

City of Mississauga
Corporate Report



<p>Date: June 5, 2024</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: OZ/OPA 24-3 W2</p>
	<p>Meeting date: June 25, 2024</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 2)

Official Plan and Zoning By-law Amendment applications to permit 180, three storey, back to back townhouses in 12 development blocks

2620 Chalkwell Close, east side of Winston Churchill Boulevard, north of Truscott Drive and south of Sandgate Park

Owner: 1672735 Ontario Inc.

File: OZ/OPA 24-3 W2

Bill 109

Recommendation

1. That the application under File OZ/OPA 24-3 W2, 1672735 Ontario Inc., 2620 Chalkwell Close to amend Mississauga Official Plan to **Residential Medium Density**, be approved in accordance with the provisions outlined in the staff report dated June 5, 2024 from the Commissioner of Planning and Building.
2. That the application under File OZ/OPA 24-3 W2, 1672735 Ontario Inc., 2620 Chalkwell Close to amend Mississauga Zoning By-law 0225-2007 to **RM11-Exception** (Back to Back Townhouses on a CEC Road) zone to change the zoning to permit 180, three storey, back to back townhouses be refused as it is not acceptable in its current form.
3. That City Council amend Zoning By-law 0225-2007 to **H-RM11-9** (Back to Back Townhouses on a CEC Road) zone to permit the redevelopment of 2620 Chalkwell Close in accordance with the **RM11** (Back to Back Townhouses on a CEC Road) base zone regulations. The site-specific exception is only required to recognize the "H" holding provision.

4. That the "H" holding provision is to be removed from the **H-RM11-9** (Back to Back Townhouses on a CEC Road) zone applicable to the subject property, by further amendment upon confirmation from applicable agencies and City Departments that matters outlined in the report dated June 5, 2024, from the Commissioner of Planning and Building have been satisfactorily addressed.
5. That the applicant agree to satisfy all the requirements of the City and any other external agency concerned with the development.
6. That the decision of Council for approval of the official plan and rezoning amendment applications be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law to permit 180, three storey back to back townhouses in 12 development blocks.
- The Official Plan and Zoning By-law amendment applications are subject to the regulations under *Bill 109, More Homes for Everyone Act, 2022* whereby a decision must be made by Council by July 11, 2024 or issue a refund of planning application fees.
- The Official Plan and Zoning By-law applications have proceeded through one review cycle by departments and agencies. A subsequent resubmission by the applicant and review by departments and agencies is not feasible to resolve outstanding issues due to the timing set forth by *Bill 109, More Homes for Everyone Act, 2022*.
- In accordance with Provincial, Regional and local planning policies, staff are supportive of the applicant's proposed Official Plan Amendment to redesignate the subject lands to **Residential Medium Density** in order to permit back to back townhouses on the subject lands, as the proposed land use is compatible with the land uses in the existing area and represents an efficient built form that takes advantage of an underutilized site and available infrastructure.
- Staff are not supportive of the Zoning By-law Amendment application that requests exceptions to the **RM11** (Back to Back Townhouses on a CEC Road) zone as the regulations proposed facilitate a concept plan that does not satisfy the built form compatibility policies of Mississauga Official Plan, including overlook and privacy conditions, inappropriate buffering and building setbacks and an inappropriate interface with the adjacent City park.
- As an alternative, it is recommended that the zoning be changed to permit the base **RM11** (Back to Back Townhouses on a CEC Road) zone to allow for redevelopment of the site in a manner that is respectful of the neighbourhood context.

Background

A pre-application public meeting was held virtually by Ward 2 Councillor, Alvin Tedjo, on November 21, 2023. The Official Plan and Zoning By-law Amendment applications were deemed complete on March 13, 2024 and subsequently circulated for review and technical comments. The purpose of this report is to provide information on the applications and a detailed planning analysis, including recommendations for the Planning and Development Committee's consideration.

Present Status

1. Site Information

(a) Site Location and Description

The property is located immediately south of Sandgate Park at the terminus of Chalkwell Close in the Clarkson-Lorne Park Neighbourhood Character Area. The property is generally located east of Winston Churchill Boulevard and north of Truscott Drive and was formerly the location of the Elmcrest Public School which closed in 2016 and was later demolished in 2021. The property is irregular in shape and is currently vacant.



Figure 1: Aerial Photo of 2620 Chalkwell Close

Property Size and Use	
Frontage on Chalkwell Close:	20.2 m (66.27 ft.)
Property Area:	1.9 ha (4.89 ac.)



Figure 2: Property Condition, Photographed April 11, 2024

(b) Site History

- June 20, 2007 – Zoning By-law 0225-2007 came into force which zones the property **R2** (Detached Dwellings). The **R2** (Detached Dwellings) zone permits residential uses in the form of detached dwellings.
- November 14, 2012 – Mississauga Official Plan (MOP) came into force which designates the property **Residential Low Density II** within the Clarkson-Lorne Park Neighbourhood Character Area.
- September 27, 2023 – Development Application Review Committee (DARC) meeting held with the applicant and City staff to provide submission requirements and preliminary feedback as file DARC 23-155 W2.
- November 21, 2023 – A virtual community meeting is held by Ward 2 Councillor, Alvin Tedjo, for 180 back to back townhouses with 180 resident parking spaces, 38 visitor parking spaces and 1 595 m² (17,168.4 ft²) of amenity area.
- March 13, 2024 – The subject applications were deemed complete, circulated and began formal review under the City's new development application pilot project, as a response to the changes in Provincial legislation under Bill 109.

