

# City of Mississauga Department Comments

Date Finalized: 2023-10-18	File(s): A241.23
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2023-10-26 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

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

1. 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; and,
2. 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.

## 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.
- Delete variance 1. Variance 1 not a zoning regulation.

## 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.

Staff note that this application was previously deferred by the Committee on September 14, 2023 to allow for recirculation of notice of application with respect to the amended application pertaining to parking variance.

Zoning staff have identified Variance #1 requesting an increase in the gross floor area for a medical use is not required. The Committee approved application A96/13 on April 4, 2021, which capped the medical use at 3,235.00sq m (approx. 34821.25sq ft) and allowed a parking rate of 3.0 spaces/100 m<sup>2</sup>. Zoning staff confirm that this is a condition set by the Committee's decision, and not a zoning by-law regulation. As the applicant is requesting to increase the medical use gross floor area, the condition is not applicable and hence, the parking rate will be calculated at 4.5 spaces per 100 m<sup>2</sup> based on the current zoning regulations.

Variance #2 requests a relief in the number of parking spaces. Municipal Parking staff previously reviewed the Parking Utilization Study and were supportive of the proposal. As such, there is no change in the application and staff comments remain the same.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request.

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

### 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.>

<Delete variance 1. Variance 1 not a zoning regulation.>

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 Parks and Culture 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

#### **Appendix 5- 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 September 25, 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.

### **Purpose of the Application**

The purpose of Minor Variance Application assigned City File No. A241.23 is to allow a building proposing:

1. 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; and,
2. 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.

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.

**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.

**Application Background**

On September 1, 2023, TRCA provided a comment letter 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.

Based on our review at that time, the proposed works were outside of TRCA's Regulated Area and it appeared that no exterior alterations were proposed. As such TRCA staff had no concerns with the requested variances, and noted that a TRCA permit will not be required.

**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.

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 1