

# City of Mississauga

# Corporate Report



<p>Date: October 4, 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 22-16 W7</p>
	<p>Meeting date: October 23, 2023</p>

## Subject

### **PUBLIC MEETING INFORMATION AND RECOMMENDATION REPORT (WARD 7)**

**Official Plan Amendment and Rezoning applications to permit three apartment buildings with heights of 16, 27 and 29 storeys and ground floor commercial uses**

**60 Dundas Street East, southeast corner Dundas Street East and Shepard Avenue**

**Owner: Gold Star Plaza Ltd.**

**File: OZ/OPA 22-16 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, under file OZ/OPA 22-16 W7, in their current form, for the lands at 60 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

- Official plan amendment and rezoning applications have been submitted to permit three apartment buildings with heights of 16 storeys (Tower A), 27 storeys (Tower B) and 29 storeys (Tower C), and a 14 storey podium connecting Towers B and C. The buildings are proposed to contain 1,009 dwelling units, with 1,138 m<sup>2</sup> (12,249.3 ft<sup>2</sup>) of retail space at ground level and 836 m<sup>2</sup> (8,998.6 ft<sup>2</sup>) of commercial and flex space on the 2<sup>nd</sup> floor.

- The official plan amendment and rezoning applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for non-decision within the prescribed timelines required by Provincial legislation. A case management conference was held on September 12, 2023.
- Planning staff support an increase in permissions to accommodate residential intensification on the property as it is located within Downtown Cooksville, a designated intensification area, is in proximity to planned transit and will increase the housing supply. In this case however, approval of the development applications in their current form is premature pending the resolution of outstanding issues, including:
  - Delineation of the developable area of the property to the satisfaction of the City and Credit Valley Conservation Authority (CVC), based upon the regulatory floodplain and associated erosion hazards associated with Cooksville Creek
  - Insufficient information to confirm adequate sanitary servicing capacity is available to service the proposed development
  - Additional justification and/or modifications to the proposed zone standards
  - Additional information/justification on how the current proposal conforms to the Mississauga Official Plan (MOP) criteria and policies for tall buildings, including those related to sun shadow impact, scale and transition
  - Technical studies and issues remain and have to be addressed, including but are not limited to the submission of satisfactory Floodplain and Erosion Study, Environmental Impact Study, Traffic Impact Study, Wind Study, Functional Servicing Report, and a Sun Shadow Study
- 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

On April 28, 2023, the owner appealed the applications to OLT due to non-decision within the prescribed timelines required by Provincial regulation. At the case management conference on September 12, 2023, the Tribunal scheduled a second case management conference for November 30, 2023, as well as a 10 day hearing for August 12 to 23, 2024.

The purpose of this report is to make a recommendation to Planning and Development Committee (PDC) on the application and to seek direction with respect to the appeal.



Aerial Image of 60 Dundas Street East



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 August 31, 2022. No written submissions were received. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

No community meetings were held for the subject application. No public meeting have been held and no comments have been received from area landowners by the Planning and Building Department.

### 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 1. The applications seek to redevelop the site for tall buildings, which supports general intensification policies and transit investment. However, the application is premature until such time that the developable area has been delineated to the satisfaction of the City and CVC. Further, 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 proposed zone standards being requested that have not been appropriately justified, and therefore, not supported by City staff.

Additionally, the Region of Peel has raised concerns with the sanitary sewer capacity based on information provided by the applicant to date. There are a number of technical studies and issues that have not been adequately addressed and require additional information to be submitted by the applicant, including, but is not limited to, the submission of satisfactory

technical studies including: a Floodplain and Erosion Study, an Environmental Impact Study, a Traffic Impact Study, a Wind Study and a Sun Shadow Study.

## 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.

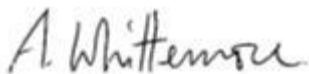
## Conclusion

Staff have reviewed the applications and conclude that the development, as proposed, is not acceptable from a planning standpoint and should not be approved. While staff support an increase in permissions to accommodate residential intensification on the property, the applications have not provided sufficient information and/or justification to support the proposed development. Additional information and modifications are required to the satisfaction of the City departments and agencies to resolve outstanding issues.

Should these applications be approved by the 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: Detailed Planning Analysis



---

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

Prepared by: Adam Lucas, Development Planner