

# City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): A195.22 Ward 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-19 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an additional storey to an existing building proposing:

1. A maximum building height of 20 stories whereas By-law 0225-2007, as amended, permits a maximum of 18 stories in this instance;
2. A maximum Floor Space Index of 4.65 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 4.5 in this instance; and
3. A maximum of 472 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 455 dwelling units in this instance.

## Amendments

While Planning staff is not in a position to provide an interpretation of the zoning by-law, Planning staff note that Variance #1 should be amended as follows:

1. A maximum building height of 20 storeys and 64m (Approx. 210ft) whereas By-law 0225-2007, as amended, permits a maximum of 18 storeys and 56m (Approx. 184ft) in this instance;

## Recommended Conditions and Terms

Should Committee see merit in this proposal, Planning staff would request the following condition be imposed:

- The City will secure 20% of the land lift value, as determined by an independent real estate appraiser, in accordance with "Corporate Policy and Procedure 07-03-01- Bonus

Zoning", and that such money be directed towards Community Benefit contributions through consultation with the Ward Councillor.

## Background

**Property Address:** 1035 & 1055 Southdown Rd

### Mississauga Official Plan

Character Area: Clarkson Village Community Node  
Designation: Residential High Density

### Zoning By-law 0225-2007

**Zoning:** RA4-23 - Residential

**Other Applications:** Site Plan Approval application under file SP 20-1

### Site and Area Context

The subject properties are located within the Clarkson Village Community Node, northeast of the Southdown Road and Lakeshore Road West intersection. Directly abutting the subject property to the south is Twin Spruce Park. Currently 1055 Southdown Road contains an 18-storey building (hereon referred to as "Phase 1") and 1035 Southdown Road (hereon referred to as "Phase 2") is under construction. In 2006, these properties received site-specific approval for both a zoning by-law and official plan amendment (OZ 04/37 W2) to permit the development of two 18-storey apartment buildings having a total of 424 units with a Floor Space Index (FSI) of 4.5.

A site plan application (SP 06/35) was approved in 2009, permitting the development of two 18-storey apartment buildings on the subject properties. However, only Phase 1 of the development has been constructed. While Phase 2 of the development received approval, construction was never initiated and as a result the approval lapsed. A revised site plan application (SP 20-1) was submitted in 2020 for the approval of an 18-storey residential apartment building, being Phase 2 of the development. Staff are still processing the site plan application.

In 2008 and 2010, the Committee of Adjustment approved multiple minor variance applications (A335.08, A74.10, A196.10 and A287.10) to facilitate the proposal. These variances pertained to parking, landscape requirements, and an increase in the total number of dwelling units from 424 to 455.

The owner of the subject property is seeking permission to alter the proposed Phase 2 development to include two additional storeys on the 18-storey development that is permitted as of right. One of the two storeys will consist of residential living space, with the second additional storey consisting of interior and exterior amenity space and a mechanical penthouse.

The applicant is seeking variances related to height, FSI and number of dwelling units.



## 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:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP) and is located within the West Gateway Precinct in the Clarkson Village Community Node. The Residential High Density designation permits apartment buildings. The MOP further calls for high density developments to locate along major roads and transit corridors, near concentrations of commercial and community and transportation facilities such as the Clarkson GO Station. Clarkson Village Community Node policies apply a maximum building height of 18 storeys on the subject property. However, the MOP allows for proposals for height that exceeds the established character area policies where it can be demonstrated to the City's satisfaction that an appropriate transition in heights that respects the surrounding context will be achieved; the development proposal enhances the existing or planned development; the City Structure hierarchy is maintained; and the development proposal is consistent with the

policies of this Plan. Staff are satisfied that the proposal meets these criteria, and are of the opinion that the proposal maintains the general intent and purpose of the official plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 pertains to building height. The applicant is proposing a building height of 20 storeys and 64m (Approx. 210ft) where a maximum of 18 storeys and 56m (Approx. 184ft) is permitted. The 19<sup>th</sup> storey will be comprised of residential living space, while the 20<sup>th</sup> storey will be comprised of interior and exterior amenity space and a mechanical penthouse. Staff has no concerns with this variance, as only one additional storey will be utilized for residential living space. The 20<sup>th</sup> storey contains a smaller floorplate than the remaining 19 storeys of the building and is primarily open. As such, the increase in the massing of the building is incremental and will have a negligible impact on the overall scale and massing of the building.

Variance #2 pertains to increased FSI. Variance #3 pertains to an increased number of residential units. Staff note that the proposal to increase density and the number of residential units is a direct result of the proposed additional level of residential floor area and the conversion of eight (8) larger apartment units into sixteen (16) smaller units. Staff further note that the subject property is within the draft boundary of the Clarkson GO Major Transit Station Area. The current Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2019) and Amendment No. 1 (2020) contain greater density requirements for Major Transit Station Areas.

As such, staff is of the opinion that Variances #2 and 3 will not significantly alter the built form and massing of the building. The proposal is consistent with surrounding apartment buildings and will provide for a modest increase in density, which is promoted in Major Transit Station Areas.

As such, staff are of the opinion that the proposal maintains the general intent and purpose of the zoning by-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff note that the official plan and zoning by-law amendments establishing requirements for height, density and number of units were approved the same year the Growth Plan (2006) was enacted. While the proposal represents a minor deviation from the 2006 site-specific approvals, the proposal remains consistent with Provincial direction to direct greater levels of density to strategic growth areas including Major Transit Station Areas. As such, staff is satisfied that the proposed variances are minor in nature and represent a modest increase in height, density and number of units on the subject property. Furthermore, staff are of the opinion that the proposal is appropriate development of the subject property, as it aligns with Provincial direction regarding Major Transit Station Areas.

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 additional storey to the building will be addressed through the current Site Plan Application process, File SPI-20/001.

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 SP 20-1 W2. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Sheridan Creek Trail (P-171) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. The lands adjacent of the subject property are owned by the City of Mississauga, known as Twin Spruce Park (P-139).
2. Hoarding and park protection is secured through the associated Site Plan Control Application (SP 20 01) and Consent to Enter Agreement PO.13.LAK.
3. Construction access from the adjacent park/greenlands is not permitted.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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 4 – Region of Peel**

Comments: A detailed analysis will be required to review water and wastewater capacity and to determine the adequacy of the existing services for the proposed development. A Water Demand and Wastewater Discharge Table is required for review and approval by Servicing Connections through the on-going SP-20-001M.

Comments Prepared By: Camila Marczuk, Development Engineering

Comments: Please be advised that 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: Joseph Filice, Junior Planner

#### **Appendix 5 - CVC**

It is our understanding the application at 1035 & 1055 Southdown Road, Mississauga requests the Committee to approve a minor variance to allow the construction of an additional storey to an existing building proposing:

1. A maximum building height of 20 storeys whereas By-law 0225-2007, as amended, permits a maximum of 18 storeys in this instance;
2. A maximum Floor Space Index of 4.65 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 4.5 in this instance; and
3. A maximum of 455 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 472 dwelling units in this instance.

Based on the review of the information, CVC staff have **no concerns** with the requested variance. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time. Please circulate CVC on any future correspondence regarding this application.

I trust these comments are sufficient. Please contact the undersigned should you have any questions.

Comments Prepared by: Elyssa Pompa, Junior Planner