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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	DOWNTOWN TEMPORARY COMMERCIAL PARKING LOTS MEETING ON DECEMBER 4, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, with the concurrence of the Managing Director of Development Compliance and Chief Building Official, the following actions **BE TAKEN**;

- i. Staff **BE DIRECTED** to initiate an Official Plan amendment to The London Plan’s Temporary Use Provisions section, in order to add criteria, consistent with the Downtown Parking Strategy, that will be considered when reviewing planning applications for temporary zoning for surface commercial parking lots in the Downtown;
- ii. Staff **BE DIRECTED** to amend the guideline document entitled “Our Move Forward: London’s Downtown Plan” to provide more detailed and streetscape-specific guidance on the evaluation of planning and development applications for temporary zoning to permit and design surface commercial parking lots in the Downtown.
- iii. That Civic Administration **BE DIRECTED** to continue to proactively advise owners and operators of existing unlicensed surface commercial parking lots to obtain a business license noting that one of the conditions of issuance of a business license includes conformity with municipal By-laws including the Zoning By-law.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- January 19, 1995 Temporary Parking Lots in Downtown - Planning Committee.
- March 13, 1995 Downtown Revitalization Strategies Report - Planning Committee.
- April 24, 1995 Temporary Parking Lots in the Downtown - Planning Committee.
- May 29, 1995 Temporary Parking Lots in the Downtown - Planning Committee.
- November 9, 1998 Temporary Parking Lots in the Downtown - Planning Committee.
- July 26, 1999 Accessory Parking Lots in the Downtown and East London Business District - Planning Committee.
- November 8, 1999 Strategic Planning for Parking in the Downtown - Environment and Transportation Committee.
- November 9/29, 2000 Other Possible Locations in the Downtown Where Restrictions on Accessory Parking Lots could be Applied - Planning Committee.
- May 20, 2015 Municipal Parking Lot Upgrade Strategy – Civic Works Committee
- October 6, 2015 Downtown London Parking Utilization Study – Civic Works Committee
- November 3, 2015 Parking Strategy for Downtown London – Appointment of Consulting Engineer – Civic Works Committee
- December 4, 2017 Downtown Parking Strategy – Planning Committee

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COUNCIL'S 2015-19 STRATEGIC PLAN

This report is aligned with Council's Strategic Plan through the focus area of *Building a Sustainable City* by improving transportation mobility through the provision of convenient and connected mobility choices for all users and the development of a long term parking strategy for Downtown London

**KEY ISSUES RELATING TO
SURFACE COMMERCIAL PARKING LOTS DOWNTOWN**

1. There are a number of planning issues associated with surface commercial parking lots in the Downtown:
 - These lots represent underutilized land in our Downtown – lands that could be built upon to generate employees and residents in the core, as well as businesses and services that attract Londoner's and tourists Downtown. It is estimated that approximately 25% of the Downtown, excluding streets, is occupied by surface parking lots (including both commercial and accessory surface lots).
 - In the past, some surface commercial parking lots have been created at the expense of Downtown heritage buildings that were demolished;
 - Surface parking lots represent a gap in important streetscapes, undercutting the goal of providing continuous streetscapes that are interesting, active, comfortable and attractive for pedestrians. Streetscapes with such qualities are key to Downtown's success.
 - These lots can create safety concerns from a variety of perspectives.
2. Surface commercial parking lots provide an important source of parking in the Downtown for workers, customers, and patrons in the core. There are differences in the utilization of parking lots in the Downtown, whereby some areas have very high utilization rates and other areas have low utilization rates.
3. It is believed that the revenues generated by commercial surface parking lots can act as a disincentive to the re-development of these sites. Parking revenues generally range between \$2-\$3k per year per surface parking space. In addition, ticket revenues can generate \$500 or more per year per parking space. Expenses to operate such facilities are very low – particularly for those that operate more than one site. Using these assumptions, it would not be unreasonable for a 100 car surface parking lot to generate a profit in the order of \$300,000. Meanwhile, property taxes on such facilities remain low for most parking lots, relative to property taxes that would

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be assessed if a building were located on the same site.

4. Several surface commercial parking lots have been allowed through temporary zoning for very long periods of time. While the maximum allowable time period for a temporary zone is 3 years, successive applications for 3-year temporary zoning is not limited. In some cases, temporary zoning has been repeatedly approved for surface commercial parking for more than 20 years, raising questions as to whether it is truly a temporary use and consistent with the vision for Downtown London.
5. For those surface commercial parking lots that have received Council approval for 3-year extensions of their temporary zoning for long periods of time, parking lot owners often expect that they will continue to receive future extensions going forward. This raises questions as to how Council may refuse an application for a temporary zoning application without creating significant disruption for those that have been using the lot to meet their parking needs Downtown for an extended period of time.
6. Enforcement Staff at the City continue to work towards ensuring that surface commercial parking lots are appropriately zoned and licensed.

BACKGROUND

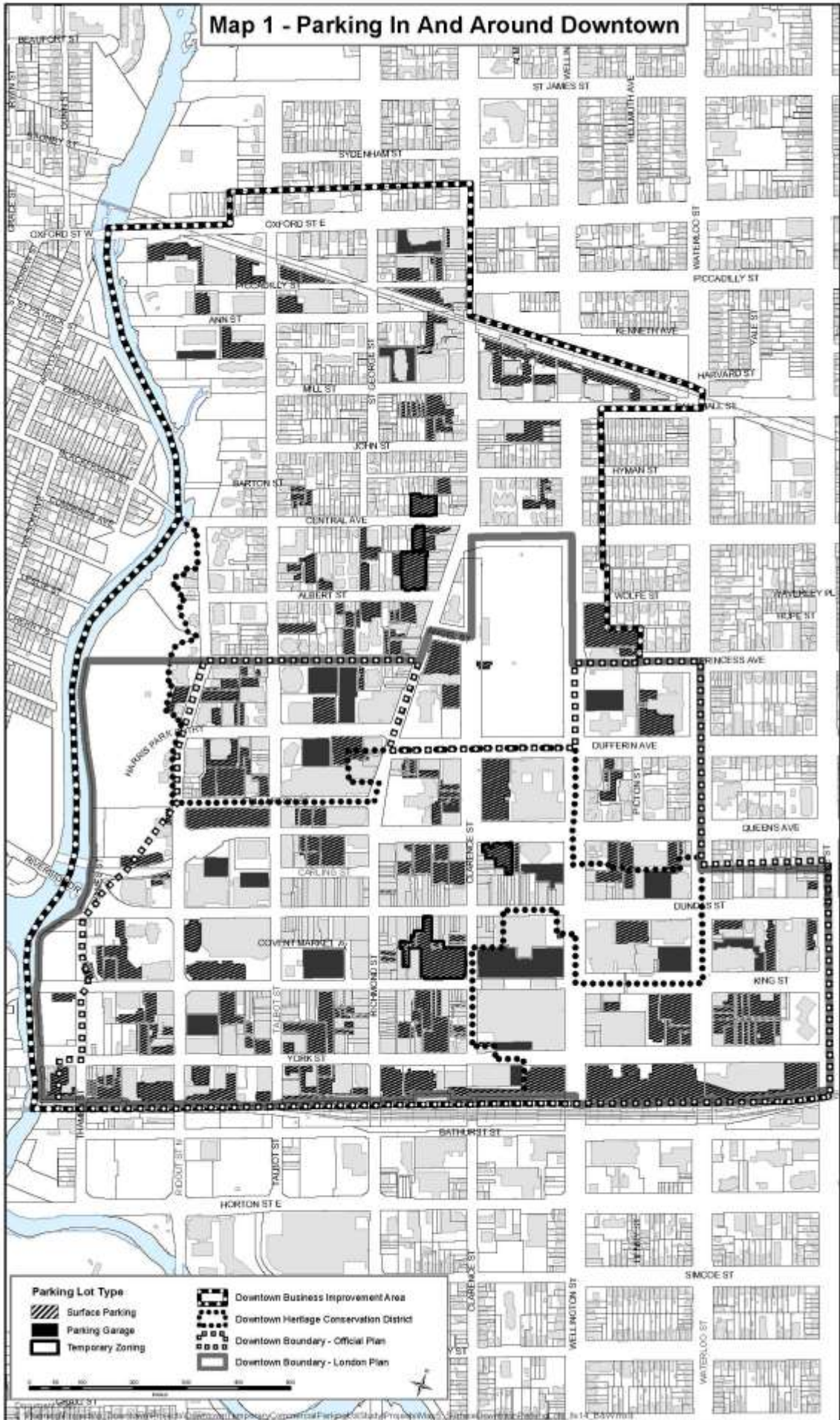
General Background

Appendix 1 of this report provides background information and analysis relating to the following questions:

- Why are surface commercial parking lots not desirable within the Downtown?
 - Explains why surface commercial parking lots detract from Downtown in many ways.
 - It is important to recognize that commercial parking lots within structures (within the architectural mass of a building or within commercial parking structures) are permitted use in the Downtown and they are not the subject of this report.
- How does this parking review relate to “Our Move Forward – London’s Downtown Plan?”
 - Provides background on London’s Downtown Plan and the provisions within this guideline document
- What are the current Zoning By-law regulations that apply to commercial and accessory parking lots?
 - Explains that there are different types of surface parking lots: (1) commercial parking lots and (2) accessory parking lots.
 - Accessory lots are accessory, subordinate and exclusively devoted to the main use carried out on the property.
 - This report relates only to surface commercial parking lots and not surface accessory parking lots.
 - Maps identify surface commercial parking lots and surface accessory

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- What are London’s regulations for surface commercial parking lots and accessory parking lots?
 - Explains what sections of the Zoning By-law relate to commercial parking lots, including definitions, zones allowing for such uses, and regulations

- Are all existing surface commercial parking lots Downtown zoned appropriately?
 - Explains the status relating to Downtown and Richmond Row parking lots.

Downtown Parking Strategy

The Downtown Parking Study report (prepared by BA Consulting Group Ltd.) includes the following information and recommendations with respect to temporary zone permissions for temporary surface commercial parking lots in the downtown:

“Limitations on downtown commercial parking lots could result in a significant reduction in existing parking supply if they are incorporated widely and quickly. The eventual development of surface parking lots is a primary driver of a future predicted localized parking deficit. Hence, the Parking Strategy recommends using a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots in the downtown for areas where parking utilization is low. This approach should be aligned, as much as possible, with mode share shifts as a result of transportation demand management programs, the implementation of the new rapid transit system in the mid-term and active transportation gains.

As a first step, an accurate inventory of all existing non-complying downtown surface commercial lots should be undertaken. All lots identified as non-compliant should be required to obtain a temporary zone permission in order to maintain operations. Failure to secure a temporary zone permission should result in the lot no longer being permitted to operate.

The temporary zone permissions should be planned to expire on a gradual basis as the rapid transit system is implemented and new public parking is added to specific areas.

It is important that the development of these surface parking lots over time re-enforces an active streetscape by ensuring that commercial spaces and other active uses are constructed on the ground floor of any new parking or mixed-use structures.

Temporary zone permissions should be discontinued for any new surface parking lot in the downtown.”

As indicated above there are a number of existing surface commercial parking lots in the Downtown which are not zoned to permit the use. An approach to resolve this situation is included in the Strategy below.

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Current Parking Supply Situation

The Downtown Parking Strategy indicates that there are a total of 15,435 parking spaces within the study area comprised of on-street, municipal (public) off-street (owned by the City), commercial (public) off-street (privately owned/operated) and private off-street parking (not available for public parking). The total parking supply available across the Downtown *for public use* is 9,895 spaces with a peak demand of 7,660 spaces (77% occupied).

Only approximately 17% of the parking supply within the study area is controlled by the City directly or through its corporate entities including the London Covent Garden Market Corporation and the Convention Centre. Based on other similar studies, municipalities which play a strong role in providing shared public parking resources to support development generally control approximately 35% to 50% of the total parking in key areas. Examples include the cities of Kitchener (41%), Barrie (50%), Brampton (57%), Oakville (60%), Oshawa (70%) and Waterloo (70%).

It is also important to point out that of the City’s total of 2,665 Downtown parking spaces, 1260 spaces are in underground parking garages which is consistent with the City’s long term approach in “Our Move Forward – London’s Downtown Plan” to provide parking in below or above ground parking garages.

Future Development Considerations

The Development Charges Growth Allocation Data Tables and the rapid transit analysis prepared in 2014 estimate that the Downtown is expected to gain an additional 3,700 residents and 300 new employees by 2034.

New employees could be accommodated by some combination of filling existing vacant space in existing buildings and new development. A review of floor area and vacancy rates in Downtown London indicates a downtown office vacancy rate of approximately 16% and a slightly lower retail vacancy rate of approximately 7.0%. While a more typical office vacancy rate is generally around 5% in a Downtown, historically in London (based on information provided by the City) the vacancy rates in the downtown have remained at similar levels to what they are today, especially in the older Class B and C space.

If new employment demands are met in new buildings this could result in a condition where the supply of new parking for new office space meets approximately 50% of the demand for parking assuming that new parking is supplied at the required zoning by-law rate of 1.11 spaces per 100 m2. In contrast, if a significant portion of the future employment demand is accommodated in existing vacant office space, the potential parking supply deficiencies will be higher because many existing buildings do not provide a significant amount or any parking on-site to meet their own needs, relying instead on existing commercial surface parking lots. To date, most existing office buildings in the downtown have been under supplying on-site parking to meet their needs.

Recent Planning Applications Impact on Temporary Parking

Since 2010 the City has received a number of zoning by-law and site plan applications. Some of the applications have resulted in new construction. Table 1 below summarizes those applications and the impact they have or could have on the supply of parking. Map 4 identifies their various locations.

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From the developments which are built, or under construction, there has been a gain in the number of parking spaces by approximately 200. If all the proposals on Table 1 are built they could add approximately 1500 parking spaces to the Downtown parking inventory. However, the majority of this parking is intended for residents of the new buildings, not existing or new employees. There is no timeline on the construction of the other proposed developments as it is at the discretion of the individual developer as to when they launch construction.

Table 1 – Development and Proposed Development Impact on Parking Supply

Year	Location	Proposal ¹	ZBA	Site Plan	Status	Impact on Parking Supply ¹
2010	431 Richmond Street	3088m ² , 3 sty. Office building	NA	X	Built	A portion of 126 surface spaces removed and replaced by 0
2010	70 York Street/330 Ridout Street North (Renaissance II)	28 sty, 188 unit apt building with commercial at a density 585 u/ha	NA	X	Built	100 surface spaces replaced by 288 spaces in garage
2012 2015	89 York Street	5 sty, mixed use building with 5 units at a density of 132 u/ha	X	X	ZBA approved.	8 surface spaces replaced by 10.
2014	50 King Street	30 sty, mixed use building with 200 apt. units and 4500m ² of commercial space.	X		ZBA approved Appeal to OMB withdrawn	158 surface spaces there now but some owned by City to be replaced by 375 spaces in garage.
2015	356 Dundas Street	6 sty, 69 unit affordable apt. bldg. at a density of 558 u/ha	X	X	Under construction	43 surface spaces removed. No parking in new development
2015	505-511 Talbot Street and 94 Dufferin Ave ("The Azure")	29 sty, 200 unit apt building at a maximum density of 950 u/ha	X	X	Under construction	46 surface spaces replaced by 230 spaces in garage
2015	455 Clarence Street	32 sty, 182 unit apt building with 1579m ² of ground level commercial	X	X	ZBA approved.	62 surface spaces replaced by 182 spaces in garage
2016	515 Richmond Street	32 sty, 175 unit apt building	X		ZBA approved.	0 parking now and in new development
2016	475-501 Talbot Street, 100 Fullarton Street and 93-95 Dufferin Ave	Zoning to allow a 9 sty building with 607m ² of commercial and 92 res. Units, a 38 sty tower with 660m ² of commercial and 349 res units above and a 29 sty tower with 660m ² of commercial and 262 res units at a density of 1200 u/ha. Total of 703 units	X	X	ZBA approved. Site plan approval in progress.	135 surface parking spaces now replaced by 729 spaces in new parking garage
2017	150-160 Dundas Street	27 sty, 200 unit apt bldg. with ground level commercial-targeted at Fanshawe students	X		ZBA recently approved.	0 parking now and in new development
2017	89-97 King Street	31 sty, 250 units with ground and 2 nd Floor commercial space	X		ZBA application submitted but currently on hold.	90 surface spaces replaced by 272 in parking garage

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2017	32-40 York Street 330 Thames Street	24 sty, (72m) apt bldg. containing 245 units and 2781 m ² of commercial space.	X		Under constructi on	94 existing surface spaces replaced by 262 spaces in garage.
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Note - ¹The proposal is based on the most recently submitted concept for review.



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RECOMMENDED APPROACH

This report establishes a proposed approach for addressing applications for temporary zoning for surface commercial parking lots Downtown.

Objectives

1. Ensure an adequate supply of parking for residents, employees and patrons of the Downtown.
2. Avoid the underutilization of Downtown lands by reducing the proportion of Downtown area that is covered by surface parking lots – currently approximately 25%.
3. Fill gaps in important streetscapes that are currently created by the presence of surface commercial parking lots.
4. Eliminate the implicit financial incentive for property owners to continue to operate surface commercial parking lots, rather than redeveloping important sites in the Downtown.
5. Mitigate the disruption to Downtown parking lot users that could be caused by refusing to approve the extension of temporary parking, where such extension has been granted for an extended period of time.
6. Provide clarity on when temporary zoning for surface commercial parking lots will be permitted and when it will not be permitted.
7. Ensure compliance with zoning regulations, site plan requirements and licensing relating to surface commercial parking lots in the Downtown.

Recommended Approach

1. Establish a new Official Plan policy within the Temporary Use Provisions section of The London Plan. This section currently establishes a series of criteria relating to temporary use provisions of various types throughout the City.

It is proposed that a new series of criteria be added which relate specifically to the review of applications for temporary surface parking lots in the Downtown. This policy will consider a number of factors relating to the need for parking in the Downtown at the subject site’s location, and the importance of the site from a streetscape and development perspective. It will also consider the length of time that the lot has been used as a surface parking lot on a temporary basis.

2. Where a surface commercial parking lot has existed for an extended period, and Council does not wish to support a proposed further extension of this temporary zoning, Council may wish to allow for a temporary zone extension for a period of six months to minimize the disruption to those patrons using this lot – allowing them some time to find alternative parking arrangements.

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3. Modify the current guidelines within the document, “Our Move Forward: London’s Downtown Plan” to provide greater detail in support of the review of applications for temporary surface parking lots in the Downtown and their site design. These guidelines may provide greater clarity on the importance of certain pedestrian streetscapes. They may also provide guidance for the design of surface parking lots in the Downtown, such that they provide amenity to the streetscape to the greatest degree possible until they are developed.

4. Monitor parking lot utilization rates within various locations in the Downtown – using the utilization rates established in the Parking Study as the baseline for zoning application evaluation and also for monitoring in the future. The Downtown Parking Strategy identified areas 3 and 4 of the Downtown that have almost reached the 90% occupancy level. These areas are identified on the map below.



Within these areas the City should encourage new developments to incorporate public accessible parking structures and/or support surface parking lot extensions until new development/parking structures are built.

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It is anticipated that utilization rates may fall over time as:

- Rapid Transit is established and provides a more viable alternative for Downtown employees and patrons to travel to the Downtown conveniently and comfortably.
- New developments provide publicly accessible parking alternatives (with Council possibly using bonus zoning to encourage the provision of publicly accessible parking in new Downtown developments).
- The longer term development of a well-located public parking garage in the Downtown.

It will be important to continue to monitor parking utilization rates, by area, on a regular basis to guide the evaluation of applications for extending surface commercial parking lot temporary zones.

5. Continue to work on enforcement measures to ensure surface commercial parking lots conform with the requirements of the Official Plan, Zoning By-law and Site Plan By-law.

Proposed Official Plan Policy

The following policy is proposed to be added to The London Plan:

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In addition to the other Temporary Use Provision policies and the Downtown Place Type policies of this Plan, applications for temporary zoning to support surface commercial parking lots in the Downtown will be evaluated based on the following criteria:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.
4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long term basis
5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.

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Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.

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Where Council does not wish to extend the temporary zoning for a surface commercial parking lot that has been in existence for an extended period of time, they may provide a short-term extension of the temporary zone for the purpose of allowing users of the lot to find alternative parking arrangements.

SUMMARY

Surface commercial parking lots currently provide an important supply of parking for the Downtown. Over time, it is anticipated that surface lots will be re-developed in favour of commercial parking within structures – either within the architectural mass of a mixed use building, or in a separate parking structure with an appropriate use fronting the street. Surface commercial parking lots can undermine the quality of Downtown’s pedestrian environments – a key requirement for Downtown’s future success. They represent an underutilization of Downtown land area and can also create safety concerns.

Council is regularly asked to extend temporary zoning permissions to allow for the continuation of surface commercial parking lots. This report recommends a policy that can help Council to evaluate such requests. It also recommends changes to the guideline document, “Our Move Forward: A Plan for London’s Downtown”, such that it can provide guidance that informs the evaluation and site design of such proposals in more detail.

Acknowledgements

Planning would like to recognize the contributions of Orest Katolyk, Heather Chapman and Patrick Cowan from By-law Enforcement; Annette Drost from Parking; Edward Soldo, Doug McRae and Maged Elmadhoon from Transportation and Adam Salton from Zoning towards the completion of this report.

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REVIEWED AND CONCURRED BY :	RECOMMENDED BY:
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Appendix 1

Background Research and Analysis

The following appendix is background research and analysis that has been prepared in support of the related report and the recommended approach.

BACKGROUND

Council Direction

Municipal Council, at its meeting held on September 15, 2015 resolved:

15. *That the following actions be taken to assist with encouraging redevelopment of vacant lots in London’s downtown:*

- a) *the Civic Administration **BE REQUESTED** to review and report back to a future meeting of the Planning and Environment Committee on the status of all commercial parking lots in the downtown to confirm that these properties are zoned appropriately to permit the use;*
- b) *the Civic Administration **BE REQUESTED** to ensure that the policies contained within the Downtown Master Plan, Our Move Forward, that discourage the extension of temporary use by-laws for the establishment of commercial parking uses in the downtown, be considered during the evaluation of any new applications or applications for the extension of an existing temporary use by-law, for the creation of new commercial parking; and,*
- c) *the Civic Administration **BE REQUESTED** to report back to a future meeting of the appropriate Committee as how best to expedite the creation and implementation of a downtown parking strategy. (2015-D09) (15/20/PEC)*

Why are Surface Parking Lots Not Desirable in Downtowns?

Since the mid-1980’s Council has been consistent in their intent to discourage surface commercial and surface accessory parking lots within Downtown, especially where they involve the removal of buildings. The 1989 Official Plan, “Our Move Forward – London’s Downtown Plan” and the Council-adopted London Plan all contain strong policies to discourage these surface parking lots. Map 1 illustrates the location surface parking lots [and garages] within the various relevant downtown-related boundaries.

Surface parking lots;

1. are an underutilization of lands which are desirable for higher density residential, commercial and other land uses. The Planning Division has estimated that approximately 20-25% of our existing Downtown land area (excluding streets) is occupied by surface parking lots;
2. encourage the premature removal of heritage buildings;
3. are vacant spaces which break the continuity of streetscapes, which significantly compromises Downtown’s appeal as a pedestrian environment which is essential to foster storefront-oriented commercial footfall;
4. can deter pedestrian movement;
5. have an unappealing appearance;

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6. where there is an oversupply of parking, can deter transit use;
7. are harmful to the environment with regard to stormwater management, lack green space and create heat islands during warmer weather; and,
8. produce lower tax revenue because commercial buildings have a higher tax rate than surface parking lots.

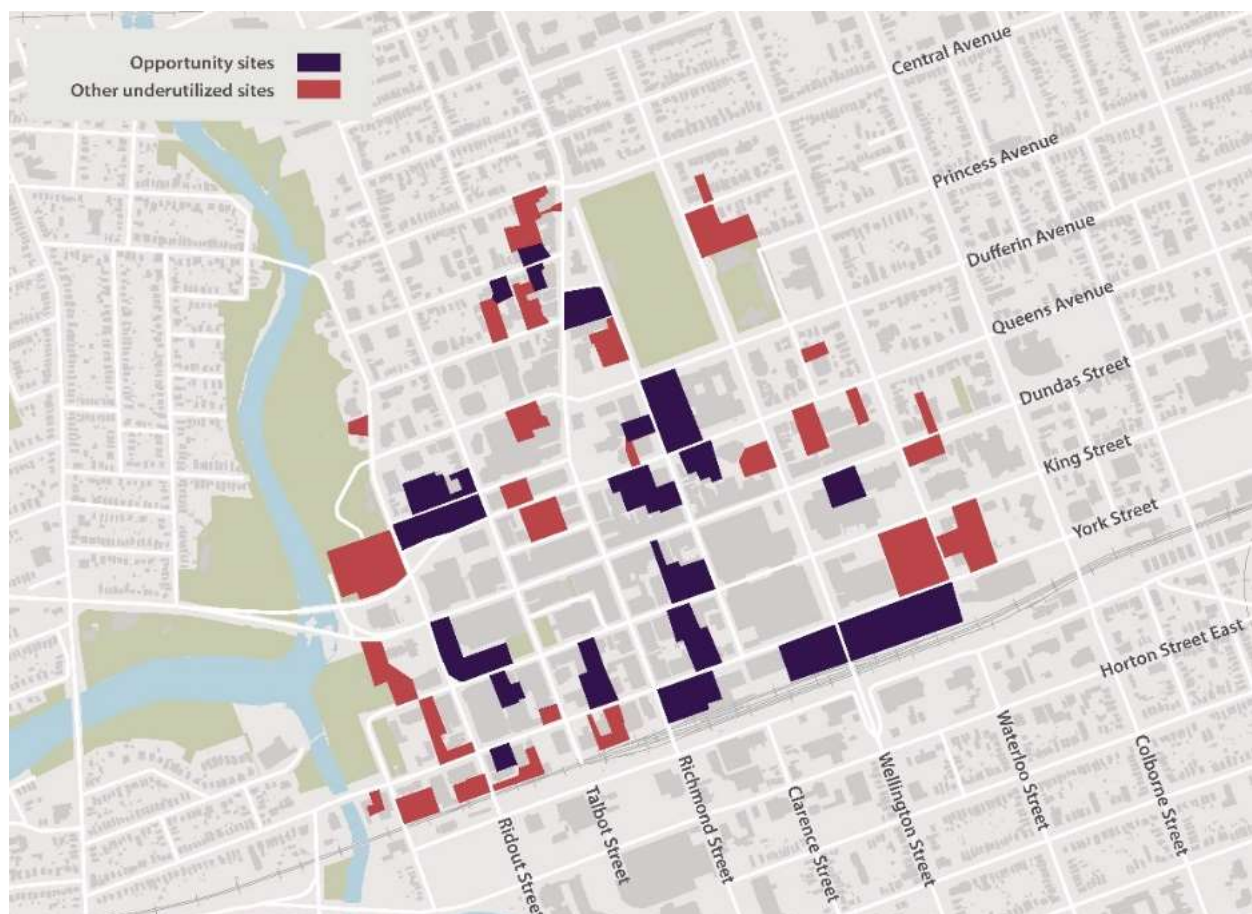
For these reasons the City’s policy direction consistently has been directed to discourage the presence of downtown surface commercial parking lots.

How does this review relate to “Our Move Forward-London’s Downtown Plan”?

The existing Official Plan (Council adopted June 18, 1989) and the London Plan (Ministry approved December 28, 2016) policies both discourage the creation of surface parking lots in the Downtown (see policies in Appendix 2).

“Our Move Forward- London’s Downtown Plan” (Council adopted April 14, 2015) was approved consistent with these policies. The prevailing parking-related goal of the document is the long term reduction in the number of surface lots through redevelopment with new residential and/or commercial development with either above or below ground parking garages. Policy 5.2 specifically states *“encourage the redevelopment of vacant sites to increase worker and resident population downtown by discontinuing temporary-use zoning on these sites.”*

Over the years, Council has permitted temporary-use zoning for Downtown parking lots in intervals of up to three years each, in conformity with the *Planning Act* but the City’s experience is that these lots effectively have become long-term uses, some in excess of 10 years. This situation significantly affects how and when the implementation of Downtown land use, transportation, and economic goals can be achieved.



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What are the current Zoning By-law regulations which apply to commercial and accessory surface parking lots?

General Regulations for Parking Lots

Zoning By-law Z-1 has a number of sections which address both commercial and/or accessory surface parking lots. Maps 2 and 3 illustrate the locations of surface commercial parking lots and accessory commercial parking lots, based on the zoning by-law definitions, within the various Downtown boundaries. The physical characteristics of both types are largely the same, the only essential difference between them being that a commercial lot is one where the parker pays for use of the space directly, whereas the other provides parking to the parker as part of a business. A summary of each section is provided below.

The existing zoning by-law regulations include the following definitions in Section 2 of the By-law;

"PARKING LOT, COMMERCIAL" means a non-accessory parking area which is an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.

"PARKING LOT, ACCESSORY" means a parking lot which is an open area, other than a street, used for the temporary parking of two or more vehicles which is customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use on the same lot. (Z.-1-99698)

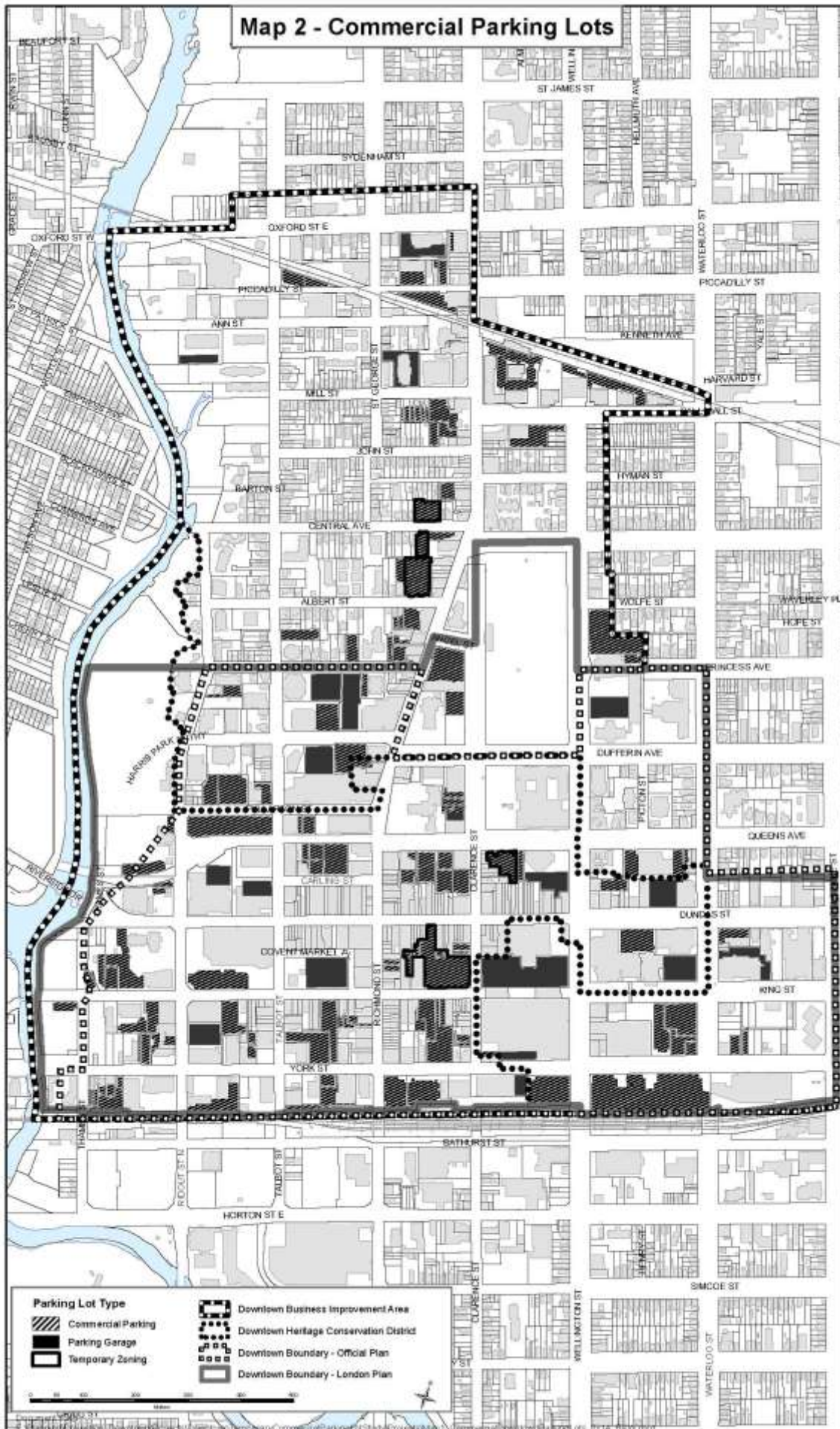
Subsection 1.3 (Non-Conforming Uses) a) applies to all surface parking lots and states:

a) *Nothing in this by-law applies to prevent the use of any land, building or structure for any purpose prohibited by the zoning by-law if such land, building or structure was lawfully used for such purposes on the day of the passing of this zoning by-law, so long as it continues to be used for that purpose;*

This regulation means that if a piece of land was lawfully used as a surface parking lot on July 1, 1993 that it may continue to be used provided it has been continuously used as a parking lot since that date. In 1983 amendments were made to the Planning Act to include temporary use provisions in Section 38. Council decided at the time to permit surface parking lots only on a temporary basis because the long term intent for Downtown lots was for redevelopment for high intensity commercial, residential and/or institutional uses. Council's concern at the time was the demolition of buildings for surface parking lots and as such after 1983 any new surface commercial parking lot that was not permitted by a properties underlying zone would require Council approval of a temporary use by-law.

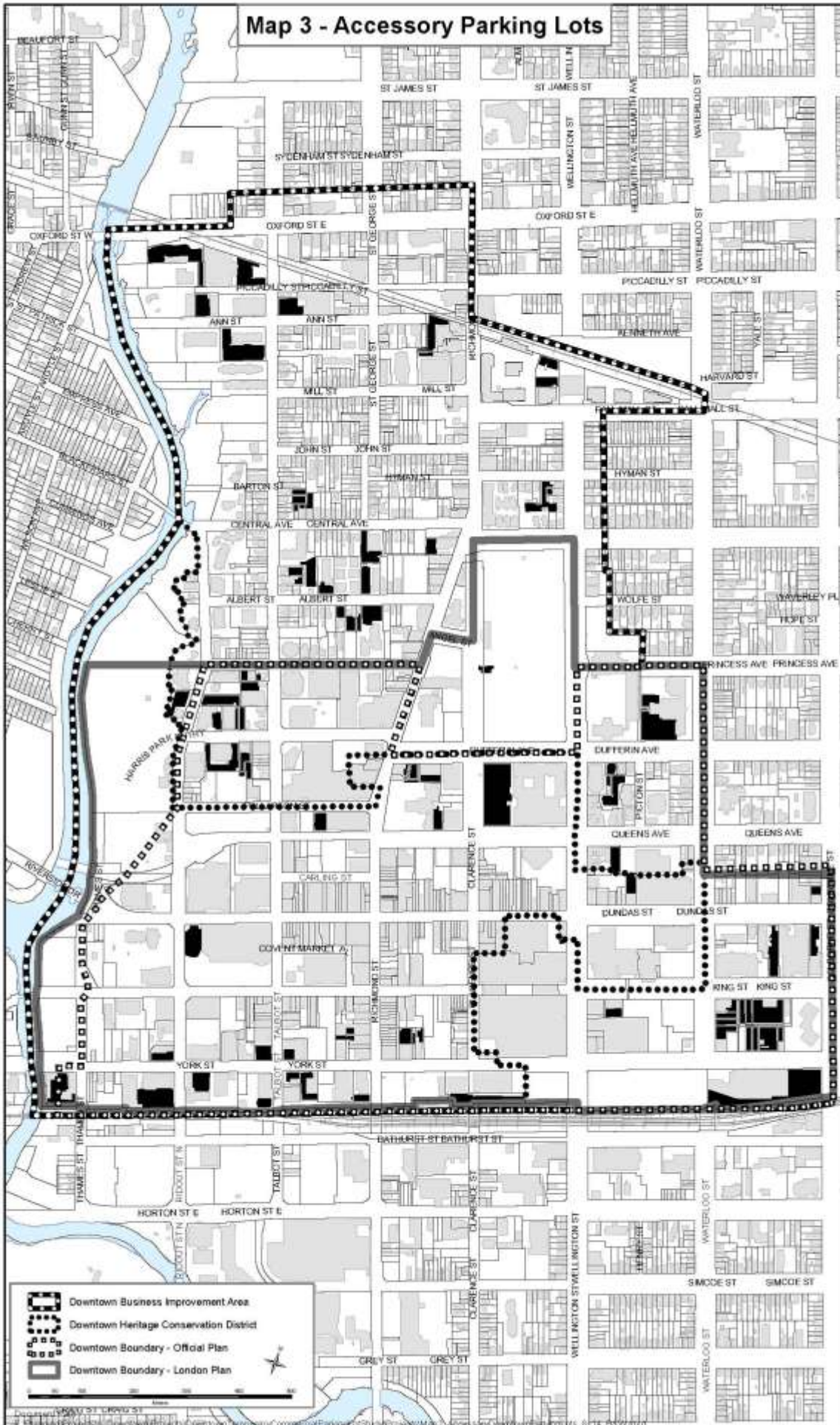
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Regulations for Surface Commercial Parking Lots

Section 20 of Zoning By-law Z-1 contains the Downtown Area (DA) Zone which permits “commercial parking structures” as a permitted use in both zone variations but does not permit surface commercial parking lots. Since Zoning By-law Z-1 came into force on July 1, 1993 surface commercial parking lots have not been a permitted use in the Downtown and require temporary zoning through the zoning by-law application process.

Section 50 of the By-law provides for temporary zoning for commercial parking lots. The Temporary (T) Zone provides for and regulates temporary uses in accordance with Section 39 of the *Planning Act* and Section 19 of the City's Official Plan. This zone permits temporary uses for a specified period of time of up to 3 years, after which the Temporary (T-___) Zone symbol and text are removed and revert back to the main zone. Extensions up to 3 years are currently permitted. It is not intended that a temporary zone will permanently establish a use on a property. The establishment of a temporary use permanently on a property can only occur by way of a zoning by-law amendment under Section 34 of the *Planning Act*.

Historically, temporary commercial parking lots have been included in Section 50. Currently, there are three existing parking lots in the Downtown plus one in Richmond Row which are identified in this section which are currently zoned with various expiry dates.

Commercial parking lots are a permitted use in the Business District Commercial (BDC) Zone which is applied along Richmond Street north of Downtown north to Oxford Street. No temporary zoning is required.

Section 4.26 (Uses Permitted in Listed Zones) provides for Public Uses, as defined in Section 2 (Definitions), in all zones. Section 2 defines a public use as;

"PUBLIC USE", when used in reference to a building, structure, **use or lot**, means a building, structure, **use or lot used by a public agency to provide a service to the public**. Public agencies comprise: (O.M.B. File #R 910387 - Appeal #9006-2 June 4, 1993)

- a) *the Government of Canada, the Government of Ontario, **or a municipal corporation;***
- b) *any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; or*
- c) *any public utility. (Z.-1-051390)*

(relevant sections highlighted)

These regulations allow the City to own and operate surface public parking lots without the need for temporary zoning.

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Regulations for Accessory Parking Lots

Accessory parking lots, provided they meet the definition above, are allowed in the Downtown Area except for those areas identified in Section 20.3 4) (Accessory Parking Lots) which states;

Accessory parking lots are not permitted in any of the Downtown Area (DA) Zone variations along Dundas Street between Ridout Street and Wellington Street and along Richmond Street between York Street and Queens Avenue.

Section 4.19 3) (Location of Parking Areas) applies to **accessory parking lots** and states;

With the exception of the Commercial Zones, all required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane. Within the Commercial Zones, the required parking spaces may be supplied within 150.0 metres (490 feet) of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided a Site Plan Agreement is registered on title of the lands used for parking committing said parking spaces to the related commercial site.

Accessory parking lots that are intended to provide parking required under the zoning by-law do not have to be adjacent to a building but must be within the specified distance so long as a site plan agreement has been entered into as indicated.

Are all the existing surface commercial parking lots Downtown zoned appropriately?

Commercial parking lots can be characterized into the following four categories:

1. Surface commercial public parking lots (monthly, daily or hourly fees)
2. Surface private accessory parking lots (e.g. exclusively for clients or staff of associated office use)
3. Parking structure associated with a specific land use where public parking is available for a fee
4. "Pop up" public parking (parking available for a fee during special events)

The City recently held public participation meetings for a variety of business licensing categories including commercial parking lots. In the proposed regulations (anticipated to be in force and effect by April 2018), commercial parking lots are defined as follows:

"Commercial Parking Facility" means any parking lot, structure or building intended for the use by the public for parking motor vehicles for any fee but does not include a parking facility used exclusively for the parking of motor vehicles of customers, visitors, patrons, employees, students, clients, or patients of a business, educational facility, hospital, medical clinic or dental clinic.

Based on this definition, only category 2 does not require a business licence. One of the conditions of issuing a business licence is compliance with applicable municipal by-laws including the zoning by-law.

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A scan of existing commercial surface parking lots in the Downtown and Richmond Row area indicated the following:

Downtown Area

49 Lots Total
27 Licensed and City Lots
5 Accessory lots (licenses not required)
17 lots - Enforcement action (applications pending, charges issued, charges pending)

Richmond Row

29 Lots Total
17 Licensed and City Lots
7 Accessory lots (licenses not required)
5 lots - Enforcement action (applications pending, charges issued, charges pending)

Long Term Approach to Temporary Parking Lots - Considerations

Council policies in the 1989 Official Plan, the London Plan and the “Our Move Forward” Downtown Plan encourage development on vacant sites in Downtown to increase the vibrancy and economic health of the City’s “calling card” to the world. The direction of those Plans is to replace surface parking lots with below or above ground parking garages as part of new development.

If Council abruptly stops approving temporary zoning, or extensions to temporary zones for Downtown surface lots, it may create a short term problem for existing building owners who rely on off-site parking for older buildings which may have no parking. Some building owners lease space to tenants based on availability of off-site parking. Recently, Council has approved two Downtown temporary commercial parking lot extensions at 195 Dundas Street (2 years) and 221 Queens Avenue (3 years) where discussions have revolved around whether to extend the temporary permission. Council decided to extend the temporary zone in both cases but applicants were informed by Council that further extensions may not be approved.

1. Existing temporary commercial parking lots should comply with the Zoning By-law.

As indicated above in this report, only three Downtown commercial parking lots have temporary zoning and most of the remainder have business licenses. For those that don’t have a business license and/or are undergoing some enforcement action, if commercial parking is intended to continue on these lots, they should obtain zoning for a set time period of time. A zoning by-law amendment application would be required. The owners should have a set period of time to comply, which includes 3-4 months of application processing time. Site plan approval may be required to go beyond that set time. A business license would also be required.

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2. Determine what parking supply should be maintained.

Some minimum Downtown parking supply needs to be established and additions/deletions from that supply need to be monitored. The Downtown Parking Strategy indicates that we currently have over 15,000 parking spaces in Downtown, approximately 10,000 spaces being available to the general public. However, only 77% of that parking supply is utilized. The Strategy details the distribution of parking, and distinguishes utilization of short term parking by shoppers, tourists and visitors and full day parking for Downtown employees.

3. Establish a process and monitoring program as development occurs

The Downtown Parking Strategy recommends participation with developers in joint venture projects to integrate public parking within new developments to replace the temporary surface commercial parking lots that are developed. The approvals for those temporary lots should be tied closely the provision of these parking facilities.

It is recommended that the City closely monitor on a semi-annual basis the additions and deletions to the parking supply. The maintenance of a publicly accessible supply of 10,000 parking spaces would be consistent with the status quo.

4. Criteria to Consider during the Review of Zoning By-law Amendments or Extensions for Temporary Surface Parking Lots

Given that the Downtown Parking Strategy recommends a gradual approach to the reduction in temporary zoning for Downtown surface commercial parking lots, it should be expected that at least in the near-term, such zoning applications will continue to be periodically received. Consistency in their evaluation would be improved if criteria specific to that land use were established and applied. The following are criteria posed below as questions to indicate and are not intended to be exhaustive:

1. Does/would the parking lot interrupt the street wall connectivity essential to maintaining the viability of a positive Downtown pedestrian experience?
2. Is the parking lot properly zoned its intended/extended use?
3. Does the parking lot have a completed site plan conforming with current site plan standards?
4. Have all the conditions of the site plan agreement been met?
5. Is the site within one of the public parking supply deficient areas (Zones 3 and 4) identified in the Downtown Parking Strategy?
6. Is a new parking facility in close proximity to the site expected to be operational in the next three years?
7. Are there other parking options nearby?

Establishing criteria such as these, through an official plan policy is the preferred method of ensuring their consistent and effective use in land use planning administration.

Other Planning Considerations Arising Out of Downtown Parking Strategy

There are a number of other recommendations from the Strategy which relate to Planning

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Services in Section 1.6 (Key Recommendations);

3. a) *The new public parking facilities need to be strategically located to facilitate economic development, maximize utilization, minimize development cost and be designed to reflect Official Plan policies.*

City policies and design guidelines encourage any new parking garage to have ground level commercial uses to maintain and enhance a continuous pedestrian streetscape and avoid “dead space”. The policies prefer that these garages be built as part of a mixed use development. Urban Design Review, including review by the Urban Design Review Panel, may be required.

4. *Amend the Downtown Community Improvement Plan (CIP) to provide the opportunity for Council to enter into a joint venture financial partnership with private developers to provide additional public parking and municipal parking garages in the downtown including the use of grants and density bonusing.*

This option can be implemented as part of the Community Improvement Plan (CIP) Review.

6. *Maintain the current minimum zoning by-law parking supply requirement for new commercial development in the downtown of one space per 90 square metres GFA (1.1 spaces per 1000 square feet) and add bicycle supply requirements.*

The Downtown Parking Strategy recommends that the existing regulations in Zoning By-law Z-1 be maintained. There is no parking requirement for new residential development in the Downtown but experience tells us that developers will provide enough parking to market their building. The parking demand for new commercial space is an unknown because there has been little newly built commercial development (only 431 Richmond Street since 2010). Payment-in-lieu of Parking is another option to address needs.

The 1989 Official Plan and Zoning By-law Z-1 (July 1, 1993) also needs to be reviewed to change the policies in Section 19.4.4 and the Zoning bonusing regulations in Section 3.8 to only bonus for publicly accessible parking instead of underground parking. The current Official Plan policies state;

- 19.4.4. Bonus Zoning** *Under the provisions of the Planning Act, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.*

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Principle

i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

Objectives

ii) Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:

*(c) to support the provision of underground parking;
.....*

Currently in Zoning By-law Z-1 there is no corresponding general regulation; similar to heritage, public open space and day care facilities; to implement that policy. Underground parking is, instead, bonused on a site specific basis where appropriate. Section 4.19 (10) (Parking Standards) also needs to be reviewed because it encourages the removal of existing buildings built before June 3, 1991 when redevelopment occurs. This existing GFA space is discounted for the purposes of parking calculations.

The London Plan (Ministry approved December 28,2016) already contains Policy 1652 which provides for Type 2 Bonus Zoning in return for:

- 11. The provision of commuter parking facilities on site, available to the general public*
- 14. Car parking, car sharing and bicycle sharing facilities all accessible to the general public.*

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Historical Information

Current Policies for Temporary Surface Parking Lots

1) OFFICIAL PLAN POLICIES

The 1989 Official Plan policies were revised through the Commercial Policy Review (which included Downtown) in 2007. With regard to temporary surface parking lots the current policies are;

4.1.2 Urban Design Objectives

vii) Co-ordinate the planning and design of streetscape improvements in the Downtown including the upgrading of building facades, signage, sidewalks, lighting, parking areas and landscaping.”

4.1.6 Commercial Parking Structures and Surface Parking Lots

viii) Commercial parking structures are a permitted use in the Downtown and are encouraged to locate in peripheral areas of the Downtown. The design of these structures along the street edge should be addressed through consideration of the Downtown Design Guidelines specifically requiring enhanced landscaping and consideration of pedestrian connections.

The long term intent of the Plan is to improve the aesthetics of existing surface parking lots and to discourage new surface parking lots in the Downtown, especially where they involve the removal of buildings.

4.1.10 (Parking)

iv) The creation of new surface level commercial and/or accessory parking lots within the Downtown Shopping Area will be discouraged. Surface parking lots outside of the Downtown Shopping Area that require the demolition of significant heritage buildings will also be discouraged.

The policies clearly discourage surface parking lots and state a preference for either above ground or below ground parking garages while providing direction to improve the aesthetics of existing surface parking lots.

2) OUR MOVE FORWARD – LONDON’S DOWNTOWN PLAN

The Downtown Plan was Council adopted April 14, 2015 and functions as a more specific guideline document for the implementation of Official Plan policies. The relevant policies relating to surface parking lots include;

Redevelopment Opportunities (pg. 21)

Within the downtown there are many underutilized sites and opportunities for redevelopment. Surface parking lots, in particular, present ideal conditions for redevelopment, as there is relatively little site work needed before new construction can begin. There is no net loss of the parking anticipated in the redevelopment of these parking lots, as parking can be regained by incorporating underground and structured parking into the design of the new development.

Of these underutilized sites, there are opportunity sites where new development could bridge street wall gaps and/or link activity generators. These strategic locations are priority sites for redevelopment.

5.0 Planning Policies - Build a great neighbourhood (pg.63)

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5.1 Encourage the construction of a variety of dwellings within the downtown that can accommodate residents at various life stages.

5.2 Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites.

Financial Investment & Revenue Generation (pg. 67)

The provision, management, and siting of downtown parking is an area of special relevance to the successful implementation of Our Move Forward. The more vibrant downtown streets become, the more competition there is to use the space available in their rights-of-way. Acknowledging that this Plan anticipates more ample sidewalk space for pedestrian movement and occupancy, and for choice transit amenities, there may at times be less street space available for parking vehicles. However, motorists also need to be accommodated when enticed to a downtown with multiple attractive destination venues, or that is itself a destination. The construction of a City-owned and operated parking garage could serve both as a response to this situation and act as a catalyst for other projects. Revenues gained can be put back into the downtown and the added parking available in weather-protected, secure, lit parking structures can encourage temporary surface parking lots to be developed.

3) LONDON PLAN

The London Plan is Council and Ministry approved but appeals have not been scheduled or heard and therefore is not in place. It will eventually replace the existing Official Plan. Although not in force it does give some indication of policy direction in advance of approval. The policy language is much stronger (“not be permitted” vs “discouraged”) and clearer (specifies accessory and commercial parking lots) than the existing Official Plan policies. The draft policies state;

Downtown Policies - Permitted Uses

- 800_4 *New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted.*
- 800_5 *Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.*

The first two policies are similar to the existing policies but the last one is new and addresses the extension of temporary uses. Currently temporary use extensions are at the discretion of Council every 3 years and can be made indefinitely.

4) SITE PLAN CONTROL

One of the goals of previous Council resolutions was to “improve the aesthetics of existing commercial parking lots” and this is normally done through the site plan approval process.

In the Site Plan Control By-law the definition of development includes “the laying out and establishment of a commercial parking lot....”(Section 1). That is the only reference to Commercial parking lots in the entire By-law. There are no specific regulations or standards for these uses in the By-law. Normally Section 6 (Parking Facilities and Internal Driveways) is used to evaluate plans. These regulations are intended for the evaluation of accessory parking lots.

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Previous Council Resolutions on Temporary Commercial Parking Lots

On **November 7, 1994** Council resolved:

That on the recommendation of the Director of Planning and Development, the following actions be taken with respect to potential strategies for revitalizing London's Downtown:

- b) *The Director of Planning and Development be directed to further investigate and to report back to Planning Committee with respect to such initiatives for the Downtown as the following:*
 - i) *The removal of zoning by-law provisions permitting temporary surface parking lots, and the conditions for renewal of temporary by-laws permitting existing surface parking lots;..*

The resolution arose through the consideration of a report on various Downtown revitalization strategies. A specific section related to temporary parking lots was included which stated;

"Limit Temporary Parking Lots

Related to the issue of adequate supply of Downtown parking is the form the many of the surface parking lots in Downtown take, and the fact that many of these temporary parking lots are the result of the demolition of buildings. Some of the buildings that have been demolished for the creation of temporary surface lots have been potential heritage structures. To encourage new development on these sites, and to further ensure that inappropriate demolitions do not occur, the City should remove regulatory provisions that would permit new temporary parking lots in the Downtown. The City should also require the implementation of urban design guidelines related to surface parking lots as a condition of the renewal of the business license or temporary use zoning for all existing surface parking lots.

The Downtown contains approximately twenty vacant sites currently utilized for temporary surface parking lots. Each of these sites has the potential for residential, commercial, office, institutional or park developments. Surface parking lots undermine the character and potential of redevelopment within Downtown by creating the perception of an underused Downtown."

The Downtown Revitalization Strategies Report went through a public review process and resulted in a number of separate reports and Council resolutions. A report on temporary parking lots was reviewed on April 24, 1995 following public review.

On **June 5, 1995** Council made a series of recommendations on Downtown temporary parking lots which included;

4. *"That, on the recommendation of the Director of Planning and Development, the following actions be taken with respect to temporary parking lots in the Downtown:*

- (a) *Surface parking lots no longer be permitted as temporary uses in the Downtown area where they involve the removal of existing buildings except under the following circumstances;*
 - (i) *Building permits have been issued for redevelopment; and/or*
 - (ii) *The applicant or the Civic Administration are able to establish to the satisfaction of the Municipal Council that there is a shortage of parking in the immediate area or in the downtown as a whole; and/or*
 - (iii) *The building is unsafe for occupancy as defined by the Building Code Act;*

(b) *No temporary parking lots be permitted on lots where buildings to be demolished are listed*

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as Priority 1 or Priority 2 structures in the City of London Inventory of Heritage Resources;

- (c) New temporary parking lots on vacant land only be permitted through a zoning by-law amendment application for a temporary use and be subject to the Site Plan approval process;*
- (d) Procedures be reviewed and implemented to improve the aesthetics of existing surface parking lots in the Downtown; and,*
- (e) The Civic Administration be directed to monitor parking requirements in the downtown area and to undertake a review of this policy on or before June 1998, or sooner if a deficiency of parking arises."*

Between 1995 and 1998 there were two requests for demolitions to accommodate accessory parking lots along Dundas Street; one from the Bank of Montreal at Dundas and Wellington Streets and one just east of Talbot Street near Kingsmills. In response Council amended the 1995 resolution to insert a new clause (c) (and renumber the rest) which stated;

- (c) "no new commercial or accessory parking lots will be permitted along either Dundas Street or Richmond Street which involve the removal of existing structures;"*

That revised resolution has been in place since 1998. In 1999 Council asked staff to review other possible locations to restrict accessory parking lots (report to Planning Committee in November 2000) but decided not to expand the areas affected.