Report to Planning and Environment Committee

To: Chair and Members

Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.

Deputy City Manager, Planning and Economic Development

Subject: Zelinka Priamo Ltd. c/o Laura Jamieson

607 Queens Avenue

File Number: Z-9650, Ward 13

Date: November 13, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 1934643 Ontario Inc. c/o Zelinka Priamo Ltd. relating to the property located at 607 Queens Avenue:

(a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 28, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R3 /Office Conversion (R3-1/OC5) Zone **TO** a Residential R3 /Office Conversion Special Provision (R3-1/OC7(_)) Zone:

IT BEING NOTED that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment.
- ii) The recommended amendment conforms to *The London Plan*, including but not limited to the Key Directions, City Design and Building policies, and the Urban Corridor Place Type policies; and;
- iii) The recommended amendment would permit a new land use that is considered appropriate within the surrounding context and will facilitate the adaptive reuse of the existing converted dwelling.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R3 /Office Conversion (R3-1/OC5) Zone, to a Residential R3 /Office Conversion Special Provision (R3-1/OC7(_)) Zone. The applicant requested the following special provisions: Restaurant including eat-in and take-out services; a west interior side yard setback of 0.0m, whereas 1.8m is required; an east exterior side yard setback of 2.0m, whereas 6.0m is required; landscaped open space of 14%, whereas 30% is required; a parking area coverage of 51%, whereas 25% maximum is permitted; and to recognize parking in the front yard.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R3 /Office Conversion Special Provision (R3-1/OC7(_)) Zone to expand the range of permitted uses on the subject lands through an additional special provision to include restaurant uses with eat-in and take-out services. No exterior alterations are proposed as part of this rezoning application.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the PPS 2020;
- 2. The recommended amendment conforms to *The London Plan*, including, but not limited to the Urban Corridors Place Type; and
- 3. The recommended amendment would permit a new use that is appropriate within the surrounding context.

Staff are recommending approval of the Zoning By-law amendment, with special provisions to permit the adaptive reuse of a converted dwelling for a restaurant with eatin and take-out services on the ground level, and residential use on the upper floors.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- a. **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- b. **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- c. **Economic Growth, Culture, and Prosperity** by Increasing economic activity in the core and the greater community.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

There have been no previous planning applications on the subject site.

1.3 Property Description and Location

The subject site is located on the south-west corner of the Queens Avenue and Adelaide Street North intersection, within the Central London Planning District. The site has an area of 0.04 hectares with a frontage of 12.5 metres along Queens Avenue. The subject site also has access from Adelaide Street North that leads to a rear-yard parking area. Currently the site contains a 3-storey converted dwelling, used as offices for a property management business (Trademark Property Management Ltd.), with shared parking in the front yard for customer use and parking in the rear for staff. The subject lands are listed as a Heritage Property in the City of London Register of Cultural Heritage Resources.

The surrounding area consists of London Cares Homeless Response Services to the north, across the street on Queens Avenue; mixed commercial/office uses and The Banting House National Historic Site to the east; and single detached dwellings to the west and south. The surrounding buildings are mainly in the form of two to three-storey dwellings, containing multiple uses within the existing buildings. London Police Headquarters are also near the site located to the south, along with other mixed commercial uses at the Dundas Street and Adelaide Street North intersection. Queens Avenue is a two-lane road that serves one-way vehicular traffic with an estimated daily traffic count of 8,000 vehicles per day. Adelaide Street is a four-lane road with an estimated daily traffic count of 25,250 vehicles per day. Queens Avenue also has an existing bike lane, and public sidewalks are provided on both sides of Queens Avenue and Adelaide Street North.

Site Statistics:

Current Land Use: Office ConversionFrontage: 12.7 metres (41.6 feet)

- Depth: 30.4 metres (99.7 feet)
 Area: 0.03 hectares (0.09 acres)
- Shape: Regular (Rectangle)
- Located within the Built Area Boundary: YesLocated within the Primary Transit Area: Yes

Surrounding Land Uses:

North: Social Services/Office Uses
East: Mixed Commercial/Office Uses
South: Single-detached dwellings
West: Single-detached dwellings

Existing Planning Information:

- Existing The London Plan Place Type: Urban Corridor
- Existing Special Policies: N/A
- Existing Zoning: Residential R3 (R3-1)/Office Conversion OC5

Additional site information and context is provided in Appendix "B/C".

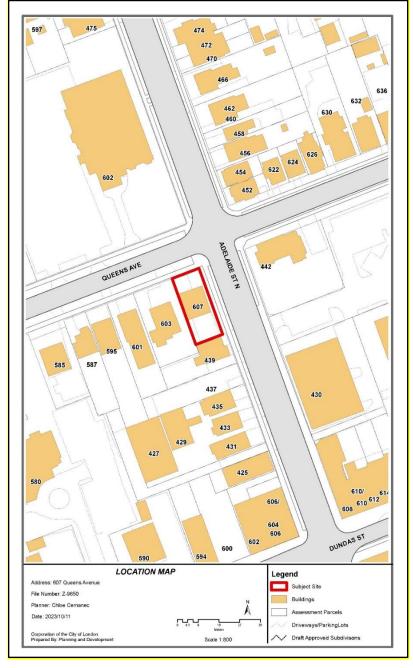


Figure 1- Aerial Photo of 607 Queens Avenue and surrounding lands



Figure 2 - Streetview of 607 Queens Avenue from Adelaide Street (view looking west)

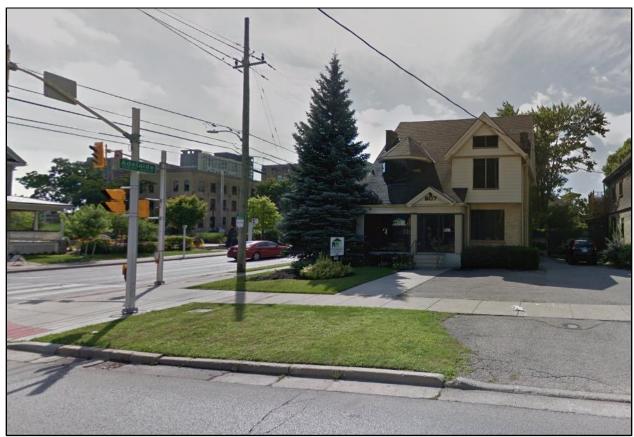


Figure 3 - Streetview of 607 Queens Avenue from Queens Avenue (view looking south)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to re-use the existing converted dwelling to develop a restaurant use on the ground level with eat-in and take-out services, and a residential unit on the upper floors. The proposed use would consist of internal changes to the site, with no changes to the exterior of the existing building. The site will utilize the existing parking arrangement to accommodate commercial vehicles for the restaurant in the front yard, and residential and additional commercial vehicles in the rear yard.

Additional information on the development proposal is provided in Appendix B

The proposed development includes the following features:

Land use: Converted Office

Form: Existing single-detached dwelling

• Height: 3 storeys (10.5m)

Residential units: 1
Density: 1 unit per lot
Gross floor area: N/A
Building coverage: 30%

Parking spaces: 8 surface parking spaces

• Bicycle parking spaces: short-term bicycle parking rack

Landscape open space: 14%Functional amenity space: N/A

Additional information on the development proposal is provided in Appendix "B/C".



Figure 3 - Conceptual Site Plan (Received August 2023)

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R3 /Office Conversion (R3-1/OC5) Zone, to a Residential R3 /Office Conversion Special Provision (R3-1/OC7(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant, which is also being recommended by staff.

Regulation (OC7)	Required	Proposed
Additional Permitted Use		Restaurant; eat-in & take-out services
Minimum Interior Yard Depth (metres)	1.8 metres	0.0 metres
Minimum Exterior Yard Depth (metres)	6.0 metres	2.0 metres
Minimum Landscaped Open Space (%)	30%	14%
Maximum Parking Area Coverage (%)	25%	51%
Front Yard Parking		2 spaces

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major issues were identified by staff.

Detailed internal and agency comments are included in Appendix "C" of this report.

2.4 Public Engagement

On September 14, 2023, Notice of Application was sent to 73 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 14, 2023. Notice of Public Meeting was also published in the Public Notices and Bidding Opportunities section of The Londoner on October 26, 2023. A "Planning Application" sign was also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS*). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, *The London Plan*. Through the preparation, adoption, and subsequent Ontario Land Tribunal (OLT) approval of *The London Plan*, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in *The London Plan* analysis below.

As the application for a Zoning By-law amendment complies with *The London Plan*, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (The London Plan, 1577-1579):

- 1. Consistency with the Provincial Policy Statement and all applicable legislation.
- 2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
- 3. Conformity with the Place Type policies.
- 4. Consideration of applicable guideline documents.
- 5. The availability of municipal services.
- 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
- 7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed use is consistent with the policies of the PPS that promote healthy, liveable and safe communities (PPS 1.1.1) and encourage economic development (PPS 1.3.1).

The proposed use is contemplated in the Urban Corridor Place Type in The London Plan (The London Plan, 837). As per The London Plan policy, a range of residential and service uses may be permitted, where mixed-use buildings are encouraged (The London Plan, 837_1 & 2) to foster vibrant and diverse opportunities for people to live and work close to high-order transit to give them attractive mobility choices (The London Plan, (829). The proposed use also aligns with the goals of the Primary Transit Area ("PTA") by intensifying the site with residential uses and maintaining a strong community connection within the urban neighbourhood (The London Plan, 90).

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS that encourage an efficient use of land (PPS 1.1.3.2) and facilitate intensification and redevelopment (PPS 1.1.3.4).

The existing 3-storey single-detached dwelling and associated surface parking are within the intensity contemplated in The London Plan (The London Plan, 839), and the proposed use is not anticipated to have any negative impacts on the surrounding neighbourhood (The London Plan, 840_1).

4.3 Form

Given no new development, no exterior changes, and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed new use (The London Plan, 840_4).

4.4 Zoning

The applicant has requested to rezone the subject site to a Residential R3/Office Conversion Special Provision (R3-1/OC7(_)) Zone to expand the range of permitted uses on the subject lands to include a restaurant use with eat-in and take-out services. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff.

A minimum interior yard setback of 0.0 metres.

The requested reduction is to recognize the existing interior yard setback from the west lot line on site. The intent of the interior side yard setback regulation is to locate dwellings at an appropriate distance from one another to ensure there are no adverse impacts on adjacent properties. In this case, there remains sufficient space for appropriate parking and buffering from adjacent properties. Staff are satisfied that potential impacts resulting from the requested reduced interior side yard setback on adjacent and nearby properties have been managed.

A minimum exterior yard depth of 2.1 metres.

The requested reduction is to recognize the existing exterior yard depth from the east lot line on the site. The purpose of exterior side yard setback regulations is to provide opportunities for screening, landscaping, and buffering from streets. It should be noted that the reduced 2.1m setback only applies to a small portion of the building at the back, whereas the northern portion of the building is setback 2.4m. The reduced exterior side yard setback is not anticipated to negatively impact site functions and will recognize the existing development setback which provides a typical front yard interface with the public realm along this section of Adelaide Street.

A minimum landscaped open space of 14 percent.

The requested reduction is to recognize the existing landscaped open space percentage on the subject site. The purpose of the minimum landscaped open space regulation is to ensure balanced site functions relative to other site functions like built area and parking area. It also is to encourage the efficient use of land by maintaining, and where possible enhancing, the amount of permeable area on a site. The requested reduction of landscaped open space works in tandem with the below special provision for the increased parking area coverage. The reduction in landscaped open space allows the site to function for the wider range of uses permitted within the existing Office Conversion zone and Urban Corridor Place Type

A maximum parking area coverage of 51 percent.

The requested reduction is to recognize the existing parking area coverage on the subject site. The parking area accommodates a total of 8 parking spaces, with 2 spaces in the front yard proposed to be used for commercial purposes, and 6 spaces in the rear yard proposed to be used for both residential and commercial purposes. Staff is satisfied that the parking area coverage will continue to sufficiently accommodate the needs of the site and will not negatively impact site functions.

Front Yard Parking.

The requested special provision is to recognize the existing front yard parking spaces. The intent of regulating parking locations is to encourage pedestrian-oriented streets and streetscapes through consistent designs that support and appeal to pedestrians. The regulation also helps to protect the existing character and aesthetic of residential neighbourhoods from the known visual impacts of parking on the streetscape. As the two front yard parking spaces are existing on the site and are consistent with the surrounding neighbourhood character, staff is satisfied that the front yard parking area will continue to accommodate desired on-site functions and will not negatively impact the streetscape.

Staff are of the opinion that the above-mentioned special provisions that have been proposed by the applicant comply with *The London Plan* and is consistent with the *Planning Act* and the *PPS*.

4.5 Heritage

The subject property at 607 Queens Avenue is listed on the Register of Cultural Heritage Resources. The adjacent properties are also included heritage listed and designated properties, including 439 Adelaide Street North (listed on the Register), 442 Adelaide Street North (Banting House, Part IV designated), and 602 Queens Avenue (included within the East Woodfield Heritage Conservation District). Per Policy 565 of The London Plan, a heritage impact assessment is required for new development on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact on the cultural heritage resource and its heritage attributes. The current proposal is based on an additional use with no changes proposed to the form of the existing dwelling, and therefore, no further heritage studies are required.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from a Residential R3 /Office Conversion (R3-1/OC5) Zone, to a Residential R3 /Office Conversion Special Provision (R3-1/OC7(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the *Provincial Policy Statement*, 2020 (PPS) and conforms to *The London Plan*.

Prepared by: Chloe Cernanec

Planner

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP

Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.

Deputy City Manager, Planning and Economic

Development

Copy:

Britt O'Hagan, Manager, Current Development Michael Pease, Manager, Site Plan Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No.(number to be inserted by Clerk's Office) 2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 607 Queens Avenue.

WHEREAS 1934643 Ontario Inc. c/o Zelinka Priamo Ltd. has applied to rezone an area of land located at 607 Queens Avenue, as shown on the map attached to this by-law, as set out below;

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. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 607 Queens Avenue, as shown on the attached map comprising part of Key Map No. A107, from a Residential R3/Office Conversion (R3-1/OC5) Zone to a Residential R3/Office Conversion Special Provision (R3-1/OC7(_)) Zone.
- 2. Section Number 17.3 of the Office Conversion OC7 Zone is amended by adding the following Special Provisions:

OC7(_) 607 Queens Avenue

- a. Additional Permitted Uses
 - i. Restaurant; eat-in & take-out services
- b. Regulations

i.	West Interior Side Yard Setback (Minimum)	0.0 metres (0.0 feet)
ii.	East Exterior Side Yard Setback (Minimum)	2.0 metres (6.5 feet)
iii.	Landscaped Open Space (Minimum)	14%
iv.	Parking Area Coverage (Maximum)	51%
٧.	Front Yard Parking	2 spaces

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.

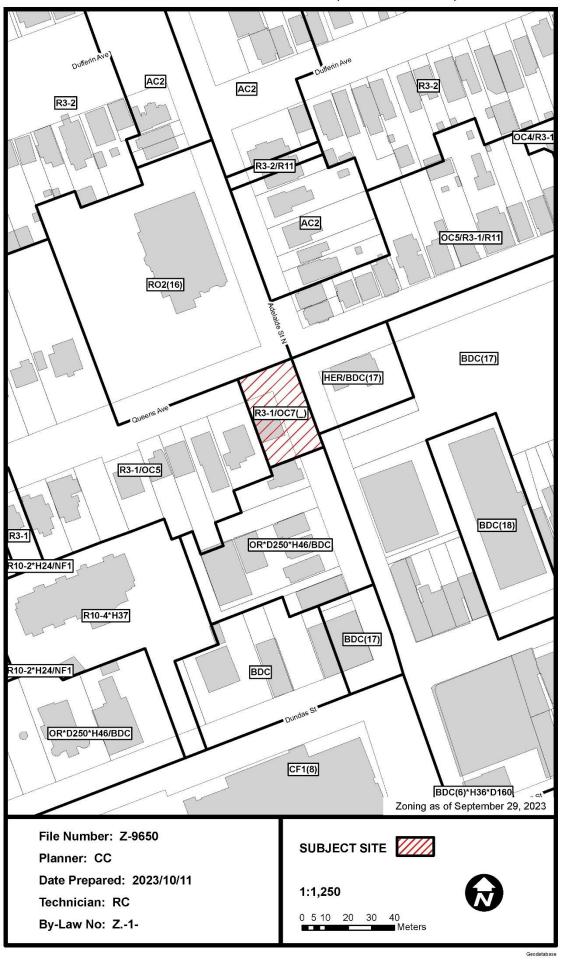
PASSED in Open Council on November 28, 2023.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – November 28, 2023 Second Reading – November 28, 2023 Third Reading – November 28, 2023

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



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Converted Office Use
Frontage	12.5 metres (41.0 feet)
Depth	30.5 metres (100.0 feet)
Area	0.04 hectares (0.09 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Offices/Homeless Response Services
East	Offices/the Banting House National Historic Site of Canada
South	Residential
West	Residential

Proximity to Nearest Amenities

Major Intersection	Adelaide Street North and Dundas Street, 130m
Dedicated cycling infrastructure	Queens Avenue – bike lane, 0m
London Transit stop	Adelaide Street North, 23m
Public open space	Lorne Avenue Park, 635m
Commercial area/use	Old East Village, 100m
Food store	Bana Food Mart, 130m
Community/recreation amenity	WEAN Community Centre, 253m

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridors, fronting a Civic Boulevard	
Current Special Policies	Primary Transit Area	
Current Zoning	Residential R3 (R3-1)/Office Conversion OC5	

Requested Designation and Zone

Requested Place Type	Urban Corridors, fronting a Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Residential R3 (R3-1)/Office Conversion Special Provision (OC7(_)) Zone

Requested Special Provisions

Regulation (OC7)	Required	Proposed
Added Use		Restaurant, eat-in & take-out services
Interior Side Yard Setback (west)	1.8 metres	0.0 metres
Exterior Side Yard Setback (east)	6.0 metres	2.0 metres
Landscaped Open Space	30%	14%
Parking Area Coverage	25%	51%
Front Yard Parking		2 spaces

C. Development Proposal Summary

Development Overview

The application is proposing to adaptively re-use the existing converted dwelling to develop a restaurant use with eat-in and take-out services on the ground floor, and residential use on the upper floors. Vehicular access to the subject lands is provided via two existing driveways: one access shared with the adjacent property from Queens Avenue, and one from Adelaide Street North. The front yard parking will be used for commercial purposes, while the rear yard parking will accommodate both residential and commercial vehicles.

Proposal Statistics

Land use	Commercial/Residential
Form	Existing Single-detached Dwelling
Height	3 storeys (10.5 metres)
Residential units	1
Density	1 unit per lot
Gross floor area	N/A
Building coverage	30%
Landscape open space	14%
Functional amenity space	N/A
New use being added to the local community	Yes

Mobility

Parking spaces	8 surface parking spaces
Vehicle parking ratio	4 spaces per unit
New electric vehicles charging stations	0
Secured bike parking spaces	Short-term bicycle parking rack
Secured bike parking ratio	NA
Completes gaps in the public sidewalk	NA
Connection from the site to a public	Yes
sidewalk	
Connection from the site to a multi-use path	NA

Environmental Impact

Tree removals	0
Tree plantings	0
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	NA
Existing structures repurposed or reused	Yes
Green building features	No

Appendix C – Internal and Agency Comments

Water Engineering – Received September 7, 2023

- The Owner's Engineer shall confirm that the site's current water service is adequately sized to handle the additional demands of the proposed restaurant and residential units.
- If the current water service is inadequately sized, or composed of lead, it shall be
 decommissioned to City Standards (cut and capped at the main) and a new water
 service shall be installed, at the Owner's expense, which conforms to City
 Standards.

UTRCA - Received September 14, 2023

- The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.
- The UTRCA has no objections to the application, and we have no Section 28 approval requirements.

Parks Planning – Received September 15, 2023

No comments.

Urban Design - Received September 25, 2023

 Provided the new use is limited to the existing building and no changes are being made to the exterior, Urban Design has no comments.

London Hydro - Received September 26, 2023

 London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Site Plan - Received October 3, 2023

No comments.

Heritage – Received October 4, 2023

- Cultural Heritage Context
 - The subject property at 607 Queens Avenue is listed on the Register of Cultural Heritage Resources. The adjacent properties also included heritage listed and designated properties including: 439 Adelaide Street North (listed on the Register), 442 Adelaide Street North (Banting House, Part IV designated), and 602 Queens Avenue (included within the East Woodfield Heritage Conservation District).
- Related Policy
 - Per Policy 565 of The London Plan, a heritage impact assessment is required for new development on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.
- Major Concerns
 - None
 - The current proposal is based on a change in use with no changes proposed to the form of the existing dwelling. If the proposed use does not result in any physical changes to the form of the existing dwelling, no further heritage studies are required.

Engineering - Received October 4, 2023

 Engineering has no concerns and/or comments related to the zoning application at 607 Queens Ave.

Ecology - Received October 5, 2023

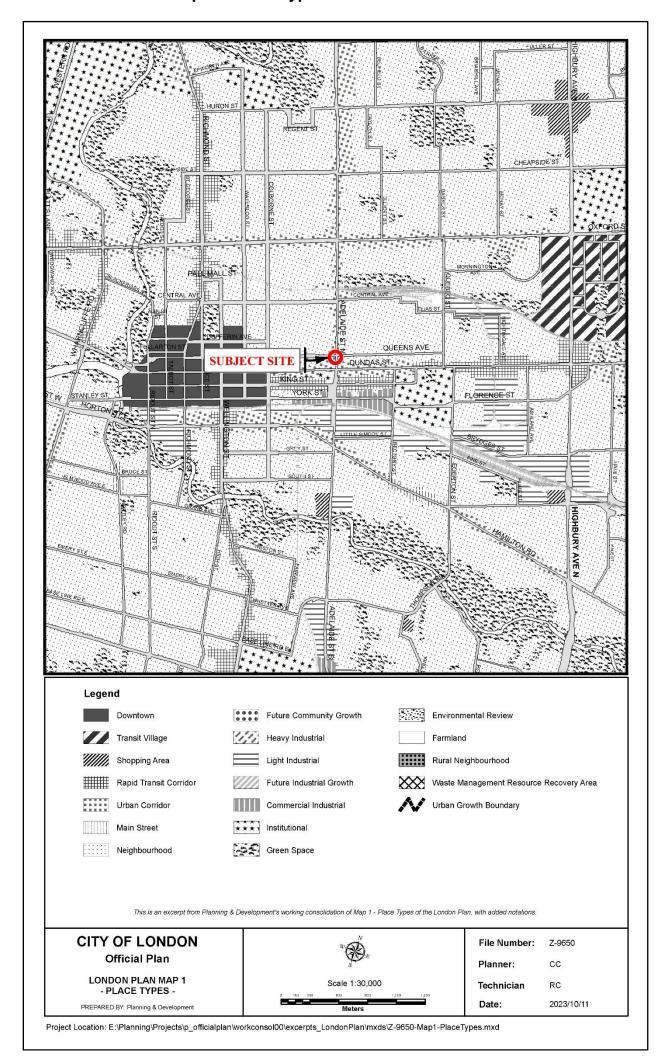
- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- Major issues identified
 - No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.
- Ecology complete application requirements
 - o None.
- Notes
 - o None

Appendix D – Public Engagement

No public comments were received for this application.

Appendix E – Relevant Background

The London Plan - Map 1 - Place Types



Zoning By-law Z.-1 - Zoning Excerpt

