

Neighbourhood Meeting: February 2, 2012*Held at:* First United Church*Organized by:* Town of Port Credit Association (TOPCA)
Lakeshore / Benson / High Street Committee

SUMMARY: Posted April 24, 2012

For TOPCA's PowerPoint presentation (33p) which framed the meeting program, see:
http://topca.net/development/Lakeshore-Benson-High/TOPCA_Neighbourhood_Meeting_February_2_2012.pdf

TOPCA President Mary Simpson provided an introduction to the meeting concerning the proposal by Tiffany Development for a block redevelopment at Lakeshore Road / Benson Avenue / High Street, based on slides #1-5 of the TOPCA PowerPoint presentation, and then introduced the following presenters:

Ben Phillips, Development Planner, City of Mississauga

Ben reviews official applications. The City's Official Plan (OP) outlines long term policy for the area and directs growth. The OP specifies certain kinds of land use, and is a living document which is reviewed every five (5) years. The OP gives a 'big picture' view and is complemented by the Zoning By-law which provides more specific development standards.

The proposed 'Lakeshore/Benson/High Street' development (LBH) requires an Official Plan Amendment (OPA) and a change to the Zoning By-law.

Paul Stewart, Policy Planner, City of Mississauga

Paul writes the planning policies for Port Credit. The City's newest Official Plan (adopted by Council on September 29, 2010) has been appealed in its entirety to the Ontario Municipal Board (OMB), so the old OP is still in place. The Port Credit Local Area Plan (PCLAP) is also in review; staff hope to have a Draft in the very near future, but a lot of the ideas are already in the principal document (the OP). Note that when the Draft PCLAP is finished, it will be reviewed by 4 levels above him as well.

Any application coming in now is subject to the 3-storey height maximum on Lakeshore Road. An OPA is required for anything in exceedance of this.

The City Planners then addressed Questions 1 through 6 on **Slide #6** of the TOPCA presentation.

1. What is the status of the OP / Port Credit District Plan and how does this impact any application which is made right now?

The OP in effect right now is from 2003. The OP regime in place the day the application is received is the standard, plus any updates to it. BUT, Council *has* approved the new OP, even though it is under appeal; the new OP has to be given some weight and consideration by Planning staff. It is hoped that in the first quarter of 2012, some of the appeals can be scoped to certain properties or certain sections of the new OP. [TOPCA Update, April 2012: this process is proceeding slowly].

Supplementary Question: Was the new OP approved unanimously at Council?

Answer: It was a recorded vote, which can be checked in the Minutes. [TOPCA Update: The Minutes for Sept. 29, 2010 are unclear; this info will be updated when available; see <http://www.mississauga.ca/file/COM/CouncilMinutesSep2910.pdf>].

Supplementary Question: Where does the revised Port Credit Local Area Plan stand, in regard to applications currently being received? Nothing has been heard about this LAP since May 2011. It is frustrating for the community to see new applications come in and be evaluated against the old Plan.

Answer: Staff continue to work on the Plan, however, the new principal document (OP) is under appeal right now, so the new Port Credit Local Area Plan at some point will have to wait until the issues are resolved.

2. Does assembly of land mean that the Official Plan (OP) doesn't apply because the site wasn't anticipated to be developed as block?

No. The OP policies do apply. The application review process incorporates Planning staff's professional 'opinion' which could find that a higher built form than permitted in the OP is appropriate if it is shown to be compatible with the neighbourhood. Planning decisions can be appealed to the OMB, where private owners have to produce a planning rationale for deviation from the OP. Land owners are entitled to propose amendments to the OP.

Ben Phillips stated that the planning process is long: 1-2 years for something like the LBH proposal. During the process, a lot of input is solicited from agencies (e.g. the school board), City departments and the public.

Planners must consider the OP and the context of the neighbourhood to determine if there is compatibility between the proposed development and the existing neighbourhood.

3. What is DARC (Development Application Review Committee)?

The Development Application Review Committee (DARC) is composed of City and Region of Peel staff. DARC advises applicants what they require to submit a complete development application. For example, a traffic impact study, a shadowing study, etc. may be required. There is a mini-circulation to departments for comment. There is no fee for this. Formal applications are required whenever an OPA or re-zoning is required. [Update: TOPCA has been informed by the Planning Dept. that fees will be charged after May 1, 2012].

For the LBH proposal, no DARC meeting has yet been held. [Update: A DARC meeting was held on March 21, 2012].

4. How does precedent work in Planning decisions? Is there a domino effect? Must past mistakes be perpetuated?

Regarding the issue of Precedent, this is part of the built form context, but every application is unique and precedent isn't a specific parameter *per se*.

Planners must examine, what are the new variables? Fresh eyes are needed to look at the applications; views change over time as to what is good planning. Precedent is only one factor. There is always subjectivity and professional opinion.

Supplementary Question: Would the 8-storey building on the south side of Lakeshore Road have an impact on the decision about the proposed density on the north side? The answer referred back to what had just been explained.

5. How does precedent work in appeals? Do past OMB decisions affect a new application and/or any appeal?

Every OMB chair at a hearing has to weigh these things. Every site is unique and circumstances are specific to that site. It is not a one-to-one decision and factors are weighed by the board member.

6. What is the OMB appeal process? Who can appeal and why? What is the difference between a Party and a Participant?

After 120 days (after the application has been submitted and deemed 'complete') the applicant can appeal to the OMB if there has been no decision made by Council as to a re-zoning application. After 180 days, an appeal can be made if no decision has been made concerning an OPA. If there is a decision by Council, a Notice is published citing a 20-day appeal period for the applicant or members of the public who have attended or provided input to past public meetings concerning the application.

For any appeal, there has to be a planning rationale. It costs \$150 to file an appeal. Plus it costs money to go to the OMB. At an OMB hearing, the City and the Developer would be Parties, and both need to present evidence. An unincorporated residents' association cannot be a Party, but could be a Participant (i.e. could not be represented by a lawyer). Different Board members will allow different levels of participation by non-parties.

Additional Question: Given the status of the new OP (under appeal) and the new Local Area Plan (still in review), have Planning staff considered an Interim Control By-law (ICB) for the L/B/H area until the new plans are in place? Note the ICB put in place for the City Centre, for instance.

Answer: Staff have not considered this. The study to create the new LAP has a process. The land use designation for the area is presently Mainstreet Retail Commercial along Lakeshore Road and Residential Low Density II for properties fronting High Street.

Per slides #7-11, a member of the TOPCA L/B/H Committee indicated that TOPCA will make a submission in response to any application for the LBH site. As TOPCA analyzes and provides comment, it will essentially be preparing for the potential of an OMB hearing.

Slides #12-19 were then reviewed by a TOPCA Committee member, in order to summarize the latest proposal from the developer (November 4, 2011) as discussed in a meeting which the TOPCA Committee attended with the developer on December 19, 2011. Ingress and egress, traffic flow through the site, density (massing), parking, the retail configuration, office use, target market for the residential elements, and public access at the site were all discussed.

Slides #20-31 were then reviewed by a TOPCA Committee member, in order to present the **Inventory of Concerns: What TOPCA has heard from the residents to date**. There was general agreement with the issues as presented. Additional comments received from the audience are summarized below, by topic:

Planning Context: Adhere to the Official and Local Area Plan policies. The community is tired of constantly fighting – stick to the Plan. If high-density is allowed, how will that impact school-board registrations – has there been an impact assessment and will bussing then be required, which will further contribute to traffic issues?

Urban Design: No playground space is provided in the plan (must be, if children are to reside there). There would be more people living in the development than in the entire neighbourhood.

Traffic: The President of the Cranberry Cove Ratepayer Association stated that a light would help at Benson, but noted that a light was refused at Pine Avenue South when requested during the Briarwood development phases on the south side of Lakeshore Road. He would like to see more lights on Lakeshore, and they should be better-synchronized. The idea of a light at Benson was then put to a vote: the majority in the audience did not want the light and felt there were already too many.

