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Recommendation Report Detailed Planning Analysis

Owner: 65 Agnes Inc.

65-79 Agnes Street

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1. Community Comments

Comments from the public were generally directed towards the building height and ensuring an adequate amount of off street vehicular parking. Below is a summary and response to the specific comments heard.

Comment

The proposal should be reduced in height in comparison to other recently approved developments in the area.

Response

The applications seek to permit a 29 storey apartment containing 379 dwelling units. As discussed further in this appendix, staff have concerns with the proposed built form and the height of the proposed building.

Comment

The proposal will cause disruption when construction occurs.

Response

It is anticipated that there will be some level of disruption to the area resulting from construction activity occurring on the subject property. Mud tracking will be managed through the City's Lot Grading and Municipal Services Protection By-law and construction will also be subject to the City's Noise Control By-law which regulates the period of time when construction equipment can operate in residential areas.

Comment

On-street parking in the area is already at capacity. Ensure adequate parking is provided to accommodate residents and visitors.

Response

The applicant is proposing to provide parking within the development that exceeds the minimum parking requirements in the zoning by-law. As a result, adequate parking is being provided for the residents and visitors of the development.

2. Updated Agency and City Department Comments

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

The applications were circulated to all City departments and commenting agencies on September 26, 2023. A summary of the comments are contained in the Information Report attached as Appendix 1. Below are updated comments.

Transportation and Works

Comments updated on October 25, 2023 state that 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.

The applicant has not responded to staff comments from the first review cycle and no further information has been submitted

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since the initial application. Based on a review of the materials submitted to date, the owner has been requested to provide additional technical details and revisions to confirm the feasibility of the development proposal from an engineering standpoint. Should the application be approved by the Ontario Land Tribunal (OLT), the owner will be required to provide additional technical details and revisions to drawings and studies. It should be noted that the extent of any proposed municipal infrastructure (i.e. servicing and/or public boulevard/road works) will be required to be addressed through an "H" Holding Zone (or OLT decision).

Stormwater Compliance

The Functional Servicing and Stormwater Management Report, dated April 2022, indicates 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 its impact on the receiving municipal drainage system, on-site stormwater management controls for the post-development discharge are required.

An updated Functional Servicing and Stormwater Management Report is required to address outstanding staff comments.

Environmental Compliance

A Phase One Environmental Site Assessment (ESA) report, dated April 2021, and a Phase II ESA report, dated September 2021, were submitted in support of the proposed development. Based on the ESA reports, no further investigation is required

at the site at this time. However, the following documents remain outstanding:

- A letter of reliance for the Phase One ESA and the Phase II ESA reports;
- A written document, prepared by a Professional Engineer and includes a plan to decommission the wells or proof of decommissioning;
- A Storm Sewer Use By-Law Acknowledgement form; and
- A letter certified by a Qualified Person, stating that land to be dedicated to the City is environmentally suitable for the proposed use.

Traffic

A Traffic Impact Study, prepared by Urbantrans Engineering Solutions Inc. dated April 2022, was reviewed and audited by staff. The report does not conform to City requirements and does not provide sufficient detail for staff to confirm feasibility.

The report concluded that the proposed development is anticipated to generate approximately 90 (22 in, 68 out) and 105 (63 in, 42 out) net two-way site trips for the weekday AM and PM peak hours in 2027, respectively. Staff require additional clarification on the traffic generated by the proposed development, the study area intersections, and proposed vehicular access.

In addition, the following information is required to confirm feasibility and to ensure that City requirements are satisfactorily addressed:

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- An updated Transportation Impact Study addressing all staff comments;
- Revise the concept plan to delineate the future property line based on the required land dedication for sight triangle;
- Additional turning movement diagrams to evaluate the internal site circulation and access point;
- A review of the driveway access to ensure the adjacent municipal roads and the internal driveway can operate efficiently and safely; and,

Noise

A Noise Feasibility Study, dated May 2022, was received for review. The study evaluates the potential impact of environmental noise to and from the development and recommends mitigation measures to reduce any negative impacts. Noise sources that may have an impact on this development include road traffic sources. It is anticipated that noise mitigation will be required in the form of upgraded building components and air conditioning in units. However, a revised noise study is required to address staff comments.

Engineering Plans and Drawings

The applicant has submitted a number of technical plans and drawings, which need to be revised in accordance with City standards.

Region of Peel

In comments, dated October 23, 2023, the Region of Peel indicated the following:

Waste

The Region of Peel will provide front-end collection of garbage and recyclable materials subject to Sections 2.0 and 4.0 of the Waste Collection Design Standards Manual and the detailed comments provided in the Project Status Report related to vehicle access route, collection point details and garbage room requirements.

Servicing

The Region of Peel confirms that there is water capacity to service the proposal; however, the Functional Servicing Report needs to be updated, including providing a hydrant flow test for the watermain on Cook Street.

There are no objections to the proposed sanitary servicing scheme, with flows discharging to the existing sanitary sewer on Cook Street. Should the proposed development change, the Region of Peel will need to confirm adequacy of capacity.

School Accommodation

In comments, dated October 19, 2023 and October 20, 2023, the Dufferin-Peel Catholic District School Board and the Peel District School Board responded that they are satisfied with the

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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 Public Meeting Report dated December 23, 2022 (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 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development.

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.

The subject site and development proposal represent an opportunity to intensify and increase the range of housing in the area. The proposed development represents an efficient land use pattern that avoids environmental health or safety concerns. As outlined in this report, the proposed development

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supports the general intent of the PPS but is found to be excessive, given the built form policies relating to tall buildings in Mississauga Official Plan.

5. Conformity with Growth Plan

The Growth Plan was updated August 28, 2020, 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.

Policies relevant to the applications 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) within settlement areas growth will be focused in delineated growth areas, strategic growth areas, locations with existing or planned transit.
- Section 2.2.2.3 b) directs municipalities to identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas.
- Section 2.2.2.3 c) requires municipalities to encourage intensification generally throughout the delineated built-up area.

Section 2.2.4.2 requires the boundaries for major transit station areas on priority transit corridors be delineated by upper-and single-tier municipalities, in consultation with lower-tier municipalities.

- Section 2.2.4.3 requires major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit.
- Section 5.2.5.6 directs municipalities to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

The proposed development generally conforms to the Growth Plan as it is accommodating intensification within the built-up area and in proximity to planned transit, as well as increasing the housing supply. However, the proposed development does not provide for an appropriate built form.

The policies of the Greenbelt Plan and the Parkway Belt Plan are not applicable to these applications.

6. Region of Peel Official Plan

Under Bill 23, the role of Regional Official Plan will change, but until that part of the legislation comes into force and effect, the Regional Official Plan continues to be valid and all proposed amendments to MOP must conform.

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As summarized in the public meeting report dated December 23, 2023 (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.

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 Station Area, which requires a minimum density target of 300 people and jobs per hectare.

The City Planning Strategies (CPS) Division has confirmed that the Downtown Cooksville 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. Staff are generally supportive of residential intensification. However, further revisions to the built form as noted in this appendix would provide for a proposal that is more in keeping with the policies of MOP and thus supportable by City staff.

7. Mississauga Official Plan (MOP)

The proposal requires an amendment to the Mississauga Official Plan Policies for the Downtown Cooksville Character Area, to permit a maximum building height of 29 storeys and a Floor Space Index (FSI) of 6.47. 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 within the Downtown Cooksville Character Area and is designated **Residential High Density**.

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The **Residential High Density** designation permits apartments. A maximum building height of 25 storeys is permitted on lands designated **Residential High Density** within the Downtown Cooksville Character Area. The applicants are proposing to construct a 29 storey apartment with 379 dwelling units. The two existing one storey detached dwellings will be removed to accommodate the proposed development.

Directing Growth

The subject site is located in the Downtown Cooksville Character Area and along an Intensification Corridor. In accordance with MOP, intensification along the corridor is encouraged, provided that it is appropriate and of a scale that does not adversely impact the adjacent area.

In August 2022, the City adopted OPAs 143 and 144, which introduced MTSA polices relating to land use, urban design, and maximum heights. At the time of writing this report, OPAs 143 and 144 are with the Region pending approval.

Further, the City adopted OPAs 145 and 146, which introduce new policies on community infrastructure, parks, urban design roads, pedestrian connections, and MTSA policies relating to height, densities and uses for Downtown Fairview, Cooksville and Hospital Character Areas. At the time of writing this report, OPA 145 has been appealed to the OLT by a number of landowners and OPA 146 is with the Region pending approval.

Generally, staff consider the site appropriate for residential intensification and tall buildings.

Sun Shadow Impact

In accordance with Chapter 9 (Build a Desirable Urban Form) of the MOP, tall buildings are required to: maximize sunlight on the public realm (S.9.2.1.14); demonstrate compatibility and integration with the public realm by ensuring adequate sunlight is maintained (S.9.5.1.9); and, minimize undue physical and visual negative impacts relating to microclimate conditions, including sun, shadow and wind (S.9.5.3.9).

Mississauga may undertake or require studies that develop additional policies, guidelines and design control tools that may contain more specific urban form requirements (S.9.1.14).

In order to demonstrate conformity with the above noted policies, Council adopted the Standards for Sun Shadow Studies, which provides direction on the acceptability of sun/shade on the subject land and on the surrounding context, including building facades, private and public outdoor amenity and open spaces, public parkland, sidewalks and other components of the public realm.

In support of the proposal, the applicant submitted a Shadow Study (May 2022) completed by Sweeny&Co Architects.

Public Realm

With respect to the public realm, the objective is to maximize the use of these spaces during the shoulder seasons (i.e. spring and fall) by ensuring adequate sunlight is provided on sidewalks

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and other components of the public realm. For high density residential streets, developments should be designed to allow for full sunlight on the opposite boulevard including the full width of the sidewalk on September 21 (fall equinox) as follows:

For a total of at least 5 hours that must include the 2 hour period between: 12:12 p.m. and 2:12 p.m. and an additional 2 hour period from either 9:12 a.m. to 11:12 p.m. or from 3:12 p.m. to 5:12 p.m.

With respect to the proposal, shadows are cast on east side of Cook Street in March/September at 12:12 p.m., 1:12 p.m. and 2:12 p.m., thus not meeting the City's criterion.

Communal Outdoor Amenity Area

With respect to communal outdoor amenity areas, proposed developments should allow for full sun at least half the time, or 50% sun coverage at all times of the year.

With respect to the proposal, the proposed fifth storey rooftop amenity area does not meet the 50% sun coverage in March/September and December, thus not meeting the City's Criterion.

Exposed Aboveground Vehicular Parking

In accordance with Chapter 9 (Build a Desirable Urban Form) of MOP, aboveground structured parking should be lined with residential, commercial or office uses (S.9.2.1.37). The intent of

this policy is to ensure a blank wall condition is not created and visible from the street.

In accordance with the architectural drawings submitted, the applicant is proposing five levels of above grade vehicular parking, which will be exposed to Cook Street. It should be noted that the applicant is currently exceeding the minimum parking standards in the zoning by-law. Should a reduction to the amount of parking be provided, staff are of the opinion that exposure of above grade parking can be substantially reduced or eliminated.

Active Uses along principal streets

In accordance with Chapter 9 (Build a Desirable Urban Form) of the MOP, active uses will be required on principal streets with direct access to the public sidewalk (S.9.2.1.23). Active uses include commercial related uses or residential uses, both having direct access to the sidewalk.

In accordance with the architectural drawings submitted, the applicant is proposing an indoor amenity area on the ground floor fronting Agnes Street, which is not supported by staff. Should the applicant redesign and/or reconfigure the ground floor uses to better address and animate Agnes Street, staff's concerns would be resolved.

Podium Height

In accordance with Chapter 9 (Build a Desirable Urban Form) of MOP, tall buildings will address pedestrian scale through

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building articulation, massing and materials (S.9.2.1.15). Further, development will contribute to pedestrian oriented streetscapes and have an urban built form that is attractive, compact and transit supportive (S.9.2.1.21).

In accordance with the architectural drawings submitted, the applicants are proposing a nine storey podium along Agnes Street and Cook Street.

It should be noted that the right of way widths of Agnes Street and Cook Street are both 20 m (65.6 ft.). In accordance Downtown Fairview, Cooksville and Hospital Built Form Standards, Cook Street and Agnes Street are considered 'B' streets. The maximum podium height for 'B' Streets 6 storeys, which is a resultof the existing road width.

On this basis, staff do not support the proposed nine storey podium and a redesign of the proposal to reduce it to six storeys or less is appropriate on this property.

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 currently serviced by the following MiWay Transit routes:

- Route 2 Hurontario
- Route 103 Hurontario Express
- Route 28 Confederation
- Route 1 Dundas
- Route 101 Dundas Express
- Route 101A Dundas Express

Traffic Impact Study

As indicated in the Updated Agency and City Department Comments section of this Appendix, a revised Traffic Impact Study (TIS) is required to address concerns related to the site access, clarify the amount of traffic generated by the proposal, identify and assess the impacts from the development related traffic on study area intersections and the surrounding road network and internal site circulation and turning movements. This information is required in order to confirm the feasibility of the proposed development in its current form.

General Appropriateness

The surrounding area contains commercial uses along Dundas Street East and West and Hurontario Street, as well as a variety of residential building types, including a number of apartment buildings developed in the 1950's and 1960's.

While intensification of this site is appropriate, these applications are not consistent with the policies of MOP as noted above.

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8. Zoning

Existing Zoning

The subject property is currently zoned **D-1** (Development). The **D** zone permits legally existing uses within legally existing buildings.

Proposed Zoning

The applicant is proposing to rezone the property to **RA4** – **Exception** (Apartments – Exception) to permit a 29 storey apartment. In addition, a number of site specific amendments are proposed to accommodate the development.

Refer to the Information Report in Appendix 1 for a list of site specific zoning regulations being requested by the applicant.

Based on the current proposal and justification provided to date, the amendments that are not supported by staff at this time include the following:

Minimum setback of a Parking Structure

In accordance with Table 4.15.1.13.5, the minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to any lot line is 3.0 m (9.8 ft.), whereas the applicant is requesting a minimum setback of 0.0 m (0.0 ft.) to both Agnes Street and Cook Street. Further, a minimum setback of 0.8 m (2.6 ft.) and 1.0 (3.3 ft.) are proposed to the northerly and westerly setback, respectively.

The intent of this provision to ensure that parking structures are setback appropriately to lot lines to accommodate landscape buffers and ensure maintenance can occur on the structure within the limits of the private lands.

With respect to the proposed setbacks to Agnes Street and Cook Street, an appropriate setback is required to accommodate appropriate foundation shoring within the limits of the subject land. In addition, the applicant has not completed a satisfactory Streetscape Feasibility Study and demonstrated that a tree corridor can be accommodated along the street frontages. This may impact the ultimate setback of the underground garage. Further, in accordance with comments from the City's Transportation and Works Department, the gratuitous dedication of a 7.5 m (24.6 ft.) x 7.5 m (24.6 ft.) sight triangle has been requested at the corner of Agnes Street and Cook Street. The applicant has not provided updated drawings reflecting this sight triangle, and the proposed underground parking structure is encroaching into this area. The proposed development will need to be revised to reflect the required sight triangle and resulting new property boundaries.

Given the above, staff do not support the proposed underground parking structure setback from the road frontages.

With respect to the northerly and westerly setbacks, the requested underground setback limits the ability to provide appropriate landscape treatment along the common property line due to the limited soil volume in that area. As a result, staff do not support the requested relief.

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Maximum height

In accordance with Line 7 of Table 4.15.1, the maximum height in the **RA4** zone is 56.0 m (183.7 ft.) and 18 storeys, whereas the applicant is requesting a maximum building height of 93.8 m (307.7 ft.) and 29 storeys.

The intent of this provision is to ensure that buildings are sensitively integrated within the adjacent area without causing any negative impacts.

As previously noted, the proposal does not meet the standards for sun shadow studies as it relates to impact on the public realm or residential private outdoor amenity spaces. Staff note that the built form could provide further building articulation which could result in meeting the standards for sun shadows. However, the current proposal is not supported by staff for the aforementioned reasons.

Minimum Amenity Area

In accordance with Line 15.4 of Table 4.15.1, the minimum amenity area in the **RA4** zone is $5.6 \text{ m}^2 (60.3 \text{ ft}^2)$ / dwelling unit or 10% of site area. The applicant is proposing to provide a minimum amenity rea of $3.1 \text{ m}^2 (33.4 \text{ ft}^2)$ / dwelling unit.

The intent of this provision is to ensure that occupants of the apartment are provided with an appropriate amount of amenity area. In accordance with the architectural drawings submitted, the applicant is proposing a rooftop and indoor amenity areas

on the fifth level and a ground floor amenity area along Agnes Street.

It should be noted that the applicant did not provide any justification for the requested relief. Staff have reviewed this request and do not support this amendment.

9. Community Benefit 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.

10. "H" Holding Provision

It was determined that approval of the applications with an "H" Holding Provision would not be appropriate at this time as there are outstanding issues related to the built form and the appropriateness of proposed Zoning By-law standards. Should these applications be approved by Council (or OLT), staff will request an "H" Holding Provision which can be lifted upon:

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- Receipt of updated reports, including a Functional Servicing and Storm Water Management Report, a Traffic Impact Study and a Noise Feasibility Study, as well as revised engineering plans and drawings.
- Receipt of satisfactory environmental documentation, including a letter of reliance for the Phase One and Phase II ESA reports; a written document, prepared by a Professional Engineer that includes a plan to decommission the wells or proof of decommissioning; a Storm Sewer Use By-Law Acknowledgement form; and a letter certified by a Qualified Person, stating that land to be dedicated to the City is environmentally suitable for the proposed use.
- Dedication of a sight triangle at the intersection of Agnes Street and Cook Street, to the satisfaction of the City of Mississauga.
- Delivery of an executed Development Agreement to the satisfaction of the City of Mississauga, including provision for any municipal infrastructure and streetscape improvements.

11. Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. No site plan application has been submitted to date for the proposed development.

12. Conclusions

In conclusion, City staff has evaluated the application to permit a 29 storey apartment having 379 dwelling units against the *Provincial Policy Statement*, the *Growth Plan for the Greater Golden Horseshoe*, Region of Peel Official Plan and Mississauga Official Plan.

Based on review of the applicable Provincial, Regional and Municipal policies, the redevelopment of the site for tall buildings supports general intensification policies and supports transit investment.

Staff have no objection to residential intensification on this site and acknowledge that tall buildings are appropriate in this location. Should the applicant revise the proposal to address the aforementioned concerns raised in this report, including the provision of outstanding technical information, staff would be in position to support the application.

The development, as currently proposed, is not acceptable from a planning standpoint and should not be approved for the following reasons:

 There are a number of outstanding technical studies and issues that have not been adequately addressed (e.g. Streetscape Feasibility Study, Windy Study, Functional Servicing Report, Sun Shadow study) which may ultimately impact the feasibility of the development.

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- The submitted Transportation Impact Study does not conform to City requirements and does not provide sufficient detail for staff to confirm feasibility of the development
- The applicant has not identified the required sight triangle at the corner of Agnes Street and Cook Street.
 Dedication of these lands could impact the built form both above and below grade.
- The applicant has not justified how the current proposal conforms to the aforementioned MOP policies pertaining to built form.
- The applicant has not justified the appropriateness of the zone standards being proposed.