

# City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): B51.22 B52.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

B51/22

The applicant requests the approval of the Committee to sever a parcel of land for the creation of new lots (also see B52/22). The first severed parcel of land has a frontage of 21.17m (approx. 69.46ft) and an area of 2472.0sq m (approx. 26608.39sq ft).

B52/22

The applicant requests the approval of the Committee to sever a parcel of land for the creation of new lots (also see B51/22). The second severed parcel of land has a frontage of 21.17m (approx. 69.46ft) and an area of 1862.2sq m (approx. 20044.55sq ft).

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 1427 Dundas Cres

### Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

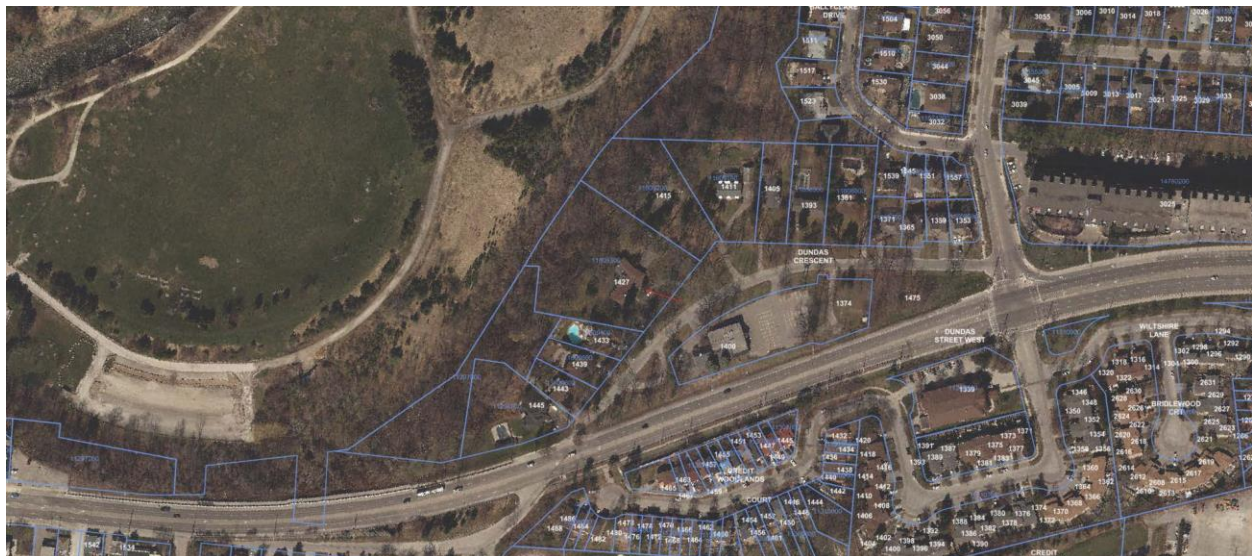
**Zoning:** R2 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located west of the Dundas Street West and The Credit Woodlands intersection in the Erindale neighbourhood. Currently the lot contains a one-storey detached dwelling with an attached garage. It has a lot area of 6,908.80m<sup>2</sup> (74,365.70ft<sup>2</sup>) and backs onto Erindale Park. The property contains significant mature landscaping and vegetative elements in both the front and rear yards. The surrounding area context is predominantly residential, consisting of detached and townhouse dwellings on lots of various sizes. A place of religious assembly is present on the north side of Dundas Street West, directly across from the subject property, with a significant amount of greenspace in the vicinity.

The applicant is seeking to sever the subject property, resulting in a total of three lots.



## Comments

### Planning

### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) 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 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.

Staff comments concerning the applications for consent request are as follows:

The subject property is located in the Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The designation permits only detached dwellings in this instance. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

Staff are satisfied that the application is consistent with the official plan as the severed and retained lands will provide for adequately sized lots for residential dwellings. The proposed lot sizes are generally in line with other residential properties along Dundas Crescent and will not negatively impact the character of the street or the area's lot fabric. Furthermore staff have no concerns with the severance regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request where the intent is to create three residential lots. The rear of this property is heavily vegetated with mature trees and contains a steep slope to Erindale Park (valley lands of the Credit River). We note that to investigate the Long-Term Stable Top of Slope for the subject property a Slope Stability Assessment has been circulated with the application. The Top of Bank was also staked out by the CVC on December 18, 2020 and is depicted on the proposed severance sketch submitted with the application. In view of the above, and should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

#### A. Items Required Prior to the Issuance of Final Consent

##### 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 adjacent lands and submit the grading and drainage proposal to this department for review/approval.

##### 2. Servicing Plan

We request that the applicant submit a Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lots. Upon the review of the Servicing Plan it will be determined if any servicing easements will have to be established in order to support this severance proposal.

##### 3. Environmental Site Assessment (ESA) for Greenlands (G1) Dedication

As Community Services will be requesting the gratuitous dedication of lands below the established top of bank; therefore, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that

appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Jessica Yong, Environmental Coordinator at 905 615-3200 ext. 3174 or [Jessica.Yong@mississauga.ca](mailto:Jessica.Yong@mississauga.ca) should you require further information.

#### 4. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with 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)

### **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. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. The driveway accesses shall maintain a 1.5M setback from aboveground features such as utilities and trees.

In addition we advise that the applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

#### 4. Establishment of Top of Bank Approved by City and the Credit Valley Conservation

Confirmation will be required that satisfactory arrangements have been made with regards to the establishment of the top of bank and gratuitous dedication to the City as Greenland's (G1). The Community Services Department and Credit Valley Conservation Authority are to confirm any details pertaining to the top of bank lands to be dedicated gratuitously the City.

#### 5. Slope Stability Assessment Report Requirements

As the rear of this property contains a steep slope to Erindale Park which contains the valley lands of the Credit River, a Slope Stability Assessment prepared by Fisher Engineering Ltd (dated December 6, 2021) has been submitted to investigate the Long-Term Stable Top of Slope for the subject property. The submitted report has determined the soil and groundwater conditions in order to provide geotechnical comments for the feasibility of this site for any redevelopment. Based on the findings of the Slope Stability Assessment, the applicant will be required to adhere to the recommendations with respect to the stable top of bank, building setback (including garages/structures/pools), slope hazards and any other considerations to be taken into account for any new development to be constructed on the subject lands.

We note that the Slope Stability Assessment contains an Appendix which provides various detailed plans. The Subject Area Plan (Sheet A) depicts the Top of Bank (as staked out by the CVC), cross sections locations and the future building footprint area. The Site Plan with LTSTOS and Development Setback Plan (Sheet No: B) contains the Top of Bank, LTSTOS Line (Long Term Stable Top of Slope) and Development Setback/Erosion Access limits which specifically identify the setback requirements to the Top of Bank line.

Acknowledging that the Slope Stability Assessment was prepared and intended to provide guidance for the client and design engineers, it will be the owner's responsibility to ensure that any findings of this report are properly interpreted and implemented to the satisfaction of the Community Services Department and Credit Valley Conservation.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

Zoning has 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: Andrea Patsalides, 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:

The lands to the rear of the property are owned by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Erindale Park (P-060) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1-14. 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.

Furthermore, a portion of subject lands are also identified as Significant Natural Area in the City's Natural Heritage System.

Subject lands are not within Site Plan Control, and should the application be approved, Community Services wishes to impose the following conditions:

1. An Environmental Impact Study (EIS) is to be submitted for review and approval. A checklist can be provided for reference upon request.
2. The applicant shall provide tree protection securities in the amount of \$59,000.00 for the preservation of the municipal tree.

Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

- 3 Horse Chestnut – Good Condition
- 5 Black Locust – Good Condition
- 5 White Birch – Good Condition

3. 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.
4. Prior to the preparation of plans, the applicant is to contact Community Services - Park Planning to coordinate a site visit for site staking with appropriate staff from the Conservation Authority and the City. The plans must identify the top of bank, Regional storm floodline, stable valley slope, and/or woodland boundary/dripline to the satisfaction of the pertinent Conservation Authority and the City.
5. All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including associated 10 meter buffer, shall be gratuitously dedicated to the City for conservation purposes. Placing the natural hazard lands into public ownership will contribute to the protection and enhancement of the Natural Heritage System.
6. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
7. The applicant shall provide securities fencing in the amount of \$10,000.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section. Gates will not be permitted in the fence.
8. Securities, in the amount of \$15,000.00, are to be provided to ensure the required clean-up, as well as the preservation and protection of the adjacent City owned land to the satisfaction of the Community Services' Department – Park Planning Section.
9. Submit a draft Reference Plan identifying the lands to be dedicated to the City.
10. Submit a Site Servicing Plan and Grading Plan that is to the satisfaction of the Community Services Department.
11. Tree Preservation and Inventory Plan to the satisfaction of Community Services Department.
12. Prior to Greenlands dedication, the applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands. Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

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. 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 4 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Credit River Corridor Cultural Heritage Landscape (CHL). For more information, visit the CHL tab here:

<https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/what-is-a-heritage-property/>. As such a heritage property application is required to demolish. The application form is available here:

<https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It must be accompanied by an accepted Heritage Impact Assessment. The terms of reference are available at

<https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/how-to-prepare-your-heritage-application/>. More comments may be forthcoming.

There is a 60 day waiting period to demolish once the Heritage Impact application has been accepted.

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

#### Appendix 5- CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;

3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

**Site Characteristics:**

The subject property is regulated for valley slope associated with the Credit River. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, Credit River Eglinton to Dundas Environmentally Significant Area (ESA), Credit River at Erindale Life Science Area of Natural and Scientific Interest (ANSI), Significant Natural Site of the City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS.

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

**Ontario Regulation 160/06:**

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

**Proposal:**

B 51/22

It is our understanding that the applicant requests the approval of the Committee to sever a parcel of land for the creation of new lots. The first severed parcel of land has a frontage of 21.17m (approx. 69.46 ft) and an area of 2472.0 sq m (approx. 26608.39 sq ft).

B 52/22

It is our understanding that the applicant requests the approval of the Committee to sever a parcel of land for the creation of new lots. The second severed parcel of land has a frontage of 21.17m (approx. 69.46 ft) and an area of 1862.2 sq m (approx. 20044.55 sq ft).

**Concerns:**

CVC staff have pre-consulted with the applicant regarding the proposed severances. CVC staff have staked the top of bank (on December 18, 2020) and reviewed an Environmental Impact Study (dated December 2021) and Slope Stability Assessment (revised May 16, 2022) for the property. Both reports are generally satisfactory, however a minor revision of the Slope Stability Assessment is required for consistency and clarification of the hazard line; this has been communicated to the applicant.

Based on our assessment, the new lot lines are traversing through the slope hazard and natural heritage features associated with the Credit River. It is typically our expectation that hazard lands and natural heritage features be off-lot and remain on the retained parcel and not be fragmented. In order to achieve this, the retained lot would form an “L-shape” configuration, however, based on discussions with City staff, it is our understanding that a lot in an “L-shape” configuration is not desired by the City and would not be supported in this instance.

CVC staff are generally satisfied that there is sufficient building envelope on all lots outside of and appropriately setback from the natural hazard and natural heritage features on the property. As such, CVC staff have no concerns in principle with the proposed severances. However, CVC staff recommend that the natural hazard and feature lands located below the Long Term Stable Slope Line (LTSSL) associated with the Credit River be dedicated to the City for long term protection and maintenance.

The applicant is advised that a CVC permit will be required for development proposed on both the retained and severed parcels. Any concerns with the proposed development in relation to the natural hazard and natural heritage features will be addressed through CVC’s permitting stage.

**Comments:**

Based on the above, CVC staff have **no objection** to the approval of the requested severances by the Committee at this time.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

# City of Mississauga Department Comments

## 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 September 14, 2022.
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 September 14, 2022.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 14, 2022.
7. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated September 9, 2022.