

City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A323.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

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

1. To permit a height of 4 storeys/14.5m (approx. 47.57 ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3 storeys/12.5m (approx. 41.0ft) in this instance;
2. To permit a minimum commercial use of 25% of the first storey whereas By-law 0225-2007, as amended, requires a minimum commercial use of 75% of the first storey in this instance;
3. To permit a first storey height of 3.1m (approx. 10.2ft) whereas By-law 0225-2007, as amended, requires a minimum first storey height of 4.5m (approx. 14.8ft) in this instance;
4. To permit a parking and paved areas setback to a Greenland zone of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 7.5m (approx. 24.6ft) in this instance;
5. To permit a rear yard landscaped buffer depth from a lot line abutting a Greenland zone of 0m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer depth of 4.5m (approx. 14.8ft) in this instance;
6. To permit a rear yard setback abutting a Greenland zone of 10.9m (approx. 35.8ft) whereas By-law 0225-2007, as amended, requires a minimum of 7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, (exceeding 10.0m) which is 12.0m (approx. 39.37ft) in this instance;
7. To permit a front yard setback of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 0.6m (approx. 2.0ft) in this instance;
8. To permit 27 parking spaces consisting of 17 on-site spaces and 10 payment-in-lieu of parking spaces whereas By-law 0225-2007, as amended, requires a total of 41 parking spaces (31 Residential parking spaces & 10 Visitor parking spaces) in this instance;
9. To permit all required parking spaces to be proposed as surface parking whereas By-law 0225-2007, as amended, requires parking spaces to be provided in a below grade structure

when residential Floor Space Index is greater than 1.0 in this instance;

10. To permit 4 EV ready parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 EV ready parking spaces (6 residential EV parking spaces, and 1 visitor EV Parking Space) in this instance;

11. To permit a loading space dimension of 3.5m x 6.0m (approx. 11.48ft x 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum loading space of 3.5m x 9.0m (approx. 11.48ft x 29.53ft) in this instance;

12. To permit a horizontal clearance from the wall of 1.0m (approx. 3.3ft) for vertical bicycle parking racks whereas By-law 0225-2007, as amended, requires a minimum horizontal clearance from the wall of 1.2m (approx. 3.9ft) in this instance;

13. To permit a 0.0m bicycle parking aisle; whereas By-law 0225-2007, as amended, requires a minimum bicycle parking aisle of 1.5m (approx. 4.92ft) in this instance; and,

14. To permit 28 obstructed indoor bicycle parking spaces (28 obstructed & 14 unobstructed) to permit stacked bicycle parking racks; whereas By-law 0225-2007, as amended, requires a minimum unobstructed bicycle parking space of 0.6m x 1.2m x 1.8m (approx. 1.97ft x 3.94ft x 5.91ft)(31 total required) in this instance.

Amendments

The Building Department is processing Independent Zoning Review application IZR SP 24-1274. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. To permit a maximum height of 4 storeys/13.73m (approx. 45.05ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3 storeys/12.5m (approx. 41.0ft) in this instance;
2. To permit a minimum commercial use of 28.26% of the first storey whereas By-law 0225-2007, as amended, requires a minimum commercial use of 75% of the first storey in this instance;

With respect to Variance #8, the applicant to has yet to delineate parking spaces between Residential and Visitor on the drawings provided within the IZR SP 24-1274. The following additional variance would be required; in this instance;

To provide (**applicant to verify**) Residential parking spaces whereas By-law 0225-2007, as amended, requires a total of 31 Residential parking spaces in this instance;

To provide (**applicant to verify**) visitor parking spaces whereas By-law 0225-2007, as amended, requires a total of 10 visitor parking spaces in this instance;

Recommended Conditions and Terms

Transportation and Works staff recommend the following condition:

- The applicant provide an additional sign to draw cyclists' attention to vehicle traffic.

The Parks and Culture Planning Section of the Community Services Department wishes to impose the following condition(s):

1. To ensure the protection and preservation of the Significant Natural Feature, the applicant is to provide written confirmation from Parks & Culture Planning to the Committee of Adjustment that the Community Services Department has received and approved the Environmental Impact Study.
2. To ensure the enhancement and restoration of the Significant Natural Feature, the applicant is to provide written confirmation from Parks & Culture Planning to the Committee of Adjustment that the Community Services Department has received and approved a Restoration Plan.

Background

Property Address: 1639 Lakeshore Rd W

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Greenland; Mixed Use

Zoning By-law 0225-2007

Zoning: C4-64 - Commercial & G1 - Greenlands

Other Applications: Independent Zoning Review application IZR SP 24-1274

Site and Area Context

The subject property is located within the Clarkson Village Community Node Character Area, on the easterly edge of the Historic Village Precinct and on the north side of Lakeshore Road West. In 2013 Council approved the Clarkson Village Study and the associated Official Plan Amendment which implemented the current character area policies. The subject precinct predominantly contains traditional main street store fronts, suburban strip malls, stand alone single retail uses and big box centres. Notwithstanding this general existing context, there are sites within the precinct that have undergone development applications for residential intensification and have resulted in approvals for buildings up to 8 storeys in height.

The subject site is served by MiWay bus route 23 and is approximately 1.2 km from the Clarkson GO Station which is located to the northwest.

Mississauga Official Plan identifies Community Nodes as Intensification Areas and contains policies that encourages redevelopment in a manner that respects the surrounding context. In addition, Lakeshore Road West is identified as a Corridor and is supplemented with policies that encourages mixed use development oriented towards the corridor.

The neighbouring context consists of a 4 to 6 storey residential apartment building and 2 storey commercial building to the east, a 1 storey commercial building to the west and a 1 storey commercial building to the south. Immediately to the north of the site is Turtle Creek and a wooded natural area, a public park (Birchwood Park) and a railway corridor. Further south of the site exists an established and mature neighbourhood that contains mostly detached dwellings.

The site is approximately 1,540m² (16576.42 ft²) in size consisting of a surface parking lot.

The applicant is proposing a 4-storey residential apartment building that will incorporate the retention of the existing concrete parking lot into the overall site design with 51 units. Based on an Independent Zoning Review (IZR) of the application submitted by the applicant, the proposal has been confirmed by Zoning staff to be a residential use, permitted within the existing C4 - Mainstreet Commercial zoning category of the site.

In addition, through the submitted information, it is staff's understanding that the property owner will be offering deeply affordable rental units in partnership with the Region of Peel with ancillary support services. The following Mississauga Official Plan policies are highlighted below that speak to the provision of affordable housing within the City of Mississauga:

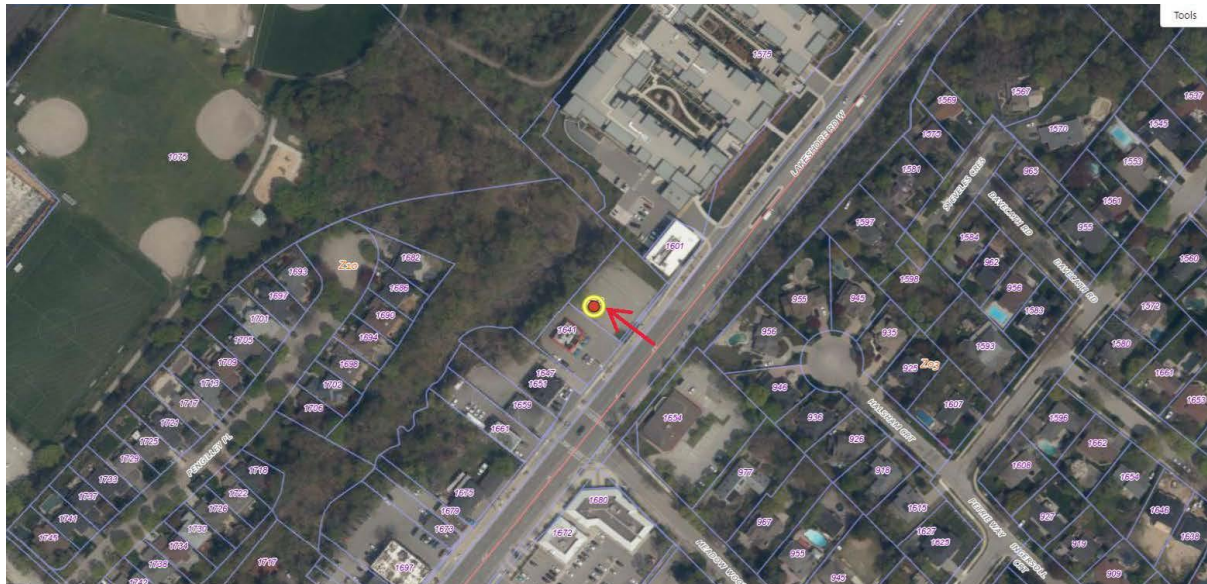
7.2.7 Mississauga will directly assist all levels of government in the provision of rental housing by:

- a. supporting the efforts of the Region and other local not for profit housing organizations in providing low and moderate income rental housing and accommodation for those with special needs;

14.1.7.4.2 Affordable housing for low income households will be encouraged. It is recognized that affordable housing provision is subject to landowners being able to secure access to adequate funding and collaboration with the Region of Peel as Service Manager for subsidized housing.

The application is seeking minor variances for building height, percentage of commercial use for the first storey, first storey height, setback to Greenland zone, front yard setback, vehicle and bicycle parking provisions and loading space.

Below is an air photo of the subject property:



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*.

Site History

Staff note for the Committee that the site previously contained a 1 storey commercial building that initially received a Building Permit issued in 1969. Since then, there have been a number of interior alteration and building addition permits. In 2011, the City issued a Demolition Permit to demolish the existing 1 storey building that was located in the north-west portion of the site.

The Committee previously approved a minor variance application on the subject property on May 17, 2012, under file A196.12 to permit an animal boarding and dog run establishment for a temporary period of five years, that was also subject to a Site Plan application in process at that time. Associated variances included a deficient setback of 0.00 m (0.00 ft.) to the Greenlands zone from the existing surface parking area and a landscape buffer width of 0.00m (0.00ft). The application also included a reduction in required parking spaces.

At that time, Planning staff had recommended approval of the application, which was supplemented by comments from the Credit Valley Conservation (CVC) that indicated satisfactory arrangements had been made with respect to addressing the long term stable slope line associated with the adjacent valley lands.

Similar to the proposal under the previous variance, the subject application intends to incorporate the existing surface parking area as part of the overall concept plan for the site.

Staff Comments

Staff comments concerning the application of the four tests to each individual minor variance identified as part of the revised notice circulated on July 5, 2024, is provided below:

1. *To permit a height of 4 storeys/14.5 m (approx. 47.57 ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3 storeys/12.5m (approx. 41.0ft) in this instance;*

We note for the Committee that the most recent drawings submitted with the revised notice indicate a total building height of 13.7m (44.94ft), however, staff understand that the applicant is seeking flexibility with respect to the allowance of overall height.

Mississauga Official Plan contains the following pertinent policy that is applicable to the site:

5.3.3.11 Development in Community Nodes will be in a form and density that complements the existing character of historical Nodes or that achieves a high-quality urban environment within more recently developed Nodes.

The Clarkson Village Community Node Character Area policies reinforce this direction by implementing a height schedule that outlines the expectation for building heights in the different precincts. Based on a review of the Height Schedule, new development that is 3-4 storeys in height can be expected within the Historic Village Precinct. In particular, the subject property is slated for 3 storeys in height. However, immediately across the street on the south side of Lakeshore Road West and to the west of the subject site, are properties permitted to have a height of 4 storeys.

The Clarkson Village Built Form Guidelines, although not policy for the consideration of the four tests, provide the following guidance pertinent to the specific request. The site is considered to be located within the "Village Core" and is associated with the following guidance:

"Redevelopment within the Village Core should maintain and reinforce the existing built form in regard to building height and streetscape."

Notwithstanding the above, the following policy is contained in the general Community Nodes policy section of Mississauga Official Plan:

14.1.1.3 Proposals for heights less than two storeys, more than four storeys or different than established in the Character Area policies will only be considered where it can be demonstrated to the City's satisfaction, that:

- a. an appropriate transition in heights that respects the surrounding context will be achieved;
- b. the development proposal enhances the existing or planned development;
- c. the City Structure hierarchy is maintained; and
- d. the development proposal is consistent with the policies of this Plan.

Staff note that immediately to the east of the site is a residential apartment building and a commercial building that ranges from 2-6 storeys in height and forms part of the consideration for existing building heights.

Furthermore, Mississauga Official Plan requires the implementation of the following principle when considering application concerning additional height:

19.4.3 To provide consistent application of planning and urban design principles, all development applications will address, among other matters:

- a. the compatibility of the proposed development to existing or planned land uses and forms, including the transition in height, density, and built form;

Based on a review of the drawings provided with the application, staff are of the opinion that the requested additional storey totalling 4 storeys meets the intent of the official plan, as the total height of the building is within the realm of what is expected from a built form perspective on the Lakeshore Road West corridor and respects and relates to existing and planned building heights within the immediate vicinity. Staff are satisfied that the additional height meets the criteria specified in policy 14.1.1.3.

The requested relief in the overall building height dimension of 13.7 m from 12.5 m permitted in the C4 – Mainstreet Commercial zone results in a building height that is comparable to the height of the 4 storey portion of the existing apartment building to the east and as such, does not facilitate any negative impacts on the adjacent properties. Therefore, it is staff's opinion that the requested variance meets the intent of the Zoning By-law.

Based on the above, staff are of the opinion that the variance for height is desirable as it facilitates construction of affordable housing units within an overall built form that is compatible with the immediate context and as such, is minor in nature.

2. *To permit a minimum commercial use of 25% of the first storey whereas By-law 0225-2007, as amended, requires a minimum commercial use of 75% of the first storey in this instance;*

The Clarkson Village Community Node Character Area policies envision the Historic Village Precinct as a mainstreet corridor containing buildings that facilitate pedestrian activity within the public realm of the corridor, while also prioritising walkability and pedestrian oriented development. This particular zoning requirement is intended to carry out this vision by restricting residential uses and preserving opportunity for commercial space on the ground floor.

With respect to the requested relief, we note for the committee that the ground floor design is oriented in a manner that maintains the above noted intent, as a large portion of the building façade facing Lakeshore Road West will consist of commercial space, totalling 70% of the overall building frontage. We note further that the ground floor design incorporates spaces related to the ancillary services of the building operator and does not contain ground floor residential units.

As such, staff are of the opinion that the requested variance maintains the intent of the official plan and zoning by-law with respect to ensuring commercial uses fronting Lakeshore Road West, is desirable for the overall function of the ground floor and is minor in nature.

3. *To permit a first storey height of 3.1m (approx. 10.2ft) whereas By-law 0225-2007, as amended, requires a minimum first storey height of 4.5m (approx. 14.8ft) in this instance*

The applicant is proposing to reduce the minimum first storey height to 3.1m (10.2ft) for only portions of the ground floor, mainly the office and washroom spaces. The commercial space that will be situated within the part of the ground floor facing the street is designed to incorporate a 3.75m (12.30ft) floor height.

Mainstreet commercial corridors within the City are expected to contain first storey commercial spaces that can, from a design perspective, contribute to the overall street wall in a positive manner. In this scenario, the proposed design of the building still results in a 3.75m (12.30ft) floor height within the portion of the building facade that is intended to contain a commercial use and fronts the Lakeshore Road West corridor. In addition, this floor to ceiling height is comparable to most of the older commercial spaces that already exist within the Historic Village Precinct.

As such, staff are of the opinion that this technical variance maintains the general intent of the official plan and zoning by-law, is desirable for the design of the building and is minor in nature.

4. *To permit a parking and paved areas setback to a Greenland zone of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 7.5m (approx. 24.6ft) in this instance;*
5. *To permit a rear yard landscaped buffer depth from a lot line abutting a Greenland zone of 0m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer depth of 4.5m (approx. 14.8ft) in this instance;*
6. *To permit a rear yard setback abutting a Greenland zone of 10.9m (approx. 35.8ft) whereas By-law 0225-2007, as amended, requires a minimum of 7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, (exceeding 10.0m) which is 12.0m (approx. 39.37ft) in this instance;*

Staff note for the Committee that the subject property contains a G1 - Greenlands zone that traverses the site, and the location of this zone can be characterized as being at the back of the property. This zone further extends to capture the lands associated with the adjacent Turtle Creek.

Currently, the subject property contains a concrete parking area that will be maintained as part of the subject proposal and the location of the parking area straddles the G1 – Greenlands zone, which results in required relief for deficient setback and landscape buffer. The intent of providing setbacks and appropriate buffering to the G1 – Greenlands zone is to ensure that any proposed development will not have any significant or lasting negative impacts on neighbouring environmental features.

As noted above in the Site Context section of this comment, the Committee previously approved a minor variance for the site that required a 0.00 m setback and landscape buffer to the G1 – Greenlands zone, which was attributed to the maintenance of the existing parking area. The

applicant is continuing to propose the maintenance and incorporation of the parking area into the proposed concept plan.

Planning and Credit Valley Conservation Authority (CVC) staff have held preliminary discussions regarding the proposal, including addressing the adjacent natural feature and associated long term stable slope line. While the parking area will be maintained, new development proposed is slated to be located outside of the long-term stable slope line at a reduced setback that will involve consultation with the CVC. Through the required Site Plan Application process, these details will be confirmed. Staff also advise that any new development on site requires a permit from the CVC.

Where variances are being sought to allow deficient setbacks and buffers to G1 – Greenland zones, the City relies on the CVC's expertise in these matters. In this instance, CVC has indicated the parameters around supporting the continued use and location of the existing parking area, in addition to requiring the formal submission of a geotechnical report to support a reduced setback to the long-term stable slope line through Site Plan Approval, which has the benefit of general discussions between staff and the proponent about the required details through formal preliminary meetings.

For the above reasons, staff are of the opinion that the requested variances meet the intent of the official plan and zoning by-law, is desirable to facilitate the appropriate development of the site and is minor in nature.

7. *To permit a front yard setback of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 0.6m (approx. 2.0ft) in this instance;*

The intent of the Zoning By-law with respect to the required 0.6m (2ft) setback from the property line is to ensure that for the purposes of shoring there is an appropriate buffer between the foundation of a building and the property line. In this instance, the applicant is not proposing any underground structures and the relief requested helps facilitate the proposed design on a site that is constrained. In addition, the vision of mainstreet development in general, and in particular the Historic Village Node, is to encourage buildings close to the street property line to catalyze pedestrian activity and properly frame the right of way through built form. As such, staff believe the requested relief to be minor in nature and have no concerns.

8. *To permit 27 parking spaces consisting of 17 on-site spaces and 10 payment-in-lieu of parking spaces whereas By-law 0225-2007, as amended, requires a total of 41 parking spaces (31 Residential parking spaces & 10 Visitor parking spaces) in this instance;*
9. *To permit all required parking spaces to be proposed as surface parking whereas By-law 0225-2007, as amended, requires parking spaces to be provided in a below grade structure*
10. *To permit 4 EV ready parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 EV ready parking spaces (6 residential EV parking spaces, and 1 visitor EV Parking Space) in this instance;*

Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. The intent of the zoning by-law containing parking regulations is to ensure that each lot is self-sufficient in providing adequate parking accommodation based upon the intended use and to also ensure that there is an

appropriate level of infrastructure, such as EV spaces, to support current vehicle usage practises. However, we note that the Committee of Adjustment typically considers minor variances for reduced parking and EV spaces subject to sufficient justification. Based on this, the applicant has submitted a Parking Justification Study, which was reviewed by municipal parking staff. Parking staff have indicated their support for the requested rate and reduction in EV spaces and provide the following comments:

Per the submitted site plan, dated June 20, 2024, the applicant proposes to provide a total of 17 parking spaces (7 resident parking spaces and 10 shared visitor/non-residential parking spaces) on-site. A Payment-in-Lieu of Parking contribution for 10 additional parking spaces is also proposed.

A Parking Utilization Study (PUS), prepared by Indwell Community Homes, updated June 3, 2024, was submitted in support of the application. The purpose of the PUS is to provide justification to reduce the required Precinct 2 non-profit rental apartment parking rate from 0.6 parking spaces per unit to 0.33 parking spaces per unit, in this instance. No variances to visitor or non-residential parking are proposed. The three required non-residential parking spaces for the 102 m² GFA commercial unit will be accommodated through a shared parking arrangement with the residential visitor parking.

The proposed residential rental apartment building will consist of 51 deeply affordable dwelling units. Residents of the proposed building generally do not own vehicles and are heavily reliant on public transit, cycling, and walking for daily commuting.

Tenant vehicle ownership data for April 2024 was provided by the applicant for comparable proxy sites that are owned and managed by Indwell. These were:

- Lakeshore Lofts, Port Credit
- Rudy Holst Commons, Hamilton
- Caroline Apartments, Hamilton
- Prinzen Flats, Hamilton

The Lakeshore Lofts located in Port Credit has the highest tenant vehicle ownership rate among the proxy sites with a tenant parking ratio of 0.26. The average ratio for the four sites is 0.19. Therefore, the proposed resident parking rate of 0.33 spaces per unit exceeds the parking rates of comparable proxy sites that are owned and managed by Indwell.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed parking reduction to permit a total of 27 parking spaces consisting of 17 on-site spaces and 10 payment-in-lieu of parking spaces whereas By-law 0225-2007, as amended, requires a total of 41 parking spaces (31 Residential parking spaces and 10 Visitor parking spaces) in this instance.

The applicant has proposed pursuing a Payment in Lieu of Parking agreement with the City to deal with the balance of the parking space shortfall.

Planning staff echo Municipal Parking staff's comments and as such, staff have no concerns.

With respect to Variance #9 and the zoning by-law regulation requiring all parking spaces to be underground, we note that the intent of this is to ensure that development sites in the node are designed in a manner that does not have surface parking as a prominent feature of the site. In this case, staff have reviewed the elevations and the associated building mass articulation and are of the opinion that, while the parking spaces offered on site are surfaced parking spaces, they are located towards the rear of the site and the overall design of the building contributes to the mainstreet intention of the Historic Village Precinct. As such, we are of the opinion the variance is appropriate for the development of the site.

11. *To permit a loading space dimension of 3.5m x 6.0m (approx. 11.48ft x 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum loading space of 3.5m x 9.0m (approx. 11.48ft x 29.53ft) in this instance;*

We advise for the Committee that the intent of the zoning by-law with respect to loading space size is to ensure that there is an appropriate area for a vehicle to be parked while being loaded or unloaded. Due to the design of the ground floor, the applicant is seeking a reduction in the length of the loading space. Upon review of the ground floor plan submitted with the minor variance application, the identified loading space is accompanied by an elevated area on the western edge of the space. While this site on the plan offers the room required for the loading space, it cannot provide the regulated length due to the curb separation. In addition, the applicant has confirmed that the expected vehicle types to facilitate patrons moving into the proposed building are suitable to fit and can manoeuvre properly in and out of the parking space. As such, staff are of the opinion that the requested variance is minor in nature, meets the intent of the zoning by-law and official plan and is desirable for the subject site.

12. *To permit a horizontal clearance from the wall of 1.0m (approx. 3.3ft) for vertical bicycle parking racks whereas By-law 0225-2007, as amended, requires a minimum horizontal clearance from the wall of 1.2m (approx. 3.9ft) in this instance.*
13. *To permit a 0.0m bicycle parking aisle; whereas By-law 0225-2007, as amended, requires a minimum bicycle parking aisle of 1.5m (approx. 4.92ft) in this instance; and,*
14. *To permit 28 obstructed indoor bicycle parking spaces (28 obstructed & 14 unobstructed) to permit stacked bicycle parking racks; whereas By-law 0225-2007, as amended, requires a minimum unobstructed bicycle parking space of 0.6m x 1.2m x 1.8m (approx. 1.97ft x 3.94ft x 5.91ft)(31 total required) in this instance.*

With respect to the wall clearance relief of 0.2m (0.6ft) from the requirement of the zoning by-law for vertical bike parking racks, the applicant has indicated that this reflects the specifications provided by their bike parking rack manufacturer. Based on a review of the ground floor plan, staff advise that there remains enough clearance for patrons to accommodate bike retrieval. Given this, staff have no concerns with the variance. Due to this relief, variance #14 is required, as the City's Zoning By-law categorizes the 14 spaces needing clearance relief as obstructed.

With respect to the variance required for a 0.0m (0.0ft) bicycle parking aisle, we advise that the intent of this regulation is to ensure there is sufficient space for patrons to back their bicycle into the short-term parking spaces. We note for the Committee that due to the drive aisle being located adjacent to the short-term spaces, Zoning considers this an infraction on this regulation and thus, requires relief. In this scenario, the bicycle parking spaces have the benefit of using

the drive aisle to facilitate parking movement. According to the applicant and the submitted rationale, it is not expected that this drive aisle will receive high volumes of traffic and as such, we accept the notion that patrons will still be able to utilize the space for bicycle parking as configured. In addition, we understand that the applicant will be working with the Active Transportation group at the City to impose signage to facilitate proper usage of the bicycle parking area. Based on the above, staff are of the opinion that the bicycle parking area still meets the intent of the Zoning By-law with providing an area that is accessible and described and therefore, we have no concerns.

Given the above, staff are satisfied that the application meets the four tests of a minor variance and have no objection to the proposal.

Comments Prepared by: David Ferro, MCIP, RPP, Lead Planner

Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that this Department has had a Lifting of the H application previously, File HOZ-07/002, and have recently comments on a Preliminary Application Meeting (PAM-23/205). All of our comments have been provided through these applications.

However, our Traffic Planning Section has the following comment:

Variance #13 to permit a 0.0m bicycle parking aisle; whereas By-law 0225-2007, as amended, requires a minimum bicycle parking aisle of 1.5m (approx. 4.92ft) in this instance;

We have reviewed the provided justifications and found them acceptable. However, we request that the applicant provide an additional sign to draw cyclists' attention to vehicle traffic.

Variance #14 to permit 28 obstructed indoor bicycle parking spaces (28 obstructed & 14 unobstructed) to permit stacked bicycle parking racks; whereas By-law 0225-2007, as amended, requires a minimum unobstructed bicycle parking space of 0.6m x 1.2m x 1.8m (31 total required) in this instance;

We have reviewed the provided justification and found it acceptable to use the stacked bicycle parking racks for this specific situation, as detailed in the provided justification.

For further information please call our Traffic Section directly at x8363.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Independent Zoning Review application IZR SP 24-1274. Based on review of the information available in this application, we advise that following amendments are required:

1. To permit a maximum height of 4 storeys/13.73m (approx. 45.05ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3 storeys/12.5m (approx. 41.0ft) in this instance;
2. To permit a minimum commercial use of 28.26% of the first storey whereas By-law 0225-2007, as amended, requires a minimum commercial use of 75% of the first storey in this instance;

With respect to Variance #8, the applicant to has yet to delineate parking spaces between Residential and Visitor on the drawings provided within the IZR SP 24-1274. The following additional variance would be required; in this instance;

To provide (**applicant to verify**) Residential parking spaces whereas By-law 0225-2007, as amended, requires a total of 31 Residential parking spaces in this instance;

To provide (**applicant to verify**) visitor parking spaces whereas By-law 0225-2007, as amended, requires a total of 10 visitor parking spaces in this instance;

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

The Parks and Culture Planning Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Birchwood Park (P-137), 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 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...;
- f) controlling activities that may be incompatible with the retention of the Natural Heritage System and other public open spaces.

The proposed minor variance application to allow the construction of a mixed-use building proposing a parking and paved areas setback to a Greenland zone of 0.0m and a rear yard landscaped buffer of depth from a lot line abutting a Greenland zone of 0.0m may result in the negative impact to the Natural Heritage System.

Given the property is subject to site plan control and an active development application, all of Community Services' comments and/or requirements are being addressed through PAM 23 205, which have included the submission requirement of an Environmental Impact Study (EIS).

The applicant has submitted a preliminary scoped EIS, dated June 21, 2024 and prepared by Riverstone Environmental Solutions Inc. in support of the preliminary application PAM 23 205. This is to ensure that the protection and preservation of the adjacent City owned Significant Natural Feature is maintained and enhanced with additional restoration, given a 0.0m setback to the G1 zone that is being requested by the applicant.

The Parks and Culture Planning Section of the Community Services Department wishes to impose the following condition(s):

1. To ensure the protection and preservation of the Significant Natural Feature, the applicant is to provide written confirmation from Parks & Culture Planning to the Committee of Adjustment that the Community Services Department has received and approved the Environmental Impact Study.
2. To ensure the enhancement and restoration of the Significant Natural Feature, the applicant is to provide written confirmation from Parks & Culture Planning to the Committee of Adjustment that the Community Services Department has received and approved a Restoration Plan.

Should the application be approved, Parks & Culture Planning provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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 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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance: A-24-323M / 1639 Lakeshore Road West

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located within the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements 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

Appendix 5- Credit Valley Conservation

Re: City File No. A323.24

CVC File No. A 24/323

1639 Lakeshore Rd W

Part of Lot 28, Concession 2 SDS

City of Mississauga

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 regulated due to the slope and floodplain hazards associated with Turtle Creek. 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 height of 4 storeys/14.5m (approx. 47.57 ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3 storeys/12.5m (approx. 41.0ft) in this instance;
- A minimum commercial use of 25% of the first storey whereas By-law 0225-2007, as amended, requires a minimum commercial use of 75% of the first storey in this instance;
- A first storey height of 3.1m (approx. 10.2ft) whereas By-law 0225-2007, as amended, requires a minimum first storey height of 4.5m (approx. 14.8ft) in this instance;
- A parking and paved areas setback to a Greenland zone of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 7.5m (approx. 24.6ft) in this instance;
- A rear yard landscaped buffer depth from a lot line abutting a Greenland zone of 0m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer depth of 4.5m (approx. 14.8ft) in this instance;
- A rear yard setback abutting a Greenland zone of 10.9m (approx. 35.8ft) whereas By-law 0225-2007, as amended, requires a minimum of 7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, (exceeding 10.0m) which is 12.0m (approx. 39.37ft) in this instance;
- A front yard setback of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 0.6m (approx. 2.0ft) in this instance;
- 27 parking spaces consisting of 17 on-site spaces and 10 payment-in-lieu of parking spaces whereas By-law 0225-2007, as amended, requires a total of 41 parking spaces (31 Residential parking spaces & 10 Visitor parking spaces) in this instance;

- All required parking spaces to be proposed as surface parking whereas By-law 0225-2007, as amended, requires parking spaces to be provided in a below grade structure when residential Floor Space Index is greater than 1.0 in this instance;
- 4 EV ready parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 EV ready parking spaces (6 residential EV parking spaces, and 1 visitor EV Parking Space) in this instance;
- A loading space dimension of 3.5m x 6.0m (approx. 11.48ft x 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum loading space of 3.5m x 9.0m (approx. 11.48ft x 29.53ft) in this instance;
- A horizontal clearance from the wall of 1.0m (approx. 3.3ft) for vertical bicycle parking racks whereas By-law 0225-2007, as amended, requires a minimum horizontal clearance from the wall of 1.2m (approx. 3.9ft) in this instance;
- A 0.0m bicycle parking aisle; whereas By-law 0225-2007, as amended, requires a minimum bicycle parking aisle of 1.5m (approx. 4.92ft) in this instance; and,
- 28 obstructed indoor bicycle parking spaces (28 obstructed & 14 unobstructed) to permit stacked bicycle parking racks; whereas By-law 0225-2007, as amended, requires a minimum unobstructed bicycle parking space of 0.6m x 1.2m x 1.8m (approx. 1.97ft x 3.94ft x 5.91ft) (31 total required) in this instance.

COMMENTS:

CVC staff have been involved in pre-consultation with the applicant and City regarding the proposed development at this site. Through that process we identified the studies and plans that will be required for CVC review during the site plan process. CVC staff identified the above noted hazards and have provided direction that no new development would be supported beyond the long-term stable slope line (LTSSL). Further, justification will be required from a qualified geotechnical engineer regarding the proposed reduced setback to the LTSSL and any construction disturbance proposed at the rear of the property.

Through our discussions, it is our understanding that the proposal includes utilizing a portion of the existing parking area at the rear of the lot. Ideally, the portion of the parking along the top of bank would be removed and naturalized based on CVC's guidelines. However, we acknowledge the site constraints, and have noted that as long as construction disturbance is minimized, it is no larger than the existing parking footprint, and reviewed by the geotechnical engineer for recommendations/requirements related to slope stability, then we could consider this as part of the proposal. CVC staff would not be in support of any increase in parking within the LTSSL or setback, and all new development must be located outside the LTSSL with an appropriate setback as confirmed by a qualified geotechnical engineer.

As per the materials submitted for the Minor Variance application, the proposed reduction in setback to the Greenland zone reflects the existing conditions (i.e., existing parking area) on site, as well as the proposed reduced setback to LTSSL. Due to the site constraints and acknowledging that a portion of the existing parking will be removed and naturalized, CVC staff can support the utilization of existing parking and the reduced setback to LTSSL, assuming

appropriate justification is provided by a qualified professional geotechnical engineer through the site plan process.

We note that this is not CVC's approval of the current plans, and we will continue our review of the plans and reports to address our comments through the Site Plan process. Should changes to the site plan be required to demonstrate compliance with CVC policies, the applicant may need to go through further minor variances for the ultimate design.

A CVC permit will be required prior to any development proposed in the Regulated Area.

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