

City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A265.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to permit back-to-back townhouses and reduced parking rates proposing:

1. To permit back-to-back townhouse dwellings on the subject property whereas By-law 0225-2007, as amended, does not permit back-to-back townhouse dwellings in this instance;
2. A parking rate of 1 parking space per back-to-back townhouse dwelling unit, whereas By-law 0225-2007, as amended, requires a minimum of 1.25-1.75 parking spaces per unit in this instance;
3. A parking rate of 0.86 spaces per apartment dwelling unit, whereas By-law 0225-2007, as amended, requires a minimum parking rate of 1 space per apartment dwelling unit in this instance;
4. To permit 25 commercial parking spaces for Block G whereas By-law 0225-2007, as amended, requires all commercial parking spaces to be located on site in this instance;
5. To permit one shared loading space whereas By-law 0225-2007, as amended, requires a minimum of two shared loading spaces in this instance;
6. To permit a portion of the podium within the 4.0m setback area along the frontage, not in compliance with the buildable area identified in Schedule RA3-36; whereas By-law 0225-2007, as amended, requires compliance with the buildable area identified in Schedule RA3-36; and,
7. To permit an outdoor patio accessory (retail patio) as a permitted use; whereas By-law 0225-2007, does not permit an outdoor patio accessory use in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law; staff

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would note variance #1 and 2 should be amended as follows:

1. To permit back-to-back and townhouse dwellings on the subject property whereas By-law 0225-2007, as amended, does not permit back-to-back townhouse dwellings in this instance;
2. To permit 25 commercial parking spaces off-site on Blocks C and H whereas By-law 0225-2007, as amended, requires all commercial parking spaces to be located on the Block G site in this instance.

Conditions:

Staff can support the above noted variances, subject to the following conditions:

That the applicant enter into an agreement pursuant to s.45 (9.1) of the Planning Act, with content satisfactory to City staff as indicated below, and in a form satisfactory to the City Solicitor, to secure performance of the following conditions, including any associated securities/letters of credit:

- Prior to the approval of the Site Plan for Phase-1 (Block G) of the development, a copy of an executed agreement for off-site parking at Blocks C and H should be submitted to the satisfaction of the Municipal Parking, Transportation & Works Department.
 - Note: A template for an Off-Site Parking Agreement is available through the City's Municipal Parking section. The applicant shall correspond with staff through the Parkingstudy.Review@mississauga.ca e-mail to fulfill this condition and submit an Off-Site Parking Agreement to the satisfaction of the City of Mississauga Municipal Parking and Legal departments.
- Prior to the issuance of the Building Permit of Phase-1 (Block G) of the development, a letter shall be received by the Municipal Parking, Transportation and Works Department indicating that arrangements have been made including supporting documentation for clear signage to mark 25 commercial parking spaces on Blocks C and H for exclusive use by the Block G commercial uses to the satisfaction of the Director of Development and Design, Planning & Building Department.

Background

Property Address: 55 Coveside Dr & 251 Masonry Way

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)

Designation: High Density

Zoning By-law 0225-2007

Zoning: RA3-36 - Residential

Other Applications: None

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (West) Character area and forms part of the 29 hectare (72 acre) "Brightwater" development, located south-west of the Mississauga Road and Lakeshore Road West intersection. The immediate area consists of a range of residential, commercial and recreational uses. The Local Planning Appeal Tribunal (LPAT) (now Ontario Land Tribunal) through a settlement agreement between the applicant and the City approved official plan and zoning amendments (OZ/OPA 17 12) to permit a variety of uses including townhouses, mid and high-rise condominiums, retail, parkland and institutional uses on the 29 hectare (72-acre) site.

A block plan accompanied the official plan and zoning by-law amendments and is contained in Appendix A: Master Plan to the Planning Rationale (dated April 6th, 2022) submitted by the applicant's agent. The subject site is currently vacant and is referred to as Block G on Appendix A.

The applicant is proposing additional townhouse uses, reduced parking rates and a podium that does not comply with the buildable area identified on Schedule RA3-36.



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 are as follows:

The subject property is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP), which permits apartment dwellings; uses permitted in the Residential Medium Density designation, accessory to apartment dwellings on the same property; and uses permitted in the Convenience Commercial designation at grade in apartment dwellings, except for commercial parking facilities, gas bars, and drive-through facilities.

Planning staff note that the applicant is proposing townhouse and back-to-back townhouse uses on the subject property (variance #1). These uses are permitted in the Residential Medium Density designation. Staff are of the opinion that these uses are accessory to the primary use of the property (apartment dwellings use). Furthermore, townhouse units were always contemplated (in various concepts) for Block G with the initial concept including these units as part of the podium of the apartment building. At that time, because the townhouse units were apart of the apartment podium, the units were considered apartment units. Staff and the applicant have progressed on an overall site concept that proposes a walkway penetrating the site to allow outdoor pedestrian access to the street on the north side of the site, which incorporates a Miway bus lay by area. This walkway resulted in the separation of the townhouse units from the apartment building and as such, the use is now interpreted as townhouse and back-to-back townhouse. Based on this, Planning staff advise that the variance is technical in nature and have no concerns. An additional variance is required and captured in the list below to apply the originally anticipated parking rates to the townhouses.

Variances #2-5 pertain to reduced parking rates. Municipal Parking staff in Transportation and Works provides comments on parking related matters. Their comments are as follows:

A Memorandum was submitted by BA Group, dated April 6th, 2022. This report reviewed the proposed parking supply for Block G of the Brightwater site (70 Mississauga Road and 181 Lakeshore Road West) as well as the implications for Block C and H, based on the proposal to accommodate a portion of the Block G commercial parking requirement, using surplus commercial parking on Blocks C and H.

Block G is proposed to contain approximately 466m² (5015ft²) of commercial space; 318m² (3423ft²) of retail floor area and approximately 148m² (1593ft²) of restaurant space, along with approximately 162 residential units, consisting of 146 units within the proposed 8-storey condominium apartment building and 16 townhouse units at grade. The proposal includes two levels of below grade parking; which will be a shared underground parking facility.

Blocks C and H were approved in June 2021 and are the first phase of the Master Plan development; construction has commenced and sale of the units (including sales of parking spaces) has been completed. Block G will be developed next and has completed sales for the condominium apartment units. Only the townhouse units remain to be sold. For Blocks C and H, the non-resident parking (including residential visitors) was supplied as per the rates specified in the zoning by-law, with an additional 44 spaces which are being allocated as surplus commercial parking. An additional 25 parking spaces over and above the 44 spaces that were reallocated from residential to commercial are also available in the proposed Block C and H parking facility. The 25 Block G commercial parking spaces will be located at Blocks C and H.

BA Group has also provided information on parking surveys at the 'IQ Park Towers' located at 1185 The Queensway and 15 Zorra Street in Etobicoke. The development at the site has a total of 823 residential apartment units with 768 parking spaces (0.93 spaces/unit). Parking surveys were conducted on Thursday, May 28 from 10:45 PM to 11:30 PM. The peak parking demand was observed at a utilization of 568 spaces or at a rate of 0.69 spaces/unit.

The Transportation Demand Management (TDM) provisions for the entirety of this site, as outlined in section 4.3 in the Memorandum by BA Group, such as the shuttle bus service to the Port Credit GO station, car-share services, active transportation network and a future transit route within the site, are planned to further support in providing alternative means of transportation connections for the residents in the development.

Staff note that the proposed development (Phase 1, Block G) will be a part of a master planned community development providing access to various amenities, uses, and facilities located within the community.

Based on the above, Municipal Parking staff have considered the information presented and the already approved parking rates at namely Blocks C and H that were approved in 2021, as the applicant's primary basis of justification for the review of this application. Staff can support the following requested variances, with an amendment to the following variance, and subject to the conditions as outlined, below:

- To permit 25 commercial parking spaces off-site on Blocks C and H whereas By-law 0225-2007, as amended, requires all commercial parking spaces to be located on the Block G site in this instance.

Conditions:

That the applicant enter into an agreement pursuant to s.45 (9.1) of the Planning Act, with content satisfactory to City staff as indicated below, and in a form

satisfactory to the City Solicitor, to secure performance of the following conditions, including any associated securities/letters of credit:

- Prior to the approval of the Site Plan for Phase-1 (Block G) of the development, a copy of an executed agreement for off-site parking at Blocks C and H should be submitted to the satisfaction of the Manager of Municipal Parking, Transportation & Works Department.
 - Note: A template for an Off-Site Parking Agreement is available through the City's Municipal Parking section. The applicant shall correspond with staff through the Parkingstudy.Review@mississauga.ca e-mail to fulfill this condition.
- Prior to the issuance of the Building Permit of Phase-1 (Block G) of the development, a letter shall be received by the Director of Development and Design, Planning & Building Department indicating that arrangements have been made including supporting documentation for clear signage to mark 25 commercial parking spaces on Blocks C and H for exclusive use by the Block G commercial uses to the satisfaction of the Director of Development and Design, Planning & Building Department.
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Planning staff echo's Municipal Parking staff's comments and have no concerns with the proposed parking reductions, subject to the above noted conditions.

Variance #6 pertains to a portion of the podium that is not in compliance with the buildable area identified in Schedule RA3-36. The applicant is proposing for the podium to encroach within the 4m (13.12ft) setback area along the property's frontage, which is not in compliance with the buildable area identified in Schedule RA3-36. The Planner reviewing the applicant's site plan application informed Planning staff that the buildable area is based off a previous concept plan. The building's footprint has changed, and the effect of this variance will bring a portion of the podium in line with the rest of the podium, which will provide for a more continuous façade and street wall. As such, Planning staff are not concerned with this variance.

Variance #7 pertains to an outdoor patio accessory use. The applicant is proposing an outdoor patio accessory use on the northeast corner of the subject property. While this use is not permitted, it was always envisioned; however it was not captured in the site specific zoning by-law amendment.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 this property are currently being addressed through the Site Plan Approval process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Furthermore, we note that a Building Permit is required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner