

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A159.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 a building proposing:

1. A parking space dimension of 2.55m wide x 5.00m long (approx. 8.37ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
2. A walkway width within a landscape buffer wider than 1.20m (approx. 3.94 ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.20m (approx. 3.94ft) in this instance;
3. A roof overhang whereas By-law 0225-2007, as amended, does not permit a roof overhang in this instance;
4. A balcony projection of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.00m (approx. 6.56 ft) in this instance;
5. A rooftop balcony setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
6. An amenity space of 4.80 sq m (approx. 51.67 sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity space of 4.90 sq m (approx. 52.74 sq ft) in this instance;
7. A medical office use whereas By-law 0225-2007, as amended, does not permit a medical office use in this instance;
8. A parking space obstruction of 2.55 m (approx. 8.37 ft) whereas By-law 0225-2007, as amended, requires a minimum parking space obstruction of 2.75 m (approx. 9.02 ft) in this instance;
9. A balcony projection whereas By-law 0225-2007, as amended, does not permit a balcony projection in this instance; and,
10. A balcony and building roof projection whereas By-law 0225-2007, as amended, does

not permit a balcony and building roof projection in this instance.

Amendments

Planning staff note the following amendments are required:

1. Notwithstanding Section 3.1.1.4.1 and illustration 8, twenty-seven permitted parking spaces shall have a minimum width of 2.55m and minimum length of 5.00m whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
2. To permit a walkway wider than 1.2m within a landscaped buffer abutting the westerly interior lot line and may traverse at any angle, whereas By-law 0225-2007, as amended, permits a walkway within a landscaped buffer abutting the westerly interior lot line with a maximum width of 1.2m;
3. To permit the portion of the building roof overhang to project outside of the buildable area depicted on Schedule RA4-52; whereas By-law 0225-2007, as amended, requires all site development plans to comply with Schedule RA4-52;
4. A balcony projection of 3.50m (approx. 11.48ft) for balconies at and below the 7th storey; whereas By-law 0225-2007, as amended permits a maximum balcony projection of 1m;
5. To allow rooftop balconies with a 0m setback from all exterior edges of the building whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
7. To permit an amenity area of 4.75 sq m per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum amenity area of 4.90 sq m per dwelling area;
8. To permit twenty-seven parking spaces to be 2.6m in width when abutting a wall and/ or column deeper than 1.0m whereas By-law 0225-2007, as amended, requires parking spaces to be 2.75m in width when abutting a wall and/or column deeper than 1.0m;
9. To permit balconies to project outside of the buildable area depicted on Schedule RA4-52; whereas By-law 0225-2007, as amended, requires all site development plans to comply with Schedule RA4-52;
10. To permit balcony and the building roof projections that are outside of the buildable area to not be considered a yard encroachment; whereas By-law 0225-2007, as amended, only permits projections that are outside of the buildable area to not be considered a

yard encroachment when specified through a site-specific Exception Zone or Exception Schedule.

Background

Property Address: 86 and 90 Dundas Street East

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Residential High Density

Zoning By-law 0225-2007

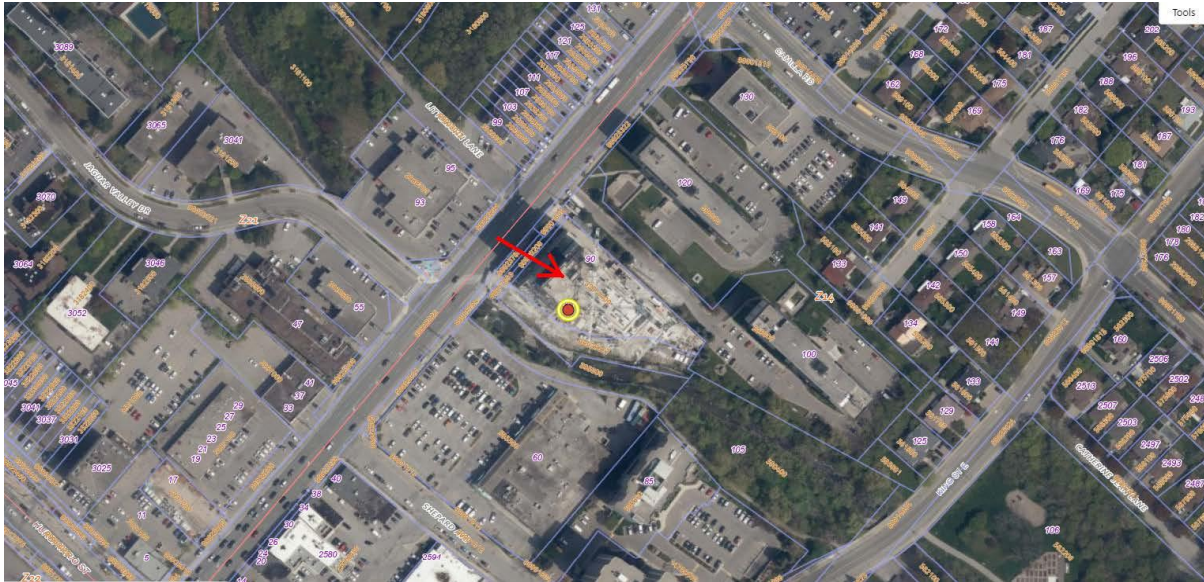
Zoning: RA4-52- Residential

Other Applications: None

Site and Area Context

The subject property is located on the south side of Dundas Street East, east of the Hurontario Street intersection. Currently, the site is under construction with a high density condominium development. The property has a lot frontage of +/- 60.65m (199ft) and a lot area of +/- 5,211.77m² (56,099ft²). The immediate neighbourhood includes a mix of residential uses with varying built forms and lot sizes. Additionally, there are commercial uses present along Dundas Street East and Cooksville Creek abuts the property to the west.

The applicant is proposing a new condominium tower requiring variances for parking space dimensions, walkway width, roof overhang, balcony, building and roof projection, amenity space and a change of use.



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*.

The subject property is located in the Downtown Cooksville Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential High Density designation permits apartment dwellings.

Variance 1 and 8 request reduced parking space dimensions. The intent of the zoning by-law is to provide parking spaces with dimensions that accommodate the standard vehicle size. As per the zoning by-law regulations, a parking space depth of 5.2m (17.06ft) is required whereas the applicant is requesting depths of 5m (16.40ft). The by-law also requires a parking space width of 2.6m (8.53ft) whereas the applicant is requesting 2.55m (8.36ft). Additionally, the by-law requires a parking space width of 2.75m when abutting a wall and/or column deeper than 1.0m. The required parking dimensions for a parking space allows standard vehicles to be parked. The proposed size reduction limits the serviceability and availability of spaces to smaller, more compact vehicles. Staff note the majority of the parking space deficiencies are a result of post construction where obstructions were created inadvertently. Additionally, the applicant confirmed that these conditions cannot be avoided and are the result of development requirements, which are required to support the intended density and unit count on the subject property. Staff note 27 parking spaces will be impacted with the substandard parking dimensions. Staff further note the reduction in the parking space dimensions will not adversely impact the function of the parking spaces or the overall site.

Variance 2 requests an increase to the walkway width within the landscaped buffer. The intent of the walkway width regulation is to balance the safe and efficient movement of pedestrians and a convenient surface to travel. Staff are satisfied that the increased walkway width will offer an extensive pedestrian route to enhance the pedestrian network.

Variances 3, 4, 5, 9 and 10 are to facilitate a design that is currently under site plan review by the City's development planning team. Upon review of the application, staff note that the request is for a limited number of areas within the proposal. The requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site. Planning staff are satisfied that the proposed variances will facilitate a development that is appropriate for the subject property.

Variance 6 proposes a reduction in amenity area per residential unit. The applicant is proposing both indoor and outdoor amenity areas. The intent of maintaining amenity area is to provide residents in a high density neighbourhood with outdoor space to accommodate an active lifestyle. Amenity areas are one of the most significant contributors to an area's character and quality of life. Staff note the slight reduction in amenity area is due to a connecting hallway on the ground floor not being accepted as a part of the amenity space calculation. Staff are of the opinion that the reduction in amenity area will meet the needs of future residents of the building.

Variance 7 requests a medical office use where it is not permitted. Staff note the medical office use will be located within the commercial component of the building. Staff further note that various commercial uses have been permitted as additional uses per the site specific zoning by-law amendment. Additionally, the subject property is surrounded by subject properties zoned C4 (Mainstreet Commercial) which permits medical offices as of right. Staff are satisfied that the proposed use is sympathetic to the surrounding area and does not impact the streetscape or neighbouring properties.

Given the above, staff are satisfied that the proposal maintains the intent and purpose of the zoning by-law.

Staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the application proposes appropriate development of the subject property.

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 are being addressed through Site Plan Application SP 19-130. We also note that other applications on this property included an application to lift the Holding Provision (H-OZ 20/05 W7), Rezoning OZ 16/008 and also through the Building Permit Process.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit 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.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment Comments

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 Cooksville Park (P-071), 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 measure(s):

- 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...
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.

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3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 - CVC Comments

Re: City File No. A159.24
CVC File No. A 24/159
Mississauga I GP Inc. c/o Emblem Developments Inc.
86 and 90 Dundas Street East
Part of Lot 15, Concession 1 SDS
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

CVC REGULATED AREA:

Based on information currently available in our office, the subject property is adjacent to Cooksville Creek and its associated valley slope and floodplain. As such, the property is regulated by CVC and subject to the Development, Interference with Wetlands, and Alterations

to Shorelines & Watercourses Regulation (Ontario Regulation 160/06; Ontario Regulation 42/24 after April 1st). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow a building proposing:

- A parking space dimension of 2.55m wide x 5.00m long (approx. 8.37ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
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- A balcony projection whereas By-law 0225-2007, as amended, does not permit a balcony projection in this instance; and,
- A balcony and building roof projection whereas By-law 0225-2007, as amended, does not permit a balcony and building roof projection in this instance.

COMMENTS:

CVC staff have been involved in review of this proposed development through site plan application SP 19/130, and a CVC permit has been issued (FF 22/165). It is our understanding that these Minor Variances are consistent with the previously reviewed plans and the limits of development have not changed. As such, CVC staff have reviewed the provided information and have **no objection** to the approval of this minor variance by the Committee at this time.

Should any changes be required to the previously approved plans, the applicant should contact CVC to confirm any permit requirements. Please circulate CVC any future correspondence regarding this application.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 325).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Metrolinx

86 and 90 Dundas Street East - A159.24

Metrolinx is in receipt of the Minor Variance application for 86 and 90 Dundas St E to facilitate variances related to parking, walkway widths, canopy projections, balcony projections and encroachments, amenity spaces, and the allowance of a medical office use. We understand that these variances have arisen as a result of the current construction of a proposed 17-storey mixed-use building on the subject lands. Metrolinx's comments on the subject application are noted below.

Advisory Comments:

- It is advised to coordinate with City of Mississauga and Metrolinx should there be any variance during construction that impacts the proposed ROW of the Dundas BRT.
- The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>

Comments Prepared by: Farah Faroque, Project Analyst – Third Party Projects Review

Appendix 6 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner