

Recommendation Report Detailed Planning Analysis

Owner: Diamond Luxury Developments

900 Mississauga Heights Drive

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1. Community Comments

Comments from the public were generally directed toward loss of trees, impacts on the natural area, increased traffic, and impacts on neighbourhood character. Below is a summary and response to the specific comments heard.

Comment

The proposal will increase the amount of traffic in the area.

Response

The submitted Traffic Operations Assessment was reviewed. The report concluded that the proposed development, including the adjacent proposed development, is anticipated to generate approximately 4 (1 in, 3 out) and 7 (4 in, 3 out) net two-way site trips for the weekday AM and PM peak hours, respectively. The additional vehicles generated from this development are not anticipated to have any significant impact on traffic within the surrounding area.

Comment

The proposal will have an adverse impact on traffic safety and pedestrians.

Response

The additional vehicle trips generated from this development are minimal and not anticipated to have a significant impact on traffic within the surrounding area.

Comment

The proposed development will result in cars parking on Mississauga Heights Drive.

Response

The proposed development meets the parking requirements of the zoning bylaw and are not seeking any exemptions. There are 2 resident parking spaces per unit required for residents, and 0.25 visitor spaces required per unit (2 visitor spaces). The proposed development is currently proposing 5 visitor spaces, thus exceeding the visitor space requirement.

Comment

The proposal will increase pollution in the area.

Response

Some additional emissions may occur with construction of the development, however these impacts will be temporary and cannot be prohibited. There will be no significant pollution resulting from the proposed detached dwellings.

Comment

A construction management plan should be required prior to approval of the rezoning application.

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

The west entrance to Mississauga Heights Drive should be closed and the street should be converted to a cul-de-sac.

Response

The proposed development does not generate enough traffic to impact the western entrance of Mississauga Heights Drive at Queensway West, and its potential closure is outside the scope of this application.

Comment

The existing stop sign located at Queensway West and Rosemary Drive should be moved to the intersection at Queensway West and Mississauga Heights Drive.

Response

Traffic control upgrades or changes at intersections within the study area were not warranted as a result of the additional site generated traffic.

Comment

The proposal is too dense and not in keeping with the character of the area and neighbourhood context, including lot size and pattern, and does not conform to the Official Plan.

Response

Although MOP states that neighbourhoods will not be the focus for intensification this does not mean they will remain static. MOP policies allow for some intensification to occur in

neighbourhoods where it is considered to have a compatible built form, and is sensitive to the existing and planned context.

The development of the lands for additional detached dwellings is an appropriate form of intensification, however the size and configuration of the proposed lots (POTLs) cannot be properly assessed until the development limits are established in relation to the protection of the natural heritage features.

Comment

The proposal does not include affordable housing.

Response

The proposed development does not meet the minimum threshold to require the inclusion of affordable housing units (50 units or greater).

Comment

The proposal will adversely impact wildlife habitats and erosion control in the area.

Response

The City and Credit Valley Conservation (CVC) have reviewed and provided comments relating to habitat and erosion impacts. There remain outstanding issues which must be addressed to ensure appropriate protections.

Comment

The application should not be permitted as it is adjacent to an environmentally sensitive area.

Response

An Environmental Impact Study (EIS) was submitted and reviewed through these applications. There remain outstanding issues to be addressed to ensure protection of the natural heritage features.

Comment

The applicant removed trees illegally and should be required to replace these trees with mature trees.

Response

This issue went to court on December 14, 2023, and the Justice of Peace awarded a judgement in favor of the City of Mississauga. The City of Mississauga's Forestry Section, also issued a Corrective Work Order pursuant to the Tree Protection By-law on August 16, 2023. This Corrective Work Order requires the landowner to develop and implement a restoration plan satisfactory to the City. The restoration plan must include the restoration of an area equal in size to that which was determined to be removed.

Comment

The tree loss will result in light pollution and loss of privacy for adjacent homes.

Response

The limits of the natural area and any restoration and enhancement planting remain under review and consideration. The City is seeking to ensure appropriate plantings are being protected and enhanced. While more homes will likely generate more light than a single dwelling, it is difficult to predict. The City

of Mississauga does have a Nuisance Lighting By-law (0262-2012) to prohibit and regulate light nuisances.

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 January 19, 2022. A summary of the comments are contained in the Information Report attached as Appendix 1. The revised proposal was circulated July 11, 2023 for review and comment. Below are updated comments.

Community Services Department

Comments updated February 8, 2024, state that a scoped Environmental Impact Study (EIS) was submitted for review by Beacon Environmental for both 900 and 904 Mississauga Heights Drive in June 2023, following earlier, separate studies for each property. The limit of the proposed Natural Heritage System in the EIS does not match with the limits of the features staked by the City and CVC in December 2017 (900 Mississauga Heights Drive) and October 2018 (904 Mississauga Heights Drive) – these are shown on Figure 5 of the EIS. The limits of the NHS are fundamental to establishing the limits of development. The current development proposes new lots (POTLs) within features that would be considered Significant Natural Areas based on the City's review on both properties.

In addition, no buffers are being proposed in the Scoped EIS to the natural heritage features. This is inconsistent with the long-term protection of the natural heritage system. Given the existing residential context the City is willing to be flexible on the width of buffers to the natural heritage features, but a lack of buffers to significant woodlands is not acceptable.

The development concept should be re-configured to reduce the number and size of lots (POTLs) to allow for protection measures for the Natural Heritage System features and their buffers. As per the City's Official Plan policy 6.3.26, lands identified as meeting the criteria of a Significant Natural Area, as well as their associated buffers should be designated Greenlands and zoned appropriately to ensure their long term protection. It is also recommended that the lands to be designated and zoned **Greenlands** be conveyed to the City for their long term protection. Additionally, official plan policy 6.3.25 indicates that fragmentation of the natural heritage system is generally discouraged. The subdivision of these significant natural areas into new lots (POTLs) for residential development, and the subsequent removal of hundreds of trees does not appear to be consistent with the policies, and will result in negative impacts to the feature and a loss in overall area of the system as a whole.

The EIS (Beacon Environmental, 2023) also indicated that there were tree removals within the significant woodland at 900 Mississauga Heights Drive in 2021. These removals were conducted without first obtaining a permit under City of Mississauga By-law 254-12. The area of removal of the trees overlaps with several of the proposed new lots (POTLs). The

issue went to court on December 14 2023, and the Justice of Peace awarded a judgement in favor of the City of Mississauga. The City's Forestry Section, in the Community Services Department, also issued a Corrective Work Order pursuant to the Tree Protection By-law on August 16, 2023. This Corrective Work Order requires the landowner to develop and implement a restoration plan satisfactory to the City. The restoration plan must include the restoration of an area equal in size to that which was determined to have been removed. Any trees replanted as part of the restoration plan cannot be injured or removed without the City of Mississauga's prior consent. The Corrective Work Order also prohibits site alterations, including but not limited to the placing or dumping of fill, removal of topsoil, alteration of grades, removal of vegetative cover, compaction of soil, creation of impervious surfaces, or any combination of these activities, without the City of Mississauga Forestry's prior written consent. This prohibition applies, notwithstanding any development approvals that may be received. To-date, the stipulations of the corrective work order have not been met. Since the corrective work has not yet been satisfied, and since the removals took place in areas that are proposed for new lots (POTLs), the ultimate limits of development for the site cannot be effectively determined until a satisfactory restoration plan has been developed and implemented.

Furthermore, requirements related to fencing, hoarding and securities associated with natural heritage features will be determined through the site plan approval process.

Transportation and Works Department

Comments updated February 7, 2024, 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 and in accordance with City requirements.

Based on a review of the materials submitted to date, the owner has been requested to provide additional technical details and revisions. Should the application be approved by the Ontario Land Tribunal (OLT), the owner will be required to provide the outstanding 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 Removal application (or OLT decision).

Stormwater

The Functional Servicing and Stormwater Management Report 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.

In general, the applicant has demonstrated a satisfactory stormwater servicing concept. The applicant has proposed to

construct a new stormwater outlet with a headwall into the Credit River, which traverses through the northeast portion of the site. Storm sewers are proposed within the private road, which will capture the stormwater quantity storage requirements for this site. A low impact development feature in the form of permeable pavers on the driveways and private road are proposed to address the site's water balance requirements.

An updated Functional Servicing and Stormwater Management report is required to address outstanding staff comments and to verify that the proposed stormwater outlet into the Credit River (i.e. the headwall and plunge pool) does not conflict with the existing storm sewer traversing beneath the watercourse.

Traffic

A Traffic Operations Assessment prepared by LEA Consulting, dated June 2023, was reviewed and audited by staff. The report does not conform to City requirements and lacks sufficient detail. The report concluded that the proposed development, including the adjacent proposed development, is anticipated to generate approximately 4 (1 in, 3 out) and 7 (4 in, 3 out) net two-way site trips for the weekday AM and PM peak hours in 2028, 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 satisfactorily address City requirements:

- Provide updated turning movement diagrams to evaluate the internal site circulation and access point
- Review the driveway access to ensure the site access and internal driveway can operate safely and efficiently
- Address any traffic concerns from the community related to the proposed development.

Environmental Compliance

A Phase One Environmental Site Assessment (ESA) report, dated February 23, 2021 and prepared by Terraprobe Inc., was submitted in support of the proposed development. The report indicates that a further investigation is required to assess the subsurface quality at the site. The following is to be submitted for review:

- A letter of reliance for the Phase One ESA report
- A Phase Two ESA report along with a letter of reliance
- A Storm Sewer Use By-law Acknowledgement form
- A letter certified by a Qualified Person, stating that land to be dedicated to the City is environmentally suitable for the proposed use.

Noise

A Noise Feasibility Study, dated March 9, 2023, was prepared by HGC Engineering and reviewed by City staff. The study area included both 900 and 904 Mississauga Heights Drive as the two sites are to be developed together and are to share a Common Element Condominium (CEC) private road. The study evaluated the potential impact of environmental noise to and from the development and concluded that no mitigation

measures or warning clauses were required. However, the study did not include traffic data from the QEW in its analysis. A revised study is required to include that analysis and address staff comments.

Other Engineering Matters

The applicant has submitted a number of technical plans that need to be revised through the detailed design and prior to removal of the Holding Zone provision. Additional requirements and clauses related with the development of the lands will be captured through the Removal of the Holding Zone Removal application and the related Development Agreement.

Region of Peel

In comments updated February 12, 2024, the Region of Peel stated that they were satisfied with water and wastewater capacity for the proposed flows for this development. The waste collection swept paths as provided in the Traffic Operations Assessment do not conform to the Waste Collection Design Standards Manual.

Credit Valley Conservation

In updated comments dated August 8, 2023, the Credit Valley Conservation stated that there are outstanding issues regarding the establishment of development limits relating to the long term stable slope, top of bank, and setbacks. Other outstanding matters requiring resolution include maintenance access, relocation of the plunge pool outside of the erosion hazard,

consideration of discharging stormwater through the City's current stormwater system within Mississauga Heights Drive to avoid additional outlets into the creek, details concerning erosion criteria and water balance calculations and tree removal.

School Accommodation

The Peel District School Board

In comments, dated February 5, 2024, the Peel District School Board indicated that there is no available capacity to accommodate students generated by these applications.

On May 27, 1998, Council adopted Resolution 152-98 which, among other things requires that a Bill 20 development application include the following as a condition of approval:

Prior to the passing of an implementing zoning by-law for residential development, the City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for the subject development.

The below updated accommodation numbers were provided by the Peel District School Board.

Student Yield		School Accommodation	
2	K to Grade 8	Hawthorn P.S.	Port Credit S.S.
1	Grade 9 to 12	Enrolment: 184 Capacity: 153 Portables: 3	Enrolment: 1,300 Capacity: 1,203 Portables: 7

The Dufferin-Peel Catholic District School Board

In comments, dated February 2, 2024, the Dufferin-Peel Catholic District School Board responded 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. Below are their updated accommodation numbers.

Student Yield		School Accommodation	
2	K to Grade 8	St. Jerome CES	St. Martin CSS
2	Grade 9 to12	Enrolment: 218 Capacity: 245 Portables: 6	Enrolment: 1,103 Capacity: 1,026 Portables: 0

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 Information Report dated March 25, 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 1.1.3.2 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 2.1.1 of the PPS states that natural areas shall be protected for the long term.

The proposed development represents an opportunity to modestly intensify a large property while maintaining the general character of housing in the area (detached dwellings). The proposed development provides for a more efficient use of land and infrastructure, however, additional technical information and refinement of the plan is required to ensure the appropriate protection of natural features. As a result, the proposed development is not consistent with the policies of the Provincial Policy Statement.

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. Pertinent changes 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 2.2.2.3 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.

The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale.

The proposed development conforms to the Growth Plan as it is proposing growth and intensification at an appropriate scale within a settlement area and utilizing existing municipal infrastructure. However, Section 4.2.2.6 of the Growth Plan states that municipalities will continue to protect any natural heritage features and areas in a manner that is consistent with the PPS and may continue to identify new systems in a manner consistent with the PPS. The applicant has not provided sufficient information to delineate the developable area from the

natural heritage lands to be protected as part of the Greenlands system.

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

6. Region of Peel Official Plan

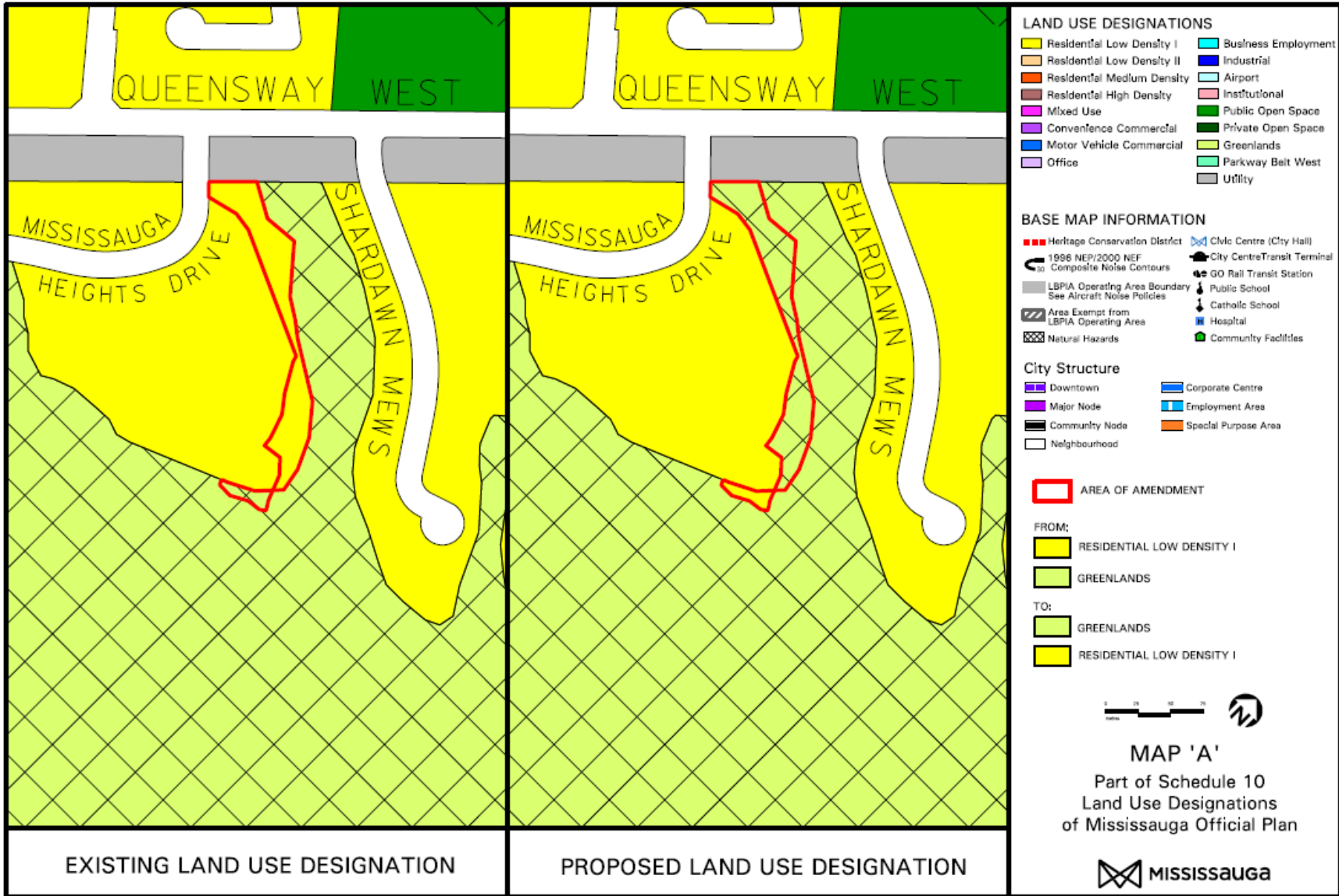
As summarized in the public meeting report dated March 25, 2022 (Appendix 1), the proposed development does not require an amendment to the Region of Peel Official Plan. The subject property is located within the Urban System of the Region of Peel and the lands associated with the Credit River are considered Regional Core Greenlands. General Objectives in Section 5.3 include conserving the environment, achieving sustainable development that efficiently uses land and services while taking into account the characteristics of existing communities. Section 2.3.1 of the ROP seeks to identify, protect and support the restoration and rehabilitation of the Greenlands System in Peel.

The proposed development conforms to the ROP as it proposes limited intensification within the Urban System in a compatible form (detached dwellings) to surrounding neighbourhood and makes efficient use of both land and services. There is further refinement required to determine the appropriate limits of the Greenlands System and ensure its protection and restoration. An amendment to the ROP is not required for minor boundary adjustments to the Core Areas of the Greenlands System (Section 7.2.2.3).

7. Mississauga Official Plan (MOP)

The proposal requires an amendment to the Mississauga Official Plan Policies for Special Site 2 in the Erindale Neighbourhood Character Area, to permit 9 detached homes on a common element condominium (CEC) road and amend the limits of the **Residential Low Density I** and **Greenlands** designations to accommodate the proposed development. In

addition, within the Greenlands designation, the Official Plan also identifies these lands as within the Green System, an area of Significant Natural Areas and Natural Green Spaces and an area subject to Natural Hazards. The associated schedules of Mississauga Official Plan are also proposed for amendment.



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:

Directing Growth

The subject site is located in the Erindale Neighbourhood Character Area and in an area comprised of large lots occupied by detached dwellings.

The subject site is designated **Residential Low Density I** and **Greenlands**. The property is also in Special Site 2 of the Erindale Neighbourhood Character Area.

The **Residential Low Density I** designation permits only detached dwellings in the Erindale Neighbourhood.

The **Greenlands** designation permits conservation related, flood control and/or erosion management and passive recreational and parkland type uses.

The Special Site 2 policies state that notwithstanding the provisions of the **Residential Low Density I** designation, the following additional policies apply:

- a) preserve and enhance the generous front, rear and side yard setbacks;
- b) ensure that existing grades and drainage conditions are preserved;
- c) encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;

- d) garages should be recessed or located behind the main face of the house. Alternatively, garages should be located in the rear of the property;
- e) ensure that new development has minimal impact on its adjacent neighbours with respect to overshadowing and overlook;
- f) encourage buildings to be one to two storeys in height. The design of the building should de-emphasize the height of the house and be designed as a composition of small architectural elements, i.e. projecting dormers and bay windows;
- g) reduce the hard surface areas in the front yard;
- h) preserve existing mature high quality trees to maintain the existing mature nature of these areas; and
- i) the lots fronting on Mississauga Heights Drive will be required to have a minimum frontage of 30 m and a minimum area of 1 400 m².

The proposed development of 9 detached dwellings on a common element condominium (CEC) road requires an amendment to the Special Site 2 policies of the Erindale Neighbourhood to allow smaller lot frontages and areas, in addition to amending the limits of the **Residential Low Density I** and **Greenlands** designations to establish the limits of development and provide for the protection of the natural heritage features, natural hazards, erosion and the associated buffers thereto.

Compatibility with the Neighbourhood

While Neighbourhoods are not to be the focus of intensification, infilling and redevelopment is permitted. Mississauga Official Plan states that intensification within Neighbourhoods need not mirror existing development, however, it is to be compatible in built form and scale to surrounding development and will be sensitive to the existing and planned context. The proposed development was designed with lots (POTLs) having larger areas and frontages along Mississauga Heights Drive with the remaining lots (POTLs) being setback from Mississauga Heights Drive so as to not be visible from the public road or larger neighbourhood. This lotting configuration provides for separation and transition of lot (POTL) sizes sensitive to the immediate context. The proposed development, while different from the existing large lot detached dwellings, is still providing for large lots (POTLs) able to accommodate the same use (detached dwellings) as permitted by the Official Plan, and is seeking to provide moderate intensification that is compatible and respectful of the neighbourhood character. The development of the lands for additional detached dwellings is an appropriate form of intensification; however, the size and configuration of the proposed lots (POTLs) cannot be assessed until the development limits are established in relation to the protection of the natural heritage features, which is critical to determining the extent of the residential and greenlands zones and the appropriate zone standards to accommodate development.

Natural Heritage Protection

One of the key features of this area are the mature trees and natural heritage system along the Credit River valley. Mississauga Official Plan states that the exact limit of components of the Natural Heritage System (NHS) will be determined through site specific studies such as Environmental Impact Study (EIS). The Natural Heritage System will be protected, enhanced, restored and expanded by ensuring that development in or adjacent to the system protects and maintains natural features and their ecological functions, and places those area into public ownership.

Schedule 3 of the Official Plan shows the Natural Heritage System and identifies Significant Natural Areas and Natural Green Space over a portion of the subject lands. Significant Natural Areas policies applicable to the subject lands state in Section 6.3.12.f. that significant woodlands include any woodland greater than 0.5 hectares that:

- supports old growth trees (greater than or equal to 100 years old);
- supports a significant linkage function as determined through an Environmental Impact Study approved by the City in consultation with the appropriate conservation authority;
- is located within 100 metres of another significant natural area supporting significant ecological relationship between the two features;
- is located within 30 metres of a watercourse or significant wetland; or
- supports significant species or communities.

Section 6.2.26 of MOP states that lands identified as meeting the criteria of a Significant Natural Area, as well as their associated buffers will be designated and zoned **Greenlands** to ensure their long term protection.

The Natural Hazards overlay refers to lands that are generally unsafe and development and site alteration will generally not be permitted due to the naturally occurring processes of erosion and flooding associated with river and stream corridors. Natural Hazard Lands and buffers will be designated **Greenlands** and zoned to protect life and property. Uses will be limited to conservation, flood and/or erosion control, essential infrastructure and passive recreation. Section 6.3.47 specifically states that development and site alteration will not be permitted within erosion hazards associated with valleyland and watercourse features. In addition, development and site alteration must provide an appropriate buffer to erosion hazards, as established to the satisfaction of the City and appropriate conservation authority.

The limit of the proposed Natural Heritage System in the submitted Environmental Impact Study does not match the limits of the features staked by the City and conservation authority. The limits of the NHS are fundamental to establishing the limits of development. The current development proposes new lots (POTLs) within features that would be considered Significant Natural Areas. In addition, there are not sufficient buffers being proposed to the natural heritage features. This is inconsistent with the long-term protection of the natural heritage system.

As a result of the above, the limits of the development and the preservation of the natural heritage system have not been established to the satisfaction of the City and the Credit Valley Conservation. Therefore, staff cannot support the proposed applications at this time as it has not been demonstrated that the proposal would not adversely impact or destabilize the intent, goals and objectives of the Official Plan and the functioning of the neighbouring lands.

Services and Infrastructure

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 4 on Huron Park (north of Queensway West) is located within 307 m (1,007 ft.) of the site, providing access to Sherway Gardens
- Route 1 on Dundas Street West is located within 1.3 km (0.8 mi) of the site, providing access to Kipling Station

The surrounding area is residential and comprised almost exclusively of detached dwellings with the Queensway Trail and Huron Park Recreation Centre located to the north.

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

8. Revised Concept Plan

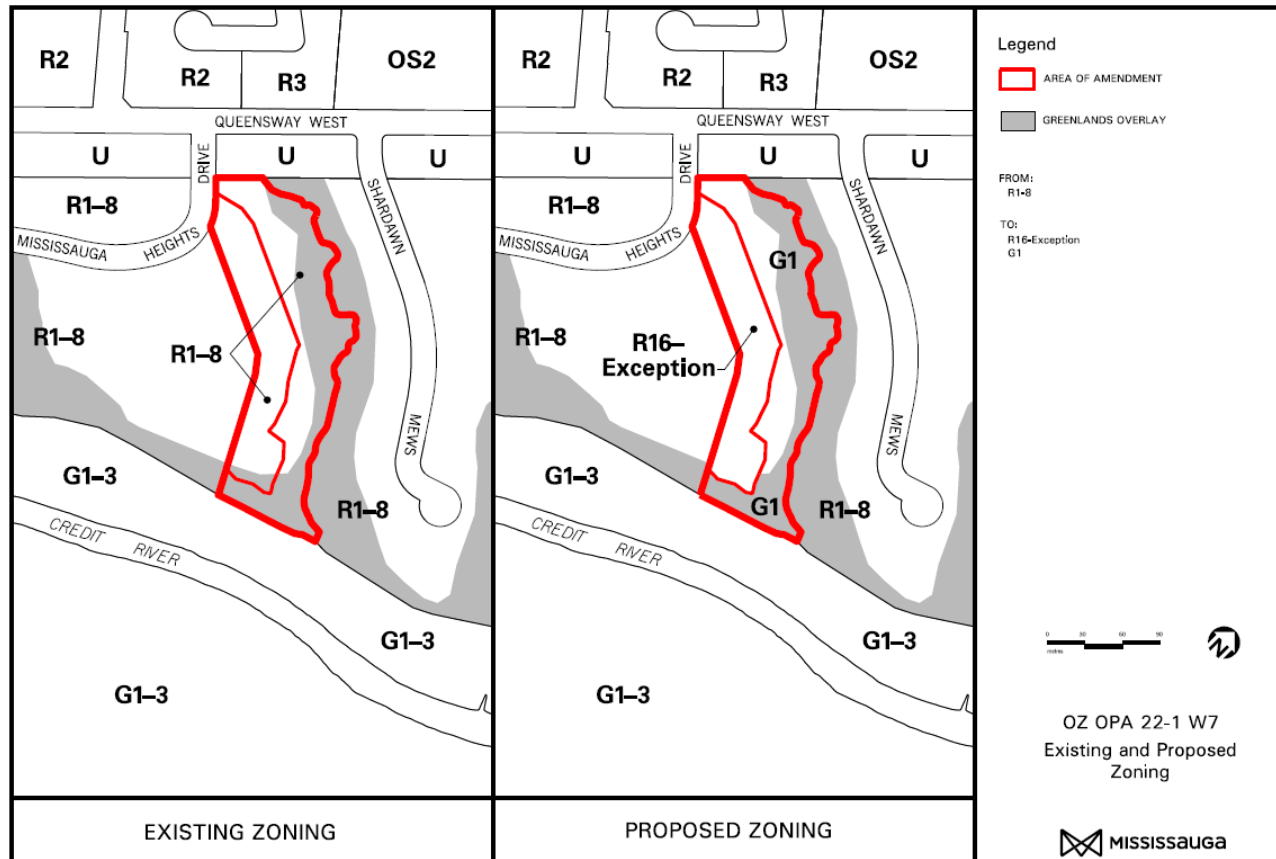
The applicant has provided a revised concept plan as follows:



9. Zoning

The proposed **R16-Exception (Detached Dwellings on a CEC - Road)** and **G1 (Greenlands – Natural Hazards)** zones are appropriate to accommodate the proposed 9 detached homes on a common element condominium (CEC) road and preservation of the natural heritage. However, the limits of the

G1 zone have not been resolved to the City’s satisfaction to ensure the preservation of natural features. In addition, there are outstanding technical issues that are required to be addressed and should the applications be approved, an "H" Holding Provision is required as outlined in Section 11 below.



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

Proposed Zoning Regulations

Zone Regulations	Existing R1-8 Zone Regulations	Proposed R16 Base Zone Regulations	Proposed R16-Exception Zone Regulations
Minimum lot area – interior lot	1,400 m ² (15,069 ft ²)	550 m ² (5,920 ft ²)	550 m ² (5,920 ft ²)
Minimum lot area – corner lot	1,400 m ² (15,069 ft ²)	720 m ² (7,750 ft ²)	576 m² (6,200 ft²)
Minimum lot frontage – interior lot	30.0 m (98.5 ft.)	15 m (49.2 ft.)	15 m (49.2 ft.)
Minimum lot frontage – corner lot	30.0 m (98.5 ft.)	19.5 m (64 ft.)	18.6 m (61 ft.)
Minimum front yard – interior lot	9.0 m (29.5 ft.)	7.5 m (24.6 ft.)	6.0 m (19.7 ft.)
Minimum front yard – CEC – corner lot	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	6.0 m (19.7 ft.)
Minimum front yard –	7.5 m	7.5 m	6.0 m

Zone Regulations	Existing R1-8 Zone Regulations	Proposed R16 Base Zone Regulations	Proposed R16-Exception Zone Regulations
garage face	(24.6 ft.)	(24.6 ft.)	(19.7 ft.)
Minimum exterior side yard	7.5 m (24.6 ft.)	6.0 m (19.7 ft.)	3.0 m (9.8 ft.) abutting a CEC road, 6.0 m (19.7 ft.) abutting a street
Minimum interior side yard	1.8 m (6.0 ft.) on one side of the lot and 4.2 m (13.8 ft.) on the other side	1.2 m (4.0 ft.) plus 0.61 m (2.0 ft.) for each additional storey or portion thereof above one storey	1.2 m (4.0 ft.)
Minimum setback to a CEC – visitor parking space	n/a	3.3 m (10.8 ft.)	3.0 m (9.8 ft.)
Tree Preservation Area	n/a	n/a	Proposing to include Tree Preservation area within

Zone Regulations	Existing R1-8 Zone Regulations	Proposed R16 Base Zone Regulations	Proposed R16-Exception Zone Regulations
			rear of Lots 4 and 5 that shall only be used for conservation purposes (no buildings, structures, swimming pools or hard surfaces)
	<p>Note: The provisions listed are based on information provided by the applicant, which is subject to revisions as the application is further refined. 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.</p>		

10. Bonus Zoning

Schedule 17 of Bill 197, COVID-19 Economic Recovery Act, 2020, amended the Planning Act. The Section 37 Height/Density Bonus provisions are replaced with the

Community Benefit Charge (CBC) provisions, implemented by a CBC By-law passed by Council. Section 37 of the Planning Act now allows municipalities to impose a CBC on land to fund costs related to growth. Funds collected under CBC will be to fund projects City-wide and Council will be requested at budget time each year to spend or allocate CBC funds to specific projects in accordance with the CBC Strategy and Corporate Policy.

In response to this legislative change, Council passed the City's new CBC By-law on June 22, 2022, which will be administered by the Corporate Services Department, Finance Division. The By-law specifies to which types of development and redevelopment the charge applies, the amount of the charge, exemptions and timing of charge payment. The CBC is 4% of the value of the land. A land appraisal is required in order to determine the applicable CBC in each case.

As the proposed development is less than 5 storeys and less than 10 units, the community benefits charge is not applicable.

11. "H" Holding Provision

Should the application be approved by the OLT the remaining engineering items are required to facilitate the implementation of the zoning by-law and must be addressed through an "H" Holding Provision, which can be lifted upon:

- Delivery of an executed Development Agreement, including municipal infrastructure schedules;

- Provision for satisfactory mutual access and servicing arrangements including easements, and private maintenance agreements interconnecting the subject site with the adjacent lands;
- Receipt of outstanding or updated technical reports and drawings to the satisfaction of the City, including an updated Functional Servicing and Stormwater Management Report, an updated Traffic Operations Assessment, a Phase Two Environmental Site Assessment and associated environmental documents, and an updated Noise Feasibility Study.

12. Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval if the development consists of more than 10 units within a condominium. However, the applicability of site plan approval remains to be determined upon the establishment of development limits and extent of the natural heritage areas. No site plan application has been submitted to date for the proposed development.

While the applicant has worked with City departments to address some site plan related issues through review of the rezoning concept plan, further revisions will be needed to address matters such as tree protection, landscaping, condominium road design and architecture.

13. Conclusions

In conclusion, City staff has evaluated the applications to permit 9 detached dwellings on a common element condominium (CEC) road 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 detached dwellings on a CEC road supports the general intensification policies of providing for growth in a form sensitive to the area context and makes efficient use of land and infrastructure. However, given it's proximity to the Credit River, a portion of the subject lands is located within a significant natural area, natural hazard land, and part of the Greenlands system containing natural heritage features. The delineation of the natural features, hazards and the provision of appropriate setbacks and buffers to the satisfaction of the City and CVC is required to establish the limits of development. There remains outstanding technical information and updated studies that are required for staff to make a determination on the appropriateness of the development. As a result, staff do not support the proposal at this time.

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

- The City and CVC are not satisfied that the developable areas have been appropriately delineated with respect

to the limits of the natural heritage features, hazards and provision of appropriate setbacks and buffers

- The limits of the residential and greenlands official plan designations and zones cannot be established until the limits of the natural features and their associated buffers are determined, which is necessary to identify any zone exceptions to accommodate the development
- The design of the common element condominium (CEC) road does not meet municipal requirements or regional waste collection standards
- There are a number of technical studies and issues that have not been properly addressed (e.g. Environmental Impact Study, Functional Servicing Report, Phase 2 Environmental Site Assessment, Traffic Operations Assessment, and Noise Study) which may ultimately impact the development
- Insufficient information has been provided to set forth land dedications, easements, and shared road requirements with the adjacent lands.