

## Recommendation Report Detailed Planning Analysis

**Owner: Kaneff Properties Limited**

**3575 Kaneff Crescent**

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## 1. Community Comments

Comments from the public were generally directed towards parking concerns, construction nuisance (noise, dust and inconvenience), traffic safety and the height of the building. Below is a summary and response to the specific comments heard.

### Comment

Insufficient parking is proposed to accommodate the development.

### Response

A Parking Justification Study, prepared by Nextrans Consulting Engineers, revised July 2023, was submitted in support of the application. This study concluded that the proposed parking rates of 0.54 residential spaces per unit and 0.1 visitor spaces per unit, with a shared off-site parking agreement, is sufficient. Staff require additional justification for the proposed rates, as the Precinct 1 parking rates require 0.8 resident spaces and 0.2 visitor spaces per unit. A satisfactory Parking Utilization Study that meets the City's terms of reference is required to justify the proposal since the proposed parking reduction is greater than 10% from the existing Zoning By-law requirements.

### Comment

The proposed development will increase traffic which may impact vehicular and pedestrian safety

### Response

A Transportation Impact Study (TIS), prepared by Nextrans Consulting Engineers, dated October 2022, was submitted in support of the application. The study concluded that the proposed development is anticipated to generate 92 (22 in, 70 out) and 120 (73 in, 47 out) two-way vehicular site trips for the weekday AM and PM peak hours in 2030, respectively. The TIS also indicates that traffic levels at key intersections in the surrounding area will remain at acceptable levels of service and no safety concerns are identified as a result of the proposed development. Staff are satisfied with the conclusions of the TIS.

### Comment

Construction noise and dust will be a nuisance to the surrounding area for a significant length of time

### Response

Construction is a necessary component in a growing city. It is anticipated that there will be some level of disruption to the area as a result of construction activity on the subject property. Mud tracking will be managed through the City's Lot Grading and Municipal Services Protection By-law, and construction will be subject to the City's Noise Control By-law, which regulates the period of time when construction equipment can operate in residential areas.

## 2. Updated Agency and City Department Comments

The applications were circulated to all City departments and commenting agencies on July 15, 2020. There were three

subsequent submissions circulated on May 10, 2022, October 28, 2022 and July 28, 2023. A summary of the initial comments is contained in the Information Report attached as Appendix 1. Below are updated comments.

### **Transportation and Works**

Technical reports and drawings have been reviewed to ensure that engineering matters related to noise, grading, servicing, stormwater management, traffic and environmental compliance can be satisfactorily addressed to confirm the feasibility of the project, in accordance with City requirements.

### **Stormwater**

The Functional Servicing and Stormwater Management Report (dated June 2023) indicate that an increase in stormwater runoff will occur with the redevelopment of the site. In order to mitigate the change in impervious area from the proposed development and/or impact to the receiving municipal drainage system, on-site stormwater management controls for the post development discharge is required.

The applicant has demonstrated a satisfactory stormwater servicing concept, which includes the use of existing infrastructure on Elm Drive. Water quantity and quality will be managed via a stormwater tank and oil grit separator. In addition, a number of low impact development options are being considered. Further details related to groundwater dewatering and the refinement of the stormwater management plan can be addressed prior to site plan approval.

### **Traffic**

Three Transportation Impact Study (TIS) submissions were provided by NexTrans Consulting Engineers in support of the proposed development. Each submission was reviewed and audited by the City's Transportation and Works Department. The final submission, dated July 2023, complied with the City's TIS guidelines and is deemed satisfactory. The study concluded that the proposed development is anticipated to generate 92 (22 in, 70 out) and 120 (73 in, 47 out) two-way vehicular site trips for the weekday AM and PM peak hours in 2030, respectively.

Even with the addition of traffic generated by the proposed development, the study area intersections and proposed vehicular access are expected to operate at acceptable levels of service with minimal impact to existing traffic conditions.

### **Environmental Compliance**

An updated Phase One Environmental Site Assessment (ESA) report, dated October 20, 2022 and Phase 2 ESA, dated May 2022, and prepared by Toronto Inspection Ltd., were received and reviewed. The ESAs indicate that the site is suitable for the proposed use and no further investigation is required at this time.

### **Noise**

A Noise Feasibility Study prepared by HGC Engineering, dated May 20, 2020 and updated July 2023, have been received and reviewed. Noise sources that may have an impact on this development include road traffic. Noise limits on the common outdoor living areas will be achieved with the minimum parapets

included as part of the building design, the details of which will be confirmed through the site plan process.

### **Housing**

Mississauga's Inclusionary Zoning (IZ) By-law was enacted on August 10, 2022, and came into effect on August 11, 2022 initiating the IZ transition period. MTSAs were identified in the Regional Official Plan and approved by the Minister of Municipal Affairs and Housing on November 4, 2022. The City's IZ transition period concluded as of January 1, 2023 at which time IZ came into full force and effect for all applicable development applications.

Pursuant to Ontario Regulation 232/18, Subsection 8(1)(d), this file is exempt from the IZ By-law because an associated site plan application was filed prior to August 10, 2022 (SP 22-75 W4 submitted May 13, 2022).

The tenure of the proposed development is purpose-built rental housing. Staff are satisfied that this proposed development will provide a valuable contribution to the diversity of housing options in Mississauga.

### **Municipal Parking**

An updated Transportation Impact Study, prepared by NexTrans Consulting Engineers (NexTrans) and dated July 2023, has been submitted in support of the proposed rezoning and official plan amendment application. A total of 467 parking spaces are required for all proposed uses per the existing Zoning By-Law for Precinct 1. The Applicant is proposing a total of 300 parking spaces (254 residential, 46 visitor), which is a

167 parking space or 36% deficiency for the overall site. Eighty-two (82) parking spaces (46 residential, 36 visitor) are proposed to be accommodated off-site at the existing residential building located at 3575 Kaneff Crescent (located north of the subject site, across Kaneff Crescent). The Applicant is proposing to provide resident parking at a rate of 0.54 parking spaces per rental apartment unit, and 0.10 visitor parking spaces per unit, whereas the Precinct 1 parking requirements are 0.8 parking spaces per rental apartment unit, and 0.2 visitor parking spaces per unit. Per the Applicant's proposal, this will be accommodated through a combination of on-site and off-site parking. As such, the on-site resident parking is proposed at a rate of 0.44 parking spaces per rental apartment unit, and 0.02 visitor parking spaces per unit.

The proposed reduced resident and visitor parking rates are not supportive of the Parking Regulations Study recommendations as outlined in the existing City of Mississauga Zoning By-Law 0225-2007. Additionally, the parking justification submitted by the Applicant is not satisfactory and therefore, the Applicant is required to undertake a satisfactory Parking Utilization Study (PUS) per the City's Parking Terms of Reference, to justify the requested resident and visitor parking rates, as the parking reduction is greater than 10% from the existing Zoning By-law requirements. For these reasons Staff do not support the proposed parking rates in this instance.

As the Applicant proposes to accommodate a portion of the required parking off-site, an off-site parking agreement is applicable, should staff support off-site parking in this instance.

### **School Accommodation**

In comments, dated August 2, 2023 and October 6, 2023, the Dufferin-Peel Catholic District School Board and the Peel District School Board, respectively, indicated that they are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for this development application.

### **3. Provincial Policy Statement, 2020 (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019 and Amendment No. 1 (2020)**

The *Provincial Policy Statement* (PPS) and the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) provide policy direction on matters of provincial interest related to land use planning and development and directs the provincial government's plan for growth and development that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.

Both the PPS and the Growth Plan recognize that the official plan is the most important vehicle for implementation of these policies as "comprehensive, integrated and long-term planning is best achieved through official plans".

Under the *Planning Act*, all planning decisions must be consistent with the PPS and conform to the Growth Plan.

## **4. Consistency with PPS**

The Information Report dated November 23, 2020 (Appendix 1) provides an overview of relevant policies found in the PPS. The PPS includes policies that allow for a range of intensification opportunities and appropriate development standards, including:

Section 1.1.3.2 of the PPS requires development to reflect densities and a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities and are transit supportive.

Section 1.1.3.3 of the PPS states that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock.

Section 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

Section 1.4.3 of the PPS states that Planning Authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.

The subject site and proposal represents an opportunity to intensify an underutilized parcel of land and provide much needed rental apartments in an area that is supported by existing bus transit and planned light rail transit. The proposed development represents an efficient land use pattern that avoids environmental health or safety concerns. As outlined in this report, the proposed development supports the general intent of the PPS but is found to be excessive based on the City Structure and Built Form policies of Mississauga Official Plan, as well as the cumulative impacts of the deviations from the **RA5** zone.

## 5. Conformity with Growth Plan

The Growth Plan was updated May 16, 2019, in order to support the "More Homes, More Choice" government action plan that addresses the needs of the region's growing population. The new plan is intended, amongst other things, to increase the housing supply and make it faster and easier to build housing. Pertinent changes and key policies to the Growth Plan include:

- The Vision for the Growth Plan now includes the statement that the Greater Golden Horseshoe will have sufficient housing supply that reflects market demand and what is needed in local communities.
- Section 2.2.1.2 c) indicates that forecasted growth within settlement areas will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit and areas with existing or planned public service facilities.
- Section 2.2.1.3 directs municipalities to undertake integrated planning to manage forecasted growth which will provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
- Section 2.2.2.3 requires municipalities to encourage intensification generally throughout the delineated built-up area. Previous wording referred to encouraging intensification to generally achieve the desired urban structure.
- Section 2.2.2.3 also directs municipalities to identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas.
- Section 2.2.4.3 requires that Major Transit Station Areas on Priority transit corridors will be planned for a minimum density target of 160 residents and jobs per hectare for those that are served by light rail or bus rapid transit.
- Section 2.2.4.9 directs municipalities to support development within major transit station areas that provide for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels and providing alternative development standards, such as reduced parking standards.

- Section 2.2.6.2 directs municipalities to support the achievement of complete communities by considering the range and mix of housing options and densities to the existing housing stock, and planning to diversify their overall housing stock across the municipality.
- Section 5.2.4.5 allows municipalities to plan for development beyond the horizon of the Growth Plan for strategic growth areas that are delineated in official plans and subject to minimum density targets, provided that the type and scale of built form for the development would be contextually appropriate.

The PPS and Growth Plan allow for municipalities to have policies to ensure that development is governed by context appropriate standards including density and scale.

The proposed development conforms to the Growth Plan insofar as it is intensifying an underutilized site that can accommodate high density residential development in proximity to existing and planned transit and infrastructure. However, the development is also considered to be of a scale and density that is contextually inappropriate in the surrounding lands, the City Structure identified in MOP and the numerous zoning by-law deviations required to accommodate the development.

## 6. Region of Peel Official Plan

As summarized in the public meeting report dated November 30, 2020 (Appendix 1), the proposed development does not require an amendment to the Region of Peel Official Plan. The subject property is located within the Urban System of the

Region of Peel. General Objectives in Section 5.3.1 and General Policies in Section 5.3.2 direct development and redevelopment to the Urban System to achieve an efficient use of land.

The ROP also includes references to respecting, recognizing, and taking into account the characteristics of existing communities (e.g. policies 5.3.1.3, 5.3.1.4, 5.3.1.7, and 5.3.2.6). This general policy direction remains in the new ROP. The primary instrument used to assess character is MOP and an assessment of the proposed development is provided in Section 7 of this Appendix.

In November 2022, the new Peel 2051 Region of Peel Official Plan (RPOP) came into force. In keeping with the Growth Plan, RPOP identified Major Transit Station Areas (MTSAs) in the Region and developed policies and applied minimum density targets to said areas. The subject property is located within a Primary Major Transit Station Area, which requires a minimum density target of 300 people and jobs per hectare.

The proposed development conforms to the ROP as the property is within the Urban System and a designated intensification area. The proposal achieves an intensified and compact built form that efficiently uses land, services and public infrastructure.

The City Planning Strategies (CPS) Division has confirmed that the Downtown Fairview MTSA will exceed the minimum density targets as required by the Province within the Major Transit Station Area, based on existing developments, approved

applications and proposed applications. While staff are generally supportive of residential intensification on this property, the degree to which the intensification is proposed is not necessary to meet the provincial growth plan density targets in this area of the City.

## 7. Mississauga Official Plan (MOP)

The proposal requires an amendment to the Mississauga Official Plan Policies for the Downtown Fairview Character Area, to permit a 40 storey apartment building and to allow for an increase in permitted Floor Space Index (FSI) of 12.0 whereas an FSI between 1.5 and 2 is currently permitted. Section 19.5.1 of Mississauga Official Plan provides the following criteria for evaluating site specific Official Plan Amendments:

- ***Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?***
- ***Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?***
- ***Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application?***
- ***Has a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good***

### ***planning principles and the merits of the proposed amendment in comparison with the existing designation been provided by the applicant?***

Planning staff have undertaken an evaluation of the relevant policies of the PPS, Growth Plan and MOP, including those found in Section 19.5.1 against this proposed development application.

The following is an analysis of the key policies and criteria:

The subject site is located in the Downtown Fairview Character Area, which forms part of the City's Urban Growth Centre. The site is approximately 200 m (656 ft.) east of Hurontario Street, a designated Intensification Corridor in MOP. The property is designated **Residential High Density**, which permits apartments with a maximum building height of 25 storeys and an FSI range of 1.5 to 2. The proposed amendment is seeking to maintain the existing **Residential High Density** designation and to add Special Site policies to permit a maximum height of 40 storeys and an FSI of 12.0.

#### *Directing Growth*

Chapter 5 of Mississauga Official Plan (MOP) sets out the policies related to directing future growth. Sections 5.1.4 and 5.1.6 state that growth will be directed to Intensification Areas, and that development is encouraged to be compact, mixed use, transit supportive, and, in appropriate locations, provide a range of live/work opportunities. The City Structure identified in Section 5.3 establishes the framework for where growth should be focused. The three Downtowns (Fairview, Cooksville and

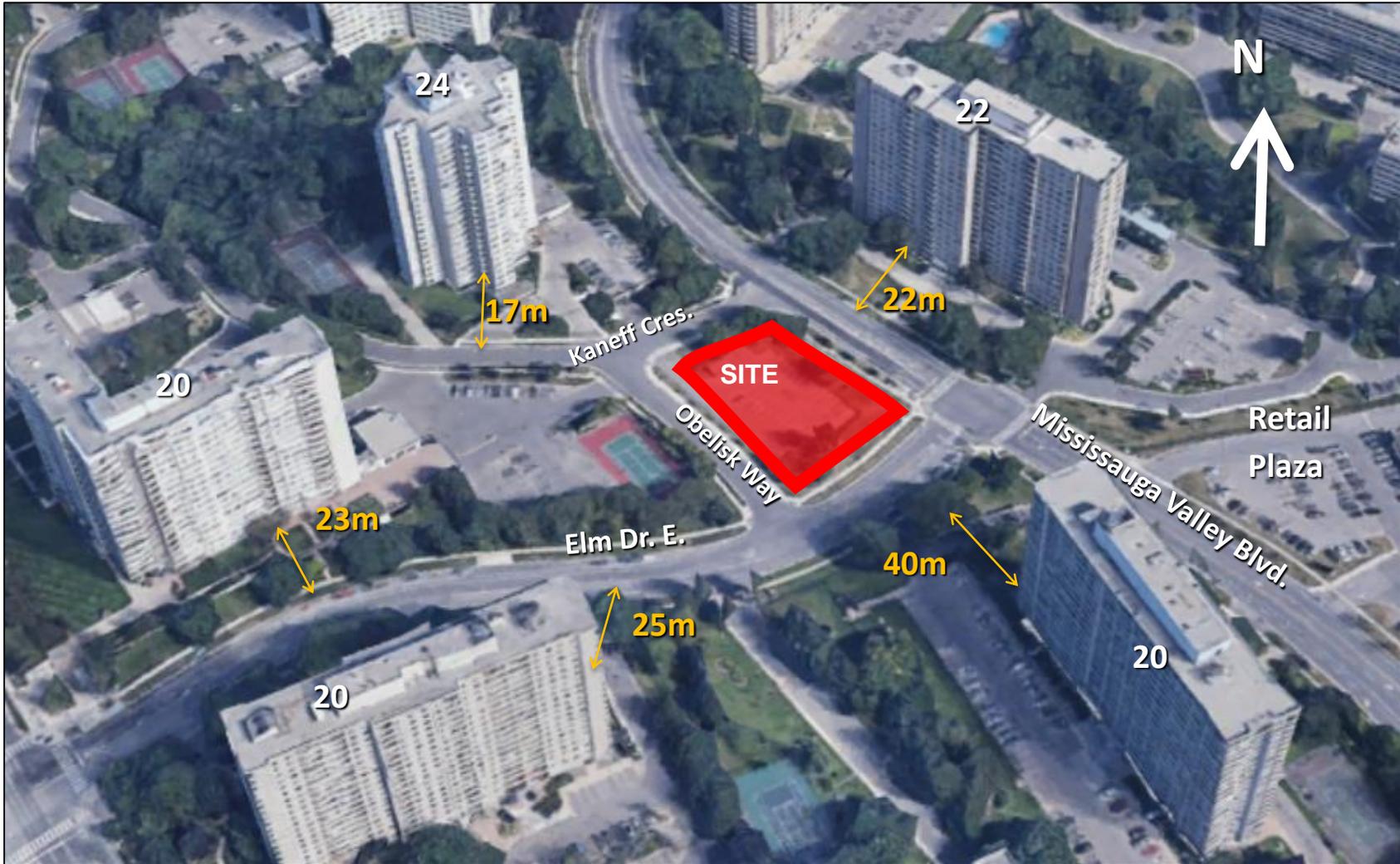
Hospital) are Intensification Areas and will contain the highest densities, tallest buildings and greatest mix of uses, second only to the Downtown Core.

Due to the location of the subject lands within Downtown Fairview, a designated Intensification Area in MOP, increased height and density can be supported on the subject site; however, increased intensification needs to be balanced with the need to respect the character of the surrounding area in which it is proposed.

### *Compatibility*

Intensification is envisioned in Downtown Fairview. Chapter 9 of MOP reinforces the importance of compatibility and ensuring that infill development “fits” within the existing context and minimizes undue impacts on adjacent properties. Section 9.1 further acknowledges that appropriate infill in both Intensification and Non-Intensification Areas help to revitalize existing communities by developing vacant or underutilized lots and by adding to the variety of built forms and tenures.





Immediate Context – Heights and Approximate Building Setbacks



Rendering of proposed ground level

Section 9.2.1 of MOP outlines the built form policies pertaining to Intensification Areas. Sections 9.2.1.1 and 9.2.1.2 specifically emphasize the importance of development creating distinctive places and utilizing design excellence to create a vibrant Downtown complemented by communities that retain their own identity.

