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## Planning and Development Committee

### Date

2017/06/12

### 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 – Approval of May 29, 2017 Minutes
4. MATTERS TO BE CONSIDERED
  - 4.1. **PUBLIC MEETING INFORMATION REPORT (WARD 8)**  
Application to permit 144 horizontal multiple dwelling units (back to back stacked townhouses) on a private condominium road, 2277 South Millway, North of The Collegeway, west of Erin Mills Parkway  
Owner: 2277 South Millway G.P. Inc.  
File: OZ 16/004 W8
  - 4.2. **PUBLIC MEETING INFORMATION REPORT (WARDS 1-11)**  
Proposed City Initiated Official Plan and Rezoning Amendments to Mississauga Official Plan and Mississauga Zoning By-law 0225-2007  
File: BL-09-COM
  - 4.3. **PUBLIC MEETING INFORMATION/RECOMMENDATION REPORT (WARD 7)**  
Application to create 18 blocks on a private condominium road to accommodate 120 townhome and 20 live/work townhomes, 90, 100, 110 Dundas Street West, southeast corner of Dundas Street West and Confederation Parkway  
Owner: 675553 Ontario Limited (Conservatory Group)  
File: T-M15002 W7
  - 4.4. **REPORT ON COMMENTS (WARD 1)**  
1 Port Street East Official Plan Amendment  
File: CD.21.POR

- 
- 4.5.     **SECTION 37 COMMUNITY BENEFITS REPORT (WARD 9)**  
6719 Glen Erin Drive, east side of Glen Erin Drive, north of Aquitaine Avenue  
Owner: Blackrock Aquitaine Limited  
File: OZ 14/002 W9
- 4.6.     Bill 139 to enact Local Planning Appeal Tribunal Act, 2017 and the  
Local Planning Appeal Support Centre Act, 2017 and to amend the  
Planning Act, the Conservation Authorities Act and various other  
Acts
5.       ADJOURNMENT

# City of Mississauga

## Corporate Report



Date: May 19, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
OZ 16/004 W8

Meeting date:  
2017/06/12

## Subject

### **PUBLIC MEETING INFORMATION REPORT (WARD 8)**

**Applications to permit 144 horizontal multiple dwelling units (back to back stacked townhouses) on a private condominium road**

**2277 South Millway, north of The Collegeway, west of Erin Mills Parkway**

**Owner: 2277 South Millway G.P. Inc.**

**File: OZ 16/004 W8**

## Recommendation

That the report dated May 19, 2017, from the Commissioner of Planning and Building regarding the applications by 2277 South Millway G.P. Inc. to permit 144 horizontal multiple dwelling units (back to back stacked townhouses) on a private condominium road under File OZ 16/004 W8, 2277 South Millway, 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
- Community concerns identified to date relate to tree preservation, proposed building setbacks, shadowing and overlook conditions, visitor parking, and availability of amenity space
- Prior to the next report, matters to be considered include the appropriateness of the proposed amendments and the satisfactory resolution of other technical requirements and studies related to the project



## Background

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

## Comments

### THE PROPERTY AND THE NEIGHBOURHOOD

Size and Use	
Frontage:	84 m (275.6 ft.)
Depth:	144.5 m (474.1 ft.)
Gross Lot Area:	1.2 ha (3.0 ac.)
Net Lot Area:	0.9 ha (2.2 ac.)
Existing Uses:	1 storey institutional building occupied by ErinoakKids Centre for Treatment and Development

The property is located in the South Common Community Node Character Area, north of The Collegeway, west of Erin Mills Parkway. ErinoakKids Centre for Treatment and Development currently occupies the site but will be moving their operation to a new site in Mississauga located at 1230 Central Parkway West, just south of Burnhamthorpe Road West. The immediate vicinity is a well-established mixed use area characterized by residential, office, commercial, institutional and community uses. The residential uses in the area include townhouses and 3 to 7 storey apartment buildings. South Common Mall is located east of the property and contains a range of retail and service commercial uses, including a grocery store, pharmacy and bank. South Common Community Centre and Library are also located east of the property. South Common Park abuts the property to the north and east, and contains athletic fields (soccer and baseball), open space and a playground. The park also contains a 5.6 ha (13.8 ac.) woodland feature that extends onto the subject property. The woodland feature is defined as a **Core Woodland** in the Region of Peel Official Plan and a **Significant Natural Area** (NAS) in Mississauga Official Plan. A trail network traverses the woodland and provides connections to surrounding neighbourhoods and community facilities. There is an existing trail entrance immediately east of the property from South Millway.

Approximately 23% of the property is occupied by the NAS feature. In addition to the NAS, there are a number of mature trees in the front portion of the property, adjacent to South Millway. Site grades fall from northwest to southeast, towards South Millway.



Aerial Image of  
2277 South  
Millway

The surrounding land uses are:

North: Woodland and South Common Park

East: Woodland, South Common Community Centre and Library, office uses and South Common Mall

South: 6 to 7 storey apartment buildings on the south side of South Millway

West: A 3 to 5 storey apartment building and townhouses

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

## DETAILS OF THE PROJECT

The proposed development as presented in this report represents a revised concept plan from what was originally submitted by the owner. Although the number of units remains the same, modifications have been made to address initial concerns raised by City, Region of Peel and Credit Valley Conservation (CVC) staff. Concerns raised include: preservation of the Significant Natural Area (NAS) at the rear of the property, grade manipulation and retaining walls, lack of on-site amenity space, parking and compliance with the requested **RM9** (Horizontal Multiple Dwellings with more than 6 dwelling units) zone. Staff continue to review the revised concept plan, which is described below.

The applications are to permit 144 back to back stacked townhouses on a private condominium road (see Appendices 5 and 6). The proposed back to back stacked townhouses are 4 storeys and have a roof-top terrace. Site access is proposed from South Millway. A total of 159 resident parking spaces and 14 visitor parking spaces are proposed, all of which will be located underground. It should be noted that there is some on-street parking on South Millway.

<b>Development Proposal</b>		
Applications submitted:	Received: May 13, 2016 Deemed complete: June 1, 2016	
Developer Owner:	2277 South Millway G.P. Inc.	
Applicant:	Jim Levac, Glen Schnarr & Associates	
Number of units:	144 back to back stacked townhouses	
Height:	4 storeys + roof-top terrace	
Lot Coverage:	45.8%	
Floor Space Index:	2.0 (based on net lot area)	
Landscaped Area:	44.2%	
Gross Floor Area:	17 300 m <sup>2</sup> (186,215.7 ft <sup>2</sup> )	
Road type:	Private condominium road	
Anticipated Population:	446* *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	218	159
visitor spaces	36	14
Total	254	173

Additional information is provided in Appendices 1 to 10.



Image of existing conditions



Applicant's  
rendering of  
proposed  
elevations

## LAND USE CONTROLS

The subject lands are located within the South Common Community Node Character Area and are designated **Residential High Density**, which permits apartment buildings within a Floor Space Index (FSI) range of 0.8 to 1.4. The applications are not in conformity with the land use designation.

The proposal requires an amendment to Mississauga Official Plan from **Residential High Density to Residential High Density – Special Site** to permit horizontal multiple dwellings and to permit an increase in the maximum permitted FSI from 1.4 to 2.0. It should be noted that the FSI is calculated based on the net site area (i.e. excluding the woodlot at the rear of the property). If the FSI was calculated using the gross site area, the FSI would be 1.5.

A rezoning is proposed from **RA1-11** (Apartment Dwelling – Exception Zone) to **RM9-Exception** (Horizontal Multiple Dwellings with more than 6 dwelling units - Exception Zone) to permit 144 back to back stacked townhouses in accordance with the proposed zone standards contained within Appendix 10.

Detailed information regarding the Official Plan and Zoning is in Appendices 9 and 10.

## 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 8 Councillor, Matt Mahoney on December 6, 2016.

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

- The existing trees and woodland on the property should be preserved. Any trees proposed to be planted would be small relative to the existing mature trees on the property
- Insufficient setbacks are provided to proposed buildings. In particular, setbacks to South Millway and the west lot line (abutting the existing apartment building)
- The proximity of the proposed buildings to the neighbouring apartment building will result in shadow impacts, overlook issues, and restrict sky views
- The proposed roof-top amenity areas are a concern due to possible fire and smoke from roof-top barbeques. This will impact neighbour's enjoyment of their patios and balconies
- A community gathering space and/or play area for kids should be provided on-site, so that children do not need to travel off-site to play

## 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 sufficient parking proposed to accommodate the proposed use?
- Are the setbacks to the Significant Natural Area (NAS) appropriate?
- Are the proposed zoning regulations acceptable?
- Does the proposed development comply with Fire Route By-law 1036-081?
- Have all other technical requirements and studies, including stormwater management and traffic impacts, been addressed and found to be acceptable?

Development and Design staff are in the process of preparing Urban Design Guidelines and revised Zoning By-law regulations for Horizontal Multiple Dwellings. Although the applications were submitted in advance of the guidelines being endorsed and the Zoning By-law regulations coming into effect, staff are reviewing the applications in the context of good urban design principles, existing guidelines and standards, and the existing **RM9** (Horizontal Multiple Dwellings with more than 6 dwelling units) zoning regulations.

## OTHER INFORMATION

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

- Planning Justification Report
- Draft Official Plan Amendment

- Draft Zoning By-law Amendment
- Concept Plan
- Preliminary Elevations
- Building Section
- Landscape Concept Plan
- Functional Servicing Report
- Grading and Servicing Plan
- Environmental Impact Study and Tree Management Report
- Noise Feasibility Study
- Traffic Impact Study
- Phase 1 Environmental Site Assessment
- Sun/Shadow Study
- Parcel Register

### **Development Requirements**

There are engineering matters including: grading, servicing, stormwater management and noise mitigation measures 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**

Most 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 Photograph
- Appendix 3: Excerpt of South Common Community Node Character Area Land Use Map
- Appendix 4: Zoning and General Context Map
- Appendix 5: Concept Plan
- Appendix 6: Elevation and Sections
- Appendix 7: Agency Comments
- Appendix 8: School Accommodation
- Appendix 9: Summary of Existing and Proposed Mississauga Official Plan Policies and Relevant Mississauga Official Plan Policies
- Appendix 10: Summary of Existing and Proposed Zoning Provisions



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Ashlee Rivet, Development Planner

## Appendix 1

**2277 South Millway G.P. Inc.****File: OZ 16/004 W8****Site History**

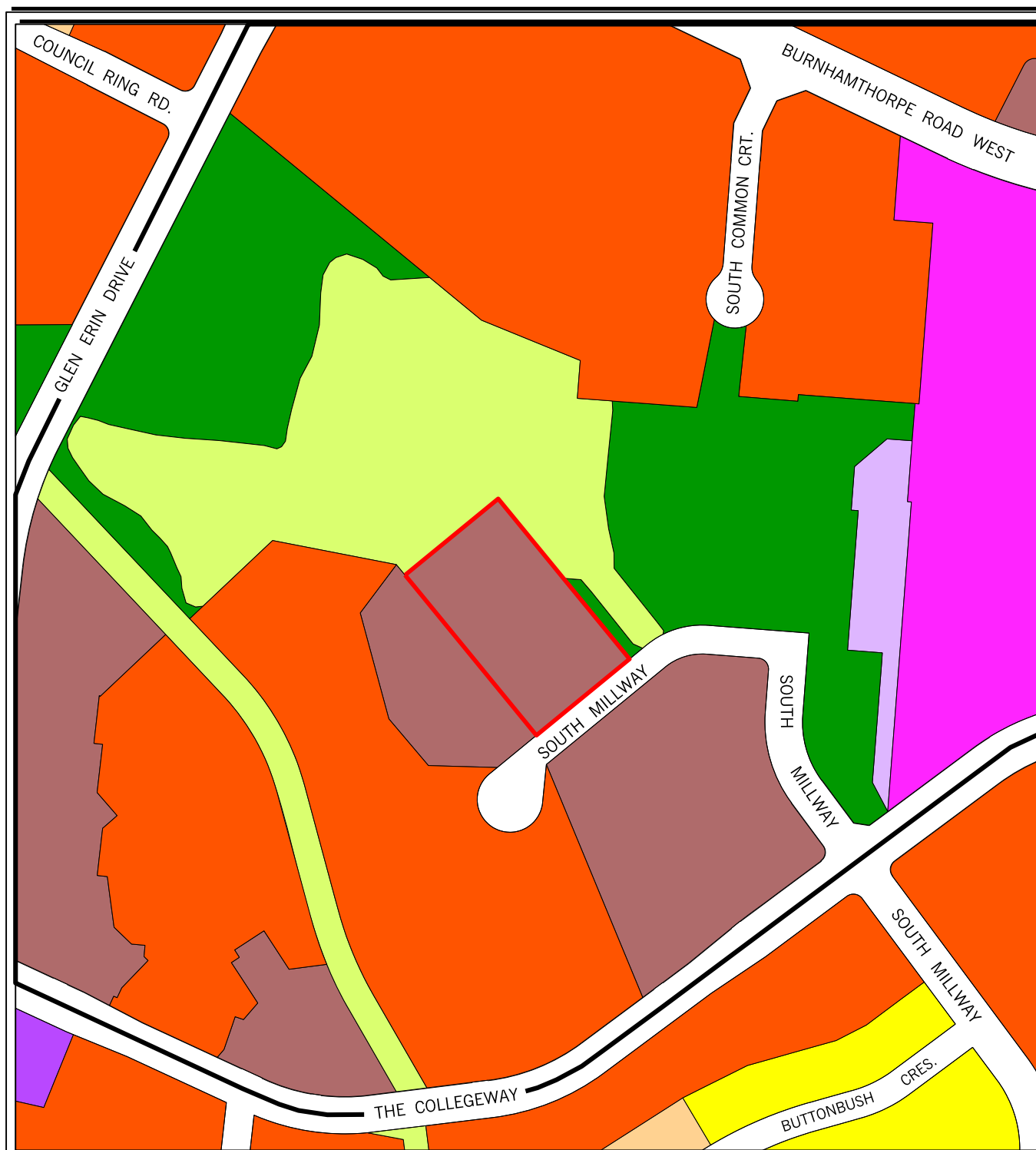
- 1978 – Opening of existing building on-site, occupied by Credit Valley Association for Handicapped Children (now known as ErinoakKids Centre for Treatment and Development)
- June 20, 2007 – Zoning By-law 0225-2007 came into force. The zoning of the lands changed from **R3** (Detached Dwellings - 15 m min. lot frontages) to **RA1-11** (Apartment Dwellings – Exception Zone) which permits only a Health Care Facility on the site



**LEGEND:****SUBJECT LANDS**

DATE OF AERIAL IMAGERY: SPRING 2016

**TITLE:****2277 SOUTH MILLWAY G.P. INC.****FILE NO:****OZ 16/ 004 W8****MISSISSAUGA**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



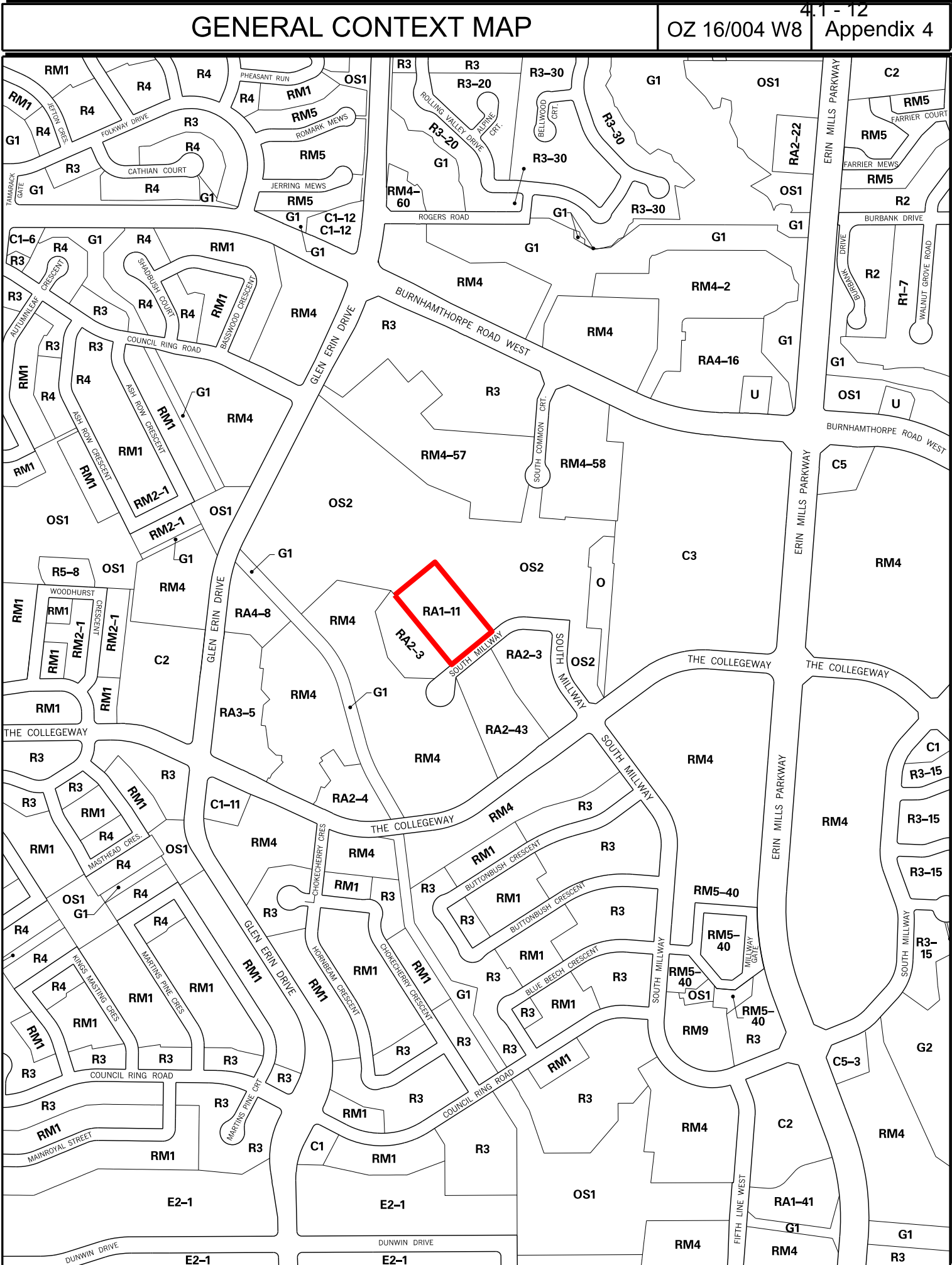
**TITLE:** 2277 SOUTH MILLWAY G.P. INC.

**FILE NO:** OZ 16/ 004 W8

**MISSISSAUGA**

Produced by  
T&W, Geomatics





# GENERAL CONTEXT MAP

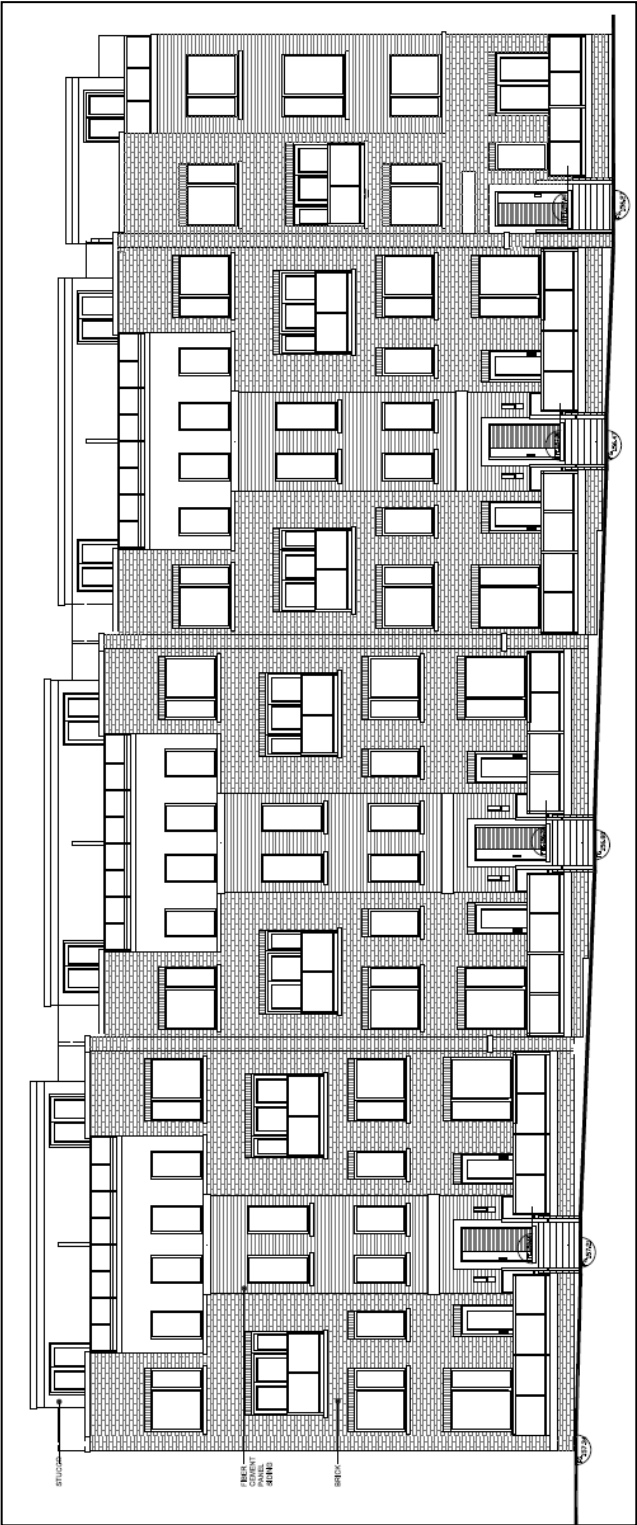
The site plan illustrates a residential development with the following features:

- Blocks of Stacked Towns:**
  - Block 1:** 24 stacked towns, located in the bottom right.
  - Block 2:** 20 stacked towns, located above Block 1.
  - Block 3:** 20 stacked towns, located in the top right, adjacent to Woodlot.
  - Block 4:** 8 stacked towns, located in the top left.
  - Block 5:** 16 stacked towns, located below Block 4.
  - Block 6:** 28 stacked towns, located in the middle left.
  - Block 7:** 28 stacked towns, located in the bottom left.
- Landscape Areas:**
  - A large landscape area of 55m<sup>2</sup> is situated between Block 3 and Block 4.
  - Other smaller landscape areas are interspersed between the blocks.
- Fire Route:** A designated fire route is shown in the center, adjacent to a hatched landscape area.
- Roads and Boundaries:**
  - WOODLOT:** Located to the north of the development.
  - SOUTH MILLWAY:** Located to the south of the development.
  - Various boundary lines and dimensions are marked throughout the plan.
- Orientation:** A north arrow is located in the top right corner.

2277 South Millway G.P. Inc.

File: OZ 16/004 W8

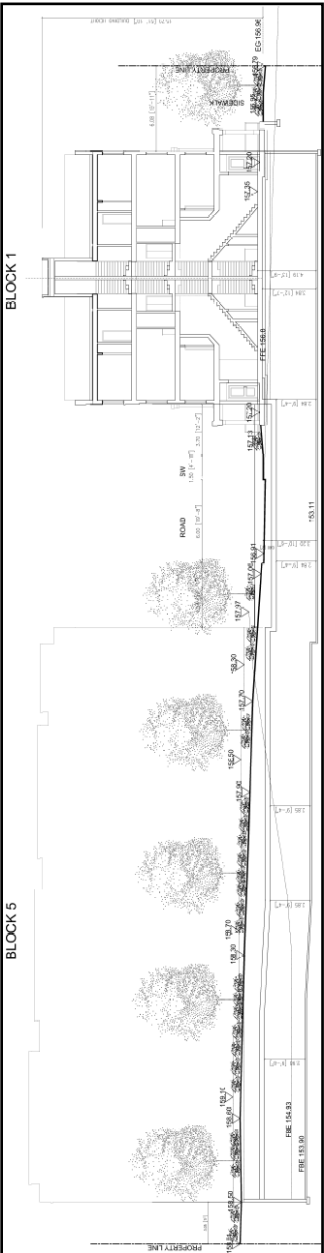
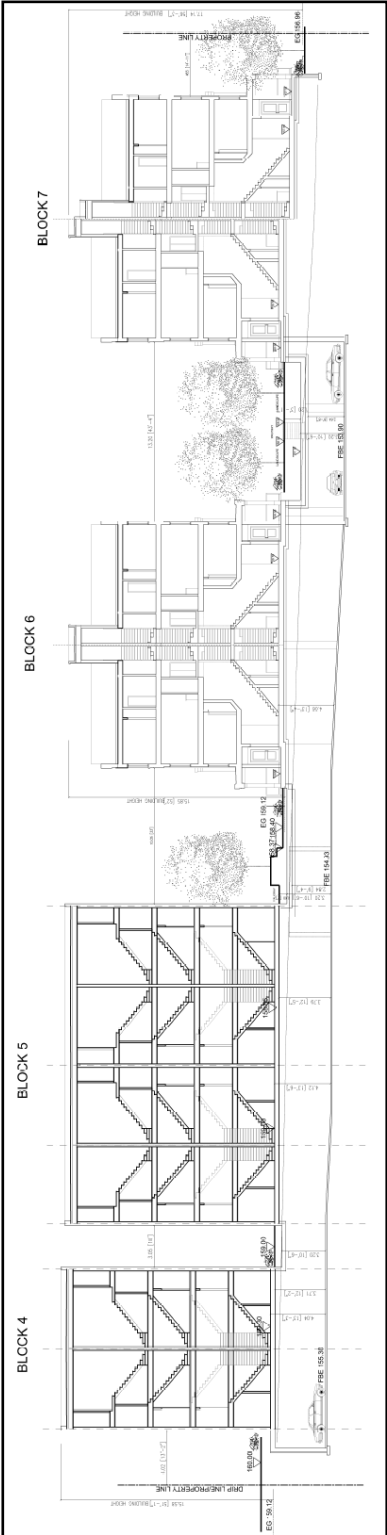
Elevation and Sections



2277 South Millway G.P. Inc.

File: OZ 16/004 W8

Elevation and Sections



**2277 South Millway G.P. Inc.****File: OZ 16/004 W8****Agency Comments**

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

<b>Agency / Comment Date</b>	<b>Comment</b>
Region of Peel (May 8, 2017)	<p>The Region will require a revised Environmental Impact Statement (EIS) that identifies Regional Core Areas and addresses impacts to the features/mitigations proposed. Credit Valley Conservation (CVC) is a technical advisor to the Region of Peel regarding Core areas of the Greenland System. Region staff will consult with CVC staff regarding the proposal and will require the CVC be satisfied with the EIS, impacts to the feature and mitigation measures proposed prior to providing final approval. The Region will provide front-end collection. A drawing/plan identifying waste set out to confirm adequate spacing for number of required bins and that the internal road meets the required 13 m (42.6 ft.) turning radius must be submitted.</p>
Dufferin-Peel Catholic District School Board and the Peel District School Board (April 18, 2017)	<p>Both School Boards 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 the 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 these development applications.</p> <p>If approved, both School Boards require that certain warning clauses regarding transportation, signage and temporary accommodation be included in any Development/Servicing Agreement and Agreements of Purchase and Sale.</p>
City Community Services Department – Parks and Forestry Division/Park Planning Section (May 4, 2017)	<p>Community Services indicated that South Common Park and South Common Community Centre and Library are located directly adjacent to the site. The park is zoned OS2 (Open Space) and contains a baseball diamond, soccer pitch, tennis courts , skate board park, play structure, and splash pad.</p> <p>Community Services requests that the woodlot on the subject lands be dedicated to the City for conservation purposes. The</p>

2277 South Millway G.P. Inc.

File: OZ 16/004 W8

Agency / Comment Date	Comment
	<p>City will in turn credit the dedication against the requirement for cash-in-lieu of parkland. The balance owing for cash-in-lieu will be required to be paid as the time of building permit issuance.</p> <p>The applicant shall submit a cash contribution for street tree planting on South Millway.</p>
<p>City Community Services Department – Fire and Emergency Services Division (June 28, 2016)</p>	<p>Fire has reviewed the applications from an emergency response perspective and has no concerns; emergency response time to the site and watersupply available are acceptable.</p> <p>Prior to the Recommendation Report, Planning &amp; Building staff will require the Fire and Emergency Services Division to confirm compliance of the proposed development with Fire Route By-law 1036-081.</p>
<p>City Transportation and Works Department (T&amp;W) (May 1, 2017)</p>	<p>T&amp;W confirms receipt of an Environmental Noise Assessment, Functional Servicing Report, Traffic Impact Study, Grading and Servicing Plans, Easement Plan, Phase I Environmental Site Assessments (ESA), and Site Plan.</p> <p>Notwithstanding the drawings and findings of these reports, the applicant has been requested to provide additional technical details. Development matters currently under review and consideration by this department include:</p> <ul style="list-style-type: none"> <li>• Grading, Servicing and Site Plan details;</li> <li>• Functioning Servicing Report details;</li> <li>• Transportation Impact Study;</li> <li>• Turning movement diagram for ingress and egress, including emergency vehicles;</li> <li>• Submit a Letter of Reliance for Phase I ESA;</li> <li>• Easement documents over existing parking area;</li> <li>• Fire and EMS approval; and</li> <li>• Confirmation of condominium type</li> </ul> <p>The above aspects will be addressed in detail prior to the Recommendation Report.</p>



**2277 South Millway G.P. Inc.****File: OZ 16/004 W8**

Agency / Comment Date	Comment
Mississauga Transit (July 20, 2016)	The site is located within proximity to one of MiWay's major transit hubs, the South Common Transit Terminal which will continue to be located in its present location for a considerable length of time. The site is located within a 350 m (1,148 ft.) walk of the terminal and as such as good access to transit service, 7 days a week.
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>• Cultural Planning, Community Services Department</li> <li>• Heritage Planning, Community Services Department</li> <li>• Canada Post</li> <li>• Enbridge Gas Distribution Inc.</li> <li>• Alectra Utilities Inc. (formerly Enersource Hydro Mississauga)</li> <li>• Rogers Cable</li> </ul>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> <li>• Realty Services, Corporate Services Department</li> <li>• HydroOne Networks</li> <li>• Bell Canada</li> <li>• Conseil Scolaire de Distrique Centre-Sud</li> <li>• Conseil Scolaire Viamonde</li> </ul>

2277 South Millway G.P. Inc.

File: OZ 16/004 W8

**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>43</td><td>Kindergarten to Grade 8</td></tr> <tr> <td>23</td><td>Grade 9 to Grade 12</td></tr> </table> </li> <li>School Accommodation:               <p>Brookmede Public School</p> <table> <tr> <td>Enrolment:</td><td>392</td></tr> <tr> <td>Capacity:</td><td>450</td></tr> <tr> <td>Portables:</td><td>0</td></tr> </table> <p>Erin Mills Middle School</p> <table> <tr> <td>Enrolment:</td><td>510</td></tr> <tr> <td>Capacity:</td><td>536</td></tr> <tr> <td>Portables:</td><td>1</td></tr> </table> <p>Erindale Secondary School</p> <table> <tr> <td>Enrolment:</td><td>785</td></tr> <tr> <td>Capacity:</td><td>1,353</td></tr> <tr> <td>Portables:</td><td>0</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>	43	Kindergarten to Grade 8	23	Grade 9 to Grade 12	Enrolment:	392	Capacity:	450	Portables:	0	Enrolment:	510	Capacity:	536	Portables:	1	Enrolment:	785	Capacity:	1,353	Portables:	0	<ul style="list-style-type: none"> <li>Student Yield:               <table> <tr> <td>10</td><td>Junior Kindergarten to Grade 8</td></tr> <tr> <td>8</td><td>Grade 9 to Grade 12</td></tr> </table> </li> <li>School Accommodation:               <p>St. Margaret of Scotland</p> <table> <tr> <td>Enrolment:</td><td>592</td></tr> <tr> <td>Capacity:</td><td>685</td></tr> <tr> <td>Portables:</td><td>0</td></tr> </table> <p>Loyola Secondary School</p> <table> <tr> <td>Enrolment:</td><td>1,058</td></tr> <tr> <td>Capacity:</td><td>1,080</td></tr> <tr> <td>Portables:</td><td>0</td></tr> </table> </li> </ul>	10	Junior Kindergarten to Grade 8	8	Grade 9 to Grade 12	Enrolment:	592	Capacity:	685	Portables:	0	Enrolment:	1,058	Capacity:	1,080	Portables:	0
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2277 South Millway G.P. Inc.

