

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 25, 2023

CASE NO(S): OLT-22-004141

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

Appellant	David Ellison
Applicant	Hanseatic Holdings Limited
Subject:	Proposed Official Plan Amendment
Description:	To permit a 25 storey rental apartment building.
Reference Number:	OPA 127 W4 (OZ 19/016 W4)
Property Address:	600 - 620 Lolita Gardens
Municipality/UT:	Mississauga/Peel
OLT Case No:	OLT-22-004141
OLT Lead Case No:	OLT-22-004141
OLT Case Name:	Ellison v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 19.1 of the *Ontario Land Tribunal Act, 2021, S.O. 2021, c. 4, Sched. 6.*

Motion By:	Hanseatic Holdings Limited
Purpose of Motion:	Request for an Order Dismissing the Appeal

Heard: October 26, 2022 by video hearing

APPEARANCES:

Parties

Counsel*/Representative

Hanseatic Holdings Limited

Cynthia MacDougall and Matthew Schuman*

David Ellison

Self-represented

MEMORANDUM OF ORAL DECISION DELIVERED BY M.A. SILLS ON OCTOBER 26, 2022 AND ORDER OF THE TRIBUNAL

[1] Hanseatic Holdings Limited (the “Applicant”/“Moving Party”) has brought a motion seeking an Order dismissing the appeal by David Ellison (the “Appellant/Respondent”), and any such other or further relief as counsel may request and the Tribunal considers appropriate.

[2] The grounds for the motion are that;

1. the Notice of Appeal does not contain any reasons which disclose any apparent land use planning ground upon which the Tribunal could approve all or part of the appeal.
2. the appeal is frivolous and vexatious.

[3] The materials before the Tribunal on the Motion included:

1. Motion Record of the Moving Party, which included the Affidavit of Lindsay Dale-Harris and the exhibits thereto, sworn on October 5, 2022; the Affidavit of Juliana Tyndorf and exhibits attached thereto, sworn October 5, 2022; Contents of the Tribunal’s file with respect to the within matter; and such other documentation as counsel may advise and the Tribunal may permit.
2. Response to the Motion by the Appellant.

Background to the Applications

[4] The Applicant owns the vacant lands municipally known as 600-620 Lolita Gardens in the City of Mississauga (the “Subject Lands”). The Subject Lands comprise an area of approximately 6.5 acres and are identified on Map 16-19 of the City of

Mississauga's Official Plan as being within the Mississauga Valleys Neighbourhood Character Area.

[5] On August 1, 2019, the Applicant filed applications for an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBA") with the City of Mississauga (the "City") to permit the infill development and intensification of the Subject Lands. The development proposal consists of a 25-storey purpose-built residential rental building with an underground connection to the existing 17 and 21-storey rental apartments buildings which are to remain ("Proposed Development").

[6] The Proposed Development was considered by City staff and the public as a part of a detailed review and public consultation process which included three community consultation meetings and the statutory public meeting required by the *Planning Act*, with a second public meeting being held on September 29, 2021.

[7] City Council adopted the recommendations of the Planning and Development Committee at its meeting on September 29, 2021, effectively approving the applications to permit the proposed development in principle. The implementing by-laws, By-law 0121-2022 adopting the Official Plan Amendment 27 ("OPA 27") and By-law 0122-2022 to enact the required zoning by-law amendments ("ZBAs"), were passed by City Council at its meeting on June 8, 2022.

[8] OPA 27 amends the City of Mississauga Official Plan ("MOP") by increasing the floor space index permitted within the Subject Lands on Map 16-19: Mississauga Valleys Neighbourhood Character Area.

[9] The ZBA amends the zoning of the Subject Lands from "RA5-3" (Apartments - Exception) to "RA5-58" ("Apartments – Exception") to permit a 25-storey, 78.5 metres ("m") in height, 270-unit apartment building with a maximum floor space index of 2.3 in addition to the existing 17 and 21 storey apartments buildings on the Subject Lands, and to allow a reduction in standard parking spaces.

[10] The Appellant appealed the adoption of OPA 27, but not the passing of the implementing ZBA.

Submissions by the Moving Party

[11] The Moving party submits that the Notice of Appeal does not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal. The single reason to support the appeal set out in the cover letter provided with the Notice of Appeal states in part: “My fundamental concern is that it appears some council members and the planning department are choosing to ignore Section 16.1.2.4 of MOPA (Mississauga Official Plan).”

[12] Section 16.1.2.4 of the Mississauga Official Plan (“MOP”), states that: *“Proposals for additional development on lands with existing apartment buildings will recognize and provide appropriate transition to **adjacent low density residential uses.**”* [emphasis added]

[13] In regard to the height of the Proposed Development, the Notice of Appeal indicates that: “This is all we are asking for, that Section 12.1.2.4 (*sic*) be followed and that the new building be something lower than 38 m, to provide that transition, and not the proposed 78 m monster tower”.

[14] The Moving Party submits that neither s. 12.1.2.4 nor s. 16.1.2.4 is relevant with respect to OPA 127 or the Proposed Development as there are no low density uses adjacent to the Subject Lands, as is identified in the affidavit of Lindsay Dale-Harris.

[15] Furthermore, the Notice of Appeal effectively raises height as the only issue “to provide that transition”. The City’s Zoning By-law permitted a maximum building height of 25 storeys and 77 metres (“m”) prior to the passing of ZBA 0122, whereas ZBA 0122 provides for a maximum height of 78.5 m and 25 storeys. In this case the increase in

height being proposed is only 1.5 m above the as-of-right zoning standard, and there is no increase to the number of storeys that is currently allowed.

[16] In effect, the Notice of Appeal relates only to OPA 127, which only amends the floor space index (density) provisions on Map 16 – 19; specifically, OPA 127 does not address height.

[17] Moreover, in the course of his oral submissions to the Planning and Development Committee meeting held on September 21, 2021, the Appellant acknowledged that the proposed increase in floor space is “acceptable to the community”, as is identified in the affidavit of Juliana Tyndorf.

[18] The Affidavit of Lyndsay Dale-Harris confirms her professional opinion that the increase in floor space permitted by OPA 127 represents good planning and is necessary and appropriate to facilitate the intensification of an underutilized site that is well served by existing infrastructure, including public transit, is consistent with the Provincial Policy Statement and in conformity with the Growth Plan.

Submissions by the Respondent

[19] The Respondent, who has resided on Lolita Gardens for 30 years, identified himself as being the representative of “all 504 residents who signed a petition against this development, to protect the character of our neighbourhood” and “to protect our already overburdened local street with parking issues and traffic congestion”. The Appeal Form identifies only that OPA 127 violates s. 16.1.2.4 of the MOPA.

[20] In response to the submissions by the Moving Party regarding the grounds for the appeal cited in the Appeal Form, the Respondent indicated that although he appealed to the Tribunal on the basis of a single section of the MOPA (s. 16.1.2.4), he now intends to add an additional 5 policy sections to the appeal, which in his view the

Development Proposal does not adhere to and to which both the developer and the City choose to ignore and were ultimately approved.

[21] The Respondent is maintaining that the development of a 78.5 m in height structure, which is “63.5%” (*sic*) taller than the existing built form, does not fit the character of the neighbourhood nor its capacity to handle more traffic and more parking. It is his contention that he has provided enough evidence in his Motion Response materials to allow the OLT to deny the Motion to Dismiss and allow his appeal to continue; “to be heard and ultimately ruled upon by the OLT”.

Disposition

[22] The Tribunal’s jurisdiction to dismiss an appeal without a hearing is established in s. 17(45) of the *Planning Act*:

Dismissal without hearing

(45) Despite the *Statutory Powers Procedure Act* the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,
 - i. *The reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal.*

[23] Similarly, s. 4.6. (1) of the *Statutory Powers Procedure Act*, with heading Dismissal of proceeding without hearing, establishes that the Tribunal may, on its own initiative, dismiss an appeal without holding a hearing if some aspect of the statutory requirement for bringing the proceeding has not been met.

[24] Section 19(1) of the *Ontario Land Tribunal Act* (“OLTA”) provides the authority for the Tribunal to dismiss an appeal without a hearing “(c) if the Tribunal is of the opinion that the proceeding has no reasonable prospect of success.”

[25] In this case, having reviewed the materials provided and considered the written and oral submissions of the Moving Party and the Respondent, the Tribunal has

determined that there is no reasonable probability that the appeal will meet with a successful outcome.

[26] The Tribunal first clarified that contrary to the assertion by the Respondent that he is the representative of neighbourhood residents who signed a petition, in fact he alone is the sole appellant, and he represents only himself. A group of individuals, either individually or identifying as a group, such as a neighbourhood association, etc. must be incorporated in order to obtain party status in a proceeding before the Tribunal.

[27] On a second point, the deadline for the filing of an appeal is mandated by the *Planning Act* and is outside of the jurisdiction of the Tribunal. In this case, the deadline for filing an appeal is well passed and the Appellant has no ability to now amend or otherwise perfect the Appeal Form, that is, to amend or to otherwise enhance the Appeal Form.

[28] The Tribunal acknowledges that the Appellant is inexperienced in land use planning matters and is not necessarily familiar with the hearing process. The Tribunal also has no doubt that the Appellant's concerns are genuinely held. However, in bringing the appeal, the Appellant is expected to bring an evidentiary case to support his appeal. Unlike making a presentation(s) at the statutory public meeting(s), as a party to an appeal, and particularly in this case as the appellant party, Mr. Ellison would be expected to tender expert land use planning and traffic and transportation engineering evidence at the hearing to support his issues and concerns. However, he has indicated that he intends to represent himself at the hearing, and to this point, he has not retained a land use planner and/or traffic and transportation expert.

[29] In any event, if the appeal is allowed to be advanced the Applicant (and possibly the City) will be required to defend the development proposal, and in doing so, will be made to suffer unnecessary costs and delay.

[30] Lastly, it is apparent from the Appeal Form, the Appellant's Response to the Motion and his oral submissions that the proposed height of the Development Proposal is the focus of the appeal. However, the height of the Proposed Development is approved by the ZBA and the Appellant has not appealed that instrument. Ultimately the outcome being sought by the Appellant is not achievable, and therefore, the appeal is frivolous in nature. In other words, the Appellant has appealed the wrong instrument.

[31] The Tribunal Orders that the appeal is dismissed.

"M. A. Sills"

M.A. SILLS
VICE-CHAIR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



MISSISSAUGA

NOTICE OF THE PASSING OF AN OFFICIAL PLAN AMENDMENT AND A ZONING BY-LAW

DATE OF NOTICE	June 16, 2022	
OPA NUMBER	OPA 127 (By-law 0121-2022)	
ZONING BY-LAW NUMBER	0122-2022	
DATE PASSED BY COUNCIL	June 08, 2022	
LAST DATE TO FILE APPEAL	July 06, 2022	
FILE NUMBER	OZ 19/016	Ward 4
APPLICANT	Bousfields Inc.	
PROPERTY LOCATION	The lands affected by this Amendment are located northwest of Dundas Street East and Cawthra Road (connection to Dundas Street East). The subject lands are located in the Mississauga Valleys Neighbourhood Character Area, as identified in Mississauga Official Plan.	

TAKE NOTICE that on June 08, 2022 the Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment OPA 127 and Zoning By-law, under Section 17 or 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended. Council has considered the written and oral submissions from the public on this matter.

THE PURPOSE AND EFFECT of the Official Plan Amendment is to delete the floor space index (FSI) range from the subject site on Map 16-19: Mississauga Valleys Neighbourhood Character Area.

The purpose of the Zoning By-law is to permit a 25 storey, 270 unit rental apartment building, in addition to the existing 17 storey and 21 storey apartment buildings. This By-law amends the zoning of the property outlined on the attached Schedule "A" from "RA5-3" (Apartments - Exception) to "RA5-58" (Apartments - Exception). "RA5-3" permits apartments, long-term care and retirement buildings with a minimum floor space index of 0.8 and a maximum floor space index of 1.4. "RA5-58" permits apartments, long-term care and retirement buildings with a maximum floor space index of 2.3 and a reduction in standard parking rates.

The Zoning By-law shall not come into force until Mississauga Official Plan Amendment Number 127 is in full force and effect.

The decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

IF YOU WISH TO APPEAL to the Ontario Land Tribunal, a copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/>. An appeal may be filed by registered mail or courier addressed to the Clerk of the City of Mississauga, Attention: Diana Rusnov, 300 City Centre Drive, Mississauga, Ontario L5B 3C1 no later than **July 06, 2022**.

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

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

The Notice of Appeal must:

- 1) set out reasons for the appeal;
- 2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$1,100.00 per application, payable by certified cheque or money order to the Minister of Finance. A copy of the Ontario Land Tribunal Fee Schedule may be found at <https://olt.gov.on.ca/appeals-process/fee-chart/>
- 3) be accompanied by a fee in the amount of \$300.00, payable to the City of Mississauga.

MORE INFORMATION: A copy of the Official Plan Amendment and Zoning By-law in their entirety can be found at www.mississauga.ca/portal/cityhall/publicnotices or from Tori Stockwell of the City of Mississauga, Planning and Building Department at (905) 615-3200 X 5531.

Sacha Smith, Manager & Deputy Clerk
Legislative Services,
Corporate Services Department
905-615-3200 X 4516

Amendment No. 127

to

Mississauga Official Plan

By-law No. 0121-2022

A by-law to Adopt Mississauga Official Plan Amendment No. 127

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

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

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 127, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan to delete the floor space index (FSI) range from the subject site within the Mississauga Valleys Neighbourhood Character Area;

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

1. The document attached hereto, constituting Amendment No. 127 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 8th day of June, 2022.

Signed Bonnie Crombee Signed WOT Now
MAYOR CLERK

Amendment No. 127
to
Mississauga Official Plan

The following text constitutes Amendment No. 127.

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

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

Appendix II is a copy of the Planning and Building Department report dated August 27, 2021 pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to delete the floor space index (FSI) range from the subject site on Map 16-19: Mississauga Valleys Neighbourhood Character Area.

LOCATION

The lands affected by this Amendment are located northwest of Dundas Street East and Cawthra Road (connection to Dundas Street East). The subject lands are located in the Mississauga Valleys Neighbourhood Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

The subject lands are designated Residential High Density which permits apartment dwellings and other accessory uses.

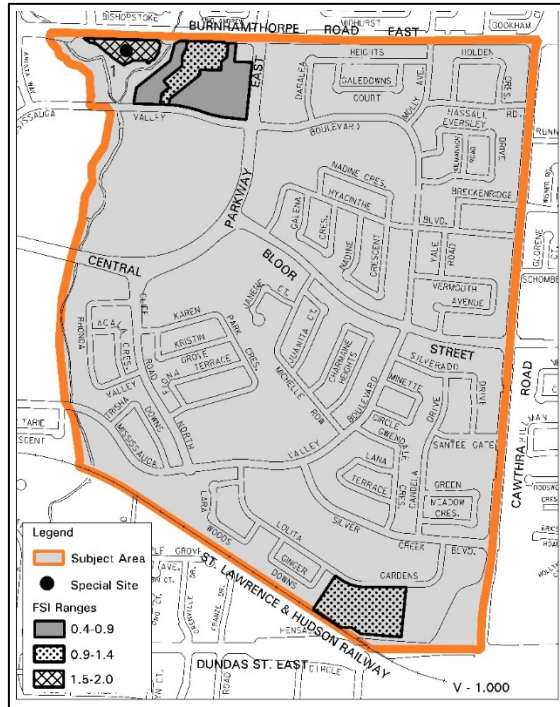
The official plan amendment is required to remove the floor space index range to permit an additional 25 storey apartment building.

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

1. The proposal is consistent in built form and scale to surrounding development within the neighbourhood and on the subject site.
2. The proposal adds to the range of housing types available within the Mississauga Valleys Neighbourhood Character Area.
3. The application intensifies the use of an existing Residential High Density site by proposing development on underutilized lands and by including underground parking.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.19, Mississauga Valleys Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by deleting the **floor space index (FSI)** range from the subject site on Map 16-19: Mississauga Valleys Neighbourhood Character Area.



IMPLEMENTATION

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

The lands will be rezoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan October 21, 2021.

INTERPRETATION

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

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

APPENDIX I
PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on December 2, 2019 in connection with this proposed Amendment.

Nine oral submissions were made at the Public Meeting.

Issues raised at the meeting related to increased traffic, overall road safety, on-street parking, shadow impacts, landscaped area, increased density and pedestrian access to Dundas Street East.

These issues have been addressed in the Planning and Building Department Report dated August 27, 2021 attached to this amendment as Appendix II.

City of Mississauga
Corporate Report



<p>Date: August 27, 2021</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: OZ 19/016 W4</p>
	<p>Meeting date: September 21, 2021</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 4)

Official Plan Amendment and Rezoning applications to permit one new 25 storey, 270 unit, rental apartment building

600 and 620 Lolita Gardens, northwest corner of Dundas Street East and Cawthra Road (connection to Dundas Street East)

Owner: Hanseatic Holdings Limited c/o Park Property Management

File: OZ 19/016 W4

Recommendation

1. That the applications under File OZ 19/016 W4, Hanseatic Holdings Ltd., 600 and 620 Lolita Gardens to amend Mississauga Official Plan to remove the existing floor space index (FSI) range; to change the zoning to **RA5-Exception** to permit one new 25 storey, 270 unit, rental apartment building with a maximum overall FSI of 2.3, be approved subject to the conditions referenced in the staff report dated August 27, 2021 from the Commissioner of Planning and Building.
2. That the applicant agrees to satisfy all the requirements of the City and any other external agency concerned with the development.
3. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.
4. Notwithstanding subsection 45.1.3 of the *Planning Act*, subsequent to Council approval of the development application, the applicant can apply for a minor variance application, provided that the height and FSI shall not increase.

Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law to permit one new 25 storey, 270 unit, rental apartment building with a maximum overall FSI of 2.3
- The applicant has made minor revisions to the proposal to address issues raised at the public meeting and by staff, including increased amenity space area and a redesign of the proposed on-site cul-de-sac to provide additional soft landscaping
- It has been concluded that the proposed development is supportable from a planning perspective
- Staff are satisfied with the changes to the proposal and find them to be acceptable from a planning standpoint and recommend that the applications be approved.

Background

A public meeting was held by the Planning and Development Committee on December 2, 2019, at which time an Information Report (https://www7.mississauga.ca/documents/committees/pdc/2019/2019_12_02_PDC_Evening_Agenda.pdf) was received for information. Recommendation PDC-0087-2019 was then adopted by Council on December 11, 2019.

That the report dated November 8, 2019, from the Commissioner of Planning and Building regarding the applications by Hanseatic Holdings Limited c/o Park Property Management to permit one new 25 storey rental apartment building consisting of 271 units, under File OZ 19/016 W4, 600 and 620 Lolita Gardens, be received for information.

There were some technical matters that needed to be resolved before the Planning and Building Department could make a recommendation on the applications. Given the amount of time since the public meeting, full notification was provided.



Aerial Image of 600 and 620 Lolita Gardens

Comments

REVISED DEVELOPMENT PROPOSAL

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

- Amending the number of dwelling units from 271 to 270
- Increasing the proposed amenity space area from 2 793 m² (30,063 ft²) to 4 253.6 m² (45,785 ft²)
- Redesign of the proposed on-site cul-de-sac to a hammerhead to provide additional soft landscaping

COMMUNITY ENGAGEMENT

Notice signs were placed on the subject lands advising of the proposed official plan and zoning change. All property owners within 120 m (393 ft.) were notified of the applications on November 7, 2019. Three community meetings were held by Ward 4 Councillor John Kovac on October 23 2019, November 28, 2019 and February 23, 2021. Twenty-five written submissions were received. A petition with 504 signatures was submitted to the City Clerk's Office in opposition to the proposed development. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on December 2, 2019. Nine members of the public made deputations regarding the applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

PLANNING ANALYSIS SUMMARY

The *Planning Act* allows any property owner within the Province of Ontario the ability to make a development application to their respective municipality in order to accommodate a particular development proposal on their site. Upon the submission of mandated technical information, the municipality is obligated under the *Planning Act* to process and consider the application within the rules set out in the Act.

The Province identifies through its *Provincial Policy Statement* matters that are of provincial interest, which require the development of efficient land use patterns and sustainability in urban areas that already exist. The Province has also set out the *Growth Plan for the Greater Golden Horseshoe*, which is designed to promote economic growth, increase housing supply and build communities that are affordable and safe, among other items. The Growth Plan requires municipalities to manage growth within already existing built up areas to take advantage of existing services to achieve this mandate. In order to meet required housing supply projections, the *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Policy Statement* and the Growth Plan.

A detailed Planning Analysis is found in Appendix 2. The applications are consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan.

The subject site is designated **Residential High Density**, which permits apartments. The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted floor space index (FSI) to permit an additional building on the site. The proposal meets the objectives of the neighbourhood policies within the Mississauga Valleys Neighbourhood Character Area. An official plan amendment is required to remove the existing floor space index (FSI) range.

The 25 storey building is proposed to be located on the northwest portion of the subject property. The proposal maintains an appropriate separation distance to the existing 17 storey and 21 storey rental apartment buildings on site. The building meets current zone standards with regards to setbacks, landscaped area and required amenity space. The Sun Shadow Study provided by the applicant demonstrates that there are no unacceptable shadow impacts on the subject lands or adjacent properties. City and Region staff have concluded that sufficient servicing is available, the parkland system can accommodate the proposal and the Traffic Impact Study indicates that the road network can adequately handle the anticipated increase in traffic.

The proposed rezoning would amend the site from **RA5-3** (Apartments) to **RA5-Exception** (Apartments) to permit a maximum FSI of 2.3, allow a reduced parking rate and permit other minor zone regulation changes including setbacks and projections (Section 9 of Appendix 2).

A detailed Planning Analysis is found in the Appendix 2.

Strategic Plan

The applications are consistent with the Connect pillar of the Strategic Plan by contributing a choice of housing type to residents that supports the principle of building complete communities to accommodate growth.

Financial Impact

All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

Conclusion

In summary, the proposed development has been designed to be sensitive to the existing and planned character of the neighbourhood and provides an appropriate transition to adjacent

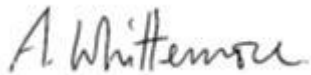
commercial and residential uses. The proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved.

Prior to the passage of the implementing official plan amendment and zoning by-law by Council, the applicant will be required to execute a Section 37 agreement to the satisfaction of the City.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Tori Stockwell, Development Planner

City of Mississauga
Corporate Report



Date: 2019/11/08

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's file:
 OZ 19/016 W4

Meeting date:
 2019/12/02

Subject

PUBLIC MEETING INFORMATION REPORT (WARD 4)

Applications to permit one new 25 storey rental apartment building consisting of 271 units

600 and 620 Lolita Gardens, northwest corner of Dundas Street East and Cawthra Road (connection to Dundas Street East)

Owner: Hanseatic Holdings Limited c/o Park Property Management

File: OZ 19/016 W4

Recommendation

That the report dated November 8, 2019, from the Commissioner of Planning and Building regarding the applications by Hanseatic Holdings Limited c/o Park Property Management to permit one new 25 storey rental apartment building consisting of 271 units, under File OZ 19/016 W4, 600 and 620 Lolita Gardens, be received for information.

Background

The applications have been deemed complete and circulated for technical comments. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community. The report consists of two parts, a high level overview of the applications and a detailed information and preliminary planning analysis (Appendix 1).

PROPOSAL

The official plan amendment and rezoning applications are required to permit one new 25 storey rental apartment building consisting of 271 units. The two existing buildings will remain. The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted Floor Space Index (FSI) to 2.35, whereas currently a maximum of 1.4 is permitted. The zoning by-law will also need to be amended from **RA5-3 (Apartments)** to **RA5-Exception (Apartments)** to implement this development proposal.

During the ongoing review of these applications, staff may recommend different land use designations and zoning categories to implement the proposal.

Comments

The property is located within the Mississauga Valleys Neighbourhood Character Area at the northwest corner of Dundas Street East and the Cawthra Road (connection to Dundas Street East). The area contains a mix of residential, commercial and community uses. The subject property is currently occupied by a 17 storey rental apartment building and a 21 storey rental apartment building with a mix of surface and underground parking and landscaping.



Aerial image of 600 and 620 Lolita Gardens



Applicant's rendering of the proposed 25 storey rental apartment building

LAND USE POLICIES AND REGULATIONS

The *Planning Act* allows any person within the Province of Ontario to submit development applications to the local municipality to build or change the use of any property. Upon submitting all required technical information, the municipality is obligated under the *Planning Act* to process and consider these applications within the rules set out in the Act.

The *Provincial Policy Statement* (PPS) establishes the overall policy directions on matters of provincial interest related to land use planning and development within Ontario. It sets out province-wide direction on matters related to the efficient use and management of land and infrastructure; the provision of housing; the protection of the environment, resources and water; and, economic development.

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) builds upon the policy framework established by the PPS and provides more specific land use planning policies which support the achievement of complete communities, a thriving economy, a clean and healthy environment and social equity. The Growth Plan establishes minimum intensification targets and

requires municipalities to direct growth to existing built-up areas and strategic growth areas to make efficient use of land, infrastructure and transit.

The *Planning Act* requires that municipalities' decisions regarding planning matters be consistent with the PPS and conform with the applicable provincial plans and the Region of Peel Official Plan (ROP). Mississauga Official Plan is generally consistent with the PPS and conforms with the Growth Plan, the *Greenbelt Plan*, the *Parkway Belt West Plan* and the ROP.

Conformity of this proposal with the policies of Mississauga Official Plan is under review.

Additional information and details are found in Appendix 1, Section 5.

AGENCY AND CITY DEPARTMENT COMMENTS

Agency and department comments are summarized in Appendix 1, Section 8.

Financial Impact

All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

Conclusion

All agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and the issues have been resolved. The matters to be addressed include: provision of additional technical information, review of reduced parking standards, ensuring compatibility of new buildings and community consultation and input.

Attachments

Appendix 1: Detailed Information and Preliminary Planning Analysis



Andrew Whitemore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Tori Stockwell, Development Planner

Detailed Information and Preliminary Planning Analysis
Owner: Hanseatic Holdings Limited c/o Park Property Management
600 and 620 Lolita Gardens

Table of Contents

1. Site History	2
2. Site and Neighbourhood Context	2
3. Project Details.....	5
4. Land Use Policies, Regulations & Amendments.....	9
5. Summary of Applicable Policies	12
6. School Accommodation	19
7. Community Comments.....	20
8. Development Issues	21
9. Section 37 Community Benefits (Bonus Zoning)	23

1. Site History

- 1972 - The two existing 17 storey and 21 storey apartment buildings were constructed
- June 20, 2007 – Zoning By-law 0225-2007 came into force. The subject lands are zoned **RA5-3** (Apartments) which permits apartment dwellings
- November 14, 2012 – Mississauga Official Plan (MOP) came into force except for those site/policies which have been appealed. The subject lands are designated Residential High Density in the Mississauga Valleys Neighbourhood Character Area

2. Site and Neighbourhood Context

Site Information

The property is located within the Mississauga Valleys Neighbourhood Character Area at the northwest corner of Dundas Street East and Cawthra Road (connection to Dundas Street East). The subject land has frontage and vehicular access onto Lolita Gardens to the north while an unmaintained pedestrian trail provides access to Dundas Street East to the southeast. The property is currently occupied by a 17 storey rental apartment building and a 21 storey rental apartment building with a mix of surface and underground parking and landscaping. There are shared amenity areas located on site, including a playground located north of the existing 17 storey

apartment building and an indoor pool located south of the existing 21 storey apartment building.



Image of existing conditions facing southeast

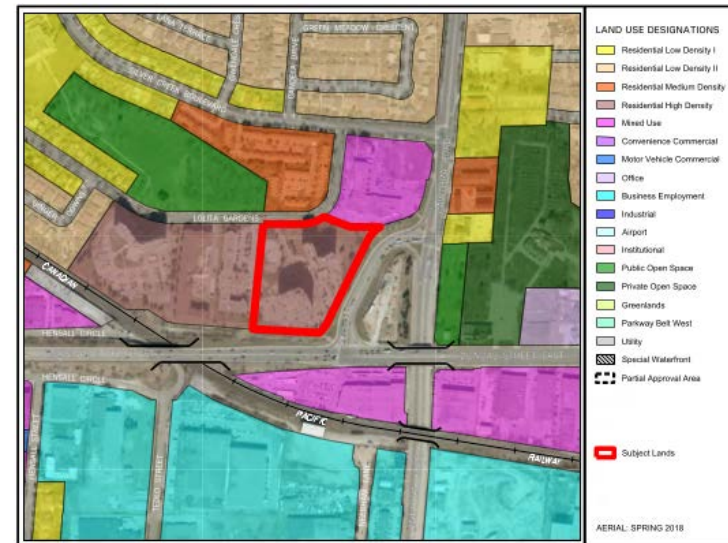
Property Size and Use	
Frontages:	100.8 m (330.7 ft.)
Depth:	171.6 m (563 ft.)
Gross Lot Area:	2.6 ha (6.4 ac.)
Existing Uses:	There is an existing 17 storey rental apartment building and 21 storey rental apartment building on site.

Surrounding Land Uses

The surrounding area is characterized by a mix of residential, commercial and community uses. The broader surrounding area located to the north and west of the site is largely comprised of detached homes. Cedarbrae Park and townhomes are located directly to the northwest and north of the subject property. Silver Creek Plaza is located to the northeast and is approximately a five minute walk from the subject lands. The plaza provides a range of services including a grocery store, pharmacy and restaurants. Cawthra Gardens Long Term Care Residence, a four storey condominium apartment building and a 19 storey condominium apartment building are located on Lolita Gardens to the west of the site. Rona and the Canadian Pacific (CP) Railway tracks are located on the south side of Dundas Street East. St John's Anglican Church, Dixie Union Chapel, Dixie Presbyterian Church and St John's Dixie Cemetery are located east of Cawthra Road.

The surrounding land uses are:

- North: Townhomes, Cedarbrae Park, Silver Creek Plaza and detached homes
- East: St John's Anglican Church, Dixie Union Chapel, Dixie Presbyterian Church and St John's Dixie Cemetery
- South: Rona and Canadian Pacific (CP) Railway tracks
- West: Cawthra Gardens Long Term Care Residence, apartment buildings and detached homes



Aerial Photo of 600 and 620 Lolita Gardens

The Neighbourhood Context

The site is located on the northwest corner of Dundas Street East and Cawthra Road (connection to Dundas Street East) within the Mississauga Valleys Neighbourhood Character Area. The Character Area is adjacent to the Dixie Employment Area, which contains a range of commercial and industrial uses in close proximity to the site. These uses include retail, office and restaurant establishments located predominately on Dundas Street East. The surrounding residential area was largely developed during the 1970s.

Demographics

Based on the 2016 census, the existing population of the Mississauga Valleys Neighbourhood Character Area is 12,215 with a population density of 44 people/ha (18 people/ac.). The median age of the character area is 43 (compared to the City's median age of 40). Sixty-six percent of the neighbourhood population are of working age (15 to 64 years of age), with 16% children (0-14 years) and 18% seniors (65 years and over). By 2031 and 2041, the population for this area is forecasted to be 14,900 and 15,300 with a population density of 53 people/ha (21 people/ac.) and 55 people/ha (22 people/ac.) respectively. The average household size is 3 persons with 18% of people living in apartment buildings that are five storeys or higher. The mix of housing tenure for the area is 3,380 units (80%) owned and 865 units (20%) rented with a vacancy rate of approximately 0.9%*. In addition, the number of jobs within the Character Area is 718. Total employment combined with the population of the Character Area results in 46 persons plus jobs per ha.

*Please note that vacancy rate data does not come from the census. This information comes from CMHC which demarcates three geographic areas of Mississauga (Northeast, Northwest, and South). This specific Character Area is located within the Northeast geography. Please also note that the vacancy rate published by CMHC is only for apartments.

Other Development Applications

The following development applications were recently approved in the immediate vicinity of the subject property:

- OZ 17/11 W3 – 3105 Cawthra Road – approval was

obtained for six 3 storey common element condominium townhomes

- OZ 16/001 W3 – 3111 and 3123 Cawthra Road – approval was obtained for 23 stacked townhomes, nine condominium townhomes and two detached homes

Community and Transportation Services

The applications will have minimal impact on existing services in the community. The site is located just south of Cedarbrae Park which contains a playground and toboggan hill and is located 600 metres (1,968 ft.) from McKenzie Park, which contains a playground and soccer field. Cedarbrae Park, McKenzie Park, and Brentwood Park (located approximately 2 kilometers (1.2 mi) from the site) form a green system connecting the subject lands to the Mississauga Valleys Community Centre (located 3 kilometres (1.8 mi.) from the property). Additional comments from Community Services regarding City parks and facilities can be reviewed within Section 9 of this Appendix.

On June 20, 2018, the Dundas Connects Master Plan was endorsed by Council, which studied the feasibility of locating higher order transit along the Dundas Street corridor. The Plan proposes enhancement of the pedestrian space along Dundas Street with wider sidewalks, landscaping, street furniture, and providing for other desirable streetscape elements such as patios and retail spill out space. It recommends creating a complete street for all users with pedestrian space that is vibrant, safe and accessible and has continuous and consistent planting. The study also states that a mix of uses

and transit supportive intensification is encouraged to support the achievement of complete communities and provide a variety of uses along the Dundas corridor. The proposed development would meet these objectives. As Dundas Connects provides no detailed assessment specifically for Mississauga Valleys Neighbourhood Character Area, the policies of Mississauga Official Plan continue to provide direction for assessment of applications for increased density.

In addition, the subject property is within a proposed Major Transit Station Area (MTSA) which will be serviced by a Bus Rapid Transit (BRT) station located at Dundas Street East and Cawthra Road (connection to Dundas Street East).

The following major MiWay bus routes currently service the site:

- Route 1 – Dundas
- Route 1C – Dundas-Collegeway
- Route 101 – Dundas Express
- Route 101A – Dundas Express
- Route 8 – Cawthra
- Route 3 - Bloor

3. Project Details

The applications are to permit one new 25 storey rental apartment building consisting of 271 units. The two existing rental apartment buildings will remain.

Development Proposal	
Applications submitted:	Received: August 1, 2019 Deemed complete: August 28, 2019
Developer/	Hanseatic Holdings Ltd.

Development Proposal		
Owner:		
Applicant:	Bousfields Inc.	
Number of units:	271	
Height:	25 storeys	
Floor Space Index:	2.31	
Landscaped Area:	53.5%	
Anticipated Population:	593.5* *Average household sizes for all units (by type) based on the 2016 Census	
Parking:	Required	Provided
resident spaces	906	783
visitor spaces	136	119
Total	1,042	902
Green Initiatives:	• Green roof and infiltration gallery	

Supporting Studies and Plans

The applicant has submitted the following information in support of the applications, which can be viewed at the following link:

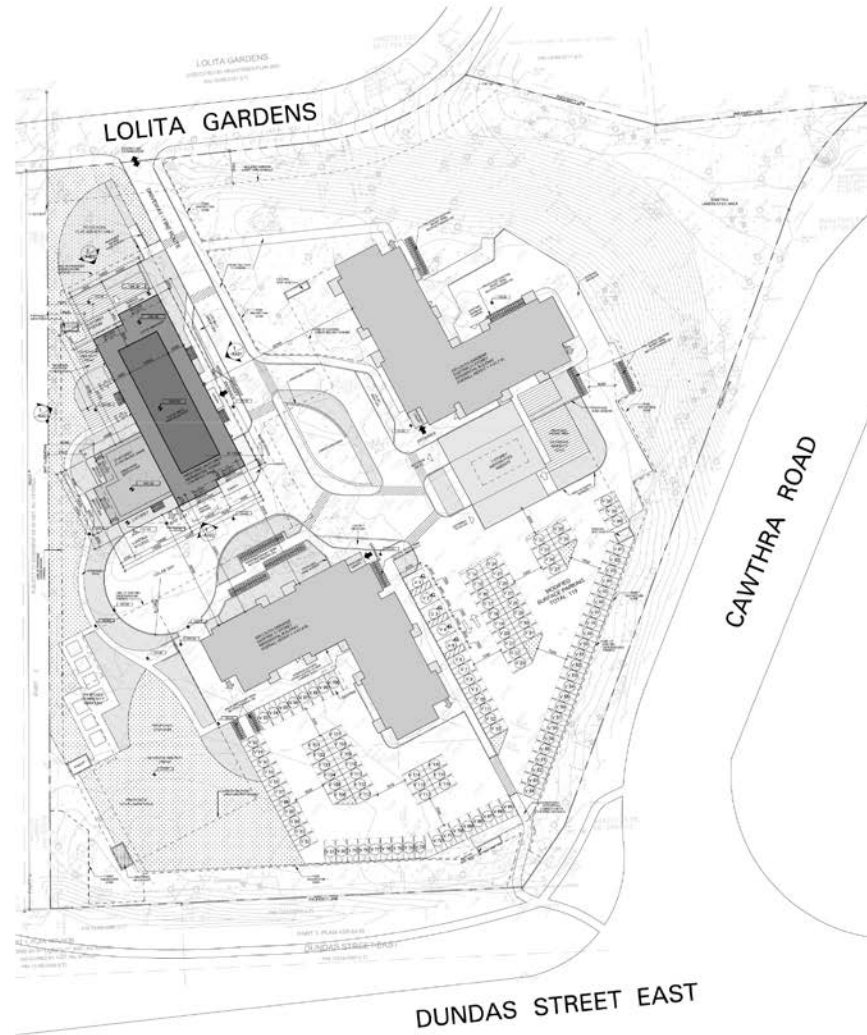
<http://www.mississauga.ca/portal/residents/development-applications>

- Survey
- Architectural Plans
- Grading Plan
- Landscape Plans
- Planning & Urban Design Rationale Report
- Draft Zoning by-law
- Draft Official Plan Amendment by-law
- Traffic Impact Study
- Public Consultation Strategy Letter
- Noise Feasibility Study

- Functional Servicing Report
- Arborist Report & Tree Protection Plan
- Pedestrian Wind Study
- Shadow Study
- Phase One Environmental Site Assessment

Concept Plan and Elevations

File: OZ 19/016 W4



Site Plan



Applicant's Rendering

4. Land Use Policies, Regulations & Amendments

Mississauga Official Plan

Excerpt of Mississauga Valleys Neighbourhood Character Area

Existing Designation

The site is designated **Residential High Density**. The **Residential High Density** designation permits apartment dwellings.

Proposed Designation

The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted Floor Space Index (FSI) to 2.35, whereas currently a maximum of 1.4 is permitted.

Note: Detailed information regarding relevant Official Plan policies are found in Section 5.



PART OF SCHEDULE 1 TO LAND USE DESIGNATIONS OF MISSISSAUGA OFFICIAL PLAN		BASE MAP INFORMATION	CITY STRUCTURE
Residential Low Density I	Airport	Heritage Conservation District	Downtown
Residential Low Density II	Institutional	1996 NEP/2000 NEP Composite Noise Contours	Major Node
Residential Medium Density	Public Open Space	LRP/Operating Area Boundary	Community Node
Residential High Density	Private Open Space	See Aircraft Noise Policies	Neighbourhood
Mixed Use	Greenlands	Area Exempt from LRP/Operating Area	Corporate Centre
Convenience Commercial	Parkway Belt West	Natural Hazards	Employment Area
Motor Vehicle Commercial	Utility	Chic Centre (City Hall)	Special Purposes Area
Office	Special Waterfront	City Centre/Transit Terminal	
Business Employment	Partial Approval Area	GO Rail Transit Station	
Industrial		Public School	
		Catholic School	
		Hospital	
		Community Facilities	

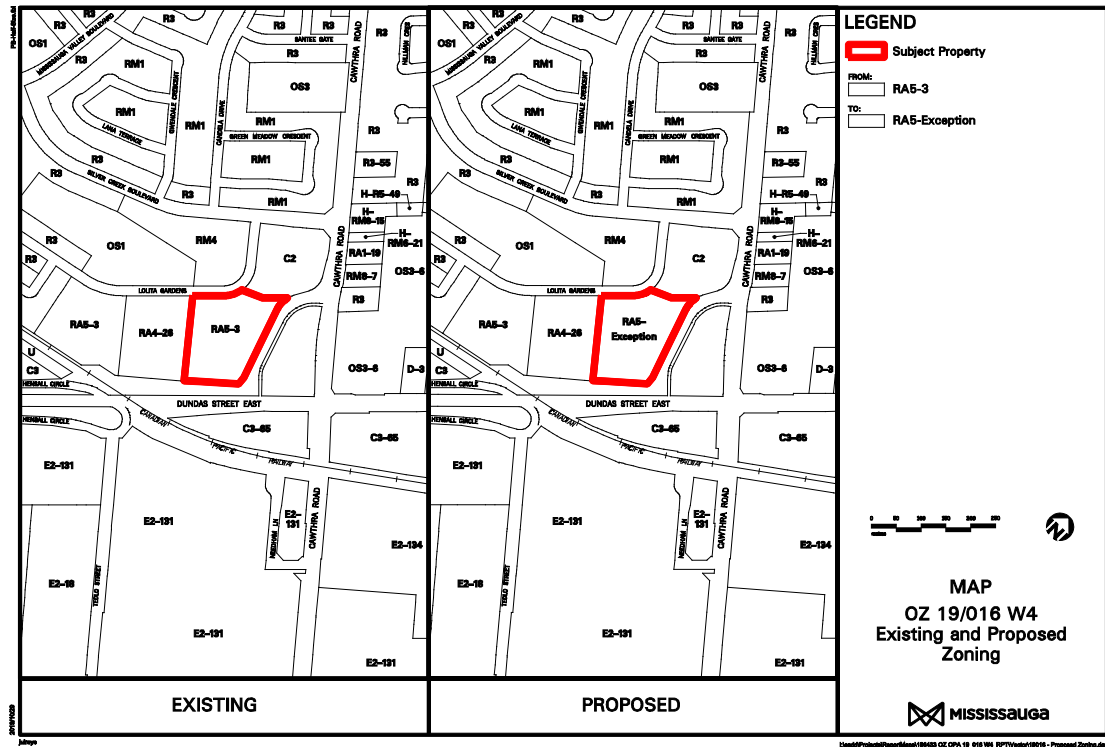
Mississauga Zoning By-law

Existing Zoning

The site is currently zoned **RA5-3** (Apartments), which permits apartment dwellings with a maximum FSI of 1.4.

Proposed Zoning

The proposed zone is **RA5-Exception** (Apartments) to permit the proposal with exceptions for FSI and parking standards.



\\s01\p01\proj\p01\map\OZ 19/016 W4\OZ 19/016 W4\OZ 19/016 W4 - Proposed Zoning.dwg

Proposed Zoning Regulations

Zone Regulations	RA5-3 Zone Regulations	Proposed Amended RA5-Exception Zone Regulations
Maximum Floor Space Index (FSI)	1.4	2.35
Minimum setback from a parking structure above or partially above finished grade to any lot line	7.5 m (24.6 ft.)	3.0 m (9.8 ft.)
Minimum Off-Street Parking Regulations – Rental Apartment	1.00 space per studio 1.18 spaces per 1 bedroom 1.36 spaces per 2 bedroom 1.50 spaces per 3 bedroom 0.20 visitor spaces per unit	1.00 space per studio 0.85 spaces per 1 bedroom 1.13 spaces per 2 bedroom 1.22 spaces per 3 bedroom 0.14 visitor spaces per unit
Note: The provisions listed are based on information provided by the applicant, which is subject to revisions as the applications are further refined.		

5. Summary of Applicable Policies

The *Planning Act* requires that Mississauga Official Plan be consistent with the Provincial Policy Statement and conform with the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect these applications have been reviewed and summarized in the table below. Only key policies relevant to the applications have been included. The table should be considered a general summary

of the intent of the policies and should not be considered exhaustive. In the sub-section that follows, the relevant policies of Mississauga Official Plan are summarized. The development application will be evaluated based on these policies in the subsequent recommendation report.

Policy Document	Legislative Authority/Applicability	Key Policies
Provincial Policy Statement (PPS)	<p>The fundamental principles set out in the PPS apply throughout Ontario. (PPS Part IV)</p> <p>Decisions of the council of a municipality shall be consistent with PPS. (PPS 4.2)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement (PPS 4.7)</p>	<p>Settlement areas shall be the focus of growth and development. (PPS 1.1.3.1)</p> <p>Land use patterns within settlement areas will achieve densities and a mix of uses that efficiently use land, resources, infrastructure, public service facilities and transit. (PPS 1.1.3.2.a)</p> <p>Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment. (PPS 1.1.3.3)</p> <p>Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected needs of current and future residents of the regional market area. (PPS 1.4.3)</p>
Growth Plan for the Greater Golden Horseshoe (Growth Plan)	<p>The Growth Plan applies to the area designated as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise. (Growth Plan 1.2.2)</p>	<p>Within settlement areas, growth will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit; and, areas with existing or planned public service facilities. (Growth Plan 2.2.1.2 c)</p> <p>Complete communities will feature a diverse mix of land uses; improve social equity and quality of life; provide a range and mix of housing options; provide convenient access to a range of transportation options, public service facilities, open spaces and parks, and healthy, local and affordable food options; provide a more compact built form; mitigate and adapt to climate change impacts; and, integrate green infrastructure. (Growth Plan 2.2.1.4)</p> <p>To achieve minimum intensification and density targets, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of high quality public realm and compact built form. (Growth Plan 5.2.5.6)</p> <p>Major transit station areas on priority transit corridors or subway lines will be</p>

Policy Document	Legislative Authority/Applicability	Key Policies
		<p>planned for a minimum density target of:</p> <ul style="list-style-type: none"> a. 200 residents and jobs combined per hectare for those that are served by subways; b. 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit; or c. 150 residents and jobs combined per hectare for those that are served by the GO Transit rail network. (Growth Plan 2.2.4.3)
Greenbelt Plan	<p>Mississauga is not located within the Greenbelt Area and therefore the <i>Greenbelt Act, 2005</i> does not apply in Mississauga. However, the Greenbelt Plan does recognize natural heritage systems contained within the Greenbelt are connected to systems beyond the Greenbelt, including the Credit River.</p>	<p>There are no natural features on this site. Therefore, the property is not subject to the policies of the Greenbelt Plan.</p>
Parkway Belt West Plan (PBWP)	<p>The policies of MOP generally conform with the PBWP. Lands within the PBWP are within the City's Green System and are therefore intended to be preserved and enhanced through public acquisition.</p> <p>The portions of the lands that contain the valleylands associated with the Credit River are designated Public Open Space and Buffer Area in the PBWP.</p>	<p>The Parkway Belt West Plan does not apply to this site.</p>
Region of Peel Official Plan (ROP)	<p>The Region of Peel approved MOP on September 22, 2011, which is the primary instrument used to evaluate development applications. The proposed development applications were circulated to the Region who has advised that in its current state, the applications meet the requirements for exemption from Regional approval. Local official plan amendments are generally exempt from approval where they have had regard for the <i>Provincial Policy Statement</i> and applicable Provincial Plans, where the City Clerk has certified that processing was completed in accordance with the <i>Planning Act</i> and where the Region has advised that no Regional official plan amendment is required to accommodate the local official plan amendment. The Region provided additional comments which are discussed in Section 8 of this Appendix.</p>	<p>The ROP identifies the subject lands as being located within Peel's Urban System.</p> <p>General objectives of ROP, as outlined in Section 5.3, include conserving the environment, achieving sustainable development, establishing healthy complete communities, achieving intensified and compact form and mix of land uses in appropriate areas that efficiently use land, services, infrastructure and public finances, while taking into account the characteristics of existing communities and services, and achieving an urban form and densities that are pedestrian-friendly and transit supportive.</p>

Relevant Mississauga Official Plan Policies

The policies of Mississauga Official Plan (MOP) implement provincial directions for growth. MOP is generally consistent with the PPS and conforms with the Growth Plan, Greenbelt Plan, PBWP and ROP. An update to MOP is currently underway to ensure MOP is consistent with and conform to changes resulting from the recently released Growth Plan, 2019.

The subject property will be located within a Major Transit Station Area (MTSA).

The lands are located within the Mississauga Valleys Neighbourhood Character Area and are designated **Residential High Density**. The **Residential High Density**

designation permits apartment dwellings.

The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted Floor Space Index (FSI) to 2.35, whereas currently a maximum of 1.4 is permitted. The applicant will need to demonstrate consistency with the intent of MOP and shall have regard for the appropriateness of the proposed built form in terms of compatibility with the surrounding context and character of the area.

The following policies are applicable in the review of these applications. In some cases the description of the general intent summarizes multiple policies.

	Specific Policies	General Intent
Chapter 4 Vision	Section 4.4.2 Section 4.4.5 Section 4.5	Mississauga will provide the guiding principles that are to assist in implementing the long-term land use, growth and development plan for Mississauga and sets out how the City will achieve these guiding principles.
Chapter 5 Direct Growth	Section 5.1.4 Section 5.1.6 Section 5.1.9 Section 5.3.5 Section 5.3.5.1 Section 5.3.5.3 Section 5.3.5.5 Section 5.3.5.6	<p>Most of Mississauga’s future growth will be directed to Intensification Areas. Mississauga encourages compact, mixed use development that is transit supportive, in appropriate locations, to provide a range of live/work opportunities.</p> <p>New development will not exceed the capacity of existing and planned engineering services, transit services and community infrastructure. Development proposals may be refused if existing or planned servicing and/or infrastructure are inadequate to support the additional population and employment growth that would be generated or be phased to coordinate with the provision of services and infrastructure.</p> <p>Mississauga will protect and conserve the character of stable residential neighbourhoods.</p> <p>Where higher density uses are proposed, they should be located on sites identified by a local area review, along Corridors or in conjunction with existing apartment sites or commercial centres.</p> <p>Neighbourhoods will not be the focus for intensification and should be regarded as stable residential areas where the existing character is to be preserved.</p>

	Specific Policies	General Intent
		<p>Intensification within neighbourhoods may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan.</p> <p>Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale.</p>
<p>Chapter 6 Value The Environment</p>	<p>Section 6.10.4.1 Section 6.10.4.2</p>	<p>Where residential uses sensitive to noise are proposed in close proximity to rail lines, it may be necessary to mitigate noise impact, in part by way of the building and site design. Any development that includes outdoor living areas will generally not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed the limits specified by the applicable Provincial Government environmental noise guideline. A detailed noise impact study will be required to demonstrate that every effort has been made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline, for an outdoor living area (55 dBA or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 dBA.</p> <p>Development which includes bedrooms, sleeping quarters, living rooms, reading rooms and other noise sensitive uses which will be subject to high levels of railroad noise, will only be permitted if it includes structural features that result in interior noise levels that comply with the indoor standards specified by the applicable noise guideline.</p>
<p>Chapter 7 Complete Communities</p>	<p>Section 7.1.1 Section 7.1.3 Section 7.1.6 Section 7.2.1 Section 7.2.2 Section 7.2.8 Section 7.2.9</p>	<p>The official plan supports the creation of complete communities that meet the day-to-day needs of people through all stages of their life, offering a wide assortment of housing options and employment opportunities as well as numerous commercial and social venues. The provision of suitable housing is important to ensure that youth, older adults and immigrants thrive.</p> <p>Mississauga will ensure that housing is provided in a manner that maximizes the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents.</p> <p>Mississauga will provide opportunities for:</p> <ul style="list-style-type: none"> a. The development of a range of housing choices in terms of type, tenure and price, b. The production of a variety of affordable dwelling types for both the ownership and rental markets; and, c. The production of housing for those with special needs, such as housing for the elderly and shelters. <p>Design solutions that support housing affordability while maintaining appropriate functional and aesthetic quality will be encouraged.</p>

	Specific Policies	General Intent
		The provision of housing that meets the needs of young adults, older adults and families will be encouraged in the Downtown, Major Nodes and Community Nodes.
Chapter 9 Building a Desirable Urban Form	Section 9.1 Section 9.1.1 Section 9.1.3 Section 9.3.5.6 Section 9.4.1 Section 9.5.1 Section 9.5.2.7	<p>Appropriate infill in both Intensification Areas and Non-Intensification Areas will help to revitalize existing communities by replacing aged buildings, developing vacant or underutilized lots and by adding to the variety of building forms and tenures. It is important that infill "fits" within the existing urban context and minimizes undue impacts on adjacent properties.</p> <p>Mississauga will develop an urban form based on the urban system and the hierarchy identified in the city structure as shown on Schedule 1: Urban System.</p> <p>Infill and redevelopment within Neighbourhoods will respect the existing and planned character.</p> <p>Residential developments of a significant size, except for freehold developments, will be required to provide common outdoor on-site amenity areas that are suitable for the intended users.</p> <p>Site and building design will improve connections and accessibility for transit users and promote pedestrians and cycling transportation modes. Mississauga will consider the convenience, comfort and safety of pedestrians and cyclists through urban design.</p> <p>Buildings and site design will be compatible with site conditions, the surrounding context and surrounding landscape of the existing or planned character of the area. Developments will provide a transition in building height and form between Intensification Areas and adjacent Neighbourhoods with lower density and heights. Development proposals will demonstrate compatibility and integration with surrounding land uses and the public realm by ensuring that adequate privacy, sunlight and sky views are maintained.</p> <p>Site development should respect and maintain the existing grades on-site.</p>
Chapter 11 General Land Use Designations	Section 11.2.5.6	Lands designated Residential High Density will permit the following use: <ul style="list-style-type: none"> a. apartment dwelling.
Chapter 16 Neighbourhoods	Section 16.1.1.1 Section 16.1.1.2 Section 16.1.2.5 Section 16.19.2.2	<p>For lands within Neighbourhoods, a maximum building height of four storeys will apply unless Character Area policies specify alternative building height requirements.</p> <p>Proposals for heights more than four storeys or different than established in the Character Area policies, will only be considered where it can be demonstrated to the City's satisfaction, that: <ul style="list-style-type: none"> a. an appropriate transition in heights that respects the surrounding context will be achieved; b. the development proposal enhances the existing or planned development; c. the City Structure hierarchy is maintained; and d. the development proposal is consistent with the policies of this Plan. </p>

	Specific Policies	General Intent
		<p>Proposals for additional development on lands with existing apartment buildings will be subject to the following, in addition to other policies regarding medium and high density residential development in this Plan:</p> <ul style="list-style-type: none"> a. on lands designated Residential High Density, development in addition to existing buildings will be restricted to uses permitted in the Residential Medium Density designation; and b. as a condition of development, demonstrate the following: <ul style="list-style-type: none"> • that the site in its entirety meets site plan and landscaping requirements; • compliance with the property standards bylaw; and • compliance with the applicable building code and fire code (i.e. the code in effect when the building was constructed). <p>Lands designated Residential Medium Density will also permit low-rise apartment dwellings.</p>
<p>Chapter 19 Implementation</p>	<p>Section 19.5.1</p>	<p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> • the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands; • the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands; • there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application; • a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant.

Affordable Housing

In October 2017 City Council approved *Making Room for the Middle – A Housing Strategy for Mississauga* which identified housing affordability issues for low and moderate incomes in the city. In accordance with the Provincial Growth Plan (2019), *Provincial Policy Statement* (2014), Regional Official Plan and Mississauga Official Plan (MOP), the City requests that proposed multi-unit residential developments incorporate a mix

of units to accommodate a diverse range of incomes and household sizes.

Applicants proposing non-rental residential developments of 50 units or more – requiring an official plan amendment or rezoning for additional height and/or density beyond as-of-right permissions – will be required to demonstrate how the proposed development is consistent with/conforms to Provincial, Regional and City housing policies. The City’s

official plan indicates that the City will provide opportunities for the provision of a mix of housing types, tenures and at varying price points to accommodate households. The City's annual housing targets by type are contained in the Region of Peel Housing and Homelessness Plan 2018-2028 <https://www.peelregion.ca/housing/housinghomelessness/pdf/plan-2018-2028.pdf>.

To achieve these targets, the City is requesting that a minimum of 10% of new ownership units be affordable. The 10% contribution rate will not be applied to the first 50 units of a development. The contribution may be in the form of on-site or off-site units, land dedication, or financial contributions to affordable housing elsewhere in the city. As this proposal is for a rental apartment building, the provision of affordable housing units will not be required.

6. School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
<p>Student Yield:</p> <p>30 Kindergarten to Grade 5 12 Grade 6 to Grade 8 8 Grade 9 to Grade 12</p> <p>School Accommodation:</p> <p>Silver Creek Public School</p> <p>Enrolment: 273 Capacity: 271 Portables: 0</p> <p>The Valleys Senior Public School</p> <p>Enrolment: 536 Capacity: 489 Portables: 0</p> <p>T.L. Kennedy Secondary School</p> <p>Enrolment: 916 Capacity: 1,275 Portables: 3</p>	<p>Student Yield:</p> <p>4 Kindergarten to Grade 8 4 Grade 9 to Grade 12</p> <p>School Accommodation:</p> <p>Metropolitan Andrei Elementary</p> <p>Enrolment: 498 Capacity: 582 Portables: 0</p> <p>Father Michael Goetz Secondary School</p> <p>Enrolment: 1,223 Capacity: 1,593 Portables: 0</p>

7. Community Comments

A community meeting was held by Ward 4 Councillor, John Kovac on October 23, 2019. Over 30 people were in attendance. Approximately 5 written submissions were received. An additional community meeting has been scheduled on November 28, 2019 to discuss traffic concerns on Lolita Gardens and Silver Creek Boulevard.

The following comments made by the community as well as any others raised at the public meeting will be addressed in the Recommendation Report, which will come at a later date.

- Traffic in the area is already too congested and the proposal will make it worse, especially at the Silver Creek Boulevard and Cawthra Road intersection and the Dundas Street East and Cawthra Road (connection to Dundas Street East) intersection
- The Lolita Gardens access is unsafe as it is a residential street with on-street parking and the curvature of the road impacts views
- There is too much on-street parking and visitor parking on site is paid, leading to more people parking on Lolita

Gardens

- The development will create shadow impacts
- There will be increased noise pollution
- There will be noise and increased traffic during construction
- There is too much density in the Mississauga Valleys Neighbourhood and the proposed development will make it worse
- There is concern with the loss of the existing mature trees
- Having pedestrian access to Dundas Street East is desirable
- Having a crosswalk or crossing guard on Lolita Gardens before and after school hours is desirable
- There is concern that the proposed layout is not pedestrian friendly or safe for children
- There is concern that the location of the proposed playground is unsafe
- There is concern about snow removal and waste collection on site

8. Development Issues

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

Agency / Comment Date	Comments
Region of Peel (September 27, 2019)	<p>Municipal sanitary sewers consist of a 300 mm (11.8 in.) sewer located on Lolita Gardens. Municipal water infrastructure consists of a 300 mm (11.8 in.) water main located on Lolita Gardens and a 300 mm (11.8 in.) water main located on Dundas Street East.</p> <p>A satisfactory Functional Servicing Report must be submitted to determine the adequacy of the existing services on site. The report dated July 19, 2019 has been received and will be sent for modeling for the hydrant flow test and may require further revisions.</p> <p>Regional Site Servicing approvals are required prior to the local municipality issuing building permits.</p> <p>A Waste Management Plan must be completed to confirm a satisfactory waste collection access route on site.</p>
Dufferin-Peel Catholic District School Board (September 19, 2019) and the Peel District School Board (September 17, 2019)	<p>The Peel District School Board and the Dufferin-Peel Catholic District School Board responded that they are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for these development applications.</p> <p>In addition, if approved, the Peel District School Board and the Dufferin-Peel Catholic District School Board also require certain conditions be added to the applicable Development Agreements and to any purchase and sale agreements.</p>
City Community Services Department – Park Planning Section (September 19, 2019)	<p>Community Services notes the proposed development is within walking distance of Cedarbrae Park, which is approximately 50 m (164 ft.) from the subject property, the park is 3.72 ha (9.19 ac.) in size and provides community recreational facilities such as a playground and a toboggan hill. Mackenzie Park is located approximately 600 m (1,968 ft.) from the subject property, the park is 5.28 ha (13.05 ac) in size and contains a playground and soccer field.</p> <p>Prior to the issuance of building permits for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> and in accordance with City's Policies and Bylaws.</p>
City Transportation and Works Department (October 7, 2019)	<p>Supporting drawings</p> <p>The Grading Plan is to be updated to provide additional existing and proposed grading information within and along the boundaries of the site, including cross-sections. The grading proposal at the southwest corner of the property is to be revised, as currently retaining walls are being proposed. The drawings are also to show that the internal road complies with the minimum 7.0 m (23 ft.) width for multi-family residential developments.</p> <p>Noise Study</p> <p>The initial Noise Study is to be updated to use Ultimate Traffic Data from the City and Region of Peel, show all outputs in the Appendix, and assess the noise levels for all the proposed outdoor amenity areas, as currently some areas were not</p>

Agency / Comment Date	Comments
	<p>assessed.</p> <p>Stormwater</p> <p>The Functional Servicing Report is to be revised to use the appropriate runoff coefficient and show calculations for the underground storage tank, orifice plate and infiltration gallery. The infiltration gallery maintenance is not to conflict with proposed outdoor amenity areas. Additionally, calculations for water balance are to be revised and the report is to show ponding elevations, clarify any storm sewers relocation requirements, roof drainage and provide soil information. Quality control measures will be required for this site.</p> <p>Environmental</p> <p>A Letter of Reliance for the Phase I Environmental Site Assessment (ESA) will be required. The Phase I ESA recommended a Phase II ESA, a Phase II ESA should be submitted for the City's review. The Phase II ESA should also be accompanied by a Letter of Reliance. Additionally, a dewatering plan will be required.</p> <p>Traffic</p> <p>A Traffic Impact Study (TIS) has been received to assess the impact the proposed development will have on the existing road network. The TIS is to be revised regarding trip generation, future total conditions and operations requirements. The proposal is also to address truck manoeuvres and bicycle parking requirements. The drawings are to be revised to show minimum road width and curb radii requirements and ensure that the access complies with OPSD 350.010. The drawings are also to address safety concerns with the proposed ramp to the underground parking.</p> <p>Road Safety staff is in receipt of concerns regarding traffic volumes and speeds along Lolita Gardens and Silver Creek Boulevard. In order to address the concerns staff has scheduled 24 hour volume and speed studies. Traffic volumes and speeds will be collected electronically over a 24 hour period and collected mid-week between a Tuesday and Thursday. These studies will provide staff with average speeds, operating speeds (85th percentile speed) and traffic volumes within the neighbourhood.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> - Forestry, Community Services Department - Heritage Planning, Community Services Department - Fire Prevention - Enbridge - Alectra - Canadian Pacific Railway - Canada Post - Rogers Cable

Agency / Comment Date	Comments
	<ul style="list-style-type: none"> - GO Transit - Greater Toronto Airport Authority

Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Are the policies and principles of Mississauga Official Plan maintained by this project?
- Is the proposal compatible with the character of the area given the project's land use, massing, density, setbacks and building configuration?
- Are the proposed zoning by-law exception standards appropriate?
- What are the expected traffic impacts?
- Provision of a satisfactory Functional Servicing Report to determine if there is capacity and resolution of all servicing and utility issues

Development Requirements

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

9. Section 37 Community Benefits (Bonus Zoning)

Should these applications be approved by Council, staff will report back to Planning and Development Committee on the provision of community benefits as a condition of approval.

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Recommendation Report Detailed Planning Analysis

Owner: Hanseatic Holdings Limited c/o Park Property Management

600 and 620 Lolita Gardens

Table of Contents

1.	Community Comments.....	2
2.	Updated Agency and City Department Comments	8
3.	<i>Provincial Policy Statement, 2020 (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019 and Amendment No. 1 (2020)</i>	10
4.	Consistency with PPS	10
5.	Conformity with Growth Plan	10
6.	Region of Peel Official Plan.....	11
7.	Mississauga Official Plan (MOP)	11
8.	Revised Site Plan and Elevations.....	15
9.	Zoning.....	17
10.	Bonus Zoning.....	18
11.	Site Plan	18
12.	Conclusion	18

1. Community Comments

Through the community and public meetings held comments from the public were generally directed towards traffic volume and density. Below is a summary and response to the specific comments heard.

Comment

Concern that there are issues that need to be addressed by the City prior to the application being approved.

Response

Technical reports and drawings have been reviewed and updated to ensure that planning and engineering matters related to required amenity space, noise, grading, servicing, stormwater management, traffic and environmental compliance have been satisfactorily addressed to confirm the feasibility of the project.

Comment

Increased traffic on Lolita Gardens, Silver Creek Boulevard and Cawthra Road will negatively impact the surrounding community.

Response

A Traffic Impact Study (TIS) was submitted in support of the application which analyzed current and projected traffic volumes on the neighbouring street network as a result of the proposed development. The Transportation and Works Department has determined that the traffic volumes on the

adjacent road network can be managed and accommodated within the original planned capacity.

Comment

Concern that the TIS submitted in support of the application did not accurately reflect the current traffic volumes in the surrounding area.

Response

Due to the Covid-19 pandemic, the City's Traffic Division was unable to conduct onsite traffic counts as requested by Councillor Kovac at the Public Meeting on December 2, 2019. In response, a supplementary traffic analysis was required and submitted by the applicant in support of the TIS. The analysis compared historic traffic projections within the vicinity of the proposed development with the submitted TIS. Results indicate the traffic data collection methods were appropriate and the traffic data that was collected is acceptable for the purposes of completing the TIS.

Comment

The Lolita Gardens access is unsafe as it is a residential street with on-street parking and the curvature of the road impacts views.

Response

A site circulation analysis had been conducted to ensure adequate manoeuvrability through the site including the site access along Lolita Gardens. In addition, the existing driveway will be widened to improve safety and accessibility.

Comment

Concern that there will be a required street widening along Lolita Gardens.

Response

The City's Traffic Division does not require a street widening in association with this application.

Comment

Concerns raised about traffic and pedestrian safety along Lolita Gardens, specifically in relation to speeding and past vehicular collisions.

Response

A traffic study was conducted along Lolita Gardens in October 2019 by the City's Road Safety Division. The findings found operating speeds along Lolita Gardens were typical for a neighbourhood roadway and traffic calming measures were not warranted.

Comment

Having a crosswalk or crossing guard on Lolita Gardens before and after school hours is desirable.

Response

The request has been brought forward to the City's Traffic Safety Council. Site inspections will be scheduled once the September 2021 school year resumes.

Comment

Concern that there was an insufficient amount of community engagement carried out prior to the Covid-19 pandemic, especially in relation to traffic concerns raised by area residents.

Response

A general community meeting was held by Ward 4 Councillor, John Kovac, on October 23, 2019. A subsequent meeting was scheduled on November 28, 2019, to discuss concerns raised about increased traffic congestion. A statutory public meeting, as required by the *Ontario Planning Act* was held on December 2, 2019. An additional virtual community meeting was held on February 23, 2021, to discuss the revised proposal submitted by the applicant in September 2020. Excluding the community meeting held in February 2021, all community engagement occurred in-person and prior to the Covid-19 pandemic.

Comment

There will be an increase in noise and environmental pollution as a result of the development.

Response

While there may be some disturbances associated with the construction of the apartment building, these impacts will be temporary. In addition, the electrical transformers, garbage and recycling areas are located on-site and will not impact adjacent properties.

Comment

There will be noise and increased traffic during construction.

Response

It is anticipated that there will be some level of disruption to the area resulting from construction activity occurring on the subject property. A Construction Management Plan will be required prior to building activities onsite. Mud tracking will be managed through the City's Lot Grading and Municipal Services Protection By-law, and construction will also be subject to the City's Noise Control By-law, which regulates the period of time when construction equipment can operate in residential areas.

Comment

Concern that access to existing buildings on-site, located at 600 and 620 Lolita Gardens will be limited during construction.

Response

A Construction Management Plan will be required prior to building activities on-site. The Plan will ensure access is maintained to the existing buildings throughout the duration of the construction of the proposed 25 storey building

Comment

There is too much on-street parking and a fee is charged for visitor parking on-site, leading to more people parking on Lolita Gardens.

Response

The number of visitor parking spaces provided on-site complies with Zoning By-law 0225-2007. A Parking Justification Study was submitted, which indicates that there will be sufficient parking on-site to accommodate existing and future residents and justifies an overall reduction in parking rates.

Comment

The site will be overdeveloped and the increased population will adversely impact the surrounding community which is currently oversubscribed.

Response

Although MOP states that neighbourhoods will not be the focus for intensification this does not mean they will remain static. MOP policies allow for some intensification to occur in neighbourhoods where it is considered to have a compatible built form and is sensitive to the existing and planned context.

The preliminary planning analysis identified that the application will have minimal impact on existing services in the community. The site is located 200 metres (656 ft.) from Cedarbrae Park and 3 kilometres (1.8 mi.) from Mississauga Valleys Community Centre. The proposed development also includes a total of 4,253 m² (45,778 ft.²) of on-site amenity area, which will accommodate existing and future residents.

Comment

The proposal does not conform to Mississauga Official Plan policies regarding height and density.

Response

The subject site is designated **Residential High Density**, which permits apartments. The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted floor space index (FSI). The proposal meets the objectives of the neighbourhood policies within the Mississauga Valleys Neighbourhood Character Area. An official plan

amendment is required to remove the existing FSI range from Map 16-19: Mississauga Valleys Neighbourhood Character Area, in the Mississauga Official Plan.

The site is presently zoned **RA5-3**, which permits a building height of 77.0 metres (252.6 ft.) and 25 storeys. A zoning by-law amendment is not required to permit an increase in proposed height.

Comment

The proposed amenity space provided on-site does not comply with zoning by-law requirements and the proposal will result in the loss of the children's play area.

Response

A total of 3,796.8 m² (40,868.4 ft.²) of amenity area is required by Zoning By-law 0225-2007. The proposed development provides a total of 4,253.6 m² (45,778 ft.²) of amenity space on-site, which includes a 324 m² (3,487 ft.²) children's playground.

Comment

The proposed on-site layout is not pedestrian friendly or safe for children and the location of the proposed playground is unsafe.

Response

The pedestrian circulation routes were reviewed through the application process. All of the existing and proposed main building entrances, surface parking areas and outdoor amenity spaces are connected by a network of pedestrian sidewalks with defined crosswalks. This allows for safe pedestrian circulation throughout the property. The interior pedestrian circulation also

connects to the municipal sidewalk on Lolita Gardens and Cawthra Road (connection to Dundas Street East).

The CPTED (Crime Prevention through Environmental Design) principle of "natural surveillance" has been achieved by the placement of the playground adjacent to indoor and outdoor amenity areas in such a way as to maximize visibility and foster positive social interaction. The elevation of the play area has been lowered very slightly and surrounded by retaining curbs to signal to small children to remain within the surfaced area. The existing open metal picket fence that currently surrounds the property and provides a barrier between the playground and the street will remain.

Comment

Concern with capacity being exceeded at the neighbourhood schools.

Response

The Peel District School Board and the Dufferin-Peel Catholic District School Board were circulated and have both advised that there is sufficient capacity for the students that will be generated by this proposal.

Comment

The development will create shadow impacts.

Response

Shadow Studies in support of the development application were prepared by the applicant and reviewed by the City's urban design staff.

The Standards for Shadow Studies specify test dates, test times and criteria to ensure adequate sunlight at specific types of spaces. The development proposal met the criteria for adequate sunlight on:

- Residential Private Outdoor Amenity Spaces
- Communal Outdoor Amenity Areas
- Public Open Spaces, Parks and Plazas
- Turf and Flower Gardens in Public spaces (N/A)
- Building faces to allow for the possibility of using solar energy

Developments should be designed to allow full sunlight on the opposite boulevard (North Boulevard of Lolita Gardens) including the full width of the sidewalk on September 21 as follows:

- For a total of at least 5 hours that must include the 2 hour period between: 12:12 p.m. and 2:12 p.m. and an additional 2 hour period from either 9:12 a.m. to 11:12 a.m. or from 3:12 p.m. to 5:12 p.m.

This criterion is met if there is no incremental shade from the proposed development at 12:12 p.m., 1:12 p.m. and 2:12 p.m. and three consecutive times either: 9:12 a.m., 10:12 a.m. and 11:12 a.m. or 3:12 p.m., 4:12 p.m. and 5:12 p.m.

Based on modifications to the form and massing of the original building design, the revised proposal meets this shadow criterion.

Comment

Concern with the loss of existing mature trees.

Response

There are a total of 197 existing mature trees on-site, 55 are scheduled to be removed. Replacement trees will be required through the site plan approval process. Preliminary Landscape Plans provided by the applicant show unencumbered locations for 87 deciduous and coniferous replacement trees. A total of 142 replacement trees are proposed. Every effort will be made to further maximize replacement planting, including a combination of deciduous and coniferous trees. In addition, the entire site will be brought up to current landscape requirements through the site plan process.

Comment

An unauthorized pedestrian walkway exists between the site and Cawthra Road (with connection to Dundas Street East). The walkway is unmaintained which presents a safety risk to residents using the connection. Having a pedestrian access to Dundas Street East is desirable.

Response

A permanent maintained pedestrian walkway connection is proposed between the subject lands and Cawthra Road (with connection to Dundas Street East).

Comment

The applicant has identified the subject lands as “underutilized”. The Mississauga Official Plan does not provide a definition for the term “underutilized”.

Response

The Mississauga Official Plan does not provide a definition for the term “underutilized”, which leaves the term open to interpretation. However, generally it means vacant lands or lands that have lower density uses compared to what could potentially be supported on-site through intensification, subject to a complete planning approval process.

Comment

The Dundas Connects Master Plan does not identify the site for intensification, infill or redevelopment. The site is located 1.1 kilometres (0.68 mi.) from the nearest bus stop on Dundas Street East and is located outside of the 800 metre (2,624 ft.) radius of the Dundas Street East and Cawthra Road Major Transit Station Area (MTSA).

Response

On June 20, 2018, the Dundas Connects Master Plan was endorsed by Council, which studied the feasibility of locating higher order transit along the Dundas Street corridor. It recommends creating a complete street for all users with pedestrian space that is vibrant, safe and accessible and has continuous and consistent planting. The study also states that a mix of uses and transit supportive intensification is encouraged to support the achievement of complete communities and provide a variety of uses along the Dundas corridor.

The site is located within the Cawthra Road Focus Area of the Dundas Connects Master Plan. The subject property is also located within a proposed MTSA which will be serviced by a Bus Rapid Transit (BRT) station located at Dundas Street East and

Cawthra Road (connection to Dundas Street East).

As Dundas Connects provides no detailed assessment specifically for Mississauga Valleys Neighbourhood Character Area, the policies of Mississauga Official Plan continue to provide direction for assessment of development applications for increased density.

The closest existing bus stop located on Dundas Street East and Cawthra Road is approximately 700 metres (2,296 ft.) from the vehicular entrance of the subject lands with frontage onto Lolita Gardens. A permanent maintained pedestrian walkway has been proposed connecting the subject lands directly to Cawthra Road (with connection to Dundas Street East), the bus stop is located approximately 80 metres (262 ft.) from the pedestrian entrance.

Comment

Concern about snow removal on-site.

Response

The City of Mississauga does not require off-site snow removal. In the case of heavy snow falls, the limited snow storage space available on the property may make it necessary to truck the snow off site, with all associated costs being borne by the property owner.

Comment

Concern with the general maintenance of the property including existing garbage facilities.

Response

The owners confirmed that they were in the process of addressing a number of items including upgrades to the existing buildings. Garbage and recycling areas are located within the proposed building. A detailed review of waste collection will be conducted by staff during the site plan application process.

Comment

Concern that property values in the neighbourhood will decrease.

Response

This rental development represents a significant investment in the neighbourhood that may translate into further investment. Mississauga Valleys is a diverse and desirable neighbourhood and there is no reason to believe that property values will not continue to rise over time.

Comment

Will this development be affordable housing or low income housing?

Response

The proposal is providing market rental apartments.

Comment

The proposal will result in increased rent, which will force existing tenants from their homes.

Response

The existing rental apartment buildings on-site will remain. Rent increases are controlled by the Ontario Rent Control Act and are under the jurisdiction of the provincial government.

2. Updated Agency and City Department Comments

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

The applications were circulated to all City departments and commenting agencies on August 30, 2019. A summary of the comments are contained in the Information Report attached as Appendix 1. Below are updated comments.

Transportation and Works

Comments updated August 11, 2021, state that detailed technical reports and drawings have been reviewed to ensure that engineering matters related to noise, grading, servicing, stormwater management, traffic and environmental compliance have been satisfactorily addressed to confirm the feasibility of the project, in accordance with City requirements.

Noise

The evaluation of the noise sources that may have an impact on this development include road and rail traffic. The results of the preliminary Noise Feasibility Study indicate that with suitable noise control measures integrated into the design of the buildings, it is feasible to achieve the indoor Ministry of Environment, Conservation and Parks (MECP) sound levels. Noise mitigation measures will be required, including a heating

and cooling system (such as air conditioning), acoustical barriers for some outdoor amenity areas and upgraded building construction materials, the details of which will be confirmed through the Site Plan and Building Permit processes.

Stormwater

A Functional Servicing and Stormwater Management Report, prepared by Counterpoint Engineering dated May 26th, 2021, and a Permanent Groundwater Discharge letter dated August 4th, 2021 were submitted in support of the proposed development.

The applicant has demonstrated a satisfactory stormwater servicing concept, including on-site stormwater management techniques, and that there will be no impact on the City's storm sewer system. Various methods of water reuse on-site and low-impact design features are also being pursued. The applicant is proposing a permanent groundwater discharge to the municipal storm sewer for the proposed building. The applicant's Engineering Consultant will refine the groundwater management strategy, discharge location, quantity, and quality controls for the proposed building as part of the Site Plan Approval process, to the satisfaction of the City.

Traffic

A total of three (3) traffic impact study (TIS) submissions were provided by WSP Canada Inc. in support of the proposed development. The final submission, dated April 16, 2021, complied with the City's TIS guidelines and is deemed satisfactory. The study concluded that the proposed development is anticipated to generate 139 (50 in, 89 out) and

103 (66 in, 37 out) two-way site trips for the weekday AM and PM peak hours in 2023, respectively. With the traffic generated by the proposed development, the study area intersections and proposed vehicular access are expected to operate at acceptable levels of service with minimal impact to existing traffic conditions.

Environmental Compliance

Based on the review of the Environmental Site Assessment reports prepared by SafeRech (Phase One ESA, dated January 11, 2019, Phase Two ESA, dated January 15, 2019, and supporting documents), no further investigation is required at this time. The site meets the applicable standards and is suitable for the intended land use.

Transportation and Works is satisfied that the information reviewed to date is satisfactory and meets City requirements. Additional clauses related to technical requirements of the development will be captured in the related Development Agreement prior to By-Law enactment. Any outstanding items required to facilitate the implementation of the zoning by-law can be addressed through the Site Plan and building permit review process.

School Accommodation

In comments, dated August 2021, the Peel District School Board and the Dufferin-Peel Catholic District School Board responded that they are satisfied with the current provision of educational facilities for the catchment area. As such, the school accommodation condition, as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory

arrangements regarding the adequate provision and distribution of educational facilities, need not be applied for this development application.

3. *Provincial Policy Statement, 2020 (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019 and Amendment No. 1 (2020)*

The *Provincial Policy Statement* (PPS) and the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) provide policy direction on matters of provincial interest related to land use planning and development and directs the provincial government's plan for growth and development that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.

Both the PPS and the Growth Plan recognize that the official plan is the most important vehicle for implementation of these policies as "comprehensive, integrated and long-term planning is best achieved through official plans".

Under the *Planning Act*, all planning decisions must be consistent with the PPS and conform to the Growth Plan.

4. Consistency with PPS

The Public Meeting Report dated November 8, 2019 (Appendix 1) provides an overview of relevant policies found in the PPS. The PPS includes policies that allow for a range of

intensification opportunities and appropriate development standards, including:

Section 1.1.3.2 of the PPS requires development to reflect densities and a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities and are transit supportive.

Section 1.1.3.3 of the PPS states that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock.

Section 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

The subject site and proposal represents an opportunity to provide appropriate intensification and increase the range of housing in the area. The proposed development represents an efficient land use pattern that avoids detrimental environmental health or safety concerns. As outlined in this report, the proposed development supports the general intent of the PPS.

5. Conformity with Growth Plan

The Growth Plan was updated May 16, 2019, in order to support the "More Homes, More Choice" government action plan that addresses the needs of the region's growing population. The new plan is intended, amongst other things, to increase the

housing supply and make it faster and easier to build housing. Pertinent changes to the Growth Plan include:

- The Vision for the Growth Plan now includes the statement that the Greater Golden Horseshoe will have sufficient housing supply that reflects market demand and what is needed in local communities.
- Section 2.2.2.3 requires municipalities to encourage intensification generally throughout the delineated built-up area. Previous wording referred to encouraging intensification to generally achieve the desired urban structure.
- Section 2.2.2.3 also directs municipalities to identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas.

Section 2.2.1.2 c) in the Growth Plan states that within settlement areas, growth will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit; and, areas with existing or planned public service facilities.

Section 2.2.1.4 in the Growth Plan directs municipalities to "provide a range and mix of housing options". It states that complete communities will "provide a more compact built form". The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale.

The proposed development conforms to the Growth Plan as it is intensifying an underutilized high density site and utilizing existing municipal infrastructure.

The policies of the Greenbelt Plan and the Parkway Belt Plan are not applicable to these applications.

6. Region of Peel Official Plan

As summarized in the public meeting report dated November 8, 2019 (Appendix 1), the proposed development does not require an amendment to the Region of Peel Official Plan. The subject property is located within the Urban System of the Region of Peel. General Objectives in Section 5.3 direct development and redevelopment to the Urban System to conserve the environment, achieve sustainable development, establish healthy complete communities and intensification in appropriate areas that efficiently use land, services, and infrastructure, while taking into account the characteristics of existing communities.

The proposed development conforms to the ROP as it is an appropriate development that efficiently uses land to contribute to housing choices in the neighbourhood.

7. Mississauga Official Plan (MOP)

The proposal requires an amendment to the Mississauga Official Plan Policies for the Mississauga Valleys Neighbourhood Character Area, to permit an increase in floor space index (FSI). Section 19.5.1 of Mississauga Official Plan provides the following criteria for evaluating site specific Official Plan Amendments:

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

Planning staff have undertaken an evaluation of the relevant policies of the PPS, Growth Plan and MOP, including those found in Section 19.5.1 against this proposed development application.

The following is an analysis of the key policies and criteria:

Directing Growth

The subject site is located in the Mississauga Valleys Neighbourhood Character Area. Neighbourhoods are stable areas where limited growth is anticipated. Development in Neighbourhoods will be required to be context sensitive and

respect the existing or planned character and scale of development.

The subject site is designated **Residential High Density**, which permits apartments. The applicant is proposing to maintain the **Residential High Density** designation but increase the permitted floor space index (FSI). The proposal meets the objectives of the neighbourhood policies within the Mississauga Valleys Neighbourhood Character Area.

Compatibility with the Neighbourhood

The 25 storey building is proposed to be located on the northwest portion of the subject property. The proposal maintains an appropriate separation distance to the existing 17 storey and 21 storey rental apartment buildings on-site. The building meets current zone standards with regards to setbacks, landscape design and required amenity area. The Sun Shadow Study provided by the applicant demonstrates that there are no unacceptable shadow impacts on the subject lands or adjacent properties.

Lands to the north of the site are occupied by townhomes, Cedarbrae Park and Silver Creek Plaza. Lands to the west are comprised of a three storey long term care facility, four storey condominium apartment building and a 19 storey condominium apartment building. Lands to the south of the property are designated **Mixed Use** and are occupied by a Rona, St John's Anglican Church, Dixie Union Chapel and St John's Dixie Cemetery, which are located east of Cawthra Road. The

setback between the proposed building and the existing townhomes to the north is in excess of 50 metres (164 ft.).

Intensification within Neighbourhoods is to be compatible in built form and scale to surrounding development and will be sensitive to the existing and planned context. The site is located within the Mississauga Valleys Neighbourhood Character Area. A range of uses are permitted in the neighbourhood including a mix of residential, commercial and community uses. The surrounding land uses are designated **Residential High** and **Medium Density** and **Mixed Use** which permits apartments, townhomes and commercial uses. A number of residential apartment buildings are located in the immediate vicinity that range in height from three to 19 storeys. The proposed development would be compatible with the surrounding land uses and built form of the character area.

Prior to site plan approval, staff will continue to work with the applicant to introduce further improvements to the building elevations and the composition of exterior finishes that will result in an appropriate visual transition relative to the existing buildings and the surrounding context. In addition, landscaping elements will be brought up to current City standards on the entire site.

Based on the above-noted features, the revised development proposal is compatible with the surrounding area.

Services and Infrastructure

Based on the comments received from the applicable City Departments and external agencies, the existing infrastructure is adequate to support the proposed development.

The Region of Peel has advised that there is adequate water and sanitary sewer capacity to service this site.

The site is currently serviced by the following MiWay Transit routes:

- Route 1 – Dundas
- Route 1C – Dundas-Collegeway
- Route 101 – Dundas Express
- Route 101A – Dundas Express
- Route 8 – Cawthra
- Route 3 - Bloor

Silver Creek Plaza is located directly northeast of the property and provides a range of services including a grocery store, pharmacy and restaurants. The Mississauga Valleys Neighbourhood Character Area is adjacent to the Dixie Employment Area, located south of the subject lands. This employment area contains a range of commercial uses in close proximity to the site. These uses include retail, office and restaurant establishments mostly located on Dundas Street East.

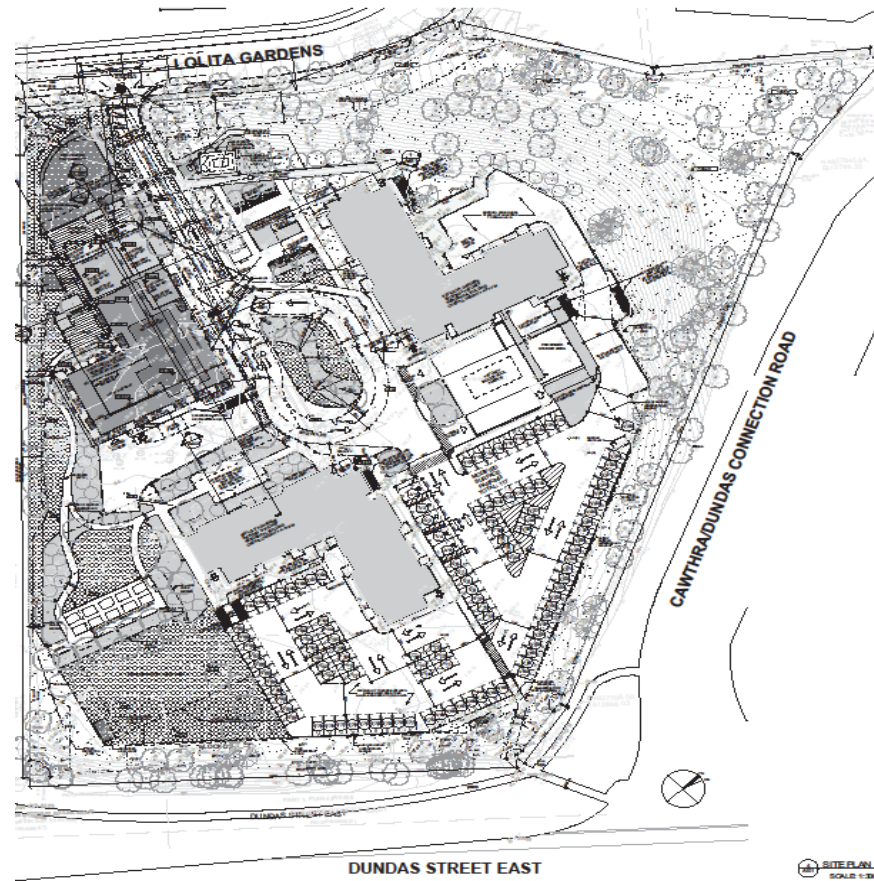
The site is located just south of Cedarbrae Park which contains a playground and toboggan hill and is located 600 metres (1,968 ft.) from McKenzie Park, which contains a playground and soccer field. Cedarbrae Park, McKenzie Park, and Brentwood Park (located approximately 2 kilometers (1.2 mi) from the site) form a green system connecting the subject lands to the

Mississauga Valleys Community Centre (located 3 kilometres (1.8 mi.) from the property).

For these reasons, these applications are consistent with MOP, the Region of Peel Official Plan, the Growth Plan for the Greater Horseshoe and the PPS.

8. Revised Site Plan and Elevations

The applicant has provided a revised site plan and elevations as follows:



Site plan



Rendering

9. Zoning

The proposed **RA5-58** (Apartments) zone is appropriate to accommodate the 270 dwelling unit, 25 storey rental apartment building, in addition to the existing apartment buildings, with a total overall FSI of 2.3.

Below is an updated summary of the proposed site specific zoning provisions:

Proposed Zoning Regulations

Zone Regulations	RA5 Zone Regulations	Proposed RA5-58 Zone Regulations
The regulations of Lines 2.1, 2.2, 4.0 and 5.0 contained in Table 4.1.2.2 of this By-law shall not apply	N/A	✓
Maximum Floor Space Index (FSI)	1.4	2.3
Minimum setback from a parking structure inclusive of ventilation shafts above or partially above finished grade to any lot line	7.5 m (24 ft.)	3.0 m (9.8 ft.)
Maximum number of legally existing dwelling units permitted below the first storey on the date of passing of this By-law	N/A	12
Minimum above grade separation between buildings for that portion of dwelling with a height greater than 26.0 m	15.0 m (49 ft.)	30.0 m (98 ft.)

Zone Regulations	RA5 Zone Regulations	Proposed RA5-58 Zone Regulations
Maximum projection of a balcony located above the first storey measured from the outermost face or faces of the building from which the balcony projects	1.0 m (3.2 ft.)	1.9 m (6.2 ft.)
Minimum number of resident parking spaces per studio apartment dwelling unit	1.00	0.85
Minimum number of resident parking spaces per one-bedroom apartment dwelling unit	1.18	0.85
Minimum number of resident parking spaces per two-bedroom apartment dwelling unit	1.36	1.13
Minimum number of resident parking spaces per three-bedroom apartment dwelling unit	1.50	1.22
Minimum number of visitor parking spaces per dwelling unit	0.20	0.20
Minimum aisle width within the underground parking structure legally existing on the date of passing of this By-law	7.0 m (23 ft.)	6.0 m (19.6 ft.)
Minimum number of loading spaces	3	2

In addition to the regulations listed, other minor and technical variations to the implementing by-law may also apply, including changes that may take place before Council adoption of the by-law, should the application be approved.

10. Bonus Zoning

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

The subject lands are currently zoned **RA5-3** (Apartments) which permits apartment buildings with a maximum floor space index (FSI) of 1.4. The applicant is seeking to permit a 25 storey apartment building containing 270 units with an overall maximum FSI of 2.3. As the project's FSI is greater than 1.0, it meets the minimum threshold for a Section 37 contribution.

11. Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. A site plan application was submitted for the proposed development through ePlans on June 21, 2021 and is currently being reviewed by staff.

12. Conclusion

In conclusion, City staff has evaluated the application to permit a 25 storey residential apartment building with 270 rental dwelling units and a maximum overall FSI of 2.3 against the *Provincial Policy Statement*, the *Growth Plan for the Greater Golden Horseshoe*, Region of Peel Official Plan and Mississauga Official Plan.

The proposal is consistent with the PPS, Growth Plan and MOP as the site is designated **Residential High Density** allowing for intensification of residential uses on under-utilized sites. The site is in close proximity to Dundas Street East and Cawthra Road which are both identified as arterial roads. In addition, Silver Creek Plaza and the Dixie Employment Area are within easy walking distance, and provide a range of services including a grocery store, pharmacy and restaurants. The development proposal is consistent with the immediate surrounding area, which is comprised of a mixture of medium and high density residential uses, including a three storey long term care facility, four storey condominium apartment building and a 19 storey condominium apartment building located west of the site.

The application is seeking to intensify an underutilized parcel within the Mississauga Valleys Neighbourhood Character Area in accordance with the Residential High Density designation of MOP. The proposal is compatible with adjacent uses and provides for a built form that supports a mix of housing types, tenures and at varying price points to accommodate households. City and Region staff have concluded that sufficient servicing is available, the parkland system can

accommodate the proposal and the road network can adequately handle the anticipated increase in traffic.

Staff are of the opinion that the applications are consistent with and conform to Provincial, Region and City planning instruments. Staff has no objection to the approval of the official plan amendment and rezoning applications subject to the recommendations provided in the staff report.

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