

City of Mississauga  
**Corporate Report**



<p>Date: May 10, 2023</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's file: OZ/OPA 23-3 W1</p>
	<p>Meeting date: May 29, 2023</p>

## Subject

### **PUBLIC MEETING RECOMMENDATION REPORT (WARD 1)**

**Official Plan Amendment and Rezoning applications to permit a 38 storey apartment building with ground floor commercial space**

**70 Park Street East, 23, 25, 29 and 31 Helene Street North, 53 Queen Street East, north of Park Street East of Helene Street North**

**Owner: 70 Park Street East Inc.**

**File: OZ/OPA 23-3 W1**

**Bill 109**

## Recommendation

1. That the applications under File OZ/OPA 23-3 W1, 70 Park Street East Inc., 70 Park Street East, 23, 25, 29 and 31 Helene Street North, 53 Queen Street East, to amend the Mississauga Official Plan to include additional uses within the existing **Residential High Density** designation to permit a height maximum of 38 storeys and to amend the existing **RA5-27** (Apartments – Exception) zone to permit a 38 storey apartment building with ground floor commercial uses, are not acceptable in their current form and should not be approved.
2. That Planning and Development Committee authorize staff to engage with the applicant to explore potential agreement with the applicant and to bring back a report to Committee should revisions be found acceptable.

## Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law in order to allow a 38 storey apartment building with ground floor commercial space
- Staff have evaluated the proposal against the Provincial Policy Statement, the Growth Plan for Greater Golden Horseshoe, Region of Peel Official Plan and Mississauga Official Plan
- Provincial, Regional and local planning policies support intensification on the subject site, as the site's proximity to the Port Credit GO Station warrants further redevelopment
- However, it has been concluded that the proposed 38 storey apartment building is not supportable from a planning perspective for the following items:
  - The Region of Peel has stated that there is no capacity within the current waste water infrastructure to accommodate the increased density as a result of the 38 storey proposal
  - The proposal does not maintain Metrolinx's rail safety requirement of a 30.0 m ( 98.4 ft.) separation distance
  - The proposed 38 storey building height maximum is a significant departure from the existing and planned height context anticipated in the Port Credit Local Area Plan
  - There are additional development matters that are required to be addressed through the submission of a number of technical studies that have not properly been addressed
- Notwithstanding the outstanding technical items, staff have provided rationale for an alternative height maximum of 22 storeys for the subject site
- The applications are recommended for refusal for reasons including servicing capacity issues, compatibility with the railway corridor and excessive height, amongst other development issues

## Background

Official plan amendment applications were deemed complete on February 23, 2023 and subsequently circulated for technical comments. The purpose of this report is to provide information on the applications and to provide a detailed planning analysis, including recommendations for the Planning and Development Committee's consideration.

# Present Status

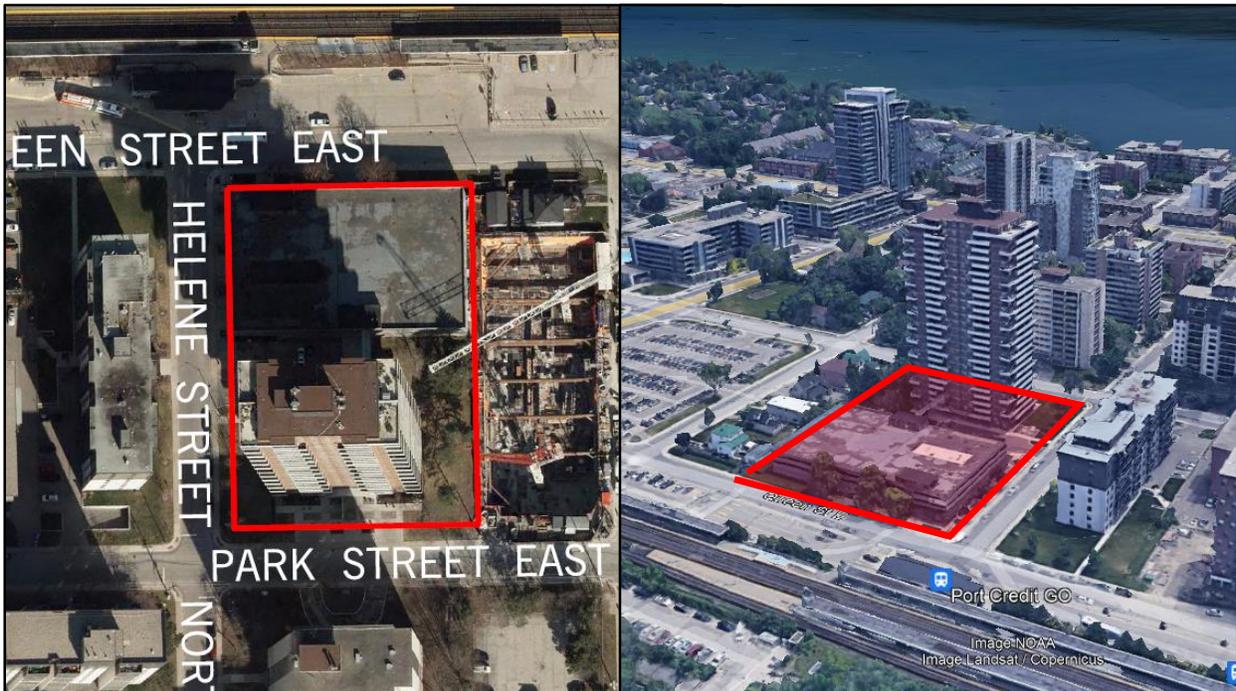
## 1. Site Information

### (a) Site Location and Description

The site is a corner lot with frontage on Queen Street East Park Street East and Helene Street North, within the Central Residential Precinct of the Port Credit Community Node. The site is rectangular in shape and is directly across the street from the Port Credit GO

Station entrance. The properties currently contain a 27 storey apartment building along the southerly Park Street East frontage and a 3 storey parking garage along the Queen Street East frontage.

Property Size	
Frontages: Park St. E. & Queen St. E. Helene St. N.	67.0 m (219.8 ft.) approx. 93.0 m (305.1 ft.) approx.
Gross Lot Area:	0.62 ha ( 1.53 ac.)



Aerial Photo and 3D Photo of 70 Park Street East



**Photos of Existing Site Conditions (Source: Google Maps)**

**(b) Site History**

- January 1, 1967 – building permit issued for the existing structures on site.
- June 20, 2007 – Zoning By-law 0225-2007 came into force. The subject lands were zoned **RA5-27** (Apartments), which permits a 28 storey apartment building, subject to a total site FSI maximum.
- November 14, 2012 – Mississauga Official Plan (MOP) came into force which designates the subject site Residential High Density within the Port Credit Community Node Character Area.
- December 21, 2015 – Port Credit Local Area Plan (LAP) came into force and replaced the previous LAP with updated policies. The LAP included new policies and guidelines applicable to the site pertaining to height and built form.
- October 12, 2022 – Development Application Review Committee (DARC) meeting held with the proponent and City staff to provide submission requirements and preliminary feedback, under file DARC 22-396. At that time, the overall building height included as part of the proposal was 34 storeys.
- February 21, 2023 – A community meeting was held by Ward 1 Councillor, Stephen Dasko. The proponent presented to the community the most recent concept plan, which included a building height of 38 storeys.
- February 22, 2023 – the subject applications were deemed complete and are being processed under the City's new development application pilot project, as a response to the Province's recent legislation under Bill 109.

**(c) Site Context**

The property is located within the Central Residential Precinct of the Port Credit Local Area Plan. The surrounding area is characterized by a mix of apartment buildings ranging from 5 to 27 storeys, with shorter buildings found throughout the precinct.

Immediately east of the site is a recently approved and under construction 22 storey apartment building with ground floor related commercial space. To the north of the subject site is the Queen Street East right-of-way and the entrance to the Port Credit GO Station and railway tracks. West of the site is an 8 storey apartment building and further west, within the same block, is an 11 storey apartment building and lands subject to ongoing development applications for a 22 storey apartment building. To the south of the site is a 12 storey apartment building and just south-west of the site is a 14 storey apartment building.

Park Street East is an east-west local road that services the Community Node and facilitates residential traffic movement throughout the precinct. Helene Street North is a north-south local road that provides a direct connection between the Port Credit GO Station and the Lakeshore Corridor and contains mostly residential uses.

The surrounding land uses are:

North:	Port Credit GO Station, railway tracks
East:	Mixed Use
South:	Residential High Density
West:	Residential High Density

**2. Surrounding Development Applications**

The following development applications are in process or were recently approved in the immediate vicinity of the subject property:

- OZ/OPA 22-3 W1 – 17 and 19 Ann Street, 84 and 90 High Street and 91 Park Street East – applications in process for a 22 storey apartment building with commercial uses at grade and the retention of two historic buildings for commercial and residential uses
- OZ/OPA 22-10 W1 and T-M 22-002 W1 – 88 Park Street East – (appealed by applicant to OLT) applications in process for 42 and 40 storey apartment buildings with commercial uses on the first two storeys
- OZ 21/016 W1 – 170 Lakeshore Road East – applications in process for a 17 storey apartment building with commercial uses at grade

- OZ 20/006 W1 – 42 to 46 Park Street East and 23 Elizabeth Street – (appealed by applicant to OLT) applications in process for a 22 storey apartment building
- OZ 19/008 W1 – 78 to 80 Park Street East and 22 to 28 Ann Street – applications approved in March 2022 for a 22 storey apartment building with commercial at grade
- OZ 14/007 W1 – 6 to 10 Ann Street and 77 to 81 High Street East – applications approved for a 15 storey apartment building and two semi-detached dwellings in July 2017
- OZ/OPA 22-5 W1 – 128 Lakeshore Road East – (appealed by applicant to OLT) applications in process to permit an 11 storey apartment building with ground floor commercial space
- OZ 17/13 W1 – 21-29 Park Street East – applications approved to permit a 15 storey apartment building

### 3. Official Plan

The lands are located within the Port Credit Community Node Character Area and are designated **Residential High Density**. The **Residential High Density** designation permits apartment buildings, in addition to the allowance of non residential uses on the ground floor. Community Nodes are Intensification Areas in Mississauga Official Plan and it is anticipated that an appropriate degree of intensification, commensurate with Mississauga Official Plan's City Structure, is expected.

The site is also subject to the Port Credit Local Area Plan and the Port Credit Built Form Guide, which speaks to general land use, overall built form and site design, amongst other items. The local area plan contains a Height Schedule for the Community Node that looks to guide overall building heights and for the subject site, a maximum height of 15 storeys is prescribed.

Refer to Appendix 1 for the existing land use designation map.

The subject property is located within a Major Transit Station Area (MTSA) and is within 20 m (65.6 ft.) of the entrance to the Port Credit GO Station platform. In August 2022, the City adopted OPAs 143 and 144, which introduced MTSA policies relating to land use, urban design, and maximum heights as part of the City's conformity exercise. At the time of writing this report, the respective OPAs were considered at the Region of Peel Council session on February 23, 2023. At that Region Council session, the MTSA OPAs were referred back to staff and will be brought back to Region of Peel Council at a later date.

### 4. Zoning

The subject property is currently zoned **RA5-27** (Apartments - Exception), which permits a 28 storey apartment building subject to a maximum overall site FSI of 4, which is reflective of the built form currently existing. Refer to Appendix 1 for the Existing and Proposed Zoning Map.

**5. Proposed Development**

**(a) Description**

The applicant proposes to develop the property to add a 38 storey apartment building with ground floor commercial space and a daycare. Official plan amendment and rezoning applications are required to permit the proposed development. Refer to Appendix 1 for more details of the proposed development.



**Applicant's Rendering of Proposed Development**

### (b) Supporting Studies

The applicant has submitted various materials and studies in support of the applications which can be viewed at: <https://yoursay.mississauga.ca/development-applications-public-feedback>

### (c) Green Development Initiatives

The applicant has identified that the following green development initiatives will be incorporated into the development:

- Native species plant selections
- High efficiency irrigation system will be utilized to water vegetation beds
- Inclusion of EV chargers for parking spaces
- Zero-uplight exterior light fixtures

## Comments

The following section summarizes the various elements that were considered in developing the Planning and Building Department's position on the applications.

### 1. Applications Under Consideration

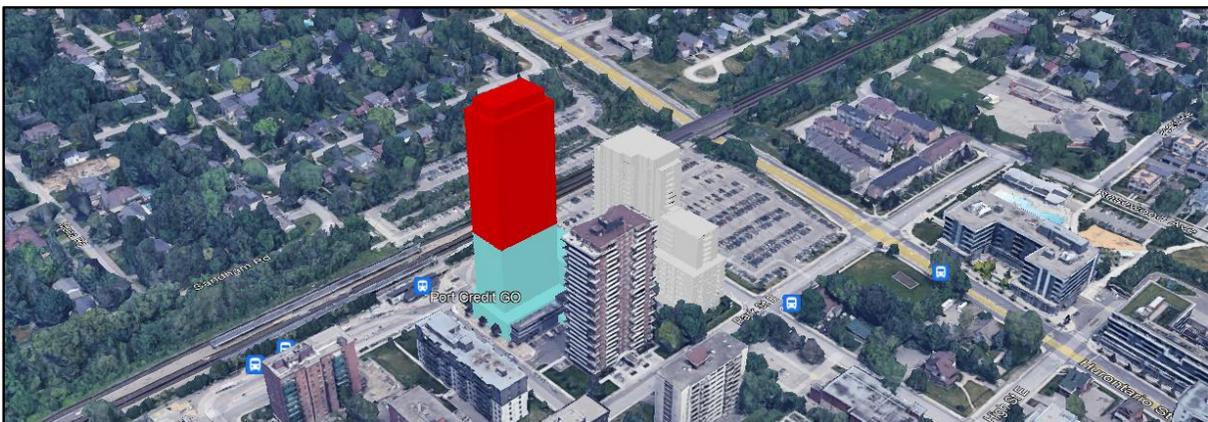
#### Official Plan Amendment

An amendment to Mississauga Official Plan and the Port Credit Local Area Plan is required to accommodate the proposal. The following summarizes the amendments required:

- Amend the **Residential High Density** designation to allow a daycare use
- Amend Height Schedule 2B of the Port Credit Local Area Plan to allow for a maximum building height of 38 storeys
- Amend the Port Credit Local Area Plan to add a Special Site policy



PCLAP Height Schedule – Property Outlined in Red



3D rendering depicting the proposal – red portion shows the additional height requested

## Zoning By-law Amendment

An amendment to Zoning By-law 0225-2007 is required to implement the proposal. The current Zoning By-law permissions allow a 28 storey apartment building with a density range between 1 and 4 Floor Space Index (FSI). This site specific zoning reflects what is currently on the site today and the amendment is to facilitate redeveloping the portion of the site that is currently a parking lot, maintaining the existing apartment building.

The applicant has proposed amending the existing **RA5-27** (Apartments) exception zone to accommodate the following cursory items: Additional height of 38 storeys, a maximum FSI of 9.5, adding uses under the **C4** (Mainstreet Commercial) zone including a daycare, relief regarding setbacks to property lines and a reduction in in the required parking rates, landscaped areas and buffers.

Refer to Appendix 1 to view a complete list of the requested zoning amendments.

## 2. Policy Summary and Evaluation

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 *Planning Act* requires that the Mississauga Official Plan be consistent with the Provincial Policy Statement and conform to the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect these applications have been reviewed and assessed in the context of the proposed development applications. The following section summarizes how the proposed development is not consistent with the applicable policy and regulatory documents.

### (a) Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

The *Provincial Policy Statement* (PPS) and the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) provide policy direction on matters of provincial interest related to land use planning and development and directs the provincial government's plan for growth and development that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.

Both the PPS and the Growth Plan recognize that the official plan is the most important vehicle for implementation of these policies as "comprehensive, integrated and long-term planning is best achieved through official plans".

*Consistency with the PPS, 2020*

The PPS requires that municipalities identify and promote opportunities for transit-supportive development where there is suitable existing or planned infrastructure to accommodate projected needs (1.1.3.3). The Region of Peel has advised that the proposed population for this site exceeds the forecasted growth for the area, there are downstream constraints in the existing system, and insufficient capacity to accommodate the proposal. There are plans for a future trunk sewer on Lakeshore Road, however, further analysis is required to assess the impacts of this and other development proposals in the area on the local system.

The PPS requires that planning for land uses in the vicinity of rail facilities be undertaken in a manner that appropriately buffers and/or separates them from sensitive land uses, which includes residential (1.6.9.1). Metrolinx is the Provincial Crown Agency that operates this railway and provides comments on development applications to ensure that safety, protection and functionality is preserved. In this case, the crown agency has advised that the proposed building is located within the 30 m (98.4 ft.) separation distance required by their adjacent development guidelines. A Rail Safety Report is under review by Metrolinx, but comments have not been provided within the municipal decision timeframe prescribed by the *More Homes for Everyone Act* (Bill 109).

Proposing a built form that is considered high density generally meets the PPS with respect to accommodating a market-based range of residential housing types (1.1.1), and the efficient use of land that is transit supportive (1.1.3.2). However, the proposed development at the current overall height of 38 storeys is not considered consistent with the PPS as it does not reflect appropriate development standards for intensification (as outlined in the policies of the official plan) ( 1.1.3.4).

*Consistency with the Growth Plan, 2020*

Section 2.2.4 directs municipalities to plan for Major Transit Station Areas (MTSAs) on priority transit corridors identified in the Growth Plan by delineating MTSAs and creating associated policies to meet minimum density targets and encourage efficient, compact and transit oriented development. The Growth Plan generally defines these areas as being within an approximate 500 m (1,640 ft.) to 800 m (2,624.7 ft.) radius of a transit station, representing about a 10-minute walk. The Port Credit Community Node is considered to be within the Port Credit GO Station MTSA.

The proposed development generally conforms to the Growth Plan direction pertaining to accommodating intensification within the built-up area and sites in proximity to transit as well as increasing the housing supply in these areas. The degree of proposed intensification; however, is not commensurate with the local planning framework applicable to the site and the City's strategy to achieve intensification targets, as discussed in subsequent sections of this report. The Growth Plan explicitly states that development must be governed by

appropriate standards, including scale of development. The subject proposal does not conform to the development standards in the Local Area Plan, with respect to building heights and as such, the proposed development does not conform to the Growth Plan.

The issue of the requested additional density and height is exacerbated by the lack of waste water capacity. The Growth Plan requires that available servicing in this area be consistent with the anticipated population reflective of the minimum density target in which the subject property is located (3.2.6). In this case, the Region reports that there are downstream constraints in the existing system, and insufficient capacity to accommodate the proposal. Further analysis is required to assess the impact of this and other development applications in the vicinity that exceed the Official Plan's permissions.

#### *Proposed Provincial Policy Statement, 2023*

On April 6, 2023 the Ministry of Municipal Affairs and Housing (MMAH) posted on the Environmental Registry of Ontario a document entitled *Proposed Provincial Planning Statement*. The purpose of the document is to integrate policies from *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* and the *Provincial Policy Statement* to support the achievement of housing objectives and meeting the target to construct 1.5 million new homes by 2031. The document has been posted for a 60 day commenting period. The effective date has not been established, but the Province has indicated that they are targeting fall 2023. Any decision on planning matters made on or after the effective date would be subject to the new policies, unless transition regulations are built in to the final document.

Staff are reviewing the draft PPS and will be reporting back to Planning and Development Committee in the future. Notwithstanding, staff have undertaken a cursory review of the policies against the subject application and are satisfied that the recommendation of this report is consistent with the policies of the draft PPS.

#### **(b) Regional Official Plan**

General objectives of ROP, as outlined in Section 5.3, include conserving the environment, achieving sustainable development, establishing healthy complete communities, achieving intensified and compact form and mix of land uses in appropriate areas that efficiently use land, services, infrastructure and public finances, while taking into account the characteristics of existing communities and services, and achieving an urban form and densities that are pedestrian-friendly and transit supportive.

On April 28, 2022 Regional Council passed By-law 20-2022 to adopt a new official plan, which was approved with modifications by the Province on November 4, 2022. The new Regional Official Plan (ROP) includes policies related to MTSAs, including directing municipalities to delineate boundaries in their local official plans. The proposed development does not require an amendment to the Region of Peel Official Plan.

The proposed development is located within the Urban System and generally achieves many of the objectives and policies of the ROP, including: directing redevelopment to the urban system, encouraging a pattern of compact forms, providing an appropriate range of housing, support pedestrian-friendly and transit-supportive opportunities for intensification and mixed land uses (Section 5.3). However, the application does not sufficiently address the directive of taking advantage of existing servicing. While water infrastructure has capacity to accommodate the proposed density, the waste water infrastructure has been deemed to be unable to accommodate the proposal and as such, the development is unable to fit within the existing servicing infrastructure. The ROP also goes further in stating that no development can occur in instances where there is no capacity, subject to an agreement with the Region (6.5.3).

In addition, the ROP includes references to respecting, recognizing, and taking into account the characteristics of existing communities (e.g. policies 5.3.1.3, 5.3.1.4, 5.3.1.7, and 5.3.2.6). This general policy direction remains in the new ROP and is followed through in MOP and the Local Area Plan, which is the primary instrument used to assess the appropriateness of a new development.

While the applications propose a general use and built form that contributes to housing choices in the Port Credit Community Node in close proximity to higher order transit, the issue of additional height and density fails to address the fundamental built form requirement in the Local Area Plan policy framework, which is the primary instrument used to assess the proposal's overall built form compatibility. The proposal also cannot be accommodated within the available capacity by the current waste water infrastructure.

### **(c) Mississauga Official Plan**

The proposal requires an amendment to the Mississauga Official Plan Policies and the Port Credit Local Area Plan. Section 19.5.1 of Mississauga Official Plan provides the following criteria for evaluating site specific Official Plan Amendments:

- ***Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?***
- ***Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?***
- ***Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application?***
- ***Has a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed***

***amendment in comparison with the existing designation been provided by the applicant?***

Planning staff have undertaken an evaluation of the relevant policies of Mississauga Official Plan against this proposed development application.

***(i) Is there adequate servicing to accommodate the proposed density?***

The Direct Growth chapter of MOP indicates where and how Mississauga will accommodate intensification. The policy directive generally facilitates intensification within strategic growth areas, such as the Port Credit Community Node. The roots of this approach is found in MOPs use of the City Structure, which identifies the six “elements” or character areas that fundamentally drives the policy framework for development in each area. Using this similar approach, the City and Region sets growth forecasts as part of their respective Official Plans which feeds into projecting community infrastructure requirements. With respect to the Region, this means determining capacity requirements for servicing in order to handle anticipated population. For redevelopment to occur, the provision of services must be available to accommodate any increase in density. Mississauga Official Plan contains the following policy:

5.1.9 New development will not exceed the capacity of existing and planned engineering services, transit services and community infrastructure. Development proposals may be refused if existing or planned servicing and/or infrastructure are inadequate to support the additional population...

Section 19.5.1 of MOP requires that Official Plan Amendment applications demonstrate the "adequacy of engineering services" for their development.

In this instance, the Region of Peel has stated that the current waste water infrastructure does not have the capacity to accommodate the proposed flows from the development as a result of the proposed density. The comments also note that the proposed additional population for the site is beyond the forecasted growth in this area, a forecast that was recently reviewed as part of the new Region of Peel Official Plan, which was approved by the Minister of Municipal Affairs and Housing on November 4, 2022.

The Department and Agency Comments section of the report contains the Region of Peel's full comments on water and waste water.

***(ii) Is the proposal compatible with the adjacent railway use?***

With respect to compatibility of redevelopment in close proximity to railway corridors, MOP contains the following policy:

6.10.4.6 Development applications for dwellings, significant additions thereto and places of public assembly, will incorporate an appropriate safety setback as necessary to meet industry best practices and the requirements of the applicable

rail company, to the satisfaction of the City, which takes into account safety barriers (e.g. berms, walls), topography, intervening structures and the surrounding pattern of development.

Metrolinx is a Provincial Crown Agency and is the operator of the railway. Metrolinx provides comments on adjacent development applications in order to ensure that safety, protection and sustainable functionality is preserved. At this time, Metrolinx has stated that the proposal is to maintain a 30.0 m (98.4 ft.) separation distance from the subject property to any shared property line based on their adjacent development guidelines that are applicable to this proposal. The current proposal indicates a setback of approximately 20.0 m (65.6 ft.) to the Metrolinx property line and a further 35.0 m (114.8 ft.) to the rail corridor. A Rail Safety Report is under review by Metrolinx, but comments have not been provided within the municipal decision timeframe prescribed by the *More Homes for Everyone Act* (Bill 109). Accordingly, the current configuration of the proposal cannot be supported in the absence of satisfactorily addressing Metrolinx's rail safety requirements.

Appendix 1 contains more detailed Metrolinx comments.

***(iii) Does the overall building height meet the goals and objectives of the Port Credit Local Area Plan?***

The subject site is located within the Port Credit Community Node Character Area and the Central Residential Precinct of the Port Credit Local Area Plan.

The following is an analysis of the key policies and criteria:

The Port Credit Local Area Plan contains criteria that is required to be met for additional height over and above what is permitted in the Port Credit Local Area Plan Height Schedule:

Section 10.1.2 – Heights in excess of the limits identified on Schedules 2A and 2B within the Community Node ...may be considered through a site specific Official Plan Amendment application, subject to demonstrating, among other matters, the following:

- a. The achievement of the overall intent, goals, objectives of this Plan;
- b. Appropriate site size and configuration;
- c. Appropriate built form that is compatible with the immediate context and planned character of the area;
- d. Appropriate transition to adjacent land uses and buildings, including built form design that will maximize sky views and minimize visual impact, overall massing, shadow and overlook;
- e. Measures to limit the amount of additional vehicular and traffic impacts on the Port Credit transportation network.

The below section provides an analysis of the proposal's performance with respect to the above criteria.

*Will the proposed maximum height of 38 storeys impact the Port Credit Community Node's position in the City Structure?*

MOP City Structure policies recognize and guide the different functions that various areas of the City perform. Land use, density and built form differ dependent on the type of City Structure element.

The following is an excerpt from MOP:

- The Downtown will contain the highest densities, tallest buildings and greatest mix of uses;
- Major Nodes will provide for a mix of population and employment uses at densities and heights less than the Downtown, but greater than elsewhere in the City;
- Community Nodes will provide for a similar mix of uses as in Major Nodes, but with lower densities and heights;

These policies direct the greatest density and building heights to the City's Downtown Character Area, with density and heights lowering from Major Node Character Areas down to Community Node Character Areas. The applications seek to amend MOP and the Local Area Plan to allow a building height that is excessive, presents a height not envisioned for Community Nodes and proposes an overall built form and density akin to that found in the Downtown Character Area.

MOP prescribes a maximum height of 25 storeys for Major Nodes and subsequently acknowledges that "Community Nodes will provide for a similar mix of uses as in Major Nodes, but with lower densities and heights". Heights within Community Nodes should be lower than heights allowed in Major Nodes. There should be a material difference in building heights in order for there to be a distinction between the elements of the City Structure, with 25 storeys for Major Nodes and 15 storeys for Community Nodes being the overarching height expectation in each element.

This direction is also incorporated into the Port Credit Local Area Plan in the following policies:

5.2 Community Concept - This Area Plan respects the planned function and position within the City's hierarchy, while also reflecting the existing and planned character of Port Credit.

6.0 Direct Growth – Intensification is to be consistent with the planned function as reflected by the city structure and urban hierarchy.

10.2.1.1 - The overall development of the Node will be at a scale that reflects its role in the urban hierarchy.

The Port Credit Local Area Plan generally reinforces a 15 storey height limit within the Central Residential Precinct. A 15 storey building height represents what is envisioned by MOP in Community Nodes and represents a material difference between the 25 storey height permission of Major Nodes. It is intended that the overall prevailing character of the Node fits within the area's position in the Urban Structure and the LAP seeks to ensure this direction is protected through the permissions in the Height Schedule.

Notwithstanding the above, the LAP allows additional height at a very strategic and unique location, with the maximum height being 22 storeys which is located on the lands just east of the subject site. However, staff note that the additional height permission within this unique area maintains the urban hierarchy elements regarding expected building heights, as 22 storeys is below the 25 storey height accepted in Major Nodes.

A building height of 38 storeys at this location does not maintain the overall intent of the Port Credit Local Area Plan, which is to ensure that the highest heights are adjacent to the GO and LRT Stations and that all other heights cascade down towards the Lakeshore Corridor and Credit River.

*Will the proposal destabilize the intended building heights as prescribed in the Height Schedule?*

The Port Credit Local Area Plan in the form of the policies, guidelines and the height schedule, looks to achieve the above, while maintaining the overall goals and objectives of MOP. The following is a policy from the MOP directive of accommodating intensification within the Community Node:

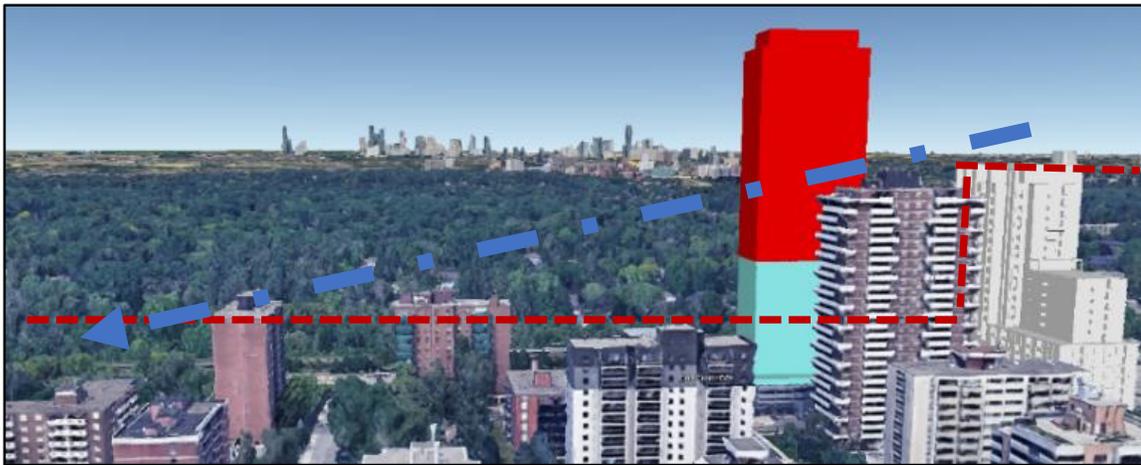
5.5.4 Intensification Areas will be planned to reflect their role in the City Structure hierarchy.

This approach has resulted in the following Local Area Plan policies:

10.2 Community Node Character Area – to ensure development will be sensitive to the existing context, heritage resources and planned character of the area.

10.2.2 – Central Residential Precinct - This precinct contains a significant concentration of apartment buildings with potential for intensification, primarily in the immediate vicinity of the GO station and will have the highest building heights in Port Credit. The existing character of the area will generally be maintained, particularly the mature trees and the well landscaped front yards.

10.2.2.1 - Building heights will generally decrease towards the east and west of the precinct, reflecting proximity of either the Credit River Valley or established residential neighbourhoods.



Rendering showing the proposed built form and the impacts to the intended prevailing heights character of the node

The LAP provides strong policy direction that heights within the Central Residential Precinct shall be lower and transition down from the unique area to the east of the subject property. This informs the current permissions in the height schedule, which is in addition to the intent of maintaining the urban hierarchy. Currently, 15 storeys is the maximum in the height schedule for the subject area, which is the intended height for the balance of the Central Residential Precinct outside of the unique area that has height permissions of 22 storeys. It is intended that the 15 storey area is to be lower than the 22 storey area and approval of 38 storeys would not only raise the height standard in the balance of the precinct, but also lend rationale for higher heights in the 22 storey area. This scenario would then alter the intended prevailing character of 15 storeys for the node.

*Does the proposal fit within the existing and planned context by providing appropriate transition to the adjacent properties?*

MOP includes general policies on how intensification is to be accommodated in character areas with respect to built form, building heights and overall design. The following policies speak to the considerations of intensification within Community Nodes:

5.3.3.11 Development in Community Nodes will be in a form and density that complements the existing character of historical Nodes or that achieves a high quality urban environment within more recently developed Nodes. The Port Credit Local Area Plan further develops the guidance of accommodating intensification within Community Nodes by providing the following policies:

5.1.5 ...Intensification and development will respect the experience, identity and character of the surrounding context and Vision.

10.2.2.1 Building heights will generally decrease towards the east and west of the precinct, reflecting proximity of either the Credit River Valley or established residential neighbourhoods.

MOP policies allow for intensification within the Community Node and, in particular, on the subject property. However, the intensity of the development should fit within the surrounding context. In developing the Local Area Plan, building heights were considered in the context of the existing stock while balancing future development needs.

The proposed building height is not proportionate to the existing building stock that is located on and surrounding the site. In addition, the proposal does not respect or relate to the existing and planned building height context. The predominant character of the Community Node reflects buildings in the realm of 2 to 15 storeys in height, with one existing 27 storey apartment building (on subject property) that is comparable to 22 storeys in today's typical construction standards. While there are a few existing apartment buildings that exceed the 15 storey height limit, they are of an older era and contain lower floor to ceiling heights. Directly adjacent to the subject site is a 22 storey apartment building currently under construction.

The Port Credit Local Area Plan provides strong direction for new development within the Node to respect and relate to existing context. The way in which this is to be achieved is to ensure proposals apply the minimum standards with respect to building separation distances, floor plate size, property line setbacks and maximum building heights, amongst other directives. Overall height is part of the suite of features that is mandated by the local policy framework for high density redevelopment to appropriately fit within the Community Node.

The proposal fails to meet the criteria that requires redevelopment to maintain the goals and objectives of the Local Area Plan, as well as proposing an overall height that does not respect and provide transition to surrounding buildings.

*Is additional height on the subject site appropriate?*

Should the servicing and railway setback issues be resolved, staff are of the opinion that additional height can be accommodated. The unique area within the local area plan Height Schedule that allows 22 storeys can be shifted further west to incorporate the subject property and allow a total building height of 22 storeys (or equal measurement) on the site, rather than 15 storeys, for the following reasons:

- The subject property is directly adjacent to the Port Credit GO Station entrance
- The subject property is considered to have an opportunity for place making
- Allowing additional height contributes to wayfinding in the Port Credit skyline
- The subject property already has existing built form representing a modern building height of 22 storeys

**(iv) Other Development Issues**

In response to the direction contained in the *More Homes for Everyone Act* (Bill109), the City has undertaken a pilot review process to assess development applications within the timelines stipulated for municipalities by the Planning Act. Because of the mandated timeline, there is very little opportunity for the City to receive resubmissions and work with an applicant to address outstanding technical matters. City staff strongly encouraged the applicant to discuss technical issues in advance of filing the applications in order to resolve as many matters as possible, however the applicant declined to engage.

In addition to Appendix 1, which contains a more detailed list of departmental and agency review comments, the following highlights additional development issues:

*Insufficient Parking Justification*

The proposed reduced resident and visitor parking rates are not supportive of the Parking Regulations Study recommendations as outlined in the existing City of Mississauga Zoning By-Law 0225-2007, as amended, for Parking Precinct 1 (By-law 0117-2022, June 8, 2022). Additionally, the parking justification submitted by the applicant is not satisfactory as the required Parking Utilization Study was not undertaken to the requirements provided by staff and did not meet the City's Terms of Reference for parking utilization studies. At this time, staff do not support the proposed parking rates.

*Building Separation Distance*

The Port Credit Local Area Plan Built Form Guide requires that buildings over 6 storeys adhere to a building separation distance in order to ensure tall buildings maintain sky views and develop an elegant skyline. The podium portion of the proposed building does not meet this requirement in term of its separation distance from the building to the east, as it is more than 8 storeys.

*Uncomfortable Wind Conditions*

Based on the submitted Pedestrian Level Wind Study that was submitted, staff note that uncomfortable wind conditions in the winter seasons are predicted at a few locations around the front entrance. This wind condition is required to be mitigated and at this time, no acceptable mitigation plan has been proposed by the applicant.

*Unacceptable Landscape Buffer along Easterly Property Line*

The proposed landscape buffer along the easterly property line is unacceptable and does not support long term sustainability or provide an adequate transition to the adjacent land uses. The intent and function of landscape buffers is to protect for the long term growth and maintenance of landscaping, including high branching deciduous trees, coniferous trees, and shrubs. Additionally, the landscape buffers should be unencumbered from any utilities and obstructions, including underground parking structures. In this instance, the

applicant is proposing the underground parking structure be located within the easterly landscape buffer. As such, staff do not support an easterly landscape buffer of 2.0 m (65.6 ft.) that is largely encumbered with the underground parking garage.

#### *Upgraded Streetscape Feasibility*

Additional information with respect to the submitted Streetscape Feasibility Plan is required in order to properly determine if an appropriate streetscape, with street trees, can be accommodated. If the upgraded streetscape cannot be accommodated within the existing boulevard, an adequate building setback will need to be provided on the subject property to the street right-of-way.

#### **(v) Services and Infrastructure**

##### *Servicing*

The Region of Peel has advised that there are no concerns with respect to the proposed water demand on the existing water servicing infrastructure. However, the Region has indicated that currently there is no capacity to accommodate the proposal with respect to waste water infrastructure. The Department / Agency Comments section of this report contains further details on the Region of Peel's comment.

##### *Parks and Community Amenity*

The following community services are located in proximity to the site: Port Credit Library, Port Credit Memorial Park, Port Credit Arena, Lions Club of Credit Valley Outdoor Pool, J.C. Saddington Park and J.J. Plaus Park.

##### *Transit*

The site is located 20.0 m (65.6 ft.) from the Port Credit GO Station. The following major MiWay bus routes currently service the site: Route 23 – Lakeshore Road East, Route 19 – Hurontario Street, Route 23 – Lakeshore Road East and Route 14/14A – Lorne Park.

There is a transit stop immediately adjacent to the subject property that is operating as a Miway Bus Terminal, providing an interface with the Port Credit GO Station and facilitating the routes identified above.

#### **(d) Community Benefit Charge**

Schedule 17 of Bill 197, *COVID-19 Economic Recovery Act, 2020*, amended the *Planning Act*. The Section 37 Height/Density Bonus provisions are replaced with the Community Benefit Charge (CBC) provisions, implemented by a CBC By-law passed by Council. Section 37 of the *Planning Act* now allows municipalities to impose a CBC on land to fund costs related to growth. Funds collected under CBC will be to fund projects City-wide and Council will be requested at budget time each year to spend or allocate CBC funds to specific projects in accordance with the CBC Strategy and Corporate Policy.

In response to this legislative change, Council passed the City's new CBC By-law on June 22, 2022, which will be administered by the Corporate Services Department, Finance Division. The by-law specifies to which types of development and redevelopment the charge applies, the amount of the charge, exemptions and timing of charge payment. The CBC is 4% of the value of the land. A land appraisal is required in order to determine the applicable CBC in each case.

As the subject proposal is more than 5 storeys and does contain 10 or more residential units in total, the CBC is applicable and will be payable at the time of first building permit.

**(e) "H" Holding Provision**

Should this application be approved by Planning and Development Committee, staff will request an "H" Holding Provision which can be lifted upon resolution of outstanding technical matters.

**3. Departmental and Agency Comments**

The applications were circulated to all City departments and commenting agencies on February 23, 2023. The following section summarizes the comments received. Refer to Appendix 7 for detailed comments.

**Transportation and Works Department**

Comments dated April 6, 2023, state that technical reports and drawings are reviewed to ensure that engineering matters related to noise, grading, servicing, stormwater management, traffic and environmental compliance can be satisfactorily addressed to confirm the feasibility of the project, in accordance with City requirements.

Based on a review of the materials submitted to date, staff are not satisfied with the details provided in the reports, plans or studies in order to confirm the engineering feasibility of the development proposal.

The notable engineering issues that may have an impact on the overall development of the lands include:

- The proposed building encroaching into the future right of way widening on both Queen Street East and Helen Street North
- Deficiencies in the Urban Transportation Considerations Report, Environmental Site Assessments Reports, and the Noise and Vibration Feasibility Assessment Report

Additional technical details and revisions are required to comply with City requirements and to confirm feasibility of the development proposal from an engineering standpoint (see Appendix 1).

### **Community Services – Parks Planning**

Comments dated April 14, 2023 note that this character area exceeds the parkland provision target of 1.2 ha/1000 people. Furthermore, the 2022 Parks Plan and the 2019 Future Directions Parks & Forestry Master Plan establishes a walking distance requirement of 400 m (0.25 mi) to a city owned playground for strategic growth areas, unimpeded by major pedestrian barriers. Port Credit Memorial Park (P-106) is located approximately 317 m (0.2 mi) from the subject property, zoned **OS2** (Open Space – City Park) and contains a city owned playground. Prior to the issuance of building permits for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the *Planning Act* and in accordance with City's Policies and By-laws.

### **The Region of Peel – Planning and Development Services**

In comments dated April 19, 2023, the Region of Peel provides the following comments regarding servicing infrastructure based on a review of the submitted Functional Servicing Report (FSR):

#### *Water:*

The Region does not have any objections to the proposed water demand, although the FSR will need to be revised to demonstrate a secondary fire line for the 38-storey building, as per OBC standards, and it is recommended that this development have a looped water system. The Region will also require a hydrant flow test prior to clearing this water servicing FSR condition.

#### *Waste Water:*

The proposed population for this site is beyond the forecasted growth in this area. There are downstream constraints in the existing system and there is insufficient capacity to accommodate the proposed 15 L/s. There are plans for a future trunk sewer along Lakeshore Road West. However, the Region will need to undertake further analysis to assess impacts to the local system; the analysis will include this and other developments in the surrounding area to confirm the extent of improvements required.

The Region also has an ongoing Schedule "C" Municipal Class Environmental Assessment (EA) to develop an integrated and optimized servicing strategy to meet the needs for existing and future growth in this area. The Port Credit East Water and Wastewater Servicing Optimization Class EA was initiated in November 2020 and is anticipated to be completed in 2023. Servicing for this proposed development will need to align with the recommended strategy from this Class EA.

Until the EA and design concepts have been finalized and the recommended works are completed, there is no capacity to service the proposed development. These works will be required to be completed prior to this proposal obtaining Regional site servicing connection

approval. For more information please visit our website at <https://www.peelregion.ca/public-works/environmental-assessments/mississauga/port-credit-east-wastewater.asp>.

#### 4. Affordable Housing

In October 2017 City Council approved *Making Room for the Middle – A Housing Strategy for Mississauga* which identified housing affordability issues for low and moderate incomes in the city. In accordance with the Provincial Growth Plan (2019) and Amendment No. 1 (2020), *Provincial Policy Statement (2020)*, Regional Official Plan and Mississauga Official Plan (MOP), the City requests that proposed multi-unit residential developments incorporate a mix of units to accommodate a diverse range of incomes and household sizes.

Applicants proposing non-rental residential developments of 50 units or more requiring an official plan amendment or rezoning for additional height and/or density beyond as-of-right permissions will be required to demonstrate how the proposed development is consistent with/conforms to Provincial, Regional and City housing policies. The City's official plan indicates that the City will provide opportunities for the provision of a mix of housing types, tenures and at varying price points to accommodate households. The City's annual housing targets by type are contained in the Region of Peel Housing and Homelessness Plan 2018-2028 <https://www.peelregion.ca/housing/housinghomelessness/pdf/plan-2018-2028.pdf>.

To achieve these targets, the City is requesting that a minimum of 10% of new ownership units be affordable. The 10% contribution rate will not be applied to the first 50 units of a development. The contribution may be in the form of on-site or off-site units, land dedication, or financial contributions to affordable housing elsewhere in the city.

The applicant has indicated that the tenure of the project will most likely be rental. If the tenure pursued is ownership, then staff advise that Inclusionary Zoning is applicable in this instance and the proposal will be subject to the Inclusionary Zoning regulations outlined in table 2.1.34.2 of the Zoning By-law.

#### 5. Next Steps

Prior to development of the lands, the applicant will be required to obtain site plan approval.

### 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.

## Engagement and Consultation

### Community Feedback

A community meeting was held by Ward 1 Councillor, Stephen Dasko, on February 22, 2023. Approximately 60 people were in attendance at the community meeting. The following summarizes comments received on the applications:

#### Comment

The Port Credit Local Area Plan Height Schedule should be respected and adhered to.

#### Response

The Planning Analysis section of this report contains staff comments with respect to the appropriateness of the proposed overall building height.

#### Comment

The proposed development will create shadow impacts on the neighbouring properties.

#### Response

The applicant has submitted the required Shadow Study that has been reviewed by staff against the City's Terms of Reference for shadow studies. The report has concluded that the proposed development maintains the City's standards for sun and daylight access on neighbouring properties and the public realm. Staff have reviewed the study and concur with the report's findings.

However, staff note that the Shadow Study is missing information with respect to any impacts on the proposed at grade amenity areas within the subject site.

#### Comment

The proposed development will negatively impact traffic on the surrounding street network.

#### Response

In support of the applications, a Traffic Impact Study was submitted and reviewed by staff. The study concludes that all the signalized and non-signalized intersections in the vicinity are currently operating within capacity and, with the inclusion of the units specified in this proposal, are expected to continue to do so. Based on a review by staff, an updated Transportation Impact Study that addresses staff comments is still required in order to appropriately determine the full traffic impact of the proposal. Additional comments on the study are provided in Appendix 1.

#### Comment

Concern regarding the overall density of development that is happening in Port Credit through projects that are under construction and in the planning stages.

## Response

The Port Credit Community Node is considered an intensification area within Mississauga Official Plan. The node also contains a regional transit station (Port Credit GO Station) and a future local LRT station (Hurontario LRT). Further, the Province's Growth Plan designates the Community Node as a Major Transit Station Area (MTSA) and provides a directive that encourages more housing choice and transit oriented development through intensification and sets minimum intensification targets. It is expected from a provincial and local policy standpoint that infill development will occur in Port Credit, due to existing services and amenities. The Port Credit Local Area Plan and Built Form Guidelines recognize this and contain various policies that guide how the expected infill development is to occur.

## Conclusion

In conclusion, City staff has evaluated the applications to permit a 38 storey apartment building with ground floor commercial space, against the *Provincial Policy Statement*, the *Growth Plan for the Greater Golden Horseshoe*, Region of Peel Official Plan and Mississauga Official Plan.

Provincial, Regional, and local planning policies support intensification on the site. The site's proximity to the Port Credit GO Station warrants further redevelopment. However, the proposed maximum 38 storey height does not represent an overall built form that is supported by the local policy framework, nor does it function within the existing servicing capacity. Staff have provided rationale for an alternative height of a 22 storey building.

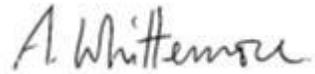
The development as currently configured is not considered acceptable from a planning stand point and should not be approved as:

- there is currently no adequate waste water servicing capacity to accommodate the proposal;
- the applicant has not addressed Metrolinx's requirements with respect to the required railway separation distance;
- it represents a building height that does not appropriately reflect the Port Credit Community Node's position in the City's urban structure;
- the proposed 38 storey maximum height is a significant departure from the existing and planned height context anticipated in the Port Credit Local Area Plan.

In addition, there are additional development matters that are required to be addressed through the submission of a number of technical studies that have not been properly addressed.

## Attachments

Appendix 1: Supplementary Information



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

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