



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

Date of Notice	November 27, 2025
OPA Number	OPA 190 (By-law 0176-2025)
Zoning By-law Number	0177-2025
Date Passed by Council	November 19, 2025
Last Day to Appeal	December 17, 2025
File Number	OZ-OPA 22-28 Ward 3
Applicant	MHBC Planning
Property Location	The lands affected by this Amendment are located at the southwest corner of Tomken Road and Rathburn Road East. The subject lands are located in the Rathwood Neighbourhood Character Area, as identified in Mississauga Official Plan.  4094 Tomken Road and 924 Rathburn Road East.

**TAKE NOTICE** that on November 19, 2025 the Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment OPA 190 and Zoning By-law Amendment, 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 add a Special Site in the Rathwood Neighbourhood Character Area to permit an increase in building height to 12 storeys and an increase in permitted floor space index to 1.9.

The purpose of the Zoning By-law is to permit the addition of two 12 storey rental apartments. This By-law amends the zoning of the property outlined on the attached Schedule "A" from "RA2-11" (Apartments - Exception) to "RA3-46" (Apartments - Exception).

A description of the lands to which the By-law applies and/or a key map showing the location of the lands to which the By-law applies are attached.

**The Zoning By-law shall not come into force until Mississauga Official Plan Amendment Number 190 is in full force and effect.**

**When the decision is final**

The proposed official plan amendment is exempt from approval by the Minister of Municipal Affairs and Housing. The decision of the City of Mississauga is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

**IF YOU WISH TO APPEAL**, a copy of an appeal form is available from the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/>. An appeal may be filed using the OLT e-file service <https://olt.gov.on.ca/e-file-service/> (first-time users will need to register for a My Ontario Account) by selecting **Mississauga (City): Clerk and Secretary-Treasurer** as the Approval

Authority. Alternatively, you may submit an appeal to the City Clerk in person or by registered mail/courier addressed to the City Clerk, City of Mississauga, Attention: Diana Rusnov, 300 City Centre Drive, 2<sup>nd</sup> Floor, Mississauga, ON L5B 3C1 no later than 4:30pm on **December 17, 2025**. The filing of an appeal after 4:30pm will be deemed to have been received the next business day. If the e-file service is down, you can submit your appeal to [city.clerk@mississauga.ca](mailto:city.clerk@mississauga.ca) . An appeal will be processed once all fees are received.

### **Who can file an appeal**

Only the applicant, the Minister, or an owner of land affected by the planning application, a specified person or a public body who made written or oral submissions to the Council of the City of Mississauga prior to Council's decision may appeal a decision of the City of Mississauga to the Ontario Land Tribunal.

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 amendment was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council of the City of Mississauga 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 the reasons for the appeal and the specific part of the proposed official plan amendment to which the appeal applies;
2. be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$1,100.00 per application, payable to the Minister of Finance. Payment can be made directly to the OLT if using the e-file service to file an appeal or by certified cheque or money order if filing with the City Clerk. (An appellant may [request a reduction of the filing fee](#) to \$400.00. The request for a reduction of the filing fee must be made at the time of filing the appeal. For more information and a copy of the OLT Fee Schedule go to <https://olt.gov.on.ca/appeals-process/fee-chart/>.)
3. include the processing fee prescribed under the User Fees and Charges By-law in the amount of \$328.88 per application, payable by certified cheque to the City of Mississauga. This fee must be paid directly to the City of Mississauga in person, or by mail/courier, in addition to the OLT fee (Minister of Finance).

### **Additional Information**

A copy of the Official Plan Amendment and Zoning By-law Amendment in their entirety can be found on the City's website at [www.mississauga.ca/portal/cityhall/publicnotices](http://www.mississauga.ca/portal/cityhall/publicnotices).

Further information regarding these Amendments may be obtained from Michal Stolarczyk of the City Planning and Building Department at 905-615-3200 ext.5519.



Sacha Smith  
Manager/Deputy Clerk,  
Secretariat and Access & Privacy  
300 City Centre Drive, Mississauga ON L5B 3C1

**Amendment No. 190**  
**to**  
**Mississauga Official Plan**

By-law No. 0177-2025

A by-law to Adopt Mississauga Official Plan Amendment No. 190

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 amendment thereto;

AND WHEREAS in accordance with O Reg 525/97, an official plan amendment is exempt from the approval of the Minister of Municipal Affairs and Housing;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding adding a Special Site within the Rathwood 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. 190 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 19<sup>th</sup> day of November, 2025.

Signed   
MAYOR

Signed   
CLERK

**Amendment No. 190**  
**to**  
**Mississauga Official Plan**

The following text attached constitutes Amendment No. 190.

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 November 6, 2024, pertaining to this Amendment.

## **PURPOSE**

The purpose of this Amendment is to add a Special Site in the Rathwood Neighbourhood Character Area to permit an increase in building height to 12 storeys and an increase in permitted floor space index to 1.9.

## **LOCATION**

The lands affected by this Amendment are located at the southwest corner of Tomken Road and Rathburn Road East. The subject lands are located in the Rathwood 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 buildings with a height of 4 storeys and a floor space index (FSI) of 0.5-1.0.

An Official Plan Amendment is required to increase the permitted building height to 12 storeys and FSI to 1.9.

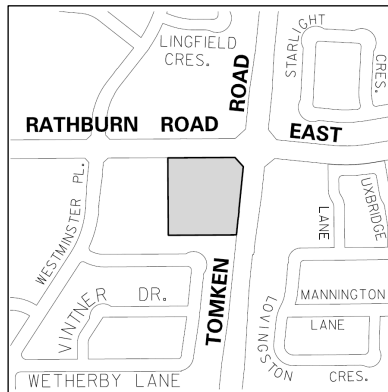
The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal represents a gentle form of intensification and has been designed to be compatible with and sensitive to the surrounding area.
2. The proposal conforms to Mississauga's growth objectives by facilitating infill development compatible with the surrounding neighbourhood.
3. The increased floor space index enables additional rental housing and affordable housing, contributing to the city's goal of expanding housing supply and variety.

## DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.22, Rathwood, of Mississauga Official Plan, is hereby amended by adding Special Site 5 to Map 16-22: Rathwood Neighbourhood Character Area, in accordance with the Special Site Policies and by deleting the floor space index (FSI) range from the subject site.
2. Section 16.22.3, Special Site Policies, Rathwood Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

### 16.22.3.5 Site 5



16.22.3.5.1 The lands identified as Special Site 5 are located at the southwest corner of Tomken Road and Rathburn Road East.

16.22.3.5.2 Notwithstanding the policies of this Plan, a maximum height of 12 storeys and a maximum **floor space index (FSI)** of 1.9 will be permitted on the subject lands.

## **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 dated May 15, 2025.

## **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 Public Meetings of the Planning and Development Committee held on June 12, 2023 and November 25, 2024, in connection with this proposed Amendment.

Comments from the public were generally directed towards the appropriateness and compatibility of the proposed development as it relates to the surrounding neighbourhood. These concerns were addressed at the meetings and in the Planning and Building Department report dated November 6, 2024, attached to this Amendment as Appendix II.

City of Mississauga  
**Corporate Report**



<p>Date: November 6, 2024</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's file: OZ/OPA 22-28 W3</p>
	<p>Meeting date: November 25, 2024</p>

## Subject

### **PUBLIC MEETING RECOMMENDATION REPORT (WARD 3)**

**Official Plan Amendment and Rezoning applications to permit two 12 storey rental apartment buildings, while retaining the existing place of religious assembly and 7 storey rental apartment building on-site**

**4094 Tomken Road and 924 Rathburn Road East, southwest corner of Tomken Road and Rathburn Road East**

**Owner: Kindred Works**

**File: OZ/OPA 22-28 W3**

## Recommendation

1. That City Council amend Mississauga Official Plan to **Residential High Density – Special Site** for 4094 Tomken Road and 924 Rathburn Road East, in accordance with the provisions contained in the staff report dated November 6, 2024, from the Commissioner of Planning and Building.
2. That City Council amend Zoning By-law 0225-2007 to **RA3-Exception** (Residential Apartment – Exception) for 4094 Tomken Road and 924 Rathburn Road East, in accordance with the provisions contained in the staff report dated November 6, 2024, from the Commissioner of Planning and Building.
3. That City Council direct the applicant to satisfy all requirements of the City and any other external agency concerned with the development.
4. That City Council's 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.

## Executive Summary

- Official plan amendment and rezoning applications have been submitted to permit two 12 storey rental apartment buildings on the property at 4094 Tomken Road and 924 Rathburn Road East, while maintaining the existing place of religious assembly and 7 storey rental apartment building that currently occupies the property.
- The proposal includes an affordable housing component, with 30% of the units proposed to be affordable rental units at 80% of Median Market Rent as defined by CMHC.
- The applicant has made minor revisions to the proposal to address issues raised at the Public Meeting and by staff, including:
  - Reduced number of driveway accesses from Tomken Road from two to one
  - Improved pedestrian site circulation
  - Modified building configuration and layout, including shifting building elements away from the south lot line to reduce impacts on adjacent properties
  - Removal of private balconies to improve energy efficiency and increase the amount of indoor unit space, as well as reduce overlook conditions.
- 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.

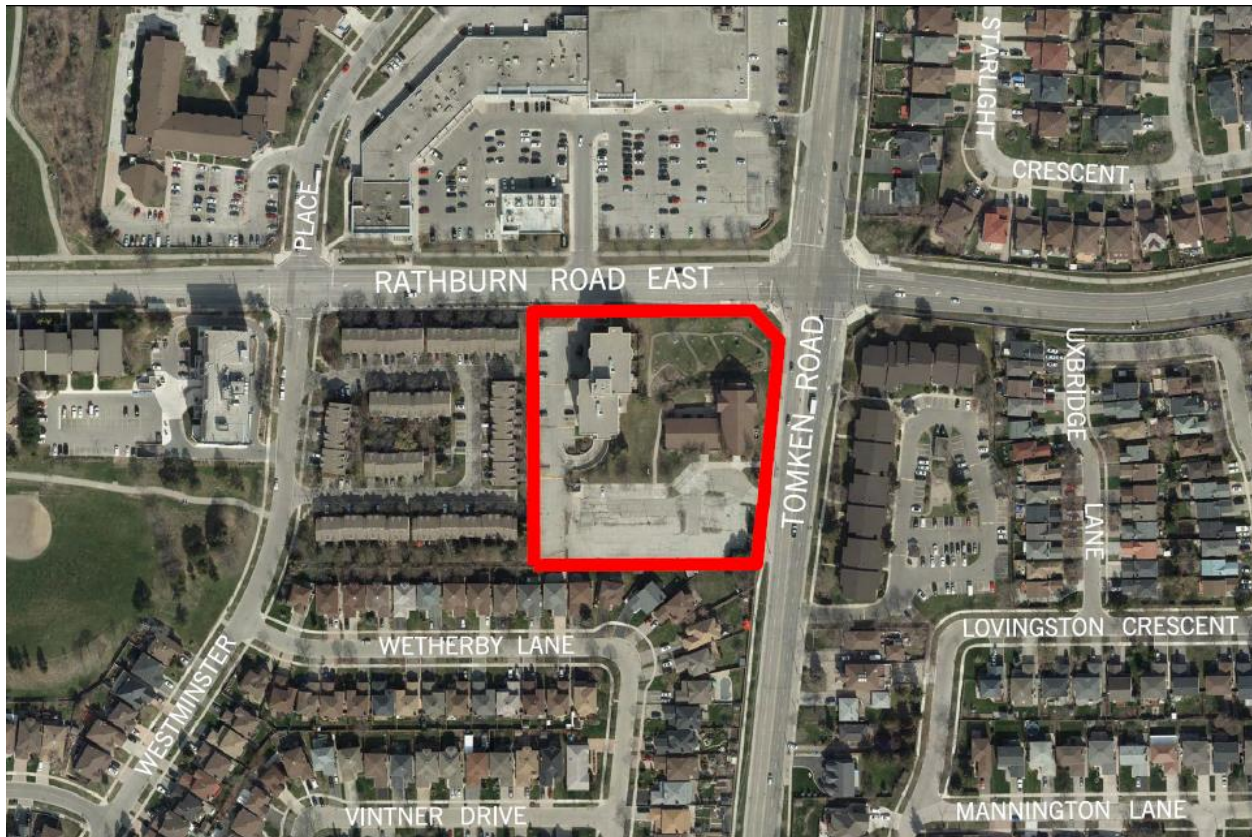
## Background

A public meeting was held by the Planning and Development Committee on June 12, 2023, at which time an Information Report

(<https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=48d1a9eb-2b68-4c4e-aca9-7b2f8a538b91&Agenda=PostAgenda&lang=English&Item=12&Tab=attachments>) was received for information. Recommendation PDC-0040-2023 was then adopted by Council on June 26, 2023.

1. That the report dated May 19, 2023 from the Commissioner of Planning and Building regarding the applications by Kindred Works to permit two 12 storey apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey apartment building, under File OZ/OPA 22-28 Ward 3, 4094 Tomken Road and 924 Rathburn Road East, be received for information.
2. That six oral submissions be received.

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 4094 Tomken Road and 924 Rathburn Road East

## Comments

### REVISED DEVELOPMENT PROPOSAL

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

- Reduced number of driveway accesses from Tomken Road from two to one
- Improved pedestrian site circulation
- Modified building configuration and layout, including shifting building elements away from the south lot line to reduce impacts on adjacent properties
- Removal of private balconies to improve energy efficiency and increase the amount of indoor unit space, as well as reduce overlook conditions
- The upper levels of both proposed buildings have been designed with a lighter coloured material in order to minimize the perceived height and massing of the buildings

### 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 February 2, 2023. A community meeting was held by Ward 3 Councillor, Chris Fonseca, on

March 20, 2023. Approximately 60 of people attended the meeting. 15 written submissions were received. Supporting studies were posted on the City's website at <https://www.mississauga.ca/services-and-programs/planning-and-development/development-applications/active-development-applications/ward-3-development-applications/>.

The public meeting was held on June 12, 2023. Six 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 Provincial Planning Statement (*PPS*) 2024 came into effect on October 20, 2024, replacing the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe. This new policy statement marks a significant shift in Ontario's land use planning by consolidating the two frameworks into a single, province-wide document. The update aims to streamline policies and place greater responsibility on municipalities to manage growth locally, with a focus on intensification, housing development, and transit supportive communities. The new PPS provides direction on land use planning by ensuring that municipal decisions align with provincial interests such as promoting efficient land use, encouraging diverse housing options, and supporting sustainable development by coordinating land use with existing and planning public infrastructure. The *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Planning Statement*.

A detailed Planning Analysis is found in Appendix 2. The applications are consistent with the Provincial Planning Statement and conform to the Region of Peel Official Plan and Mississauga Official Plan. An official plan amendment is required to add Special Site policies to the existing **Residential High Density** designation to allow for an increased building height of 12 storeys and increased floor space index (FSI) of 1.9.

**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.

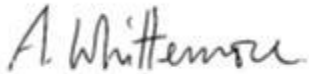
## Conclusion

In summary, the proposed development makes efficient use of underutilized lands, infrastructure and public service facilities. It has been designed to be sensitive to the existing and planned character of the neighbourhood and introduces much needed affordable dwelling units to the City. The proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved.

## Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Ashlee Rivet-Boyle, Development Manager

# City of Mississauga

# Corporate Report



<p>Date: May 19, 2023</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's file: OZ/OPA 22-28 W3</p> <hr/> <p>Meeting date: June 12, 2023</p>
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## Subject

### **PUBLIC MEETING INFORMATION REPORT (WARD 3)**

**Official Plan Amendment and Rezoning applications to permit the development of two 12 storey apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey apartment building**

**4094 Tomken Road and 924 Rathburn Road East, southwest corner of Tomken Road and Rathburn Road East**

**Owner: Kindred Works**

**File: OZ/OPA 22-28 W3**

**Pre-Bill 109**

## Recommendation

That the report dated May 19, 2023 from the Commissioner of Planning and Building regarding the applications by Kindred Works to permit two 12 storey apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey apartment building, under File OZ/OPA 22-28 Ward 3, 4094 Tomken Road and 924 Rathburn Road East, 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 two 12 storey rental apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey rental apartment building on-site. The applicant is proposing to

amend the Mississauga Official Plan designation from “**Residential High Density**” to “**Residential High Density – Special Site**” to permit a floor space index (FSI) of 1.87. The existing **RA2-11** (Residential Apartment - Exception) zone that applies to the property also needs to be amended to implement this development proposal.

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

## Comments

The property is located at the southwest corner of Tomken Road and Rathburn Road East, within the Rathwood Neighbourhood Character Area. The site is currently occupied by the Westminster Church, a 7 storey apartment building and related surface parking areas.



Aerial image of 4094 Tomken Road and 924 Rathburn Road East



Applicant's rendering of the proposed development from Tomken Road looking northwest

## 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 4.

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

Agency and department comments are summarized in Appendix 1, Section 7.

## **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**

Most of the 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: compatibility of the proposed buildings in terms of height, massing and shadow impact; adequacy of noise and wind mitigation measures; appropriateness of proposed parking standards; and, the appropriateness of the proposed zoning standards.

## **Attachments**

Appendix 1: Detailed Information and Preliminary Planning Analysis



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

Prepared by: Andrea Dear MCIP, RPP, Development Planner

## Detailed Information and Preliminary Planning Analysis

**Owner: Kindred Works**

**4094 Tomken Road and 924 Rathburn Road East**

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## 1. Proposed Development

The applicant proposes to intensify the property with the addition of two 12 storey rental apartment buildings with underground parking, while maintaining the existing place of religious assembly and 7 storey rental apartment building. Official plan amendment and rezoning applications are required to permit the proposed development (refer to Section 4 for details concerning the proposed amendments).

Development Proposal		
Application submitted:	Received: December 20, 2022 Deemed complete: January 19, 2023	
Developer/Owner:	Kindred Works	
Applicant:	Weston Consulting (c/o Andrew Hannaford)	
Number of units:	241 new units	
Unit Breakdown	Bachelor/Studio: 10 1 Bedroom: 116 2 Bedroom: 105 3 Bedroom: 10	
Existing Gross Floor Area:	8,042 m <sup>2</sup> (86,563.4 ft <sup>2</sup> )	
Proposed New Gross Floor Area:	18,333 m <sup>2</sup> (197,334.8 ft <sup>2</sup> )	
Height:	12 storeys / 37 m (121.4 ft.)	
Lot Coverage:	19.8%	
Floor Space Index:	1.8	
Landscaped Area:	40%	
Anticipated Population:	2.19* *Average household sizes for all units (by type) based on the 2016 Census	
Parking: resident spaces	Required 1.0 per unit	Provided 0.8 per unit

Development Proposal		
visitor spaces	(241 spaces) 0.2 per unit (48 spaces)	(193 spaces) 0.2 per unit (43 spaces)
Green Initiatives:	<ul style="list-style-type: none"> <li>• Passive House certification being sought</li> <li>• Zero on-site Carbon being pursued</li> <li>• Grass and dry swales</li> <li>• Green roofs</li> </ul>	

## Supporting Studies and Plans

The applicant has submitted the following information in support of the applications which can be viewed at <http://www.mississauga.ca/portal/residents/development-applications>:

- Planning Justification Report
- Draft Official Plan and Zoning By-law Amendments
- Concept Plan and Elevations
- Acoustical Feasibility Study
- Sun/Shadow Study
- Wind Study
- Functional Servicing Report
- Stormwater Management Plan
- Grading and Servicing Plans
- Phase I Environmental Site Assessment
- Hydrogeological Report
- Arborist Report
- Tree Inventory/Tree Preservation Plan
- Waste Management Plan
- Traffic Impact Study

- Transportation Demand Management Strategy
- Parking Utilization Study

### **Application Status**

Upon deeming the applications complete, the supporting studies and plans were circulated to City departments and external agencies for review and comment. These comments

are summarized in Section 7 of this appendix and are to be addressed in future resubmissions of the applications.

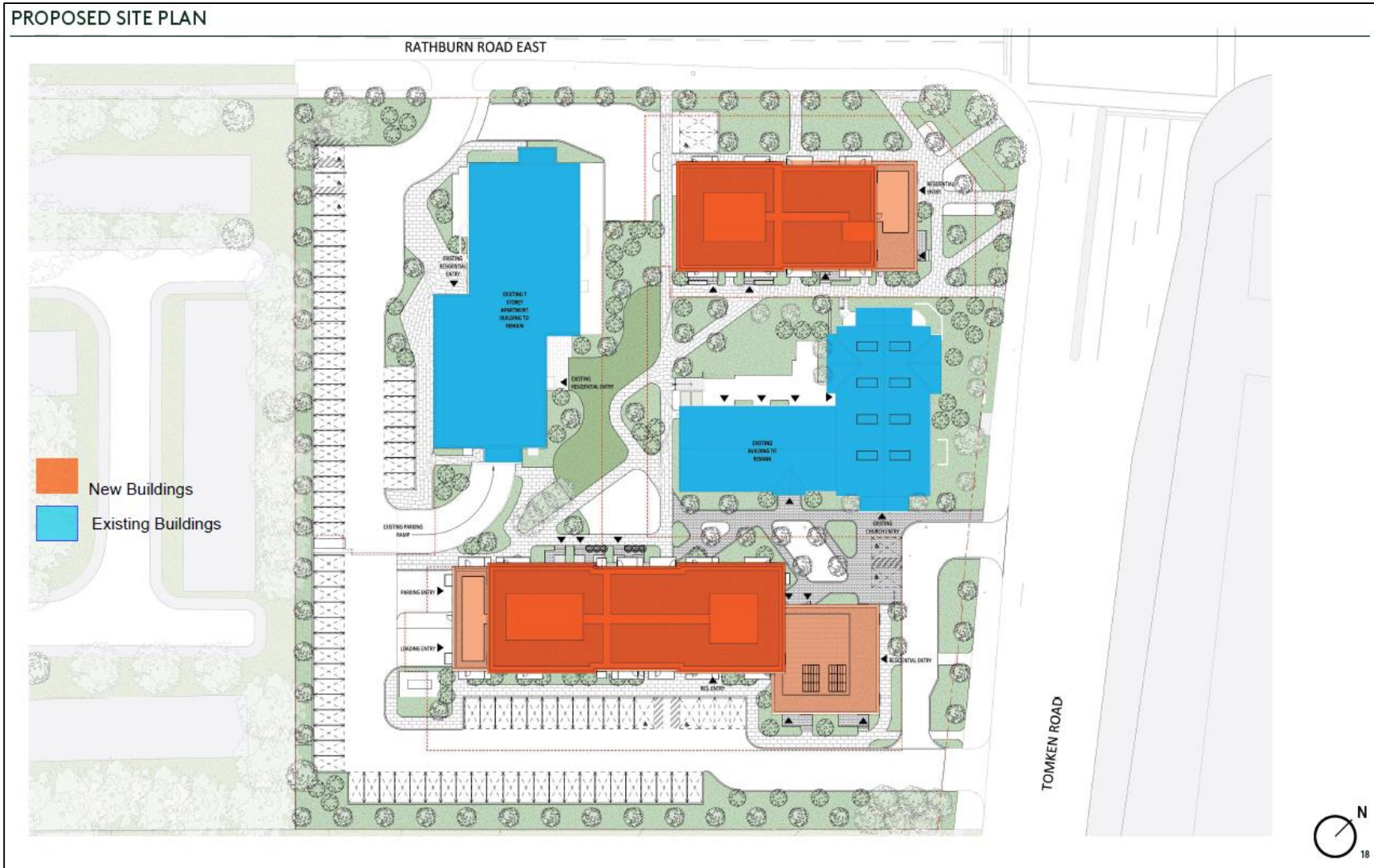
A community meeting was held by Ward 3 Councillor, Chris Fonseca, on March 20, 2023. Refer to Section 6 of this appendix for a summary of comments received at the community meeting and from written submissions received about the applications.

