

City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A313.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 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 meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow 5 parking spaces whereas By-law 0225-2007, as amended, requires 10 parking spaces in this instance.

Background

Property Address: 723 Lakeshore Rd E

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: None

Site and Area Context

The subject property is located in the Port Credit Neighbourhood (East) Character Area, east of the Cawthra Road and Lakeshore Road East intersection. The immediate area

consists of a variety of commercial uses fronting onto Lakeshore Road East. There are residential uses in the vicinity. Minimal vegetation exists in the form of urban street trees.

The application is proposing addition of residential units on the third storey requesting variances for reduced parking spaces.



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 in the Lakeview Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed-Use designation permits a variety of uses, including restaurant uses. 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 provide the following comments:

Per the materials provided by the applicant, the subject site currently consists of a two-storey building, the first floor is occupied by a Restaurant with a non-residential Gross Floor Area (GFA) of 106.1 square meters. The second floor currently contains three

residential units. The applicant proposes to add a third floor to the existing building to accommodate three additional residential units, resulting in a total of six units. The subject site is located within C4 Zoning Area, Parking Precinct 3.

Per Section 3.1.2.3 of Mississauga Zoning By-law, off-street parking spaces for non-residential uses in C4 zones shall be provided in accordance with Precinct 1 requirements. Restaurant uses with non-residential GFAs under 220 square meters located in Parking Precinct 1 require a minimum of 3 parking spaces per 100 square meters of non-residential GFA; dwelling units located above a commercial development with a maximum height of three storeys require a minimum of 1 space per unit. Therefore, with a Restaurant GFA of 106.1 square meters and six residential units, a minimum of 9 parking spaces shall be required. The applicant proposes 5 spaces for the subject site. As such, 9 parking spaces are required whereas 5 parking spaces can be accommodated, which generates a parking deficiency of 4 spaces or 44%.

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

The applicant did not provide a PUS as justification for the proposed parking deficiency. The applicant should refer to the City's [Parking Study 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.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed in the absence of a zoning review.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Notwithstanding the above, Planning staff note that *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185) brought forward by the Province of Ontario proposes to eliminate parking minimums within Protected Major Transit Station Areas (PMTSA) and other areas where minimum densities are required. The Bill received royal assent from the Province of Ontario on June 6, 2024, however, the City has not amended the general Zoning By-law parking regulations to accommodate this change as of yet.

While a variance for parking has been identified by the applicant, since the subject property is within a PMTSA as part of the incoming Lakeshore BRT, Planning staff are of the opinion that the variance is minor and appropriate in this instance.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the building front and rear parking areas. We have no concerns with the proposal.

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 Permit, 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: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

"[Enter Community Services staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)

Appendix 4 – Region of Peel

Minor Variance: A-24-313M / 723 Lakeshore Road East

Development Engineering: Wendy Jawdek (905) 791-7800 x6019

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>. For location of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located in the regulated and floodplain area of the Credit Valley Conservation Authority (CVC). The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent the regulated area in Peel. We, therefore, request

that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- CVC

The subject property located at 723 Lakeshore Road East in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

If you have any further questions, please do not hesitate to contact the undersigned.

Comments Prepared by: Stuti Bhatt, Junior Planner