

City of Mississauga
Corporate Report



<p>Date: April 14, 2023</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: OZ/OPA 21-8 W4 and 21T-M 21-3 W4</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: May 8, 2023</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 4)

Official Plan Amendment, Rezoning and Plan of Subdivision applications to permit eight apartments, ranging in height from 28 to 42 storeys with ground related commercial uses, one 45 storey mixed used building and eight blocks of townhouses containing 120 units.

4615 Hurontario Street, 25, 35, 55, 105 and 110 Elia Avenue and 136 Eglinton Avenue East, south of Eglinton Avenue East and east of Hurontario Street

Owner: The Elia Corporation

Files: OZ/OPA 21-8 W4 and 21T-M 21-3 W4

Pre-Bill 109

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/OPA 21-8 W4 and 21T-M 21-3 W4, The Elia Corporation, 4615 Hurontario Street, 25, 35, 55, 105 and 110 Elia Avenue and 136 Eglinton Avenue East to permit eight apartments, ranging in height from 28 to 42 storeys with ground related commercial uses, one 45 storey mixed use building and eight blocks of townhouses containing 120 units in support of the recommendations outlined in the report dated April 14, 2023 from the Commissioner of Planning and Building, that concludes that the proposed official plan amendment, rezoning and draft plan of subdivision are not acceptable in their current form 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, change the zoning by-law and permit a plan of subdivision to allow eight apartments, ranging in height from 28 to 42 storeys with ground related commercial uses, one 45 storey mixed use building and eight blocks of townhouses containing 120 units
- The official plan amendment, rezoning and plan of subdivision applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for non-decision. A pre-hearing conference occurred on March 31, 2023
- Staff require direction from Council to attend any OLT proceedings which may take place in connection with the applications and in support of the recommendations outlined in this report
- It has been concluded that the proposed development is not supportable from a planning perspective
- An approval by OLT should be subject to an “H” holding provision to address outstanding technical requirements.

Background

A public meeting was held by the Planning and Development Committee on January 10, 2022 at which time an Information Report (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=18430>) was presented.

Recommendation PDC-0005-2022 was then adopted by Council on January 19, 2022.

1. That the statutory public information meeting was held regarding the applications by The Elia Corporation to permit eight apartments, ranging in height from 28 to 42 storeys with ground related commercial uses, one 45 storey mixed used building, and eight blocks of townhouses containing 120 units, under Files OZ/OPA 21-008 W4 and T-M21003 W4, 4615 Hurontario Street, 25, 35, 55, 105 and 110 Elia Avenue and 136 Eglinton Avenue East.

On November 29, 2022, the owner appealed the applications to the Ontario Lands Tribunal (OLT) due to non-decision and a pre-hearing date was scheduled for March 31, 2023. 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.

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 4615 Hurontario Street, 25, 35, 55, 105 and 110 Elia Avenue and 136 Eglinton Avenue East



Applicant's rendering of the eight apartment buildings ranging in heights from 28 storeys to 42 storeys with ground related commercial uses, 45 storey mixed use building and eight blocks of townhouses.

Comments

COMMUNITY ENGAGEMENT

Notice signs were placed on the subject lands advising of the proposed official plan amendment, zoning change and plan of subdivision. All property owners within 120 m (393 ft.) were notified of the applications on December 16, 2021. A community meeting was held by Ward 4 Councillor, John Kovac, on December 15, 2021. 51 people attended the meeting. 25 written submissions 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 January 10, 2022. No 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* 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. 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 applications seek to redevelop the site for tall buildings, which supports general intensification policies and transit investment. As a result, the applications are consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe* and the Region of Peel Official Plan. However, through the submission material, the applicant has not justified how the current proposal conforms to the MOP policies relating to height, sun shadow impact, scale and transition.

Additionally, there are a number of technical studies and issues that have not yet been adequately addressed (e.g. Traffic Impact Study, Sun Shadow Study).

Strategic Plan

The applications are consistent with the Connect pillar of the Strategic Plan by contributing a choice of housing type to residents that supports the principle of building complete communities to accommodate growth.

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

Staff have reviewed the Planning Justification Report and other technical information submitted with the applications and concluded that the development, as proposed, is not acceptable from a planning standpoint and should not be approved.

Should these applications be approved by OLT, staff will recommend that an "H" holding provision be applied to the lands to ensure that all technical information be provided and that

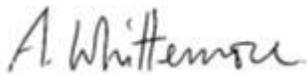
Originator's files: OZ/OPA 21-8 W4 and 21T-M 21-3 W4

appropriate agreements be completed by the applicant. Should the required justification and technical information be received and found acceptable prior to the OLT hearing, staff will bring a supplementary recommendation report to Council in order to receive direction on how to proceed with respect to the OLT hearing.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Adam Lucas, Development Planner