



Corporate Report

Clerk's Files

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Files FA.31 10/002 W11

PDC SEPT 6 2011

DATE: August 16, 2011

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 6, 2011

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Payment-in-Lieu of Off-Street Parking (PIL) Application
89 Queen Street South
South of Ontario Street East, between Queen Street South
and Church Street
Owner: 1340787 Ontario Ltd. and 1340788 Ontario Inc.
Applicant: David Brown Associates**

Bill 51

Ward 11

RECOMMENDATION: That the Report dated August 16, 2011, from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under File FA.31 10/002 W11, 1340787 Ontario Ltd. and 1340788 Ontario Inc., 89 Queen Street South, south of Ontario Street East between Queen Street South and Church Street, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$30,940.00 be approved as the amount for the payment in-lieu of seven (7) off-street parking spaces and that the owner 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 1340787 Ontario Ltd. and 1340788 Ontario Inc. for a recreational establishment.
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:

On November 5, 2010, the owner filed a PIL application for six (6) parking spaces under File FA.31 10/002 W11 in anticipation of occupying the vacant portion of the building on the property. Subsequently, the vacant space was occupied by a hot yoga studio which is considered a recreational establishment. As a result, the application was amended to request payment-in-lieu for one (1) additional parking space to reflect the parking requirement for the new use. It should be noted that the hot yoga studio has been operating without the benefit of a Zoning Certificate. Compliance and Licensing Enforcement is aware of the operation.

The purpose of this report is to provide comments and make recommendations with respect to the application.

COMMENTS:

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

Neighbourhood Context

The site which is located on the east side of Queen Street South, south of Ontario Street East is designated "Mainstreet Retail Commercial", located in the Streetsville Node and zoned as "C4" (Mainstreet Commercial), which permits a mix of residential, commercial, and office uses. The west half of the building is occupied by the Croatian National Sports Club on the ground floor and there are three (3) apartment units on the second floor. The

east half is a single storey building which is occupied by the hot yoga studio.

Surrounding uses include the Streetsville Community Police Station located immediately to the north. Further north at the northeast corner of Ontario Street East and Queen Street South is Trinity Anglican Church. To the west, across Queen Street South there is a six storey apartment building. To the south there are offices and financial service uses fronting on Queen Street South and offices and townhouses fronting on Church Street. The Royal Canadian Legion is located immediately across the subject lands on the east side of Church Street.

PIL Request

The applicant is seeking to permit a 155.07 m² (1,669.21 sq. ft.) hot yoga studio in a portion of the building on the property. The existing building has a total gross floor area of 535.35 m² (5,762.64 sq. ft.) for purposes of parking calculations. The private club has a total non-residential gross floor area of 169.22 m² (1,821.58 sq. ft.). The second floor containing the three (3) apartment units has an area of 211.06 m² (2,271.93 sq. ft.).

With the present mix of uses, the total parking required is nineteen (19) spaces. There are nine (9) spaces on site including one (1) parking space for persons with disabilities. Four (4) spaces are allocated for the residential units and the remaining five (5) spaces are for the private club. In 2005, Council approved a PIL application for three (3) parking spaces for the private club, (see Appendix 1).

The owners are now seeking relief for an additional seven (7) parking spaces under this application based on the required parking rate of 4.5 spaces per 100 m² (1,076.4 sq. ft.) for a recreational establishment in the Zoning By-law. If this application is approved, there will be ten (10) spaces altogether that are subject to PIL agreements.

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 spaces provided on the subject property, on-street parking is available for three hour periods in the area primarily along the west side of Church Street as indicated on Appendix 2. The existing on-street parking supply can accommodate the on-site deficiency.

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

The space that is available for on-site parking has been maximized. There is currently no opportunity to create additional parking.

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

The proposal meets the intent of the "Mainstreet Retail Commercial" designation of the Streetsville District Policies of the Official Plan and satisfies the requirements of the Streetsville Node by having a mix of uses on the subject lands.

In addition, there is no expansion to the existing building and the requested payment for seven (7) parking spaces will allow for the continuation of the recently occupied recreational establishment which could otherwise continue to remain vacant.

