

POUND & STEWART

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May 5, 2020

BY EMAIL & REGULAR MAIL

City of Mississauga - Office of the City Clerk
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Attn: Madame Mayor Crombie & Members of Council

**Re: Submission on behalf of Orlando Corporation - 'Gateway Corporate Centre'
Agenda Item 18.3 - May 6, 2020 City Council Agenda
City-initiated By-law to Amend Zoning By-law No. 0225-2007
City of Mississauga**

We are writing on behalf of Orlando Corporation regarding Council Agenda Item 18.3, pertaining to the City-initiated By-law to Amend Zoning By-law No. 0225-2007 ('draft Zoning By-law') affecting properties located within the 'Gateway Corporate Centre Character Area' ('Gateway').

This draft Zoning By-law will apply to numerous Orlando Corporation properties located in Gateway, and therefore it will need to conform with the OPA No. 25 - Feb. 2017 Minutes of Settlement between Orlando Corporation and the City of Mississauga. It is also noted that the draft Zoning By-law, now incorporates all 'Office' zoned properties in the City, with its primary focus on future zoning for Gateway.

Orlando Corporation singularly owns and develops its large lots/blocks of Gateway lands, which are in various phases of development. Some of these large lots/blocks also include vacant lands. As well, while 'development lines' apply to some of these large lots/blocks to de-mark development areas, they remain undivided and are not subdivided or subject to Part Lot Control.

Development responds to the marketplace demand and adaptable large lots/blocks, which are well located, and accessible in the GTA are rare. This provides the City with a competitive advantage in our opinion, and the draft Zoning By-law, while regulatory, should also be in support of economic development goals and objectives. These large lots/blocks are the subject of past municipal land use and road planning approvals over the past thirty years and has, and continues to best serve tenant requirements given changing market conditions.

POUND & STEWART ASSOCIATES LIMITED



The following comments and recommendations are provided to both preserve, and provide for, the continued planning and development of these large lots/blocks by supporting land use and design flexibility, as projects are phased in over time along the Hurontario Corridor.

To assist our submission, please refer to the attached Figure 1: Draft 'Gateway' Zoning Consolidation Map and Figure 2: Peel Region Preliminary Boundaries of Major Transit Station Areas consolidated with Draft 'Gateway' Zoning Amendment, both describing the location of Orlando Corporation properties, along with the Region's Preliminary Major Transit Station Areas (MTSAs) preliminary boundary delineations.

We also include Figure 3: Key Map in support of Table 1 - Consolidation of Existing and Draft 'Gateway' Zoning By-law Exceptions to 0225-2007, as amended.

In our review of the draft Zoning By-law we offer the following observations and recommendations for Staff and Council consideration:

A: Draft Regulation - 13.0 'MINIMUM FLOOR SPACE INDEX - NON-RESIDENTIAL' at '0.5' for the 'O2 Major Office' and 'O3 General Office'

Table 5.2.1., Zone Regulations, introduces 13.0 'MINIMUM FLOOR SPACE INDEX - NON RESIDENTIAL' at '0.5' for the 'O2 Major Office' and 'O3 General Office' zone designations.

Simply put, this draft regulation would require Orlando Corporation to provide a minimum 0.5 times the lot/block area for each new build. This implies some form of land subdivision to achieve this minimum zoning regulation, and this is not desirable or beneficial to the value in maintaining my client's desirable large lots/blocks. Alternatively, a future rezoning or variance, via the Committee of Adjustment would be required to satisfy this regulation. Simply put, this draft zoning regulation is cumbersome and will frustrate the timing and success of future business investment, notwithstanding the mutual planning objectives for the fulsome and functional development of Gateway properties located in the Hurontario Corridor.

This proposed regulation will be new to the City's current Zoning By-law No. 0225-2007, as amended as it is not in effect. Satisfying this draft regulation is onerous on my client's large lots/blocks, where future development needs to be managed via a phased program over time.



It is recommended that the minimum 0.5 times the lot area requirement be removed from the draft Zoning By-law in its entirety, or specifically as it relates to Orlando Corporation's collective properties by way of the proposed Exceptions, which apply to each of my client's collective properties.

B: Need to Ensure 'Parking Structure' as a Permitted Use

There is a need to ensure that the draft Zoning By-law ensures a 'Parking Structure' (parking deck) is a permitted use in Gateway. A 'Parking Structure' (parking deck) supports achieving the City's minimum required vehicular parking regulations.

Accommodating the interrelated planned functions on large lots/blocks, such as a 'Parking Structure' (parking deck), supports both existing and future development intensification. The draft Zoning By-law regulates that buildings be located close to Hurontario Street and Avebury Road frontages, for example. On my client's large lots/blocks a future 'Parking Structure' (parking deck) would be located at the rear of these 'frontage' buildings, therefore supporting this urban design objective.

Currently based on the draft Zoning By-law, Orlando Corporation's 'O2-1' Exception lands permits a 'Parking Structure'. In the future it is planned that the 'O2-3', 'O3-1' and 'O3-3' at the least, will also include a 'Parking Structure' with building walls/facades located next to local roads, such as Sandstone Drive, Aldridge Drive and Milverton Drive.

It is recommended that the draft Zoning By-law incorporate a 'Parking Structure' as a Permitted Use.

C: Need to Allow for the Shared use of Driveways and Internal Roads (Aisles)

The principle of permitting shared use of driveways and aisles for access and accessibility on large lots/blocks is recommended and supported.

A concern stems from the use of the term 'Internal Road' which is a defined term that 'provides access to dwellings' per Zoning By-law 0225-2007, as amended. There are no dwellings permitted in the Gateway.



D: Need to Allow for Collective or Shared Vehicular Parking Space Counts

In order to satisfy the draft Zoning By-law minimum vehicular parking space regulations, there is a need to allow for collective counts, and the sharing of time of use, notwithstanding development lines on the large lots/blocks.

Full acknowledgment is recommended for lands to be zoned 'O2-1', 'O2-3' and 'O2-4', where partial acknowledgement is proposed. There is also a development line located between the proposed 'O3-1' and 'O3-7' zone boundaries where there is no provision for shared parking space allocation. The supply of vehicular parking spaces and the net sharing of the parking facilities is based on time shared demand and proximity to buildings on my client's large lots/blocks.

There are benefits to permitting shared parking in the 'O-2' and 'O-3' zoned large lots/blocks, as it supports the future unencumbered intensification on these lands which are located within proposed MTSAs.

It is recommended that the draft Zoning By-law incorporate Shared Vehicular Parking Space Counts, throughout the Gateway area, or at the least apply it to all Orlando Corporation proposed Exception Zones.

E: The Need to Clarify the 'Minimum Building Height' – Column 15.1

There is a need to clarify the 'Minimum Building Height' as Column 15.1 provision refers to '12.0 m and 3 Storeys and 8.0 m and 2 Storeys'.

Per the proposed 'O3-2' zoning, for example, there is a need to recognize that a 11.5 m building façade provides the appearance of a 2 storey building however, it is not functioning internally as a 2 storey building, in keeping with its permitted use. While the vertical massing of the building is achieved from an urban design perspective, the project would not comply because it does not provide 2 storeys in accordance with the draft Zoning By-law.

Therefore it is recommended that the draft Zoning By-law be revised to use 'and/or' and read as follows: 'Minimum Building Height' – Column 15.1 provision that read, 12.0 m and/or 3 Storeys and 8.0 m and/or 2 Storeys and apply it throughout the Gateway area, or at the least apply it to all Orlando Corporation proposed Exception Zones.



F: The Role of Development Lines on Large Lots/Blocks Requires Clarification

Development lines on large lots/blocks are not Plan of Subdivision or Part Lot Control lines or limits. They have historically functioned as lines to help explain Official Plan and/or Zoning By-law provisions.

The development lines on large lots/blocks are being carried forward in the draft Zoning By-law and are being used to define the boundaries of Exception Zones. Development lines should not stand in the way of managing shared parking efficiencies on large lots/blocks for example, and their removal would eliminate encumbrances, and support the future intensification.

We recommend that the Exception Zones be revised accordingly of my client's large lots/blocks.

G: RBC Building fronting onto Hurontario Street – Proposed as 'O3-7' Zoning

The draft Zoning By-law frustrates future redevelopment opportunity for the RBC financial institution building, for either expansion of the present use, or a new future permitted use. The draft Zoning By-law caps a 10% enlargement/expansion of the legally existing building or structure GFA in the 'O3-7' Exception Zone, frustrating future intensification within the Hurontario Corridor.

Under Option 'A' for example, if RBC, as tenant, wishes to expand the existing building to a 3 storey building, this would be in keeping with the intent of the draft Zoning By-law, supporting intensification of the Hurontario Corridor.

Under Option 'B' for example, if RBC, as tenant, vacates the building a new tenant wants a 3 storey building, this would also be in keeping with the intent of the draft Zoning By-law, supporting intensification of the Hurontario Corridor.

There are a number of Orlando Corporation Exception Zones that include the '10% GFA Cap' and these include draft Zoning By-law zones 'O2-1', 'O2-8', 'O3-1', 'O3-7', 'O3-8' and 'O3-9'.

The value of '10% GFA Cap' appears to no longer be necessary as it appears contrary to the 'minimums' approach typically introduced by this draft Zoning By-law. While it provides for a small enlargement, it unduly restricts future intensification – by the enlargement of buildings, in response to marketplace demand.



Since development commenced in the late 1980's, my client's large lots/blocks remain partially developed and future flexibility is required to respond to the marketplace.

H: 'Manufacturing Facility' use - Accessory to 'O2' and 'O3' Zones is Supported

Under Table 5.1.3.1 'Manufacturing Facility' is added to the list of Uses Accessory to a Permitted Use in 'O2' and 'O3' zones, and this is supported.

The 'Manufacturing Facility' use is capped at 20% of the total GFA of each building along the Avebury Road frontage, and it would be beneficial to increase this cap to 25% of the total GFA of each building.

It is recommended that future intensification of the large lots/blocks can benefit from a slightly higher percentage of 'Manufacturing Facility' as an Accessory Use.

I: No Need to Maintain Proposed Zoning Provision 'O3-8' 5.2.4.8.4

The proposed 'O3-8' zone mutually applies to E1-20 (Orlando Corporation) and E1-2 (Others) indicating that parking may be shared on these lands, however these lands are unrelated and under different ownership.

J: Need to Ensure Existing Uses Legality on the Draft Zoning By-law Passing Date

The draft Zoning By-law appears to confirm all uses legally existing on the date of the passing of the Zoning By-law for only some of the my client's lands to be zoned 'O2-1', 'O2-8', 'O3-1', 'O3-7', 'O3-8' and 'O3-9', leaving out other zones such as 'O2-3', 'O2-4', 'O2-7', 'O3-2', 'O3-3' and 'O3-10' for example.

We recommend that all applicable Exception Zones be included as appropriate.

K: The 'E2-24' lands, Block 'N' on Figure 3 - located south of Highway 401

An isolated land parcel is identified as an 'E2-24' zone and is located south of Highway 401 (east of Hurontario St.).

It is recommended that the draft Zoning By-law consider a range of permitted uses and site-specific development regulations for this triangular parcel of land, which is about 0.3 ha. in land area.



L: The Maximum of 90% of the Total GFA – Non-Residential of the First Storey

Proposed regulation 5.1.3.5 reads, *“On a lot at an intersection where both streets are identified on Schedules 5.2.1 (1) and 5.2.1 (2) of this By-law, any building with a setback less than or equal to 5.0 m from the street line to one or more of the streets, shall have a maximum of 90% of the total gross floor area – non residential of the first storey for a permitted use in Lines 2.1 and 2.2 contained in Table 5.2.1 of this By-law.”*

We expressed our concern with requiring 90% office on the ground floor for many reasons and we appreciate that the City did agree to remedy this issue by focussing this requirement to land parcels/lots that are only located at the intersection of Britannia Road and Hurontario Street and Matheson Road and Hurontario Street.

M: Orlando Corporation’s development program – N/W Highway 401 & Hurontario St.

Our client’s Site Plan Approval and Building Permit process are underway based on the current in effect zoning provisions. The following City file nos. apply to these lands:

SP19-115 – 50 Capston Drive / 6305 Kateson Drive

BP20-810 – 50 Capston Drive

BP20-811 – 6305 Kateson Drive

Through past discussions we confirm that the City will permit Orlando Corporation’s proposed development program – north west Highway 401 and Hurontario St. – to proceed as applied for, and support the Site Plan Approval and Building Permit processes underway.

There is also a need to also ensure that these building projects, now well underway, be fully recognized as legally complying to the draft Zoning By-law, when ultimately passed.

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In conclusion, our recommendations propose to ensure that the intrinsic value of adaptable large lots/blocks are furthered through this draft Zoning By-law. There is no value in overly encumbering the development approvals process, as ‘marketplace’ absorption in Gateway over the past thirty years has been complex, and historically uneven.



POUND & STEWART

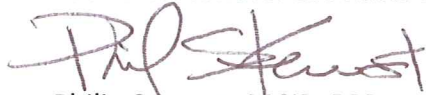
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We are of the opinion that our requested modifications or revisions to the draft Zoning By-law conform with OPA 25 - Feb. 2017 Minutes of Settlement between Orlando Corporation and the City of Mississauga. This submission does not preclude any future submissions regarding the draft Zoning By-law.

We would appreciate our firm being placed on the City's mailing list regarding any future public notices, updates, reports, Committee and Council Agenda related Items, and any Council decision or actions on the above captioned matter.

Thank-you in advance for your co-operation.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart, MCIP, RPP

la/ltr.Orlando.Corp.May.05.20

Attachments: As noted herein

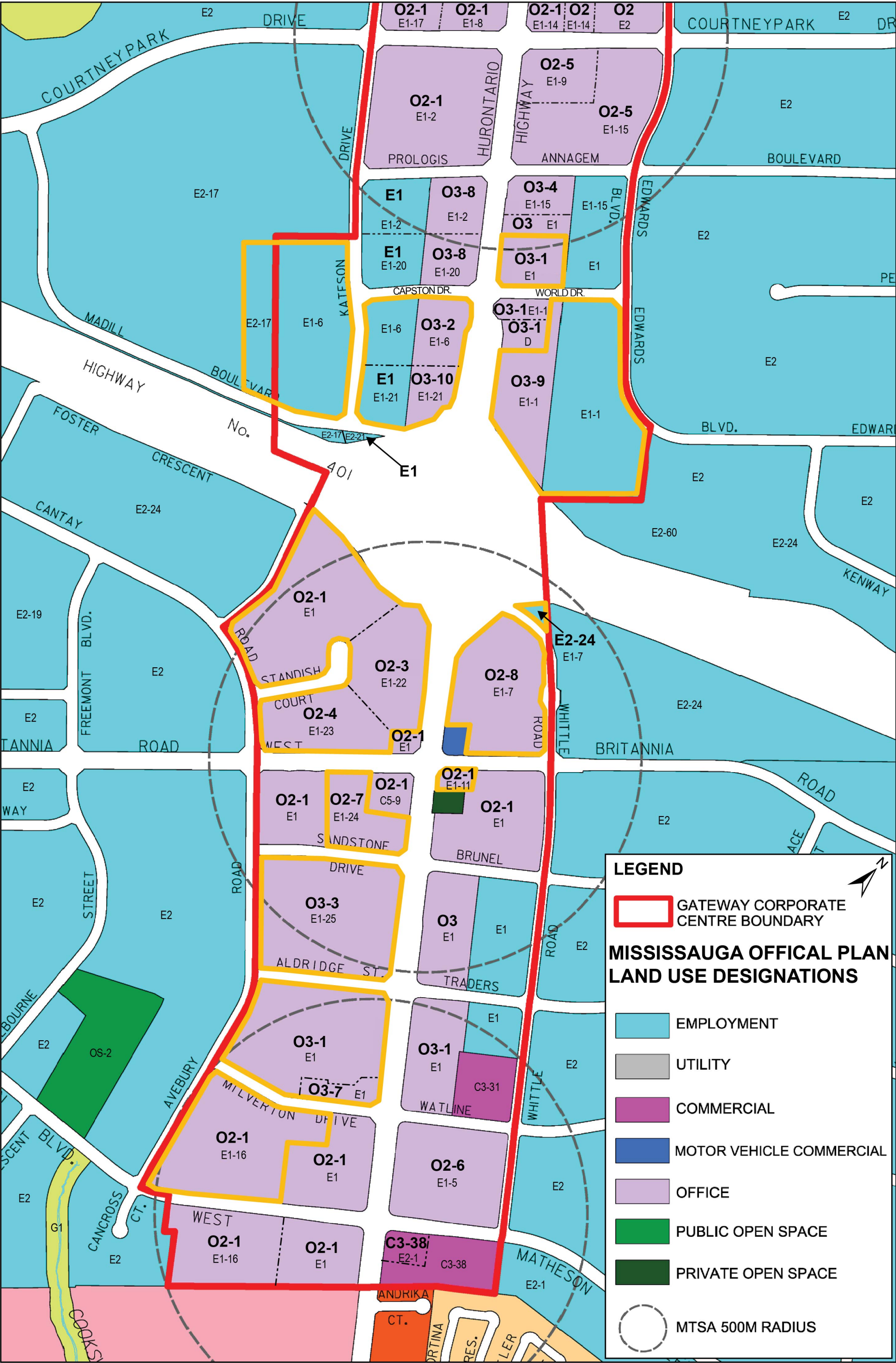
- cc. Mr. A. Whittemore, Commissioner of Planning & Building, City of Mississauga
- cc. Mr. C. Binette, Planning & Building Dept., City of Mississauga
- cc. Ms. K. Christopher, Legislative Co-ordinator, City of Mississauga
- cc. Mr. L. Longo, Aird & Berlis
- cc. Client

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FIGURE 1: DRAFT ‘GATEWAY’ ZONING CONSOLIDATION MAP
CITY OF MISSISSAUGA - MAY 2020



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**ORLANDO CORPORATION
PROPERTY BOUNDARIES**

O2-1 DRAFT ZONING

E1-16 **EXISTING ZONING**

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FIGURE 2: PEEL REGION PRELIMINARY BOUNDARIES OF MAJOR TRANSIT STATION AREAS CONSOLIDATED WITH CITY OF MISSISSAUGA
DRAFT 'GATEWAY' ZONING BY-LAW AMENDMENT - MAY 2020

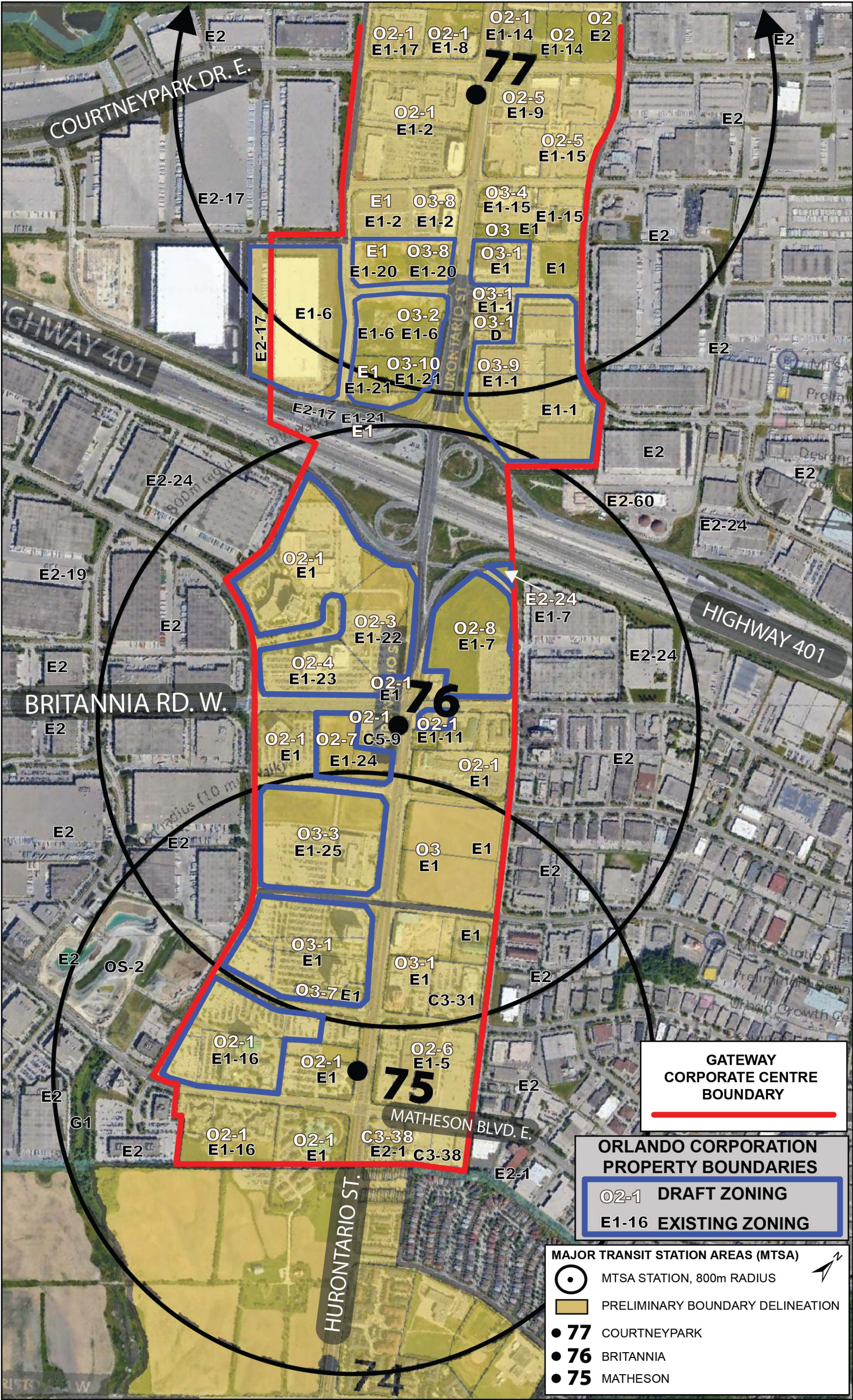
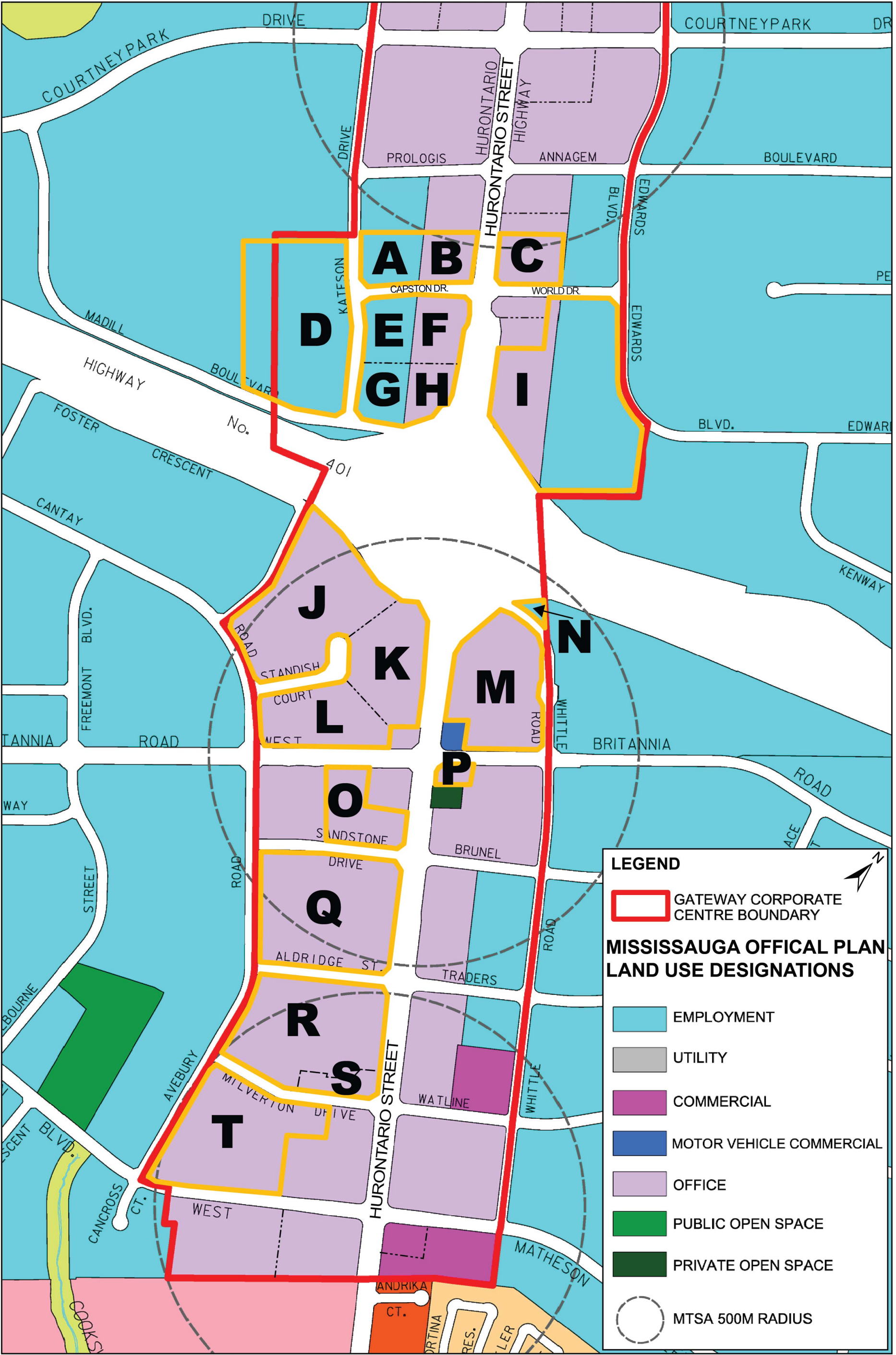


FIGURE 3: KEY MAP IN SUPPORT OF TABLE 1
CITY OF MISSISSAUGA - MAY 2020



ORLANDO CORPORATION
PROPERTY BOUNDARIES

A REFERENCE LETTERS
FOR TABLE 1



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TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP		EXISTING IN-EFFECT ZONING BY-LAW				DRAFT ZONING BY-LAW																																																						
A	<table><tr><td>8.2.2.20</td><td>Exception: E1-20</td><td>Map # 44E</td><td>By-law: 0191-2009/ OMB Order 2010 May 05</td></tr><tr><td colspan="4">In an E1-20 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:</td></tr><tr><td colspan="4">Regulations</td></tr><tr><td colspan="2">8.2.2.20.1</td><td colspan="2">Where a building is located within 10.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street</td></tr><tr><td colspan="2">8.2.2.20.2</td><td colspan="2">"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians</td></tr></table>				8.2.2.20	Exception: E1-20	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05	In an E1-20 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:				Regulations				8.2.2.20.1		Where a building is located within 10.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		8.2.2.20.2		"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians		E1																																			
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TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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D

8.2.2.6	Exception: E1-6	Map # 44E	By-law: 0411-2008, 0191-2009/OMB Order 2010 May 05, 0178-2012
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1) Restaurant (2) Take-out Restaurant (3) Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility (4) Outdoor patio accessory to a restaurant or take-out restaurant		
Regulations			
8.2.2.6.2	Minimum depth of a landscaped buffer along the lot line abutting Hurontario Street		10.0 m
8.2.2.6.3	Minimum depth of a landscaped buffer along the lot line of any street other than Hurontario Street		3.0 m
8.2.2.6.4	Maximum setback to the first storey of a streetwall of the first building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.5	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.6.6	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 35.0 m		
8.2.2.6.7	Minimum distance from a surface parking space to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.8	A maximum of one (1) row of vehicle parking spaces shall be permitted within 35.0 m of Hurontario Street where a manufacturing facility or warehouse/distribution facility is located within 35.0 m of Hurontario Street		
8.2.2.6.9	Parking spaces shall not be permitted between the exterior wall of an office building or medical office building and the lot line abutting Hurontario Street		
8.2.2.6.10	Where a building is located within 35.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.6.11	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10
8.2.2.6.12	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.13	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.2.6	Exception: E1-6	Map # 44E	By-law:
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1) Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility (2) Restaurant (3) Take-out Restaurant (4) Outdoor patio accessory to a restaurant or take-out restaurant		
Regulations			
8.2.2.6.2	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.3	Minimum depth of a landscaped buffer along any lot line		3.0 m
8.2.2.6.4	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10

TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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E

8.2.2.6	Exception: E1-6	Map # 44E	By-law: 0411-2008, 0191-2009/OMB Order 2010 May 05, 0178-2012
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1) Restaurant (2) Take-out Restaurant (3) Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility (4) Outdoor patio accessory to a restaurant or take-out restaurant		
Regulations			
8.2.2.6.2	Minimum depth of a landscaped buffer along the lot line abutting Hurontario Street		10.0 m
8.2.2.6.3	Minimum depth of a landscaped buffer along the lot line of any street other than Hurontario Street		3.0 m
8.2.2.6.4	Maximum setback to the first storey of a streetwall of the first building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.5	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.6.6	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 35.0 m		
8.2.2.6.7	Minimum distance from a surface parking space to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.8	A maximum of one (1) row of vehicle parking spaces shall be permitted within 35.0 m of Hurontario Street where a manufacturing facility or warehouse/distribution facility is located within 35.0 m of Hurontario Street		
8.2.2.6.9	Parking spaces shall not be permitted between the exterior wall of an office building or medical office building and the lot line abutting Hurontario Street		
8.2.2.6.10	Where a building is located within 35.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.6.11	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10
8.2.2.6.12	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.13	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.2.6	Exception: E1-6	Map # 44E	By-law:
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1) Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility (2) Restaurant (3) Take-out Restaurant (4) Outdoor patio accessory to a restaurant or take-out restaurant		
Regulations			
8.2.2.6.2	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.3	Minimum depth of a landscaped buffer along any lot line		3.0 m
8.2.2.6.4	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10

TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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F

8.2.2.6	Exception: E1-6	Map # 44E	By-law: 0411-2008, 0191-2009/OMB Order 2010 May 05, 0178-2012
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1) Restaurant (2) Take-out Restaurant (3) Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility (4) Outdoor patio accessory to a restaurant or take-out restaurant		
Regulations			
8.2.2.6.2	Minimum depth of a landscaped buffer along the lot line abutting Hurontario Street	10.0 m	
8.2.2.6.3	Minimum depth of a landscaped buffer along the lot line of any street other than Hurontario Street	3.0 m	
8.2.2.6.4	Maximum setback to the first storey of a streetwall of the first building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law	35.0 m	
8.2.2.6.5	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.6.6	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 35.0 m		
8.2.2.6.7	Minimum distance from a surface parking space to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law	35.0 m	
8.2.2.6.8	A maximum of one (1) row of vehicle parking spaces shall be permitted within 35.0 m of Hurontario Street where a manufacturing facility or warehouse/distribution facility is located within 35.0 m of Hurontario Street		
8.2.2.6.9	Parking spaces shall not be permitted between the exterior wall of an office building or medical office building and the lot line abutting Hurontario Street		
8.2.2.6.10	Where a building is located within 35.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.6.11	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside	10	
8.2.2.6.12	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.13	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

5.2.4.2	Exception: O3-2	Map # 44E	By-law:
In an O3-2 zone the permitted uses and applicable regulations shall be as specified for an O3 zone except that the following uses /regulations shall apply:			
Additional Permitted Uses			
5.2.4.2.1	(1) Manufacturing Facility (2) Warehouse/Distribution Facility (3) Commercial School		
Regulations			
5.2.4.2.2	The regulation of Line 19.4 contained in Table 5.2.1 of this By-law shall not apply		
5.2.4.2.3	A manufacturing facility and/or warehouse/ distribution facility shall comply with the following:		
(1) minimum height of all buildings and structures	11.5 m and 2 storeys		
(2) any office component of the building shall be located abutting Hurontario Street			
(3) an aisle shall be permitted between the building and a lot line abutting Hurontario Street			
(4) minimum distance from a surface parking space to Hurontario Street			

TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW				DRAFT ZONING BY-LAW			
G	8.2.2.21	Exception: E1-21	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05, 0178-2012	E1			
	In an E1-21 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:							
	Regulations							
	8.2.2.21.1	The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply						
	8.2.2.21.2	For the purposes of this By-law, all lands zoned E1-21 shall be considered one (1) lot						
H	8.2.2.21	Exception: E1-21	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05, 0178-2012	5.2.4.10	Exception: O3-10	Map # 44E	By-law:
	In an E1-21 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:				In an O3-10 zone the permitted uses and applicable regulations shall be as specified for an O3 zone except that the following uses/regulations shall apply:			
	Regulations				Additional Permitted Uses			
	8.2.2.21.1	The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply			5.2.4.10.1	(1) Manufacturing Facility (2) Warehouse/Distribution Facility (3) Commercial School		
	8.2.2.21.2	For the purposes of this By-law, all lands zoned E1-21 shall be considered one (1) lot			Regulations			
					5.2.4.10.2	The regulation of Line 19.4 contained in Table 5.2.1 of this By-law shall not apply		
				5.2.4.10.3	Minimum height of all buildings and structures wholly or partially used as a manufacturing facility or warehouse/distribution facility		11.5 m and 2 storeys	
I	8.2.2.1	Exception: E1-1	Map # 43W	By-law:	5.2.4.9	Exception: O3-9	Map # 43W	By-law:
	In an E1-1 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:				In an O3-9 zone the permitted uses and applicable regulations shall be as specified for an O3 zone except that the following uses/regulations shall apply:			
	Additional Permitted Uses				Additional Permitted Use			
	8.2.2.1.1	(1) Restaurant (2) Take-out Restaurant (3) Convenience Restaurant			5.2.4.9.1	(1) Uses legally existing on the date of passing of this By-law		
					Regulations			
				5.2.4.9.2	Uses contained in Sentence 5.2.4.9.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law			
				5.2.4.9.3	The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures			
				5.2.4.9.4	Lands zoned O3-9 and E1-1 shall be considered one lot for the purposes of Line 3.0 to 12.5 contained in Table 8.2.1 of this By-law			

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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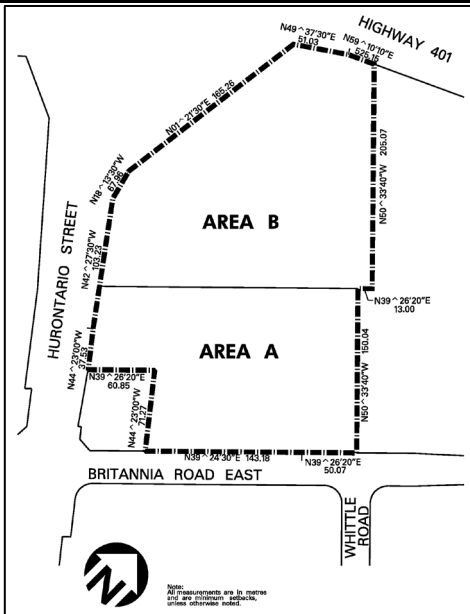
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L

8.2.2.23	Exception: E1-23	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-23 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.2.23.1	Required parking may be located on lands zoned E1-22		

5.2.3.4	Exception: O2-4	Map # 44E	By-law:
In an O2-4 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses/regulations shall apply:			
Regulation			
5.2.3.4.1	Required parking may be located on lands zoned O2-3		

TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP		EXISTING IN-EFFECT ZONING BY-LAW		DRAFT ZONING BY-LAW	
M	8.2.2.7		Exception: E1-7	Map # 43W	By-law: 0411-2008, 0191-2009/ OMB Order 2010 May 05
	In an E1-7 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:				
	Regulations				
	8.2.2.7.1	The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply to Area B identified on Schedule E1-7 of this Exception			
	8.2.2.7.2	Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law and located within Area A identified on Schedule E1-7 of this Exception	20.0 m		
	8.2.2.7.3	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply			
	8.2.2.7.4	A maximum of 30% of the length of a streetwall of the first storey of a building within Area A, identified on Schedule E1-7 of this Exception, may be set back beyond the maximum setback of 20.0 m			
	8.2.2.7.5	Minimum distance from a surface parking space in Area A, identified on Schedule E1-7 of this Exception, to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law	20.0 m		
	8.2.2.7.6	Where a building is located within 20.0 m of Hurontario Street in Area A, identified on Schedule E1-7 of this Exception, the pedestrian street entrance shall face Hurontario Street			
	8.2.2.7.7	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside	10		
	8.2.2.7.8	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street			
					
5.2.3.8		Exception: O2-8	Map # 43W	By-law:	
In an O2-8 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses/regulations shall apply:					
Additional Permitted Use					
5.2.3.8.1		(1) Uses legally existing on the date of passing of this By-law			
Regulations					
5.2.3.8.2		The regulations of Lines 19.1 and 19.2 contained in Table 5.2.1 of this By-law shall not apply			
5.2.3.8.3		Uses contained in Sentence 5.2.3.8.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law			
5.2.3.8.4		The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures			
5.2.3.8.5		Maximum setback of a first storey streetwall from Hurontario Street		14.0 m	
5.2.3.8.6		Minimum length of the lot line abutting Hurontario Street to be occupied by a first storey streetwall		39.0 m	
5.2.3.8.7		Minimum depth of a landscaped buffer between Hurontario Street and a parking area		10.0 m	

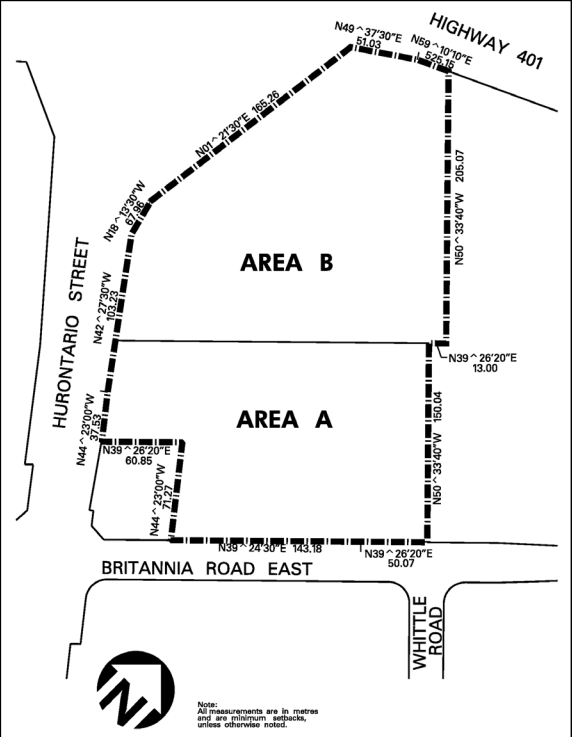
KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
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O	8.2.2.24	Exception: E1-24	Map # 37E	By-law: 0191-2009/ OMB Order 2010 May 05	5.2.3.7	Exception: O2-7	Map # 37E	By-law:
	In an E1-24 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:				In an O2-7 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses /regulations shall apply:			
	Regulations				Regulations			
	8.2.2.24.1	Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		15.0 m	5.2.3.7.1	The regulations of Lines 19.1 and 19.2 contained in Table 5.2.1 of this By-law shall not apply		
	8.2.2.24.2	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply			5.2.3.7.2	Minimum length of the lot line abutting Hurontario Street to be occupied by a first storey streetwall	39.0 m	
	8.2.2.24.3	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 15.0 m						
	8.2.2.24.4	Where a building is located within 15.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street						
	8.2.2.24.5	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street						

TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW				DRAFT ZONING BY-LAW																																																																							
P	<table><tr><td>8.2.2.11</td><td>Exception: E1-11</td><td>Map # 36W</td><td>By-law:</td></tr><tr><td colspan="4">In an E1-11 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:</td></tr><tr><td colspan="4">Additional Permitted Uses</td></tr><tr><td>8.2.2.11.1</td><td colspan="3">(1) Restaurant (2) Convenience Restaurant (3) Take-out Restaurant</td></tr></table>				8.2.2.11	Exception: E1-11	Map # 36W	By-law:	In an E1-11 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:				Additional Permitted Uses				8.2.2.11.1	(1) Restaurant (2) Convenience Restaurant (3) Take-out Restaurant			<table><tr><td>5.2.3.1</td><td>Exception: O2-1</td><td>Map # 36W, 37E, 43W, 44E, 51W, 52E</td><td>By-law:</td></tr><tr><td colspan="4">In an O2-1 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses/regulations shall apply:</td></tr><tr><td colspan="4">Additional Permitted Use</td></tr><tr><td>5.2.3.1.1</td><td colspan="3">(1) Uses legally existing on the date of passing of this By-law</td></tr><tr><td colspan="4">Regulations</td></tr><tr><td>5.2.3.1.2</td><td colspan="3">Uses contained in Sentence 5.2.3.1.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law</td></tr><tr><td>5.2.3.1.3</td><td colspan="3">The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures</td></tr></table>				5.2.3.1	Exception: O2-1	Map # 36W, 37E, 43W, 44E, 51W, 52E	By-law:	In an O2-1 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses /regulations shall apply:				Additional Permitted Use				5.2.3.1.1	(1) Uses legally existing on the date of passing of this By-law			Regulations				5.2.3.1.2	Uses contained in Sentence 5.2.3.1.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law			5.2.3.1.3	The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures																										
	8.2.2.11	Exception: E1-11	Map # 36W	By-law:																																																																								
	In an E1-11 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses /regulations shall apply:																																																																											
	Additional Permitted Uses																																																																											
	8.2.2.11.1	(1) Restaurant (2) Convenience Restaurant (3) Take-out Restaurant																																																																										
5.2.3.1	Exception: O2-1	Map # 36W, 37E, 43W, 44E, 51W, 52E	By-law:																																																																									
In an O2-1 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses /regulations shall apply:																																																																												
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5.2.3.1.1	(1) Uses legally existing on the date of passing of this By-law																																																																											
Regulations																																																																												
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TABLE 1 – CONSOLIDATION OF EXISTING AND DRAFT ‘GATEWAY’ ZONING BY-LAW EXCEPTIONS TO 0225-2007, AS AMENDED

KEY MAP	EXISTING IN-EFFECT ZONING BY-LAW	DRAFT ZONING BY-LAW
R (Cont)		Regulations
		5.2.4.1.2 Uses contained in Sentence 5.2.4.1.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law
		5.2.4.1.3 The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures
S	E1	5.2.4.7 Exception: O3-7 Map # 37E By-law:
		In an O3-7 zone the permitted uses and applicable regulations shall be as specified for an O3 zone except that the following uses/regulations shall apply:
		Additional Permitted Uses
		5.2.4.7.1 In an existing building, structure , or part thereof, legally existing on the date of passing of this By-law: (1) Financial Institution (2) Restaurant , with or without an outdoor patio (3) Take-out restaurant , with or without an outdoor patio (4) Entertainment Establishment (5) Recreational Establishment (6) Day Care
		Regulation
T	8.2.2.16 Exception: E1-16 Map # 37E By-law: 0191-2009	5.2.3.1 Exception: O2-1 Map # 36W, 37E, 43W, 44E, 51W, 52E By-law:
		In an O2-1 zone the permitted uses and applicable regulations shall be as specified for an O2 zone except that the following uses/regulations shall apply:
		Additional Permitted Use
		5.2.3.1.1 (1) Uses legally existing on the date of passing of this By-law
		Regulations
		5.2.3.1.2 Uses contained in Sentence 5.2.3.1.1 of this Exception shall only be permitted in buildings or structures legally existing on the date of passing of this By-law
		5.2.3.1.3 The enlargement or alteration of a building or structure legally existing on the date of passing of this By-law shall be permitted up to 10% of the existing gross floor area - non-residential of all buildings and structures
	8.2.2.16.1 (1) Existing accessory day care	

1421_Table1_ZBA_Comparison_May.2020



May 4, 2020

Mayor Crombie and Members of Council

c/o Krystal Christopher
 Legislative Coordinator, Legislative Services
 City of Mississauga
 City Hall
 300 City Centre Drive
 Mississauga, ON
 L5B 3C1

Sent by email: krystal.christopher@mississauga.ca

Dear Mayor Crombie and Members of Council:

**RE: PROPOSED BY-LAW – GATEWAY CORPORATE CENTRE
 ITEM 18.3, PDC-0002-2020
 AFFECTING 131 COURTNEYPARK DRIVE EAST, MISSISSAUGA**

We are the solicitors for Annovator Developments, the Owner of 131 Courtneypark Drive East in Mississauga (“the Site”) which is located east of Hurontario Street within an existing employment area. The site does NOT have frontage on Hurontario.

The Site is owned by the Fidani and Calderone families. Harold and Jason Fidani have had discussions with staff (the “Fidani Application”) for the past 18 months to seek municipal approvals for a building permit for an employment/modern warehouse building. The Fidani Application would conform to the City’s by-law, both at the time the discussions commenced as well as today.

The site is currently zoned E2. During a video meeting on Friday April 24, 2020 with City of Mississauga staff, Jason Fidani and his architect only learned then of the City’s intention to change the zoning to add Office uses to their site through an O2 zone. They also learned for the first time that this rezoning would REMOVE the E2 zoning uses at the same time and that their application for a building permit, if delayed, would NOT conform to the new zoning designation and that a permit would NOT be issued; clearly a direct impact for a modest new building off Hurontario Street.

The City's action apparently arises out of a desire to attract supportive uses along Hurontario Road to the new LRT extending through Mississauga (the "Gateway Corporate Centre"). Office uses are apparently seen as being more supportive to public transit than other job producing developments under the existing zoning.

The current OP sees the long term vision for Hurontario Street as consisting of a frontage of high quality urban design and office uses to support public transit usage. Our client supports this vision, having severed off the Hurontario Street frontage to allow for the development of a six storey office building (for BMO).

However, the remaining Site is removed from the Hurontario Street frontage, immediately adjacent to low rise industrial / warehouse developments to the north and east (across Edwards Boulevard). The Owners of the Site believe that office uses at this location will not become feasible for at least 15 to 20 years given the better locations for office uses (i.e. immediately adjacent to Hurontario Street).

The current OP makes some exceptions to removing all E2 uses in the area and appears to give recognition that the policies within the Gateway Corporate Centre do not need to apply equally through an implementing zoning by-law for each site. The Owners would like to pursue that approach in order that they may obtain their building permit.

The Owners of 131 Courtneypark Drive East request that a provision be tailored in the new zoning by-law for the Site such that their current plans can be implemented and a building permit issued. Part of the request includes a recognition in the new zoning by-law that an owner caught in the current process should not be denied the ability to seek a building permit for a reasonable period of time that currently complies with existing zoning permissions. This is similar to recognizing that legal non-conforming uses can continue.

The Owners could make a building permit application today in compliance with the existing zoning by-law. However, the City requires Site Plan approval and will likely change the zoning which would frustrate the application before the Site Plan Approval process is completed. We ask that a mechanism be developed whereby the Fidani Application is not frustrated by pending city action.

Reasons in support of the Fidani request are:

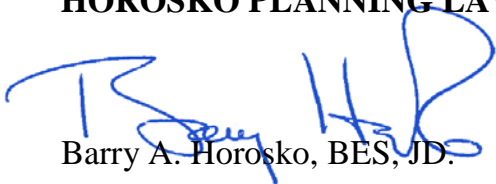
1. The request is on a site specific basis for a site WITHOUT frontage on Hurontario Street. The Hurontario frontage has already been developed for an Office building.

2. The development of the remaining Site as proposed by the Fidani Application does not impact the ability of the Site to redevelop to more intensive uses when the market demands that intensification.
3. The request can be accommodated by a limited time approval enabling a zoning compliant building to be constructed in advance of any pending LPAT hearing addressing appeals of the new O2 zoning.
4. Allowing the current Fidani Application to proceed actually serves to support ridership on the LRT now as it will be constructed and operated in the near future.
5. An office building in this location, away from a Hurontario Street frontage is years and even decades away from being feasible given the other more desirable office sites available along Hurontario Street. A vacant site does not support the LRT and would not contribute to the target densities set out in the Growth Plan for Major Transit Station Areas.
6. The Fidani Application is consistent with existing zoning on the site, and zoning that other sites within the immediate area to the east will continue to have after the new zoning is adopted.

It is therefore requested that the City of Mississauga, in considering the new O2 zoning for the Gateway Corporate Centre, include a provision that will allow, for a reasonable period of time (12 months) applications that are currently in discussion with the City of Mississauga to proceed for consideration of Site Plan Approval and building permit and that the new zoning by-law provide a mechanism so this can occur.

All respectfully submitted,

HOROSKO PLANNING LAW



Barry A. Horosko, BES, JD.

cc. Jason Fidani
David McKay