

City of Mississauga
Corporate Report



<p>Date: May 2, 2023</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 files: OZ 19/003 W1</p>
	<p>Meeting date: May 15, 2023</p>

Subject

INFORMATION REPORT (WARD 1)

Request for Minister's Zoning Order for Lakeview Waterfront

1082 Lakeshore Road East and 800 Hydro Road

South side of Lakeshore Road East, east of Lakefront Promenade

Owner: Lakeview Community Partners Limited

File: OZ 19/003 W1

Recommendation

That the report dated May 2 2023, from the Commissioner of Planning and Building regarding the request by Lakeview Community Partners Limited (LCPL) to the Ministry of Municipal Affairs and Housing for a Minister's Zoning Order (MZO), in association with File OZ 19/003 W1, 1082 Lakeshore Road East and 800 Hydro Road, be received for information and forwarded to the Ministry of Municipal Affairs and Housing.

Background

PROPOSAL

City staff have been notified by staff from the Ministry of Municipal Affairs and Housing that LCPL has submitted a request for a MZO for the Lakeview Waterfront lands known as Lakeview Village. The MZO seeks to increase the permitted density from 8,050 units to 16,000 units, permit unlimited heights, and eliminate site plan control. The request includes draft zoning provisions for further reductions to the approved regulations, including, but not limited to:

- No density maximum on a block by block basis
- No requirement for townhomes
- Allow larger floor plates for towers

- No requirement for podiums
- No minimum front and/or exterior side yard setbacks for apartments buildings
- Further reduced amenity areas for apartment buildings
- Further reduced landscape areas
- Further reduced parking standards for residential, commercial and employment uses
- Building heights limited to 10 storeys for waterfront facing buildings but unlimited everywhere else

City staff met with Ministry staff to seek clarity on the request and corresponding process. It was indicated that the Ministry was seeking City feedback at this time. It was also indicated that there is no structured process associated with granting a MZO and that the order is at the sole discretion of the Minister.

MZO's IN MISSISSAUGA

On February 3, 2021 Council endorsed City positions and recommendations relating to the Province's use of MZO's. This included the recommendation that criteria be established for MZO's to ensure they are applied to appropriate uses such as projects that support affordable housing, public health and/or significant job creation. It was recommended that MZO's should not be used to support market rate residential development. Further, it was recommended that there should be a requirement for applicants to obtain lower tier and upper tier Council support. The report can be found here:

<https://pub-mississauga.escribemeetings.com/filestream.ashx?DocumentId=8965>

To date, the Minister has passed four MZO/EMZO's in the City, two of which were at the request of Council and a third Council request has recently been sent to the Ministry for consideration. The MZO's are for:

- 600 Eglinton Avenue East (former driving range) – to support long term care housing
- 2210 Speakman Drive – to support a long term care facility and hospice
- 6967 Maritz Drive (Studio Bottega) – to support a film studio
- 100 Queensway West – to support the Trillium Hospital expansion
- 3058 Winston Church Blvd. (Ivan Franko Homes) – to support a long term care facility (MZO not yet issued)

Council has previously supported MZO requests from applicants in instances where the use was appropriate and planning processing timelines were deemed to be the primary approval obstacle. In each of the above circumstances, the MZO was specific to a single development and occurred prior to the start of the planning process, not at the end.

Comments

The property is located along the Lake Ontario waterfront south of Lakeshore Road East, east of Cawthra Road within the Lakeview Waterfront Major Node Character Area. The site is 177

acres and has been planned and approved for a new mixed-used waterfront community with over 20 development blocks.



Aerial image of 1082 Lakeshore Road East and 800 Hydro Road



Applicant's rendering of the approved development

HISTORY

The visioning and planning of Lakeview Waterfront has been a long and comprehensive process with extensive community engagement. Initial visioning began in 2006 as a grass roots community led initiative shortly after the demolition of Lakeview Power Generating Station. The late Councillor Jim Tovey, a local resident at the time, was instrumental in bringing forward the Lakeview Legacy Project.

In 2010, the City began the Inspiration Lakeview visioning process which included technical analysis on the feasibility of redevelopment and planning the uses and general built form for a new mixed use waterfront community. The City collaborated with the Province, Ontario Power Generation (OPG), the community and various consultants in developing the Inspiration Lakeview Master Plan. Community meetings and feedback from OPG helped to shape where taller buildings could be accommodated on site. The Master Plan which included approximately 5,300 units on the subject lands was endorsed by Council in 2014.

The City brought forward an Official Plan amendment for Lakeview Waterfront in July 2018 which changed the official plan designations to align with the new waterfront community. Lakeview Community Partners Limited provided feedback on the amendment and the density was increased to 6,800 units.

A Development Master Plan was submitted in October 2018 and over the course of the following year the City worked collaboratively with LCPL, the Lakeview Community Advisory Panel (LCAP), outside agencies and various consultants through multiple versions of the Development Master Plan. The plan was assessed and scrutinized as a comprehensive community with deliberate and thoughtful consideration given to built form and location of towers. Criteria was established which informed where taller buildings were best suited and principles were agreed upon for the interface between the waterfront and building heights. Wind studies and shadow studies were assessed. The final version of the Development Master Plan was endorsed by Council in November 2019 with an increase in density to 8,000 units.

From the end of 2019 through to November 2021 staff continued to work collaboratively with LCPL and their consultants on the submitted development applications. Various technical analysis was carried out and details of the community continued to evolve. Council approved the draft plan of subdivision, official plan amendment and rezoning on November 10, 2021 with a total of 8,050 units. The report can be found here:

<https://pub-mississauga.escrimemeetings.com/FileStream.ashx?DocumentId=16437>

The implementing zoning by-law was approved by Council on June 8, 2022. The official plan amendment and zoning by-law are in full force and effect. Currently staff continue to work with LCPL through the subdivision engineering process, which is substantially advanced.

NEGOTIATIONS AND INNOVATIONS

Through the review of the development applications and drafting of the implementing Zoning By-law, a number of custom-made development standards were considered and applied to the community, including:

- Permission for taller buildings
- More generous density on a per block basis
- Narrower roads and right-of-way widths
- Urban school on a smaller property with reduced yard space, underground parking and no on-site drop off

- Reduced parking standards
- Reduced building setbacks
- Reduced setbacks to natural protection areas
- Reduced landscaped areas and amenity space

IMPLICATIONS AND ISSUES

The request to double the density and permit unlimited heights presents significant concerns which include:

1. **Insufficient Road Capacity**

The entirety of the development is serviced by Lakeshore Road East as there are no connecting roads to the west, east or south. Currently there is not enough road network capacity to accommodate the approved 8,050 units. Holding Zones have been applied to a portion of the residential lands and to the Innovation Corridor employment lands until such time that road network capacity increases.

Road network capacity is expected to increase through intersection improvements within the area as well as the introduction of a Lakeshore Bus Rapid Transit (BRT) in 2028. The Lakeshore BRT is 2 km of centre-running dedicated lanes that will allow City buses to run between East Avenue and Etobicoke Creek. While ultimate plans see the Lakeshore BRT expand into Port Credit, this extension is not funded and there are a number of land property challenges associated with introducing dedicated bus lanes within the mainstreet right-of-way west of the planned BRT lanes.

With the doubling of density along the corridor and the introduction of the future BRT infrastructure, ridership demand along the corridor is anticipated to grow significantly. To address this demand, additional transit service would be required.

Currently Lakeview Village has only two access points to Lakeshore Road East, which are through Lakefront Promenade and Hydro Road. Additional connecting streets are planned through the extension of Ogden Road and Haig Boulevard, however, the land to create those connections is privately held and it is not known when the road network can be completed.

Transportation network improvement requirements associated with these additional 8,000 units were not identified in the transportation background study which supported the City's Development Charges By-law update in 2022, and therefore their associated impact on the DC rate, if any, for roads and road related infrastructure improvements is unknown.

Given that capacity challenges that already exist with accommodating 8,050 units, doubling the density represents a significant concern.

2. Insufficient School Capacity

The approved plans include a block assigned for a new public elementary school. Through extensive negotiations with the Peel District School Board, the block is sized to accommodate a 3 storey urban elementary school with a reduced play yard, underground parking and no on-site drop-off. The school is sized to accommodate only the number of children projected from the approved 8,050 units.

The school would not be able to accommodate children generated by 16,000 units. There is no additional public school capacity within the catchment area of the community. Additionally it is not known whether doubling the density could result in the need for a high school or a school(s) from the Dufferin Peel Catholic School Board, for which there are no blocks allocated.

3. Revisions to Right-of-Ways

It is anticipated that doubling the density could require changes to the municipal rights-of-ways within the development through the introduction of double lanes and/or turning lanes at intersections. A resulting effect would be reductions to block sizes including park blocks.

4. Undermining of planning and public engagement

The approval of Lakeview Village can be regarded as a planning success story for a landmark waterfront community. The approved community plan went through multiple years of visioning, planning analysis and community consultation. In addition to the general community and the Lakeview Community Advisory Panel, engagement was conducted with the Mississaugas of the Credit First Nation, Eagle Spirits of the Great Waters and the Greatness The Great Lakes Project. Thoughtful consideration was given to varying types of height, built form and housing types. The location of towers was deliberate and based upon collectively agreed upon principles. Community feedback was particularly instrumental in shaping the interface between the waterfront and the building heights closest to it.

5. Implications to adjoining redevelopment lands

While the Lakeview Village community forms a part of Lakeview Waterfront, the adjoining lands to the north, known as Rangeview Estates and consisting of 67 acres, forms the second part. Official Plan policies permit up to 3,700 new residential units on these lands. Rangeview Landowners Owners Group Inc. has recently submitted a Development Master Plan illustrating 5,300 units. Prior to approval of the Lakeview Village implementing zoning by-law, Rangeview Landowners Owners Group Inc. expressed concern with the approval of 8,050 units due to the resulting lack of road capacity on Lakeshore Road East and the implications it would have on their ability to redevelop. Rangeview Landowners Owners Group Inc. subsequently appealed the Official Plan Amendment and implementing Zoning By-law to the Ontario Land Tribunal, but subsequently withdrew their appeal.

The requested MZO is likely to have implications on the Rangeview lands being able to develop as a result of insufficient road capacity. Moreover, it sets a precedent for the type and scale of development that is permissible.

6. **Air Emissions and Land Use Compatibility**

Information gathered through the review of the supporting studies for compatibility to the G.E. Booth waste water treatment facility revealed that emissions being released from the smoke stack can impact residential units above a certain height. The request for unlimited heights is concerning from a land use compatibility and health and safety perspective, particularly for some towers where storeys exceed the high twenties.

The MZO request seeks to permit a long term care facility use within the Innovation Corridor employment lands adjacent to the G.E. Booth waste water treatment facility. Noise studies indicate that noise levels in this area are above those permissible for sensitive land uses. Air emissions compatibility is unknown.

7. **Need for Holding Provisions**

The approvals granted by the City included a number of Holding Symbols being incorporated into the implementing Zoning By-law. The Holding Symbols do not form part of the MZO request. The Holding Symbols were required for the following reasons:

- Payment and timing of community benefits
- Holding back development of some residential units and restricting development on employment lands until such time that road network capacity has increased
- Restricting development on specific blocks due to odour compatibility until such time that upgrades are completed to the G.E. Booth waste water treatment facility
- Restricting development on specific blocks due to noise compatibility until such time that industrial uses in Rangeview cease or are mitigated

In addition to the above concerns, there are also issues where the implications of the MZO remain unknown. These include:

1. Servicing and infrastructure requirements.
2. LCPL had made a commitment to provide 5% of the approved 8,050 units as affordable housing. It is unclear through the MZO request what commitments to affordable housing are proposed.
3. A community benefit contribution in the amount of \$14,000,000 was negotiated under the previous Section 37 regulations based on the increase in units approved. Holding symbols were incorporated into the zoning by-law which created the framework for the timing of the delivery of the contribution. Given the legislative changes to the *Planning Act*, specifically the transition provisions related to Density

- Bonusing under section 37.1, the implications of an MZO on the status of the community contributions currently secured for the site are unclear.
4. Additional legislative changes, including most recently the Planning Act changes imposed by Bill 23, created transition provisions for approved draft plans of subdivision and zoning by-laws that were approved prior to its enactment. The impacts of an MZO on the transitioned status of these instruments is unclear, and has the potential to undo critical components that are considered concluded, including parkland and cash-in-lieu of parkland contributions.
 5. It is anticipated that the pumping station located in the Innovation Corridor employment lands will likely need to be enlarged, reducing the amount of land available for new businesses.
 6. The City is undertaking the Transit Project Assessment Process (TPAP) and preliminary design for the Lakeshore BRT. This process would not have considered these additional 8,000 units into the preferred alternatives, and such significant deviation would create financial and timing delays for the City.

ACCOMODATING GROWTH CITY WIDE

The Province has set the goal of building 1.5 million new homes over the next 10 years. As indicated in the Province's 2031 Municipal Housing Targets, Mississauga's share of accommodating this growth is 120,000 new units.

Currently the City is processing applications or reviewing plans which when built out would total over 90,000 new units. The estimated unit capacity based on existing Official Plan permissions and Master Plans amounts to 246,000 new units which exceeds both the Regional Official Plan and Bill 23 targets.

Financial Impact

The financial implications of a possible MZO are difficult to quantify but should not be seen as an automatic net increase in revenues to the City to fund unplanned or accelerated infrastructure projects. As noted above, the MZO could have impacts on the negotiated s.37 agreement and calculations; in addition, it could impact the negotiated parkland credit and dedication agreements. Depending on how legislation is applied, these could be significant negative impacts to Cash-in-Lieu of Parkland and Community Benefit Charge/s.37.

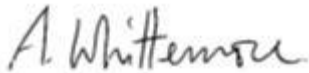
Doubling the density would theoretically double the development charges on the project, however it is important to note that this increased density would either add or accelerate

additional infrastructure needs which are not currently part of or prioritized in the DC Background Study and Capital Plan. The additional development charges would not necessarily be allocated to this site as these revenues are planned for projects across the City subject to the Background Study. The demand for infrastructure from this increased density would require a complete review of the current capital program for the City and likely create similar pressures for the Region of Peel.

Conclusion

Lakeview Village has been planned as comprehensive landmark community and represents a legacy piece to Mississauga's waterfront. Its recent approvals represents a culmination of many years of visioning, planning analysis and community consultation. The approved plans and standards are the product of that work.

The request to the Ministry of Municipal Affairs and Housing by LCPL for a MZO represents a significant departure from the planning approvals granted by the City including the collaboratively negotiated density, heights and development standards. There are a number of matters resulting from the request which present either a significant concern or have not yet been assessed.



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

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