

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-11-04	File(s): A365/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-12

### Consolidated Recommendation

The City has no objections to variances, as amended, subject to the conditions. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

### Application Details

The applicant requests the Committee to approve a minor variance to allow a personal service establishment in the existing building proposing:

1. 6 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 16 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 1 accessible parking space in this instance;
4. An aisle width of 5.06m (approx. 16.60ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance; and
5. Parking space size of 2.40m x 5.00m (approx. 7.87ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.60m x 5.20m (approx. 8.53ft x 17.06ft) in this instance.

### Amendments

Staff recommends variance #1 be amended as follows:

To permit 8 parking spaces with a minimum of 5 spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 16 parking spaces in this instance; and

The following variance should be added to the application:

To permit a personal service establishment with up to 3 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, requires all parking to be located on-site in this instance.

### **Recommended Conditions and Terms**

Staff recommends the following conditions be added to the application:

- The applicant shall make satisfactory arrangements for off-site parking with Planning and Building Staff; and if necessary enter into any required agreements.
  - 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 City Planning Strategies Division).
- The applicant shall provide one accessible parking space on-site.

## **Background**

**Property Address:** 47 Lakeshore Road East

### **Mississauga Official Plan**

Character Area: Port Credit Community Node

Designation: Mixed Use

### **Zoning By-law 0225-2007**

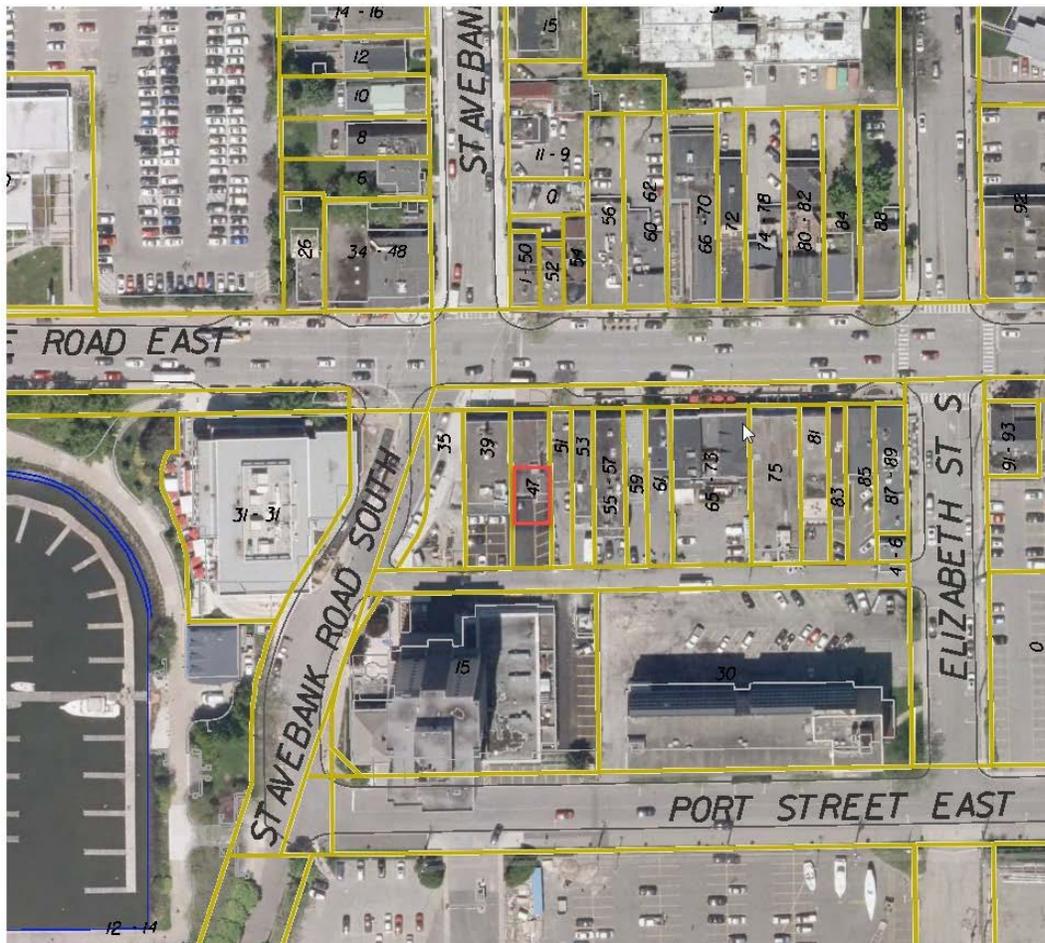
**Zoning:** C4-66 (Commercial)

### **Other Applications:**

Occupancy Permit: 20-2755

### **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 a variety of commercial uses that front onto Lakeshore Road East. Abutting the subject property to the south is a hotel and mid-rise condominium. The subject property contains an existing two storey building. The application proposes a personal service establishment, requiring variances related to parking, loading space, aisle width and parking space size.



## 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, 16 parking spaces are required; whereas, the applicant is providing 6. The City Planning Strategies Division reviews variances related to parking deficiencies. Based on the information submitted with the application, their comment is as follows:

This site is located in the Port Credit Community Node, which is served by existing and planned higher-order transit (Port Credit GO & Hurontario LRT). In 2014, the City created the *Parking Strategy for Port Credit & Lakeview* to address the higher-level of transit connectivity in this neighbourhood and reduce the parking requirements.

According to the details provided in the application, the new proposed use is a personal service establishment in the basement, which requires an increase in minimum parking standard. Parking requirements as per Zoning By-law 0225-2007, and the *2014 Parking Strategy* are shown in the table below;

Land Use	GFA (m <sup>2</sup> )	ZBL 0225-2007 Parking Rate (C4 zone)	Port Credit Parking Strategy (2014) Rate	Staff Supported Spaces
<b>Proposed: Personal Service Est. (basement)</b>	105 m <sup>2</sup>	4.0 /100m <sup>2</sup>	3.0 /100m <sup>2</sup>	3

Staff deems it appropriate to apply the lower minimum rates from the 2014 Parking Strategy for Port Credit & Lakeview, and therefore 3 additional spaces are required for the new proposed use.

We advise that the City's Payment-In-Lieu (PIL) of parking programs applies to the subject property and can be an option that the applicant considers. It should be noted that staff assumes that the parking demand for current uses on-site is being accommodated efficiently by the existing 6 spaces.

Based on the following information, staff recommends the following amendments.

- To permit 8 parking spaces with a minimum of 6 spaces to be provided on-site whereas By-law 0225-2007, as amended, requires a minimum of 16 parking spaces in this instance; and

- To permit a personal service establishment with up to 3 required parking spaces to be located off-site whereas By-law 0225-2007, as amended, requires all parking to be located on-site in this instance.

Staff also recommends the following condition:

- The applicant shall make satisfactory arrangements for off-site parking with Planning and Building Staff; and if necessary enter into any required agreements.

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 City Planning Strategies Division).

However, Planning staff cannot support having 0 accessible spaces on-site. As such, should Committee see merit in the application, staff recommends an additional condition be added to the application:

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

Variances #2, 3 and 5 represent existing conditions on-site and 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 that do not result in a significant adverse impact to the surrounding area. 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.

### **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 the surrounding area along Lakeshore Road East. Historically, properties along this portion of Lakeshore Road East have operated in a similar fashion with these types of deficiencies and have not resulted in any significant impact to the existing streetscape character. 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 variances, as amended, subject to the conditions. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

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 20-2755. 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 12<sup>th</sup>, 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