

City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A208.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 1:00:00 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 the construction of a building proposing:

1. 0.5 parking spaces per unit for studio apartment dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 0.8 parking spaces per unit in this instance;
2. 0.5 parking spaces per unit for one bedroom dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 0.9 parking spaces per unit in this instance;
3. 0.5 parking spaces per unit for two bedroom units whereas By-law 0225-2007, as amended, requires a minimum of 1.00 parking spaces per unit in this instance; and,
4. 0.5 parking spaces per unit for three bedroom dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 1.3 parking spaces per unit in this instance.

Background

Property Address: 91 Eglinton Ave E

Mississauga Official Plan

Character Area: **Uptown Node**
Designation: **High Density**

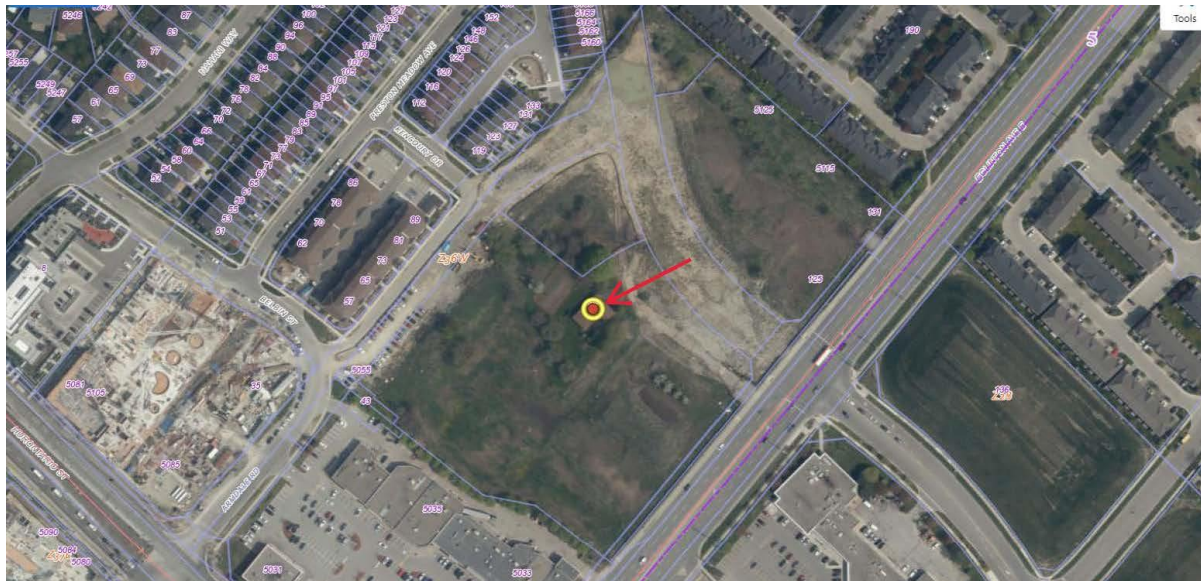
Zoning By-law 0225-2007

Zoning: H-RA5-55- Residential

Other Applications: None**Site and Area Context**

The subject property is located on the north side of Eglinton Avenue East, east of the Hurontario Street and Eglinton Avenue East intersection in the Uptown Node Character Area. It is currently a vacant site with a lot area of +/- 4.82ha (11.93ac). Limited landscaping and vegetative elements are 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 six mixed-use buildings ranging from 19-storeys to 37-storeys and two 3-storey townhouse blocks requiring variances for a parking deficiency.

**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 Uptown Node and is designated High Density in Schedule 10 of the Mississauga Official Plan (MOP). The variance proposes a reduction in the required parking rate. 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

on its intended use. 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' 208.24, 91 Eglinton Ave E, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

1. 0.5 parking spaces per unit for studio apartment dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 0.8 parking spaces per unit in this instance;
2. 0.5 parking spaces per unit for one bedroom dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 0.9 parking spaces per unit in this instance;
3. 0.5 parking spaces per unit for two bedroom units whereas By-law 0225-2007, as amended, requires a minimum of 1.00 parking spaces per unit in this instance; and,
4. 0.5 parking spaces per unit for three bedroom dwelling units whereas By-law 0225-2007, as amended, requires a minimum of 1.3 parking spaces per unit in this instance.

Per the materials provided by the applicant, the proposed development at the subject site contemplates 6 Condominium Apartment buildings ranging from 19 to 37 stories, including a total of 2,336 residential units of various types and a Gross Floor Area (GFA) of 183,036 square meters. The subject site is located within H-RA5-55 Zoning Area, Parking Precinct 1.

As a Zoning Bylaw Exception (0259-2020) is in effect for the subject site, per Sections 4.15.6.55.12 to 4.15.6.55.15 of Mississauga Zoning By-law, the current minimum parking requirements for dwelling units located in the H-RA5-55 zoning area are listed as follows:

- 0.8 resident parking space per studio apartment dwelling unit;
- 0.9 resident parking space per one- bedroom apartment dwelling unit;
- 1.0 resident parking space per two- bedroom apartment dwelling unit; and
- 1.3 resident parking spaces per three- bedroom apartment dwelling unit.

Based on information indicated in the Project Statistics, the applicant proposes 122 studio units, 1,460 one-bedroom units, 608 two-bedroom units, and 243 three-bedroom units. Therefore, the minimum parking requirements in accordance with the current bylaw exception are listed as follows:

- 98 spaces for studio apartment dwelling units;
- 1,314 spaces for one- bedroom apartment dwelling units;
- 608 spaces for two- bedroom apartment dwelling units; and
- 316 spaces for three- bedroom apartment dwelling units.

Consequently, a minimum of 2,336 parking spaces shall be required for the development. As the applicant proposes a parking rate of 0.5 space per unit for all types of dwelling units listed above, the total proposed number of parking spaces would be 1,217 in this instance. As such, 2,336 parking spaces are required whereas only 1,217 parking spaces can be accommodated, which generates a parking deficiency of 1,119 spaces or 47.9%.

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 Letter dated March 15, 2024, prepared by LEA Consulting Ltd. The letter attempts to justify the requested reduction by providing parking requirements of other municipalities, the existing and future transportation context at the subject site, and planning policy frameworks for the proposed development.

While staff commend the justification standards outlined in the letter, staff advise that each application is reviewed based on its own merit. As a Parking Utilization Study is required for any parking deficiencies over 10%, the submitted Parking Justification Letter does not satisfy this requirement. 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 in the absence of a zoning review.

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.

While Planning staff acknowledge the comments provided by Municipal Parking staff, we also recognize Council's support to reduce the parking rate in Major Transit Station Areas (MTSAs) to 0.5 as justified in the Planning and Development Committee report from April 17th, 2024. Therefore, Planning staff have no objection to the proposed variances.

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 and/or requirements for the proposed development are being addressed through the Site Plan Application Process and Rezoning Application OZ-18/016.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 44 Thomas St to allow the construction of an accessory addition and associated retaining wall. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- As CP Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CP Rail is circulated the application for review.

- As the requested variances have minimal impact on Metrolinx property (i.e., Milton Corridor), Metrolinx has no objections to the specified variances should the committee grant approval.

- The Proponent is advised the following: • Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

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

Comments Prepared by: Farah Faroque, Project Analyst