

City of Mississauga Department Comments

Date Finalized: 2023-05-16	REVISED	File(s): A152.23 Ward: 5
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2023-05-25 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. 0.94 parking spaces per dwelling unit whereas By-law 0225-2007, as amended, a ratio of 1.1 parking spaces for one and two bedroom units, and a ratio of 1.2 parking spaces for three bedroom units in this instance;
2. A building height of 130.0m (approx. 426.5ft) and 38 storeys for Building 1 whereas By-law 0225-2007, as amended, permits a maximum building height of 116.5m (approx. 382.2ft) and 35 storeys in this instance;
3. A building height of 120.0m (approx. 393.7ft) and 34 storeys whereas By-law 0225-2007, as amended, permits a maximum building height of 108.0m (approx. 354.3ft) and 32 storeys in this instance;
4. 1598 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 1395 dwellings units in this instance;
5. A floor space index of 8.5 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 7.6 in this instance;
6. A total non-residential gross floor area minimum of 1500sq m (approx. 16 146sq ft) whereas By-law 0225-2007, as amended, requires Building 2 to have a minimum of 3000sq m (approx. 32 392sq ft) of non-residential gross floor area and Building 3 to have a minimum of 5000sq m (approx. 53 820sq ft) of non-residential gross floor area in this instance;
7. Amenity area of 5.24sq m (approx. 56.40sq ft) per residential unit, whereas By-law 0225-2007, as amended, requires amenity area of 5.60sq m (approx. 60.28sq ft) per residential unit in this instance; and,
8. 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.

Background

Property Address: 10 & 30 Watergarden Dr and 220 Little Creek Road

Mississauga Official Plan

Character Area: Uptown Major Node
Designation: Residential High Density

Zoning By-law 0225-2007

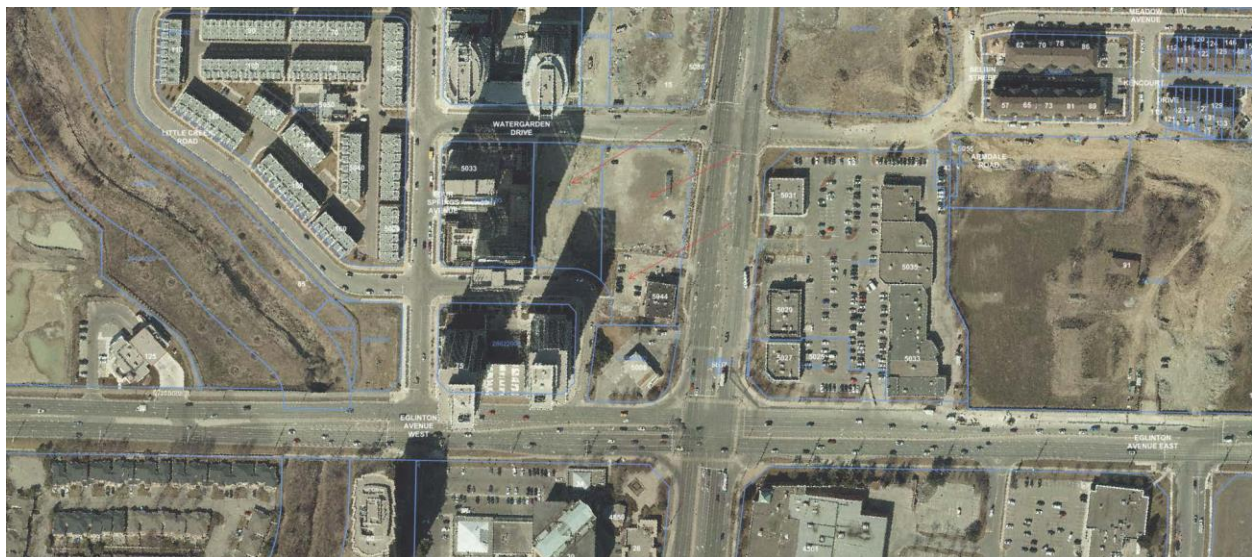
Zoning: RA5-42 - Residential

Other Applications: SP 22-99

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 new condominiums requiring variances for parking, height, number of dwelling units, FSI, balcony projections non-residential GFA and amenity area.



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 6B, which contains policies relating to height, density, and non-residential floor area.

The applicant is proposing two mixed use towers on the subject property, requesting multiple variances relating to built form, uses, and parking. Staff are currently reviewing a Site Plan Approval application on the subject property, however at this time the Planning Department has multiple concerns surrounding the proposed development including the reductions in non-residential gross floor area and amenity area. These concerns may lead to changes to the proposal and may potentially result in additional or modified variances, which staff are unable to review at this time. Planning staff are concerned that the site plan review has not reached a satisfactory stage and that the application is premature. Given the above, Planning staff recommend that the application be deferred.

Planning Innovation staff and Municipal Parking staff have also reviewed the application and note as follows:

Planning Innovation:

FOR INFORMATION ONLY: The additional residential units proposed through this application will trigger the Inclusionary Zoning By-law. The applicant will be required to enter into a legal agreement with the City prior to building permit issuance to secure the affordable housing requirement resulting from the additional permitted units.

Municipal Parking:

The application is related to the rezoning approval By-Law 0276-2021, site specific exception RA5-42. The Applicant provided a Cover Letter, dated April 3, 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, as well as changes in the proposed mix of non-residential uses at the site.

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 RA5-42 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 0.94 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.

Given the outstanding concerns of Planning staff through the Site Plan Approval application and the potential impacts that revised variances may have on both the reviews of Planning Innovation and Municipal Parking, staff recommend that the application be deferred.

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 application under file SP 22-99. 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.

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, Supervisor Zoning

Appendix 3- 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

Appendix 4- Metrolinx

10 & 30 Watergarden Dr and 220 Little Creek Road

Metrolinx is in receipt of the minor variance application for 10 & 30 Watergarden Dr and 220 Little Creek Road to facilitate a height increase of 3 and 2-storeys for the proposed development at the subject site resulting in a 35-storey to 38-storey and 32-storey to 35-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 has provided comments on the Site Plan application. Please continue to circulate Metrolinx as the application progresses.

Comments Prepared by: Farah Faroque, Intern