
Planning and Development Committee

Date

2016/06/27

Time

1:30 PM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members

Councillor George Carlson	Ward 11 (Chair)
Mayor Bonnie Crombie	
Councillor Jim Tovey	Ward 1
Councillor Karen Ras	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor John Kovac	Ward 4
Councillor Carolyn Parrish	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Matt Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10

Contact

Stephanie Smith, Legislative Coordinator, Legislative Services
905-615-3200 ext. 3795
stephanie.smith@mississauga.ca

Find it Online

<http://www.mississauga.ca/portal/cityhall/planninganddevelopment>

PUBLIC MEETING STATEMENT: In accordance with the *Ontario Planning Act*, if you do not make a verbal submission to the Committee or Council, or make a written submission prior to City Council making a decision on the proposal, you will not be entitled to appeal the decision of the City of Mississauga to the Ontario Municipal Board (OMB), and may not be added as a party to the hearing of an appeal before the OMB.

Send written submissions or request notification of future meetings to:

Mississauga City Council
c/o Planning and Building Department – 6th Floor
Att: Development Assistant
300 City Centre Drive, Mississauga, ON, L5B 3C1
Or Email: application.info@mississauga.ca

1. CALL TO ORDER
2. DECLARATION OF CONFLICT OF INTEREST
3. MINUTES OF PREVIOUS MEETING - June 13, 2016
4. MATTERS TO BE CONSIDERED
 - 4.1. Sign Variance Application 16-00319 (Ward 5) - Sign By-law 0054-2002, as amended
 - 4.2. **RECOMMENDATION REPORT** (All Wards)
Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines - Report on Comments
File: CD.01-MIS
 - 4.3. **INFORMATION REPORT** (Ward 5, 6 and 11)
Proposed Amendments to Aircraft Noise Policies in Mississauga Official Plan
File: EC.07-AIR
 - 4.4. **INFORMATION REPORT** (All Wards)
Affordable Housing Program: Public Land for Housing First
File: CD.06.AFF
 - 4.5. **INFORMATION REPORT**
Affordable Housing Program: Rental Housing, Opportunities
File: CD.06.AFF
 - 4.6. **INFORMATION REPORT**
Amended Boulevard Treatment Expansion for Rights-of-Ways within areas of the City of Mississauga
File: CD.03.STE

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- 4.7. Execution of Development Agreement as a Condition of Consent at 3160 Derry Road East, south side of Derry Road East, west of Professional Court
Owner: Magellan Aerospace Limited
File: B21/15 (Ward 5)
5. ADJOURNMENT

City of Mississauga

Corporate Report



Date: 2016/06/07

To: Chair and Members of Planning and Development Committee

From: Ezio Savini, P. Eng, Chief Building Official

Originator's files:
BL.03-SIG (2016)Meeting date:
2016/06/27

Subject

Sign Variance Application 16-00319 (Ward 5) - Sign By-law 0054-2002, as amended

Recommendation

That the following Sign Variance **not be granted**:

- a) Sign Variance Application 16-00319
Ward 5
Campus of Lambton Community College
121 Brunel Rd.

To permit the following:

- (i) One (1) fascia sign erected on the second storey of a building.

Background

The applicant has requested a variance to the Sign By-law to permit the installation of a fascia sign on the second storey of the south elevation. The Planning and Building Department staff has reviewed the application and cannot support the request. As outlined in Sign By-law 0054-2002, the applicant has requested the variance decision be appealed to the Planning and Development Committee.

Comments

The property is located on the north side of Brunel Rd., east of Whittle Rd. The applicant is proposing the installation of a fascia sign on the second storey of the building whereas Sign By-law 0054-2002, as amended, prohibits fascia signs above the first storey.

Although there is an existing fascia sign on the first storey of the building, there is sufficient space to accommodate a second fascia sign on the first storey, within the provisions of the Sign By-law. Planning and Building staff has requested the applicant locate the proposed sign on the

first storey adjacent to the existing sign to create a consistent sign band on the first storey. Approving signage on the second storey would set an undesirable precedent in the area and deviate from the general intent of the Sign By-law. As a result, the variance request cannot be approved.

The applicant has found the request to locate the fascia sign on the first storey unacceptable and has requested the variance decision be appealed to the Planning and Building Committee.

The applicant has also made reference to the existence of a second storey fascia sign on the adjacent property, 111 Brunel Rd. As a result of an investigation of the property, a Notice of Contravention has been issued to the business and property owner to remove the sign for non-compliance with the Sign By-law.

Financial Impact

None.

Conclusion

Allowing the requested variances would set an undesirable precedent for sign displays above the first storey of a building and deviate from the intent of the Sign By-law.

Attachments

Appendix 1: Location and elevations of the proposed fascia sign.



Ezio Savini, P. Eng, Chief Building Official

Prepared by: Darren Bryan, Supervisor Sign Unit



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

June 13, 2016

FILE: 16-00319

RE: Campus of Lambton Community College
 121 Brunel Road - Ward 5

The applicant requests the following variances to Section 17 of Sign By-law 0054-2002, as amended.

Section 17(3)	Proposed
A fascia sign shall be erected no higher than the upper limit of the first storey of a building.	One (1) fascia sign erected on the second storey of a building.

COMMENTS:

The applicant has proposed a fascia sign on the second floor of the building at the above-noted address which is not permitted in the Sign By-law. Although there is an existing fascia sign on the first storey of the building, there is sufficient space to accommodate a second fascia sign on the first storey, within the provisions of the Sign By-law. We have asked the applicant to consider this option and they have refused to do so. We are therefore recommending that the application be refused.

The applicant has noted the existence of a second storey fascia sign on the adjacent property to the west, located at 111 Brunel Road. We have investigated and confirmed that the second storey fascia sign was installed without a permit.

Darren Bryan

From: Shan Muralee <pfinfo@bellnet.ca>
Sent: 2016/05/28 1:47 PM
To: Darren Bryan
Subject: Fw: SGNBLD 16-319 - Appeal to meet the committee

Importance: High

Mr. Darren Bryan
Supervisor, Sign Unit
Planning and Building Department
City of Mississauga

Dear Mr. Bryan

As per our conversation, we would like to make an appeal regarding one of our sign to be placed on the second storey of the building.

We have applied for a minor variance to put one of our sign on the second storey.

We would like to meet the committee to explain the need of the sign on second floor, earliest possible.

Thank you for considering our appeal.

Regards

Thank you

Please confirm the receipt of this email.

Shan Muralee

Accountant / FAA

Queen's College of Business, Technology & Public Safety
4646 Dufferin St., Unit 2 TORONTO ON M3H 5S4
Tel: (416) 480-1545 Fax: (416) 480-0772
E-mail: pfinfo@bellnet.ca



POLICE FOUNDATIONS DEPARTMENT

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TEL: (416) 480-1545 • 1-866-5-POLICE • FAX: (416) 480-0772 • E-mail: pfinfo@bellnet.ca

Website: www.queenscollege.ca

City of Mississauga
Planning and Building Department, Sign Unit
300 City Centre Drive
MISSISSAUGA ON L5B 3C1

April 14, 2016

Dear Sir/Madam

Application for Minor Variance on a Fascia Sign – SGNBLD 16-319

We are requesting a minor variance review on our sign application as one of the two signs goes above the first floor. As per by Law it is not permitted. As we have two different signs and each sign should have the same effect on. We are Going to be a Campus of Lambton Community College, and we are a private career college ourselves.

Please review our variance application and give us permission to display the signs. We are giving all the permission to go and check the site if needed.

If you have any questions, please contact us.

The variance application will be submitted by our Accountant – Mr. Shan Muraleethaaran . we giving him full authority to act as our agent.

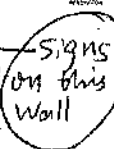
Thank you

Regards

A handwritten signature in black ink, appearing to read 'Jennifer Zhang'.

Jennifer Zhang

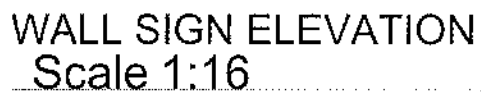
Director
Queen's College of Business, Technology & Public Safety
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www.policefoundations.org
www.queenscollege.ca



LWT REFERENCE

75-36	CIVILIAN
75-37	MURKIN INVESTIGATION
75-38	BALFOUR DEBRO DUN
75-39	PROVEN COMPANIES, FINE MAN
75-40	FURNITURE, JAW
75-41	INTERVIEW :
75-42	DONORSHIP, H.F. BROWN
75-43	PRESIDENT :

[illegible]



121 BRUNEL ROAD
MISSISSAUGA



Drawing Prepared By _____

Date: _____

GeoPlast Signs

190 Samuel Street
Sarnia, Ontario
N7T 2Y1
(519) 336-4522

This Drawing is the property of GeoPlast Signs and must be returned. It is not intended for duplication without proper authorization.

City of Mississauga

Corporate Report



Date: 2016/06/07

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's files:
CD.01-MIS

Meeting date:
2016/06/27

Subject

Recommendation Report (All Wards)

Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines - Report on Comments

File: CD.01-MIS

Recommendation

That the amendments to Mississauga Official Plan proposed in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines – Report on Comments", dated June 7, 2016, from the Commissioner of Planning and Building, be approved.

Background

On March 21, 2016, a public meeting of the Planning and Development Committee was held to consider the above noted amendments to Mississauga Official Plan (MOP).

Comments

No member of the public was in attendance at the Planning and Development Committee meeting to speak to this item. Further, no written comments were received by the Planning and Building Department. As such, the proposed amendments as outlined in the report dated March 1, 2016 should be approved.

Financial Impact

Not applicable.

Conclusion

There are no changes proposed to the draft MOP policies presented in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and

Planning and Development Committee

2016/06/27

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Originators files: CD.01-MIS

railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.

Attachments

Appendix 1: Corporate Report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Angela Dietrich, Manager, Policy Planning

City of Mississauga

PDC

MAR 21 2016



Corporate Report

MISSISSAUGA

Date: March 1, 2016

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's files:
EC.19.ENV

Meeting date:

March 21, 2016

Subject

Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines

Recommendation

1. That a public meeting be held to consider the proposed amendments to Mississauga Official Plan (MOP) contained in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.
2. That 142-148 Queen Street South be classified as a Class 4 area in accordance with the Environmental Noise Guideline, NPC-300.

Report Highlights

- Amendments are required to update MOP policy to align with two updated guidelines released in 2013: "Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning, Publication NPC-300" (NPC-300); and "Guidelines for New Development in Proximity to Railway Operations";
- The new Class 4 area classification in NPC-300 has less stringent noise level limits for proposed new development in proximity to existing stationary noise sources; and
- The use of the Class 4 area classification is recommended for 142-148 Queen Street South under the discretion given to municipalities to do so under NPC-300.

Background

Mississauga Official Plan (MOP) includes policies pertaining to stationary and transportation noise sources and noise mitigation through site and building design, as well as rail safety setbacks. These policies are directly impacted by two new guidelines released in 2013:

1. The Ministry of the Environment and Climate Change (MOECC) released the "Environmental Noise Guideline: Stationary and Transportation Sources – Approval and

Planning, Publication NPC-300" (NPC-300)¹, consolidating and replacing four separate noise-related guidelines²; and

2. The Federation of Canadian Municipalities (FCM) and Railway Association of Canada (RAC) released the "*Guidelines for New Development in Proximity to Railway Operations*" (Railway Proximity Guidelines). The new guidelines replace and build on the FCM/RAC Proximity Guidelines and Best Practices Report (2004).

NPC-300 Class 4 Area

Of greatest interest is the MOECC's introduction of a new noise classification area (Class 4) in NPC-300, in relation to stationary noise sources. The use of Class 4 enables development of noise sensitive land uses (e.g. residential) in areas that would otherwise not be developable due to existing stationary noise sources, thereby potentially aiding in municipal intensification efforts.

The intent of the Class 4 classification is principally to protect established industries from development encroachment that would impact their future viability and ability to operate under their Environmental Compliance Approval (ECA) certificate. However, this intent does not preclude the use of Class 4 in areas with other stationary noise sources (e.g. rooftop equipment on a commercial building).

Stationary noise sources include facilities such as commercial and industrial facilities, warehousing and truck terminal facilities and works yards. Stationary sources are usually comprised of many sources of sound from various activities and equipment such as heating, ventilation and air conditioning (HVAC) equipment, fans and blowers, boilers and furnaces, routine loading and unloading activity and on-site movement of trucks and trailers.

The development of noise sensitive uses near stationary noise sources was precluded or extremely difficult to put into effect under the previous guidelines with only the below three area classifications:

- Class 1 (urban area) generally refers to "urban hum", where an acoustical environment is dominated by activities of people, usually road traffic;
- Class 2 (suburban area) is the same as Class 1 but has lower evening and night background sound; and
- Class 3 (rural area) refers to areas dominated by natural sounds and having little to no road traffic.

NPC-300 retains these three noise classifications and introduces the Class 4 classification, as defined in Appendix 1.

Compared to noise limits in a Class 1 area, Class 4 limits allow for higher noise levels - 5 dBA higher in outdoor areas and 10 dBA higher at window panes (plane of window). Meeting the Class 4 stationary sound level limits are based on the assumption of closed windows, necessitating a ventilation system (e.g. central air conditioning) at the noise sensitive receptor location. The previous MOECC guidelines did not recognize closed windows and a ventilation

¹ "NPC" is the acronym for Noise Pollution Control.

² *Publication LU-131 – Noise Assessment Criteria in Land Use Planning*. October 1997; *Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*. October 1997; *Publication NPC-205 – Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)*. October 1995; *Publication NPC-232 – Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)*. October 1995.

system as an acceptable means of mitigation for stationary noise exceedances, regardless of the classification.

Comments

Although ambient noise levels are part of living in an urban environment, excessive noise levels can adversely impact quality of life and, in extreme circumstances, public health. The most common source of noise complaints in Mississauga is from aircraft and motorized vehicles on highways and local roadways. Rail and industrial activities are also a source of noise in the city.

As the city continues to develop and intensify, particularly with mixed uses, noise will continue to be of concern. Special attention must be given to land use compatibility and the incorporation of noise attenuation methods.

MOP noise-related policies discourage sound barriers and encourage mitigation at the sound source. Where sound cannot be mitigated at its source, noise abatement measures such as appropriate site planning, spatial separation, and building design techniques are preferred, wherever possible.

This report proposes MOP policy amendments and new MOP policy that is mindful of the City's noise context and noise mitigation approach. The purpose of this report is twofold:

- to address the Class 4 area classification and recommend a related MOP policy; and
- to identify minor amendments required to the MOP policy to align with the new regulations identified above.

Potential Use of Class 4 in Mississauga

The use of the Class 4 area classification may enable development of noise sensitive land uses (e.g. residential) in transition areas where the City wants redevelopment to occur, such as in Intensification Areas. It is not expected that there will be a significant need to use Class 4, particularly since Intensification Areas that allow for residential uses are mostly separated from Business Employment and Industrial designated areas where stationary noise sources would more typically be found. However, there may be circumstances where older development in Intensification Areas may have noise that is difficult to mitigate and the use of Class 4 may be an appropriate solution, recognizing that the noise source may eventually be eliminated through redevelopment. It should be noted, that existing noise sensitive uses cannot be made Class 4, unless replaced, redeveloped or rebuilt.

New Policy – Class 4 Area

NPC-300 delegates authority for the use of the Class 4 area classification to the municipality. With noise policies in MOP that reference the applicable Provincial Government environmental noise guideline, the City has the authority to use the Class 4 classification now, without the requirement for new, implementing MOP policy. Similar to the Class 1, 2 and 3 area classifications, the use of Class 4 would be determined through the development review process and the development agreement would reference the Class 4 classification.

However, allowing for sensitive land uses in proximity to existing stationary noise sources should be approached cautiously and used only in exceptional circumstances. Applicants should make every effort to mitigate noise before a Class 4 classification would be considered.

Staff recommend a new MOP policy to provide clarity and transparency regarding the use of the Class 4 classification, the conditions for considering the use of Class 4 and the need for Council approval, as outlined in Appendix 2 (Policy 6.10.1.6).

In the interim, staff will consider Class 4 requests on a case-by-case basis and with the requirement of Council approval.

142-148 Queen Street South

Staff were in the process of reviewing the use of the Class 4 when a request to be classified as Class 4 was received from the property owner of 142-148 Queen Street South, who is seeking to develop a three-storey mixed-used building on the property. Through the review of the Site Plan Application (file SP 13/026 W11), it was found that a rooftop mechanical unit on the adjacent plaza at 136 Queen Street South created a noise source that exceeds the criteria. Staff have reviewed on-site and at-source mitigation options and concluded that these were not acceptable or desirable. In this instance, a Class 4 classification would be appropriate as the proposed development is consistent with MOP. It is recommended that the property be classified as Class 4 under the discretion given to municipalities to do so under NPC-300 and that appropriate advisory clauses be registered on title.

Other Amendments

The existing MOP policies and figures need to be updated to align with NPC-300 and the Railway Proximity Guidelines. The proposed minor amendments are outlined in Appendix 2 and figure modifications in Appendix 3. The amendments generally include:

- standardized reference to the Provincial Government environmental noise guideline;
- terminology updates;
- reference to industry best practices;
- noise influence area updates for Noise Impact Study requirements near rail lines; and
- a railway specific policy.

Future Noise Policy Amendments

Staff are working on policy amendments specific to aircraft noise within the Airport Operating Area and will bring these forward to Council in the near future.

Strategic Plan

Under the strategic pillars, Connect: Completing Our Neighbourhoods and Green: Living Green, the Strategic Plan identifies the need to develop walkable, connected neighbourhoods and nurture the health of people and the environment. The use of the current environmental noise guidelines and railway proximity guidelines helps to protect growing communities from stationary and transportation noise sources, and provides appropriate development mitigation measures for safety in proximity to railways.

Financial Impact

Not applicable.

Conclusion

MOP policies need to be updated to align with the current environmental and railway proximity guidelines. A public meeting should be held to consider the proposed amendment.

Attachments

Appendix 1: Noise Classification Areas

Appendix 2: Proposed Mississauga Official Plan Amendments, Chapter 6

Appendix 3: Proposed Mississauga Official Plan Figure Updates, Chapter 6



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Interagency Planner

APPENDIX 1 – NOISE CLASSIFICATION AREAS	
Noise Classification	Definition
Class 1 area (urban areas)	Means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum”.
Class 2 area (suburban areas)	Means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas: <ul style="list-style-type: none"> • Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and • Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).
Class 3 area (rural areas)	Means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as: a small community; agricultural area; a rural recreational area such as a cottage or a resort area; or a wilderness area.
Class 4 area (intensification areas)	Means an area or specific site that would otherwise be defined as Class 1 or 2 and which: <ul style="list-style-type: none"> • Is an area intended for development with new noise sensitive land use(s) that are not yet built; • Is in proximity to existing, lawfully established stationary source(s); and • Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process. <p>Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.</p>

Noise Classification Areas (adapted from Environmental Noise Guideline, Publication NPC-300)

APPENDIX 2 - PROPOSED MISSISSAUGA OFFICIAL PLAN AMENDMENTS

* Amendment Key: Deletions are shown as ~~effikeets~~; additions are *italicized and underlined*.

POLICY/SECTION	ISSUE	RECOMMENDATIONS TO AMEND MISSISSAUGA OFFICIAL PLAN (MOP)
Chapter 6 – Value the Environment		
6.10.1 Stationary Noise		
6.10.1.2	Align with new NPC-300 Environmental Noise Guideline	That Policy 6.10.1.2 be amended as follows: Industrial, commercial or utility development will not be permitted where the noise transmitted to existing or proposed residential areas, or other noise sensitive use, exceeds the mitigated outdoor and plane of window noise criteria established by the <u>applicable</u> Provincial Government <u>environmental noise guideline</u> .
6.10.1.3	Align with new NPC-300 Environmental Noise Guideline	That Policy 6.10.1.3 be amended as follows: The sound levels anticipated on the site of a proposed development will be established on the basis of a <u>the</u> predictable <u>worst case noise impact from the stationary source(s)</u> " worst case " scenario using only methods acceptable to the <u>in accordance with the applicable</u> Provincial Government <u>environmental noise guideline</u> .
6.10.1.4 6.10.1.5	Align with new NPC-300 Environmental Noise Guideline	That the last sentence of Policy 6.10.1.4 and Policy 6.10.1.5 replace "Ministry of the Environment" with "Provincial Government environmental", as follows: ...Ministry of the Environment <u>Provincial Government environmental</u> noise guideline.
NEW 6.10.1.6	Align with new NPC-300 Environmental Noise Guideline	That the following Policy be added to Section 6.10.1, Stationary Noise: <u>6.10.1.6 The use of the Class 4 area classification, as specified in the applicable Provincial Government environmental noise guideline, is at the City's discretion. The introduction of a Class 4 area will require Council approval.</u>

		<p><u>a. The use of Class 4 will only be considered where it can be demonstrated that:</u></p> <ul style="list-style-type: none"> • <u>the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;</u> • <u>the development proposal for a new noise sensitive use does not impair the long term viability and operation of an employment use;</u> • <u>it is in the strategic interest of the City, furthers the objectives of Mississauga Official Plan and supports community building goals; and</u> • <u>all possible measures of noise attenuation have been assessed for both the proposed development site and the stationary noise source, including, but not limited to, building design and siting options for the proposed new noise sensitive use;</u> <p><u>b. Notwithstanding the above conditions, the use of Class 4 will receive more favourable consideration if the stationary noise source is a temporary situation and it is expected that the stationary noise source will be removed through future redevelopment; and</u></p> <p><u>c. Mississauga will require that prospective purchasers be notified that the building is located in a Class 4 area and informed of any agreements as may be required for noise mitigation. A noise warning clause shall be included in agreements that are registered on title, including condominium disclosure statements and declarations.</u></p>
6.10.3 Road Noise		
6.10.3.1	Terminology amendment	<p>That Policy 6.10.3.1 be amended as follows:</p> <p>Where residential and other land uses sensitive to noise are proposed in close proximity to Provincial Highways, it may be necessary to mitigate noise impact, in part, by way of subdivision <u>building and site design</u>. A Noise Impact <u>An Acoustic Feasibility Study</u> will be submitted prior to approval in principle of such land uses located within 50 m of arterial and</p>

		major collector rights-of-way and within 100 m of a Provincial Highway right-of-way, or as required by the City or Region.
6.10.3.2	Align with new NPC-300 Environmental Noise Guideline	That Policy 6.10.3.2 be amended as follows: Residential development or development that includes outdoor living areas will not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed limits specified by the applicable Ministry of the Environment <u>Provincial Government environmental noise guideline by 5 dBA or more</u> . A detailed noise study will be required to demonstrate that every effort has been made to achieve the sound level <u>criteria limits</u> specified by the applicable Ministry of the Environment <u>Provincial Government environmental noise guideline</u> , for an outdoor living area <u>(55 dBA or less)</u> , and the noise study shall prove to the satisfaction of the City that the noise level in the outdoor living area, after applying attenuation measures, is the lowest level aesthetically, technically, administratively and economically practical. The attenuated outdoor noise criteria may be exceeded by five dBA if a warning (consistent with Provincial Government Guidelines) regarding noise levels, is provided to prospective residents of the development area. <u>Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 5 dBA.</u>
6.10.3.3	Align with new NPC-300 Environmental Noise Guideline	That the last sentence of Policy 6.10.3.3 replace "Ministry of the Environment" with "Provincial Government environmental", as follows: ... Ministry of the Environment <u>Provincial Government environmental</u> noise guideline.
6.10.3.4	Align with new NPC-300 Environmental Noise Guideline	That the first paragraph of Policy 6.10.3.4 be amended as follows: Where residential and other land uses sensitive to noise are proposed within 500 m of a freeway, 250 m of a provincial highway or 100 m from other roads, development proponents will be required to submit detailed noise studies delineating mitigative noise

		measures required to meet Provincial Government criteria and Region of Peel noise guidelines.
6.10.3.5	Align with new NPC-300 Environmental Noise Guideline	<p>That the last sentence of the first paragraph of Policy 6.10.3.5 replace "Ministry of the Environment" with "Provincial Government environmental", as follows:</p> <p>...Ministry of the Environment <u>Provincial Government environmental</u> noise guideline.</p> <p>That the last sentence of Policy 6.10.3.5 replace "Ministry of the Environment" with "applicable Provincial Government environmental", as follows:</p> <p>...applicable Ministry of the Environment <u>Provincial Government environmental</u> noise guideline.</p>
6.10.4 Rail Noise, Safety and Vibration		
6.10.4.1	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	<p>That Policy 6.10.4.1 be amended as follows:</p> <p>Where residential and other land uses sensitive to noise are proposed in close proximity to rail lines, it may be necessary to mitigate noise impact, in part by way of the <u>subdivision building and site design</u>. A Noise Impact Study will be submitted prior to approval in principle of such lands located within 100 m of a Principal Main Rail Line right-of-way or within 50 m of a Secondary Main Rail Line. Residential development or any development that includes outdoor <u>living areas</u> passive and recreational areas will generally not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed the limits specified by the applicable Ministry of the Environment <u>Provincial Government environmental</u> noise guideline by five dBA or more. A detailed noise study will be required to demonstrate that every effort has been made to achieve the outdoor-sound level criteria <u>limits</u> specified by the applicable Ministry of the Environment <u>Provincial Government environmental</u> noise guideline, <u>for an outdoor living area (55 dBA or less)</u>, and the noise study shall prove to the satisfaction of the City that the noise level in the outdoor living area, after applying attenuation measures, is the lowest level aesthetically, technically, administratively and economically practical. Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative</p>

		<u>reasons would exceed noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 5 dBA.</u>
6.10.4.2	Align with new NPC-300 Environmental Noise Guideline	That the last sentence of Policy 6.10.4.2 replace "Ministry of the Environment" with "Provincial Government environmental", as follows: ... Ministry of the Environment <u>Provincial Government environmental</u> noise guideline.
6.10.4.3	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	That Policy 6.10.4.3 be amended as follows: Mississauga will require that the owner/developer engage a qualified noise consultant to undertake an analysis of noise and vibration and recommend abatement measures as necessary to meet Provincial and Region of Peel Guidelines, <u>industry best practices</u> and the requirements of the applicable rail company, to the satisfaction of the City, where sensitive land uses and other noise or vibration sensitive development that includes sleeping quarters, reading rooms and offices, are proposed within: <ul style="list-style-type: none"> • <u>1000 m of a Freight Rail Yard for noise;</u> • 500 <u>300</u> m of a Principal Main Rail Line for noise; • 250 m of a Secondary Main Line for noise; • <u>150 m of a Principal Branch Line for noise;</u> • <u>75 m of a Secondary Branch Line for noise;</u> • <u>75 m of a Spur Line for noise; and</u> • 400 m of either railway lines for noise; and • 75 m of a <u>rail yard and</u> all rail lines for vibration.
6.10.4.4	Align with new NPC-300 Environmental	That the last sentence of each paragraph of Policy 6.10.4.4 be amended to replace "Ministry of the Environment" with "Provincial Government environmental", as follows: ...applicable Ministry of the Environment <u>Provincial Government environmental</u> noise

	Noise Guideline	guideline.
6.10.4.6	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	That Policy 6.10.4.6 be amended as follows: Development applications for dwellings, significant additions thereto and places of public assembly, will incorporate an appropriate safety setback as determined by the City in consultation with the appropriate railway company, necessary to meet industry best practices and the requirements of the applicable rail company, to the satisfaction of the City. which takes into account berms safety barriers (e.g. berms, walls), topography, intervening structures and the surrounding pattern of development.
Chapter 9 – Build A Desirable Urban Form		
NEW	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	<p>That the following Policy be added to Section 9.5.1 Context:</p> <ul style="list-style-type: none"> <i><u>Proposed development should respect railway operations and lines by way of building and site design and implementation of development mitigation measures as required.</u></i>
Chapter 19 - Implementation		
19.4.5	Terminology amendment and addition	<p>That bullet number 22, under Policy 19.4.5, be amended as follows:</p> <p>19.4.5 Some or all of the following studies, reports and/or documents may be required as part of a complete application submission for an official plan amendment, rezoning, draft plan of subdivision or condominium or consent application...</p>

		<ul style="list-style-type: none"> • Acoustical Feasibility Study (for stationary, road, rail and/or airport noise sources) <p>That a new bullet following bullet number 22, be added as follows:</p> <ul style="list-style-type: none"> • <u>Noise Impact Study (for stationary, road, rail and/or airport noise sources)</u>
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APPENDIX 3 - PROPOSED MISSISSAUGA OFFICIAL PLAN FIGURE UPDATES**Chapter 6 – Value the Environment, Section 6.10 Noise**

That Figure 6-20 be replaced with the following four Figures:

**Outdoors and Plane of Window Sound Level Limits – Stationary Sources,
Steady and Varying Sound**

**Exclusion Limit Values of One-Hour Equivalent Sound Level (L_{eq} , dBA)
Outdoor Points of Reception**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	55
19:00 – 23:00	50	45	40	55

**Exclusion Limit Values of One-Hour Equivalent Sound Level (L_{eq} , dBA)
Plane of Window of Noise Sensitive Spaces**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	60
19:00 – 23:00	50	50	40	60
23:00 – 07:00	45	45	40	55

* L_{eq} – The A-weighted sound level of a steady sound carrying the same total energy in the specified time period as the observed fluctuating sound.

** dBA – The A-weighted sound pressure level. Noise measured in decibels weighted to express loudness as perceived by human hearing.

Figure 6-20: Outdoors and Plane of Window Sound Level Limits – Stationary Sources, Steady and Varying Sound (adapted from Environmental Noise Guideline, Publication NPC-300)

Outdoors Sound Level Limits – Stationary Sources, Impulsive Sound					
Exclusion Limit Values for Impulsive Sound Level (L_{LM} , dBAI) * Outdoor Points of Reception					
Time of Day	Actual Number of Impulses in Period of One-Hour	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 23:00	9 or more	50	50	45	55
	7 to 8	55	55	50	60
	5 to 6	60	60	55	65
	4	65	65	60	70
	3	70	70	65	75
	2	75	75	70	80
	1	80	80	75	85
* L_{LM} – Logarithmic Mean Impulse Sound Level dBAI – The A-weighted sound pressure level of an impulsive sound measured with a sound level meter set to "impulse" response.					

Figure 6-XX: Outdoors Sound Level Limits – Stationary Sources, Impulsive Sound (adapted from Environmental Noise Guideline, Publication NPC-300)

Plane of Window Sound Level Limits – Stationary Sources, Impulsive Sound				
Exclusion Limit Values for Impulsive Sound Level (L_{LM} , dBAI) Plane of Window – Noise Sensitive Spaces (Day/Night)				
Actual Number of Impulses in Period of One- Hour	Class 1 Area (0700-23:00)/ (23:00-07:00)	Class 2 Area (0700-23:00)/ (23:00-07:00)	Class 3 Area (07:00-19:00)/ (19:00-07:00)	Class 4 Area (0700-23:00)/ (23:00-07:00)
9 or more	50/45	50/45	45/40	60/55
7 to 8	55/50	55/50	50/45	65/60
5 to 6	60/55	60/55	55/50	70/65
4	65/60	65/60	60/55	75/70
3	70/65	70/65	65/60	80/75
2	75/70	75/70	70/65	85/80
1	80/75	80/75	75/70	90/85
<p>* L_{LM} – Logarithmic Mean Impulse Sound Level</p> <p>dBAI – The A-weighted sound pressure level of an impulsive sound measured with a sound level meter set to "impulse" response.</p>				

Figure 6-XX: Plane of Window Sound Level Limits – Stationary Sources, Impulsive Sound
(adapted from Environmental Noise Guideline, Publication NPC-300)

Noise Classification	Definition
Class 1 area (urban areas)	Means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum".
Class 2 area (suburban areas)	Means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas: <ul style="list-style-type: none"> • Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and • Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).
Class 3 area (rural areas)	Means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as: a small community; agricultural area; a rural recreational area such as a cottage or a resort area; or a wilderness area.
Class 4 area (intensification areas)	Means an area or specific site that would otherwise be defined as Class 1 or 2 and which: <ul style="list-style-type: none"> • Is an area intended for development with new noise sensitive land use(s) that are not yet built; • Is in proximity to existing, lawfully established stationary source(s); and • Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process. <p>Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.</p>

Figure 6-XX: Noise Classification Areas (adapted from Environmental Noise Guideline, Publication NPC-300)

That Figure 6-23 be replaced with the following Figure:

Outdoor and Indoor Sound Level Limits – Road and Rail			
Type of Space	Time Period	Equivalent Sound Level <i>L_{eq}</i> * (Time Period) (dBA) **	
		Road	Rail
Outdoor Living Areas (OLA)	0700 – 23:00, 16 hours	55	55
Living/dining, den areas of residences, hospitals, nursing homes, schools, daycare centres, etc.	0700 – 23:00, 16 hours	45	40
Living/dining, den areas of residences, hospitals, nursing homes, etc. (except schools or daycares)	23:00 – 7:00, 8 hours	45	40
Sleeping quarters	0700 – 23:00, 16 hours	45	40
	23:00 – 7:00, 8 hours	40	35
Sleeping quarters of hotels/motels	23:00 – 7:00, 8 hours	45	40
Sleeping quarters of residences, hospitals, nursing/retirement homes, etc.	23:00 – 7:00, 8 hours	40	35
General offices, reception areas, retail stores, etc.	0700 – 23:00, 16 hours	50	45
Nursing/retirement homes, theatres, places of religious assembly, libraries	0700 – 23:00, 16 hours	45	40
Individual or semi-private offices, conferences rooms, reading rooms, etc.	0700 – 23:00, 16 hours	45	40
<p>* <i>L_{eq}</i> – The A-weighted sound level of a steady sound carrying the same total energy in the specified time period as the observed fluctuating sound.</p> <p>** <i>dBA</i> – The A-weighted sound pressure level. Noise measured in decibels weighted to express loudness as perceived by human hearing.</p>			
Figure 6-23: Outdoor and Indoor Sound Level Limits – Road and Rail (adapted from Environmental Noise Guideline, Publication NPC-300)			

City of Mississauga

Corporate Report



Date: 2016/06/06

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's files:
EC.07-AIR

Meeting date:
2016/06/27

Subject

INFORMATION REPORT (Ward 5, 6, 11)

Proposed Amendments to Aircraft Noise Policies in Mississauga Official Plan

File: EC.07-AIR

Recommendation

1. That a public meeting be held to consider the proposed amendments to Mississauga Official Plan contained in the report titled "Proposed Amendments to Aircraft Noise Policies in Mississauga Official Plan" dated June 6, 2016, from the Commissioner of Planning and Building.
2. That the report titled "Proposed Amendments to Aircraft Noise Policies in Mississauga Official Plan" dated June 6, 2016, from the Commissioner of Planning and Building, be circulated to the Region of Peel and the Greater Toronto Airports Authority.

Background

Mississauga Official Plan (MOP) has policies pertaining to aircraft noise that set out the restrictions on development within the areas subject to high levels of aircraft noise. These areas are within the Toronto – Lester B. Pearson International "Airport Operating Area" (AOA), as shown on Appendix 1, and include all or parts of these Character Areas:

- Malton Community Node and Neighbourhood;
- Meadowvale Village and East Credit Neighbourhoods;
- Gateway and Airport Corporate Centres; and
- Gateway and Northeast Employment Areas.

The AOA captures all areas above the 30 noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour. These areas are subject to higher noise levels due to their proximity to the airport operations and runways. The NEP/NEF composite noise contours are shown in Appendix 2.

The 2014 Provincial Policy Statement, the Region of Peel Official Plan (ROP) and MOP all restrict the development, redevelopment and infill of new residential and other sensitive land uses in the AOA. Limited redevelopment and infill is permitted for lands below the 35 NEP/NEF composite noise contour and only existing development is permitted above this noise contour. Appendix 3 summaries land use permissions in the AOA.

The recent local area planning process for Malton (MyMalton) has brought the restrictive nature of the aircraft noise policies into question as they are stifling community revitalization opportunities in Malton. That the aircraft noise policies are overly restrictive to development in Malton, was confirmed by a recent environmental noise study conducted in Malton in areas between the 30 and 40 NEP/NEF composite noise contour lines. That study found aircraft noise levels were less than what is reflected by the noise contours.

Outdated policies also exist for the lands within the Meadowvale Village and East Credit Neighbourhoods located in the AOA and identified as “Exempt Area”. The policy refers to applications that may be processed for approval if filed prior to February 1, 1997, a time of greenfield development and subdivision applications. These lands are now fully developed.

Comments

Mississauga is a mature municipality and all future development will consist of redevelopment and infill (with the exception of the Churchill Meadows Designated Greenfield Area and the Ninth Line Corridor lands). While there is little flexibility on building heights in the AOA, there is potential to mitigate aircraft and other transportation noise sources (i.e. road, rail) to meet acceptable sound level limits in accordance with the applicable Provincial Government noise guideline,¹ through building design and siting options. Development density restrictions in the current aircraft noise policies are therefore not necessary if noise can be appropriately mitigated.

Staff have consulted with Peel Region and Greater Toronto Airports Authority (GTAA) staff to amend the aircraft noise policies. The proposed amendments are outlined in Appendix 4. The amendments generally include:

¹ Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning, Publication NPC-300 (August 2013)

- delete outdated policies and consolidate and simplify policies;
- clarify that all future development in the AOA is in the form of redevelopment and infill;
- require that a noise warning clause be included in agreements registered on title;
- change “Exempt Area” terminology to “Exception Area” for the portion of lands within the Meadowvale Village and East Credit Neighbourhood Character Areas that are located in the AOA;
- add the portion of lands in the Malton Community Node and Neighbourhood Character Areas that are located in the AOA, as an “Exception Area”; and,
- provide conditions for allowing residential or other sensitive land uses within the Exception Areas.

Proposed amendments to MOP policies will require approval by the Region of Peel which will require amendment of relevant ROP policies. Regional staff plan to commence the ROP amendment process following the endorsement of the proposed MOP amendments by City Council. As part of the Region’s amendment process, Regional staff will consult with and seek approval from the Province on policy amendments pertaining to airports, particularly with a proposed new policy that removes density restrictions for redevelopment and infill within the AOA, including above the 35 NEP/NEF composite noise contour (see Appendix 4).

Strategic Plan

Under the strategic pillars, “Connect: Completing Our Neighbourhoods” and “Green: Living Green”, the Strategic Plan identifies the need to develop walkable, connected neighbourhoods and vibrant communities, and nurture the health of people and the environment. The proposed aircraft noise policy amendments will provide more opportunity for Malton to revitalize its existing communities through infill and redevelopment. They will also help to protect growing communities from aircraft noise by requiring appropriate noise mitigation in development proposals for residential or other sensitive land uses.

Financial Impact

Not applicable.

Conclusion

The proposed amendments will update the aircraft noise policies and make them more succinct and clear. They will also allow for infill and redevelopment opportunities in Malton, subject to prescribed conditions. A public meeting is required to consider the proposed amendments.

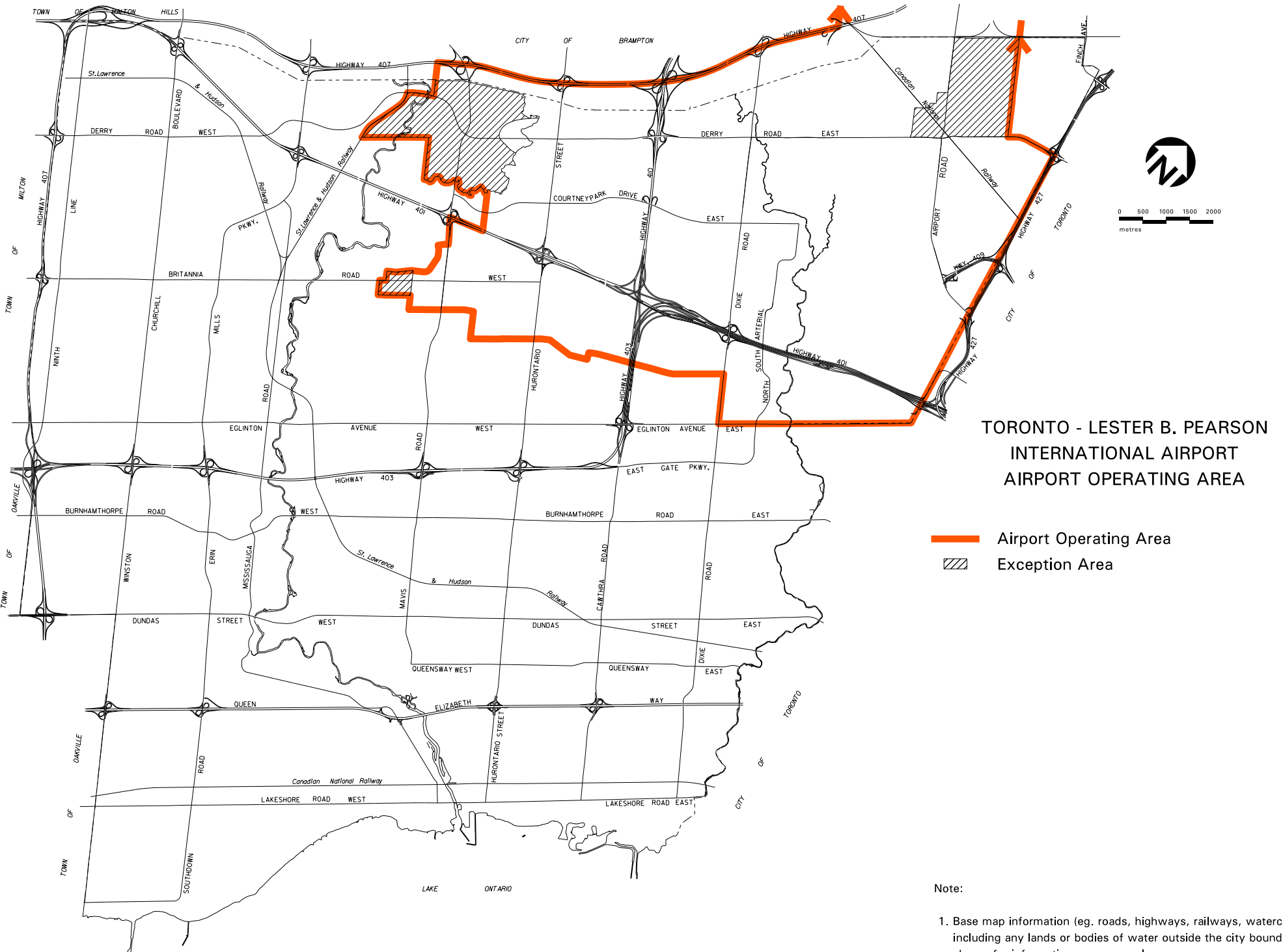
Attachments

- Appendix 1: Airport Operating Area
- Appendix 2: NEP/NEF Composite Noise Contours
- Appendix 3: Land Use Permissions in the Airport Operating Area
- Appendix 4: Proposed Aircraft Noise Policy Amendments

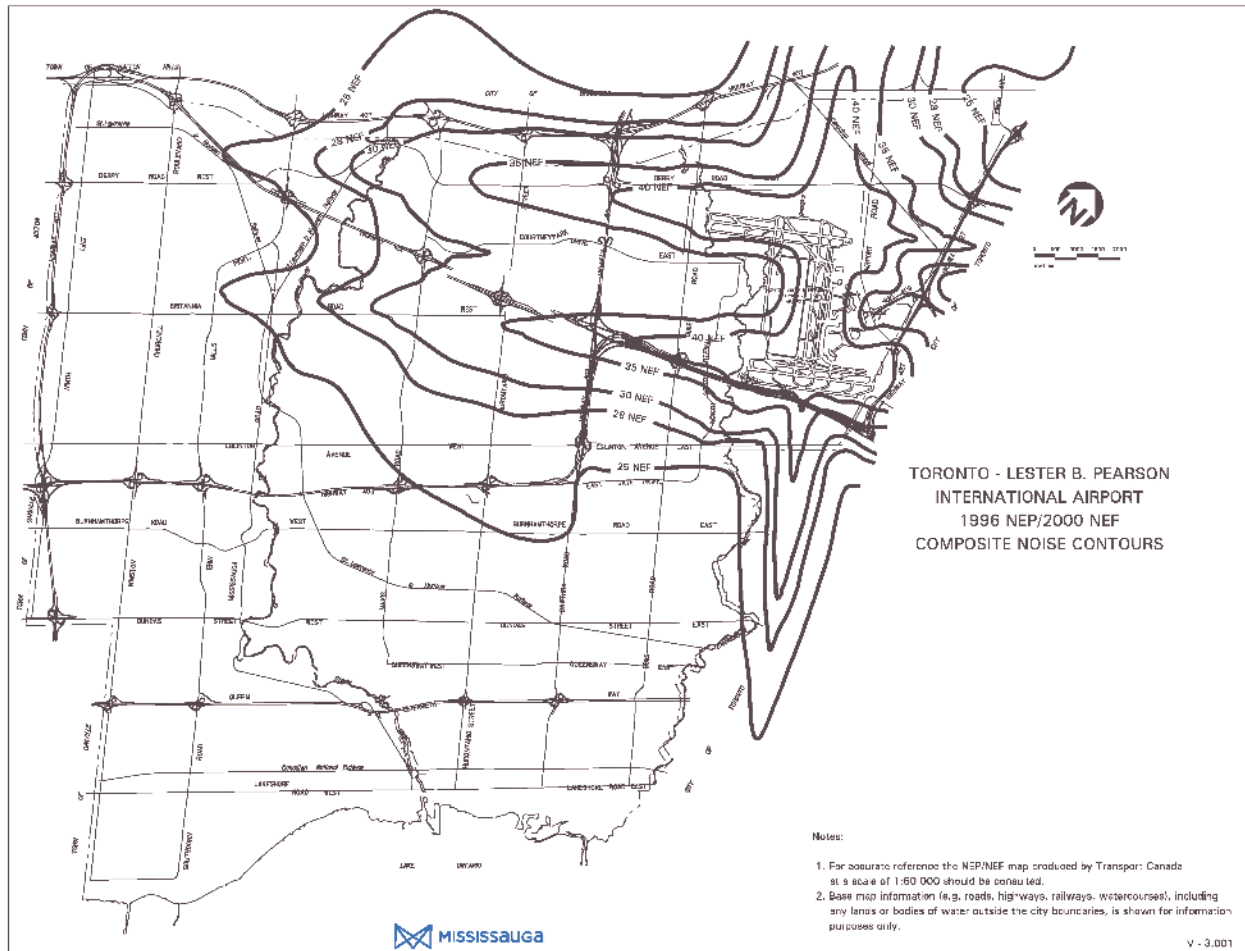


Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Policy Planner



NEP/NEF COMPOSITE NOISE CONTOURS



1996 NEP/2000 NEF Composite Noise Contours

Appendix 3

Land Use Permissions in the Airport Operating Area (AOA)**2014 Provincial Policy Statement**

- Prohibit new residential development and other sensitive land uses in areas near airports above 30 NEP/NEF
- Consider redevelopment or infilling of existing residential uses and other sensitive land uses above the 30 NEF/NEP only if it can be demonstrated that there will be no negative impacts on the long-term function of the airport

Peel Region Official PlanGeneral policy for lands within the AOA

- Prohibit the development, redevelopment and infill of new residential and sensitive land uses
- Direct municipalities to define exceptions

Exceptions for lands below 35 NEF/NEP

Residential:

Exceptions limited to redevelopment and infilling

Other Sensitive Land Uses:

Exceptions limited to redevelopment and infilling

Exceptions for lands above 35 NEF/NEP

Residential:

No exceptions

Other Sensitive Land Uses:

No exceptions

Mississauga Official Plan

General Policy for lands within the AOA

Prohibit new development, redevelopment and infill

- which increases the number of dwelling units beyond that permitted by existing zoning
- of other sensitive land uses (hospitals, nursing homes, daycare facilities and public and private schools)

Exceptions for lands below 35 NEF/NEP

Residential:

Lands within "Exempt Area" (Meadowvale Village and East Credit) allow development, redevelopment and infill subject to conditions

- appropriate airport noise conditions included in approval
- lands designated residential prior to February 1, 1997
- application filed prior to February 1, 1997
- redevelopment and infill has density not greater than the highest density of immediately adjacent existing residential development within the AOA

Lands within Malton allow redevelopment or infilling provided

- it does not significantly increase the number of dwelling units
- density not greater than the highest density of immediately adjacent existing residential development within the AOA

Other Sensitive Land Uses:

Lands within Malton, Meadowvale Village and East Credit may allow redevelopment or infilling on an individual basis.

Lands within Gateway and Airport Corporate Centres allow redevelopment or infilling for daycare if accessory to an employment use.

Exceptions for lands above 35 NEF/NEP

Residential:

No exception policies. As such, only existing uses permitted.

Other Sensitive Land Uses:

No exception policies. As such, only existing uses permitted.

PROPOSED MISSISSAUGA OFFICIAL PLAN AMENDMENTS

Section 6.10, Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by adding the following paragraph to the end of the preamble:

The applicable Provincial Government environmental noise guideline for sound level limits is the Environmental Noise Guideline, Publication NPC 300 or its successor.

Section 6.10.2, Aircraft Noise, Noise, Value the Environment, of Mississauga Official Plan, is hereby deleted and replaced with the following:

6.10.2 Aircraft Noise

There are areas of Mississauga that are subject to high levels of aircraft noise. As a result, policies are required that set out the restrictions on development within the areas subject to high levels of aircraft noise. The policies of this Plan are based on a six runway configuration of the Airport.

6.10.2.1 Lands within the Airport Operating Area as identified on Map 6-1 are developed for a variety of uses including residential, industrial and office. Development in this area consists of redevelopment and infill.



Figure 6-18: Although the Airport contributes to the city's strong economy, some communities are directly affected by the sound levels emitted by the airplanes.

6.10.2.2 Uses listed in Table 6-1 that are located at or above the corresponding 1996 *noise exposure projection (NEP)*/2000 *noise exposure forecast (NEF) contour* as determined by the Federal Government, will require a noise study accounting for all sources of noise as a condition of development. The noise study is to be undertaken by a qualified acoustical consultant in accordance with Provincial Government policy to the satisfaction of the City prior to development approval to determine appropriate acoustic design criteria.

Table: 6-1 Noise Studies

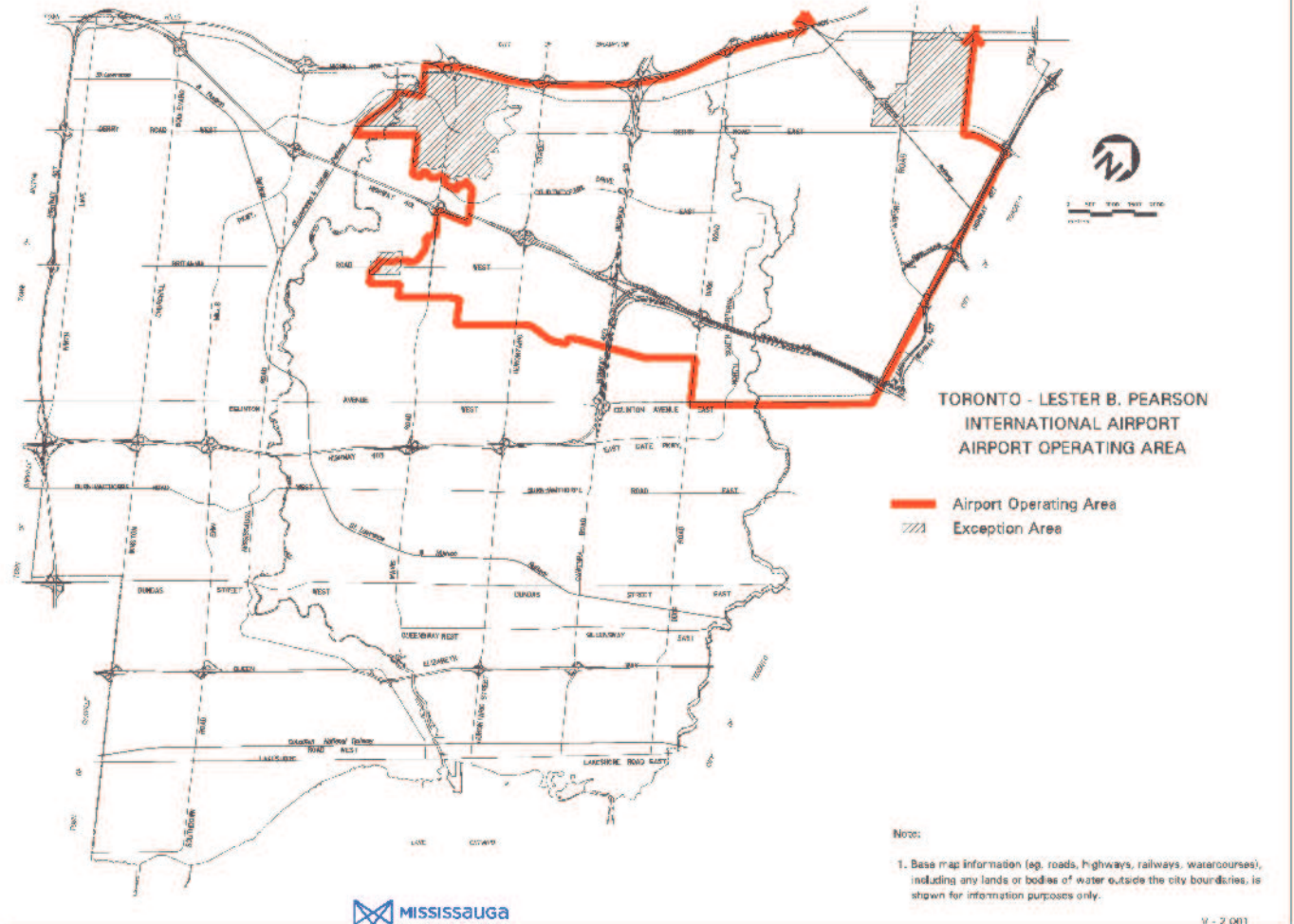
LAND USE₁	Noise Exposure Projection (NEP)/Noise Exposure Forecast (NEF) Contour
Residential Passive use parks Public and private schools Day care facilities Libraries Place of religious assembly Theatres Auditoria Hospitals Nursing Homes	25 or Greater
Hotels Motels Retail or service commercial Office Athletic fields Playgrounds Outdoor swimming pools	30 or Greater
Industrial Warehousing Arena	35 or Greater
1. Land uses as identified by the Federal Government with respect to compatibility with airport operations, in accordance with TP1247 ☐ Aviation ☐ Land Use in the Vicinity of Aerodromes	

6.10.2.3 Mississauga will require tenants and purchasers to be notified in accordance with the applicable Provincial Government environmental noise guideline when the proposed development is located at the ***noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour*** of 25 and above, as determined by the Federal Government. A noise warning clause shall be included in agreements that are registered on title, including condominium disclosure statements and declarations. In addition, noise warning notices are required in enrollment documents for schools and daycares.

6.10.2.4 Residential and other sensitive land uses within the Airport Operating Area will not be permitted as a principal or accessory use with the following exceptions:

- a. lands identified as "Exception Area" as shown on Map 6-1, and

- b. daycare facilities accessory to an employment use in the Gateway Corporate and Airport Corporate Character Areas below the 35 **noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour**.



Map 6-1: Airport Operating Area and Exception Area

6.10.2.5 Applications for residential or other sensitive land uses for lands where permitted within the Airport Operating Area may be processed for approval provided that all of the following are satisfied:

- a. an Acoustic Feasibility Study will be submitted as part of a complete development application to verify that mitigated indoor and outdoor noise levels do not exceed the sound level limits established by the applicable Provincial Government environmental noise guideline;
- b. development that includes outdoor passive recreation areas will generally not be permitted in locations where the mitigated outdoor noise is greater than 60 dBA;

- c. appropriate conditions relating to noise mitigation that are consistent with the findings of the Acoustic Feasibility Study, are included in the approval;
- d. aircraft noise warning agreements between the City of Mississauga, the Greater Toronto Airports Authority (or its successor) and the applicant, are included in the approval; and
- e. conditions for the provision of an aircraft noise warning notice for users of a proposed development's outdoor facilities and space, where located above the 30 **noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour**, are included in the approval.

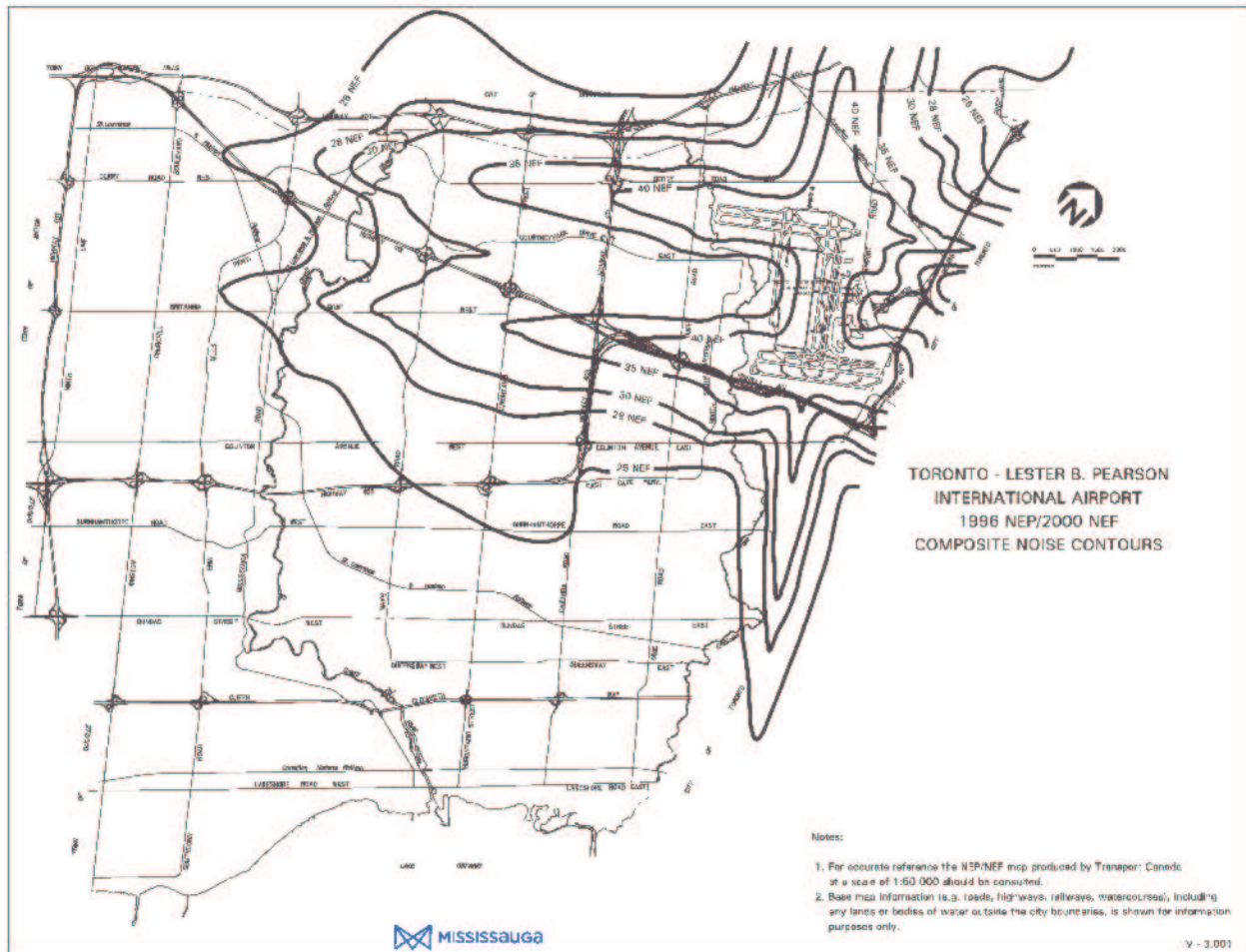


Figure 22: 1996 NEP/2000 NEF Composite Noise Contours

City of Mississauga

Corporate Report



Date: 2016/06/07

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's files:
CD.06.AFF

Meeting date:
2016/06/27

Subject

Information Report (All Wards)

Affordable Housing Program: Public Land for Housing First

File: CD.06.AFF

Recommendation

1. That the report from the Commissioner of Planning and Building, dated June 7, 2016 titled "Affordable Housing Program: Public Land for Housing First", be approved.
2. That staff be directed to amend City Corporate Policy and Procedure 05-04-01 - *Acquisition and Disposal of Real Property*, to apply a "housing first" approach, as outlined in the above-referenced report.

Background

On February 10, 2016, Council approved the *Affordable Housing Program: Framework and Work Plan*. A key deliverable of the work plan is the development of a public land for housing first policy.

The lack of available serviced land at a reasonable price has been identified as a significant barrier to the production of affordable housing. This is particularly true in expensive real estate markets such as Mississauga.¹ The *Affordable Housing Program - Municipal Best Practices* report endorsed by Council on May 11, 2016, identified three ways that municipalities can use public land to reduce development costs:

1. enter into land leases;
2. donate land; or
3. provide land at below market value.

¹ An "expensive" real estate market is one where the cost of a standard home or rental apartment is more than 30% of household income. The *Affordable Housing Program - Gap Analysis* report confirmed that one in three households in Mississauga is spending this much on housing costs.

The Best Practices report also identified a public land for housing first policy as a high priority consideration for Mississauga.

Several municipalities in Ontario, across Canada and the US have adopted land for housing first policies as part of a comprehensive affordable housing strategy. In some cases land is made available below market rates but in others, it has been made available as a disposition preference at market value.

Housing first policies are often advanced as a strategy to ensure affordable housing for the local workforce and to support local businesses. Affordable housing is becoming a major issue for many workers (e.g. retail workers, service providers, young professionals) in the larger metropolitan centres in Canada (e.g. Vancouver, Toronto).²

Comments

In Mississauga a public land for housing policy would expand opportunities for affordable housing by making appropriate sites available for redevelopment. It should be recognized however, that the City currently owns relatively few surplus properties with the potential to yield a significant number of affordable housing units. In the future, additional land/assets may be acquired by the City through purchase, density bonusing, inclusionary zoning or be transferred from provincial and federal governments as large strategic sites in the city are developed (e.g. Inspiration Lakeview).

Mississauga's Corporate Policy and Procedure 05-04-01 *Acquisition and Disposal of Real Property*, which addresses the sale of surplus City lands, is currently under review (See Appendix 1). Staff are proposing this policy be amended to place priority on surplus properties for affordable housing.

This does not mean land will automatically be slated for affordable housing. Each parcel would be assessed to determine its suitability for housing. Such considerations may include parcel size and configuration, development context, existing planning permission, potential yield, etc. If suitable, then affordable housing providers would be given first option to acquire the site at market value.

What are "surplus" lands?

City-owned properties are required to be declared "surplus" through a report to Council prior to their disposition and sale. Surplus lands/buildings are City-owned properties which are no longer required to support existing or future municipal services. According to the current policy, the City strives to achieve maximum financial benefit when disposing of surplus lands.

² Choise, Simona, "Universities Struggle to Attract Professors Amid Soaring Housing Prices", Globe and Mail. May 23, 2016

Can surplus public land owned by other levels of government or agencies be used for affordable housing?

All public agencies (e.g. federal, provincial, Peel Region and school boards) have policies or protocols in place for the disposition of property which has been deemed surplus to their needs. The availability of these lands for affordable housing purposes varies by agency and disposition preferences (see Appendix 2). For example, Infrastructure Ontario circulates surplus properties to eligible non-profit organizations. The school boards on the other hand, follow a procedure where affordable housing producers would bid for surplus school sites on the open market.

By making affordable housing a priority consideration in the disposal of City-owned land, Mississauga can improve development opportunities for affordable housing and better address our local housing needs.

Housing Affordability Advisory Panel

The Housing Affordability Advisory Panel met on May 31, 2016 and confirmed its support for making surplus City-owned land available for affordable housing. The Panel provided the following comments:

- maintaining access to affordable housing is important to support Mississauga's workforce and economy;
- affordable housing can be developed on land purchased at market-value if other incentives or funding assistance are available;
- it is preferable to own rather than lease land in order to secure financing; and
- City-owned lands should not be sold for less than market value unless affordability can be secured in the long term.

Recommended Direction

That staff be directed to amend City Corporate Policy and Procedure 05-04-01 - *Acquisition and Disposal of Real Property*, to apply a "housing first" approach. Prior to the sale of any surplus City-owned land planning staff will identify which properties could be considered for disposition for affordable housing. The assessment would take into consideration the following, among other matters:

- property size, location and development context;
- proximity to transit;
- applicable official plan policies and zoning regulations; and
- development potential/yield.

Strategic Plan

The need for affordable housing originated with the Strategic Plan *Belong* Pillar. Two strategic goals relate to affordable housing – Ensure Affordability and Accessibility and Support Aging in Place. Three strategic actions link to the work underway for the affordable housing strategy:

- Action 1 – Attract and keep people in Mississauga through an affordable housing strategy
- Action 2 – Expand inclusionary zoning to permit more housing types and social services
- Action 7 – Legalize accessory units.

Financial Impact

The Public Land for Housing First Policy is proposing that surplus City-owned lands be sold to affordable housing producers at market-value.

Conclusion

The delivery of affordable housing in Mississauga requires the cooperation of all levels of government, Peel Region, the non-profit sector and private corporations. An obvious role for the City is to increase access to serviced municipal land by adopting a public land for housing first policy for surplus properties.

Increasing the supply of land will improve opportunities for affordable housing producers to access recently announced government funding to create more housing for low and moderate income households in Mississauga.

Appendix 1: Corporate Policy 05-04-01 *Acquisition and Disposal of Real Property*

Appendix 2: Other Surplus Public Land Disposal Procedures and Opportunities for Affordable Housing



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Paulina Mikicich, Project Manager

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TAB: PROPERTY AND FACILITIES
SECTION: REAL PROPERTY MANAGEMENT
SUBJECT: ACQUISITION AND DISPOSAL OF REAL PROPERTY

POLICY STATEMENT The City of Mississauga's Real Property is managed and assessed in accordance with the City's legislative authority, effective business convention, the principles of fair, transparent, and accountable government, and the Real Property management principles outlined in this policy.

PURPOSE The purpose of this policy is to establish the structure, authorities and accountabilities in creating a framework for decision making in the assessment, acquisition, disposal, management and administration of the City's Real Property.

SCOPE This policy applies to all Acquisitions and Disposals of Real Property undertaken by the City of Mississauga, and to the administration of the City's Real Property.

Policy Does Not Apply This policy does not apply to the following types of Acquisitions:

- Real Property dedicated to the City either through development applications or cash in lieu/parkland dedications (refer to Corporate Policy and Procedure –Dedication of Land, or Cash in Lieu Thereof, for Public Open Space);
- Real Property acquired by the City through vesting by reason of tax arrears remedies available to the City;
- Real Property acquired by the City through a leasing arrangement (refer to Corporate Policy and Procedure – Leases).

This policy does not apply to the following types of Disposals:

- the sale of lands for municipal tax arrears purposes, other than

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those lands forwarded to Realty Services for Disposal under the terms, conditions and processes outlined herein;

- encroachments on City property (refer to the Encroachments By-law).

Definitions

For the purposes of this policy:

“Acquisition” means the obtaining of Real Property through purchase, lease, transfer from a higher level of government, dedication, donation, expropriation, easements, and licences or any other method deemed appropriate by the City in acquiring interests in property.

“City” means the Corporation of the City of Mississauga.

“Disposal” means the sale, exchange, lease of 21 years or more, or other disposition of the City’s interest in Real Property (excluding easement rights).

“Donation” means a voluntary gift of Real Property, given without compensation or consideration.

“Expropriation” means the Acquisition of land in accordance with the Expropriations Act of Ontario.

“Market Value” means the highest price a willing buyer would pay and a willing seller would accept, both parties being fully informed, and the property being marketed for a reasonable period of time.

“Real Property” means land and all buildings and structures constructed thereon, as well as moveable buildings and structures.

“Real Property Transactions” are transactions including the sale, purchase, lease, license, permit, or administrative actions

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performed for the purposes of managing property.

“Surplus Property” means municipally-owned Real Property that has been declared surplus to the City’s requirements, by resolution, at an open meeting of Council.

LEGISLATIVE REQUIREMENTS

All Real Property Transactions are to be conducted in accordance with applicable federal and provincial legislation. The Manager of Realty Services, or his/her designate, is responsible for ensuring that all applicable legislative requirements have been met.

ADMINISTRATION

This policy is administered by Realty Services, Facilities and Property Management, Corporate Services Department.

Interpretation of Policy

In the interpretation of this policy, it is the intent of the City to act at all times in the best interest of the general public, with a view to transparency and fairness of process. Where the interpretation by Realty Services is disputed, Realty Services will be guided by a decision rendered by the City Solicitor.

REAL PROPERTY MANAGEMENT PRINCIPLES AND OBJECTIVES

The City bases its decisions with respect to Real Property on the principles of:

- Fiscal Accountability
- Consistency with Corporate Objectives
- Sustainability
- Social Responsibility
- Transparency

Fiscal Accountability

The principle of fiscal accountability means that:

- The City will endeavour to acquire, maintain, preserve, dispose of and otherwise manage Real Property assets to the maximum long term economic advantage of the City.

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- The City will endeavour to retain and maintain Real Property, only when the Real Property interest:
 - has adequate returns in terms of money or amenity;
 - is not easily replaced with a more efficient interest;
 - can be operated within existing budget parameters; and
 - adequately fulfills the function for which it was acquired;
 or
 - has been identified as having “strategic hold” value for future use.
- The City will endeavour to minimize costs while realizing revenue from the disposal of non-essential, under-utilized properties.
- The City will obtain the best value when acquiring Real Property, giving due consideration to Market Value, and to entitlements under the Expropriations Act, where applicable.
- The City will dispose of Real Property on the basis of Market Value, unless otherwise approved by Council.

Consistency with Corporate Objectives

The principle of consistency with Corporate objectives means that the City will acquire, retain, maintain, renovate, and improve properties only when those properties clearly align with the goals and objectives of the City’s Strategic Plan, Capital Budget, and departmental approved business plans related to the provision of City-mandated programs. City-mandated programs are services, products, or facilities which are owned, operated, or purchased in fulfillment of City objectives and delivered to the public.

Sustainability

The principle of sustainability means that the City will endeavour to retain Real Property only when:

- returns in terms of money/amenity are cost neutral or better;
- service need is constant or growing; and
- the condition of the Real Property is such that it can be used and maintained on a low-maintenance and low-risk basis.

Social Responsibility

The principle of social responsibility means that:

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- The City has an inherent duty to provide service and support, where there is no other viable service provider, and where there is a clearly articulated City desire to fill a need, or to foster and promote programs of inclusion and accessibility. The City's social responsibility may form the basis for Real Property Transactions of a nature other than Market Value, provided they are ancillary to Council-approved programs.
- The City will endeavour to provide safe, healthy and accessible facilities for occupants.
- The City will endeavour to protect and preserve the environmental value and/or cultural heritage of the property.

Transparency

The principle of transparency means that:

- The City is committed to conducting consistent, transparent, and equitable processes in acquiring and disposing of Real Property.
- The City's Real Property is managed along clearly defined lines of delegated authorities and levels of accountability, with semi-annual reporting to Council.
- Risk is managed responsibly, and Council is informed as appropriate.

ACQUISITIONS

Responsibility for Acquisitions

The Manager of Realty Services is responsible for Real Property Acquisitions, and all Acquisitions of Real Property interests are to be undertaken by Realty Services staff. Realty Services staff will conduct their responsibilities in accordance with the Real Property Management Principles and Objectives, and the Acquisition Considerations outlined in this policy. Real Property Transactions will be executed in accordance with the Real Estate Delegation of Authority By-law.

ACQUISITION PROCESS

Realty Services staff will initiate an Acquisition process upon receipt of a request from any City department. All such requests should be supported by a departmental needs assessment setting

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out the rationale for the Acquisition, or a resolution of Council, or proof of approval through the current or capital budget process. A budget for the program or project should be identified, where applicable, inclusive of the cost to acquire the necessary property component and setting out the operational budget impacts prior to Realty Services conducting the Acquisition. Where Council has approved the issuance of a debt instrument to finance the Acquisition of Real Property, the terms and conditions of the debt instrument will be determined by the Finance Division.

Realty Services will investigate the market to determine suitable alternatives to meet the end user's needs. The final decision on the site rests with the end user department.

Assessment of Property

Before acquiring any Real Property, Realty Services will co-ordinate an assessment by appropriate staff as to the property's physical and environmental condition, cultural heritage, existing restrictions, encumbrances, liabilities, tax implications or any other important characteristic which may impact on value or use.

Appraisal

All Acquisitions in excess of \$100,000 must be accompanied by an independent current Market Value appraisal. The Manager of Realty Services may, at his or her discretion, obtain an appraisal of properties valued at less than \$100,000. The said appraisal will be based upon the "highest and best use" of the property.

Agreement

Upon selection of a site by an end user department and successful negotiations, Realty Services shall instruct the Legal Services Division to prepare an appropriate agreement and conclude the necessary transaction. Once an agreement has been executed by the other party, the transaction will be approved and executed according to the Real Estate Delegation of Authority By-law. Where Council approval is required, the transaction may be considered at a closed session of Council. Refer to Corporate Policy and Procedure – Matters Considered In Camera for more

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information. When the agreement has been fully executed, it is transferred to the Legal Services Division for completion of the transaction.

Land Inventory

The City will maintain a public register which lists all of the Real Property owned by the municipality. The following classes of Real Property are not listed in the public register:

- highways and roads;
- open road allowances;
- stopped up highways and roads;
- reserves of 0.3 metres (1 foot) or less in width;
- easements.

ACQUISITION CONSIDERATIONS

Real Property Acquisitions will be conducted in consideration of the following:

Acquisition Required For Municipal Purposes

Real Property Acquisitions are restricted to Acquisition of land and interests which are required for municipal purposes only, and in support of Council approved programs, projects and policies.

Acquisition at Market Value

Acquisitions are Market Value based. Realty Services staff will at all times acquire Real Property at the lowest possible negotiated cost, and greatest economic advantage to the City. When the Acquisition is part of an unsolicited purchase in support of a City-mandated program (e.g. for a road widening) land may be acquired on the basis of Market Value and entitlements, as defined by the *Expropriations Act*.

Environmental Assessment

If an environmental assessment is required under the *Environmental Assessment Act* the City may enter into an agreement which is conditional on the approval of the environmental assessment.

Environmental Audit

The Manager of Realty Services, in conjunction with

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environmental staff, may require that Real Property acquired, regardless of the method of Acquisition, be subject to an environmental investigation which must be completed prior to completion of the transaction. All such audits are to be completed in accordance with any applicable Ministry standards.

Heritage Properties

When acquiring Real Property that may have a heritage designation or historical value, a comprehensive analysis of the property shall be conducted. The analysis will include:

- identification of the heritage designation or historical value of the property, and how the heritage attributes will be conserved or mitigated due to development of the property;
- confirmation of the City program(s) to be implemented at the property;
- identification of the desired long-term use of the property;
- assessment of the impact on the City of the operational costs of the property; and,
- development of an asset management plan, which forecasts the capital renewal and re-investment requirements, to preserve the property, including actual or potential funding sources.

METHODS OF ACQUISITION

Real Property interests may be acquired through any of the following methods:

- negotiated agreements;
- land exchanges;
- charitable Donations;
- Expropriation;
- transfers from another level of government;
- competitive bid request methodology, in accordance with criteria established by the Manager of Realty Services with the assistance of the Manager of Materiel Management.

Negotiation

Negotiation is the preferred method of obtaining Real Property.

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Land Exchanges	When an Acquisition is pursued in support of Council approved programs, projects and policies and it is determined that an exchange of City owned Real Property is in the best interests of the City, negotiations shall be initiated based on the Market Value of the respective Real Properties, pursuant to this policy.
Charitable Donations	<p>The City may accept a Donation of Real Property if an appropriate municipal purpose has been identified for the property and upon City Council's approval. Prior to the acceptance and execution of all necessary agreements related to a property Donation, an analysis to determine the condition of the gift, existing restrictions or encumbrances, assumption of liabilities or any tax implications shall be carried out. When a Donation is accepted, Realty Services will instruct Legal Services to prepare an appropriate agreement and conclude the transaction. Once such donated property becomes City property, it can be held, leased, licensed or disposed of at the discretion of the City.</p> <p>Realty Services staff will advise the Director of Finance & Treasurer, who is responsible for the issuance of charitable Donation tax receipts. A charitable Donation tax receipt may be issued in the amount of the appraised value of donated property as may be determined by an independent appraiser.</p>
Expropriation	<p>The City has the authority to expropriate land in accordance with the provisions of the <i>Expropriations Act</i>. Expropriation may be used where project requirements must be met in a timely manner or where negotiation has failed.</p> <p>The Mayor and Ward Councillor will be informed of any contemplated expropriations prior to the report recommending approval to Give Notice of Application to expropriate is brought to Council.</p>
Transfers from Another Level of Government	The City may acquire Real Property as the result of a transfer of

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jurisdictional authority from one level of government to another (e.g. transfer of highways, boat launches etc.).

Prior to accepting lands from other levels of Government or agencies, the City will first investigate the property to be transferred, its associated encumbrances or environmental liabilities and if necessary, decline the transfer if the risk is deemed to be too great.

DISPOSAL OF PROPERTY

Responsibility for Disposal of Properties

The Manager of Realty Services is responsible for Real Property dispositions, including the selection of the appropriate Disposal method for the property, and all Disposals of Real Property are to be undertaken by Realty Services staff. Realty Services staff will conduct their responsibilities in accordance with the Real Property Management Principles and Objectives, and the Disposal Considerations outlined in this policy. Real Property Transactions will be executed in accordance with the Real Estate Delegation of Authority By-law.

DISPOSAL PROCESS

Realty Services staff, in consultation with City departments, will identify potential properties for Disposal and:

- ensure that the property is declared surplus;
- initiate an appraisal to estimate the property's Market Value;
- initiate an environmental assessment and remediation as may be required.

Declaration of Property as Surplus Property

Real Property may not be disposed of unless it has been declared Surplus to the requirements of the City in a report to City Council which will include notice of the City's intention to dispose of the surplus property and the method of disposal. Note: declaration of Surplus Property does not apply to easement interests, including easements to be transferred to the Region of Peel under the existing Easement Protocol Agreement, or one foot reserves. Public highways that are being stopped up and closed for the

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purposes of disposal may be declared Surplus Property in the same report at which City Council formally approves the public highway being stopped up and closed by by-law.

Prior to a declaration of Surplus Property, clearances to dispose of the property are obtained from all appropriate City departments and may include circulation to several outside agencies such as Boards of Education, Conservation Authorities, the Regional Municipality of Peel, the Government of Canada, the Government of Ontario, Enersource Mississauga Hydro Inc. and adjacent land owners.

Notice of Sale of Real Property

Notice of the proposed sale of real property that has been declared as surplus to the requirements of the City will be posted in accordance with the City's Notice By-law.

Status Report on City Surplus Property

Realty Services will prepare an annual information report to City Council listing all properties that have been declared surplus previously by City Council and the status of each.

Appraisals of Surplus Property

All Disposals will be subject to an appraisal of value except:

- subject to the discretion of the Manager of Realty Services, sales involving the following classes of property:
 - reserves of 0.3 metres (1 foot) or less in width;
 - stopped up highways and walkways;
 - landlocked properties if being sold to an abutting owner;
 - property acquired under Section 42 of the Expropriations Act, if being sold to an owner from whom the land was taken;
- abandoned cemeteries
- sales to public bodies (Boards of Education, the Regional Municipality of Peel, Enersource Mississauga, Ontario Hydro, Conservation Authorities, and the Provincial and Federal Government);
- sales to private bodies where the deemed value of the Surplus

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Property is less than \$50,000 as determined by the Manager of Realty Services.

Priority of Offerings

The City shall have the right to convey the Surplus Property at market value to the party having the greatest priority. For the purpose of assigning priorities, the order shall be as follows:

1. Federal Government
2. Provincial Government
3. Regional Municipality
4. Local School Boards
5. Recognized Authorities

Multiple Offers

In the event of multiple offers on the Surplus Property, each of the offerors will be advised that there are multiple offers. Each offeror will be given the opportunity to revise their offer within a set amount of time. At the end of the set amount of time, the City will consider the offers. The offer providing the most advantageous terms with the highest value will be recommended for acceptance.

Agreement of Purchase and Sale

When an acceptable offer for the Surplus Property has been received, Realty Services instructs Legal Services to prepare an agreement of purchase and sale.

Once an agreement has been executed by the purchaser, the transaction will be approved and executed according to the Real Estate Delegation of Authority By-law. Where Council approval is required, the transaction may be considered at a closed session of Council. Refer to Corporate Policy and Procedure – Matters Considered In Camera for more information.

When the agreement has been executed by the City, it is transferred to the Legal Services Division for completion of the transaction.

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Mortgages

Where authority to grant a mortgage is permitted under the *Municipal Act, 2001*, as amended, or under the regulation enacted there under, and where Council approves the granting of a mortgage, the City may take back a mortgage on the sale of City property. The terms and interest rate included in the mortgage instrument will be determined by Realty Services in consultation with the Finance Division and identified in a Corporate Report to Council.

Cost of Disposal of Surplus Property

All applicable fees and charges recoverable under the City's fees and charges by-laws shall be recovered from the purchaser on or before the closing date. All other reasonable fees, costs, and expenses incurred by the City, even if the property is sold at a nominal value, shall be recovered from the purchaser on or before the closing date, unless the sale was initiated by the City and the costs have been waived by the approver of the transaction.

Proceeds from Disposal of Surplus Property

Proceeds from the Disposal of Surplus Property will be credited to one of the following accounts:

- Capital Reserve Fund;
- a departmental account from where the original acquisition of the property was funded; or
- as otherwise directed by Council.

DISPOSAL CONSIDERATIONS

The Disposal of Real Property will be carried out with consideration for the following:

Market Value

All Disposals of Real Property must be at least at 90 per cent of Market Value unless an exception is provided in this policy, and Council has approved the transaction.

Reports to Council recommending Disposals at less than 90 per cent of Market Value must:

- clearly state the Market Value of the Surplus Property to be

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transferred and not realized and the reasons for such a decision;

- identify the purchaser;
- in the event of a lease of 21 years or more, fully disclose all important or financial terms and conditions therein.

Transfers to Another Level of Government

Where an offer is received from another level of government, board or authority and the City disagrees with the Market Value determined by the other level of government, the City may agree to either:

- elect to have the Market Value estimated by a third party appraisal, then average the two closest values, and amend the offers accordingly; or
- start negotiating with the next purchaser, in priority order:
 1. Federal Government
 2. Provincial Government
 3. Regional Municipality
 4. Local School Boards
 5. Recognized Authorities

Disposal of Land Acquired through Gratuitous Dedication or Donation

Where the City has acquired Real Property through a gratuitous dedication as a condition of a development application, or through a Donation, and the Real Property becomes Surplus Property, the City shall consider the following options:

- a potential transfer to the another level of government, local school board or recognized authority; or
- re-conveyance to the owner, or successor in title, who conveyed the land gratuitously, provided all costs to recover the lands are borne by the owner; or
- the Disposal of the Surplus Property at Market Value.

The City will not re-convey Surplus Property gratuitously for the purposes of development, redevelopment or resale.

Environmental Audit

The Manager of Realty Services may require an environmental

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site audit prior to property disposition, to ensure that there is no liability to the City in disposing of the property. Examples of situations which may warrant such audits include, but are not limited to:

- the previous use was of an industrial nature;
- there is proximity to other known environmentally sensitive and discharging entities (gas stations, rail lines);
- a title search indicates the need for one from prior use; or
- there are other properties in the vicinity that have registered environmental issues.

Natural Areas

Natural or environmentally sensitive areas identified by the City as being worthy of protection will be transferred exclusively to appropriate organizations, such as Conservation Authorities or other levels of government. These sensitive lands will be identified through the Planning and Building Department and the Community Services Department.

Public Highways

Any public highway that is stopped up, closed, and declared surplus shall be offered for sale at Market Value.

The entire portion of the public highway should be sold at one time so as not to leave the City owning portions of the closed public highway. Should one of the adjacent owners choose not to purchase the closed public highway, it may be offered in whole to the other adjacent owner at the same or higher price. Should neither owner wish to purchase the closed road allowance, the City may offer it to any other interested purchaser.

In the event the closed road is of sufficient size to be considered a viable property on its own, the City shall have the option, in its sole discretion, of marketing the property as a stand alone property with no obligation to offer it to the adjacent owners, however, notice will be provided to the adjacent owner(s) that the property is to be placed for sale on the open market.

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Sale of Property to City Staff/Elected Officials

Surplus Property may be sold to City employees or elected officials, or to members of their families, provided the requirements of all by-laws, policies and procedures regarding the sale of Surplus Property are satisfied, and provided the sale is approved by Council. The sale of all Surplus Property shall require written confirmation by the purchaser indicating whether the purchaser is, or is not, an employee or elected official of the City, or a member of their family; and whether any person having a controlling interest in an organization acquiring Surplus Property is an employee or elected official of the City.

Sale of Heritage Property

The agreement of sale for the heritage property must contain any necessary special conditions to preserve its heritage status including, but not limited to, a heritage easement.

Easements

The City may grant an easement interest:

- if the easement is considered appropriate to the relevant City department; and
- if the granting of the easement does not render the retained City land no longer viable for the use for which the land was obtained; and
- if the granting of the easement does not render the retained City land subservient to the easement interest; and

Easement interests are granted at Market Value, in General, however, the City will retain the right to grant easements gratuitously to another level of government, if it is determined that the location of the easement has limited or no impact on the future value or future City development of the lands over which the easement is sought. Notwithstanding the above noted policy respecting the granting of easement interests, easements transferred to the Region of Peel are governed by the Easement Protocol Agreement (By-law 0296-2007).

METHODS OF DISPOSAL

The Manager of Realty Services will determine the best means of

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Disposal of Surplus Property based upon criteria such as value, competition, property type and market conditions. The method of Disposal will be recommended at the time the property is officially declared surplus, and may include:

- competitive bid process – offered by public bid process in accordance with criteria established by the Manager of Realty Services with the assistance of the Manager of Materiel Management;
- direct sale to a specific party – if land locked or only one possible purchaser;
- land exchange – lands to be exchanged for other lands deemed suitable or necessary for the City at the same or higher value, unless otherwise approved by Council;
- real estate multiple listing service – listed with local real estate Broker having the appropriate expertise.

All Surplus Property will be posted on the City's website for notice and information purposes in accordance with the City's Notice By-law

LEASES, LICENCES, AND MANAGEMENT AGREEMENTS

When City property is not required for immediate use but may be required to meet the City's long term needs, the City may enter into a lease, licence, or management agreement allowing the temporary use of the property by another party. Clearances from all affected City departments are required to ensure that there are no municipal needs prior to the lands being leased.

The Manager of Realty Services is responsible for leases, licences and management agreements, and all such transactions are to be undertaken by Realty Services staff. Realty Services staff will conduct their responsibilities in accordance with the Real Property Management Principles and Objectives outlined in this policy.

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Priority	<p>Available Real Property is limited and therefore priority is given to service clubs, groups affiliated with the City and charitable organizations funded by Peel United Way. Prior to entering into a lease, licence or management agreement, Realty Services will contact City departments to determine whether or not a community group can utilize the space being considered. In assessing groups, consideration is given to the:</p> <ul style="list-style-type: none"> • number of years in operation; • area in which the group provides services; • scope, magnitude and types of services offered; • ability of the group to operate without financial assistance from the City, both in the short and long terms; • total costs and benefits to the City in assisting the group; and • degree to which the group participates in commercially oriented activities.
Method of Securing a Tenant	<p>Realty Services staff shall determine the appropriate method of securing a tenant, which may include a public call for bids via tender or proposal, using a realtor, or negotiating with a specific tenant.</p>
Lease to City Employees / Elected Officials	<p>City employees and elected officials may not lease City property unless the City Manager's approval has been received prior to submitting the offer to lease.</p>
Agreement	<p>All tenants or licensees of City property will be required to execute an agreement prepared by Legal Services. Any additional licenses, permits or approvals which may be required for the facility's operation must be obtained by the tenant or licensee before the agreement can be approved.</p> <p>Management and Operation Agreements require the groups to be responsible for day to day operational expenses, including custodial and garbage removal services, utility charges and minor repairs. Recreation staff maintain the grounds and Facility and</p>

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Property Management staff maintain the facilities.

Agreements at Market Value

Lease, license, or management agreements are generally entered into at Market Value rent. A nominal rent (\$2.00) or a reduced rent may be applied when:

- the agreement is with another level of government; or
- a reciprocal agreement has been entered into by the City, such as an agreement with a school board; or
- the agreement is with a not-for-profit organization that actively provides services which supplement City services.

Realty Services will consider the potential impact on the heritage nature of the structure, as well as any capital costs to facilitate the occupancy by the group before entering into any agreements at nominal value. Groups which occupy space at nominal rents and which do not fully utilize the space may be required to share the space with another group.

PRIVATE BUILDINGS ON PUBLIC LANDS

No private individual, or organization, may erect and own a permanent structure on public lands owned or leased by the City of Mississauga. However the City may entertain proposals for public –private partnerships to erect a permanent structure on lands owned or leased by the City of Mississauga, provided any such proposal received is reviewed and evaluated by the appropriate department with respect to design and construction details, including the provision for ongoing lifecycle maintenance, to be approved by the Director of Facilities and Property Maintenance. All proposals will require the approval of City Council.

REFERENCE:

Res.98-95 – 1995 03 29
GC-08-03 – 2008 11 12 – Major revision, combined policy with Renting City Property and Private Buildings on Public Lands.

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CONTACT: For more information, contact Realty Services, Facilities and Property Management, Corporate Services Department.

Other Surplus Public Land Disposal Procedures and Opportunities for Affordable Housing

The Federal and Provincial Governments, Region of Peel and local school boards all have policies in place to regulate the disposal of surplus lands. The availability of these lands for affordable housing purposes varies by agency and disposition preferences.

Region of Peel

The Region of Peel disposes of its surplus lands in accordance with By-law 23-95 and the Regional Corporation's policy on *Land Acquisition* and *Land Inventory Management*. Surplus lands (where there is a general demand or market) are first offered to Regional Departments and the Regional Municipality of Peel Police Services Board. If no expression of interest has been received within a specified time frame the lands are then offered to:

- ☐ the area municipality
- ☐ local boards and/or other public bodies
- ☐ ministries and agents of the Government of Ontario

The Region, through its role as Service Manager, has the ability to express an interest in the property at market value for affordable housing purposes.

School Boards

The Dufferin Peel Catholic and Peel Public School Boards own considerable property in the city. When these school sites are no longer required for education purposes there is significant opportunity to re-purpose or redevelop these properties for a range of community services as well as affordable housing.

The disposition of surplus school sites is governed by the Education Act, Ontario Regulation 444/98. Under this legislation, the disposal procedure is prescribed and must be at fair market value. Prior to selling on the open market all Ontario school boards must first offer surplus land, by proposal to sell, to the following:

1. Other School Boards
2. Post-secondary institutions
3. The Crown in right of Ontario
4. Regional and local municipalities
5. The Crown in right of Canada

If no offers to purchase are obtained from these entities the Board will direct the Minister of Education to permit the sale of the property to other public or private entities.

Province of Ontario

Infrastructure Ontario (IO) is a Crown corporation of the Province of Ontario that is responsible for the disposal of surplus provincially-owned land. Any property within the Infrastructure Ontario portfolio that is no longer required for the delivery of government programs or services is circulated at the same time to provincial, federal and municipal levels of government, government agencies, and not-for-profit entities, to determine interest in acquiring the property for continued public use. If any of these bodies express an interest in the property, the property may be sold directly to them at market value without exposing it to the open market.

As of April 1, 2013, IO has included eligible non-profit organizations in the circulation of surplus government real estate for a purpose that would benefit communities. To gain access to the circulation, non-profit organizations must apply to the Ontario Nonprofit Network which is responsible for compiling a registry of non-profit organizations that meet established criteria. Eligible non-profit corporations may submit an offer to purchase surplus government property at market value prior to the property being placed on the open market for sale.

Government of Canada

The Government of Canada's Surplus Federal Real Property for Homelessness Initiative (SFRPHI) makes surplus federal real properties available to eligible recipients for projects to help prevent and reduce homelessness. If an organization or municipality elects to tap into the funding program, the fund finances the purchase of property from Canada Lands Corporation on their behalf, at market value. SFRPHI in turn re-sells the parcel to the applicant/funding recipient for a nominal price. Eligible investments can include investments in transitional, permanent supportive or longer-term housing and related support and emergency services.

City of Mississauga
Corporate Report



Date: 2016/06/07

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's files:
 CD.06.AFF

Meeting date:
 2016/06/27

Subject

Information Report (All Wards)

Affordable Housing Program: Preservation of Rental Housing

File: CD.06.AFF

Recommendation

1. That the report from the Commissioner of Planning and Building, dated June 7, 2016 titled "Affordable Housing Program: Preservation of Rental Housing", be approved.
2. That staff prepare a rental housing demolition and conversion to condominium ownership control by-law as outlined in the report from the Commissioner of Planning and Building, dated June 7, 2016 titled "Affordable Housing Program: Preservation of Rental Housing".

Report Highlights

- The preservation of purpose-built rental housing has been identified as an important component of the Affordable Housing Program.
- Housing Affordability Advisory Panel members commented that the City should strive to keep the supply of rental housing and that incentives for rental housing, including an equalized tax rate, should be considered.
- A preservation and replacement by-law (often referred to as demolition and conversion control by-law) should be prepared.
- Mississauga Official Plan should be amended to add policies regarding criteria for the demolition or conversion of rental housing.
- A financial analysis and research into the legal and investment considerations affecting rental housing should be undertaken.

Background

On May 11, 2016, Council endorsed a Direction, as part of the *Housing Gap Assessment*, to prepare a report regarding the protection and/or replacement of the City's existing rental stock. Rental housing is an essential part of a sustainable, complete community. It is part of the housing continuum that provides options to meet lifestyle and economic needs and flexible accommodation, as life circumstances change.

The Housing Gap Assessment found that:

- a much larger proportion of renters (42%) are facing an affordability problem compared to owners (27%);
- much of the purpose-built rental stock is affordable to low and moderate income households;
- Mississauga's vacancy rate (apartments and townhouses) was 1.6% in 2015, well below a healthy vacancy rate of 3.0%;
- much of the purpose-built rental stock is located close to arterial roads, has good access to transit and other services (see Figure 1: Map of Rental Buildings/Townhouses by Age in Mississauga);
- an average of 75 rental units per year are being converted to condominiums;
- there have been limited demolitions to-date, however, this may change as property values increase where major infrastructure investments are planned; and,
- there is a need to protect the existing purpose-built rental stock.

The rental market has two components. The first is the primary rental market which includes self-contained units in apartment buildings or townhouse complexes that were built with the expressed intention of being offered as rental units. This is often referred to as purpose-built rental housing. The Rental Market Survey prepared by Canada Mortgage and Housing Corporation (CMHC) monitors and prepares yearly rental market reports that include vacancy rates.

The other component is the secondary rental market which represents self-contained units that were not specially built as rental housing but are currently being rented out. This includes all housing forms (e.g., detached, condominium apartments or townhouses) as well as second units within a dwelling. While important to the supply of rental accommodation, these units do not offer the same security of tenure as purpose-built rental units.

The focus of this report is the primary rental market, that is, purpose-built rental housing.

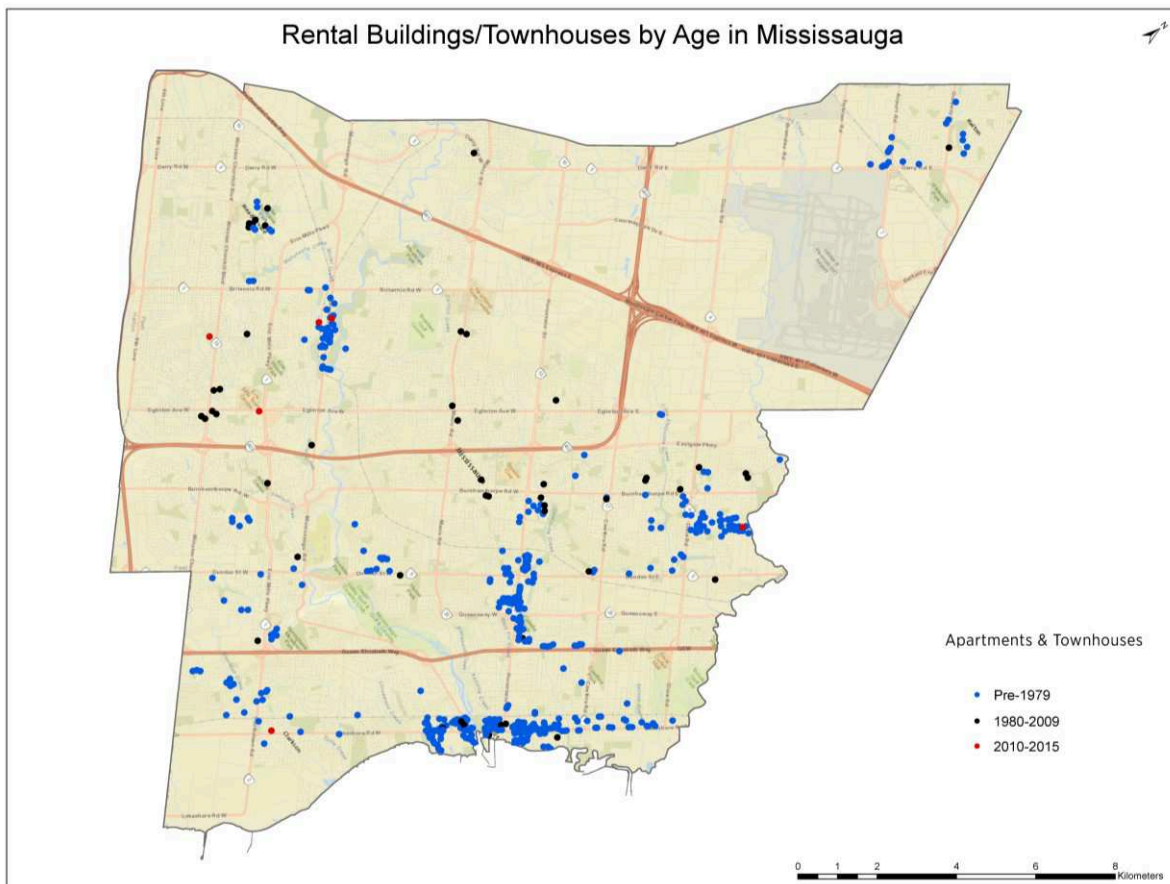


Figure 1: Map of Rental Buildings/Townhouses by Age in Mississauga

Comments

Why has there been limited development of purpose-built rental units?

Most of the existing purpose-built rental stock was built over thirty years ago and very little has been developed in recent years. A number of factors have contributed to this situation including:

- the introduction of condominium tenure in the 1960s;
- tax reforms which removed favourable treatment for rental development;
- the introduction of rent controls in the 1970s;
- high inflation and mortgage rates in the 1980s; and,
- the reduction in private stimulus and social housing investments from senior levels of government.

What is the Province doing to support rental housing?

The direction from the Province for municipalities to provide a full range of housing types and tenures is found in the following policy initiatives:

- *Ontario Long-Term Affordable Housing Strategy* – states there is a clear shortage of rental housing and next steps include consultations with small landlords to make it easier for them to stay in business with potential amendment to the *Residential Tenancies Act*;
- *Ontario Housing Policy Statement* – includes a policy direction for housing and homelessness plans to set out a strategy to generate municipal support for an active and vital private ownership and rental market;
- *Provincial Policy Statement* – To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents; and,
- *Growth Plan for the Greater Golden Horseshoe* – municipalities to provide for a range and mix of housing types and densities. Upper and single-tier municipalities will be required to prepare housing strategies that identify policies for official plans that address the needs of all residents, including affordable ownership and rental housing.

What legislative authority does the City have?

Legislative authority to protect rental housing comes from the *Planning Act* and the *Municipal Act* through the control of conversions and demolitions of existing rental housing.¹

In the *Planning Act*, affordable housing is identified as a matter of Provincial interest and municipal official plan policies may protect rental housing. The *Planning Act* (Section 33) also allows municipalities to designate “demolition control areas” to help maintain the existing rental stock. These areas can include both ownership and rental properties as well as properties with less than six units.

The *Municipal Act* (Section 99.1) allows a municipality to prohibit and regulate the demolition and conversion of residential rental properties. Municipalities may:

- prohibit the demolition of residential rental properties without a permit;
- impose conditions as a requirement of obtaining a demolition permit; and
- prohibit the conversion of residential rental properties to a purpose other than residential rental property without a permit.

What does Mississauga Official Plan state respecting rental housing preservation/replacement?

Mississauga Official Plan (MOP) Policy 7.2.12 states:

¹ The *Residential Tenancies Act* protects tenants in conversions by giving them the right to remain after the conversion and the right of first refusal when a unit is up for sale. Tenants can be required to leave when major renovations are underway. It does not deal with conversion or protection of rental housing stock.

Conversion of residential rental properties to a purpose other than the purpose of a residential rental property, or the demolition of residential rental properties exceeding six dwelling units will not be permitted if it adversely affects the supply of affordable rental housing as determined by affordable housing targets and rental vacancy rates.

Mississauga Official Plan is supported by Peel Region Official Plan (ROP) which includes objectives to provide for a mix of housing types and tenures to meet housing needs. Further, the ROP policies encourage the area municipalities to develop official plan policies to regulate rental conversions and prohibit the demolition of rental units without replacement. The *Housing Gap Assessment* spoke to Mississauga's existing low vacancy rate and documented the need for rental housing.

What have other municipalities included in official plans?

A comparative review of Greater Toronto Area and Hamilton (GTAH) municipalities' official plan policies found many protected rental housing by official plan policies that:

- prohibit conversion or demolition of rental units without replacement of rental units;
- tie conversions and demolitions to CMHC vacancy rates (vacancy rates of 3%, which represents a balanced rental market, were the most common requirement and vacancy rates should be maintained for a period of two years);
- replacement units be of similar size and rents;
- prohibit demolitions unless the applicant demonstrates that upgrading the building to meet health and safety standards is not technically or financially feasible;
- requires a tenant relocation plan that considers matters such as location, rent levels and unit size; and,
- conversions or demolitions considered in the context of other municipal policies.

Housing Affordability Advisory Panel

The Housing Affordability Advisory Panel at its meeting on May 31, 2016, provided the following comments regarding the proposal for a rental housing preservation and replacement by-law and criteria to permit conversions:

- the City needs to keep its supply of rental housing;
- rental housing is converted to condominiums because condominium buildings have higher valuations and lower taxes than rental buildings;
- condominium buildings with blocks of rental units under one ownership have been successful in other jurisdictions; and,
- there should be incentives for owners to keep rental buildings, including potentially lower tax rates.

Direction 1: Create a Rental Housing Preservation and Replacement By-law

To preserve the City's existing purpose-built rental housing, a rental housing preservation and replacement by-law should be implemented. The by-law should include the following provisions:

- apply to rental developments of six or more units;
- conversions to condominium ownership should be prohibited unless the CMHC vacancy rate for Mississauga is 3% or higher and has been at this rate for a period of two years;
- conversions to condominium may be permitted if an agreement satisfactory to the City of Mississauga is entered into that ensures the units remain available as rental units;
- demolitions should be prohibited unless the applicant can demonstrate that upgrading the building to meet health and safety standards is not technically or financially feasible or the site is to be redeveloped and will, at minimum, replace existing rental units;
- the replacement of demolished units will be required unless the rental vacancy rate is 3% or higher and has been at this rate for a period of two years; and,
- for both conversion and demolitions, a tenant relocation plan will be required that considers matters such as location, rent levels and unit size.

Direction 2: Expand existing MOP Policies

MOP policies should be expanded to include rental housing preservation and replacement criteria, rental replacement requirements, and the requirement for a tenant relocation program.

Direction 3: Explore incentives and other longer-term interventions to make rental housing more viable

A rental housing preservation and replacement by-law is one element in ensuring rental supply. A long term solution requires that the underlying reasons for limited rental development and the conversion of rental units to condominium ownership are understood and addressed.

Additional research is required to understand the investment dynamics of the rental market. To inform any incentives or regulations that may be developed as part of the Affordable Housing Program, a financial analysis as well as research into the legal and investment considerations at play should be undertaken.

Involvement in the rental housing market is often related to the business objectives of the owner. Non-profit organizations often have social justice rationale for their involvement in rental housing. For-profit businesses may invest in rental as they seek an ongoing income stream.

Even when a for-profit investor intends to retain ownership and offer units for rent, a number of rental buildings have been registered as condominiums. The advantages of the condominium tenure are associated with the business objectives of the owners and are purported to include the following considerations:

- reduction in property taxes (due to both the assessment rate and the municipal tax rate);

- higher property values (reduction in property tax increases, net operating income and market value);
- increased borrowing strength (may result in better interest rates);
- increased competitiveness with condominium properties offered in the secondary rental market;
- increased asset flexibility (units can be rented or sold);
- lack of investment in aging rental stock due to costly upgrades, and
- not subject to conversion control by-law, since registered as condominium.

Strategic Plan

The need to address affordable housing requirements originated from the Strategic Plan *Belong Pillar*. Two strategic goals relate to affordable housing – Ensure Affordability and Accessibility and Support Aging in Place. Three strategic actions link to the work underway for the affordable housing strategy:

- Action 1 – Attract and keep people in Mississauga through an affordable housing strategy
- Action 6 – Expand inclusionary zoning to permit more housing types and social services
- Action 7 – Legalize accessory units.

Financial Impact

Not applicable at this time.

Conclusion

The preservation of purpose-built rental housing has been identified as an important component of the Affordable Housing Program. As such, it is proposed that a rental housing preservation and replacement by-law be prepared and that MOP be amended to add related policies.

To better understand the dynamics of developing new and maintaining existing purpose-built rental housing, a financial analysis is proposed. At the same time, research into the legal and investment considerations affecting rental housing should be investigated.



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Emily Irvine, Policy Planner

City of Mississauga
Corporate Report



<p>Date: June 7, 2016</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Originator's files: CD.03.STE</p> <hr/> <p>Meeting date: 2016/06/27</p>
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Subject

Proposed Expansion of the Amended Boulevard Treatment for Rights-of-Ways within areas of the City of Mississauga (All Wards)

File: C.D.03.STE

Recommendation

That the Report dated June 7, 2016 from the Commissioner of Planning and Building recommending approval of amended boulevard treatments for areas within Mississauga be approved in accordance with the following;

1. That the "Amended Boulevard Treatment for Rights-of-Way within the City Centre District" be expanded to include the areas shown on Appendix 1 of this report, entitled Expanded Boulevard Treatment, within the City of Mississauga.
2. That the "Amended Boulevard Treatment" be imposed on all site plan applications, as shown on Appendix 1 and for sites where buildings have been brought to the street to create an urban environment.
3. That the Commissioner of Planning and Building be granted the discretion to modify the "Amended Boulevard Treatment" in order to incorporate best practices and/or where local constraints require unique design standards.

Background

On January 22, 2003 Council approved Recommendation GC-0005-2003, (Appendix 2) as follows:

1. That in compliance with the requirements of the 1989 "Streetscape City Centre Area" guidelines and the 2001 "City Centre – Urban Design Guidelines", an amended City

Centre standard road cross section and an amended street tree planting corridor detail, as illustrated in Appendices 2 and 3 in the report to General Committee from the Commissioner of Transportation and Works dated January 3, 2003, be adopted for the City Centre District.

2. That the cost and construction of the upgraded boulevard works within the City Centre District be imposed on all new development applications within the City Centre District by the Transportation and Works Department as a condition of lifting the “H” holding provision of the zoning.
3. That a cash contribution towards street furniture be imposed on all development applications equal to \$60 per linear metre of street frontage within the City Centre District by the Transportation and Works Department as a condition of lifting the “H” holding provision of the zoning.

In regards to Item 3 above, this process has been modified to require funds from developers through the site plan process in association with implementing the “Amended Boulevard Treatment” within the Downtown Core as per the January 22, 2003 report.

Staff have been using the “Amended Boulevard Treatment” successfully in all new developments within the downtown (i.e. Confederation Parkway, Princess Royal Drive, etc.), and it has been used in other areas of the City such as Lakeshore Road East and West, in Lakeview and Port Credit. The standards are shown in Appendix 2.

The purpose of this report is to formally seek endorsement from Council to use this “Amended Boulevard Treatment” in other areas of the City where a more pedestrianized streetscape is desired.

Comments

Streets define the image of a city and promote walkability. Streets, like well-designed architecture, aspire to achieve good aesthetics and practical goals. As the City of Mississauga shifts away from auto dependence to public transit, walking and cycling, it is important to place a greater emphasis on the pedestrian portion of the boulevard.

As a result of the move toward a more urban environment along corridors and intensification areas in the City, it is appropriate to request an amended boulevard treatment, including the design, construction and implementation of future works by developers in association with development applications.

Section 41 of the *Planning Act*, allows the City to request that applicants provide sustainable design elements on a development site and adjoining highways (which includes City and Regional roads) under Mississauga's jurisdiction as a condition of site plan approval, including without limitation, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curbs, ramps, waste and recycling containers, and bicycle parking facilities.

Official Plan, Section 19.14.5, allows the City to request boulevard treatment in general and the Council direction from 2003 authorized an "Amended Boulevard Treatment" for the Downtown. Planning & Building staff are recommending this treatment apply to other areas of the City as identified in Appendix 1.

Areas not shown in Appendix 1. will continue to be subject to the typical street tree standard detail, which includes a contribution towards City boulevard trees. As the City continues to mature and special study areas are identified, the areas subject to an "Amended Boulevard Treatment" may be expanded.

The "Amended Boulevard Treatment" will apply to all lands shown in Appendix 1 of this Report, however, the standards may be updated to reflect the latest technologies or best practices and evolved to develop unique standards for individual character areas. For example, a unique boulevard detail was developed for the Exchange District of the Downtown Core as found in Appendix 3. There may be areas in the City that have constraints and may require special consideration. Any revised treatment can be negotiated through the site plan approval process in conjunction with other affected departments and/or agencies, provided it meets the intent of a high quality, attractive, pedestrian friendly streetscape. In addition, the "Amended Boulevard Treatment" will be required for all developments that have buildings within 3.0 m (9.8 ft.) of the property line.

Financial Impact

There is no financial impact to the City.

Conclusion

An "Amended Boulevard Treatment" currently exists for the Downtown Core. With the increase of urban development and a focus on creating an attractive and predictable streetscape throughout the City, there is a need for a boulevard treatment to be expanded in locations such as Intensification Areas, Corridors and Community Nodes, and for sites that propose buildings that are located close to the street to create an urban feel.

Attachments

Appendix 1: Amended Boulevard Treatment Areas

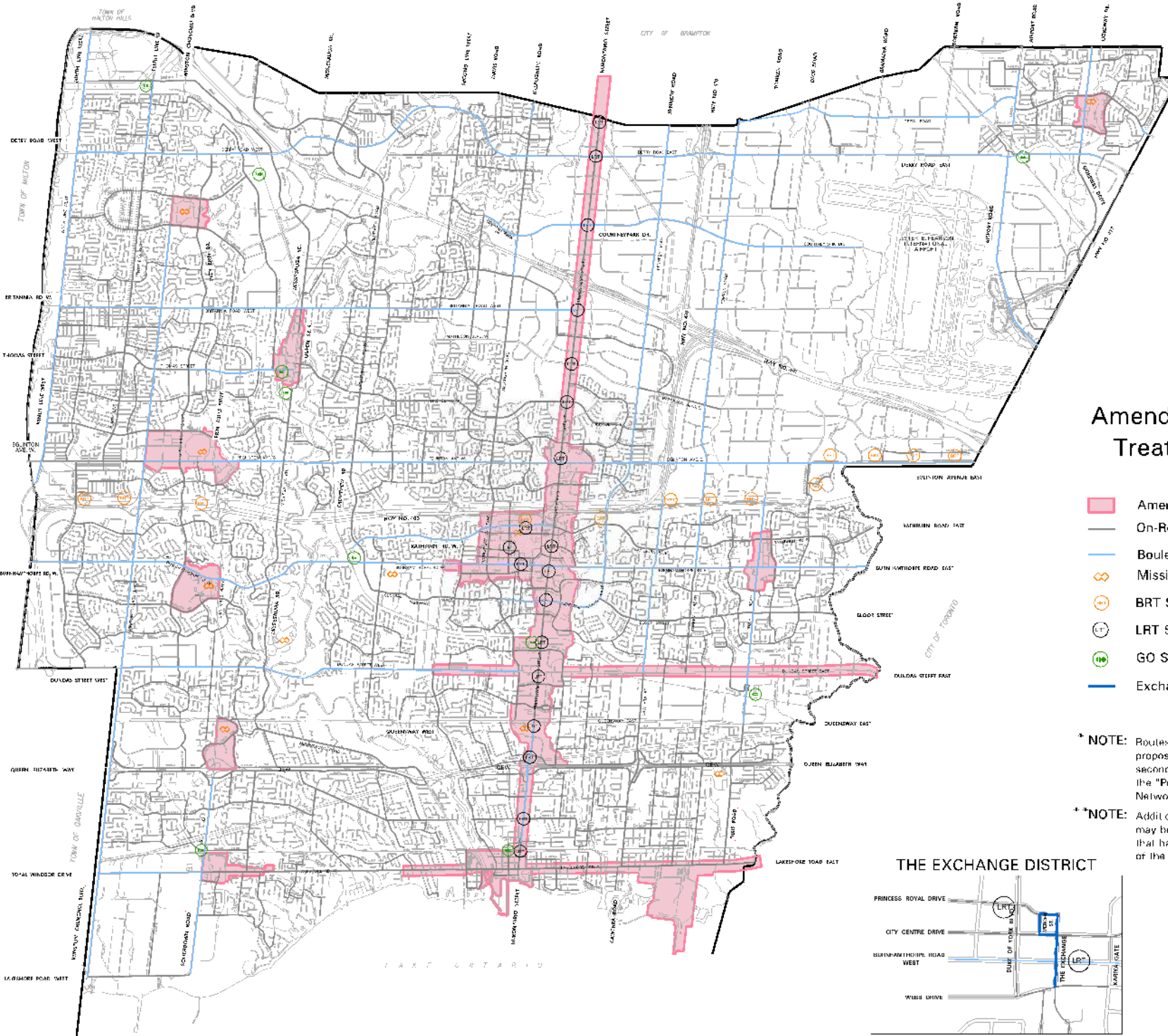
Appendix 2: Report to General Committee dated January 3, 2003 from the Commissioner of Transportation and Works titled - Proposed Amended Boulevard Treatment for Rights-of-Way within the City Centre District (Wards 4 and 7)

Appendix 3: The Exchange District Streetscape Standard 2015



Edward R. Sajecki
Commissioner of Planning and Building

Prepared by: Sharon Mittmann, Manager, Urban Design



0 500 1000 1500 2000
SCALE

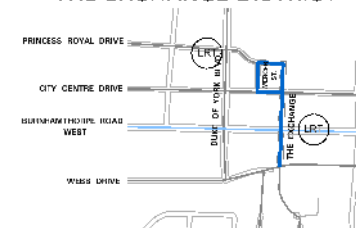
Amended Boulevard Treatment Areas

- Amended Boulevard Treatment
- On-Road Bicycle Routes*
- Boulevard Bicycle Routes*
- Mississauga Transit Terminals
- BRT Stations
- LRT Stations
- GO Station
- Exchange District

* NOTE: Routes shown are the existing and proposed as well as the primary and secondary bicycle routes based upon the "Proposed Mississauga Cycling Route Network"

* NOTE: Additional Amended Boulevard Treatments may be required for all developments that have buildings within 3m (9.8ft) of the property line.

THE EXCHANGE DISTRICT





Corporate Report

Received by
Clerk's Dept. JAN 7 2003

Clerk's Files CD.03



Originator's
Files

MG.23.REP

DATE: January 3, 2003

TO: Chairman and Members of General Committee
Meeting Date: January 15, 2003

FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: Proposed Amended Boulevard Treatment
for Rights-of-Way Within the
City Centre District
(Wards 4 and 7)

ORIGIN: Community Services, Planning and Building and Transportation and Works Departments.

COMMENTS: The street boulevard treatment for the City Centre District is based on the 1989 "Streetscape, City Centre Area" guideline and the 2001 "City Centre - Urban Design Guidelines". The boulevard treatment within the City Centre is to be of a higher standard of design compared to typical boulevard treatment in other parts of the City and is to be applied consistently throughout the district. This treatment is in accordance with the City Centre District Policies. Appendix 1, attached, illustrates the streets within the City Centre subject to this boulevard treatment.

One of the boulevard elements within the City Centre consists of tree planting. Based upon Community Services' experience with tree planting within the City Centre, the current boulevard and tree planting standards do not provide a sustainable growing medium for street trees proposed to be planted within the hard-surfaced boulevard. To improve the street tree growing environment, it is proposed that a streetscape corridor be provided within the upgraded boulevard.

Appendix 2, attached, illustrates the proposed amendments to the boulevard for the typical road cross-section, and Appendix 3 indicates the typical tree planting within the streetscape corridor.

The proposed amendments to the boulevard area are as follows:

- i. A streetscape "corridor" will be located in the boulevard area for street tree planting, decorative pavers and street furniture, with the balance of the boulevard being made up of a concrete splash pad and concrete sidewalk.
- ii. Hydro transformers and utility boxes will be located on private property or buried within the boulevard area to improve streetscape aesthetics.
- iii. Upgraded streetlight poles will be used based upon the City Centre standard. The Mississauga City Hall pole is proposed for the extension of Princess Royal Drive, Duke of York Boulevard, Living Arts Drive, as well as City Centre Drive and Prince of Wales Drive between Living Arts Drive, and Duke of York Boulevard, with the balance of the streets using the Brin Mills type pole (8 sided black pole and arm).

The typical road cross-section illustrated in Appendix 2 is for a 26m (86 foot) right-of-way which is the most common road allowance within the City Centre District. However, the proposed boulevard upgrading will also apply to all other road allowance widths in the City Centre area.

A variation to the above noted elements in the boulevard will still be applied where the width is either narrower or wider than the standard boulevard. Community Services and Planning and Building Departments will be consulted regarding these variations. In cases where the boulevard is narrower it may be necessary to eliminate the streetscape corridor, and in wider boulevards a sodded area may be added.

A new item within the amended street tree planting detail (Appendix 3) is the requirement for "structural soil" within the streetscape corridor. Structural soil is a blend of topsoil and aggregate that supports the hard surface while providing a continuous growing medium for streetscape trees. Using structural soil within a continuous planting trench, in combination with an underground drainage and aeration system, greatly improves the survival and growth rate of trees that are surrounded by hard-surfaced areas. The use of structural soil will increase the cost of construction of the streetscape corridor by approximately \$225 per linear metre but will greatly increase the survival rate of the boulevard trees.

It is proposed that the cost for the upgraded boulevard treatment, which includes the streetscape corridor and the complete hard surface of the boulevard be funded and constructed by the adjacent developers for all new applications.

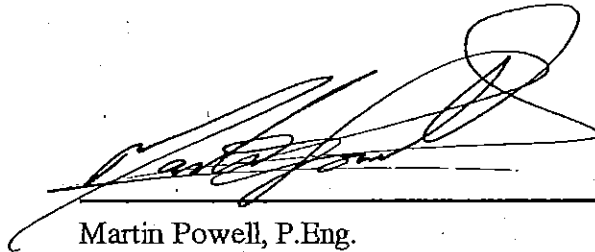
The 1989 City Centre Streetscape Guidelines also outline the requirements for street furniture (i.e. benches, trash receptacles and bicycle racks). It is proposed that developers be required to provide a monetary contribution towards these items which are estimated at \$60 per linear metre of street frontage. Once the adjacent developments are constructed, the furniture will be installed by the City. The Transportation and Works Department will require this cash contribution as a condition of lifting of the "H" holding provision of the zoning.

CONCLUSION:

To comply with the City Centre design guidelines, it is necessary to upgrade the typical boulevard treatment for streets within the City Centre area to a "downtown" urban right-of-way cross-section which involves the removal of above-ground utility boxes and hydro transformers from the boulevard area, a greater hard surface for the boulevard and a streetscape corridor.

He

- RECOMMENDATION:**
1. That in compliance with the requirements of the 1989 "Streetscape, City Centre Area" guidelines and the 2001 "City Centre - Urban Design Guidelines", an amended City Centre standard road cross-section and an amended street tree planting detail corridor, as illustrated in Appendices 2 and 3 in the report to General Committee from the Commissioner of Transportation and Works dated January 3, 2003, be adopted for the City Centre District.
 2. That the cost and construction of the upgraded boulevard works within the City Centre District be imposed on all new development applications within the City Centre District by the Transportation and Works Department as a condition of lifting the "H" holding provision of the zoning.
 3. That a cash contribution towards street furniture be imposed on all development applications equal to \$60 per linear metre of street frontage within the City Centre District by the Transportation and Works Department as a condition of lifting the 'H' holding provision of the zoning.



Martin Powell, P.Eng.

Commissioner of Transportation and Works

4.6 10

GENERAL COMMITTEE AGENDA

JAN 15 2003

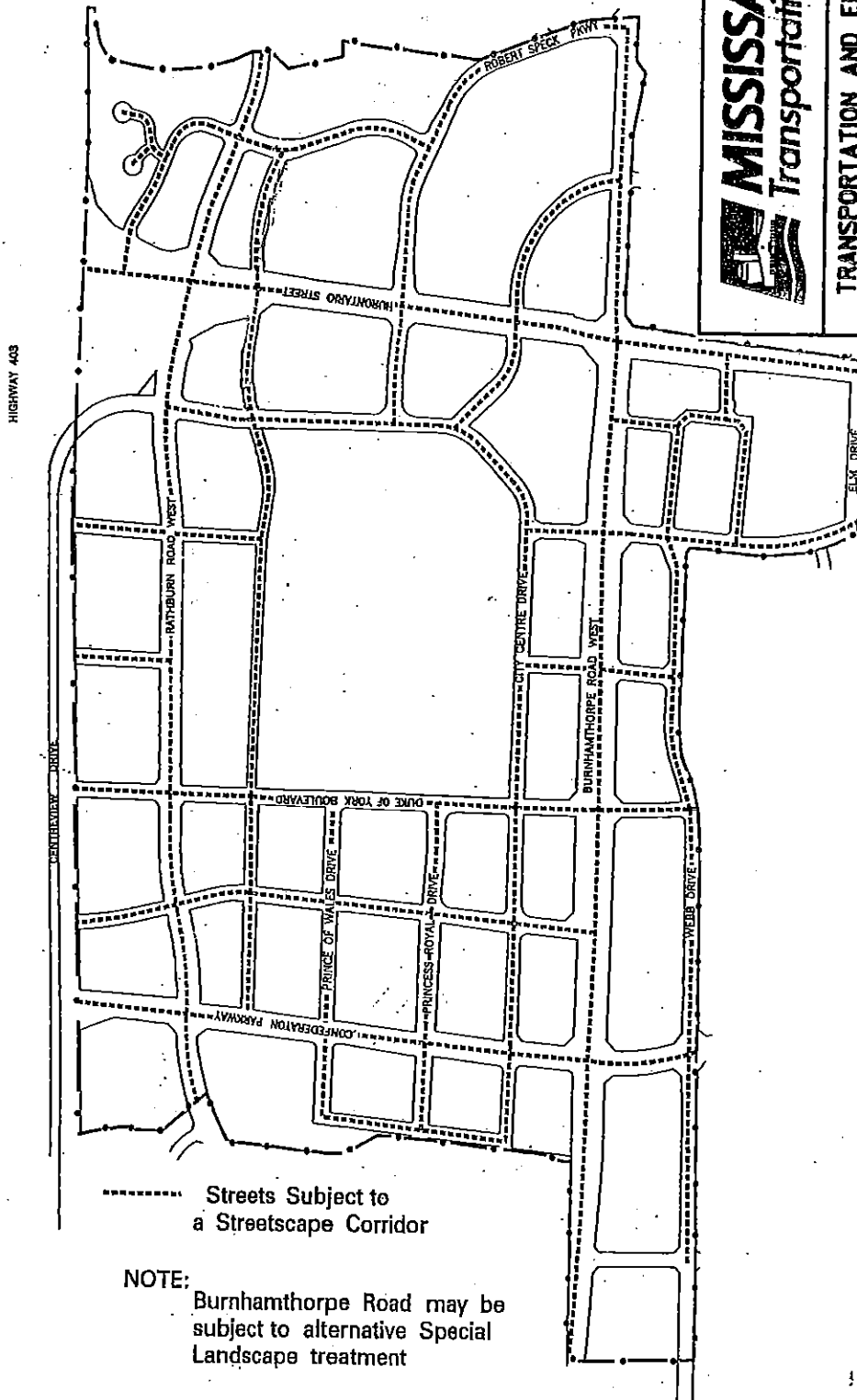

MISSISSAUGA
 Transportation and Works

TRANSPORTATION AND ENGINEERING PLANNING

CITY CENTRE STREETS
SUBJECT TO A
STREETSCAPE CORRIDOR

APPENDIX 1

City Centre Streets Subject to a Streetscape Corridor



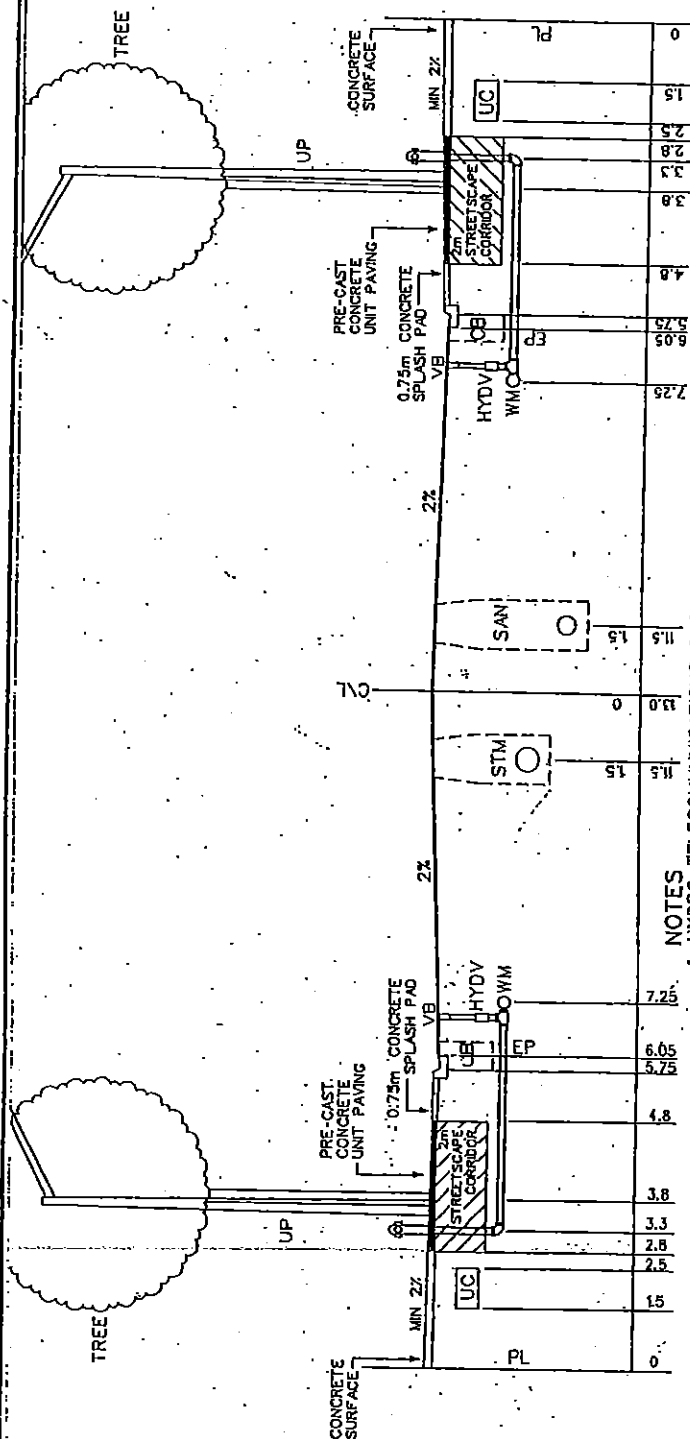
JAN 15 2003



TRANSPORTATION AND ENGINEERING PLANNING

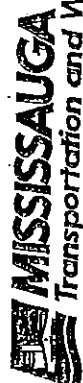
STANDARD CROSS-SECTION
SPECIFIC TO CITY CENTRE DISTRICT

APPENDIX 2



METRIC

ALL DIMENSIONS IN METRES



Transportation and Works

STANDARD

CROSS SECTION SPECIFIC
TO CITY CENTRE

EFF. DATE	
REV.	

NOTES
HYDRO, TELECOMMUNICATIONS, GAS AND SL CORRIDOR
TO 'HAVE A MINIMUM' DEPTH OF 0.965 m.

2. WATERMAIN TO HAVE A MINIMUM COVER OF 1.7m.
3. IF UTILITIES CANNOT BE INSTALLED ACCORDING TO STANDARDS THEY ARE TO BE INSTALLED AS CLOSE AS POSSIBLE TO THE PRESCRIBED LOCATION SUBJECT TO THE APPROVAL OF THE TRANSPORTATION AND WORKS DEPARTMENT OF THE CITY OF MISSISSAUGA.
4. A 0.4m - 0.6m CLEARANCE MUST BE MAINTAINED BETWEEN CABLES AND HYDRANTS
5. A 0.3m CLEARANCE MUST BE MAINTAINED BETWEEN WATERMAINS AND UTILITY POLES.
6. ROAD WIDTH IS MEASURED FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT AND IN ACCORDANCE WITH OPSD STD. 600.040 CURB & GUTTER
7. FOR LOCATION OF GAS MAIN WITHIN UTILITY CORRIDOR REFER TO STD. 2211.280
8. HYDRO TRANSFORMERS AND UTILITY BOXES SHALL BE LOCATED ON PRIVATE PROPERTY OR UNDERGROUND WITHIN THE BOULEVARD AREA IN A LOCATION APPROVED BY THE COMMISSIONER OF TRANSPORTATION AND WORKS.

LEGEND:

- EDGE OF PAVEMENT
- CATCH BASIN.
- CURB OR CURB AND GUTTER
- CENTRELINE
- GAS MAIN
- FIRE HYDRANT
- FIRE HYDRANT VALVE
- PRIVATE WATER VALVE
- PROPERTY LINE
- STREETLIGHT
- SIDEWALK
- SANITARY SEWER.
- STORM SEWER
- UTILITY BOX (HYDRO, TELECOM)
- UTILITY CORRIDOR (HYDRO, TELECOM)
- UTILITY POLE
- WATERMAN

PLAN OF GUYING

4.6 - 12

PRUNE ONLY DEAD, DAMAGED OR INTERFERING
BRANCHES. LEADERS ARE NOT TO BE CUT.

GENERAL COMMITTEE AGENDA

JAN 15 2003

AERATION PIPE TO BE
CAPPED WITH ZURN
GRATE ASSEMBLY.60mm THICK CONCRETE
PAVERS ON 20mm SAND
SETTING BED ON WOVEN
GEOTEXTILE ON WELDED
GRATING BY ADMINION
BRIDGE OR APPROVED
EQUAL.GRATE TO REST ON HOT
DIPPED GALVANIZED
STEEL ANGELS SECURED
TO ADJACENT CONCRETE
BY APPROPRIATE SIZE
LAG BOLTS.

CONCRETE SPLASH PAB

CONCRETE
CURB

1800mm MIN.

1400mm

MIN 900mm

305mm

305mm

2000mm

TREE TIES TO BE FASTENED AROUND THE TREE
TRUNK IN A FIGURE EIGHT WITH NO. 9
GALVANIZED SUPPORT WIRE ENCASED IN 13mm
DIA. 2-PLY RUBBER HOSE TIGHTLY COIL AND
TRIM ENDS OF WIRE.TREE GUARD AS SPECIFIED IN PLANTING
SPECIFICATION.TREE TRUNK WRAPPING AS SPECIFIED IN
SPECIFICATION.ROOT CROWN TO BE SET 50 mm ABOVE
PLANTING MIXTURE TO ALLOW NORMAL
NATURAL SETTLEMENT.CUT AND REMOVE 1/3 OF BURLAP
— FOLD BACK AND BURY.

50mm CLEAR STONE

HOT DIPPED GALVANIZED STEEL ANGLE & ANCHOR
CONCRETE SIDEWALK

COMPACTED GRANULAR TYPE "A".

BACKFILL WITH STRUCTURAL SOIL MIX.

100mm AERATION PIPE: CONTINUOUS THROUGH
PLANTING PIT. PIPE TO DAYLIGHT ABOVE
— PIPE TO LOOP AROUND ROOTBALL.TERRAFIX 270R FILTER FABRIC TOP & BOTTOM,
FULL WIDTH OF EXCAVATED TRENCH AND WRAP
DRAIN PIPE. OVERLAP MIN 200mm.

200mm DEEP—19mm DIA CLEAR CRUSHED STONE

100mm CONTINUOUS PERFORATED DRAINAGE PIPE
IN SLEEVE. CONNECTED TO NEAREST DOWNSLOPE
CATCH BASIN.

UNDISTURBED SUBSOIL

NOTES:

1. TOPSOIL AND OR PLANTING MIXTURE—SEE STRUCTURAL SOIL SPEC.
2. DO NOT DAMAGE MAIN ROOTS OR DESROY ROOT BALL WHEN INSTALLING TREE GUARD.
3. WATER THOROUGHLY AFTER INSTALLATION & EVERY 3 WEEKS THROUGHOUT GROWING SEASON.
4. REMOVE ANY TREE TIES AND STAKES AT END OF 2 YEAR WARRANTY PERIOD.
5. 60mm THICK PAVERS ARE USED OVER THE BEDDING SAND AND 100mm MIN. AGGREGATE BASE.
6. WHERE TREES ARE TO BE PLANTED IN ROWS ALONG BOULEVARD, THE SOIL PLANTING MEDIUM SHALL BE MADE CONTINUOUS FROM PIT TO PIT TO CREATE AN ENLARGED ROOTING ZONE.
7. DRAINAGE TILE WITH SLEEVE TO SIT AT BASE OF PIT AND CONNECT TO NEAREST DOWNSLOPE CATCH BASIN—USE MANUFACTURER'S 'T' & CAP CONNECTORS.
8. TREE PIT TO BE 900mm MIN. DEPTH.
9. TREE GROWING MEDIUM TO BE MINIMUM 27 CUBIC YARDS IN VOLUME.
10. PLANTS SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, INSECT PESTS' EGGS OR LARVAE, AND SHALL HAVE HEALTHY WELL DEVELOPED ROOT SYSTEMS.
11. KEEP ALL PLANTS WELL WATERED FROM TIME OF PLANTING UNTIL ACCEPTANCE.
12. WHERE UNIT PAVERS ARE TO BE LAID DIRECTLY OVER PLANTING MEDIUM, THAT MEDIUM SHALL BE STRUCTURAL SOIL.

NO.	REVISION	DATE


MISSISSAUGA
Community Services

MISSISSAUGA
Transportation and Works

TRANSPORTATION AND ENGINEERING PLANNING

TYPICAL TREE PLANTING
WITHIN STREETSCAPE CORRIDOR
IN CITY CENTRE DISTRICT

APPENDIX 3

THE EXCHANGE DISTRICT

STREETSCAPE STANDARDS 2015

Components

- i. Street Bench
- ii. Bike Rack
- iii. Pavers
- iv. Roadway Lights
- v. Pedestrian Light
- vi. Waste Receptacle
- vii. Raised Planters

*As prescribed in the SQ1 Southwest Expansion EA and Servicing Agreement (HOZ
13/004 W4)

STREET BENCH

Product #: MLB1200-PCC-A

Manufacturer: Maglin

Materials: Bench ends are made from solid cast aluminum. The seat and back support is made from High Density Paper Composite (HDPC)

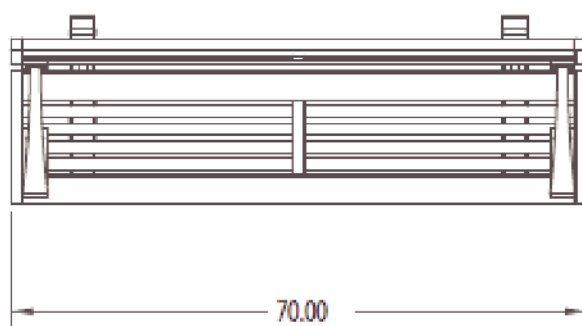
Colour: The HDPC is to be in Charcoal colour; solid cast aluminum parts to be Maglin Silver14 FineTex colour.

Notes:

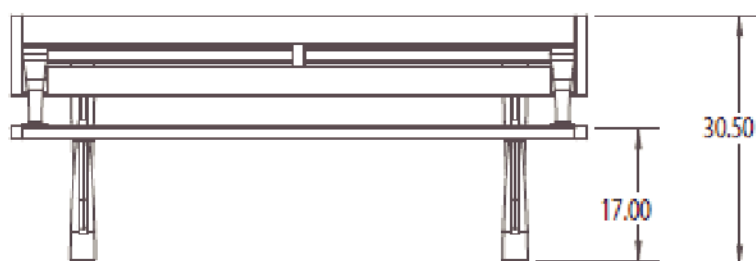
- i. In appropriate locations, benches should also include an additional interior arm for accessibility purposes.
- ii. Some boulevards, i.e. The Exchange and Mercer Street, may require solutions to mitigate the severity of the slope



MLB1200-PCC-A



DIMENSIONS: Height: 30.50" (77.5 cm)
Length: 70.00" (177.8 cm)
Depth: 23.00" (58.4 cm)
Weight: 135lbs (61kg)



BIKE RACK

Product #: SCBR1600-S U Shaped Rack

Manufacturer: Maglin

Materials: Solid Cast Aluminum

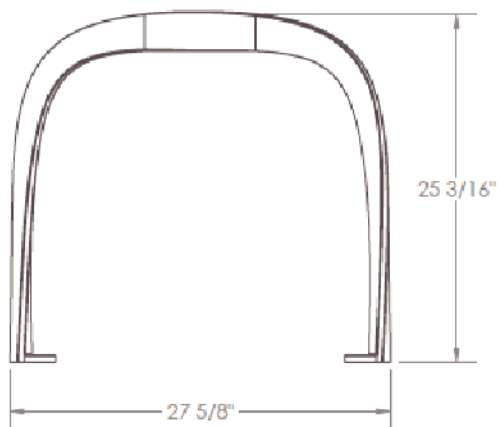
Colour: Maglin Silver14 FineTex

Notes: i. Surface mount model



DIMENSIONS:

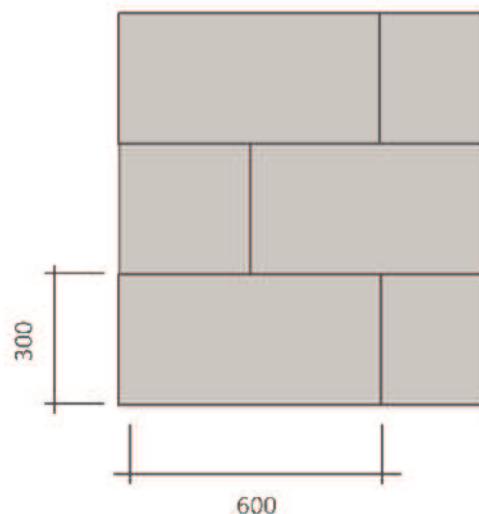
Length:	27.62" (70.17 cm)
Height:	25.19" (63.98 cm)
Width:	3.375" (8.57 cm)
Weight:	18.3lbs (8.3kg.)



PAVERS

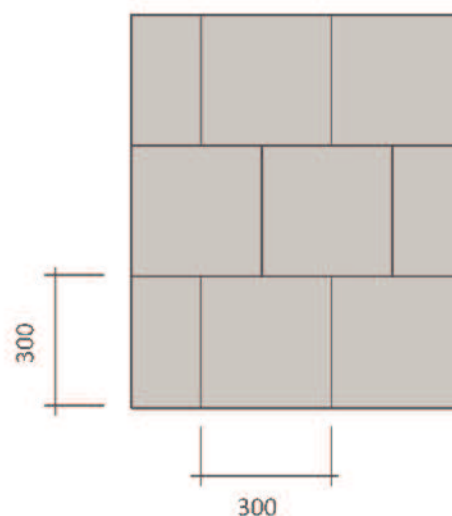
Type 1: Sidewalks

Product #:	Boulevard TLI 100
Manufacturer:	Transpave
Size:	300mm x 600mm x 100mm Thick
Colour:	Cinder grey, Granitech finish
Pattern:	Running Bond
Notes:	i. Paving patterns should be aligned with planter locations to avoid cuts to the pavers around the planters.



Type 2: Parking Laybys & Driveways

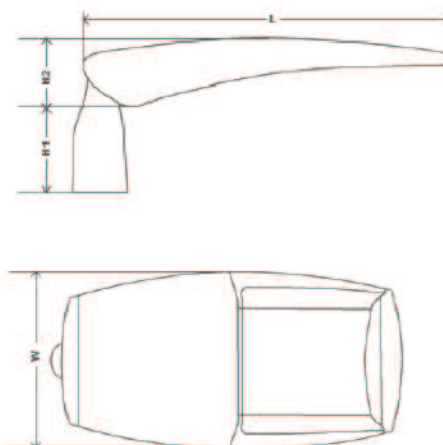
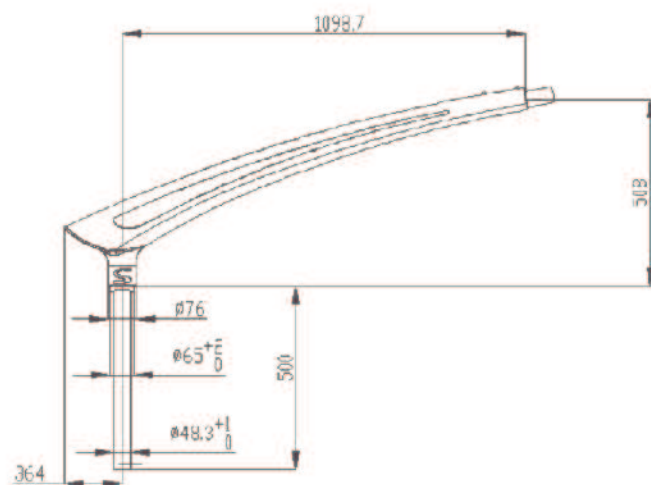
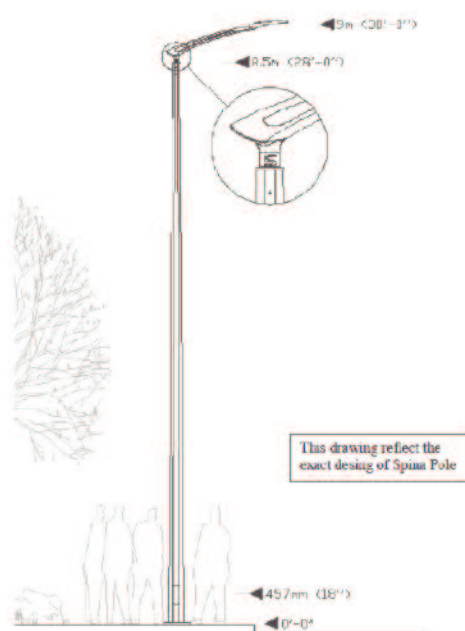
Product #:	Boulevard TLI 100
Manufacturer:	Transpave
Size:	300mm x 300mm x 100mm Thick
Colour:	Cinder grey, Granitech finish
Pattern:	Running Bond



ROADWAY LIGHTS

Type 1: Teceo Roadway Light with Elaya Pole and Arm (S11T)

- Product: Teceo 1 Roadway Light (S11T)
- Product: Elaya Arm with White LED (S11T)
- Product: Elaya Pole 28'-0 (S11T)
- Manufacturer: Schreder
- Colour: Standard Fine Textured Grey
RAL9007 (#AE3257900720)
- Notes: i. Framing the '9' focus of the Exchange District. Refer to Lighting Approach map treatment area #1

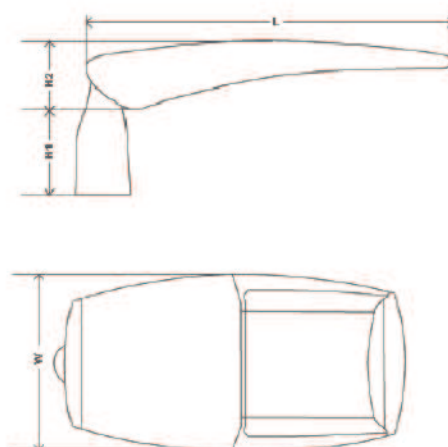
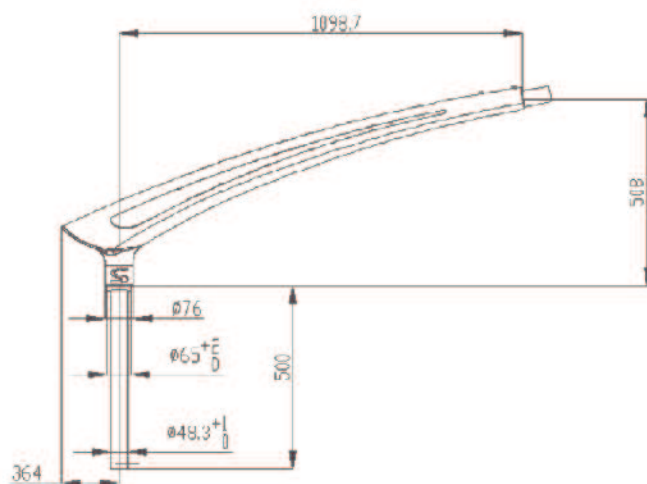
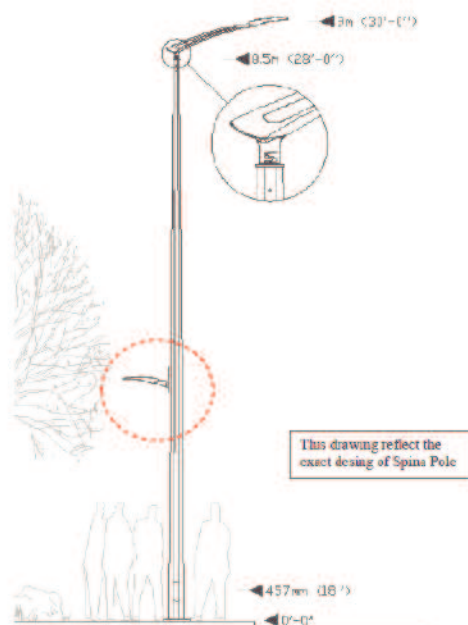


Teceo 1	
W	318mm
L	607mm
H1	141mm
H2	113mm

ROADWAY LIGHTS

Type 2: Teceo Roadway Light with Elaya Pole, Arm, and Integrated Pedestrian Light (S11B)

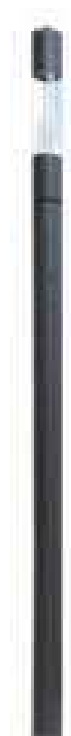
- Product: Teceo 1 Roadway Light (S11T)
- Product: Elaya Arm with White LED (S11T)
- Product: Elaya Pole 28'-0" with mounting bracket and Teceo 1 Roadway Light (S11B)
- Manufacturer: Schreder
- Colour: Standard Fine Textured Grey RAL9007 (#AE3257900720)
- Notes: i. Placed in the areas outside the '9'. Refer to Lighting Approach map treatment area #2



Teceo 1	
W	318mm
L	607mm
H1	141mm
H2	113mm

PEDESTRIAN LIGHT

Product:	Modullum (Midi)
Manufacturer:	Schreder
Colour:	Standard Fine Textured Grey RAL9007 (#AE3257900720)
Height:	5.4m
Attachments:	360° 16 LEDs LD 5096 clear lens Optional façade lighting- CFL 57W LD 1932
Notes:	<p>i. Placed exclusively in the areas inside the '9'. Refer to Lighting Approach map □ treatment area #1</p> <p>ii. In the event the manufacturer discontinues the product, Shreder's □ Shuffle □ has been approved as suitable alternative</p>



Optional →



WASTE RECEPTICAL

Product:	The Slim (Custom - Double Stream recycling and refuse unit)
Manufacturer:	Envyrozone
Colour:	Must match Maglin Silver14 FineTex colour
Size:	42 x 22 16-18 Gallon
Notes:	i. Waste receptacle opens from the back and in the opposite direction (contrary to what is shown below)



RAISED PLANTER

Product: Custom

Manufacturer: N/A

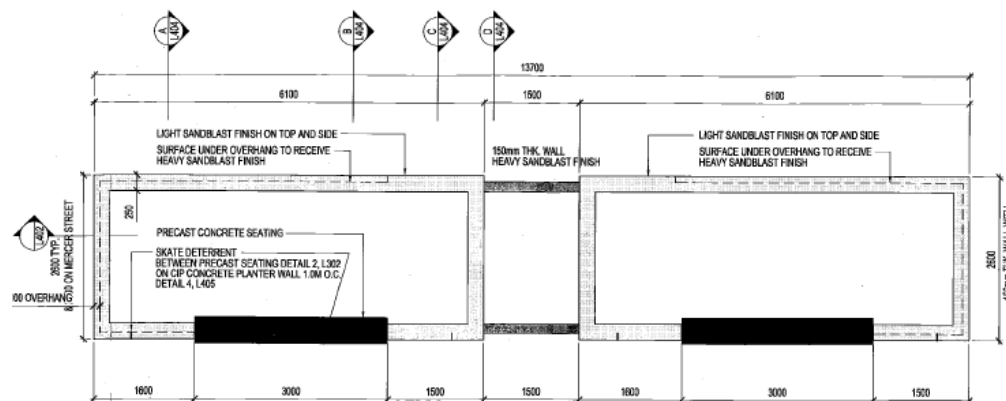
Colour: Charcoal/dark grey to match coloured concrete paving (for precast concrete seating). For all other colour details, refer to drawings below

Finish: refer to drawings below

Size: Varies (refer to note i).

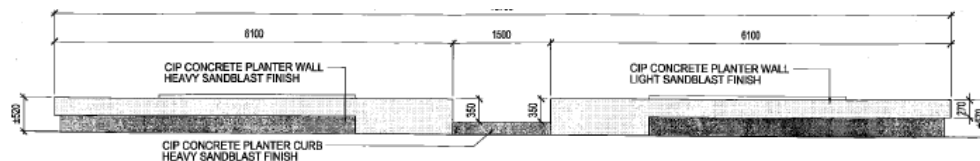
Notes: i. There should be a minimum soil volume of 15 m³ per tree.

ii. The height at either end of the planter should be adjusted to compensate for the slope of the boulevard. The width is fixed at 2.6m. The length can vary between 12.5-13.7m, depending on site constraints and the requirement to align the planter with the paving pattern joints. Notwithstanding, the planters should be a consistent length.



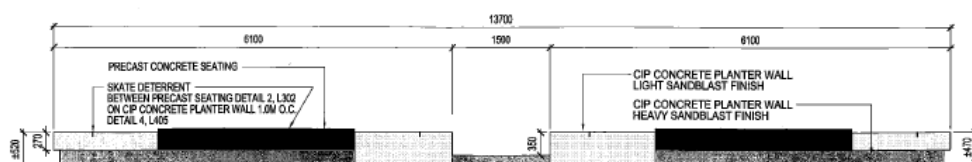
PLANTERS A4, D & E

PLAN - 1:50



PLANTER A4

ELEVATION FROM ROADWAY - 1:50



PLANTER A4

ELEVATION FROM SIDEWALK - 1:50



Main Street District Lighting Approach #1

Defining Characteristics

Uses lighting as a critical design element to:

- Celebrate the '9' consisting of Main Street itself and the open space/square.
- Reinforces key east-west routes into the district, moving towards the '9'.
- Creates foreshadowing, provides a sense of heightened experience and creates the 'wow' through strategic placement and integration of related lighting types.

Legend



City of Mississauga

Corporate Report



Date: June 7, 2016

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's file:
"B" 21/15Meeting date:
2016/06/27

Subject

**Execution of Development Agreement as a Condition of Consent at
3160 Derry Road East, south side of Derry Road East, west of Professional Court
Owner: Magellan Aerospace Limited
File: "B" 21/15 W5**

Recommendation

That a by-law be enacted authorizing the Commissioner of Planning and Building and the City Clerk to execute and affix the corporate seal to a Development Agreement, and subsequent amending agreements and/or ancillary documents, between the City of Mississauga and Magellan Aerospace Limited, as owner of 3160 Derry Road East, and/or future owner of the severed parcel at 3160 Derry Road East, to permit Magellan Aerospace Limited and/or the future owner of the severed parcel to undertake remedial work, such Agreement to be in a form and content satisfactory to the City Solicitor.

Report Highlights

- Contamination has been identified in the soil and groundwater at 3160 Derry Road East and in groundwater off-site in an existing City servicing easement over private lands
- To address the contamination, an executed development agreement is required as part of the fulfillment of the conditions of provisional consent imposed by the Committee of Adjustment under File "B" 21/15
- The development agreement will commit the owner of 3160 Derry Road East to undertake certain remedial work within a specified period of time, to allow for future development, and to address contamination within the City servicing easement; including the provision of securities, to the satisfaction of the City

Background

On April 30, 2015, the property owner, Magellan Aerospace Limited ("Magellan"), submitted a consent application "B" 21/15 to sever part of the subject property, having a frontage of

approximately 380.66 m (1248.88 ft.) and an area of approximately 18.25 ha (45.10 ac.) to create a new lot for employment purposes. Magellan intends to retain the 0.32 ha (0.79 ac.) residual land and sell the severed parcel. A new Magellan Aerospace facility is proposed to be built on a portion of the severed parcel by the land purchaser. The retained and severed lands are shown on Appendix 1.

As part of the consent application, Magellan provided environmental reports concerning the contamination of the subject lands. In reviewing the reports, City staff identified concerns relating to the environmental condition of the subject property and off-site migration of contaminants over an existing City servicing easement ("City easement"). The City easement is shown as Part 5, Plan 43R-17185 on Appendix 2 and is located on adjacent private property, municipally known as 6836 Professional Court. The contaminants of concern include volatile organic compounds (commonly referred to as chlorinated solvents), which are chemicals that have a tendency to persist in, and migrate with groundwater. The levels of chlorinated solvents found both on and off-site exceed the applicable Ontario Ministry of the Environment and Climate Change (MOECC) Site Condition Standards.

Between April and December 2015, the consent application was deferred a number of times to allow City staff to work with Magellan to receive additional information to address concerns regarding the contamination and the viability of the retained parcel given its size, configuration and level of contamination. Magellan's environmental consultant (GHD) indicated in a letter to the City that based on the results of environmental investigations, monitoring activities completed and GHD's experience, the retained lands are developable in a manner that can be protective of human health and the environment as long as a risk assessment is undertaken to develop property specific remedial measures for the soil and groundwater contamination and that the remedial measures are implemented.

On December 10, 2015, the Committee of Adjustment granted provisional consent, subject to a number of conditions being fulfilled to the satisfaction of the City and the Region of Peel. The conditions of provisional consent must be fulfilled on or before December 21, 2016. One of the conditions requires Magellan to satisfy the comments provided by the Transportation and Works Department, including the execution of a development agreement ("agreement") that would be registered on title. This agreement will address the environmental concerns with the retained parcel and the City easement, as well as the provision of securities, as outlined in Appendices 3 and 4. Further information on the details of the agreement is found in the Development Agreement section of this report.

The City has also entered into a tolling agreement with Magellan to suspend the limitations period for commencing any claims the City may have against the property owner relating to the contamination within the City easement. The tolling agreement was approved by Council Resolution 0050-2016 and a by-law to authorize execution of the agreement was passed by Council on March 23, 2016.

Present Status

Magellan has already implemented a number of remedial measures, including the installation of a permeable reactive barrier (PRB) in 2011. A PRB is a groundwater remediation technology whereby a trench is dug and filled with reactive material (i.e. granular iron) creating a wall in the path of contaminated groundwater flow. As the groundwater flows through the PRB, the contaminants react with the reactive material to form less harmful ones. The purpose of the PRB is to mitigate off-site migration of contaminated groundwater. To confirm its effectiveness, Magellan has also implemented a groundwater monitoring program, both on and off-site, which will continue until the Record of Site Condition (RSC) is filed. City staff are satisfied that the PRB is currently functioning as intended and that with the ongoing monitoring, there are reasonable measures currently in place to manage the contamination on the retained parcel until the RSC is filed.

The retained parcel is not required for Magellan's current or future operations as they are looking to scale back their operations to meet their current business requirements. In its current condition, the retained parcel is not suitable for development, and is being maintained as a vacant lot that will be fenced off until all required remedial measures are implemented and a RSC has been filed. Magellan will maintain ownership of the retained parcel and will be responsible for the ongoing monitoring of environmental conditions. Once the contamination is satisfactorily addressed, the retained parcel is of sufficient size to be developed for employment uses in accordance with the **E2** (Employment) zone regulations, on its own or in conjunction with the abutting lands.

Comments

COMMUNITY COMMENTS

No members of the public expressed an interest in the consent application "B" 21/15 at the Committee of Adjustment meetings and no written comments were received.

PLANNING COMMENTS

Official Plan

The subject property is located within the Northeast Employment Area and designated **Business Employment**. The required agreement includes a remedial action plan, warning clauses and securities, which support current Official Plan policies with respect to identifying and remediating contaminated sites to reduce their impact on the environment (Section 6.7 of Mississauga Official Plan).

Zoning

The subject property is zoned **E2** (Employment) which permits office, industrial and limited commercial uses.

Site Plan

Prior to development occurring on the subject property, Site Plan approval will be required. A site plan application has not been submitted for a new Magellan Aerospace facility on the severed parcel.

Development Agreement

Execution of the development agreement will commit Magellan to remediate the retained parcel, address the contamination within the City easement, and allow for future development of the retained parcel. Securities are to be received by the City that would cover the cost for:

- removal and replacement of a portion of the storm sewer pipe that connects to the City easement
- ongoing monitoring of contamination levels and reporting (including 5 year status updates)
- completion of a risk assessment and implementation of required remedial work to address the contamination on the retained parcel
- filing of the RSC for the retained parcel prior to January 20, 2026 or prior to any development of the retained parcel.

The amount of security is based on estimates received from Magellan's environmental consultant (GHD) and found to be acceptable by staff in the Transportation and Works Department. The development agreement will also commit Magellan to bear all costs associated with the remediation, which would also include reimbursing the City for incremental costs that may be incurred by the City in connection with the contamination, should any capital works projects be required within the City easement. The agreement will provide an indemnity in favour of the City from Magellan with respect to claims that may be brought against the City and any clean up orders from the MOECC relating to contamination within the City easement. Further, immediately following the transfer of the severed parcel, Magellan shall register on title to the retained parcel a Restrictive Covenant pursuant to Section 118 of the *Land Titles Act*, that the retained parcel may not be transferred without the consent of the City Solicitor. The Restrictive Covenant shall remain on title until the RSC has been filed for the retained parcel.

Financial Impact

There will be no financial impact to the City for entering into the development agreement. If the agreement is not entered into, the City may incur costs associated with pursuing environmental investigations to remediate the contamination within the City easement.

Conclusion

It is in the City's best interest to execute an agreement, including the provision of securities to the satisfaction of the City. The agreement will include an indemnity in favour of the City and commit Magellan to remediate the retained parcel on or before 2026, allow for future development and address contamination within the City easement at Magellan's cost.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: City easement

Appendix 3: Memo from Transportation and Works Department dated December 9, 2015

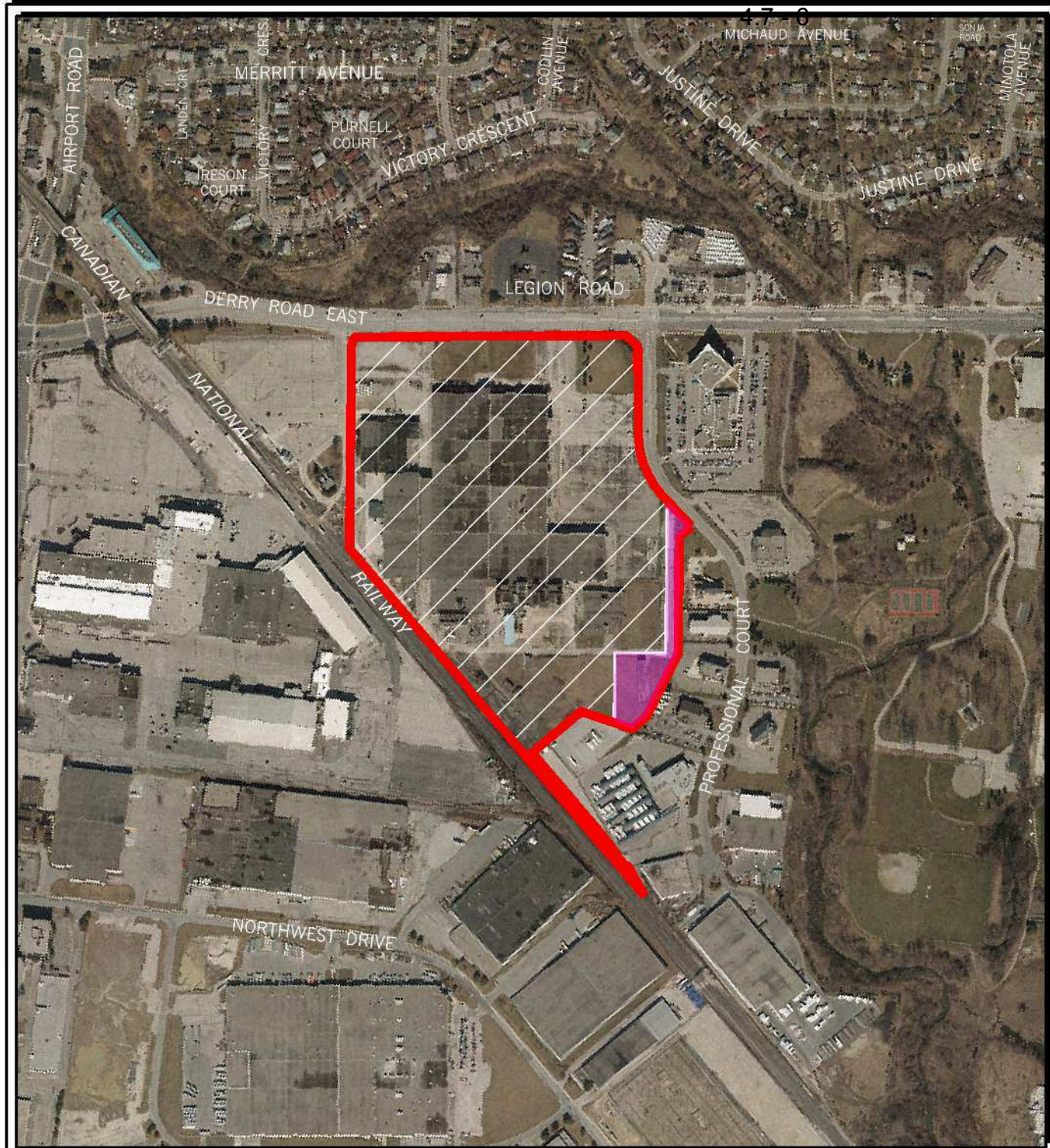
Appendix 4: Memo from Planning and Building Department dated December 10, 2015






Edward R. Sajecki

Commissioner of Planning and Building

Prepared by: Stephanie Segreti-Gray, Development Planner



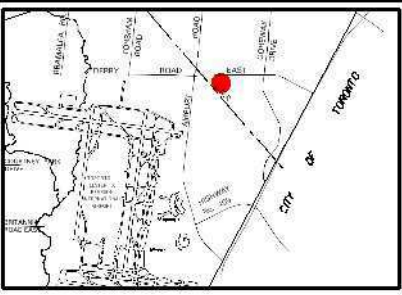
LEGEND:

-  SUBJECT LANDS
-  SEVERED LANDS
-  RETAINED LANDS

DATE OF AERIAL IMAGERY: SPRING 2015



SUBJECT:
MAGELLAN AEROSPACE LIMITED



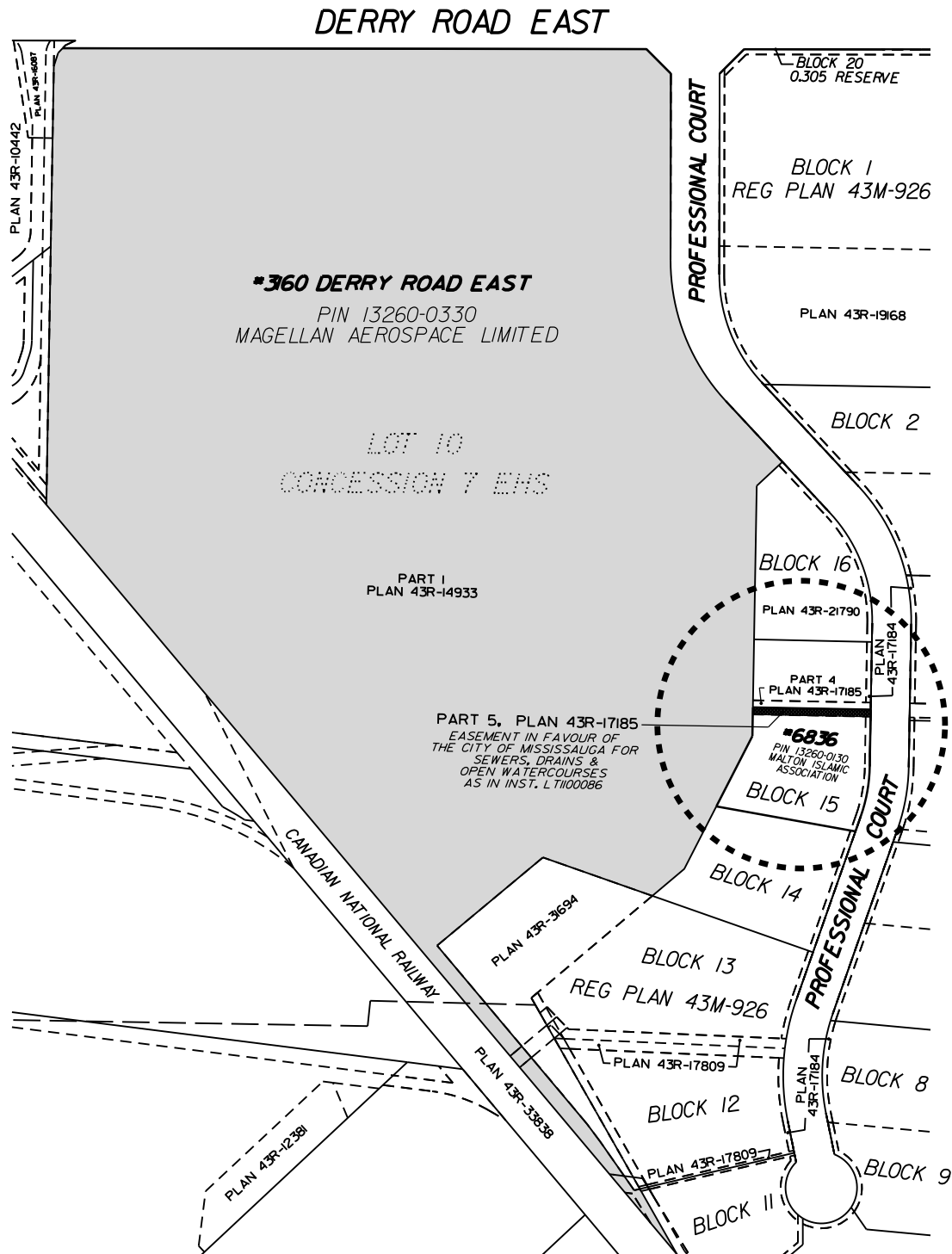
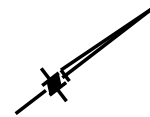
FILE NO:
DWG. NO:
SCALE:
1:8000
DATE:
2016/06/27
DRAWN BY:
A.SHAH

**SKETCH OF EASEMENT LANDS
6836 PROFESSIONAL COURT
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEEL**

MARCH 10, 2016

SCALE 1 : 4000

0 10 20 30 40 50 60 70 80 90 100 120 140 160 180 200
METRES



NOTE: THIS SKETCH IS FOR THE USE BY THE CITY OF MISSISSAUGA, TRANSPORTATION AND WORKS DEPARTMENT AND IS NOT INTENDED FOR USE BY ANY OTHER PARTIES UNLESS EXPRESSED WRITTEN CONSENT IS OBTAINED.

NOTE: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE EXCEPT AS NOTED IN THE TITLE.



MISSISSAUGA

Plotted Date

FileName

APPENDIX 2.DGN

TRANSPORTATION & WORKS DEPT.
BUSINESS SERVICES DIVISION
GEOMATICS SECTION
20 CITY CENTRE DR., STE 800
MISSISSAUGA, ONTARIO
L5B 2T4
PHONE: 905-615-3200, EXT. 5158

City of Mississauga

Memorandum



TO: D. Martin, Secretary Treasurer
Land Division Committee

FROM: T. Iacobucci
Transportation and Works

DATE: December 9, 2015

RE: Applicant: Magellan Aerospace Limited
Date of Hearing: December 10, 2015
Our File: 'B' 21/15, Ward 5 (Z-40W)

As Committee is aware by the numerous deferrals of this application, the City has been working diligently with the applicant to address a number of complex environmental contamination issues associated with this property. Recently the City's Legal Counsel sent a letter dated November 26, 2015 to Mr. Gerald Swinkin (Magellan's solicitor) which identified a number of conditions to be satisfied, one in particular being that Magellan had to provide a signed written representation from GHD (Magellan's consultant) which would indicate that based on available data regarding the "Retained Parcel", a future E2 land use could be established based on a Risk Assessment and Record of Site Condition with Risk Management Measures (the "GHD Representation"). GHD, Magellan's consultant then provided the "GHD Representation" to the city in a letter dated December 2, 2015 which was titled "Opinion on Developability of Retained Lands for Future E2 Land Use".

A letter dated December 7, 2015 prepared by Loopstra Nixon LLP, Barristers and Solicitors (recently retained by the City to assist with this file) was sent to Magellan's solicitor indicating that the GHD Representation had been circulated to the appropriate City staff and external consultants at Intrinsic Environmental Sciences Inc. (City's consultant) who all confirmed that the GHD Representation was acceptable. With the City's acceptance of the GHD Representation the City is now in a position to support this application subject to a number of conditions and understandings between the City and Magellan which are specifically described in both the November 26, 2015 letter provided from the City's Legal Counsel and more recent December 7, 2015 letter prepared by Loopstra Nixon LLP, Barristers and Solicitors.

To facilitate the proposed severance, servicing easements for the benefit of the severed parcel will be required through the retained parcel in order to accommodate the existing water service, sanitary and storm drains which currently connect to the municipal services on Professional Court. Required easements can adequately be addressed by the applicant's Solicitor by providing the required documentation to this department for review/approval.

In view of the above and acknowledging that any outstanding matters specifically identified in both the November 26, 2015 and December 7, 2015 letters to Magellan are intended to be addressed through the execution of an Agreement between Magellan and the City, we are providing the following conditions of approval for Committee's consideration:

1. Execution of an Agreement and Provision of Securities

The provisional Consent must be conditional upon the execution of an Agreement between Magellan Aerospace Ltd. and the City of Mississauga and also for the provision of any required securities (to the satisfaction of the City) to address any environmental concerns associated with the subject property and also to address any off-site contamination within the City's storm sewer easement.

2. Acknowledgement of Uncertainty of Agreement Being Finalized and Executed

Magellan Aerospace Ltd. must acknowledge that as the parties have not negotiated the terms of the above-referenced Agreement in any detail, there is no certainty at this time that an Agreement can be reached.

3. Establishment of Servicing Easements

Satisfactory arrangements will have to be made with this department for the establishment of any required easement(s) such as the easement for storm water over the residual lands in the location of the existing storm water pipes.



T. Iacobucci
Land Division and Committee of Adjustment
Co-ordinator
905-615-3200 ext. 5129

c: gerald.swinkin@blakes.ca



Planning and Building Department

December 5, 2015

FILE: C of A. 'B' 21/15
(Ward 5 – 3160 Derry Road East)

AGENDA: December 10, 2015

Deferred Item

Recommendation:

The Planning and Building Department has no objection to the requested consent, subject to the conditions outlined below.

Background:

Mississauga Official Plan:

Character Area: Northeast Employment Area (East)
Designation: Business Employment

Zoning By-law 0225-2007:

Zoning: "E2", Employment

Other Applications:

N/A

Comments:

After a number of deferrals of this application the Planning and Building Department is at a point where we find it acceptable to move forward with this application, provided a number of conditions and issues are addressed. The applicant and their consultant have been working diligently with City staff and our consultant in order to address a number of environmental concerns related to the requested consent. In our previous comments we indicated that the Permeable Reactive Barrier (PRB) located on site was not addressing the

remedial action plan policies outline in section 6.7 of the Official Plan. The applicant has been working towards addressing this concern by providing updated information related to the ongoing Risk Assessment (RA) for the subject property. The completion of the RA through entering into an agreement with the City is required to address our concerns. The RA provides the guidelines for what Risk Management Measures (RMM's) would be required for the site. While the RA is not totally complete, it is at a point where the RMM's can be reasonably determined and the City has been provided with a signed letter outlining them by the applicant's consultant. This document has been reviewed by City staff in the Transportation and Works Department as well as by the City's external consultant, and has been found to be acceptable and reasonable in its determination of RMM's.

Based on the City of Mississauga Corporate Policy regarding contaminated lands, the development and implementation of RMM's can constitute an acceptable remedial action plan; additionally, it has a common practice throughout the City in our contaminated areas. Based on this interpretation our department is satisfied that the requirements for a remedial action plan in section 6.7 of the Official Plan have been met, provided the RA is completed.

The requirement to complete the RA would be built into an agreement, including securities, with Magellan Aerospace Ltd. and the City of Mississauga. This agreement would also require a Record of Site Condition (RSC) to be filed with the Ministry of the Environment and Climate Change (MOECC) within an agreed upon time frame, or at the time of redevelopment of the retained lands, whichever is sooner. This agreement would cover a variety of other items which have generally been agreed upon in principle; however, it should be noted that both parties acknowledge that it may not be possible to reach a mutually acceptable agreement and a provisional consent would not imply that. The details will need to be worked out by the applicant, City Departments, and external consultants with regards to the content of the agreement, including necessary securities.

Based on the preceding information, the Planning and Building Department has no objection to the requested consent, provided that the severed and retained lands comply with the provisions of Zoning By-law No. 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on-site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete. Additionally we would recommend that a condition be implemented that requires Magellan Aerospace Ltd. to enter into an agreement with the City of Mississauga in order to address the completion of the RA and RSC and other issues as requested by other City Departments, and associated securities.