

# City of Mississauga Department Comments

|   |                                       |
|---|---------------------------------------|
| Date Finalized: 2024-04-24                | File(s): A187.24<br>Ward: 1           |
| To: Committee of Adjustment               |                                       |
| From: Committee of Adjustment Coordinator | Meeting date:2024-05-02<br>1:00:00 PM |

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow parking on the property proposing:

1. 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 6 accessible parking spaces in this instance;
2. 6 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 32 parking spaces in this instance; and,
3. To permit a patio whereas By-law 0225-2007, as amended, does not permit a patio in this instance.

## Amendments

The Building Department is processing Certificate of Occupancy C 23-8934. Based on review of the information available in this application, we advise that following amendment(s) are required:

Delete Variance 3. To permit a patio whereas By-law 0225-2007, as amended, does not permit a patio in this instance.

## Background

**Property Address:** 65-71 Lakeshore Road East

**Mississauga Official Plan**

Character Area: **Port Credit Community Node**

Designation: **Mixed Use**

### Zoning By-law 0225-2007

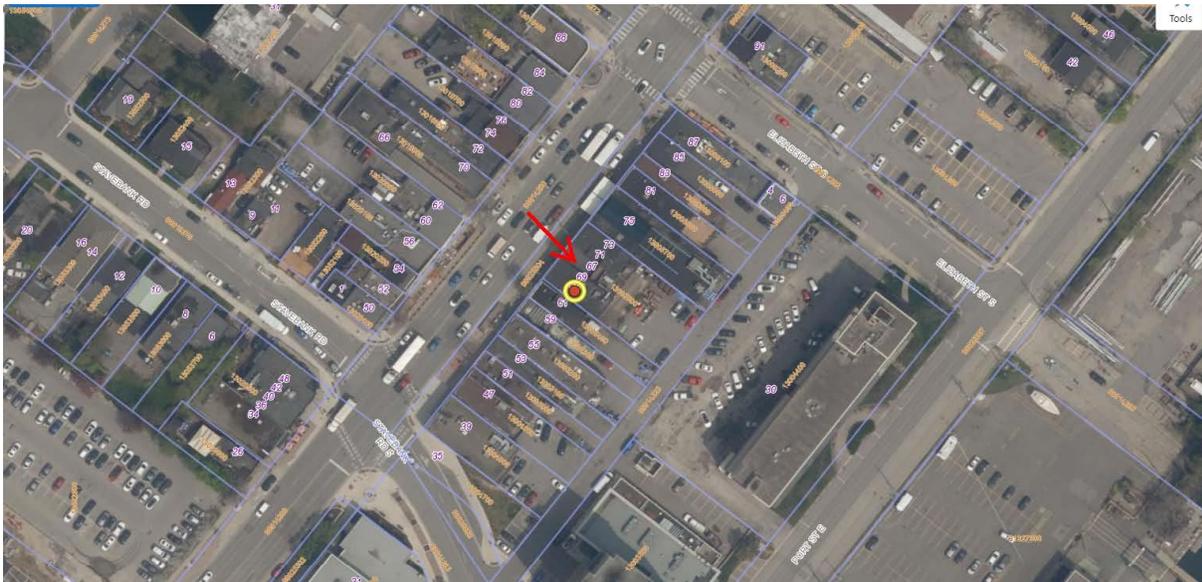
Zoning: **C4-66- Commercial**

### Other Applications:

### Site and Area Context

The subject property is located within the Port Credit Community Node, west of the Hurontario Street and Lakeshore Road East intersection. The subject site contains two commercial buildings with commercial uses. Minimal vegetation in the form of street trees align Lakeshore Road East. The broader area consists of a mix of commercial and both high, and low-density residential uses with minimal vegetation throughout the properties.

The application proposes variances for reduced parking and to permit an outdoor patio.



## 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 designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits many uses, including commercial uses.

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:

With respect to Committee of Adjustment application 'A' 187.24, 65-71 Lakeshore Road East, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

6 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 32 parking spaces in this instance.

Per the materials provided by the applicant, the subject property currently operates as a Restaurant. The requested variance is triggered by the applicant's request to add a permanent outdoor patio area in the rear parking lot, which causes the removal of some of the existing parking spaces. The restaurant has a non-residential Gross Floor Area (GFA) of 602.21 square meters. The subject site is located within C4-66 Zoning Area, Parking Precinct 1.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Restaurant uses with a non-residential GFA over 220 square meters located in Parking Precinct 1 require a minimum of 6 parking spaces per 100 square meters of non-residential GFA. Therefore, with a proposed GFA of 602.21 square meters, a minimum of 36 parking spaces shall be required. Zoning staff advised that the subject property had previously made a payment-in-lieu contribution for 4 parking spaces, consequently the total required number of parking spaces is 32 in this instance. The applicant proposes 6 parking spaces on site. As such, 32 parking spaces are required whereas 6 parking spaces can be accommodated, which generates a parking deficiency of 26 spaces or 81.25%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The applicant submitted a Parking Utilization Study dated April 2, 2024, prepared by Harper Dell & Associates. A six-day survey at the subject site was undertaken in February 2024. The study used a qualitative methodology, focusing on surveying the party size, modes of transportation, and parking locations utilized by on-site customers. The findings from the study reveal that, of the 147 parties that patronized the business during the survey period, approximately 52% opted

to utilize either on-street parking or nearby public and private parking facilities. The remainder of the clientele either walked to the site or employed alternative transportation methods, including taxis and public transit. Upon a detailed examination of the off-site parking facilities' locations, it was determined that these sites are situated within a reasonable walking distance from the subject site. Furthermore, the study results reveal that the parking demand generated by the business did not appear to significantly impact the occupancy levels of existing nearby parking infrastructures. Given the availability of existing parking spaces and public transit in the area, staff find that the results of the PUS are supportive of the requested parking reduction and therefore have no further concerns regarding the requested variance.

Zoning staff have advised that the requested variance is correct.

Given the above, Municipal Parking staff can support 6 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 32 parking spaces in this instance.

Planning staff echo Municipal Parking staff's comments and are supportive of variances #1 and 2. According to Zoning staff variance #3 is no longer required. However, staff note to the applicant that all permanent patios are subject to site plan control and require a site plan application.

Comments Prepared by: Connor DiPietro, Committee of Adjustment

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are photos of the front and rear of the property. We have no drainage concerns with the proposed patio.

Comments Prepared by: John Salvino, Development Engineering Technologist





## Appendix 2 – Zoning Comments

The Building Department is processing Certificate of Occupancy C 23-8934. Based on review of the information available in this application, we advise that following amendment(s) are required:

Delete Variance 3. To permit a patio whereas By-law 0225-2007, as amended, does not permit a patio in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Minan Song, Zoning Examiner

## Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner