

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-18	File(s): B48.21 A333.21 A334.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-08-26 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Consent 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 27.21m (89.27ft) and an area of approximately 0.64ha (68889.03sq.ft).

The applicant requests a minor variance for the severed lands (B48/21) proposing:

1. A lot frontage of 27.21m (approx. 89.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.42ft) in this instance; and
2. An amenity area of 263.30sq.m (approx. 2834.14sq.ft) whereas By-law 0225-2007, as amended, requires a minimum amenity area of 635.30sq.m (approx. 6838.31sq.ft) in this instance.

The applicant requests a minor variance for the retained lands (B48/21) proposing:

1. A floor space index of 3.04 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 1.50 in this instance; and
2. 12 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 182 parking spaces in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A333.21 and A334.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under files A333.21 and A334.21 shall lapse if the consent application under file B48.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 150 Paisley Boulevard West

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-20 - Residential

Other Applications: PREAPP 21-6043

Site and Area Context

The subject property is located on the south-west corner of the Confederation Parkway and Paisley Boulevard West intersection. Currently the property contains a 16 storey apartment building with surface parking. The property has a frontage of +/- 88m and a lot area of +/- 9,884m². The property contains some vegetation near the street lines and around Mary Fix Creek immediately to the west. The surrounding area contains a mix of high rise, detached, and semi-detached dwellings on varying lot sizes.

The applicant is proposing to sever a portion of the property for a future apartment building and parking structure. The proposal requires variances for lot frontage, amenity area, floor space index, and parking.



Comments

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) 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.

Planning Analysis

Staff comments concerning the consent and minor variance applications are as follows:

The applicant is proposing to sever the subject property into two lots. The severed lands would form an 'L' shape around the retained lands and have a lot frontage of 27.21m on Paisley

Boulevard West and a lot area of approximately 0.64 hectares. The retained lands would be the corner property and have a lot frontage of 60.79m and a lot area of approximately 0.35 hectares.

The subject property is located in the Downtown Hospital Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan. This designation permits apartment dwellings.

Planning staff have several concerns regarding the proposed variances, especially the requested parking and amenity space variances. Staff are unsure of how the proposed severance will impact the future operation of the site, should one of the portions be sold to a different party. The applicant has indicated on their application form that they would like staff to review the application as if both properties will continue to function as one site even after the severance, however no such variance has been requested. Staff have requested further information from the applicant regarding the intended future functionality of the site and clarification of the requested variances.

Furthermore, CPS staff have reviewed the application and note as follows:

With respect to Committee of Adjustment application 'A' 334/21, 150 Paisley Boulevard West, the applicant is requesting to allow the existing rental apartment on the Retained Lands proposing a total of 12 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 182 parking spaces in this instance. This is a reduction of 170 spaces which equates to a 93% deficiency.

The applicant is seeking to sever a parcel of land for the creation of a new lot ('A' 333/21). The existing 16-storey rental apartment building, total of 124 units, is located on the Retained Lands ('A' 334/21). The submitted Severance Sketch, dated June 2, 2021, shows that the severed parcel of land is proposing a 10-storey rental apartment building with a total of 82 units and a 3-storey parking structure.

The subject property was approved for development pursuant to site plan application SPM 19-135 and minor variance application 'A' 265/20. Application 'A' 265/20 requested a parking reduction that was supported by staff and approved as amended by Committee of Adjustment.

However, for application 'A' 334/21, the applicant did not submit any parking justification and staff are seeking a letter to explain the current and future parking arrangement for the existing and proposed rental apartment buildings. Staff advise that the newly created lot and Retained Lands should be treated as one property for the purposes of parking.

Staff have not received the requested information and staff do not have satisfactory justification.

Conclusion

The Planning & Building Department recommends that the application be deferred to allow the applicant to submit the requested information.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create a new lot for a proposed residential tower. From our initial review it appears that private easements will have to be established to ensure functionality between the severed and residual lands to facilitate any pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), parking requirements, construction and maintenance requirements.

The City is currently processing a Site Plan Application for the severed parcel, reference SPM 19-135 for the construction of a 10 storey rental apartment building. The Site Plan submitted depicts a proposed 3-storey parking structure located entirely on the severed parcel. This department questions what mechanism will be in place to ensure that adequate parking will be available on the severed parcel for the existing 16 storey residential tower identified as 150 Paisley Boulevard West.

From our review of the Site Servicing Plan submitted with SPM 19-135 (Ordan Detech Consulting Engineers DWG C101), we note that the storm outlet for the severed lands is an existing storm sewer easement located along the southerly limits which outlets into the Mary Fix Creek. A Drainage Proposal will be required to confirm the extent of any drainage from the retained parcel over severed parcel to confirm if any storm easement(s) will have to be established.

From our review of the submitted Site Plan it is also evident that mutual right-of-way easements will be required to facilitate pedestrian/vehicular circulation within both parcels.

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. Drainage Proposal/Servicing Plan

We request that the applicant submit a Drainage Proposal/Servicing Plan prepared by a Consulting Engineer for this department's review/approval to address any storm sewer outlet requirements for the subject lands. From the Site Servicing Plan submitted with SPM 19-135 (Ordan Detech Consulting Engineers DWG C101) we note that the storm outlet for the severed parcel is through an existing storm easement located along the southerly limits which outlets to the Mary Fix Creek. The purpose of the Drainage Proposal is to address any storm drainage from the residual lands (150 Paisley Boulevard West) to determine if any easement(s) are required.

2. Required Easement

Upon the review of Item A1 and the confirmation of any required easements, the applicant/owner will be required to provide a 43R-Plan and letter / schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. 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.

3. Parking Requirements

Acknowledging that the Planning and Building Department will be addressing the parking requirements for the subject lands, we would request that additional information be provided to advise what mechanism will be in place to address the parking requirements for 150 Paisley Boulevard West during and after construction. As already indicated, the Site Plan submitted depicts a proposed 3 storey parking structure located entirely on the severed parcel.

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: Daniel Grdasic, Planning Associate

Appendix 3 – Parks, Forestry & Environment

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

- Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Control Process.
- 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 4 – Heritage

N/A

Appendix 5 – Region of Peel Comments

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections.

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

The applicant shall verify the location of the existing service connections to the retained and severed parcels to determine if a private servicing easement is required. Please contact Records at PWServiceRequests@peelregion.ca. In addition, requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>

Please be advised that a portion of 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

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. ("A" 333/21 & A334/21)
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 August 18, 2021.