SUBJECT: New Parking Bay - Stone Church Road (South Side)  
(PW06099(a)) / (PED06340(a)) (Ward 8)  
Public Works Outstanding Business List

RECOMMENDATION:

(a) That no further action be taken respecting the proposal to construct a parking bay on the south side of Stone Church Road, east of Upper Paradise Road;

(b) That Planning and Economic Development staff be directed to continue to work with Sweet Paradise’s owners to find an alternative location with sufficient parking to relocate their business within the community;
That the item entitled “Parking Lay-by Stone Church Road” referred from City Council on August 9, 2006, be identified as completed and removed from the Public Works Committee Outstanding Business List.

EXECUTIVE SUMMARY:

At the August 9, 2006 meeting of the Committee of the Whole, staff was directed to prepare a comprehensive feasibility report and background information related to constructing a parking bay on the south side of Stone Church Road, east of Upper Paradise. This report addresses that direction.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 8.

At the July 12, 2006 meeting of the Committee of the Whole, it was moved that Public Works staff be directed to construct a parking bay on the south side of Stone Church Road West, east of Upper Paradise Road (see Appendix “A” attached to Report PW06099(a)/PED06340(a)) to address increased parking demands generated by growth in commercial business activity in the area and staff were, consequently, directed to prepare a report providing background information on the matter. At its meeting of August 9, 2006, the Committee of the Whole received Report PW06099/PED06340, which recommended that, “no further action be taken respecting the proposal to construct a parking bay at Stone Church Road (south side)”, and, in response, the Committee issued the following directive:

That staff be directed to prepare a comprehensive feasibility report respecting the request to construct a parking bay facility to provide “on street” parking capacity on the southern part of Stone Church Road, east of Upper Paradise Road for submission prior to the 2007 Budget Process addressing the following:

(a) Review of Available Solutions.

(b) Recommendation for a Preferred Solution.

(c) Design Details for Recommended Solution.

(d) Cost Analysis for Recommended Solution.
   (i) Construction.
OPERATING BUDGET IMPACTS.

(1) Roads Maintenance Program.
(2) Meter Program Revenues.

(e) Capital Funding Sources.¹

Having now completed our investigation, this report provides further recommendations and background information related to the August 9, 2006 directive.

ANALYSIS/RATIONALE:

The business that has created the discussion and demand for additional customer parking is the Sweet Paradise Bakery and Deli located at 630 Stone Church Road West.

In accordance with the most current approved Site Plan for the subject lands (DA-89-38 approved on July 18, 1989), 13 parking spaces are to be provided on site, while 8 spaces are required under the Zoning By-law. In actuality, 16 customer spaces are painted, and in addition, 13 staff parking spaces are provided by stacking the vehicles along the side of the building in tandem (nose to tail).

On the basis of a site visit conducted by Planning staff on April 30, 2007, the following zoning compliance issues were identified:

- Landscaping strips not established on the north and east side of the subject lands.
- Parking stall size deficient (16 spaces provided on site, whereas 13 to be provided under approved site plan).
- Small addition onto rear of building creates rear yard setback infraction.

As well, the following site plan compliance issues were identified at the time of the April 30, 2007 site inspection:

- 1.2m sidewalk not constructed adjacent to building (north and south sides).
- Access to loading space / loading space blocked.
- Sodding not established along west property line.

Staff has been advised that customers of Sweet Paradise, when they are unable to find sufficient parking in the Sweet Paradise parking lot, tend to park in the parking lots of adjacent businesses, which staff has also been advised, adversely affects the operation of said businesses. A Traffic / Parking study was conducted on Saturday, October 21, 2006, between the hours of 11:00 a.m. and 1:00 p.m., which revealed that of the 158 vehicles transporting occupants that proved to be customers of Sweet Paradise:

- 143 vehicles utilized the Sweet Paradise parking lot;
- 2 vehicles parked in the driveway leading to the parking lot;

¹ Item No. 39, Committee of the Whole Minutes, August 9, 2006.
A second study was conducted on Wednesday, September 12, 2007, between the hours of 11:00 a.m. and 1:00 p.m., which identified 125 customers of the bakery who parked their cars as follows:

- 98 vehicles utilized the Sweet Paradise parking lot;
- 20 vehicles parked in the neighbouring commercial plaza to the west;
- 5 vehicles parked illegally in the bicycle lane on the south side and 1 on the north side of Stone Church Road; and,
- 2 vehicles parked in the visitor parking lot located in the residential complex to the east.