Based on the above, the application 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 that such agreement includes the payment of monies to the City 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. The agreement stipulates the following:

- payment-in-lieu of off-street parking is provided for seven (7) parking spaces;
- a total payment of \$30,940.00 is required; and
- payment has been made in one lump sum.

FINANCIAL IMPACT:

As of July 8, 2011, the balance of the Payment-in-Lieu of Off-Street Parking account for Streetsville was \$209,809.73 and with the addition of the monies from this PIL application, the account will have a balance of \$240,749.73.

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 Streetsville face the further challenge of strengthening their historic commercial centre 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 Payment-in-Lieu of Off-Street Parking application can be supported for the following reasons:

- there are no changes to the subject property and no external building alterations, expansions or additions;
- there are on-street parking opportunities in the immediate vicinity to offset the parking shortfall;
- there is no space to create additional parking on the subject property; and,
- the proposed shortfall of seven (7) parking spaces is not expected to adversely impact the local area.

ATTACHMENTS:

Appendix 1- Site and Policy Histories

Appendix 2 - Aerial Photograph

Appendix 3 - Excerpt of Existing Land Use Map

Appendix 4 - Concept Plan

Edward R. Sajecki
Commissioner of Planning and Building

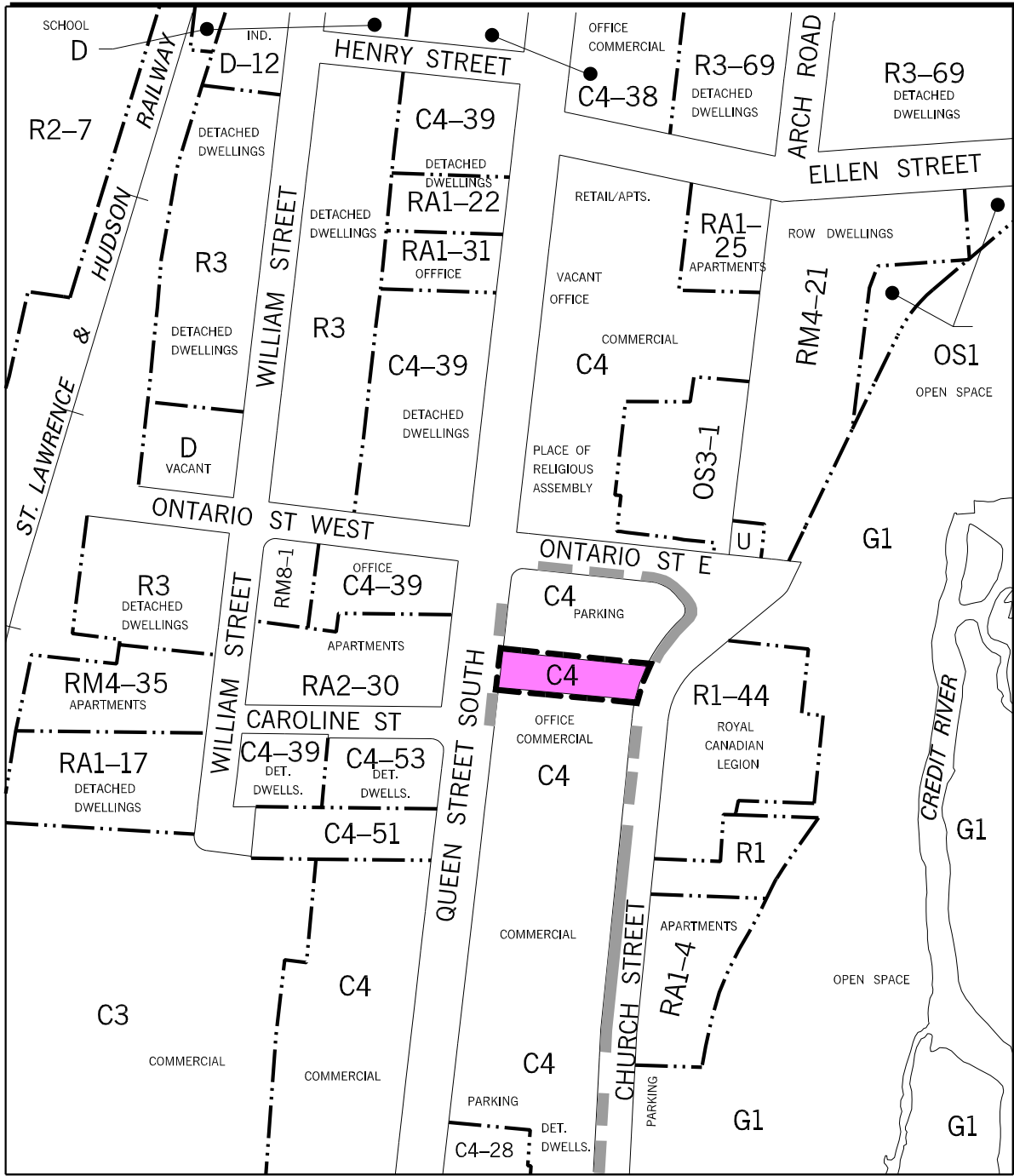
Prepared By: Haig Yeghouchian, Development Planner

