

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-25	File(s): B64/20 & B65/20 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-03

Consolidated Recommendation

B64/20

The Applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot and the creation of easements. The parcel of land to be severed has a frontage of approximately 39.93m (131.00ft) and a lot area of approximately 1,055m² (approx. 11,356sq.ft).

B65/20

The Applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot and the creation of easements. The parcel of land to be severed has a frontage of approximately 100.55m (329.89ft) and a lot area of approximately 4,477m² (approx. 48,190sq.ft).

Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 4220 Living Arts Drive

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC2(1) (City Centre)

Site and Area Context

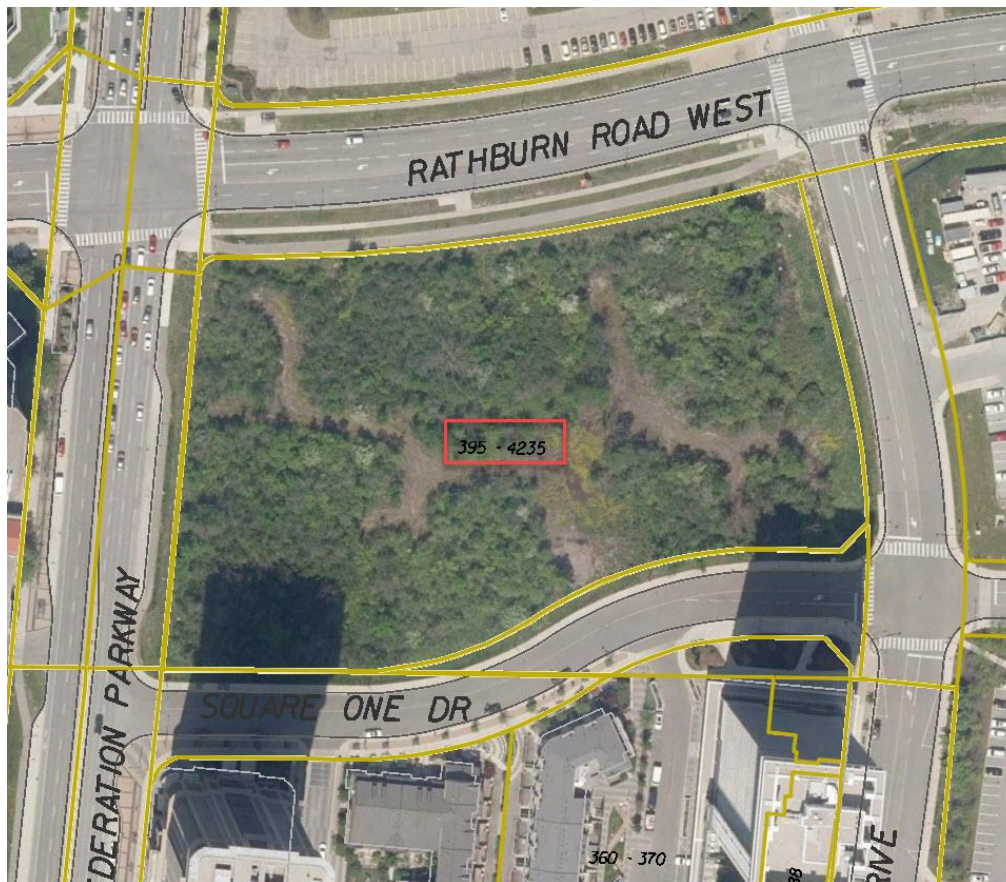
The subject lands are a vacant through-lot property located upon the south-east corner of the Confederation Parkway and Rathburn Road West intersection.

In general, this area provides a transitional buffer between the high-rise structures of the downtown core and the detached dwellings that dominate the lands north of Highway 401.

The Applicant is proposing to erect a combination of the following, proposing:

- a 37-storey rental structure (428 units);
- a 48-storey condominium structure (575 units); and,
- 5 storeys (769m²) of mixed retail.

The applicant is also pursuing a zoning by-law amendment application (HOZ 19-02) to lift the Holding provision associated with this property, as well as a Site Plan Approval application (SP 19-31) to facilitate the above proposal, with both applications currently under review by Planning Staff.



Comments

Planning

Planning Act

Section 51(24) of the *Planning Act* establishes the criteria for land division within the Province of Ontario. In evaluating such requests, the Committee must be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also any municipal requirements identified in local legislation.

Provincial Matters

Both the Provincial Policy Statement 2014 (PPS 2014) and the Growth Plan for the Greater Golden Horseshoe promote both efficient development and land use; directing such focus towards intensification and redevelopment. The proposal is consistent with the general directives of this provincial policy.

Planning Analysis

Staff comments concerning the application are as follows:

The severed lands will have a lot frontage of 39.9m and a lot area of 1,055m². The retained lands will have a lot frontage of 100.6m and a lot area of 16,950m². Neither resulting properties require variances for lot creation.

Section 5 of MOP promotes development with appropriate urban form and site design, directing that such development is compatible with the surrounding context and the landscape of the character area. To this end, the proposed lots are of a comparable built-form and remain in scale with the surrounding development.

As per Zoning By-law 0225-2007, the subject property is zoned H-CC2(1) (City Centre). This zone does not require a minimum lot area, or a minimum lot frontage. The proposed lots are appropriately sized for the context of the neighbourhood, and represent the appropriate development of the lands.

As with most properties located within the Downtown Core, the property associated with Consent Applications 'B' 64/20 and 'B' 65/20 are subject to a Holding (H) Provision; ensuring that any proposed development will, amongst other things, maintain the overall streetscape integrity of the surrounding area, as well as serve to facilitate the provision of adequate pedestrian connectivity points and amenity areas to the satisfaction of the City.

Conclusion

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the *Planning Act*, specifically that it conforms to the official plan. The dimensions of the proposed lots exceed Zoning By-law provisions and are suitable for the purposes for which they are to be subdivided, thus maintaining the character of the area.

Based upon the preceding information, the Planning and Building Department has no objections to the requested consent applications.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with these Consent applications indicates that the intent is to create new lots and establish any required easements. Acknowledging that the applicant has provided numerous Draft 43R-Plans and color coded plans depicting the various parts for both the conveyed and retained lands, there has been limited other information provided.

From our review of the information provided it is evident this is a Stratified Consent Application and the plans provided are to depict how each stratification area will connect horizontally and vertically with each parcel being created. Stratification of the plans must address a number of issues regarding servicing, access, and future ownership requirements considering amenities, site features and future functionality considerations such as maintenance.

Private easements will also have to be established for each parcel as necessary to ensure functionality between the various blocks to facilitate pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), building maintenance, use of amenity areas, construction, etc.

We also note that the city is currently processing a Site Plan Application on the subject lands, reference SP 19-155 for the construction of three residential towers and Application H -OZ 19 11 for the removal of the 'H' Holding Zone Category on this property. Other associated files on this property are H-OZ 19 02 and SP19-031.

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. Site Plans/Servicing Plans/43R-Plans

Acknowledging that numerous plans have been provided which we are currently reviewing to assist in evaluating the applicant's request, prior to the issuance of final consent all finalized plans, including but not limited to Site Plans, Servicing Plans, 43R-Plans and any other pertinent information which will be required to satisfy requirements for this proposed Stratified Consent Application.

2. Required Easement

Upon the review of Item A1 and the confirmation of all the required easements, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's

Solicitor which would specifically describe the new private easement to be established through this Stratified Consent Application. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

3. Land Dedication for Daylight Rounding Triangles

The applicant is to gratuitously dedicate to the City of Mississauga two daylight rounding's. The first being a 7.5m daylight rounding at the southwest corner of Rathburn Road West and Living Arts Drive. The second being a 4.5m daylight rounding at the northeast corner of Confederation Parkway and Square One Drive. The dimensions are to be in accordance with the related Transportation and Works comments provided through Files H-OZ 19/002, SP 19/031, H-OZ 19/011 and SP 19/144.

The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Ryan Au from our Traffic Section at 905 615-3200 ext. 3713 or ryan.au@mississauga.ca.

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

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

5. Environmental Site Assessment (ESA) and Record of Site Condition (RSC)

As land dedication for daylight rounding's are being requested, in accordance with Corporate Policy 09-08-02, a Phase I Environmental Site Assessment (ESA) will be required.

Should additional clarification be required with regards to the above, please contact Valeriya Danylova, P.Eng, and Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca.

6. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

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

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Division has no objection to the consent application, provided that the severed and retained lands comply with the provisions of By-law 225-2007, as amended, regarding, amongst other regulations: minimum lot frontage, minimum lot area, setbacks, on-site parking, etc.; or alternatively, that any minor variance is approved, final and binding; and/or the demolition of any existing buildings 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.*

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the consent application and advises as follows:

In addition, Community Services notes the following:

- Comments and conditions are being addressed through the active Development Applications under review by the Park Planning Section.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

Condition: Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels. As part of these arrangements, the Region will require review of all draft easement documents and plans associated with the proposed easements.

Comments Prepared by: Diana Guida, 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.
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 25, 2020.
5. A letter shall be received from the Region of Peel, Public Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 25, 2020.