

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A553.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 3:30:00 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 45(1) of the Planning Act, subject to the condition. 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 additional units on the subject property proposing:

1. 473 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 472 dwelling units in this instance; and
2. 27 substandard parking spaces whereas By-law 0225-2007, as amended, does not permit substandard parking spaces in this instance.

Recommended Conditions and Terms

Should the committee see merit in this application, Planning Staff recommend supporting the requested variances subject to the following condition:

The applicant shall include a warning clause in Condominium Declaration to advise owners and potential purchasers of 23 (Level A), 27 (Level A), 35 (Level B), 36 (Level B), 37 (Level B), 38 (Level B), 39 (Level B), 57 (Level B), 58 (Level B), 32 (Level C), 48 (Level C), 49 (Level C), 50 (Level C), 37 (Level A), 38 (Level A), 50 (Level B), 51 (Level B), 61 (Level C) and 62 (Level C) of the size deficiency. The applicant shall register on title a warning clause identifying the parking spaces that are substandard in size.

Background

Property Address: 1035 Southdown Rd

Mississauga Official Plan

Character Area: Clarkson Village Community Node

Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-23 - Residential

Other Applications: Building Permit application under file 24-4528

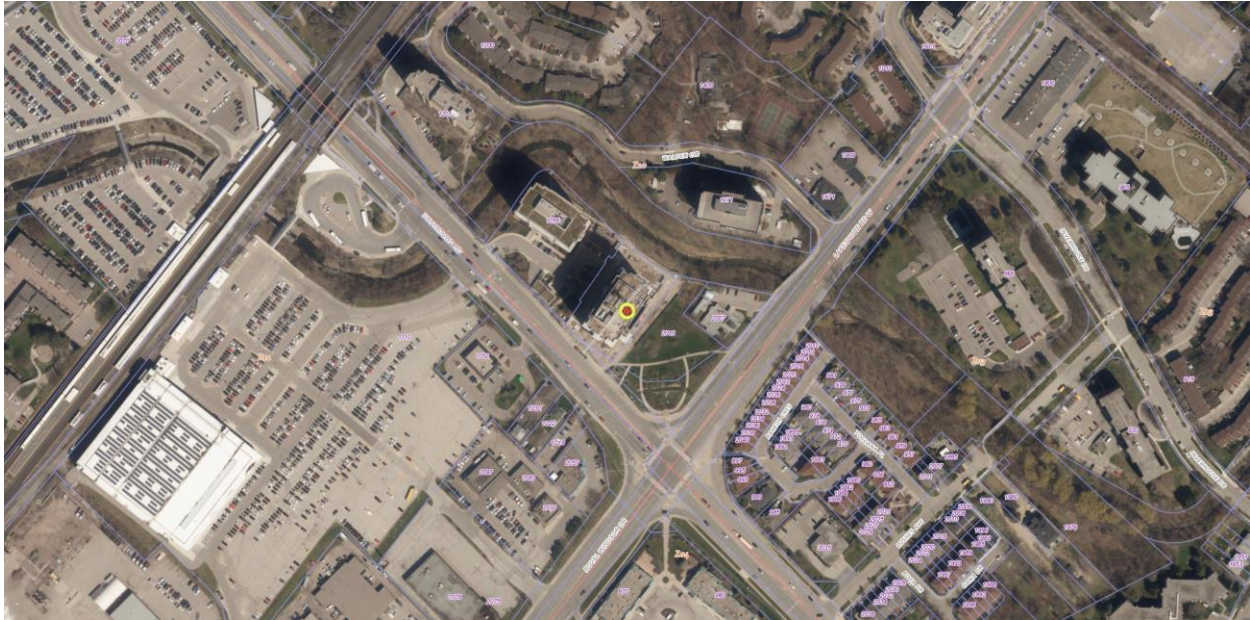
Site and Area Context

The subject properties are located within the Clarkson Village Community Node, northeast of the Southdown Road and Lakeshore Road West intersection. Directly abutting the subject property to the south is Twin Spruce Park. In 2006, 1055 and 1035 Southdown Road received site-specific approval for both a zoning by-law and official plan amendment (OZ 04/37 W2) to permit the development of two 18-storey apartment buildings. 1035 Southdown Road is currently under construction and nearing completion.

In 2008, 2010 and 2022, the Committee of Adjustment approved multiple minor variance applications (A335.08, A74.10, A196.10, A287.10 and A-195.22) to facilitate the development of the proposal.

The property is within the Clarkson GO Station Major Transit Station Area. Bill 185 (*Cutting Red Tape to Build More Homes Act*) stipulates no minimum parking requirements in MTSA's. The development proposes appropriate number of parking spaces, however, 27 of the proposed spaces are deficient in size.

The current application is seeking permission to further alter the development by increase the total number of units permitted from 472 to 472 and to legalize undersized parking spaces.



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 are as follows:

The subject property is designated Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP) and is located within the West Gateway Precinct in the Clarkson Village Community Node. The Residential High Density designation permits apartment buildings, uses permitted in the Residential Medium Density designation, accessory to apartment dwellings on the same property; and uses permitted in the Convenience Commercial designation are permitted at grade in apartment dwellings, except for commercial parking facilities, gas bars, and drive-through facilities. The MOP further calls for high density developments to locate along major roads and transit corridors, near concentrations of commercial and community and transportation facilities such as the Clarkson GO Station.

Variance #1 requests an increase in the number of dwelling units. Staff note that the proposal seeks to split one of the larger units into two smaller units. The proposed unit increase will not impact the overall dwelling's massing or built form. No other changes are proposed.

Variance #2 pertains to parking space dimensions. The intent of the zoning by-law is to provide parking spaces with dimensions that accommodate the standard vehicle size.

Staff note that the property is subject to an approved site plan application SP 20 1 and an ongoing condominium application 21CDM-M 24 15. The parking spaces were designed in accordance with the requirements; however, the variance is required to accommodate the as-built condition of parking spaces due to minor modifications during the construction process. Staff note a small minority of parking spaces will be impacted with the substandard parking dimensions. The proposed size reduction limits the serviceability and availability of spaces to smaller, more compact vehicles.

Staff require the applicant include a warning clause in the Agreement of Purchase and Sale to advise owners and potential purchasers of the substandard parking dimensions with the affected units.

Planning staff have determined the variances can be supported subject to the condition of including a warning clause in the Agreement of Purchase and Sale ensuring the notification of the owner/ or purchaser affected. Staff find the proposal represents the orderly development of the lands and is minor in nature.

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

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 553.24.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 24-4528. Based on review of the information currently available for this building permit, 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

- It is unclear what the actual number of units being proposed is; and,
- Parking plan to verify number of substandard spaces not provided.

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

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

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 to the rear of the property are owned by the City of Mississauga, identified as Sheridan Creek Trail (P-171), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G2. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

The lands abutting the property are owned by the City of Mississauga, identified as Twin Spruce Park (P-139) 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 20-1, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
5. 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

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-553M / 1035 Southdown Road

Note: [Petrele Francois \(petrele.francois@peelregion.ca\)](mailto:petrele.francois@peelregion.ca)|(905) 791-7800 x3356

- Please be advised that part of the subject lands is partially located within the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 - Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 5.1 and 5.2 of the *Provincial Planning Statement* (2024);

2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

CVC REGULATED AREA:

Based on information available, a portion of the property is located within CVC's Regulated Area due to the floodplain and slope valley associated with Sheridan Creek. As such, this property is subject to Section 28 of the Conservation Authorities Act and the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow:

- 473 dwelling units whereas By-law 0225-2007, as amended, permits a maximum of 472 dwelling units in this instance; and
- 27 substandard parking spaces whereas By-law 0225-2007, as amended, does not permit substandard parking spaces in this instance.

COMMENTS:

CVC staff have reviewed and commented on this site through a previous Site Plan application (SP 20/001), and associated CVC permit (FF 21/211). Through our review, it is our understanding that this proposal is to allow an additional unit within the existing building and reduce the dimensions of parking spaces within the existing underground parking garage. Based on our review of the Minor Variance Sketches (GSAI, November 1, 2024), the footprint of the building and the footprint of the parking garage appear consistent with our previous reviews. On this basis, CVC staff have **no objection** to the approval of the requested Minor Variance by the Committee at this time.

As noted above, a portion of the property is regulated by CVC. The applicant is to note that CVC's previous permit for the development on this property (FF 21/211) has expired and is no longer valid. For any works that have yet to be completed, or any new development proposed in the Regulated Area, a new CVC permit will be required. Please continue to consult with CVC on any plans for this property.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 3250).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 6 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1035 Southdown Rd to allow additional units (473 where- as 472 max was permitted) on the subject property in the approved residential apartment as circulated on November 13, 2024, and to be heard at Public Hearing on December 12, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located in within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- Be advised Metrolinx has previously provided comments on the comprehensive development application for this site. Any previous comments/requirements from Metrolinx and/or our Technical Advisor are still applicable.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration 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 lots, blocks or units.

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst

Schedule 1

Conditions

- None