

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A241.23
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a building proposing a gross floor area for medical uses of 3269.24sq m (approx. 35189.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 3235.00sq m (approx. 34821.25sq ft) in this instance.

Amendments

Zoning staff advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a Medical Office use proposing 288 parking spaces for all uses on-site; whereas By-law 0225-2007, as amended, requires a minimum 345 parking spaces for all uses on-site in this instance.

Background

Property Address: 1065 Canadian Place, Units 127 and 128

Mississauga Official Plan

Character Area: **Northeast Employment Area**
Designation: **Business Employment & Greenlands**

Zoning By-law 0225-2007

Zoning: E2- Employment

Other Applications: Certificate of Occupancy Permit Application under File 22-1886

Site and Area Context

The subject property is located south-east of the Tomken Road and Eglinton Avenue East intersection in the Northeast Employment Area. It currently contains 2 multi-storey commercial condominium buildings with a range of uses. The property has very little vegetation or landscaping, mostly at the rear of the property. The property also has a large parking lot servicing the two buildings. The surrounding area context includes a mix of commercial and industrial buildings on lots of various sizes with very little landscaping. Notable exceptions include the greenspace surrounding the Little Etobicoke Creek to the rear of the property and Philip Pocock Secondary School to the south.

The applicant is proposing a medical office use in unit 127 and 128 requiring a variance for 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 are as follows:

The subject property is located in the Northeast Employment Character Area and is designated Business Employment and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The majority of the property is designated Business Employment, with the Greenlands designation covering only a small portion of the rear of the property adjacent to the Little Etobicoke Creek. The Business Employment designation permits a variety of uses, including office uses.

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. Staff note that the application was previously deferred on July 20, 2023 due to incorrect calculations in the Parking Utilisation Study. The applicant has since worked with Planning and Parking staff and made the necessary revisions. Municipal Parking staff have reviewed the variance request and note as follows:

Per the materials provided by the applicant, there are currently two buildings with a total of 55 units on the subject property, the land uses of these units comprise of Medical Office, Office, Commercial School, Manufacturing Facility, Restaurant/Take-Out Restaurant, and Motor Vehicle Repair Facility. The subject property is located within E2 zoning area, Parking Precinct 3.

Unit 127 is currently being used as a Medical Office named "Aqua Clinic", the applicant proposes to remove the demising wall between Unit 127 and Unit 128 and combine them into one medical office, with a Gross Floor Area (GFA) of 184 m². As a result, the required parking space for this unit would be 8 spaces per parking requirements listed in the zoning by-law. Per the Parking Allocation Report provided by Zoning staff, based on the different land uses of each unit, the required parking space for the rest of the units within the subject property is 337. As such, 345 parking spaces are required whereas 288 parking spaces can be accommodated. The proposed parking deficiency is 57 parking spaces, or 16.5%.

Municipal Parking Staff previously provided comments for the application at the July 20, 2023 Committee of Adjustment hearing. Staff did not support the application due to an incorrect observed parking demand ratio as required by parking Terms of Reference. The application was deferred at the hearing by the Committee.

An updated Parking Utilization Study (PUS) was received on August 8, 2023, completed by Harper Dell & Associates. A seven-day on-site parking survey at the subject site was undertaken in March to assess the existing parking demand and supply. Based on the existing number of units at the subject site, the study indicates that the peak percentage of the total parking capacity is 51%, and the peak parking demand ratio for the site is 1.49 spaces per 100 m² non-residential GFA, which is less than the parking rate stipulated by zoning regulations for a Medical Office at 4.5 spaces per 100 m² non-residential GFA.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed 288 parking spaces for all uses on-site; whereas By-law 0225-2007, as amended, requires a minimum 345 parking spaces for all uses on-site in this instance.

Planning staff are in agreement with the comments from Municipal Parking staff and are of the opinion that the application 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: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 241/23.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file 22-1886. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

< The applicant requests the Committee to approve a minor variance to allow a Medical Office use proposing 288 parking spaces for all uses on-site; whereas By-law 0225-2007, as amended, requires a minimum 345 parking spaces for all uses on-site in this instance.>

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 – 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 adjacent to the property are owned by the City of Mississauga, identified as Not To Be Named (P-259) *(NE of Tomken and Eglinton), 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. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. 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.

Appendix 4 – TRCA

Re: Minor Variance Application and City File No. A241.23
1065 Canadian Place – Building “B”
City of Mississauga, Region of Peel
Owner: PSCC883
Agent: Harper Dell and Associates Inc. c/o Nicholas H. Dell

This letter acknowledges receipt of the second submission for the subject application, received on August 10, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario

Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Application Background

It is our understanding that TRCA staff reviewed Minor Variance Application A241.23 at the subject property to allow a building proposing a gross floor area for medical uses of 3269.24sq m (approx. 35189.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 3235.00sq m (approx. 34821.25sq ft) in this instance.

The requested variances were required to facilitate the change of use of Unit 128 to medical uses as well as the interior renovations of Unit 127 and Unit 128 in the existing building. Also, the requested variances were required to facilitate sufficient parking for the combined units of 127 and 128, which were capped at 57 spaces.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A241.23 is to allow a building proposing a gross floor area for medical uses of 3269.24sq m (approx. 35189.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 3235.00sq m (approx. 34821.25sq ft) in this instance.

The requested variances are required to facilitate the change of use of Unit 128 to medical uses as well as the interior renovations of Unit 127 and Unit 128 in the existing building. Also, the requested variances were required to facilitate sufficient parking for the combined units of 127 and 128, which were capped at 57 spaces.

Site Context

Ontario Regulation 166/06:

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is partially located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located adjacent to a valley corridor associated with a tributary of the Etobicoke Creek. A small portion of the subject property is also located within the associated Regulatory Flood Plan. As such, a TRCA permit pursuant to Ontario Regulation 166/06 may be required from this Authority prior to other future development, site alteration or other development taking place on the regulated areas of the property.

Application Specific Comments

Based on our review, the proposed works are outside of TRCA's Regulated Area. Additionally, it appears that no exterior alterations are proposed at this time. As such, TRCA staff have no concerns with the requested variances, and a TRCA permit will not be required at this time. Please note that all future development proposals on the property should be circulated to TRCA for our review and approval prior to any works taking place.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,250.00 received on July 7, 2023.

Recommendation

TRCA's staff have **no objection** to supporting the approval of Minor Variance Application assigned City File No. A241.23. A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

Appendix 5 – Region of Peel**Minor Variance Application: A-23-241M – 1065 Canadian Place**

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP). The subject site is also located within a Provincially Significant Employment Zone, identified on Figure 12 of the ROP.
- Regional staff acknowledge the application is to approve a minor variance in gross floor area for medical uses and have no objections. However, please be advised that any future development to the subject site will require Regional review to ensure any proposed variances keep with the general intent of the ROP and Mississauga Official Plan Business Employment policies.

Comments Prepared by: Patrycia Menko, Junior Planner