

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): A498.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-11-10 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of three new units proposing:

1. No additional parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 4 additional parking spaces in this instance;
2. No additional visitor parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 additional visitor parking space in this instance;
3. An amenity space area of 0 sq.m per apartment whereas By-law 0225-2007, as amended, requires a minimum of 16.8 sq.m (approx. 180.83sq.ft) of amenity space per apartment in this instance;
4. An amenity space area of 0 sq.m contiguous whereas By-law 0225-2007, as amended, requires a minimum of 8.4 sq.m (approx. 90.41sq.ft) contiguous in this instance; and,
5. An exterior amenity space area of 0 sq.m whereas By-law 0225-2007, as amended, requires an exterior amenity space area of 55.0 sq.m (approx. 592.01sq.ft) in this instance.

Background

Property Address: 55 Park Street East

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-36

Other Applications: PREAPP 22-1618, PAM 21-459, PREAPP 19-7639

Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, northwest of the Hurontario Street and Lakeshore Road East intersection and south of the Port Credit Go station. The immediate area is primarily residential, consisting of residential apartments and detached dwellings. Retail commercial plazas are located south of the subject property with frontage on Lakeshore Road East. The subject property contains an existing fourteen-storey apartment building.

The applicant is proposing to construct three new units in the existing apartment building requiring variances related to parking and amenity areas.



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 located within the Port Credit Community Node Neighbourhood Character Area, and is designated Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP).

The applicant is seeking approval of a minor variance to permit interior alterations to an existing building for three additional residential units.

Variances #1 and 2 are for parking reductions. 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/or alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 498/22, 55 Park Street East, the Applicant is requesting the Committee to approve a minor variance to allow the construction of three new apartment units proposing:

- No additional parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 4 additional parking spaces in this instance;
- No additional visitor parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 additional visitor parking space in this instance.

Per comments noted by Zoning staff, the variances should be amended as follows:

1. No additional resident parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 2 additional resident parking spaces in this instance; and
2. No additional visitor parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 additional visitor parking space which is to be a Type A accessible space in this instance.

Municipal Parking staff advise that By-law 0117-2022 (BL.09.PAR) for the zoning requirements for parking rates presented in the Parking Regulations Study (the "New Rates"), was approved by Council on June 8, 2022, and is in effect.

Municipal Parking Staff advise that Zoning By-law 0225-2007, as amended, requires the following Precinct 1 parking rates:

- Rental Apartment: 0.8 resident parking spaces per unit;
- Visitor parking: 0.2 spaces per unit.

The proposed 3 additional rental apartment units will result in a total of 97 rental apartment units on the subject site. There are 116 existing parking spaces available on site (107 tenant parking spaces and 9 visitor parking spaces). Per the zoning by-law and the proposed unit count, a minimum of 97 parking spaces are required on site (78 tenant parking spaces and 19 visitor parking spaces)

Staff advise that although there is an overall surplus of parking provided per the existing zoning by-law rate, the surplus is all resident parking. Visitor parking is deficient by 10 parking spaces, or 53%.

No re-allocation of the existing surplus resident parking spaces to visitor parking spaces is currently proposed, and no data regarding the current utilization of the existing resident and visitor parking has been provided. Depending on the utilization of the parking spaces, an opportunity may exist to satisfy the zoning by-law requirements.

Staff require that the proposed minor variances be confirmed by Zoning staff. Further, Staff require justification data to provide a recommendation.

As the proposed visitor parking deficiency is greater than 10%, per the Parking Terms of Reference a Parking Utilization Study is required. The applicant should refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission. The Applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Given the above, Staff require the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff echo Municipal Parking staff's request for a satisfactory Parking Utilization Study (PUS), and recommend deferral of the application. The remaining variances are of no immediate concern to Planning staff.

Comments Prepared by: Connor DiPietro, 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' 498/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-1618. Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

1. No additional resident parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 2 additional resident parking spaces in this instance;
2. No additional visitor parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 additional visitor parking space which is to be a Type A accessible space in this instance;
3. No additional amenity area whereas By-law 0225-2007, as amended, requires a minimum amenity area of 16.8 sq.m (approx. 180.83sq.ft) total for the proposed dwelling units in this instance;
4. No amenity area provided in one contiguous area whereas By-law 0225-2007, as amended, requires a minimum of 50% of the total required amenity area or 8.4 sq.m (approx. 90.41sq.ft) to be provided in one contiguous area in this instance; and,
5. An amenity area of 0 sq.m provided outside at grade whereas By-law 0225-2007, as amended, requires a minimum amenity area of 55.0 sq.m (approx. 592.01sq.ft) to be provided outside at grade in this instance.

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 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 55 Park St E to facilitate the construction of three new units within an existing building. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 55 Park St E are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner