

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Anne Taylor Scott, RPP, MCIP Director of Planning and Development Services ataylorsscott@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	September 26, 2022		
Report No.:	SPA-03-21 – Parking cash-in-lieu		
Submit comments to Council			

Subject/Title: Cash-in-Lieu of Parking - 173-185 Division Street & 9 Albert Street – Mixed-use Development (2692004 Ontario Inc.)

RECOMMENDATION:

THAT Council receive this Staff report for information purposes; and,

FURTHER THAT Council pass a By-law included as Schedule “B” authorizing the Mayor and Clerk to enter into a Cash-in-Lieu of Parking agreement with 2692004 Ontario Inc. for the purposes of providing relief of 10 parking spaces in the amount of \$86,930.00 upon resolution of all other site plan matters and approval of the site plan drawings.

1. STRATEGIC PLAN

Not applicable.

2. PUBLIC ENGAGEMENT

Concurrent applications for Site Plan approval and to amend the Zoning By-law was submitted by TD Consulting Inc. on behalf of 2692004 Ontario Inc. c/o Joe Ferrara for a new 3-storey mixed-use commercial/multi-unit residential complex at the southwest corner of Division Street and Albert Street in January 2021, and was formally received by Council for the approval on February 22, 2021. A public meeting was held on April 12, 2021 in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended for the Zoning By-law amendment application. Public submissions regarding road widening, parking, building, building height, electrical charging stations and traffic were received, and all of the above concerns were addressed accordingly by Staff. See **Schedule A** for Context and area.

A staff report was presented to May 17, 2021 Committee of Whole meeting for Council Approval of the Zoning By-law Amendment application and the proposed zoning of the subject properties were approved and By-law No. 038-2022 was passed at June 27th, 2022 Council Meeting.

A Public meeting is not required for Site Plan Control applications under the Planning Act and this staff report was published 10 days prior to the scheduled Committee of the Whole meeting for approval of Cash-In-Lieu of parking agreement.

3. PURPOSE

The purpose of this report is to seek Council's approval of a By-law that would have the effect of authorizing the Mayor and Clerk to execute a cash-in-lieu of parking agreement with the owner of the subject lands.

4. ORIGIN AND LEGISLATION

On June 27, 2022, Council passed the By-law No. 038-2022 for the proposed Zoning By-law Amendment for the subject lands containing a mixed-use development consisting of seven (7) commercial rental units, twenty (20) residential units and three (3) live/work units.

At the time Council also endorsed a total of 10 parking spaces be eligible for a cash-in-lieu parking contribution thereby allowing this development to proceed with a total of 35 parking spaces for the subject development, subject to finalization of outstanding technical detail elements by staff to the satisfaction of Town.

5. BACKGROUND

The applicant applied for a Zoning By-law Amendment and a Site Plan application in February, 2021 and a By-law approving the proposed zoning change was passed in June 27, 2022 Council meeting. Refer to **Schedule A** "*Context Map*" attached.

During review of the application and in an effort to advance a mixed-use development in the downtown core that otherwise meets all other planning policies and objectives, it was deemed appropriate to exercise a cash-in-lieu of parking payment. Please refer to June 20, 2022 Committee of the Whole report for detailed information of the subject property and proposal.

6. ANALYSIS

Staff have reviewed the merits of the development and have provided a summary of the characteristics of the development that meets many key planning criteria, and the Planning framework that enables the Town of Cobourg to contemplate cash-in-lieu of parking payments, where appropriate.

Key Characteristics of the Development

The proposal to introduce a mixed-use development in a bustling part of downtown area that is within proximity to amenities such as Cobourg Beach and Marina, King Street Commercial Corridor, public parks, and range of retail, offices and institutional uses has been prominent contributing factors for this proposed mixed-use development. Staff provided a thorough analysis of applicable Provincial, County and Municipal policies in support of the mixed-use development previously with the approval of its zoning by-law amendment application. The following key highlights of the development would assist with the requested cash-in-lieu of parking for the proposed mixed-use development:

- The development is located in Town of Cobourg Downtown area within proximity to commercial district where walkability is encouraged;
- The three-storey mixed-use and residential proposal is consistent with Provincial Policy Statement (PPS) policy direction on protecting natural resources, utilizing existing infrastructure, providing mix of employment opportunities that caters to municipal needs, and sections 1.1.3 (settlement area, 1.3 (employment area) and 1.4 (residential area);
- The proposed mixed-use development provides a desirable mix of commercial and residential development at a density which is appropriate for its locational context in the downtown, and that is consistent with the Provincial goal of intensifying growth within urban serviced settlement areas, County of Northumberland projected population and employment projections, and complete communities that provide convenient access to mix of jobs, local services, full range of housing, schools, health care facilities, transit, recreation and open spaces for residents;
- The Harbour Area Secondary Plan encourages all new developments and redevelopments located within Block 1 “Commercial Area” to be designed as mixed-use developments that comprise of a mix of retail, office and residential, which this development proposal complies with;

Accordingly, the development would continue to maintain the existing streetscape and comply with Provincial, County and Municipal policies.

Authorization under the Planning Act

Section 40(1) provides the ability for Council of a municipality and such owners or occupants may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining parking facilities.

Official Plan Policy

The Town of Cobourg's Official Plan policies direct that Council shall consider reduction in parking where mixed-use developments are proposed (Sections 6.6.2 and 11.10.5). Infill developments in the downtown such as this application should be considered for reduced parking and may be eligible for Cash-In-Lieu of parking payments, given their ability to comply with the majority of other development policies. Cash-in-lieu of parking is a policy tool commonly used in urbanized areas of municipalities where the availability of parking spaces can be limited in higher density areas where extra parking facilities exist, or transit supports are located.

Section 6.6.2 provides the policy direction for Downtown Area and while Section 11.10.5 provides specific parking policies within Harbor Area:

6.6.2 Main Central Area Parking Requirements

- i. The Town will maintain and enhance the supply of short-term parking for shoppers and visitors within the Main Central Area and accessible parking for the short and medium term needs of residents and employees including parking for public uses.
- ii. In recognition of the difficulty of providing on-site parking within the Main Central Area, the Town:
 - a. shall encourage the owner or operator of any building or site which cannot satisfy the requirements of the zoning by-law with respect to parking to investigate alternative arrangements for the provision of off-street parking areas and/or the fulfilment of parking requirements at alternative locations through agreement with the municipality in accordance with the Planning Act;
 - b. may consider the acquisition of lands in appropriate locations for the provision of off-street parking within the Main Central Area where severe parking and/or loading problems exist;
 - c. may, at its discretion, enter into an agreement with the owner or operator of a building within the Main Central Area to provide for the payment of cash-in-lieu of all or part of the zoning by-law requirements pertaining to the provision of off-street parking in accordance with the Planning Act provided that the Town is satisfied that the parking needs of the development can be met;
 - d. may review parking standards in the zoning by-law, through a parking analysis at its discretion and may reduce the parking standards in recognition of the built form and existing level of parking in the downtown area and notwithstanding any other provision of this Plan; and,

- e. may, in reviewing a proposal for redevelopment in the Main Central Area, recognize the existing parking situation, and provide for a reduced parking standard provided such redevelopment shall not result in a significantly greater deficit of parking spaces. Similarly, the Committee of Adjustment may utilize this policy to grant a variance provided the parking deficiency is not significantly increased.

11.10.5 Parking

- a) Parking shall be provided in the Harbour Area mainly through the provision of off-street parking facilities. However, the Town shall consider alternative arrangements in conformity with Section 6.6.2, Main Central Area Parking Requirements.
- b) The number of parking spaces to be provided for specific uses shall be calculated according to the parking standards established in the Zoning By-law. The Town shall consider a reduction in on-site parking standards where mixed-use development is proposed after evaluating the potential for the sharing of parking spaces given the proposed mix of uses.
- c) A policy shall be developed by the Town to identify public parking locations and parking locations for employees. All parking spaces adjacent to commercial and tourist attractions shall be reserved for shoppers and other visitors. Public parking facilities shall be permitted in all land use designations in the Harbour Area.

Given the above policies, the Town of Cobourg Official Plan and Harbour Area Secondary Plan supports the proposed request to enter into a Cash-in-lieu of Parking Agreement to accommodate mixed-use developments that contributes to the form and density within Downtown areas.

Zoning By-law

The subject property is zoned Main Central Commercial (MC) in the Comprehensive Zoning By-law as amended by By-law No. 038-2022. The Zoning By-law currently provides reduced parking rate for development located within a prescribed Downtown Areas and additionally, Section 6.1.3 of the Zoning By-law provides regulations pertaining to reduced parking rates.

Further it is authorized in Section 6.1.3 of the Zoning By-law - Exception In the area illustrated on Schedule "C" as "Reduced Parking Requirement Area - Downtown", Council may, in accordance with Section 40 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, enter into an agreement exempting an owner or occupant from providing or maintaining some or all of the required parking facilities and such an agreement shall provide for the making of one or more payments of money to the Municipality as consideration for the granting of the exception.

The parking study prepared by NexTrans Engineering Consultants provides adequate justification for the number of parking spaces provided within the subject property and the short-fall of 10 parking spaces could be addressed through Cash-in-lieu payments to satisfy the requirement of 45 parking spaces.

Downtown Parking Study 2014

The Downtown Parking Study prepared by Paradigm Consulting in 2014 identified that a cash-in-lieu of parking payment may be an option where it has been demonstrated the reduction would not cause negative impacts on the neighborhood parking conditions.

The downtown parking study also provides a formula which is the industry standard for calculating the appropriate cash-in-lieu of parking payment. See Figure 1 below:



Figure 1: Cash-in-lieu parking formula

Summary of Analysis

The proposed development represents good planning according to Provincial, County, Municipal policies and regulations, and requested cash-in-lieu parking payments would not negatively impact the Town of Cobourg. The Parking Justification and Study prepared by NexTran Engineering Consultants did not identify any negative impacts on Cobourg's current parking requirements and have

supported providing 35 parking spaces on-site and the request for cash-in-lieu of parking for the remaining deficiency of 10 spaces.

The proposed cash-in-lieu parking option was endorsed by Council at the time of approval of the Zoning By-law Amendment application, subject to finalization of the technical and financial component of the cash-in-lieu option. Town of Cobourg Staff and the Consultants have utilized the Downtown Parking Study prepared in 2014 to calculate the cash-in-lieu parking fee amounts. Accordingly, a dollar amount of \$86,930 is payable to Town of Cobourg by the owner of subject property prior finalizing the Site Plan Agreement.

While the policies are in place to accept a cash-in-lieu, this approval is not precedent setting. Not each site would be eligible and need to be reviewed on their own merits. Also, any future requests would come before Council for approval.

In the future there may be a need to update the Downtown Parking Study and to further refine policies and procedures regarding cash-in-lieu of parking payments.

This is an opportunity to set aside funds for a downtown structured parking facility and/or other downtown parking improvements.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implication imposed on the Municipality as a result of this agreement. The owner will be required to enter into the cash-in-lieu of parking agreement upon resolution of all other site plan matters.

The payment in the amount of \$86,930.00 shall be held in a parking reserve and will be distributed accordingly.

Staff have considered whether a decision on the recommendations contained in this report would be considered restricted acts under section 275(3) of the Municipal Act. Staff have confirmed with legal counsel that there is nothing regarding the restricted act provision that would prevent a decision being made on approving a cash-in-lieu payment for parking.

8. CONCLUSION

The purpose of this report is to recommend the passing of a By-law and is consistent with Council's approved direction of May 17, 2022.

Staff will continue to work with the proponent on resolving all other site plan matters including the stamping of the final drawing set prior to finalizing the cash-in-lieu of parking agreement for execution.

Report Approval Details

Document Title:	Cash-in-Lieu of Parking - 185 Division Street (Beachwalk Flats).docx
Attachments:	- Schedule A - Context Map.pdf - Schedule B - Beachwalk Flats - Cash-in-lieu - By-law.docx
Final Approval Date:	Sep 16, 2022

This report and all of its attachments were approved and signed as outlined below:

Rob Franklin - Sep 15, 2022 - 2:38 PM

Anne Taylor Scott - Sep 15, 2022 - 9:20 PM

Tracey Vaughan, Chief Administrative Officer - Sep 16, 2022 - 10:18 AM