



WESTON CONSULTING

planning + urban design

Corporation of the City of London
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April 13, 2018
File 8993

Attn: License Manager, Development & Compliance Services

**Re: Planning Review of Adult Live Entertainment Parlour Relocation Proposal
Golddiggers Adult Nightclub
City of London**

Weston Consulting has been retained by the TownePlace Suites by Marriott located at 800 Exeter Road, the Southside Family Restaurant located at 794 Exeter Road and the Quality Inn & Suites located at 1120 Dearness Drive in the City of London to provide land use planning assistance regarding the proposed relocation of the Golddiggers Adult Nightclub. An Application has been submitted by the owners of Golddiggers to relocate their establishment to 802 Exeter Road (the "subject site") from 2010 Dundas Street.

The Business Licensing By-law L-131-16 states that Council may provide consideration for applications seeking a new location for an existing licensed Adult Live Entertainment Parlour. This letter provides a contextual analysis and cites examples throughout various municipalities. Based on our analysis, this letter provides our professional planning opinion regarding the relocation of the Golddiggers operation to Exeter Road.

Description of the Subject Area

The subject site is located on Exeter Road, east of Wellington Road in the White Oaks community in the City of London. This area is characterized by a range of commercial uses and several hotels, including the TownePlace Suites by Marriott and the Southside Family Restaurant. Light industrial uses are located further to the north of the subject site, separate from the commercial uses. A residential community is located to the west, within a few hundred metres of the subject site. Exeter Road acts as an entry to the commercial uses of the White Oaks community.

The subject site is currently occupied by a restaurant and associated surface parking areas. The subject site is located directly in front of the TownePlace Suites hotel, and the two uses share a pedestrian and vehicular entrance off of Exeter Road. Also abutting the subject site is the Southside Grill, a family-friendly restaurant, and the Motel 6 London. These establishments host

a wide range of patrons, regularly including children and families, as well as conferences and youth sporting events for the community. TownePlace Suites, in particular, offers long term stay accommodations with in-suite culinary facilities and laundry service. This configuration is very similar to apartments and the residential dwellings west of Wellington Rd. An Adult Live Entertainment Parlour in vicinity of these uses would severely compromise the viability of these established community businesses.

With the present site configuration, customers of the hotels and restaurant would be sharing a driveway access from Exeter Road, and possibly parking areas with the proposed Adult Nightclub. The subject site also screens the hotel from the street by virtue of its location directly in front of the hotel.



Figure 1: Aerial Photo of the Subject Area

Land Use Planning Context

The subject site and surrounding area are designated 'New Format Regional Commercial Node' by the City of London Official Plan. This commercial designation is intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs. The surrounding area specializes in providing hotel accommodations and retail services that support the many hotel establishments, such as restaurants and gas stations.

The City of London Zoning By-law No. Z-1 zones the subject site 'HS – Highway Service Commercial Zone', with the surrounding lands zoned either 'HS – Highway Service Commercial Zone', 'ASA – Associated Shopping Area Commercial Zone' or 'RSC – Restricted Service Commercial Zone'. Adult entertainment parlours are not clearly defined in the By-law, and are not explicitly permitted or prohibited in any of these zones or any zone established by the By-law.

The relocation of the adult entertainment parlour is permitted through Schedule 3 of the Business Licensing By-law L.-131-16, which allows Council to consider applications to amend Schedule 3A of the By-law to delete, add or substitute a location for a new adult entertainment parlour. This By-law stipulates that the adult entertainment parlour shall not be located on lands zoned *Residential* or within 100 metres of lands zoned *Residential* or containing sensitive uses including schools, daycares or places of worship. The intent of this separation is to protect and limit negative impacts on sensitive uses.

As we noted in our analysis above, the subject site is immediately surrounded by multiple hotel uses, some of which include extended stay to support the growing Business Sector in the City of London.

Location Analysis

City of London

There are currently four (4) properties in the City of London on which adult entertainment parlours are permitted. These locations are defined in Schedule 3A of the Business Licensing By-law L.-131-16. The permitted locations and associated zoning as specified by Zoning By-law No. Z.-1 is as follows:

- 219-221 Dundas Street
 - *Downtown Area (DA) Zone*
- 624 York Street
 - *Restricted Service Commercial (RSC) Zone*
- 2010 Dundas Street
 - *Associated Shopping Area Commercial (ASA) Zone*
- 2190 Dundas Street
 - *Highway Service Commercial (HS) Zone*
 - *Restricted Service Commercial (RSC) Zone*

The existing adult entertainment parlours located within London are situated in zones that permit commercial uses, which is unusual in comparison to other municipalities which typically only permit adult entertainment uses in employment or industrial areas. The adult entertainment use is permitted on these above-listed properties despite the Zoning By-law not specifically permitting the use. This is in contrast to other municipalities across the southern Ontario region where adult entertainment uses are more strictly regulated.

Town of Aurora

The Town of Aurora Official Plan permits adult entertainment uses on lands designated *Employment Areas* subject to the following policy requirements:

- Site specific rezoning to permit the proposed use;

- Adequate separation distances from residential areas, and institutional and recreational facilities;
- Minimum setback of 800 metres from any other adult entertainment use;
- Licensing By-law required to ensure adequate separation distances from, and minimal impacts on, adjacent uses.

The Town's Zoning By-law does not contain any definitions or regulations pertaining to adult entertainment uses. However, the Town does have a Licensing By-law that sets out a detailed set of regulations and procedures for adult entertainment uses including:

- Adult entertainment parlours not permitted on lands abutting specified roads (for example Yonge Street, Bayview Avenue);
- Minimum setback of 270 metres from Highway 404, residential zones, schools, churches, public parks, open space or day nurseries;
- Minimum setback of 170 metres from any land zoned *Industrial M1*;
- The adult entertainment use must be the sole use on the lot;
- Permitted hours of operation 2:00 pm to 1:00 am;
- Maximum of 2 adult entertainment parlours permitted in the Town;
- Prohibited on lands that are not connected to full municipal services.

Town of Halton Hills

In 2003, the Town of Halton Hills passed an Interim Control By-law to prohibit new adult entertainment uses for a period of one year and initiated an Adult Entertainment Study. Ultimately, the Town's Adult Entertainment Study led to amendments to the Official Plan and Zoning By-law and the passage of a Licensing By-law.

The Town's Official Plan contains a series of detailed policies to regulate a range of adult entertainment uses including:

- Permitting adult specialty stores in certain designations including the *Downtown Core Sub Area, Major Commercial Sub Area, Secondary Commercial Sub Area, and Mixed-Use Sub Area*;
- Adult entertainment parlours and body rub parlours are permitted in the *General Employment Area* designation subject to setbacks from certain roads;
- A rezoning is required to establish new adult entertainment parlours;
- Adult entertainment establishments must be the only use on the lot and setback a minimum of 800 metres from any other similar use;
- Body rub parlours are to be permitted as of right in the Zoning By-law but must be setback a minimum of 500 metres from other body rub parlours and must not occupy more than 15% of the total floor area (or 150 square metres whichever is less) of multiple unit buildings;
- Policy requiring Licensing By-law.

The Town is currently undertaking an update to their Zoning By-law and is considering other specific restrictions including:

- Adult entertainment uses are not permitted as a home occupation or cottage industry;
- Parking requirement for an adult entertainment parlour is one space for every 5.8 square metres;
- Parking requirement for an adult specialty store or adult video store is one space for every 20 square metres;
- Adult specialty stores are to be permitted in certain zones in compliance with the Official Plan.

Town of Oakville

The Oakville Official Plan allows adult entertainment establishments on lands designated *Light Employment*. The Town Zoning By-law permits such uses on lands zoned *Employment E1* and *E2* but prohibits adult entertainment establishments abutting highway corridors. However, these uses must be setback a minimum of 800 metres from any *Residential* zone, must be the only use on a particular lot and the parking requirement is one space for every 18 square metres. In 2006, the Town of Oakville passed a Licensing By-law to regulate and govern adult entertainment establishments through a series of requirements including:

- Registration of 'Attendants', as defined, required;
- Licensing fees range from \$1,650 to \$3,300;
- Owners of establishments must inform a Town Licensing Commissioner of intended hours of operation;
- Maximum number of licenses is two;
- Specified areas where uses are permitted are identified on maps attached to the Licensing By-law.

City of Mississauga

The Mississauga Official Plan contains no policies relating to adult entertainment uses. The Mississauga Zoning By-law permits adult entertainment establishments, adult video stores and body rub establishments on lands zoned *Employment E2* and *Industrial E3*. In addition, the Zoning By-law requires a minimum setback of 800 metres from any *Residential* zones.

The City of Mississauga also has an Adult Entertainment Establishments Licensing By-law which regulates adult entertainment businesses, body rub businesses, adult book stores and adult video stores. The Licensing By-law defines a range of uses and sets out very specific requirements for business applications, use restrictions, operation and employee requirements, and fees including the following:

- Licensing fees range from \$180.00 to \$5,370.00;
- Permitted hours of operation noon to 2:00 am, and 4:00 pm to 2:00 am on Sundays;

- The maximum number of licenses permitted for issuance are 9 for adult entertainment businesses, 14 for body rub businesses and 6 for adult video stores.

Summary

The following is a short summary of the common policies and regulations in the Official Plans and Zoning By-laws reviewed:

- Definitions in Zoning By-laws normally include adult entertainment parlour use or establishment, body rub parlour and adult video store, and other definitions that are incidental to these uses. However, some municipalities will only define an adult entertainment establishment, use or parlour;
- Many Official Plans and Zoning By-laws will specifically exclude adult entertainment uses in the definitions of other non-related uses (e.g. Place of Entertainment);
- The Official Plans of most municipalities typically only permit adult entertainment uses in industrial or employment designations;
- Some municipalities will identify areas and criteria for uses through the Official Plan, but require site-specific rezoning to establish any new uses. In most cases, uses are directed to locate in industrial or employment areas/zones;
- Some municipalities have taken a 'tiered' approach based on the type of adult entertainment use. For example, adult video stores may be permitted as-of-right in certain zones but adult entertainment parlours may only be permitted through a site-specific Zoning By-law Amendment;
- Separation distances between adult entertainment establishments and 'sensitive land uses' or zones of between 170 metres and 1000 metres are common. Sensitive land uses can include residential zones, institutional uses, public parks, day care facilities, etc.;
- Parking regulations for adult entertainment parlours are generally similar to restaurant requirements. However, a range of standards and methods of calculation (floor area vs. capacity), are used;
- Other restrictions include minimum parking area setbacks from street lines, mezzanines prohibited, use is prohibited if lot is not connected to full municipal services, and accessory uses not permitted; and,
- Landscaping and signage requirements may be included but standards vary.

Land Use Planning Opinion

The lack of specific definitions, policies and regulations in the existing Official Plan and Zoning By-laws contribute to confusion in interpreting where these types of establishments should be located. The subject site is located in a commercial area which is highly visible to the general population, and visitors to the City of London with its prominent location along Highway 401. The subject site is directly adjacent to the TownePlace Suites hotel which accommodates long-term stays of 30 days or more, essentially functioning as a residence with full kitchen facilities in each room. The TownePlace Suites is also the host hotel to many city-wide events with children and families staying in the hotel, as well as hosts of youth sporting teams staying in London during

sporting tournaments. The subject site also abuts to the Southside Family Restaurant, a family focused restaurant. The anticipated adverse effects of this proposed relocation include the following:

- Loss of enjoyment of existing use of property on the part of the adjacent land owners;
- Interference with normal conduct of business for the adjacent business operators; and
- Discomfort to the nearby landowners and many visitors to this highly visible area.

As evidenced by the way in which other municipalities regulate adult entertainment parlours, such establishments are best suited for employment or industrial areas which have less contact and visibility to the general public. Although the Business Licensing By-law L.-131-16 permits Council to relocate the Golddiggers adult live entertainment parlour by adding or substituting a new location within the Licensing By-law, the impact of the relocation should be thoroughly assessed to determine any adverse impacts that may result. Relocation without this analysis would have significant impacts on established business operations. It is therefore recommended that the City do not approve the requested relocation. Further, it is recommended that an amendment to the Zoning By-law for the establishment of a new adult entertainment use in order to adequately assess its impact on surrounding uses and to allow the public sufficient opportunity to participate in the process. This method of determining locations for adult entertainment uses is used by other municipalities such as the Town of Aurora and the Town of Halton Hills.

Should you have any questions regarding the contents of the list letter, please do not hesitate to contact the undersigned at extension 266.

Yours truly,

Weston Consulting

Per:



Martin Quarcoopome, BES, MCIP, RPP
Associate

cc: Anil Taneja, Palm Holdings;
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John Giannopoulos, Southside Family Restaurant; and
James Golden, Quality Inn & Suites London.