



Zelinka Priamo Ltd.

LAND USE PLANNERS

November 8, 2022

Planning and Building Department
Development and Design Division
City of Mississauga
300 City Centre Drive
Mississauga, ON
L5B 3C1

Attention: Jaspreet Sidhu, Planner, Development Central

**Re: Application for Zoning By-law Amendment (OZ 19/002 W3)
Bani Hashim Society
900 Eglinton Avenue East
Mississauga, Ontario**

Our File: BHS/MIS/18-01

With regard to the above-noted application for Zoning By-law Amendment and on behalf of Bani Hashim Society (the "Proponent"), Zelinka Priamo Ltd. is pleased to submit revised plans and materials prepared to address the circulation comments from the second submission.

BACKGROUND

The application for Zoning By-law Amendment ("ZBA") was submitted in 2019 by the proponent. We understand that the servicing of the subject lands, as currently proposed, relies upon adjacent lands where there is existing infrastructure. Easements are needed on adjacent lands for the servicing of the site in order to proceed as currently contemplated. This is reflected by Staff comments through the ZBA application, which identify that easements are to be secured prior to a recommendation report being advanced.

We understand that the Proponent has been working towards securing the necessary easements, however those easements remain unregistered.

In recognition that the above matter remains outstanding, the proponent is requesting to advance the ZBA application with a Holding provision. The Hold is proposed to address a number of matters (as detailed below). The Hold would allow the ZBA application to proceed, while the Proponent works towards securing easements required to demonstrate the servicing feasibility.

REQUEST FOR HOLDING PROVISION

In an effort to advance the appropriate zoning of the site, while ensuring the functionality of the subject lands and existing infrastructure is appropriately considered, we request that the ZBA include a Holding provision, as contemplated by the draft ZBA enclosed.

Specifically, the Holding provision would do the following:

The holding symbol H is to be removed from the whole or any part of the lands zoned E2-XX by further amendment to Map 27 of Schedule B of this By-law, as amended, upon satisfaction of the following requirements:

- (1) delivery of an executed Development Agreement in a form and on terms satisfactory to the City of Mississauga (the City);*
- (2) submission of grading and servicing drawings to City standards and specifications satisfactory to the City;*
- (3) submission of an updated Functional Servicing Report and Traffic Impact Study satisfactory to the City;*
- (4) submission of a Phase I Environmental Site Assessment Reports and all supporting documents satisfactory to the City;*
 - o if required, submission of a Phase II Environmental Site Assessment Report and, if required, Record of Site Condition satisfactory to the City; and,*
- (5) Establishment of easements necessary for site servicing satisfactory to the City.*

It is appropriate to advance the application, subject to the proposed holding provision. The Hold would ensure that development would not proceed until such time as the outstanding matters are resolved, including: securing any appropriate easements required to facilitate development; updating the civil engineering materials (including Functional Servicing Report, Grading Plans and Servicing Plans); updating the Traffic Impact Study; finalizing the Environmental Site Assessment; and execution of a development agreement. All of which would be to the satisfaction of the municipality.

The City of Mississauga Official Plan allows for the City to establish a holding provision in conjunction with any zoning category, as outlined in Section 19.7:

- A holding provision may be used in conjunction with any zoning category to specify the use to which lands, buildings or structures may be put at such time in the future as the holding provision is removed by amendment to the zoning by-law (Policy 19.7.1); and*
- A holding provision will be used to implement this Plan for staging of development and additionally may be used to implement specific requirements, such as, but not limited to (Policy 19.7.2):*
 - a) the adequacy of engineering services;*
 - b) the adequacy of community infrastructure;*
 - c) the adequacy of multi-modal transportation systems;*
 - d) the adequacy of access/ingress to a site and in respect of adjacent properties;*
 - e) development of affordable housing;*
 - f) protection of the Natural Heritage System;*
 - g) the remediation of contaminated sites;*
 - h) the provision of parkland; and*
 - i) the provision of flood free ingress/egress.*

We note the following additional justification:

- **Development Agreement:** The City has identified that a development agreement is required as part of the development of the subject lands. As there remain outstanding matters to be addressed, it is appropriate for the development agreement to be finalized at a time when specific development details are resolved, including the servicing of the subject lands;
- **Grading and Servicing Drawings, and Functional Servicing Report:** As noted, the servicing of the subject lands, as currently proposed, is reliant upon adjacent lands. The grading and servicing plans, as well as the Servicing Report, are appropriate to be finalized at a time when the viability of the servicing strategy can be confirmed and updated, as necessary (OP Policy 19.7.2a);
- **Transportation Impact Study:** Given that there are outstanding matters to be addressed as it relates to coordination amongst landowners, the occupancy date for the proposed development is in a relatively uncertain state. We understand that the TIS requires an analysis based on anticipated occupancy date. While a TIS was submitted as part of the proposed ZBA application, including an anticipated occupancy, it is appropriate for the analysis to be updated when there is greater certainty for the timing of occupancy. This holding provision would ensure that, prior to development of the subject lands, there is adequate capacity of the transportation system (OP Policy 19.7.2c);
- **Environmental Site Assessment:** An environmental site assessment was provided as part of the ZBA submission. Given the date of the report, an updated assessment was requested. The results of the ESA reports can be time sensitive, and an updated report was requested. Given that there are outstanding items to be addressed in the form of easements, it would be appropriate for the ESA report to be finalized when there is greater certainty regarding the timing of development (OP Policy 19.7.2g); and
- **Easements:** The servicing of the subject lands, as proposed, would require the establishment of easements to demonstrate viability. We understand that the proponent is engaged with the respective landowners to establish required easements, however discussions remain ongoing. The hold would ensure that the development of the subject lands would first require that demonstration that any necessary easements are registered (OP Policy 19.7.2a).

For the reasons noted above, and in consideration that there remain outstanding items prior to development, it is appropriate to advance the ZBA with the proposed holding provision.

RESUBMISSION MATERIALS

As confirmed with Staff, materials are provided digitally via ePlans. Please find enclosed the following in addition to this cover letter:

- One (1) copy of comment response matrix;
- One (1) copy of the revised Concept/Site Plan prepared by Antrix Architects Inc.;
- One (1) copy of the Building Elevations prepared by Antrix Architects Inc.;
- One (1) copy of the revised Floor Plans prepared by Antrix Architects Inc.; and
- One (1) copy of revised Draft Zoning By-law.

We trust that the enclosed information is satisfactory. If you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Senior Associate