

MOPA 1

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

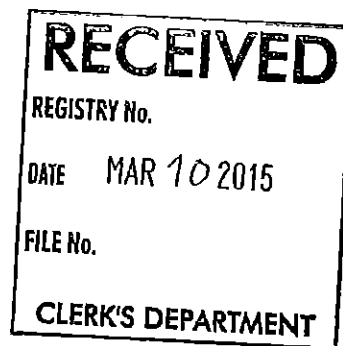
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télocopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



March 9, 2015

The Clerk
City of Mississauga
Civic Centre, 300 City Centre Drive
Mississauga, ON
L5B 3C1



Subject:	Case Number:	PL140225
	File Number:	PL140225
	Related File Number:	PL140226
	Municipality:	Mississauga
	Official Plan Number:	OPA 1
	Property Location:	42 Port Street East
	Applicant:	Centre City Capital Ltd.
	Appellant:	Dr. Geoff Edwards

Subsection 34(23.1) of the *Planning Act* provides;

(23.1) If all appeals to the Municipal Board under subsection (19) are withdrawn and the time for appealing has expired, the secretary of the Board shall notify the clerk of the municipality and the decision of the council is final and binding.

Subsection 17(30) of the *Planning Act* provides;

(30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn and the time for filing appeals has expired, the secretary of the Municipal Board shall notify the clerk of the municipality that made the decision and,

- (a) the decision or part of the decision that was the subject of an appeal is final; and
- (b) the plan or part of the plan that was adopted and in respect of which all appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn.

I am writing to advise that the appeal by Dr. Geoff Edwards was withdrawn by letter dated March 9, 2015.

There are no outstanding appeals in this matter, and our file is closed.

Yours truly,

A handwritten signature in cursive script, appearing to read "Joanne Hayes".

JOANNE HAYES
SECRETARY

c.c.

Russell Cheeseman
Hodan Egeh, OMB Coordinator, MMAH
R. Andrew Biggart
Bruce Engell

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 7, 2014

CASE NO(S): PL140225
PL140282

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act,
R.S.O. 1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: Proposed Official Plan Amendment No.
OPA 1
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140225

PROCEEDING COMMENCED UNDER subsection 34(19) of the Planning Act,
R.S.O. 1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: By-law No. 0030-2014
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140226

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act, R.S.O. 1990,
c. P.13, as amended

Appellant: 2375675 Ontario Inc. Et All
Appellant: Dr. Geoff Edwards
Subject: Proposed Official Plan Amendment No. OPA 19
Municipality: City of Mississauga
OMB Case No.: PL140282
OMB File No.: PL140282

Heard: October 28, 2014 in Mississauga, Ontario
November 6, 2014 by telephone conference
call

APPEARANCES:**Parties****Counsel**

Dr. Geoff Edwards

R. Cheeseman

High Benson Holdings Inc.

G. Swinkin (October 28 - R. Freeman)

Centre City Capital Ltd.

B. Engell

City of Mississauga

R. Kehar

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
OCTOBER 28, 2014 AND NOVEMBER 6, 2014 AND ORDER OF THE BOARD****INTRODUCTION**

[1] Under Ontario Municipal Board ("Board") file PL140225, Dr. Geoff Edwards has appealed proposed Official Plan Amendment No. OPA 1 and Zoning By-law No. 0030-2014 of the City of Mississauga ("City"), two instruments intended to facilitate development of the Centre City Capital Ltd. lands, which are adjacent to Dr. Edwards' property. Under the Board's file PL140282, Dr. Edwards and High Benson Holdings Inc. have appealed the City's proposed Official Plan Amendment No. OPA 19, an update to the Port Credit Local Area Plan.

[2] The Board granted participant status to the volunteer residents' group known as Town of Port Credit Association (TOPCA), a frequent participant in Board hearings.

[3] The Board has placed a copy of OPA 19 on its files (Exhibit 1). On consent, the Board has consolidated these two files for administrative purposes only. A future 2015 hearing on the OPA 1 matter will proceed separately from any future hearing into the OPA 19 appeals with separate decisions issued for each. On consent, the Board takes note of the parties' desire to have the same Board Member hear these matters.

[4] High Benson Holdings Inc. has already scoped its appeal in respect of OPA 19; Dr. Geoff Edwards has followed suit and a short teleconference call was held subsequent to this hearing on Thursday, November 6, 2014 so that the Board could hear a motion (on consent of the parties) as well as receive and consider planning evidence supporting the declaration that, save for the outstanding appeals, OPA 19 can be partially approved and be brought into force and effect for the balance of the lands affected by this instrument. The City's motion record is Exhibit 2 for these proceedings.

[5] The motion record includes the affidavit of the City's Community Planner, Paul Stewart, whose Acknowledgement of Expert's Duty is also part of the record as is a history of the appeals and relevant planning instruments for the subject area. This evidence was unchallenged and supports the Board's partial approval of OPA 19 with exception to the whole plan appeal to be maintained on an area-specific basis by Dr. Edwards (with respect to lands south of Lakeshore Road, east of Stavebank Road, west of St. Lawrence Drive and north of Lake Ontario) and by High Benson Holdings Inc. (with respect to lands on the east side of Benson Avenue between High Street West and Lakeshore Road West). For information purposes, Mr. Swinkin noted his client's recent acquisition of the lands known as 7 Benson Avenue, which will form part of his client's affected lands.

[6] The Board was also asked for its decision on Dr. Edwards' appeal of OPA 1 and Zoning By-law No. 0030-2014 (Board File PL140225) before a hearing on the merits on his appeal of OPA 19.

[7] The Board reviewed the grounds for the motion and finds merit in proceeding as the parties have proposed. The Board is satisfied that Dr. Edwards has scoped his appeal in a manner that does not prejudice him from the future adjudication of his issues with OPA 19. These parties agree that Dr. Edwards' OPA 19 appeal shall not proceed until the Board hears first his appeals of OPA 1 and Zoning By-law No. 0030-2014.

[8] On consent, the Board has set an eight-day hearing for the OPA 1 and Zoning By-law No. 0030-2014 matters, which will take place commencing on: Monday, March 30, 2015 and concluding on or before Friday, April 14, 2015. Note that the Board will not sit on Friday, April 3rd and Monday, April 6th as these are statutory holidays: The hearing will commence at 10 a.m. at:

City of Mississauga
300 City Centre Drive
Mississauga, ON

[9] The parties will file a Procedural Order for this hearing with the Board at a future date.

ORDER

[10] The motion is granted. The Board hereby declares OPA 19 to be in force and effect for the balance of the lands not subject to the aforementioned appeals. The Board will attempt to ensure that the same Member hears the OPA 1 and Zoning appeals as the subsequent OPA 19 appeals.

"R. Rossi"

R. ROSSI
MEMBER

Corporate Services Department
Legislative Services Division
Office of the City Clerk

City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1



Leading today for tomorrow

FAX: 905-615-4181
www.mississauga.ca

August 22, 2014

Ontario Municipal Board
Suite 1500
655 Bay Street
TORONTO, ON M5G 1E5

**APPOINTMENT FOR PREHEARING AND RULES 61 TO 65
OF THE BOARD'S RULES OF PRACTICE AND PROCEDURE AND
DRAFT PROCEDURAL ORDER**

RE: O.M.B Case No: PL140225
File: OPA 1
Appellant: Dr. Geoff Edwards
Property Location: 42 Port Street East
Ward 1

The Ontario Municipal Board will be conducting a prehearing conference with respect to the above matter. Enclosed is a copy of the Board's Appointment for Hearing and Rules of Practice and Procedure and Draft Procedural Order.

APPOINTMENT FOR PREHEARING

TUESDAY, OCTOBER 28, 2014
AT 10:00 AM
MISSISSAUGA CITY HALL
300 CITY CENTRE DRIVE
2ND FLOOR, Committee Room B

The Board has set aside 1 day for this hearing.

A handwritten signature in black ink, appearing to read "Diana Rusnov".

Diana Rusnov, Deputy Clerk
Manager Legislative Services
Corporate Services Department
905-615-3200 X 5421

:mj
Encl.

cc: OMB Planner: Nazma Ramjaan (via email)
M. E. Bench, City Solicitor (via email)
Kelly Yerxa, Deputy City Solicitor (via email)
Ben Phillips, Debbie Sheffield, Planning & Building (via email)
Applicant: Russell D. Cheeseman B.A. L.L.B., 1 Adelaide St. E. Suite 2340, P.O. Box 189, Toronto, ON M5C 2V9
John Harcastle, Manager Development Services, Public Works, Region of Peel (via email)
Planning Notification List (via email)

Environment and Land Tribunals
Ontario
Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elfo.gov.on.ca

Tribunaux de l'environnement et de
l'aménagement du territoire Ontario
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécoleur: (416) 326-5370
Site Web: www.elfo.gov.on.ca



OMB CASE PL140225

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act, R.S.O.
1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: Proposed Official Plan Amendment No. OPA 1
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140225

PROCEEDING COMMENCED UNDER subsection 34(19) of the Planning Act, R.S.O.
1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: By-law No. 0030-2014 (OPA 1)
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140226

PLEASE NOTE: The prehearing conference regarding this matter will be heard in conjunction with the prehearing conference pertaining to OMB Case No. PL140282 (also scheduled to be held on the same date, location and time) with respect to an appeal of Official Plan # 19, new Port Credit Local Area Plan by Dr. Geoff Edwards, 2375675 Ontario Inc. and others under subsection 17(24) of the *Planning Act*.

NOTICE OF PREHEARING CONFERENCE

The Ontario Municipal Board will conduct a prehearing conference respecting this matter.

If you do not attend the prehearing conference, the Ontario Municipal Board may proceed in your absence and you will not be entitled to any further notice of these proceedings.

TIME AND PLACE OF PREHEARING CONFERENCE

A prehearing conference will be held

at: 10:00 AM

on: Tuesday October 28, 2014

at: City Hall
Committee Room B
300 City Centre Drive
Mississauga, ON L5B 3C1

The Board has set aside 1 day for this conference.

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Board to determine your status for the hearing, you or your representative should attend the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Board. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation. Where mediation is directed, a different Member of the Board would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

Everyone present should come prepared to consider specific dates for proceedings in this matter.

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it received.

All parties or their representatives should attend the prehearing conference.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

DATED at Toronto, this 19th day of August, 2014.

JOANNE HAYES
SECRETARY

ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENTS

61. Hearing Dates Fixed Hearing events will take place on the date set unless the Board agrees to an adjournment.

62. Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the signed consents of all parties. However, the Board may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent.

63. Requests for Adjournment Without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before the date set for the hearing event, the party must give notice of the request to the Board and to the other parties and serve their motion materials as soon as possible. If the Board refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

64. Emergencies Only The Board will grant last minute adjournments only for unavoidable emergencies, such as illnesses, so close to the hearing date that another representative or witnesses cannot be obtained. The Board must be informed of these emergencies as soon as possible.

65. Powers of the Board upon Adjournment Request The Board may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Board will schedule a prehearing conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the request is made by the applicant or proponent and is accepted by the Board as reasonable and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
- (g) convert the scheduled date to a mediation or prehearing conference; or
- (h) make any other appropriate order.

August 11, 2008

ONTARIO MUNICIPAL BOARD DRAFT PROCEDURAL ORDER

This is a sample of the Procedural Order that the Board issues for most matters (except expropriation) after holding a prehearing conference. For further explanations and meanings of the terms used, see the attachment to this sample order. Note that the Board expects that the terms of the procedural order when issued will be met. If a party has not complied with a requirement of a procedural order, the Board will decide whether or not any part of or step in the proceeding, or any written or visual evidence or order is not valid as a result.

This is an appeal (referral)...

OMB Case and File Number:

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on (year) at ...a.m./p.m. atin the municipality of[Optional:.. An evening session will be held on]
3. The length of the hearing will be aboutdays.
4. The parties and participants identified at the prehearing conference (*see the Attachment for the meaning of these terms*) are: [Optional: listed in Attachment 1 to this Order.]
5. The Issues are: [Optional:... set out in the Issues List attached as Attachment 2.] There will be no changes to this list unless the Board permits, and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Board as soon as possible (*preferably before the prehearing conference.*) Any such person who will be retaining a representative should advise the other parties and the Board of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing

- [7]. [Optional] Expert witnesses in the same field shall have a meeting before the hearing to try to resolve or reduce the Issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the municipal Clerk.
- [8]. [Optional] A party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other parties and to the Clerk a list of the witnesses and the order in which they will be called. This list must be delivered at leastcalendar days before the hearing.
9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section [12]. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
- [10]. [Optional] A [witness] [participant] must provide to the Board and the parties a [witness] [participant] statement at least calendar days before the hearing, or the witness or participant may not give oral evidence at the hearing.
11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section [12].
12. On or before[a minimum of 30 calendar days before the hearing date], the parties shall provide copies of their [witness and] expert witness statements to the other parties and to the Clerk of

[13]. [Optional] On or before....., the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.

14. Parties may provide to all other parties and file with the Clerk a written response to any written evidence within 7 days after the evidence is received.

15. A person wishing to change written evidence, including witness statements, must make a written motion to the Board.

(See Rules 34 to 38, inclusive, of the Board's Rules, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.)

16. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Board at least 7 days before the hearing that the written evidence is not part of their record.

17. Documents may be delivered by personal delivery, facsimile or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules [26 – 31] on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

18. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This Member is [not] seized.

So orders the Board.

ATTACHMENT TO SAMPLE PROCEDURAL ORDER

Purpose of the Procedural Order and Meaning of Terms

The Board recommends that the parties meet to discuss this sample Order before the prehearing conference to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349 or Toll Free 1-866-448-2248, or from the Board website at www.elto.gov.on.ca.

Meaning of Terms Used in the Procedural Order

*Party is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the party.*

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.

*Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board **will not** give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.*

Written and Visual Evidence: *Written evidence includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. Visual evidence includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.*

Witness Statements: *A witness statement is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.*

Additional Information

Summons: *A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.*

The order of examination of witnesses: *is usually direct examination, cross-examination and re-examination in the following way:*

- *direct examination by the party presenting the witness;*
- *direct examination by any party of similar interest, in the manner determined by the Board;*
- *cross-examination by parties of opposite interest;*
- *re-examination by the party presenting the witness; or*
- *another order of examination mutually agreed among the parties or directed by the Board.*

ONTARIO MUNICIPAL BOARD RULES ON DOCUMENTS, EXHIBITS, FILING, SERVICE

18. **Form of Documents** Unless otherwise directed by the Board, every document filed or introduced by a party or participant in a proceeding shall be prepared on letter size paper (8 ½" x 11"), except for large documents such as plans or surveys, and shall have each page numbered consecutively, throughout the entire text and graphic content, even if there are dividers or tabs.

19. **Other Exhibits** Large graphic or other such types of visual evidence should not be glued to foam or other boards. They shall be on paper and be removed from the boards following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. Visual evidence must be reviewed by the other parties before the hearing event or by an earlier date if set out in a procedural order.

20. **Copies of Documents for Parties and Clerk** A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties, at the beginning of the proceeding or by an earlier date if set out in a procedural order. If the document is an official plan, those parts of the Plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Board Member(s). If the Board orders that the clerk of the municipality keep copies of documents, they do not need to be certified copies, unless a party objects that they are not authentic copies.

21. **Prefiling of Witness Statements and Reports** If a hearing is expected to last more than 10 days, the Board may require that parties calling expert or professional witnesses serve on the other parties and file with the clerk of the municipality any experts witness statements and reports prepared for the hearing, at least 30 days in advance of the commencement of the hearing, unless otherwise directed by the Board. The Board may also make this prefiling order for hearings expected to last fewer than 10 days, at the request of a party. The expert witness statement must contain:

- (a) the expert's name, address and qualifications;
- (b) the issues the expert will address, their opinions on these issues, the reasons that support their opinions, their conclusions; and
- (c) a list of the reports or documents, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement if it contains the required information.

An expert may not be permitted to testify if this statement or report is not served on all parties and filed with the Clerk of the municipality when so directed by the Board. Participants in the hearing wishing to examine expert witness statements and reports may do so at the Clerk's office.

21.01 **Other Witnesses** The Board may also require that a witness or a participant who is not presenting expert evidence provide a witness or participant statement. A witness or participant statement should contain (a) a short written outline of the person's background, experience, and interest in the matter, (b) a list of the issues that they will discuss, and (c) a list of reports that they will rely on at the hearing. A participant statement should also briefly outline the evidence to be presented. The Board may not allow the witness or participant to testify if this statement is required by the Board but is not provided to the other parties.

22. **Amendment of Documents** Documents filed with the Board can only be amended on the consent of the parties or by a Board Order. The Board may require that the person requesting an amendment do so by way of a motion under Rule 34.

23. **Copies of Board Documents** A person may examine any document filed with the Board and copy it after paying the Board's fee, unless a statute, a Court Order, a Board Order or these Rules provide otherwise.

24. Return of Exhibits Exhibits of all types introduced at a hearing will be kept for 180 days after the Board decision issues. The person introducing an exhibit may ask for its return after this time, and it may be given back if the Board agrees. If no such request is made, the exhibit becomes the property of the Board and may be archived.

25. Final Approval of Plans of Subdivision When a final plan is prepared for the Board's approval, the following wording shall be inserted on the original plan and copies:

This plan is approved by the Ontario Municipal Board under file [insert OMB case number] pursuant to the *Planning Act*, section _____.

Date

Secretary, Ontario Municipal Board

DOCUMENT EXCHANGE

A document may be served on another party or participant by e-mail, fax or such other manner as may be directed by the Board.

26. Service by Fax or E-mail Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by fax or e-mail (unless a statute or the Board requires another method of service) and shall be sent to:

(a) the party's representative, if any;

(b) where the party is an individual and is not represented, to that party directly, where that party has provided a fax number and/or an e-mail address;

(c) where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document; or

(d) where served on or filed with the Board, a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document.

Subject to Rule 27, if a document is served by fax or e-mail, then service is effective on the date of service.

27. If Faxed or E-mailed After 4:30 p.m. Any document served by fax or e-mail after 4:30 p.m. is deemed to have been served on the next business day.

28. Permission to Fax if More Than 30 Pages If a document is more than 30 pages including the cover page, it may only be served by fax between 8:00 a.m. and 4.30 p.m. with the prior consent of the person receiving the document. If more than 30 pages, it cannot be served by fax at any time without prior permission.

29. Contents of Cover Page A fax cover page must include (a) the Board's case and file number, (b) the type of matter, (c) the municipality in which the matter arose, and (d) full identification of the sender and receiver.

30. Proof of Service by Fax or E-mail A confirmation printout received by the sender is proof of the full transmission and receipt of the fax or e-mail.

31. No Hard Copy Needed A hard copy of a faxed or e-mailed document need not be sent by another means of transmission unless requested, and may then be sent by ordinary mail.

August 11, 2008

ONTARIO MUNICIPAL BOARD RULES ON PREHEARING CONFERENCES

70. Prehearing Conference At the request of a party or on its own initiative, the Board may direct parties to participate in a prehearing conference, which can include settlement conferences, motions or preliminary hearing matters, in order to:

- (a) identify the parties and participants and determine the issues raised by the appeal;
- (b) identify facts or evidence the parties may agree upon or on which the Board may make a binding decision;
- (c) obtain admissions that may simplify the hearing;
- (d) provide directions for exchange of witness lists, expert statements and reports, for meetings of experts to address the disclosure of information, including the disclosure of the information that was not provided to the Municipality before Council made its decision that is the subject of the appeal, and for further disclosure where necessary;
- (e) discuss opportunities for settlement, including possible use of mediation or other dispute resolution processes;
- (f) fix a date and place for the hearing and estimate its length, and encourage the parties to agree upon the dates for any procedural steps;
- (g) discuss issues of confidentiality, including any need to hold a part of the hearing in the absence of the public or to seal documents;
- (h) address the production and cost sharing of joint document books; and
- (i) deal with any other matter that may assist in a fair, cost-effective, and expeditious resolution of the issues.

71. Sample Procedural Order and Meeting Before Prehearing Conference The Board may provide a sample procedural order to the parties before the prehearing conference. The parties are expected to meet before the prehearing conference to consider the matters set out in Rule 70 and present recommendations to the Board for the conduct of the hearing.

72. Serving Notice of a Conference The Board will give the applicant a Notice of Conference which provides the time and place of the prehearing conference. The applicant must serve this on those persons entitled to notice of the conference and provide an affidavit to the Board, at the conference, to prove service of the motion.

73. Board Member Presides The Chair will assign a Board Member to conduct the conference.

74. Public Attendance at a Prehearing A prehearing conference held in person will be open to the public. A prehearing conference held by electronic hearing will be open to the public where practical.

75. Conversion From One Procedure to Another The Board Member may, at any time, conduct a procedural discussion or a preliminary hearing and may convert from one to another. The Board will state in the notice of a prehearing conference that the parties are expected to arrive prepared for a procedural and settlement conference as well as a preliminary hearing, where evidence or formal statements may be heard. Even if no settlement is reached, the Board may proceed to make a final decision on any evidence received during the conference.

76. Results of Failure to Attend a Conference If a party fails to attend the conference in person or by authorized representative, the Board may proceed without that party. The non-attending party is not entitled to notice of subsequent hearing events in the proceedings.

77. Board Order Following The Member conducting the prehearing conference will issue an order that may decide any of the matters considered at the conference and provide procedural directions for any subsequent hearing event.

78. Hearing Member Bound The Member conducting the hearing or any subsequent hearing event is bound by the order resulting from the prehearing conference unless the Member is satisfied that there is good reason to vary the order.

79. **Methods of Holding Hearing Events** The Board may, in a proceeding, hold any or a combination of written, electronic or oral hearing events.

August 11, 2008

Environment and Land Tribunals
Ontario

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

Tribunaux de l'environnement et de
l'aménagement du territoire Ontario

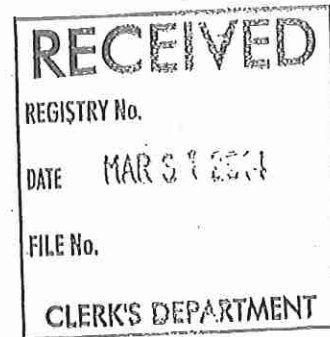
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



March 26, 2014

Diana Rusnov
Deputy Clerk
City of Mississauga
Civic Centre, 300 City Centre Drive
Mississauga, ON
L5B 3C1



Subject: Case Number: PL140225
File Number: PL140225
Related File Number(s): PL140226
Municipality: City of Mississauga
Official Plan Number: OPA 1
Zoning by-law Number: OZ-08/009
Property Location: 42 Port Street East
Applicant(s): Centre City Capital Ltd.
Appellant(s): Dr. Geoff Edwards

The Board acknowledges receipt of the above referenced files. When communicating with the Board please quote the Board's case and/or file numbers.

These files have been assigned to **Nazma Ramjaun, Case Coordinator, Planner**. For specific questions about this case, you may contact the Case Coordinator, Planner at **(416) 326-6796**.

The Case Coordinator, Planner will review the files to ensure that all the required material has been received and will identify if there are other related matters that may come to the Board. The Case Coordinator, Planner may contact the parties to:

- Identify issues
- Discuss whether the matter may be a candidate for a mediation meeting
- Discuss whether a prehearing conference may be beneficial (Prehearings are normally only held on complex cases where the hearing length is expected to be over five days)
- Discuss the time that may be required for the hearing.

Mediation is an option available where the parties consent to this process. Mediation is intended to provide the parties with a more satisfactory manner in which to reach a resolution in the same or lesser timeframe as the traditional adjudicative process. Parties should contact the Case Coordinator, Planner if they are interested in mediation.


The Board will schedule this case for the earliest available date on the Board's calendar. Parties should be prepared to proceed at any time. Parties will receive notice of the hearing event. Notice for prehearings and hearings are generally mailed 35 days before the hearing. Notice for mediation meetings can be given on shorter notice.

Once dates are set, adjournments are not granted except where compelling circumstances exist and with the consent of all parties and/or the approval of the Board.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

For general information concerning the Board's policies and procedures visit our website at www.eto.gov.on.ca or you may contact the Board's offices at (416) 212-6349. You may wish to obtain a copy of the publication 'A Guide to the Ontario Municipal Board' to learn more about participating in matters before the Board and the hearing process. This publication is available on the Board's website or by calling the Board's offices.

Yours truly,



George Rayner
Case Management Administrative Assistant

c.c.

Kelly Yerxa, Deputy City Solicitor, City of Mississauga

Hodan Egeh, OMB Coordinator at MMAH

The Clerk (Mississauga)

Russell Cheeseman, Russell D. Cheeseman Barrister & Solicitor

Memorandum



OPA/1

FOR IMMEDIATE ATTENTION AND ACTION

TO: Ed Sajecki, Commissioner of Planning & Building

FROM: Diana Rusnov, - Office of the City Clerk

DATE: March 10, 2014

RE: Appeal Pursuant to 34(19) & 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13,
Application to Amend Zoning By-law 0225-2007
To appeal the decision of passing a Zoning By-law and OPA.
Southeast corner of Lakeshore Road East and Elizabeth Street South, in the City of
Mississauga
Our File: OPA# 1 & OZ 08/009 - Ward 1

Attached please find copy of a letter of appeal dated March 6, 2014, received March 7, 2014, from Russell D. Cheeseman B.A. L.L.B., solicitors for Dr. Geoff Edwards, with respect to Southeast corner of Lakeshore Road East and Elizabeth Street South, in the City of Mississauga.

In accordance with the Planning Act requirements, the City is required to submit the Notice of Appeal, Municipal Submission Form (including prescribed records) and appeal fee to the Ontario Municipal Board within 15 days after the Notice of Appeal is received. In order to meet this deadline, we request that you provide our office with the following information outlined on the attached Municipal Submission Form (R2) **no later than March 17, 2014.**

- **Part 4: Related Matters**
- **Part 5: By-law Information**
- **Part 6: Scheduling Information** (including the estimated number of days for the hearing)
- **Part 7: Municipal Representative Information** (Legal or Planning)
- **Part 8: Required Documentation** (include the applicable documents and information indicated by a tick)

Thank you for your co-operation.

Diana Rusnov, Deputy Clerk
Legislative Services
Corporate Services Department
905-615-3200 X5419

:mj
Att.

cc: Mary E. Bench, City Solicitor (via email)
Councillor, Ward 1, (via email)
Ben Phillips, Planning and Building (via email)



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.ello.gov.on.ca

MUNICIPAL SUBMISSION FORM (R2)
PLANNING ACT

ZONING BY-LAWS & AMENDMENTS

Reference Number (OMB Office Use Only):

Material and information is to be forwarded to the Ontario Municipal Board by the Clerk of the Municipality **within 15 days after the last day for filing a notice of appeal** under the following subsections of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. **Please check the section of the Act under which the appeal(s) have been filed.** Please print clearly throughout the submission form.

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)

Municipality: _____ Zoning By-law No./Municipal File No.: _OZ-08/009_
 Upper Tier: _____

Part 2: Municipal Contact Information

First Name: _DIANA_ Last Name: _RUSNOV_
 Professional Title : DEPUTY CLERK
 E-mail Address: diana.rusnov@mississauga.ca
y providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Telephone #: 905-615-3200 ext. 5421 Fax #: 905-615-4181
 Mailing Address: _300 CITY CENTRE DR. 2ND FLOOR MISSISSAUGA
 Street Address City/Town
ONTARIO L5B 3C1
 Province - Postal Code

Part 3: Location Information

Southeast corner of Lakeshore Road East and Elizabeth Street South, in the City of Mississauga
 Address and/or Legal Description of property subject to the appeal: _____

Part 4: Related Matters

- (a) Official Plan appeal: _____ O.M.B. File No.: _____
- (b) Subdivision Plan appeal: _____ O.M.B. File No.: _____
- (c) Consent submission: B- _____ O.M.B. File No.: _____
- (d) Other matters at municipality or Board or required to be filed?: _____

Part 5: By-law Information

Give a brief outline of the purpose of the by-law and the nature of the issues raised in the appeal(s):

[Empty box for providing a brief outline of the purpose of the by-law and the nature of the issues raised in the appeal(s)]

Did this by-law start with an application? YES NO

If yes, DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____

NOTE: IF THIS IS A 34(11) APPEAL AND THE APPLICATION WAS RECEIVED BEFORE JANUARY 1, 2007 PLEASE ADVISE THE APPELLANT TO USE THE O1 'PRE-BILL 51' FORM AND SUBMIT THEIR APPEAL DIRECTLY TO THE OMB.

If this was a municipally initiated by-law please indicate the following below:

DATE OF PASSING OF THE BY-LAW: _____

Part 6: Scheduling Information

How many days do you estimate are needed for hearing this appeal? _____ Number of days

How many witnesses do you expect to have at the hearing? _____ Number of witnesses

Describe witness(es)' area of expertise. _____

Do you believe this matter would benefit from mediation? YES NO

If yes, do you believe all parties would consent to participating in mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO

If yes, why? _____

Part 7: Municipal Representative Information (Legal or Planning) *Person attending OMB hearing

First Name: KELLY Last Name: YERXA

Company Name: CITY OF MISSISSAUGA

Professional Title: DEPUTY CITY SOLICITOR

E-mail Address:
Kelly.yerxa@mississauga.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-615-3200 ext 3280 Alternate Telephone #: _____

Fax #: 905-896-5106

Mailing Address: 300 CITY CENTRE DR. 4TH FLOOR MISSISSAUGA
Street Address Apt/Suite/Unit# City/Town

ONTARIO L5B 3C1
Province Country (if not Canada) Postal Code

Part 8: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Clerk: _____ Date: _____

The following material must be attached to this form where applicable, in the order which it is listed:

- Original or true copy of each notice of appeal received and reasons for appeal **with indication of the date on which each notice was filed**. Attach a typed list of the names, addresses and telephone numbers of all appellants.
- A copy of the application, if applicable, for the amendment to the by-law that includes name, address and telephone number of applicant and lawyer or agent.
- Board fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.
- Certified copy of the zoning by-law/proposed amending by-law under appeal.
- An affidavit or sworn declaration from an employee of the municipality or planning board certifying, as applicable:
 - a) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with;
 - b) The statutory requirements for the giving of notice of passing or refusal of the by-law have been complied with. Include date written notice was given. Attach a copy of the notice, explanatory note and key map;
 - c) A typed list of all persons and public bodies that made oral submissions at the public meeting, including their full names, addresses and telephone numbers; and
 - d) If subsection 34(10.7) of the *Act* applies, a certificate that the requirements of clause 34(10.7)(a) of the *Act* have been complied with.
- Copy of the Notice of Public meeting as well as the minutes from the public meeting (printed format).
- A copy of any planning report considered by the council or planning board.
- Original or copy of all written submissions and materials received in respect of the by-law, prior to and after its passing and the dates they were received. Attach a Schedule with a typed list of the names, addresses and telephone numbers of all persons/public bodies that provided written submissions/comments.
- A statement from an employee of the municipality or planning board as to whether the decision of the council or planning board,
 - i. is consistent with the policy statements issued under subsection 3(1) of the *Act*, and
 - ii. conforms to or does not conflict with any applicable provincial plan or plans.
 - iii. conforms to the official plan of the municipality or planning board.
- A copy of Council's refusal, including the date that the giving of notice of refusal was completed, or an affidavit or declaration duly sworn certifying that Council refused or neglected to make a decision on the complete application within 120 days and an indication that notice of the refusal was given in accordance with the provisions of the *Act*. [Section 34(11)]
- A map of the lands under appeal. [Section 34(11)]
- Report on the position taken by Council in response to each appeal, including conformity with official plan.
- The original or a certified copy of the prescribed information and material received by the council or planning board under subsection 34(10.1) of the *Act*.
- The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.
- Original or true copy, if any, of each written withdrawal of appeal.



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655-Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

MUNICIPAL SUBMISSION FORM (R1)
PLANNING ACT
OFFICIAL PLANS & AMENDMENTS

Reference Number (OMB Office Use Only):

Material and information is to be forwarded to the Ontario Municipal Board by the Approval Authority/Municipality **within 15 days after the last day for filing a notice of appeal** under the following subsections of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. **Please check the section of the Act under which the appeal(s) have been filed.** Please print clearly throughout the submission form.

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal against a decision by local council to adopt an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal against a decision of an Approval Authority to approve or not approve all or part of a plan or amendment	17(36)
	Approval Authority failed to make a decision on the plan within 180 days	17(40)
	Council failed to adopt the requested amendment within 180 days	22(7)
<input type="checkbox"/> Council refused the requested amendment		

Municipality: MISSISSAUGA Official Plan Reference Number: OPA # 1

Upper Tier: _____

Approval Authority (if different than above): _____

Part 2: Approval Authority/Municipal Contact Information

First Name: DIANA Last Name: RUSNOV

Professional Title : DEPUTY CLERK

E-mail Address:
Diana.rusnov@mississauga.ca
 By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Telephone #: 905-615-3200 ext. 5421 Fax #: 905-615-4181

Mailing Address: 300 CITY CENTRE DR. 2ND FLOOR MISSISSAUGA
 Street Address City/Town
ONTARIO L5B 3C1
 Province Postal Code

Part 3: Location Information (for OP or OPA)

Southwest corner of Lakeshore Road East and Elizabeth Street South, in the City of Mississauga

Address and/or Legal Description of property subject to the appeal: _____

Part 4: Related Matters

- (a) Zoning By-law appeal: _____ O.M.B. File No.: _____
- (b) Subdivision Plan appeal: _____ O.M.B. File No.: _____
- (c) Consent submission: B- _____ O.M.B. File No.: _____
- (d) Other matters at municipality or Board or required to be filed?: _____

Part 5: Official Plan Information

Give a brief outline of the purpose of the official plan/amendment and the nature of the issues raised in the appeal(s):

[Empty box for providing a brief outline of the purpose of the official plan/amendment and the nature of the issues raised in the appeal(s)]

Did this official plan amendment start with a request for an amendment? YES NO
If yes, DATE REQUEST RECEIVED BY APPROVAL AUTHORITY: _____
(If request received before January 1, 2007 please use the R1 'pre-Bill 51' form.)

If this was a municipally initiated official plan/amendment please indicate the following below:
DATE OF PASSING OF THE ADOPTING BY-LAW: _____

Part 6: Scheduling Information

How many days do you estimate are needed for hearing this appeal? _____ Number of days
How many witnesses do you expect to have at the hearing? _____ Number of witnesses
Describe witness(es)' area of expertise. _____

Do you believe this matter would benefit from mediation? YES NO
If yes, do you believe all parties would consent to participating in mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)
Do you believe this matter would benefit from a prehearing conference? YES NO
If yes, why? _____

Part 7: Municipal Representative Information (Legal or Planning) *Person attending OMB hearing

First Name: KELLY _____ Last Name: YERXA _____
Company Name: CITY OF MISSISSAUGA _____
Professional Title: DEPUTY CITY SOLICITOR _____
E-mail Address:
kelly.yerxa@mississauga.ca _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
Daytime Telephone #: 905-615-3200 ext 3280 _____ Alternate Telephone #: _____
Fax #: 905-896-5106 _____
Mailing Address:
300 CITY CENTRE DR. Street Address Apt/Suite/Unit# 4TH FLOOR MISSISSAUGA
ONTARIO L5B 3C1
Province Country (if not Canada) Postal Code

Part 8: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Clerk/Approval Authority: _____ Date: _____

The following material must be attached to this form where applicable, in the order which it is listed:

- Original or true copy of each notice of appeal received and reasons for appeal with indication of the date on which each notice was filed. Attach a typed list of the names, addresses and telephone numbers of all appellants.
- Board fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.
- If applicable, the original or certified copy of the prescribed information and material received by council or the planning board under subsection 22(4) of the *Planning Act* or the original or certified copy of the record received by the approval authority under section 7 of O.Regulation 543/06 under the *Planning Act*.
- The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.
- Certified copy of the proposed official plan or plan amendment. (If municipal staff have not drafted a proposed amendment, this draft can be requested from the applicant.)
- If applicable, an affidavit or sworn declaration from an employee of the municipality or approval authority certifying:
 - a) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with; and
 - b) The statutory requirements for the giving of notice of adoption have been complied with. Include date written notice was given.
 - c) If subsection 22(6.4) of the *Act* applies, a certificate that the requirements of clause 22(6.4)(a) of the *Act* have been complied with.
- Where a public meeting has been held, a copy of the minutes of the public meeting (printed format).
- List of suggested names and addresses of all persons and agencies to be notified of OMB hearing.
- A copy of any planning report considered by council.
- Original or a copy of all written submissions and comments and the dates they were received. [Sections 17(36), 17(40), 22(7)]
- An affidavit or sworn declaration of an employee of the municipality and/or approval authority listing all persons and public bodies that provided written submissions or comments, if applicable. Attach a Schedule with a typed list of their full names, addresses and telephone numbers. [Sections 17(24), 17(36) and 22(7)]
- An affidavit or sworn declaration of an employee of the municipality and/or approval authority listing all persons and public bodies that made oral submissions at the public meeting, if applicable. Attach a Schedule with a typed list with their full names, addresses and telephone numbers. [Sections 17(24), 17(36) and 22(7)]
- A certified copy of the by-law adopting the proposed official plan or official plan amendment. [Section 17(24)]
- A copy of the decision of the approval authority, if applicable.
- Original or certified copy of the request for an amendment to the official plan. [Section 22(7)]
- If applicable, a copy of the council or planning board's written explanation for the refusal to adopt the proposed official plan amendment, including the date that the giving of notice of refusal was completed and an indication that notice of the refusal was given in accordance with the provisions of the *Act*. [Section 17(36) and 22(7)]
- In the case of a proposed official plan, a statement as to whether it replaces an existing official plan. [Section 17(36)]
- A statement from an employee of the municipality or planning board as to whether the decision of the council, planning board or approval authority,
 - i. is consistent with the policy statements issued under subsection 3(1) of the *Act*, and
 - ii. conforms to or does not conflict with any applicable provincial plan or plans. [Sections 17(36), 17(40), 22(7)]
- An affidavit or sworn declaration made by an employee of the approval authority certifying that the requirements for giving notice of the decision under subsection 17(35) of the *Act* have been complied with. [Section 17(36)]

RUSSELL D. CHEESEMAN B.A., L.L.B., M.E.S.
BARRISTER AND SOLICITOR

1 ADELAIDE STREET EAST
SUITE 2340
P.O. Box 189
TORONTO, ONTARIO
CANADA M5C 2V9

TEL. (416) 955-9529
FAX (416) 955-9532
CEL. (416) 520-9854
E-MAIL: rdcheese@aol.com
www.rdcheeseman.com

RECEIVED
REGISTRY No.
DATE MAR 07 2014
FILE No.
CLERK'S DEPARTMENT

March 6, 2014

VIA E-MAIL AND COURIER

Ms. Crystal Greer
Clerk
City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Attention: Ms. Diana Rusnov, Deputy Clerk, Legislative Services, Corporate Services Department

Dear Madam:

Re: Notices of Appeal Pursuant to Section 17(24) and Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended – Official Plan Amendment No. 1 and Zoning By-law 0031-2014 – Port Credit Local Area Plan Policies-Southeast corner of Lakeshore Road East and Elizabeth Street South, City of Mississauga

We are counsel for Dr. Geoff Edwards, the owner of lands located at 46 Port Street East, which abut the lands which are the subject of both OPA No. 1 and Zoning By-law 0031-2014 to the east.

On February 12, 2014, Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment and Zoning By-law, under Sections 17 and 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended.

This letter will serve as our client's Notices of Appeal to the Ontario Municipal Board of Official Plan Amendment No. 1 and the implementing Zoning By-law 0031-2014 pursuant to Sections 17(24) and 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. Please find enclosed our firm cheque in the amount of \$250.00, payable to the Minister of Finance - Ontario, which we understand to be the prescribed fees for the within appeals.

Please also find enclosed two sets of completed Forms "A1" of the Ontario Municipal Board, which we trust you will forward on to the OMB along with the appropriate files. Please also find enclosed our firm cheque in the amount of \$150.00, payable to the Treasurer of the City of Mississauga, which we understand to be the administration fee required by the City of Mississauga to carry out its statutory duty in compiling the requisite records as prescribed by the *Planning Act*.

Our client is of the opinion that the both the Official Plan Amendment and Zoning By-law have been passed to permit the re-development of the lands at 42 Port Street East, in a manner that assesses and evaluates those lands in the absence of comprehensive planning and an overall comprehensive development plan. The proposal at 42 Port Street East, as reflected in the Official Plan Amendment and implementing zoning by-law, has been considered in isolation with insufficient regard for the impacts on the existing land use and future redevelopment potential of the immediately adjacent lands, those of our client, located at 46 Port Street East. The two instruments that have been passed do not amount to good and proper land use planning.

We trust that you will now compile and forward a record to the Ontario Municipal Board as is your duty pursuant to Sections 17(29) and 34(23) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

If you have any questions, or require further clarification, please do not hesitate to contact the undersigned by telephone.

Yours very truly,



Russell D. Cheeseman

cc. Joanne Hayes, Registrar/Secretary, OMB (via facsimile)
Dr. G. Edwards (via e-mail)



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

____ Southeast corner of Lakeshore Road East and Elizabeth Street South, 42 Port Street East _____
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: _____ City of Mississauga/Region of Peel _____

Part 3: Appellant Information

First Name: Russell Last Name: Cheeseman

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): Barrister and Solicitor

E-mail Address: rdcheese@aol.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-955-9529 Alternate Telephone #: 905-844-8960

Fax #: 416-955-9532

Mailing Address: 1 Adelaide Street East, Suite 2340, P. O. Box 189, Toronto
Street Address Apt/Suite/Unit# City/Town
 Ontario M5C 2V9
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
Zoning By-law 0031-2014 of the City of Mississauga
City File No. OZ-08/009

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
See letter dated March 6, 2014

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)
Official Plan Amendment No. 1 adopted by By-law 0030-2014 of the City of Mississauga
City of Mississauga File No. OZ-08/009

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

____ Southeast corner of Lakeshore Road East and Elizabeth Street South, 42 Port Street East _____
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: _____ City of Mississauga/Region of Peel _____

Part 3: Appellant Information

First Name: Russell Last Name: Cheeseman

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): Barrister and Solicitor

E-mail Address: rdcheese@aol.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-955-9529 Alternate Telephone #: 905-844-8960

Fax #: 416-955-9532

Mailing Address: 1 Adelaide Street East, Suite 2340, P. O. Box 189, Toronto
Street Address Apt/Suite/Unit# City/Town
 Ontario M5C 2V9
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Official Plan Amendment No. 1 adopted by By-law 0030-2014 of the City of Mississauga
City of Mississauga File No. OZ-08/009

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

See letter dated March 6, 2014

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

[Empty box for explanatory note]

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Zoning By-law 0031-2014 of the City of Mississauga
City File No. OZ-08/009

DECLARATION

Subsection 17 of the Planning Act

Applicant: City Initiated
Municipality City of Mississauga
Our File: OPA 1

I, Diana Rusnov, Deputy Clerk solemnly declare,

1. That the decision in respect of the above-noted matter was made on February 12, 2014, when By-law Number 0030-2014 was enacted and that notice as required by subsection 17 of the Planning Act was given on February 19, 2014.
2. That (1) appeal to the Ontario Municipal Board of the decision in respect of the above-noted matter was received under subsection 17 of the Planning Act within the time specified for submitting an appeal.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me


at the City of Mississauga

in the Regional Municipality of Peel

this 10th day of March, 2014.



Commissioner of Oaths



Declarant

DONNA RAE LEBRETON, a Commissioner, etc.,
Regional Municipality of Peel, for the
Corporation of the City of Mississauga.
Expires May 3, 2016.

Amendment No. 1

to

Mississauga Official Plan

for the

City of Mississauga Planning Area



**PLANNING ACT
NOTICE OF THE PASSING OF AN OFFICIAL PLAN AMENDMENT AND
A ZONING BY-LAW BY
THE CORPORATION OF THE CITY OF MISSISSAUGA
BILL 51**

DATE OF NOTICE	February 19, 2014	
OPA NUMBER	OPA 1 (By-law 0030-2014)	
ZONING BY-LAW NUMBER	0031-2014	
DATE PASSED BY COUNCIL	February 12, 2014	
LAST DATE TO FILE APPEAL	March 11, 2014	
FILE NUMBER	OZ- 08/009	Ward # 1
APPLICANT	Michael Crabtree, John D. Rogers & Associates	
PROPERTY LOCATION	Southeast corner of Lakeshore Road East and Elizabeth Street South, in the City of Mississauga	

TAKE NOTICE that the Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment and Zoning By-law, under Sections 17 and 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

An explanation of the Purpose and Effect of the Official Plan Amendment Zoning By-law, a description of the lands to which it applies, and/or a key map showing the location of the lands to which it applies, are attached.

To view the Official Plan Amendment and Zoning By-law in their entirety please visit:

www.mississauga.ca/portal/cityhall/publicnotices, or in person at the Office of the City Clerk, 300 City Centre Drive, 2nd Floor, Mississauga, Ontario.

The Zoning by law shall not come into force until Mississauga Plan (Official Plan) Amendment Number # 1 is in full force and effect. A notice of appeal to the Ontario Municipal Board in respect of the by-law must be filed with the Clerk of the City of Mississauga, Attention: Crystal Greer, at the address below, no later than March 11, 2014.

The Notice of Appeal must:

- 1) set out reasons for the appeal; and,
- 2) be accompanied by the fee required by the Ontario Municipal Board in the amount of \$125.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario, and
- 3) be accompanied by an administration fee of \$150.00, payable by Certified Cheque to the Treasurer of City of Mississauga.
- 4) Four (4) copies of the appeal package.

IF YOU WISH TO APPEAL to the OMB a copy of an appeal form is available from the OMB website at www.omb.gov.on.ca.

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the City of Mississauga Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

Diana Rusnov, Deputy Clerk
Legislative Services, Corporate Services Department
905-615-3200 X 5421
300 City Centre Drive,
Mississauga, Ontario L5B 3C1

K:\cityclerk/support/Development Applications/Templates/OZ-OPA/OZ/Notice of Passing Bill 51.doc

By-law No. 0030-2014

A by-law to Adopt Mississauga Official Plan (Official Plan) Amendment No. 1

WHEREAS in accordance with the provisions of sections 17 or 22 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to section 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing may authorize an approval authority to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, the Minister of Municipal Affairs and Housing has authorized the Region of Peel to exempt Local Municipal Official Plan Amendments;

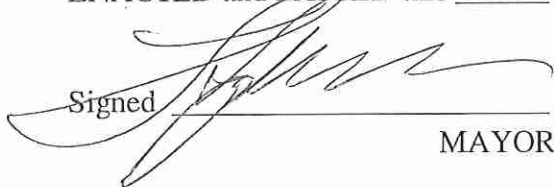
AND WHEREAS, on January 27, 2000, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region of Peel has advised that, with regard to Amendment No. 1, in his opinion the amendment conforms with the Regional Official Plan and is exempted;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The following text attached hereto, constituting Amendment No. 1 to Mississauga Official Plan, specifically the Port Credit Local Area Plan Policies of Mississauga Official Plan, of the City of Mississauga Planning Area, are hereby adopted.

ENACTED and PASSED this 12th day of FEBRUARY, 2014

Signed 
MAYOR

Signed 
CLERK

Amendment No. 1
to
Mississauga Official Plan
for the
City of Mississauga Planning Area

The following text attached hereto constitutes Amendment No. 1.

Also attached hereto but not constituting part of the Amendment are Appendices I, II and III.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a map showing the Existing Land Use of the subject lands and the surrounding area, with the lands affected by this Amendment outlined in red.

Appendix III is a copy of the Planning and Building Department report dated May 22, 2012, pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to remove the subject lands from the Special Site 38 mapping, amend the "Location of Special Sites within the Port Credit Local Area" map and to add a Special Site Policy to permit additional height and include other provisions on the subject lands.

LOCATION

The lands affected by this Amendment are located at the southeast corner of Lakeshore Road East and Elizabeth Street South.

BASIS

The subject lands are located in the Port Credit Community Node Character Area in the Port Credit Local Area Plan, and form part of Mississauga Official Plan. Mississauga Official Plan came into effect on November 14, 2012, save and except for those policies and land use designations which have been appealed to the Ontario Municipal Board. The subject lands and associated policies are not under appeal to the Ontario Municipal Board.

The subject lands are designated "Mixed Use" which permits a range of uses as follows: commercial parking facility; conference centre; entertainment, recreation and sports facility; financial institution; funeral establishment; motor vehicle rental; overnight accommodation; personal service establishment; post-secondary educational facility; residential; restaurant; retail store; and secondary office.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

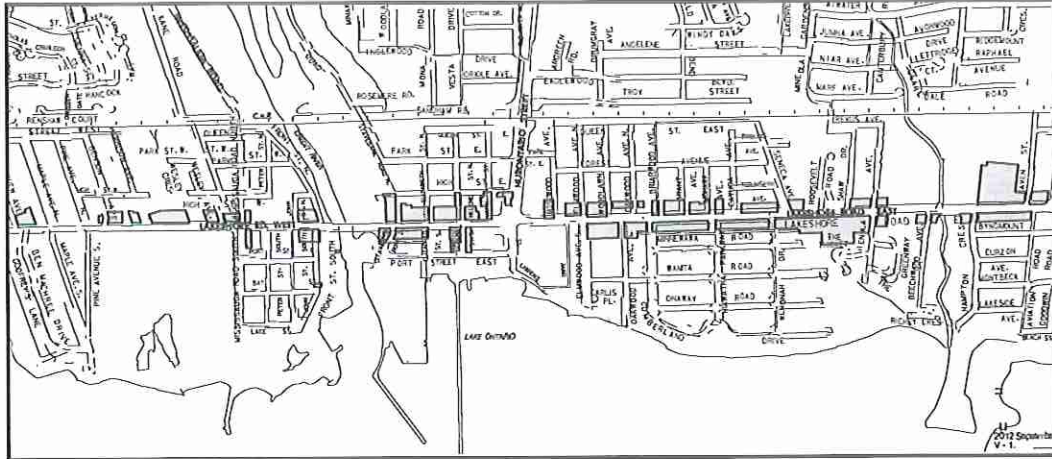
1. The proposal is compatible with the surrounding land uses based on the similar commercial and residential land uses adjacent to the site and the complementary nature of the design, which achieves appropriate built form relationships with its context.
2. The proposed Official Plan provisions and zoning standards are appropriate to accommodate the requested uses based on the proposed height, massing, step backs, landscaping, streetscape and general site design.

Details regarding this Amendment to the Port Credit Local Area Plan Policies of Mississauga Official Plan are contained in the Planning and Building Report dated May 22, 2012, attached to this Amendment as Appendix III.

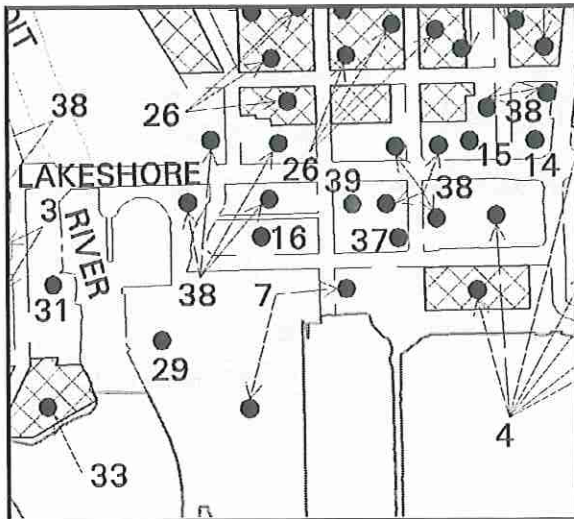
DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 5.38, Site 38, Special Site Policies, Port Credit Local Area Plan, Mississauga Official Plan, is hereby deleted and replaced by the following:

5.38 Site 38

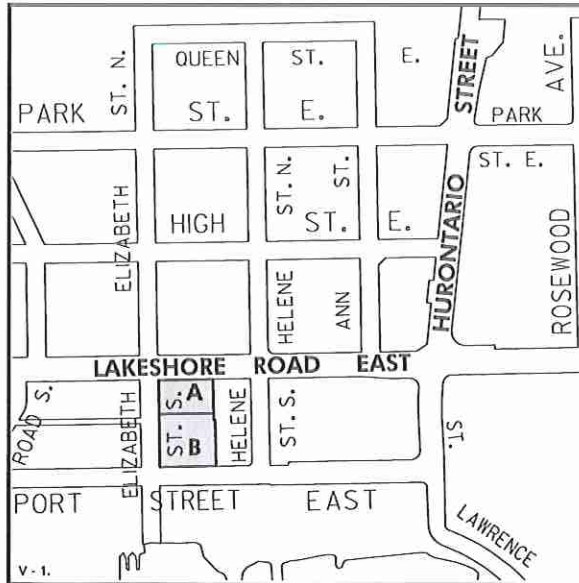


2. The Port Credit Local Area Plan of Mississauga Official Plan is hereby amended by modifying Figure 3: Location of Special Sites within the Port Credit Local Area to add Special Site 39.



3. Section 5.0, Special Site Policies, Port Credit Local Area Plan, Mississauga Official Plan, is hereby amended by adding the following:

5.39 Site 39



The lands identified as Special Site 39 are located at the southeast corner of Lakeshore Road East and Elizabeth Street South.

Notwithstanding the policies of this Plan, the following additional policies will apply:

- a. drive-through facilities will not be permitted;
- b. a maximum of 56 residential units are permitted;
- c. Area A:
 - a maximum building height of four storeys is permitted;
 - building step backs from Lakeshore Road East shall be introduced to the façade.
- d. Area B:
 - a maximum building height of four storeys fronting Port Street East, stepping up to a maximum building height of ten storeys towards the north, is permitted;
 - notwithstanding the above height maximums, the building height adjacent to the easterly boundary of Area B shall be no greater than one storey.

IMPLEMENTATION

Upon the approval of this Amendment by the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

Provisions will be made through the rezoning of the lands subject to this Amendment, for development to occur subject to approved site development, architectural and landscaping plans, to ensure that site access, buildings, parking and landscaping are satisfactorily located and designed.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, shall apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

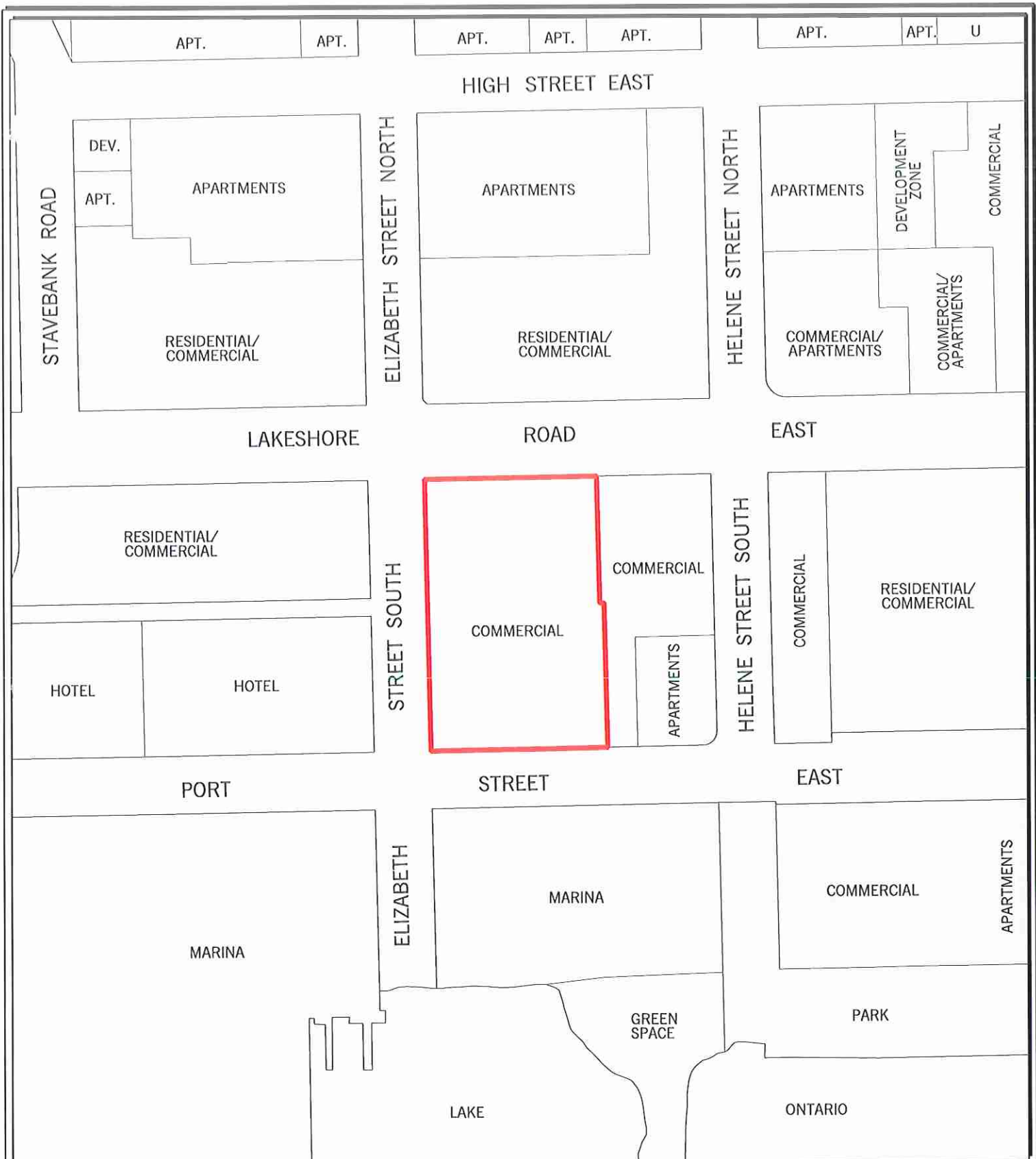
Upon approval of this Amendment, the various Sections of Mississauga Official Plan will be amended in accordance with this Amendment, subject to technical revisions being permitted to this Amendment without official plan amendments with respect to: changing the numbering, cross-referencing and arrangement of the text, tables, schedules and maps; altering punctuation or language for consistency; and correcting grammatical, dimensional and boundary, mathematical or typographical errors, provided that the purpose, effect, intent, meaning and substance of this Amendment are in no way affected.

APPENDIX I

PUBLIC MEETING

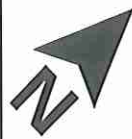
All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on February 2, 2009 in connection with this proposed Amendment.

At the Public Meeting, several area residents raised concerns regarding the proposal. These included the loss of the existing grocery store, the height of the proposed building and traffic related issues. These concerns were addressed in the Supplementary Report.



APPENDIX II

EXISTING LAND USE MAP



AMENDMENT NO:
1

SCALE:
1:20000

DRAWN BY:
B. KRUGER



Corporate Report

Clerk's Files

Appendix III

Originator's
Files OZ 08/009 W1

PDC JUN 11 2012

DATE: May 22, 2012

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 11, 2012

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit 4 storeys of retail commercial/office fronting onto
Lakeshore Road East, a 10 storey residential condominium
apartment with 56 units stepping down to 4 storeys fronting
onto Port Street East and the retention of Montgomery House
91-93 & 99 Lakeshore Road East and 42 Port Street East
Southeast corner of Lakeshore Road East
and Elizabeth Street South
Owner: Centre City Capital Limited and William G. James
Applicant: John D. Rogers & Associates Inc.
Bill 51

Supplementary Report **Ward 1**

RECOMMENDATION: That the Report dated May 22, 2012, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 08/009 W1, Centre City Capital Limited and William G. James, 91-93 & 99 Lakeshore Road East and 42 Port Street East, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Mainstreet Retail Commercial" to "Mainstreet Retail Commercial – Special Site" in conformity with the provisions outlined in Appendix S-3, be approved.
2. That the application to change the Zoning from "C4" (Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial) to permit 4 storeys of retail commercial/office, a 10 storey, 56 unit residential condominium apartment with street level retail commercial uses and the retention of Montgomery House be approved subject to the following conditions:
 - (a) That the permitted uses and development standards shall conform to those outlined in Appendices S-4 and S-5;
 - (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98, requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Peel District and Dufferin-Peel Separate School Boards, not apply to the subject lands;
 - (c) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
3. That in accordance with the provisions of Section 37 of the *Planning Act*, an agreement between Centre City Capital Limited, William G. James and the City shall be executed, in the event that the Official Plan Amendment and Zoning By-law Amendment as recommended are approved. The agreement shall be consistent with the recommendations contained in this report.
4. In the event that Mississauga Official Plan (2011) comes into force and effect as it pertains to the subject lands, that

Mississauga Official Plan (2011) be amended for these lands from "Mixed Use" to "Mixed Use – Special Site" consistent with the provisions outlined in Appendix S-3.

5. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

**REPORT
HIGHLIGHTS:**

- There have been minor revisions to the proposal since the Information Report;
- Community comments are addressed;
- The proposal meets the intent of the City’s official plan policies and addresses comments received from various City Departments and external agencies;
- The applications are acceptable from a planning standpoint and should be approved, subject to certain conditions;
- The applicant’s public benefits proposal under Section 37 of the *Planning Act* (includes exterior restoration of Montgomery House and publicly accessible outdoor art) is acceptable.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on February 2, 2009, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0017-2009 which was subsequently adopted by Council and is attached as Appendix S-2.

Since the Information Report, the applicant has made some minor revisions to the building design in response to City and Region of Peel comments (see Appendices S-6 to S-9). The recessed circular car drop-off at the south end of the building has been removed and replaced with a more urban façade that is closer to Port Street East. A redesign of the service area was also made to accommodate waste collection vehicle requirements.

Given the time elapsed since the initial community meeting in June 2008, a further community meeting was held by Ward 1 Councillor Jim Tovey on March 26, 2012.

COMMENTS:

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

COMMUNITY ISSUES

Several issues were raised by area residents at the June 26, 2008 community meeting, the February 2, 2009 public meeting and the March 26, 2012 community meeting. These issues are listed below along with responses:

Comment

There needs to be an affordable grocery store nearby that residents can walk to along this stretch of Lakeshore Road East. If the No Frills store leaves, another similar grocery store should take its place.

Response

Although the existing grocery store provides a needed service to the neighbourhood, it is beyond the powers of the City to compel the landowner to maintain its lease with No Frills or to require a similar grocery store to locate on the property. The current "C4" (Mainstreet Commercial) zoning permits a range of retail, service commercial, restaurant and office uses and the landowner wants to maintain these permissions on their lands. Consequently, a grocery store will continue to be permitted under the proposed zoning.

The landowner has indicated that they would like to lease the ground floor of the commercial building to a grocery store and has therefore had discussions with several national grocery store operators. As grocery stores typically require higher ceilings than other retail uses, staff recommend that a minimum ground floor building height of 5.0 m (16.4 ft.) be required as part of the zoning

by-law. This is consistent with the applicant's preliminary building elevations, which depict a 5.0 m (16.4 ft.) first floor height along Lakeshore Road East. Additionally, a truck loading bay of a size that could accommodate grocery store deliveries has been incorporated into the design.

Comment

The proposed residential building is too tall and does not fit the character of the area. Its height could become precedent setting for future buildings in the area.

Response

The proposed built form, including height, is appropriate for the site and is sensitive to the existing context. Issues of building height, massing, and transition are discussed in greater detail within the Planning Comments section of this report.

Comment

Shadows from the proposed buildings will negatively impact the surrounding properties.

Response

The Shadow Study prepared by the applicant demonstrates that the City's required shadow casting restrictions for the subject lands and adjacent properties will be met by the proposal.

Comment

There should be access through this site south to Lake Ontario.

Response

The opportunity for a north-south pedestrian access through the site was considered carefully. It was determined that requirements for the truck loading area and underground parking access ramp

would not provide a safe environment for pedestrians walking through the site. Additionally, Elizabeth Street South and Helene Street South provide two nearby north-south pedestrian and vehicular connections to Port Street East and Lake Ontario.

Comment

This development will make traffic congestion worse in the area.

Response

Comments provided by the City's Transportation and Works Department addresses concerns regarding neighbourhood traffic (see Updated Agency and City Department Comments section).

Comment

There is a lack of parking on the site, which will negatively impact nearby streets.

Response

This development has a significant number of parking spaces associated with the office space component. These spaces will be available for retail customers to use during evenings and weekends. The City recognizes that this is a reality in mixed use developments and has incorporated reduced parking requirements for these situations into the zoning by-law.

Staff have reviewed the applicant's Parking Study and have recommended a mixed use shared parking formula with additional reductions. This is based on the broad range of commercial uses (including office, medical office, retail and restaurant) that would be permitted, and an analysis of parking demand at existing nearby commercial developments. A formula approach will respond better to a potentially changing commercial tenant mix than requiring a single parking standard and floor area limits for all commercial uses, as was recommended in the applicant's Parking Study. With the mix of commercial uses contemplated in the

Parking Study, 242 parking spaces will be sufficient to accommodate the parking needs generated by the proposal. Details of the recommended parking provisions are found in Appendices S-4 and S-5.

Comment

Will this proposal lead to street furniture improvements along Lakeshore Road East?

Response

At the request of staff, the applicant has submitted a Streetscape Master Plan. There will be enhancements to the boulevards abutting the subject lands, including new street furniture such as benches and bicycle racks. These details will be further refined at the site plan approval stage.

Comment

Will the proposal be evaluated in the context of future potential redevelopment of adjacent parcels, particularly the property to the east (46 Port Street East)?

Response

Since the time of preliminary discussions, staff have encouraged the applicant to bring forward a comprehensive development proposal that would incorporate 46 Port Street East (Edwards Lakeside Veterinary Clinic). The owners of the subject property and 46 Port Street East have met and exchanged correspondence several times on this matter, but have not been able to come to a mutually agreeable proposal.

Staff have concluded that the subject proposal does not prevent the future independent redevelopment of 46 Port Street East consistent with the current zoning by-law built-form provisions (2 to 3 storey building). Alternatively, 46 Port Street East has opportunities to

redevelop in conjunction with abutting lands to the north and/or northeast.

To maximize opportunities for future comprehensive parking across both properties, staff recommend that the Development Agreement contain a clause requiring that the applicant's future site plan application drawings contain a "knock-out" panel in the P1 parking level to provide the possibility for an interconnection to future underground parking beneath 46 Port Street East. Staff also recommend a modification to the proposed Official Plan Amendment to prevent any built-form on the subject lands above one storey where abutting 46 Port Street East (see Planning Comments section).

Comment

Is a public benefits proposal under Section 37 of the *Planning Act* part of this application?

Response

Yes. Details of the public benefits proposal are contained in the Planning Comments section of this report.

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

Region of Peel

Comments updated May 2, 2012 state that the subject lands are located within the Beach Street Sewage Pumping Station Catchment Area. The Beach Street Sewage Pumping Station is currently operating at capacity and cannot accommodate the additional wastewater flows from this development at this time. The Region will be developing the new Beechwood Sewage Pumping Station in order to provide additional wastewater capacity for this catchment area.

The Region has no objection to the proposed Official Plan and Zoning By-law Amendments for the subject lands. However, the Region will not support additional development approvals, including site plan approval or building permit issuance for the subject lands until the Region is able to confirm a completion date for the Beechwood Pumping Station.

City Transportation and Works Department

In comments updated January 17, 2012, the Transportation and Works Department indicated receipt of a satisfactory Traffic Study by the BA Group which confirmed that the existing transportation infrastructure has sufficient capacity to accommodate the traffic to be generated by the proposed development. This department also confirmed the completion of their review of the Environmental Site Assessments and the Functional Storm Drainage Report, which were found to be satisfactory.

A noise report and various addenda from HGC Engineering have confirmed that, with the appropriate acoustic mitigation measures and warning clauses, the development will be in compliance with City/Ministry of Environment (MOE) criteria for transportation and stationary noise sources.

In the event these applications are approved by Council, the developer will be required to:

- make satisfactory arrangements with the City and Region for the installation of municipal works required to service the lands;
- enter into the appropriate agreement with the City for the completion of the boulevard works and streetscape on Lakeshore Road East, Elizabeth Street South and Port Street East;
- provide acoustic mitigation for the development in accordance with the approved noise report;
- complete and submit a Record of Site Condition, a copy of which is to be posted on the MOE Environmental Site Registry.

The applicant will also be required to dedicate gratuitously to the City a 5.0 m (16.4 ft.) radius rounding at the intersection of Port Street East and Elizabeth Street South.

PLANNING COMMENTS

Mississauga Plan (2003)

The proposal requires an amendment to the Mississauga Plan Policies for the Port Credit District. As outlined in the Information Report, Section 5.3.2.1 of Mississauga Plan provides criteria for evaluating site specific Official Plan Amendments. Each criterion is summarized below along with a discussion of how the proposal addresses the intent of the criteria.

Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?

The proposal is consistent with the overall intent, goals and objectives of Mississauga Plan, which were reviewed in detail in conjunction with the development applications. Several goals and objectives promote compact growth and directing new mixed-use development to areas identified for intensification. This is a mixed-use proposal that would replace one storey commercial buildings with ground related retail space, mid-rise apartment dwellings and office units within the Port Credit Node, an area identified for intensification. Further, the Port Credit District Policies state that the Port Credit Node is an area in transition and has potential for appropriate infill, intensification and redevelopment. The proposal supports these goals and objectives.

Other goals and objectives speak to achieving an urban form that is transit-supportive, creates a strong sense of place and demonstrates high quality built form, architecture and streetscape. Redevelopment will bring new residents and business to the site, which will support transit. It is located within a "major transit station area" as defined by the Province's Growth Plan, which is to

have increased residential and employment densities. More residents living along Lakeshore Road East also helps to sustain the health of the businesses lining Port Credit's main street.

The proposed outdoor plaza, context-sensitive massing and architecture as well as the revitalized streetscape will contribute to a strong sense of place. These elements support the goals and objectives cited above. As noted in the detailed discussion below under Sustainability and Compatibility, the applications also conform to the residential intensification policies.

The proposal will not adversely impact or destabilize the development or functioning of neighbouring lands. The proposed Official Plan Amendment would not change the types of uses currently permitted on the site but would increase allowable building heights. Along the Lakeshore Road East frontage, this would result in a relatively minor height increase, from 3 storeys to 4 storeys. This would not negatively impact adjacent parcels that are currently designated "Mainstreet Retail Commercial".

The applicant has proposed an Official Plan Amendment for the entire south portion of the subject lands to permit a maximum building height of 10 storeys. This will not compromise the functioning or future development of the adjacent Ports Hotel located on the west side of Elizabeth Street South, given its similar height and ample distance separation.

Similarly, the proposed official plan height increase will not adversely impact the future redevelopment potential or existing functioning of abutting lands to the east. To this end, staff recommend that the Official Plan Amendment include wording limiting building heights to 1 storey on the southeast portion of the site, consistent with the concept site plan (see Appendix S-3). This will prevent a taller built form from being constructed too close to 46 Port Street East.

Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?

As noted previously, compact residential development with street-related commercial uses is the current land use vision within the official plan for these lands. The proposal is consistent with this vision and therefore achieves the land use suitability component of this policy. Policies within the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Region of Peel Official Plan also support the subject proposal, including those related to managing growth, intensification, Major Transit Station Areas, community infrastructure, settlement areas, and housing.

If certain conditions are demonstrated, the residential intensification policies of Mississauga Plan allow for official plan amendments to be considered which increases permitted height and density on a property outside of the Urban Growth Centre. These conditions are that the proposed development is compatible in built form and scale with surrounding development, enhances the existing or planned community and is consistent with the intent of Mississauga Plan.

The applicant has made significant efforts to produce a plan that is sensitive to the existing built form and pedestrian character of this vibrant area in the heart of Port Credit. The streetscape and pedestrian experience along Lakeshore Road East will be enhanced, as the proposal will continue the established rhythm of regular storefront entrances that is found to the east. This is consistent with the Mainstreet Retail Commercial Character Area policies found in the Port Credit District Plan. Height along Lakeshore Road East will be low-rise, in keeping with the mainstreet commercial context; the façade will be two storeys, stepping back 3.0 m (9.8 ft.) to the third floor, and another 1.0 m (3.3 ft.) to the fourth floor. This stepped façade will enhance sky view and maintain the presence of a low street wall along the main street. Even with this low building façade, pedestrians will not be

able to see the 10 storey residential condominium behind, due to its 38 m (124.7 ft.) setback from Lakeshore Road East.

Along the Port Street East frontage, the residential condominium building height and massing near the sidewalk is significantly reduced by aggressive horizontal and vertical step backs. These step backs reduce the building height from 10 to 4 storeys adjacent to the Port Street East sidewalk, which creates a comfortable scale for pedestrians, and increases views to the sky. Staff recommend that the Official Plan Amendment have language requiring the building height to step down to a maximum height of 4 storeys abutting Port Street East, consistent with the concept site plan and building elevations.

Existing building heights along the north side of Port Street East vary considerably, as a walk along this short street reveals. Beginning at its west end, heights fluctuate traveling eastwards: the Waterside Inn (14 storeys), the Ports Hotel (7 storeys), the subject lands (proposed 4 storeys stepping up to 10 storeys), 46 Port Street East (1 storey), Port Elaine Place (5 storeys), 60 Port Street East (1 storey), 70 Port Street East (6 storeys) and 80 Port Street East (6 storeys). The height, massing and scale of the proposed development is compatible within this diverse and transitional context, as demonstrated by the Urban Design Study submitted in support of the development applications. It also reflects the general intent of the Harbour Mixed Use Character Area policies within Mississauga Plan, which includes Port Street East as an area with potential for higher buildings compared to the Lakeshore Road East corridor. The residential condominium component has a significant setback of 21.3 m (69.9 ft.) from the east property line at its closest point, and is located approximately 29.8 m (97.8 ft.) west of the existing 1 storey commercial building at 46 Port Street East. This distance provides an appropriate built form transition and buffer to this 1 storey building.

The Mississauga Urban Design Advisory Panel met on June 17, 2008 to review the proposal. While the Panel was generally satisfied with the proposed height and massing, several specific

recommendations relating to matters such as façade character, building articulation, site connectivity, the location of retail space and the configuration of landscape/open spaces were made. The applicant's replacement of a proposed recessed circular car drop-off along Port Street East with a more urban façade treatment responds well to design concerns regarding the south side of the building. Further landscape and design refinement of the proposal will continue during the site plan approval process.

Is there adequate infrastructure and community services to support the proposed development?

Updated comments from the Region of Peel and the City's Transportation and Works Department indicate that adequate infrastructure is either in place or being developed to support the proposal.

Has a planning rationale with reference to Mississauga Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation been provided by the applicant?

Staff had requested that the applicant provide additional analysis regarding how the proposal achieves the intent of several Mississauga Plan policies. On November 30, 2009, the applicant provided the City with a detailed addendum to their original Planning Justification Report that satisfactorily addressed staff's request for a more thorough planning evaluation of their proposal.

Is there a requirement for a comprehensive review of land use designations?

The required five year review of Mississauga Plan is complete and resulted in Mississauga Official Plan, which is currently under appeal to the Ontario Municipal Board. Under the Port Credit Area Plan that forms part of Mississauga Official Plan, the land use policies pertaining to the subject lands are very similar to those under Mississauga Plan (see the following section).

In November 2008, Council directed staff to prepare revised policies for the Port Credit District with consideration for the recommendations contained in the report titled, "*Lakeview and Port Credit District Policies Review and Public Engagement Process – Directions Report*". This has resulted in the Draft Port Credit Area Plan, which will be the subject of further review and comment from stakeholders (including area residents) during 2012 pursuant to Council's direction on March 7, 2012. The current development proposal is generally consistent with the Draft Area Plan's land use designations and built form policies for the subject lands. The subject proposal does not produce the need for a more comprehensive land use examination for the District or an area within the District.

Based on the above, it is appropriate that the Mississauga Plan designation for the subject lands be amended from "Mainstreet Retail Commercial" to "Mainstreet Retail Commercial – Special Site" subject to the provisions outlined in Appendix S-3.

Mississauga Official Plan (2011)

Mississauga Official Plan (2011) was adopted by City Council on September 29, 2010 and partially approved by the Region on September 22, 2011. Mississauga Official Plan has been appealed in its entirety to the Ontario Municipal Board and, as such, the existing Mississauga Plan (2003) remains in effect. Notwithstanding, regard shall be had for the policies of Mississauga Official Plan.

Under Mississauga Official Plan, the subject lands are designated "Mixed Use". This land use designation replaces the "Mainstreet Retail Commercial" designation, which is no longer found in Mississauga Plan. The "Mixed Use" designation allows for a similar range of commercial and residential uses as permitted in the "Mainstreet Retail Commercial" designation under Mississauga Plan. The Port Credit District Plan policies from Mississauga Plan have been carried forward to Mississauga Official Plan, as have the criteria for evaluating site specific Official Plan Amendments. Given the proposed building heights, the proposal would require an

amendment to the Mississauga Official Plan Policies for the Port Credit District. Other policies within Mississauga Official Plan which are relevant to the subject proposal include:

- Section 5.3.3 - Community Nodes, which are identified as Intensification Areas that are to be locations for mixed use development;
- Section 5.5 – Intensification Areas, which are to have sufficiently high residential and employment densities to support transit usage;
- Section 9 – Building a Desirable Urban Form, which includes many design policies related to Intensification Areas, the Public Realm, and Site Development and Buildings.

The proposal is consistent with the overall intent, goals, objectives and policies of Mississauga Official Plan. The applicant has requested to convert their application to one under Mississauga Official Plan once it comes into force and effect and have requested a "Mixed Use – Special Site" designation on their lands. In the event that Mississauga Official Plan comes into force and effect as it pertains to the subject lands, it is recommended that Mississauga Official Plan be amended from "Mixed Use" to "Mixed Use – Special Site" for this site consistent with the provisions outlined in Appendix S-3.

Section 37 Community Benefits Proposal

The applicant has made a public benefits proposal under Section 37 of the *Planning Act*. This provision allows a community to share tangibly in the increased property value that landowners benefit from with increased height and/or density permissions. The proposal is summarized at the bottom of Appendix S-4.

It is important to underline that the recommendations on the development applications have been made solely on the basis of the proposal's planning merits. Assessing the Section 37 public benefits proposal has been a separate exercise. As required by Section 5.3.3.2 of Mississauga Plan, staff have evaluated whether

there is an equitable relationship between the value of the proposed benefits to the public and the value of the requested additional height and density to the landowner. This included a review by Realty Services of a Land Appraisal prepared by Janterra Real Estate Advisors that was submitted by the applicant.

Staff have determined that the relationship between the proposed \$180,000.00 worth of public benefits and the land value of the requested density increase is within an acceptable range. This range is in line with Section 37 public benefit contributions achieved through the City of Toronto's planning process. Toronto has significant experience in dealing with development applications involving Section 37 agreements.

Preserving and restoring a key heritage building along Port Credit's mainstreet and introducing publicly accessible art to this prominent site are worthwhile community benefits that are supported by Mississauga Plan policies.

Zoning

The proposed "C4-Exception" (Mainstreet Commercial) zone is appropriate to accommodate the residential, office and retail commercial uses. Appendix S-4 contains staff's recommended site specific zoning provisions, based on the proposed development and recommended parking standards.

FINANCIAL IMPACT: Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION: The proposed Official Plan Amendment and rezoning are acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal is compatible with the surrounding land uses based on the similar commercial and residential land uses adjacent to the site and the complementary nature of the

design, which achieves appropriate built form relationships with its context.

2. The proposed Official Plan provisions and zoning standards are appropriate to accommodate the requested uses based on the proposed height, massing, step backs, landscaping, streetscape and general site design.

ATTACHMENTS:

Appendix S-1 - Information Report

Appendix S-2 - Recommendation PDC-0017-2009

Appendix S-3 - Recommended Official Plan Amendment Provisions

Appendix S-4 - Recommended Zoning Provisions

Appendix S-5 - Adjusted Mixed Use Development Shared Parking Formula

Appendix S-6 - Revised Site Plan

Appendix S-7 - Revised Floor Plan

Appendix S-8 - Revised West Elevation

Appendix S-9 - Revised East Elevation



Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Ben Phillips, Development Planner



Corporate Report

Clerk's Files

 Originator's
Files OZ 08/009 W1

PDC FEB 2 2009

DATE: January 13, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 2, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a 4 storey retail commercial/office building fronting
onto Lakeshore Road East and a 10 storey, 56 unit residential
condominium apartment building stepping down to 4 storeys
fronting onto Port Street East
91-93 & 99 Lakeshore Road East and 42 Port Street East
Southeast corner of Lakeshore Road East
and Elizabeth Street South
Owner: Centre City Capital Limited and William G. James
Applicant: John D. Rogers & Associates Inc.
Bill 51

Public Meeting **Ward 1**

RECOMMENDATION: That the Report dated January 13, 2009, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Mainstreet Commercial" to "Mainstreet Commercial – Special Site" and to change the Zoning of By-law 0225-2007 from "C4" (Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial), to permit a 4 storey retail commercial/office building and a 10 storey, 56 unit condominium apartment building with street level retail commercial uses under file OZ 08/009 W1, Centre City Capital Limited and William G.

James, 91-93 & 99 Lakeshore Road East and 42 Port Street East, be received for information.

BACKGROUND:

Official Plan Amendment and Rezoning applications have been filed to permit a 4 storey retail commercial/office building and a 10 storey, 56 unit residential condominium apartment building with retail commercial uses at ground level. The 4 storey commercial component steps down to 2 storeys along the Lakeshore Road East frontage and would contain retail uses on the ground floor and offices on the floors above. The 10 storey condominium apartment building steps down to 4 storeys along the Port Street East frontage. Montgomery House, which is listed in the City's heritage register, is proposed to be retained for commercial uses. The applicant is proposing to restore some of its exterior heritage characteristics.

The configuration of these three buildings would continue the mainstreet commercial streetscape along Lakeshore Road East and also establish a new outdoor retail courtyard facing Elizabeth Street South. All 242 proposed parking spaces would be located in two levels of underground parking. A conceptual site plan, ground floor plan and building renderings (Appendices I-5 to I-10) illustrate the main features of this redevelopment proposal.

The above-noted applications have been circulated for technical comments. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

COMMENTS:

Details of the proposal are as follows:

Development Proposal	
Applications Submitted:	April 23, 2008 (submitted) June 6, 2008 (deemed complete)
Existing Gross Floor Area:	1 930 m ² (20,775 sq. ft.) - No Frills store, Montgomery House and 42 Port Street East

Development Proposal	
Height:	4 storeys – Commercial Building (stepping down to 2 storeys along Lakeshore Road East frontage); 10 storeys – Residential/Commercial Building (stepping down to 4 storeys along Port Street East frontage).
Lot Coverage:	50.0%*
Floor Space Index:	2.52*
Landscaped Area:	48.3%*
Density:	96.7 units/ha* 39.1 units/acre*
Proposed Gross Floor Area:	Retail – 1 905 m ² (20,506 sq. ft.) Office – 2 301 m ² (24,768 sq. ft.) Residential – 10 399 m ² (111,937 sq. ft.) Total - 14 605 m ² (157,212 sq. ft.)
Number of units:	56
Anticipated Population:	129** ** Average household sizes for all units (by type) for the year 2011 (city average) based on the 2005 Growth Forecasts for the City of Mississauga.
Parking Required:	352 (92 Residential & 260 Non-Residential)
Parking Provided:	242 (92 Residential & 150 Non-Residential)
Supporting Documents:	Urban Design Analysis/Shadow Study Phase I Environmental Site Assessment Phase II Subsurface Investigation Report on the Removal of Underground Storage Tank Heritage Impact Statement Traffic Impact and Parking Study Noise Feasibility Study Micro-Climatic Analysis

Development Proposal	
	Functional Drainage and Servicing Report Planning Justification Report

* Figures are based on a gross lot area of 0.579 ha (1.431 ac.)

Site Characteristics	
Frontages:	60.42 m (198.23 ft.) along Lakeshore Road East 94.67 m (310.60 ft.) along Elizabeth Street South 61.97 m (203.21 ft.) along Port Street East
Gross Lot Area:	0.579 ha (1.431 ac.)
Net Lot Area:	to be determined
Existing Use:	Retail commercial – see below for more details

Additional information is provided in Appendices I-1 to I-14.

Green Development Initiatives

The applicant has targeted a minimum Leadership in Energy and Environmental Design (LEED) Green Building Rating System silver certification for the proposal. They are considering a number of initiatives to achieve certification, including the use of light coloured or landscaped roofs, hybrid heat pumps, CFC reduction in HVAC equipment and high efficiency fixtures.

Neighbourhood Context

The subject property is located in the heart of Port Credit's historic mainstreet commercial village and has frontage on three streets. It is an area in transition, having seen significant redevelopment in recent years. Its north frontage is along Lakeshore Road East, a vibrant, pedestrian-friendly street framed by low rise, mixed-use buildings. Surrounding the site are old and new buildings of varying heights that house a range of residential, retail commercial, office and marina related uses.

A grocery store (No Frills), coffee shop (Second Cup) and a small building currently leased to an advertising agency occupy the subject lands, as well as a significant amount of surface parking associated mainly with the grocery store. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Fronting onto the north side of Lakeshore Road East, 1 and 2 storey retail/office commercial buildings, with residential apartments on some second floors. Further north are a range of mid- to high-rise apartment buildings.
- East: Fronting onto Lakeshore Road East, 1 and 2 storey retail/office commercial buildings and a 20 storey apartment building closer to Hurontario Street. Fronting onto Port Street East, a 5 storey apartment building, and further to the east, additional mid-rise apartment buildings (6 storeys) with commercial uses at street level.
- South: Marina uses and Lake Ontario.
- West: Fronting onto the south side of Lakeshore Road East, 1 and 2 storey retail/office commercial buildings, with residential apartments on some second floors. Fronting onto the north side of Port Street East is the Ports Hotel (7 storeys) and the Waterside Inn (12 storeys).

Current Mississauga Plan Designation and Policies for the Port Credit District (May 5, 2003)

"Mainstreet Commercial" which refers to pedestrian-oriented, street-related commercial areas that also permits residential, community and office uses. Compatible development is encouraged which recognizes the scale and enhances the form and character of Mainstreet Commercial areas.

The Urban Design Policies of the Port Credit District recognize the north portion of this site as being in the Mainstreet Commercial Character Area and the south portion of this site as being in the Harbor Mixed Use Character Area. The Mainstreet Commercial Character Area policies include the following:

- building heights should be between two and three storeys;
- to foster an active pedestrian street along Lakeshore Road, mixed-use developments with street-related commercial uses and a rhythm of closely spaced storefronts are encouraged;
- view corridors to the lake should be maintained and created;
- parking facilities compatible with the mainstreet character area are required. On-street parking or parking in small, distributed parking lots should be provided.

The Harbour Mixed Use Character Area policies include the following:

- the character of this area should be as an extension of the Mainstreet Commercial area, but with the potential for higher buildings;
- building heights should not exceed three storeys, with the exception of specific nearby land parcels, which may be up to six storeys;
- buildings should step down towards the lake;
- where the market potential permits, commercial uses should be extended from the Mainstreet Commercial Character Area towards the lake;
- view corridors to the lake should be maintained and created;
- on-street parking must be provided.

The applications are not in conformity with the maximum three storey height restriction outlined in both the Mainstreet Commercial and Harbour Mixed Use Character Areas. Consequently, the applicant has proposed an official plan amendment to permit the proposed building heights.

There are other policies in the Official Plan which are also applicable in the review of these applications including:

Interim Residential Intensification Policies (Section 3.2.4)

Intensification policies have been defined for areas inside and outside of the City's Urban Growth Centre (UGC). Development proposals exceeding four storeys in height outside of the UGC that require official plan amendments must demonstrate compatibility, enhancement of the community, consistency with the intent of Mississauga Plan and an appropriate transition in heights that respects the surrounding context.

To ensure compatibility with the scale and character of neighbourhoods, new developments are to have regard for the following elements: natural environment, hazards and heritage features; lot frontages and areas; street and block patterns; building height; coverage; massing; architectural character; streetscapes and the pedestrian environment; heritage features; setbacks; privacy and overview; parking.

Port Credit Node (Sections 3.13.3 and 4.27.2)

The site is located within the Port Credit Node. This node is identified in the Port Credit District Policies of Mississauga Plan as an area in transition which has the potential for appropriate infill, intensification and redevelopment. The node is intended to be the focus of activity for the District, combining residential uses, cultural activities, shopping, dining, commerce and recreation.

Urban Design Policies (Section 3.18)

The urban design policies of Mississauga Plan require that building, landscaping and site design are compatible with site conditions and will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces. These elements are also to minimize the effects of noise, unattractive views, other negative impacts and will buffer adjacent land uses.

Criteria for Site Specific Official Plan Amendments (Section 5.3.2)

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

Proposed Official Plan Designation and Policies

"**Mainstreet Commercial – Special Site**" to permit the proposed 4 and 10 storey building heights, notwithstanding the 3 storey maximum building height limitation outlined in the Urban Design Policies of the Port Credit District.

Existing Zoning

"**C4**" (**Mainstreet Commercial**) which permits a range of retail, service commercial and office uses with a maximum building height of three storeys. Apartment dwellings are also permitted above the first storey.

Proposed Zoning By-law Amendment

"**C4-Exception**" (**Mainstreet Commercial**), to permit the proposed uses and standards listed in Appendix I-13.

COMMUNITY ISSUES

A community meeting was held by Ward 1 Councillor Carmen Corbasson on June 26, 2008.

The following is a summary of issues raised by those in attendance:

- If the No Frills leaves, there needs to be another nearby grocery store that we can walk to;
- The proposed residential building is too tall;
- This development will make traffic congestion worse in the area;
- How will shadows impact the surrounding properties?
- There should be access through this site south to Lake Ontario;
- Will this proposal lead to street furniture improvements along Lakeshore Road East?
- Will the proposal be evaluated in the context of adjacent remnant parcels, particularly the abutting property to the east (46 Port Street East)?

The comments raised at the community meeting and the public meeting will be considered in the evaluation of the applications and will be addressed as part of the Supplementary Report.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-11 and school accommodation information is contained in Appendix I-12. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

Planning Justification Report

After reviewing the applicant's Planning Justification Report, staff have requested additional analysis regarding how the proposal achieves Mississauga Plan policies related to compatibility, design, residential intensification policies and attributes of the Mainstreet Commercial and Harbor Mixed Use Character Areas. Clarification has also been requested on how the applications meet aspects of

Section 5.3.2 of Mississauga Plan, which deals with criteria for site specific official plan amendments.

Site Design and Interface with Adjacent Properties

A number of issues related to site design need to be addressed by the applicant, including the following:

- continued efforts to either incorporate the abutting lands to the east (46 Port Street East) into this development proposal or, alternatively, to ensure an appropriate interface with the existing building and any future redevelopment of 46 Port Street East;
- strengthening the Elizabeth Street South and Port Street East frontages through revisions to the proposed landscaping, setbacks, and built form, including the configuration of the proposed residential drop-off area;
- details associated with a Streetscape Master Plan, which will outline the proposed boulevard landscaping works along Lakeshore Road East, Elizabeth Street South and Port Street East;
- the design and functioning of the loading, servicing and waste collection areas.

Parking Study

A parking study has been submitted by the applicant in order to demonstrate how their proposed reduced parking standard is sufficient to accommodate the development. Planning staff have requested further information from the applicant regarding how the commercial parking spaces would function in a multi-level underground parking garage.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to boulevard improvements/reinstatement, road improvements, storm

drainage, streetscape and utility requirements which will require the applicant to enter into appropriate agreements with the City.

FINANCIAL IMPACT: Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION: All agency and City department comments have been received and after the public meeting has been held and all issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS:

- Appendix I-1 - Site History
- Appendix I-2 - Aerial Photograph
- Appendix I-3 - Excerpt of Port Credit District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Site Plan
- Appendix I-6 - Ground Floor Plan
- Appendix I-7 - Building Rendering – Lakeshore Road East
- Appendix I-8 - Building Rendering – Elizabeth Street South
- Appendix I-9 - Building Rendering – Port Street East
(looking north)
- Appendix I-10 - Building Rendering – Port Street East
(looking west)
- Appendix I-11 - Agency Comments
- Appendix I-12 - School Accommodation
- Appendix I-13 - Proposed Zoning Provisions
- Appendix I-14 - General Context Map



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ben Phillips, Development Planner

Site History

- July 8, 1997 – The Port Credit District Policies and Land Use Map (City Plan) were partially approved with modifications by the Ministry of Municipal Affairs and Housing. The subject lands are designated "Retail and Service Commercial".
- May 5, 2003 - The Port Credit District Policies and Land Use Map (Mississauga Plan) were partially approved with modifications by the Region of Peel. The subject lands are designated "Mainstreet Commercial".
- June 20, 2007 – Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals were filed the provisions of the new By-law apply. The subject lands are zoned "C4" (Mainstreet Commercial).
- November 17, 2008 – Planning and Development Committee received the Lakeview and Port Credit District Review Directions Report for information and directed staff to prepare revised Lakeview and Port Credit District Plan policies with consideration of the public policy recommendations in the Directions Report. Staff were also directed to set up a Local Advisory Panel in each of the Lakeview and Port Credit areas, to facilitate discussion and input on City studies that have impact on the local community.

LEGEND:



SUBJECT LANDS



DATE OF AERIAL PHOTO: APRIL 2008

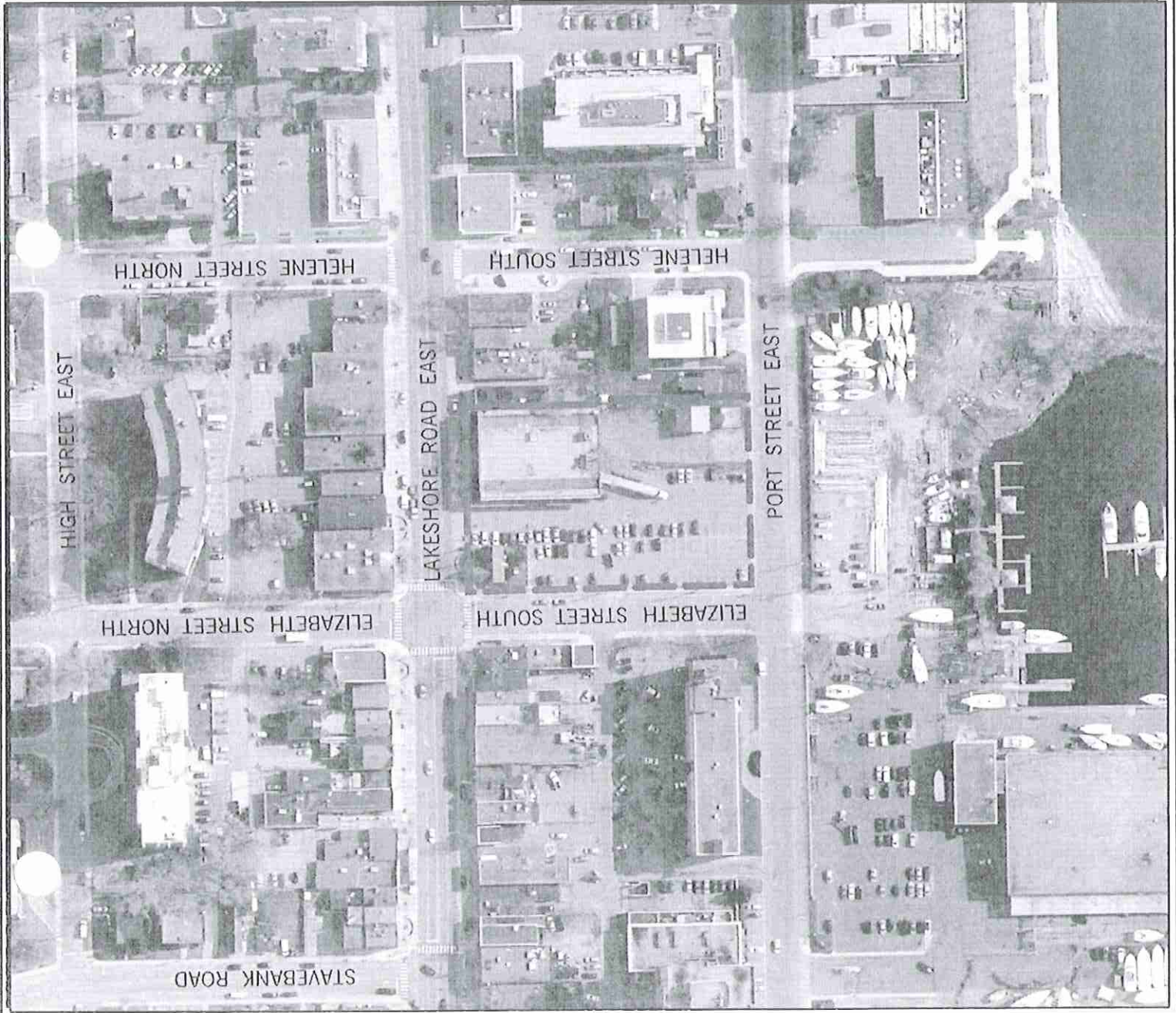
SUBJECT: CENTRE CITY CAPITAL LIMITED AND WILLIAM G. JAMES

FILE NO: OZ 08009 W1	
DWG. NO: 08009A	
SCALE: NTS	PDC DATE: 2009/02/02
	DRAWN BY: B MISTAK
APPENDIX I-2	

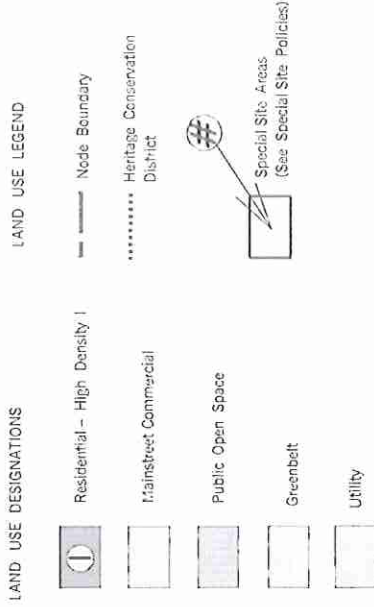
MISSISSAUGA
Planning and Building

Produced by
T&W Geomatics

DATE: 11/11/08



PART OF PORT CREDIT DISTRICT LAND USE MAP
 PART CREDIT DISTRICT POLICIES OF MISSISSAUGA PLAN

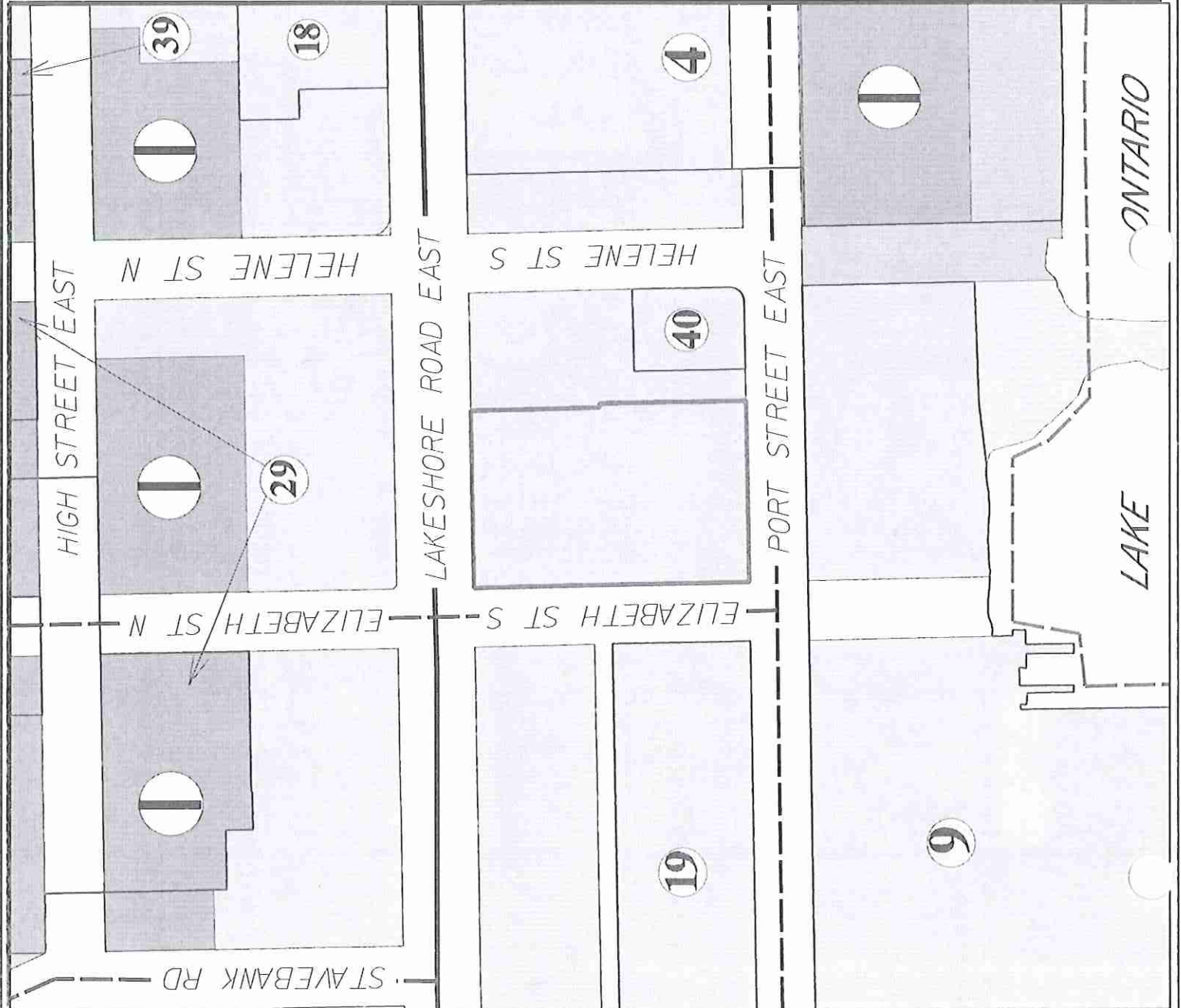


SUBJECT LANDS



**SUBJECT: CENTRE CITY CAPITAL LIMITED
 AND WILLIAM G. JAMES**

FILE NO: OZ 08009 W1	DWG. NO: 08009L	SCALE: NTS	PDC DATE: 2009/02/02	DRAWN BY: B MISTAK	APPENDIX I-3
			MISSISSAUGA Planning and Building Prof'd by T&W, natics		



BY-LAW 0225-21

LEGEND:



PROPOSED OFFICIAL PLAN AMENDMENT FROM "MAINSTREET COMMERCIAL" TO "MAINSTREET COMMERCIAL-SPECIAL SITE" AND PROPOSED REZONING FROM "C4" (MAINSTREET COMMERCIAL) TO "C4-EXCEPTION" (MAINSTREET COMMERCIAL) TO PERMIT A FOUR STOREY RETAIL COMMERCIAL/OFFICE BUILDING AND A 10 STOREY, 56 UNIT CONDOMINIUM APARTMENT BUILDING WITH STREET LEVEL RETAIL COMMERCIAL USES.

GREENBELT OVERLAY



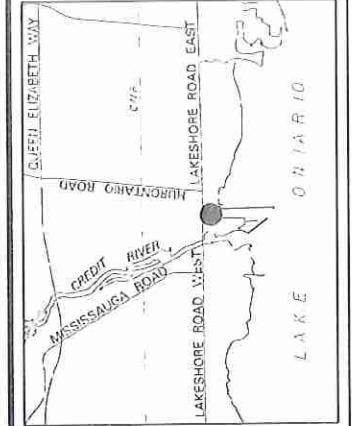
NOTE: EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.



SUBJECT: CENTRE CITY CAPITAL LIMITED AND WILLIAM G. JAMES

FILE NO:	OZ 08009 W1
DWG. NO:	08009R
SCALE:	1:2000
PDC DATE:	2009/02/02
DRAWN BY:	B MISTAK

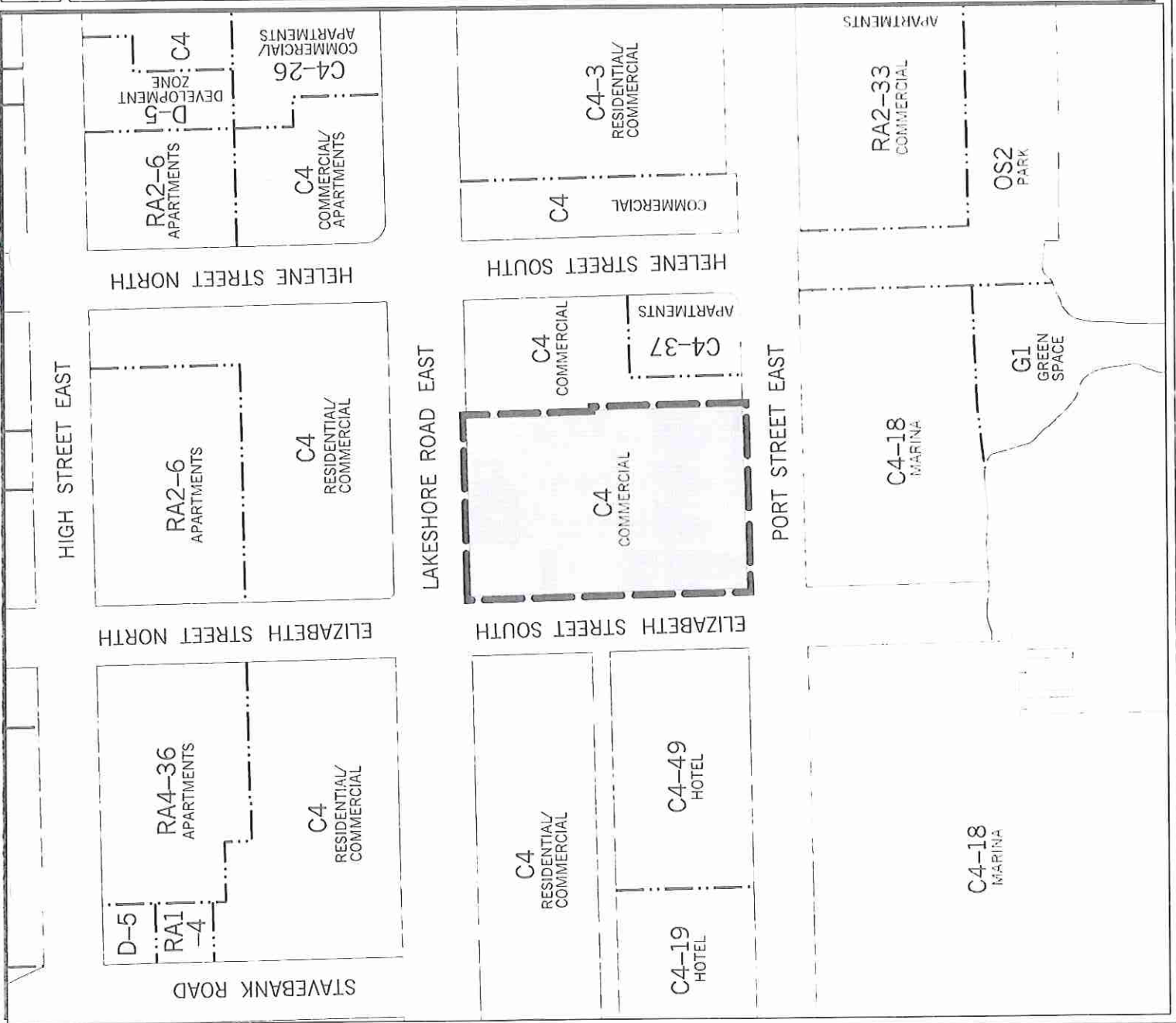
APPENDIX I-4

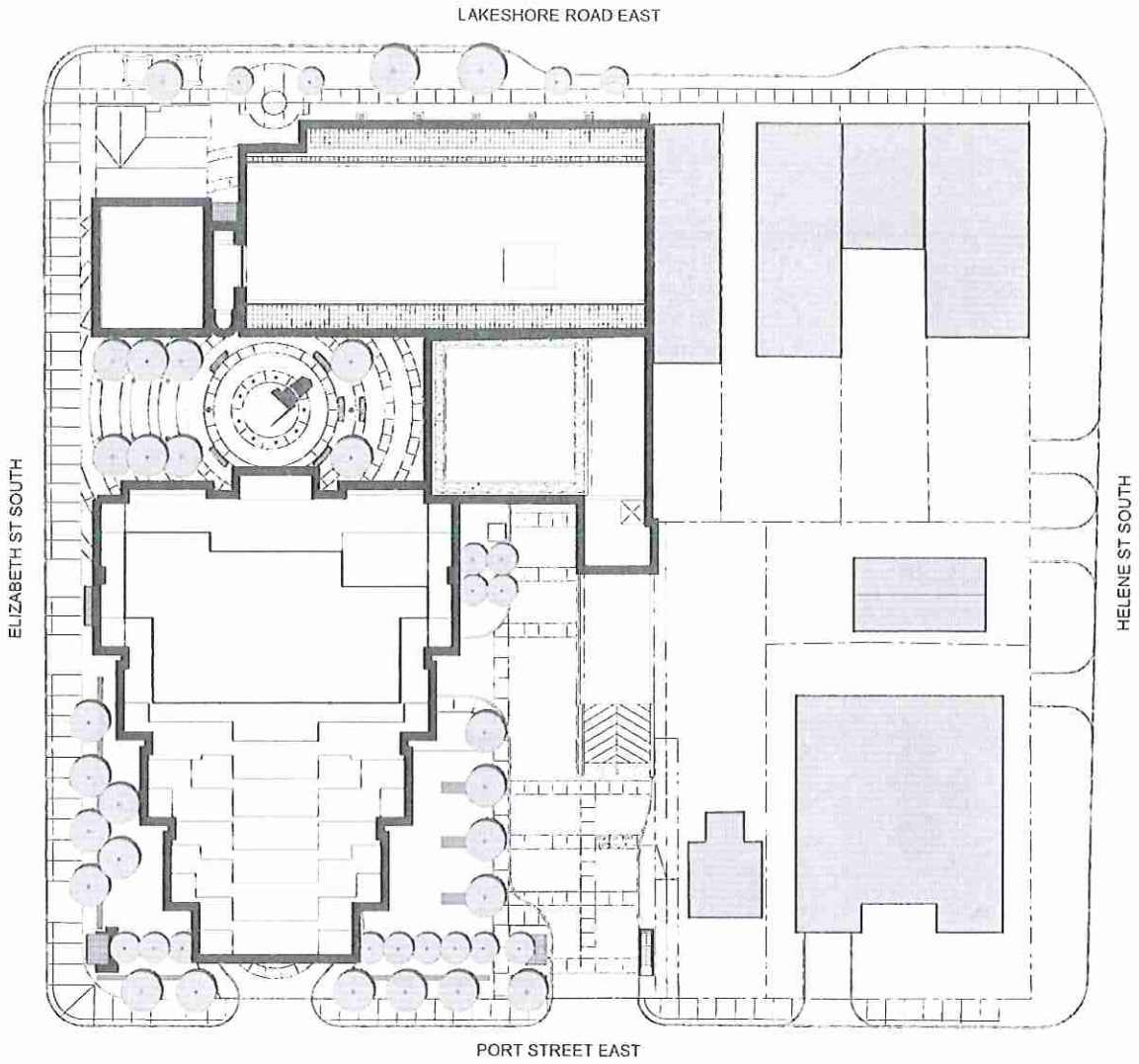


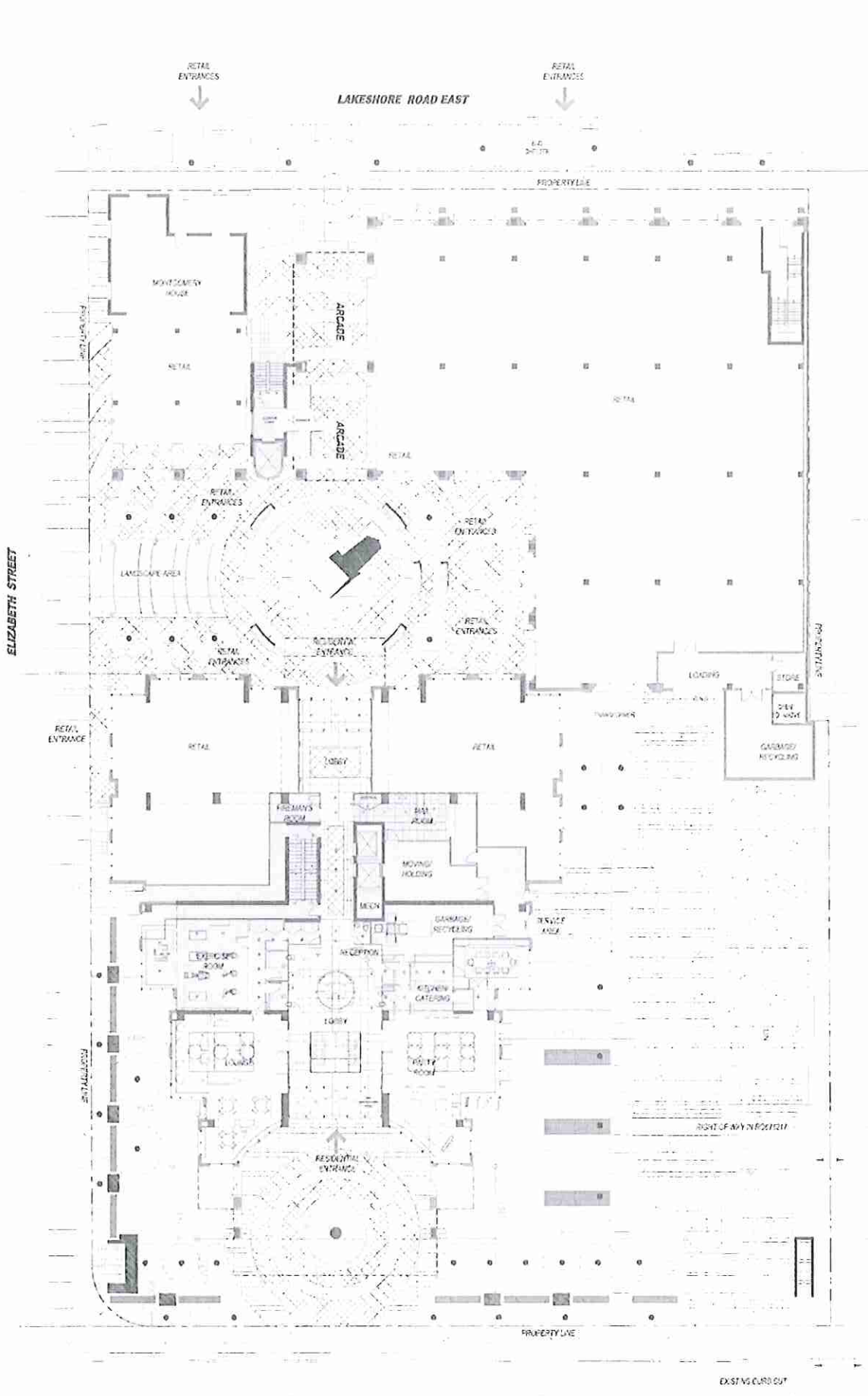
Produced by
T&W, Geomatics

MISSISSAUGA
Planning and Building

W-53001 (1/11)







REVISED SEPTEMBER 15, 2002



GROUND FLOOR PLAN - 1300 - JANU 06

PROPOSED COMMERCIAL AND WATERSIDE CONDOMINIUM RESIDENCES - PORT CREDIT

CENTRE CITY CAPITAL LTD.



PORT STREET EAST



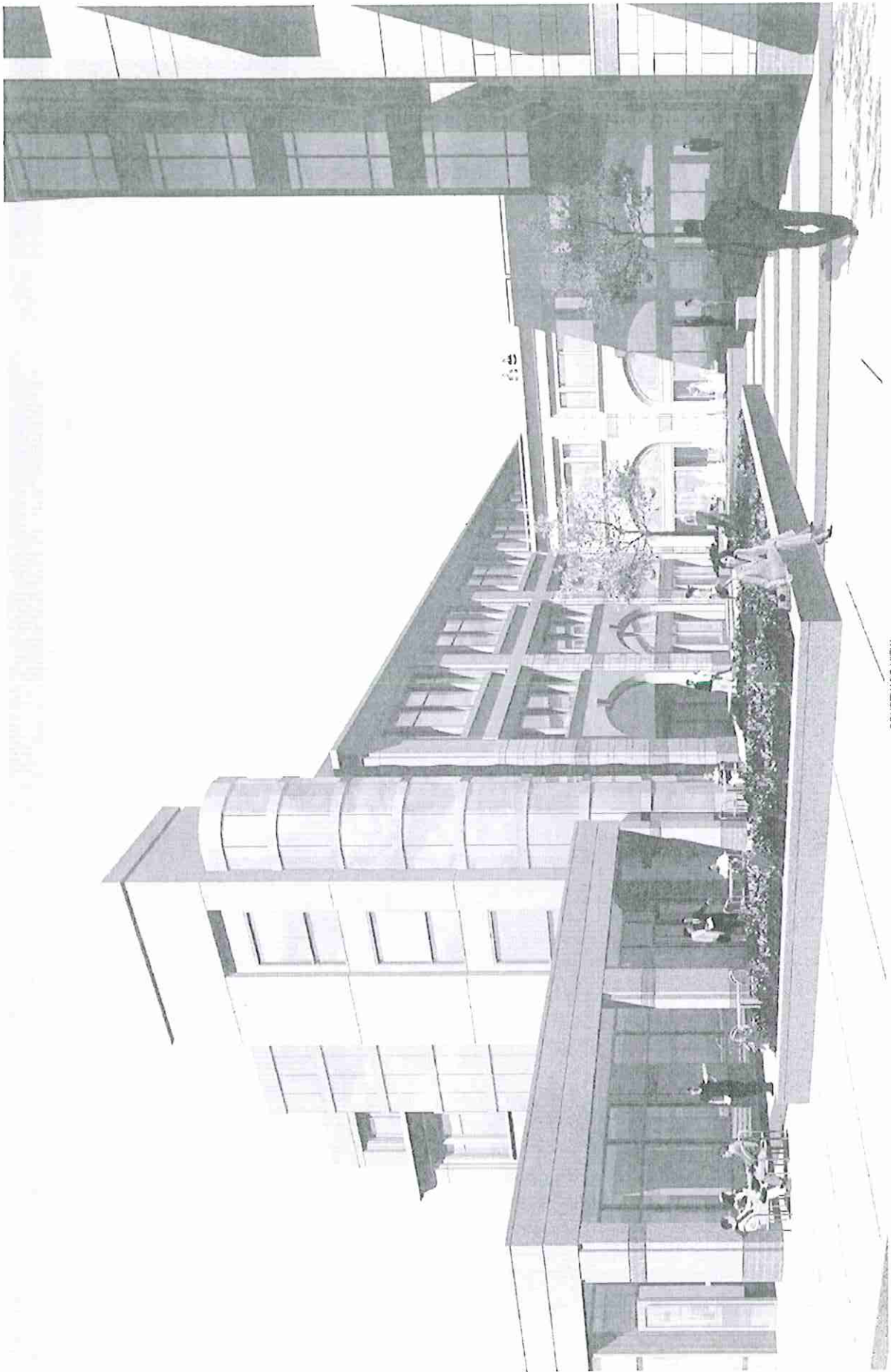
VIEW LOOKING SOUTH EAST

CENTRE CITY CAPITAL LTD.

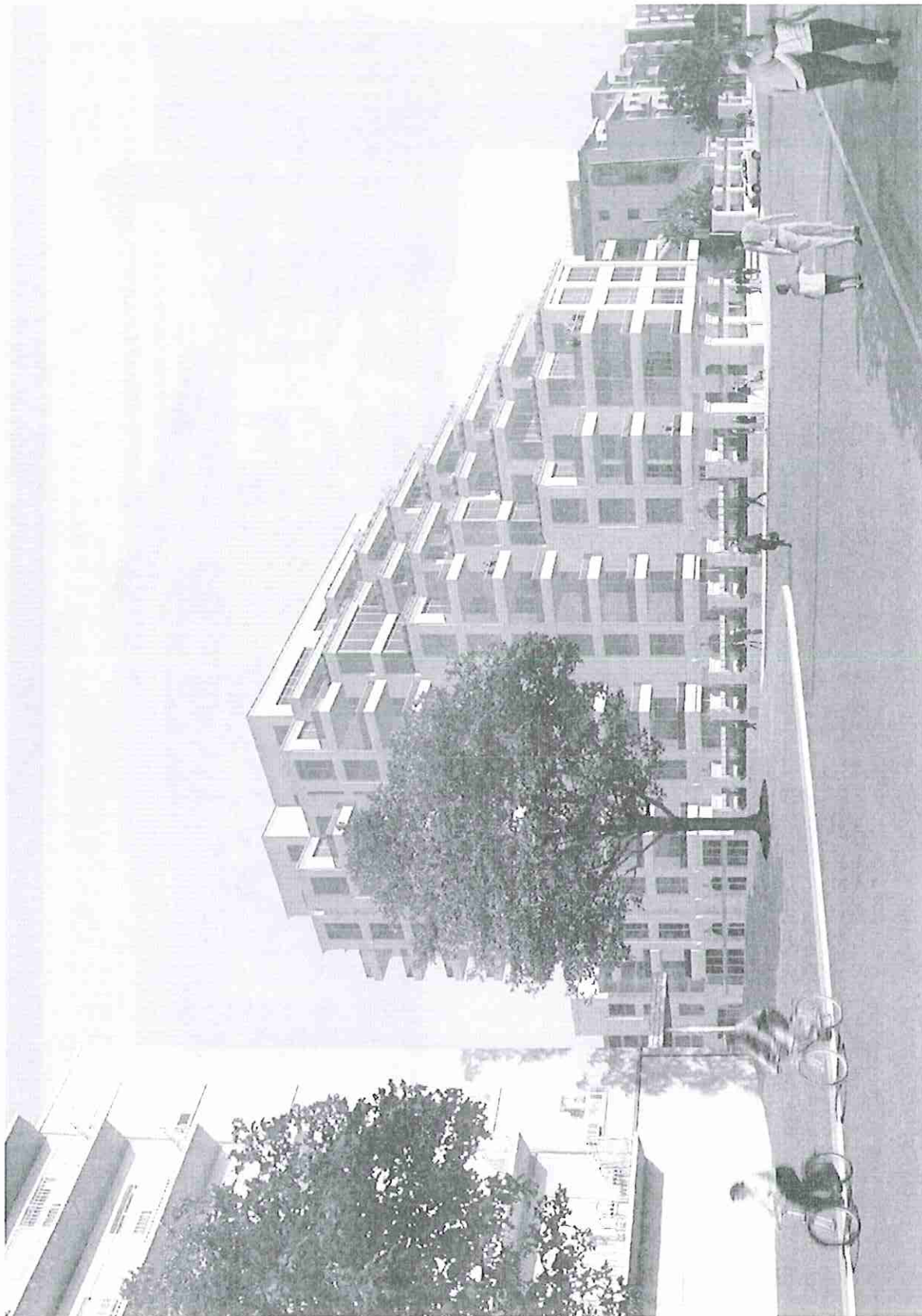
PROPOSED COMMERCIAL AND WATERSIDE CONDOMINIUM RESIDENCES - PORT CREDIT

January 2008





COURTYARD VIEW



VIEW LOOKING NORTH EAST



VIEW LOOKING NORTH WEST

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

Agency Comments

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

Agency / Comment Date	Comment
<p>Region of Peel (December 15, 2008)</p>	<p>Regional Staff have reviewed the Functional Servicing Report (FSR). A revised FSR is to be submitted with the following revisions.</p> <p>Sanitary Sewer System: Include the estimated flows and clarify the size of the service connection to the mainline. The report states that there is a 200 mm (8 in.) diameter sanitary sewer, however, the concept servicing plan shows as a 250 mm (10 in.) diameter sanitary sewer. Depending on the size, a maintenance hole may be required as per Peel Region design standards.</p> <p>Water Distribution System: Include the estimated flow demands for fire protection and domestic use and the hydrant flow tests.</p> <p>An existing 300 mm (12 in.) diameter water main is located on Lakeshore Road East, and an existing 300 mm (12 in.) diameter water main is located on Port Street East. An existing 250 mm (10 in.) diameter sanitary sewer is located on Lakeshore Road East and an existing 350 mm (14 in.) diameter sanitary sewer is located on Port Street East. In addition, there is a 200 mm (8 in.) diameter water main and a 250 mm (10 in.) diameter sanitary sewer on Elizabeth Street South. The drawing is not noted as As-Constructed, therefore verification in the field may be required.</p> <p>For the Commercial Building (4 storey retail and office): On-site waste collection will be required through a private waste hauler.</p> <p>For the Montgomery House: Semi-automated garbage and semi-automated recycling collection will be provided by the Region of Peel from Elizabeth Street South.</p>

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

Agency / Comment Date	Comment
	<p>For the Condominium Residences: As waste collection vehicles are not permitted to back-up onto a municipal road allowance, a turning area will need to be provided, which is to be shown on a revised Site Plan and Ground Floor Plan.</p>
<p>Dufferin-Peel Catholic District School Board and the Peel District School Board (September 26, 2008 and September 25, 2008, respectively)</p>	<p>The Peel District School Board and the Dufferin-Peel Catholic District School Board are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for these development applications.</p> <p>In addition, if approved, both School Boards require that warning clauses with respect to temporary school accommodation and transportation arrangements be placed in any agreement of purchase and sale entered into with respect to any residential units on this plan, within a period of five years from the date of registration of the agreement.</p>
<p>City Community Services Department – Planning, Development and Business Services Division (August 25, 2008)</p>	<p>The subject site is located within the Urban Waterfront Centre as defined in the Waterfront Parks Strategy which was approved by Council in March 2008. The objectives of the Strategy include the provision of visual and physical connections to the waterfront. A green street network is envisioned that will promote pedestrian access within the Port Credit District to the waterfront parks and trail system.</p> <p>The subject property is bounded by three streets, Lakeshore Road East, Port Street East and Elizabeth Street, which are all important linkages in this street system. The subject property is within walking distance of numerous waterfront parks including St. Lawrence Park (P-435), south of Port Street East, at an approximate distance of 180 m (590 ft.). This park contains park pathways and one play site. The subject property is also approximately 200 m (656 ft.) from Memorial Park East (P-106), located at Lakeshore Road East and the Credit River. This park contains a play structure, basketball hoops, skateboard park, picnic areas and park pathways. The City's parkland requirements have been met for this area.</p>

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

Agency / Comment Date	Comment
	<p>Prior to the Supplementary Report, the applicant is required to submit a revised site plan and building elevations as well as a tree survey, preliminary grading plans and a streetscape master plan for Lakeshore Road East, Elizabeth Street South and Port Street East.</p> <p>The Montgomery House, 91 Lakeshore Road East, is listed on the City's Heritage Register. In the event that the applications are approved, the recommendations listed in the Heritage Impact Statement prepared by Joan Burt Architect (February 2008) are to be addressed in the site plan application process for the subject property.</p> <p>Prior to the issuance of a building permit, cash in lieu for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's policies and By-laws.</p>
<p>City Community Services Department – Fire and Emergency Services Division (September 25, 2008)</p>	<p>This Division has reviewed the applications from an emergency response perspective (to the site's location only) and has no concerns; emergency response time to the site and water supply available are acceptable.</p> <p>The proposed development is to be in conformance with By-law 1036-81 and the Ontario Building Code. The current site plan/floor plan may require revision to accommodate adequate Fire Department access. This will be assessed through the site plan and building permit process.</p>
<p>City Transportation and Works Department (December 3, 2008)</p>	<p>Prior to the Supplementary Report proceeding, an updated Phase 1 and Phase 2 Environmental Site Assessment is required, including a letter of reliance from the applicant's Environmental Consultant allowing the City to rely on the findings of all environmental reports. In addition, ground water samples and a Final Clean-up report must be submitted.</p> <p>A preliminary Noise Report, Functional Servicing Report and Traffic Impact Study have been submitted and are currently under review by this Department. Notwithstanding the findings of the report, additional information has been requested prior to the Supplementary Report proceeding.</p>

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

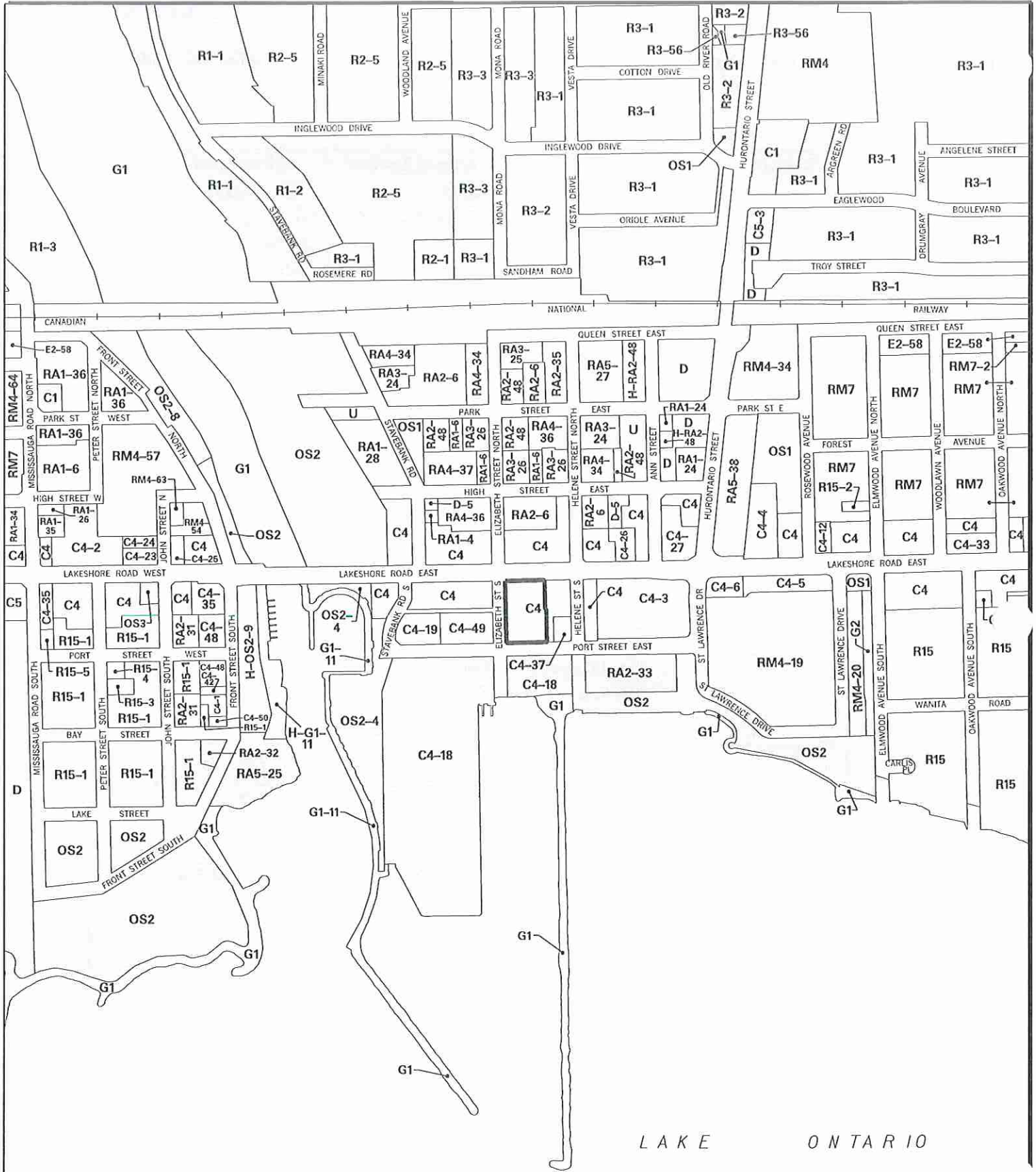
Agency / Comment Date	Comment
	<p>The applicant is also to provide additional details with respect to streetscape works proposed within the Lakeshore Road East, Elizabeth Street South and Port Street East municipal boulevards.</p> <p>Further detailed comments/conditions will be provided prior to the Supplementary Report proceeding pending the review of the foregoing.</p>
Other City Departments and External Agencies	<p>The following external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Enersource Hydro Mississauga Credit Valley Hospital Canada Post Rogers Cable Bell Canada Hydro One Networks Inc.</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Corporate Services Department – Realty Services Division French District Catholic School Board Conseil Scolaire de District Catholique Centre-Sud Conseil Scolaire de District Centre-Ouest Trillium Health Centre GO Transit</p>

School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
<ul style="list-style-type: none"> • Student Yield: <ul style="list-style-type: none"> 5 Kindergarten to Grade 5 3 Grade 6 to Grade 8 5 Grade 9 to Grade 12 • School Accommodation: <ul style="list-style-type: none"> Riverside Public School <ul style="list-style-type: none"> Enrolment: 319 Capacity: 480 Portables: 0 Port Credit Secondary School <ul style="list-style-type: none"> Enrolment: 1,078 Capacity *: 1,203 Portables: 1 <p>* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.</p>	<ul style="list-style-type: none"> • Student Yield: <ul style="list-style-type: none"> 4 Junior Kindergarten to Grade 8 3 Grade 9 to Grade 12 • School Accommodation: <ul style="list-style-type: none"> St. Luke Elementary School <ul style="list-style-type: none"> Enrolment: 560 Capacity: 584 Portables: 0 Iona Catholic Secondary School <ul style="list-style-type: none"> Enrolment: 1028 Capacity: 723 Portables: 14

Proposed Zoning Provisions

Use or Standard	Required "C4" Zoning By-law Standard	Proposed "C4-Exception" Standard
Uses	See Table 6.2.1 in Zoning By-law for list of uses	Only requested change is to add the following use: an outdoor patio area accessory to a restaurant or take-out restaurant
Parking (Residential uses)	1 bedroom units – 1.25 spaces/unit 2 bedroom units – 1.40 spaces/unit 3 bedroom units – 1.75 spaces/unit Visitor parking – 0.25 spaces/unit	No change requested
Parking (Non-Residential uses)	Varies depending on use. Required parking spaces per 100 m ² (1,076 sq. ft.) of GFA for permitted commercial uses: <ul style="list-style-type: none"> • retail/personal service uses - 4.0; • general office - 3.2; • medical office - 6.5; • real estate office - 6.5; • financial institution - 5.5; • restaurants - 16.0; 	For all non-residential uses: 3.9 spaces/100 m ² (1,076 sq. ft.) of GFA; also, that a maximum of 14 residential visitor parking spaces be available for the non-residential uses (i.e. shared parking).
Maximum Number of Dwelling Units	No restriction	56
Maximum Height (excluding mechanical penthouse)	3 storeys	10 storeys
Maximum GFA for any combination of Restaurants/Take-out Restaurants	No restriction	750.0 m ² (8,073 sq. ft.)
Maximum GFA for all medical offices, real estate offices or financial institutions	No restriction	630.0 m ² (6,781 sq. ft.)
Maximum GFA	No restriction	14 605 m ² (157,212 sq. ft.)
Maximum GFA of apartment dwellings	No restriction	10 399 m ² (111,938 sq. ft.)
Maximum GFA for non-residential uses	No restriction	4 206 m ² (45,275 sq. ft.)



LAKE ONTARIO

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

Recommendation PDC-0017-2009

- PDC-0017-2009
1. That the Report dated January 13, 2009, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Mainstreet Retail Commercial" to "Mainstreet Retail Commercial – Special Site" and to change the Zoning of Bylaw 0225-2007 from "C4" Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial), to permit a 4 storey retail commercial/office building and a 10 storey, 56 unit condominium apartment building with street level retail commercial uses under file OZ 08/009 W1, Centre City Capital Limited and William G. James, 91-93 & 99 Lakeshore Road East and 42 Port Street East, be received for information.
 2. That the correspondence received from Tim Smith, resident, by the Planning & Building Department on July 10, 2008 expressing comments with respect to the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.
 3. That the correspondence received from Spencer Roberts, resident, by the Office of the City Clerk on January 19, 2009 expressing concerns with respect to the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.
 4. That the correspondence received from Gary Webb, resident, by the Office of the City Clerk on January 20, 2009 expressing support of the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.
 5. That the correspondence dated January 19, 2009 received from Conor B. Turley, resident, expressing concerns with respect to the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.
 6. That the correspondence received from Gail Jessup, resident, by the Office of the City Clerk on January 18, 2009, expressing concerns with respect to the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

7. That the petition received by the Office of the City Clerk on January 29, 2009, in opposition to the proposed Official Plan Amendment and Rezoning applications under file OZ 08/009 W1, be received for information.

Recommended Official Plan Amendment Provisions – Special Site Policies

The following outlines the nature of required Special Site Area provisions of the Port Credit District Plan

Entire Site:

- "Mainstreet Retail Commercial" designation ("Mixed Use" for Mississauga Official Plan)

North Portion of Site:

- maximum height of four storeys;
- building step backs from Lakeshore Road East shall be introduced into the façade.

South Portion of Site:

- a maximum of 56 residential units;
- a maximum height of four storeys fronting Port Street East, stepping up to a maximum height of ten storeys towards the north;
- notwithstanding the above height maximums, the southeast portion of the site (adjacent to 46 Port Street East) should have building heights no greater than one storey.

Recommended Zoning Standards

Use or Standard	"C4-Exception" By-law Standard
Uses	"C4" uses, plus the following use: an outdoor patio area accessory to a restaurant or take-out restaurant
Parking (Residential Uses)	No change requested; standard residential condominium requirements are as follows: <ul style="list-style-type: none"> • 1.25 resident spaces per one-bedroom unit • 1.40 resident spaces per two-bedroom unit • 1.75 resident spaces per three-bedroom unit • 0.20 visitor spaces per unit
Parking (Non-residential uses)	Adjusted mixed use development shared parking formula (see Appendix S-5)
Maximum Number of Dwelling Units	56
Maximum Height (excluding mechanical penthouse)	Varies consistent with Appendices S-6 to S-9 (4 storeys along Lakeshore Road East for commercial component, 10 storeys stepping down to 4 storeys along Port Street East for residential component)
Minimum first floor height of commercial space adjacent to Lakeshore Road East	5.0 m (16.4 ft.) (does not include Montgomery House or its proposed rear addition)
Maximum total GFA	14 650.0 m ² (157,696 sq. ft.)
Maximum GFA of residential uses	10 444 m ² (112,422 sq. ft.)
Maximum GFA for all commercial uses (incl. retail, service commercial, office, restaurant)	4 206.0 m ² (45,275 sq. ft.)
Maximum GFA for any combination of Restaurants/Take-out Restaurants	650.0 m ² (6,997 sq. ft.)
Any other development standards required to be consistent with the Revised Site Plan (Appendix S-6), Revised Floor Plan (Appendix S-7) and Revised Elevations (Appendices S-8 and S-9).	
The By-law will authorize this height and density in connection with the provision of the following benefits pursuant to Section 37 of the <i>Planning Act</i> : <ul style="list-style-type: none"> • The exterior restoration of the historic Montgomery House (currently occupied by Second Cup) in keeping with the recommendations of the Heritage Impact Statement, which would cost up to \$140,000.00; • Designation of Montgomery House under the provisions of the <i>Ontario Heritage Act</i>; • An art installation within the courtyard that is fully accessible to the public. The art work will be commissioned through a process approved by the City's Culture Division and would cost up to \$40,000.00; • any shortfall in expenditures below the amounts specified above would be provided by the owner as a contribution to the City's Public Art Reserve Fund for future use in the Port Credit area; • an agreement between the City and the landowner to be registered on title regarding provision of the above-noted benefits and related details. 	

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

Adjusted Mixed Use Development Shared Parking Formula (Recommended by Staff)

The initial step in determining required parking for a mixed use development is to calculate the parking requirement for each use in the development as if these uses were free-standing buildings. The parking requirement for each use is then multiplied by the percent of the peak period for each time period (i.e. noon), contained in the table below. Each column is totalled for weekday and weekend. The highest figure obtained from all time periods shall become the required parking for the mixed use development.

The Table below would modify Table 3.1.2.3 in Zoning By-law 0225-2007 for the subject lands:

Type of Use	Percentage of Peak Period (Weekday)							
	Morning		Noon		Afternoon		Evening	
Office/Medical Office/Financial Institution	100		90		95		10	
Retail Centre/Retail Store/Personal Service Establishment	50	(80)	50	(90)	70	(90)	75	(90)
Restaurant/Take-out Restaurant	25	(20)	50	(100)	25	(30)	100	
Residential - Visitor	20		20		20	(60)	100	
Type of Use	Percentage of Peak Period (Saturday)							
	Morning		Noon		Afternoon		Evening	
Office/Medical Office/Financial Institution	10		10		10		10	
Retail Centre/Retail Store/Personal Service Establishment	65	(80)	80	(100)	10		30	(70)
Restaurant/Take-out Restaurant	20		85	(100)	50		100	
Residential - Visitor	20		20		60		100	

() indicates the percentage of peak period in the Zoning By-law (0225-2007).

The next table shows the anticipated floor areas of each type of commercial use proposed by the applicant (in shaded boxes) and how the recommended shared parking formula would apply to the subject lands. Given the gross floor area of the proposed uses, the highest parking demand is during noon on weekdays when 164 parking spaces are required (shown in large, bold font). If a different size and mix of commercial uses are tenanted, the number of required parking spaces will change.

If the peak period percentages were not adjusted from the current zoning by-law percentages, a total of 236 parking spaces would be required for the mix of uses and anticipated floor areas presented in the next table.

Centre City Capital Limited and William G. James

File: OZ 08/009 W1

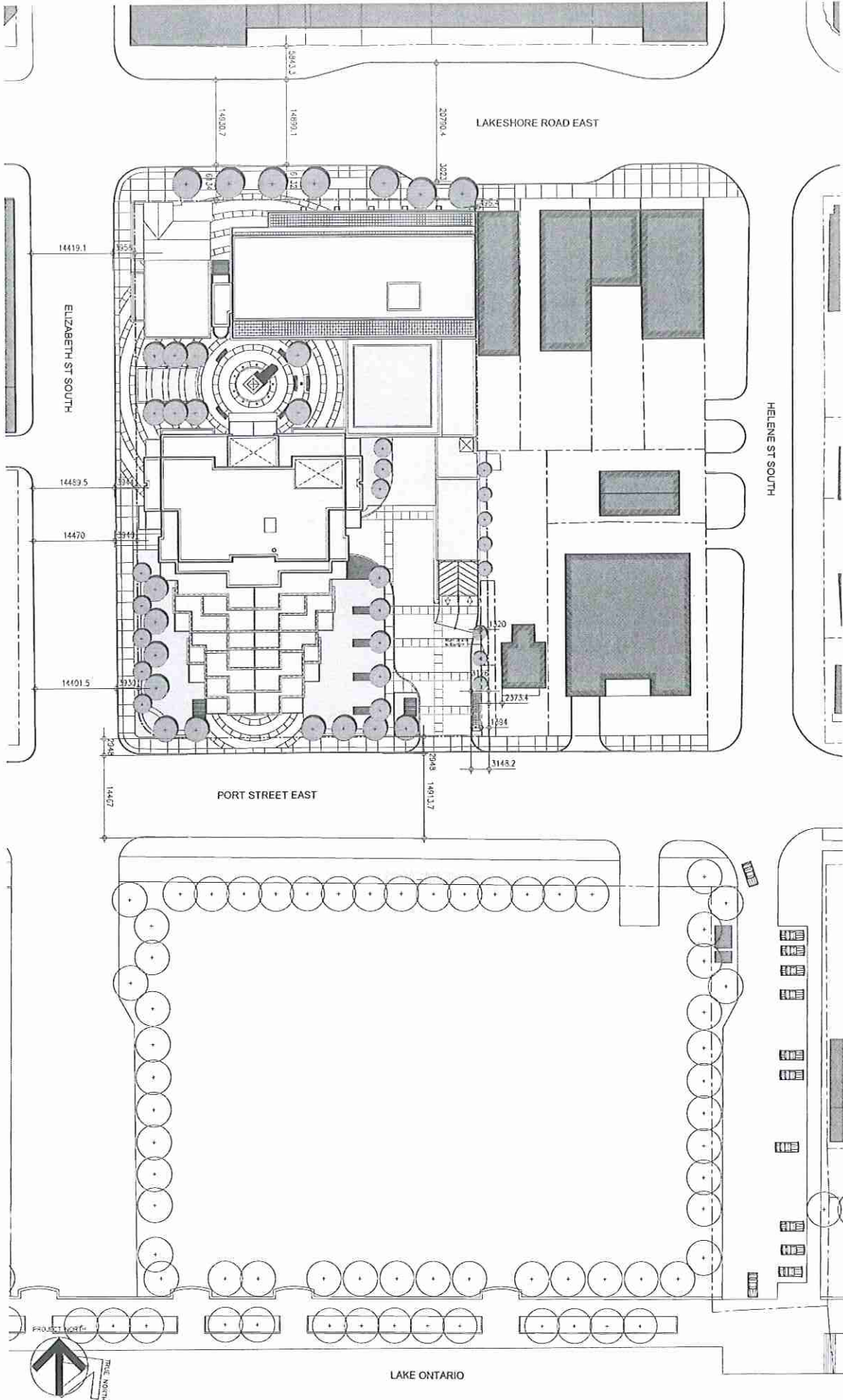
				Parking Spaces Required - Peak Period Weekday			
Type of Use	Proposed GFA (sq.m.)	Zoning By- law Parking Rate	Zoning By- law Parking Required	Morning	Noon	Afternoon	Evening
Office/Med.Office/ Financial Institution			94	94	84.6	89.3	9.4
General Office	1671	3.2	53.472				
Medical Office	420	6.5	27.3				
Real Estate Office	210	6.5	13.65				
Financial Institution	0	5.5	0				
Retail Commercial	1255	4	50.2	25	25	35	37.5
Restaurants	650	16	104	26	52	26	104
Residential Visitors	56 units	0.2	11.2	2.2	2.2	2.2	11
Total Parking Required			259	147	164	153	162
Parking Supply (Providing)			164	164	164	164	164
Surplus Parking Supply			-95	17	0	11	2
				Parking Spaces Required - Peak Period Saturday			
Type of Use	Proposed GFA (sq.m.)	Zoning By- law Parking Rate	Zoning By- law Parking Required	Morning	Noon	Afternoon	Evening
Office/Med.Office/ Financial Institution			94	9.4	9.4	9.4	9.4
General Office	1671	3.2	53.472				
Medical Office	420	6.5	27.3				
Real Estate Office	210	6.5	13.65				
Financial Institution	0	5.5	0				
Retail Commercial	1255	4	50.2	32.5	40	50	15
Restaurants	650	16	104	20.8	88.4	52	104
Residential Visitors	56 units	0.2	11.2	2.2	2.2	6.6	11
Total Parking Required			259	65	140	118	139
Parking Supply (Providing)			164	164	164	164	164
Surplus Parking Supply			-95	99	24	46	25

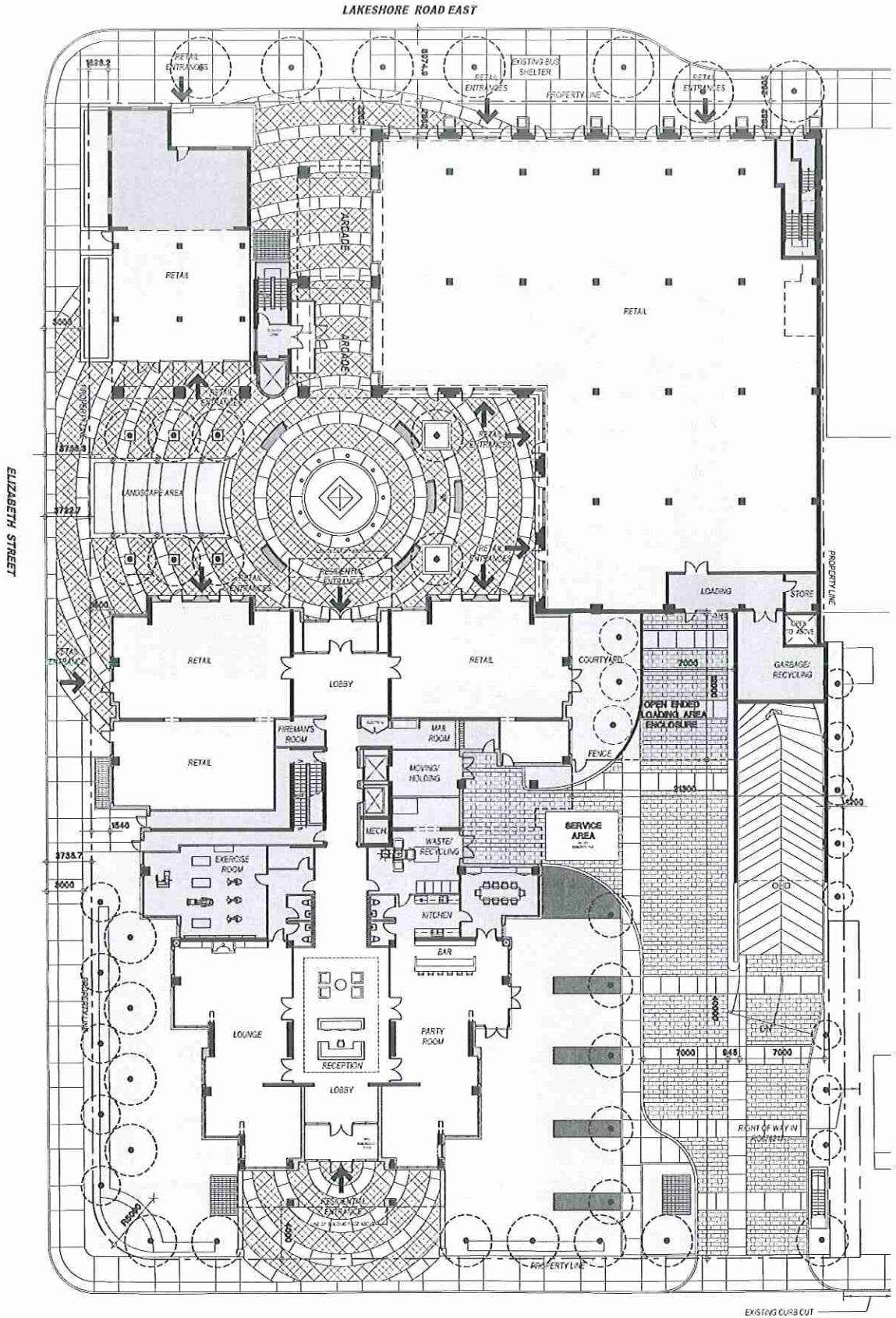
CENTRE CITY CAPITAL LTD.

PROPOSED COMMERCIAL AND WATERSIDE CONDOMINIUM RESIDENCES - PORT CREDIT

CONCEPT SITE PLAN - 1600 - APRIL 24, 2012

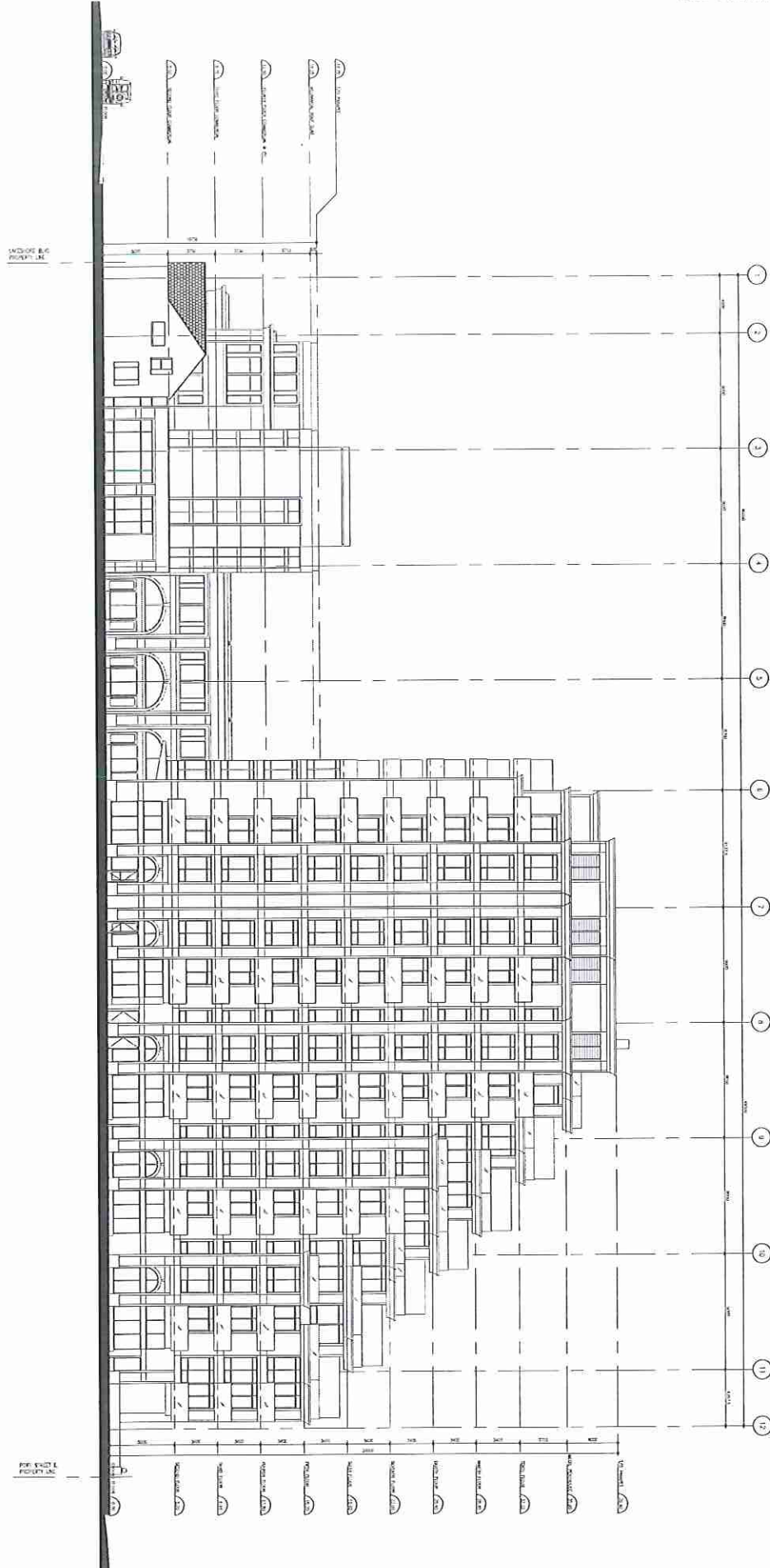
adamson





PORT STREET EAST

EXISTING CURB CUT

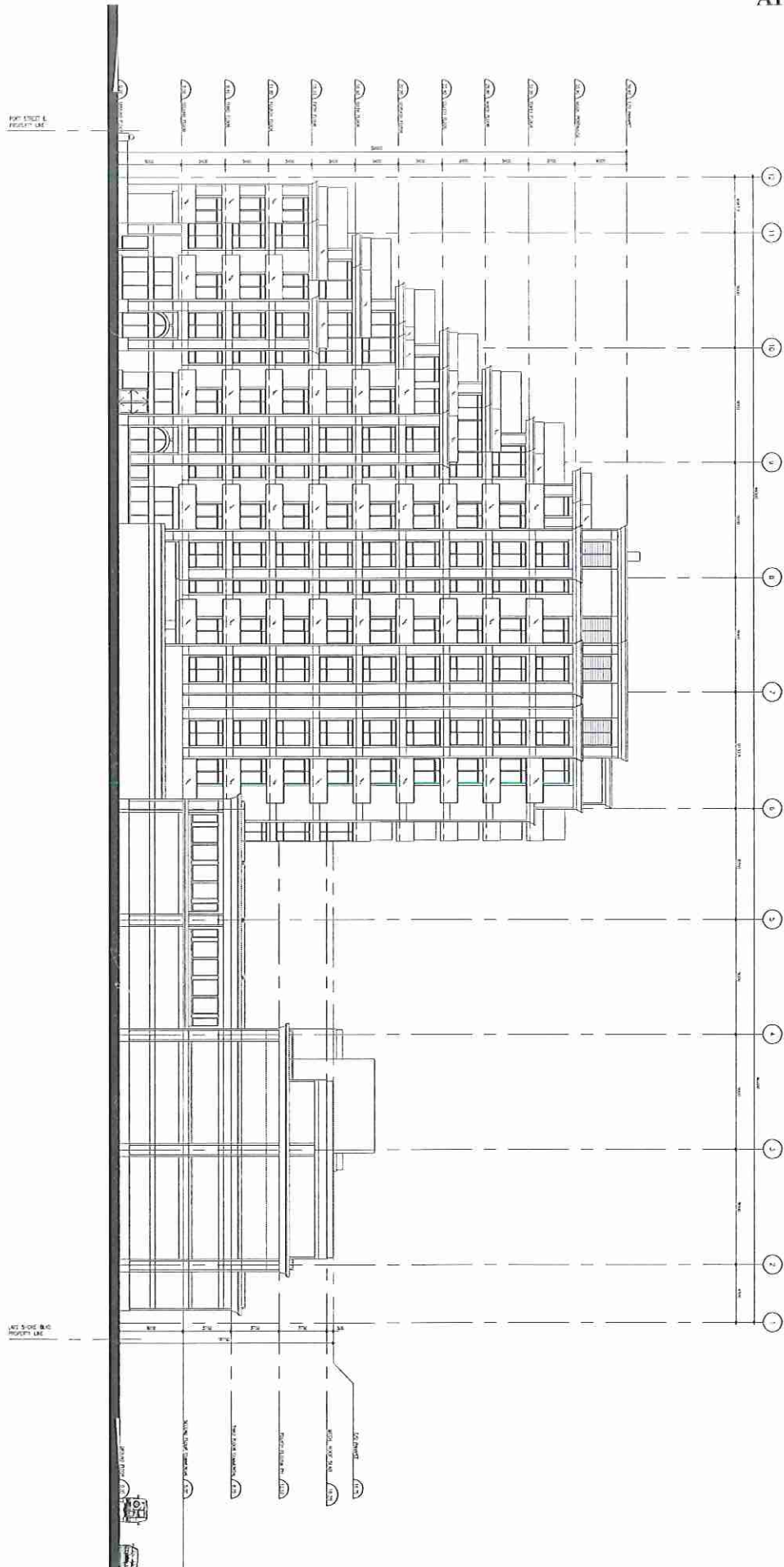


CENTRE CITY CAPITAL LTD.

PROPOSED COMMERCIAL AND WATERSIDE CONDOMINIUM RESIDENCES - PORT CREDIT

ELIZABETH ST. ELEVATION - 1:300 - APRIL 24, 2012

adamson
ARCHITECTS



CENTRE CITY CAPITAL LTD.

PROPOSED COMMERCIAL AND WATERSIDE CONDOMINIUM RESIDENCES - PORT CREDIT

HELENE ST. ELEVATION - 1:300 - APRIL 24, 2012

adamson
ARCHITECTS