



REPORT

REPORT TO: The Chair and Members of the Economic Development Committee

REPORT FROM: Tara Buonpensiero, Senior Planner - Policy

DATE: June 5, 2013

REPORT NO.: PDS-2013-0048

RE: Options for Addressing Required Parking in Downtown Georgetown and Acton

RECOMMENDATION:

THAT Report No. PDS-2013-0048 regarding options for addressing required parking in Downtown Georgetown and Acton, dated June 5, 2013, be received;

AND FURTHER THAT staff be authorized to circulate a draft Zoning By-law Amendment to agencies for their comments, including the Georgetown and Acton Business Improvement Areas, and the Chamber of Commerce;

AND FURTHER THAT staff be authorized to schedule a statutory public meeting for the fall of 2013 to obtain public comments on a draft Zoning By-law Amendment;

AND FURTHER THAT staff be directed to prepare a subsequent report to Economic Development Committee which recommends a value for cash-in-lieu of parking for the Acton and Georgetown downtowns.

1. Purpose

The purpose of this report is to:

- Summarize the applicable policy framework from the Planning Act, Halton Hills Official Plan, and Halton Hills Comprehensive Zoning By-law.
- Provide background information on the current situation with respect to the provision of required parking within the Georgetown and Acton downtowns.

- Summarize the approaches used by other municipalities with respect to requirements for parking in downtowns.
- Provide a summary of the alternatives to be considered with respect to the provision of required parking in the Georgetown and Acton downtowns.
- Seek direction for staff to prepare a draft Zoning By-law Amendment to be circulated to agencies and presented to the public at a statutory public meeting.

2. Existing Policy and Zoning Framework for Implementing Alternatives to the Provision of Required Parking

The framework for implementing alternatives to the provision of required parking is included in the Planning Act, the Town of Halton Hills Official Plan and the Town's Comprehensive Zoning By-law. Details of each are provided below:

a) Planning Act

Section 40 of the Planning Act permits the Council of a municipality and the owner or occupant of a building to enter into agreement exempting the owner from providing required parking. The same section also permits the municipality to charge a fee as consideration for the granting of the exemption, and that the agreement will include the basis upon which such payment is calculated. Funds collected are to be placed in a reserve and used for the same purpose (provision or maintenance of parking facilities). The Planning Act permits these agreements to be registered on title.

b) Town of Halton Hills Official Plan

In 2004, Infrastructure Services prepared a report to Council, outlining a parking strategy for downtown Georgetown. This report referenced the Town's 1990 Parking Study which included two key recommendations relevant to this report, including:

- That the Town should establish parking standards to be included in the Town's Zoning By-law(s).
- That the parking reserve fund should be maintained and revenue for this fund may be derived from inclusion of a policy for cash-in-lieu of providing parking in the Town's Official Plan and Comprehensive Zoning By-law, among other sources.

In this regard, parking standards were included in the Town of Halton Hills Comprehensive Zoning By-law (discussed in the next section of this report) and policies were included in the 2008 Town of Halton Hills Official Plan to enable Council to establish areas where payment of cash-in-lieu of required parking may be accepted. Specifically, the policies state that where a new use in the downtown area cannot accommodate the Town's parking requirements, Council may accept cash-in-lieu where the parking can reasonably be accommodated on the street or off-site (either in municipally owned or operated lots, or on other private land).

Policies in the Official Plan also permit the Town to reduce parking requirements where sufficient off-street and on-street parking facilities exist, or in areas where uses on lots require parking at different times of the day.

Comprehensive Zoning By-law 2010-0050

Prior to adoption of the Comprehensive Zoning By-law (CZBL), the Acton and Georgetown Zoning By-laws did not address parking in the downtowns in a consistent manner. Within the old Georgetown Zoning By-law, parking requirements only applied to a small range of uses, some of which include hotels, stadiums, theaters, and funeral homes. In general, new commercial developments requiring a rezoning also included a site specific parking requirement tailored to the range of uses permitted. For the uses prevalent in the Georgetown downtown area, such as retail, personal service shops, restaurants and offices, the By-law did not include parking requirements. In the old Acton Zoning By-law, the parking requirements did not apply for existing commercial buildings or enlargements or alterations to existing buildings in the Acton downtown commercial area.

As background to the parking requirements in CZBL, a Parking Technical Paper was prepared as part of the Zoning Project in November 2007. In that Technical Paper, the Town's consultant recommended that the new parking standards be applied to any floor area expansions in the Downtown Cores, but should not be applied to existing uses, as long as the floor space associated with that use does not change. This is similar to the approach that was proposed to be applied Town wide.

The Technical Paper also recommended that the Zoning By-law include provisions related to permitting cash-in-lieu of providing required parking spaces, subject to an agreement with Council.

Stemming from the direction in the 2007 Technical Paper, and the 1990 Parking Study, the CZBL includes parking standards for both residential and non-residential uses as well as the provision for cash-in-lieu of parking. The parking provisions are currently applied Town wide.

The parking provisions of the Comprehensive Zoning By-law currently apply when a new building or expansion to an existing building is proposed or when a new use in an existing building is proposed that has a higher parking requirement.

Within the Downtown Commercial One (DC1) Zone, the CZBL also permits required parking spaces to be located on another lot within 500 metres of the lot on which parking would be required for the use, provided it is located within the same zone.

3. Current Situation Regarding Parking in Downtown Georgetown and Acton

a) Downtown Georgetown

Specifically with respect to Downtown Georgetown, the 1990 Parking Study concluded that an additional 110 parking spaces would be required in downtown Georgetown by 1995. Since that time, the Town has constructed two new municipal parking lots, the first on Main Street at Church Street, and the second on Mill Street at Edith Street. These two new municipal parking lots provide 86 additional public parking spaces in downtown Georgetown.

No further update to the parking study has been completed since the construction of the two municipal parking lots, however it appears that the Edith Street parking lot is not being used to capacity. Staff from Infrastructure Services has been in discussion with the Georgetown Business Improvement Area (BIA) to work with the downtown businesses to encourage employees to park in the Edith Street lot, which would in turn free up a number of parking spaces for patrons visiting the downtown.

Currently there are seven municipally owned or operated parking lots in downtown Georgetown which provide 286 parking spaces that are available to the general public. A map of the parking facilities in downtown Georgetown is attached to this report as Schedule A.

b) Downtown Acton

The 1990 Parking Study also reviewed parking in downtown Acton and concluded that on an overall basis, the current parking supply in downtown Acton was sufficient; however there was a specific area north of Mill Street between Main Street North and John Street, where there is a high concentration of commercial uses and a parking deficiency of about 30 spaces.

Since the completion of the parking study, one municipal parking lot was constructed within the area identified above, at 15 Main Street N. This parking lot provided an additional 41 public parking spaces.

Currently there are five municipally owned or operated parking lots in downtown Acton which provide 189 parking spaces that are available to the general public.

A map of the parking facilities in downtown Acton is attached to this report as Schedule B.

Staff will continue to monitor parking in downtown Georgetown and Acton and should it be determined that an update to the parking study is warranted, a subsequent report to Council would be prepared to seek direction to undertake such a study.

3. Recent Examples of Parking Issues in Downtown Acton and Georgetown

Recently some issues have been encountered when implementing the new parking standards for commercial uses in the core areas of downtown Georgetown and Acton. Due to the characteristics of development in the core areas of the two downtowns, there is often limited or in some cases no opportunity to provide additional on site parking.

There have been two recent examples of issues with respect to ability to accommodate required on-site parking in the downtown areas, which are described below:

75 Mill Street, Georgetown - In 2012, the Town was approached for a development proposal to convert a residential dwelling in downtown Georgetown to a restaurant with an outdoor patio and office space. The property is zoned DC1 and is located at the southwest corner of Mill Street and Park Avenue, and is adjacent to an existing commercial building which contains medical and office uses. Based on the parking requirements in the CZBL, the conversion required 30 parking spaces and due to the physical constraints on the property, only 3 spaces were proposed to be provided on site. The property owner applied for a minor variance to address the parking shortfall.

The Back Street parking lot is across the street from the proposal, which is partly municipally owned and operated. However, a portion of this parking lot is in private ownership.

Town staff recommended the application be deferred by the Committee of Adjustment; however the Committee approved it, granting the variance. This decision was not appealed by the Town; however another property owner in the downtown appealed the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB).

The matter was heard by the OMB with the property owner and the appellant as the only parties at the hearing. The appellant owns the hotel opposite the subject property and his concern was that a reduction in the parking requirements on the subject property would result in restaurant patrons using the parking area owned by the appellant which are reserved for his hotel patrons. Based on the evidence provided at the hearing by the property owner, the OMB upheld the decision of the Committee of Adjustment and the variance was granted. The rationale provided in the OMB Decision was that the appellant has alternatives available to him to safeguard his parking area and that there is adequate parking in the area for the restaurant patrons.

19 Willow Street, Acton - In 2011, Heritage Acton proposed a two storey, 122 m² addition to the Acton Town Hall building in order to accommodate new barrier free washrooms and an elevator. The property is zoned DC1. The increase in floor space resulting from the addition necessitated 10 additional parking spaces under the Zoning By-law; however, there was no room available on the property to accommodate the extra parking spaces.

As described previously in this report, within the DC1 Zone, the Town's Zoning By-law permits required parking to be provided on another property within 500 metres, provided the parking is on a property in the same zone.

To address the parking deficiency, the Acton Town Hall obtained written permission from Halton Hills Hydro to share their parking lot located at 45 Alice Street. The Halton Hills Hydro parking lot is located within 500 metres from the Acton Town Hall but not within the DC1 Zone (it is zoned Institutional (I)). Heritage Acton applied for a variance from the section of the Zoning By-law that required the parking to be provided within the same zone. The variance was granted by the Committee of Adjustment.

4. Review of Other Municipalities Downtown Parking Requirements

a) Town of Milton

Currently Milton's Zoning By-law identifies a 'Parking Policy Area' within their Central Business District. Within the 'Parking Policy Area', retail uses and restaurants within existing buildings and structures are exempt from requiring additional parking. Further, within this area the By-law does not permit the removal of existing parking spaces.

In the rest of the Central Business District, all buildings or structures enlarged or erected must comply with the parking provisions of their Zoning By-law. Currently, cash-in-lieu of parking is not provided for in Milton's Zoning By-law.

Milton is currently undertaking a review of their Zoning By-law, and in the February 2013 draft, some changes are proposed to the section pertaining to parking in the Central Business District.

The February 2013 draft identifies a Central Business District (CBD) in downtown Milton, within the CBD, a smaller area is identified as a 'Cash-in-Lieu Parking Policy Area', and within the 'Cash-in-Lieu Parking Policy Area' there is a smaller area identified as a 'Parking Policy Area'.

Within the smallest identified area, the 'Parking Policy Area', the draft Zoning By-law proposes to exempt restaurants and retail uses within existing buildings and structures from providing additional parking. In addition, if parking spaces are removed as a result of an expansion or enlargement to an existing building, cash-in-lieu of parking for the removed parking spaces will be required.

Within the 'Cash-in-Lieu Parking Policy Area', existing parking spaces are not permitted to be removed and changes in non-residential uses that result in a requirement for more parking spaces may provide payment in lieu of parking, to the satisfaction of the Town.

b) Town of Oakville

Currently in the Town of Oakville Zoning By-law, parking is not required for commercial uses within a specific area within downtown Oakville. Parking exemptions are only considered in some areas of downtown Oakville, Kerr Street and Bronte Village, and is only permitted for commercial or institutional applications.

Staff from the Town of Oakville advise that they are conducting a further review of their downtown parking requirements and cash-in-lieu of parking policy as part of their Zoning By-law review. On April 17, 2013, the Town of Oakville released a draft Zoning By-law.

The approach proposed in that draft is very similar to the approach used currently in the Town of Halton Hills Zoning By-law, whereby parking requirements are proposed to apply to:

- any new building;
- expansions to existing buildings; or
- a change in use in an existing building that generates a requirement for additional parking.

The draft Zoning By-law also states that the Town can enter into an agreement with the landowner respecting the payment of cash-in-lieu for some or all of the parking spaces required in a Mixed Use Zone. The Mixed Use Zone applies to Oakville's Central Business District, Main Streets, Urban Centre and Urban Core.

c) City of Burlington

The City of Burlington has identified a Downtown Parking Area, and within this area it has been determined that properties derive a special benefit from the parking facilities provided in the Downtown Parking Area. As a result, commercial properties within this area have the option of providing parking or opting out of providing parking and paying an annual levy to the City in lieu of the provision of parking.

The annual parking levy is based on the results of a parking study which identified how many additional parking spaces are required to support the businesses in the downtown, and also includes any annual operating deficit.

COMMENTS:

1. Options for Addressing Parking Issues in Downtown Georgetown and Acton

A) Status Quo

One option is to continue to apply the parking standards Town wide. Should a new commercial use be proposed in the downtown areas, or if a change in use is proposed and the new use requires additional parking spaces, additional parking would be required. If parking cannot be accommodated on the site, or parking cannot be secured on another site within 500 metres in the DC1 Zone, parking shortfalls would continue to be addressed on a case by case basis. In the absence of a defined cash-in-lieu of parking value and/or potentially resistance to paying cash-in-lieu of parking by applicants, an applicant may seek relief from the parking provisions at the Committee of Adjustment.

B) Exempt Existing Commercial/Office Uses within Existing Buildings and Structures from the Parking Provisions

Similar to the approaches used currently in Milton, Brampton and Oakville, a parking exemption area could be identified within the Georgetown and Acton downtowns. Within this area, the Town could exempt existing commercial and/or office uses from providing additional parking, within existing buildings and structures, even when changing to a different commercial use that would generate an additional parking requirement. Within the parking exemption area, the Town could specify that removal of existing parking spaces is not permitted.

This approach is anticipated to address most of issues raised with respect to provision of parking in the two downtowns. It recognizes that there are limited opportunities to provide additional parking on a number of properties in the downtowns and that there are a number of parking lots available in the downtown areas. This option also promotes new business in the Town's downtowns.

Any building expansions, construction of a new building or structure, or change in use from residential to commercial would still trigger the requirement to provide additional parking or possibly the provision of cash-in-lieu of parking, which is discussed in the next section. By requiring parking provisions to be met for expansions to existing commercial buildings, it will assist in maintaining any on-site parking that currently exists.

C) Cash-in-Lieu of Parking

Cash-in-Lieu of parking is a commitment by the municipality to take cash from a property owner and in return provide the agreed upon parking for the property. The Planning Act states that upon payment of the required cash-in-lieu, at the request of the property owner, the municipality would provide a certificate that could be registered on

title. Also, any funds collected are put in a reserve fund to be used for the development of new parking facilities or the maintenance of existing parking facilities.

Cash-in-Lieu can be effective as part of a tool box for implementation of parking in the downtown areas, and could be tailored to be applicable for all or a portion of downtown Georgetown and Acton.

In reviewing the amount other municipalities charge for cash-in-lieu of parking, wide variations were seen. For example in the Town of Whitby, the cash-in-lieu value of providing one parking space is \$3,000, and the City of Kitchener, the cash-in-lieu value of providing one parking space is \$35,000.

One of the main reasons for this variation in cash-in-lieu value is because one of the components used in the formulas is the assessed value of land in the downtown area, which would vary widely from municipality to municipality. Municipalities may choose a cash-in-lieu of parking value that is less than the actual land value and construction cost of providing a parking space to not act as a disincentive to new businesses. Implementation of a cash-in-lieu of parking program in downtown Georgetown and Acton would require a decision on an appropriate cash-in-lieu of parking value specific to the downtown areas.

Regardless of the option(s) selected, staff will continue to monitor parking in downtown Georgetown and Acton and should it be determined that an update to the parking study is warranted, a subsequent report to Council would be prepared to seek direction to undertake such a study.

2. Proposed Revisions to the Comprehensive Zoning By-law

Staff are seeking direction from Economic Development Committee to prepare a draft Zoning By-law Amendment in accordance with Option B:

- Specify that the Downtown Commercial One (DC1) Zone in downtown Georgetown and Acton (shown on Schedules C and D respectively) is a parking exemption area.
Within this area, existing commercial and/or office uses in existing buildings and structures would be exempt from providing additional parking if they are switching to another commercial/office use that would generate a requirement for additional parking (for example retail to restaurant).
- Specify that within the parking exemption area, existing parking spaces are not permitted to be removed.

These revisions would still have the effect of triggering parking requirements in the DC1 Zones in downtown Georgetown and Acton (shown on Schedules C and D respectively) for the following:

- construction of a new building or structure;
- expansion to an existing building or structure; and
- conversion of a residential use to a commercial or office use.

These types of applications would be assessed on a case by case basis, and to the extent that there are parking shortfalls, cash-in-lieu of parking may be an appropriate option. For those situations, staff recommends Option C, and through the recommendations of this report staff are seeking direction to research and report back to Economic Development Committee with a proposed cash-in-lieu value for the Acton and Georgetown downtowns.

Next Steps

Through the recommendations of this report, staff are seeking direction to prepare a draft Zoning By-law Amendment in accordance with the proposed direction outlined in this report. Staff are also seeking direction to hold a statutory public meeting and circulate a draft Zoning By-law Amendment to public agencies including the Acton and Georgetown Business Improvement Areas and the Chamber of Commerce.

Staff will then prepare a subsequent report to Council, responding to comments from the public and agencies and seeking a final recommendation on the proposed Zoning By-law Amendment.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates to **Strategic Direction C) Foster a Prosperous Economy**, and specifically **Strategic Objective C.6 - To maintain and enhance our historic downtowns and vibrant commercial areas to provide for shopping, services, cultural amenities and entertainment.**

FINANCIAL IMPACT:

There are no immediate financial implications from this report.

Staff are seeking direction through the recommendations of this report, to research and report back to Economic Development Committee with a proposed cash-in-lieu value for the Acton and Georgetown downtowns. The Planning Act requires that funds collected through cash-in-lieu of parking be placed in a reserve fund and used for the same purpose (provision or maintenance of parking facilities).

COMMUNICATIONS IMPACT:

Through the recommendations of this report, staff are seeking direction to prepare a draft Zoning By-law Amendment and circulate it to agencies, including the Acton and Georgetown Business Improvement Areas and the Chamber of Commerce.

SUSTAINABILITY IMPLICATIONS:

The purpose of this report is to seek direction for staff to proceed to prepare a draft Zoning By-law Amendment for the purposes of consultation. Should Economic Development Committee endorse the recommendations of this report, sustainability implications would be addressed in a future report to Council.

CONSULTATION:

Planning staff consulted with staff from Infrastructure Services and the Economic Development Officer in the preparation of this report.

CONCLUSION:

This report has:

- summarized the applicable policy framework;
- provided background information on the current situation with respect to parking in downtown Georgetown and Acton;
- summarized the approaches used by the other local municipalities in Halton, as well as the City of Brampton; and
- provided a summary of the alternatives to be considered with respect to the provision of required parking in the two downtown areas.

In light of the above, staff are seeking direction through the recommendation of this report to:

- Prepare draft Zoning By-law Amendment which would:
 - Specify that the Downtown Commercial One Zones in downtown Georgetown and Acton (shown on Schedules C and D respectively) are parking exemption areas.

Within this area, existing commercial and/or office uses in existing buildings and structures are exempt from providing additional parking if they are switching to another commercial/office use that would generate a requirement for additional parking (for example retail to restaurant).
 - Specify that within the parking exemption area, existing parking spaces are not permitted to be removed.
- Prepare a subsequent report to Economic Development Committee with a proposed cash-in-lieu value for the Acton and Georgetown downtowns.

- Schedule a statutory public meeting for the fall of 2013 to obtain public comments on a draft Zoning By-law Amendment.

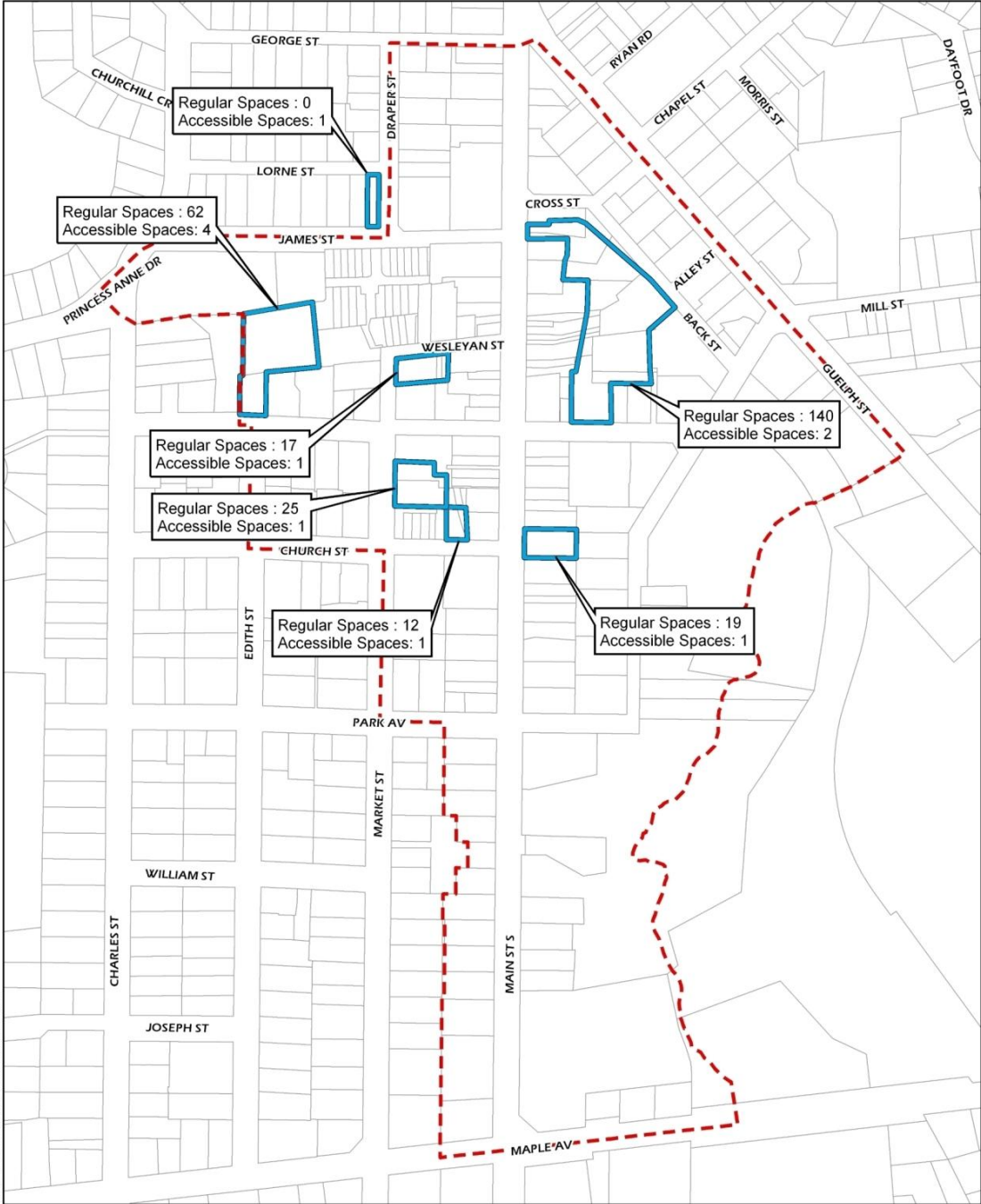
Respectfully submitted,

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<p>Municipal Parking Lots Downtown Georgetown</p>		Municipally Owned or Operated Parking Lot
		Downtown Boundary

N.T.S.

Produced By:
 TOWN OF HALTON HILLS
 August 2012