File: OZ 16/004 W8

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

#### Current Mississauga Official Plan Designation and Policies for the South Common Community Node Character Area

**Residential High Density** which permits apartment dwellings within a Floor Space Index (FSI) range of 0.8-1.4.

According to Schedule 3 (Natural System) of Mississauga Official Plan, the rear portion of the property is designated **Significant Natural Areas and Natural Green Spaces**.

#### Proposed Official Plan Amendment Provisions

The lands are proposed to be designated **Residential High Density – Special Site** to permit horizontal multiple dwellings with an FSI of 2.0

#### Relevant Mississauga Official Plan Policies

There are numerous policies that apply in reviewing these applications. An overview of some of these policies is found below:

	Specific Policies	General Intent
Chapter 5 – Direct Growth	Section 5.3.3 – Community Nodes	5.3.3.3 Community Nodes are Intensification Areas.
		5.3.3.4 Community Nodes will achieve a gross density of between 100 and 200 residents and jobs combined per hectare.
	Section 5.5 – Intensification Areas	5.3.3.8 Community Nodes will develop as centres for surrounding Neighbourhoods and be a location for mixed use development.
		5.3.3.11 Development in Community Nodes will be in a form and density that complements the existing character of historical Nodes or that achieves a high quality urban environment within more recently developed Nodes.
		5.3.3.12 Community Nodes will be served by frequent transit services that provide city wide connections.
		5.3.3.13 Community Nodes will be developed to support and encourage active transportation as a mode of transportation.

Chapter 5 – Direct Growth		<p>5.5.5 Development will promote the qualities of complete communities.</p> <p>5.5.7 A mix of medium and high density housing, community infrastructure, employment, and commercial uses, including mixed use residential/commercial buildings and offices will be encouraged. However, not all of these uses will be permitted in all areas.</p> <p>5.5.8 Residential and employment density should be sufficiently high to support transit usage. Low density development will be discouraged.</p> <p>5.5.9 Intensification Areas will be planned to maximize the use of existing and planned infrastructure.</p> <p>5.5.11 Where there is a conflict between the Intensification Area policies and policies regarding the Natural Heritage System and heritage resources, the policies of the Natural Heritage System and heritage resources will take precedence.</p> <p>5.5.12 Development will be phased in accordance with the provision of community infrastructure and other infrastructure.</p>
Chapter 6 – Value the Environment	Section 6.3 – Green System	<p>6.3.1 Mississauga will give priority to actions that protect, enhance, restore and expand the Green System for the benefit of existing and future generations.</p> <p>6.3.7 Buffers which are vegetated protection areas that provide a physical separation of development from the limits of natural heritage features and Natural Hazard Lands, will be provided to perform the following:</p> <ul style="list-style-type: none"> <li>• Maintenance of slope stability and reduction of erosion on valley slopes;</li> <li>• Attenuation of stormwater runoff;</li> <li>• Reduction of human intrusion into Significant Natural Areas and allowance for predation habits of pets, such as cats and dogs;</li> <li>• Protection of tree root zones to ensure survival of vegetation;</li> <li>• Provision of a safety zone for tree fall next to woodlands;</li> <li>• Enhancement of woodland interior and edge areas through native species plantings;</li> <li>• Enhanced wildlife habitat and corridors for wildlife movement; and</li> <li>• Opportunities for passive recreational activities, in appropriate locations.</li> </ul>

Chapter 6 – Value the Environment		<p>6.3.8 Buffers shall be determined on a site specific basis as part of an Environmental Impact Study or other similar study, to the satisfaction of the City and appropriate conservation authority.</p> <p>6.3.9 Mississauga's Natural Heritage System is composed of the following:</p> <ul style="list-style-type: none"> <li>• Significant Natural Areas;</li> <li>• Natural Green Spaces;</li> <li>• Special Management Areas;</li> <li>• Residential Woodlands; and</li> <li>• Linkages</li> </ul> <p>6.3.10 The exact limit of components of the Natural Heritage System will be determined through site specific studies such as an Environmental Impact Study.</p> <p>6.3.11 Minor refinements to the boundaries of the Natural Heritage System may occur through Environmental Impact Studies, updated of the Natural Heritage System, or other appropriate studies accepted by the City without amendment to this Plan. Major boundary changes require an amendment to this Plan.</p> <p>6.3.12 Significant Natural Areas are areas that meet one or more of the following criteria:</p> <p>f. significant woodlands are those that meet one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• Woodlands, excluding cultural savannahs, greater than or equal to four hectares;</li> <li>• Any woodland greater than 0.5 hectares that: <ul style="list-style-type: none"> <li>• Supports old growth trees (greater than or equal to 100 years old);</li> <li>• Supports a significant linkage function as determined through an Environmental Impact Study approved by the City in consultation with the appropriate conservation authority;</li> <li>• Is located within 100 metres of another Significant Natural Area supporting a significant ecological relationship between the two features;</li> <li>• Supports significant species or communities</li> </ul> </li> </ul>
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Chapter 6 – Value the Environment	<p>6.3.24 The Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:</p> <ul style="list-style-type: none"> <li>a. Ensuring that development in or adjacent to the Natural Heritage System protects and maintains natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping, and parking and amenity area locations;</li> <li>b. Placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible;</li> <li>d. Retaining areas in a natural condition and/or allowing them to regenerate to assume a natural state;</li> <li>f. Controlling activities that may be incompatible with the retention of the Natural Heritage System and associated ecological functions; and</li> <li>g. Regulation of encroachment into the Natural Heritage System and other public open spaces.</li> </ul> <p>6.3.26 Lands identified as or meeting the criteria of a Significant Natural Area, as well as their associated buffers will be designated Greenlands and zoned to ensure their long term protection. Uses will be limited to conservation, flood and/or erosion control, essential infrastructure and passive recreation.</p> <p>6.3.27 Development and site alteration as permitted in accordance with the Greenlands designation within or adjacent to a Significant Natural Area will not be permitted unless all reasonable alternatives have been considered and any negative impacts minimized. Any negative impact that cannot be avoided will be mitigated through restoration and enhancement to the greatest extent possible. This will be demonstrated through a study in accordance with the requirements of the <i>Environmental Assessment Act</i>. When not subject to the <i>Environmental Assessment Act</i>, an Environmental Impact Study will be required.</p> <p>6.3.28 Notwithstanding the policies of this Plan, development and site alteration will not be permitted in the following areas:</p> <ul style="list-style-type: none"> <li>d. Core Areas of the Greenlands System as defined in the Region of Peel Official Plan, except in accordance with Regional requirements.</li> </ul>
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Chapter 6 – Value the Environment		<p>6.3.36 In Significant Natural Areas and Natural Green Spaces, recreation potential will be restricted to protect the natural heritage feature and its ecological function. Formalized passive recreational uses such as trails may be permitted to minimize the impacts of uncontrolled public access.</p> <p>6.3.44 Development and site alteration will demonstrate that there will be no negative impacts to the Urban Forest. An arborist report and tree inventory that demonstrates tree preservation and protection both pre and post construction, and where preservation of some trees is not feasible, identifies opportunities for replacement, will be prepared to the satisfaction of the City in compliance with the City's tree permit by-law.</p>
Chapter 7 – Complete Communities	Section 7.2 – Housing	<p>7.2.1 Mississauga will ensure that housing is provided in a manner that maximizes the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents.</p> <p>7.2.2 Mississauga will provide opportunities for:</p> <ul style="list-style-type: none"> <li>a. The development of a range of housing choices in terms of type, tenure and price;</li> <li>b. The production of a variety of affordable dwelling types for both the ownership and rental markets; and,</li> <li>c. The production of housing for those with special needs, such as housing for the elderly and shelters.</li> </ul> <p>7.2.8 Design solutions that support housing affordability while maintaining appropriate functional and aesthetic quality will be encouraged.</p> <p>7.2.9 The provision of housing that meets the needs of young adults, older adults and families will be encouraged in the Downtown, Major Nodes and Community Nodes.</p>
Chapter 8 – Create a Multi-Modal City	<p>Section 8.2.3 – Transit Network</p> <p>Section 8.2.4 – Active Transportation</p> <p>Section 8.4 - Parking</p>	<p>8.2.3.8 Decisions on transit planning and investment will be made according to the following criteria:</p> <ul style="list-style-type: none"> <li>a. Using transit infrastructure to shape growth, and planning for high residential and employment densities that ensure the efficiency and viability of existing and planned transit service levels;</li> </ul> <p>8.2.4.7 Sidewalks or multi-use trails and pedestrian amenities will be a priority in Intensification Areas.</p>

Chapter 8 – Create a Multi-Modal City		<p>8.4.1 Off-street parking facilities for vehicles and other modes of travel, such as bicycles, will be provided in conjunction with new development and will:</p> <ul style="list-style-type: none"> <li>a. Provide safe and efficient access from the road network so that ingress and egress movements minimize conflicts with road traffic and pedestrian movements;</li> </ul> <p>8.4.7 Within Intensification Areas, Mississauga will give consideration to:</p> <ul style="list-style-type: none"> <li>a. Reducing minimum parking requirements to reflect transit service levels</li> </ul>
Section 9 – Building a Desirable Urban Form	<p>Section 9.1 – Introduction</p> <p>Section 9.2.1 – Intensification Areas</p> <p>Section 9.3.5 – Open Spaces and Amenity Areas</p> <p>Section 9.5 – Site Development and Buildings</p>	<p>9.1.2 Within Intensification Areas an urban form that promotes a diverse mix of uses and supports transit and active transportation modes will be required.</p> <p>9.2.1.10 Appropriate height and built form transitions will be required between sites and their surrounding areas.</p> <p>9.2.1.25 Buildings should have active facades characterized by features such as lobbies, entrances and display windows. Blank building walls will not be permitted facing principal street frontages and intersections.</p> <p>9.2.1.29 Development will have a compatible built, massing and scale of built form to provide an integrated streetscape.</p> <p>9.2.1.37 Developments should minimize the use of surface parking in favour of underground or aboveground structured parking.</p> <p>9.3.5.6 Residential developments of significant size, will be required to provide common outdoor on-site amenity areas that are suitable for the intended users.</p> <p>9.5.1.1 Buildings and site design will be compatible with site conditions, the surrounding context and surrounding landscape of the existing or planned character of the area.</p>



<p><b>Section 9 – Building a Desirable Urban Form</b></p>		<p>9.5.1.2 Developments should be compatible and provide appropriate transition to existing and planned development by having regard for the following elements:</p> <ul style="list-style-type: none"> <li>a. Natural Heritage System;</li> <li>b. Natural hazards</li> <li>c. Natural and cultural heritage features</li> <li>d. Street and block patterns;</li> <li>e. The size and configuration of properties along a street, including lot frontages and areas;</li> <li>f. Continuity and enhancement of streetscapes;</li> <li>g. The size and distribution of building mass and height;</li> <li>h. Front, side and rear yards;</li> <li>i. The orientation of buildings, structures and landscapes on a property;</li> <li>j. Views, sunlight and wind conditions;</li> <li>k. The local vernacular and architectural character as represented by the rhythm, textures and building materials;</li> <li>l. Privacy and overlook; and,</li> <li>m. The function and use of buildings, structures and landscapes.</li> </ul> <p>9.5.1.6 Existing vegetation patterns and preservation and or enhancement of the Urban Forest will be addressed in all new development.</p> <p>9.5.1.7 Developments adjacent to public parkland will complement the open space and minimize negative impacts.</p>
<p><b>Chapter 9 – Building a Desirable Urban Form</b></p>		<p>9.5.1.15 Development in proximity to landmark buildings or sites, to the Natural Areas System or cultural heritage resources, should be designed to:</p> <ul style="list-style-type: none"> <li>a. Respect the prominence, character, setting and connectivity of these buildings, sites and resources; and</li> <li>b. Ensure an effective transition in built form through appropriate height, massing, character, architectural design, siting, setbacks, parking, amenity and open spaces.</li> </ul> <p>9.5.2.3 Development proponents will be required to ensure that pedestrian circulation and connections are accessible, comfortable, safe and integrated into the overall system of trails and walkways.</p> <p>9.5.2.7 Site development should respect and maintain existing grades on-site.</p>

<b>Chapter 11 – General Land Use Designations</b>	Section 11.2.5 – Residential	11.2.5.6 Lands designated Residential High Density will permit the following use: a. Apartment dwelling
<b>Chapter 14 – Community Nodes</b>	Section 14.1.1 – General	14.1.1.1 For lands within a Community Node a minimum building height of two storeys to a maximum building height of four storeys will apply, unless Character Area policies specify alternative building height requirements or until such time as alternative building heights are determined through the review of Character Area policies.
<b>Chapter 19 – Implementation</b>	Section 19.5 – Criteria for Site Specific Official Plan Amendment	19.5.1 City Council will consider applications for site specific amendments to this Plan within the context of the policies and criteria set out throughout this Plan. The proponent of an official plan amendment will be required to submit satisfactory reports to demonstrate the rational for the amendment; including, among other matters: a. That the proposed redesignation would not adversely impact or destabilize the following: <ul style="list-style-type: none"> <li>• The achievement of the overall intent, goals, objectives and policies of this Plan; and,</li> <li>• The development or functioning of the remaining lands that have the same designation, or neighbouring lands; and,</li> </ul> b. That a municipal comprehensive review of land use designation or a five year review is not required; c. That the lands are suitable for the proposed use, and a planning rationale with reference to the policies of this Plan, other applicable policies and sound planning principles is provided, setting out the merits of the proposed amendment in comparison with the existing designation; d. Land use compatibility with the existing and future uses of surrounding lands; and, e. The adequacy of engineering services, community infrastructure and multi-modal transportation systems to support the proposed application.

2277 South Millway G.P. Inc.

File: OZ 16/004 W8

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

**RA1-11 (Apartment Dwellings – Exception)**, which permits a health care facility with an FSI range of 0.8 to 1.4.

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

<b>Zone Standards</b>	<b>Base RM9 Zoning By-law Standards</b>	<b>Proposed RM9 Exception Zoning By-law Standards</b> (based on Site Plan dated March 16, 2017)
Minimum lot frontage	30.0 m (98.4 ft.)	84.0 m (275.6 ft.)
Minimum floor space index	0.4	n/a
Maximum floor space index	0.9	2.0
Maximum height – flat roof	13.0 m (42.7 ft.)	18.4 m (60.4 ft.) measured to the top of the roof-top terrace
Minimum front yard setback	7.5 m (24.6 ft.)	3.5 m (11.5 ft.)
Minimum interior side yard	4.5 m (14.8 ft.)	3.0 m (9.8 ft.)
Minimum rear yard	7.5 m (24.6 ft.)	1.0 m (3.3 ft.) to NAS dripline
Maximum encroachment of a porch, inclusive of stairs, located at and accessible from the first storey or below the first storey of the horizontal multiple dwelling	1.8 m (5.9 ft.)	2.8 m (9.2 ft.)
Minimum setback from a horizontal multiple dwelling to an internal road, sidewalk or visitor parking space	4.5 m (14.8 ft.)	2.4 m (7.9 ft.)
Minimum setback from a porch or deck, inclusive of stairs to an internal road or sidewalk	2.9 m (9.5 ft.)	0.0 m (0.0 ft.) to sidewalk
Minimum setback from a side wall of a horizontal multiple dwelling to an internal walkway	1.5 m (4.9 ft.)	0.2 m (0.7 ft.)
Minimum setback from a side wall of a horizontal multiple dwelling to an internal road	4.5 m (14.8 ft.)	2.4 m (7.9 ft.)

<b>Zone Standards</b>	<b>Base RM9 Zoning By-law Standards</b>	<b>Proposed RM9 Exception Zoning By-law Standards</b> (based on Site Plan dated March 16, 2017)
Minimum setback from a side wall of a horizontal multiple dwelling to an abutting visitor parking space	4.5 m (14.8 ft.)	4.2 m (13.8 ft.)
Minimum width of an internal road	7.0 m (23 ft.)	6.0 m (19.7 ft.)
Minimum width of a sidewalk	2.0 m (6.6 ft.)	1.5 m (4.9 ft.)
Minimum amenity area	The greater of 5.6 m <sup>2</sup> (60.28 ft <sup>2</sup> ) per dwelling unit - 806 m <sup>2</sup> (8,675 ft <sup>2</sup> ) or 10% of the site - 903 m <sup>2</sup> (9,720 ft <sup>2</sup> )	558 m <sup>2</sup> (6,006 ft <sup>2</sup> )
Minimum number of parking spaces	1.5 per two-bedroom unit 1.75 per three-bedroom unit 0.25 visitor spaces per unit	1.1 per two-bedroom unit 1.1 per three-bedroom unit 0.10 visitor spaces per unit

\*The provisions listed are based on the preliminary concept plan and are subject to minor revisions as the plan is further refined

# City of Mississauga

## Corporate Report



Date: May 19, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
BL.09-COM

Meeting date:  
2017/06/12

### Subject

#### **PUBLIC MEETING INFORMATION REPORT (WARDS 1-11)**

**Proposed City Initiated Official Plan and Rezoning Amendments to Mississauga Official Plan and Mississauga Zoning By-law 0225-2007**

### Recommendation

That the Report dated May 19, 2017, from the Commissioner of Planning and Building regarding proposed City initiated amendments to the Official Plan and Zoning By-law 0225-2007, be received for information.

### Background

The purpose of this report is to present proposed Official Plan and Zoning By-law Amendments for a number of regulations and for some properties in the City of Mississauga; to present recommended City initiated amendments to the Zoning By-law; and, to hear comments from the public on the proposed changes.

### Comments

The proposed Official Plan Amendments affect the property at 1385 Dixie Road located in Ward 1, a property in the vicinity of Fieldgate Drive and Audubon Boulevard located in Ward 3, and a property at Longside Drive and Hurontario Street in Ward 5. The proposed Zoning By-law Amendments affect six properties located in Wards 1, 3, 4, 5, 7 and 8. In total, six properties are affected and are illustrated on the Location Map included as Appendix 1. Appendix 2 contains a summary of the proposed Official Plan and/or Zoning By-law Amendments.

In addition to the changes outlined in Appendix 2, it has been determined that a number of Zoning By-law sections need to be revised to clarify wording. Zoning By-law Amendments are proposed to modify the following sections:

- Definition Section
- Parking and Loading Section

- Residential Zones
- City Centre (Celebration Square) Zoning

The details of these amendments are outlined in Appendix 3 to this report. Of note are items outlined below, which are cross-referenced with Appendix 3 in parenthesis:

- Definitions (Items 1-16)  
The majority of the proposed amendments to the definitions are to clarify between the terms dwelling, building and/or unit. This is in preparation for amendments and new definitions that will be proposed as part of the work being done to define and regulate stacked and back to back townhouses. Once these amendments are approved by Council, the remainder of the By-law can be updated as a technical amendment for consistency.
- Sloped Roof (Item 16)  
Staff was directed to recommend a solution to regulate the height of mansard roofs for residential properties. To address this issue, the definition of "Sloped Roof" is being updated to reflect regulations contained in the Ontario Building Code. Any part of a roof that is greater than 60° above the horizontal shall be deemed to be a wall, and the eave heights and roof heights will be measured accordingly.
- Rooftop Balcony (Item 21)  
To address overlook and privacy concerns from rooftop balconies on buildings with flat roofs, a new general regulation is being added to the Zoning By-law requiring that a rooftop balcony be set back 1.2 m from the edges of a building.
- Parking and Loading (Items 9, 22 & 23)  
A definition of "food court" is being added to the Zoning By-law (Item 9), which will be included in the regulation for how parking is calculated for enclosed malls (Item 22). The seating area for a food court will be deducted from the gross floor area of a mall as it is not deemed to create demand for additional parking.

The last City initiated rezoning report recommended changes to the standards for accessible parking based on the *Accessibility for Ontarians with Disabilities Act, 2006*. An additional regulation, containing provisions for parallel accessible parking spaces, is being added to the existing regulations (Item 23). The corresponding Illustration No. 15 is also being updated, however it is not part of the Zoning By-law and is for reference purposes only.

- Landscaped Soft Area and Driveway Widths (Items 27 - 29)  
In the June 2014 City Initiated Rezoning report, regulations regarding landscaped soft areas and driveway widths for the R1 to R5 (detached dwellings) residential zones were approved. It has been noted that these regulations are also relevant for the detached dwellings zones R8 to R11 and R15 to R16, especially when widened driveways are being

considered at the Committee of Adjustment. The corresponding Illustration No. 14 is also being updated, however it is not part of the Zoning By-law and is for reference purposes only.

- Celebration Square (Items 35 & 37)

The success of Celebration Square as a venue for public events has resulted in the need to amend the Zoning By-law to allow temporary tents to be installed for longer durations than the current regulations allow. In addition, the use of Celebration Square has grown beyond simply having a weekly Farmers' Market, therefore regulations to allow other types of outdoor markets, outdoor sales and restaurants are appropriate.

## Financial Impact

Not applicable.

## Conclusion

Once the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding these amendments. Given the nature of proposed City initiated amendments to the Official Plan and the Zoning By-law, it is recommended that notwithstanding planning protocol, the Recommendation Report be brought directly to a future Council meeting.

## Attachments

Appendix 1: Location of Properties for Proposed Official Plan and/or Rezoning Amendments

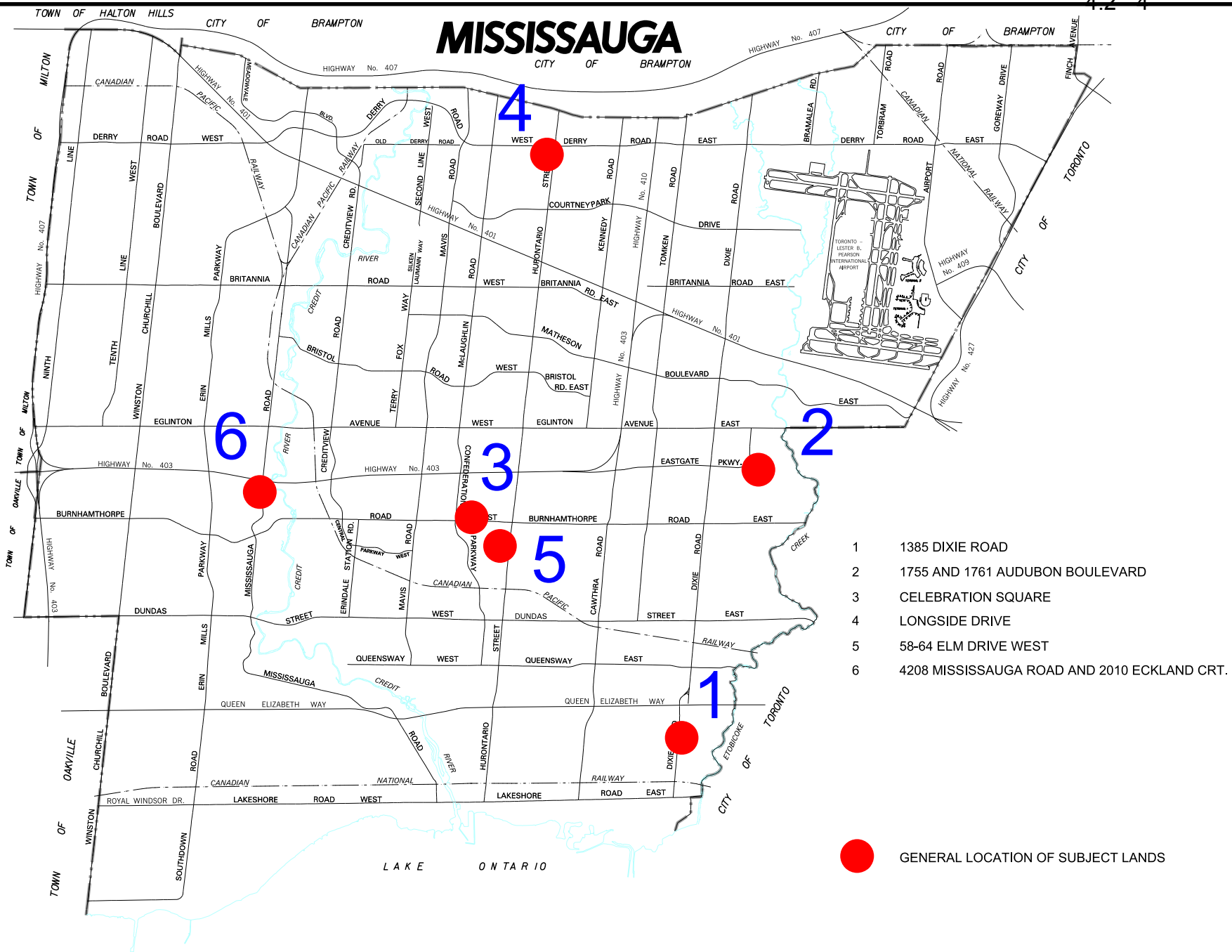
Appendix 2: Proposed City Initiated Amendments to Mississauga Official Plan and/or Zoning By-law

Appendix 3: Proposed City Initiated Amendments (#11) to Zoning By-law 0225-2007



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Lisa Christie, Planner



# LOCATION OF PROPERTIES FOR PROPOSED OFFICIAL PLAN AND/OR REZONING AMENDMENTS



**Proposed City Initiated Amendments to Mississauga Official Plan and/or Zoning By-law**

<b>Site Location</b>	<b>Ward</b>	<b>Current Use</b>	<b>Ownership</b>	<b>Current MOP Designation</b>	<b>Proposed MOP Designation</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Comments</b>
1) 1385 Dixie Road	1	Single detached dwelling	The Toronto Golf Club	Residential Low Density I	Private Open Space	R3-75 (Detached Dwellings – Typical Lots – Exception)	OS2-5 (Open Space - City Park - Exception)	Rear of property severed for future golf course use.
2) Rear of 1755 and 1761 Audubon Boulevard	3	Vacant land	Province of Ontario	Parkway Belt West	Residential Low Density I	PB1 (Parkway Belt)	R3 (Detached Dwellings - Typical Lots)	Redesignate and rezone remnant parcel removed from the Parkway Belt by the Province.
3) 300 City Centre Drive - Celebration Square	4	Public square	City Ownership	Open Space	N/A	CCOS (City Centre - Open Space) and CC2(1) (City Centre – Mixed Use)	CCOS-2 (City Centre - Open Space - Exception) and CC2-6 (City Centre – Mixed Use - Exception)	Add to the uses in Celebration Square to reflect the increase in programming and number/duration of events now held in the Square.
4) Longside Drive at Hurontario Street	5	Vacant land	Private ownership	No designation	Office	D (Development)	H-E1-28 (Employment in Nodes – Exception with a Holding Provision)	Designate and rezone a small parcel that was not needed for the road right-of-way and will be transferred back to the original landowner.
5) 58 -64 Elm Drive West	7	Vacant – under development	Private ownership	Open Space	N/A	OS2 (Open Space - City Park)	OS1 (Open Space – Community Park)	Correct mapping error.

