

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A339.23 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the conditions. 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 an off site parking use within a D - Development zone whereas By-law 0225-2007, as amended, does not permit such a use 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, and is subject to the following condition:

1. The restoration of the subject property to its original standing at the expiration of the approved temporary use.
2. The applicant shall enter into an agreement pursuant to Section 45(9.1) of the Planning Act to provide for the performance of condition 1, together with any required securities.

Background

Property Address: 1086 Eglinton Ave E

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Mixed Use, Greenlands

Zoning By-law 0225-2007**Zoning: D - Development****Other Applications:****Site and Area Context**

The subject property is located on the south side of Eglinton Avenue East, east of Tomken Road intersection. It currently contains a vacant parcel of land with limited mature vegetation along the frontage of the subject property. Greenspace abuts the property to the west and the surrounding with the remaining of surrounding area consisting of a mix of employment and commercial uses with varying built forms and lot sizes.

The applicant is requesting a variance to permit an off-site parking use within a Development zone.

**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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located within the Northeast Employment area and is designated both Mixed Use and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The intent of the official plan is clear that the City vision for the area is to transition to a mixed use development as it redevelops. While the subject property has yet to redevelop, the proposed temporary parking lot is to facilitate the continuation of operations from 1060 Eglinton Avenue East.

Section 19.11.2 of the MOP, implemented by Mississauga Official Plan Amendment (MOPA) 126, allows for minor changes to be made on lands zoned “D” (Development). The proposed amendments will allow the addition of temporary uses without jeopardizing the future vision for the neighbourhood. It further states the lands can be considered for a minor variance if the proposed use meets the following criteria:

- a. Where a new use is proposed, the proposed use is temporary/seasonal;
- b. The proposed use is compatible with the planned function and character of the Character Area and will not have an adverse effect on the surrounding properties;
- c. Any proposed building additions and/or alterations are limited in scope; and
- d. The site is not on lands designated Greenlands and/or any proposed development will not impact any environmental feature that has been identified on the lands by the City or Conservation Authority

Staff note the proposed parking lot is temporary and is compatible for the vacant parcel as it will only function as a parking lot during the reconstruction period of 1060 Eglinton Avenue East. Further, it does not negatively impact the planned function of the property. The subject property is designated Greenlands, however the Toronto and Region Conservation Authority (TRCA) has confirmed there is no further encroachment into the G1 zone – Greenbelt Zone buffer than what exists currently. The TRCA has reviewed the application and notes no objections to the request.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned Development which permits only the existing uses on the subject property on the day of the passing of the by-law. The intent of the Development zone is to allow existing land uses to continue until such time as the property goes through a development application to facilitate an appropriate redevelopment of the property. Staff note that the off-site parking is being proposed to address the parking shortfall on 1060 Eglinton Avenue East for staff of the existing Long Term Care centre during the period of construction. Staff are satisfied that the proposal represents a minor alteration and will not negatively impact the long term development of the site in line with official plan policies.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The requested use is temporary and proposes a surface parking lot. The variance to permit off-site parking is appropriate for the subject property and the resulted impact is minor in nature.

Appendices

Appendix 1 – Transportation and Works Comments

Please refer to our comments submitted for 'A' 338/23 W3 for this request.

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

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, 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. Vehicle parking within the adjacent park/greenlands is not permitted.

2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned/leased lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. 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. A339.23

1086 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. **A339.23** 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 1060 Eglinton Avenue East.

Recommendation

TRCA's staff have no objection to support the approval of Minor Variance Application assigned City File No. **A339.23**, subject to the following condition:

1) That the applicant provides the required \$1250.00 planning review fee – Industrial/Commercial/Subdivision/Institutional - Minor

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 its detailed review through the Site Plan process.

Application Specific Comments

All outstanding comments are being addressed under the Site Plan Application assigned City file no. SP 22-59 W3 (TRCA File No. CFN 66421.19).

Fee

The required Review Fee of \$1,250.00 for City file no. A339.23 is combined under related concurrent application A338.23 which deals with combined planning matters. As such, the review fee for application A339.23 will be considered paid upon receipt of relevant fees for A338.23.

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-23-339M / 1086 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