

## OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS

### Recommended Regulatory Options

|   |   |   |                 |
|---|---|---|-----------------|
| <b>Recommendation</b>   |   |   |                 |
| That the March 19, 2024 Urban Planning and Economy report UPE01557rev, be received for information. |   |   |                 |
| <b>Requested Action</b>   |   | Information Only                                      |                 |
| <b>ConnectEdmonton's Guiding Principle</b>  |   | <b>ConnectEdmonton Strategic Goals</b>                |                 |
| <b>CONNECTED</b><br>This unifies our work to achieve our strategic goals.                           |   | <b>Urban Places</b>                                   |                 |
| <b>City Plan Values</b>   | LIVE  |   |                 |
| <b>City Plan Big City Move(s)</b>   | A Rebuildable City  | <b>Relationship to Council's Strategic Priorities</b> | Economic Growth |
| <b>Corporate Business Plan</b>  | Serving Edmontonians  |   |                 |
| <b>Council Policy, Program or Project Relationships</b>   | <ul style="list-style-type: none"> <li>Downtown Vibrancy Strategy</li> </ul>  |   |                 |
| <b>Related Council Discussions</b>  | <ul style="list-style-type: none"> <li>December 4, 2023, Community Services report CS02050, Enforcement Staffing</li> <li>October 31, 2023, Urban Planning and Economy UPE01836, Downtown Community Revitalization Levy (CRL) Financial Incentives Funding Program</li> <li>September 19, 2023, Urban Planning and Economy report UPE01557, Options to Address Surface Parking Lots in Centre City and The Quarters</li> <li>August 23, 2022, Urban Planning and Economy report UPE00228, Curbside Management Strategy - Redefining Edmonton Curbside and Public Space</li> <li>January 28, 2020, CR_7229, Open Option Parking Implementation</li> <li>May 7, 2019, CR_6707, Comprehensive Review of Parking Regulations in Zoning Bylaw 12800</li> </ul> |   |                 |

## **OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS - RECOMMENDED REGULATORY OPTIONS**

### **Previous Council/Committee Action**

At the September 19, 2023, Urban Planning Committee meeting, the following motion was passed:

That the September 19, 2023, Urban Planning and Economy report UPE01557, be referred back to Administration to recommend regulatory options that would advance Centre City vibrancy, safety and beautification in relation to unpermitted parking lots as well as information on options for fines that could be applied and an approach to engaging property owners of non-compliant surface parking lots.

### **Executive Summary**

- Planning policies and regulations in the Zoning Bylaw restrict the creation of new surface parking lots in Centre City and prevent a large number of existing parking lots from obtaining a development permit.
- It is necessary to balance the existence of parking availability Downtown with the long-term goal of a dense, vibrant area.
- Creating a limited program (the 'program') allows landowners and operators ('owners/operators') of existing non-compliant Centre City surface parking lots to apply for a temporary development permit. The temporary development permit includes requirements for site upgrades to advance safety and beautification.
- The proposed program includes regulatory changes to allow surface parking lots and enforcement actions that start with education and engagement by inviting participation. Enforcement action occurs if Owners/Operators decline to participate.
- A funding source needs to be identified to implement the program or a resource reprioritization.

## **REPORT**

The Capital City Downtown Plan (CCDP), approved in 2010, identifies an abundance of centrally located surface parking which increased during the 1980s economic downturn. The regulations within the Downtown Special Area Zones, and direction from CCDP and statutory plans that apply to other Centre City neighbourhoods, prohibit new surface parking lots.

The policy restricted new lots, but did not address the lots that were already in existence yet misaligned to other processes. There are unintended effects such as:

- Creating a difficult and time consuming enforcement duty for the City.
- Denying existing Owners/Operators means to obtain a permit.
- Preventing the City from conditioning development permits with improvements to the lots that meet the Zoning Bylaw.

Centre City is Edmonton's distinct cultural, economic, institutional and mobility hub with the highest density and mix of land uses. The City Plan vision is that urban design contributes to welcoming and attractive places that connect buildings, sidewalks and streets. The vision also encourages rebuilding these areas with a diversity of buildings and comfortable, animated and

## **OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS - RECOMMENDED REGULATORY OPTIONS**

beautiful public spaces that connect areas together. While parking is an important consideration to support destinations and desirable activities, excess surface parking lots detract from the vision for Centre City. Any changes to allow and/or enforce surface parking would therefore need to take a balanced approach.

Currently<sup>1</sup>, there are approximately 113 distinct non-compliant surface parking lots within Centre City. These lots are spread across approximately 96 different landowners and 266 individual land parcels. Under the current Zoning Bylaw, 16 distinct parking lots have the required development rights, i.e. the Standalone Parking Facility use or older equivalent uses in a Direct Control Zone, to operate as a standalone parking lot.<sup>2</sup>

### **Regulatory Approach**

Administration explored options for a regulatory parking approach without changing development rights. The options considered whether Business Licence Bylaw 20002 could assist as an approval framework. The purpose of the Business Licence Bylaw is to regulate businesses and activities and the purpose of the Zoning Bylaw is to regulate land use and impacts. Before proceeding with an application for a business licence, the Business Licence Bylaw requires first checking the Zoning Bylaw to ensure proposed businesses are compliant with permitted land uses. Bypassing this requirement would mean inconsistent application of the Business Licence Bylaw, which may appear to favour one type of business over others. The two bylaws work together for a fair and transparent approvals process.

With a challenge related to land use, Administration designed a limited program that would allow Owners/Operators in Centre City to apply for a temporary development permit in exchange for upgrades to the site. The program would include a progression of enforcement actions starting with education and outreach to Owners/Operators. This program aims to:

- Provide an equitable and transparent enforcement process for existing non-compliant parking lots.
- Provide an opportunity to Owners/Operators to be able to gain a development permit and business license.
- Advance safety and beautification of surface parking lots and downtown in general, through site improvements that are required by the Zoning Bylaw such as lighting, landscaping, pathways and setback requirements (Attachment 1).
- Phase out Owners/Operators that do not choose to obtain a development permit through the Program.

---

<sup>1</sup> Additional analysis occurred following September 19, 2023 Urban Planning and Economy initial report UPE01557 Options to Address Surface Parking Lots in Centre City and The Quarters. As a result, the numbers differ between report versions.

<sup>2</sup> Administration verifies compliance and land ownership through a combination of systems including POSSE, SLIM and Google Street View.

## **OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS - RECOMMENDED REGULATORY OPTIONS**

### **Centre City - Program for Non-compliant Parking Lots**

Should Council provide direction to pursue the work, the program would have two interdependent components. The general resourcing and timing associated with each phase of work is listed below:

#### Phase 1: Administration-led amendments to Zoning Bylaw 20001 (targeting Q3 2024)

This phase includes:

- Adding a new use and a corresponding definition that would allow existing non-compliant standalone surface parking lots to operate temporarily within Centre City
- Adding the use to standard zones, special area zones, and direct control zones (as applicable within Centre City)
- Adding specific development regulations for the new use (e.g. landscaping, lighting, access, and surface parking lot design regulations).

#### Phase 2: Outreach, education and enforcement

This Phase is contingent on the outcome of Phase 1, specifically the approval of relevant Zoning Bylaw 20001 updates. This scope includes:

- Sending notice to Owners/Operators that a surface parking lot on their property is in violation of the Zoning Bylaw and providing information about the program including participation instructions, required site improvements and relevant deadlines.
- Assigning non-compliant surface parking lots to a Development Compliance Officer who would carry out progressive enforcement actions following the City of Edmonton escalating process of the 4Es (engage, educate, encourage and enforce).

It is anticipated that Phase 2 would span approximately 24 months. While voluntary compliance is desired, this phase contemplates Administration proceeding with remedial action (e.g. removal of parked vehicles and barricading of the site to prevent future use). The cost associated with unpaid remedial action will be charged to the property's tax roll. Attachment 2 details key enforcement actions, including fines that could be applied.

While Administration would be able to inform property owners of the Program, assigning the files for enforcement will require additional resources. Administration can undertake this work if resources are provided through an approved Supplemental Operating Budget Adjustment or through another Council-directed form of budget adjustment or resource prioritization.

### **Financial Implications**

Phase 1 uses existing resources. Phase 2 requires a budget of \$220,000 as the enforcement resources necessary to produce this program were not contemplated in the 2023-2026 operating budget.

## **OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS - RECOMMENDED REGULATORY OPTIONS**

### **Legal Implications**

With respect to Phase 1 of the Administration-led amendments to Zoning Bylaw 20001, these recommended amendments to the Zoning Bylaw are subject to public hearing and approval by Council. To move forward with a public hearing, there are notice requirements. All amendments made to the Zoning Bylaw to support the Program will be monitored by Administration and adjusted as necessary when the Program ends. Any decision to amend the Zoning Bylaw when the Program ends will again be subject to public hearing and approval by Council.

With respect to Phase 2 enforcement, there are no significant legal implications to note. If the proposed amendments to the Zoning Bylaw to allow for the program are approved, the standard enforcement process set out in Attachment 2 can be used.

### **Community Insight**

Community insights were gathered for the September 19, 2023, Urban Planning and Economy report UPE01557 through interviews with:

- Four large-scale parking lot operators in Centre City (Impark, Diamond, Precise Parklink and Vibe Parking)
- Eight industry organizations and 16 individual companies involved in downtown development, office conversions and real estate as part of the October 31, 2023, Urban Planning and Economy report UPE01836, Downtown Community Revitalization Levy (CRL) Financial Incentives Funding Program.

Administration invited the Downtown Business Association, the Commercial Real Estate Association and other organizations to participate by providing written comments (no responses were received).

Administration heard the following:

- There is a strong desire for clear and consistent parking regulations.
- Surface parking lots are not the highest and best use of a site, but surface parking is better than a vacant lot.
- Vacant lots negatively impact Centre City. An objective should be redeveloping and utilizing vacant lots.
- Economic feasibility impacts whether a site is redeveloped — surface parking is often an interim use.
- There is a belief that enforcement efforts on non-compliant surface parking lots will not compel redevelopment and will not change the economic situation of the landowner/developer.
- Creating incentives for landowners/developers may encourage redevelopment, but market forces ultimately drive redevelopment.

Engagement with Owner/Operators will be part of the Zoning Bylaw amendment process. Further education and outreach will start in Phase 2 of the program. With clear requirements on any new regulatory options, this approach will result in applicable and timely feedback.

## **OPTIONS TO ADDRESS SURFACE PARKING LOTS IN CENTRE CITY AND THE QUARTERS - RECOMMENDED REGULATORY OPTIONS**

The City of Edmonton's March 2023 Mixed Topic survey included 'Centre City Area' as a topic. 2,836 Insight Community Members responded to the survey. Respondents were asked to share their experiences when using the Centre City area. Findings include:

- 70 per cent agree that cleanliness affects their feelings of safety,
- 52 per cent are willing to spend more time in the Centre City area if it were cleaner, and
- 49 per cent are willing to spend more time in the Centre City area if it were more beautiful.

Based on what Administration heard from stakeholders, creating a Program for a pathway to compliance can address the concerns of Owners/Operators while enhancing the safety, beauty and overall appearance of Centre City.

### **GBA+**

The purpose of this report is focused on outlining a phased approach to a future Program that would allow existing surface parking lots to obtain temporary permit approval in exchange for physical upgrades to the sites, such as landscaping or improvement of the safety of the site for users. Without an approved funding package, this Program is presented at a high level and primarily focused on existing City policies and procedures, relying on the GBA+ and equity work that has been done through the creation of those existing materials.

Should the recommendation of this report be funded, Administration would consult with the GBA+ Centre of Excellence to incorporate the GBA+ process as part of the proposed Program.

### **Attachments**

1. Site Improvements
2. Enforcement Approach