

# Parking Requirement for Religious Assembly Uses

(M. Oshry)

## Recommendation:

That the October 05/06, 2015, Sustainable Development report CR\_2649, be received for information.

## Report Summary

**This report outlines the options available for changing the minimum parking requirements in Section 54 of Zoning Bylaw 12800, and potential factors for considering parking variances for proposed Religious Assembly developments.**

## Previous Council/Committee Action

At the September 8, 2015, Agenda Review Committee meeting, the Sustainable Development report CR\_2649 was re-routed to the October 5/6, 2015, Executive Committee meeting.

At the June 23, 2015, City Council meeting, Councillor M. Oshry made the following inquiry:

Recent examples which have come before Council, Public Hearing, and Subdivision and Development Appeal Board suggest that the issue of adequate parking has become a key determinant for increasingly large-scale religious assembly sites. Current guidelines for sites zoned for religious assembly uses (DC2.697.3 m) require one parking space for every four seats within the facility, which assumes that the majority of people travelling as families or groups rather than individually. Inadequate or short-sighted parking considerations can contribute to traffic congestion and spillover into residential neighbourhoods, often creating tensions within communities.

I would like Administration to provide a report outlining:

1. What options exist to increase the required parking allocation for proposed religious assembly development?
2. To what extent could variances be offered in appropriate circumstances?

## Report

The demand for parking on Religious Assembly sites varies substantially from site to site, depending on the congregation size, the service frequency, any accessory uses such as a Child Care Service, and whether the congregation is located within the neighbourhood or has a regional or sub-regional draw. In addition to meeting the demand for daily or weekly services, Religious Assembly uses typically generate peak attendance during major religious holidays and other special occasions.

Infrequent use of on-street parking particularly during major religious holidays may be an appropriate way to accommodate excess demand. However, if the Religious Assembly use requires on-street parking on a day to day or week to week basis to meet typical demand for service, this can lead to parking constraints within the surrounding community. Neighbours may see the saturation of nearby on-street parking as inappropriate. Zoning Bylaw 12800 needs to strike a balance between these two competing interests.

### Options

There are four options available to address this balance:

#### 1) Create tiers within Zoning Bylaw 12800 for Religious Assembly use

By creating Major Religious Assembly and Minor Religious Assembly uses, Zoning Bylaw 12800 could apply nuanced regulations to help find the right balance between off-street parking for typical demand and on-street parking for peak demand. For example Major Religious Assembly could be required to provide additional parking, or be listed as a discretionary use in a limited set of zones, whereas Minor Religious Assembly could have more limited parking requirements and be permitted in more zones. This approach would be similar to how Zoning Bylaw 12800 treats parking requirements for “commercial uses not listed separately”, where smaller commercial establishments have less required parking compared to larger commercial establishments, and provides the most flexibility for creating nuanced regulations while maintaining certainty regarding what parking is required. A version of this method is currently used in Calgary. Calgary's Land Use Bylaw IP2007 distinguishes between large, medium and small places of worship. The definition of major and minor religious assembly would be determined through further analysis and modeling if this is a desired option.

#### 2) Require Parking Impact Assessments for all Religious Assembly development permit applications

A Parking Impact Assessment would allow the Development Officer, in consultation with Transportation Services, to tailor the parking requirement to each individual site, considering the land use context, the congregation size, service frequency, etc. This option may increase or decrease the parking requirement compared to the minimum currently required by Zoning Bylaw 12800. This option would remove the minimum requirement for Religious Assembly from Zoning Bylaw 12800, replacing it with a requirement for a Parking Impact Assessment to be prepared by a Professional Engineer. This option provides the most flexibility to ensure that the parking fits the context, but the Applicant would incur additional costs as a result of this new submission requirement. This approach would decrease certainty regarding development approval when the applicant is looking for a suitable location and preparing an application for a development permit.

### 3) Use floor area to establish the parking calculation method for Religious Assembly use

The current parking requirement is based on the number of seats. However, the number of seats and room arrangement can vary substantially day to day and some religions do not use seats at all. As a result, the existing seat calculation may not be appropriate for all scenarios. Basing the minimum parking on floor area is consistent with how Zoning Bylaw 12800 regulates most other non-residential uses. This could be combined with an additional requirement for parking based on capacity. This option sacrifices flexibility for certainty, and may require more parking than is needed for a particular context, or not enough parking for a different context. A floor area calculation would likely result in higher minimum parking requirements, which would then rely on variances to reduce parking in contexts where religious assemblies serve a local population or are in a more walkable / transit-oriented context. This system is currently used in Vancouver and Mississauga.

### 4) Introduce Floor Area limits to Religious Assemblies

The off-site parking conflicts resulting from Religious Assembly uses are typically generated by very large Religious Assembly uses with daily service. As a result, capping the floor area for a Religious Assembly use would mitigate these issues because the overall demand for parking would be capped alongside the maximum capacity of the building. Capping the floor area for a Religious Assembly use would restrain the building capacity to a fixed upper size limit. A Floor Area Ratio would require applicants to scale the size of their parcel in relation to the desired size of congregation. For example, if the allowable Floor Area Ratio for a religious assembly was 0.25, then the applicant could occupy no more than 25 percent of the site with a building. The remainder of the parcel would be required to be available for parking and landscaping. The advantage to this approach is that it is scaleable. The disadvantage to this approach is it is rigid; if an assembly wished to exceed the maximum allowable size they would need to use a Direct Control zoning approach.

### Variances

Section 54.2(1) of Zoning Bylaw 12800 requires variances to be reviewed by Transportation Services and to be based on a Parking Impact Assessment. The Development Officer can request a Parking Impact Assessment for any parking variance, but in practice Development Officers do not require a Parking Impact Assessment for variances less than ten percent.

Parking requirements can only be varied in a direct control zone if the zone regulations specifically allow for such a variance. The intention of a direct control zone, however, is to allow very little variance power to the development officer. If the zone includes a site plan that shows parking stalls, the Development Officer reviewing a development permit application on the site must ensure parking is provided as per that site plan. When a new direct control zone regulation requires site development to be “in general accordance” instead of “in accordance” with the regulations or a site plan, the

development authority may have greater ability to defend a variance to the to vary parking requirements or to have the site redesigned to accommodate more parking. This is in addition to ensuring the applicant provides the minimum required off-street parking.

The Development Officer will commonly reduce minimum parking requirements in the following circumstances:

- when a change of use occurs in an existing building, particularly in established and/or walkable neighbourhoods
- when a site is made up of multiple uses where the peak parking demand varies and parking spaces can be shared
- when a site is on or near a transit avenue as defined by Zoning Bylaw 12800, or when it is near a LRT station.

### Conclusion

Minimum parking requirements balance the management of off-site parking impacts with the economic and social feasibility of constructing additional parking. The additional cost of land, paving, maintenance and plowing, lighting and drainage for seldom used parking is an inefficient use of resources. Too few off-street parking spaces to meet demand can lead to parking constraints in surrounding community, but too many off-street parking spaces has negative financial, environmental, social, and urban design implications.

Religious Assembly uses are highly variable in their typical and peak parking demand and as a result, a nuanced approach to managing parking impacts is preferred.

### **Policy**

*The Way We Grow*, Edmonton's Municipal Development Plan, Bylaw 15100

- Section 3.5.1: Established Neighbourhoods gain a greater portion of new growth, accommodating changes and growth with certainty
- Section 4.2.1: Ensure that redevelopment in established neighbourhoods supports the health and livability of our citizens
- Section 5.6.1: Ensure public spaces and the buildings that frame them are inviting to residents and visitors and that they are safe, accessible, and well connected.

### **Others Reviewing this Report**

- D. Wandzura, General Manager, Transportation Services
- K. Rozmahel, General Manager, Corporate Services