

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A401.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

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

1. A west stepped tower width of 23.00m (approx. 75.46ft) whereas By-law 0225-2007, as amended, requires a minimum west stepped tower width of 25.00m (approx. 82.02ft) in this instance;
2. A tower separation of 25.00m (approx. 82.02ft) whereas By-law 0225-2007, as amended, requires a tower separation of 26.30m (approx. 86.29ft) in this instance;
3. A fourth storey portion height of 14.60m (approx. 47.90ft) whereas By-law 0225-2007, as amended, permits a height of 13.50m (approx. 44.29ft) in this instance;
4. A fifth storey portion height of 17.60m (approx. 57.74ft) whereas By-law 0225-2007, as amended, permits a height of 16.50m (approx. 54.13ft) in this instance;
5. A sixth storey portion height of 20.50m (approx. 67.26ft) whereas By-law 0225-2007, as amended, permits a height of 19.50m (approx. 64.00ft) in this instance;
6. A seventh storey portion height of 23.50m (approx. 77.10ft) whereas By-law 0225-2007, as amended, permits a height of 22.50m (approx. 73.82ft) in this instance;
7. An eighth storey portion height of 26.50m (approx. 86.94ft) whereas By-law 0225-2007, as amended, permits a height of 25.50m (approx. 83.66ft) in this instance;
8. A ninth storey portion height of 29.50m (approx. 96.78ft) whereas By-law 0225-2007, as amended, permits a height of 28.50m (approx. 93.50ft) in this instance;
9. A landscaped area of 27.50% whereas By-law 0225-2007, as amended, requires a minimum landscaped area of 30.00% in this instance;
10. 0.90 resident parking spaces per dwelling unit whereas By-law 0225-2007, as amended,

requires a minimum of 0.92 resident parking spaces per dwelling unit in this instance; and, 11. 0.15 visitor parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.20 visitor parking spaces per dwelling unit in this instance.

Background

Property Address: 1381 Lakeshore Road East

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4- Commercial

Other Applications: Site Plan application SP 22-157

Site and Area Context

The subject site is situated within the Lakeview Neighbourhood Character Area, positioned at the northeastern junction of Lakeshore Road East and Dixie Road. The immediate vicinity encompasses a diverse mix of residential, commercial, open space, greenlands, and community/cultural land uses. Notably, the subject site features limited vegetation primarily along the front and side lot lines.

The proposed application seeks to develop a new mixed-use building, necessitating variances for stepped tower width, tower separation distance, building heights, a reduction in soft landscaped area, and reduced parking requirements.



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 are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits residential uses in conjunction with other permitted uses, such as a restaurant or retail store use.

Variance #1 pertains to a narrower width for the west stepped tower. Planning staff holds the view that this variance constitutes an enhancement to the proposal, as it will lead to a reduction in the overall building size and massing.

Variance #2 concerns a reduction in the distance between the towers. Staff's perspective is that this reduction is relatively minor and is not anticipated to yield any adverse consequences.

Variances #3, 4, 5, 6, 7, and 8 pertain to height increases. Planning staff acknowledges that these variances are necessary due to the inclusion of townhouse units and commercial spaces with higher ceiling heights at ground level. These variances propose a modest height increment of 1m (3.28ft), which does not raise any concerns, considering that the development reaches a maximum height of 35.83m (117.53ft), comfortably within the permissible limit of 38m (124.67ft). Planning staff has requested that an updated set of drawings be provided which incorporate the angular plane considerations, ensuring that the development is consistent with what was agreed

upon through the active site plan application. On November 7th, the applicant's agent ensured staff that a revised set of drawings will be provided prior to the hearing date.

Variance #9 concerns a reduction in soft landscaping. Planning staff regards this variance as a relatively minor deviation from the minimum requirement. Furthermore, staff acknowledges the applicant's commitment to establishing a 3.2m (10.5ft) landscape buffer between the residential land uses to the north and the subject property. This buffer serves to enhance the separation and buffering between the proposal and the existing residential land uses in the area.

Variances #10 and 11 request a reduction in parking. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Municipal Parking staff has reviewed the variance request and provide the following comments:

With respect to Committee of Adjustment application 'A' 401.23, 1381 Lakeshore Road East, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

1. 0.90 resident parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.92 resident parking spaces per dwelling unit in this instance.
2. 0.15 visitor parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.20 visitor parking spaces per dwelling unit in this instance.

Per the materials provided by the Applicant, the subject property is currently vacant. The proposed development consists of an 11-storey residential building with a total of 284 units and a Gross Floor Area (GFA) of 31,877 square meters. In addition, a retail space with a GFA of approximately 558 square meters is also included at grade. Staff contacted the Applicant regarding the type of use of the development, the Applicant confirmed that the use would be Condominium Apartment. The subject site is located within H-RA5-30 Zoning Area, Parking Precinct 3.

Per an Ontario Land Tribunal (OLT) decision letter provided by planning staff, instead of the required parking rates as stipulated in the current Mississauga Zoning By-law, the tribunal-approved parking rates for the subject site were 0.92 resident space per unit and 0.2 visitor space per unit. Therefore, with a required minimum of 261 parking spaces for residents and 57 spaces for visitors, the total minimum required number of parking spaces for the subject property would be 318. The Applicant proposes a total of 299 parking spaces, including 256 resident spaces and 43 visitor spaces. The Applicant explained that 6 buffer spaces intended for unanticipated changes in the future are also included. As such, 318 parking spaces are required whereas 299 parking spaces can be accommodated, which generates a parking deficiency of 19 spaces or 6%.

As the proposed parking deficiency falls under 10%, a Parking Justification Letter or Parking Utilization Study may be acceptable as per the City's Parking Terms of Reference provision.

The Applicant submitted a Parking Justification Study dated November 7, 2023, prepared by Nextrans Consulting Engineers. Parking surveys at three proxy sites were undertaken from November 2022 to February 2023. Staff advise that the most appropriate proxy site for the purpose of this survey would be the one at 8 Nahani Way due to the more similar scale and tenure of the property compared to the proposed development. The results of the three-day survey indicate that the peak parking demand for residents was observed on a Friday at 11:30 p.m., with a total of 245 occupied resident parking spaces on site, which represents a utilization rate of 57% and a demand ratio of 0.61 spaces per residential unit. The parking peak demand for visitors was observed to be a total of 34 occupied parking spaces at multiple points in time throughout the survey period, which represents a utilization rate of 94% and a demand ratio of 0.08 spaces per residential unit. Compared to the reduced parking ratio at 0.92 resident space and 0.15 visitor space per residential unit as outlined in the OLT decision, the observed peak ratios suggest a lower parking demand for a comparable development.

Zoning staff have advised that more information is required to verify the accuracy of the requested variance.

Given the above, Municipal Parking staff can support the proposed 0.90 resident parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.92 resident parking spaces per dwelling unit in this instance; and 0.15 visitor parking spaces per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.20 visitor parking spaces per dwelling unit in this instance.

Planning staff echo Parking staff's comments and has no concerns regarding variances #9 and 10. Through a detailed review of the application, staff is of the opinion that the revised application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, 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 mixed use building are being dealt with through the previous applications HOZ-23/001 and SP-22/157.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Site Plan application SP 22-157. 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: Alana Zheng, Planner Zoning Examination

Appendix 3 – Metrolinx

1381 Lakeshore Road East - A401.23

Metrolinx is in receipt of the minor variance application for 1381 Lakeshore Rd E to facilitate multiple variances in support of the proposed mixed-use residential development. Metrolinx's comments on the subject application are noted below:

- The subject property is located partially within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application including the Site Plan application. Previously provided comments/conditions on the comprehensive application are still applicable.
- The Proponent is advised the following:

- **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-23-401 / 1381 Lakeshore Road East

Traffic: Damon Recagno 905-7917800 x3440

Comments:

- All traffic related matters are being addressed via the associated application SP-22-157M.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner