

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A364.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

### Consolidated Recommendation

The City has no objections to the application, subject to a temporary approval. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

### Application Details

The applicant requests the Committee to approve a minor variance to allow a restaurant proposing:

1. 3 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 33 parking spaces in this instance;
2. 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces in this instance;
3. An aisle width of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance;
4. A restaurant use within 60.00m (approx. 196.85ft) of a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum setback measured to Residential Zone of 60.00m (approx. 196.85ft) in this instance; and
5. A parking stall size of 2.6m x 4.6m (approx. 8.5ft x 15.1ft) whereas By-law 0225-2007, as amended, requires a minimum parking stall size of 2.6m x 5.2m (approx. 8.5ft x 17.1ft) in this instance.

### Amendments

Variance #2 should be amended as follows:

3 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 31 parking spaces in this instance;

## Recommended Conditions and Terms

Staff recommends that the application be approved on a temporary period of three years

## Background

**Property Address:** 80-82 Lakeshore Road East

### Mississauga Official Plan

Character Area: Port Credit Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

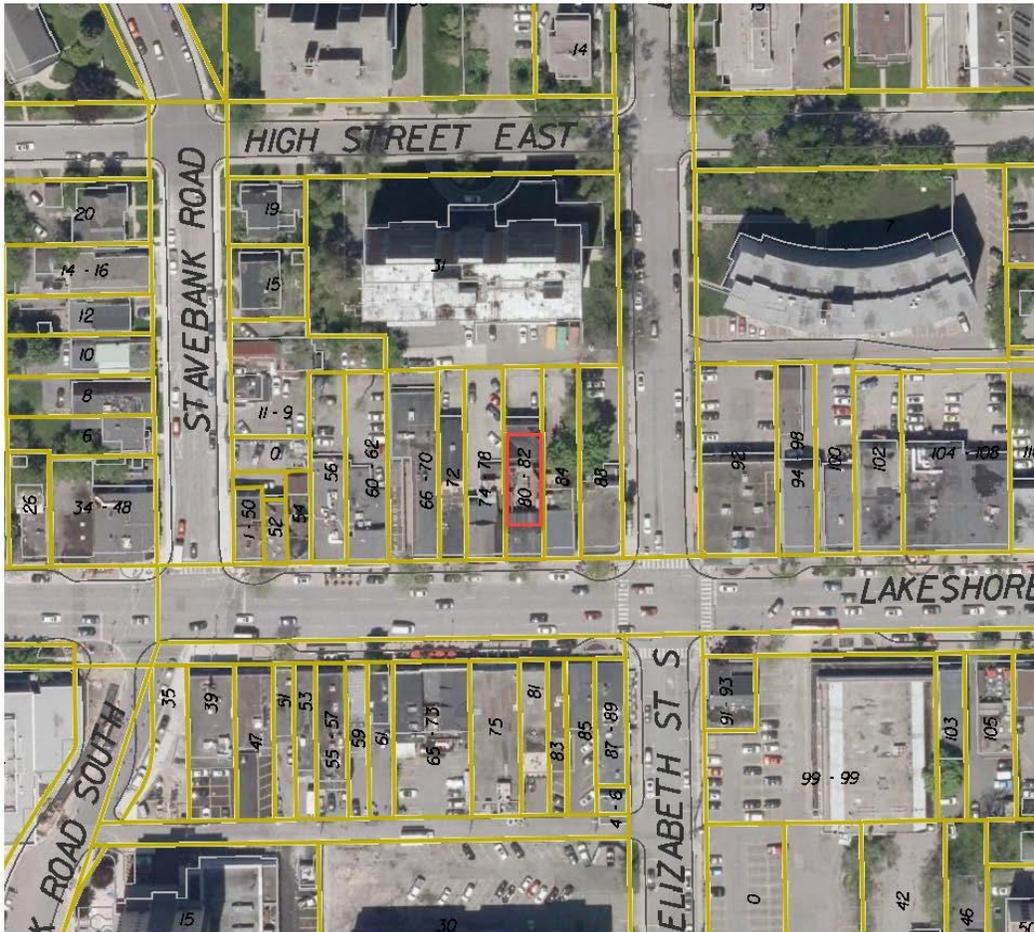
**Zoning:** C4-66 (Commercial)

### Other Applications:

Occupancy Permit: 20-2732

### Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, west of Hurontario Street and Lakeshore Road East. The immediate area consists of commercial uses fronting onto Lakeshore Road East, including a variety of restaurant uses. The property north of the subject site is a high-rise residential apartment building. The subject property contains an existing two storey building with an existing retail store on the ground floor and office above. There is an occupancy permit to change the existing use into a restaurant use. As a result, the application proposes variances for a restaurant use being located within 60 m of a residential zone, parking deficiencies and deficient aisle width.



## 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:

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

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits a restaurant among other uses. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the Mainstreet Neighbourhood precinct. The Port Credit Local Area Plan encourages related commercial uses and closely spaced storefronts lining the street in order to encourage and foster an active pedestrian street. The proposed variances are consistent with these

policies and maintain the existing and planned character of the area. The minor variance application maintains the general intent and purpose of the official plan.

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

The intent in quantifying the required number of parking spaces is to ensure that each unit is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 33 parking spaces are required whereas 3 parking spaces are proposed, including 0 accessible parking spaces whereas 2 are required. The City Planning Strategies Division reviews variances related to the overall parking reduction. Based on review of the application, their comment is as follows.

A parking amendment letter was submitted on January 21, 2021 which indicates that there is currently an existing take-out restaurant in a small portion of the first floor (ice cream parlour) and offices occupying part of the second floor, both of which will remain. Staff note that although the variance request is for 33 spaces, staff have calculated that 31 spaces is the number of spaces required. The applicant is proposing 3 spaces, which represents a 28 space (90%) deficiency. Under normal circumstances, staff would require a full Parking Utilization Study (PUS) for any request over 10% deficiency. However, it has been recognized that the Covid-19 Pandemic has heavily influenced current parking demand, and staff are not requesting a PUS be conducted for this type of use at this time.

Staff also considered the following factors:

- The Hurontario LRT is planned to be completed by 2023 and service the site
- The site is located in the Port Credit Community Node which has a walkable mainstreet character
- Proximity to the Port Credit GO Station
- Proximity to other MiWay Transit routes

Based on the preceding information, staff can support the proposed parking reduction subject to a temporary period of three years, at which time a PUS will be required as per the City's Parking Studies Terms of Reference.

Variances #3 and 5 represent existing conditions on-site which are common characteristics of units within the immediate area. Due to the location of the parking spaces in the rear yard, an increased aisle width cannot be provided as well as a loading space. The subject site currently operates with these deficiencies and does not result in a significant impact to the surrounding area. Furthermore, variance #4 which proposes a restaurant within 60 m of a residential zone does not present any unacceptable adverse impacts to the area as a variety of restaurants are present within the immediate area and have similar setbacks to existing residential zones. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature in this instance.

## Conclusion

The Planning and Building Department has no objections to the application, subject to a temporary approval. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing front of the building and rear parking areas of the site.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application permit under file 20-2732. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variances will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file 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 through the application process in order to receive updated comments.

Comments Prepared by: Marco Palerma, Zoning Examiner

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

We have no comments or objections to the following applications:

Deferred Applications: A-220/20, A-221/20, A-364/20, A-413/20.

Comments Prepared by: Diana Guida, Junior Planner