

City of Mississauga

Corporate Report



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| <p>Date: May 7, 2025</p> <p>To: Chair and Members of Planning and Development Committee</p> | <p>Originator's file: H-OZ 24-2 W1</p> |
| <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p> | <p>Meeting date: May 26, 2025</p> |

Subject

REQUEST TO CREATE A CLASS 4 AREA TO FULFILL AN "H" HOLDING ZONE PROVISION (WARD 1)

Application to remove an "H" Holding zone provision to permit a 10 storey apartment building with ground floor commercial space

1041 Lakeshore Road East (1005 Ogden Avenue), north of Lakeshore Road East, west of Strathy Avenue

Owner: Anthem Developments Inc.

File: H-OZ 24-2 W1

Bill 139

Recommendation

That Council classify the lands as a Class 4 Area in accordance with the Environmental Noise Guidelines – Stationary and Transportation Sources – Approval and Planning (NPC – 300).

Background

On October 23, 2023 Council approved an Official Plan Amendment and Rezoning application under file OPA/OZ 22-12 W1 for the subject site. The proposal involved the development of a 10 storey apartment building with ground floor commercial space. Council applied an "H" holding provision to the zone at that time in order to allow the applicant to address outstanding technical matters prior to commencing development on the subject site. The "H" holding provision was to remain in effect until the following was completed:

1. Executed Development Agreement.
2. Arrangements with respect to the relocation of the existing bus shelter.
3. Submission of updated technical studies.
4. Arrangements with the Region of Peel with respect to garbage collection.
5. Arrangements with respect to an affordable housing contribution.
6. Submission of an updated Noise Study and satisfactory arrangements with respect to appropriate mitigation measures.

Comments

On July 6, 2022, Council approved an amending by-law that delegated the approval authority to pass lifting of the holding provision by-laws to the Commissioner of Planning and Building. Consequently, endorsement of this recommendation, and subsequent approval by Council, allows the Commissioner of Planning and Building to lift the holding zone provision on the subject property. This process does not require a formal public meeting however notice of intention to pass the amending by-law must be given to all landowners within 120 m (400 ft.) of the amending by-law lands. Notice was given to all affected landowners by pre-paid first class mail for this application.



Aerial of subject property

Holding Provisions

Removal of the subject "H" holding zone provision from the property's exception zone will facilitate the development of a 10 storey apartment building with ground floor commercial space. Section 36 of the *Planning Act* provides the legislative framework for a municipality to add and remove an "H" holding provision. As previously noted, the applicable holding provisions for the subject site include a condition requiring staff to make arrangements with the property owner regarding noise mitigation matters. Part of the identified mitigation measures requires the subject property to be redesignated as a Class 4 Area by way of Council resolution, in accordance with Environmental Noise Guidelines – Stationary and Transportation Sources – Approval and Planning (NPC – 300). Staff recommend that the conditions for removing the "H" holding provision have been fulfilled as follows:

- The development agreement has been finalized and will guide the redevelopment of the property

- The City and the property owner have initiated the Easement Agreement process that details the relocation of the existing Miway bus shelter onto the subject property in order to facilitate an appropriate streetscape
- The applicant has submitted an updated Traffic Impact Study, Functional Servicing Report and grading and servicing plans satisfactory to staff
- The Region of Peel has reviewed the updated waste collection plan and is satisfied with the feasibility of the overall collection method. Further details will be dealt with during the required Site Plan Approval application
- The applicant has submitted an updated Noise Study that includes mitigation measures and have been secured for through the associated Development Agreement
- Staff and the applicant, through the Development Agreement, have agreed on the details for the provision of an affordable housing contribution, as outlined in the previous Recommendation Report dated October 23, 2023 for the associated Official Plan Amendment and Rezoning application under file OPA/OZ 22-12 W1

Class 4 Noise Designation

The updated Noise Study recommends that the subject site be designated as Class 4 under the Ministry of Environment Conservation and Park NPC-300 Noise Guidelines. The Class 4 designation is a planning tool intended to be applied to noise sensitive land uses being built in proximity to existing, lawfully established stationary sources. This tool has been used in previously approved development applications across the City and within the vicinity of the subject site in order to recognize areas of transition from industrial and employment uses to mixed used communities. Granting Class 4 designation is a discretionary authority granted to municipalities.

The applicant's Noise Study identifies stationary noise sources that impact the subject site – an automotive repair shop and industrial operations west of the subject site, a collection of HVAC units associated with three businesses in operation south of Lakeshore Road East and proposed mechanical and HVAC units on the subject development. Noise decibels for the communal outdoor amenity space and within the interior of the proposed dwelling units are predicted to exceed the required decibel level maximums in the instance all noise sources are operating to full capacity at the same time. In order to mitigate the subject development from the worst case scenario, the study recommends a combination of reasonable attenuation measures to be located on the subject lands and that a Class 4 Area designation be applied to the site. The Noise Study does not propose mitigation measures to be deployed at the sound sources.

Staff and the applicant have accommodated for the mitigation measures through the associated Development Agreement including:

- Appropriate window sizing and operability
- Acoustical barriers within the communal outdoor amenity space
- Use of sound controls within the subject building's mechanical penthouse
- Warning clauses to advise future purchasers of the stationary noise sources

Based on the accepted mitigation measures and recognizing the continued redevelopment of the Lakeshore Road corridor, staff are of the opinion that it is appropriate for the site to be designated as a Class 4 Area under the Ministry of Environment Conservation and Park NPC-300 Noise Guidelines. If granted by Council, the Commissioner of Planning and Building will be able to authorize the removal of the Holding Zone provision, in order to facilitate a 10 storey apartment building with ground floor commercial space.

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

It is appropriate to grant a Class 4 Designation on the subject site, in addition to the aforementioned noise mitigation measures, in order to facilitate the development of a 10 storey apartment building with ground floor commercial space.

Attachments

Appendix 1: Existing Zoning and General Context Map

Appendix 2: Site Plan and Applicant's Rendering



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

Prepared by: David Ferro, MCIP, RPP, Lead Planner