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& Development Services
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The Town of Niagara-On-The-Lake

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March 12, 2010

Planning Report PDS-10-019

Report To: Planning Advisory Committee

Subject: Terms of Reference
Functional Parking Analysis in the Commercial Area of the Queen-Picton Heritage Conservation District

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approves the draft Terms of Reference for the proposed Functional Parking Analysis for the commercial areas of the Queen-Picton Heritage Conservation District.
- 1.2 Council direct staff to invite consultants to submit proposals to undertake the Functional Parking Analysis for the Queen-Picton Heritage Conservation District.
- 1.3 Council direct the Town Clerk to advertise for members of the public to sit on the Technical Working Group.
- 1.4 Council select a Councillor _____ to sit on the Technical Working Group.

2. PURPOSE / PROPOSAL

In accordance with PDS-10-003 Council directed that draft Terms of Reference for the undertaking of a Functional Parking Analysis be prepared for their consideration. The purpose of this report is to submit for Council's consideration draft Terms of Reference for the proposed Functional Parking Analysis for the commercial area of the Queen-Picton Heritage Conservation District.

3. GOALS AND OBJECTIVES

The goals and objectives of the Functional Parking Analysis are to:

- i. Create a parking environment that:
 - Supports the economic viability of the downtown;
 - Encourages visitors and residents to shop / eat / stay / or work in the downtown;
 - Is flexible to enable downtown businesses and building owners to respond to changing markets;

- Provides parking rules and regulations that are understandable and easy to implement;
- Ensures that there is sufficient and accessible supply of parking; and,
- Includes appropriate parking standards.

ii. Improve the overall satisfaction of residents and tourists visiting the Old Town relative to parking.

iii. Recommend appropriate solutions to improve parking in the Old Town.

4. BACKGROUND

The Old Town of Niagara-on-the-Lake is one of Ontario's oldest communities. Its rich historical attributes contribute significantly to the heritage value of the Town with the result that Niagara-on-the-Lake has become a major tourist attraction in the Niagara Region.

The Old Town commercial area is characterized by buildings that are built very close to the lot boundaries and to the front lot lines. In the downtown area, commercial uses are generally located in the Queen/Picton Streets area, and in the immediate environs. There are a number of hotels in the Old Town and the Shaw Theatre. Since these buildings pre-date Zoning By-Law 500A-74, many of them have been granted "non complying" status, with the result that they do not have the required parking spaces. A limited number have on-site parking, but more often than not, the parking spaces provided are not of the best design.

Over the last few years, the downtown of Old Town has been experiencing a conversion of retail uses and this change has prompted property owners to make use of the tools for relief of parking spaces primarily by utilizing the minor variance provisions. Since 2002, there have been seven (7) minor variance applications that have been approved that have resulted in relief in eighty (80) parking spaces in the downtown of Old Town. Fourteen (14) of these spaces have been for retail and restaurant uses and the remaining sixty-six (66) have been for hotel uses. Further there have been three (3) parking spaces that have been exempted from being provided through the provisions of the cash-in-lieu-of-parking system. All of these applications have tended to be controversial, with some being appealed to the Ontario Municipal Board.

The current situation has the potential of limiting the positive evolution of business uses in the area, which can have an adverse effect on the long term development of the Town.

5. DISCUSSION / ANALYSIS

Zoning By-Law 500A-74 that establishes the current parking standards has been in existence since 1974. While various amendments have been made over the years, no amendments have been made to the parking standards. The proposed new Comprehensive Zoning By-Law also has not changed the parking requirements. Recently the Town has seen a number of properties in the commercial area of the Old Town seek relief from the provision of parking for their redevelopment(s) on the basis that their business is so located such that patrons will park their vehicles elsewhere and travel on foot to several destinations and therefore not need to park on their property and, secondly,

that parking spaces are generally available elsewhere in the Town. The Town has no information to either support or disprove this position.

It is proposed that the Town undertake a comprehensive review and analysis of the "Parking Requirements" as they apply to the commercial downtown area of Old Town to determine if the parking standards are relevant, meet current development standards and are similar to other comparable municipalities. In addition to reviewing existing parking and design standards, this analysis will evaluate the adequacy of the current cash-in-lieu of parking policy and the feasibility and appropriateness of implementing a formal policy on shared parking.

The attached Terms of Reference for the proposed Functional Parking Analysis outlines the study requirements and process. Public Works staff has provided input into drafting the terms of reference.

6. FINANCIAL IMPLICATIONS

There are no costs or revenue implications to the Town arising from this report at this time. However, the proposed upset limits of the costs to fund the study will be \$60,000.00 and the final cost will be determined through the requests for proposal call. This study will be funded from the parking reserve and planning reserve.

7. COMMUNICATION / NEXT STEPS

Once Council has approved the Terms of Reference for the Functional Parking Analysis, Requests for Proposal will be advertised for consultants to submit their proposals. Town staff will then report back to Council with recommendations regarding the selection of the Consultant. It is expected that the Consultant will begin work very soon after Council has made a decision.

In the meantime, it is also recommended that the Town Clerk advertise for members of the public to sit on the Technical Working Group. It is anticipated that the selection of members for the Technical Working Group will coincide with the final selection of the Consultant so that work can proceed without delay.

8. CONCLUSION

The parking standards in Zoning By-Law 500A-74 have been in existence for more than thirty-five (35) years. While Council has recently adopted a new Zoning By-Law (4316-09), no comprehensive review the parking standards was done as part of that project. As a result, the standards included are similar to those contained in Zoning By-Law 500A-74. Given the frequency of the requests for relief from the parking provisions and the age of the existing standards, it is appropriate to review these standards to determine their continued relevance.

While the issues relating to the provision of parking initially arose as a result of repeated requests for relief from the provision of parking, other findings suggests that the duration of vehicles occupying parking spaces has steadily increased over the past four (4) years ago and that visitors may be travelling further into the residential neighbourhoods in search of parking. It has become apparent that parking standards is one aspect of the parking challenges in the commercial area of Old Town and that there is a need to review

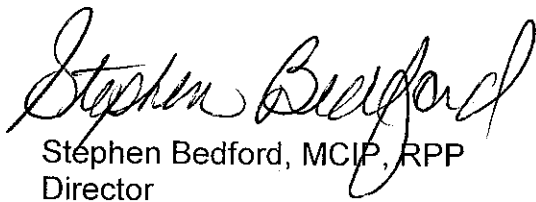
all the factors that impact parking so that a multi-pronged approach can be utilized in resolving the challenges.

Once the draft terms of reference have been approved, the request for proposal will be advertised. Coinciding with the call for proposals, an advertisement will be issued for members of the public who wish to sit on the Technical Working Group. In addition, the Selection Committee will be finalized and briefed. It is anticipated that the Technical Working Group will be assembled at the same time that Council makes a decision on the selection of a Consultant. It is expected that the Consultant will begin work in June, 2010.

The Functional Parking Analysis will inform Town Council of the extent of the parking problem; it will also recommend appropriate parking standards and, bearing in mind the sensitivity of the area related to its designation as a national heritage district, provide appropriate solutions for addressing the parking challenges. In addition, it will serve as a future policy tool against which future applications for the relief of parking can be assessed.

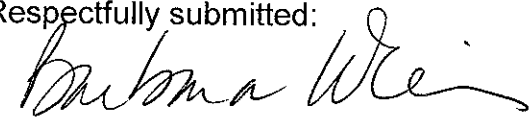
Written by:

Kay Grant
Development Planner II


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Director


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Chief Administrative Officer

Respectfully submitted:


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Principal Planner

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Director



TERMS OF REFERENCE

FUNCTIONAL PARKING ANALYSIS FOR THE COMMERCIAL AREA OF THE QUEEN-PICTON HERITAGE CONSERVATION DISTRICT

1.0 INTRODUCTION

The downtown core of the Old Town of the Town of Niagara-on-the-Lake serves Town residents as well as the commercial needs of tourists who visit the Old Town and comprises of the commercial area of the Queen-Picton Heritage Conservation District.

The commercial area of the Queen-Picton Heritage Conservation District is approximately 3 kilometres (1.86 miles) in length and is characterized by very old buildings most of which were constructed very close to the front and side lot lines. In this area, parking is organized by a series of public on street parking areas, municipal parking lots and a number of properties in this area which have private on-site parking. There are no public parking garages or structures. Due to the small geographic extent of this downtown, visitors who drive here have tended to secure parking at one spot and travel on foot to the various shops without relocating their car.

Within this downtown area, there is the potential need for new parking spaces arising from the construction of a limited amount of new buildings and from the change of uses of existing buildings. It is important to balance the provision of parking in the area with maintaining the character of the area and the economic role it plays.

The existing public parking facilities operate at 100% capacity during peak times of the tourism season, and the peak period is getting longer. Also, within the last few years, the downtown of the Old Town has been experiencing a conversion of retail uses and this change has prompted property owners to make use of the provision for relief of parking spaces utilizing the minor variance provisions. Parking has, therefore, become the tool of choice to control these changes in land use.

The current parking standards in use in the Town have been in existence for more than thirty-five (35) years. Given the past history of development applications for changes in commercial use that requires additional parking, the apparent shortage of adequate parking spaces during the peak tourism season and the age of the present parking standards, Council has directed that a Functional Parking Analysis for the downtown of the Old Town be undertaken.

The Old Town of Niagara-on-the-Lake is one of Ontario's oldest communities and there are many buildings of great architectural and historical merit which contribute to the heritage value of the Old Town. The historical attributes of the Old Town in addition to the Town's many cultural attractions, agricultural landscape, golf courses, wineries and parks, etc., have combined to make Niagara-on-the-Lake a major tourist attraction within the Niagara Region. During the peak tourist season, there is an increased demand for parking spaces in the Old Town with a corresponding increase in traffic congestion.

While the issue relating to parking initially arose under the adequacy of existing parking standards in the Zoning By-Law, the adequacy of the parking standards are only one aspect of the parking challenges faced in the Old Town. There is a need for an overarching multifaceted parking management approach that will not only resolve the immediate parking concerns of the Old Town, but that will help to secure the long term development potential of the Old Town as a sustainable tourist attraction and as a mature downtown. Having regard to the sensitivity of the area as both a national and provincial heritage district, and the overall rural character of the municipality, the Council of Niagara-on-the-Lake is seeking practical and appropriate solutions to address the parking challenges.

The Functional Parking Analysis will inform Council of the true nature of the problem; it will also recommend appropriate parking standards required and provide solutions for addressing the parking challenges in this area. In addition, it will serve as a policy tool against which future applications for the relief of parking spaces can be assessed.

2.0 PURPOSE

The purpose of this Analysis is to undertake a Functional Parking Analysis Needs Study for the commercial core of the old Town. The Functional Parking Analysis will also:

- Assess the current development trends in the Old Town
 - For the purposes of the Functional Parking Analysis, given the nature of tourism activity that takes place in the Old Town, the commercial area will be regarded as a mature downtown. The Analysis will then determine the amount of parking that will be required for this area to operate efficiently at peak tourism season.
 - The Functional Parking Analysis will then determine at what level of practical capacity the downtown can operate;
 - In addition, the Functional Parking Analysis will compile best practices for parking management for the Old Town by comparing parking supply standards and practices with other similar towns;
- Review / assess existing parking standards to determine their adequacy, given the current development trends.
- Review options and propose parking management opportunities / options, and,
- Recommend potential changes to the parking standards and regulations for the downtown in order to ensure orderly development in this area.

3.0 STUDY AREA

The study area is as outlined on the attached Schedule A.

4.0 GOALS AND OBJECTIVES

The goals and objectives of the Functional Parking Analysis are to:

- Create a parking environment that:
 - Supports the economic viability of the downtown;
 - Encourages visitors and residents to shop / eat / stay / or work in the downtown;
 - Is flexible to enable downtown businesses and building owners to respond to changing markets;
 - Provides parking rules and regulations that are understandable and easy to implement;
 - Ensures that there is sufficient and accessible supply of parking; and,
 - Includes appropriate parking standards.

5.0 SUCCESS MEASURES

The Functional Parking Analysis will be measured against the following success criteria:

- The extent to which the Analysis identifies opportunities for providing additional parking within the study area as well as opportunities for remote parking with shuttle or transit use.
- The extent to which the Analysis identifies opportunities to integrate public and private parking.
- The extent to which the Analysis identifies possible opportunities to manage parking on private property.
- The extent to which the Analysis determine principles relating to safety, urban design and parking to be adhered for both public parking supply and private parking supply.
- The extent to which the Analysis organizes parking in the study area to achieve a well organized, safe and functional parking environment.
- The extent to which the Analysis initiates steps that will reduce the occurrence of vehicle parking "spilling over" into adjoining residential areas and increases the harmonization of residential needs and commercial needs with the available residential supply.

6.0 METHODOLOGY

6.1 Study Components

The key components of this study should include, but may not be limited to, the following:

Review of past information

- Examine and summarize previous planning work undertaken in the study area.
- Conduct parking utilization surveys and analyze survey data
- Analysis of vehicle ownership characteristics
- Parking management for other small similar destinations

- Interview project stakeholders to identify concerns. Stakeholders include business owners in the downtown, Shaw Festival, hotels owners, retailers, employees, other property owners in the study area, Chamber of Commerce, Town staff and Parks Canada.

Re-alignment / Revision of Study Scope

- Having regard to the needs of the Council and the Consultant's expertise, the Consultant may revise or otherwise re-align the project scope and boundary as necessary.

Develop improvement concepts

- Assess available techniques for undertaking the proposed Functional Parking Analysis
- Analyze the adequacy of the existing parking standards
- Using an agreed methodology, prepare parking demand forecasts for the highest generating commercial land use factor, adjusting for peak tourist season.
- Identify capacity constraints
- Develop and shortlist any short term and long term improvement options to adequately serve this [peak] demand, including a list of best practices to apply.
- Develop and shortlist any short term and long term options to improve the parking standards, if necessary.

Meetings / Contacts

The Consultant should provide a description of the process work plan that will incorporate the following meetings:

- Project initiation meeting
- Technical Working Group meetings
- Stakeholder workshops as required, including the Town's Traffic Parking Committee
- Final draft report presentation to Technical Working Group
- Final report presentation to Council

Public / Stakeholders Consultation

- The Consultant is expected to independently contact relevant agencies and stakeholders.
- The Consultant will obtain the approval of the Staff Project Director prior to contacting agencies or stakeholders.
- The Consultant will conduct a Public Participation Program to give interest groups / citizens an opportunity to provide input.
- The Technical Working Group shall include one (1) Councillor, two (2) representatives from both the Planning and Development Services and Public Works Departments, one (1) resident of the Old Town, one (1) business operator that operates in the Old Town and one (1) representative of the Chamber of Commerce.

6.2 Study Deliverables

- The Consultant is required to provide a work plan of the process that will be undertaken to complete the Analysis.

- Progress reports are required which will identify the tasks and / or milestones that have been completed as well as any issues requiring decisions and problems anticipated.
- The Consultant is required to obtain the direction of the Technical Working Group prior to proceeding to the next stage.
- Not less than three (3) presentations will be made to Council, exclusive of the Final Report.
- A Final Report is required which must include the development of preferred parking options, the method used in the analysis, supported by appropriate graphs and charts, etc

6.3 Available Data and References

- This list is a guideline only and is not intended to be exhaustive:
 - Bi-annual parking survey and inventory of public parking spaces: 2004, 2006, 2008 and 2010 (underway)
 - Delcan - Transportation Master Plan
 - Planning Partnership/Poulos and Chung Action Plan to Address Traffic Congestion and Parking in Old Town – July 2001
 - TSH Transportation and Traffic Operations Study – November 1996
 - RVA Traffic Operations Study – June 1982
 - Various Parking Studies in support of requests for reduction to parking requirement
 - Town Official Plan
 - Town Comprehensive Zoning By-law (Existing and Proposed)
 - Queen-Picton Streets Heritage Conservation District Plan
 - Urban Strategies Town Vision – May 2009

7.0 PROJECT DIRECTION

The project is to be undertaken on behalf of the Council of the Corporation of the Town of Niagara-on-the-Lake. The Planning and Development Services Department of the Town of Niagara-on-the-Lake will administer the project and provide direction to the study team.

The Technical Committee will provide advice and assistance with respect to review of findings. The Technical Committee will be comprised of a staff member of each of the Town's Planning and Development Services Department and Public Works Department, a representative of the business community in the downtown, a Council member, an employee and a resident of the study area.

8.0 PROPOSAL SUBMISSION REQUIREMENTS

Each proposal, in addition to describing the consultant's methodology, shall include the following information:

- A detailed work program and time schedule, including an anticipated completion date, and a description of the major activities to be undertaken during the course of the project to meet study objectives as identified by the Terms of Reference.

- A proposed schedule of meetings to be held with the public, staff and other affected agencies. The work program shall include the presentation of completed phases of the study and final recommendations to Niagara-on-the-Lake's Planning Staff and Council.
- An outline of the public communication component of the study.
- Council has identified a range of \$60,000.00 for the proposed study. Based on this amount, the consultant will provide a schedule of fees, broken down by study components, in relation to the work/time schedule. An upset fee for the total project, including hourly and per diem rates of the study team members, all expected disbursements and all applicable taxes. A proposed schedule of payments relating to the completion of the study components must also be included.
- An outline of the consulting firm's principals and staff who will be directly responsible for carrying out the project, including their level of responsibility and the estimated amount of time that each individual will spend on the project. The outline should further define their qualifications and relevant experience, and provide hourly and per diem rates for each member.
- Identification of all sub-consultants to be used in completing the work program. The proportion of the study budget allocated to the sub-consultant and the sub-consultant's staff and their qualifications to carry out the work proposed must also be included.
- Three (3) client references, including contact persons, for whom the study team has prepared similar studies.
- Identification of the final deliverables resulting from the study.
- A budget allocation for the production of thirty (30) copies of the final document, suitable for submission to Town Council for approval, plus one unbound reproducible original and one CD copy of the document.
- A list of clients in either the public or private sector which have interests in the Town of Niagara-on-the-Lake and with which your firm has a current contractual arrangement.
- An undertaking to refrain from accepting, during the term of this contract, any contract with clients in either the public or private sector with interests in the Town of Niagara-on-the-Lake that would be affected by your contract with the Town during the course of the study.
- An acknowledgement that all submissions, once received by the Town, shall become the property of the Corporation of the Town of Niagara-on-the-Lake.

9.0 SELECTION CRITERIA

The Consultant's proposals shall be evaluated based on the following criteria:

Fig. 1: Selection Criteria

| Selection Criteria | Percentages (%) |
|--|-----------------|
| 1. Related project experience | 25 |
| 2. Consultant's ability and capacity to perform work | 15 |
| 3. Suitability of proposed schedule | 15 |
| 4. Approach to study | 5 |
| 5. Key personnel | 20 |
| 6. Ability to communicate | 10 |
| 7. Working knowledge in the study area | 5 |
| 8. References | 5 |
| | 100 % |

Definition of Terms:

- **Related Project Experience**
 - Consultant's previous experience in conducting parking studies in downtown areas.
 - Personnel who worked on previous projects that would be assigned to this study
- **Consultant's Ability and Capacity to Perform Work**
 - Completeness of team
 - Availability to deal effectively with issues in a timely manner
 - Demonstrated ability to manage process and sub-consultants
 - Demonstrated working relationship with proposed sub-consultants
- **Suitability of Proposed Schedule**
 - Conformity with the desired time frame set out by the Town
 - Approach to project scheduling
- **Approach to Study**
 - Approaches the Consultant has taken on similar assignments
 - Consultant's understanding of the project
 - Appropriateness of proposed work program
- **Key Personnel**
 - Experience of key personnel, particularly the Project Manager
 - Commitment of staff for the entire project
 - Availability of key staff
 - Principals of the firm - accountability
 - Any conflict of interest

- Ability to Communicate
 - Ability to communicate in a clear and concise manner
 - Impression of proposal, its presentation and format
 - Compatibility with Municipal Staff
- Working Knowledge in the Study Area
 - Previous experience in dealing with the Town and / or other local municipalities
- References
 - Three (3) client references shall be identified along with a brief description of relevant work provided by the consultant

10.0 REVIEW PROCESS AND SELECTION COMMITTEE

- As part of the review process, the following will be taken into account:
 - Interviews

After review of the submissions, the Consultant may be requested to make a presentation and be interviewed by Town staff prior to final selection.
- The Selection Committee will be comprised of staff members from both the Planning and Development Services Department and the Public Works Department. The Director of Planning and Development Services will act as Project Liaison/Manager for the Selection Committee.
- April 26, 27, and 28, 2010 have been set aside as potential dates for presentations to be made to the Selection Committee.
- Allocation of Risk
 - The Town of Niagara-on-the-Lake shall not be responsible for any liabilities, costs, expenses, loss or damage incurred, sustained or suffered by any proponent(s) prior or subsequent to or by reason of the acceptance or the non-acceptance by the Town. The award of this Study is subject to final funding being approved by Town Council.

11.0 PROJECT SCHEDULE

The consultant will complete the first complete draft of the Functional Parking Analysis for the Queen-Picton Heritage District no later than September 3, 2010. The consultant will identify delivery dates for each component in the project in the submission.

12.0 CONTRACTUAL BASIS

The consultant will be required to enter into a contract with the Corporation of the Town of Niagara-on-the-Lake containing the consultant's proposal including any mutually agreed upon modifications, together with conditions including, but not limited to, the following:

- The consultant shall use the best available methods in performing the work and shall only employ skilled and competent staff or sub-consultants. Any changes to

the sub consultants used on the project will be subject to the Town of Niagara-on-the-Lake's approval.

- The Town of Niagara-on-the-Lake shall assume and retain all copyright in the material resulting from the study and the consultant and any sub-consultant shall transfer all their rights in the material to the Town.
- The Town of Niagara-on-the-Lake shall have the right to inspect or review the work being performed by the consultant.
- The Town of Niagara-on-the-Lake may, at any time by appropriate notice to the consultant, suspend or terminate the whole, or any part, of the study.
- All documents and materials, including the consultant's working documents, report originals, photographic materials, drawings and computer files shall be delivered to the Planning and Development Services Department of the Town of Niagara-on-the-Lake no later than the end of the project. Computer files are to be provided in a format compatible with the software in use by the Town's Planning and Development Services Department.
- Such further conditions of a legal or technical nature as may be necessary in the opinion of the solicitor for the Town of Niagara-on-the-Lake to protect the interests of the Town.

13.0 SUBMISSION DEADLINES

Five (5) copies of the consultant's proposal must be received no later than April 12, 2010 at 4:30 p.m. **Proposals submitted after this date will not be accepted.** Facsimiles will not be considered an acceptable response to the request for proposals. Proposals should be submitted to:

Stephen Bedford, MCIP, RPP
Director of Planning & Development Services
Planning and Development Services Department
The Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road – P.O. Box 100
Virgil, Ontario
L0S 1T0

Note: The lowest priced proposal may not necessarily be the one accepted. Not all proponents will be short listed. If interviews are required, only those consultants that are short listed will be interviewed. Selected proponents will be contacted to make specific arrangements. A recommendation will be made to the Town of Niagara-on-the-Lake Council regarding the retention of a consultant. Council's decision will be final.

- The following information will be made available to the study team:
 - The Official Plan for the Town of Niagara-on-the-Lake (as amended)
 - The Town of Niagara-on-the-Lake Comprehensive Zoning By-law 500A-74 (as amended)
 - Zoning By-Law 4316-09
 - An updated inventory of vacant land and municipal parking areas.
 - Bi-annual parking survey and inventory of public parking spaces – 2004, 2006, 2008 and 2010 (underway)
 - Delcan - Transportation Master Plan
 - Planning Partnership/Poulos and Chung Action Plan to Address Traffic Congestion and Parking in Old Town – July 2001
 - TSH Transportation and Traffic Operations Study – November 1996
 - RVA Traffic Operations Study – June 1982
 - Various Parking Studies in support of requests for reduction to parking requirement
 - Queen-Picton Streets Heritage Conservation District Plan
 - Urban Strategies Town Vision – May 2009