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File: TZ-8100  
 Planner: Nicole Musicco

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: MILLENNIUM DOWNTOWN CORPORATION 195 DUNDAS STREET PUBLIC PARTICIPATION MEETING ON NOVEMBER 26, 2012</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Millennium Downtown Corporation relating to the property located at 195 Dundas Street the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 11, 2012, to amend Zoning By-law No. Z.-I, in conformity with the Official Plan, by extending the Temporary Use (T-54) Zone, which permits a surface commercial parking lot along the Dundas Street frontage, for a period not exceeding three (3) years.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

TZ-7734 – February 24, 2010 report to Planning Committee recommending the whole property be zoned to permit a commercial parking lot as a permitted use for a temporary period of three (3) years

Z-7218 - January 29, 2007 report to Planning Committee responding to Council direction, recommending the whole property be zoned to permit a commercial parking lot as a permitted use for a temporary period of three (3) years, noting that the applicant has agreed to develop a small landscaped area along the Dundas Street frontage.

Z-7218 - December 11, 2006 report to Planning Committee recommending a portion of the site be zoned to permit a commercial parking lot as a permitted use for a temporary period of three (3) years.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
---

The purpose and effect of the recommended zoning by-law amendment is to extend the existing temporary surface commercial parking lot along the Dundas Street frontage for a period of three years.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 195 Dundas Street.

WHEREAS Millennium Downtown Corporation have applied to rezone an area of land located at 195 Dundas Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-071608 approved the Temporary Use for 195 Dundas Street for a period not exceeding three (3) years beginning February 5, 2007.

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-101917 approved the Temporary Use for 195 Dundas Street for a period not exceeding three (3) years beginning March 8, 2010.

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 50.2 (54) of the Temporary Use Section of Zoning By-law No. Z.-1 is amended by adding the following:
  - 54) This temporary use is hereby extended for an additional three (3) years beginning March 8, 2013.

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 December 11, 2012

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 11, 2012  
Second Reading - December 11, 2012  
Third Reading - December 11, 2012

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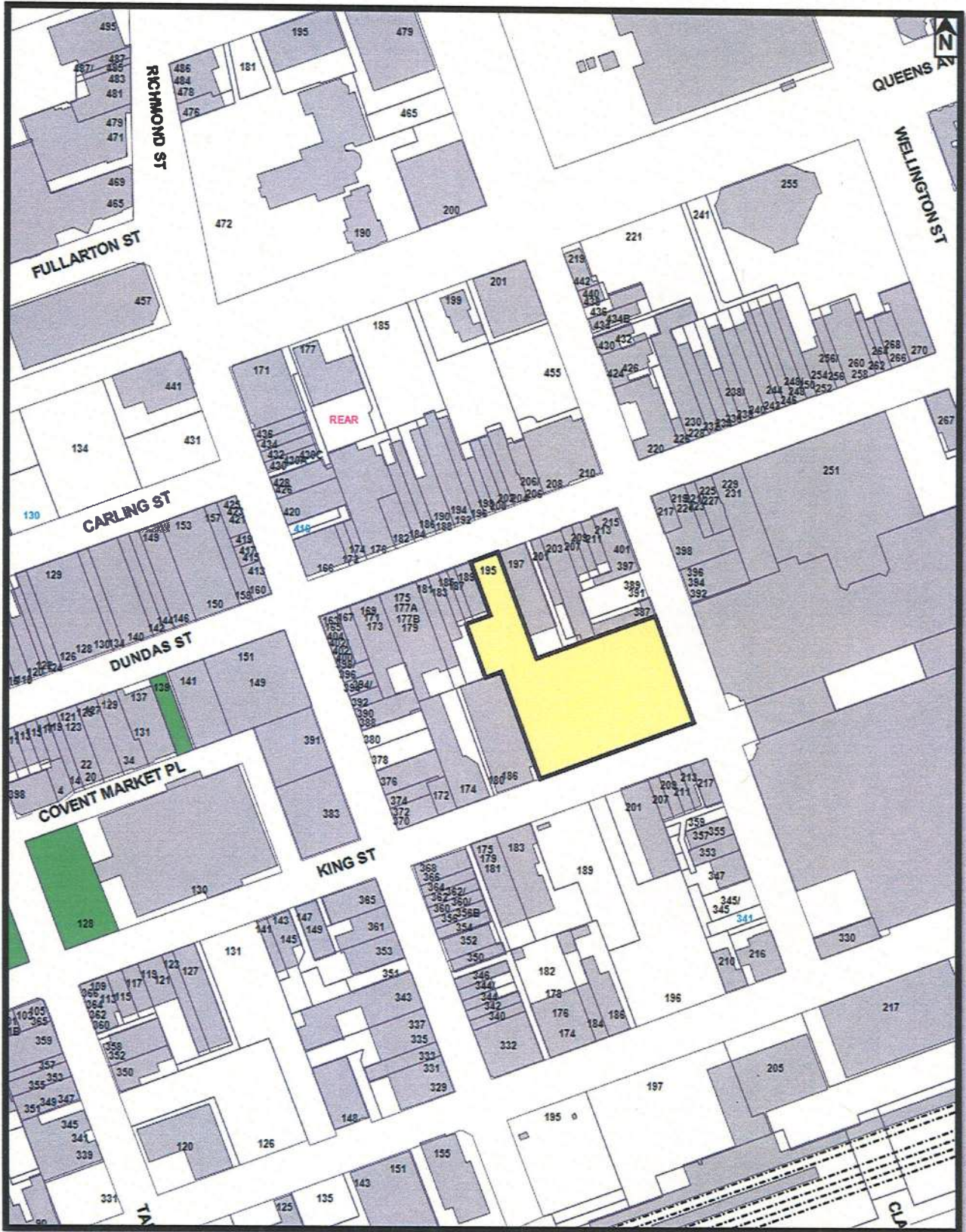
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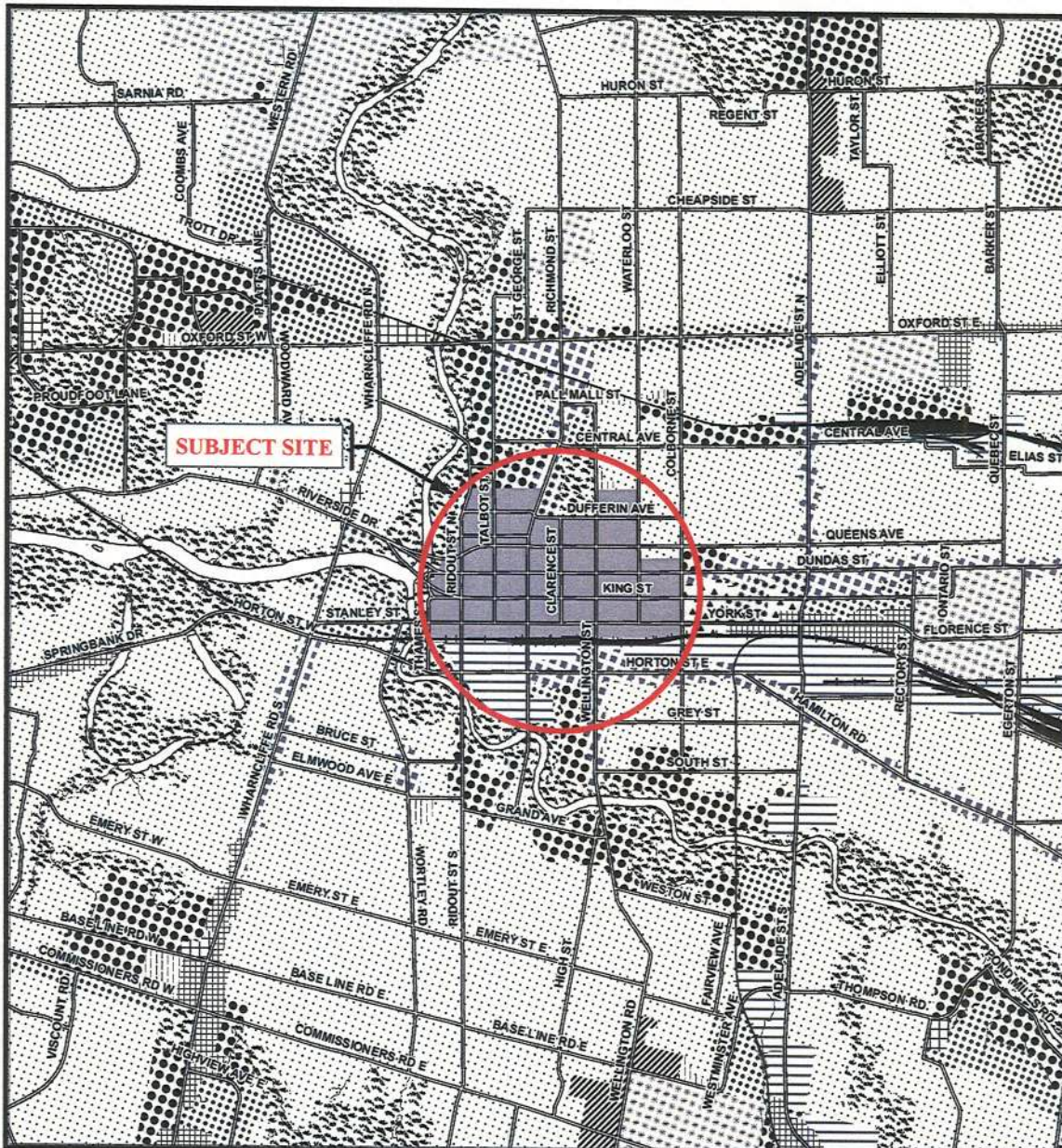
File: TZ-8100  
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**LOCATION MAP**



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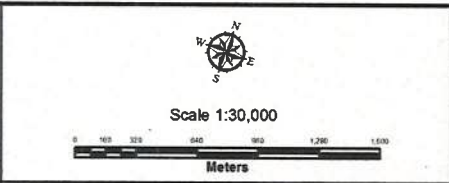
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**Legend**

Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

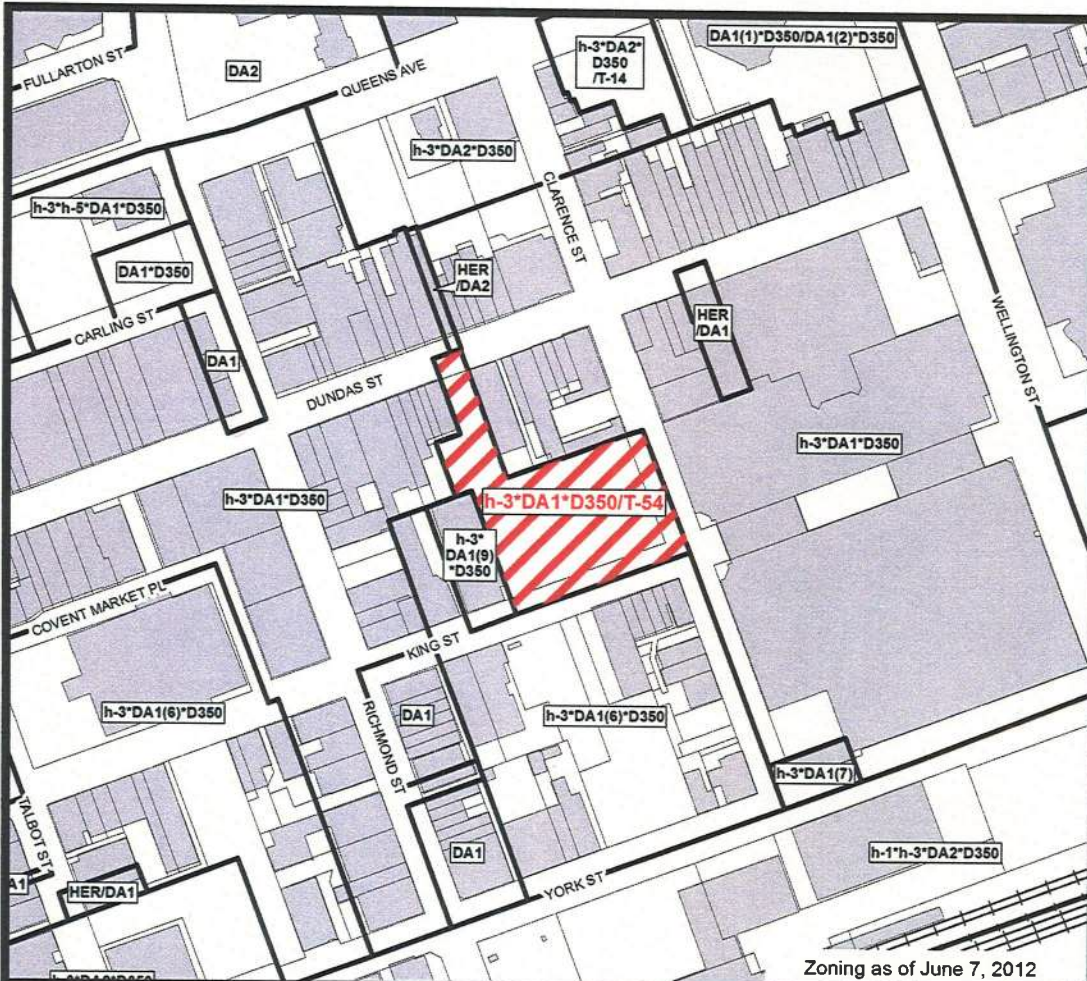
**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LANDUSE -  
PREPARED BY: Graphics and Information Services



**FILE NUMBER:** TZ-8100  
**PLANNER:** NM  
**TECHNICIAN:** CK  
**DATE:** 2012/11/02

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File: TZ-8100  
Planner: Nicole Musicco



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3\*DA1\*D350/T-54**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

2) ANNEXED AREA APPEALED AREAS

- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "h" - HEIGHT SYMBOL
- "b" - BONUS SYMBOL
- "t" - TEMPORARY USE SYMBOL

<p><b>CITY OF LONDON</b> PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p><b>ZONING BY-LAW NO. Z.-1</b></p> <p><b>SCHEDULE A</b></p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: <b>TZ-8100</b>                      <b>NM</b></p> <hr/> <p>MAP PREPARED: <b>2012/11/02</b>                      <b>CK</b></p> <hr/> <p style="text-align: center;">1:3,000</p> <p style="text-align: center;">0 15 30 60 90 120 Meters</p>
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**File: TZ-8100**  
**Planner: Nicole Musicco**

**RATIONALE**

1. The recommended amendments are consistent with the policies of the Provincial Policy Statement (2005).
2. The recommended extension of the temporary use zoning conforms to the criteria for temporary use in the Official Plan.
3. The existing commercial parking lot was originally established by a Temporary Use By-law passed in 1999, renewed in 2002 and re-established in 2007 as an interim use to facilitate the demolition of an obsolete building and encourage the construction of a new structure in the future.
4. The commercial parking lot has minimal impacts on the surrounding area and is being used in general conformity with the approved site plan and landscaping scheme established in 2006, adjacent to Dundas Street.
5. An appropriate long term use has yet to be established for the subject lands and the continuation of the temporary use does not hinder or prevent the site from developing in the future.

**BACKGROUND**

<b>Date Application Accepted:</b> September 5, 2012	<b>Agent:</b> Millennium Downtown Corporation
<b>REQUESTED ACTION:</b> Possible extension of the Holding Downtown Area Temporary (h-3 DA1/D350/T-54) Zone for an additional period of three years.	

<b>SITE CHARACTERISTICS:</b>
<b>Current Land Use</b> - Temporary surface commercial parking lot along the Dundas Street frontage.
<b>Frontage</b> - 15.2 meters
<b>Depth</b> – approximately 121 meters
<b>Area</b> - 0.65 hectares
<b>Shape</b> - irregular

<b>SURROUNDING LAND USES:</b>
<b>North</b> - mix of retail/office
<b>South</b> - mix of retail/office
<b>East</b> - shopping centre with offices
<b>West</b> - mix of residential apartment/retail/office

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<b>OFFICIAL PLAN DESIGNATION:</b> Downtown Area (refer to Official Plan Map)
<p>The Downtown is the primary multi-functional activity centre serving the City of London and the surrounding area, comprising much of Southwestern Ontario. It contains regionally significant office, retail, service, government, recreational, entertainment and cultural facilities and is distinguished from other areas in the City by its concentration of employment and its intensive, multi-functional land use pattern.</p>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<p>Holding Downtown Area Temporary (h-3*DA1*D350/T-54) Zone)</p> <p><b>h-3: Purpose:</b> To ensure that development over 30.0 metres (98.4 feet) in the DA1 Zone or over 15.0 metres (49.2 feet) in the DA2 Zone will not have an adverse impact on pedestrian level wind conditions in the Downtown Area of the City of London, a wind impact assessment which may, at the request of the City, include wind tunnel testing, shall be prepared by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London prior to removal of the "h-3" symbol</p> <p><b>DA1:</b> This Zone provides for and regulates the City's most dominant and intensive commercial business area which serves the City and region. The permitted uses include a full range of commercial, service, and office uses with residential uses permitted above the first floor. Zone variations are established to emphasize the pedestrian-oriented shopping area and to regulate the scale of retail permitted. The primary difference between the DA1 Zone and the DA2 Zone variation is that the DA1 Zone is applied to main retail shopping area centred along Dundas and Richmond Streets</p> <p><b>D350:</b> 350 units per hectare.</p> <p><b>T-54:</b> Lands located at 195 Dundas Street, as shown on the attached map hereto comprising part of Key Map No. 85, may be used for a surface commercial parking lot with a small landscaped area along the Dundas Street frontage for a temporary period not exceeding three (3) years beginning February 5, 2007. This temporary use is hereby extended for an additional three (3) years beginning March 8, 2010.</p>

<b>PLANNING HISTORY</b>
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The site was formerly the location of a building constructed in 1974 as an enclosed and partially below grade shopping centre known at various times as the London Arcade, London Mews and Smugglers Alley. In August, 1999, Council approved a zoning by-law amendment to permit the temporary use of the site as a surface commercial parking lot, not exceeding three years from the date of the passing of the by-law. In conjunction with this approval, the applicant also obtained a demolition permit to demolish the shopping centre, and site plan approval to construct and operate a commercial surface parking lot.

Council approved a three year temporary use extension in 2002, which lapsed in 2005. In 2006, the owner applied to reinstate the temporary use zone. Staff's recommendation was to approve the temporary zone on all of the lands except the portion fronting on Dundas Street. The purpose of the recommendation was to encourage the site to be redeveloped and integrated into the Dundas Street streetscape and to clearly reinforce Council policy which indicates that at-grade parking will not be supported on Dundas Street in Downtown London.

Council referred the application back to staff for further discussions with the applicant relating to landscaping at the entrance to the northern portion of the property fronting Dundas Street and the review of existing legal rights of way serving adjacent building which could be impacted by closing off the northern portion.



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As a result, Council adopted a by-law amendment that allowed the temporary use over the entire property and required a parkette to be located on the lands fronting Dundas Street. The intent of the parkette was to soften the impact on the continual Dundas streetscape and provide a visual buffer of the parking lot from pedestrians on Dundas Street. The temporary use by-law expires on March 8, 2013.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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<b>PUBLIC LIAISON:</b>	On September 7, 2012, Notice of Application was sent to 113 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on September 8, 2012. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
<b>Nature of Liaison:</b> The purpose and effect of this zoning by-law amendment is to extend the existing temporary zone to allow the surface commercial parking lot. Possible extension of the Holding Downtown Area Temporary (h-3 DA1/D350/T-54) Zone for an additional period of three years.		
<b>Responses:</b> 0 replies received.		

London Transit Commission

*The London Transit Commission does not support temporary parking lots in the central area given:*

- *The trend to renew "temporary" parking lots, on an ongoing basis; noting that this application is a renewal;*
- *Creation of additional parking in the central area is counter to increasing transit mode share targets, as set out in the City's Transportation Plan;*
- *Its proximity to high volume transit corridors (Dundas Street, Wellington Street and Richmond Street).*

Upper Thames River Conservation Authority

*No objection.*

Wastewater and Drainage Engineering

WADE has no objection to this temporary zoning extension.

Water Engineering

No comment.

Transportation

No comment.

<b>ANALYSIS</b>
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Subject Site

The subject site is a 0.65 ha (1.61 acre) parcel, located in a prominent area of the Downtown with frontage on three streets: Dundas Street, Clarence Street and King Street. The site has operated as a commercial parking lot since 2000. As part of the 2007 zoning amendment to re-establish the temporary surface parking lot, a parkette was re-established along the Dundas Street frontage to soften the streetscape view.

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Nature of the Application

The applicant is requesting an extension to the existing temporary use zone to allow the continued operation of the surface commercial parking lot for an additional three (3) year period.

Concerns with temporary commercial parking lot

Since 1998 the City has regulated the creation of surface parking lots through Council resolution. Surface parking lots are harmful to the environment; detract from the pedestrian environment and a vibrant downtown. Once a surface commercial parking lot is established it becomes more difficult to redevelop because the revenue generated is substantial. Currently, surface commercial parking lots are regulated by way of Council resolution which specifies that a zoning by-law amendment and site plan are required. Even though Staff's recommendation is approval of the extension of the temporary surface parking lot, a building is always a preferred option.

Official Plan.

The Official Plan designates these lands as Downtown Area. The Downtown Area is a multi-regional centre containing a broad range of retail, service office, institutional, entertainment, cultural, high density, residential, transportation, recreational, and open space uses. The Downtown Area designation encourages the retention and enhancement of a regionally significant area, in which the predominant uses at street level shall be retail and service facilities that comprise a pedestrian oriented shopping environment. Any development is expected to enhance the pedestrian circulation and contribute to the sensitive integration, appearance, and continuity of the shopping environment.

Under Section 19.4.5., Temporary Use By-law of the Official Plan *"Provided the general intent and purpose of the Official Plan are maintained, Council may pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the provisions of the Planning Act."* Given the nature of the temporary proposed use, the Official Plan policies would recognize the requested use as meeting the intent of the Downtown Area designation and in compliance with the provision of the Planning Act

Section 4.1.6 viii) of the Official Plan, Commercial Parking Structures and Surface Parking Lots identifies that: Commercial parking structures are a permitted use in the Downtown and are encouraged to locate in peripheral areas of the Downtown. The design of these structures along the street edge should be addressed through consideration of the Downtown Design Guidelines specifically requiring enhanced landscaping and consideration of pedestrian connections.

The long term intent of the Plan is to encourage the re-development of existing surface parking lots and to discourage new surface parking lots in the Downtown, especially where they involve the removal of buildings.

Zoning By-law

The subject lands are zoned Holding Downtown Area Temporary (h-3\*DA1/D350/T-54) Zone, permitting an intensive mix of retail, office, and residential uses, all at a maximum height of 90m (295.3 ft.) subject to wind studies for buildings taller than 30 metres (98.4 feet), a maximum lot coverage of 100%, and a maximum density for residential uses of 350 units per hectare (142 units per acre). The DA1 Zone restricts residential uses to the rear portion of the ground floor or above the first floor, emphasizing the intended role of the ground level street frontage as an active, pedestrian oriented area. Section 20.3 of the Zoning By-law prohibits parking lots on properties fronting Dundas Street.

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**Is the extension of a temporary commercial parking lot appropriate?**

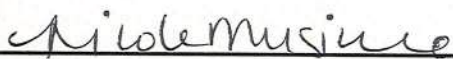
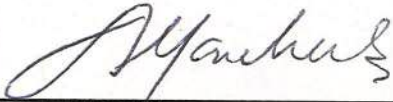

In 1995, the City established an approach to surface commercial parking lots, requiring them to be established through temporary zoning and prohibiting them on properties fronting Dundas Street. This approach included Official Plan policies, zoning by-law regulations and Downtown Design Guidelines intended to maintain a vital main street that is continuous and pedestrian oriented. During the 2007 request for an extension to the temporary zone, it was deemed to be generally appropriate to extend the temporary commercial parking lot as an interim use. However, it was noted that, by that time the use had existed for approximately 7 years and the expected development activity needed on this site to recognize the importance of, maintain and enhance the Dundas Street streetscape had not materialized.

There was a demonstrated desire on the part of other Downtown landowners to demolish key structures for temporary surface parking lots. The presence of a parking lot along the Dundas Street frontage provided a financial incentive for the site to remain vacant rather than be redeveloped with a new building. As a result, it was recommended temporary zoning for surface parking on the portion of the site fronting Dundas Street not be approved and that the portion of the site be developed as a parkette.

It is noted that the parkette required as a result of the January 29, 2007 report to Planning Committee, is not considered a permanent solution to the provision of a continuous streetscape on Dundas Street. It is a temporary measure intended to soften the gap in the streetscape and screen the parking lot from view until such time as the parking lot use is discontinued and redevelopment of the site occurs.

<b>CONCLUSION</b>
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The commercial parking lot has minimal impacts on the surrounding area and is being used in general conformity with the approved site plan, and landscaping scheme established in 2007, adjacent to Dundas Street. The enhanced landscaping along all street edges has been maintained and provides a complimentary buffer between the street, the parking lot and provides an aesthetically pleasing and functional pedestrian connection. An appropriate long term use has yet to be established for the subject lands and the continuation of the temporary use does not hinder or prevent the site from developing in the future.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
 <b>NICOLE MUSICCO - PLANNER II</b> <b>COMMUNITY PLANNING AND</b> <b>URBAN DESIGN SECTION</b>	 <b>JIM YANCHULA, MCIP, RPP</b> <b>MANAGER OF COMMUNITY PLANNING</b> <b>AND URBAN DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
	
<b>JOHN M. FLEMING, MCIP, RPP</b> <b>MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

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**File: TZ-8100**  
**Planner: Nicole Musicco**

**Bibliography of Information and Materials**  
**TZ-8100**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Sheldon Aaron, Millennium Downtown Corporation, September 5, 2012.

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

City of London, Report to Planning Committee, Millennium Downtown Corporation, 195 Dundas Street (TZ-7734), February 24, 2010.

**Correspondence: (all located in City of London File No. Insert File No. TZ-8100 unless otherwise stated)**

**Agencies:**

Creighton C., UTRCA. Memo to N. Musicco. October 9, 2012

Burns K., London Transit Commission, Memo to N. Musicco, October 1, 2012

Dalrymple, D., London Hydro. Memo to N. Musicco, September 11, 2012.

**Other:**

Email from S. Aaron to N. Musicco, October 19, 2012.

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**File: TZ-8100  
Planner: Nicole Musicco**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 195 Dundas Street.

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AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-101917 approved the Temporary Use for 195 Dundas Street for a period not exceeding three (3) years beginning March 8, 2010.

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;

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1. Section 50.2 (54) of the Temporary Use Section of Zoning By-law No. Z.-1 is amended by adding the following:
  - 54) This temporary use is hereby extended for an additional three (3) years beginning March 8, 2013.

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PASSED in Open Council December 11, 2012

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 11, 2012  
Second Reading - December 11, 2012  
Third Reading - December 11, 2012