

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING NOVEMBER 1, 2016
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	COMMERCIAL BOULEVARD PARKING APPLICATION 472 RIDOUT STREET NORTH PUBLIC PARTICIPATION MEETING

RECOMMENDATION

That on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the commercial boulevard parking application made by Peter M. Behr of Behr Holdings Incorporated for 472 Ridout Street North **BE DENIED** for the following reasons:

- a) Strategic Direction #4 of the London Downtown Plan: Green our Downtown, recommends increasing tree canopy cover and reducing the heat island effect in the downtown whereas the application proposes to remove an existing healthy City boulevard tree and paving over existing green space which is not in keeping with the above direction;
- b) The Downtown Design Guidelines recommend that surface parking be screened from the street and daylight triangle sightlines to parking area accesses be maintained for pedestrian crossings on sidewalks whereas the proposal will negatively impact the streetscape and introduce sightline conflicts for drivers using the adjacent driveway parking access to the north; and,
- c) There is a considerable amount of existing parking in the area including on-site, on-street and in surrounding parking lots.

2015-19 STRATEGIC PLAN

The following report supports the Strategic Plan through the strategic focus area of *Building a Sustainable City* by creating a more attractive city through urban design.

BACKGROUND

Purpose

The purpose of this report is to provide Committee and Council with information and the staff recommendation with respect to an application for parking in the boulevard portion of the road right-of-way in front of 472 Ridout Street North. The report provides the application documentation and the rationale for denying a boulevard parking application for two spaces as requested by the applicant. The staff response was appealed by the applicant.

A public participation meeting was arranged to provide an opportunity for input from both the applicant and the community on this local issue. A meeting notice was published in The Londoner and mailed to properties within 60 m of the site.

DISCUSSION

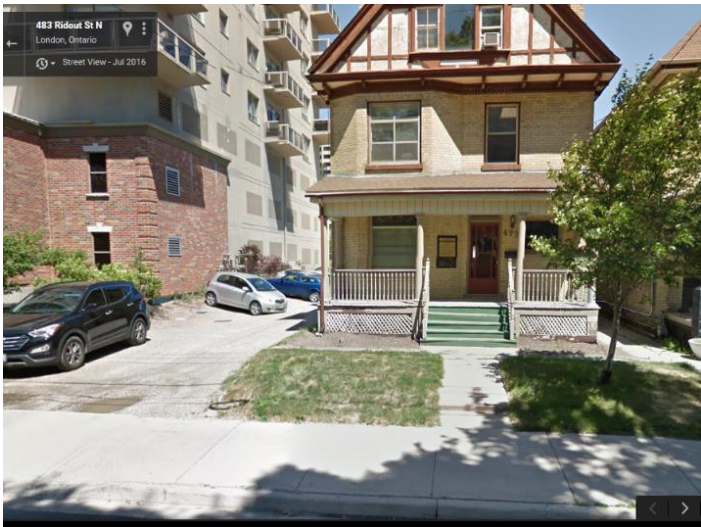
472 Ridout Street North is an existing office use from a converted dwelling located on the east side of Ridout Street North between Dufferin Avenue and Fullerton Street as shown on Figure 1 below. An existing shared gravel driveway leads to a gravel parking area to the rear of the office. Currently, there is no vehicular boulevard parking.

Figure 1 – Site Area



The lot is relatively narrow with a width of approximately 10.6 metres. The front of the building is close to the property line. The front space is occupied by grass, a concrete sidewalk connection and a boulevard tree as shown on Figure 2. The majority of the rear yard is occupied by parking and can accommodate parking for approximately six vehicles.

Figure 2 – 472 Ridout Street North



Boulevard Parking Application

On May 5, 2016 Peter M. Behr on behalf of Behr Holdings Incorporated, submitted a Commercial Boulevard Parking Application for two parking stalls in front of the subject lands on 472 Ridout Street North as attached in Appendix A. The boulevard parking application included a drawing proposing boulevard parking in the road right-of-way between the building and sidewalk. The applicant indicated that the existing sod boulevard, City boulevard tree, and pedestrian sidewalk connection to the building were to be removed to provide parking.

On June 13th 2016, Transportation Planning and Design staff responded to the applicant after consulting with the Planning Department and Urban Forestry. The response letter is attached in Appendix B. The response denied the application for boulevard parking. A number of relevant guidelines and policies were reviewed when making the decision on the proposed commercial boulevard parking including the following:

- Our Move Forward, London’s Downtown Plan (Council adopted April 14, 2015):
 - *Strategic Direction 4 - Green our Downtown:* Increasing the tree canopy has the benefits of reducing the heat-island effect, improving air quality and enhancing the pedestrian environment. The application requests the removal of a City boulevard tree and removal and paving of a grassed area.
- Downtown Design Guidelines (Council adopted 1991)
 - *Sight Design Guidelines:* encourages the minimizing of the number of curb cuts along a roadway and the sharing of ingress and egress to help reduce the number of curb cuts. It was subsequently clarified by the applicant that the parking would be accessed by the existing driveway curb depression, thereby minimizing this concern.
 - *Sight Design Guidelines:* Surface parking lots are to be screened from the street and daylight triangle sightlines to parking area driveways be maintained. The requested parking will be a highly visible negative component of the streetscape and will also block the south daylight triangle sightlines to the Ridout Street sidewalk for drivers entering or exiting the existing driveway.

It was also observed that a considerable amount of parking exists on the property, on the street and in local parking lots.

A letter of appeal from the applicant dated June 20, 2016 was subsequently received as included in Appendix C. This report and public participation meeting was arranged to consider the matter before the Civic Works Committee.

<p>SUMMARY</p>

The 472 Ridout Street North property owner submitted a commercial boulevard parking application requesting parking in the boulevard portion of the City road right-of-way. Transportation Planning and Design Division reviewed the application with staff from the Planning Department and the Urban Forestry Department. Civic Administration responded not in favour of granting boulevard parking as the requested boulevard parking conflicts with relevant Council guidelines and policies.

The applicant has appealed the staff decision and requested that the boulevard parking application be referred to the Civic Works Committee for consideration.

Acknowledgements

This report was prepared with the assistance of Maged Elmadhoon, M.Eng., P.Eng., and Andrew Giesen of the Transportation Planning & Design Division, with supportive information from Planning and Urban Forestry.

SUBMITTED BY:	REVIEWED BY:
DOUG MACRAE, P. ENG DIVISION MANAGER, TRANSPORTATION PLANNING & DESIGN	EDWARD SOLDO, P. ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMENDED BY:	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

- Attach: Appendix A – Commercial Boulevard Parking Application dated May 5, 2016
Appendix B – Staff Response to Commercial Boulevard Parking Application dated June 13, 2016
Appendix C – Letter of appeal by Peter M. Behr of Behr Holdings Inc. dated June 20, 2016
- c: Peter M. Behr, Behr Holdings Inc., 472 Ridout Street North, London, ON N6A 2P7

Appendix A

Commercial Boulevard Parking Application



Commercial Boulevard Parking Application

Applicant information

Property owner's name	BEAR HOLDINGS INC.		
Property owner's mailing address	472 RIDOUT ST. N.	City	LONDON
Telephone no. (business)	519-438-4530	Telephone no. (mobile)	519-871-1293
E-mail address	petermbehr@gmail.com		
		Postal code	N6A 2P7
		Fax no.	519-679-6576

Agent/Consultant information (if applicable)

Contact's name	PETER BEHR		Telephone no. (business)	519-438-4530
Name of business (if applicable)	as above		Fax no.	
Mailing address		City		Postal code
E-mail address				

Site information

Municipal address of site	472 RIDOUT ST. N.	No. of spaces applying for	2
Type of application	<input type="checkbox"/> Charitable/Non-profit <input checked="" type="checkbox"/> Commercial	Proposed parking area plan	<input type="checkbox"/> A plan prepared to scale showing layout of proposed parking area is attached.
Name of business	BEAR HOLDINGS INC.	Type of business	LAW OFFICE

Application fee (non refundable)

<input type="checkbox"/> Cheque for \$103.00 + H.S.T. is attached (Make cheque payable to "Treasurer, City of London")

Return fully completed application to:

Office of the City Clerk
City of London, Room 308
P O Box 5035
London, ON N6A 4L9

Call 519 661-4530 for additional information.

Applications are evaluated on the basis of the City's residential and commercial boulevard parking policies that have been established by the City Council. Copies of this policy are available from the Office of the City Clerk, Room 308, City Hall.

If the boulevard parking application is approved, the property owner will be required to enter into a commercial boulevard rental agreement with the Corporation of the City of London which provides in part for the following:

1. The indemnification of the Corporation of the City of London from any and all liability.
2. The payment of applicable annual rental charges at the rate of \$1.73 per square foot for commercial sites, \$3.10 per square foot for commercial sites located in the downtown core or \$0.87 per square foot for charitable/non-profit sites.
3. The construction, at the applicant's expense, of the parking area in accordance with the specifications and requirements contained in an approved Transportation Planning & Design Division site plan that will be developed and agreed to by the General Manager of Environmental & Engineering Services and City Engineer, and the applicant.
4. The restoration of the site at the applicant's expense and to the satisfaction of the General Manager of Environmental & Engineering Services and City Engineer if the rental agreement is terminated by either party or when an expired agreement is not renewed for any reason.

Date

MAY 5/16

Signature of property owner or authorized agent/consultant

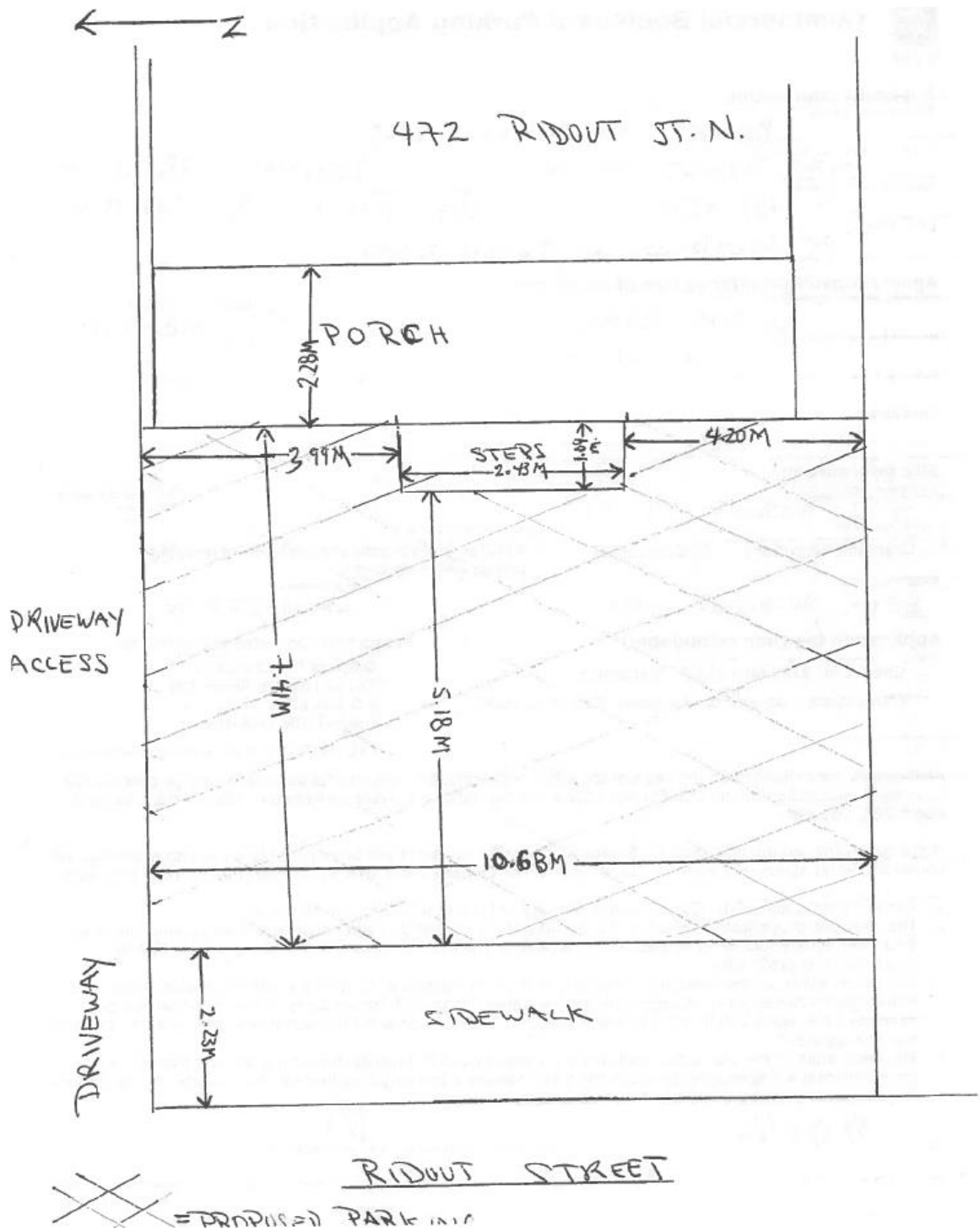


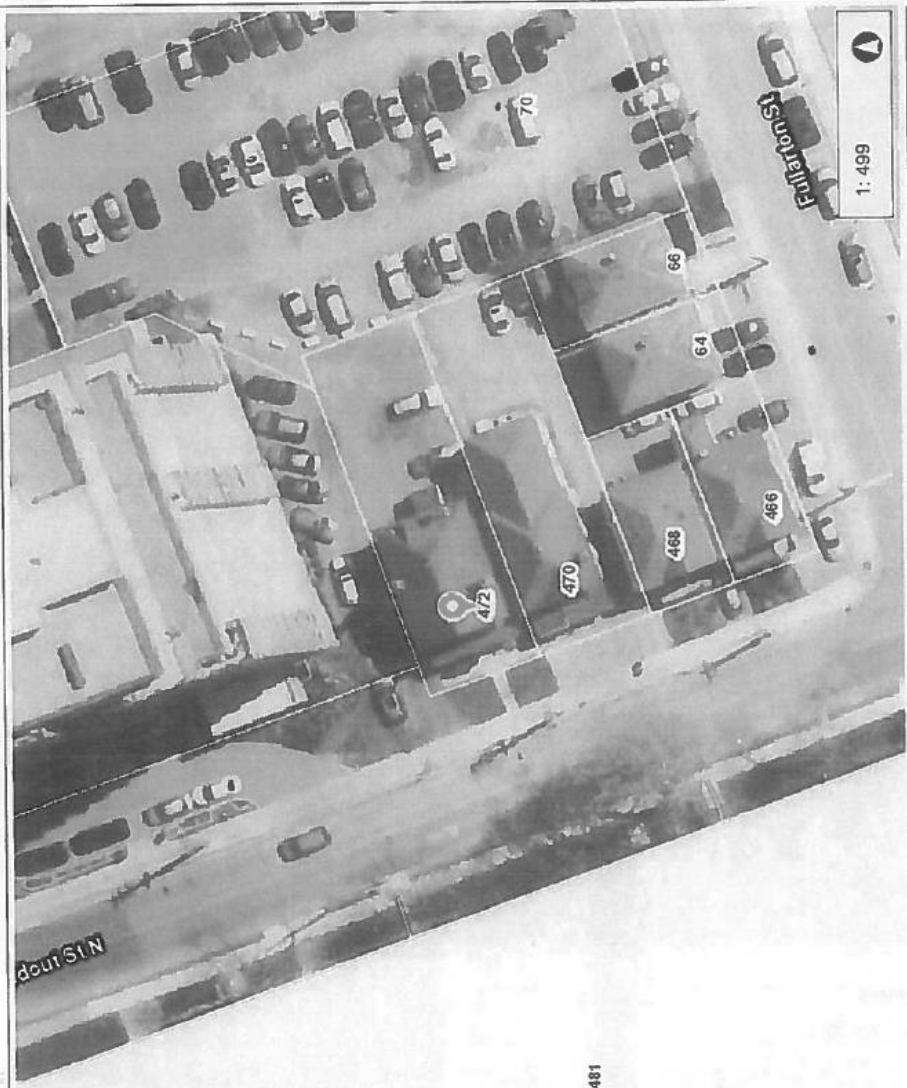


Image capture: Apr 2015 © 2016 Google

London, Ontario
Street View - Apr 2015



City of London Map



0.0 0.01 0.0 Miles

This map is a user generated static output from city of london site and is for reference only.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_UTM_Zone_17N

City of London

Appendix B

Staff Response to Commercial Boulevard Parking Application



300 Dufferin Avenue
P. O. Box 5035
London, ON
N6A 4L9

June 13, 2016

Peter Behr
Behr Holdings Inc.
472 Ridout Strteet North
London, ON
N6A 2P7

Re: Commercial Boulevard Parking at 472 Ridout Street North

City staff has reviewed your request for Commercial Boulevard Parking for 472 Ridout Street North received May 30, 2016 and have the following comments.

Commercial Boulevard Parking is not supported in this location for the following reasons.

Strategic direction 4 of London Downtown Plan: Green the Downtown recommends increasing tree canopy cover and reducing the heat island effect in the downtown. The proposal plans on eliminating a City boulevard tree and paving over the green space which is not in keeping with the above policy direction.

The Down Town Design Guidelines (DDG) encourage minimizing the number of curb cuts and the sharing of ingress and egress points between developments in the downtown.

The DDG also recommends that surface parking be screened from the street and sightlines to parking areas be maintained for pedestrians crossing on the sidewalk. The proposal will impact the street scape and introduce sight line concerns for access to the parking area to the north.

Furthermore there is a considerable amount of existing parking in the area both on street and in parking lots.

If you require anything further do not hesitate to contact me.

Yours truly,

Andrew Giesen, C.E.T
Senior Transportation Technologist
Transportation Planning & Design Division

Appendix C
Commercial Boulevard Parking Appeal Letter

06/21/2016 16:45 5196796576

472 RIDOUT ST N

PAGE 01

BEHR HOLDINGS INC.

472 RIDOUT ST. N.
LONDON, ON N6A 2P7
TEL. (519) 438-4530
FAX (519) 679-6576
Behrlawfirm@gmail.com

PLEASE REFER TO: Peter M. Behr

June 20, 2016

The Corporation of the City of London
Transportation Planning and Design Division
300 Dufferin Ave., P.O. Box 5035
London, On N6A 4L9
Fax 519-661-4734

Attn: Andrew Giesen

Dear Sir:

RE: Commercial Boulevard Parking at 472 Ridout Street North, London

I received your letter of June 13, 2016 on June 16, 2016.

I am gravely concerned that either City staff did not read the application or alternatively, took no reasonable steps in assessing the suitability of boulevard parking at 472 Ridout Street North.

The first objections mention in your letter has to do with reducing the heat island effect in the downtown. As you are aware, 472 Ridout Street North is one of 6 neighbouring buildings fronting on either the east side of Ridout Street or the south side of Fullarton Street. All of those buildings are of the same vintage and all the buildings operate as commercial office space.

Each and every neighbouring building being 62 Fullarton Street, 64 Fullarton Street, 66 Fullarton Street, 466 Ridout Street North and 470 Ridout Street North has absolutely no green space nor do they have one tree amongst those 5 properties. Furthermore, with the exception of 472 Ridout Street North, each and every neighbouring property mentioned has boulevard parking.

I have no idea what process was enacted to plant a tree in front of 472 Ridout Street North. The tree stands approximately 12 feet at present and is within inches of substantially interfering with the very heavy hydro and telephone wiring at the location. As planted the tree constitutes a danger and, in fact, needs immediate cutting attention to avoid coming into conflict with the heavy wiring mentioned. Accordingly, it would appear that at best the maximum safe height this

tree could obtain would be somewhere in the area of 10 feet. I cannot see how a 10 foot tree could be considered canopy cover.

The second objection in your letter of June 13, 2016 is with respect to minimizing the number of curb cuts and the sharing of ingress and egress points between developments in the downtown. As you can see from the application submitted, we are not requesting any curb cuts at all and, in fact, as the application indicates, we are suggesting using the present driveway to the north side of our property to access the boulevard parking applied for.

The final objection in your letter deals with site lines and impact on the street scape. With the greatest of respect, considering that every commercial office building neighbouring ours is without green space or trees and has been allowed boulevard parking, it hardly follows that allowing boulevard parking on the one remaining property would somehow impact the street scape.

Furthermore, I am unsure how the proposed boulevard parking would introduce site line concerns for access to the parking area to the north of our building. Would not the same concern have applied to the permitted boulevard parking at 62 Fullarton Street, 64 Fullarton Street, 66 Fullarton Street, 466 Ridout Street North and 470 Ridout Street North?

As well, those individuals that park to the north of our building and to the south of the neighbouring apartment block have, in our experience, absolutely no connection with the owners or the residents of the apartment block, but rather are parking freeloaders. For whatever reason the owners of the neighbouring apartment building do nothing to patrol or police persons unlawfully parking on their property, but that neglect should hardly impact our application.

Accordingly, I would request that you reconsider your decision with the above factors taken into account.

Since the dictation of this letter I have received your e-mail of June 20, 2016 indicating that a formal letter of appeal is required. In the event that you are not prepared to reconsider your decision on the basis of the factors set out above, please consider this letter to be the formal letter of appeal. Since it appears council will be receiving a report from you, I would ask that this letter as well be included with the material submitted to council. As well, if you are not prepared to reconsider and this matter is going forward as an appeal, please advise where, with whom, and by what date and time line I can file additional material for council's consideration.

Yours truly,



Peter M. Behr