

1840 Lorne Street - Contract Zone Application (PL202000209)

Date	February 3, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-7

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the application to extend the existing contract zone for the property located at 1840 Lorne Street, being Lot 42, Block 309, Plan No. 0012RA12095, which allows continuance use of the property as a temporary surface parking lot until December 31, 2022.
2. Approve execution of an amendment to the existing contract zone agreement entered into between the City of Regina and owner of the subject property, providing for the extension of the term of such agreement to December 31, 2022 and affirming all other terms and conditions of the original agreement.
3. Instruct the City Solicitor to prepare the bylaw(s) required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by City Council.
4. Approve these recommendations at its meeting on February 10, 2021.

ISSUE

Namerind Development Corporation (Applicant and Owner) has requested an extension to the existing Contract Zone at 1840 Lorne Street to allow the temporary parking lot (Transportation, Parking Lot) to continue until December 31, 2022. City Council previously approved the temporary 76 stall surface parking lot at this site as Contract Zone on

September 28, 2015 (CR15-92) and later renewed the agreement on May 27, 2019 (CR19-53). The current term expired on December 31, 2020.

The Planning and Development Act, 2007 (The Act), in conjunction with *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) and *The Regina Zoning Bylaw, 2019* (Zoning Bylaw), authorize Council to rezone an area of land to a Contract Zone to permit the carrying out of a specified proposal through entering into a contract zone agreement. The Contract Zone Agreement is registered on the title of the subject property.

IMPACTS

Financial Impact

The proposal will not have an effect on the assessment of the property, nor would the taxes change, unless there is a physical structure developed on the site.

Policy/Strategic Impacts

The DCD-D – Downtown Direct Control District does not permit surface parking lots as a principal use. A surface parking lot would be permitted only if buffered from the street by an active use, such as a commercial space with street frontage. Part B.4: Regina Downtown Neighbourhood Plan (RDNP), of *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) also contains the following policies with respect to:

- Part A, Section D5, Goal 2: *7.7 Collaborate with stakeholders to enhance the CITY CENTRE, as depicted on Map 1 – Growth Plan, by:*
 - *7.7.7 Implementing the Regina Downtown Neighbourhood Plan.*
- Part B.4, Policy 34: *THAT the City of Regina will incorporate parking standards and restrictions in the zoning bylaw to ensure development decisions result in an active and animated public realm and limits the amount of visible parking from the street.*

To implement this policy, the Zoning Bylaw prohibits development of a surface parking lot in the downtown. However, the proposed development is intended as an interim use to facilitate further plans for future development of the site as a mixed-use high-rise.

The proposal is supported by OCP Section E, Goal 8, policy 14.42 regarding Contract Zone application, at Council's discretion, to development proposals that do not conform with existing zoning requirements (e.g. use of land, site, development or servicing standards, etc.), or that require special regulatory control to ensure compatibility with adjacent development, with the provision that the proposed development:

- Part A, Section E, Goal 8: Support beneficial development proposals that meet the intent of the Plan but require special regulatory treatment to address unique characteristics.
 - *4.42.1 Conforms with the general intent of this Plan or any applicable concept plan; and*
 - *14.42.2 Is compatible with existing adjacent development and, where applicable, contributes beneficially to the adjacent public realm.*

OTHER OPTIONS

Alternative options would be:

1. Approve the application with specific amendments to the site plan.
2. Refer the proposal back to Administration. If City Council has specific concerns with the proposal, it may refer the application back to Administration for further review. Referral of the report back to Administration will delay the extension of the Contract Zone until requested information has been gathered or changes to the proposal have been made and until then will cease to operate.
3. Deny the application. Use of temporary “Transportation, Parking Lot” land use will cease on the subject property and will revert back to DCD-D – Downtown Direct Control District Zone if City Council denies the application.

COMMUNICATIONS

The applicant and other interested parties will receive a copy of the report and notification of their right to appear as delegation at the Council meeting when the application will be considered. Public notice of the public hearing required to be conducted by City Council upon consideration of the proposed bylaw will be given in accordance with *The Public Notice Policy Bylaw, 2020*.

DISCUSSION

The applicant proposes to extend the term of the existing contract zone agreement to allow the temporary surface parking lot (Transportation, Parking Lot) on the subject property located at 1840 Lorne Street until December 31, 2022. If not extended, the subject property will revert to its previous zoning, DCD-D – Downtown Direct Control District Zone, in which “Transportation, Parking Lot” is not permitted. “Transportation, Parking Lot” is defined by the Zoning Bylaw as:

“An outdoor land use where motor vehicles that are registered, insured and in working order are parked outdoors or in primarily unenclosed areas for temporary intervals”

Parking standards under the DCD-D – Downtown Direct Control District Zone require parking to be screened by an animated storefront, accommodated underground or in structured parking above ground level with active use at street level.

It should be noted that the subject property and the property directly north are under the same ownership. The property to the north is also a parking lot, but this lot was approved under a previous zoning bylaw and, as such, can continue to exist as a legally non-conforming use. The applicant intends to assemble both properties for redevelopment of a mixed-use project, which is aligned with policies adopted in the Regina Downtown Neighbourhood Plan to develop a complete downtown community.

Initially the temporary parking lot was approved (CR15-92) with a time limit of three years at

the request of the applicant. The contract for the development was later renewed for another two years (CR19-53). At the time of approval and renewal, the applicant expected the construction of this project to have been underway before the end of the Contract Zone term; however, due to unforeseen funding obstacles and the need to refine the design, the development has not commenced. The applicant is actively pursuing funding opportunities for affordable housing through other levels of government and expects these commitments to be secured. Stated by the applicant:

“As a temporary parking lot, since its opening in 2016, it has been, for the most part fully rented. This has contributed and assisted Namerind as a not-for-profit organization, to operate as a reliable and sustainable affordable housing provider in Regina. The extension of the approval to use 1840 Lorne Street as temporary parking lot until December 2022, is vital to Namerind as it assists in Namerind’s ongoing plan to develop an urgently needed affordable residential housing project, together with other needed and supportive facilities in Downtown Regina.

The Act, in conjunction with the OCP and the Zoning Bylaw, authorize Council to rezone an area of land to a Contract Zone to permit the carrying out of a specified proposal through entering into a contract zoning agreement. The proposal is consistent with the purpose and intent of Contract Zone under the Zoning Bylaw (section 7A.1) to accommodate proposed development that represents a unique development opportunity that does not conform to the zoning requirements, on a site-specific basis.

The application was circulated to neighbouring properties and the Regina Downtown Business Improvement District (RDBID) for review and comment. RDBID is in support of this application.

“Regina Downtown Business Improvement District offers support for the extension for the temporary parking lot for a period ending December 31, 2022. We support the Regina Downtown Neighbourhood Plan (RDNP) recommendation that no new surface parking be allowed; however, we also recognize the realities of current market conditions.

Private investment and residential development should be encouraged in Downtown Regina. It is our hope that the funding application for this project is successful and that the additional time afforded by this extension will lead to project completion.

Further, RDBID strongly recommends the 2014 Downtown and Vicinity Parking Strategy be reviewed and updated. The 2014 Strategy recommended actions and investments that could be undertaken to improve parking in Downtown Regina and the surrounding neighbourhoods. While a few of these recommendations were implemented, many actions that would significantly improve the downtown parking experience, were not. An update to the strategy would reflect the current parking conditions and identify improvements to the system and parking environment to better support the downtown community. The resulting strategy would better inform a future decision regarding temporary surface parking lot”.

Administration acknowledges RDBID’s recommendation for the review of the 2014 Downtown and Vicinity Parking Strategy. As recommended in the strategy report, this may

be reviewed on or before 2024. This study included recommendations, some of which have been advanced. Downtown parking will continue to be studied, which will also help inform longer-term decisions about temporary parking lots.

In addition to the support from the RDBID for this application, a report was advanced to January 2021 RPC and City Council meetings in response to motion MN19-4. This report was tabled by City Council at its January 27, 2021 meeting and will be considered at its February 10, 2021 meeting. The purpose of this report and recommendation was to define criteria under which future temporary parking lots would be considered. A report with these recommended criteria would come forward in Q2-2021, should Council approve the recommendation.

Surrounding land uses include commercial development in all directions. The site is directly west of the SaskTel data centre and in proximity to City Square Plaza, Victoria Park, Cornwall Centre and multiple downtown transit connections. This block of Lorne Street has no established character of active frontage.

DECISION HISTORY

On September 28, 2015 City Council approved the contract zone application for a temporary parking lot for three years, expiring in September 2018 (CR15-92).

On May 27, 2019 City Council approved a renewal of the contract zone for a term expiring in December 2020 (CR19-53).

Respectfully Submitted,



Fred Scarle, Director, Planning & Development Services

Respectfully Submitted,



Diana Hawryluk, Executive Director, City Planning & Community Dev.

1/26/2021

Prepared by: Binod Poudyal, City Planner II

ATTACHMENTS

Appendix A-1 (Subject Property Map)

Appendix A-2 (Aerial Map)

Appendix A-3 (Site Plan)

Appendix B