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**Z-8599**  
**B. Turcotte**

<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: RYAN SINGH FOR MYSTERY ESCAPE ROOMS 551-555 WATERLOO STREET PUBLIC PARTICIPATION MEETING ON MAY 30, 2016</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Ryan Singh for Mystery Escape Rooms, relating to the property located at 551–555 Waterloo Street:

- a) the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on May 31, 2016 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning on a portion of the subject lands **FROM** a Residential R3 Special Provision (R3-1(6)) Zone **TO** a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4); and,
- b) the request to amend Zoning By-law Z.-1 to change the zoning of the subject lands to allow a ‘place of entertainment’ use, and a reduction in the number of required parking spaces for the use, for a temporary period up to one (1) year **BE REFUSED** for the following reasons:
  - the requested use is incompatible with the surrounding low density residential neighbourhood;
  - the requested use relies on off-site parking to accommodate demand; and,
  - the requested use, and associated Special Provision, is inconsistent with the Low Density Residential policies of Chapter 3 of the Official Plan and the Temporary Use By-law policies of Chapter 19 of the Official Plan.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Report of the General Manager of Planning and Development to the Planning Committee, July 17, 2006, recommending that “*The low-density residential neighbourhood within the area bounded by Wellington Street, Pall Mall Street, Waterloo Street and Princess Avenue [including the subject site – authors note] shall only provide for infill and intensification where such development is clearly compatible with the character, scale and intensity of the low density residential neighbourhood in this area. Area specific zoning regulations such as, but not limited to, maximum floor area, maximum dwelling size, and on-site parking limitations may be applied to ensure that future development meets this objective.*”

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose of the recommended Zoning By-law amendment is to adjust an existing zone boundary that currently bisects the subject lot into separate and distinct zones. The effect of the recommended Zoning By-law amendment would be that both buildings and their associated parking area would be in the same zone. The purpose and effect of the recommendation is to refuse the request to permit a place of entertainment use, and a parking reduction for the requested use, for a temporary period not exceeding 1 year.

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**LOCATION MAP**

Subject Site: 551 Waterloo St  
 Applicant: Mystery Escape Rooms  
 File Number: Z-8599  
 Planner: Brian Turcotte  
 Created By: Brian Turcotte  
 Date: 2016-03-09  
 Scale: 1:2500

**LEGEND**

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

Corporation of the City of London  
 Prepared By: Planning and Development

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<b>RATIONALE</b>
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1. The recommended Zoning By-law amendment is consistent with Section 1.1 of the *Provincial Policy Statement, 2014* which calls upon Planning Authorities to manage and direct land use efficiently by promoting efficient development and land use patterns and accommodating an appropriate range and mix of land uses;
2. The recommended Zoning By-law amendment will serve to implement the policies of Sections 3.2.1, 3.5, 3.5.4, and 3.6.9 of the Official Plan which identify the subject lands as an area where office conversion uses are permitted within the Low Density Residential designation;
3. The recommended Zoning By-law amendment is consistent with the policies of Section 19.5.1 of the Official Plan which speak to the recognition of a legally established land use in the Zoning By-law; and,
4. The request to add a “place of entertainment” use to the list of permitted uses, and a Special Provision to allow for a reduction in the number of required parking spaces for the “place of entertainment” use, for a temporary period not to exceed a year, is not recommended for reasons of compatibility, the ability of the site to accommodate on-site parking, and the potential long-term use of the temporary use.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> March 8, 2016	<b>Agent:</b> Monteith Brown on behalf of Ryan Singh (Mystery Escape Rooms)
<b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 from a: Residential R3 Special Provision (R3-1(6)) Zone (as this zone is currently applied to the existing parking lot) which permits single detached, semi-detached, duplex, triplex, converted dwellings and fourplex dwellings; and a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4)) Zone (as this zone is currently applied to the existing structures known as 551 and 555 Waterloo Street) which permits, in addition to the residential uses noted above, dwelling units and offices in existing buildings, to a Residential R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-( )) Zone to add a “place of entertainment use” to the list of permitted uses and a reduction in the number of required on-site parking spaces for the “place of entertainment use”, for a temporary period up to one year.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – two single detached converted dwellings (known municipally as 551 and 555 Waterloo Street) and a rear yard parking area. The single detached converted dwellings are located on the same lot and are structurally attached by a second storey enclosed walkway (now blocked at both ends). The walkway was constructed under permit from the City in 1984. The common parking area for 551 and 555 Waterloo Street is accessed via a City owned laneway to the immediate south of the property.  The converted single detached dwelling located at 551 Waterloo Street currently contains a ‘place of entertainment’ use (Mystery Escape Rooms) and a residential dwelling unit. The converted single detached dwelling located at 555 Waterloo Street contains a professional (lawyers) office and a residential dwelling unit.</li> <li>• <b>Frontage</b> – 30 metres (98 feet), <b>Depth</b> – 48 metres (157 feet), <b>Area</b> – 0.35 acres (0.1 hectares)</li> </ul>

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<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - medical/dental office conversion</li> <li>• <b>South</b> - 3-storey walk-up apartment building</li> <li>• <b>East</b> - single detached dwellings, converted multi-unit dwellings, office conversions</li> <li>• <b>West</b> - single detached dwellings and converted multi-unit dwellings</li> </ul>

<b>OFFICIAL PLAN DESIGNATION – See Official Plan Map (Low Density Residential)</b>
<b>EXISTING ZONING – See Zoning Map (R3-1(6) and R3-2(6)/OC4)</b>

<b>PLANNING HISTORY</b>
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**The Council Approved Zoning:**

In 2005 Municipal Council for the Corporation of the City of London directed that the General Manager of Planning and Development undertake a land use review of the area (see Attachment 1) bounded by Wellington Street, Pall Mall Street, Princess Avenue and Waterloo Street [including 551 and 555 Waterloo Street – author’s emphasis]. Council’s direction came as a result of residential intensification activity within this neighbourhood and concerns expressed by residents regarding the impacts of intensification on the surrounding neighbourhood. These intensification concerns included: privacy loss; loss of residential amenity space; building orientation; safety and maintenance issues pertaining to laneways; and, the provision of sufficient off-street parking spaces.

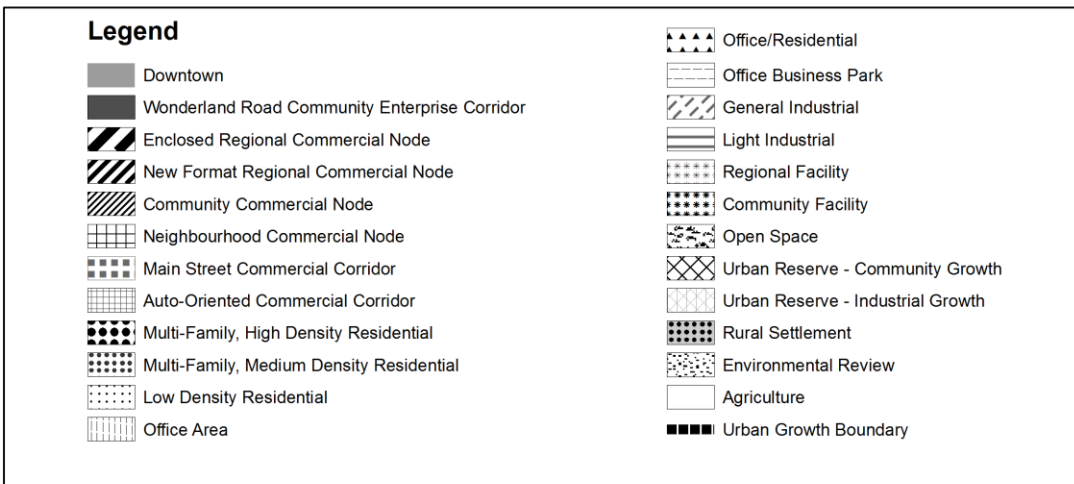
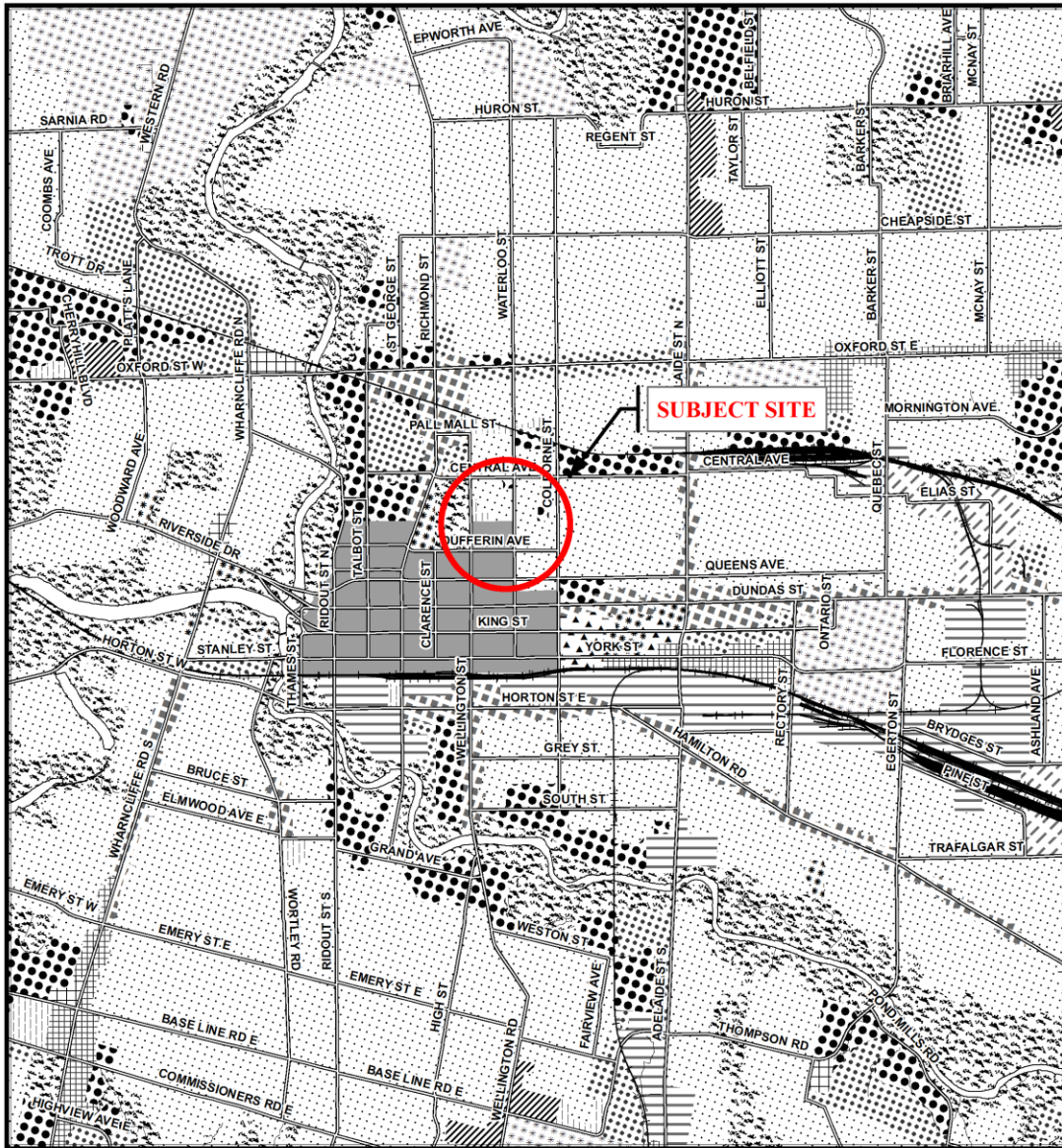
In a July 17, 2006 report to the City of London Planning Committee, the General Manager of Planning and Development recommended that the following actions be taken with respect to the City-initiated Official Plan and zoning review of the area bounded by Wellington Street, Pall Mall Street, Waterloo Street [including the subject lands – author’s emphasis] and Princess Avenue:

- a) that a by-law **BE INTRODUCED** at the Municipal Council meeting on July 24, 2006 to amend the Official Plan to change Section 3.5.4 Woodfield Neighbourhood policies by adding the following “The low density residential neighbourhood within the area bounded by Wellington Street, Pall Mall Street, Waterloo Street and Princess Avenue shall only provide for infill and intensification where such development is clearly compatible with the character, scale and intensity of the low density residential neighbourhood in this area. Area-specific zoning regulations such as, but not limited to, maximum floor area ration, maximum dwelling size, and on-site parking limitations may be applied to ensure that future development meets this objective.”
  
- b) that a by-law **BE INTRODUCED** to amend Zoning By-law Z.-1, in conformity with the Official Plan, as amended in part (a) above, to change the zoning of the subject lands [including lands known municipally as 551 and 555 Waterloo Street – author’s emphasis] from a Residential R3 (R3-1) Zone, a Residential R3 (R3-2) Zone, a Residential R3/Office Conversion (R3-1/OC2) Zone, a Residential R3/Office Conversion (R3-2/OC2) Zone, a Residential R3/Office Conversion (R3-2/OC4) Zone, a Residential R3/Office (R3-1/OF) Zone, and a Residential R3/Residential R11 (R3-2/R110 Zone to a Residential R3 Special Provision (R3-1(\_)) Zone, a Residential R3 Special Provision (R3-2(\_)) Zone, a Residential R3 Special Provision/Office Conversion (R3-1(\_)/OC2) Zone, a Residential R3 Special Provision/Office Conversion (R3-3(\_)/OC2) Zone, a Residential R3 Special Provision/Office Conversion (R3-2(\_)/OC4) Zone, a Residential R3 Special Provision/Office (R3-1(\_)/OF) Zone, and a Residential R3 Special Provision/Residential R11 (R3-2(\_)/R11) Zone.



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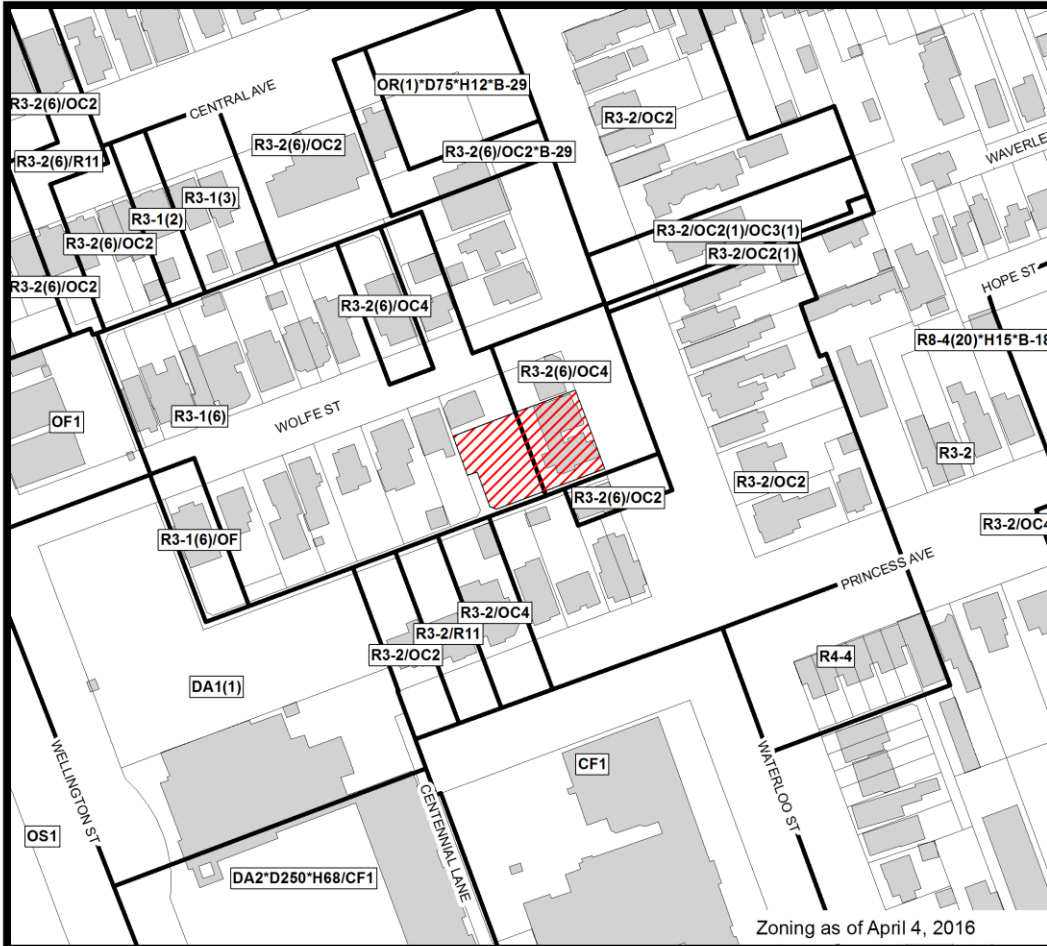


<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 100 200 400 800 1200 1500 Meters</p>	<p>FILE NUMBER: Z-8599</p> <p>PLANNER: BT</p> <p>TECHNICIAN: MB</p> <p>DATE: 2016/04/19</p>
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Zoning as of April 4, 2016

**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R3-1(6) and R3-2(6)/OC4**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING BY-LAW NO. Z.-1**  
**SCHEDULE A**

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
**Z-8599** **BT**

MAP PREPARED:  
**2016/04/19** **MB**

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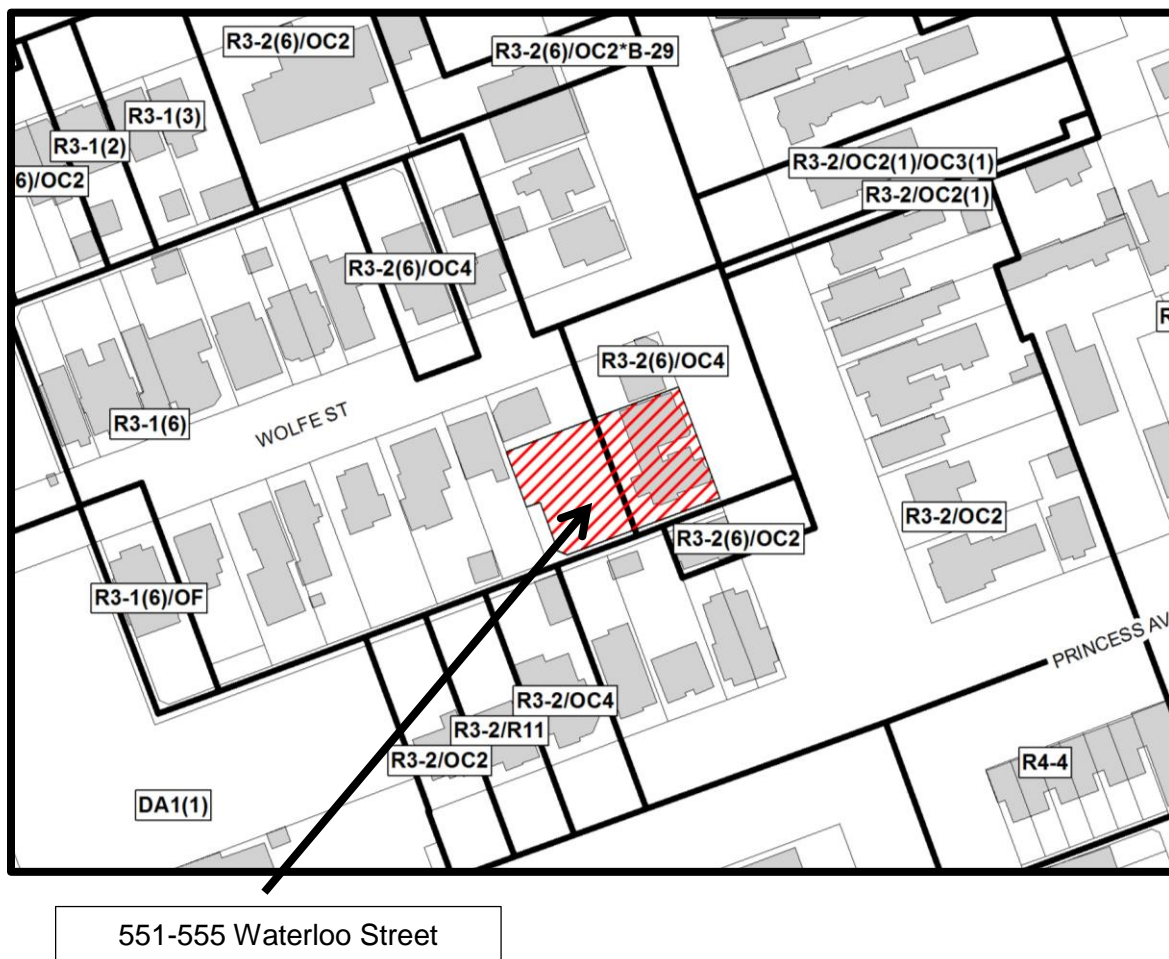


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On July 24, 2006 Municipal Council for the Corporation of the City of London adopted By-law No. Z.-1-061540 to implement the Official Plan and Zoning By-law amendments detailed above (see Figure 1 below).

**Figure 1 – The Existing Zone Boundary Dissecting 551-555 Waterloo Street**



By-law No. Z.-1-061540 did not adjust the zone boundary which bisects the lands known municipally as 551-555 Waterloo Street (which was at the time and remains today a single lot of record) into two separate and distinct zones. The two existing converted dwellings are placed in a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone. The parking area associated with the structures known municipally as 551-555 Waterloo are placed in a Residential R3 Special Provision (R3-1(6)) Zone.

