

City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A486.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow parking on the property proposing:

1. 0.3 resident parking spaces per dwelling unit for Apartments (CC2) whereas By-law 0225-2007, as amended, requires 0.8 resident parking spaces per dwelling unit in this instance; and,
2. A parking lot whereas By-law 0225-2007, as amended, does not permit this use in a CC2-Downtown Core Zone in this instance.

Background

Property Address: 3600 Hurontario Street

Mississauga Official Plan

Character Area: **Downtown Core**
Designation: **Downtown Mixed Use**

Zoning By-law 0225-2007

Zoning: **CC2-7- City Centre**

Other Applications: **SP-09-27**

Site and Area Context

The subject property is located on the west side of Hurontario Street, south of the Mathews Gate intersection in the Downtown Core Character Area. It is currently a vacant site with a lot area of +/- 3,945.99m² (42,474.28ft²). There are no landscaping elements present on the subject property. The surrounding area consists of a mix of uses, including commercial, open space, and various residential built forms.

The applicant is proposing the construction of a 51-storey mixed-use building requiring variances for a parking deficiency and a parking lot 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*.

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 in the Downtown Core Character Area and is designated Downtown Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). Section 12 (Downtown) permits a variety of uses, however it does not permit parking lots. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Planning staff do not find the proposed use to maintain the general intent and purpose of the official plan and that the proposed parking rate will be

inadequate for the site. Staff are of the opinion that the application does not maintain the general intent and purpose of the official plan.

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

City Council endorsed PDC report "PDC-0012-2024", on April 17th, 2024, to amend the City's parent Zoning By-law 0225-2007, reducing the minimum resident per unit parking requirements from 0.8 to 0.5 for apartments and dwelling units provided by a public authority and non-profit provider along the Hazel McCallion Line of the Hurontario Light Rail Transit Corridor, north of the Queen Elizabeth Way (QEW).

Planning staff further note that the *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185) brought forward by the Province of Ontario proposes to restrict municipal councils from approving official plans or enacting zoning by-laws requiring parking in Protected Major Transit Station Areas. While the announcement has been made, Bill 185 has not received royal proclamation and is not in effect.

Variance 1 requests a reduction in parking. The intent of the zoning by-law 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. Municipal Parking staff have reviewed the application and note as follows:

With respect to Committee of Adjustment application 'A' 486.23, 3600 Hurontario Street, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

0.3 resident parking spaces per dwelling unit for Apartments (CC2) whereas By-law 0225-2007, as amended, requires 0.8 resident parking spaces per dwelling unit in this instance.

Per the materials provided by the applicant, the subject site is currently vacant. The proposed development consists of a 51-storey Condominium Apartment building with a total of 587 residential units and a Gross Floor Area (GFA) of 36,498.2 square meters. In addition, a non-residential space with a GFA of approximately 228.52 square meters is also included at grade. The subject site is located within CC2-7 Zoning Area, Parking Precinct 1.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Apartment uses located in CC1 to CC4 Zoning Areas require a minimum of 0.8 resident spaces per unit per unit. Therefore, with a proposed number of 587 units, a minimum of 470 resident spaces would be required. The applicant proposes a total of 176 resident parking spaces. As such, 470 parking spaces are required whereas 176 parking spaces can be accommodated, which generates a parking deficiency of 294 spaces or 62.6%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required per the City's Parking Study Terms of Reference provisions. The applicant previously applied for a variance for the subject site at the December 14, 2023 hearing, requesting a resident parking rate of 0.5 parking space per unit. Staff recommended the application be deferred due to a 40% resident parking deficiency and the lack of a satisfactory PUS.

The applicant did not provide a PUS as justification for the updated parking deficiency. The applicant should refer to the City's Parking Study Terms of Reference for parking justification requirements to be included with a formal submission. The applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

While Municipal Parking staff recommend deferral of the parking variance, planning staff are not supportive of the proposed parking rate and share concerns that the appropriate justification cannot be provided for the proposed parking rate of 0.3.

Variance 2 requests a parking lot use. Neither the official plan or zoning by-law permit a parking lot on the subject property.

Given the above, staff are of the opinion that the variances do not maintain the general intent and purpose of the zoning by-law.

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

Staff are of the opinion that the variances requested do not represent appropriate development of the subject lands and cannot be considered minor in nature.

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 the Site Plan Application SP 09-27.

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

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy 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 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 3600 Hurontario St to permit a reduced residential parking rate as well as to permit a parking lot, to allow for the development of a 51-storey mixed-use building comprising of 587 residential units. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 60m of the proposed Hazel McCallion LRT. Advisory Comments:
- Please be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive application of this site. Any comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.
- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- Please continue to engage Metrolinx as the development progresses.

Construction Coordination (Advisory Comment)

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.

- Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Should you have any questions or concerns, please do not hesitate to contact me.

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

Appendix 4 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner