

City of Mississauga

Corporate Report



<p>Date: August 11, 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 file: OZ/OPA 22-19 W7</p>
	<p>Meeting date: September 5, 2023</p>

Subject

RECOMMENDATION REPORT (WARD 7)

Official Plan Amendment and Rezoning applications to permit five apartments, 46, 43, 43, 39 and 34 storeys, with non-residential uses
25 and 33 Hillcrest Avenue, 3146, 3154 and 3168 Hurontario Street, northwest corner of Hillcrest Avenue and Hurontario Street
Owners: 33HC TAS LP, 33HC Corp., 3168HS LP and 3168 HS Corp.
File: OZ/OPA 22-19 W7

Pre-Bill 109

Recommendation

1. That City Council direct Legal Services, appropriate City staff and any necessary consultants to attend the Ontario Land Tribunal (OLT) hearing in opposition to the Official Plan Amendment and Rezoning applications in their current form, for the lands at 25 and 33 Hillcrest Avenue, 3146, 3154 and 3168 Hurontario Street and for Legal Services to bring a report to Council should there be a potential for settlement
2. That City Council authorize the Planning and Building Department to instruct Legal Services on requesting mediation or to otherwise enter into settlement discussions during or before the Ontario Land Tribunal hearing process

Executive Summary

- Official plan amendment and rezoning applications have been submitted to permit five apartments, 46, 43, 43, 39 and 34 storeys, with 14 962 m² (161,050 ft²) of commercial floor area and a 6 216 m² (66,905 ft²) multi floor community use at 25 and 33 Hillcrest Avenue, 3146, 3154 and 3168 Hurontario Street

- The official plan amendment and rezoning applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for non-decision. A case management conference was held on August 10, 2023
- Planning staff support amendments to Mississauga Official Plan and Zoning By-law 0225-2007 to accommodate greater residential intensification on the property as it is accommodating intensification within the built-up area and in proximity to planned transit, as well as increasing the housing supply. However, the proposed development, as currently proposed, consists of a built form that does not conform to Mississauga Official Plan policies and criteria used for evaluating tall buildings
- Approval of the proposal is premature pending resolution of outstanding issues including:
 - The City is not satisfied that the application has sufficiently demonstrated that sanitary capacity is available to service the proposed development
 - The applicant has not demonstrated that a park, satisfying the City's parkland requirements, can be accommodated on site
 - The applicant has not justified the appropriateness of the zone standards being proposed
 - The applicant has not justified how the current proposal conforms to the Mississauga Official Plan criteria for tall buildings relating to sun shadow impact, scale and transition.
 - There are a number of technical studies and issues that have not been properly addressed (e.g. Traffic Impact Study, Windy Study, Functional Servicing Report, Sun Shadow study) which may ultimately impact the development
- Staff require direction from Council to attend any OLT proceedings which may take place, including direction to mediate or otherwise resolve or narrow the outstanding issues, in connection with the applications and in support of the recommendations outlined in this report

Background

A public meeting was held by the Planning and Development Committee on March 27, 2023, at which time an Information Report:

(<https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=f2ffe6cc-6df3-4330-bd58-cbb9d557a9ce&Agenda=Agenda&lang=English&Item=12&Tab=attachments>) was received for information.

Recommendation PDC-0020-2023 was then adopted by Council on April 5, 2023.

1. That the report dated March 3, 2023, from the Commissioner of Planning and Building regarding the applications by 33HC TAS LP, 33HC Corp., 3168HS LP and 3168 HS Corp. to permit five apartments, 46, 43, 43, 39 and 34 storeys, with 14,962 m² (161,050 ft²) of commercial floor area and 6,216 m² (66,905 ft²) of gross floor area for a multi floor community use, under File OZ/OPA 22-19 W7, 25 and 33 Hillcrest Avenue, 3146, 3154 and 3168 Hurontario Street, be received for information.
2. That five oral submissions be received.

On May 26, 2023, the owners appealed the applications to OLT due to non-decision and a pre-hearing date has 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 25 and 33 Hillcrest Avenue, 3146, 3154 and 3168 Hurontario Street



Applicant's rendering of the proposal

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 October 3, 2022. Eight 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 March 27, 2023. Five 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.

No community meetings were held for the subject applications.

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.

A detailed Planning Analysis is found in Appendix 2. 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 Region of Peel Official Plan. However, through the submission material, the applicant has not justified how the current proposal conforms to MOP policies relating to sun shadow impact, scale and transition. There are also zone standards being requested that have not been appropriately justified and, therefore, not supported by City staff.

Additionally, the Region of Peel has also confirmed that there is no sewer capacity for this site. There are a number of technical studies and issues that have not yet been adequately addressed (e.g. Traffic Impact Study, Windy Study and Sun Shadow Study) and the inclusion of an unencumbered public park has not been included as part as the development.

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 conclude that the development, as proposed, is not acceptable from a planning standpoint and should not be approved.

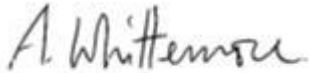
Should these applications be approved by OLT, staff will recommend that an “H” holding provision be applied to the lands to ensure all technical information is provided and that

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

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