



Corporate Report

Clerk's Files

Originator's
Files OZ 05/024 W1

DATE: June 5, 2007

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 25, 2007

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit a 22 storey, 214 unit condominium apartment
building with commercial uses at street level and a 7 storey, 150
unit seniors' apartment building
15 Hurontario Street
North of Lakeshore Road East and east of Hurontario Street
Owner: F.S. Port Credit Limited
Applicant: John D. Rogers and Associates Inc.
Bill 20

Supplementary Report

Ward 1

RECOMMENDATION: That the Report dated June 5, 2007, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 05/024 W1, F.S. Port Credit Limited, 15 Hurontario Street, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan by revising the "Residential High Density I and Mainstreet Commercial – Special Site 4B" provisions be approved in conformity with the provisions outlined in Appendix S-5.
2. That the application to change the Zoning from "C1-604" (Restaurant), "H-R4" (Residential Apartments with Holding Provision) and "P" (Open Space) to "R4-Special Section" (Residential Apartments and Commercial) to permit a 22

storey, 214 unit condominium apartment building with commercial uses at street level and a 7 storey, 150 unit seniors' apartment building be approved subject to the following conditions:

- (a) That the permitted uses and development standards shall conform to those outlined in Appendix S-6;
 - (b) That the "R4-Special Section" (Residential Apartments and Commercial) zoning be subject to an "H" Holding Provision;
 - (c) That in accordance with the provisions of Section 36 of the *Planning Act*, the "H" Holding Provision is to be removed from the "H-R4-Special Section" (Residential Apartments and Commercial with Holding Provision) Zoning applicable to the subject lands, by further amendment, upon confirmation from the applicable agencies and City Departments that the matters outlined in Appendix S-8 have been satisfactorily addressed;
 - (d) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
 - (e) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Peel District and Dufferin-Peel Separate School Boards not apply to the subject lands.
3. That in accordance with the provisions of Section 37 of the *Planning Act*, an agreement between F.S. Port Credit Limited and the City shall be executed in the event that the Official Plan Amendment and Zoning By-law amendment as proposed are approved. This agreement shall be consistent with the recommendations contained within this report and the draft agreement presented in Appendix S-7.

4. In the event that the new Mississauga Zoning By-law is passed by City Council and comes into force and effect, the new Mississauga Zoning By-law be amended for this property from “D” (Development) to “H-RA5-Exception” (Apartment Dwellings and Commercial with Holding Provision) subject to the conditions contained in Recommendation 2.
5. That City Council direct Legal Services and representatives from the appropriate City Departments to attend the Ontario Municipal Board hearing and any related pre-hearing conferences and to retain expert witnesses, if necessary, to support the Official Plan Amendment and Rezoning changes recommended in this report.
6. That City Council delegate to Planning staff the authority to finalize the details of the text for the Official Plan Amendment and Zoning By-law amendment and any other applicable documents consistent with the direction set out in this Corporate Report in support of the City’s position before the Ontario Municipal Board.

REPORT SUMMARY:

This report outlines changes made to the development applications by F.S. Port Credit Limited since the Information Report. It responds to the questions and comments raised by area residents who presented to the Planning and Development Committee last June and comments made after that meeting. It provides an evaluation of the development applications in the context of the relevant provincial and Mississauga Plan policies, the comments received from various City Departments, agencies and the public, as well as the applicant’s planning rationale for the proposed development.

The report concludes that the applications represent good planning and should be approved, subject to some changes, the submission of further technical information and land transfers. It is recommended that an “H” Holding Provision be placed on the Zoning of the lands until these technical matters are resolved.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on June 26, 2006, at which time a Planning and

Building Department Information Report (Appendix S-1) was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0071-2006 which was subsequently adopted by Council and is attached as Appendix S-2.

A site plan application under file SP 06/270 W1 was submitted to the City on December 22, 2006. It covers the south portion of the subject lands, which includes the proposed 22 storey residential condominium apartment building, 6 storey residential podium units and street level commercial uses.

On February 21, 2007, a public information meeting was held by City staff regarding the future of the Port Credit Branch Library. Two options were presented to the community: Option 1 was to renovate the existing branch library located in Memorial Park. Option 2 was to build a new library that would be integrated with a renovated Gray House at the north end of the subject lands. The approximately 350 people who attended the meeting and the many written comments which followed clearly favoured keeping the library at its current location. On February 23, 2007, the development applications were appealed to the Ontario Municipal Board (OMB) by F.S. Port Credit Limited.

One month after the public information meeting on the library, Community Services staff presented a report on the library options to the City's General Committee recommending that Option 2 (a new library integrated with the Gray House) be selected. General Committee recommended that Option 1 (renovating the existing library in Memorial Park) be selected. On March 28, 2007, Council approved Option 1. Over the next few days, the applicant reactivated their demolition permit and demolished the Gray House.

The Official Plan Amendment and Rezoning applications were amended by F.S. Port Credit Limited on May 14, 2007. The key changes are listed below:

- removal of the library/Gray House concept at the north end of the site. These lands are no longer proposed to be dedicated to the City as part of an enlarged Lions Park (Appendix S-13);
- the height of the seniors' apartment building has been reduced from 16 to 7 storeys, and its built form has been extended north to Park Street East. The same number of units (150) is proposed;
- the privately operated multi-use community space associated with the seniors' residence has been removed. There will still be private residential amenity space for the exclusive use of residents of both buildings;
- the overall floor space index has been reduced from 5.8 to 4.7. Most of the decrease is due to the increased property size, as lands will no longer be dedicated to the City as part of an enlarged Lions Park;
- the distance between the condominium apartment building and the seniors' apartment building has been increased by 6.1 m (20 ft.) for a total of 26.8 m (87.9 ft.) in order to provide a wider pedestrian link to Lions Park;
- the number of units in the 22 storey condominium apartment building has been reduced from 220 to 214;
- the 22 storey condominium apartment building has been shifted to the north by 3.0 m (9.8 ft.);
- the top floor of the 6 storey apartment building that is connected to the 22 storey condominium apartment building has been stepped back from the building's main face by 1.2 m (3.9 ft.);
- the amount of street level commercial floor area has been increased from 950 m² (10,226 sq. ft.) to 1 150 m² (12,379 sq. ft.);
- the driveway widths within the two underground parking levels are proposed to be 6.8 m (22.3 ft.), whereas 7.0 m (23.0 ft.) is required by the City's Zoning By-law. The applicant is no longer proposing to use a 1.9 m (6.2 ft.) wide strip of land under the Hurontario Street right-of-way for the parking garage.

Appendix S-4 compares key development statistics between the previous and current proposals and also lists additional supporting documents submitted by the applicant since the Information

Report. Appendices S-9 to S-12 illustrate the latest proposal through a revised site plan, elevation drawings and a massing illustration.

COMMENTS:**COMMUNITY ISSUES**

The community has taken a keen interest in how this property should develop since the early 1990s, soon after the closure of the St. Lawrence Starch Company mill operations and the submission of development applications by the previous landowner. This interest and involvement continued through to the OMB hearing for the previous applications.

Area residents and other stakeholders once again became engaged in the development of the subject lands through consultation sessions held by F.S. Port Credit Limited prior to the current applications being submitted to the City in May 2005. The community has continued its active participation in the planning process through subsequent community meetings, including the Public Meeting of the Planning and Development Committee held on June 26, 2006. About 25 individuals spoke to the applications at that meeting.

At the Public Meeting, and in the many letters, phone calls and emails that followed, area residents have shared their opinions on the applicant's proposal and its potential impact on the Port Credit area. Staff have recorded and considered each comment made by the community. Although the City has received hundreds of comments, they can be grouped into similar key areas of concern. While not direct quotes, the italicized words that follow are succinct summaries of comments made by the public. Staff have used these core issues to shape the Planning Comments which follow. Updated comments from other City departments and external agencies are presented separately in Appendix S-3.

PLANNING COMMENTS**What has Changed Since 1997?**

'The developer should only be allowed to build a project in line with the OMB's 1997 decision because nothing has changed since then.'

Smart Growth

Land use planning in the province of Ontario and other jurisdictions has seen significant changes since the 1997 OMB decision on the subject lands. In the last ten years, there has been an increased priority on achieving sustainable growth, which includes fostering more compact neighbourhoods. In making the most of good intensification locations by maximizing density, less greenfield land is required for development. This increased density supports public transit and walking as viable transportation alternatives, contributes to vibrant, mixed-use communities, and reduces infrastructure costs and air pollution. As an alternative to urban sprawl, the term ‘smart growth’ has been used to describe the resulting development pattern. The increased emphasis on smart growth principles is apparent when changes in the provincial legislative and policy framework are examined.

The *Planning Act* and the Provincial Policy Statement

The provincial government now requires municipalities to adopt smart growth principles. In 2004, the *Planning Act* was changed to require municipal councils and the OMB to make decisions consistent with the Provincial Policy Statement (PPS). This is a higher standard than previously, when these decision-making bodies were to “have regard to” the PPS. The 2005 PPS contains several specific policies requiring municipalities to identify and promote opportunities to achieve several goals, including the following: intensification; redevelopment; compact form; transit-supportive densities; development close to existing public facilities and infrastructure; mixed land uses; and efficient use of land. These goals are subject to the availability of suitable infrastructure, public service facilities and the maintenance of appropriate public health and safety levels. This contrasts with the previous PPS from 1997, which only contained general policies encouraging residential intensification and the efficient use of land in built-up areas.

Growth Plan for the Greater Golden Horseshoe

On June 16, 2006, the Growth Plan came into effect. It contains policies for managing growth and development in the Greater Golden Horseshoe (GGH) to the year 2031. It directs growth to built-up areas, promotes transit-supportive densities and supports a

mix of residential and employment land uses. There is a clear priority on intensification, as seen in the following policies:

- minimum intensification targets for municipalities;
- the identification of 25 ‘urban growth centres’ in the GGH that are to provide a focus for high density mixed use development;
- requirement for municipalities to designate ‘major transit station areas’ (areas within a 10 minute walk or an approximately 500 m (1,640 ft.) radius of transit stations) and ‘intensification corridors’, which are to have increased residential and employment densities;
- greenfield area policies that are to achieve minimum transit-supportive density targets.

Although F.S. Port Credit Limited’s development applications were filed prior to its adoption, the Growth Plan demonstrates the Province’s heightened emphasis on urban intensification.

Implications

These provincial documents have mandated that municipalities, including Mississauga, fully capitalize on remaining opportunities for intensification. This is the natural outcome of directing new growth to existing built-up areas. Intensification near major transit stations is stressed. In Port Credit, there are only two vacant sites with high density residential designations that are within 500 m (1,640 ft.) of the Port Credit GO Station; the subject site is one of them. There are approximately three to five other sites which have potential for residential intensification within 500 m (1,640 ft.) of the GO Station. These are sites designated for high density residential development within Mississauga Plan which are currently occupied by less intense uses and have a viable size and configuration. As the largest of these sites, the subject lands present one of the few remaining opportunities in Port Credit to create a dense, mixed use development within short walking distance of a major transit station and other urban amenities.

By proposing additional density, the subject applications are more consistent with the Province’s existing smart growth principles than approvals granted by the 1997 OMB decision.

What defines Port Credit's "Village Character"?

'The proposed height and density will spoil the village character that makes Port Credit special; it will also set a precedent for tall buildings in the village area.'

Many residents have said they are concerned that Port Credit's village character will be harmed if this proposal is built. In order to assess this concern, an accurate picture of Port Credit's character is needed.

Elements of Village Character

Port Credit has many ingredients that contribute to its character. It is rooted in history, having been established as a village. It continues to develop on a traditional, compact grid of streets. It is a self-contained community, having an unusually wide range of mixed land uses and housing types for a relatively small area with fixed north-south boundaries. The architecture of its older homes is varied and distinctive; its mature trees contribute to the streetscape. Residents and visitors have an extensive choice of great public spaces, parks and other community amenities to enjoy. But Port Credit's distinct sense of place and character is largely a result of the synergy created by a traditional mainstreet crossing over and situated beside two remarkable, intersecting natural amenities – the Credit River and the Lake Ontario shoreline. Further, there are a significant number of people living within a 5 minute walk that gives Lakeshore Road its healthy vibrancy and animated street life. It is what sustains the small businesses that line Lakeshore Road, especially when the weekend and warm-weather visitors are gone. Nearby residential density in the form of apartments is crucial to Port Credit's success. The most critical determination for the subject lands is making sure the height, form and massing which contains this density is appropriate.

Residential Statistics

- **Most Port Credit residents live in apartment units.** With the exception of the City Centre District, Port Credit has the highest percentage of apartment units (65.8%) of Mississauga's 23 residential planning districts and the highest ratio of residents who live in apartments (55.9%). Port Credit's detached dwellings represent 17.5% of its housing stock. Just

over one-fifth (21.1%) of Port Credit residents live in detached dwellings;

- **Many of the apartment units are in tall buildings.** Port Credit has 35 apartment buildings that are at least 5 storeys in height. The tallest is 27 storeys, while 14 of the 35 (40%) apartment buildings are at least 10 storeys in height;
- **Most of these 35 apartment buildings are clustered in the centre of the village area.** Twenty-five buildings (71.4%) are within a 500 m (1,640 ft.) radius of the Port Credit GO Station. All 35 are within a short walking distance to either Lakeshore Road East or Lakeshore Road West; the furthest is approximately 310 m (1,017 ft.) north of Lakeshore Road East.

These statistics indicate that Port Credit's village character encompasses a range of housing types, including tall apartment buildings. Port Credit has the highest proportion of apartment units in the City outside of City Centre. Approximately two-thirds of its residential units are apartments. A significant proportion are in taller buildings located immediately west of the subject lands.

A precedent for tall apartment buildings in Port Credit's core area will not be set by permitting the proposed development on the subject lands. This was established many years ago, as most of these buildings are at least 30 years old. Some of these tall apartment buildings are located along Lakeshore Road, including the 20 storey apartment building on the west side of Hurontario Street opposite the subject lands and the 19 storey apartment building on the north side of Lakeshore Road West, just east of Mississauga Road. Both have one storey retail podiums with the tower set back from Lakeshore Road.

What is the right built form and transition?

'The buildings are too high -- there needs to be a proper transition to other properties, especially the homes to the east.'

Smart growth is not unlimited intensification without regard to context. Smart growth must be strategic in maximizing redevelopment densities only at locations where buildings can be designed to be compatible with the neighbourhood. As this site lies between the existing concentration of high density apartments to the west and less intense uses to the east, built form and

transition are particularly critical. Although the site density as represented by the floor space index is proposed to rise from 2.5 (permitted) to 4.7 (proposed) yielding 136 additional units, the resulting built form achieves an improved transition, pedestrian experience and architectural expression.

Transition to Lions Park

Staff expressed concerns to the applicant regarding how the originally proposed seniors' apartment building related to the surrounding context, especially Lions Park and the detached homes to the east. Although the park has a role in transitioning to the low density neighbourhood to the east, it requires some built form transition on its west side. Lions Park is not a vacant land parcel waiting to be developed. It is a permanent, well-used urban amenity space that needs to have a sensitive built form framing it. A fairly wide 16 storey apartment building would not achieve this.

On the basis of staff concerns, F.S. Port Credit Limited amended their applications to replace the 16 storey seniors' apartment proposal with a 7 storey building. This revised building incorporates step-backs from both Hurontario Street and Park Street East above the second and sixth storeys. It creates an appropriate interface and transition between the tall apartment buildings and heritage homes to the west and Lions Park and the detached houses to the east. Quality building elevations face the park, and service areas will be hidden from view. The 7 storey massing suitably frames this somewhat small and narrow urban park, which will create a comfortable scale and sense of enclosure for park users. Due to its reduced height, overlook conditions to the park and homes to the east are minimized.

Hurontario Street

The applicant's proposal achieves a better built form transition and pedestrian scale than the 1997 OMB decision, which permitted heights of 10 storeys along most of Hurontario Street. The current plan results in a built form that is 6 to 7 storeys for over 80% of the site's length. This has been accomplished by concentrating the increased mass and density near the south corner of the property. The result is a primarily mid-rise built form that plays the central role in a three-stage west-to-east descending transition; high-rise to

low-rise is now bridged by what is substantially a mid-rise built form.

Although it called for a base of street level townhouses, the OMB decision still permitted building heights of 10 storeys along most of Hurontario Street, which would have dominated the pedestrian view and experience. The 6 to 7 storey street façade presented by both of the applicant's proposed buildings represents a comfortable, visually appealing scale for pedestrians and others travelling along Hurontario Street. Its height and setback create a well-proportioned sense of street enclosure. The 22 storey apartment building is not part of the built form closest to Hurontario Street, as it is set back 11 m (36 ft.) from the 6 storey podium façade. This lessens its presence from the street. Significant articulation of the building plane as suggested in the elevations and renderings (Appendices S-10 to S-12) of both buildings prevents a monolithic street wall appearance. For the podium portion of the south building, a 1.8 m (5.9 ft.) step-back above the first floor and a further 1.2 m (3.9 ft.) step-back above the fifth floor increases visual interest and emphasizes the street-related retail uses.

The urban courtyard facing onto Hurontario Street from the seniors' building enhances its character. Multiple façade step-backs from the street adds articulation to the seniors' building and helps differentiate it from the 6 storey podium built form to the south. The 26.8 m (87.9 ft.) separation between the two buildings also helps distinguish their massing and allows for a 5.7 m (18.7 ft.) wide pedestrian connection to Lions Park.

The buildings are located close to the Hurontario Street property line, with a minimum proposed setback of 0.6 m (2.0 ft.). This proximity helps the buildings relate well to the street and those who will walk along the boulevard. A 5.25 m (17.2 ft.) wide boulevard will provide sufficient room to achieve a comfortable pedestrian realm between the street and the buildings. Trees, street furniture and associated landscape treatments will add to the creation of a high-quality streetscape and will connect the buildings to the street. The applicant will be required to complete a Streetscape Master Plan to ensure all public boulevards abutting the property are designed to the highest standards and in a way that

respects the surrounding context. The street-related commercial uses along the 6 storey podium will help to animate the street, and will extend the Lakeshore Road East pedestrian activity northwards.

Park Street East

The proposal will relate well to the existing three storey townhouse development on the north side of Park Street East. A landscaped urban square and a two storey private indoor swimming pool attached to the seniors' building will face the townhouses. This square will add to the visual texture of the development and will provide pedestrians a new space to enjoy. The public streetscape will be designed to integrate well with the urban square and swimming pool. Travelling south, the built form rises to 6 storeys before stepping back to the seventh storey.

Lakeshore Road East

After discussions with City staff, the applicant shifted the condominium apartment building further north from the Lakeshore Road East property line by 3 m (9.8 ft.) for a total of 10 m (33 ft.). For pedestrians, this will establish a more prominent two storey retail component facing Lakeshore Road East. This retail podium will be located close to the street edge, complementing the existing building heights and uses along this stretch of Port Credit's mainstreet. The podium will also be located close to the reconfigured corner, providing built form enclosure at this major intersection. A treed boulevard will be part of the carefully designed streetscape and will provide pedestrians with a comfortable walking experience.

East of the subject lands there is opportunity for the continuation of a two storey mainstreet commercial built form fronting onto Lakeshore Road East with additional height on the north portion of the lands. The eventual redevelopment of the Pioneer gas station lands for pedestrian-related commercial/residential uses will accomplish this, consistent with its "Mainstreet Commercial" designation and its location just within the eastern boundary of the Port Credit Node. The Central Residential Character Area policies which apply to the north portion of the Pioneer lands permit maximum building heights of 10 to 15 storeys. This is balanced by the Mainstreet Commercial Character Area policies pertaining to

the south portion of the Pioneer lands, which state that building heights should not exceed two storeys. The future redevelopment of the Pioneer lands and lands further to the east will be comprehensively evaluated through a review of the Official Plan policies and Zoning By-law for the Port Credit and Lakeview Districts in 2007-2008.

Landmark Design for an Important Corner

A significant building in both height and architecture is appropriate at the corner of Hurontario Street and Lakeshore Road East. The 22 storey condominium apartment building creates a new visual landmark that balances the massing of the 20 storey building just west of Hurontario Street. There will also be architectural contrast between the apartment buildings, establishing a theme of “old and new” at this key intersection and gateway into Port Credit from the north. Together, they will symbolize the revitalization of Port Credit and mark the starting point of the City’s most important north-south route, Hurontario Street.

What will shadow and wind impacts be on Lions Park?

‘The buildings will create serious shadow impacts on the park and pool’

Shadows

Minimizing the impact of shadows on the park has been one of the components used to evaluate this proposal. The applicant has supplied the City with detailed shadow studies, which indicate minimal impact on the park for most of the year. Shadows are mainly linear, generated along the west boundary of the park from spring to fall. The shadows become longer during the evening hours, primarily during the non-summer months. The only time when shadows would cover parts of the pool during its open season would be in late August/early September after 6:00 p.m. The shadow impacts were more intrusive under the previous 16 storey seniors’ apartment building plan. The height of the previous seniors’ apartment building proposal would have resulted in shadows being much closer to the pool for a greater part of the prime summer months during mid to late afternoon hours (e.g. mid-July, 3:00 p.m. to 5:00 p.m.).

The shadow studies indicate acceptable shadow casting onto Lions Park.

Wind

The applicant's Microclimatic Study indicates that there will be minimal wind impact on the park. Some minor design changes are needed to mitigate the impact of potentially windy conditions at the Hurontario Street/Lakeshore Road East corner entrance of the 22 storey condominium apartment building and in the drop-off courtyard between both buildings. The study consultant has recommended that improvements be achieved by landscaping measures and the addition of canopies and other architectural projections to the façade of the building.

Should the applications be approved, the Planning and Building Department are satisfied that these matters can be addressed through the site plan approval process. Concurrent with the submission of site plans detailing the proposed landscaping and architectural projections, the applicant will be required to provide further wind tunnel testing.

How does the proposal meet Mississauga Plan's objectives?

'The proposal is not consistent with the City's Official Plan'

The proposal achieves the intent of the Mississauga Plan policies, which stress mixed-use intensification, compatible built form, appropriate transition, and landmark design.

Intensification Policies

Under the Housing Goals and Objectives section of Mississauga Plan, compatible residential intensification is to be encouraged, as is the provision of housing that fully implements the intent of the Provincial Government housing policies. As demonstrated in the preceding sections of this report, the applications represent compatible intensification, which is also a key provincial policy objective. The proposed seniors' housing component also supports the Mississauga Plan goal of the provision of a range of housing choices for City residents.

Subsection 3.2.3.8 of Mississauga Plan is more specific, as it states that residential intensification is encouraged subject to:

- adequate engineering and community services;
- compatibility with surrounding land uses;
- development proposals addressing the scope and character of the existing residential area by having regard for natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.

These items are evaluated through separate sections of this report that speak to site servicing, road and traffic issues, local park improvements, village character, compatibility and transition and shadowing. The applications represent residential intensification consistent with the criteria listed in subsection 3.2.3.8 of Mississauga Plan.

Interim Residential Intensification Policies

On October 26, 2006, interim residential intensification policies came into effect, replacing subsection 3.2.3.8 of Mississauga Plan with the exception of two site-specific OMB appeals. One of the catalysts for these interim policies has been the Province's Growth Plan. The City's Urban Growth Centre is defined, as are intensification policies within and outside of its boundaries. The policies are not final, as several City-wide studies must first be completed. As the subject development applications are considered under the policy framework in place when they were submitted to the City, the interim policies do not apply.

Node Policies

The Mississauga Plan policies for development within the Port Credit Node include:

- higher, transit-supportive densities;
- a high quality, compact and urban form;
- minimal building setbacks to the street;
- a sense of gateway to the core area;
- the creation of a sense of place by distinctive architecture and landscaping;
- at-grade retail uses;
- the provision of urban squares, façade indentations and other architectural articulations;
- the Node is to be the focus of activity for the District.

The proposal is located within the Port Credit Node and is consistent with these Node provisions. As demonstrated in the preceding sections, the proposal is for a mixed use, high density development with street-related commercial uses that will establish this corner as a gateway into Port Credit by its significant design and architectural treatment.

Transportation Policies

Section 3.14.2.3 of Mississauga Plan states that appropriate land uses and transit-supportive development densities especially along major transit corridors will be encouraged. The proposal is consistent with this policy, as it represents a high density development fronting onto Hurontario Street, which is identified as a major transit corridor in Mississauga Plan.

Urban Design Policies

Section 3.15 of Mississauga Plan contains a number of urban design policies, including the following:

- compatible building and site design;
- minimized overlook and overshadow conditions;
- achieving an urban character in Nodes. Buildings should address the street with main entrances facing the street;
- heightened architectural interest, identity and enclosure at major intersections. Enclosure means having built form along the street edge with appropriate height;
- high quality, distinctive gateways at community entry points;
- creating a sense of identity through building and streetscape design. Landscape treatments should connect buildings to the street;
- ensuring a safe, comfortable and attractive streetscape environment for pedestrians.

As previously noted, the applications are consistent with these urban design principles.

Port Credit District Policies

As noted in the Information Report (Appendix S-1), the lands are subject to three main provisions of the Port Credit District Policies: land use policies, Character Area policies and parking policies.

Land Use Policies

The applicant is not proposing a change in the permitted land use or even the land use category, as the existing “Residential High Density I” and “Mainstreet Commercial” designations allow residential apartments and mixed use residential/commercial buildings. Amendments are needed to permit the proposed additional height, residential units, and increased floor space index.

The proposed residential and commercial uses are compatible with surrounding land uses, as adjacent lands are also residential and commercial in nature. The proposed street-related commercial uses at the south limit of the site integrate well with the existing mainstreet commercial uses along Lakeshore Road East. The proposed seniors’ residence complements the abutting park to the east.

Character Area Policies

The proposal achieves the intent of the character areas. The Central Residential Character Area covers most of the site, extending the length of the proposed 6 to 7 storey built form along Hurontario Street. This is less than the maximum 10 storey height limit specified for Hurontario Street. The proposal’s minimal setbacks achieves a pedestrian-oriented development that addresses the street, consistent with the character area’s policies. Although low density built forms such as townhouses are not proposed at street level, the 6 to 7 storey articulated podium design will create a comfortable pedestrian environment. A 5.7 m (18.7 ft.) wide pedestrian walkway connecting Hurontario Street to Lions Park is proposed between the two buildings, creating the park linkage noted in the character area’s policies. As discussed previously, the strong architecture, massing and mix of uses are appropriate to this site’s function as a gateway into Port Credit from the north.

The south portion of the property closest to Lakeshore Road East is located within the Mainstreet Commercial Character Area. It anticipates a mixed-use building with street-related commercial uses no taller than 6 storeys. Although a 22 storey apartment building is proposed within its limits, the underlying principles of this character area are maintained on account of the proposed land

uses and design treatment. A two storey built form with multiple storefronts lining the street edge is proposed to face onto Lakeshore Road East, with the apartment building set back a significant distance (10 m (33 ft.)) from the street. As a result, the street level pedestrian experience will be a continuation of the active retail mainstreet condition that is found along much of Lakeshore Road East.

Parking Policies

All required parking spaces will be accommodated on-site, consistent with the parking policies. As they are to be provided wholly underground, parking spaces will not be visible from the main streets as indicated in the parking policies.

Criteria for Site Specific Official Plan Amendments

The criteria under Section 5.3.2 of Mississauga Plan came into effect on August 3, 2005, after submission of the subject applications. Although this section cannot be applied to the proposal for this reason, the applicant's Planning Report satisfactorily explains how the applications are consistent with Section 5.3.2 policies.

Recommended Mississauga Plan Amendments

Appendix S-5 outlines recommended amendments to the Special Site 4B provisions of the Port Credit District Policies. These recommendations are consistent with the applicant's proposed Official Plan Amendment and the updated building designs.

What about Traffic and Parking?

'This development will generate too much traffic in an area that is already congested. Also, parking will be a problem.'

The applicant's Traffic Impact Study determined that the traffic volumes generated by the proposed development can be accommodated by the existing transportation infrastructure. The seniors' apartment building will generate less vehicular traffic than a standard condominium apartment building. The site's proximity to the GO Station and Hurontario Street will provide residents of both buildings with excellent public transit options.

A Parking Utilization Study and Addendum Report were submitted in support of the applicant's request for a reduced parking standard. Following a detailed review, the conclusions are supported by staff subject to the following:

- introduction of gross floor area maximums for restaurants, medical offices and banks, financial institutions and money lending agencies;
- requirement of 20 additional parking spaces to in part satisfy Committee of Adjustment decision 'A' 037/05 for 70 and 80 Port Street and 125, 129 and 139 Lakeshore Road East. As the minor variance decision specified that the 20 spaces be provided as surface parking, an additional variance or amendment to the "C1-614" (Commercial) zoning is required.

The recommended parking standards are outlined in Appendix S-6 as part of the recommended Zoning By-law provisions.

The requirement for 25 municipal parking spaces as previously noted in the Information Report is no longer required due to the changes in the public benefits proposal.

The applicant has also requested a reduction in the driveway aisle widths within the underground parking garage from the required minimum standard of 7.0 m (23.0 ft.) to 6.8 m (22.3 ft.). The applicant indicated that this reduction would allow for a more cost efficient underground parking garage layout. As there is sufficient room on the site for the applicant to achieve the normal aisle and stall sizes and still meet the required number of parking spaces in two underground parking levels, it is recommended that the driveway aisle standards not be reduced.

Is the Public Benefits Proposal Fair?

'Make sure the City is getting fair value in return for the increased height and density'

The basis of using a Section 37 public benefits agreement as part of the subject applications is related to the original desire to retain and renovate the Gray House for public purposes. As discussions evolved on the nature of a possible public benefits contribution, opportunities for moving the Port Credit Branch Library and

upgrading Lions Park were also identified. Although the Gray House renovation and library relocation are no longer being pursued, the applicant is still proposing a financial contribution to improve Lions Park.

It is important to underline that the recommendations on the development applications have been made solely on the basis of the proposal's planning merits. Assessing the Section 37 public benefits proposal has been a separate exercise. As required by Section 5.3.3.2 of Mississauga Plan, staff have evaluated whether there is an equitable relationship between the value of the proposed benefits to the public and the value of the requested additional density to the landowner.

The revised public benefits proposal comprises a \$1 million cash contribution towards Lions Park improvements, which may include redevelopment of its recreational facilities and buildings. Consistent with Mississauga Plan policies, the applicant has submitted a Community Benefits Study prepared by Altus Clayton and an associated Land Appraisal prepared by Janterra Real Estate Advisors (Janterra) to evaluate the equitability of the proposed benefits compared with the requested density increase.

Following a review of the applicant's studies by staff from the City's Planning and Building Department, Realty Services Division, Community Services Department and Legal Services Division, the proposed public benefit contribution was evaluated. This evaluation confirmed that the relationship between the proposed \$1 million public benefits contribution and the land value of the requested density increase is within an acceptable range. This range is in line with Section 37 public benefit contributions achieved through the City of Toronto's planning process. Toronto has significant experience in dealing with development applications involving Section 37 agreements.

The allocation of these funds for Lions Park improvements is also appropriate from a land use planning perspective, as there will be increased use of recreational facilities in the immediate area should the applications be approved. The improvements would also benefit current area residents, who already make Lions Park a well-used local amenity. This is consistent with Mississauga Plan,

which states in Section 5.3.3.2(c) that “the positive impacts of the exchange should benefit the surrounding areas experiencing the increased height and/or density”.

The specific park improvements will be subject to future public meetings led by the City’s Community Services Department. Neighbourhood input will be crucial in determining what changes should be made to the park. Should the applications be approved, the applicant will enter into an agreement with the City specifying a \$1 million cash contribution amount that will be used for improvements to Lions Park. The nature of the public benefits contribution and the requirement for a Section 37 Agreement will also be outlined within the implementing Zoning By-law. A draft Agreement is presented in Appendix S-7.

Is there available infrastructure?

‘There has to be enough infrastructure to service the proposal’

The Region of Peel and the City Transportation and Works Department have confirmed that there is sufficient water main, sanitary and storm sewer capacity to service the proposal.

Why were condominium units “pre-sold”?

‘The City should have prevented the marketing and pre-sale of condominium units, as the project has not been approved’

The City is not legally able to prevent an applicant from advertising or pre-selling units related to a condominium development proposal before Council has made a decision. Notwithstanding the above, on November 24, 2006 the Planning and Building Department sent a letter to the applicant advising of its concerns with the sale of units before any decision on the applications had been made.

Technical Items

Encroachments and Land Transfers

City staff advised the applicant that the requested underground encroachment (originally proposed to be 1.9 m (6.2 ft.) and later revised to 1.5 m (4.9 ft.)) into the Hurontario Street right-of-way to

build the parking garage is not acceptable. This encroachment may have limited future opportunities for higher order transit. It has been confirmed that there is enough room on the site to build the underground parking garage without the encroachment.

It is recommended that the sight triangle lands at the northeast corner of Hurontario Street and Lakeshore Road East be stopped up, closed and sold at market value to the applicant to facilitate the proposed development. This is consistent with an urban, pedestrian-focused development. This land transfer will require modifications to the Lakeshore Road East/Hurontario Street intersection as outlined in the City Transportation and Works Department comments (Appendix S-3).

Zoning Recommendation

Appendix S-6 contains a list of recommended Zoning By-law provisions. These are consistent with the applicant's proposed Zoning By-law amendments and updated building designs except that a reduced 6.8 m (22.3 ft.) driveway aisle width is not supported.

While there are several outstanding technical items to be completed by the applicant, the finalization of these matters will not impact the proposed built form, height, massing or density of the proposal. As such, the completion of these matters will not affect the planning recommendations contained in this report. Section 5.3.3.1 of Mississauga Plan permits the enactment of an "H" Holding Provision to implement the policies of Mississauga Plan for staging of development and specific requirements. As there remains several outstanding technical items, it is necessary to implement an "H" Holding Provision until the matters listed in Appendix S-8 have been satisfactorily addressed. Once this has been done, the "H" Holding Provision would be removed by further amendment to the Zoning By-law.

Proposed New City-wide Zoning By-law

A final report on the new draft Zoning By-law was dealt with by the Planning and Development Committee on April 30, 2007. A further addendum report was adopted by Council on May 23, 2007

with the exception of the Harris Farm. The implementing Zoning By-law is anticipated to be passed by Council on June 20, 2007. The draft Zoning for this property is “D” (Development).

The timing of the site specific Zoning By-law to permit the proposed development may be affected by the passage of the new Mississauga Zoning By-law and potential appeals. In the event that the new Mississauga Zoning By-law is passed by Council and comes into force and effect, it is recommended that the zoning for this property be amended to “H-RA5 – Exception” (Apartment Dwellings and Commercial with Holding Provision) to permit the proposed development.

FINANCIAL IMPACT:

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands. As a result of the Section 37 Agreement, a \$1 million cash contribution for improvements to Lions Park will be received from the landowner.

CONCLUSION:

The current applications represent an opportunity to continue the revitalization of Port Credit that has taken place over the past several years. They adhere to the smart growth principles which the province has directed municipalities to achieve. The proposed development meets the intent of the policies outlined in Mississauga Plan, including mixed-use intensification, compatible built form, appropriate transition and landmark design. While it represents a high density development, the built form execution is sympathetic to its transitional context. The proposal improves on the development permissions that resulted from the 1997 OMB decision by ensuring a lower built form along most of its length and concentrating height and density near its south limit. The result is an improved transition, streetscape and park interface. The built form and significant architecture will firmly establish this site as the gateway to Port Credit from the north. The Lions Park improvements resulting from this development will create additional benefits for those who live in the immediate area.

The proposed Official Plan Amendment and Rezoning are acceptable from a planning standpoint and should be approved for the reasons stated in the report which are summarized as follows:

1. The proposal is compatible with the surrounding land uses based on the similar residential and commercial land uses adjacent to the site and the complementary nature of the design, which achieves an appropriate built form transition with adjacent uses.
2. The proposed Official Plan provisions and Zoning standards are appropriate to accommodate the requested uses based on the proposed density, height, massing, streetscape and general site design.

ATTACHMENTS:

- Appendix S-1 - Information Report
- Appendix S-2 - Recommendation PDC-0071-2006
- Appendix S-3 - Updated Agency and Department Comments
- Appendix S-4 - Key Statistics Comparison Between Previous and Current Proposals
- Appendix S-5 - Recommended Official Plan Amendment Provisions
- Appendix S-6 - Recommended Zoning By-law Amendment Provisions
- Appendix S-7 - Draft Section 37 Agreement
- Appendix S-8 - Matters To Be Satisfactorily Addressed Prior To Removal of the "H" Holding Provision
- Appendix S-9 - Revised Site Plan
- Appendix S-10 - Revised Building Elevation (Hurontario Street)
- Appendix S-11 - Revised Building Elevation (Lions Park)
- Appendix S-12 - Building Massing Illustration
- Appendix S-13 - Revised Excerpt of Existing Land Use Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ben Phillips, Development Planner



Corporate Report

Clerk's Files

 Originator's
Files OZ 05/024 W1

PDC JUN 26 2006

DATE: June 13, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 26, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a 22 storey, 220 unit condominium apartment
building with commercial uses at street level, a 16 storey, 150
unit seniors' apartment building, privately operated multi-use
community space and to allow uses associated with the Lions
Park redevelopment
15 Hurontario Street and adjacent Lions Park
North of Lakeshore Road East and east of Hurontario Street
Owner: F. S. Port Credit Limited
Applicant: John D. Rogers and Associates Inc.
Bill 20

Public Meeting **Ward 1**

RECOMMENDATION: That the Report dated June 13, 2006, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan to revise the "Residential High Density I and Main Street Commercial-Special Site 4B" provisions and to change the zoning of the F.S. Port Credit Limited lands from "C1-604" (Restaurant), "H-R4" (Residential Apartments with Holding Provision) and "P" (Open Space) to "R4-Special Section" (Residential Apartments and Commercial) to permit a 22 storey, 220 unit condominium apartment building with commercial uses at

street level; a 16 storey, 150 unit seniors' apartment building; and privately operated multi-use community space, and to amend the Official Plan from "Residential High Density I-Special Site 4B" to "Open Space – Community Park" and to change the zoning for the City-owned Lions Park at the southeast corner of Park Street East and Hurontario Street from "P" (Open Space) and "H-R4" (Residential Apartments with Holding Provisions) to "P"-Special Section (Open Space) to allow uses associated with the Lions Park redevelopment under file OZ 05/024 W1, F.S. Port Credit Limited, 15 Hurontario Street and adjacent Lions Park, be received for information.

REPORT SUMMARY:

This report outlines the development applications submitted by F.S. Port Credit Limited. In conjunction with the development proposal, the applicant is also proposing a public benefits contribution under Section 37 of the *Planning Act* which includes the relocation, restoration and adaptive re-use of the Gray House, a new Port Credit Branch library and other upgraded facilities in Lions Park. This report recommends that the Planning and Building Department Information Report be received for information.

BACKGROUND:

Official Plan Amendment and Rezoning applications have been filed to permit a mixed use development comprising condominium and seniors' apartment buildings with street level commercial uses and privately operated multi-use community space in accordance with the concept site plan attached as Appendix I-8. The proposed mixed commercial/residential development on lands referred to as the "North Parcel" represents the second phase of a major redevelopment in the Port Credit Village. The redevelopment was the subject of an Ontario Municipal Board (OMB) hearing in 1996 for the former St. Lawrence Starch lands on the south side of Lakeshore Road East and the "North Parcel" lands. The applicant is currently seeking approvals for additional height and densities beyond that previously allowed by the OMB. Detailed information regarding the history of the site is found in Appendix I-1.

The purpose of this report is to provide preliminary information and to seek comments from the community.

COMMENTS:

Details of the development proposal are as follows:

Development Proposal. –F.S. Port Credit Limited Lands	
Applications submitted:	May 10, 2005 and considered complete on June 28, 2005
Revised:	December 23, 2005 and April 10, 2006
Height:	22 storey condominium and 16 storey seniors apartment building
Lot Coverage: (after land transfers)	Apartment Building - 0.55 % Seniors Building - 0.67 %
Net Floor Space Index (after land transfers)	5.5 Residential 5.8 Total (includes Residential and Commercial GFA and excludes lands to be conveyed for the Gray House and library)
Permitted Floor Space Index	2.6 Residential 2.0 Mixed Commercial/Residential (see Appendix I-4)
Landscaped Area:	28% of the lot area (Parcels 2, 3 and 4 on Appendix I-8)
Existing Gross Floor Area:	Former Gray's Restaurant 240 m ² (2,583 sq. ft.)
Proposed Gross Floor Area:	42 705 m ² (459,688 sq. ft.) Residential 950 m ² (10,226 sq. ft.) Commercial 4 400 m ² (47,363 sq. ft.) Residential amenity space (both buildings) 320 m ² (3,445 sq. ft.) – Accessory wellness centre in seniors apartment building 942 m ² (10,140 sq. ft.) Multi-use community space in seniors apartment building 49 317 m ² (530,861 sq. ft.) - Total
Number of units:	370 units (including 220 condominium apartment units and 150 seniors apartment units)

Development Proposal. –F.S. Port Credit Limited Lands	
Anticipated Population:	853 persons* *Average household sizes for all units (by type) for the year 2011 (city average) based on the 2003 Growth Forecasts for the City of Mississauga.
Parking Required:	Condominium Apartments: 352 Resident spaces Seniors Apartments: 98 Resident spaces 42 Community Amenity spaces 38 Commercial spaces 20 spaces transferred from “South Parcel” lands Total: 550 spaces
Parking Provided:	Condominium Apartments: 300 Resident spaces Seniors Apartments: 70 Resident spaces 25 Community Amenity spaces 38 Commercial spaces 20 spaces transferred from “South Parcel” lands: Total: 453 below grade spaces
Supporting Documents:	<ul style="list-style-type: none"> • Development Application Report including Addendums and Planning Justification prepared by Giannone Associates and John D. Rogers and Associates Inc. • Traffic Impact Study prepared by BA Group • Tree Survey/Interim Preservation Plan by Baker Turner Inc. • Geotechnical Investigation prepared by Terraprobe Limited • Phase I Environmental Assessment prepared by Frontline Environmental Management Inc. • Noise Control Feasibility Study prepared by S.S. Wilson Associates

Development Proposal. –F.S. Port Credit Limited Lands	
	<ul style="list-style-type: none"> • Functional Servicing Report prepared by Counterpoint Engineering Inc. • Heritage Impact Statement prepared by John J.G. Blumenson • Parking Utilization Study prepared by iTrans Consulting • Revised Functional Servicing Report prepared by Counterpoint Engineering Inc. • Addendum Transportation Analysis prepared by BA Group

Development Proposal – Existing Lions Park and Lands to be Conveyed to City	
Existing Gross Floor Area:	Lions Hall 139 m ² (1,496 sq. ft.)
Height:	Up to 2 storeys
Proposed Gross Floor Area:	Relocated/Renovated Gray House New Port Credit Branch Library New Lions Hall Combined Total 1 828 m ² (20,000 sq. ft.) New Pool Building 465 m ² (5,005 sq. ft.)
Parking Required:	60 spaces (Based on current rate of 3.2 spaces per 100 m ² GFA – non-residential)
Parking Provided:	60 surface spaces

F.S. Port Credit Limited has also requested the legal right to use a 1.9 m (6.2 ft.) wide strip of the underground portion of the Hurontario Street right-of-way to facilitate development of the underground parking garage for the private development. This issue is currently under review and is subject to achieving an acceptable streetscape design and pedestrian environment along the Hurontario Street corridor and appropriate compensation to the City.

Site Characteristics		
Component	F.S. Port Credit Limited Lands	City-Owned Lands (Lions Park)
Frontage:	216 m (709 ft.) on Hurontario Street	63.3 m (207.7 ft.) on Park Street 155.2 m (509.2 ft.) on Rosewood Avenue
Depth:	50.2 m (164 ft.) (varies)	63.3 m (207.7 ft.) (varies)
Gross Lot Area:	1.043 ha (2.58 ac.)	0.926 ha (2.28 ac.)
Net Lot Area: (after land transfers)	0.8519 ha (2.10 ac.)	1.118 ha (2.76 ac.)
Combined Site Area:	1.97 ha (4.86 ac.)	
Existing Uses:	Former Gray's Restaurant in a converted historic residential dwelling. The remainder of the F.S. Port Credit Limited lands are vacant. The adjacent City- owned Lions Park contains an outdoor pool, Lions Hall building, surface parking lot and two outdoor tennis courts.	

Additional information is provided in Appendices I-1 to I-13.

Proposed Section 37 Public Benefits Contribution

As part of their applications, and in accordance with provisions of Section 37 of the *Planning Act*, F.S Port Credit Limited proposes to contribute \$3.57 million to the costs that would be associated with redevelopment of Lions Park, located at the southwest corner of Park Street and Rosewood Avenue. This project would result in the following:

- relocation and renovation of the Gray House for public use;
- the conveyance of land to the City to expand Lions Park;
- the following improvements/upgrades/additions within Lions Park:
 - a new Port Credit Branch Library;

- new Lions Community Hall space;
- a new pool building;
- upgrades to the outdoor public pool; and
- additional upgrades to the outdoor public amenities.

The applicant has also requested certain land transfers, in which the City would convey the surplus sight triangle lands at the northeast corner of Lakeshore Road East and Hurontario Street to the F.S. Port Credit Limited for incorporation into their development proposal in combination with underground rights for a portion of the park for parking purposes. In exchange, the applicant has proposed to convey to the City, the lands at the north end of the site (see Appendix I-8 and I-11) to accommodate the relocation and renovation of the Gray House and the new Port Credit Branch library and Lions Hall.

If the public benefits proposal was approved, the City has also requested that if required, the applicant provide 25 underground parking spaces for general municipal purposes. The compensation to F.S. Port Credit Limited for the City's use of these spaces is under discussion.

To facilitate the public benefits plan, the developer has proposed to design and build to City standards, the foregoing elements in Lions Park, thereby providing the equivalent cash value to the City of \$3.57 million. It is proposed that the City would provide the balance of the \$3.93 million funding for the project.

F.S. Port Credit Limited has indicated that their public benefits plan is conditional upon achieving the following:

- approval of the proposed development applications;
- conveyance of the surplus site triangle at Lakeshore Road East and Hurontario Street to the applicant; and
- acquisition of the City-owned, former lawn bowling lands located at the southwest corner of Park Street East and Hurontario Street which has been independently appraised at a fair market value, based upon the current Official Plan designation of the lands.

It is the public's perception that the direct sale of the City's former lawn bowling lands to F. S. Port Credit Limited would not yield the maximum potential value to the City. The public had concerns that a greater value could be realized through a public tender process. On March 8, 2006, Council adopted General Committee Recommendation GC-0133-2006 which directed the Realty Services to commence the process to declare the subject lands surplus to the City's requirements as required under s.268 of the *Municipal Act, 2001*. Accordingly, the Realty Services Section of the Corporate Services Department, will be preparing a report for the General Committee meeting of June 28, 2006. The report will recommend that the former lawn bowling lands, upon being declared surplus, be disposed of through an open public tender process.

Neighbourhood Context

The surrounding land uses are described as follows:

Remainder of the Development Block: Two detached dwellings located on the west side of Rosewood Avenue, a Pioneer Gas Station, and commercial uses fronting onto Lakeshore Road East.

North of Park Street East: 50 unit, 3 storey townhouse development; CNR mainline/GO Transit commuter rail line; and, Forest Avenue Public School (K-Gr. 6).

East of Rosewood Avenue: Detached dwellings.

South of Lakeshore Road East: F.S. Port Credit Limited administrative offices; 3 storey mixed commercial/residential live/work buildings.

West side of Hurontario Street: Port Credit GO Station and surface parking lot; City-owned former lawn bowling lands; commercial office uses within converted residential dwellings, many of which are listed on the City's Heritage Inventory (84 and 90 High Street East, 19 Ann Street, 10 and 20 Hurontario Street); 20 storey residential apartment building with retail uses at street level located at the southwest corner of Lakeshore Road East and Hurontario Street.

Current Mississauga Plan Designation and Policies for the Port Credit District (May 5, 2003)

The F.S. Port Credit Limited lands are designated “Residential High Density I” and “Mainstreet Commercial” and are subject to the Special Site 4B policies of the Port Credit District. Under this designation, these lands are divided into three blocks which are subject to additional floor space, maximum gross floor area and unit number limitations (see Appendix I-4)

Parcels 1 and 2 are designated “Residential High Density I” which permits medium-rise apartment buildings at a Floor Space Index (Residential) of between 1.8 to 2.6 and a total of 204 dwelling units. Building heights should not exceed 10 stories in height unless otherwise specified in the Urban Design Policies of the Plan. Parcel 3 located at the northeast corner of Lakeshore Road East and Hurontario Street is designated “Mainstreet Commercial” which permits a maximum gross floor area of 931 m² (10,021 sq. ft.)(F.S.I. of 0.5) for commercial purposes and a further 2 793 m² (30,065 sq. ft.) of gross floor area (F.S.I. of 1.5) for residential purposes. Parcel 3 is intended to accommodate an additional 24 dwelling units for a total of 228 residential units.

The land use policies pertaining to Special Site 4B must also be read in conjunction with the relevant urban design policies of the Plan. The private lands fall within two character areas – Central Residential Character Area and Mainstreet Character Area. The Central Residential area which includes Parcels 1 and 2 will have the highest building heights, however, development proposals must avoid adverse impacts on the surrounding areas. Further, the existing character of the area should be maintained and any impact on existing mature trees minimized to the extent feasible.

- Subject to shadowing and overlooked concerns, building heights should not exceed 10 storeys, and should form a transition between higher buildings to the west and lower buildings to the east.
- Building heights should not exceed 6 storeys on the lands at the northeast corner of Lakeshore Road East and Hurontario Street (Parcel 3 – Special Site 4B).

- Development along Hurontario Street should be designed to create a gateway to Port Credit. The residential development should address the street and provide sufficient setbacks to allow for landscaped areas.
- At street level, lower density built forms, such as townhouses, are encouraged to develop in conjunction with higher density uses.
- Side yard setbacks should be sufficient to allow planting between buildings. As well, side yard setbacks should be provided opposite the alignment of High Street East, permitting access to the east. Private open space linkages to the easterly abutting Lions Club facilities should also be incorporated into future building designs for this area.

The “Mainstreet Commercial Area” includes Port Credit’s traditional mainstreet and generally extends a half a block north and south of Lakeshore Road East.

- Buildings at the northeast corner of Lakeshore Road East and Hurontario Street shall not exceed a height of 6 storeys.
- Parking facilities should be located and designed to be compatible with the mainstreet character of the area by including measures such as landscape space, planters or other elements which reinforce the streetscape and enhance public amenity.

The Special Site 4B policies also outline the City’s objectives for parking for this site:

- Sites will be self-sufficient in the provision of parking, with the parking demands accommodated on-site or on neighbouring properties.
- Parking requirements associated with individual developments will be provided at the rear of lots or underground. Parking lots abutting street frontages will not be permitted, except where no other alternative is available. Adequate design treatments must be established for the street frontage to

maintain a continuous safe, urban streetscape. Parking for visitors to the area will be accommodated on publicly and privately owned lands. Opportunities for on-street parking should be maximized.

The subject property contains Gray House, a historic building formerly used as a restaurant. Mississauga Plan heritage policies indicate that heritage resources of significant value will be identified, protected and preserved.

The City-owned lands (Lions Park) are designated “Open Space” which permits public parkland, greenbelt lands, cemeteries and private open space. With respect to public parkland, the provision of recreational facilities within city and community parks will be responsive to identifiable needs and in general conformity with the guidelines contained in the Future Direction for Recreation and Parks. Community parks will be established, developed, maintained and will be designed to provide where feasible:

- a range of recreational opportunities within walking distance of the home which could include social, cultural, educational and athletic activities of interest to the community;
- opportunities for active and passive recreation;
- opportunities for social interaction;
- multiple-purpose, year round activities;
- be centrally located within the neighbourhood, as possible.

Port Credit Node

The entire development site which includes the F.S. Port Credit Limited lands and the City-owned Lion's Park is located at the eastern edge of the Port Credit Node. This node is identified in the Port Credit District Policies of Mississauga Plan as an area in transition and which has potential for appropriate infill, intensification and redevelopment. The node is intended to be the focus of activity for the District, combining residential uses, cultural activities, shopping, dining, commerce and recreation.

Criteria for Site Specific Official Plan Amendments

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- 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;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

The applicant has provided a Planning Justification Report which discusses how, in their opinion, the proposed development addresses this criterion. City staff are in the process of reviewing this report and detailed comments will be provided upon receipt of additional information from the applicant prior to the preparation of the Supplementary Report on these applications.

Proposed Official Plan Designation and Policies

The applicant is proposing to revise the “Residential High Density I” and “Mainstreet Commercial - Special Site 4B” provisions and to redesignate lands at the southeast corner of Park Street East and Hurontario Street, which are to be conveyed to the City, to “Open Space-Community Park” to accommodate the uses associated with the Lions Park redevelopment.

Existing Zoning

"C1-604 " (Restaurant) which permits a restaurant subject to restrictions on total gross floor area, loading and parking.

“H-R4” (Residential Apartments with Holding Provision) which permits detached dwellings, multiple residential units and apartments and limited retail uses subject to the following:

- the use of land and the erection of buildings or structures in conformity with the respective zone provisions shall await the rezoning from the ‘H’ symbol;
- lands may be used for a single family detached dwelling, or any residential use in existence at the time the ‘H’ symbol is applied, in accordance with the respective Residential Zone provisions.

“P” (Open Space) which permits playground, community centre and other open space park-related uses.

Proposed Zoning By-law Amendment

The applicant’s draft zoning by-law for the "R4-Special Section" (Residential Apartments with Commercial) zone seeks to permit, in addition to the proposed residential uses, offices, including medical offices, retail and commercial uses, including, but not limited to retail stores, restaurants, personal service establishments and a recreation centre. Parking for the above-noted uses is being provided based on the current zoning standards. The proposed wellness centre is intended to be for the exclusive use of the residents of the seniors’ building and, therefore, no additional parking is proposed for this use. Twenty (20) parking spaces are also proposed for uses located on lands zoned “C-614”, Commercial on the south side of Lakeshore Road East.

The applicant has also requested the following minimum setbacks:

- 0.5 m (1.6 ft.) along Hurontario Street for both residential buildings and 1.5 m (4.92 ft.) along Lakeshore Road East, excluding overhead canopies and awnings;
- 4.5 m (14.76 ft.) from the seniors’ building to the new northern property boundary;

- 2.5 m (8.2 ft.) and 6.0 m (19.68 ft.) easterly setback for the seniors' building and condominium apartment building respectively.

Lions Park and the lands proposed to be conveyed to the City are proposed to be rezoned to "P- Special Section", (Open Space) to allow uses associated with the Lions Park redevelopment.

Draft Mississauga Zoning By-law

A new draft Zoning By-law has been prepared and was presented at a public meeting of the Planning and Development Committee on January 9, 2006. Under this draft zoning by-law, the zoning for the F.S. Port Credit lands are proposed to be "D" (Development) which allows existing uses to continue until such time as a zoning amendment brings the permitted uses into conformity with Mississauga Plan. Lions Park is proposed to be zoned "OS1" (Open Space) in the new draft zoning by-law. This zoning permits both passive recreational uses such as parks, trails, open space as well as active recreational activities which include parks, buildings and structures used for but not limited to, athletic fields and facilities, club houses, swimming pools, arenas, tennis courts, skating rinks, snack bars and pro shops.

Should these applications be approved, a new "RA5-Exception" (Apartment) zone would be required to reflect the site specific provisions sought for the F.S. Port Credit lands and an "OS1-Exception" (Open Space) zone would be required to acknowledge the site specific uses and standards sought in conjunction with the redevelopment of Lions Park proposed through these applications.

COMMUNITY ISSUES

On September 21, 2005, a stakeholder's community workshop was held, at the request of the applicant, on proposals for saving the Gray House. Subsequently, on October 4, 2005, Ward 1 Councillor, Carmen Corbasson held a community meeting on the initially proposed development applications and possible options for the retention and relocation of the Gray House. A community meeting on the latest revised applications, which now includes a

Section 37 public benefits contribution, as outlined previously in this report, was held on April 24, 2006.

Over 400 people attended the above-noted meetings, including representatives from the Port Credit Village Ratepayers Association, the Credit Reserve Association, the Port Credit BIA, business, property and homeowners in the vicinity of the applications. and other interested parties.

The following is a summary of issues and comments:

- recognition of the applicant's successful development on the south side of Lakeshore Road East.
- the proposal includes a desirable mix of uses, including pedestrian-related, commercial shopping opportunities, condominium units and seniors' residences.
- the need for high quality urban design within both the private and public components of the proposal.
- the Ontario Municipal Board (OMB) decision affecting these lands should be upheld, especially the previously approved development parameters which include a maximum height limit of 10 storeys and 228 units.
- what has changed to warrant revisiting the previous OMB decision?
- the need for an appropriate built form transition from the high density area to the west and the low density area to the east.
- the proposed densities and heights are similar to those in City Centre and do maintain the Port Credit village character
- these applications will set an undesirable precedent along the Lakeshore Road East frontage.
- too much development is being cramped into too small a site.

- the proposed buildings do not provide adequate setback to accommodate a comfortable sidewalk, street trees and pedestrian circulation.
- the proposed buildings will cast unacceptable shadows onto the adjacent public park and outdoor pool.
- the proposed development will exacerbate existing traffic delays turning left onto Park Street East and Lakeshore Road East from Hurontario Street, particularly at peak times.
- are there adequate municipal and regional services to accommodate the proposed increase in density?

Comments on the Public Benefits Proposal

- there was general community support for upgrading and enlarging Lions Park.
- there were comments made both in favour of and in opposition to retaining the Gray House, with the latter noting that the Gray House was not worthy of preservation particularly at a cost of \$1 million.
- there appeared to be support for the applicant working with the City to construct new and upgraded public facilities in Lions Park.
- there were comments made both in favour of and in opposition to relocating the Port Credit Branch library.
- the usability of the remainder of Lions Park was questioned once all the proposed public facilities have been accommodated.
- residents on Rosewood Avenue were concerned that the size of the proposed pool house was excessive and that the expanded surface parking area consumed a substantial portion of the park.

- concern was expressed about the direct sale of the former lawn bowling lands at market value to F.S. Port Credit Limited, given the applicant's expressed desire to redevelop these lands in the future at a higher density than currently permitted by the City's Official Plan. These concerns relate to whether the City would realize the maximum value for the lands through a direct sale versus an open market sale.

The comments raised at these community meetings and the public meeting will be taken into consideration and reported along with the agency and City department comments in the Supplementary Report.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-6 and school accommodation information is contained in Appendix I-7. Based on the comments received and the applicable Mississauga Plan policies the following matters will have to be addressed prior to the preparation of the Supplementary Report.

Impacts Associated with Height and Massing

Planning staff continue to have concerns about the proposed building massing and heights as they relate to the surrounding context. The applicant has been requested to demonstrate how the proposed buildings will not detract from the Port Credit village character. Of particular concern are potential impacts to the abutting Lions Park, adjacent low density residential area as well as the pedestrian environment surrounding the site, including the Lakeshore Road East frontage. The applicant has been asked to prepare an urban design and streetscape study which is acceptable to the Planning and Building Department.

Criteria for Site Specific Official Plan Amendments

The applicant must demonstrate how the proposed development is superior to the applicable Official Plan designations which were the result of an exhaustive public process culminating in the 1997 and 2000 Ontario Municipal Board decisions. The applicant is required to make specific reference to the criteria under Section

5.3.2. of Mississauga Plan which pertains to site specific official plan amendments.

Site Design and Interface with Adjacent Uses

A number of issues related to site design need to be addressed, including the following:

- appropriate building setbacks;
- pedestrian and open space linkages;
- the relationship of the proposed development to the park and abutting roads and the need for the development to treat the park as a frontage;
- the design and functioning of the loading, servicing and waste collection areas.

Further, the proposed building layout, massing, height and elevations need to be revised along with the shadow study analysis to improve the shadow conditions within Lions Park all year round and particularly during the summer months of June to September when the outdoor pool is in operation.

The applicant is required to prepare a streetscape master plan illustrating the relationship of the proposed development to all the adjacent streets, street trees, sidewalks and utilities. This plan is to be prepared following the resolution of the Hurontario Street cross-section issues.

The applicant is also required to submit a site plan application in accordance with City requirements which indicates proposed grading information along with a revised cross-section for Hurontario Street which is satisfactory to the City.

Microclimate Study

The applicant is required to provide a copy of the microclimate study, having specific reference to the adjacent park and proposed street and open space linkage conditions for review.

Parking Study

The applicant is required to demonstrate that the proposed parking is adequate to accommodate the development on both private and public lands. A parking utilization study has been submitted in support of the F.S. Port Credit Limited proposal. The parking utilization study seeks a reduction in the parking standard for the condominium units, seniors' retirement units, visitors parking and proposes a rate of 2.4 spaces per 100 m² (1, 076.4 sq. ft.) for the privately operated multi-use space within the retirement building. As noted earlier, parking for commercial uses is proposed to be at the current zoning by-law standards. The study does not address parking requirements for the proposed City facilities.

Planning staff are currently reviewing this report and have requested further information and clarification from the applicant prior to the scheduling of the Supplementary Report on the development applications.

Park Redevelopment

The proposed surface parking arrangement in Lions Park is not an efficient and desirable use of public space, particularly since the outdoor pool facility is used for only part of the year. The applicant is requested to consider, in consultation with City staff, alternative parking solutions to serve the public facilities.

Financial Analysis of Section 37 Public Benefit Contribution

Pursuant to Section 5.3.3.2 of Mississauga Plan , the applicant is to provide an evaluation which assesses the equity between the benefit to the owner of the value of the density increase that may be permitted and the value of the facility, service or matter to be provided to the public. The study is to be provided to the City prior to the scheduling of the Supplementary Report.

OTHER INFORMATION**Development Requirements**

There are certain other engineering matters such as, but not limited to, storm drainage and site servicing issues, encroachments, streetscape and utility requirements which will require the applicant to enter into appropriate agreements with the City. In the event that the proposed development applications and public benefits contribution proposal are supported by City Council, the applicant will also be required to enter into a Section 37 agreement prior to the passing of the site specific official plan amendment and zoning by-law.

FINANCIAL IMPACT: Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands. In the event that the applications are approved with the Section 37 public benefits contribution proposal as proposed, the City would be responsible for contributing \$3.93 million towards the redevelopment of Lions Park.

CONCLUSION: Most agency and City department comments have been received and after the public meeting has been held and all issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS: Appendix I-1 – Site History
Appendix I-2– Excerpt of Existing Land Use Map
Appendix I-3 – Excerpt of Official Plan
Appendix I 4 – Excerpt of Special Site 4B – Concept Plan for North Parcel

Appendix I-5 – Aerial Photograph
Appendix I-6 – Agency Comments
Appendix I-7 – School Accommodation
Appendix I-8 – Concept Site Plan
Appendix I-9 – Hurontario Street Elevation
Appendix I-10 – Hurontario Street and Lakeshore Road Elevation
Appendix I-11 – Park Street East/ Hurontario Street Elevation
Appendix I-12 – Section 37 Implementation Policies
Appendix I-13 – Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Paulina Mikicich, Development Planner

Site History

February 9, 1993 – St. Lawrence Starch Limited submitted official plan amendment and rezoning applications for lands located on the east side of Hurontario Street, between the CNR tracks and Lakeshore Road East (North Parcel – OZ 010/93 W1) and lands located on the south side of Lakeshore Road between Elmwood Avenue and Helene Street (South Parcel – OZ 011/93 W1) for retail, office commercial, residential apartment development, parkland/open space and conservation lands.

June 28, 1995 – The Port Credit District Plan (as amended by Council Resolution 231-95) was approved.

February 28, 1996 – City Council adopted the Supplementary Report dated January 22, 1996 on the above-noted applications which recommended refusal of the applicant's proposal for the North Parcel for:

- 419 apartment units and 1 115 m² (12, 000 sq. ft.) of retail/office commercial space; whereas approximately 235 residential units (228 apartments and 7 townhouses) and 845 m² (9,096 sq. ft.) of retail/office commercial development was envisioned under the Port Credit District Plan Policies;
- building heights up to 18 storeys; whereas the Plan did not permit buildings to exceed 2 storeys along Lakeshore Road East, 10 storeys along Hurontario Street and 4 storeys at the northwest corner of Rosewood Avenue and Park Street;
- proposed floor space indices ranging from 2.74 to 2.96; whereas the Plan allowed a range from 0.4 to 1.8;

October 15, 1996 - Ontario Municipal Board Hearing (OMB) commenced dealing with appeals pertaining to the above-noted north and south parcels.

August 29, 1997 – The (OMB) rendered its Interim Decision with respect to the St. Lawrence Starch applications on the North and South Parcels. It did not approve the proposal, but instead provided guidelines for redevelopment. The Board determined that the north parcel can accommodate between 250 and 275 units and a maximum height of 10 storeys decreasing to 8 storeys for the building to the north of Park Street East and 6 storeys at the northeast corner of Hurontario Street and Lakeshore Road East. The permitted heights are in keeping with the general heights to the west and form an appropriate transition to the residential neighbourhood to the east and the future development of the St. Lawrence Starch lands to the south. The Board also found the concept of a link to the Lions Club facilities desirable and directed the proponent to attempt to incorporate it. The Board did not give direction as to the appropriate size of building footprints as long as the maximum heights described above were maintained. The 10 storey structures were to be

stepped back with a base of townhouses at the street frontage in order to provide a more friendly pedestrian environment.

December 1998 – F.S. Port Credit Limited purchased the north and south parcels from St. Lawrence Starch Limited.

June 22, 2000 – The OMB issued its Order on the development applications for the south property after the parties reached an agreement on a master plan. A site specific official plan amendment for both the south and the north parcels was incorporated into the City's Official Plan. The OMB's decision is reflected in the current Mississauga Plan policies, however, the zoning for the north parcel has yet to be incorporated into the City's Zoning By-law 1227 (Port Credit). The OMB remains seized of the application as it pertains to the zoning for the north parcel.

September 2000 – Two parcels located to the north of Park Street East were sold by F.S. Port Credit Limited to Digz Development Corporation, and subsequently approved for a 50 unit townhouse development under file OZ 01/016 W1.

February 13, 2001 - Digz Development Corporation combined the two parcels noted above with additional lands north of Park Street East and submitted an application for Official Plan and Zoning amendments under file OZ 01/016 W1 to permit a 50 unit townhouse development.

November 12, 2002 - City Council approved the Digz Development Corporation application under file OZ 01/016 W1 to permit a 50 unit, three-storey condominium townhouse development at 50 Rosewood Avenue.

December 3, 2003 – The OMB issued its order allowing a 50 unit townhouse development under file OZ 01/016 W1 for the lands located north of Park Street East. This approval resulted in a modification to the Special Site 4B policies, effectively removing these lands from the site specific policies.

January 18, 2005 – Applicant submitted a permit application for the demolition of the Gray House. Following concerns raised by the Heritage Advisory Committee, and discussions with City staff, Ward 1 Councillor Corbasson, and Mayor McCallion, the applicant agreed to place their demolition request in abeyance until City Council considered their development applications which were not yet filed with the City. F.S. Port Credit Limited subsequently agreed to withhold pursuing the demolition permit provided that the City did not proceed with the designation of the Gray House (which is currently listed on the City's Heritage Inventory and was formerly designated) under the *Ontario Heritage Act*. The

demolition permit application has not been processed.

February 3, 2005 – Committee of Adjustment approved a minor variance application under file “A” 37/05 to permit 20 parking spaces for restaurant uses associated with lands zoned “C-614” at 70 and 80 Port Street East and 125, 129 and 139 Lakeshore Road East to be provided off site at 15 Hurontario Street at northeast corner of Lakeshore Road East and Hurontario Street.

June 2005 – F.S. Port Credit Limited submitted Official Plan Amendment and Rezoning applications to permit :

- two apartment buildings at 16 and 22 storeys, for a total of 370 dwelling units, whereas Mississauga Plan permits a maximum of 228 dwelling units and a maximum height of 10 storeys;
- 2 420 m² (26,049 sq. ft.) of street level commercial space, whereas Mississauga Plan permits 931 m² (10, 021 sq. ft.) of commercial floor area;
- approximately 1 858 m² (20,000 sq. ft.) of privately operated community facilities;
- a total Floor Space Index (FSI) of 4.2 (Residential), whereas Mississauga Plan permits an FSI of a minimum 1.8 to a maximum of 2.6 (Residential);
- a total of 582 underground parking spaces;
- demolition of the Gray House

September 8, 2005 – As a result of further discussions to save the Gray House from demolition, the applicant outlined an alternative development proposal for the retention and renovation of the Gray House for public purposes and the provision of other community benefits which included upgrading facilities in Lions Park.