The Mississauga Valleys community was built in the 1970s and 1980s and is unique in that it is comprised of predominantly 20 to 24 storey slab style, 'tower in the park' type apartment buildings. Although it is acknowledged that slab style apartments are less commonly constructed and the trend is for taller buildings with narrower floorplates, it does not eliminate the need to be mindful of the unique context that surrounds the subject site. As represented in the images above, the 'tower in the park' style of development offers an abundance of greenspace to offset the significant building mass. While the subject site is smaller than the surrounding parcels, it is not expected to mimic the surrounding large lot condition by consolidating with other lands. That said, staff are of the opinion that greater emphasis is needed on improving the overall building design and reducing the building footprint to allow for closer conformity to our current landscape and amenity area requirements. By more closely adhering to City minimum landscape requirements, the proposal would better align with the character of the immediate context, which consists of generous greenspace, open space and landscaping.

MOP contains specific design criteria for tall buildings within Intensification Areas to ensure compatibility with the surrounding context:

Sections 9.2.1.8 and 9.2.1.9 identify the preferred location for tall buildings being close to existing and planned MTSA's, and acknowledges that greater building heights may be appropriate on rights-of-way that exceed 20 m (65.6 ft.).

MOP goes on to further require that appropriate height and built form transitions be provided between sites and their surrounding areas, and that tall buildings will be sited to enhance an area's skyline (MOP Sections 9.2.1.10 and 9.2.1.11).

This subject site is within 200 m (656.2 ft.) of the future Hazel McCallion LRT, and both Mississauga Valley Boulevard and Elm Drive West have 26 m (85.3 ft.) rights-of-way widths. Although these factors reinforce the site being appropriate for intensification and a tall building, the proposed 40 storey building does not achieve the desired transition from the intersection of Hurontario Street and Elm Drive East or to adjacent lands. Furthermore, at 40 storeys, the proposal will not enhance the area's skyline and will distract from the unique identity and character of this area east of Hurontario Street.

New developments should be compatible and provide appropriate transition to existing and planned development by having regard for building mass and height, landscape buffers and building setbacks, views, sunlight and wind conditions. New buildings should create a built form that reinforces and enhances the local character, respects their immediate context and creates a quality living or working environment. (MOP Sections 9.5.1.2, 9.5.1.9 and 9.5.2.1).

The subject site is located within the Downtown Fairview Character Area where the maximum building height is 25 storeys on lands designated **Residential High Density**. This site is not on the Hurontario Street Intensification Corridor and, as such, the height should respect the unique character of the existing neighbourhood, which consists of 20 to 24 storey 'tower in the park' apartment buildings. Despite the maximum 25 storey height permission, staff acknowledge that the unique attributes of the site are such that heights greater than 25 storeys may be appropriate; however, the proposed 40 storeys is excessive given the surrounding context. This is especially true since modern storeys are significantly higher than buildings constructed in the 1970-1980s. Floor to ceiling heights have increased since the time the buildings immediately surrounding the subject site were constructed. As such, a 20 storey building constructed under today's standard would appear to be much taller than the surrounding buildings, despite being the same number of storeys. A better transition eastwards from the intersection of Hurontario Street and Elm Drive can be achieved with the development of the subject site with a building with a height less than 40 storeys.

#### *Services and Infrastructure*

Based on the comments received from the applicable City Departments and external agencies, the existing infrastructure is adequate to support the proposed development.

The Region of Peel has advised that there is adequate water and sanitary sewer capacity to service this site.

The site is approximately 1.5 km (0.93 mi.) from the Cooksville GO station, which provides two-way peak train service and two-way off-peak bus service to downtown Toronto. The site is also located approximately 210 m (689 ft.) from a future Light Rail Transit (LRT) line on Hurontario Street with a future LRT stop on the north side of Elm Drive West approximately 300 m (984 ft.) from the subject land.

The site is currently serviced by the following MiWay Transit routes:

- Route 2 – Hurontario
- Route 3 – Bloor
- Route 8 – Cawthra
- Route 53 - Kennedy
- Route 103 – Hurontario Express

There is a transit stop on Mississauga Valleys Boulevard at the northeast corner of the site.

The area is well served by community facilities such as Stonebrook Park, a future park at the southeast corner of Kariya Drive and Elm Drive West, Mississauga Valley Park and the Mississauga Valley YMCA Child Care Centre, all within a 0.7 km (0.4 mi.) radius of the subject lands. The Mississauga Valley Community Centre is also approximately 0.95 km (0.6 mi.) from the subject land.

### *General Appropriateness*

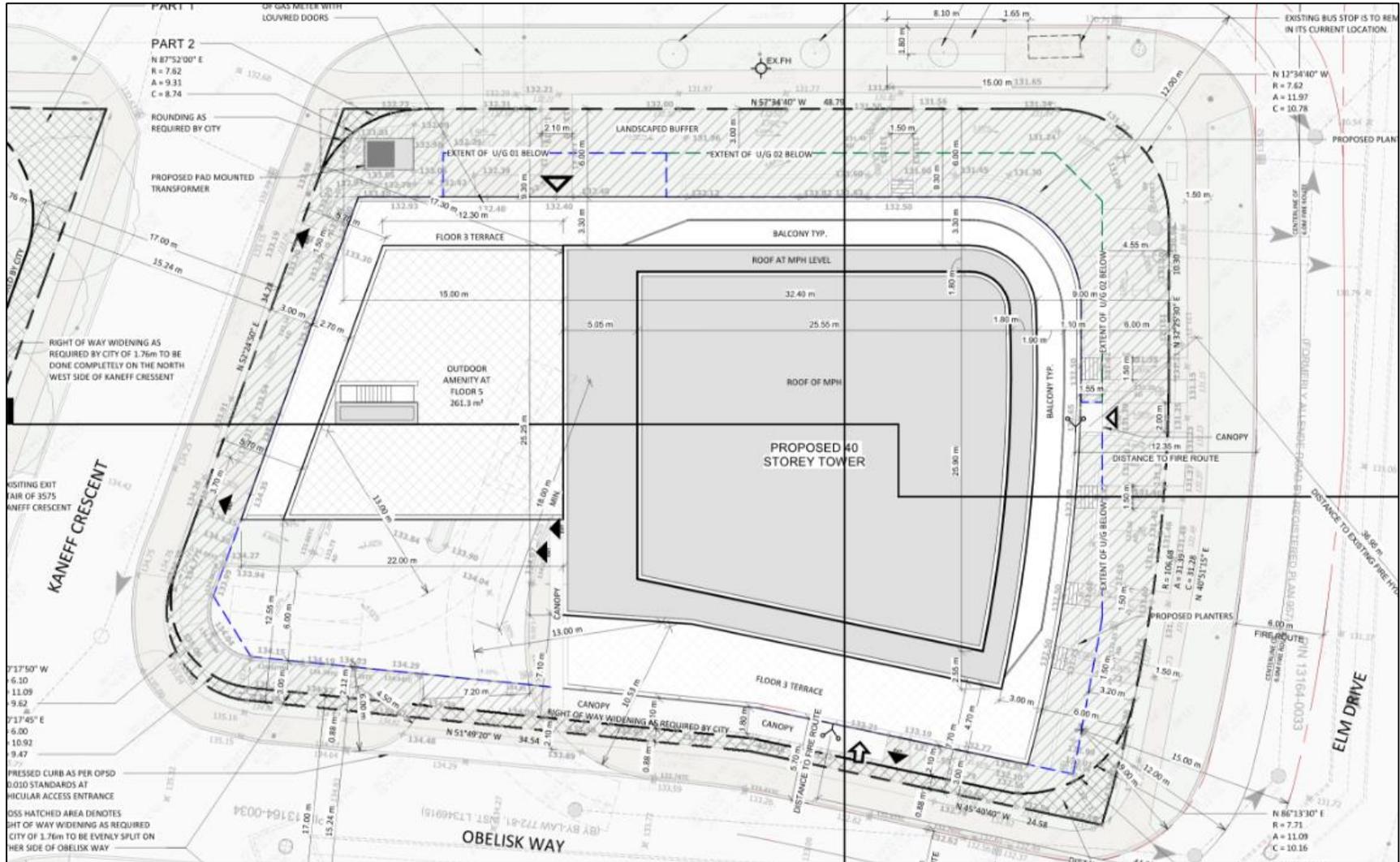
The immediate context consists of 20 to 24 storey 'tower in the park' apartment buildings.

While intensification of this site for a tall building is appropriate, these applications are not consistent with the policies of MOP and the criteria used to evaluate the appropriateness of tall buildings. Furthermore, the cumulative impacts of the numerous zoning by-law deficiencies reinforces that the proposal is excessive. Adequate landscaped buffers, amenity area and parking supply are required in order to support the intensity of the built form, which has not be achieved in this proposal. The transition policies are clear and the cumulative effect of the modifications required to the base zoning by-law regulations

suggest that the proposal in its current form is overdevelopment. The applicant appears to be maximizing the property whereas they should be seeking to optimize the use of the vacant parcel. This could be achieved with a reduction in height and floor plate size, as well as an increase in setbacks and landscaped buffers. Moreover, the resultant decrease in unit count would increase the per unit amenity area and decrease the parking rate deficiency.

## **8. Revised Site Plan and Elevations**

The applicant has provided a revised site plan and elevations as follows:



Proposed Site Plan



North and East Elevations



South and West Elevations

## 9. Zoning

The existing **RA5-4** zone that applies to the subject site permits an apartment building with a maximum height of 25 storeys and a maximum FSI of 1.5.

While the proposed **RA5 – Exception** (Apartments - Exception) zone is the appropriate zone category for the property, the proposed deviations to the base zone are excessive and reflective of the proposal being an over-development of the site.

Below is an updated summary of the proposed site specific zoning regulations:

### Proposed Zoning Regulations

Zone Regulations	RA5-4 Zone Regulations	Proposed RA5-XX Exception Zone Regulations
Maximum <b>Floor Space Index (FSI)</b>	1.5	12.0
Maximum <b>Height</b>	77.0 m (252.6 ft.) and 25 storeys	123.8 m (406.2 ft.) and 40 storeys
Minimum <b>Front Yard</b> , for that portion of the dwelling with a <b>height</b> :  Less than or equal to 13.0 m (42.7 ft.):	7.5 m (24.6 ft.)	Kaneff Crescent: 3.0 m (9.8 ft.)

Zone Regulations	RA5-4 Zone Regulations	Proposed RA5-XX Exception Zone Regulations
Greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.):	8.5 m (27.9 ft.)	Insufficient information provided
Greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.):	9.5 m (31.2 ft.)	Insufficient information provided
Greater than 26.0 m (85.3 ft.):	10.5 m (34.4 ft.)	Insufficient information provided
Minimum <b>Exterior Side Yard</b> for that portion of the dwelling with a <b>height</b> :  Less than or equal to 13.0 m (42.7 ft.):	7.5 m (24.6 ft.)	Mississauga Valley Boulevard: 6.0 m (19.7 ft.)  Obelisk Way: 3.0 m (9.8 ft.)
Greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.):	8.5 m (27.9 ft.)	Insufficient information provided
Greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.):	9.5 m (31.2 ft.)	Insufficient information provided
Greater than 26.0 m (85.3 ft.):	10.5 m (34.4 ft.)	Insufficient information provided

Zone Regulations	RA5-4 Zone Regulations	Proposed RA5-XX Exception Zone Regulations
<p>Minimum <b>Rear Yard</b> for that portion of the dwelling with a <b>height</b>:</p> <p>Less than or equal to 13.0 m (42.7 ft.):</p> <p>Greater than 13.0 m (42.7 ft.) and less than or equal to 20.0 m (65.6 ft.):</p> <p>Greater than 20.0 m (65.6 ft.) and less than or equal to 26.0 m (85.3 ft.):</p> <p>Greater than 26.0 m (85.3 ft.):</p>	<p>7.5 m (24.6 ft.)</p> <p>10 m (32.8 ft.)</p> <p>12.5 (41.0 ft.)</p> <p>15.0 (49.2 ft.)</p>	<p>Elm Drive: 6.0 m (19.7 ft.)</p> <p>Insufficient information provided</p> <p>Insufficient information provided</p> <p>Insufficient information provided</p>
Maximum encroachment of hydro electrical pad and transformer into a required yard	0.0 m (0.0 ft.)	4.5 m (14.8 ft.)
Maximum projection of a <b>balcony</b> located above the first <b>storey</b> measured from the outmost face or faces of the building from which the <b>balcony</b> projects	1.0 m (3.3 ft.)	1.9 m (6.2 ft.)

Zone Regulations	RA5-4 Zone Regulations	Proposed RA5-XX Exception Zone Regulations
Minimum <b>setback</b> from a <b>parking structure</b> completely below finished grade, inclusive of external access stairwells, to any <b>lot line</b>	3.0 m (9.8 ft.)	3.0 m (9.8 ft.) except on Obelisk Way which will be 2.1 m (6.9 ft.)
Minimum <b>landscaped area</b>	40% of <b>lot area</b>	25% of <b>lot area</b>
Minimum depth of a <b>landscaped buffer</b> abutting a <b>lot line</b> that is a <b>street line</b>	4.5 m (14.8 ft.)	3.0 m (9.8 ft.) except on Obelisk Way which will be 2.1 m (6.9 ft.)
Minimum <b>amenity area</b> to be provided outside at grade	55.0 m <sup>2</sup> ( 592.0 ft <sup>2</sup> )	0.0 m <sup>2</sup> (0.0 ft <sup>2</sup> )
Minimum <b>amenity area</b>	The greater of 5.6 m <sup>2</sup> (60.3 ft <sup>2</sup> ) per <b>dwelling unit</b> or 10% of the site area	3.0 m <sup>2</sup> /unit (32.3 ft <sup>2</sup> )
Minimum number of <b>parking spaces</b>	<p>0.8 residential spaces per unit</p> <p>0.2 visitor spaces per unit</p>	<p>0.54 residential spaces per unit</p> <p>0.10 visitor spaces per unit</p> <p>A portion of the parking (46 spaces) is to be provided off-site through</p>

Zone Regulations	RA5-4 Zone Regulations	Proposed RA5-XX Exception Zone Regulations
		an off-site parking agreement
In addition to the regulations listed, other minor and technical variations to the implementing by-law may also apply, including changes that may take place before Council adoption of the by-law, should the application be approved.		

As stated above, staff have considered the proposed exceptions to the base zone and believe that the cumulative effect of the exceptions represents an overdevelopment of the site. Based on the justification provided by the applicant, the proposed amendments to the by-law regulations are not supported by staff. In particular, staff are concerned with the following deviations:

#### *Landscaped Area and Buffers*

The proposed development includes a significant reduction in the minimum landscaped area and landscaped buffer requirements of the **RA5** base zone. As indicated in previous sections of this report, this area consists of 'tower in the park' development which is characterized by buildings surrounded by significant greenspace, open space and landscaped areas with mature vegetation. The reduced amount of landscaping on this site is such that the proposal is out of character with the surrounding area and existing development.

#### *Building Setbacks*

Similar to the landscaped area and buffer reductions, the reduced building setbacks decrease the amount of land available to accommodate landscaping, vegetation and amenity area. The reduced building setbacks further speak to the proposal being too intensive for the size of the parcel.

#### *Amenity Area*

Amenity Area is a critical element in all new development. The Zoning By-law requires both a minimum amount of amenity area per unit and a minimum of 55 m<sup>2</sup> (592 ft<sup>2</sup>) of amenity area at-grade to ensure the basic needs of residents can be met. Additionally, the definition of amenity area does not distinguish between outdoor and indoor amenity area and therefore, both are included in the per unit amenity area rate. In the case of the proposed development, the amenity area rate is proposed to be reduced to 3 m<sup>2</sup> (32.3 ft<sup>2</sup>), of which 82% of this amenity area rate is proposed to be located indoors. Therefore, not only does the proposal seek to reduce the amenity area requirement but it also proposes to locate the majority of the amenity space indoors, which undesirable and reflective of the overdevelopment being proposed.

#### *Parking*

The subject lands are in Parking Precinct 1 which requires 0.8 resident spaces plus 0.2 visitor spaces per unit. The applicant is proposing a reduced parking rate of 0.54 resident spaces and 0.1 visitor spaces per unit, with 46 of the 254 proposed spaces to be located off-site. Insufficient justification has been provided to support the reduced parking rate and staff are concerned with

the possible long-term implications of allowing required spaces to be located off-site.

## 10. Community Benefits Charge

The Planning Act was amended by Bill 197, COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18. Section 37 height and density bonus provisions have been replaced with a new Community Benefit Charge (CBC). As City Council passed a CBC by-law on June 22, 2022, the charge would be applied City-wide to developments that are 5 storeys or more and with 10 or more residential units whether or not there is an increase in permitted height or density. As the subject proposal is more than five storeys and contains 10 or more residential units in total, the CBC will be applicable and will be payable at the time of first building permit.

## 11. "H" Holding Provision

Should the application be approved by the Ontario Land Tribunal (OLT), outstanding technical matters will need to be satisfactorily addressed to facilitate the implementation of the zoning by-law as part of a "H" Holding Provision Removal application, which can be lifted upon:

- Delivery of an executed Development Agreement to the satisfaction of the City of Mississauga, including provision for the required land dedications and upgraded boulevard/streetscape works.

## 12. Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. Site plan application under file SP 22/74 W4 was submitted for the proposed development and subsequently appealed to the OLT with the official plan amendment and rezoning applications, as such, the OLT will be the approval authority for the Site Plan application.

While the applicant has worked with City departments to address many site plan related issues through review of the rezoning concept plan, further revisions are required. Through the site plan process, further refinements are anticipated to the podium design and scale, design of the grade related units, entrance features, and the location and configuration of the required landscape features, upgraded municipal sidewalk and streetscape improvements.

## 13. Green Development Initiatives

The applicant has identified that the following green development initiatives will be incorporated into the development:

- Stormwater management to control the quantity and quality of drainage
- Underground tanks to control the water balance and collect water to be reused in irrigation
- Biofiltration gallery will surround the site within the landscape area to aid in runoff control.

## 14. Conclusions

In conclusion, City staff has evaluated the applications to permit a 40 storey rental apartment building against the *Provincial Policy Statement*, the *Growth Plan for the Greater Golden Horseshoe*, Region of Peel Official Plan and Mississauga Official Plan. Based on a review of the applicable Provincial and Municipal policies, the development on this property with a built form higher than what exists in the area today supports general intensification policies and transit investment. However, the proposed building height and overall zoning deficiencies are not acceptable for the following reasons:

- The proposed height and density exceeds what is necessary in order to meet the applicable minimum density target specified by the Growth Plan
- The proposed building height does not provide an appropriate transition from the Hurontario Street Corridor into the Mississauga Valleys neighbourhood nor to the surrounding area
- The proposed reductions in resident and visitor parking, amenity space and landscaped areas suggests an overdevelopment of the site.

While intensification beyond what is currently permitted may be appropriate for this site, the proposed height and density result in deficiencies in parking, amenity space and landscape areas

which are not in keeping with the Downtown Fairview Character Area.

The subject site is located near Hurontario Street, which is planned for the Hazel McCallion LRT and has unique characteristics that make this site appropriate for some level of intensification. However, insufficient justification has been provided to support a 40 storey building in this location. A building with a lower height can still achieve the overall goal of accommodating growth near transit while reinforcing the character of the area and being more compatible with adjacent developments.