



# Corporate Report

Clerk's Files

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Files FA.31 06/002 W1

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**DATE:** November 7, 2006

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: November 27, 2006

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Payment-in-Lieu of Off-Street Parking (PIL) Application**  
**66-70 Lakeshore Road East**  
**North side of Lakeshore Road East, east of Stavebank Road**  
**Owner: Akbar's Court Ltd.**  
**Applicant: Beacon Planning Services**

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**RECOMMENDATION:** That the Report dated November 7, 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 06/002 W1, Akbar's Court Ltd., 66-70 Lakeshore Road East, north side of Lakeshore Road East, east of Stavebank Road, be adopted in accordance with the following for "Installment Payment" agreements:

1. That the sum of \$71,250.00 be approved as the amount for the payment-in-lieu of nineteen (19) off-street parking spaces and that the owner/occupant enter into an agreement with the City of Mississauga for the payment of the amount owing in installment payments.
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 Akbar's Court Ltd. for conversion of existing retail space into a restaurant.

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 nineteen (19) on-site parking spaces. The proposed restaurant, Mosquito Grill, requires a total of 30 parking spaces. A minor variance was applied for under file 'A' 149/06 to permit the restaurant to operate providing only 19 parking spaces. The Committee of Adjustment refused the minor variance request. Subsequently, the decision was appealed to the Ontario Municipal Board (OMB). On September 19, 2006, the OMB issued a decision authorizing the minor variance subject to certain requirements. The OMB order will come into effect upon execution of the required PIL agreement between Akbar's Court Ltd. and the City of Mississauga. If the agreement is not executed within six (6) months of the date of the Board's decision, the Board's Order is that the appeal is dismissed and the variance is not authorized.

The purpose of this report is to provide City Council with a recommendation with respect to the PIL 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 East, mid-block between Stavebank Road and Elizabeth Street North in Port Credit. The existing one storey building has four units, three of which are currently occupied by retail commercial uses, and the fourth unit is the subject of this application.

There is an existing laneway that runs across the rear portion of this property and the properties fronting onto the north side of Lakeshore Road East. The laneway is accessed from Elizabeth Street North and its purpose is to provide access to rear parking areas for adjacent businesses located at 55-62 Lakeshore Road East and 11 Stavebank Road.

On the north side of the rear laneway is a fourteen (14) storey apartment building fronting onto High Street East.

The south side of Lakeshore Road East is also characterized by main street type commercial properties, including a number of restaurants.

### **PIL Request**

The applicant is proposing to convert approximately 190.00 m<sup>2</sup> (2,045.21 sq. ft.) of former retail space into a restaurant to be known as “Mosquito Grill”. The Zoning By-law requires parking to be provided at a rate of 16.0 spaces per 100 m<sup>2</sup> (1,076.42 sq. ft.) Gross Floor Area devoted to restaurant. Through the approval of the associated minor variance application, 'A' 149/06, parking is required at a rate of 10.0 spaces per 100 m<sup>2</sup> (1,076.42 sq. ft.) Gross Floor Area - Restaurant or nineteen (19) spaces. No parking spaces are being provided on-site, therefore, the applicant is requesting to provide payment-in-lieu of providing all nineteen (19) spaces.

### **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.**

There are approximately 34 metered parking spaces along Lakeshore Road East within convenient walking distance of the

proposed restaurant. The parking utilization study submitted with this application indicated that most or all of these spaces are typically occupied in the evenings. Additional parking is available at the Port Credit Library parking lot. The parking lot has 157 spaces: 73 of which permit all-day or overnight parking; and, 84 of which permit short-term (3 hour) parking. The parking utilization study found that even at peak demand for short-term parking spaces, 50 short-term spaces remained vacant at the library parking lot. The parking available in the immediate vicinity should be adequate to accommodate the restaurant which is proposing a maximum of 36 seats.

Among other things, the City of Mississauga Commercial Areas Parking Strategy recommends that additional public parking spaces could be created if the parking areas accessed by the lane at the rear of this property were consolidated to create a single public parking lot. However, there is no opportunity to achieve a consolidated public parking lot at the rear of this property through this application as several property owners would have to agree to such a consolidation.

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

The subject property, being only 13.11 m (43.01 ft.) wide, is very narrow with the existing building and rear laneway occupying most of the lot. Currently, no parking spaces are provided on-site. There is an existing courtyard area located at the front of the property on the westerly side of the building. There is potential to alter this courtyard to create two parking spaces (or four tandem parking spaces), however, these parking spaces would not be safe or desirable. Access to these spaces would be directly from Lakeshore Road East and a situation would be created where cars are backing out onto Lakeshore Road East from in between two buildings, which is not appropriate and unsafe. Additionally, the courtyard provides an attractive and pedestrian-oriented site element that enhances the streetscape. Therefore, there are no feasible or desirable opportunities to create parking spaces on-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 under Zoning By-law 1227, as amended. The need for additional parking is a result of conversion of former retail space to restaurant space which requires parking at a higher rate than a retail store. There is no expansion of the building proposed at this time. The type of restaurant proposed is a small, bistro-style restaurant with a maximum of 36 seats.

The proposed development achieves the intent of the Port Credit District policies of Mississauga Plan.

Based on the foregoing, the proposed development is considered desirable 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 nineteen (19) parking spaces;
- a total payment of \$71,250.00 is required;
- since payment will be paid in installments, the cost of registering the agreement on the title of the lands is to be borne by the applicant;

- the end dates when monies are to be paid and an index for increased costs (including an interest rate of prime plus 1.5% per annum) has been included in the agreement.

**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 Port Credit 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:

- no additional gross floor area is proposed as the applicant is proposing to convert existing retail space to a restaurant;
- there is on-street and public parking opportunities in the immediate vicinity to offset the on-site shortfall of parking spaces;
- there are no feasible or desirable opportunities to create parking on the subject property; and,
- the proposed shortfall of nineteen (19) on-site parking spaces is not expected to adversely impact the local area.

As of October 11, 2006, the balance of the Payment-in-Lieu of Off-Street parking account for Port Credit was \$1,050,354.49 and with the incorporation of the monies from this payment-in-lieu application, the account will have a total of \$1,121,604.49.

**ATTACHMENTS:**

Appendix 1 - Site and Policy Histories

Appendix 2 - Aerial Photograph

Appendix 3 - Excerpt of Existing Land Use Map

Appendix 4 - Survey Plan

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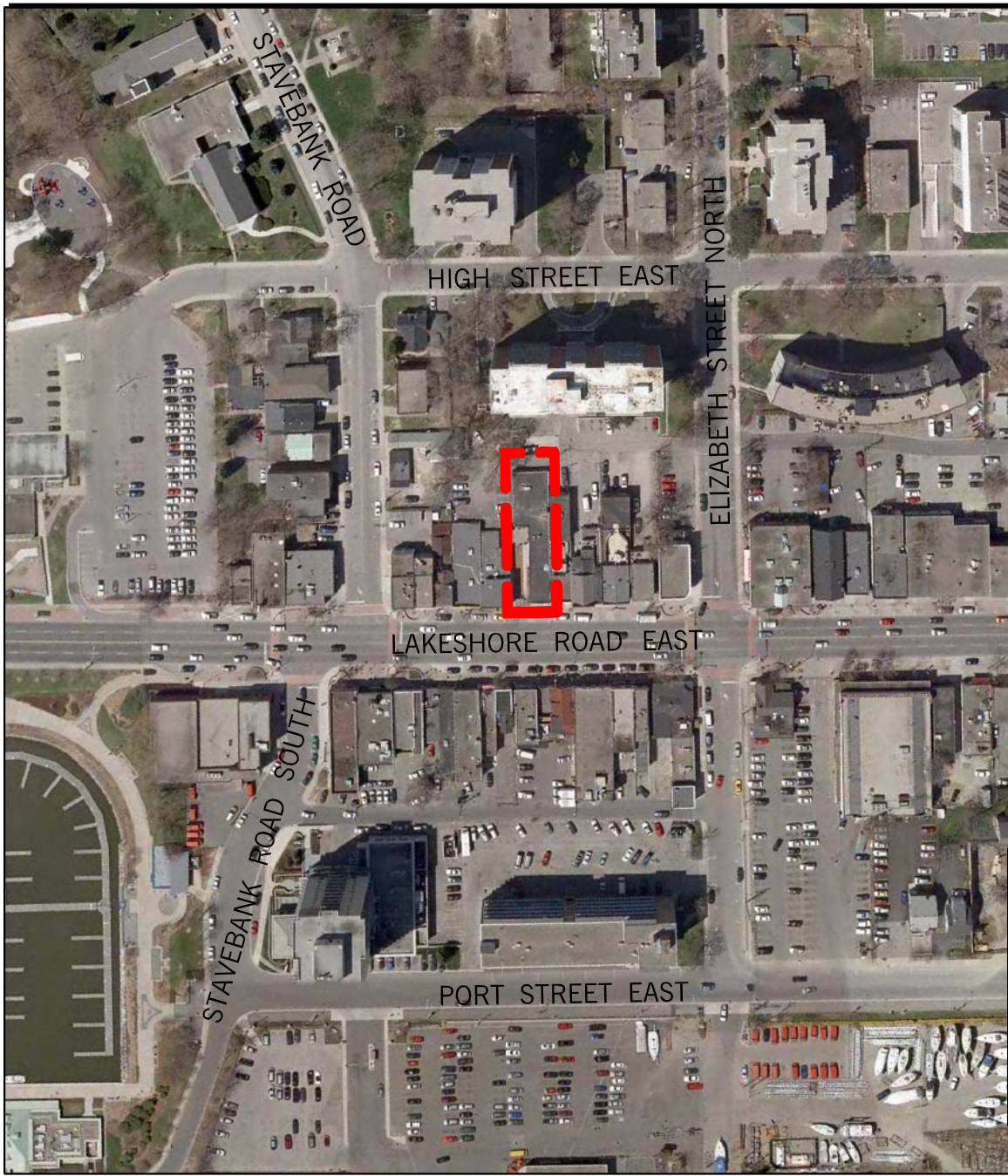
Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Stacey Laughlin, Development Planner*

### Site 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;
- March 20, 2006 – the applicant applied for a minor variance application under file ‘A’ 149/06 to permit the establishment of a restaurant occupying an area of approximately 190.00 m<sup>2</sup> (2,045.21 sq. ft.) at the rear of the subject building providing a total of nineteen (19) parking spaces off-site; whereas By-law 1227, as amended, requires a minimum of thirty (30) parking spaces to be provided on-site;
- April 20, 2006 – the Committee of Adjustment refused the minor variance application under file ‘A’ 149/06;
- May 16, 2006 – the applicant appealed the decision of the Committee of Adjustment regarding application ‘A’ 149/06 to the Ontario Municipal Board (OMB);
- September 6, 2006 – the OMB hearing was held to consider the appeal to ‘A’ 149/06;
- September 19, 2006 – the OMB issued its decision regarding the appeal of ‘A’ 149/06. Details of the decision are outlined on page 2 of the report in the “Background” section.

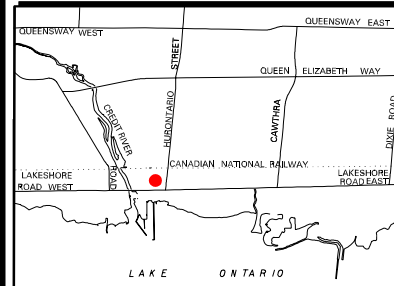




**LEGEND:**



**SUBJECT:**  
**AKBAR'S COURT LTD.**

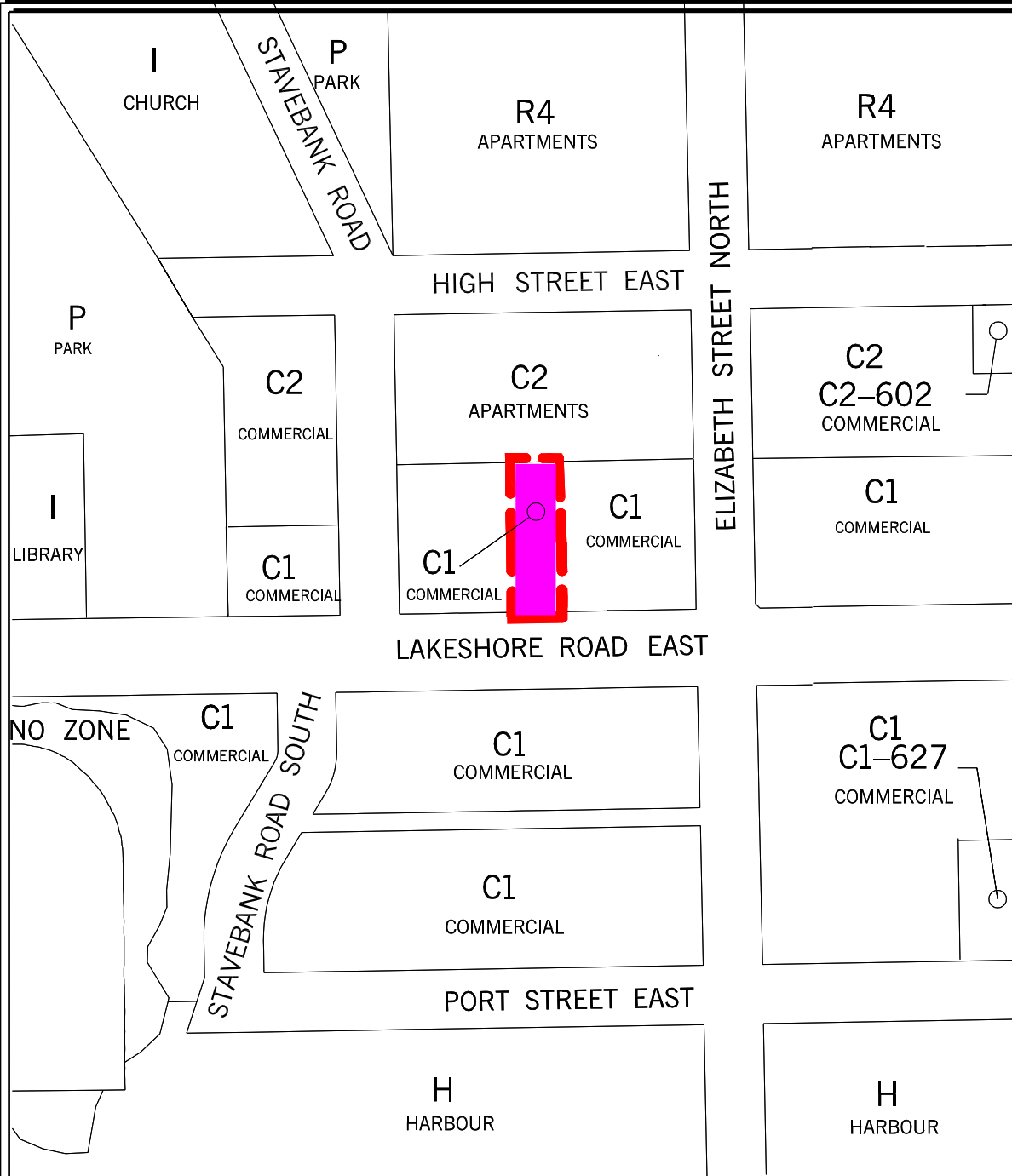


<b>FILE NO:</b> FA.31 06002 W1
<b>DWG. NO:</b> V8FA.3106002A
<b>SCALE:</b> 1:2000
<b>PDC DATE:</b> 2006/11/27
<b>DRAWN BY:</b> R.DICOSOLA

APPENDIX 2

**MISSISSAUGA**  
Planning and Building

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T&W, Geomatics



**LEGEND:**

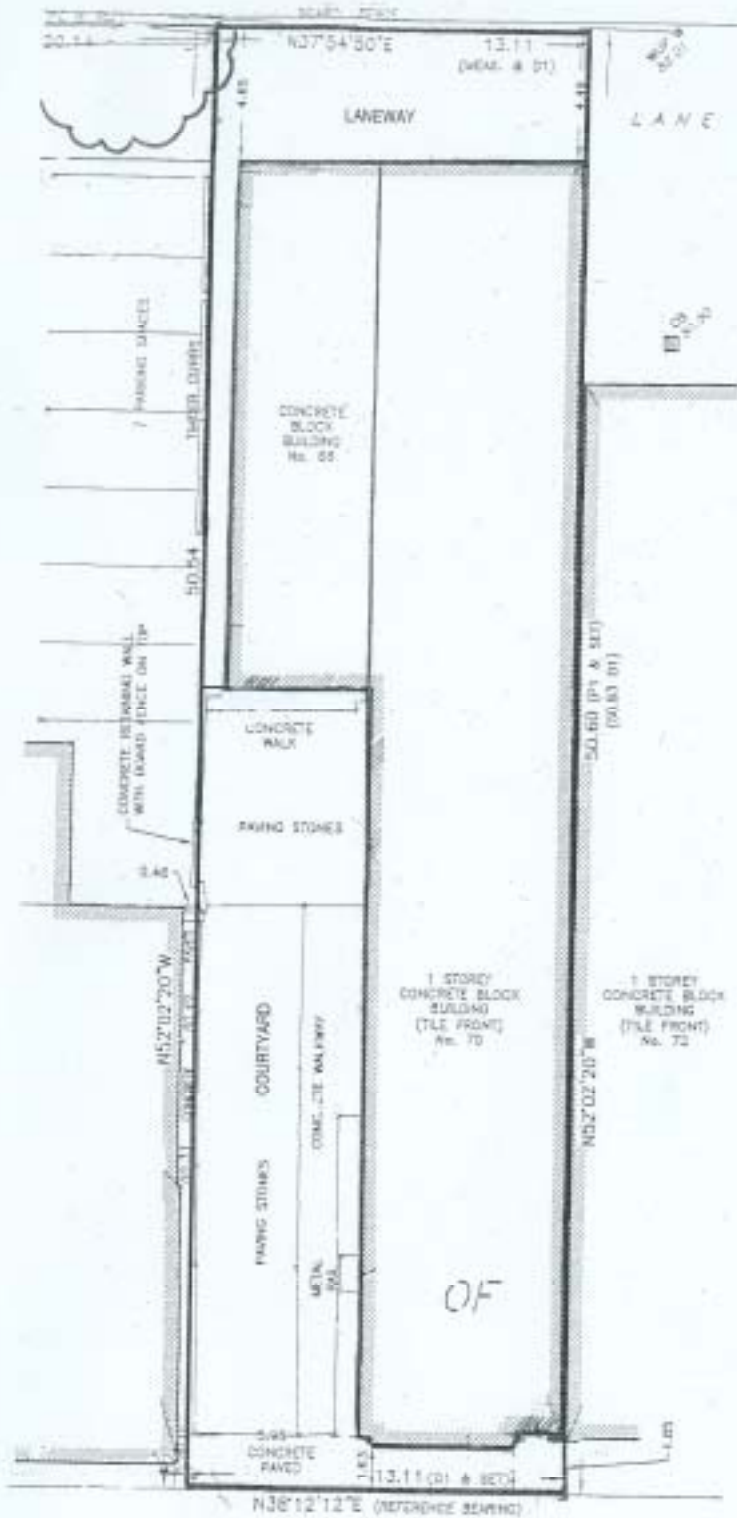


**SUBJECT:**  
**AKBAR'S COURT LTD.**

	<b>FILE NO:</b> FA.31 06002 W1	<b>APPENDIX 3</b>
	<b>DWG. NO:</b> FA.3106002R	
	<b>SCALE:</b> 1:2000	
	<b>PDC DATE:</b> 2006/11/27	
<b>DRAWN BY:</b> R.DICOSOLA		

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LAKESHORE ROAD EAST