

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-12-09	File(s): B66/20 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-17

## Consolidated Recommendation

The City has no objection however; the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

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 43.6m (143.0ft) and an area of approximately 7,973.2m<sup>2</sup> (85,822.8sq.ft).

### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 2 Robert Speck Parkway

### Mississauga Official Plan

Character Area: Downtown Core Character Area  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** CC2(3) (City Centre)  
H-CC2(3) (City Centre)

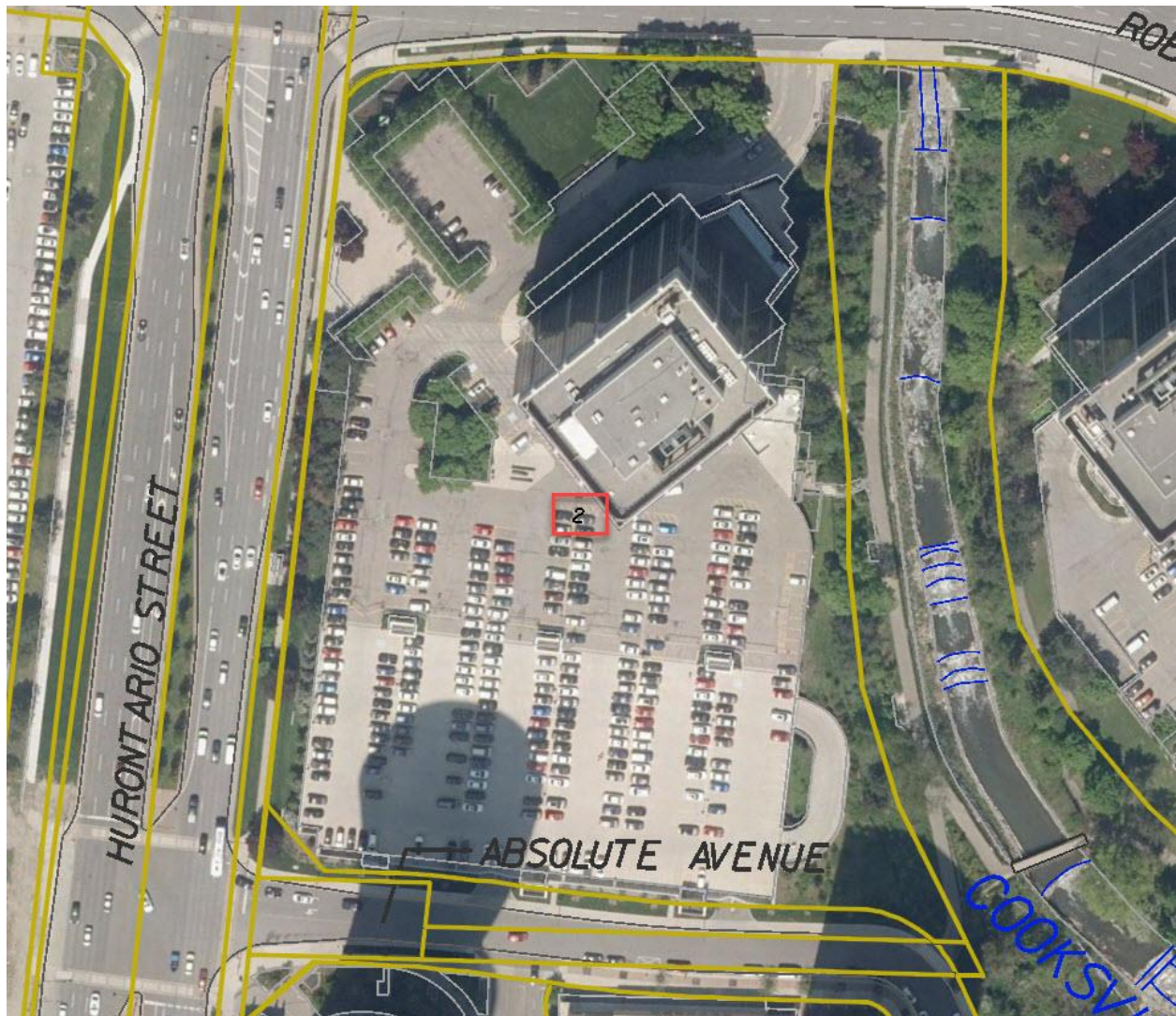
**Other Applications:**

None

### Site and Area Context

The subject property is situated within the Downtown Core Character Area located at the north-east corner of Absolute Avenue and Hurontario Street. From a land-use perspective, the immediate neighbourhood is comprised primarily of multi-storey, office and residential condominium structures; as well as residential townhouses in close proximity. Cooksville Creek is located on the east side and runs north, south of the site.

The subject site is an exterior property with a lot area of +/- 24,000m<sup>2</sup> and a lot frontage of +/- 110.0m with minimal vegetation and landscape elements surround the perimeter of the site.



## Comments

### Planning

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 44.0m and a lot area of 6,160.00m<sup>2</sup>. The retained lands will have a lot frontage of 110.0m and a lot area of 13,200.00m<sup>2</sup>.

The site is located within the Downtown Core Character Area, and is designated Mixed Use by the Mississauga Official Plan (MOP). Section 9 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 create a comparable lot-fabric and continue to remain in scale with the surrounding properties.

As per Zoning By-law 0225-2007, the subject property is zoned CC2(3) and H-CC2(3) (City Centre).

In accordance with Table 7.2.1 (CC1 to CC4 and CCOS Permitted Uses and Zone Regulations), neither of the aforementioned zones requires a minimum lot frontage, or a minimum lot area. The proposed properties are appropriately sized for the context of the neighbourhood and result in developable lots that are reflective of the CC2(3) and H-CC2(3) zones; thereby representing the appropriate development of the lands.

Planning Staff acknowledge that no variances are required to facilitate the proposed severance / lot creation; however, we would echo the Zoning Department's concern regarding the absence of any formal permit applications that could identify any additional variances as a result of the severance. Should variances be identified as a result of the severance future applications will be required.

## Conclusion

The City has no objection however; the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

It is our understanding that the intent of this Consent application would be to sever the southern portion of 2 Robert Speck Parkway along the more recently constructed boundary of the parking structure which occupies the southern edge of the property. It is intended that the “Severed” lands would be developed with a mixed-use tower as depicted in the provided Site Plan (Sheet Number A 101-B) prepared by IBI.

This property currently has an office tower (Mississauga Executive Centre, constructed in 1979) which utilizes the existing two level structured parking. Acknowledging that this Consent application would require the demolition of a significant portion of the existing structured parking, additional information will have to be provided to address the details pertaining to the removal of the parking structure currently located on the “Severed” lands prior to the issuance of final consent.

Should Committee see merit in the applicant’s request we are providing the following conditions/requirements to be imposed as conditions of approval:

#### **A. Items Required Prior to the Issuance of Final Consent**

##### **1. Required Easement for Storm Sewer Outlet**

We note that the storm sewer outlet for the subject lands is the 600mm storm pipe which outlets directly to Cooksville Creek and is located on the parcel to be created. In view of the above, a private storm easement will be required in favour of the “Residual” lands to ensure that a storm outlet is available to connect to the storm outlet which the Cooksville Creek.

We also note that CVC will have to confirm the greatest hazard line and that the existing top of bank easement is sufficient. Should a large portion of the hazard lands not be contained within the easement then additional lands may be requested as a municipal easement. An ESC Permit would also be required prior to any land disturbing activities.

##### **2. Drainage Proposal/Service Plan**

We request that the applicant submit a Drainage Proposal/Service Plan prepared by a Consulting Engineer for this department’s review/approval to address the storm sewer outlet for the subject lands.

Upon the review of the Drainage Proposal/Service Plan the specifics of the requested storm sewer easement identified in item A 1 can be addressed.

3. Engineering Submission & Development Agreement with Infrastructure Schedules for Possible Storm Sewer Outlet Works

Upon the review of Item A1 and A2 and **only should there be a need** to upgrade the existing municipal storm sewer infrastructure, the applicant/owner will be required to submit an Engineering submission for any proposed works and will be required to enter into a Development Agreement with Infrastructure Schedules to secure the construction of any municipal storm sewer upgrades to accommodate the storm drainage from the subject site.

Should the applicant demonstrate that the existing storm sewer infrastructure is adequate, then this condition will be deemed to be fulfilled.

4. Required Easement(s)

Upon the review of Item A1 and the confirmation of any required easement, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

Should a Development Agreement not be required, this condition will be deemed to be fulfilled.

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 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)

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## **B. General Information**

### **1. Site Plan Approval**

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

### **2. Road Allowance Widening Requirement for Future Development Application**

The owner will be required to dedicate gratuitously to the city through any future development applications on this property a road allowance widening towards the ultimate 23-26m right-of-way as identified in the Official Plan across the Absolute Avenue frontage of the site. It should also be noted that the existing dimension of the sight triangle at the northeast corner of Hurontario Street intersection is to be maintained with the new property line in place.

Should additional clarification or information be required with regards to any future road allowance widenings, please contact Daphne Chen at 905 615-3200 ext. 8915 or [Xinyi.Chen@mississauga.ca](mailto:Xinyi.Chen@mississauga.ca).

### **3. Access Related Requirements/Information**

We note that there is currently a 0.3M reserve across the frontage of Hurontario Street.

The applicant will be required to apply for an Access Modification Permit prior to any future Site Plan Approval and/or Building Permit Issuance.

The applicant is advised that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/requirements required (including the existing driveway), would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred would also be to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

The Hurontario-Main Light Rail Transit System Project started construction in 2020. This project will impact right-of-way requirements, [property accesses, allowed turning movements and will result in the permanent removal of a general purpose traffic lane in each direction for many segments of the corridor. Future information is available at [www.hurontario-main.ca](http://www.hurontario-main.ca).

Comments Prepared by: David Martin, Supervisor Development Engineering

## **Appendix 2 – Zoning Comments**

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It appears that the proposed severance will cause a Zoning By-law deficiencies with regard to building setback & on-site parking among other possible deficiencies.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Plan Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application and advises to include the following conditions:

1. All established hazard lands below the top-of-bank, long term stable slope, or natural features whichever is greater, shall be gratuitously dedicated to the City as Greenlands (G1) for conservation purposes. The lands to the rear of the property, zoned G1, are hazardous valleylands that are also classified as a naturally significant area within the City's Natural Heritage System. As per the Section 6.3.24 of the Mississauga Official Plan, 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...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

The subject property is located adjacent to City owned hazard lands. Placing the hazard lands into public ownership will strengthen the connection to Cooksville Creek and contribute to the protection and enhancement of the Natural Heritage System.

3. Given the subject lands has significant existing vegetation adjacent to Cooksville Creek and falls within the City's Natural Heritage System, Park Planning requires the submission of a satisfactory Environmental Impact Statement (EIS) submitted for review and approval. A terms of reference can be provided for reference upon request.
4. A site visit shall be organized by the applicant to stake the top-of-bank and natural feature to establish limits of gratuitous dedication to the satisfaction of the pertinent Conservation Authority and the City. A Qualified Land Surveyor (OLS) must be present,



in addition to staff from the Community Services Department, Transportation and Works Department, and the Credit Valley Conservation Authority

5. Submit a draft Reference Plan identifying the lands to be dedicated to the City.
6. Submit a Grading Plan that is to the satisfaction of the Community Services Department.
7. Prior to Greenlands dedication, the Applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands (if required). Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

In addition, Community Services notes the following:

1. Tree preservation hoarding and securities may be required as part of the site plan control process.
2. 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 4 – Heritage**

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

#### **Appendix 5 – Region of Peel Comments**

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

Through the review of the 2018 pre-consultation, we advised that a satisfactory Functional Servicing Report must be submitted prior to Site Plan approval to determine the adequacy of the existing services for the proposed development. Servicing of this site may require municipal and/or private easements and the construction, extension, twinning and/or upgrading of municipal services.

The site plan and ground floor drawings submitted as part of the application, as well as part C i), indicate servicing to the site. Servicing comments provided for the DARC state that the applicant shall refer to the OBC for the dual fire line requirements. The heights that they are proposed with the DARC will require a second fire line connection and this is not shown on the plans submitted.

All works associated with the servicing of this site will be at the applicant's expense. Arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.

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

**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 9, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 9, 2020.
6. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 9, 2020.