

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A51.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

## Consolidated Recommendation

The City has no objections to the requested variances, subject to the following condition and term identified below.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a mixed-use residential building proposing:

1. 342 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 367 parking spaces in this instance; and
2. A drive aisle width of 6.20m (approx. 20.34ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

### Recommended Conditions and Terms

Should Committee see merit in the application, Planning Staff recommends the following condition be imposed to address visitor parking:

- That 50 visitor parking spaces be provided as required by the Zoning By-law.

Should the Committee see merit in the application, Planning Staff have no objection to the reduced drive aisle and can support the proposed variance subject to the following term:

- Planning Staff recognize that the variance for the drive aisle providing access to the two compact parking spaces has been designed to a lower standard; and potential purchasers should be notified of the reduced design standard through the condo declaration.

## Background

**Property Address:** 86 Dundas Street East

**Mississauga Official Plan**

Character Area: Downtown Cooksville  
Designation: Greenlands  
Residential High Density

**Zoning By-law 0225-2007**

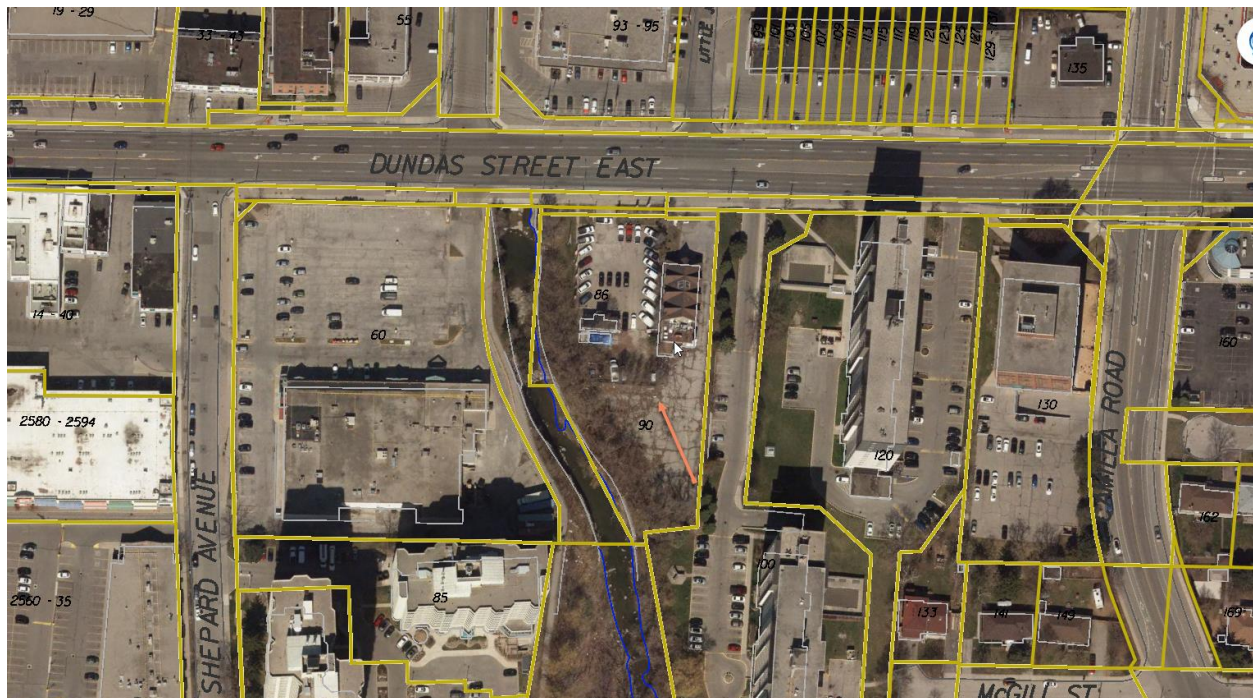
**Zoning: H-RA4-52 - Holding, Residential & G1 - Greenlands**

**Other Applications: OZ 16/008 W7  
SP-130 W7**

**Site and Area Context**

The subject property is currently a vacant lot located south-east of the Dundas St. E and Hurontario St. intersection. It is an interior parcel, with a lot area of +/- 5,411.0m<sup>2</sup> and a lot frontage of +/- 60.0m. The property possesses vegetative elements in the rear yard and along the periphery of the lot and immediately adjacent to the Cooksville Creek. From a land-use perspective, the immediate neighbourhood is a mixture of commercial and residential uses; including restaurants, offices, a retirement home, and residential towers.

The applicant is proposing a decrease in parking spaces provided as well as a narrower drive aisle.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the Downtown Cooksville Character Area, and is currently designated Residential High Density and Greenlands by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.5 (Residential), this designation permits a high-rise apartment building. The MOP also encourages a high level of development along Dundas St. with a strong focus on a mix uses. The Applicant's proposal of a 17-storey apartment building with ground floor commercial uses meets the purpose and general intent of the Official Plan.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 as requested pertains to parking space reduction:

The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

By-law OZ 16/008 W7, approved by Council in August of 2020, set the parking standards for the property and are detailed below:

- 0.9 spaces per 1-bedroom unit
  - 1.0 space per 2-bedroom unit
- Plus the greater of
- 0.15 visitor spaces per unit
- or
- Parking required for all non-residential uses, located in the same building or on the same lot as the residential use, except banquet hall/conference centre/convention centre, entertainment establishment, overnight accommodation, place of religious assembly, recreational establishment and restaurant.

Parking for banquet hall/conference centre/convention centre, entertainment establishment, overnight accommodation, place of religious assembly, recreational establishment and restaurant shall not be included in the above shared parking arrangement and shall be provided in accordance with applicable regulations contained in Table 3.1.2.2 of this By-law.

The developer has revised the mix of units in the building which has resulted in an increase parking requirements. The table below details the unit count changes which results in the increased parking requirements.

Proposed Land Use	Number of Units	Approved Parking Rates per OZ-16/008	Required Parking Spaces
<b>1-bedroom Condominium</b>	190	0.9	171
<b>2-bedroom Condominium</b>	146	1.0	146
<b>Visitor</b>	336	0.15	50.4
<b>Non-residential</b>	300m <sup>2</sup>	5.4	46.2 (not required)
<b>Total</b>			<b>367</b>

The applicant is proposing to provide 342 parking spaces, 25 spaces (7%) less than the by-law requires. With the variance requested being deficient by less than 10% , staff do not require a PUS.

A Parking Assessment letter completed by GHD, dated Dec. 10, 2020, was submitted in support of this application. The Parking Assessment letter utilized sales data in its justification for reducing the parking requirements on the site. A summary of the Parking Assessment justification is as follows:

- 285 (%) of the proposed 336 units have been sold
- 210 (%) of the proposed 342 parking spaces have been sold
- Visitor parking rate of 50 spaces (per by-law)
- Leaves 51 units available and 82 parking spaces available, even with the proposed reduction to 342 total spaces
- Parking spaces were sold within a reasonable price range (\$30,000 - \$40,000)

- The proposed deficiency is relatively minor in nature (7%)

Staff are in agreement with the justification above, with the following condition:

- That 50 visitor parking spaces be provided as required in the Zoning By-law.

Planning Staff echo City Planning Strategies comments; should the committee see merit in the application Staff recommend the condition be imposed.

Variance #2 as requested pertains to drive aisle width:

The intent of the zoning by-law is to ensure there is adequate space for a vehicle passageway within a parking area. Planning Staff note the reduced drive aisle width is limited to one location in the eastern portion of the site, on each floor of the parking garage. This creates a pinch point resulting in two compact parking spaces. Planning Staff have no objection to the reduced drive aisle and can support the proposed variance based on the following term:

- Planning Staff recognize that the variance for the drive aisle providing access to the two compact parking spaces has been designed to a lower standard; and potential purchasers should be notified of the reduced design standard through the condo declaration.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The Applicant has proposed a desirable development for Downtown Crooksville that aligns with the City's broader housing and transit orientated development goals. The proposed reduction in drive aisle is minor in nature and does not pose any significant negative impact, Staff can support the variance subject to an imposed term. Regarding the parking space reduction, Planning Staff have determined the proposal can be supported subject to the condition for visitor parking being applied. Staff finds the proposal represents the orderly development of the lands, and is minor in nature.

**Conclusion**

The City has no objection to the variances, as amended. Should Committee see merit in the application, Planning Staff recommend the condition and term be imposed.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application and Building Permit Process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building permit application under file 20-2544. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these

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comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Marco Palermo

## **Appendix 5 – Region of Peel Comments**

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 6 - Conservation Authority Comments**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

### **SITE CHARACTERISTICS:**

The subject property is traversed by Cooksville Creek and its associated valley slope and floodplain. In addition, the property appears to be located within the Significant Natural Site of the City's Natural Heritage System. It is the policy of CVC and the Province of Ontario to conserve

and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

**ONTARIO REGULATION 160/06:**

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

**PROPOSAL:**

It is our understanding that the applicants request the Committee to approve a minor variance to allow the construction of a mixed-use residential building proposing:

1. 342 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 367 parking spaces in this instance; and
2. A drive aisle width of 6.20m (approx. 20.34ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

**COMMENTS:**

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit is required for the development as proposed and is currently reviewing the proposal under the Site Plan application (SP 19/130).

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at maricris.marin@cv.ca should you have any further questions or concerns.

Comments Prepared by: Maricris Marinas, Senior Planner