

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2021-08-11 | File(s): A330.21 Ward: 8 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2021-08-19 1:00:00 PM |

Consolidated Recommendation

The City recommends that the application be deferred to permit the Applicant the opportunity to submit the requested information.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of townhouses proposing:

1. 1.12 parking spaces per dwelling unit whereas By-0225-2007, as amended, requires a minimum of 1.20 parking spaces per dwelling unit in this instance; and
2. A rooftop balcony setback measured to the exterior edge of the building of 0.00m whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback measured to the exterior edge of the building of 1.20m (approx. 3.93ft) in this instance.

Background

Property Address: 3355 The Collegeway

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

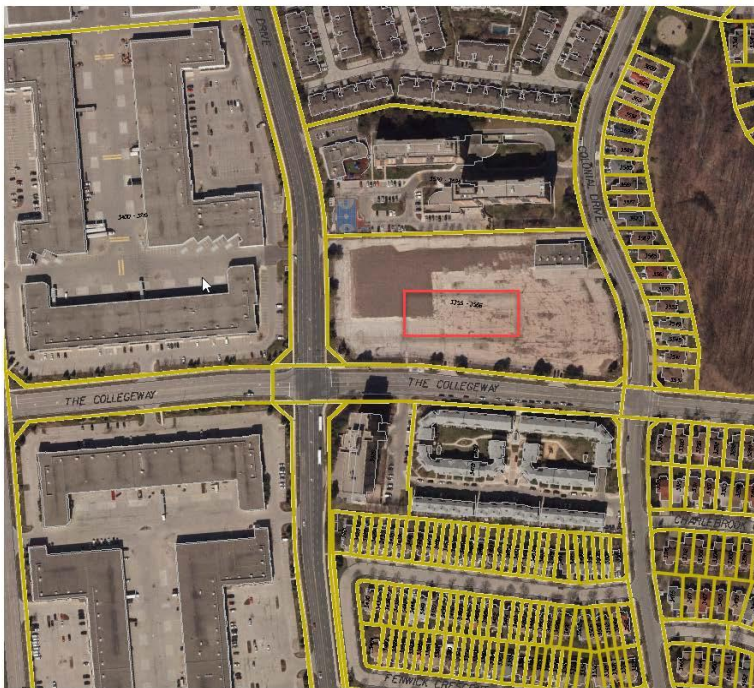
Zoning: C4-73 - Commercial

Other Applications: OZ 16/005 W8 (Approved By LPAT) and SP 19/80 W8 (Being Processed)

Site and Area Context

The subject property is located on the north-east corner of Ridgeway Drive and the Collegeway in the Erin Mills Neighbourhood Character Area. The property contains a plaza with commercial uses with a mix of commercial uses. To the north of the property are two ten-storey residential apartment buildings. South of the subject property is a residential townhouse complex and a twelve-storey apartment building.

The applicant is requesting minor variances to allow for the construction of a townhouses development requiring variances for parking and a rooftop balcony setback.



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:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP) which permits residential uses.

Variance #1 pertains to parking. The applicant is requesting to allow the construction of townhouses proposing 1.12 parking spaces per dwelling unit where a minimum of 1.2 parking spaces per dwelling unit is required. The City Planning Strategies (CPS) Division has reviewed the application and their comment is as follows.

The applicant submitted a Parking Memorandum, prepared by BA Group, dated June 8, 2021, in support of the submitted application. The Parking Memorandum, dated June 8, 2021, explains that the Committee of Adjustment application is related to application OZ 16-005 and subject to a decision of the Local Planning Appeal Tribunal (LPAT), recently renamed the Ontario Land Tribunal. The LPAT decision approved site specific parking rates as follows:

- a minimum of 1.2 resident parking spaces per stacked townhouse dwelling unit
- a minimum of 0.2 visitor/non-residential parking spaces per dwelling unit

Based on the submitted information, the development is proposing an additional 20 residential dwelling units for a total of 384 back-to-back stacked townhouses, providing 431 residential parking spaces and 77 visitor/non-residential parking spaces, for a total of 508 parking spaces. Visitor/non-residential parking is being maintained at 0.2 spaces per unit and there are no changes to the proposed retail and office parking component.

The Parking Memorandum also included condominium ("condo") sales data and a proxy site survey as justification for the requested reduced residential parking rate.

Condo Sales Data

Approximately 82% of the units have been sold to date (total 384 units; sold 316 units) and each unit included one parking space. Based on the projected sales demand, there is a 1 to 1 parking demand rate and it results in a projected over supply of residential parking spaces. The submitted information explains that the developer offered all purchasers the ability to purchase a second parking space at cost with a 25% deposit requirement, however all the purchasers declined the offer.

Proxy Site Survey

A proxy site at 2277 South Millway was surveyed over three days via video camera count on:

- Thursday, April 29, 2021 at 6:30pm
- Monday, May 3, 2021 at 7:30am
- Friday, May 7, 2021 at 12:30am

The Parking Memorandum reported an observed peak demand on Friday, May 7, 2021 at 12:30 AM for a total peak demand of 87 spaces, which equates to a demand rate of 0.75 spaces per occupied unit. BA Group indicates that the proxy site is approximately 80% occupied, which means that 115 units are occupied out of a total 144 units. BA Group is of the opinion that the observed demand is representative of typical parking demand.

BA Group acknowledges limitations with the proxy site due to COVID-19, limited survey times/duration, and that the proxy site is in a location with better access to public transit than the proposed development.

CPS Staff contacted the agent, Jim Levac, Glen Schnarr & Associates Inc., via email on July 28, 2021, seeking additional information on the condo sales data strategy and the proxy site survey. Staff received the requested information pertaining to the condo sales data via email on August 5, 2021, however, requested information for the proxy site has not been submitted yet.

Overall, CPS staff have concerns with the application and provide the following comments:

- The proxy site survey was conducted only for 3 days, whereas a minimum of 4 to 6 days over a two consecutive week period should be provided.
- Staff conducted a site visit to 2277 South Millway on Thursday, July 29, 2021, and observed approximately 30 cars parked on both sides of the street, with parking permitted for 15 hours. Staff are of the opinion that the observed parking demand may not be accurate and does not account for 15hr/overnight parking on the adjacent street.
- Condo sales data is acceptable as supplementary justification in addition to appropriate parking surveys. Given that CPS staff have concerns with the proxy site survey, the sales data alone is not acceptable to determine the parking demand for the proposed development.
- CPS Staff note that the requested variance references the LPAT approved resident parking rate of 1.2 spaces per unit, whereas the current Zoning By-law rate is 1.5 spaces per 2-bedroom condo back to back and stacked townhouse unit.
 - Note: Staff reviewed previous parking comments for OZ 16-005 and anticipate that all dwelling units are 2-bedrooms.
- Based on the Parking Regulations Study currently underway, the proposed development would be in Precinct 4 with a proposed rate of 1.3 spaces per condo back to back and stacked townhouse unit.

Based on the submitted information, CPS staff recommend that the application be deferred pending the submission of additional information to address the concerns indicated above.

Variance #2 pertains to rooftop balcony setback. The purpose of a minimum rooftop balcony setback measured to the exterior edge is to ensure that rooftop balconies are not situated too close to property lines. This provision was added to the zoning by-law to ensure new infill development with rooftop balconies would not create privacy and overlook concerns in low-density neighbourhoods. In this case, Staff have no concerns with the proposed 0 m rooftop balcony setback, as the proposed development is not for infill development, it is for a townhouse complex. Furthermore, the four sides of the development are adjacent to public roads, a woodlot and drive aisle associated with an existing mid rise rental apartment. Therefore, there are no overlook or privacy concerns.

While Planning Staff are of the opinion that variance #2 meets the general intent and purpose of the zoning by-law, variance #1 does not. CPS Staff require a Parking Utilization Study in order to assess the reduced parking variance. As a result, Planning staff cannot complete its review of the application to determine if it is consistent with the tests outlined in the Planning Act.

Conclusion

The Planning and Building Department recommends that the application be deferred to permit the Applicant the opportunity to submit the requested information.

Comments Prepared by: Connor DiPietro, 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 townhouse development are being addressed through the Site Plan Application process, File SPI-19/080, and also previously approved Rezoning File OZ-16/005.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file xx-SP 19/080. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/06/2021 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.

Comments Prepared by: A. McCormack