

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-04	File(s): A364/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-12

Consolidated Recommendation

The City recommends that the application be deferred to submit parking justification.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use for the existing building proposing:

1. 3 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance;
2. 0 loading spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 loading space in this instance;
3. 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 4 accessible parking spaces in this instance;
4. An aisle width of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance; and
5. A setback measured to a Residential Zone of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback measured to Residential Zone of 60.00m (approx. 196.85ft) in this instance.

Background

Property Address: 80 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

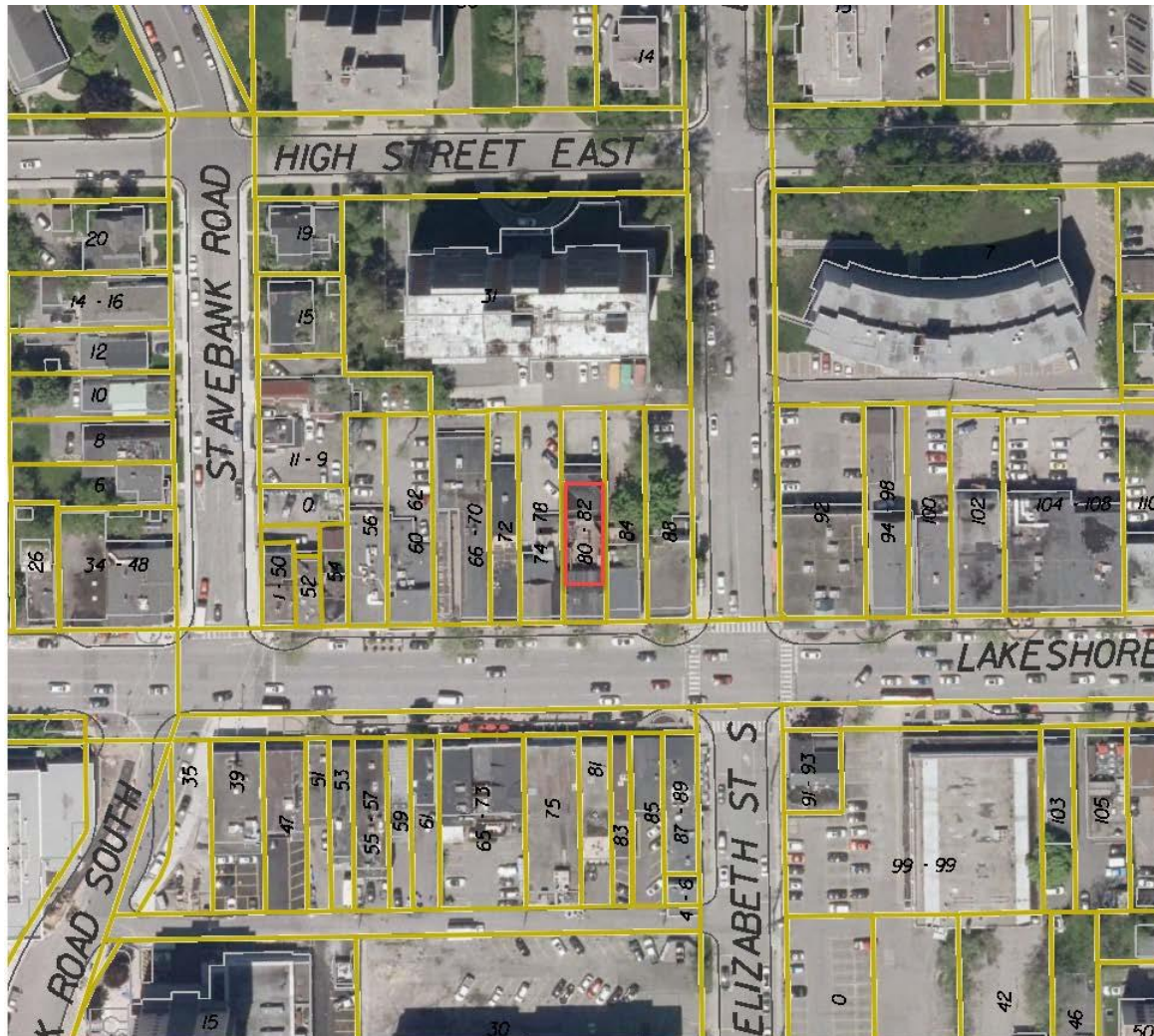
Zoning: C4-66 (Commercial)

Other Applications:

Occupancy Permit: 20-2732

Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, west of Hurontario Street and Lakeshore Road East. The immediate area consists of commercial uses fronting onto Lakeshore Road East, including a variety of restaurant uses. The property north of the subject site is a high-rise residential apartment building. The subject property contains an existing two storey building with an existing retail store on the ground floor and office above. There is an occupancy permit to change the existing use into a restaurant use. As a result, the application proposes variances for a restaurant use being located within 60 m of a residential zone, parking deficiencies and deficient aisle width.



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. The minor variance application maintains the general intent and purpose of the official plan.

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

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, 25 parking spaces are required; whereas, the applicant is providing 3. The City Planning Strategies Division reviews variances related to parking deficiencies. Based on review of the application, their comment is as follows:

More information is required from the applicant before staff can comment on the application:

- The proposed use must be defined and confirmed by zoning. Currently, the application does not officially state a use. The Site Plan SP 001 (dated Sep. 9, 2020 by GS Eng Services Kitchener) submitted with the application indicates both “proposed bar” and “proposed night club”. However, it appears the restaurant rate has been applied. This must be clarified.
- The total GFA of existing, as well as proposed uses in the building must be clearly stated in order to calculate a parking rate.
- The application states that 3 parking spaces are being proposed, however the Site Plan mentioned above shows 6 tandem spaces on-site. If the latter is the case, the variance should be reworded to reflect *tandem* spaces and the correct number of parking spaces.
- The application requires justification for the reduction in parking being requested. If the proposed use is a restaurant/bar, we have solid empirical data that indicates the use operates at 9.0 spaces/100m² in this area. There was no justification submitted to staff.

It should be noted that planning staff cannot support having 0 accessible spaces on-site. As such, should Committee see merit in the application, staff recommends the following condition be added to the application:

- The applicant shall provide one accessible parking space on-site.

Variances #2 and 4 represent existing conditions on-site which are common characteristics of units within the immediate area. Due to the location of the parking spaces in the rear yard, an increased aisle width cannot be provided as well as a loading space. The subject site currently operates with these deficiencies which does not result in a significant impact to the surrounding

area. Furthermore, variance #5 which proposes a restaurant within 60 m of a residential zone does not present any unacceptable adverse impacts to the area as a variety of restaurants are present within the immediate area and have similar setbacks to existing residential zones. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature in this instance.

Conclusion

The Planning and Building Department recommends that the application be deferred to submit parking justification.

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 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 20-2732. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Comments Prepared by: Marco Palerma, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: DEF-A-261/20, A-346/20, A-347/20, A-353/20, A-354/20, A-357/20, A-360/20, A-363/20, A-364/20, A-365/20, A-367/20, A-368/20, A-370/20, A-372/20

Comments Prepared by: Diana Guida, Junior Planner