

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A338.23
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 off site parking, located at 1086 Eglinton Avenue East, whereas By-law 0225-2007, as amended, requires all parking to be accommodated on site in this instance.

Recommended Conditions and Terms

This decision is valid for a temporary period of three (3) years, shall expire and terminate on or before September 21st, 2026.

Background

Property Address: 1060 Eglinton Ave E

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment, Greenlands

Zoning By-law 0225-2007

Zoning: E2-66 - Employment

Other Applications: SP 22-59

Site and Area Context

The subject property is located on the south side of Eglinton Avenue East, east of the Tomken Road intersection. It currently contains a multi-storey retirement and nursing home with an associated surface parking lot. Limited mature vegetation is present on the subject property, and greenspace abuts the property to the east. The surrounding area consists of a mix of employment and commercial uses within varying built forms and lot sizes.

The applicant is requesting a variance to permit additional parking off-site.



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 Northeast Employment Area and is designated both Business Employment and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The property is further designated Exempt Site 2 within the Northeast Employment Area policies of the MOP. The Exempt Site 2 policies permit housing for the elderly as a permitted use. The site is zoned E2-66, which permits Long-Term Care Buildings and Retirement Buildings.

The variance 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:

With respect to Committee of Adjustment application 'A' 338.23, 1060 Eglinton Ave E, The applicant requests the Committee to approve a minor variance to allow off-site parking, located at 1086 Eglinton Avenue East, whereas By-law 0225-2007, as amended, requires all parking to be accommodated on site in this instance.

Per the materials provided by the Applicant, there is an existing Long-Term Care building with 224 beds on site. The Applicant contemplates building a new Long-Term Care building next to the existing one on the subject site, as a result of the proposed new development, only 9 parking spaces can be accommodated during construction of the new building, therefore the Applicant proposes 48 temporary parking spaces on a neighboring parcel at 1086 Eglinton Avenue East, which is located next to the subject property. The subject site is located within E2 Zoning Area, Parking Precinct 3; the proposed temporary parking lot is located within Development (D) zoning area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Long-Term Care buildings located in Parking Precinct 3 require a minimum of 0.33 parking spaces per bed. Therefore, the minimum required number of parking spaces for the subject site would be 74. Based on a Site Plan provided by the Applicant, the current parking supply on the subject property is 77 spaces. The Applicant proposes 9 parking spaces on the subject site and 48 spaces on the temporary parking lot. As such, 77 parking spaces are required whereas 57 parking spaces can be accommodated. The proposed parking deficiency is 20 parking spaces, or 25.9%.

Staff reached out to the Applicant and property owner on August 30, 2023 to request additional information regarding the construction timeline, current ownership and situation of proposed temporary parking lot to evaluate the application more accurately. No responses have been received as of the preparation of this report.

Due to the lack of necessary ownership information, Staff are unable to determine if an Off-Site Parking Agreement would be required for this particular application. In the event that an agreement is required, the City's Off-Site Parking Agreement template should be used. The use of the City's Off-Site Parking Agreement template allows the City to ensure that the dedicated parking is available, maintains good neighbor relations between adjacent property owners, ensures the public's interests are accounted for, and confirms the agreement remains in place for the requested duration. Should the agreement be terminated prior to the duration as requested, it is the applicant's due diligence to then resolve the variance/parking deficiency, therefore keeping the applicant accountable to the City's parking standards.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Staff recommend the application be deferred pending the submission of satisfactory information.

While planning staff notes Municipal Parking staff's comments, planning staff have confirmed with the applicant that 1060 & 1086 Eglinton Avenue East are under the same ownership.

Given the above, staff are satisfied the proposal meets the general intent and purpose of the official plan and zoning by-law, is appropriate for the subject property and is minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the owner of this property is building a new Long Term Care next to the existing LTC on this site, the City is processing a Site Plan Application for this development under SP 22-59 W3 where our requirements are being addressed. Acknowledging that during the construction of the new LTC Home, the existing LTC will remain in operation and there would be a parking shortfall, to address this parking shortfall temporary parking is being proposed at 1086 Eglinton Ave E to serve the staff of the existing LTC during construction.

From our site inspection we note that there is an existing access with a curb cut for 1086 Eglinton Ave E which is the subject to 'A' 339/23 W3 being approved and will likely require some access modifications. In this regard the applicant is advised that they will be responsible for any costs related to any access modifications and that access approval from the Traffic Section through the Access Modification Permit Application will also be required. In this regard we would suggest that the applicant contact our City's Traffic Planning Section at Trans.Projects@mississauga.ca for review prior to commencing any internal works.

Acknowledging the above and that the TRCA are supportive of the request with the understanding that the site will be restored once construction is complete, we have no objections to the request.

Comments Prepared by: Joe Alava, T&W Development Engineering







Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file SP 22-59. Based on review of the information currently available for this building permit, 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.

While we can confirm the variance(s) as requested are correct, additional information is required to determine whether additional variance(s) will be required for (among other things) the electric vehicle parking and unobstructed landscape buffer.

Our comments are based on the plans received by Zoning staff on 08/08/23 for the above captioned building permit 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: 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 minor variance application and advises as follows:

The lands adjacent to the property are owned by the Toronto and Region Conservation Authority, leased 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. The Community Services Department – Park Planning Section, has reviewed and provided comments under development application SP 22-59.
2. Vehicle parking within the adjacent park/greenlands is not permitted.
3. Construction access from the adjacent park/greenlands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
5. 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – TRCA

Re: Minor Variance Application and City File No. A338.23

1060 Eglinton Avenue East

City of Mississauga, Region of Peel

Owner: Tyndall Seniors Village Inc.

Agent: Cornerstone Architecture Inc. c/o Richard Hammond and Mallory Blaine

This letter acknowledges receipt of the subject application, received on August 16, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A 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.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A338.23 is to allow off site parking, located at 1086 Eglinton Avenue East, whereas By-law 0225-2007, as amended, requires all parking to be accommodated on site in this instance.

It is our understanding that the requested variances are required to facilitate the development of the (1749 sq.m.) long term care home (LTC Home) next to the existing (974 sq.m.) LTC Home on the site.

Recommendation

TRCA's staff have **A338.23**, subject to the following condition:

- 1) That the applicant provides the required \$1250.00 planning review fee – no objection to support the approval of Minor Variance Application assigned City File No. Industrial/Commercial/Subdivision/Institutional - Minor

- 2) A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property. As such, TRCA should be contacted prior to start of any future works.

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 located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located almost entirely within the Regulatory Flood Plain associated with a tributary of Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required for the development or site alteration within the Regulated Areas on the property. Based on our review, the proposed development is located entirely within TRCA's regulated area and will require prior permission from the TRCA.

Application Background

On June 29, 2022, TRCA provided planning comments to the second circulation of Site Plan application assigned City File No. SP 22-59 W3 (TRCA File No. CFN 66421.19) received by TRCA on April 26, 2022, in order to facilitate the construction of a new 8 storey Long Term Care home in addition to a temporary parking lot on 1086 Eglinton Avenue East to facilitate continuation of operations on the remaining portions of the property. Full TRCA technical comments will continue to be provided through the Site Plan Application review.

On February 24, 2023, TRCA provided planning comments to the minor variance application assigned **City File No. A767.22 (TRCA file no. CFN 68439.02)**, received by TRCA on February 1, 2023, in order to allow an existing 3 storey (974 sq.m.) long term care building proposing:

1. A setback from parking to a Greenbelt Zone of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a setback of 5.00m (approx. 16.40ft) in this instance and,
2. A front yard setback of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance.

Here, TRCA staff understood that the existing setback from parking to a Greenbelt Zone of 0.50m (approx. 1.64ft) is being sought to maintain the use of the existing parking lot. As such, the application was not proposing a further encroachment into the G1 Zone-Greenbelt Zone buffer than what exists currently. As such, TRCA had no concerns related to setback of the existing parking lot in this minor variance application, as submitted. TRCA will continue it's detailed review through the Site Plan process.

Fee

The fee of \$1,250.00 (Industrial/Commercial/Subdivision/Institutional – Minor) invoiced for city file no. **A338.23** will be applied to City file no. **A339.23** once paid.

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: A-23-338M / 1060 Eglinton Ave E

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- Please also be advised that the subject land is located within a Core Valley Corridor Area and Core Woodland of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan (ROP). Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exceptions of listed in 2.14.15, which are subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner