

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A299.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended.

## Application Details

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

1. An average floorplate of 924sq.m (approx. 9,945.85sq.ft) whereas, By-law 0225-2007, as amended, permits a maximum floor plate of 850sq.m (approx. 9,149.32sq.ft) in this instance;
2. Glazing on 47.5% of the area of the 'A' Street Frontage streetwall whereas, By-law 0225-2007, as amended, requires a minimum of 65% glazing of the area of the 'A' Street Frontage streetwall in this instance;
3. Glazing on 10% of the area of the 'B' Street Frontage streetwall whereas, By-law 0225-2007, as amended, requires a minimum of 50% glazing of the area of the 'B' Street Frontage streetwall in this instance;
4. The first three storeys of the podium projecting beyond and behind the first storey of the streetwall by a maximum of 3.0m (approx. 9.9ft) whereas, By-law 0225-2007, as amended, does not permit the first three storeys of the podium to project beyond or behind the first storey of the streetwall in this instance;
5. Parking to be provided at a rate of 0.85 resident spaces per unit whereas, By-law 0225-2007, as amended, requires parking to be provided at a rate of 1.0 resident spaces per unit in this instance;
6. Parking for restaurant uses to be included in the shared parking arrangement when less than 220sq.m (approx. 2,368.06sq.ft) of non-residential gross floor area whereas By-law 0225-2007, as amended, does not permit parking for restaurant uses to be included in the shared parking arrangement, in this instance; and;
7. A minimum parking rate of 4.3 spaces per 100sq.m of gross floor area – non-residential for a restaurant less than 220sq.m (approx. 2,368.06sq.ft) gross floor area – non-residential, and a minimum parking rate of 9.0 for a restaurant greater than 220sq.m (approx. 2,368.06sq.ft) gross floor non-residential whereas, By-law 0225-2007, as amended, requires a minimum of 16

City Department and Agency Comments	File:A299.21	2021/08/04	2
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parking spaces per 100sq.m (approx. 1076.36sq.ft) gross floor area – non-residential for a restaurant in this instance.

## Amendments

While Planning staff are not in a position to interpret the Zoning By-law, based on the Local Planning Appeal Tribunal decision under File PL 130351 variance number 7 is no longer required.

Further, staff are able to support variance number 5 if amended as follows:

- 0.86 spaces/residential unit whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces/unit on site in this instance;

## Background

**Property Address:** 3981 Redmond Road

### Mississauga Official Plan

Character Area: Downtown Core

Designation: Downtown Mixed Use

### Zoning By-law 0225-2007

**Zoning:** CCOS - City Centre, Open Space, & H-CC2-5 - Holding, City Centre

**Other Applications:** SP 20-049, H-OZ 18-006, SH 21-6380

### Site and Area Context

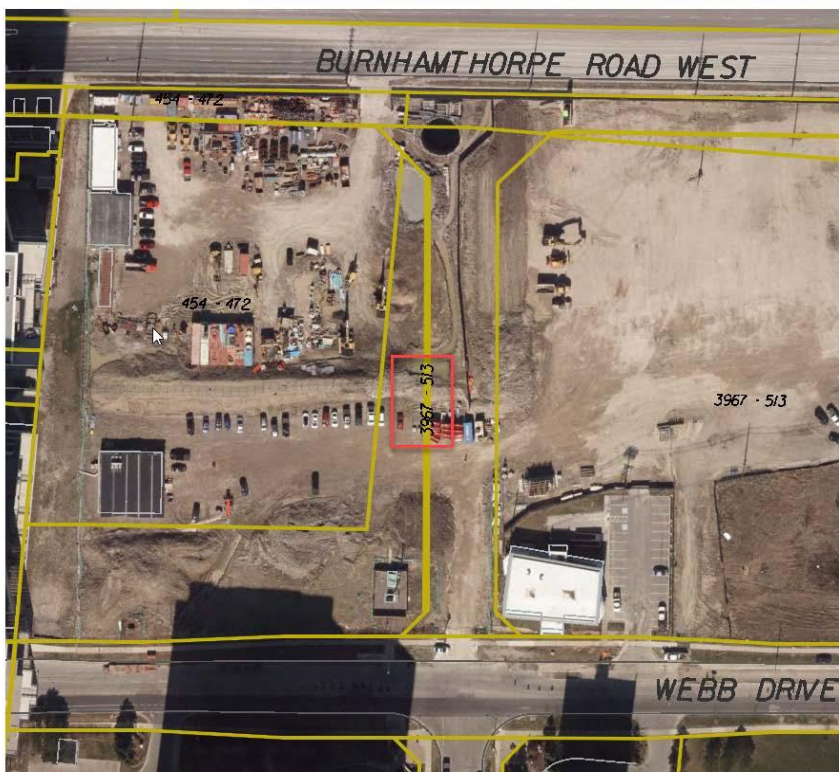
The subject property is located in Mississauga's Downtown Core, on the south side of Burnhamthorpe Road West and west of Confederation Parkway. It is currently vacant and forms part of the larger M City development. The surrounding context includes both detached dwellings as well as high rise residential.

The applicant is proposing to construct a 69 storey condominium building with both retail and residential uses on the ground floor. The proposal requires variances for floorplate size, glazing, setbacks and parking.

As with most properties located within the Downtown Core, this property is subject to a Holding (H) Provision to ensure that any proposed development will, amongst other things, maintain the

overall streetscape integrity of the surrounding area, as well as serve to facilitate the provision of adequate pedestrian connectivity points and amenity areas to the satisfaction of the City.

To this end, the Applicant is pursuing both an application to lift the H provision (H-OZ 18-6) as well as a Site Plan Approval application (SP 20-49) to facilitate the above proposal. Both applications are currently under review by the Development Planning and Urban Design teams.



## 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:

#### Variances 1 – 4 (Structural Variances)

While the applicant has proposed several variances to the zoning regulations, Planning staff note that the nature of variances 1-4 are to facilitate a design which has been conceptually approved by both the Urban Design and Development Planning teams through their review of the application to life the H provision (H-OZ 18-6) and Site Plan Approval application (SP 20-49). Staff are of the opinion that the requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site.

To this end, the Planning and Building Department is of the opinion that the application is appropriate to be handled through the minor variance process. Further, Variances 1 – 4, as requested, raise no concerns of a planning nature.

#### Variances 5 - 6 (Parking)

The Zoning By-law regulates minimum parking requirements for various uses and dwelling types in order to ensure that sufficient parking can be provided on each property for its intended uses. CPS staff have reviewed the application and note that no parking study has been submitted in support of this application, however site plans indicate this development will be tower “M4” in the master-planned M-City development. Previous minor variance application A-066/20 was approved in May 2020 for earlier phases of this development, which will be located directly adjacent to this proposal.

Based on the parking justification submitted at that time, which included parking utilization surveys, staff were supportive of a 0.86 spaces/residential unit rate. Staff supported the other variance as well, being the same as number 6 in this application. As this proposal will be a part of the same development and will have a very similar parking demand, staff can support the same rates as those previously approved for A-066/20. Namely:

- 0.86 spaces/residential unit whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces/unit on site in this instance;

Planning staff are supportive of the increased parking rate in order to ensure uniformity and sufficient parking supply for each building. As amended, staff are of the opinion that the

requested variances are minor in nature, represent appropriate development of the subject lands, and maintain the general intent and purpose of both the Zoning By-law and Official Plan.

## **Conclusion**

The Planning & Building Department has no objections to the application, as amended.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application process, File SP-20/049.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan application under file SP 20-049. Based on review of the information currently available for this application, the variances, as requested are correct. However, without an application for a zoning certificate for future uses, variances 6 and 7 cannot be confirmed.

Our comments are based on the plans received by Zoning staff on 12/21/2020 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.