved;
- b. the development proposal enhancing the existing or planned development;
- c. the City Structure hierarchy being maintained; and
- d. the development proposal being consistent with the policies of this Plan.

The subject lands are within the Fairview Neighbourhood. Specific policies for this Neighbourhood indicate that new residential development will not be permitted within a 300 metre influence area of Fielding Environmental located on Mavis Road until the closure of the plant, *or suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government*. Purchasers and tenants within a 600 metre influence area are to be advised of the possibility of adverse odour emissions.

The Official Plan also contains policies for “Corridors”, which are arterial roads which have historically served as the chief conduits for moving cars and freight. They connect various elements of the City to each other. The MOP policies indicate that where “Corridors” run through, or when one side abuts the Downtown, Major Nodes, Community Nodes and Corporate Centres, development in those segments will also be subject to the policies of the City Structure element in which they are located. “Corridors” that run through or abut the Downtown, Major Nodes, Community Nodes and Corporate Centres are encouraged to develop with mixed uses oriented towards the Corridor. Development is to be compact, mixed use and transit friendly and appropriate to the context of the surrounding Neighbourhood and Employment Area. Where higher density uses within Neighbourhoods are directed to Corridors, development will be required to have regard for the character of the Neighbourhoods and provide appropriate transitions in height, built form and density to the surrounding lands.

Schedule 10 – Land Use Designations, indicates that both the Development Area and the balance of the subject lands are designated “Mixed Use”. This designation also applies to the existing employment and commercial uses on the east side of Mavis Road and permits, among other uses, residential, secondary office and retail uses. The long-term vision of the MOP therefore encourages a mix of uses on these lands and not simply “Business Employment” uses. “Mixed Use” development is encouraged through infilling to consolidate the potential of these areas and to restrict their linear extension into stable, non-commercial areas. Residential uses are to be combined on the same lot or same building with another permitted use. The lands are also adjacent to the Downtown Core. Lands immediately adjacent to the Downtown, are to provide both a transition between the higher density and



height of development within the Downtown and lower density and height of development in the surrounding area.

As mentioned in the Planning Justification Report, the intensification of the Subject Lands conforms to the policies for directing growth as it proposes an intensified compact, mixed use development at an appropriate location that is served by transit. It also conforms to the Neighbourhoods and Corridor policies of the Official Plan since the proposed apartment and retail commercial uses proposed in the “Development Area” represent an intensification of an existing commercial property for mixed uses that is adjacent to a Corridor. Burnhamthorpe Road West is a “Corridor” that runs through the Downtown Core and is therefore encouraged to develop with mixed uses oriented towards the Corridor. It is subject to the Neighbourhood intensification and development policies outlined above.

As indicated in the Novus Environmental Noise and Air Quality Feasibility Assessment dated July 27, 2015, a 300 metre influence area was established in the Mississauga Official Plan and was reflected in the Fairview District Plan (1997). Mapping was included in District Plan that illustrated that the influence area was measured from the centroid of the Fielding property. As per the Assessment, the policies of the Fairview Plan are consistent with the current policies of the Mississauga Official Plan.

Policy 16.11.1.1 of the Official Plan indicates that *no new residential development will be permitted within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, until the closure of the plant, or suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government.*

Based on the above, the proposed development is outside of the 300 metre influence area and complies with the Official Plan policies. This is confirmed on page 4.3 - 5 of the Planning and Building Department Public Meeting Recommendation Report which indicates that *“the proposed residential uses are not within a 300 m (984.3 ft.) influence area from the chemical plant (measured from the centroid).*

Notwithstanding SGL’s comment, the Guideline D-6 analysis completed by Novus Environmental measured the influence area from the Fielding property line. Regardless of where the influence area is measured from, Guideline D-6 specifically also allows development within the influence area minimum distance when detailed studies show that the applicable air quality and noise guidelines are met, which was done for the proposed redevelopment. These studies were completed, peer reviewed and accepted by the City.

Residential uses are also permitted within 300 metres of Fielding Environmental given that suitable clean-up of emissions has been carried out to the satisfaction of the Province as confirmed





through the issuance of Ministry of the Environment *Environmental Compliance Approval* No. 8628-9N4QUG. It is important to note that the Fielding Environmental lands are designated “Mixed Use” and not “Business Employment” in the Mississauga Official Plan.

The proposed apartment and retail commercial uses in the “Development Area” and the existing commercial uses on the remaining lands, both individually and collectively, comply with the “Mixed Use” policies of the Official Plan. Both the “Development Area” and the remaining lands contain a mix of uses permitted by the designation. The “Development Area” includes residential and retail commercial uses in one building with commercial uses on the ground floor and apartment uses above. The Grand Park plaza contains a mix of retail, restaurant and personal service uses in multiple buildings. The proposed redevelopment also conforms to the Downtown policy by providing an appropriate transition between the existing and proposed high-density residential developments to the east in the Core and the existing commercial uses to the west and south.

The built form of the proposed design is similar to both the Pinnacle and Pinnacle 2 developments to the east with a podium at the base to serve the community and create a comfortable pedestrian scale. It has regard to the character of the surrounding uses and represents an appropriate transition between the existing and proposed high-density residential developments to the east in the Core and the existing commercial uses to the west and south in terms of design, use and density.

It is our opinion that the height of the proposed building complies with the MOP policies, which allow building heights above four storeys subject to criteria. We believe that our proposal satisfies these criteria and that an Official Plan Amendment is not required for the building height. Notwithstanding that, Staff took the position that an Official Plan Amendment is required. Based on Staff’s position, the parts of the Official Plan that would be affected by the required amendment are inconsistent with the Provincial Policy Statement (PPS) or fail to conform to the Growth Plan (GP), Region of Peel Official Plan (ROP) and MOP.

A height limit of four storeys limits the opportunity to achieve the growth, intensification, infrastructure and transit goals and objectives of the PPS, GP, and ROP that are summarized above. It is also inconsistent with the MOP vision, goals, and objectives of providing appropriate residential intensification through infilling and the development of existing commercial sites along Corridors as Mixed Use areas.



The height limit policies also:

- Result in lower densities that limit the efficient use of land, infrastructure and public service facilities;
- Contribute less to providing a mix of uses and houses types in the Fairview Neighbourhood;
- Results in a form of development that is inconsistent with existing development that was approved after taking environmental, public health and safety concerns into account;
- Does not prioritize intensification and higher densities to efficiently use land and structures;
- Provides fewer housing options within the neighbourhood;
- Increases dependence on the automobile by restricting densities resulting in development that is less transit supportive; and
- Does not support the continued function of the commercial plaza and the retention of employment opportunities associated with it.

For these reasons, it is our opinion the requested Official Plan Amendment, which only addresses building height, is consistent with and does not conflict with the Provincial Policy Statement, the Growth Plan, or any other provincial plans, the Region of Peel Official Plan and the MOP.

## **5.0 Zoning**

As stated at our PDC Deputation and as supported by the oral and written presentation from City Planning Staff and the Fire Chief, the Official Plan Amendment and the Zoning By-law Amendment before City Council to permit the proposed redevelopment conforms to the City of Mississauga Zoning By-law. A more detailed analysis is found in our Planning Justification Report. The highlights of the analysis are provided below:

The subject lands are zoned C3-5 which permits general commercial uses to a maximum height of four storeys. Residential uses are not permitted. The existing zoning is inconsistent with the Mixed Use land use designation, and the Neighbourhoods and Corridor goals, objectives and vision of the MOP. Similarly, the parts of the Zoning By-law affected by the requested amendment are inconsistent with the PPS and fail to conform to the Growth Plan and ROP goals and objectives of maximizing appropriate intensification in the built-up area, maximizing the use of infrastructure, and providing development that is as transit supportive as possible.

Conversely, the proposed C4 – Special Section zoning:




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URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

- Maximizes appropriate intensification and the use of services, while minimizing land consumption;
- Maximizes new growth through intensification;
- Maximizes the opportunity of developing a multi-modal transit system that does not rely on the automobile;
- Contributes to achieving a complete community/neighbourhood;
- Results in higher densities along a Corridor; and
- Results in a compact, mixed-use and transit supportive development.

It is therefore our opinion that the requested Zoning By-law Amendment is consistent with and does not conflict with the PPS, Growth Plan or any other provincial plans.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

  
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Glen Broll, M.C.I.P., R.P.P.  
Partner

C: D. Rusnov, City Clerk



## **Schedule "A"**

March 25, 2019

The Corporation of the City of Mississauga  
Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, Ontario L5B 3C1

Attention: Mrs. Diana Rusnov  
City Clerk

**Re: Official Plan and Zoning By-law Amendment Application OZ 15/006 W7  
South-west quadrant of Burnhamthorpe Road West and Grand Park Drive  
RioTrin Properties (Burnhamthorpe) Inc.  
3920-3980 Grand Park Drive, Mississauga**

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Glen Schnarr & Associates Inc. are the Planning Consultants for RioTrin Properties (Burnhamthorpe) Inc. (RioTrin), owner of the above-noted lands located in the City of Mississauga.

This letter is provided to address the March 14, 2019, letter from SGL Planning and Design Inc. (SGL) submitted to the Planning and Development Committee regarding the above-noted application as a supplement to the Planning Justification Report addendum letter provided by Glen Schnarr & Associates Inc. dated March 25, 2019. It is an attachment to our letter to Council also dated March 25, 2019. For ease of reference, the sections in this letter correspond to the sections in the letter from SGL.

### **Economic Development**

In their letter, SGL references economic development policies from the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (GP) and concludes that the proposed development threatens the successful and continued operation of Fielding Environmental (Fielding) and its ability to operate in compliance with its Environmental Compliance Certificate. Respectfully, we disagree.

It is our continued opinion that the proposed development and the existing Fielding operation can co-exist. More importantly, the ability for both developments to co-exist is consistent with the economic development policies of the PPS and conforms with the GP and has been evidenced by two years of peer reviewed technical studies and expert reports and supported by City Staff and the current Fire Chief.



Novus Environmental completed noise and air quality studies that reviewed the proposed redevelopment against Ministry of the Environment, Conservation and Parks noise publication NPC-300, which provides sound level criteria for noise sensitive developments, and Guideline D-6, which provides guidance on recommended separation distances between sensitive land uses to minimize impacts from odour, dust, noise, and litter. The studies, which were peer reviewed by Amec Foster Wheeler and accepted by the City, concluded that no adverse impacts were anticipated and that applicable noise guidelines were met.

It is important to note that, as shown on the attached figure prepared by Novus Environmental, other existing sensitive residential, park and institutional uses previously approved by the City are located closer to Fielding than the proposed redevelopment. The SGL letter notes that the writer has not had a chance to review the Novus Environmental Report and clearly a review of the technical background is important to reaching planning conclusions regarding the compatibility to land uses. In addition, the proposed redevelopment and the other existing sensitive uses were reviewed by the City's Fire Department and Emergency Management Section and were found to be acceptable.

Based on the above, it is our opinion that the proposed redevelopment can appropriately co-exist with Fielding Environmental. Fielding can therefore continue to operate based on the environmental compliance certificate issued by the Province (No. 8628-9N4QUG), which was issued recognizing the location of the sensitive uses in the area.

We would note that RioTrin is corporate partner of RioCan Management Inc. and has been operating the Grand Park Plaza since January 2007. There are 21 retail tenants at the Grand Park Plaza totalling more than 10,684 square metres of gross floor area. It should not be overlooked that the proposed development will be increasing the amount of non-residential gross floor area on Site. Further, the Owner is working to maintain the existing Shoppers Drug Mart on site and regardless of the specific tenant that will operate on the ground floor of the proposed building, the redevelopment will continue to positively contribute to promotion of economic development in the City of Mississauga.

From an economic development perspective, it is also our opinion that the proposed development is consistent and conforms with the PPS and GP as it supports opportunities for a diversified economic base by supporting the continued viability of the existing Grand Park plaza and does not negatively impact the operations of Fielding Environmental.



### **Public Health and Safety**

Regarding public health and safety, SGL concludes that given the nature of the existing industrial use on the Fielding Site and that the proposed development is located at a distance less than the minimum required separation distance, they are informed that this presents a concern to Fielding and the City with respect to the ability to ensure and provide for appropriate levels of health and safety. Again, we respectfully disagree.

The SGL letter incorrectly states that *“the proposed development is located at a distance less than the minimum required separation distance”*. I am advised by Mr. Scott Penton, Principal at Novus Environmental, that Section 4.10 of Guideline D-6 specifically allows for development within the minimum separation distance when detailed studies show that the applicable air quality and noise guidelines are met. As indicated above, detailed studies of emissions from Fielding have been completed, peer reviewed, and accepted by the City. These studies, which were not reviewed by SGL, demonstrate that Fielding and the proposed redeveloped are adequately separated from each other.

In addition, the Planning and Building Department recommendation to approve the application was based on, among other aspects, a consideration of public health and safety. As indicated on page 4.3 - 42 of the February 22, 2019, Public Meeting Recommendation Report, both the City’s Emergency Management Section and Fire Department reviewed the proposed redevelopment and had no concerns.

In this regard, the Emergency Management Section indicated that Fielding *“is required to comply with all relevant legislation during the operation of its recycling facility. Specifically, Fielding Chemical is required to comply with the Environmental Protection Act and Regulations 419 (Air Quality and Emissions) and Regulation 347 (Waste Management). Further, to reduce the risk of any adverse effect to the community arising from Fielding Environmental’s operations with the recycling, manufacture, storage and use of toxic and other hazardous substances, Fielding Chemical is to have in place an “Emergency Response Plan” that staff are trained to implement. This plan is designed to reduce the consequences of an uncontrolled, unplanned or accidental release of hazardous substances into the environment. Maintenance and operating procedures are established to prevent the escape of flammable or combustible liquids to areas where they could create a fire explosion hazard.”* This is in addition to emergency services provided by the City of Mississauga.



In addition, the Fire Department indicated that *“Mississauga Fire have no concerns regarding this development based on the following: The development is outside of the 300 m. separation between Fielding Environmental required by MOP; an approved fire safety plan and emergency procedures have been reviewed and approved for Fielding Environmental; there have been no fire incidents at Fielding Environmental; and, no concerns were identified during the most recent fire safety inspection of Fielding Environmental.”*

It also appears that the SGL conclusions regarding public health and safety are based on Mr. Cyril Hare’s, short report that reaches conclusions about the City of Mississauga’s approach to development in the vicinity of Fielding Chemical but does not include any references to Staff Reports, Building Permit records or actual building construction in the vicinity of the Fielding property. In fact, numerous sensitive developments have been approved and constructed within 300 metres of the property line of Fielding Environmental. Attached as Appendix “A” is a summary of building permits approved in the City of Mississauga for sensitive developments within 300 metres of the Fielding property line. The approvals include permits approved between 1988 – 2015, which includes the time when Mr. Hare was the Fire Chief for the City of Mississauga. We would note that the proposed redevelopment is located further away from the Fielding property line than some of these other existing sensitive residential, park and institutional uses that have been previously approved and that all of the existing approved residential developments are located outside of a 300 metre buffer measured from the centroid of the Fielding property as is the case of the proposed development.

Based on the history of the approval of sensitive uses within 300 metres of the Fielding property, the completion of the Novus Environmental Noise and Air Quality studies, and the reviews completed by the City of Mississauga Fire Department and the Emergency Management Section, it is our opinion that there are no public health and safety concerns as a result of the proposed redevelopment. Appropriate separation distance from Fielding and development standards which facilitate intensification, while addressing risks to public health and safety, have been proposed.

#### **City’s Urban System and Intensification Areas**

The SGL letter concludes that it is their opinion, given the nature of the subject property in relation to its immediate context adjacent to active industrial uses, that the proposed residential development does not conform to the general intent of the City’s policies governing the Urban System and various elements of the City Structure. They further conclude that the planned context of this block is





very different than the context of the block on the east side of Grand Park Avenue, which is within the City's Downtown.

In their comments, SGL notes that Schedule 2 – Intensification Areas of the Mississauga Official Plan identifies areas in the City that are to be the focus of intensification and that the subject property is not located within an identified Intensification Area as it is located on the west side of Grand Park Avenue, and therefore falls outside of the Downtown.

This comment is misleading and implies that intensification is only permitted in Intensification Areas, which is not case. Policy 5.1.4 indicates that most (emphasis added) of Mississauga's future growth will be directed to Intensification Areas. It does not, however, indicate that intensification is only permitted in these areas and is prohibited elsewhere throughout the built-up area. It is therefore our opinion that the subject lands do not have to be in an Intensification Area for their intensification to be approved.

The proposed redevelopment represents intensification through infilling and the redevelopment of an existing commercial site as a mixed use area on a Corridor that is compact, mixed use and transit supportive. It is consistent in built form and type with the adjacent lands to the east and is compatible and has no adverse impacts on the adjacent lands to the north, west and south. It represents an appropriate transition in height, built form and density from the Downtown Core to the lands to the west which are also designated "Mixed Use" in the Mississauga Official Plan. Intensification throughout the built-up area is consistent with PPS policy 1.1.3.2 b), which indicates that land use patterns within settlement areas will be based on a range of uses and opportunities for intensification and redevelopment in accordance with criteria in policy 1.1.3.3 where this can be accommodated, and GP policy 2.2.2.4 a. which indicates that municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will encourage intensification generally to achieve the desired urban structure.

The policies of Section 9.2.2, which deal with Non-Intensification Areas, are also referenced in the SGL letter, which notes that tall buildings will generally (emphasis added) not be permitted. Again, this is misleading and implies that tall buildings are not permitted in Non-Intensification Areas and that the proposed height is inappropriate. The policies must be read in conjunction with the other policies in that section which indicate, among other things, that new development does not have to mirror existing development provided it is designed to respect the scale and character of the surrounding area. As





indicated above, it is our opinion that the scale and character of the surrounding area is respected as the proposed redevelopment is consistent and/or compatible with existing surrounding development previously approved by the City.

Section 5.4 of the Mississauga Official Plan contains policies for “Corridors” and indicates that where “Corridors” run through, or when one side abuts the Downtown, Major Nodes, Community Nodes and Corporate Centres, development in those segments will also be subject to the policies of the City Structure element in which they are located. These “Corridors” are encouraged to develop with mixed uses oriented towards the Corridor and should be compact, mixed use, transit friendly and appropriate to the context of the surrounding Neighbourhood and Employment Area. As indicated in our August 2015 Planning Justification Report prepared in support of the application, the proposed redevelopment conforms to the underlying “Neighbourhoods” and “Corridors” policies which permit residential intensification and higher density uses along Corridors through infilling and development of existing commercial sites as mixed use areas. As indicated above, this is consistent with the intensification policies of the PPS and GP.

#### **Land Use Designation and Neighbourhood Character Area**

This section of the SGL letter concludes that “if the City’s intent is to limit residential development on the remaining Grand Park commercial plaza block while Fielding Environmental is in operation,” it is SGL’s position that “no residential development should be permitted on the entire block (including the lands outside of Special Site 1) until such a time that the industrial operation ceases”.

In that regard, it is our opinion that the SGL conclusion incorrectly interprets the Fairview Neighbourhood policies of the Official Plan permitting residential development in proximity to the Fielding lands. First, it is important to emphasize that the proposed development is designated “Mixed Use” with residential uses permitted on site.

Policy 16.11.1.1 of the Mississauga Official Plan states *“No new residential development will be permitted within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, until the closure of the plant, or suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government.”*



Policy 16.11.1.1 only prohibits new residential development “*within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West*”. The SGL letter indicates that the Official Plan policies provide no guidance on where the 300 metre influence area from Fielding should be measured. In our opinion, SGL is incorrect. As indicated in the Novus Environmental Noise and Air Quality Feasibility Assessment dated July 27, 2015, the 1997 Fairview District Plan included mapping showing the location of the 300 metre influence area referenced in Policy 16.11.1.1. Based on this mapping, the 300 metre distance was measured from the centroid of the Fielding property. This is confirmed on page 4.3 - 5 of the Planning and Building Department Public Meeting Recommendation Report which indicates that “*the proposed residential uses are not within a 300 m (984.3 ft.) influence area from the chemical plant (measured from the centroid)*”.

In addition, the Official Plan permits sensitive land uses outside of the 300 metre influence area measured from the centroid of the Fielding property. This is evident by the building permits issued for the existing sensitive uses in the surrounding area and the Official Plan policies for the adjacent Downtown Core which permit the tallest, most intense development of sensitive residential uses in the City. It is clear from this that the 300 metre measurement was not meant to expand outside of the Fairview Neighbourhood.

Notwithstanding SGL’s comment, the Guideline D-6 analysis completed by Novus Environmental measured the influence area from the Fielding property line. Regardless of where the influence area is measured from, Guideline D-6 specifically also allows development within the influence area minimum distance when detailed studies show that the applicable air quality and noise guidelines are met, which was done for the proposed redevelopment.

Second, there are two exceptions to the prohibition on new residential uses within the area of influence, the first, is a logical and self-evident exception for the closure of the plant and second there is an equally logical exception for when a “*suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government*”.

Based on this exception, the proposed redevelopment also complies with this policy of the Official Plan because Fielding has received Environmental Compliance Certificate No. 8628-9N4QUG from the Province and has therefore addressed the requirement of a “*suitable clean-up of emissions to the satisfaction of the Provincial Government*”. Our opinion based on the analysis set out above is that an Official Plan Amendment is not required.



SGL also contends that the Mississauga Official Plan permits higher density residential uses within Special Site 1 than what is currently permitted within the proposed development, which in our opinion is also incorrect.

Both the RioTrin lands, which are comprised of the proposed redevelopment and the existing Grand Park Plaza, and the existing employment and commercial uses on the east side of Mavis Road are designated “Mixed Use”. The City’s long-term Official Plan vision for these lands is for mixed commercial/residential uses with permitted high-density residential development located internal to the Special Site. The character of this area is therefore intended to change over time. They are not designated Employment Area and the intent of the Official Plan is a continuing transition way from Industrial uses to mixed commercial residential uses.. High-density residential development within Special Site 1 is permitted to a maximum density of 247 units per net hectare. The proposed development is outside of the Special Site 1 area and is not subject to this maximum density.

#### **D Series Guidelines**

I am advised by Mr. Scott Penton, Principle of Novus Environmental, and believe it to be true that Fielding’s ability to maintain the Environmental Compliance Approvals issued by the Province is unaffected by the proposed redevelopment. Mr. Penton has also indicated that Fielding’s ability to change or increase its operations is currently inhibited by several existing sensitive receptors, some of which are closer than the proposed redevelopment. If the applicable Provincial regulations continue to be met at these sensitive uses, they will be met at the proposed redevelopment. For these reasons, the proposed redevelopment does not require additional compliance from Fielding.

In addition, as explained in the Novus Environmental Noise and Air Quality Report, the influence area distances outlined in Guideline D-6 are “recommended minimum separation distances” and are not strict requirements. Development within the 300 metre recommended minimum separation distance is permitted if appropriate studies demonstrate that there is on adverse impact from a proposed development. Those studies were completed, peer reviewed and approved by the City of Mississauga.



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

In conclusion, and as agreed by the Planning and Building Department, it is our opinion that the proposed redevelopment is consistent with the PPS, and conforms to the GP, Region of Peel Official Plan and the City of Mississauga Official Plan.

If you have any questions or would like to discuss this, please do not hesitate to contact me.

Yours very truly,

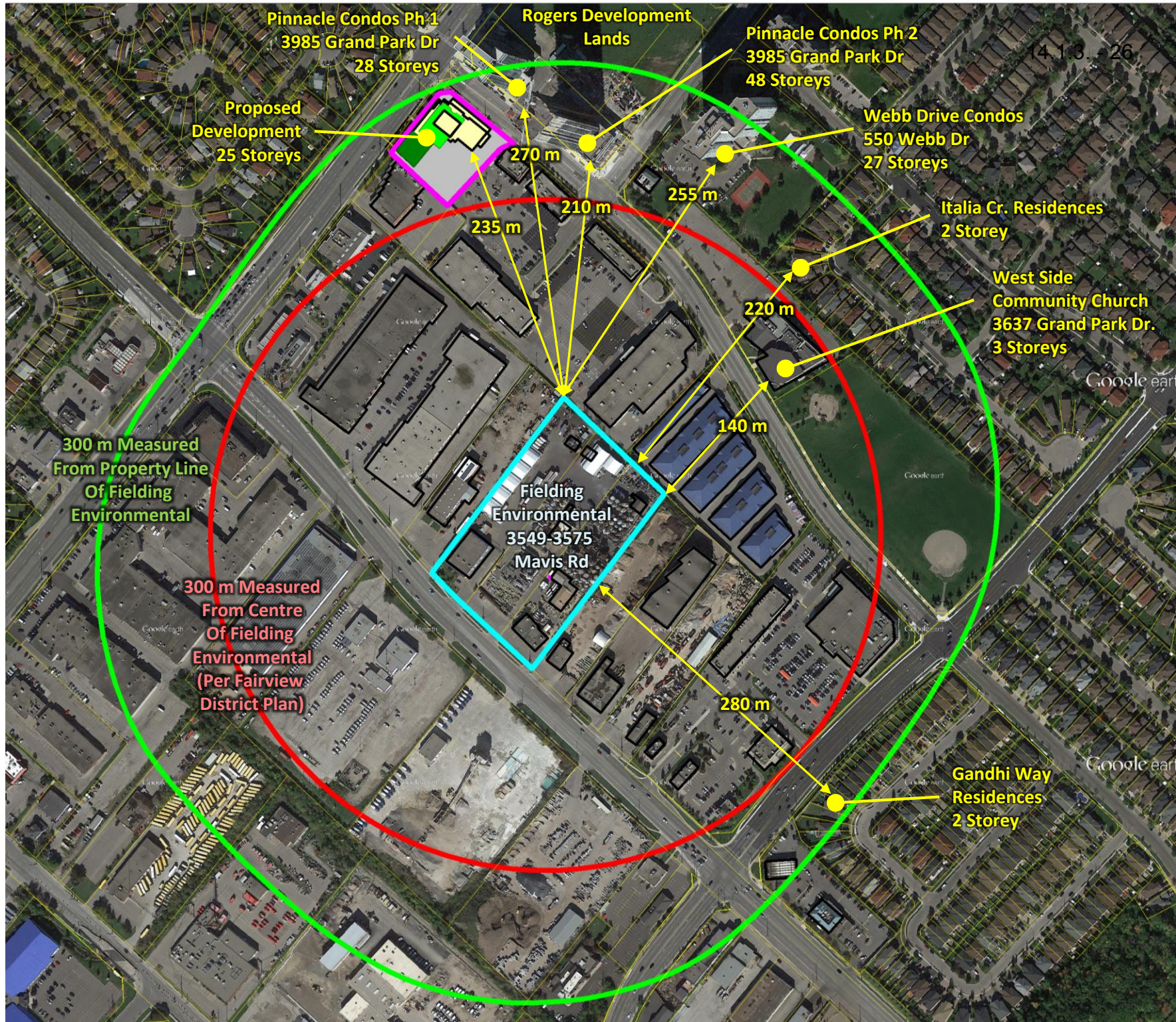
GLEN SCHNARR & ASSOCIATES INC.

  
Glen Broll, M.C.I.P., R.P.P.  
Partner

C: M. Cassin, Planning and Building Department

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**Appendix "A"**

Site Address	Site Description	Date Building Permit Issued
Pinnacle Condos Ph 1 (3985 Grand Park Drive)	28 storey condo building	Application Number: BP 3NEW 10 2269 FDN  Application Date: 2010-08-13  Issue Date: 2012-01-31
Pinnacle Condos Ph 2 (3975 Grand Park Drive)	48 storey condo building	Application Number: BP 3NEW 13 3938 FDN  Application Date: 2013-02-14  Issue Date: 2015-07-06
Webb Drive Condos (550 Webb Drive)	27 storey condo building	Application Number: BPC 88 5809  Application Date: 1988-08-10  Issue Date: 1988-12-06
Italia Cr. Residences (3564 Italia Cres)	2 storey single detached units	Application Number: BPC 88 5009  Application Date: 1988-06-23  Issue Date: 1988-09-19
West Side Community Church (3637 Grand Park Drive)	3 storey place of worship	Application Number: BP 3NEW 0 5401 FDN  Application Date: 2000-11-15  Issue Date: 2001-06-15
Ghandi Way Residences (3501 Ghandi Way)	2 storey single detached units	Application Number: UNISSRPT 98 10942  Application Date: 1998-08-25  Issue Date: 1998-11-17



## **Schedule “B”**

March 25, 2019

The Corporation of the City of Mississauga  
Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, Ontario L5B 3C1

Attention: Mrs. Diana Rusnov  
City Clerk

**Re: Official Plan and Zoning By-law Amendment Application OZ 15/006 W7  
South-west quadrant of Burnhamthorpe Road West and Grand Park Drive  
RioTrin Properties (Burnhamthorpe) Inc.  
3920-3980 Grand Park Drive, Mississauga**

Glen Schnarr & Associates Inc. are the Planning Consultants for RioTrin Properties (Burnhamthorpe) Inc. (RioTrin), owner of the above-noted lands located in the City of Mississauga.

This letter is provided to address the March 8, 2019, report from Cyril Hare & Associates Inc. (the Hare Report) submitted for the March 18, 2019, Planning and Development Committee regarding the above-noted application as a supplement to the Planning Justification Report addendum letter provided by Glen Schnarr & Associates Inc. dated March 25, 2019. It is an attachment to our letter to Council also dated March 25, 2015. For ease of reference we have organized this letter to respond to the key topics raised in the Hare letter by theme.

### **Compatibility of Land Uses**

It is our opinion that the Hare Report mischaracterizes the requirements of the City of Mississauga Official Plan in regard to the application of compatibility requirements applicable to the lands designated Mixed Use and the neighbouring Fielding Property. The Hare Report states that the Mississauga Fire Department, at an unknown point in time, recommended a 300 metre “buffer zone” around Fielding Environmental (Fielding) within which vulnerable premises such as residential premises and schools were not permitted.

As indicated in the Novus Environmental Noise and Air Quality Feasibility Assessment dated July 27, 2015, such a buffer zone was established in the Mississauga Official Plan and this 300-metre area



was reflected in the Fairview District Plan (1997). Further, the Fairview District Plan included mapping illustrating how the 300-metre area was to be measured which clearly illustrated a 300-metre area of influence measured from the centroid of the Fielding property.

As indicated in the Novus Environmental report, the policies of the Fairview Plan are consistent with the current policies of the Mississauga Official Plan.

Policy 16.11.1.1 of the Official Plan indicates that *no new residential development will be permitted within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, until the closure of the plant, or suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government.*

Policy 16.11.1.1 only prohibits new residential development “*within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West*”. As indicated above, the Fairview District Plan included mapping showing the location of the 300 metre influence area referenced in Policy 16.11.1.1. Based on this mapping, the 300 metre distance was measured from the centroid of the Fielding property. This is confirmed on page 4.3 - 5 of the Planning and Building Department Public Meeting Recommendation Report which indicates that “*the proposed residential uses are not within a 300 m (984.3 ft.) influence area from the chemical plant (measured from the centroid).*”

Notwithstanding SGL’s comment, the Guideline D-6 analysis completed by Novus Environmental measured the influence area from the Fielding property line. Regardless of where the influence area is measured from, Guideline D-6 specifically also allows development within the influence area minimum distance when detailed studies show that the applicable air quality and noise guidelines are met, which was done, peer reviewed and accepted by the City for the proposed redevelopment.

Second, there are two exceptions to the prohibition on new residential uses within the area of influence, the first, is a logical and self-evident exception for the closure of the plant and second there is an equally logical exception for a “*suitable clean-up of emissions has been carried out to the satisfaction of the Provincial Government*”.

Based on this exception, the proposed redevelopment also complies with this policy of the Official Plan because Fielding has received Environmental Compliance Certificate No. 8628-9N4QUG from the Province and has therefore addressed the requirement to a “*suitable clean-up of emissions to the satisfaction of the Provincial Government*”.





It is also important to note that, as shown on the attached figure prepared by Novus Environmental, other existing sensitive residential, park and institutional uses previously approved by the City and already constructed are located within the 300 metre area and are closer to Fielding than the proposed redevelopment. These include a:

- 27-storey apartment building at 550 Webb Drive for which a building permit was issued in December 1988;
- Detached dwellings on Italia Circle and Ghandi Way for which building permits were issued in September 1988 and November 1988, respectively;
- West Side Community Church at 3637 Grand Park Drive for which a building permit was issued in June 2001;
- 28-storey apartment building (the Pinnacle Phase 1) at 3985 Grand Park Drive for which a building permit was issued in January 2012; and
- 48-storey apartment building at 3975 Grand Park Drive for which a building permit was issued in July 2015.

A list of the building permits granted to permit the construction of these developments is attached as Appendix “A”. These developments and/or the underlying Official Plan and Zoning permissions that permitted their construction were reviewed and were found to be acceptable by the City of Mississauga. It is therefore clear that City of Mississauga has consistently maintained a 300 metre buffer area surrounding the Fielding Property measured from the centroid of the Fielding Property and not in accordance with the anecdotal statements made in the Hare Report.

In addition, the Planning and Building Department recommendation to approve the current application was based on, among other aspects, a consideration of public health and safety. As indicated on page 4.3 - 42 of the February 22, 2019, Public Meeting Recommendation Report, both the City’s Emergency Management Section and Fire Department reviewed the proposed redevelopment and have no concerns.

In this regard, the Emergency Management Section indicated that Fielding *is required to comply with all relevant legislation during the operation of its recycling facility. Specifically, Fielding Chemical is required to comply with the Environmental Protection Act and Regulations 419 (Air Quality and Emissions) and Regulation 347 (Waste Management). Further, to reduce the risk of any adverse effect to the community arising from Fielding Environmental’s operations with the recycling, manufacture,*



*storage and use of toxic and other hazardous substances, Fielding Chemical is to have in place an "Emergency Response Plan" that staff are trained to implement. This plan is designed to reduce the consequences of an uncontrolled, unplanned or accidental release of hazardous substances into the environment. Maintenance and operating procedures are established to prevent the escape of flammable or combustible liquids to areas where they could create a fire explosion hazard. This is in addition to emergency services provided by the City of Mississauga.*

*The Fire Department indicated that Mississauga Fire have no concerns regarding this development based on the following: The development is outside of the 300 m. separation between Fielding Environmental required by MOP; an approved fire safety plan and emergency procedures have been reviewed and approved for Fielding Environmental; there have been no fire incidents at Fielding Environmental; and, no concerns were identified during the most recent fire safety inspection of Fielding Environmental.*

#### **Anecdotal General Commentary**

We have reviewed the Hare Report and wish to note that the history of fires, spills and incidents included in it are anecdotal and do not provide any systematic scientific evaluation of the proposed redevelopment. Further, the broad brush comments provided in regard to the position of the Mississauga Fire Department on various historical development applications and official plan policies are not substantiated by any reports, minutes, letters or related materials. In addition, the position stated by Mr. Hare is not consistent with the currently available facts including the language of the City of Mississauga Official Plan and the list of building permits granted for projects with sensitive uses located within a 300 metre distance of the property line of the Fielding property but outside of a 300 metre distance of the centroid of the Fielding Property.

We would also note that commentary about general property management items, which have no reference to the application at hand, are not relevant to the consideration of the requested *Planning Act* approvals for the proposed redevelopment, which must be evaluated based on the consistency and conformity with the policies of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City of Mississauga Official Plan in accordance with substantiated technical evaluation.

Based on the above, it is our opinion that the proposed redevelopment can appropriately co-exist with Fielding Environmental. Fielding can therefore continue to operate based on the environmental compliance certificate issued by the Province (No. 8628-9N4QUG), which was issued recognizing the



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

location of the sensitive uses in the area. In addition, a 300 metre buffer area surround the Fielding Property has been consistently maintained regarding the approval of residential development measured from the centroid of the Fielding Property and that considerable residential development has been approved within 300 metres of the Fielding Property line.

In conclusion, and as agreed by the Planning and Building Department, it is our opinion that the proposed redevelopment is consistent with the PPS, and conforms to the GP, Region of Peel Official Plan and the City of Mississauga Official Plan.

If you have any questions or would like to discuss this, please do not hesitate to contact me.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

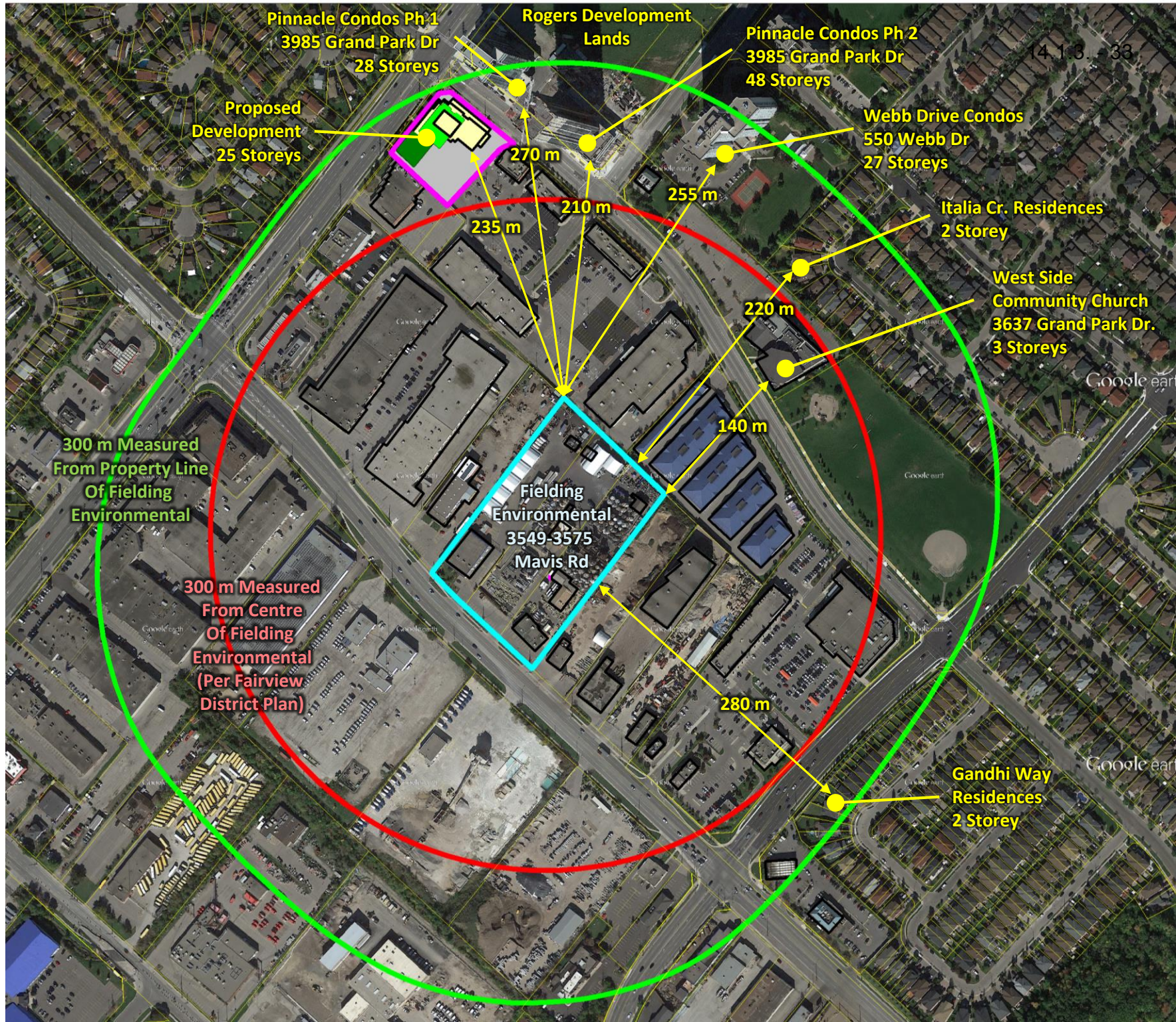


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Glen Broll, M.C.I.P., R.P.P.  
Partner

C: M. Cassin, Planning and Building Department







**Appendix "A"**

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## SCHEDULE “C”

March 25, 2019

The Corporation of the City of Mississauga  
Planning and Building Department  
Development and Design Division  
300 City Centre Drive, 6th Floor  
Mississauga, Ontario  
L5B 3C1

Attention: Mrs. Marianne Cassin, M.C.I.P., R.P.P.  
Manager, Development Central

**Re: Official Plan and Zoning By-law Amendment Application OZ 15/006 W7  
South-West Quadrant of Burnhamthorpe Road West and Grand Park Drive  
RioTrin Properties (Burnhamthorpe) Inc.  
3920-3980 Grand Park Drive, Mississauga**

**Response to Davies Howe and SGL Letters  
Novus File No. 14-0197**

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Novus Environmental Inc. (“Novus”) was retained by RioTrin Properties (Burnhamthorpe) Inc. (“Rio-Trin”) to conduct an environmental noise and air quality feasibility assessment of their proposed 25-storey residential development, to be located at 3980 Grand Park Drive, in Mississauga, Ontario. Our work included a review of Ministry of the Environment, Conservation & Parks (“MECP”) Guideline D-6. Our findings were presented in a series of reports, with the final report (v4) dated December 20, 2017 (the “Novus Report”)

This letter is in response to the March 15, 2019 letter from Davies Howe Partners, counsel for Fielding Chemical Technologies Inc. (“Fielding”), and the March 14, 2019 letter from SGL Planning and Design Inc. (“SGL”) submitted to the Planning and Development Committee regarding the above-noted application and is intended to clarify the issues surrounding the application of Guideline D-6 and then conclusions of the Novus Report further to my comments provided to the City of Mississauga Planning and Development Committee on March 18, 2019.

Specific comments are shown below in italics, with the response immediately following.

## 1.0 Davies Howe Letter

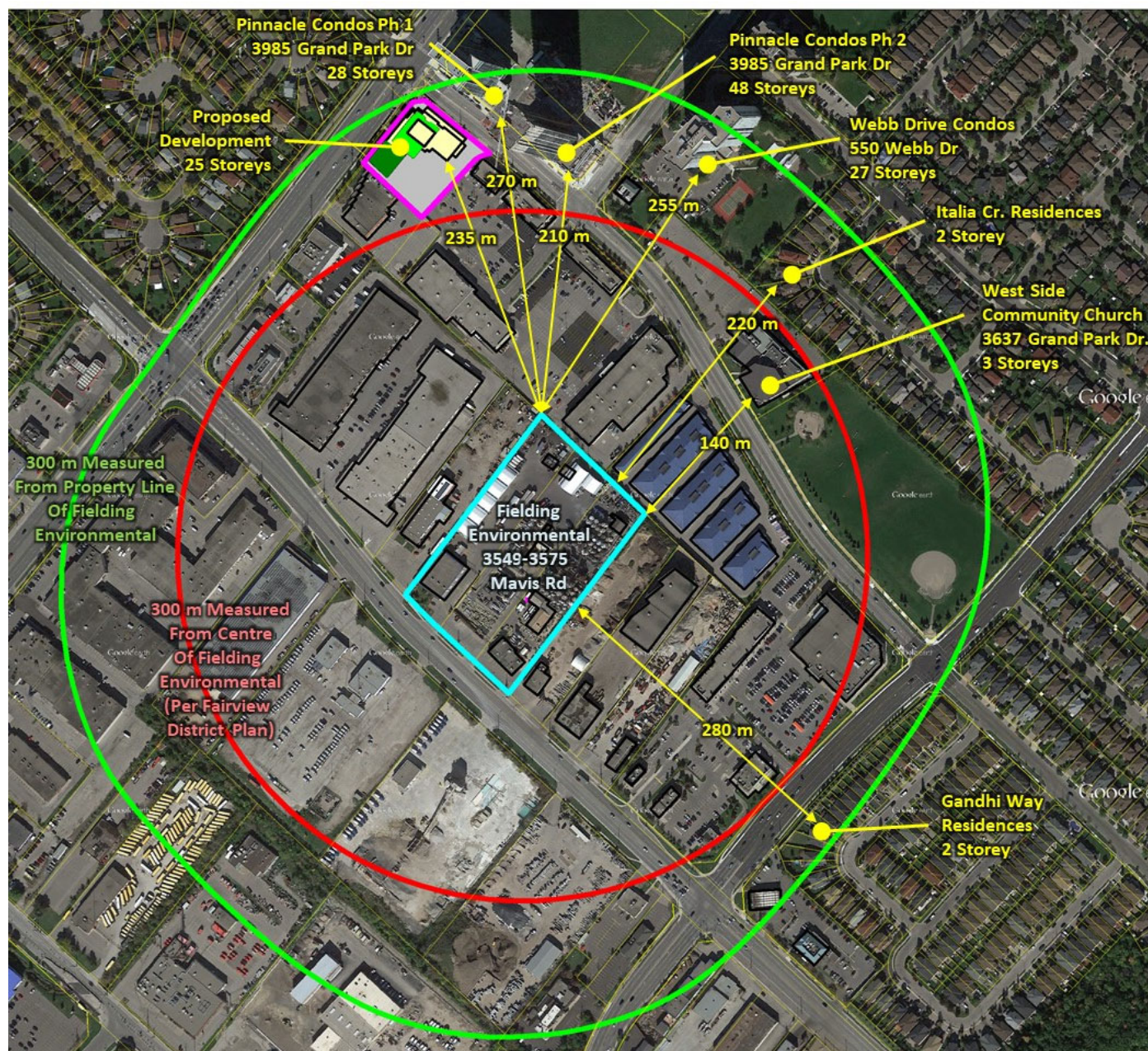
*From a planning perspective, as outlined in the enclosed letter from SGL Planning, the Proposal is not located in an area that is intended for intensification and high-rise development and it is not compatible with the adjacent Fielding facility. Accordingly, reduction of the 300m separation distance requirement prescribed in the Official Plan and the Province's D-Series Guidelines is not justified. It is unclear why staff have determined that residential uses should be prohibited on the balance of this block but the Proposal should proceed.*

The D-series of guidelines were developed by the MECP in 1995 as guidance for recommended separation distances and other control measures for land use planning proposals to prevent or minimize 'adverse effects' from the encroachment of incompatible land uses where a facility either exists or is proposed.

Section 4.10 of the Guideline allows for development within the recommended minimum separation distance, in cases of redevelopment, infilling, and transitions to mixed use, provided that the appropriate studies are conducted and that the relevant air quality and noise guidelines are met. The proposed development area is already designated for mixed use; therefore Section 4.10 of Guideline D-6 applies. Provided that a detailed assessment is conducted and that the relevant MECP guidelines and standards are met, the development can proceed even if it is within the recommended minimum separation distance. The detailed assessments conducted in the Novus Report, which was peer reviewed, conclude that all applicable MECP regulations, guidelines and policies are met. Therefore, from a Guideline D-6 perspective, development within the 300 m recommended D-6 Guideline minimum separation distance is permissible.

Again, this is consistent with the "reality on the ground", in that there are numerous existing sensitive receptors, including high-rise towers, low-rise homes, and churches, within 300 m of the Fielding property line. Please see **Figure 1**.





**Figure 1: Separation Distances From Fielding and Distances to Sensitive Receptors**



*Importantly, the Staff Report contains a critical flaw which affects its conclusions and recommendations. For purposes of Official Plan policy 16.11.1.1, Staff have Incorrectly chosen the centre of the Fielding Site as the measurement for the 300m influence area within which no residential uses are permitted. On this basis, Staff conclude that the Proposal lies outside of the 300m and is not subject to this policy. However, there is nothing in the policy language which directs measurement from this point and staff have provided no justification for doing so. It appears to be a measurement of convenience designed to allow the Proposal to proceed.*

*The Ministry of Environment, Conservation and Parks ("MOE") D-6 Guidelines establish that the measurement of the minimum separation distance to be applied when locating sensitive uses near industrial uses should be made from the property line. As noted in the Staff Report, the Proposal falls within 300m from the Fielding Site's property line.*

The measurement of a 300 m recommended minimum separation from the center of the Fielding property was established in the Fairview District Plan which was adopted in 1997, two years after the publication of MECP Guideline D-6. The current Mississauga Official Plan ("the OP") adopts the language of the Fairview District Plan but did not include the specific map. Regardless, it is reasonable to assume that the current OP restrictions and the location from where the 300 m separation should be measured, should be based on the site-specific 1997 Fairview plan, rather than the older, generic 1995 Guideline D-6. This interpretation is also consistent with the "reality on the ground" as there have been numerous building permits granted to construct residential use buildings within 300 metres of the Fielding Property as measured from the property line while the only building permit granted to construct a sensitive use building within 300 metres of the Fielding Property measured from the centroid was the permit granted to construct the West Side Community Church.

Regardless, as discussed above, even measuring from the property line, development within 300 m is allowed, and the requirements of MECP Guideline D-6 are met.

Furthermore, the text of OP Policy 16.11.1 states that:

"16.11.1.1 No new residential development will be permitted within the 300 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, until the closure of the plant, or suitable clean up of emissions has been carried out the satisfaction of the Provincial Government.

16.11.1.2 Owners/developers will be encouraged to advise all prospective purchasers or tenants occupying new residential units within the 600 m influence area of a chemical plant located on Mavis Road, south of Burnhamthorpe Road West, of the possibility of adverse odour emissions."

