

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A18.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-21

Consolidated Recommendation

The City has no objection to the variances, as amended. Should Committee see merit in the Application, Planning Staff would recommend the condition identified below be imposed.

Application Details

The applicant requests the Committee to approve a minor variance to allow a mixed use building proposing:

1. A residential parking rate of 0.74 spaces per unit whereas By-law 0225-2007, as amended, requires a minimum residential parking rate of 1 space per unit;
2. 37 visitor parking spaces whereas By-law 0225-2007, as amended, requires 55 visitor parking spaces in this instance; and
3. A drive aisle width of 5.90m (approx. 19.36m) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note Variance #1 and #2 should be amended to the following:

- Variance #1
To provide resident parking for a rental apartment at a rate of 0.72 resident spaces per one-bedroom unit and at a rate of 0.85 resident spaces per two-bedroom and three-bedroom units, whereas By-law 0225-2007, as amended, requires resident parking for a rental apartment at a rate of 1.0 spaces per unit in this instance.
- Variance #2
To provide visitor parking for a rental apartment at a rate of 0.12 visitor spaces per unit, whereas By-law 0225-2007, as amended, requires visitor parking for a rental apartment at a rate of 0.15 spaces per unit in this instance.

Recommended Conditions and Terms

Should Committee see merit in the Application, Planning Staff recommends the following condition be imposed to address the resulting shortfall of 18 parking spaces on the Phase 1 lands of the subject site by:

1. Accommodating the resulting shortfall of parking for the development of Phase 1 lands on the Phase 2 lands of the subject site, subject to site plan approval of Phase 1 development, and/or
2. Submitting a satisfactory shared parking agreement with a plan demonstrating the provision of 18 parking spaces at an off-site location, and/or applying for a Payment-in-Lieu (PIL) application for the consideration of a partial parking deficiency as applicable. Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency.

Background

Property Address: 185 Enfield Place

Mississauga Official Plan

Character Area: Downtown Core Character Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC2(2) - City Centre

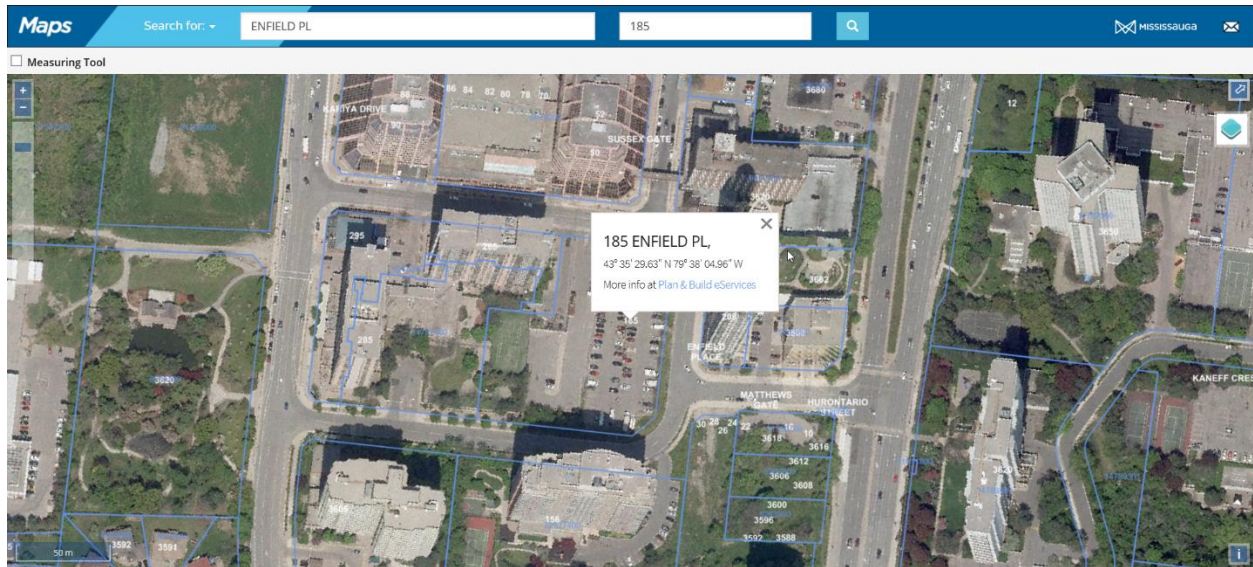
Other Applications: H-OZ 18-002 W7
SP 18-96 W7
BP 3NEW 19-968

Site and Area Context

The subject property is currently a parking lot with minimal vegetation and landscape elements located on the periphery of the site. The property is located within the downtown intensification area, south-west the of Burnhamthorpe Rd W. and Hurontario St. intersection. From a land-use perspective, the immediate neighbourhood is a mixture of employment and residential uses; including restaurants, offices, a hotel, and residential towers.

The subject property is an exterior parcel, with a lot area of +/- 6,255.0m² and a lot frontage of +/- 79.9m. The applicant is proposing a decrease in available parking, shared parking between

residential units and visitor parking; as well as a smaller drive aisle in a portion of the parking garage, requiring variances for parking rate, visitor parking spaces and decreased drive aisle.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Downtown Core Character Area, and is currently designated Mixed Use by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.6 (j) (Mixed Use), this designation permits residential, in conjunction with other permitted non-residential uses, such as restaurant, overnight accommodation and retail store. The Downtown Core is deemed an intensification area to be developed as a major regional centre with a mix of uses containing the greatest concentration of activities and variety of uses. The Applicant's proposal of a mixed use tower meets the purpose and general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 and #2 as requested pertains to parking:

The intent in quantifying the required number of parking spaces is to ensure that the proposed use is self-sufficient in providing adequate parking accommodations. Through an internal discussion with Development and Design Staff on December 21, 2020, the proposed rental apartment development has been determined to be desirable within the Downtown Core Character Area. Furthermore the development would align with the City's broader goals to provide a variety of housing options and encourage transit oriented development in close proximity to the future Hurontario LRT. However, City Planning Strategies Staff note concerns with the parking justification analysis provided by BA Group, dated November 12, 2020, submitted in support of the application. City Planning Strategies Staff comments regarding the parking justification analysis are specific to the Phase 1 development.

A reduction in residential and visitor parking rates for the development can be supported by Staff based on the parking rates outlined in in Table 2, with a total of 326 parking spaces (including 282 residential spaces and 44 visitor spaces).

Based on the above, staff advise the applicant to consider the following options to address the remaining 18 deficient parking spaces for Phase 1 of the development:

1. Accommodating the resulting shortfall of parking for the development of Phase 1 lands on the Phase 2 lands of the subject site, subject to site plan approval of Phase 1 development, and/or
2. Submitting a satisfactory shared parking agreement with a plan demonstrating the provision of 18 parking spaces at an off-site location, and/or applying for a Payment-in-Lieu (PIL) application for the consideration of a partial parking deficiency as applicable. Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency.

Table 2 – Staff Recommended Parking Rates

Use	Unit Type	Proposed Number of Units	Applicant Proposed Parking Rate (Spaces/unit)	Applicant Proposed Parking Spaces	Staff Supported Parking Rate (Spaces/unit)	Staff Supported Parking Spaces
Rental Apartment	1 bedroom	217	0.74	160.58	0.72	156.24
	2 bedroom	132	0.74	97.68	0.85	112.2
	3 bedroom	10	0.74	7.4	0.85	8.5
Rental Townhouse	2 bedroom*	6	0.74	4.44	0.85	5.1
Residential Parking Sub-total		365		271		282
Apartment Visitor	N/A	359	0.1	36.5	0.12	43.8
Townhouse Visitor	N/A	6				
Visitor Sub-total				37		44
TOTAL PARKING				308		326

Based on the parking rates recommended by staff, it is recommend that variance #1 and #2 be revised as follows:

- *Variance #1*
To provide resident parking for a rental apartment at a rate of 0.72 resident spaces per one-bedroom unit and at a rate of 0.85 resident spaces per two-bedroom and three-bedroom units, whereas By-law 0225-2007, as amended, requires resident parking for a rental apartment at a rate of 1.0 spaces per unit in this instance.
- *Variance #2*
To provide visitor parking for a rental apartment at a rate of 0.12 visitor spaces per unit, whereas By-law 0225-2007, as amended, requires visitor parking for a rental apartment at a rate of 0.15 spaces per unit in this instance.

Planning staff echo City Planning Strategies comments for Phase 1 and recommend that Phase 2 development be evaluated under a separate application in the future when details of Phase 2 have been finalized.

Variance #3 as requested pertains to drive aisle width:

The intent of the zoning by-law is to ensure there is adequate space for a vehicle passageway within a parking area. The proposed reduction has been discussed with Development and Design Staff during the review of the “removal of the H” and site plan approval process. Planning Staff note the reduction to the drive aisle width is limited to two drive aisles in the east and south portions on each floor of the parking garage allowing for two way vehicular movement. Variance 3 as requested, meets the general intent and purpose of the zoning bylaw.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The Applicant has proposed a desirable development for the downtown core that aligns with the City’s broader housing and transit orientated development goals. The proposed reduction in drive aisle is minor in nature and does not pose significant negative impact. With regards to the proposed parking reductions Staff is uncertain of the supporting justification report analysis and provides options that address the deficiencies. Staff is of the opinion that the application can be supported based on the recommended rates for residential and visitor parking as indicated in Table 2.

Conclusion

The City has no objection to the variances, as amended. Should Committee see merit in the Application, Planning Staff would recommend the condition be imposed.

Comments Prepared by: Brooke Herczeg RPP, 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 development are currently being addressed through the Site Plan Application process, File SP 18-96. We also note that another associated file for this development is H-OZ 18-002.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 19-9689. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

Please note that should there be any changes contained in this Committee of Adjustment application that have not been identified and submitted through the application process noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately, though the application process in order to received updated comments.

Comment added as changemark oct 30-20 under bp 19-9689

Comments Prepared by: Kevin Barry, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner