

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): A518.22
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 interior alterations to the existing building proposing:

1. An accessible parking space rate of 0 Type A accessible parking spaces for the daycare whereas By-law 0225-2007, as amended, requires a minimum of 1 Type A accessible parking space for the daycare in this instance;
2. An existing resident parking space rate of 251 spaces, whereas By-law 0225-2007, as amended, requires a minimum of 270 resident parking spaces in this instance;
3. A total of 8 visitor parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 23 visitor parking spaces in this instance;
4. An amenity space area of 479 sq.m (approx. 5155.91sq.ft), whereas By-law 0225-2007, as amended, requires a minimum amenity space area of 1209.6 sq.m (approx. 13020.03sq.ft) in this instance;
5. A contiguous amenity space area of 215 sq.m (approx. 2314.24sq.ft) whereas By-law 0225-2007, as amended, requires a minimum contiguous amenity space area of 604.8 sq.m (approx. 6510.01ft) in this instance;
6. A landscape buffer with an existing obstruction whereas By-law 0225-2007, as amended, requires a landscape buffer not to have an obstruction in this instance; and,
7. A daycare parking space rate of 13 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 daycare parking spaces in this instance.

Background

Property Address: 1110 Caven Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-24

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Cawthra Road and Lakeshore Road East intersection. The immediate area consists of a mix of detached, semi-detached and townhouse dwellings, as well as two residential apartment buildings. General 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 interior alterations to the existing structure requiring variances related to parking, amenity areas and landscape buffers.



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 Lakeview Neighbourhood Character Area, and is designated Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP).

The applicant requests the Committee to approve a minor variance to allow interior alterations to an existing building for two additional residential units.

Variances #2, 3 and 7 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 alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

Municipal Parking staff recommend that variances 2, 3 and 7 be amended. New parking rates are now in effect that were presented in the Parking Regulations Study (the “New Rates”), approved by City Council on June 8, 2022.

Municipal Parking Staff advise that the following 3 parking rates apply to the subject property:

- Rental Apartment: 0.9 resident parking spaces per unit;
- Visitor parking 0.2 spaces per unit;
- Day Care: 2.5 parking spaces per 100 m² (1076.39 ft²) Gross Floor Area (GFA) non-residential.

The additional 2 rental apartment units will result in a total of 216 rental apartment units on the subject property. The existing day care has a GFA of 617.8 m² (6596.12ft²). There are 273 existing parking spaces on site:

- 251 resident parking spaces;
- 8 visitor parking spaces + 1 barrier free parking space; and
- 13 day care parking spaces.

Per the existing zoning by-law and the proposed unit count, a minimum of 253 parking spaces are required on site:

- 194 resident parking spaces;
- 43 visitor parking spaces; and
- 15 day care parking spaces.

Staff advise that although there is an overall surplus of parking provided on the subject property, the surplus is for resident parking. Visitor parking is deficient by 34 parking spaces, or 79%, and day care parking is deficient by 2 parking spaces, or 13%.

No re-allocation of the existing surplus resident parking spaces to visitor and day care parking spaces is currently proposed, and no data regarding the current utilization of the existing resident, visitor and day care 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 reviewed with zoning staff for accuracy. Further, Staff require justification data to provide a recommendation.

As the visitor and day care 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 Municipal Parking 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' 518/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1110 Caven St to allow reduced parking spaces, two outdoor amenity spaces, as well as a landscape buffer with an existing obstruction. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1110 Caven Street 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.

- Please note as part of Metrolinx's GO Expansion program, a 3.5m setback from the rail corridor has been established where tall-growing vegetation (such as trees) can not be permitted. Some low-lying vegetation, such as shrubs or ornamental grasses, may be appropriate, subject to Metrolinx review.

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