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## Planning and Development Committee

### Date

2017/05/29

### Time

7:00 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 - May 1, 2017
4. MATTERS TO BE CONSIDERED
  - 4.1. Sign Variance Application 16-03965 (Ward 5) - Sign By-law 0054-2002, as amended
  - 4.2. PUBLIC MEETING (WARD 3)  
Imagining Ward 3 – Mississauga Official Plan Amendment -Applewood and Rathwood Neighbourhood Character Areas  
File: CD.04.WAR W3
  - 4.3. PUBLIC MEETING (WARD 7)  
Application to permit a 29 storey, 300 unit apartment building, 86-90 Dundas Street East  
Owner: Higher Living Development Inc.  
File: OZ 16/008 W7
  - 4.4. PUBLIC MEETING (WARD 1)  
Proposal to permit outdoor patios and outdoor retail sales on private property on a temporary basis in the Port Credit Cultural Node, 447-515 Lakeshore Road East, north side of Lakeshore Road East, between Enola Avenue and Cooksville Creek  
Applicant: City of Mississauga  
File: CD.07.POR W1
  - 4.5. PUBLIC MEETING (ALL WARDS)  
Proposed Draft Amendments to the Zoning By-law to regulate Short Term Accommodation  
File: CD.21.SHO All Wards

- 
- 4.6. RECOMMENDATION REPORT (WARD 5)  
Applications to permit 26 semi-detached homes and a three storey mixed use building,  
3233 Brandon Gate Drive, North of Brandon Gate Drive and East of Netherwood Road  
Owner: Your Home Developments (Brandon Gate) Inc.  
Files: OZ 15/008 W5 & T-M 15004 W5
- 4.7. SUPPLEMENTARY REPORT (ALL WARDS)  
Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol  
File: EC.19.TEL
5. ADJOURNMENT

# City of Mississauga

## Corporate Report



Date: 2017/04/28

To: Chair and Members of Planning and Development Committee

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

Originator's files:  
BL.03-SIG (2017)

Meeting date:  
2017/05/29

### Subject

**Sign Variance Application 16-03965 (Ward 5) - Sign By-law 0054-2002, as amended**

### Recommendation

That the following Sign Variances not be granted:

- 1(a) Sign Variance Application 16-03965 (Ward 5)  
Eric Jain (2523360 Ontario Inc.)  
7055 Torbram Rd.

To permit the following:

- (a) One (1) double sided billboard sign having 100% changing copy sign faces.
- (b) One (1) double sided billboard sign with an overall height of 8.53m above grade.
- (c) One (1) double sided billboard sign with a sign area of 25.78m<sup>2</sup> per sign face. (an increase of 28.9%).

### Background

The applicant has requested a variance to the Sign By-law to permit the installation of a billboard sign with electronic changing copy sign faces, excessive height and sign area. 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 property is located on east side of Torbram Rd. at Lucknow Dr.

The applicant is proposing a billboard sign with; electronic changing sign faces, exceeding the height and maximum area permitted in Sign By-law 54-2002, as amended.

In May of 2002, Council passed the current Sign By-law, 54-2002, which restricts billboards to a maximum height 7.62m (25 ft.) and a maximum area of 20m<sup>2</sup> (215.29 ft<sup>2</sup>). There are no



provisions in the Sign By-law regarding electronic sign faces on billboard signs, but staff has reviewed requests through the variance process.

We cannot justify the variances for an increase in height and total sign face area over and above what the Sign By-law allows for billboard signs. The context surrounding the subject site is made up predominantly of low rise buildings and permanent structures which would not inhibit the visibility of any billboard sign with a height and total sign face area that are within the provisions of the Sign By-law.

The applicant has found this decision unacceptable and has requested the variance decision be appealed to Planning and Development Committee.

As requested by Planning and Development Committee, Planning and Building Department staff are in the process of developing guidelines to evaluate requests for electronic billboard signs. Staff are currently in the process of retaining a consultant to review the guidelines and a peer review of the Sign By-law in comparison to neighbouring municipalities.

## Financial Impact

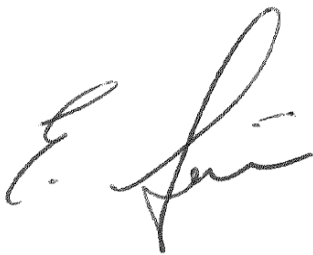
None

## Conclusion

Allowing the requested variances would set an undesirable precedent for other billboard signs and deviate from the intent of the Sign By-law 54-2002, as amended.

## Attachments

- Appendix 1: Appendix 1 - Request Letter
- Appendix 2: Appendix 2 - Subject Property Site Map
- Appendix 3: Appendix 3 - Site Plan
- Appendix 4: Appendix 4 - Sign Dimensions/Description



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Ezio Savini, P. Eng, Chief Building Official

Prepared by: Darren Bryan, Supervisor Sign Unit

February 17<sup>th</sup> 2017

City of Mississauga  
Sign Department  
300 City Centre Dr.  
Mississauga, ON  
L5B 3C1

Attention: Honourable Council

Re: 7055 Torbram Rd., SNGBLD 16-3965

Attached you will find six (6) pages of schematic drawings detailing the proposed digital billboard at the above noted property.

The designer hails from Alberta, yet the specifications are sound.

We are requesting the following relief from the Bylaw:

- Height of 28 feet
- Display of 3.07m x 8.4m
- LED Digital Display

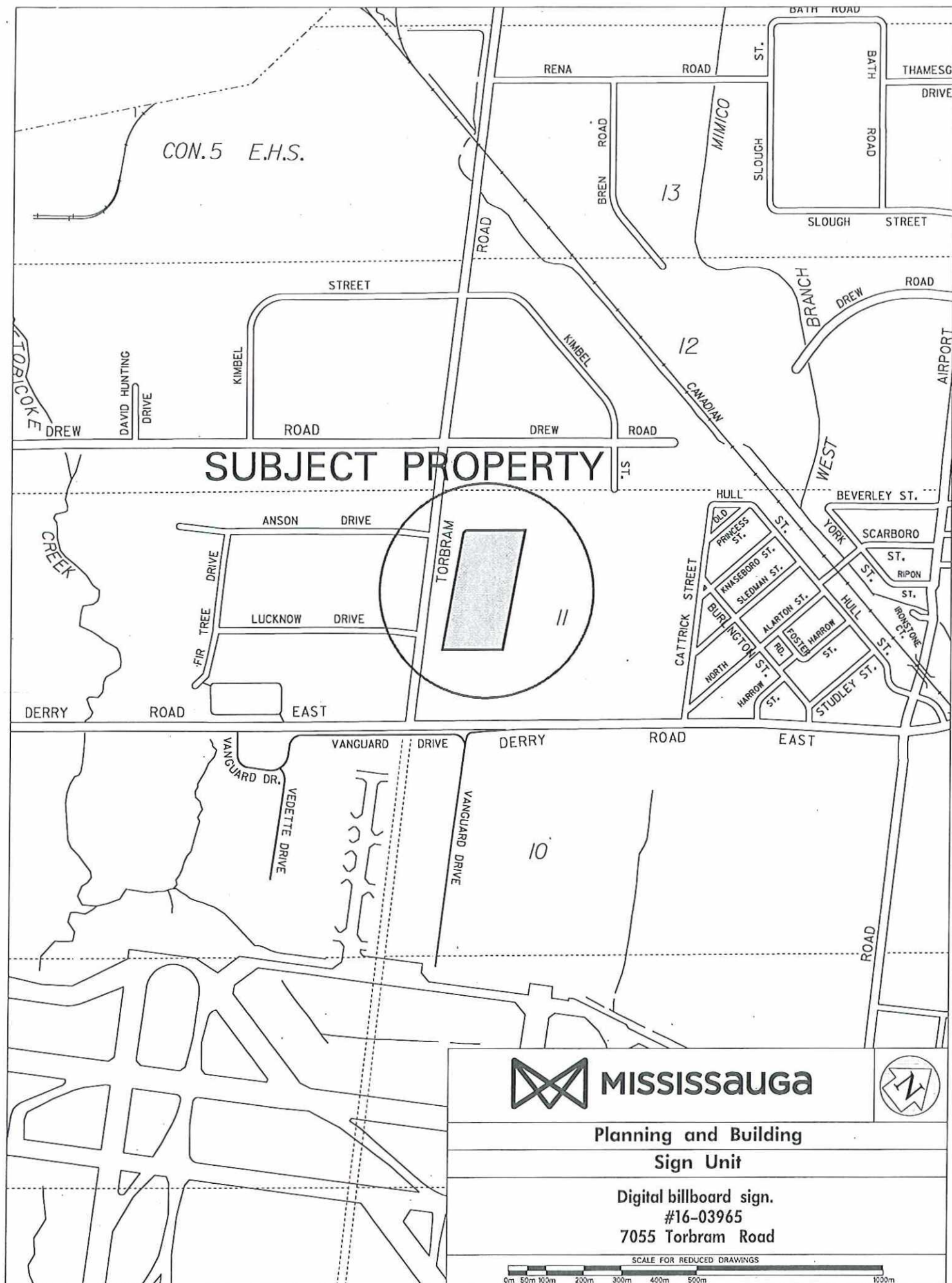
#### **Rationale**

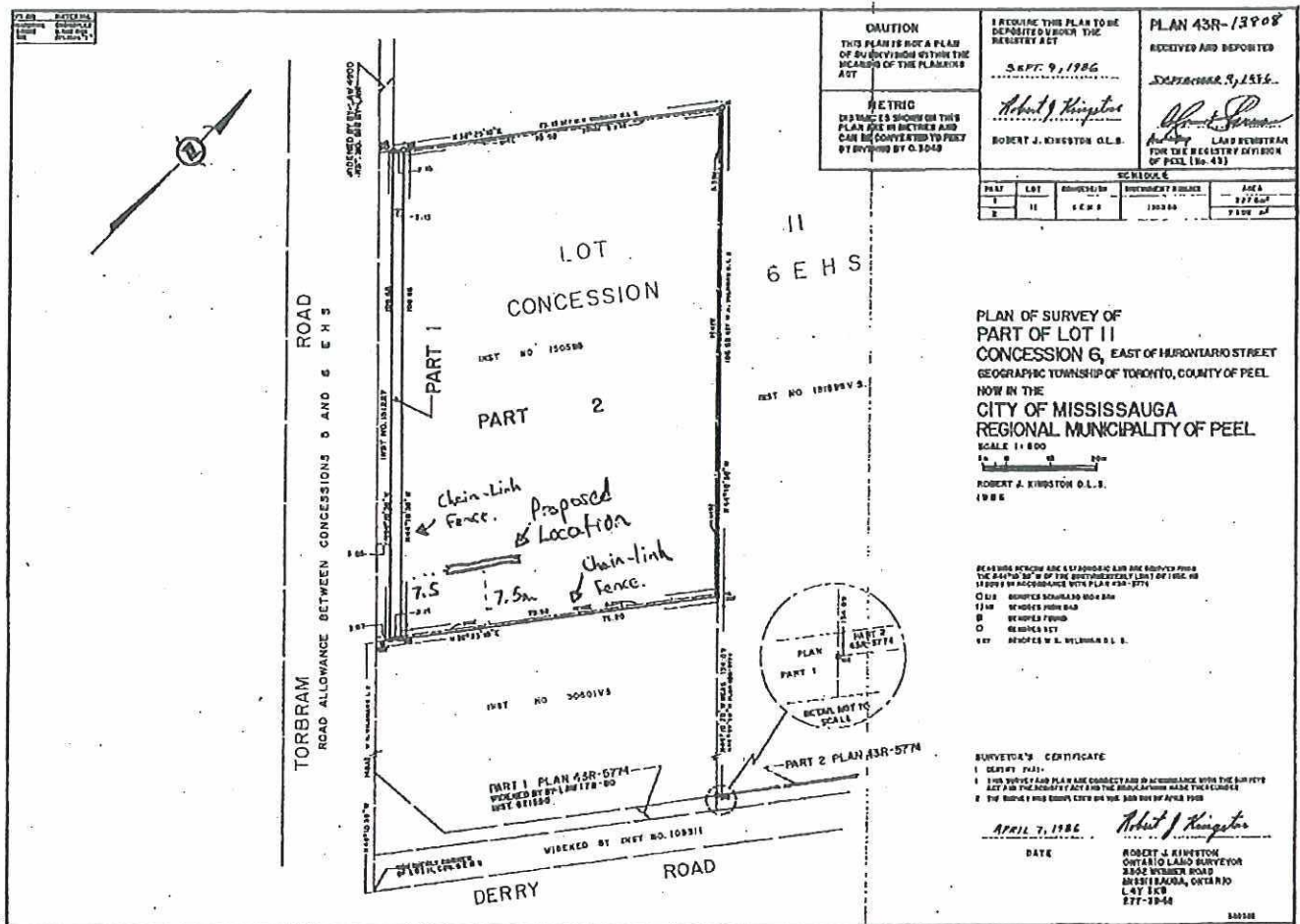
The proposed location of this sign is attached to the survey. The perimeter of the property is chain-link fence, and the sign is 7.5m setback from the front, and side yard lot lines. The purposes of the variances requested reflect the feasibility of viewing the billboard from the lay person's perspective.

Due to the height of the surrounding truck trailers and cabs parked on the surrounding site, the height and display are recommended as sufficient to reach above these interferences.

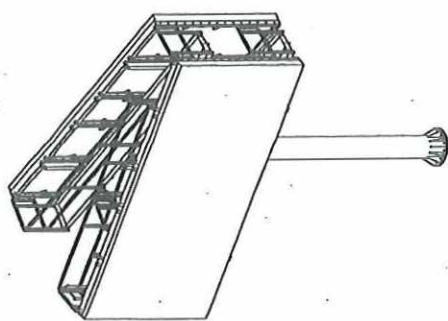
Yours truly,

Nicholas Dell BA. H  
Greg Dell & Associates  
Planning and Land Development Consultants  
3464 Semenyk Crt. Suite 100  
Mississauga, ON L5C 4P8









FRAME DESIGNED TO ACCEPT  
MOST 10' X 20' DISPLAYS UP TO  
3000 LBS TOTAL

330.87in  
[8404.2mm]

120.94in  
[3072mm]  
DISPLAY  
FACE

209.18in  
[5313.2mm]  
U/S DISPLAY FRAME

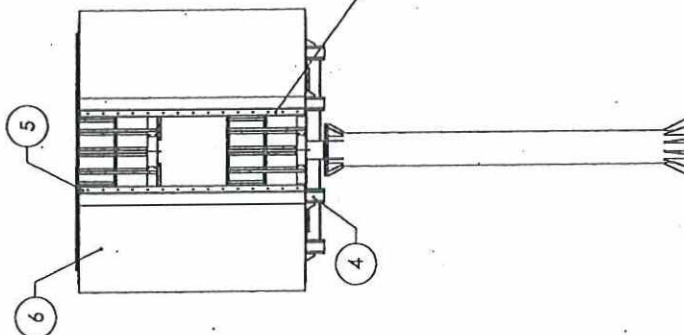
199.18in  
[5059.2mm]  
U/S STRUCTURE

3.00in  
[76.2mm]  
U/S BASE PLATE

0in  
[0mm]  
GRADE

SITE AND BOTTOM CONNECTION  
NOT SHOWN FOR CLARITY

PART 5 CLAMPED TO PART 4 USING  
INTEGRATED PLATES (SEE DRAWINGS FOR  
PART 5) FASTENED USING 2 X 1/2"-13 X  
2" A325 BOLT C/W A563 NUT, 2 X F436  
WASHER 2 PLATES PER CONNECTION, 4  
CONNECTION POINTS TOTAL



SHEET 1 OF 6 - OVERVIEW  
SHEET 2 OF 6 - ANCHOR/FOOTING DETAILS  
SHEET 3 OF 6 - MAIN STRUCTURE DETAILS  
SHEET 4 OF 6 - CATWALK DETAILS  
SHEET 5 OF 6 - DISPLAY DETAILS  
SHEET 6 OF 6 - NOTES

DWG NO:	1000-017012	REVISION:	00
DESCRIPTION:	INSTALL, EDMONTON DOUBLE V 22 DEG		
MATERIAL:	N/A	FINISH/COATING:	N/A
WEIGHT:	N/A	SCALE:	1/64"
DATE:	20/06/2016	BY:	J. NGUYEN
		CHECKED:	
		DATE:	20/06/2016
		SHEET:	5 OF 6

**TRADESYNC**

Corporation Inc.

Trade Sync Corporation Inc.  
468 Elgin Street, Toronto, Ontario M5G 1B8  
Telephone 416-848-1140 Fax 416-848-8465

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ENGINEERING SEAL

UNLESS STATED  
OTHERWISE:  
DIMENSIONS ARE IN  
INCHES AND MILLIMETERS  
TOLERANCES:  
FRACTIONAL:  
± 1/32"  
ANGULAR:  
± 0.5°  
X-XXX:  
± 0.001"  
BEND POSITION:  
± 0.001"  
BEND ANGLE:  
± 1°  
DESIGN AND BREAK ALL  
SHARP EDGES  
DO NOT SCALE DRAWING  
PRINT ON 11x17

REFER TO SHEET 1 OF 6 FOR REVISION TABLE

City of Mississauga  
**Corporate Report**



Date: 2017/05/2017

To: Chair and Members of Planning and Development Committee

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

Originator's files:  
 CD.04-WAR

Meeting date:  
 2017/05/29

## Subject

**PUBLIC MEETING (WARD 3)**

**Imagining Ward 3 – Proposed Applewood and Rathwood Neighbourhood Character Area Policies**

**CD.04- WAR**

## Recommendation

That the report titled *Imagining Ward 3 – Mississauga Official Plan Amendment -Applewood and Rathwood Neighbourhood Character Areas* dated May 5, 2017, from the Commissioner of Planning and Building, be received for information.

That the submissions made at the public meeting held on May 29, 2017 to consider the report titled *Imagining Ward 3 – Mississauga Official Plan Amendment -Applewood and Rathwood Neighbourhood Character Areas* dated May 5, 2017 from the Commissioner of Planning and Building, be received.

## Background

On March 8, 2017, City Council considered the report titled *Imagining Ward 3 – A Pilot Project for Neighbourhood Planning* dated February 3, 2017 (attached as Appendix 1) and directed a public meeting be held.

The purpose of the public meeting is to receive comments on the proposed amendment to Mississauga Official Plan, attached as Appendix 2.

The amendment is the result of a new engagement program piloted in Ward 3. The purpose was to define neighbourhood character.

## Comments

Appendix 2 outlines the proposed policies to be added to both the Applewood Neighbourhood Character Area and Rathwood Neighbourhood Character Area policies in Mississauga Official Plan. Taken together, the policies provide overviews of the existing neighbourhood character within Applewood and Rathwood. The policies will also provide direction for new development specifically within Ward 3.

The policies, based on the outcomes of the Imagining Ward 3 pilot project, generally address:

- Housing and built form;
- Streetscapes and urban design;
- Parks and open spaces; and
- Redevelopment Sites (including Rockwood Mall and the Community Node)

## Financial Impact

Not applicable

## Conclusion

Through the Imagining Ward 3 pilot project that focused on managing change in the Applewood and Rathwood neighbourhoods, new official plan policies have been proposed. The policies will recognize the existing character of these neighbourhoods and direct future growth and development within Applewood and Rathwood. Subsequent to the public meeting, a report will be prepared for consideration by the Planning and Development Committee which will address comments received and where appropriate will recommend changes.

## Attachments

- Appendix 1: Report titled Imagining Ward 3 – A Pilot Project for Neighbourhood Planning dated February 3, 2017
- 2: Proposed Mississauga Official Plan policies for the Applewood and Rathwood Character Areas



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Frank Marzo, Planner

# City of Mississauga Corporate Report



Date: 2017/02/03	Originator's files: CD.04- WAR
To: Chair and Members of Planning and Development Committee	
From: Edward R. Sajecki, Commissioner of Planning and Building	Meeting date:  2017-02-27

## Subject

Imagining Ward 3- A Pilot Project for Neighbourhood Planning

## Recommendation

1. That the report entitled *Imagining Ward 3 – A Pilot Project for Neighbourhood Planning* dated February 3, 2017, from the Commissioner of Planning and Building, be received for information.
2. That a public meeting be held to consider proposed amendments to the Applewood Neighbourhood and Rathwood Neighbourhood Character Area Policies of Mississauga Official Plan as outlined in the report entitled *Imagining Ward 3 – A Pilot Project for Neighbourhood Planning* dated February 3, 2017, from the Commissioner of Planning and Building.

## Background

The Imagining Ward 3 pilot project, launched in 2016, enabled residents of the Applewood and Rathwood neighbourhoods to proactively engage in a new approach to neighbourhood planning that focused on helping residents manage physical changes in their communities.

The dialogue with resident members resulted in a successful engagement process. Residents explored key issues and opportunities within their communities; and learned about the official plan and planning tools which could assist with managing local change (see Appendix 1).

The key findings from that community dialogue have been used to develop an educational brochure titled *Imagining Ward 3* (See appendix 2). In addition, a clear definition of neighbourhood character was established, which staff will form into plan policy through amendments to Mississauga Official Plan (MOP).

## Comments

Neighbourhoods evolve and change over time. However, change is often perceived negatively in that it is viewed by residents as contrary to their established neighbourhood character, or something that will impact their existing quality of life.



Therefore, good neighbourhood planning requires a focus on two key elements: (1) proactive community engagement, and (2) a supportive regulatory planning framework (i.e. Official Plan policy).

### **Proactive Community Engagement & Local Neighbourhood Capacity Building**

Proactive community engagement is an essential component of the neighbourhood planning process. As part of the Ward 3 pilot project, staff began talking to the residents on the planning process and the Official Plan policy intent. This helped to build knowledge and capacity of area residents, positioning them to proactively engage and influence future change.

An important deliverable of the Imagining Ward 3 process is a brochure highlighting the vision for the Rathwood and Applewood neighbourhoods, key priorities for change and the current policy direction of MOP. It is intended to better inform residents about the planning process, where infill and redevelopment opportunities may occur, and how best to ensure it is sensitively integrated to the respect the neighbourhood character.

Briefly, the themes of the brochure are as follows:



Protect existing neighbourhoods from overdevelopment by considering appropriate, context-sensitive development



Improve the existing streetscapes, where appropriate, through additional landscaping, wider sidewalks, and street furniture



Retain and enhance the existing parks and open space system



Direct intensification to appropriate areas while reinforcing appropriate development that is sensitive to core neighbourhood areas

### Supportive Regulatory Framework

In order to protect neighbourhood character, the current policy planning context was identified as needing enhancement. While Applewood and Rathwood are not identified in MOP as areas for major intensification, growth is expected through future redevelopment and infill development.

At present MOP policies generally speak to appropriate redevelopment and infill development that respects the existing and planned neighbourhood character within these neighbourhoods. It does not, however, specifically define a neighbourhood's existing character. Therefore, to effectively manage change, neighbourhood character policies should be added to the Applewood and Rathwood character areas in the Official Plan. Such changes would guide future development applications in Ward 3.

#### *What will the New Policies Aim to Do?*

New policies should reflect the 'principles for change' identified in the pilot project, as highlighted in the educational brochure. Specifically, the proposed MOP policies will aim to:

- Recognize the Applewood and Rathwood neighbourhoods as well-established, stable residential areas with a mix of dwelling types, community infrastructure and services
- Ensure new development in these neighbourhoods consider transitions in built form, density and scale
- Require a range of housing types and tenure be provided to meet the housing needs and preferences of all residents
- Recognize and reference the existing neighbourhood character to ensure future development is compatible with existing land uses while encouraging higher densities on and adjacent to corridors and the Rathwood-Applewood Community Node

#### *What will the Policies Include?*

It is proposed that Applewood and Rathwood Neighbourhood Character Area policies make specific reference to the following:

- In the neighbourhood cores, within areas like Rockwood Village and Applewood Heights, existing housing is mainly single-detached homes built primarily between 1960 and 1980
- Semi-detached units are dispersed throughout the neighbourhoods
- Medium density townhouse and high density apartment development is primarily located along Rathburn Road and portions of Ponytrail Drive, Tomken Road and Dixie Road
- Apartment dwellings are predominantly located along existing corridors and major streets – Bloor Street, Burnhamthorpe Road, Dixie Road and some areas on Dundas Street
- Areas like the East Bloor neighbourhood have established “tower in the park” apartment sites that were generally built in the 1960s and 1970s. These existing apartment sites are an important component of the neighbourhood housing stock and should be protected

- The existing parks and open space system consists of areas such as Garnetwood Park, Applewood Hills Park, Applewood Heights Park, Fleetwood Park, Cherrywood Park, and the Applewood Trail. Opportunities for additional community programming and improvements to site furnishings should be explored
- Higher density developments should be directed to corridors such as Burnhamthorpe Road, Cawthra Road, Tomken Road and Dixie Road, as well as Fieldgate Drive and Ponytrail Drive
- Lands within and surrounding the Rockwood Mall that form part of the Rathwood-Applewood Community Node are identified for intensification. These lands should be encouraged to develop as a high-density, mixed use focal point to create a central hub and destination for the community
- Dundas Street is identified as an Intensification Corridor where higher densities and a greater mix of uses are encouraged to support the future vision of this corridor as a high-order transit corridor. The vision will be further refined through the Dundas Connects planning initiative.

## Financial Impact

None

## Conclusion

Imagining Ward 3: A Pilot Project for Neighbourhood Planning was a new approach to assist the community in managing local change. Through a focused dialogue about physical change in the Applewood and Rathwood Neighbourhoods, an educational brochure was produced and the need for new character area policies identified. A public meeting to consider the new policies will be held upon Committee's receipt of this report.

## Attachments

Appendix 1: *Imagining Ward 3: A Pilot Project for Neighbourhood Planning: Information Report*, dated May 24, 2016

Appendix 2: Brochure titled *Imagining Ward 3*




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Edward R. Sajecki, Commissioner of Planning and Building

Planning and Development Committee

2017/02/03

5

Originators files: CD.04-WAR

Prepared by: Frank Marzo, Policy Planning



# City of Mississauga Corporate Report



Date: 2016/05/24

To: Chair and Members of Planning and Development Committee

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

Originator's files:  
CD.04-WAR

Meeting date:  
2016/06/13

## Subject

Imagining Ward 3: A Pilot Project for Neighbourhood Planning Information Report

## Recommendation

That the report entitled "Imagining Ward 3: A Pilot Project for Neighbourhood Planning", dated May 24, 2016, from the Commissioner of Planning and Building, be received for information.

## Background

The Mississauga Official Plan (2011) (MOP) envisions within Ward 3 a community node surrounded by a number of residential neighbourhoods. Specifically, the MOP identifies the Rathwood-Applewood Community Node, as an area where intensification should be directed. A community node is viewed as providing access to a multitude of uses that are required for daily living – local shops and restaurants, community facilities, cultural, heritage and entertainment uses, schools, parks, open space as well as a diverse housing stock that meets the housing needs of the adjacent population as they move through their lifecycle. They contain a variety of community infrastructure such as, recreational facilities, libraries, police stations and places of religious assembly.

Surrounding the Community Node are a variety of neighbourhoods reflecting different stages of the city's development. Neighbourhoods are characterized as physically stable areas with a character that is to be protected. Therefore, they 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 character.

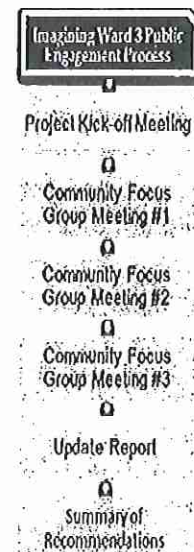


Figure 1

Scope of Pilot Project

Recognizing that change will occur within neighbourhoods, a neighbourhood planning initiative to engage the Ward 3 community in a forward thinking dialogue about the future of their neighbourhoods was developed. The project specifically focused on the Rathwood and Applewood Neighbourhoods, which have been the subject of several recent development applications. The process engaged local residents around how best to manage neighbourhood change effectively. Figure 1 identifies the six steps involved in the Imagining pilot project.

**Comments**

The Imagining Ward 3 process was initiated to pilot a new approach to neighbourhood planning. Specifically, the process is founded on a principle of working collaboratively with local residents to examine and understand the factors driving change (e.g., demographics, development trends, and market conditions) and to identify opportunities through land use policy and other city service to assist in managing potential impacts. In doing so, as the change process occurs and development applications are considered, the neighbourhood is in a better position to proactively guide versus respond to change.

Critical to success of this initiative is building positive relationships with residents, and educating and informing them of the existing land use planning framework. The process aimed to educate residents on what they can do to inform and guide future plan policy, specifically on matters related to, but not limited to:

- Housing choices and land uses
- Neighbourhood built form
- Streetscapes, parks and open spaces
- Greyfield and redevelopment sites

**a) The Engagement Process**

An initial kick-off meeting for the Imagining process was held in January 2016. This meeting outlined the purpose of the new engagement process. Staff emphasized the importance of facilitating an open two-way dialog around existing plan policy as it pertains to Ward 3 and to clarify and address questions about potential development pressures in Ward 3.

Volunteer Working Group

From the launch meeting, staff solicited a group of community volunteers to participate in a protracted dialogue about their neighbourhoods. The group would represent the demographics and views of the community while representing the individual views of their respective neighbourhoods. While not a large number of volunteers registered for this process, those that did actively participated and provided great insight.



Workshops

Consultants from Brook McIlroy led the working group through workshop-style meetings. The meetings engaged residents in a discussion about the future of their neighbourhoods over the next 15-20 years. The group discussed how best to manage and respond to change and identified planning tools which could be used to help produce positive change. A list of potential recommended policy amendments, as well as improvements to existing city programs and services were identified. The following summarizes the key discussion points at each of the three group meeting:

- *Community Focus Group Meeting #1:*  
Discuss and obtain feedback on key opportunities to enhance their community and identify areas of concern.
- *Community Focus Group Meeting #2:*  
A detailed, focused discussion around key themes that emerged from the first session. A discussion on the establishment of a set of guiding principles to inform future plan policy or service changes to better manage change in Ward 3.
- *Community Focus Group Meeting #3:*  
A discussion on opportunities and constraints within the neighbourhoods, and the potential planning tools to manage change.

**b) Key Issues & Opportunities In Managing Neighbourhood Change**

The Imagining pilot project provided a forum to share information and hear from local residents. Some of the themes emerging through the process include:

**1. Housing and Built Form**

- The neighbourhoods and sub-neighbourhoods of Applewood and Rathwood are primarily characterized by single-detached homes with moderate to wide lot frontages of at least 50 feet (15 metres) that front on to local roads which should be protected from over-development to ensure that there is appropriate form, massing and density of any new development to enhance neighbourhood pride and identity;
- Existing higher density apartment sites within the neighbourhood should be well-kept and any new development on these sites should be respectful of the neighbourhood character and consider green development standards.

**2. Redevelopment Sites**

- Lands within and surrounding the Rathwood-Applewood Community Node (e.g. Rockwood Mall site) may be appropriate for mid-rise mixed use, residential apartment buildings and street-related retail to create a sense of vibrancy and animation;
- New development should be directed along major arterial roads to establish a sense of place and more 'village-like' character with the buildings.

**3. Streetscapes & Urban Design**

- Consider wider sidewalks and landscaped boulevards and incorporating multi-use trails along arterial roads;

- Consider improving the safety of crossings, lighting and wayfinding signage;
- Arterial roads could benefit from additional street furniture, pedestrian-scaled lighting, street trees, wider sidewalks, and landscaped boulevards which can create a more improved pedestrian-oriented streetscape;
- Consider softening the appearance of existing noise walls through improved landscape buffers.

#### 4. Parks and Open Spaces

- Retain and enhance the existing network of parks, open spaces and natural heritage features within Applewood and Rathwood.
- Promote additional community recreational activities within the existing park network and consider basketball courts, soccer fields, ultimate Frisbee and playgrounds, among others to foster an active, healthy community and prioritize community building.
- Consider barrier-free access, new park furniture and enhanced recreational activities in parks for seniors.
- Consider incorporating traffic calming measures and increase pedestrian crossings.

#### c) Preferred Tools For Managing Neighbourhood Change

This pilot project created an open forum to better understand the character of these neighbourhoods. Translating this feedback into policy or services to ensure future development is effective and sensitive to this is important. The following tools were identified as opportunities to manage change within the Applewood and Rathwood neighbourhoods:

##### 1. Plan Policy Amendments:

Consider updating Mississauga Official Plan policies in both Section 14: Community Nodes (14.8 Rathwood- Applewood) and Section 16: Neighbourhoods (16.1 Applewood and 16.21 Rathwood) to reflect the individual character of these neighbourhoods.

##### 2. Zoning Amendments:

Consider site and area-specific zoning regulations for the Applewood and Rathwood neighbourhoods to regulate appropriate infill.

##### 3. Design Guidelines:

Consider urban design guidelines specifically for Ward 3 neighbourhoods that might address how to appropriately integrate new buildings into the existing character.

##### 4. Incentives:

Identify financial incentives or program funding which may be available to retain and facilitate needed improvements to existing affordable housing stock.



## Financial Impact

No financial implications at this time.

## Conclusion

The Imagining Ward 3 pilot is a new way of engaging local residents. While significant development is not intended for stable residential neighbourhoods, some infill and redevelopment is. Traditionally, residents often find they are in a reactive position to proposed projects. The pilot process aimed to educate local residents and stakeholders on planning, equip them with the knowledge on planning applications, and identify tools available to manage change in their neighbourhoods.

In the fall, staff will table a final Imagining Ward 3 Report with detailed summaries of the meetings and key recommendations.

Overall, the Imagining Ward 3 pilot has been a success in facilitating a conversation about change and providing an avenue for staff and residents to build respectful collaborative working relationships.

With any Pilot project, improvements can be made. However, staff believe this approach to neighbourhood planning is valuable, and should be used elsewhere in Mississauga where neighbourhoods are facing similar issues.

## Attachments

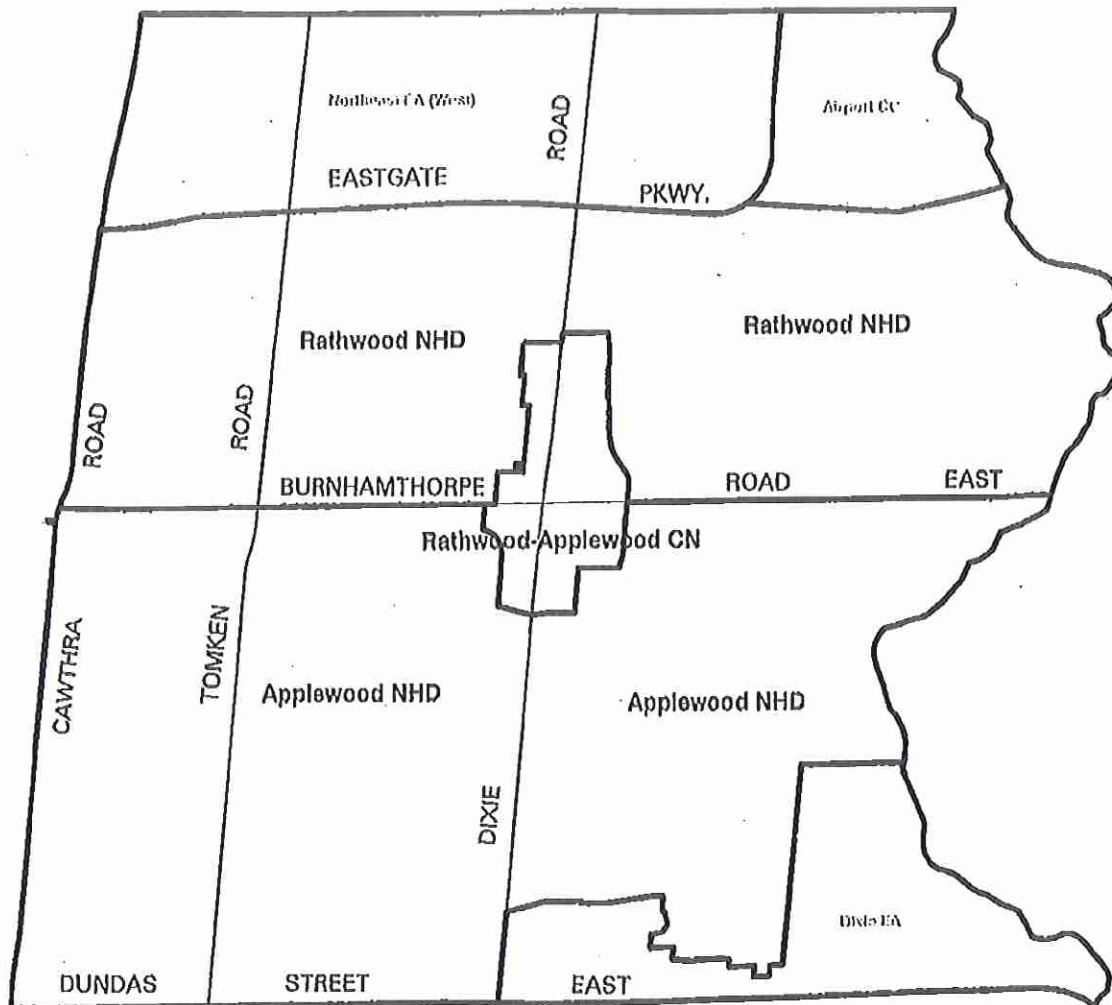
Appendix 1: Rathwood-Applewood Map



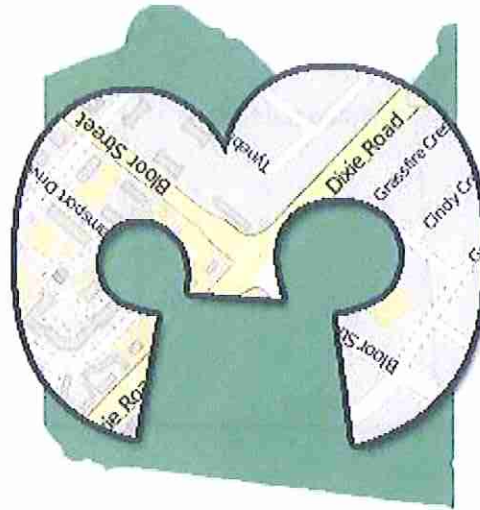
Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Frank Marzo, Policy Planning

## APPENDIX 1



# IMAGINING WARD



- 4.2
- Housing and Built Form
  - Streetscapes and Urban Design
  - Redevelopment Sites
  - Parks and Open Space

## Planning for Change in Ward 3

Managing change is integral to Mississauga's continued success and prosperity. As Mississauga is now at the end of its greenfield growth phase, new growth is to be accommodated through redevelopment and intensification within the city's already developed areas. This new era in development has generated the need to review goals, objectives and development growth strategies, which will continue to provide places to live and work and meet services and amenities to meet the needs of daily living. The City promotes sustainable development to create healthy and complete communities.

### Creating a Community Dialogue

Critical to managing change is building relationships within the community and informing residents and business owners about the existing land use planning framework. To accomplish this, the City's Planning and Building Department initiated Imagining Ward 3: *A Pilot Project for Neighbourhood Planning*.

The Imagining Ward 3 engagement process was launched in January 2016 and focused on how change can impact a neighbourhood's character, specifically within the Rathwood and Applewood Neighbourhoods. Through a community dialogue, residents helped create a vision to manage change and direct future growth within their community.



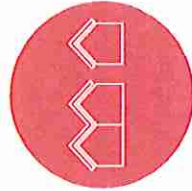


4.2

## Emerging Vision for Neighbourhood Character

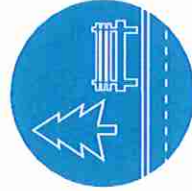
Ward 3's Applewood and Rathwood Neighbourhoods are well-established, stable residential areas with a mix of dwelling types, community infrastructure and services. They are primarily characterized by single-detached homes built between 1960 and 1980, with moderate to wide frontages of (eg. 15 meters, 45 feet). Additionally, semi-detached houses, townhomes, and apartment buildings are dispersed throughout. Streets are moderate to wide, and typically have sidewalk space on at least one side of the road. Various parks and open space create a network of "green gems" for passive and active recreation.

### How can we maintain this character while planning for the future?



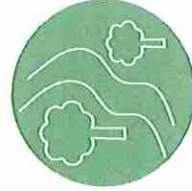
#### Housing and Built Form

- Ensure appropriate form, massing and density of new development, as well as an appropriate mix of uses
- Protect existing neighbourhoods from over-development



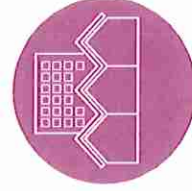
#### Streetscapes and Urban Design

- Improve the public realm by widening sidewalks and including landscaping and street furniture
- Activate street frontages along main roads



#### Parks and Open Space

- Retain and enhance the existing network of parks, open spaces and natural heritage features
- Create pocket parks and spaces for social encounters



#### Redevelopment Sites

- Create a sense of vibrancy and identity
- Promote cultural and built heritage
- Determine and reinforce a sense of livable density on a neighbourhood-wide basis

# Priorities for Change

4.2

## Housing and Built Form



Neighbourhood core areas, like Rockwood Village and Applewood Hills/Heights, are not intended for significant intensification and are protected from over-development. However, where appropriate development opportunities exist, development should respect the existing lotting and street pattern, height, scale and typology of the area.

## Parks and Open Space



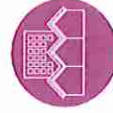
Parks such as Fleetwood Park, Garnetwood Park, Rathwood Park, and Applewood Trail network are important to the neighbourhood. As such, opportunities should be explored to enhance access, programming and facilities.

## Streetscapes and Urban Design



Busy roads, like Cawthra Road, Dixie Road, Rathburn Road, and Bloor Street could benefit from streetscape improvements such as landscaping, wider sidewalks, street trees, and multi-use trails, to improve public realm.

## Redevelopment Sites

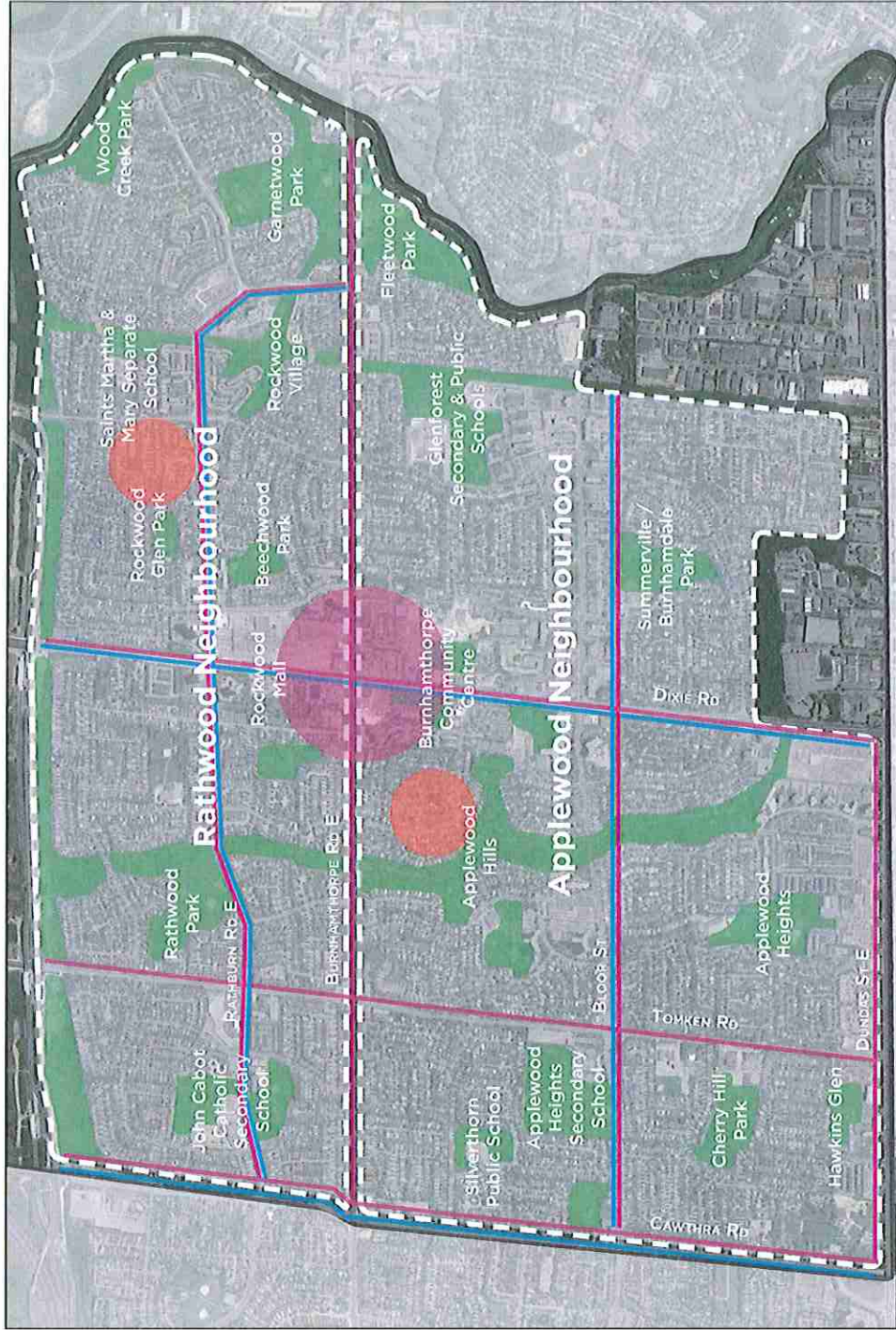


New development should be directed to Rockwood Mall, as well as streets like Tomken Road, Dixie Road, Bloor Street, Cawthra Road, Burnhamthorpe Road, and Dundas Street. These areas are appropriate for low to mid-rise mixed use development with a mix of commercial, office, and residential uses.



## Managing Change in Ward 3

4.2



# Our Official Plan

While the Applewood and Rathwood neighbourhoods are not identified in Mississauga's Official Plan as specific areas for major intensification, some growth is expected through redevelopment and infill development. However, Mississauga Official Plan identifies Applewood-Rathwood Community Node (i.e. Rockwood Mall), Intensification Corridors like Dundas Street, and Corridors like Burnhamthorpe Road and Cawthra Road as areas where new growth should be directed. These areas should include a mix of uses to further support the daily needs of residents of all ages and abilities. The following summarizes the themes and current policy direction of Mississauga Official Plan as it applies within the Rathwood and Applewood communities:

## 1. Build a Desirable Urban City

- Create a strong sense of place with uses that are culturally vibrant, attractive, liveable and of a high quality design
- Appropriate redevelopment and infill development will revitalize local neighbourhoods but also 'fit' into the surrounding community; it does not have to be exactly the same as what exists but will respect the existing and planned neighbourhood character

## 2. Direct Growth

- Residential intensification within Neighbourhoods will generally occur through infilling and the redevelopment of existing commercial sites as mixed use areas
- Higher density development should be located along corridors or on existing apartment sites
- Significant intensification is to be directed to Rockwood Mall and provide a mix of uses



4.2



### 3. Complete Communities

- Create communities that enable people to not only live and work, but also thrive. Consider opportunities to improve community amenities such as public art, affordable housing, daycare, and parks and open spaces
- Significant new development may be required to provide a Community Infrastructure Impact Study that will review existing community services to ensure increased demand caused by proposed intensification can be met

### 4. Neighbourhood Character Area

- For medium and high density development, new development should not exceed the height of any existing buildings on the property
- Heights greater than 4 storeys in neighbourhood areas must appropriately transition to the surrounding area and enhance the existing/ planned community

4.2

### Continuing the Conversation

Interested in learning more about managing change in Ward 3, and other areas of the City? Visit the [City's Planning Hub](#).

For more information, please go to: [mississauga.ca/portal/residents/cityplanning](https://mississauga.ca/portal/residents/cityplanning)

or visit us at:

Planning Services Counter 3rd floor  
City of Mississauga, 300 City Centre Drive,  
Mississauga ON L5B 3C1



Proposed Mississauga Official Plan policies for the Applewood and Rathwood Character Areas

	Recommendations to Mississauga Official Plan (MOP)
16.2.1 Context – Applewood Neighbourhood	<p><i>Applewood is a mature and well-established mixed-residential neighbourhood. The neighbourhood includes a mixture of detached, semi-detached, as well as townhouse and apartment dwellings predominantly located along the arterials and major roads. A well-developed park system weaves throughout the neighbourhood providing important pedestrian connections and gathering spaces. Retail and service uses are dispersed throughout the neighbourhood.</i></p> <p><i>Apartments primarily exist along Bloor Street, Dixie Road and areas on Dundas Street and Rathburn Road. The apartments along Bloor Street were built in the 1960s and 1970s in park-like settings.</i></p> <p><i>New development within the neighbourhood will be sensitive to existing form by respecting the existing lotting and street pattern, height, scale, and building typology. Existing apartment sites are an important component of the neighbourhood housing stock and should be retained to provide housing options for varying lifestyle and economic needs.</i></p> <p><i>Burnamthorpe Road, Dixie Road, Cawthra Road and Dundas Street - and Major Collectors such as Bloor Street, and Tomken Road will be the focus of future low-rise and mid-rise mixed use development. New apartment dwellings will be directed to these arterial roads. New retail, service, office and residential uses will be directed to these streets to reinforce a sense of place and complete, healthy communities. Dundas Street is an Intensification Corridor. Higher densities and a greater mix of uses are encouraged along and surrounding Dundas Street to support its function as a higher-order transit corridor.</i></p> <p><i>Streetscape improvements for portions of Cawthra Road and Dixie Road are encouraged to improve the pedestrian realm. This may be achieved through landscaping, wider sidewalks, street trees or multi-use trails.</i></p> <p><i>Lands within and surrounding the Rockwood Mall on either side of Dixie Road, are part of the Rathwood-Applewood Community Node. The node will be encouraged to develop as a mixed use focal point for intensification, creating a central hub and destination for the community.</i></p> <p><i>The existing parks and open space system are important to the neighbourhood. Opportunities for additional community programming and site improvement should be explored to benefit people of all ages and abilities.</i></p>

<p>16.21.1 Context – Rathwood Neighbourhood</p>	<p><i>Rathwood is a mature and well-established mixed-residential neighbourhood. The neighbourhood mainly consists of single-detached homes with large lot frontages, built primarily between 1960 and 1980. There is also a mixture of semi-detached, townhouse and apartment dwellings predominantly located along the arterials and major roads. A well-developed park system weaves throughout the neighbourhood providing important pedestrian connections and gathering spaces. Retail and service uses are dispersed throughout the neighbourhood, with Rockwood Mall as its focal point.</i></p> <p><i>New development within the neighbourhood will be designed to be sensitive to the existing form by respecting the existing lotting and street pattern. As well as the height, scale, and building typologies of the existing development within the immediate area.</i></p> <p><i>Burnamthorpe Road, Cawthra Road, Tomken Road and Dixie Road, and Major Collectors such as Fieldgate Drive and Ponytrail Drive will be the focus for future low-rise and mid-rise mixed use development. New apartment dwellings will be directed to these roads. New retail, service, office and residential uses will be directed to these roads to reinforce a sense of place and a healthy, complete community.</i></p> <p><i>Lands within and surrounding the Rockwood Mall on either side of Dixie Road, is part of the Rathwood-Applewood Community Node. The node will be encouraged to develop as a mixed use focal point for intensification, creating a central hub and destination for the community.</i></p> <p><i>The existing parks and open space system are important to the Rathwood Neighbourhood. Opportunities for additional community programming and site improvement should be explored to benefit people of all ages and abilities.</i></p> <p><i>Streetscape improvements for portions of Cawthra Road, Rathburn Road and Dixie Road are encouraged to improve the pedestrian realm. This may be achieved through landscaping, wider sidewalks, street trees or multi-use trails.</i></p>
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City of Mississauga

# Corporate Report



Date: May 5, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:

OZ 16/008 W7

Meeting date:  
2017/05/29

## Subject

### PUBLIC MEETING INFORMATION REPORT (WARD 7)

**Application to permit a 29 storey, 300 unit apartment building**

**86-90 Dundas Street East,**

**Owner: Higher Living Development Inc.**

**File: OZ 16/008 W7**

## Recommendation

That the report dated May 5, 2017, from the Commissioner of Planning and Building regarding the applications by Higher Living Development Inc. to permit a 29 storey apartment building under File OZ 16/008 W7, 86-90 Dundas Street East, be received for information.

## Report Highlights

- This report has been prepared for a Public Meeting to hear from the community
- The proposed development requires amendments to the Official Plan and Zoning By-law
- Comments from the March 27, 2017 community meeting and May 29, 2017 Planning and Development Committee meeting will be considered in the evaluation of the applications as part of the Recommendation Report
- Prior to the next report, matters to be considered include the appropriateness of the proposed amendment and the satisfactory resolution of other technical requirements including the height, density, floor space index, on-site parking, slope stability, delineation of the floodplain, and the location of the underground parking garage in relation to the slope and floodplain

## Background

The applications have been circulated for technical comments and a community meeting was held on March 27, 2017. 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	
Frontages:	60.31 m (197.86 ft.)
Depth:	112.18 m (368.04 ft.) (irregular)
Gross Lot Area:	0.54 ha (1.33 ac.)
Existing Uses:	Used car lot and a vacant commercial building (formerly a restaurant)

The property is located on the south side of Dundas Street east of Shepard Avenue within the Downtown Cooksville Character Area. The subject lands are located next to Cooksville Creek. Significant trees and a large culvert abuts and separates the creek from the existing uses.



Aerial image of  
86 – 90 Dundas  
Street East

The surrounding land uses are:

- North: Two storey commercial plaza on the north side of Dundas Street East
- East: Two twelve storey rental apartment buildings
- West: Cooksville Creek, and further west is a one storey commercial plaza
- South: Cooksville Creek



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



Image of Existing Conditions facing south east of Cooksville Creek and Dundas Street East

## DETAILS OF THE PROJECT

The applications are to permit a 29 storey apartment building with 300 units. The building includes a three storey podium containing 388.3 m<sup>2</sup> (4,179.6 ft<sup>2</sup>) of retail and/or office commercial uses on the ground floor and residential units on the second and third floors (see Site Plan – Appendix 5).

Development Proposal	
Application(s) submitted:	Received: August 29, 2016 Deemed complete: September 30, 2016
Developer/Owner:	Higher Living Development Inc.
Applicant:	YYZed Project Management
Number of units:	300
Existing Gross Floor Area:	Former Restaurant 325.2 m <sup>2</sup> (3500 ft <sup>2</sup> ) Used Car Sales 74.3 m <sup>2</sup> (800 ft <sup>2</sup> )
Height:	29 storeys
Lot Coverage:	23.84%
Floor Space Index:	4.21
Landscaped Area:	77.2%
Gross Floor Area:	Residential GFA - 22,379.9 m <sup>2</sup> (240,895.23 ft <sup>2</sup> )  Non-Residential GFA - 388.3 m <sup>2</sup> (4,179.6 ft <sup>2</sup> ) Total GFA – 22,768.2 m <sup>2</sup>



Development Proposal	
	(245,074.85 ft <sup>2</sup> )
Anticipated Population:	750* *Average household sizes for all units (by type) for the year 2011 (city average) based on the 2013 Growth Forecasts for the City of Mississauga.
Parking:	Required                      Proposed
resident spaces	322                                  269
visitor spaces	45                                   47
Total	367                                 316
Green Initiatives:	<ul style="list-style-type: none"> <li>Indoor and outdoor bicycle parking is proposed</li> </ul>

Additional information is provided in Appendices 1 to 10.



Applicant's rendering of 86-90 Dundas

#### LAND USE CONTROLS

The subject lands are located within the Downtown Cooksville Character Area and are designated **Mixed Use** in the Mississauga Official Plan. The proposed development is in conformity with the **Mixed Use** land use designation, which permits residential uses in combination with ground floor commercial uses, but requires an amendment for height and floor space index (FSI). In addition, through the processing of this application, a further amendment has been identified to the boundary of the **Greenlands** designation on the westerly portion of the site, as shown on Appendix 3, to reflect the revised limits of the floodplain. The limits will be finalized in consultation with Credit Valley Conservation.

A rezoning is proposed from **C4 (Mainstreet Commercial)** and **G1 (Greenlands – Natural Hazards)** to **C4 (Mainstreet Commercial – Exception)** to permit a mixed use development including a 29 storey apartment building with a 3 storey podium containing ground floor retail and/or office commercial uses with residential uses on the second and third floors, in accordance with the proposed zone standards contained within Appendix 10. Additional lands may be zoned **G1 (Greenlands – Natural Hazards)** depending on the limits of the floodplain.

Detailed information regarding the Official Plan and Zoning is found in Appendices 2 and 3.

### Urban Design Policies

The urban design policies of Mississauga Official Plan (MOP) require that building, landscaping and site design are compatible with site conditions; will create appropriate transition to existing and planned development and establish visual and functional relationships between individual buildings, groups of buildings and open spaces. These elements should also address the effects of additional noise, unattractive views and other negative impacts.

Other relevant policies in the MOP that are applicable in the review of these applications are found in Appendix 9.

### Bonus Zoning

On September 26, 2012, Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning. In accordance with Section 37 of the *Planning Act* and policies contained in the Official Plan, this policy enables the City to secure community benefits when increases in permitted height and/or density are deemed to be good planning by Council through the approval of a development application. Should these applications be approved by Council, the City will report back to Planning and Development Committee on the provision of community benefits as a condition of approval.

### WHAT DID THE COMMUNITY SAY?

A community meeting was held by Ward 7 Councillor, Nando Iannicca on March 27, 2017.

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

- How long will it take to build the building
- What is the impact this development may have on the proposed Bus Rapid Transit being proposed along this section of Dundas Street East

### DEVELOPMENT ISSUES

Agency comments are summarized in Appendix 7 and school accommodation information is contained in Appendix 8. Based on the comments received and the applicable 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?
- Is the proposal compatible with the character of the area given the project's land use, height, massing, density, landscaping, setbacks and building configuration?
- Are the proposed Zoning By-law exception standards appropriate?
- What are the expected traffic impacts?
- Is the proposed reduction in the number of required parking spaces appropriate?

- Resolution of the location of the underground parking garage with respect to its encroachment into the flood prone area of Cooksville Creek.
- Resolution of a streetscape feasibility study which includes an underground utility plan to determine if an Amended Boulevard Treatment can be accommodated along Dundas Street East.
- Provision of a satisfactory Functional Servicing Report to determine if there is capacity and resolution of all servicing and utility issues and confirmation regarding access to the sanitary sewer on the adjacent property.
- Address any issues arising from the on-going Dundas Connects Environmental Assessment.

### **OTHER INFORMATION**

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

- Arborist Report
- Green Standards
- Sun/Shadow Study
- Functional Servicing Report
- Environmental Impact Study
- Pedestrian Wind Study
- Scoped Environmental Impact Study
- Urban Design Brief
- Planning Justification Report
- Slope Stability Assessment
- Detailed Noise Control Study
- Traffic Impact Study
- Geotechnical Investigation
- Phase 1 Environmental Site Assessment
- Stage 1-2 Archaeological Assessment
- Context Plans
- Draft Official Plan Amendment
- Draft Zoning By-law
- Survey
- Architectural and Engineering Drawings
- Archaeological Study

### **Development Requirements**

There are engineering matters including: grading, slope stability, engineering, servicing and stormwater 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: Site History
- Appendix 2: Aerial
- Appendix 3: Excerpt of the Downtown Cooksville Character Area Land Use Map
- Appendix 4: Existing Land Use and Proposed Zoning Map
- Appendix 5: Site Plan
- Appendix 6: Elevations
- Appendix 7: Agency Comments
- Appendix 8: School Accommodation
- Appendix 9: Summary of Existing and Proposed Mississauga Official Plan Policies and Relevant MOP Policies
- Appendix 10: Summary of Existing and Proposed Zoning Provisions



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Michael Hynes, Development Planner

Higher Living Development Inc.

File: OZ 16/008 W7

### Site History

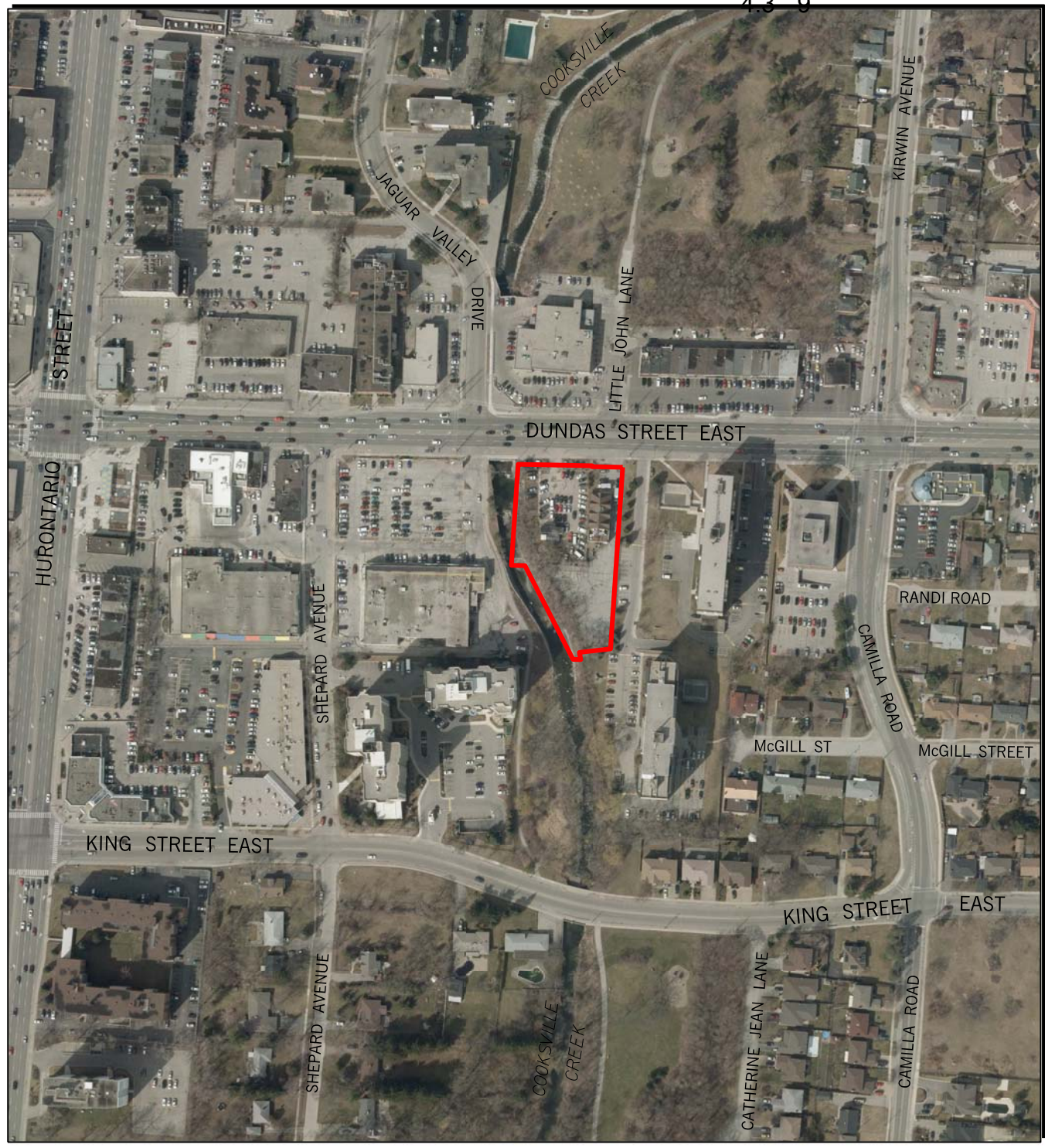
#### 90 Dundas Street East

- January 1980 – Building permit for a one storey building
- July 17, 1980 – Committee of Adjustment approved variance submitted under File 'A' 340/80 to use the existing building as a restaurant and tavern
- August 30, 1990 – Site Plan application submitted under File SP 90/196 W7 to permit a restaurant. Site plan approved on December 17, 1990
- September 27, 1996 – Committee of Adjustment approved variance submitted under File 'A' 478/90 for an addition to the northwest corner of the existing restaurant

#### 86 Dundas Street East

- April 8, 2012 – Site Plan application submitted under File SP 02/181 W7 to permit sales trailer to sell use automobiles. Site plan approved on January 29, 2003
- 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 **Mixed Use** and **Greenlands** in the Downtown Cooksville Character Area





LEGEND:



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2016

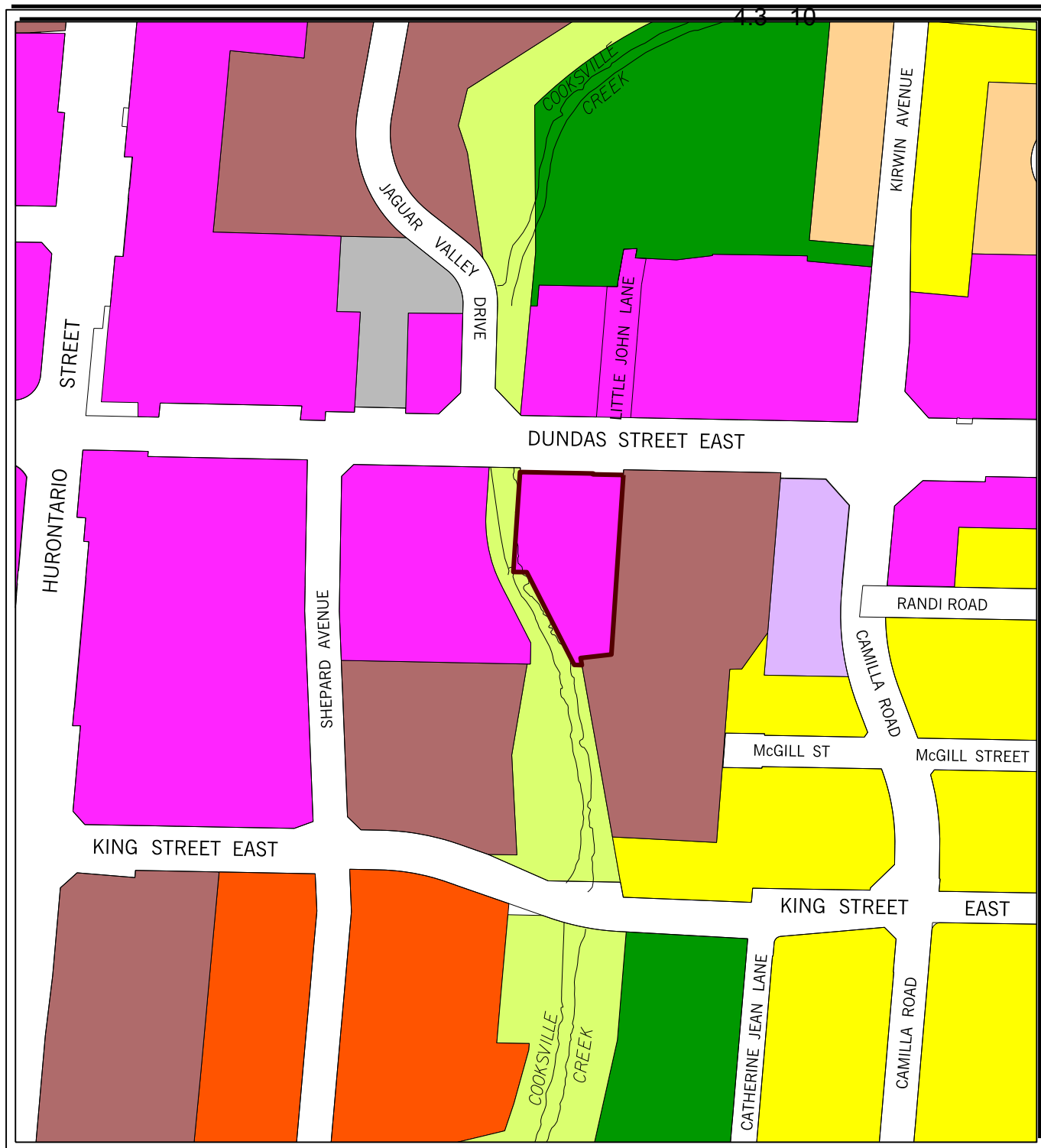


TITLE:  
HIGHER LIVING DEVELOPMENT INC.

FILE NO:  
OZ 16/ 008 W7



Produced by  
T&W, Geomatics



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

**LAND USE DESIGNATIONS**

- |                            |                       |
|----------------------------|-----------------------|
| Residential Low Density I  | Airport               |
| Residential Low Density II | Institutional         |
| Residential Medium Density | Public Open Space     |
| Residential High Density   | Private Open Space    |
| Mixed Use                  | Greenlands            |
| Convenience Commercial     | Parkway Belt West     |
| Motor Vehicle Commercial   | Utility               |
| Office                     | Special Waterfront    |
| Business Employment        | Partial Approval Area |
| Industrial                 |                       |

**BASE MAP INFORMATION**

- |   |                              |
|---|------------------------------|
| Heritage Conservation District                            | Civic Centre (City Hall)     |
| 1996 NEP/2000 NEF Composite Noise Contours                | City Centre Transit Terminal |
| LBPIA Operating Area Boundary See Aircraft Noise Policies | GO Rail Transit Station      |
| Area Exempt from LBPIA Operating Area                     | Public School                |
| Natural Hazards   | Catholic School              |
|   | Hospital                     |
|   | Community Facilities         |

**City Structure**

- |                |                      |
|----------------|----------------------|
| Downtown       | Corporate Centre     |
| Major Node     | Employment Area      |
| Community Node | Special Purpose Area |
| Neighbourhood  |                      |

**SUBJECT LANDS**

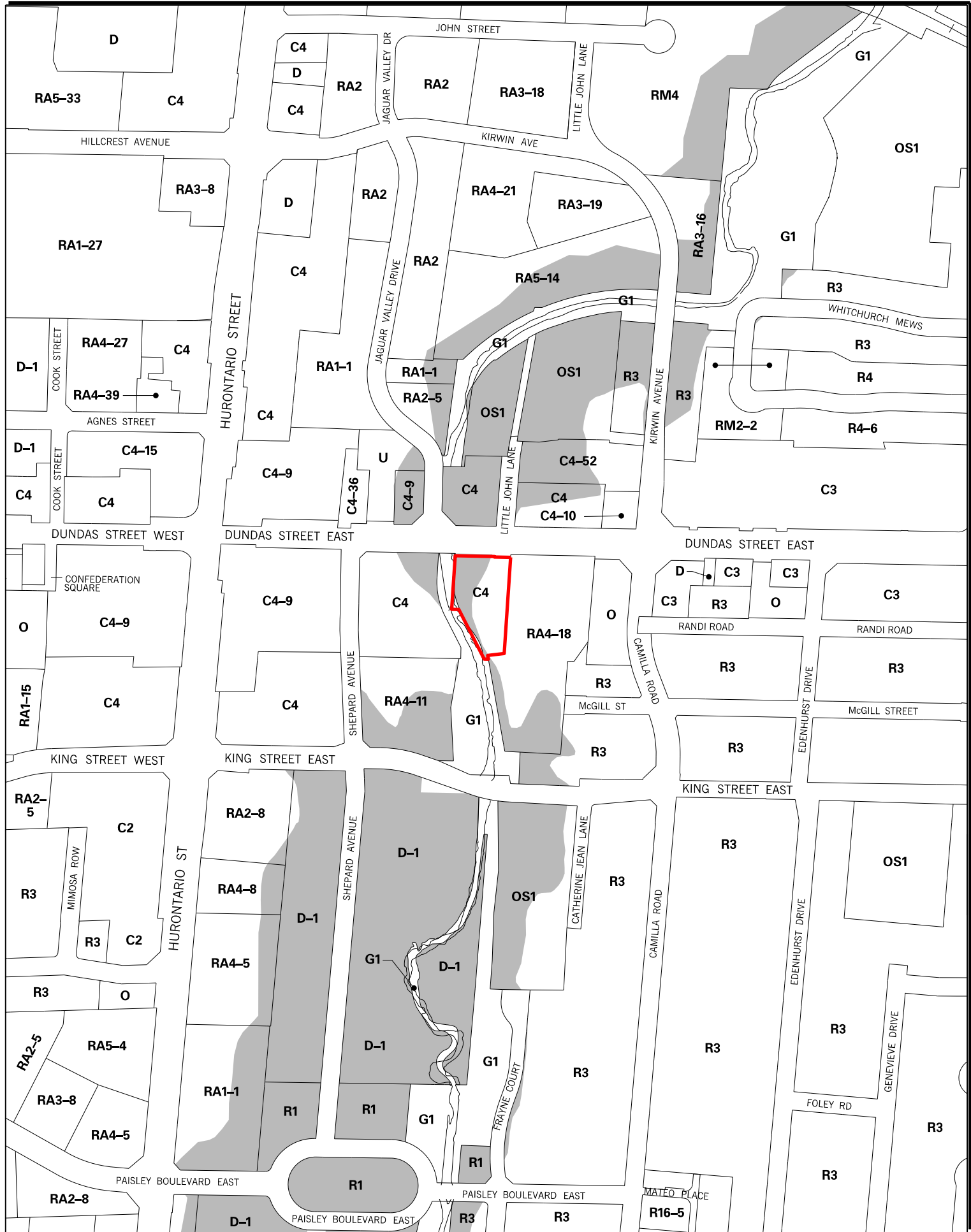


**TITLE:**  
**HIGHER LIVING DEVELOPMENT INC.**

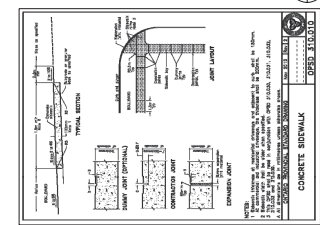
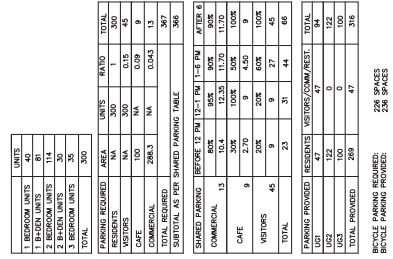
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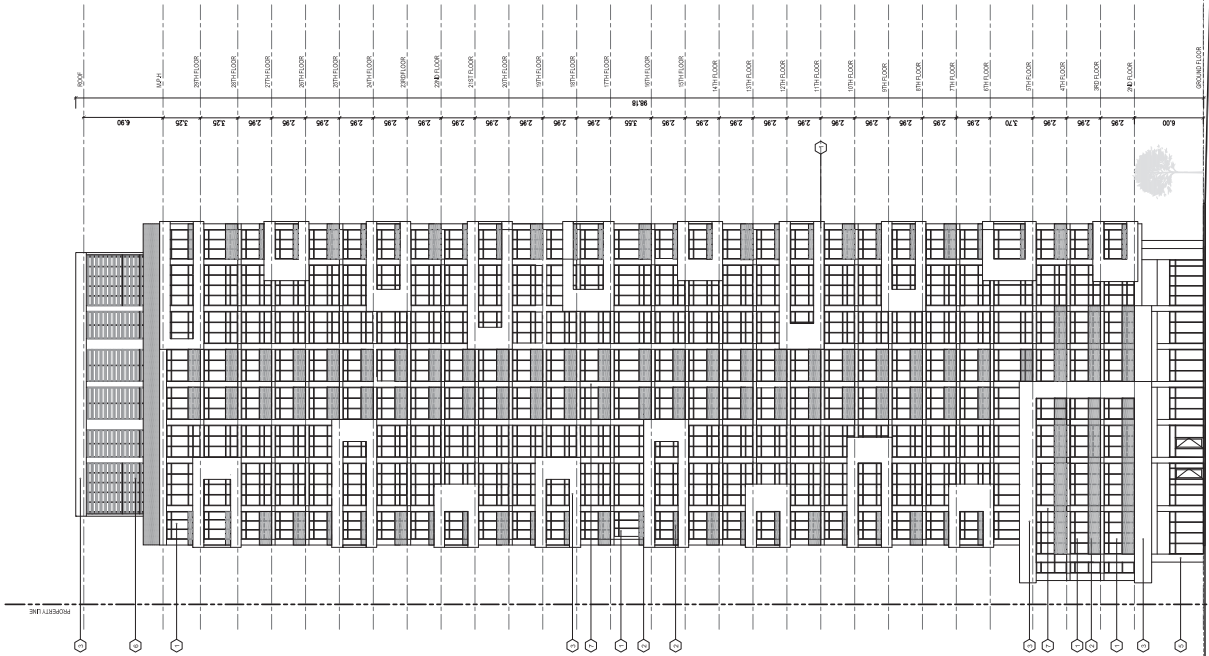




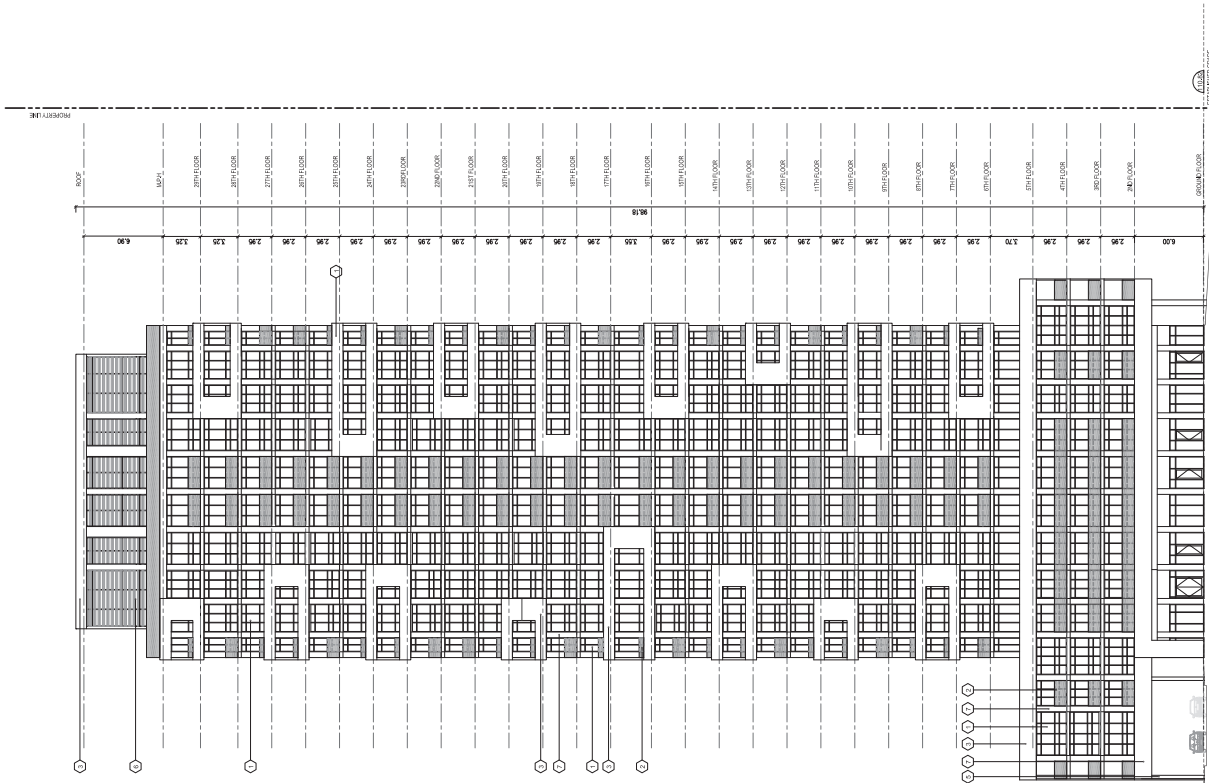




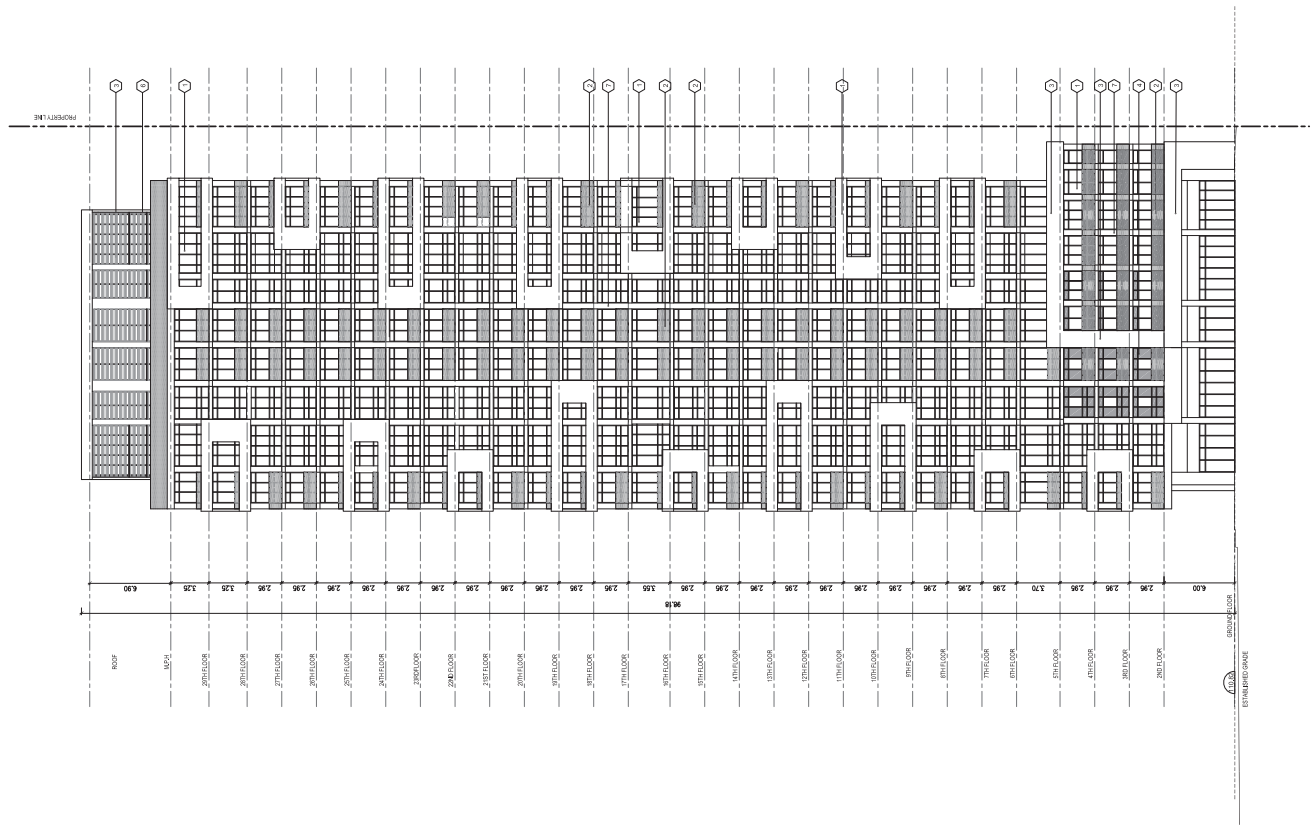
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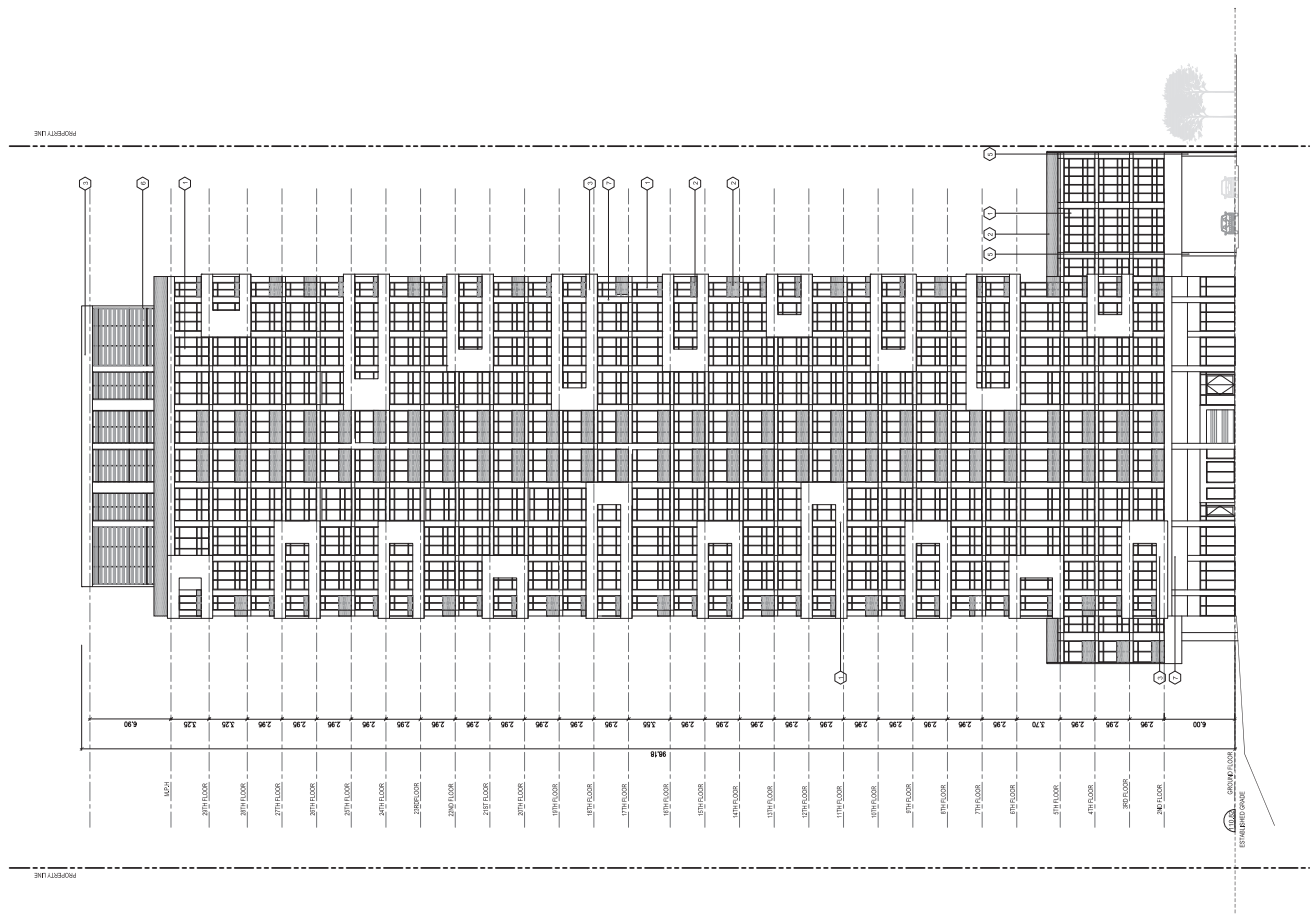
02 WEST ELEVATION  
SCALE 1:250



01 NORTH ELEVATION  
SCALE 1:250



02 EAST ELEVATION  
A033 SCALE 1:250



01 SOUTH ELEVATION  
A033  
SCALE 1:250

Higher Living Development Inc.

File: OZ 16/008 W7

## Agency Comments

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

Agency / Comment Date	Comment
Region of Peel (January 11, 2017)	<p>The Region of Peel will provide front-end collection of garbage and recyclable materials.</p> <p>Waste collection will be required to be shown on a revised site plan, satisfactory to the Region of Peel.</p> <p>The Region will be required to be party to the Development Agreement. Through the Development Agreement, The Region of Peel requires the following clauses be included:</p> <ul style="list-style-type: none"> <li>a) The 825mm (32.5 inch) sanitary sewer is in an easement that is on the adjacent property. It is not a municipal right of way. The Region will require confirmation that the applicant has obtained permission to enter from the owner of the adjacent property so they can have permission for the installation and construction of the service connection.</li> <li>b) Sanitary Manhole 1A shown on the servicing drawing received is proposed to be located behind the existing retaining wall. The manhole shall be accessible to Regional Staff. There will be some modification required to the location of the manhole and/or the retaining wall or possibly a different point of connection will need to be looked at for the servicing application. The Engineering consultant shall come back to the Region with a solution that we are satisfied with.</li> <li>c) The foundation/underground parking has not been modified so that Sanitary Manhole 1A is outside of the foundation/underground parking, just as the water service has been shown.</li> </ul>
Dufferin-Peel Catholic District School Board and the Peel District School Board (October 06, 2016 and November 2, 2016)	<p>The Dufferin-Peel Catholic District School Board and the Peel District School Board have requested that the following conditions be fulfilled prior to final approve of the Zoning By-law:</p> <p>That the applicant shall agree in the Servicing and/or Development Agreement to include the following warning clauses in all offers of purchase and sale clause be placed in any agreement of purchase and sale:</p>

Higher Living Development Inc.

File: OZ 16/008 W7

Agency / Comment Date	Comment
	<p>a) Whereas, despite the best efforts of the Dufferin–Peel District School Board and the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside of the neighbourhood, and further that students may be later transferred to the neighbourhood school.</p> <p>b) The applicant to erect and maintain information signs at all major entrances to the proposed development advising the following: "Please be advised that students may be accommodated elsewhere on a temporary basis until suitable permanent pupil places, funded by the Government of Ontario, are available.</p> <p>These signs shall be to the Dufferin-Peel Catholic District and Peel District School Board's specifications, at locations determined by the Boards and erected prior to registration.</p>
Credit Valley Conservation (March 30, 2017)	<p>The EIS provides the initial technical framework for further assessment; however, additional discussion regarding the following must be addressed to provide a comprehensive analysis of the impacts of the proposed works:</p> <ul style="list-style-type: none"> <li>- significant wildlife habitat including that of the Eastern wood-pewee (special concern species)</li> <li>- community classification</li> <li>- growing conditions necessary to re-establish valley slope woodland</li> <li>- requirements to compensate for impacts to ecological function and address time lag between removal and re-establishment of forest canopy</li> <li>- target ecological/vegetation community to base restoration and enhancement plans</li> <li>- buffer requirements</li> <li>- components of monitoring plan</li> </ul> <p>A conflict exists in the proposal regarding the use of engineered fill as both a slope stability tool and a biological substrate as 100% soil compaction (proposed) results in a soil environment that is unsuited for root growth. The concept of valley vegetation removal mitigated by the valley restoration provision of a buffer is supportable; however, cannot be implemented based on the details of the current proposal. Opportunities to address this issue have been presented to the proponent for review.</p> <p>A review of the slope stability report has been completed and</p>



Higher Living Development Inc.

File: OZ 16/008 W7

Agency / Comment Date	Comment
	<p>with the exception of a few details requiring further assessment/review, in general, it has been found satisfactory. Effort should be made to increasing the area between the hazard and underground parking structure allowing for additional land dedication to the City for the creek corridor, if feasible.</p> <p>It appears that a portion of the development proposed at the surface (above the underground parking structure) encroaches into the flood line at the north-west side of the property. As a result, CVC requires the proposed underground parking structure be dry-flood proofed. In addition, as the underground parking structure is adjacent to the creek bank and below the creek bed it is expected that the parking structure design address the conditions associated with various storm conditions including hydrostatic pressures. Long term maintenance measures of the parking structure may be required.</p> <p>Clarification is anticipated from the proponent regarding a few technical details associated with the proposed stormwater management approach.</p>
City Community Services Department – Parks and Forestry Division/Park Planning Section (March 13, 2017)	<p>The City does not permit permanent structures (i.e. underground parking structure) within the greenlands. The plans submitted show a 3 storey parking garage underneath the 10 metre (32.8 ft.) buffer from the new engineered top of slope. Efforts should be made to provide an unencumbered buffer from the new engineered top of slope by setting the parking garage back, reducing the number of parking spaces provided, and/or adding another level of parking to reduce the parking garage floor plate.</p> <p>If this cannot be achieved, any buildings or structure including the underground parking garage must be located outside of the limits of the existing and proposed greenlands. A setback from the top of slope to the underground parking structure should be provided entirely on private property for the long term maintenance of the underground parking structure including any repairs/replacement requirements for the roof membrane. Maintenance work including construction access should not adversely impact the new engineered slope and naturalized planting within the greenlands.</p> <p>As a condition of this development application, prior to the enactment of a zoning by-law amendment, the applicant will gratuitously dedicate all lands below the established top of bank, as staked by the Credit Valley Conservation Authority</p>

Higher Living Development Inc.

File: OZ 16/008 W7

Agency / Comment Date	Comment
	<p>(CVC). The dedicated lands will be designated and zoned 'Greenlands' to allow for the long term, conservation and a connection to the City-owned greenlands system and Cooksville Creek. Any buffers above the top of bank which are unencumbered by either structures or maintenance easements should also be dedicated to the City.</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 the City's Policies and By-laws.</p>
City Community Services Department – Heritage Planning (November 19, 2016)	No concerns. An Archaeological Report was undertaken in 2014 and Heritage Planning had no further concerns in this regard.
City Community Services Department – Arborist – Private Property	The applicant is advised that Tree Removal Permission is required to injure or remove trees on private property depending on the size and number of trees and the location of the property. The applicant is to submit a Tree Removal application for the proposed injury and removal of trees on site. The Tree Removal application will be reviewed in conjunction with the site plan application.
City Transportation and Works Department (April 4, 2017)	<p>The Transportation and Works Department will require clearance from Credit Valley Conservation Authority, particularly with respect to any impacts on the existing floodplain. An update of the Slope Stability and Geotechnical reports will be required. In addition, the underground parking will require flood proofing given its proximity to the greenbelt. The applicant has been advised of the concern with the location of the underground structure adjacent to the creek and has been requested to remove any encroachment with the hazard limit and/or buffer zone to ensure an unencumbered buffer from the new engineered top of slope.</p> <p>In addition to the matters noted above and notwithstanding the findings of the reports and drawings submitted to date, the applicant has been requested to provide additional technical details to address the following:</p> <ul style="list-style-type: none"> <li>• Updated Phase One Environmental Site Assessment (ESA);</li> <li>• New Phase 2 ESA;</li> <li>• Submission of Letters of Reliance for the Phase 1 and 2 EAS;</li> <li>• Record of Site Condition;</li> </ul>

Higher Living Development Inc.

File: OZ 16/008 W7

Agency / Comment Date	Comment
	<ul style="list-style-type: none"> <li>Storm drainage requirements.</li> </ul> <p>A Transportation Impact Study has been submitted to address any operational, safety and access issues. Detailed traffic comments will be provided prior to the Recommendation meeting.</p> <p>This Department is not in favour of this application proceeding to a Recommendation Meeting until the above noted outstanding matters have been satisfactorily resolved.</p>
Rogers (January 31, 2017)	<p>Rogers Communications currently has existing aerial, buried coaxial and fiber TV in the area. Our standard offset in Mississauga is 2.3 m P/L on city roads.</p> <p>Locates are required before digging.</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>Fire Department Canada Post Economic Development</p>

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File: OZ 16/008 W7

**School Accommodation**

<b>The Peel District School Board</b>	<b>The Dufferin-Peel Catholic District School Board</b>																																								
<ul style="list-style-type: none"> <li>Student Yield:           <table> <tr> <td>24</td><td>Kindergarten to Grade 6</td></tr> <tr> <td>11</td><td>Grade 7 to Grade 8</td></tr> <tr> <td>13</td><td>Grade 9 to Grade 12</td></tr> </table> </li> <li>School Accommodation:           <p>Clifton Public School</p> <table> <tr> <td>Enrolment:</td><td>346</td></tr> <tr> <td>Capacity:</td><td>468</td></tr> <tr> <td>Portables:</td><td>0</td></tr> </table> <p>Camilla Road Senior</p> <table> <tr> <td>Enrolment:</td><td>676</td></tr> <tr> <td>Capacity:</td><td>669</td></tr> <tr> <td>Portables:</td><td>2</td></tr> </table> <p>Cawthra Park Secondary School</p> <table> <tr> <td>Enrolment:</td><td>1,309</td></tr> <tr> <td>Capacity:</td><td>1,044</td></tr> <tr> <td>Portables:</td><td>5</td></tr> </table> <p>* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.</p> </li> </ul>	24	Kindergarten to Grade 6	11	Grade 7 to Grade 8	13	Grade 9 to Grade 12	Enrolment:	346	Capacity:	468	Portables:	0	Enrolment:	676	Capacity:	669	Portables:	2	Enrolment:	1,309	Capacity:	1,044	Portables:	5	<ul style="list-style-type: none"> <li>Student Yield:           <table> <tr> <td>5</td><td>Junior Kindergarten to Grade 8</td></tr> <tr> <td>4</td><td>Grade 9 to Grade 12</td></tr> </table> </li> <li>School Accommodation:           <p>St. Timothy</p> <table> <tr> <td>Enrolment:</td><td>591</td></tr> <tr> <td>Capacity:</td><td>352</td></tr> <tr> <td>Portables:</td><td>5</td></tr> </table> <p>St. Paul Catholic Secondary School</p> <table> <tr> <td>Enrolment:</td><td>419</td></tr> <tr> <td>Capacity:</td><td>807</td></tr> <tr> <td>Portables:</td><td>0</td></tr> </table> </li> </ul>	5	Junior Kindergarten to Grade 8	4	Grade 9 to Grade 12	Enrolment:	591	Capacity:	352	Portables:	5	Enrolment:	419	Capacity:	807	Portables:	0
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File: OZ 16/008 W7

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

#### Existing Official Plan Provisions

**Mixed Use** which permits a range of uses including a financial institution, funeral establishment, residential and restaurant (among others)

**Greenlands** which permits areas of natural hazards and/or natural areas where development is restricted to protect people and property from damage. Uses permitted include conservation, flood control and/or erosion management and parkland (among other uses)

#### Proposed Official Plan Amendment Provisions

The **Mixed Use** designation in the Official Plan permits the proposed use. An amendment to the **Greenlands** designation in the Official Plan is required to expand the boundary of the **Mixed Use** designation to permit a portion of the proposed building and underground parking area on the west side of the property.

There are other policies in Mississauga Official Plan that are also applicable in the review of these applications which are found below:

#### Relevant Mississauga Official Plan Policies

	Specific Policies	General Intent
Section 4 - Vision	Section 4.4.2 Section 4.4.5 Section 4.5.	Mississauga will provide the guiding principles that are to assist in implementing the long-term land use, growth and development plan for Mississauga and sets out how the City will achieve these guiding principles



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	Specific Policies	General Intent
Section 5 - Direct Growth	Section 5.1.4 Section 5.1.6 Section 5.1.9	Most of Mississauga's future growth will be directed to Intensification Areas. Mississauga encourages compact, mixed use development that is transit supportive, in appropriate locations, to provide a range of live/work opportunities. New development will not exceed the capacity of existing and planned engineering services, transit services and community infrastructure. Development proposals may be refused if existing or planned servicing and/or infrastructure are inadequate to support the additional population and employment growth that would be generated or be phased to coordinate with the provision of services and infrastructure
Section 5 - City Structure	Section 5.3.1.3 Section 5.3.1.4 Section 5.3.1.7 Section 5.3.1.9 Section 5.3.1.13	The Downtown will represent the area where the majority of the City's new population and employment growth will occur and is Mississauga's provincially mandated urban growth centre. The Downtown is subdivided into four character areas, one of which is Downtown Cooksville.
Section 5 – Direct Growth - Corridors	Section 5.4.1 Section 5.4.2 Section 5.4.3 Section 5.4.4 Section 5.4.5 Section 5.4.6 Section 5.4.7 Section 5.4.8 Section 5.4.9 Section 5.4.10	Corridors 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 spaces in their own right. Some <b>Corridors</b> have been identified as appropriate locations for intensification and generally comprise of the road right-of-way. Development on <b>Corridors</b> should be compact, mixed use and transit friendly and appropriate to the context of the surrounding Neighbourhood.  The subject property is located within an "Intensification Corridor".

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	<b>Specific Policies</b>	<b>General Intent</b>
<b>Section 5 – Intensification Areas</b>	Section 5.5.1 Section 5.5.4 Section 5.5.5 Section 5.5.7 Section 5.5.8 Section 5.5.9	<p>The subject land is located close to the Dundas Street West and Hurontario Street intensification corridors. Corridors have been identified as appropriate locations for intensification and as such additional policies have been developed to address their potential.</p> <p>Transit services infrastructure will utilize Corridors to connect Intensification Areas</p> <p>Local area plans will consider the appropriateness of transit supportive uses at the intersection of two Corridors. Local area plans may permit additional heights and densities at these locations provided that the development reduces the dependency on cars and supports the policies of this Plan.</p>
<b>Section 7 – Complete Communities</b>	Section 7.1.1 Section 7.1.3 Section 7.1.6  Section 7.2	<p>The official plan supports the creation of complete communities and that meet the day-to-day needs of people through all stages of their life offering a wide assortment of housing options and employment opportunities as well as numerous commercial and social venues. The provision of suitable housing is important to ensure that youth, older adults and immigrants thrive.</p> <p>Housing is to be provided in a manner that maximizes the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents. A range of housing types, tenure and price is to be provided.</p>
<b>Section 9 - Building a Desirable Urban Form</b>	Section 9.1.1 Section 9.1.2 Section 9.1.5 Section 9.1.6 Section 9.2.2 Section 9.3 Section 9.4 Section 9.5	<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> <p>Within Intensification Areas an urban form that promotes a diverse mix of uses and supports transit and active transportation modes will be required</p>

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File: OZ 16/008 W7

	<b>Specific Policies</b>	<b>General Intent</b>
<b>Section 9 - Intensification Areas</b>	Section 9.2.1.1 Section 9.2.1.2 Section 9.2.1.3 Section 9.2.1.4 Section 9.2.1.8 Section 9.2.1.10 Section 9.2.1.11 Section 9.2.1.12 Section 9.2.1.13 Section 9.2.1.14 Section 9.2.1.15 Section 9.2.1.16 Section 9.2.1.21 Section 9.2.1.22 Section 9.2.1.25 through to Section 9.1.2.37	<p>Appropriate infill in both Intensification Areas and Non-Intensification Areas will help to revitalize existing communities by replacing aged buildings, developing vacant forms and tenures/ It is important that infill "fits" within the existing building urban context and minimizes undue a range of sales, from small residential developments to large scale projects, such as the redevelopment of strip malls.</p> <p>High quality, diverse and innovative design will be promoted in a form that reinforces and enhances the local character.</p> <p>Development will be sited and massed to contribute to a false and comfortable environment. Site development should respect and maintain the existing grades, conserve energy, provide enhanced streetscaping and contribute to the quality and character of existing streets.</p> <p>Tall buildings design and materials selected are fundamental to good urban form and are of the highest standards. Buildings will minimize undue physical and visual negative impacts relating to noise, sun, shadow, views, skyview and wind.</p>
<b>Section 9 – Gateways, Routes, Landmarks and Views</b>	Section 9.3.3.2 Section 9.3.3.8	<p>Tall buildings have a greater presence on the skyline and are required to have the highest quality architecture.</p> <p>Views of significant natural and man-made features should be created, maintained and enhanced where appropriate.</p>
<b>Section 9 – Site Development Buildings</b>	Various Sections	<p>Developments will provide a transition in building height and form between Intensification Areas and adjacent Neighbourhoods with lower density and heights.</p> <p>Site designs and buildings will create a sense of enclosure along the street edge with heights appropriate to the surrounding context.</p>

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File: OZ 16/008 W7

	<b>Specific Policies</b>	<b>General Intent</b>
<b>Section 11 General Land Use Designation</b>	Section 11.2.6 Section 11.2.6.1 Section 11.2.6.2 Section 11.2.6.3 Section 11.2.6.4 Section 11.2.6.5 Section 11.2.6.6	<p>Residential uses are permitted in a Mixed Use designation and will be encouraged through infilling to consolidate the potential of these areas and to restrict their linear extension into stable, non-commercial areas.</p> <p>Residential uses will be discouraged on the ground floor and will be combined on the same lot or same building with another permitted use.</p>
<b>Section 12 – Downtown - General Policies</b>	Section 12.1.3.1 Section 12.1.3.2 Section 12.1.3.3 Section 12.4.1	<p>Mixed Uses with the Downtown promote major offices and proposed development will be pedestrian oriented and street related.</p> <p>Compatible development is encouraged that recognizes the scale and enhances the form and character of Mixed Use areas.</p>
<b>Section 19 - Implementation</b>	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>

Higher Living Development Inc.

File: OZ 16/008 W7

**Summary of Existing and Proposed Zoning Provisions****Existing Zoning By-law Provisions**

C4 (Main Street Commercial) which permits a retail store, restaurant, take-out restaurant, veterinary clinic, animal care establishment, funeral establishment, personal service establishment, commercial school, financial institution, repair establishment, beverage/food preparation establishment, office, medical office, overnight accommodation, recreational establishment, entertainment establishment, private club, university/college, parking lot, apartment dwelling, dwelling unit located above the first floor of a commercial building, maximum building height of 3 storeys.

**Proposed Zoning Standards**

C4-Exception (Main Street Commercial) to permit residential apartments in addition to commercial uses listed above.

	<b>Required G-1 (Greenlands – Natural Hazards) Zoning By-law Standards</b>	<b>Required C4- (Main Street Commercial) Zoning By-law Standards</b>	<b>Proposed C4- Exception (Main Street- Commercial) Zoning By-law Standards</b>
Apartment Dwelling	Not Permitted	Permitted	Proposed
Maximum height	N/A	16.0 m (52.5 ft.) and 3 storeys	98.18 m (322.1 ft.) and 29 storeys
Maximum <b>front yard</b>	N/A	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)
Minimum <b>interior side yard</b> abutting a Residential Zone	N/A	4.5 m (14.8 ft.)	0.9 m (2.9 ft.)
Minimum depth of a <b>landscape buffer</b> measured from the <b>lot line</b> that is a <b>street line</b>	N/A	0.0 m (0.0 ft.)	1.5 m (4.9 ft.)
Minimum number of <b>parking spaces</b> per <b>dwelling unit</b>	N/A	367 parking spaces	316 parking spaces
Minimum number of visitor <b>parking spaces</b> per <b>dwelling unit</b>	N/A	45 parking spaces	45 parking spaces
Bicycle Spaces	N/A	226 spaces	236 spaces



# City of Mississauga

## Corporate Report



Date: May 5, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
CD.07.POR W1

Meeting date:  
2017/05/29

### Subject

#### **PUBLIC MEETING INFORMATION and RECOMMENDATION REPORT (WARD 1)**

**Proposal to permit outdoor patios and outdoor retail sales on private property on a temporary basis in the Port Credit Cultural Node**

**447-515 Lakeshore Road East, north side of Lakeshore Road East, between Enola Avenue and Cooksville Creek**

**Applicant: City of Mississauga**

**File: CD.07.POR W1**

### Recommendation

That the report dated May 5, 2017 from the Commissioner of Planning and Building recommending approval of the City-initiated proposal to amend the Zoning By-law for the properties at 447-515 Lakeshore Road East in the Port Credit Cultural Node, be adopted in accordance with the following:

1. That notwithstanding the planning protocol, the City-initiated rezoning to permit outdoor patios accessory to restaurants and take-out restaurants and retail sales accessory to a permitted use, in the space between the front of the building and the front property line, be approved for a three year period through a Temporary Use By-law.

### Background

The Port Credit Cultural Node was created in 2009 as a pilot project to test the use of planning tools, incentives, support and partnership to support cultural resources and activities in a specific community as recommended in the Cultural Master Plan. The Port Credit Cultural Node followed the same boundaries as the Port Credit Business Improvement Area (BIA).

In June 2011, the Committee of Adjustment approved a City-initiated minor variance application to permit art installations, street furniture, retail sales and outdoor patios on the municipal right-of-way in the Port Credit BIA, provided the business owners received an encroachment agreement from the City for the use of the right-of-way. The variance was granted for a short

term period expiring in September 2011, however, a subsequent minor variance was obtained in April 2012 which extended the permissions for another five years.

In May 2015, a temporary use by-law was passed by Council for a period of three years, allowing the businesses to have the same permitted uses in the space between the front of their building and their front property line. This allowed for the more orderly layout of patios and sales areas, as some properties have gaps between the front of the buildings and the front property line which delineated the municipal right-of-way.

On March 30, 2017, the Committee of Adjustment granted a further continuation of the minor variance for a period of another five years. The minor variance also recognized that the Port Credit BIA boundaries had been extended east to include the properties at 447-515 Lakeshore Road East, known as the Trinity development. The variance continues to allow the listed uses within the municipal right-of-way only.

At the Council meeting on April 26, 2017, Ward 1 Councillor, Jim Tovey requested that staff initiate the necessary amendment to the existing zoning to allow those uses in the Trinity development in the space between the front of the building and the front property line.

## Comments

The minor variance granted on March 30, 2017 permits art installations, street furniture, retail sales and outdoor patios on the municipal right-of-way as far east as the Trinity development. However, the temporary use by-law passed in 2015, permitting those uses in the gap between the front of the building and the property line, did not reflect the expanded Port Credit BIA boundary and therefore does not incorporate the Trinity development.

The purpose of this City-initiated rezoning is to permit retail sales and outdoor patios accessory to restaurants and take-out restaurants in the approximate 1.9 m (6.2 ft.) gap that exists between the building façades and front property line of the Trinity development. Owners will still be required to receive an encroachment agreement from the City in order to occupy space on the municipal right-of-way. Appropriateness of the size and layout of the patio or retail area will be evaluated through the encroachment agreement.

Notwithstanding the planning protocol, staff recommends approval of the Temporary Use By-law. Full notice was provided for this report and the community has also been consulted on the uses by way of the minor variance, for which there were no objections. The Temporary Use By-law addresses a minor technical issue relating to the space between the building and the front property line. A second meeting on the matter should not be necessary.

## Financial Impact

There is no financial impact.

## Conclusion

The proposed City-initiated amendment to the existing zoning to temporarily allow retail sales and outdoor patios between the building façades and front property line of the Trinity site is consistent with the recently approved minor variance and the previously approved temporary use by-law. It is also in keeping with the intended purpose of the Port Credit Cultural Node. Once the Public Meeting has been held and any comments addressed, an implementing Temporary Use By-law can be brought to a future Council meeting for consideration and approval.

## Attachments

Appendix 1: Aerial Photograph

Appendix 2: Recommended Zoning Changes



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: David Breveglieri, Development Planner



**LEGEND:**



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2016



**TITLE:** 447-515 LAKESHORE ROAD E.

**FILE NO:** CD\_07\_POR\_W1



**MISSISSAUGA**

Produced by  
T&W, Geomatics

## City Initiated Temporary Use By-law – Trinity development

File: CD.07-POR W1

## Summary of Proposed Zoning By-law Provisions

"C4-62" (Mainstreet Commercial), which permits a mix of commercial, office and residential uses.

## Summary of Proposed Zoning By-law Provisions

Zone Standards	Existing "C4-62" Zoning By-law Standards	Proposed "RM4- Exception" Zoning By-law Standards
Use	Permits a mix of uses but does not permit outdoor patios or outdoor sales areas	In addition to the permitted uses, outdoor patios accessory to restaurant and take out restaurants and retail sales are permitted within a yard abutting Lakeshore Road East

City of Mississauga

# Corporate Report



Date: May 5, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
CD.21.SHO

Meeting date:  
2017/05/29

## Subject

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

### **Proposed Draft Amendments to the Zoning By-law to Regulate Short-Term Accommodations**

## Recommendation

1. That the report titled 'Proposed Draft Amendments to the Zoning By-law to Regulate Short-Term Accommodations' dated May 5, 2017, from the Commissioner of Planning and Building be received for information.
2. That following the Public Meeting, staff report back to Planning and Development Committee with their recommendations to regulate Short-Term Accommodations.

## Report Highlights

- This report provides an update on the options for regulating short-term accommodations and summarizes the responses received from the public consultation process that included an open house, meetings with various stakeholders, and an on-line survey
- A summary of proposed draft Zoning By-law amendments is included in this report to elicit further comment

## Background

On January 16, 2017, Planning and Development Committee directed City staff to circulate the Information Report 'Short-Term Accommodation – Overview of Current Status and Regulatory Options' (Appendix 1), from the Commissioner of Planning and Building, to interested stakeholders for review and comment. Staff were also directed to hold a public meeting and conduct further consultation with stakeholders with respect to potential regulations. This report provides an update on the results of the consultation process and contains a Summary of Proposed Draft Zoning By-law Amendments for consideration. Once the formal public meeting has been held, Planning and Building staff will bring back a recommendation report addressing



the comments received and providing a final recommendation regarding proposed changes to the Zoning By-law.

## Comments

### CONSULTATION SUMMARY

A website on Short-Term Accommodations (STAs) was created to provide information and engage interested stakeholders and residents following direction from the Planning and Development Committee (Appendix 1). The website is located at:  
<http://www.mississauga.ca/portal/residents/short-termaccommodation>.

The website contains:

- A list of potential amendments to address Short-Term Accommodations (Appendix 2)
- Mississauga staff reports for Short-Term Accommodations, along with reports from Toronto and Vancouver
- A link to the 'Airbnb and your neighbourhood' complaint website (<https://www.airbnb.ca/neighbors>)
- An on-line survey (based on the Questionnaire provided in Appendix 3)
- A copy of the Planning and Development Committee presentation 'Short-Term Accommodations Overview of Current Status and Regulatory Options', dated January 16, 2017
- The Public Notice for the Open House on Short-Term Accommodations

The Public Notice for the Open House on Short-Term Accommodations (STAs) was circulated to all known Mississauga ratepayer associations, and was advertised in the Mississauga News. A list of stakeholders that were contacted is provided in Appendix 4.

Planning and Building staff held the Open House meeting for STAs on Monday, March 6, 2017. Attendees were invited to review prepared materials, including a list of potential Zoning By-law amendments to address STAs, ask questions, and fill out a questionnaire.

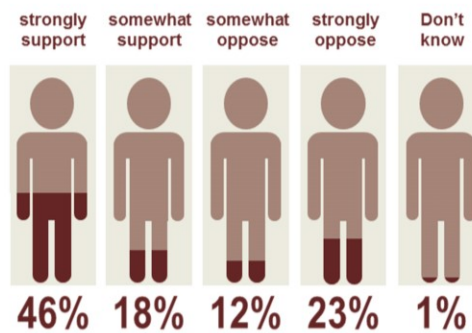
### WHAT DID THE COMMUNITY SAY?

Over 300 responses were received through the on-line survey and questionnaires collected at the Open House. Results are summarized below:



## short-term accommodations survey results

In general, do you support or oppose short-term accommodations?



Should the City of Mississauga regulate short-term accommodations?



53%

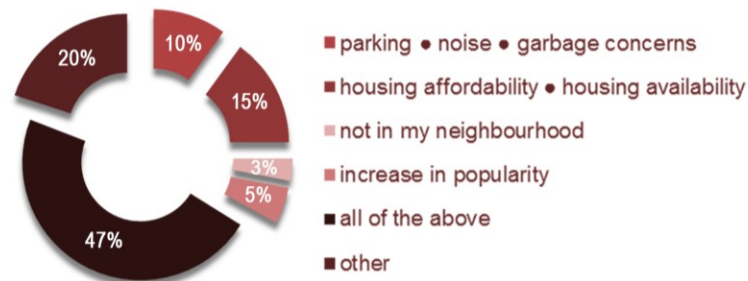


41%



6%

Why do you believe they should be regulated?



The results indicate that while there appears to be strong support of STAs (46% of respondents), most people (53%) felt that STAs should be regulated. Approximately 47% of respondents in favour of regulation indicated that they believe STAs should be regulated because of the following:

- STAs are a nuisance (parking, noise, garbage concerns)
- concerns for housing affordability and availability
- undesirable in their neighbourhood
- concerns that STAs are likely to increase in popularity over time

An additional 20% of respondents had other reasons for requesting STAs to be regulated. Some respondents included general statements on the need for regulation or specific examples of where and/or how they would like STAs to be regulated. Many of the responses received under this category could also be classified as nuisance concerns (parking, noise, garbage, property standards concerns) based upon the information provided.

Community safety, as well as community cohesion and character were also noted, along with concerns regarding property values and the potential for property damage. The idea that 'there are already enough STAs in Mississauga' was expressed; as well as concerns regarding insurance and liability, and equitable taxation.

When asked which regulations respondents would like the City to impose, 42% indicated that they wanted the City to create a registry or licensing program, and 39% of respondents indicated that they wanted STAs to be allowed only within a host's primary residence.

When asked if there was anything else respondents wanted the City to know with respect to STAs:

- 40% of the responses were general support statements
- 25% were general operational concerns
- 12% indicated the need for enforcement

Substantive written comments were submitted by Airbnb, Mississauga Residents' Associations Network (MIRANET), and Mississauga Community Legal Services (a not-for-profit corporation that provides legal services for residents of Mississauga with low-income). These are summarized below.

### **Airbnb**

In their written response dated March 20, 2017, Airbnb summarized that a regulatory approach to home sharing should be:

- Permitted as-of-right as a residential use in all dwelling types, including second units and multi-unit dwellings, while recognizing the existing ability of landlords and condominium corporations to set limits

- Sufficiently flexible to include primary principal residences as well as residences where the owner resides on a part-time basis
- Include no requirement for a minimum length of stay
- Consider distinct processes and policy approaches that include different rules for residents that participate in home sharing on a casual basis, and "commercial full time operators" such as corporate suite rental firms advertising on platforms

Airbnb also suggested a registry approach over a licensing regime because of lower costs associated to both municipalities and hosts. Airbnb provided the example from the City of Philadelphia, where hosts are required to register with the municipality only after they have hosted for more than 91 days annually.

### **MIRANET**

MIRANET reiterated their position in response to the Information Report, as articulated in their deputation to the Planning and Development Committee on January 16, 2017 (Appendix 5). Through the completion of the questionnaire, representatives of MIRANET indicated that they would like STAs to only be permitted in a host's primary residence, that a minimum seven (7) day stay requirement be enacted for STAs, and that a registry/licensing program be created.

### **Mississauga Community Legal Services**

Mississauga Community Legal Services (MCLS) also provided a written submission, dated March 20, 2017, indicating their concern that an increase in STAs may affect the availability of affordable housing in Mississauga. The Co-Executive Director of MCLS, indicated that they would like further research to be conducted to better evaluate the impact of STAs on housing affordability in Mississauga.

### **RESPONSES AND CLARIFICATIONS BASED ON COMMENTS RECEIVED**

The following clarifications are offered in response to questions and comments received through the public consultation process on Short-Term Accommodations:

- STAs are not currently prohibited in the Zoning By-law because they are not specifically defined as a land use
- Nuisance issues related to STAs include parking, noise, garbage, and property standards. There are existing municipal by-laws and processes in place to address these concerns that include penalties and fines
- 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
- There are no specific requirements of the Fire Code that would apply to STAs. Without changes to the Fire Code, there is no legal requirement to have exit lights, sprinklers, or information posted regarding site evacuation, as found in hotels and motels
- The recent Provincial budget has suggested that municipalities may be empowered to implement a hotel tax. Staff are investigating this further.
- STA hosts pay residential municipal property taxes
- Some residents want the City to regulate rental housing

- Long-term rental housing is generally encouraged by all levels of government
- The City cannot require hosts to be on-site at all times during an STA rental
- The City cannot force residents to rent their space out at or below market value to Not-for-Profit or other groups
- STAs function on a peer-to-peer basis. The City has no mechanism to screen potential STA guests
- The City does not have any ability to monitor illegal activity such as drug use on private property. This falls within the jurisdiction of Peel Regional Police
- Second Unit is defined in the Zoning By-law as "an accessory dwelling unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area"
  - City of Mississauga Second Units Registration By-law 114-16 requires that all second units be registered
  - There is currently no fee for second unit registration, however, building permit fees and fire inspection fees as part of the required steps in the registration process may apply. This does not include any required design drawings and/or renovation costs
  - Second Units may be refused from registration if they are not compliant with City By-laws and safety codes such as the Ontario Building Code and Fire Code
- Feedback has also suggested that 'principal private residence' be defined. This could be based on the Canada Revenue Agency's definition of principal residence
- Staff contacted Revenue Canada to inquire whether the City would be required to disclose information collected under a potential STA registry system for income tax reporting purposes. On April 26, 2017, Revenue Canada confirmed that any income received from renting property or accommodation sharing should be reported on income tax returns. They directed staff to the website:  
<http://www.cra-arc.gc.ca/accommodationsharing/>
- City of Toronto staff are scheduled to provide a Recommendation Report on Short-Term Rentals to their Executive Committee on June 12, 2017

## PROPOSED REGULATORY OPTIONS

### Zoning By-law Amendments Options

Based on benchmarking with other cities that regulate Short-Term Accommodations and comments received to date, it is proposed that the Zoning By-law be amended to do the following things:

- Define 'short-term accommodations' in the Zoning By-law – a form of temporary accommodation, offered to the public in a private residential dwelling for a fee
- Regulate the maximum number of days per year – STAs may be rented out for a maximum of 180 days per year
- Permit STAs 'as of right' in ground related homes (detached, semi-detached, street, and condominium townhomes) that are principal private residences
- Other residential dwelling types, including apartments will need to get a minor variance (or rezoning) to permit an STA. This will allow condominium boards, neighbours and property managers to give their input and/or the Committee of Adjustment could impose conditions of approval

A summary of proposed draft Zoning By-law amendments is provided in Appendix 6.

The intention of these regulations is to create a balanced approach to home sharing, which clarifies residents' ability to share their principal private residences with others, limits the potential impacts on housing availability and affordability, while providing some protection to the buildings and neighbourhoods where STAs are located.

### **Other Regulatory Options**

A general by-law requiring STA hosts to register with the municipality for free or with a minimal fee could be implemented once they are regulated in the Zoning By-law. Hosts could also be required to register with the municipality once they have reached a pre-determined threshold of STA hosting, for example, 65 days. In order to monitor compliance, the City would require the co-operation of host platforms.

Further financial analysis on the costs associated with implementing and maintaining a registry and/or licensing regime will be included in the Recommendation Report.

### **Financial Impact**

The financial impact will be dependent upon the regulatory options adopted by Council.

### **Conclusion**

The results of the public consultation indicate that most residents support STAs but want them to be regulated. The Planning and Building Department will make recommendations on the options to regulate STAs after the public meeting has been held and comments addressed.

### **Attachments**

- Appendix 1: Information Report
- Appendix 2: Potential Regulatory Amendments to address Short-Term Accommodations
- Appendix 3: Questionnaire for Public Consultation
- Appendix 4: List of Stakeholders
- Appendix 5: MIRANET STA Submission
- Appendix 6: Summary of Proposed Draft Zoning By-law Amendments



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Caleigh McInnes, Development Planner



# 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.SHO

Meeting 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.

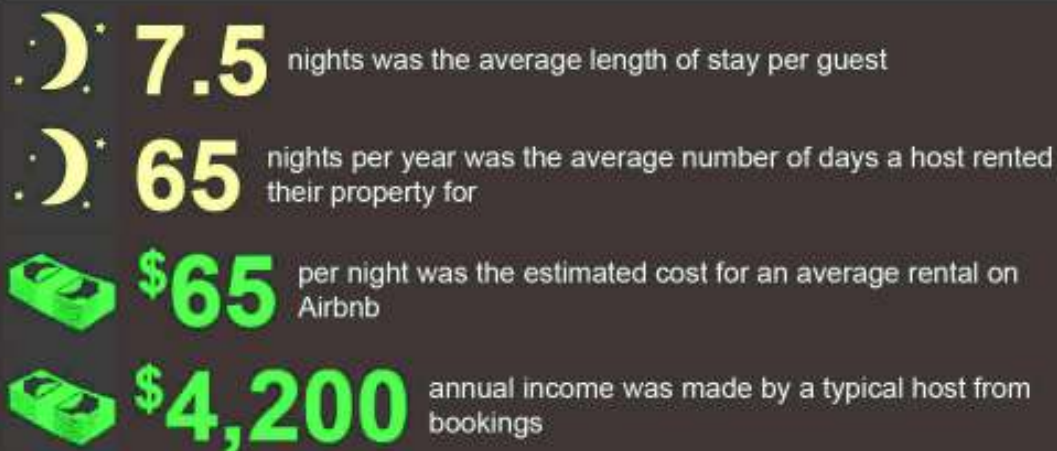
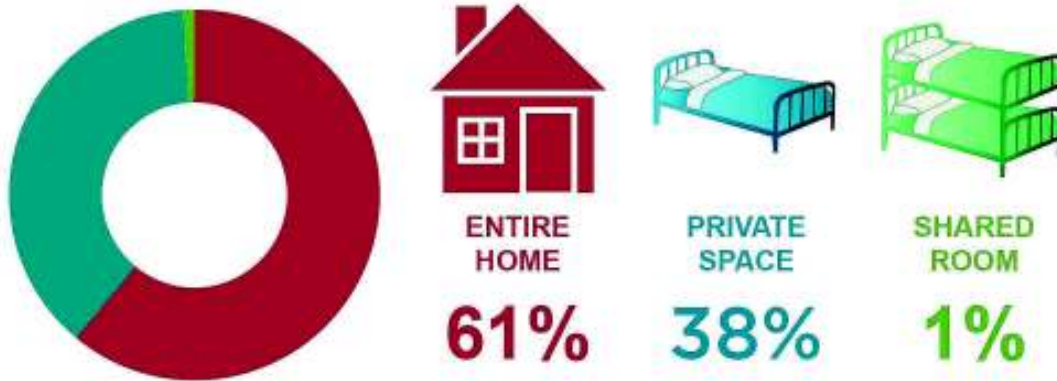
Planning staff also conducted a literature review on the topic of short-term accommodations to establish a list of potential impacts not identified in interviews.

### **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****File: CD.21.SHO****DATA AVAILABILITY**

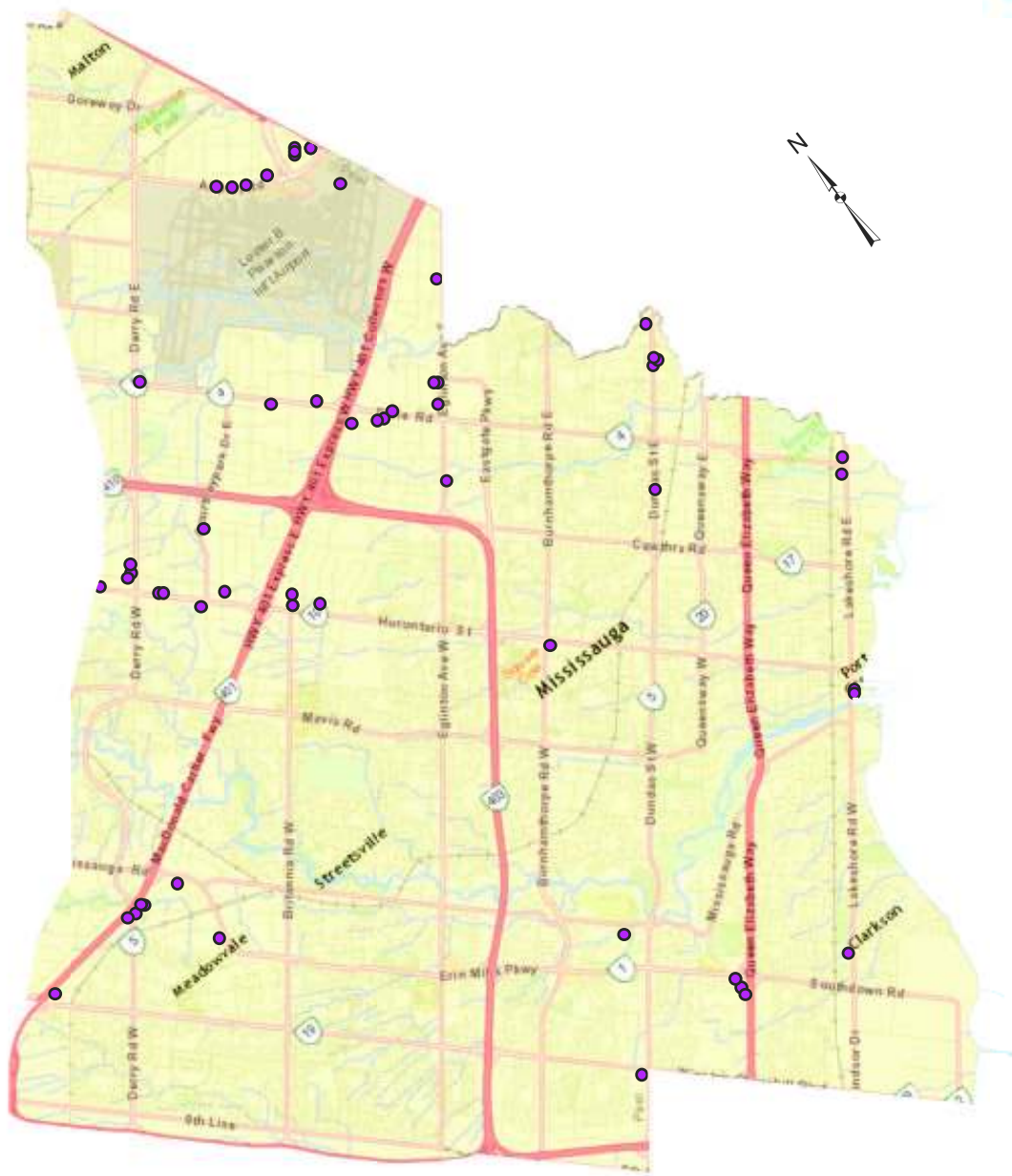
Data availability, host anonymity and listings that represent only a moment in time and duplicate listings on more than one platform are some of the challenges inherent to studying STAs. Data used in this report to describe and assess the existing situation with regard to short-term accommodations in 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.

Appendix 7



**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**

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

### Proposed changes to the Zoning By-law

- ✓ permit short-term accommodations in detached, semi-detached, and street townhouse dwellings in principle private residences
- ✓ limit the total number of days that a unit is rented per month or year
- ✓ provide regulatory clarity on short-term accommodations (STAs)
- ✓ other dwelling unit types, including apartments will need to get a minor variance to permit an STA; neighbours and property managers will have a chance to give their input and the Committee of Adjustment (CoA) can impose conditions
- ✓ will ensure adequate parking is available



### Other proposed regulatory changes

- ✓ a registry/licensing program will enable the City to better understand and monitor the situation regarding STAs
- ✓ a registry/licensing program may also make it easier for the City to work with web-platforms to address problems associated with STAs



### What can proposed changes to the Zoning By-law not do?

- ✗ STA hosts will not be required to be home at all times
- ✗ will not give municipalities the “right of entry” to come into private homes
- ✗ will not replace the City’s noise, property standards or parking by-laws
- ✗ will not impose a hotel tax

# short-term accommodations



**Short-Term  
Accommodation**

means a form of temporary (less than 30 days) accommodation, offered to the public, in a principle private residence, for a fee.

1. In general, do you support or oppose short-term accommodations?
  - a. Strongly support
  - b. Somewhat support
  - c. Somewhat oppose
  - d. Strongly oppose
  - e. Don't know
  
2. Should the City of Mississauga regulate short-term accommodations?
  - a. Yes
  - b. No
  - c. Don't know
  
3. If you answered yes, please tell us why you believe they should be regulated.
  - a. They are a nuisance (I have a parking/noise/garbage concern with them).
  - b. I am worried about housing affordability and availability.
  - c. I don't want them in my neighbourhood.
  - d. I am worried that they are likely to increase in popularity over time.
  - e. All of the above.
  - f. Other

\*\*\* If you answered "other" above, please explain:

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4. What regulations would you like to see the City of Mississauga put in place regarding Short-Term Accommodations? (Please circle each applicable)
- I only want STAs to be allowed in some unit types/areas of the City. If so, where?  
\_\_\_\_\_
  - I only want them to be allowed in a host's primary residence.
  - I only want STAs to be allowed for a maximum number of days per year. How many? \_\_\_\_\_
  - I want the City to create a registry/licensing program.
  - I do not want them to be permitted anywhere in the City of Mississauga.
  - Other regulations (Please specify). \_\_\_\_\_  
\_\_\_\_\_

5. Is there anything you feel that the City should know with respect to short-term accommodations?

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6. Do you wish to be on our mailing list? If yes, enter your information below:

Name:	E-mail:
Street Address:	
City & Postal Code:	

our personal information is collected under the authority of Section 11 of the Municipal Act, 2001 and will be used to communicate with you about Short-term accommodation news and events. Questions about this collection can be made at the contact information below.



**To provide comments, please send to:**

Caleigh McInnes  
 Planner, Development and Design Division  
 Planning and Building Department  
 City of Mississauga  
 Tel: 905-615-3200 ext. 5598  
 Email: [caleigh.mcinnnes@mississauga.ca](mailto:caleigh.mcinnnes@mississauga.ca)

**List of Stakeholders**

Planning staff contacted the following:

- Members of Council
- Airbnb
- The Condo Owners' Association
- Expedia
- The Federation of Ontario Bed and Breakfast Accommodation
- First Service Residential (a Property Management Company)
- Flipkey
- The Greater Toronto Hotel Association
- HomeAway
- The Insurance Bureau of Canada
- Meadowvale Village Community Association
- Mississauga Board of Trade
- Mississauga Residents' Associations Network (MIRANET)
- The Ontario Restaurant Hotel and Motel Association
- Region of Peel Housing
- the Streetsville Business Improvement Association



## AIRBNB ISSUE

**PLANNING DEPT MEETING MONDAY, JAN. 16<sup>TH</sup>, 2017**

Speaking on behalf of MIRANET, I would like to say we appreciate the extensive work done by the Planning and Building Department in producing the staff report on Short-Term Accommodations in the City of Mississauga. We would like to offer our views on the different options suggested in this report dealing with the complexities of regulating this industry.

First, we agree there must be a definition of exactly what constitutes short-term accommodations

We also support several of the options shown on Appendix 6, Page 1 as follows:

Option #1 –LENGTH OF STAY - We feel 14 days would be a more appropriate definition of short-term as opposed to a longer stay of 30 days

Option #6 – PERMIT STAs IN GROUND RELATED DWELLINGS, SUBJECT TO THE FOLLOWING: In ground related homes (detached, semi-detached & townhouses) that are principal private residences. This should also be subject to the owner/host being present on the premises, with a maximum of one or two rooms being rented out as short-term accommodations. MIRANET does not object to Airbnb rentals where the owner/host is present. However, we don't support Option 6b

Option #7 – Buildings with more than 3 dwelling units – By not allowing STAs to be located in multi-unit dwellings, such as condominiums, as of right, and forcing owners to seek a rezoning or variance, property management and building tenants will have the opportunity to let decision makers know their concerns related to health and safety, increased operating costs and maintenance fees, prior to the STAs being permitted in their buildings. MIRANET supports this option.

As well, we also support a by-law requiring short-term accommodation hosts to REGISTER with the City in order to create a registry as well as implementing a minimal fee. This registry would enable enforcement staff to contact the host/or the host platform to request any complaints be dealt with to avoid the removal of the listing.

In addition to this, a by-law requiring hosts to be LICENSED by the City could also be enacted and this would be dependent on changes to the Zoning By-law. The licencing fee could be the same as required for B&B's, to put them on an equal footing.

I think we all agree that FIRE SAFETY and appropriate COMMERCIAL LIABILITY COVERAGE are both necessary requirements for all short-term accommodations as well.

Something we think worth mentioning is that at present there is no venue for the public to voice their complaints to. We called last week and the response from 311 is that since there is no by-law in force to regulate these short-term accommodations, they are not allowed to take any complaints concerning them and this is understandable.

Until the proper by-laws and/or regulations are put in place, MIRANET recommends that complaints be passed on to the By-law Enforcement Department to keep on file.

Thank you for your consideration of our suggestions. We hope they will be of assistance to you.

### Summary of Proposed Draft Zoning By-Law Amendments

Definitions	Proposed Zoning By-law Amendments
Define “ <b>Short-Term Accommodation</b> ”	means a form of temporary accommodation, offered to the public in a principle private residence, for a fee
Define “ <b>Short-Term Accommodation Unit</b> ”	means one private component of a temporary accommodation arrangement for the sole use of a paying guest(s)
<b>Regulations</b>	Permit short-term accommodations in ground related dwellings, including detached, semi-detached, townhome, linked, condominium townhome or street townhome in Residential Zones, provided that they are located in the principle private dwelling of a host
	Impose a maximum length of stay of less than 30 days
	Prohibit short-term accommodations in a lodging house or group home
	In addition to the required number of parking spaces, one parking space shall be required for each short-term accommodation unit if the short-term accommodation does not comprise the entire dwelling
	An STA may be rented out for a maximum of 180 days per year

City of Mississauga  
**Corporate Report**



Date: May 5, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
 OZ 15/008 W5 and  
 T-M15004 W5

Meeting date:  
 2017/05/29

## Subject

### RECOMMENDATION REPORT (WARD 5)

**Applications to permit 26 semi-detached homes and a three storey mixed use building  
 3233 Brandon Gate Drive**

**North of Brandon Gate Drive and East of Netherwood Road**

**Owner: Your Home Developments (Brandon Gate) Inc.**

**Files: OZ 15/008 W5 & T-M 15004 W5**

## Recommendation

1. That the application under File OZ 15/008 W5, 3233 Brandon Gate Drive, to amend Mississauga Official Plan to **Residential Low Density I - Special Site** on a portion of the property and, to change the zoning to **H-RM2 (Semi-Detached Dwellings with Holding Provision)** and **H-C4-Exception (Mainstreet Commercial with Holding Provision)**, to permit 26 semi-detached homes and a three storey mixed use building, in accordance with the proposed zoning standards described in Appendix 6 of this report and that the draft plan of subdivision under File T-M15004 W5, be approved subject to the conditions referenced in the staff report (Appendix 8).
2. That the applicant agree to satisfy all of the requirements of the City and any other external agency concerned with the development.
3. 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 application is not to increase the total number of dwelling units or the proposed heights.
4. That the "H" Holding Symbol is to be removed from the **H-C4-Exception (Mainstreet Commercial-Exception)** and the **H-RM2 (Semi-Detached Dwellings)** zoning applicable to the subject lands, by further amendment, upon confirmation that the Record of Site Condition (RSC) has been posted to the Environmental Site Registry, the submission of all

supporting environmental reports, and the execution of a Section 37 (Community Benefits) Agreement to the satisfaction of the City.

5. 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 36 months of the Council decision.

## Report Highlights

- The applicant has made revisions to the proposal including the retention of some retail commercial uses. There are fewer semi-detached homes proposed, and a small mixed use building is now included in the development.
- The revised proposal does not conform to the Official Plan or the Zoning By-law and still requires an Official Plan amendment and a Rezoning. The associated Draft Plan of Subdivision application has also been amended.
- An "H" Holding Symbol is now proposed on the subject property to require the submission of a satisfactory Record of Site Condition and a final clean up report confirming that the lands have been remediated and a Section 37 (Community Benefits) Agreement.
- Staff are satisfied with the changes to the proposal and find them 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 May 16, 2016, at which time an Information Report (Appendix 1) was received for information. Recommendation PDC-36-2016 was adopted by Council on May 25, 2016.

That the report dated April 26, 2016 from the Commissioner of Planning and Building regarding the applications by Your Home Developments (Brandon Gate) Inc. to permit 30 semi-detached homes under File OZ 15/008 W5 and T-M15004 W5 be received for information.

Given the amount of time since the public meeting, and as a result of the changes to the proposal, full notification has been provided in accordance with the *Planning Act*.

## Comments

See Appendix 1 - Information Report prepared by the Planning and Building Department.

## REVISED DEVELOPMENT PROPOSAL

The applications have been revised since the public meeting. The original proposal consisted of 30 semi-detached homes and the revised proposal consists of 26 semi-detached homes and a small mixed use building with two residential apartments. The mixed use building will be 486 m<sup>2</sup>

(5,231.3 sq. ft.) and will have 220 m<sup>2</sup> (2,368.1 sq. ft.) of gross floor area for retail commercial uses on the ground floor and two residential apartments on the second and third floors. The building will be on a 0.14 ha (0.35 ac) parcel and will have a maximum height of 3 storeys (11.0 m). There will be a total of 9 parking spaces with 5 spaces for the retail commercial uses and 4 spaces for the two apartments.

A Phase II Environmental Assessment and a Remedial Work Plan have been submitted to the City for review. The applicant has revised their proposal to include an "H" Holding Provision in order for the property to be remediated and the Record of Site Condition and final clean up report to be finalized prior to development.

### **COMMUNITY COMMENTS**

Comments were provided by residents at the community meeting on May 16, 2016. The following is a summary of comments received.

#### **Comment**

Residents expressed concern with the removal of the existing commercial plaza from the neighbourhood.

#### **Response**

The applicant has modified their proposal to include a mixed use building containing 220 m<sup>2</sup> (2,368.1 sq. ft.) of retail commercial space and two residential apartments on the second and third storeys. The revised proposal addresses the City's Strategic Plan and Official Plan Policies to create complete and walkable communities and addresses resident concerns to retain a convenience store in the neighbourhood.

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

#### **Greater Toronto Airport Authority**

Comments updated February 28, 2017, advise that the GTAA has reviewed the revised proposal. While the GTAA acknowledges that redevelopment can include residential uses as per Mississauga Official Plan (2012) Policy 6.10.2.3, the proposed density should not exceed the density of the immediately surrounding developments. Appendix 1 contains the detailed comments from the GTAA. If Council approves these applications, the GTAA will work to finalize an Aircraft Noise Warning Agreement with the developer and the City of Mississauga.

#### **Transportation and Works**

Comments updated April 17, 2017, state that the applicant has been requested to provide additional technical details as part of the Draft Plan of Subdivision process, including:

- Engineering Certificate for an existing brick wall to remain on the property
- Grading and Site Plan details, including the confirmation of easements as part of the Draft Plan of Subdivision

- Revised Owner's Certificate on the Draft Plan of Subdivision

In the event the rezoning application is approved, the applicant will be required to:

- Implement the conditions of draft plan approval
- Enter into an Agreement with the City to complete municipal servicing and public road works
- Provide a final Detailed Noise Study, certification, and securities to ensure noise mitigation requirements are implemented
- Establish any necessary reserves and/or easements
- Enter into an Aircraft Noise Warning Agreement with the City and the GTAA
- File a Record of Site Condition, to be posted on the Environmental Site Registry, and to provide all supporting documentation to the City
- Provide insurance, securities and related fees

The outstanding environmental matters noted above are to form part of the conditions to lift the "H" Holding Symbol.

## PLANNING COMMENTS

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

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 support public transit.

The *Provincial Growth Plan for the Greater Golden Horseshoe* (Growth Plan) directs municipalities to "identify the appropriate type and scale of development in intensification areas". It states that intensification areas will be planned and designed to "achieve an appropriate transition of built form to adjacent areas". The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale. These policies are implemented through Mississauga's Official Plan.

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

### Official Plan

This development proposal requires an amendment to the Mississauga Official Plan Policies for the Malton Neighbourhood Character Area to permit the semi-detached homes. The subject land is currently designated "**Mixed Use**" and requires an amendment to "**Residential Low**

**Density I - Special Site"** on the portion of the property to be used for the semi-detached homes.

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?***

Planning staff have undertaken an evaluation of these criteria with respect to these development applications. The approval of these applications will not adversely impact the overall, goals and objectives of Mississauga Official Plan (MOP).

### **Density**

The subject property is designated "**Mixed Use**". While residential uses are permitted, detached and semi-detached homes are not permitted as stand-alone buildings. The Mississauga Official Plan states that residential intensification within Neighbourhoods should generally occur through infilling. The OP characterizes Neighbourhoods as stable residential areas where limited growth is anticipated. Any development proposed is required to be context sensitive and must respect the existing or planned character and scale of development. As outlined in the Information Report, Section 16.1.2.1 of Mississauga Official Plan speaks to the preservation of the character of low density residential areas by requiring the minimum frontage and area of any proposed new lots be compared with lots within 120 m (394 ft.) of the subject site or the requirements of the Zoning By-law, whichever is greater.

The proposed semi-detached lots will have an average frontage of 8.25 m (27.1 ft.) and an area of 356 m<sup>2</sup> (3,831.9 sq. ft.). The surrounding neighbourhood consists of both semi-detached and detached homes. The average lot frontage for the detached homes is 16.3 m (40.6 ft.) with an average lot area of 683.1 m<sup>2</sup> (7,331.3 sq. ft.), while the average lot frontage for the semi-detached homes is 9.2 m (30.2 ft.) and a lot area of 388.60 m<sup>2</sup> (4,182.8 sq. ft.). The surrounding neighbourhood has a density of approximately 15 units per hectare (37 units per acre). This development proposal will have a net density of 26 units per hectare (64 units per ac.).



Although this development proposal exceeds the surrounding density and proposes lots with frontage and areas less than the homes immediately abutting the property, the character of the area will be maintained based on the following:

- The existing public road network remains the same
- The proposed semi-detached lots respect and reinforce the lotting pattern in the immediate vicinity with relatively deep lots
- The proposed semi-detached dwellings are appropriate for this site as they are a similar built form to the single and semi-detached houses in the surrounding neighbourhood
- The proposed lots exceed the minimum lot area and frontage requirements of the base RM2 zone

The **"Residential Low Density I – Special Site"** policies will permit the proposed lots to have lesser lot frontages and areas than those lots within 120 m (394 ft.) of the subject property.

### **Aircraft Noise Policies**

A site specific Official Plan amendment is also required because the property is located within the Lester B. Pearson International Airport (LBPIA) Operating Area and falls within the 30 and 35 NEF/NEP Noise Contours. Since the Information Report was presented on May 16, 2016, proposed amendments to the Official Plan Aircraft Noise Policies have been presented to Planning and Development Committee (PDC). On May 1, 2017 PDC adopted the recommendations to revise the Aircraft Noise policies in the Official Plan. The intent of the policy changes are to allow for infill development within portions of the Malton, Meadowvale Village and East Credit Neighbourhood Character Areas and to remove the restriction that limits development based on the existing number of dwellings units and existing zoning. The existing and proposed changes to the Mississauga Official Plan Aircraft Noise Policies, as they apply to these applications, is attached as Appendix 7.

A Regional Official Plan amendment (ROP) will be required to implement the new MOP Aircraft Noise Policies. As part of the Region's amendment process, Regional staff will consult with and seek approval from the Province on exceptions to the ROP policy.

The applicant has submitted a number of technical studies including a detailed Noise Control Study. The recommendations contained within the Noise Control Study will form part of the necessary approvals. The report contains the following recommendations in order to comply with Ministry of Environment and Climate Change noise guidelines:

- Mandatory air conditioning for all dwelling units, including those within the mixed use building
- Special building measures for all units including the mixed use building
- A sign posted at the commercial building entrance prohibiting truck idling
- Associated warning clauses to be included in the subdivision agreement

A tripartite Aircraft Noise Warning Agreement between the developer, the City, and the GTAA will include the following requirements:

- Posted aircraft noise warning notices for outdoor living areas and outdoor recreation areas above the 30 NEP/NEF composite noise contour
- Noise warning notices in enrolment documents for schools and daycares

In addition, the subdivision agreement, required through the Draft Conditions of Approval, is to include the following requirements:

- Requirement for a detailed noise impact study
- Securities to be posted during the subdivision agreement process at an amount sufficient to address any deficiencies in the detailed noise impact study's prescribed mitigation measures
- Post-construction certification be submitted by a licensed professional engineer with acoustical expertise to the satisfaction of the City
- That the mitigation measures and features prescribed in the detailed noise impact study have been implemented and satisfy the applicable Provincial Government environmental noise guidelines.

These requirements will ensure that the development will meet the intent of the new Aircraft Noise Policies when they come into effect. In the interim, a special site will be required to exempt the residential portion of this development from the current MOP aircraft noise policies. The Region of Peel has confirmed that this development proposal conforms to the general intent and purpose of the Regional Official Plan. The Residential Special Site Policy will permit the proposed development above the 30 NEP/NEF noise contour.

The applicant has provided a Planning Justification Report in support of the applications demonstrating that the proposal represents good planning and is consistent with the intent of MOP policies. Since the proposal contributes to the range of housing types and sizes while maintaining a commercial component, this Department is of the opinion that the revised proposal represents good planning and is compatible with the surrounding land uses.

### Zoning

The proposed **H-RM2 (Semi-Detached Dwellings with Holding Provision)** and **H-C4-Exception (Mainstreet Commercial-Exception with Holding Provision)** zones are appropriate to accommodate the 26 semi-detached homes and mixed use building. The proposed **H-RM2** zone shall reflect the concept plans shown in Appendices 2 and 3. The semi-detached dwellings are proposed to have larger lot areas and frontages than the RM2 base zone standards. The uses that will be permitted in the **H-C4-Exception** zone will be limited to personal service establishment, retail store and office uses only. See Appendix 6 for the development standards and detailed zoning regulations that are proposed for this development.

### Bonus Zoning

Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning on September 26, 2012. In accordance with Section 37 of the *Planning Act* and policies contained in the Official

Plan, this policy enables the City to secure community benefits when increases in permitted height and/or density are deemed to be good planning by Council through the approval of a development application.

Should these applications be approved by Council, staff will hold discussions with the applicant to secure community benefits and return to Council with a Section 37 report outlining the recommended benefits and corresponding contribution amount prior to the removal of the "H" holding symbol on the subject property.

### **"H" Holding Provision**

Section 19.7 of Mississauga Official Plan (MOP) permits the enactment of an "H" Holding Provision to implement the policies of MOP for staging of development and specific requirements. In light of the outstanding development issues, the Zoning By-law will include an "H" Holding Provision until such time as the Record of Site Condition is posted to the Environmental Site Registry, the submission of all supporting environmental reports, and the execution of a Section 37 (Community Benefits) Agreement to the satisfaction of the City. Following this, the "H" Holding Provision will be removed by further amendment to the Zoning By-law.

### **Site Plan**

Prior to development of the lands the applicant will be required to obtain Site Plan approval for the proposed mixed use building. No site plan application has been submitted to date for the proposed development.

### **Draft Plan of Subdivision**

The proposed plan of subdivision was reviewed by City Departments and agencies and is acceptable, subject to certain conditions, attached as Appendix 8.

Since the lands are the subject of a Draft Plan of Subdivision under file T-M15004 W5, development will be subject to the completion of services and registration of the plan.

Prior to Registration of the Draft Plan of Subdivision, the applicant will be required to enter into the following Agreements:

- Subdivision Agreement
- Tripartite Aircraft Noise Warning Agreement
- Development Agreement with Aircraft Noise Warning Clauses

### **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 Official Plan Amendment, Rezoning and Draft Plan of Subdivision are acceptable from a planning standpoint and should be approved once all conditions have been met, for the following reasons:

1. The proposal is compatible with the surrounding low density residential homes, and the nature of the design of the buildings achieves an appropriate built form relationship within the neighbourhood.
2. The proposed official plan provisions and zoning standards are appropriate to accommodate the requested uses.
3. Appropriate conditions will be included to ensure that the development conforms with Provincial Noise Guidelines.
4. An "H" Holding Symbol will be applied to the lands and may be removed upon confirmation that the Record of Site Condition (RSC) has been posted to the Environmental Site Registry, the submission of all supporting environmental reports, and the execution of a Section 37 (Community Benefits) Agreement to the satisfaction of the City.

## Attachments

- Appendix 1: Information Report
- Appendix 2: Revised Site Plan
- Appendix 3: Proposed Elevations
- Appendix 4: Proposed Land Use and Zoning Map
- Appendix 5: Revised Draft Plan of Subdivision
- Appendix 6: Proposed Zoning Standards
- Appendix 7: Existing and Proposed Noise Policies
- Appendix 8: Conditions of Draft Approval



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Lauren Eramo-Russo, Development Planner

City of Mississauga

# Corporate Report



Date: April 26, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's files:  
OZ 15/008 W5 and  
T-M15004 W5Meeting date:  
2016/05/16

## Subject

### PUBLIC MEETING INFORMATION REPORT (WARD 5)

Applications to permit 30 semi-detached homes at 3233 Brandon Gate Drive, north of Morning Star Drive, east of Airport Road, west of Goreway Drive

Owner: Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 and T-M 15004 W5

## Recommendation

That the report dated April 26, 2016, from the Commissioner of Planning and Building regarding the applications by Your Home Developments (Brandon Gate) Inc. to permit 30 semi-detached homes under Files OZ 15/008 W5 and T-M 15004 W5, at 3233 Brandon Gate Drive, 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 Mixed Use designation or relevant noise policies and requires an official plan amendment, rezoning, and a draft plan of subdivision;
- Prior to the next report, matters to be addressed include the appropriateness of the proposed Zoning By-law, Official Plan, draft plan of subdivision, and the satisfactory resolution of other issues pertaining to noise attenuation.

## 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	
Frontages:	Brandon Gate Drive - 90.18 m (295.86 ft.) Roselle Crescent - 136.69 m (448.45 ft.) Netherwood Road - 97.97 m (32.14 ft.)
Depth:	112.27 m (368.33 ft.)
Gross Lot Area:	1.07 ha (2.84 ac.)
Existing Use:	Commercial plaza

The one-storey commercial plaza was constructed in 1974 at the same time as the surrounding subdivision. Tenants include Malton Four Corner's Health, a convenience store, a restaurant and a centre for education and training. The subject property abuts three municipal roads: Roselle Crescent to the north, Brandon Gate Drive to the east and Netherwood Road to the south. The surrounding neighbourhood is well-established and consists of one and two storey detached and semi-detached homes.

The surrounding land uses are:

North: Single-detached homes and a secondary school. A rail line is located further to the north  
 East: Single and semi-detached homes  
 South: Single and semi-detached homes  
 West: Single and semi-detached homes

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

### DETAILS OF THE PROJECT

The applications are to permit 30 semi-detached homes, all with frontages on the existing streets.

Development Proposal	
Applications submitted:	Received: September 8, 2015 Deemed complete: October 1, 2015
Owner:	Your Home Developments (Brandon Gate) Inc.
Applicant:	Weston Consulting Group
Number of units:	30 semi-detached homes
Maximum Height:	10.7 m (35.1 ft.)

Development Proposal	
Net Density	27.9 units/hectare 11.3 units/acre
Anticipated Population:	108* *Average household sizes for all units (by type) for the year 2011 (city average) based on the 2013 Growth Forecasts for the City of Mississauga.
Parking Provided:	2.0 spaces per semi-detached dwelling unit

Additional information is provided in Appendices 2 to 11.

### LAND USE CONTROLS

The subject lands are located within the Malton Neighbourhood Character Area and are designated **Mixed Use**. The **Mixed Use** designation permits the following uses: residential, retail store, commercial parking facility, conference centre, recreation facility, financial institution, funeral establishment, among other uses. The applications are not in conformity with the land use designations. The applicant has requested that the land be redesignated to **Residential Low Density I** to permit semi-detached homes.

The property is located within the Lester B Pearson International Airport Operating Area (LBPIA). The site falls within the 30 and 35 NEF/NEP Noise Contours. Federal, Provincial, Regional and City policies prohibit new development, redevelopment or infilling that is greater than the density immediately surrounding existing development. Detailed information regarding the Provincial Policy Statement, Regional Official Plan, and Mississauga Official Plan policies as they relate to this property are included in Appendix 9.

The applicant has also requested a site specific exemption to the noise policies in Mississauga Official Plan as the density of the proposed development is greater than the density of the immediately adjacent residential development.

A rezoning is proposed from Neighbourhood Commercial (**C2**) to semi-detached dwellings (**RM2**) to permit 30 semi-detached dwellings in accordance with the proposed zone standards contained within Appendix 10.

A draft plan of subdivision is required in order to create the lots for the 30 semi-detached dwellings.

### Bonus Zoning

On September 26, 2012, Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning. In accordance with Section 37 of the Planning Act and policies contained in the Official



Plan, this policy enables the City to secure community benefits when increases in permitted height and/or density are deemed to be good planning by Council through the approval of a development application. Should these applications be approved by Council, or through the Ontario Municipal Board, the City will report back to Planning and Development Committee on the provision of community benefits as a condition of approval.

#### **WHAT DID THE COMMUNITY SAY?**

A community meeting was held by Ward 5 Councillor, Carolyn Parrish, on February 1, 2016. The Councillor's office advised that the proposal was well-received and a few traffic related concerns were discussed.

#### **DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix 7 and school accommodation information is contained in Appendix 8. Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Are the policies and principles of Mississauga Official Plan maintained?
- Is the proposal compatible with the character of the area?
- Are the proposed zoning standards appropriate?
- Have all of the 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:

- Planning Justification Report
- Draft Official Plan Amendment
- Draft Concept Plan
- Draft Zoning By-law
- Draft Plan of Subdivision
- Tree Inventory and Preservation Plan and Arborist Report
- Record of Site Condition
- Phase I and Phase II Environmental Site Assessments
- Detailed Noise Control Study
- Functional Servicing Report
- Grading/Servicing Plans
- Parcel Registry and Easement Documents
- Sustainable features

#### **Development Requirements**

In conjunction with the proposed development, there are certain engineering matters with respect to servicing, grading, and noise attenuation, which will require the applicant to enter into

appropriate agreements with the City, the details of which will be dealt with during the processing of the plan of subdivision.

## Financial Impact

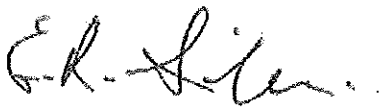
Development charges will be payable as required by the Development Charges By-law of the City. The financial requirements of any other external commenting agency must be met.

## Conclusion

Most agency and all 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: Site History
- Appendix 2: Aerial Photograph
- Appendix 3: Excerpt of the Malton Neighbourhood Area Land Use Map
- Appendix 4: Existing Land Use and Proposed Zoning Map
- Appendix 5: Draft Plan of Subdivision
- Appendix 6: Concept Plan
- Appendix 7: Agency Comments
- Appendix 8: School Accommodation
- Appendix 9: Summary of Existing and Proposed Mississauga Official Plan Policies and Regional and Provincial Policies
- Appendix 10: Summary of Existing and Proposed Zoning Provisions
- Appendix 11: General Context Map



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Edward R. Sajecki  
Commissioner of Planning and Building

Prepared by: Lauren Eramo-Russo, Development Planner

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

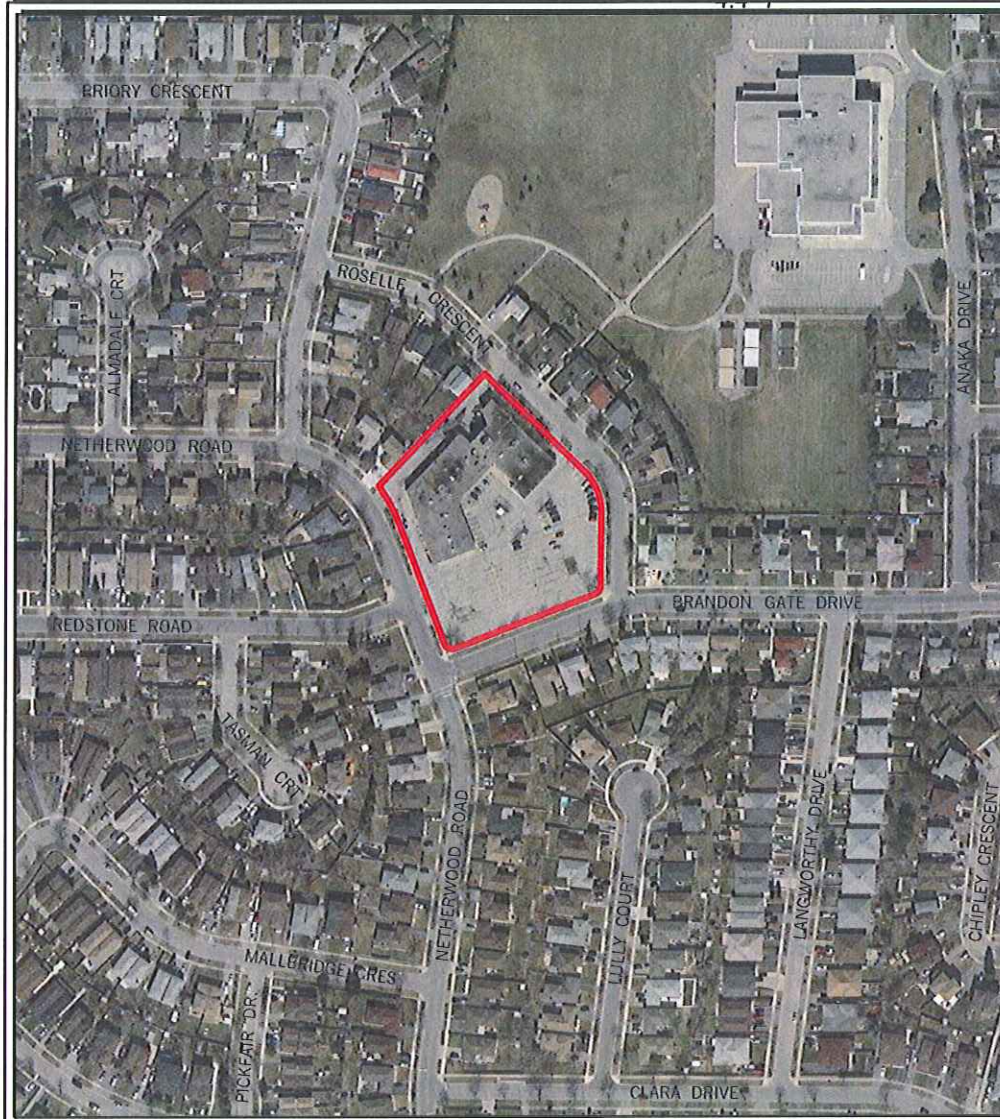
### Site History

- October 1974 - A building permit is issued for the commercial plaza located at 3233 Brandon Gate Drive.
- September 5, 2001 - Rezoning and Official Plan Amendment applications were submitted to redesignate the property from **Retail and Service Commercial - Neighbourhood Commercial** to **Residential - Medium Density I** and **Retail and Service Commercial - Convenience Commercial** and to change the zoning from **DC - 249** to **RM5 - Special Section** and **DC - Special Section** to permit 40 townhouses and a one-storey commercial block. The Greater Toronto Airport Authority (GTAA) confirmed in their comments that they were unable to support the development.
- March 5, 2002 - A Site Plan application was submitted under File SP 02/110 W5 in support of the Rezoning and Official Plan Amendment applications.
- May 28, 2002 - The development applications were cancelled by the applicant and the files were closed.
- May 5, 2003 - Mississauga Plan comes into effect with Aircraft Noise policies restricting development, redevelopment and infilling that would increase the number of dwelling units in both the Airport Operating Area and the Malton District Plan area.
- June 20, 2007 - Zoning By-law 0225-2007 came into force and effect except for those sites which were appealed. The lands were zoned **C2** (Neighbourhood Commercial).
- November 14, 2012 - Mississauga Official Plan comes into force. Policy 6.9.2.1 is appealed and Policy 6.10.2.1 comes into effect on March 3, 2015. The revised policy states: development, redevelopment and infilling, which increases the number of dwelling units beyond that **permitted in the existing zoning** will not be permitted within the Airport Operating Area outlined on Map 6:1 - Airport Operating Area (not attached).
- November 14, 2012 - Mississauga Official Plan came into force except for those site/policies which have been appealed. As no appeals were filed for this property, the policies of the new Mississauga Official Plan apply. The subject lands are designated **Mixed Use** in the Malton Neighbourhood Character Area.

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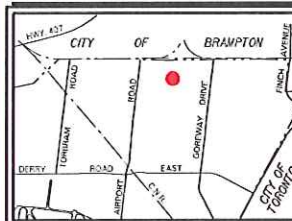
**LEGEND:**

**SUBJECT LANDS**

NOTE: DATE OF AERIAL IS SPRING OF 2015



**SUBJECT: WESTON CONSULTING**



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B. KRUGER

Appendix 2

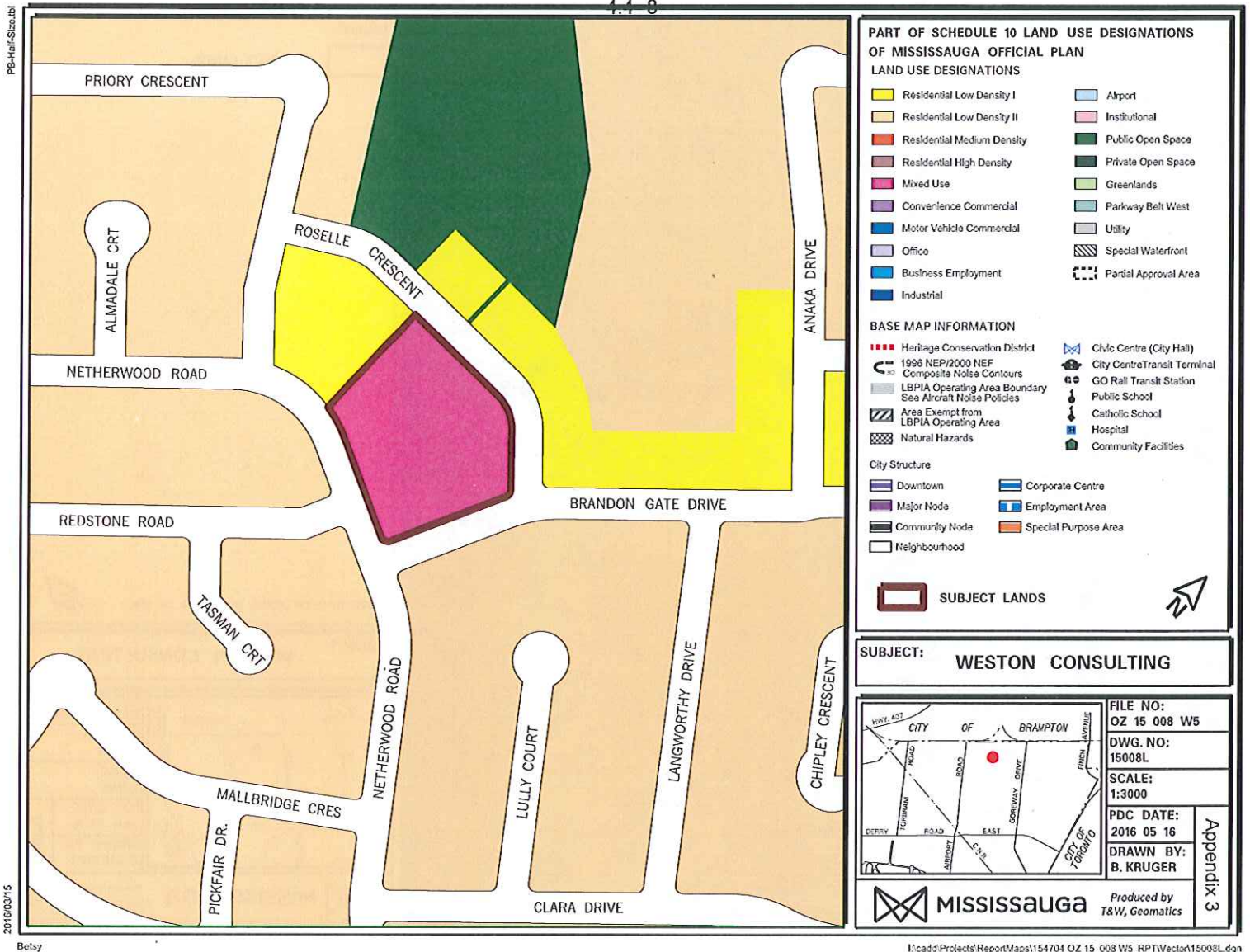
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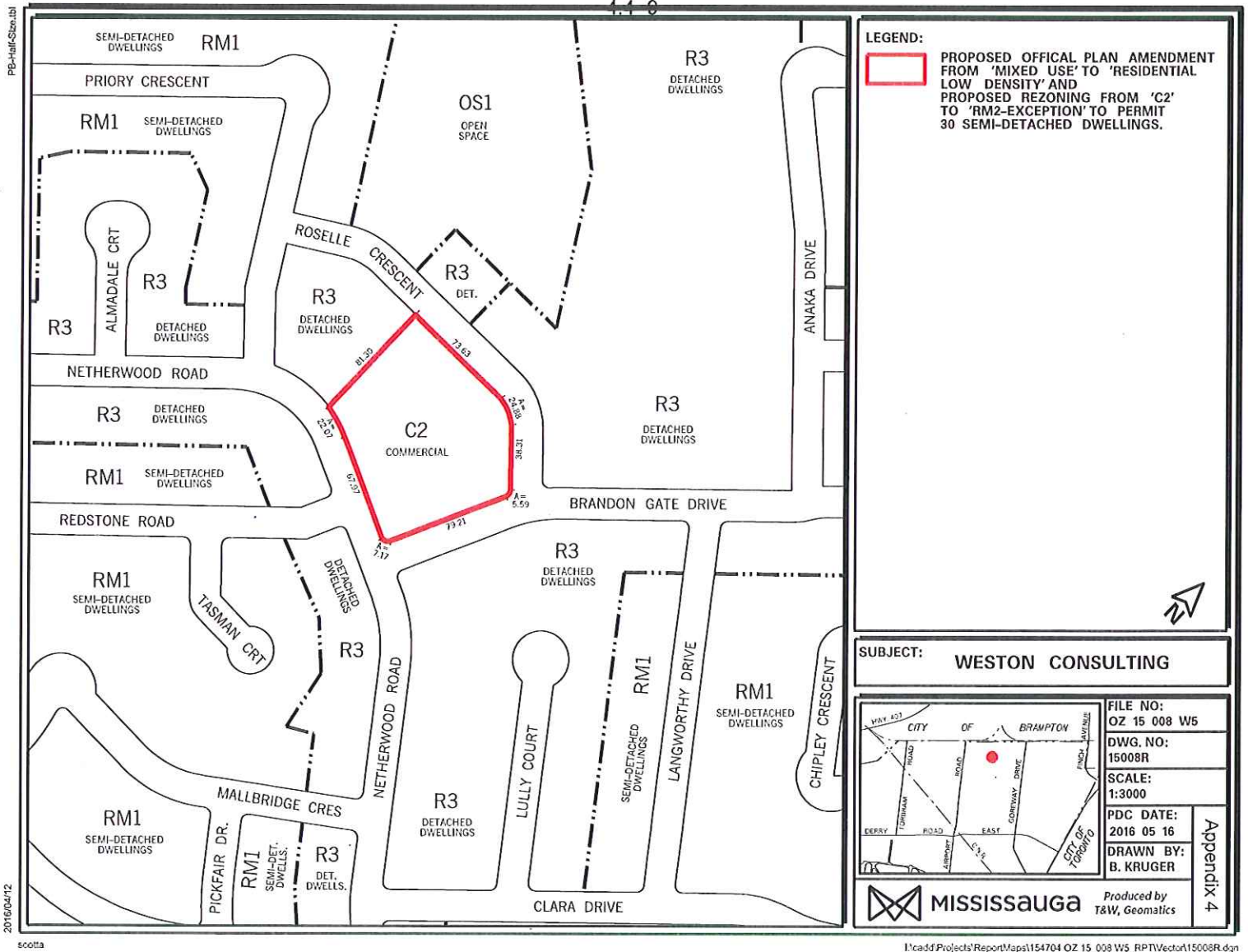
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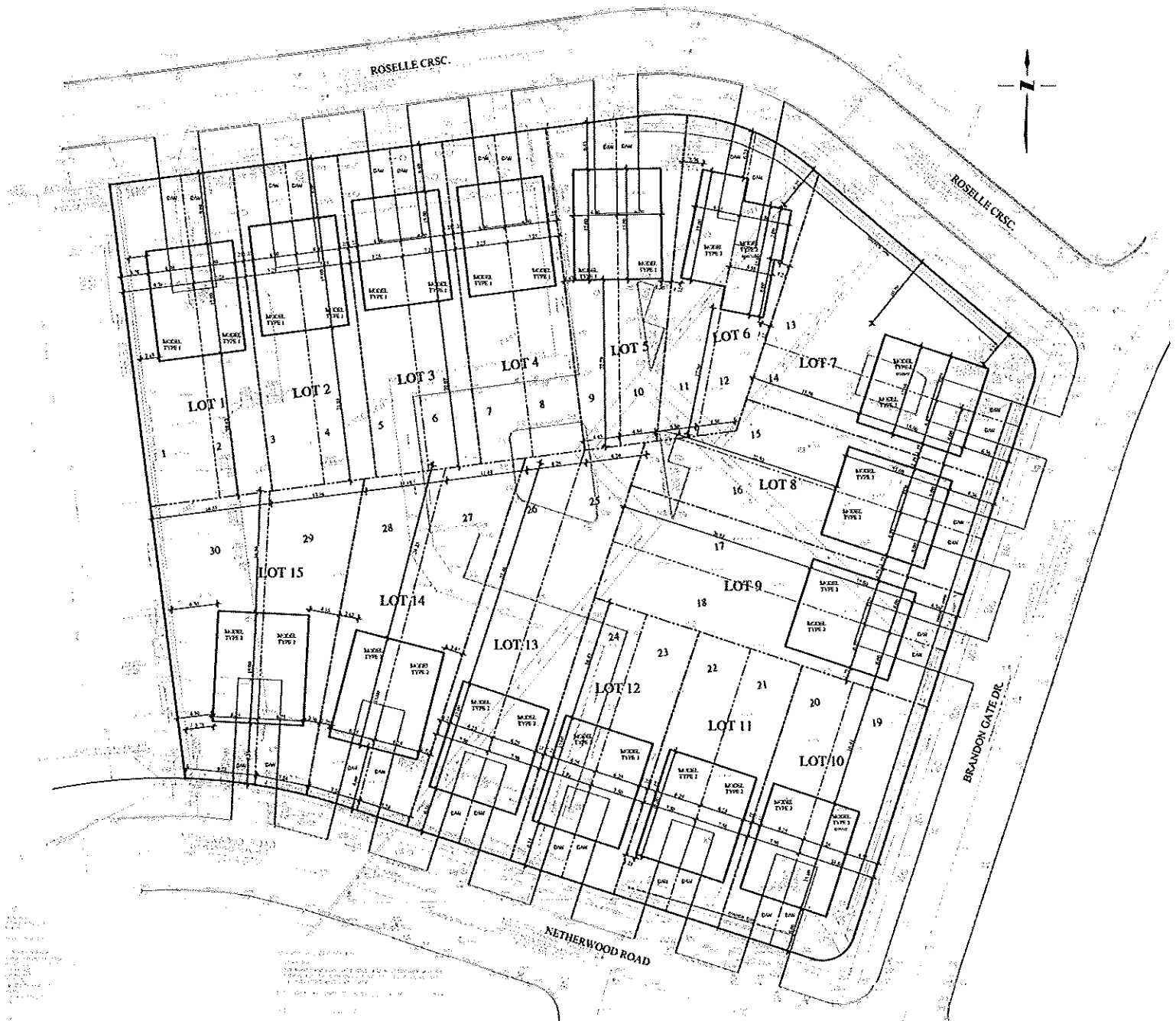
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Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

**Agency Comments**

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

Agency / Comment Date	Comment
Region of Peel (November 24, 2015)	In comments dated November 24, 2015, the Region advised that all waste collection requirements have been satisfied. The Region of Peel will provide curbside collection of garbage, recyclable materials, household organics and yard waste. There will be specific clauses and conditions that the applicant will be required to include in the Development and Servicing Agreements. The Region has confirmed that there are not any significant concerns with regards to water or sanitary sewer servicing for the proposed development, provided that the sanitary sewage discharge flows do not exceed the calculated flows of 1.24 liters per second provided by the applicant's consultant.
Peel District School Board (November 3, 2015) and Dufferin Peel District School Board (October 28, 2015)	<p>In comments dated October 28, 2015, the Peel District School Board and Dufferin Peel Catholic School Board responded that they are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for this development application.</p> <p>In addition, if approved, the Peel District School Board and Dufferin-Peel Catholic District School Boards require that certain warning clauses including temporary accommodation and transportation be included in any Development/Servicing Agreements and Agreements of Purchase and Sale.</p>
Greater Toronto Airport Authority (November 20, 2015)	In comments dated November 20, 2015, the GTAA notes that they would prefer a non-residential development on the site. The GTAA acknowledges that redevelopment could include residential uses as per Mississauga Official Plan (2012) policy 6.10.2.3, provided that it does not exceed the density of the immediately adjacent streets containing detached dwellings. Should the current proposal proceed, the GTAA recommends that all recommendations contained within the Noise Control Study prepared by SS Wilson Associates be implemented. In addition, an Aircraft Noise Warning Clause Agreement will also be required between the applicant, the City and the GTAA.

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

Agency / Comment Date	Comment
City Community Services Department – Parks and Forestry Division/Park Planning Section (January 14, 2016)	<p>In comments dated January 14, 2016, this Department notes that residents of this development will be served by Anaka Park (P-94), which is located approximately 25 m (82 ft.) from the site and contains a play site. Woodgreen Park (P-63) is also situated 520 m (1,706 ft.) from the site and contains a play site.</p> <p>Should this application be approved, a cash contribution for street tree planting is required on all public roads.</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 Policies and By-laws.</p>
Rogers Communications (December 2, 2015)	<p>In comments dated December 2, 2015, Rogers Communications Partnership has advised that there is a buried fibre and coaxial plant in the area and locates will be required to mark-out actual locations. A minimum of 0.6 m (1.96 ft.) is required when digging.</p>
City Community Services Department – Fire and Emergency Services Division (October 20, 2015)	<p>In comments dated October 20, 2015, this Department has advised that, from an emergency response and water supply perspective, there are no concerns with the proposal.</p>
City Transportation and Works Department (March 24, 2016)	<p>In comments dated March 24, 2016, this Department confirmed receipt of the Draft Plan of Subdivision, Functional Servicing Report, Site Grading/Servicing Plans, Traffic Impact Study, Environmental Noise Assessment, Phase 1 Environmental Site Assessment and Phase 2 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 respond to comments on the proposed development and provide additional technical details. Development matters currently under review and consideration by the Department include:</p> <ul style="list-style-type: none"> <li>• Updated Phase II Environmental Site Assessment</li> <li>• Record of Site Condition</li> <li>• Approval from GTAA</li> <li>• Updated Grading Plan and Parking Plan for on-site and visitor parking as identified in Council Resolution CPD-121-91.</li> </ul> <p>These issues will be addressed in detail prior to the Recommendation Report.</p>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

Agency / Comment Date	Comment
Canada Post (October 18, 2015)	In comments dated October 18, 2015, Canada Post responded that they will require the applicant to provide an appropriately sized cement pad for the installation of Community Mailboxes to allow for centralized mail delivery. This must be identified on the concept plan.
CN Railway (October 30, 2015)	In comments dated October 30, 2015, this agency has identified a list of requirements for sensitive uses in proximity to railway operations. There are certain requirements and warning clauses that will form part of the Development Agreement.
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>• Enbridge Gas</li> <li>• Enersource</li> <li>• Mississauga Transit</li> <li>• Hydro One</li> <li>• Economic Development</li> <li>• Ministry of Transportation</li> </ul>
External Agency	<p>The following external agency was circulated but provided no comment:</p> <ul style="list-style-type: none"> <li>• Bell Canada</li> </ul>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

## School Accommodation

Peel District School Board	Dufferin-Peel Catholic District School Board
<ul style="list-style-type: none"> <li>Student Yield: <ul style="list-style-type: none"> <li>12 Kindergarten to Grade 5</li> <li>6 Grade 6 to Grade 8</li> <li>5 Grade 9 to Grade 12</li> </ul> </li> <li>School Accommodation: <ul style="list-style-type: none"> <li>Marvin Heights <ul style="list-style-type: none"> <li>Enrolment: 452</li> <li>Capacity: 513</li> <li>Portables: 2</li> </ul> </li> <li>Morning Star M.S <ul style="list-style-type: none"> <li>Enrolment: 544</li> <li>Capacity: 699</li> <li>Portables: 0</li> </ul> </li> <li>Lincoln Alexander S.S <ul style="list-style-type: none"> <li>Enrolment: 1,013</li> <li>Capacity: 1,470</li> <li>Portables: 1</li> </ul> </li> </ul> </li> </ul> <p>* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.</p>	<ul style="list-style-type: none"> <li>Student Yield: <ul style="list-style-type: none"> <li>5 Kindergarten to Grade 8</li> <li>3 Grade 9 to Grade 12</li> </ul> </li> <li>School Accommodation: <ul style="list-style-type: none"> <li>St. Raphael <ul style="list-style-type: none"> <li>Enrolment: 242</li> <li>Capacity: 429</li> <li>Portables: 0</li> </ul> </li> <li>Ascension of Our Lord <ul style="list-style-type: none"> <li>Enrolment: 849</li> <li>Capacity: 774</li> <li>Portables: 8</li> </ul> </li> </ul> </li> </ul>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

**Current Mississauga Official Plan Designation and Policies for Malton Neighbourhood Character Area**

Mississauga Official Plan (2012) came into force on November 12, 2012 except for those policies which have been appealed. As no policies have been filed, the policies of MOP apply. The subject lands are designated **Mixed Use** in the Malton Neighbourhood Character Area which permits a wide range of commercial uses.

**Proposed Official Plan Amendment Provisions:**

The lands are proposed to be designated **Residential Low Density I** which permits the following uses: detached dwelling, semi-detached dwelling and duplex dwellings. Residential designations also permit accessory offices for health professional and home occupations.

**Summary of Relevant Provincial, Regional and Mississauga Official Plan Policies**

	<b>Specific Policies</b>	<b>General Intent</b>
<b>Provincial Policy Statement- Airports, Rail and Marine Facilities</b>	Section 1.6.9	<p>Airports shall be protected from incompatible land uses and development by:</p> <p>Prohibiting new residential development and other sensitive land uses in areas near airports above 30 Noise Exposure Forecast/ Noise Exposure Predication (NEF/NEP), and considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.</p>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 & T-M15004 W5

	Specific Policies	General Intent
Regional Official Plan-Airports	Section 5.9.6.2.3 5.9.6.2.4 5.9.6.2.5 5.9.6.2.6	<p>The Greater Toronto Airports Authority and municipalities to identify ways to protect the long-term operational role of Toronto - Lester B. Pearson International Airport by ensuring that development and redevelopment adjacent to the airport is compatible with airport operations and the needs of residents and by discouraging land uses which may cause a potential aviation safety hazard.</p> <p>Prohibit the development, redevelopment and infill of new residential and sensitive land uses such as hospitals, nursing homes, daycare facilities and public and private schools in the Airport Operating Area.</p> <p>Since this property is located within Transport Canada's 30 and 35 NEF, Region of Peel staff have confirmed that a Regional official plan amendment is not required.</p>
Mississauga Official Plan- Section 5- Direct Growth	Section 5.3 Section 5.4 Section 5.5	<p>Neighbourhoods should be regarded as stable residential areas where the existing character is to be preserved. Residential intensifications within Neighbourhoods should generally occur through infilling and development of existing commercial sites as mixed use areas. Where higher density uses within Neighbourhoods are proposed, development will be required to provide appropriate transitions in height, built form and density to the surrounding lands. Intensification of commercial sites that results in a significant loss of commercial floor space will be discouraged.</p> <p>Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to the surrounding development.</p>



Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 &amp; T-M15004 W5

	Specific Policies	General Intent
Mississauga Official Plan -Section 6.10-Aircraft Noise	<p>Mississauga Plan (2007) Section 3.11.2.1.3</p> <p>Mississauga Plan (2012) Section 6.10.2.3</p>	<p>At the time of this application, Policy 6.9.2.1 in Mississauga Official Plan (2012) was under appeal. For purposes of this application, policy 3.11.2.1.3 from Mississauga Plan (2003) will apply, unless the applicant agrees (in writing) to be subject to the new policies.</p> <p>New residential <b>development, redevelopment</b> and <b>infilling</b> which increases the number of dwelling units will not be permitted within the Lester B. Pearson International Airport (LBPIA) Operating Area outlined on Schedule 2. Airport Operating Area.</p> <p>Notwithstanding Policy 6.10.2.1, redevelopment of infilling, which does not significantly increase the number of dwelling units within Malton Character Area may be permitted, provided the site is below the 35 noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour and has a density not greater than the highest density of immediately adjacent existing residential development located within the Airport Operating Area.</p>
Mississauga Official Plan Section 8- Create a Multi- Modal City	Section 8.2	<p>Proponents of development applications will be required to demonstrate how pedestrian and cycling needs have been addressed.</p> <p>The transit network will be supported by compact, pedestrian oriented, mixed land use development in nodes where appropriate, in mobility hubs and along Corridors.</p>
Mississauga Official Plan- Section 11- General Land use Designations	Section 11.2.6	<p>The Mixed Use designation permits the following uses: residential, retail store, commercial parking facility, conference centre, recreation facility, financial institution, funeral establishment, motor vehicle rental, overnight accommodation, personal service establishment, post-secondary educational facility, restaurant and secondary office.</p> <p>Lands designated mixed use will be encouraged to contain a mixture of permitted uses. Mixed use development will be encouraged through infilling and residential uses will be combined on the same lot or same building with another permitted use.</p>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 & T-M15004 W5

	Specific Policies	General Intent
Mississauga Official Plan- Section 16- Neighbourhoods	Section 16.1.2.1 Section 16.1.2.2	<p>To preserve the character of lands designated <b>Residential Low Density I</b> and <b>Residential Low Density II</b>, the minimum frontage and area of new lots created by land division or units or parcels of tied land (POTLs) created by condominium will generally represent the greater of:</p> <p>a. The average frontage and area of residential lots, units or POTLs on both sides of the same street within 120 m of the subject property. In the case of corner development lots, units or POTLs on both streets within 120 m will be considered; or</p> <p>b. the requirements of the Zoning By-law. 16.1.2.2</p> <p>Notwithstanding 16.1.2.1, where the average lot frontage or lot area of residential lots determined pursuant to 16.1.2.1.a is less than the minimum requirements of the zoning by-law, consideration may be given to a minor variance.</p> <p>This development proposal does not conform with this policy since the proposed lots do not meet the average lot frontages in the surrounding area, which is 14.10 m (46.25 ft.) The site specific official plan amendment will allow for frontages of 8.25 m (27 ft.).</p>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 & T-M15004 W5

	Specific Policies	General Intent
Mississauga Official Plan -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>

Your Home Developments (Brandon Gate) Inc.

Files: OZ 15/008 W5 & T-M15004 W5

### Summary of Existing and Proposed Zoning Provisions

#### Existing Zoning By-law Provisions

**C2 (Neighbourhood Commercial)**, which permits retail stores, motor vehicle sales, restaurant and take out restaurants, funeral establishment, veterinary clinic, animal care establishment.

The lands are proposed to be zoned **RM2 (Semi-detached dwellings)** to permit the 30 semi-detached homes with the following regulations.

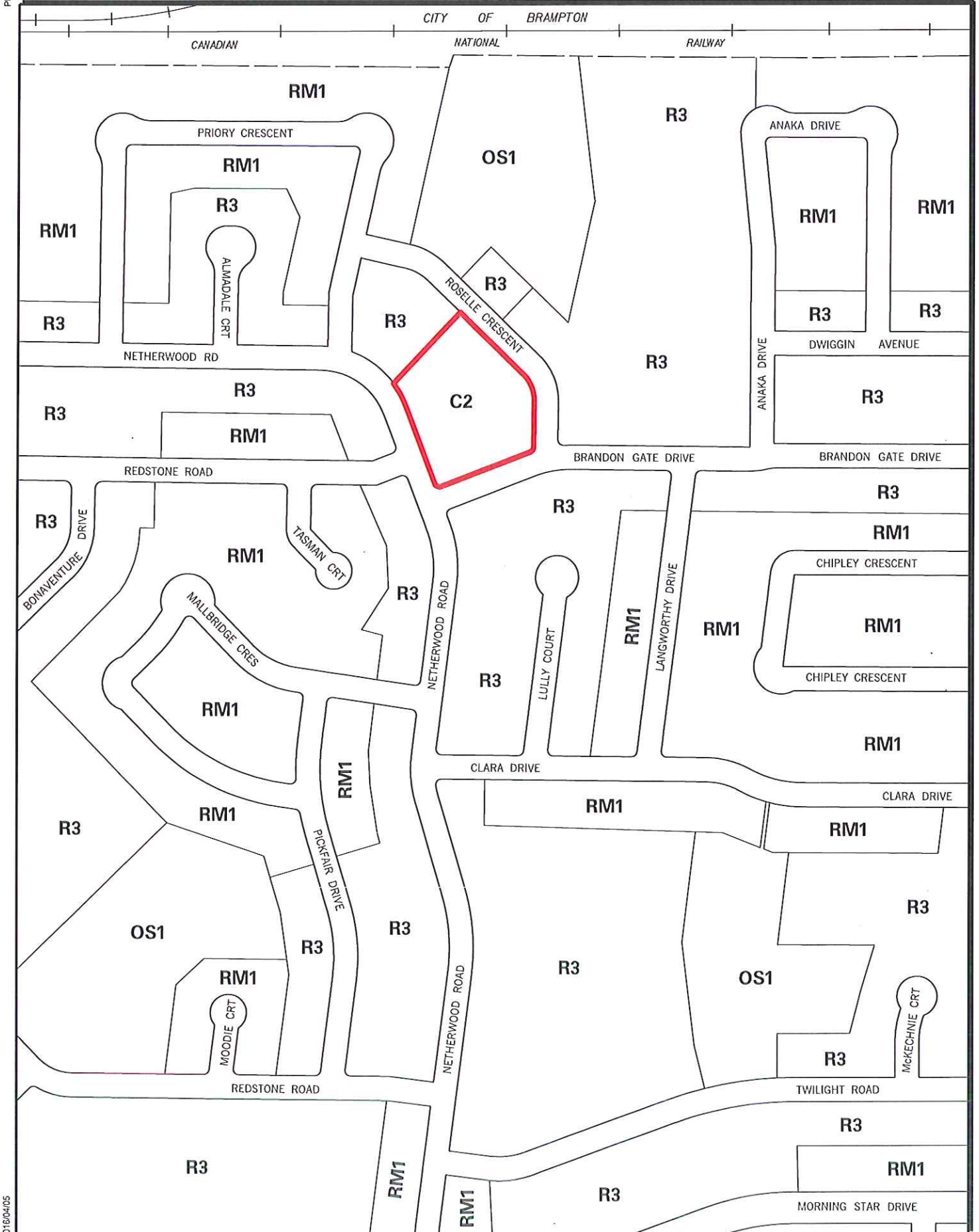
	Required RM2 (Semi-detached dwellings) Zoning By-law Standards	Proposed RM2 (Semi-detached dwellings) Zoning By-law Standards
Minimum lot area - interior lot	200 m <sup>2</sup> (2,152.9 ft <sup>2</sup> )	275 m <sup>2</sup> (2,960.2 ft <sup>2</sup> )
Minimum lot area - corner lot	280 m <sup>2</sup> (3,013 ft <sup>2</sup> )	395 m <sup>2</sup> (4251.9 ft <sup>2</sup> )
Minimum lot frontage - interior lot	6.8 m (32.15 ft.)	10.5 m (34.4 ft.)
Minimum lot frontage - corner lot	9.80 m (32.2 ft.)	10.5 m (34.4 ft.)
Minimum front yard	4.5 m (14.8 ft.)	6.0 m (19.9 ft.)
Maximum driveway width	5.2 m (17 ft.)	3.0 m (9.8 ft.)

# GENERAL CONTEXT MAP

OZ 15/008 W5

Appendix 11

PB-Half-Size.tbl

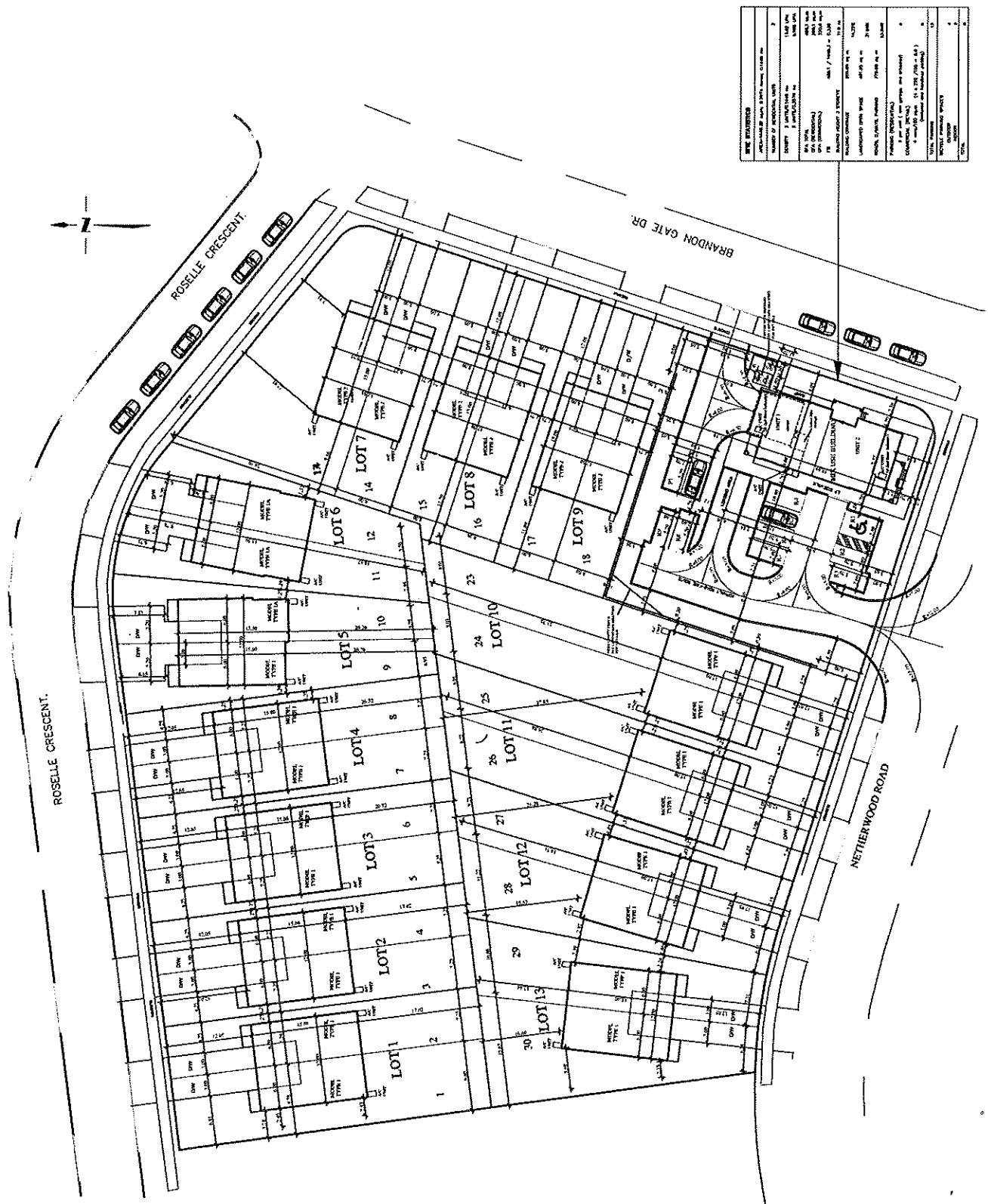


2016/04/05

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## Site Plan







FRONT ELEVATION

**flanagan  
beresford  
& patteson architects**  
70 Siltco Road, Unit 1, Woodbridge, Ont.  
Tel. (905) 265-2688 ext. 226 Fax. (905) 265-2685

**YOUR HOME DEVELOPMENTS**  
Brandon Gate Dr.  
Mississauga, ON  
**Mixed Use Building**  
00-606 3/16" = 1'0" June 2016



RIGHT SIDE ELEVATION

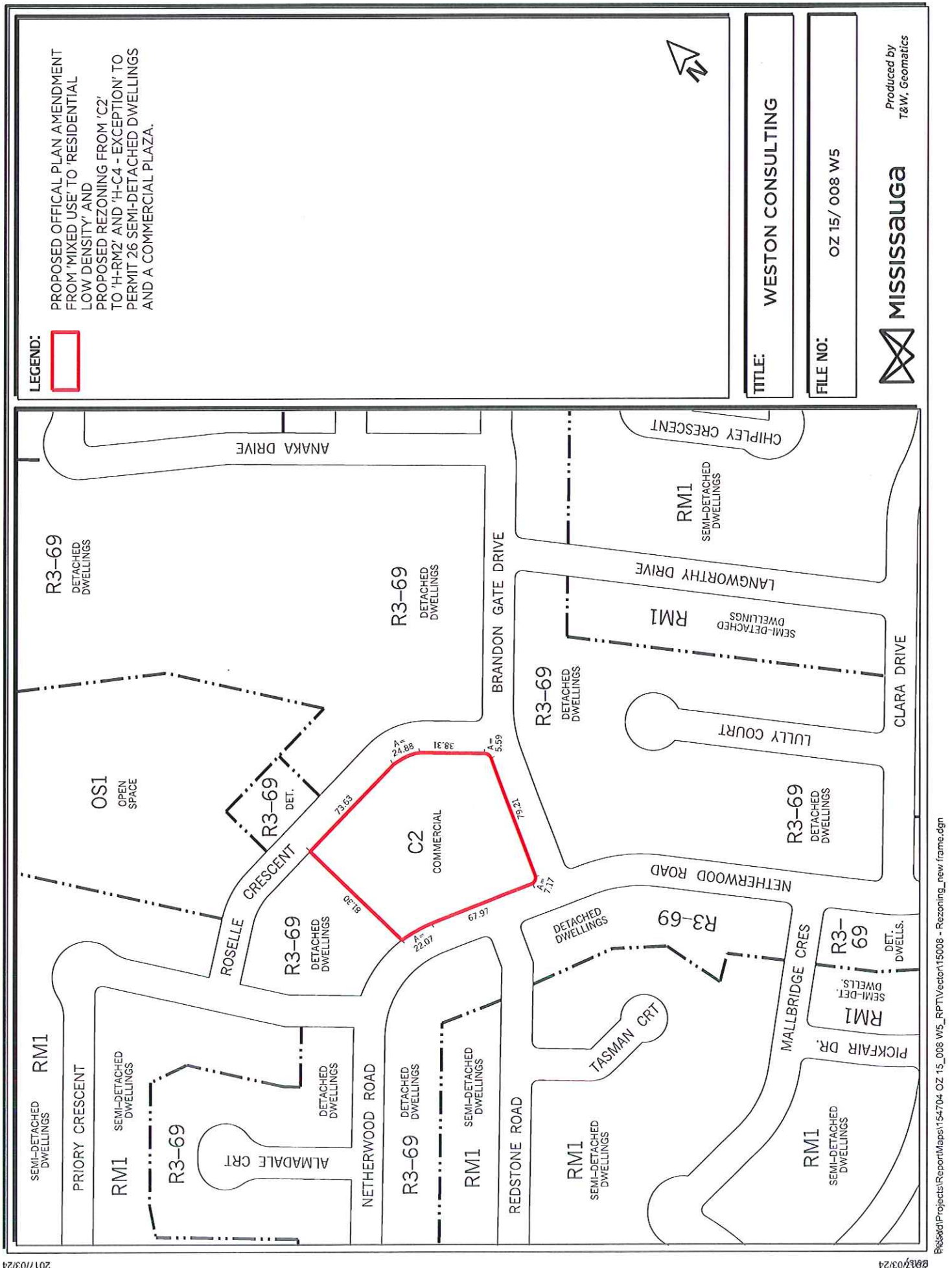
**flanagan  
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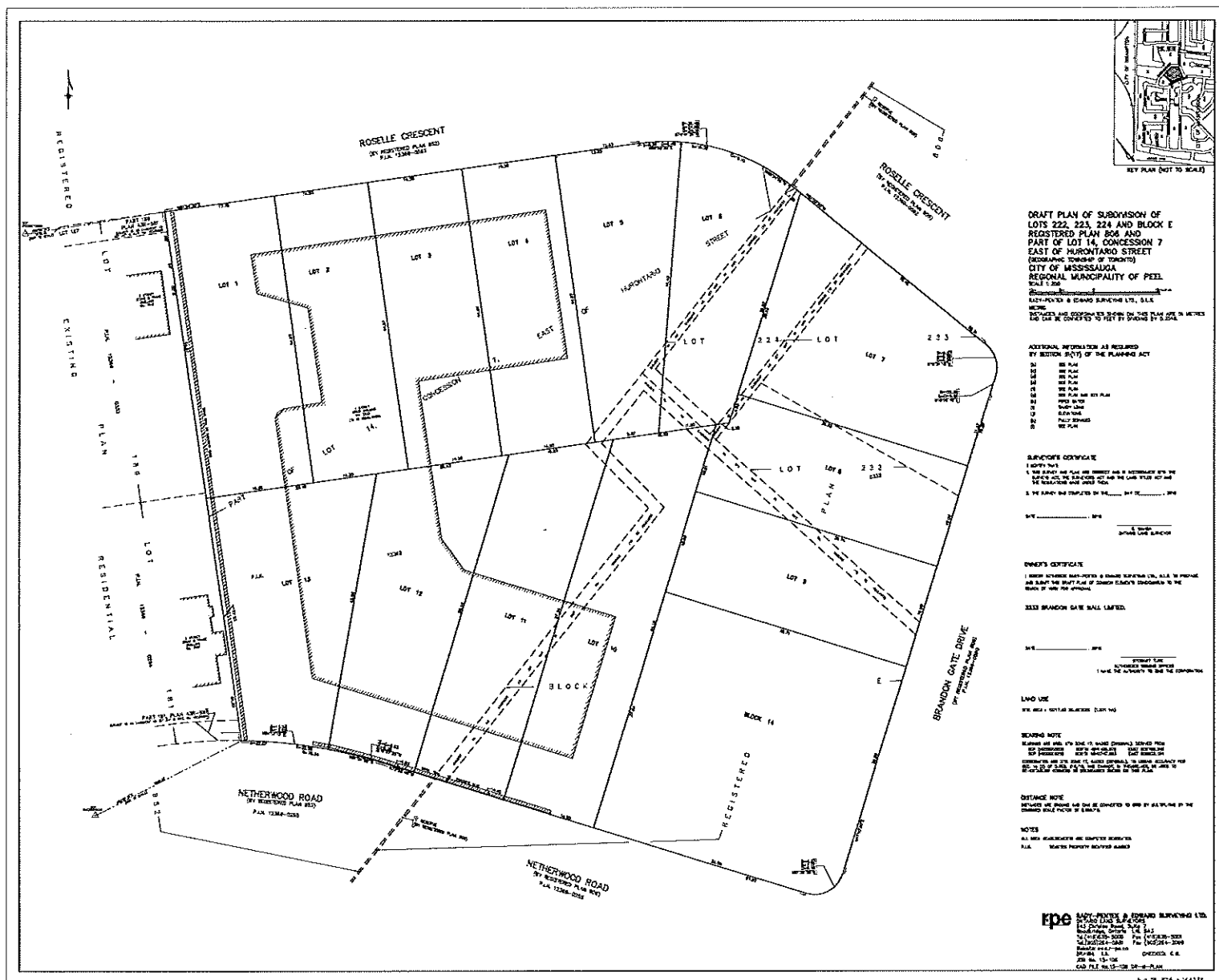
**YOUR HOME DEVELOPMENTS**  
Brandon Gate Dr.  
Mississauga, ON  
**Mixed Use Building**  
00-606 3/16" = 1'0" June 2016





**FRONT ELEVATION**





Your Home Developments (Brandon Gate) Inc.

File: OZ 15/008 W5 &amp; T-M15004 W5

**Summary of Existing and Proposed Zoning Provisions****Existing Zoning By-law Provisions**

**C2 (Neighbourhood Commercial)**, which permits retail stores, motor vehicle sales, restaurant and take out restaurants, funeral establishment, veterinary clinic, animal care establishment

The lands are proposed to be zoned **H-RM2 (Semi-detached dwellings)** to permit the 26 semi detached homes and **H-C4-Exception (Mainstreet Commercial Exception)** to permit the mixed use building.

<b>Zone Standards</b>	<b>Existing RM2 (Semi-Detached Dwellings) Zone</b>	<b>Proposed Development Standards</b>
Minimum lot area - interior lot	200 m <sup>2</sup> (2,152.9 ft <sup>2</sup> )	295 m <sup>2</sup> (3,175.4 ft <sup>2</sup> )
Minimum lot area - corner lot	280 m <sup>2</sup> (3,013.0 ft <sup>2</sup> )	615 m <sup>2</sup> (6,619.8 ft <sup>2</sup> )
Minimum lot frontage - interior lot	6.8 m (22.3 ft.)	7.25 m (23.8 ft.)
Minimum lot frontage - corner lot	9.8 m (32.2 ft.)	12.0 m (39.0 ft.)
Minimum front yard	4.5 m (14.8 ft.)	6.0 m (19.9 ft.)

<b>Zone Standards</b>	<b>Existing C4 (Mainstreet Commercial) Zone</b>	<b>Proposed C4-Exception (Mainstreet Commercial) Zone</b>
Permitted uses	Permits a range of uses including Retail, Restaurants, Personal Service Establishments, Commercial School, Office and Medical Office.	Personal Service Establishment, Retail Store and Office uses only.
Maximum front yard	3.0 m (9.8 ft.)	4.0 m (13.1 ft.)
Maximum exterior side yard	3.0 m (9.8 ft.)	4.5 m (14.8 ft.)
Minimum depth of a landscaped buffer measured from any other lot line	4.5 m (14.7 ft.)	3.0 m (9.8 ft.)

**Your Home Developments (Brandon Gate) Inc.**

**File: OZ 15/008 W5**

**Current Official Policies for Noise Pertaining to this application:**

6.10.2.1 New residential development and redevelopment and infilling, which increases the number of dwelling units beyond that permitted by the existing zoning, will not be permitted within the Airport Operating Area.

6.10.2.3 Notwithstanding Policy 6.10.2.1, redevelopment or infilling, which does not significantly increase the number of dwelling units within the Malton Community Node and Malton Neighbourhood Character Areas may be permitted, provided the site is below the 35 noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour and has a density not greater than the highest density of immediately adjacent existing residential development located within the Airport Operating Area.

**Proposed Official Plan Policies for noise pertaining to this application:**

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

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




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**SCHEDULE A  
CONDITIONS OF APPROVAL**

**FILE:** T-M15004 W5

**SUBJECT:** Draft Plan of Subdivision  
PLAN 806 LOTS 222 TO 224 BLK E  
3233 Brandongate Drive  
City of Mississauga  
Your Home Developments (Brandon Gate) Inc.

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Approval of a draft plan of subdivision granted under Section 51 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, is valid until approval is either withdrawn or the plan is registered. Approval may be withdrawn by the Commissioner, Planning and Building Department if approval of the final plan has not been given three (3) years after the date of approval of the draft plan.

**NOTE:** City is "The Corporation of the City of Mississauga"  
Region is "The Regional Municipality of Peel"

- 1.0 Approval of the draft plan applies to the plan dated March 6, 2017.
- 2.0 That the owner agree, in writing, to satisfy all the requirements, financial and otherwise of the City and the Region.
- 3.0 That the applicant/owner shall enter into Servicing, Development and any other necessary agreements, satisfactory to the City, Region or any other appropriate authority, prior to ANY development within the plan. These agreements may deal with matters including, but not limited to, the following: engineering matters such as municipal services, road widenings, construction and reconstruction, grading, signals, fencing, noise mitigation, and warning clauses; financial issues, such as cash contributions, levies (development charges), land dedications or reserves, securities, or letters of credit; planning matters such as residential reserve blocks, buffer blocks, site development plan and landscape plan approvals and conservation. THE DETAILS OF THESE REQUIREMENTS ARE CONTAINED IN COMMENTS IN RESPONSE TO THE CIRCULATION OF THE PLAN FROM AUTHORITIES, AGENCIES, AND DEPARTMENTS OF THE CITY AND REGION WHICH HAVE BEEN FORWARDED TO THE APPLICANT OR HIS CONSULTANTS, AND WHICH COMMENTS FORM PART OF THESE CONDITIONS.
- 4.0 All processing and administrative fees shall be paid prior to the registration of the plan. Such fees will be charged at prevailing rates of approved City and Regional Policies and By-laws on the day of payment.
- 5.0 The applicant/owner shall agree to convey/dedicate, gratuitously, any required road or highway widenings, 0.3 m (1 ft.) reserves, walkways, sight triangles, buffer blocks and utility or drainage easements to the satisfaction of the City, Region or other authority.
- 6.0 The applicant/owner shall provide all outstanding reports, plans or studies required by agency and departmental comments.



- 
- 7.0 That a Zoning By-Law for the development of these lands shall have been passed under Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and be in full force and effect prior to registration of the plan.
- 8.0 That in accordance with CPD Resolution 0121-91, that a minimum of three car spaces per dwelling, including those in a garage be required and a minimum of 0.25 visitor parking space per dwelling be required on the street for the subject development.
- 9.0 Prior to final approval, the Engineer is required to submit, to the satisfaction of the Region, all engineering drawings in Micro-Station format as set out in the latest version of the Region of Peel "Development Procedure Manual".
- 10.0 Prior to final approval or preservicing, the developer will be required to monitor wells, subject to the homeowner's permission, within the zone of influence, and to submit results to the satisfaction of the Region.
- 11.0 Prior to final approval, the City shall be advised by the School Boards that satisfactory arrangements regarding educational facilities have been made between the developer/applicant and the School Boards for this plan.
- 12.0 Prior to final approval, the Dufferin-Peel Catholic District School Board is to be satisfied that the applicant has agreed to include in the Development Agreement and all offers of purchase and sale for all residential lots, the following warning clauses until the permanent school for the area has been completed:
- 12.1 Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school.
- 12.2 That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board.
- 13.0 That the Servicing Agreement shall contain a clause satisfactory to the Dufferin-Peel Catholic District School Board that the developer will erect and maintain signs at the entrances to the subdivision which shall advise prospective purchasers that due to present school facilities, some of the children from the subdivision may have to be accommodated in temporary facilities or bussed to schools, according to the Board's Transportation Policies. These signs shall be to the School Board's specifications and at locations determined by the Board.
- 14.0 Prior to final approval, the Peel District School Board is to be satisfied that the following provision is contained in the Development Agreement and on all offers of purchase and sale for a period of five years after registration of the plan:
- 14.1 Whereas, despite the efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bussed to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the Planning and Resources Department of the Peel District School Board to determine the exact schools.



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- 15.0 That the Servicing Agreement shall contain a clause satisfactory to the Peel District School Board that the developer will erect and maintain signs at the entrances to the subdivision which shall advise prospective purchasers that due to present school facilities, some of the children from the subdivision may have to be accommodated in temporary facilities or bussed to schools, according to the Board's Transportation Policies. These signs shall be to the School Board's specifications and at locations determined by the Board.
- 16.0 That the owner/applicant agree to provide a temporary location at which Canada Post Corporation may locate community mailboxes during construction, until curbing and sidewalks are in place at the prescribed permanent mailbox locations.
- 17.0 That in consultation with Canada Post Corporation, the owner/applicant agrees to provide at their expense the following for the permanent mailbox locations:
- 17.1 An appropriately sized sidewalk section on which Canada Post mailboxes will be placed, adjacent to the municipal sidewalk (where applicable), and any required footpaths across the boulevard from the curb to the sidewalk;
- 17.2 Any required curb depressions and wheelchair access for mailbox sites where no sidewalk is planned.
- 18.0. Prior to preservicing and/or execution of the Servicing Agreement, the developer shall name to the satisfaction of the City Transportation and Works Department the telecommunications provider.
- 19.0 Prior to execution of the Servicing Agreement, the developer must submit in writing, evidence to the Commissioner of the City Transportation and Works Department, that satisfactory arrangements have been made with the telecommunications provider, Cable TV and Hydro for the installation of their plant in a common trench, within the prescribed location on the road allowance.
- 20.0 That prior to signing of the final plan, the Commissioner of Planning and Building is to be advised that all of the above noted conditions have been carried out to the satisfaction of the appropriate agencies and the City.

**THE REQUIREMENTS OF THE CITY WILL BE EFFECTIVE FOR THIRTY-SIX (36) MONTHS FROM THE DATE THE CONDITIONS ARE APPROVED BY THE COMMISSIONER, PLANNING AND BUILDING DEPARTMENT. AFTER THIS DATE REVISED CONDITIONS WILL BE REQUIRED. NOTWITHSTANDING THE SERVICING REQUIREMENTS MENTIONED IN SCHEDULE A, CONDITIONS OF APPROVAL, THE STANDARDS IN EFFECT AT THE TIME OF REGISTRATION OF THE PLAN WILL APPLY.**

City of Mississauga  
**Corporate Report**



Date: May 5, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
EC.19.TEL

Meeting date:  
2017/05/29

## Subject

### **SUPPLEMENTAL REPORT (All Wards)**

**Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol**

**File: EC.19.TEL**

## Recommendation

1. That the Corporate Report dated May 5, 2017 from the Commissioner of Planning and Building titled "Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol" be received for information.
2. That the proposed revised "Telecommunication Antenna/Tower Siting Protocol" attached as Appendix 3 to the Corporate Report dated May 5, 2017 from the Commissioner of Planning and Building titled "Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol" be adopted to replace the "Telecommunication Tower/Antenna Facilities Protocol" adopted by Council on May 8, 2013.
3. That the necessary amending by-law to the City's General Fees and Charges By-law be prepared in accordance with Appendices 4 and 5 attached to the report titled "Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol" dated May 5, 2017.

## Report Highlights

- A public meeting was held on December 5, 2016 regarding the proposed amendments to the Telecommunication Antenna/Tower Siting Protocol ("Protocol")
- Recommendation PDC-0090-2016 was referred back to staff by Council on December 16, 2016 for consideration of the comments received by MIRANET
- Staff considered all comments received and recommend additional changes to the protocol, where appropriate
- Processing fees associated with the review and consultation of telecommunication

☐ antenna tower proposals are recommended

## Background

A public meeting was held by the Planning and Development Committee on December 5, 2016, at which time a Corporate Report (Appendix 1) was received for information. Recommendation PDC-0090-2016 to adopt the proposed revised protocol was referred back to staff by Council on December 16, 2016 for consideration of comments received by MIRANET.

## Comments

In late January 2017, planning staff met with representatives from MIRANET to provide background information on the City's protocol and to discuss MIRANET's comments. The information session was well received and MIRANET's comments and staff responses are summarized below:

### MIRANET COMMENTS

#### Comment – Application of Protocol

There is a concern that the protocol only applies to new antenna tower proposals and not existing proposals in process.

#### Response

Staff is of the opinion that existing antenna tower proposals should be processed under the protocol in effect at the time of submission, which is a similar principle for development applications processed under the planning regime in effect at the time of submission.

#### Comment – Integrity of the Protocol

There is a concern that the protocol will not be followed and accepted by proponents and the federal government.

#### Response

The federal government requires proponents to follow municipal protocols for the siting of antenna towers, as outlined in their policy document (CPC-02-0-03), provided that municipal protocols are in line with the federal government's policies and not onerous for proponents.

#### Comment – Public Notification and Meeting Requirements

The public notification distance of 120 metres (394 ft.) or three times the antenna tower height, whichever is greater, is not adequate. It should be a minimum of 2 kilometres (1.24 mi.) from the proposed location. Public meetings should also be required for all antenna tower proposals.

#### Response

Staff is of the opinion that the notification distance is appropriate and is similar to the notification requirement for development applications. The notification area is also consistent with

comparable municipalities' protocols, such as the Town of Oakville, City of Ottawa and City of Toronto. In addition to the notification distance, the protocol requires that a notice sign be posted on the subject property, and where antenna tower proposals are 30 metres (98.4 ft.) high or greater, a newspaper advertisement is also required. A minimum 2 kilometre (1.24 mi.) notification area would be costly and onerous for proponents, and the federal government may override such an onerous requirement.

The protocol requires that public information sessions be held where antenna tower proposals are located in residential areas, or within an area that is the greater of either three times the tower height, or 120 metres (394 ft.) from a residential area. Staff is of the opinion that public information sessions are not required for antenna tower proposals located in industrial, employment and commercial areas, as it encourages wireless carriers to site new antenna towers in these preferred locations, and not within or near residential areas where feasible.

#### **Comment – Location and Design Guidelines**

There is concern that the preferred locations, discouraged locations and other location and design guidelines will not be followed by proponents; there should be no exceptions or loopholes to these guidelines.

#### **Response**

Notwithstanding that the federal government requires proponents to follow municipal protocols, the preferred and discouraged locations, etc. are only 'guidelines' that promote the placement and design of antenna towers from a local land use planning perspective. Municipalities cannot regulate or approve the location of antenna towers, as grounded in case law.

#### **OTHER COMMENTS RECEIVED**

Written submissions were also received at the public meeting from the amateur radio community, residents and a representative of the wireless carriers. Staff considered all comments received and have recommended additional changes to the protocol, where appropriate. The comments have been summarized in a Response to Comments Table attached as Appendix 2. The recommendations have been incorporated and highlighted in the proposed revised protocol attached as Appendix 3. The recommendations do not include editorial changes to the proposed revised protocol, such as matters of style or organization, arrangement of text, or minor rewording that does not alter the intent of the applicable provision.

#### **PROCESSING FEES**

In 2016, Watson & Associates Economist Ltd. ("Watson") was retained by the City to review the full costs associated with processing planning applications, including antenna tower proposals. Watson recommended that the fees associated with reviewing antenna towers decrease by 33% for proposals that do not require a Public Information Session and 22% for proposals that require a Public Information Session. This is mainly a result of processing efficiencies since the protocol was implemented in 2012. The full proposed fee structure can be reviewed in Appendices 4 and 5.

## Financial Impact

The revenue impact for the recommended fee structure should be relatively low as the average annual volume for antenna tower applications is 4 applications.

## Conclusion

The proposed amendments to the City's protocol will provide greater clarity that will further address local circumstances, including land use preferences and community concerns.

The proposed revised protocol represents a balance between the telecommunication needs of businesses, residents and amateur radio community, and the concerns of landowners, while taking into account the jurisdiction of the federal government.

## Attachments

- Appendix 1: Previous Corporate Report
- Appendix 2: Response to Comments Table
- Appendix 3: Proposed Revised Protocol
- Appendix 4: Telecommunication Antenna Tower Processing Fees
- Appendix 5: Proposed Fee Schedule



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Timothy Lee, Planner

# City of Mississauga

## Corporate Report



Date: November 15, 2016

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
EC.19.TEL

Meeting date:  
2016/12/05

### Subject

**Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol (All Wards)**

**File: EC.19.TEL**

### Recommendation

1. That the Corporate Report dated November 15, 2016 from the Commissioner of Planning and Building titled "Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol" be received for information.
2. That the proposed revised "Telecommunication Antenna/Tower Siting Protocol" attached as Appendix 2 to the Corporate Report dated November 15, 2016 from the Commissioner of Planning and Building titled "Proposed Amendments to the Telecommunication Antenna/Tower Siting Protocol" be adopted to replace the "Telecommunication Tower/Antenna Facilities Protocol" adopted by Council on May 8, 2013.

### Background

The federal government regulates the telecommunication industry in Canada under the *Radiocommunication Act*. Therefore, provincial legislation, such as the *Planning Act*, including zoning by-laws, does not apply to telecommunication antenna/tower systems ("antenna tower(s)"). Innovation, Science and Economic Development (ISED) Canada, a federal government agency and previously known as Industry Canada, allows municipalities to develop protocols to guide the design, location and municipal and public consultation processes for antenna towers, but ISED Canada makes all final decisions. Municipalities can only provide input and comment on antenna tower proposals to telecommunication companies and ISED Canada for consideration. The legislation does not give municipalities approval authority.

The City enacted an interim protocol in March 2012. In December 2012, following consultations with industry representatives and resident organizations, a final protocol was approved by City Council.

In June 2012 the Federation of Canadian Municipalities (FCM) established an antenna tower working group, which included a representative from the City of Mississauga Planning and Building Department. The purpose of the working group was to: discuss challenges related to antenna tower siting; share best practices and provide technical input into the development of a protocol template for municipalities.

Early in 2013, FCM in partnership with the Canadian Wireless and Telecommunication Association (CWTA) released a protocol template to help municipalities develop protocols to address antenna tower issues. As a result of the FCM/CWTA joint protocol template being released, the City's protocol was updated in May 2013.

In July 2014, the federal government changed the procedures for telecommunication companies planning to build a new antenna tower. Some of the changes align with key elements of the FCM/CWTA protocol template. The main change was the removal of the exception that permitted new antenna towers less than 15 m (49.2 ft.) in height to be built without notification or consultation with municipalities and the public.

## Comments

The federal government made changes to the procedures to ensure that telecommunication companies consult earlier and more often with municipalities and the public when they intend to build new antenna towers. The main changes include requirements for telecommunication companies to:

- Consult with the community for all antenna towers, not only those that are 15 m (49.2 ft.) high or greater
- Notify the public with improved notification measures
- Build the antenna tower within three (3) years from the time the municipality concluded the consultation

The City's existing protocol includes provisions that are similar to the federal government's changes. Some examples include:

- Encourage telecommunication companies to notify and consult with the City for all new antenna towers regardless of height
- Require public notices to be clearly marked on the envelope of a proposed antenna tower in the neighbourhood, so it is not misinterpreted as junk mail



Since the protocol has existing provisions that align with the federal government's changes, staff recommend only minor amendments to the protocol to reinforce the existing provisions. Staff have also identified various sections of the protocol that require textual changes for clarification purposes.

A summary of the recommended minor and noteworthy amendments to the protocol are attached as Appendix 1. The recommendations are reflected and highlighted in the proposed revised protocol attached as Appendix 2. The summary and recommendations does not include editorial changes to the proposed revised protocol, such as matters of style or organization, arrangement of text, or minor rewording that do not alter the intent of the applicable provision.

### **Amateur Radio Antenna Towers**

The federal government also regulates amateur radio antenna towers and therefore these types of proposals are subject to the City's protocol. Amateur radio antenna towers less than 15 m (49.2 ft.) high are still exempted from consultation, as per ISED Canada's Exclusion List. It is important to note that municipal protocols must be harmonized with the federal government's rules and standards and any exclusion criteria established by municipalities can only augment those established under ISED Canada's Exclusion List.

### **Existing Applications In-Process**

Any existing applications in process will not be affected by any proposed amendments, as these applications would continue to be processed under the existing protocol provisions.

## **Financial Impact**

There is no financial impact as the proposed minor changes to the protocol do not adversely impact the overall consultation process.

## **Conclusion**

The proposed amendments to the City's Telecommunication Antenna/Tower Siting Protocol will be consistent with the federal government's updated requirements and will reinforce the City's protocol. The changes will also provide greater clarity that will further address local circumstances, including land use preferences and community concerns.

Planning and Development Committee

2016/11/15

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Originator's file: EC.19.TEL

**Attachments**

Appendix 1: Summary of Amendments to Protocol

Appendix 2: Telecommunication Antenna/Tower Siting Protocol



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Timothy Lee, Planner

# Summary of Amendments to Protocol

Section	Proposed Amendment	Rationale for Amendment
General	Replace “Industry Canada” with “Innovation, Science and Economic (ISED) Canada”	<ul style="list-style-type: none"> <li>Industry Canada's name has changed to “Innovation, Science and Economic (ISED) Canada”</li> </ul>
<b>1 - Definitions</b>	Revise definition of “ <b>Co-location</b> ”	<ul style="list-style-type: none"> <li>Clarify definition regarding sharing antenna/tower systems</li> </ul>
<b>1 - Definitions</b>	Add “ <b>Designated Municipal Official</b> ” definition	<ul style="list-style-type: none"> <li>Clarify staff members role</li> </ul>
<b>1 - Definitions</b>	Revise definition of “ <b>Telecommunication Antenna/Tower System</b> ”	<ul style="list-style-type: none"> <li>Update definition to be consistent with ISED Canada's terminology</li> <li>Clarify types of antenna systems such as free-standing systems and building/structure mounted systems</li> </ul>
<b>1 - Definitions</b>	Delete “ <b>Equipment Shelter</b> ” definition	<ul style="list-style-type: none"> <li>Equipment shelters associated to antenna/tower systems to be included in the proposed revised definition of “Telecommunication Antenna/Tower System”</li> </ul>
<b>1 - Definitions</b>	Delete “ <b>Radiocommunication Antenna System</b> ” definition	<ul style="list-style-type: none"> <li>Redundant definition as the proposed revised definition of “Telecommunication Antenna/Tower System” will encompass all types of systems</li> </ul>
<b>4.1 – Exemptions from Formal Submission and Public Consultation</b>	Revise criteria that exempt proponents from formal submission and public consultation	<ul style="list-style-type: none"> <li>In accordance with ISED Canada's updated exemption criteria</li> </ul>
<b>4.2.1 – Review of Exempt Antenna Systems by the Land Use Authority</b>	Add section to identify reasons the proponent should consult with the municipality and renumber sections accordingly	<ul style="list-style-type: none"> <li>Provides transparency to proponents</li> <li>Identify any issues and community sensitive locations to the proponent upfront</li> <li>Maintain records and identify possible co-location options</li> </ul>

# Summary of Amendments to Protocol

Section	Proposed Amendment	Rationale for Amendment
<b>4.2.3</b> – Review of Exempt Antenna Systems by the Land Use Authority	Add “site-specific sensitivities” to the review criteria	<ul style="list-style-type: none"> <li>Clarify that the review will include identification of site-specific sensitivities that will be required to be addressed by the proponent</li> </ul>
<b>6.3</b> – Discouraged Locations	Remove the downtown area as a discouraged location	<ul style="list-style-type: none"> <li>Development in the downtown area will require more telecommunication service; the protocol has existing development and design guidelines to meet high design standards for antenna/towers in the downtown area</li> </ul>
<b>6.5</b> – Design	Add design criteria to discourage pinwheel type telecommunication antennas	<ul style="list-style-type: none"> <li>Encourage development of higher design standards for telecommunication antennas</li> </ul>
<b>6.8.4</b> – Amateur Radio Antenna System in Residential Areas	Revise section to require proponents to consider visual impacts on surrounding properties and include examples of mitigation measures	<ul style="list-style-type: none"> <li>Ensure that visual impacts on surrounding properties are considered by the proponent</li> </ul>
<b>8.2</b> – Formal Submission Requirements	Add sentence to indicate that a Site Selection/Justification Report is not required for amateur radio antenna systems	<ul style="list-style-type: none"> <li>Clarify that a Site Selection/Justification Report is not required for amateur radio antenna systems, as the requirement is intended for telecommunication companies</li> </ul>
<b>10.4</b> – Consultation Conclusion Letter	Change “Letter of Comment” to “Consultation Conclusion Letter”	<ul style="list-style-type: none"> <li>Clarifies the purpose of the letter</li> </ul>
<b>10.4</b> – Consultation Conclusion Letter	Add sentences regarding retracting a Consultation Conclusion Letter	<ul style="list-style-type: none"> <li>Provides the City with an opportunity to retract a Consultation Conclusion Letter if the proposal contains a misrepresentation or a failure to disclose all the pertinent information</li> </ul>
<b>12</b> – Verifying Antenna /Tower System Height	Delete Notice of Non-Conformity section	<ul style="list-style-type: none"> <li>Redundant section due to the proposed amendment to Section 10.4 of the protocol</li> </ul>

# **TELECOMMUNICATION ANTENNA / TOWER SITING PROTOCOL**

**Innovation, Science and Economic Development Canada  
Local Land Use Authority Consultation**

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# 1 Definitions

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The following definitions are to provide clarity in the protocol.

**Co-location** means the placement of an antenna(s) and related equipment by one or more proponent(s) on a telecommunication antenna/tower system operated by a different owner/operator, thereby creating a shared telecommunications system.

**Designated Municipal Official** means municipal staff member(s) tasked with the administration of this protocol, including receiving, evaluating and processing submissions for telecommunication antenna/tower systems.

**Equipment shelter** means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

**Land Use Authority (LUA)** means the City of Mississauga which is responsible for land use planning and development within the geographic boundaries of the City of Mississauga.

**Proponent** means any company, organization or person who puts forward a proposal to install or modify a telecommunication antenna/tower system.

**Radiocommunication Antenna System** means an antenna required on site for amateur radio communication and may include a supporting structure.

**Residential Area** means lands used or zoned to permit residential uses, including mixed uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).

**Telecommunication Antenna / Tower System (also referred as “Antenna System”)** means an exterior transmitting device or group of devices used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

- a) Freestanding Antenna System: a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System(s);
- b) Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

# 2 Objectives

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The objectives of this protocol are to:

- Encourage proponents of telecommunication antenna/tower systems to use existing antenna systems, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new antenna systems within the City of Mississauga;

- Provide a clear and concise outline of the Land Use Authority and public consultation processes when proponents intend to modify or install an antenna system within the City of Mississauga;
- Ensure effective local public notification and consultation when an antenna system is proposed within a community;
- Strongly discourage proponents from locating antenna systems on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating antenna systems on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;
- Encourage proponents to locate and design antenna systems which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new antenna system; and
- Encourage proponents to locate antenna systems in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

### 3 Jurisdiction and Roles

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#### 3.1 Federal Jurisdiction

Telecommunication Antenna/Tower Systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic (“ISED”) Canada, previously known as Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these antenna systems. It is important to understand that ISED Canada, while requiring proponents to follow municipal consultation protocols, makes the final decision on whether or not an antenna system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna system.

#### 3.2 Other Federal Legislation

As a Federal undertaking, antenna systems must adhere to all applicable Federal regulations and guidelines, including but not limited to:

- ISED Canada’s Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- ISED Canada’s Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ;
- National Building Code of Canada;
- *Canadian Environmental Assessment Act*; and
- Transport Canada's painting and lighting requirements for aeronautical safety.

### 3.3 Role of the Land Use Authority

The ultimate role of the Land Use Authority (LUA) is to provide input and comments to the proponent and ISED Canada with respect to land use compatibility of an antenna system proposal and indicate how the proponent has complied with the public consultation requirements outlined in this protocol, where applicable. The LUA also communicates to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

### 3.4 Land Use Authority's Designated Official

For the purpose of this protocol, the designated municipal official having the authority to administer this protocol is the Director, Development and Design Division, Planning and Building Department or her/his designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Designated Municipal Official ("DMO"). The DMO's contact information can be obtained by contacting the Planning and Building Department at [eplanbuild.info@mississauga.ca](mailto:eplanbuild.info@mississauga.ca).

## 4 Exclusions

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### 4.1 Exemptions from Formal Submission and Public Consultation

For the following types of antenna system installations or modifications, ISED Canada generally excludes proponents from the requirement to consult with the public and submit an antenna system proposal to the LUA for formal review:

- a) **New Freestanding Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- b) **Existing Freestanding Antenna Systems:** where modifications are made, antennas added or the tower replaced<sup>1</sup>, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation<sup>2</sup>. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

<sup>1</sup> The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

<sup>2</sup> Initial Antenna System installation refers to the system as it was first consulted on, or installed.

- c) Building/Structure-Mounted Antenna System:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%<sup>3</sup>;
- d) Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and
- e) No consultation is required prior to performing maintenance on an existing antenna system.**

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

## 4.2 Review of Exempt Antenna Systems by the Land Use Authority

ISED Canada's CPC-2-0-03 states that: Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria in Section 4.1 should be applied in consideration of local circumstances. Consequently, it may be prudent for proponents to consult with the LUA even though the proposal meets an exclusion noted in Section 4.1. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- The antenna system's physical dimensions, including the antenna, mast and tower, compared to the local surroundings;
- The location of the proposed antenna system on the property and its proximity to neighbouring residents;
- The likelihood of an area being a community sensitive location; and
- Transport Canada marking and light requirements for the proposed structure.

### 4.2.1 Notwithstanding ISED Canada's exemption criteria for certain antenna systems, proponents should consult with the LUA so the LUA can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Assess the likelihood of an area being a community sensitive location;
- Be aware of site co-location within the municipality;
- Maintain records to refer to in the event of future modifications and additions; and

<sup>3</sup> Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

- Engage in meaningful dialogue with the proponent with respect to the appearance of the antenna system and its proximity to neighbouring residents prior to the proponent confirming a final design.

4.2.2 Prior to commencing installation/modification of exempted antenna systems, proponents are required to provide the following materials to the LUA:

- a) Cover letter describing the proposed antenna system including the location (i.e. address and/or legal description), height and dimensions and any antenna that may be mounted on the supporting structure.
- b) Description of how the proposal meets the applicable exclusion criteria identified in Section 4.1;
- c) Site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or building on the property;
- d) Elevation plan or simulated images of the proposed antenna system; and
- e) Applicable fees in accordance with the City's General Fees and Charges By-law, as amended.

Proponents are encouraged to consider and incorporate the Location and Design Guidelines identified in Section 6.

4.2.3 The LUA will review the documentation and if the proposal is deemed to meet the applicable exclusion criteria and the Location and Design Guidelines identified in Section 6, and there are no site-specific sensitivities, the LUA will issue a Notice of Telecommunication Antenna/Tower System Exclusion to the proponent with a copy to the Ward Councillor and ISED Canada

In the event that the proposed antenna system does not comply with the Location and Design Guidelines identified in Section 6 or there are site-specific sensitivities, the LUA will indicate the outstanding issues/concerns. In such cases, the proponent and LUA will then work toward a mutually agreeable alternative/solution, which may include the LUA requesting the proposal be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable, concluding with a Consultation Conclusion Letter with or without objections.

## 5 Siting on City Owned Properties

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Any request to install an antenna system on land owned by the City shall be made through the DMO.

Proposed antenna systems on City owned properties are subject to this protocol.

Notwithstanding the public consultation requirements outlined in Section 9, the DMO may identify the need to amend the content of the public notification requirements accordingly.

## 6 Development and Design Guidelines

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### 6.1 Co-location

Co-location on an existing antenna system is the preferred option instead of constructing new antenna system within the City.

### 6.2 Preferred Locations

Where a new antenna system must be constructed, the following locations are preferred:

- a) Areas that maximize the distance from residential areas; and
- b) Business employment, industrial and utility areas;

### 6.3 Discouraged Locations

Where a new antenna system must be constructed, the new system should not be located on:

- a) Lands designated as Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems; and
- b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*.

~~c) Downtown area.~~

### 6.4 Siting on a Property

Where a new antenna system must be constructed, the following location guidelines should be followed:

- a) Locate antenna systems away from street line to minimize visual impact of the tower from the streetscape;
- b) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.); and
- c) Avoid locating antenna systems on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site.

### 6.5 Design

Where a new antenna system must be constructed, the following design guidelines should be followed:

- a) Allow for future co-location capacity;

- b) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under Mississauga Official Plan;
- c) Lattice style towers and pinwheel telecommunication antennas are strongly discouraged;
- d) Monopole towers with antennas shrouded or flush mounted are preferred; and
- e) Antenna Systems attached to an existing building, including rooftop installations, should not be visible from any public street abutting the subject property, as demonstrated in a visual plane analysis, or should be screened and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;

## **6.6 Design in High Profile and/or Sensitive Areas**

When new antenna systems must be located in a high profile and/or sensitive area, such as, but not limited to, major nodes and community nodes identified in Mississauga Official Plan, the system should be designed and sited to minimize visual impact within the context of the surrounding area.

In addition to the guidelines in Sections 6.1 to 6.5, the following design guidelines should also be met:

- a) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

## **6.7 Colour, Lighting, Signage and Other Graphics**

Where a new antenna system must be constructed, the following design guidelines should be followed:

- a) Use non-reflective surfaces and neutral colours that blend with the surrounding landscape and public realm, unless Transport Canada has identified painting requirements for aeronautical safety for an antenna system;
- b) No illumination is permitted on an antenna system, except where Transport Canada requirements for illumination of an antenna system are identified;
- c) Identify the owner/operator, including the contact information, of a facility by providing a small sign with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- d) No third party advertising or promotion of the owner/operator is permitted on an antenna system.

## 6.8 Amateur Radio Antenna System in Residential Areas

The following location and design guidelines shall apply to proposals for an antenna system located in a residential area used for personal use by a resident for amateur radio communication.

### 6.8.1 Amateur radio antenna systems should not be located within:

- a) Lands designated Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Lands heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Front or exterior side yard of the property, as defined in the City's zoning by-law.

### 6.8.2 Amateur radio antenna systems are preferred to be located in the following location:

- a) Rear yard of the property, but excluding the extension of the exterior side yard into the rear yard, as defined in the City's zoning by-law.

### 6.8.3 The following location and design guidelines should be followed:

- a) Height of an amateur radio antenna system should be less than 15 metres (49.2 feet) above ground level, whether located on the ground or attached to a building or structure;
- b) Width of an amateur radio antenna system should not exceed 3 metres (9.8 feet);
- c) No part of an amateur radio antenna system should be located within 1.2 metres (3.9 feet) of any lot line;
- d) An amateur radio antenna system on a roof of a residential building should only be located on that half of the roof closest to the rear yard;
- e) Non-reflective surfaces and neutral colours that blend with the surrounding area should be used; and
- f) Graphics, signage, flags or lighting on an amateur radio antenna system is not permitted.

### 6.8.4 Proponents should consider the visual impacts on surrounding properties even though the amateur radio antenna system complies with the location and design guidelines noted above. Visual impact mitigation measures could include, but not limited to the following:

- a) Select an appropriate location on the property to reduce the visibility from surrounding properties;
- b) Decrease the size and visibility of the amateur radio antenna system; and
- c) Screen the amateur radio antenna system with landscape treatment.



## **7 Preliminary Land Use Authority Consultation**

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### **7.1 Preliminary Meeting**

Proponents are required to have a preliminary consultation meeting with the LUA prior to submitting a formal request to install or modify an antenna system. This initial contact will allow the proponent to meet with the LUA to discuss the proposal, including the rationalization behind the site selection.

During this meeting, the LUA will provide preliminary input and comments regarding the proposal, such as, but not limited to, land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences, other agencies to be consulted, and whether a peer review by a consultant will be required. This meeting will also provide an opportunity to inform the proponent of the consultation process outlined herein.

### **7.2 Preliminary Meeting Requirements**

The following information must be provided to the LUA in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed antenna system including the height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed antenna system.

### **7.3 Notification of Preliminary Meeting**

After the preliminary consultation meeting, the DMO will notify the Ward Councillor of the meeting.

### **7.4 Confirmation of Land Use Authority Preferences and Requirements**

During or after the preliminary consultation meeting, the DMO will provide the proponent with an information package that includes:

- a) Formal submission requirements;

- b) A list of plans and studies that may be required;
- c) A list of municipal departments and other agencies to be consulted; and
- d) An indication of the LUA's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the proponent is encouraged to consult with the applicable municipal departments and agencies, and obtain applicable written comments/clearances before making a formal submission.

## **8 Formal Land Use Authority Consultation**

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### **8.1 Land Use Authority Consultation Requirements**

Where a proposed antenna system does not meet the exclusion criteria identified in Section 4.1, the proponent must submit a formal antenna system proposal to the LUA for review.

### **8.2 Formal Submission Requirements**

The proponent must submit the following materials to the LUA:

- a) A telecommunication antenna/tower application form and fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system. This requirement is not required for amateur radio antenna system proposals, however, a cover letter is required that describes the proposed antenna system including the height, dimensions, location within the subject property, and any antenna that may be mounted on the supporting structure;
- c) A public notification package;
- d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;
- e) A copy of the draft newspaper notice and the proposed date on which it will be published (no sooner than 14 days from the date of request being submitted), if applicable;
- f) A copy of the draft notice sign; and

- g) Any other required information listed in the information package provided to the proponent during or after the preliminary meeting.

### **8.3 Determination of Complete or Incomplete Submission**

The DMO will determine whether the antenna system request is deemed complete or incomplete within five business days of receipt of the request.

If the required materials listed in Section 8.2 of this protocol are not complete or provided to the satisfaction of the DMO, the request will be deemed incomplete and will not mark the official commencement of the 120 day consultation process. The DMO will notify the proponent of the outstanding items to be addressed.

When the request is deemed complete by the DMO, the DMO will notify the proponent and Ward Councillor of the complete request, and circulate the proposal to the applicable municipal departments for review and comment.

## **9 Public Consultation**

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### **9.1 Public Consultation Requirements**

Where a proposed antenna system requires public consultation, the proponent must carry out the following public consultation process.

The proponent must not initiate public notification or consultation for an antenna system proposal until a formal submission has been made to the LUA and written confirmation from the DMO to proceed with public notification and consultation has been provided.

The proponent shall be responsible for all costs associated with public consultation.

### **9.2 Notification**

The proponent is to distribute the public notification packages by mail to the following recipients:

- a) All property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the antenna system height measured from the furthest point of the antenna system;
- b) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located;
- c) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system; and
- d) DMO.

- 9.2.1 The LUA will provide the proponent with a mailing list of all addresses of property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the antenna system.

The envelope for the public notification package should have the following statement in red ink: "IMPORTANT NOTICE REGARDING PROPOSED TELECOMMUNICATION ANTENNA/TOWER IN YOUR NEIGHBOURHOOD".

When a public information session is required, the proponent is to distribute the public notification packages by mail at least 30 days prior to the date of the public information session.

### 9.3 Public Notification Package Requirements

The public notification package must include the following information:

- a) A location map, including the address, clearly indicating the exact location of the proposed antenna system in relation to the surrounding properties and streets;
- b) A physical description of the proposed antenna system including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- c) An elevation plan of the proposed antenna system;
- d) Colour simulated images of the proposed antenna system;
- e) The purpose of the proposed antenna system, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Address, date and time of the public information session (if applicable);
- j) Information on how to submit written public comments to the proponent and the closing date for submission of written public comments;
- k) Proponent's contact information;
- l) Reference to the City of Mississauga Telecommunication Antenna/Tower Siting Protocol and where it can be viewed;
- m) The following sentences regarding jurisdiction: "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the

*Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system.”;

- n) Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website; and
- o) Municipal designate, Member of Parliament and ISED Canada contact information.

#### **9.4 Closing Date for Written Public Comments**

The closing date for submission of written public comments shall not be less than:

- a) 14 days after the public information session, where a public information session is required; or
- b) 30 days where a public information session is not required.

#### **9.5 Notice Sign**

The proponent shall erect a sign on the property notifying the public of the proposal to establish an antenna system on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) and located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground. However, the size of the sign shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height).

The erection of the notice sign should be coordinated with the distribution of the public notification packages.

Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the DMO within 10 days after the sign has been erected.

The sign shall remain on the subject property for the duration of the public consultation process.

The proponent shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

9.5.1 The notice sign shall contain the following wording:

<p style="text-align: center;"><b><u>PUBLIC NOTICE</u></b></p> <p>[Name of Proponent] is proposing to locate a telecommunication antenna/tower system, being [#] metres ([#] feet) in height, on this property.</p> <p>(If applicable) A public information session is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].</p> <p style="text-align: center;">Public comment is invited.</p> <p>The closing date for submission of written comments is [applicable closing date].</p> <p>For further information, contact [Applicant's name, phone number and e-mail address].</p> <p>Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the <i>Radiocommunication Act</i> and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the <i>Planning Act</i>, including zoning by-laws, does not apply to these systems.</p> <p>The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system.</p> <p style="text-align: center;">[Municipal contact information] [Member of Parliament contact information] [Local Innovation, Science and Economic Development Canada contact information]</p>
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**9.6 Newspaper Notice**

Where an antenna system is 30 metres (98.4 feet) or greater in height, the proponent shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Thursday's edition.

The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).

A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the DMO within 10 days of the newspaper notice being published.

9.6.1 Where a public information session is required, the newspaper notice shall be published at least 21 days before the date of the public information session.

The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.

9.6.2 Where a public information session is not required, the date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.

9.6.3 The newspaper notice shall contain the following information:

- a) Description of the proposed antenna system, including the height;
- b) Address of the proposed antenna system,;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) (*If applicable*) Invitation to the public information session, and location and time of the session;
- f) Applicant's contact information;
- g) Inclusion of the following "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these systems. The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system."; and
- h) Municipal designate, Member of Parliament and ISED Canada contact information.

**9.7 Public Information Session**

A public information session is required where the proposed antenna system is located:

- a) In a residential area; or
- b) Within the greater of either, three times the antenna system height or 120 metres (393.7 feet) from a residential area.

9.7.1 The applicable Member of Parliament, in consultation with the proponent, shall be responsible for convening a public information session, if applicable, at the proponent's cost.

Should the applicable Member of Parliament not convene a public information session, the proponent shall be responsible for convening a public information session, if applicable, at the proponent's cost.

9.7.2 The applicable Member of Parliament and/or proponent, as the case may be, shall adhere to the following requirements when organizing and convening a public information session:

- a) Public information session shall be open and accessible to all members of the public and local stakeholders;

- b) Public information session shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
- c) Duration of the public information session shall be a minimum of 2 hours;
- d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed antenna system shall be displayed at the public information session;
- e) The proponent shall conduct a presentation regarding the tower proposal, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by ISED Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to ISED Canada as the City does not have the authority to stop the construction of a telecommunication antenna/tower system;
- f) Public notification packages including a public comment sheet shall be made available for attendees;
- g) Closing date for written public comments shall be clearly announced at the public information session; and
- h) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

## 9.8 Responding to the Public

The proponent is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or DMO raises a question, comment or concern relating to the antenna system, as a result of the public consultation process, then the proponent is required to:

- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;
- b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response; and
- c) In the case where the party responds within the 21 day reply period, the proponent shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting. Telephone conversations and informal meetings must be documented by the proponent.



## 10 Concluding Consultation

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### 10.1 Consultation Summary Package

The proponent shall provide to the DMO a package summarizing the results of the public consultation process which shall include the following information:

- a) Attendance list and contact information from the public information session (if applicable);
- b) All written public comments and/or concerns received regarding the proposal;
- c) Proponent's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and
- d) If any modifications to the proposal are agreed to, then further details will be required, including revised plans.

### 10.2 Public Conclusion Package

The proponent may be required, if requested by the DMO, to provide a public conclusion package to the public.

Where a public conclusion package is required, the proponent shall provide the DMO with a draft public conclusion package summarizing the conclusion of the public consultation process.

#### 10.2.1 The public conclusion package must include the following information:

- a) Notice that the public consultation process is concluded;
- b) The following sentences regarding jurisdiction: "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the Planning Act, including zoning by laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system."; and
- c) Contact information for the proponent, local ISED Canada office and applicable Member of Parliament.

10.2.2 Upon written confirmation from the DMO to proceed, the proponent shall be responsible for distributing the public conclusion packages by mail to the following recipients:

- a) Attendees of the public information session, as indicated on the attendance list from the public information session, if applicable;
- b) Public that provided written comments regarding the proposal;
- c) List of property owners and applicable resident association provided by the DMO;
- d) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located; and
- e) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system.

Proponents are also required to mail a copy of the public conclusion package to the DMO.

### 10.3 Letter of Undertaking

The proponent may be required, if requested by the DMO, to provide a letter of undertaking, which may include the following requirements:

- a) Posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other telecommunication providers on a tower facility, where feasible, subject to the usual commercial terms and ISED Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- c) Other conditions identified in the Consultation Conclusion Letter.

### 10.4 ~~Letter of Comment~~ Consultation Conclusion Letter

The LUA will review all pertinent information regarding the proposal and prepare comments to the proponent with a copy to ISED Canada. The focus of the comments will be on how the proponent complied with the consultation requirements of this protocol, how the proposal met the location and design objectives of this protocol, whether the proposal has any adverse impact on the community, and communicate any particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

The LUA will also indicate that the consultation process has been concluded (with or without conditions). If the proposal is deemed inappropriate by the LUA, the LUA will indicate objections to the proposal and may include outstanding concerns/issues.

The LUA may retract its Consultation Conclusion Letter if following the issuance of the letter, it is determined by the LUA that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the Consultation Conclusion Letter was issued in writing have not

been complied with, and a resolution cannot be reached to correct the issue. In such cases, the LUA will provide notification in writing to the proponent and to ISED Canada and will include the reason(s) for retracting its Consultation Conclusion Letter.

## 11 Timeframes

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### 11.1 Consultation Timeframes

The LUA and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the LUA responds to the proponent with or without objections regarding the proposal.

Appendix A of this protocol contains a flow chart of the LUA and public consultation processes.

### 11.2 Supplementary Public Consultation

Where the LUA consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the proponent may be required to carry out a supplementary public consultation process, if requested by the DMO.

## 12 Post Construction Requirements Verifying Antenna / Tower System Height

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### 12.1 Notice of Non Conformity

Where the consultation process has been concluded and the LUA has determined that the as-built tower facility is not in accordance with the plan or condition(s) set out in the Letter of Comments, the LUA will provide notification in writing to the owner/operator advising of the situation.

In the event the owner/operator does not respond to the matter within 30 days of receiving the notification, or a resolution between the owner/operator and LUA cannot be reached to correct the issue, the LUA will advise ISED Canada of the situation and request assistance.

### 12.2 Verifying Height

Where necessary, the LUA may request that measurements be provided to demonstrate the antenna system's overall height. This may include the owner/operator engaging the services of a qualified third party to verify that the antenna system's height is 30 metres (98.4 feet) above ground level.

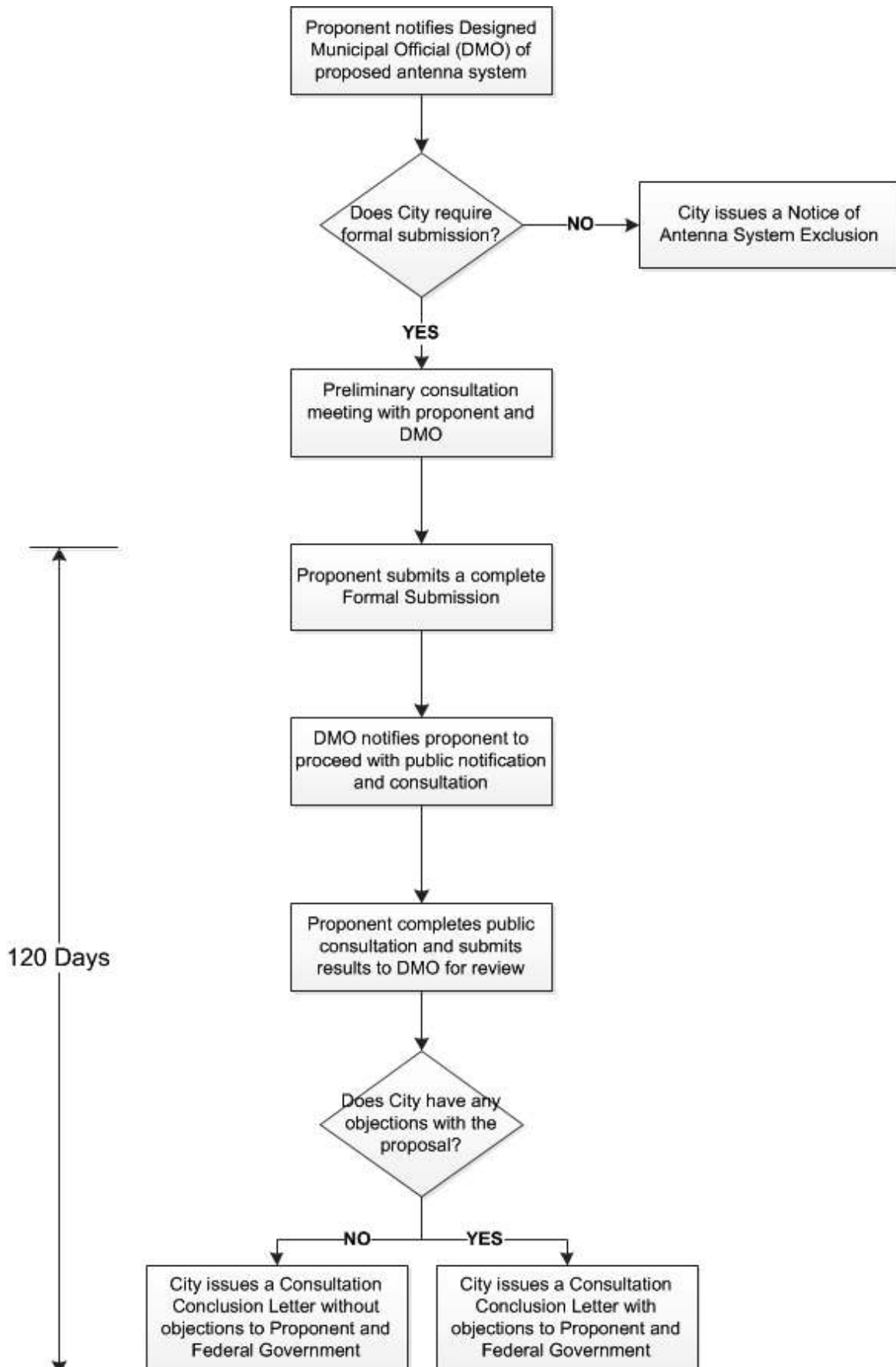
## **13 Redundant Antenna / Tower System**

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The LUA can issue a request to the owner/operator to clarify that a specific antenna system is still required to support telecommunication network activity. The owner/operator will respond within 30 days of receiving the request and will provide any available information on the future status or planned decommissioning of the antenna system.

Where the owner/operator concur that an antenna system is redundant, the owner/operator and LUA will mutually agree on a timeframe to remove the system including all associated equipment and remediate the site to its original condition. Removal shall occur no later than 2 years from when the antenna system was deemed redundant.

## Appendix A – Consultation Process Flow Chart



## Response to Comments Table

No.	Respondent	Protocol Section	Comment / Issue Summary	Staff Response	Recommendation(s)
1.	Wireless Carriers	10.4	<b>Consultation Conclusion Letter</b>  The Consultation Conclusion Letter should explicitly indicate whether or not the City concurs with the proposal.	In 2012, City Council had concerns with the word “concurrence”, as it gave the public the impression that the City was the approval authority. As outlined in the protocol, the Consultation Conclusion Letter will indicate whether the consultation process has been concluded or whether the City has any objections to the proposal. To date, proponents or the federal government have not had concerns with the Consultation Conclusion Letter that the City issues.	No change to the protocol.
2.	Wireless Carriers	10.4	<b>Expiry of Concurrence</b>  The Consultation Conclusion Letter (also referred to as “Concurrence Letter”) should indicate a 3 year validity date and that the Designated Municipal Official (DMO) has the ability to extend the time period, where the DMO deems appropriate.	As a standard business practice, prior to the issuance of consultation conclusion letter, staff discuss a mutually agreed upon validity date with the proponent, as individual circumstances vary with each antenna tower installation. The letter also indicates that if construction has not commenced within the specified time period, the letter expires and a written request to support additional time can be submitted to the DMO for consideration. To date, proponents have not had any issues with this standard business practice.	Amend protocol to indicate a validity date that is not more than 2 years from the issuance of the consultation conclusion letter, and to allow for written requests for the extension of expired letters.
3.	Wireless Carriers	4.2.3	<b>Site Specific Sensitivities</b>  The use of the phrase “site specific sensitivities” is a concern as the considerations for the exclusion criteria must related to land-use matters. Request to replace the phrase with “site specific land-use sensitivities”.	Staff concur with this comment.	Amend protocol to indicate “site specific land-use sensitivities”.

No.	Respondent	Protocol Section	Comment / Issue	Staff Response	Recommendation(s)
4.	Wireless Carriers	6.3	<b>Discouraged Siting Locations</b>  Reconsider lands designated “Greenlands” in Mississauga Official Plan as permitted locations for proposed antenna towers.	Mississauga Official Plan permits antenna towers in all land use designations except for lands designated “Greenlands”. Staff is of the opinion that the protocol should be consistent with local planning documents.	No change to the protocol.
5.	Wireless Carriers	9 & 10	<b>Public Notices</b>  The protocol contains language that has a potential to mislead the public. The language suggests that the City can only provide comments with respect to the proposal to the federal government. There is no mechanism for the federal government to review municipal comments. The protocol should be amended by removing the language suggesting that the City may only comment.	The language contained in the protocol is intended to communicate to the public that the City does not regulate or approve antenna towers.  Staff is of the opinion that the City does provide comments to the federal government in cases where the City objects to the proposal.	No change to the protocol.
6.	Wireless Carriers	6.4	<b>Siting on Property</b>  The guidelines for siting an antenna tower on a property indicate locating on required parking and/or loading spaces for the property should be avoided. The protocol should be amended to provide relief when a temporary site is being deployed in compliance with the protocol's other policies.	When reviewing temporary sites, staff would review the antenna tower proposal based on its own merits, including the duration of the temporary site. Since the policies outlined in Section 6.4 are guidelines, staff could support a temporary site where deemed appropriate.	No change to the protocol.
7.	Wireless Carriers	6.5	<b>Design Preferences</b>  Third-party advertising or promotion on antenna systems is not permitted and therefore would preclude the development of stealth sites made to appear like a sign. The protocol should be amended to permit the construction of stealth antenna towers designed to appear like a sign.	Staff concur with this comment.	Amend protocol to allow stealth antenna towers designed to appear like a sign provided that the content of the signage complies with the City's Sign By-law.

No.	Respondent	Protocol Section	Comment / Issue	Staff Response	Recommendation(s)
8.	Wireless Carriers	6.5	<p><b>Design Preferences</b></p> <p>The protocol requires roof-top installations to be designed in a manner such that antenna not be visible from the street. However, the receiving antenna must be able to "see" the transmitting antenna. Since many users are located within the street, this policy is counterproductive to wireless carriers objectives. The protocol should be amended to address this issue.</p>	<p>Staff is of the opinion that roof-top installations should not be visible from the street as antenna systems are visually obtrusive, especially when there are several installations on a roof-top. The protocol provides alternative solutions, such as screening techniques, that complement the architecture of the building. This technique would be similar to the shrouding technique for a monopole installation.</p>	No change to the protocol.
9.	Wireless Carriers	7.2 & 8.2	<p><b>Site Selection/Justification Reports</b></p> <p>The reports should not be required to be prepared by a qualified professional, as they are a product of a number of disciplines. ISED is the appropriate regulatory body with respect to these reports.</p>	<p>Staff is of the opinion that the reports should be prepared by a professional to ensure that the interests of residents of Mississauga are appropriately meet. All reports received from the Wireless Carriers have been prepared by a qualified professional without any issues.</p>	No change to the protocol.
10.	MIRANET	General	<p><b>Application of Proposed Protocol</b></p> <p>Concern that the protocol only applies to new antenna tower proposals and not existing proposals in process.</p>	<p>Staff is of the opinion that existing antenna tower proposals should be processed under the protocol in effect at the time of submission, which is a similar principle for development applications submitted under a planning regime in effect at time of submission.</p>	No change to the protocol.
11.	MIRANET	General	<p><b>Integrity of the Protocol</b></p> <p>Concern that the protocol will not be followed and accepted by proponents and the federal government.</p>	<p>The federal government requires proponents to follow municipal protocols for the siting of antenna towers, provided that protocols are in-line with the federal government's policies and not onerous for proponents.</p> <p>The federal government's policies are outlined in CPC-2-0-03, Issue 5, Radiocommunication and Broadcasting Antenna Systems.</p>	No change to the protocol.



No.	Respondent	Protocol Section	Comment / Issue	Staff Response	Recommendation(s)
12.	MIRANET	9.2	<p><b>Public Notification and Meeting Requirements</b></p> <p>The public notification distance of 120 m (394 ft.) or three times the antenna tower height, whichever is greater, is not adequate. It should be a minimum of 2 km (1.24 mi.) from the proposed location.</p> <p>Public meetings should also be required for all antenna tower proposals.</p>	<p>Staff is of the opinion that the notification distance is appropriate and is similar to the notification requirement for development applications. The notification area is also consistent with comparable municipalities' protocols. In addition to the notification distance, the protocol requires a notice sign to be posted on the subject property, and where antenna tower proposals are 30 m (98.4 ft.) high or greater, a newspaper ad is also required. A minimum 2 km (1.24 mi.) notification area would be costly and onerous for proponents, and the federal government may override such an onerous requirement.</p> <p>The protocol requires public information sessions where antenna tower proposals are located in residential areas, or within the greater of either three times the tower height, or 120 m (394 ft.) from a residential area. Staff is of the opinion that public information sessions are not required for antenna tower proposals located in industrial, employment and commercial areas, as it encourages Wireless Carriers to site new antenna towers in appropriate locations, and not within or near residential areas, where feasible</p>	No change to the protocol.
13.	MIRANET	6	<p><b>Location and Design Guidelines</b></p> <p>Concern with preferred locations, discouraged locations and other location and design guidelines not being followed by proponents. There should be no exceptions or loopholes.</p>	<p>Notwithstanding that the federal government requires proponents to follow municipal protocols, the preferred and discouraged locations, etc. are only 'guidelines' that promote the placement and design of antenna towers from a local land use planning perspective. Municipalities cannot regulate or approve the location of antenna towers, as grounded in case law.</p>	No change to the protocol.

No.	Respondent	Protocol Section	Comment / Issue	Staff Response	Recommendation(s)
14.	Amateur Radio Community	General	<b>Application of the Protocol</b>  Several sections of the protocol are not relevant to amateur radio antenna towers, such as Section 5 – Siting on City Owned Property, etc.	The City's Protocol has been established to cover all types of antenna tower proposals in different locations. Each proposal is reviewed on a case-by-case basis, including amateur radio antenna towers in non-residential areas and those located in City parks for special events.	No change to the protocol.
15.	Amateur Radio Community	6.8	<b>Amateur Radio Antenna Towers in Residential Areas</b>  Concerns with the location and design guidelines for amateur radio antenna towers in residential areas, including the maximum width, setbacks and visual impact mitigation measures.	Amateur Radio Antenna Towers in residential areas are generally an accessory structure to the main use of the property (i.e. residential use). The zoning by-law regulates accessory structures, but cannot regulate antenna tower structures, as zoning by-laws are not subject to a federal undertaking. However, the federal government allows municipalities to guide the design and location of antenna towers from a land use perspective.  In the opinion of staff, the location and design guidelines for amateur radio antenna towers in residential areas represents a balance between the residents' concerns and the Amateur Radio Community's needs.	No change to the protocol.
16.	Residents	6.8	<b>Amateur Radio Antenna Towers in Residential Areas</b>  Generally support the proposed amendments regarding amateur radio antenna towers, however, would like to see the maximum width be reduced from 3 m (9.8 ft.) to 1 m (3.3 ft.).	A maximum 1 m (3.3 ft.) width would not allow the Amateur Radio Community to resonate on frequencies that they are licensed to operate on by the federal government. The Amateur Radio Community would like to see a maximum width greater than 3 m (9.8 ft.). In the opinion of staff, a maximum 3 m (9.8 ft.) width represents a balance between the residents' concerns and the Amateur Radio Community's needs.	No change to the protocol.

# **TELECOMMUNICATION ANTENNA / TOWER SITING PROTOCOL**

**Innovation, Science and Economic Development Canada  
(Formally known as Industry Canada)  
Local Land Use Authority Consultation**

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# 1 Definitions

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The following definitions are to provide clarity in the protocol.

**Co-location** means the placement of an antenna(s) and related equipment by one or more proponent(s) on a telecommunication antenna/tower system operated by a different owner/operator, thereby creating a shared telecommunications system.

**Designated Municipal Official** means municipal staff member(s) tasked with the administration of this protocol, including receiving, evaluating and processing submissions for telecommunication antenna/tower systems.

**Equipment shelter** means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

**Land Use Authority (LUA)** means the Corporation of the City of Mississauga which is responsible for land use planning and development within the geographic boundaries of the City of Mississauga.

**Proponent** means any company, organization or person who puts forward a proposal to install or modify a telecommunication antenna/tower system.

**Radiocommunication Antenna System** means an antenna required on site for amateur radio communication and may include a supporting structure.

**Residential Area** means lands used or zoned to permit residential uses, including mixed uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).

**Telecommunication Antenna / Tower System (also referred as “Antenna System”)** means an exterior transmitting device or group of devices used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

- a) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System(s);
- b) **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

# 2 Objectives

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The objectives of this protocol are to:

- Encourage proponents of telecommunication antenna/tower systems to use existing antenna systems, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new antenna systems within the City of Mississauga;

- Provide a clear and concise outline of the Land Use Authority and public consultation processes when proponents intend to modify or install an antenna system within the City of Mississauga;
- Ensure effective local public notification and consultation when an antenna system is proposed within a community;
- Strongly discourage proponents from locating antenna systems on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating antenna systems on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;
- Encourage proponents to locate and design antenna systems which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new antenna system; and
- Encourage proponents to locate antenna systems in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

### 3 Jurisdiction and Roles

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#### 3.1 Federal Jurisdiction

Telecommunication Antenna/Tower Systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic (“ISED”) Canada, formally known as Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these antenna systems. It is important to understand that ISED Canada, while requiring proponents to follow municipal consultation protocols, makes the final decision on whether or not an antenna system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna system.

#### 3.2 Other Federal Legislation

As a Federal undertaking, antenna systems must adhere to all applicable Federal regulations and guidelines, including but not limited to:

- ISED Canada’s Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- ISED Canada’s Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ;
- National Building Code of Canada;
- *Canadian Environmental Assessment Act*; and
- Transport Canada's painting and lighting requirements for aeronautical safety.

### 3.3 Role of the Land Use Authority

The ultimate role of the Land Use Authority (LUA) is to provide input and comments to the proponent and ISED Canada with respect to land use compatibility of an antenna system proposal and indicate how the proponent has complied with the public consultation requirements outlined in this protocol, where applicable. The LUA also communicates to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

### 3.4 Land Use Authority's Designated Official

For the purpose of this protocol, the designated municipal official having the authority to administer this protocol is the Director, Development and Design Division, Planning and Building Department or her/his designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Designated Municipal Official ("DMO"). The DMO's contact information can be obtained by contacting the Planning and Building Department at [eplanbuild.info@mississauga.ca](mailto:eplanbuild.info@mississauga.ca).

## 4 Exclusions

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### 4.1 Exemptions from Formal Submission and Public Consultation

For the following types of antenna system installations or modifications, ISED Canada generally excludes proponents from the requirement to consult with the public and submit an antenna system proposal to the LUA for formal review:

- a) **New Freestanding Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- b) **Existing Freestanding Antenna Systems:** where modifications are made, antennas added or the tower replaced<sup>1</sup>, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation<sup>2</sup>. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

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<sup>1</sup> The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

<sup>2</sup> Initial Antenna System installation refers to the system as it was first consulted on, or installed.



- c) Building/Structure-Mounted Antenna System:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%<sup>3</sup>;
- d) Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and
- e) No consultation is required prior to performing maintenance on an existing antenna system.**

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

## 4.2 Review of Exempt Antenna Systems by the Land Use Authority

ISED Canada's CPC-2-0-03 states that: Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria in Section 4.1 should be applied in consideration of local circumstances. Consequently, it may be prudent for proponents to consult with the LUA even though the proposal meets an exclusion noted in Section 4.1. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- The antenna system's physical dimensions, including the antenna, mast and tower, compared to the local surroundings;
- The location of the proposed antenna system on the property and its proximity to neighbouring residents;
- The likelihood of an area being a community sensitive location; and
- Transport Canada marking and light requirements for the proposed structure.

### 4.2.1 Notwithstanding ISED Canada's exemption criteria for certain antenna systems, proponents should consult with the LUA so the LUA can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Assess the likelihood of an area being a community sensitive location;
- Be aware of site co-location within the municipality;
- Maintain records to refer to in the event of future modifications and additions; and

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<sup>3</sup> Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

- Engage in meaningful dialogue with the proponent with respect to the appearance of the antenna system and its proximity to neighbouring residents prior to the proponent confirming a final design.

4.2.2 Prior to commencing installation/modification of exempted antenna systems, proponents are required to provide the following materials to the LUA:

- a) Cover letter describing the proposed antenna system including the location (i.e. address and/or legal description), height and dimensions and any antenna that may be mounted on the supporting structure.
- b) Description of how the proposal meets the applicable exclusion criteria identified in Section 4.1;
- c) Site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or building on the property;
- d) Elevation plan or simulated images of the proposed antenna system; and
- e) Applicable fees in accordance with the City's General Fees and Charges By-law, as amended.

Proponents are encouraged to consider and incorporate the Location and Design Guidelines identified in Section 6.

4.2.3 The LUA will review the documentation and if the proposal is deemed to meet the applicable exclusion criteria and the Location and Design Guidelines identified in Section 6, and there are no site-specific land-use sensitivities, the LUA will issue a Notice of Telecommunication Antenna/Tower System Exclusion to the proponent with a copy to the Ward Councillor and ISED Canada

In the event that the proposed antenna system does not comply with the Location and Design Guidelines identified in Section 6 or there are site-specific land-use sensitivities, the LUA will indicate the outstanding issues/concerns. In such cases, the proponent and LUA will then work toward a mutually agreeable alternative/solution, which may include the LUA requesting the proposal be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable, concluding with a Consultation Conclusion Letter with or without objections.

## 5 Siting on City Owned Properties

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Any request to install an antenna system on land owned by the City shall be made through the DMO.

Proposed antenna systems on City owned properties are subject to this protocol.

Notwithstanding the public consultation requirements outlined in Section 9, the DMO may identify the need to amend the content of the public notification requirements accordingly.

## 6 Development and Design Guidelines

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### 6.1 Co-location

Co-location on an existing antenna system is the preferred option instead of constructing new antenna system within the City.

### 6.2 Preferred Locations

Where a new antenna system must be constructed, the following locations are preferred:

- a) Areas that maximize the distance from residential areas; and
- b) Business employment, industrial and utility areas;

### 6.3 Discouraged Locations

Where a new antenna system must be constructed, the new antenna system should not be located on:

- a) Lands designated as Greenlands under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems; and
- b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*.

~~c) Downtown area.~~

### 6.4 Siting on a Property

Where a new antenna system must be constructed, the following location guidelines should be followed:

- a) Locate antenna systems away from street line to minimize visual impact of the tower from the streetscape;
- b) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.); and
- c) Avoid locating antenna systems on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site.

### 6.5 Design

Where a new antenna system must be constructed, the following design guidelines should be followed:

- a) Allow for future co-location capacity;

- b) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under Mississauga Official Plan;
- c) Lattice style towers and pinwheel telecommunication antennas are strongly discouraged;
- d) Monopole towers with antennas shrouded or flush mounted are preferred; and
- e) Antenna systems attached to an existing building, including rooftop installations, should not be visible from any public street abutting the subject property, as demonstrated in a visual plane analysis, or should be screened and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;

## 6.6 Design in High Profile and/or Sensitive Areas

When new antenna systems must be located in a high profile and/or sensitive area, such as, but not limited to, Major Nodes and Community Nodes identified in Mississauga Official Plan, the system should be designed and sited to minimize visual impact within the context of the surrounding area.

In addition to the guidelines in Sections 6.1 to 6.5, the following design guidelines should also be met:

- a) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

## 6.7 Colour, Lighting, Signage and Other Graphics

Where a new antenna system must be constructed, the following design guidelines should be followed:

- a) Use non-reflective surfaces and neutral colours that blend with the surrounding landscape and public realm, unless Transport Canada has identified painting requirements for aeronautical safety for an antenna system;
- b) No illumination is permitted on an antenna system, except where Transport Canada requirements for illumination of an antenna system are identified;
- c) Identify the owner/operator, including the contact information, of an antenna system by providing a small plaque with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- d) Signage for advertising or promotion is not permitted on an antenna system, unless used for the purposes of stealth techniques and the content of the signage complies with the City's Sign By-law.

## 6.8 Amateur Radio Antenna System in Residential Areas

The following location and design guidelines shall apply to proposals for an antenna system located in a residential area used for personal use by a resident for amateur radio communication.

### 6.8.1 Amateur radio antenna systems should not be located within:

- a) Lands designated Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Lands heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Front or exterior side yard of the property, as defined in the City's Zoning By-law.

### 6.8.2 Amateur radio antenna systems are preferred to be located in the following location:

- a) Rear yard of the property, but excluding the extension of the exterior side yard into the rear yard, as defined in the City's Zoning By-law.

### 6.8.3 The following location and design guidelines should be followed:

- a) Height of an amateur radio antenna system should be less than 15 metres (49.2 feet) above ground level, whether located on the ground or attached to a building or structure;
- b) Width of an amateur radio antenna system should not exceed 3 metres (9.8 feet);
- c) No part of an amateur radio antenna system should be located within 1.2 metres (3.9 feet) of any lot line;
- d) An amateur radio antenna system on a roof of a residential building should only be located on that half of the roof closest to the rear yard;
- e) Non-reflective surfaces and neutral colours that blend with the surrounding area should be used; and
- f) Graphics, signage, flags or lighting on an amateur radio antenna system is not permitted.

### 6.8.4 Proponents should consider the visual impacts on surrounding properties even though the amateur radio antenna system complies with the location and design guidelines noted above. Visual impact mitigation measures could include, but are not limited to the following:

- a) Select an appropriate location on the property to reduce the visibility from surrounding properties;
- b) Decrease the size and visibility of the amateur radio antenna system; and
- c) Screen the amateur radio antenna system with landscape treatment.

## **7 Preliminary Land Use Authority Consultation**

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### **7.1 Preliminary Meeting**

Proponents are required to have a preliminary consultation meeting with the LUA prior to submitting a formal request to install or modify an antenna system. This initial contact will allow the proponent to meet with the LUA to discuss the proposal, including the rationalization behind the site selection.

During this meeting, the LUA will provide preliminary input and comments regarding the proposal, such as, but not limited to, land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences, other agencies to be consulted, and whether a peer review by a consultant will be required. This meeting will also provide an opportunity to inform the proponent of the consultation process outlined herein.

### **7.2 Preliminary Meeting Requirements**

The following information must be provided to the LUA in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed antenna system including the height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system. This is not required for amateur radio antenna system proposals, however, a cover letter is required that describes the proposed antenna system including the height, dimensions, location within the subject property, and any antenna that may be mounted on the supporting structure;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed antenna system.

### **7.3 Notification of Preliminary Meeting**

After the preliminary consultation meeting, the DMO will notify the Ward Councillor of the meeting.

## 7.4 Confirmation of Land Use Authority Preferences and Requirements

During or after the preliminary consultation meeting, the DMO will provide the proponent with an information package that includes:

- a) Formal submission requirements;
- b) A list of plans and studies that may be required;
- c) A list of municipal departments and other agencies to be consulted; and
- d) An indication of the LUA's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the proponent is encouraged to consult with the applicable municipal departments and agencies, and obtain applicable written comments/clearances before making a formal submission.

# 8 Formal Land Use Authority Consultation

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## 8.1 Land Use Authority Consultation Requirements

Where a proposed antenna system does not meet the exclusion criteria identified in Section 4.1, the proponent must submit a formal antenna system proposal to the LUA for review.

## 8.2 Formal Submission Requirements

The proponent must submit the following materials to the LUA:

- a) A telecommunication antenna/tower application form and fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system. This is not required for amateur radio antenna system proposals, however, a cover letter is required that describes the proposed antenna system including the height, dimensions, location within the subject property, and any antenna that may be mounted on the supporting structure;
- c) A public notification package;
- d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;

- e) A copy of the draft newspaper notice and the proposed date on which it will be published (no sooner than 14 days from the date of request being submitted), if applicable;
- f) A copy of the draft notice sign; and
- g) Any other required information listed in the information package provided to the proponent during or after the preliminary meeting.

### **8.3 Determination of Complete or Incomplete Submission**

The DMO will determine whether the antenna system request is deemed complete or incomplete within five business days of receipt of the request.

If the required materials listed in Section 8.2 of this protocol are not complete or provided to the satisfaction of the DMO, the request will be deemed incomplete and will not mark the official commencement of the 120 day consultation process. The DMO will notify the proponent of the outstanding items to be addressed.

When the request is deemed complete by the DMO, the DMO will notify the proponent and Ward Councillor of the complete request, and circulate the proposal to the applicable municipal departments for review and comment.

## **9 Public Consultation**

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### **9.1 Public Consultation Requirements**

Where a proposed antenna system requires public consultation, the proponent must carry out the following public consultation process.

The proponent must not initiate public notification or consultation for an antenna system proposal until a formal submission has been made to the LUA and written confirmation from the DMO to proceed with public notification and consultation has been provided.

The proponent shall be responsible for all costs associated with public consultation.

### **9.2 Notification**

The proponent is to distribute the public notification packages by mail to the following recipients:

- a) All property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the antenna system height measured from the furthest point of the antenna system;
- b) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located;
- c) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system; and



d) DMO.

- 9.2.1 The LUA will provide the proponent with a mailing list of all addresses of property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the antenna system.

The envelope for the public notification package should have the following statement in red ink: "IMPORTANT NOTICE REGARDING PROPOSED TELECOMMUNICATION ANTENNA/TOWER IN YOUR NEIGHBOURHOOD".

When a public information session is required, the proponent is to distribute the public notification packages by mail at least 30 days prior to the date of the public information session.

### 9.3 Public Notification Package Requirements

The public notification package must include the following information:

- a) A location map, including the address, clearly indicating the exact location of the proposed antenna system in relation to the surrounding properties and streets;
- b) A physical description of the proposed antenna system including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- c) An elevation plan of the proposed antenna system;
- d) Colour simulated images of the proposed antenna system;
- e) The purpose of the proposed antenna system, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Address, date and time of the public information session (if applicable);
- j) Information on how to submit written public comments to the proponent and the closing date for submission of written public comments;
- k) Proponent's contact information;
- l) Reference to the City of Mississauga Telecommunication Antenna/Tower Siting Protocol and where it can be viewed;

- m) The following sentences regarding jurisdiction: “Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga’s Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system.”;
- n) Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website; and
- o) Municipal designate, Member of Parliament and ISED Canada contact information.

#### **9.4 Closing Date for Written Public Comments**

The closing date for submission of written public comments shall not be less than:

- a) 14 days after the public information session, where a public information session is required; or
- b) 30 days where a public information session is not required.

#### **9.5 Notice Sign**

The proponent shall erect a sign on the property notifying the public of the proposal to establish an antenna system on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) and located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground. However, the size of the sign shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height).

The erection of the notice sign should be coordinated with the distribution of the public notification packages.

Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the DMO within 10 days after the sign has been erected.

The sign shall remain on the subject property for the duration of the public consultation process.

The proponent shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

9.5.1 The notice sign shall contain the following wording:

<p style="text-align: center;"><b><u>PUBLIC NOTICE</u></b></p> <p>[Name of Proponent] is proposing to locate a telecommunication antenna/tower system, being [#] metres ([#] feet) in height, on this property.</p> <p><i>(If applicable)</i> A public information session is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].</p> <p style="text-align: center;">Public comment is invited.</p> <p>The closing date for submission of written comments is [applicable closing date].</p> <p>For further information, contact [Applicant's name, phone number and e-mail address].</p> <p>Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the <i>Radiocommunication Act</i> and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the <i>Planning Act</i>, including zoning by-laws, does not apply to these systems.</p> <p>The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system.</p> <p style="text-align: center;">[Municipal contact information] [Member of Parliament contact information] [Local Innovation, Science and Economic Development Canada contact information]</p>
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**9.6 Newspaper Notice**

Where an antenna system is 30 metres (98.4 feet) or greater in height, the proponent shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Thursday's edition.

The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).

A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the DMO within 10 days of the newspaper notice being published.

9.6.1 Where a public information session is required, the newspaper notice shall be published at least 21 days before the date of the public information session.

The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.

9.6.2 Where a public information session is not required, the date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.

9.6.3 The newspaper notice shall contain the following information:

- a) Description of the proposed antenna system, including the height;
- b) Address of the proposed antenna system,;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) *(If applicable)* Invitation to the public information session, and location and time of the session;
- f) Applicant's contact information;
- g) Inclusion of the following "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these systems. The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system."; and
- h) Municipal designate, Member of Parliament and ISED Canada contact information.

## 9.7 Public Information Session

A public information session is required where the proposed antenna system is located:

- a) In a residential area; or
- b) Within the greater of either, three times the antenna system height or 120 metres (393.7 feet) from a residential area.

9.7.1 The applicable Member of Parliament, in consultation with the proponent, shall be responsible for convening a public information session, if applicable, at the proponent's cost.

Should the applicable Member of Parliament not convene a public information session, the proponent shall be responsible for convening a public information session, if applicable, at the proponent's cost.

9.7.2 The applicable Member of Parliament and/or proponent, as the case may be, shall adhere to the following requirements when organizing and convening a public information session:

- a) Public information session shall be open and accessible to all members of the public and local stakeholders;
- b) Public information session shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
- c) Duration of the public information session shall be a minimum of 2 hours;
- d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed antenna system shall be displayed at the public information session;
- e) The proponent shall conduct a presentation regarding the tower proposal, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by ISED Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to ISED Canada as the City does not have the authority to stop the construction of a telecommunication antenna/tower system;
- f) Public notification packages including a public comment sheet shall be made available for attendees;
- g) Closing date for written public comments shall be clearly announced at the public information session; and
- h) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

## 9.8 Responding to the Public

The proponent is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or DMO raises a question, comment or concern relating to the antenna system, as a result of the public consultation process, then the proponent is required to:

- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;
- b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response; and
- c) In the case where the party responds within the 21 day reply period, the proponent shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an

informal meeting. Telephone conversations and informal meetings must be documented by the proponent.

## **10 Concluding Consultation**

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### **10.1 Consultation Summary Package**

The proponent shall provide to the DMO a package summarizing the results of the public consultation process which shall include the following information:

- a) Attendance list and contact information from the public information session (if applicable);
- b) All written public comments and/or concerns received regarding the proposal;
- c) Proponent's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and
- d) If any modifications to the proposal are agreed to, then further details will be required, including revised plans.

### **10.2 Public Conclusion Package**

The proponent may be required, if requested by the DMO, to provide a public conclusion package to the public.

Where a public conclusion package is required, the proponent shall provide the DMO with a draft public conclusion package summarizing the conclusion of the public consultation process.

#### **10.2.1 The public conclusion package must include the following information:**

- a) Notice that the public consultation process is concluded;
- b) The following sentences regarding jurisdiction: "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the Planning Act, including zoning by laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system."; and
- c) Contact information for the proponent, local ISED Canada office and applicable Member of Parliament.

10.2.2 Upon written confirmation from the DMO to proceed, the proponent shall be responsible for distributing the public conclusion packages by mail to the following recipients:

- a) Attendees of the public information session, as indicated on the attendance list from the public information session, if applicable;
- b) Public that provided written comments regarding the proposal;
- c) List of property owners and applicable resident association provided by the DMO;
- d) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located; and
- e) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system.

Proponents are also required to mail a copy of the public conclusion package to the DMO.

### 10.3 Letter of Undertaking

The proponent may be required, if requested by the DMO, to provide a letter of undertaking, which may include the following requirements:

- a) Posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other telecommunication providers on a tower facility, where feasible, subject to the usual commercial terms and ISED Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- c) Other conditions identified in the Consultation Conclusion Letter.

### 10.4 ~~Letter of Comment~~ Consultation Conclusion Letter

The LUA will review all pertinent information regarding the proposal and prepare comments to the proponent with a copy to ISED Canada. The focus of the comments will be on how the proponent complied with the consultation requirements of this protocol, how the proposal met the location and design objectives of this protocol, whether the proposal has any adverse impact on the community, and communicate any particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

The LUA will also indicate that the consultation process has been concluded, with or without conditions, and that the Consultation Conclusion Letter will remain in effect for a maximum period of 2 years from the date it was issued. If construction has not commenced within the specified time period, the Consultation Conclusion Letter expires and a written request to support additional time must be submitted to the LUA for consideration.

In cases where the proposal is deemed inappropriate by the LUA, the LUA will indicate objections to the proposal and may include outstanding concerns/issues.

### **10.5 Retracting a Consultation Conclusion Letter**

The LUA may retract its Consultation Conclusion Letter if following the issuance of the letter, it is determined by the LUA that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the Consultation Conclusion Letter was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the LUA will provide notification in writing to the proponent and to ISED Canada and will include the reason(s) for retracting its Consultation Conclusion Letter.

## **11 Timeframes**

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### **11.1 Consultation Timeframes**

The LUA and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the LUA responds to the proponent with or without objections regarding the proposal.

Appendix A of this protocol contains a flow chart of the LUA and public consultation processes.

### **11.2 Supplementary Public Consultation**

Where the LUA consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the proponent may be required to carry out a supplementary public consultation process, if requested by the DMO.

## **12 Post Construction Requirements**

### **Verifying Antenna / Tower System Height**

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### **12.1 Notice of Non-Conformity**

Where the consultation process has been concluded and the LUA has determined that the as-built tower facility is not in accordance with the plan or condition(s) set out in the Letter of Comments, the LUA will provide notification in writing to the owner/operator advising of the situation.

In the event the owner/operator does not respond to the matter within 30 days of receiving the notification, or a resolution between the owner/operator and LUA cannot be



reached to correct the issue, the LUA will advise ISED Canada of the situation and request assistance.

#### **12.2 Verifying Height**

Where necessary, the LUA may request that measurements be provided to demonstrate the antenna system's overall height. This may include the owner/operator engaging the services of a qualified third party to verify that the antenna system's height is 30 metres (98.4 feet) above ground level.

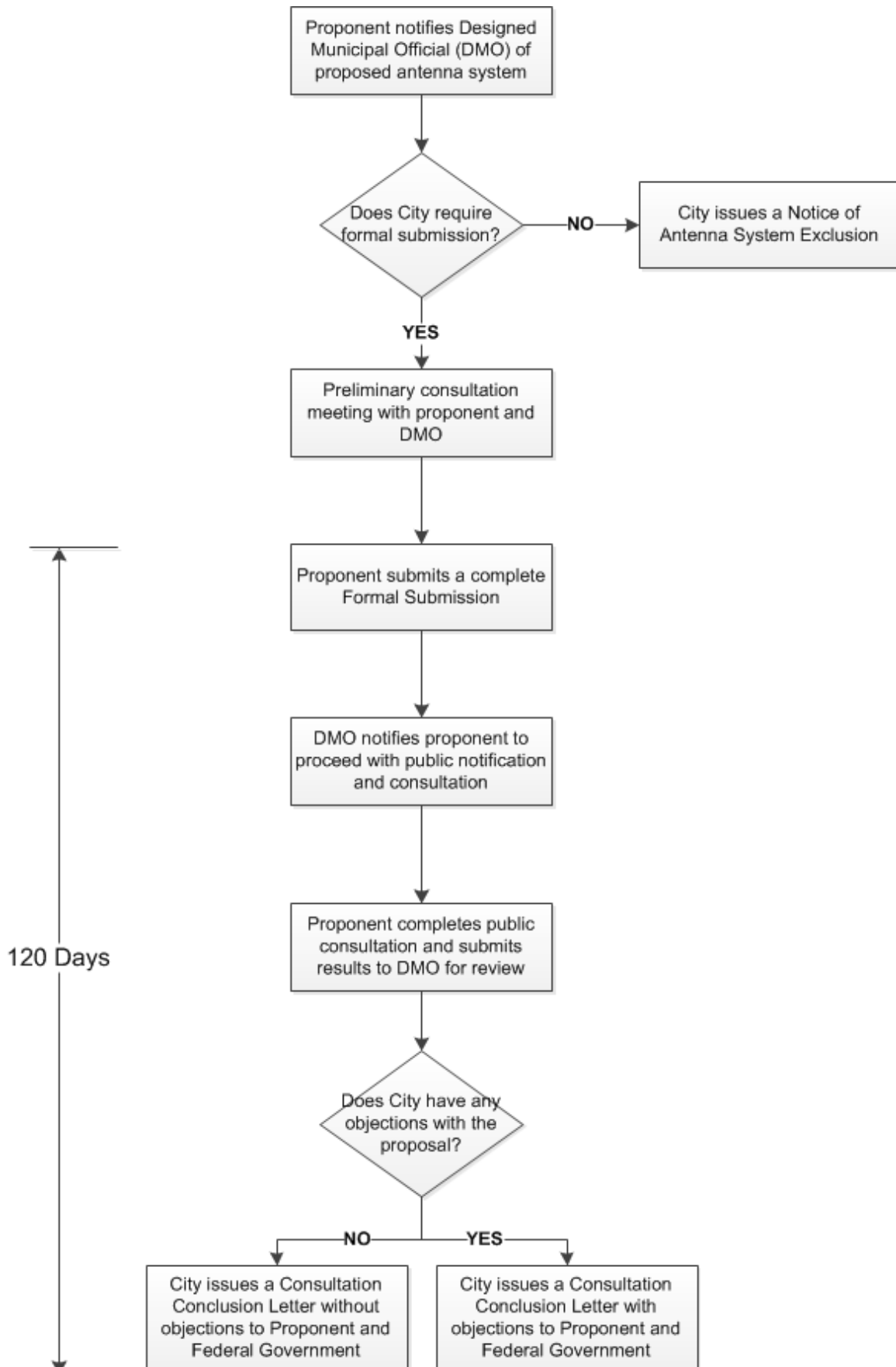
## **13 Redundant Antenna / Tower System**

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The LUA can issue a request to the owner/operator to clarify that a specific antenna system is still required to support telecommunication network activity. The owner/operator will respond within 30 days of receiving the request and will provide any available information on the future status or planned decommissioning of the antenna system.

Where the owner/operator concurs that an antenna system is redundant, the owner/operator and LUA will mutually agree on a timeframe to remove the system, including all associated equipment and remediate the site to its original condition. Removal shall occur no later than 2 years from when the antenna system was deemed redundant.

## Appendix A – Consultation Process Flow Chart



**TELECOMMUNICATION ANTENNA TOWER PROCESSING FEES**

<b>Application Type</b>	<b>Current Fee Structure (\$)</b>	<b>Waston's Full Cost Fee Structure (2016\$)</b>	<b>Proposed Fee Structure (2017\$)</b>	<b>Change - Current to Proposed (\$)</b>	<b>Change - Current to Proposed (%)</b>
<b>Notice of Telecommunication Antenna Tower Exclusion</b>	\$320.00	\$440.00	\$449.00	\$129.00	40%
<b>Telecommunication Antenna Tower</b>	\$4,280.00	\$2,813.00	\$2,869.00	-\$1,411.00	-33%
<b>Telecommunication Antenna Tower - Public Information Session</b>	\$5,350.00	\$4,096.00	\$4,178.00	-\$1,172.00	-22%

## PROPOSED FEE SCHEDULE

Development & Design	FEE
Notice of Telecommunication Antenna Tower Exclusion	\$449.00 per notice
Telecommunication Antenna Tower Application	\$2,869.00 per application
Telecommunication Antenna Tower Application where a Public Information Session is required	\$4,178.00 per application
Peer Review Consultant for Telecommunication Antenna Tower Application	Peer Review Consultant costs up to a maximum of \$4,000.00 plus 15% of costs for administration