

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-28	File(s): A338/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-05

Consolidated Recommendation

The City has no objections to the requested variances, as amended, subject to the condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant proposing:

1. A take-out restaurant being located within 60m (approx. 196.85ft) of a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.85ft) from a take-out restaurant to a Residential Zone in this instance;
2. 2 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces in this instance; and
3. An aisle width of 6.09m (approx. 20.00ft) whereas By-law 0225-2207, as amended, requires a minimum aisle width of 7.00m (approx. 22.96ft) in this instance.

Amendments

Staff recommends that variance #2 be amended as follows:

6 parking spaces with a minimum of 4 parking spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses on-site in this instance.

Staff recommends that variance #3 be amended and combined with an additional variance as follows:

To permit two tandem spaces with an on-site aisle width of 4.2m, whereas by-law 0225-07 as amended, requires a minimum of 7.0m aisle width and does not permit tandem spaces for this use.

A variance to allow for off-site parking should also be added to the application as follows:

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To permit up to 2 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, required all parking spaces to be located on-site in this instance.

Recommended Conditions and Terms

The applicant shall make satisfactory arrangements for off-site parking with Planning & Building Staff; and if necessary enter into any required agreements (contact Staff in City Planning Strategies Division)

Note: Off-site parking may be provided through the City of Mississauga Payment-In-Lieu of Parking Program or through a shared off-site parking agreement from a nearby property owner (a template for an Off-Site Parking License Agreement is available through the City Planning Strategies Division)

Background

Property Address: 329 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Mixed Use

Zoning By-law 0225-2007

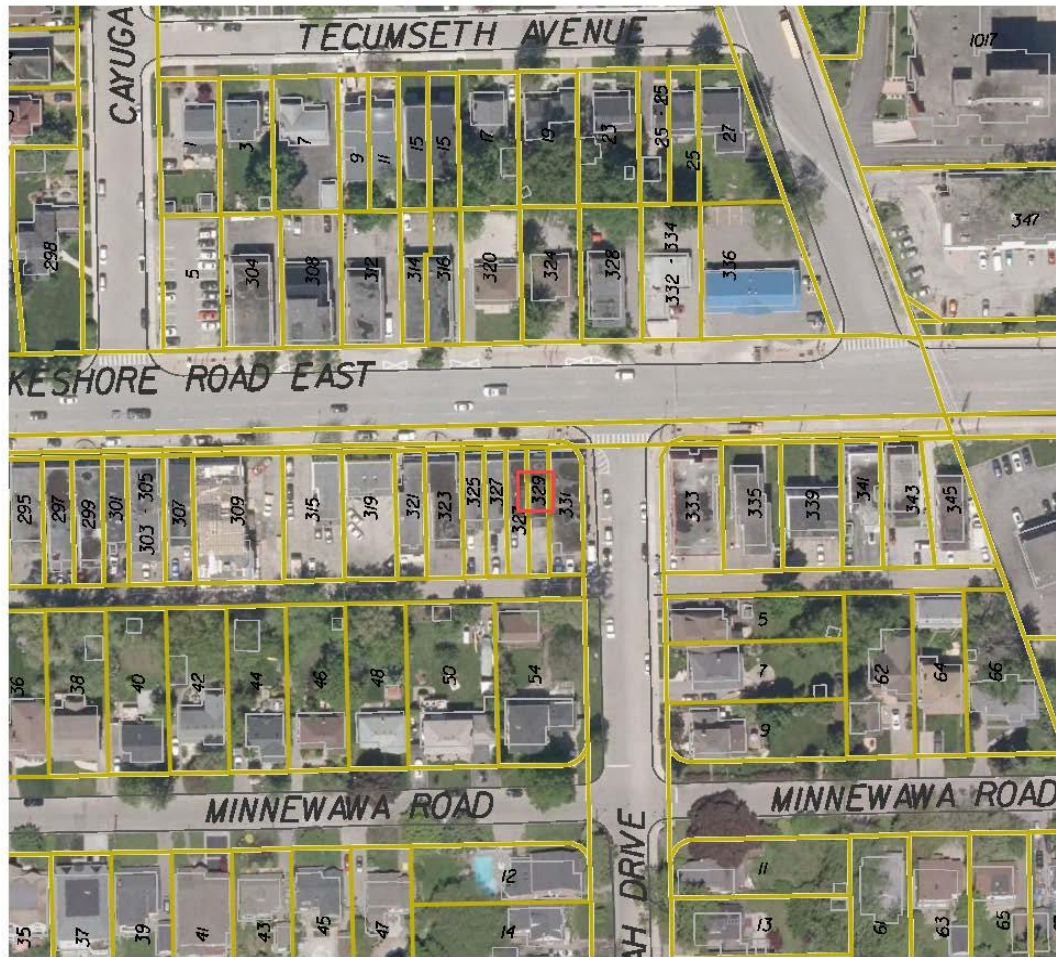
Zoning: C4 (Commercial)

Other Applications

Occupancy Permit: 20-2380

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, east of Hurontario Street and Lakeshore Road East. The south side of Lakeshore Road East consists of a mix of commercial and retail uses, including restaurant uses. The subject property previously contained a personal service establishment. The application proposes a take-out restaurant and requires variances related to reduced parking, aisle width and distance from a take-out restaurant to a residential zone.



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 of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits a restaurant among other uses. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the Mainstreet Neighbourhood precinct. The Port Credit Local Area Plan encourages related commercial uses and closely spaced storefronts lining the street in order to encourage

and foster an active pedestrian street. The proposed variances are consistent with these policies and maintain the existing and planned character of the area. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 proposes a take-out restaurant being located within 60 m of a residential zone whereas a separation distance of 60 m is required. Lands fronting onto this portion of Lakeshore Road East consist of restaurant uses that are also located within the 60 m separation distance of a residential zone and do not have a negative impact to the residential portion of the broader area. The proposed use is compatible with the surrounding context, thereby maintaining the existing and planned character of the area. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through discussions with the City Planning Strategies and Zoning Division, four parking spaces can be accommodated on-site, however, only two parking spaces are considered legal as tandem spaces are not permitted within the zoning by-law. As such, staff recommend that a variance for tandem parking spaces be added to the application and combined with variance #3 as the aisle width will be reduced. The wording of the variance is outlined below:

- To permit two tandem spaces with an on-site aisle width of 4.2m, whereas by-law 0225-07 as amended, requires a minimum of 7.0m aisle width and does not permit tandem spaces for this use.

The intent in quantifying the required number of parking spaces is to ensure that each unit is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 6 parking spaces are required; whereas, the applicant is providing 2. Should the variance for tandem parking and aisle width be approved, the applicant will be providing 4 parking spaces on-site. The City Planning Strategies Division has reviewed the minor variance application regarding the parking deficiency and their comment is as follows. The applicant's agent submitted a parking justification letter dated September 18, 2020, in support of the application. The letter explains the existing site conditions, existing available parking (including on-street), the need for walkable communities and an example of a previous minor variance application, 'A' 388/19 as precedent. However, the letter, dated September 18, 2020 is not acceptable given that the parking variance significantly exceeds 10% and would require a Parking Utilization Study (PUS). Staff can support the Planning and Development Committee (PDC) endorsed reduced parking rates from the Port Credit and Lakeview Parking Strategy, June 2014. This strategy concludes that lower rates can be supported in the Port Credit area to better reflect actual parking demand and recognize future planning transit improvements. The Port Credit and Lakeview Parking Strategy supports a reduced parking for takeout restaurants at a rate of 4.85 spaces per 100m² GFA and as such, staff can implement this reduced rate. The proposed takeout restaurant is required to provide a total of 4.6 parking spaces. This rate combined with the residential parking rate of 1.25 spaces per unit combines for a total of 6 required parking spaces on-site, which leaves a parking shortfall of two spaces.

Without the benefit of a PUS, staff recommends that variance #2 be amended as follows:

- 6 parking spaces with a minimum of 4 parking spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses on-site in this instance.

As only four legal parking spaces can be providing on-site, staff recommends the following variance be added to the application.

- To permit up to 2 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, required all parking spaces to be located on-site in this instance.

Along with the amended application, staff also recommends the following condition:

- The applicant shall make satisfactory arrangements for off-site parking with Planning & Building Staff; and if necessary enter into any required agreements (contact Staff in City Planning Strategies Division)
- **Note:** Off-site parking may be provided through the City of Mississauga Payment-In-Lieu of Parking Program or through a shared off-site parking agreement from a nearby property owner (a template for an Off-Site Parking License Agreement is available through the City Planning Strategies Division)

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed variances represent existing conditions that are present throughout each unit along this portion of Lakeshore Road East. The south side of Lakeshore Road East consists of retail and restaurant uses that have similar existing conditions. Historically, properties along this portion of Lakeshore Road East have operated in a similar fashion with parking in the rear portion of the property that can only be accessed by the public laneway. The proposed variances maintain the existing and planned character of the area and do not negatively impact the day to day operations of the site. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variance, as amended, subject to the condition.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing front of the building and rear parking areas of the subject site.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-2380. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Comments Prepared by: Kevin Barry, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Consent Applications: B-54/20, B-55/20

Minor Variance Applications: A-312/20, A-338/20, A-340/20, A-341/20, A-342/20, A-344/20, A-345/20, A-348/20, A-349/20, A-350/20, A-352/20

Comments Prepared by: Diana Guida, Junior Planner