

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: April 27, 2020

CASE NO(S): PL171206

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	CGIV Developments Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of City of Mississauga to make a decision
Existing Zoning:	C3 (General Commercial)
Proposed Zoning:	RA5-Exception (Apartment Dwellings)
Purpose:	To permit a 40 storey apartment building including ground level retail commercial uses
Property Address/Description:	3480 Hurontario Street
Municipality:	City of Mississauga
Municipality File No.:	OZ 17/005
OMB Case No.:	PL171206
OMB File No.:	PL171206
OMB Case Name:	CGIV Developments Inc. v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	CGIV Developments Inc.
Subject:	Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Existing Designation:	Mixed Use
Proposed Designated:	Residential High Density – Special Site
Purpose:	To permit a 40 storey apartment building including ground level retail commercial uses
Property Address/Description:	3480 Hurontario Street

Municipality:	City of Mississauga
Approval Authority File No.:	OPA 17/005
OMB Case No.:	PL171206
OMB File No.:	PL180062

Heard: March 9, 2020, in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

CGIV Developments Inc.

John Alati
Andy Margaritis

City of Mississauga

Lia Magi

Region of Peel

Rachel Godley

MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE AND T.F. NG ON MARCH 9, 2020 AND INTERIM ORDER OF THE TRIBUNAL

[1] This was a Settlement hearing in the matter of appeals by CGIV Developments Inc. (the “Applicant”) from the failure of the City of Mississauga (the “City”) to make a decision in respect to applications for amendments to the Official Plan (the “OP”) and Zoning By-law No. 0225-2007 (the “ZBL”) to permit a mixed use development at the property municipally known as 3480 Hurontario Street (the “Property”). The Applicant has proposed to develop a 36-storey mixed use development, including a 3-storey podium, that would include a variety of residential units, with commercial and retail units at grade. The Applicant, City and the Region of Peel (the “Region”) all appeared in support of the settlement proposal to modify the OP and amend the ZBL. A revised Official Plan Amendment and a revised Zoning By-Law Amendment, approved by all parties in the settlement, were presented to the Tribunal and entered as exhibits and are appended to this Decision as Attachments 1 and 2 respectively.

[2] James Lethbridge was qualified by the Tribunal to give expert land use planning

evidence and opinion.

[3] The Property is located within the Downtown Fairview Character Area which is part of an intensification corridor in the City's OP. The proposed 36-storey building height is consistent with other existing or approved developments along the west side of Hurontario Street. The Region identifies the area as an area where significant growth is to be directed. As part of an established settlement area, Mr. Lethbridge would consider the Property to be currently under utilized.

[4] Located on the north west corner of Hurontario Street and Central Parkway West the Property is located on existing public transit bus routes. The Property is also adjacent to a Metrolinx planned Light Rail Transit stop that will connect to other public transit routes and infrastructure I such as the Go Transit system. The City also has plans for a future bicycle route within the Hurontario Street right-of-way.

[5] The Applicant has also committed to implement a Transportation Demand Management Initiative ("TDMI"). The TDMI will offer provision to residents for bicycle parking spaces, car-sharing opportunities, provision of Presto Cards and information packages on available transit services.

[6] Mr. Lethbridge provided the Tribunal with a thorough overview of the applicable provincial and local planning policies and his various opinions that the proposed development, as it will be permitted by both the Official Plan Amendment and the Zoning By-law Amendment, are consistent with, and/or conform to, the identified provincial and local policies. Mr. Lethbridge concluded that the development, as proposed under the amending instruments, represents good planning, and should be approved.

[7] In determining this matter, the Tribunal has considered and accepts the uncontested land use planning evidence and expert opinion provided by Mr. Lethbridge. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land, accommodates a range of appropriate mixed uses, and intensifies

uses within the settlement area.

[8] The Tribunal finds that the settlement proposal is consistent with the policy direction established by the Provincial Policy Statement (“PPS”), and conforms to the relevant directives established by the Growth Plan (“GP”), and as maintained by the OP. The Tribunal is further satisfied that the proposal has due regard for matters of Provincial interest, is consistent with the principles of good land use planning and is in the greater public interest. More significantly, the proposal furthers the goals and objectives of the Provincial planning regime to increase housing opportunities.

[9] The Tribunal accordingly approves the revised Official Plan Amendment and ZBL recommended by all parties which were presented to the Tribunal and entered as Attachments 1 and 2 respectively.

ORDER

[10] The Tribunal Orders that the appeal under subsection 22(7) of the *Planning Act*, in Tribunal File No. PL180062, is allowed in part and Amendment No. 108 to The City of Mississauga Official Plan is modified as set out in Attachment 1 to this Order, and as modified is approved.

[11] The Tribunal Orders that the appeal under subsection 34(11) of the *Planning Act*, in Tribunal File No. PL171206 is allowed in part and City of Mississauga Zoning By-law No. 0225-2007 is amended as set out in Attachment 2 to this Order. In all other respects, the Tribunal orders that the appeal is dismissed.

[12] The Final Order of the Tribunal is being withheld pending confirmation from the City Solicitor that the Applicant has met the requirements, agreed to between the parties, to the satisfaction of the Region and the City

[13] The Panel may be spoken to if issues arise.

[14] So Orders the Tribunal.

“Steven Cooke”

STEVEN COOKE
MEMBER

“T.F. Ng”

T.F. NG
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Amendment No. 108
to
Mississauga Official Plan

Amendment No. 108
to
Mississauga Official Plan

The following text and Map "A" attached constitute Amendment No. 108.

PURPOSE

The purpose of this Amendment is to change the land use designation from Mixed Use to Residential High Density and to add a Special Site to the Downtown Fairview Character Area.

LOCATION

The lands affected by this Amendment are located at the northwest corner of Central Parkway West and Hurontario Street. The subject lands are located in the Downtown Fairview Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Local Planning Appeal Tribunal.

The subject lands are designated Mixed Use which permits a variety of retail, service and other uses.

The official plan amendment is required to redesignate the subject lands to Residential High Density and to add a Special Site to permit a maximum building height of 36 storeys.

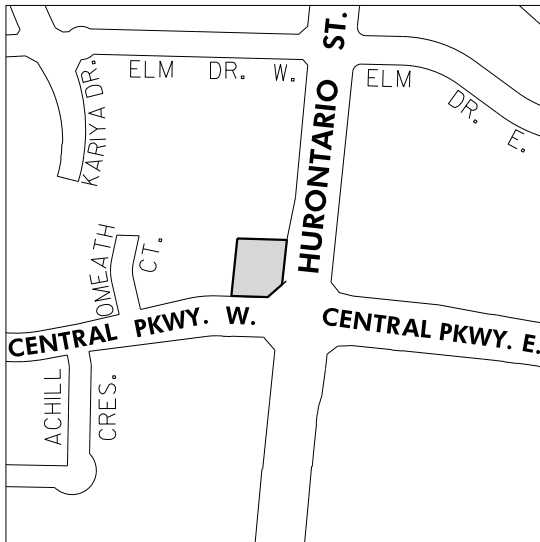
The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal is compatible in built form and scale to the surrounding development within the Downtown Fairview Character Area.
2. The proposal adds to the range of housing types available in the City of Mississauga.
3. The application provides for intensification of an underutilized site on Hurontario Street, which is identified as an Intensification Corridor in Mississauga Official Plan.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 12.3, Downtown Fairview Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 3 on Map 12-3, Downtown Fairview Character Area in accordance with the Special Site Policies.
2. Section 12.3.2, Special Site Policies, Downtown Fairview Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

12.3.2.3 Site 3



12.3.2.3.1 The lands identified as Special Site 3 are located at the northwest corner of Central Parkway West and Hurontario Street.

12.3.2.3.2 Notwithstanding the policies of this Plan, an apartment building with a maximum height of 36 storeys will be permitted.

3. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Mixed Use to Residential High Density, as shown on Map "A" of this Amendment.

IMPLEMENTATION

Upon receipt of the Local Planning Appeal Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

The lands will be rezoned as part of the same Tribunal Order.

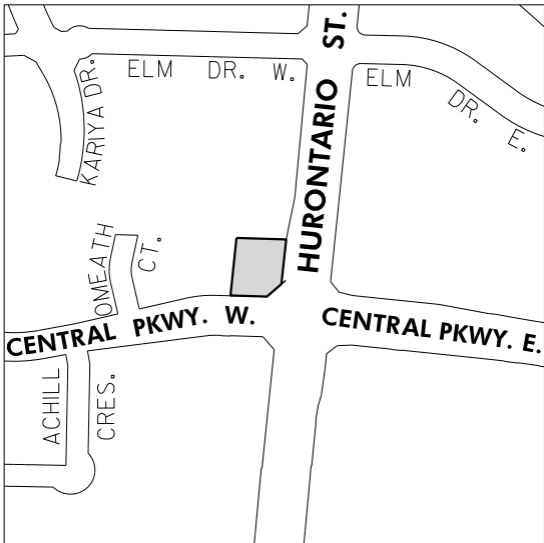
This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan November 22, 2019

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

Map "A"



KARIYA DR.

ELM DR. W.

ELM DR. E.

OMEATH CT.

CENTRAL PKWY. W.

HURONTARIO ST.

CENTRAL PKWY. E.

ACHILL CRES.

CRES.

SCHEDULE "A" TO

LOCAL PLANNING APPEAL TRIBUNAL

LPAT Case No. PL171206

ORDER DATED _____

LPAT File No. PL171206

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
<p>In a RA5-54 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:</p>			
<p>Additional Permitted Uses</p>			
<p>4.15.6.54.1</p>	<p>(1) (2) (3) (4) (5) (6)</p>	<p>Office Retail Store Financial Institution Personal Service Establishment Restaurant Take-out Restaurant</p>	
<p>Regulations</p>			
<p>4.15.6.54.2</p>	<p>The provisions of Lines 1.0 and 3.0 of Table 2.1.2.1.1 contained in Article 2.1.2.1, Subsection 2.1.14, Articles 3.1.4.1, 3.1.4.2 and 3.1.4.3 contained in Subsection 3.1.4, Article 4.1.15.1, Article 4.1.15.3 and Lines 5.0, 6.0, 8.0, 9.0, 10.0, 11.1, 11.2 and 15.0 of Table 4.15.1 of this By-law shall not apply</p>		
<p>4.15.6.54.3</p>	<p>The uses contained in Sentence 4.15.6.54.1 of this By-law shall only be located within a building, structure or part thereof used for an apartment, long term care building, retirement building or any other combination thereof</p>		

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
In a RA5-54 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:			
4.15.6.54.4	The uses contained in Sentence 4.15.6.54.1 shall not be located above the third storey		
4.15.6.54.5	Minimum gross floor area – non-residential that shall be located within the first storey	400m ²	

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.6	Maximum tower floor plate above 15.5 m and 3 storeys in height		750 m ²
4.15.6.54.7	Minimum height of a building or structure located between 0.0 m and 6.0 m from the front lot line		14.5 m and 3 storeys
4.15.6.54.8	Minimum height of a building or structure located between 0.0 m and 6.0 m from the exterior side lot line		10.5 m and 2 storeys
4.15.6.54.9	Maximum height		115.1 m and 36 storeys
4.15.6.54.10	Maximum height of mechanical or architectural appurtenances located on the roof of an apartment, long-term care and retirement building		8.5 m
4.15.6.54.11	Maximum front yard		3.0 m
4.15.6.54.12	Maximum exterior side yard		3.0 m
4.15.6.54.12	Notwithstanding sentences 4.15.6.54.11 and 4.15.6.54.12 of this By-law, minimum front and exterior side yards for that portion of the building or structure with a height greater than 14.5 m and 3 storeys		6.0 m
4.15.6.54.13	Minimum interior side and rear yards for that portion of the building or structure with a height less than or equal to 15.5 m and 3 storeys		5.0 m
4.15.6.54.14	Minimum interior side yard for that portion of the building or structure with a height greater than 15.5 m and 3 storeys		12.9 m
4.15.6.54.15	Minimum rear yard for that portion of the building or structure with a height greater than 14.9 m and 3 storeys		15.0 m
4.15.6.54.16	The lot line abutting Hurontario Street shall be deemed to be the front lot line		
4.15.6.54.17	Maximum projection of a balcony located above the third storey measured from the outmost face or faces of the building from which the balcony projects		2.0 m

4.15.6.54.18	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to any lot line	0.0 m
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4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.19	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to an interior side or rear lot line		2.7 m
4.15.6.54.20	Minimum number of resident parking spaces per one-bedroom unit		0.9
4.15.6.54.21	Minimum number of resident parking spaces per two-bedroom unit		1.0
4.15.6.54.22	Minimum number of resident parking spaces per three-bedroom unit		1.3
4.15.6.54.23	Minimum number of visitor parking spaces per apartment unit		0.15
4.15.6.54.24	Minimum number of parking spaces per 100 m ² of gross floor area – non-residential for uses identified in Clauses 4.15.6.54.1(1) to 4.15.6.54.1(4)		4.3
4.15.6.54.25	For the visitor component, a shared parking arrangement may be used for the calculation of required visitor/non-residential parking in accordance with the following: the greater of 0.15 visitor spaces per unit or Parking required for all non-residential uses identified in Sentence 4.15.6.54.1		
4.15.6.54.26	Minimum contiguous gross floor area – non-residential for bicycle parking		228 m ²
4.15.6.54.27	Minimum depth of landscaped buffer along an interior side yard and rear lot lines		3.0

4.15.6.54.28	Minimum contiguous amenity area to be provided outdoors	1.35 m ² per dwelling unit
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4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.29	Minimum amenity area to be provided indoors		2.0 m ² per dwelling unit
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned RA5-54 by further amendment to Map 22 of Schedule B contained in Part 13 of this By-law, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> (1) the submission of a revised traffic impact study including a functional plan for the Central Parkway West access including, but not limited to extension of the Central Parkway median at Hurontario Street past the driveway and pavement marking, to the satisfaction of the City; (2) satisfactory arrangement for the right-in, right-out access on to Central Parkway West, to the satisfaction of the City; (3) the submission of a revised functional servicing report to the satisfaction of the City and the Region of Peel; (4) confirmation that a Record of Site Condition has been posted to the Environmental Site Registry and the submission of all supporting environmental reports to the satisfaction of the City; (5) execution of a Section 37 (Community Benefits) Agreement to the satisfaction of the City; and, (6) execution of a Development Agreement to the satisfaction of the City and the Region of Peel. 			

2. Map Number 22 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C3 " to "H-RA5-54", the zoning of Part of Lot 16, Concession 1, North of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA5-54" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-RA5-54" zoning indicated thereon.

3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 108 is in full force and effect.

Schedule "A"

Note: The wording on Schedule "A" should be:

THIS IS SCHEDULE "A" TO
SCHEDULE "A" OF LPAT
ORDER DATED _____
LPAT Case No. _____
LPAT File No. _____

APPENDIX "A" TO SCHEDULE "A" OF

LPAT ORDER DATED _____

LPAT Case No. PL171206

LPAT File No. PL17206

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit a 36 storey apartment building with a minimum of 400 m² of commercial floor space on the first storey.

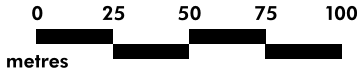
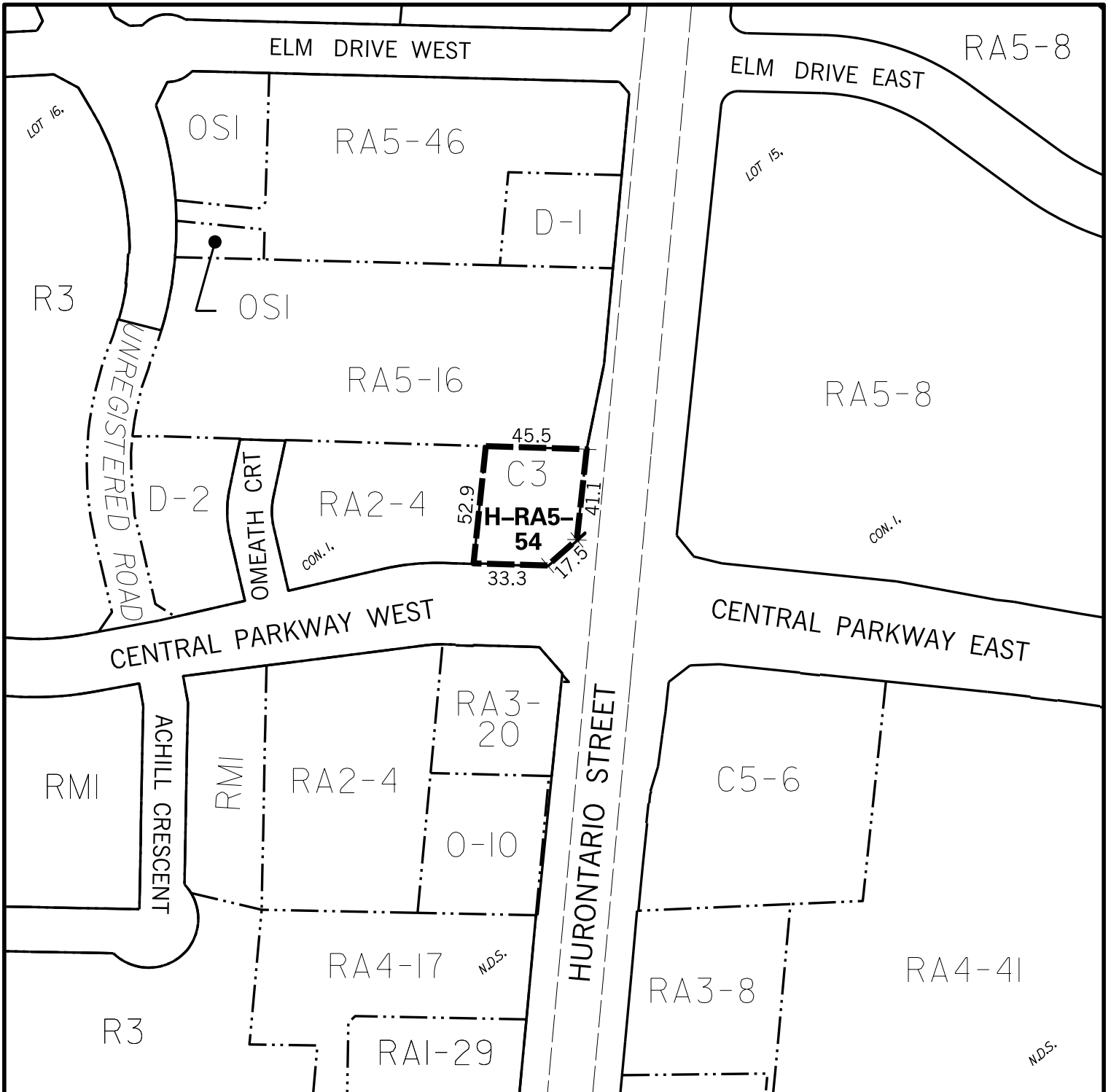
This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C3" (General Commercial) to "H-RA5-54" (Apartments – Exception – with a Holding Provision).

"C3" permits various non-residential uses.

Upon removal of the "H" provision, the "RA5-54" will permit an apartment with accessory uses including retail store, office, financial institution, restaurant, take-out restaurant and personal service establishment, with specific regulations for yards, setbacks, parking and height.

Location of Lands Affected

Northwest corner of Central Parkway West and Hurontario Street, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".



This is not a Plan of Survey. Dimensions shown taken from Survey prepared by Rady-Pentek & Edward Surveying LTD. (OLS) dated 17th January, 2017

**THIS IS SCHEDULE "A" TO
SCHEDULE "A" OF LPAT**

ORDER DATED _____

LPAT CASE NO. PL171206

LPAT FILE NO. PL171206

CITY OF MISSISSAUGA