

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A570.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 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 5 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance.

Background

Property Address: 55 Woodlawn Ave

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-58

Other Applications: Zoning Certificate of Occupancy Permit under file C 22-3225.

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, east of the Hurontario Street and Queen Street East intersection. The immediate area contains a mix of industrial, commercial and automotive uses fronting on Queen Street East, with residential uses being located south of Queen Street East. The subject property contains a one-

storey building with multiple tenants. The applicant is proposing to change the use of the property from a recreational establishment and offices to medical offices and a retail store uses (more information below).

The applicant requires a variance to permit reduced parking on the subject property.



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 Neighbourhood (East) Character Area, and is designated Business Employment on Schedule 10 of the Mississauga Official Plan (MOP).

The application is proposing 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' 570/22, located at address 55 Woodlawn Avenue, the applicant is requesting a parking reduction for medical uses operated by multiple users on the subject property. The following minor variance is being requested:

- 5 parking spaces whereas By-law 0225-2007, as amended, requires 25 parking spaces in this instance.

Based on the submitted site plan drawings, dated July 4th, 2022, interior alterations and a change of use are being proposed from a recreational establishment (yoga studio) and offices; to become medical offices (including dental office) and a retail store (pharmacy). The reduction that is being requested by the applicant results in an 80% parking space deficiency; or a total reduction of 20 parking spaces. No parking justification was submitted by the applicant.

Municipal Parking staff have been in communication with the applicant and their agent(s) since September 26th, 2022. On October 12th, staff provided guidelines and advised the applicant regarding the information and justification required to support the requested parking minor variance. The applicant was advised that with a parking deficiency over the 10% threshold, at approximately 80%, a Parking Utilization Study (PUS) is required.

For staff review and consideration, the applicant previously submitted Parking Utilization Studies (PUS) from previous Committee of Adjustment minor variance applications. The two PUS' that were submitted were not comparable to the site in question for the following reasons: (1) the uses were different (i.e. restaurant surveyed data was provided instead of the proposed medical uses), and, (2) the surveys had not encompassed data for all of the uses as proposed with this application (i.e. excluded surveying data on pharmacy and dentistry uses). The surveys had also been conducted pre-pandemic. Since the pandemic, transportation demands have changed; recent information and data is required in order to accurately determine whether a proposed minor variance meets the four tests.

The applicant is aware that public parking, owned by the City, is located adjacent to 55 Woodlawn Avenue. Staff note that the easterly layby can accommodate approximately 51 vehicles, and the westerly layby can accommodate approximately 13 vehicles. City staff went to the site on November 7th and observed 38 vehicles parked between 12:30 p.m. – 1 p.m. This equates to approximately a 68% utilization. Without the applicant completing their requirement to survey over two consecutive weeks, staff are unable to validate that the laybys in question will in fact be sufficient throughout each weekday/weekend on which the building will be in use.

The applicant has informed staff that most appointments conducted onsite will be virtual and/or on the phone. From staff's understanding, a dentistry space as well as a pharmacy cannot operate virtually and/or over the phone, and as such, the majority of patients across all three uses would likely be attending the site.

The applicant has provided thoughts on utilizing the City-owned public parking lot without providing staff with a satisfactory PUS as well as potentially a payment-in-lieu (PIL) application.

Staff would like to note several concerns with the applicant's thoughts on utilizing the City-owned public parking lot without providing staff with a satisfactory PUS as well as potentially a payment-in-lieu (PIL) application:

- Public parking in Port Credit is limited
 - Public parking provides parking for surrounding businesses.
 - As such, maintaining a level of parking availability is crucial for the success of all businesses within proximity.
- The public parking area referenced by the applicant is highly utilized and cannot be relied upon to provide consistently available parking.
 - The Council approved Mississauga Parking Strategy – Phase II: Port Credit and Lakeview, which provides direction on the public parking regulations and operations in Port Credit has recommended that parking areas, such as the one in question, become paid parking.
- The City has in the past issued special event parking permits (i.e. Ribfest) in which case the entire public parking area was reserved for the event.
 - Given the location of the parking and event activity in the area, the City anticipates more frequent permit requests for use of this parking layby in the future.
- The City utilizes this area of public parking to accommodate parking requested through the City's Commercial Parking Permit Program, which is used to provide parking when condominiums and apartment buildings in Port Credit are required to perform maintenance or renovations of their parking garages.
- Lastly, the neighbouring Port Credit GO Station is undergoing a large reduction in parking spaces. Through the redevelopment of the Station, there are plans for only 20 parking spaces to remain. As such, the City anticipates the demand for use of these parking laybys, may be exacerbated.

Given the complexity of the neighbourhood and its lack of parking availability in its current state, it is important for appropriate measures to be taken in order to mitigate any undersupply of spaces, which may compromise access and circulation, and create overspill problems for adjacent uses.

As such, Staff recommend the application be deferred, pending the submission of a satisfactory Parking Utilization Study (PUS). Staff require satisfactory and adequate parking justification and advise the applicant again to provide a satisfactory Parking Utilization Study (PUS) to justify the large reduction in the number of parking spaces proposed. The applicant and/or agent should confirm the survey methodology and parameters with staff prior to conducting parking surveys. Details can also be found in the City's Parking Terms of Reference.

Please note that above comments are based on the details submitted along with the applications and are subject to change should Zoning identify any additional variances or any changes to the variances with regards to the above application. Please be advised, comments are no longer valid should there be any changes to the minor variance application and/or the requested proposal.

Planning staff echo Municipal Parking staff's request for a satisfactory Parking Utilization Study (PUS), and recommend deferral of the application.

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Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos of the existing parking area.









Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 22-3225. Based on review of the information currently available in this permit application, the variances, as requested are incorrect.

Through discussion with the applicant staff highlighted that the “Medical Office” required an additional variance as the proposed accessible space that did not meet the ‘Type A’ Accessible Space size requirements. Therefore, the “Medical Office” proposed 0 accessible spaces, whereas Zoning By-law No. 0225-2007 requires one ‘Type A’ accessible space in this instance. The applicant has now provided the required accessible space however, in order to meet the dimension requirements the proposed number of parking spaces has been further reduced from 6 spaces to 5 spaces. The variance must be updated as follows:

- The applicant requests the Committee to approve a minor variance to allow 5 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance applications for 55 Woodlawn Ave to allow reduced parking of 5 parking spaces where the by-law 0225-2007 requires minimum of 25 parking spaces and to facilitate interior alterations for the change of use from commercial office to medical office use. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters, adjacent to Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- While not required, given the proximity of the rail corridor to the proposed office use, Metrolinx recommends that the Proponent obtain a Noise and Vibration Impact Study, prepared by a qualified consultant. The proponent shall submit the study for review and satisfaction of Metrolinx. The proponent may obtain Metrolinx's most up to date rail forecast by submitting a request to raildatarequests@metrolinx.com.
- The Proponent shall provide confirmation to Metrolinx, that following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway 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 dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

- The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact Leah.ChishimbaSimwanza@Metrolinx.com with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of site plan approval. (It should be noted that the registration process can take up to 6 weeks).

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