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**File: Z-8651**  
**Planner: Mike Corby**

<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: NATHAN AND VALON MCINNIS 169 FOSTER AVENUE PUBLIC PARTICIPATION MEETING ON JANUARY 23, 2017</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 Nathan and Valon McInnis relating to the property located at 169 Foster Avenue:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 31, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone, **TO** a Residential R1/Residential R8 Special Provision (R1-7/R8-4(\_)) Zone.
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan process:
  - i) Ensuring that the proposed building is generally in line with the existing buildings along Foster Avenue in order to continue the existing street wall.
  - ii) Ensuring that the west building elevation includes several projections and recessions in order to break up the mass of the building, in accordance with the design concepts as per the site concept plan and elevations, as established through the Zoning amendment review process.
  - iii) Ensuring that active building uses such as units, lobbies, or common areas are located along the street edge with windows on the west elevation in order to activate the street edge.
  - iv) Ensuring all parking areas are screened from the street using landscaping.
  - v) Minimizing the impacts on the trees located along the west property line in order to ensure that the trees remain intact during and post-construction.
  - vi) Including a walkway from the principle building entrance to the city Right-of-Way.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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Z-8651 – October 17, 2016 – Planning and Environment Committee Report

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the requested Zoning By-law amendment is to permit an apartment building with 12, one-bedroom units.

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**File: Z-8651**  
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<b>RATIONALE</b>
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1. The recommended amendment is consistent with the polices of the Provincial Policy Statement (2014);
2. The proposed amendment is consistent with the Low Density Residential policies of the City of London Official Plan;
3. The proposed amendment is consistent with the Great Near Campus Neighbourhood policies of the City of London Official Plan; and
4. The subject site is underutilized and unique in the context of the neighbourhood & surrounding area.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> July 6, 2016	<b>Agent:</b> Nathan and Valon McInnis
<b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 from a Residential R1 (R1-7) Zone which permits Single Detached Dwellings to a Residential R1/R8 (R1-7/R8-4) Zone which permits apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings. Emergency care establishments and continuum-of-care facilities.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – 6 unit apartment (converted house)</li> <li>• <b>Frontage</b> – 44.8m</li> <li>• <b>Depth</b> - 46.3m</li> <li>• <b>Area</b> - 0.16 ha</li> <li>• <b>Shape</b> - Irregular</li> </ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> - Single Detached Dwelling/Commercial/Office</li> <li>• <b>South</b> - Low Density Residential</li> <li>• <b>East</b> - Low Density Residential</li> <li>• <b>West</b> - Low Density Residential</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"> <li>• Low Density Residential</li> </ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"> <li>• Residential R1 (R1-7)</li> </ul>

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File: Z-8651  
Planner: Mike Corby

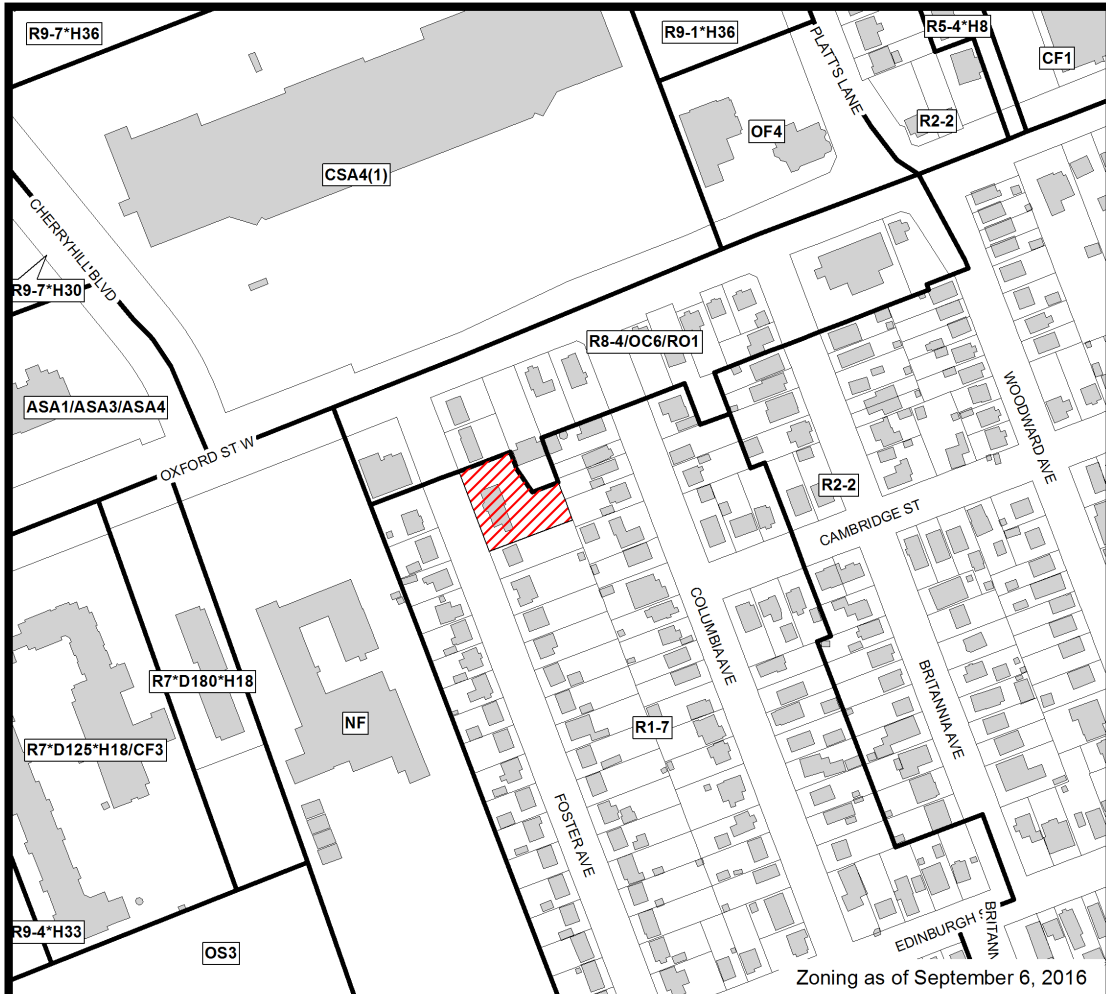


LOCATION MAP	LEGEND										
Subject Site: 169 Foster Ave Applicant: <del>McInnis Nathan Houston Andrea Valon Rena</del> File Number: Z-8651 Planner: Mike Corby Created By: Mike Corby Date: 2016-07-11 Scale: 1:2500	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	■	Buildings	■	Address Numbers
■	Subject Site										
■	Parks										
□	Assessment Parcels										
■	Buildings										
■	Address Numbers										
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="font-size: small;">Corporation of the City of London Prepared By: Planning and Development</div> <div style="text-align: center;"> </div> </div>											



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File: Z-8651  
Planner: Mike Corby



Zoning as of September 6, 2016




**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-7**

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

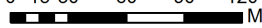
- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S 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> |
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**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: <b>Z-8651</b>	<b>CP</b>
MAP PREPARED: <b>2016/09/13</b>	<b>MB</b>
<b>1:3,000</b> 0 15 30 60 90 120  Meters	

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**File: Z-8651**  
**Planner: Mike Corby**

<b>PLANNING HISTORY</b>
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The subject site was the original farmhouse for the area and as the lands that surround the home developed they created a large and irregularly shaped parcel on which the existing building is located. Over time the home has been converted into multiple units resulting in the existing 6-unit, 7 bedroom apartment.

On October 17, 2016 Staff provided a recommendation to the Planning and Environment Committee that would permit a Seniors Apartment with 12, one bedroom units while removing the Apartment use from the list of permitted uses. This recommendation was based on the application submitted which requested a Seniors Apartment Building. The application was publicly vetted as a Seniors Apartment Building and feedback received was based on this land use. This recommendation was upheld by the Planning and Environment Committee.

Upon reviewing the final recommendation the applicant discovered that their proposed development would not meet the definition of a Seniors Apartment and then asked Council to refer the matter back to Staff for further review. The applicant asked that the proposal be reviewed strictly as an apartment with only 1 bedroom units. The applicant indicated that the goal of the development is still to provide one bedroom residential units for seniors however they require the flexibility to allow a mix of tenants in the building due to funding criteria for affordable housing. Shortly after Council's decision to refer the matter back the applicant held another community meeting to address the concerns of the proposed apartment use.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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- No new agency comments were provided

<b>PUBLIC LIAISON:</b>	On November 24, 2016, Notice of Application was sent to 66 property owners 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 November 25, 2016. A "Possible Land Use Change" sign was also posted on the site.	2 replies were received
<p><b>Nature of Liaison:</b> The purpose and effect of this zoning change is to permit an apartment with 12 one bedroom units.</p> <p>Possible change to Zoning By-law Z.-1 FROM a Residential R1 (R1-7) Zone TO a Residential R1/Residential Special Provision R8 (R1-7/R8-4(_)) Zone. Special provisions will also be considered for a reduction in parking and reduction in bedrooms permitted per unit.</p>		
<p><b>Responses:</b></p> <ul style="list-style-type: none"> <li>- Feel the applicant is being dishonest in their intentions by changing their proposal.</li> <li>- Original concerns related to noise, parking, headlights, privacy, trees, fencing are actually increased with this revised application.</li> <li>- Feel the applicant is seeking to place an apartment building on the site as large as possible and likely one that will be for students at a much greater density proposed.</li> </ul>		

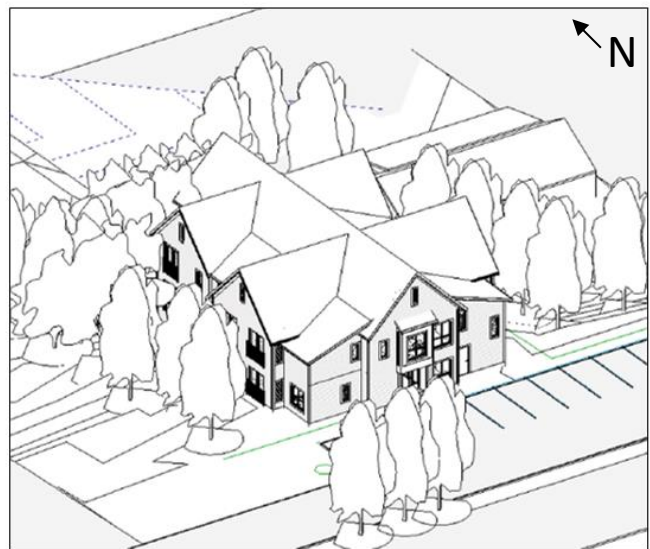
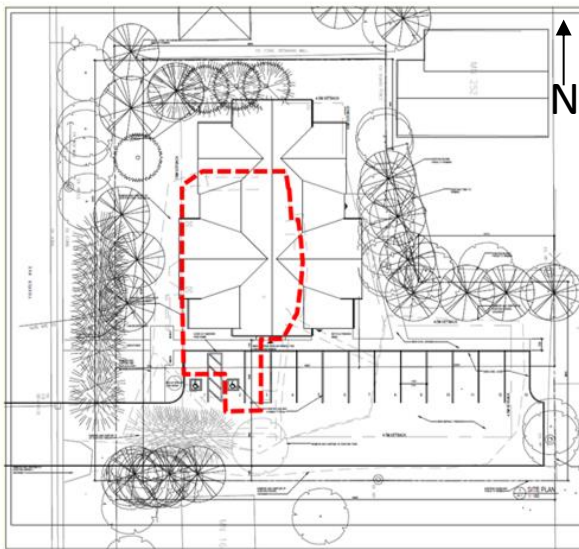
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File: Z-8651  
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**ANALYSIS**

The original recommendation (see Appendix 'B') provided by Staff to the Planning and Environment Committee identified that the subject site is an appropriate location for residential intensification and that the proposed form is compatible within the community. Staff's concern with the original proposal was that there would be no guarantees that the site would develop for the affordable Seniors Apartment with 1 bedroom per unit that was identified through the application. If the proposed Residential R8 (R8-4) zoning was approved the site in theory could permit a 12 unit apartment with up to 3 bedrooms per unit. This would be a substantial increase in intensity from the proposed 12, one-bedroom units for Seniors requested in the initial application. This may have resulted in a level of intensity that was incompatible with the surrounding context. However, these compatibility concerns were not evaluated since the applicant had specifically applied for an affordable Seniors Apartments with 1 bedroom units. Given the nature of the application Staff was comfortable removing the apartment use from the site to avoid any potential issues in the future.

The request to refer the application back to Staff to add the apartment use through the rezoning was due to two issues. The first is that the affordable housing funding model had changed while the application was being processed, and they were informed that funds are being allocated to projects which provide affordable housing to a range of individuals located within the same building and not just seniors. Secondly even if the applicant rented to all seniors (as they still would prefer to do) they would not meet the definition of Seniors Apartments as they are not a public housing authority or non-profit organization or a charitable institution. Therefore the apartment definition is required in order to ensure that they receive funding whether the tenants be a mixed demographic or all seniors. At the request of the applicant Council refereed the application back to Staff to review their proposal and consider permitting an apartment building but limit the permitted bedrooms per unit to 1.



Existing Footprint (hatched) vs Proposed and Conceptual Rendering

**Official Plan**

The subject site is located within the Great Near Campus Neighbourhood area and since an apartment use is now being contemplated on the property these policies must be reviewed as part of Staff's recommendation. The Great Near Campus Neighbourhood (GNCN) policies provide land use planning and urban design goals. The proposed development is considered in keeping with these goals as it provides for appropriate intensification in the preferred form of an apartment. The policies consider appropriate intensification in neighbourhoods that haven't absorbed significant amounts of Residential Intensification to date such as this community which is mainly composed of single detached dwellings. The proposal is located at the edge of the

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**File: Z-8651**  
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community, in close proximity to significant transportation nodes and corridors and will contribute to a balanced mix of residential structure types. This will help preserve the stable homogenous area of the internal low density residential neighbourhood. The proposal also provides an opportunity to provide for affordable housing at an appropriate location given the surrounding amenities available. The site's location and proposed layout which includes maintaining large trees on the property and providing a fence between abutting lands will help ensure the reasonable quiet enjoyment of other nearby properties. *(3.5.19.4 Land Use Planning Goals for Near Campus Neighbourhoods)*

The proposal is considered appropriate as it is also in keeping with the criteria outlined in the GNCN which encourages appropriate forms of intensification [3.5.19.5 Encourage Appropriate Intensification]. As previously mentioned the area has not seen a significant amount of intensification through redevelopment or residential conversion and has remained stable as there is a balanced mix of short and long-term residents. The proposed apartment building can accommodate the intensity of 12, one-bedroom units as it is a purpose-built apartment and the lot is large enough to accommodate the proposed use. Although one variance is required to permit a reduction in parking from 15 spaces to 12 spaces, Staff have repeatedly indicated that 12 spaces is sufficient and a further reduction would still be appropriate. The reduction in parking is also intended to increase the ability of the site to provide additional on-site amenity area and ensure that excessive portions of the site are not dedicated to parking. The built form has proven to be compatible within the community through the submitted compatibility and character statements and the development would not be precedent setting given that the site is unique within the neighbourhood context. *(3.5.19.5 Encourage Appropriate Intensification)*

The appropriateness of intensification within Low Density Residential designations is based on the proposal meeting the criteria outlined in section 3.5.19.10 [Low Density Residential Designations]. The proposed apartment is in keeping with the criteria outlined in this section of the policies. The subject site is considered unique within its context making a site specific amendment appropriate at this location. The proposed development is at an appropriate size and scale and is not considered over intensification as all of the standard zoning regulations can be met (noting that parking regulations are proposed to be reduced to maximize landscaped open space). Adequate amenity area can be provided on the site for the occupants and the ability to maintain a large portion of mature trees and future fencing help ensure that the amenity of surrounding residential land uses is not negatively impacted. Given the lot's unique configuration and how it was created as a remnant lot left over from the surrounding developments, this proposal establishes a positive and appropriate precedent for similar development proposals at similar locations within the Near-Campus Neighbourhood areas.

After reviewing the application against the GNCN policies and considering the impacts of an apartment with 12, 1-bedroom units Staff are recommending approval of the proposed apartment. By limiting the bedrooms to 1 per unit it ensures that there will be a minimal increase in intensity on the site from the original recommendation and the use will remain compatible within the community. The recommendation would permit the same number of tenants in the proposed apartment as were permitted in the original recommendation to permit a Seniors Apartment with the only difference being no restriction on non-senior tenancy. This small change will now provide the applicant the ability to offer affordable housing to a wider demographic. It is also important to identify that there will be no increase in density permitted on the site from the original recommendation. The maximum number of units permitted will be 12 and by limiting the number of bedrooms to 1 per unit it will help ensure a compatible form is achieved and that no large apartments will be developed. Staff is still of the opinion that 10 parking spaces is still the most appropriate number of parking spaces on the site as it will allow the development to provide more outdoor amenity space for the tenants. In order to provide the site the ability to accommodate a reduced parking area Staff is recommending a minimum parking requirement of 0.5 parking spaces per 1 unit to allow the applicant the ability to provide fewer spaces than required by the existing regulation of 1.25 spaces per unit. The site's location close to Oxford Street also provides easy accessibility to public transportation reducing the need for a vehicles for future tenants.

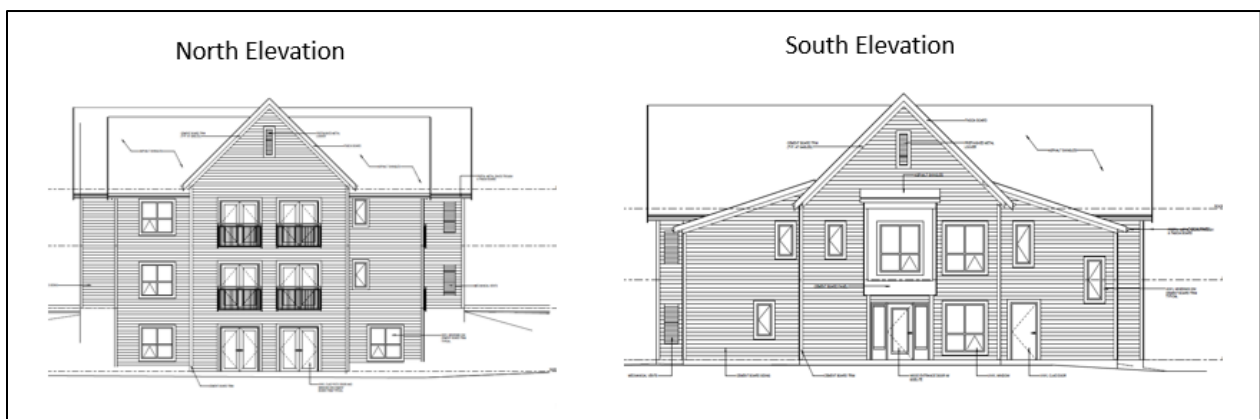
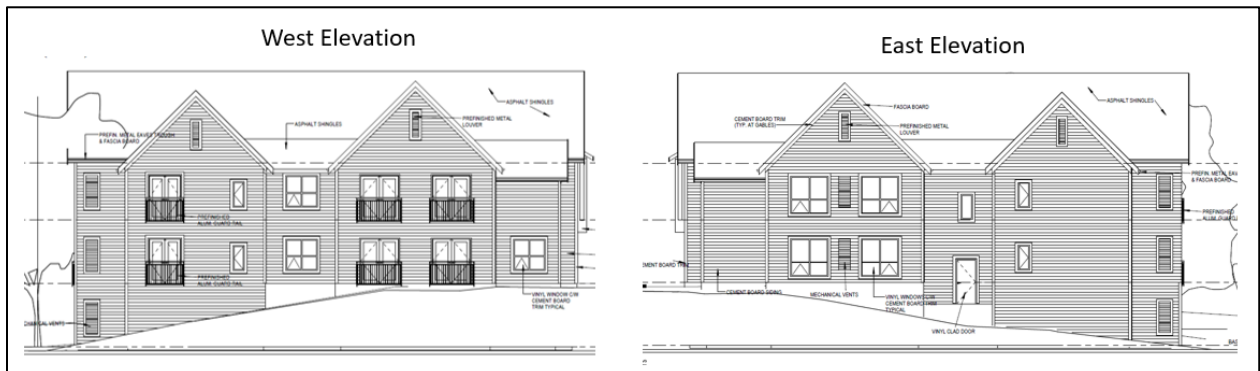


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The proposed Form which was previously recommended for approval has not changed and is still considered appropriate. In order to ensure that the proposed design is implemented at the Site Plan Approval stage, recommendations to the Site Plan Approval Authority are included to outline some elements shown in the proposed plan that are to be incorporated into the building as well as other on-site considerations to be achieved. These items are identified below along with an image identifying how the building has been sited to limit impacts on abutting lands.

- Ensuring that the proposed building is generally in line with the existing buildings along Foster Avenue in order to continue the existing street wall.
- Ensuring that the west building elevation includes several projections and recessions in order to break up the mass of the building, similar to the design concepts established through the Zoning amendment review process.
- Ensuring that active building uses such as units, lobbies, or common areas are located along the street edge with windows on the west elevation in order to activate the street edge.
- Ensuring all parking areas are screened from the street using landscaping.
- Minimizing the impacts on the trees located along the west property line in order to ensure that the trees remain intact during and post-construction.
- Including a walkway from the principle building entrance to the city Right-of-Way.



**Public Concerns**

Two members of the public re-expressed their initial concerns (noise, parking, headlights, privacy, trees, fencing) and also identified that by removing the requirement for a Seniors only apartment that these issues could increase. Any increase in traffic or noise will be minimized due to the fact that the site will only be able to develop for one bedroom units and no more than 12 units can be developed on the site. The issues of headlights is intended to be mitigated through the use of trees and fencing which will all be addressed through the Site Plan Approvals process. Staff are also recommending that any permitted residential building within the R8-4 zone be limited to one bedroom to ensure no large incompatible buildings or additional intensity will be located on the site in the future.

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**File: Z-8651**  
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**London Plan Analysis**

The London Plan analysis was completed in the original recommendation to the Planning and Environment Committee on October 17, 2016 and can be found on page 14 of the previous report which is attached as Appendix 'B'. It should be noted that the London Plan reflects the same Great Near Campus Neighbourhood policies Staff used in their most recent analysis.

<b>CONCLUSION</b>
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This recommendation is consistent with the policies of the Provincial Policy Statement (2014) and the Low Density Residential and Great Near Campus Neighbourhood policies of the City of London Official Plan. The requested zone will infill an underutilized and unique site within an established neighbourhood while providing an opportunity for affordable housing within the City.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MIKE CORBY 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>	

September 14, 2016

MC/mc

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**File: Z-8651**  
**Planner: Mike Corby**

**Bibliography of Information and Materials**  
**Z-8651**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Nathan McInnis, June 19, 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.

Nathan McInnis. Planning Justification Report.

Nicholson, Sheffield Architects Inc. *Urban Design Brief, Character Statement and Compatibility Report*, June 3, 2016.

Arthur Lierman, *Tree Preservation Plan*, June 2016.

**Correspondence: (all located in City of London File No. Z-8651 unless otherwise stated)**

**City of London -**

Moore B., City of London Wasterwater and Drainage Division. Email to M. Corby. August 8, 2016.

Page B., City of London Environmental & Parks Planning. Memo to M. Corby. July 28, 2016.

Smolarek J., City of London Urban Design. Memo to M. Corby. September 13, 2016.

Giesen A., City of London Transportation Planning & Design. Email to M. Corby. August 4, 2016.

Lambert B., City of London Development Services. Memo to M. Corby. September 1, 2016.

**Departments and Agencies -**

Creighton C., UTRCA. Letter to M. Corby. August 9, 2016.

Bezzina J., London Hydro. Memo to M. Corby. August 2, 2016.

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**File: Z-8651  
Planner: Mike Corby**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2017

By-law No. Z.-1-17 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 169 Foster Avenue.

WHEREAS Nathan and Valon McInnis have applied to rezone an area of land located at 169 Foster 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 169 Foster Avenue, as shown on the attached map comprising part of Key Map No. A.107, from a Residential R1 (R1-7) Zone to a Residential R1/Residential R8 Special Provision (R1-7/R8-4(\_)) Zone.
- 2) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

R8-4( )	169 Foster Avenue	
a)	Regulations	
	i) Parking Spaces (minimum)	0.5 per unit
	ii) Bedrooms (maximum)	1 per unit

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 January 31, 2017.

Matt Brown  
Mayor

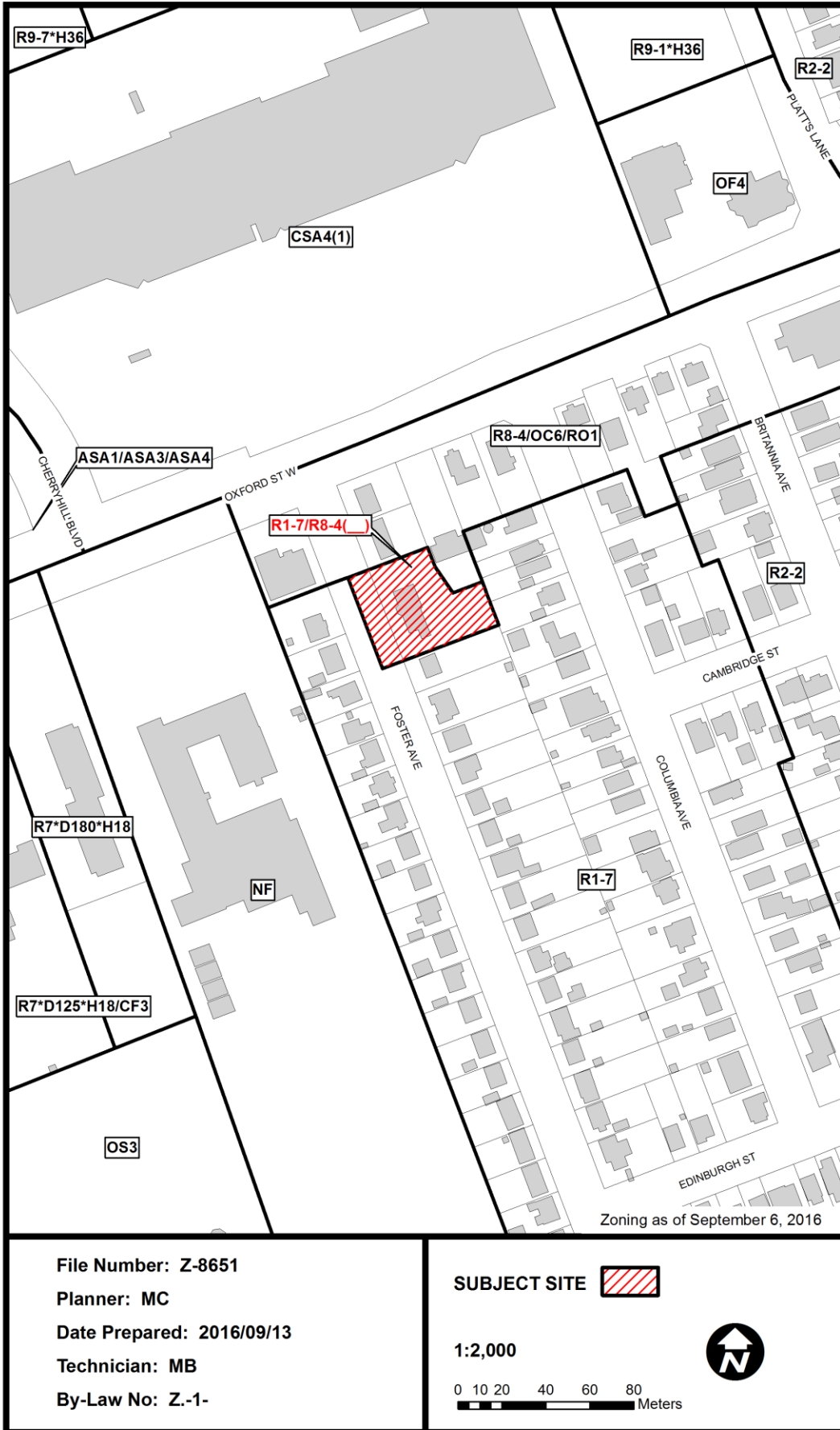
Catharine Saunders  
City Clerk

First Reading – January 31, 2017  
Second Reading – January 31, 2017  
Third Reading – January 31, 2017

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File: Z-8651  
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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Geodatabase

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**File: Z-8651  
Planner: Mike Corby**

**Appendix 'B'**

<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: NATHAN AND VALON MCINNIS 169 FOSTER AVENUE PUBLIC PARTICIPATION MEETING ON OCTOBER 17, 2016</b>

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

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Nathan and Valon McInnis relating to the property located at 169 Foster Avenue:

- (c) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 25, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone, **TO** a Residential R1/Residential R8 Special Provision (R1-7/R8-4(\_)) Zone.
- (d) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan process:
  - i) Providing 10 parking spaces to allow for additional landscaping and amenity area on the site.
  - ii) Ensuring that the proposed building is generally in line with the existing buildings along Foster Avenue in order to continue the existing street wall.
  - iii) Ensuring that the west building elevation includes several projections and recessions in order to break up the mass of the building, similar to what was shown in the submitted ZBA application.
  - iv) Ensuring that active building uses such as units, lobbies, or common areas are located along the street edge with windows on the west elevation in order to activate the street edge.
  - v) Ensuring all parking areas are screened from the street using landscaping.
  - vi) Minimizing the impacts on the trees located along the west property line in order to ensure that the trees remain intact during and post construction.
  - vii) Including a walkway from the principle building entrance to the city Right-of-Way.

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

"None"

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

The purpose and effect of the requested Zoning By-law amendment is to permit an affordable housing apartment for senior citizens with 12, one-bedroom units.

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**File: Z-8651**  
**Planner: Mike Corby**

<b>RATIONALE</b>
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5. The recommended amendment is consistent with the polices of the Provincial Policy Statement (2014);
6. The proposed amendment is consistent with the Low Density Residential policies of the City of London Official Plan;
7. The subject site is underutilized and unique in the context of the neighbourhood & surrounding area; and
8. The proposed development will provide an opportunity for affordable housing for seniors within the City and will allow them to continue to live independently within an active community.

<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> July 6, 2016	<b>Agent:</b> Nathan and Valon McInnis
<p><b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 from a Residential R1 (R1-7) Zone which permits Single Detached Dwellings to a Residential R1/R8 (R1-7/R8-4) Zone which permits apartment buildings, handicapped person's apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings. Emergency care establishments and continuum-of-care facilities.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – 6 unit apartment (converted house)</li> <li>• <b>Frontage</b> – 44.8m</li> <li>• <b>Depth</b> - 46.3m</li> <li>• <b>Area</b> - 0.16 ha</li> <li>• <b>Shape</b> - Irregular</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> - Single Detached Dwelling/Commercial/Office</li> <li>• <b>South</b> - Low Density Residential</li> <li>• <b>East</b> - Low Density Residential</li> <li>• <b>West</b> - Low Density Residential</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)</p> <ul style="list-style-type: none"> <li>• Low Density Residential</li> </ul>
<p><b>EXISTING ZONING:</b> (refer to Zoning Map)</p> <ul style="list-style-type: none"> <li>• Residential R1 (R1-7)</li> </ul>

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File: Z-8651  
Planner: Mike Corby



### LOCATION MAP

Subject Site: 169 Foster Ave  
 Applicant: Nathon and Valon McInnis  
 File Number : Z-8651

Planner : MC  
 Created By : MB  
 Date : 2016/09/13  
 Scale : 1:2000

### Legend

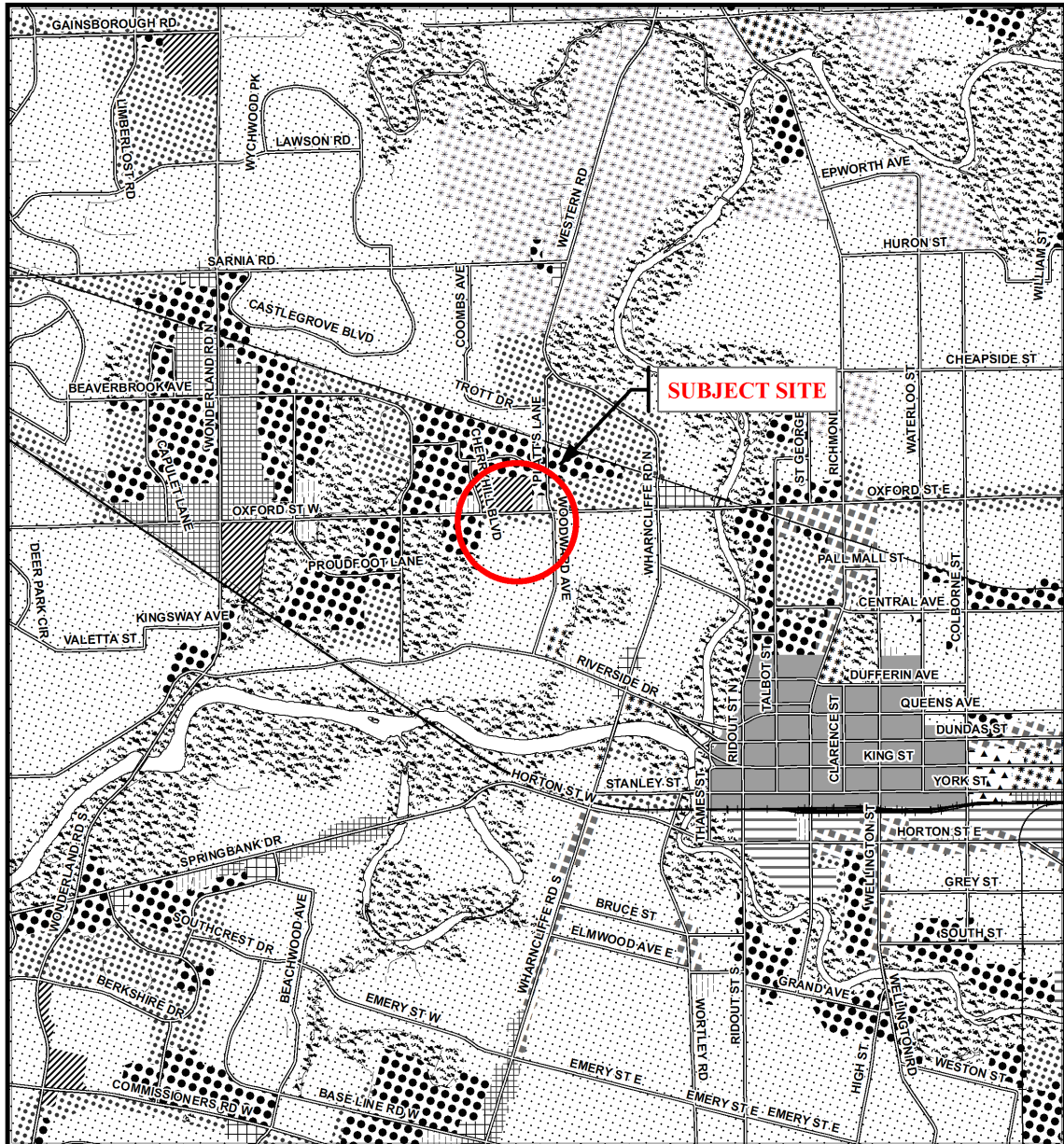
Subject Site





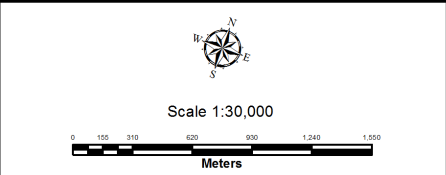
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Planner: Mike Corby



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

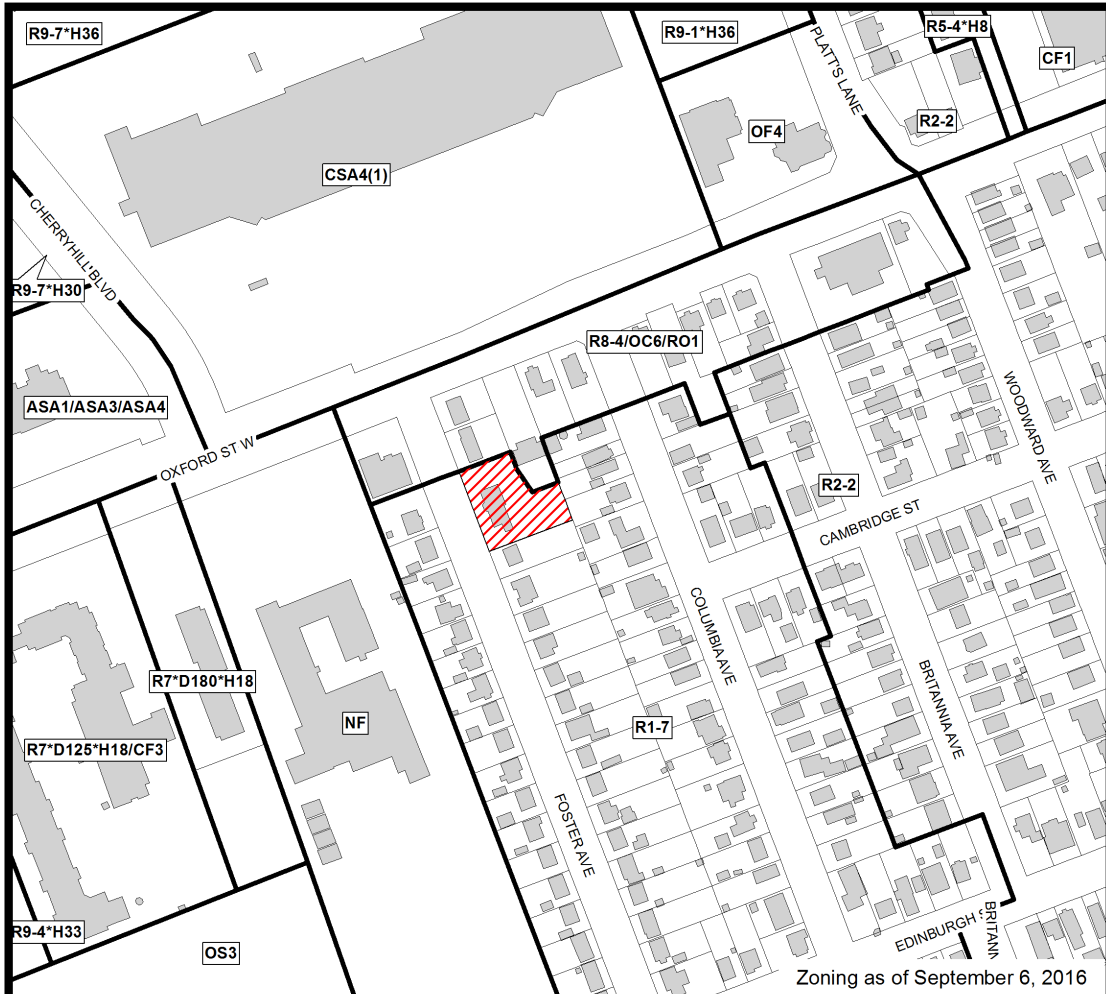
**CITY OF LONDON**  
Department of  
Planning and Development  
**OFFICIAL PLAN SCHEDULE A**  
- LANDUSE -  
PREPARED BY: Graphics and Information Services



**FILE NUMBER:** Z-8651  
**PLANNER:** MC  
**TECHNICIAN:** MB  
**DATE:** 2016/09/13

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File: Z-8651  
Planner: Mike Corby



Zoning as of September 6, 2016




**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-7**

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: <b>Z-8651</b>	<b>CP</b>
MAP PREPARED: <b>2016/09/13</b>	<b>MB</b>
1:3,000 0 15 30 60 90 120 Meters	

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**File: Z-8651  
Planner: Mike Corby**

**PLANNING HISTORY**

The subject site was the original farmhouse for the area and as the lands that surround the home developed they created a large and irregularly shaped parcel on which the existing building is located. Over time the home has been converted into multiple units resulting in the existing 6-unit, 7 bedroom apartment.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

Wastewater and Drainage Division – August 8, 2016

The sanitary sewer available to the subject lands is the 200mm sanitary sewer on Foster Avenue. Proposed is a 2-storey 12 unit apartment bldg. The existing 6 unit converted single detached house will be demolished. The new apartment bldg. will need a new san. p.d.c. which is to be 150mm in diameter laid at a 1% grade. The old p.d.c. is to be sealed as per the demolition permit. It has been calculated that the existing sewer on Foster Ave, and the sewer on Oxford Street West have the capacity for the small increase in flows.

Environmental & Parks Planning - July 28, 2016

The Environmental and Parks Planning Section has reviewed the application for a zoning by-law amendment for 169 Foster Street Square and offers the following comments to be considered in your decision:

Natural Heritage: There are no natural heritage features on site that require evaluation.

Parkland: Parkland dedication has not been provided for this property. At the time of development, cash-in-lieu of parkland will be required as a condition of the development agreement. Consistent with the Council approved parkland dedication By-law CP-9, cash will be collected.

Stormwater Management Division – September 1, 2016

The design and construction of SWM servicing works for the subject land shall be in accordance with:

- The SWM criteria and targets for the Mud Creek Subwatershed,
- Any Municipal Class Environmental Assessment in the area,
- The City Design Requirements for on-site SWM controls, and
- The City’s Waste Discharge and Drainage By-laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies.

The design of the SWM servicing work shall include but not be limited to such aspects as requirements for Oil/Grit separator for any proposed parking area, on-site SWM controls design, SWM Best Management Practices, grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, etc.

The existing 250mm storm sewer on Foster Ave may service the proposed re-development providing there is sufficient residual capacity in this run and along the downstream storm sewer to accommodate changes in the amount of impervious area. The Owner’s Professional Engineer must complete a storm sewer capacity analysis in this regard along with an alternate on-site SWM control design if needed.

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**File: Z-8651**  
**Planner: Mike Corby**

The owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.

Additional comments may be provided upon future review of the site.

Urban Design – September 14, 2016

Urban design staff have reviewed the submitted concept plan and urban design brief for the application at the above mentioned property and provide the following comments:

Through the staff recommendation, the site plan authority should be requested to address the following design issues through the site plan process:

- Ensure that the proposed building is generally in line with the existing buildings along Foster Avenue in order to continue the existing street wall.
- Ensure that the west building elevation includes several projections and recessions in order to break up the mass of the building, similar to what was shown in the submitted ZBA application.
- Ensure that active building uses such as units, lobbies, or common areas are located along the street edge with windows on the west elevation in order to activate the street edge.
- Ensure all parking areas are screened from the street using landscaping.
- Minimize the impacts on the trees located along the west property line in order to ensure that the trees remain intact during and post construction.
- Include a walkway from the principle building entrance to the city Right-of-Way.

<b>PUBLIC LIAISON:</b>	On July 20, 2016, Notice of Application was sent to 66 property owners 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 July 21, 2016. A “Possible Land Use Change” sign was also posted on the site.	7 replies were received
<p><b>Nature of Liaison:</b> The purpose and effect of the requested Zoning By-law amendment is to permit an apartment with 12 one bedroom units for senior citizens.</p> <p>Change Zoning By-law Z.-1 from a Residential R1 (R1-7) Zone which permits Single Detached Dwellings to a Residential R1/R8 (R1-7/R8-4) Zone which permits apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings. Emergency care establishments and continuum-of-care facilities.</p>		
<p><b>Responses:</b></p> <ul style="list-style-type: none"> <li>- Traffic</li> <li>- Parking</li> <li>- Lighting</li> <li>- Potential for future apartment that is not for seniors (student housing)</li> <li>- Precedent setting for the area.</li> </ul>		

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<b>ANALYSIS</b>
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**Provincial Policy Statement 2014**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs while sustaining the financial well-being of the Province and municipalities over the long term. The PPS seeks to improve accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society. The PPS also encourages settlement areas (*1.1.3 Settlement Areas*) to be the main focus of growth and development while promoting opportunities for intensification and redevelopment where it can be accommodated taking into account existing building stock, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Appropriate development standards are also promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.4 [Housing] directs municipalities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. This can be achieved by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. The PPS encourages municipalities to provide for all forms of housing to meet the social, health and wellbeing requirements of current and future residents and directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available and support the use of active transportation and transit in areas where it exists or is to be developed.

This proposed application ensures that the goals of the PPS 2014 are being achieved by developing underutilized lands that are within the settlement area. The proposed development takes advantage of a parcel of land that is unique and large enough to provide for a compatible form of infill development within the context of the surrounding area. The proposal will provide a new and unique form of residential development to an area that is mainly single detached dwellings. It will provide a density that is compatible and permitted within the existing designation while promoting cost effective development standards to minimize land consumption and servicing costs. The use will also capitalize on the existing infrastructure and public facilities in the area which will help support the needs for seniors living in the building. The proposed building will be designed to accommodate a senior tenancy and will also provide two accessible units for those with disabilities, helping increase their ability to participate in society. By providing the proposed use for seniors within this neighbourhood, in close proximity to a commercial node and public transportation, it will help remove potential land use barriers which otherwise could restrict their participation in society. The Cherryhill Community is well known for its senior's population and the facilities in place within in the community are readily available to support proposed use. The proposal is required to go through the Site Plan approvals process which ensures that public health and safety concerns are addressed.

**Official Plan**

Use

The Official Plan provides objectives for all residential designations. Specifically, the Low Density Residential objectives include supporting the provision of a choice of dwelling types by designating lands for a range of densities and structural types throughout the City. They also encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services,

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**File: Z-8651**  
**Planner: Mike Corby**

facilities and land. Within the Low Density Residential designation a main objective is to enhance the character and amenities of the residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected (1.1.1 General Objectives for All Residential Designations, 1.1.2 Low Density Residential Objectives).

In an effort to achieve these objectives the policies of the Low Density Residential designation permit residential intensification through infill housing subject to the provisions of policy 3.2.3 Residential Intensification [3.2.1. Permitted Uses] and a Planning Impact Analysis under Section 3.7. The Official Plan promotes Residential Intensification [3.2.3] as a means of providing opportunities for the efficient use of land and encouraging compact urban form. Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4.

The Official Plan specifically defines residential intensification as the development of a property, site or area at a higher density than currently exists on the site, through the development of vacant and/or underutilized lots within previously developed areas. Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood [3.2.3.1. Definition].

The intensification policies permit residential densities up to 75uph and permit infill housing in the form of single detached dwellings, semidetached dwellings, attached dwellings, cluster housing and low rise apartments [3.2.3.2. Density and Form] making the proposed seniors apartment building a permitted use as a form of residential intensification in the Low Density Residential designation. The subject site is also considered an appropriate location for residential intensification as it provides adequate infrastructure to support the proposed development. [3.2.3.7. Supporting Infrastructure]

The requested use will satisfy the relevant Official Plan policies and objectives as the higher density proposed is permitted through the Official Plan's intensification policies and will help enhance the character of the area and utilization of the site. The proposed use provides for an alternative choice of dwelling type through an infill apartment development in an area which is made up of single detached dwellings and where development can efficiently utilize existing municipal services, facilities and land.

The site's close proximity to Oxford Street and commercial node provides the ability to walk to many day-to-day amenities as well as providing instant access for property owners to a main arterial road if they require the use of an automobile without travelling through the community. This will help limit any impacts of traffic increasing within the neighbourhood making it an appropriate location for the proposed use. The proposed use will also result in a residential infill development of a large parcel that is unique within the surrounding context and is considered underutilized. Not only will the proposal bring a new choice of dwelling type to the area it will also allow an aging population the opportunity to integrate into the surrounding community and in some instances age in place within a community they are familiar with. Along with being fully serviced there is the Kingsman Arena and West Lions Park in close proximity along with the Kingsman Seniors Community Centre for those living in the building to use. There is also a senior's community bus which can be picked up at Cherry Hill Mall which provides transportation to several uses throughout the City. The site has also proven that it can accommodate sufficient off-street parking and on-site buffering to mitigate any impacts on abutting lands. The proposed use has raised no traffic concerns for Staff as its close proximity to an arterial road with several bus routes coupled with the proposed use for a seniors apartment who tend to drive less will generate limited increase in traffic to the site and through the community. The site plan process will ensure that appropriate fencing, lighting and landscaping is used to help mitigate any potential impacts and maintain the privacy of abutting outdoor amenity areas.

As mentioned residential intensification proposals must meet the relevant infill policies and are subject to review through the Planning Impact Analysis in accordance to the provisions of Section

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**File: Z-8651**  
**Planner: Mike Corby**

3.7. Staff have evaluated the proposed application on the basis of criteria relevant to the proposed change. Through reviewing the application the proposed seniors apartment building meets the relevant criteria of section 3.7 based on the analysis provided in this report.

Section 12 of the Official Plan speaks to the City's housing policies and the availability, affordability and adequacy of housing that may not be fully satisfied by the designation and servicing of lands for residential uses. The proposed application helps achieve the housing objectives of the Official Plan as it will provide affordable housing for seniors within a low density residential designation providing a unique use within an established neighbourhood. This provides an opportunity for seniors to age in place and maintain a sense of community as they get older. The proposed application is also located at an appropriate location as it facilitates a senior's apartment in an area in which the demographic has a large population of seniors as several large apartment buildings north and west of the site accommodate a large seniors community. The proposed use not only provides affordable housing for seniors but a unique form of housing that is not provided in the area for seniors. The proposal will contribute to the supply of affordable housing within the city through residential intensification and helps meet the economic, social, health and well-being requirement of all people [12.1 Housing Objectives].

Intensity

Low Density Residential designations normally permit a density up to 30uph. Through residential intensification projects the intensity of residential uses on sites can be increased up to 75uph provided the proposal meets the relevant criteria. The proposed application for an affordable senior's apartment will maintain a similar intensity to what is currently existing on the site. The existing building contains 6 units with a total of seven bedrooms. The parking requirement for the existing 6-unit apartment building is 8 parking spaces. The requested amendment proposes to add an additional 6 units however the net increase in the number of bedrooms is five resulting in 12, one-bedroom units. Given the proposed use, the parking requirement is 6 spaces. However, the applicant is proposing 13 spaces consistent with the concerns raised by the community. Staff is suggesting that the number of proposed parking be reduced closer to the minimum Zoning requirements, if possible, in order to provide additional amenity area to the site which would increase the open space component on the site. Although the total lot coverage of the building will increase as a result of the proposed development, it is in keeping with the requirements of the Zoning By-law thereby requiring no additional special provisions and demonstrating that the proposed use and building can be accommodated on the site. The proposed use of affordable seniors' apartments generally has less demand on vehicles as is seen in the parking requirements which results in less vehicular traffic to the site than a typical apartment would have.

Form

Within the Low Density Residential (LDR) designation development shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy [3.2.2. Scale of Development]. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area [3.2.3.2. Density and Form]. When an application for residential intensification occurs in an LDR designation it is required to provide innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4 [3.2.3. Residential Intensification]

As part of a complete application for residential intensification, the applicant is required to provide a detailed character statement and compatibility report which are intended to provide an inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood. The applicant must clearly demonstrate that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3. of the plan.

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**File: Z-8651**  
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The submitted Urban Design Brief has been reviewed by the City's Urban Design Division and determined that it included the requirements of Official Plan section 3.2.3 for infill and intensification. Staff is supportive of the design and the siting of the proposed building and feel the design of the building is generally in keeping with the character of the area. The building is slightly higher than what currently exists on the property although the proposed height of two and a half storeys will have similar impacts as the existing two story residential buildings on the surrounding lands. The use of gabled forms is consistent with the roof types in the neighbourhood while providing similar lines and massing as the existing home. The ability to save the proposed trees along the perimeter of the site will also help the building remain discrete thereby limiting impacts of the increased size of the building. The proposed apartment will also maintain a similar location to the existing building with additional massing located to the north side of the site where impacts will be limited. The design also breaks up the mass of the proposed building to make it feel smaller through the use of individual components of varying size.

In order to ensure that the proposed design is implemented at the Site Plan Approval stage, recommendations to the Site Plan Approval Authority are included to outline some elements shown in the proposed plan that are to be incorporated into the building as well as other on-site considerations to be achieved. These items are identified below along with an image identifying how the building has been sited to limit impacts on abutting lands.

- Ensure that the proposed building is generally in line with the existing buildings along Foster Avenue in order to continue the existing street wall.
- Ensure that the west building elevation includes several projections and recessions in order to break up the mass of the building, similar to what was shown in the submitted ZBA application.
- Ensure that active building uses such as units, lobbies, or common areas are located along the street edge with windows on the west elevation in order to activate the street edge.
- Ensure all parking areas are screened from the street using landscaping.
- Minimize the impacts on the trees located along the west property line in order to ensure that the trees remain intact during and post construction.
- Include a walkway from the principle building entrance to the city Right-of-Way.





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community can be considered less than a 12-unit Apartment Building. Apartment Buildings may not be exclusive to seniors and a potential future Apartment Building could be presented in any form and intensity necessary to accommodate 12-units with up to 3 bedrooms per unit, subject to conformity with the zoning regulations. An Apartment Building would be inconsistent with the rationale used to support the recommendation for a Seniors Apartment and could result in an incompatible use. Staff is recommending that Apartment Buildings be removed from the list of permitted uses on the subject site to ensure that any future development will be for a compatible use.

**Other issues:**

Through public circulation the process several comments were received from the public. The applicant also held a community meeting to help identify and address many of the public's concerns. Through the process Staff have identified 6 main concerns:

Traffic

The public had two concerns about traffic. The first was the increase in traffic that the proposed use would generate and the second was the ongoing traffic issues on Foster Ave. Planning and Transportation Staff do not believe any additional traffic impacts would be created as a result of the approval of the proposed affordable seniors' apartment. Only 6 parking spaces are required by the Zoning By-law as the use does not generate high levels of traffic or require the need for additional parking spaces. There are also several services in the area that are walkable and alternative forms of transportation readily available limiting the need to vehicular trips.

The ongoing traffic issues on Foster Ave is a combined issue related to on-street parking and the congestion that is created from the existing mix of uses in the neighbourhood. This will be addressed in parking below.

Parking

The community expressed concerns that Foster Ave is commonly used as a cut-through route to traffic as well as additional parking for commercial uses that front onto Oxford Street. This combination of on-street parking on both sides of Foster Ave together with traffic coming in both directions leads to a narrow street creating congestions and safety concerns. In an effort to help relieve some of the congestion and help with traffic flow the applicant has contacted the transportation division to initiate the process to review if parking is required on both sides of the road. It should be noted that some members of the public felt the proposed use would increase on-street parking as not enough parking was being provided on the site. Staff feel the site will be able to accommodate the anticipated number of vehicular traffic to and from the site as it has been identified that only 6 spaces are required and the applicant is proposing 13 spaces.

Trees

The subject site has several mature trees on the property that provide privacy to the existing dwelling as well as to the surrounding land uses. As part of a complete application a tree preservation plan was required. The plan identified 68 trees on site with 25 of them targeted for removal leaving 63% of the existing vegetation on site prior to any landscaping requirements through the site plan process. Staff feel the applicant has done a good job at trying to maintain as many mature trees as possible on the site where this can be accommodated. The applicant has shown that maintaining the trees along the property lines is something they feel is important for their overall development helping maintain the existing sense of privacy for both the future building and surrounding lands.

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Potential for “Apartments” to be a permitted use

The public expressed concern over the fact that if the proposed rezoning application was implemented that an apartment building could be built on the site and it would not be restricted to seniors or affordable housing thereby providing an opportunity for increases in intensity and potential impacts. Staff has provided planning rationale within the report and identified why it would not be appropriate to permit this use on the site and consistent with the concerns of the community.

Precedent Setting

The subject site is unique within the surrounding context and is clearly a remnant lot separated from the surrounding plans of subdivision creating a large underutilized site. The proposal would not set a precedent for the area as each application is reviewed on its own merits and the surrounding lots do not exhibit the same characteristics. Future applications to intensify would be required to prove they are appropriate for residential intensification within the policies of the Official Plan.

General Site Plan Concerns

General site plan issues were also raised including noise, lighting and privacy. The Site Plan Control By-law ensures that lighting will not impact abutting lands and a fence will be required around the rear and side yards providing privacy and protection from vehicular lights. Some members of the public raised a concern about proposed balconies on the building. The proposed building does not provide functional balconies they are just false balconies. The proposed balconies are architectural features intended to give the building character.

London Plan Analysis

The London Plan was approved by Council on June 23, 2016 and will provide the future framework for planning and development in the City of London upon approval by the Province of Ontario.

The London Plan identifies 169 Foster Avenue as a ‘Neighbourhood’ place type with frontage onto a neighbourhood street (Foster Avenue). The permitted uses for this site would range from single detached, semi-detached, duplex, converted dwellings (max 2 units), secondary suites, home occupations and group homes at a height of 1 to 2.5 storeys. In this instance the subject site would not permit an affordable seniors apartment building. A minimum street classification to permit mixed-use buildings would be the intersection of a Neighbourhood Connector and Neighbourhood Connector or having frontage on a Civic Boulevard or Urban Thoroughfare.

<b>CONCLUSION</b>
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Staff’s recommendation is consistent with the policies of the Provincial Policy Statement (2014) and the Low Density Residential policies of the City of London Official Plan. The requested zone will infill an underutilized and unique site within an established neighbourhood while providing an opportunity for affordable housing for seniors within the City and will allow them to continue to live independently within an active community.

Agenda Item #    Page #

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**File: Z-8651**  
**Planner: Mike Corby**

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MIKE CORBY</b> <b>CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP</b> <b>MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP</b> <b>MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

September 14, 2016

MC/mc

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**File: Z-8651**  
**Planner: Mike Corby**

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

<u>Telephone</u>	<u>Written</u>
Ahmad Taleb 172 Columbia Ave, London ON	Paul Carroll 170 Columbia Ave
	Peter and Lori McLaren 150 Foster Ave
	Steve Grimes 138 Foster Ave
	Shellie Chowns 162 Foster Ave
	Louise Sabourin 166 Foster Ave

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**File: Z-8651**  
**Planner: Mike Corby**

**Bibliography of Information and Materials**  
**Z-8651**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Nathan McInnis, June 19, 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.

Nathan McInnis. Planning Justification Report.

Nicholson, Sheffield Architects Inc. *Urban Design Brief, Character Statement and Compatibility Report*, June 3, 2016.

Arthur Lierman, *Tree Preservation Plan*, June 2016.

**Correspondence: (all located in City of London File No. Z-8651 unless otherwise stated)**

**City of London -**

Moore B., City of London Wasterwater and Drainage Division. Email to M. Corby. August 8, 2016.

Page B., City of London Environmental & Parks Planning. Memo to M. Corby. July 28, 2016.

Smolarek J., City of London Urban Design. Memo to M. Corby. September 13, 2016.

Giesen A., City of London Transportation Planning & Design. Email to M. Corby. August 4, 2016.

Lambert B., City of London Development Services. Memo to M. Corby. September 1, 2016.

**Departments and Agencies -**

Creighton C., UTRCA. Letter to M. Corby. August 9, 2016.

Bezzina J., London Hydro. Memo to M. Corby. August 2, 2016.

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**File: Z-8651  
Planner: Mike Corby**

**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 an area of land located at 169 Foster Avenue.

WHEREAS Nathan and Valon McInnis have applied to rezone an area of land located at 169 Foster 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 169 Foster Avenue, as shown on the attached map comprising part of Key Map No. A.107, from a Residential R1 (R1-7) Zone to a Residential R1/Residential R8 Special Provision (R1-7/R8-4(\_)) Zone.
- 2) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:
  - ) R8-4( ) 169 Foster Avenue
    - b) Prohibited Use
      - i) Apartment Buildings

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 October 25, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

Agenda Item #    Page #

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**File: Z-8651**  
**Planner: Mike Corby**