<b>Site Location</b>	<b>Ward</b>	<b>Current Use</b>	<b>Ownership</b>	<b>Current MOP Designation</b>	<b>Proposed MOP Designation</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Comments</b>
6) 4208 Mississauga Road and 2010 Eckland Court	8	Vacant - under development	Private ownership	Residential Low Density I	N/A	H-R2-33 (Detached Dwellings – Typical Lots – Exception and Holding Provision)	R1 (Detached Dwellings – Typical Lots)	Recognize land severance and construction of two detached dwellings.

K:\pbddivision\ZBR\2 Housekeeping Amendments\City Initiated Rezoning # 11\MOPA.ZBL Chart1.docx

## Proposed City Initiated Amendments (#11) to Zoning By-law 0225-2007

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
<b>Part 1: Administration, Interpretation, Enforcement and Definitions</b>			
1	Section 1.2 - Definitions	<b>Apartment Dwelling</b> means a <b>building</b> or part thereof, other than a <b>horizontal multiple dwelling</b> or a <b>townhouse dwelling</b> , containing more than three (3) <b>dwelling units</b> , and with shared entrance and exit facilities through a common vestibule(s). (0325-2008)	Update terminology to differentiate between an apartment building and an apartment unit.
2	Section 1.2 - Definitions	<b>Duplex Dwelling</b> means a <b>building</b> that is divided horizontally into two (2) attached <b>dwelling units</b> , each of which has an independent entrance either directly or through a common vestibule.	Update terminology to differentiate between a duplex building and an individual unit therein.
3	Section 1.2 - Definitions	<b>Dwelling Unit</b>	Move in alphabetical order in Definitions and make dwelling unit a unique defined term and not the heading of the residential housing types section.
4	Section 1.2 - Definitions	<b>Long-Term Care Dwelling Building</b>	Update terminology to differentiate between a long term care building and a unit therein.
5	Section 1.2 - Definitions	<b>Retirement Dwelling Building</b> means a <b>building</b> or part thereof, containing <b>retirement dwelling units</b> where common facilities are provided for the preparation and consumption of food and where housekeeping services and on-site medical services are provided, as required. A retirement <b>dwelling building</b> may contain accessory <b>personal service establishment</b> , retail and recreational <b>uses</b> for the residents. A retirement dwelling is intended to be occupied by persons who are retired from the work force, or by reason of age or infirmity require the services provided in a semi-independent living environment, but who do not require the services and support provided in a <b>long-term care dwelling</b> .	Update terminology to differentiate between a retirement building and a unit therein.
6	Section 1.2 - Definitions	<b>Retirement Dwelling Unit</b> means one (1) or more <b>habitable rooms</b> in a <b>retirement dwelling building</b> , designed or intended for the lodging of not more than two (2) persons, with a separate entrance from a common hall, in which separate sanitary facilities are provided. A retirement dwelling unit may contain limited culinary facilities but shall not include a stove top and/or oven.	Update definition based on name change for retirement building.
7	Section 1.2 - Definitions	<b>Semi-Detached Dwelling</b> means a <b>building</b> with one of two (2) attached <b>dwelling units</b> that are divided vertically above grade by a <b>party wall</b> at least 5.0 m in length and at least 2.0 m in height.	Update terminology to differentiate between a semi-detached building and a semi-detached unit.

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
8	Section 1.2 - Definitions	<b>Triplex Dwelling</b> means a <b>building</b> that is divided horizontally and/or vertically into three (3) separate <b>dwelling units</b> , each with an entrance that is either independent or through a common vestibule.	Update terminology to differentiate between a triplex building and a unit therein.
9	Section 1.2 - Definitions	<b>Food Court</b> means a communal seating area for more than one <b>take-out restaurant</b> in an enclosed <b>pedestrian mall</b> , but does not include the gross floor area of the <b>take-out restaurants</b> .	Add a new definition for food court to clarify enclosed mall parking regulations - see also #22.
10	Section 1.2 - Definitions	<b>Floor Space Index (FSI) - Apartment Dwelling Zone</b> means the ratio of the <b>gross floor area</b> - <b>apartment dwelling zone</b> of all <b>buildings and structures</b> to the <b>lot area</b> .	Amend to reflect new definition for Apartment.
11	Section 1.2 - Definitions	<b>Gross Floor Area (GFA) - Apartment Dwelling Zone</b>	Amend to reflect new definition for Apartment.
12	Section 1.2 - Definitions	<b>Gross Floor Area (GFA) - Infill Residential</b> means the sum of the areas of each <b>storey</b> of a <b>building</b> above <b>average grade</b> , measured from the exterior of outside walls, including an attached <b>garage</b> <u>and</u> <u>or</u> any part of the <b>building</b> , <u>above and below grade</u> used for <b>motor vehicle</b> parking.	Add "above and below grade" when referring to the part of a building used for motor vehicle parking to clarify that underground parking on residential lots is included in gross floor area - infill residential.
13	Section 1.2 - Definitions	<b>Hospice Dwelling</b>	Clarify that the definition for a hospice refers to the entire building and not a bed/room within.
14	Section 1.2 - Definitions	<b>Podium</b> means a portion of the first two (2) <b>storeys</b> of a <b>building</b> , excluding a <b>parking structure</b> , <b>mechanical floor area</b> , storage area, service room and/or refuse and loading area, that is permitted to encroach into a required front and/or <b>exterior side yard</b> . (0212-2015)	Delete definition for podium and utilize regulations in the RA 1-RA5 zone categories for building setbacks and design.
15	Section 1.2 - Definitions	<b>Flat Roof</b> means a roof <u>where 50% or more of the total roof area has</u> with a roof angle of less than 15° above the horizontal.	Clarify definition of flat roof for dwellings with varying roof styles.
16	Section 1.2 - Definitions	<b>Sloped Roof</b> means a roof with a roof angle greater than or equal to 15° <u>and less than 60°</u> above the horizontal.	Clarify the definition of sloped roof to differentiate between what is considered a roof and what is a wall - especially with respect to mansard roof styles.
17	Section 1.3 - Illustrations	Replace Illustration No. 2	Reflect new terminology for Duplex, Semi-Detached and Triplex.
18	Section 1.3 - Illustrations	Replace Illustration No. 4	Reflect new terminology for Apartments and Townhouses.
19	Section 1.3 - Illustrations	Replace Illustration No. 14	Amend the diagram for clarity and update the zone categories to which Landscape Soft Area regulations apply.

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
20	Section 1.3 - Illustrations	Replace Illustration No. 15	Illustration updated to add reference to parallel accessible parking.
<b>Part 2: General Provisions</b>			
21	Subsection 2.1.30	<b>2.1.30 Rooftop Balcony</b> 2.1.30.1 A rooftop <b>balcony</b> shall be set back 1.2 m from all exterior edges of a <b>building</b> or <b>structure</b> .	Add regulation for rooftop balconies to be set back from building edges for privacy/overlook control.
<b>Part 3: Parking and Loading</b>			
22	Sentence 3.1.1.10.2	For the calculation of required parking for a retail centre, in addition to any deductions permitted by the definition of <b>gross floor area - non-residential</b> , an <b>enclosed pedestrian mall</b> , a <b>food court</b> , and any corridor not open to the public and used by more than one (1) tenant of the <b>building</b> may be deducted from the total <b>gross floor area - non-residential</b> prior to calculating required parking. (0379-2009)	Add food courts to the list of deductions for the calculation of required parking for an enclosed mall – see also #9.
23	Article 3.1.4.6	<u>Parallel accessible parking spaces with a parking angle not exceeding 15°, shall have an unobstructed rectangular area with a minimum width of 4.6 m and a minimum length of 5.75 m, and maintain a 1.5 m width access aisle abutting the entire width of each accessible parking space.</u>	Add new regulation and illustration with respect to parallel accessible parking spaces.
<b>Part 4: Residential Zones</b>			
24	Article 4.2.3.33	Amend Schedule R2-33	Part of the land subject to the R2-33 Exception Zone was severed to create two building lots, therefore the Exception Schedule, the maximum dwelling units and visitor parking numbers are no longer accurate.
25	Sentence 4.2.3.33.1	Maximum number of <b>dwelling units</b> on all lands zoned R2-33	
26	Sentence 4.2.3.33.12	Minimum number of visitor <b>parking spaces</b>	

#	SECTION NUMBER	PROPOSED REVISION					COMMENT/EXPLANATION	
		Table 4.4.1 - R8 to R11 Permitted Uses and Zone Regulations						
		Line	ZONES	R8	R9	R10	R11	
27	Subsection 4.4.1 Table 4.4.1	13.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND <u>LANDSCAPED SOFT AREA</u>					Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		13.3	Maximum driveway width	Width of <u>garage door opening(s)</u> plus 2.0 m up to a maximum of 6.0 m; <u>if no garage door, maximum width of 6.0 m</u>	Width of <u>garage door opening(s)</u> plus 2.0 m up to a maximum of 6.0 m; <u>if no garage door, maximum width of 6.0 m</u>	Width of <u>garage door opening(s)</u> plus 2.0 m up to a maximum of 6.0 m; <u>if no garage door, maximum width of 6.0 m</u>	Width of <u>garage door opening(s)</u> plus 2.0 m up to a maximum of 6.0 m; <u>if no garage door, maximum width of 6.0 m</u>	
		13.4	Minimum <u>landscaped soft area in the yard containing the driveway</u>	40% of the <u>front yard</u> and/or <u>exterior side yard</u>	30% of the <u>front yard</u> and/or <u>exterior side yard</u>	30% of the <u>front yard</u> and/or <u>exterior side yard</u>	25% of the <u>front yard</u> and/or <u>exterior side yard</u>	

#	SECTION NUMBER	PROPOSED REVISION		COMMENT/EXPLANATION
28	Subsection 4.6.1 Table 4.6.1	Table 4.6.1 - R15 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		11.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		11.3	Maximum driveway width	
29	Subsection 4.7.1 Table 4.7.1	Table 4.6.1 - R15 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		12.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		12.5	Maximum driveway width	
30	Table 4.10.1 Line 10.0	Table 4.7.1 - R16 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		12.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		12.5	Maximum driveway width	
31	Table 4.11.1 Line 9.0	Table 4.7.1 - R16 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		12.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		12.5	Maximum driveway width	
32	Table 4.12.1 Line 10.0	Table 4.7.1 - R16 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		12.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		12.5	Maximum driveway width	
33	Table 4.15.1 Line 11.1	Table 4.7.1 - R16 Permitted Uses and Zone Regulations		Clarify the intent to have a landscaped area in a front yard that is not a paved area.
		Line	ZONE	
		12.0	ATTACHED GARAGE, PARKING, DRIVEWAY, AND LANDSCAPED SOFT AREA	
		12.5	Maximum driveway width	

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
<b>Part 7: City Centre Zones</b>			
34	Article 7.1.1.1	<del>(4) Amusement Arcade</del>	Delete this restriction to allow more flexibility for City Centre redevelopment.
35	Article 7.2.3.6	In a CC2-6 zone the permitted <b>uses</b> and applicable regulations shall be as specified for a CC2 zone except that the following <b>uses/regulations</b> shall apply: <b>Additional Permitted Uses</b> 7.2.3.6.1 Outdoor markets' and other outdoor sales <b>Regulations</b> 7.2.3.6.2 The provisions of Lines 4.0 and 5.0 in Table 2.1.9.7 shall not apply	Add a new exception zone for the easterly portion of Celebration Square to permit the area under the trellis to be used for outdoor vendors, and to allow flexibility with respect to the temporary tent regulations.
36	Sentence 7.2.5.4.11	Minimum setback from the exterior face of a <b>podium</b> podium of <b>buildings</b> and <b>structures</b> , or parts thereof, located above the podium structure for Parcel Blocks 4E to 4H inclusive identified on Schedule CC4-4	Remove bold from podium as it will no longer be a defined term.
37	Article 7.2.6.2	In a CCOS-2 zone the permitted <b>uses</b> and applicable regulations shall be as specified for a CCOS zone except that the following <b>uses/regulations</b> shall apply: <b>Additional Permitted Uses</b> 7.2.6.2.1 <b>Restaurant</b> 7.2.6.2.2 <b>Take-out Restaurant</b> 7.2.6.2.3 Outdoor patio accessory to a <b>restaurant</b> or <b>take-out restaurant</b> 7.2.6.2.4 Outdoor markets' and other outdoor sales <b>Regulations</b> 7.2.6.2.6 The provisions of Lines 4.0 and 5.0 in Table 2.1.9.7 shall not apply 7.2.6.2.7 Maximum <b>gross floor area – non-residential</b> used for a <b>restaurant</b> and/or <b>take-out restaurant</b>	Add a new exception zone for Celebration Square to recognize the various types of uses in the Square, and to allow flexibility with respect to the temporary tent regulations.



#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
<b>Part 13: Zoning Maps</b>			
38	Map 5	Change R3-75 to OS2-5	To reflect the use of the rear of the residential lot as part of the adjacent golf course. [See Appendix 2, Item 1]
39	Map 22	Change OS2 to OS1	The new park is intended to serve the local neighbourhood (Community Park), therefore OS1 is the more appropriate zone. [See Appendix 2, Item 5]
40	Map 26	Change PB1 to R3	To reflect the removal of this parcel from the Parkway Belt West by the Province. [See Appendix 2, Item 2]
41	Map 29	Change CCOS to CCOS-2 and CC2(1) to CC2-6	Add Exception Zones to Celebration Square. [See Appendix 2, Item 3]
42	Map 31	Change H-R2-33 to R1 for part of the zone	Change schedule to reflect severance applications - see also #24-26 [See Appendix 2, Item 6]
43	Map 44E	Change D to H-E1-28	Change the zone of a parcel that was not needed for the road right-of-way and is being transferred back to the original landowner. [See Appendix 2, Item 4]

# City of Mississauga

## Corporate Report



Date: May 19, 2017

To: Chair and Members of Planning and Development Committee

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

Originator's file:

T-M15002 W7

Meeting date:  
2017/06/12

## Subject

### **PUBLIC MEETING INFORMATION/RECOMMENDATION REPORT (WARD 7)**

**Application to create 18 blocks on a private condominium road to accommodate 120 townhomes and 20 live/work townhomes, 90, 100, 110 Dundas Street West, southeast corner of Dundas Street West and Confederation Parkway**

**Owner: 675553 Ontario Limited (Conservatory Group)**

**File: T-M15002 W7**

## Recommendation

1. That City Council direct the City Solicitor, representatives from the appropriate City Departments and any necessary consultants to attend the Ontario Municipal Board hearing on the subject application under File T-M15002 W7, 675553 Ontario Limited (Conservatory Group), 90, 100, 110 Dundas Street West, southeast corner of Dundas Street West and Confederation Parkway, to create 18 blocks on a private condominium road to accommodate 120 townhomes and 20 live/work townhomes, in support of the conclusions, outlined in the report dated May 19, 2017 that concludes that the draft plan of subdivision is acceptable from a planning standpoint subject to the conditions outlined in Appendix 5.
2. That City Council provide the Planning and Building Department with the authority to instruct the City Solicitor on modifications to the position deemed necessary during or before the Ontario Municipal Board hearing process.

## Report Highlights

- The owner appealed the draft plan of subdivision application to the Ontario Municipal Board (OMB)
- An OMB settlement hearing has been scheduled for August 24, 2017 to resolve the appeals
- The subdivision application is acceptable from a planning standpoint and should be approved

## Background

In 2007, the applicant appealed their official plan amendment and rezoning applications under File OZ 07/022 W7 to the OMB. After further negotiations with the applicant, staff recommended approval of these planning applications to the Planning and Development Committee on May 12, 2012 subject to an "H" holding symbol on the live/work units along Dundas Street West and on the townhomes within the site. The OMB approved the official plan and rezoning applications on July 25, 2013.

The original draft plan of subdivision application was submitted on June 18, 2015. On December 22, 2015, the owner appealed the subdivision, removal of the "H" holding symbol and site plan applications to the OMB as a result of City Council not making a decision within the prescribed time frame after the applications were submitted.

On March 20, 2017, a Recommendation Report to remove the "H" holding symbol was approved at Planning and Development Committee as the conditions for removing the "H" holding symbol were fulfilled.

On April 27, 2017, an OMB prehearing was held and the Board directed staff to bring forward the conditions of draft approval, a Development Agreement and the removal of "H" holding symbol back to Council for approval prior to or at the July 5, 2017 Council meeting.

An OMB settlement hearing has been scheduled for August 24, 2017 to settle the subdivision appeal, removal of the "H" holding symbol and site plan applications.

Given that the applications have been appealed to the OMB and that a settlement hearing will be taking place on August 24, 2017, a combined Information and Recommendation Report on the draft plan of subdivision is being brought forward to Planning and Development Committee to allow for public input and for Council to provide direction to Legal Services prior to the settlement hearing.

## Comments

### DETAILS OF THE PROJECT

The proposed plan of subdivision includes 18 blocks with 5 to 19 units per block on a private condominium road with access to Confederation Parkway, Dundas Street West and King Street West (see Appendix 1). Once the draft plan of subdivision is registered and the homes are constructed, an application for part lot control will be submitted to further divide the blocks to create a total of 120 townhomes and 20 live/work units. Proposed elevations for the live/work and standard townhomes are provided in Appendix 2.

A future access connection to properties east of the subject lands will be secured through a public easement along Block 19 on the east side of the plan.

A 650 m<sup>2</sup> (6,000 ft<sup>2</sup>) amenity area and a public easement is proposed within the site near the intersection of Confederation Parkway and Dundas Street West with pedestrian connections within the site from abutting private roads that provide direct access to adjacent public streets.

The proposed site plan showing the future access connection to the east and the private amenity area is provided in Appendix 3.

## COMMUNITY COMMENTS

No community meetings have been held and no public comments were received.

## PLANNING COMMENTS

### Official Plan

The subject lands are designated **Residential Medium Density** which permits townhomes and **Mixed Use** which permits the proposed live/work townhomes. The layout of the subdivision including the private road, provides connections to Dundas Street West, Confederation Parkway and King Street West and is in conformity with the official plan.

### Zoning

The lands are zoned **H-RM6 (Townhouse Dwelling on a CEC-Private Road)** and **H-C4-8 (Mainstreet Commercial)** and upon removal of the "H" holding symbol by the OMB, the draft plan of subdivision will need to comply with the zoning by-law.

Appendix 4 identifies the existing zoning on the lands.

### Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. A site plan application was submitted under File SP 15/062 W7 and also appealed to the OMB. Through the review of the site plan application, staff are evaluating the design and massing of the proposed townhomes, live/work townhomes, landscaping, tree preservation and fencing among other matters in order to resolve all technical matters prior to the August 24, 2017 settlement hearing (see Appendix 4).

### Draft Plan of Subdivision

The proposed plan of subdivision was reviewed by City Departments and agencies and is acceptable. Development will be subject to the completion of City and agency conditions contained in Appendix 5 and the registration of the plan.

## 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 draft plan of subdivision is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposed draft plan of subdivision provides an efficient use of land and services and is compatible with surrounding land uses.
2. The proposed private roads are appropriate as connections are achieved that improve vehicular and pedestrian connections to Confederation Parkway, Dundas Street West and King Street West and the draft plan of subdivision provides for a future connection to existing properties east of the subject lands.

Should Council approve the draft plan of subdivision, staff will attend the OMB settlement hearing in support of the application.

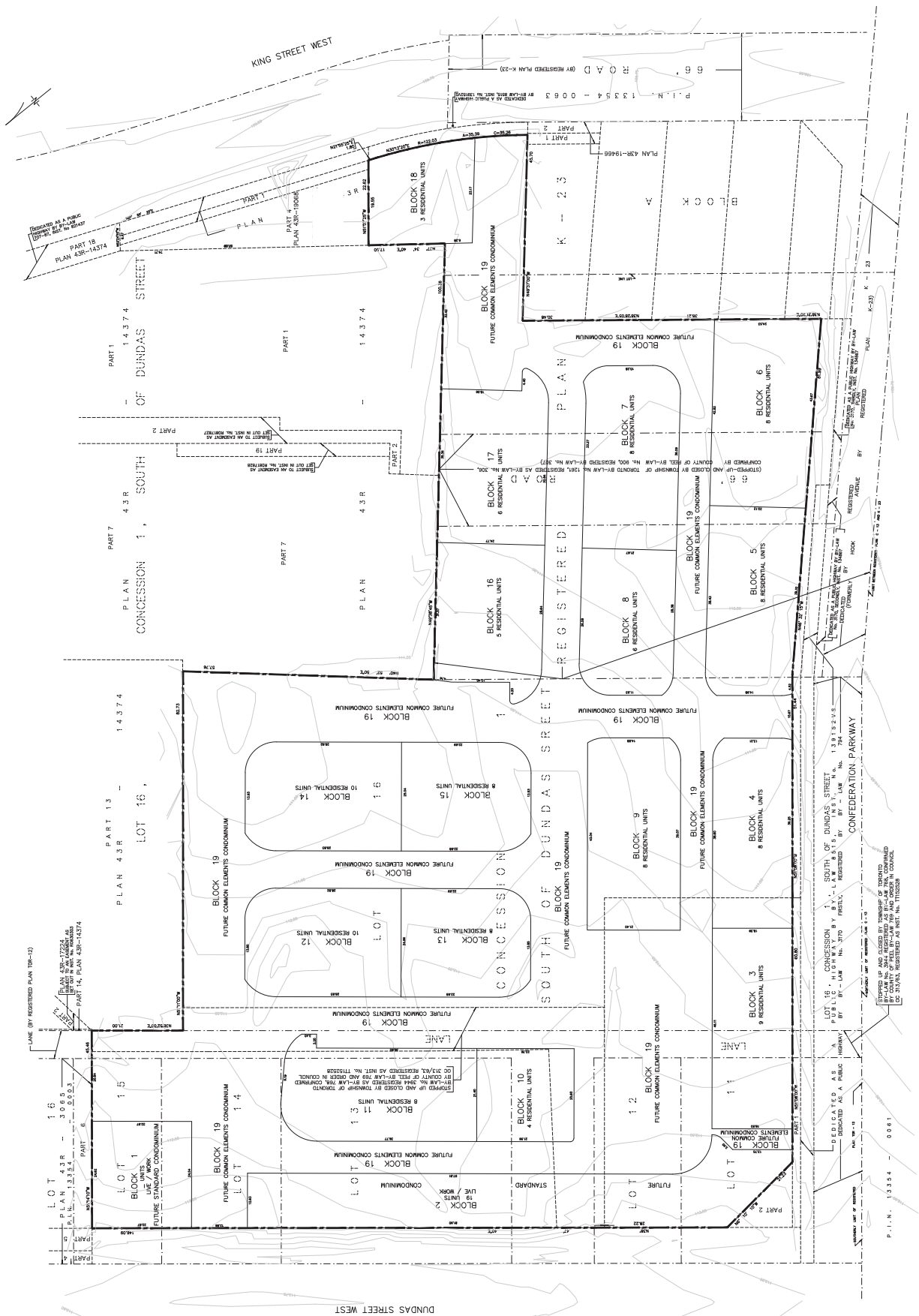
## Attachments

- Appendix 1: Draft Plan of Subdivision
- Appendix 2: Elevations
- Appendix 3: Site Plan
- Appendix 4: Zoning and General Context Map
- Appendix 5: City Conditions of Approval



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Michael Hynes, Development Planner

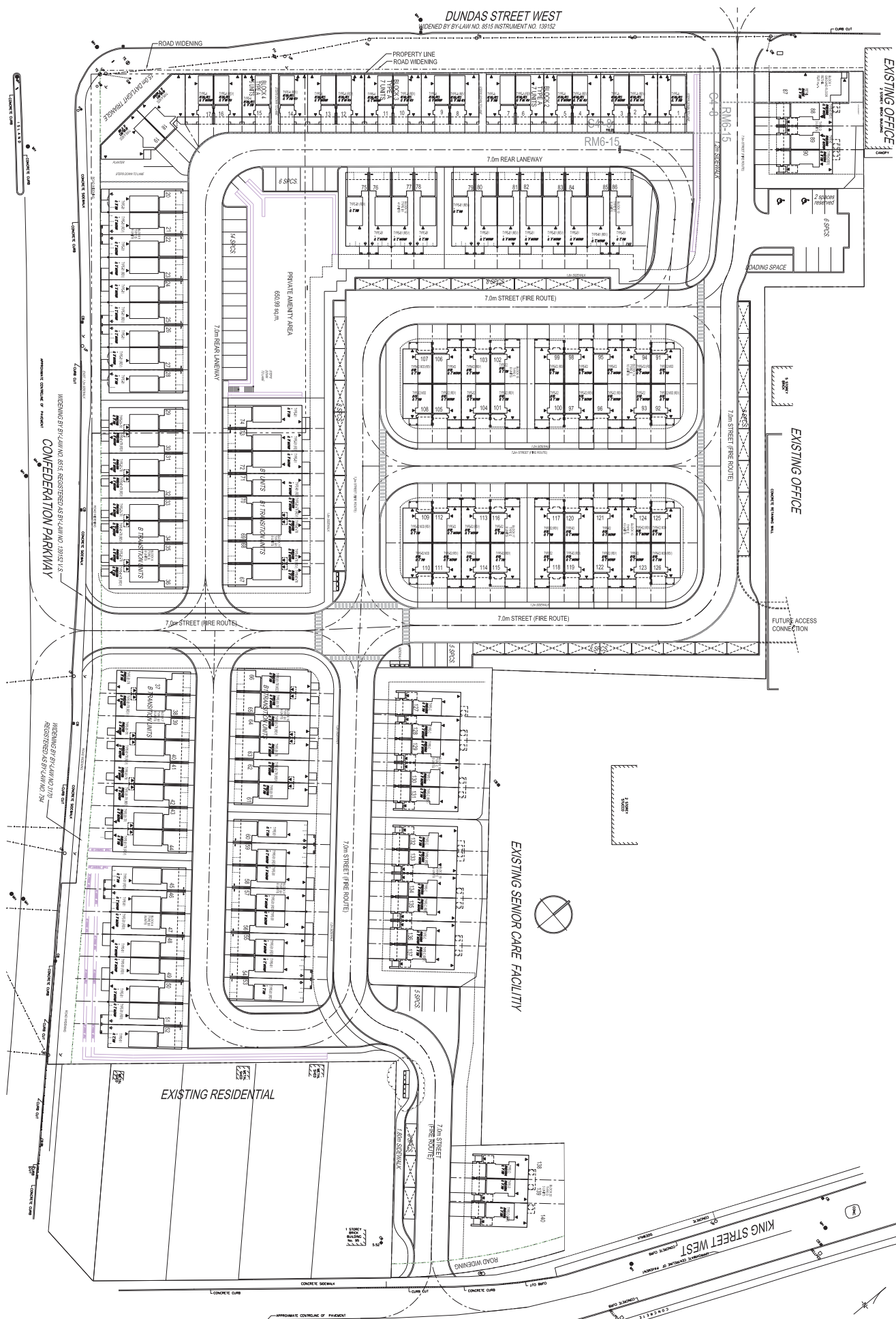






CONVENIENCE STORE












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**SCHEDULE A  
CITY CONDITIONS OF APPROVAL**

<b>FILE:</b>	<b>T-M15002 W7</b>
<b>SUBJECT:</b>	<b>Draft Plan of Subdivision</b> <b>90-110 Dundas Street West</b> <b>South side of Dundas Street West east of</b> <b>Confederation Parkway</b> <b>City of Mississauga</b> <b>675553 Ontario Limited (Conservatory Group)</b>

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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"

The City has not required either the dedication of land or park or other public recreational purposes, or a payment of money in lieu of such conveyance as a condition of subdivision draft approval authorized by Section 51.1 of the Planning Act, R.S.O. 1990, c.P.13 as amended. The City will require payment of cash-in-lieu for park or other public recreational purposes as a condition of development for each lot and block, prior to the issuance of building permits pursuant to Section 42(6) of the Planning Act, R.S.O. 1990, c.P.13, as amended, and in accordance with the City's policies and by-laws.

- 1.0 Approval of the draft plan applies to the plan dated June 12, 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 the required consent applications and any associated minor variances applications be approved and be in full force and effect prior to the registration of the plan.
  - 9.0 The proposed private streets shall be named to the satisfaction of the City and the Region. In this regard, a list of street names shall be submitted to the City Transportation and Works Department as soon as possible after draft plan approval has been received and prior to any servicing submissions. The owner is advised to refer to the Region of Peel Street Names Index to avoid proposing street names which conflict with the approved or existing street names on the basis of duplication, spelling, pronunciation, and similar sounding.
  - 10.0 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".
  - 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 Owner/Developer is to provide final drawings showing the location of the plaque discussed and agreed to by the Ontario Heritage Trust and Heritage Mississauga, as reflected in the e-mail correspondence of October 2016 and drawings attached to said correspondence by Alexander Budrevics and Associates Limited Landscape Architects, Streetscape Plan and Details ST-1 dated September 26, 2016 and Detailed drawing "Dundas Bronze Plaque Location March 18, 2016". A letter from Heritage Mississauga agreeing to the location is also to be submitted.
  - 13.0 Prior to final approval, a letter of credit in the amount of \$4, 428.20 plus the cost of installation of the plaque in Canadian Dollars is required to be submitted to Cultural and Heritage Planning, to ensure that a post-mounted, double-sided (English and French) Ontario Provincial Plaque to the standards of the Ontario Heritage Trust is provided and installed by the proponent as per the agreed location.
  - 14.0 Prior to final approval, the Owner/Developer is to provide a drawing showing the proposed location and orientation of the Ontario Heritage Trust Plaques discussed. The drawing is to provide more detailed plans ensuring that the plaque is accessible for persons to read it from both sides.
  - 15.0 Prior to final approval, the Owner/Developer is advised that the bas-relief Cleeve Horne sculpture should not be installed as part of Block 1 or on any other part of the applicant's property.
  - 16.0 Prior to final approval, the Owner/Developer is to formally donate to the City of Mississauga Public Art Collection, by way of a formal donation agreement with the City. Furthermore, funding should be provided by the current Owner/Developer to the City for

costs associated with the following: assembly (including engineering, site planning, preparation and installation of the sculpture), transportation of the artwork from its current location to a location determined by the City; and an interpretive plaque which will be placed on or near the sculpture once installed on municipally owned land/property.

- 17.0 Prior to final approval, the Owner/Developer is to redesign Dundas Street to restrict right-in right-out with a directional island. All plans are to be revised to reflect any revisions.
- 18.0 Prior to final approval, the Owner/Developer is to provide confirmation from Legal Services that a restriction on transfer has been placed on the future development Block C (north of Block 20) along King Street to ensure the future viability of these undeveloped parcels, compatibility and proper assembly of lands.
- 19.0 Prior to final approval 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: 2017/05/19

To: Chair and Members of Planning and Development Committee

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

Originator's files:  
CD.21.POR

Meeting date:

June 12, 2017

## Subject

**REPORT ON COMMENTS (WARD 1)**

**1 Port Street East Official Plan Amendment**

**File: CD.21.POR**

## Recommendation

That the amendments to Mississauga Official Plan proposed in the report titled "1 Port Street East Official Plan Amendment", dated May 19, 2017, from the Commissioner of Planning and Building, be approved

## Report Highlights

- The site at 1 Port Street East is of strategic importance to the City in ensuring a continuous waterfront with public access
- A marina business case and master plan have been developed for the subject site
- A public meeting was held to consider public comments on the draft 1 Port Street East official plan amendment. The official plan amendment is one element of the regulatory requirement in establishing land permissions at 1 Port Street East. Other City initiatives are under way to determine options for a future marina
- The comments received focus around six main themes: land for a marina use, open space and mixed use designations, road system, building heights and density, innovation and sustainable infrastructure and implementation

## Background

Large, undeveloped sites in Mississauga require a planning process to determine future development, and when they are of significant city building importance require City oversight and input. The waterfront sites are of particular importance to the City. An overarching principle

of the Strategic Plan is to ensure that the waterfront creates appropriate linkages and access for the public.

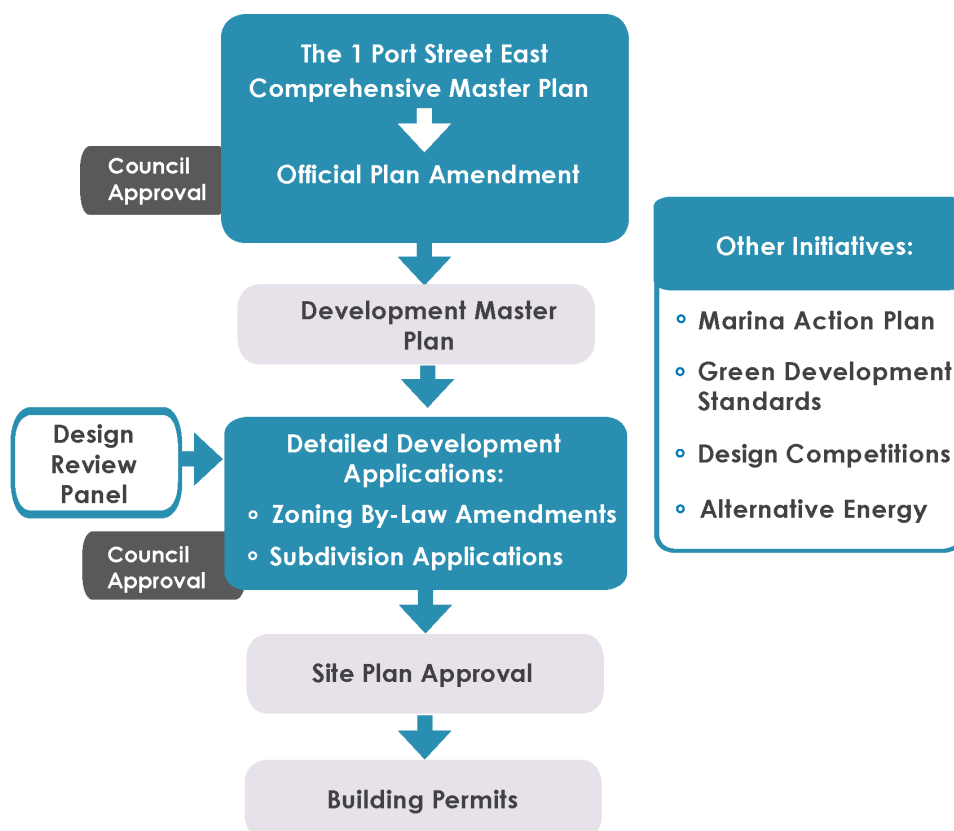
It had been anticipated that the lands located at 1 Port Street East would redevelop and due to the significance of the lands the City had an interest in informing and influencing the vision for this site within the broader context of Mississauga's waterfront.

Inspiration Port Credit (IPC) was initiated by the City to engage the community in developing a vision for lands within Port Credit including the lands municipally known as 1 Port Street East. This site is owned by Canada Lands Company (CLC) and currently operates as the Port Credit Harbour Marina (PCHM). The marina operator has a lease agreement in place until 2023. As background pieces to developing a land use policy framework for future development at this site, a marina business case and master plan were developed.

A marina business case, presented to Planning and Development Committee on February 3, 2016, established a strategic approach for maintaining a marina at 1 Port Street East. The business case provided input into the City's master plan for the site, the land use policy framework, and informs the implementation plan for the redevelopment and operation of a future marina on the site. The business case established that a future marina at the subject site is of economic, recreational, and cultural heritage significance to Port Credit and the City as a whole. The analysis indicated that the best option for a marina would require some municipal involvement through ownership and/or operation.

The 1 Port Street East Comprehensive Master Plan (1CMP), initiated by the City, was approved by Council on June 8, 2016 and articulates the vision intended for the site. The 1CMP outlines a number of priorities for the site which includes a future marina and public access to the waterfront. CLC has been working cooperatively with the City throughout the 1CMP exercise and land negotiation process to support the development of a marina.

The official plan amendment is one of the many initiatives needed to implement the development vision outlined in the 1CMP. Below is a graphic that shows a number of the regulated processes and other City initiatives required before development at 1 Port Street East can occur.



A public meeting was held on September 6, 2016 to allow the public and interested stakeholders the opportunity to provide comments on the draft 1 Port Street East Official Plan Amendment (OPA).<sup>1</sup>

Written comments (Appendix 1) were submitted by the following:

- Credit Valley Conservation
- Brown Maple Investments Ltd.
- Canada Lands Company
- Centre City Capital Limited
- Bristol Marine Ltd.
- 70 Port St. Residents
- Bell Canada
- Peel District School Board
- Town of Port Credit Association (TOPCA)

<sup>1</sup> The public meeting report can be found at:

[https://www7.mississauga.ca/documents/committees/pdc/2016/09\\_06\\_16\\_-\\_PDC\\_Agenda.pdf](https://www7.mississauga.ca/documents/committees/pdc/2016/09_06_16_-_PDC_Agenda.pdf) (Item 4.4)

Deputations (Appendix 2) at the public meeting were made by the following:

- Dorothy Tomiuk on behalf of TOPCA
- Pat Sturgeon, tenant of the Marina
- Lori Ebos, resident
- Grant Fisher, Chair, Credit Reserve Association

The purpose of this report is to present the changes made to the OPA based on feedback received.

## Comments

Following the public meeting, staff reviewed and considered the input received. Dialogue with stakeholder groups, agencies and internal departments was undertaken to build consensus on the revised policies. Because of the strategic importance of the site the process to update land use policies was expedited. The draft OPA has been revised to respond to comments submitted and the final proposed official plan amendment (OPA) for 1 Port Street East is attached as Appendix 3.

A number of comments received by various stakeholders have been grouped around five main themes. Detailed comments and responses can be found in the table attached as Appendix 4.

### 1. Land for a Marina Use

Comments focused on protecting lands for a future marina and related facilities, which has been address through land use permissions. Details on transition of the existing marina will be addressed through the Marina Action Plan and development master plan<sup>2</sup>.

### 2. Open Space and Mixed Use Designations

Residents requested that more open space be dedicated on the site with public access to the waterfront. The mixed use designation on the site was supported, as residents want to ensure that the site does not only accommodate residential uses. The open space reflects what was identified in the 1CMP and the specific size and location will be determined as part of the development master plan. Retail and office uses are required to ensure an appropriate mix of uses.

### 3. Road System

Comments were received pertaining to parking under a public road and road design. A map showing the future road network and associated road right-of-way requirements has

<sup>2</sup> Mississauga Official Plan allows for a development master plan to be requested as part of a complete application and sets out what the development master plan must address.



been added. In order to allow for the development of the site with parking under roads a policy regarding conditions for private roads was added.

#### 4. Building Heights and Density/Impact on Adjacent Properties

The building heights for the site were questioned – some thought the heights were too high, while others suggested that perhaps the heights should be higher to maximize future development opportunities. No changes have been made to the height requirements. The building heights have been established to protect views to the lake and are consistent with the height permissions and consistent with the 1CMP.

#### 5. Implementation

Feedback on the proposed policies was that they were overly prescriptive, especially those policies concerning phasing, location and amount of uses. Continued involvement in the development process was strongly advocated for by TOPCA.

The policies of the OPA are intended to guide development so that it is consistent with the vision and key principles of the Council adopted 1CMP. Many of the changes made were to simplify policies for the purposes of ensuring they are clear, avoid repetition and can be implemented. Recognizing that it may be a number of years before the site is developed, policy changes allow for greater flexibility for innovation and creativity. A development master plan that details how the vision for the site will be achieved will be required and address site details, phasing, layout, environmental requirements such as sustainable infrastructure, among other matters, before an application can be submitted.

Other policies related to implementation have been added that:

- state that a Marina Action Plan be prepared
- allow for Section 37 contributions be calculated based on zoning permissions as of January 1, 2017
- require the submission of plans of subdivision for the purposes of aligning infrastructure
- ensure cost sharing amongst development proponents in the event of multiple developers

## **Strategic Plan**

This project addresses the visionary action of the “Prosper” pillar to create a model sustainable community on the waterfront.

## **Financial Impact**

A policy has been included in the OPA that community benefit be calculated to reflect zoning by-law permissions in effect as of January 1, 2017 rather than increased height permissions granted in the OPA.

The Marina Action Plan will explore the funding options and scenarios for relocating and operating a marina.

## Conclusion

The official plan policies being proposed for the site at 1 Port Street East establish an enabling policy framework that articulates the vision for the future development of the site. Based on the comments received, the proposed policies have been revised to provide greater clarity, reduce repetition and allow for innovation and flexibility. The policies protect for lands for a future marina, require significant public activities and public access to the waterfront, which were main concerns articulated by the public. A development master plan will be required to address site details before a rezoning, subdivision and site plan applications can be submitted.

## Attachments

Appendix 1: Written Comments

Appendix 2: Public Meeting Minutes

Appendix 3: 1 Port Street East Official Plan Amendment

Appendix 4: Public Meeting Comments and Staff Responses



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Shahada Khan, Planner

**Written comments received**

1. Email dated July 14, 2016 from Credit Valley Conservation (by Maricris Marinas)
2. Letter dated August 19, 2016 and follow up a letter dated September 21, 2016 from Brown Maple Investments Ltd. (by John M. Alati at Davies Howe Partners LLP)
3. Letter dated August 24, 2016 from Canada Lands Company (by James Cox)
4. Letter dated August 30, 2016 from Centre City Capital Limited (by Jonathan James)
5. Email dated September 6, 2016 from Bristol Marine Ltd. (by Vince Pietracupa)
6. Letter dated September 6, 2016 from 70 Port St. Residents (by Craig Petty)
7. Letter dated November 22, 2016 from Bell Canada (by Meaghan Palynchuk)
8. Letter dated January 31, 2017 from Peel District School Board (by Amar Singh)
9. Letter dated May 5, 2017 from Town of Port Credit Association - TOPCA (by Mary Simpson and Dorothy Tomiuk)

## Anna Melikian

---

**From:** Ruth Marland  
**Sent:** 2016/07/14 1:29 PM  
**To:** Anna Melikian  
**Subject:** FW: Proposed OP Amendment - Implementation of 1 Port Street East Master Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Ruth M. Marland, MCIP, RPP**

Strategic Leader  
 T 905-615-3200 ext.5827 |  
[ruth.marland@mississauga.ca](mailto:ruth.marland@mississauga.ca) |

[City of Mississauga](#) | Planning and Building Department,  
 Strategic Community Initiatives



**Mississauga  
2016**

Ontario  
Summer Games  
Jeux d'été  
de l'Ontario

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**From:** Marinas, Maricris [<mailto:mmarinas@creditvalleyca.ca>]  
**Sent:** 2016/07/14 1:28 PM  
**To:** Ruth Marland  
**Cc:** Campbell, Joshua  
**Subject:** Proposed OP Amendment - Implementation of 1 Port Street East Master Plan

Ruth,

I have taken a look at the proposed revisions to the Mississauga Official Plan and the Port Credit Local Area Plan that implement the findings of the Master Plan and it would be advantageous to highlight opportunities for habitat improvement and green infrastructure to support considerations for protecting and improving the shoreline and connecting natural heritage system on the site.

### **Recommendations**

In this regard, CVC staff recommend the following be incorporated as additional points and/or updates to existing points under the Environmental heading in Section 13.0 (Special Sites) in the Port Credit Local Area Plan:

- I. That an additional point (13.1.8.x) read as follows, or in similar wording:

Development on the site along the breakwater will consider improvements to the ecological context of this location, primarily through restoration and/or enhancement to the quality of the shoreline and connecting natural heritage system.

II. That the existing point “All development will contribute to the health of the environment and promote innovative infrastructure by incorporating measures such as:” include:

- bird friendly development methods/techniques/features in buildings and landscape treatments

I trust the above will be helpful – if you have any questions please feel free to give me a call.

Regards,  
Maricris

**Maricris Marinas, M.Sc.**  
Planner | Credit Valley Conservation  
905.670.1615 ext 220 | 1.800.668.5557  
[mmarinas@creditvalleyca.ca](mailto:mmarinas@creditvalleyca.ca) | [creditvalleyca.ca](http://creditvalleyca.ca)



Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

August 19, 2016

**By Regular Mail**

Chair and Members of City Council  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON  
L5B 3C1

*Attention: Crystal Greer, City Clerk*

Dear Ms. Greer;

**Re: 55 Port Street, Mississauga  
Comments on behalf of Brown Maple Investments Ltd.  
Inspiration Port Credit – 1 Port Street East Comprehensive Master  
Plan and Official Plan Amendment**

We are counsel to Brown Maple Investments Ltd. ("Brown Maple"). Our client is the owner of the property municipally known as 55 Port Street (the "subject property"), located immediately adjacent to the easterly boundary of the lands within the 1 Port Street East Comprehensive Master Plan and Official Plan Amendment.

The purpose of this letter is to provide our client's concerns as they relate to the comments and recommendations within Report CD.21.POR which was heard by Planning and Development Committee on May 30<sup>th</sup>, 2016. The comments and issues in this letter relate specifically to the property immediately adjacent to the west of Brown Maple's lands, and more generally to the 1 Port Street East Comprehensive Master Plan and the policies proposed to be approved through the associated Official Plan Amendment and Zoning By-law Amendment.

In detail, our client's concerns relate to policies within the above noted documents that will impact the development potential of Brown Maple's property. Section 13.1.8.x (Item 2) of the draft Official Plan Amendment states that, "The proposed boat repair facility will be located adjacent to Port Street East, and within the eastern half of Area C". Further, Map 6 included within the draft Official Plan Amendment includes the lands within the Port Credit Community Node Height

Please refer to: **John M. Alati**  
e-mail: [johna@davieshowe.com](mailto:johna@davieshowe.com)  
direct line: 416.263.4509  
File No. 702374



Davies  
Howe  
Partners  
LLP

Page 2

Limits, and restricts the subject property to a maximum height of 2 to 3-6 storeys, with a stepdown to a maximum of 3 storeys along Lake Ontario.

We are of the opinion that these two policies unfairly constrain the development potential of Brown Maple's site and do not represent an efficient use of the subject property. The subject property represents a realistic and meaningful development opportunity that can take advantage of its strategic location in Port Credit and exploit its locational ability to integrate itself well within the context of the Official Plan and proposed neighbourhood. There are other sites within Port Credit which are proximate to our client's property which have had greater development potential conferred upon them and most of these permit heights up to 10 stories. Further, the restriction of the boat repair facility to the easterly portion of Area C will directly impact Brown Maple's ability to provide an attractive development to potential new residents. Brown Maple appreciates that maintaining the marina related employment uses in Port Credit are desirable and the community has expressed an interest in maintaining a marina function in the Port and near the water, but a strict locational restriction dictating that the repair facility should be on the east side of Block C fails to consider potential detrimental impacts on our client's adjacent property.

Further, an arbitrary height restriction and maximum of six storeys in this neighbourhood stepping down to three storeys towards the lake will result in an unnecessary limiting of flexibility in design that could prevent truly creative and remarkable architecture which is warranted at this location and which will be noticeable from the lake, from Port Street, from the future urban square and destination park and other significant vantage points within Port Credit, including various areas within the new mixed use community intended by Master Plan and proposed OPA for 1 Port Street East.

In summary, our client's interests are to provide a meaningful redevelopment opportunity in an area of the City with great potential, and the draft documents do not allow for a fair and logical evolution of the 'urban waterfront village' to a more mature, dynamic and vibrant area. As such the policy emphasis on maintaining the character of the Port Credit node by expressly locating the boat repair facility in a specific location appears to be overshadowing and eclipsing the policy direction encouraging the enhancement of Port Credit for the future.

We request that this submission be made as part of the public record for the statutory public meeting scheduled for September 6<sup>th</sup> 2016, and would also request that this letter be brought to the attention of the Members of the Planning and



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Development Committee prior to its consideration of and deliberation on the Comprehensive Master Plan and Official Plan Amendment at Council in fall of 2016. We further request notice of when this matter is to be heard at Council as well as copies of any decisions made therein.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

John M. Alati

JMA:DA





Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

Please refer to: **John M. Alati**  
e-mail: johna@davieshowe.com  
direct line: 416.263.4509  
File No. 702374

September 21, 2016

**By Regular Mail**

Chair and Members of City Council  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON  
L5B 3C1

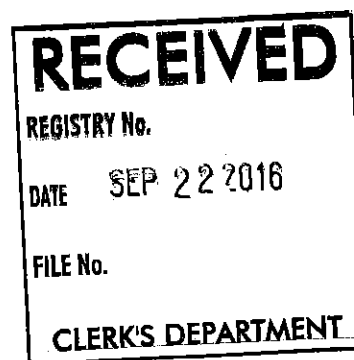
*Attention: Crystal Greer, City Clerk*

Dear Ms. Greer:

**Re: 55 Port Street, Mississauga  
Comments on behalf of Brown Maple Investments Ltd.  
Inspiration Port Credit – 1 Port Street East Comprehensive Master  
Plan and Official Plan Amendment**

As you are aware we are counsel to Brown Maple Investments Ltd. ("Brown Maple"), owner of the property municipally known as 55 Port Street, located immediately adjacent to the easterly boundary of the lands within the 1 Port Street East Comprehensive Master Plan and Official Plan Amendment.

We are writing further to our letter, addressed to the Chair and Members of City Council and directed to you, of August 19, 2016 (the "Letter"). In the Letter we provided detailed comments regarding Brown Maple's concerns with the 1 Port Street East Comprehensive Master Plan and the policies proposed to be approved through the associated Official Plan Amendment and Zoning By-law Amendment as observed within Report CD.21.POR. Our Letter was provided in advance of the statutory public meeting that was scheduled for September 6<sup>th</sup> 2016.





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Page 2

We would like to reiterate the request, originally contained in our Letter, that we be provided notice of when the above noted matter is to be heard at City Council as well as copies of any decisions made therein. Furthermore, please add us to the circulation list, and provide notice for, any and all meetings, including open house, public, committee meetings, reports and background reports with respect to this matter.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

John M. Alati

JMA:AM



August 24, 2016

Ms. Ruth Marland MCIP RPP, Strategic Leader  
City of Mississauga  
Planning and Building Department, City Strategy and Innovations  
300 City Centre Drive, Mississauga, ON L5B 3C1

Dear Ms. Marland,

**Subject: 1 Port Street East – Comments in Support of Site-Specific Local Area Plan Policies**

As requested, and further to our previous discussions and meetings, the purpose of this letter is to provide Canada Lands Company's (Canada Lands) comments on the proposed Official Plan policy changes for 1 Port Street East.

Canada Lands continues to be very supportive of the work undertaken by City staff, Councillor Tovey, and the community, through the Inspiration Port Credit process. The City's Comprehensive Master Plan incorporates extensive public input provided over years of consultation and public meetings and is the basis for the proposed Official Plan policy changes being considered at the September 6<sup>th</sup> Statutory Public meeting and Planning and Development Committee meeting anticipated on November 14<sup>th</sup>. New Official Plan policies for 1 Port will assist Canada Lands in seeking a developer/building partner and secure the investment that is needed to protect the marina, bring significant jobs to Mississauga, provide a mix of housing types, secure a significant amount of public waterfront park spaces and a waterfront trail, and deliver exceptional architecture and sustainable and innovative infrastructure.

As part of its due diligence and marketing efforts, Canada Lands, through its real estate advisory firm, reached out to approximately 15 prominent builder/developers to participate in a market sounding exercise, based on the City's draft Official Plan Amendment (OPA) for 1 Port Street East. Overall, the feedback was positive and the participating builder/developers were very receptive of the development opportunity and vision. There were, however, some areas of concern and consideration from the developer's and Canada Lands' perspectives that impact the feasibility of development, as detailed below. This letter also provides some recommendations as to how the concerns can be addressed, while allowing for City objectives.

**Transportation**

There is a concern that the draft OPA is not consistent with the City's current Official Plan with respect to consideration of increased or decreased right of way street widths and alternative design standards. Policy 8.2.2.1 d. of the Official Plan says "minor adjustments to the basic right-of-way widths and alignments for roads may be made without further amendment to this Plan subject to the City being satisfied that the role and function of such roads are maintained. Major adjustments to the basic right-of-way widths and alignments for roads will require an amendment to this Plan." However, the draft OPA for 1 Port Street provides that "the City may consider increased or decreased right of way widths and alternative design standards to achieve specified community design objectives for all streets. Changes to right of way widths will require an official plan amendment."

***Recommendation:***

The participating developer/builders indicate that the details of the road network should be addressed during the design phase and once a more detailed programming of the site is underway. In this respect,

they recommend that the language of the draft OPA be revised to be consistent with the Official Plan i.e. minor amendments do not require an OPA if deemed acceptable by the City.

### **Parking**

As currently drafted, the participants are concerned that the draft OPA does not permit parking structures under municipal streets. This has a substantial impact on the viability of the redevelopment given the constraints placed on the site due to its proximity to the water, and the related high cost of underground parking.

### ***Recommendation:***

In order to allow for efficient and viable underground parking, Policy 8.2.2.8 of the Official Plan (which says permanent below or at grade encroachment into the public road system will not be permitted) needs to be amended in order to permit parking to be provided under the City's right-of-way (subject to appropriate agreements with the City). Full parking structures need to be permitted as opposed to just exceptions and limited encroachments. There are precedents in Mississauga for permitting parking under public roads, namely OPA 8 (Downtown), Pinnacle's development at Grand Park Drive, and Amacon's development at Confederation Parkway.

### **Development Staging**

Policy 13.1.8 provides that development applications will be considered in increments of no more than 30,000 sq.m. The feedback received indicates that it is not practical for a developer/builder to stage the development in 30,000 sq.m. increments, as the development applications (likely to include draft plan of subdivision) will need to include the entire site so that the road and open space network can be planned at once.

### ***Recommendation:***

We recommend eliminating this restriction to ensure the success of the mixed use development, and for the existing and future community. Another alternative, would be for the City to explore the imposition of a phasing plan in order to control development (the City's primary objective) so that there can be better comprehensive planning of the whole site. Policies can be put in place in the phasing plan that detail what needs to be achieved to the City's satisfaction before development can proceed. In addition, the City's draft plan of subdivision or site plan conditions can address the phasing and appropriate distribution of uses.

### **Land Use – Mixed Use**

The requirement to provide a minimum of 5% of the gross floor area as at-grade non-residential uses is problematic for the 22-storey landmark building as it cannot mathematically be achieved.

### ***Recommendation:***

The language of the OPA provision should be revised to make the 5% of the gross floor area applicable to the entire master plan area and not one specific site in order to allow for the landmark building.

### **Innovative and Sustainable Infrastructure**

The participating developer/builders indicate their support for the overall environment and energy use goals. However, there is concern that the property is not large and dense enough to implement a financially viable district energy strategy.

**Recommendation:**

In order to address, the participating developer/builders recommend that the draft policies be revised to provide that further study is required to assess the viability of implementing a district energy system at 1 Port and alternative approaches to ensure the site is sustainable and self-supporting.

**Implementation**

The draft OPA provides a list of eligible section 37 community benefits. The participating developer/builders are concerned that a couple of clear potential community benefits are not included in the list, namely LEED Gold certification and the landmark building and associated architectural design competition, given the associated costs to implement these community benefits.

