

City of Mississauga
Corporate Report



<p>Date: November 12, 2021</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: OZ 20/009 W1</p>
	<p>Meeting date: December 6, 2021</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 1)

Official Plan Amendment and Rezoning applications to permit an 11 storey condominium apartment building containing 166 residential units with ground floor commercial space and two levels of underground parking

420 Lakeshore Road East, southwest corner of Lakeshore Road East and Enola Avenue

Owner: 2828778 Ontario Inc. (formerly known as Starbank Group of Companies)

File: OZ 20/009 W1

Recommendation

1. That City Council direct Legal Services, representatives from the appropriate City Departments and any necessary consultants to attend the Ontario Land Tribunal hearing on the subject application under File OZ 20/009 W1, 2828778 Ontario Inc., 420 Lakeshore Road East, to permit an 11 storey condominium apartment building with ground floor commercial space, in support of the recommendations outlined in the report dated November 12, 2021 from the Commissioner of Planning and Building, that concludes that the proposed Official Plan Amendment and Rezoning applications are not acceptable from a planning standpoint and should not be approved.
2. That City Council provide the Planning and Building Department with the authority to instruct Legal Services on modifications to the position deemed necessary during or before the Ontario Land Tribunal hearing process, if, however, there is potential for settlement then a report shall be brought back to City Council by Legal Services.

Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law to permit an 11 storey condominium apartment building with ground floor

commercial space. The building is proposed to step down from 11 storeys along Lakeshore Road East to 3 storeys southward to the existing detached home at the rear of the property.

- The official plan amendment and rezoning applications have been appealed to Ontario Land Tribunal (OLT) by the applicant for non-decision. A case management conference (CMC) date has not yet been scheduled.
- The applicant has made some modifications to the proposal to address issues raised at the public meeting and by staff, including reducing the height and number of units; increasing stepbacks from the southern property line; increasing the proposed parking rate; and revising the proposed entrance and location of the outdoor amenity space and landscaping.
- It has been concluded that the proposed development is not supportable from a planning perspective and the applications are recommended for refusal due to excessive height, scale, massing and density for the subject site, in addition to the outstanding technical matters related to servicing and traffic.
- Staff require direction from Council to attend the OLT proceedings for these applications in support of the recommendations outlined in this report.

Background

A public meeting was held by the Planning and Development Committee on March 8, 2021 at which time an Information Report was received for information. The following is the link (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=9933>)

Recommendation PDC-0016-2021 was then adopted by Council on March 24, 2021 by Resolution 0054-2021.

1. That the report dated February 12, 2021, from the Commissioner of Planning and Building regarding the applications by the Starbank Group of Companies to permit a 12 storey condominium apartment building containing 195 residential units with “live/work” units at grade and two levels of underground parking, under File OZ 20/009 W1, 420 Lakeshore Road East, be received for information.
2. That five oral submissions be received.

On June 18, 2021, the owner appealed the applications to OLT due to non-decision. A CMC has not been scheduled. The purpose of this report is to make a recommendation to Planning and Development Committee on the application and to seek direction with respect to the appeal.

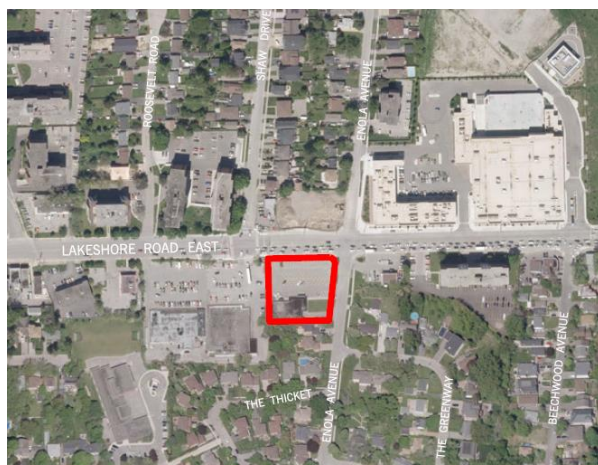
Given the amount of time since the public meeting, full notification was provided.

Comments

REVISED DEVELOPMENT PROPOSAL

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

- The proposed height has been reduced from 12 storeys (41.3 m / 135.5 ft.) to 11 storeys (35.2 m / 115.5 ft.);
- The building floor plates have been reduced which results in the Floor Space Index being reduced from 4.96 to 3.73;
- The number of units has been reduced from 195 units to 166 units;
- The development now meets the 45 degree angular plane from the rear property line;
- The live/work units have been replaced with commercial uses at grade;
- Additional parking has been proposed so that the proposed parking rate increase from 0.95 spaces per unit to 1.15 spaces per unit (includes visitor parking);
- The driveway entrance onto Enola Avenue has been relocated from the middle of the property to the southern end of the site; and
- The proposed outdoor amenity space been revised to reflect the revised driveway location.



Aerial image of 420 Lakeshore Road East



Rendering of the applicant's development proposal at the corner of Lakeshore Road East and Enola Ave

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 July 22, 2020. A virtual community meeting was held by Ward1 Councillor, Stephen Dasko on November 17, 2020. Approximately 50 people attended the meeting. Over 70 emails and letters identifying issues of concern from residents were received. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on March 8, 2021. Four members of the public made deputations regarding the applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

PLANNING ANALYSIS SUMMARY

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

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

While the proposed development supports the general direction in Provincial documents to support intensification, the proposal as currently configured is not considered to be consistent with the PPS and does not conform to the Growth Plan as it exceeds what is considered appropriate development for the level of intensification that has been planned for this area of the City.

The subject property is located within the Lakeview Neighbourhood Character Area, which is not to be the focus for intensification. The proposed building height of 11 storeys is a departure from the existing and planned height context of low to mid-rise buildings (maximum height permitted is 8 storeys) in the area. The proposed building is considered a "tall building" and is located in an area not intended for this building type (e.g. not within a Major Transit Station Area). Aspects of the proposed built form and urban design (e.g. buffers, setbacks, amenity space, parking spaces) should be revised to improve compatibility and/or better reflect the planned character of the area.

The proposed development would benefit if affordable housing was provided, the size of floorplates was further reduced and the amount of retail space along Lakeshore Road East was further increased. In addition, the City is not satisfied that the application has sufficiently demonstrated that existing and/or proposed servicing infrastructure can accommodate the proposed development (e.g. additional details are required for issues such as stormwater and traffic). A detailed Planning Analysis is found in Appendix 2.

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.

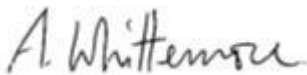
Conclusion

The Lakeshore Road East neighbourhood is evolving and there is opportunity to accommodate some change and appropriate intensification; however, new development needs to support the MOP urban hierarchy, the planned character, vision and intended sense of place for this portion of the Lakeshore Road Corridor. Approval of the development as currently proposed could be seen as signaling planning support for other tall buildings along the corridor. This could have a destabilizing impact on the planned function of the area.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Paul Stewart, Development Planner