

# City of Mississauga Department Comments

Date Finalized: 2023-05-25	File(s): B11.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 3:30:00 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, as requested, meets the criteria of Section 51(24) of the Planning Act.

## Application Details

The applicant requests the Consent of the Committee to sever a stratified portion of land for the purposes of a lot addition to accommodate a below-grade parking garage on the subject property. The severed land will be subject to easements to allow pedestrian and vehicular access and egress and servicing and maintenance of building systems. The severed parcel of land has an area of approximately 1,062.04 sq.m (11,432.08 sq.ft.)

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 175, 181 & 215 Lakeshore Road W and 220 Missinihe Way

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-75 - Commercial

## Other Applications: SP 21-130

### 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. The site is located on the south-west corner 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 West Village Partners Inc. and the City, approved both official plan and zoning by-law 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.

The City is currently processing a site plan application for three mid-rise mixed-use buildings with 24 adjacent back-to-back townhomes on the subject property. Abutting the subject property to the south is 200 Missinnihe Way. The Region of Peel has secured 200 Missinnihe Way for the development and construction of a 7-storey affordable housing building.

The applicant is requesting approval of a consent application to permit a stratified severance of a portion of a below-grade garage, which will contain approximately 27 parking spaces serving the Region of Peel's affordable housing building, and various easements.



## Comments

### Planning

#### 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.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

### **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.

Staff comments concerning the application for consent are as follows:

This application will be considered together with application B12.23 for 200 Missinnihe Way.

The subject application was filed on behalf of the Brightwater Phase I (CDH) LP, the owner of the subject property (the "Block CH Owner"), by its General Partner Brightwater Phase 1 (CDH) GP ("Brightwater"), which is the owner of the lands within the Brightwater development known as Blocks 4 and 5 on Plan 43M-2118 (the "Block CH Lands"), or Blocks C and H on the approved master plan.

Brightwater is also acting as agent on behalf of FS BW Block D GP Inc. (the "Block D Owner"), which is the owner of the lands within the Brightwater development known as Block 6 on Plan 43M-2118 (the "Block D Lands"), or Block D on the approved master plan. The Block D Owner has achieved site plan approval and has filed for building permits to construct a 7-storey affordable housing building on behalf of the Region of Peel, ownership of which shall be transferred to the Region of Peel upon completion.

Application B11.23 would permit a stratified severance of a portion of the below-grade garage within the Block CH Lands. The severed lands will be conveyed to the Block D Owner subject to easements for purposes of pedestrian egress, servicing, maintenance of building systems and other easements in favour of the Block CH Owner. The portion of the below-grade garage that is the subject of this application contains approximately 27 parking spaces, serving the Region of Peel's affordable housing building.

Application B12.23 would permit a stratified severance of a portion of the below-grade garage within the Block D Lands, which will contain a portion of a shared drive aisle that shall be conveyed to the Block CH Owner subject to access and egress easements in favour of the Block D Lands.

Planning staff have discussed the proposal with the planner assigned to the above noted site plan application and have no concerns with the applicant's proposal. Stratified ownership of the below-grade garage has been envisioned under previous applications and is required to facilitate parking and access.

As such, staff are satisfied that the proposal meets the criteria set out under Section 51(24), as the applications will assist in the provision of adequate vehicular access. Furthermore, the applications conforms to the official plan.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to severe stratified portions of land for the purposes of lot additions to accommodate a shared drive aisle within the below grade garage including the required easements for pedestrian and vehicular access and egress and the servicing and maintenance of building systems. We note for Committee's information that The City of Mississauga has processed a Site Plan Application (SP 19/138) for the lands where Transportation and Works requirements pertaining to the construction of a commercial building were given. Through the Site Plan application, this Department has also finalized a Site Plan Agreement with the applicant.

In view of the above we have no objections to the applicant's request and are providing the following conditions/requirements for Committee's consideration:

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

##### 1. Draft Reference Plan/Schedule

The applicant/owner is to provide a Draft Reference Plan that shows the new easements as parts along with a letter prepared by their Solicitor which describes any new private easement(s) to be established. It should be acknowledged 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.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Zoning section has no concern or comment related to the requested severance.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted consent application and notes:

1. Given that the property is subject to a development application, SP 21-130, all of Community Services' comments and/or requirements are being addressed through the development application.

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 Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Region of Peel**

##### **Consent Application: B-23-011M – 175,181 & 215 Lakeshore Road West & 220 Missinnihe Way**

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

##### **Condition:**

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to required private service easements.

Comments Prepared by: Patrycia Menko, Junior 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.

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 May 24, 2023.
5. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 19, 2023.