

# City of Mississauga Department Comments

Date Finalized: 2021-10-19	File(s): A431.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended. Should Committee see merit in the Application, Planning staff would recommend the condition identified below be imposed.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a medical office with 2 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 9 parking spaces in this instance.

### Amendments

CPS staff recommends the following:

Amend the variance to read:

- 6 parking spaces with a minimum of 4 parking spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 9 parking spaces for all uses on-site in this instance.

Add the following additional variances:

- To permit up to 2 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, requires all parking spaces to be located on-site in this instance.
- To permit 4 tandem parking spaces whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

### Recommended Conditions and Terms

The applicant shall make satisfactory arrangements for off-site parking with Planning & Building Staff; and if necessary enter into any required agreements (contact Staff in City Planning Strategies Division).

## Background

**Property Address:** 243 Lakeshore Road East

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Mixed Use

### Zoning By-law 0225-2007

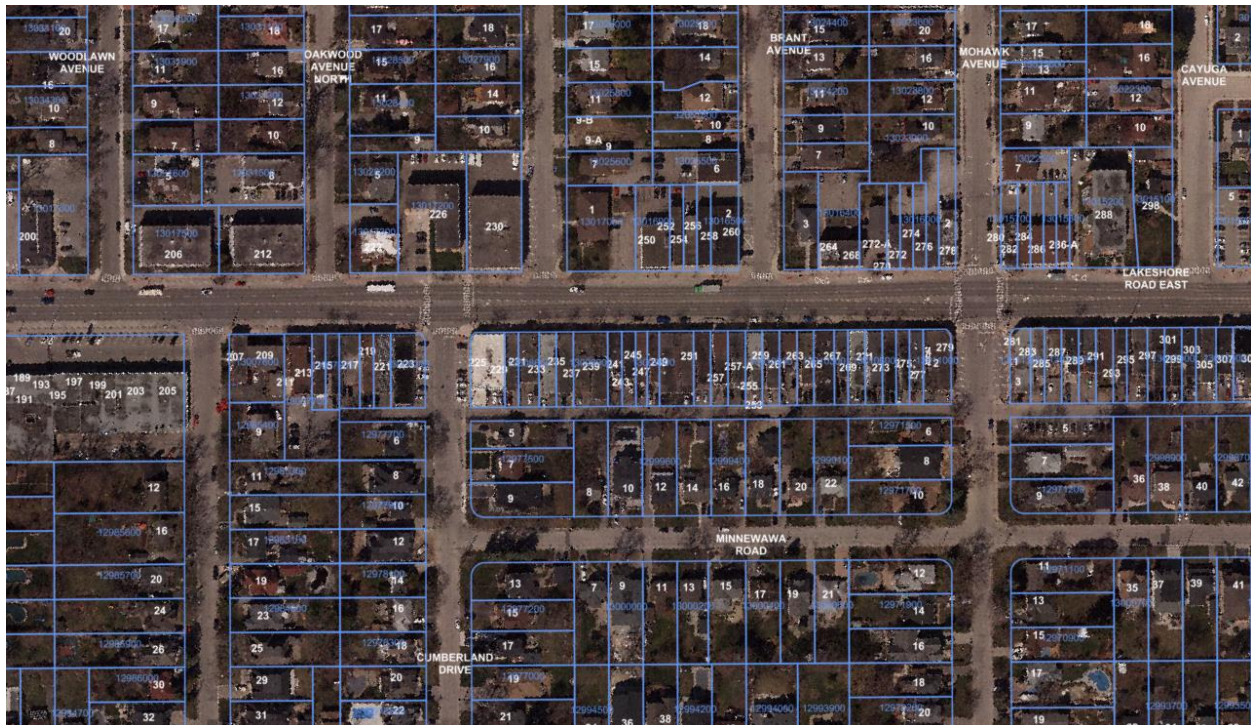
**Zoning:** C4 - Commercial

**Other Applications:** Pre-Application Zoning Review – C21-7383

### Site and Area Context

The subject property is located in the Port Credit Neighbourhood (East) Character Area, southeast of the Hurontario Street and Lakeshore Road East intersection. The immediate area consists of a variety of commercial uses contained in plazas fronting onto Lakeshore Road East. Minimal vegetation exists in the form of urban trees.

The subject property is a commercial plaza containing a variety of commercial uses. The application proposes a medical office requiring a variance for parking.



## 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 C4-Commercial in Schedule 10 of the Mississauga Official Plan (MOP) which permits a Medical Office use.

The applicant is requesting a variance to allow the construction of a medical office with 2 parking spaces being provided where a minimum of 9 parking spaces is required. The City Planning Strategies (CPS) Division has reviewed the application and their comment is as follows.

With respect to Committee of Adjustment application A-431/21, 243 Lakeshore Road East, the applicant is requesting to allow the construction of a medical office proposing 2 parking spaces on-site whereas By-law 0225-2007, as amended, requires a minimum 9 parking spaces on-site in this instance.

The proposal is for a new medical office (97.45m<sup>2</sup>) on the main floor of a mixed-used building. The building also contains two (2) residential units on the second storey. No Parking Utilization Study was submitted with the application.

We note that the existing uses on the subject property require 7 parking spaces:

<b>Current Use</b>	<b>Number of Units/GFA</b>	<b>Required Parking Rate</b>	<b>Required Parking</b>
<i>Residential Units</i>	2	1.25	3
<i>Retail (permit C-12/1885)</i>	97.45m <sup>2</sup>	4.0	4
		<i>Total</i>	7

From a parking perspective, staff can accept the tandem spaces for parking space #3 and #4 as shown on the site plan submitted in support of the application, dated June 10, 2021, and that a total of 4 parking spaces can be accommodated on site. Therefore the site has a current shortfall of 3 parking spaces.

We advise that the City's Payment-in-Lieu (PIL) of parking program applies to the subject property. The PIL Program allows for "grandfathering" existing parking deficiencies of current legal non-conforming uses. Therefore, the existing deficiency of 3 spaces can be "grandfathered" and a variance for these spaces is supported. We advise that PIL is required for the 2 additional parking spaces that are required as a result of the proposed change in use from retail (4 spaces required) to medical office (6 spaces required), as shown below:

<b>Proposed Use</b>	<b>Number of Units/GFA</b>	<b>Required Parking Rate</b>	<b>New Required Parking</b>
<i>Residential Units (existing)</i>	2 (existing)	1.25	3 (existing)
<b>Medical Office</b>	<b>97.45m<sup>2</sup></b>	<b>6.5</b>	<b>6</b>
		<i>Total</i>	9

Since the new required parking is now 9 spaces, and the current 7 space requirement is being "grandfathered" this results in a shortfall of 2 parking spaces. The variance shall be amended to allow the 4 spaces on site plus 2 spaces off site for a total of 6 spaces.

As the PIL program applies to the subject property, the applicant has the following options:

- Apply for a PIL application for consideration for the entire new parking deficiency (for 2 parking spaces, in this instance). Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency;
- Provide a satisfactory Parking Utilization Study (PUS) to justify a reduction in the number of parking spaces for PIL. To address any potential additional variances and PIL application, the applicant may wish to defer the CofA application.

**Considering the options presented above and without the benefit of a PUS, staff recommends the following:**

Amend the variance to read:

- 6 parking spaces with a minimum of 4 parking spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 9 parking spaces for all uses on-site in this instance.

Additional variances:

- To permit up to 2 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, requires all parking spaces to be located on-site in this instance.
- To permit 4 tandem parking spaces whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

**Conditions:**

- The applicant shall make satisfactory arrangements for off-site parking with Planning & Building Staff; and if necessary enter into any required agreements (contact Staff in City Planning Strategies Division)

Note: Off-site parking may be provided through the City of Mississauga Payment-In-Lieu of Parking Program or through a shared off-site parking agreement from a nearby property owner (a template for an Off-Site Parking License Agreement is available through the City Planning Strategies Division)

Please note that above comments are based on the details submitted along with the applications and are subject to change should Zoning identify any additional variances or any changes to the variances with regards to above applications.

Planning Staff echo CPS' comments and are of the opinion that the general intent and purpose of the zoning by-law is maintained. The proposed parking reduction variance is required as a new tenant is proposing a Medical Office. In the absence of a PUS, the applicant will need to apply for a PIL application to address the parking deficiency. The proposed application represents orderly development of the land and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos of the front of the building and the rear parking area of the property.





Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 21-7383. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner