

# City of Mississauga Department Comments

Date Finalized: 2022-07-13	File(s): A198.22
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2022-07-14 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant in Unit 42 on the subject property with a total of 152 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 158 parking spaces in this instance.

## Background

**Property Address:** Unit 42 - 480 & 488 Eglinton Ave W

### Mississauga Official Plan

Character Area: Hurontario Neighbourhood  
Designation: Convenience Commercial

### Zoning By-law 0225-2007

**Zoning:** C1-18 - Commercial

**Other Applications:** BP 3ALT 22-39, C 21-9536

### Site and Area Context

The subject property is located on the south-east corner of the Eglinton Avenue West and Confederation Parkway intersection. The commercial plaza currently contains two single storey commercial buildings with an associated parking lot. There is limited vegetation on the subject property, predominantly located adjacent to the property lines. The surrounding area context is

nearly exclusively residential, with the notable exceptions of a gas station on the opposite corner and another plaza at the Eglinton Avenue West and Heritage Hills Boulevard intersection to the east.

The applicant is proposing a take-out restaurant in unit 42 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 Hurontario Neighbourhood Character Area and is designated Convenience Commercial in Schedule 10 of the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a variety of commercial uses, including the proposed take-out restaurant.

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:

The requested parking reduction is to allow a take-out restaurant in Unit 42 on the subject property. The subject property is an existing retail plaza that includes medical, financial, retail, personal service, and take-out/restaurant tenants.

Per the existing Zoning By-law, for all uses within the retail plaza to be calculated at a rate of 5.4 parking spaces per 100m<sup>2</sup> GFA, non-retail uses cannot exceed 50% of the total GFA, which is 1385m<sup>2</sup> of a total GFA of 2770m<sup>2</sup>. The change in use for the subject unit will increase the non-retail uses to 1414m<sup>2</sup>. Therefore, non-retail uses are calculated at individual rates (e.g. 6 spaces/100m<sup>2</sup> for take-out restaurants, 6.5 spaces/100m<sup>2</sup> for medical office). As such, 158 parking spaces are required whereas only 152 parking spaces are available. This represents a deficiency of 6 parking spaces or 4%.

The Applicant submitted a Parking Appraisal Letter dated April 27, 2022, and completed by GHD. Based on the historic parking surveys conducted at three proxy sites in 2018, the proposed parking supply of 152 parking spaces (5.49 spaces per 100 m<sup>2</sup> of GFA) is expected to exceed the expected 95th percentile peak parking demand for the site of 4.34 spaces per 100 m<sup>2</sup> of GFA using a blended parking demand rate based on proxy data collected for retail and non-retail uses. With the anticipated amount of surplus parking on the site, the existing parking supply of 152 spaces will adequately serve the existing and anticipated future needs of the subject site and anticipated future tenants.

Notwithstanding the above, per the new parking regulations expected to be in effect July 7, 2022, the subject site is located within Precinct 4. As a result of reduced parking rates for the non-retail uses on the site (i.e. restaurant reduced from 6.0 parking spaces per 100m<sup>2</sup> GFA to 5.0 parking spaces per 100m<sup>2</sup> GFA), the subject site will now have a surplus of parking. Per the Parking Allocation Report generated by Zoning Staff, 147 parking spaces will be required under the new parking rates whereas 152 parking spaces are provided.

Planning staff are in agreement with the comments provided by Municipal Parking staff and are satisfied that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 198/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 3ALT 22-39. 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