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GREATER
TORONTO AREA
EDITION

WEDNESDAY, JANUARY 29, 2014

Vol. 17 • No. 5

OMB denies Port Credit appeal

POWER SHIFT

By Edward LaRusic

A recent decision at the **Ontario Municipal Board** regarding a Mississauga development in Port Credit is being hailed as a shift in power between developers and the city.

Earlier this month, OMB member **Reid Rossi** dismissed an appeal by F. S. 6810 Limited Partnership—better known as **FRAM Building Group**—to amend the Mississauga official plan and zoning by-law to allow a 22-storey apartment building at 6, 8 and 10 Ann Street.

City of Mississauga development and design planner **Ben Phillips** worked on the application, as well as provided evidence at the hearing. He spoke to NRU about the decision.

“One of the big things that came out of the decision is that you can go to the OMB and be successful without showing impact; without showing there’s a shadow impact, a wind impact, or a noise impact. We were looking at more subjective impacts, such as transition and character.”

Phillips said that the proposed site, at 0.47 acres, was small, and the proposed floor space index of 7.4 would have made it a very intense development for the area.



Rendering of proposed FRAM development in Port Credit

“This would have been the first new building [in the north residential precinct] in 40 years, so it was really important how this proposal proceeded. We felt at the end of the day that it really didn’t support the official plan policies, and wasn’t compatible with the character of the area.”

Phillips said the 77m tall building would have been only 8.7m away from a two-storey building to the west, and that the site was very close to the low-rise commercial district along Lakeshore Road West. He believed the development would create a significant “canyon” visual impact on pedestrians.

Rossi preferred Phillips’ and his colleague’s—Mississauga urban designer **Sharon Mittmann**—planning rationale to that of FRAM Building Group’s planners, **Lindsay Dale-Harris** and **Robert Glover (Bousfields Inc.)**. The FRAM’s planners argued that the development was appropriate because the area was in a community node, near the Port Credit GO rail station and mobility hub. Rossi was not swayed that such justifications were reason

enough to allow a 22-storey building, given that the official plan and local area plan sought lower heights and densities specifically on this site. The member said the proposal sought a level of intensification more appropriate to the downtown core, and did not protect or enhance the “urban village character” that is outlined in the Port Credit Local Area Plan.

Phillips said the proximity to the Port Credit GO rail station had to be balanced with other considerations.

“Certainly it is in an intensification area, and in proximity to the GO station, and is an area that we do want to direct intensification and growth, but it needs to be balanced with the immediate context and character of the area.”

In the Port Credit Local Area Plan, the FRAM Building Group location was to be limited to 15 storeys, with higher density allowed north of the site, which would help create a transition down towards Lakeshore Road West. Planners for the applicant argued that few of the existing buildings met the guidelines of the secondary plan, but in his decision, Rossi said he was not convinced that should prevent the policies from guiding development going forward.

Ultimately, Rossi wrote that the plans and policies in place suggested that the FRAM development was inappropriate for the location.

“The board cannot approve such intense development in flagrant disregard for the municipality’s very clear, strategic and purposeful policies for future growth while protecting the Port Credit Village character.”

Phillips said that the victory was a relief for staff.

“We were concerned about precedent; if this [building] was to be permitted, it would encourage other developers to be creative in their land assembly, maybe putting together very small parcels and proposing towers that would be very close to the historic main street, and that would really change the character of the area.”

Local ward 1 councillor **Jim Tovey** said a lot of credit goes towards the “exhaustive” consultation the city does regularly, and with what went into the Port Credit Local Area Plan. But he also said the development would have detracted from Mississauga’s ability to direct growth elsewhere.

“If we start to overdevelop our waterfront where we don’t have the growth numbers, then that’s going to detract from areas that we have identified for that type of intensification, such as our city centre.”

Tovey also said it would “completely mess up” their 10-year capital forecast for infrastructure, and that the burden would fall not on the developer, but the taxpayers.

“To me the biggest issue with density that comes into a location that isn’t equipped to handle it, is the amount money it costs to service it. When the pipes start bursting, who is going to pay for it?”

One group that is celebrating this victory is the **Town of Port Credit Association**, who opposed FRAM Building Group’s application. Association vice president **Dorothy Tomiuk** said her group was pleasantly surprised by the decision.

“We were totally shocked; we aren’t used to getting good news from the OMB.”

Tomiuk said she is pleased that not only that this appeal was struck down, but what it means in the bigger picture.

“On a macro level, it means the hours and years of consultation and input that the citizens have put into the Port Credit local area plan has some meaning, and the city can be confident in the planning parameters that we’ve laid down.”

She said, had this application been approved by the board, residents would have felt a lot of cynicism over the planning process, and especially about the worth of their official plan. With this decision however, they feel a lot more confident fighting to protect their neighbourhood with future applications.

“Believe me, there are other development applications in the pipe, and that [this decision] is being used to generate hope.”

FRAM Building Group president **Frank Giannone** said the decision was disappointing.

“We’re of course disappointed. We had a visioning process we went through. We thought we had a good idea of what would have been right for Port Credit, and in this case we differed with the city in terms of the direction we saw Port Credit going.”

The development would have been the first in about 30 years, said Giannone. With this OMB decision, Giannone said that future development is firmly capped at 15 storeys, so the next steps for FRAM involve figuring out what kind of density the city will allow to see if the economics make redeveloping the site feasible.

“We hope we can come to a reasonable decision with the city that allows us to develop the property. We always look forward.”

Solicitors involved in the case were **John Alati (Davies Howe Partners LLP)** representing F. S. 6810 Limited Partnership (FRAM Building Group) and **Bruce Ketcheson (Ritchie Ketcheson Hart and Biggart LLP)** representing the City of Mississauga. (See OMB Case No. PL130153.)

The article was written with files from Megan Kevill.

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