

October 20, 2023

CFN 68439.03

By email: committee.adjustment@mississauga.ca

Shelby Clements
Committee of Adjustment
300 City Centre Drive, 2nd Floor
Mississauga, ON L5B 3C1

Dear Shelby Clements,

**Re: Minor Variance Application and City File No. A768.22
7526 Redstone Road
City of Mississauga, Region of Peel
Owner: Harjinder Rishi
Agent: Lasonne Engineering Ltd. c/o Daniel Falzon**

This letter acknowledges receipt of the subject application, received on October 3, 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 [LCP]) 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. A768.22 is to allow the construction of a new dwelling proposing:

1. A maximum height of 10.02m (approx. 32.87ft) to the sloped roof whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.52ft) to the sloped roof in this instance;
2. A maximum height of 6.98m (approx. 22.90ft) to the eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 20.99ft) to the eaves in this instance;
3. A dwelling unit depth of 28.10m (approx. 92.19ft) whereas By-law 0225-2007 as amended permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance;
4. A gross floor area of 488.87 sq.m (approx. 5262.15sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 301.29 sq.m (approx. 3243.05sq.ft) in this instance;
5. A garage projection of 12.39m (approx. 40.64ft) whereas By-law 0225-2007, as amended, permits a garage projection of 2.0m (approx. 6.56ft) in this instance;
6. A parking stall dimension of 5.2m length (approx. 17.06ft) whereas By-law 0225-2007, as amended, requires a parking stall dimension of 6.0m length (approx. 19.68ft) in this instance; and,
7. A driveway width of 7.71m (approx. 25.29ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.0m (approx. 19.68ft) in this instance.

It is our understanding that the requested variances are required to facilitate the replacement of an existing one-story house with a gross floor area (GFA) of 119.20 sq.m. with a two-story house with a GFA of 519.43 sq.m. which has a below grade entrance to the rear yard in the basement, as well as, direct access from the basement to the side door on the ground level. The proposed works also included the development of driveway paving, front yard first floor and second floor covered porch, second floor balcony above the garage and another balcony on the second floor in the rear yard, and a covered rear yard above grade deck.

TRCA understands most variances requested in this revised minor variance application are related to dwelling style and location of the garage.

Application Background

On March 10, 2023, TRCA staff provided comments on the first circulation of the minor variance assigned city file number A768.22 at the subject property to facilitate the replacement of an existing one-story house with a GFA of 119.20 sq.m. with a two-story house with a GFA of 519.43 sq.m. which has a below grade entrance to the rear yard in the basement, as well as, direct access from the basement to the side door on the ground level. The proposed works also included the development of driveway paving and a covered rear yard deck.

Per this previous letter, TRCA staff recommended the applicant to address TRCA concerns over the size of the replacement dwelling and floodproofing of the proposed works. In addition, TRCA also noted at that time that a second unit dwelling cannot be permitted within this flood hazard.

Recommendation

TRCA staff recommend deferral of Minor Variance Application assigned City File no. A768.22 to provide an opportunity for the applicant to revise the proposed works and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the November 2 hearing, TRCA staff recommend denial of the application at this time.

Please advise the applicant to submit a TRCA Permit Application Form for the proposed replacement dwelling and the associated permit review fee of \$995.00 (Works on Private Residential Property – Standard). A TRCA permit pursuant to Ontario Regulation 166/06 is required for any future works on the subject property.

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 Mimico Creek Watershed. Specifically, the subject land is located entirely within the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration or other development taking place 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. TRCA staff do not support the development proposal associated with this application as currently submitted. There are several comments below that must be addressed prior to TRCA providing staff support to both this application and the required TRCA permit application.

Application Specific Comments

Based on our review, it appears that the existing house and the proposed replacement dwelling are located within the Regulatory Flood Plain.

The drawings submitted with this application appear to propose a replacement dwelling that includes a basement with two separate entrances. The drawings do not demonstrate that the existing dwelling contains a basement. TRCA's Living City Policies (LCP) do not support new basements if the existing dwelling does not contain a basement, and if one exists the replacement must be no larger than the original. Therefore, it is premature to comment on the appropriateness of a basement as part of this development. Please note that increasing the number of dwelling units in a building within the flood hazard is not permitted.

It also appears that openings are proposed below the floodplain elevation of 172.13 masl (plus required 0.3 freeboard). From the currently submitted materials, the existing dwelling's habitable ground floor area and the proposed habitable ground floor area (excluding garage, uncovered porches, above grade rear yard deck) in the replacement dwelling is unclear.

Additionally, it appears that the proposed replacement dwelling has a GFA of 519.43 sq.m. In accordance with TRCA's LCP utilized to implement Ontario Regulation 166/06, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than **50%** of the original habitable ground floor area, plus an additional storey.

Any replacement dwelling with an addition that meets the above criteria must also meet the dry-passive floodproofing requirements of TRCA, including having no openings below the floodplain elevation.

At this time, it has not been demonstrated that TRCA's policies concerning replacement dwellings have been achieved. To demonstrate that the proposal could meet TRCA's permitting policies, the drawings must be revised to show the following:

1. Drawings showing the existing habitable ground floor areas and statistics.
2. Drawings showing the existing basement and statistics.
3. Drawings and statistics for the proposed basement, proposed habitable ground floor area, and proposed additional storey that demonstrate that the proposed basement is no larger than the

existing and that the proposed ground floor area is no larger than **50%** of the original ground floor area.

4. Drawings that show that there are no openings (including any potential basement windows) below the regulatory floodplain elevation of 172.13 masl (plus 0.3 freeboard). Note that a structural engineer will need to certify that the replacement dwelling can withstand flood velocities of 0.64 **m/s** and flood depths of 172.13 masl (plus 0.3 freeboard) during a regulatory storm event, which may involve reinforcement to basement foundations or other changes to the proposal. They will need to provide a letter and stamp the drawings.

Given the above, TRCA has concerns with the size of the replacement dwelling, below grade entrance and floodproofing of the proposed works as currently submitted. TRCA requests that the applicant contacts the undersigned to resolve TRCA's concerns.

Should the applicant disagree with this preliminary flood plain analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result of TRCA's flood modelling.

Fee

This application is subject to a \$660.00 (Variance – Residential – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

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

Sincerely,

Marina Janakovic
Planner I
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority
Telephone: (437) 880-2368
Email: Marina.Janakovic@trca.ca

Appendix A: Circulated Materials

Sheet no. S1, Site Plan, dated January 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S3, Plan First Floor, dated October 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S4, Plan Second Floor, dated October 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S5, Elevation North, dated October 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S6, Elevation West, dated January 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S7, Elevation South, dated January 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S8, Elevation East, dated January 2021, prepared by Lasonne Engineering Ltd.

Sheet no. S13, GFA Calculation, dated January 2021, prepared by Lasonne Engineering Ltd.