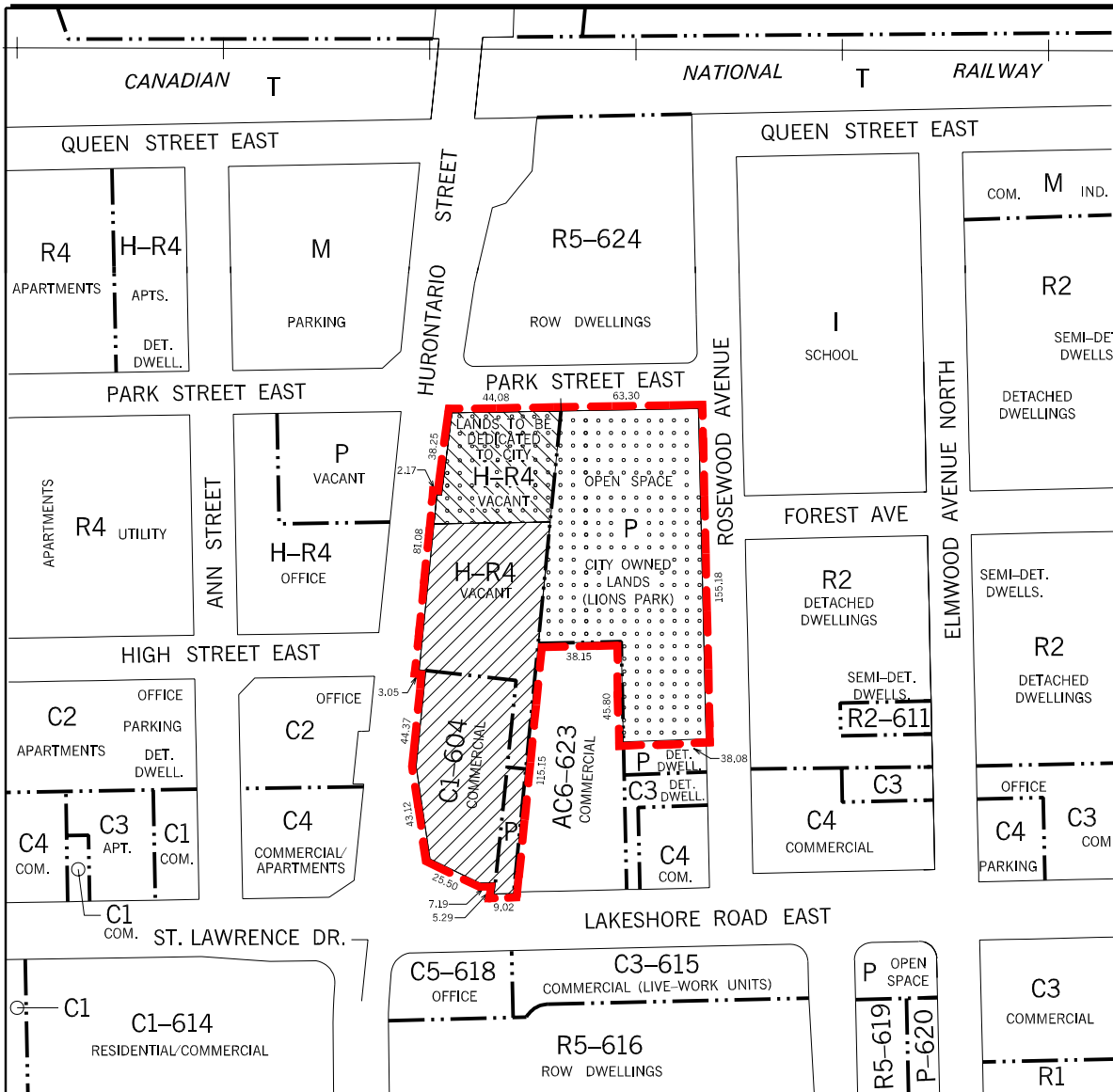
September 14, 2005 – Council adopted Resolution 0212-2005 authorizing City staff to review the above-noted proposal and report back on their findings.

December 23, 2005 – The applicant amended the development applications by reducing the floor plate of the 22 storey apartment building from 1 393.5 m² (15,000 sq. ft.) to 963 m² (10, 367 sq. ft.) and transferring a portion of the units from the tower building to an attached L-shaped, 6 storey building component with commercial uses at the street level. Other modifications to the concept plan included consolidating amenity facilities associated with the seniors’ building within its podium building envelope. The effect of these modifications was to provide a vacant parcel at the north end of the site to accommodate the relocation of the Gray House. The total number of units and proposed building heights remained the same as the original applications.

February 16, 2006 - A report was prepared by the Commissioner of Community Services regarding a Memorandum of Understanding (MOU) with F.S. Port Credit Limited which recommended that a MOU be executed between the City and F.S. Port Credit Limited to establish the framework for a Section 37 agreement in principle, that the City proceed with public consultation on the public benefits proposal, to commence the formal process to declare the former lawn bowling site surplus to the City's requirements; and that the developer be authorized to submit the required development applications for the redevelopment of Lions Park.

March 8, 2006 - Council adopted General Committee Recommendation GC-0133-2006 which did not recommend the execution of an MOU but instead recommended that the report dated February 16, 2006 from the Commissioner of Community Services be received. In addition Council adopted recommendations that:

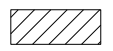
- staff be authorized to undertake public consultation on the public benefits proposal, independent of and in addition to the statutory public meeting process pursuant to the *Planning Act* required for the related development applications review, under file OZ 05/024 W1 by F.S. Port Credit Limited);
- the Community Services Department report back to Council in regards to the results of the public consultation on the public benefits proposal;
- the Realty Services Division be authorized to commence the process to declare the former Lawn Bowling lands surplus to the City's requirements as required under s.268 of the *Municipal Act*, 2001; and that
- F.S. Port Credit Limited be authorized to submit the required development applications for the City-owned Lions Park to obtain the appropriate approvals for the development of the proposed City owned public facilities.



LEGEND:

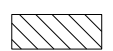


SUBJECT LANDS

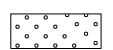


PROPOSED OFFICIAL PLAN AMENDMENT TO REVISE THE EXISTING "RESIDENTIAL HIGH DENSITY I" AND "MAINSTREET COMMERCIAL" SPECIAL SITE 4B PROVISIONS and;

PROPOSED REZONING FROM FROM "C1-604" (RESTAURANT), "H-R4" (RESIDENTIAL APARTMENTS WITH HOLDING PROVISION) AND "P" (OPEN SPACE) TO "R4-SPECIAL SECTION" (RESIDENTIAL APARTMENTS AND COMMERCIAL) TO PERMIT A 22 STOREY, 220 UNIT CONDOMINIUM APARTMENT BUILDING WITH COMMERCIAL USES AT STREET LEVEL, A 16 STOREY, 150 UNIT SENIORS' APARTMENT BUILDING AND PRIVATELY OPERATED MULTI-USE COMMUNITY SPACE.



PROPOSED OFFICIAL PLAN AMENDMENT FROM "RESIDENTIAL HIGH DENSITY I-SPECIAL SITE 4B" TO "OPEN SPACE - COMMUNITY PARK".

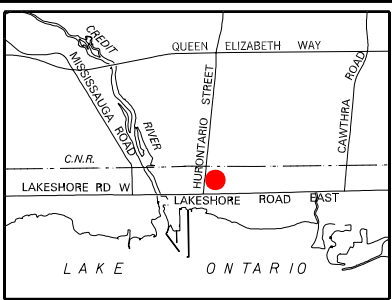


PROPOSED REZONING FROM "H-R4" (RESIDENTIAL APARTMENTS WITH HOLDING PROVISION) AND "P" (OPEN SPACE) TO "P-SPECIAL SECTION" (OPEN SPACE) TO ALLOW USES ASSOCIATED WITH THE LIONS PARK REDEVELOPMENT.



SUBJECT:

F. S. PORT CREDIT LIMITED



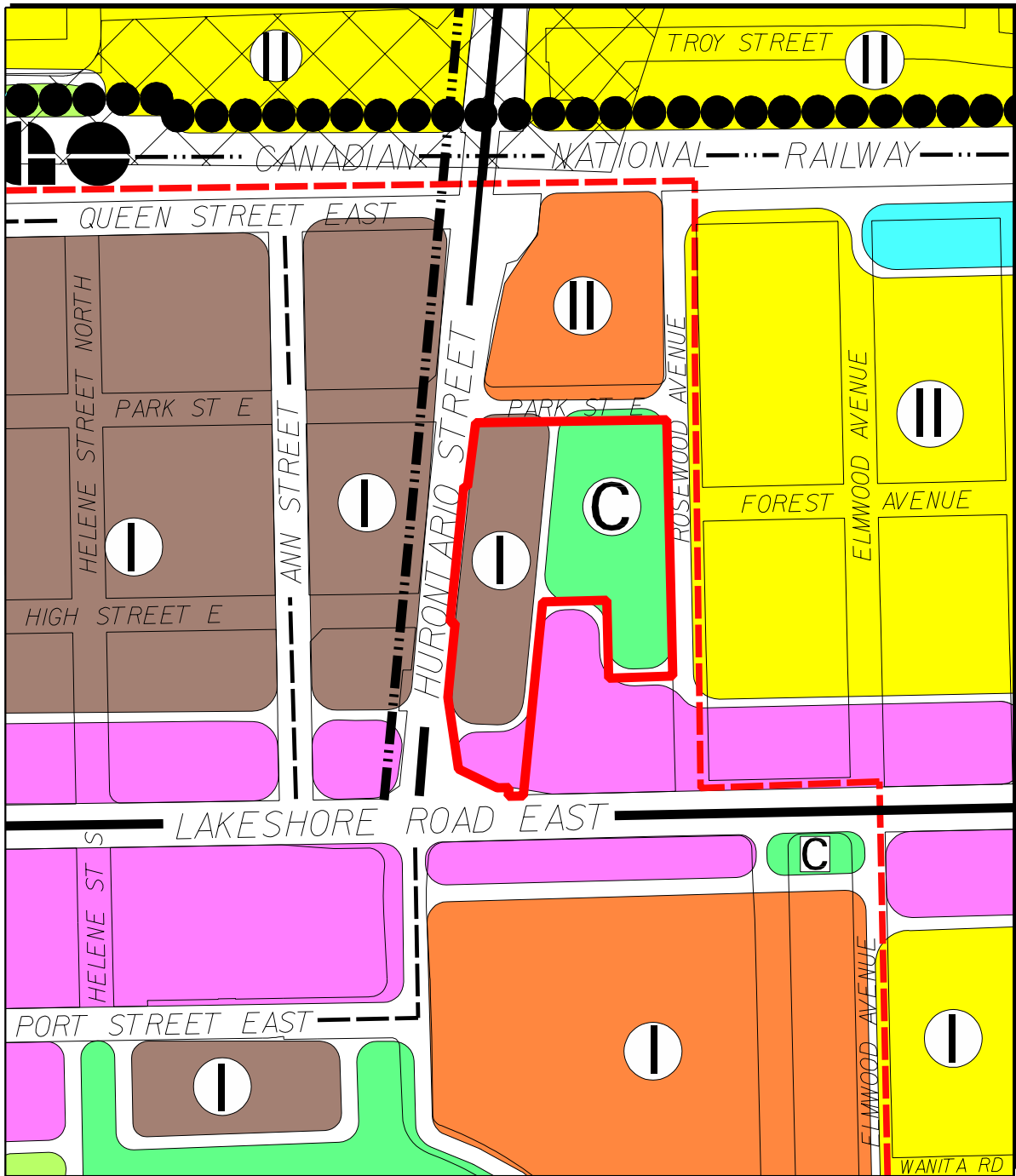
FILE NO:	OZ 05024 W1
DWG. NO:	05024R
SCALE:	1:3000
PDC DATE:	2006 06 26
DRAWN BY:	W. FINLAY

APPENDIX I-2

Note:
A 1997 Ontario Municipal Board Decision, as modified, permits a maximum of 228 dwelling units, a height of up to 10 storeys and a commercial floor area not exceeding 931 m² (10, 021 sq. ft.) on the subject lands. This approval is reflected in the current Mississauga Plan policies but has yet to be Implemented in the City's Zoning By-law.

NOTE: EXISTING ZONING DELINEATED ON THE PLAN. PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.

F. S. PORT CREDIT LIMITED LANDS



**PART OF PORT CREDIT DISTRICT LAND USE MAP
PORT CREDIT DISTRICT POLICIES OF MISSISSAUGA PLAN**

- LAND USE DESIGNATIONS

 - Residential - Low Density I
 - Residential - Low Density II
 - Residential - Medium Density I
 - Residential - Medium Density II
 - Residential - Medium Density III
 - Residential - High Density I
 - Mainstreet Commercial
 - General Commercial
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Business Employment
 - Open Space
 - Greenbelt
 - To Be Determined
- TRANSPORTATION LEGEND

 - Arterial
 - Major Collector
 - Major Collector (Scenic Route)
 - Minor Collector
 - Local Road
 - Existing Commuter Rail
 - GO Transit Station
 - Major Transit Corridor
 - Planning District
- LAND USE LEGEND

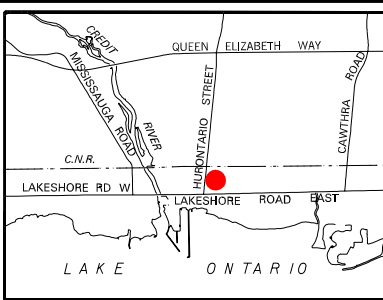
 - Node Boundary
 - City Park
 - Community Park
 - Heritage Conservation District
 - Regulatory Floodplain

*Appealed to the
Ontario Municipal Board*

SUBJECT LANDS



SUBJECT: F. S. PORT CREDIT LIMITED



FILE NO:
OZ 05024 W1

DWG. NO:
05024LM

SCALE:
NTS

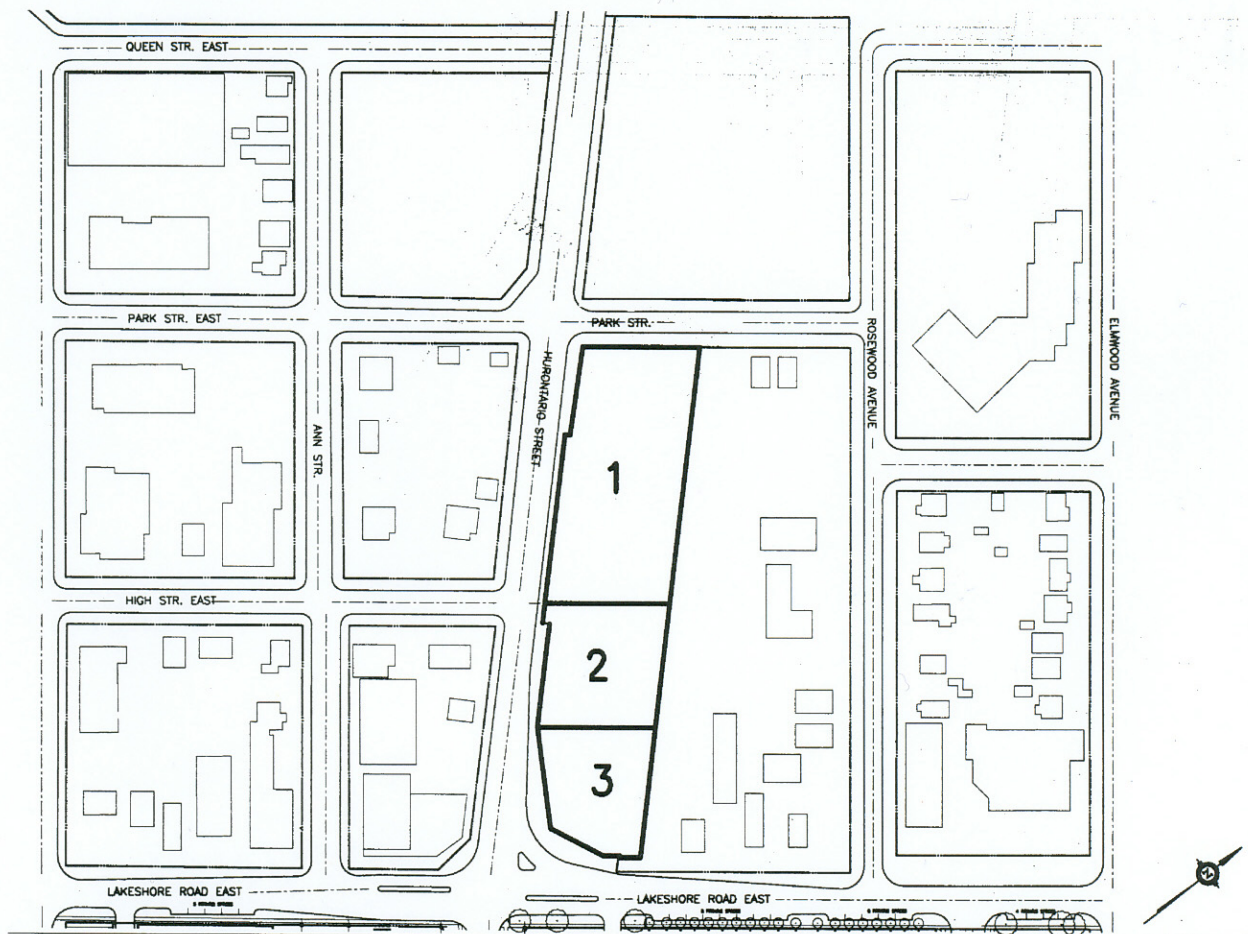
PDC DATE:
2006 06 26

DRAWN BY:
W. FINLAY

APPENDIX I-3

MISSISSAUGA
Planning and Building

*Produced by
T&W, LIS*



PARCEL	LOT AREA (m ²)	COMMERCIAL Maximum Gross Floor Area (m2)	RESIDENTIAL		TOTAL Maximum GFA (m2)	FLOOR SPACE INDEX /DENSITY
			Maximum Gross Floor Area m2	Units		
RESIDENTIAL HIGH DENSITY I*			(1.8-2.6 FSI)			
1	6 400		16 640 (2.6 FSI)	148	16 640	2.6 FSI
2	2 438		6 338 (2.6 FSI)	56	6 338	2.6 FSI
MAINSTREET COMMERCIAL**			(max.1.5 FSI)			
3	1 862	931 (0.5 FSI)	2 793 (1.5 FSI)	24	3 724	2.0 FSI
TOTALS	10 700	931	25 771	228	26 702	

* units assumed at 112 m² gross

** Maximum residential FSI = 1.5, maximum commercial FSI = 0.5, maximum total FSI = 2.0



LEGEND:

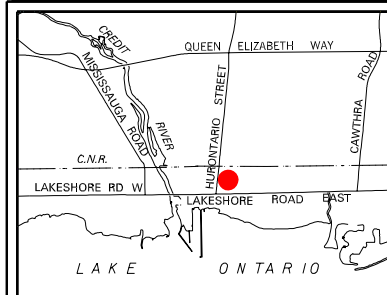


SUBJECT LANDS

DATE OF AERIAL PHOTO: MARCH 2005



SUBJECT: F. S. PORT CREDIT LIMITED



FILE NO:
OZ 05024 W1
DWG. NO:
V805024A
SCALE:
1:3000
PDC DATE:
2006 06 26
DRAWN BY:
W. FINLAY

APPENDIX 1-5

MISSISSAUGA
Planning and Building

Produced by
T&W, LIS

Agency Comments

The following is a summary of comments from agencies and departments regarding these applications.

Agency / Comment Date	Comment
Region of Peel (May 2, 2006)	<p>Municipal services in the vicinity of the site consist of a 300 mm (12 inch) diameter watermain on Hurontario Street and on Lakeshore Road East. There is adequate water capacity to serve the development.</p> <p>Sanitary services consist of a 250 mm (10 inch) diameter sanitary sewer on Hurontario Street and a 300 mm (12 inch) diameter sewer on Lakeshore Road East. There is adequate reserve sewer capacity to serve this development if a maximum design flow of 0.0136 m³/s is assumed.</p> <p>Front-end collection of commercial and residential waste will be provided by the Region of Peel. The proposed design of the waste storage and collection facilities for this development is unacceptable. Alternative options have been provided to the applicant for each building as well as a consolidated collection designed to serve the entire development. This issue is to be resolved prior to the preparation of the Supplementary Report as it may affect building setbacks.</p> <p>Port Credit Memorial Park was developed on a former landfill site that was used for the disposal of flyash and municipal waste. As the subject property is located near this site, the owner is required to confirm that the impacts of leachate and landfill gas are negligible at the site plan stage of the development.</p>
Credit Valley Conservation (September 12, 2005)	The subject property is located within the Spill Zone associated with Mary Fix Creek. The proposed development is currently located down gradient from the spill. The proposed grades and openings should be revised so that they are 0.3 m (1.0 ft.) above the centreline of Hurontario Street.
City Community Services Department – Planning and Heritage (May 30, 2006)	The following comments are provided in the context of the applicant providing a public benefits plan thereby involving the redevelopment of the adjacent Lion's Park.

Agency / Comment Date	Comment
	<p><u>Heritage</u></p> <p>The F.S. Port Credit Limited lands subject to the development applications at 15 Hurontario Street, including the Gray House, are listed on the City's Heritage Inventory for its historical, architectural and contextual significance within the Port Credit context. At the April 27, 2005 meeting of Council, Resolution #0111-2005 was passed wherein the Heritage Advisory Committee requested that the Commissioner of Community Services prepare a report to General Committee with respect to the feasibility of recommending the heritage designation of the Gray House located at 15 Hurontario Street, under the terms and conditions of the <i>Ontario Heritage Act</i>, for reasons of its historical, architectural and contextual significance. Retention of the Gray House is a desirable objective of the redevelopment in light of the heritage elements of the house and the property.</p> <p>The applicant has submitted a Heritage Impact Statement in accordance with City policy. The applicant has submitted a Structural Review of the Gray House which is under review by City staff and will have to be deemed acceptable to City staff prior to the Supplementary report.</p> <p>Should the subject development applications be approved and prior to enactment of the implementing zoning by-law amendment, the applicant will provide, to the Community Services Department – Planning and Heritage's satisfaction, the following:</p> <ul style="list-style-type: none"> i) a proposed relocation and reinstatement report and plan for the Gray House; ii) a letter of credit equal in value to the cost of the move and restoration of the exterior features of the building; iii) arrangements for the restoration and reinstatement of the original cast iron fencing around the house; protective hoarding during construction; a restoration and redevelopment plan for the public use of the house. <p>Once the Gray House has been moved and completed according to the agreed upon relocation and reinstatement report and plan, the new building site will be subject to heritage designation under the terms and conditions of the <i>Ontario Heritage Act</i>.</p>

Agency / Comment Date	Comment
	<p><u>Site Layout</u></p> <p>Prior to the Supplementary Report, the applicant shall provide the following to the satisfaction of the Community Services Department – Planning and Heritage Section:</p> <ul style="list-style-type: none"> i) Options to strengthen the visual and physical linkage to Lion's Park in the vicinity of the extension of High Street in accordance with Section 4.27.6.5.2.3. of Mississauga Plan. An easement in favour of the City may be requested to accommodate public pedestrian access to Lion's Park over lands owned by FRAM in these "linkage" areas; ii) Revised Site Concept and elevations to address the following: an enhanced condition adjacent to the Lion's Park in terms of servicing, landscaping, upgraded building elevations, consistency between the street cross sections and site plan in terms of building setbacks; iii) Streetscape Master Plan illustrating the relationship of the proposed development to all the adjacent streets, street trees, sidewalks, utilities etc; iv) Microclimate Study and revised Shadow study to illustrate conditions of the Lion's Park assumed to be operation indoors and out, all year round; and v) Sufficient parking for the Gray House "community" use in accordance with the Planning and Building Department requirements. <p>Should the subject development applications be approved, any legal agreements required related streetscape and/or park works shall be executed and associated securities provided prior to the enactment of the implementing zoning by-law amendment.</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 (R.S.O.1990, c.P. 13, as amended) and in accordance with the City's Policies and By-laws and pursuant to the Parkland Dedication Agreement as endorsed by Council by By-law 0014-2001. However, the cash-in-lieu for parkland or public recreational uses will be calculated pursuant to the Parkland</p>

Agency / Comment Date	Comment
	Dedication Agreement as endorsed by Council by By-law 0014-2001 which allowed a parkland over-dedication credit from the applicant's "South Parcel" to be applied to the applicant's "North Parcel".
Community Services – Realty Division (July 6, 2005)	The City of Mississauga is the current owner of a section of roadway at the northeast corner of the intersection of Hurontario Street and Lakeshore Road East. These lands do not appear to have been formally declared surplus. Should these lands be deemed to be surplus to the City's needs, all City departments must be in agreement with the road closure and disposal of the lands, and approval from Council will be required to stop up and close that portion of the road allowance, declare the lands surplus and sell them at market value.
City Transportation and Works Department (May 31, 2006)	<p>A Traffic Impact Study and Addendum dated April 21, 2006, which includes traffic generated by Lion's Park have been submitted and are currently under review. A Noise Assessment, dated April 2005, will require revisions to reflect the current proposal and confirm aspects related to stationary noise from this site and the adjacent service station/car wash.</p> <p>Further comments/conditions will be provided by this department pending the review of revised cross sections for Hurontario Street, Lakeshore Road East and Park Street to reflect the appropriate sidewalk width, boulevard treatments and appropriate building setback as well as a stratified easement to address any possible encroachment along Hurontario Street for the proposed underground parking structure.</p> <p>The applicant has also provided this department with a Functional Servicing Report proposing the relocation of the Lakeshore Road storm sewer outlet, which will require the applicant to enter into a Servicing Agreement for Municipal Works only with the City. PUCC circulation and approval will be required for the proposed storm sewer location and the boulevard details for Lakeshore Road, Hurontario Street and Park Street.</p> <p>Prior to the Supplementary Report proceeding to Council, a Phase 2 Environmental Site Assessment, accompanied by a letter of reliance is to be submitted to this department for review. Detailed comments/conditions on the above matters will be provided prior to the Supplementary meeting.</p>

Agency / Comment Date	Comment
<p>Peel District School Board (June 7, 2006)</p>	<p>Although there is available current capacity to accommodate the proposed development, the Board has requested that the following condition be placed in the Development and Servicing Agreements, in the event the applications are approved:</p> <p>The Board requires that the following clause be placed in any agreement of Purchase and Sale entered into with respect to any lots on this plan, within a period of five years from the date of registration of the subdivision agreement:</p> <p>“Whereas despite the best 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 bussed 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>Dufferin-Peel Separate School Board (April 4, 2006)</p>	<p>Although there is available current capacity to accommodate the proposed development, the Board has requested that the following warning clauses be included in the Servicing and Development Agreements and any agreements of Purchase and Sale, in the event the applications are approved:</p> <p>“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 transferred to the neighbourhood school.”</p> <p>“That the purchasers agree that for the purpose of transportation to the 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>

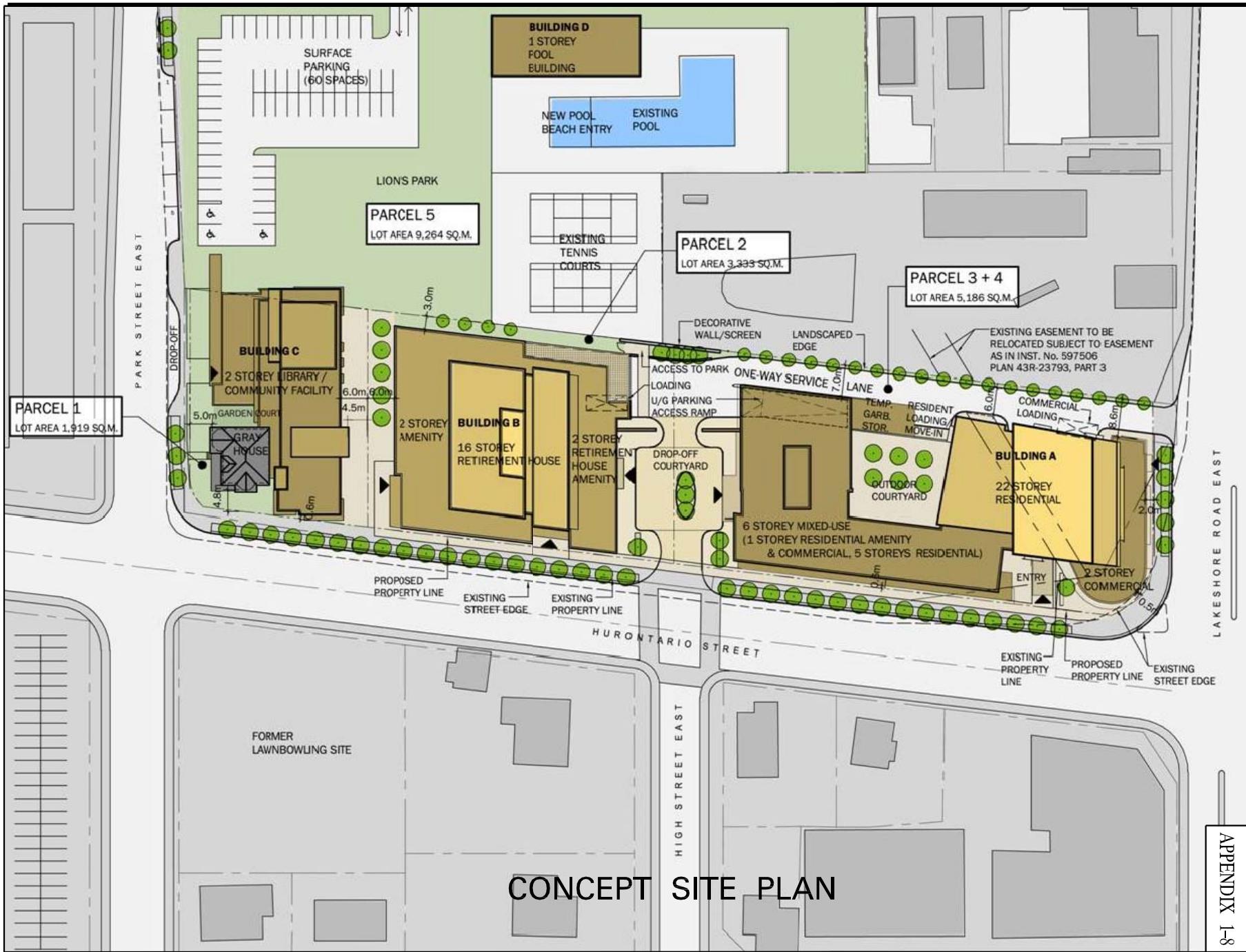
F.S. Port Credit Limited

File OZ 05/024 W1

Agency / Comment Date	Comment
Bell (July 29, 2005)	An easement may be required to provide service to the development.
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> <p>Economic Development Enersource Hydro Mississauga Rogers Cable Enbridge Credit Valley Hospital Community Services - Fire and Emergency Services Division</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Canada Post CN Rail Go Transit Enersource Hydro Mississauga Mississauga Transit</p>

School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 23 Kindergarten to Grade 6 7 Grade 7 to Grade 8 21 Grade 9 to Grade 12/OAC School Accommodation: <ul style="list-style-type: none"> Forest Avenue P.S. <ul style="list-style-type: none"> Enrolment: 178 Capacity: 259 Portables: 0 Riverside P.S. <ul style="list-style-type: none"> Enrolment: 350 Capacity: 503 Portables: 0 Port Credit S.S. <ul style="list-style-type: none"> Enrolment: 1, 012 Capacity: 1, 179 Portables: 0 	<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 68 Junior Kindergarten to Grade 8 19 Grade 9 to Grade 12/OAC School Accommodation: <ul style="list-style-type: none"> St. James Elementary <ul style="list-style-type: none"> Enrolment: 97 Capacity: 253 Portables: 0 St. Paul Secondary School <ul style="list-style-type: none"> Enrolment: 767 Capacity: 786 Portables: 0





HURONTARIO STREET ELEVATION



HURONTARIO STREET AND LAKESHORE ROAD ELEVATION



10 PARK STREET EAST / HURONTARIO STREET ELEVATION

Section 37 Implementation Policies

Section 37 of the *Planning Act* is a planning and legislative tool which allows municipalities to share in the value that may result from the increased density and/or height of a development project which represents “good planning”. It can only be applied if a local official plan, such as Mississauga Plan has applicable criteria for its application.

Mississauga Plan

Section 5.3.3.2 Policies for Bonus Zoning

In order to implement some of the policies of Mississauga Plan, and in exceptional circumstances, City Council may pass by-laws permitting increases in height and /or density for development permitted by this Plan and/or comprehensive Zoning By-law to enable the City to secure specific amenities that act as an incentive to encourage developers to provide specific amenities, subject to the following:

- a. City Council may grant bonuses in height and/or density of site specific development proposals beyond that permitted by this Plan and/or the implementing comprehensive Zoning By-law in exchange for facilities, services or matters such as, but not limited to:
 - protection of significant views and vistas of Lake Ontario;
 - provision of parkland;
 - preservation of the Natural Areas System;
 - provision of additional road or servicing improvements;
 - provision of a wide range of housing types, including affordable, assisted and special needs housing;
 - preservation of heritage resources.
- b. In all cases, the increase in height and/or density will be based on a site specific review. In reviewing the proposed increase in height and/or density City Council will ensure that:
 - the proposed development is compatible with the scale and character of the surrounding area and has little impact on neighbouring uses;
 - there are adequate engineering and community services;
 - the transportation system can accommodate the increase in density; a traffic study will generally be required;
 - the site is suitable in terms of size and shape, to accommodate the necessary on-site functions, parking, landscaping and recreational facilities;
 - a special study is required from the applicant which establishes an equitable relationship between the benefit to the owner of the value of the density increase that may be permitted and the value of the facility, service or matter to the public.

- c. When considering bonusing and allowing the provisions of benefits off-site, the positive impacts of the exchange should benefit the surrounding areas experiencing the increased height and/or density.
- d. By-laws permitting bousing of height and/or density will:
 - Specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services or matters;
 - Contain the detailed development standards that would apply to the site to lessen the impact the proposed increase in height and/or density may have on the surrounding area.
- e. The facilities, services or matters will be transferred to the City or secured by agreements entered into by the developer and the City, prior to the enactment of the Bonus Zoning By-law

F.S. Port Credit Limited

File: OZ 05/024 W1

Recommendation PDC-0071-2006

- PDC-0071-2006
1. That the Report dated June 13, 2006, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan to revise the “Residential High Density I” and “Mainstreet Commercial – Special Site 4B” provisions and to change the zoning of the F.S. Port Credit Limited lands from “C1-604” (Restaurant), “H-R4” (Residential Apartments with Holding Provision) and “P” (Open Space) to “R4-Special Section” (Residential Apartments and Commercial) to permit a 22 storey, 220 unit condominium apartment building with commercial uses at street level; a 16 storey, 150 unit seniors’ apartment building; and privately operated multi-use community space, and to amend the Official Plan from “Residential High Density I – Special Site 4B” to “Open Space – Community Park” and to change the zoning for the City-owned Lions Park at the southeast corner of Park Street East and Hurontario Street from “P” (Open Space) and “H-R4” (Residential Apartments with Holding Provisions) to “P-Special Section” (Open Space) to allow uses associated with the Lions Park redevelopment under file OZ 05/024 W1, F.S. Port Credit Limited, 15 Hurontario Street and adjacent Lions Park, be received for information.
 2. That the correspondence received by the Office of the City Clerk and distributed at the Planning and Development Committee meeting of June 26, 2006 with respect to the above development application, be received.

F.S. Port Credit Limited

File: OZ 05/024 W1

Updated Agency and Department Comments

Region of Peel

In comments dated June 1, 2007, the Region advised that their waste storage and collection facility design requirements will be addressed through site plan approval.

Transportation and Works Department

Comments dated May 31, 2007 indicate that this Department has reviewed and is satisfied with the supporting Traffic Impact Study prepared by BA Group. The findings conclude that the traffic volumes generated by the proposed development can be accommodated by the existing transportation infrastructure and that with some modifications, the surrounding road network will operate within satisfactory levels of service. The improvements include the modification of the channelized right turn lane from Lakeshore Road East westbound to Hurontario Street northbound with a more conventional intersection with a right turn lane, signal modifications to the Lakeshore Road East/Hurontario Street intersection, the provision of a left turn lane across the Hurontario Street frontage, traffic signal installations at the Hurontario street access to the site opposite High Street and the widening and reconstruction of Park Street.

The applicant has not provided all of the technical information requested by this Department. Boulevard concepts have not been finalized to date and the engineering details, PUCC approvals, timing and arrangements for the municipal works necessary in support of the application remain unresolved. Furthermore, the applicant is to submit an updated Noise Report and Phase II Environment Site Assessment for this Department's review. As several technical items remain outstanding, an "H" Holding Provision is to be applied to the implementing Zoning for the subject lands. The conditions necessary for the lifting of the "H" (holding prefix) include satisfactory arrangements for the completion of municipal works and improvements necessary in support of the development and are described in detail within Appendix S-8 of this report and in the Department's detailed comments/conditions for the application.

The proposal by F.S. Port Credit Limited to acquire the City owned lands which are currently occupied by the existing channelized right turn lane from Lakeshore Road East westbound to Hurontario Street northbound will necessitate the owner entering into a "pre-development" servicing agreement with the City to complete the appropriate modifications to the Lakeshore Road East/Hurontario Street intersection, to enable the purchase and sale of these lands which are to be incorporated into the subject lands. It is intended that the re-location of the storm sewer outlet from within the southerly portion of the F.S. Port Credit Limited lands to Lakeshore Road East would also be completed as a part of these works.

In the event the applications are approved by Council, the applicant will be required to make satisfactory arrangements with the City for the gratuitous dedication of the appropriate road widenings and the completion of boulevard works on Hurontario Street, Lakeshore Road East and Park Street East and the works necessary in support of the acquisition of the City owned lands at the northeast corner of Hurontario Street and Lakeshore Road East including storm sewer relocation, intersection and signal modifications. Furthermore, the applicant is to provide

F.S. Port Credit Limited

File: OZ 05/024 W1

a cash contribution toward the cost of reconstructing Park Street East and the installation of signals at the proposed Hurontario Street access opposite High Street East. The reconstruction of the travelled road on Hurontario Street will be completed by the City utilizing development charges and the reconstruction of Park Street East will also be undertaken by City forces utilizing a combination of capital expenditures and developer contributions.

As a part of the review of this application, the Transportation and Works Department retained the services of McCormick and Rankin, Consulting Engineers to undertake a study of the impacts of the possible future implementation of Light Rapid Transit (LRT) Service within the Hurontario Street right of way between Park Street and Lakeshore Road. In this regard, the City wishes to design the Hurontario boulevard, and locate street trees within this corridor, to protect for the potential of one way LRT service (looped or bi-directional) along the centre of the road, flanked by two lanes of traffic in each direction. The ultimate higher order transit facility along this corridor has yet to be determined; however, protecting for a one-way LRT corridor at this time provides a greater opportunity for street trees to be saved in the future. With the future implementation of this service the boulevard widths for the ultimate road cross section would be required to be reduced from 5.25 metres (17.2 ft.) to 4.8 metres (15.7 ft.). It is important to note that the ultimate cross-section may vary once the Environmental Assessment for the Hurontario Street corridor has been completed and the approach to and design of higher order transit along Hurontario Street is determined. Staff have reviewed possible options which address the future constraints to the boulevard widths and determined that adequate sidewalk, services, streetscape and utilities can be provided, however these details are yet to be finalized between the applicant and the City.

Community Services Department

The Community Services Department has reviewed the above noted revised development applications and supporting materials and provided the following updated comments on June 2, 2007.

The subject revised development applications now exclude the conveyance of lands to the City for the purposes of accommodating the relocated Gray House integrated with a new and relocated Port Credit Branch Library among other park improvements within an expanded Lions Park as part of a public benefits proposal. The applicant now proposes a \$1 million cash contribution towards future improvements to Lions Park, pursuant to Section 37 of the *Planning Act*.

Public Benefits

The applicant has submitted a Community Benefits Report, as prepared by Altus Clayton and dated May 14, 2007 and a Full Narrative Appraisal of the Vacant Land at 15 Hurontario Street, prepared by Janterra Real Estate Advisors and dated May 15, 2007 in support. The Community Benefits Report states that the applicant has offered \$1 million for the City of Mississauga improvements to the existing Lions Park. The Planning and Building Department will address the evaluation of the equity of the amount proposed.

F.S. Port Credit Limited

File: OZ 05/024 W1

The \$1 million cash contribution proposed by the applicant can be applied to future City improvements to Lions Park. Therefore, should the subject development applications be approved and prior to the enactment of the holding provision, the applicant would be required to enter into a Section 37 agreement and thereby provide the \$1 million cash contribution to the City for Lions Park improvements.

The scope of the Lions Park improvements will be determined at a later date and will be subject to public consultation.

Heritage

The FRAM lands subject to the development applications at 15 Hurontario Street are listed on the City's Heritage Register for its historical, architectural and contextual significance within the Port Credit community. The applicant has submitted a Heritage Impact Statement in accordance with City policy. As the Gray House has been demolished, this Department has no further comments the matter related to the relocation and integration of the structure into the proposed development.

Relationship to Park

Section 4.27.6.5.2.3 of Mississauga Plan speaks to private open space linkages to the easterly abutting Lion's Club facilities and should be incorporated into the future building designs for this area. The applicant has accommodated a physical connection to Lions Park at the extension of High Street. The visual linkage to Lions Park in the vicinity of the extension of High Street should be strengthened. This latter matter will be resolved during the processing of the associated Site Plan Approval Application.

Further, from an operation perspective, an easement in favour of the City is requested to accommodate public pedestrian access to Lions Park over the applicant's lands in the vicinity of the extension of High Street.

This Department had requested a 6 m (19.7 ft.) building setback along all shared property lines with the adjacent Lions Park. However, this Department has approved a reduced building setback of a minimum of 3 m (9.8 ft.), as illustrated on the preliminary Site Plan dated May 14, 2007, as the following conditions have been or will be met:

- loading areas/garbage enclosures will not face or flank the park;
- acceptable tiebacks and setback for the underground parking garage;
- planting within Lions Park, at the applicant's cost, and along the mutual boundary will address the interface between the park and the proposed development;
- building elevations along the Lions Park boundary that are sensitive to the park and on-look condition from the park;
- an acceptable grading plan illustrating that all drainage of any development is accommodated fully on the development parcel and does not encroach onto the adjacent Lions Park.

F.S. Port Credit Limited

File: OZ 05/024 W1

The applicant has submitted microclimate studies as follows:

- a) Urban Design and Streetscape Analysis, prepared by Giannone Architects Inc. and dated May 14, 2007 – this document illustrated the shadows projected for the proposed development as it relates to the adjacent Lions Park for the 21st day of the months of April, May, June, July, August, September and December at various times of day, and evening for the summer months. Significant shadows are not anticipated to cover any major part of the park or pool until evenings in late August and September. Given that the Lions Park pool operates mid-June to early September and that most of the pool's activity in terms of lessons and majority of public swim times occur in advance, shadows do not appear to be an issue; and
- b) Pedestrian Wind Study prepared by Rowan Williams Davies & Irwin Inc., dated March 5, 2007. The study states that for the proposed development configuration, the park area is anticipated to be comfortable for standing or sitting.

This Department has no further comments on these microclimate matters as they affect Lions Park.

Streetscape

The streetscape conditions Hurontario Street, Lakeshore Road West and Park Street East will include the provision for street trees. In recognition of Hurontario Street as a historic gateway, the applicant shall prepare a master plan and supporting details for the proposed boulevard landscaping works, for frontage onto Hurontario and Park Streets and Lakeshore Road East to reflect a traditional residential character in keeping with the historical context. The developer will be responsible for the cost and construction of the streetscape corridor and the boulevard works and shall enter into the appropriate agreement with the City.

Prior to the issuance of building permits, for each lot or block cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the *Planning Act* (R.S.O.1990, c.P. 13, as amended) and in accordance with the City's Policies and By-laws and pursuant to the Parkland Dedication Agreement as endorsed by Council by By-law 0014-2001 which allowed a parkland over-dedication credit from the applicant's "South Parcel" to be applied to the applicant's "North Parcel".

Should the subject development applications be approved and prior to the lifting of the holding provision, the following shall be addressed to the satisfaction of the Community Services – Planning and Heritage:

- 1) an easement shall be registered on title in favour of the City for a public pedestrian connection to and from Lions Park;
- 2) a Planting Plan for a 4 m (13.1 ft.) wide area along and within the Lions Park mutual boundary sufficient to accommodate high branching deciduous trees and ground cover shrubs

F.S. Port Credit Limited

File: OZ 05/024 W1

to address the interface between the park and the proposed development. This Planting Plan shall also depict a fence to Community Services standard;

- 3) a Grading Plan which shows that drainage shall not encroach onto Lions Park;
- 4) a Streetscape Master Plan and supporting details for the proposed boulevard landscaping works, for frontage onto Hurontario and Park Streets and Lakeshore Road East to reflect a traditional residential character in keeping with the historical context; and
- 5) a Development agreement including all letters of credit, cash contributions, warning clauses in regards to such matters including park and streetscape works; park clean-up, fencing and hoarding; notice of park protection requirements, park facilities, boulevard maintenance, payment of cash in lieu for parkland or public recreational uses; park and streetscape processing fees.

F.S. Port Credit Limited

File: OZ 05/024 W1

Key Statistics – Previous vs. Current Development Proposal

Item	Previous Proposal	Current Proposal
Height	22 storey condominium and 16 storey seniors apartment building	22 storey condominium and 7 storey seniors apartment building
Net Lot Area	0.852 ha (2.10 ac.)	1.044 ha (2.58 ac.)
Proposed GFA - Residential	42 705 m ² (459,688 sq. ft.)	42 505 m ² (457,535 sq. ft.)
Proposed GFA – Commercial	950 m ² (10,226 sq. ft.)	1 150 m ² (12,379 sq. ft.)
Proposed GFA – Amenity	5 662 m ² (60,947 sq. ft.) – included community space	5 355 m ² (57,643 sq. ft.)
Proposed GFA - TOTAL	49 317 m ² (530,861 sq. ft.)	49 010 m ² (527,556 sq. ft.)
Net Floor Space Index - Residential	5.5	4.6
Net Floor Space Index - Total	5.8	4.7
Landscaped Area	28% of net lot area	27% of net lot area
Number of units	370 (220 condominium; 150 seniors)	364 (214 condominium; 150 seniors)
Anticipated Population (Average household sizes for all units for the year 2011 based on the 2003 Growth Forecasts for the City of Mississauga)	853 persons	840 persons
Parking Provided:	453 spaces (below grade)	452 spaces (below grade)
Parking Required:	550 spaces (based on City's existing Zoning By-law)	428 spaces (based on parking standards recommended in this Report)

Additional documents submitted subsequent to the Information Report:

- Revised Site Plan and Grading Plan (Giannone Associates/Counterpoint Engineering)
- Revised Planning Justification Report (John Rogers & Associates)
- Revised Draft Official Plan and Zoning By-law Amendment (John Rogers & Associates)
- Noise Control Feasibility Study Addendum (S.S. Wilson Associates)
- Revised Parking Utilization Study (iTrans Consulting)
- Microclimatic Study and Addendum (RWDI)
- Urban Design & Streetscape Analysis (Giannone Associates)
- Community Benefits Report (Altus Clayton)
- Land Appraisal for Section 37 Analysis (Janterra Real Estate Advisors)

F.S. Port Credit Limited

File: OZ 05/024 W1

Recommended Official Plan Amendment Provisions – Changes to Special Site Area 4B

The following outlines the nature of changes required to the Special Site Area 4B provisions of the Port Credit District Plan

Development Concept:

- development along Hurontario Street should address the street and achieve a building façade height of 2 to 6 storeys;
- built-form step backs beyond this 6 storeys height is permitted;
- delete references to the potential for townhouses along Hurontario Street.

Urban Design Policies:

Central Character Area:

- building heights should not exceed 22 storeys at the northeast corner of Lakeshore Road East and Hurontario Street;
- building heights should not exceed 6 storeys on the remainder of the site, except for the portion between High Street East and Park Street East, which should not exceed 7 storeys;
- development along Hurontario Street should be designed to create an appropriate gateway to Port Credit;
- a 2 to 6 storey building podium plane is encouraged to be developed closest to the sidewalk;
- side yard setbacks should be sufficient to allow planting between buildings;
- remove references to townhouses.

Mainstreet Commercial Character Area:

- buildings at the northeast corner of Lakeshore Road East and Hurontario Street shall not exceed a height of 22 storeys;
- 2 storey built form should be provided adjacent to Lakeshore Road East to achieve a similar massing to that found along this traditional mainstreet;
- 6 storey built form should be provided adjacent to Hurontario Street to achieve a comfortable pedestrian scale of street enclosure.

F.S. Port Credit Limited

File: OZ 05/024 W1

Land Use:

Residential:

- remove references to freehold multiple units.

Residential High Density I:

- permits apartment buildings at a cumulative maximum floor space index of 4.7 for all of Area 4B;
- building heights should not exceed 6 storeys, except between High Street East and Park Street East, which shall not exceed 7 storeys.

Mainstreet Commercial:

- use description remains unchanged;
- cumulative maximum floor space index of 4.7 for all of Area 4B.

Entirety of Area 4B:

- a maximum of 214 apartment dwelling units will be permitted within Area 4B;
- a maximum of 150 retirement dwelling units will be permitted within Area 4B;
- a maximum of 1 150 m² (12, 379 sq. ft.) of non residential gross floor area to be devoted to commercial uses shall be permitted within Area 4B, directed to the southerly portion of the site along Lakeshore Road East and adjacent to the Hurontario Street/Lakeshore Road East intersection.

Transportation:

Parking:

- remains unchanged.

F.S. Port Credit Limited

File: OZ 05/024 W1

Recommended Zoning By-law Amendment Provisions – “H-R4-Special Section”

Permitted Uses:

- apartment building (maximum of 214 units);
- retirement house – as defined in the New City-Wide Zoning By-law (maximum of 150 units);
- business, professional and administrative office;
- medical office;
- retail and personal service commercial uses (art gallery; bank machine; bakery, bank, financial institution or money lending agency; barber shop and hairdressing/beauty salon; convenience store; dressmaking or tailoring establishment; drug store or dispensary; pharmacy; food store; printing, copying and photo processing establishment; restaurant or take-out restaurant, with or without a patio; shop in which goods are sold at retail; travel agency; video store, other than an “adult videotape store”; dry-cleaning/laundry establishment).

Gross Floor Area (GFA) restrictions:

- maximum combined GFA-residential and GFA- non residential of 49 010 m² (527,556 sq. ft.) for the entire site;
- maximum GFA of 1 150 m² (12,379 sq. ft.) for any combination of office uses and retail and personal service commercial uses;
- maximum GFA of 300 m² (3,229 sq. ft.) for food store uses;
- maximum GFA of 300 m² (3,229 sq. ft.) for all bank, financial institution or money lending agency uses;
- maximum GFA of 200 m² (2,153 sq. ft.) for all restaurant uses;
- maximum GFA of 100 m² (1,076 sq. ft.) for all medical office uses.

Heights:

- condominium apartment building – maximum of 22 storeys;
- seniors’ apartment building – maximum of 7 storeys;
- location of heights/step backs generally consistent with the site plan shown in Appendix S-9 (a Schedule “I” to the By-law shall depict the location of heights and step backs).

Setbacks/Buildable Areas:

- generally consistent with the site plan shown in Appendix S-9 (a Schedule “I” to the By-law shall depict the buildable areas and setbacks);
- setbacks to underground parking structure to be 0.0 m from all property lines.

F.S. Port Credit Limited

File: OZ 05/024 W1

Parking:

- In accordance with the City's Zoning By-law except as follows:

Land Use	Minimum Required Parking Standard
Retail and Personal Service Commercial	4.0 spaces per 100 m ² (1,076 sq. ft.) GFA
Apartment Building	1.1 resident parking spaces per one-bedroom unit
	1.3 resident parking spaces per two-bedroom unit
	0.19 visitor spaces per unit
Retirement House	0.4 spaces per unit

- a drive aisle width of 7.0 m (22.9 ft.) adjacent to vehicle parking spaces is recommended. This is the existing City standard;
- 20 additional parking spaces shall be provided for the nearby lands to the south zoned "C1-614";
- the minimum setback for motor vehicle surface parking and loading facilities from any street line shall be 5 m (16.4 ft.).

Landscaping:

- minimum of 25% of the site.

Section 37 Public Benefits Contribution:

- the By-law will authorize this height and density in connection with the provision of the public benefits as set out in the By-law (i.e. \$1 million towards improvements to Lions Park);
- Pursuant to Section 37 of the *Planning Act*, there will be an agreement between the City and the landowner to be registered on title regarding the provision of the public benefits.

Other Technical Standards/Exemptions to the City's Zoning By-law:

- as needed to be consistent with the site plan shown in Appendix S-9.

"H" Holding Provision:

- to be placed on the subject lands and removed by further amendment once the matters in Appendix S-8 have been satisfactorily addressed.

D R A F T

THIS AGREEMENT made as of this 25th day of June 2007

B E T W E E N:

F.S. PORT CREDIT LIMITED

(hereinafter collectively called the “Owner”)

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY OF MISSISSAUGA

(hereinafter called the “City”)

OF THE SECOND PART

W H E R E A S:

- A. The Owner is currently the registered owner of the Site;
- B. The Owner has proposed to develop the Site as a mixed-use high density commercial residential project;
- C. To permit the proposed development of the Site, the Owner has submitted applications to amend the City’s Mississauga Plan and Zoning By-law 1227 in order to increase the permitted heights and densities in addition to an application for Site Plan Approval for Phase I of the Development
- D. The Owner has appealed the above applications for amendments to the City’s Official Plan and Zoning By-laws and application for Site Plan approval to the Ontario Municipal Board in accordance with Sections 22(7), 34(11) and 41(12) of the Planning Act;
- E. Section 37(1) of the *Planning Act* permits City Council to pass, or the Ontario Municipal Board on appeal, to approve a by-law under Section 34 of the *Planning Act* to authorize increases in the height and density of development otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the by-law;
- F. The City’s Mississauga Plan contains policies relating to the authorization of increases in height and density of development in return for the provision of such facilities, services or matters as set out in the by-law as required by Section 37(2) of the Planning Act
- G. Section 37(3) of the *Planning Act* states that where an owner of land elects to provide facilities, services or matters in return for an increase in the density or height of

development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

- H. The Owner has elected to provide certain facilities, services and matters comprised of a cash contribution to be used for park improvements to or redevelopment of Lion's Park in return for the permission to increase the height and density of development as set forth in the Zoning By-law Amendment, and accordingly, has requested the City to require the Owner to enter into this Agreement pursuant to Section 37(3) of the *Planning Act*;
- I. City Council has agreed to require the Owner to enter into this Agreement pursuant to Section 37(3) of the *Planning Act*;
- J. The Official Plan Amendment and the Zoning By-law Amendment contain provisions related to the authorization of increases in the height and density of development permitted at the Site subject to the imposition of a holding symbol in accordance with Section 36 of the Planning Act to be removed upon satisfaction by the Owner of the conditions and requirements set out in the Zoning By-law Amendment including the construction and installation of all Services required for the proposed Development on the Site;
- K. The Owner has agreed to construct and install at its cost and expense all Services required for the proposed Development on the site;
- L. Pursuant to Sections 37(3) and 37(4) of the *Planning Act*, the City and the Owner may enter into this Agreement, which may be registered against the Site, and the City is entitled to enforce the provisions of this Agreement against the Owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the Site or any portion thereof;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants hereinafter expressed and the sum of \$10.00 dollars of lawful money of Canada now paid by each Party to the other (the receipt and sufficiency of which is hereby acknowledged by each Party), the Parties hereby covenant and agree to and with each other as follows:

Section 1 DEFINITIONS

- 1.1 "Amending By-laws" means the Official Plan Amendment and the Zoning by-law Amendment.
- 1.2 "Building(s)" means a building or buildings to be developed or constructed as part of each Phase of the Development on the Site in accordance with the Plans and Drawings for which Site Plan Approval has been issued and for which a Building Permit is required.

- 1.3 “Building Code” means O. Reg 350/06 as amended, superseded or replaced from time to time.
- 1.4 “*Building Code Act*” means the *Building Code Act, 1992* S.O. 1992, c.23, as amended, superseded or replaced from time to time.
- 1.5 “Building Permit” means a permit issued pursuant to Section 8 of the *Building Code Act*, in order to construct a Building within a Phase on the Site that is permitted by the Amending By-laws.
- 1.6 “Chief Building Official” means the Chief Building Official for the City appointed pursuant to Section 3 of the *Building Code Act* and shall include his or her designates.
- 1.7 “City” means The Corporation of the City of Mississauga.
- 1.8 “City Council” means the Council of the City.
- 1.9 “City Owned Lands” means Part ____ on 43R- _____ attached as Schedule B which are owned by the City and required by the Owner to be purchased at fairmarket value from the City in order to complete the land assembly for the Site.
- 1.10 “City Solicitor” means the City Solicitor and shall include his or her designates.
- 1.11 “Claims” means any and all actions, suits, proceedings, claims, executions, demands, liens made against a Party or persons who they are legally responsible for in law.
- 1.12 “Commissioner of Planning and Building” means the Commissioner Planning and Building for the City and shall include his or her designates.
- 1.13 “Commissioner of Transportation & Works” means the Commissioner of Transportation & Works for the City and shall include his or her designates.
- 1.14 “*Condominium Act*” means the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, superseded or replaced from time to time.
- 1.15 “Consulting Engineer” means a professional engineer or firm of engineers employed by the Owner, as may change from time to time, who is skilled and experienced in municipal work, land development projects and is registered with the Professional Engineers of Ontario, possessing a current certificate of authorization to practice professional engineering as required by the *Professional Engineers Act*, R.S.O. 1990, c. P.28, as amended, superseded or replaced from time to time.
- 1.16 “Development” means the development and construction of Buildings, structures and improvements on the Site in Phases as permitted by the Amending By-laws, as may be amended or varied from time to time, and in accordance with the issued Site Plan Approval for each Phase.

- 1.17 “Development Agreement” means a Development Agreement between the Owner and the City on terms satisfactory to the City for the development of the Site, including, warning clauses, conditions of Site Plan Approval, and provisions relating to phasing, condominium registration and such other provisions or conditions as the City may require.
- 1.18 “Development Review Process” means the Removal of Holding Symbol Application for the removal of the holding “H” provision applicable to the Site contained in the Zoning By-law Amendment, and the Site Plan Application and Site Plan Approval process all as contemplated by Sections 36 and 41 of the *Planning Act*.
- 1.19 “Final Confirmation Date” has the meaning set forth in Section 9.1.
- 1.20 “Final Disposition” has the meaning set forth in Section 9.1.
- 1.21 “including” means including without limitation to the generality of the foregoing
- 1.22 “Letter of Credit” means an irrevocable unconditional letter of credit from a Canadian Charter Bank on terms and conditions acceptable to the City in accordance with the City’s standard form of Letter of Credit.
- 1.23 “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, superseded or replaced from time to time.
- 1.24 “Notice of Final Confirmation” has the meaning set out in Section 9.4.
- 1.25 “Notice of Termination” has the meaning set forth in Section 9.2.
- 1.26 “Official Plan Amendment” means the proposed official plan amendment to Mississauga Plan with respect to the Site substantially in the form attached hereto as Schedule “D”.
- 1.27 “Outside Date” has the meaning set out in Section 9.1(c).
- 1.28 “Owner” means F.S. PORT CREDIT LIMITED and for the purposes of Sections 7.1 to 17.4, it extends to all officers, employees, agents or persons acting under the direction of F.S. PORT CREDIT LIMITED in connection with their obligations under this Agreement.
- 1.29 “Parties” means the Owner and the City and “Party” means any one of the Owner or the City.
- 1.30 “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, superseded or replaced from time to time.

- 1.31 “Plans and Drawings” means plans and drawings for each Phase submitted pursuant to Section 41 of the Planning Act.
- 1.32 “Phase I” means the first Phase of the Development on the Site.
- 1.33 “Phase II” means the second Phase of the Development on the Site.
- 1.34 “Phases” means either or both Phase I and II of the Development.
- 1.35 “Removal of Holdings Symbol Application” means an application pursuant to Section 36 of the Planning Act for the removal of the “H” provision from the Zoning By-law Amendment
- 1.36 “Services” means all services and facilities which may be required to fully service the Development on the Site permitted under the Amending By-laws, including,
- (a) services to be installed, relocated or modified within the Site, or within adjacent lands, or adjacent municipal rights of way in conjunction with the development of the Site, whether municipal services or services of a nature or kind that are not deemed to be municipal services including, without limitation:
 - (i) removal of the existing municipal storm sewer from its current location within the site and construction of a new suitably sized municipal storm along the east limit of the Site within a municipal easement granted by the Owner to the City,
 - (ii) construction of new storm sewers within Lakeshore Blvd to connect to and accommodate flows from the relocated storm sewer referred to in (i) above, and relocation of existing sanitary sewers within Lakeshore Boulevard,
 - (iii) realignment of the intersection at Hurontario Street and Lakeshore Boulevard, including modifications to traffic signalization and elimination of the free flow right turn lane and traffic island and construction of a right turn slip off lane; and
 - (iv) all services, roadway improvements, intersection improvements or boulevard improvements which are required to be installed, constructed, upgraded, relocated, realigned, resized or reconstructed to fully service and accommodate the Development permitted by the Amending Bylaws all as may be required by the Commissioner of Transportation and Works
 - (b) all Works relating to the Services described in paragraph (a) above including, manholes, catch basins, service connections, curbs, splash pads, sidewalks, boulevards, water systems, drainage works, swales, grading, sodding, seeding, erosion control works, street lighting, paving, traffic signals, fencing, signage;

- (c) payment of cash contributions by the Owner to the City for one third of the estimated cost for the reconstruction of Park Street, and the full estimated cost for the traffic signalization of the High Street/Hurontario Street intersection
 - (d) regulatory signage, pavement markings and line paintings, including any modifications to the pavement markings and signage on existing streets;
 - (e) the streetscape improvements including boulevard landscaping and works and streetscape corridor, and hard surface boulevard treatment including sidewalks, and splashpads to the extent of the full frontage of Site on Park Street, Hurontario Street, and Lakeshore Boulevard;
 - (f) any other services as may identified in any engineering studies or submissions approved by the Commissioner of Transportation and Works and or the Region of Peel's Commissioner of Public Works to properly service the Site; and
 - (g) all services, works, facilities and matters incidental thereto or in connection therewith, or necessary or proper to complete any and all of the foregoing Services or to properly and completely service the Site and the Development permitted under the Amending By-laws as determined by the City's Commissioner of Transportation and Works .
- 1.37 "Servicing Agreement" means a Servicing Agreement (Municipal Works Only) on terms and conditions satisfactory to the City with respect to the design, construction and installation of the required Services in accordance with the City's Standards and Specifications; including the submission of all required Letters of Credit.
- 1.38 "Site" means the lands owned by the Owner and described in Schedule "A".
- 1.39 "Site Plan Application" means the application for the approval of Plans & Drawings submitted by the Owner to the City for each separate Phase of the Development, pursuant to Section 41(4) of the *Planning Act*.
- 1.40 "Site Plan Approval" means the approval of the Site Plan Application and Plans and Drawings in accordance with the provisions of Section 41 of the *Planning Act*.
- 1.41 "Standards and Specifications" means the detailed description of construction, materials and workmanship of Services or any other work to be carried out by the Owner as prescribed by the City, or any external authority having jurisdiction, including Ontario Provincial Standards and Specifications, in effect at the time of commencement of construction, or such other additional requirements which may be specified by the City, or any external authority having jurisdiction.
- 1.42 "Title Opinion" means a title opinion in the form attached as Schedule "C".

- 1.43 “Works” means the construction and installation of the Services pursuant to the Servicing Agreement.
- 1.44 “Zoning By-law Amendment” means the proposed zoning by-law amendment to Zoning By-law 1227 or any successor zoning by-law with respect to the Site substantially in the form attached hereto as Schedule “E”.
- 1.45 The schedules attached hereto are incorporated into this Agreement by reference and are deemed to be a part hereof. The schedules attached hereto are as follows:
- | | | |
|--------------|---|---------------------------|
| Schedule “A” | - | Legal Description of Site |
| Schedule “B” | - | Reference Plan |
| Schedule “C” | - | Title Opinion |
| Schedule “D” | - | Official Plan Amendment |
| Schedule “E” | - | Zoning By-law Amendment |

Section 2 REGISTRATION OF THE AGREEMENT

Covenants

Owner warrants ownership and agrees

2. The Owner warrants that at the date of execution of this Agreement it is the registered owner in fee simple of the Site and hereby agrees that at the request of the City Solicitor and at the Owner’s sole cost and expense:

to register agreement

- (a) this Agreement or a notice thereof shall be registered by the Owner on title to the Site;

to provide postponements

- (b) the Owner shall procure and provide to the City any release, discharge, quiet claim, or postponement of any interest as necessary to ensure that this Agreement shall have priority over any interest and the Owner’s fee simple interest; and

to provide solicitor’s title opinion

- (c) the Owner shall provide the City with a Title Opinion, in the form attached as Schedule “C” satisfactory to the City Solicitor from the Owner’s solicitors, being solicitors in good standing in the Province of Ontario, confirming that the Owner is the owner of the Site and that this Agreement shall have priority over any interests in the Site.

Section 3 DEVELOPMENT OF SITE

Development Review Process

Phases

3.1 The Owner acknowledges that each Phase of the Development shall be subject to the Development Review Process.

General Requirements

3.2 Prior to the commencement of construction of Buildings, structures or other improvements for any Phase, the Owner shall at its sole cost and expense:

- (a) make a Removal of Holding Symbol Application to the City for the removal of the holding “H” provision contained with the Zoning By-law Amendment applicable to the Site
- (b) comply with all conditions and requirements contained in the Amending By-law the enactment by the City of a by-law under Section 36 of the Planning Act for the removal of the holding “H” provision, including, without limitation:
 - (i) the execution, delivery and registration of the Development Agreement on terms satisfactory to the City and the submission of all required Letters of Credit in the amount of the estimated cost of boulevard and streetscape works as approved by the Commissioner of Transportation and Works within the full frontages of the site along Hurontario Street, Park Street and Lakeshore Road which the Owner shall construct under the Development Agreement as part of the Services
 - (ii) the execution and delivery of the Servicing Agreement for the performance of all Works in relation to the design, installation and construction of the Services (excluding the Works described in paragraph 3.2 (b)(i) above) and the submission of all required Letters of Credit in the amount of the estimated costs of such Services as approved by the Commissioner of Transportation and Works
 - (iii) the gratuitous transfer and dedication of all road widenings to the City comprised of Parts ____ on 43R-____
 - (iv) the completion of the transfer of the City Owned Lands to the Owner for payment of the fair market value purchase price under an Agreement of Purchase and Sale negotiated and executed by the Owner and the City;

- (v) obtain the approval of the City's Public Utilities Coordinating Committee prior to the finalization of the engineering design and location of any Works.
- (c) obtain from the City the enactment of a by-law under Section 36 of the Planning Act removing the holding "H" provision from the Zoning By-law Amendment
- (d) obtain Site Plan Approval in respect of the Site Plan Application and Plans and Drawings for each Phase;
- (e) enter into an undertaking or site plan agreement required as a condition of the Site Plan Approval for each Phase including the submission of all required Letters of Credit;
- (f) obtain all required Buildings Permits under the Building Code Act and Building Code;
- (g) pay to the City all required fees and charges including building permit fees development charges, cash in lieu of parkland payments, engineering fees and all planning application and processing fees; and
- (h) satisfy any and all other conditions, requirements, by-laws, policies and standards of the City, and obtain all permits or authorizations required thereunder in relation to the Development.

Timing of Development

General

3.3 The Parties recognize that the actual pace of the Development will be governed by many factors (some of which are beyond their control) such as market conditions and opportunities, interest rates and the general state of the economy, and therefore, the Owner cannot be bound in any way to a particular timing for construction of the Development or portions thereof, provided however, the construction of all Services shall be completed in accordance with the time frames set out in the Servicing Agreement and Development Agreement.

Future Modifications to this Agreement

Consent of Condominium Owners Not Required to Future Amendments

3.4 The Owner also agrees that this Agreement may be amended without the consent or agreement of the owners of any units located within any condominium, their lenders, or any other person holding any interest with respect to such unit, or any condominium corporation in association with any owners or tenants of such units that may be constructed within the Site. Any such amendment shall not relieve or release any such owner or tenant of a condominium unit or their lenders, or any other person holding an interest with respect to such unit, or a condominium corporation from its obligations or restrictions, if any, under the provisions of this Agreement.

Section 4
SERVICES – OWNER’S OBLIGATION TO CONSTRUCT SERVICES
GENERAL REQUIREMENTS

Owner’s Responsibility for Cost of Services

General

- 4.1 The Owner agrees to construct and provide, at its own cost and expense, and in good and workmanlike manner, all Services on, within and external to the Site required to service all Phases for the complete Development on the Site as permitted under the Amending By-laws to the satisfaction of the Commissioner of Transportation & Works in accordance with all applicable Standards and Specifications, the Servicing Agreement and/or Development Agreement, and to complete, perform or make payment for such matters as may be provided herein.

Letters of Credit

- 4.2 The Owner shall submit to the City as security for all Works in relation to the Services Letters of Credit in the amount of the estimated cost for the design, construction and installation of such Services as determined and approved by the City’s Commissioner of Transportation and Works

Completion of Transfer of City Owned Lands

- 4.3 The Owner agrees that prior to the completion of any transfer of the City Owned Lands from the City to the Owner under any Agreement of Purchase and Sale which may be negotiated and executed between the Owner and the City, the Owner shall have first completed all Works in relation to the Services excepting Works in relation to the boulevard streetscape which shall be completed co-extensively with the completion of all Buildings comprising each Phase of the Development as provided in the Development Agreement.

Consulting Engineer

- 4.4 The Owner further agrees to ensure that the Consulting Engineer retained under the Servicing Agreement shall co-ordinate the installation and placement of utilities in the proposed utilities corridor within the abutting municipal rights of way with the activities of contractors retained to construct the boulevard and streetscape and corridor to avoid conflicts, disruptions or obstructions with the construction and installation of utilities and streetscaping.

Shorings/Tiebacks

- 4.5 The Owner acknowledges and agrees that the placement of any shorings, tiebacks, anchor bolts, piles, or lagging or any other engineered earth retention system within and below any part of the abutting municipal rights of way shall require
- (a) submission of an encroachment application and payment of required encroachment fee and processing fees;
 - (b) submission of engineering drawings which demonstrate to the satisfaction of the City’s Commissioner of Transportation and Works and the Public Utilities Co-ordinating Committee that the proposed location and depth within the municipal right of way of the

required shorings, tiebacks, anchor bolts, piles or lagging or other engineered earth retention system does not conflict with, obstruct or interfere with the location and zone of influence of utilities, street trees, streetscape and other boulevard improvements within the municipal right of way;

- (c) the execution and delivery of an Encroachment Agreement on terms satisfactory to the City for the placement of any such shorings, tiebacks, anchor bolts, piles or lagging or other engineered earth retention system within and below the municipal right of way; and
- (d) compliance with all requirements of City By-law 0057-04.

Section 5

PARK IMPROVEMENTS

Lion's Park Payment

Owner to contribute \$1,000,000.00 for Lion's Park improvements

- 5.1 The Owner agrees pursuant to Section 37 of the Planning Act to pay and contribute in return for the increase in height and density authorized by the Amending By-laws the sum of One Million Dollars (\$1,000,000.00) to the City for improvements to and/or redevelopment of Lion's Park and its recreational facilities and buildings, which sum shall be paid to the City by certified cheque or money order upon execution of this Agreement.

Section 6

DEVELOPMENT CHARGES/CASH IN LIEU OF PARKLAND

Development Charges By-law

- 6.1 The Owner acknowledges that the Site is subject to By-law No. 316-04 being a by-law respecting development charges, and the development charges by-laws of the Region of Peel and the educational development charges by-laws of the Peel District School Board and the Dufferin Peel Catholic School Board.

No Credit for Development Charges

- 6.2 The Owner agrees that it shall not be entitled to a credit against the City's or the Region of Peel's development charges or against the Peel District School Board and Dufferin Peel Catholic School Board's educational development charges in relation to the cost of the Services, financial contributions, the Section 37 contribution provided in Section 5.1 and all other facilities, services and matters required by this Agreement.

Payments of Cash in Lieu of Parkland

- 6.3 Prior to the issuance of any Building Permit, by the Chief Building Official satisfactory arrangements shall have been made with the Planning and Heritage Section of the Community Services Department and Realty Services Section of the Corporate Service Department of the City with respect to the payment of cash-in-lieu of park or other public recreational purposes. The Owner acknowledges that the City will require the payment of cash-in-lieu for park and other public recreational purposes as a condition of development prior to the issuance of any Building Permit, and valued as of the day before the day of Building Permit issuance pursuant to Section 42(6) of the Planning Act and the City's by-laws and policies.

No Further Parkland to be Dedicated

- 6.4 The Parties agree that no further requirement shall be made of the Owner to dedicate any land to the City for park or other public recreational purposes provided however the Owner shall make payments to the City of money in lieu thereof pursuant to and in accordance with Section 6.3 above, the provisions of the *Planning Act*, and all City policies and procedures.

**Section 7
INDEMNITY**

Owner to Indemnify City

- 7.1 The Owner agrees to fully indemnify the City and each of its elected officials, officers, employees, agents or persons for whom it is responsible in law of, from and against all Claims and all loss, costs, charges, damages, and expenses which may be sustained, incurred or paid by reason of, on account of, or in consequence of the fulfillment by the Owner of its obligations under this Agreement, including the default, breach or negligence in connection with its obligations under this Agreement.
- 7.2 Section 7.1 shall not apply to any Claims, loss, costs, charges, damages, and expenses incurred by the Owner or the City arising from the negligence and/or wilful misconduct of the City, its elected officials, officers, employees, agents or persons for whom it is responsible in law.

Owner may defend

- 7.3 If the City is made a party to any Claim to which the Owner's obligation to indemnify the City under the provisions of this Section extends, the City shall fully inform the Owner of such Claims.
- 7.4 If the City is made a party to any Claim, the Owner may defend or challenge the validity of such Claim in the name of the City, and the City shall co-operate and assist the Owner in its defence or challenge thereof. At all times, the Owner shall retain the right to settle any Claim under its own terms, provided that such settlement shall not jeopardize the City in any way.

Section 8 GENERAL COVENANTS

Further Assurances

- 8.1 The Parties hereto covenant and agree that at all times and from time to time hereafter upon every reasonable written request so to do, they shall make, execute, deliver or cause to be made, done, executed and delivered, all such further acts, deeds, assurances and things as may be required for more effectively implementing and carrying out the true intent and meaning of this Agreement.

This Agreement Does Not Fetter City Council's Legislative Discretion

- 8.2 Notwithstanding any other provisions of this Agreement, the Parties hereto agree with each other that none of the provisions of this Agreement is intended to operate, nor shall have the effect of operating in any way to fetter either the City Council, which authorized the execution of this Agreement, or any of its successors in the exercise of any of City Council's legislative or quasi-judicial powers, or the discretion of City Council and/or the Commissioner of Planning and Building in relation to the Development Review Process and/or Site Plan Approval. Without limiting the generality of the foregoing, such powers include the power to pass, amend or repeal by-laws; to adopt, amend or rescind official plan amendments; grants or withhold Site Plan Approval or impose conditions in relation to Site Plan Approval or any discretionary power that the City has under law to approve or withhold approval to permit any demolition, relocation, construction, alteration, remodelling or any other things or act which may materially affect any Building, structure or part thereof that is subject to this Agreement. This Agreement shall not in any manner bind or compel or be construed or interpreted in any manner so as to bind or compel City Council to enter into any Agreement of Purchase or Sale with the Owner, or to fetter City Council's discretion to accept or reject any offers to purchase submitted by the Owner, for the sale and purchase of the City Owned Lands.

Enurement

To the City

- 8.3 The Parties hereto agree that the covenants, rights, duties, provisos, conditions and obligations herein contained shall enure to the benefit of and be binding upon the City and its successors and assigns and that the City and its successors and assigns shall be entitled to enforce the provisions of this Agreement which are covenants, duties or obligations of the Owner and its successors and assigns

To the Owner

- 8.4 The Owner agrees that the covenants, rights, duties, provisos, conditions and obligations herein contained, as they apply to the Owner, shall enure to the benefit of and be binding upon the Owner and its successors and assigns, including all subsequent owners.

8.5 The Owner covenants and agrees that it shall be a general and indispensable condition of any sale, mortgage or charge by it or a lease or renewal of lease by it for a term, including entitlement to renewal, of twenty-one (21) years or more, of the whole or any one or more portions of the Site or any assignment or sub-lease by it of such a leasehold interest with an unexpired term including entitlement or renewal of twenty-one (21) years or more in the whole or any one or more portions of the Site, that such purchaser, mortgagee, chargee, lessee, assignee or sub-lessee, as the case may be, shall agree in writing with the City to be bound by and assume this Agreement to the same effect as if it were the Owner, provided however, this subsection shall not apply to:

- (a) a mortgage or charge given by way of security for financing or to a lease, an assignment or sublease of a leasehold interest in the whole or any portion of the Site given by way of security for financing unless and until and for so long as the mortgagee, chargee, lessee, assignee or sub-lessee thereunder takes possession or control of the whole or any portion of the Site pursuant to such security;
- (b) a lease of any office, retail or other space of a portion of any building located on the Site or to any assignment or sub-lease of such a leasehold interest;

provided that if any mortgagee, chargee, lessee, assignee or sub-lessee referred to in this Section shall dispose of the whole or any portion of the Site, in realizing upon such security, the party acquiring such lands shall be bound by, subscribe to and covenant with the City to the same effect as if it were the Owner.

City Not Bound as an Owner

8.6 Notwithstanding anything in this Agreement to the contrary, in the event that the City retains ownership of any part of the Site or acquires any part of the Site for any purpose, the City shall not be bound by this Agreement as an Owner.

Notices

8.7 Any notices to be given under this Agreement shall be delivered to the Parties at their respective addresses, which are as follows:

City	The Corporation of the City of Mississauga c/o City Clerk 300 City Centre Drive Mississauga, ON L5B 3C1
Attention:	Mary Ellen Bench, City Solicitor
Fax:	(905)896 5106
Owner	F.S. Port Credit Limited 141 Lakeshore Road East Mississauga, Ontario L5G 1E8

Attention: Frank Giannone, President
 Fax: 416 747 9899

Postal Strike

- 8.8 In the event of any interruption in the postal service, notice shall be given to any Party at its respective address as set out herein, either in person or by special courier in the manner as set out herein. The Party receiving the notice shall indicate the receipt of it by signing a form of acknowledgement of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgement of receipt was signed. In the event that a Party refuses to sign an acknowledgement of receipt of the notice, the person delivering the notice may swear an affidavit of service or statutory declaration and the notice shall be presumed to have been received on the date of service as set out in such affidavit or statutory declaration, as the case may be.

Jurisdiction to Enter into This Agreement

Parties not to challenge jurisdiction

- 8.9 This Agreement is entered into pursuant to Section 37(3) of the *Planning Act*. It is agreed and acknowledged by the Parties hereto that each is satisfied as to the jurisdiction of the other to enter into this Agreement. The Owner therefore covenants and agrees that it shall not question the jurisdiction of the City to enter into this Agreement nor question the legality of any portion thereof; and, likewise, the City agrees that it shall not question the jurisdiction of the Owner to enter into this Agreement nor question the legality of any portion hereof. The Parties hereto and their respective successors, assigns and sub-lessees are and shall be estopped from challenging the jurisdiction of the other Party to enter into this Agreement in any proceeding before a court of competent jurisdiction.

If Agreement is found to be without jurisdiction

- 8.10 If this Agreement as a whole is determined by a court of competent jurisdiction to be illegal or beyond the power and jurisdiction of the City, and appeals from such decision have been exhausted, the Owner and the City agree that the Official Plan Amendment and Zoning By-law Amendment may be repealed by the City, and the Owner covenants and agrees not to oppose or question or cause to be opposed or questioned the said repeal(s) and the termination provision of this Agreement shall apply *mutatis mutandis*.

If portions of Agreement are found to be without jurisdiction

- 8.11 If any individual provision(s) of this Agreement is or are determined by a court of competent jurisdiction to be illegal or beyond the power, jurisdiction, or capacity of any party bound hereby, such provision shall be severed from this Agreement if both the Owner and the City agree, and the remainder of the Agreement shall continue in full force and effect, *mutatis mutandis*; and, in such case, the Owner and the City agree to

negotiate in good faith to amend the Agreement in order to implement the intentions as set out herein. If the Owner and the City cannot agree that such provision or provisions shall be severed, or if this Agreement is found not to have jurisdiction or authority to restrain the issuance of a Building Permit or to restrain occupancy in accordance with the terms of this Agreement, City Council may repeal or amend the Zoning By-law Amendment with the object of restoring the City's zoning by-law provisions applicable to the Site to the state they were in on the day immediately prior to the date of the passing of the Zoning By-law Amendment, and the Owner covenants and agrees not to oppose or question or cause to be opposed or questioned the repeal of the Zoning By-law Amendment.

Headings

- 8.12 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

City Officials

- 8.13 Reference to a Commissioner of the City or to a City official shall be deemed to include a reference to the Commissioner or City official who performs the duties of such referenced person from time to time.

Gender and Number

- 8.14 This Agreement shall be construed with all changes in number and gender as may be required by the context.

Time to be of Essence

- 8.15 Time shall be of the essence in this Agreement.

Failure is Not Waiver

- 8.16 The failure of the City at any time to require performance by the Owner of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall any such waiver be taken or held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

Specific Performance

- 8.17 The Owner acknowledges that any breach of this Agreement by the Owner would not be adequately compensated by payment of damages and, accordingly, the Owner admits that specific performance is an appropriate form of remedy in the event of default by the Owner.

Commencement of Agreement

- 8.18 This Agreement shall commence on the date of execution and delivery hereof by the Parties.

Section 446 of the *Municipal Act, 2001*

- 8.19 The Owner agrees that upon failure by it to do any act that is required by this Agreement, the City may, in addition to any other remedy under this Agreement, enter upon the Site if necessary and do the said act at the Owner's expense and collect the cost in like manner as municipal taxes as provided for in Section 441 of the *Municipal Act, 2001*.

Lien or Charge in Favour of City

- 8.20 In addition to the rights set out in Section 8.19, in the event that the Owner shall be in default in the performance of any obligations under this Agreement which the City is required to enforce at its cost and expense or in the payment of any amounts of money required by the Owner to be paid to the City under this Agreement, the City shall have a lien against the Site to secure the recovery of all costs and expenses incurred by the City or the payment of such sum of money together with interest thereon at a rate equal to the Prime Lending Rate of the Royal Bank of Canada plus 3% plus all reasonable costs incurred by the City in the preparation, registration and filing of the lien. Such lien shall arise immediately upon the giving of notice by the City to the Owner demanding payment and asserting said lien against the Site by the filing of a caution or other notice that may be permitted according to the provisions of the *Land Titles Act* (Ontario) or any amendments thereto, or such other legislation as may be applicable to the title of the Site from time to time. The lien shall be enforceable in the same manner as a mortgage in default pursuant to the provisions of the *Mortgages Act* (Ontario), and any other applicable statutory provision or common law or equitable principle applicable thereto. In the event the Land Registrar requires the City seeking to enforce such lien or charge against the registered title of the Site to apply to a court of competent jurisdiction for any order, direction advice or authorization prior to such Land Registrar allowing the registered title of the Site to be amended as a result, the City shall forthwith apply to such court for any such required order, direction, advice or authorization and the Owner hereby consents to any such application for this purpose. Any monies arising from any permitted sale of the Site encumbered by the lien or charge granted hereunder shall be applied in the first place, to pay and satisfy the costs and charges of preparing for and making any sale as aforesaid, and all other costs and charges which may be incurred in and about the execution of any of the duties thereby resulting from enforcing the lien or charge, and in the next place to recover such costs and expenses incurred by the City to perform such obligations or recover such amounts required by the Owner to be paid under this Agreement, and interest thereon as provided above, and finally to pay the surplus, if any, to the Owner or its successors and assigns.

Chief Building Official

- 8.21 The Owner agrees that wherever the provisions of this Agreement permit the City to refuse to process or issue a Building Permit, such provisions shall apply equally to the Chief Building Official.

Owner's Waiver to Issuance of Building Permit

- 8.22 The Owner hereby covenants and agrees not to apply for an not to assert any rights to any Building Permits and covenants and agrees that the City or the Chief Building Official under the Building Code Act shall not issue a Building Permit with respect to the requirements and obligations of the Owner as set out in this Agreement have been fulfilled and complied with and all rights to the issuance of any such Building Permits which the Owner or subsequent owners would not have had, but for the provisions of this Agreement, are hereby expressly waived.

City may plead estoppel

- 8.23 The provisions of this Section may be pleaded by the City or the Chief Building Official or as an estoppel against a plaintiff/defendant by counterclaim in any proceedings of any nature or kind whatsoever against the Chief Building Official or the City or any of its employees or officials, as a result of the non-issue or revocation of a Building Permit.

Force Majeure

- 8.24 Notwithstanding anything in this Agreement to the contrary, if the Owner or the City are *bona fide* delayed in or prevented from performing any obligation arising under this Agreement by reason of strikes or other labour disturbances, civil disturbance, material or labour shortage, restrictive government laws, including but not limited to the issuance of required permits, regulations or directives, acts of public enemy, war, terrorism, riots, sabotage, crime, lightning, earthquake, fire, hurricane, tornado, flood, explosion or other act of God, then the performance of such obligation is excused for so long as such cause exists, and the party so delayed shall be and is entitled, without being in breach of this Agreement, to carry out such obligations within the appropriate time period after the cessation of such cause.

Covenants to Run with the Lands

- 8.25 The covenants and agreements contained in this Agreement shall be and are intended to be binding upon and to run with the lands and premises comprising the Site and shall be enforceable against the Owner and all subsequent owners thereof in accordance with Section 37(4) of the *Planning Act*.

Section 9 COMPLETION AND UNWINDING

Final Disposition and Final Confirmation Date

- 9.1 For the purposes hereof,

- (a) “Final Disposition” means the final disposition of the Amending By-laws by the Ontario Municipal Board with all applicable appeal periods having lapsed with no appeals, referrals, and/or applications to court including a rehearing and review by the Ontario Municipal Board under Section 43 of the Ontario Municipal Board Act having been launched or with any such appeals, referrals, and/or applications to court or rehearing and review having been finally determined by the entry of an order of the Ontario Municipal Board or court which finally disposes of the matter,
- (b) “Final Confirmation Date” means,
- (1) the second (2nd) business day following the date of the Final Disposition,
 - (2) in the event that the Final Disposition would permit the delivery of a Notice of Termination under Section 9.2 then the expiry of the period for such delivery if no Notice of Termination is delivered, or
 - (3) such other date as the Parties may agree,
- (c) “Outside Date” means the 31st day of December 2010.

Notice of Termination

In the Event of an Unacceptable Disposition of the Amending By-laws

- 9.2 If the Final Disposition does not result in the approval of the Amending By-laws as set out in Section 9.1(b)(1) but instead results in a rejection of the Amending By-laws or a substantial reduction in height or density not acceptable to the Owner, the Owner, in its sole discretion, shall have thirty (30) days from the date of the said Final Disposition to deliver to the City a notice terminating this Agreement (Notice of Termination); provided that the Owner may not deliver a Notice of Termination if the Owner has obtained, or has applied for and could compel the issuance of a Building Permit. Unless the City and the Owner otherwise agree, the termination of this Agreement shall occur on the expiry of thirty (30) days from the delivery of the Notice of Termination. Without fettering City Council, in any way, in the exercise of its discretionary powers, on or after the delivery of a Notice of Termination, City Council shall be entitled to repeal or amend the Amending By-laws with the object of restoring the City’s Mississauga Plan and Zoning By-law 1227 or successor zoning by-law provisions applicable to the Site to the state they were in on the day immediately prior to the date of the passing or enactment by the Ontario Municipal Board of the Amending By-laws, and the Owner covenants and agrees not to appeal oppose or question or cause to be appealed opposed or questioned the repeal or amendment of the Amending By-laws. Upon the repeal or amendment to the Amending By-laws coming into force and effect, the City shall return to the Owner the Section 37 contribution amount paid under Section 5.1 of this Agreement.

In the Event the Outside Date is reached Prior to the Final Confirmation Date

9.3 If the Final Confirmation Date has not occurred by the Outside Date, then a Notice of Termination may be given by either the City or the Owner to the other within ninety (90) days of the Outside Date, provided that all of the termination provisions of the previous Section 9.2 shall apply *mutatis mutandis*.

Notice of Final Confirmation

9.4 Either Party to this Agreement may, at any time after it believes the Final Confirmation Date has occurred, deliver to each other Party a written notice (the "Notice of Final Confirmation"),

- (a) identifying the date such party asserts is the Final Confirmation Date, and
- (b) providing a short explanation of the facts supporting its assertion.

9.5 Each Party to whom a Notice of Final Confirmation has been delivered shall, within 5 days of such delivery, deliver to each other Party either,

- (a) a written notice confirming its acceptance that the Final Confirmation Date has occurred, or
- (b) a written notice disputing that the Final Confirmation Date has occurred together with an explanation of the facts supporting its dispute.

9.6 In the event that a Party to whom a Notice of Final Confirmation has been delivered provides neither the written confirmation nor the written dispute required by the previous Section 9.5 within the said 5 days, such Party shall be deemed to have accepted that the Final Confirmation Date has occurred as set out in the said Notice of final Confirmation.

9.7 The Parties agree that, upon the occurrence of the Final Confirmation Date and at the written request of any one of the Parties, each Party will execute in registerable form an acknowledgement that the Final Confirmation Date has occurred and such acknowledgement shall be registered on title to the Site at the Owner's expense.

IN WITNESS WHEREOF the Parties have hereunto caused their respective hands and corporate seals to be affixed as attested to by the hands of their proper signing officers duly authorized in that behalf.

F.S. PORT CREDIT LIMITED

 Name: _____ c/s
 Title: _____

Name:
Title:

I/We have authority to bind the Corporation.

THE CORPORATION OF THE CITY OF MISSISSAUGA

Name: Edward R. Sajecki
Title: Commissioner of Planning and Building

Name: Crystal Greer
Title: Clerk

SCHEDULE “A”**LEGAL DESCRIPTION OF LANDS**

PT LOT A, CREDIT INDIAN RESERVE IT DES PTS 2 & 3, 43 R23797; S/T EASE IN FAVOUR OF THE CORPORATION OF THE CITY OF MISSISSAUGA OVER PT LT A, CIR TT DES PT 3, 43r23793 AS IN RO597506; MISSISSAUGA. S/T AN EASEMENT OVER PTS. 2 & 3, 43R23793 AS IN PR1201844

SCHEDULE “B”

SCHEDULE “C”

TITLE OPINION

LETTERHEAD OF LAW FIRM GIVING OPINION

[Date of registration of documents]

Mary Ellen Bench, City Solicitor
The Corporation of the City of Mississauga
Legal Services, Corporate Services Department
300 City Centre Drive
Mississauga, ON L5B 3C1

Dear Madam:

Re: Project reline
City of Mississauga
Your File No.

We have acted as solicitors for * (the “Owner”) in connection with the registration of the Agreement dated _____ between the City and the Owner and entered into in accordance with the provisions of Section 37 of the Planning Act (the Agreement) as Instrument Nos. * on title to the lands owned by the Owner described as [INSERT DESCRIPTION} (the “Lands”).

We have examined title to the Lands, searched for executions outstanding with the Sheriff, Regional Municipality of Peel, against the Owner and it’s predecessors in title, examined the survey of the Lands dated * prepared by * (the “Survey”), reviewed municipal zoning by-laws affecting the Land, made enquiries to determine whether Hydro One Networks Inc. or Enersource Hydro Mississauga Inc. has the benefit of any unregistered easements, determined the status of accounts for taxes and for utility services to the Property, and confirmed the corporate existence, during their respective periods of ownership, of all corporations appearing in the chain of title to the Lands.

Our enquiries with respect to the Lands have indicated that as of the date of registration of the Agreement:

- (a) there are no unregistered easements affecting the Property claimed by Hydro One Networks Inc. or Enersource Hydro Mississauga Inc.;
- (b) there are no arrears in the payment of taxes;
- (c) there are no outstanding accounts for the supply of water and sewage services to the Property; and
- (d) the property has not escheated to the Crown.

In addition, we have examined certificates of public officials and such other documents and have made such other searches and enquiries and considered such questions of law as we have considered necessary or desirable for the purposes of our opinion. In our examination, we have assumed the genuineness of all signatures, the authenticity of all documents submitted to us as originals and the conformity to originals of all documents submitted to us as photostatic, facsimile, certified or notarial copies thereof.

We are solicitors qualified to carry on the practice of law in the Province of Ontario and we express no opinion herein as to the laws, or any matters governed by any laws of Canada, other than the laws of the Province of Ontario and the federal laws of Canada applicable therein in force on the date hereof.

Based upon and subject to the foregoing, we are of the opinion that:

1. The Owner is duly incorporated and organized, and is a valid and subsisting corporation in good standing under the laws of the Province of Ontario;
2. The Owner has full corporate power and authority to execute the Agreement;
3. The Owner was the registered owner in fee simple and had good and marketable title to the Land as described herein and on Schedule A to the Agreement as of the date and time the said Agreement was registered;
4. That the Agreement:
 - (a) has been duly and fully executed by all of the registered Owner(s) and includes the full name of all registered Owner(s);
 - (b) contains in Schedule A to the Agreement a registerable and complete legal description of the Land;
 - (c) has been registered in title to the Owner's Land (described in Schedule ! to the Agreement) as Instrument No. LT on the day of , 200 ;
5. That the Land described in Schedule A of the Agreement as of the date of the registration of the Agreement was all of the land to be developed under the said Agreement;
6. That the Land described in Schedule A of the Agreement referred to in this Opinion is also the land that is the site of the Owner's development pursuant to the Agreement and is also fully set out in the legal description as provided in this Opinion.

Notwithstanding that our fee for this opinion will be paid by the Owner, and that we have acted for the Owner in this transaction, we acknowledge that the City is relying upon this letter and the opinions expressed herein, and consent and agree to such reliance.

SCHEDULE “D”
OFFICIAL PLAN AMENDMENT

SCHEDULE “E”
ZONING BY-LAW AMENDMENT

F.S. Port Credit Limited

File: OZ 05/024 W1

Matters To Be Satisfactorily Addressed Prior To Removal Of The “H” Holding Provision

“City” means The Corporation of the City of Mississauga

- (i) acquisition of City-owned lands accommodating the existing channelized right-turn lane at the northeast corner of Hurontario Street and Lakeshore Road East by the landowner for consolidation with the subject lands; and satisfactory arrangements with the landowner for the necessary realignment to the Lakeshore Road East and Hurontario Street intersection, including traffic signal modifications and relocation of the existing storm sewer along Lakeshore Road East;
- (ii) delivery of cash contributions to the City for the signalization of the Hurontario Street/High Street East intersection and the re-alignment/re-construction of Park Street East;
- (iii) the provision of gratuitous land dedications to the City for road widenings required along Hurontario Street, Park Street East and the Lakeshore Road East right-of-way;
- (iv) submission of detailed engineering drawings and a Streetscape Master Plan for Hurontario Street, Lakeshore Road East and Park Street East to include the lane configurations and boulevard widths currently proposed, to the satisfaction of the City. Full road width plans and cross-sections will be required and complete details are to be provided for municipal works, utilities and landscaping works proposed within the boulevards;
- (v) PUCC approval for all proposed municipal works and utility installations proposed within the boulevards on Hurontario Street, Lakeshore Road East and Park Street East;
- (vi) delivery of an executed Servicing Agreement for Municipal Works Only in a form and on terms satisfactory to the City, addressing and agreeing to the installation or placement of all required municipal works, including the relocation of storm sewer outlet along Lakeshore Road East, realignment of the intersection at the north east corner of Lakeshore Road East and Hurontario Street, including traffic signal modifications, the provision of land dedications, all required easements, including the provision of required securities, and related provisions;
- (vii) submission of an updated Noise Report to the satisfaction of the City, including written confirmation from the abutting Pioneer Service Station to allow the implementation of any necessary mitigative measures. The landowner shall also provide securities as a performance guarantee for any required retrofit noise control measures. Furthermore,

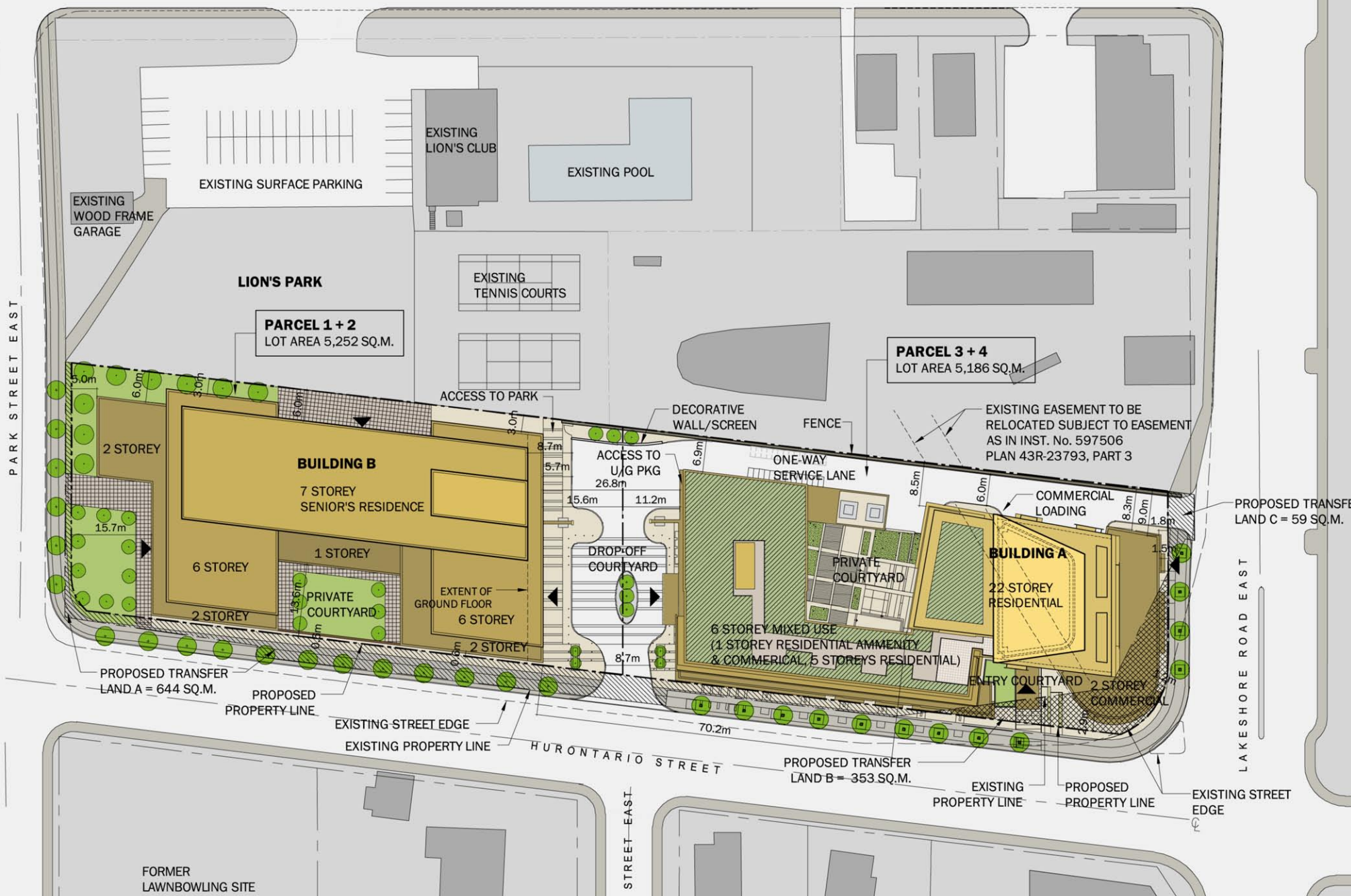
F.S. Port Credit Limited

File: OZ 05/024 W1

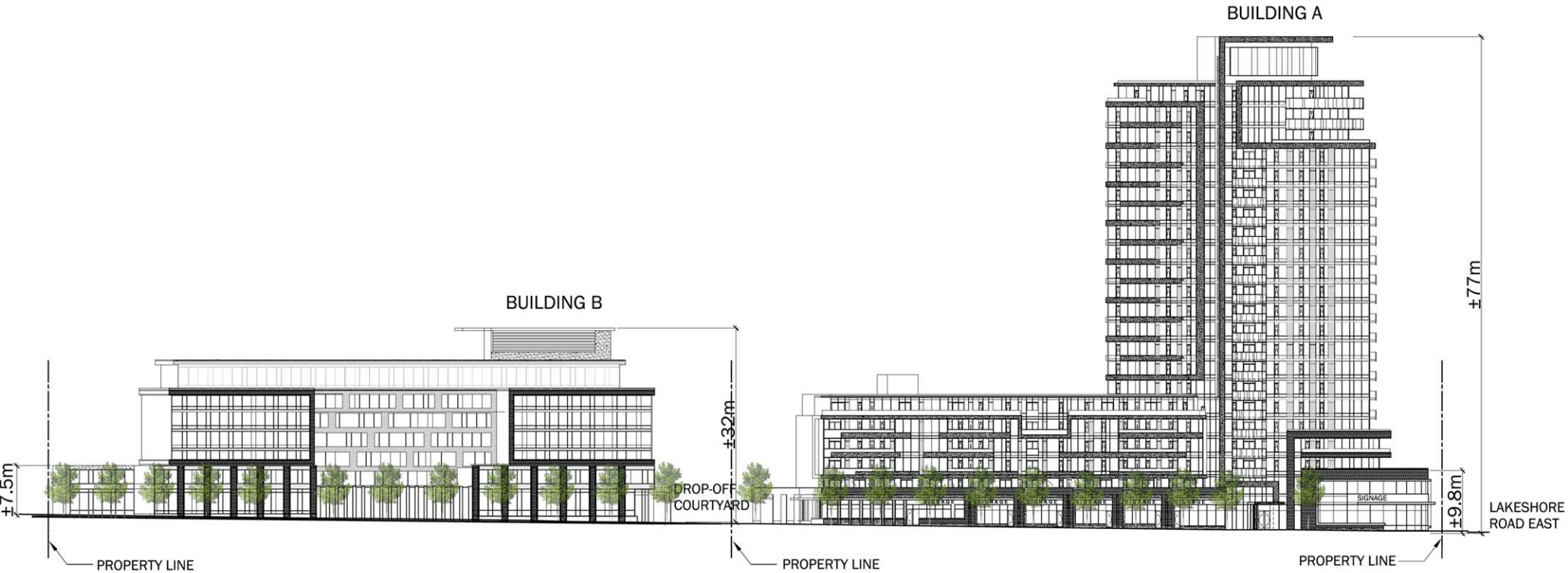
the updated report is to address the impact of noise and vibration associated with the future operations from a Light Rail Transit System proposed along Hurontario Street;

- (viii) submission of a Phase II Environmental Site Assessment (ESA) and Letter of Reliance for review and approval by the City. Any associated remediation recommended by the Phase II ESA must be completed;
- (ix) delivery of an executed Development Agreement in a form and on terms satisfactory to the City addressing and agreeing to the installation or placement of all required municipal boulevard works, including the provision of required securities and to the implementation of requirements/conditions prior to Site Plan approval, warning clauses, phasing and development provisions and such other provisions the City may require in relation to the proposed development;
- (x) submission of a grading plan to the satisfaction of the City and Credit Valley Conservation;
- (xi) submission of a Planting Plan to the satisfaction of the City for a 4 m (13.1 ft.) wide area along and within the Lions Park mutual boundary sufficient to accommodate high branching deciduous trees and ground cover shrubs to address the interface between the park and the proposed development. This Planting Plan shall also depict a fence to Community Services standards.

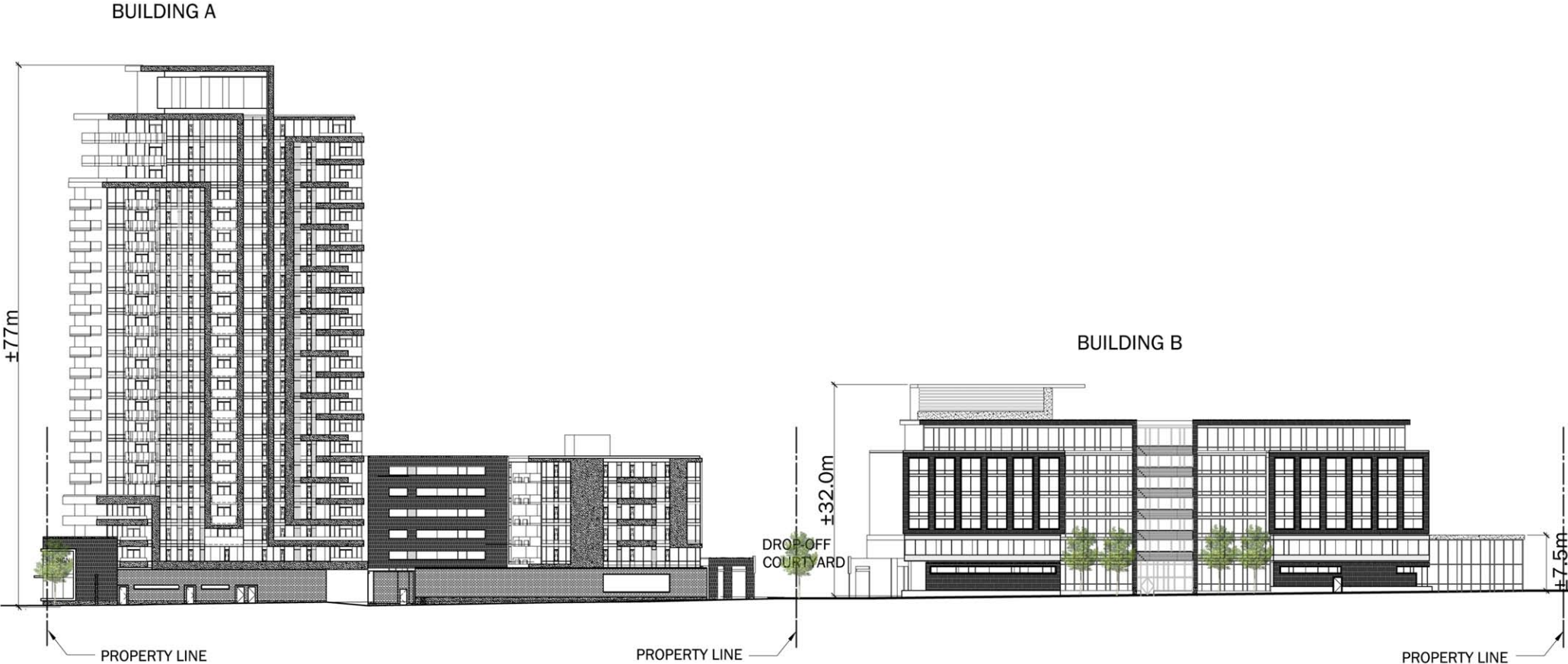
ROSEWOOD AVENUE



CONCEPT SITE PLAN



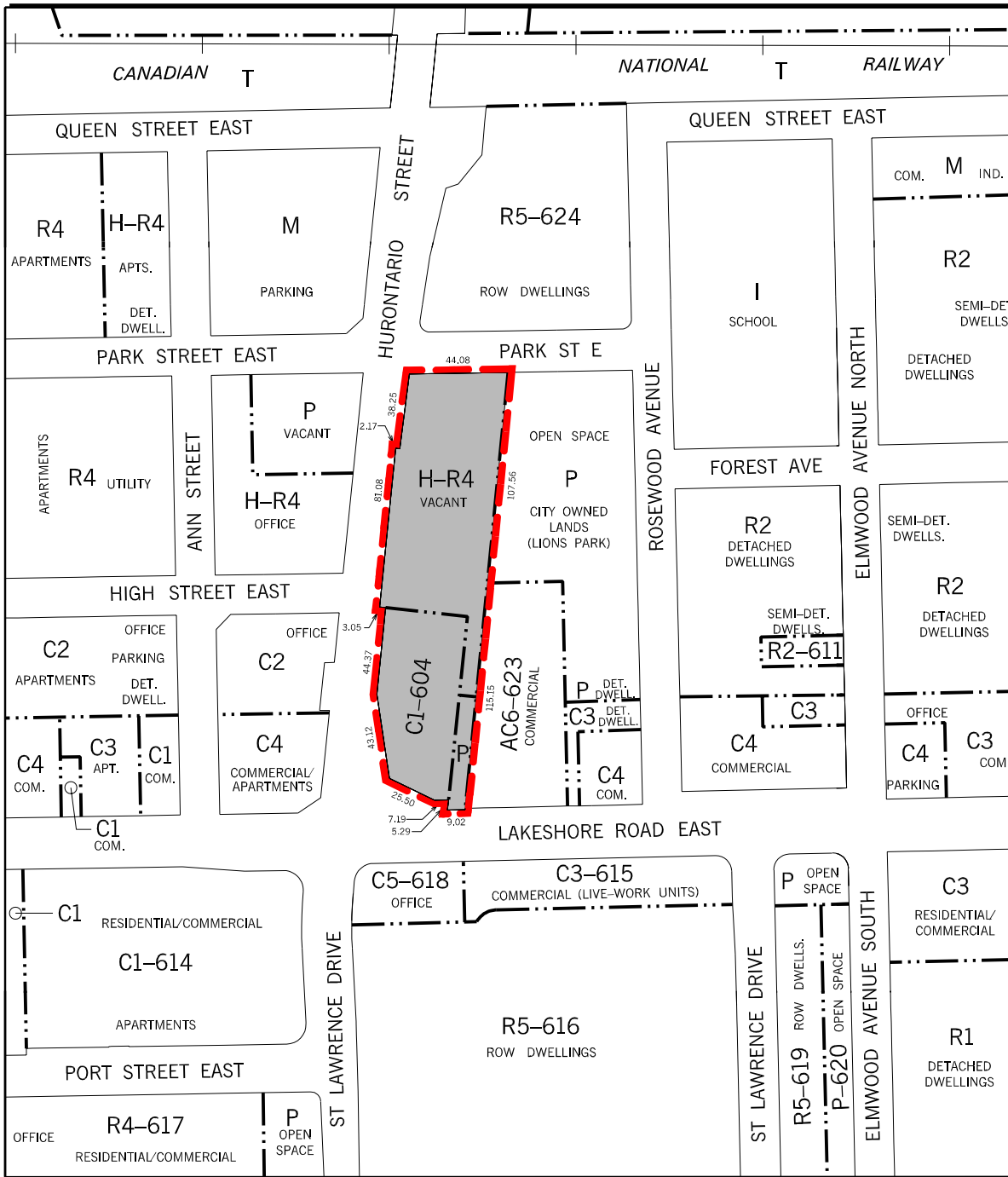
HURONTARIO STREET ELEVATION



LION'S PARK ELEVATION



PROPOSED MASSING MODEL



LEGEND:



PROPOSED OFFICIAL PLAN AMENDMENT TO REVISE THE EXISTING "RESIDENTIAL HIGH DENSITY 1" AND "MAINSTREET COMMERCIAL" SPECIAL SITE 4B PROVISIONS and;

PROPOSED REZONING FROM FROM "C1-604" (RESTAURANT), "H-R4" (RESIDENTIAL APARTMENTS WITH HOLDING PROVISION) AND "P" (OPEN SPACE) TO "R4-SPECIAL SECTION" (RESIDENTIAL APARTMENTS AND COMMERCIAL) TO PERMIT A 22 STOREY, 214 UNIT CONDOMINIUM APARTMENT BUILDING WITH COMMERCIAL USES AT STREET LEVEL AND A 7 STOREY, 150 UNIT SENIORS' APARTMENT BUILDING.

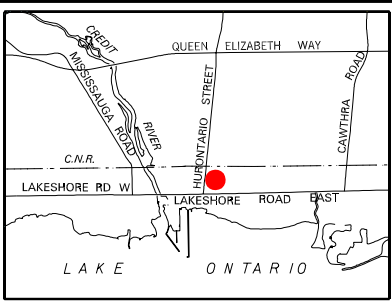
Note:

A 1997 Ontario Municipal Board Decision, as modified, permits a maximum of 228 dwelling units, a height of up to 10 storeys and a commercial floor area not exceeding 931 m² (10,021 sq. ft.) on the subject lands. This approval is reflected in the current Mississauga Plan policies but has yet to be implemented in the City's Zoning By-law.

NOTE: EXISTING ZONING DELINEATED ON THE PLAN
PROPOSED ZONING INDICATED BY SHADING WITHIN
THE APPLICATION AREA.



SUBJECT: F. S. PORT CREDIT LIMITED



FILE NO:
OZ 05024 W1
DWG. NO:
05024R
SCALE:
1:3000
PDC DATE:
2007 06 25
DRAWN BY:
W. FINLAY

APPENDIX S-13

MISSISSAUGA
Planning and Building

Produced by
T&W, LIS