(c) Site Context

The property is located in the Clarkson-Lorne Park Neighbourhood Character Area. The surrounding context is characterized by low-rise residential uses including detached dwellings, semi-detached dwellings and two-storey townhouses. Approximately 435 m (1427.17 ft.) east of the site is the Clarkson Community Centre and a low-rise commercial plaza that includes

various retail and commercial businesses. In the larger vicinity, there are apartment buildings and a long-term care facility.

Immediately surrounding the subject property include the following land uses:

- North:** City owned parkland, Sandgate Park and Sandgate Crescent
- East:** Detached dwellings with frontage along Karenza Road and Clarkson Community Centre and commercial/retail plaza beyond
- South:** Detached dwellings with frontage along Truscott Drive
- West:** Detached dwellings with frontage along Lockhart Road and Winston Churchill Boulevard further west

2. Surrounding Development Applications

The following development application was recently approved in the vicinity of the subject property:

- File SP 21-111 W2 – 2560 South Sheridan Road – Site Plan Application for an addition to the existing business.

3. Official Plan

The property is designated **Residential Low Density II** and located within the Clarkson-Lorne Park Neighbourhood Character Area. The **Residential Low Density II** designation permits the following uses:

- Detached dwelling;
- Semi-detached dwelling; and,
- Duplex dwellings, triplexes and fourplexes.

The subject property is not located within a Major Transit Station Area (MTSA).

4. Zoning

The property is zoned **R2** (Detached Dwellings) which permits detached dwellings, accessory residential units and fourplexes. Refer to Appendix 1 for the existing and proposed Zoning Map in Zoning By-law 0225-2007.

5. Proposed Development

(a) Description

The applicant has proposed to redevelop the subject property with 12 residential blocks totaling 180 townhouse residences. The 12 townhouse blocks are designed to facilitate internal parking at grade for each dwelling unit which will be accessible through a shared entry point into a communal garage. Each townhouse is proposed to be outfitted with an automobile stacking system that will provide 2 residential parking stalls per unit. The applicant is proposing 360 resident parking spaces and 42 visitor parking spaces which are provided at various locations throughout the property. The townhouse blocks are proposed as 3 storeys with a maximum height of 12.0 m (39.37 ft.) and an additional rooftop amenity area that includes an access point and some decorative trellis features. The applicant is proposing communal outdoor amenity space in two locations for a combined total of 1,476 m² (15,887 ft²) of at grade outdoor amenity area or 7% of the site area. A singular vehicular access for the entire development is proposed at the terminus of Chalkwell Close.



Figure 3: Proposed Development Rendering

The townhouses are proposed as three storeys in height, Staff appreciate that the townhouses appear as a four storey building and discussion regarding building height further provided in section 2 (c) ii of this report.

(b) Supporting Studies

The applicant has submitted materials and studies in support of the applications which can be viewed at: <https://yoursay.mississauga.ca/oz-opa-w2-2620-chalkwell-close>

(c) Green Development Initiatives

The applicant has not yet identified which green development initiatives will be incorporated into the development.

Comments

The following section summarizes the various elements that were considered in developing the Planning and Building Department's position on the applications.

1. Reason for Applications

Official Plan Amendment

An Official Plan Amendment is required to accommodate the proposed development. The application proposes to redesignate the property from **Residential Low Density II** to **Residential Medium Density** which permits all forms of townhouses, including the back to back condominium townhouses.

Zoning By-law Amendment

An amendment to Zoning By-law 0225-2007 is required to implement the proposal as submitted. The current Zoning By-law permissions allow detached dwellings. The applicant has proposed to rezone the property from the **R2** (Detached Dwellings) zone to an **RM11-Exception** (Back to Back Townhouses on a CEC Road - Exception) zone. The site specific exception zone includes provisions to reduce visitor parking rates, reduce dwelling unit width, reduce lot frontages, increase building heights, reduce sidewalk widths, reduce condominium road widths, reduce yard setbacks and reduce landscape buffers.

Refer to Appendix 1 for a complete list of the requested zoning amendments.

2. Policy Summary

The *Planning Act* allows any property owner within the Province of Ontario the ability to make a development application to their respective municipality in order to accommodate a particular development proposal. Upon the submission of mandated technical information, the municipality is obligated under the *Planning Act* to process and consider the application within the rules set out in the *Planning Act*.

The *Planning Act* requires that the Mississauga Official Plan (MOP) is consistent with the Provincial Policy Statement and conform with the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect these applications have been reviewed and assessed in the context of the applications. The following section summarizes how the recommendations of this report are consistent with and conform to the applicable policy and regulatory documents.

(a) Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

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. These documents include 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*".

Consistency with the Provincial Policy Statement, 2020

The PPS focuses growth and development to Settlement Areas (Policy 1.1.3.1) and outlines how to manage land uses to achieve healthy liveable and safe communities through the promotion of efficient land use patterns, by accommodating appropriate ranges and a mix of residential types, by avoiding land use patterns which cause health and safety concerns, to minimize land consumption and servicing costs and to avoid development which may cause public health and safety concerns (Policy 1.1.1). The PPS emphasizes the promotion of land use patterns which promote intensification to efficiently use land, existing infrastructure and public service facilities (Policy 1.1.3.2).

The Official Plan Amendment to redesignate the subject property to the **Residential Medium Density** designation is consistent with the PPS as the proposed designation will allow for the development of a vacant and under-utilized site within a Settlement Area. Further, the **Residential Medium Density** designation permits built forms which will facilitate an efficient and compact land use pattern that will take advantage of existing infrastructure, services and will allow an appropriate residential built form for the property given the surrounding context. The proposed Official Plan Amendment to redesignate the subject property to **Residential Medium Density** is consistent with the PPS.

The PPS requires that intensification and development in a compact form be promoted through appropriate development standards (Policy 1.1.3.4). The applicant's zoning by-law amendment with site specific performance regulations propose development standards that will create adverse impacts to abutting properties by reducing landscape buffers, reducing building setbacks and increasing building heights, among other concerns. The Official Plan review in Section 2 (c) of this report provides further policy analysis on the applicant's proposed development.

Consistency to Growth Plan for the Greater Golden Horseshoe, 2020

The subject property is located within a Delineated Built-up Area in the Ontario Growth Plan. While the Growth Plan prioritizes intensification to Strategic Growth Areas, Urban Growth Centres and Major Transit Station Areas, it expects appropriate infill development to occur throughout Delineated Built-up Areas, which includes the subject property. Section 2.2.1 – Managing Growth of the Growth Plan includes policies to contribute to complete communities by: featuring a diverse mix of land uses, improving social equity and quality of life, providing a range and mix of housing options, providing convenient access to a range of transportation options, the provision of public service facilities, open spaces, parks, healthy local and affordable food options, compact built forms, adapting to climate change impacts and integration of green infrastructure. This section of the Growth Plan also encourages development to take advantage of existing or planned municipal water and wastewater systems to support the achievement of complete communities. Furthermore, Section 2.2.2 – Delineated Built Up Areas

of the Growth Plan contains policies that direct municipalities to incorporate strategies to achieve intensification in Delineated Built-up Areas through appropriate transition.

With respect to the Official Plan Amendment, the **Residential Medium Density** designation represents intensification in a manner consistent with the Growth Plan. The built form permissions resulting from the redesignation will allow for housing choices in a more compact built form that will take advantage of existing servicing infrastructure.

Proposed Provincial Policy Statement, 2024

On April 10, 2024, the Ministry of Municipal Affairs and Housing released an updated draft of the Provincial Policy Statement which when approved will replace the PPS 2020 and Growth Plan 2020. The draft document is currently subject to a comment and review period and is not in effect.

(b) Region of Peel Official Plan

General objectives of the Region of Peel Official Plan (ROP), as outlined in Section 5.3 include: conserving the environment, achieving sustainable development, establishing healthy complete communities, intensifying land through compact form, accounting for a mix of land uses in appropriate areas that efficiently use land, services, infrastructure and public finances while considering the characteristics of existing communities to achieve an urban form and promote densities that are pedestrian-friendly and transit supportive.

The ROP designates the subject property within the Urban System and an amendment to the ROP is not required to facilitate the development as proposed.

Section 5.3 of the ROP directs development to the Urban System which encourages a pattern of compact forms and provides for an appropriate range of housing. Section 5.5 of the ROP aims to achieve efficient urban forms, to optimize existing infrastructure and services, to intensify the development of underutilized lands, to facilitate and promote intensification and require that by 2015 and for each year until 2025, a minimum of 40% of the Region's residential development will be located within the built-up area.

The Official Plan Amendment to redesignate the subject property to the **Residential Medium Density** designation will allow development of the subject property with back to back townhouses which reflects a compact form and contributes to the achievement of many ROP policies and objectives.

However, the ROP requires that new development consider characteristics of existing communities (Policy 5.6.3). In their comments, Region of Peel staff note the lack of direct pedestrian access from the proposed development to the Truscott Drive transit service as well as to Sandgate Park.

(c) Mississauga Official Plan

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated **Residential Low Density II** which permits all forms of low density housing and street townhouses. The applicant is proposing to redesignate the subject property to the **Residential Medium Density** designation to permit back to back condominium townhouses. An amendment to MOP is required to facilitate development of condominium townhouses on the subject property. 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 relevant MOP policies against the proposed development application which are provided in the evaluation below.

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

- (i) Is the proposed Official Plan Amendment to redesignate the subject property to the Medium Density Residential designation to accommodate back to back townhouses appropriate?***

Appropriate Intensification

The Clarkson-Lorne Park Neighbourhood Character Area is not identified as an Intensification Area in MOP. Neighbourhoods are characterized as physically stable areas that are not intended to receive significant intensification (Policy 5.3.5). However, MOP indicates that Neighbourhoods will not remain static nor is there a requirement for new development to imitate previous development patterns (Policy 5.3.5). New development should be sensitive to the existing character of a Neighbourhood and should appropriately transition to surrounding uses in built form, density and scale (Policy 5.3.5.6). Development within Neighbourhoods is generally expected to facilitate lower densities and building heights (with a maximum allowance of 4 storeys) and should not exceed the capacity of

existing and planned services (Policy 5.1.9) The MOP encourages growth to occur in a compact manner that is transit supportive and will provide a range of local live/work opportunities (Policy 5.1.6). Further, MOP aims to provide housing choices and opportunities that range in type, tenure and price (7.2.2a).

The subject property is located in an area near the boundary of two census tracts. Between 2001 and 2021, these tracts experienced a 9.4% decrease in population. Even with the anticipated population associated with redevelopment of the site, the neighbourhood population remains lower than what it was in 2001.

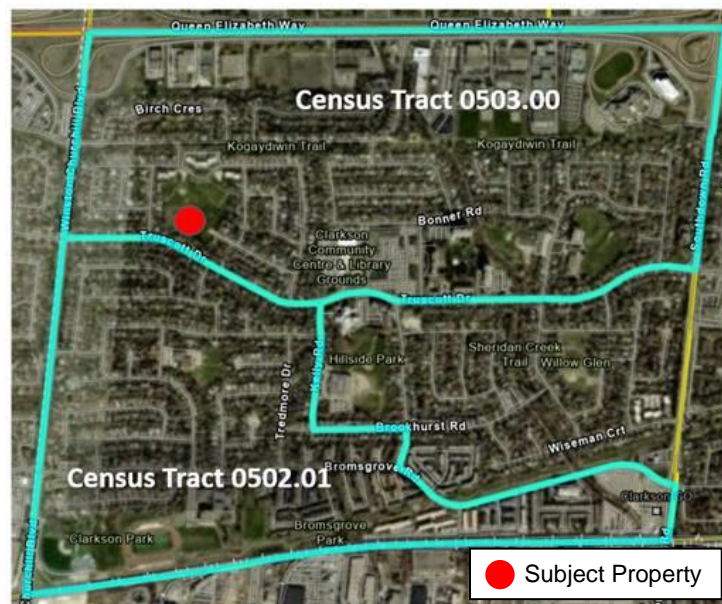


Figure 4: Surrounding Census Tracts

Population for the two surrounding census years since 2001 is provided in the table below.

Census Year	CT 0503.00	CT 0502.01	Total
2021	4,946	5,645	10,591
2016	5,020	5,429	10,449
2011	5,228	5,602	10,830
2006	5,103	5,729	10,832
2001	5,519	6,175	11,694
Overall % change from 2001 to 2021	-10.4%	-8.6%	-9.4%

The location and size of the subject property lends the site as suitable for residential infill redevelopment in the form of back to back townhouses. The immediate vicinity of the subject property includes a variety of residential built forms including two-storey street

townhouses, semi-detached and detached dwellings. Although redesignation of the site would introduce permissions for a built form that is different than what has been dominantly constructed in the area, there are lands within 120 m (393.70 ft.) of the subject property that include older townhouses and are also designated **Residential Medium Density**. Staff is of the opinion that the proposed Official Plan Amendment to redesignate the subject property to the **Residential Medium Density** land use designation conforms with the MOP's direction for growth and adheres to the scale of intensification expected for Neighbourhoods.

(ii) Are the applicant's site-specific zoning regulations RM11-Exception (Back to Back Townhouses on a CEC Road) appropriate?

While the proposal to redevelop the subject property with back to back townhouses would introduce a residential land use that is compatible with the surrounding area, the analysis below outlines issues with the performance regulation requested to the City's base zoning by-law regulations:

Landscape Buffers and Setbacks

The **RM11** (Back to Back Townhouses on a CEC Road) base zone includes a regulation for a minimum landscape buffer of 3.0 m (9.84 ft.) where the site abuts any rear and/or side lot lines (Table 4.14A.1 – 12.6). In addition to this zone regulation, where an interior side lot line abuts a landscape buffer, an additional 4.5 m (14.76 ft.) buffer is required (Table 4.14A.1 – 8.3). These specific zone regulations provide for an adequate transition to adjacent properties. The intent and purpose of landscaped buffers are for the long-term growth and maintenance of planting, including high branching deciduous trees, coniferous trees and shrubs and are to be unencumbered from any utilities or obstructions to allow for appropriate screening and buffering.

Where townhouse blocks are proposed adjacent to the rear and side lots of detached and semi-detached dwellings, a minimum landscape buffer of 7.5 m (24.60 ft.) is required as per the **RM11** (Back to Back Townhouses on a CEC Road) base zone regulations. The concept plan proposes reduced landscape buffers with a range between 3.0 m and 4.0 m (9.84 ft. to 13.12 ft.) limiting the proposed development's setback to neighbouring dwellings. The reduced landscape buffer creates deficient setbacks to the proposed townhouses which are insufficient and inappropriate in size. The deficient setbacks do not allow for appropriate landscaping to provide effective screening, which is further exacerbated by these areas being encumbered with stormwater tanks below grade. Sufficient room for landscaping ensures that planting and screening will effectively aid transition and improve privacy with a change in built form. The proposed reduction to landscape buffers decreases effective transition tactics from a lower density lotting pattern to an increased density lotting pattern and reduces opportunities for new development to appropriately integrate within the established neighbourhood. As such, the zoning regulations to reduce the landscape buffer along the subject property's lot lines abutting the yards of detached and semi-detached dwellings are inadequate to support transition to adjacent properties. The concept plan

proposes encroachments into an existing easement located in favour of Alectra Utilities. City staff understand that easements are to be provided unencumbered to Alectra Utilities with appropriate setbacks. Confirmation of any external arrangements between the utility company and the owner of the subject property to permit encroachments have not been submitted with the applications.

Amenity Areas and Pedestrian Circulation

The proposed development includes two communal amenity areas which meet the minimum size requirements for outdoor amenity areas in the base **RM11** (Back to Back Townhouses on a CEC Road) zone. Despite the amenity areas being appropriately sized for the scale of development, the proposal does not incorporate a cohesive pedestrian network of sidewalks between all development blocks and amenity areas. The amenity areas have been proposed with encumbrances below grade which significantly reduce their programmability. Also lacking from the proposed development are pedestrian crosswalks which raise safety and accessibility concerns. A further deficiency proposed by the application includes sidewalks designed as 1.8 m (5.90 ft.) wide, whereas the zoning by-law's standard width is 2 m (6.56 ft.).

There is an existing pedestrian connection from this site to Truscott Drive which allows for easy and convenient access to local transit stops. As sites within Neighbourhoods redevelop, these connections should be integrated into redevelopment plans.

Height – Impacts, Shadowing and Overlook

The application proposes that the townhouses are three storeys in height with a basement located above established grade. Building staff have undertaken a review based on the limited materials provided and advise that the proposed townhouses would be considered four-storey buildings in accordance with the Zoning By-law 0225-2007 as the basement storey is consistent with the by-law's definition of "first storey" and contribute to the overall number of storeys.

The zoning by-law defines first storey to "*mean the storey of a building, structure or part thereof, that has its floor closest to the established grade and its ceiling more than 1.8 m (5.90 ft.) above the established grade*" (Section 1.2). The proposed development includes regrading the subject site to allow the first storey to be located partially below grade and defined as a basement. The Zoning By-law defines established grade to "*mean, with reference to a building, structure or part thereof, the average elevation of the finished grade of the ground immediately surrounding such building or structure*" (Section 1.2). As such, the proposal has been described by the applicant as a three-storey townhouses with basement due to the site's grading and alteration of the established grade location.

The height of the back to back townhouses are proposed at 12.0 m (39.37 ft.), whereas the base zoning by-law permits 11.0 m (36.09 ft.). The base **RM11** (Back to Back Townhouses

on a CEC Road) zone also permits an additional height maximum of 3.0 m (9.84 ft.) for rooftop access where the rooftop floor area is less than 20.0 m² (215.27 ft²) and the setback from the exterior edge of the building is at least 3.0 m (9.84 ft.). The proposed development requests a modification to this provision by increasing the rooftop access height to 4.0 m (13.12 ft.) with a reduced 1.0 m (3.28 ft.) setback from the exterior edge of the building. This requested height increase in addition to the reduced yard setbacks and landscape buffers creates a cumulative effect with respect to the compatibility with the adjacent neighbourhood. This will effectively decrease the distance between the proposed townhouse blocks and the detached dwellings on abutting properties which contribute to shadowing and overlook conditions from the proposed townhouses. A comprehensive understanding of the massing impacts and transition from the proposed townhouses to adjacent properties cannot be understood due to missing information from the submitted shadow study. However, it is assumed that the development's proposal to locate the building closer to the property line will negatively impact the adjacent properties as described above. Furthermore, impacts related to shadowing and overlook are amplified and of greater significance in locations where the applicant has proposed to alter the grade of the site.

The addition of rooftop terraces creates a condition similar to five storey townhouse that would require sufficient stepbacks, additional screening, increased yard setbacks and increased landscape buffers to mitigate any adverse impacts.

Scale and Character of the Surrounding Areas

MOP policies and associated design guidelines encourage development standards that ensure compatibility with adjacent low rise built forms. To further aid transition between different built forms, the City's townhouse design guidelines denote that buildings over 3 storeys should consider stepbacks and sloped roofs to reflect similarities with the surrounding built form character. Additionally, the use of a 45-degree angular plane from rear and side yards is appropriate to measure the proposal's transition to neighbouring dwellings. Figure 5 below illustrates the obstruction of the 45-degree angular plane as submitted in proposed development.

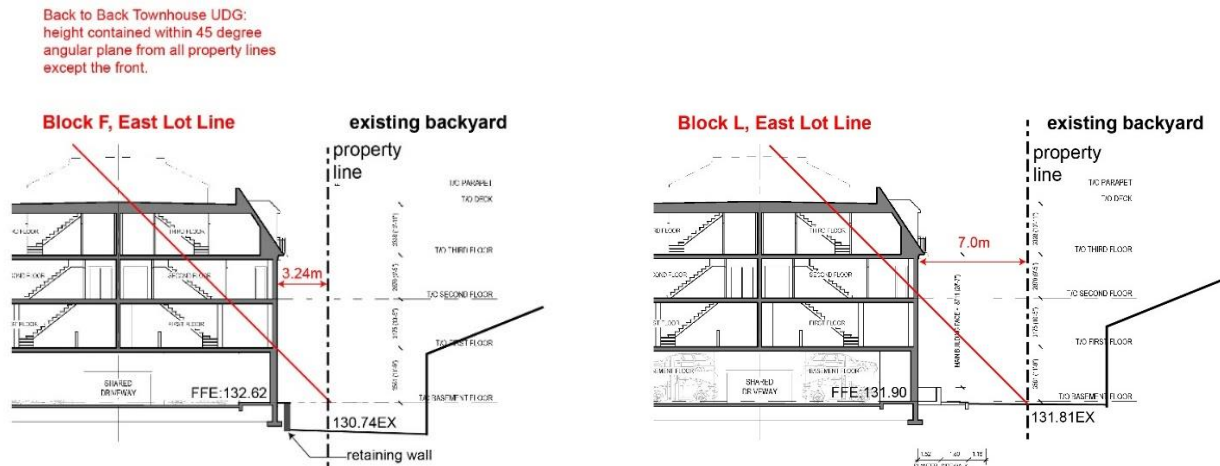


Figure 5: Deployment of a 45-degree angular plane line marked in red to demonstrate the scale of massing for proposed Townhouse Blocks F and L in relation to proposed setbacks to existing residential rear yards.

Without the implementation of building stepbacks on the top floor of the townhouses, the proposed reductions to landscape buffers and building setbacks, the proposed development does not consider the scale of the townhouse blocks to the surrounding context.

Sandgate Park and Storm Drainage

The proposed development will cause undue impacts to Sandgate Park, a City owned public park abutting the subject property. The development proposal includes a 0.0 m (0.00 ft.) setback from visitor parking spaces, as well as a retaining wall on the Park's property line. Additionally, the townhouse units with frontage along Sandgate Park are proposed with a reduced front-yard setback of 1.45 m (4.75 ft.) where the zoning by-law requirement is 4.5 m (14.76 ft.). A decrease to the yard setback along the Park edge does not provide for an adequate interface between public and private lands. MOP requires development adjacent to public parkland to minimize negative impacts and compliment the Park (Policy 9.5.1.7). The proposal to locate parking spaces with no setback to the Park's property line in addition to the reduced yard setback limits opportunities to transition the townhouses to Sandgate Park and does not propose mitigation measures to minimize massing impacts and reduce potential noise concerns.

Appendix 1 contains comments from Community Services detailing concerns raised with the lack of appropriate setbacks to the Park.

Additionally, staff are concerned with the retaining wall's location adjacent to the Park as it relates to installation, grade changes and Crime Prevention Through Environmental Design (CPTED) effects. The retaining wall, if required, should be located a minimum of 0.15 m (0.49 ft.) from the Park's property line to ensure no footings overlap at installation. The

retaining wall will create an undesirable condition, does not reflect CPTED principles and results in a negative interface with the Park.

Summary

Evaluation of the concept plan and site-specific zoning regulations to redevelop the property as submitted by the applicant proposes redevelopment in a manner that does not conform with the applicable policies of the MOP. The applicant's zoning by-law amendment application does not provide sufficient justification to support the proposed 180 back to back townhouses in 12 townhouse blocks. It is the opinion of staff that the applicant's site-specific zoning regulations are not appropriate.

(iii) Is there an alternative zone that could appropriately accommodate Residential Medium Density development on the subject property?

The subject property is appropriate for infill redevelopment and the site's attributes can accommodate back to back townhouses. However, development of the site with back to back townhouses should have appropriate regard for the general provisions provided in the **RM11** (Back to Back Townhouses on a CEC Road) base zone, in order to ensure that the tests of compatibility are maintained.

MOP states that new development in Neighbourhoods should respect and relate to the surrounding neighbourhood, including the continuity of front, rear and side yard setbacks, minimize overshadowing and overlook conditions on adjacent properties and be designed to respect the existing scale, massing, character and grades of the surrounding area (Policy 9.2.2.3).

In general, the **RM11** (Back to Back Townhouses on a CEC Road) base zone regulations contain provisions to ensure adherence to MOP policies with respect to compatibility. Utilizing the **RM11** (Back to Back Townhouses on a CEC Road) base zone regulations would facilitate inclusion of the following elements:

- Allow an appropriate transition between back to back townhouses which abut detached and semi-detached dwellings;
- Provide appropriately sized landscape buffer widths along property lines abutting the rear and side yards of detached dwellings;
- Minimum yard setbacks to ensure townhouse blocks are appropriately sited from adjacent homes;
- Facilitate suitable site circulation including appropriate sidewalk conditions;
- Ensure an appropriate interface with the adjacent City park; and,
- Permit an overall building height that is similar to the allowable height in the surrounding residential zones.

Based on the principles identified above that are reinforced through the **RM11** (Back to Back Townhouse on a CEC Road) base zone regulations, staff are of the opinion that applying

the base zone to the subject property will ensure that the resultant built form conforms to the compatibility tests required in the applicable policies in MOP.

(iv) Additional Technical Issues

In response to the direction contained in the *More Homes for Everyone Act* (Bill109), the City has undertaken a pilot review process to assess development applications within the timelines stipulated for municipalities by the *Planning Act*. Due to the mandated timeline, there is a limited opportunity for the City to receive resubmissions and work with an applicant to address outstanding technical matters. Staff have consistently encouraged the applicant to discuss technical issues in advance of submitting the applications in order to resolve as many matters as possible, however the applicant declined to participate.

In addition to Appendix 1, which contains a more detailed list of departmental and agency review comments, the following list highlights development issues from the submitted proposal:

- Omitted information on the concept plan including: transformer locations, community mailboxes, light poles, fire hydrants and sufficient waste collection locations;
- No pedestrian connection from the proposed development with the existing walkway to Truscott Drive;
- Inappropriate vehicular turning facility at the terminus of Chalkwell Close;
- Waste collection plan that is inconsistent with Region of Peel standards;
- Obstructed fire access route for Blocks A, B, C, D, E, F G, and H and inappropriate turning locations for fire and emergency vehicles throughout the site;
- A single emergency access to the property where 2 emergency accesses are required for developments with a total dwelling count greater than 100 units;
- Unauthorized encroachments into the Alectra easement;
- Storm drainage run-off that negatively impacts Sandgate Park; and,
- Site design aspects that are not consistent with Crime Prevention Through Environmental Design criteria.

For the reasons listed above and additional comments detailed in Appendix 1, it is staff's opinion that the proposed development for 180 back to back townhouse units in 12 development blocks is not appropriate.

(v) Services and Infrastructure*Servicing*

The subject property has servicing options in proximity to the site. There is a 300 mm diameter watermain and a 250 mm diameter sanitary sewer located on Chalkwell Close. All final infrastructure upgrades and connections are subject to review for impacts to the existing system to measure feasibility. Additional details are required to demonstrate additional technical details and infrastructure improvements, as outlined in the "H" Holding Provision Section (e) below.

Parks and Community Amenity

The subject property directly abuts Sandgate Park which is identified as a Public Open Space per Schedule 4 in MOP.

The following community services are located in proximity to the site:

- Kogaydiwin Trail
- Clarkson Community Centre & Library Grounds
- Hillside Park

Transit

The following MiWay bus routes currently service the site:

- Route 29 – Miway, Park Royal-Homelands
- Route 45 – MiWay, Winston Churchill

There is a transit stop on Truscott Drive and Buckby Road within 90.0 m (295.27 ft.) through a pedestrian walkway/connection from the site directly to Truscott Drive.

(d) Zoning By-law

The site-specific exceptions to the **RM11** (Back to Back Townhouses on a CEC Road) base zone do not conform with the Neighbourhood Intensification policies in the MOP.

An alternative zoning by-law amendment has been put forth by staff to permit the redevelopment of the subject property in accordance with the general provisions and regulations of the **RM11** (Back to Back Townhouses on a CEC Road) base zone. The recommendation to rezone the site as **H-RM11-9** (Back to Back Townhouses on a CEC Road) would permit redevelopment of the property with a built form that conforms with the MOP's **Residential Medium Density** designation.

The recommendation includes the provision of a holding provision to ensure that redevelopment of the subject property addresses the development issues identified. The standard regulations

of the **RM11** (Back to Back Townhouses on a CEC Road) base zone in addition with clearance of the requirements outlined to remove the "H" Holding provision are acceptable to staff.

A table with the regulations of the **RM11** (Back to Back Townhouses on a CEC Road) base zone can be found in Appendix 1.

(e) "H" Holding Provision

Should the applications be approved by City Council (or the Ontario Land Tribunal), technical matters will need to be satisfactorily addressed to facilitate implementation of the zoning by-law. Staff will request a "H" Holding Provision which can be lifted upon:

- Execution of a satisfactory Development Agreement which includes the dedication of an appropriate turnaround facility at the terminus of Chalkwell Close;
- Receipt of updated technical studies, including: Transportation Impact Study, Noise Impact Assessment, Sun/Shadow Study, Stormwater Management and Functional Servicing Report and revised plans and drawings to the satisfaction of Planning and Building and Transportation and Works Departments, Region of Peel and other applicable department and agencies;
- Receipt of a satisfactory grading and drainage plan;
- Receipt of satisfactory environmental studies and documents including a Phase Two Environmental Site Assessment and implementation of a remediation plan, if required;
- Receipt of a Record of Site Condition and supporting documentation; and,
- Satisfactory arrangements with the City of Mississauga with respect to accommodating the pedestrian walkway that connects the site to Truscott Drive.

(f) Community Benefit Charge

Schedule 17 of Bill 197, *COVID-19 Economic Act*, 2020, amended the *Planning Act*. Section 27 Height/Density Bonus provisions are replaced with the Community Benefit Charge (CBC) provisions implemented by the 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 able to fund projects City-wide and Council will determine how to spend or allocate CBC funds to specific project in accordance with the CBC Strategy and Corporate Policy annually.

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 which type 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 with each application.

While the proposed development is more than 10 residential units, it is less than 5 storeys and therefore CBC charges do not apply.

3. Departmental and Agency Comments

The applications were circulated to all City departments and commenting agencies on March 14, 2024. The following section summarizes the comments received. Refer to Appendix 1 for detailed comments.

(a) Region of Peel

The Region has reviewed the Solid Waste Management Plan dated January 2024. Based on the report, the Region's Waste Management team identifies the underground parking entrances as a significant risk, as their placement will result in blind spots for trucks maneuvering through the narrow roadways. Additionally, the 45-degree turn on the west side of the complex may be inaccessible for the trucks and force trucks to reverse for an extended distance. The Region requires a revised Waste Management Plan and a redesign of the waste collection vehicle access route in accordance with the Region's standards.

The FSR prepared in December 2023 has also been reviewed. A 300 mm water service connection to a 300 mm watermain has been proposed which the Region does not recommend. A revision of the FSR is required to reflect the appropriate watermain connection and include a hydrant flow test.

(b) City Transportation and Works Department

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.

Based on a review of the materials submitted to date, staff are not satisfied with the details provided in the reports, plans or studies in order to confirm the engineering feasibility of the development proposal.

The notable engineering issues that may have an impact on the overall development of the lands include:

- Deficiencies in the Transportation Impact Study;
- Deficiencies in the grading and drainage proposal, including the use of retaining wall(s) with insufficient setbacks; and,
- Potential encroachment conflict (proposed retaining walls, building structure, servicing and other proposed surface treatments) with the existing Alectra easement.

Additional technical details and revisions are required to comply with City requirements and to confirm feasibility of the development proposal from an engineering standpoint (see Appendix 1 for detailed staff comments).

(c) City Community Services Department

In comments dated March 2024, the Parks and Culture Planning and Forestry Sections, Community Services Department provide the following comments. The subject property is in the Clarkson-Lorne Park Neighbourhood Character Area and as established in the 2022 Parks Plan, the parkland provision standard of 1.2 ha (2.96 ac.) per 1000 people is being achieved. The Parkland Character Area is well served with 3.5 ha (8.64 ac.) per 1000 people (2021) and the subject property is within 400 m (1,312.34 ft.) walking distance to a City owned playground accessible to future residents. Sandgate Park (P-008) is located directly adjacent to the proposed development which includes amenities such as a playground, open space, trails and picnic areas. City Staff will require the installation of hoarding and fencing for park protection with potential pedestrian access to the park. Staff have concerns with the proposed grading, overland drainage routes and retaining walls adjacent to City Parkland including the proposed landscape buffers.

Furthermore, prior to the issuance of building permits for each lot or block, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the *Planning Act* (R.S.O. 1990, c.P. 13, as amended) and in accordance with City Policies and By-laws.

4. Affordable Housing

In October 2017 City Council approved *Making Room for the Middle – A Housing Strategy for Mississauga* which identified housing affordability issues for low and moderate incomes in the city. In accordance with the Provincial Growth Plan (2019) and Amendment No. 1 (2020), *Provincial Policy Statement (2020)*, Regional Official Plan and Mississauga Official Plan (MOP), the City requests that proposed multi-unit residential developments incorporate a mix of units to accommodate a diverse range of incomes and household sizes.

Applicants proposing non-rental residential developments of 50 units or more requiring an official plan amendment or rezoning for additional height and/or density beyond as-of-right permissions will be required to demonstrate how the proposed development is consistent with/conforms to Provincial, Regional and City housing policies. The City's official plan indicates that the City will provide opportunities for the provision of a mix of housing types, tenures and at varying price points to accommodate households. The City's annual housing targets by type are contained in the Region of Peel Housing and Homelessness Plan 2018-20.

To achieve these targets, the City is requesting that a minimum of 10% of new ownership units be affordable. The 10% contribution rate will not be applied to the first 50 units of a development. The contribution may be in the form of on-site or off-site units, land dedication, or financial contributions to affordable housing elsewhere in the City. The applicant has indicated that the proposed development will provide market-based units. Affordable housing units are not proposed in the development.

5. Next Steps

Prior to the development of the subject property, the applicant will be required to obtain Site Plan Approval. A draft plan of condominium (for a common element condominium) is also

required to facilitate back to back townhouses on a CEC road on the subject property. Applications for site plan and draft plan of condominium have not been submitted and will not be accepted until MOP and Zoning By-law 0225-2007 have been amended through approval of these applications.

Financial Impact

In accordance with the amended application processing timelines enforced through Bill 109, a municipality is required to make a decision on Official Plan Amendment and Zoning By-law Amendment applications within 120 days of the applications being deemed complete, otherwise the municipality is required to refund the submitted application fees to the applicant. The applications were deemed complete on March 13, 2024. Should a decision not be made on the applications by July 11, 2024, the City is required to refund the City's portion of the application fees to the applicant depending on when a decision is made. The total amount for the refund is \$69,547.50.

Engagement and Consultation

1. Community Feedback

A virtual community meeting was held by Ward 2 Councillor, Alvin Tedjo, on November 21, 2023 on Webex. Approximately 80 people were in attendance of the virtual community meeting and six emails of written correspondence have been received. The following summarizes comments received on the applications:

Comment

The proposed development provides an insufficient number of resident and visitor parking spaces, which will result in an increased number of parked cars along Chalkwell Close.

Response

The applicant has proposed 2 residential parking spaces per unit, which meets the requirement of the Zoning By-law.

With respect to visitor parking, the applicant is proposing 42 visitor parking spaces, at a rate of 0.23 visitor parking spaces per unit. The Zoning By-law requires visitor parking spaces to be provided at a rate of 0.25 visitor parking spaces per unit.

Comment

The proposed height of the back to back townhouses with a rooftop terrace will create overlook and privacy concerns to the existing residences. The overall height of the proposal is significantly greater than the surrounding built form despite the requested zoning by-law amendment to increase the permitted height by 1 metre.

Response

Staff are concerned with the insufficient setbacks to neighbouring residences. The alternative recommendation put forth by staff will permit redevelopment of the site in accordance with the regulations of the **RM11**(Back to Back Townhouses on a CEC Road) base zone which requires a 3 m (9.84 ft.) landscape buffer along the shared property lines of the adjacent low density

homes. The required buffer will allow for appropriate planting and screening as well as add distance to ensure there is a suitable transition from adjacent residences.

Comment

The proposed development will increase the amount of vehicular congestion and traffic along local streets which have not been designed to accommodate a development of the size and density proposed.

Response

A Transportation Impact Study has been submitted in support of the applications which recommends that site and road re-design will be required as it relates to turnaround areas, loading truck maneuvers, sightline constraints and pavement marking and signage. An updated Transportation Impact Study that addresses comments including the provision of appropriate traffic volumes to assess capacity constraints is required in order to determine the full traffic impact of the proposal. Additional comments on the Study are provided in Appendix 1.

Comment

Residents raised concerns for the loss of parkland in the local community/area as a result of the proposed development.

Response

The subject property was declared surplus lands by the Peel District School Board (PDSB). The purchase and sale of the property was then facilitated by the Peel District School Board which resulted in a private sale of the site to the current owner of the site.

Conclusion

In conclusion, the applications to permit 180 back to back townhouses on a common element condominium road have been reviewed against the *Provincial Policy Statement*, the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan, Mississauga Official Plan and Zoning By-law 0225-2007.

The Official Plan Amendment to redesignate the subject property from **Residential Low Density II** to the **Residential Medium Density** is consistent with relevant provincial policies and conform to local planning policies with respect to allowing appropriate intensification with Neighbourhood Character Areas.

However, the development standards proposed in the applicant's exception zoning by-law represent an overall concept plan that is not supported by staff for the following reasons:

- Reduced landscape buffers proposed with encumbrances;
- Insufficient building setbacks from property lines;
- Encumbered amenity areas;
- Lack of a cohesive pedestrian network and no provision of cross walks;
- Shadowing and overlook concerns to abutting residences;
- Adverse impacts to Sandgate Park;
- Lack of appropriate turning facility at the terminus of Chalkwell Close;

- Obstructed fire route access;
- Unfeasible site configuration and road network; and,
- Missing information from submission materials.

As such, staff recommend that the proposed **RM11-Exception** (Back to Back Townhouses on a CEC Road) zone to facilitate the development as submitted on the concept plan be refused.

Staff alternatively recommend rezoning of the property as **H-RM11-9** (Back to Back Townhouses on a CEC Road), including applicability of all regulations in the **RM11** (Back to Back Townhouses on a CEC Road) base zone, with the inclusion of an "H" provision to ensure that redevelopment of the site addresses the outstanding development items identified.

Attachments

Appendix 1: Supplementary Information



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

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