

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SIFTON PROPERTIES LIMITED 221 QUEENS AVENUE PUBLIC PARTICIPATION MEETING ON JUNE 19, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Sifton Properties Limited relating to the property located at 221 Queens Avenue, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2017 to amend Zoning By-law Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-69) Zone for a period not exceeding three (3) years.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

September 5, 1995 – Council approval of first Temporary Use Zone to permit a temporary parking lot use for a period of three (3) years.

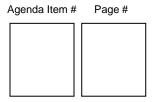
Z-5825 – January 10, 2000 – Report to Planning Committee supporting an application by Sifton Properties Limited to permit the temporary parking lot use for a period of three (3) years.

Z-6632 – April 13, 2004 – Report to Planning Committee supporting an application by Sifton Properties Limited to extend the temporary parking lot use for a period of three (3) years.

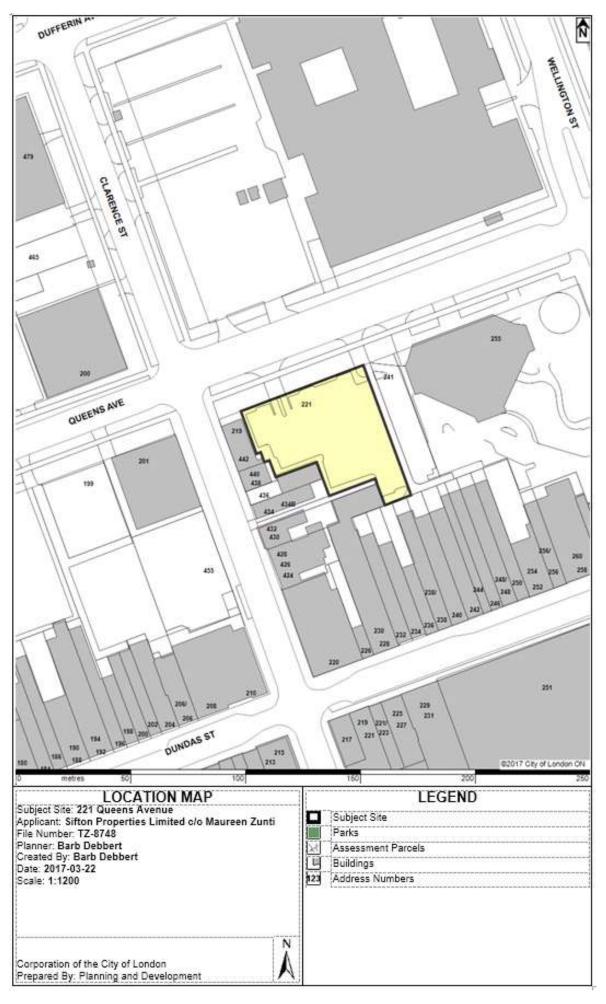
Z-8312 – April 8, 2014 – Report to the Planning and Environment Committee recommending refusal of an application by Sifton Properties Limited to allow a permanent commercial surface parking lot, and recommending approval of a by-law to re-establish a Temporary Use (T-69) Zone to permit a temporary parking lot use for a period of three (3) years.

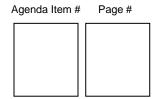
PURPOSE AND EFFECT OF RECOMMENDED ACTION

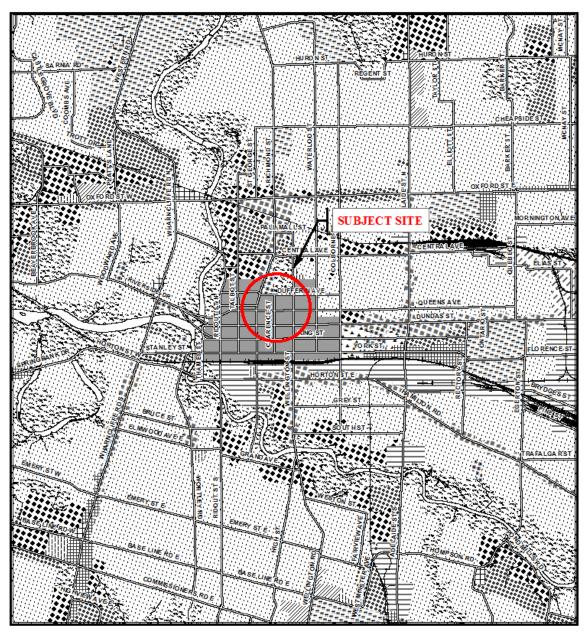
The purpose and effect of the requested Zoning By-law amendment is to extend the existing Temporary Use (T-69) Zone to allow for the continuation of the existing commercial surface parking lot on the subject lands for a period not to exceed three (3) years.

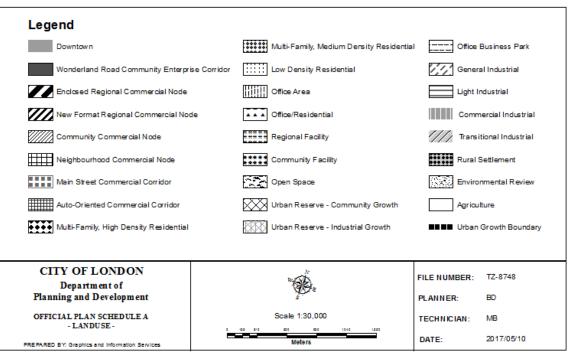


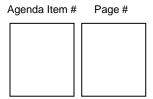
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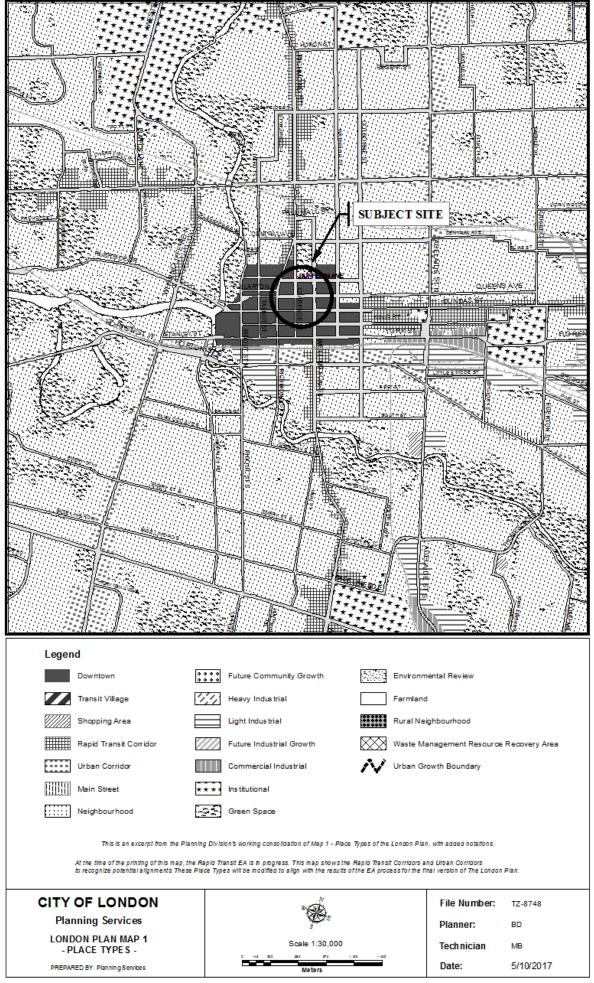


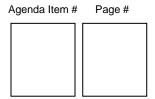


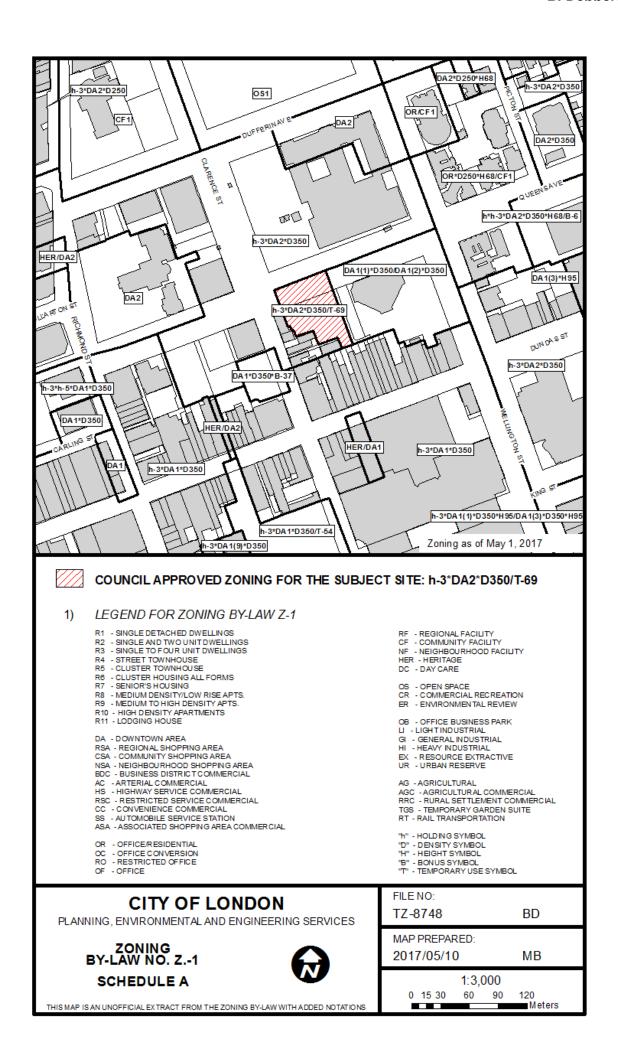


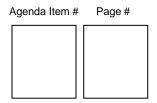












RATIONALE

- 1. The recommended extension to the Temporary Use (T-69) Zone is consistent with the *Provincial Policy Statement 2014;*
- 2. The recommended extension to the Temporary Use (T-69) Zone is in keeping with the intent of the Downtown Area permitted use policies and the Temporary Use policies of the 1989 Official Plan;
- 3. The recommended extension to the Temporary Use (T-69) Zone is in keeping with the intent of the permitted uses for the Downtown Place Type and the Temporary Use Provisions policies of *The London Plan*;
- 4. The recommended extension to the Temporary Use (T-69) Zone does not compromise the ability to achieve the long-term goals of *Our Move Forward: London's Downtown Plan*;
- 5. The recommended extension to the Temporary Use (T-69) Zone is appropriate to help maintain an adequate supply of parking to service businesses in the Downtown pending completion of the Downtown Parking Strategy Study, and the gradual transition away from the use of commercial surface parking lots as transit ridership increases and as alternative parking spaces are provided; and,
- 6. The parking lot has existed for approximately 20 years and has achieved a measure of compatibility with the surrounding land uses.

BACKGROUND

Date Application Accepted: February 28, 2017

Agent: Sifton Properties Limited (Maureen Zunti)

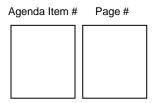
REQUESTED ACTION: Possible change to Zoning By-law Z.-1 **BY AMENDING** the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3·DA2·D350/T-69) Zone **TO EXTEND** the temporary commercial parking lot for an additional three (3) years.

SITE CHARACTERISTICS:

- Current Land Use temporary commercial surface parking lot
- Frontage 56.9 metres
- **Depth** 20 to 60 metres (varies)
- Area 0.25 hectares
- Shape irregular

SURROUNDING LAND USES:

- North London Life office building and parking lot
- South Office, retail and restaurant uses with residential uses above
- East One London Place office building and underground parking lot
- West Office, retail and restaurant uses with residential above



1989 OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)		
Downtown Area		
THE LONDON PLAN PLACE TYPE:		
Downtown		
EXISTING ZONING: (refer to Zoning Map)		
Holding Downtown Area Temporary Use (h-3•DA2•D350/T-69) Zone		

PLANNING HISTORY

Subject Site

In 1995, the commercial building was demolished and in the same year, Council adopted the first Zoning By-law amendment to permit a temporary commercial surface parking lot on the subject property for a period of three (3) years. Between 1995 and now, the property has been subject to periods where the temporary use by-law was expired and not renewed, and has also been the subject of several by-law amendments to re-instate or extend the temporary use zoning.

In 2014, Sifton Properties Limited applied for a rezoning to establish the existing commercial surface parking lot as a permanent use. On City staff's recommendation, Council refused that application and instead approved a new temporary use by-law to permit surface parking for a period of three (3) years. Sifton Properties submitted the current application in anticipation of the expiration of the temporary use by-law on April 15, 2017.

Downtown Parking Strategy Study

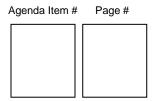
On September 15, 2015 Municipal Council resolved:

That the following actions be taken to assist with encouraging redevelopment of vacant lots in London's downtown:

- a) the Civic Administration **BE REQUESTED** to review and report back to a future meeting of the Planning and Environment Committee on the status of all commercial parking lots in the downtown to confirm that these properties are zoned appropriately to permit the use;
- b) the Civic Administration **BE REQUESTED** to ensure that the policies contained within the Downtown Master Plan, Our Move Forward, that discourage the extension of temporary use by-laws for the establishment of commercial parking uses in the downtown, be considered during the evaluation of any new applications or applications for the extension of an existing temporary use by-law, for the creation of new commercial parking; and,
- c) the Civic Administration **BE REQUESTED** to report back to a future meeting of the appropriate Committee as how best to expedite the creation and implementation of a downtown parking strategy.

In response to part "a)" of Municipal Council's resolution of September 15, 2015, Planning staff have initiated a review of the existing commercial parking lots in the Downtown. A report outlining the findings of this review will be brought forward to a Committee of Council in conjunction with the pending Downtown Parking Strategy Study, on a date to be determined.

In response to part "b)" of Municipal Council's resolution of September 15th, 2015, the analysis section of this report includes a review of the requested temporary use extension within the framework of *Our Move Forward: London's Downtown Plan*; and,



In response to part "c)" of Municipal Council's resolution of September 15th, 2015, the Transportation Planning and Design Division, which is leading the Study, did not object to the extension of the Temporary Use zone, indicating that "a preliminary recommendation from the strategy is to consider a gradual transition away from temporary surface parking lots as the Downtown develops." According to the City's website, the main intent of the Parking Strategy is to "...develop an effective strategy for Downtown London to support businesses and development in the short term, while managing parking supply and demand in the longer term – all in support of the City's urban design, economic, land use and transit use."

Shift: Bus Rapid Transit

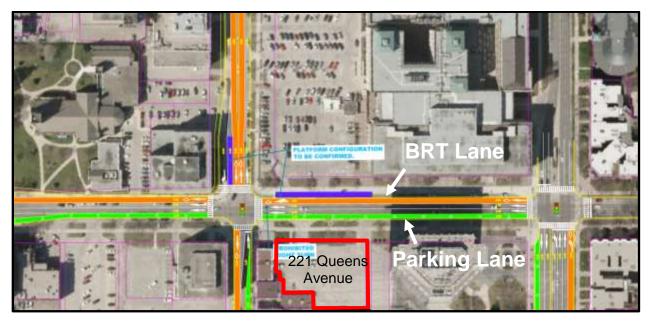
On May 16, 2017, Council resolved:

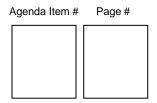
That on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, with the concurrence of the City Manager, the following actions be taken with respect to the rapid transit initiative:

- a) the King Street/Queens Avenue couplet system **BE APPROVED** as the preferred downtown east-west corridors;....
- f) the Bus Rapid Transit Network, with the above-noted modifications **BE APPROVED** as the preferred alternative for the completion of the Rapid Transit Master Plan, as the basis for the updated Business Case and the undertaking of a Transit Project Assessment Process (as per Regulation 321/08);... (10/11/SPPC)

Transportation Planning and Design provided additional comments on the requested extension of the Temporary Use (T-69) Zone to permit continued use of the subject property for a commercial surface parking lot, stating "Queens Avenue north of the subject site has been identified as a preliminary preferred rapid transit corridor in the ongoing Shift Rapid Transit Environmental Assessment (EA). The EA has identified preliminary station locations and right of way widths as part of an initial working concept that is undergoing further refinement. The final rapid transit corridor alignment, access management, and road widening dedication requirements are subject to finalization and approval of the EA. For information regarding the ongoing rapid transit EA please use the following web link: http://www.shiftlondon.ca."

Below is a map extract showing the proposed BRT configuration in the vicinity of the subject property, showing the BRT lane on the north side of Queens Avenue, and on-street parking on the south side of Queens Avenue.





SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation Planning and Design comment:

Currently the City is undertaking a Downtown Parking Strategy, a preliminary recommendation from the strategy is to consider a gradual transition away from temporary surface parking lots as the downtown develops;

Queens Avenue north of the subject site has been identified as a preliminary preferred rapid transit corridor in the ongoing Shift Rapid Transit Environmental Assessment (EA). The EA has identified preliminary station locations and right of way widths as part of an initial working concept that is undergoing further refinement. The final rapid transit corridor alignment, access management, and road widening dedication requirements are subject to finalization and approval of the EA. For information regarding the ongoing rapid transit EA please use the following web link: http://www.shiftlondon.ca.

Wastewater and Drainage Engineering:

No objection

UTRCA:

No objection

London Advisory Committee on Heritage:

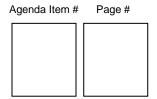
The Civic Administration **BE ADVISED** that the London Advisory Committee on Heritage (LACH) supports a one year extension of the temporary operation of a commercial parking lot as per the application by Sifton Properties Limited, with respect to the property located at 221 Queens Avenue; it being noted that the LACH encourages the redevelopment of vacant spaces in the downtown Heritage Conservation District;

PUBLIC LIAISON:	On March 29, 2017, a Notice of Application was sent to 51 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on March 30, 2017. A "Possible Land Use Change" sign was also posted on the site.	No replies were received.		
Nature of Liaison: Change Zoning By-law Z1 BY AMENDING the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3•DA2•D350/T-69) Zone TO EXTEND the temporary commercial parking lot for an additional three (3) years.				

ANALYSIS

Subject Site:

The subject site is located on the south side of Queens Avenue, between Clarence Street and Wellington Street, directly west of One London Place in downtown London. The 0.25 hectare site has functioned as a commercial surface parking lot for approximately 20 years. The existing fully



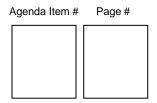
paved parking lot contains 65 regular and 2 handicapped parking spaces providing monthly parking space to employees and tenants of surrounding office and commercial premises. Landscaped screening includes deciduous street trees, large bushes, coniferous trees and wrought iron fencing, softening the view of the parking lot from Queens Avenue. Direct vehicular and pedestrian access is provided from and to Queens Avenue.

South-east facing view of 221 Queens Avenue showing landscaping and pedestrian access



South facing view of 221 Queens Avenue showing vehicular entrance and existing kiosk





South-west facing view of 221 Queens Avenue showing landscaping, parking lot and pedestrian access



Nature of the Application:

The applicant has requested an extension to the Temporary Use (T-69) Zone to allow for the continued operation of the commercial surface parking lot for an additional three (3) years.

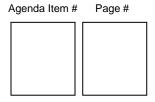
Provincial Policy Statement (PPS), 2014:

The *Provincial Policy Statement (PPS), 2014* provides policy direction that encourages the development of complete communities as well as the efficient use of land. The recommendation to extend the Temporary Use (T-69) Zone for three (3) years will maintain the potential for the future development of the property for a full range of commercial, service and/or office uses (with residential uses permitted above the first floor), which is Council's long-term intent for the development of the lands. At the same time, it will allow for the continuation of commercial surface parking that supports existing office and commercial uses in the Downtown core as an interim use in the short term. It is anticipated that as the recommendations of the pending Downtown Parking Strategy Study are implemented, temporary permissions for commercial surface parking lots will be gradually phased out.

1989 Official Plan:

The Official Plan policies which designate the subject lands Downtown Area provide for a wide range of commercial, residential, institutional and entertainment uses in an intensive and multifunctional land use pattern. It is intended that the Downtown Area will develop and function as the primary business, administrative, institutional, entertainment and cultural centre for the City of London and its surrounding area. While the Official Plan also encourages the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown, it also discourages the creation of new surface level parking lots (Sections 4.1.6 and 4.1.10). It is noteworthy that the application being considered is an extension of an existing parking lot, not the creation of a new one.

The Official Plan also provides policy direction with regard to enabling provisions for temporary uses. Under Section 19.4.5 of the Official Plan, temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained. In considering these



temporary use by-laws (which may be passed for a period of no more than three (3) years), the policies of the Official Plan state that Council shall have regard for the following matters:

(a) the compatibility of the proposed use with surrounding land uses

The subject site has operated as a commercial surface parking lot for approximately 20 years. Over the years, the lot has attained a measure of compatibility with surrounding land uses.

(b) any requirement for temporary buildings or structures in association with the proposed use;

The recommended three year extension to the Temporary Use (T-69) Zone does not require or propose any new temporary buildings or structures. The existing parking kiosk, lighting, fencing and landscaping elements are to be maintained.

(c) any requirement for temporary connection to municipal services and facilities;

The recommended extension of the Temporary Use (T-69) Zone does not require any additional municipal services or utilities than what currently exist.

(d) the potential impact of the proposed use on transportation facilities and traffic in the immediate area;

No changes to the existing surface parking area are proposed and therefore there are no short-term impacts on transportation facilities or traffic in the immediate area. Over the longer term, the site has been identified as a priority site for redevelopment (*Our Move Forward: London's Downtown Plan*). The current use of a parking lot will not negatively impact the future construction of facilities related to the future Queens Avenue portion of the King Street/Queens Avenue BRT couplet. Over the longer term, the BRT system as a whole will benefit the most from redevelopment of the subject lands.

(e) access requirements for the proposed use;

The existing accesses for the subject lands are to be maintained.

(f) parking required for the proposed use, and the ability to provide adequate parking on-site; and,

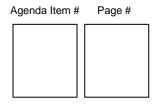
The recommended extension to the Temporary Use (T-69) Zone is for commercial surface parking purposes. There is no concern relating to the provision of adequate parking for the temporary use.

(g) the potential long-term use of the temporary use.

Over the long-term, the Temporary Use (T-69) Zone should be discontinued to encourage the owner to redevelop the site for a more intensive use that is reflective of the Downtown location, such as commercial and service uses, offices, residential apartments and parking structures. In the short-term, however, permitting the extension of the Temporary Use (T-69) Zone is appropriate pending the outcome of the Downtown Parking Strategy Study. In fact, it is expected the Downtown Parking Strategy Study will take an approach of the gradual phasing out of commercial surface parking lots in order to avoid parking shortages while the parking strategy comes to fruition.

The London Plan:

The subject site is within the Downtown Place Type, permitting "a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses.



(Policy 800_1.)" The Plan further states that "Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.(Policy 800_5.)"

The Our Tools chapter of *The London Plan* sets out a policy framework (Policy 1672) for the consideration of temporary use by-laws:

In enacting a temporary use by-law, City Council will have regard for the following matters:

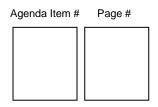
- 1. Compatibility of the proposed use with surrounding land uses.
- 2. Any requirement for temporary buildings or structures in association with the proposed use.
- 3. Any requirement for temporary connection to municipal services and utilities.
- 4. The potential impact of the proposed use on mobility facilities and traffic in the immediate area.
- 5. Access requirements for the proposed use.
- 6. Parking required for the proposed use, and the ability to provide adequate parking on-
- 7. The potential long-term use of the temporary use.
- 8. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.
- 9. The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.

According to the Planning Justification report submitted by Sifton Properties Limited in support of this application, "these parking spaces are necessary for the economic viability of downtown, to attract and retain tenants in the various office buildings in the core." It also states that "to our knowledge, much of the parking in the immediate area is only available to tenants of specific buildings (e.g. – One London Place, London Life, etc.)." It is appropriate to accept that the existing commercial surface parking lot is currently fulfilling a parking need in the Downtown. For future applications to extend the Temporary Parking (T-69) Zone, however, it would be appropriate to consider the adequacy of existing parking supply in the vicinity of the subject lot in the context of the outcomes of the pending Downtown Parking Strategy Study. It is expected that the Study will include a holistic approach to the evaluation of parking supply and demand that can be applied in the future to inform decision making for the gradual phasing out of surface commercial parking lots.

Many of the review criteria for temporary uses in The London Plan are the same as those in the 1989 Official Plan and are evaluated in the above section.

With respect to the additional consideration of the impact on the pedestrian environment, the existing parking lot layout provides two suitable and easily identified pedestrian accesses to the sidewalk on Queens Avenue. The existing landscape elements (both City assets and private facilities) including trees, bushes and wrought iron fencing screen the view of parked cars from the street, provide a pleasant and shaded environment for pedestrians passing the site. The parking lot also benefits from an informal pedestrian access beside Nooners, and a laneway access between Shwarma and Diamanti Jewellery to Clarence Street, and the ability to walk from the back of the parking lot to Wellington Street over a laneway (designed primarily for automobile use) and privately owned lands.

Respecting the degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands, the Planning Justification Report submitted by Sifton Properties states



that "redevelopment of the property for other uses such as commercial or residential high-rise is somewhat constrained by both the small size and irregular shape of the lot which would make it challenging to develop when considering setback, access, parking and other zoning and site plan requirements", leading staff to believe the owner does not have plans to redevelop the site at this time. Repeated renewals of the Temporary Use (T-69) Zone will not encourage the abandonment of the commercial surface parking lot and the redevelopment of the site for more suitable use in the short term. However, given the pending status of the Downtown Parking Strategy Study, an extension of the Temporary Use (T-69) Zone is appropriate at this time.

Our Move Forward: London's Downtown Plan:

On April 14, 2015 Municipal Council adopted <u>Our Move Forward: London's Downtown Plan</u> as a Guideline Document to the Official Plan. According to Section 19.2.2 of the Official Plan, guideline documents "...provide detailed direction for the implementation of Official Plan policies." Section 19.2.2. of the Official Plan continues stating that "...depending on the nature of the guideline document, they will provide specific direction for the preparation and review of development proposals, the identification of conditions to development approval, or the planning of improvements to public services and facilities...".

Of particular relevance to the current request to extend the Temporary Use (T-69) Zone for an additional three (3) years, *Our Move Forward: London's Downtown Plan*:

- Identifies the subject site as a "redevelopment opportunity site". The Plan notes that "....surface parking lots, in particular, present ideal locations for redevelopment, as there is little site work needed before new construction can begin. There is no net loss of the parking anticipated in the redevelopment of these parking lots, as parking can be regained by incorporating underground parking and structured parking into the design of the new development.";
- States that "there are opportunity sites where new development could bridge streetwall gaps and/or link activity generators. These strategic locations are priority sites for redevelopment."
- Identifies the laneway to the immediate east of the site as an opportunity to "enhance the existing pedestrian network and experience...by...improving the condition of the existing network." A related policy of Our Move Forward: London's Downtown Plan that supports the Strategic Direction to Build a Great Neighbourhood, is to "Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary use zoning on these sites."

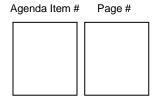
Our Move Forward: London's Downtown Plan recognizes the long-term development opportunities offered by the subject site. Extending the Temporary Use (T-69) Zone for an additional three (3) years will have no impact on the potential for the long-term redevelopment of the site in advance of the approval and implementation of the Downtown Parking Strategy Study.

Recommended Zoning By-law

The recommended zoning by-law amendment to extend the use of the subject site for a commercial surface parking lot is recommended for a period not to exceed three (3) years.



The recommended Zoning By-law amendment is consistent with the policies of the *Provincial Policy Statement (2014)* and the 1989 Official Plan. Permitting commercial surface parking on a temporary basis allows for the continuation of an existing use which has achieved a measure of compatibility with the area and surrounding land uses and which currently serves a purpose in the Downtown, while permitting responsible adaptive reuse of the lands in the future.



The extension of the surface commercial parking lot does not have a short-term negative impact on the proposed BRT routing along Queens Avenue, although in the longer-term, the BRT system will benefit more from a redevelopment of the site that will encourage increased system ridership.

The recommended Zoning By-law amendment is appropriate at this time in the context of *The London Plan* since an informed evaluation of the adequacy of parking in the vicinity of the site is dependent on the completion and implementation of the pending Downtown Parking Strategy Study.

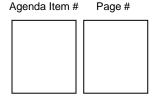
The recommended Zoning By-law amendment allows for a temporary use that does not conflict with *Our Move Forward: London's Downtown Plan* in the short term.

The recommended Zoning By-law amendment will allow for the temporary extension of an existing surface commercial parking lot which us compatible with surrounding land uses.

PREPARED BY:	SUBMITTED BY:			
BARB DEBBERT	MICHAEL TOMAZINCIC, MCIP, RPP			
SENIOR PLANNER, CURRENT PLANNING	MANAGER, CURRENT PLANNING			
RECOMMENDED BY:				
IOUNIM ELEMING MCID DDD				
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER				

June 2, 2017 BD/

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2017

By-law No. Z.-1-17_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 221 Queens Avenue.

WHEREAS Sifton Properties Limited has applied to extend the Temporary Use (T-69) Zone as it applies to lands located at 221 Queens Avenue for a period not to exceed three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-142297 approved the Temporary Use for 221 Queens Avenue for a period not exceeding three (3) years beginning April 15, 2014;

AND WHEREAS the Municipal Council of the Corporation of the City of London deems it advisable to extend the Temporary Use for the said property for a period not exceeding three (3) years;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section Number 50.2.(69) of the Temporary Use (T) Zone is amended by adding the following subsection for the property known municipally as 221 Queens Avenue:
 - 54) T-69

This Temporary Use is hereby extended for an additional three (3) years beginning June 26, 2017.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 26, 2017.

Matt Brown Mayor

Catharine Saunders City Clerk

Agenda Item #	# Page #	

First Reading - June 26, 2017 Second Reading - June 26, 2017 Third Reading - June 26, 2017