With regards to Policy 16.11.1.1, note that the 300 m influence area is in effect until either the closure of plant or the "suitable clean up of emissions has been carried out the satisfaction of the Provincial Government". Of note, the 300 m influence area only references *emissions* from

the facility, not other concerns such as fire safety. The 300 m influence area is also temporary; it does not apply if suitable “clean up of emissions” have taken place. It seems reasonable to assume that if it truly was related to fire safety or other concerns, it would not be a temporary requirement.

As the Fielding site operates under an Environmental Compliance Approval (Number 8628-9N4QUG) from the MECP, this “suitable clean up” has taken place. There is no further process to review the “clean-up of emissions” to the satisfaction of the Provincial Government or any other level of government that is required to take place. The relevant Provincial regulations, standards guidelines, and policies are met at both the existing sensitive land uses within 300 m, and at the proposed development. Therefore, the requirements of Policy 16.11.1.1 are met.

With regards to Policy 16.11.1.2, the Novus report recommends the required warning clause. Therefore, the requirements of Policy 16.11.1.2 are met.

Therefore, based on the emissions assessment work which has been conducted in the Novus Report, the requirements of the OP are met, regardless of where the separation distance is measured from.

*Operations at the Fielding Site include outdoor storage of chemicals, which occurs at the property line that it shares with the Development Site. In this case, given the important health and safety risks involved and the fact that hazardous materials are stored outside at the property line, measurement from the property line in accordance with the D-6 Guidelines is appropriate.*

See above. The Novus report did consider measurement from the property line. Development within 300 m of the property line is permissible under both Guideline D-6 and the OP, as the relevant Provincial regulations, standards, guidelines and policies are met.

*Fielding Is particularly concerned with the conclusions of the Novus Reports as noted in the Staff Report that "while adverse air quality and odour impacts may occur, these are deemed not to be unacceptable". We note that Fielding was not consulted in the preparation of these Reports and thus the accuracy of the information respecting the details of Fielding's operations and its potential impacts is not known or confirmed. It is important that Fielding have the opportunity to review these reports and comment on their data and findings before the Committee relies on their findings.*

Discussions were held between Fielding and the applicant in 2017 regarding the application. The Novus assessment is based on detailed information on Fielding operations:

- Obtained from the MECP through a Freedom of Information request; and
- Obtained directly from Fielding staff through discussions during a site visit and subsequent emails, all of which are documented in the Novus Report:

- Freedom of Information (“FOI”) release from MECP on Fielding approvals, operations, and complaint history, received May 5, 2015.
- September 7, 2017 tour of the Fielding site and discussion with Fielding staff, on the development application and Fielding facility operations.
- Fielding’s Emissions Summary and Dispersion Modelling (“ESDM”) Summary Table, received from Mr. Sean Barnett of Fielding, September 20, 2017.
- Confirmation via email from Mr. Barnett that the EDSM summary data provided should be used in our assessment, received October 30, 2017.

The Novus report was filed with the application in December 2017 and is a public document which could have been requested from the City at any time.

The Novus report does not conclude that there will be adverse air quality and odour. On the contrary, it concludes that adverse air quality, odour and noise impacts are not anticipated. This is consistent with the experience of existing sensitive receptors in the area.

*Fielding operates on the basis of an Environmental Compliance Approval ("ECA") issued by the MOE. The introduction of new sensitive uses in close proximity to the Fielding Site, threatens Fielding's ability to continue to comply with its ECA. It also limits Fielding's ability to expand or change its operations or facilities in such a way that would require a new or amended ECA, thus limiting Fielding's ability to grow, innovate and thrive as a business.*

*The threat to Fielding's ability to comply with its ECA is highlighted in the Staff Report which notes that the conclusions of the Novus Report indicate that "the proposed development may be subject to occasional odour complaints". If such complaints are in fact made and Fielding is found to be out of compliance with its ECA as a result, it would be Fielding's responsibility to bring its operation into compliance considering the newly added residential uses and likely at significant cost to Fielding or even potential loss of business if on-site mitigation measures are not feasible.*

Fielding’s ability to expand and alter its operations are already constrained by the presence of existing sensitive receptors in the area, many of which are in fact closer to Fielding than the proposed development. See **Figure 1**. If Fielding’s future operations meet the applicable MECP criteria at the existing receptors, then they will also be met at the proposed development. The proposed development does not result in any additional burdens to Fielding with respect to obtaining or maintaining their Environmental Compliance Approval.

Fielding’s ability to expand is also constrained by the OP. Section 16.11.2 deals with special site policies. Site 1, discussed in Policy 16.11.2.1 deals with the area of land including the subject property at 3980 Grand Park Drive site; as well as the commercial / industrial lands to the east and south, including the Fielding facility. Policy 16.11.2.1.2(g) states:

“a. The Mixed Use designation permits a mix of office, commercial and high density residential uses on this site;

...

“g. The lands may be used for the industrial operations and related accessory uses **in existence** at the time this policy comes into effect (2007 September 10). **Minor Alterations or additions to existing facilities, buildings and structures will be permitted.**” [emphasis added]

## 2.0 SGL Letter

*In our opinion, the proposed development by RioTrin is not consistent and does not conform to these principles and policies of the PPS and Growth Plan, in that the development could threaten the successful and continued operation of Fielding Environmental and its ability to operate in compliance with its Environmental Compliance Approval (“ECA”) through the introduction of new residents in proximity to the existing industrial operation.*

As discussed above, the proposed development does not affect Fielding’s ability to obtain/maintain its Environmental Compliance Approvals. Fielding’s ability to alter or expand its operations are already constrained by the presence of numerous existing sensitive receptors, many of which are closer than the proposed development. As shown by the Novus Report, provided the applicable Provincial regulations, standards, guidelines and policies are met at these existing receptors, then they will continue to be met at the proposed development. Therefore, the proposed development does not place any additional compliance burdens on Fielding.

*Given the nature of the existing industrial use on the Fielding Environmental site, and given that the proposed residential development is located at a distance less than the minimum required separation distance, I am informed by the report prepared by Fielding’s Fire and Life Safety Consultant, Cyril Hare, that this presents a concern to Fielding Environmental and to the City with respect to the ability to ensure and provide for appropriate levels of public health and safety. As such, it is our opinion that the proposal is not consistent with the public health and safety policies of the PPS.*

As detailed above, the distances outlined in Guideline D-6 are “*recommended* minimum separation distances”, not strict requirements. Development within the 300 m recommended minimum separation distance is allowed. The recommended minimum separation distance is based on emissions only, and not fire safety issues. Those have been addressed through Mississauga Fire.

*As such, the D-6 Guidelines require a 300-metre minimum separation distance between Fielding Environmental and any proposed sensitive residential use measured from the property line in order to ensure compatibility. The subject property falls within this minimum separation distance from the Fielding site. To date, Fielding is not satisfied that the impact assessment that*

*has been conducted satisfactorily addresses potential adverse impacts and provides sufficient justification for the reduction in separation distance.*

See above. The D-6 guidelines *recommend* a minimum separation distance; it is not a requirement. The D-6 guidelines specifically allow development within the 300 m minimum separation distance, provided the applicable Provincial guidelines are met, which is the case at both existing, closer sensitive land uses and the proposed development.

### 3.0 Closing

We trust that the above is helpful in clarifying the issues. Should you have any questions or comments, please feel free to contact me.

Sincerely,

**Novus Environmental Inc.**



R. L. Scott Penton, P.Eng.  
Principal / Specialist