

City of Mississauga  
**Corporate Report**



<p>Date: May 6, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's file: H-OZ 21/003 W7</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Meeting date: May 30, 2022</p>

## Subject

### **REMOVAL OF THE "H" HOLDING PROVISION FROM ZONING BY-LAW 0225-2007 REPORT (WARD 7)**

**Application to remove the "H" holding provision to permit an 18 storey apartment building having 428 dwelling units and ground floor commercial space  
 3009 Novar Road, northeast corner of Dundas Street West and Novar Road  
 Owner: Mississauga II GP Inc. (Emblem Developments)  
 File: H-OZ 21/003 W7**

## Recommendation

That the application under File H-OZ 21/003 W7, Mississauga II GP Inc. (Emblem Developments), 3009 Novar Road, to remove the "H" holding provision application from the text of By-law 0225-2007 and the "H" symbol from the zoning map, be approved, as outlined in the report dated May 6, 2022 from the Commissioner of Planning and Building and that the Planning and Building Department be authorized to prepare the by-law for Council's passage.

## Background

On June 2, 2021, City Council passed By-law 0128-2021 which zoned the subject property **H-RA4-53** (Apartments – Exception with a Holding Provision). Upon removal of the "H" holding provision the by-law will allow for an 18 storey apartment building having 428 dwelling units and ground floor commercial space.

Appendices 1, 2 and 3 identify the lands to which the by-law applies, the underlying zoning, and the proposed site plan.

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

1. Land dedications as required by the City of Mississauga;
2. Delivery of drawings and securities for the provision of upgraded streetscape works to the satisfaction of the City; and,
3. Delivery of an executed Development Agreement in a form and on terms satisfactory to the City and Region of Peel.

## Comments

Section 36 of the *Planning Act* provides the legislative framework for a municipality to add and remove an "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 landowners within 120 m (400 ft.) to which the proposed amending by-law would apply. Notice was given to all affected landowners by pre-paid first class mail for this application.

The conditions for removing the "H" holding provision are in the process of being fulfilled. It is anticipated that the Development Agreement will be finalized and brought to Council in fall 2022 or early 2023 due to the municipal election. The agreement will address land dedications and the installation of the streetscape, including Public Utilities Coordinating Committee approval, abutting the development along Dundas Street East (i.e. street trees, unit paving, benches, waste receptacles, street lighting). An interim lifting of the 'H' provision may be granted for below ground works only, if appropriate securities/agreement are acquired from the applicant to the satisfaction of the Commissioner of Planning and Building.

## Financial Impact

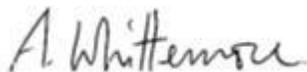
All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

## Conclusion

The conditions to remove the "H" holding provision have now been satisfied. The "H" holding provision can be removed from the by-law and the "H" holding symbol can be removed from the zoning map once the Development Agreement has been executed.

## Attachments

- Appendix 1: Aerial Photograph
- Appendix 2: Existing Zoning and General Context Map
- Appendix 3: Proposed Site Plan



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

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