

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2024-11-14 | File(s): B66.24 A512.24 A513.24 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:11/21/2024 1:00:00 PM |

Consolidated Recommendation

The City has no objection to the consent or associated minor variance applications, subject to the conditions.

Application Details

B66/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 219.07m (approx. 718.77ft) and an area of approximately 8856.36sq. m (approx. 95329.86sq ft).

A512/24

The applicant requests a minor variance for the severed lands of B66/24 proposing:

1. 142 parking spaces whereas By-law 0225-2007, as amended, requires 239 parking spaces in this instance.
2. 1 loading space whereas By-law 0225-2007, as amended, requires 3 loading spaces in this instance.
3. A landscape buffer width of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (approx. 14.76ft) in this instance.

A513/24

The applicant requests a minor variance for the retained lands of B66/24 proposing:

1. 144 parking spaces whereas By-law 0225-2007, as amended, requires 275 parking spaces in this instance.
2. 2 loading spaces whereas By-law 0225-2007, as amended, requires 6 loading spaces in this instance.
3. A landscape buffer width of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (approx. 14.76ft) in this instance.

instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A512.24 & A513.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A512.24 & A513.24 shall lapse if the consent application under file B66.24 is not finalized within the time prescribed by legislation.
- Municipal Parking Section of the Traffic Management and Municipal Parking Division has reviewed the consent application and advises as follows:

The applicant shall enter into an agreement pursuant to s.45 (9.1) of the Planning Act, with content satisfactory to City Staff as indicated below, and in a form satisfactory to the City Solicitor, to secure performance of the following condition, including any associated securities/letters of credit:

The City's Shared Parking Agreement applies to the subject property, and the applicant is required to execute an agreement for off-site parking, to the satisfaction of the Municipal Parking, Transportation & Works Department.

Background

Property Address: 6355 Viscount Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (East)
Designation: Industrial

Zoning By-law 0225-2007

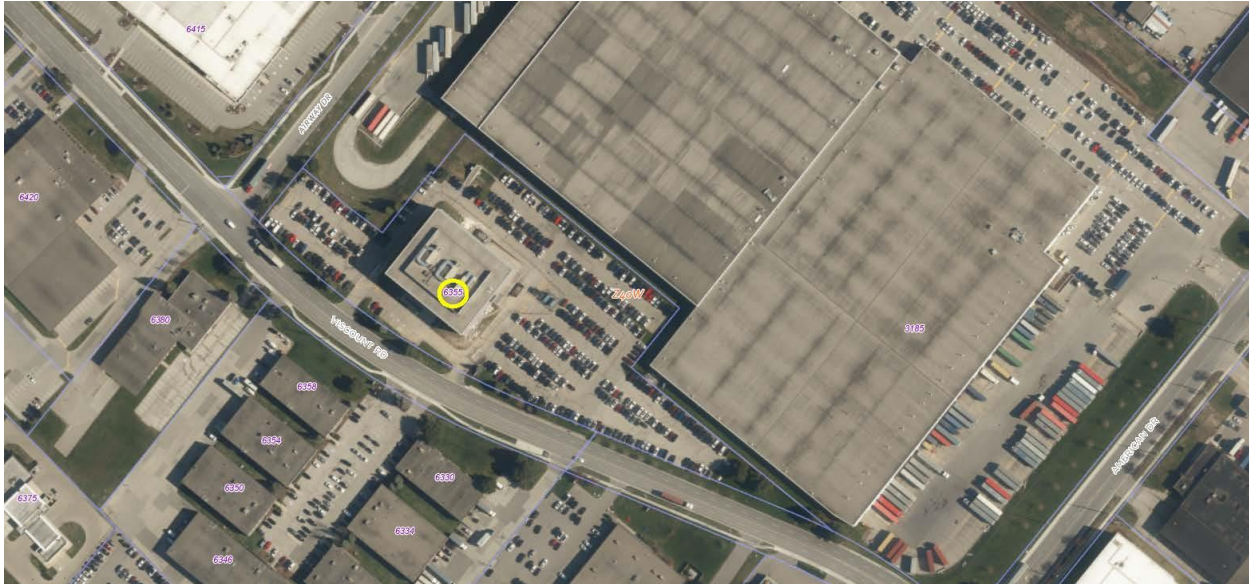
Zoning: E3 - Employment

Other Applications: BP 3NEW 24-3881

Site and Area Context

The subject property is located north-east of the Airport Road and American Drive intersection in the Northeast Employment Character Area. It is a corner lot containing a three-storey office building and associated surface parking lot. Limited vegetation and landscaping is located throughout the subject property. The surrounding area context includes industrial buildings on varying sized lots.

The applicant is proposing the conversion of the existing office building to an overnight accommodation and proposing to construct two new additional overnight accommodation buildings requiring variances for a parking deficiency as well as reduced loading spaces and landscape buffer.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal

meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The subject property is located in the Northeast Employment Area (East) and is designated Business Employment. The designation permits a variety of employment and industrial uses including the overnight accommodation use. Staff are satisfied that the proposed lots are appropriate to facilitate the use envisioned in the official plan.

Staff are satisfied that the application is consistent with the official plan as the severed lots and retained lands will provide for adequately sized lots for the existing and proposed buildings. No minor variances are required for lot sizes or frontages. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act, as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the proposed consent application, the applicant is requesting the same minor variances for parking deficiencies, loading spaces and landscaped buffers, for both the severed and retained parcels.

Variance 1 requests a reduction in the total number of parking spaces. 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. 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 'B' 66/24, 'A' 412/24, and 'A' 513/24, 6355 Viscount Road, the Applicant is requesting the Committee to approve a minor variance for:

'A' 512/24, for the severed lands of 'B' 66/24 proposing:

1. 142 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 239 parking spaces in this instance.

and;

'A' 513/24, for the retained lands of 'B' 66/24 proposing:

1. 144 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 275 parking spaces in this instance.

Per the submitted site plan, dated May 2024, the Applicant is proposing 142 parking spaces on the severed lands and 144 parking spaces on the retained lands. An overall total of 286 parking spaces are proposed. A 209-room hotel is proposed for the severed lands, and a 198-room hotel and 146-room hotel (converted from the existing office building) are proposed on the retained lands.

A Parking Utilization Study (PUS), prepared by Arcadis, dated September 3, 2024, was submitted in support of the application. The purpose of the PUS is to provide justification to reduce the required Precinct 4 overnight accommodation parking rate from 0.8 parking spaces per guest room plus 10.0 spaces per 100 m² GFA non-residential for public use areas to 0.51 parking spaces per guest room overall, in this instance. Per the requested variance, 286 parking spaces are proposed, whereas 514 parking spaces are required. This is a 228-parking space or 44% deficiency overall for the two parcels.

Arcadis undertook 3 days of parking surveys of two comparable proxy sites in June 2024. The observed peak demand was 0.49 parking spaces per guest room. The Applicant is proposing a slightly higher parking rate of 0.51 parking spaces per guest room.

The Applicant notes in their Cover Letter dated September 23, 2024, that "parking will be located throughout the site facilitated by a shared-parking agreement between the severed and retained lands". Municipal Parking Staff support this approach to ensure flexibility to accommodate parking demands between the three proposed hotels, provided that the agreement is on the City's template.

The use of the City's Off-Site Parking Agreement template allows the City to ensure that the dedicated parking is available, maintains good neighbour relations between adjacent property owners, ensures the public's interests are accounted for, and confirms the agreement remains in place. Should the agreement be terminated, it is the applicant's due diligence to then resolve the variance/parking deficiency, therefore keeping the applicant accountable to the City's parking standards.

The Building Department is processing Building Permit application BP 3NEW 24-3881. Based on review of the information available in this application, Zoning Staff 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.

Given the above, Municipal Parking staff can support the proposed parking reductions:

'A' 512/24, for the severed lands of 'B' 66/24 proposing:

1. 142 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 239 parking spaces in this instance.

and;

'A' 513/24, for the retained lands of 'B' 66/24 proposing:

2. 144 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 275 parking spaces in this instance.

Staff have determined that it is appropriate to support the requested minor variance conditional on the Applicant completing a shared parking agreement on the City's Off-Site Parking Agreement template and executed to the satisfaction of the City of Mississauga Municipal Parking and Legal departments.

The applicant shall enter into an agreement pursuant to s.45 (9.1) of the Planning Act, with content satisfactory to City Staff as indicated below, and in a form satisfactory to the City Solicitor, to secure performance of the following condition, including any associated securities/letters of credit:

1. The City's Shared Parking Agreement applies to the subject property, and the applicant is required to execute an agreement for off-site parking, to the satisfaction of the Municipal Parking, Transportation & Works Department.

Note: A template for an Off-Site Parking Agreement is available through the City's Municipal Parking section. The Applicant shall correspond with staff through the Parkingstudy.Review@mississauga.ca e-mail to fulfill this condition and submit an Off-Site Parking Agreement to the satisfaction of the City of Mississauga Municipal Parking and Legal departments.

Variance 2 requests a reduction for loading spaces on both parcels. The intent of this regulation is to ensure there is adequate space reserved for the temporary parking of commercial motor vehicles while loading or unloading. Staff are of the opinion the proposed loading space supply is sufficient for the operation of the intended use on the site.

Variance 3 requests a reduction of the landscaped buffer along the internal boundaries of the site which abut an existing warehousing facility zoned Employment lands. The intent of this regulation is to ensure an appropriate buffer exists abutting all lot lines. Staff note the proposed landscape buffer variances correspond to existing conditions on the subject property. While Planning are not in a position to interpret the zoning by-law, staff note the proposed variance for the landscaped buffers along the internal boundaries of the site are not required. In Table 8.2.1 – E1 to E3 Permitted Uses and Zone Regulations of Zoning By-law 0225-2007, Section 12.4 states the minimum depth of a landscaped buffer measured from a lot line that abuts an Employment, Utility or Airport Zone, or any combination of zones thereof requires a 0.0m setback. As such, Planning staff note the proposed variance is not required.

However, staff note a variance for a landscaped buffer is required for the frontage along Viscount Road. In reviewing the site plan submitted, staff note there is a pinch point to a parking spot of 0.6m (1.95ft). While staff note no concerns with the reduction, as it is an existing condition, staff note the variance will be required.

Given the above, planning staff are therefore satisfied that the minor variance application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to create a new lot. We note from our review and site inspection of this property that ingress/egress access easements and possibly servicing easements will be required.

The applicant has provided some information indicating that access to the site will be from Viscount Road and a shared-access and parking agreement will be registered to facilitate vehicle movements throughout the site. We also note that no mention has been made with regards to any servicing easements which could be required.

In view of the above and should Committee see merit in the applicant's request, we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Servicing Plan

A Servicing Plan is to be submitted for our review/approval which would clearly identify the location of any existing underground services to the existing building (6355 Viscount Drive/Building 'A') located on this property. Upon the review of the Servicing Plan and only if it is indicated that there are any underground services to existing building 'A' traversing the severed lands (easterly parcel), the location and width of any required easements can be addressed.

2. Draft 43R-Plan Requirement

A Draft 43R-Plan will be required for our review/approval in order that the location and width of any proposed servicing and access right-of-way easements to be established can accurately be described as parts on the Draft 43R-Plan.

3. Required Easement(s)

Upon the review of Item's A1 and A2, and the confirmation of the required easement(s), the applicant/owner will be required to provide a letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and be incorporated into the Certificate of Secretary-Treasurer.

4. Requirement to Dedicate a 7.5M Sight Triangle

The applicant will be required to make the appropriate arrangements to dedicate a 7.5M Sight Triangle at the southwest corner of Viscount Road and Airway Road. Prior to any Land Dedication, the applicant's surveyor shall prepare and submit a draft reference plan detailing the required land dedication to the Traffic Section for review and approval.

Following this approval, the applicant's surveyor is to deposit the accepted 43R-Plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process.

Should additional clarification or information be required with regard to the 7.5M Sight Triangle Dedication please contact Mohammed Ayesh, Engineer in Training at 905 615-3200 ext. 8529 or mohammed.ayesh@mississauga.ca.

5. Environmental Site Assessment (ESA) for 7.5M Sight Triangle

As a 7.5M Sight Triangle is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Jessica Yong, Environmental Coordinator at 905 615-3200 ext. 3174 or Jessica.Yong@mississauga.ca should you require further information.

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. can be addressed.

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

The Building Department is processing Building Permit application BP 3NEW 24-3881. 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: Alana Zheng, Supervisor Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks & Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. 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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted consent application. Should the application be approved, Forestry wishes to impose the following conditions:

1. The applicant shall provide a cash contribution of \$15,298.38 for the planting of eighteen (18) street trees on Viscount Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

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.
4. Payment for street tree fees and other charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West, in the form of a certified cheque, bank draft, or money order made payable to "The Corporation of the City of Mississauga". A Submission of Fees and Securities form is required to process payment. Please contact Jamie Meston to request a Submission of Fees and Securities form and any other inquires regarding the payment process.

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 Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Applications: B-24-066M, A-24-512M, A-24-513M / 6355 Viscount Road

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)(905) 791-7800 x3602

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A"512-513 /24)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 14, 2024.
5. A letter shall be received from the City of Mississauga, Forestry Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 14, 2024.