### **Applicant's Rendering**

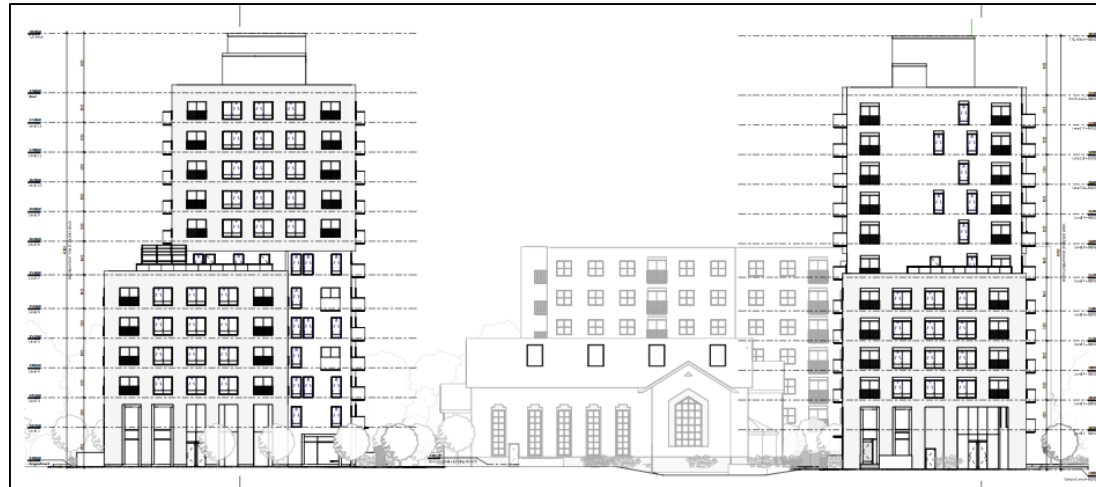


Proposed rendering from Tomken Road, looking northwest

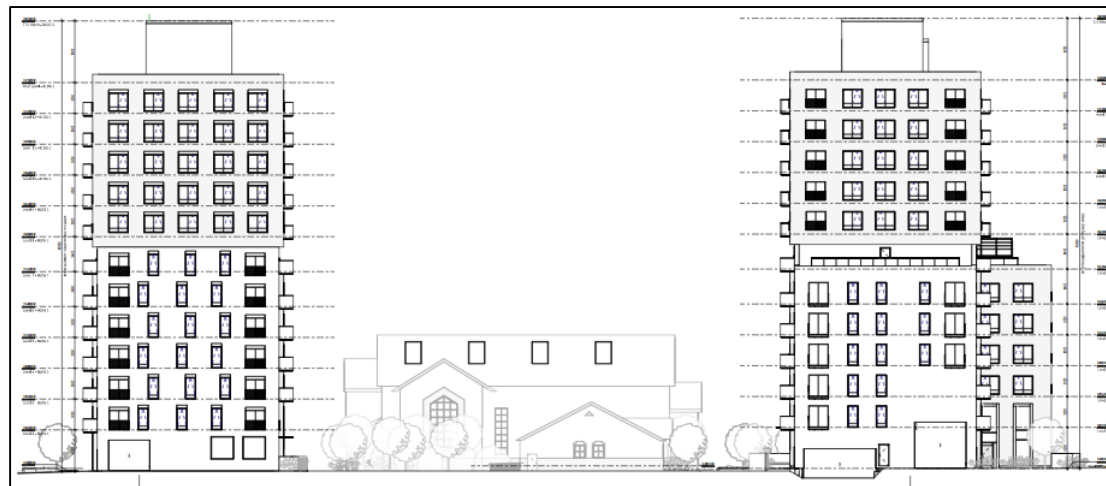
## Concept Plan



### Elevations



Proposed east elevation



Proposed west elevation

## 2. Site Description

### Site Information

The property is located at the southwest corner of Tomken Road and Rathburn Road East, in the Rathwood Neighbourhood Character Area. The site is currently occupied by the Westminster United Church and a 7 storey rental apartment building (Tomken Grove Non-Profit Homes).



Aerial Photo of 4094 Tomken Road and  
 924 Rathburn Road East

### Property Size and Use

Frontages:	108 m (354.3 ft.)
Depth:	106 m (347.8 ft.)
Gross Lot Area:	1.4 ha (3.5 ac.)
Existing Uses:	Place of religious assembly and a 7 storey rental apartment building



Streetview of the site, looking southwest

## Site History

- June 20, 2007 – Zoning By-law 0225-2007 came into force. The subject lands were zoned **RA2-11** (Apartments - Exception) which permits the existing place of religious assembly and the 7 storey rental apartment with surface parking.
- November 14, 2012 – Mississauga Official Plan (MOP) came into force, which designated the lands **Residential High Density** in the Rathwood Neighbourhood Character Area.
- 1840s – the original Westminster United Church constructed. Since then, the building has undergone many alterations and additions.
- 1992 – the most recent alteration to Westminster United Church.
- 1991 – Tomken Grove Non-Profit Building was constructed.

## 3. Site Context

### Surrounding Land Uses

Immediately north of the subject site, across Rathburn Road East, is a low-rise retail plaza with a grocery store, restaurant uses, medical office and a dry cleaning establishment. Further north are low-rise residential uses, consisting mainly of two storey detached homes, and a few low rise apartment dwellings along the north side of Rathburn Road East. On the east side of Tomken Road is a three storey apartment complex, beyond which is a low density residential neighbourhood consisting of detached and semi-detached homes. To the south of the site are detached homes. To the immediate west is a three storey

townhouse development, a seven storey apartment dwelling, two schools and a park.

The surrounding land uses are:

North: Rathburn Road East and a commercial plaza  
 East: Tomken Road and a three storey apartment complex  
 South: Two storey detached dwellings  
 West: Three storey townhomes

### Neighbourhood Context

The subject property is located in the Rathwood Neighbourhood Character Area, which is an area that began its evolution in the 1950s from a rural settlement area characterized by agricultural lands and apple orchards, to a largely residential community with retail and service commercial uses and other amenities throughout. The Character Area contains a variety of residential building types, including a number of apartment buildings.

## Demographics

Based on the 2016 census, the existing population of the Rathwood Neighbourhood area is 26,650 with a median age of this area being 47 (compared to the City's median age of 40). 65% of the neighbourhood population are of working age (15 to 64 years of age), with 13% children (0-14 years) and 21% seniors (65 years and over). By 2031 and 2041, the population for this area is forecasted to be 29,300 and 29,800 respectively. The average household size is 3 persons with 10% of people living in apartments in buildings that are five storeys or more. The mix of housing tenure for the area is 6,965 units (79%) owned and 1,875 units (21%) rented with a vacancy rate of approximately 0.9%\*. In addition, the number of jobs within this Character Area is 1,303. Total employment combined with the population results in a PPJ for Rathwood Neighbourhood of 41 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

There are no active development applications in the immediate vicinity of the subject property.

## Community and Transportation Services

These applications will have minimal impact on existing services in the community.

The 2022 Parks Plan notes that this character area exceeds the Parkland provision target of 1.2 ha (3 ac.) per 1000 people. Furthermore, the 2022 Parks Plan and the 2019 Future Directions Parks & Forestry Master Plan establishes a walking distance requirement of 800 m (2,625 ft.) to a City owned playground in residential areas, unimpeded by major pedestrian barriers. Allison's Park (P-270) is located approximately 177 m (581 ft.) from the subject property, zoned " (Open Space – Community Park) and contains a City owned playground.

Given the close proximity of parkland to this development, which will service the future residents, a need for additional parkland on this site was not identified. The site was also not large enough to accommodate a park on-site.

Prior to the issuance of building permits for each lot or block, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act and in accordance with City's Policies and By-laws.

The site is close to the Tomken Station of the Mississauga Transitway BRT system. The Transitway BRT system runs from Renforth Station at the border of Mississauga and Toronto to the Winston Churchill Station in Erin Mills. A number of GO Transit routes also use the Transitway stations, including routes

19, 25, 19, 40, 45/47/47.

The following major MiWay bus routes currently service the site:

- Route 20 – Rathburn Road East
- Route 51 – Tomken Road

#### 4. Summary of Applicable Policies, Regulations and Proposed Amendments

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

There is a multi-use trail on the west side of Rathburn Road East and both Tomken Road and Rathburn Road East form part of the City's cycling network. The Applewood Hills Greenbelt Trail is also within walking distance of the subject site.

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
<b>Provincial Policy Statement (PPS)</b>	<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 4.1)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement (PPS 4.6)</p> <p>On April 6, 2023 the Ministry of Municipal Affairs and Housing released the new Provincial Planning Statement for comment. The Provincial Planning Statement will replace both the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. At the time of writing this report, the</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>

Policy Document	Legislative Authority/Applicability	Key Policies
<p><b>Growth Plan for the Greater Golden Horseshoe (Growth Plan)</b></p>	<p>new Provincial Planning Statement is not in force and effect.</p> <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><b>Region of Peel Official Plan (ROP)</b></p>	<p>With the approval from the Ministry of Municipal Affairs and Housing, the Region of Peel's new Official Plan came into effect on November 4, 2022 and will be used to evaluate the proposal.</p> <p>MOP 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 application meets 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>*Under Bill 23, in the event the applicable provisions relating to changes in the authority of upper tier municipalities concerning official plans are proclaimed to be in force, the Region of Peel will</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 5.6, include:</p> <ul style="list-style-type: none"> <li>• achieving sustainable development;</li> <li>• establishing healthy complete communities;</li> <li>• achieving intensified and compact built form and a 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;</li> <li>• achieving an urban form and densities that are pedestrian-friendly and transit supportive;</li> <li>• promoting crime prevention and improvement in the quality of life;</li> <li>• protecting, restoring, and enhancing the natural environment;</li> <li>• allowing opportunities for residents to live in their own communities as they age</li> </ul>

Policy Document	Legislative Authority/Applicability	Key Policies
	be removed as the approval authority for City of Mississauga Official Plan Amendments. At the time of preparation of this report, these provisions in Bill 23 have not yet been proclaimed	

### Mississauga Official Plan

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. The City's MOP review is currently underway to ensure consistency with and conformity to changes in legislation and planning policy documents, including recent changes to the Planning Act, the 2020 PPS, the Growth Plan 2019 and Amendment No.1 (2020), and the Region of Peel's new Official Plan.

### Existing Designation

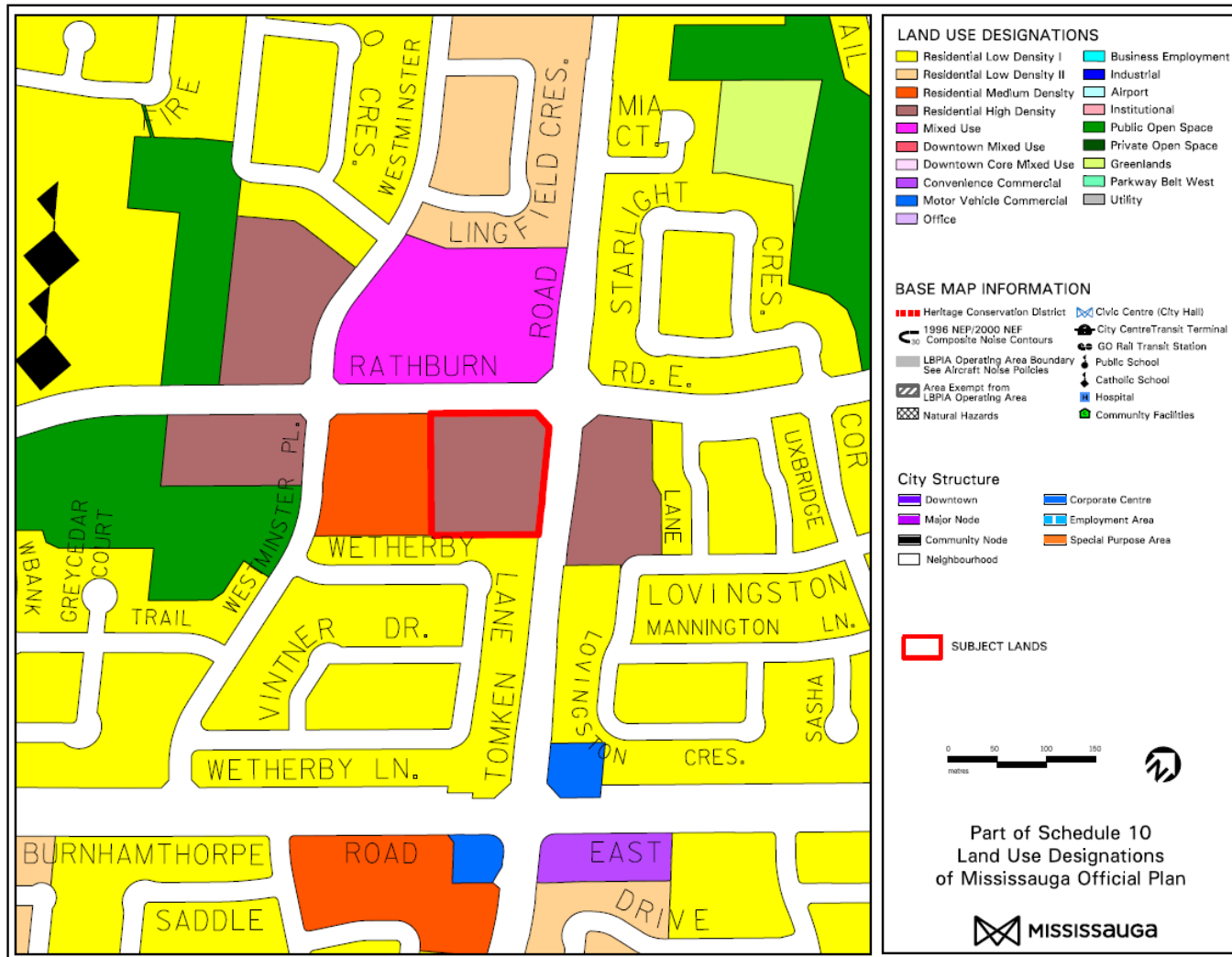
The lands are located within the Rathwood Neighbourhood Character Area and are designated **Residential High Density**. A Floor Space Index (FSI) range of 0.5 to 1.0 applies to the property. The **Residential High Density** designation permits the place of religious assembly as well as apartment dwellings.

The subject property is not located within a Major Transit Station Area (MTSA).

### Proposed Designation

The applicant is proposing to change the designation to **Residential High Density – Special Site** to permit a maximum proposed height of 12 storeys and a FSI of 1.87. The applicant will need to demonstrate consistency with the intent of MOP, and shall have regards for the appropriateness of the proposed built form in terms of compatibility with the surrounding context and character of the area.

Through the processing of the applications, staff may recommend a more appropriate designation to reflect the proposed development in the Recommendation Report.



Excerpt of Rathwood Neighbourhood Character Area (Land Use Designation to remain the same)

### Relevant Mississauga Official Plan Policies

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

	<b>General Intent</b>
<b>Chapter 5 Direct Growth</b>	<p>Mississauga encourages compact, mixed use development that is transit supportive, in appropriate locations, to provide a range of local live/work opportunities. (Section 5.1.6)</p> <p>Mississauga will protect and conserve the character of stable residential Neighbourhoods. (Section 5.1.7)</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. (Section 5.3.5.1)</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. (Section 5.3.5.3)</p> <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. (Section 5.3.5.5)</p> <p>Development will be sensitive to the existing and planned context and will include appropriate transition in use, built form, density and scale. (Section 5.3.5.6)</p>
<b>Chapter 7 Complete Communities</b>	<p>Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs. (Section 7.1.6)</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. (Section 7.2.1)</p> <p>Mississauga will provide opportunities for:</p> <ol style="list-style-type: none"> <li>the development of a range of housing choices in terms of type, tenure and price;</li> <li>the production of a variety of affordable dwelling types for both the ownership and rental markets; and</li> <li>the production of housing for those with special needs, such as housing for the elderly and shelters. (Section 7.2.2)</li> </ol> <p>When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies. (Section 7.2.3)</p>
<b>Chapter 9 Build A Desirable Urban Form</b>	<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. (Section 9.1.1)</p> <p>Infill and redevelopment within Neighbourhoods will respect the existing and planned character. (Section 9.1.3)</p>

	<b>General Intent</b>
	<p>Heights in excess of four storeys will be required to demonstrate that an appropriate transition in height and built form that respects the surrounding context will be achieved (Section 9.2.2.1)</p> <p>While new development need not mirror existing development, new development in Neighbourhoods will:</p> <ul style="list-style-type: none"> <li>a. Respect existing lotting patterns;</li> <li>b. Respect the continuity of front, rear and side yard setbacks;</li> <li>c. Respect the scale and character of the surrounding area;</li> <li>d. Minimize overshadowing and overlook on adjacent neighbours;</li> <li>e. Incorporate stormwater best management practices;</li> <li>f. Preserve mature high quality trees and ensure replacement of the tree canopy; and</li> <li>g. Be designed to respect the existing scale, massing, character and grades of the surrounding area. (Section 9.2.2.3)</li> </ul> <p>Private open space and/or amenity areas will be required for all development (Section 9.3.5.5)</p> <p>Residential developments of significant size, except for freehold developments, will be required to provide common outdoor on-site amenity areas that are suitable for the intended users (Section 9.3.5.6)</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 (Section 9.5.1.1)</p> <p>Developments should be compatible and provide appropriate transition to existing and planned development by having regard for the following elements:</p> <ul style="list-style-type: none"> <li>a. Natural Heritage System;</li> <li>b. natural hazards (flooding and erosion);</li> <li>c. natural and cultural heritage features;</li> <li>d. street and block patterns;</li> <li>e. the size and configuration of properties along a street, including lot frontages and areas;</li> <li>f. continuity and enhancement of streetscapes;</li> <li>g. the size and distribution of building mass and height;</li> <li>h. front, side and rear yards;</li> <li>i. the orientation of buildings, structures and landscapes on a property;</li> <li>j. views, sunlight and wind conditions;</li> <li>k. the local vernacular and architectural character as represented by the rhythm, textures and building materials;</li> <li>l. privacy and overlook; and</li> <li>m. the function and use of buildings, structures and landscapes (Section 9.5.1.2)</li> </ul> <p>Site designs and buildings will create a sense of enclosure along the street edge with heights appropriate to the surrounding context (Section 9.5.1.3)</p> <p>Buildings, in conjunction with site design and landscaping, will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces (Section 9.5.1.4)</p>

	<p><b>General Intent</b></p> <p>Developments will provide a transition in building height and form between Intensification Areas and adjacent Neighbourhoods with lower density and heights (Section 9.5.1.5)</p> <p>Development proposals will demonstrate compatibility and integration with surrounding land uses and the public realm by ensuring adequate privacy, sunlight and sky views are maintained. (Section 9.5.1.9)</p> <p>Noise will be mitigated through appropriate built form and site design. Mitigation techniques such as fencing and berms will be discouraged. (Section 9.5.1.12)</p>
<b>Chapter 11 General Land Use Designations</b>	Lands designated Residential High Density will permit an apartment dwelling. (Section 11.2.5.6)
<b>Chapter 16 Neighbourhoods</b>	<p>For lands within Neighbourhoods, a maximum building height of four storeys will apply unless Character Area policies specify alternative building height requirements. (Section 16.1.1.1)</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:</p> <ul style="list-style-type: none"> <li>a. an appropriate transition in heights that respects the surrounding context will be achieved;</li> <li>b. the development proposal enhances the existing or planned development;</li> <li>c. the City Structure hierarchy is maintained; and</li> <li>d. the development proposal is consistent with the policies of this Plan (Section 16.1.1.2)</li> </ul> <p>Proposals for additional development on lands with existing apartment buildings will recognize and provide appropriate transition to adjacent low density residential uses (Section 16.1.2.4)</p> <p>Arterial roads such as Burnhamthorpe Road, Dixie Road, Cawthra Road, and major collector roads like Fieldgate Drive, Tomken Road, and Ponytrail Drive will be the focus of future low-rise and midrise mixed use development (Paragraph 2 of Section 16.22.1)</p> <p>New apartment dwellings, retail, service and office uses will be directed to these streets to reinforce a sense of place and create a complete, healthy community. New development within the neighbourhood will respect the existing lotting and street pattern, height, scale and building typology (Paragraph 3 of Section 16.22.1)</p>
<b>Chapter 19 Implementation</b>	<p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> <li>• the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;</li> <li>• that a municipal comprehensive review of the land use designation or a five year review is not required;</li> <li>• the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;</li> <li>• there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application;</li> <li>• a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant. (Section 19.5.1)</li> </ul>

## **Mississauga Zoning By-law**

### **Existing Zoning**

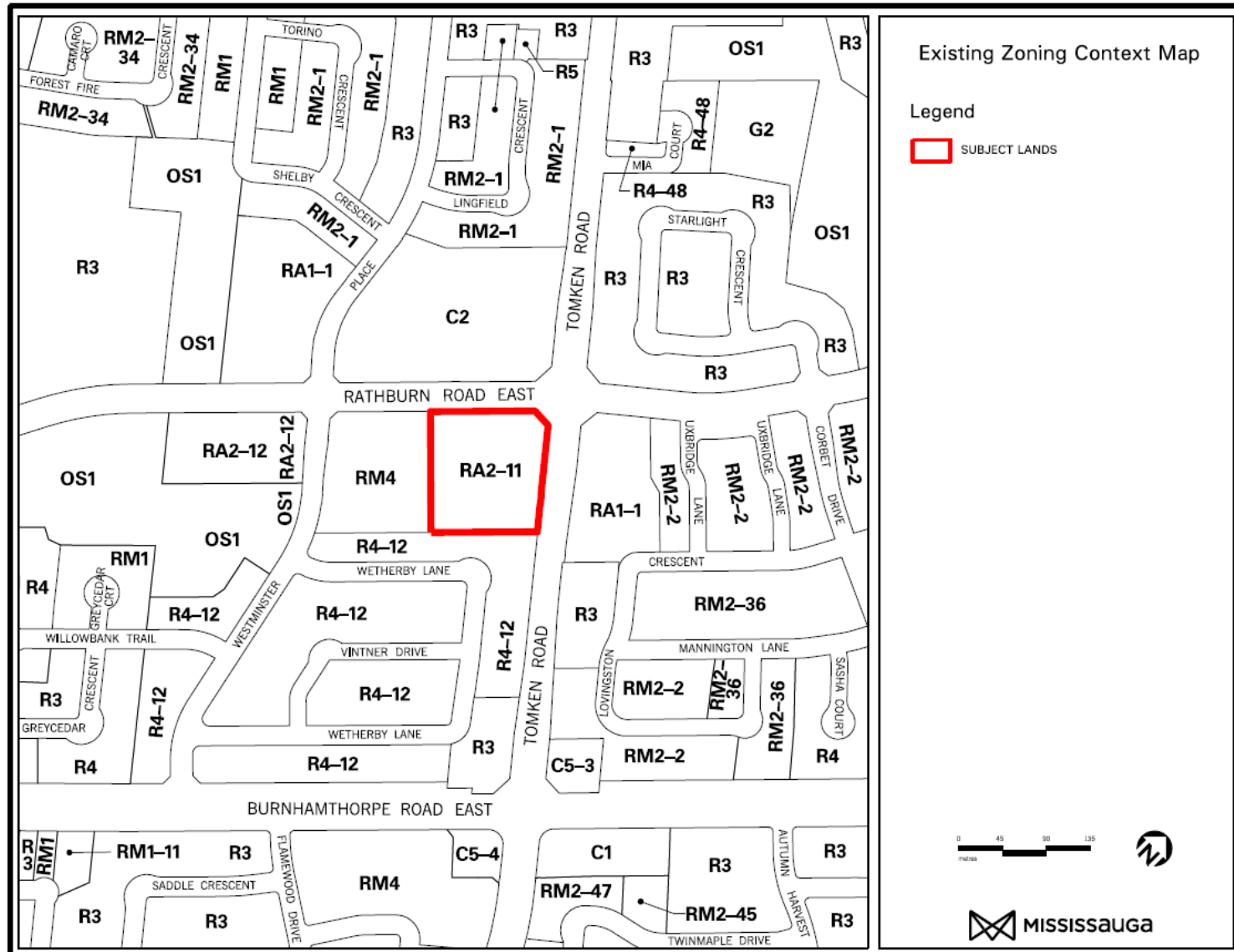
The subject property is currently zoned **RA2 - 11 (Apartments – Exception)**, which permits apartments, long-term care buildings, retirement buildings, a place of religious assembly and a day care. The existing zoning exception identifies areas in which these uses are permitted.

### **Proposed Zoning**

The applicant is proposing to amend the **RA2 – 11 (Apartments – Exception)** zone to permit the addition of two 12

storey apartment buildings, outside of the areas identified in the existing exception zone, while maintaining the existing place of religious assembly and the existing 7 storey rental apartment building.

Through the processing of the applications, staff may recommend a more appropriate zone category for the development in the Recommendation Report.



Excerpt of Zoning Map 27

### Proposed Zoning Regulations

Zone Regulations	Existing RA2-11 Zone Regulations	Proposed Amended RA2-11 Zone Regulations
Maximum <b>Floor Space Index (FSI)</b>	0.5	1.87
Maximum <b>Height</b>	26.0 m (85.3 ft.) and 8 storeys	43.8 m (143.7 ft.) or 12 storeys
Minimum separation between buildings for that portion of the dwelling with a <b>height</b> greater than 13.0 m and less than or equal to 20.0 m	9.0 m (29.5 ft.)	6.0 m (19.7 ft.)
For that portion of dwelling with a <b>height</b> greater than 20.0 m and less than or equal to 26.0 m	12.0 m (39.4 ft.)	6.0 m (19.7 ft.)
For that portion of dwelling with a <b>height</b> greater than 26.0 m	15.0 m (49.2 ft.)	6.0 m (19.7 ft.)
Minimum depth of a <b>landscaped buffer</b> abutting a <b>lot line</b> that is a street line and a <b>Residential</b> Zone with the exception of an <b>Apartment</b> Zone	4.5 m (14.8 ft.)	2.9m (9.5 ft.)
*Minimum parking spaces for new <b>rental apartment</b> buildings	1.0 residential space unit 0.2 visitor space unit	0.8 residential space per unit 0.2 visitor space per unit
Minimum number of parking spaces for <b>Place of Religious Assembly</b> and <b>Daycare</b> uses	27.1/100 m <sup>2</sup> (93 spaces)	77 spaces

\*the existing 54 parking spaces for residents and 14 parking spaces for visitors to remain

## 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) and Amendment No. 1 (2020), *Provincial Policy Statement* (2020), 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>.

This proposal is for rental housing and, therefore, is exempt from the requirement of providing a Housing Report to address Affordable Housing. The proposed infill development will provide for 241 new residential rental units within a mix of 1, 2, and 3 bedroom units, of which, 30% are targeted to be affordable rental units.

## 5. School Accommodation

### The Peel District School Board

Student Yield	School Accommodation		
31 Kindergarten to Grade 5	Silverthorn Public School	Tomken Road Senior Public School	Applewood Heights Secondary School
8 Grade 8 to Grade 8			
4 Grade 9 to Grade 12	Enrolment: 263 Capacity: 4401	Enrolment: 893 Capacity: 947	Enrolment: 1233 Capacity: 1284

	Portables: 0	Portables: 0	Portables: 2
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### The Dufferin-Peel Catholic District School Board

Student Yield	School Accommodation	
5 Kindergarten to Grade 8	St. Vincent De Paul Catholic Elementary School	Philip Pocock Catholic Secondary School
4 Grade 9 to Grade 12	Enrolment: 240 Capacity: 188 Portables: 4	Enrolment: 1152 Capacity: 1257 Portables: 5

## 6. Community Questions and Comments

A community meeting was held by Ward 3 Councillor, Chris Fonseca, on March 20, 2023 and approximately 60 residents

were in attendance. The main concern was the height and built form. Residents are concerned about the proximity of a 12 storey building to the existing low-rise residential dwellings. Concerns regarding an increase in population and lack of parking were also raised.

## 7. Development Issues

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

Agency / Comment Date	Comments
Region of Peel (February 17, 2023)	<p>A Regional Official Plan Amendment is not required.</p> <p>For the residential units, the Region of Peel will provide Front-End collection of Garbage and Recyclable Materials subject to Section 2.0, and 4.0 of the Waste Collection Design Standards Manual (WCDSM). The site must be designed to meet the Region of Peel Waste Collection Design Standards.</p> <p>Please note reference to the in-effect Region of Peel Official Plan (RPOP) is outdated in the Planning Justification Report, dated December 2022 and prepared by MHBC. The Minister of Municipal Affairs and Housing issued a decision to approve the new RPOP with 44 modifications on November 4, 2022. The proposed development remains in conformity with these updates, however, please make reference to the current in-effect ROP in future submissions.</p> <p>The Region of Peel would also like to offer the following housing comments. In terms of affordability - It is greatly</p>

Agency / Comment Date	Comments
	<p>appreciated that the applicant has targeted providing 30% of the proposed residential units as affordable at 80% of Median Market Rent, which will contribute to the Peel-wide affordable housing target. For reference, the definition of affordable housing can be found in the Glossary section of the Regional Official Plan and the Provincial Policy Statement, 2020. Information can be provided on affordability period (i.e., 25 years or more) of the proposed affordable units. In terms of density - It is appreciated that the applicant has demonstrated a strong contribution towards the density target by proposing additional apartment units. This will help to create more complete communities and more housing options. It is also appreciated that the applicant has incorporated two and three bedroom units into the anticipated unit mix as well as barrier-free units constructed in accordance with AODA and CMHC accessibility standards. In terms of rental - It is greatly appreciated that the proposed development is demonstrating a strong contribution towards the rental housing target through the provision of much needed purpose-built rental units. Please also note that Regional staff can meet with applicants to clarify housing objectives and policies as needed. We are open to working with the applicant and the City to further support this application in meeting its planned contributions to Peel-wide new housing unit targets, including helping to identify options (such as partnerships) that are most relevant to the proposed development.</p> <p>An existing 300 mm diameter water main is located on Tomken Road. An existing 350 mm diameter sanitary sewer is located on Tomken Road. Due to the size and function of the 600 mm diameter watermain on Rathbun Road East, connection will not be permitted (Watermain Design Criteria 6.1). Due to the size and function of the 1200 mm diameter watermain on Tomken Road, connection will not be permitted (Watermain Design Criteria 6.1).</p> <p>Servicing of this site may require municipal and/or private easements and the construction, extension, twinning and/or upgrading of municipal services. All works associated with the servicing of this site will be at the applicant's expense. The applicant will also be responsible for the payment of applicable fees, DC charges, legal costs and all other costs associated with the development of this site.</p> <p>For this type of development proposal, we recommend, where possible, the consideration of a domestic water and fire system looped to municipal water, to provide a redundant water supply.</p> <p>All unutilized water and sanitary services shall be disconnected and/or abandoned in accordance with Region of Peel standards and specifications.</p>
<p>Dufferin-Peel Catholic District School Board and the Peel District School Board          (February 7, 2023 and February 17, 2023)</p>	<p>This Dufferin Peel Catholic District School Board is satisfied with the current provision of educational facilities for the catchment area in which the subject application is located. The City of Mississauga school accommodation condition need not be applied.</p> <p>The Board requests that the following conditions be fulfilled prior to the final approval of the zoning by-law:</p> <p>1. That the applicant shall agree in the Servicing and/or Subdivision Agreement to include the following warning clauses in all offers of purchase and sale of residential lots:</p> <p>a) "Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be</p>

Agency / Comment Date	Comments
	<p>transferred to the neighbourhood school."</p> <p>b) "That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."</p> <p>The Board requires the inclusion of the following conditions in the Engineering Agreement:</p> <p>Prior to final approval, the City of Mississauga shall be advised by the School Board(s) that satisfactory arrangements regarding the provision and distribution of educational facilities have been made between the developer/applicant and the School Board(s) for this plan.</p> <p>The Peel District School Board requires the following clause be placed in any agreement of purchase and sale entered into with respect to any units on this plan, within a period of five years from the date of registration of the development agreement:</p> <p>a) "Whereas, despite the efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in the neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation department of the Peel District School Board to determine the exact schools."</p> <p>b) "The purchaser agrees that for the purposes of transportation to school the residents of the development shall agree that the children will meet the school bus on roads presently in existence or at another designated place convenient to the Peel District School Board."</p> <p>The developer shall agree to erect and maintain signs at the entrances to this development which shall advise prospective purchases that due to present school facilities, some of the children from this development may have to be accommodated in temporary facilities or bused to schools, according to the Peel District School Board's Transportation Policy.</p>
<p>City Community Services          Department – Park Planning          Section          (April 17, 2023)</p>	<p>The 2022 Parks Plan notes that this character area exceeds the Parkland provision target of 1.2 ha/1000 people. Furthermore, the 2022 Parks Plan and the 2109 Future Directions Parks &amp; Forestry Master Plan establishes a walking distance requirement of 800 m (2,624.7 ft.) to a City owned playground in residential areas, unimpeded by major pedestrian barriers. Allison's Park (P-270) is located approximately 177 m (580.7 ft.) from the subject property, zoned <b>OS1</b> (Open Space – Community Park) and contains a City owned playground.</p> <p>Given the close proximity of parkland to this development, which will service the future residents, a need for additional parkland on this site was not identified. The site was also not large enough to accommodate a park on-site.</p> <p>Prior to the issuance of building permits for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act and in accordance with City's Policies and By-laws.</p>
<p>City Transportation and Works          Department          (April 11, 2023)</p>	<p>Technical reports and drawings have been submitted and are under review to ensure that engineering matters related to noise, grading, servicing, stormwater management, traffic and environmental compliance can be satisfactorily addressed to confirm the feasibility of the project, in accordance with City requirements.</p>

Agency / Comment Date	Comments
	<p>Based on a review of the materials submitted to date, the owner has been requested to provide additional technical details and revisions prior to the City making a recommendation on the application, as follows:</p> <p><b><u>Stormwater</u></b>  A Stormwater Management (SWM) Report prepared by WSP dated December 1, 2022 was submitted in support of the proposed development. The purpose of the report is to evaluate the proposed development impact on the municipal drainage system (e.g. storm sewers, watercourses, etc.) and to mitigate the quality and quantity impacts of stormwater run-off generated from the site. Mitigation measures may include improvements to existing stormwater servicing infrastructure, new infrastructure and/or on-site stormwater management controls.</p> <p>The applicant is proposing to construct a new internal storm sewer to service the development lands, with an outlet to the City's infrastructure on Tomken Road, as well as on-site stormwater management controls for the post development discharge.</p> <p>The applicant is required to provide further technical information to demonstrate that there will be no impact on the City's existing drainage system including how groundwater will be managed on-site.</p> <p><b><u>Traffic</u></b>  A traffic impact study (TIS), prepared by BA Consulting Group Ltd. dated October 2022, was submitted in support of the proposed development and a full review and audit was completed by staff. Based on the information provided to date, staff are not satisfied with the study and require further clarification on the information provided. In addition, a qualified traffic consultant was retained to conduct a peer review on the TIS study which resulted in additional comments to be addressed.</p> <p>The applicant is required to provide the following information as part of subsequent submissions:</p> <ul style="list-style-type: none"> <li>• an updated TIS addressing all staff and peer review comments,</li> <li>• turning movement diagrams to evaluate the internal site circulation and access points, and</li> <li>• address any traffic concerns from the Community related to the proposed development.</li> </ul> <p><b><u>Environmental Compliance</u></b>  A Phase One Environmental Site Assessment (ESA) report, dated June 20, 2022 prepared by Grounded Engineering Inc., was submitted in support of the proposed development. The report indicates that further investigation is required to assess the soil and groundwater conditions at the subject property as well as 924 Rathburn Rd E, which also forms part of the proposed development.</p> <p>The applicant is required to provide the following information as part of subsequent submissions:</p> <ul style="list-style-type: none"> <li>• a letter of reliance for the Phase One ESA report (4094 Tomken Rd),</li> <li>• a Phase One ESA report for 924 Rathburn Rd E along with a letter of reliance,</li> <li>• a Phase Two ESA report for both addresses, as applicable, along with a letter of reliance,</li> <li>• a Storm Sewer Use By-law Acknowledgement form, and</li> <li>• written documentation prepared by a Qualified Person (as defined in Section 5 of Ontario Regulation 153/04, as</li> </ul>

Agency / Comment Date	Comments
	<p>amended) stating the geotechnical and environmental suitability of the fill materials located on-site.</p> <p><b>Noise</b>          A Noise Feasibility Study prepared by RWDI, dated July 7, 2022 was received for review. The study evaluates the potential impact of environmental noise to and from the development and recommends mitigation measures to reduce any negative impacts. Noise sources that may have an impact on this development includes road traffic noise and stationary noise sources such as HVAC related equipment in the roof-top mechanical penthouse as well as various exhaust fans. Noise mitigation will be required in the form of upgraded building components, noise warning clauses included in the development agreement, acoustical wall(s) and/or berm(s). A revised noise study is required as part of the next submission to address staff comments.</p> <p><b>Engineering Plans/Drawings</b>          The applicant has submitted a number of technical plans and drawings (i.e. grading and servicing plans), which are to be revised as part of subsequent submissions, in accordance with City standards.</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"> <li>- City of Mississauga - Fire Services</li> <li>- City of Mississauga - Arborist – City Property</li> <li>- City of Mississauga - Arborist – Private Property</li> <li>- City of Mississauga – MiWay Transit</li> <li>- Alectra</li> <li>- Bell Canada</li> <li>- Rogers</li> <li>- Canada Post</li> <li>- CS Viamonde</li> <li>- Enbridge</li> <li>- Greater Toronto Airport Authority</li> </ul>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> <li>- Ministry of Transportation</li> <li>- Trans-Northern Pipeline</li> </ul>

### Development Requirements

There are engineering matters including: grading, environmental, 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.

## 8. Community Benefits Charge

Schedule 17 of Bill 197, *COVID-19 Economic Recovery Act*, 2020, amended the *Planning Act*. The Section 37 Height/Density Bonus provisions are replaced with the Community Benefit Charge (CBC) provisions, implemented by a CBC By-law passed by Council. Section 37 of the *Planning Act* now allows municipalities to impose a CBC on land to fund costs related to growth. Funds collected under CBC will be to fund projects City-wide and Council will be requested at budget time each year to spend or allocate CBC funds to specific projects in accordance with the CBC Strategy and Corporate Policy.

In response to this legislative change, Council passed the City's new CBC By-law on June 22, 2022, which will be administered by the Corporate Services Department, Finance Division. The by-law specifies to which types of development and redevelopment the charge applies, the amount of the charge, exemptions and timing of charge payment. The CBC is 4% of the value of the land. A land appraisal is required in order to determine the applicable CBC in each case.

As the subject proposal is more than 5 storeys and does contain 10 or more residential units in total, the CBC is applicable and will be payable at the time of first building permit.

## 9. Next Steps

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

- Is the proposed development compatible with the existing and planned context of the area given the proposed massing, building height, and density?
- Does the proposed development meet the terms of reference for shadow impact?
- Can the noise and wind be adequately mitigated?
- Are the proposed zoning by-law exception standards appropriate?

Upon satisfying the requirements of various City departments and external agencies, the Planning and Building Department will bring forward a recommendation report to a future Planning and Development Committee meeting. It is at this meeting that the members of the Committee will make a decision on the applications.

K:\PLAN\DEV\CONT\L\GROUP\WPDATA\CORPORATE REPORTS TO PDC\4. Central Reports\OZ OPA 22 028 W3 - 4094 Tomken Road - AD\Appendix 1 Information Report CR\_AD Edits May 15.docx

## **Recommendation Report Detailed Planning Analysis**

**Owner: Kindred Works**

**4094 Tomken Road and 924 Rathburn Road East**

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## 1. Community Comments

Comments from the public were generally directed towards shadow and privacy impacts on adjacent properties, parking, impacts on the existing daycare operation on-site, population increase resulting in more traffic and noise and the proposals inconsistency with the area character. Below is a summary and response to the specific comments heard.

### Comment

The proposed 12 storey apartment buildings will cast undesirable shadows on adjacent properties and buildings, limiting access to natural light.

### Response

The proposed development does not meet the City's Sun/Shadow Standards for private rear yards, since incremental shadows are cast on the rear yards of 1002, 1006 and 1010 Wetherby Lane for three consecutive hourly test times (5:20 pm, 6:20 pm and 7:20 pm) on June 21. With this said however, shadows are cast from the existing buildings onto portions of their own backyards during this period, with the proposed buildings adding additional shadows. Moreover, the rear yards of these properties will have full sun from 7:07 am until 4:20 pm on June 21. On this basis, Staff are satisfied that these properties have adequate sun access.

### Comment

The proposed development will increase residents, traffic and noise in the area, which is already very densely populated.

### Response

Provincial planning policies direct municipalities to encourage intensification through the development of underutilized properties that have access to existing infrastructure, public service facilities and transit. This property represents an opportunity to realize that direction from the Province.

A Traffic Impact Study was prepared in support of the proposed development. The study concluded that with the traffic generated by the proposed development, the study area intersections and vehicular accesses are expected to operate at acceptable levels of service with minimal impact to existing traffic conditions.

With respect to noise, a Noise Feasibility Study was prepared in support of the development proposal and assessed noise impacts on the proposed buildings from the surrounding area, as well as impacts from the development on the surrounding area. A detailed Noise Study will need to be undertaken during the Site Plan application process to better assess how impacts from the proposed mechanical and ventilation systems can be mitigated. Staff are satisfied with the Noise Feasibility Study for the purposes of determining the feasibility of the project for the proposed Official Plan Amendment and Rezoning.

### Comment

The proposed 12 storey buildings are three times taller than existing buildings around it, which ignores the character of the community.

**Response**

The subject property is located at the intersection of two Major Collector Roads, both of which are characterized by wide right-of-way widths. The surrounding area contains existing low and mid-rise apartment buildings, including an existing 7 storey apartment building on the subject property and another existing 7 storey apartment to the west of Westminster Place. A new 8 storey apartment building has also recently been approved at the northwest corner of Rathburn Road East and Westminster Place. While the proposed development is taller than surrounding buildings, the proposal has been designed sensitively and situated to create minimal impacts on surrounding properties. This includes shifting the building massing, eliminating certain building projections (including balconies), and utilizing a lighter material colour on upper levels to minimize the perceived building height.

**Comment**

The development will negatively impact rear yard privacy.

**Response**

The proposed development has been revised to reduce the overall impact of overlook on adjacent properties, including shifting massing of the building further away from low rise residential uses and eliminating individual balconies.

**Comment**

The proposed development will provide much needed rental units, with 30% targeted as affordable. Additionally, it will contribute to density targets and to a more complete community by expanding housing options in the area.

**Response**

Great effort has been made by the applicant to propose a development that expands housing options in the area. Between affordable units and increasing the minimum number of required barrier free units within the project, the development will improve social equity for the current and future residents of Mississauga.

**Comment**

The development will obstruct the view from surrounding properties.

**Response**

Property owners have no legal right to protect the view from their property. That said, the proposed development has been revised to reduce the overall impact of overlook on adjacent properties, including shifting massing of the building further away from low rise residential uses.

**Comment**

The impacts of the proposed construction on the existing daycare are unsafe and the daycare must be relocated during the construction period.

**Response**

The landowner has committed to working closely with the daycare provider during the Site Plan application process to ensure normal operations may continue during construction. Mitigation of all construction noise, vibration and dust will be outlined in a construction management plan that the applicant

has committed to providing to ensure no adverse impacts on the daycare.

#### **Comment**

The proposed 0.8 parking spaces per unit is insufficient and the reduced parking rate should not be supported.

#### **Response**

The proposed development consists of a significant affordable housing component, which intrinsically implies a lower car ownership rate and in turn a need for fewer parking spaces. Additionally, the property benefits from good access to public transit, including bus stops along both the Rathburn Road East and Tomken Road frontages, as well as being located less than 1 km (0.62 mi) from the Tomken Station for the Mississauga Transitway BRT. Finally, the mix of uses on the property are characterized by alternating peak usage periods and, therefore, there is an opportunity for the residential uses to utilize the parking assigned to the place of religious assembly during off peak hours. Ultimately, staff are satisfied with the proposed parking rates of 0.8 resident spaces and 0.2 visitor spaces per unit, whereas 1.0 resident spaces and 0.2 visitor spaces are required under the zoning by-law.

## **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 January 20, 2023. Subsequent

resubmissions were received and circulated for review on October 13, 2023 and September 19, 2024. A summary of the comments are contained in the Information Report attached as Appendix 1. Below are updated comments.

#### **Transportation and Works Department**

Comments updated October 22, 2024, state that based on a review of the information submitted to date, staff are generally satisfied that the materials submitted are in accordance with City requirements. However, additional technical details are required to facilitate the implementation of the engineering requirements, as follows:

#### **Stormwater**

The Functional Servicing and Stormwater Management Report (FSR) prepared by WSP, dated October 4, 2023, indicates that an increase in stormwater runoff will occur with the redevelopment of the site. In order to mitigate the change in impervious area from the proposed development and/or its impact on the receiving municipal drainage system, on-site stormwater management controls for the post-development discharge are required.

In general, the applicant has demonstrated a satisfactory stormwater servicing concept. The applicant has proposed that storm water run off will be captured by proposed catch basin manholes and roof drains which will direct to the proposed underground stormwater tank. The site's private storm sewer systems will connect into the existing municipal storm sewers on Tomken Road. The consultant has proposed landscape irrigation as a low impact development (LID) feature to promote

infiltration, which will be reviewed further during the Site Plan approval process.

### **Traffic**

A Transportation Impact Study (TIS) prepared by BA Group, dated May 28, 2024, was provided in support of the proposed development. Based on the submission, staff are generally satisfied from a feasibility perspective. The study concluded that the proposed development is anticipated to generate 65 (20 in, 45 out), 80 (45 in, 35 out) and 75 (40 in, 35 out) net two-way site trips for the weekday AM, PM, and Saturday peak hours in 2027, respectively.

With the traffic generated by the proposed development, the study area intersections and vehicular accesses are expected to operate at acceptable levels of service with minimal impact to existing traffic conditions.

### **Environmental Compliance**

A Phase I Environmental Site Assessment (ESA) dated June 10, 2024, and Phase Two ESA dated July 3, 2024, both prepared by Grounded Engineering Inc., have been received in support of the proposed development. The documents indicate that the site is suitable for the proposed use and no further investigation is required at this time.

### **Noise**

A Noise Feasibility Study prepared by RWDI, dated February 1, 2024, was provided in support of the proposed development. The study evaluated the potential impact both to and from the

proposed development and recommended mitigation measures to reduce any negative impacts. A detailed Noise Study will be required through the Site Plan approval process to confirm the sound level criteria associated with the mechanical equipment and ventilation systems for the proposed buildings, satisfy the MECP NPC-300 Environmental Noise Guideline.

Noise sources that may have an impact on this development include road traffic from Tomken Road and Rathburn Road East. The submitted Noise Feasibility Study confirms that noise mitigation will be required, including ventilation requirements such as provisions for central air conditioning, the details of which will be confirmed through Site Plan and building permit processes. Purchasers/tenants are to be advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants.

### **Engineering Plans/Drawings**

The applicant has submitted a number of technical plans and drawings, and staff are generally satisfied with the details provided to confirm feasibility of the development proposal from an engineering standpoint.

### **Community Services Department**

The subject property is located within the Rathwood Neighbourhood Character Area and as established in the 2022 Parks Plan, the parkland provision standard of 1.2 ha per 1000 people is being achieved with a current surplus of 22.9 ha (56.6 ac) of parkland in the character area. Furthermore, the subject property is in close proximity, within 350 metres (1,148 ft.) of Allison's Park (P-230), which provides a community

playground and open space including a baseball diamond and soccer field. Accordingly, due to the surplus of parkland in the Rathwood Neighbourhood Character Area and proximity of park facilities to the subject property, parkland dedication is not required at this time. However, the proposed development will be subject to cash-in-lieu of park and other public recreational purposes prior to the issuance of building permits, for each lot or block as required pursuant to Section 42 of the *Planning Act* and in accordance with City Policies and Bylaws.

### **School Accommodation**

In comments, dated February 7, 2023 and October 17, 2024, the Dufferin-Peel Catholic District School Board and Peel 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 this development application.

### **3. Provincial Planning Statement, 2024 (PPS)**

The Provincial Planning Statement, 2024 (PPS) was released on August 20, 2024, and came into effect on October 20, 2024, replacing the Provincial Policy Statement, 2020. This new document replaces both the Provincial Policy Statement, 2020, and the Growth Plan for the Greater Golden Horseshoe, consolidating the two frameworks into a single, province-wide document. The update aims to streamline policies and place

greater responsibility on municipalities to manage growth locally, with a focus on intensification, housing development, and transit-supportive communities. The new PPS provides direction on land use planning by ensuring that municipal decisions align with provincial interests such as promoting efficient land use, encouraging diverse housing options, and supporting sustainable development by coordinating land use with existing and planned public infrastructure.

The PPS recognizes that municipal official plans are the most important vehicle for implementation of the policies of the PPS and for achieving "comprehensive, integrated and long-term planning".

Under the *Planning Act*, all planning decisions must be consistent with the PPS.

## **4. Consistency with PPS**

The Public Meeting Report dated May 19, 2023 (Appendix 1) provides an overview of relevant policies found in the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe. The 2024 PPS came into effect since the Public Meeting Report and therefore the applicable policies are summarized as follows:

Section 2.1.6 of the PPS states that planning authorities should support the achievement of complete communities by accommodating a range of land uses and housing options, improving accessibility for people of all ages and abilities, and improving social equity and overall quality of life for all people of varying abilities and incomes.

Section 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by accommodating affordable housing needs, permitting and facilitating all housing options and all types of residential intensification, including redevelopment of underutilized commercial and institutional sites.

Section 3.1 of the PPS establishes the general policies for infrastructure and public service facilities and states that these shall be provided in an efficient manner while accommodating projected needs. It also states that existing infrastructure and public service facilities are to be optimized before consideration is given to development new.

The subject site and proposal represents an opportunity to modestly intensify and increase the range of housing in the area, including the provision of affordable housing. The proposal exceeds the minimum number of barrier free units required by the Ontario Building Code, improving social equity for people of all ages and abilities. The development represents an efficient land use pattern and optimizes existing infrastructure, public service facilities and transit. As outlined in this report, the proposed development supports the general intent of the PPS.

## 5. Region of Peel Official Plan

As summarized in the public meeting report dated May 19, 2023 (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 Policies in Section 5.3 of the Regional Official Plan direct the vast majority of growth to the Urban System to leverage existing and planned infrastructure investments.

The proposed development conforms to the ROP as it is an appropriate development that efficiently uses land and resources within the Urban System and contributes to housing choices in the neighbourhood.

## 6. Mississauga Official Plan (MOP)

The proposal requires an amendment to the Mississauga Official Plan Policies for the Rathwood Neighbourhood Character Area, to permit a building height of 12 storeys and a floor space index (FSI) of 1.9. 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 Rathwood Neighbourhood Character Area, which is characterized by a variety of residential built forms, including detached dwellings, townhomes and low- and mid-rise apartments. The Neighbourhood also contains retail and service commercial uses, and benefits from many public facilities including schools, parks, athletic fields and a places of religious assembly.

The subject site is designated **Residential High Density**, which permits apartment dwellings and all forms of townhouses accessory to an apartment dwelling. The applicant is proposing to add two 12 storey rental apartment buildings to the property,

which already contains a place of religious assembly (including daycare facility) and a 7 storey rental apartment.

Although Neighbourhoods are not intended to be the focus for intensification, MOP does indicate that Neighbourhoods are also not intended to remain static or that new development is required to imitate previous development patterns (Section 5.3.5). MOP specifically identifies those areas within Neighbourhoods which are to be the focus for higher density uses, which includes sites that contain existing apartments, such as the subject property (Section 5.3.5.3).

In the Rathwood Neighbourhood Character Area section of MOP, arterial roads such as Tomken Road, are identified as being the focus for future low- to mid-rise developments, with new apartment buildings, retail, service and office uses being directed to these arterials to reinforce a sense of place and create a complete and healthy community (Section 16.22.1).

The subject property is already designated **Residential High Density** and, therefore, a change in land use designation is not required to permit the proposed development. The Official Plan Amendment is being sought to increase the permitted height on the property from 7 to 12 storeys and to increase the maximum permitted FSI from 0.5 -1.0 to 1.9, which staff consider to be a reasonable increase. Given the property's location at the intersection of two arterial roads; its access to public transit, existing retail, service commercial and community facilities; and, the fact that the property is already occupied by and surrounded by existing apartment buildings, staff consider the subject property a good opportunity for intensification and the

proposal to be consistent with the directing growth policies of MOP.

#### *Compatibility with the Neighbourhood*

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 (Section 5.3.5.5 and 5.3.5.6). The site is located within the Rathwood Neighbourhood Character Area and is surrounded by properties with varying land use designations, including **Residential High**, **Medium** and **Low Density**, as well as **Mixed Use**. Properties in the immediate area are occupied by two storey detached dwellings, three storey townhomes and apartments, 7 storey apartments and one storey commercial uses.

The proposed amendment would result in an increase in the permitted building height and FSI. Although the new buildings are taller than existing buildings on-site and in the surrounding area, the Official Plan (Section 9.2.2.3) acknowledges that new development need not replicate existing structures but should respect the scale and character of the area, which in staff's opinion is already varied.

The applicant has made revisions to the proposal to reduce the impacts of the built form on adjacent properties. The large 8 storey base building immediately adjacent to the detached dwellings to the south has been lowered to 6 storeys and fewer building projections are proposed along this south building façade. Balconies have been eliminated to reduce potential overlook conditions and the darker exterior materials are only

proposed on the base of the buildings, with upper levels being lighter in colour to minimize the perceived massing of the structure. Additionally, the buildings have increased setbacks to Tomken Road in an effort to reduce the impacts of shadowing on adjacent parcels and provide greater visual emphasis to the church from Tomken Road. Overall, bulky massing of the buildings has been reduced and the improvements the applicant has made to the proposal improves the compatibility of the project with the Neighbourhood.

#### *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 20 – Rathburn Road East
- Route 51 – Tomken Road

There are two MiWay Transit stops along the frontage of the subject property, one on Rathburn Road East and the other on Tomken Road.

The subject property is also located within 1 km (0.62 mi) of the Tomken Station for the Mississauga Transitway BRT system,

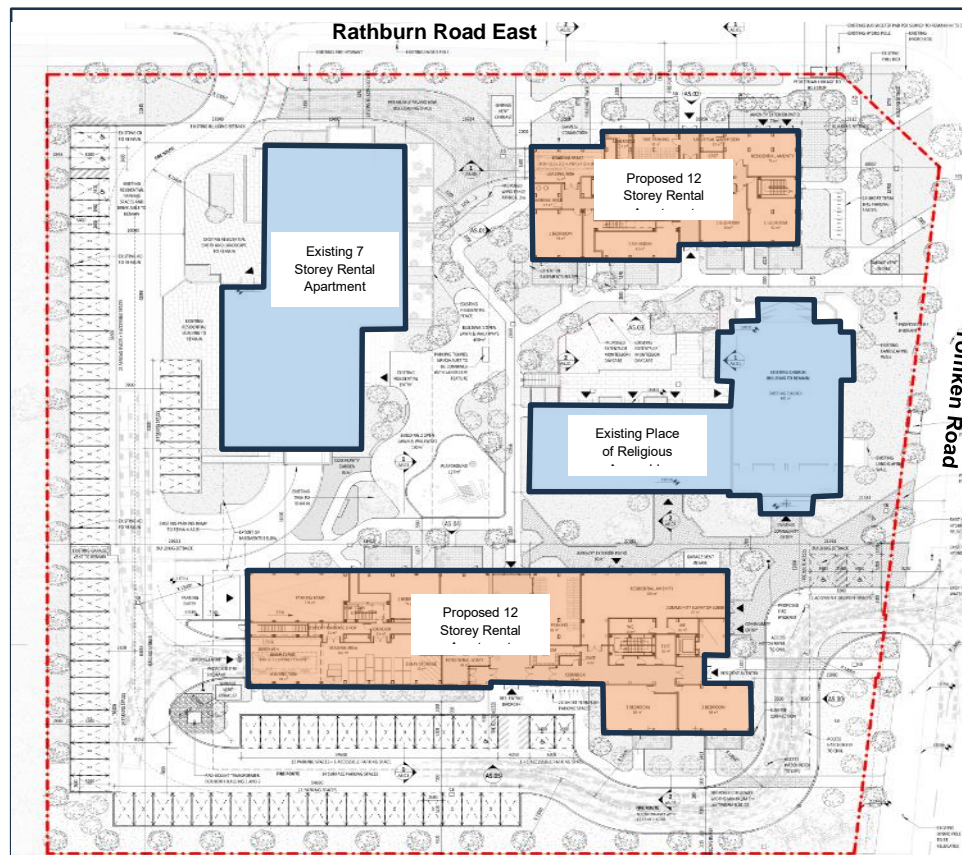
which provides further connections to numerous GO Transit routes.

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

Tomken Plaza, a local plaza, is located immediately north of the subject property, across Rathburn Road East. This plaza contains a grocery store, bank, dentist, optometrist, restaurants and other retail and service commercial uses.

## 7. Revised Site Plan, Renderings and Site Statistics

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



Revised Site Plan



View looking northwest from Tomken Road



View of southerly building from internal courtyard



Birdseye view looking southwest from  
intersection of Rathburn and Tomken



View looking southwest from intersection of  
Rathburn and Tomken

Revised Unit Statistics	
1 Bedroom Units	158 (63%)
2 Bedroom Units	62 (25%)
3 Bedroom Units	30 (12%)
Total unit Count	250
Number of Barrier Free Units	50 (38 required per OBC)
Amenity Area per Unit	5.7 m <sup>2</sup> per unit

## 8. Zoning

The applicant is proposing an amended **RA2-11** (Apartments - Exception) to accommodate the two proposed 12 storey rental apartment buildings and the existing 7 storey rental apartment, place of religious assembly and daycare use with an FSI of 1.9. Given the proposed building height, staff are of the opinion that a site specific **RA3** (Apartments – Exception) would be a more appropriate zone category for the proposed development.

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

### Proposed Zoning Regulations

Zone Regulations	Existing RA2-11 Zone Regulations	Existing RA3 Zone Regulations	Proposed RA2-11 Zone Regulations
Additional Permitted Uses	Place of Religious Assembly  Day Care		Place of Religious Assembly  Day Care

Zone Regulations	Existing RA2-11 Zone Regulations	Existing RA3 Zone Regulations	Proposed RA2-11 Zone Regulations
Maximum Floor Space Index (FSI)	0.5-1.0		1.9
Maximum Dwelling Height – Flat Roof	7 storeys	38.0 m (124.7 ft.) and 12 storeys	44.0 m (144.4 ft.)
Minimum Front and Exterior Side Yard	7.5 m (24.6 ft.) for that portion of the dwelling with a <b>height</b> less than or equal to 13.0 m (42.7 ft.)  8.5 m (27.9 ft.) for that portion of the dwelling with a <b>height</b> greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.)  9.5 m (31.2 ft.) for that portion of the dwelling with a <b>height</b> greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.)  10.5 m (34.4 ft.) for that portion of the dwelling with a <b>height</b> greater than 26.0 m (85.3 ft.)		7.6 m (24.6 ft.)
Minimum Interior Side Yard	4.5 m (14.8 ft.) for that portion of the dwelling with a <b>height</b> less than or equal to 13.0 m (42.7 ft.)  6.0 m (19.7 ft.) for that portion of the dwelling with a <b>height</b> greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.)		23.0 m (75.5 ft.)

Zone Regulations	Existing RA2-11 Zone Regulations	Existing RA3 Zone Regulations	Proposed RA2-11 Zone Regulations
	<p>7.5 m (24.6 ft.) for that portion of the dwelling with a <b>height</b> greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.)</p> <p>9.0 m (29.5 ft.) for that portion of the dwelling with a <b>height</b> greater than 26.0 m (85.3 ft.)</p> <p>7.5 m (24.6 ft.) plus 1.0 m (3.3 ft.) for each additional 1.0 m (3.3 ft.) of dwelling height, to a maximum setback of 25.5 m (83.7 ft.) - Where an interior lot line, or any portion thereof, abuts a zone permitting <b>detached dwelling</b> and/or <b>semi-detached</b></p>		
Minimum Rear Yard	<p>7.5 m (24.6 ft.) for that portion of the dwelling with a <b>height</b> less than or equal to 13.0 m (42.7 ft.)</p> <p>10.0 m (32.8 ft.) for that portion of the dwelling with a <b>height</b> greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.)</p> <p>12.5 m (41.0 ft.) for that portion of the dwelling with a <b>height</b> greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.)</p> <p>15.0 m (49.2 ft.) for that portion of the dwelling with a <b>height</b> greater than 26.0 m (85.3 ft.)</p>		18.0 m (59.1 ft.)

Zone Regulations	Existing RA2-11 Zone Regulations	Existing RA3 Zone Regulations	Proposed RA2-11 Zone Regulations
	7.5 m (24.6 ft.) plus 1.0 m (3.3 ft.) for each additional 1.0 m (3.3 ft.) of dwelling height, to a maximum setback of 25.5 m (83.7 ft.) - Where a rear lot line, or any portion thereof, abuts a zone permitting <b>detached dwelling</b> and/or <b>semi-detached</b>		
Minimum above grade separation between buildings	<p>3.0 m (9.8 ft.) for that portion of the dwelling with a <b>height</b> less than or equal to 13.0 m (42.7 ft.)</p> <p>9.0 m (29.5 ft.) for that portion of the dwelling with a <b>height</b> greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.)</p> <p>12.0 m (39.4 ft.) for that portion of the dwelling with a <b>height</b> greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.)</p> <p>15.0 m (49.2 ft.) for that portion of the dwelling with a <b>height</b> greater than 26.0 m (85.3 ft.)</p>		8.0 m (26.2 ft.)
Minimum depth of a landscaped buffer abutting a lot line that is a street line and abutting lands with a	4.5 m (14.8 ft.)		2.0 m (6.6 ft.)

Zone Regulations	Existing RA2-11 Zone Regulations	Existing RA3 Zone Regulations	Proposed RA2-11 Zone Regulations
Residential Zone			
Minimum number of residential parking spaces per unit	1.0		0.8
	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.		

## 9. Bonus Zoning

Schedule 17 of Bill 197, *COVID-19 Economic Recovery Act*, 2020, amended the Planning Act. The Section 37 Height/Density Bonus provisions are replaced with the Community Benefit Charge (CBC) provisions, implemented by a CBC By-law passed by Council. Funds collected under CBC will be to fund projects City-wide and Council will be requested at budget time each year to spend or allocate CBC funds to specific projects in accordance with the CBC Strategy and Corporate Policy.

On June 22, 2022, Mississauga City Council passed the new Community Benefits Charge (CBC) By-law, which is administered by the Corporate Services Department's Finance

Division. This By-law applies to the development and redevelopment of buildings with five or more storeys and ten or more residential units, imposing a charge of 4% of the land value calculated on the day before the building permit is issued. Section 5 of the By-law outlines exemptions for specific uses, including long-term care homes, retirement homes, universities, colleges, Indigenous institutes, Royal Canadian Legion buildings, hospices, non-profit housing, and homes for special care.

As this proposal is more than 5 storeys and does contain 10 or more residential units in total, the CBC is applicable and will be payable at the time of first building permit.

## 10. 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) and Amendment No. 1 (2020), Provincial Policy Statement (2024), 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.

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>.

This proposal is for rental housing and, therefore, is exempt from the requirement of providing a Housing Report to address Affordable Housing. The proposed infill development will provide for 250 new residential rental units within a mix of 1, 2, and 3-bedroom units, of which, 30% are targeted to be affordable rental units.

## 11. Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. No site plan application has been submitted to date for the proposed development.

While the applicant has worked with City departments to address many sites plan related issues through review of the rezoning concept plan, further revisions and refinements will occur through the site plan process.

## 12. Conclusions

In conclusion, City staff has evaluated the applications to permit the addition of two 12 storey rental apartment buildings on the

subject property against the *Provincial Planning Statement*, the Region of Peel Official Plan and Mississauga Official Plan. Staff are of the opinion that the proposed development conforms to the relevant provincial, regional and city policies for appropriate use of the land.

Should the applications be approved by Council, the implementing Official Plan Amendment and Zoning By-law will be brought to a future Council meeting for approval.