

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A426.23
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1, 2 and 3, however recommends that variance 4 be refused. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow parking for mixed use-buildings proposing:

1. A residential parking rate of 0.5 parking spaces per unit whereas By-law 0225-2007, as amended, requires a minimum of 0.8 parking spaces per unit in this instance;
2. A Class A bicycle parking rate of 0.5 spaces per unit whereas By-law 0225-2007, as amended, requires a minimum of 0.8 spaces per unit in this instance;
3. The location of Class B parking spaces be permitted both indoor and outdoor whereas By-law 0225-2007, as amended, requires the parking spaces be located outdoor in this instance; and,
4. To permit the first three storeys to project beyond or behind the first storey whereas By-law 0225-2007, as amended, does not permit this in this instance.

Background

Property Address: 325 Burnhamthorpe Road West

Mississauga Official Plan

Character Area: Downtown Core
Designation: Downtown Mixed Use

Zoning By-law 0225-2007

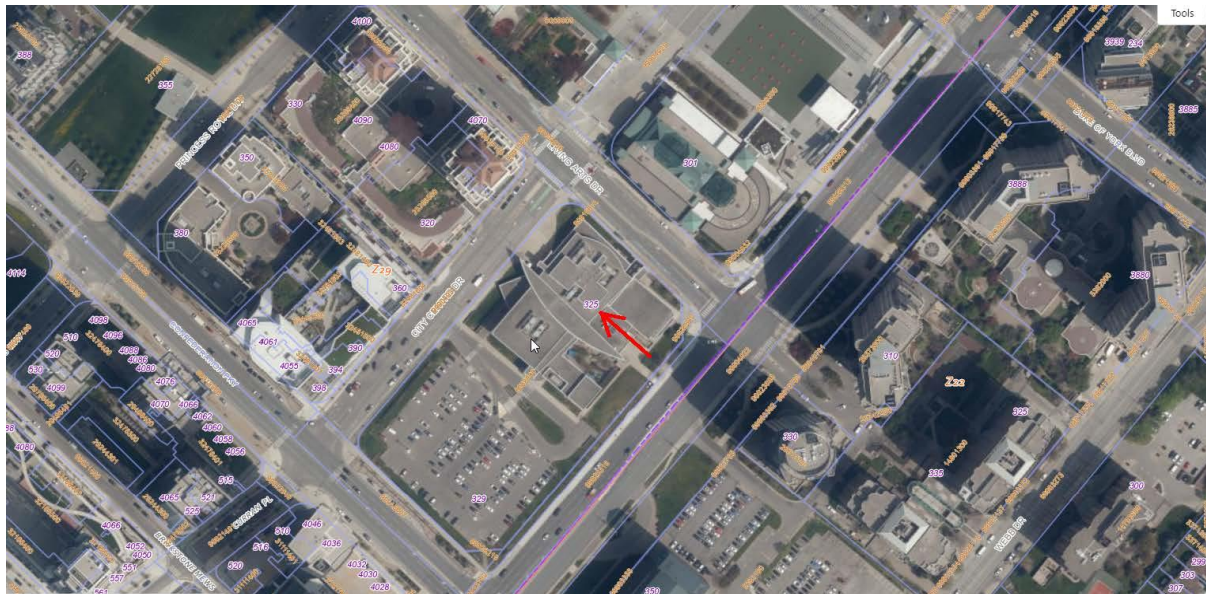
Zoning: H-CC2(1)- Commercial

Other Applications: SP 22-139

Site and Area Context

The subject property is located at the north-east corner of the Burnhamthorpe Road West and Confederation Parkway intersection. It currently contains the Mississauga YMCA and possesses a lot area of 1.82ha (4.51ac). The immediate neighbourhood is comprised primarily of multi-storey office and condominium structures, however Planning staff note commercial uses, such as Square One Shopping Centre, are located in close proximity as well.

The applicant is proposing a five tower mixed use development requiring variances for vehicle and bicycle parking deficiencies, location of Class B parking and building projection.



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 Downtown Core Character Area and is designated Downtown Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP).

Variance 1 & 2 propose a reduction in the required amount of vehicle and bicycle parking. 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. Furthermore the requirement for bicycle parking seeks to encourage active transportation methods within the City by providing adequate bicycle parking/storage on site. 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' 426.23, 325 Burnhamthorpe Road West, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A residential parking rate of 0.5 parking spaces per unit whereas By-law 0225-2007, as amended, requires a minimum of 0.8 parking spaces per unit in this instance.

Per the materials provided by the Applicant, the proposed development on the subject site consists of five Condominium Apartment towers, with a total of 3,296 residential units and amenity areas that contain a Gross Floor Area (GFA) of 334,812.9 square meters and 2,809.4 square meters of retail space. The subject site is located within H-CC2(1) Zoning Area, Parking Precinct 1.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Apartment uses located in CC2 Zoning Areas require a minimum of 0.8 resident parking space per unit and 0.15 visitor space per unit. Therefore, a minimum of 2,637 resident spaces and 494 visitor spaces are required for the development. A shared parking arrangement for retail spaces is used to incorporate the required spaces into visitor parking pursuant to Section 3.1.2.1.3 of the Zoning By-law. The Applicant proposes 1,649 resident parking spaces and 494 visitor spaces, the proposed number of visitor parking spaces complies with the minimum requirement stipulated by the current Zoning By-law. As such, 2,637 resident parking spaces are required whereas only 1,649 parking spaces can be accommodated, which generates a parking deficiency of 988 spaces or 37.5%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant submitted a Parking Justification Study dated September 20, 2023, prepared by LEA Consulting Ltd. The study included parking surveys of several proxy sites in the City of Mississauga and City of Toronto from LEA's existing database. All the surveys were undertaken during the years of 2016 to 2019.

Staff advise that proxy surveys should be more recent (within the last two years), and of similar building tenure, scale and context.

A Minutes of Settlement from Ontario Land Tribunal (OLT) was also included in the Parking Utilization Study. An appeal was made to OLT by the Applicant in April 2023 in regards to the Official Plan Amendment application that was submitted to the City in 2022. The Settlement states that the City shall support a minor variance application initiated by the Applicant, which will reduce the required vehicular parking for the property to 0.5 space per residential unit.

Zoning staff have advised that more information is required to verify the accuracy of the requested variance.

Given the above, Municipal Parking staff recommend the application be escalated to the Commissioner of Transportation and Works for approval in consenting to the OLT settlement.

Planning staff note the Minutes of Settlement (OLT File Number OLT-22-004373) from the Ontario Land Tribunal (OLT) are in agreement with the comments provided by Municipal Parking staff and echo the recommendation of approval for the requested parking rates.

Variance 3 requests the location of Class B parking spaces be permitted both indoors and outdoors. Staff note a large number of bicycle parking spaces (1,656 spaces) are required for the proposed development. The applicant proposes all of the Class B bicycle parking spaces to be located on the ground floor in a location accessible to the public. Planning staff agree these indoor parking spaces permits flexibility for the bicycle parking spaces to be located within the building and sheltered from the elements, while still maintaining spaces outdoors proximate to retail uses for short-term parking.

Variance 4 requests to permit the first three storeys to project beyond or behind the first storey. The intent of this regulation is to ensure wind issues are mitigated, notably in the downtown core, ensuring sufficient sunlight for the public realm and to ensure a continuous street wall design. Urban Design staff have concerns with canopy projections concerning wind washing and potential projections into the municipal right-of-way and design considerations concerning the continuous street wall requirement. The applicant suggested the variance be approved conditionally based on the results of the wind study, but staff believe the variance to be premature and have directed the potential need for this variance to be reviewed in the upcoming Site Plan submission (SP 22-139).

The subject property is well serviced by public transit, and, based on the comments from Municipal Parking staff, Planning staff are satisfied that variances 1, 2 and 3 provide sufficient parking and a sufficient location for Class B bicycle parking spaces for the intended development. Furthermore, the proposed variances will not create negative impacts to the surrounding area. Due to the lack of justification and appropriate analysis for the building projection, staff are unable to support variance 4.

Given the above, staff are of the opinion that variances 1,2 and 3 meet the four tests of a minor variance whereas variance 4 does not.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development will be addressed through Site Plan Application SP 22-139, Rezoning/Official Plan Amendment Application OPA 21-21, Building Permit Process and any other development applications which will be processed for the subject lands.

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

Appendix 2 – Zoning Comments

The Building Department is processing Site Plan application SP 22-139. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner