

# City of Mississauga

# Corporate Report



<p>Date: October 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 &amp; Building</p>	<p>Originator's file: OZ/OPA 20/007 W4</p> <hr/> <p>Meeting date: November 13, 2023</p>
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## Subject

### **PUBLIC MEETING RECOMMENDATION REPORT (WARD 4)**

**Official Plan Amendment and Rezoning applications to permit a 40 storey rental apartment building**

**Address: 3575 Kaneff Crescent, south side of Kaneff Crescent, east of Obelisk Way and west of Mississauga Valley Boulevard**

**Owner: Kaneff Properties Limited**

**Files: OZ/OPA 20/007 W4**

**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 20/007 W4, in their current form, for the lands at 3575 Kaneff Crescent 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 a 40 storey rental apartment building at 3575 Kaneff Crescent

- The original applications proposed a 29 storey rental apartment building, with subsequent revisions amending the proposed height to 33 and then 32 storeys
- 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 has been scheduled for December 1, 2023
- The applicant has made revisions to the proposal to address issues raised at the Public Meeting and by staff, including:
  - Increased setbacks to the building and the underground parking structure
  - Removed lay-by parking
  - Reconfigured the site access
- In addition to making revisions in response to comments received, the applicant has also:
  - Increased the proposed building height from 29 to 40 storeys
  - Reduced the resident and visitor parking rates
  - Reduced the per unit amenity area available to future residents
- Planning staff support an increase in permissions on this site since it is within a Major Transit Station Area (MTSA) and close to Hurontario Street and the future LRT. In this case, approval of the development applications is premature pending the resolution of outstanding issues
- The applicant appears to be maximizing the site rather than optimizing it for its highest and best use. As a result, the zone standards being proposed are inappropriate, including but not limited to, the reduction in the amount of common amenity space, the reduction in required resident and visitor parking and the reduction of landscaped area
- 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 November 23, 2020, at which time an Information Report (<https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=a3aec98c-b5c9-4f66-82c8-9f59d3c7b9af&lang=English&Agenda=Agenda&Item=8&Tab=attachments>) was received for information. Recommendation PDC-0043-2020 was then adopted by Council on November 25, 2020.

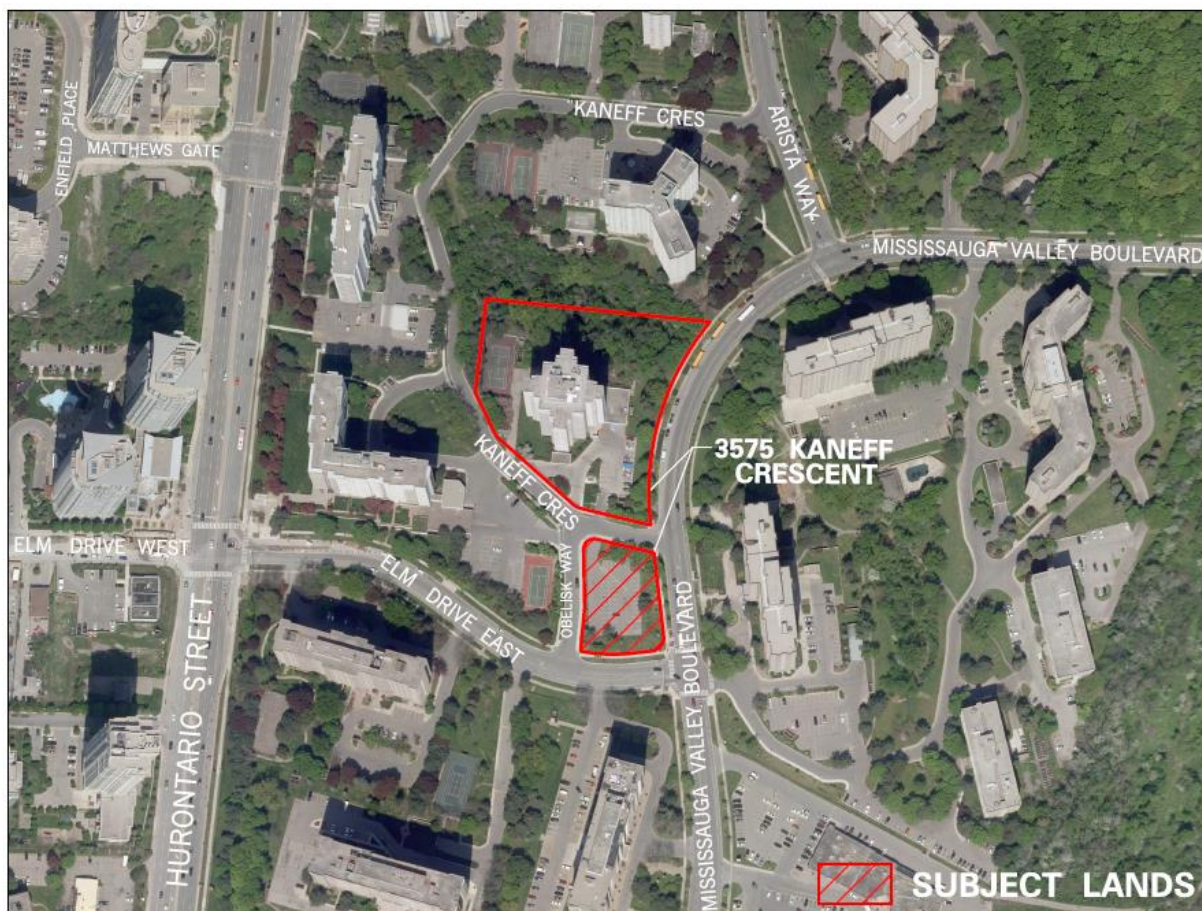
## PDC-0043-2020

1. That the report dated October 30, 2020, from the Commissioner of Planning and Building regarding the applications by Kaneff Properties Limited to permit a 29 storey apartment building, under File OZ 20/007 W4, 3575 Kaneff Crescent, be received for information.

2. That three oral submissions be received.

On August 14, 2023, the owner appealed the applications to OLT due to non-decision and a case management conference has been scheduled for December 1, 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.

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



Aerial Image of 3575 Kaneff Crescent

Official plan amendment and rezoning applications proposing a 29 storey rental apartment building with 282 residential units were received on June 18, 2020. The applications were deemed complete on July 9, 2020. A revised submission was received in May 2022, which proposed a 33 storey rental apartment building with 322 units. The October 2022 resubmission revised the proposal again to allow for a 32 storey rental apartment with 317 units. The fourth and final submission, which has been appealed to the OLT, was received in July 2023 and proposes a 40 storey rental apartment with 467 rental units.

## Comments

### REVISED DEVELOPMENT PROPOSAL

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

- Increased the building height from 29 to 40 storeys
- Increased the building setbacks along Mississauga Valley Boulevard and Elm Drive East
- Increased and unencumbered the landscape buffers
- Removed the previously proposed lay-by parking on Obelisk Way
- Removed access from Kaneff Crescent to have only one access on Obelisk Way
- Reduced parking rates from 0.78 resident spaces per unit and 0.15 visitor spaces per unit to 0.54 resident spaces per unit and 0.1 visitor spaces per unit
- Relocated the loading area internally within the building
- Reduced the per unit amenity area (combined indoor and outdoor) from 5.7 m<sup>2</sup> (61.4 ft<sup>2</sup>) per unit to 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) per unit
- Relocated the indoor amenity area to the 5<sup>th</sup> floor to connect with the outdoor amenity space proposed on that floor.

### 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 July 22, 2020. A virtual community meeting was held by Ward 4 Councillor, John Kovac, on November 17, 2020. Ten members of the public attended the meeting. Eleven written submissions were received. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The statutory public meeting was held on November 23, 2020. Three 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.

### 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 are generally consistent with the *Provincial Policy Statement* and generally conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan. The proposed development intensifies an underutilized site in Downtown Fairview and benefits from its proximity to existing and future transit and community infrastructure. However, the applicant has not adequately justified how the current proposal conforms to the policies of MMOP relating to City Structure and the criteria for tall buildings with regard to scale and transition. An official plan amendment is required to add a Special Site to the **Residential High Density** designation.

## 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

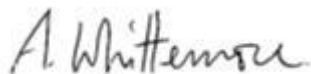
Staff have reviewed the planning justification report and other technical information submitted as part of the applications and conclude that the development, as proposed, is not acceptable from a planning standpoint and should not be approved.

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



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

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