

# City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A480.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 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

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 single storey commercial building and a two 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.



## 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 located in the Downtown Cooksville 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. Municipal Parking 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 spaces 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, MV application 'A'341/15 was refused to permit a restaurant use. In 2019, MV application 'A'384/19 for a financial institution was approved for a temporary 1-year period. This approval lapsed on January 31<sup>st</sup>, 2021. In addition to submitting a Parking Utilization Study (PUS), 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. In 2021, MV application 'A' 480/21 was deferred due to a lack of parking justification. Currently, staff are still unable to support the requested parking variance as a satisfactory parking utilization study was not submitted.

Staff corresponded with the applicant's agent, NexTrans Consulting Engineers, on April 19<sup>th</sup>, 2022 to clarify questions regarding the applicant's submitted Parking Utilization Study (PUS). The consultant was to resubmit a revised copy of the PUS by Thursday, April 21<sup>st</sup>, but staff did not receive the document.

Staff therefore recommend deferral of this application.

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. This option potentially requires either a variance, PIL application, and/or a Shared Parking Agreement:
  - Should the applicant wish to resubmit a revised satisfactory PUS, Staff require raw data and results of the patron survey to be presented in a spreadsheet format in an appendix. The spreadsheet should contain information by each time interval and address/location of off-site parking.

- Additionally, from the data collected in surveying 25 Dundas St W., a car occupancy rate should be determined and submitted for Staff's review.
- Considering that surveying 25 Dundas St W. accounted for customers parking at 3018 Hurontario Street, Staff recommend the applicant consult with T&W staff to determine the appropriate parking survey methodology in accordance to the City's [Parking Terms of Reference](#) for 3018 Hurontario Street. Should the survey show a surplus in parking spaces at this plaza, a Shared Parking Agreement will be required.

Planning staff are in agreement with the comments from Municipal Parking staff and recommend that the application be deferred in order to allow the applicant to submit the requested information.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are recent photos depicting the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 21-6920. Based on review of the information currently available in this permit application, we advise that the variance should be amended as follows:

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.

The applicant is advised that any future occupancy of vacant spaces or any changes of use on site may increase the parking requirement of this property. This will require a new minor variance application to accommodate the increased parking requirement.

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: Brian Bonner, Supervisor