

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-06-10	File(s): A154.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:6/12/2025 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow an increased height for Building B proposing the development of the subject lands not in compliance with Schedule RA5-63 with regard to the location of the buildable area and height/number of storeys for Building “B” whereas By-law 0225-2007, as amended, requires all development to be in compliance with Schedule RA5-63 in this instance.

Background

Property Address: 189 Dundas St W

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: High Density

Zoning By-law 0225-2007

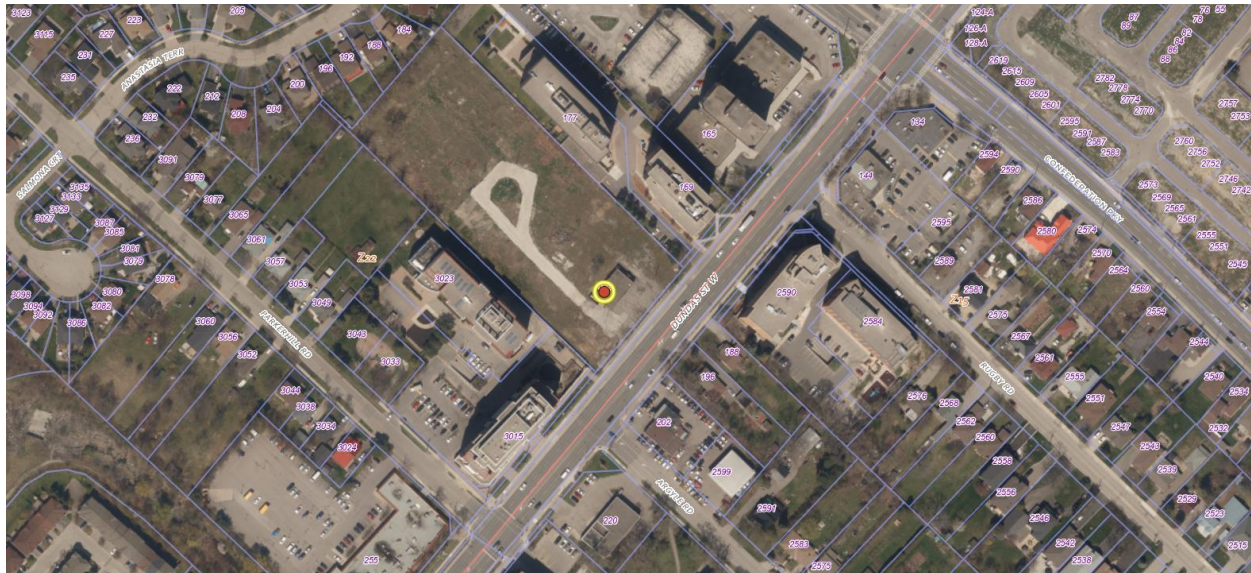
Zoning: H-RA5-63 - Residential

Other Applications: SP 22-162

Site and Area Context

The subject property is located along the north side of Dundas Street West and west of the Dundas Street West and Confederation Parkway intersection in the Cooksville Neighbourhood Character Area (West). It is an interior lot containing a vacant single storey motor vehicle repair facility. Limited landscaping and vegetative elements are present throughout the subject property. The surrounding area context includes a mix of uses, including commercial, office and residential along Dundas Street West. Lot sizes and built form vary greatly in the immediate area.

The development proposes the construction of three new apartment buildings. The applicant is seeking to permit an increase in building height for Building 'B' on the subject lands which is not compliant with Schedule RA5-63 of the zoning by-law. This schedule delineates the buildable area, height and number of storeys for all three proposed buildings on the subject property.



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 applicant submitted an official plan and zoning by-law amendment application (OZ/OPA 21-9) in August of 2021, for the lands at 189 Dundas Street West. The application proposed to expand the boundary of the Downtown Cooksville Character Area to include the subject property and to permit three condominium apartment buildings with heights of 32, 20 and 18 storeys, with ground floor commercial uses in the 20-storey building along the Dundas Street West frontage.

The City's position regarding the application was that the expansion of the character area and proposed building heights were not consistent with the City's planned vision of the community regarding building height and intensity. The proposed development was found to be excessive and did not represent an appropriate scale and transition to surrounding land uses. Through the review of the application, City staff continued to express concerns regarding the proposed development, specifically with regards to the proposed height, massing and shadowing impacts on the surrounding neighbourhood. The applicant appealed the application to the Ontario Land Tribunal for non-decision by Council in July 2022. The applicant and City agreed to participate in OLT-led mediation, which occurred over multiple days between June and August 2023. A settlement was reached between the City and applicant that allowed for three apartment buildings with heights ranging from 16 and 25 storeys. Through the settlement, it was agreed between parties that Building 'B' would have a maximum height of 25 storeys. The settlement resulted in an overall reduction in height, massing and scale, thereby achieving a more appropriate and compatible built form with the existing and planned neighbourhood. The settlement proposal was supported by Council and the final OLT order was issued and corresponding official plan and zoning by-law amendments were passed in August 2024, finalizing the agreed settlement.

The subject property is located in the Cooksville Neighbourhood (West) Character Area and is designated Residential High Density on Schedule 10 of MOP. The subject property forms part of Special Site 11 of MOP, which details how the site is to be developed in accordance with the OLT decision which implemented the agreed upon settlement between the parties.

Special Site 11 policy 16.6.5.11.2 states "Notwithstanding the policies of this Plan, an apartment dwelling with a maximum height of 25 storeys and maximum floor space index (FSI) of 3.8 will be permitted.

This minor variance application would result in Building 'B' being increased an additional 7 storeys, from 25 to 32 storeys. The proposed building height and configuration of Building 'B' would be the only changes to the OLT settlement resulting from this minor variance application. This would effectively revert the proposed height back to the original official plan and zoning by-law amendment (2021), which City staff and Council did not support. Planning staff further note that the proposal also seeks to remove the 14-storey podium which was an integral component of the settlement between the City and applicant and approved by the OLT.

MOP policy 5.3.5.5 allows for intensification within neighbourhoods where the development is compatible in-built form and scale to surrounding development and enhances the existing or planned development.

MOP policy 5.3.5.6 also requires that development will be sensitive to the existing and planned context and will include appropriate transition in use, built form, density and scale.

MOP policy 5.4.5 requires that where high density uses within Neighbourhoods are directed to Corridors, development will be required to have regard for the character of the Neighbourhoods and provide appropriate transitions in height, built form and density to the surrounding lands.

MOP requires that infill development within Neighbourhoods be designed to respect the existing and planned character of the area and provide appropriate transitions to neighbouring uses (Sections 9.1.3, 9.1.5 and 9.2.1.4 and 9.2.2). MOP further requires that appropriate height and built form transitions be provided between sites and their surrounding areas (Section 9.2.1.10). There are additional policies requiring that developments will provide a transition in building height and form between Intensification Areas and adjacent Neighbourhoods with lower densities and heights (Section 9.5.1.5).

The application proposes 32 storeys for Building 'B'. This increase in height does not provide an appropriate transition between the surrounding lower density buildings. The intent of the 14-storey podium was to provide an appropriate transition, limit massing impacts and perceived building height. The podium also provides a functional role in helping to mitigate the down washing of wind on tall building facades. The proposed increased height would result in massing and scale impacts that are not appropriate or compatible with the planning vision or the existing neighbourhood.

MOP Section 9.2.1.16 requires that tall buildings will minimize adverse microclimatic impacts on the public realm and private amenity areas. The proposed development will result in excessive shadow impacts on the rear yards of the detached dwellings to the north of the site, which are identified "no impact" areas in the City of Mississauga Standards for Shadow Studies. Although this site is located on an Intensification Corridor, it is also within a Neighbourhood and must have regard for the character and scale of that area. While new development need not mirror existing development, new development in Neighbourhoods will respect the scale and character of the surrounding area; minimize overshadowing and overlook on adjacent neighbours; and be designed to respect the existing scale, massing, character and grades of the surrounding area (Section 9.2.2.3).

The MOP policies, including special site policies and zoning regulations provide the development framework and built form envisioned for the subject property and agreed to through the OLT settlement. Planning staff are of the opinion that the proposed increase in height does not provide an appropriate transition to the abutting properties. Furthermore, the additional height will create a building massing and shadowing that will impact the surrounding neighbourhood. The removal of the 14-storey podium only exacerbates the negative impacts resulting from building transition, massing and height on the community.

Planning staff are of the opinion that the variance is not minor in nature and does not result in the orderly development of the property. Further, the proposal is not consistent with the existing and

planned character, scale and height of the surrounding neighbourhood. If the variance is granted, it would facilitate a development that is undesirable to the community and does not achieve the vision outlined in the MOP or the OLT settlement.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application (SP 22-162 W7) and Building Permit Process.

We also note that the City has processed a Zoning By-law and Official Plan Amendment Application for the proposed development, OZ/OPA 21-9 W7.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Site Plan application SP 22-162. 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: Carrie Chan Patch, Zoning Examiner

Appendix 3 – Metrolinx

The subject property is located adjacent of the proposed Dundas Bus Rapid Transit (Dundas BRT) alignment.

DUNDAS BRT – ADVISORY COMMENTS

We understand that this segment of Dundas St may be redesigned as part of the City of Mississauga's current plan. It is advised to coordinate with City of Mississauga and Metrolinx should there be any works that may impact the proposed ROW of the Dundas BRT.

The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a Notice to Proceed with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinx.com/en/projects-and-programs/dundas-brt>.

Should you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Farah Faroque, Project Analyst