

City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A151.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 1:00:00 PM

Consolidated Recommendation

The City recommends refusal of variance 4 and has no objection to variances 1, 2, 3, 5 and 6.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a residential building proposing:

1. 1.0 parking space per residential unit whereas By-law 0225-2007, as amended, requires a ratio of 1.1 parking spaces for one and two bedroom units, and a ratio of 1.2 parking spaces per three bedroom units in this instance;
2. A building height of 121.0m (approx. 397.0ft) and 38 storeys whereas By-law 0225-2007, as amended, permits a maximum building height of 114.0m (approx. 374.0ft) and 35 storeys in this instance;
3. 904 dwellings units whereas By-law 0225-2007, as amended, permits a maximum of 874 dwelling units in this instance;
4. An encroachment of a balcony located above the first storey into a required yard not fronting onto Hurontario Street or Watergarden Dr, to a maximum of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.50m (approx. 8.20ft) in this instance;
5. A projection of a balcony located above the first storey measured from the outermost face or faces of the building from which the balcony projects to a maximum of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 2.50m (approx. 8.20ft) in this instance; and,
6. A floor space index of 5.0 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 4.8 in this instance.

Amendments

Based on review of the information currently available for this application, we advise the following;

The variances as requested are not required based on the plans submitted under Site Plan Application SP 20-073.

Further we note that the applicant has NOT provided sufficient information for staff to confirm that the minimum vertical depth is in compliance with the By-law.

While Planning staff are not in an a position to interpret the zoning by-law, through discussions with the applicant and Landscape Architect, Planning staff have been informed that a vertical depth variance will be required as follows:

A minimum vertical depth of 0.2m whereas by-law 0225-2007, as amended, requires a minimum vertical depth of 1.0m in this instance.

Recommended Conditions and Terms

Construction in accordance with this variance shall be in general conformance with the plans approved by the Committee.

Background

Property Address: 15 Watergarden Drive

Mississauga Official Plan

Character Area: Uptown Major Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA5-43 - Residential

Other Applications: SP 20-73

Site and Area Context

The subject property is located on the west side of Hurontario Street, north of the Eglinton Avenue intersection. It is currently vacant with no landscaping or vegetative elements. The site forms part of the larger Pinnacle Uptown development. The surrounding area context includes a mix of residential and commercial uses with varying built forms and lot sizes.

The applicant is proposing a new condominium requiring variances for parking, height, number of dwelling units, FSI and balcony projections.



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 Uptown Major Node Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential High Density designation permits the proposed built form and uses. The site also forms part of Special Site 6A, which contains policies relating to height, density, and non-residential floor area.

Variance 1 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:

The application is related to the rezoning approval By-Law 0049-2021, site specific exception RA5-43. The applicant provided a Cover Letter, dated March 23, 2023, in support of the submitted application.

The applicant notes the site is part of the Uptown Major Node, an area designated for intensification, and has been identified as a Major Transit Station

Area. The proposed variance would amend the two site-specific residential parking requirements to a single residential parking rate for the proposed development.

Staff note the intent of the parking reduction is to accommodate the parking requirements of additional residential dwelling units and the associated visitor parking.

Staff advise that the proposed residential parking rate will continue to exceed the City's minimum off-street parking requirement of 0.8 parking spaces per residential unit in Precinct 1. No changes are proposed to the site-specific exception RA5-43 visitor parking rate of 0.15 parking spaces per residential unit.

Zoning staff require further information to confirm that all variances are correct. Given the above, Municipal Parking staff can support the proposed residential parking rate reduction proposing 1.0 parking spaces per residential unit whereas By-law 0225-2007, as amended, requires a ratio of 1.1 parking spaces for one and two bedroom units, and a ratio of 1.2 parking spaces per three bedroom units in this instance.

Variances 2, 3, 5, 6 & the additional variance as noted in the Amendments section 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 4 proposes an encroachment into the required yard for balconies. While Planning staff have no objections to increased projections for balconies, as requested under variance 5, Planning staff seek to ensure that appropriate setbacks from lot lines are maintained to the balconies in order to protect the public realm and provide appropriate setbacks. As such Planning staff recommend that variance 4 be refused as, in the opinion of staff, the request does not represent appropriate development of the subject property and does not maintain the general intent and purpose of the zoning by-law.

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 the proposed development are being addressed through the Site Plan Application 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 20-73. Based on review of the information currently available for this application, we advise the following;

The variances as requested are not required based on the plans submitted under Site Plan Application SP 20-073.

Further we note that the applicant has NOT provided sufficient information for staff to confirm that the minimum vertical depth is in compliance with the By-law.

Our comments are based on the plans received by Zoning staff on 03/22/2023 for the above captioned site plan application. 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: A. McCormack, Zoning Examiner

Appendix 3 – Metrolinx

15 Watergarden Drive

Metrolinx is in receipt of the minor variance application for 15 Watergarden Dr to facilitate a height increase of 3-storeys for the proposed development at the subject site resulting in a 35-storey to 38-storey building. Metrolinx's comments on the subject application are noted below:

- At this time, Metrolinx does not have any major comments but any works within the Metrolinx ROW or within 60 m of the Hurontario LRT will require approval and coordination with Metrolinx.

- **Construction Coordination Comment**
- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts:
 - Should construction of the Hurontario LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.
- Please note that Metrolinx is a stakeholder on the comprehensive application and may have provided comments or have further comments as the application progresses. Please continue to circulate Metrolinx as the application progresses.

Comments Prepared by: Farah Faroque, Intern

Appendix 4- Region of Peel

Minor Variance Applications: A-23-151M, A-23-152M – 15 Watergarden Drive, 10 & 30 Watergarden Drive and 220 Little Creek Road

Development Engineering: Iwona Frandsen – (905) 791-7800 x7920

Comments:

- The proposed variance proposes increase to units and previously approved population (density) and consequently increases flows and demands for the development(s). Therefore, a remodeling of the increase of units will have to be completed prior to approval of the Minor Variances or Site Plan considering the area is experiencing capacity constraints. Modeling may result in external construction, extension, twinning and/or upgrading of municipal services. All works associated with the servicing of this site will be at the applicant's expense.

Condition:

- Satisfactory arrangement shall be made with the Region of Peel, Public Works with regards to increase to density of the development and its subsequent impacts on Region of Peel infrastructure that may result in potential agreements, upgrades, and financial obligations.

Comments Prepared by: Patrycia Menko, Junior Planner