

City of Mississauga Department Comments

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| Date Finalized: 2022-01-05 | File(s): A480.21 Ward 7 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2022-01-13 1:00:00 PM |

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a take-out restaurant proposing 0 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 14 parking spaces in this instance.

Amendments

From a review of this application it appears the following amendment is required:

A total of 0 parking spaces to be provided for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 14 parking spaces for all uses on site in this instance.

Background

Property Address: 25 Dundas Street West

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: BP 3ALT 21-6894, C 21-6920

Site and Area Context

The subject property is located on the north side of Dundas Street West, west of the Hurontario Street intersection. The lot, municipally known as 21 and 25 Dundas Street West, contains a detached single storey commercial building and an attached 2 storey commercial building with a grassed area at the rear. No parking is provided on site and the buildings are located at the front of the property, near the front lot line. The surrounding area context is predominantly commercial, consisting of a mix of freestanding commercial buildings, plazas, and multi-storey office buildings, generally with limited parking lots.

The applicant is proposing a take-out restaurant use requiring a variance for parking.



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

The subject property is located in the Northeast Employment Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits a variety of uses, including restaurant uses. The site is also subject to Special Site 1 policies, however these are high level policies relating to the development and built form of the properties and are not relevant to this application.

The intent of the Zoning By-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the Official Plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. CPS staff have reviewed the variance request and note as follows:

Reviewing the history of this site, there have been several minor variance (MV) applications requesting 0 parking with no justification for the proposed uses. The existing building contains a restaurant use on the ground floor and residential unit/s on the second floor. In 2015 a MV application to permit a restaurant use was refused. In 2019, a MV application for a financial institution was approved for a temporary 1-year period. This approval lapsed on January 31st, 2021. In addition to submitting a Parking Utilization Study (PUS), the Committee recommended to the applicant/agent in 2019 to build a new parking lot at the back of the building instead of paying into PIL as another option available to the applicant. It was expected that the applicant/agent would resolve all of the parking concerns within the 1-year temporary approval period. None of the above options have been provided to staff for review, as a result there is no justification for staff to approve this submission request.

Staff contacted the applicant's agent, 2MK Architects Inc., on December 10, 2021 to inquire about a PUS. The agent advised that "they were not asked to submit one", and "they do not have one completed". The agent went on to ask whether they could be granted another 1-year temporary approval.

On December 13th, 2021, 2MK Architects Inc. submitted a late and unsatisfactory justification letter.

We advise that the City's Payment-In-Lieu (PIL) of parking program applies to the subject property and that the applicant has the following options:

- Apply for a PIL application for consideration for the entire parking deficiency (for 14 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. Given that this option

potentially both requires a variance and PIL application; the applicant may wish to defer the Committee of Adjustment application.

- Staff recommend, should the applicant wish to resubmit an application, to firstly seek guidance and approval from Parking Reviewer staff regarding the Terms of Reference of a satisfactory Parking Utilization Study (PUS).

Given the lack of appropriate justification being submitted, staff recommend deferral of the application as staff are unable to determine at this time if the application meets the four tests of a minor variance.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing Zoning Certificate of Occupancy permit under file C 21-6920. From a review of this application it appears the following amendment is required:

1. A total of 0 parking spaces to be provided for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 14 parking spaces for all uses on site in this instance.

Our comments are based on the plans received by Zoning staff on 2021-09-01 for the above captioned certificate of occupancy application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been reviewed through the certificate of occupancy application 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 certificate of occupancy application process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor