

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A152.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1-6, and variance 8, subject to the conditions, as amended, however recommends variance 7 be refused. 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 residential building proposing:

1. 0.80 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 for Building 2 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. A building height of 23.00m (approx. 75.46ft) for the Podium whereas By-law 0225-2007, as amended permits a maximum building height of 21.50m (approx. 70.54ft) in this instance;
5. 1598 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 1395 dwellings units in this instance;
6. 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;
7. 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;
8. 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,

9. 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.

Amendments

Based on the review of the information currently available for this application, we advise that:

The applicant requests the Committee to approve a minor variance to allow the construction of three residential buildings with commercial at grade proposing:

1. 0.80 parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a parking rate of 1.1 parking spaces for one and two bedroom units, and 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 identified on Schedule RA5-42 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 for Building 2 identified on Schedule RA5-42 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. A building height of 23.00m (approx. 75.46ft) for the Podium identified on Schedule RA5-42 whereas By-law 0225-2007, as amended permits a maximum building height of 21.50m (approx. 70.54ft) in this instance;
5. 1598 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 1395 dwellings units on all lands zoned RA5-42 (Areas A-C as identified in Schedule RA5-42) in this instance;
6. A floor space index of 8.5 whereas By-law 0225-2007, as amended, permits a maximum floor space index of 7.6 on all lands zoned RA5-42 (Areas A-C as identified in Schedule RA5-42) in this instance;
7. A minimum gross floor area – non-residential of 1500sq m (approx. 16 146sq ft) whereas By-law 0225-2007, as amended, requires Building 2 as identified in Schedule RA5-42 to have a minimum of 3000sq m (approx. 32 392sq ft) and Building 3 to have a minimum of 5000sq m (approx. 53 820sq ft) of gross floor area – non-residential in this instance;
9. Variance 9 should be deleted

Recommended Conditions and Terms

1. Construction in accordance with this variance shall be in general conformance with the plans approved by Committee.
2. The applicant shall provide a contribution of the land lift value related to the increased height and density to the City, as determined by an independent real estate appraiser, in accordance with the City's "Corporate Policy and Procedure 07-03-01 Bonus Zoning".
3. The applicant shall enter into an agreement with the City to secure the condition #2, and that such contribution be directed towards Community Benefits through consultation with the Ward Councillor. Alternatively, a letter shall be received from the Planning and Building Department, indicating that satisfactory arrangements have been made with respect to these matters.

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

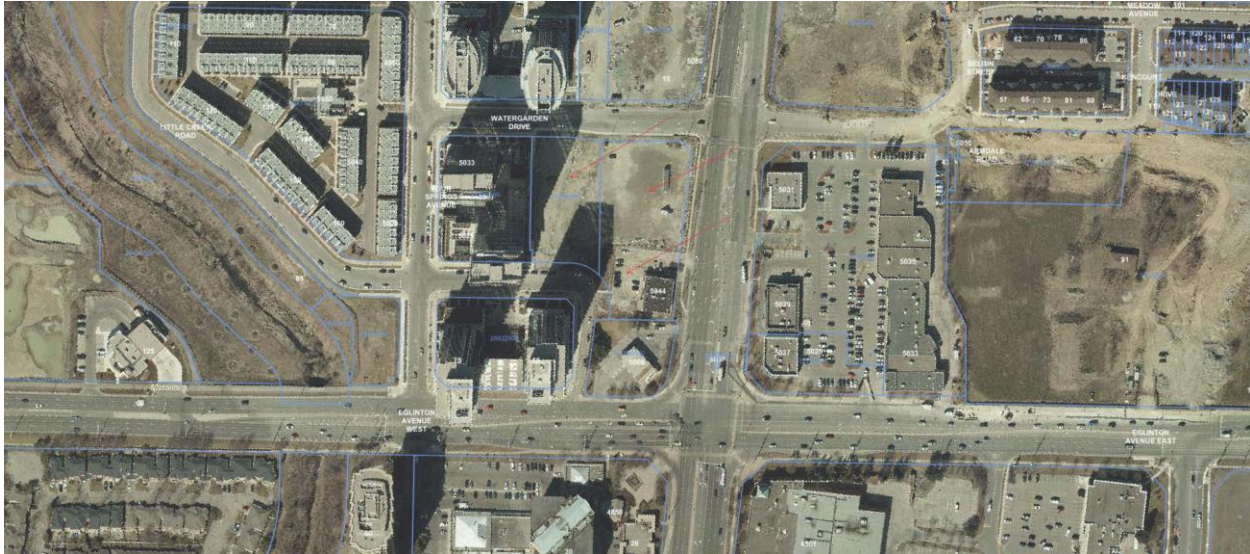
Zoning: RA5-42 - Residential

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 present. 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 three new condominiums towers 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 three 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.

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 on 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:

Per the materials provided by the applicant, three Condominium Apartment towers are proposed to be developed on the subject site. The Applicant proposes

1,152 residential units in total, with a residential Gross Floor Area (GFA) of 85,097 m² and a non-residential GFA of 1,542 m².

Based on the requested parking variance, **the applicant proposes a total of 1,095 parking spaces.**

	Proposed Parking Rate	Proposed Parking Space
Resident Parking	0.8 spaces per dwelling unit	0.8*1152=922 spaces
Visitor Parking	0.15 spaces per dwelling unit	0.15*1152=173 spaces
Total Parking Spaces Provided	1095 spaces	

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 which is 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. The parking rate for visitor parking would remain the same at 0.15 spaces per dwelling unit per Section 4.15.6.42.19 of Mississauga Zoning By-law.

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 meet the City's minimum off-street parking requirement of 0.8 parking spaces per dwelling unit in Precinct 1.

Given the above, Municipal Parking staff can support the proposed residential parking rate reduction proposing 0.8 parking spaces per residential unit whereas By-law 0225-2007, as amended, requires a ratio of 1.1 parking spaces per one and two-bedroom unit, and a ratio of 1.2 parking spaces per three-bedroom unit in this instance.

Variances 2, 3, 4, and 6 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 5 proposes to increase the total number of dwelling units for all lands associated with the development from 1395 to 1598. The proposed increase represents a 12.7% increase, which is in line with the general intent of the By-law. Earlier phases were subject to Community Benefit charges and bonusing as described in Section 37 of the Planning Act by virtue of their Zoning By-law passed in December of 2021. The City has an existing, executed Section 37 agreement with an approved contribution that has not been received. Recognizing a community contribution was required in the earlier phase, it's appropriate that the uplift be reviewed in accordance with Section 45(9.1) and Mississauga Corporate Policy and Procedure 07-03-01 (Bonus Zoning).

The intent of maintaining the non-residential gross floor area is to provide a variety of retail, service and other uses that support the surrounding residents and businesses. Variance 7 proposes a reduction in non-residential gross floor area. Section 13.4.3 of the MOP states the Uptown Node Major Character Area is to be developed as a compact, mixed use community that supports offices, retail uses and a range of employment opportunities. Additionally, redevelopment that results in a loss of office floor space will not be permitted, unless the office floor space is replaced as part of the redevelopment. The original rezoning application (OZ 13/020 W5) that was approved by the City, deferred 1,000m² of the required non-residential gross floor area from Phase 3 of the development to Phase 5.

Variance 7 proposes the removal of the second floor commercial office space in its entirety and is replacing the space with varied sizes of residential units. This reduces the non-residential gross floor area from 8,000m² to 1,500m². This does not meet the intent of the official plan policy noted above. Furthermore official plan policies for Special Site 6B, which this site is part of, requires a minimum of 9,400m² of retail commercial and office space to be located within the first three floors of the buildings within Areas 6A and 6B. The proposed variance does not meet this official plan policy. As a result, staff are of the opinion that the general intent and purpose of the official plan and zoning by-law are not maintained and the variance being sought is not minor in nature or desirable.

Variance 8 proposes a reduction in amenity area per residential unit. Staff note the proposed variance pertains to 'Area C' only, which is defined on 'Schedule RA5-42' as attached to By-law 0276-2021 below:



The applicant is proposing both indoor and outdoor amenity areas. The intent of maintaining amenity area is to provide residents in a high density neighbourhood with outdoor space to accommodate an active lifestyle. Amenity areas are one of the most significant contributors to an area's character and quality of life. Staff are of the opinion that the reduction in amenity area will meet the needs of the future residents of the building. Given the above, staff are satisfied the variance maintains the general intent and purpose of both the official plan and zoning by-law. Furthermore, the change is minor in nature and represent appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 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.

Furthermore, based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

[NOTE: All zoning comments based on wording structure and not correctness of content of the variances. Content of variances requested to be verified upon formal review of revised proposal through application SP 22-99. It appears that substantial changes have been made in recent resubmission which has not yet been reviewed.]

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[NOTE: It is unclear what the applicant's intent is. Is a variance sought to reduce the total gross floor area - non-residential for Area C of Schedule RA4-42? Or, is a variance sought to reduce the total gross floor area – non-residential for each building (i.e. reduce Building 2 from 3000sqm to 1500sqm and Building 3 from 5000sqm to 1500sqm)? If the latter, then 2 separate variances should be applied for. If the former, then the cumulative total should be used for variances (i.e. 1500sqm proposed whereas 8000sqm required)

8. [Wording unchanged]
9. Variance 9 should be deleted

Our comments are based on the plans received by Zoning staff 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: RAMSEN HEDOO, ZONING SUPERVISOR

Appendix 3 – 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: reduced parking, 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 34-storey building, increased dwelling units, and an increase of a balcony projection to 8.5m (we note based on drawings provided that no increased projections have been proposed along Hurontario St). 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, Project Analyst

Appendix 4 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner