

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: The Corporation of the City of London

**Official Plan, The London Plan and Downtown Plan Criteria
for Downtown Temporary Surface Commercial Parking Lots**

Public Participation Meeting on: April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the Corporation of the City of London relating to the properties located within the boundaries of the Downtown as defined by the Official Plan:

- (a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to amend the Official Plan to change Section 4.1.10 iv) (Parking/Surface Parking Lots) to add Official Plan criteria to evaluate requests for temporary extensions to existing surface commercial parking lots;
- (b) The proposed by-law attached hereto as Appendix "B", BE INTRODUCED at a future Council Meeting to amend The London Plan by ADDING new policies to the Downtown Place Type policies and the Temporary Use Provisions of the Our Tools policies AND that three readings of the by-law enacting The London Plan amendments BE WITHHELD until such time as The London Plan is in force and effect; and,
- (c) That the changes to Policy 5.2 in the guideline document "Our Move Forward – London's Downtown Plan", attached hereto as Appendix "C" BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to add criteria to evaluate requests for temporary extensions to existing surface commercial parking lots.

Executive Summary

The purpose and effect of the recommended action is to add criteria to provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long term goal of replacing surface lots with development that includes underground or above ground parking spaces.

Background

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)*

In response to Council's direction, Planning Staff initiated a review of surface commercial parking lots in Downtown, a review that was intended to occur in conjunction with the Downtown Parking Strategy Study being undertaken by consultants and managed by the Transportation Division. The review was completed in 2017 and both the Downtown Parking Strategy Study and the Report on Downtown Surface Commercial Parking Lots report was presented at the Planning and Environment Committee on December 4, 2017.

As a result Municipal Council, at its meeting held on December 12, 2017, resolved:

29. *That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to Downtown Temporary Commercial Parking lots:*

- a) *the Managing Director, Planning and City Planner **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;*
- b) *the Managing Director, Planning and City Planner **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; and,*
- c) *the Managing Director, Planning and City Planner **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. (2017-T02) (29/1/PEC)*

This report addresses Clauses (a) and (b). By-law Enforcement will address Clause (c).

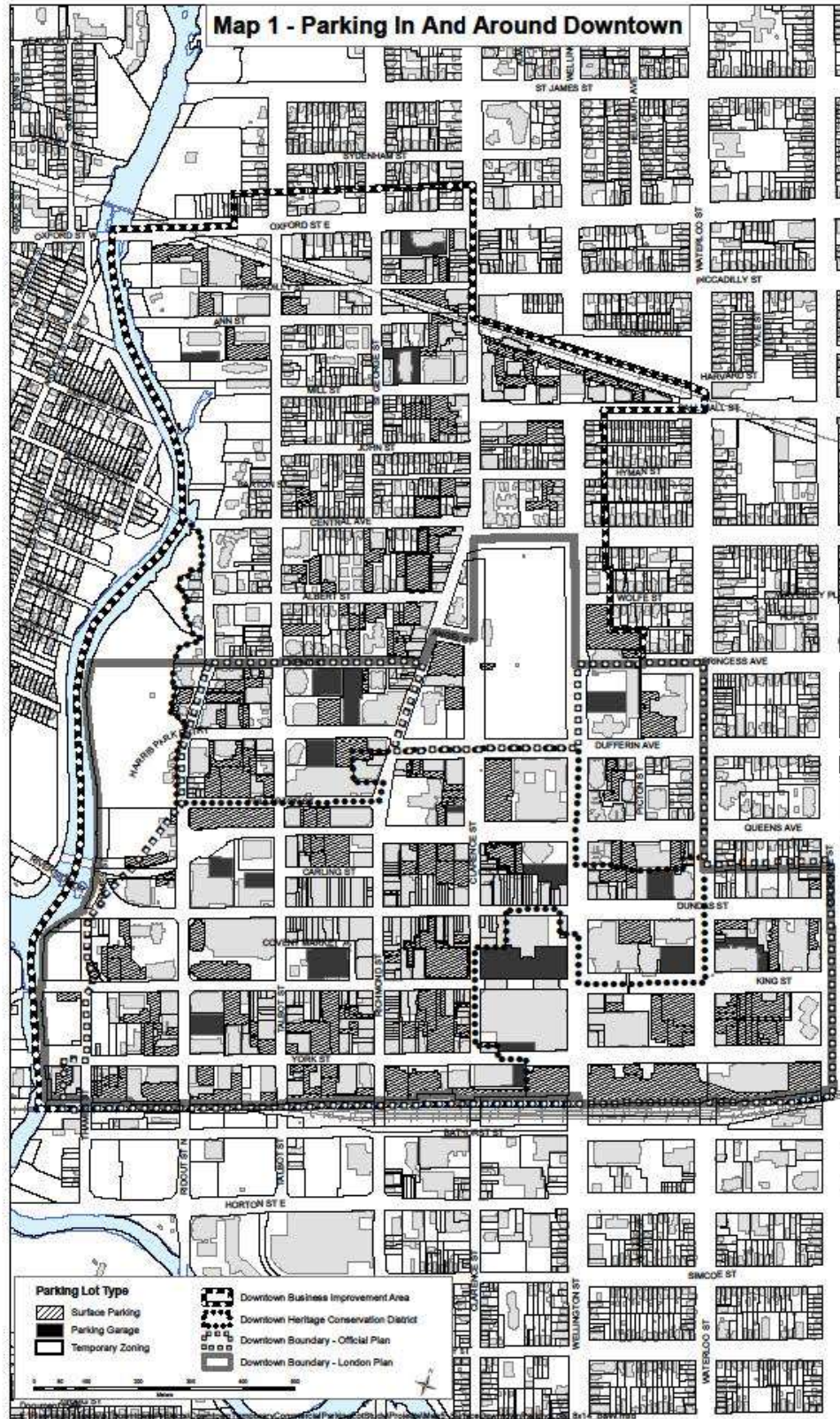
Planning Issues with Surface Commercial Parking Lots in the Downtown

The previous planning report identified the following issues which provide justification for the introduction of criteria to evaluate temporary commercial parking lot extension requests;

1. 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 Londoners 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).

2. In the past, some surface commercial parking lots have been created at the expense of Downtown heritage buildings that were demolished;
3. 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.
4. These lots can create safety concerns from a variety of perspectives.
5. 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 \$2000-\$3000 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 be assessed if a building were located on the same site.
6. 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.
7. For those surface commercial parking lots that have received Council approval for 3-year extensions of their temporary zoning for long periods of time, expectations for future extensions of temporary zoning exist. This raises questions as to how Council may refuse an application for a temporary zoning application without creating significant disruption for Downtown parking customerse.
8. Enforcement Staff at the City continue to work towards ensuring that surface commercial parking lots are appropriately zoned and licensed.
9. However, surface commercial parking lots do 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.

1.1 Location Map



The December 4, 2017 report to Planning and Environment Committee (PEC) provided a recommended approach to considering temporary zoning applications for Downtown surface commercial parking lots with the following objectives;

Objectives

1. Ensure an adequate supply of parking for residents, employees, visitors/tourists 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.

As a result, the following approach was recommended,

Recommended Approach

1. Establish a new Official Plan policy within the Downtown designation in the Existing Official Plan and within the Permitted Uses and Temporary Use Provisions sections 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 lot extensions 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.
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 Downtown Parking Strategy 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.



Proposed Official Plan Policies

The following policies are proposed to be added to the existing Official Plan (1989) and The London Plan:

1673_a

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.
6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements

5.0 Summary/Conclusion

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.

Prepared by:	W.J. Charles Parker, MA Senior Planner, Urban Regeneration
Submitted by:	Mike Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.-1284-

A by-law to amend the Official Plan for the City of London, 1989 relating to Temporary Downtown Commercial Parking Lots.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

Third Reading – May 8, 2018

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 4.1.10 iv) (Parking/Surface Parking Lots) of the Official Plan for the City of London to include criteria to assess requests for extension of temporary zoning for existing surface commercial parking lots in Downtown.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the Official Plan in the City of London.

C. BASIS OF THE AMENDMENT

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 amendment recommends a policy that can help Council to evaluate such requests. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 4.1.10 iv) (Downtown Parking/Surface Parking Lots) of the Official Plan for the City of London is amended by adding the following after the existing policy:

“For lands within the Downtown Area designation, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots:

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.
6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements”

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.- _____ -__

A by-law to amend The London Plan for the City of London, 2016 relating to Temporary Downtown Commercial Parking Lots.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add wording to policy 800_5 of The London Plan for the City of London.
2. To add a new Policy following Policy 1673 to include criteria to assess requests for extension of temporary zoning for existing surface commercial parking lots in Downtown.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the The London Plan in the City of London.

C. BASIS OF THE AMENDMENT

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 amendment recommends a policy that can help Council to evaluate such requests. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long-term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. Policy 800_5 (Place Type Policies/Downtown/Permitted Uses) of The London Plan for the City of London is amended by adding the following at the end of the existing policy:

“Criteria for evaluating requests for temporary zone extensions are provided in Policy 1673 a) of the Our Tools Section of the Plan.”

2. Add a new Policy 1673 a) (Our Tools/Temporary Use Provisions) which states the following:

“1673_a

For lands within the Downtown Place Type, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots, in the Downtown:

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.*
6. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
7. *Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements”*

Appendix "C"

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.-_____ - _

A by-law to amend the "Our Move Forward- London's Downtown Plan" for the City of London, relating to Temporary Downtown Commercial Parking Lots.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the "Our Move Forward- London's Downtown Plan" – 2015, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

AMENDMENT NO.

to the

“OUR MOVE FORWARD-LONDON’S DOWNTOWN PLAN” FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is add wording to policy 5.2 (Build a Great Neighbourhood) of the “Our Move Forward-London’s Downtown Plan” guideline document for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the Official Plan and The London Plan in the City of London.

C. BASIS OF THE AMENDMENT

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 change will 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. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long- term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

1. Section 5.2 (Build a Great Neighbourhood) of “Our Move Forward – London’s Downtown Plan” is amended by adding the following after the existing text;

“Requests for temporary zoning for surface commercial parking lots, and extensions to temporary zoning for surface commercial parking lots, will be evaluated based on the following criteria;

- 1. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
- 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 location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit-users, cyclists and drivers.*

4. *The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.*
5. *Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.*
6. *Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.*
7. *Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.*
8. *Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site.*
9. *Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.*
10. *Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.*

Appendix B – Public Engagement

Community Engagement

Public liaison: On Thursday, March 8, 2018 Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner*.

1 reply was received

Nature of Liaison: The purpose and effect of this Official Plan and London Plan amendment and change to the Downtown Plan Guideline Document is to adopt criteria for considering applications for Downtown Temporary Surface Commercial Parking Lots. This City application is being initiated in response to the 2017 review of Downtown Temporary Surface Commercial Parking Lots requested by Council and the subsequent Council resolution on December 12, 2017. Possible amendments to the Official Plan (Sections 4.1.6 viii and/or Section 4.1.10 iv), London Plan (Policy 800_5) and the “Our Move Forward” London’s Downtown Plan Guideline Document.

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
(519) 474-7137	Casey Kulchycki Planner – Zelinka Priamo Ltd. 318 Wellington Road N6C 4P4 Wanted to be added to notification List