

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-046**

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**Date:** May 22, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: Ward 12 – Lindsay**

**Title:** Parking Requirements – Re-development of 171-183 Kent Street West

**Description:** Request to the City for the collection of cash-in-lieu of parking for the re-development of the property in accordance with the provisions of the Town of Lindsay Zoning By-law

**Author and Title: Ian Walker, Planning Officer – Large Developments**

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### **Recommendations:**

**That** Report PLAN2018-046, **Parking Requirements – Re-development of 171-183 Kent Street West**, be received; and

**That** Council requires cash-in-lieu of parking for the re-development of 171-183 Kent Street West, Lindsay, in the sum of \$76,362.64 as cash in lieu for 100 parking spaces.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## Background:

The owner of these lots proposes to demolish the existing three storey hotel/restaurant building at 171 Kent Street West, known as The Grand hotel, and the existing two storey mixed commercial and residential building at 171-183 Kent Street West, and to construct a new three (3) storey commercial building. The current proposed development will require 167 parking spaces, and the developer is only able to provide 67 on-site parking spaces.

The applicant submitted a Minor Variance application to the City's Committee of Adjustment to request relief from the "Central Commercial (CC) Zone" provisions and the "General Provisions for All Zones" sections of the zoning by-law to request 4 reliefs: a) to reduce the required parking; b) to reduce the required accessible parking; c) to reduce the number of loading spaces; and d) to reduce the front yard setback. At the Committee meeting on February 15, 2018, the applicant withdrew the request to reduce the required parking, and proceeded with the other 3 requests. The front yard setback and loading space requests were granted, and the reduction to the number of accessible parking spaces was denied. As a result of withdrawing the request to reduce parking through a minor variance, the applicant has chosen to request entering into an agreement with the City for the payment of cash-in-lieu of parking for all required deficient parking spaces. As such, they have requested to make a presentation to Council on the May 22, 2018 meeting for the consideration of cash-in-lieu of parking.

Owner:	APG Kent Street Properties Corp. – Neil Arbour
Applicant:	Monsey Consulting Group Inc. – Dean Aziz
Legal Description:	Plan 38 Lots 2 and 3 South of Kent Street, 57R-5785 Part of Part 1, former Town of Lindsay, City of Kawartha Lakes; and Plan 38 Lots 4 to 7 and Part Lot 8, 57R-7668 Parts 2 and 3 and Part of Part 1, former Town of Lindsay, City of Kawartha Lakes
Designation:	"Central Business District Commercial" on Schedule 'A' of the Town of Lindsay Official Plan
Zone:	"Central Commercial (CC) Zone" on Schedule 'A' of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	2,327.5 square metres (25,053.8 square feet)
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Tavern, Restaurant, Commercial, and 8 Residential Units
Adjacent Uses:	North: Kent St W; Lindsay Service Centre; Library East: Commercial (Bakery); Cambridge St S; Bank (Scotia) South: Vacant Land (Parking); Russell St W. West: Commercial (Kent Place); Victoria Ave S.

## **Rationale:**

The property is located on Kent Street West, between Cambridge Street South and Victoria Avenue South, in Lindsay. See Appendix 'A'. It contains an existing three (3) storey hotel/restaurant and two (2) storey mixed commercial and residential building, constructed circa 1900 (MPAC). The new three (3) storey building is proposed to have retail stores and a restaurant on the first floor and offices on the second and third floors. Staff has discussed various alternatives with the owner and applicant for the parking requirement regarding this proposal.

The parking ratios contained in the Town of Lindsay Zoning By-law is the same for suburban sites as they are in the downtown core. However, in the downtown core, the By-law allows that cash-in-lieu of parking may be considered by Council as an alternative to providing on-site parking. Historically, properties in many downtown areas have been built to the front lot line, and provide little or no on-site parking. The Zoning By-law considers that if a building is converted to a new use and/or if an addition is constructed, that the existing parking deficiency is not required to be addressed, however, it does require the difference in parking to be addressed (e.g. the difference between the new required total and the previous required total). For a demolition and replacement or brand new build, it requires the full complement of on-site parking be provided, or alternatively, that cash-in-lieu of parking may be considered as an alternative for any parking deficiency.

Section 40.(1) of the Planning Act allows for a municipality to enter into an agreement with an owner of a building, exempting them from providing and/or maintaining parking facilities required by a by-law. Section 40.(2) of the Act provides for the payment of money to the municipality as consideration for granting of this exemption. The money will be collected by the City at the time of execution of the Site Plan Agreement, and goes into a special account which can be used for providing and/or maintaining municipal parking. To date, City Council has not passed any by-laws setting a standard rate for cash-in-lieu of parking, anywhere within the City. The only by-law which is currently in place and which was passed by the local Council prior to 2001 applies to the former Village of Fenelon Falls, where the rate is \$4,000 per space. Since 2001, applicants within the Former Town of Lindsay have sought relief from Council via cash-in-lieu of parking, to proceed with their development, as follows:

- In 2007, Development Services staff recommended collection of \$40,000 cash-in-lieu for the re-development of the properties at 43, 47, and 49-51 Kent Street West, based on a formula for recognizing that the parking standards in the downtown core are not typically the same as in a suburban setting. The rationale for the calculation is provided in Appendix 'C'. It set the basis for the current staff recommendation and other monies collected. The result was a value of approximately \$1,379 per space based on the staff recommendation. Council chose to receive \$20,000 cash-in-lieu for 29 parking spaces;
- In 2015, Council received \$10,500 cash-in-lieu for 7 parking spaces, for the re-development and conversion of the building and property at 25 King

Street. This was based on a value of \$1,500 per space, and was approved by the Ontario Municipal Board.

In 2007, Richard Danziger, Director of Development Services recommended using the following three-step process to calculate cash-in-lieu of parking for the Rexall Development in downtown Lindsay;

- i. The cash-in-lieu payment be based on a 50% reduction to the zoning requirement for parking;
- ii. The cash-in-lieu payment be taken based on the remaining spaces not provided for on-site; and
- iii. The number of spaces in step ii. above be multiplied by the \$4,000 requirement for parking spaces in the Fenelon Falls cash-in-lieu of parking by-law.

For the Rexall Development this calculation resulted in \$1,379 cash in lieu of parking payment for a total of \$40,000. Staff brought a report forward to Council for this payment but after reviewing the report, Council decided to cut this payment in half such that the applicant paid \$20,000 for the 29 deficient parking spaces or **\$689.65** per parking space.

In 2015, the Ontario Municipal Board agreed with the 2007 staff recommendation of \$1,379 per parking space but recommended indexing this payment to \$1,500 per parking space to equal 2015 dollars.

Using the precedent set by the Rexall Development, the Grand Redevelopment would pay the following cash in lieu of parking:

- i. The cash-in-lieu payment be based on a 50% reduction to the zoning requirement for parking which would equal 84 spaces (167 divided by 2);
- ii. The cash-in-lieu payment be taken based on the remaining spaces not provided for on-site which would equal 17 spaces (84 spaces minus 67 spaces provided); and
- iii. The number of spaces in step ii. above (17) be multiplied by an indexed \$4,491.92 requirement for parking spaces for a total of \$76,362.64

There are multiple ways to determine what value to collect for cash-in-lieu of parking:

- a) Use the Rexall precedent with an indexed total amount as explained above;
- b) Use an indexed value per parking space based on the 2007 recommended value of \$1,379.00 (indexed value \$1,548). This would total \$154,800;
- c) Take a value of \$4,000.00 per space (or 2018 indexed value of \$4,491.92) for all deficient spaces. This would equal \$449,192;
- d) Determine the true cost per space of providing the new parking spaces on another property (which will vary depending on the type of structure, location, etc.); or
- e) Take a nominal value of \$1.00 for all deficient spaces.

In the absence of knowing the exact value of constructing new parking, and/or until such time as Council passes a by-law setting the value for the taking of cash-in-lieu of parking, staff would recommend being consistent with the recommendations which formed the basis for past Council decisions. Staff would therefore recommend alternative a) above.

The City's Transportation Master Plan recognizes the general need to expand municipal parking capacity in the downtown areas of Lindsay, Fenelon Falls and Bobcaygeon. This is based on the population and employment forecasts in the Growth Management Strategy, as a result of the Provincial Growth Plan, which forecasts the City reaching a permanent population of 107,000 by 2041. On April 24, 2018, Council passed Resolution CR2018-255, to commission a Downtown Parking Strategy project which will examine parking issues in downtown areas more closely, to substantiate specific needs and develop proposed solutions for future parking needs.

The Transportation Master Plan identified there are in excess of 500 municipal parking spaces available in the downtown area. On-street parking is available on Kent Street West, Cambridge Street South, and Victoria Avenues South and North. Off-street parking is available in municipal and private lots to the east (along William Street North and South) and to the north (between Kent Street West and Peel Street).

As noted above, the applicant had requested that the Committee of Adjustment consider a variance to reduce the number of required parking spaces from 167 spaces to 67 spaces. At the Committee meeting of February 15, 2018, members of the public spoke in opposition to the minor variance request to reduce parking on this property for two main reasons: on the basis of the value of cash-in-lieu to be taken; and on the reduction of 100 spaces not being minor. Based on the discussion at the Committee meeting, the owner chose to withdraw this variance request and come forward to Council with a request to pay cash-in-lieu of parking, in accordance with Section 40 of the Planning Act.

### **Other Alternatives Considered:**

The original proposal received December 1, 2017 provided approximately 26 on-site surface parking spaces. In the meantime, the applicant has revised the proposal to provide an additional 50 underground parking spaces, for a total of 67 parking spaces on-site. The property owner is also pursuing other alternatives, such as the purchase of other vacant nearby properties to be consolidated with their land holdings, for the purpose of increasing the availability of on-site or nearby parking for this development.

### **Financial/Operation Impacts:**

There will be financial impacts which cannot currently be quantified at this time, as the true costs of adding new parking in the downtown area are not known.

Depending on the alternative chosen, the City may be in a position to receive cash-in-lieu of parking.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment
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This application aligns with the vibrant and growing economy strategic goal as it increases the available employment opportunities in the downtown core.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented through the Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

### **Servicing Implications:**

The lot is connected to full municipal services in the Lindsay municipal service area.

### **Consultations:**

- Transportation Master Plan;
- Report DEV2007-083, Parking Requirements – Re-development of 41, 43 & 59-51 Kent St. W., Lindsay
- Public Consultation through Minor Variance Application D20-2018-006

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

#### **Appendix 'A' – Location Map**



PLAN2018-046  
Appendix A.pdf

Appendix 'B' – Letter dated April 19, 2018 from Bryan Green, APG Kent Street Properties Corp. (property owner)



PLAN2018-046  
Appendix B.pdf

Appendix 'C' – Report DEV2007-083



PLAN2018-046  
Appendix C.pdf

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D19-17-017