

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-11-27	File(s): B63.24 B64.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/5/2024 1:00:00 PM

### Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 50(3) of the Planning Act.

### Application Details

B63.24

The applicant requests the Consent of the Committee for the creation of an easement. The easement has area of approximately 44700 sq. m.

B64.24

The applicant requests the Consent of the Committee for the creation of an easement. The easement has area of approximately 1500 sq. m.

### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

### Background

**Property Address:** 4855, 4859, & 4861 Tahoe Blvd

### Mississauga Official Plan

Character Area: Airport Corporate Centre

Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning: E2-40 - Employment**

**Other Applications: SP 24-12 & SP 24-13**

### Site and Area Context

The lands subject to the application consist of two properties. One property is municipally addressed as 4859 and 4861 Tahoe Boulevard with the other property addressed as 4855 Tahoe Boulevard.

The subject properties are located south-east of the Eglinton Avenue East and Creekbank Road intersection in the Airport Corporate Centre Character Area. They are an interior lot that is currently vacant and undergoing site plan review. The site plan applications propose a total of three industrial buildings with 4859 and 4861 Tahoe Boulevard being located on one property and 4855 Tahoe Boulevard on the other. The surrounding area is comprised of various industrial and commercial buildings with associated surface parking areas. Additionally, Etobicoke Creek abuts the property to the East.

The applicant is proposing mutual access easements on the properties to allow for a sufficient path of travel.



## 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.

Staff comments concerning the application are as follows:

The applicant is proposing three new easements to accommodate vehicular access across the subject properties. Staff note Easement 1 and Easement 2 is to facilitate a shared access arrangement between the lands municipally known as 4855 Tahoe Boulevard and 4859, 4861 Tahoe Boulevard. Easement 3 is to facilitate a shared access arrangement in the event access is required in the future for the abutting lands to the west of the 4855 Tahoe Boulevard site.

Through a detailed review, staff are of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Staff further note the revised drawings indicate the following proposed access easement areas:

- Proposed Access Easement 1: 1,353.85m<sup>2</sup> (0.13ha)
- Proposed Access Easement 2: 2,775.02m<sup>2</sup> (0.27ha)
- Proposed Access Easement 3: 785.13m<sup>2</sup> (0.07ha)

Staff note the proposed access easement areas applied for totals 44,700m<sup>2</sup> (B63.24) and 1500m<sup>2</sup> (B64.24) and should be amended accordingly.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request where the intent is to establish three (3) access easements as indicated on the revised Consent Sketch, dated November 19, 2024, submitted with the application. The subject lands are currently vacant and are currently the subject of two (2) active Site Plan Applications.

Proposed Easement 1 would create a shared access arrangement between the lands known as 4855 Tahoe Boulevard and 4859/4861 Tahoe Boulevard. Proposed Easement 2 would be a temporary access easement between 4855 and 4859/4861 Tahoe Boulevard in the event that the shared driveway would be blocked or impaired for any reason. Proposed Easement 3 would enable a shared access arrangement to the adjacent parcel to the west along with the shared driveway should this access be required in the future.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

#### A. **Items Required Prior to the Issuance of Final Consent**

##### 1. Solicitor Letter Addressing Required Easement(s)

In addition to the submitted material, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe all 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 also be incorporated into the Certificate of Secretary-Treasurer.

#### 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.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or [tony.iacobucci@mississauga.ca](mailto:tony.iacobucci@mississauga.ca).

Comments Prepared by: Tony Iacobucci, Development Engineering

## Appendix 2 – Zoning Comments

The Zoning section has no concern or comment related to the requested consent.

Comments Prepared by: Alana Zheng, Supervisor Zoning Examination

## Appendix 3 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. Due to the archaeological potential, an archaeological assessment must be completed. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine if an archaeological assessment has been completed for this property. If an assessment has already been completed, please provide Heritage Planning with a letter from the Ministry confirming all archaeological resource concerns have met licensing and resource conservation requirements for the property. If an assessment has not been completed a licenced archaeologist with experience in (heritage resource management) must be retained by the property owner in order to meet the requirements of the Ministry.

Comments Prepared by: Andrew Douglas, Heritage Analyst

## Appendix 4 – Region of Peel Comments

**Applications: B-24-063M, B-24-064M / 4855, 4859 & 4861 Tahoe Blvd.**

Development Engineering: Wendy Jawdek ([wendy.jawdek@peelregion.ca](mailto:wendy.jawdek@peelregion.ca))(905) 791-7800 x6019

### Comments:

- The easement proposed directly above the sanitary sewer that is located within a Regional easement, is currently under an encroachment review.
- The FSRs submitted with associated site plan applications SP-24-013M & SP-24-012M for the site has been deemed unsatisfactory. The Region has requested further information to determine if modelling will be required prior to the site servicing review.
- The property municipally known as 4861 Tahoe Blvd. will require private servicing easement (as illustrated in the Consent Sketch dated September

13, 2024, provided to the applicant under a separate cover), that will need to be registered on title prior to site servicing approval.

- Existing easements dedicated to the Region of Peel for the purpose of sanitary sewer must be maintained or relocated to the satisfaction to the Region of Peel.
- The applicant shall notify the Region of any proposed encroachments on the easement, including structures, signs, landscaping, walkways, access roads, parking, paving, and servicing.

**Conditions:**

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the approval of the encroachment review circulation.

Comments Prepared by: Petrele Francois, Junior Planner

**Appendix 5 - TRCA**

This letter will acknowledge receipt of the City's circulation of the above noted Consent Applications received by Toronto and Region Conservation Authority (TRCA) on November 5, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the applications in accordance with the Conservation Authorities Act (CA Act) and its associated regulations, which require TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. Whether acting on behalf of the Ministry of Natural Resources (MNR) or as a public body under the Planning Act, Conservation Authorities (CAs) must help ensure that decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a Provincial Plan.

In addition, TRCA staff have also reviewed these applications in accordance with TRCA's permitting responsibilities under Section 28.1 of the CA Act. Where development activities are proposed within a TRCA Regulated Area (i.e., river or valley, wetlands, hazardous lands, etc.), a permit is required from TRCA. TRCA must ensure that where a proposal is within an area regulated by TRCA, that the proposal conforms with the appropriate policies of Section 8 of TRCA's Living City Policies (LCP), which evaluate a proposal's ability to meet the tests of the CA Act and regulation.

We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21](#).

**Purpose of the Applications**

TRCA staff understand that the purpose of the Consent Applications includes the following:

1. The Owner is seeking permission to establish three (3) access easements:
  - a. **Easement 1:** 1,429.2 square metres (0.15 hectares), to enable the creation of a shared access arrangement between the lands municipally known as 4855 Tahoe Boulevard and 4859, 4861 Tahoe Boulevard.
  - b. **Easement 2:** 44,680.22 square metres (4.47 hectares), to enable a blanket, temporary access arrangement in the event the shared driveway between 4855 and 4859 Tahoe Boulevard is obstructed.
  - c. **Easement 3:** enable a shared access arrangement to the adjacent parcel along the shared driveway, should this access be required in the future.

**Background:**

Beginning in 2022, TRCA staff were contacted by the applicant to confirm the overall limits of the development for the property ahead of the current proposal. As part of this process, TRCA staff confirmed the current Top of Slope for the adjacent erosion hazard along the eastern property line as well as confirming the extent of the Long-Term Stable Top of Slope through the supplied Slope Stability Assessment prepared by Terrapex dated December 22, 2023. Similarly, TRCA staff reviewed Site Plan Amendment and Application SP 24-13 W3 in May 2024, and had no objection to the approval of the application.

**O. Reg. 41/24 and CA Act**

A portion of the subject lands are located within TRCA's Regulated Area of the Etobicoke Creek Watershed and are subject to O. Reg. 41/24 and the CA Act. Based on our review of the proposed development is located within the regulation portion of the subject lands. As such, TRCA Permits will be required from TRCA prior to any work commencing within the TRCA Regulated Area. TRCA staff will discuss permit fees and requirements with the applicant at such a time that the review and approvals have advanced and TRCA Permits are required to facilitate development of the subject lands.

**Application Specific Comments**

Based on our review of the plans provided in support of the Consent Applications, the works associated with the Consent Applications are appropriately setback from all erosion hazards and floodplain hazards associated with the valley corridor adjacent subject site.

As noted above, new development is being proposed within TRCA's Regulated Area. Therefore, a TRCA permit in accordance with Section 28.1 of the CA Act **will** be required in this instance. Please note, TRCA has an interest in all future development on the above-mentioned property as it may be subject to a TRCA permit in accordance with Section 28.1 of the CA Act. Given the above, staff have no concerns with the Consent Applications as currently proposed.

As noted, TRCA staff have previously commented on the Site Plan Application SP 24-13 W3 (TRCA file number PAR-DPP-2024-00050). Please note the fee for this review has been paid by the applicant. (Site Plan - Minor, \$4,605).

**Application Review Fee**

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. These Consent Applications are subject to a single \$1,590 (Consent/Severance/Land Division - Minor). The applicant can contact the undersigned via email to organize payment of this fee. For more information

regarding this fee, the applicant can refer to TRCA's planning services fee schedule: [Fee Schedule for TRCA Development Planning Services](#). The applicant is responsible for arranging payment of this fee to our office within 60 days of this letter.

### **Recommendation**

As currently submitted, TRCA staff are of the opinion that the Consent Applications assigned City File No. B63.24, B64.24 are consistent with Provincial policy. Specifically, Section 5.2 (Natural Hazards) of the PPS 2024. Additionally, it is staff's position that these applications are in conformity with TRCA's LCP policies. As such, TRCA has **no objection** to the approval of the applications subject to the following conditions:

1. That the applicant provides the required \$1,590 planning review fee.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Porter Gretrex, Planner I

### **Appendix 6 – MTO**

Re: Consent Application – 5 December 2024 @ 1:00 PM

1. **B63.24, B64.24 – 4855, 4859 & 4861 Tahoe Blvd** – Permission to establish three (3) easements.

The subject site described above appears to be in proximity to the MTO Permit Control Area for Eastgate Parkway; as a result, the applicant should be made aware that consultation with the MTO may be necessary to establish any impact to the Provincial highway network. The MTO requests that the City of Mississauga circulate the Site Plan Amendment Application(s) and Traffic Impact Studies (TIS) for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

Information regarding the application process, forms and the policy can be found at the following link:

<https://www.ontario.ca/page/highway-corridor-management>

If you have any questions, please feel welcome to ask.

Comments Prepared by: Nicole Hajjar, Corridor Management Officer



**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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 27, 2024.
4. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 27, 2024.
5. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 18, 2024.
6. A letter shall be received from the TRCA indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated November 11, 2024.