

City of Mississauga
Corporate Report



<p>Date: January 21, 2022</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 20-006 W1</p>
	<p>Meeting date: February 14, 2022</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 1)

Official Plan Amendment and Rezoning applications to permit a 22 storey apartment building with 258 units and six levels of underground parking.

42-46 Park Street East and 23 Elizabeth Street North, west of Hurontario Street, north of Park Street East

Owner: Edenshaw Elizabeth Developments Limited

File: OZ 20-006 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 applications under File OZ 20-006 W1, Edenshaw Elizabeth Developments Limited, 42-46 Park Street East and 23 Elizabeth Street North to permit a 22 storey apartment building with 258 units and six levels of underground parking in support of the recommendations outlined in the report dated January 21, 2022, 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, however if there is a potential for settlement then a report shall be brought back to Council by Legal Services.

Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law to allow a 22 storey apartment building with reduced development standards
- The official plan amendment and rezoning applications have been appealed to Ontario Land Tribunal (OLT) by the applicant for non-decision. A pre-hearing conference or hearing date has not yet been scheduled
- Staff require direction from Council to attend any OLT proceedings which may take place in connection with the applications in support of the recommendations outlined in this report
- The planning applications have not been deemed to be acceptable and should be refused. The proposed building is not appropriate for the site given the Mississauga Official Plan – Urban Structure, does not meet design requirements and sets an undesirable precedent for development in the Port Credit Community Node

Background

A public meeting was held by the Planning and Development Committee on December 7, 2020, at which time an Information was received for information. Recommendation PDC-0050-2020 was then adopted by Council on December 9, 2020.

1. That the report dated November 13, 2020, from the Commissioner of Planning and Building regarding the applications by Edenshaw Elizabeth Developments Limited to permit a 22 storey apartment building with 258 units and six levels of underground parking, under File OZ 20/006 W1, at 42-46 Park Street East and 23 Elizabeth Street North, be received for information.
2. That seven oral submissions be received.

The link to the Information Report is as follows:

<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=11906>

On November 19, 2021, the owner appealed the applications to OLT due to non-decision and a pre-hearing date 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.



Aerial image of site outlined in red

Comments

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 June 25, 2020. A community meeting was held by Ward 1 Councillor Stephen Dasko on November 30, 2020. Fifty people attended the meeting. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

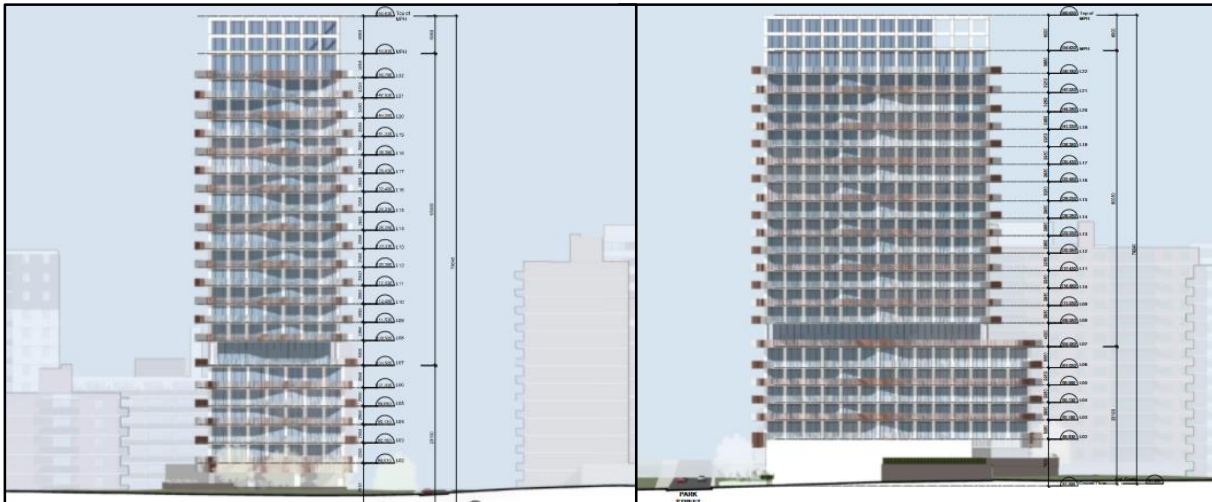
The public meeting was held on December 7, 2020. Seven members of the public made deputations regarding the applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

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 applicant is proposing a 22 storey apartment building with 258 units and 6 levels of underground parking. An official plan amendment is required to amend the height schedule within the Port Credit Local Area Plan to permit 22 storeys, whereas the maximum permitted height is 15 storeys. A zoning by-law amendment is also required to change the zoning for the site from **RA2-48** (Apartment) to **RA5-Exception** (Apartment).

The property is located at the north-west corner of Park Street East and Elizabeth Street North in the Port Credit Community Node. The subject site represents an assembly of 4 properties. The property at 42 Park Street East contains a detached dwelling and a duplex dwelling (addressed 45 Park Street East). The properties at 44 and 46 Park Street East and 23 Elizabeth Street North each contain a detached dwelling. Park Street East and Elizabeth Street North are both local roads that serve the Community Node. The site is located about 100 m (328. ft.) from the Port Credit GO Station platform entrance and about 250 m (820.2 ft.) from the future Hurontario LRT. The property is located within a Major Transit Station Area as identified in the provincial Growth Plan.



Elevation Drawings – North (left) and East (right) elevations

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

The property is located within a proposed Major Transit Station Area associated with the proximity of the existing Port Credit GO Station and the future Hurontario LRT Station. While Mississauga Official Plan and the Port Credit Local Area Plan anticipates that the Port Credit Community Node will receive intensification as per the mandated growth allocations in the Growth Plan, the node is already achieving the minimum required density target and is projected to exceed this requirement with infill development occurring within the current Official Plan permissions.

Accompanying the density targets, the Growth Plan also mandates municipalities to set development standards in these areas. The Local Area Plan prescribes height maximums in order to strike a balance between accommodating new infill development that is complimentary of the existing building stock and area character. Permitting a height over and above the height schedule is not required to meet Growth Plan density targets and further undermines the specific intent with respect to building heights that the Local Area Plan aims to achieve. In addition, due to the site being too small for a tall building, the overall proposal is seen to compromise the local planning objectives in achieving proper building separation distances, setbacks and massing impacts.

Mississauga Official Plan (MOP) City Structure policies recognize the different functions that various areas of the City perform by guiding new development in a manner that is supportive and reflective of provincial requirements within the city's context. MOP generally directs the greatest density and building heights to the City's Downtown Character Areas, with density and heights lowering from Major Node Character Areas down to Community Node Character Areas and Neighbourhoods. These applications propose a building that is not reflective of its position within the City structure.

The Port Credit Local Area Plan includes a Height Schedule that permits a maximum height of 15 storeys for the subject property. The intent of the height schedule is to recognize the existing building stock and established context, while balancing anticipated infill development. In particular, the height schedule aims to achieve a skyline that transitions down from the highest heights near the GO Station and LRT station vicinity towards the Credit River and Lakeshore Road corridor. Permitting a height of 22 storeys at the subject site is not reflective of recent and anticipated development patterns and will undermine the specific intent of the Port Credit Local Area Plan Height Schedule.

Even within the Port Credit Central Residential Precinct, this relatively narrow land assembly is viewed as a small site. As a result, the application proposes deficient development standards that disregard the Port Credit Built Form Guidelines with respect to appropriate setbacks to property lines, sun and shadow impacts and adequate building separation distances. Approval of the proposal will create an undesirable condition that does not adhere to the development standards that are promoted by the guidelines for new infill development within the node.

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.

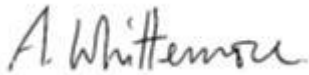
Conclusion

The proposed official plan amendment and rezoning applications are not acceptable from a planning standpoint and should not be approved.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: David Ferro, MCIP, RPP, Development Planner