

# City of Mississauga Department Comments

Date Finalized: 2021-11-09	File(s): B66.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## 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 7.26m (approx. 23.82ft) and an area of approximately 232.8sq.m (approx. 2,505.84sq.ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 192 Queen Street West

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

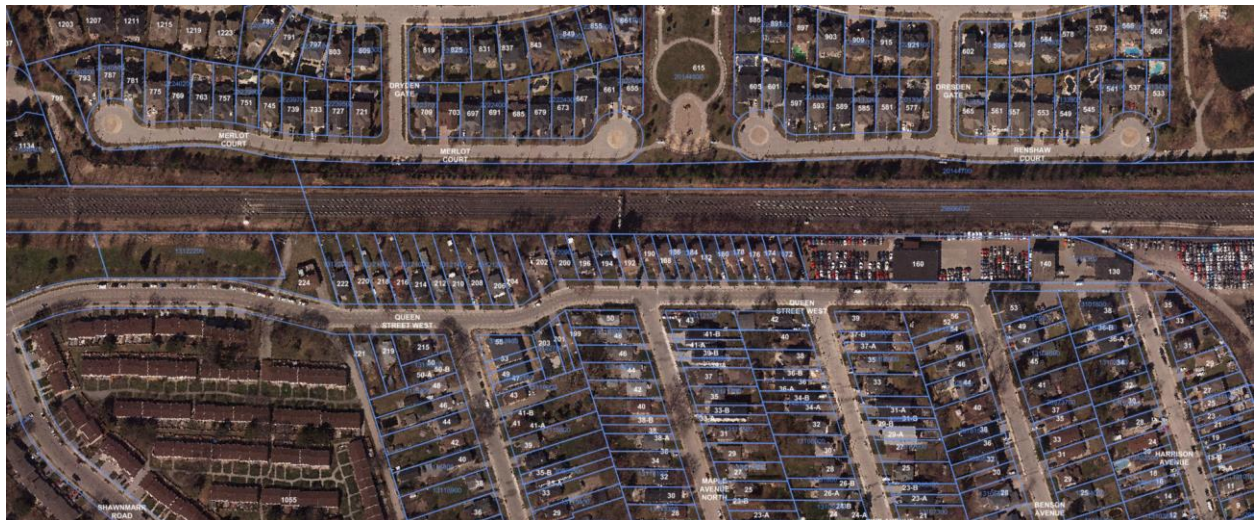
**Zoning:** Rm7-5 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood (West) Character Area, northeast of Mississauga Road South and Lakeshore Road West. The immediate area consists of a mix of detached, semi-detached, duplex and triplex dwellings with mature vegetation in the front and side yards. The low-density dwellings in the immediate area consists of lots with frontages ranging from approximately 7.22m (23.7ft) to 17.2m (56.4ft). The subject property contains an existing one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the existing lot to create two new parcels for the development of two new semi-detached dwellings.



## 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 consent application is as follows:

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning by-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the North Residential Neighbourhood Precinct in the Port Credit Local Area Plan. Planning staff note that the subject property's rear yard abuts a Metrolinx rail corridor. Transportation and Works staff are requesting deferral of the application until a satisfactory noise report is received that addresses that an outdoor living area meeting environmental noise guidelines (NPC-300) can be achieved for the creation of the proposed lots. Planning staff echo this request and recommends that the application be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Through our initial review of this application, we anticipate some issues/concerns which may have a significant impact on the feasibility of proposed severance. Further review and analysis needs to be undertaken to ensure that the proposed outdoor living area (OLA) and building design for the 2 lots can be adequately mitigated to Ministry of the Environment and Climate Change (MOECC) requirements for noise and vibration emanating from railway activities adjacent to the site. Until a detailed noise and vibration study is submitted for review, this Department **cannot support** the application in its current form. We note that this section of the Metrolinx railway corridor has significant railway traffic volumes and noise levels emanating from the railway traffic as has been exhibited in other noise and vibration studies along this railway corridor.

For the applicant's information, an OLA is identified in the Environmental Noise Guidelines (Publication NPC-300) of the Ministry of Environment and Climate Change (MOECC). A minimum area of 56.00m<sup>2</sup> (602.79sq.ft.) is required for single family dwellings.

In addition, under Section 6.10.4.1 of Mississauga Official Plan, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55dBA or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 dBA.

**In view of the above noted concerns, we strongly request that this application be deferred to provide the required noise and vibration impact study to determine the feasibility of the proposed severed lot.**

Should the Committee see merit in the applicant's request and the application move forward, the following conditions will be required:

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the required acoustical fencing and also adjacent lands and submit the grading and drainage proposal to this department for review/approval.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with the 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](mailto:susie.tasca@mississauga.ca)

3. Dedication of Queen Street West Road Widening

The Owner will be required to gratuitously dedicate a road allowance widening towards the ultimate 22.0m right of way for Queen Street West to the City of Mississauga as identified in the Official Plan. The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. 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.

The dimensions related to right-of-way widths and required widenings are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

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](mailto:lahini.senthil-kumaran@mississauga.ca).

4. Environmental Site Screening Questionnaire

As per the land dedication requirement, an Environmental Site Screening Questionnaire and Declaration (ESSQD) must be filled out for the property, signed and dated by the owner, and witnessed by a commissioner of oaths and submitted to the Transportation and Works Department for review.

For any clarification or questions regarding this requirement please contact Valeriya Danylova at x5930.

5. Acoustical Report and Vibration Study

Due to the noise and vibration emanating from the Metrolinx tracks at the rear of the property, the owner will be required to retain the services of an Acoustical Consultant to prepare a

detailed Acoustical Report and Vibration Study for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives, and to determine if the OLA can achieve the required acceptable sound levels. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units or acoustical attenuation walls are installed for the dwellings to be constructed. These securities, if required will be secured through a Development Agreement.

6. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from South Service Road and The Queen Elizabeth Way may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to the process of initiating the Development Agreement preparation and processing.

7. 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 a Development Agreement and/or road widening. The fee amounts payable will be in accordance with the current fees and charges bylaw.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca

This department's comments/requirements with respect to the minor variance applications will be addressed through the Consent Application File 'B' 66/21.

**B. GENERAL INFORMATION****1. Lot Grading and Drainage**

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

**2. Servicing**

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

**3. Access**

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

**4. Storm Sewer Outlet**

The storm sewer outlet for this property is the existing 375mm Dia. Storm sewer located on Queen Street West. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

Comments Prepared by: John Salvino, 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 0225-2007, 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

### **Appendix 3 – Parks, Forestry & Environment**

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

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- Colorado Blue Spruce, 43 cm DBH – Good Condition

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

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. The applicant shall provide tree protection securities in the amount of \$4,000.00 for the preservation of the municipal trees.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park 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 2021-11-09 1:00:00 PM.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-11-09 1:00:00 PM.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 5, 2020.
7. A letter shall be received from Canadian National Railway, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 13, 2020.

