

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): B36.21 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-06-24 1:00 PM

Consolidated Recommendation

The City has no objections to the requested consent application, subject to the conditions outlined below being imposed by Committee.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 59.95m (196.69ft) and an area of approximately 0.273ha (29,385.46sq.ft).

Recommended Conditions and/or Terms

Should Committee see merit in this Application, Planning Staff would recommend the following conditions be imposed:

1. Approval be tied to the "Draft 43 Reference Plan" (R. Avis Surveying Inc., February 22, 2021), attached as Schedule 2 to this document;
2. The applicant/owner shall dedicate a 7.5m by 7.5m sight triangle at the north-west corner of Burnhamthorpe Road and the future 'B' Street (Part 6, Plan 43R-39682). In addition a 0.3M reserve across the west frontage of Street 'B'. The required sight triangle and 0.3M reserve are to be in accordance with the related Transportation and Works comments provided through Files H-OZ 19/56, SP 19/031 and SP 20-113; and
3. Appendix A – Conditions of Provisional Consent.

Background

Property Address: 151 City Centre Drive

Mississauga Official Plan

Character Area: Downtown Core
Designation: Downtown Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC(2) - Holding, City Centre

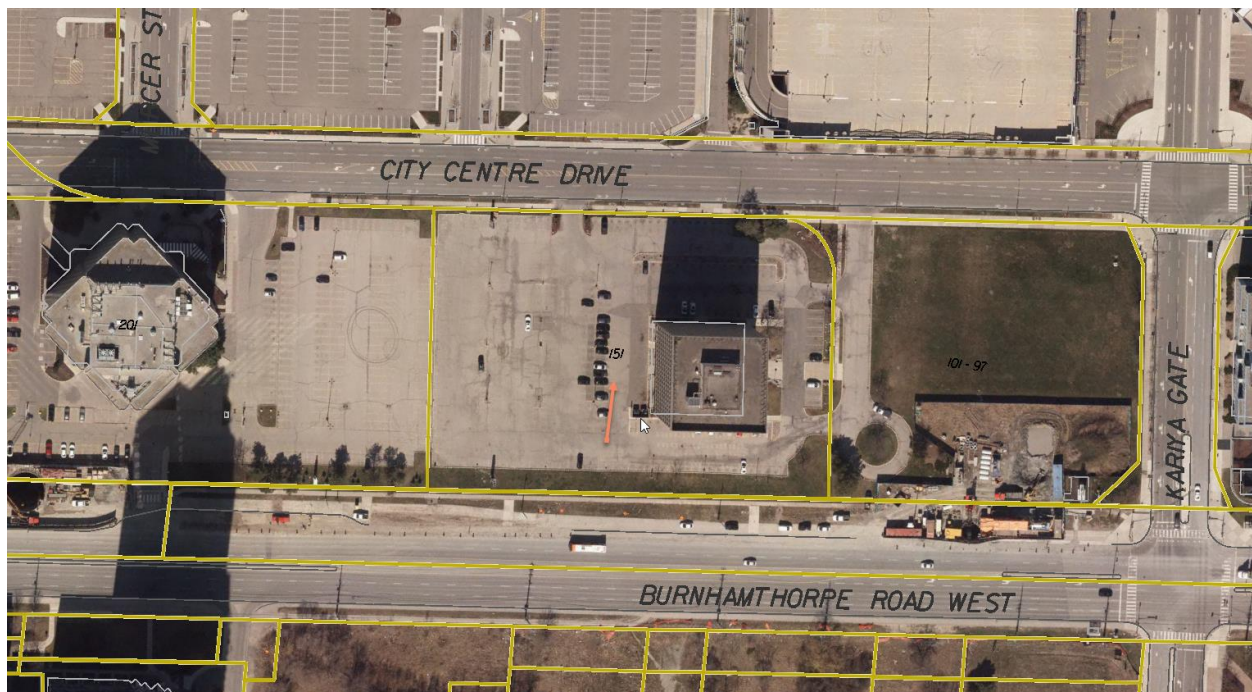
Other Applications: H-OZ 19-003 W4, SP 19 56W4 (abutting lot), SP 20 113W4, A 294/20, A 392/19, B 40/20 and A233.21.

Site and Area Context

The subject lands are located north-west of the Burnhamthorpe Road West and Hurontario Street intersection, and currently houses a nine-storey office building. The immediate neighbourhood is comprised primarily of multi-storey, office condominium structures; however, planning staff note the presence of commercial uses, such as Square One Shopping Centre, are located in close proximity, as well.

Properties along the south side of City Centre Drive possess varied lot frontages, ranging from +/- 20m to +/- 55m.

The subject lands possess a lot frontage of 59.95 and a lot area of 6100m².



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*.

Planning Act

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

Provincial Matters

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

Planning Analysis

The severed lands will have a lot frontage of 59.95m and a lot area of 2730m², while the retained lands will have a lot frontage of 64.48m a lot area of 3370m². Variances that will apply to the subject properties are addressed in application A233.21. Staff note that these variances relate to of Retail Activation Frontage.

Planning Staff note that that a site plan application for a future high-rise, mixed-use structure is currently under review by Development and Design and does not form part of this application.

The site is located within the Downtown Core Character Area, and is designated Mixed Use by the Mississauga Official Plan (MOP). Section 9 of MOP promotes development with appropriate urban form and site design; directing that such development is compatible with the surrounding context and the landscape of the character area. To this end, the proposed lots create a comparable lot-fabric and continue to remain in scale with the surrounding properties.

As per Zoning By-law 0225-2007, the subject property is zoned H-CC2(2). In accordance with Table 7.2.1 (CC1 to CC4 and CCOS Permitted Uses and Zone Regulations), this zone does not require a minimum lot frontage or a minimum lot area. The proposed lots are appropriately sized

and reflect the area context and create developable lots envisioned for the CC2(2) zone; representing the appropriate development of the lands.

Planning staff note, that the owner will be required to enter into a Development Agreement with the City, prior to the lifting of the holding “H” zone, which, amongst other things, will be responsible for preserving the integrity of the surrounding streetscape.

To this end, Planning Staff note the submission of the following concurrent planning applications:

- HOZ 19/003: Removal of “H” Holding Symbol for the entire block; and,
- SP 19-56: Site Plan Approval for the abutting lands to the west also owned by the applicant which will be Phase 1 of the overall development and consist of two towers, 60 and 31 storeys respectively.
- SP 20-113: Site Plan Approval for Phase 2 of the development for one tower at 42 storeys. Phase 3 will consist of a future tower and the Site Plan is to be submitted in the future. There is currently a ‘H’ Holding Symbol on the property (H-OZ 19-003) which will address the various technical and zoning related matters associated with the overall development.

Conclusion

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the *Planning Act*; specifically, that it conforms to the official plan, and that the dimensions of the proposed and existing lots are suitable for the purposes for which they are to be subdivided, thus maintaining the character of the area.

Based upon the preceding, the Planning and Building Department has no objections to the requested consent application, subject to the identified conditions being imposed by Committee.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

The intent of this application is to further divide lands which were previously severed under Consent Application 'B' 40/20. It is our understanding that this severance will facilitate financing and mortgage arrangements required to accommodate the phased development of the overall property.

We note that the city is currently processing Site Plan 19-56 for the abutting lands to the west also owned by the applicant which will be Phase 1 of the overall development and consist of two towers, 60 and 31 storeys respectively. Site Plan 20-113 is currently being processed for the lands subject to this application which will be Phase 2 which proposes one tower at 42 storeys. Phase 3 will consist of a future tower and the Site Plan is to be submitted in the future. There is currently a 'H' Holding Symbol on the property (H-OZ 19-003) which will address the various technical and zoning related matters associated with the overall development.

It should also be noted that under Consent Application 'B' 40/20 a Consent Agreement was entered into between The Corporation of the City of Mississauga and Camcentre Holdings Inc which advises that prior to the lifting of the 'H' Category on these lands the owner would be responsible to design, secure and construct a future public road identified as "The Exchange" (Parts 3, 4 and 7 on Plan 43R-39682).

From our preliminary review we note that private easements may have to be established for each parcel to ensure functionality between the various blocks to facilitate any pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), building maintenance, use of amenity areas, construction, etc. We also acknowledge and note that private easements can also be reviewed/established through the Condominium Registration Process and pending a further review of Site Plans/Servicing Plan to be submitted and confirmation that all parcels will be developed as Condominiums, it may be determined that this condition will be deemed satisfied.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

A. **Items Required Prior to the Issuance of Final Consent**

1. Site Plans/Servicing Plans/43R-Plans

Acknowledging that a Severance Sketch and Draft 43R-Plan with a parts listing has been provided to assist in evaluating the applicant's request, prior to the issuance of final consent various plans, including but not limited to Site Plans, Servicing Plans, 43R-Plans and any other pertinent information will be required for our review/approval.

2. Required Easement(s)

Upon the review of Item A1 and should private easements be required, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe any new private easement to be established through this Consent Application. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

We are also noting for the applicant's information that we acknowledge that private easements can/will also be established through the Condominium Registration Process. In the event that confirmation be provided that any required easements will be established through the Condominium Registration Process, then this condition will be deemed satisfied.

3. Land Dedication for Daylight Rounding Triangle and 0.3M Reserve

The applicant is to gratuitously dedicate to the City of Mississauga a 7.5m by 7.5m sight triangle at the north-west corner of Burnhamthorpe Road and the future 'B' Street (Part 6, Plan 43R-39682). In addition a 0.3M reserve will be required across the west frontage of Street 'B'. The required sight triangle and 0.3M reserve are to be in accordance with the related Transportation and Works comments provided through Files H-OZ 19/56, SP 19/031 and SP 20-113.

This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Lahini Senthil-Kumaran from our Traffic Section at 905 615-3200 ext. 5798 or Lahini.Senthil-kumaran@mississauga.ca.

4. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

5. Environmental Site Assessment (ESA) and Record of Site Condition (RSC)

As land dedication for daylight rounding is being requested, in accordance with Corporate Policy 09-08-02, a Phase I Environmental Site Assessment (ESA) will be required.

Should additional clarification be required with regards to the above, please contact Valeriya Danylova, P.Eng, and Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca.

6. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

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: Marco Palerma

Appendix 3 – Parks, Forestry & Environment

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

Should the application be approved, Community Services wishes to note the following:

1. Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Process, as well as Hold Removal Application HOZ 19-03.

2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

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 5 – Region of Peel Comments

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

Private servicing easements and a Shared Facilities Agreement are required for the lands. Similarly to the previous consent for Phase 1, this application for consent does not include the creation of easements. The Region placed a condition on the H-removal application for the registration an S118 Restriction as a satisfactory servicing plan has not been submitted and the extent of the shared servicing unknown. The Region will release the Restriction once all private servicing easements are registered and a Shared Facilities Agreement is in place.

Comments Prepared by: Diana Guida, Junior Planner

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 16, 2021.