

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A198.21 Ward: 2
	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variance, as amended, subject to the condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use on the subject property proposing 1 parking space whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces in this instance.

Amendments

Staff recommends the following amendments:

- 1 parking space onsite (and 6 parking spaces off-site) whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces in this instance
- A personal service establishment with 6 required parking spaces to be provided off-site, whereas By-law 0225-2007, as amended, requires all parking to be provided onsite in this instance

Recommended Conditions and Terms

Staff recommends the following condition:

- The application be approved on a temporary period

Background

Property Address: 1739 Lakeshore Road West

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

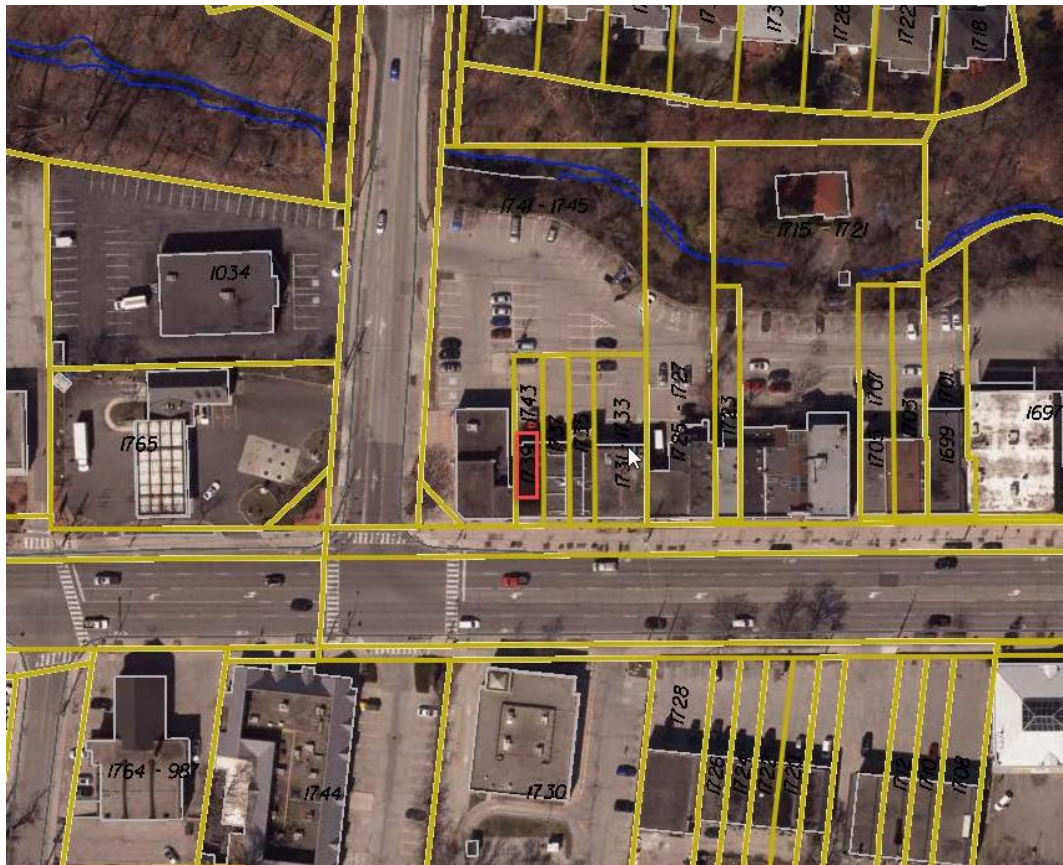
Zoning: C4-64 - Commercial
Other Applications

Certificate of Occupancy: 21-4738

Site and Area Context

The subject property is located within the Clarkson Village Community Node, on the northeast quadrant of Clarkson Road North and Lakeshore Road West. The immediate area consists of a mix of uses such as restaurants, office, retail, and a gas bar. The subject property contains an existing building with three units, two of which are being used for a residential use on the second storey and an office use in the basement unit. A certificate of occupancy permit has been submitted for the purposes of a personal service establishment on the main floor which is currently vacant.

The applicant is proposing a variance related to a parking reduction as a result of the new personal service establishment use that is being proposed.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits restaurants, personal service establishments, and retail, among other uses. The zoning by-law permits similar uses including a personal service establishment. The application proposes 1 parking space whereas a minimum of 7 parking spaces are required to accommodate the personal service establishment. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

As per the parking justification letter submitted by the applicant, the City of Mississauga maintained and operated the parking lot in the rear (known as Municipal Parking Lot #10) under

a lease arrangement with the property owners, however the City of Mississauga terminated its services as of August 2020 and no longer maintains the rear parking lot. The subject property owner has a shared cost and maintenance parking agreement with six neighbouring property owners for shared use of the rear parking lot, at a total of 143 parking spaces. The uses between addresses 1739 to 1673 Lakeshore Road West include multiple personal service establishments, office, real estate office, restaurant and retail.

The subject property is zoned C4-64 and has an existing multi-use building that includes a travel agency office in the basement, an office on the main floor (currently unoccupied) and an existing residential unit on the second floor. The total building GFA is 230 m². The proposed Hyacinth Spa will occupy the main floor. Based on the C4-64 Zoning, the parking requirement is a minimum 3.0 parking spaces per 100 m² gross floor area - non-residential for a retail store, animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m². Therefore, the proposed change in use from office to personal service establishment does not change the parking requirement in this instance. However, future changes in use may trigger increased parking requirements on the subject property or neighbouring properties that share the rear parking lot, which would result in a satisfactory Parking Utilization Study (PUS) being required.

Staff reviewed the submitted cost sharing agreement, however point out that the agreement is in draft form, not formally signed by the six property owners and deemed not satisfactory. In consideration of the submitted draft cost sharing agreement, staff will not require an off-site shared parking agreement at this time. However, the subject property owner and the neighbouring property owners are required to enter into a satisfactory off-site shared parking agreement and future minor variance applications seeking parking reductions will need to provide a copy of an executed off-site shared parking agreement. The template for an Off-Site Parking Agreement is available through the City Planning Strategies Division.

Based on the property line, only 1 parking space is located on-site and the remaining required parking spaces for the proposed use are provided off-site in the rear parking lot. Staff recommend that variance #1 be amended as follows and that an additional variance be added to the application:

- 1 parking space onsite (and 6 parking spaces off-site) whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces in this instance
- A personal service establishment with 6 required parking spaces to be provided off-site, whereas By-law 0225-2007, as amended, requires all parking to be provided onsite in this instance

Given the current pandemic circumstances, staff recommend supporting the amended parking variance on a temporary basis for up to two (2) year.

Based on the proceeding information, staff is of the opinion that the application maintains the four tests within Section 45(1) of the *Planning Act*.

Conclusion

The Planning and Building Department has no objections to the requested variance, as amended, subject to the condition.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information you will find photos of the existing parking area for the subject property.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate application under file 21-4738. Based on review of the information currently available in this application, the variances, as requested are correct.

Please note that comments reflect those provided through the above 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: Richard Thompson, Zoning Examiner

Appendix 5 – Region of Peel Comments

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner