

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): B48.21 A333.21 A334.21
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 PM

Consolidated Recommendation

The Planning & Building Department has no objections to the application, however Municipal Parking staff recommend the application be deferred. Should Committee see merit in the application, staff request the below conditions be imposed.

Application Details

The applicant requests the Consent 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 27.21m (89.27ft) and an area of approximately 0.64ha (68889.03sq.ft).

The applicant requests a minor variance for the severed lands (B48/21) proposing:

1. A lot frontage of 27.21m (approx. 89.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.42ft) in this instance; and
2. An amenity area of 263.30sq.m (approx. 2834.14sq.ft) whereas By-law 0225-2007, as amended, requires a minimum amenity area of 635.30sq.m (approx. 6838.31sq.ft) in this instance.

The applicant requests a minor variance for the retained lands (B48/21) proposing:

1. A floor space index of 3.04 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 1.50 in this instance; and
2. 12 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 182 parking spaces in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A333.21 and A334.21 must be finalized
- The applicant must 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 condition, including any associated securities/letters of credit:

The City's Shared Parking Agreement applies to the subject property, and the applicant shall execute an agreement for off-site parking between the newly created lot and the retained lands, to the satisfaction of the Municipal Parking, Transportation & Works Department.

- The applicant shall register non-exclusive easements between the severed and retained parcels for access, parking and amenity area access to the satisfaction of the Planning and Building Department.
- The applicant shall execute a shared facilities agreement between the severed and retained lands setting out the maintenance, repair and funding obligations, to the satisfaction of the Planning and Building Department.

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under files A333.21 and A334.21 shall lapse if the consent application under file B48.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 150 Paisley Boulevard West

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Residential High Density

Zoning By-law 0225-2007

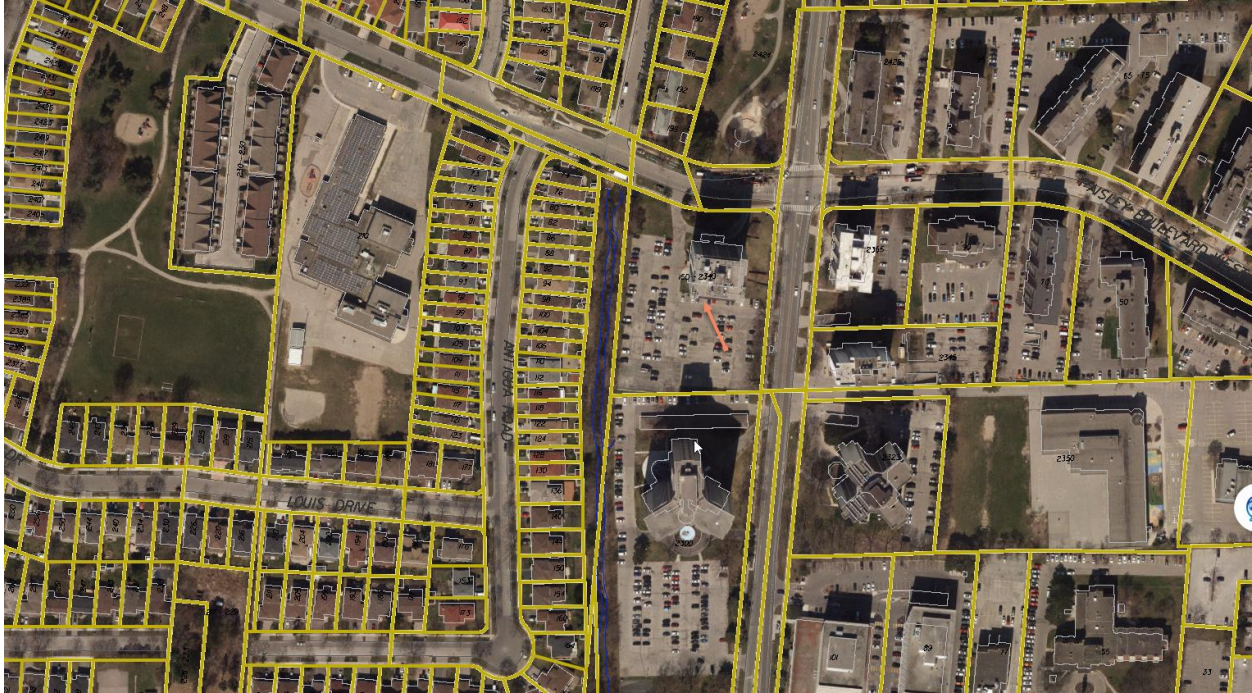
Zoning: RA4-20 - Residential

Other Applications: PREAPP 21-6043

Site and Area Context

The subject property is located on the south-west corner of the Confederation Parkway and Paisley Boulevard West intersection. Currently the property contains a 16 storey apartment building with surface parking. The property has a frontage of +/- 88m (288.7ft) and a lot area of +/- 0.99ha (2.45ac). The property contains limited vegetation near the street lines and around Mary Fix Creek immediately to the west. The surrounding area contains a mix of high rise, detached, and semi-detached dwellings on varying lot sizes.

The applicant is proposing to sever a portion of the property for a future apartment building and parking structure. The proposal requires variances for lot frontage, amenity area, floor space index, and parking.



Comments

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.

Planning

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. 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 consent and minor variance applications are as follows:

The applicant is proposing to sever the subject property into two lots. The severed lands would form an 'L' shape around the retained lands and have a lot frontage of 27.21m (89.27ft) on Paisley Boulevard West and a lot area of approximately 0.64 hectares (1.58ac). The retained lands would be the exterior corner of the current property, having a lot frontage of 60.79m (199.44ft) and a lot area of approximately 0.35 hectares (0.86ac).

The subject property is located in the Downtown Hospital Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan. This designation permits apartment dwellings.

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 the intended uses. Impacts to the surrounding area will be mitigated as the sites will continue to appear as one site through shared facilities, entrances and parking. 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.

The applicant has applied for a total of 4 variances between the severed and retained lands under applications A333/21 and A334/21.

Variance 1 for the severed lands requests a reduced lot frontage. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The proposed reduction is minor in nature and will not have a notable impact on the streetscape or lot fabric due to the proposed shared entrances and facilities.

Variance 2 for the severed lands requests a reduction in amenity area. The applicant is proposing both indoor and outdoor amenity areas for the new building as well as easements to permit residents of the new building access to the sizable outdoor amenity area surrounding the existing building on the retained lands. The lands are currently under construction in accordance with the site plan approved under SPM 19-135 which provided for sufficient amenity space for the development. Through the proposed easements an appropriately sized amenity area will be provided, though technically offsite.

Variance 1 for the retained lands requests an increase in the Floor Space Index (FSI). This variance is caused by the reduced lot area for the existing building on site and the necessary shape of the severed lands to facilitate the parking structure. When considering the development as a whole across the two properties, the total FSI after the completion of the new development will be 1.82, a minor increase from the maximum permitted FSI of 1.50 in this instance.

Variance 2 for the retained lands requests a reduction in parking. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Both the severed and retained lands will

continue to function as one lot through the use of easements for access and parking. Sufficient parking will therefore be provided for the entirety of the site, though technically offsite for the retained lands. Municipal Parking staff have reviewed the variance request and note as follows:

The applicant is requesting to sever a parcel of land for the creation of a new lot. The following minor variance is being requested:

- 12 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 182 parking spaces in this instance.

This is a 93% deficiency. The subject property was approved for development pursuant to site plan application SPM 19-135 and minor variance application 'A' 265/20. Application 'A' 265/20 requested a parking reduction that was supported by staff and approved as amended by Committee of Adjustment.

However, for application 'A' 334/32, the applicant did not submit any parking justification and staff are seeking a letter to explain the current and future parking arrangement for the existing and proposed rental apartment buildings. Despite the applicant submitting a last minute letter dated November 7th, 2022 there was no justification in regards to the parking arrangement/operation on the site(s). Although, via written e-mail, the applicant had expressed that upon obtaining conditional approval at Committee, a Shared Parking Agreement will be provided to the City. Staff advise that the newly created lot and retained lands should be treated as one property for the purposes of parking, which a Shared Parking Agreement would enact.

Staff have not received the requested documented information and staff do not have satisfactory justification.

Staff recommend the application be deferred, pending the submission of a satisfactory Parking Justification Letter.

Should the Committee approve this application, staff strongly recommend that the requested parking variance be approved upon the following condition being met.

The applicant must 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 condition, including any associated securities/letters of credit:

- The City's Shared Parking Agreement applies to the subject property, and the applicant shall execute an agreement for off-site parking between the newly created lot and the retained lands, to the satisfaction of the Municipal Parking, Transportation & Works Department.

Note: A template for an Off-Site Parking Agreement shall be obtained from 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.

Planning staff are of the opinion that the requested variances maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature and represent appropriate development of the subject property. Municipal Parking staff recommend that the application be deferred, however should Committee see merit in the application Planning staff are in support of the requested condition provided by Municipal Parking.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create a new lot for a proposed residential tower. From our initial review it appears that private easements will have to be established to ensure functionality between the severed and residual lands to facilitate any pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), parking requirements, construction and maintenance requirements.

The City is currently processing a Site Plan Application for the severed parcel, reference SPM 19-135 for the construction of a 10 storey rental apartment building. The Site Plan submitted depicts a proposed 3-storey parking structure located entirely on the severed parcel. This department questions what mechanism will be in place to ensure that adequate parking will be available on the severed parcel for the existing 16 storey residential tower identified as 150 Paisley Boulevard West.

From our review of the Site Servicing Plan submitted with SPM 19-135 (Ordan Detech Consulting Engineers DWG C101), we note that the storm outlet for the severed lands is an existing storm sewer easement located along the southerly limits which outlets into the Mary Fix Creek. A Drainage Proposal will be required to confirm the extent of any drainage from the retained parcel over severed parcel to confirm if any storm easement(s) will have to be established.

From our review of the submitted Site Plan it is also evident that mutual right-of-way easements will be required to facilitate pedestrian/vehicular circulation within both parcels.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

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

1. Drainage Proposal/Servicing Plan

We request that the applicant submit a Drainage Proposal/Servicing Plan prepared by a Consulting Engineer for this department's review/approval to address any storm sewer outlet requirements for the subject lands. From the Site Servicing Plan submitted with SPM 19-135 (Ordan Detech Consulting Engineers DWG C101) we note that the storm outlet for the severed parcel is through an existing storm easement located along the southerly limits which outlets to the Mary Fix Creek. The purpose of the Drainage Proposal is to address any storm drainage

from the residual lands (150 Paisley Boulevard West) to determine if any easement(s) are required.

2 Required Easement

Upon the review of Item A1 and the confirmation of any required easements, the applicant/owner will be required to provide a 43R-Plan and letter / schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

3. Parking Requirements

Acknowledging that the Planning and Building Department will be addressing the parking requirements for the subject lands, we would request that additional information be provided to advise what mechanism will be in place to address the parking requirements for 150 Paisley Boulevard West during and after construction. As already indicated, the Site Plan submitted depicts a proposed 3 storey parking structure located entirely on the severed parcel.

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: Amy Campbell, Planner-in-Training

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 City of Mississauga, identified as Not to be Named (P-243) and classified Significant Natural Area within the City's Natural Heritage System and zoned G1. 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.

Given that the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Tree preservation hoarding and securities may be required as part of the site plan control process.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

In addition, Community Services notes the following:

1. 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 Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections.

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

The applicant shall verify the location of the existing service connections to the retained and severed parcels to determine if a private servicing easement is required. Please contact Records at PWServiceRequests@peelregion.ca. In addition, requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>

Please be advised that a portion of 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: Diana Guida, Junior Planner

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 the floodplain and valley slope associated with Mary Fix Creek. Other natural heritage features of CVC interest on/adjacent to the property include the Credit River Watershed NHS (CRWNHS). 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 48/21

It is our understanding that 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 27.21m (89.27ft) and an area of approximately 0.64ha (68889.03 sq ft).

A 333/21

It is our understanding that the applicant requests the Committee to approve a minor variance for the severed lands proposing:

1. A lot frontage of 27.21m (approx. 89.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.42ft) in this instance; and,
2. An amenity area of 263.30 sq m (approx. 2834.14 sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity area of 263.30sq m (approx. 6838.31 sq ft) in his instance.

A 334/21

It is our understanding that the applicant requests the Committee to approve a minor variance for the retained lands proposing:

1. Floor space index of 3.04 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 1.50 in this instance; and

2. 12 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 182 parking spaces in this instance.

Comments:

CVC staff have previously reviewed and approved the apartment building and parking structure works on the proposed severed parcel through a Site Plan application (SP 19/135) and CVC permit (FF 21/339). Based on our review of the information, the natural hazards and features are located off-lot. As such, CVC staff have **no concerns** and **no objection** to the requested severance and minor variances by the Committee at this time.

Please be advised that the severed parcel is partially located within the Regulated Area and approval from CVC may be required for any future development proposed on the property.

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

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. ("A" 333/21 & A334/21)

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 November 9, 2022.