

# **Planning Justification & Rationale**

**Report prepared in support of  
proposed development  
at  
2935 & 2955 Mississauga Road**



**Beacon  
Planning  
Services**

**April 13, 2020**

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## FOREWORD

Preparation of this report derived considerable benefit from an array of studies and reports prepared for the subject properties over a period of 18 years. The list of 19 investigations is presented by Table 1a.

Not one of the studies and reports listed in Table 1a contemplated the development concept shown conceptually by Figure 12. Conversely, the six studies and reports listed in Table 1b need to be prepared in support of the current development proposal but were not available when this report was compiled.

Accordingly, in the absence of Table 1b reports, preparation of this report did not benefit from a multi-disciplinary context. Therefore, in the event components of Table 1b reports do not conform to elements of this report, Beacon is prepared to reconsider those elements.

TABLE 1a			
Studies and Reports Prepared Prior to Formulation of Current Development Concept			
	TITLE	CONSULTANT	YEAR
1	Credit River Floodline Analysis	Parish Aquatic Services	2002
2	First Topographic Survey	Tarasick, McMillan, Kubicki	2007
3	Ecological Restoration Plan	Ecoplans	2008
4	Slope Stability and Erosion Analysis	Terraprobe	2008
5	Second Topographic Survey	Tarasick, McMillan, Kubicki	2008
6	Assessment of Appropriate Zoning	Beacon Planning Services	2008
7	Geotechnical Survey of 98.0 m contour	Tarasick, McMillan, Kubicki	2009
8	Supplementary Geotechnical Investigation	Terraprobe	2010
9	Regional Storm Floodline Confirmation	Greck and Associates	2010
10	Report in Support of Site Plan Application	Beacon Planning Services	2012
11	Drainage and Grading Plan	Greck and Associates	2015
12	Septic Bed Percolation Rate Analysis	Terraprobe	2015
13	Preliminary Site Grading and Servicing Plan	Urbtech Engineering	2015
14	Functional Servicing Brief	Urbtech Engineering	2016
15	Geomorphic Review and Assessment	Parish Aquatic Services	2016
16	Report in Support of Minor Variance Application	Beacon Planning Services	2017
17	Environmental Impact Study	Dougan & Associates	2017
18	Third Topographic Survey	Tarasick, McMillan, Kubicki	2019
19	Top-of-Bank and Dripline Surveys	Tarasick, McMillan, Kubicki	2019

TABLE 1b			
Studies and Reports Required to Support Current Development Concept			
1	Supplementary EIS Report	Palmer Environmental Consulting Group	
	The foregoing may include the following:		
	<b>Ecological Restoration Area</b> Implementation Plan	Palmer Environmental Consulting Group	
	<b>Natural Regeneration Area</b> Remediation Plan	Palmer Environmental Consulting Group	
	<b>Natural Protection Area</b> Forest Management Plan	Palmer Environmental Consulting Group	
2	Architectural Design of Proposed Development	Caricari-Lee	
3	Landscape Plan	to be determined	
4	Site Servicing Plan	Greck & Associates	
5	Mississauga Road entrance design and engineering	Greck & Associates	
6	Traffic Impact Study	TransPlan Inc.	



## 1. INTRODUCTION and BACKGROUND (Figures 1 to 4)

### 1.1 Ownership

The subject lands comprise two properties, lots of record, held under separate and distinct ownership:

- 2935 Mississauga Road, owned by 590816 Ontario Inc.;
- 2955 Mississauga Road, owned by A. Frank Merulla.

Separate ownership notwithstanding, the two properties are under control and management of the applicant, **Riverside Terrace Inc.** Areas are as follows.

PROPERTY	AREA (m <sup>2</sup> )
# 2955	8,025
# 2935	13,232
<b>TOTAL</b>	<b>21,257</b>

### 1.2 Site History: 2955 Mississauga Road

Until 1967, the property was owned by the Oughtred brothers who operated extensive apple orchards west of Mississauga Road, south of Dundas Street West. In the latter part of the 1950s and the early years of the 1960s, the Oughtred Brothers operated a seasonal sales pavilion (Springbank Fruit Market) near the intersection of Dundas Street West and Mississauga Road. (Figure A)

#### **NOTE 1:**

The text of this report is illustrated by two sets of Figures:

- Figures 1 to 14, presented in ledger format, are bound separately;
- Figures A to H, contained within this report.

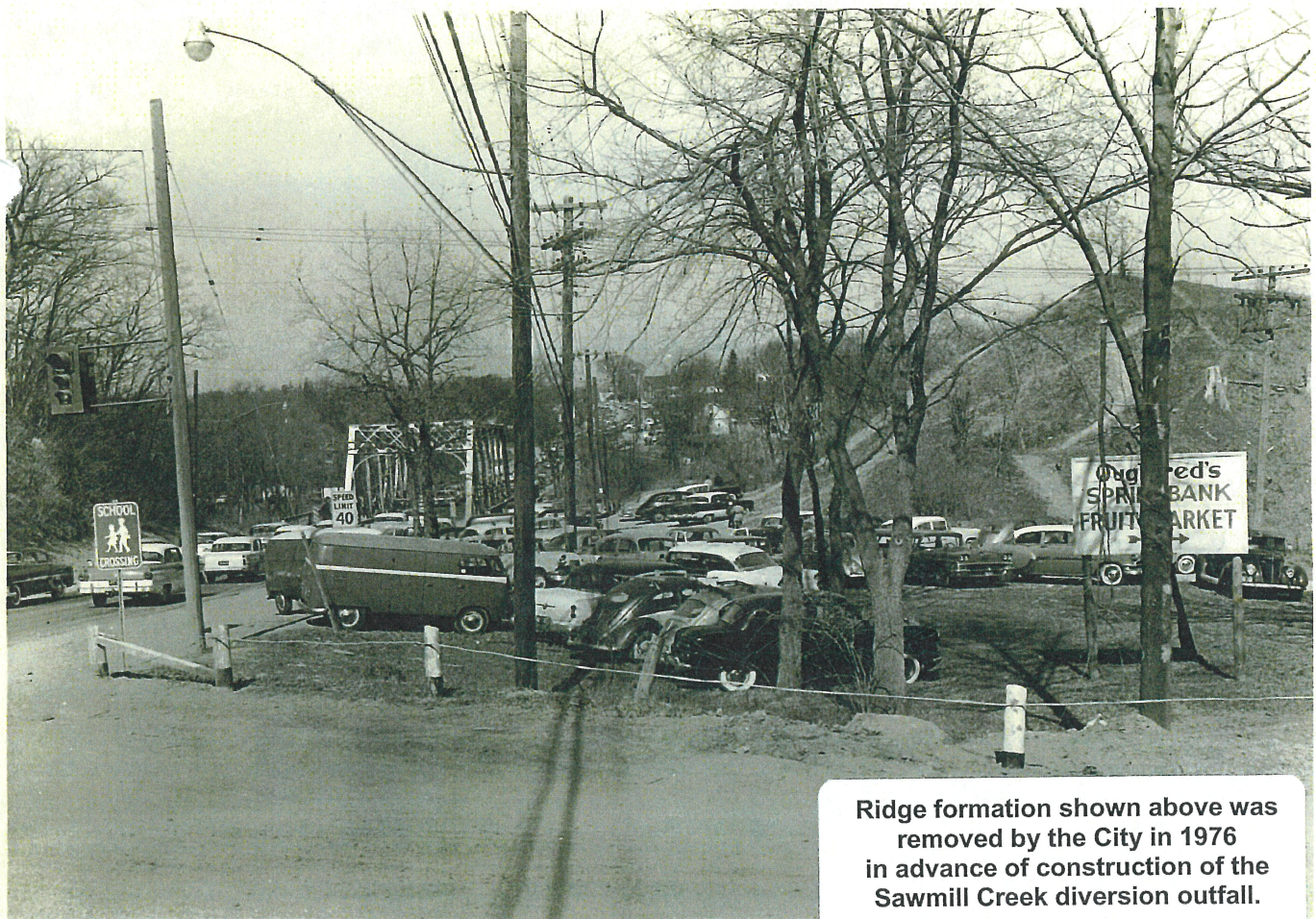
#### **NOTE 2:**

The various NOTES sprinkled throughout this report are intended to provide additional detail, context, and explanation.

Circa 1965, the Department of Highways (now Ministry of Transport) expropriated a portion of the property for intended widening of Dundas Street and reconstruction of the bridge over the Credit River. That expropriation included the site of the sales pavilion. The expropriated lands are now owned by the City of Mississauga and contain the Sawmill Creek diversion outfall, constructed by the City in 1977.

In 1967, the remnant (i.e. post-expropriation) portion of the property was acquired by F. Merulla, a relative of the current owner. The condition of the property at the time of purchase is depicted on Figure 1a. F. Merulla intended to construct a detached dwelling on the property and operate a garden centre but passed away without making any use of the site. In 2002, the property was inherited by the current owner, Frank Merulla (hereafter referred to as "Merulla").





Ridge formation shown above was removed by the City in 1976 in advance of construction of the Sawmill Creek diversion outfall.



**FIGURE A**

Springbank Fruit Market  
(circa 1958)



Initially, Merulla used the site to store equipment and materials related to his landscape maintenance and snow removal business (Value Property Services). A fenced storage compound and shed were constructed in 2001 and removed in 2008 at the request of the City.

In January 2007, Merulla removed the top portion of a clay ridge adjacent the Credit River. The location of the original ridge formation is shown on Figure 4. The condition of the ridge, five days before its removal, is depicted by Figure 2. At the request of Credit Valley Conservation (CVC) staff, excavation of the ridge was terminated before the works were completed. Consequently, mounds of unstable, excavated material were left on the site.

In May 2007 a detailed topographical survey of the two sites was prepared by Tarasick, McMillan, Kubicki Limited (TMK) (Figure 4). The survey included spot elevations which formed the basis for interpolation of topographic contours, including the 98.0 m contour representing the Regional Storm floodline.

In December 2007, a continuous siltation control fence was constructed throughout both properties to protect the Credit River channel, forested areas, the tributary channel, and the Regional Storm floodplain at the 98.0 m contour. The location of the fence is shown on Figure 4. Portions are visible on Figure 1b. Today, more than twelve years later, the fence remains in place albeit in less serviceable condition.

In January 2008, Merulla graded the stock piles of excavated material across the centre of the property to create a level terrain. That was done for two reasons:

- to stabilize the mounds of loose, excavated materials;
- to prepare the two sites for cultivation.

No grading occurred inside the siltation control fence. No fill was imported.

Commencing in the spring of 2008 and in every spring subsequently, the site was cultivated (Figure B). A custom farmer ploughs, harrows, and seeds a crop of barley. This is done for tax relief and weed control. The barley crop (Figure 3) is not harvested but is left for the benefit of wildlife. For both properties, the cultivated area generally corresponds to the lands currently zoned G2 (Figure 6).

### **1.3 Site History: 2935 Mississauga Road**

A two-storey, detached dwelling was constructed on the property in the mid-1940s. Figure 1a shows the location of the dwelling adjacent the Credit River, a detached garage, and a driveway providing access to Mississauga Road. Until a diversion outfall was constructed by the City in 1977, Sawmill Creek coursed through the middle of the two properties and discharged into Loyalist Creek (near its mouth at the Credit River).

To provide access over Sawmill Creek, the driveway entrance at Mississauga Road included a concrete bridge structure. Although the bridge is no longer intact, remnants (concrete abutment and concrete slabs) remain visible. (Figure C)





**FIGURE B**

**Cultivation and Seeding  
(May 2008)**



The dwelling and garage (Figure 1a) were destroyed by fire in 1971. Today, the concrete floor and parts of a block wall of the garage remain, as well as partial footings of the former house. The most compelling evidence of the former dwelling is the indoor swimming pool (which has been an outdoor pool since 1971). Based on a 1969 plan of survey and the foregoing remnants, the locations of the former structures can be accurately located. (Figure 4)

Following the fire, the owner of the property (Mr. Ferko, a local business man) bulldozed the structural remnants of the former dwelling into a mound in front of the swimming pool. The mound of rubble was covered with soil and sat abandoned for almost 30 years until the property was acquired by Merulla.

Ferko intended to reconstruct the dwelling but did not get around to it. In 2002, for reasons of advanced age and poor health, he decided to sell the property and offered it to Merulla. Merulla agreed to purchase the property, but only after obtaining assurances from the City and CVC that he would be able to construct a detached dwelling. Prior to closing, Merulla also retained Parish Geomorphic to determine the location of the Regional Storm floodline. The floodline contour shown on Figure 4 was endorsed by CVC in 2002.

The property was acquired by Merulla in 2003. Apart from annual cultivation (commenced in 2008; see Figures B and 3), no practical use has been made of the site. In 2006 Merulla excavated the mound of rubble containing debris of the former dwelling and disposed of the rubble off-site. CVC staff, alerted to excavation and grading activity, investigated and submitted a report to the Ward 6 Councillor stating that site clean-up activities did not infringe on the adjacent natural area or floodplain and that a CVC permit was not required.

### **1.4 Abandoned Channel of Sawmill Creek**

In 1972, the Ontario Water Resources Commission (now known as the Ontario Clean Water Agency) constructed a twin sanitary sewer trunk under the Credit River. Downstream of the subject properties, the alignment of the sewer angled inland toward Mississauga Road. To eliminate an impediment to sewer installation, the Sawmill Creek outfall at Loyalist Creek (Figure 1a) was relocated to the south boundary of #2935, causing it to discharge directly into the Credit River. Accordingly, the existing ravine at the south boundary of #2935 is not a natural feature but an artificial channel constructed by OWRC. In accordance with an OWRC easement agreement with the Oughtred Brothers, spoil from the excavation was deposited adjacent the channel; thereby, further altering the native terrain at the south end of #2935.

#### **NOTE 3:**

The ***Geomorphic Review*** by Parish Aquatic Services (report dated January 2016) comments on the realignment of Sawmill Creek and observes: *"In order to complete this realignment, a new channel would have been dug."* (page 7)





**Location of Original Entrance**  
(photo: July 22, 2018)



**Concrete Rubble, Remnants  
of Original Bridge Structure**  
(photo: July 22, 2018)

**FIGURE C**

Original Entrance



### NOTE 4:

A supplementary report by Terraprobe (dated March 30, 2010), documenting the findings of additional borehole samples at the southern portion of #2935, found that “A layer of earth fill materials (about 1.0 m thick) was encountered at the ground surface in boreholes 1609, 1610, 1611, and 1612.” (page 4) Since those boreholes are adjacent to the channel, it is very likely that the fill constitutes excavated material deposited by OWRC.

When the Sawmill Creek diversion outfall structure at Dundas Street was completed in 1977, the abandoned channel downstream of the diversion no longer contained a watercourse. As noted on page 5 of the January 2016 report by Parish Aquatic Services titled ***Geomorphic Review and Assessment of Pre-Diversion Sawmill Creek Corridor***, the remnant channel along Mississauga Road now constitutes a roadside ditch and accommodates only ephemeral flow from a very limited catchment area; that is, surface runoff from Mississauga Road and the subject properties.

### NOTE 5:

For five decades, Parish Aquatic Services (originally Parish Geomorphic) has provided professional consulting services in earth science (specializing in fluvial geomorphology) and is a recognized authority in that discipline. The report referenced in NOTE 3 presents a scientific analysis of geomorphological conditions at the subject properties and makes two essential observations:

- the remnant, abandoned channel of Sawmill Creek now functions as a roadside ditch and does not contain a watercourse;
- despite various activities by Merulla from 2005 to 2008, no fill material was placed within the Regional Storm floodplain (i.e. near or beyond the 98.0 m elevation contour, established by Golder in 2005 and shown on Figure 4).

The Parish report concludes (page 11) that the channel “*is no longer considered to be a natural watercourse*” and is, “*at best*”, “*an outlet for storm flow to enter the Credit River*”. Therefore, the topographic depression along Mississauga Road is merely a roadside ditch and not a watercourse valley (as defined by the City and CVC, see NOTE 6).

### NOTE 6:

The Parish report confirms that, in terms of origin, the excavated channel at the south boundary represents an anthropogenic landscape, not a natural feature. Further, in the absence of surface drainage or flow, the channel does not contain a watercourse and is, therefore, not a watercourse valley. That assertion is supported by:

- the floodline map produced by Golder in 2005 which does not identify surface drainage at this location;
- CVC Watershed Planning Policy, which defines “watercourse” as a depression in which water flows “regularly or continuously”;
- Mississauga Official Plan, which provides the identical definition.

### **1.5 Vegetation**

The January 2016 report by Parish Aquatic Services includes an examination (based on review of aerial photographs from 1954 to 2013) of the evolving characteristics of Sawmill Creek and associated vegetation. Key observations of that report warrant repeating.

- In 1966 (Figure 1a), there appeared to be no vegetation on #2955 and very little on #2935.
- In 1977, one decade later, the Sawmill Creek diversion is under construction and flow has been diverted from the native channel.
- In 1985, eight years later, the abandoned channel has been filled down to the location of the former entrance at Mississauga Road. #2955 remains devoid of vegetation, but the beginning of natural regeneration is evident on #2935.
- In 1992, seven years later, new growth is scattered throughout #2935, including the ridge formation. Except for the beginnings of natural regeneration along Mississauga Road, #2955 remains largely devoid of vegetation.
- In 2008 (Figure 1b), in spite of various site alterations (excavation of the ridge formation, removal of the rubble mound, piecemeal elimination of trees scattered throughout the central portions of the sites, grading to prepare for cultivation), there existed a greater abundance of natural vegetation than in 1966, 1977, 1985, and 1992.
- Since 2008 there has been no material change of site conditions. Today, more than a decade later, the condition and appearance of the sites is similar to that in 2008. (Figure 1b)

An examination of annual aerial photographs provided by the City further indicates that:

- trees removed by Merulla from 2004 to 2008 consisted of new growth that gradually invaded the vacant, unused sites from 1985 to 2003;
- trees along Mississauga Road, north of the former entrance to #2935, did not exist in 1985 and started to appear in 1992;
- ESA and ANSI designations were established in 1979 and 1982, respectively. Since the above-noted vegetation adjacent Mississauga Road did not exist when the ESA and ANSI designations were established, it obviously was not part of the original ESA and ANSI designations.

**NOTE 7:**

Piecemeal removal of trees by Merulla from 2004 to 2008 complied with the provisions of the *Private Tree Protection By-law*.



### **1.6 Topographic Surveys and Location of the Regional Storm Floodplain**

Merulla's pre-acquisition due diligence (of #2935) included an examination of the precise extent of the Regional Storm floodplain. A hydrology report by prepared by Parish Geomorphic in 2002 established the floodline at an elevation of 97.19 metres. The findings of the Parish report, including a plot of the floodline using Ontario Base Map topographic contours, were endorsed by CVC.

In a 2005 report prepared by Golder Associates for CVC, the Regional Storm floodline was redefined at an elevation of 97.92 metres. For convenience, Merulla is content to round that elevation to 98.00 m.

**NOTE 8:**

The Golder report relied on topographic contour mapping derived from 1999 aerial photography at a scale of 1:10,000. Such mapping is generally useful as a descriptive tool but is not detailed or precise.

The first detailed topographic survey of the two properties was prepared in May 2007 by Tarasick, McMillan, Kubicki Surveyors Limited (TMK). That plan, the basis for Figure 4, shows plots of both the Parish (2002) and Golder (2005) floodplain elevations. The two floodlines represent interpolations of spot elevations; a valid method, but less precise than a geodetic survey of the floodline elevation.

**NOTE 9:**

The Regional Storm floodplain within the abandoned channel of Sawmill Creek (Figures 4 & 5) is entirely the result of backwater originating from the Credit River. Moreover, it represents a "passive" floodplain, distinguished by the absence of flow. Therefore, shallow flooding within the abandoned channel provides a measure of stage-storage for the Credit River but otherwise represents a low degree of hazard.

The May 2007 topographic survey was updated in August 2008 to capture the changes created by Merulla's grading activities in January 2008. That updated plan forms the basis for Figures 5 and 6. A comparison of the 2007 and 2008 topographic surveys confirms that no changes in grade occurred in the southern portion of #2935; specifically, not within the floodplain and forested areas protected by the siltation control fence.

A geodetic survey of the floodline residing at the 98.0 m elevation contour was conducted by TMK in November 2009. That survey fixed the precise location of the floodline on the site and is depicted on Figure 5 as a surveyed line, showing bearings and dimensions.

In preparation for the subject development application, the May 2007 topographic survey was updated again in December 2019. That survey forms the basis for Figures 7 to 14.

### **1.7 Zoning History**

When Merulla acquired #2955 and #2935 Mississauga Road, both properties were zoned G (Greenbelt) under the previous City of Mississauga By-law 5500. That zoning category permitted a range of uses, including a detached dwelling and various uses related to agriculture.

In June 2007 City Council passed Zoning By-law 0225-2007 which imposed a G1 (Greenbelt: Hazard Lands) zone on both properties. Merulla appealed that zoning designation in July 2007 on the grounds that only portions of the two properties exhibit natural hazard conditions. In anticipation of a hearing of the appeal by the OMB, Merulla:

- retained a geotechnical consultant (Terraprobe) to prepare a slope stability analysis report;
- relied on the geodetic survey of the 98.0 m contour (Figure 5) to identify the precise location of the Regional Storm floodline.

Merulla's appeal was heard by the OMB in April 2010. At the outset of the hearing, the City advised the Board that the combination of Stable Slope Line and Regional Storm floodline, as determined by the foregoing technical studies, constitutes an appropriate delineation between Hazard Lands (to be zoned G1) and Natural Area (to be zoned G2). The Board accepted the settlement proposed by the City (and agreed to by Merulla) and issued its Zoning Order in June 2010. Schedule "A" of the Board Order describes the boundary between the G1 and G2 zones as a surveyed line. That boundary, based on the Stable Slope Line and Regional Storm floodline (Figure 5), is replicated (with bearings and dimensions) on Figure 6.

#### **NOTE 10:**

Annually since 2008, Merulla has cultivated the two properties (Figure B) for production of barley crops. That was done for purposes of weed control and tax assessment relief, not commercial gain (crops were not harvested). The agricultural use was permitted under the previous Zoning By-law 5500, which remained in effect for the subject properties until the Board's Zoning Order was issued in June 2010. Therefore, the current agricultural production constitutes a legal, non-conforming use.



### **1.8 Hearings**

In response to site disturbances by Merulla in 2007 and 2008, summonses were issued:

- by the City, citing contravention of the *Private Tree Protection By-law 474-05* and the *Erosion and Sedimentation Control By-law 512-91*;
- by CVC, citing contravention of Ontario Regulation 160/06 made under the *Conservation Authorities Act*.

#### **Note 11:**

Clearing and grading of land to render a field suitable for cultivation represent “normal farm practice” and is supported by the *Farming and Food Production Protection Act* which supersedes the *Planning Act*, *Municipal Act*, and *Conservation Authorities Act*. Nonetheless, the City and CVC proceeded to prosecute the foregoing charges.

The City charge was heard by the Ontario Court of Justice in Mississauga on April 29, 2009. Merulla was ordered to pay a fine of \$38,500. On appeal, heard in Brampton on January 14, 2011, that fine was reduced to \$15,635.

#### **NOTE 12:**

The *Private Tree Protection By-law* states that the Court, upon issuing a conviction of an offense, may, in addition to imposing a fine, order restitution and replacement of trees. In this instance, restitution was neither requested by the City solicitor nor ordered by the Court.

The CVC charges were heard by the Ontario Court of Justice in Brampton on April 7, 2009. As documented in the hearing transcript, the CVC prosecutor advised the Court that no fill had been deposited in the floodplain and that CVC was not seeking rehabilitation, restoration, or restitution. In her Judgment, Justice Huston:

- stated that: *there is no personal gain for Merulla to do this work. He took the expense of grading this hill to make it safer and prevent him from liability;*
- noted: *these incidents weren't done maliciously; they were done out of trying to make his property safe; (Merulla's) fault was not getting a permit;*
- added that restoration of an unsafe landform would be *very dangerous*;
- imposed a nominal fine of \$2,000.

Beacon notes that the foregoing legal actions, initiated and prosecuted by the City and CVC, resulted in various Judgments issued by the Ontario Court of Justice. Prosecutors for both the City and CVC did not request the Court to order restoration or restitution, although the option to request such remedy was available to them. Consequently, monetary penalties were imposed by the Court and paid by Merulla. Thereby, the matter of unlawful environmental disruption was settled in 2009 and 2011 and should not be revisited, more than a decade later, in the context of a development application.

### **1.9 Summary and Conclusions**

Contrary to the sentimental and misinformed views held by some, the two properties do not represent pristine natural conditions and attributes but have endured a varied and extensive history of anthropogenic activities and disturbances, including:

residential development, commercial use, installation of public utilities, demolition of structures, excavation and grading, tree removal, abandonment, cultivation, and natural regeneration.

Recent history in that regard is summarized as follows.

- 1950s and 1960s:
  - commercial use of #2955 (Figure A);
  - residential use of #2935 (Figure 1a);
  - scattered vegetation and paucity of natural forest cover (Figure 1a).
- 1970s:
  - demolition of dwelling on #2935;
  - twinning of sanitary sewer by Province;
  - excavation by OWRC of a channel at the southern boundary of #2935 for Sawmill Creek diversion to the Credit River;
  - construction by the City of the Sawmill Creek diversion outfall at Dundas Street;
  - as a consequence of the foregoing, elimination of flow within the abandoned channel of Sawmill Creek.
- 1980s and 1990s:
  - filling of abandoned Sawmill Creek channel within #2955 and within #2935 down to the former entrance.
  - no other uses or disturbances;
  - as a result of disuse, considerable natural regeneration of ground vegetation and forest cover throughout both properties.
- 2000s:
  - use of #2955 for property management business;
  - clearing within #2935 for horticultural use (Boyd Landscaping);
  - excavation of ridge formation;
  - removal of four trees per year on each property, in compliance with City by-law.
- 2010s:
  - agricultural use on both properties;
  - natural regeneration of forest cover in areas not subject to annual cultivation.



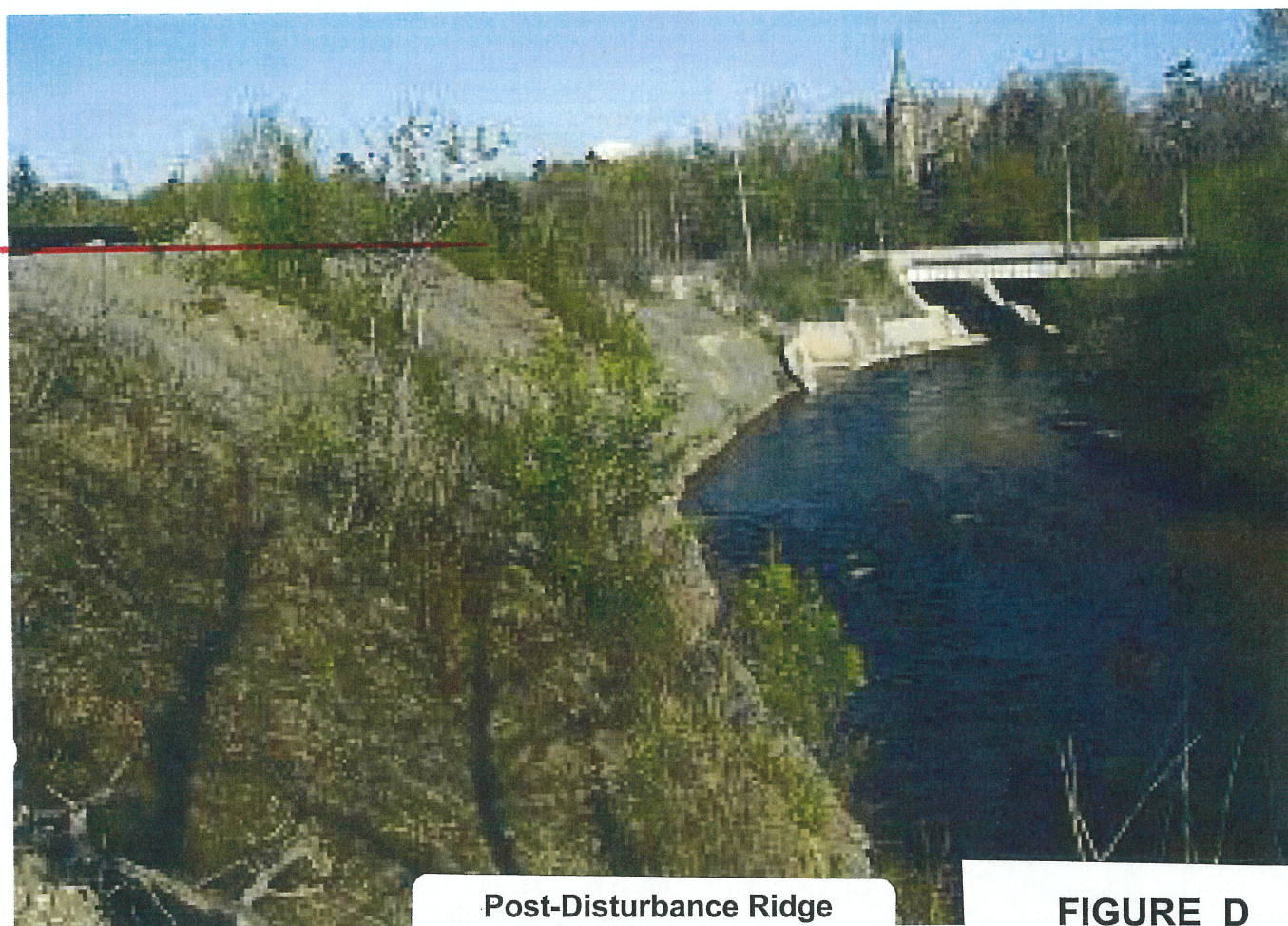
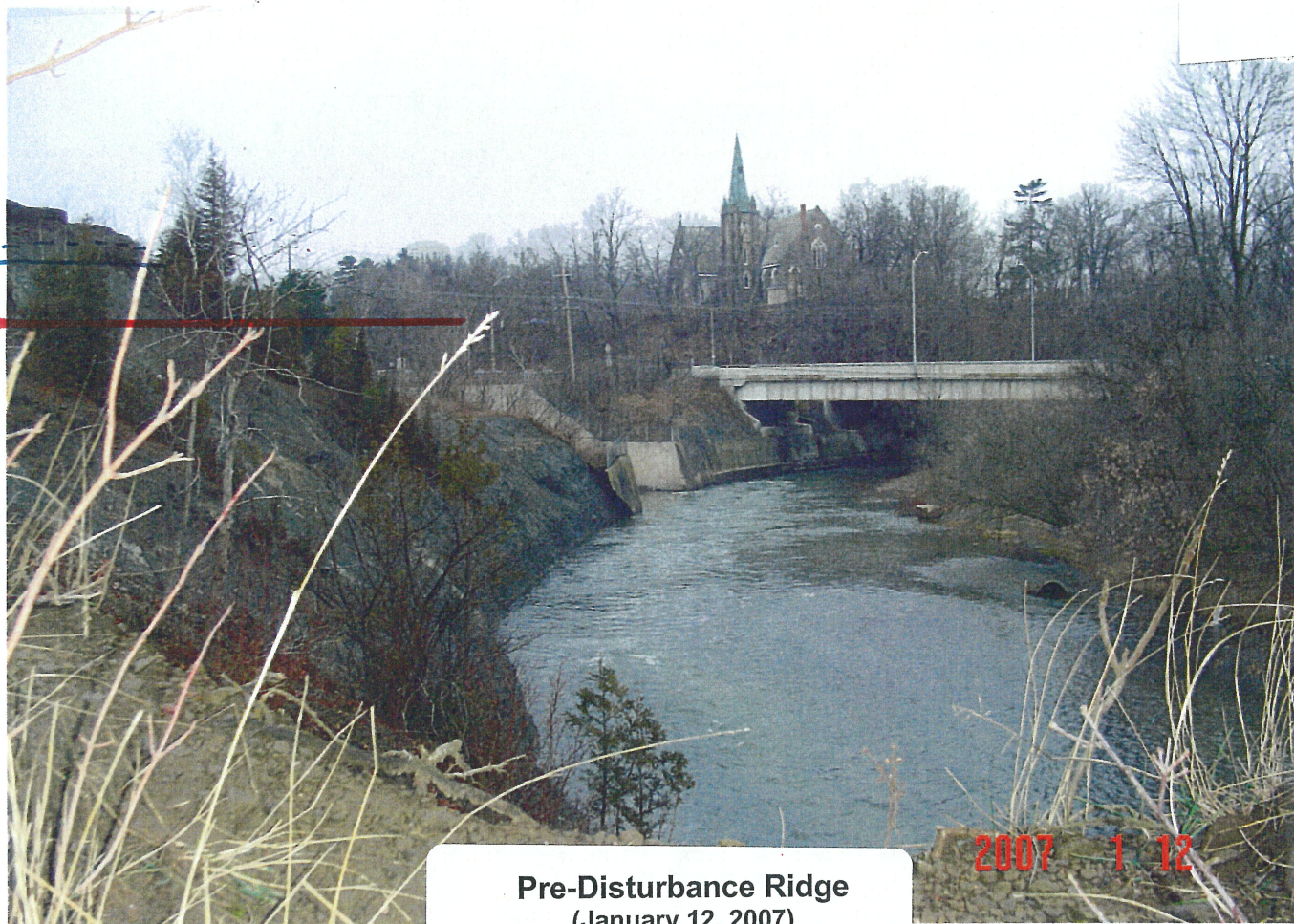
**NOTE 13:**

Excavation of the ridge formation by Merulla in 2007 reduced its peak height by approximately 3 to 4 metres. Figure D illustrates that, when viewed from Dundas Street, the appearance of the steep embankment was not altered significantly.

Auspiciously, the uncultivated portions of the properties have benefited from robust regeneration of flora during the past four decades, thereby camouflaging past disturbances; primarily, those that occurred in the 1970s. The balance of this report will demonstrate that the two properties present an excellent opportunity for thoughtfully conceived development that will:

- establish City ownership of Significant Natural Area site CRR7;
- with the addition of abundant restoration of native flora adjacent CRR7, ensure enhancement and long-term protection of natural features;
- provide an attractive environment for occupants of the proposed low and mid-rise residential buildings;
- enhance the streetscape of Dundas Street;
- contribute to the viability of Dundas Street as a major transit corridor;
- contribute to enhancement of the Mississauga Road streetscape, in compliance with the Mississauga Road Scenic Route policies of the Official Plan (see review of policies in subsection 5.5).





**FIGURE D**



## 2. NATURAL FEATURES and NATURAL HAZARDS (Figures 5 to 9)

### 2.1 Introduction

The Mississauga Official Plan provides (section 9.18.1) a definition of **Greenlands** and states that **Greenlands** represent:

- natural hazards associated with watercourse corridors;
- defined natural areas.

Further, the section states that the limits of the foregoing will be determined by the City and (in this instance) Credit Valley Conservation.

For the subject properties, natural hazards encompass unstable slopes and flooding associated with the Credit River valley corridor. Together, the long-term stable slope line and Regional Storm floodline (Figure 5) represent the limits of Hazard Lands (as shown on Figure 6). In 2010 those limits were accepted by the City, CVC, and the Ontario Municipal Board as appropriate boundaries for the existing G1 zoning (denoting Hazard Lands) of the subject properties. The Board's zoning Order is replicated by Figure 6.

The following site conditions were staked on April 29, 2019, surveyed on December 9, 2019, and subsequently reviewed by the City and CVC on January 24, 2020 to produce the boundaries shown on Figure 7:

- top-of-bank along the Credit River and abandoned tributary channel;
- dripline edge of forest cover.

Together, those surveyed lines serve to define the limits of **Significant Natural Area site CRR7** for the subject properties (Figure 8).

For the most part, Natural Hazards and Natural Features on the subject lands describe the same areas; nonetheless, they are not entirely congruent. Therefore, each category is discussed below under separate headings and is examined individually on Figures 5, and 8. A synthesis of environmental constraints imposed by natural hazards and natural features is presented by Figure 9.

### 2.2 Natural Hazards

The 2008 aerial photograph (Figure 1b) shows that the siltation control fence, installed in December 2007 (figure 4), generally follows the edge of the Credit River channel. That limit was more accurately delineated by means of a more recent top-of-bank survey, as shown on Figure 5. The top-of-bank along the tributary valley is also shown.

Stable slope lines, identified by Terraprobe in 2008, are also plotted on Figure 5, as is the geodetic survey of the Regional Storm floodline. Together, those limits serve to delineate Hazard Lands depicted as a surveyed line on Figure 6. The bearings and dimensions presented on the line segments of Figure 6 conform to those shown on Schedule "A" of the OMB zoning Order.

From Figure 5 it is evident that the stable slope line adjacent the Credit River valley is located well within the surveyed top-of-bank. Section 7.4 of the CVC ***Watershed Planning and Regulation Policies*** prescribes setback criteria for development and stipulates a minimum setback requirement of 10 metres from the:

- top-of stable slope;
- bankfull location of a watercourse.

The Policies do not specify a horizontal development setback from the Regional Storm floodline.

Development setbacks required by CVC Policy are shown on Figure 5.

**NOTE 14:**

CVC lot creation policies (section 6.2.1) state that the CVC will “**recommend**” that lot creation will respect the greater of:

- a 10-metre buffer from the limit of flood hazard;
- a 30-metre buffer from the bankfull flow location of a watercourse.

Since lot creation is not proposed, the foregoing requirements do not apply in this instance.

**NOTE 15:**

Section 6.3a of CVC Policy states that, in its review of a Site Development Plan for a lot of record, CVC will “**recommend**” that the lot line setbacks pertaining to lot creation (see Note 14) also be applied to proposed development “**to the extent feasible**”. Beacon submits that section 6.3a represents a hopeful suggestion by CVC, not a requirement, and should be regarded as such.

**NOTE 16:**

The introduction to Chapter 7 of the CVC Watershed Planning and Regulation Policies states that, pursuant to Ontario Regulation 160/06, the limit of its regulated area is determined by the extent of hazard lands plus a 15-metre allowance. Therefore, in terms of the corresponding criterion of Ontario Regulation 160/06, the regulated area is shown on Figure E.

The Mississauga Official Plan states that Natural Hazard Lands, as schematically portrayed on Schedules 3 and 10 of the Plan, must be designated ***Greenlands***. Further, policy 19.18.1 states that:

*As a condition of development approval, natural hazard lands may be placed in public ownership for their long-term protection.*

In this instance, the applicant will not object to gratuitous conveyance of hazard lands zoned G1, provided that the City is prepared to enter into an agreement governing long-term use and management of such lands by the City. (See also NOTE 17.)





- Regulated Area  
(conforms to criteria prescribed by Ontario  
Reg. 160/06)
- Lands not of Regulated by CVC
- Perimeter of Hazard Lands (Figure 6)

- Perimeter of underground garage
- Building Footprints

**FIGURE E**

**CVC Regulated Area**



Official Plan policy 6.3.47 requires provision of an “appropriate buffer to erosion hazards”. The policy does not propose a minimum dimension for the buffer but indicates that this will be determined on a site-specific basis by the City in consultation with CVC. Given that the stable slope line already presents a significant setback from the top-of-bank (Figure 5), Beacon submits that, in this instance, the stable slope line, which incorporates a long-term erosion allowance component, already establishes an “appropriate buffer”. Further, the barren terrain between the top-of-bank and stable slope line is an appropriate location for naturalization/restoration, as shown on Figure 8.

In this instance, an Ecological Restoration Area between the top-of-bank and stable slope line, as shown on Figure 8, will yield significant benefits in terms of environmental restoration and erosion control. Further, the CVC requirement for a 10.0 m development setback from the stable slope line (Figure 5) serves to provide a generous measure of additional separation and safety.

Further to the foregoing, Official Plan policy 19.18.5 states that:

*Dedication or restrictive zoning of buffers to Greenlands may also be required by the City in consultation with the appropriate conservation authority.*

In this instance, the applicant will accept restrictive zoning and dedication of buffers identified as **Ecological Restoration Area** on Figure 8.

**NOTE 17:**

The *Planning Act* makes no provision for a municipality to request, as a condition of development approval, gratuitous conveyance of Hazard Lands. In an Ontario Municipal Board decision concerning an appeal by an applicant of a City request for conveyance of floodplain lands as a condition of rezoning approval (*Carlro Investments Limited v City of Mississauga*), the Board allowed the appeal, citing the City’s request as *ultra vires*. Therefore, a request for conveyance of buffer lands not otherwise constrained by natural hazards or natural features may be considered excessive.

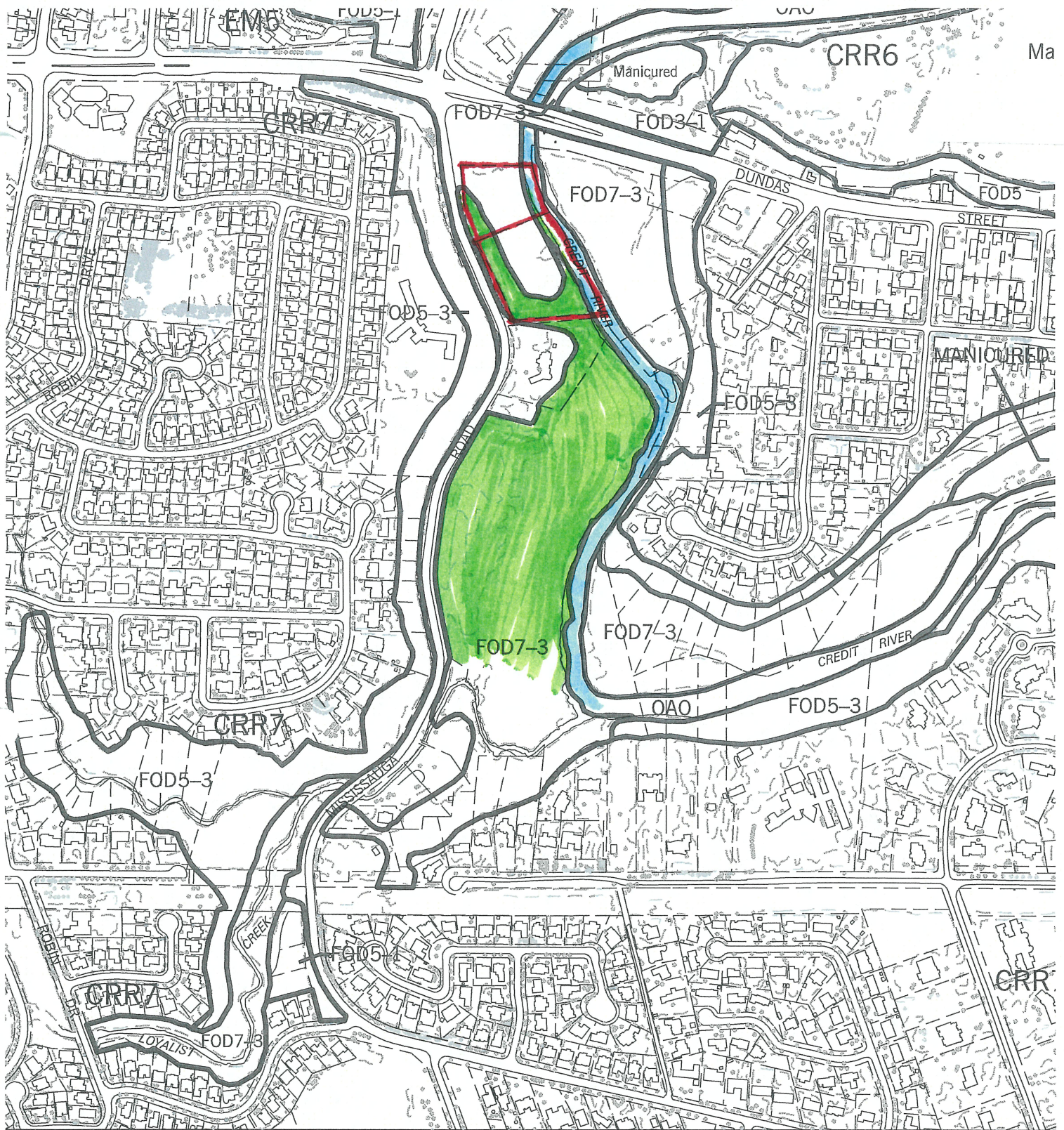
Nonetheless, Merulla is prepared to convey to the City both **Greenlands** and the proposed **Ecological Restoration Area** (Figure 8).

### **2.3 Natural Features: Mississauga Official Plan**

Schedule 3: Natural Systems of the Mississauga Official Plan presents a generalized description of natural features and natural hazards throughout the City. For the subject properties, the precise limits of Hazard Lands were determined by means of technical studies conducted in support of the existing G1 zone delineation (Figure 6) and no further investigation is required.

Official Plan Schedule 3 also identifies the general extent of Significant Natural Areas along the Credit River valley corridor. A much more precise delineation is provided by the **Natural Areas System** 2017 update (Figure F) which shows that the forested area south of Dundas Street is identified as **Significant Natural Area site CRR7**. Figure F clearly indicates that, at the subject properties, site CRR7 includes only valley lands adjacent the Credit River and the forested lands along the abandoned channel of Sawmill Creek.





# Natural

AREAS SYSTEM

2017 NATURAL AREAS UPDATE

SITE CRR7

FIGURE F

Significant Natural Area  
site CRR7



To precisely delineate CRR7 on the subject properties, on-site surveys of the following were conducted on December 9, 2019:

- top-of-bank along the Credit River;
- dripline edge of natural forest cover near the south boundary of 2935 Mississauga Road and along Mississauga Road.

Those surveys, portrayed on Figure 7, were reviewed by City and CVC staff on January 24, 2020.

The Mississauga Official Plan states that urban development adjacent or near the Natural Heritage System portrayed on Schedule 3 must not only avoid negative impacts on ecological functions and biological diversity, but should also, where possible, provide for restoration or enhancement of the Natural Heritage System.

The latter can be achieved by the establishment of restoration/naturalization buffers. Official Plan policy 6.3.7 states that buffers are:

*vegetated protection areas that provide a physical separation of development from the limits of natural heritage features and natural hazard lands.*

The Official Plan does not prescribe a minimum depth requirement for a buffer but states (policy 6.3.8) that:

*Buffers shall be determined on a site-specific basis as part of an Environmental Impact Study.*

An Environmental Impact Study was prepared by Dougan & Associates in support of proposed construction of a detached dwelling on #2935. The July 2017 report recommends (pages 54 and 56) establishment of a 10-metre buffer adjacent the entire Significant Natural Area (schematically portrayed on Figure 8 of the Dougan report) which will have two components: a restoration zone and a development setback from that zone. Further, the report suggests that width of the restoration zone within the buffer and restoration planting details should be determined in conjunction with preparation of a Landscape Plan for the proposed development.

In the absence of such Landscape Plan (which will be required, in due course, in conjunction with preparation of a Site Development Plan), Beacon agrees with the Dougan report and proposes that the 10-metre buffer recommended by Dougan should have two components:

- 5.5-metre Ecological Restoration Area;
- 4.5-metre development setback from the Restoration Area.

Those two components of the 10-metre buffer are portrayed on Figure 10 of this report. As discussed earlier, along the Credit River valley, the barren terrain between the top-of-bank and stable slope line will serve to accommodate the Ecological Restoration Area.

Collectively, the dripline survey, the Dougan EIS report, the Supplementary EIS report by Palmer Environmental, and the proposed Restoration Area all serve to satisfy Official Plan policy 6.3.10:

*The exact limit of components of the Natural Heritage System will be determined through site-specific studies such as an Environmental Impact Study.*



**NOTE 18:**

The site-specific delineation of Significant Natural Area site CRR7, as shown on Figure 8, corresponds to that portrayed by both 2017 Natural Areas System update (Figure F) and Official Plan Schedule 3. Therefore, in accordance with policy 6.3.11, no amendment to Schedule 3 is required.

**NOTE 19:**

The forest cover adjacent Mississauga Road is discontinuous due to the opening at the former driveway crossing of Sawmill Creek (Figures 4 and C). It is anticipated that construction of the proposed entrance at that location will further isolate the narrow strip of forest along Mississauga Road north of the proposed entrance. From an ecological perspective, this isolated strip of forest along Mississauga Road will not function as a viable extension of Significant Natural Area site CRR7. Please see subsection 3.3 for a more detailed explanation of the environmental and ecological implications of its isolation.

### **2.4 Natural Features: CVC, Region of Peel, and Provincial Policies**

The primary focus of CVC *Watershed Planning and Regulation Policies* is protection and management of Hazard Lands. Section 6.1 of the Plan addresses, in general terms, CVC input to municipal planning and development application review and does not either require establishment of buffers or specify development setbacks from buffers in conjunction with urban development. Nonetheless, section 6.1(i) does promote the application of natural regeneration and restoration techniques:

*CVC will encourage that planning-related applications follow a natural approach to landscaping, restoration, or enhancement efforts using native, non-invasive, and locally appropriate species.*

The subject properties contain components of an extensive natural area along the Credit River valley corridor, variously identified as:

- **Significant Natural Area** site CRR7 by City (see 2.3 above);
- **Environmentally Significant Area** (ESA) by CVC;
- **Area of Natural and Scientific Interest** (ANSI) by the Ministry of Natural Resources;
- **Core Greenlands** by the Region of Peel Official Plan.

**NOTE 20:**

The EIS report by Dougan & Associates presents an examination of the specific criteria for ESA, ANSI, and Core Area designations (pages 24–26) and concludes (page 47) that the boundary of Significant Natural Area site CRR7 also serves to define the limits for the ESA and ANSI classifications, as well as the Core Area Greenbelt designation of the Region of Peel Official Plan. Beacon concurs.



CVC policy 5.3.3.2 states that:

- *Within CVC's jurisdiction, ESAs are identified by CVC.*
- *The exact limits of the ESAs will be determined through site-specific field investigations and technical reports.*
- *CVC will not permit development within ESAs in regulated areas (see Figure E), except in accordance with the policies in Chapter 7 (of CVC **Watershed Planning and Regulation Policies**).*

CVC policy 5.3.3.3 states that:

- *The exact limits of life science ANSIs are to be determined by the Ministry of Natural Resources;*
- *CVC will not permit development within (regionally significant) life science ANSIs in regulated areas (Figure E), except in accordance with the policies of Chapter 7.*

The Region of Peel Official Plan states (section 2.3) that:

- The subject properties are within the Core Area of the Greenlands System.
- Core Areas include ESAs and ANSIs.
- The Regional Official Plan implements the **Provincial Policy Statement**.
- The limits of the Core Area / ESA / ANSI will be determined jointly with the City of Mississauga in consultation with CVC (2.3.2.2.g).
- Refinement of the boundary of a Core Area / ESA / ANSI will not require amendment of the Regional Plan but must be incorporated into the Mississauga Official Plan by means of an amendment of that Plan.

In response to all of the foregoing, Beacon submits that, on the basis of the various investigations described earlier in this chapter plus the examinations presented in section 4.5 of the EIS report by Dougan & Associates:

- accurate delineation of Significant Natural Area (SNA) site CRR7, as depicted on Figure 8, also serves to define the ANSI, ESA, and Core Area;
- creation of an Ecological Restoration Area buffer adjacent the SNA (Figure 8) will serve to both expand the SNA and provide enhanced environmental viability and protection;
- proposed conveyance of the foregoing to the City as a condition of development application approval will ensure long-term preservation of natural conditions;
- a 10.0-metre development setback from Hazard Lands and from the Significant Natural Area will ensure that proposed development will not infringe on or impact the SNA;



- any proposal for urban development will be designed to conform to the requirements of CVC ***Watershed Planning and Regulation Policies*** (i.e. chapter 7 ~ Policy Implementation) including Policy 7.3(b) which does not preclude development on lots of record, provided that CVC is satisfied that there will be no adverse consequences in terms of risk, hazards, flooding, erosion, and conservation of land.

### **2.5 Synthesis: Development Constraints**

***Greenlands***, as defined by the Mississauga Official Plan, comprise Hazard Lands and Significant Natural Areas. Constraint mapping intended to delineate those two elements are presented by Figures 5 and 8, respectively. Required development setbacks are also shown.

The setbacks of Figures 5 and 8 are consolidated on Figure 9. All lands left blank on Figure 9, including setbacks, are unconstrained environmentally and, subject to adherence to setback requirements, are potentially available for development. The unconstrained lands have been cultivated since 2008. (Figure 3)

In conclusion, the Significant Natural Area site CRR7 / Core Area / EAS / ANSI portions of the subject properties will remain undisturbed, will retain their Greenlands designation, and will be conveyed to the City for conservation purposes. Figure 14 shows the extent of the proposed Greenlands conveyance, representing 50% of the total area of the two properties.



### 3 ENVIRONMENTAL PLANNING AND MANAGEMENT (Figures 10 and 11)

#### 3.1 Introduction

Identification of environmental constraints (Chapter 2) and the formulation of environmental protection and restoration strategies (this chapter) occurred before any development proposal was formulated. In that regard, the development proposal described in Chapter 4 is very much a product of sound environmental planning, conforming to principles governing the doctrine of environmental determinism.

Although not legally required or obligated to do so (see subsection 1.8), Merulla insisted that restoration of natural conditions should be a major element of a comprehensive environmental management strategy, as described in this chapter. Formulation of that strategy preceded formulation of a development concept.

#### 3.2 Restoration/Restitution/Remediation

The Region of Peel Official Plan policy 2.3.2.7 states (in part) as follows:

*In the event that portions of the Core Areas are damaged or destroyed, there shall be no adjustment to the boundary or redesignation of these areas in the area municipal official plans and the Region will require replacement or rehabilitation of the ecological features, functions, and/or landforms.*

Although not expressly stated, it appears that the foregoing policy is intended to prevent destruction of natural features for the purpose of commercial or personal gain. In this instance, the site disturbances by Merulla in 2007 and 2008 were done in the interest of public safety and personal liability, not enhancement of development potential. The site modifications enabled Merulla to initiate an agricultural use, which has been the sole use of the properties since 2008 (Figure 3). Further, both agricultural use and “normal farm practices” to prepare lands for cultivation (see NOTE 11) conform to Region of Peel Official Plan policy 2.3.2.8:

*Allow the continuation of existing agricultural uses in accordance with normal farm practices within the Greenlands System.*

Apart from a failed minor variance application in 2018, no application has been submitted to permit urban development of the subject properties. On the basis of pre-consultations in 2019, it appears that, as a precondition for submission of a development application, the City and CVC want Merulla to restore the original extent of:

- **Environmentally Significant Area # 7** (identified by CVC in 1979);
- **Credit River at Erindale Regional Life Science ANSI** (identified by MNR in 1984);
- **Significant Natural Area site CRR7** (most recently delineated by the City in 2017 ~ see Figure F);
- **Core Greenlands** (Schedule A, Region of Peel Official Plan).



For each of the foregoing features, related policy states that the precise boundary of the natural feature must be determined by means of site-specific investigations or studies. The most recent of such investigations was conducted by the City; delineation of SNA site CRR7 in 2017 is shown on Figure F. According to Dougan, all four classifications refer to the same natural feature (see NOTE 20); therefore, it is reasonable to rely on the most recent investigation by the City (Figure F) to also define the limits of the other three.

Collectively, the top-of-bank, dripline, and floodline surveys conducted by Merulla and endorsed by the City and CVC (Figure 7) serve to provide an accurate, site-specific delineation of site CRR7. As shown on Figure 11, the entire extent of site CRR7 will be preserved and (except for the isolated portion ~ see subsection 3.3 below) will be conveyed to the City for long-term protection and management.

Further, in conjunction with proposed development, Merulla intends to install restoration planting along the entire perimeter of site CRR7 (***Ecological Restoration Area***, as shown on Figure 10). Together, preservation of site CRR7, establishment of the Ecological Restoration Area, and creation of the ***Natural Regeneration Area*** will more than satisfy the requirement of Region of Peel Official Plan policy 2.3.2.7.

### **3.3 Isolated Portion of SNA site CRR7**

The photographs on Figure C depict the existing condition of the original driveway entrance to the previous dwelling on 2935 Mississauga Road. As is evident by the photographs and as confirmed by the dripline survey (Figure 7), the entrance is devoid of vegetation; thereby, Significant Natural Area site CRR7 is rendered discontinuous.

It is obvious that, in the event the roadway access for the proposed development is constructed at that same location, the “tail end” of site CRR7 will be further divorced and isolated from the balance of the Significant Natural Area. As a result, the remnant strip of trees along Mississauga Road will have diminished environmental significance and ecological integrity. In functional terms, the value of the remnant forest above the proposed entrance will be primarily relegated to that of landscape aesthetics, providing an attractive, natural buffer between Mississauga Road and proposed development. For that reason alone, it warrants preservation. Accordingly, Beacon submits that, in consideration of both existing conditions and proposed development, site CRR7 effectively terminates at the proposed entrance. Notwithstanding, the forested area beyond the entrance will be preserved as a forested buffer along Mississauga Road and will be preserved as a natural amenity component of site development.



### **3.4 Ecological Restoration and Environmental Enhancement**

Although Merulla has obtained a legal opinion that he is not obligated to do so (see subsection 1.8 of this report), the development proposal incorporates a considerable area of lands intended for ecological restoration and environmental enhancement. Two categories of remediation are proposed, as shown on Figure 10:

- **Ecological Restoration Area** (minimum width = 5.5 m);
- **Natural Regeneration Area** (minimum width = 4.5 m);
- collectively, the foregoing yield an SNA buffer having a minimum width of 10 m and much greater width in some areas.

Restoration lands are situated adjacent core SNA site CRR7, as shown on Figure 10. Combined, CRR7 lands and Restoration lands comprise Greenlands to be conveyed to the City for conservation purposes (Figure 11). Figure 9 shows that Restoration lands not captured by the G1 zone will remain zoned G2.

Restoration lands are intended to preserve and enhance the ecological integrity of core SNA site CRR7 and will be subject to a greater standard and degree of restorative planting than Natural Regeneration Areas.

Natural Regeneration Areas will be retained by the applicant and, for the most part, occupy development setbacks from Hazard Lands and Natural Areas (Figure 10). In the context of proposed development, the setbacks serve no useful functions other than the control of building locations; therefore, restoration of such lands to a natural or naturalistic condition will contribute significantly to environmental restoration and enhancement and will constitute a rational and desirable use of land. Since Regeneration lands form part of the development site they should have the same zoning.

The relationships and functions of the two categories of SNA buffers are illustrated on Figure 10 and are summarized below :

- **Ecological Restoration Area**, comprising 2,103 m<sup>2</sup>, to be zoned G2 (if not already zoned G1 ~ Figure 9), to be designated Greenlands (Figure 14), to be conveyed (Figure 11);
- **Natural Regeneration Area**, comprising 3,523 m<sup>2</sup>, to be zoned RA4-50, to be designated Residential: High Density, to be retained by the applicant.

Together, Ecological Restoration Area and Natural Regeneration Area comprise 5,626 m<sup>2</sup> or 0.56 ha. That amount of environmental restoration more than compensates for the perceived loss of vegetation since Merulla acquired #2955 in 2002 and #2935 in 2003.

<b>Components of CRR7 Buffer (Figure 10)</b>	
	<b>Area (m<sup>2</sup>)</b>
Ecological Restoration Area	2,103
Natural Regeneration Area	3,523
<b>TOTAL</b>	<b>5,626</b>

It is expected that more detailed descriptions of intended restoration and enhancement will be included in the Supplementary EIS Report by Palmer Environmental. (see Table 1b of Foreword)



### **3.5 Development Site**

Chapters 2 and 3 of this report were prepared in the absence of a concept for proposed development. On the basis of the foregoing examinations and analyses of natural conditions, environmental constraints, and opportunities for ecological restitution and environmental enhancements, residual lands were derived. Residual lands have no natural attributes or environmental constraints and are represented by the **Development Site** identified on Figure 11. Figure 11 was presented to Merulla's architect, with instructions to devise alternative development concepts that conform to the boundaries of the Development Site.

#### **NOTE 21:**

It must be noted that, at this juncture in the planning process, no plans for the Development Site had been devised. The only directive to the architect was the predetermined location of the Mississauga Road entrance. Rationale for that decision is presented in subsection 4.8.

### **3.6 Environmental Impacts: Restoration, Remediation, and Mitigation Measures**

It is expected that measures to mitigate and attenuate potential impacts of proposed development will be addressed in the Supplementary EIS Report by Palmer Environmental.

Further, it is expected that the Supplementary EIS Report will also provide:

- a program for creation of the **Ecological Restoration Area** (Figure 10);
- an environmental management plan for the **Natural Protection Area** (Figure 11);
- an environmental remediation plan for the **Natural Regeneration Area** (Figures 10 & 11).

### **3.7 Supplementary EIS Report**

Since the development currently proposed is much more intensive than that contemplated for #2935 in 2017 (see subsection 4.1), the "Environmental Impact" and "Conclusions and Recommendations" chapters of the Dougan report are no longer specifically applicable. Accordingly, a Supplementary EIS Report is required. The Supplementary Report will rely on the original field investigations and terrain analyses by Dougan (which are competent, thorough, and comprehensive) and will supplement the Dougan report by means of additional field studies. The examination of potential impacts of proposed development, the identification of appropriate preventive and mitigative measures, and the summaries and conclusions presented in the Supplementary Report will serve to enhance (and possibly supplant) those of the Dougan EIS report.

Notwithstanding the foregoing, only the Dougan EIS report was available to assist preparation of this planning justification report. Therefore, preparation of this report has relied on the findings of the Dougan report. It is understood that some elements of this report may require reconsideration in deference to the findings of the Supplementary EIS Report by Palmer Environmental in the event its assessment of buffer and restoration requirements differs significantly from those of the Dougan report.



## 4. PROPOSED DEVELOPMENT (Figures 12 to 14)

### 4.1 Previous Development Concept

In 2017 Merulla applied for a minor variance to permit reconstruction of a dwelling on #2935. A draft Site Development Plan, submitted in support of the application, illustrated the proposed construction of a detached dwelling.

The minor variance application was refused by the Committee of Adjustment. City comments indicated, *inter alia*, that any development proposal for the two properties must be accompanied by the appropriate rezoning and Official Plan amendment applications. The subject applications are submitted in response to that requirement.

Although the Site Development Plan application for one detached dwelling was not accepted by the City, an Environmental Impact Study in support of such development was prepared by Dougan & Associates. The report, dated July 2017, presents a thorough examination of natural features and conditions, including inventories of flora and fauna conducted in 2013, 2014, and 2017. Chapter 5 of the Dougan report addresses the potential impact of construction of a detached dwelling on #2935 and proposes mitigative measures to attenuate any adverse effects. It is expected that the Supplementary EIS Report by Palmer Environmental (see subsections 3.6 and 3.7) will address the specific mitigative measures required by the current proposal.

### 4.2 Dedication of Greenlands

Dedication of Greenlands to the City as a condition of approval of proposed development is discussed in subsection 3.4. **Greenlands** to be conveyed to the City and development lands to be retained by the applicant are shown on Figure 14. The following table indicates that the Greenlands to be conveyed is effectively equal to the area of the Development Site to be retained.

Proposed Land-Use Categorization (Figure 14)		
	Area (m <sup>2</sup> )	Proportion
Greenlands (to be conveyed)	10,572	49.7%
Development Site (to be retained)	10,685	50.3%
<b>Total Area of Two Properties</b>	<b>21,257</b>	<b>100%</b>



### **4.3 Built-Form and Parking**

Proposed condominium development, depicted on Figures 12 and 13, has two essential components:

- a high-rise building (predominantly on # 2955) consisting of a six-storey podium and a 12-storey tower;
- a stacked townhouse complex on # 2935;
- three levels of underground parking, which occupies almost the entire development site (Figure 13).

The following table provides both a description of bedroom composition of the two structures and a calculation of required parking. In summary, 332 spaces are required whereas 331 spaces are provided; therefore, in terms of prescribed parking standards, a deficit of one space is identified.

PARKING REQUIRED					
UNIT SIZE	STANDARD	# UNITS	SPACES REQUIRED		
<b>Apartment Building</b>					
1B	1.25	27	)		
1B + Den	1.25	94	)	151	
2B	1.40	44	)		
2B + Den	1.40	12	)	78	
3B	1.75	19		33	
Visitor	0.20			39	
<b>TOTAL</b>		<b>196</b>		<b>301</b>	
<b>Stacked Townhouses</b>					
1B	1.10	10		11	
2B	1.50	10		15	
Visitor	0.25			5	
<b>TOTAL</b>		<b>20</b>		<b>31</b>	
<b>COMBINED TOTAL</b>				<b>332</b>	

PARKING PROVIDED	
P1	109
P2	110
P3	112
<b>TOTAL</b>	<b>331</b>

### **4.4 Proposed Zoning**

Together, the apartment building and the stacked townhouse complex will yield a floor area of 18,685 m<sup>2</sup>, as shown in the following table. Since the post-conveyance development site will have a residual area of 10,549 m<sup>2</sup>, the Floor Space Index of proposed development is 1.77.

FLOOR AREAS	
BUILDING	m <sup>2</sup>
Apartments	16,537.20
Townhouses	2,148.10
<b>TOTAL</b>	<b>18,685.30</b>



Further, maximum height of proposed development is 12 storeys or 38 metres. Therefore, with reference to Table 4.15.1 of the Zoning By-law, the appropriate zoning category is RA4. It is proposed that RA4 zoning should be applied to the entire site, including the forested amenity area.

#### **4.5 Proposed Official Plan Land-Use Designations**

As shown on Figure 14, lands to be conveyed to the City for conservation purposes will retain their **Greenlands** designation.

The balance of the two properties should be re-designated **Residential: High Density**.

#### **4.6 Schedule RA4-50**

While efforts were made to ensure that the proposed buildings conform to the Zoning By-law regulations of Table 4.15.1, it is recognized that, a site-specific schedule will be required to address three specific elements of site development:

- a stacked townhouse complex within an Apartment zone;
- preservation of the forested amenity area;
- natural regeneration within the entire perimeter of the development site.

The foregoing are portrayed on Figure 13, which is intended to provide a facsimile of Schedule RA4-50. The following table shows that only 56% of the residual, post-conveyance property will be developed; the remaining 44% will be either preserved in a natural condition or restored to a natural condition, as discussed in subsections 3.3 and 3.4, respectively.

COMPONENTS of RETAINED LANDS (Figure 11)		
COMPONENT	AREA (m <sup>2</sup> )	PROPORTION
Natural Protection Area	1,150	11%
Natural Regeneration Area	3,523	33%
Development Site	5,876	56%
TOTAL	10,549	100%

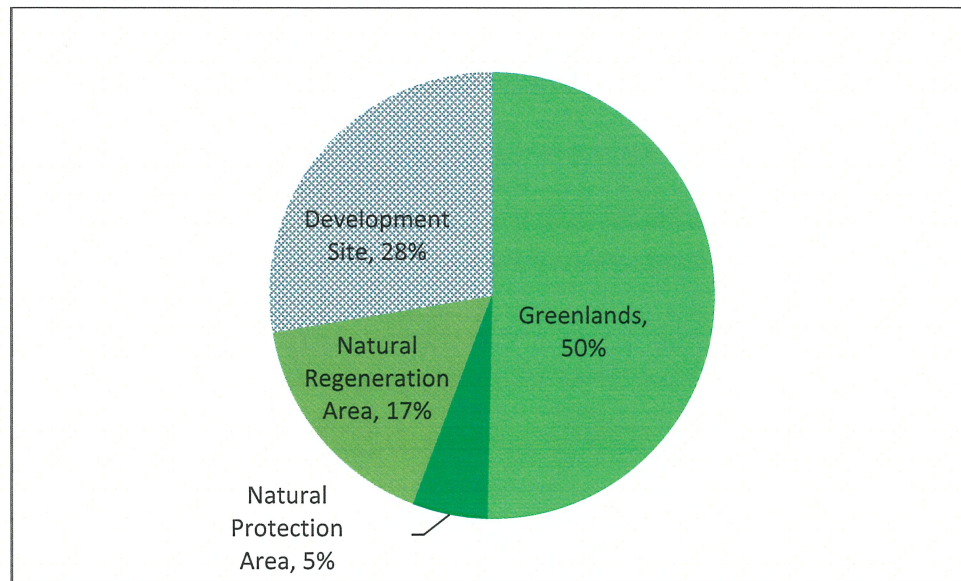
The foregoing matters are addressed in an Exception article of the Zoning By-law, tentatively identified as RA4-50 and presented in Appendix "A".



#### **4.7 Environmental Planning Attributes of Proposed Development**

The following graph is intended to illustrate the extraordinary efforts exhibited by proposed development to preserve and restore natural conditions.

Not only will half of the combined area of the two properties be conveyed gratuitously to the City for conservation and environmental management, 44% of the remaining development site will be dedicated to either preservation of a forested area along Mississauga Road or restoration of natural conditions.



As a result of prudent environmental planning, only 28% of the two sites is under consideration for urban development.

#### **4.8 Mississauga Road Entrance**

In the absence of a Traffic Impact Study, Beacon was unable to provide rationale for the proposed location of the Mississauga Road entrance from a traffic engineering and safety perspective. Until a TIS report is available, the following observations are submitted in support of the proposed location of the entrance.

- **Legal:**
  - the City cannot prevent access to a lot of record (in this instance, 2935 Mississauga Road);
  - it replaces a legal, pre-existing access and driveway (Figure 4).



- **Environmental:**
  - the site of the proposed entrance is devoid of vegetation (Figure C);
  - locating it further south will intrude on both a deeper part of the floodplain and a forested area;
  - locating it further north would likewise result in destruction of vegetation;
  - the depth of the Regional Storm floodplain at this location is minimal and flood storage will not be diminished to any significant degree;
- although there is no longer a watercourse at this location, a small culvert will serve to accommodate any ephemeral overland drainage.
  
- **Traffic:**
  - a single entrance from Mississauga Road, rather than two separate entrances (i.e. one on each site), is preferred;
  - located a sufficient distance from a major, signalized intersection at Dundas Street;
  - ideally located to provide adequate sightlines, both north and south along Mississauga Road;
  - moving it further north would create conflict with the red-light queue that forms south of Dundas Street.
  
- **Site Development:**
  - the proposed location permits the private road and turn-around to be located primarily on #2935, thereby enabling concentration of development on #2955;
  - one access for two residential complexes reduces developments costs and constitutes efficient use of land.

### **4.9 Floodplain Alteration and Flood Storage Compensation**

An engineer's report is required to address two design aspects of the proposed entrance:

- a CVC permit is required for the proposed crossing of the depression containing the Regional Storm floodplain. In support of a permit application, the engineer's report must address the provision of flood-free access and the impacts of any diminution of flood storage capacity;
- engineering and design requirements for the proposed entrance at Mississauga Road, as specified by the City.

An engineer's report was not available on the date of this report.



## 5. CONFORMITY: Mississauga Official Plan

### 5.1 Existing and Proposed Greenlands Designation

Official Plan Schedule 10 ascribes a **Greenlands** land-use designation to the entire extent of both properties. The genesis of that designation can be traced back to the first Official Plan for the newly created City of Mississauga. Preparation of that Official Plan commenced in 1974. At that time, CVC mapping of the Regional Storm floodline indicated that the floodplain inundated both properties, covered Mississauga Road, and extended part way up the slope on the west side of Mississauga Road. As a result, the first Official Plan applied a **Greenbelt** designation to that entire area.

Indisputably, in 1974, the Greenbelt designation was correct. However, in subsequent years, more sophisticated hydraulic modelling techniques have yielded more precise projections of flood flow rates under Regional Storm conditions.

The 2002 calculation by Parish Geomorphic (and endorsed by CVC) produced a floodline elevation of 97.19. Most recently, on the basis of a study by Golder Associates, CVC adopted a floodline elevation of 97.92. For convenience, that can be rounded to 98.0 m. The two floodlines are shown on Figure 4. Since the vertical difference between the 2002 and 2005 floodline elevations is only 0.73 m, the horizontal separation is not substantial.

Despite the significant diminution of the floodplain since 1974, the current version of the Official Plan retains a **Greenlands** designation over the entirety of the subject properties. A decade ago, Merulla attempted to benefit from an omnibus Official Plan amendment being prepared by the City (General Amendment) and requested either a Residential or Development designation for the non-Hazard Land portions of the two properties. The City demurred, indicating that such amendment should occur in conjunction with a development application. This report is submitted in support of such application.

#### NOTE 22:

At that time, the City did agree to amend the limit of Hazard Lands, shown diagrammatically on Official Plan Schedules 3 and 10, to conform to the limit of the G1 zone (authorized by the Ontario Municipal Board in June 2010).

The Official Plan defines Greenlands as follows (19.18.1):

- determined on a site-by-site basis;
- natural hazards associated with watercourse corridors (Figure 5);
- identified natural areas (Figure 8).

Amalgamation of the foregoing, plus associated buffers, is shown on Figure 9. Rationale for the proposed **Greenlands** and **Residential: High Density** designations (Figure 14) is presented, respectively, in subsections 5.2 and 5.3.



### **5.2 Natural Heritage System**

Significant Natural Area site CRR7, which occupies portions of the two properties, is delineated by the top-of-bank and dripline surveys (Figure 7). The natural conditions and biological qualities of site CRR7 are thoroughly and definitively examined in the **Environmental Impact Study** by Dougan & Associates (July 2017) in terms of City, CVC, and Provincial policies and requirements. In that regard, Beacon submits that the proposed development addresses and satisfies all of the relevant policies and requirements of Chapter 6: Value the Environment:

- the Significant Natural Area site CRR7 will retain its **Greenlands** land-use designation; relevant policies that preclude development and promote preservation will be satisfied;
- site CRR7 lands plus buffers will be conveyed to the City, thereby assuring long-term environmental protection, management, and preservation;
- preventive and mitigative measures recommended by Dougan (including buffers adjacent CRR7, comprising an **Ecological Restoration Area** plus a **Natural Regeneration Area** ~ see Figure 10) will promote environment restoration and mitigate any adverse impacts of proposed development.

### **5.3 Dundas Street Intensification Corridor**

The current **Greenlands** designation of the Official Plan does not contemplate an urban use of the subject properties. As noted in subsection 5.1 above, responsibility for identification of an appropriate use of the properties by way of a development application was assigned to the owner of the lands. In that regard, definitive direction is provided by the Official Plan; specifically, the following Schedules, all of which identify Dundas Street as an **Intensification Corridor**:

- Schedule 1: Urban System;
- Schedule 1c: Corridors;
- Schedule 2: Intensification Areas;
- Schedule 6: Long Term Transit Network.

The Official Plan defines Intensification Corridor as:

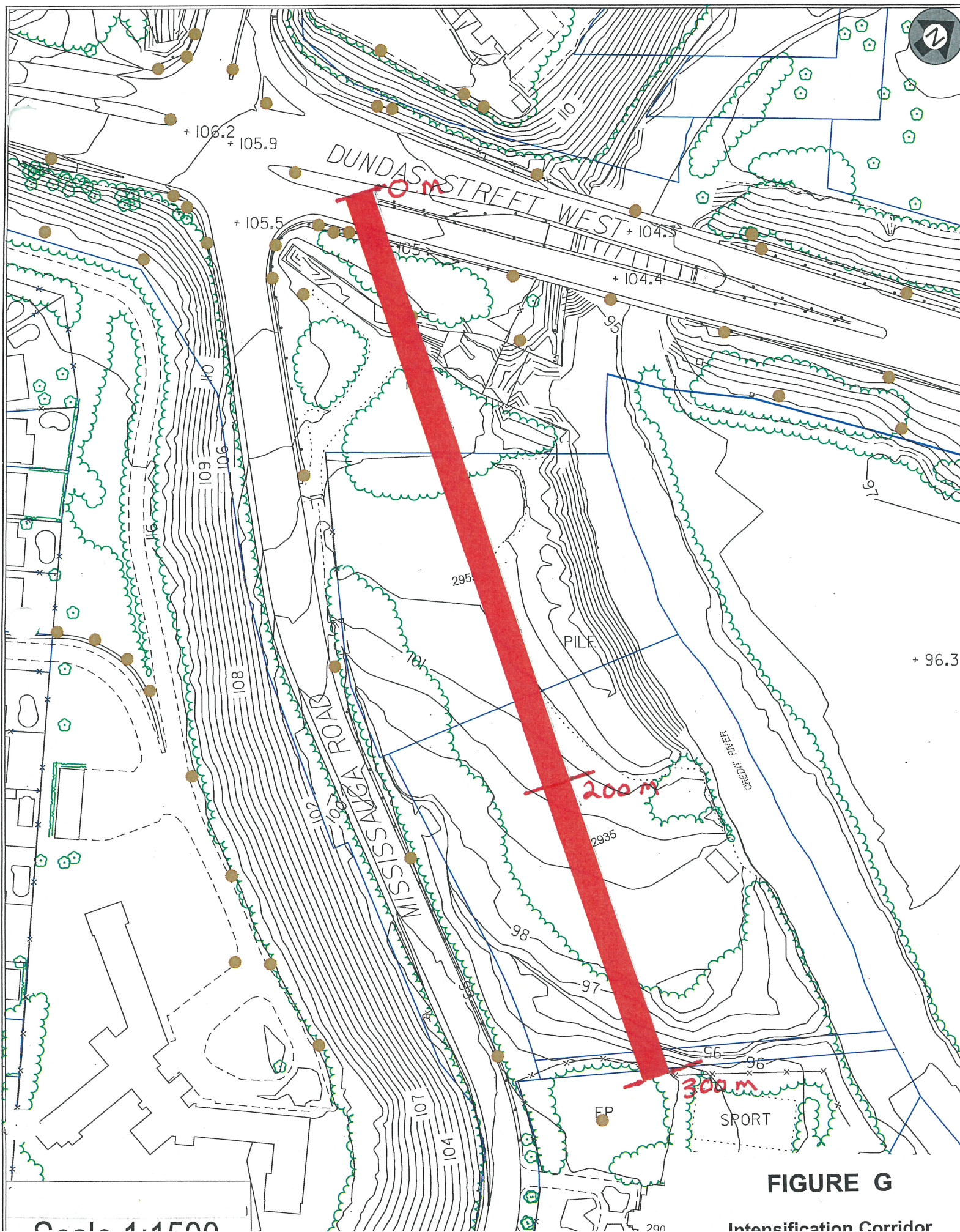
*lands within approximately 200 to 300 metres of the centre line of roads identified as having the potential for higher-density, mixed-use development consistent with planned transit service levels.*

Figure G shows that both properties satisfy the foregoing distance criteria.

#### **NOTE 23:**

See Chapter 8 for an examination of planned transit service proposed by the **Dundas Connects Master Plan**.





**FIGURE G**

Intensification Corridor



Regarding development within *Intensification Corridors* and *Intensification Areas*, Chapter 5: Direct Growth presents the following policies.

***Intensification Corridors:***

- higher density uses should occur along corridors (5.3.5.3);
- development should be compact, mixed-use, and appropriate to the context of the surrounding neighbourhood (5.4.4);
- development must have a minimum height of two stories (5.4.8);
- not all segments are appropriate for intensification (5.4.12);
- low-density residential development is discouraged (5.4.13).

***Intensification Areas:***

- primary recipients of urban growth (page 5-16);
- development densities should be sufficiently high to support frequent transit service (page 5-16);
- focus for intensification (5.5.1);
- a mix of medium and high density housing is encouraged (5.5.7);
- residential density should be sufficiently high to support transit (5.5.8);
- development should maximize the use of existing and planned infrastructure (5.5.9);
- development should not be incompatible with preservation of natural heritage features (5.5.11).

Regarding development within *Intensification Corridors* and *Intensification Areas*, Chapter 9: Build a desirable Urban Form presents the following policies.

- growth will be directed to Intensification Areas, including Intensification Corridors (page 9-1);
- Special Purpose Areas, such as UTM, will realize intended growth (page 9-2);
- infill development must be sensitive to the existing urban context and must minimize adverse effects on adjacent properties (page 9-2);
- a mix of uses that supports transit is mandatory (9.1.2);
- Intensification Areas, including Intensification Corridors, are the principal location for future growth (9.2.1);
- development will exhibit a high standard of urban design (9.2.1);
- high-quality and compact urban form is encouraged (9.2.1.4);
- the consolidation of access points, shared parking, and common driveway entrances are encouraged (9.2.1.6);
- where the right-of-way width exceeds 20 metres, greater building height may be required (9.2.1.9).



Beacon submits that the proposed **Residential: High Density** designation conforms to and satisfies all of the foregoing Intensification policies and directives of the Official Plan. Moreover, in response to policy 5.5.11, it is expected that the Supplementary EIS Report by Palmer Environmental will address the potential for adverse environmental impacts and will propose appropriate preventive and mitigative measures in that regard.

#### **5.4 Land-Use Compatibility:**

- Policy 5.4.5 requires higher density development to have regard for the character of the neighbourhood and to provide transition in height, built form, and density with reference to surrounding lands.
- That policy, as well as other policies addressing compatibility of built form, has limited relevance to the subject properties since the subject properties enjoy a context that provides concealment and isolation. (Figure H)
- The nearest built forms, both existing and proposed, are situated at much higher elevations:
  - St. Peter's Anglican Church to the north;
  - proposed E.V. Royale to the east (8 storeys);
  - proposed redevelopment of Carmelite Sisters retreat to the west (6 storeys).
- The dwelling at 2901 Mississauga Road is well separated from the proposed apartment buildings and buffered by a wide Greenlands corridor. In summer, the proposed buildings will not be visible from that property.
- Therefore, there is no metric, in the context of adjacent buildings, by which to gauge (or that would limit) building height or mass.
- Nonetheless, both height and mass of the proposed buildings are moderate and correspond to that of nearby redevelopment proposals referenced above.
- The design of the buildings, the naturalistic landscaping around the buildings, and the proposed Ecological Restoration Area adjacent site CRR7 will all serve to create development that is both compatible with surrounding uses and complements the surrounding natural environment.





**FIGURE H**

**Context**  
(August 16, 2009)



### **5.5 Mississauga Scenic Route**

Mississauga Road, from Port Credit to Streetsville, is identified as **Major Collector (Scenic Route)** on Schedule 5: Long-Term Road Network. Related policies are presented in section 9.3.3.11 of the Official Plan. Conformity to those policies is examined in the following responses:

- a) Beacon submits that the distinctive location of the subject properties and the substantial size of the two properties represent two factors which, individually and collectively, favour more intensive development. Further, proposed development conforms to the **Intensification** policies of the Official Plan (see subsection 5.3 above) and the directives of the **Dundas Connects Master Plan** (see Chapter 8), both of which should supersede the subject policy.
- b) The proposed buildings will face Mississauga Road and will have a singular, direct access on Mississauga Road.
- c) Buildings will feature enhanced architectural design facing Mississauga Road.
- d) No service road is proposed and access lanes to underground parking are located a significant distance from Mississauga Road (Figure 12).
- e) In the absence of a Traffic Impact Study report and detailed design of the entrance, it is not known at this time whether localized widening of Mississauga Road will be required for creation of auxiliary turning lanes.
- f) Building massing, design, and setbacks are consistent with proposed development to the east (EV Royale) and to the west (Carmelite Sisters).
- g) Not relevant in this instance.
- h) Not relevant in this instance.
- i) Existing trees along Mississauga Road will be preserved and additional trees will be planted along Mississauga Road at the northern portion of #2955;
- j) Existing landscape features will not be affected or disturbed.
- k) It is expected that all utilities will be routed through the proposed entrance, thereby avoiding any impact on existing vegetation.
- l) No grading is proposed or required adjacent Mississauga Road except, possibly, at the northern portion of #2955. If required, such grading will be designed to ensure compatibility.
- m) Table lands along the Credit River valley will be conveyed to the City for conservation purposes. The considerable depth of such lands will provide opportunity for public use, if warranted.



## 6 CONFORMITY: CVC and Provincial Policies

### 6.1 CVC Policy

As described in subsections 2.2 and 2.4 of this report, the subject development is planned and designed to conform to all CVC policies and development requirements prescribed by **CVC Watershed Planning and Regulations Policies**. Development setbacks specified by CVC policies are portrayed on Figure 5.

In addition, CVC administers Environmentally Significant Areas (ESAs). Beacon submits that the delineation of Significant Natural Area site CRR7 (Figures 7 & 8) also serves to satisfy CVC policy 5.3.3.2a:

*The exact limits of ESAs will be determined through site-specific field investigations and technical reports, where required. These limits will be established and confirmed to the satisfaction of CVC and affected planning authority, as appropriate.*

The merits of ESA #7, in the context of specific selection criteria and as those criteria pertain to the subject properties, are examined in the Dougan Associates EIS report.

Since no development is proposed within the ESA and since the necessary safeguards will be implemented to prevent or mitigate indirect impacts resulting from development of adjacent lands, Beacon submits that CVC policies 5.3.3.2 b) and c) are thereby satisfied.

### 6.2 Provincial Policy

The **Provincial Policy Statement 2014** was issued under the authority of section 3 of the *Planning Act* and came into effect April 30, 2014. Section 4.0 of the Provincial Policy states that implementation is best achieved via municipal Official Plans and Zoning By-laws. Accordingly, the Mississauga Official Plan was amended to bring it into conformity with Provincial Policy. Therefore, any development application that complies with the provisions of the Official Plan must, perforce, comply with Provincial Policy.

For example, subsection 1.1.3 of the Policy Statement promotes development that:

- makes efficient use of municipal infrastructure and public services (1.1.3.2.a);
- supports public transit (1.1.3.2.a);
- constitutes intensification or redevelopment to a higher density (i.e. “compact form”) (1.1.3.2.b, 1.1.3.3, 1.1.3.4, 1.1.3.5).

The foregoing policies, as they pertain to the subject development application, are amply addressed by the Mississauga Official Plan (as examined in Chapter 5 of this report). Therefore, the proposed development complies with all policies of both the Provincial Policy Statement and the Mississauga Official Plan.



Similarly, the Mississauga Official Plan was amended to conform to the ***Growth Plan for the Greater Golden Horseshoe***. Since proposed development conforms to the policies of Official Plan Chapters 5 and 9 (subsection 5.3 of this report) policies, ***Growth Plan*** policies promoting intensification at specified locations are also satisfied.

Section 2.1 of the Provincial Policy Statement is directed to preservation and long-term protection of natural features, with specific reference to *provincially significant* landscape features, including *significant areas of natural and scientific interest* (2.1.5). The latter is examined in subsection 6.3 below. Further, PPS section 3.1 directs development outside of hazardous lands. As noted above, the Mississauga Official Plan was amended to bring it into conformity with the policies of sections 2.1 and 3.1. In this instance, the Hazard Lands and Natural Area components of the subject properties will be conveyed to the City for conservation purposes. Development will not intrude and any adverse consequences of adjacent development will be prevented or mitigated. Therefore, the proposed development complies with both City and Provincial policy.

### **6.3 Credit River at Erindale Regional ANSI**

The Ministry of Natural Resources has advised (see Appendix 5, Dougan EIS report) that, provided “an appropriate erosion and sediment control plan will be implemented”, the Ministry has “no further species at risk concerns.” (Provincial policy 2.1.6) Further, the Ministry advised that the Credit River at Erindale ANSI has Regional (not Provincial) significance. Therefore, the Province is content to rely on local civic administrations for implementation of section 2.1 policies.

In that regard, CVC must be satisfied that the proposed development conforms to its policy 5.3.3.3:

- that the Ministry of Natural resources accepts the site-specific delineation of the Credit River at Erindale ANSI on the subject properties;
- that the proposed development complies with the policies of Chapters 6 and 7 of the ***CVC Watershed Planning and Regulation Policies***.

Further, the City must be satisfied that the proposed development conforms to policy 2.1.8 of the Provincial Policy Statement:

*Development and site alteration shall not be permitted on adjacent lands to the (Credit River at Erindale Regional ANSI) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

The foregoing is examined in the Dougan EIS report, which confirms that there will be no negative impacts provided that specific preventive and mitigative measures are implemented.



**6.4 Agricultural Use**

The Provincial Policy does not perceive a conflict between existing agricultural use of environmentally unconstrained lands and preservation of natural heritage features. Past and current agricultural use of lands zoned G2 conforms to Provincial Policy 2.1.9:

*Nothing in Policy 2.1 is intended to limit the ability of agricultural uses to continue.*



## 7. CONFORMITY: Region of Peel Official Plan

Much of the City of Mississauga, including the subject properties, is designated **Urban System** on Schedule D: Regional Structure. The proposed development conforms to the policies related to that designation. No amendment to the Regional Plan is required.

It appears that the subject properties are also entirely incorporated within the **Core Area** comprising the Credit River valley system, as shown on Schedule A: Core Areas of the Greenlands System in Peel. While portions of the subject properties satisfy some of the criteria governing the definition of **Core Area** (Tables 1 and 2 of Regional Plan), the unconstrained area shown on Figure 9 of this report does not.

Policy 2.3.2.2 states that the limits of Core Areas correspond to those of ESAs and ANSIs. That is consistent with the position taken by Dougan that the delineation of Significant Natural Area site CRR7 (Figures F and 8) also defines the limits of EAS # 7 and the Credit River at Erindale Regional ANSI.

Further, policy 2.3.2.2 g) states that, where the Core Area comprises a valley corridor:

*The limit of Core valley and stream corridors shall be determined jointly with the area municipalities in consultation with relevant agencies and in accordance with the definition in the Glossary of this Plan and the criteria of Table 2.*

The foregoing delineation was concluded on January 24, 2020 when top-of-bank and dripline surveys were confirmed by the City and CVC. Those surveys (Figure 5) form the basis for delineation of site CRR7/Core Area (Figure 8) and for an application to amend the Mississauga Official Plan by changing the land-use designation of unconstrained lands (Figure 9) from **Greenlands** to **Residential: High Density**.

The introductory paragraphs to section 2.3: Greenlands System in Peel include the following:

*If, as a result of new information, it is determined by a Conservation Authority that an area previously identified as an Environmentally Significant Area no longer meets the criteria for such an area, ----- the area municipal plan may reflect such a determination and be in conformity with this Plan. Such a refinement need not be incorporated by amendment into this Plan or shown on Schedule A but must be incorporated by amendment into the area municipal official plan.*

Therefore, the proposed amendment of the Mississauga Official Plan satisfies the foregoing and no amendment of the Region of Peel Official Plan is required.

### NOTE 24:

See subsection 3.2 for a review of policy 2.3.2.7.



## 8. DUNDAS CONNECTS MASTER PLAN

The **Dundas Connects Master Plan** was approved by Mississauga City Council on June 20, 2018. The Master Plan proposes significant improvements to public transportation along the Dundas Street Intensification Corridor and encourages new development and redevelopment of lands along the corridor at densities that will support the enhanced public transit regime.

*The Mississauga Official Plan identifies Dundas Street as a Higher-Order Transit Corridor and an Intensification Corridor. Consequently, the lands located within approximately 200 m to 300 m of the centre line of the corridor have the potential for higher-density, mixed-use development that is consistent with planned transit service levels, as per the Official Plan's definition of an Intensification Corridor. (page I-13)*

As shown on Figure G, the subject properties are situated entirely within the Dundas Street Intensification Corridor and are subject to the land-use directives of the Master Plan.

The Master Plan identifies seven Focus Areas along the corridor, defined as locations where higher-order transit converges and greatest opportunity exists for redevelopment and intensification. The intersection with Mississauga Road is not a Focus Area. Further, in terms of development potential, the Master Plan identifies the existing Greenlands designation affecting the subject lands and fails to recognize that much of the subject lands are unconstrained by either natural hazards or natural features.

Notwithstanding the foregoing, the Master Plan does recognize the importance of the Mississauga Road intersection in existing and future operation of the public transit system:

*MiWay Route 1C, Dundas Street-Collegeway, is a branch route that serves the University of Toronto at Mississauga (UTM), with a western terminus at the South Common Centre Bus Terminal. (page II-54)*

*(It is) increasingly likely over time that there will be a strong linkage between UTM and Cooksville Go/Hurontario LRT. (page IV-85)*

*(A) major origin/destination point ---is the UTM campus just north of the Dundas Street and Mississauga Road intersection. BRT service will be oriented to and from UTM. Because UTM is a significant trip generator, the intersection will also include a dedicated BRT southbound left-turn lane - (page V-150)*

***UTM is one of the main trip generators in the Dundas Street corridor.***

*(page V-154) (Only the Hurontario Street intersection generates more weekday boardings – see Table 5-51 of report.)*



Therefore, although not identified as a Focus Area, it may be expected that the intersection at Mississauga Road will function as a significant transit and transportation hub. That enhances the potential for development of the subject properties at a degree of intensification commensurate with that assigned to Focus Areas

The Master Plan recommends, for all properties that front Dundas Street:

- transit-supportive, mixed-use development featuring predominantly mid-rise buildings having 5 to 12 storeys (page V-104);
- greater level of intensification in Focus Areas (page V-102).

Proposed development of the subject property conforms precisely to the foregoing recommendations. Although only residential use is proposed (not mixed-use, with office or commercial on lower levels), the provision of mid-rise residential buildings at this location will contribute to the viability of the planned transportation system.

Further, the mid-rise buildings will increase the supply of housing stock in the “missing middle” as recommended in **GETTING INTENSE**, a March 23, 2018 policy paper by Ryerson City Building Institute. That report makes the following observations, with specific reference to Mississauga:

*Two key findings are important: first, the housing Mississauga could provide within its urbanized footprint easily exceeds its population growth needs to 2041, without relying on concentrations of supertall buildings. Second, missing middle housing in Mississauga could accommodate 80% of all of Peel Region’s projected population to 2041. (page 3)*

Finally, the subject properties comprise what may be the only Greenfield parcel within the Dundas Street Intensification Corridor available for untrammelled development.



## 9. CONFORMITY: Zoning By-law

Proposed zoning is presented by Figure 9.

The floodplain and unstable slope portions of the two properties are zoned G1. That is the appropriate zoning for Hazard Lands and no change is proposed.

The depression at the northern boundary of #2955 is zoned G2. Since the steep slope at this location represents a natural hazard (the Natural Areas Survey does not identify the sparse forest cover as a natural area), the rezoning application proposes to rezone the area below the surveyed top-of-bank from G2 to G1.

The balance of the sites is currently zoned G2: Natural Area. That zoning category was a contrivance when it was imposed in 2010 since it was a cultivated field at that time and was absent of any natural features or attributes (Figure 3). That field has produced field crops annually since 2008 and the G2 zone remains a contrivance.

An RA4-50 zone is proposed for the retained lands. That zoning category is based on the proposed height and FSI ratio and conforms to the proposed **Residential: High Density** land-use designation. The proposed apartment and stacked townhouse buildings generally comply with all regulations of the RA4 zone, although an Exception clause is required to address specific elements of proposed development:

- a stacked townhouse complex within an Apartment zone;
- preservation of the forested amenity area;
- Natural Regeneration Area along the entire perimeter of the development site.

A draft Exception clause is presented in Appendix “A”. Figure 13 provides a corresponding, draft Schedule RA4-50.

The area of recently (since 1992) regenerated forest north of the proposed entrance is identified by the 2017 NAS update (Figure F) as a component of site CRR7 and will be preserved and integrated into proposed development as a natural amenity area. The rezoning application proposes an RA4-50 zoning category for all retained lands, including the forested area; however, the Exception recognizes proposed preservation of the forested area by way of Schedule RA4-50.

### NOTE 25:

In the event the applicant, at some point during the processing of the rezoning application, should opt for approval of an H-RA4-50 zoning, draft conditions regarding removal of the holding provision are also provided in Appendix “A”.



## 10. SUMMARY and CONCLUSIONS

### Respect the Environment

1. Since 2008, the subject properties have comprised two distinct landscapes:
  - natural, much of which is zoned G1;
  - cultivated, much of which is zoned G2.
2. The Hazard Lands, together with a minor fringe of forest beyond (as delineated by the dripline survey for the subject properties) define and constitute elements of much more extensive natural feature along the Credit River valley system, variously classified as follows:
  - Significant Natural Area site CRR7;
  - Environmentally Significant Area #7;
  - Credit River at Erindale Regional Life Science ANSI;
  - Core Area of the Greenlands system in Peel.
3. For the subject properties, site CRR7, the ESA, ANSI, and Core Area all represent the identical area and will retain the **Greenlands** designation.
4. Further, some portions of the **Greenlands** designation may be expanded to include a buffer, having a width of 5.5 m, for environmental regeneration/ecological restoration purposes.
5. Conveyance of **Greenlands** to the City for conservation and management (plus application of appropriate development setbacks and mitigative measures) will ensure long-term protection and preservation of natural heritage features, as directed by the Mississauga Official Plan and Provincial Policy.
6. Likewise, the conveyance of **Greenlands** will ensure that development will not intrude into Hazard Lands, thereby complying with CVC and Provincial policy.

### Proposed Land-Use Designations

7. Hazard Lands, Significant Natural Area CRR7, plus a buffer zone where warranted will retain the existing **Greenlands** land-use designation. That designation, plus conveyance to the City for conservation and management, will ensure long-term preservation of natural features and conditions, thereby satisfying the policies of:
  - Official Plan subsection 11.2.3: Greenlands;
  - Official Plan subsection 19.18: Greenlands;
  - Official Plan subsection 6.3: Green System;
  - Region of Peel Official Plan subsection 2.3: Greenlands System in Peel;
  - Provincial Policy Statement subsection 2.1: Natural Heritage;
  - Provincial Policy Statement subsection 3.1: Natural Hazards.



8. The balance of the subject properties does not warrant the existing **Greenlands** designation, since it constitutes neither Hazard Lands nor Natural Features. The proposed **Residential: High Density** designation, to permit a mid-rise apartment building and a stacked townhouse complex, conforms to the **Intensification** policies of both the City of Mississauga and the Province of Ontario:
- the Dundas Street **Intensification Corridor** designations of Official Plan Schedules 1, 1c, 2, and 6;
  - Official Plan subsection 5.4: Corridors;
  - Official Plan subsection 5.5: Intensification Areas;
  - Official Plan subsection 9.2.1: Intensification Areas;
  - Provincial Policy Statement subsection 1.1.3: Settlement Areas;
  - Growth Plan for the Greater Golden Horseshoe subsection 2.2.2 Delineated Built-up Areas.
9. The proposed development conforms to the **Scenic Route** policies (9.3.3.11) of the Official Plan.

#### **Proposed Zoning**

10. Hazard Lands are currently zoned G1, will remain zoned G1, and will be conveyed to the City for conservation purposes.
11. The valley feature at the northern boundary of #2955 should be rezoned from G2 to G1, to recognize Hazard Lands at that location. Those lands will retain their existing **Greenlands** designation and will be conveyed to the City for conservation purposes.
12. The driveway entrance to the former dwelling on #2935 severs the “tail end” of SNA site CRR7, thereby isolating a strip of forested area adjacent Mississauga Road. The establishment of a formal entrance at that same location will serve to intensify that separation. The separation will diminish the ecological significance of the isolated wooded area, but not its aesthetic value. It is proposed, therefore, that the isolated wooded area should be zoned RA4-50 and be incorporated into proposed development as an **amenity area**.
13. A minor portion of SNA site CRR7 that extends beyond Hazard Lands zoned G1 will remain G2 and will be included with lands to be conveyed to the City for conservation purposes. In addition, an **Ecological Restoration Area** adjacent site CRR7, having a minimum width of 5.5 metres, will remain G2 and will also be conveyed to the City for conservation purposes.
14. The balance of lands (currently zoned G2) should be zoned RA4-50 to permit the proposed development.



**Compatibility**

15. It is anticipated that the Supplementary EIS Report will confirm that the proposed development will have no adverse effects on adjacent lands, including the natural conditions and ecological functions of site CRR7. It is further anticipated that the Supplementary EIS Report will recommend preventive and mitigative measures in that regard.
16. The proposed mid-rise apartment building is similar to approved development of the former Piatto Restaurant site and proposed development of the former Carmelite Sisters Convent site.
17. Apart from the foregoing, there is no nearby or adjacent development, with the exception of the grand dwelling at 2901 Mississauga Road (see Figure H). Visually, that dwelling is well screened from the proposed mid-rise apartment buildings by virtue of the forested ravine separating the two sites.
18. The only off-site impact of proposed development is that of increased traffic on Mississauga Road. It is expected that the magnitude and significance of potential impacts will be documented in the Traffic Impact Study.
19. Conservation of existing forest cover adjacent Mississauga Road will preserve Scenic Route qualities and will serve to shield the two buildings from public view.



# **APPENDIX A**

## **Draft By-law**



**THE CORPORATION OF THE CITY OF  
MISSISSAUGA**

**BY-LAW NUMBER \_\_\_\_\_**

A by-law to amend By-law number 0225-2007 as amended.

Whereas pursuant to Section 34 of the Planning Act,  
c.P. 13, as amended,  
the Council of a local municipality may pass a zoning by-law:

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

- 1** By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.15.5.50	Exception RA4-50	Map # 17	By-law: _____-2021
In an RA4-50 zone the permitted uses and applicable regulations shall be as specified for an RA4-50 zone except that the following regulations shall apply:			
Additional Permitted Use			
4.15.5.50.1	Stacked Townhouses		
Regulations:			
4.15.5.50.2	For the purposes of this by-law, all lands zoned RA4-50 shall be considered one lot		
4.15.5.50.3	Maximum gross floor area - residential		19,000 m <sup>2</sup>
4.15.5.50.4	Maximum number of apartment dwelling units		196
4.15.5.50.5	Maximum number of stacked townhouse dwelling units		20
4.15.5.50.6	Maximum height of apartment building		12 storeys
4.15.5.50.7	Natural Protection Area shall mean a forested area reserved for: protection of a natural heritage feature; restoration of natural conditions; landscape aesthetics; enhancement of the Mississauga Road streetscape.		
4.15.5.50.8	Natural Regeneration Area shall mean lands dedicated to restoration of natural conditions, ecosystem stability, and biodiversity, in accordance with a remediation plan aproved by the City and Credit Valley Conservation.		



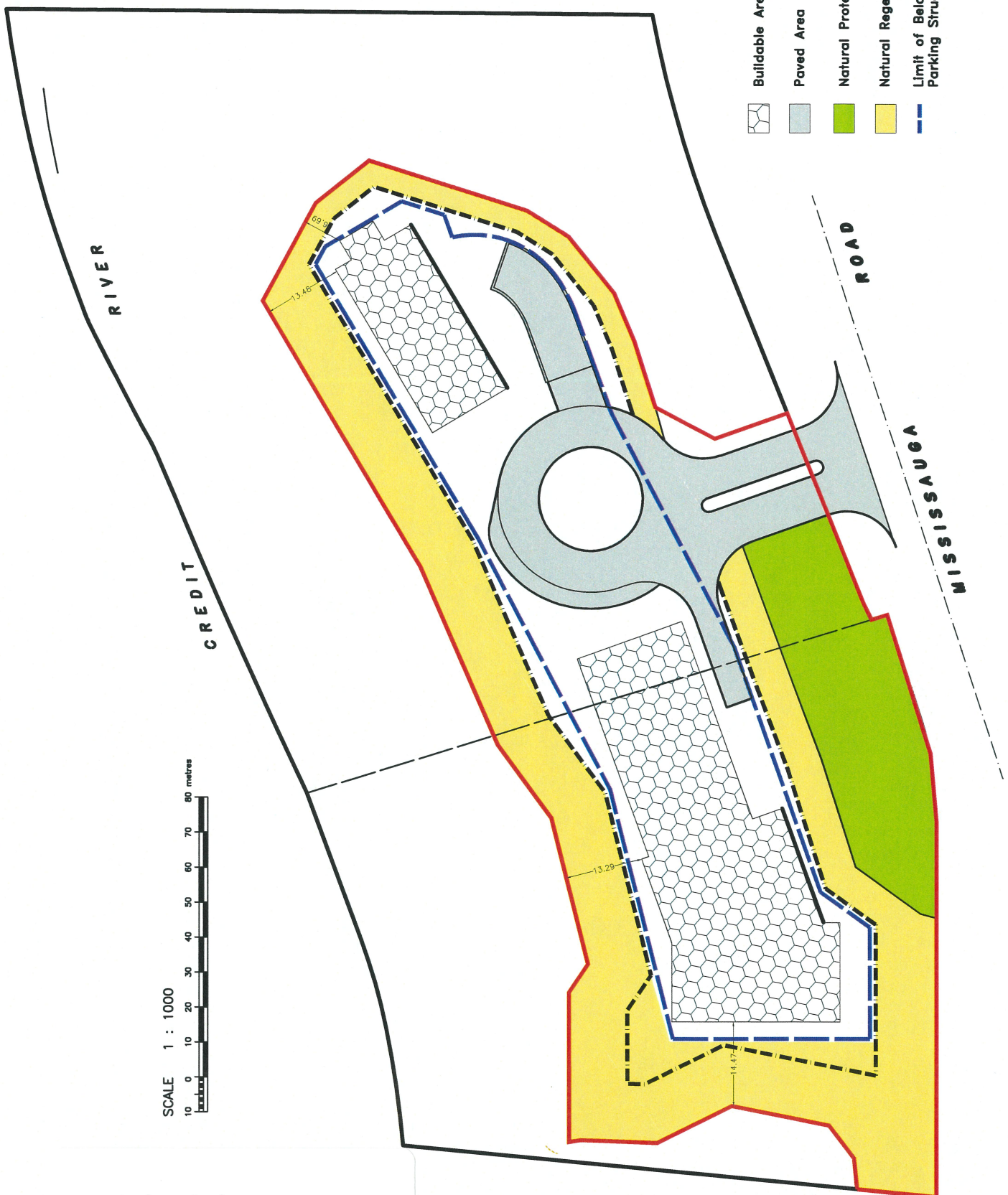
4.15.5.50.9	No structures of any kind, including below grade parking, swimming pools, tennis courts or other recreation facilities shall be permitted on, within, or below the Natural Regeneration Area identified on Schedule RA4-50 of this Exception, except for the following: <ul style="list-style-type: none"> <li>&gt; hard-surface walkway, having a maximum width of 2 m;</li> <li>&gt; chain link fence at the lot line, having a maximum height of 1.5 m.</li> </ul>
4.15.5.50.10	All site development plans shall comply with Schedule RA4-50 of this Exception
2	Map Number 17 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "G2" to "RA4-50", the zoning of part of lot 3 and 4, Range 1, south of Dundas Street, Racey Tract, in the City of Mississauga, PROVIDED HOWEVER THAT the "RA4-50" zoning shall apply only to the lands which are shown on the attached Schedule "A" outlined in the heaviest broken line with the "RA4-50" zoning indicated thereon.

<b><u>Holding Provisions</u></b>	
The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA4-50 by further amendment to Map 17 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:	
[1]	approval of Site Development and Landscape plans by the City's Commissioner of Planning and Building;
[2]	approval of Natural Protection and Natural Regeneration plans by the City's Commissioner of Planning and Building;
[3]	provision of adequate sanitary sewer, storm sewer, and water services with sufficient capacity to service the full development of the site;
[4]	provision of hydro-electric power service of sufficient capacity to service the full development of the site, to the satisfaction of Alectra Inc.;
[5]	payment to the City of all planning, processing, and administration fees in relation to development of the site;
[6]	payment of all applicable development levies or imposts, if any, required by the City, the Regional Municipality of Peel, or Alectra Inc., in accordance with the development levy policies applicable to the site, or the approval of those parties to the effect that satisfactory arrangements to secure payment of any such development levies or imposts have been made.



# Schedule RA4-50

Map 17



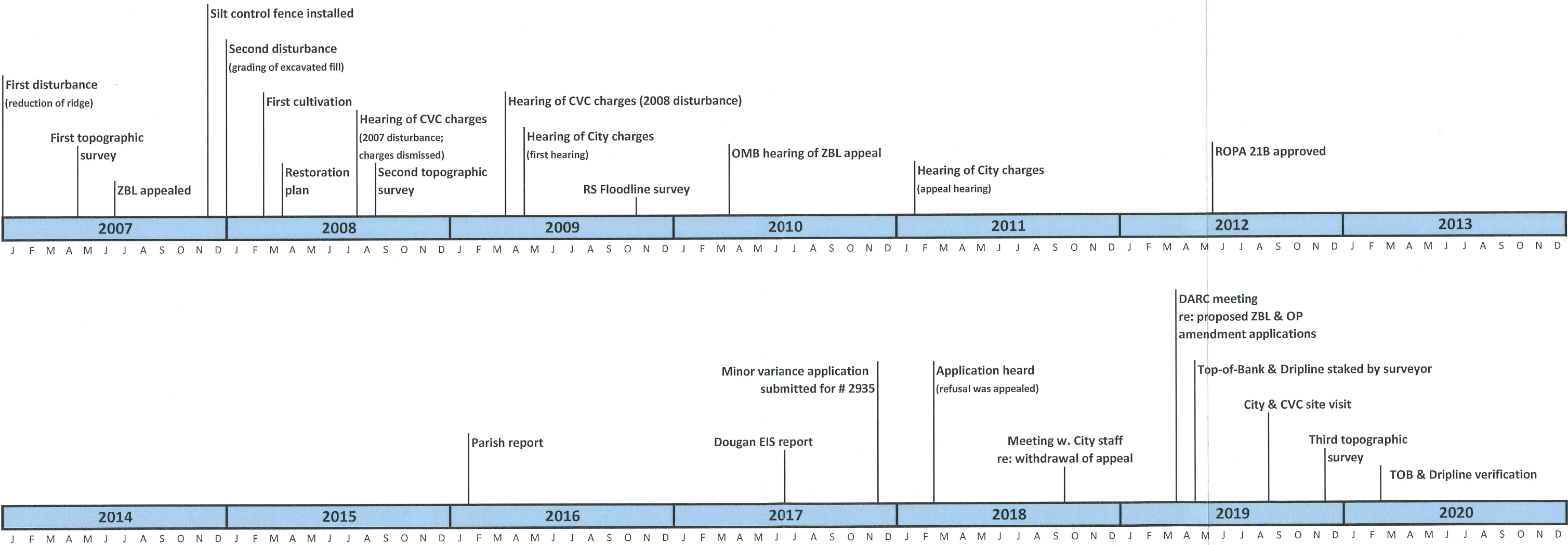
## **APPENDIX B**

### **Timeline**



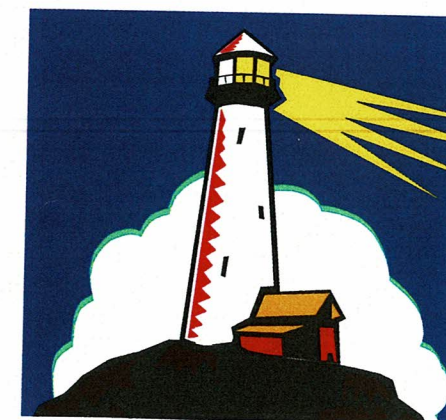
APPENDIX B

2935 & 2955 MISSISSAUGA ROAD ~ Timeline depicting chronology of significant events



## REPORT FIGURES

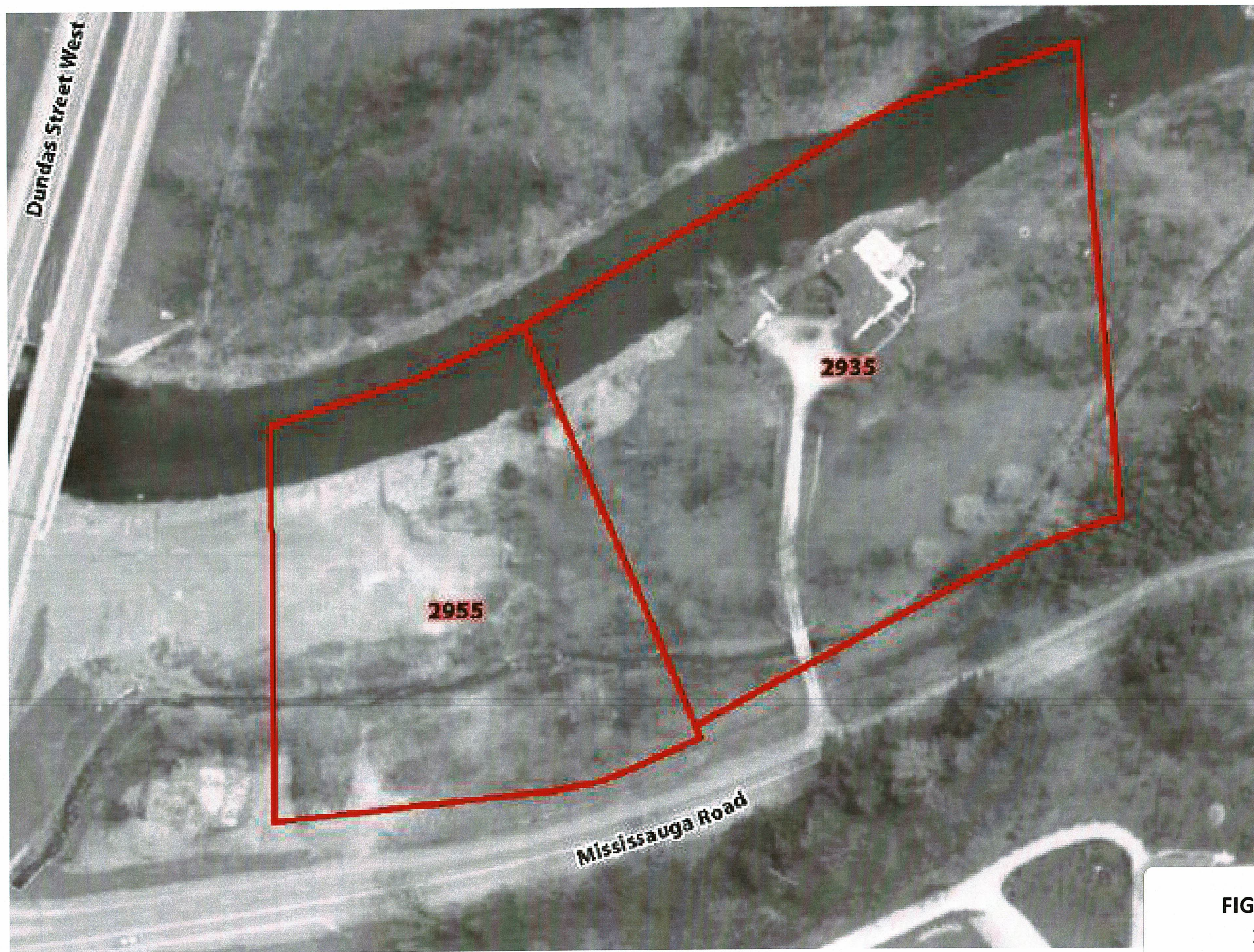
Figures 1	Aerial Photographs
Figure 2	Ridge Formation
Figure 3	Spring Barley Crop
Figure 4	Historic Conditions
Figure 5	CVC Policy: hazard lands
Figure 6	Existing Zoning
Figure 7	Existing Conditions
Figure 8	City Policy: Natural Areas
Figure 9	Proposed Zoning
Figure 10	Preservation & Restoration
Figure 11	Derivation of Development Site
Figure 12	Perspective: Proposed Development
Figure 13	Plan: Proposed Development
Figure 14	Proposed Land-Use Designations



**Beacon  
Planning  
Services**

April 13, 2020





**FIGURE 1a**  
**1966**





**Note:**  
The barley crop has a brown colour  
and is camouflaged by the earth  
underneath.

**FIGURE 1b**  
**August 2008**





2007 1 12

**FIGURE 2**  
January 12, 2007





**FIGURE 3**

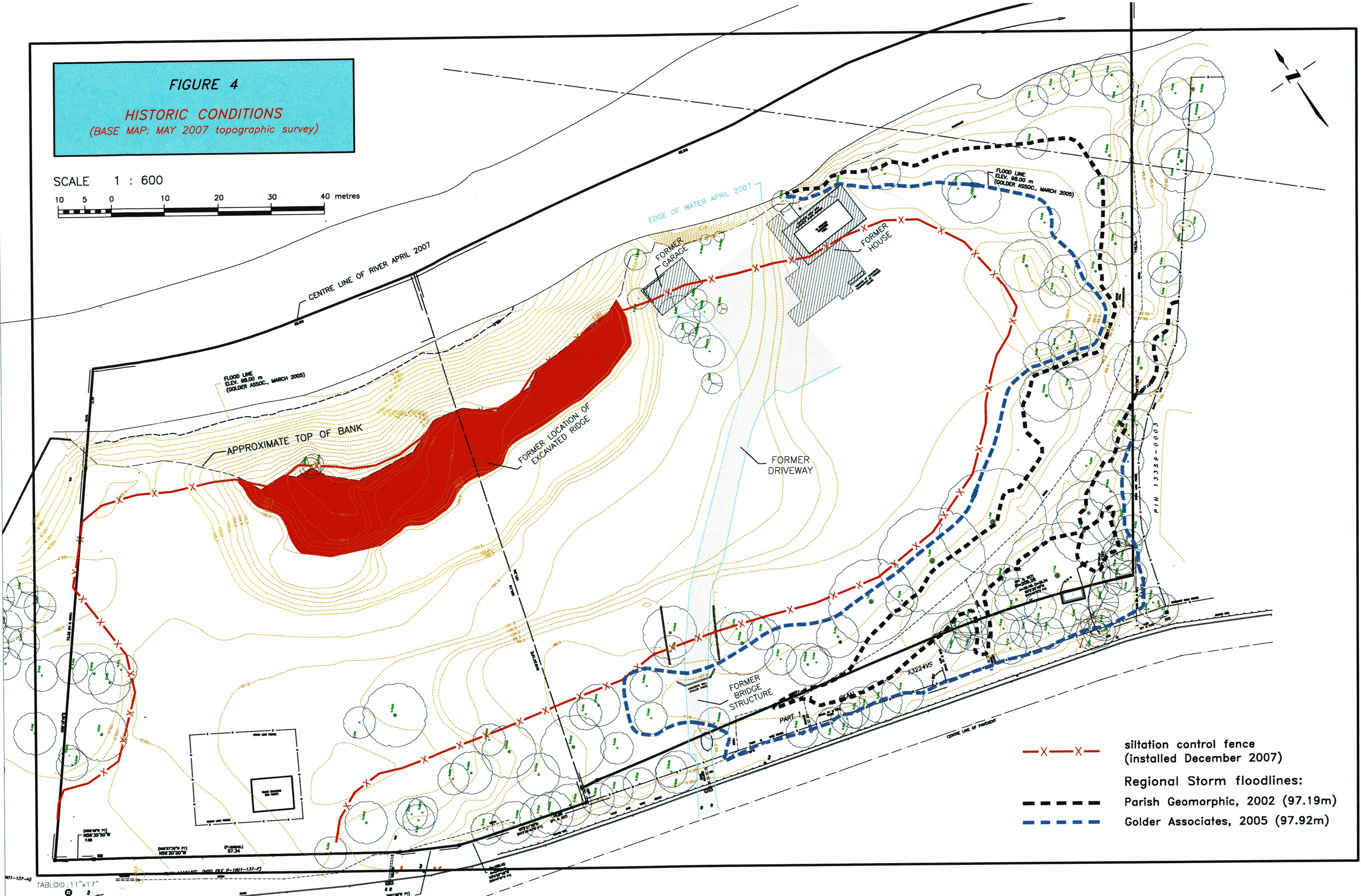
Spring barley crop



FIGURE 4

**HISTORIC CONDITIONS**  
(BASE MAP: MAY 2007 topographic survey)

SCALE 1 : 600

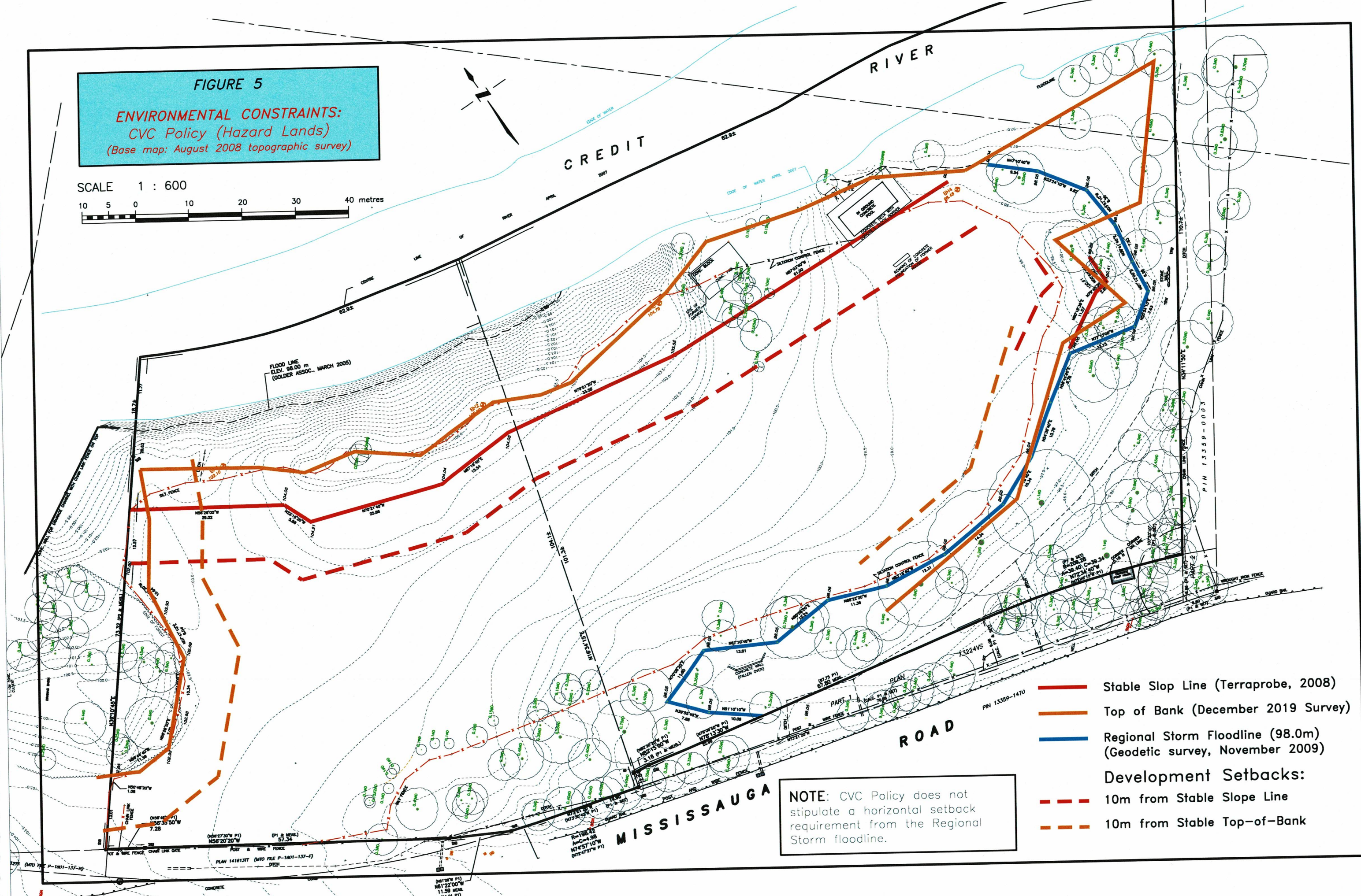
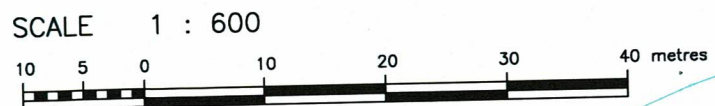


- x—x—x— siltation control fence (installed December 2007)
- Regional Storm floodlines:
  - Parish Geomorph, 2002 (97.19m)
  - Golder Associates, 2005 (97.92m)



FIGURE 5

ENVIRONMENTAL CONSTRAINTS:  
CVC Policy (Hazard Lands)  
(Base map: August 2008 topographic survey)



- Stable Slop Line (Terraprobe, 2008)
- Top of Bank (December 2019 Survey)
- Regional Storm Floodline (98.0m)  
(Geodetic survey, November 2009)
- Development Setbacks:
  - 10m from Stable Slope Line
  - 10m from Stable Top-of-Bank

NOTE: CVC Policy does not stipulate a horizontal setback requirement from the Regional Storm floodline.

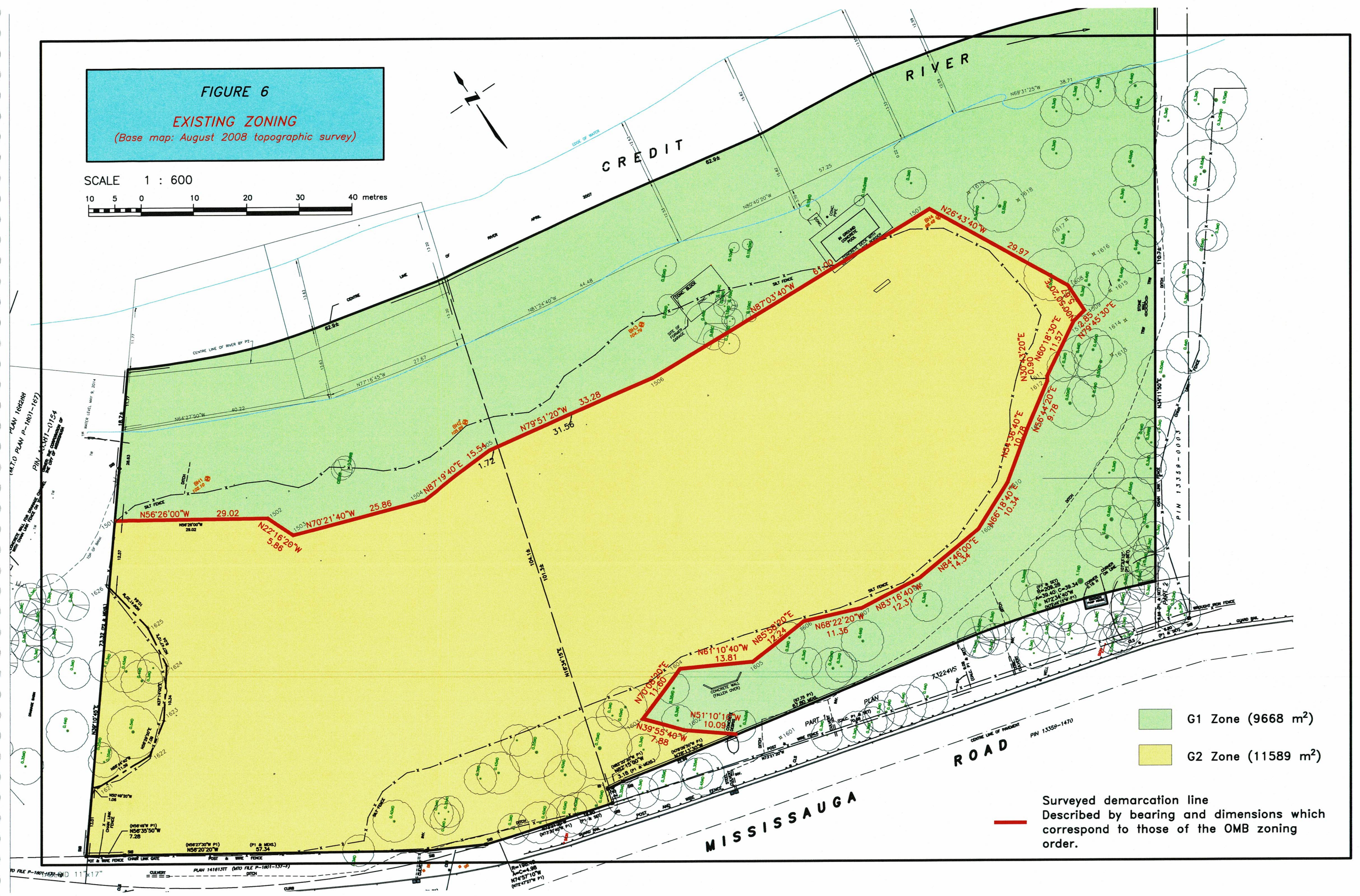
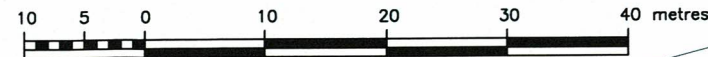


FIGURE 6

EXISTING ZONING

(Base map: August 2008 topographic survey)

SCALE 1 : 600



- G1 Zone (9668 m<sup>2</sup>)
- G2 Zone (11589 m<sup>2</sup>)

Surveyed demarcation line  
Described by bearing and dimensions which  
correspond to those of the OMB zoning  
order.



(Base map: December 2019 topographic survey)

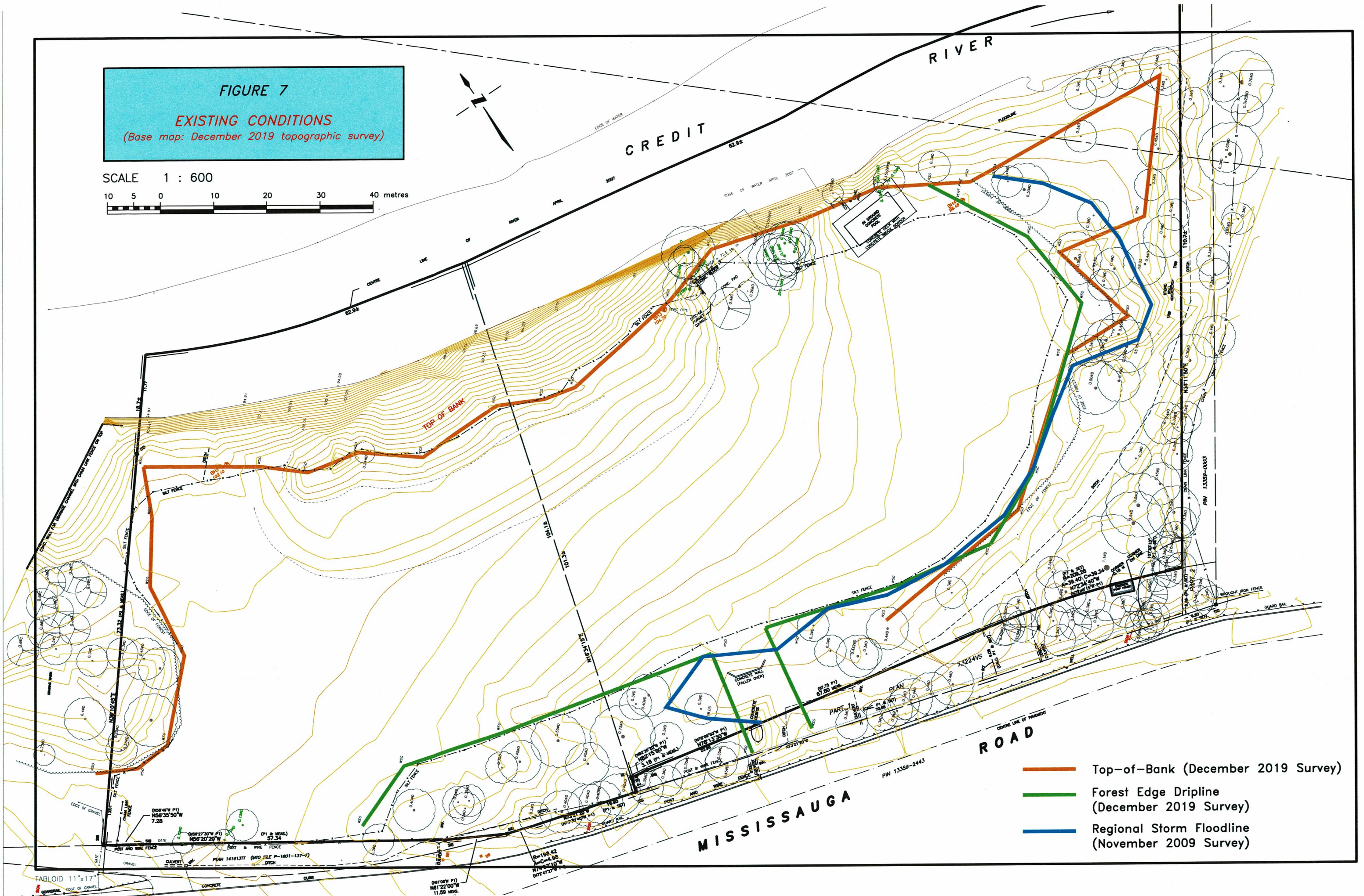
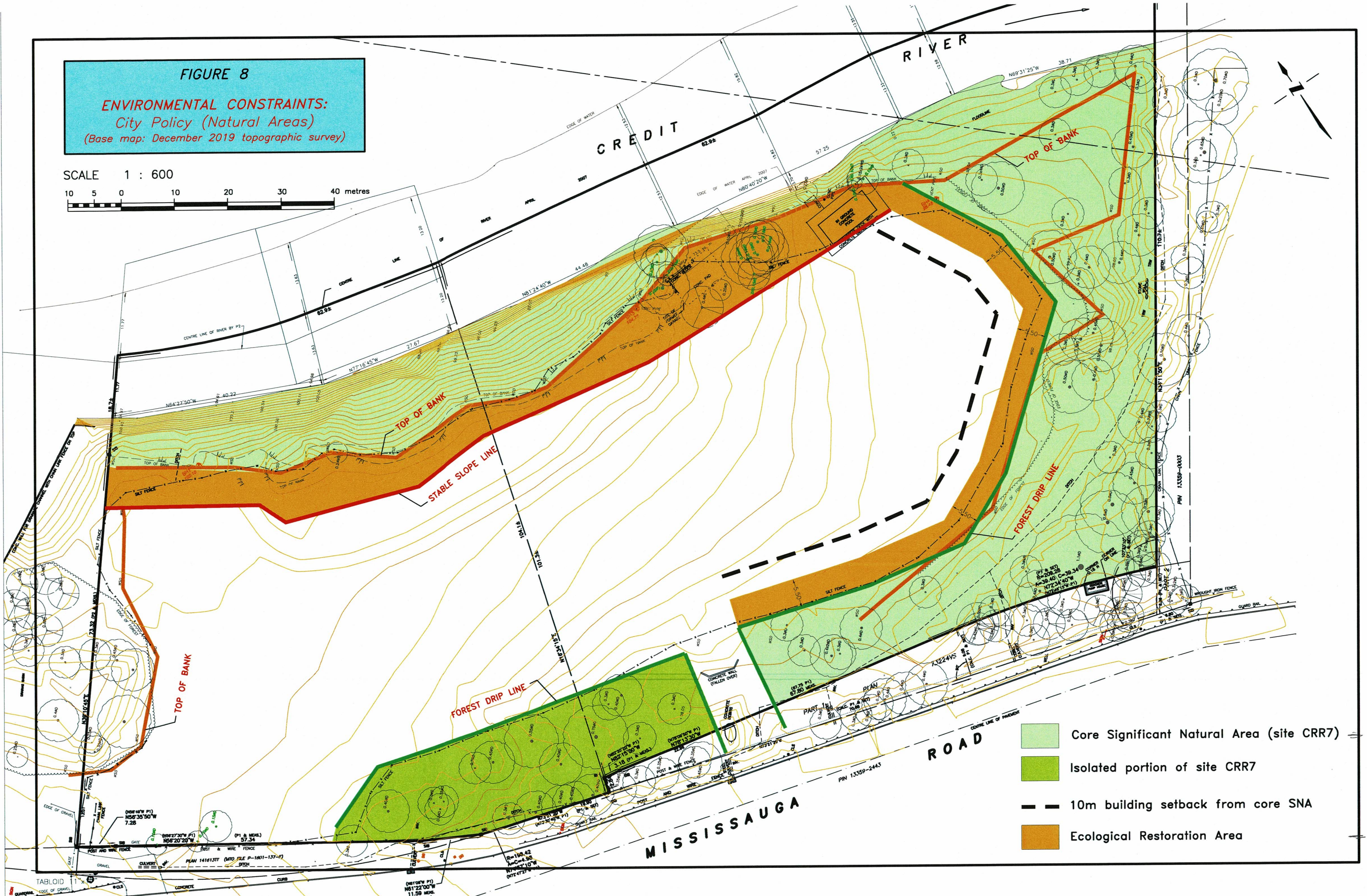




FIGURE 8

ENVIRONMENTAL CONSTRAINTS:  
City Policy (Natural Areas)  
(Base map: December 2019 topographic survey)

SCALE 1 : 600



- Core Significant Natural Area (site CRR7)
- Isolated portion of site CRR7
- 10m building setback from core SNA
- Ecological Restoration Area

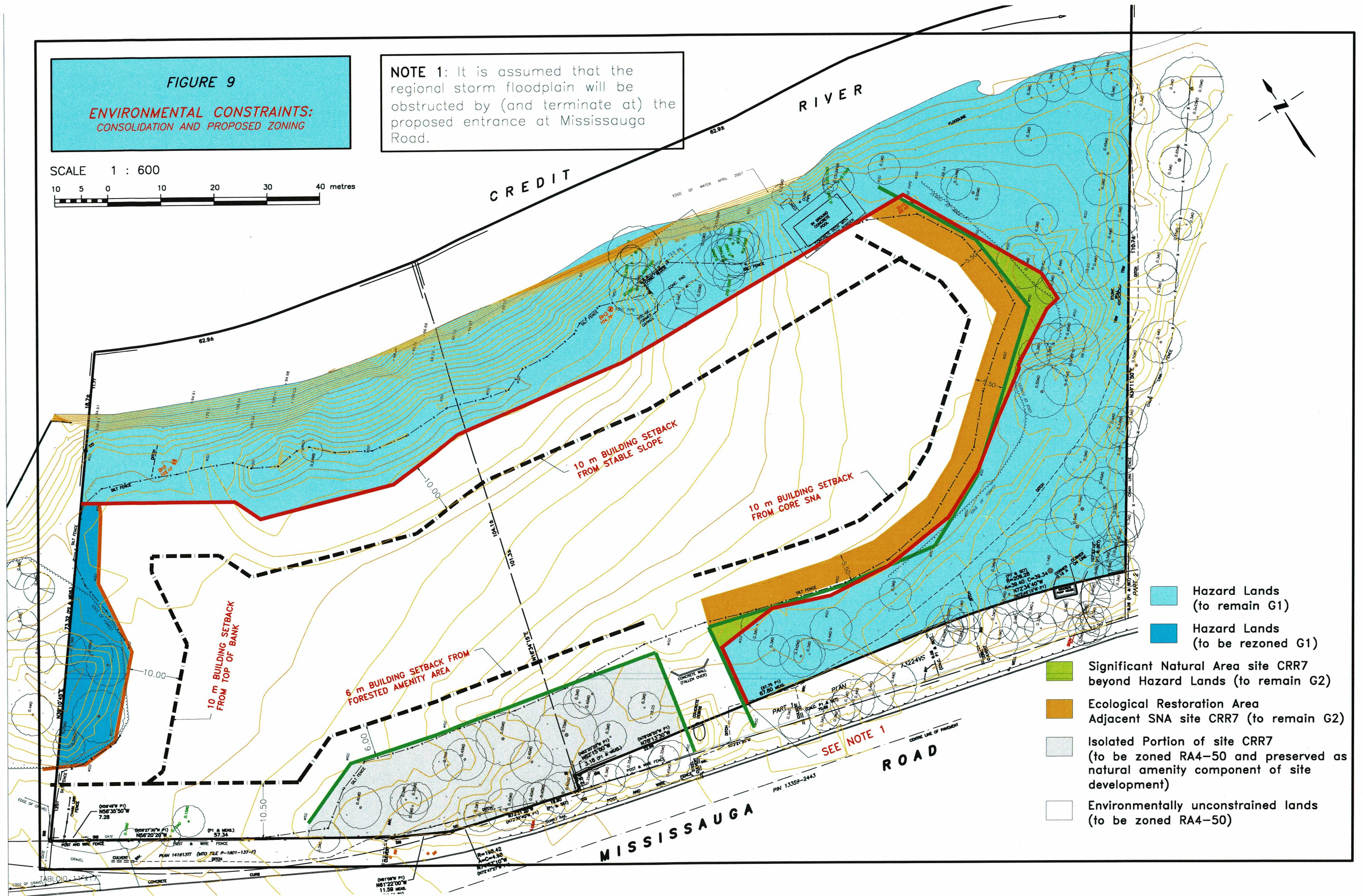
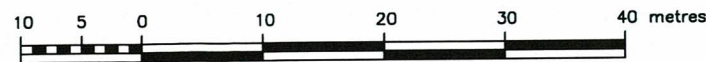


FIGURE 9

**ENVIRONMENTAL CONSTRAINTS:  
CONSOLIDATION AND PROPOSED ZONING**

NOTE 1: It is assumed that the regional storm floodplain will be obstructed by (and terminate at) the proposed entrance at Mississauga Road.

SCALE 1 : 600



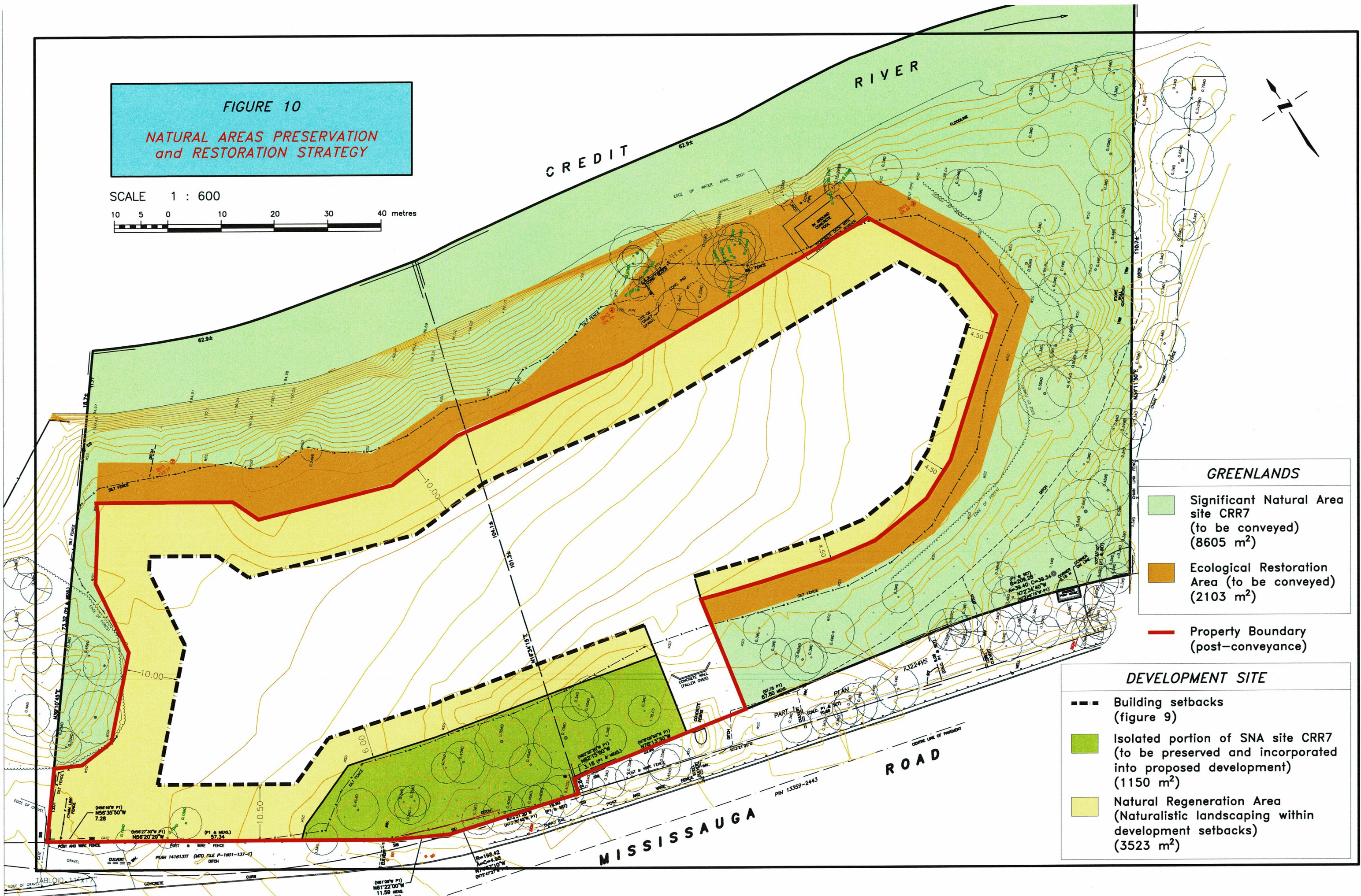
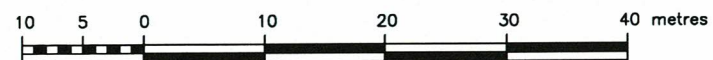
- Hazard Lands (to remain G1)
- Hazard Lands (to be rezoned G1)
- Significant Natural Area site CRR7 beyond Hazard Lands (to remain G2)
- Ecological Restoration Area Adjacent SNA site CRR7 (to remain G2)
- Isolated Portion of site CRR7 (to be zoned RA4-50 and preserved as natural amenity component of site development)
- Environmentally unconstrained lands (to be zoned RA4-50)



FIGURE 10

NATURAL AREAS PRESERVATION  
and RESTORATION STRATEGY

SCALE 1 : 600



GREENLANDS

- Significant Natural Area site CRR7 (to be conveyed) (8605 m<sup>2</sup>)
- Ecological Restoration Area (to be conveyed) (2103 m<sup>2</sup>)

Property Boundary (post-conveyance)

DEVELOPMENT SITE

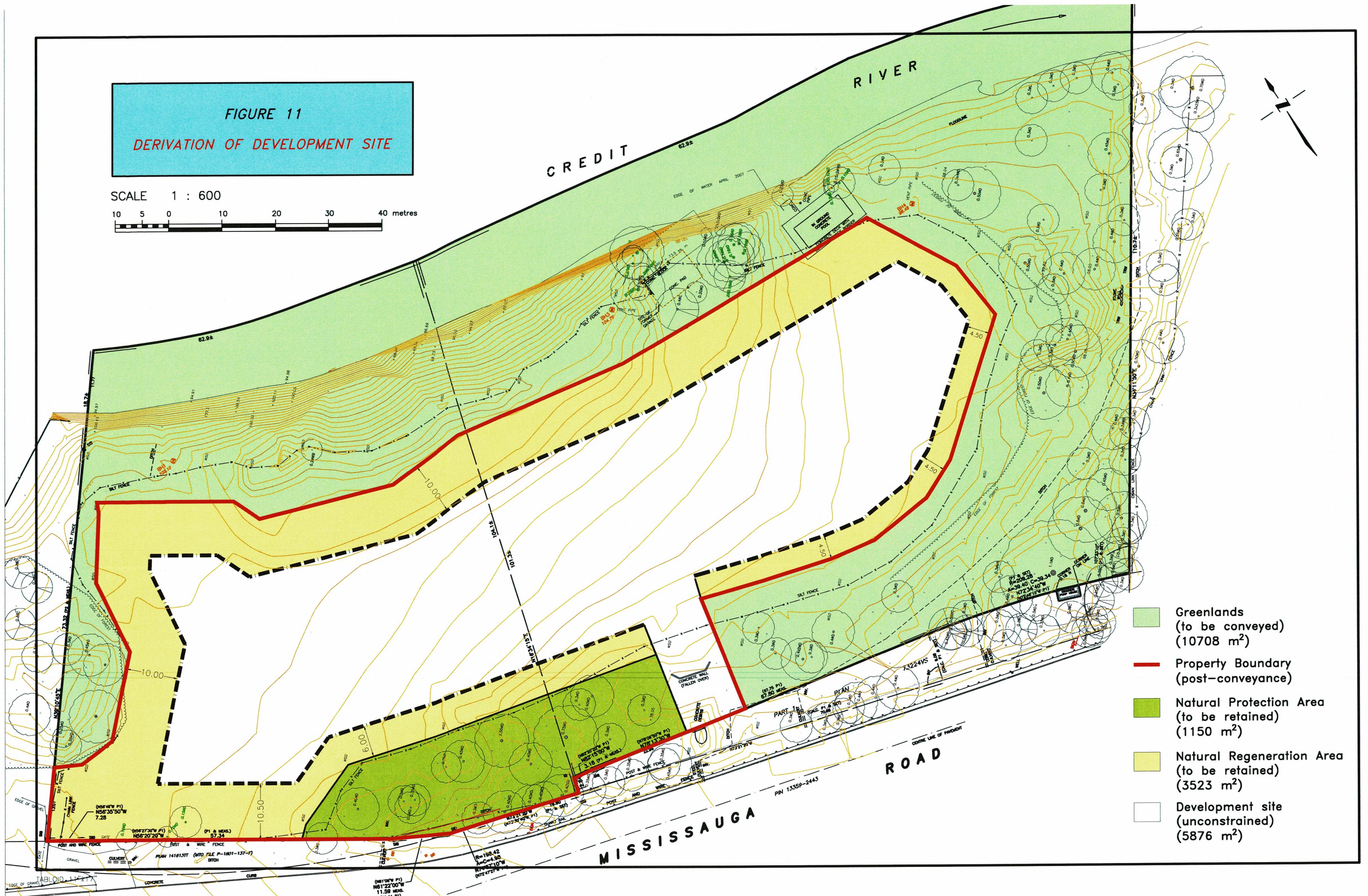
- Building setbacks (figure 9)
- Isolated portion of SNA site CRR7 (to be preserved and incorporated into proposed development) (1150 m<sup>2</sup>)
- Natural Regeneration Area (Naturalistic landscaping within development setbacks) (3523 m<sup>2</sup>)



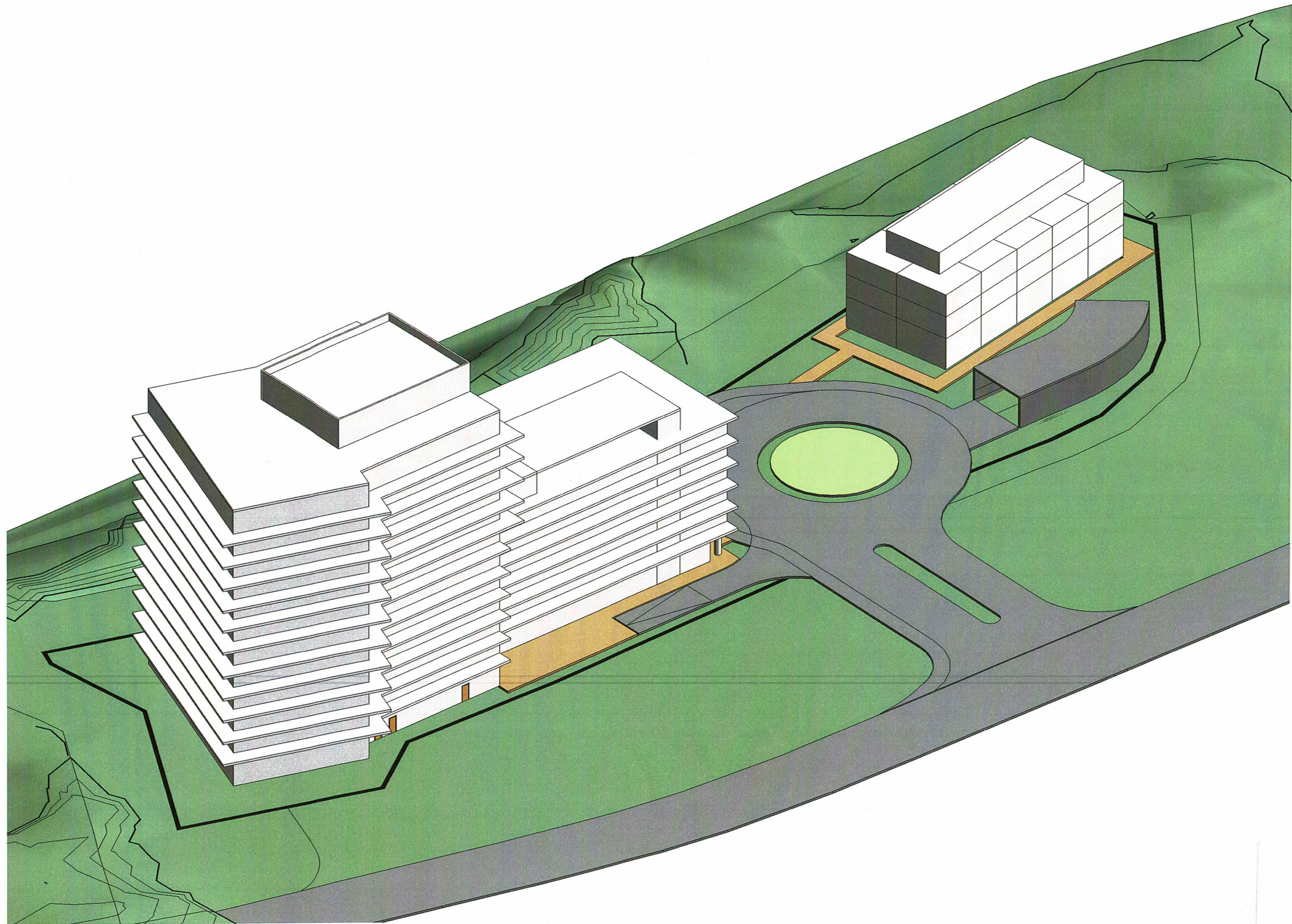
FIGURE 11

DERIVATION OF DEVELOPMENT SITE

SCALE 1 : 600







**FIGURE 12**  
Perspective:  
Proposed Development



**FIGURE 13**  
**PROPOSED DEVELOPMENT**

SCALE 1 : 600

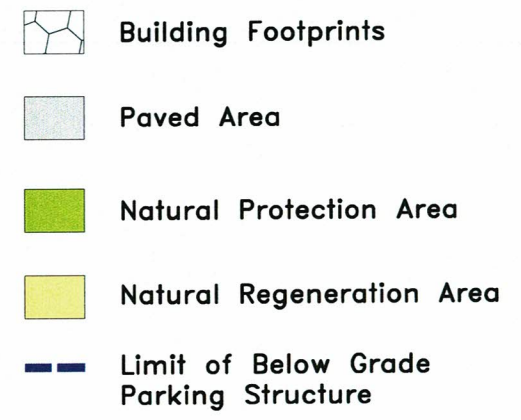
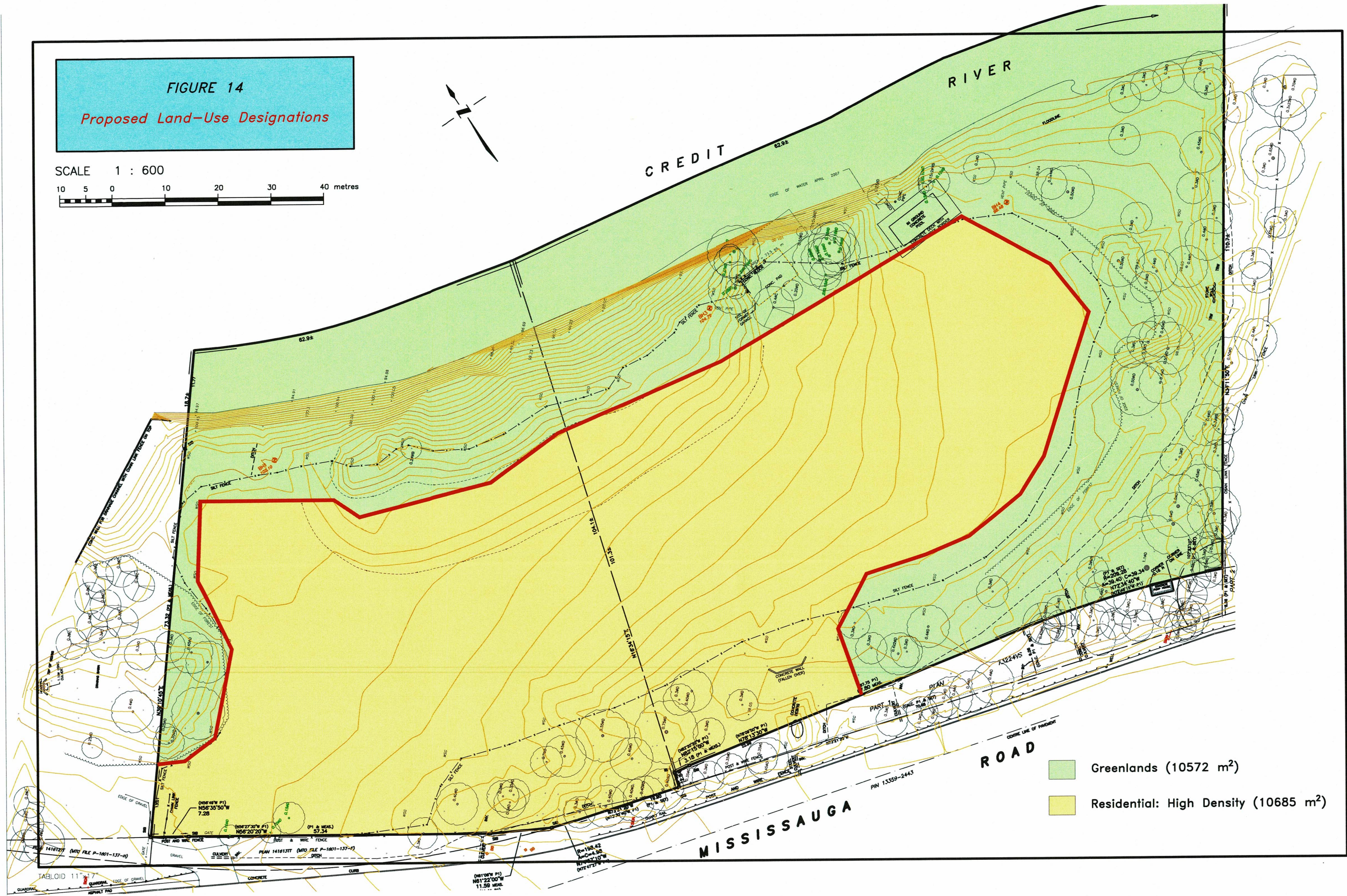
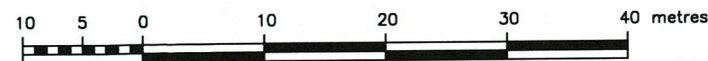




FIGURE 14

Proposed Land-Use Designations

SCALE 1 : 600



- Greenlands (10572 m<sup>2</sup>)
- Residential: High Density (10685 m<sup>2</sup>)