



Corporate Report

Clerk's Files

Originator's
Files FA.31 05/006 W2

DATE: June 6, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 26, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Payment-in-Lieu of Off-Street Parking (PIL) Application**
1673 Lakeshore Road West
North side of Lakeshore Road West, east of Clarkson Road
North
Owner: Nemitssa Holdings Limited
Applicant: David Brown, David Brown and Associates

RECOMMENDATION: That the Report dated June 6, 2006 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA.31 05/006 W2, Nemitssa Holdings Limited, 1673 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$11,280.00 be approved as the amount for the payment in lieu of two (2) off-street parking spaces and that the owner/occupant enter into an agreement with the City of Mississauga for the payment of the full amount owing in a single, lump sum payment.
2. That City Council enact a by-law under Section 40 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to authorize the execution of the PIL agreement with Nemitssa Holdings Limited for the expansion of a real estate office.

3. That the execution of the PIL agreement and payment must be finalized within 90 days of the Council approval of the PIL application. If the proposed PIL agreement is not executed by both parties within 90 days of Council approval, and/or the PIL payment is not made within 90 days of Council approval then the approval will lapse and a new PIL application along with the application fee will be required.

BACKGROUND:

An application has been filed requesting payment-in-lieu of providing two (2) on-site parking spaces. The purpose of this report is to provide City Council with a recommendation with respect to the application.

COMMENTS:

Background information including details of the application is provided in Appendix 1 through 4.

Neighbourhood Context

The subject property is located within a block of main street type commercial properties fronting onto the north side of Lakeshore Road West, east of Clarkson Road North in Clarkson Village. Buildings along the north side of Lakeshore Road West are generally located close to the street edge with parking provided at the rear of the properties. Several properties have entered into leases with the City to provide a free shared public parking area.

The subject property contains a partial two-storey commercial building which is used as a real estate office for Sutton Group-Quantum Realty. A mutual right-of-way which is shared with the neighbouring property to the east, 1679 Lakeshore Road West, provides access to the rear parking area which falls outside of the Clarkson municipal parking lot. Immediately to the north of the property is the Turtle Creek greenbelt corridor.

Directly across from the property on the south side of Lakeshore Road West is a contemporary one-storey retail plaza with parking fronting onto Lakeshore Road West between the buildings.

Payment-in-Lieu Request

The applicant is proposing to expand the existing real estate office by adding a partial second storey at the rear of the existing partial two-storey building. The 76.36 m² (822.0 sq. ft.) addition will effectively complete the second floor of this building. With the new addition, the total floor area to be used for office purposes is 271.17 m² (2,919.0 sq. ft.). The current Zoning By-law requires parking to be provided at a rate of 4.5 spaces per 100 m² (1,076.42 sq. ft.) gross floor area (gfa). Based on this standard, the expanded real estate office requires twelve (12) parking spaces.

The applicant is able to provide ten (10) parking spaces as follows:

- Seven (7) on-site parking spaces are provided at the rear of the property;
- The Committee of Adjustment granted a minor variance in 1992 under file 'A' 458/92 to permit a reduction in the required parking from eight (8) to seven (7) spaces, with one of the seven (7) spaces having a width of 2.45 m (8.04 ft.);
- A Credit for two (2) parking spaces was obtained through a PIL application under file FA.31. 95/001 W2.

Based on the information provided by the applicant and a review by City staff, two (2) additional parking spaces are required to accommodate the proposed expansion of the building.

The applicable parking requirement for real estate offices under the new Mississauga Zoning By-law released in January 2005 is proposed to increase from the current rate of 4.5 spaces to 6.5 spaces per 100 m² (1,076.42 sq. ft.) gfa. Since the proposed parking rate is not yet in effect, this PIL application is being evaluated based on the current standard.

Evaluation Criteria

This application has been evaluated against the following criteria contained in the Corporate Policy and Procedure on Payment-in-Lieu of Off-Street Parking.

1. Whether the existing parking supply in the surrounding area can accommodate on site parking deficiencies.

In addition to the existing seven (7) parking spaces provided on site, there are several metered parking spaces along Lakeshore Road West to the west of the subject property. Also, employees park in tandem at the rear of the site, creating 3 additional on-site parking spaces (see Appendix 3), however, the Zoning By-law does not recognize tandem parking spaces in the calculation of parking. The tandem parking spaces do provide additional parking and function in a practical way for the existing real estate office, thereby reducing the need for office employees to use on-street parking.

In comments dated April 13, 2006, the Transportation and Works Department indicated that although there were some parking concerns associated with the real estate office in the past, these issues appear to have been mitigated, and, therefore, has no objection to the subject PIL application.

2. What site constraints prevent the provision of the required number of parking spaces?

Approximately one fifth of the site is located within the greenbelt which does not permit development, including parking, while the balance of the site contains the existing building whose footprint will remain the same and the existing parking areas and associated driveway aisle. Therefore, there is no opportunity to create any additional parking on the site.

3. The proposed use of the property, and whether there is any issue as to overdevelopment of the site?

The proposed use is permitted by Mississauga Plan and Zoning By-law 5500, as amended. The applicant has indicated that the function of this real estate office is to provide business support and transaction completion services. Although there are 40 agents associated with the office, there are typically only 5 agents in the office at any given time as well as 4 support staff who perform administrative roles.

The peak real estate office use occurs in the evenings when many of the neighbouring businesses have closed. General meetings of all of the agents are held off-site since there is insufficient meeting room in the office, even with the proposed addition, to accommodate all the staff at one time. The additional 76.36 m² (822.0 sq. ft.) of office space represents a 28% increase in floor area and will provide an additional two offices, washroom, copy room, a lunch room and a modestly-sized boardroom. The additional office space will not result in an increase in staff but rather provide more room for the existing office functions.

The partial second storey addition is contained within the existing foot print of the building which covers 23% of the lot area. The proposed addition will not impact the existing on-site parking spaces nor vehicular circulation on site.

Based on the foregoing, the proposed expansion is considered acceptable and does not constitute an overdevelopment of the site.

PIL Agreement

The *Planning Act* provides that a municipality and an owner or occupant of a building may enter into an agreement exempting the owner or occupant from providing or maintaining parking facilities in accordance with the applicable Zoning By-law, provided such agreement provides for the payment of monies for the exemption and sets out the basis for such payment.

The Planning and Building Department and the applicant have prepared and mutually agreed upon the terms and conditions of the PIL approval and related agreement which has been executed by the owner/occupant of the subject lands. The agreement stipulates the following:

- payment-in-lieu of off-street parking is provided for two (2) parking spaces;
- a total payment of \$11,280.00 is required;
- payment has been made in one lump sum.

FINANCIAL IMPACT: Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION: Current parking standards represent city-wide averages which were developed to ensure that municipal standards will provide adequate off-street parking for all land uses. Nonetheless, there are areas within the City where it may be physically impossible to comply with the off-street parking requirements without jeopardizing the opportunities to expand uses in response to market demand. Older areas of the City such as Clarkson Village face the further challenge of strengthening their historic commercial centres through the creation of new residential and commercial space in their core areas through intensification and infilling on lots with limited land areas.

The subject PIL application should be supported for the following reasons:

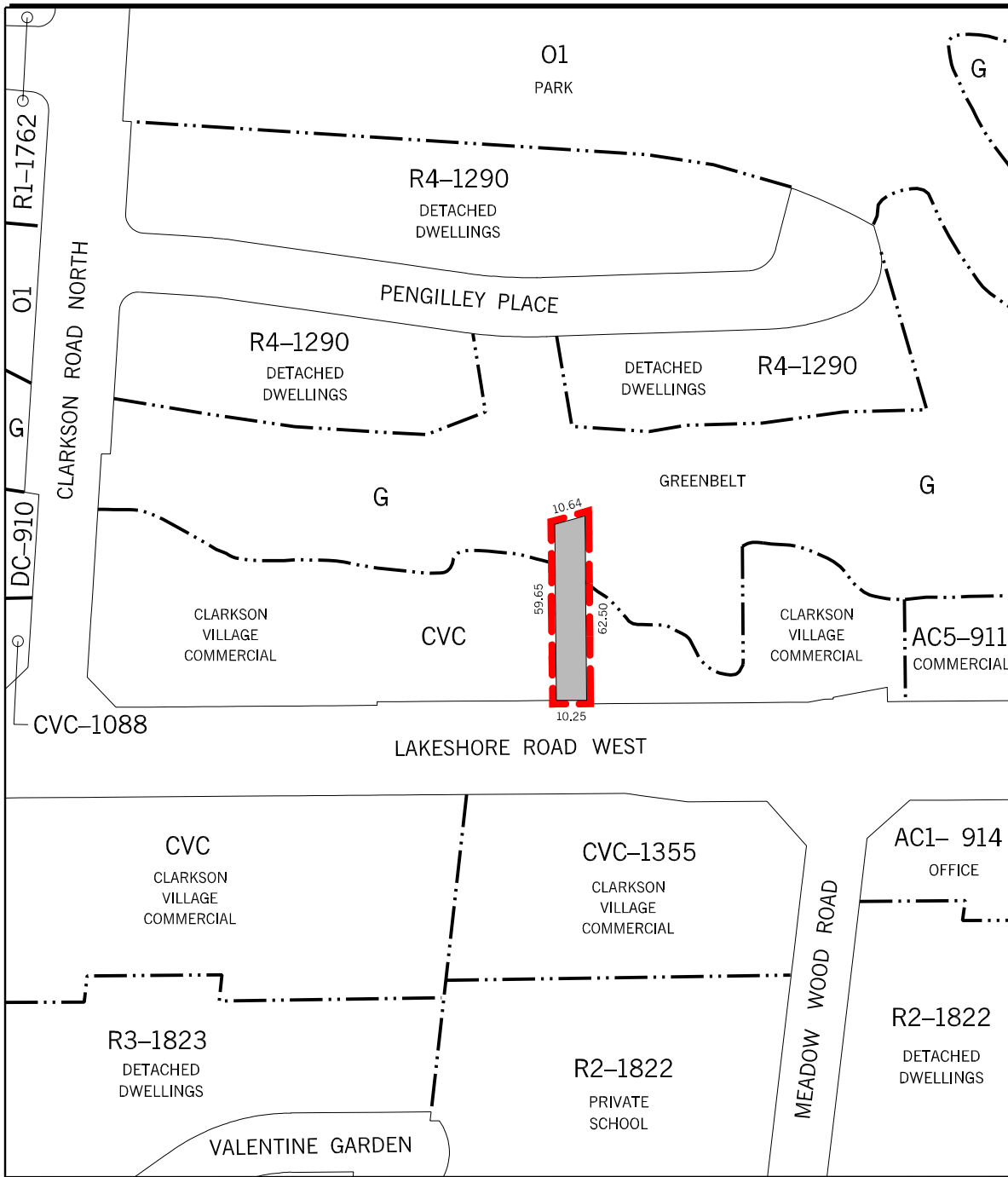
- the proposed building expansion, according to the applicant, will not result in an increase in staff at the office;
- there are currently no opportunities to create additional parking on the subject property;
- there are ample on-street parking opportunities in the immediate vicinity to off-set the on-site shortfall of two (2) parking spaces;
- the proposed shortfall of two (2) on-site parking spaces is not expected to adversely impact the local area.

FINANCIAL IMPACT: As of June 6, 2006, the balance of the PIL account for Clarkson was \$125,538.91 and with the incorporation of the monies from this PIL application, the account will have a total of \$136,818.91.

- ATTACHMENTS:**
- Appendix 1 – Excerpt of Existing Land Use Map
 - Appendix 2 – Aerial Photograph
 - Appendix 3 – Site Plan
 - Appendix 4 – Site and Policy History

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Paulina Mikicich,, Development Planner



LEGEND:

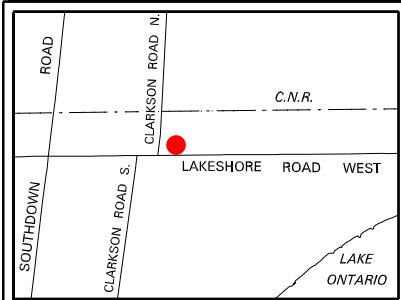


SITE LOCATION
1673 LAKESHORE ROAD WEST

**NOTE: EXISTING ZONING DELINEATED ON THE PLAN
 PROPOSED ZONING INDICATED BY SHADING WITHIN
 THE APPLICATION AREA.**



SUBJECT: NEMITSSA HOLDINGS LIMITED



FILE NO:
 FA.31 05/006 W2

DWG. NO:
 FA3105006R

SCALE:
 1:2000

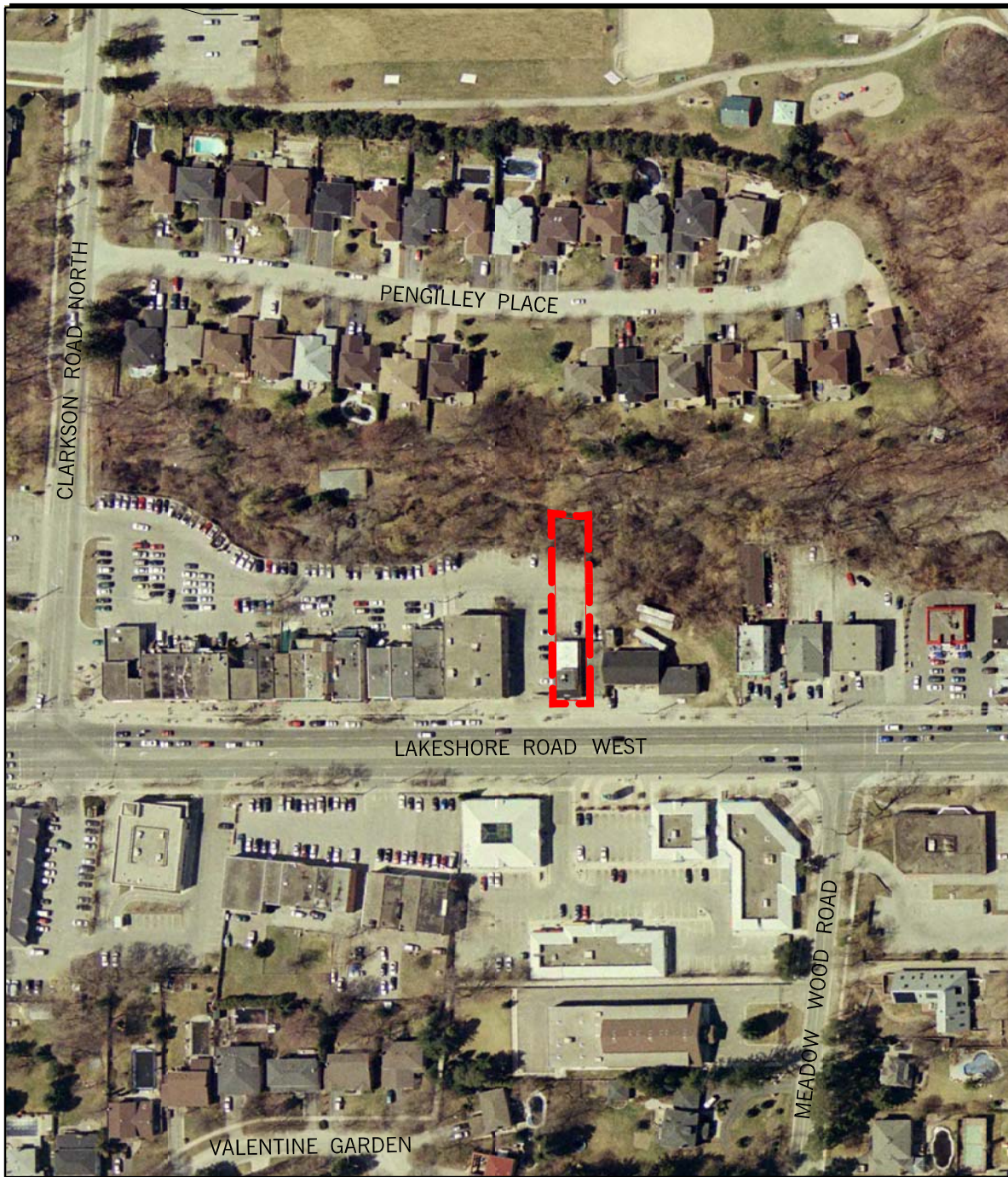
PDC DATE:
 2006 06 26

DRAWN BY:
 W. FINLAY

APPENDIX 1

MISSISSAUGA
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T&W, Geomatics



LEGEND:

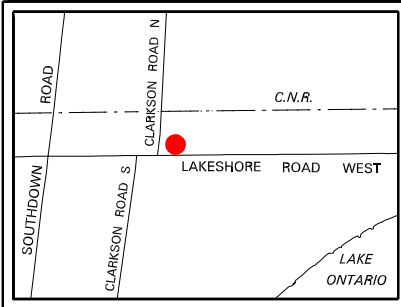


SITE LOCATION
1673 LAKESHORE ROAD WEST

DATE OF AERIAL PHOTO: MARCH 2005



SUBJECT: NEMITSSA HOLDINGS LIMITED

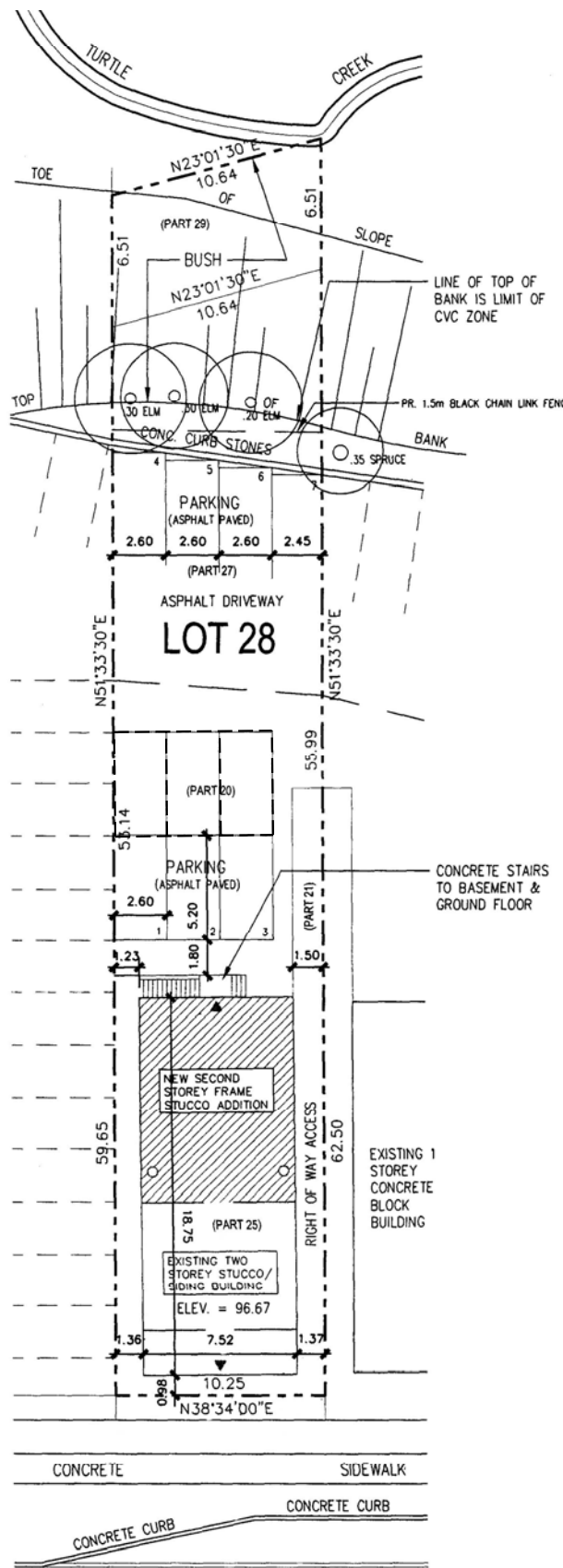


FILE NO:	FA.31 05/006 W2
DWG. NO:	FA3105006A
SCALE:	1:2000
PDC DATE:	2006 06 26
DRAWN BY:	W. FINLAY

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APPENDIX 2



LAKESHORE ROAD WEST

Site History

- October 25, 1973 - Committee of Adjustment approved a minor variance application under file 'A' 249/73 to permit the construction of an addition to the existing building on the property having a setback from the centre line of Lakeshore Road West of approximately 9.1 m (62.81 ft.) and a mutual driveway of 2.86 m (9.39 ft.) wide for access to the rear yard parking area; whereas By-law 5500, as amended, requires a setback from the said centre line of 26.0 m (85.3 ft) and a driveway 6.0 m (19.7 ft.) wide to a parking area.
- September 17, 1992 – Committee of Adjustment approved a minor variance to permit the construction of a second storey addition to the rear of the subject building proposing seven (7) parking spaces, no handicap parking space and to permit one parking space to have a width of 2.45 m (8.04 ft.); whereas By-law 5500 as amended, requires a minimum of eight (8) parking spaces, of which one must be designated as handicapped parking and requires a minimum parking space width of 2.6 m (8.50 ft.) in this instance.
- November 9, 2005 – Site plan application submitted under file SPR 05/355 W2 to permit a second storey rear addition to the existing one and a half storey, real estate office.

Policy History

- March 27, 1997 - Council adopted Recommendation PDC-43-97 approving a revised Payment-in-Lieu of Off-Street Parking Program;
- March 1998 - The firm of McCormick Rankin Corporation prepared the City of Mississauga Commercial Areas Parking Strategy to form the basis for the City's ongoing program of capital investment in parking improvement in the historic commercial areas of Clarkson, Cooksville, Port Credit and Streetsville. On September 30, 1998, the Strategy was endorsed by Council as a guide to parking-related matters;
- October 25, 2000 - Council adopted Recommendation PDC-0150-2000 which slightly revised the Payment-in-Lieu of Off-Street Parking Program concerning the approval process and the types of uses that are eligible for PIL.