

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A536.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

### Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

### Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. To permit an interior side yard setback of 6.00m (approx. 19.69ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 7.50 m (approx. 24.60ft) in this instance;
2. To permit 50 parking spaces; whereas Zoning By-law 0225-2007, as amended, requires a minimum of 91 parking spaces in this instance;
3. To permit 3 accessible parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 4 accessible parking spaces in this instance.

### Amendments

The Building Department is processing Independent Zoning Review application **24-2473**. Based on review of the information available in this application, we advise that following amendment is required:

To permit 49 parking spaces whereas By-Law 0225-2007, requires a minimum of 91 spaces in this instance.

### Background

Property Address: 5380 Maingate Dr

## Mississauga Official Plan

Character Area: Northeast Employment Area (West)  
Designation: Business Employment

## Zoning By-law 0225-2007

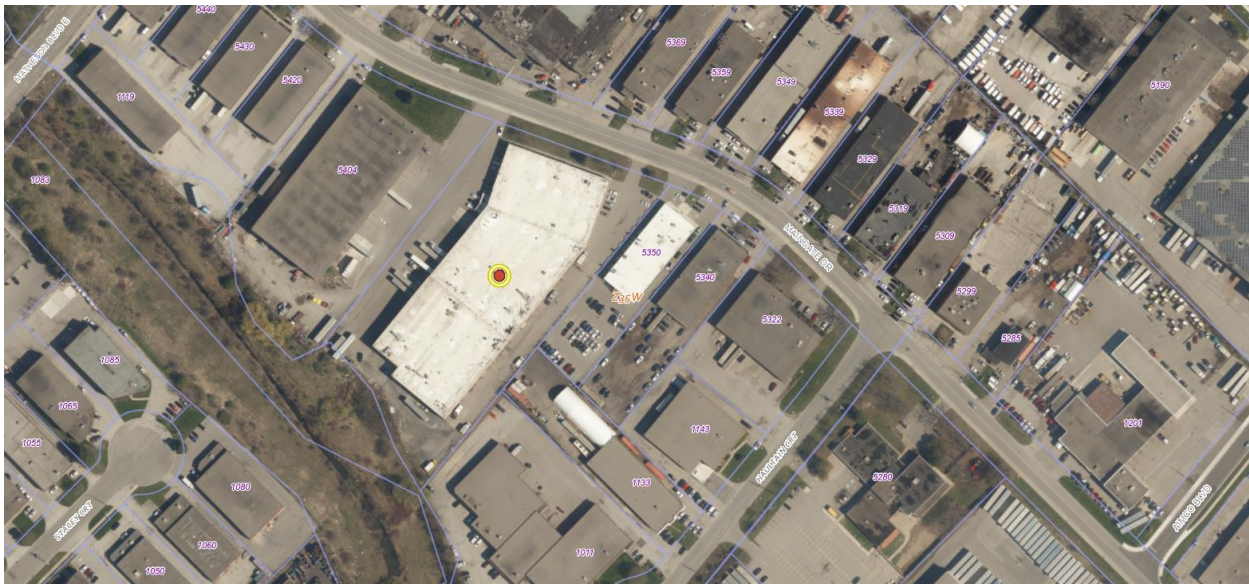
Zoning: E2-19 - Employment

Other Applications: Independent Zoning Review application **24-2473**

## Site and Area Context

The subject property is located south-east of the Tomken Road and Matheson Boulevard East intersection in the Northeast Employment Area (West). It is an interior lot containing a one-storey industrial building with an associated surface parking lot. Vegetative elements are generally located along the Maingate Drive frontage. The surrounding area is exclusively employment lands consisting of one and two-storey industrial buildings on various sized parcels.

The applicant is proposing to construct an addition requiring variances for side yard setback and parking deficiencies.



## 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 proposed variances 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 'A' 536/24, 5380 Maingate Drive, the applicant is requesting to approve a minor variance to allow the construction of an addition proposing:

- To permit 50 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 91 parking spaces in this instance.

The Building Department is processing Independent Zoning Review application 24-2473. Based on review of the information available in this application, it is advised that the following amendment is required:

- To permit 49 parking spaces whereas By-law 0225-2007, as amended requires a minimum of 91 parking spaces in this instance.

The proposed parking for the subject site is 42 parking spaces deficient, or 46%. The applicant submitted a Parking Utilization Study (PUS) prepared by Crozier Consulting Engineers, dated January 2024 in support of the application.

The submitted PUS carried out a survey at the subject site of 5380 Maingate Drive. Surveying was undertaken on the following days:

- Thursday, December 7, 2023 from 8 a.m. to 5 p.m. at 15-minute intervals
- Sunday, December 9, 2023 from 8 a.m. to 5 p.m. at 15-minute intervals
- Thursday, December 14, 2023 from 8 a.m. to 5 p.m. at 15-minute intervals

The peak parking demand for the proposed development based on the existing site's peak parking demand rates is 0.52 parking spaces per 100 m<sup>2</sup> which equates to 50 parking spaces being required based on the proposed GFA for the site. Staff have

concerns with the proposed seeing how 49 parking spaces are being proposed through this application (1-parking space less of the site's demands).

Staff are also seeking clarifications and revisions to concerning matters that have not been addressed within the PUS:

1. The City's Parking Terms of Reference (ToR) stipulates that surveying should occur two to three days per week for two consecutive weeks. In order for enough data to be collected for staff to compile a sound planning recommendation, a minimum of 4-days surveying is required; the PUS notes only 3-days were surveyed.
2. Raw surveying data results were not provided for Thursday, December 14<sup>th</sup> within the PUS's appendix.
3. Illegally parked vehicles were not addressed within the PUS; staff are seeking to understand whether or not there were any observed illegally parked vehicles?

An undersupply of spaces may compromise access and circulation and create overspill problems for adjacent uses. There is no available on-street parking, nor public parking around 5380 Maingate Drive. Staff have concerns with the submitted supporting documents although based on information reviewed, the proposal for the number of parking spaces on-site is not supportive of the demands for the site. Without having all the adequate information, as stipulated above, staff are unable to make a sound planning recommendation at this time. It is important for the supply of parking to be provided adequately on-site according with the use's demands. The applicant is requested to conduct appropriate surveying on-site, and is advised to also provide parking calculations as per the 95<sup>th</sup> percentile method for staff's consideration.

#### Staff Comments

Staff recommend the application be deferred, pending the resubmission of a satisfactory Parking Utilization Study (PUS).

- Please refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal resubmission.
  - The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Detailed requirements are found in the above hyperlink, under the City's Parking Terms of Reference.

Please note that above comments are based on the details submitted along with the applications and are subject to change should Zoning identify any additional variances or any changes to the variances with regards to above applications.

While Planning staff have no concerns with variances 1 and 3, staff echo Municipal Parking staff's comments and therefore recommend that the application be deferred to allow the applicant to submit the requested information.

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 proposed addition will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering

## **Appendix 2 – Zoning Comments**

The Building Department is processing Independent Zoning Review application **24-2473**. Based on review of the information available in this application, we advise that following amendment is required:

To permit 49 parking spaces whereas By-Law 0225-2007, requires a minimum of 91 spaces in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Candice Williams, Zoning Examiner

## **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 Not to Be Named (P-259) \*(NE of Tomken and Eglinton), 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...;

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

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

4. 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](mailto: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 minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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 Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

### **Appendix 4 – Region of Peel Comments**

#### **Minor Variance Application: A-24-536M / 5380 Maingate Drive**

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 Toronto and Region Conservation Authority (TRCA). We request that City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.



Comments Prepared by: Petrele Francois, Junior Planner

## **Appendix 5 - Conservation Authority Comments**

This letter will acknowledge receipt of the City's circulation of the above noted Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on November 13, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the application 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 Planning 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.

### **Purpose of the Application**

TRCA staff understand that the purpose of Minor Variance Application is to allow the construction of an addition proposing:

1. To permit an interior side yard setback of 6.00m (approx. 19.69ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 7.50 m (approx. 24.60ft) in this instance;
2. To permit 50 parking spaces; whereas Zoning By-law 0225-2007, as amended, requires a minimum of 91 parking spaces in this instance;
3. To permit 3 accessible parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 4 accessible parking spaces in this instance.

TRCA staff understand there is an existing one-story industrial building of approximately 8,304.06 sq.m. on site. It is our understanding that the requested variances are required to expand the existing industrial building along the southeastern portion of the existing building with 1,224.04 m<sup>2</sup> of additional industrial gross floor area.

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

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 addition, the proposed development is located outside of the regulation portion of the subject lands. As such, TRCA Permits will not be required.

### **Recommendation**

As currently submitted, TRCA staff are of the opinion that the Minor Variance Application assigned City File No. **A536.24** is consistent with Provincial policy. Specifically, Section 5 (Natural Hazards) of the PPS. 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 application subject to the following conditions:

1. That the applicant provides the required \$1,250.00 planning review fee.
2. The applicant obtains a TRCA permit pursuant to Ontario Regulation 41/24 for the proposed works.

### **Fee**

The applicant is responsible for the payment of the \$1,250.00 Variance – Minor review fee and it will need to be provided prior to TRCA recommending approval of the above noted application. Please contact the undersigned to process this payment.

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: Marina Janacovic, Planner I