

# City of Mississauga

# Corporate Report



Date: August 21, 2023

To: Mayor and Members of Council

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

Originator's file:  
OZ 22-4 W10

Meeting date:  
September 13, 2023

## Subject

### RECOMMENDATION REPORT (WARD 10)

Rezoning application to permit a six storey apartment building containing 205 residential units

5160 and 5170 Ninth Line, west side of Ninth Line, north of Eglinton Avenue West

Owner: Branthaven Ninth Line Inc.

File: OZ 22-4 W10

Pre-Bill 109

## Recommendation

1. That City Council amend Zoning By-law 0225-2007 to **H-RA2-24** (Apartments - Exception Holding Provision) and **G2** (Greenlands - Natural Features) for 5160 and 5170 Ninth Line, in accordance with the provisions contained in the staff report dated August 21, 2023 from the Commissioner of Planning and Building
2. That City Council direct the applicant to satisfy all requirements of the City and any other external agency concerned with the development
3. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.
4. That the "H" holding provision is to be removed from the **H-RA2-24** (Apartments – Exception Holding Provision) zoning applicable to the subject lands, by further amendment upon confirmation from applicable agencies and City Departments that matters as outlined in the report dated August 21, 2023, from the Commissioner of Planning and Building have been satisfactorily addressed.

## Executive Summary

- A rezoning application has been submitted to permit a six storey apartment building containing 205 residential units at 5160 and 5170 Ninth Line
- The applicant has made minor revisions to the proposal to address issues at the Public Meeting and by staff including: increasing amount of parking, consolidating site accesses and increasing the proposed landscaped buffers
- Staff are satisfied with the changes to the proposal and find them to be acceptable from a planning standpoint and recommend that the application be approved based upon the following:
  - Ninth Line is a designated Corridor intended for higher density uses
  - The proposal represents a gentle intensification and introduces a new built form, increasing the variety of housing options in the area
  - There is adequate water and wastewater capacity for the proposal
  - Future residents will be serviced by local Miway transit, be able to access the future 407 transitway, schools, and community services
- An 'H' provision will be applied to the zoning in order to address outstanding technical matters including the development agreement

## Background

A public meeting was held by the Planning and Development Committee on May 30, 2022, at which time an Information Report

<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=26367> was received for information. Recommendation PDC-0047-2022 was then adopted by Council on June 8, 2022.

1. That the report dated May 6, 2022, from the Commissioner of Planning and Building regarding the application by Branthaven Ninth Line to permit a six storey apartment building, under File OZ 22-4 W10, 5160 and 5170 Ninth Line, be received for information, and notwithstanding planning protocol, that the Recommendation Report be brought directly to a future Council meeting.

There were technical matters that needed to be resolved before the Planning & Building Department could make a recommendation on the application. Given the amount of time since the public meeting, full notification was provided.



Aerial Image of 5160 and 5170 Ninth Line

## Comments

### REVISED DEVELOPMENT PROPOSAL

The applicant has made some minor modifications to the proposed concept plan including:

- The total number of residential units proposed has been increased from 198 to 205 as a result of revisions made to the ground floor plan to improve the interface with grade related outdoor amenity area
- The design of the surface parking area and underground parking structure were revised to increase the number of visitor parking spaces
- The outdoor amenity area has been revised to ensure compliance with Ministry of Environment, Conservation, and Parks guidelines
- The underground parking structure entrance and garbage loading area have been consolidated to allow residential units to be located adjacent to the outdoor amenity area
- The rear lobby entrance has been revised to provide a greater presence on to the condominium road

- The width of the landscaped buffer along the condominium road has been increased to allow for additional landscaping and an improved transition to the existing residential development to the west.

## 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 application on May 5, 2022. A virtual community meeting was held by Ward 10 Councillor, Sue McFadden, on March 23, 2022. Approximately 50 people attended the virtual community meeting. No 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 May 30, 2022 and no members of the public made deputations regarding the application.

## 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 application is consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan.

The application has been found to be acceptable based upon the following:

- The proposal represents a gentle form of intensification and has been designed to be compatible with and sensitive to the surrounding area
- The proposal implements the principles of the Shaping Ninth Line study and corresponding Ninth Line Neighbourhood Character Area policies

- Ninth Line is a designated Corridor in Mississauga Official Plan (MOP) and higher density uses are to be directed to Corridors in Neighbourhoods
- The proposal introduces a new built form, increasing the variety of housing options in the Ninth Line Neighbourhood Character Area and aligns with the goals and objectives of the Provincial Policy Statement, Growth Plan and Mississauga Official Plan

## 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

In summary, the proposed development conforms with the Mississauga Official Plan and has been designed to be sensitive to the existing and planned character of the neighbourhood while providing an appropriate transition to existing and planned adjacent residential developments and the existing municipally owned woodlot. The proposed rezoning application is acceptable from a planning standpoint and should be approved.

## Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Matthew Shilton, Development Planner