

City of Mississauga
Corporate Report



<p>Date: May 19, 2023</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 22-28 W3</p>
	<p>Meeting date: June 12, 2023</p>

Subject

PUBLIC MEETING INFORMATION REPORT (WARD 3)

Official Plan Amendment and Rezoning applications to permit the development of two 12 storey apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey apartment building

4094 Tomken Road and 924 Rathburn Road East, southwest corner of Tomken Road and Rathburn Road East

Owner: Kindred Works

File: OZ/OPA 22-28 W3

Pre-Bill 109

Recommendation

That the report dated May 19, 2023 from the Commissioner of Planning and Building regarding the applications by Kindred Works to permit two 12 storey apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey apartment building, under File OZ/OPA 22-28 Ward 3, 4094 Tomken Road and 924 Rathburn Road East, be received for information.

Background

The applications have been deemed complete and circulated for technical comments. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community. The report consists of two parts, a high level overview of the applications and a detailed information and preliminary planning analysis (Appendix 1).

PROPOSAL

The official plan amendment and rezoning applications are required to permit two 12 storey rental apartment buildings with underground parking, while retaining the existing place of religious assembly and 7 storey rental apartment building on-site. The applicant is proposing to

amend the Mississauga Official Plan designation from “**Residential High Density**” to “**Residential High Density – Special Site**” to permit a floor space index (FSI) of 1.87. The existing **RA2-11** (Residential Apartment - Exception) zone that applies to the property also needs to be amended to implement this development proposal.

During the ongoing review of these applications, staff may recommend different land use designations and zoning categories to implement the proposal.

Comments

The property is located at the southwest corner of Tomken Road and Rathburn Road East, within the Rathwood Neighbourhood Character Area. The site is currently occupied by the Westminster Church, a 7 storey apartment building and related surface parking areas.



Aerial image of 4094 Tomken Road and 924 Rathburn Road East



Applicant's rendering of the proposed development from Tomken Road looking northwest

LAND USE POLICIES AND REGULATIONS

The *Planning Act* allows any person within the Province of Ontario to submit development applications to the local municipality to build or change the use of any property. Upon submitting all required technical information, the municipality is obligated under the *Planning Act* to process and consider these applications within the rules set out in the Act.

The *Provincial Policy Statement* (PPS) establishes the overall policy directions on matters of provincial interest related to land use planning and development within Ontario. It sets out province-wide direction on matters related to the efficient use and management of land and infrastructure; the provision of housing; the protection of the environment, resources and water; and, economic development.

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) builds upon the policy framework established by the PPS and provides more specific land use planning policies which support the achievement of complete communities, a thriving economy, a clean and healthy environment and social equity. The Growth Plan establishes minimum intensification targets and

requires municipalities to direct growth to existing built-up areas and strategic growth areas to make efficient use of land, infrastructure and transit.

The *Planning Act* requires that municipalities' decisions regarding planning matters be consistent with the PPS and conform with the applicable provincial plans and the Region of Peel Official Plan (ROP). Mississauga Official Plan is generally consistent with the PPS and conforms with the Growth Plan, the *Greenbelt Plan*, the *Parkway Belt West Plan* and the ROP.

Conformity of this proposal with the policies of Mississauga Official Plan is under review.

Additional information and details are found in Appendix 1, Section 4.

AGENCY AND CITY DEPARTMENT COMMENTS

Agency and department comments are summarized in Appendix 1, Section 7.

Financial Impact


All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

Conclusion

Most of the agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and the issues have been resolved. The matters to be addressed include: compatibility of the proposed buildings in terms of height, massing and shadow impact; adequacy of noise and wind mitigation measures; appropriateness of proposed parking standards; and, the appropriateness of the proposed zoning standards.

Attachments

Appendix 1: Detailed Information and Preliminary Planning Analysis



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

Prepared by: Andrea Dear MCIP, RPP, Development Planner

Detailed Information and Preliminary Planning Analysis

Owner: Kindred Works

4094 Tomken Road and 924 Rathburn Road East

Table of Contents

1. Proposed Development.....	2
2. Site Description.....	6
3. Site Context	7
4. Summary of Applicable Policies, Regulations and Proposed Amendments.....	9
5. School Accommodation	19
6. Community Questions and Comments.....	20
7. Development Issues	20
8. Community Benefits Charge	25
9. Next Steps	25

1. Proposed Development

The applicant proposes to intensify the property with the addition of two 12 storey rental apartment buildings with underground parking, while maintaining the existing place of religious assembly and 7 storey rental apartment building. Official plan amendment and rezoning applications are required to permit the proposed development (refer to Section 4 for details concerning the proposed amendments).

Development Proposal		
Application submitted:	Received: December 20, 2022 Deemed complete: January 19, 2023	
Developer/Owner:	Kindred Works	
Applicant:	Weston Consulting (c/o Andrew Hannaford)	
Number of units:	241 new units	
Unit Breakdown	Bachelor/Studio: 10 1 Bedroom: 116 2 Bedroom: 105 3 Bedroom: 10	
Existing Gross Floor Area:	8,042 m ² (86,563.4 ft ²)	
Proposed New Gross Floor Area:	18,333 m ² (197,334.8 ft ²)	
Height:	12 storeys / 37 m (121.4 ft.)	
Lot Coverage:	19.8%	
Floor Space Index:	1.8	
Landscaped Area:	40%	
Anticipated Population:	2.19* *Average household sizes for all units (by type) based on the 2016 Census	
Parking: resident spaces	Required 1.0 per unit	Provided 0.8 per unit

Development Proposal		
visitor spaces	(241 spaces) 0.2 per unit (48 spaces)	(193 spaces) 0.2 per unit (43 spaces)
Green Initiatives:	<ul style="list-style-type: none"> • Passive House certification being sought • Zero on-site Carbon being pursued • Grass and dry swales • Green roofs 	

Supporting Studies and Plans

The applicant has submitted the following information in support of the applications which can be viewed at <http://www.mississauga.ca/portal/residents/development-applications>:

- Planning Justification Report
- Draft Official Plan and Zoning By-law Amendments
- Concept Plan and Elevations
- Acoustical Feasibility Study
- Sun/Shadow Study
- Wind Study
- Functional Servicing Report
- Stormwater Management Plan
- Grading and Servicing Plans
- Phase I Environmental Site Assessment
- Hydrogeological Report
- Arborist Report
- Tree Inventory/Tree Preservation Plan
- Waste Management Plan
- Traffic Impact Study

- Transportation Demand Management Strategy
- Parking Utilization Study

Application Status

Upon deeming the applications complete, the supporting studies and plans were circulated to City departments and external agencies for review and comment. These comments

are summarized in Section 7 of this appendix and are to be addressed in future resubmissions of the applications.

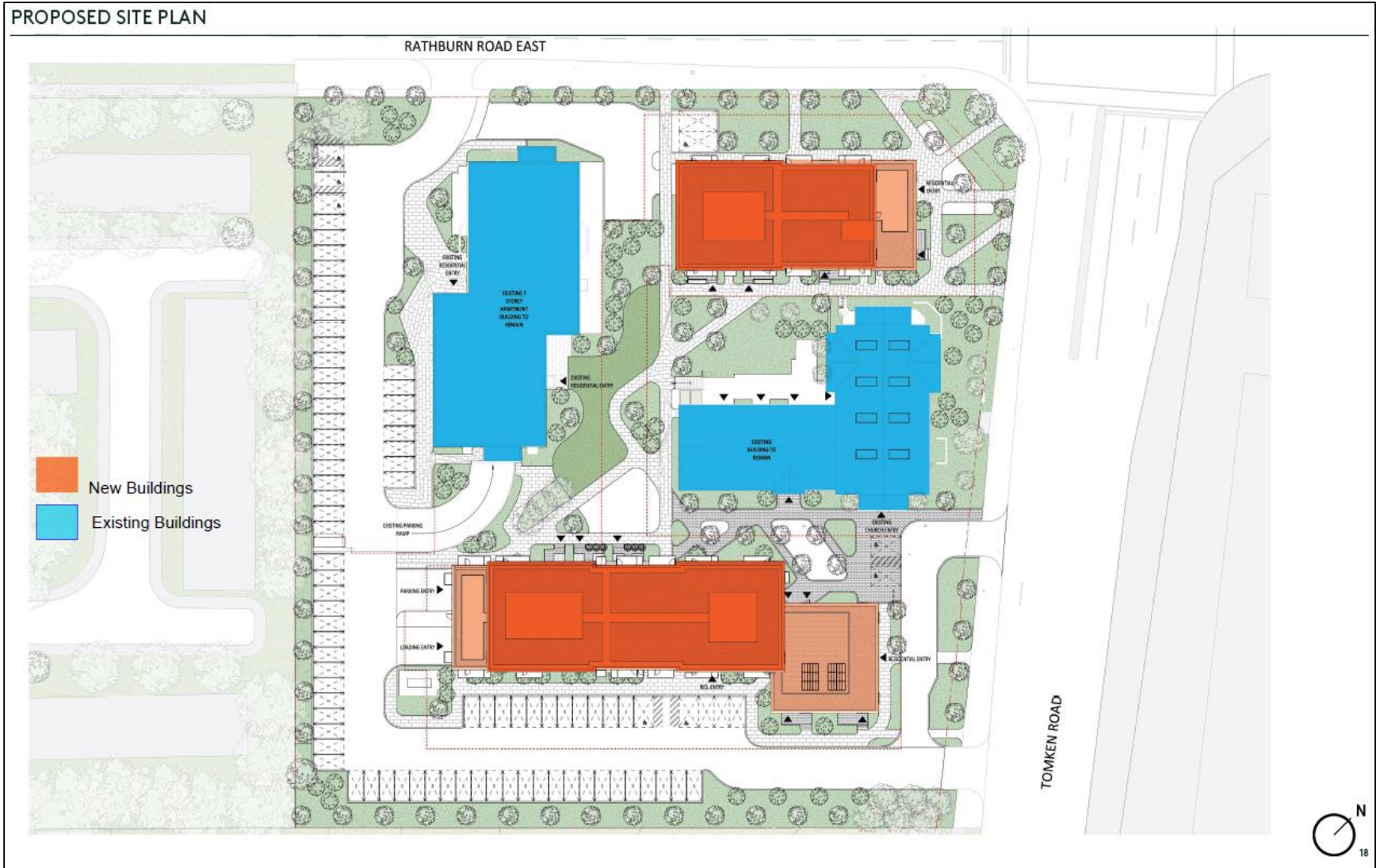
A community meeting was held by Ward 3 Councillor, Chris Fonseca, on March 20, 2023. Refer to Section 6 of this appendix for a summary of comments received at the community meeting and from written submissions received about the applications.

Applicant's Rendering

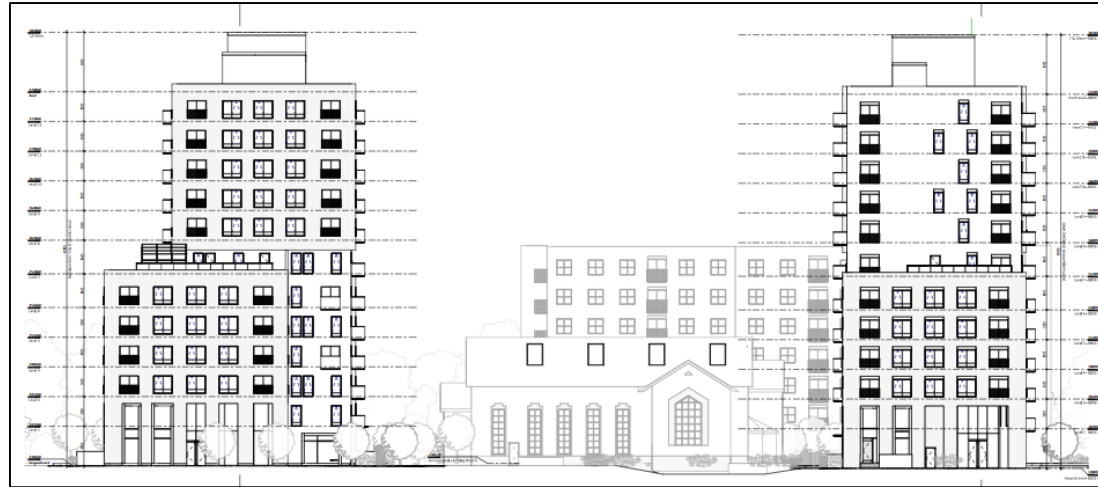


Proposed rendering from Tomken Road, looking northwest

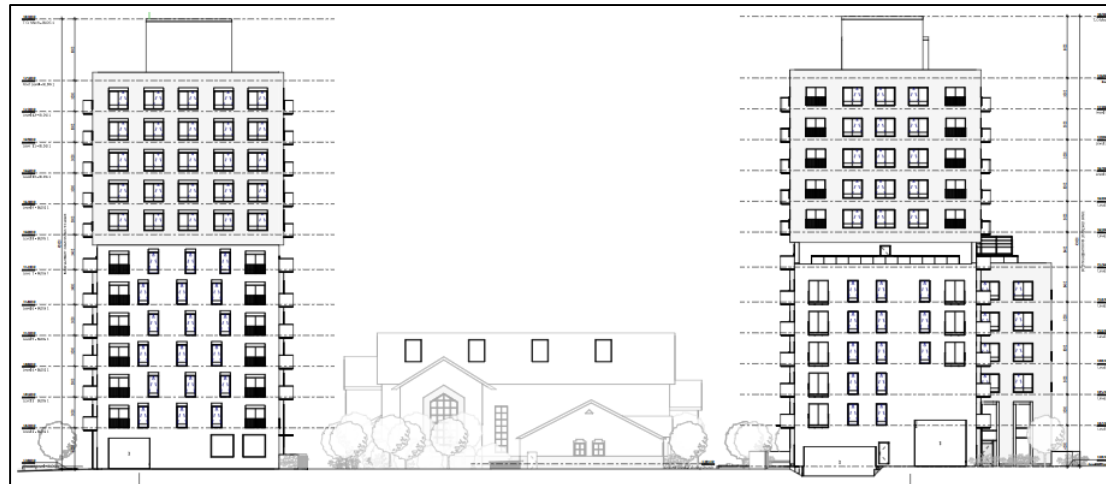
Concept Plan



Elevations



Proposed east elevation



Proposed west elevation

2. Site Description

Site Information

The property is located at the southwest corner of Tomken Road and Rathburn Road East, in the Rathwood Neighbourhood Character Area. The site is currently occupied by the Westminster United Church and a 7 storey rental apartment building (Tomken Grove Non-Profit Homes).



Aerial Photo of 4094 Tomken Road and
 924 Rathburn Road East

Property Size and Use

Frontages:	108 m (354.3 ft.)
Depth:	106 m (347.8 ft.)
Gross Lot Area:	1.4 ha (3.5 ac.)
Existing Uses:	Place of religious assembly and a 7 storey rental apartment building



Streetview of the site, looking southwest

Site History

- June 20, 2007 – Zoning By-law 0225-2007 came into force. The subject lands were zoned **RA2-11** (Apartments - Exception) which permits the existing place of religious assembly and the 7 storey rental apartment with surface parking.
- November 14, 2012 – Mississauga Official Plan (MOP) came into force, which designated the lands **Residential High Density** in the Rathwood Neighbourhood Character Area.
- 1840s – the original Westminster United Church constructed. Since then, the building has undergone many alterations and additions.
- 1992 – the most recent alteration to Westminster United Church.
- 1991 – Tomken Grove Non-Profit Building was constructed.

3. Site Context

Surrounding Land Uses

Immediately north of the subject site, across Rathburn Road East, is a low-rise retail plaza with a grocery store, restaurant uses, medical office and a dry cleaning establishment. Further north are low-rise residential uses, consisting mainly of two storey detached homes, and a few low rise apartment dwellings along the north side of Rathburn Road East. On the east side of Tomken Road is a three storey apartment complex, beyond which is a low density residential neighbourhood consisting of detached and semi-detached homes. To the south of the site are detached homes. To the immediate west is a three storey

townhouse development, a seven storey apartment dwelling, two schools and a park.

The surrounding land uses are:

North: Rathburn Road East and a commercial plaza
 East: Tomken Road and a three storey apartment complex
 South: Two storey detached dwellings
 West: Three storey townhomes

Neighbourhood Context

The subject property is located in the Rathwood Neighbourhood Character Area, which is an area that began its evolution in the 1950s from a rural settlement area characterized by agricultural lands and apple orchards, to a largely residential community with retail and service commercial uses and other amenities throughout. The Character Area contains a variety of residential building types, including a number of apartment buildings.

Demographics

Based on the 2016 census, the existing population of the Rathwood Neighbourhood area is 26,650 with a median age of this area being 47 (compared to the City's median age of 40). 65% of the neighbourhood population are of working age (15 to 64 years of age), with 13% children (0-14 years) and 21% seniors (65 years and over). By 2031 and 2041, the population for this area is forecasted to be 29,300 and 29,800 respectively. The average household size is 3 persons with 10% of people living in apartments in buildings that are five storeys or more. The mix of housing tenure for the area is 6,965 units (79%) owned and 1,875 units (21%) rented with a vacancy rate of approximately 0.9%*. In addition, the number of jobs within this Character Area is 1,303. Total employment combined with the population results in a PPJ for Rathwood Neighbourhood of 41 persons plus jobs per ha.

*Please note that vacancy rate data does not come from the census. This information comes from CMHC which demarcates three geographic areas of Mississauga (Northeast, Northwest, and South). This specific Character Area is located within the Northeast geography. Please also note that the vacancy rate published by CMHC is ONLY for apartments.

Other Development Applications

There are no active development applications in the immediate vicinity of the subject property.

Community and Transportation Services

These applications will have minimal impact on existing services in the community.

The 2022 Parks Plan notes that this character area exceeds the Parkland provision target of 1.2 ha (3 ac.) per 1000 people. Furthermore, the 2022 Parks Plan and the 2019 Future Directions Parks & Forestry Master Plan establishes a walking distance requirement of 800 m (2,625 ft.) to a City owned playground in residential areas, unimpeded by major pedestrian barriers. Allison's Park (P-270) is located approximately 177 m (581 ft.) from the subject property, zoned " (Open Space – Community Park) and contains a City owned playground.

Given the close proximity of parkland to this development, which will service the future residents, a need for additional parkland on this site was not identified. The site was also not large enough to accommodate a park on-site.

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 and in accordance with City's Policies and By-laws.

The site is close to the Tomken Station of the Mississauga Transitway BRT system. The Transitway BRT system runs from Renforth Station at the border of Mississauga and Toronto to the Winston Churchill Station in Erin Mills. A number of GO Transit routes also use the Transitway stations, including routes

19, 25, 19, 40, 45/47/47.

The following major MiWay bus routes currently service the site:

- Route 20 – Rathburn Road East
- Route 51 – Tomken Road

4. Summary of Applicable Policies, Regulations and Proposed Amendments

The *Planning Act* requires that Mississauga Official Plan be 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 summarized in the table below. Only key policies relevant to the applications have been

included. The table should be considered a general summary of the intent of the policies and should not be considered exhaustive. In the sub-section that follows, the relevant policies of Mississauga Official Plan are summarized. The development application will be evaluated based on these policies in the subsequent recommendation report.

Policy Document	Legislative Authority/Applicability	Key Policies
Provincial Policy Statement (PPS)	<p>The fundamental principles set out in the PPS apply throughout Ontario. (PPS Part IV)</p> <p>Decisions of the council of a municipality shall be consistent with PPS. (PPS 4.1)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement (PPS 4.6)</p> <p>On April 6, 2023 the Ministry of Municipal Affairs and Housing released the new Provincial Planning Statement for comment. The Provincial Planning Statement will replace both the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. At the time of writing this report, the</p>	<p>Settlement areas shall be the focus of growth and development. (PPS 1.1.3.1)</p> <p>Land use patterns within settlement areas will achieve densities and a mix of uses that efficiently use land, resources, infrastructure, public service facilities and transit. (PPS 1.1.3.2.a)</p> <p>Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment. (PPS 1.1.3.3)</p>

Policy Document	Legislative Authority/Applicability	Key Policies
	new Provincial Planning Statement is not in force and effect.	
Growth Plan for the Greater Golden Horseshoe (Growth Plan)	The Growth Plan applies to the area designated as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise. (Growth Plan 1.2.2)	<p>Within settlement areas, growth will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit; and, areas with existing or planned public service facilities. (Growth Plan 2.2.1.2 c)</p> <p>Complete communities will feature a diverse mix of land uses; improve social equity and quality of life; provide a range and mix of housing options; provide convenient access to a range of transportation options, public service facilities, open spaces and parks, and healthy, local and affordable food options; provide a more compact built form; mitigate and adapt to climate change impacts; and, integrate green infrastructure. (Growth Plan 2.2.1.4)</p> <p>To achieve minimum intensification and density targets, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of high quality public realm and compact built form. (Growth Plan 5.2.5.6)</p>
Region of Peel Official Plan (ROP)	<p>With the approval from the Ministry of Municipal Affairs and Housing, the Region of Peel's new Official Plan came into effect on November 4, 2022 and will be used to evaluate the proposal.</p> <p>MOP is the primary instrument used to evaluate development applications. The proposed development applications were circulated to the Region who has advised that in its current state, the application meets the requirements for exemption from Regional approval. Local official plan amendments are generally exempt from approval where they have had regard for the <i>Provincial Policy Statement</i> and applicable Provincial Plans, where the City Clerk has certified that processing was completed in accordance with the <i>Planning Act</i> and where the Region has advised that no Regional official plan amendment is required to accommodate the local official plan amendment. The Region provided additional comments which are discussed in Section 8 of this Appendix.</p> <p>*Under Bill 23, in the event the applicable provisions relating to changes in the authority of upper tier municipalities concerning official plans are proclaimed to be in force, the Region of Peel will</p>	<p>The ROP identifies the subject lands as being located within Peel's Urban System.</p> <p>General objectives of ROP, as outlined in Section 5.6, include:</p> <ul style="list-style-type: none"> • achieving sustainable development; • establishing healthy complete communities; • achieving intensified and compact built form and a mix of land uses in appropriate areas that efficiently use land, services, infrastructure and public finances, while taking into account the characteristics of existing communities and services; • achieving an urban form and densities that are pedestrian-friendly and transit supportive; • promoting crime prevention and improvement in the quality of life; • protecting, restoring, and enhancing the natural environment; • allowing opportunities for residents to live in their own communities as they age

Policy Document	Legislative Authority/Applicability	Key Policies
	be removed as the approval authority for City of Mississauga Official Plan Amendments. At the time of preparation of this report, these provisions in Bill 23 have not yet been proclaimed	

Mississauga Official Plan

The policies of Mississauga Official Plan (MOP) implement provincial directions for growth. MOP is generally consistent with the PPS and conforms with the Growth Plan, Greenbelt Plan, PBWP and ROP. The City's MOP review is currently underway to ensure consistency with and conformity to changes in legislation and planning policy documents, including recent changes to the Planning Act, the 2020 PPS, the Growth Plan 2019 and Amendment No.1 (2020), and the Region of Peel's new Official Plan.

Existing Designation

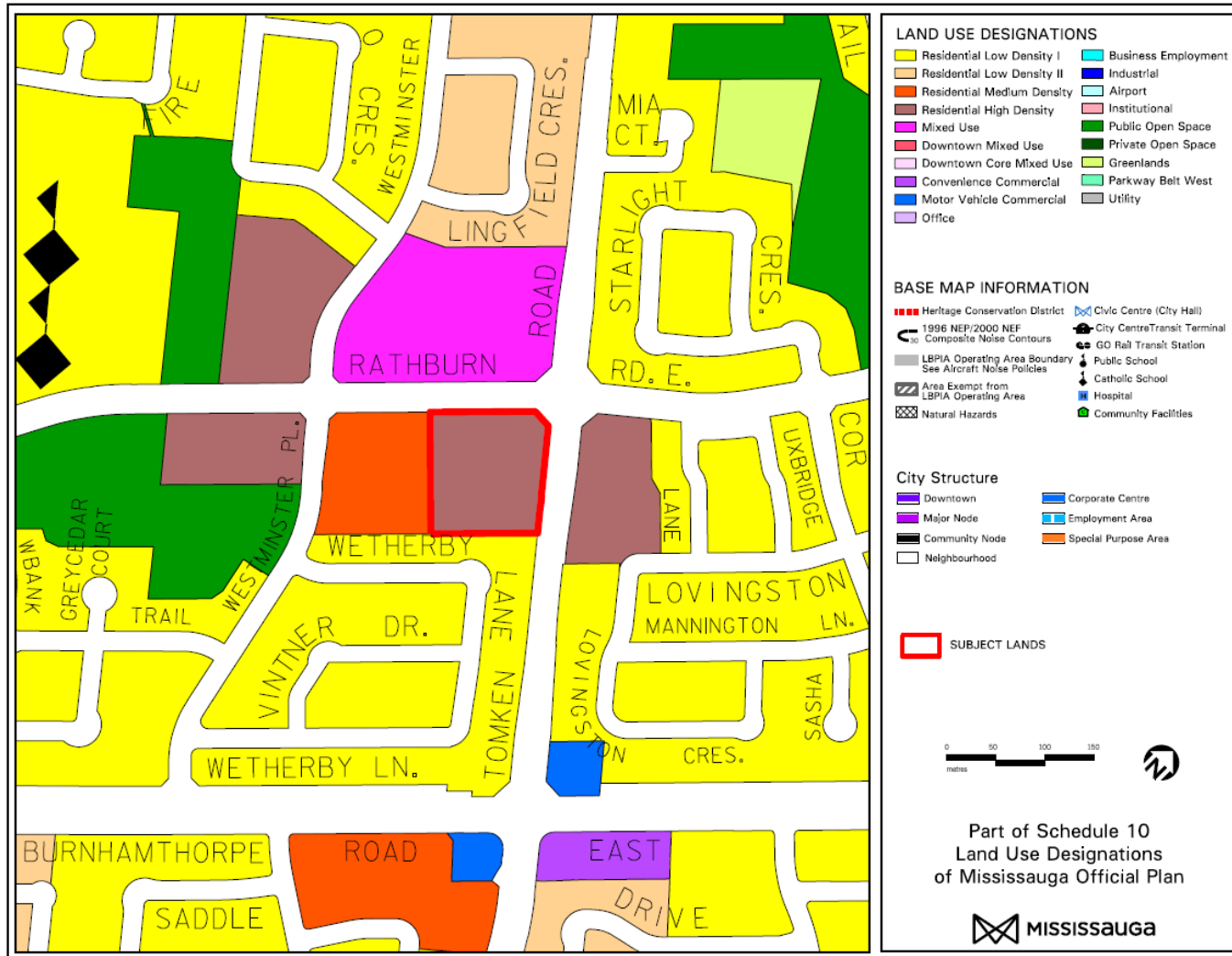
The lands are located within the Rathwood Neighbourhood Character Area and are designated **Residential High Density**. A Floor Space Index (FSI) range of 0.5 to 1.0 applies to the property. The **Residential High Density** designation permits the place of religious assembly as well as apartment dwellings.

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

Proposed Designation

The applicant is proposing to change the designation to **Residential High Density – Special Site** to permit a maximum proposed height of 12 storeys and a FSI of 1.87. The applicant will need to demonstrate consistency with the intent of MOP, and shall have regards for the appropriateness of the proposed built form in terms of compatibility with the surrounding context and character of the area.

Through the processing of the applications, staff may recommend a more appropriate designation to reflect the proposed development in the Recommendation Report.



Excerpt of Rathwood Neighbourhood Character Area (Land Use Designation to remain the same)

Relevant Mississauga Official Plan Policies

The following policies are applicable in the review of these applications. In some cases the description of the general intent summarizes multiple policies.

	General Intent
Chapter 5 Direct Growth	<p>Mississauga encourages compact, mixed use development that is transit supportive, in appropriate locations, to provide a range of local live/work opportunities. (Section 5.1.6)</p> <p>Mississauga will protect and conserve the character of stable residential Neighbourhoods. (Section 5.1.7)</p> <p>Neighbourhoods will not be the focus for intensification and should be regarded as stable residential areas where the existing character is to be preserved. (Section 5.3.5.1)</p> <p>Where higher density uses are proposed, they should be located on sites identified by a local area review, along Corridors or in conjunction with existing apartment sites or commercial centres. (Section 5.3.5.3)</p> <p>Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan. (Section 5.3.5.5)</p> <p>Development will be sensitive to the existing and planned context and will include appropriate transition in use, built form, density and scale. (Section 5.3.5.6)</p>
Chapter 7 Complete Communities	<p>Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs. (Section 7.1.6)</p> <p>Mississauga will ensure that housing is provided in a manner that maximizes the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents. (Section 7.2.1)</p> <p>Mississauga will provide opportunities for:</p> <ol style="list-style-type: none"> a. the development of a range of housing choices in terms of type, tenure and price; b. the production of a variety of affordable dwelling types for both the ownership and rental markets; and c. the production of housing for those with special needs, such as housing for the elderly and shelters. (Section 7.2.2) <p>When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies. (Section 7.2.3)</p>
Chapter 9 Build A Desirable Urban Form	<p>Mississauga will develop an urban form based on the urban system and the hierarchy identified in the city structure as shown on Schedule 1: Urban System. (Section 9.1.1)</p> <p>Infill and redevelopment within Neighbourhoods will respect the existing and planned character. (Section 9.1.3)</p>

	General Intent
	<p>Heights in excess of four storeys will be required to demonstrate that an appropriate transition in height and built form that respects the surrounding context will be achieved (Section 9.2.2.1)</p> <p>While new development need not mirror existing development, new development in Neighbourhoods will:</p> <ol style="list-style-type: none"> a. Respect existing lotting patterns; b. Respect the continuity of front, rear and side yard setbacks; c. Respect the scale and character of the surrounding area; d. Minimize overshadowing and overlook on adjacent neighbours; e. Incorporate stormwater best management practices; f. Preserve mature high quality trees and ensure replacement of the tree canopy; and g. Be designed to respect the existing scale, massing, character and grades of the surrounding area. (Section 9.2.2.3) <p>Private open space and/or amenity areas will be required for all development (Section 9.3.5.5)</p> <p>Residential developments of significant size, except for freehold developments, will be required to provide common outdoor on-site amenity areas that are suitable for the intended users (Section 9.3.5.6)</p> <p>Buildings and site design will be compatible with site conditions, the surrounding context and surrounding landscape of the existing or planned character of the area (Section 9.5.1.1)</p> <p>Developments should be compatible and provide appropriate transition to existing and planned development by having regard for the following elements:</p> <ol style="list-style-type: none"> a. Natural Heritage System; b. natural hazards (flooding and erosion); c. natural and cultural heritage features; d. street and block patterns; e. the size and configuration of properties along a street, including lot frontages and areas; f. continuity and enhancement of streetscapes; g. the size and distribution of building mass and height; h. front, side and rear yards; i. the orientation of buildings, structures and landscapes on a property; j. views, sunlight and wind conditions; k. the local vernacular and architectural character as represented by the rhythm, textures and building materials; l. privacy and overlook; and m. the function and use of buildings, structures and landscapes (Section 9.5.1.2) <p>Site designs and buildings will create a sense of enclosure along the street edge with heights appropriate to the surrounding context (Section 9.5.1.3)</p> <p>Buildings, in conjunction with site design and landscaping, will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces (Section 9.5.1.4)</p>

	General Intent
	<p>Developments will provide a transition in building height and form between Intensification Areas and adjacent Neighbourhoods with lower density and heights (Section 9.5.1.5)</p> <p>Development proposals will demonstrate compatibility and integration with surrounding land uses and the public realm by ensuring adequate privacy, sunlight and sky views are maintained. (Section 9.5.1.9)</p> <p>Noise will be mitigated through appropriate built form and site design. Mitigation techniques such as fencing and berms will be discouraged. (Section 9.5.1.12)</p>
Chapter 11 General Land Use Designations	Lands designated Residential High Density will permit an apartment dwelling. (Section 11.2.5.6)
Chapter 16 Neighbourhoods	<p>For lands within Neighbourhoods, a maximum building height of four storeys will apply unless Character Area policies specify alternative building height requirements. (Section 16.1.1.1)</p> <p>Proposals for heights more than four storeys or different than established in the Character Area policies, will only be considered where it can be demonstrated to the City's satisfaction, that:</p> <ol style="list-style-type: none"> an appropriate transition in heights that respects the surrounding context will be achieved; the development proposal enhances the existing or planned development; the City Structure hierarchy is maintained; and the development proposal is consistent with the policies of this Plan (Section 16.1.1.2) <p>Proposals for additional development on lands with existing apartment buildings will recognize and provide appropriate transition to adjacent low density residential uses (Section 16.1.2.4)</p> <p>Arterial roads such as Burnhamthorpe Road, Dixie Road, Cawthra Road, and major collector roads like Fieldgate Drive, Tomken Road, and Ponytrail Drive will be the focus of future low-rise and midrise mixed use development (Paragraph 2 of Section 16.22.1)</p> <p>New apartment dwellings, retail, service and office uses will be directed to these streets to reinforce a sense of place and create a complete, healthy community. New development within the neighbourhood will respect the existing lotting and street pattern, height, scale and building typology (Paragraph 3 of Section 16.22.1)</p>
Chapter 19 Implementation	<p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands; that a municipal comprehensive review of the land use designation or a five year review is not required; the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands; there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application; 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 has been provided by the applicant. (Section 19.5.1)

Mississauga Zoning By-law

Existing Zoning

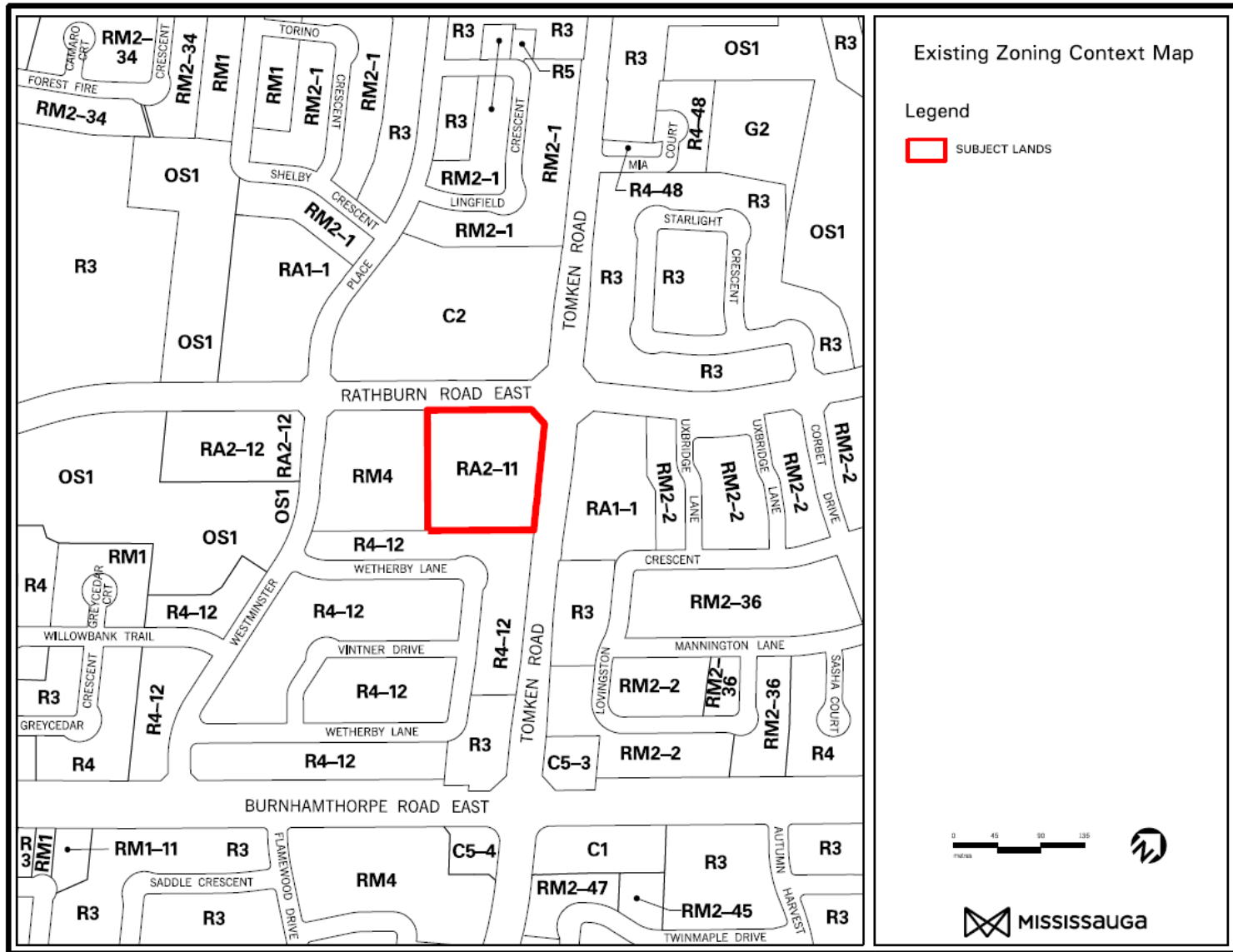
The subject property is currently zoned **RA2 - 11 (Apartments – Exception)**, which permits apartments, long-term care buildings, retirement buildings, a place of religious assembly and a day care. The existing zoning exception identifies areas in which these uses are permitted.

Proposed Zoning

The applicant is proposing to amend the **RA2 – 11 (Apartments – Exception)** zone to permit the addition of two 12

storey apartment buildings, outside of the areas identified in the existing exception zone, while maintaining the existing place of religious assembly and the existing 7 storey rental apartment building.

Through the processing of the applications, staff may recommend a more appropriate zone category for the development in the Recommendation Report.



Excerpt of Zoning Map 27

Proposed Zoning Regulations

Zone Regulations	Existing RA2-11 Zone Regulations	Proposed Amended RA2-11 Zone Regulations
Maximum Floor Space Index (FSI)	0.5	1.87
Maximum Height	26.0 m (85.3 ft.) and 8 storeys	43.8 m (143.7 ft.) or 12 storeys
Minimum separation between buildings for that portion of the dwelling with a height greater than 13.0 m and less than or equal to 20.0 m	9.0 m (29.5 ft.)	6.0 m (19.7 ft.)
For that portion of dwelling with a height greater than 20.0 m and less than or equal to 26.0 m	12.0 m (39.4 ft.)	6.0 m (19.7 ft.)
For that portion of dwelling with a height greater than 26.0 m	15.0 m (49.2 ft.)	6.0 m (19.7 ft.)
Minimum depth of a landscaped buffer abutting a lot line that is a street line and a Residential Zone with the exception of an Apartment Zone	4.5 m (14.8 ft.)	2.9m (9.5 ft.)
*Minimum parking spaces for new rental apartment buildings	1.0 residential space unit 0.2 visitor space unit	0.8 residential space per unit 0.2 visitor space per unit
Minimum number of parking spaces for Place of Religious Assembly and Daycare uses	27.1/100 m ² (93 spaces)	77 spaces

*the existing 54 parking spaces for residents and 14 parking spaces for visitors to remain

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 2018-2028

<https://www.peelregion.ca/housing/housinghomelessness/pdf/plan-2018-2028.pdf>.

This proposal is for rental housing and, therefore, is exempt from the requirement of providing a Housing Report to address Affordable Housing. The proposed infill development will provide for 241 new residential rental units within a mix of 1, 2, and 3 bedroom units, of which, 30% are targeted to be affordable rental units.

5. School Accommodation

The Peel District School Board

Student Yield	School Accommodation		
31 Kindergarten to Grade 5	Silverthorn Public School	Tomken Road Senior Public School	Applewood Heights Secondary School
8 Grade 8 to Grade 8			
4 Grade 9 to Grade 12	Enrolment: 263 Capacity: 4401	Enrolment: 893 Capacity: 947	Enrolment: 1233 Capacity: 1284

	Portables: 0	Portables: 0	Portables: 2
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The Dufferin-Peel Catholic District School Board

Student Yield	School Accommodation	
5 Kindergarten to Grade 8	St. Vincent De Paul Catholic Elementary School	Philip Pocock Catholic Secondary School
4 Grade 9 to Grade 12	Enrolment: 240 Capacity: 188 Portables: 4	Enrolment: 1152 Capacity: 1257 Portables: 5

6. Community Questions and Comments

A community meeting was held by Ward 3 Councillor, Chris Fonseca, on March 20, 2023 and approximately 60 residents

were in attendance. The main concern was the height and built form. Residents are concerned about the proximity of a 12 storey building to the existing low-rise residential dwellings. Concerns regarding an increase in population and lack of parking were also raised.

7. Development Issues

The following is a summary of comments from agencies and departments regarding the applications:

Agency / Comment Date	Comments
Region of Peel (February 17, 2023)	<p>A Regional Official Plan Amendment is not required.</p> <p>For the residential units, the Region of Peel will provide Front-End collection of Garbage and Recyclable Materials subject to Section 2.0, and 4.0 of the Waste Collection Design Standards Manual (WCDSM). The site must be designed to meet the Region of Peel Waste Collection Design Standards.</p> <p>Please note reference to the in-effect Region of Peel Official Plan (RPOP) is outdated in the Planning Justification Report, dated December 2022 and prepared by MHBC. The Minister of Municipal Affairs and Housing issued a decision to approve the new RPOP with 44 modifications on November 4, 2022. The proposed development remains in conformity with these updates, however, please make reference to the current in-effect ROP in future submissions.</p> <p>The Region of Peel would also like to offer the following housing comments. In terms of affordability - It is greatly</p>

Agency / Comment Date	Comments
	<p>appreciated that the applicant has targeted providing 30% of the proposed residential units as affordable at 80% of Median Market Rent, which will contribute to the Peel-wide affordable housing target. For reference, the definition of affordable housing can be found in the Glossary section of the Regional Official Plan and the Provincial Policy Statement, 2020. Information can be provided on affordability period (i.e., 25 years or more) of the proposed affordable units. In terms of density - It is appreciated that the applicant has demonstrated a strong contribution towards the density target by proposing additional apartment units. This will help to create more complete communities and more housing options. It is also appreciated that the applicant has incorporated two and three bedroom units into the anticipated unit mix as well as barrier-free units constructed in accordance with AODA and CMHC accessibility standards. In terms of rental - It is greatly appreciated that the proposed development is demonstrating a strong contribution towards the rental housing target through the provision of much needed purpose-built rental units. Please also note that Regional staff can meet with applicants to clarify housing objectives and policies as needed. We are open to working with the applicant and the City to further support this application in meeting its planned contributions to Peel-wide new housing unit targets, including helping to identify options (such as partnerships) that are most relevant to the proposed development.</p> <p>An existing 300 mm diameter water main is located on Tomken Road. An existing 350 mm diameter sanitary sewer is located on Tomken Road. Due to the size and function of the 600 mm diameter watermain on Rathburn Road East, connection will not be permitted (Watermain Design Criteria 6.1). Due to the size and function of the 1200 mm diameter watermain on Tomken Road, connection will not be permitted (Watermain Design Criteria 6.1).</p> <p>Servicing of this site may require municipal and/or private easements and the construction, extension, twinning and/or upgrading of municipal services. All works associated with the servicing of this site will be at the applicant's expense. The applicant will also be responsible for the payment of applicable fees, DC charges, legal costs and all other costs associated with the development of this site.</p> <p>For this type of development proposal, we recommend, where possible, the consideration of a domestic water and fire system looped to municipal water, to provide a redundant water supply.</p> <p>All unutilized water and sanitary services shall be disconnected and/or abandoned in accordance with Region of Peel standards and specifications.</p>
<p>Dufferin-Peel Catholic District School Board and the Peel District School Board (February 7, 2023 and February 17, 2023)</p>	<p>This Dufferin Peel Catholic District School Board is satisfied with the current provision of educational facilities for the catchment area in which the subject application is located. The City of Mississauga school accommodation condition need not be applied.</p> <p>The Board requests that the following conditions be fulfilled prior to the final approval of the zoning by-law:</p> <p>1. That the applicant shall agree in the Servicing and/or Subdivision Agreement to include the following warning clauses in all offers of purchase and sale of residential lots:</p> <p>a) "Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be</p>

Agency / Comment Date	Comments
	<p>transferred to the neighbourhood school."</p> <p>b) "That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."</p> <p>The Board requires the inclusion of the following conditions in the Engineering Agreement:</p> <p>Prior to final approval, the City of Mississauga shall be advised by the School Board(s) that satisfactory arrangements regarding the provision and distribution of educational facilities have been made between the developer/applicant and the School Board(s) for this plan.</p> <p>The Peel District School Board requires the following clause be placed in any agreement of purchase and sale entered into with respect to any units on this plan, within a period of five years from the date of registration of the development agreement:</p> <p>a) "Whereas, despite the efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in the neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation department of the Peel District School Board to determine the exact schools."</p> <p>b) "The purchaser agrees that for the purposes of transportation to school the residents of the development shall agree that the children will meet the school bus on roads presently in existence or at another designated place convenient to the Peel District School Board."</p> <p>The developer shall agree to erect and maintain signs at the entrances to this development which shall advise prospective purchases that due to present school facilities, some of the children from this development may have to be accommodated in temporary facilities or bused to schools, according to the Peel District School Board's Transportation Policy.</p>
<p>City Community Services Department – Park Planning Section (April 17, 2023)</p>	<p>The 2022 Parks Plan notes that this character area exceeds the Parkland provision target of 1.2 ha/1000 people. Furthermore, the 2022 Parks Plan and the 2109 Future Directions Parks & Forestry Master Plan establishes a walking distance requirement of 800 m (2,624.7 ft.) to a City owned playground in residential areas, unimpeded by major pedestrian barriers. Allison's Park (P-270) is located approximately 177 m (580.7 ft.) from the subject property, zoned OS1 (Open Space – Community Park) and contains a City owned playground.</p> <p>Given the close proximity of parkland to this development, which will service the future residents, a need for additional parkland on this site was not identified. The site was also not large enough to accommodate a park on-site.</p> <p>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 and in accordance with City's Policies and By-laws.</p>
<p>City Transportation and Works Department (April 11, 2023)</p>	<p>Technical reports and drawings have been submitted and are under review 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.</p>

Agency / Comment Date	Comments
	<p>Based on a review of the materials submitted to date, the owner has been requested to provide additional technical details and revisions prior to the City making a recommendation on the application, as follows:</p> <p><u>Stormwater</u> A Stormwater Management (SWM) Report prepared by WSP dated December 1, 2022 was submitted in support of the proposed development. The purpose of the report is to evaluate the proposed development impact on the municipal drainage system (e.g. storm sewers, watercourses, etc.) and to mitigate the quality and quantity impacts of stormwater run-off generated from the site. Mitigation measures may include improvements to existing stormwater servicing infrastructure, new infrastructure and/or on-site stormwater management controls.</p> <p>The applicant is proposing to construct a new internal storm sewer to service the development lands, with an outlet to the City's infrastructure on Tomken Road, as well as on-site stormwater management controls for the post development discharge.</p> <p>The applicant is required to provide further technical information to demonstrate that there will be no impact on the City's existing drainage system including how groundwater will be managed on-site.</p> <p><u>Traffic</u> A traffic impact study (TIS), prepared by BA Consulting Group Ltd. dated October 2022, was submitted in support of the proposed development and a full review and audit was completed by staff. Based on the information provided to date, staff are not satisfied with the study and require further clarification on the information provided. In addition, a qualified traffic consultant was retained to conduct a peer review on the TIS study which resulted in additional comments to be addressed.</p> <p>The applicant is required to provide the following information as part of subsequent submissions:</p> <ul style="list-style-type: none"> • an updated TIS addressing all staff and peer review comments, • turning movement diagrams to evaluate the internal site circulation and access points, and • address any traffic concerns from the Community related to the proposed development. <p><u>Environmental Compliance</u> A Phase One Environmental Site Assessment (ESA) report, dated June 20, 2022 prepared by Grounded Engineering Inc., was submitted in support of the proposed development. The report indicates that further investigation is required to assess the soil and groundwater conditions at the subject property as well as 924 Rathburn Rd E, which also forms part of the proposed development.</p> <p>The applicant is required to provide the following information as part of subsequent submissions:</p> <ul style="list-style-type: none"> • a letter of reliance for the Phase One ESA report (4094 Tomken Rd), • a Phase One ESA report for 924 Rathburn Rd E along with a letter of reliance, • a Phase Two ESA report for both addresses, as applicable, along with a letter of reliance, • a Storm Sewer Use By-law Acknowledgement form, and • written documentation prepared by a Qualified Person (as defined in Section 5 of Ontario Regulation 153/04, as

Agency / Comment Date	Comments
	<p>amended) stating the geotechnical and environmental suitability of the fill materials located on-site.</p> <p>Noise A Noise Feasibility Study prepared by RWDI, dated July 7, 2022 was received for review. The study evaluates the potential impact of environmental noise to and from the development and recommends mitigation measures to reduce any negative impacts. Noise sources that may have an impact on this development includes road traffic noise and stationary noise sources such as HVAC related equipment in the roof-top mechanical penthouse as well as various exhaust fans. Noise mitigation will be required in the form of upgraded building components, noise warning clauses included in the development agreement, acoustical wall(s) and/or berm(s). A revised noise study is required as part of the next submission to address staff comments.</p> <p>Engineering Plans/Drawings The applicant has submitted a number of technical plans and drawings (i.e. grading and servicing plans), which are to be revised as part of subsequent submissions, in accordance with City standards.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> - City of Mississauga - Fire Services - City of Mississauga - Arborist – City Property - City of Mississauga - Arborist – Private Property - City of Mississauga – MiWay Transit - Alectra - Bell Canada - Rogers - Canada Post - CS Viamonde - Enbridge - Greater Toronto Airport Authority
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> - Ministry of Transportation - Trans-Northern Pipeline

Development Requirements

There are engineering matters including: grading, environmental, servicing and stormwater management that will

require the applicant to enter into agreements with the City. Prior to any development proceeding on-site, the City will require the submission and review of an application for site plan approval.

8. Community Benefits Charge

Schedule 17 of Bill 197, *COVID-19 Economic Recovery Act*, 2020, amended the *Planning Act*. The Section 37 Height/Density Bonus provisions are replaced with the Community Benefit Charge (CBC) provisions, implemented by a CBC By-law passed by Council. Section 37 of the *Planning Act* now allows municipalities to impose a CBC on land to fund costs related to growth. Funds collected under CBC will be to fund projects City-wide and Council will be requested at budget time each year to spend or allocate CBC funds to specific projects in accordance with the CBC Strategy and Corporate Policy.

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

As the subject proposal is more than 5 storeys and does contain 10 or more residential units in total, the CBC is applicable and will be payable at the time of first building permit.

9. Next Steps

Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Is the proposed development compatible with the existing and planned context of the area given the proposed massing, building height, and density?
- Does the proposed development meet the terms of reference for shadow impact?
- Can the noise and wind be adequately mitigated?
- Are the proposed zoning by-law exception standards appropriate?

Upon satisfying the requirements of various City departments and external agencies, the Planning and Building Department will bring forward a recommendation report to a future Planning and Development Committee meeting. It is at this meeting that the members of the Committee will make a decision on the applications.