By-law No. Z.-1 was subsequently appealed to the Ontario Municipal Board (OMB) by the owner of several properties fronting onto the north side of Princess Avenue. Through correspondence with the Board’s administrative staff the parties to the hearing advised the Board that they had fully resolved their differences through settlement negotiations. In a teleconference hearing, the City presented evidence that the properties fronting the north side of Princess Avenue were distinguishable from the balance of the lands to which By-law No. Z.-1 -061540 applied and that a modest adjustment to the southerly boundary (shifting it such that the properties on the north side of Princess Avenue would be removed from the area affected by the By-law) would be appropriate.

On April 18<sup>th</sup>, 2008 the OMB issued Order No. PL060853 and By-law No. Z.-1-061540 came into force and effect. The Board Order essentially carried forward and confirmed Council’s adopted Zoning By-law amendment shown on Figure 1 above, excluding those properties on the north side of Princess Avenue.

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**Mystery Escape Rooms Opens:**

In November of 2014 Mystery Escape Rooms (MER) established their operations in 551 Waterloo Street. MER started "...as a consulting business for corporate groups aimed at adults to role play providing challenging scenarios for teams to work together in achieving a common goal, to escape the room". In escaping the room "...groups of 2 to 8 people are put in a themed room together with a number of puzzles and clues to solve in order to get themselves out of the room. Teams must work together to collaborate their escape with sessions typically running roughly an hour. Sessions are scheduled by reservation."

**A Zoning By-law Complaint and an Order to Comply:**

The lands known municipally as 551-555 Waterloo Street are zoned a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone and a Residential R3 Special Provision (R3-1(6)) Zone.

The Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone (which applies to the two existing converted dwellings) permits: single detached; semi-detached; duplex; triplex, fourplex; converted dwellings; dwelling units; and offices in existing dwellings.

The Residential R3 Special Provision (R3-1(6)) Zone (which applies to the parking area to the rear of the two existing converted structures) permits: single detached; semi-detached; duplex; triplex, fourplex; and converted dwellings. Neither the Residential R3 Special Provision nor the Office Conversion Zones described above permit "a place of entertainment use".

On January 16, 2015 a Zoning By-law complaint was received by the City of London in regards to the operation of a non-permitted use on lands known municipally as 551 Waterloo Street.

On January 19, 2015, Development and Compliance Services of the City of London advised the owner and commercial tenant of MER (Ryan Singh) that the use of the property at 551 Waterloo Street as a 'place of entertainment' was in contravention of the Z.-1 Zoning By-law. Mr. Singh was instructed by the City to bring this property into compliance by March 16, 2015. For the purposes of the Z.-1 Zoning By-law, a "place of entertainment" is defined as a "building, or part thereof, used for the general purpose of providing entertainment and includes cinemas, theatres, art galleries, commercial recreation establishments, auditoriums and all other places of amusement, but excludes amusement games establishments."

On April 7, 2015, a Pre-Application Consultation meeting was held with City of London Planning staff and representatives of Mr. Singh. The purpose of the Pre-Application meeting was to receive comments from City staff regarding the submission of a possible Zoning By-law amendment application to provide for the Temporary Use of 551 Waterloo Street for a mystery escape room. In the City's Record of Pre-Application Consultation of the meeting, the following land use issues were identified by City Planning staff to Mr. Singh's then representative:

- "...the Low Density Residential policies and the specific policies of the Woodfield neighbourhood in Section 3.5.4 of the Official Plan do not support a commercial recreation establishment;
- commercial recreation establishments should be directed to other designations in the Official Plan in which they are permitted;
- There are potential issues with the application of the Temporary Use policies to the proposal, relating to maintaining the general intent and purpose of the Official Plan, compatibility, parking requirements and the potential long-term use of the temporary use; and,
- Review of the application will be partially dependent on establishing the parking requirements for the combined use of the property for office, commercial recreation and



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*residential purposes. Allowing a use that would encourage overflow parking on neighbouring residential streets would be inappropriate.”*

Notwithstanding these discussions, and the Order to Comply by March 16, 2015, an application requesting a Zoning By-law amendment to permit a “place of entertainment” use was not submitted throughout the balance of 2015.

In August of 2015 MER purchased a four storey building at 388-390 Richmond Street in which to relocate their business. MER has indicated to the City that they wish to carry out interior alterations and renovations to all four floors of their new location prior to relocation so as to avoid any disruption to their business. As of April 21, 2016, interior alteration permits to facilitate the renovations to 388-390 Richmond Street have not been applied for, or secured, through the City of London Building Division.

On October 30, 2015 the City of London Building Division issued an Order to Comply to Mr. Singh for 551 Waterloo Street indicating that ‘...*a change of use and interior alterations have taken place without the benefit of a Building Permit*’.

In February of 2016 a Municipal By-law Enforcement Officer attended 551 Waterloo Street and obtained evidence of the use of the property in violation of the Z.-1 Zoning By-law.

On March 8, 2016 the City of London Planning Division accepted a Zoning By-law Amendment application from Monteith Brown Planning Consultants (Mr. Singh’s new consultant) to permit a ‘*place of entertainment use*’ in an existing converted structure located at 551 Waterloo Street for a temporary period of up to one year. The application further sought a Special Provision for the Temporary Use - the purpose and effect of which was to provide for a reduction in the required number of on-site parking spaces from 20 to 18 parking spaces.

The Zoning By-law Amendment application also included a request by Mr. Singh (on behalf of the property owner of 551 – 555 Waterloo Street) to adjust the zone boundaries for the site. As noted above, an existing zone boundary currently bisects the subject lot into separate and distinct zones (one zone for the existing converted dwellings and one zone for an existing parking area). The effect of the requested Zoning By-law amendment would be that both buildings and their associated parking area would be in the same zone. The Zoning By-law Amendment application included an executed “Authorization of Agent” form signed by the property owner who is desirous of addressing the implications of the “*split zoning*”. As noted in the applicant’s Zoning By-law Amendment request ‘...*The long-term zone boundary should be adjusted around the property limits to rightfully permit non-residential uses parking on the same property with the converted offices. This would remedy the current zone boundary dividing the parking lot from the buildings and be completed at the discretion of City staff.*’...

The City of London Building Division has delayed further action on the illegal use or the Order to Comply described above pending a Council decision on Mr. Singh’s Zoning By-law Amendment application.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Transportation Planning and Design comment:**

*“Transportation has no issues with the Temporary 1 year zoning application”.*

**WADE comments:**

*“WADE has no objection.”*

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**UTRCA:**

*“The UTRCA has no objection to this application.”*

**London Hydro:**

*“London Hydro has no objection to this proposal...”*

<b>PUBLIC LIAISON:</b>	On March 16, 2016, a Notice of Application was sent to 58 property owners (and the Woodfield Community Association) in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on March 17, 2016. A “Possible Land Use Change” sign was also posted on the site.	8 e-mail responses were received in response to the Notice of Application.
<b>Nature of Liaison:</b>		
<b>A Request for a Temporary Zone:</b>		
The purpose and effect of the requested Zoning By-law amendment is to permit a “place of entertainment use” in an existing converted structure known as 551 Waterloo Street for a temporary period of up to one year. The applicant is also seeking a special provision to the Zoning By-law the purpose and effect of which would be to allow for a reduction in the number of on-site parking spaces to accommodate the “place of entertainment” use for a temporary period up to one year.		
<b>A Request to Adjust the Zone Boundaries for the Site:</b>		
The purpose of the requested Zoning By-law amendment is to adjust an existing zone boundary that currently divides the subject lands into two separate and distinct zones (one zone for the existing buildings and one zone for the parking lot). The effect of the requested action would be that both buildings and their associated parking would be in the same zone.		
Change Zoning By-law Z.-1 from a: Residential R3 Special Provision (R3-1(6)) Zone (as this zone is currently applied to the existing parking lot) which permits single detached, semi-detached, duplex, triplex, converted dwellings and fourplex dwellings; and a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4)) Zone (as this zone is currently applied to the existing structures known as 551 and 555 Waterloo Street) which permits, in addition to the residential uses noted above, dwelling units and offices in existing buildings, to a Residential R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-( )) Zone to add a “place of entertainment use” to the list of permitted uses and a reduction in the number of required on-site parking spaces for the “place of entertainment use”, for a temporary period up to one year.		
<b>Responses:</b> The e-mail responses are included as Attachments 5 through 9 of this report. Issues raised by respondents include the appropriateness of the requested temporary “place of entertainment” use and parking concerns.		

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**ANALYSIS**

This section provides an overview of the key planning policies applicable to the proposed application, identifies issues raised as part of staff’s review, and forms the basis for the recommendations contained in this report.

**The Subject Site:**

The subject lands are two whole (but presently merged lots) on a Registered Plan. The subject lands contain two single detached converted dwellings (known municipally as 551 Waterloo Street and 555 Waterloo Street). The two dwellings are joined by a second storey enclosed walkway that was constructed under permit from the City of London in 1984. The walkway is currently sealed at both ends.

The applicant (MER) occupies approximately 230 square metres (2,475 square feet) of floor space on the first and second floor of 551 Wellington Street. A residential dwelling unit occupying 125 square metres (1,345 square feet) occupies the balance of the second floor (see Figure 2).

555 Waterloo Street is currently occupied by 260 square metres (2,798 square feet) of professional office space. A 125 square metre (1,345 square foot) residential dwelling unit occupies the balance of 555 Waterloo Street (see Figure 1).

**Figure 2 – 551 and 555 Waterloo Street**



The subject lands front Waterloo Street. This particular stretch of Waterloo Street is classified as a Secondary Collector Road on Schedule C – Transportation Corridors to the City of London Official Plan. A common parking area for the two single detached converted dwellings is located in the rear yard. The parking area is accessed via a 3.6 metre (12 foot) wide unassumed public



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lane, see Figure 3). Under the City of London Lane Maintenance Policy, abutting property owners are responsible for the bulk of the lane maintenance.

**Figure 3 – City owned Public Lane**

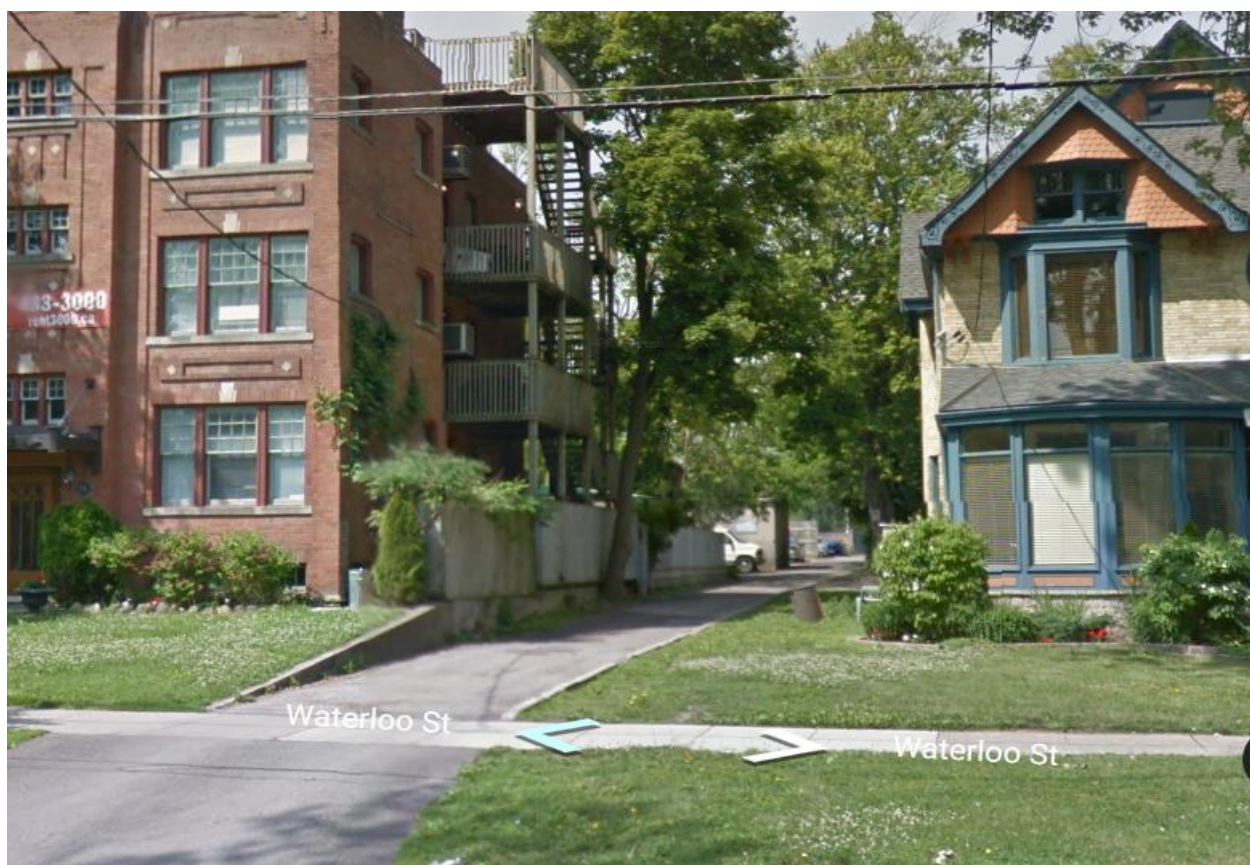


Table 1 (provided by the applicant’s consultant) notes the current land uses on the site, their floor area, and the required number of on-site parking spaces.

**Table 1 – Required Parking Spaces**

Land Use	Permitted Use	Current Use	Floor Area	Parking Reg.	Total	Provided	%
Office	Office Business Converted	Law Office & Vacant	280m <sup>2</sup>	1/45m <sup>2</sup>	6	6	
Residential	Converted units	2 Converted Units	250m <sup>2</sup>	1/unit	2	2	
Commercial Facility	Place of Entertainment	Mystery Escape Rooms (MER)	230m <sup>2</sup>	1/20m <sup>2</sup>	12	10	
<b>TOTAL</b>			<b>740m<sup>2</sup></b>		<b>20</b>	<b>18</b>	<b>90%</b>

Table 1 demonstrates that, given the existing land use mix and allocated floor area, a total of 20 parking spaces would be required under the Z.-1 Zoning By-law. The parking area plan (provided by the applicant) shown on Figure 4 depicts a total of 18 assigned parking spaces. Information as to whom these parking spaces are assigned to, or reserved for, was not made

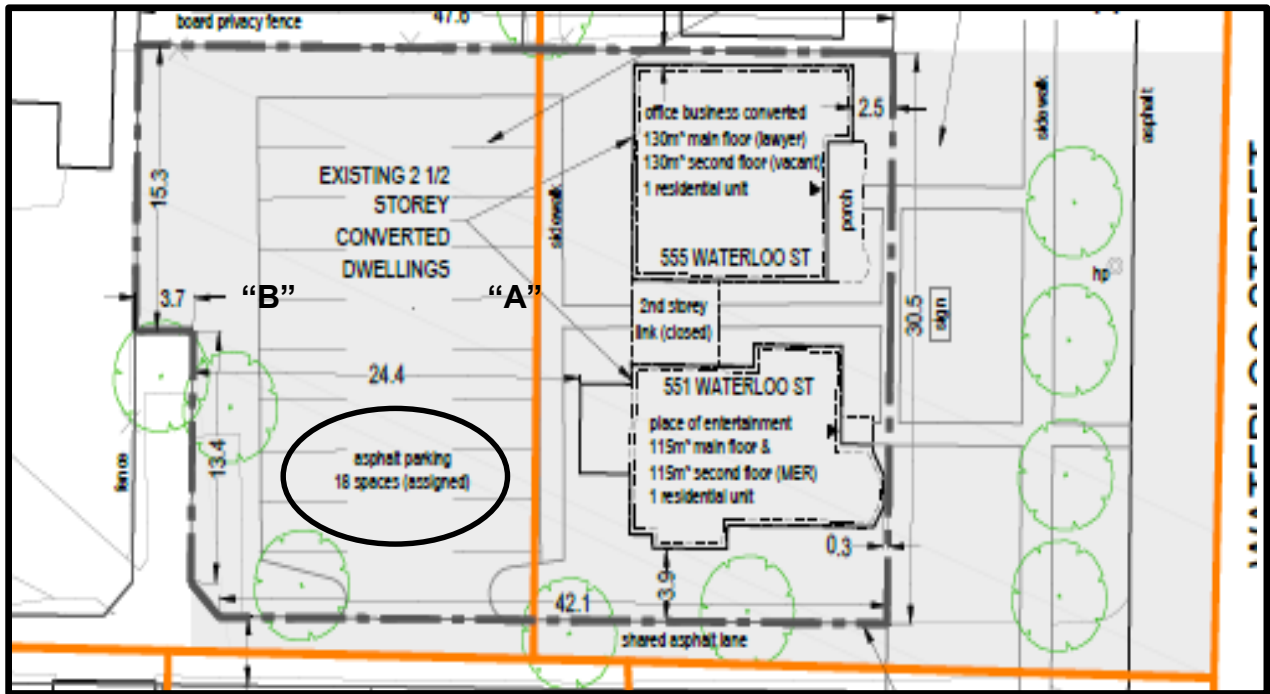


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available. Figures 5 and 6 below show 13 vehicles parked on the site during site visit at 1:00 p.m. on Thursday, April 14, 2016.

**Figure 4 – The Existing Parking Area Plan**



Should Council decide to approve the application for the Temporary Use “(T)” Zone, staff would recommend that Site Plan Approval be required to address the intensity issues associated with the temporary use including, but not limited to, the parking area, parking stall width, on-site lane width, public lane access, and on-site snow and garbage storage.

**Figure 5 – Reserved Parking Stalls (‘A’ on Figure 4)**



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Figure 6 – Reserved Parking Stalls (“B” on Figure 4)



**Nature of the Application:**

The application before Council seeks two specific zoning requests:

- The commercial tenant of 551 Waterloo Street, Ryan Singh (on behalf of Mystery Escape Rooms) is requesting a Temporary Use “(T)” Zone be added to the existing Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone to add a “place of entertainment use” to the list of permitted uses for a temporary period of up to one year. The commercial tenant is further seeking a Special Provision “( )” to the Temporary Use “(T)” Zone to reduce the number of required on-site parking spaces from 20 to 18; and,
- The commercial tenant of 551 Waterloo Street, Ryan Singh (on behalf of the property owner of 551-555 Waterloo Street) is seeking a zone boundary adjustment. A zone boundary currently bisects the subject lands into two separate and distinct zones (one zone affecting the existing buildings and one zone affecting the parking area). The applicant seeks to include both the buildings and the parking area in the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone.

For the purpose of the Analysis Section, these two requests shall be addressed independent of the other. The request of Ryan Singh for a Temporary Use “(T)” Zone and associated Special Provision) shall be dealt with under Part A of the Analysis Section. The request for a zone boundary adjustment shall be dealt with under Part B of the Analysis Section.

<b>ANALYSIS – PART A</b>
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Part A of the Analysis Section shall firstly consider the commercial tenant’s request for a Temporary Use “(T)” Zone for a “place of entertainment use” and the accompanying Special Provision for a reduction in the required number of on-site parking spaces. In considering this request, the following issues shall be considered:





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The Masonic Temple has operated out of 453 Dufferin Avenue since 1964. The Mocha Shriners Club has operated out of 468 Colborne Street since 1955. The London Music Club established their operations in the previous Knights of Columbus Lodge located at 470 Colborne Street approximately 10 years ago. City of London Assessment Roll records from 1966 show 470 Colborne Street as being owned by the Knights of Columbus. While it is acknowledged that all three examples cited by the applicant provide for an existing commercial recreation use within the larger Woodfield neighbourhood on lands designated for Low Density Residential purposes, the following responses are offered:

- the assembly hall type uses cited by the applicant have had an established presence in the Woodfield neighbourhood for an extended period of time. All three examples cited by the applicant, predating the regulations of the Z.-1 Zoning By-law by as much as 30 years, would enjoy legal non-conforming status and shouldn't be used as justification to expand such uses into other areas of Woodfield;
- the City of London's Development Tracking System (Amanda) does not include any reference to an "active parking complaint" associated with the land use examples cited by the applicant. Similarly, the City of London's Development Tracking System does not reference an 'active parking complaint' for lands known as 551-555 Waterloo Street. That being said, the issue of parking, both on-site and in the vicinity of 551-555 Waterloo Street, is consistently identified by area residents as a matter of local concern in their review of the request for a Temporary "place of entertainment" use and an associated Special Provision to provide for parking relief (see Attachments 2, 3, 4, 5 and 6);
- Schedule A – Land Use to the City of London Official Plan identifies the examples offered by the applicant as being within the Low Density Residential designation. The policies of the Official Plan are quite clear – they do not recognize a new "place of entertainment" or "commercial recreation" use as a Primary or Secondary Permitted use within the Low Density Residential designation;
- Section 3.5 of the Official Plan further identifies policies for "Specific Residential Areas" designated for Low Density Residential purposes. Section 3.5.4 of the Official Plan identifies the Woodfield Neighbourhood as one such Specific Residential Area. The Woodfield Neighbourhood includes 551-555 Waterloo Street, as well as the properties cited as examples by the applicant. The policies of Section 3.5.4, which are intended to implement the findings and recommendations of the City initiated 2006 Land Use Review (detailed under the Planning History Section to this report) state:

*"...the low density residential neighbourhood within the [Woodfield – author's emphasis] area bounded by Wellington Street, Pall Mall Street, Waterloo Street [including 551-555 Waterloo Street – author's emphasis] and Princess Avenue shall only provide for infill and intensification where such development is clearly compatible with the character, scale and intensity of the low density residential neighbourhood in this area. Area- specific zoning regulations such as, but not limited to, maximum floor area ratio, maximum dwelling unit size and on-site parking limitations may be applied to ensure that future development meets this objective."*

The policies of the Official Plan for Specific Residential Areas, including the policy cited above, apply to 551-555 Waterloo Street and the larger area defined therein. This policy does not apply to those commercial recreation establishments cited by the applicant. This policy gives special considerations to the land use and planning issues particular to the planning area defined to include 551-555 Waterloo Street including:

- residential intensification and the impacts on the surrounding neighbourhood, privacy loss and loss of residential amenity space;



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- building orientation; safety and maintenance issues pertaining to laneways; and, the provision of sufficient off-street parking spaces.

The examples offered by the applicant should not be given consideration in the review of the present zoning request when the long-term intent for a legal nonconforming use is to cease to exist.

**Anticipated Parking Demands:**

Based on the parking demand information provided by MER above, the applicant’s Transportation Engineer has, in an opinion letter submitted in support of the application, drawn a number of conclusions that have been synthesized in Table 2. It should be noted that in order to assess demand, the consulting Transportation engineer has “...*assumed an average car occupancy rate of 2.5 people per vehicle... [and that] ...those customers will arrive together in groups of two to four people per vehicle.*” The Transportation Engineer has further assumed “...*a parking requirement of one space for staff*”.

**Table 2 - Parking Space Demand**

Day of the Week	Anticipated Number of Customers	Anticipated Number of Vehicles attending site*
Typical Weekday before 5 p.m. for “corporate and special daytime bookings”	3-6	3
Weekday evenings after 5 p.m.	10	5
Friday evenings after 5 p.m.	20	9
Saturday 10 a.m. to midnight	100-150 (staggered hours – 25 per hour max)	11*
Sunday (11 a.m. to 10 p.m.) no information provided		

Based on the above, it is the opinion of the applicant’s Transportation Engineer that the ‘...*number of on-site parking spaces available to Mystery Escape Rooms is adequate to meet the needs of the business*’.

It should be noted that MER’s webpage contains a drop down list of frequently asked questions (FAQ’s) for their customers. These questions include, but are not limited to, “...*Can we extend our time in the room?*” and “*Where can I park?*” In response to these FAQ’s MER’S website offers the following answers:

- “*Can we extend our time in the room?*”  

*“Yes, but only for private bookings and tailored games.”*
- “*Where can I park?*”  

*“...After 5 p.m., and all day on weekends, we offer lots of free parking behind our building (in any spot, including those marked reserved) – enter through the alleyway beside our building. **On weekdays before 5 p.m., there is two hours of free parking on Central Avenue, two blocks north of us, or paid metre parking on Princess Street, one block south of us [author’s emphasis].**”*

Based on the existing uses (including MER) and their floor area allocation, the General Parking Provisions of the City’s Z.-1 Zoning By-law would require 20 on-site parking spaces. A total of 12 spaces would be required for the requested Temporary Use – the applicant is seeking a Special Provision to allow for 10 parking spaces.

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The applicant has stated, given their hours of operation (primarily after 5:00 p.m. on weekdays and all day on weekends), that the requested reduction to the number of required parking spaces is appropriate. The applicant has further stated that their hours of operation typically do not include Monday through Friday before 5:00 p.m.) when parking may be at a premium given the existence of two residential dwelling units and a professional office also located on-site.

The General Parking Provisions of the City’s Z.-1 Zoning By-law serve to ensure that a sufficient amount on-site parking is provided for the uses located on a property. The General Parking Provisions are not tied to hours of operation. The General Provisions require that all of the required parking spaces be available for use no matter what the time of day. The “*provision of sufficient off-street parking*” served as one of the principle considerations in the preparation of the City’s 2006 Land Use Review of the area. Ten years later, the issue of sufficient on-site parking remains a concern with area residents (as evidenced in correspondence received in response to the request for Temporary “(T)” Zone for a “place of entertainment” use” - see Attachments 2, 3, 4, 5 and 6).

A shortage of on-site parking spaces is acknowledged and recognized by the applicant on their own webpage wherein they state “*After 5 p.m., and all day on weekends, we offer lots of free parking behind our building (in any spot, including those marked reserved) – enter through the alleyway besides our building. On weekdays before 5 p.m., there is two hours of free parking on Central Avenue, two blocks north of us, or paid metre parking on Princess Street, one block south of us*”(author’s emphasis).

The request for a Special Provision to provide for a reduction in the number of required number of on-site parking spaces from 20 spaces to 18, while seemingly numerically insignificant, would be inappropriate given the parking pressures already existing in the neighbourhood. Also, the assumptions used to attain the parking demand leave little room for error. If customers travel in vehicles with less than three occupants, the provision of parking may quickly become insufficient.

**Expansions to the Existing Facility and an Anticipated Relocation Timeline:**

MER’s website contains information on the themed rooms available for booking. These rooms have been identified in Table 3.

**Table 3 – Themed Rooms**

Theme Room	Minimum and Maximum Number of Players	Open or opening
The Mystic’s Parlor	4 minimum and 8 maximum	Now Open
The Blue Room	2 minimum 4 maximum	Open April 23, 2016
The Faery’s Hemlock	3 minimum and 9 maximum	Opens May 19, 2016
The Haunted Mansion	6 minimum and 16 maximum	Open
The Red Room	2 minimum and 4 maximum	Open
The Professor’s Office	2 minimum and 6 maximum	Open
The Museum Heist	4 minimum and 8 maximum	Open

It would appear from MER’s website that two new rooms opened recently with another room set to open in May. In response to staff’s expressed concerns regarding this expansion, Mr. Singh offered the following timeline in an e-mail to Planning staff on April 13, 2016:

*‘We aren’t expanding, we are just replacing the rooms we already have in existence and converting one of our two offices at the Waterloo Street location into a new room, as we are delayed on the new location.....388 Richmond Street will be a second location in London until we fully transition – because we will have two separate locations open at once for a short period of time until all our rooms are open. We hope to open our first room there [388 Richmond Street] in*

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*July – that is if construction goes well and if the ground floor gets completed in June (although that’s seemingly unlikely as the structural and mechanical engineers have not yet completed their drawings to submit to the City – but we hope they will next week).*

*The second floor will be next and hopefully we’ll have it done by September or October. The third and fourth floors will take a significantly longer time for construction as they are gutted down to the studs...We do intend to fully transition to the new location and shut down the current location and move a couple of our new rooms there eventually. But...this will take time. While we are waiting for the new location to be finished, there will most certainly be two locations open at the same time, as opening one or two rooms there will be insufficient for business and won’t be enough to cover our costs by any means. It won’t be until we have the third and fourth floors done that we have enough to generate revenue to cover costs (let alone the construction costs of the new location). Our plan is to fully transition to the new location when it is complete, which I why we asked for one year in the temporary zoning request – because it likely will be next winter sometime before we’re able to open all of our rooms there and shut down the Waterloo Street location.”*

MER indicates in their e-mail that, while “they are not expanding”, they have “converted one of their two office spaces into a new room”. Converting an existing office space into an additional “mystery room” may put additional parking pressures on the site and the larger neighbourhood.

As noted in the History Section to this report, the City of London has delayed further action on the illegal use or the Order to Comply described above pending a Council decision on Mr. Singh’s Zoning By-law Amendment application.

After one and a half years of zoning and building compliance issues there is a public interest in seeing this matter resolved. However, the applicant has indicated that it is his intention to continue to operate out of 551 Waterloo Street until all four floors at his new location at 388 Richmond Street are completely renovated and available for booking by the public. The applicant has stated that the renovation of the third and fourth floors “...will take a significant amount of time as these floors are gutted down to the studs”. As of the date of the preparation of this report, the City of London Building Division has not received the mechanical or structural drawings referenced by the applicant above. The applicant continues however to repurpose existing mystery rooms - and convert an existing office space into a new additional mystery room – at the current location at 551 Waterloo Street thereby increasing the usability of the subject site.

**Additional Land Use Impacts:**

*Hours of Operation*

In support of their request for a Temporary Use “(T)” Zone for a ‘place of entertainment”, the applicant has submitted information pertaining to their hours of operation and parking demand. Additional information was gathered from MER’s website.

Table 4 details MER’s advertised hours of operation. Table 4 also notes that “Corporate and Special Bookings” may also be made outside of these normal hours of operation.

**Table 4 – Hours of Operation**

Day of the week	Hours	Corporate and Special Daytime Bookings
Monday -Thursday	6 p.m. – 10 p.m.	“By appointment only”
Friday	6 p.m. – 10 p.m.	“By appointment only”
Saturday	10 a.m. – 1. a.m.	“By appointment only”
Sunday	11 a.m. – 10 p.m.	“By appointment only”

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The following observations have been offered by the applicant in regards to their hours of operation:

- *“...at any given time groups are either participating in an activity or waiting to enter an escape room...and each session takes an hour...”;*
- *“...on a typical weekday, “...only special requests from the public and corporate bookings are scheduled. These occur infrequently, no more than once or twice a week, and usually involve no more than three to six people.....”;*
- *“...on weekday evenings, up to 10 customers could be in the building at one time....”;*
- *“...Demand is higher on Friday evenings, up to 20 people at a time...”; and,*
- *“...On Saturdays, the facility is open from 10 a.m. to midnight. Typically, 100 to 150 customers visit the site during the 14 hours of operation. Entry times to the escape rooms are staggered so as to avoid a concentration of people at one time. Maximum occupancy on a Saturday therefore is about 25 people...”*

*Level of Intensity*

551 Waterloo Street is embedded in a low density residential neighbourhood characterized by, and zoned to provide for, a mixture of single detached, semi-detached, duplex, triplex, fourplex and converted dwellings. The area also contains a number of existing single detached dwellings that have been partially or totally converted for office uses. There are no examples of a ‘place of entertainment use’ or a ‘commercial recreation use’ within the immediate vicinity of the subject site.

MER’s is open for business after 5:00 p.m on weekdays and all day on weekends. Friday evenings (from 6 p.m. till 10 p.m.), all Saturday (from 10 a.m. till 1 a.m.) and Sundays (from 10 a.m. till 10 p.m.) is when MER claims to be most busy (attracting as many as 150 customers a day on a typical Saturday).

MER’s typical hours of operation (extending as they do into the evening hours on weekdays and weekends) and their request for a Temporary Use “(T)” Zone to provide for a ‘place of entertainment, would not be in keeping, or be compatible with, the planned function or character of the surrounding low density residential neighbourhood. Concerns regarding the establishment of a commercial use in a low density residential neighbourhood have also been expressed by area residents (See Attachments 2, 3, 4, 5 and 6).

**Is the Requested Temporary Use “(T)” Zone and associated Special Provision Consistent with the Provincial Policy Statement, 2014?**

The *Provincial Policy Statement (PPS), 2014* provides policy direction that encourages the development of complete communities as well as the efficient use of land. More specifically, Section 1.1 of the PPS states that *‘Healthy, livable and safe communities are sustained by promoting efficient development and land use patterns.....accommodating an appropriate range and mix of land uses....’*

As demonstrated in Part A of the Analysis Section above, the requested Temporary Use “(T)” Zone to add a *“place of entertainment’* to the list of the permitted uses for a period of up to a year is not consistent with the planned function of the neighbourhood - which has been appropriately designated and zoned to provide for an appropriate range and mix of uses given its unique planning considerations and challenges. The introduction of a commercial operation, particularly one whose hours of operation could negatively impact the livable and safe community called for in the PPS, would be inappropriate.

The effect of the requested Special Provision to provide for a reduced parking standard for the temporary use is also contrary to the spirit and intent of the PPS which calls on Planning



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Authorities to manage and direct land use so as to achieve “*Healthy, livable and safe communities*”. A reduction in the required number of on-site parking spaces will place further parking pressures on a neighbourhood where shortages thereof have already been identified as an issue and matter of local concern. As one respondent to the City’s Notice of Application states:

*“...The problem of parking in this area has reached a critical level in which people no longer have any respect for others property and park where ever there is an open space. We have noticed neighbors getting angry to the point of intervention and even confrontation... (see Attachment 2) ”*

Another respondent has commented “...As the owner of the adjacent property, just last week I had someone ask permission to park for 30 people that were going to attend an event at this address.”

The requested amendment to provide for a Temporary “(T)” Use zone for a “*place of entertainment*”, and the associated request for a Special Provision for a reduction to the parking standard, is not consistent with, nor would it serve to implement, the “*Healthy, livable and safe community*” policies of Section 1.1 of the Provincial Policy Statement.

**Is the Requested Temporary Use “(T)” Zone and associated Special Provision Consistent with the policies of the City of London Official Plan?**

The requested action has been shown to be contrary to the intent and purpose of the Low Density Residential policies of Section 3.5 of the Official Plan. The requested action has also been shown to be contrary to the area specific policies for the Woodfield Neighbourhood advanced under Section 3.5.4 of the Official Plan.

Notwithstanding the above, Section 19.4.5 of the Official Plan states that, provided the general intent and purpose of the Official Plan is maintained, Council may pass by-laws “...to authorize the temporary use of land, buildings, or structures for a purpose that is otherwise prohibited by the Plan, for renewable periods not exceeding three years”.

In enacting a Temporary Use By-law, the Official Plan states that Council shall have regard for the following matters:

- (a) “compatibility of the proposed use with surrounding land uses;”

Part A of the Analysis Section to this report has demonstrated, given the commercial nature of the use and its hours of operation, that the requested Temporary Use “(T)” is not compatible with the surrounding low density residential neighbourhood.

- (b) “any requirement for temporary buildings or structures in association with the proposed use;”

While no new buildings and or structures are proposed, the applicant has indicated that a new “mystery room” is to created using an existing office space. This extra room could place additional parking demands on a site that has been identified as being deficient in parking.

- (c) “any requirement for a temporary connection to municipal services and utilities;”

The site is presently serviced with municipal sewer and water works.

- (d) “the potential impact of the proposed use on transportation facilities and traffic in the immediate area;”

The Transportation Department has commented that they have “....no issues with the Temporary 1 year zoning application”. Planning staff would point out however that a Special

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Provision to permit a reduction to the required parking standard has been requested. Furthermore, it should be noted that the applicant's own website advises customers that *"..On weekdays before 5 p.m., there is two hours of free parking on Central Avenue, two blocks north of us, or paid metre parking on Princess Street, one block south of us"*. The advertising of, and reliance on, free parking on nearby municipal streets demonstrates the sites inability to provide for sufficient on-site parking opportunities.

(e) *"access requirements for the proposed use;"*

Access to the common parking area is provided via a 3.6 metre (12 foot) wide unassumed City owned public lane - the maintenance of which partially resides with abutting property owners. The ability of the laneway and the common parking area to accommodate the vehicular demands of the requested use would be addressed through a Site Plan Approval process.

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

See "(d)" above.

(g) *"the potential long-term use of the temporary use;"*

The applicant has requested a Temporary Use "(T)" for a period not exceeding a year. The applicant has indicated that they are presently retrofitting an existing office space for an additional mystery room. While the applicant has purchased a building to relocate to, they have also indicated that it is MER's intention to only shut down operations at their Waterloo Street location after all four floors of their new location are completely renovated and open for business. To date, drawings to support the renovations contemplated at the Richmond Street location have yet to be submitted to the City of London Building Division for review. Planning staff are concerned that there is a potential for the requested 1 year temporary use to extend beyond the one year period.

Given the above, Planning staff are of the opinion that the requested Temporary Use "(T)" Zone, and the associated Special Provision to provide for a reduced parking standard, are not in keeping with the Temporary Use By-law policies of Section 19.4.5 of the Official Plan.

Given all of the above, Planning staff would recommend that the request to amend Zoning By-law Z.-1 to change the zoning of the subject lands to allow a *'place of entertainment'* use, and a reduction in the number of required parking spaces for the use, for a temporary period up to one (1) year be refused for the following reasons: the requested use, and potential impacts associated with the use, are incompatible with the surrounding low density residential neighbourhood; the requested use relies on on-street parking to accommodate commercial demand; and, the requested use, and associated Special Provision, is inconsistent with the Low Density Residential policies of Chapter 3 of the Official Plan and the Temporary Use By-law policies of Chapter 19 of the Official Plan.

<b>ANALYSIS – PART B</b>
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**Nature of the Application:**

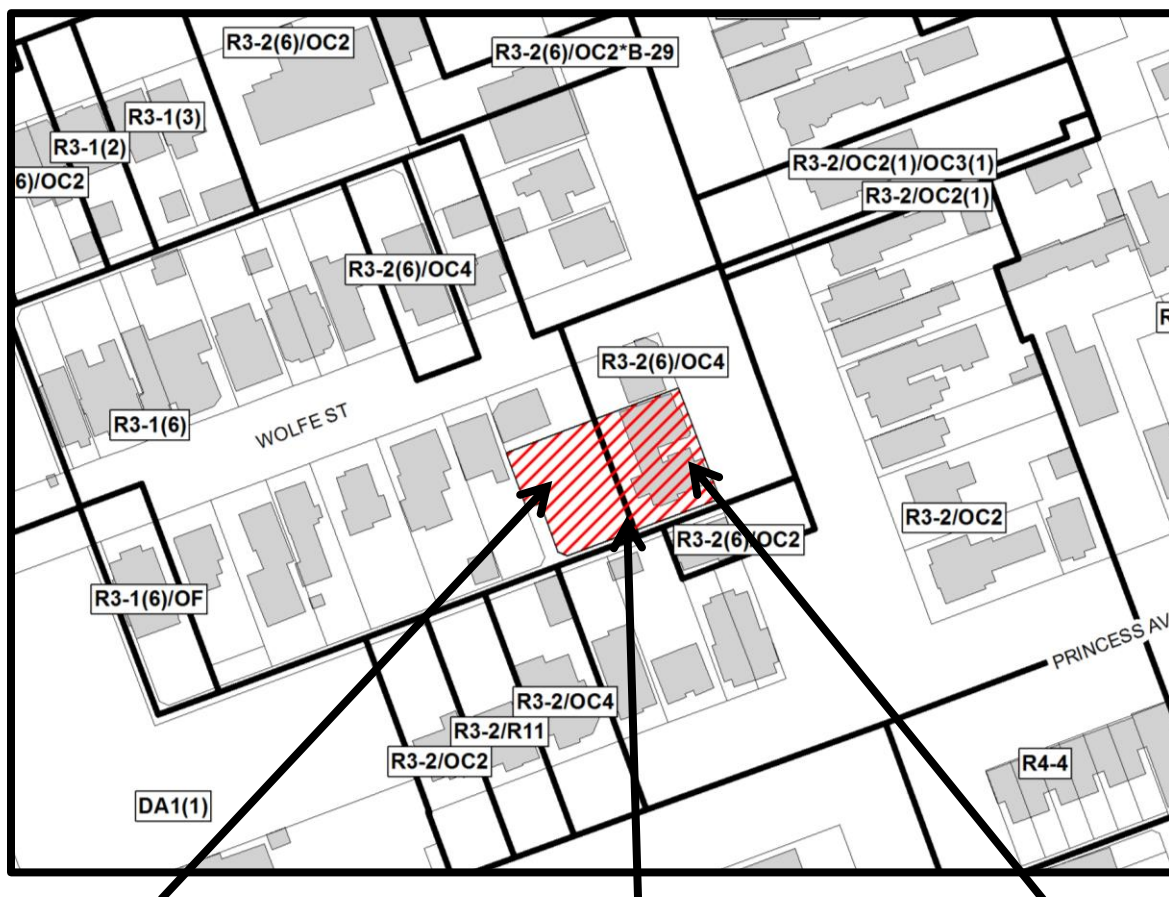
Part B of the Analysis Section shall secondly consider the property owners request that the Z.-1 Zoning By-law be amended such that all of the subject lands are within the same zone – that being the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone.

An existing zone line currently splits the existing property into two separate and distinct zones – the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone (which subsumes the two existing single detached converted dwellings) and a Residential R3 Special Provision (R3-1(6)) Zone (which subsumes the existing parking lot) – see Figure 8.

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Figure 8 – The Existing Zone Boundary Dissecting 551-555 Waterloo Street



Subject Site: existing parking lot

Zone Line bisecting Subject Site

Subject Site: existing buildings

**The Subject Lands:**

551 Waterloo Street is described under the Registry Act for the City of London Trust in 1887 as a whole lot (Lot 20) in Registered Plan 225. 555 Waterloo Street is similarly described as a whole lot (Lot 22) on the same Plan. The two lots have since merged in title as they are under common ownership. Aerial photos dating from 1999 would indicate the continuous use of the western portion of the merged lots for parking purposes. (See Figure 9).

The existing converted structure at 551 Waterloo Street currently contains a residential unit and a ‘place of entertainment use’ (Mystery Escape Rooms). 555 Waterloo Street currently contains a law office and a residential unit.

**The Previous CP. By-law of 1977:**

CP By-law CP-306(id)-322, and an Development Agreement (Instrument Number 483213) was approved by the Ontario Municipal Board (OMB) on October 6, 1977. The By-law, in part, states:

*“...in addition to the uses permitted in this section, the premises located on the west side of Waterloo Street....being all [author’s emphasis] of lots 20 and 21, Registered Plan 225, and known as municipal numbers 551 and 555.....may also be used for the conversion of two existing residences [building existing on the fourth day of July 1977] into business and professional offices, excluding medical offices....”*

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The CP By-law, in regulating the location “*Off-Street Parking*” directed that such off-street parking be directed to a “*Parking Area*” to the rear of the existing structures (see Figure 9).

**Figure 9 – 1999/2000 Aerial Photo**



**The Existing Z.-1 Zoning By-law:**

CP By-law CP-306(id)-322 provided for the use of “...*buildings existing on the ‘fourth day of July, 1977...*” for office conversion purposes. The By-law further directed that off-street parking for office conversion uses be directed to an area shown as the “*Parking Area*” depicted on Figure 9.

When By-Law No Z.-1 was adopted by Council in 1993 it did not carry forward the intent and purpose of CP By-law CP-306(id)-322 described above. Instead, By-Law No. Z.-1 had the effect of bisecting lands known municipally as 551-555 Waterloo Street (which was at the time and remains today a single lot of record) into two separate and distinct zones.

The existing converted structures are zoned a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone permitting single detached, semi-detached, duplex, triplex, fourplex and converted dwellings. The zone also permits dwelling units and offices in existing buildings (see Figure 8). The common parking area is zoned a Residential R3 Special Provision (R3-1(6)) Zone permitting single detached, semi-detached, duplex, triplex, fourplex, and converted dwellings (see Figure 8). The Residential R3 Special Provision (R3-1(6)) Zone would not permit the parking of vehicles for office conversion purposes permitted on the eastern portion of the site.

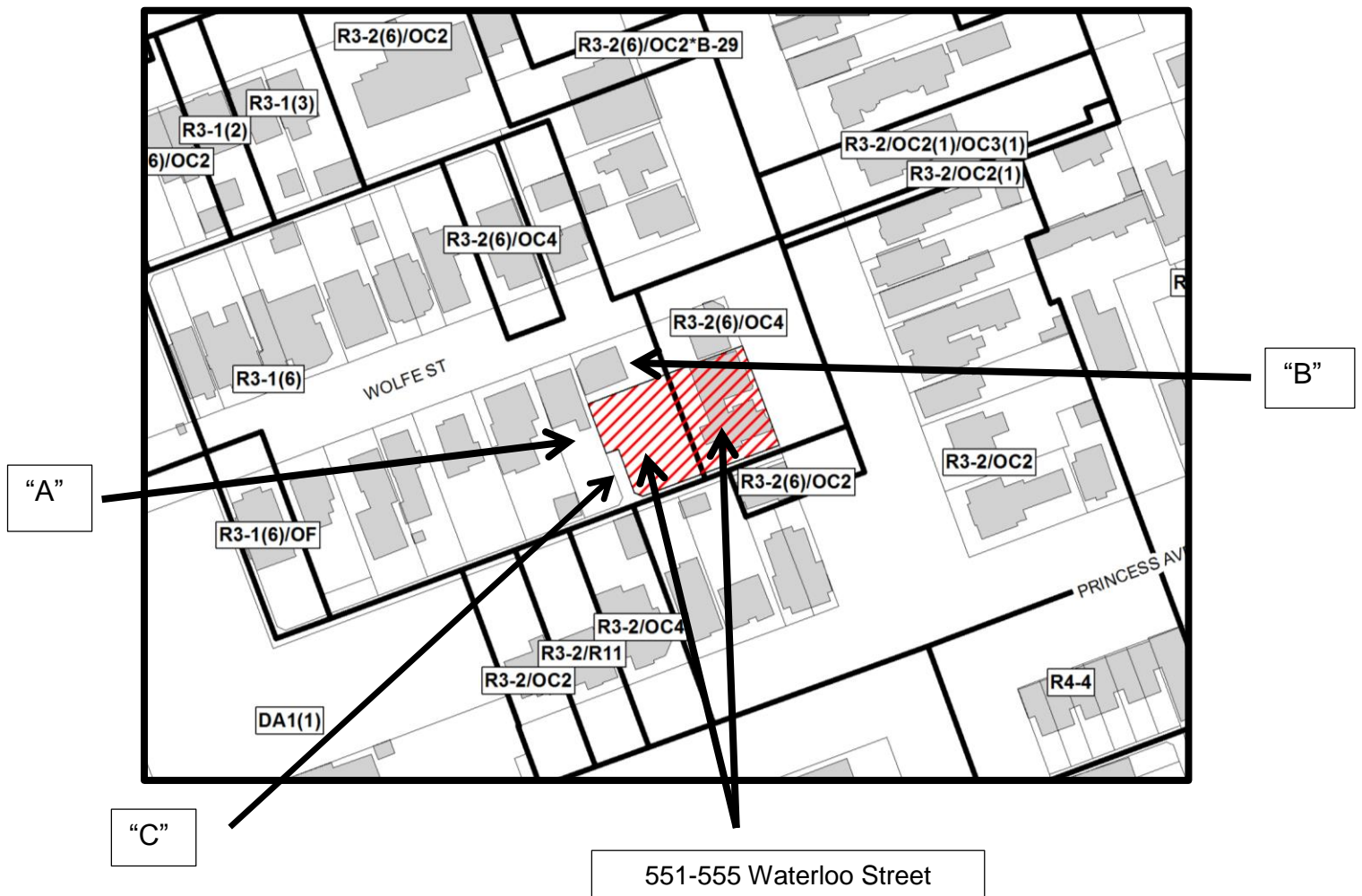


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The requested Zoning By-law amendment pertains only to lands known municipally as 551-555 Waterloo Street. The Residential R3 Special Provision (R3-1(6)) Zone, as it affects residential lands known municipally as 315 Wolfe Street (“shown as “A” on Figure 10) and 317 Wolfe Street (shown as “B” on Figure 10) would remain in force and effect. The Residential R3 Special Provision (R3-1(6)) Zone, as it applies to a small parking area shown as “C” on Figure 10 would also remain in force and effect.

**Figure 10 – Zoning By-law Z.-1 Schedule “A’ Extract (551-555 Waterloo Street)**



Adjusting the zone boundary to include both the common parking area and the existing converted structures in the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone would not appear to have an impact on the way in which the existing structures and parking area have historically functioned since 1999. Furthermore, the zone adjustment would not include abutting lands.

**What are the Regulations of the Z.-1 Zoning By-law as they pertain to the site?**

The regulations of the Residential R3 Special Provision (R3-1(6)) Zone (which apply to the common parking area shown on Figure 9) do not permit parking for office conversion purposes. The requested zone boundary adjustment would have the effect of including the entire parking lot in the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone such that a consistent zone would apply to the entire lot and permit parking for office conversion purposes.

In most instances the minimum and maximum requirements for converted dwellings are more restrictive under the Residential R3 (R3-2) Zone variation than they are under the Residential R3 (R3-1) Zone variation (including, but not limited to, the minimum lot area, minimum rear yard



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depth, maximum lot coverage, and minimum landscaped open space requirements). In terms of maximum parking area requirements, both zone variations stipulate a maximum of 25% of the lot. Height restrictions are also limited in both variations to 10.5 metres. Both zone variations stipulate that “...in no case shall a converted dwelling have a lot area of less than 180 square metres (1,937 square feet) per unit in the R3-1 and the R3-2 Zone variations.”

The regulations of the **Special Provision** associated with the Residential R3 **Special Provision/Office Conversion (R3-2(6)/OC4)** Zone and the R3 **Special Provision (R3-1(6))** Zone) are similar in all respects and serve to identify a Floor Area Ratio and Maximum Floor Area for lots of varying size (i.e. for lots less than 400 square metres, for lots between 501 to 700 square metres, and for lots over 1,000 square metres).

**Is the Requested Zone Boundary Adjustment Consistent with the Provincial Policy Statement, 2014 (PPS)?**

Section 1.1 of the *Provincial Policy Statement, 2014* calls upon Planning Authorities to manage and direct land use efficiently by promoting efficient development and land use patterns and accommodating an appropriate range and mix of land uses.

Adjusting the zone boundary, such that a consistent zone applies to the entire lot, would serve to promote the efficient development pattern called for under the PPS. The purpose and effect of the requested zone boundary adjustment would be to provide for both the permitted use, and its associated parking, within the same zone.

**Is the Requested Zone Boundary Adjustment Consistent with the Policies of the Official Plan?**

Section 3.2.1 of the Official Plan state that “...uses that are considered to be integral to, and compatible with, residential neighbourhoods, including office conversions...,” may be permitted within the Low Density Residential designation.

Section 3.6.9 of the Official Plan specifically identifies areas within the Residential designation where office conversions may be permitted. Section 3.6.9 specifically identifies both sides of Waterloo Street, between Pall Mall Street and Princess Avenue, as one such area.

Section 3.5 of the Official Plan further identifies policies for “Specific Residential Areas”. Section 3.5.4 states that, within the Woodfield Neighbourhood, “...existing office conversions are recognized as legal uses and will be zoned to permit the continuation of these uses”.

Section 3.5.4. continues stating “...The low density residential neighbourhood within the area bounded by Wellington Street, Pall Mall Street, Waterloo Street (including the subject lands) and Princess Avenue shall only provide for infill and intensification where such development is clearly compatible with the character, scale and intensity of the low density residential neighbourhood in this area. Area-specific zoning regulations, such as, but not limited to...on-site parking regulations may be applied to ensure that future development meets these needs...”

The requested zone boundary adjustment would have the effect of providing for an existing permitted use in an area identified by specific policy as being appropriate for office conversion purposes. The subject lands have been used for office conversion purposes, and office conversion parking, since 1977. The existing office conversion use is recognized as a legal use. This legal use, including the parking area supporting this use, has (over the past 35+ years) attained a measure of compatibility with surrounding land uses. This measure of compatibility is based on the provision of an adequate amount of off-street parking to support the use. It would be appropriate to provide for this parking within a singular and consistent zone.

Section 19.5 of the Official Plan states that a ‘...legally established land use which does not conform to the Plan may be recognized as a permitted use in the Zoning By-law where Council

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*is of the opinion that...the use can or has achieved an acceptable measure of compatibility with adjacent uses... and that the recognition of the use in the Zoning By-law is not likely to result in proposals to amend the Plan to allow similar types of uses..”.*

Adjusting the zone boundary would serve to recognize this legally established land use. As demonstrated above, the use has achieved the “*acceptable measure of compatibility*” called for by policy. Adjusting the zone boundary is appropriate in the case of 551-555 Waterloo Street given the unique zoning history of this specific site.

**The Recommended Zoning By-law**

The recommended Zoning By-law amendment to adjust the zone boundary to include the entire lot known municipally as 551-555 Waterloo Street within the Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone has been shown to be appropriate. The zone boundary adjustment will serve to implement the policies of the Official Plan which provide for office conversion uses in the area. The recommended zone boundary adjustment is further viewed as being consistent with the policies of Section 1.1 of the Provincial Policy Statement, 2014, which call upon planning authorities to manage and direct land use efficiently by promoting efficient development and land use patterns and accommodating an appropriate range and mix of land uses.

<b>CONCLUSION</b>
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The requested Temporary Use “(T)” Zone, and associated Special Provision, to provide for a “place of entertainment use’ and a reduced parking standard for a period of up to one year in an existing structure known municipally as 551 Waterloo Street has been shown to be inappropriate given the policies of the *Provincial Policy Statement, 2014* and the policies of the City of London Official Plan.

The recommended Zoning By-law amendment to provide for a zone boundary adjustment is consistent with the policies of the Provincial Policy Statement (2014), and the policies of the City of London Official Plan which provide for the use of the lands for office conversion uses - including the use of the lands for office conversion parking.

<b>REPAIRED BY:</b>	<b>SUBMITTED BY:</b>
<b>BRIAN TURCOTTE SENIOR PLANNER, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

April 27, 2016  
/BT

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**Responses to Public Liaison Letter and Publication in “The Londoner”**

<u>Telephone</u>	<u>Written (e-mail)</u> <u>See Attachments 2 through 6 to this report</u>

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**Bibliography of Information and Materials**  
**Z-8599**

**Request for Approval:**

City of London Zoning Amendment Application Form, completed by Monteith Brown Planning Consultants, February 8, 2016

**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*, 2014.

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

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

**Correspondence: (all located in City of London File No. Z-8599 unless otherwise stated)**

**Departments and Agencies - (all located in City of London File No. Z-8599 unless otherwise stated)**

**Other:**

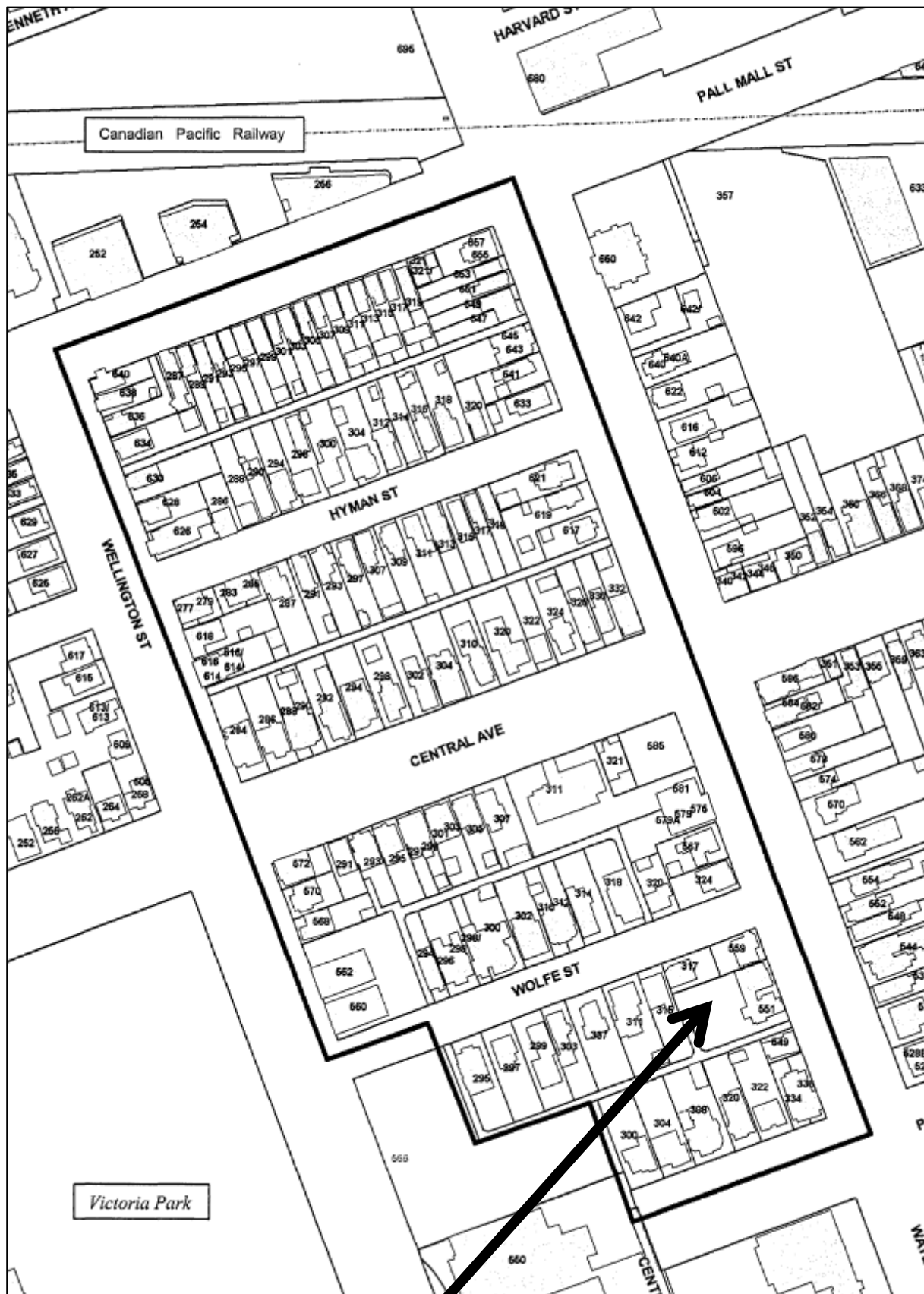
Site Visits - February and April, 2016.



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Attachment 1 - 2006 Land Use Review Study Area



551 – 555 Waterloo

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**Attachment 2 – Correspondence Received**



Brian Turcotte  
City of London Planning Services  
Box 5035  
London, On N6A 4L9

Re: Z-8599 Application to Amend Zoning Bylaw for 551-555 Waterloo Street.

Brian:

I am writing on behalf of Alice Saddy Association which is the owner of the property at 302-304 Wolfe Street in London.

551-555 Waterloo Street is a residential neighbourhood and it is our view that this is not the appropriate location for a 'place of entertainment' as proposed in this application.

Please contact me if you require further information about our views on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bud Carter".

Bud Carter  
Executive Director

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**Attachment 3 – Correspondence Received**

File Z-8599

We are writing to you to express our concern over the Zoning By-law amendment proposed by Mr. Ryan Singh for his entertainment site located on 551 and 555 Waterloo Street. We live just a very short distance from Mr. Singh's property so we are familiar with the problem of parking in the area. Although we have no desire to obstruct Mr. Singh with the operation of his business, there is an acute lack of parking in this area. The large old houses in this area generally have very little parking available yet the City continues to allow them to be developed into small businesses and split up into apartments. These two occupancies tend to have a high demand for parking. The problem of parking in this area has reached a critical level in which people no longer have any respect for others property and park where ever there is an open space. We have noticed neighbors getting angry to the point of intervention and even confrontation. As the City continues to promote densification in the downtown it's time that it address the problem of parking.

Garth J. Webster & Janet Menard  
320 Wolfe Street,  
London, Ontario, N6B 2C5

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**Z-8599  
B. Turcotte**

**Attachment 4 – Correspondence Received**

April 5, 2016

Attention B. Turcotte,

RE: Zoning By-Law Amendment for Mystery Escape Rooms

I am writing this letter in concern for my business Goldfarb Family Dentistry located at 532 Waterloo Street. We have limited parking and have been noticing an increase in unauthorized use of our lot. We are concerned that this may have to do with this Mystery Room needing its patrons to find available parking and therefore using other business' lots. This also raises the question of liability concerns with non- authorized use of our property and the safety of our patients and tenants. This being said, we are refusing the request to amend the zoning by-law for this property.

Dr. Lori Goldfarb  
Goldfarb Dentistry  
532 Waterloo St.  
London, Ontario



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**Z-8599**  
**B. Turcotte**

**Attachment 5 – Correspondence Received**

Dear Mr. Turcott,

Further to receiving the "Notice of Application to Amend the Zoning By-Law" pertaining to the above noted property, I wish to express my concern with respect to parking requirements for the use as a "place of entertainment". As the owner of the adjacent property, just last week I had someone ask permission to park for 30 people that were going to attend an event at this address. This is simply not possible from a practical point of view and also from a liability concern point of view. It is apparent that this property can not accommodate the parking requirements for the intended use. I wish to register my objection to this proposed zoning By-Law amendment.

Sincerely,

Peter Fendrich BA, DDS, FICD, FACD

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**Z-8599**  
**B. Turcotte**

### **Attachment 6 – Correspondence Received**

Hi Brian,

I'm writing on behalf of the owners of 562 Waterloo Street. We're across from 551 and 555 Waterloo Street where there is currently a proposed zoning change requested under application Z-8599.

When they purchased the property in 2012, one of the top selling features was a spacious parking lot, which-- as you know-- is hard to come by in our area. We find it alarming and questionable that Mystery Escape Rooms has requested a change that in effect will reduce the parking they have available to their business, and we are concerned that any resulting parking overflow they experience will lead their customers to use nearby lots, namely ours.

After-hours unauthorized parking is problematic for a number of reasons, but it is particularly an issue during the winter when parked cars prevent our snowplowing contractors from clearing the lot properly. Furthermore, if Mystery Escape Rooms will now have alcohol available as part of their entertainment space, it follows that their patrons potentially will not just be parking in our lot for the evening; rather, they will inevitably be leaving their cars overnight.

Our understanding is that they have requested their properties be rezoned together as a "place of entertainment use" for a temporary period of up to a year. As outlined above we are concerned about the parking aspects of this change, but I would also ask what happens after the year is over? Would they need to re-apply to continue the entertainment zoning?

Thank you very much for taking our concerns into consideration.

Sincerely,

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**Sarah Brennek**, Hons BA, CHRP | Vice President of Operations  
Focus Financial Solutions Inc. | 562 Waterloo Street, London, ON N6B 2P9

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**Z-8599**  
**B. Turcotte**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2016

By-law No. Z.-1-16\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone a portion of an area of land located at 551-555 Waterloo Street.

WHEREAS Ryan Singh for Mystery Escape Rooms has applied to rezone the Residential R3 Special Provision (R3-1(6)) as it applies to the parking area associated with those existing structures known municipally as 551-555 Waterloo Street, 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 Z.-1 is amended by changing the zoning applicable to a portion of those lands located at 551-555 Waterloo Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R3 Special Provision (R3-1(6)) Zone to a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC4) Zone.

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 May 31, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - May 31, 2016  
Second Reading - May 31, 2016  
Third Reading - May 31, 2016

