



# Corporate Report

Clerk's Files

Originator's  
Files FA.31 08/002 W1

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**DATE:** December 9, 2008

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: January 12, 2009

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

**SUBJECT:** **Payment-in-Lieu of Off-Street Parking (PIL) Application**  
**40 Lakeshore Road East**  
**Northwest corner of Lakeshore Road East and Stavebank Road**  
**Owner: 2127557 Ontario Inc.**  
**Applicant: W.E. Oughtred and Associates Inc.**

**Ward 1**

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**RECOMMENDATION:** That the Report dated December 9, 2008 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA.31 08/002 W1, 2127557 Ontario Inc., 40 Lakeshore Road East, northwest corner of Lakeshore Road East and Stavebank Road, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$43,080.00 be approved as the amount for the payment in lieu of eight (8) 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 2127557 Ontario Inc. for the expansion of the existing restaurant into the abutting

unit and for a 19.7 m<sup>2</sup> (212.1 sq. ft.) addition at the rear of the building.

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 eight (8) on-site parking spaces. The purpose of this report is to provide comments and recommendations with respect to the application.

**COMMENTS:**

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

**Neighbourhood Context**

The subject site is located on the northwest corner of Lakeshore Road East and Stavebank Road within an area designated as "Mainstreet Commercial" in the Official Plan, which permits a mix of residential, commercial, and office uses.

Within the same property, there exists professional office uses on the second floor of the building and a book store to the west. The properties surrounding the subject site consist of a variety of uses including a restaurant to the west side and a residential triplex to the north. Retail stores are located across Stavebank Road to the east, while a bank and a post office are located on the south side of Lakeshore Road East.

The main entrances of the units within the building face onto Lakeshore Road East. At the rear of the building there exists a small parking area which has direct access to Stavebank Road.

**PIL Request**

The owner is proposing to expand the restaurant, known as the "Pump House Grille Co.", by 108.2 m<sup>2</sup> (1,164.7 sq. ft.) by occupying the abutting unit to the east, currently being used as a

convenience store known as "Harbour Variety". Additionally, the owner is proposing to construct a 19.7 m<sup>2</sup> (212.1 sq. ft.) addition at the rear of the building in the space which is currently situated beneath the second storey balcony and enclosed by a wooden fence. The property will continue to accommodate three (3) parking spaces. The Zoning By-law requires parking to be provided at a rate of 16 spaces per 100.0 m<sup>2</sup> (1,076.4 sq. ft.).

As detailed in Appendix 1, there has been several minor variances granted on the subject property over the past number of years, including numerous variances granted on a temporary basis since 1994 permitting the restaurant to continue operating providing three (3) parking spaces, no spaces for persons with disabilities, no loading space, no aisle, an obstructed area in front of the garbage enclosure, and being within 60.0 m (196.8 ft.) of a residential zone.

Most recently, the owner was granted two separate minor variances in May and July of 2008, respectively permitting:

- the expansion of the restaurant into the abutting unit providing a reduced parking rate of 8.6 spaces per 100.0 m<sup>2</sup> (1,076.4 sq. ft.), no spaces for persons with disabilities, and being within 60.0 m (196.8 ft.) of a residential zone.
- a 19.7 m<sup>2</sup> (212.1 sq. ft.) rear addition providing a reduced parking rate of 8.6 spaces per 100.0 m<sup>2</sup> (1,076.4 sq. ft.), no spaces for persons with disabilities, and being within 60.0 m (196.8 ft.) of a residential zone.

Based on the information provided by the applicant and a review of the variance history by City staff, it has been determined that there is a deficiency of eight (8) on-site parking spaces; six (6) of which are a result of the conversion of the retail use to restaurant; and two (2) of which are a result of the addition.

### **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 three (3) metered parking spaces directly in front of the subject building and an additional three (3) on the south side of Lakeshore Road East in front of the post office. There are approximately twenty-two (22) metered parking spaces along Lakeshore Road East between Stavebank Road and Elizabeth Street. In addition, parking is available at the Port Credit Library parking lot. The parking lot has 157 spaces; 73 of which permit 15-hour parking; and 84 of which permit short term (3-hour) parking. The parking utilization study found that even in the evening hours when restaurant parking demand is greatest, not more than 30% of the short term spaces were occupied.

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

The subject property was constructed and has historically existed with a limited amount of space to accommodate parking. The building is situated at the street line and the available space at the rear can accommodate a maximum of three (3) parking spaces with no driveway or aisle. No alternative parking configurations are feasible. Continuous minor variances have been granted over the years to allow the current uses to operate with the limited parking available.

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

The need for six (6) of the eight (8) parking spaces is the result of the conversion of the convenience store to a restaurant use. The remaining two spaces are a result of the 19.7 m<sup>2</sup> (212.1 sq. ft.) addition at the rear of the building. The proposed addition will occupy space underneath a second storey balcony that would otherwise not be of valuable use to the restaurant. The space is currently enclosed by a wooden fence and functions as part of the building. The recycling bins which are currently being stored within this enclosed area are proposed to be stored within a revised garbage enclosure as illustrated in Appendix 4. Further, the proposed conversion of the retail use to restaurant and the proposed addition does not interfere with the existing parking spaces.

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 eight (8) parking spaces;
- a total payment of \$43,080.00 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 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 by means of intensification and infilling on lots with limited land areas.

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

- the proposed conversion of the retail use to restaurant and the minor addition at the rear does not interfere with the existing available parking;
- there are on-street opportunities in the immediate vicinity to offset the on-site shortfall of parking spaces;
- there are no feasible or desirable opportunities to create additional parking on the subject property; and
- the proposed shortfall of eight (8) on-site parking spaces is not expected to adversely impact the local area.

As of November 17, 2008, the balance of the Payment-in-Lieu of Off-Street Parking account for Port Credit was \$1,772,142.45 and with the incorporation of the monies from this payment in lieu application, the account will have a total of \$1,815,222.45.

**ATTACHMENTS:**

Appendix 1 - Site and Policy Histories

Appendix 2 - Aerial Photograph

Appendix 3 - Excerpt of Land Use Map: Mississauga Zoning  
By-law 0225-2007

Appendix 4 - Site Plan

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: David Breveglieri, Development Planner*

### 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.

### Site History

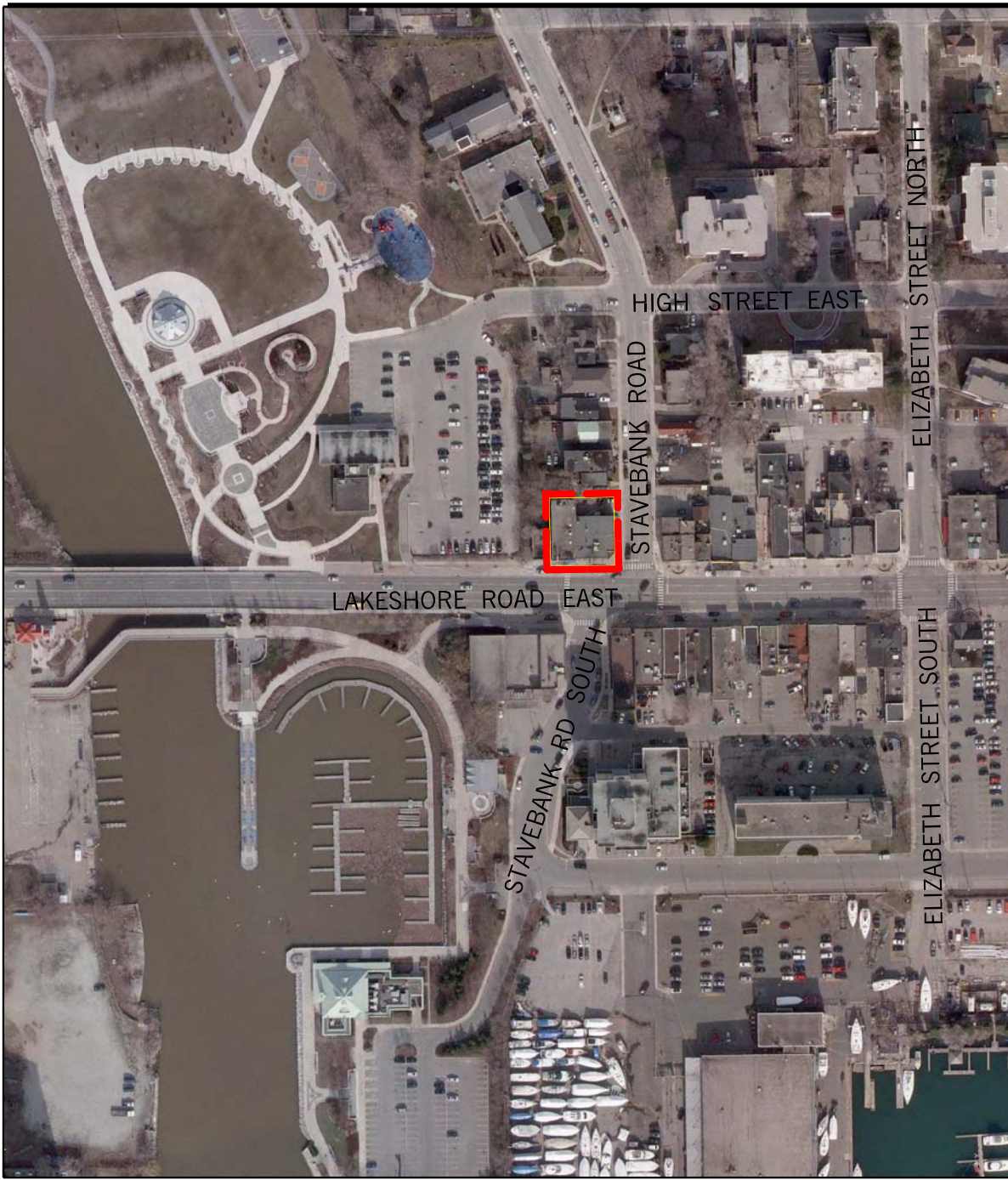
- December 1974 – Subsequent to a Committee of Adjustment appeal, the Ontario Municipal Board allowed the conversion of 4 apartment units and 2 retail outlets to office space providing 9 parking spaces; whereas 16 spaces were required;
- September 1987 – Committee of Adjustment granted a temporary minor variance to permit an outdoor patio at the rear of the building ancillary to a restaurant;
- October 1993 – Committee of Adjustment granted a temporary minor variance to permit the expansion of the restaurant providing no parking spaces and being within 60 m (197 ft.) of a residential zone;
- April 1994 – Committee of Adjustment granted a temporary minor variance to permit the continued use of the restaurant providing 3 parking spaces, no spaces for persons with disabilities, no loading space, no aisle, obstructed area in front of the garbage enclosure, and being within 60 m (197 ft.) of a residential zone;
- May 1996 – Committee of Adjustment granted a temporary minor variance to permit the continuation of the variances granted in April 1994;

2127557 Ontario Inc.

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- December 1999 – Committee of Adjustment granted a temporary minor variance to permit the continuation of the variances granted in May 1996;
- April 2003 – Committee of Adjustment granted a temporary minor variance to permit the continuation of the variances granted in December 1999;
- May 2008 – Committee of Adjustment granted a temporary minor variance to permit the expansion of the restaurant by 108.2 m<sup>2</sup> (1,164.7 sq. ft.) providing a reduced parking rate of 8.6 spaces per 100 m<sup>2</sup> (1,076.4 sq. ft.) for the expansion, no spaces for persons with disabilities, and being within 60 m (197 ft.) of a residential zone;
- July 2008 – Committee of Adjustment granted a minor variance permitting an addition to the restaurant of 19.7 m<sup>2</sup> (212.0 sq. ft.) providing a reduced parking rate of 8.6 spaces per 100 m<sup>2</sup> (1,076.4 sq. ft.) for the addition, no spaces for persons with disabilities, and being within 60 m (197 ft.) of a residential zone.





**LEGEND:**

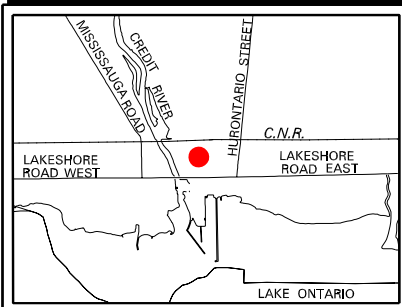


SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008



**SUBJECT:** 2127557 ONTARIO INC.



FILE NO:	FA.31 08/002 W1
DWG. NO:	FA3108002A
SCALE:	NTS
PDC DATE:	2009 01 12
DRAWN BY:	R.DICOSOLA

**BY-LAW 0225-2007**

**LEGEND:**



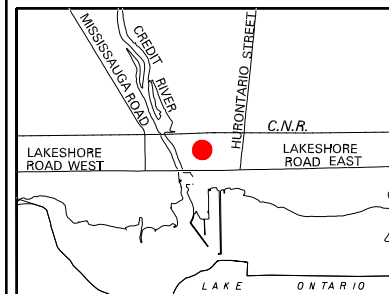
SUBJECT LANDS

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



**SUBJECT:**

**2127557 ONTARIO INC.**



FILE NO:  
FA.31 08002 W1

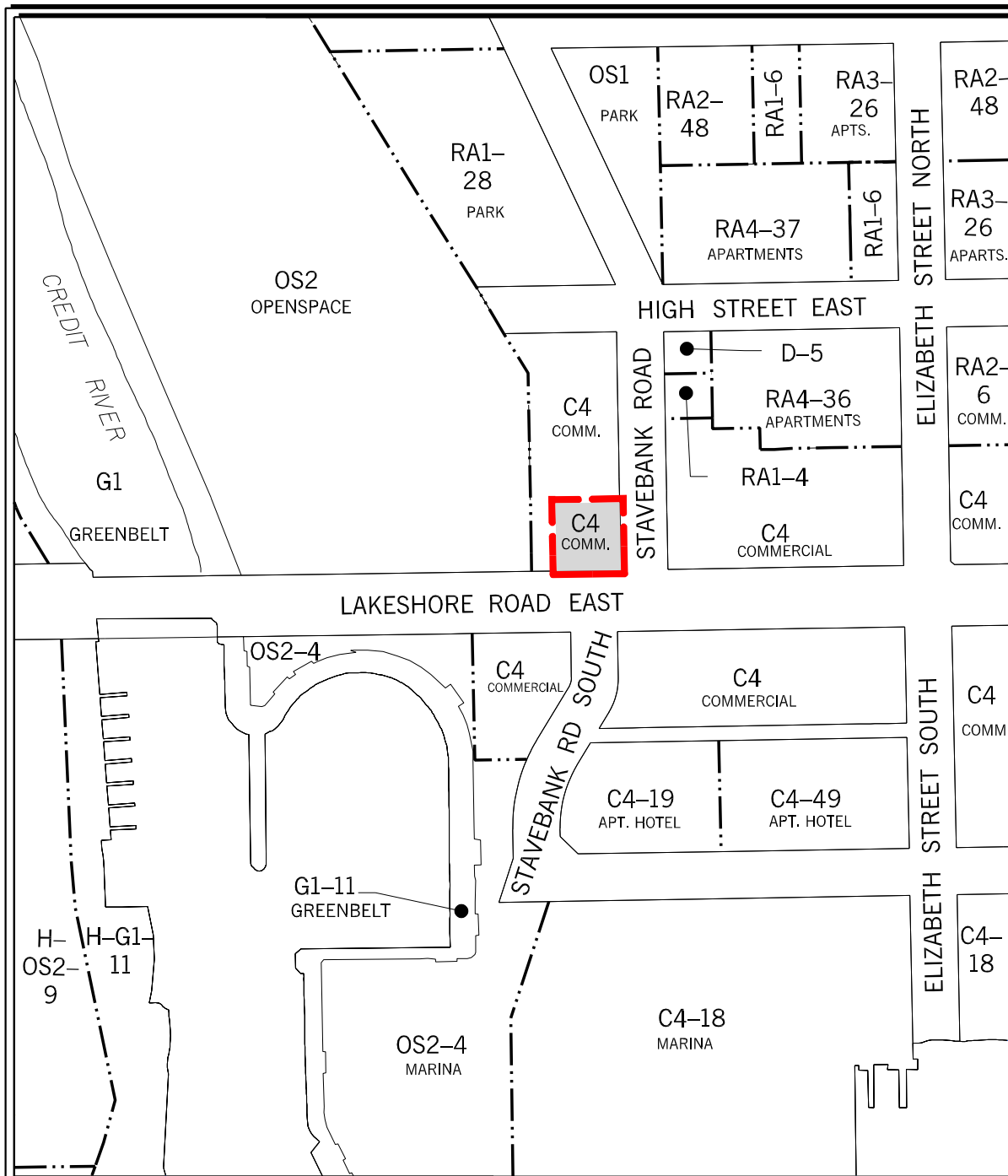
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FA3108002R

SCALE:  
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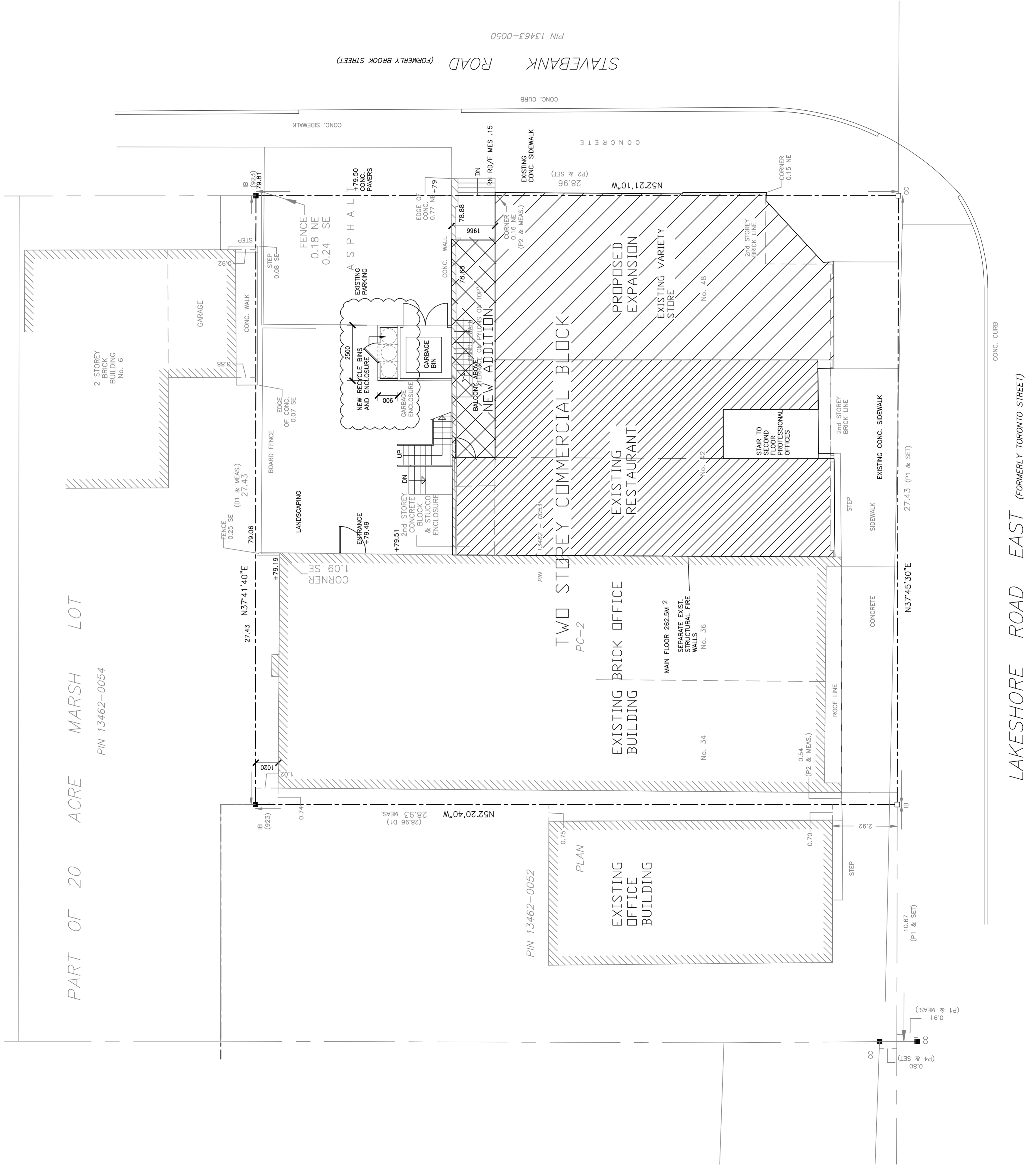
PDC DATE:  
2009 01 12

DRAWN BY:  
R.DICOSOLA

APPENDIX 3



SITE PLAN



PART OF 20 ACRE MARSH LOT  
PIN 13462-0054

LAKESHORE ROAD EAST (FORMERLY TORONTO STREET)  
PIN 13462-0064

STAVEBANK ROAD (FORMERLY BROOK STREET)  
PIN 13463-0050

PIN 13462-0052

EXISTING OFFICE BUILDING  
PLAN

TWO STOREY COMMERCIAL BLOCK  
PC-2

EXISTING BRICK OFFICE BUILDING

MAIN FLOOR 262.5M 2  
SEPARATE EXIST. STRUCTURAL FIRE WALLS  
No. 36

EXISTING RESTAURANT

PROPOSED EXPANSION

EXISTING VARIETY STORE  
No. 48

2 STOREY BRICK BUILDING  
No. 6

GARAGE

NEW RECYCLE BINS AND ENCLOSURE

GARAGE BIN

BALCONY ABOVE GARAGE

NEW ADDITION

EXISTING CONC. SIDEWALK

CONCRETE

EXISTING CONC. SIDEWALK

EXISTING CONC. SIDEWALK

EXISTING CONC. SIDEWALK

EXISTING CONC. SIDEWALK

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LANDSCAPING

BOARD FENCE

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