

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-06-30	File(s): A119/20 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-09

### Consolidated Recommendation

The City has no objection to the variances, as amended.

### Application Details

The Applicants request the Committee to approve a minor variance to allow the construction of a condominium on the subject property, proposing:

1. Two stories for a portion of the podium; whereas, By-law 0225-2007, as amended, requires a minimum height of three stories, in this instance;
2. Two stories for a portion of the podium; whereas, By-law 0050-2013, as amended, requires a minimum height of three stories, in this instance;
3. 0.85 resident parking spaces and 0.15 visitor parking spaces per unit; whereas, By-law 0225-2007, as amended, requires a minimum of 1.0 resident parking spaces and 0.15 visitor parking spaces per unit, in this instance;
4. 45% first storey glazing abutting Rathburn Road; whereas, By-law 0050-2013, as amended, requires a minimum 75% first storey glazing abutting Rathburn Road, in this instance;
5. The condo building entrance to project behind the first storey of the streetwall; whereas, By-law 0050-2013, as amended, does not permit a projection behind or beyond the first storey of the streetwall, in this instance; and,
6. The rental building entrance to project beyond the first storey of the streetwall; whereas, By-law 0050-2013, as amended, does not permit a projection behind or beyond the first storey of the streetwall, in this instance.

### Amendments

The site in-question is the subject of Zoning By-Law Amendment application OZ 19/05, which seeks to reduce the associated parking rates for properties within the downtown core. As such, City Planning Strategies recommends that the relief sought as part of this Minor Variance application be amended to better correspond to this supplementary process, proposing:

3. 0.7 resident parking spaces per studio unit, 0.8 resident parking spaces per 1-bedroom unit, 0.9 resident parking spaces per 2-bedroom unit, and 1.0 resident parking spaces per 3-bedroom unit; whereas, By-law 0225-2007, as amended requires 1.0 resident parking spaces per unit, in this instance.

## Background

**Property Address:** 4220 Living Arts Drive

### Mississauga Official Plan

Character Area: Downtown Core

Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** H-CC2(1) (City Centre)

### Other Applications:

Site Plan Approval: 19-31

### Site and Area Context

The subject lands are a vacant, through-lot property located upon the south-east corner of the Confederation Parkway and Rathburn Road West intersection. In general, this area provides a transitional buffer between the high-rise structures of the downtown core and the detached dwellings that dominate the lands north of Highway 401.

The Applicant is proposing to erect both a 36-storey rental building (430 units); and, a 48-storey condominium building (576 units), with 768m<sup>2</sup> of mixed retail.

As with most properties located within the Downtown Core, the site associated with Minor Variance Application 'A' 119/20 is subject to a Holding (H) Provision; ensuring that any proposed development will, amongst other things, maintain the overall streetscape integrity of the surrounding area, as well as serve to facilitate the provision of adequate pedestrian connectivity points and amenity areas to the satisfaction of the City.

To this end, the Applicant is pursuing both a Zoning By-law Amendment application (HOZ 19-02), to lift the aforementioned H provision, as well as a Site Plan Approval application (SP 19-31), to facilitate the above proposal; with both applications under review by the Development Planning and Urban Design teams.

Planning Staff note, the subject property, as a whole, is subject to a technical rezoning application (OZ 19-05), which aims to reduce parking rates for various residential and commercial uses within this portion of the downtown core.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

### Variances 1, 2, 4 - 6 (Structural Variances)

While the Applicant has proposed several amendments to the underlying zoning regulations; Planning Staff note, the inherent nature of Variances 1, 2, 4 – 6, are to address minor deficiencies to the base zone for a design which has conceptually been approved by both the

Urban Design and Development Planning team through their review of Site Plan Approval application SP 19-31. To this end, the requested variances represent prescribed functional changes, reviewed in consultation with Municipal Staff, that in no way fundamentally change, or undermine, the underlying zoning.

To this end, the Planning and Building Department is of the opinion that the application is appropriate to be handled through the minor variance process. Further, Variances 1, 2, 4 - 6, as amended, raise no concerns of a planning nature.

Planning Staff recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if Variances 1, 2, 4 - 6, as amended, meet the requirements of Section 45(1) of the Planning Act.

### Variance 3 (Parking)

In accordance with Table 3.1.2.1 (Required Number of Parking Spaces for Residential Uses), this zone regulates the required parking rates for various uses and dwelling types on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per the Parking Management Strategy (BA Group, Mar/2019) submitted in support of the Zoning By-Law Amendment application (OZ 19/05), the amended parking rates are suitable to adequately accommodate the peak parking demands for the whole of the subject lands. Variance 3, as amended, maintains the purpose and general intent of the Zoning By-law.

The subject property is both well serviced by the public transit system and has ample room to accommodate the required parking. The structure remains self-sufficient, with the majority of parking handled on-site, and with the amended variance serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. Variance 3, as amended, results in both the orderly development of the lands, and whose impacts are minor in nature.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as amended.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development will be addressed through the Site Plan Application (SP19-31) and Building Permit Process. We also note that the city has processed Rezoning Application OZ-19/05 for this property and currently there is an existing 'H' Holding Zone Category on the property which will have to be lifted.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file 19-31. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Comments Prepared by: Kevin Barry, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2<sup>nd</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-011/20

**Minor Variance Applications:** A-118/20, A-119/20, A-121/20, A-122/20, A-123/20, A-124/20, A-125/20, A-126/20, A-127/20, A-128/20, A-129/20

Comments Prepared by: Tracy Tang, Junior Planner

### Appendix 4 – Ministry of Transportation of Ontario

**4220 Living Arts Dr.**, is currently under site plan review with the MTO and will be reflective in those comments when they are return to the City (Will require a MTO Building permit for any structural changes on the property).

Comments Prepared by: Corey Caple, Corridor Management Officer