

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): B68/20 & B69/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

## Consolidated Recommendation

The City has no objections to the requested consent applications.

### Application Details

#### B68/20

The Applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 158.0m (518ft) and an area of approximately 0.84ha (2.08ac).

#### B69/20

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 60.0m (197ft) and an area of approximately 0.73ha (1.80ac).

### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

### Background

**Property Address:** 2475 Eglinton Avenue West

### Mississauga Official Plan

Character Area: Central Erin Mills, Major Node  
Designation: Residential High Density, Greenlands

### Zoning By-law 0225-2007

**Zoning:** RA5-37 (Apartments)

**Other Applications:**

Type of App: OZ 16/003  
SP 19-9051

**Site and Area Context**

The subject property is located in the north-east corner of Erin Mills Parkway and Eglinton Avenue West. The immediate neighbourhood is comprised primarily of multi-storey, residential condominium structures; commercial uses, in the form of the Erin Mills Town Centre, and the Credit Valley Hospital are located in close proximity, as well.

The subject lands serve as a transitional area between the high-density residential land-uses found along this portion of Eglinton Avenue West, and the detached residential dwellings located directly to the north-east of the site.

Through Official Plan / Zoning By-law Amendment application OZ 16/003, which is currently under review, the Applicant has proposed to erect a combination of the following:

- a 11 storey retirement residence
- a 15 storey mixed use development of rental apartments and non-residential development

The Applicant is currently pursuing a Site Plan Approval application (SP 19-9051), to facilitate the above proposal, with this application currently under review by Planning Staff.

The subject site is an exterior property with a lot area of +/- 18,773.73m<sup>2</sup> and a lot frontage of +/- 158.0m.



## 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 158.0m and a lot area of 8,417.461m<sup>2</sup>. The retained lands will have a lot frontage of 60.0m and a lot area of 7,284.34m<sup>2</sup>. 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 RA5-37 (High Density Residential). In accordance with Table 4.15.1 (RA1 to RA5 Permitted Uses and Zone Regulations), this zone requires a minimum lot frontage of 30.0m; whereas, the Applicant is proposing lots with frontages of 158.0m and 60.0m, in this instance. This zone does not require a minimum lot area. The proposed lots are appropriately sized for the context of the neighbourhood, and represent the appropriate development of the lands.

## **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: Brooke Herczeg RPP, 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 the required easements. The letter submitted from Glen Schnarr & Associates Inc.(dated October 22,2020) indicates that Application #1 ('B' 68/20) is proposing to create a parcel of land with the intent that these lands will contain a future retirement residence to be built and owned by Amica. Application #2 ('B' 69/20) is proposing to create a parcel to facilitate a future mixed use development containing rental apartments and non-residential development to be owned by Sunlife and constructed by Daniels HR. Also noted in the information submitted is that approval of these applications is required to allow any real estate transactions to formally proceed.

The two applications will also include a common "retained" portion which we understand will be the third phase of this development. The "retained parcel" would remain in Daniel HR ownership and is proposed to be developed in the future for a condominium development. The "retained" portion, identified as "Part 1" on the submitted plans will provide for the northerly leg of a common driveway providing access for all buildings.

Color coded plans depicting the various parts to be created for both the conveyed and retained lands have been provided. The submitted plans include the ground level, 2<sup>nd</sup> level (and up) and the P1, P2 and P3 levels. A color coded cross section plan has also been provided. It is evident from the submitted information that this is a Stratified Consent Application and the plans provided depict how each stratification area will connect horizontally and vertically with each parcel being created. It should be noted that 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 to ensure functionality between the various parts/blocks to facilitate pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services etc.), building maintenance, use of amenity areas, construction, etc. In the submitted application, and as a result of previous discussions with city representatives, a draft of the numerous proposed easements has been provided for our review/approval. Acknowledging the complexity of the proposal city staff will work with the applicant to satisfy our condition/requirement for the establishment of any necessary private easements.

Current associated city files on this property are a Rezoning and Official Plan Amendment Application, reference OZ 16/003 to permit residential development on the subject lands along with some limited non-residential development. The city is also currently processing a Site Plan Application on the subject lands, reference SP 19-048 which includes the first two phases of development.

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/Cross Sections**

Acknowledging that a number of 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, Cross Sections and any other pertinent information which will be required to satisfy requirements for the proposed Stratified Consent Application's.

**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 these Stratified Consent Application's. 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 easements can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

We acknowledge that as a result of previous discussions with city representatives, the applicant has provided a draft of the numerous proposed easements required for our review/approval. The submitted information needs to be further reviewed/evaluated as this is a very complex Stratified Consent Application requiring additional information. We note that city staff will work with the applicant to satisfy our condition/requirement for the establishment of any necessary easements.

**3. 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](mailto: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](mailto:tony.iacobucci@mississauga.ca).

Comments Prepared by: David Martin, Supervisor Development Engineering

## **Appendix 2 – Zoning Comments**

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) 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: Kevin Barry, Zoning Plan 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 Application (SP 19/048) under review by the Park Planning Section.
- 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto: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.

Traffic Development: Rani Kol (905)-791-7800 x7858

The Region of Peel acknowledges that all property requirements for the retained parcels along Erin Mills Parkway are being obtained through the associated ongoing Site Plan application (SP-19-148M), including property and access requirements. Severed and retained portions must reflect the below:

- Property dedication will be required as a condition of Site Plan approval as per Section 7.7 of the Region of Peel Official Plan. Property dedication will consist of a minimum of 54.0 metres, 27.0 metres from the centreline of Erin Mills Parkway;
- 15.0 x15.0 metre Daylight Triangle at Erin Mills Parkway and Eglinton; and
- 0.3 metre reserve behind the new property line and daylight triangle along the frontage of Erin Mills Parkway.

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner



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**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 December 2, 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 December 2, 2020.