

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A252.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 amended, meets the requirements of Section 45(1) of the Planning Act. Should Committee see merit in the Application, Planning Staff would recommend the condition(s) and amendments identified below be imposed.

Application Details

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

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft) in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft) in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m

(approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively in this instance;

6. Trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights by a maximum of 3.5m (approx. 11.5ft) whereas By-law 0225-2007, as amended, requires all structures to remain within the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance; and

7. To permit a minimum of 0 Electric Vehicle Ready Parking Spaces whereas By-law 0225-2007, as amended, requires a minimum of 20% of the total required resident parking spaces for a Condominium Apartment Building and a minimum of 10% of the total required visitor and non-residential parking spaces for a Condominium Apartment Building to be Electric Vehicle Ready Parking in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, Zoning staff advise that the following variance(s) should be amended as follows:

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard and beyond the buildable area identified in exception schedule RA2-57 up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) and does not permit encroachments beyond the buildable area identified in exception schedule RA2-57 in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard and beyond the buildable area identified in exception schedule RA2-57 up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone and outside the buildable area identified in exception schedule RA2-57 in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft), as identified in exception schedule RA2-57, in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft), as identified in exception schedule RA2-57, in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft)

and 40.0m (approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively, as identified in exception schedule RA2-57, in this instance;

Recommended Conditions and Terms

Should the Committee see merit in the application, staff recommends that a condition be added for variance #7. Planning staff recommends that this variance be approved subject to the applicant providing a suitable electrical supply and rough-ins for 20% of the total required resident parking spaces for a Condominium Apartment Building, to allow future residents the opportunity to have electric vehicle parking.

Background

Property Address: 1345 Lakeshore Rd E

Mississauga Official Plan

Character Area: **Lakeview Neighbourhood**
Designation: Greenlands & Residential High Density

Zoning By-law 0225-2007

Zoning: **H-RA2-57 - Residential & G1 - Greenlands**

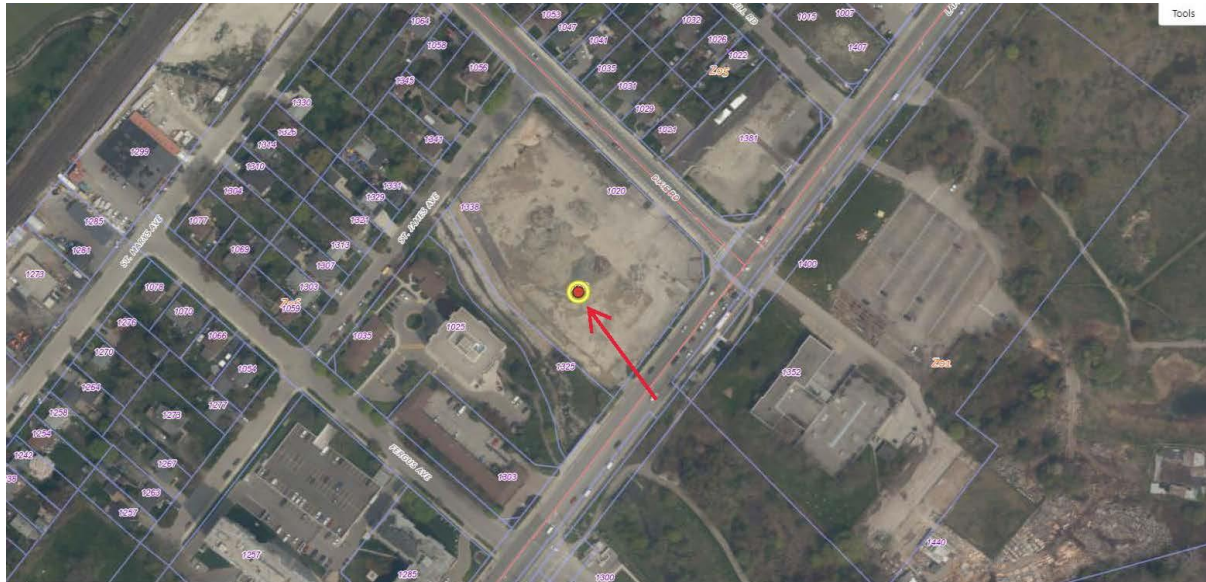
Other Applications: Site Plan application - SP 21-143, Official Plan and Zoning By-law Amendment applications – OZ 18/009 W1 & HO-Z 20 6; Minor Variance application – A143.22

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, positioned at the northwestern 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 application proposes to develop two “L”-shaped buildings of 4 to 8 storeys and 4 to 12-storeys with an interior courtyard. The proposed development will contain 478 dwelling units and ground floor commercial fronting both Lakeshore Road East and Dixie Road.

The required variances are for encroachments; setbacks; a building separation distance; heights of trellises, privacy screens, parapets, handrails and guardrails; and electric vehicle ready parking spaces.



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 Greenlands & Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP). The applicant proposes two mixed-use buildings that are entirely located on lands designated Residential High Density. The Residential High-Density designation permits apartment dwellings with commercial uses on the ground floor.

Staff note for the Committee that an Official Plan Amendment and Rezoning application was approved for the site, under file OZ 18/009 W1, to permit a 12-storey apartment building with ground floor non-residential space. The zoning amendment was approved with a holding ("H") provision, of which conditions are intended to be cleared through the update of detailed engineering design and environmental reports, which are currently in review under file H-OZ 20 006 W1. The Committee also approved minor variance application A143.22 on March 24, 2023, for reduced parking rates for residential and visitor parking, as well as increased residential gross floor area.

Staff are currently reviewing a site plan application (SP 21-143 W1) for the property. Through the site plan process, several technical variances were identified.

The Planner reviewing the above noted site plan has reviewed the requested variances with staff and has no concerns regarding the applicant's minor variance proposal.

With respect to variance #1, through the site plan process it was identified by Zoning staff that the frontage of the property faces St. James Avenue. Staff note that the buildings and site are designed to front onto Lakeshore Road East and Dixie Road. Furthermore, the buildings fronting onto Lakeshore Road East and Dixie Road provide appropriate setbacks. Planning staff have no concerns regarding these variances as the proposed encroachments facilitate the detailed design of the proposal and are minor in nature.

Variance #2 is for encroachments of building features into a Greenlands zone. Credit Valley Conservation (CVC) and Community Services are the City's technical advisors on these matters. CVC and Community Services staff have no imminent concerns regarding these variances. The applicant is encouraged to continue to address CVC comments through the site plan process.

Variance #3 is for a reduced exterior side yard setback to a mechanical penthouse. Staff note that the mechanical penthouse was redesigned and now requires a setback reduction. Staff has no concerns regarding this variance, as the proposed setback represents a minor decrease from the minimum requirement and still provides for an adequate separation from the roof parapet.

Variances #4 and 5 are required to accommodate reduced setbacks/separation distances to balconies on the 7 and 8th storeys, respectively. Balconies, although always envisioned, were not included in the concept plan considered during the zoning by-law amendment process. Based on the drawings, the subject balconies will largely be within the footprint of the overall building. Staff note that the allowance of balconies is desirable for the subject property and is supportive of the request.

Variance #6 is required to accommodate trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance. These dwelling features were not included in the concept plan considered during the zoning by-law amendment process. Staff note that these features is appropriate and desirable for future residents.

Variance #7 is for reduced EV (electrical vehicle) resident parking spaces. Planning staff note that the requested variance is for reduced EV parking spaces only. Although EV resident parking spaces are not proposed, planning staff can support the requested variance, subject to the above noted condition which would require that the building will be energized with rough-ins to accommodation future EV parking spaces in all required resident parking spaces. Therefore, the proposal provides purchasers with the option for EV parking by ensuring suitable electrical supply and rough-ins for each parking space.

Through a detailed review of the application, staff are 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 all Transportation and Works Department concerns/requirements for this property have been reviewed and commented on through the previous Site Plan Application process, File SP 21/143 and also H-OZ-20/006. We have no concern with the proposal.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard **and beyond the buildable area identified in exception schedule RA2-57** up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) **and does not permit encroachments beyond the buildable area identified in exception schedule RA2-57** in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard **and beyond the buildable area identified in exception schedule RA2-57** up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone **and outside the buildable area identified in exception schedule RA2-57** in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft), **as identified in exception schedule RA2-57**, in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft), **as identified in exception schedule RA2-57**, in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m

(approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively, **as identified in exception schedule RA2-57**, in this instance;

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Comments Prepared by: Ramsen Hedoo, Planner.

Appendix 3 – Parks, Forestry & Environment

Park Planning

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Appledale Park (P-329), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- 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...

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, SP 21-143, all of Community Services' comments and/or requirements are being addressed through the development application.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Credit Valley Conservation

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy statement (2020);
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA:

Based on information available, the property is located within CVC's Regulated Area due to the presence of Applewood Creek, valleyland, and associated hazards. As such, this property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys,

hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow:

- A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard up to 5.0m (approx. 16.40ft), whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) in this instance;
- A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard up to 3.0m (approx. 9.84ft) to a Greenlands zone, whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone in this instance;
- An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft) in this instance;
- An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft) in this instance;
- A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively, whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m (approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively in this instance;
- Trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights by a maximum of 3.5m (approx. 11.5ft), whereas By-law 0225-2007, as amended, requires all structures to remain within the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance; and
- To permit a minimum of 0 Electric Vehicle Ready Parking Spaces, whereas By-law 0225-2007, as amended, requires a minimum of 20% of the total required resident parking spaces for a Condominium Apartment Building and a minimum of 10% of the total required visitor and non-residential parking spaces for a Condominium Apartment Building to be Electric Vehicle Ready Parking in this instance.

COMMENTS:

CVC staff have been involved in review of this proposal through Site Plan application SP 21-143, and recently provided comments to be addressed. One of our comments requires a geotechnical opinion/justification for the proposed reduced setback along the Applewood Creek

channel. This appears to be related to some of the proposed encroachments in the Minor Variance application.

In principle, we can accept a reduced buffer in this case, with the appropriate supporting justification provided. We note that this is not CVC's approval of the current plans, and we will continue our review of the plans to address our remaining comments through the Site Plan process. A CVC permit will be required prior to any development proposed in the Regulated Area.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 3250).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1345 Lakeshore Rd E to facilitate various variances in relation to a proposed 8 and 12 storey mixed-use condominium with respect to encroachments, setbacks and separation distances, projections and the provision of EV spaces. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- Metrolinx is a stakeholder that is currently engaged in, and has provided comments on, the comprehensive application of the development including the Site Plan application.
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.

Advisory Comments (Conditions to be Fulfilled Prior to Site Plan Approval):

- The following are itmes that should be addressed prior to final Site Plan Approval or as Conditions of Approval for the comprehensive development:
- The applicant is advised that all conditions/requirements/agreements related to the comprehensive application must be fulfilled prior to approval of the Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of

agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **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.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 6 – Region of Peel

Minor Variance: A-24-252M / 1345 Lakeshore Rd. E

Planning: Petrele Francois (905) 791- 7800 x3356

Comments:

- The subject land is located in the regulated and floodplain area of the Credit Valley Conservation Authority (CVC). The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CVC for the review of development

applications located within or adjacent the regulated area in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner