



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 17, 2024
<b>SUBJECT/REPORT NO:</b>	Business Improvement Area Revenue Sharing Agreement and Pre-Holiday Free Parking Program (PED24167) (Wards 1, 2, 3, 4, 7, 12 and 13)
<b>WARD(S) AFFECTED:</b>	(Wards 1, 2, 3, 4, 7, 12 and 13)
<b>PREPARED BY:</b>	Julianna Petrovich (905) 546-2424 Ext. 3940 Joanne Starr (905) 546-2424 Ext. 5441
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the 2010 Business Improvement Area Revenue Sharing Policy and Procedure be amended to incorporate a revised revenue sharing allocation which is based on a direct percentage of on-street parking meter revenues as opposed to the current method which utilizes net-surplus parking system operating revenues and Business Improvement Area levy assessment values;
- (b) That the maximum annual amount to be shared annually with the Business Improvement Areas be increased from \$167,280 to \$250,000, adjusted annually, thereafter, by a 3% inflationary increase;
- (c) That the minimum base revenue share for Business Improvement Areas be set at \$7,500 and adjusted upward based on a percentage of Business Improvement Area-specific on-street parking revenues;
- (d) That the eligible expenditures identified in the 2010 Revenue Sharing Policy and Procedure be amended to include projects that contribute to the use of non-vehicle modes for Business Improvement Area travel access and/or promote a more vibrant pedestrian realm;

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- (e) That the annual Pre-Holiday Free Parking Strategy, approved by Council on June 25, 2003, and amended from time to time, be converted to an optional program with any forgone revenues being funded as an eligible expense under the Revenue Sharing program and phased in as follows:
  - (i) In 2024, two weeks of Pre-Holiday Free Parking will be funded by Hamilton Municipal Parking System with Business Improvement Areas having the option of funding an additional two-weeks;
  - (ii) Starting in 2025, Business Improvement Areas opting to provide free Pre-Holiday Parking will be required to fund calculated forgone revenues through their share of Parking Revenues;
- (f) That the amended Business Improvement Area Revenue Sharing Policy attached as Appendix “A” to Report PED24167 be approved;
- (g) That for the 2024 revenue share distributions, each of the City’s 11 Business Improvement Areas that participate annually in the Parking Revenue Sharing Program be provided a one-time grant in 2024 that is equal to the amount they received in 2023 through the Parking Revenue Sharing Program funded from the Economic Development Initiatives Capital Project 3621708900 as detailed in Appendix “B” attached to Report PED24167.

**EXECUTIVE SUMMARY**

In 2010, Council approved a policy and procedure for sharing a portion of revenues from the Hamilton Municipal Parking System. This program is based on parking revenues generated through the operation of municipal parking meters and other pay devices within the Business Improvement Area boundaries. From 2010 through to 2020, the program has provided surplus parking revenues to the eleven participating Business Improvement Areas each year (10% of Hamilton Municipal Parking System’s Prior Year’s Net Annual Operating Surplus to a maximum of \$167,280 per year). The Business Improvement Areas have come to rely on this annual funding to support their core programming including cleanliness, beautification, decorations, promotions and placemaking initiatives.

In the past several years, a number of challenges have emerged with the program. Most significantly, for the years 2020-2023, Hamilton Municipal Parking System did not generate surplus revenue due to suppressed parking demands as a result of the COVID-19 Pandemic and prolonged impacts such as hybrid work models; as well as a reduction in supply due to the repurposing of lots for development. As a result, Council has approved a grant for each of the participating Business Improvement Areas to make

up for the shortfall in 2021, 2022 and 2023. Another challenge with the policy is that formula for allocating revenues is such that Business Improvement Areas are not able to predict in advance how much revenue they will receive, making planning and forecasting difficult.

More broadly, due to the fact, that the calculation allocates net revenues based on meter revenues and Business Improvement Area levies, Business Improvement Areas with the highest parking turnover and highest assessment values benefit most, whereas those that may need greater assistance with beautification programs and promotion benefit less. This does not represent a socially equitable model.

This Report provides a comprehensive review of the current Business Improvement Area Revenue Sharing Policy and proposed modifications to reflect a more equitable and modernized revenue allocation model. It also presents a review of the Pre-Holiday Free Parking Program and recommended changes which ties this program into the Revenue Sharing policy. Finally, the changes recommends expanding the types of expenditures qualifying for use of Business Improvement Area Revenue Sharing funds including promotion of non-vehicle modes within Business Improvement Area boundaries and for a greater range of public realm improvements.

### **Alternatives for Consideration – See Page 13**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Based on the 2010 Revenue Sharing Policy, the maximum amount of parking revenue shared with Business Improvement Areas is \$167,280. It is proposed that this be increased to \$250,000, adjusted annually thereafter by a 3% inflationary increase.

The Pre-Holiday Free Parking Program reduces parking revenue by an estimated \$110,000 per year and costs approximately \$2,000 per year for meter stickers and advertising. Thus, when the coverage of these costs by Hamilton Municipal Parking System is phased out, there will be a net positive operating impact of approximately \$112,000 per year.

**Staffing:** There are no associated staffing implications

**Legal:** Not Applicable.

## **HISTORICAL BACKGROUND**

The current Business Improvement Area Parking Revenue Sharing agreement was approved by Council in September 2010 through Report PED06003(a) and came into effect as part of the 2011 Budget process. As noted in that report, the concept of sharing a portion of parking revenues generated by the City of Hamilton through the Hamilton Municipal Parking System had been considered as far back as 2003. One of the primary considerations in recommending the revised model at that time is that it would replace the City's direct contribution to the Business Improvement Area operating budgets. It was also considered in conjunction with an increase in parking meter rates from 50 cents to \$1.00.

Since 2011, the revenue sharing model has remained essentially unchanged with only two variations being the annual amounts shared and updating of proportional shares based on parking meter revenues.

Starting in 2020, as a result of the COVID-19 Pandemic, Hamilton Municipal Parking System experienced a decline in revenues with no net surplus being generated. Accordingly, recognizing the importance of the shared revenue program for Business Improvement Areas, staff brought forward a recommendation to temporarily replace the shared parking revenues using the Economic Development Investment Reserve. As approved in September 2021 through Report PED21161, Business Improvement Areas were provided a one-time grant that is equal to the amount they received in 2020 through the Parking Revenue Sharing Program. This revenue replacement was also approved for the 2021 revenue share allocations as per Reports PED21161 approved by Council September 2021 and for the 2022 revenue share allocations as per Report PED23112 approved by Council in June 2023.

As part of the consideration of Report PED23112 in 2023, a motion was put forward and approved as follows:

- (i) That Corporate Services staff report back to the Audit, Finance and Administration Committee on options to wind up and wind down the Former Municipalities - Capital Reserves coincidentally with the 2023 Reserve Report; and
- (ii) That staff review the Business Improvement Area Parking Revenue Sharing Program and report back coincident with the 2024 allocation report with recommendations:
  - 1. To ensure equitable and predictable funding for participating Business Improvement Areas;

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2. To ensure alignment with the City of Hamilton's Climate Action Strategy and active transportation goals; and
3. To ensure the future sustainability and structure of the funding agreement given the recent lack of surpluses in the Hamilton Municipal Parking System.

This motion was intended to address some of the challenges with the Business Improvement Area Parking Revenue sharing model namely the unpredictability of future net revenue surpluses as well as the need to refresh the criteria for Business Improvement Area expenditures to include updated Council priorities. This Report is intended to respond to part (ii) of the motion.

In terms of the Pre-Holiday Free Parking Program, which historically is related to the revenue sharing model, this program was last reviewed comprehensively in 2002 when the Ottawa Street Business Improvement Area requested that the City develop a program for all Business Improvement Areas. Prior to amalgamation, some Business Improvement Areas operated independent pre-Holiday free parking programs.

The resulting Council-approved Strategy (Report PED03137) provided free on-street parking (with a two-hour limit) annually in Business Improvement Areas, one non-Business Improvement Area, James Street North business area, from November 24 to December 24 was implemented in 2003. However, the program had exceptions for Westdale, Dundas, Ottawa Street, and Concession Street Business Improvement Areas. As of 2019, Dundas is the only Business Improvement Area that does not align their program to the other Business Improvement Areas.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Business Improvement Areas are established through the coordination and request of the local business community, legislated through the Municipal Act 2001 and are governed through a Board of Management which is a Local Board.

## **RELEVANT CONSULTATION**

Staff have consulted with the Business Improvement Areas, on, a number of occasions, during the past several years to discuss the revenue share policy as well as the Pre-Holiday Free Parking Program.

A formal presentation on the Revenue Share Agreement was made to the Business Improvement Areas Sub-committee on September 12, 2023. Through this presentation,

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potential options for modifying the revenue sharing model were presented and discussed. Feedback was requested from each Business Improvement Area.

Generally, Business Improvement Areas expressed support for the proposed changes to revenue share model and saw value in an option that would include base funding. They were not opposed to a model that would tie revenue shares more directly to Business Improvement Area revenues collected, as opposed to a proportion of net surpluses.

Business Improvement Areas have noted the importance of keeping the Pre-Holiday Free Parking Program in place to incentivize business leading up to the holiday season. At the same time, the program, in its current form, is problematic with many areas suffering from the free parking utilized by residents and local employees of near-by businesses, negating the option for customers to park in these spaces. The program, in its current form, also makes it difficult to enforce.

Further, the COVID-19 Pandemic's impact on Hamilton Municipal Parking System has been significant and ongoing discussions with Business Improvement Areas to discuss the financial sustainability of the program have been necessary in order to equate the loss of parking meter revenue after three years of failing to produce an operating net surplus. The Business Improvement Areas have voiced that they would be in favour of raising on-street meter rates in order to ensure the sustainability of the Pre-Holiday Free Parking Program to off-set the revenue loss.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- Proposed Adjustments to Revenue Sharing Formula

The Business Improvement Area Revenue Sharing Policy has been in place since 2010 and has been available for Business Improvement Areas contributing to parking revenues through the operation of parking meters or other user pay devices within their boundaries. The current revenue sharing formula is based on sharing of 10% of the Hamilton Municipal Parking System's net operating surplus to Business Improvement Areas regulated by paid parking to a maximum of \$167,280. Business Improvement Areas that do not have paid parking do not receive any revenue sharing. Net surpluses are proportioned to each Business Improvement Area based on blend of fifty-percent (50%) from each of the following two formulas:

- a) The percent that the individual Business Improvement Area levy/individual Business Improvement Area assessment is of the total of all the Business Improvement Area levies/assessments; and,

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- b) The percent that the individual Business Improvement Area generates through parking meters is of the total parking revenue generated from parking meters within all of the Business Improvement Areas.

As per the existing Parking Revenue Sharing Program criteria, this grant can be spent on eligible expenditures which include:

- Purchase and maintenance of street furniture on the public road allowance (benches, planters, banners, way-finding and parking signage; litter containers etc.);
- Costs for cleaning and maintaining the public road allowance including hiring of individuals;
- Purchase and maintenance of hanging flower baskets;
- Holiday decorations and their maintenance including storage costs;
- Promotion of the Business Improvement Areas and their events;
- Art projects in the public realm;
- Beautification initiatives on streets, within parks and pedestrian nodes;
- Free parking initiatives;
- Purchase of graffiti products;
- Improvements in municipal parking lots not necessarily within Business Improvement Area boundaries (machines/meters, signage, lighting, planters etc.);
- Maintenance of gateways on public road allowance not necessarily within Business Improvement Area boundaries;
- Maintenance of municipal parking lots not necessarily within Business Improvement Area boundaries; and,
- Special event costs not including the hiring of an events coordinator.

The current revenue share formula worked well over a period of time when net surpluses were relatively stable and predictable. However, due to a number of market factors, and the fact many of Hamilton Municipal Parking System's lots are being repurposed, this is no longer the case. Accordingly, several changes are recommended to address these challenges while upholding the underlying objective of supporting Business Improvement Areas through a share of parking revenue. These include:

- Changing the program from being a percentage of "Hamilton Municipal Parking System net-surplus operating revenues" to a percentage of "the Business Improvement Area's on-street meter parking revenue". This is a more fairer approach since it ties revenue sharing based solely on parking revenues generated within each Business Improvement Area;

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- Eliminating the 50% Business Improvement Area levy and assessment portion of the formula calculation and base the calculation on meter revenue within the Business Improvement Area. This represents a more equitable approach in that Business Improvement Areas with smaller levies/assessments are no longer disadvantaged;
- Raise the maximum contribution rate from \$167.5 K to \$250 K to reflect inflation since 2010;
- Implement a base rate for all Business Improvement Areas of \$7,500 annually to increase equity and fairness; and,
- Apply a top up in addition to the base rate related to 5-10% of the overall on-street meter parking revenue received in each Business Improvement Area, individually.

Implementation of a base contribution rate has several advantages. Firstly, it will improve the predictability of revenues for each Business Improvement Area. Secondly, it will help address situations such as was the case for Locke Street where parking meters were out of commission for an extended period affecting revenue share. This will be the case for International Village as well during LRT construction. Post construction International Village will also have fewer parking meters due to the loss of parking on King Street, although options are being examined to create additional on-street parking on side streets.

The following table provides an estimate of the impacts of the revised revenue sharing formula comprising of a new base amount of \$7,500 plus 10% of Business Improvement Area-specific revenues.

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<b>Business Improvement Area</b>	<b>Total Revenues Collected (Based on 2019)</b>	<b>Projected Revenue (\$7.5 K base and 10% of overall Business Improvement Area-specific revenues)</b>	<b>2022 Revenue Share Amount</b>	<b>Projected increase (decrease) with new model</b>
International Village	\$139,384	\$21,438	\$12,363	\$9,076
Downtown	\$138,038	\$21,304	\$11,250	\$10,053
King Street West*	\$16,456	\$9,146	\$823	\$8,323
Main Street West*	\$5,316	\$8,032	\$1,085	\$6,947
Westdale	\$143,191	\$21,819	\$16,068	\$5,751
Barton	\$107,879	\$18,288	\$10,192	\$8,096
Concession Street	\$163,355	\$23,835	\$14,272	\$9,564
Ottawa Street	\$135,478	\$21,048	\$16,885	\$4,163
Ancaster	\$9,813	\$8,481	\$5,283	\$3,198
Locke Street	\$35,240	\$11,024	\$11,774	(\$750)
Dundas	\$260,757	\$33,576	\$24,569	\$9,007
	<b>\$1,154,907</b>	<b>\$197,991</b>	<b>\$124,563</b>	<b>\$73,428</b>

\* As of 2024, the Main Street West and King Street Business Improvement Areas were dormant, and as such, would not be subject to the Revenue Share policy.

As shown in the table, most Business Improvement Areas would receive similar or greater contributions under the new formula. This is considered appropriate since there has been no material increase in the revenue share maximum since 2010. More importantly, it is recognized that there is a relationship between Business Improvement Area investments and parking activity. As business activity increases (i.e. through investment and promotion) Hamilton Municipal Parking System stands to benefit in terms of overall revenues. Additionally, as discussed below, the formula takes into account the phasing out of Pre-Holiday Parking by Hamilton Municipal Parking System.

- Expanded Parking Revenue Sharing Program Criteria

The 2010 Revenue Sharing Policy outlines a number of eligible expenditures including physical improvements, signage, operating expenses and promotional activities. Under the policy, any expenditures must be pre-approved by the staff representative of

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Commercial Districts and Small Business Section of the Economic Development Division.

In recognition that, access to Business Improvement Area businesses can be made using any number of modes including walking, cycling, and transit, in addition to driving and parking, it is proposed that the policy be expanded to include expenses that support and prioritize multi-modal transportation. Since that adoption of the policy in 2010, Council has also adopted a number of policies and priorities around climate change, including the Climate Action Strategy. Accordingly, the following expenditures are proposed to be added to the list of eligible expenditures, if applicable to the specific Business Improvement Area, as detailed in Appendix “A” attached to Report PED24167:

- Electric Vehicle charging infrastructure;
  - Bike racks and other end of trip facilities;
  - Discounted transit passes;
  - Temporary or permanent pedestrianization installations; and,
  - Curb space reallocation initiatives.
- Pre-Holiday Free Parking Program

Annually, the City of Hamilton and Parking Operations runs a Free Pre-Holiday Parking Program which gives patrons two-free hours of on-street paid parking within the Business Improvement Areas. The current program runs from November 24 to December 24 in the following Business Improvement Areas:

- Ancaster Village;
- Barton Village;
- Concession Street;
- Hamilton Downtown;
- International Village;
- King Street West;
- Locke Street;
- Ottawa Street;
- Westdale Village; and,
- James Street North\*.

\*James Street North is not a Business Improvement Area, however, they were in the Pre-Holiday Free Parking Program back in the 2000’s.

Within these Business Improvement Areas and non-Business Improvement Area along James Street North, approximately 1,350 paid on-street parking spaces are part of this program.

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In Dundas, on-street parking remains paid, however, all Hamilton Municipal Parking Lots are free from December 1 to December 31. Vehicles can park all day for free for the entire month of December. Given that off-street parking is free for the whole month, Dundas parking permits are only charged for 11 months of the year, with many employees in the area receiving parking at no cost for the entire month resulting in a further loss of parking permit revenue.

The existing Pre-Holiday Free Parking Program has had many minor changes since 2003 but has not received any comprehensive updates to reflect the changing needs of the business community at large during this time period.

The program results in an estimated \$110,000 loss in parking revenue annually. This represents significant financial impact which is compounded by the growing need for parking capital needs to address aging municipal assets.

Operationally, the program also results in some challenges such as poor customer comprehension and more complex enforcement. Enforcement of paid parking differs from free parking, with free parking requiring significantly more staff time to enforce. Paid parking is enforced through visual confirmation of payment at the meter or a licence plate scan to allow Enforcement Officers to verify with the Passport Mobile App. An officer can identify a vehicle in violation within seconds. Free parking during the holiday period requires tire chalking or valve stem photos to prove that the vehicle is unmoved for longer than the permitted duration. At minimum, this requires a By-law Officer to attend the vehicle twice, however, with constant vehicle turnover, a By-law Officer would normally patrol a lot or block more frequently than the maximum parking duration.

Congestion and confusion caused by the program may, in some cases, negatively impact businesses and customers.

Notwithstanding the above noted challenges, several Business Improvement Areas have indicated that the program is important and that it complements holiday promotional initiatives.

Hamilton Municipal Parking System recognizes the need to assist the business community while at the same time ensure the program is re-envisioned to be financially sustainable and facilitate the best result possible for area businesses, their customers, and employees, as well as nearby residents.

In order to help inform potential changes to the program, staff consulted 12 Ontario municipalities regarding parking incentives leading up to the December Holidays with three having extended free parking prior to December 25 in their Downtown areas only.

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Of the 12 locations consulted, the following municipalities were found to have a Pre-Holiday Free Parking Program:

- Niagara-on-the-Lake - Month of December;
- St. Catherines - 10 days prior to December 25 through New Year's Eve; and,
- Thunder Bay – one week prior to December 25.

The City of Mississauga has Holiday free parking in two Business Improvement Areas, the other two Business Improvement Areas and downtown areas do not.

The City of Guelph opens their off-street locations for unlimited free parking around the holidays, December 23-27, and December 31 to January 2, but not in the weeks preceding.

The cities of Brampton, Burlington, Cambridge, Kitchener, Oakville, Toronto, and Windsor do not have special holiday parking programs.

During initial consultation with the Business Improvement Areas in March 2022, staff proposed several ideas on how to address the challenges with the Pre-Holiday Parking Program. These included full elimination of the program, shortening the duration of the program, and providing the free period only through the mobile app. Several Business Improvement Area representatives were strongly opposed to elimination of the program. Others expressed concern over restricting the free parking to mobile app users.

Based on feedback received, and in conjunction with the review of the Business Improvement Area Revenue Sharing Program, staff developed proposed option that would shift the cost of the Pre-Holiday Parking to Business Improvement Areas but make the costs an eligible expenditure under the Revenue Sharing Policy. If the Business Improvement Area wish to continue to offer this Pre-Holiday Free Parking Program to their membership and visitors, they can decide to offer and financially subsidize this for up to four weeks. Under this option, Business Improvement Areas would be able to weigh the value of Pre-Holiday Parking against other promotional activities and make an informed choice on whether to participate in the program. For those opting to use the revenue share contributions to fund other initiatives, there would be a benefit in terms of additional shared revenues (i.e. approximately 10% of December meter revenues).

In conjunction with these changes, it is also recommended that further harmonization of parameters for all Business Improvement Areas, including Dundas, are implemented to make the program easier to understand and anticipate, and simplify City directed advertisement as well as media distribution.

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The existing program specifies that “*on-street parking be free at all times from November 24 – December 24 limited to two-hours*” within the program areas. This can create confusion as some on-street parking, paid or free, has time limits other than two-hours ranging from 15 minutes to three-hours. It is recommended that this be changed to; “*Free parking for up to two-hours. Where a parking duration maximum less than two-hours is posted, the free duration will be the posted maximum duration.*” The two-hour limit on free parking would also apply to the Dundas off-street lots creating more consistency across Business Improvement Areas including Stoney Creek and Waterdown which currently have year-round two-hour free parking.

Updating the policy with clear language removes customer confusion when parking in all locations, while ensuring that the standard time limits are adhered to during the program period.

Further changes include:

- Adopting an up-to-date policy;
- Using consistent dates of December 1 to December 31 for all participating Business Improvement Areas;
- Limiting the free period to the posted time limit where less than two hours (e.g. 30 minutes, one hour); and,
- Limiting the free period to two hours in Dundas off-street parking lots, where the existing program allows all day free parking.

At minimum, it is recommended that the program dates be updated for consistency across all participating Business Improvement Areas, that the practice of installing meter inserts be permanently discontinued in favour of meter stickers applied by the respective Business Improvement Areas as done in 2022, and that posted time limits less than two hours be upheld. Changing dates to December 1 to 31 facilitates simplified messaging of “December Free Parking”.

## **ALTERNATIVES FOR CONSIDERATION**

Council could choose a revenue sharing model that does not include a guaranteed base amount of revenue shared. This would result in less predictability of revenues for each individual Business Improvement Area and would not support Business Improvement Areas that could benefit from funding but have lower parking demand.

Council could choose to continue funding the Pre-Holiday Free Parking Program through direct operating budgets or reserves. This option is not recommended given the increasing financial pressures on the Parking budget.

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24167 - Revenue Sharing Policy and Procedure (2024 Amended)

Appendix "B" to Report PED24167 - Business Improvement Area Parking Revenue Sharing Program Allocations for 2024

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