Site History

- September 23, 1999 - A Minor Variance Application under File 'A' 503/99 requesting: a parking area within 18.0 m (59.05 ft.) of Queen Street South; a reduced driveway aisle width of 1.39 m (4.56 ft.) fronting onto Queen Street South; a reduced driveway aisle width of 4.35 m (14.27 ft.) on the south side of the building and to provide twelve (12) on-site parking spaces was refused by the Committee of Adjustment.
- October 28, 1999 - A Minor Variance Application under File 'A' 594/99 was approved by the Committee of Adjustment to permit three (3) dwelling units on the second floor of a non-residential building.
- December 17, 1999 - A Site Plan Application (SP 99/354 W6) was approved for the construction of a two-storey addition that included the Croatian Club and dwelling units.
- January 4, 2000 - A PIL Application under File FA.31 99/004 W6, requesting relief for three (3) off-street parking spaces was cancelled as the proposed development was changed and the parking relief no longer required.
- August 10, 2000 - A Minor Variance Application 'A' 414/00 was approved by the Committee of Adjustment for a temporary period to permit the establishment of a private club use and ancillary snack bar (Croatian National Sports Club) subject to the parking requirements being satisfied.
- May 1, 2003 - A Minor Variance Application 'under File A' 231/03 was approved by the Committee of Adjustment for a temporary period to permit the continued operation of a private club use and ancillary snack bar (Croatian National Sports Club).
- In 2005 - City confirmed that the "Croatian National Sports Club" meets the definition of a fraternal lodge, association or institutional hall and therefore was a permitted use within the "C1" (Restricted Commercial) zone.
- December 14, 2005 – Council approved a PIL Application under File FA.31 03/001 W6, requesting relief for three (3) off-street parking spaces.

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.

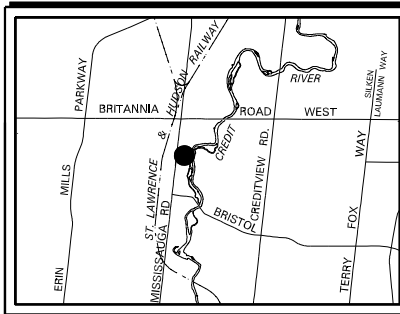


LEGEND:

-  **SITE LOCATION**
89 QUEEN STREET SOUTH
-  **ON-STREET PARKING**



SUBJECT: 1340787 ONTARIO LTD.
and 1340788 ONTARIO INC.



FILE NO:
FA.31 10002 W11

DWG. NO:
FA31 10002R

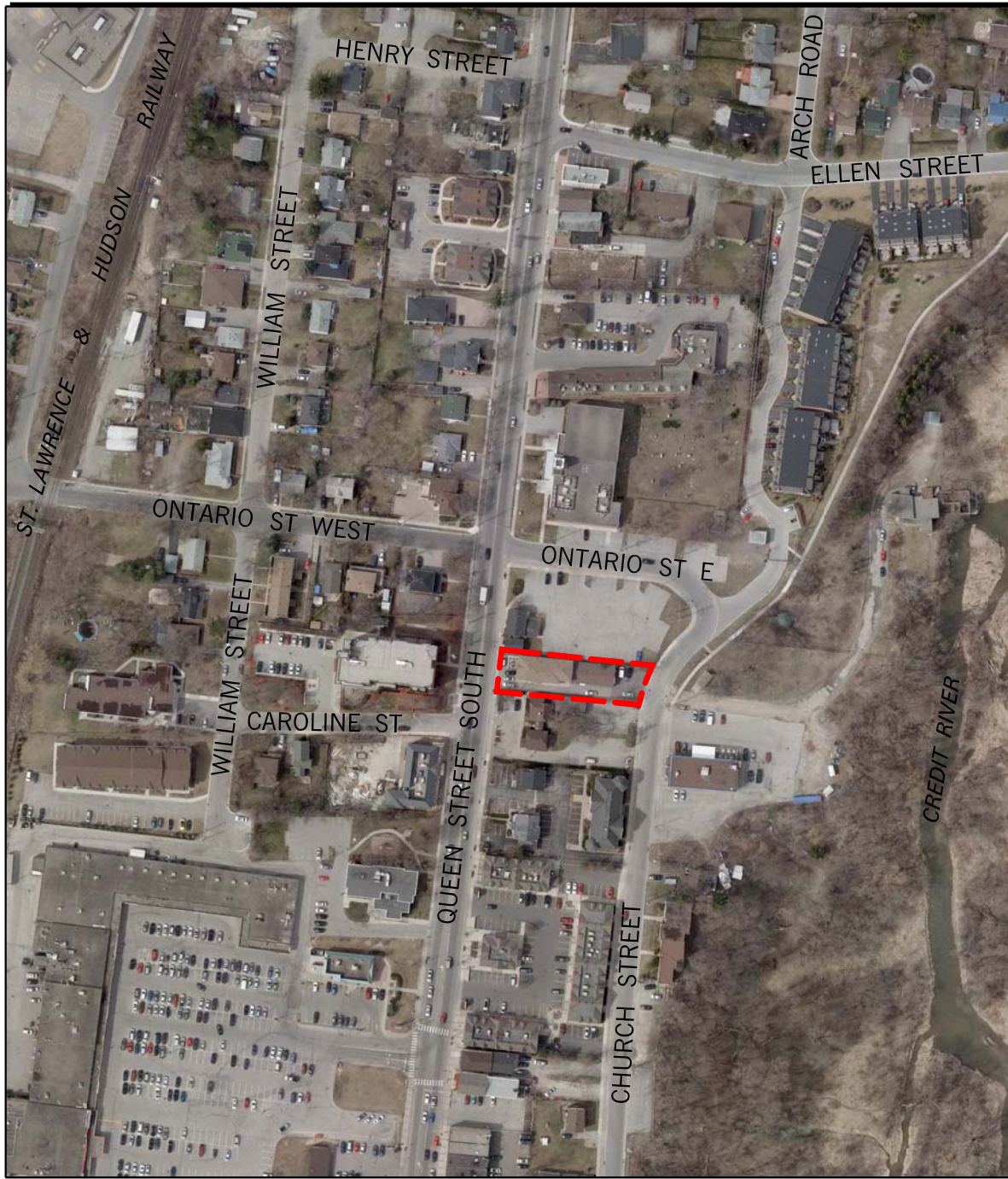
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DRAWN BY:
K. PROKOP

APPENDIX 2

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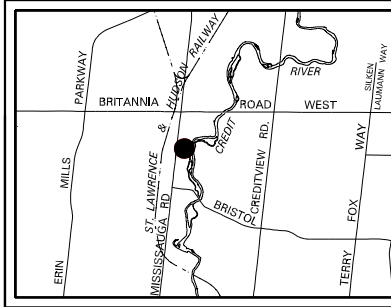


LEGEND:

 **SITE LOCATION**
89 QUEEN STREET SOUTH



SUBJECT: 1340787 ONTARIO LTD. and 1340788 ONTARIO INC.



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APPENDIX 3

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