

---

## Planning and Development Committee

### Date

2017/01/16

### Time

6:30 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

Mumtaz Alikhan, Legislative Coordinator, Legislative Services  
905-615-3200 ext. 5425  
[mumtaz.alikhan@mississauga.ca](mailto:mumtaz.alikhan@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 – 6<sup>th</sup> Floor  
Att: Development Assistant  
300 City Centre Drive, Mississauga, ON, L5B 3C1  
Or Email: [application.info@mississauga.ca](mailto:application.info@mississauga.ca)

1. CALL TO ORDER
2. DECLARATION OF CONFLICT OF INTEREST
3. MINUTES OF PREVIOUS MEETING - December 5, 2016
4. MATTERS TO BE CONSIDERED
  - 4.1. **RECOMMENDATION REPORT (Ward 2)**  
Applications to permit a two storey office building at 1516 and 1526 Southdown Road, west side of Southdown Road, between South Sheridan Way and Truscott Drive  
Owner: JG & G Holdings Inc.  
File: OZ 15/010 W2
  - 4.2. **RECOMMENDATION REPORT (Ward 3)**  
Application to permit business employment uses including a banquet hall and hotel, 4598 Tomken Road, west side of Tomken Road south of Eglinton Avenue East  
Owner: 2425316 Ontario Limited  
File: OZ 14/009 W3
  - 4.3. **INFORMATION REPORT (All Wards)**  
Short-Term Accommodation Overview of Current Status and Regulatory Options  
File: CD.21.SHO
  - 4.4. Sign Variance Application 16-01756 (Ward 5) – Sign By-law 0054-2002, as amended
5. ADJOURNMENT

City of Mississauga

# Corporate Report



Date: December 20, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
OZ 15/010 W2Meeting date:  
2017/01/16

## Subject

### RECOMMENDATION REPORT (WARD 2)

Applications to permit a two storey office building

1516 and 1526 Southdown Road, west side of Southdown Road, between South Sheridan Way and Truscott Drive

Owner: JG &amp; G Holdings Inc.

File: OZ 15/010 W2

## Recommendation

1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, any further notice regarding the proposed amendment is hereby waived.
2. That the applications under File OZ 15/010 W2, 1516 and 1526 Southdown Road, to amend Mississauga Official Plan from **Residential Low Density II** to **Office** and to change the zoning from **R3** (Detached Dwellings – Typical Lots) to **O – Exception** (Office) to permit a two storey office building, be approved subject to the conditions referenced in the staff report.
3. That the applicant agree to satisfy all the requirements of the City and any other external agency concerned with the development.
4. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.
5. Notwithstanding subsection 45.1.3 of the *Planning Act*, subsequent to Council approval of the development application, the applicant can apply for a minor variance application, provided that the height and FSI shall remain the same.

## Report Highlights

- Comments were received from the public regarding traffic and impact on the existing residential neighbourhood
- The applicant has made minor revisions to the proposal to the parking layout and the calculation of the building floor area for purposes of parking
- Staff is satisfied with the changes to the proposal and finds it to be acceptable from a planning standpoint, and recommend that the applications be approved

## Background

A public meeting was held by the Planning and Development Committee on June 27, 2016, at which time an Information Report (Appendix 1) was received for information. Recommendation PDC-0056-2016 was then adopted by Council on July 7, 2016.

That the report dated June 7, 2016, from the Commissioner of Planning and Building regarding the application by JG & G Holdings Inc. to permit a two storey office building under File OZ 15/010 W2, 1516 and 1526 Southdown Road, be received for information.

## Comments

### REVISED DEVELOPMENT PROPOSAL

The applicant has made some minor modifications to the proposed concept plan including:

- Alterations to the parking layout with respect to the location of accessible parking spaces and to provide an increased landscaped area next to Southdown Road, resulting in one less parking space provided on-site
- The inclusion of areas within the basement of the building, namely waiting and meeting rooms, as part of the Gross Floor Area (GFA) calculation for the purposes of calculating required parking

### COMMUNITY COMMENTS

#### Comment

The proposed development will impact traffic on Southdown Road, including increased braking and turning movements in and out of the site resulting in increased noise and air pollution that will in turn impact the existing homes.

#### Response

Updated comments from the Transportation and Works Department indicate that the submitted Traffic Impact Assessment satisfactorily demonstrates that the proposed two storey office building will not negatively impact existing traffic conditions on Southdown Road. With regard to the increased braking, turning movements, noise and air pollution, traffic generated by the



proposed office building is not expected to significantly impact these matters given the existing heavy traffic loads on Southdown Road.

In addition, a noise study was submitted and reviewed by City staff with purpose of investigating the noise impacts generated by both Southdown Road and the proposed building. The study concludes that given the site context and the functioning of the site, the proposed office building will not create or exacerbate noise impacts and satisfies the noise criteria set by the Ministry of Environment and Climate Change.

**Comment**

A concern was raised as to the type of fencing that will be constructed along the common property lines.

**Response**

Currently, there is chain link fencing on the northerly and southerly property lines and wood fencing along the westerly property boundary line. Through the required Site Plan review and approval process, Planning staff will be requesting the installation of solid wooden privacy fencing along the common property lines.

**Comment**

A concern was raised about the appropriateness of the amount of parking spaces provided on-site.

**Response**

A total of 37 parking spaces are required on-site based on the proposed gross floor area of the office building, which was recalculated to include additional floor area in the building's basement. The applicant is proposing 37 parking spaces, including 2 accessible parking spaces, which meets the office use parking requirements in the Zoning By-law.

**Comment**

A concern was raised regarding the impact that the redevelopment of the property may potentially have on migratory birds within the area and the bird's use of the existing trees.

**Response**

As part of the application, the applicant submitted an arborist report that indicates the health of existing trees. The report indicates that some mature trees located on site will be removed in order to allow for the proposed office development; however, it also indicates a number of trees to be maintained. In addition, the report outlines a replacement tree planting plan in accordance with the City's Private Tree Protection By-law. In view of the above, the proposal achieves a reasonable balance in preserving existing trees and their functions while allowing for the proposed redevelopment of the property.

**Comment**

The proposed parking at the rear of the property will negatively impact on adjacent residential properties. Additional landscape buffering/screening is required to reduce impacts on surrounding properties.

### **Response**

Through the Site Plan review and approval process, Planning staff will require an appropriate amount of landscape buffering/screening along the common property boundaries and the installation of a 1.8 m ( 6 ft.) high solid wood fence to reduce impacts on surrounding properties.

### **UPDATED AGENCY AND CITY DEPARTMENT COMMENTS**

#### **City Transportation and Works Department**

Comments updated November 18, 2016, confirm receipt of a revised Functional Servicing Report (FSR), Grading, Servicing, Site Plan, and Transportation Impact Study (TIS).

The Traffic Impact Study prepared by Trans-Plan Transportation Inc. has analysed the traffic impacts as a result of the proposed development and confirms that the predicted future traffic volumes can be accommodated within the existing road network.

In the event these applications are approved by Council, prior to the enactment of the Zoning By-law, the applicant will be required to finalize certain FSR and TIS details, establish a 0.3 m (0.98 ft.) reserve along Southdown Road and enter into a Development Agreement with the City to address the implementation of the conditions of rezoning.

Site specific details are to be addressed through the Site Plan review and approval process.

### **PLANNING COMMENTS**

#### **Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The *Provincial Policy Statement* (PPS) contains the Province's policies concerning land use planning for Ontario. All planning decisions are required to be consistent with these policies. The PPS encourages intensification of land within urban areas, promotes efficient use of infrastructure and public facilities, encourages mixed use developments and the support of public transit. The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale. These policies are implemented through Mississauga Official Plan.

The proposed development adequately takes into account the existing context and provides an appropriate transition of built form to adjacent areas as referenced in the Official Plan section below.

#### **Official Plan**

The proposal requires an amendment to the Mississauga Official Plan Policies for the Clarkson – Lorne Park Neighbourhood Character Area to permit a two storey office building. The applicant's request is to change the designation of the property from **Residential Low Density II** to **Residential Low Density II – Special Site**. Upon further evaluation, staff is of the opinion that the lands should be more appropriately recognized in the Official Plan as an **Office** designation to reflect the intended use of the property. It is therefore recommended that the lands be redesignated from **Residential Low Density II** to **Office**. In discussing this matter with the applicant, they concur with this change.

Section 19.5.1 of Mississauga Official Plan provides the following criteria for evaluating site specific Official Plan Amendments:

- ***Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?***
- ***Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?***
- ***Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application?***
- ***Has a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation been provided by the applicant?***

The site is located within the Clarkson – Lorne Park Neighbourhood Character area and is an assembly of 2 properties fronting onto Southdown Road. This road is also designated as a "Corridor" under Mississauga Official Plan (MOP) that encourages higher density redevelopment provided it is compatible with the surrounding context. Southdown Road is also designated as an "Arterial Road" and a "Transit Priority Corridor", that is intended to move large volumes of traffic, including passenger vehicles, GO and MiWay buses and transport trucks associated with the surrounding employment areas. Southdown Road also provides access to the Queen Elizabeth Way (QEW) to the north and the Clarkson GO transit station to the south. The conversion of other properties further south to non-residential uses is evidence that this section of Southdown Road is changing to uses that are more conducive to the increased traffic levels and associated noise and safety conditions on Southdown Road. As a result, the proposed office use on this corridor will not negatively impact the functioning of the adjacent properties or destabilize the character of the area.

The Direct Growth policies of MOP mandates that new development within Neighbourhood Character Areas be sensitive to the existing and planned context and shall include appropriate transitions in use, built form and scale. The proposed 2 storey office building is an appropriately scaled development in terms of height, massing and appearance, is compatible with the adjacent low density neighbourhood and presents a suitable level of integration. The proposal therefore

meets the goals and objectives of MOP by achieving an appropriate transition in use, built form and scale and also conforms to the policies for secondary offices in Neighbourhoods.

The applicant has also provided a Planning Justification Report in support of the applications that has adequately demonstrated that the proposal represents good planning and is consistent with the intent of MOP policies. Based on the comments received from the applicable City departments and agencies, the existing infrastructure is adequate to support the proposed development.

### **Zoning**

The applicant proposes to rezone the lands from **R3** (Detached Dwellings – Typical Lots) to **R3 - Exception** (Detached Dwellings – Typical Lots) to accommodate the proposed 2 storey office building. Consistent with staff's comments contained in the Official Plan section of this report, it is recommended that the zoning be changed to **O – Exception** (Office) which is a more appropriate zone category to reflect the proposed use of the lands. The applicant concurs with this change. Appendix 2 contains the site specific zoning provisions. The proposed provisions will be compatible with the surrounding lands for the reasons noted in the Official Plan section of this report.

### **Site Plan**

Prior to development of the lands, the applicant will be required to obtain Site Plan approval. A site plan application has not been submitted to date for the proposed development. While the applicant has worked with City departments to address many site plan related issues through review of the Rezoning concept plan, further revisions will be needed to address matters such as landscaping and fencing along the common property lines.

### **Financial Impact**

Development charges will be payable in keeping with the requirements of the Development Charges By-law of the City. Also, the financial requirements of any other commenting agency must be met.

### **Conclusion**

In accordance with subsection 34(17) of the *Planning Act*, Council is given authority to determine if further public notice is required. Since the requested revisions to the application are not considered major changes to the development, it is recommended that no further public notice be required.

The proposed Official Plan Amendment and Rezoning applications are acceptable from a planning standpoint and should be approved once all conditions have been met, for the following reasons:

1. The proposal for a two storey office building is consistent with the overall intent, goals and objectives of the Official Plan as the site is located on Southdown Road, which is an Arterial road and a Corridor, and will not destabilize the surrounding residential neighbourhood given the existence of other non-residential uses further south of these lands.
2. The proposed office development is designed to have a residential appearance and provides for an appropriate scale, massing and setback/buffer to the adjacent homes, ensuring that the proposed use is compatible with the surrounding land uses.
3. The proposed official plan provisions and zoning standards, as revised are appropriate to accommodate the requested use.

## Attachments

Appendix 1: Information Report

Appendix 2: Revised Summary of Existing and Proposed Zoning Provisions

Appendix 3: Revised Concept Plan



---

Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: David Ferro, Development Planner

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:  
OZ 15/010 W2Meeting date:  
2016/06/27

## Subject

### PUBLIC MEETING INFORMATION REPORT (WARD 2)

**Applications to permit a two storey office building at 1516 and 1526 Southdown Road, west side of Southdown Road, between South Sheridan Way and Truscott Drive**

**Owner: JG & G Holdings Inc.**

**File: OZ 15/010 W2**

## Recommendation

That the report dated June 7, 2016, from the Commissioner of Planning and Building regarding the application by JG & G Holdings Inc. to permit a two storey office building under File OZ 15/010 W2, 1516 and 1526 Southdown Road, be received for information.

## Report Highlights

- This report has been prepared for a public meeting to hear from the community
- The project does not conform with the **Residential Low Density II** designation and requires an official plan amendment and rezoning
- Community concerns identified to date relate to traffic, noise and site design
- Prior to the next report, matters to be considered include the appropriateness of the proposed amendments and the satisfactory resolution of other technical requirements and studies related to the project

## Background

The applications have been circulated for technical comments and a community meeting has been held. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

## Comments

### THE PROPERTY AND THE NEIGHBOURHOOD

Size and Use	
Frontage:	51.97 m (170.51 ft.)
Depth:	52.71 m (172.93 ft.)
Gross Lot Area:	0.26 ha (0.64 ac.)
Existing Uses:	Detached dwelling on 1516 Southdown Road and demolished dwelling on 1526 Southdown Road

The properties are located within the Clarkson Lorne-Park Neighbourhood Character Area on the west side of Southdown Road, south of South Sheridan Way and north of Truscott Drive. Access to these lots is from Southdown Road which is designated an arterial road in Mississauga Official Plan. The area is an established residential neighbourhood made up mostly of detached homes. Properties located further south of the subject property, both north and south of Truscott Drive, contain other uses as outlined below. Across Southdown Road are detached homes on reverse frontage lots with access onto Davebrook Road (see Appendix 1).

The surrounding land uses are:

North: Detached homes

East: Detached homes on reverse frontage lots

South: Detached homes, offices, a day care facility, a Bell Canada switching centre and a veterinary clinic

West: Detached homes

### DETAILS OF THE PROJECT

The applications are to permit a two storey office building with parking at the rear of the property.

Development Proposal	
Application submitted:	Received: October 14, 2015 Deemed complete: December 4, 2015
Owner:	JG & G Holdings Inc.
Applicant:	W.E. Oughtred & Associates
Height:	2 storeys
Lot Coverage:	23.1%
Floor Space Index:	0.47
Landscaped Area:	40%

Development Proposal	
Gross Floor Area:	1 238 m <sup>2</sup> (13,325.7 ft <sup>2</sup> )
Net Floor Area – Non Residential:	1 012 m <sup>2</sup> (10,893.1 ft <sup>2</sup> ) (for parking calculation)
Parking Required:	33 parking spaces, including 2 accessible parking spaces
Parking Provided:	38 parking spaces, including 2 accessible parking spaces

Additional information is provided in Appendices 1 to 9.



Image of existing site conditions



Rendering of proposed two storey office building

## LAND USE CONTROLS

The subject lands are located within the Clarkson-Lorne Park Neighbourhood Character Area and are designated **Residential Low Density II**. The proposal requires an amendment to Mississauga Official Plan from **Residential Low Density II** to **Residential Low Density II – Special Site** to permit the proposed office building. Appendix 7 contains more detailed information of the existing and proposed Mississauga Official Plan policies.



A rezoning is proposed from **R3** (Detached Dwellings – Typical Lots) to **R3 – Exception** (Detached Dwellings – Typical Lots) to permit a two storey office building in accordance with the proposed zone standards contained within Appendix 8.

### WHAT DID THE COMMUNITY SAY?

A community meeting was held by Ward 2 Councillor Karen Ras on February 11, 2016.

Comments made by the community are listed below. They will be addressed along with comments raised at the public meeting in the Recommendation Report, which will come at a later date.

- The proposed parking area at the rear of the property will negatively impact on adjacent residential properties;
- The proposed development will impact traffic on Southdown Road, including increased braking and turning movements in and out of the site resulting in increased noise and air pollution that will in turn impact the existing homes;
- The need for additional landscape buffering/screening to reduce impacts on surrounding properties.

### DEVELOPMENT ISSUES

Agency comments are summarized in Appendix 6. Based on the comments received and the Mississauga Official Plan policies, the following matters will have to be addressed:

- Are the policies and principles of Mississauga Official Plan maintained by this project?
- Are the proposed zoning standards appropriate?
- Is the design and functioning of the site sensitive to the surrounding residential context?
- Have all other technical requirements and studies related to the project been submitted and found to be acceptable?

### OTHER INFORMATION

The applicant has submitted the following information in support of the applications:

- Survey, Concept Plan, Elevations and Rendering
- Planning Justification Report
- Draft Official Plan Amendment and Zoning By-law
- Noise Study
- Traffic Impact and Parking Study
- Arborist Report and Tree Preservation Plan
- Functional Servicing Report

### Development Requirements

There are engineering matters including: grading, servicing and stormwater management which will require the applicant to enter into agreements with the City. Prior to any development proceeding on-site, the City will require the submission and review of an application for site plan approval.

## Financial Impact

Development charges will be payable as required by the Development Charges By-law of the City. Also the financial requirements of any other external commenting agency must be met.

## Conclusion

All agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and the issues have been resolved.

## Attachments

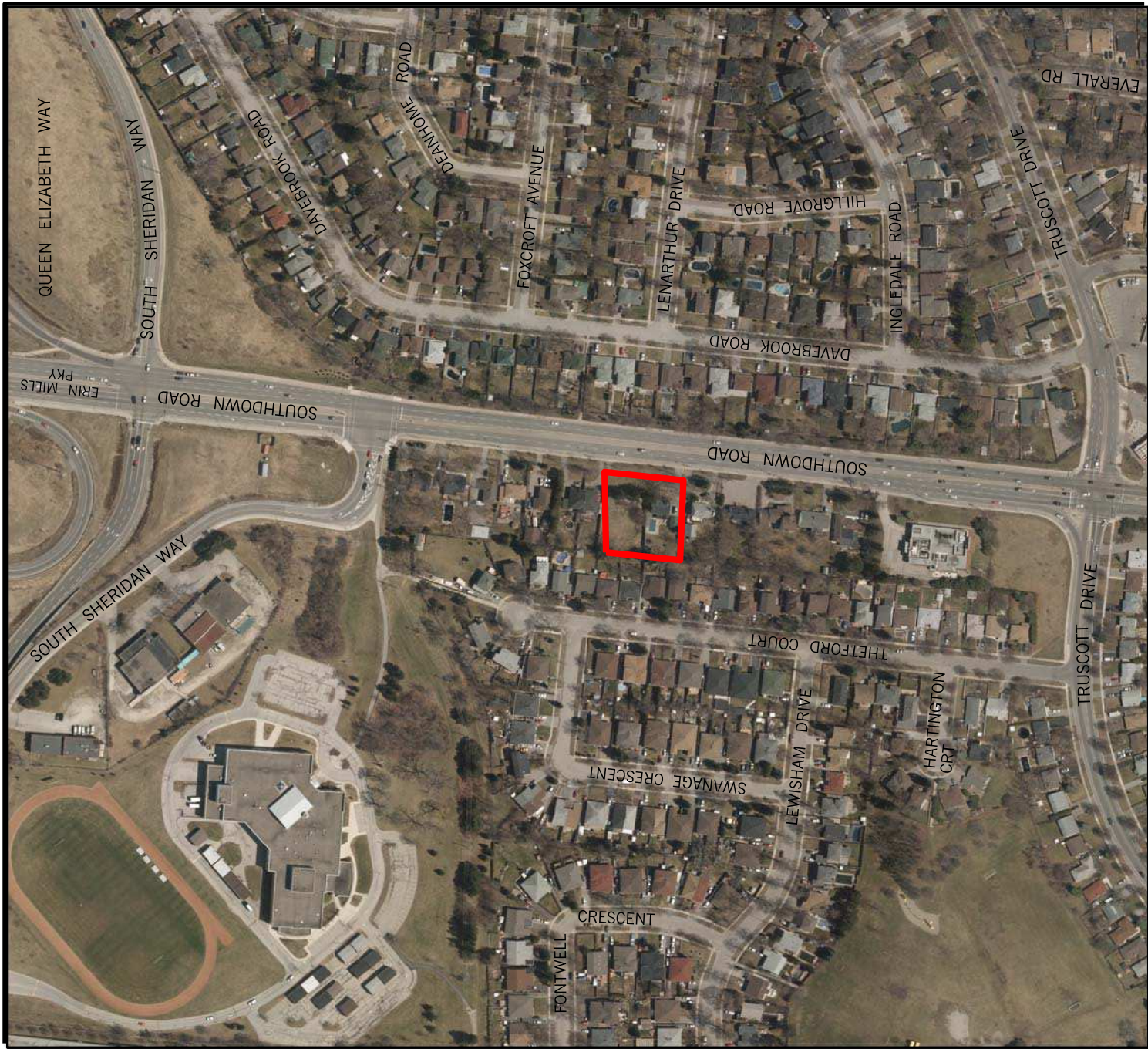
- Appendix 1: Aerial Photograph
- Appendix 2: Excerpt of Clarkson-Lorne Park Neighbourhood Character Area Land Use Map
- Appendix 3: Existing Land Use and Proposed Zoning Map
- Appendix 4: Concept Plan
- Appendix 5: Elevations
- Appendix 6: Agency Comments
- Appendix 7: Summary of Existing and Proposed Mississauga Official Plan Policies and Relevant Mississauga Official Plan Policies
- Appendix 8: Summary of Existing and Proposed Zoning Provisions
- Appendix 9: General Context Map



---

Edward R. Sajecki,  
Commissioner of Planning and Building

Prepared by: David Ferro, Development Planner



SUBJECT LANDS

LEGEND:

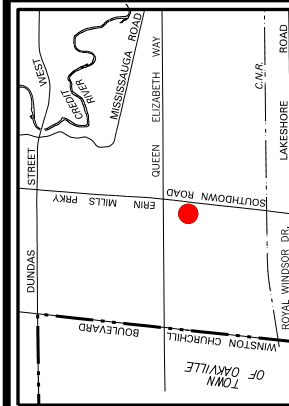
4.1-13  
3.3 - 6



NOTE: DATE OF AERIAL IS SPRING 2015

SUBJECT:

JG & G HOLDINGS



FILE NO:  
OZ 15010 W2

DWG. NO:  
15010A

SCALE:  
1:4000

PDC DATE:  
2016 06 27

DRAWN BY:  
B. KRUGER

Appendix 1

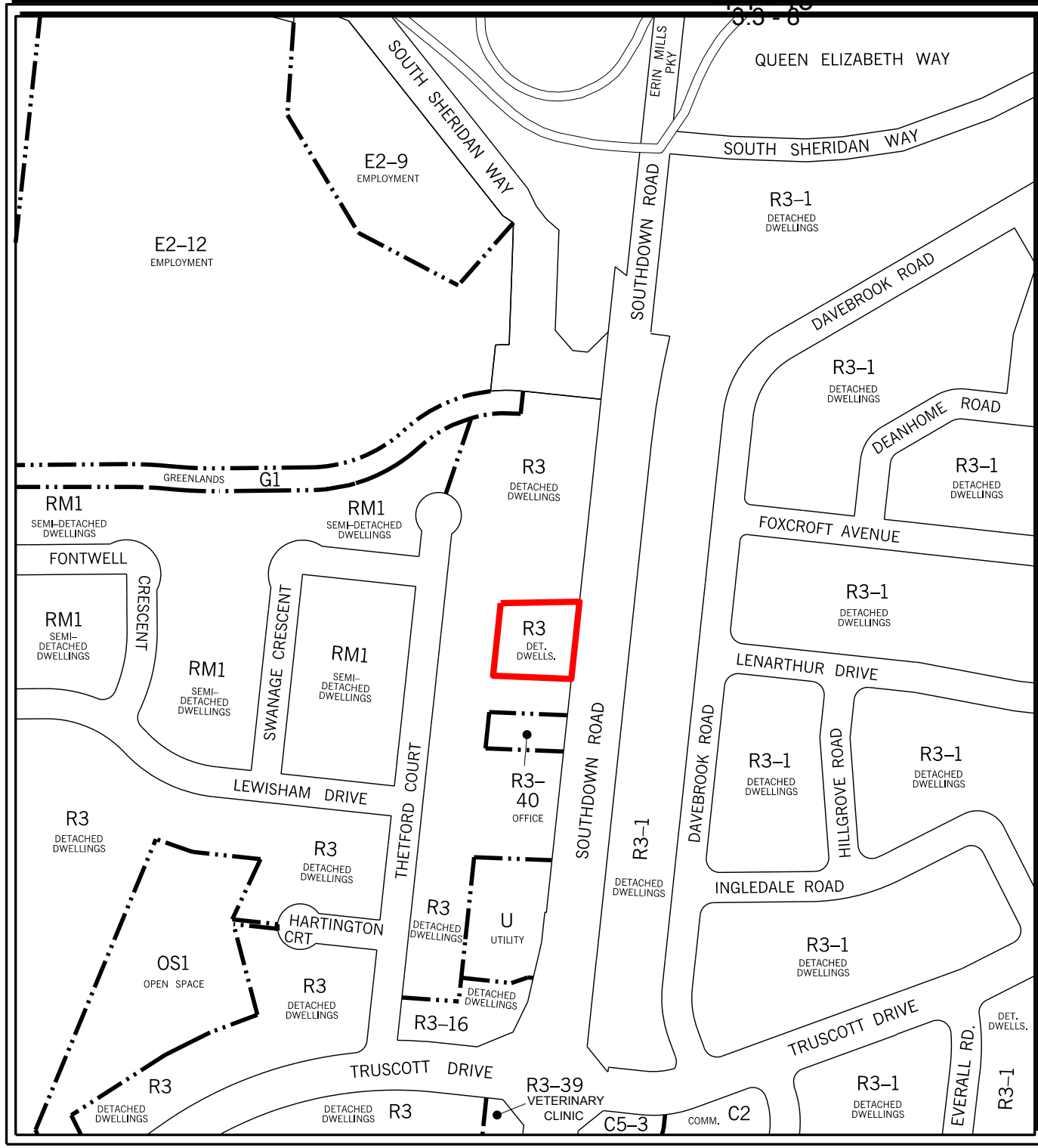


MISSISSAUGA


Produced by  
T&W, Geomatics



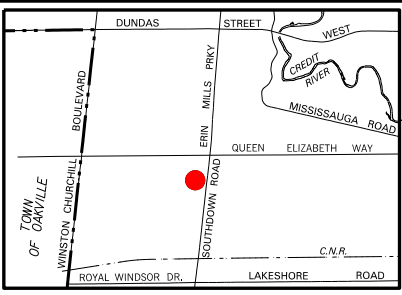
## Appendix 2



LEGEND:

 PROPOSED OFFICIAL PLAN AMENDMENT AND PROPOSED REZONING FROM 'R3' TO 'R3 - EXCEPTION' TO PERMIT A 2 STOREY OFFICE BUILDING.

SUBJECT: **JG & G HOLDINGS**



FILE NO:  
**OZ 15/010 W2**

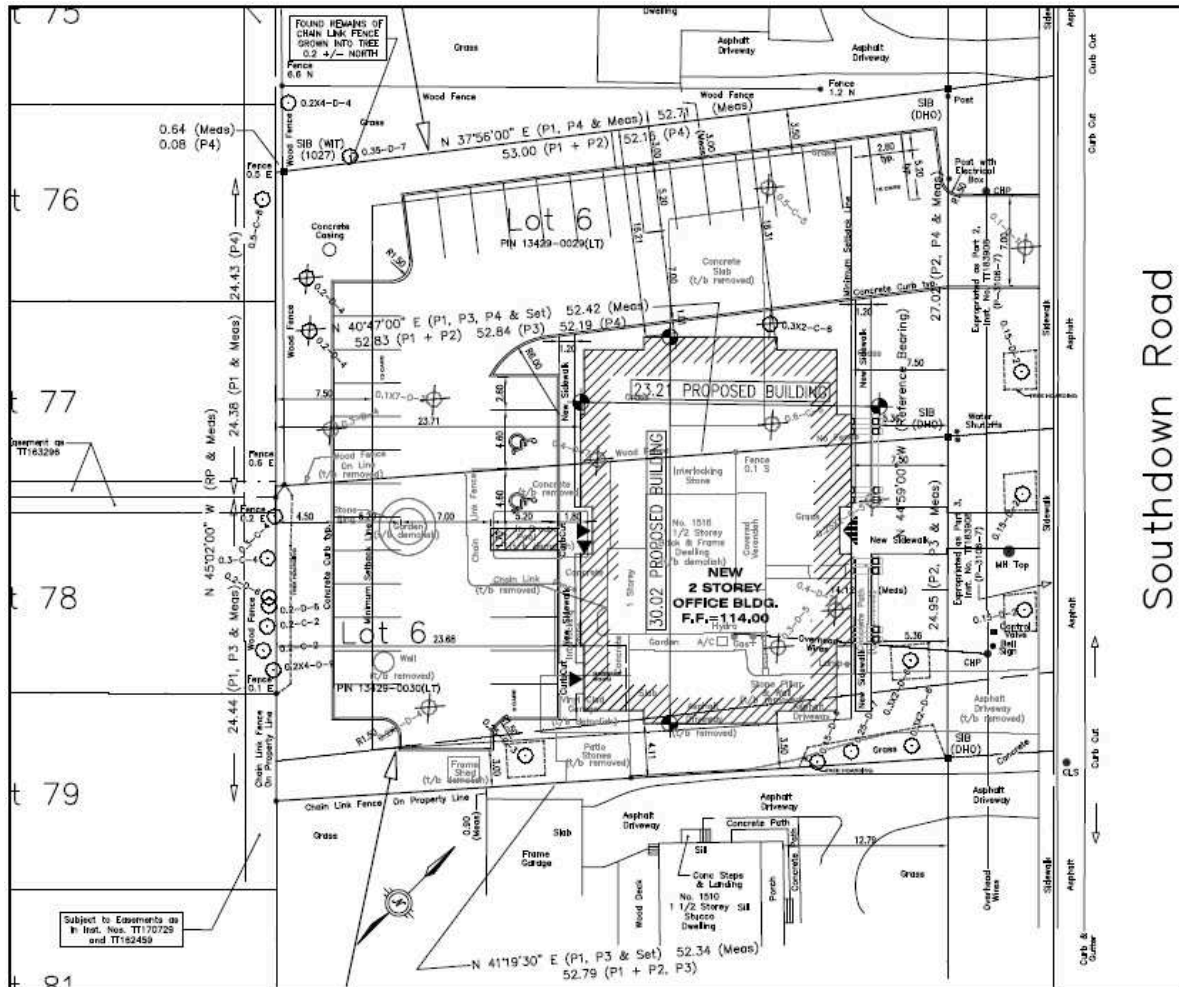
DWG. NO:  
**15010R**

SCALE:  
**1:4000**

PDC DATE:  
**2016 06 27**

DRAWN BY:  
**B. KRUGER**

Concept Plan



Elevations



Front Elevation



North Elevation



South Elevation



Rear Elevation

JG + G Holdings Inc.

File: OZ 15/010 W2

**Agency Comments**

The following is a summary of comments from agencies and departments regarding the applications.

Agency / Comment Date	Comment
Region of Peel (January 15, 2016)	There are 3 watermains on Southdown Road, 2 of which are large diameter feeder mains. Therefore water connection will only be possible to the 400 mm (16 in.) diameter watermain on the east side of Southdown Road. An existing 250 mm (10 in.) diameter sanitary sewer is located on Southdown Road.
City Community Services Department – Parks and Forestry Division/Park Planning Section (February 19, 2016)	Prior to the issuance of building permits, for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> and in accordance with the City's Policies and By-laws.
City Transportation and Works Department (March 14, 2016)	<p>This department confirmed receipt of a Functional Servicing Report, Grading/Servicing/Site Plans, Noise Feasibility Study, Transportation and Impact Study, Environmental Site Screening Questionnaire and Declaration form circulated by the Planning and Building Department.</p> <p>Notwithstanding the findings of these reports and drawings, the applicant has been requested to provide additional technical details. Development matters currently under review and consideration by the department include:</p> <ul style="list-style-type: none"> <li>• Grading, Servicing and Site Plan details</li> <li>• Functioning Servicing Report details</li> <li>• Transportation Impacts</li> <li>• Land dedication</li> </ul> <p>The above aspects will be addressed in detail prior to the Recommendation Report.</p>
City Community Services Department – Fire (January 11, 2016)	Fire has no concerns as emergency response time to the site and the water supply available are acceptable.
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> <li>• Ministry of Transportation</li> <li>• Enersource Hydro</li> <li>• Enbridge Gas</li> </ul>



JG + G Holdings Inc.

File: OZ 15/010 W2

Agency / Comment Date	Comment
	<ul style="list-style-type: none"> <li>• Canada Post</li> <li>• Economic Development</li> <li>• Mississauga Transit</li> </ul>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> <li>• Bell Canada</li> <li>• Rogers Cable</li> </ul>

JG &amp; G Holdings Inc.

File: OZ 15/010 W2

### Summary of Existing and Proposed Mississauga Official Plan Policies and Relevant Mississauga Official Plan Policies

#### Current Mississauga Official Plan Designation and Policies for Clarkson – Lorne Park Neighbourhood Character Area

The subject lands **Residential Low Density II** which permits only detached, semi-detached and duplex dwellings for the area west of Southdown Road. Notwithstanding the **Residential Low Density II** policies of this Plan, for the area west of Southdown Road, any lot occupied by a detached dwelling prior to May 6, 2003 will only be developed for a detached dwelling.

#### Proposed Official Plan Amendment Provisions

The lands are proposed to be designated **Residential Low Density II – Special Site** which permits offices in addition to detached dwellings.

#### Summary of Relevant Mississauga Official Plan Policies

	Specific Policies	General Intent
Chapter 4 - Vision	Section 4.5	<p>Mississauga will direct growth by:</p> <ul style="list-style-type: none"> <li>Focusing on locations that will be supported by planned and higher order transit, higher density, pedestrian oriented development and community infrastructure, services and facilities.</li> <li>Protecting stable areas and natural and cultural heritage; and</li> <li>Achieving balanced population and employment growth.</li> </ul> <p>Mississauga will complete communities by:</p> <ul style="list-style-type: none"> <li>Promoting an urban form and development that supports public health and active living;</li> <li>Ensuring that communities include or provide easy access to a range of uses and services required to meet all or most of the daily needs for residents through all stages of their lives; e.g. housing, transportation, employment, recreation, social interaction and education.</li> </ul> <p>Mississauga will foster a strong economy by:</p> <ul style="list-style-type: none"> <li>Supporting existing and future office, industrial, institutional and commercial businesses;</li> <li>Promoting new office development in strategic locations;</li> </ul>

JG & G Holdings Inc.

File: OZ 15/010 W2

	Specific Policies	General Intent
Chapter 5 – Direct Growth	Section 5.3.5 - Neighbourhoods	<p>...Neighbourhoods are characterized as physically stable areas with a character that is to be protected. Therefore, Mississauga's Neighbourhoods are not appropriate areas for significant intensification. This does not mean that they will remain static or that new development must imitate previous development patterns, but rather that when development does occur it should be sensitive to the Neighbourhood's existing and planned character.</p> <p>5.3.5.1 Neighbourhoods will not be the focus for intensification and should be regarded as stable residential areas where the existing character is to be preserved.</p> <p>5.3.5.3 Where higher density uses are proposed, they should be located along Corridors or in conjunction with existing apartment sites or commercial centres.</p> <p>5.3.5.5 Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this plan.</p> <p>5.3.5.6 Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale.</p>
Chapter 9 – Build a Desirable Urban Form	Section 9.2.2 – Non-intensification Areas	<p>9.2.2.3 While new development need not mirror existing development, new development in Neighbourhoods will:</p> <ul style="list-style-type: none"> <li>a. respect existing lotting patterns;</li> <li>b. respect the continuity of front, rear and side yard setbacks;</li> <li>c. respect the scale and character of the surrounding area;</li> <li>d. minimizing overshadowing and overlook on adjacent neighbours;</li> <li>g. be designed to respect the existing scale, massing, character and grades of the surrounding area.</li> </ul> <p>9.2.2.6 Development on Corridors will be encouraged to:</p> <ul style="list-style-type: none"> <li>a. assemble small land parcels to create efficient development parcels;</li> <li>b. face the street, except where predominant development patterns dictate otherwise;</li> <li>c. not locate parking between the building and the street;</li> <li>d. site buildings to frame the street and where non-residential uses are proposed to create a continuous street wall;</li> </ul>

JG &amp; G Holdings Inc.

File: OZ 15/010 W2

	Specific Policies	General Intent
Chapter 16 - Neighbourhoods	Section 16.5.1	16.5.1.1 Developments should be compatible with and enhance the character of Clarkson- Lorne Park as a diverse established community by integrating with the surrounding area.
Section 19 - Implementation	Section 19.5.1	<p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> <li>the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;</li> <li>the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;</li> <li>there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application;</li> <li>a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant.</li> </ul>

JG & G Holdings Inc.

File: OZ 15/010 W2

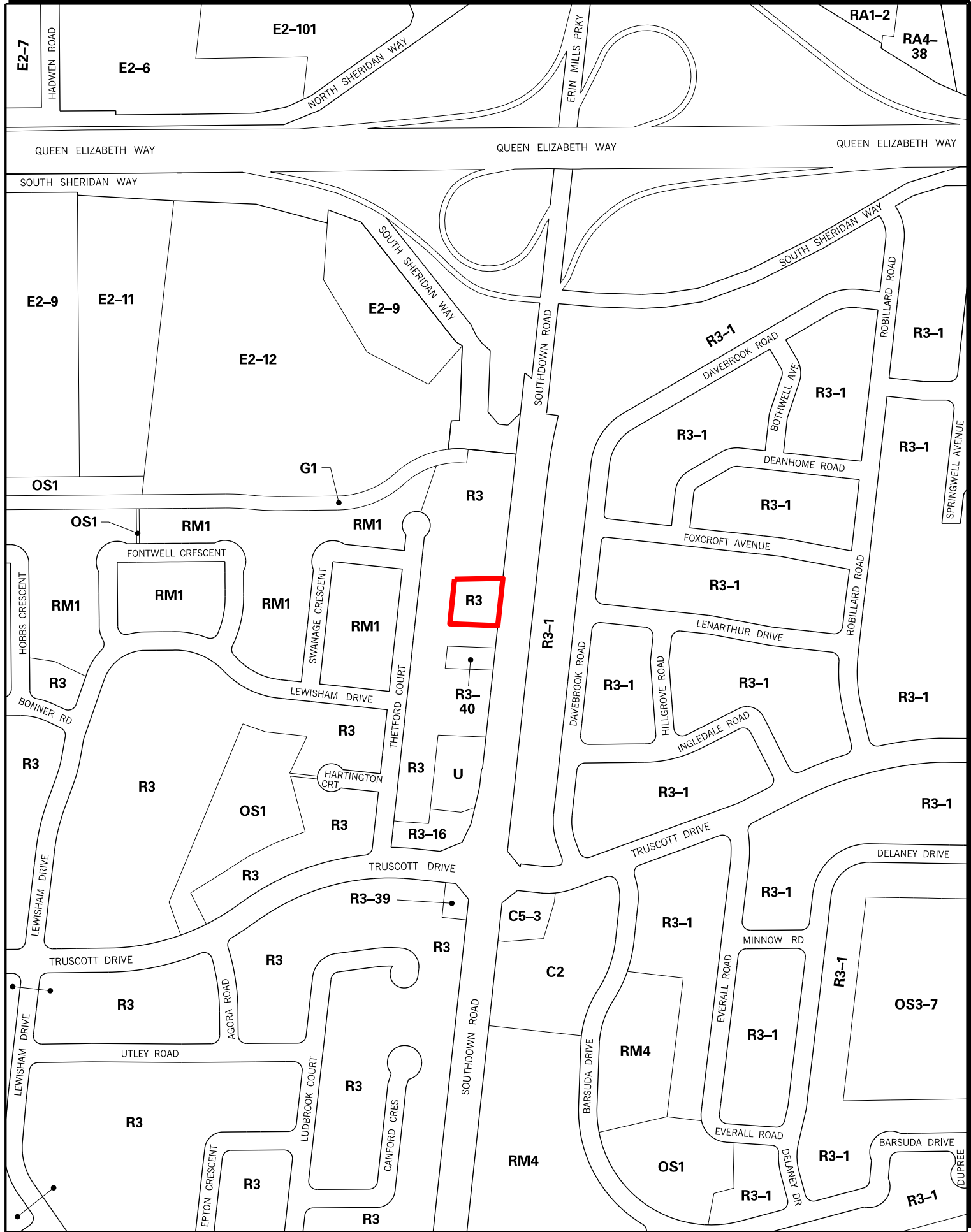
## Summary of Existing and Proposed Zoning Provisions

### Existing Zoning By-law Provisions

**R3 (Detached Dwellings – Typical Lots)**, which permits detached dwellings.

### Proposed Zoning Standards

	Existing and Required R3 Zoning By-law Standards	Proposed R3 - Exception Zoning By-law Standards
Office Use	Not Permitted	Permitted
Parking Rate for Offices	N/A	3.2 spaces/100.00 m <sup>2</sup> (1,076.42 ft <sup>2</sup> ) GFA
Loading Space	N/A	No Changes
Minimum Landscaped Open Space – Front Yard	40%	No Changes
Minimum Front Yard Setback	7.5 m (24.6 ft.)	No Changes
Minimum Rear Yard Setback	7.5 m (24.6 ft.)	No Changes
Minimum Interior Side Yard Setback	1.8 m (5.9 ft.) + 0.61 m (2.0 ft.) for each additional storey or portion thereof above 1 storey	No Changes
Maximum Floor Space Index (FSI)	N/A	0.47
Maximum Building Height	10.7 m (35.1 ft.) (2 storeys)	No Changes
Minimum Landscaped Buffer	N/A	4.5 m (14.8 ft.) From rear lot line to parking area
Maximum Lot Coverage	35%	23.1%
Maximum Gross Floor Area (GFA)	N/A	1 238 m <sup>2</sup> (13, 325.7 ft <sup>2</sup> )
Net Gross Floor Area (GFA) – Non Residential (for parking calculations)	N/A	1 012 m <sup>2</sup> (10, 893.1 ft <sup>2</sup> )

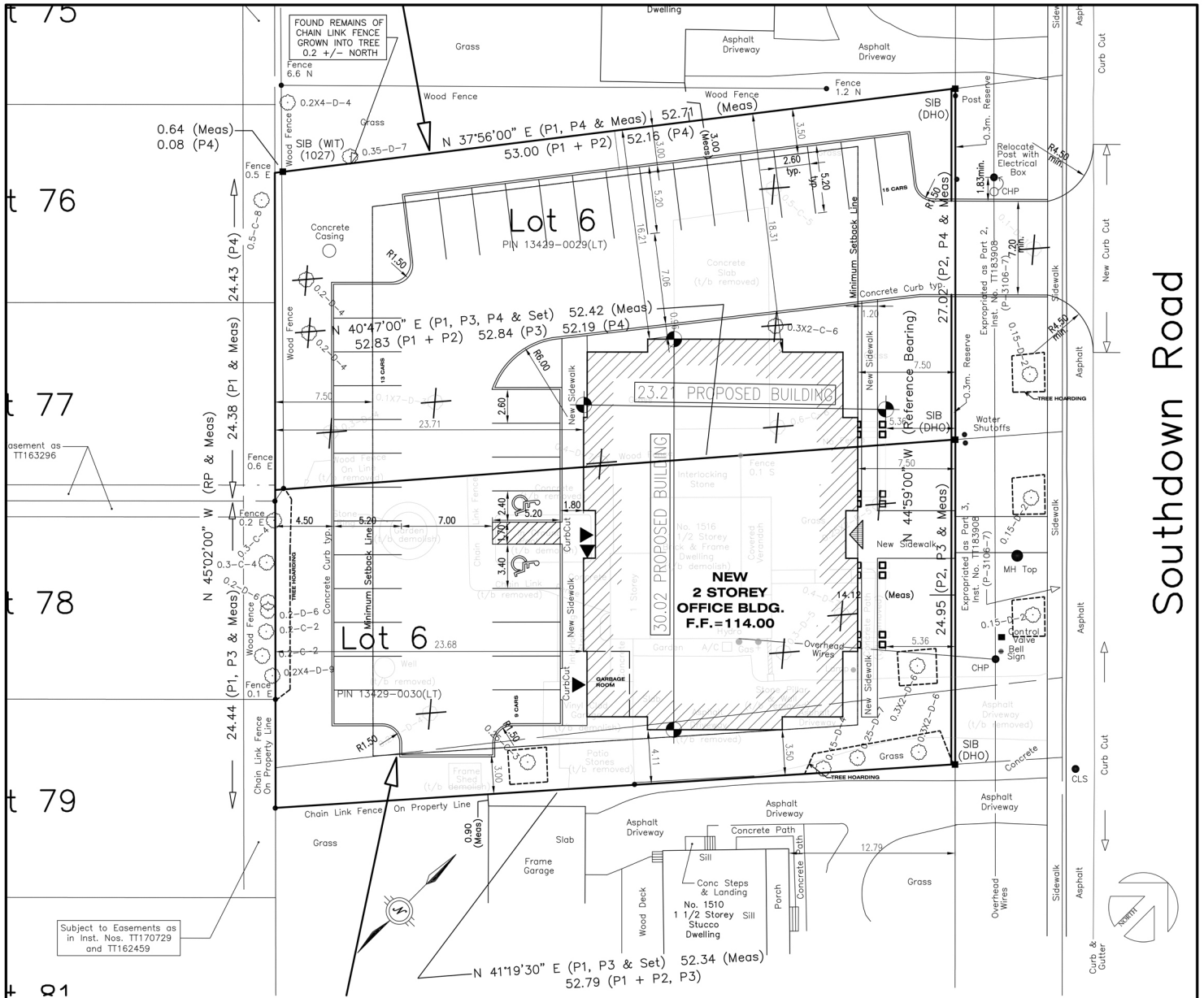


JG &amp; G Holdings Inc.

File: OZ 15/010 W2

**Revised Summary of Existing and Proposed Zoning Provisions****Existing Zoning By-law Provisions****R3** (Detached Dwellings – Typical Lots) which permits detached dwellings.**Proposed Zoning By-law Provisions**

	<b>Required R3 Zoning By-law Standards</b>	<b>Required O Zoning By-law Standards</b>	<b>Proposed O - Exception Zoning By-law Standards</b>
Office	Not Permitted	Permitted	Permitted
Parking Rate for Office	N/A	3.2 spaces/100 m <sup>2</sup> (1,076.39 ft <sup>2</sup> )	3.2 spaces/100 m <sup>2</sup> (1,076.39 ft <sup>2</sup> )
Loading Space	N/A	Not Required	No Space Provided
Minimum Landscaped Open Space – Front Yard	40%	N/A	40%
Minimum Front Yard Setback – Front Building Face	7.5 m (24.6 ft.)	4.5 m (14.7 ft.)	7.5 m (24.6 ft.)
Minimum Front Yard Setback – Pergola Structure	7.5 m (24.6 ft.)	4.5 m (14.7 ft.)	5.30 m (17.39 ft.)
Minimum Interior Side Yard Setback	1.8 m (5.9 ft.) + 0.61 m (2.0 ft.) for each additional storey or portion thereof above 1 storey	7.5 m (24.6 ft.)	3.5 m (11.48 ft.)
Maximum Building Height	10.7 m (35.1 ft.) (2-3 Storeys)	19.0 m (62.34 ft.) (6 Storeys)	2 Storeys
Minimum Landscape Buffer	N/A	4.5 m (14.7 ft.)	3.0 m (9.84 ft.) (only for interior side yards)
Maximum Lot Coverage	35%	N/A	24%
Maximum Gross Floor Area (GFA) – Non Residential	N/A	N/A	1 200 m <sup>2</sup> (12,916 ft. <sup>2</sup> )





City of Mississauga

# Corporate Report



Date: December 20, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
OZ 14/009 W3Meeting date:  
2017/01/16

## Subject

### **RECOMMENDATION REPORT (WARD 3)**

**Application to permit business employment uses including a banquet hall and hotel  
4598 Tomken Road, west side of Tomken Road south of Eglinton Avenue East****Owner: 2425316 Ontario Limited (King Walia)****File: OZ 14/009 W3**

## Recommendation

1. That the application to change the zoning from **D (Development)** to **E2 – Exception (Employment)** to permit employment uses including a banquet hall and hotel in accordance with the proposed zoning standards described in the Information Report (Appendix 1) of this report, be approved subject to the following conditions:
2. That the applicant agree to satisfy all the requirements of the City and any other external agency concerned with the development.
3. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.
4. Notwithstanding subsection 45.1.3 of the *Planning Act*, subsequent to Council approval of the development application, the applicant can apply for a minor variance application.

## Report Highlights

- The applicant has made minor revisions to the proposal to address issues raised by the City
- Comments were received from the public regarding how the current Council approved road pattern within the area of Tomken Road and Eglinton Avenue East, affects lands to the south and how servicing could be provided to 900-920 Eglinton Avenue East
- Staff is satisfied with the changes to the proposal and find it to be acceptable from a planning standpoint, and recommend that the applications be approved

## Background

A public meeting was held by the Planning and Development Committee on April 11, 2016, at which time an Information Report (Appendix 1) was received for information. Recommendation PDC-0025-2016 was then adopted by Council on April 27, 2016.

That the report dated March 22, 2016, from the Commissioner of Planning and Building regarding the application by 2425316 Ontario Limited (King Walia) to permit employment uses including a banquet hall and hotel under File OZ 14/009 W3, 4598 Tomken Road, be received for information.

Given the amount of time since the public meeting, full notification was provided in accordance with the *Planning Act*.

## Comments

### REVISED DEVELOPMENT PROPOSAL

The applicant has made some minor modifications to the proposed concept plan including:

- The proposed Winchester Drive right-of-way has been realigned 20.0 m (65.6 ft.) east to align with the Council approved road pattern from March 27, 2002 (see Appendix 2)
- The proposed banquet hall has been redesigned to accommodate a proposed 10 m (32.8 ft.) buffer from the existing Greenbelt zone and
- The proposed plaza located on the east side of the site was revised to accommodate the new road

## COMMUNITY COMMENTS

A representative of a landowner located south of the subject lands attended the public meeting and expressed concern with the City's requirement for the current municipal road pattern within the area (See Appendix 2). On May 9, 2016, staff met with Councillor Chris Fonseca and representatives of the owner, and it was agreed that staff would look into the current road pattern within this area once a development proposal has been submitted for those lands. Representatives of the applicant advised that they would not oppose this application.

### *900-920 Eglinton Avenue East*

The City received a letter from the solicitor representing the owner (Mr. Aj. Lamba) of 900-920 Eglinton Avenue East, (an abutting land owner east of the subject lands) advising that the only route for servicing (water and sanitary) to his property is through the subject lands and they are requesting an easement for services. Staff met with the owners on October 31, 2016 to discuss and resolve the servicing issues. 2325316 Ontario Limited (King Walia) has agreed in principle to an easement but further negotiations are required between the two land owners, which can be dealt with through the site plan application process.

No other comments or concerns were expressed by the community at the public meeting or during the Councillor's meeting on October 25, 2016.

## UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

### **Toronto and Region Conservation Authority**

Comments updated on October 18, 2016 confirm that an appropriate buffer is required between the proposed development and the abutting city owned woodlot (Greenbelt zone). The applicant has agreed to provide a 6.5 m (21.3 ft.) landscape buffer and a 3.5 m (11.5 ft.) building setback to the landscape buffer along the west side of the banquet hall building abutting the Greenbelt zone (See Appendix 3).

### **City Transportation and Works**

Comments updated August 25, 2016, state that as per the current Council Approved Road Network for this area (Appendix 2) passed by Council on March 27, 2002, the balance of the "L" shaped road connection from Tomken to the property to the south is to be dedicated to the City.

Through the servicing agreement, a reference plan will be required for the dedication of this new road connection to the City.

Transportation and Works had further concerns with the Traffic Impact study, but the applicant provided an updated traffic impact analysis that confirmed that the proposed development will not have a detrimental impact on the abutting streets including Tomken Road and Eglinton

Avenue East. No access will be permitted directly from this site to Eglinton Avenue East. Access easements may be permitted to existing land uses abutting this site and will be further negotiated during the site plan application process.

### **Planning and Building Department**

Comments updated June 6, 2016, state that the plans should indicate the tree hoarding line and new required fencing should be relocated at the 6.5 m (21.3 ft.) landscape buffer. No building access should be provided to the 3.5 m (11.5 ft.) building setback from the landscape buffer adjacent to the greenbelt.

Comments further updated on June 14, 2016 state that the plans submitted did not take advantage of being located beside a greenbelt, which provides a unique view and requested redesign of the banquet hall in a way to consider the proximity to the greenbelt as an important design element. Further discussion and concept revisions will be required as part of the site plan approval process. Appendix 5 and 6 provide the applicant's built form and design.

### **Region of Peel**

Comments updated November 23, 2016 advise that the Region of Peel is satisfied with the results of the revised servicing report. Private easements for water and sanitary sewer in favour of the three (3) lots fronting on Eglinton Avenue East are recommended. These easements will be sought during the site plan application process.

## **PLANNING COMMENTS**

### **Official Plan**

The subject lands are designated **Employment**, which permit the proposed banquet hall and hotel uses. The application conforms with the land use designation and no Official Plan Amendment is proposed.

### **Zoning**

The proposed **E2-Exception (Employment)** zone is appropriate to accommodate the employment types uses including a banquet hall and hotel.

### **Site Plan**

Prior to development of the lands, the applicant will be required to obtain site plan approval. A site plan application has been submitted for the proposed development under File SP 16/109 W3. While the applicant has worked with City departments to address many site plan related issues through review of the rezoning concept plan, further revisions will be needed to address matters such as tree protection, landscaping, servicing and access easements.

### Green Development Initiatives

The applicant has identified that the following green development initiatives will be incorporated into the development:

- Green Roof garden on top of the banquet hall
- Bio-swale feature in the parking islands
- Permeable stable surface in the parking lot driveway leading to the front entrance of the proposed Banquet Hall

### Financial Impact

Development charges will be payable in keeping with the requirements of the Development Charges By-law of the City. Also, the financial requirements of any other commenting agency must be met.

### Conclusion

The proposed Rezoning is acceptable from a planning standpoint and should be approved once all conditions have been met, for the following reasons:

1. The proposed banquet hall and hotel is compatible with the surrounding land uses based on the existing employment type uses within the immediate area.
2. The proposed zoning amendments are in conformity to Mississauga Official Plan.
3. The proposed **E2-Exception (Employment)** zone is appropriate to accommodate the proposed uses.

Should this application be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

## Attachments

- Appendix 1: Information Report
- Appendix 2: 2002 Council Approved Road Pattern
- Appendix 3: Revised Site Plan
- Appendix 4: Revised Master Plan
- Appendix 5: Elevations
- Appendix 6: Renderings



---

Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Michael Hynes, Planner

City of Mississauga

# Corporate Report



Date: March 22, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
OZ 14/009 W3

Meeting date:  
2016/04/11

## Subject

### **PUBLIC MEETING INFORMATION REPORT (Ward 3)**

**Application to permit business employment uses including a banquet hall and hotel, 4598 Tomken Road, west side of Tomken Road south of Eglinton Avenue East**

**Owner: 2425316 Ontario Limited**

**File: OZ 14/009 W3**

## Recommendation

That the report dated March 22, 2016, from the Commissioner of Planning and Building regarding the application by 2425316 Ontario Limited (King Walia) to permit employment uses including a banquet hall and hotel under File OZ 14/009 W3, 4598 Tomken Road, be received for information.

## Report Highlights

- This report has been prepared for a public meeting to hear from the community;
- The project conforms with the Business Employment designation;
- A Councillor meeting was held on October 26, 2015 with no members of the public attending and no community concerns have been identified to date;
- Prior to the next report, matters to be addressed include urban design, parking, traffic, access and proposed details of a landscape buffer required along the west property line abutting greenbelt lands.

## Background

The application has been circulated for technical comments and a community meeting was held on October 26, 2015. No members of the public attended the meeting. The purpose of this

report is to provide preliminary information on the application and to seek comments from the community.

## Comments

### THE PROPERTY AND THE NEIGHBOURHOOD

Size and Use	
Frontages:	Eglinton Avenue East – 101.72 m (333.72 ft.) Tomken Road - 32.37 m (106.2 ft.)
Depth:	386.67 m (1,268.6 ft.)
Gross Lot Area:	3.76 ha (9.29 ac.)
Existing Uses:	Vacant

The property is located on the west side of Tomken Road south of Eglinton Avenue East abutting a city owned woodlot. The site is irregular in shape and is currently a vacant field with few trees.

The area is in transition. Although, there are a few older homes in the area, redevelopment has occurred on both sides of Tomken Road, south of Eglinton Avenue East. These contain stand-alone restaurants, a hotel, a private school and retail plaza on the west side. Planning staff are currently processing a site plan at 4560-4586 Tomken Road (SP 86/14 W3), south of subject property to permit a new convenience restaurant (678604 Ontario Inc.).

The surrounding land uses are:

- North: North and east of the single storey residential dwelling is a two storey commercial building with associated parking currently occupied by the Northstar Montessori Private School. Further north is a multi-unit industrial plaza and a single storey residential dwelling.
- East: Free standing restaurants including a Tim Hortons. Across the street is the 2 storey Canadian Place, a 20 461 m<sup>2</sup> (220,235 sq. ft.) mixed use condominium project.
- South: Vacant lands and a day care use in a residential home to the southeast.
- West: City owned woodlot and Highway 403

Information regarding the history of the site is found in Appendix 1.

### DETAILS OF THE PROJECT

The application is to permit a range of employment uses including a banquet hall and conference center, hotel, office, business activities, financial institutions, manufacturing and



warehousing, accessory sales and service, commercial school, medical offices and all types of restaurants.

Development Proposal		
Application(s) submitted:	Received: April 9, 2015 Deemed complete: May 11, 2015	
Developer Owner:	2425316 Ontario Limited (King Walia)	
Applicant:	Deanlee Management Inc.	
Height:	1 storey	
Lot Coverage:	12.14%	
Landscaped Area:	23%	
Gross Floor Area:	3 887.25 m <sup>2</sup> (41,842 ft <sup>2</sup> )	
Parking Total	Required 652 spaces	Proposed 622 spaces
Banquet Hall and Hotel	533 spaces	503 spaces
Business Employment Building	119 spaces	119 spaces
Green Development Standards	No Green Development Standards have been proposed	

Additional information is provided in Appendices 1 to 10.

### LAND USE CONTROLS

The subject lands are located within the Northeast Employment Area and are designated **Business Employment**. The application is in conformity with the land use designation.

A rezoning is proposed from **D (Development)** to **E2 – Exception (Employment)** to permit employment uses including a banquet hall in accordance with the proposed zone standards contained within Appendix 9.

Detailed information regarding the official plan and zoning is contained in Appendices 3 and 4 respectively.

**Ministry of Transportation**

A portion of the site is located adjacent to Eglinton Avenue East, under the jurisdiction of the Ministry of Transportation and is designated as a Control Access Highway. The Ministry will not permit vehicular access from this land to Eglinton Avenue East.

**Public Road**

In 2002, City Council approved a road pattern for lands south of Eglinton Avenue East west of Tomken Road to facilitate access for properties on the west side of Tomken Road. As a condition of approval for the lands north of the subject property (4870 Tomken Road), the applicant De Zen Construction was required to transfer a portion of land required to create a public road from Tomken Road (see Appendix 11). On April 14, 2004 the land was transferred to the City (By-law 0150/2004). As part of this application, Transportation and Works is requesting the conveyance of land to complete the public road. (see Appendix 5- page 2)

**WHAT DID THE COMMUNITY SAY?**

A community meeting was held by Ward 3 Councillor, Chris Fonseca on October 26, 2015. No members of the community attended this event and no written comments have been received on this development application.

**DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix 7. Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Demonstration of an appropriate built form as the subject property is located on one of the main corridors with the City;
- Determination of an appropriate buffer between the proposed development and the abutting city owned woodlot;
- Provision for access easements to abutting properties;
- Provision for the dedication of a public road within the site from Tomken Road to the existing public right-of-way (known as Winchester Drive);
- Satisfactory resolution of traffic impact on the surrounding road network including the review of access and number of on-site parking spaces;
- Satisfactory resolution of environmental issues including requirements for a Phase 2 Environmental Site Assessment; and
- Provision of a satisfactory Functional Servicing Report and resolution of all servicing.

**OTHER INFORMATION**

The applicant has submitted the following information in support of the application:

- Plan of Survey
- Master Plan and Project Images
- Site Plan, Elevations and Floor Plans
- Grading, Storm Drainage, Sanitary Drainage, and Water Distribution Plans
- Tree Inventory and Protection Plan
- Planning Justification Report
- Traffic Impact and Parking Study
- Scoped Environmental Impact Study
- Phase 1 Environmental Site Assessment
- Noise Feasibility Study
- Functional Servicing Study
- Parcel Register Documents

### **Development Requirements**

There are engineering matters including: servicing, roadway and conservation matters which will require the applicant to enter into agreements with the City. Prior to any development proceeding on-site, the City will require the submission and review of an application for site plan approval.

### **Financial Impact**

Development charges will be payable as required by the Development Charges By-law of the City. Also the financial requirements of any other external commenting agency must be met.

### **Conclusion**

All agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and all the issues are resolved.

### **Attachments**

- Appendix 1: Site History
- Appendix 2: Aerial
- Appendix 3: Land Use
- Appendix 4: Zoning Map
- Appendix 5: Site Plan
- Appendix 6: Elevations

Planning and Development Committee

2016/03/22

6

---

Originator's file: OZ 14/009 W3

Appendix 7: Agency Comments

Appendix 8: Official Plan Policies

Appendix 9: Zoning Provisions

Appendix 10: Context Map

Appendix 11: Public Road Transfer



---

Edward R. Sajecki

Commissioner of Planning and Building

Prepared by: Michael Hynes, Development Planner

2425316 Ontario Limited

File: OZ 14/009 W3

**Site History**

- September 8, 1988 - 678604 Ontario Inc.(De Zen Construction) submitted a rezoning application (OZ 83/88 W3) to permit a banquet hall, hotel and restaurants at the southwest corner of Tomken Road and Eglinton Avenue East. Through this application the City requested a transfer of land to construct a public road on the west side of the property.
- March 27, 2002 – Zoning By-law (0134/02) came into effect for the lands to the south of the subject property to zone the lands M1-2594 to permit six single storey industrial multiples. As part of this rezoning application under File OZ 00/008 W3, a municipal road pattern was established for this area.
- May 5, 2003 – The Region of Peel approved Mississauga Plan policies for the Northeast District, designating the subject lands as “Business Employment”.
- April 14, 2004 – By-law 0150/2004 came into effect whereby 678604 Ontario Inc. (OZ 83/88 W3) transferred a portion of lands to the City for the construction of a public road on the west side of the subject property.
- June 20, 2007 – Zoning By-law 0025-2007 came into force. The subject lands are zoned D (Development).
- June 10, 2009 – Council approved OZ 06/004 W3 (PDC-0052-2009) to permit a range of Business Employment uses, Greenbelt and Holding symbol on a portion of the subject lands.
- November 14, 2012 – Mississauga Official Plan came into force except for those site/policies which have been appealed. As no appeals have been filed the policies of the new Mississauga Official Plan apply. The subject lands are designated Business Employment.
- April 8, 2014 - Application under File OZ 06/004 W3 was closed. The applicant did not proceed with the By-law to implement Council's decision.



LEGEND:



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2015



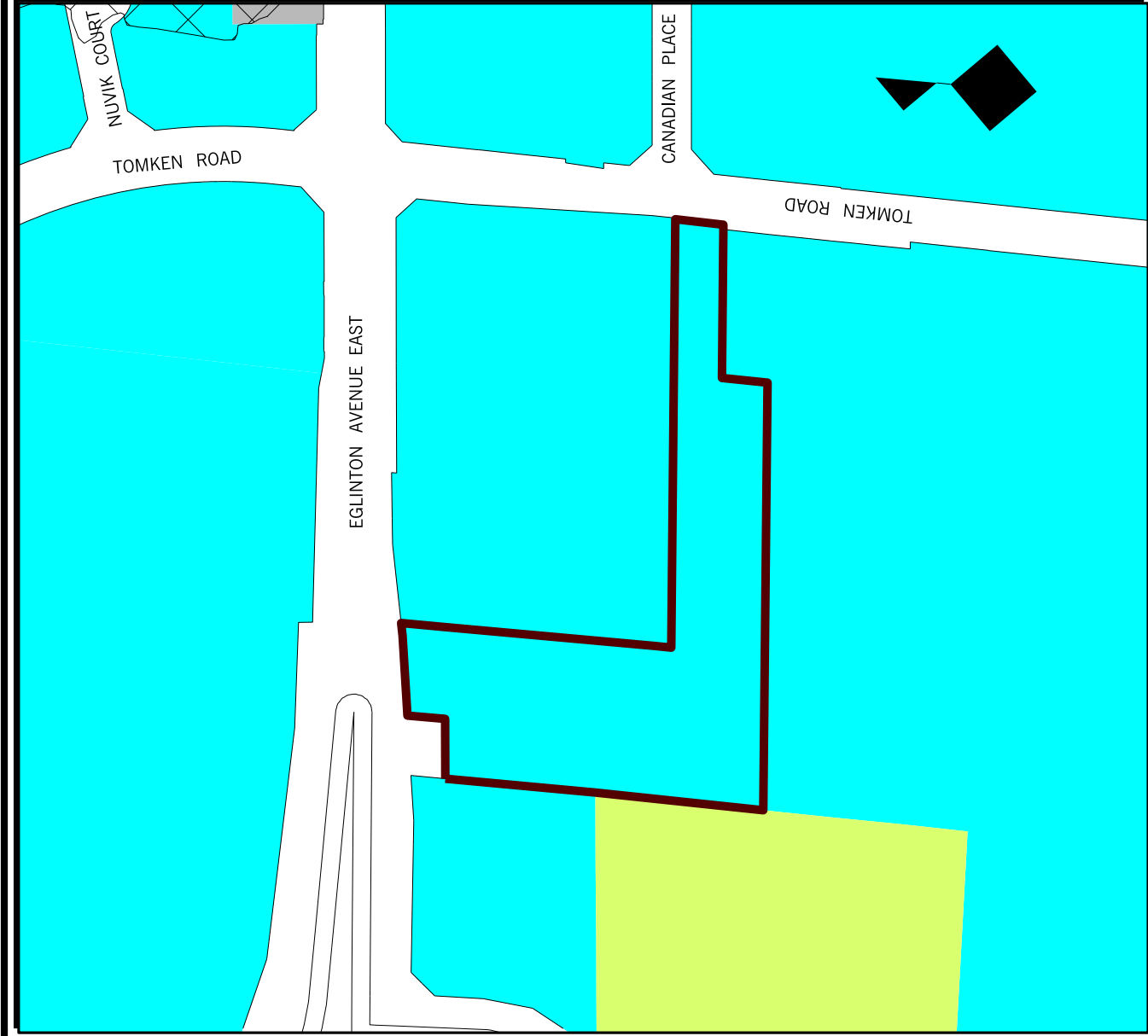
SUBJECT: KING, WALIA

FILE NO: OZ 14 / 009 W3	
DWG. NO: 14009 - AERIAL	
SCALE: 1:3500	
DATE: 2016/04/11	Appendix 2
DRAWN BY: J. BERNARD	



MISSISSAUGA

Produced by  
T&W, Geomatics



**PART OF SCHEDULE 10 LAND USE DESIGNATIONS OF MISSISSAUGA OFFICIAL PLAN**

**LAND USE DESIGNATIONS**

Residential Low Density I	Residential Low Density II	Residential Medium Density	Residential High Density	Mixed Use	Convenience Commercial	Motor Vehicle Commercial	Office	Business Employment	Industrial
Residential Low Density I	Residential Low Density II	Residential Medium Density	Residential High Density	Mixed Use	Convenience Commercial	Motor Vehicle Commercial	Office	Business Employment	Industrial

**BASE MAP INFORMATION**

Heritage Conservation District	1996 NEP/2000 NEF	Composite Noise Contours	LBPIA Operating Area Boundary	See Aircraft Noise Policies	Area Exempt from LBPIA Operating Area	Natural Hazards	City Structure	Downtown	Major Node	Community Node	Neighbourhood
Heritage Conservation District	1996 NEP/2000 NEF	Composite Noise Contours	LBPIA Operating Area Boundary	See Aircraft Noise Policies	Area Exempt from LBPIA Operating Area	Natural Hazards	City Structure	Downtown	Major Node	Community Node	Neighbourhood

**SUBJECT LANDS**

**LAND USE DESIGNATIONS**

Airport	Institutional	Public Open Space	Private Open Space	Greenlands	Parkway Belt West	Utility	Special Waterfront	Partial Approval Area
Airport	Institutional	Public Open Space	Private Open Space	Greenlands	Parkway Belt West	Utility	Special Waterfront	Partial Approval Area

**BASE MAP INFORMATION**

Civic Centre (City Hall)	City Centre Transit Terminal	GO Rail Transit Station	Public School	Catholic School	Hospital	Community Facilities
Civic Centre (City Hall)	City Centre Transit Terminal	GO Rail Transit Station	Public School	Catholic School	Hospital	Community Facilities

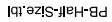
**SUBJECT: 2425316 ONTARIO LIMITED**

**Appendix 3**

**FILE NO:** OZ 14 / 009 W3  
**DWG. NO:** 14009 - LANDUSE  
**SCALE:** 1:4000  
**DATE:** 2016/04/11  
**DRAWN BY:** J. BERNARD

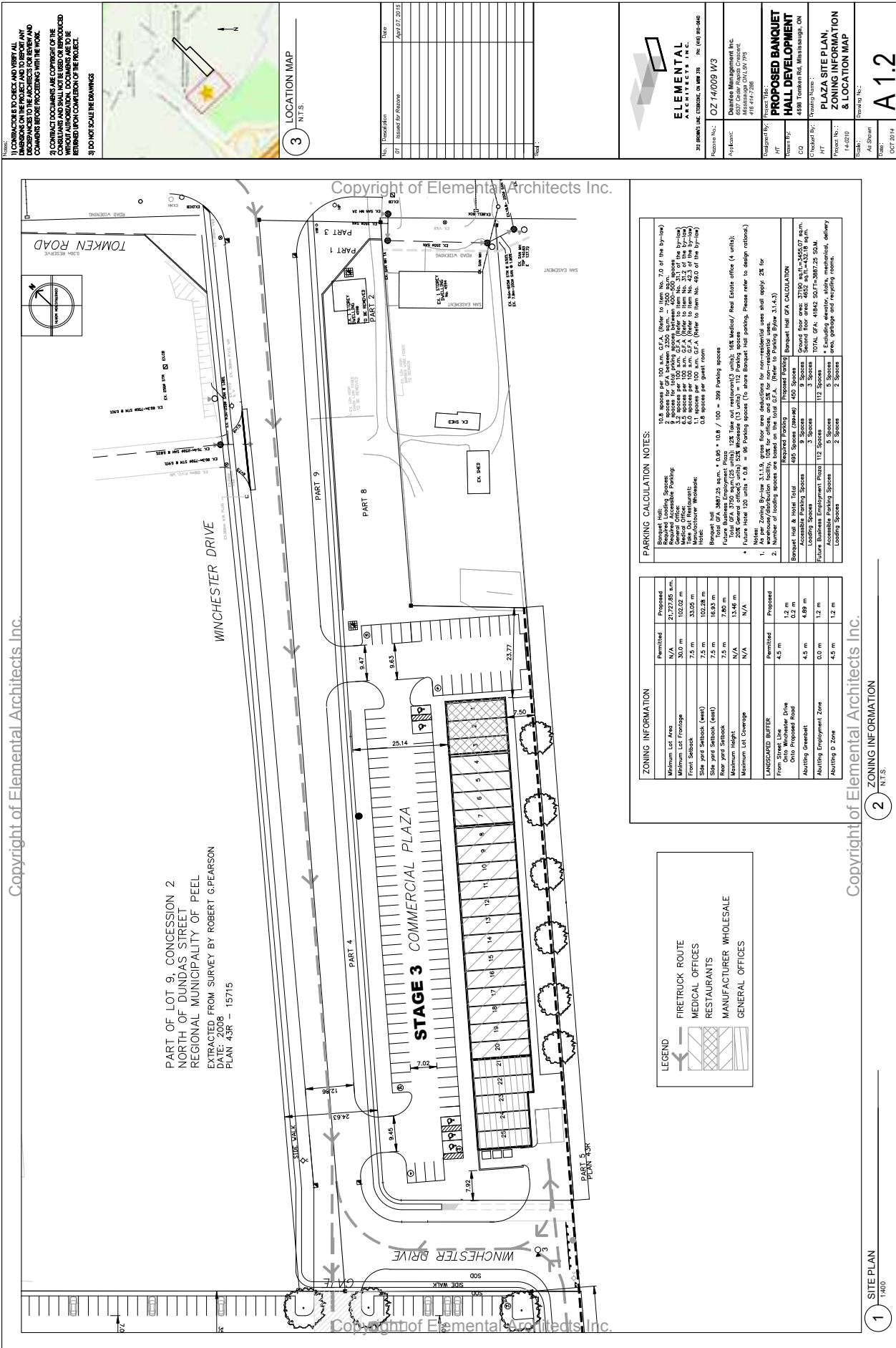
**Mississauga**

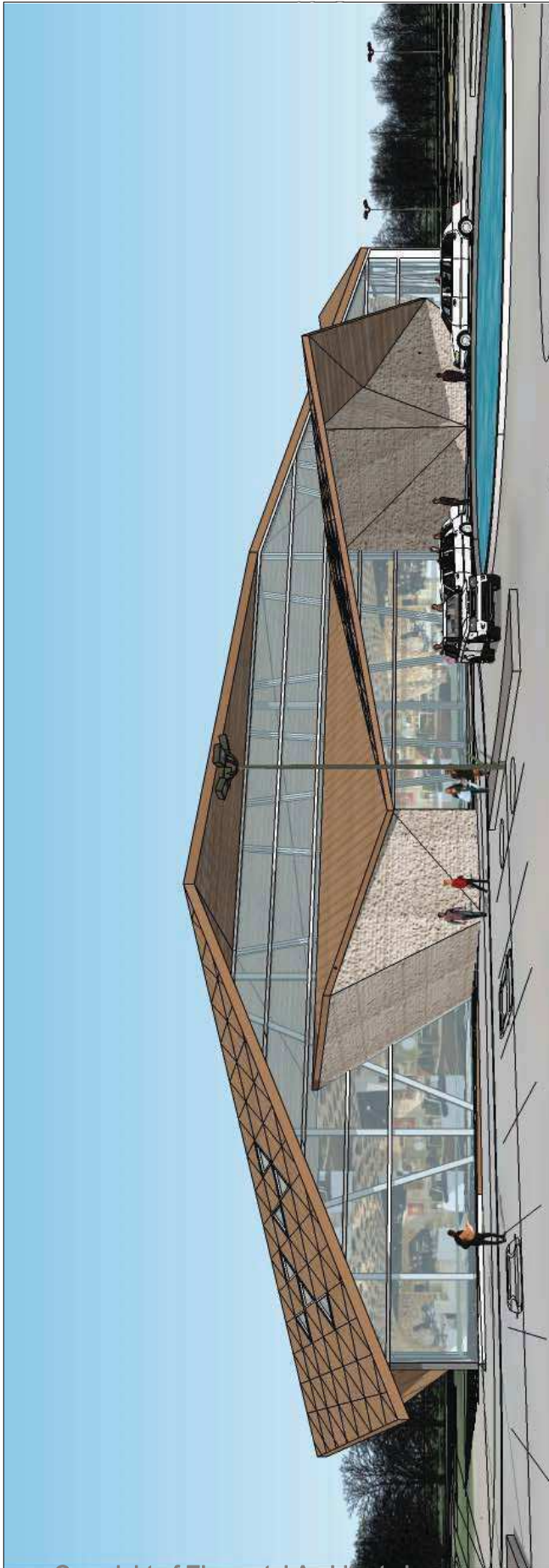
**Produced by**  
T&W, Geomatics













2425316 Ontario Limited

File: OZ 14/009 W3

## Agency Comments

The following is a summary of comments from agencies and departments regarding the application.

Agency / Comment Date	Comment
Region of Peel (August 25, 2015)	<p>A revised Functional Servicing Report is required that addresses the following comments received following Water modelling: a) 300mm (11.81 inches) connection to a 300mm (11.81 inches) watermain is not recommended; b) 229 L/s fireflow is difficult to achieve through a 300mm (11.81 inches) Fireflow calculations are incomplete. Please show detailed calculations as per Fire Underwriters Survey; c) Fireflow test should be conducted on Winchester Drive and included in the revised Functional Servicing Report. Please see the comments received following Waste Water modelling: The Region of Peel has no objection to discharging 2.19 L/s sanitary flows from this development to the existing 250mm (9.84 inches) sanitary sewer adjacent to the subject property.</p> <p>Submit hydrant flow test results for the review and comment of Development Engineering. Functional Servicing Reports dated March 16, 2015, prepared by Skira have been received and forwarded to Development Engineering for their review and comment. These will be forwarded for modelling, but the hydrant flow test results should be included in the analysis.</p> <p>An easement over parts of PIN 13311-003 (LT) being transferred to the City of Mississauga in favour of the Region will be required for infrastructure, until such time as the road is dedicated as a public road. Private easements for water and sanitary sewer in favour of the three (3) lots fronting on Eglinton Avenue East are also required.</p> <p>Servicing of this site may require municipal and/or private easements for construction, extension, twinning and/or upgrading of municipal services. All works associated with the servicing of this site will be at the applicant's expense.</p>
Ministry of Transportation (July 23, 2015)	<p>The Ministry of Transportation (MTO) has no objection to the proposal, however the owner should be aware that any proposed development will require Ministry of Transportation approval.</p> <p>A portion of Eglinton Avenue East, where the subject site is adjacent to, is under the jurisdiction of this Ministry and is designated as a Control Access Highway therefore the Ministry will not permit any form of an access into this land</p>

2425316 Ontario Limited

File: OZ 14/009 W3

Agency / Comment Date	Comment
	<p>from Eglinton Avenue East. The applicant must ensure that all site access, including temporary construction access must be from Tomken Road.</p> <p>The site is located within the Ministry's permit control area and therefore an MTO Building and Land Use Permit is required prior to the start of construction. Please note that the minimum MTO setback for all above or below grade structures, including required parking, is 14 m (45.93 ft.) from the Ministry right-of-way.</p>
<p>City Transportation and Works Department (August 24, 2015) (March 9, 2016)</p>	<p>In comments dated August 24, 2015 (updated March 9, 2016), this Department confirmed receipt of Concept Site Grading, Servicing and Storm Drainage Plans, Functional Servicing Report, Noise Feasibility Study, Traffic Impact Study and Phase 1 Environmental Site Assessment circulated by the Planning and Building Department.</p> <p>Notwithstanding the findings of these reports and drawings, the applicant has been requested to provide additional technical details. Development matters currently under review and consideration by the department include:</p> <ul style="list-style-type: none"> <li>• Grading, Servicing and Site Plan details,</li> <li>• Noise Report addendum,</li> <li>• Stormwater Management design,</li> <li>• Environmental Reports,</li> <li>• Land dedications and easements,</li> <li>• Traffic implications,</li> <li>• Interconnecting access arrangements</li> </ul> <p>As per the current Council Approved Road Network for this area (By-Law 0134-2002) passed by Council on March 27, 2002, the balance of the road connection from Tomken Road to the property to the south ("L" shaped Part 4 of Plan 43R-32566) is to be dedicated to the City.</p> <p>The above aspects will be addressed in detail prior to the Recommendation Report.</p>
<p>City Community Services Department – Parks and Forestry Division/Park Planning Section (February 24, 2016)</p>	<p>In comments dated June 19, 2015, and updated on February 24, 2016 this Department notes that the subject site is adjacent to City owned woodlot (P-353) and is a significant natural site identified in the Natural Area Survey - 2013. To support the long term health of the adjacent woodlot, a 6.5 m (21.32 ft.) buffer is to be dedicated to the City prior to enactment of the zoning By-law, and shall be zoned Greenbelt. Furthermore, an additional 3.5 m (11.48 ft.) buffer</p>

2425316 Ontario Limited

File: OZ 14/009 W3

Agency / Comment Date	Comment
	<p>is to be maintained as the building set back from the newly established Greenbelt zone.</p> <p>Prior to the issuance of building permits for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.</p> <p>Furthermore, should the subject application be approved, securities for hoarding, fencing and clean-up works for adjacent woodlot will be required and secured through appropriate agreements.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner.</p> <p>Rogers Cable Enersource Hydro Mississauga Bell Canada</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Greater Toronto Airport Authority Canada Post Corporation Fire Prevention Community Services – Heritage Planning</p>

2425316 Ontario Limited

File: OZ 14/009 W3

### Summary of Existing and Proposed Mississauga Official Plan Policies and Relevant Mississauga Official Plan Policies

Mississauga Official Plan (MOP) came into force on November 14, 2012 except for those policies which have been appealed. As no policies have been appealed, the policies of MOP apply. The subject lands are designated Business Employment within the Northeast Employment Area (West) Character Area which permits a range of business employment uses.

There are other policies in Mississauga Official Plan that are also applicable in the review of this application, which are found in Appendix 8.

#### Relevant Mississauga Official Plan Policies

	Specific Policies	General Intent
Section 5.4 Corridors	Section 5.4.1 Section 5.4.4 Section 5.4.6 Section 5.4.7 Section 5.4.8 Section 5.4.9	<p>Eglinton Avenue has been identified as a <b>Corridor</b>. <b>Corridors</b> connect various elements of the city to each other. Over time, many of these <b>Corridors</b> will evolve and accommodate multi-modal transportation and become attractive public places in their own right with complementary land uses. <b>Corridors</b> are important elements of the public realm, as they link communities and are locations where people experience the city on a day-to-day basis.</p> <p>A <b>Corridor</b> is generally comprised of the road right-of-way as well as the lands on either side of the road.</p> <p>Development on <b>Corridors</b> should be compact, mixed use and transit friendly and appropriate to the context of the surrounding Neighbourhood and Employment Area.</p> <p>Land uses and building entrances will be oriented to the <b>Corridors</b> where possible and surrounding land use development patterns permit.</p>

2425316 Ontario Limited

File: OZ 14/009 W3

	Specific Policies	General Intent
Section 8 - Road Network	Section 8.2.2.3 Section 8.2.2.5 Section 8.2.2.7 Section 8.2.3.10 Section 8.2.4.3	<p>Mississauga will strive to create a fine system of roads that seeks to increase the number of road intersections and overall connectivity throughout the city.</p> <p>Additional roads may be identified during the review of development applications and the preparation of local area plans. The City may require the completion of road connections and where appropriate, the creation of a denser road pattern through the construction of new roads.</p> <p>Future additions to the road network should be public roads. Public easements may be required where private roads are permitted.</p> <p>Proponents of development applications will be required to demonstrate how pedestrian and cycling needs have been addressed.</p>
Section 9 – Build a Desirable Urban Form	Section 9.1.1 Section 9.1.4 Section 9.1.5 Section 9.1.6 Section 9.1.9 Section 9.1.10 Section 9.1.11	<p>Development within Employment Areas and Special Purposes Areas will promote good urban design that respects the function of the area.</p> <p>Development on <b>Corridors</b> will be consistent with existing or planned character, seek opportunities to enhance the <b>Corridor</b> and provide appropriate transitions to neighbouring uses.</p> <p>The urban form of the city will ensure that the Green System is protected, enhanced and contributes to a high quality urban environment and quality of life.</p>



	Specific Policies	General Intent
Section 9.2 City Pattern and Section 9.3 Public Realm	Section 9.2.2.4 Section 9.2.2.6 Section 9.2.3.1 Section 9.2.3.2 Section 9.3.1.2 Section 9.3.1.4a Section 9.3.1.4d Section 9.3.1.5 Section 9.3.1.7	<p>Employment Areas adjacent to residential areas, sensitive land uses and major roads will be required to meet higher standards of design and to mitigate adverse impacts on adjacent uses.</p> <p>Development on <b>Corridors</b> will be encouraged to:</p> <ul style="list-style-type: none"> <li>a. assemble small land parcels to create efficient development parcels;</li> <li>b. face the street, except where predominate development patterns dictate otherwise;</li> <li>e. provide entrances and transparent windows facing the street for non-residential uses;</li> <li>f. support transit and <b>active transportation</b> modes</li> <li>g. consolidate access points and encourage shared parking, service areas and driveway entrances; and</li> <li>h. provide concept plans that show how the site can be developed with surrounding lands.</li> </ul> <p>Development will be sensitive to the site and ensure that Natural Heritage Systems are protected, enhanced and restored.</p> <p>All development will utilize sustainable design practices.</p> <p>Mississauga will ensure that urban form, street patterns and public open space systems are coherent, orderly and legible.</p> <p>Development will be designed to:</p> <ul style="list-style-type: none"> <li>a. respect the natural heritage features, such as forests, ridges, valleys, hills, lakes, rivers, streams and creeks;</li> <li>d. achieve a street network that connects to adjacent streets and neighbourhoods at regular intervals, wherever possible;</li> <li>e. be pedestrian oriented and scaled and support transit use;</li> </ul> <p>The improvement of existing streets and the design of new streets should enhance connectivity by:</p> <ul style="list-style-type: none"> <li>a. developing a fine-grained system of roads;</li> <li>b. using short streets and small blocks as much as possible, to encourage pedestrian movements;</li> <li>c. avoiding street closures; and</li> <li>d. minimizing cul-de-sac and dead end streets.</li> </ul>

	Specific Policies	General Intent
Section 9.4 Movement	<p>Section 9.4.2</p> <p>Section 9.4.2.1</p> <p>Section 9.4.2.2</p> <p>Section 9.4.2.3</p>	<p>Although a priority for Mississauga is to increase the appeal of transit and <b>active transportation</b>, urban form must also consider the needs of vehicular and goods movement, especially areas where it forms the dominant mode of transportation. Building and site design in employment areas must carefully consider goods movement and the potential for conflict with transit and <b>active transportation</b> modes.</p>
Section 9.5 Site Development and Buildings	<p>Section 9.5.1</p> <p>Section 9.5.1.1</p> <p>Section 9.5.1.2</p> <p>Section 9.5.1.6</p> <p>Section 9.5.1.12</p> <p>Section 9.5.1.13</p> <p>Section 9.5.1.14</p>	<p>Context addresses how developments demonstrate compatibility and integration with surrounding land uses and vegetation by ensuring that an effective transition in built form is provided between areas of different development densities and scale, and the protection of natural features.</p> <p>Buildings and site design will be compatible with site conditions, the surrounding context and surrounding landscape of the existing or planned character of the area.</p> <p>Developments should be compatible and provide transition to existing and planned development by having regard for the following elements:</p> <ul style="list-style-type: none"> <li>a. Natural Heritage System;</li> <li>d. street and block patterns;</li> <li>g. the size and distribution of building mass and height;</li> <li>h. front, side and rear yards;</li> <li>i. the orientation of buildings, structures and landscapes on a property; and</li> <li>m. the function and use of buildings, structures and landscapes.</li> </ul> <p>Existing vegetation patterns and preservation and/or enhancement of the Urban Forest will be addressed in all new development.</p>

2425316 Ontario Limited

File: OZ 14/009 W3

	Specific Policies	General Intent
Section 9.5.2 Site Development and Section 9.5.3 Buildings Section 9.5.5 Parking, Servicing and Loading	Section 9.5.2.1 Section 9.5.2.2 Section 9.5.2.4 Section 9.5.2.7 Section 9.5.2.8 Section 9.5.2.9 Section 9.5.2.11 Section 9.5.2.12 Section 9.5.2.13	The arrangement of elements on a site, as well as their massing and design, should contribute to achieving the City's vision and the intended character for the area. The development of a property may include one or more buildings or structures, services and utilities, parking areas and driveways and landscaping. Site design which incorporates <b>stormwater best management practices</b> will assist in achieving sustainable development objectives.
	Section 9.5.3.1 through to Section 9.5.3.18	Buildings are often the most noticeable aspect of site development and therefore, the quality of their design and the materials selected is fundamental to good urban form. The articulation of a building is often what gives it a human scale and a sense of quality through attention to detail. The entrance of a building is often the most recognizable and used part of the façade and should be prominent, recognizable and accessible.
	Section 9.5.5.3 Section 9.5.5.4 Section 9.5.5.5 Section 9.5.5.7	The design of parking, servicing and loading areas is a key component in the development of sites. These areas serve a functional need, but should be designed in a manner that screens less desirable aspects and provides high quality treatment of exposed areas while addressing safe and efficient movements of pedestrians and vehicles. Parking surfaces are a contributor to the urban heat island effect and, as such, should be designed to mitigate the heat effects.

2425316 Ontario Limited

File: OZ 14/009 W3

	Specific Policies	General Intent
Section 11 General Land Use Designations – Business Employment	Section 11.2.11 Section 11.2.11.2 Section 11.2.11.3 Section 11.2.11.4 Section 11.2.11.5	<p>In addition to the Uses Permitted in all Designations, lands designated Business Employment will also permit the following uses:</p> <ul style="list-style-type: none"> <li>a. adult entertainment establishment;</li> <li>b. animal boarding establishment which may include outdoor facilities;</li> <li>c. banquet hall;</li> <li>d. body rub establishment;</li> <li>e. broadcasting, communication and utility rights-of-way;</li> <li>f. cardlock fuel dispensing facility;</li> <li>g. commercial parking facility;</li> <li>h. commercial school;</li> <li>i. conference centre;</li> <li>j. entertainment, recreation and sports facilities;</li> <li>k. financial institution;</li> <li>l. funeral establishment;</li> <li>m. manufacturing;</li> <li>n. motor vehicle commercial;</li> <li>o. motor vehicle body repair facilities;</li> <li>p. motor vehicle rental; overnight accommodation;</li> <li>q. research and development;</li> <li>r. restaurant;</li> <li>s. <b>secondary office</b>;</li> <li>t. self storage facility;</li> <li>u. transportation facility;</li> <li>v. trucking terminals;</li> <li>w. warehousing, distributing and wholesaling;</li> <li>x. <b>waste processing stations</b> or <b>waste transfer stations</b> and composting facilities; and</li> <li>y. accessory uses.</li> </ul> <p>The maximum <b>floor space index (FSI)</b> for <b>secondary offices</b> is 1.0.</p> <p>Permitted uses will operate mainly within enclosed buildings.</p>

2425316 Ontario Limited

File: OZ 14/009 W3

## Summary of Existing and Proposed Zoning Provisions

### Existing Zoning By-law Provisions

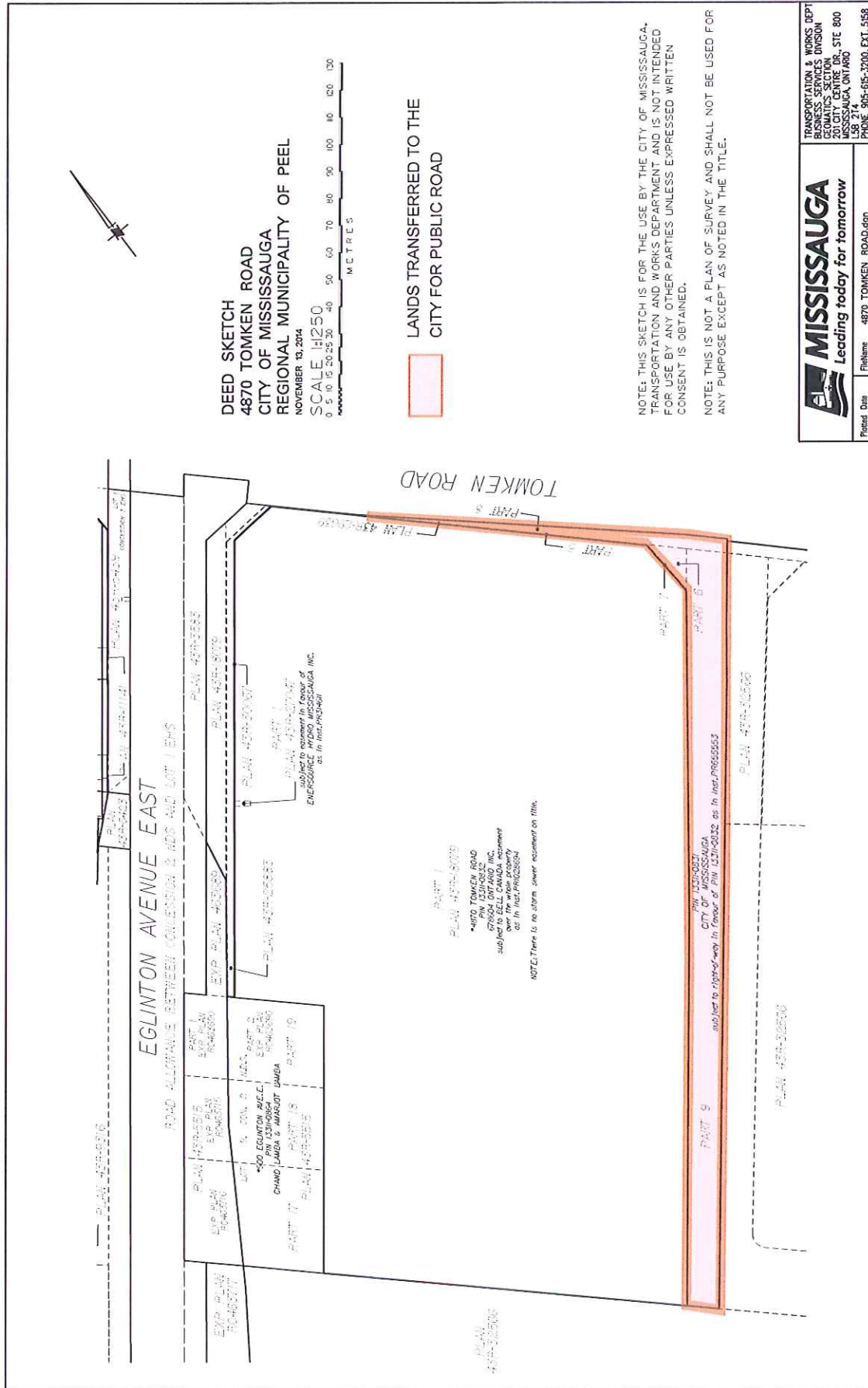
D- Development which permits uses legally existing on the date of the passing of the zoning by-law. The property is currently vacant.

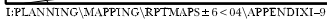
### Proposed Zoning Standards

E2 – Exception (Employment) to permit a range of employment uses, a banquet hall and conference center, 5 storey hotel, office, business activities, financial institutions, manufacturing and warehousing, limited commercial, commercial school, medical office and all types of restaurants.

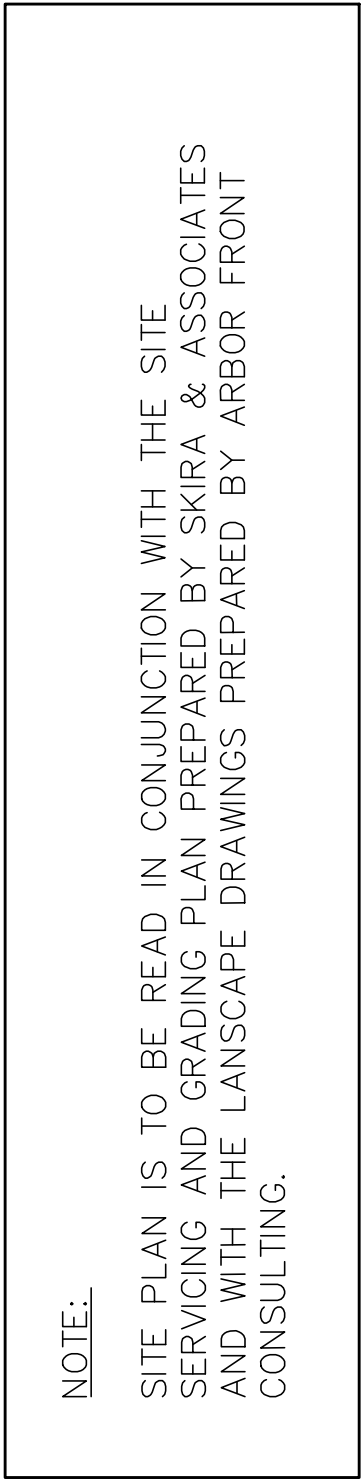
	Existing D Zoning By-law Standards	Required E2 Zoning By-law Standards	Proposed E2 Zoning By-law Standards
Minimum Lot Area	N/A	N/A	21,727.85 m <sup>2</sup> (233,876.63 ft <sup>2</sup> )
Minimum Lot Frontage	N/A	30.0 m (98.42 ft.)	32.37 m (106.2 ft.) on Tomken Road
Front Yard Setback	N/A	7.5 m (24.60 ft.)	30.86 m (101.25 ft.)
Rear Yard Setback	N/A	7.5 m (24.60 ft.)	10 m (32.80 ft.)
Maximum Height	N/A	N/A	13.46 m (44.16 ft.)
Maximum Lot Coverage	N/A	N/A	N/A
Landscape Buffer From Street Line Onto Winchester Drive Onto Proposed Rd	N/A	4.5 m (14.76 ft.) 4.5 m (14.76 ft.)	1.2 m (3.93 ft.) 0.2 m (.66 ft.)
Abutting Greenbelt Zone		4.5 m (14.76 ft.)	10.0 m (32.80 ft.)
Abutting Employment Zone		0.0 m (0 ft.)	1.2 m (3.93 ft.)
Abutting D Zone		4.5 m (14.76 ft.)	1.2 m (3.93 ft.)
Number of on-site parking spaces Total: Banquet Hall & Hotel	N/A	652 spaces 533 spaces	622 spaces 503 spaces
Business Employment Building	N/A	119 spaces	119 spaces

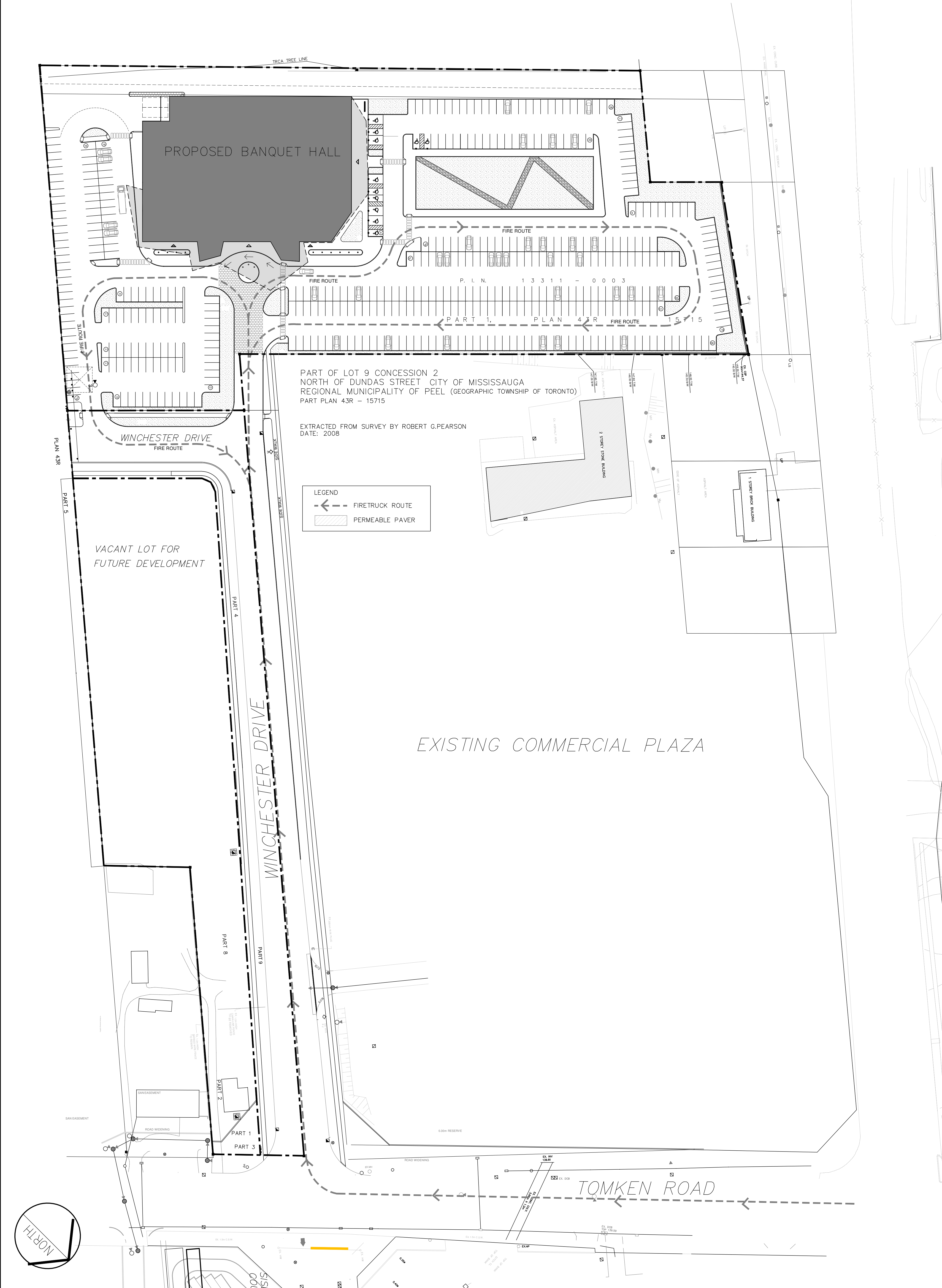






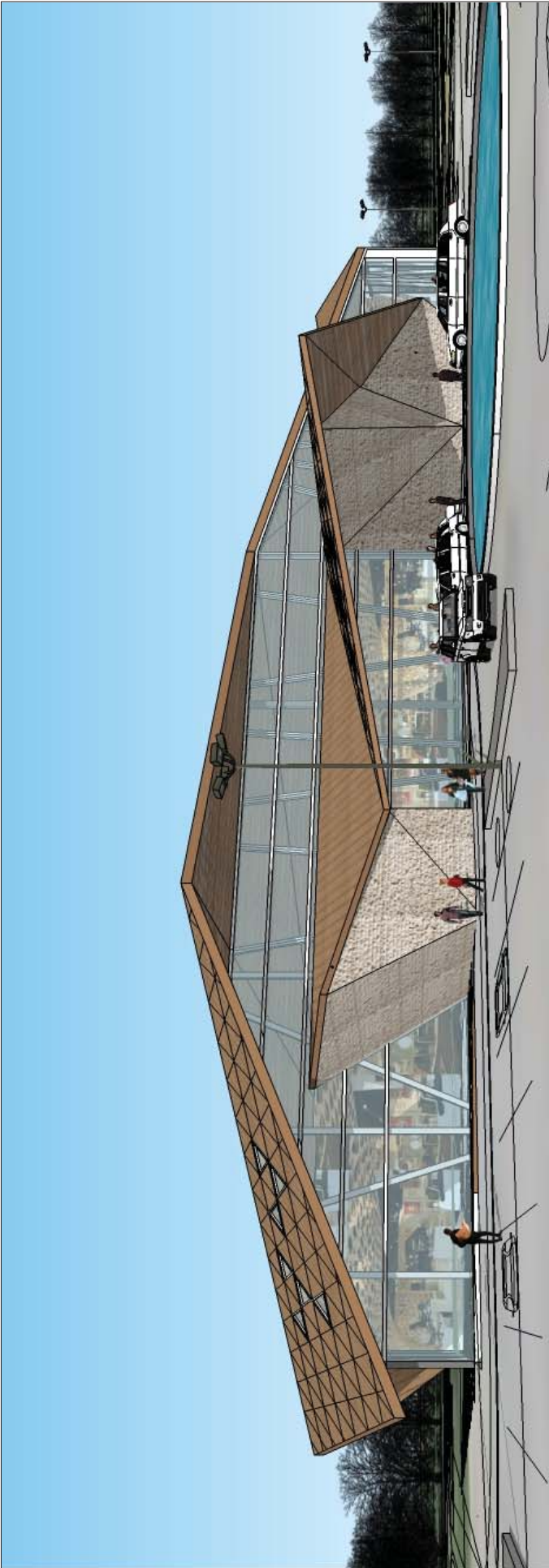












City of Mississauga

# Corporate Report



Date: December 20, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
CD.21.SHOMeeting date:  
2017/01/16

## Subject

### **INFORMATION REPORT (ALL WARDS)**

### **Short-Term Accommodation - Overview of Current Status and Regulatory Options**

## Recommendation

1. That the report dated December 20, 2016 from the Commissioner of Planning and Building titled "Short-Term Accommodation Overview of Current Status and Regulatory Options" be received for information.
2. That this report be circulated to interested stakeholders for review and comment.

## Report Highlights

- This report provides an overview of the current state of short-term accommodations in Mississauga and an update on benchmarked municipalities and presents options for regulation
- Further consultation with stakeholders and a public meeting will be required to consider possible regulations

## Background

With the rise of the sharing economy and the increasing popularity of web-based person-to-person platforms, opportunities for short-term accommodation (STA) such as Airbnb have grown rapidly in cities around the world, including Mississauga.

These web platforms connect people with those who have a spare room, entire apartment, or house to rent out on a short-term basis, usually less than 30 days. Most sites manage listings, provide basic verification information about hosts and guests, collect payment, provide and

monitor a customer/host feedback system and, in some cases, provide insurance for a small fee per booking.

On June 8, 2016, Council directed that City staff examine the issue of short-term accommodation and undertake consultation with stakeholders including the Mississauga Real Estate Board, Mississauga Landlords and Tenant associations, along with the tourism industry to develop appropriate By-laws, if any, to address the situation. Appendix 1 contains a copy of the Council Resolution.

The Transportation and Works Department presented a report to Council on June 29, 2016 in which staff advised that the Zoning By-law does not currently prohibit STA rental uses and that to regulate STAs, the Zoning By-law would need to be amended. The report also concluded that a planning study would need to be completed to determine best practices for dealing with STAs. A copy of the report can be found at:

[https://www7.mississauga.ca/documents/committees/general/2016/06\\_29\\_16\\_GC\\_Agenda\\_online.pdf](https://www7.mississauga.ca/documents/committees/general/2016/06_29_16_GC_Agenda_online.pdf).

A delegation from a local ratepayers group appeared before Council on November 23, 2016. At this meeting, Council indicated that STAs are part of a much larger issue and that the Province needs to step in to regulate them.

This report provides an overview of the current situation with regard to short-term accommodations in Mississauga, including:

- statistical information
- results of stakeholder consultation
- matters to be taken into consideration in the regulation of short-term accommodations
- regulatory options
- benchmarking with other municipalities
- enforcement challenges

It is recommended that the report be circulated to interested stakeholders for review and comment. Based on the feedback received, proposed amendments to the Zoning By-law will be presented at a statutory public meeting.

## Comments

### SHORT-TERM ACCOMMODATIONS IN MISSISSAUGA

The methodology for the data collected regarding STAs is provided in Appendix 2. According to Airbnb, there are 525 active short-term accommodation listings on the Airbnb platform in Mississauga, with approximately 300 active hosts. This suggests that there are hosts with more than one listing. There appears to be over 75 different vendor websites with listings in Mississauga. The Airbnb platform is the most prominent. Based on Host Compliance and Airbnb data, Airbnb makes up over 90% of the STA market in Mississauga.



Airbnb data indicates that the number of visitors to Mississauga using their platform has been increasing, with a 227% increase between May 2015 and May 2016. Additional information is illustrated on page 4.

Short-term accommodation listings in Mississauga are generally concentrated in the Downtown Core, and to a lesser extent, in the Streetsville and Meadowvale neighbourhoods. The locations of hotels and motels in Mississauga are shown in Appendix 3. There is not an obvious correlation between the locations of hotels and motels and STAs in Mississauga. There is a concentration of both STAs and hotels and motels located east of the Airport, and to a lesser extent in the Meadowvale District. There appears to be a significantly higher concentration of STAs in Streetsville and the Downtown Core than hotels and motels. In contrast, there is a higher concentration of hotels and motels located west of the Airport than STA listings.

### **CONSULTATION SUMMARY**

Interviews were conducted to understand stakeholders' concerns regarding the operation of STAs in Mississauga in order to determine what changes, if any, they would like to see and to hear suggestions for future research. The most common concerns identified were those related to nuisance issues, impacts on existing hotel and motel operations, and fire safety.

The complete list of individuals, groups and organizations contacted for this study are included in Appendix 4.

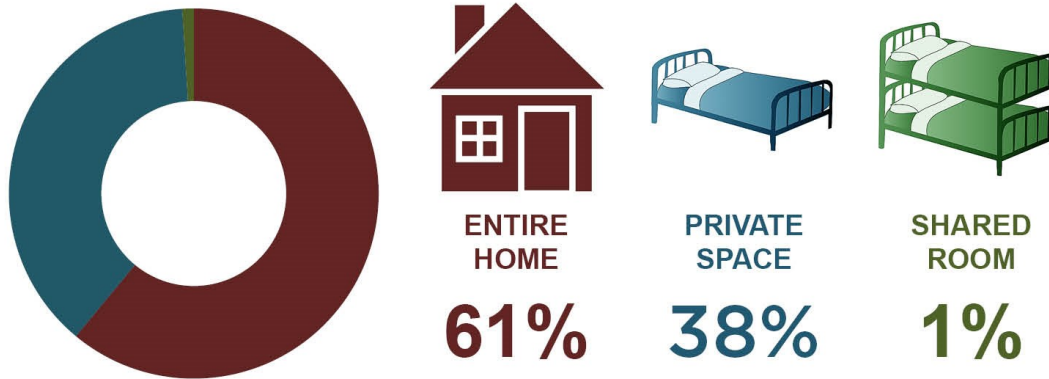
Planning staff also conducted a literature review on the topic of short-term accommodations to establish a list of potential impacts not identified in interviews.

### **MATTERS FOR CONSIDERATION IN THE REGULATION OF SHORT-TERM ACCOMMODATIONS**

Based on this research and consultation, the following are the matters to be considered when considering regulating STAs. These are discussed in greater detail in Appendix 5:

- benefits of short-term accommodations
- nuisance issues
- impacts on housing availability and affordability
- private spaces and shared rooms
- the ability of condominium boards to pass regulations or By-laws as well as condominium specific concerns
- impacts on existing hotel and motel operators
- fire safety
- hotel tax
- monitoring

## SHORT-TERM ACCOMMODATION IN MISSISSAUGA



Based on data that University of Toronto Students collected from the Airbnb website:



\* booking rates may fluctuate seasonally



## Regulatory Options

STAs are not currently prohibited by the Zoning By-law because they are not specifically defined as a land use. STAs default to the type of residential dwelling in which the unit is located. The Zoning By-law does not currently regulate residential dwellings by ownership or rental duration. This differs from "Second Units" which are specifically defined in the Zoning By-law and are subject to further regulation including which types of dwellings they are permitted to be located within.

"Overnight Accommodation" is a permitted use in the Zoning By-law, and is defined as "a building, structure or part thereof, used for the purpose of providing temporary accommodation that contains at least 20 bedrooms". Hotels and motels fall under this definition.

Bed and Breakfasts (B&Bs) are not defined in the Zoning By-law but are considered to be a business use as opposed to a residential use. Therefore, they require a minor variance or rezoning application to permit the use. Five minor variance applications to permit B&Bs have been submitted to the Committee of Adjustment in the past 17 years, three of which were approved by the Committee of Adjustment. The remaining two were approved following successful appeals to the Ontario Municipal Board.

Options to mitigate potential negative impacts and best practices across North America for the regulation of short-term accommodations include:

- regulation in the Zoning By-law including:
  - defining short-term accommodations
  - permitted versus prohibited uses
  - allowing STAs in some areas
  - allowing STAs in grade related homes, subject to conditions
- creating a municipal registry or licensing regime once the use is permitted in the Zoning By-law

Each of these options are discussed in greater detail within Appendix 6 of this report, including advantages and disadvantages of each. All of the options considered will have financial and staff resourcing requirements that will need to be considered prior to implementation.

## BENCHMARKING OTHER MUNICIPALITIES

The Corporate Report dated June 29, 2016 from Compliance and Licensing Enforcement staff included a scan of 15 municipalities in Ontario to determine their By-law standards regarding STAs. Planning staff have updated and expanded on this municipal scan and included it as Appendix 7. The majority of municipalities surveyed have not yet regulated short-term accommodations.

City of Toronto staff delivered an interim report to their Executive Committee on October 26, 2016, and to their Council on November 8, 2016. In their report, Toronto staff define "short-term rental" as:

*a wide range of rentals that occur over a short period that fall outside of hotel, motel, bed and breakfast, renting and subletting. Short-term rentals occur in any form of dwelling, including detached house, semi-detached house, townhouse, second suites, condominium and rental apartment buildings. Short-term rentals are operated by both property owners and tenants.*

City of Toronto staff are continuing to collect and analyze information, as well as undertaking community consultation. The City of Toronto will be conducting public and stakeholder consultations in February and March of 2017. A follow up report is anticipated to be presented to their Executive Committee on June 19, 2017.

### **Enforcement Challenges**

Future enforcement challenges related to STAs will depend on if and how the Zoning By-law is amended to regulate STAs. For example, if an STA is defined to require the dwelling to be an owner's principal private residence, staff would need to determine ways to distinguish between primary and secondary residences for enforcement purposes. If STAs are defined by a time period (i.e. anything less than 30 consecutive days – as regulated in the Town of the Blue Mountains), staff will need to monitor the exact use of STAs to ensure compliance.

Another potential challenge relates to proving the existence of an STA. This is the same challenge that enforcement staff are currently faced with when regulating Second Units in Mississauga. To establish the existence of a STA, enforcement staff would need to gain entry to the dwelling. Without the permission of the homeowner, this will be difficult. Enforcement of STAs will likely be time consuming, costly and may require long-term investigations. Given these challenges, enforcing short-term accommodation may be difficult to implement, even with new regulations. One method to address this may be through a municipal licensing regime as discussed in Appendix 6.

Currently there is no Provincial position on the potential regulation of STAs, except from a taxation perspective. The Province is working with host platforms to encourage hosts to pay taxes on the monies received from renting out their units. Municipalities would benefit from provincial legislation to deal with Fire and Building Codes and rights of entry.

### **Financial Impact**

The financial impact will be dependent upon the recommendation.

### **Conclusion**

Staff recommend that this report be circulated to interested stakeholders for review and comment, particularly with respect to the possible Zoning By-law amendments outlined in

Appendix 6. A report detailing the input received will be presented at a formal public meeting followed by a recommendation report that will contain final staff recommendations on STAs in Mississauga.

## Attachments

- Appendix 1: Council Resolution 119-2016
- Appendix 2: Data Availability
- Appendix 3: Map of Hotels and Motels in Mississauga
- Appendix 4: Consultation Summary
- Appendix 5: Matters for Consideration in the Regulation of Short-Term Accommodations
- Appendix 6: Options for Regulation of Short-Term Accommodations
- Appendix 7: Updated Municipal Scan



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Caleigh McInnes, Development Planner

**Short-Term Accommodation Overview**

**File:CD.21.SHO**

**COUNCIL RESOLUTION 0119-2016**

At its meeting on June 8, 2016 Council approved the following recommendation:

Whereas the City of Mississauga has an extremely low vacancy rate of 1.7%;

And whereas access to affordable, quality rental housing in Mississauga is limited;

And whereas, the City of Mississauga's zoning and development by-law currently does not recognize short-term rentals in cities throughout Ontario;

And whereas, owners of many properties in Mississauga are renting out their premises on a short-term basis;

And whereas, many renters have no affinity for the otherwise quiet, established neighbourhoods resulting in many by-law infractions such as excess waste, parking and noise, etc.;

And whereas, many residents are concerned about the negative impacts of these short-term accommodations;

Therefore, be it resolved that City Staff report to Council as soon as possible to examine the issue of short-term rentals in Mississauga, the impact of short-term rentals on housing stock; options to mitigate negative impacts and best practices across North America;

Be it further resolved that Council direct staff to consult with the Mississauga Real Estate Board, Mississauga Landlords and Tenants associations, along with the Tourism industry, and others as needed in order to develop appropriate by-laws, if any, to address the situation;

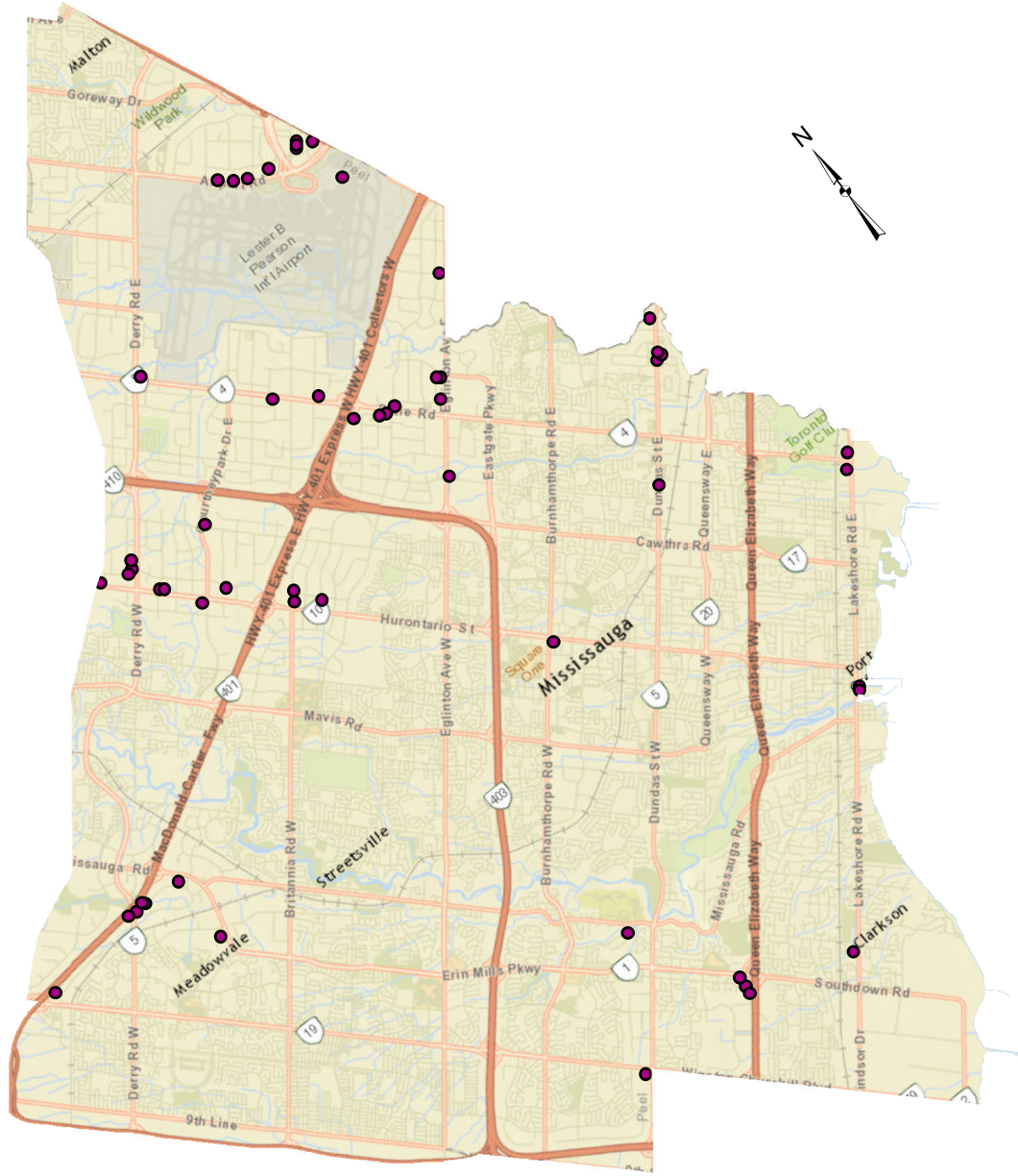
And further that the matter be referred to the Premier of Ontario and all MPPs, for action, and that this resolution be circulated to other municipalities in Ontario for information.

**Short-Term Accommodation Overview**Appendix 2  
**File: CD.21.SHO****DATA AVAILABILITY**

Data availability, host anonymity and listings that represent only a moment in time and duplicate listings on more than one platform are some of the challenges inherent to studying STAs. Data used in this report to describe and assess the existing situation with regard to short-term accommodations in Mississauga was received at no cost from Airbnb, iCompass/Host Compliance Inc. (Host Compliance), and University of Toronto Master of Planning students. The majority of data received from Airbnb was based on the one year period preceding May 1, 2016. Mapping information received from Airbnb was based on the one year period preceding June 1, 2016. Host Compliance data was dated July 2016 across the top 16 STA listing sites in Mississauga. The University of Toronto students collected information from the Airbnb website, on Saturday November 5<sup>th</sup>, Tuesday November 8<sup>th</sup>, and Thursday November 10<sup>th</sup>. Additional data collection service options will be discussed in the "Options" section of this report.

Detailed locational mapping and more comprehensive historical data regarding Airbnb's growth over time in Mississauga has not been made available to staff.

# Hotels and Motels in the City of Mississauga (based on 2016 Employment Survey conducted between May and August 2016)



**Short-Term Accommodation Overview**

Appendix 4  
**File: CD.21.SHO**

**CONSULTATION SUMMARY**

Planning staff contacted the following:

- Members of Council
- Mississauga Fire & Emergency Services
- Staff from Mississauga's Small Business and Workforce Development and Sector Development and Economic Partnership Division
- The Condo Owners' Association
- The Federation of Ontario Bed and Breakfast Accommodation
- First Service Residential (a Property Management Company)
- The Greater Toronto Apartment Association
- The Greater Toronto Hotel Association
- The Insurance Bureau of Canada
- Mississauga Residents Associations Network (MIRANET)
- Ministry of Municipal Affairs and Housing
- Mississauga Board of Trade
- The Mississauga Real Estate Board
- The Ontario Landlords Association
- Region of Peel Housing
- Toronto North and Central Regional Offices of the Landlord and Tenant Board
- Tourism Toronto
- The University of Toronto Mississauga's (UTM) Housing Department

**Short-Term Accommodation Overview****MATTERS FOR CONSIDERATION IN THE REGULATION OF SHORT-TERM ACCOMODATIONS****Benefits of Short-Term Accommodations**

Airbnb has indicated the following benefits associated with their platform:

- income made from STAs can help hosts afford their homes
- tourists may travel to areas other than tourist destinations due to STAs, resulting in economic potential for these areas
- guests in STAs typically stay longer than in typical accommodations
- makes travel more affordable
- enables tourists to spend more on other components of their vacation or stay such as shopping or food

STAs may also be easier for families who want to travel, or those with particular dietary needs. The STA market is also more flexible than hotels and motels, and may be able to respond faster to increasing demand.

**Nuisance Issues**

The issue of short-term accommodations, such as those listed on Airbnb, came to light following the sale of a detached residential dwelling located in Meadowvale. This resulted in several months of complaints and media attention related to noise and garbage generated by guests hosted at this location after the sale. The Ward 2 Councillor's office also received similar complaints related to parties and garbage related to STAs from residents in the Clarkson and Lorne Park neighbourhoods.

Nuisance issues related to short-term accommodations include parking, noise, garbage, and property standards. The existing municipal by-laws to address these concerns are:

- Traffic By-law 550-00, used to address concerns related to parking
- Noise By-law 785-80, used to address noise complaints
- Debris and Anti Littering By-Law 219-85 and Property Standards By-law 654-98, used to address garbage and property maintenance complaints

City Enforcement staff do not keep a record of parking, noise, garbage, or property standard issue infractions specifically associated with short-term accommodations because they don't know if the complaints are related to the homeowner, long-term rental or STA.

**Impacts on Housing Availability and Affordability**

Concerns have been raised regarding the increasing popularity of STAs, and the impact on housing availability and affordability. Are long-term rental units being taken off the market, or simply not put on the market in favour of providing short-term rental accommodations by owners with the potential for higher profit? Is there an impact on housing availability more broadly?



**Short-Term Accommodation Overview****File: CD.21.SHO**

A common measure of a City's housing availability is its residential vacancy rate, while the percentage of income that a household spends on housing is an indicator of its affordability.