**Recommendation:**

We recommend that the list of community benefits listed in the draft OPA include LEED Gold certification (in addition to the already listed LEED platinum) and the landmark building and associated architectural design competition.

Thank you for your consideration of the above-noted comments and recommendations.

City staff, Councillor Tovey, and the community have been great to work through the Inspiration Port Credit process, and Canada Lands is very excited to continue working together on such an exceptional site and community asset for all of the residents of Mississauga. If you have any questions and/or require any additional information, please do not hesitate to contact me.

Yours very truly,

**CANADA LANDS COMPANY CLC LIMITED**



James Cox, MCIP RPP  
Director of Real Estate Ontario/Atlantic

cc: *Councillor Jim Tovey, Ward 1*  
*Susan Burt, Director, Strategic Community Initiatives*  
*Ron Palmer, The Planning Partnership*



## CENTRE CITY CAPITAL LIMITED

Executive Offices: 1 Port Street East, Mississauga, Ontario L5G 4N1 Tel. (905) 274-5212 Fax: (905) 274-1029

By E-mail

August 30, 2016

Mississauga City Council  
c/o Planning and Building Department – 7<sup>th</sup> Floor  
Attention: Development Assistant  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

Re: Inspiration Port Credit – 1 Port Street East – Official Plan Amendment

Madam Mayor and Council,

Centre City Capital Limited is the current lessor of the property located at 1 Port Street East, Mississauga and operator of the Port Credit Harbour Marina which, along with the ancillary businesses on site such as boat repairs, boat dealers and brokers, chandlery, fishing charters and other related businesses, are and have been a large economic driver and employer for Port Credit since the late 1970s. As a local Port Credit business and long time residents, we are very interested in what happens on this site which is key to the future of Port Credit and as local developers who have occupied the site for approximately the past 40 years we have a unique understanding of this site.

As you may be aware, Centre City Capital Limited has been very involved in the Inspiration Port Credit process. We have participated in the public meetings and provided substantial feed back to the City of Mississauga in connection with the future redevelopment plans for this property, including to the marina study, both since the beginning of this process and even before. In the past and at the request of the City of Mississauga, we have participated in many meetings with Mayor McCallion, various councilmen and City staff regarding the redevelopment of this property and at the request of the City of Mississauga we have submitted our own plans for the redevelopment of the site (which we did well over ten years ago when we were led to believe that we could acquire the site) as an official submission to Inspiration Port Credit (Please refer to a copy of our letter dated July 30, 2013 previously submitted to the City of Mississauga, a copy of which can be provided upon request.). We have previously expressed in writing to the City of Mississauga our concerns with the original master plan submitted by the Canada Lands Corporation for this site and we have pointed out issues with the master plan which we believe do not conform with the Port Credit Secondary Plan (Please see our letter dated October 9, 2014 previously submitted to the City of Mississauga, a copy of which can be provided upon request.). While there has been some progress, we continue to have concerns with many issues related to the plans for the site, including ensuring that there is a viable, full service marina on site that preserves the local

CENTRE CITY  
CAPITAL LIMITED

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businesses and employment that currently occupy the property and ensuring that the master plan ultimately conforms with the principals set forth in the Port Credit Secondary Plan. We believe that many of our concerns previously expressed to the City of Mississauga remain unresolved, and as such we are writing to register our continued interest in the plans for the redevelopment of the site as the official plan amendment and rezoning process unfold. Please ensure to keep us informed of all future developments.

Best regards,

Centre City Capital Limited



Jonathan James

cc: Jim Tovey (Ward 1 Councillor)  
Ed Sajecki (Commissioner of Planning and Building)  
Lesley Pavan (Director of Development and Design)  
Susan Burt (Director, Strategic Community Initiatives Division)  
Ruth Marland (Strategic Leader, Strategic Community Initiatives Division)  
Mumtaz Alikhan (Legislative Coordinator, Legislative Services)  
Michael Crabtree (John D. Rogers & Associates Inc.)

Email dated September 6, 2016 from Bristol Marine Ltd ([michelles@bristolmarine.ca](mailto:michelles@bristolmarine.ca)) to Inspiration Port Credit ([inspiration.PortCredit@mississauga.ca](mailto:inspiration.PortCredit@mississauga.ca)).

Email has been modified to exclude recipients other than Inspiration Port Credit.

**Subject: Development of One Port Street East**

I fully support the redevelopment of One Port Street East site including a full service marina.

I feel your plan is flawed and I don't fully support the plan as presented, it is not fully utilizing the full site including the water lot.

The east break wall should be land filled to its full boundaries to accommodate more park land and Marina winter outdoor storage.

An outdoor storage spot should be made available for every summer docker on this site, especially all boaters with boats over 30 feet.

A successful state of the art, world class, full service marina on this site will not be successful if you do not have full proper winter storage accommodations.

Port Credit Harbour Marina has serviced the boating industry needs for over 50 years and I don't feel we should lose that ability.

When Toronto Outer Harbour and Bronte Outer Harbour redeveloped their sites, they asked for tenders to open and built repair & service facilities on their site. To this day nothing has happened and one of the main reasons is the fact that Port Credit exists and they could not successfully compete, let's not lose that ability.

The morale and insecurity of the dockers and business in The Port Credit Harbour Marina is at an all time low. It is dropping year by year which is resulting in a loss of boaters and businesses at this location.

What is the transition plan for Port Credit Harbour Marina? The marina's full service facility rebuilding and move to the east break wall will take years to complete and to be functional. If there is a dead period of time between the existing daily business and the start up of the new facility for example 3-4 years, the boaters and business will be gone out of Port Credit and the new facility will have to start all over. We will have lost all recognition, good faith and heritage that has been built up by the boaters and businesses at this location over the past 50 years. To start up all over again in this economy may be very difficult if not impossible.

The Port Credit In Water Boat Show has been in existence for 26 years at this site and has brought in 10's of thousands of boaters, tourists and general public for a boating experience. Will that continue under this new full service marina plan? Please listen to the stakeholders and surrounding individuals that have participated in the Port Credit Harbour Marina over the past 50 years.

Vince Pietracupa

Bristol Marine Ltd.

P: 905.891.3777 Ext: 28 | F: 905.891.3788

[www.bristolmarine.ca](http://www.bristolmarine.ca)

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Ms. Ruth Marland

Sept 6, 2016

Strategic Leader - c/o City of Mississauga via email

**RE: 1 Port St. E.-Implementing the Master Plan (File: CD.21.POR W1)**

We are writing to you in advance and response to the June 10th public notice, request for comments and September 6, 2016 public meeting.

As residents of Port St. E. we are keenly aware of the planning evolution and progressive change that the Marina Development will bring to our neighbourhood. We are adamant that equal consideration be given to the existing residents in order to minimize disruptions and maintain our quality of life.

**Building Height** - We are in agreement that building height conform to existing structures. However, we are in favour of minimizing building height along Port St. E. (3 stories), incrementally graduating up to (9 stories) at the southernmost section of the Marina peninsula.

**Heavy Equipment Traffic** - The intrusive disruptions created during the Post Office development is evidence of the ill conceived planning by the developer and the City. Port St. E. has been used as an outlet/service road for dump trucks, bulldozers and supply trucks. We trust that Port St. E. traffic will be prohibited and that Elizabeth St. S. is a reasonable alternative for Lakeshore Rd. access.

**Noise abatement** - Any development proposal should contain a plan to minimize the impact of both demolition, construction and associated transportation noise.

**Environmental** - We respectfully request that the 'greenery/ foliage' that exists around the periphery of the property be maintained. Developers will obviously have an obligation to enhance the area with new plantings. Wildlife that utilize the waterfront habitat will migrate north once development begins. The City and contractors must recognize their obligation to cope with the intrusion.

We would like to congratulate all parties on their progress to date. Residents have supported and embraced 'the vision' of a revitalized Port Credit. We are confident that planners will incorporate the requirements conveyed by those with a vested interest in success.

70 Port St. Residents

c/o

C. Petty  
St. E

302-70 Port  
Mississauga, ON

L5G 4V8

cwwpetty@hotmail.com

[www.mississauga.ca/portal/residents/inspirationportcredit](http://www.mississauga.ca/portal/residents/inspirationportcredit)



November 22, 2016

Ruth Marland, Strategic Leader  
Strategic Community Initiatives Division  
Planning and Building Department  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

**Re: City of Mississauga Draft Amendment to Official Plan and Port Credit Local Area Plan for 1 Port Street East**

Dear Ms. Marland:

We are pleased to have the opportunity to comment on the proposed Official Plan Amendment (OPA) in relation to 1 Port Street East, which would amend the Port Credit Local Area Plan; a component of the City of Mississauga's Official Plan. The purpose of this letter is to provide our comments on the Draft OPA, as well as to provide some background information about Bell Canada's role in providing essential telecommunications services.

### **Background**

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. The *Bell Canada Act*, a federal statute, requires that Bell manage and operate most of the trunk telecommunications system in Ontario. Bell is therefore also responsible for the infrastructure that supports most 911 emergency services in the Province.

The critical nature of Bell's services is declared in the *Bell Canada Act* to be "for the general advantage of Canada" and the *Telecommunications Act* affirms that the services of telecommunications providers are "essential in the maintenance of Canada's identity and sovereignty." Further, the *Telecommunications Act* outlines objectives for Canada's telecommunications policy, which speaks to ensuring affordable and reliable services, enhanced efficiency and competitiveness, efficient and effective regulation where required, and responsiveness to economic and social requirements of users. Provincial policy further indicates the economic and social functions of telecommunications systems and emphasizes the importance of delivering cost-effective and efficient services. The 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

Bell Canada  
20 Hunter Street West, Flr.3  
Hamilton, ON  
L8P 2Z2

Telephone 905-540-7254  
Fax 905-895-3872  
[meaghan.palynchuk@bell.ca](mailto:meaghan.palynchuk@bell.ca)

November 22, 2016

2

Telecommunications infrastructure is an essential component of creating economically competitive, “smart” communities, which are dependent on fast, reliable Internet access. Section 1.7.1 k) of the 2014 PPS recognizes that “efficient, coordinated telecommunications infrastructure” is a component of supporting long-term economic prosperity. We note that the definition of infrastructure in the 2014 PPS is inclusive of communications/ telecommunications, which is indicative of the importance in providing efficient telecommunications services to support current needs and future growth (Section 1.6.1). Furthermore, the 2014 PPS states that infrastructure should be “strategically located to support the effective and efficient delivery of emergency management services” (Section 1.6.4), which is relevant to telecommunications as an integral component of the 911 emergency service.

To support the intent of the *Bell Canada Act* and *Telecommunications Act* and ensure consistency with Provincial policy, Bell Canada’s objective is to become more proactive in its involvement with municipalities. Accordingly, our intent is to coordinate with the City of Mississauga on the provisioning of appropriate telecommunications infrastructure to communities and to ensure technical requirements continue to be met within public roadways.

### **Comments on the Draft Official Plan Amendment**

We have reviewed the Draft Official Plan Amendment to the Port Credit Local Area Plan for 1 Port Street East and offer the following specific comments. Additions are shown in underline.

We note that the policy in Section 13.1.8.x (Transportation) states that consideration may be given towards adjusting right of way widths in order to accommodate certain design objectives. The public interest related to urban aesthetics and the design of the public realm must be balanced with the provision of essential public services, such as telecommunication/communications services. In order for Bell Canada to reliably provide essential telecommunication/communications services, such as the 9-1-1 service, it must ensure that utilities are easily accessible to technicians. Accordingly, we would request the following addition to the policy:

The City may consider increased or decreased right of way widths and alternative design standards to achieve specified community design objectives for all streets, provided that essential services and utilities can be feasibly accommodated. Changes to right of way widths will require an official plan amendment.

Bell Canada has developed an Urban Design Manual (UDM) which speaks to the location and configuration of utility infrastructure to balance ease of access with design. If the City chooses to proceed with an official plan amendment to permit increased or decreased right of way widths and alternative design standards, we would ask that the UDM be considered as part of the official plan amendment process and/or the development of design guidelines. In particular, we wish to draw your attention to the following, which address matters related to the burial of telecommunications infrastructure and the visual screening of infrastructure from public view:

- Section 5.0 discusses issues with regard to urban design and public utilities. Section 5.1 of the UDM addresses municipal requests to bury public infrastructure. Section 5.2 discusses screening of public utilities. Bell is

November 22, 2016

3

supportive of discreetly locating its utilities and clustering utilities to minimize visual clutter; however, it is important to design the utilities to allow for safe access by Bell's technicians.

- Section 6.0 provides techniques which can be used to minimize the visual prominence of telecommunications equipment in a number of different community scenarios, while still meeting telecommunications network requirements for resiliency, sustainability and growth.

The Urban Design Manual may be viewed online at:  
<http://mmmgrouplimited.ca/BellUrbanDesignManual/>

### **Future Involvement**

We would like to thank you again for the opportunity to comment on the City of Mississauga's Draft Official Plan Amendment for 1 Port Street East. Please advise us of any further meetings, reports, drafts, decisions, etc. related to this matter. We request that all documentation be forwarded to the Manager of Municipal Relations:

Ms. Meaghan Palynchuk  
Manager – Municipal Relations  
Access Network Provisioning, Ontario  
Development and Municipal Services  
Bell Canada  
20 Hunter Street West, Flr.3  
Hamilton, ON  
L8P 2Z2

Telephone 905-540-7254  
Fax 905-895-3872  
[meaghan.palynchuk@bell.ca](mailto:meaghan.palynchuk@bell.ca)

If you have any questions, please direct them to the undersigned.

Yours truly,



Meaghan Palynchuk  
Manager, Municipal Relations  
Access Network Provisioning, Ontario

cc: Chris Tyrrell – MMM Group Ltd.



5650 Hurontario Street  
Mississauga, ON, Canada L5R 1C6  
t 905.890.1010 1.800.668.1146  
f 905.890.6747  
www.peelschools.org

January 31<sup>st</sup>, 2017

Ms. Ruth Marland  
Strategic Leader  
Strategic Community Initiatives  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

Dear Ms. Marland:

**RE: Draft Amendments to Official Plan and Port Credit Local Area Plan Policies  
1 Port Street East Master Plan (Inspiration Port Credit)  
City of Mississauga**

Thank you for providing the Peel District School Board ("the Board") with the opportunity to comment on the draft amendments to the Official Plan and Port Credit Local Area Plan policies.

The Board has reviewed the proposed residential site statistics for the Demonstration Plan and Scenario 2 in the 1 Port Street East Master Plan (pg. 41), and assuming the proposed 1,205 to 1,540 units are all apartment units, based on its School Accommodation Criteria has the following comments:

The anticipated yield from this site is as follows:

210	K-8
74	9-12

The students are presently within the following attendance areas:

	<u>Enrolment</u>	<u>Capacity</u>	<u># of Portables</u>
Riverside P.S.	302	452	0
Port Credit S.S.	1,160	1,203	0

#### Trustees

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**Director of Education and Secretary**  
Tony Pontes

**Associate Director,  
Instructional Support Services**  
Scott Moreash

**Associate Director,  
Operational Support Services**  
Jaspal Gill



An addition, portables, boundary change and/or school re-organization may be required at the affected schools to accommodate the anticipated number of students from this development.

It should be noted that the yields used to determine public school facility requirements are based on certain assumptions that may change over time. Therefore, the Board's pupil accommodation needs may change within the 20 year planning framework set out for the 1 Port Street East Master Plan.

Please continue to keep us informed of the status of the proposed Official Plan Amendment and provide us with information as it becomes available so that we may provide comments as necessary.

The Board wishes to be notified of the decision of Council with respect to this proposed City-initiated Official Plan Amendment.

If you require any further information please contact me at 905-890-1010, ext. 2217.

Yours truly,



Amar Singh, BURPI  
Planner  
Planning and Accommodation Dept.

- c. B. Bielski, Peel District School Board
- J. Rogers, Dufferin-Peel Catholic District School Board

**May 5, 2017**

Andrew Whittemore, Director of Policy Planning, City of Mississauga  
 Ruth Marland, Strategic Leader, Inspiration Port Credit, City of Mississauga  
 Shahada Khan, Policy Planner, City of Mississauga  
 Jim Tovey, Councillor (Ward 1)  
 James Cox, Director of Real Estate, Canada Lands Company (CLC)  
 Sven Spengemann, MP Mississauga-Lakeshore  
 Hon. Charles Sousa, MPP Mississauga South  
 Mumtaz Alikhan, Clerk, Planning & Development Committee, City of Mississauga (*for circulation*)



**COMMENTARY RE: Official Plan Amendment (OPA) for One Port Street (Marina Lands, Port Credit)**

**INTRODUCTION:** Since May 2012, the TOPCA Executive has provided considerable input concerning the future of the Port Credit Marina Lands at One Port Street. While the site is owned by Canada Lands Company (CLC), future development is to be guided by the Official Plan of the City of Mississauga. Separate processes have been conducted by CLC, and by the City under the Inspiration Port Credit (IPC) project banner. TOPCA has participated fully. Over the past year the focus has been on the Official Plan Amendment (OPA) to codify the future use and design parameters for the Marina Lands site.

We appreciate meeting with staff (Ruth Marland; Shahada Khan) on April 13, 2017 concerning the status of this OPA process, prior to submitting expedited commentary on April 27, 2017 as an e-mail. This commentary has now been formatted for broader circulation, with only minor corrections.

We understand a revised version of the Marina Lands OPA will be on the Agenda at the City's Planning and Development Committee (PDC) on **June 12, 2017**.

**Documents TOPCA has published concerning the Marina Lands OPA (including this Commentary):**

**D-1.** TOPCA's Deputation re the OPA, at PDC on May 30, 2016

[http://topca.net/development/Marina\\_Lands/TOPCA\\_Deputation\\_PDC\\_Port\\_Credit\\_Marina\\_Lands\\_May\\_30\\_2016.pdf](http://topca.net/development/Marina_Lands/TOPCA_Deputation_PDC_Port_Credit_Marina_Lands_May_30_2016.pdf)

**D-2.** TOPCA's follow-up Deputation re the OPA, at PDC on Sept. 6, 2016

(references the lack of a Marina Action Plan, and funding)

[http://topca.net/development/Marina\\_Lands/TOPCA\\_Deputation\\_PDC\\_Port\\_Credit\\_Marina\\_Lands\\_Sept\\_6\\_2016.pdf](http://topca.net/development/Marina_Lands/TOPCA_Deputation_PDC_Port_Credit_Marina_Lands_Sept_6_2016.pdf)

**D-3.** POSTER for TOPCA Town Hall on Sept 20, 2016 -- 'Have We Missed the Boat?'

[http://topca.net/development/Marina\\_Lands/Marina\\_Lands\\_TOPCA\\_Town\\_Hall\\_Meeting\\_Sept\\_20\\_2016\\_POSTER\\_L.jpg](http://topca.net/development/Marina_Lands/Marina_Lands_TOPCA_Town_Hall_Meeting_Sept_20_2016_POSTER_L.jpg)

**D-4.** 30-slide Power Point presentation at the TOPCA Town Hall meeting, which was well-received and affirmed our above positions. NOTE: Slide 28 is TOPCA's draft "Notwithstanding" clause.

[http://topca.net/development/Marina\\_Lands/TOPCA\\_Marina\\_Lands\\_OPA\\_Town\\_Hall\\_PRESENTATION\\_Sept\\_20\\_2016.pdf](http://topca.net/development/Marina_Lands/TOPCA_Marina_Lands_OPA_Town_Hall_PRESENTATION_Sept_20_2016.pdf)

**D-5.** Accurate *Mississauga News* article concerning TOPCA's Town Hall meeting

<http://www.mississauga.com/blogs/post/6875133-residents-look-for-more-public-parkland-in-marina-reboat/>

**D-6.** TOPCA Commentary re: OPA for One Port Street (Marina Lands, Port Credit), submitted May 5, 2017

[http://topca.net/development/Marina\\_Lands/TOPCA\\_Commentary\\_re\\_Port\\_Credit\\_Marina\\_Lands\\_OPA\\_May\\_5\\_2017.pdf](http://topca.net/development/Marina_Lands/TOPCA_Commentary_re_Port_Credit_Marina_Lands_OPA_May_5_2017.pdf)



We will not repeat yet again the concerns we have expressed over the past year (*these still stand*), but wish make the following comments based what has happened (*or not happened*) since September 2016:

**1.** The TOPCA Town Hall '**Have We Missed the Boat?**' on September 20, 2016 at Clarke Hall affirmed the content of TOPCA's Deputation at PDC on September 6, 2016. We note the PDC meeting was held the day after Labour Day and was not seen as appropriate timing for soliciting community input; we felt a Town Hall meeting was required and so we held one. We have not received any City response to our specific elements/omissions of concern in the OPA and suggested improvements/additions (*per documents cited above*). We are unaware of how the Marina Lands OPA may have been revised since September 2016.

**2.** This is not a routine OPA. One Port Street is a large and complex site. The concept plan is not where the community wants it, as stated by the Ward 1 Councillor at PDC on both May 30, 2016 and September 6, 2016. Reservations expressed at those meetings by both citizens and PDC members re: transportation, site layout, density, public space and need for "forward thinking" have not been publicly addressed in the nearly eight (8) months since. We question how the OPA can move forward under these conditions?

**3.** We have outlined the rationale (in D-4, *above*; replicated *below*) for our proposed 'Notwithstanding Clause' which we believe should comprise part of the OPA text, and thus be embedded in the ongoing regulatory process. We have reviewed Mississauga Council Resolution #0048-2008 re: Lakeview (February 27, 2008), as sent to us by IPC staff as a possible model for enshrining the community's RIGHT to ongoing consultation and input regarding the future of the Marina Lands.

We believe this external resolution format and its general and aspirational content does not address TOPCA's specific concerns. Having the citizens' role clearly defined in the Marina Lands OPA is an important protection. We have received verbal assurance of ongoing public process from Canada Lands Company, but the OPA is a signal to the ultimate site developer that the citizens **must** be involved.

## PROPOSED "NOTWITHSTANDING" CLAUSE

### Citizen Engagement

"Notwithstanding the provisions in the One Port Street OPA based on the City's Master Plan (June 2016), the citizens shall be consulted at all stages of the implementation of the master plan, however long that may be into the future, to ensure that:

- the status and FUNDING of the transition of the Marina;
- the results of any appeals of the Official Plan or PC Local Area Plan;
- the results of the Environmental Assessment(s);
- the selection (by CLC) of a site development partner;
- the intermediate / ultimate ownership of the lands;
- changes in project staff leadership at the City or CLC;
- changes in political representation at any level of government;
- the waterfront best practices of the day;
- the evolution of the Port Credit village;

are weighed against the existing master plan and it be modified as necessary, per this community submission to the OPA process based on the Town Hall Meeting of September 20, 2016, and a Stakeholder Advisory Committee."

**4.** The Port Credit community has now had experience with West Village Partners (WVP), the winning proponent (announced December 2016) per the Imperial Oil RFP to develop their 73-acre brownfield site. The Port Credit community will benefit from the stated willingness of West Village Partners to consider residents and local groups as key stakeholders and provide them with a voice throughout the development process. For this reason TOPCA wrote a [Letter \(June 24, 2016\)](#), on the public record, regarding the significant public process which we expect to take place regarding the WVP master plan and development process. We will seek all mechanisms going forward to ensure this continues.

The community experience with the Imperial Oil RFP throughout 2016 is a good example of what the community will expect with future development sites. It serves as a counterpoint to the Marina Lands process, which would NOT go well if there is not a similar level of sustained community collaboration. To this end, we are pleased that Canada Lands has affirmed they will retain oversight for the entire development process (unlike Imperial Oil, which is no longer involved). Given the length of time involved (10 years?), and possible changes in CLC policy, we believe the community's interests require stronger commitment of continued, LONG-TERM involvement at One Port Street via regulation, regardless of the inclinations of the future developer.

**5.** As of this date, there is still no Marina Action Plan (promised in 2016) which is a critical and practical piece of the entire Marina Lands development scenario, and was promised to come first (*per* PDC, Sept. 6, 2016), prior to approval of the OPA. This delay suggests that there is difficulty (certainly complexity) in developing such a document, and the OPA should not go forward without such a Plan, supported by all parties including the Marina stakeholders.

**6.** The financial viability of a full service Marina is currently speculative -- the consultants' Marina Business Case (part of the Inspiration Port Credit project) indicates it can be, but until various parties come forward to fund the venture in a sustainable and equitable manner (including the City of Mississauga), the business plan for the Marina Lands is purely conceptual. It is recognized that there is a tremendous amount of up-front capital required (\$50-60 million is the working figure) prior to the achievement of a revenue stream and ultimate ROI.

The public is unaware of the status of any negotiations for funding for the Marina relocation and continued operation on a full-service basis. It is acknowledged that all three levels of government plus possible private investors need to collaborate. We believe the possibilities should be made public and reviewed. For instance, what scenarios could be employed requiring less funding up-front, or broader investment?

**7.** An Environmental Assessment (EA) concerning the Marina Lands appears to be many (3-4 +) years away. The EA process can't even start until there is a formal development application which would require it. The Marina relocation relies on a successful EA outcome; this is a significant unknown. The TOPCA "Notwithstanding Clause" includes this issue, among many others, and would provide a safeguard against any such uncertain outcomes as the process moves forward.

**8.** Any MOU (Memorandum of Understanding) discussions which have taken place between the City of Mississauga and Canada Lands Co. to guarantee provision of the Marina have been *in camera* (i.e. not public). The Port Credit community needs to understand the nature of these discussions, and what is being agreed to, prior to final comment on, or possible support of, the OPA, given the present conditional relationship between the two instruments. Clarity is required.

**9.** Potential development on the rest of the One Port Street site (excluding the Marina) is paralyzed from moving forward via the issuance of an RFP by CLC. It is expected that the OPA would be attached to such an RFP. But there is dependency on successful resolution of the Marina issue first. TOPCA doesn't see this as the time to let the pressure up on achieving resolution; but, we would note that the 'all or nothing' scenario put forth by the City at the public meetings -- with no public updates meantime -- has resulted in a process which is stymied and fast becoming unacceptable. This is an engaged community ready to move forward 'On Our Watch'.

**10.** Our goal as community stakeholders is to determine how to transition the One Port Street site productively, rather than doom the marina operation to continued deterioration and uncertainty while the process drags on. We need to get the existing marina on more than life support in the interim, and get the community re-engaged in the development planning process to ensure long-term public value at the site (which a viable marina provides, as but *one* aspect). We are not happy with drifting, or waiting out the marina lease. The Harbour Marina needs repair and rejuvenation now. The OPA process should reflect this urgency and impel the community goal.

**11.** The first **Marina Lands Round Table** was held by TOPCA on May 26, 2016 at the Port Credit Arena, prior to the TOPCA Deputation at PDC on May 30, 2016. The community has had a year of experience since then which should help inform the future of the Marina Lands. By way of an example to restart discussion: Could Canada Lands donate/lease/lend or otherwise furnish land at One Port Street to the City of Mississauga solely for the marina use? Would this relieve the present impasse/paralysis and provide benefits and reassurance to all parties concerned?

It has been suggested by some of the parties that another Round Table discussion take place at this time concerning all these matters, and we would welcome that.

**12.** TOPCA is holding a Town Hall meeting: '**On Our Watch**' on May 23, 2017 regarding the two major waterfront sites in Port Credit – the 73-acre brownfield owned by WVP, and the Marina Lands which by comparison are not keeping pace with Port Credit's evolution. The above points form the core of what will be transmitted to the community at the Town Hall. All levels of government will be represented, so the matter of marina funding/resolution will be addressed directly. The TOPCA Executive will utilize input from our May 23rd Town Hall meeting in our Deputation at the PDC meeting on June 12, 2017, should the OPA still be on the Agenda.

**CONCLUSION:** As citizens we want to spark excitement and demonstrate community support that will inspire developers and attract world-class bids for the Marina Lands project. Currently the future of the site is bound up in an opaque OPA/MOU/funding process which has wound around its own axel. We should be dreaming about site design including the public spaces between the buildings, but the current plan appears to be a placeholder at best, in need of far greater community collaboration before it forms part of the City's Official Plan and the Canada Lands RFP.

On behalf of the TOPCA Executive,

Mary Simpson, President  
Dorothy Tomiuk, Vice President

[topca@topca.net](mailto:topca@topca.net)  
[www.topca.net](http://www.topca.net)

*WHO WE ARE:* The Town of Port Credit Association (TOPCA) is the municipally recognized residents' association for the entire Port Credit District, located in Ward 1. TOPCA is an all-volunteer, non-profit group. We are affiliated with the City of Mississauga through the Community Group Support Program. TOPCA was established in November 2006 with a view to foster open discussion on issues of importance to Port Credit residents, and to be a representative voice for our views with the City of Mississauga and other levels of government.

## **Planning and Development Committee - MINUTES**

**Date: 2016/09/06 (Approved September 19, 2016)**

Time: 7:00 PM

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

### **4.4. PUBLIC MEETING**

#### **1 Port Street East Comprehensive Master Plan Implementation - Proposed Official Plan Amendment**

Ruth Marland, Strategic Leader, Strategic Community Initiatives Division, gave an overview of the proposed Official Plan Amendment. She noted that a report on comments and recommendations will be brought back to the Planning and Development Committee once an agreement has been reached with Canada Lands Corporation to protect the continued use of the site and the harbour for a Marina.

The following persons made oral submissions citing that the Town of Port Credit Association is planning a town hall meeting shortly; expressed concerns about the process to ensure consistent oversight to protect against piece meal disruption to the overall vision; protection of the Marina; allocation of maximum public realm is needed; ensure mixed-use; take the necessary time needed in the Official Plan Process to make the evolution of a complex site bulletproof; parking congestion on Pine Avenue South due to events in Port Credit Village; traffic must be studied closely with the proposed density as the current congestion is already bad; concern with the increased density that will occur in Port Credit; more parkland will pay dividends:

Dorothy Tomiuk, Town of Port Credit Association;

Pat Sturgeon, tenant of the Marina;

Lori Ebos, resident;

Grant Fisher, Chair, Credit Reserve Association

In response to Mr. Sturgeon's concern regarding the timeline involved for Marina tenants to plan for the future, Councillor Tovey said that no approvals will be released at this site until an iron clad agreement is reached for the Marina and that it will take at least eight to ten years to move forward.

Councillor Tovey commented that this was an opportunity to create a unique public space instead of the proposed road network. He also commented that more vision and

innovative thinking is needed with respect to built form, and that density should be evenly distributed to maximize lake views.

Councillor Tovey moved the following motion which was voted on and carried:

PDC-0065-2016

1. That the submissions made at the Planning and Development Committee Public Meeting held on September 6, 2016, regarding the report titled "1 Port Street East Comprehensive Master Plan Implementation - Proposed Official Plan Amendment - Public Meeting," dated August 16, 2016, from the Commissioner of Planning and Building, be received.
2. That staff report back to Planning and Development Committee on the submissions made from the public, and comments made from circulated departments and agencies, regarding the proposed changes to the Mississauga Official Plan to implement the 1 Port Street East Comprehensive Master Plan.

File: CD.21.POR

RECEIVED (Councillor J. Tovey)

# 1 Port Street East Official Plan Amendment

## Amendments to Mississauga Official Plan

- Table 8-4: Road Classification – Local Roads, second table, of Chapter 8 Create a Multi-Modal City, be amended by adding the following:

	Character Area	Street	From	To	Jurisdiction	R-O-W Range**
#	Port Credit Community Node	Port Street East	Stavebank Road	Helene Street	Mississauga	20-28 m
#	Port Credit Community Node	Stavebank Road South	Port Street East	Approximately 15 m north of Lake Ontario	Mississauga	17 m

- Policy 11.2.6.1, Mixed Use, General Land Use, be amended to allow the following use:  
o. **makerspaces**

- Chapter 20 Glossary be amended to add the following:

MAKERSPACE refers to a facility used for producing or making custom-made goods in limited quantities. These spaces may include community or artisan workshops and places to incubate shared interests, particularly in computing or technology.

- Amend Schedule 1: Urban System in accordance with Map A
- Amend Schedule 1a: Urban System – Green System in accordance with Map B
- Amend Schedule 4: Parks and Open Spaces in accordance with Map C
- Amend Schedule 5: Long Term Road Network in accordance with Map D
- Amend Schedule 7: Long Term Cycling Routes in accordance with Map E
- Amend Schedule 10: Land Use Designations in accordance with Map F to redesignate portions of the Mixed Use and Greenlands designations to Public Open Space
- Amend Schedule 2B: Port Credit Community Node Height Limits of the Port Credit Local Area Plan in accordance with Map G

## Amendments to Port Credit Local Area Plan

### Section 10.2.4 Harbour Mixed Use Precinct

1<sup>st</sup> Paragraph – be amended as follows:

“...Development will be at a lower overall scale than the Central Residential Precinct and will step down towards Lake Ontario, except for landmark sites identified in this Area Plan.”

3<sup>rd</sup> Paragraph to be deleted.

The following policy to be added:

10.2.4.5 The lands located south of Port Street East and east of the Credit River will be redeveloped in a manner that recognizes the site’s rich marine history and waterfront location. It is envisioned to be a mid-rise, mixed use area with residential, office, retail and recreational uses will animate and activate the site throughout the day and year. The site will be a citywide and regional destination that offers recreational and leisure activities with public access and views to the waterfront. A key attraction will be a marina, marina-related facilities and waterfront parks. At the water’s edge a building that exemplifies high design and draws people to the water is envisioned. The site will feature high quality design and prioritize pedestrians and cyclists. Innovative sustainable design and green building technologies will be showcased and the site’s natural and cultural heritage resources will be protected and enhanced.

The site should achieve the following:

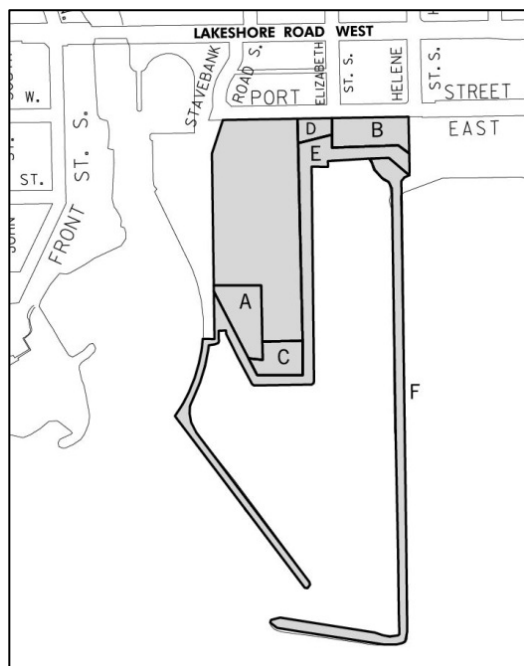
- a. is woven into the fabric of Port Credit and the city;
- b. supports the overall vision of Port Credit as an evolving waterfront village;
- c. celebrates the site’s urban waterfront context;
- d. provides for a mix of uses including, residential, office, retail, indoor and outdoor markets, and ***makerspaces***;
- e. links the marine and cultural history of the site together; and
- f. draws people to the water’s edge to live, work, make, learn, shop and play.

The Inspiration Port Credit 1 Port Street East Comprehensive Master Plan was undertaken for these lands, which included extensive public consultation. This master plan is the basis of the policies for this area and informs how these policies can be achieved.



Section 13.0 Special Sites, Special Site 8 be deleted and replaced with the following:

### 13.1.8 Site 8



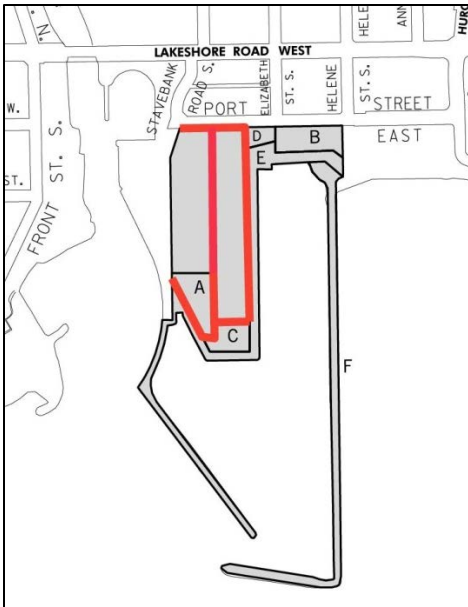
13.1.8.1 The lands identified as Special Site 8 are located south of Port Street East and east of the Credit River.

#### **13.1.8.2 General Policies**

13.1.8.2.1 Affordable housing will be provided in accordance with the City of Mississauga's housing policies.

13.1.8.2.2 The City will require a mix of housing unit types, sizes and tenure to accommodate changes in community needs over time.

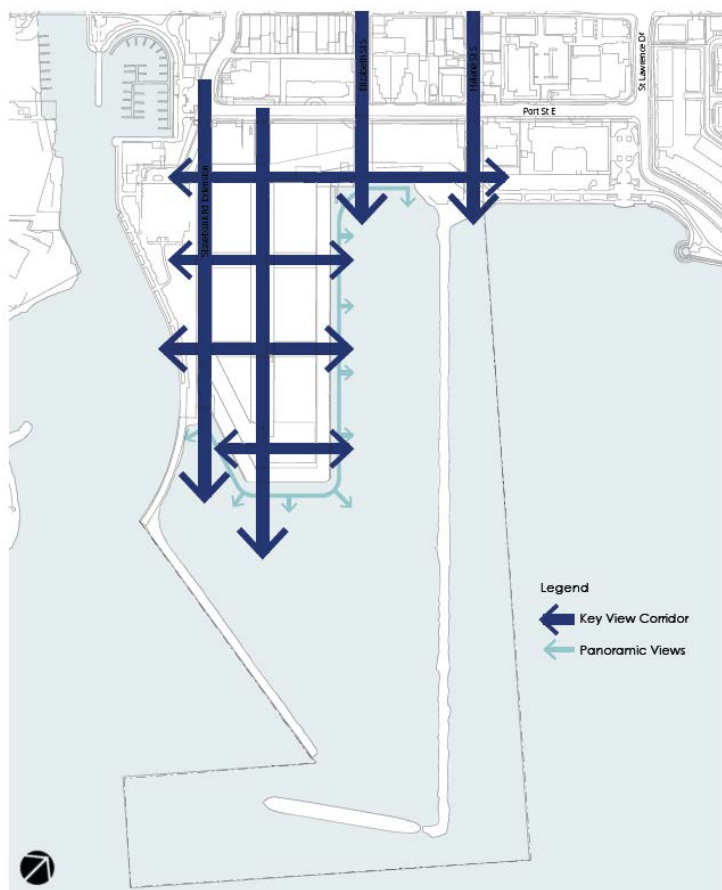
13.1.8.2.3 Ground floor uses should include retail, ***makerspace***, service commercial and cultural uses for the purpose of establishing areas of focus for residents and visitors, as shown on Map 1: Ground Floor Activation.



Map 1: Ground Floor Activation

13.1.8.2.4 A minimum total office GFA of 6,000 m<sup>2</sup> will be required and will be developed concurrently with residential uses.

13.1.8.2.5 The Public Open Space network and the road system will be designed to create view corridors to Lake Ontario and the shoreline throughout and through the site, including broader panoramic views at the water's edge, as generally shown on Map 2.



Map 2: View Corridors

#### Area A

13.1.8.2.6 A landmark building will be required that is a focal point, demonstrates visual interest, a high standard of architectural design and draws people to the waterfront.

13.1.8.2.7 Area A as well as the surrounding roads and public realm will be a showpiece of design excellence and innovation.

13.1.8.2.8 The building and/or the site should include an attraction that draws people to the site (e.g. public art, observation deck, cultural facility).

#### Area B

13.1.8.2.9 Notwithstanding the policies of this Plan, only a marina facility and the following accessory uses will be permitted:

- a. marina-related facilities including retail, boat repair facilities and ancillary equipment; and
- b. on-site boat storage.

13.1.8.2.10 Retail uses and makerspaces may be permitted as a second phase to the marina development and provided they are subordinate to and complement the marina use. These additional uses will not adversely impact the marina operations and will only be permitted provided sufficient parking requirements are met.

#### Areas C, D, E and F

13.1.8.2.11 Area C will be a park that provides panoramic views of Lake Ontario and the Credit River. The park will be the

full width of the pier and have a minimum area of 0.3 ha not including public and private roads.

13.1.8.2.12 The park to be located in Area D will have a minimum area of 0.13 ha and have street frontages on Port Street East and future roads C and E (as shown on Map 3). The largest frontage will be on Port Street East.

13.1.8.2.13 A waterfront promenade will be located in Area E and will:

- a. have a minimum width of 15 metres;
- b. include a broad, hard-surfaced pedestrian zone, complete with lighting, benches, trees and other amenities;
- c. connect JJ Plaus Park to St. Lawrence Park;
- d. connect with all existing pathways and future sidewalks that it is adjacent to; and
- e. be designed to be compatible with the water's edge and adjacent development and to accommodate pedestrians, cyclists, emergency service access and service vehicles.

13.1.8.2.14 Area F is an engineered structure designed to protect the marina basin and is not currently in a form that would permit public use. Opportunities for lake fill should be considered to integrate this area into the public open space network to improve public waterfront access and provide for trails and lookouts along the water.

13.1.8.2.15 The following additional uses are permitted within Areas E and F:

- a. marina-related facilities, including floating docks and boat slips, a fuel dock and pump-out station, boat repair facilities and ancillary equipment; and
- b. on-site boat storage.

### **13.1.8.3 Urban Design**

13.1.8.3.1 Parking facilities located above grade and adjacent to the road system will be screened by “liner” buildings incorporating a mix of uses between the parking structure and the road.

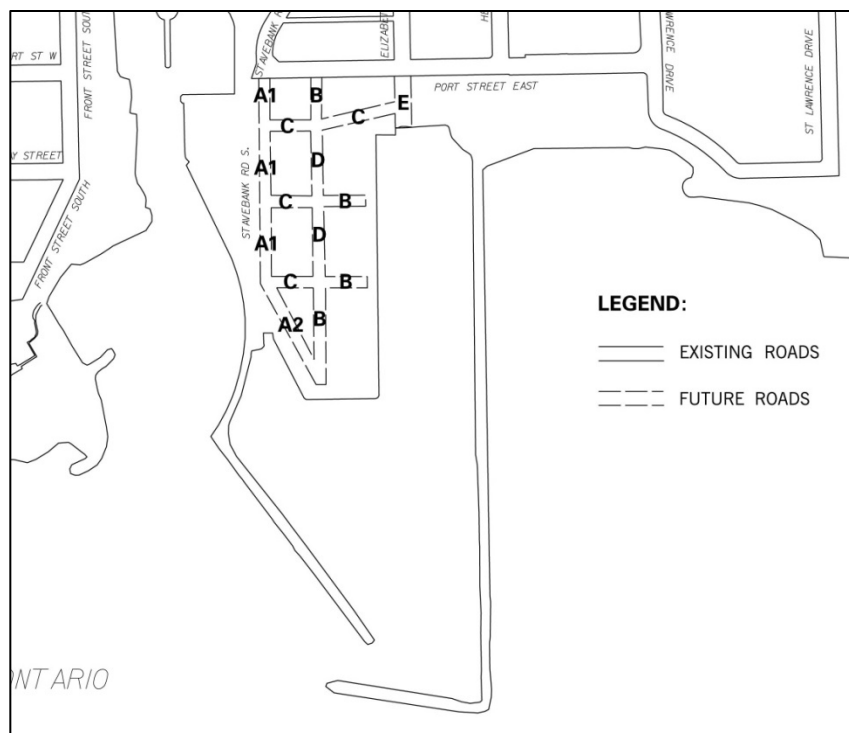
13.1.8.3.2 An arcade or building element that is a minimum of four storeys above grade may be considered over Road B immediately south of Port Street East provided that view corridors to Lake Ontario are achieved.

13.1.8.3.3 Tall buildings will have a podium of four stories.

### **13.1.8.4 Transportation**

13.1.8.4.1 The future road network is shown on Map 3 and will be subject to the following road right-of-way widths requirements:

Road	Right-of-Way	Future Road Type
A1	17 – 20 m	Minor Collector
A2	17 – 20 m	Minor Collector
B	15 – 17 m	Local Road
C	15 – 17 m	Local Road
D	17 – 25 m	Local Road
E	20 m	Local Road



Map 3: Future Road System

13.1.8.4.2 Future additions to the road network will be public roads, unless arrangements for a private road are made that are satisfactory to the City. With the exception of Road A1 which will be a public road, private roads may be considered subject to the following:

- a. public easements will be required;
- b. required right-of-way widths will be provided; and
- c. an appropriate terminus may be required for maintenance and operations where a public road connects with a private road.

13.1.8.4.3 Roads B will be designed primarily as a pedestrian and cycling route with a secondary purpose for vehicular access including emergency and service vehicles.



Figure 28: All roads will be intended to prioritize pedestrians and cyclists. Roads B will be designed to reduce the speed of vehicular movement and with a focus on the pedestrian and cycling network. This will be achieved through design elements such as surface treatments, materials, textures, lighting and the use of minimum radii and lane widths, together with features which introduce visual interest and reduce risk by promoting awareness amongst pedestrians, cyclists and drivers.

13.1.8.4.4 The City may consider alternative road design standards to achieve community design objectives.

13.1.8.4.5 The portion of the Primary Off-Road Route as shown on Schedule 7: Long Term Cycling Routes, to be located in Area E will allow for cyclists within a predominately pedestrian environment.

#### **13.1.8.5 Environment**

13.1.8.5.1 The development of a district energy system will be encouraged in the area or on the site. Where a district energy system is not provided, developments are encouraged to include on-site renewable or alternative energy systems.

13.1.8.5.2 The City, in partnership with the appropriate conservation authority, other agencies having jurisdiction and the property owner may explore the feasibility of lake fill opportunities to enhance the quality of the shoreline, connect natural heritage systems and achieve associated habitat improvements. This will be done with consideration of the ecological context of the site and watershed management area.

#### **13.1.8.6 Implementation**

13.1.8.6.1 Through a marina redevelopment and financing strategy, a marina action plan will be prepared to the City's satisfaction that will identify matters such as:

- a. the mix of marina and marina-related uses;
- b. the location of buildings;
- c. building heights;
- d. parking and boat storage facilities; and
- e. the layout for the marina docks slips, facilities and associated amenities.

13.1.8.6.2 A development master plan will be required to address matters including, but not limited to, the following:

- a. The height, scale and location of proposed uses;
- b. The phasing of development, specifically:
  - Marina and marina-related facilities
  - Physical Serving Infrastructure (e.g. roads, water, wastewater)
  - Community Infrastructure
  - Office and other non-residential development
  - Residential development;
- c. How the envisioned population and employment will be achieved;
- d. The size, amount and location of non-residential uses at-grade and within buildings;
- e. The size and location of community infrastructure (e.g. parks);
- f. Final road alignment;
- g. The location and number of parking spaces;
- h. A functional review of servicing and truck operations on the street network and access to underground parking;
- i. Environmental requirements (e.g. remediation of site contamination, green development standards, renewable and alternative energy components and sustainable infrastructure);
- j. Transition and connectivity within the site and to the surrounding context;
- k. Provision of public access and protection of views to Lake Ontario;
- l. Treatment of the public realm (e.g. the pedestrian and cycling network, roads and streetscape);
- m. Provision and location of public art;
- n. Engineering and design requirements to integrate the eastern breakwater (Area F) into the public open space network; and

- o. Hazard mitigation measures and shoreline protection works, delineation of the **Natural Hazard Lands** and associated setback.

13.1.8.6.3 In exchange for increased height and/or density permissions a community benefits contribution pursuant to Section 37 of the *Planning Act* will be required. The base value from which increased height and/or density will be calculated will reflect zoning by-law permissions in effect as of January 1, 2017.

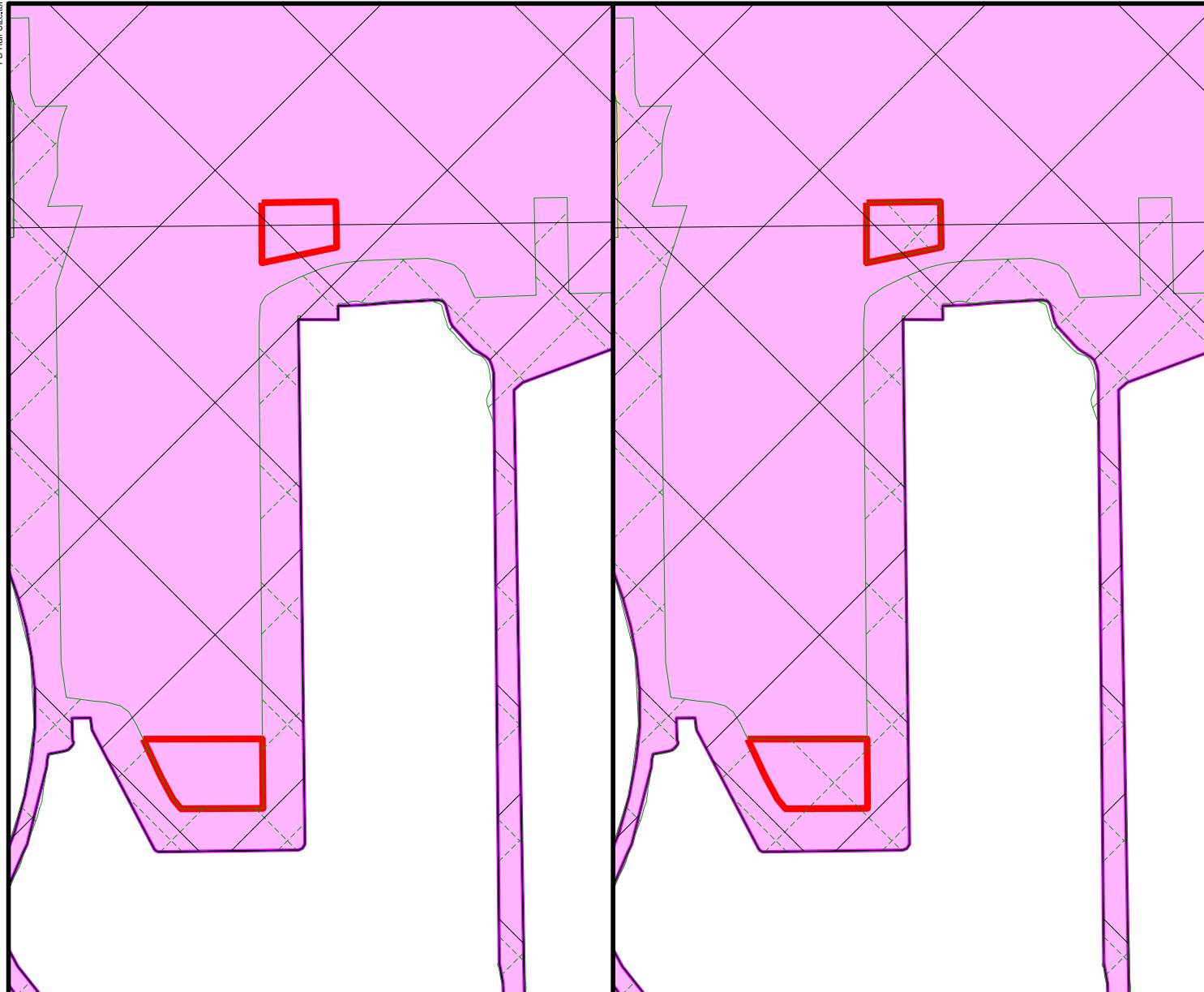
13.1.8.6.4 In order to ensure the proper and orderly development in accordance with this Plan, development will occur by way of one or more plans of subdivision which will generally determine the detailed alignment of municipal roads, the location of parkland and policies respecting development phasing.

13.1.8.6.5 In the event that there are multiple landowners, to ensure the appropriate and orderly development of the site and to ensure that the costs associated with development are equitably distributed among all landowners, the City will require that a cost sharing agreement and/or front end agreement has been executed to address distribution of costs and municipal and community infrastructure, lands and facilities associated with development in a fair and equitable manner. Individual developments will generally not be approved until the subject landowner becomes party to the landowners' cost sharing agreement. The City will not be a party to any landowner cost sharing agreement but may be a party to a front end agreement. Where necessary for the purposes of facilitating a front ending agreement, the City may utilize area specific development charge by-laws enacted pursuant to the *Development Charges Act, 1998*, as amended.

Policy 14.4 be deleted and replaced with the following:

Prior to development, a development master plan for the former refinery will be prepared to the City's satisfaction.

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EXISTING

AMENDED

**LEGEND****GREEN SYSTEM**

Green System

**CITY STRUCTURE**

Downtown

Major Node

Community Node

Neighbourhood

Corporate Centre

Employment Area

Special Purpose Area

**CORRIDORS**

Corridor

Intensification Corridor

**AREA OF AMENDMENT**
**Note:**

Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.

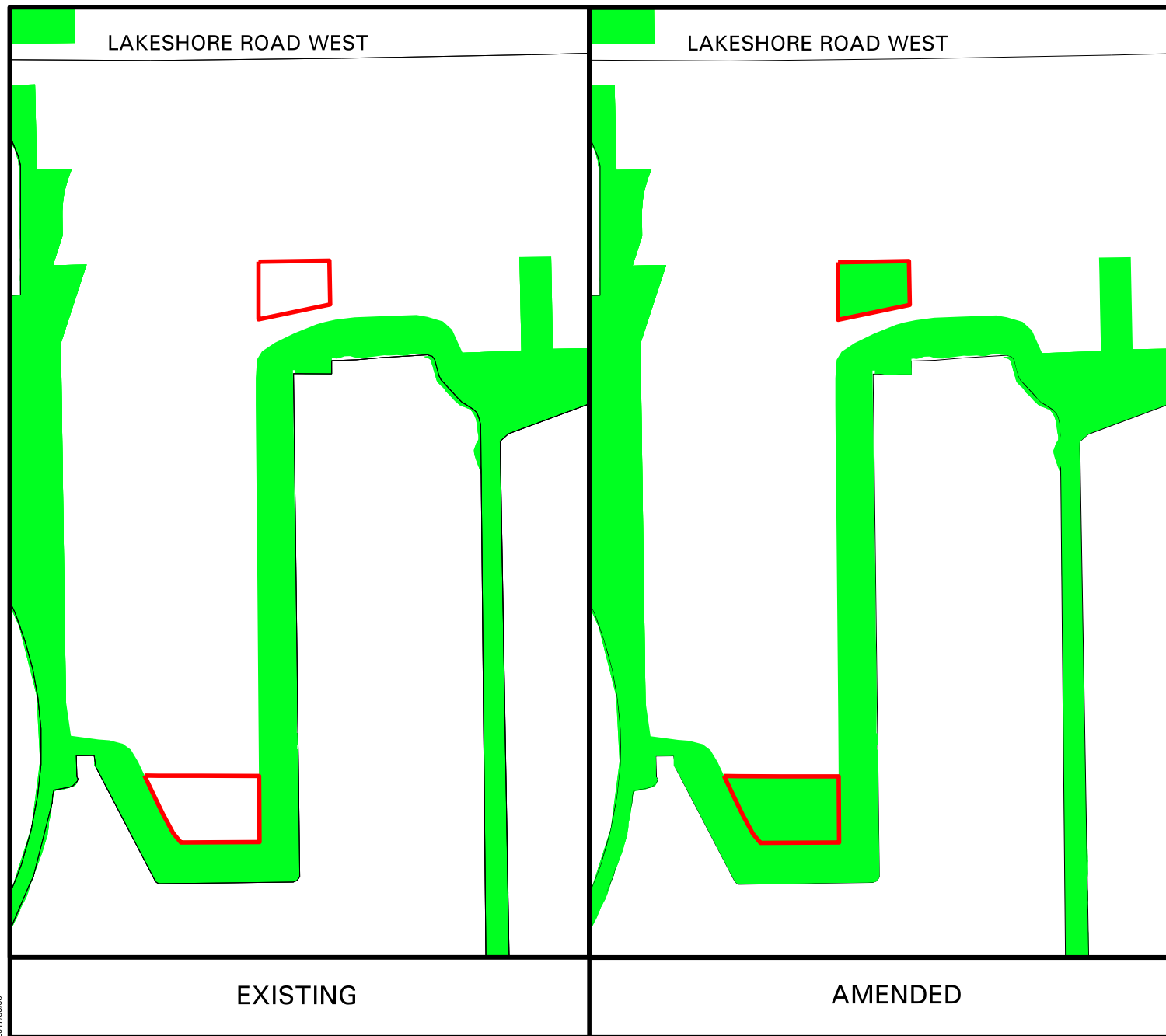


**MAP 'A'**  
Part of  
Schedule 1-Urban System  
of Mississauga Official Plan

**MISSISSAUGA**



PB-Half-Size.tbl



LEGEND:

 AREA OF AMENDMENT

Note:

Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.



