

City of Mississauga
Corporate Report



<p>Date: August 25, 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 OPA 22-22 W1 and 21T-M 22-4 W1</p>
	<p>Meeting date: September 18, 2023</p>

Subject

RECOMMENDATION REPORT (WARD 1)

Official Plan Amendment, Rezoning and Draft Plan of Subdivision applications to permit a mixed use development that will include residential, ground floor commercial, a public park and open space. A total of 3,027 residential units are proposed within seven buildings with maximum heights between 12 and 18 storeys, three buildings with a maximum heights of 29 and 41 storeys and three blocks of townhouses.

1580 – 1650 Dundas Street East

Owner: 4Q Commercial WP Inc.

Files: OZ/OPA 22-22 W1 and 21T-M 22-4 W1

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, Rezoning and Plan of Subdivision applications in their current form, for the lands at 1580-1650 Dundas Street East 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

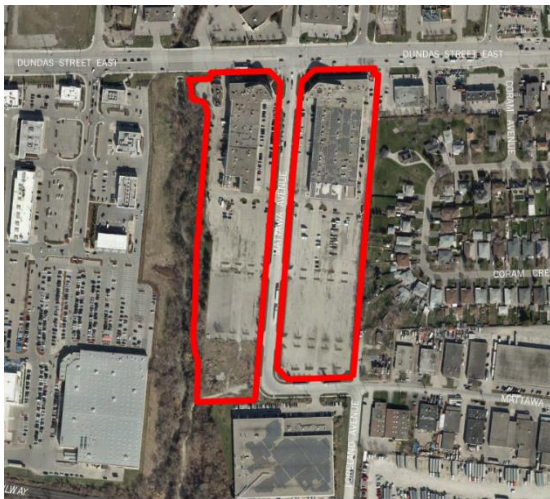
- The applications are to amend the policies of the official plan, change the zoning by-law and approve a plan of subdivision to permit a mixed use development that will include residential, ground floor commercial, a public park and open space. A total of 3,027 residential units are proposed within three blocks of townhouses, seven buildings with maximum heights between 12 and 18 storeys and three buildings with maximum heights between 29 and 41 storeys
- The official plan amendment, rezoning and plan of subdivision applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for a non-decision. A case management conference call has been scheduled for October 31, 2023
- Planning staff support an increase in permissions to accommodate intensification for reasons including, the subject site's size and location within an MTSA and the Dixie/Dundas Community Node. Approval of the proposal, however, is premature pending the resolution of outstanding issues including:
 - Additional information is required to confirm compatibility with surrounding employment uses
 - Additional information and/or modifications to the built form are required to ensure the development meets City standards
 - Additional justification and/or modifications to the proposed parking standards
 - Technical studies and issues that remain and have to be addressed, include but are not limited to: confirming that the proposal has functional servicing, that traffic impacts are appropriately addressed, that the northern property line accurately reflects the expanded right-of-way to accommodate proposed Bus Rapid Transit on Dundas Street East, onsite contamination has been properly addressed, and that the limits and buffers to the Little Etobicoke Creek ravines are properly determined
- Staff and the applicant are of the opinion that Tribunal led mediation would be beneficial
- 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 outline in the report and comments provided by staff through the initial circulation

Background

A public meeting was held by the Planning and Development Committee on June 26, 2023, at which time an Information Report (Item 7.2 [eSCRIBE Agenda Package \(escribemeetings.com\)](https://www.escribemeetings.com)) was received for information. Recommendation PDC-0049-2023 was adopted by Council on June 28, 2023.

1. That the report dated June 2, 2023, from the Commissioner of Planning and Building regarding the applications by 4Q Commercial WP Inc. to permit a mixed use development that will include residential, ground floor commercial, a public park and open space. A total of 3,027 residential units are proposed within three blocks of townhouses, seven buildings with a maximum height between 12 and 18 storeys and three buildings with a maximum height between 29 and 41 storeys, under Files OZ/OPA 22-22 W1 and 21T-M 22-4 W1 be received for information.
2. That one oral submissions be received

On April 3, 2023, the owner appealed the applications to OLT due to non-decision by City Council and a Case Management Conference (CMC) was held on July 6, 2023. The Region of Peel and Toronto Region Conservation Authority were also granted party status. At the meeting the applicant advised it is hopeful the City will determine Tribunal-led mediation would be beneficial. A second CMC has been scheduled for October 31, 2023. The purpose of this report is to make a recommendation to Planning and Development Committee on the application and to seek direction with respect to the appeal.



Aerial image of 1580 – 1650 Dundas St. E.



Applicant's rendering of the proposed development

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 28, 2022. A community meeting was held by Ward 1 Councillor, Stephen Dasko, on January 21, 2023. The virtual meeting had 38 people in attendance. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on June 26, 2023. One member of the public made a deputation regarding the applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

PLANNING ANALYSIS SUMMARY

The *Planning Act* allows any property owner within the Province of Ontario the ability to make a development application to their respective municipality in order to accommodate a particular development proposal on their site. Upon the submission of mandated technical information, the municipality is obligated under the *Planning Act* to process and consider the application within the rules set out in the Act.

The Province identifies through its *Provincial Policy Statement* matters that are of provincial interest, which require the development of efficient land use patterns and sustainability in urban areas that already exist. The Province has also set out the *Growth Plan for the Greater Golden Horseshoe*, which is designed to promote economic growth, increase housing supply and build communities that are affordable and safe, among other items. The Growth Plan requires municipalities to manage growth within already existing built up areas to take advantage of existing services to achieve this mandate. In order to meet required housing supply projections, the *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Policy Statement* and the Growth Plan.

Additional information is required to confirm whether the proposed residential land uses are compatible with surrounding industrial uses and onsite contamination has been properly addressed. Further analysis and/or modifications are required to ensure the built form achieves appropriate standards (e.g. height and shadow impacts on Dundas Street, separation distances, transition to adjacent residential low density neighbourhood, appropriate setbacks from streets and ground floor activation). There are also a number of technical studies and issues that have not been properly addressed (e.g. functional servicing, traffic impact, noise, sun/shadow studies are appropriate, that the northern property line reflects the BRT right-of-way requirements, onsite contamination has been properly addressed, and that the limits of the Little Etobicoke Creek ravine are properly determined).

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.

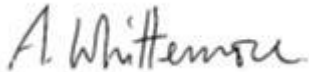
Conclusion

The applications require additional information and modifications before the City can fully endorse approval of the proposed development. Until such time as the outstanding issues identified in this report are resolved, these official plan amendment, rezoning and draft plan of subdivision applications are not acceptable in their current form and should not be approved.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Paul Stewart, Development Planner