Overall vacancy rates for private row houses and apartments in Mississauga have fluctuated downwards over the past ten years from 4.5% in 2005 to 1.6% in 2015. Based on Mississauga's Affordable Housing Program Housing Gap Analysis, a rental vacancy rate of 3% is generally accepted as a balanced market. An acceptable rental vacancy rate helps to ensure that renters have some choice between unit types and price. In the absence of contacting short-term accommodation hosts to ask them if they previously rented their unit (entire home, private space and/or shared room) to long-term tenants, and how much they charged, it is challenging to definitively conclude that short-term accommodation rentals are impacting the availability and affordability of housing in Mississauga. Furthermore, rental units in Canada are only included in vacancy rate data when they are part of a building that has at least three rental units, based on Canada Mortgage and Housing Corporation's (CMHC) protocol.

The majority of STA listings in Mississauga appear to be located in the Downtown Core. University of Toronto students who did STA research estimated that 36% of entire unit Airbnb listings in Mississauga were located in condominium units, while 48% of entire unit Airbnb listings in Mississauga were in basement apartments. While condominium units would likely be captured by vacancy rate data, basement apartments in dwellings would not be captured.

In comparing the value of an affordable rental unit in Peel Region (\$1,175 per month or less based on 2015 data) to the estimated average Airbnb rental price in Mississauga of \$65 per night, it appears that it becomes more profitable to rent a unit for STA than for a long term tenant after 18 days per month (216 days per year). Using the U of T students' data, this breaking point ranges from 7 to 14 days per month, depending on the number of bedrooms available for rent. However, as alluded to in Airbnb's 2016 report "Airbnb and the Vancouver Housing Market", the overall proportion of housing units, and the frequency of bookings for STAs listed, should also be taken into account. Based on 2013 data, there were 243,000 housing units in Mississauga. Airbnb entire home units which number 320, represent only 0.13% of Mississauga's housing units.

Jamasi and Hennessy's 2016 study, *"Nobody's Business: Airbnb in Toronto"* concludes that "One thing is for certain: Short-term rentals offered through the [Airbnb] platform do not in any way help the problem of low vacancy rates for long-term renters seeking affordable housing in Toronto and elsewhere". This appears to be the general consensus in the literature reviewed and personal opinions expressed by the majority of individuals interviewed during this study.

The long term impact of STAs on housing availability and affordability is difficult to predict, partially due to the challenges in collecting accurate data. Given these limitations, the on-going monitoring of STAs and their impacts in Mississauga could be undertaken.

**Short-Term Accommodation Overview****Private Spaces and Shared Rooms**

Private spaces and/or shared rooms may be generally more affordable to rent on a long-term basis than entire units. The extent to which limiting short-term accommodation rentals to principal private residences only may take smaller, cheaper private spaces and/or shared rooms out of the long-term rental supply is not known. For example, will long-term private spaces and/or shared rental rooms in Mississauga be put on STA platforms instead of rented long-term if the City restricts STAs to principal residences because of increased demand? Rental units in Canada are only included in vacancy rate data when they are part of a building that has at least three rental units. Very little is known about the prevalence of private spaces and shared rooms that are rented out for long-term lease.

**Condominium Regulations**

The issue of whether or not STAs located in condominiums are in contravention of existing condominium regulations must be considered if Council decides to regulate or license them, as condominium board's may seek assistance from the City. Under the *Condominium Act* a condominium board may pass by-laws indicating that STAs or sub-leases are not permitted or may only occur under certain circumstances.

Anecdotally, staff have heard that some condominium boards have made attempts to open up condominium by-laws to make it easier to list STAs in their buildings on short-term accommodation platforms.

First Service Residential, a local property management company in Mississauga, indicated that when units in multi-tenant residential buildings are listed as STAs, guests may cause damage to common amenity spaces. Further, property management may not know who is present in the building and tenants may not feel safe due to transient users.

The Condo Owners' Association (COA), a non-profit association representing owners of residential and commercial condominiums, expressed concerns related to resident and guest health and safety. They also had concerns related to decreased property values of condominiums resulting from increased operating costs and maintenance fees due to lack of respect for occupancy requirements in STA situations. The COA was also concerned that 'commercial operations' are not being taxed appropriately, and would like to see the City regulate STAs in a way that limits their availability in the City.

**Impacts on Existing Hotels and Motels**

In their study on STAs "*Policymaking for the Sharing Economy*", Johal and Zon (2015) discuss the increasing popularity of sharing economy platforms, and suggest that at the scale in which these platforms are operating, poses "a significant threat to the hotel industry and a real challenge for policymakers".

**Short-Term Accommodation Overview****File: CD.21.SHO**

Literature reviewed suggests that hotels and motels are less likely to be negatively impacted by the rise of short-term accommodations associated with the sharing economy if they are not located in the same places. It also indicated that opportunities for economic benefits may exist where STAs are located in communities that may not typically draw tourists.

A Greater Toronto Hotel Association representative spoke about the importance of finding a balance between STAs operating as commercial businesses and residents renting out an extra room occasionally. They suggested that the municipal responsibility related to STAs is to preserve neighbourhoods, enforce by-laws and limit the time available for stays.

**Fire Safety**

Fire safety concerns were also identified through our consultations. However, there are no specific requirements of the Fire Code that would apply to STAs, unless there are more than four persons residing in individual dwelling units. Without Fire Code requirements, there is no legal requirement to have light exits, sprinklers, or information posted regarding site evacuation as found in hotels and motels.

Some STA platforms, such as Airbnb, offer primary liability coverage to hosts for up to one million U.S. dollars should third party claims of bodily injury or property damage be filed. In Canada, Airbnb will reimburse hosts for up to \$900,000 Canadian dollars for property damage.

Based on discussions with the Insurance Board of Canada, home insurance providers have a lot of flexibility to deliver different products at different times. STA hosts may contact their insurance company regarding coverage. Insurance coverage could be made a requirement of municipal regulation, for example, as was the case for the former second unit licensing program in Mississauga, or a requirement of Provincial STA regulations with municipal input, similar to the Province of Quebec.

**Hotel Tax**

Presently, there is no formal hotel tax in Ontario. However, a Destination Marketing Program is operated by the Greater Toronto Hotel Association (GTHA) that enables hotels in Toronto and Mississauga to collect a fee to contribute to Tourism Toronto's promotion of the cities. These fees are voluntary, and must be taken off of a consumer's bill when requested.

In some jurisdictions outside Ontario, Airbnb requires that hosts collect hotel taxes. If implemented, this may help to level the playing field between traditional accommodation providers, such as hotels and motels, and short-term accommodation hosts, like those on Airbnb. However, in the absence of a formal tax, which only the Province can create, STA platforms are unlikely to require hosts to collect voluntary fees. STAs are not GTHA members and do not voluntarily collect destination marketing fees.

**Short-Term Accommodation Overview****File: CD.21.SHO**

Should Council see merit in such a tax, they may consider lobbying the Province of Ontario for its creation. While this does not address the fact that STA hosts do not pay commercial property tax, if the majority of hosts in Mississauga operate rentals in their primary residence, as Provincial Airbnb data suggests, commercial zoning and property tax may not be appropriate. Home occupations are currently permitted to operate in Mississauga without the requirement to pay commercial property taxes.

**Monitoring**

Should Council see merit in collecting and analyzing additional data, consulting services (ex. Host Compliance) could be engaged to better understand the current situation as it relates to STAs and potentially their impacts in Mississauga. Entry level STA data collection and consulting services offered include active trend monitoring of 18+ platforms on a monthly basis, STA rental address identification, STA host names and contact information. This may help to better understand what regulatory tools should be employed in Mississauga to ensure that the negative impacts of STAs, if any, are appropriately mitigated by policy and law enforcement.

**Short-Term Accommodation Overview****OPTIONS FOR REGULATION OF SHORT-TERM ACCOMMODATIONS****OPTIONS FOR AMENDMENTS TO THE ZONING BY-LAW****1) Define short-term accommodations**

Defining short-term accommodations in the Zoning By-law may help to clarify whether STAs are permitted or prohibited, and under what conditions. Currently the City's Zoning By-law does not permit or prohibit short-term accommodations. Short-term accommodation may be defined as a form of *temporary (less than 30 days) accommodation, offered to the public in a private residential dwelling for a fee*. The option to define short-term accommodation in the Zoning By-law may be done in conjunction with other options outlined below.

**2) Permitted versus prohibited uses**

Should Council wish to restrict STAs, a definition could be included in the Zoning By-law but not list it as a permitted use in any zone category. To establish an STA, a rezoning or minor variance would be required on a site by site basis.

If further restriction is required, the Zoning By-law could explicitly prohibit STAs. If prohibited they could only be permitted through a Zoning By-law Amendment. While prohibiting all short-term accommodations is possible, it would be challenging to enforce due to the enforcement challenges outlined later in this report. It may also be unpopular to restrict residents' use of their property and may be subject to appeals, or challenges from host platform companies.

**3) Permit or prohibit short-term accommodations based on geography**

Short-term accommodation listings in Mississauga are generally concentrated in the Downtown Core, and to a lesser extent in the Streetsville and Meadowvale neighbourhoods. It is possible to permit or prohibit STAs based on geography and/or by zone should Council see this as desirable. Further study would be required in order to determine how best to implement this approach.

**4) Require minimum length of stay**

A number of municipalities have chosen to require the length of stay in certain types of dwellings to a minimum of 30 days. The City could consider minimum lengths of stay of 7, 14, or 30 days. Regulating the minimum duration of stay may address some of the nuisance issues that have arisen in some of the shorter-term rentals. Requiring a minimum length of stay of 30 days may help to ensure that units that would otherwise be available for a longer period of time are being leased formally, and not through an STA platform. It may also help to limit the potential negative impacts that STAs have on housing availability and affordability.

**Short-Term Accommodation Overview****File: CD.21.SHO****5) Regulate maximum number of days per year**

Some municipalities have also chosen to limit the total number of days per year that an STA may be rented out on an annual basis (for example, 180 days per year). This may have a similar effect as the 30 day minimum regulatory option requirement, but is significantly less restrictive. Consideration may be given to setting the maximum number of days to a number that would make an STA less profitable than a long-term tenant. As mentioned in Appendix 5, currently that number would be 216 days per year. Enforcing either of these requirements may be challenging for the City due to the difficulties in proving length of stay. It may also be costly and will likely require additional staff resources.

**6) Permit STAs in ground related dwellings, subject to certain requirements**

Short-term accommodation could be permitted in detached, semi-detached and townhouses dwellings, as of right, subject to certain requirements. For example, an additional parking spot could be required and driveway width requirements be strictly enforced. This may help reduce nuisance challenges related to parking associated with STAs. Other municipalities have required one space for every rented bedroom in addition to the parking requirement for the host dwelling.

If permitted in ground related dwellings, the following are additional options that could be considered as amendments to the Zoning By-law:

**6a. Permit “as of right” in homes, subject to the following:**

- In ground related homes (detached, semi-detached and townhouses) that are principal private residences:
  - maximum one or two rooms may be rented out for STA

**6b. Permit in Second Units subject to the following:**

- In ground related homes (detached, semi-detached and townhouses) that are a principal private residence with a Second Unit
- Allow both dwelling units to be rented out, as of right, for more than 30 days, or may allow one unit to be rented out for a STA provided:
  - one extra parking space per STA unit is provided
  - both units are not rented out as STAs at the same time

**7) Buildings with more than 3 dwelling units**

- These would not permit STAs and would require a minor variance or rezoning application for each unit to be rented out as an STA

By not allowing STAs to be located in multi-unit dwellings, such as condominiums, as of right, and forcing them to seek a rezoning or variance, property management and building tenants will

**Short-Term Accommodation Overview****File: CD.21.SHO**

have the opportunity to let decision makers know their concerns related to health and safety, increasing operating costs and maintenance fees, prior to the STAs being permitted in their building(s).

For all options, “Short-Term Accommodation” and “Principal Private Residence” would need to be defined in the Zoning By-law.

**Principal Private Residence and Enforcement**

Principal Private Residence may be defined as by length of time an owner lives in a dwelling annually, for example, 180 non-consecutive days per year. Any option that would specify that short-term accommodations may be permitted only within the principal private residence of a host may help to mitigate nuisance and/or potential housing availability and affordability issues surrounding STAs.

Airbnb’s 2016 report indicates a willingness to work with the community in cities with a shortage of long-term housing to “ensure that hosts agree to a policy of listing only their permanent homes on a short-term basis”. This suggests that a principal residency only restriction for STAs is an agreed-upon regulatory remedy to potential housing issues. It may limit speculative purchases by investors that could have a negative impact on the housing market. It was also a recommended approach in the City of Vancouver Study (2016).

If the majority of existing hosts in the City operate STAs in their principal private residences, commercial zoning and property tax may not be necessary. Precedence for this type of regulation already exists in the Zoning By-law, as is seen in the requirement for primary residency for home occupations and within the homes of resident doctors, dentists, drugless practitioners and health professionals. However, a key difference exists, since the business operator must be present. For an STA, the dwelling owner/host would not necessarily be on the premises throughout the entire guest stay.

Although amendments can be made to the Zoning By-law, it may not be an easy item to monitor for compliance, due to lack of unit access.

**REGISTRY**

A general by-law requiring short-term accommodation hosts to register with the municipality for a minimal fee could be implemented, once they are regulated in the Zoning By-law. There are two benefits from creating a registry. Firstly, a registry may help City staff to collect data on STAs and enable better analysis. Secondly, if Enforcement staff receive a complaint regarding a particular property, they could contact the host and/or the host platform to request that the situation be rectified and/or the listing be removed. However, this would not stop the host from listing their property on one or more of the other 75+ available platforms operating in Canada.

**Short-Term Accommodation Overview****File: CD.21.SHO**

Creating a registry system will require financial and staff resources to monitor and track the information.

While there are some benefits of a registry, there may be challenges regarding its enforceability given that staff will need access to dwellings to confirm the existence of an STA. These challenges currently exist with the second unit registry as well. The details of these challenges are outlined in the “Enforcement Challenges” section of this report. Working with platforms to notify hosts of any change in municipal requirements for STAs may help to increase host compliance.

Utilizing education strategies used in the implementation of the now defunct Second Unit Registry may be beneficial; however, based on its results, uptake is likely to be very limited.

Based on literature reviewed and interviews conducted, fines for non-compliance should be correlated to average cost of STA rentals in Mississauga to ensure that they are meaningful, but not overly punitive.

**LICENSING**

A by-law requiring STA hosts to be licensed by the City could be established but would be dependent upon changes to the Zoning By-law. While zoning regulates the use of the land, a licensing by-law regulates the business. As outlined in the municipal scan, there are a range of licensing measures that benchmark municipalities have undertaken. While some municipalities may require that basic forms be filled out, and/or fees paid, the Town of Blue Mountains and the Town of Niagara-on-the-Lake requires significantly more detail. In Canada, there appears to be a general trend towards more restrictive requirements in jurisdictions with a strong tourist industry or a particularly low vacancy rate.

Since a licensing protocol suggests some level of municipal satisfaction with the accommodations being provided by an STA or B&B host, the City of Mississauga’s now defunct second unit licensing application could be used as a guide in establishing a licensing protocol for STAs. In Mississauga, the following was required as part of a second unit licensing application:

- Certificate of Occupancy for Zoning Compliance
- Building Permit Card (Signed Off) for Building Code Compliance
- Letter of Compliance from Fire Chief for Fire Code Compliance
- Electrical Safety Certificate from Electrical Safety Authority
- Proof of Ownership
- Insurance Certificate



**Short-Term Accommodation Overview****File: CD.21.SHO**

Literature on STAs suggests that should licensing regimes be established, both licensing fees as well as fines should be correlated to rental rates. This will help to ensure that both are reasonable. It should also be noted that licensing fees can only be based on the costs associated with administering and enforcing a by-law. However, unless licensing regimes are limited to a predetermined number of licenses available for issue, or are only granted to primary residences, a licensing regime is unlikely to help reduce challenges surrounding STAs and their potential impact on housing availability and affordability.

A licensing protocol may provide the City with additional independent data on STAs if uptake is significant, however, this may not accomplish more than a registry. It may be significantly more costly to monitor and administer than a registry due to processing, inspections and enforcement activities. Similar to a registry, there remain significant challenges in enforcing a licensing regime for STAs. It may be most efficient to enforce licensing requirements on a complaint only basis. This would limit staff time and costs spent on enforcement and help to manage public expectations of the program.

**Short-Term Accommodation Overview****UPDATED MUNICIPAL SCAN**

With the exception of Toronto, there are no significant updates to the municipal scan. The Town of Niagara-on-the-Lake, City of Vancouver, New York State, and the Province of Quebec have been added for reference due to their media presence on the issue of STAs and/or their best practices.

**City of Toronto**

Currently, Zoning By-law definitions for “tourist home” and “hotel” apply to short-term accommodations in the City of Toronto. A “tourist home” is defined in City of Toronto *Zoning By-law 569-2013* as a dwelling that “(A) is the principal residence of the tourist home operator; (B) caters to the needs of the travelling public by the furnishing of sleeping accommodation; and (C) may include the provision of meals”. Tourist homes are permitted in detached, semi-detached, or townhome dwellings with no shared vehicular access. They are limited to no more than two rooms per dwelling. Tourist homes are reportedly permitted in most residential areas in the former City of Toronto and several mixed use commercial-residential zones. However, if a short-term rental is not in a host’s primary residence, it is considered a hotel based on the current City of Toronto Zoning By-law. Hotels are permitted in employment-industrial and mixed-use commercial-residential zones. Staff identified four key areas of concern expressed by residents and stakeholders regarding short-term rentals in the City of Toronto. These are impacts on neighbourhoods, impacts on housing affordability, impacts on tourism and impacts on taxation. Staff indicate that “it is likely that short-term rentals that occur in non-primary residences pose the risk of impacting housing availability and affordability”. The City of Toronto has asked the Province of Ontario for the legislative authority to create a hotel tax.

**Town of Niagara-on-the-Lake**

In the Town of Niagara-on-the-Lake, traditional B&Bs are permitted in the Zoning By-law and are defined by primary residential use and host occupancy. Definitions for cottage rentals and vacation apartments apply in cases where an STA is not an owner occupied primary residence. These entire STA units may be rented for 28 days or less. While cottage rentals are single detached dwellings, and may be located where traditional B&Bs are permitted, vacation apartments are units located above a business or commercial property. An Official Plan Amendment is required to permit a vacation apartment in a residential zone. A Zoning By-law Amendment and Site Plan Approval are required for both B&Bs and STAs with more than three bedrooms.

All B&Bs and STAs in the Town of Niagara-on-the-Lake are subject to municipal licensing requirements. Fees range from \$108 per licensed guest room per year, with fines for non-compliance ranging from \$300 to \$1000 depending on the offence.

**Short-Term Accommodation Overview****City of Vancouver**

Traditional B&Bs are licensed in Vancouver. Currently, rentals of any dwelling unit for a period of less than one month are not permitted, unless those units are part of a hotel or a B&B. Complaints about illegal STAs are low but increasing.

On October 5th, 2016, Vancouver City Council approved Staff recommendations to further investigate the approach to allow STAs in primary residences, subject to a business license. Further, STAs would have to be considered “safe dwelling units” and also comply with strata by-laws and tenancy agreements. The staff report did not include recommendations restricting where STAs can be located.

Additional public consultation is being undertaken prior to bringing back a report with further recommendations on policies, by-law amendments, enforcement, tax equivalents and implementation. Staff identified the following objectives for STA regulation:

- protect the supply and affordability of long term rental units
- ensure STAs meet health and safety requirements
- maintain quality of life and safety in residential neighbourhoods
- tax and regulate equity for all accommodation providers
- allow owners to earn supplemental income
- support tourism
- implement an effective, easy to understand regulatory, licensing, and enforcement system that encourages high levels of voluntary compliance.

Criticisms of the approach included removing single rooms from the long-term rental stock, and the difficulty and expense of enforcement.

Since the initial staff report, the City has brought charges against at least one short term accommodation for contravening the 30-day minimum rental requirement and Airbnb has proactively removed more than 130 Vancouver listings from its website that it says are commercial listings that do not meet the standards of the company.

**New York State**

In the State of New York, since 2010, the *Multiple Dwelling Law*, has prohibited unhosted rentals of less than 30 days in multiple dwellings (three or more independent units). In June 2016, the *Multiple Dwelling Law (MDL)* was amended to make it illegal for residents to advertise the use or occupancy of multiple dwelling units for purposes other than permanent residency. The bill also permits imposing fines on offending hosts. The MDL does not prohibit hosted or unhosted rentals of one and two unit homes in the State of New York, though other laws, regulations, or

**Short-Term Accommodation Overview**

agreements may prohibit the owner from offering short-term accommodations. In New York City (NYC), B&B operators are required to register with the Department of Finance and collect

occupancy taxes. In certain cases, the NYC hotel tax, unincorporated business tax, City and State sales taxes must also be collected.

**City of San Francisco**

Since February 2015, San Francisco has permitted owners and long-term tenants to rent their primary residences either for an unlimited number of nights a year (hosted), or for a maximum of 90 days a year (not hosted). All hosts are required to register with the City (and include the registration number in their advertisements, collect transient occupancy tax and carry liability insurance. This permission supersedes the requirements of the City's Residential Unit Conversion and Demolition Ordinance and the Planning Code. However, the law does not supersede any lease agreements, homeowners' association by-laws, or restrictive covenants that prohibit short term accommodations. Rental units that are being charged below market rates or are income-restricted are not eligible to register as an STA and long-term tenants cannot charge short-term rental guests more than monthly their rent.

In June 2016, San Francisco passed a law that would require STR platforms to verify hosts' registration prior to listing units. The law holds both the host and the platform potentially civilly and criminally liable for noncompliance. Airbnb sued the City, arguing that the rule violates a federal law that protects Internet companies from being liable for content published on their sites by users. In November 2016, the court ruled in favour of the City of San Francisco. In November 2016, San Francisco's Board of Supervisors voted in favour of a proposal to strictly cap the rental of all units, hosted or unhosted, to 60 days, responding to complaints that the current rules are difficult to enforce.

**Province of Quebec**

Quebec *Provincial Bill 67* came into effect on April 15, 2016. The Bill requires that B&Bs and STAs, known in the Bill as "tourist establishments", obtain a classification certificate from the Province. When an owner applies, the local municipality is notified and asked for confirmation that the application is in conformity with municipal by-laws. A 3 to 3.5% sales tax is collected depending on the region. The Province of Quebec is also responsible for enforcement and penalties for operators found to be non-compliant. Based on media reports, an additional 18 inspectors were added to the previous two in the Province of Quebec to enforce these STA penalties.

**Short-Term Accommodation Overview****File: CD.21.SHO**

Geography	Zoning Provisions/ Licensing By-Law Regulating B&B's	Status on Plans to Regulate STAs
Oakville	Permitted under zoning, no licensing requirement B&B's previously a category under business licensing, but removed in 2015.	No revisions currently in process to regulate STAs. Currently monitoring short term accommodations.
Oshawa	Permitted under zoning. No license required.	No review in process.
London	Permitted under zoning. No license required.	No formal review currently undergoing.
Hamilton	Permitted under zoning. License required.	Business license process will be undergoing review in 2017. They are adopting a "wait-and-see" approach to determine whether to, or how to capture STAs under the new licensing by-law. No plans at the moment to include provisions in the Zoning By-law
Toronto	Permitted under zoning. No license required.	On Wednesday October 26, 2016, the City of Toronto Executive Committee discussed the report "Developing an Approach to Regulating Short-Term Rentals". Staff will continue to research, consult, and consider options for potential regulation, reporting back to the Executive Committee no later than the end of the second quarter of 2017. The report will include proposed regulations for Short-Term Rentals.
Markham	Permitted under zoning. No license required.	Reviewing Zoning By-Law and possibility of licensing; public consultation is scheduled before reporting to Council.
Newmarket	Permitted under zoning (only in a detached dwelling). No license required.	Business License process will be updated and licensing short term accommodations may be considered.

**Short-Term Accommodation Overview****File: CD.21.SHO**

Geography	Zoning Provisions/ Licensing By-Law Regulating B&B's	Status on Plans to Regulate STAs
Brampton	No zoning or licensing provisions. Rezoning application would be required for any B&B operation.	No resident complaints or issues raised by Council on STA usage. No current plans to license or amend Zoning By-law for STAs
Waterloo	Permitted under zoning and business licensing by-law.	Short Term Accommodations included in Rental I licensing by-law, currently reviewing Zoning by-law to potentially include STAs. Reviewing Rental Licensing By-law to consider including traditional B&Bs (no distinction between short term and long term rentals).
Burlington	Not licensed.	Just created a group to review options to license/regulate STAs. Target for recommendations within the next year.
Caledon	Permitted under zoning. No license required.	No review in process
Vaughan	No zoning or licensing provisions.	No review in process for STAs
Town of the Blue Mountains	Permitted in Zoning By-law.	Permitted in Zoning By-law and required to be licensed
City of Vancouver	Permitted in Zoning By-law. License required.	Council recently approved Staff recommendation to further investigate licensing requirement for STAs. Next report scheduled for early 2017.
Province of Quebec	Certification required.	Certification required.
State of New York	Registration required to certify owners for tax collection.	Registration required to certify owners for tax collection; Regulated through the Multiple Dwelling Law, which was amended in 2010 to limit STAs
Town of Niagara-on-the-Lake	Permitted in Zoning By-law. License required.	Permitted in Zoning By-law and required to be licensed

City of Mississauga

# Corporate Report



Date: 2016/12/13

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:  
2017/01/16

## Subject

**Sign Variance Application 16-01756 (Ward 5) - Sign By-law 0054-2002, as amended**

## Recommendation

That the following Sign Variances not be granted:

- 1(a) Sign Variance Application 16-01756  
Ward 5  
LA Fitness  
5077 Dixie Rd.

To permit the following:

- (i) Three (3) fascia signs on the south elevation which is not considered a building façade as defined in the Sign By-law.

## Report Highlights

- None

## Background

The applicant has requested a variance to the Sign By-law to permit the installation of three fascia signs on the south elevation which is not considered a building façade as defined in the Sign By-law. The Planning and Building Department staff has reviewed the application and cannot support the request. As outlined in Sign By-law 54-2002, the applicant has requested the variance decision be appealed to Planning and Development Committee

## Comments

The applicant has proposed two (2) additional fascia signs on the interior south building elevation, which is approximately 125 m north of Eglinton Avenue, behind an industrial building

and a restaurant/car wash and is only visible through their parking area which leads to the back of the industrial property. Allowing the proposed sign would promote additional rear facing and flankage signs not fronting onto a roadway.

By placing the sign on the interior side of the building the applicant is leading potential clients to a location that is not accessible to the building and through a site that is not owned by the applicant. This may encourage off-site parking on the adjacent industrial building, which does not meet the intent of the by-law. We therefore recommend refusal of the application.

## Financial Impact

None

## Conclusion

Allowing the requested variances would set an undesirable precedent for other fascia signs on side elevations and encourage off site and vehicular travel through an adjacent property. The proposed signs are not within the intent of the Sign By-law 54-2002, as amended

## Attachments

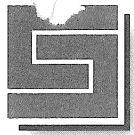
Appendix:



Ezio Savini, P. Eng, Chief Building Official

Prepared by: Darren Bryan, Supervisor Sign Unit





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

4.4 - 3

Appendix 1

PARTNERS:

**GLEN SCHNARR**, MCIP, RPP

**GLEN BROLL**, MCIP, RPP

**COLIN CHUNG**, MCIP, RPP

ASSOCIATES:

**JASON AFONSO**, MCIP, RPP

**KAREN BENNETT**, MCIP, RPP

**CARL BRAWLEY**, MCIP, RPP

**JIM LEVAC**, BAA, MCIP, RPP

July 18, 2016

Refer to File: 758-001

Planning & Building Department, Sign Unit  
City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

Attention: Darren Bryan, Manager – Sign Unit  
Building Department

*AP 5077* **Re: Application for Sign By-law Interpretation/ Sign Variance**  
**5101 Dixie Road (Building C)**  
**Part 1, 43R-30968**  
**Dixie Crossings Inc.**  
*File No. 16-1756*

We are pleased to submit this application for sign variance for the above-noted address on behalf of our client, Dixie Crossings Inc., the owners of 5101 Dixie Road. The lands are located on the east side of Dixie Road, north of Eglinton Avenue East.

The attached material is to permit a fascia sign on the south elevation of the building whereas City staff have indicated that Sign By-Law 0054-2002 does not permit the sign without a variance.

Review of Sign By-law

GSAI was contacted by Dixie Crossings Inc. recently as they believed there were no concerns with the overall sign permit request for this property. However, City staff have noted in permit #16-1756 that a sign variance is required. While the staff comment notes reference to the east elevation, the sign in question is shown as "South Elevation" on the elevation plan prepared by Alex Rebanks Architect dated June 29, 2016.

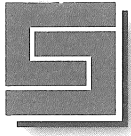
In review of the pertinent sections of the by-law applicable to this sign permit, the following wording is found:

"An additional 15% of the building wall of the first storey of the side and rear elevations of the building which does not have a main entrance for the public and faces a parking lot or driveway but does not face a residential use within 100 m of this building facade."

When reviewing this section of the by-law, there appears to be confusing or unspecified details for City staff to rely upon to clearly determine conformity with the by-law. The following is noted:

1. Within the same provision, it references an undefined term (building wall) and a defined term (building façade) to describe sign permission which causes confusion as building façade specifically notes the requirement for a main entrance yet the text of this section notes the building wall not having a main entrance;

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsai.ca



## GLEN SCHNARR & ASSOCIATES INC.

URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

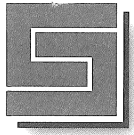
2. As the terms building wall, parking lot, or driveway are not defined, and the by-law does not provide clarity on the interpretation of how to read what a building wall “faces”, there is no requirement that the parking lot or driveway need to be adjacent or even, as in recent discussion City staff have elected to interpret, within the same property boundary;
3. In contrast, the only parameter which governs sign placement on a building wall for a side or rear elevation is noted with the reference to “...not face a residential use within 100 m...”. Again, the by-law does not specify whether this is applicable for residential uses within the limits of a lot line (in a potential mixed use development), or simply a measurement to a land use irrespective of lot lines.

Therefore, based on the ambiguity in this section of the by-law, it appears reasonable for an applicant to interpret that the sign is permitted and potentially for staff to agree with this interpretation and for subsequent design work to use this information when considering overall building signage and appropriate building design treatment incorporating signage elements. It is our understanding that this has occurred in this instance with our client and the sign permit company proceeding with necessary approvals on this basis as evidenced by the site plan approval and sign permit applications submitted. It is our opinion that the City’s sign permit condition of approval (specific to requesting the sign variance) should be withdrawn thus allowing for the sign permit to be issued, subject to technical conditions, as the sign permit application and proposed signage is not in violation of any specified section of the by-law.

### Considerations and justification for Sign By-law variance

Notwithstanding the commentary noted above, should City staff insist that the sign variance application is required, the following commentary is provided for City staff’s consideration:

1. Building Design: The architectural elevations enclosed reveal an upgraded treatment for the South Elevation that is sympathetic to the overall building design while incorporating signage elements and building materials/colours to a scale appropriate for the side elevation. No other elevation other than the building façade includes signage or changes in the building materials/colour and parapet height. A SPAX approval for this latest building elevation was received last week (to reflect corporate branding and associated architectural requirements);
2. Sign Visibility: The subject building placement on the site does allow for the South Elevation to be visible from Eglinton Avenue East due to the overall site programming for the lands immediately south of the subject building (Dixie-Eglinton Centre (DEC)). The sign on this elevation does not dominate the building wall and is less prominent than the building façade signage along Dixie Road due to the accompanying architectural treatment. The South Elevation sign allows for general way-finding for the public with respect to the LA Fitness location as noted below;
3. Access: Due to the existing median along Eglinton Avenue East and with respect to eastbound traffic flow from Dixie Road, the South Elevation sign will not trigger spontaneous left turns in to the adjacent property (DEC) as this turning movement is not possible. With respect to westbound vehicles, the South Elevation signage will only be visible after you pass the most westerly DEC driveway thus not causing the public to turn right and approach the LA Fitness building from the wrong driveway. Instead, the public after seeing the sign then has the opportunity to turn right into two driveways for the Canadian



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

Tire Q-Store lands and then access the property through a common driveway between the two properties (see VGA Site Plan). This allows for the public travelling westbound along Eglinton Avenue East to visit multiple commercial establishments without having to leave each property and re-enter the public rights-of-way and adding traffic to either Eglinton Avenue East or Dixie Road. The City requested that this access arrangement be pursued as part of the site development plan approval for the subject lands. A noticed is registered on title (less than 21 years) for this access arrangement as part of the finalized site plan process. This concept of lessening burden on the street system and creating inter-connections between abutting commercial properties is strongly supported by City Traffic staff;

4. Cross-easement: As noted above, the opportunity for access through the common driveway provides for a logical connection between the two properties and also allows for less traffic demand at the Dixie Road/Eglinton Avenue East road intersection for right-turning northbound traffic as well as long Dixie Road. To formalize this arrangement beyond 21 years, our client is applying for shared easement rights over the Canadian Tire Q-Store lands in favour of the subject property users. The additional sign along the South Elevation compliments this endeavour and facilitates improved access opportunities.

In conclusion, if a sign variance is required, we would ask for your review and consideration, and positive support of our request in consideration of the general intent of the sign by-law being maintained, the upgraded and complimentary treatment of the South Elevation to the building façade, the unique site programming circumstances for the DEC lands to the south, as well as to facilitate improved access opportunities to the subject lands through the Canadian Tire Q-Store lands site.

The following are enclosed in support of this application:

- One (1) cheque in the amount of \$850.00 made payable to the "City of Mississauga" in payment of the Sign Variance Application fee;
- One (1) completed Application for Sign Variance form; and
- Two (2) copies of the building elevations depicting signage, prepared by Lovett Signs, dated April 20, 2016.

We trust this information is sufficient for the submission to be accepted and processed as required. Please do not hesitate to contact the undersigned for further clarification on the enclosed materials.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Alejandra Padron, BURPL.  
 Planner

Enclosure.

c. Luisa Di Iulio, Dixie Crossings Inc.



**MISSISSAUGA**



**Planning and Building**

**Sign Unit**

**5077 Dixie Road  
#16-01756  
LA Fitness**

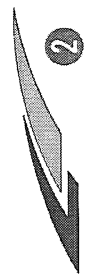
SCALE FOR REDUCED DRAWINGS

0m 25m 50m 100m 150m 200m 250m 500m

A000 COVER SHEET/SITE PLAN

**LA|FITNESS**  
 Client: La Fitness  
 Location: Mississauga, On  
 Signage Type: Signage Proposal

1 **LA|FITNESS**  
 3 **LA|FITNESS**

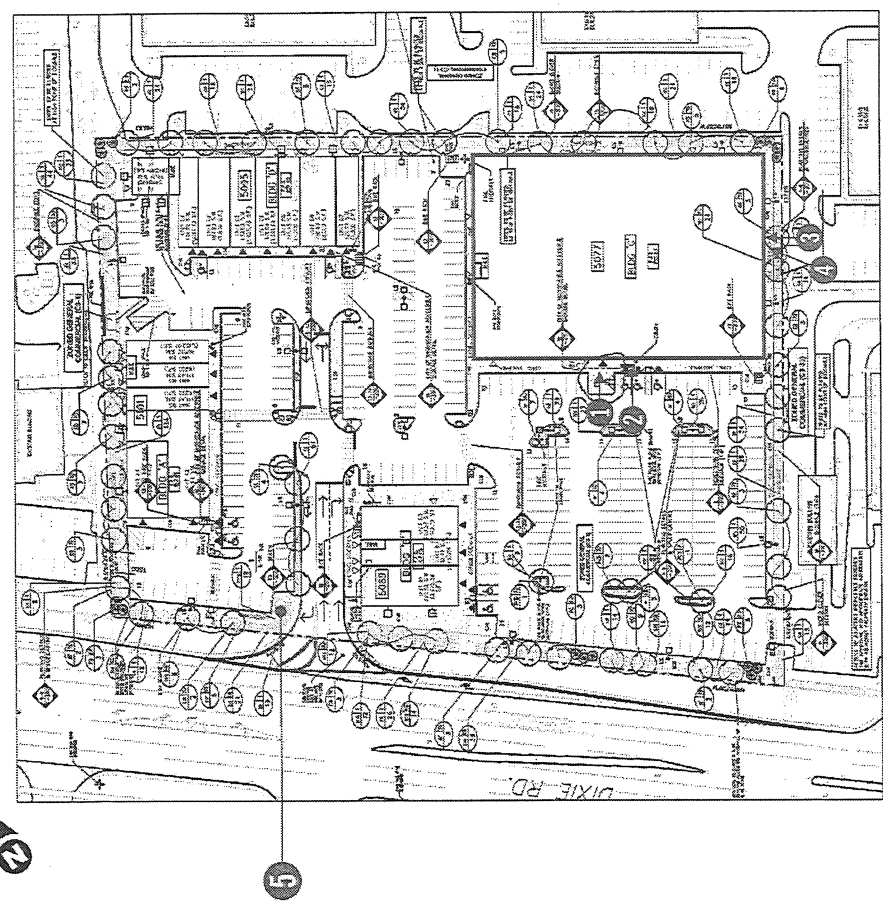


5 **LA|FITNESS**  
 PYLON FACE  
 REPLACEMENT

4.4 - 7

Preliminary artwork  
 site check required  
 prior to manufacturing

Photo Note  
 The representation of the signage depicted on this page is for illustrative purposes only and may not accurately reflect the actual site, location, specifications or other elements of the signage. Lovett Signs shall not be responsible for any errors or omissions in the representation of the signage as represented herein and the actual signage installed.



<b>Client Approval</b> Client: La Fitness Address: 5075 Dixie Rd, Mississauga, On Salesperson: Steven Ameyers		<b>Approval Date</b> Drawing #: La Fitness Mississauga Airport Illumination: yes no Designer: FI Start Date: Aug 24, 2015 Revision Date: June 13, 2016		<b>Site checked</b> yes <b>Scale</b>	
Lovett Signs 79 www.lovettsigns.ca 525 Southgate Dr, Guelph ON T: 519 822 9558 F: 519 822 2075 E: sales@lovettsigns.ca					

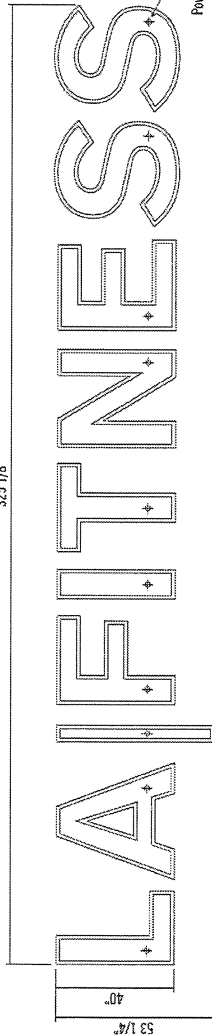
All artistic renderings copyright Lovett Signs & their Inc. A statement of \$500 will be charged if this artistic rendering is used in whole or in part without written consent.

S003- DETAILS

# LA | FITNESS

Client: La Fitness  
Location: Mississauga, On  
Signage Type: Signage Proposal

325 1/8"

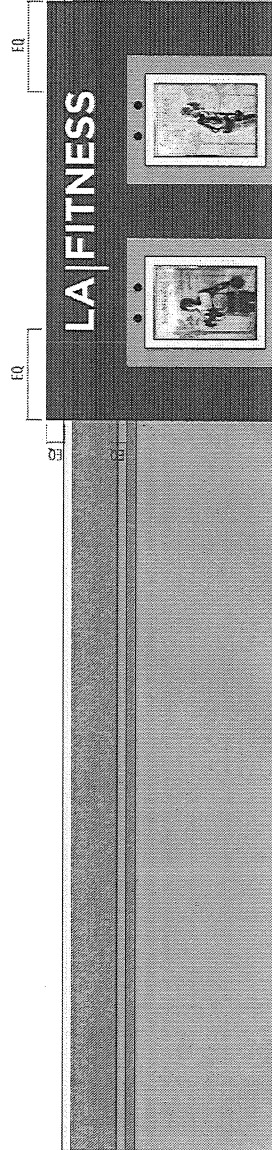
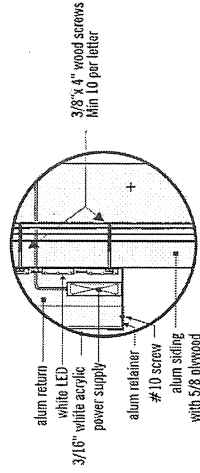


Power feed locations

60W Power supply / 0.78amp  
4 power supplies required  
Total 4 x 0.78 = 3.12amps

Painted anodized

- Illuminated Channel Letters 40" Standard**
- 063 Aluminum constructed 5" returns to be painted anodized
  - 1 1/4" aluminum retainer painted anodized
  - 3/16" white acrylic
  - Interior of letters to be painted with light enhancement paint
  - Back of the letters to be .090 aluminum, all seams to be caulked
  - Letters to receive drainage holes
  - White Agilight Signage Series Apex LED lighting (double row LED layout per letter)
  - Letters mounted flush to exterior wall



Side Elevation - Scale 1/16" = 1'

South

Client Approval

Approval Date

Approval Date

www.lovettsgns.ca  
525 Southgate Dr. Guelph, ON  
T: 519 822 9558  
F: 519 822 2075  
E: sales@lovettsgns.ca

**79**  
**LOVETT SIGNS**

Client: La Fitness  
Address: 5075 Dixie Rd, Mississauga, On  
Salesperson: Steven Andrews

Drawing #: La Fitness, Mississauga, Airport  
Illumination: yes ☒ no ☐  
Start Date: Aug 24, 2015 Revision Date: June 13, 2016

Site checked: yes ☐ no ☐  
Scale: 1/4" = 1'

**D**  
layout

All artistic renderings copyright Lovett Signs & Neon Inc. A minimum of \$500 will be charged if this artistic rendering is used in whole or in part without written consent.



