

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): A258.24
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 1:00:00 PM

Consolidated Recommendation

The City recommends no objections to the application, subject to the conditions. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a building proposing:

1. A parking rate of 0.75 parking spaces per unit whereas By-law 0050-2013, as amended, requires a minimum of 1.0 resident parking spaces per unit for an Apartment use within CC1-CC4 Zones (Commercial) in this instance;
2. A maximum podium height on Parcel Block 1A of 10 storeys whereas By-law 0225-2007, as amended, permits a maximum podium height of 5 storeys in this instance;
3. A maximum podium height on Parcel Block 1B of 10 storeys whereas By-law 0225-2007, as amended, permits a maximum podium height of 5 storeys in this instance;
4. A maximum podium height on Parcel Block 1E of 10 storeys whereas By-law 0225-2007, as amended, permits a maximum podium height of 5 storeys in this instance;
5. A maximum number of storeys on Parcel Block 1A of 38 storeys whereas By-law 0225-2007, as amended, permits a maximum of 24 storeys in this instance; and,
6. A maximum number of storeys on Parcel Block 1E of 44 storeys whereas By-law 0225-2007, as amended, permits a maximum 5 storeys in this instance.

Recommended Conditions and Terms

1. The applicant shall provide 22 affordable rental units, including at least 12 two-bedroom units, all of which shall remain affordable rental units for a minimum period of 15 years, on terms satisfactory to the Commissioner of Planning and Building for the City of Mississauga.
2. The applicant shall enter into an agreement with the City to be registered on title to the lands, pursuant to Sections 45(9.1) and (9.2) of the Planning Act, to ensure the performance of

condition 1. The agreement may include, at a minimum, the provision of any associated securities, restrictions on title, affordable rental rates and/or minimum parking spaces allocated to the affordable rental units, satisfactory to the Commissioner of Planning and Building and the City Solicitor.

3. Prior to Site Plan approval under Application No. SP-21-185, the Applicant shall enter into an agreement with the City to secure the provision of the following:

a) To confirm that a pre-loaded Presto Card with a minimum of two months worth of monthly transit passes was provided to each unit owner that does not purchase a parking space at the time of closing, satisfactory to the Director of Infrastructure Planning & Engineering Services, Transportation & Works department.

b) To confirm that a one year membership to a car-share service was provided to each unit owner that does not purchase a parking space at the time of closing, including supporting documentation, satisfactory to the Director of Infrastructure Planning & Engineering Services, Transportation & Works department.

Background

Property Address: 4116 and 4128 Parkside Village Drive

Mississauga Official Plan

Character Area: Downtown Core
Designation: Downtown Mixed Use

Zoning By-law 0225-2007

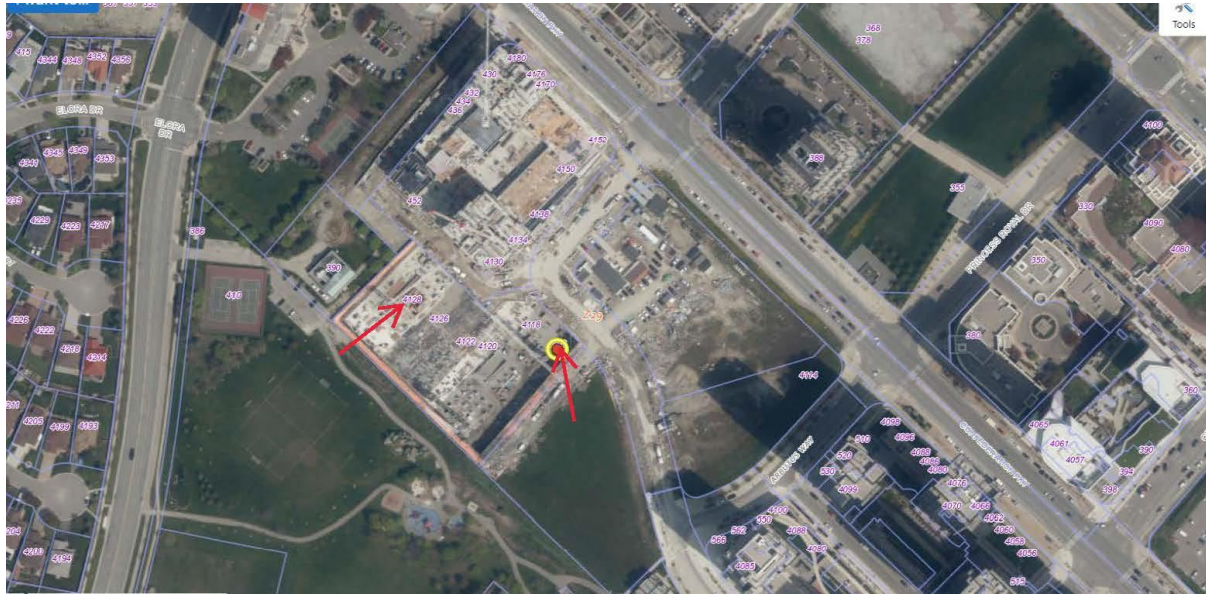
Zoning: CC4-1- Downtown Core

Other Applications: SP 21-185

Site and Area Context

The subject property is located south-west of the Confederation Parkway and Rathburn Road West intersection in the Downtown Core Character Area. Currently, the site is under construction of a 974 dwelling unit condominium development consisting of two towers of 42 and 36 storeys on top a 10-storey podium consisting of 974 dwelling units. The surrounding area includes a mix of uses, including commercial, residential, and office uses, as well as a mix of built forms such as detached dwellings, townhouse dwellings, and apartment dwellings. Zonta Meadows Park abuts the property to the west.

The applicant is proposing a two-tower mixed use development requiring variances for tower height, podium height and parking.



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). This designation permits apartment and accessory townhouse dwellings, along with a variety of office, institutional and commercial uses.

The applicant is proposing two mixed use towers on the subject property requiring multiple variances related to parking and tower and podium height. Development Planning staff are currently reviewing a Site Plan Approval application on the subject property with the design of the building already reviewed by the Mississauga Urban Design Advisory Panel. Planning staff note variances 2-6 are to facilitate a design which has been conceptually reviewed by both Planning staff and the Mississauga Urban Design Advisory Panel. Furthermore, Planning staff note a previous Committee of Adjustment decision (A124.22) which approved increases to tower height from 24 to 36 storeys on Block 1A and from 5 to 42 storeys on Block 1E. The decision also approved increases to podium height from 5 storeys to 9 storeys on Blocks 1A, 1B and 1E.

Staff note the requirement for an additional storey in the podium is the result of a change in the design of the two-level townhouse on the ground floor. The townhomes have been redesigned to create a single level of units at grade and single level units in what was previously a mezzanine level. The overall height and massing of the podium remains the same as previously approved by the Committee. Additionally, staff note the requirement for additional storeys for both mixed-use towers are a result of the redesign of the townhomes on the ground floor and the determination through the construction process to reduce structural requirements previously contemplated. The overall height and massing of the towers remain the same as previously approved by Committee.

Staff are satisfied that the proposal does not materially alter the intended use of the site and is appropriate in this instance.

In addition to the comments of Planning staff, Municipal Parking staff have reviewed variance 1 relating to parking and comment as follows:

With respect to Committee of Adjustment application 'A' 258.24, 4116 and 4128 Parkside Village Drive, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

A parking rate of 0.75 parking spaces per unit whereas By-law 0050-2013, as amended, requires a minimum of 1.0 resident parking spaces per unit for an Apartment use within CC1-CC4 Zones (Commercial) in this instance.

Per the materials provided by the applicant, the proposed development at the subject site contemplates 2 mixed-use Apartment buildings with a height of 38 and 44 storeys, including a total of 974 residential units and non-residential uses with an approximate Gross Floor Area (GFA) of 990 square meters at grade. The subject site is located within CC4-2 Zoning Area, Parking Precinct 1.

Per Section 3.1.2.1 of Mississauga Zoning By-law, Apartment uses located in Downtown Core (CC) Zones require a minimum of 0.8 resident parking space per residential unit. Therefore, with a proposed number of 974 residential units, a minimum of 779 resident parking spaces shall be required. As the applicant requests a resident parking rate of 0.75, a total of 731 resident parking spaces are being proposed. As such, 779 parking spaces are required whereas 731 parking spaces can be accommodated, which generates a parking deficiency of 48 spaces or 6.2%.

As the proposed parking deficiency falls below 10%, a satisfactory Parking Justification Letter (PJJ) is required as per the City's Parking Terms of Reference provision.

Staff advise that although updated parking rates in the proposed Parking Precinct 1A have been endorsed by Planning and Development Committee, they have not been approved by City Council and are not yet in effect. Therefore, the requested variance is still subject to justification requirements as outlined in the Parking Study Terms of Reference.

The applicant did not provide a Parking Justification Letter for the proposed 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.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed in the absence of a zoning review.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Justification Letter (PJL).

City Council endorsed PDC report "PDC-0012-2024", on April 8th, 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) received royal assent on June 6th, 2024. The Province of Ontario restricts municipal councils from approving official plans or enacting zoning by-laws requiring parking in Protected Major Transit Station Areas.

While Planning staff acknowledge the comments provided by Municipal Parking staff, Planning staff note the minor variance is not required due to the proclamation of Bill 185. Therefore, Planning staff have no objection to the proposed variances as they meet the general intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the subject lands will be addressed through the Building Permit and Site Plan Approval process.

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



Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file 21-185. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Applicant must resubmit with updated information for zoning review.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process,

these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Planner.

Appendix 3 – Parks, Forestry & Environment

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 Zonta Meadows (P-294) and zoned OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, SP 21 185, all of Community Services' comments and/or requirements are being addressed through the development application.

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 – Region of Peel

Minor Variance: A-24-258M / 4116 & 4128 Parkside Village Drive

Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- Please be advised that service connection sizes shall be in compliance with the Ontario Building code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Conditions (provided by Alexandra Maria (905) 791-7800 x7991):

- We request the Committee to defer any decisions on this application until such time as satisfactory FSR and hydrant flow test is submitted.

Comments Prepared by: Petrele Francois, Junior Planner