The first study showed that over 90% of parking needs were accommodated the Sweet Paradise property, although on-site manoeuvring is difficult under congested conditions. The more recent study found, that in addition to much more overflow parking, events were occurring such as delivery vans supplying goods to Sweet Paradise parking in the two-way left turn lane or the bike lane and two to three vehicle queues being regularly present waiting to turn right to enter the business from Stone Church. Overall, it is clear that the demand exceeds the parking supply for much of the time that the bakery is open.

The property immediately to the west appears to have sufficient excess parking available to accommodate the extra demand from the bakery. Correspondence from Cynthia A. Nash, L.L.B., representing Sanmount Properties Limited, being the owner of the westerly adjoining commercial plaza, indicates that Sanmount Properties has found it necessary to engage the services of a private security firm to deter Sweet Paradise customers from parking on their property. The adjacent property owner was contacted to consider allowing excess parking from the Bakery on her site, with suitable financial compensation, but the property owner has shown absolutely no interest in such an arrangement and has avoided proposed mediation efforts by senior staff to try to assist in resolving the parking problem.

Economic Development staff advise that efforts to date to identify a suitable new location for Sweet Paradise with adequate on-site parking have been unsuccessful.

A review of the physical layout of the property at 630 Stone Church Road West has ruled out the possibility of additional parking spaces being constructed on the road allowance abutting the subject property on its south side, pursuant to a Commercial Boulevard Parking Agreement, due to there being insufficient space available for such a solution. In addition, there is also no possibility of expansion in any other direction, and enforcement of the Zoning By-law and Site Plan will further exacerbate the parking issue by eliminating approximately 3 parking spaces, unless planning approvals (e.g.
zoning amendment or minor variance with a further site plan amendment are applied for / approved.

ALTERNATIVES FOR CONSIDERATION:

(A) Construction of a Parking Facility (Bay)

An alternative to the recommendation is the construction of a parking bay on the south side of Stone Church Road West, opposite number 630, which might mitigate, or partially resolve, the existing parking problem, depending on the degree of customer attractiveness with parking on the opposite side of the street and the degree to which the Zoning and Site Plan requirements are amended or enforced and adhered to.

As illustrated in Appendix B, a bay could commence at a point approximately 85 metres east of Upper Paradise Road and extend approximately 48 metres easterly therefrom. Discounting the access and egress curvature of the barrier curbing defining the bay, there would be approximately 33.5 metres of usable parking space, sufficient for 5 vehicles. The bay would displace 3 mature trees and would require the modification of a below grade hydro vault such that the vault’s existing rectangular access cover is replaced with a round cover suitable for roadway use. Roadway drainage would be managed through the installation of a 0.5 metre dropped gutter running along the north side of the bay and a 0.15 metre barrier curb installed along the south side to prevent vehicles from encroaching on the adjacent sidewalk (shown in Appendix “B” to Report PW06099(a)/PED06340 (a)).

The collision history of the area is excellent, perhaps surprisingly so, in view of the on-going congestion and visibility constraints due to illegally parked cars. The only collision recorded in the past 5 years in the immediate area was a bicycle on the sidewalk struck by a vehicle exiting the Sweet Paradise parking lot. Given that the proposed bay would be on the side of the street opposite to Sweet Paradise, it is probable that most customers of that establishment using the bay would cross mid-block, as opposed to walking 85 metres to cross at the nearest traffic signal. This factor may increase the potential for pedestrian / vehicle conflicts, although it has been noted that Bakery customers parking illegally on the south side do cross regularly at present without incident. To alleviate this situation a mid-block pedestrian storage island could be installed, although the island would have to be situated about 30 metres east of the east end of the parking bay to fit in with driveway turn movements. It is not possible to locate an island directly between Sweet Paradise and the proposed bay, as it would interfere with driveway movements. The alternative of a midblock pedestrian signal was also considered, but this was rejected totally as it violates the minimum spacing rules for traffic signals contained in the Ontario Traffic Manual (being less than ½ of the minimum distance allowed), would potentially increase rear-end collisions and would be very difficult to implement due to the driveways in the area.
Construction of the proposed bay might encourage “U-turn” movements on the part of westbound traffic, and would result in vehicles stopping in the eastbound travel lane to back into parking spaces, increasing the risk of vehicle/vehicle conflicts and potentially inhibiting the flow of traffic in both the eastbound and westbound lanes. Alternately, westbound traffic might continue to take the easier option of stopping in the bike lane, especially on weekends when enforcement efforts by City staff are typically reduced.

The circumstances of providing this bay carry the perception that public funds are being used to help the Bakery maintain its location and customers. Further, the location of the bay, though not entirely suitable for anyone’s use, is most suited to the Bakery’s customers, although the parking spaces themselves would be available to all the public. The conclusion drawn from the multiple observations of parking in this area suggests that the virtually all of the on-street parking issues would not exist if there were sufficient parking on site for the Bakery’s customers. The illegal parking and congestion in the area of 630 Stone Church Road West has been documented as being created by the customers of the Bakery. The observations of staff have not pointed to other sites as causing problems on-street in the fashion caused by Sweet Paradise. However, the Ward Councillor has indicated that he has complaints of parking shortages from the strip mall on the southeast corner of Stone Church and Upper Paradise and that letters to this effect stating that the proposed parking bay would be useful to that strip mall are forthcoming. Multiple observations of this site in September and October of 2007 found that the strip mall site almost always has free spaces, although it is clear that the parking lot may fill up completely for a short duration occasionally. After a number of site visits, weekday and weekend, at various times of day, staff were able to document a full parking lot only once for a period of 10 minutes. Even if this were the case on a regular basis, it remains to be seen if the proposed bay would be attractive or useful for customers of the mall on the south-east corner of Stone Church and Upper Paradise, given the distance to the proposed bay and the requirement to pass through an active filling station. The alternative is that the plaza overflow customers would default to crossing Upper Paradise to use the parking lot of the larger plaza on the west side, as they apparently do now at times of peak demand. Given the minimal problems identified with parking and traffic on-street in areas away from 630 Stone Church, the position of the bay and the possible negative impacts associated with the bay, the primary purpose of the bay would still appear to be the provision of additional parking for the bakery. Certainly, the Bakery’s problems are the driving force for the installation of the bay and the Committee may wish to receive legal advice, in camera, on the issue of potential bonusing.

It has been noted that there are a number of lay-bys or curb indentations in the City. Many of these have been constructed to accommodate HSR bus stops or school buses and/or parents that are delivering children to school. There are also some longer stretches, typically protected by curb bumpouts at one or both ends of a block, that are located in commercial areas and which serve a number of businesses in an area, usually business which do not have accessible off-street parking. In the downtown core, some provisions have been made for
major hotels, in an effort to provide drop-off and pick-up zones rather than parking spaces. None of these situations appear to be a parking bay installed at the City’s cost to provide short-term parking to serve a single business.

In summary, while the bay would have some overall benefit in reducing congestion due to overflow parking demands from the Bakery, the potential negative traffic flow and safety issues, combined with costs, environmental issues and negative perception suggest that construction of the bay is not an appropriate response to the issue and that this most successful bakery business should continue to seek a site more suited to its business needs, and one which would allow for future growth.

(B) Status Quo Option

A second alternative consists of maintaining the status quo wherein Sweet Paradise’s customers will continue to have a shortage of parking spaces during most shopping times. Vehicles will continue to park illegally on Stone Church Road or to use adjacent private property.

(C) Mediation

In early April 2007, the General Manager, Planning and Economic Development Department, had proposed to provide the services of an external mediator with the aim of expediting a solution to the outstanding parking issues between the owner of Sweet Paradise and the adjoining property owner (Sanmount Properties Limited). More specifically, to determine if a financial arrangement / resolution could be found to allow Sweet Paradise to lease approximately 10 parking spaces from Sanmount Properties Limited on Sundays.

Agreement to participate in the mediation process was received from the owner of Sweet Paradise. However, following several requests / communications with the adjoining property owner and their lawyer, staff was advised by e-mail from the owner on July 29, 2007, that “…Mediation is not warranted at this time…”. Prior to considering the viability of mediation, the owner has requested a written proposal, including compensation, and action on the zoning / site plan deficiencies (see Analysis / Rationale Section). In this regard, the purpose of the mediation process was to provide an opportunity for the parties to bring forward all the issues, including compensation, and discuss potential remedies / proposals with the aim of reaching a mutually agreed to resolution. With respect to the concerns about zoning / site plan deficiencies at Sweet Paradise, potential remedies could also have been dealt with as part of the proposed mediation process.

Mediation leading to shared use of parking facilities has the potential to resolve the situation, but it appears the owner to the east has no interest in any such negotiations at this time.
Based on discussions with the owner of Sweet Paradise, it is understood that they intend to make an application for a revised Site Plan which would address the zoning and site plan compliance issues, and would also include a small proposed second storey addition to the rear of the building. Any other planning approvals (e.g. minor variance) would also be applied for to implement an approval of the revised Site Plan.

If an application is not submitted for Site Plan revision, then the City can take action to enforce the Zoning By-law and / or Site Plan.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**ALTERNATIVE A**

As part of the 2008 Capital Budget process, $130,000 could be allocated to finance the construction of a 33.5 metre long parking bay on the south side of Stone Church Road West, east of Upper Paradise Road. This would divert funds from overdue road reconstruction projects in a year when funding is significantly reduced. The General Manager of Public Works could be authorized and directed to proceed with the design, tender and construction of the aforesaid parking bay. The cost of the pedestrian storage island to assist crossings is estimated at approximately $20,000, and is included in the project cost noted above.

To construct the bay, there would be an expenditure of approximately $60,000 associated with the reconfiguration of the roadway to accommodate the proposed bay, which includes a contingency allowance, engineering costs, construction and contract supervision, and an allowance for the removal / relocation of the existing mature trees.

In addition, Horizon Utilities Corporation (HUC) has provided an estimate for modifying the structure of the below grade hydro vault and replacing the rectangular access cover with a round cover suitable for roadway use. Horizon Utilities further advises that this estimate assumes that all work is done during regular working hours, however, said work will be done on a cost-plus-supervision basis and will be invoiced in accordance with the actual cost of the work performed. With HUC’s typical overheads and contingency this change is estimated at $45,000.

Staff also estimates that an additional $5,000 should be budgeted to accommodate administrative costs, overtime costs (particularly those incurred by Horizon Utilities Corporation), and any increase in materials costs that might be experienced between the time that the work is approved and the time that the work actually commences.

As to Operating Budget impacts, staff would suggest that the Roads Maintenance Program may be minimally impacted and that Parking Meter Program revenues would be non-existent since the enforcement and maintenance costs would be greater than any revenue that might be generated from parking fees and parking fines. In view of the fact that there would be only 5 parking spaces, and there are no other on-street meters in the general area, staff does not recommend the installation of parking meters to regulate parking in the proposed bay.
ALTERNATIVE B

None.

ALTERNATIVE C

The cost of mediation would be covered by the respective Department’s Work Programs / Budgets.

LEGAL IMPLICATIONS

Staff of the Legal Services Division will be available to give advice in camera.

Policies Affecting Proposal:

The City’s policy for installation of midblock/intersection pedestrian signals defines the standards for signal installation. In keeping with the precepts of the Public Works Strategic Plan, the bay would not be recommended, as it would not align with our commitments under Communities, Processes or Finances.

RELEVANT CONSULTATION:


CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes  ☑ No

Environmental Well-Being is enhanced. ☐ Yes  ☑ No

Economic Well-Being is enhanced. ☐ Yes  ☑ No

Does the option you are recommending create value across all three bottom lines? ☐ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes  ☑ No
PROPOSED PARKING LAY BY ON THE SOUTH SIDE OF STONE CHURCH ROAD WEST, EAST OF UPPER PARADISE ROAD, ACROSS FROM ‘SWEET PARADISE’

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

NOT TO SCALE

REFERENCE FILE NO: PW06099/PED06340
Appendix “B” to Report PW06099(a)/PED06340(a)