MAP 'B'

Part of Schedule 1a  
Urban System - Green System  
of Mississauga Official Plan



EXISTING




AMENDED

2017/05/05

scotta

LAKESHORE ROAD WEST

LAKESHORE ROAD WEST

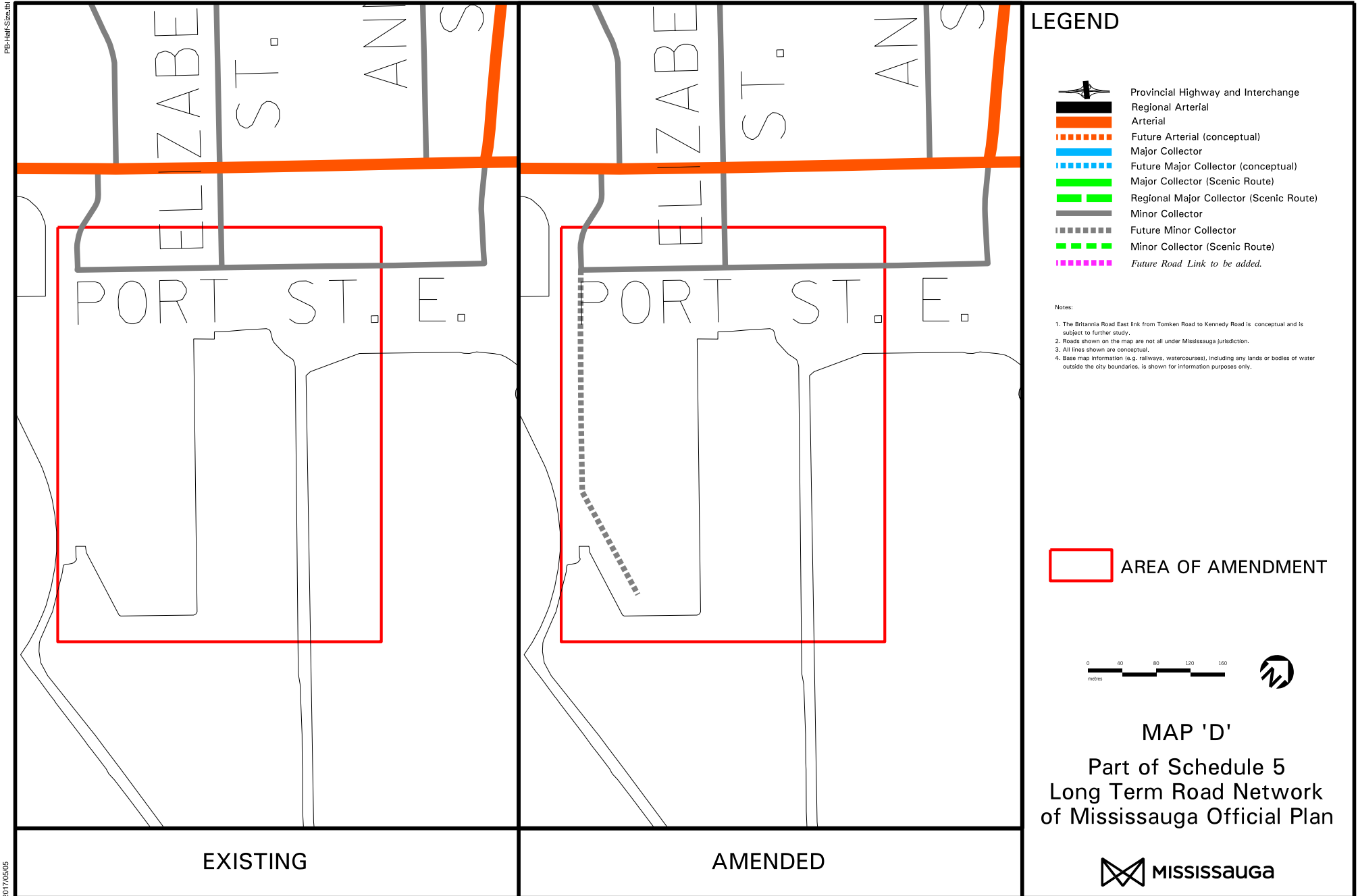
**LEGEND** Public and Private Open Spaces Parkway Belt West Educational Facilities Utilities AREA OF AMENDMENT**Notes:**

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The Public and Private Open Spaces identified on this Schedule include lands designated Public Open Space, Private Open Space and Greenbelt as shown on Schedule 10.

0 25 50 75 100  
metres**MAP 'C'**






Part of Schedule 4  
Parks and Open Spaces  
of Mississauga Official Plan

 **MISSISSAUGA****EXISTING****AMENDED**





## LEGEND

-  Primary Off-Road Routes
-  Primary On-Road / Boulevard Routes
-  Primary On-Road / Boulevard Routes (Regional)
-  Crossings
-  Connections to Adjacent Municipalities
-  AREA OF AMENDMENT

### Notes:

1. Off-Road routes will be outside of the road right-of-way.
2. Primary On-Road / Boulevard Routes will be within the road right-of-way.
3. Primary On-Road / Boulevard Routes (Regional) are shown for information purposes only and are subject to further review by the Region of Peel.
4. Type of cycling facility and exact location to be determined through detailed study.
5. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
6. For Secondary Routes and further information refer to the Cycling Master Plan.



## MAP 'E'

Part of Schedule 7  
Long Term Cycling Routes  
of Mississauga Official Plan



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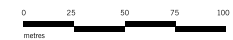
# LAND USE DESIGNATIONS

- |                            |                       |
|----------------------------|-----------------------|
| 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                 |                       |
| Natural Hazards            |                       |

AREA OF AMENDMENT

FROM:  
 MIXED USE  
 GREENLANDS

TO:  
 PUBLIC OPEN SPACE

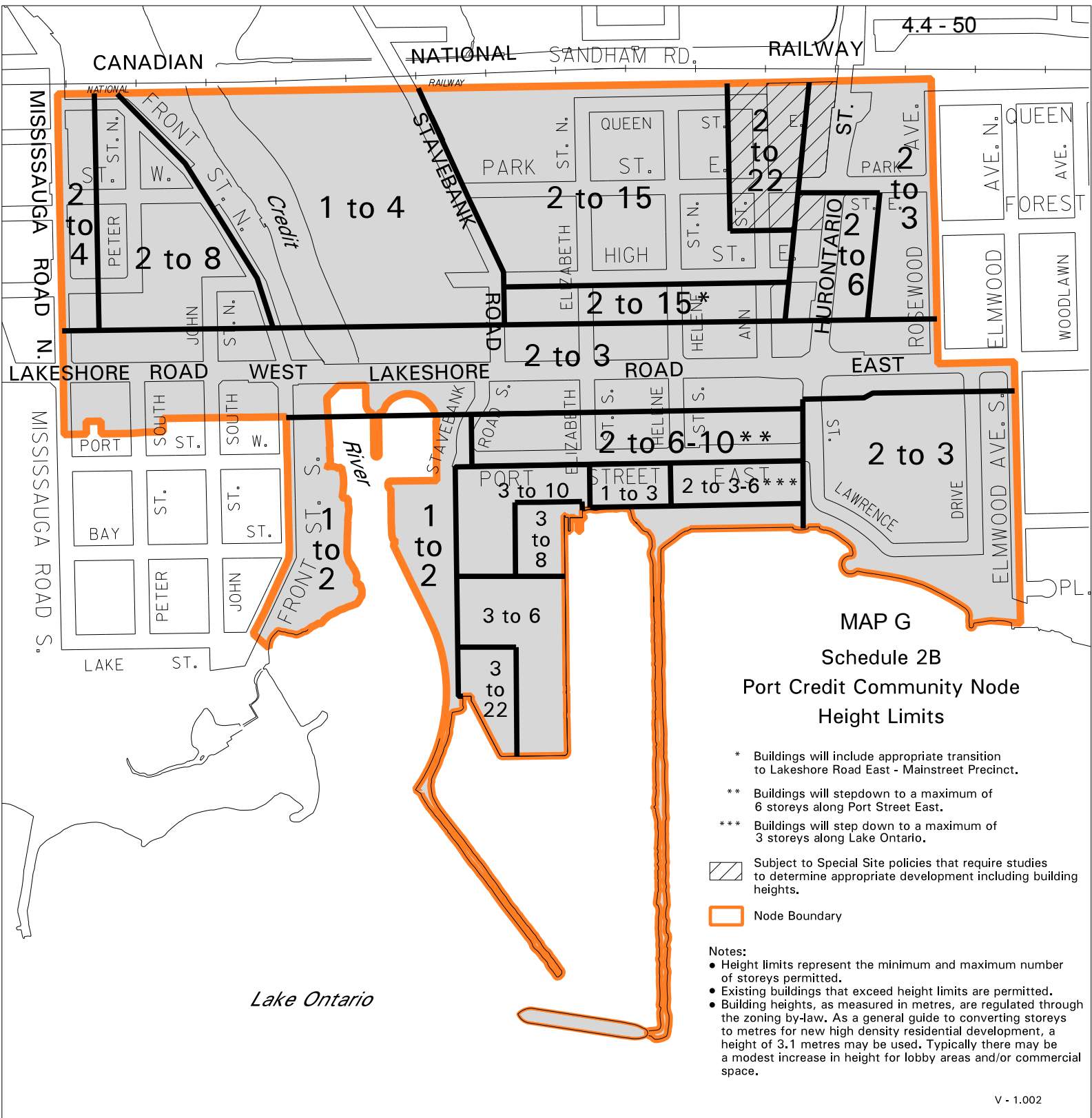


**MAP 'F'**  
 Part of Schedule 10  
 Land Use Designations  
 of Mississauga Official Plan



2017/05/23

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## 1 Port Street East Official Plan Amendment

### Public Meeting Comments and Staff Responses

Commenter	Issue	Staff Response
<b>1. Land for a Marina Use</b>		
Town of Port Credit Association (TOPCA)/Centre City Capital Limited	<ul style="list-style-type: none"> <li>Protection for the marina on the site was expressed as very important to the community</li> </ul>	<ul style="list-style-type: none"> <li>The lands intended for the future marina have been redesignated to public open space and policy wording has been strengthened to only permit a marina and marina related facilities on this site.</li> </ul>
Bristol Marine Ltd.	<ul style="list-style-type: none"> <li>Comments reflected the need to ensure winter and summer outdoor storage is provided</li> </ul>	<ul style="list-style-type: none"> <li>Policies allow for boat storage.</li> </ul>
Bristol Marine Ltd.	<ul style="list-style-type: none"> <li>What is the transition plan for the Port Credit Harbour Marina?</li> </ul>	<ul style="list-style-type: none"> <li>The transition for the marina will be determined through the Marina Action Plan and a requirement of the development master plan<sup>1</sup>. A policy has been added to ensure that a Marina Action Plan is prepared to deal with matters pertaining to the marina uses, location, height, parking and storage, among other matters.</li> </ul>
<b>2. Open Space and Mixed Use Designations</b>		
TOPCA/Bristol Marine Ltd.	<ul style="list-style-type: none"> <li>Residents expressed that more open space should be provided on the site, to enable a larger public gathering space. It was suggested that land fill of</li> </ul>	<ul style="list-style-type: none"> <li>The site is limited in terms of the amount of open space that could be provided. Although the southern park may not be suitable as a large public gathering space for events, it is intended that the area be</li> </ul>

<sup>1</sup> Mississauga Official Plan allows for a development master plan to be requested as part of a complete application and sets out what the development master plan must address.

Commenter	Issue	Staff Response
<p>TOPCA</p> <p>Staff</p>	<p>the east break wall could allow for increased public space. Public access to the waterfront was expressed as important.</p> <ul style="list-style-type: none"> <li>A mix of uses should be enshrined in correct proportions to ensure not everything on the site is residential condos</li> <li>It was indicated that policies should ensure protection for the view corridors to Lake Ontario</li> </ul>	<p>designed to accommodate activities, programming, and be a place for people to gather. The area is intended to serve the broader community through linking and connecting all parts of the waterfront system.</p> <ul style="list-style-type: none"> <li>The marina site, waterfront promenade and breakwater are proposed to be redesignated to public open space which may provide greater opportunity for public access and green space. The policy that speaks to future studies to examine the feasibility of expanding the open space through lake infill has been retained. The rest of the site is to be designated mixed use which would allow for uses such as retail and office. The development master plan will need to address where the non-residential uses will be located.</li> <li>A policy and map has been added to protect for the view corridors to Lake Ontario from this site.</li> </ul>
<b>3. Road System</b>		
Canada Lands Company	<ul style="list-style-type: none"> <li>Concern that parking would not be permitted under public streets was expressed</li> </ul>	<ul style="list-style-type: none"> <li>The City does not assume roads with private underground parking. Although public roads are preferred, the policy has been changed that would allow the City to consider private roads provided they meet certain criteria so that development is not hindered by lack of parking availability on the site.</li> </ul>



Commenter	Issue	Staff Response
Lori Ebos, resident	<ul style="list-style-type: none"> <li>Resident concerns centred around how parking would be accommodated at the site and traffic impacts to the surrounding community</li> </ul>	<ul style="list-style-type: none"> <li>Detailed parking provisions will need to be addressed through the development master plan and zoning by-law amendment. The City is undertaking a review of the traffic along Lakeshore Road which will address future traffic conditions and consider potential forms of higher order transportation systems along Lakeshore Road.</li> </ul>
Councillor Tovey	<ul style="list-style-type: none"> <li>The road system should be designed as a place for people and should have a unique design</li> </ul>	<ul style="list-style-type: none"> <li>The definition for “multi-modal connections” has been removed, but the intent of these roads has been articulated in a policy specific to B roads. The Transportation and Works Department are working on a comprehensive Transportation Master Plan that will define key terms and further inform official plan policies. For the purposes of ensuring that the vision of a shared space along the road network is maintained for this site, a visual representation of what is expected for those roads intended to be “shared” has been included as well as a description of its function. A policy is included that speaks to the consideration for alternative design standards as part of the development of the road network within the site. The road design and alignment will be required as part of the development master plan.</li> </ul>
Canada Lands Company	<ul style="list-style-type: none"> <li>The policy that would require an Official Plan Amendment for a change to the road right-of-way was questioned since minor adjustments are already permitted in the official plan</li> </ul>	<ul style="list-style-type: none"> <li>The requirement for an Official Plan Amendment for changes to the road right-of-way has been deleted since any major change would require an Official Plan Amendment and minor changes can be done without an Official Plan Amendment. To provide</li> </ul>



Commenter	Issue	Staff Response
Councillor Tovey	<ul style="list-style-type: none"> <li>The east to west views were indicated as having the best views rather than the views north to south and that densities should be considered that are spread evenly across the site</li> </ul>	<p>be determined through the Marina Action Plan and development master plan.</p> <ul style="list-style-type: none"> <li>A height of up to 22 storeys is permitted for a landmark building, however, an iconic building could be achieved through design features and building massing. The policies for the landmark building have been revised to focus on design elements and excellence.</li> </ul>
Councillor Tovey	<ul style="list-style-type: none"> <li>The landmark building should not be defined by height, rather, the building design and function should be the prime considerations</li> </ul>	
70 Port Street Residents	<ul style="list-style-type: none"> <li>Requested that the “greenery/foilage” that exists around the periphery of the property be maintained.</li> </ul>	<ul style="list-style-type: none"> <li>Landscaping requirements will be determined through the development application process.</li> </ul>

Commenter	Issue	Staff Response
<b>5. Implementation</b>		
Canada Lands Company/Staff	<ul style="list-style-type: none"> <li>The level of detail throughout the Official Plan Amendment was too prescriptive which would be difficult to monitor and may delay the process if specified requirements cannot be met. The level of detail was of further concern as it may impact development due to an inflexible staging strategy.</li> </ul>	<ul style="list-style-type: none"> <li>A policy to require a development master plan has been added to the special site policies. This is to ensure that key site details are identified, to the City's satisfaction, before a development application can be submitted. The development master plan will address matters related to built form, phasing of development, amount and location of various uses, and environmental considerations, among other matters. The development master plan is different from a master plan in that it can address all the detailed requirements as they are intended to be realized through actual development.</li> </ul>
TOPCA	<ul style="list-style-type: none"> <li>The community has expressed interest in ensuring that they are kept involved and actively engaged during the development process for this site</li> </ul>	<ul style="list-style-type: none"> <li>Future opportunities for members of the public to be involved in the development of this site will be secured through other public processes, such as the development application process and Marina Action Plan.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>At this point in time the developer of the site is unknown and could potentially be multiple developers. How phasing of the development will proceed should there be multiple developers was questioned, specific to who would be responsible for studies and the costs associated with them.</li> </ul>	<ul style="list-style-type: none"> <li>A policy has been added to address cost sharing agreements between multiple parties involved in the development of the site to ensure equity. In addition, a policy is added to allow for plans of subdivision to be submitted which will inform alignment of municipal roads, parkland and phasing of development.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>It was questioned as to why the policies address Section 37 community</li> </ul>	<ul style="list-style-type: none"> <li>Staff are currently reviewing the corporate policies that deal with Section 37 community benefits. For</li> </ul>

Commenter	Issue	Staff Response
	<p>benefits, since these are usually established through a separate process apart from the development application approvals</p>	<p>the purposes of this site, a policy dealing with Section 37 community benefits has been added to ensure that benefits are calculated to reflect zoning by-law permissions in effect as of January 1, 2017.</p> <ul style="list-style-type: none"> <li>• Staff recommend that items to be considered for community benefit be listed for future reference within corporate reports, rather than enshrined in policy. It is currently unknown when an application may be submitted and circumstances in the community may change. This allows for greater flexibility to the community and City to define the priorities when a development application is processed.</li> <li>• The list of priorities are listed below for the site at 1 Port Street East to be considered after an application has been approved: <ul style="list-style-type: none"> <li>○ Improvements to the components of the public open space</li> <li>○ Improvements and/or operational costs for a marina facility</li> <li>○ Improvements to streetscape</li> <li>○ Public art installation</li> <li>○ Establishment of new non-profit community or cultural services and facilities, including child care, library facilities, makerspaces, artist workshops, gallery spaces and/or performance spaces</li> <li>○ Provision of dedicated affordable housing</li> </ul> </li> </ul>

Commenter	Issue	Staff Response
<p>Canada Lands Company</p> <p>Credit Valley Conservation (CVC)</p>	<ul style="list-style-type: none"> <li>• It was indicated that a district energy system may not be possible on this size of site and that the requirement to meet LEED Gold standards be listed as an option for community benefit</li> <li>• It was expressed that innovative and environmentally friendly measures should be incorporated to highlight opportunities for such things as bird-friendly design, ecological and habitat improvements and sustainable landscaping treatment</li> </ul>	<p>units</p> <ul style="list-style-type: none"> <li>○ Achievement of criteria for LEED Platinum status</li> <li>○ Provision of district energy and/or deep lake cooling systems that serve the broader Port Credit community</li> </ul> <ul style="list-style-type: none"> <li>• Policies exist within Mississauga Official Plan that encourage innovative design and sustainable infrastructure. Details regarding environmental requirements such as sustainable infrastructure will be required as part of the development master plan.</li> <li>• Policies also exist that address bird-friendly design, the protection, enhancement, restoration and expansion of natural areas and appropriate landscaping treatments.</li> </ul>

# City of Mississauga

## Corporate Report



Date: May 19, 2017

Originator's file:  
OZ 14/002 W9

To: Chair and Members of Planning and Development Committee

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

Meeting date:  
2017/06/12

## Subject

### **SECTION 37 COMMUNITY BENEFITS REPORT (WARD 9)**

**6719 Glen Erin Drive, east side of Glen Erin Drive, north of Aquitaine Avenue**

**Owner: Blackrock Aquitaine Limited**

**File: OZ 14/002 W9**

## Recommendation

That the report dated May 19, 2017, from the Commissioner of Planning and Building outlining the recommended Section 37 Community Benefits under OZ 14/002 W9, Blackrock Aquitaine Limited, 6719 Glen Erin Drive be adopted, and that a Section 37 agreement be executed in accordance with the following:

1. That the sum of approximately \$427,189 be approved as the amount for the Section 37 Community Benefit contribution.
2. That City Council enact a by-law under Section 37 of the *Planning Act*, to authorize the Commissioner of Planning and Building and the City Clerk to execute the Section 37 agreement with the Registered Owner, and that the agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the Community Benefits.

## Report Highlights

- The City is seeking a Community Benefits contribution under Section 37 of the *Planning Act*, in conjunction with the proponent's official plan amendment and rezoning applications
- The proposal has been evaluated against the Corporate Policy and Procedure on Bonus Zoning requiring cash contributions be paid prior to the approval of the implementing Zoning By-law
- The Community Benefits contribution is \$427,189 and will be used for purposes such as

improvements to the Lake Aquitaine Trail, Hunter's Green Park, Maplewood Park and additional tree planting in Ward 9

## Background

On December 7, 2015, a Supplementary Report was presented to Planning and Development Committee (PDC) which concluded that the proposed official plan amendment and rezoning applications are acceptable from a planning standpoint and should be approved to permit 83 condominium townhome and stacked townhomes in addition to the existing 13 storey rental apartment building, subject to a number of conditions, including reporting back to Council on the recommended community benefits.

PDC passed Recommendation PDC-0068-2015, which was adopted by Council on December 9, 2015.

The purpose of this report is to provide comments and a recommendation with respect to the proposed Section 37 Community Benefit contributions.

### Corporate Policy and Procedure on Bonus Zoning

The Corporate Policy and Procedure on Bonus Zoning requires cash contributions to be submitted prior to approval of the implementing Zoning By-law. During negotiations, the applicant requested that the Community Benefit contribution be deferred until prior to the issuance of the first above grade building permit. The applicant further requested that the Community Benefit contribution be indexed for inflation.

Staff considered these requests but found that the request would set a precedent for others to amend the City's Corporate Policy on Bonus Zoning. The Corporate Policy and Procedure on Bonus Zoning also does not address indexing for inflation.

## Comments

Background information, including an aerial photograph showing the subject lands and the location of the City Parks recommended for improvements is provided in Appendices 1 and 2.

### Section 37 Community Benefits Proposal

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 Mississauga Official Plan, this policy enables the City to secure community benefits when increases in permitted development are deemed good planning by Council through the approval of a development application. The receipt of the community benefits discussed in this report conforms to Mississauga Official Plan and the Corporate Policy and Procedure on Bonus Zoning.



"Community Benefits" is defined in the Corporate Policy and Procedures as meaning facilities or cash secured by the City and provided by an owner/developer for specific public capital facilities, services or matters. Section 19.8.2 of Mississauga Official Plan provides examples of potential community benefits, such as the provision of public art, the provision of multi-modal transportation facilities or the provision of streetscape improvements.

Following Council's approval in principle of the December 7, 2015 report, staff met with Ward 9 Councillor, Pat Saito, to discuss the possible community benefits relating to the proposal. During negotiations, the applicant requested that the Community Benefit contributions be made prior to the first above grade building permit and that the contributions be subject to inflation indexing. Staff was not able to agree to these requests because they did not conform to the Corporate Policy and Procedures on Bonus Zoning which request payment prior to Council approval of the Zoning By-law.

Through the discussions with the Councillor and the owner, the owner has committed to Community Benefits in the value of approximately \$427,189.

Specifically, the contribution will be used for:

Improvements	Amount
<b>Lake Aquitaine Trail</b>	
<ul style="list-style-type: none"> <li>▪ Pathway relocation (benches, tree removal, tree planting, and light standard relocation)</li> <li>▪ Fitness Area (may include information panels, parallel bars, push up bars, pull up bars, workout bench and benches)</li> <li>▪ Improvements to Lake Aquitaine Trail south of Aquitaine Avenue</li> </ul>	\$248,789
<b>Maplewood Park</b>	
<ul style="list-style-type: none"> <li>▪ Four (4) benches and pads</li> </ul>	\$17,032
<b>Hunter's Green Park</b>	
<ul style="list-style-type: none"> <li>▪ Contribution to play structure replacement</li> <li>▪ Contribution to tennis court replacement (50% of total cost)</li> </ul>	\$156,368
<b>Tree Planting</b>	
<ul style="list-style-type: none"> <li>▪ Planting additional trees in Ward 9</li> </ul>	\$5,000
<b>Total Amount</b>	<b>\$427,189</b>

## Guiding Implementation Principles

The Section 37 Community Benefits proposal has been evaluated against the following guiding implementation principles contained in the Corporate Policy and Procedure on Bonus Zoning.

### 1. Development must represent good planning

A fundamental requirement of the use of Section 37 is that the application being considered must first and foremost be considered "good planning" regardless of the community benefit contribution.

The Recommendation Report dated November 17, 2015 presented to PDC on December 7, 2015, evaluated the proposed official plan amendment and rezoning and recommended that the applications be approved as they are acceptable from a planning standpoint and represent good planning.

**2. A reasonable planning relationship between the secured Community Benefit and the proposed increase in development is required**

The proposed contribution of \$427,189 towards park improvements is considered a "high priority" community benefit, as it is a contribution in the immediate vicinity of the site. The applicant's proposal is not increasing the height from what the Zoning By-law currently permits. The Floor Space Index (FSI) is increasing as a result of the additional 83 back to back townhomes.

The improvements to Lake Aquitaine Trail, Maplewood Park, and Hunter's Green Park provide a transition from the existing parking lot to the abutting trail system. Proposed improvements enhance the public realm within the immediate area and neighbourhood.

In order to determine the fair value of the Community Benefits contribution, Realty Services retained an independent land appraisal to determine the increased value of the land resulting from the density increase. In this instance, the increased value of the land has been determined to be \$2,140,000. According to the Corporate Policy and Procedures, a community benefit contribution should be in the range of 20% to 40% of the increased value of the land. The estimated value of \$427,189 represents 20% of the land lift value and is within the prescribed range for securing community benefit contributions.

**3. Community Benefit contributions should respond to community needs**

Enhancements of the Natural Heritage System is identified in Section 19.8.2 (c) of the Mississauga Official Plan as one of the community benefits that may be provided in exchange for bonuses in height and/or density. In accordance with the Corporate Policy and Procedure, the Ward 9 Councillor, (Pat Saito), was consulted.

**4. Ensure that the negotiation process of Section 37 Agreements is transparent**

The Section 37 Agreement will be registered on title and the City will be provided with the funds to cover the cost of park improvements and area tree planting.

**5. Securing the Community Benefit Contribution**

The payment of the Community Benefit contribution in the form of cash is to occur prior to the first above grade building permit.

**Section 37 Agreement**

The Planning and Building Department and the owner have reached a mutually agreed upon terms and conditions of the Community Benefit and related agreement for the subject lands. The agreement provisions will include the following:

- The community benefit contribution is valued at \$427,189
- The contribution is to be used for improvements to Lake Aquitaine Trail, Maplewood Park, Hunter's Green Park and some additional tree planting in the immediate area on City lands
- The agreement is to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the said benefits

**Financial Impact**

Cash benefits received from a Section 37 agreement will be collected by the Planning and Building Department and held in a Section 37 Reserve Fund set up for that purpose. This fund will be managed by Accounting, Corporate Financial Services, who are responsible for maintaining a record of all cash payments received under this policy.

**Conclusion**

Staff has concluded that the proposed Section 37 Community Benefit contribution is appropriate, based on the increased density being recommended through the official plan amendment and rezoning applications. The contribution towards the trail and park improvements will help to implement the policies of the Mississauga Official Plan.

**Attachments**

Appendix 1: Aerial Photograph

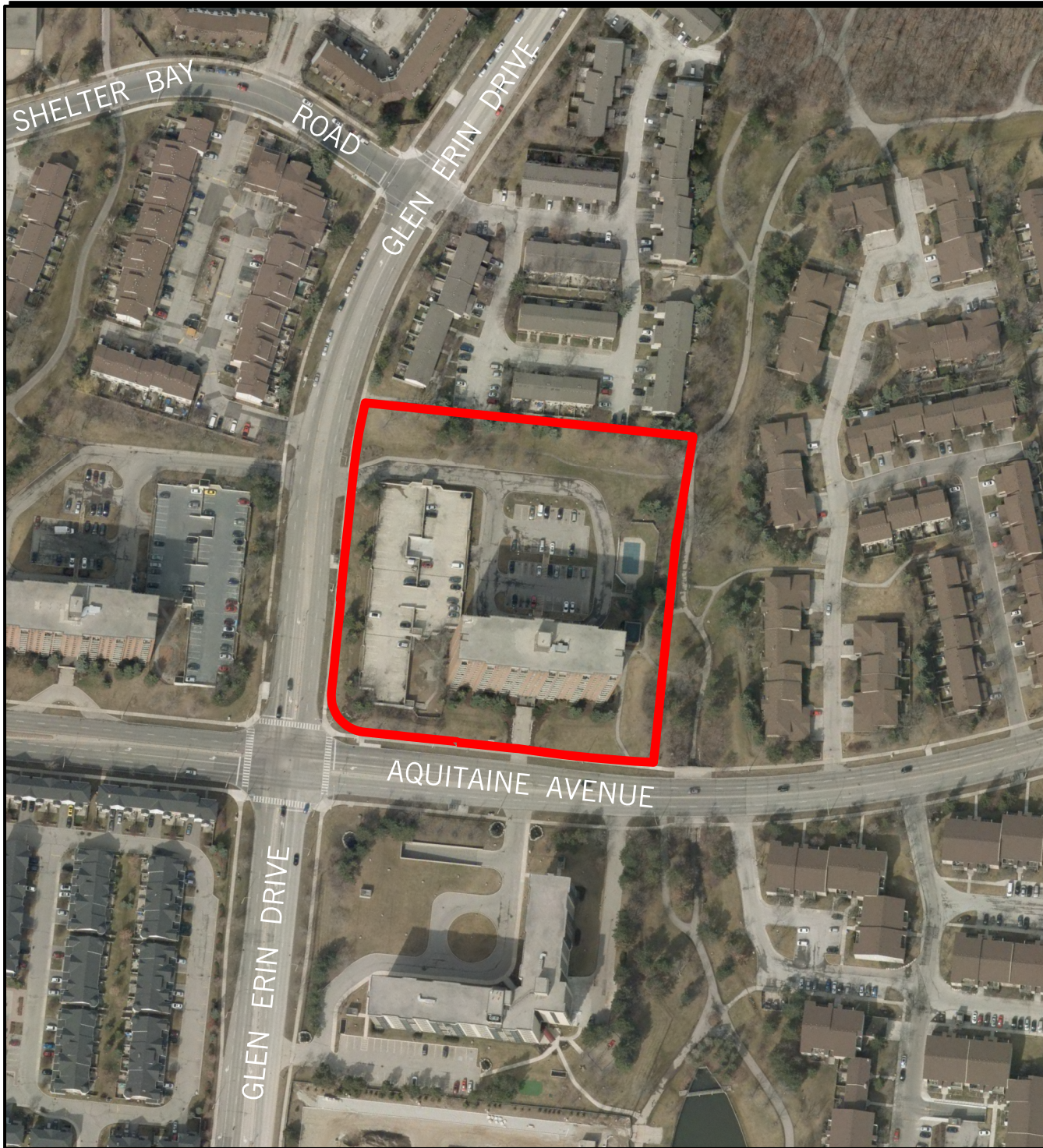
Appendix 2: Concept Plan



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Michael Hynes, Development Planner



**LEGEND:**



SUBJECT LANDS

DATE OF AERIAL IMAGERY: SPRING 2016



**TITLE:** BLACKROCK AQUITAINE LIMITED

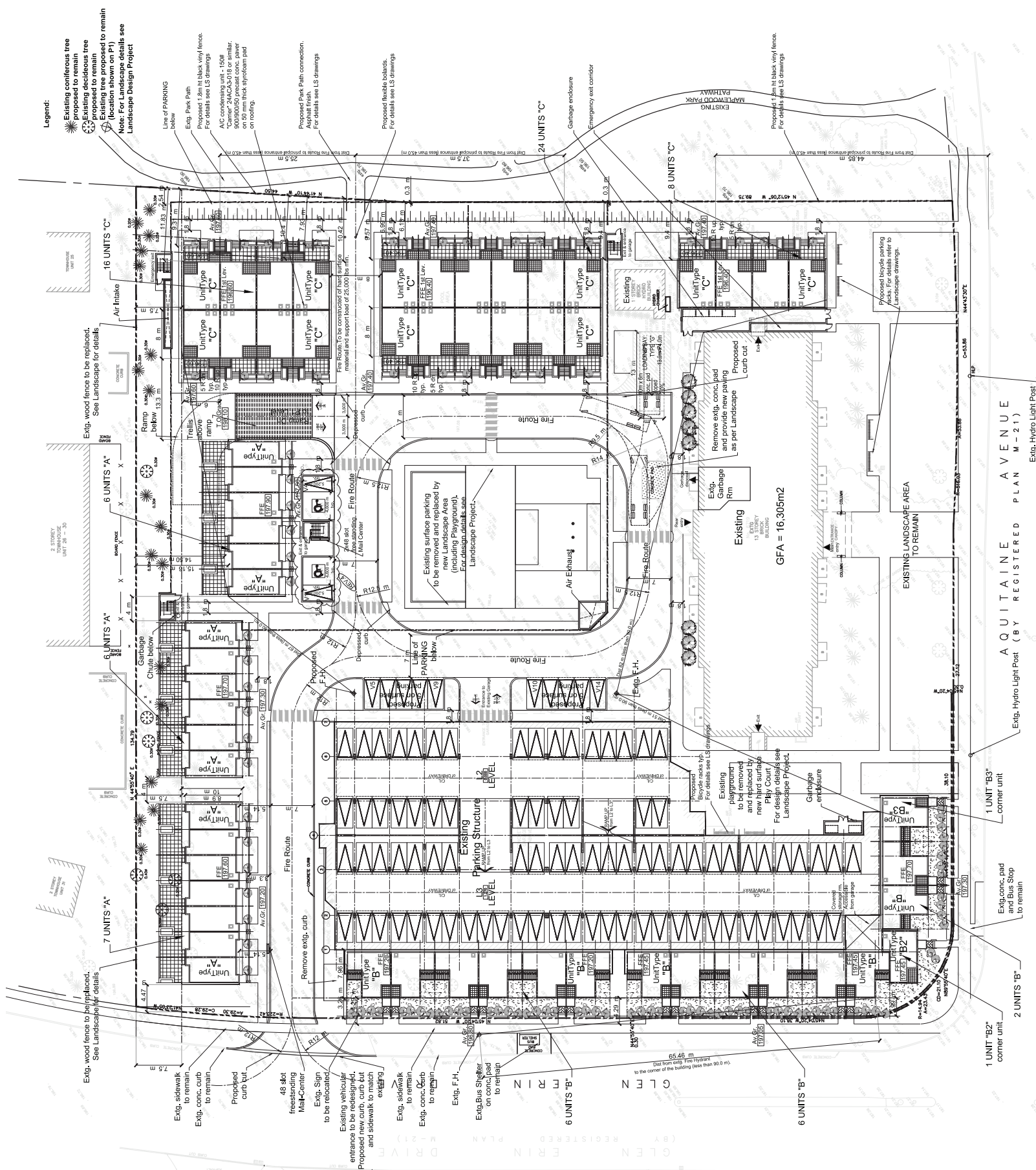
**FILE NO:** OZ 14/ 002 W9



**MISSISSAUGA**

Produced by  
T&W, Geomatics







## ADDITIONAL AGENDA

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### Planning and Development Committee

THE CORPORATION OF THE CITY OF MISSISSAUGA

**Monday, June 12, 2017**

- Item 4.6     Bill 139, an Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts

#### **RECOMMENDATION**

*That the Mayor or her designate be authorized to make submissions to the Standing Committee with respect to the issues raised in this report of the City Solicitor dated June 6, 2017 titled "Bill 139, an Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts", or to otherwise provide comments in writing as part of the Ministry's public consultation process.*

# City of Mississauga

## Corporate Report



Date: 2017/06/06

To: Chair and Members of Planning and Development Committee

From: Mary Ellen Bench, BA, JD, CS, CIC.C, City Solicitor

Originator's files:  
LA.07.OMB

Meeting date:

June 12, 2017

### Subject

**Bill 139, an Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts.**

### Recommendation

That the Mayor or her designate be authorized to make submissions to the Standing Committee with respect to the issues raised in this report of the City Solicitor dated June 6, 2017 titled "Bill 139, an Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts", or to otherwise provide comments in writing as part of the Ministry's public consultation process..

### Report Highlights

- Bill 139, an Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts ("Bill 139") received first reading on May 30, 2017 and includes a number of significant changes to the land use planning appeal system in Ontario.
- Of central importance is the proposal to replace the Ontario Municipal Board (the "OMB") with a new body, the Local Planning Appeal Tribunal (the "Tribunal"), which will give greater weight to the decision of local communities.
- The Bill proposes to amend the *Planning Act* to eliminate "de novo" hearings for the majority of planning appeals and would instead allow appeals to the Tribunal only where the Council decision is inconsistent with a policy statement or fails to conform or conflicts with a provincial plan or upper-tier plan.
- Decisions of the new Tribunal would be returned to Council for its consideration and

for Council to make a new decision on the application.

- A new “Local Planning Appeal Support Centre” agency would be created to provide free information and support for citizens who want to participate in the appeal process.
- The Bill is the result of an extensive public consultation process in which the City participated and provided a detailed submission containing recommendations endorsed by Council.

## Background

In 2016 the Province initiated a review of the Ontario Municipal Board’s scope and effectiveness to determine improvements with respect to how the Board works within Ontario’s broader land use planning system. By Resolution 0238-2016, which is attached as Appendix 1, on December 5, 2016 Council endorsed key recommendations for changes to the land use planning and appeal system. This formed part of the submission made to the Province on behalf of the City in response to its review process.

The result of the Province’s review is Bill 139, which received first reading on May 30, 2017. It includes significant amendments to the land use planning appeal system in Ontario to give communities a stronger voice in land use planning.

Bill 139 enacts the Local Planning Appeal Tribunal Act, 2017, the Local Planning Appeal Support Centre Act, 2017 which establishes the Local Planning Appeal Support Centre, and includes amendments to the *Planning Act*, the *Conservation Authorities Act* and various other Acts, and repeals the *Ontario Municipal Board Act*. To date no education sessions have been held by the Province or further information released related to the implications of this new legislation.

## Comments

The purpose of this report is to identify the most significant changes to land use planning appeals proposed by Bill 139 and to request Council to authorize the Mayor or her designate to make submissions to the Standing Committee with respect to issues with the proposed legislation, or to otherwise provide comments as part of the Ministry’s public consultation process. While currently there are no Standing Committee dates scheduled, it is anticipated that this process will begin during the summer months. With respect to issues around transition, the Bill currently provides that the Minister is charged with preparing regulations at some future date to address how matters will be resolved that were commenced before the date that the new legislation takes effect.



Local Planning Appeal Tribunal Act, 2017

Bill 139 repeals the *Ontario Municipal Board Act* and replaces the Ontario Municipal Board with a new tribunal to be known as the Local Planning Appeal Tribunal under the new *Local Planning Appeal Tribunal Act, 2017* (the “LPT Act”). The purpose of this Act, in contrast to the *Planning Act*, is that it is largely procedural in nature and functions primarily to establish the Tribunal's general jurisdiction and powers, as well as a framework for practice and procedure. Like the OMB, the Tribunal would be an independent tribunal that would make decisions at arms’ length from the government. The Tribunal is also separate and distinct from the ability of the City under the current provisions of the *Planning Act* to establish by by-law a local appeal body for certain local land use planning matters.

Many provisions in the *Ontario Municipal Board Act* and the new LPT Act are substantively the same. The primary difference between the OMB and the new Tribunal rests with its appellate jurisdiction, which is introduced through amendments to the *Planning Act*, as outlined below. The new LPT Act contains changes to the practices and procedures applicable to proceedings before the Tribunal and the LPT Act lists types of rules that the Tribunal may make governing its practices and procedures, such as the ability to require a case management conference to be held in all appeals to identify issues and discuss opportunities for settlement, including the possible use of mediation. The Tribunal may also provide for and require the use of hearings or of practices and procedures that are alternatives to traditional adjudicative or adversarial procedures.

The LPT Act provides the Minister with new authority to make regulations which could considerably change the manner in which planning appeals are conducted by reducing the length of hearings and the way in which evidence is introduced. This includes the ability to make regulations governing the conduct and format of hearings and admission of evidence, providing for multi-member panels to hear proceedings, and prescribing applicable timelines. Currently these rules and regulations have not been released and so it is not possible to comment on their exact substance.

Local Planning Appeal Support Centre Act, 2017

Bill 139 also enacts the *Local Planning Appeal Support Centre Act, 2017*, which establishes the Local Planning Appeal Support Centre (“the Centre”), a new provincial agency mandated to provide free and independent advice and representation to the public on land use planning appeals. The objectives of the new Centre are:

- (a) to establish and administer a cost-effective and efficient system for providing support services to eligible persons respecting matters governed by the *Planning Act* that are under the jurisdiction of the Tribunal; and

- (b) to establish policies and priorities for the provision of the support services based on its financial resources.

In order to achieve its objectives, the Centre will provide support services related to information on land use planning, guidance on Tribunal procedures, advice or representation, and any other services prescribed by the regulations. The Centre shall establish criteria for determining the eligibility of persons to receive support services from the Centre.

### Amendments to the *Planning Act*

Bill 139 also makes certain amendments to the Planning Act. The general purpose of the proposed amendments is to eliminate “de novo” hearings for the majority of land use planning appeals. Instead, the Tribunal would function as a true appeals body for major land use planning decisions and in doing so strengthens the decision-making powers of local communities. Mississauga, the Association of Municipalities of Ontario (“AMO”) and many others asked for this clarification of role. Local decision making is achieved in a number of ways, including:

- (a) Currently the “standard of review” for land use planning appeals allows that the OMB may overturn a municipal decision whenever it finds that the municipality did not reach the “best” decision. Under the proposed changes, for complex land use planning appeals, the Tribunal would only be able to overturn a municipal decision if it does not follow provincial policies or upper-tier municipal plans. In these cases, the Tribunal would be required to return the matter to the municipality with written reasons. The municipality would then be provided with 90 days to make a new decision on the application. If that decision is appealed and the Tribunal again determines that it did not meet the new standard of review, the Tribunal would make another decision.
- (b) These restrictions on the Tribunal’s powers would not apply where the Tribunal is advised by the Minister not later than 30 days before the hearing of the matter that a matter of provincial interest is, or is likely to be, adversely affected by an official plan or zoning matter appealed to the Tribunal.
- (c) The proposed new legislation would exempt from appeal plans to support growth in major transit areas. Where a municipality elects to include policies related to areas surrounding existing or planned high order transit stations, there is no appeal with respect to these policies, with some exceptions (i.e. appeals with respect to maximum building height are permitted in circumstances where the maximum authorized height for a building or structure on a particular parcel of land would not satisfy the minimum density authorized for that parcel).
- (d) Applications to amend new secondary (i.e. neighbourhood plans) would be restricted for a period of two years, unless permitted by Council.

- (e) Amendments are made to expand those matters which a local appeal body can deal with to include appeals and motions for directions related to site plan control and motions for directions related to consents. The ability of Council to establish a local appeal body is currently provided for in the *Planning Act* to deal with certain local land use planning matters, including appeals of decisions of the Committee of Adjustment related to minor variances and consents.
- (f) New provisions are added requiring official plans to contain policies relating to climate change. These provisions are appealable under the proposed changes.
- (g) New provisions provide that there is no appeal in respect of an official plan or an official plan amendment adopted if the approval authority is the Minister.
- (h) Timelines for making decisions related to official plan amendments and zoning by-laws are extended by 30 days. For applications to amend zoning by-laws submitted concurrently with requests to amend a local municipality's official plans, the timeline is extended to 210 days. It is expected that this changes will have little impact on the City's planning process.
- (i) Currently the Planning Act allows anyone who is given notice of the passing of an interim control by-law ("ICB") to appeal the by-law within 60 days after it is passed. Amendments are made to allow only the Minister to appeal an interim control by-law when it is first passed. Any person or public body who is given notice of the extension of the by-law can appeal the extension only. The result is that an ICB can only be appealed by the Minister in its first year of operation.

In general it is difficult to predict with certainty how these amendments will impact the City's procedures. It is likely that changes will be required to Official Plan policies to reflect the new standard of review and that the Zoning By-law will need to be reviewed to ensure conformity. Greater scrutiny will have to be placed on ensuring that Provincial plans and policies are complied with. Any internal documents or policies related to the OMB will need to be updated to reflect its repeal and replacement with the new Tribunal. It is anticipated that greater direction and clarification will be provided by the Province in the coming months.

#### Amendments to the *Conservation Authorities Act*

There are a number of amendments proposed to the *Conservation Authorities Act*, both significant and of a housekeeping nature. In general the Bill proposes changing the role of conservation authorities in Ontario. The amendments would require greater public notice and permit public involvement in the processes of the authorities by introducing changes such as requiring that all meetings of authorities to be open to the public unless the authority adopts a by-law creating an exception. The Bill also introduces substantive changes to the role and responsibilities of the authorities and the activities that may be carried out in the areas over

which they have jurisdiction. One proposed change is to specifically prohibit altering a watercourse, interfering with wetlands, or developing within specified sensitive areas, thereby removing this discretion from the authorities. Authorities would still be permitted to issue a permit to engage in such prohibited activity, as in the current legislation.

A new section proposed to be added to the Act sets out the types of programs and services that an authority is required or permitted to provide. This includes the municipal programs and services that it provides on behalf of municipalities. The municipal role in appointing authority members and paying for the costs of the authority is also impacted. New sections are introduced which allow authorities to recover their capital costs with respect to projects that they undertake and their operating expenses from their participating municipalities, with apportionment to be determined in accordance with the regulations. Currently the apportionment of those costs and expenses is based on a determination of the benefit each participating municipality receives from a project or an authority.

#### Council's Position on Reforms

On December 5, 2016 by Resolution 0238-2016, which is attached as Appendix 1, Council endorsed key recommendations for changes to the land use planning and appeal system in response to the Province of Ontario's public consultation on the OMB's scope and effectiveness.

The following are the key recommendations that were endorsed by Council:

- (a) If a municipality has an in-effect official plan that has been reviewed and updated in accordance with Provincially established timeframes, there should be no right of appeal to a Council's refusal of an application to amend the official plan;
- (b) There should be no appeal to official plan amendments that have been brought forward to conform to Provincial policy or legislation or an upper-tiered municipal plan;
- (c) A statutory amendment should be implemented in order to establish "reasonableness" as the standard of review to define and limit the Board's appellate jurisdiction, in the place of the current practice of hearings de novo or hearing all evidence fresh, whether presented to Council or not;
- (d) The mediation stream should be strengthened and more emphasis placed on pre-screening appeals to allow for early dispute resolution.

These key recommendations, along with a response to the issues raised by the Province as part of its Public Consultation Document, were submitted to the Province on behalf of the City to form part of the Province's review of the OMB. Attached at Appendix 2 is a chart setting out the

City's recommendations at the time of the Province's public consultation process compared with what the Province is now proposing as part of Bill 139.

Overall the proposed changes to the *Planning Act* and the land use planning appeal process being proposed by the Province are in keeping with the purpose of submissions put forward by Council; to strengthen the authority of municipalities to make local land use planning decisions. In particular, the ability of the Tribunal to make rules regarding its practice and procedure as well as the authority of the Minister to make regulations provide for broad discretion which could have significant implications for how proceedings are conducted. In addition, the new emphasis on conformity with policy statements and provincial and upper-tier plans may have broader implications for the City's overall policy regime and approach to zoning. More information on the implication of the new legislation is needed before it can be fully understood what the impact will be on municipalities.

## Financial Impact

Not applicable.

## Conclusion

Bill 139 is an Act which amends the land use planning appeal system in Ontario to give communities a stronger voice and ensures that people have access to faster, fairer and more affordable hearings.

This report identifies the most significant changes to land use planning appeals proposed by Bill 139 and requests Council to authorize the Mayor or her designate to make submissions at the Standing Committee, or to otherwise provide comments in writing as part of the Province's public consultation process.

## Attachments

Appendix 1: Council Resolution No. 0238-2016

Appendix 2: Comparison of City Submissions and Bill 139 Sections




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Mary Ellen Bench, BA, JD, CS, CIC.C

Prepared by: Marcia Taggart, Deputy City Solicitor

## Appendix 1

## Resolution 0238-2016

1. That the Report titled "Ontario Municipal Board (OMB) Review: Consultation Submission to the Ministry of Municipal Affairs (MAH)" be approved by Council for submission to the Ministry of Municipal Affairs (MAH) for consideration during the Ontario Municipal Board (OMB) Review.
2. That Council endorse the following key recommendations for changes to the Provincial land use planning and appeal system:
  - a) If a municipality has an in-effect official plan that has been reviewed and updated in accordance with Provincially established timeframes, there should be no right of appeal to a Council's refusal of an application to amend the official plan;
  - b) There should be no appeal to official plan amendments that have been brought forward to conform to Provincial policy or legislation or an upper-tiered municipal plan;
  - c) A statutory amendment should be implemented in order to establish "reasonableness" as the standard of review to define and limit the Board's appellate jurisdiction, in the place of the current practice of hearings de novo or hearing all evidence fresh, whether presented to Council or not;
  - d) The mediation stream should be strengthened and more emphasis placed on pre-screening appeals to allow for early dispute resolution.

File: LA.07.OMB  
(PDC-0092-2016)

## Comparison of City Submissions and Bill 139 Sections

Public Consultation Theme	City's Prior Submissions	Proposed by new Legislation
<b>OMB Jurisdiction and Powers</b> 1) Protect Public Interests	<ul style="list-style-type: none"> <li>There should be no right of appeal to Council's refusal to amend its official plan where an in-effect official plan has been reviewed and updated in accordance with provincially established timeframes</li> <li>Appeals should be limited to disputes over site specific planning applications</li> </ul>	<ul style="list-style-type: none"> <li>New <i>Planning Act</i> provisions provide that appeals concerning the adoption or approval of an official plan, official plan amendment, zoning by-laws or plans of subdivision are restricted to issues of consistency or conformity with provincial plans and policy statements and, as applicable, conformity with official plan policies of upper-tier municipalities</li> </ul>
2) Bring Transit to More People	<ul style="list-style-type: none"> <li>Appeals of municipal official plans, amendments to these plans and zoning by-laws for development that supports provincially funded transit infrastructure and bus stations should be restricted</li> </ul>	<ul style="list-style-type: none"> <li>Official plans may include policies relating to development around higher order transit stations and stops and would require approval by an approval authority; decisions on these policies cannot be appealed except by the Minister and requests to amend the policies can only be made with Council approval; when these policies are in place, zoning by-laws that establish permitted uses, minimum and maximum densities and, except in certain circumstances, minimum and maximum heights cannot be appealed except by the Minister</li> </ul>
3) Stronger Voice for Communities	<ul style="list-style-type: none"> <li>There should be no appeal of a municipality's refusal to amend a new secondary plan for two years</li> <li>Interim control by-laws should not be subject to appeal</li> <li>The OMB should only deal with matters that are part of municipal Council's decision</li> </ul>	<ul style="list-style-type: none"> <li>During the two year period following the adoption of a secondary plan, applications for amendment are permitted only with Council approval</li> <li>Only the Minister can appeal an interim control by-law when it is first passed; any person or public body who is given notice of the extension of the by-law can appeal the extension</li> </ul>
4) "De Novo" Hearings	<ul style="list-style-type: none"> <li>The OMB should function as a true appellate body only</li> <li>A statutory amendment should be implemented to establish "reasonableness" as the standard of</li> </ul>	<ul style="list-style-type: none"> <li>"De Novo" hearings are eliminated for most planning appeals. Appeals concerning the adoption or approval of an official plan, refusals and non-decisions of official plan amendments</li> </ul>

	<p>review to define the limit the OMB's appellate jurisdiction</p> <ul style="list-style-type: none"> <li>As an appeal body, the OMB's jurisdiction should be limited to hearing evidence presented to the municipality and determining if Council's decision was reasonable</li> </ul>	<p>and appeals related to zoning by-laws are restricted to issues of consistency or conformity with provincial plans and policy statements and, as applicable, conformity with official plan policies of upper-tier municipalities. Where an appeal is allowed by the Tribunal, the municipality has a second opportunity to make a decision. If that decision is appealed and the Tribunal again determines that it did not meet the new standard of review, the Tribunal would make a final decision and could modify and approve as modified, or refuse to approve that second decision.</p> <ul style="list-style-type: none"> <li>An initial review of the proposed changes does not indicate that any amendments have been introduced directly related to this issue</li> </ul>
5) Transition and use of new planning rules	<ul style="list-style-type: none"> <li>Current planning policies should be applied when considering a planning application to provide for greater certainty in decision making</li> <li>Applications made before 2007 must be tested against current standards</li> </ul>	
<b>Citizen Participation and Local Perspective</b>	<ul style="list-style-type: none"> <li>Residents should have access to information to better understand planning documents and the appeal process</li> <li>Tools to support resident participation may help to streamline the appeal process and possibly prevent unnecessary appeals</li> <li>The mediation stream should be strengthened to create a more efficient system that does not promote an adversarial approach</li> </ul>	<ul style="list-style-type: none"> <li>The new Local Planning Appeal Support Centre Act, 2017 establishes a centre to provide support services to eligible persons respecting matters governed by the Planning Act that are under the jurisdiction of the new Local Planning Appeal Tribunal.</li> <li>The new Local Planning Appeal Tribunal has authority to make rules governing alternative practices and procedures including mediation</li> <li>Mandatory case conferences may be established for complex hearings.</li> </ul>
<b>Clear and Predictable Decision Making</b>	<ul style="list-style-type: none"> <li>Increasing the number of panel members may help shorten timeframes for hearing dates and move appeals along more quickly</li> <li>Consideration should be given for multi-member panels in complex matters as a multi-member panel may provide a balance of expertise that could be beneficial to the decision making process</li> </ul>	<ul style="list-style-type: none"> <li>The new Local Planning Appeal Tribunal provides that the Minister may make regulations providing for multi-member panels to hear proceedings</li> </ul>
<b>Modern Procedures and Faster Decisions</b>	<ul style="list-style-type: none"> <li>If active adjudication were to be introduced, there would need to be clear rules on how it could function such that if Board members are</li> </ul>	<ul style="list-style-type: none"> <li>The new Local Planning Appeal Tribunal may direct the parties to participate in a case management conference prior to a</li> </ul>



	<p>given too much authority over the process, parties may be constrained from having their full case heard</p> <ul style="list-style-type: none"> <li>• Procedural fairness would need to be protected to ensure that active adjudication is not applied inconsistently depending on the Board member</li> <li>• Timelines for decisions should be set to allow for planning instruments to be put in place more efficiently and removes uncertainty on lands that can linger for long periods</li> <li>• Clear rules for issues lists should be established to ensure that matters are sufficiently scoped prior to a hearing</li> <li>• The level of detail required for issues lists should be applied consistently by all Board members</li> <li>• The use of written hearings should only be used for minor hearings and appropriate pre-screening should be required by OMB staff to evaluate and determine whether a written hearing is appropriate</li> <li>• The parties should be consulted on whether they agree to a written hearing and a written hearing should only occur if all parties agree</li> </ul>	<p>hearing to:</p> <ol style="list-style-type: none"> <li>1. identify additional parties to the proceeding</li> <li>2. identify, define or narrow the issues raised by the proceeding</li> <li>3. identify facts or evidence that may be agreed upon by the parties</li> <li>4. provide directions for disclosure of information</li> <li>5. discuss opportunities for settlement, including the possible use of mediation or other dispute resolution processes</li> <li>6. establish dates by which any steps in the proceeding are to be taken or begun</li> <li>7. determine the length, schedule and location of a hearing, if any</li> <li>8. determine the order of presentation of submissions</li> <li>9. deal with any other matter that may assist in the fair, just and expeditious resolution of the issues</li> </ol> <ul style="list-style-type: none"> <li>• Oral hearings of appeals are no longer as of right. Instead the Tribunal has the authority to make rules governing its practice and procedures, including rules that may provide for practices and procedures that are alternatives to traditional adjudicative or adversarial procedures, or that may authorize that hearings be held in writing or by any electronic or automated means.</li> <li>• The new Local Appeal Tribunal Act provides the Minister with the authority to make regulations governing the practice and procedure of the Tribunal, including prescribing the conduct and format of hearings, practices regarding the admission of evidence and format of</li> </ul>
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<p><b>Alternative Dispute Resolution and Fewer Hearings</b></p>	<ul style="list-style-type: none"> <li>• More resources should be given to the Board to build a mediation stream as mediation is less costly than a hearing and it encourages working relationships between the parties</li> <li>• Mediation should not take place prior to a Council decision as it would interfere with the municipal process and undermine the ability of planning staff to plan appropriately</li> <li>• There should be a procedural change for consultation with the community when settling matters through mediation or arbitration to provide transparency and ensure appropriate public input</li> <li>• Case managers should play a greater role in pre-screening appeals before hearings are scheduled, appellants should be required to provide specific land use planning justification for the policies that have been appealed and the OMB should screen out invalid appeals from proceeding</li> </ul>	<p>decisions and prescribing timelines applicable to proceedings on appeal.</p> <ul style="list-style-type: none"> <li>• The new Local Planning Appeal Tribunal may require practices and procedures that are alternatives to traditional adjudicative or adversarial procedures including mediation and mandatory case management conferences on appeals regarding official plans, zoning by-laws and plans of subdivision.</li> <li>• The new Local Planning Appeal Tribunal has authority to prescribe timelines applicable to proceedings on appeals.</li> </ul>
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