Parking: There was much concern about street parking in the local neighbourhood if the development went ahead. There was concern about employment parking and the concept of underground parking. Where will the visitors to the townhouses park? It was felt they would not go underground but park in the neighbourhood. Paid ‘Green P’ parking here will impact side-street parking, as people will not want to pay, especially if they are just dropping by for a quick purchase.

Heritage: The president of the Mississauga South Historical Society is investigating the building occupied by the Accounting firm on Lakeshore Road as to historical significance. It is presently not listed as a heritage property. One audience member stated they didn’t care about any heritage element and didn’t think there was anything worth saving – they would rather see a better development go in, compared to what is there now. A TOPCA rep responded that small lot ownership reflects the heritage of the area and helps preserve the village character. Another member commented that lot-by-lot improvement will come, and the businesses will turn over, but this needs to evolve.

Mainstreet Impact: Further to above, a TOPCA rep stated that often people look at a development proposal and compare it to what is there **now**. The way to look at it is to compare the proposal with what **should** be there, based on the vision and planning policies.

Public Access: Public access is extremely important for this block development proposal; BUT the condo owners may not allow the access promoted by the developer. The example of Loblaws access at Credit Landing was cited (open, then closed again).

Concerns exist about on-street parking which affect the issue of public access through the site. In terms of any ‘community benefit’ it was stated that open space would be required for any significant display of public art.

Alternative Development: Planning staff confirmed that under the current Zoning, and the LBH block could be re-developed for semis or triplexes. The new OP designation already includes townhouses as well, but a Zoning By-law change is still needed to implement this policy. In any event, a planning rationale is still required. Zoning is always specific to an application, and this proposal is still a 1-2 year process.

A resident spoke to the issue of maintaining the zoning and low density and fighting higher density development (possibly including townhomes) every step of the way. Re-development already is coming to the neighbourhood as demonstrated by 2 new semi-detached houses on Benson Avenue and 2 new semi-detached houses on Harrison Avenue (recently built). Lots on High Street could be re-developed in the same way. This statement received the most applause of the night.

Another resident stated they support the current zoning for High Street. Townhouses have been put into the proposal as a bit of a “sweetener” perhaps. Another resident expressed concern about townhouses, and the social problems at a Lakeshore Road townhouse development to the west (towards Clarkson) were raised. After putting the matter to a vote, the majority of attendees wanted to stick with the present zoning.

Jim Tovey, Ward 1 Councillor then made some remarks:

Jim noted there is no current application. He expressed concern about what he saw presented by the developer during the four (4) community meetings held in Summer 2011 at the Port Credit Arena. He can see that the community doesn't support it.

With *any* Lakeshore Corridor application, we need to take the time to see if it is a perfect fit (good planning, appropriate development).

We have great Planning staff, who do a great job. Looking at this proposal, we need to take more time – it would have quite an impact on the neighbourhood.

As a Councillor, Jim stated he has to be careful about what he says so that it doesn't prejudice the process.

An audience member asked how The Beach area in Toronto did not get the influx of development and maintain its depth of retail? Jim stated this indeed should be used as a model, and these principles will be included in the new Port Credit Local Area Plan.

Jim stated that if the municipality's Official Plan is recognized at the Province, then the decision of Council concerning a development application should be final. It may take 3-4 years to achieve the needed reforms.

In response to audience questions, City Planner Ben Phillips stated that the OMB is an independent body that looks at land use. There may be 1, 2 or 3 members hearing the case. Sometimes there is an oral decision at the hearing; sometimes a written decision follows sometime later.

Jim ended by stating that community input is very important, and there is an opportunity with the release of the **Draft PC Local Area Plan** at the end of February / beginning of March. The process to create the LAP is unprecedented, possibly anywhere in Canada; the City certainly consulted with citizens. It is important to never become disengaged.

[TOPCA Update: The new Draft Plan will be presented to the Port Credit community in an Open House on April 25, 2012].

Slides #32-33 were then reviewed regarding Next Steps, which primarily pertain only if a development application is actually filed for the L/B/H site.
