

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-28	File(s): B25.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-06 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the approval of the Committee to change conditions #4 and #5 of Provisional Consent approved under file B33/20. The parcel of land has a frontage of approximately 30.37m (99.64ft) and an area of approximately 1,034sq.m (11,129.88sq.ft).

Recommended Conditions

A CVC review fee of \$725 is outstanding for this consent application – the applicant is asked to please provide payment directly to CVC.

Background

Property Address: 1470 Pinetree Crescent

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands & Residential Low Density I

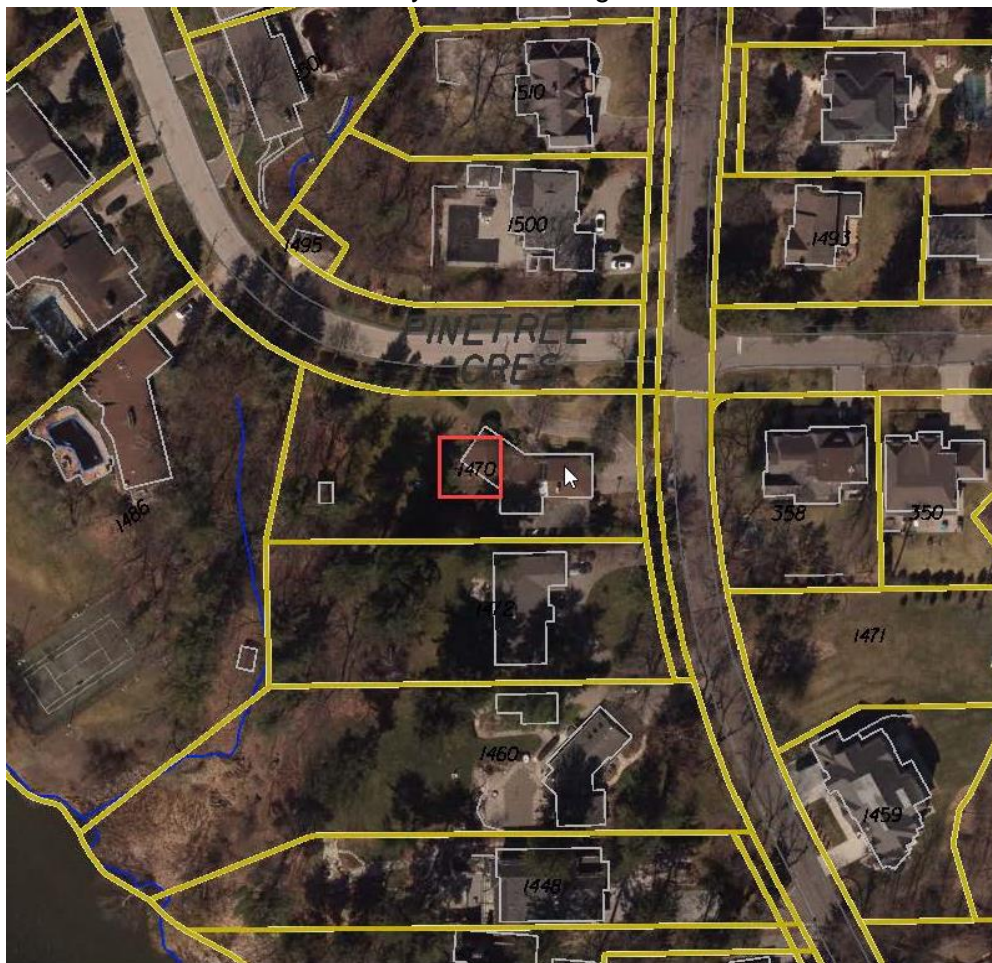
Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and the Queen Elizabeth Way (QEW). The neighbourhood is entirely residential, consisting of large lots with frontages of approximately 25 m and greater and, containing one and two storey colonial styled dwellings. The surrounding area is also located within a Residential Woodland. The subject property contains an existing bungalow with significant mature vegetation.

The applicant is proposing to change conditions #4 and 5 of Provisional Consent which relates to the gratuitous dedication of lands and to construct a chain link fence within 0.15 m of the lands to be dedicated to the City of Mississauga.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application are as follows:

The subject property previously received approval for a severance on August 18th, 2020 under application 'B' 33/20 which also had staff support. The severed and retained lands remain unchanged, however, the applicant has reapplied as they are no longer in favour of dedicating a portion of the lands below the top of bank/stable slope to the City. Instead, the applicants are proposing that a maintenance easement be provided rather than a dedication. As per Section 6.3.24 (b) of the Mississauga Official Plan (MOP), the natural heritage system will be protected, restored and expanded through the following measures: placing areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible. Through discussions with the Transportation and Works and Community Services Department, staff is requesting the gratuitous dedication of lands below the top-of-bank and stable slope line, whichever is greater which is encouraged within the official plan.

Based on the preceding information and the recommendation from the Transportation and Works and Community Services Department, staff recommends that the application be refused.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the requested application to change previously approved Condition #4 & #5 of Consent Application File 'B' 33/20 and does not support the request to change the condition as proposed by the applicant. The subject property adjacent to the Stavebank Creek and contains natural hazard lands being the top of bank of Stavebank Creek. The previously approved Condition #4 contains a condition in our comments that requests the dedication of hazard lands below the top of bank or stable slope line, whichever is greater. In this instance, the top of bank line as established in consultation with the Credit Valley Conservation was the requested limit of dedication. This request is founded in the principles and policies expressed in Section 6, Value the Environment. The following specific policies and guidance were considered when making the request for dedication of the hazard lands:

6.1.1 Mississauga will:

a. protect, enhance, restore and expand the Natural Heritage System

6.3.1 Mississauga will give priority to actions that protect, enhance, restore and expand the Green System for the benefit of existing and future generations

6.3.24 The Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

b. placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible

6.3.38 Privately owned lands in the Natural Heritage System are not intended to be open to the public. Consideration will be given to public acquisition of these areas through the development approval process or through the City's land securement program.

Furthermore, under Section 19, Greenlands, the additional following policies and guidance were considered:

19.18.1 As a condition of development approval, natural hazard lands may be placed in public ownership for their long term protection.

19.18.2 Greenlands is determined on a site by site basis and is defined by natural hazards associated with watercourse corridors and Lake Ontario, and the limits of identified natural areas. The limits of the Greenlands are determined in consultation with the City and appropriate conservation authority and through studies, where required, completed by the proponent to the satisfaction of the City and the appropriate conservation authority.

19.18.4 Greenlands lands will be conveyed to the City or other public agency. Such lands will not be accepted as part of the dedication of land for park or other public recreational purposes contribution or credited against any cash in lieu for park or other public recreational purposes or be included in the calculation of density for building coverage.

Having regard for the matters set out in Section 51(24) of the Planning Act, this department's request for dedication of hazard lands was considered under the following criteria as set out by the Act:

Section 51(24):

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (h) conservation of natural resources and flood control;*

Considering the natural hazard lands of the Stavebank Creek on the subject property are not developable lands and as supported by policies and guidance in the Official Plan previously discussed, the department continues to support the dedication of the natural hazard lands of the Stavebank creek as contemplated under the original conditions of File 'B' 33/20. We cannot support the current request to change the condition to require a maintenance easement only for the hazard lands in this instance.

Comments Prepared by: Dave Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brandon Eidner, Zoning Examiner

City of Mississauga

Memorandum:

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Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.

The subject lands are identified as Residential Woodland as part of the Natural Areas System Classification. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation,..., grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership...;

Section 19.18.4

Greenlands lands will be conveyed to the City or other public agency. Such lands will not be accepted as part of the dedication of land for park or other public recreational purposes contribution or credited against any cash in lieu for park or other public recreational purposes or be included in the calculation of density for building coverage.

Section 19.18.5

Development adjacent to Greenlands lands will be subject to the delineation of natural hazards, natural areas, buffers and setbacks by the City in consultation with the appropriate conservation authority. Dedication and/or restrictive zoning of buffers to Greenlands may also be required by the City in consultation with the appropriate conservation authority.

The applicant's request to revise/amend Condition #5 is not in keeping with the City's Official Plan Policies as noted. The Park Planning Section continues to recommend that the hazard lands and natural heritage feature below the Top of Bank be dedication to the City for long term protection and maintenance.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

There are extensive Indigenous sites on the adjacent property. As such, the application should be deferred until the property is cleared of archaeological concerns.

The property is listed on the City's Heritage Register as it forms part of the Mineola Cultural Landscape. For more information on the Cultural Landscape Inventory, see:

http://www5.mississauga.ca/pdfs/Cultural_Landscape_Inventory_Jan05.pdf. As such a heritage property application is required to demolish. The application form is available here: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It must be accompanied by an accepted Heritage Impact Assessment. The terms of reference are available at https://www7.mississauga.ca/documents/culture/heritage/CulturalLandscapeHIA_TermsOfRef2017.pdf. More comments may be forthcoming. There is a 60 day waiting period to demolish once the Heritage Impact application has been accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Region of Peel Comments

Consent Application: B-25/21

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

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Core Area - Valley Corridor, Core Environmentally Significant Area (ESA), and regionally-significant Core Area - Area of Natural and Scientific Interest (ANSIs) (Life Science) of the Greenlands System in Peel, under Policy 2.3.2.

The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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:

Based on our mapping, the subject property appears to be regulated for valley slope and floodplain associated with Stavebank Creek, as well as for its close proximity to a provincially significant wetland (PSW). Other natural heritage features of CVC interest on and adjacent to the property include the City of Mississauga Natural Heritage System (NHS), Peel Core Greenlands, Environmentally Significant Area (ESA), and the Credit River Watershed NHS. 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 applicant requests the approval of the Committee to change conditions #4 and #5 of Provisional Consent approved under file B 33/20. The parcel of land has a frontage of approximately 30.37m (99.64ft) and an area of approximately 1,034sq.m (11,129.88sq.ft).

Comments:

Based on review of the information, CVC staff have **no objection** to the approval of this application by the Committee at this time.

However, CVC staff continues to recommend that the natural hazard and feature lands located below the top of bank associated with Stavebank Creek be dedicated to the City for long term protection and maintenance.

The applicant is advised that a CVC permit is required for any development proposed on both the severed and retained parcels.

A CVC review fee of \$725 is outstanding for this consent application – the applicant is asked to

please provide payment directly to CVC.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.