

City of Mississauga

Corporate Report



Date: May 21, 2021

To: Chair and Members of Planning and Development Committee

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

Originator's file:
H-OZ 20/001 W1

Meeting date:
June 14, 2021

Subject

REMOVAL OF THE "H" HOLDING PROVISION FROM ZONING BY-LAW 0225-2007 REPORT (WARD 1)

Application to remove the "H" holding provision to permit a 22 storey apartment building with 361 units, ground floor commercial space and four levels of underground parking 78 Park Street East, 22 – 28 Ann Street, west of Hurontario Street, north of Park Street
Owner: Edenshaw Ann Developments Limited
File: H-OZ 20/001 W1

Recommendation

That the report dated May 21, 2021, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding provision application, under File H-OZ 20/001 W1, Edenshaw Ann Developments Limited, 78 Park Street East and 22 – 28 Ann Street, be adopted and that the Planning and Building Department be authorized to prepare the by-law for Council's passage.

Background

On March 25, 2020, City Council passed Zoning By-law 0054-2020 zoning the subject lands **H-RA5-53** (Apartments – Exception with a Holding Provision). Upon removal of the "H" holding provision, the by-law will allow for a 22 storey apartment building.

The "H" holding provision was to remain in effect until the following was completed:

1. Delivery of an executed development agreement.
2. Submission of satisfactory grading and servicing plans.
3. Submission of an updated traffic impact study and functional servicing report.
4. Submission of updated environmental information including a phase II environmental site assessment report.
5. Submission of a final remediation report and a dewatering plan.

6. A record of site condition for lands to be transferred to the City.
7. Satisfactory arrangements with the Region of Peel with respect to waste collection.
8. Confirmation from the Region of Peel of satisfactory arrangements with respect to water and waste water services to the site.
9. A letter from the Planning and Building Department indicating satisfactory arrangements have been made with respect to addressing the City's Housing Strategy.
10. Delivery of an executed agreement for community benefits pursuant to Section 37 of the *Planning Act*.

Comments

Section 36 of the *Planning Act* provides the legislative framework for the removal of the "H" holding symbol and allows municipalities to amend a by-law to remove the "H" holding provision. A formal public meeting is not required; however notice of Council's intention to pass the amending by-law must be given to all land owners within 120 m (400 ft.) to which the proposed amending by-law would apply. Notice was given to all affected land owners by pre-paid first class mail.

Each of the conditions for removing the "H" holding provision has been fulfilled as follows:

- The development agreement is being finalized and will guide the redevelopment of the property. The agreement contains security provisions for a number of items including the amended boulevard treatment along Ann Street.
- The Transportation and Works Department has indicated that they are satisfied with the updated information related to the grading and servicing plans. The updated traffic impact study, functional servicing report and the environmental information has been reviewed by staff and has been found satisfactory.
- The Region of Peel has confirmed that they have finalized arrangements with the applicant for water, waste water and waste collection services for purposes of lifting the H provision. Further details will be finalized through the associated site plan application.
- City Planning Strategies has indicated satisfactory arrangements have been made with respect to addressing the City's Housing Strategy. The property owner has agreed to provide 8 units at or below the affordable threshold market rate price point of (\$420,000) which addresses the missing middle target of the housing strategy. The property owner has also agreed to a development agreement condition that requires the developer to provide verification of the sale price at or below the affordability threshold and confirmation of the household income and principal residence of the unit purchaser upon sale of the above mentioned units.

The following provides additional details with respect to the fulfillment of the following specific condition:

Delivery of an executed agreement for community benefits pursuant to Section 37 of the *Planning Act*, as amended, in a form and on terms satisfactory to the City of Mississauga

Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning on September 26, 2012. In accordance with section 37 of the *Planning Act* and policies contained in Mississauga Official Plan, this policy enables the City to secure community benefits when increases in permitted development are deemed good planning by Council through the approval of a development application and an uplift in land value is achieved.

"Community Benefit" is defined in the Corporate Policy and Procedure as meaning facilities or cash secured by the City and provided by an owner/developer for specific public capital facilities, services or matters. Chapter 19.8.2 of the Official Plan provides examples of potential community benefits.

Following Council's approval of the associated rezoning application OZ 19/008 W1, planning staff held discussions with Realty Services on the appropriateness of requiring the applicant to incur the cost to procure an appraisal report to determine the value of uplift for the site. Based on a review of the 'as of right' Official Plan permission and considering that the approved rezoning application is consistent with what a purchaser of the lands might reasonably anticipate securing approval for, it was concluded that the Section 37 Appraisal Report will not be required as a condition to lift the Holding Provision.

It is noted that an appraisal was conducted for the recently approved and already under construction project at 21-29 Park Street East by the same developer (Edenshaw Park Developments Ltd.) where the Zoning By-law and Official Plan context surrounding the site is identical to the subject site. The appraisal analysis concluded that approval of the rezoning application for 21-29 Park Street East resulted in no uplift in value, as the site specific zoning by-law amendment carried out the height permission already allowed in the Port Credit Local Area Plan. For the subject property, the Port Credit Local Area Plan indicates a maximum height of 22 storeys. This has been applicable to the site since the approval of the Port Credit Local Area Plan in 2015. Although the previous zoning for the site allowed a height permission of 4-8 storeys, land in the Port Credit Community Node has been trading at land values reflective of the permitted heights in the Port Credit Local Area Plan. Based on the above, the recent appraisal exercise at 21-29 Park Street East, and an analysis of the policy context that indicates there will be no uplift in land value, staff have determined that an appraisal report is not required and the condition is thereby satisfied.

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.

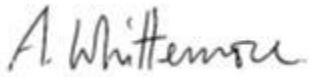
Conclusion

The conditions to remove the "H" holding provision have now been satisfied. The "H" holding provision can be removed once the Development Agreement has been executed.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Existing Zoning and General Context Map



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

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