

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: BRADEL PROPERTIES LIMITED 324 YORK STREET PUBLIC PARTICIPATION MEETING ON DECEMBER 4, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following action be taken with respect to the application of Bradel Properties Limited relating to the property located at 324 York Street, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 12, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-71) Zone for a period not exceeding six (6) months.

EXECUTIVE SUMMARY

Summary of Request

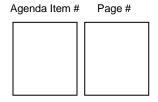
The requested action is to extend the (T-71) temporary zone to allow the site to function as a surface parking lot for a temporary period of three years.

Summary of Recommended Action

The recommended action will result in the use of the surface commercial parking lot for a temporary period of 6 months in order to provide time for the requirements of the approved development agreement to be implemented.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2014, and conforms to the criteria for temporary uses in the Official Plan and London Plan;
- 2. The subject site is currently used for a commercial parking lot which has demonstrated compatibility with the area and surrounding land uses for approximately 15 years;
- 3. The recommended Zoning By-Law Amendment will permit a surface parking lot on the subject lands for a temporary period of 6 months, or until such time as redevelopment is proposed.



ANALYSIS

1.0 Site at a Glance

1.1 Property Description

The subject site is located towards the southeast portion of the downtown, and has frontage on both York Street as well as Waterloo Street. The lands are vacant and have been used as surface commercial parking since approximately 2002. There are a number of surface parking lots within the vicinity which surround the site to the north, west and across York Street to the south. The London Convention Centre is located to the west, an automobile sales and service establishment is abutting to the southeast, the London – Middlesex EMS Headquarters is located across Waterloo Street to the east, and a number of hotel and function centres are located further north.

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation Downtown Area
- The London Plan Place Type Downtown
- Existing Zoning (h-3*DA1(1)*D350*H95/DA1(3)*D350*H95/T-71)

1.3 Site Characteristics

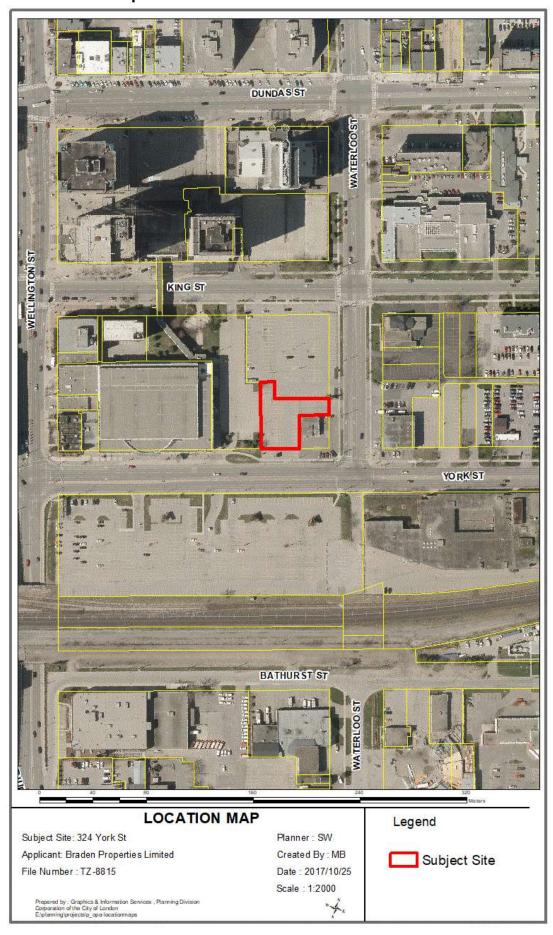
- Current Land Use Commercial Parking Lot
- Frontage (York Street) 12.5 m (41.0 ft)
- Depth 50.8 m (166.6 ft)
- Area 1,495m² (0.37 ac)
- Shape Irregular

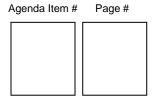
1.4 Surrounding Land Uses

- North Commercial Parking Lot
- East Automobile Sales and Service Establishment
- South Commercial Parking Lot
- West Commercial Parking Lot/London Convention Centre

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1.5 Location Map





2.0 Description of Proposal - Development Proposal

The requested amendment is to extend a temporary zone on the subject lands, located at 324 York Street to permit a surface commercial parking lot. The site is currently, and has previously been used for surface commercial parking since 2002, or approximately 15 years. The recommended amendment will permit the surface commercial parking on a temporary basis for a period of 6 months.



Figure 1: Streetview of York Street frontage

3.0 Relevant Background

3.1 Planning History

The subject lands originally operated as an industrial property in the 1950's, which converted to a mixed office and commercial building in 1986. The building was vacant for a number of years prior to its demolition and change of use to a commercial parking lot circa 2002.

On January 21, 2002, City Council passed a Zoning By-law Amendment to permit a commercial parking lot for a temporary period not to exceed three years, which has been extended through periodic requests for temporary zones, including the most recent in September, 2014 (Z-6166).

3.2 Requested Amendment

The requested amendment is to extend the temporary use of the site for an additional three years through an amendment to the T-71 temporary zone provision. The existing holding Downtown Area Special Provision/Temporary Use (h-3*DA1(1)* D350*H95/DA1(3)* D350*H95/T-71) zone will continue to apply, with the amended temporary provision allowing an additional 6 months.

3.3 Community Engagement (see more detail in Appendix B)

One response was received that will be addressed further through this report. The concerns raised included: 1) the extension of the temporary use zone allows vacant land to stay vacant and be profitable, 2) the continued use of temporary zones will jeopardize existing heritage buildings through redevelopment interest and pressures, 3) SHIFT and BRT will provide alternatives for automobile commuters and fewer parking



spaces will encourage more transit users, and 4) encourage an end to temporary provisions.

3.4 Policy Context (see more in Appendix C)

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) defines transportation systems as consisting of facilities, corridors, and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots and parking facilities. The proposed temporary parking lot is considered to be one of the many components that comprise the downtown and broader, city-wide transportation system.

Section 1.6.7 of the PPS directs that transportation systems should be safe, energy efficient, facilitate the movement of people and goods, and be appropriate to address projected needs. The use of the lands for parking in the short term provides movement and parking options for downtown users and visitors to the nearby London Convention Centre.

The PPS promotes land use patterns, densities and a mix of uses that minimize the length and number of vehicle trips and support the use of transit and active transportation (1.6.7.4 PPS). The long-term intention is to facilitate a mode shift away from private, single vehicle trips, though the use of the site for the short-term as vehicle parking on a limited and temporary basis is considered to be appropriate.

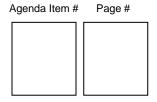
The PPS also promotes densities and land uses which are transit supportive, where transit is planned, exists or may be developed (1.1.3.2.a) 5 PPS). The subject site is within a central downtown location which retains existing redevelopment potential, and will have convenient access to rapid transit facilities as intended through SHIFT in the future. Additionally, long-term economic prosperity is enhanced by maintaining and enhancing the vitality and viability of downtowns and mainstreets (1.7.1. c) PPS). The subject site maintains development opportunities through the existing zoning permission that facilitate a range of commercial, office and residential uses, and the temporary parking lot use will not prevent the redevelopment of the site in the short or long term.

Official Plan & London Plan

The subject lands are within the Downtown Area designation in the 1989 Official Plan and within the Downtown Place Type in the London Plan, which both provide for a wide range of commercial, residential, institutional and entertainment uses in an intensive and multi-functional land use pattern. It is intended that the Downtown develops and functions as the primary business, administrative institutional entertainment and cultural centre for the City of London and surrounding Southwestern Ontario.

1989 Official Plan

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 is supported in the Downtown (4.1.10). The temporary use of the site contributes to the overall downtown supply and caters to nearby generators such as the London Convention Centre. The long term intent is to improve the aesthetics of existing surface parking lots and to



discourage new surface parking lots in the Downtown, especially where they involve the removal of buildings (4.1.6 viii)). The surface parking is an existing situation, and the site has been vacant for the past 15 years. The aesthetics of the existing lot have been addressed through landscaping provisions within the approved site plan and development agreement, which will be implemented through the 6 month extension period.

London Plan

The London Plan does not permit the creation of new surface accessory parking lots or new surface commercial parking lots (800.4). The parking lot at 324 York Street is an existing situation which has been permitted by a series of temporary zones in the past, and no new surface lot is proposed.

Additionally, 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 (800.5). There are other parking options in the immediate area, though much of it is comprised of other surface lots to the north and south. There is structured underground parking to the west provided by the Convention Centre, which is a preferred form of parking to support the area upon the long term redevelopment and phasing out of surface lots.

Temporary Use

The Official Plan and The London Plan provide policy direction for enabling provisions of temporary uses. Under section 19.4.5 of the Official Plan, and policy 1672 of the London Plan temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained and may be passed for a time period of no more than three (3) years, and have regard for the following matters:

(a) Compatibility of the proposed use with surrounding land uses;

The subject site has a history of operating as a surface commercial parking lot for the past approximately 15 years prior to the current request to amend the Zoning By-law. The site abuts other surface commercial parking lots directly to the north and west, and the abutting use to the southeast operates as an automobile sales and service centre and is unaffected by the parking lot. The site to the west is the London Convention Centre which is a prominent facility on York Street, a focal point in the downtown and a draw for local, regional and international visitors. This use, as well as other nearby banquet facilities at the Delta and Doubletree hotels also generate a demand for parking spaces, which the subject site can supply.

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

The recommended use does not require or propose temporary buildings or structures. Automated parking pay and display machines, lighting, fencing and enhanced landscape will be required to be implemented in accordance with the existing site plan approval.

(c) Any requirement for temporary connection to municipal services and utilities;



The recommended temporary parking lot does not require any additional municipal services or utilities.

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

There are no impacts anticipated for transportation facilities or traffic in the immediate area. Transportation staff has indicated that temporary parking lots will be eventually phased out in the future and is being considered by a comprehensive review of all parking and alternatives for the downtown.

(e) Access requirements for the proposed use;

The two existing accesses from York Street and Waterloo Street for the subject lot are proposed to be maintained in accordance with the site plan SP04-101362. Better definition of the vehicle accesses into and out of the site have been identified through the development agreement which includes works that will be carried out in the next 6 months.

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

The recommended temporary use is for commercial parking purposes. There is no concern related to the provision of adequate parking for the temporary use.

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

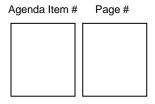
The requested use has been in existence for approximately 15 years through periodic renewal. The recommendation to permit the requested use is appropriate as the parking lot will support nearby residential, office, retail and convention centre uses in the short term until a long term use is established. The surface commercial parking lot does not inhibit or obstruct the redevelopment of the site into a desired commercial, residential or mixed use form in the future. The requirement for City Council approval to renew the zoning provides a means of monitoring the site to determine the appropriateness of continuing short-term uses on the subject lands.

Additional Criteria

There are two (2) additional criteria for the consideration of temporary zones in the London Plan policy 1672 including:

1. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.

Temporary surface parking lots such as the subject site, do not contribute to the pedestrian environment the way built form does through activity, animation, interest, or streetscape. Though there are existing sidewalks along York Street and Waterloo Street that provide connectivity, they are directly abutting the hardscaping of the parking lot with no separation or buffering. There is also currently no delineation of the driveway access location on either York Street or Waterloo Street which exposes almost the entirety of both frontages to vehicle movements, resulting in reduced pedestrian safety and a lack of enclosure. The changes to the site identified through the development agreement will result in an enhanced pedestrian environment and are described further through the Site Plan section.



2. The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.

The subject site has the ability to develop for a wide range of uses as permitted by the existing zoning; however, it is a smaller parcel of land and irregularly shaped which creates certain challenges for the eventual development of the site. While it is possible and desirable to redevelop the site, it is reasonable to expect that some lot consolidation would occur in the future to facilitate a more comprehensive and viable development form.

Our Move Forward – London's Downtown Plan

The Downtown Plan encourages the redevelopment of vacant sites, and the discontinuation of temporary use zoning to increase the population of downtown residents and workers, and build a great neighbourhood (5.2). The Plan recognizes that existing surface parking spaces could be integrated into future development forms through underground or structured parking, resulting in no net loss of parking spaces.

The Plan identifies various underutilized sites that function as surface commercial parking lots, as well as specific opportunity sites which represent desirable conditions for redevelopment. The opportunity sites have also been identified where new development could bridge streetwall gaps and/or link activity generators. The subject site is identified as an under-utilized site, but not distinguished as one of the 20 opportunity sites which are strategic redevelopment priority locations in the downtown. The short-term use of the site for surface parking, will not affect the long-term intention for redevelopment.

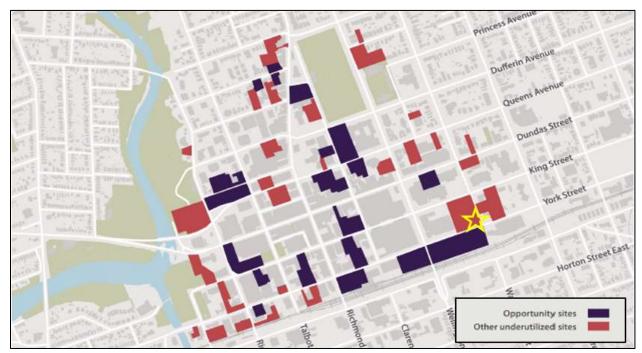


Figure 2: Our Move Forward: London's Downtown – Plan Priority Sites for Redevelopment

Site Plan SP04-101362

The subject lands previously obtained site plan approval as part of application SP04-101362 in 2004. The site plan approval and development agreement identified certain improvements along York Street and Waterloo Street frontages as well as a different layout of the parking spaces. The boulevard on either side of the sidewalk will be



formalized with topsoil and sod to provide separation from the driveways and parking which will improve the interface between vehicle movement and pedestrians travelling on the sidewalk. Additional plantings along the street edges with shrubs and trees will provide interest and some screening of the parking lot.

The access from York Street is proposed towards the western portion of the York Street frontage and the access from Waterloo Street is proposed along the southern portion of the Waterloo Street frontage. Both accesses will be reduced in size from their existing width and formalized through the use of curbing and landscaping which will provide better definition and expectation of the location of vehicle movements. The existing ticket machine will also be relocated further north on site.

The applicant has requested that the requirements of the development agreement be deferred until the Spring of 2018, as there would be certain difficulties with completing the works during the winter. The recommended approach is to allow a temporary zone that will provide a period of 6 months for the completion of required works identified in the development agreement. This will improve upon the Official Plan criteria which evaluated impacts on the pedestrian environment. A subsequent application to provide for a further extension of the use could then be considered once the development agreement is implemented, and the works completed.

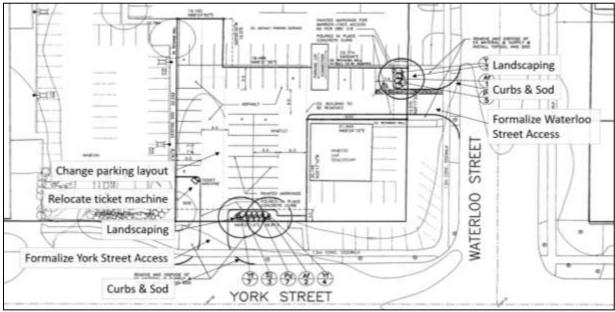
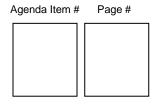


Figure 3: Approved Site Plan SP04-101362

Downtown Parking Strategy

At the time of the preparation of this report, The Downtown Parking Strategy Final Report prepared by BA Consulting Group Ltd, was being finalized and tentatively scheduled for the December 4, 2017 Planning and Environment Committee. A companion report outlining the approach to address applications for temporary surface commercial parking lots is also proposed to go forward at the December 4, 2017 Planning and Environment Committee. Accordingly, Council has not yet made a decision on the preferred approach forward.

The Downtown Parking Strategy is a comprehensive consideration of the broad downtown parking situation, including the existing supply, anticipated demand, the



City's role in parking provision, financial obligations as well as recommendations on an approach to surface commercial parking lots.

The Parking Strategy recommends using a gradual approach to the discontinuation of temporary zone permissions for surface commercial parking lots in the downtown, and recognizes that redevelopment of the existing lots can present challenges due to the various downtown users' reliance on the parking (p.27). The gradual removal is to be aligned, as much as possible, with the timing of the construction of public parking garages and the implementation of the new rapid transit system to mitigate potential parking supply impacts across the downtown, and ensure a reasonable supply is maintained.

A key goal of the strategy is to invest in new structured parking facilities to free up existing surface parking lots for new development, which is targeted for the mid-long term range of 2025-2034, or within the next 7-16 years (table 2).

Temporary zone permissions are recommended to be discontinued for any new surface parking lot in the downtown, and existing surface lots with temporary zone permissions should plan to expire on a gradual basis as the rapid transit system is implemented and new public structured parking is added. The subject lands represent an existing situation and the use of the surface parking lot is appropriate on a short-term basis. The long-term use of the site is intended to redevelop in the future for one of the many uses permitted by the existing zoning (p.27).

Zoning By-law Z.-1

The subject lands have an existing T-71 Temporary Zone as there was previous Council approval for the commercial parking lot uses in 2014. The recommended action includes an amendment to the existing expired Temporary Zone (T-71) and replacing it with a new Temporary Zone (T-71) for a period of 6 months, which will expire on June 12, 2018.

CONCLUSION

The recommended temporary zone is in accordance with the general intent and purpose of the Provincial Policy Statement, Official Plan and London Plan policies. The amendment will allow for an extension of the existing surface commercial parking lot which is a compatible land use to the nearby Convention Centre and downtown area. The temporary extension period provides future opportunities to consider the consistency with the long-term intent to phase out temporary parking lots.

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	1

PREPARED BY:	SUBMITTED BY:	
SONIA WISE	MICHAEL TOMAZINCIC, MCIP, RPP	
PLANNER II, CURRENT PLANNING	MANAGER, CURRENT PLANNING	
RECOMMENDED BY:		
JOHN M. FLEMING, MCIP, RPP		
MANAGING DIRECTOR, PLANNING AND CITY PLANNER		

Nov 21, 2017 /SW

"Attach." or "encl." (where applicable)
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Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 324 York Street.

WHEREAS Bradel Properties Limited has applied to extend the Temporary Use (T-71) as it applies to lands located at 324 York Street for a period not exceeding three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by by-law No. Z.-1-142345 approved the Temporary Use for 322-324 York Street for a period not exceeding three (3) years beginning September 30, 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 six (6) months;

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 (71) of the Temporary (T) zone is amended by adding the following subsection for the property known municipally as 324 York Street:

T-71

Lands located at 324 York Street, as shown on the map attached hereto, comprising part of Key Map No. A107, may be used as a surface commercial parking lot for a temporary period not exceeding six (6) months expiring on June 12, 2018.

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.

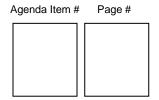
PASSED in Open Council on December 12, 2017.

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Matt Brown Mayor

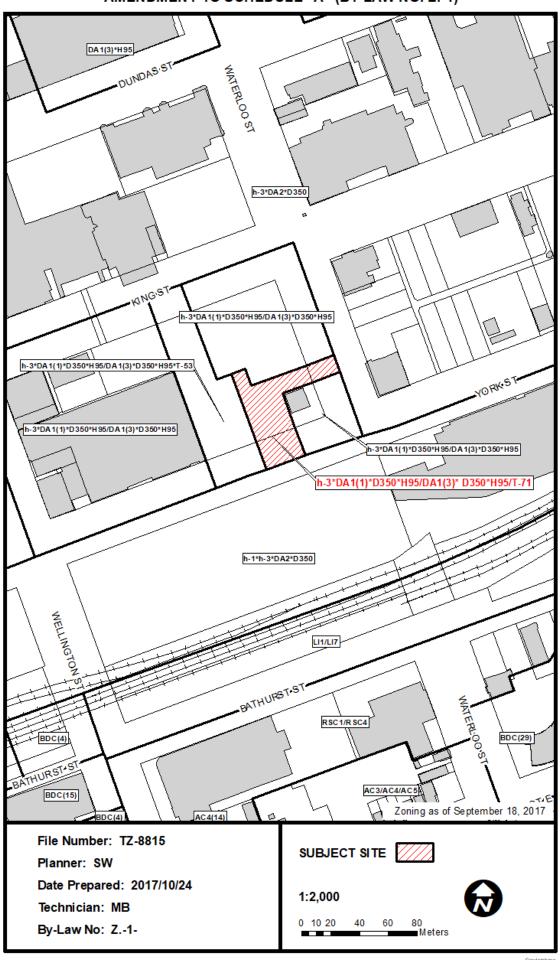
Catharine Saunders City Clerk

First Reading - December 12, 2017 Second Reading - December 12, 2017 Third Reading - December 12, 2017

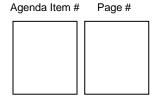


TZ-8815 Sonia Wise

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Geodalabas



Appendix "B" - Community Engagement

Public liaison: On September 6, 2017, Notice of Application was sent to 17 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 7, 2017. Two "Possible Land Use Change" signs were also posted on the site.

1 reply was received

Nature of Liaison: Possible change Zoning By-law Z.-1 by amending the temporary use provisions of the existing holding Downtown Area Special Provision (h-3*DA1(1)*D350*H95/DA1(3)*D350* H95/T-71) Zone, to extend the temporary commercial parking lot use for an additional three (3) years.

Responses: A summary of the comments received include the following:

Concern for:

- 1) concern the extension of the temporary use zone allows vacant land to stay vacant and be profitable
- 2) will jeopardize existing heritage buildings through redevelopment interest and pressures
- 3) SHIFT and BRT will provide alternatives for automobile commuters and fewer parking spaces will encourage more transit users, and
- 4) encourage an end to temporary provisions

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Architectural Conservancy Ontario -
	London Region Branch c/o Mike Bloxam,
	1017 Western Road – Grosvenor Lodge,
	London ON N6G 1G5

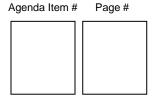
Agency/Departmental Comments

September 13, 2017: Transportation

A recommendation of the Downtown Parking Strategy is for a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots in the downtown.

September 28, 2017: UTRCA / September 21, 2017: London Hydro / September 9, 2017: WADE

No objection



Appendix "C": Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of the requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

Provincial Policy Statement (PPS) 2014

p. 50 - Definitions

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

- 1.6.7 transportation systems
- 1.6.7.4 transportation systems land use pattern
- 1.1.3.2.a) 5 settlement areas, transit-supportive
- 1.7.1. c) infrastructure and public service facilities

Official Plan

- 4.1.6 viii) discourage new surface parking lots
- 4.1.10 downtown parking facilities
- 19.4.5 temporary use considerations

London Plan

- 800.4 new surface parking lots
- 800.5 parking supply
- 1672 temporary use considerations

Our Move Forward – London's Downtown Plan

- 5.2 direction
- p.21 under-utilized and opportunity sites

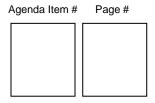
Downtown Parking Strategy

- p. Downtown London Parking Strategy Action Plan (table 2)
- p.26 5.2 Temporary Commercial Parking Lots

Z.-1 Zoning By-law

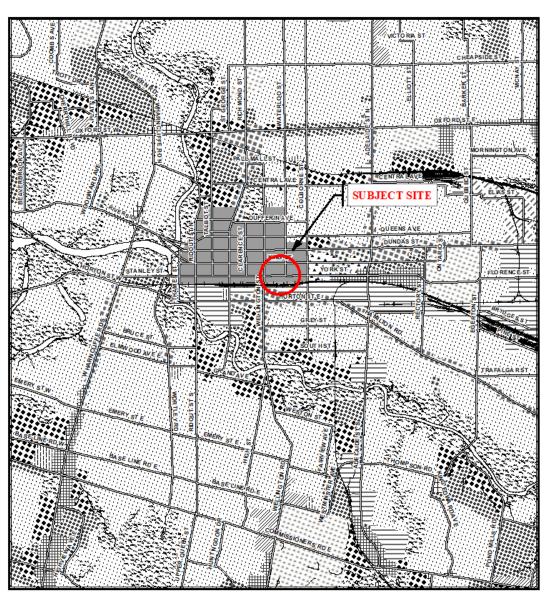
Section 4 – general provisions

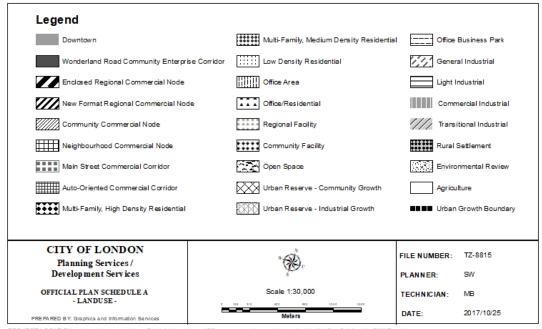
Section 50 - Temporary Zones



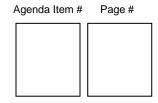
TZ-8815 Sonia Wise

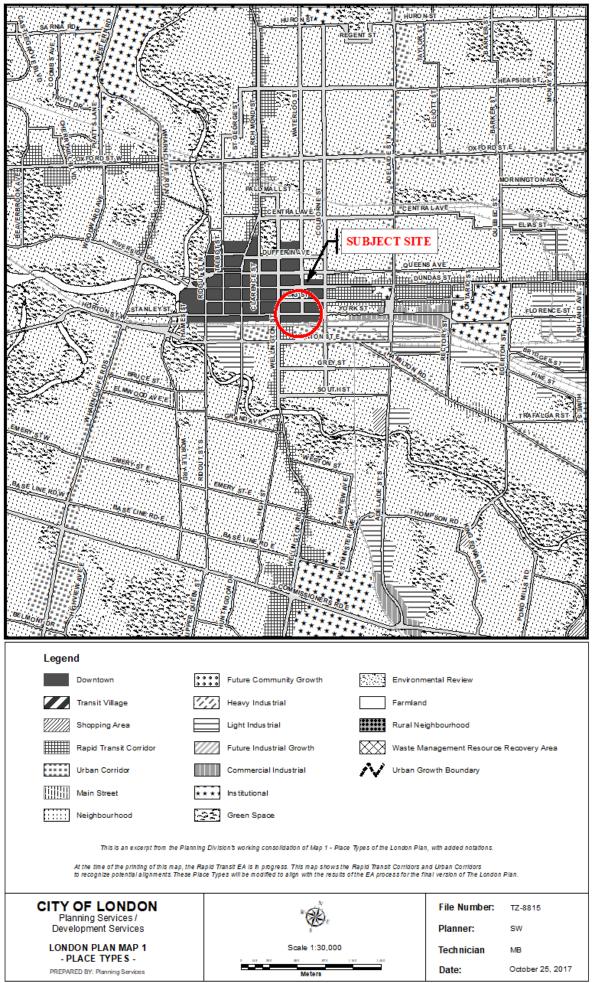
Appendix "D" - Additional Maps



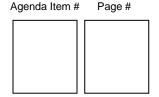


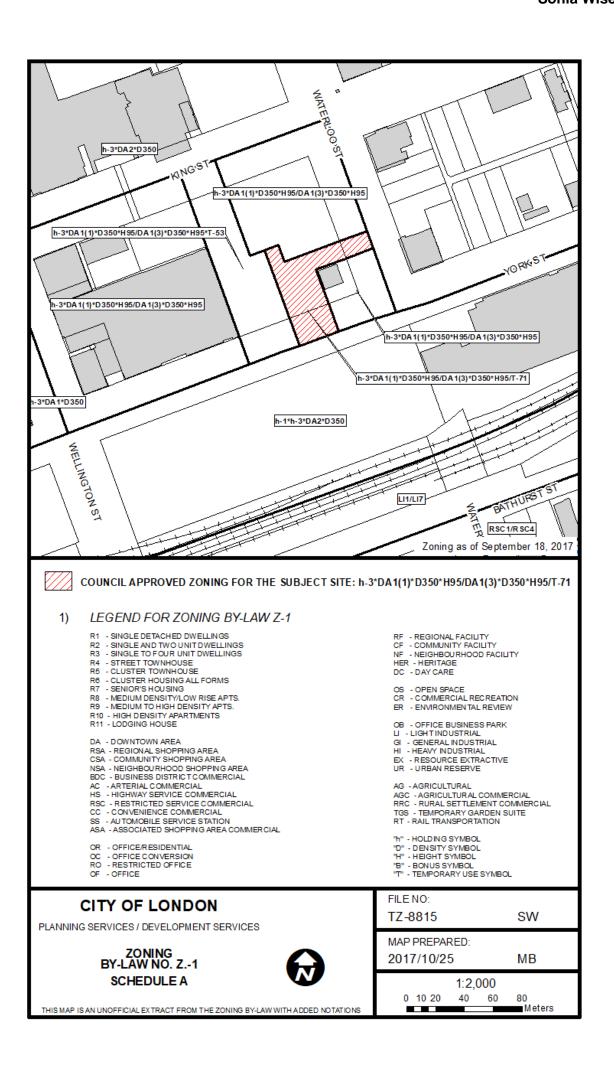
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Appendix "E" - Reports Pertinent to this Matter

- Z-8382: September 23, 2014 Report to Planning and Environment Committee: request to extend the temporary zone for 3 years
- Z-6838: January 21, 2005 Report to Planning Committee: request to extend the temporary zone for 3 years
- Z-6166: December 10, 2001 Report to Planning Committee: request to extend the temporary zone for 3 years
- 15 DOW t: December 4, 2017 Report to Planning and Environment Committee: Downtown Commercial Parking Lots Information Report