

City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): A99.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a mixed- use development proposing:

1. 914 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 911 dwelling units in this instance;
2. A height of 27 storeys whereas By-law 0225-2007, as amended, permits a maximum height of 25 storeys in this instance and,
3. A parking rate of 0.97 resident parking space per dwelling unit whereas By-law 0225-2007, as amended, requires 1.0 resident parking space per one-bedroom unit, 1.1 resident parking spaces per two-bedroom unit, and 1.2 resident parking spaces per three-bedroom unit in this instance.

Background

Property Address: 5065 Erin Mills Parkway

Mississauga Official Plan

Character Area: Central Erin Mills Major Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA5-37 - Residential

Other Applications: SP 21-20

Site and Area Context

The subject property forms part of a larger development on the north-east corner of Eglinton Avenue West and Erin Mills Parkway. The site is currently undergoing construction works for a condominium and has no landscaping or vegetative elements. The surrounding area context includes a variety of built forms and uses, including Trillium Health Centre across Eglinton Avenue West and Erin Mills Town Centre across Erin Mills Parkway. Residential uses with varying built forms are also located within close proximity.

The applicant is proposing to modify a proposed tower requiring variances for number of units, height, and parking.



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:

The subject property is located in the Central Erin Mills Major Node and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment buildings. The subject property also forms part of Special Site 2 within the Central Erin Mills Major Node policies, which places a cap on the FSI for the site as a

whole. The tower currently under consideration for this application is the tallest of the 3 towers proposed within the development, located at the northern end of the site.

Variances 1 and 2 propose an increase in the number of units and number of storeys. While the applicant is proposing an increase to the number of storeys, no variance is required for the maximum permitted overall height. Planning staff note that the nature of the variances are to facilitate a design that is currently under review by the City's development planning team. The requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site.

Variance 3 proposes a reduction in the required parking rate. 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. Municipal Parking staff have reviewed the variance request and note as follows:

A Parking Justification Letter (PJL) dated February 2023 was prepared by BA Group. The letter explains that this project is a part of a phased development that the Applicant is developing on the northeast corner of Erin Mills Parkway and Eglinton Avenue West. The applicant is looking to refine the parking supply/demand relationship and is looking to increase the number of residential condominium units within the project. Currently, there are 325 residential condominium units within the approved building envelope. The applicant is proposing to increase the total number of condominium units within the project to 351, a net increase of 26 units.

The resulting resident parking supply rate that is proposed as a part of the minor variance application is 0.97 parking spaces per residential condominium unit, meanwhile the City's amended Zoning By-law 0225-2007 requires 1.0 parking spaces per residential condominium unit for this site. There are 342 parking spaces approved within the building envelope, based on the increase of units, 351 parking spaces are required. This results in a 9 parking space deficiency, or in other words a 3% parking deficiency site-wide. Overall, staff can support the requested variance.

Given the above Planning staff are of the opinion that the proposal maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this development are being addressed through the Site Plan Application (SPA 21-20), Rezoning (OZ 16/003) and Building Permit Process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SP 21-20 and SP 19-148. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Revised SP to verify variances.

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

Comments Prepared by: RAMSEN HEDOO

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:

The lands to the rear of the property are owned by the City of Mississauga, identified as Woodland Chase Trail (P-269), classified as a 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...;

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

1. The Community Services Department has secured protection and preservation of City Parkland securities through development application SP 21 20.
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.

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 - CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments

based on the following roles and responsibilities:

1. 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);
2. 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;
3. 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 floodplain associated with Mullet Creek.

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:

It is our understanding that the applicant requests the Committee to approve minor variances to allow construction of a mixed-used development proposing:

1. 914 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 911 dwelling units in this instance;
2. A height of 27 storeys whereas By-law 0225-2007, as amended, permits a maximum height of 25 storeys in this instance and,
3. A parking rate of 0.97 resident parking space per dwelling unit whereas By-law 0225-2007, as amended, requires resident parking space per one-bedroom unit, 1.1 resident parking spaces per two-bedroom unit, and 1.2 resident parking spaces per three-bedroom unit in this instance.

Comments:

Based on our review of the information, CVC staff have no concerns with this minor variance application and as such, have no objection to its approval 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. 220) should you have any further questions or concerns.

Comments Prepared by: Maricris Marinas, Senior Planner

Appendix 5- Region of Peel**Minor Variance Application: A-99/23 – 5065 Erin Mills Parkway**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- Servicing Connections reviewed the related application SP-21-020M/5065 Erin Mills Parkway. The corresponding Regional servicing application has been approved and issued for construction. Through the site plan application, the Region was advised that the building was proceeding with a building height of 80.25m at 25 storeys (submission received in March 2021). The building height changes proposed through this minor variance may require a secondary fire line in compliance with the Ontario Building Code, which is administered by the City of Mississauga. We require confirmation that this has been addressed by Mississauga's Building Division. Changes to the servicing and/or grading will require additional review by the Region of Peel, Servicing Connections section.

Condition:

- Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing and grading.

Comments Prepared by: Patrycia Menko, Junior Planner