

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services & Chief
Building Official

Subject: Application By: Jason King
418 Oxford Street East

Public Participation Meeting on: September 24th, 2018

Recommendation

That, on the recommendation of the Manger, Development Planning, the following actions **BE TAKEN** with respect to the application of Jason King relating to the properties located at 418 Oxford Street East:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the conversion of single detached dwelling to a converted dwelling with three units; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

As a requirement of the holding provision of the zoning applied to 418 Oxford Street East, a Site Plan Control application is proposed to convert an existing single detached dwelling to a converted dwelling containing three units. No external changes are proposed to the building beyond the construction of a dormer and a second level deck with associated stairs.

Purpose and the Effect of Recommended Action

The purpose of this application is to attain Site Plan Control Approval for a converted dwelling with three units in a building previously used as a single detached dwelling.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which encourages infill and intensification and the provision of a range of housing types, compact urban form and efficient use of existing infrastructure.
2. The proposed Site Plan has regard to the use, intensity, and form in conformity with The London Plan, and will implement Key Direction 5 – Build a Mixed-Use Compact City given this proposal supports intensification, takes advantage of existing services and facilities, and reduces the need to grow outward.
3. The proposed Site Plan is in conformity with the policies of the Multi-Family, Medium Density Residential designation of the Official Plan (1989) and will implement an appropriate medium density form in accordance with the Official Plan policies.
4. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the north side of Oxford Street East, between Colborne and Thornton streets. The property is 218.9 square metres in area, with a lot depth of 24.2m and a frontage of 9.52m on Oxford Street East. The site currently contains a single detached dwelling. Existing easements to a garage located to the north of the property are to be maintained.

1.2 Current Planning Information

- Official Plan Designation – Multi Family Medium Density Residential
- The London Plan Place Type – Urban Corridor
- Existing Zoning – h-5*R3-1/OC4

1.3 Site Characteristics

- Current Land Use – Single detached dwelling
- Frontage – 9.52m
- Depth – 24.2m
- Area – 218.9 m²
- Shape – Modified Rectangular

1.4 Surrounding Land Uses


- North – Single-detached residential
- East – Office and residential
- South – Residential and neighbourhood facility
- West – A combination of residential, office and small scale commercial

1.5 Location Map

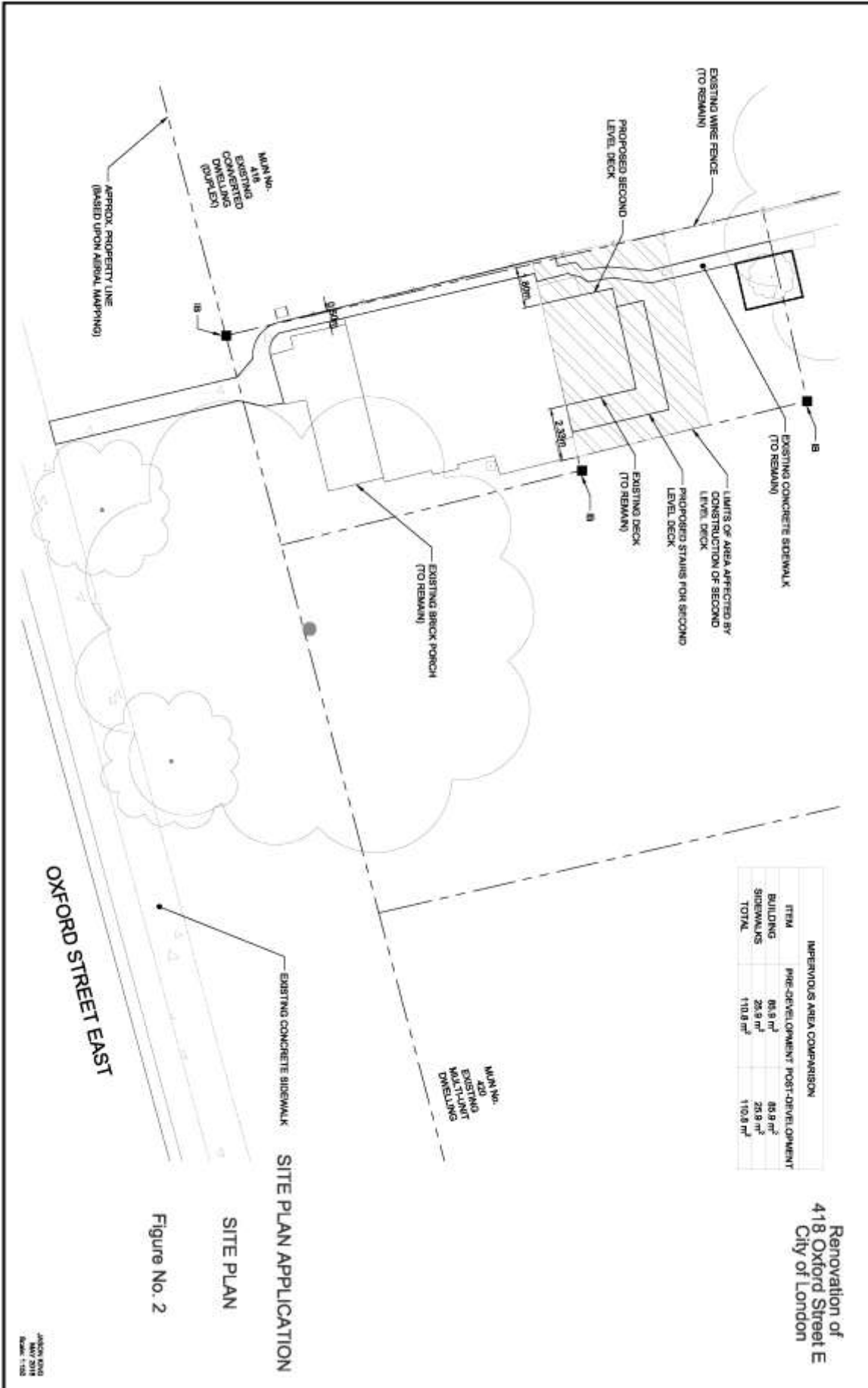


Location Map		Legend	
Subject Property:	418 Oxford Street E		Subject Property
Applicant:	Jason King		Parks
File Number:	SPA18-061		Assessment Parcels
Created By:	Barb Mellen		Buildings
Date:	8/14/2018		Address Numbers
Scale:	1:1000		

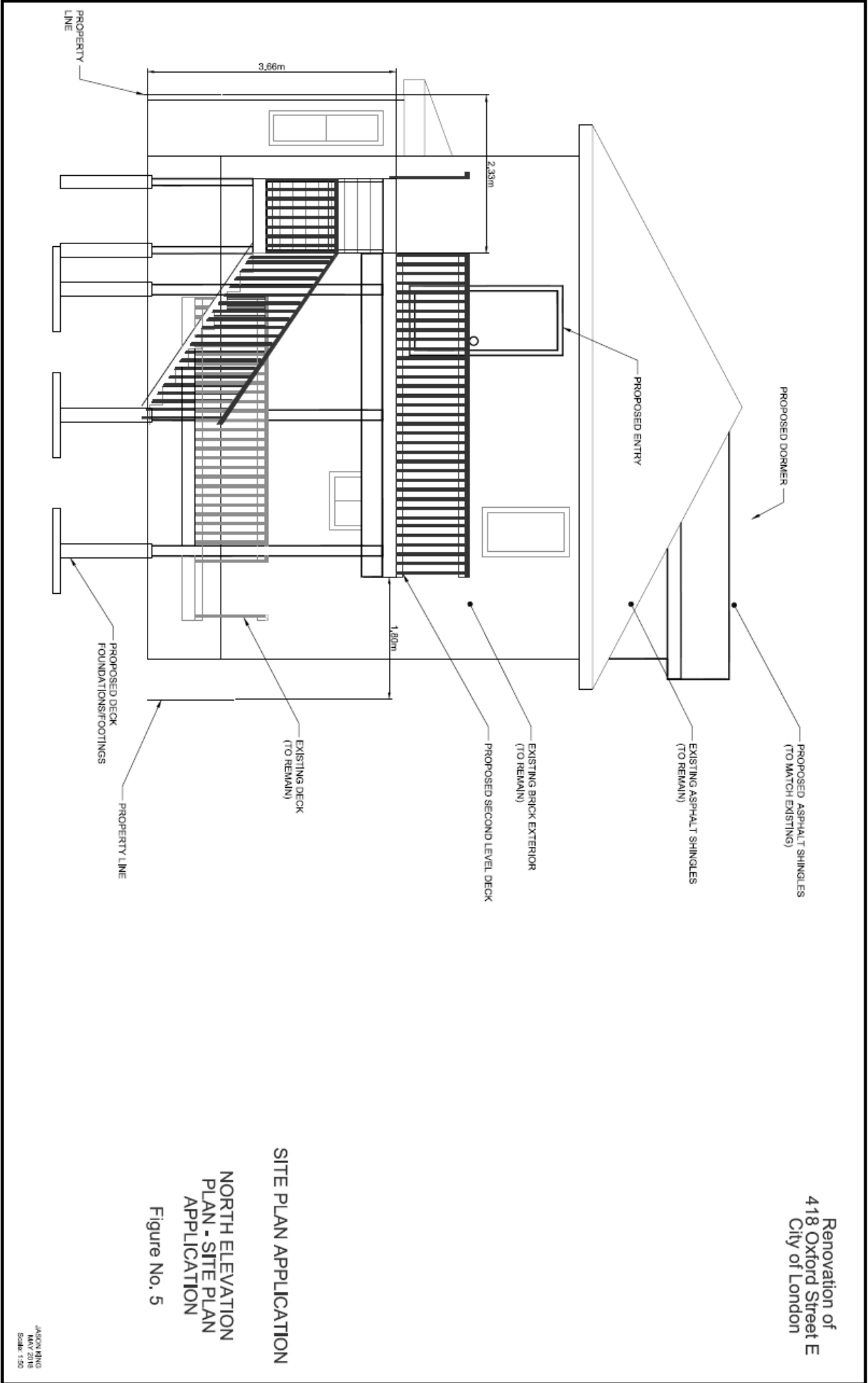
Corporation of the City of London



1.6 Site Plan



1.7 Front Elevation



2.0 Description of Proposal

2.1 Development Proposal

On June 7, 2018, staff received a Site Plan Control application from Jason King for the purpose of converting a single detached dwelling to a converted dwelling with three units. The site is zoned holding Residential R3 and Office Conversion (h-5*R3-1/OC4). The purpose of the "h-5" holding provision is to ensure that development takes a form compatible with adjacent land uses, and that agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P. 13*, prior to the removal of the "h-5" symbol. The proposal maintains the existing building and conforms to the minor variance received May 22, 2018 to permit the construction of a three-unit converted dwelling with a new dormer on the west side of the dwelling and a deck located on at the rear of the second storey (refer to Section 1.6 Site Plan).

3.0 Relevant Background

3.1 Planning History

The site plan application of June 7, 2018 is the second planning application for 418 Oxford Street East. This application follows a minor variance application received March 23, 2018 which resulted in a decision of the Committee of Adjustment, April 30, 2018 to grant the variance subject to conditions discussed in further detail later in the report.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application & Public Meeting

On August 15th, 2018, Notice of Application & Public Meeting was sent to 98 property owners in the surrounding area, Notice of Application & Public Meeting was also published in the Public Notices and Bidding Opportunities section of the *Londoner* on August 23rd, 2018, and Notice of Public Meeting was again published in the *Londoner* on September 6, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response
- 1 verbal response

Summary of Concerns and Comments:

Use: 1) What changes are being proposed?

Building Permits: 2) Is site plan approval needed for the alteration of the deck?

Response to Public Concerns

The majority of the changes are proposed within the interior of the building to create the dwelling units within the existing single detached dwelling. Exterior changes include the addition of a dormer on the west side of the roof, and a second level deck in the rear yard. As per Section 3.2.3 of the Official Plan, the conversion of the dwelling to a three-unit converted dwelling is considered residential intensification and is thus required to go through the site plan control approval process prior to the issuance of a building permit.

Deck construction does not require site plan approval in advance of construction and therefore works on the deck can commence prior to site plan approval with necessary building permits.

3.3 Policy and Regulatory Context

Provincial Policy Statement, 2014 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will develop an under-utilized site that has full access to municipal services along a major urban corridor. Land use within settlement areas shall be based on densities which efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) & (1.4.3.d). The proposal efficiently utilizes public services within a walkable neighbourhood and supports public and active transportation options available along Oxford Street East.

Minimum targets for intensification and redevelopment within built-up areas have been established by Municipal Council, which includes a target of 45% within the Built-Area Boundary for all new residential development, and a target of 75% within the Primary Transit Area for all new intensification (1.1.3.5). The development is located within the Primary Transit Area and Built-Area Boundary; therefore, this development contributes to achieving the targets for intensification.

The proposed development is consistent with the Provincial Policy Statement

The London Plan

The London Plan encourages “inward and upward” growth in existing built-up areas as identified under Key Direction 5 - Build a Mixed-Use Compact City. Residential intensification is supported by infill development of vacant and underutilized lots through redevelopment at a higher density than currently exists on developed lands (80.4 & 6). A target minimum of 45% for all new residential development will occur within the Built-Area Boundary (81). The Built-Area Boundary is comprised as the line circumscribing all lands that were substantively built out as of 2006, and includes the subject site. Intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (83).

The proposed development has regard for *The London Plan*.

Official Plan (1989)

The vision statement promotes an urban form with more intensive forms of residential development focused along sections of major transportation corridors, such as Oxford Street East, and in designated nodes to facilitate public transit (2.2.1 v). Infill residential development is encouraged and promoted in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities (3.1.1 vi). The proposed development has full access to municipal services and provides efficient development within an existing residential area.

The proposed development is in conformity with the City Official Plan (1989).

Z.-1 Zoning By-law

The existing zoning on the site is an h-5*R3-1/OC4. The R3-1 Zone permits: single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; converted dwellings; fourplex dwellings. The OC4 Zone permits both dwelling units and offices in existing buildings. The holding provision (h-5) is to ensure that development takes a form compatible with adjacent land uses. Agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. This report has been prepared for consideration at the public site plan meeting In 2018 a minor variance was sought for 418 Oxford Street East. The request included:

1. A variance to permit a lot area of 218m² (2346.6ft²) whereas a minimum of 540m² (5812.7ft²) is required;
2. A variance to permit a lot frontage of 9.5m (31.2') whereas a minimum of 12.0m (39.4') is required;
3. A variance to permit one off-street parking space whereas three are required; and,
4. Permission to extend a non-conforming west interior side yard setback of 0.6m (2.0').

At its meeting on Monday, April 30, 2018, the London Committee of Adjustment granted the requested Minor Variance subject to the following conditions:

1. That the basement unit shall be restricted to one (1) bedroom, main floor unit shall be restricted to one (1) bedroom and that the second floor unit shall be restricted to two (2) bedrooms
2. That the dormer will not face into any glazed area on the western property (416 Oxford Street).
3. That no front yard parking shall be permitted.
4. That a change of uses permit shall be required.
5. That a residential rental license shall be obtained if any units are to be rented.

With respect to the third variance, the Owner has stated to staff that a parking space is available for the subject lands on abutting property to the north. To-date staff have not been provided sufficient evidence that this parking space has been legally established for the subject lands. Given that the variance permits one off-site parking space whereas three would be required on-site, the Owner will be required to provide evidence that they maintain an interest in the abutting lands to ensure that the provision of one off-site parking space is not lost. If such proof or evidence is not provided another variance will be required to address the additional parking deficiency prior to the issuance of site plan control approval.

Notwithstanding the above, the proposed development complies to the regulations of the Zoning By-law applicable to the site and does not contravene any conditions of the minor variance, granted in April 2018.

4.0 Key Issues and Considerations

4.1 Use

Multi-family, Medium Density Residential designation of the Official Plan (1989) permits multi-unit residential developments (3.3) such as converted dwellings, row houses or cluster houses, or rooming and boarding houses (3.3.1). The Multi-Family, Medium Density Residential designation may serve as a suitable transition between Low Density Residential and other more intense forms of land use, and it may also provide for greater variety and choice in housing, including converted dwellings, at locations that have desirable attributes but may not be appropriate for higher density, high-rise forms of housing (3.3).

4.2 Intensity

The R3-1 zoning permits converted dwellings when 180m² of lot area is provided for each unit. A minor variance (A.039/18) granted for 418 Oxford Street East permits a total lot area of 218m², whereas 540m² was required, allowing a maximum of three (3) dwelling units.

4.3 Form

The converted dwelling will maintain its existing front façade, which faces Oxford Street East. The addition of the dormer to the west side of the dwelling is proposed with shingles and materials similar to the existing dwelling. A secondary deck is proposed at the rear of the

dwelling and a secondary access at the rear to allow for access to the deck.

4.4 Privacy and Buffering

The proposed converted dwelling is surrounded by similar residential uses; one (1) residential with five (5) contained units to the east and one (1) duplex to the west. The setbacks of the converted dwelling will remain as existing and comply with the Zoning By-law. There is an existing chain link fence along the west property line which is to remain. Additional fencing is not proposed along the rear lot line as it provides access to the vehicular parking space. Fencing along the east property line will not be provided in order to maintain the existing vegetation between 418 Oxford Street East and 420 Oxford Street East. The Site Plan Control By-law encourages preservation of vegetation where possible.

4.5 Traffic and Transportation

The site is located with frontage and pedestrian access to Oxford Street East. As noted previously, the Owner maintains that a single parking space is located off-site, on abutting northerly property. No further changes to the on-site or off-site parking is proposed. As such, increased vehicular traffic is not expected.

4.6 Tree Retention and Landscape Open Space

All existing trees will be preserved through this development application and where necessary tree preservation fencing shall be installed.

4.7 Outstanding Site Plan Comments

1. Archaeological potential at 418 Oxford Street East is identified by the Archaeological Management Plan (2017). As per *The London Plan* (Section 616), an archaeological assessment should be required due to scope of work and anticipated ground disturbance noted on the attached drawings submitted as part of the application (i.e. 2nd level deck construction w/stairs); recommend a Stage 1-2 archaeological assessment be undertaken. Further work may be required depending on the findings of the Stage 1-2 archaeological assessment.
2. The Owner is to confirm the number of water meters that are contemplated for the proposed site.
3. Should the Owner wish to have multiple meters, then a new water service and separate water meter pits will be required to be shown on a servicing plan that is stamped by a professional engineer.
4. Provide a draft reference plan showing required widening of 22.5m from centreline fronting property, save and accept existing structures that are being retained.

5.0 Conclusion

The proposed Site Plan Application is consistent with the Provincial Policy Statement, in conformity with the City of London Official Plan, and has regard for The London Plan. The application has been reviewed in accordance with the Z.-1 Zoning By-law and is considered to be in conformity with the applicable regulations. The proposed Site Plan and elevations will result in development that will maintain the character of the area and in compliance with the Site Plan Control By-law.

Prepared by:	Vanessa Santos Site Development Planner, Development Services
Recommended by:	Michael Pease, MCIP RPP Manager, Development Planning
Reviewed by:	Heather McNeely, MCIP RPP Manager, Development Services (Site Plan)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

September 17, 2018

VS/lm