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Z-8149
Nicole Musicco

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ROBERT EDWARD AND CINDY LYNN SEDGE 736 TALBOT STREET PUBLIC PARTICIPATION MEETING ON APRIL 23, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Robert Edward and Cindy Lynn Sedge relating to the property located at 736 Talbot Street;

- i) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 30, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R10 (h-1*R10-3*H-36) Zone which permits apartment buildings to a maximum height of 36 metres and a maximum density of 250 units per hectare, **TO** a Holding Business District Commercial Special Provision (h-1*BDC()) Zone which permits a 4 storey mixed use apartment building with offices and studios on the ground floor and 9 residential dwelling units located in the rear portion of the ground floor or above the ground floor with a maximum height of 12 metres and maximum density of 250 units per hectare, a maximum lot coverage of 78% and a minimum of 6 parking spaces with a holding provision to ensure noise and vibration measures are incorporated into the building design.

- ii) The Site Plan Approval Authority **BE REQUESTED** to address the following design matters:
 - Ensure that the roof style is consistent with the neighbourhood character. A flat roof style should be considered as a design alternative to the Mansard roof to respond to the neighbourhood character and building type.
 - Create an urban courtyard environment at the north-west corner of the site to improve the visibility of the commercial entrance. Reconfigure landscaping to achieve this, including removing or relocating the proposed landscaping along Piccadilly Street.
 - Provide a more prominent principal entrance at Piccadilly and Talbot Streets to improve the visibility of the commercial unit. This can be achieved through the building massing by creating an angled entrance (within the visibility triangle) as well as providing a more prominent canopy feature.
 - Emphasize the residential entrance on Piccadilly Street through architectural elements, such as a small overhang/canopy feature, and align the windows above with this entrance.
 - Ensure that any signage proposed for the commercial unit is integrated within the façade.
 - Explore opportunities to break up the visual bulk of the south elevation through recesses in the façade.
 - Provide additional French balconies, where possible, to break up the visual bulk of the façades.

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

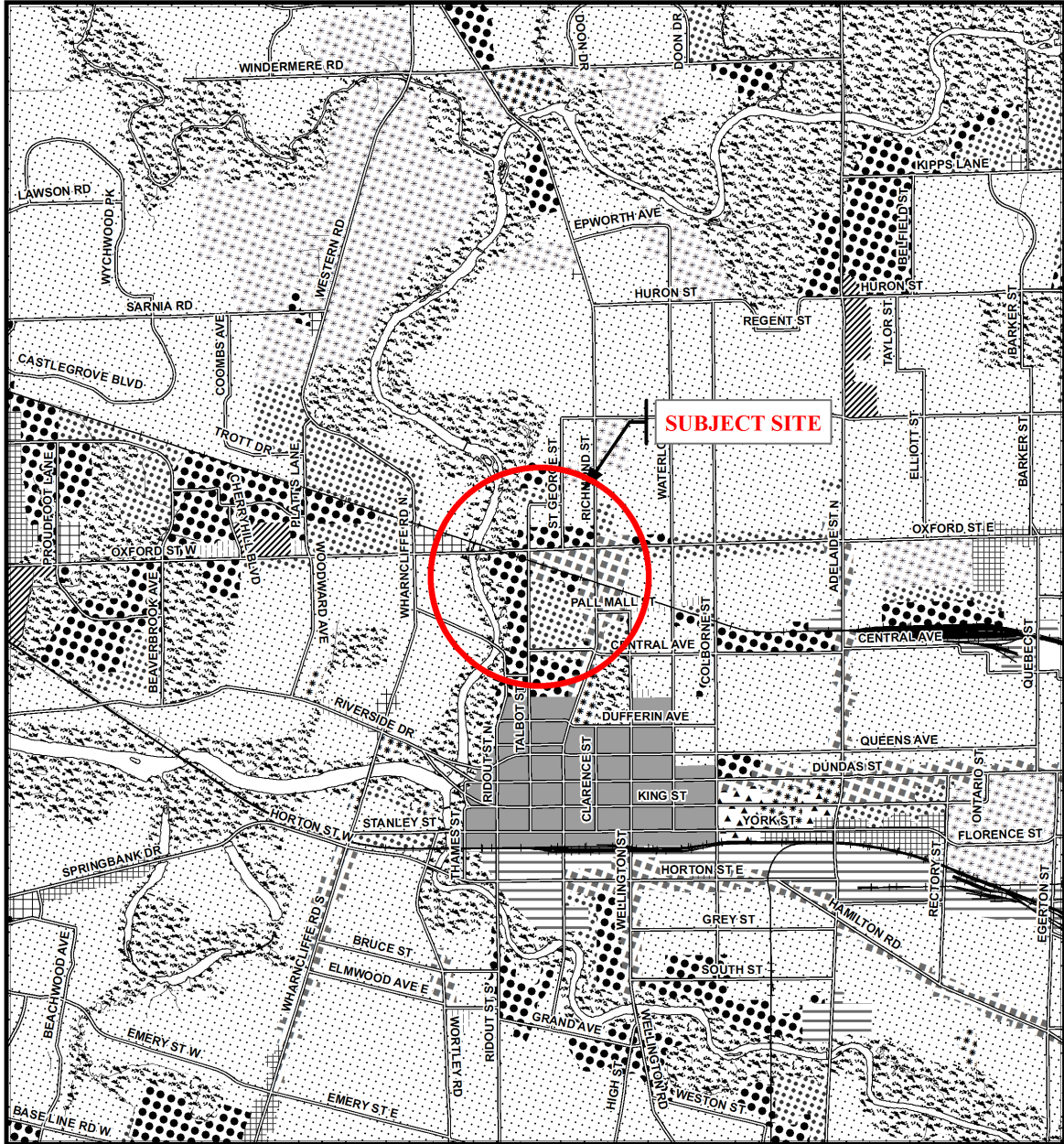
The purpose and effect of the requested Zoning By-law amendment is to allow the site to be developed with a 4 storey (12m) mixed use building with a ground floor office/studio and 9 residential dwelling units.

RATIONALE

1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2005).
2. The recommended zone is consistent with the City of London Official Plan.
3. The recommended zone allows for an appropriate development that is consistent with the character and density of the neighbourhood.
4. The development is proposed at a location which enhances the character and amenity of the area; where public transit, shopping facilities, and public open space are easily accessible; and where there are adequate municipal services to accommodate the development.
5. The proposal includes nine (9), one-bedroom units and is consistent with the Council adopted Near Campus Neighbourhood Strategy.
6. The recommended Zoning By-law amendment provides appropriate regulations to limit the use and intensity of the development.
7. The proposed development establishes housing which is affordable to low and moderate income households.

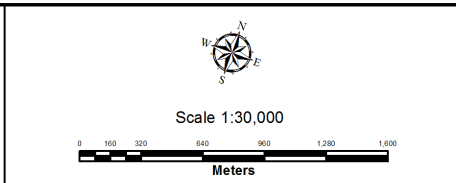
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Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential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

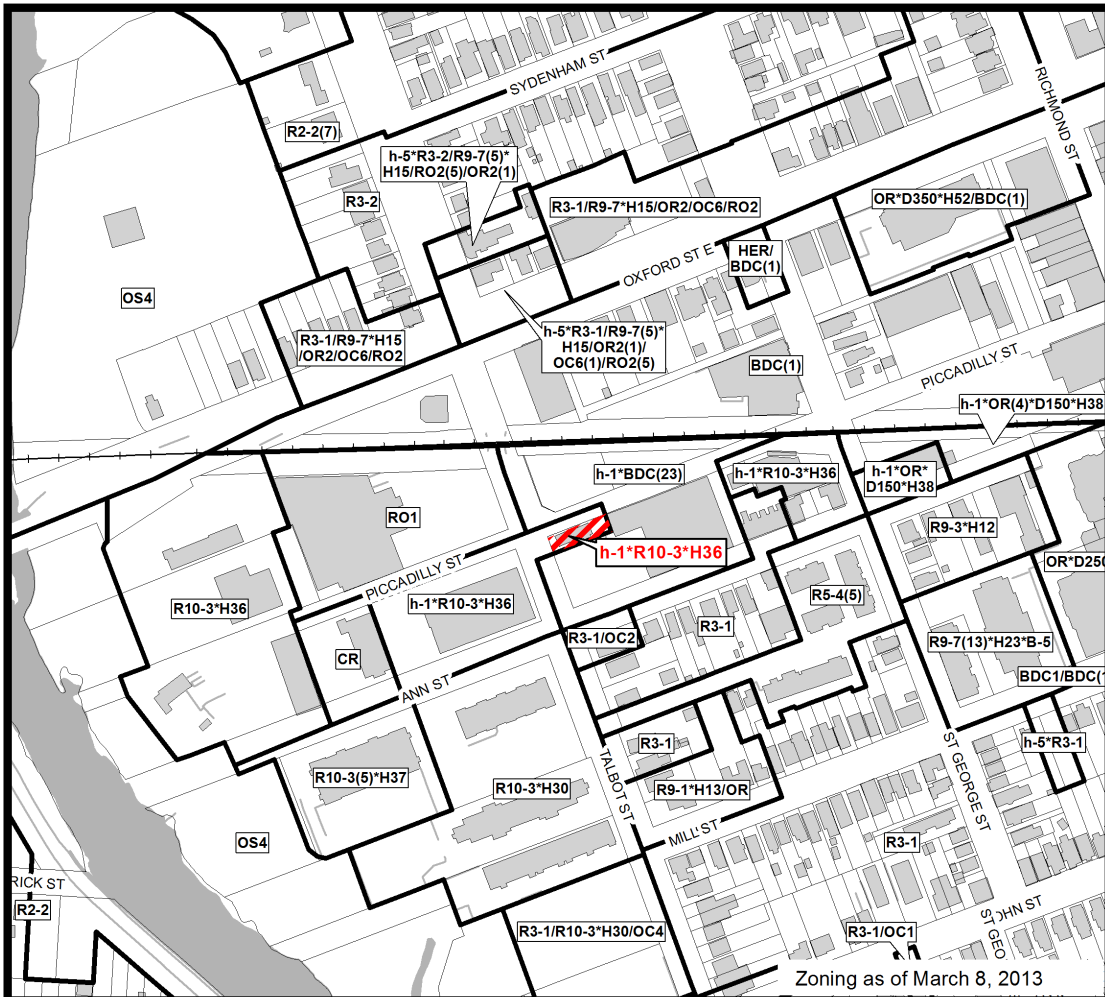
CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8149
 PLANNER: NM
 TECHNICIAN: CK
 DATE: 2013/03/25

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-1*R10-3*H36

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

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-8149	NM
MAP PREPARED: 2013/03/20	CK
1:3,413	
0 15 30 60 90 120 Meters	

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BACKGROUND

Date Application Accepted: February 12, 2013	Agent: Malcolm Ross
<p>REQUESTED ACTION: Amend By-law Z.-1 to change the zoning FROM a Holding Residential R10 (h-1*R10-3*H-36) Zone which permits apartment buildings to a maximum height of 36 metres and a maximum density of 250 units per hectare, TO a Business District Commercial (BDC()) Zone which permits a 4 storey mixed use apartment building with commercial on the ground floor and 9 residential dwelling units located above the first floor with a maximum height of 12metres and maximum density of 230 units per hectare and a minimum of 6 parking spaces.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Residential – 3 units • Frontage – 10.668 metres • Depth – 36.576 metres • Area – 390.18 metres / 0.039 hectares • Shape - Irregular
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<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North - Vacant Land / CP Railway • South - Parking lot • East - Commercial • West - Commercial/ Restricted Office

<p>Official Plan Designation: (refer to Official Plan Map)</p> <p>Multi-Family High Density Residential</p> <p>The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing homes; rest homes; homes for the aged; and rooming and boarding houses. Zoning on individual sites would not normally allow for the full range of permitted uses.</p>
<p>EXISTING ZONING: (refer to Zoning Map)</p> <p>Holding Residential R10 (h-1*R10-3*H36)</p> <p>Permitted uses include:</p> <p>Apartment buildings;</p> <p>Lodging house class 2;</p> <p>Senior citizens apartment buildings;</p> <p>Handicapped persons apartment buildings;</p> <p>Continuum-of-care facilities</p> <p>(h-1) Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.</p> <p>(H-36) – Maximum height of 36 metres</p>

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Transportation

Transportation Planning and Design has no concern with the Zoning by-law amendment for this property but does have concern with the proposed design of the parking facilities. The concept plan parking is proposed on the ground floor with building space above. There is concern that motorists exiting the parking area will not be able to see pedestrians on the sidewalk or other vehicles on Talbot Street due to building walls or columns. The design will need to incorporate a method so that motorists can see on-coming conflicts. Transportation will require a road widening dedication measured 13 m from the centre line of Talbot St and a sight triangle at the intersection of Talbot Street and Piccadilly Street. These and other transportation issues will be discussed in greater detail through site plan review.

Wastewater and Drainage Engineering

Wastewater and Drainage Engineering has no objection to this re-zoning. The municipal sanitary outlet for this property is to the 200mm diameter sewer on Piccadilly Street and or the 900mm diameter municipal sanitary sewer on Talbot Street.

Storm Sewer and Drainage Engineering

SWM Unit has the following comments for the re-zoning application at 736 Talbot:

- *The subject lands are located in the Thames River Central Area Watershed. The Developer shall be required to apply the proper SWM practices to ensure that the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.*
- *The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.*
- *According to drawing T12-05-A2 the design C value for the subject lands is 0.75. If this value is exceeded, the owner shall provide alternative on-site SWM which is designed and certified by a Professional Engineer for review and approval by the Environmental Services Department.*
- *The owner's Professional Engineer shall prepare a servicing report to address minor, major flows, SWM measures (including water quality), and identify outlet systems (major and minor) in accordance with City of London Design Specifications requirements and MOE's requirements.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are mostly contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.*
- *The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within this development application and all to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City's Drainage By-Law WM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, , all to the satisfaction of the City Engineer.*
- *The owner must allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*

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Urban Design (City of London)

The neighbourhood is an eclectic mix of uses, architectural styles, and building mass. There is a variety of residential uses, ranging from single detached dwellings to 10-storey apartment buildings. The lower-rise forms are generally clad in brick and/or siding. Pitched roofs as well as porches and covered stoops are common on the low-rise residential forms; however, mansard roofs are not common. Multi-storey residential buildings typically have flat or low-sloped roofs. Residential parking is concealed in the rear or side yards.

Consistent with the above noted neighbourhood character:

- The applicant is commended for locating the principal entrance at the corner of Talbot and Piccadilly Streets and for incorporating the parking into the design of the building.*
- A mansard roof is not consistent with the neighbourhood character or appropriate for the building typology proposed. A flat roof would better respond both to the character of the neighbourhood and the building type and should be considered as an alternative design solution.*
- Break up the south facade with projections and recesses to reduce the visual bulk of the elevation. Consider adding windows to the recesses, in the portion perpendicular to the main facade, as an alternative to the glass block windows proposed.*
- Consider adding Juliet balconies, as shown on the east and west facades, to the north facade to further break up the building mass.*
- Provide a more prominent principal entrance at Piccadilly and Talbot Streets through the building massing, creating a height element at the corner and making the commercial unit entrance more visible.*
- Consider the integration of signage on the building facade for the ground-floor commercial unit proposed.*
- Consider removing the portion of landscaping proposed along Piccadilly Street to create a forecourt environment at the street corner and improve pedestrian circulation to the commercial unit.*
- Provide additional landscaping along Piccadilly Street to soften the north elevation, with particular attention to the brick wall at the north-east corner of the building used to screen the parking.*

Environmental and Parks Planning

Environmental and Parks Planning does not have a concern with this application; however it is of note that parkland dedication has not been provided for this property. Parkland dedication, in the form of cash-in-lieu, will be required by the owner at the time of site plan control/building permit consistent with the requirements/rates listed within By-law CP-9.

Urban Forestry

No comments.

Bell

A detailed review of the Zoning Amendment has been completed. Bell Canada has no conditions/objections to the application as submitted. If there are any conflicts with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for re-arrangements or relocations.

London Hydro

London Hydro has no objection to the proposal.

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Upper Thames River Conservation Authority
No objection.

Urban Design Peer Review Panel

The proposal was presented to the Urban Design Peer Review Panel on March 20, 2013. The Panel review was based on the conceptual site plan and rendering below.

The following comments from the Panel are based on the submitted Urban Design Brief, questions directed to and responses by the Applicant on March 20, 2013.

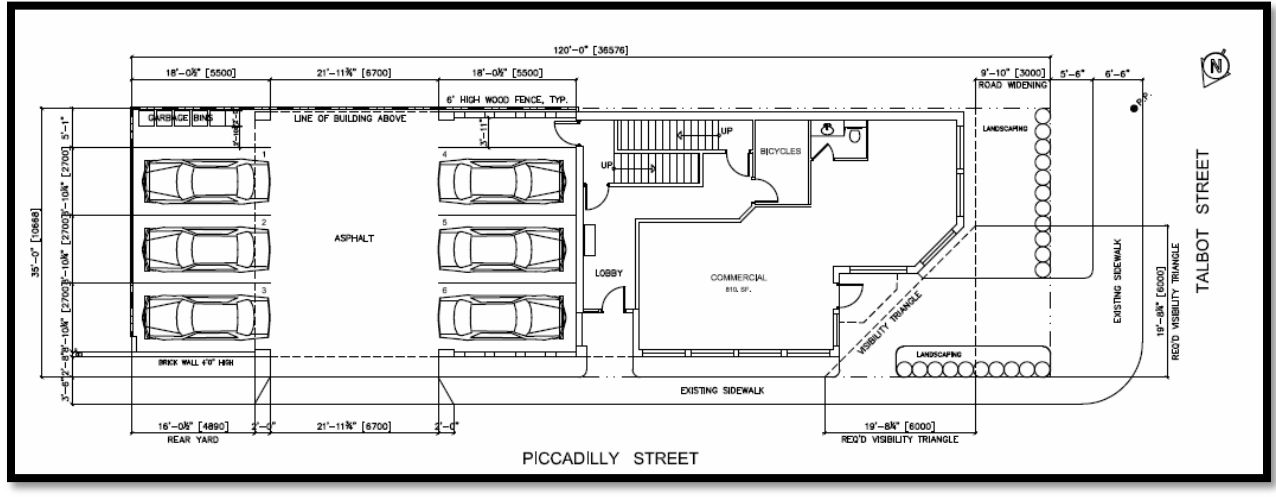
1. *The Panel commends the Applicant for a well written, thorough brief.*
2. *The Panel recognizes that the proposed zero lot line building and the extent of parking eliminates functional outdoor amenity space at ground level, however consideration could be given to providing amenity space for residents on the flat roof.*
3. *Consideration could be given to providing French balconies on the north wall, if space permits at the zero lot line. The inclusion of small balconies within the corner on the west side of the building as shown in plan, but not the rendered elevations, is important.*
4. *It will be essential to consider safety for pedestrians and drivers on the north side of the building at the entry/exit to the parking. Ensure adequate visual porosity and sightlines.*
5. *Negotiations would be required with the City but street trees could be planted at the north-west corner of the site in lieu of the small scale planting currently shown, with the purpose of creating an urban courtyard at the north-west corner of the site. The removal of the small scale planting would also afford an opportunity to create more of a plaza to meet the sidewalk at the front of the building along Talbot Street.*
6. *The residential entrance could be better defined by providing a canopy, aligning the windows above this recessed entrance.*
7. *The ground floor commercial windows appear flush with the building face. It will be important to set the windows within the wall to bring more definition and character to the facades. In addition, consideration should be given to sizing the commercial windows to be more in keeping with the residential windows.*
8. *The proponent is encouraged to reconsider the mansard roof and gables. The mansard roof is out of place in the immediate neighbourhood; a flat roof would be more appropriate. Should the mansard roof be used, alternatives to the shed dormers such as eyebrow dormers could be considered. The proposed gables do not have the rhythm, scale and proportions of the Talbot streetscape alluded to in the presentation.*
9. *The building does not appear to be grounded due to the material and colour changes at the second floor and the apparent cantilever of the upper floors over the parking. This is further emphasized by the continuous horizontal banding around the building. Carrying the material and colour of the upper floors down to grade, in particular at the north-east corner, would tie the floors together and reinforce the base.*

PUBLIC LIAISON:	On February 12, 2013 Notice of Application was sent to 39 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of the <i>London Free Press</i> on February 21, 2013. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
<u>Nature of Liaison:</u> Possible amendment to By-law Z.-1 to change the zoning FROM a Holding Residential R10 (h-1*R10-3*H-36) Zone which permits apartment buildings to a maximum height of 36 metres and a maximum density of 250 units per hectare, TO a Business District Commercial (BDC()) Zone which permits a 4 storey mixed use apartment building with commercial on the ground floor and 9 residential dwelling units located above the first floor with a maximum height of 12 metres and maximum density of 230 units per hectare and a minimum of 6 parking spaces.		

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CONCEPTUAL SITE PLAN



ELEVATION



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East & West Elevations



West



East

North & South Elevations



North



South

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ANALYSIS

Subject Site

The subject property is located on the southeast corner of Talbot Street and Piccadilly Street. The site presently contains a converted dwelling with three apartments. The adjacent properties to the east are commercial, to the south parking, to the north vacant land and the CP Rail line, and to the west commercial, and restricted office. Including the future road widening, the lot area is 390.18 square metres (.039 hectares); excluding the future road widening, the lot area is .036 hectares. Sewers, water mains and storm sewers are available at the lot line.

The property was previously listed on the 2006 City of London Heritage Inventory. In 2011, the LACH recommended to Council that the Director of Building Controls and Chief Building Official be advised that LACH did not support the designation of 736 Talbot Street and requested only that the Heritage Planner be allowed to document the building if it was to be demolished. Council endorsed this recommendation at its December 7, 2011 meeting. The owner has since applied for and received the Required Clearances for Demolition Permit.

Nature of Proposal

The applicant proposes to redevelop the property for affordable housing, creating nine one-bedroom apartments on the upper floors with office or studio space on the main floor. A zoning by-law amendment is required to accommodate the proposed change from the Residential R10 (R10-3) Zone to a Business District Commercial (BDC) Zone.

The applicant has also requested consideration of an interpretation of the Official Plan so that the Main Street Commercial Corridor designation, which applies to all of the properties surrounding 736 Talbot Street, would apply to the subject site.

Provincial Policy Statement

The Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. (which sets out guidelines for determining appropriate criteria for identifying appropriate locations for intensification and redevelopment)

1.4.1 To provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area identified in policy 1.4.3, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment, and, if necessary, lands which are designated and available for residential development.*

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1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.

b) permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3;*

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and

e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety

The proposed amendment is consistent with the Provincial Policy Statement as it:

- provides balance and addresses the complex inter-relationship between the environmental, economic and social policies;
- provides for an appropriate mix of land uses;
- provides for an appropriate range of housing types and densities.
- establishes housing which is affordable to low and moderate income households.

Official Plan Policies

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

Current Official Plan Designation

The current Official Plan designation is Multi-Family High Density Residential.

3.1.4 - MULTI-FAMILY, HIGH DENSITY RESIDENTIAL OBJECTIVES

i) Support the development of multi-family, high density residential uses at locations which enhance the character and amenity of a residential area and where arterial streets, public transit, shopping facilities, public open space, and recreational facilities are easily accessible; and where there are adequate municipal services to accommodate the development.

ii) Provide opportunities for the development of multi-family, high density residential buildings at locations adjacent to major public open space areas where compatibility with adjacent land uses can be achieved.

iii) Promote, in the design of multi-family, high density residential developments, sensitivity to the scale and character of adjacent land uses and to desirable natural features on, or in close proximity to, the site.

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3.4.1 - Permitted Uses

The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses. Zoning on individual sites would not normally allow for the full range of permitted uses.

Secondary Permitted Uses

iv) Uses that are considered integral to, and compatible with, high density residential development, including group homes, home occupations, community facilities, funeral homes, commercial recreation facilities, small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.

3.6.8 – New Office Development

Small-scale, free-standing office buildings may be permitted as secondary uses in the Multi-Family, Medium and Multi-Family, High Density Residential designations, subject to the following provisions:

Location

i) Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.

Buffering

ii) Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.

Scale, Appearance

iii) The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.

Zoning, Planning Impact Analysis

iv) Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7. will be required to determine if the proposed development is appropriate.

Request for Interpretation

The applicant has requested staff to consider interpreting the subject lands to be located within the Main Street Commercial Corridor designation which surrounds the property on the north, east and south sides. Section 19.1.1 i) of the Official Plan states that Council may permit minor departures from the boundaries between land use designations (where they do not coincide with physical features), if it is of the opinion that the general intent of the Plan is maintained, and that the departure is advisable and reasonable.

For the subject property, Schedule “A” of the Official Plan clearly demonstrates a deliberate intent to place the property within the Multi-family, High Density Residential designation. Therefore staff does not consider an interpretation by Council to maintain the general intent of the Plan and would not recommend it. Furthermore, staff considers the proposed development to maintain the intent of the Official Plan without the need for such an interpretation.

Does the requested amendment conform to the polices of the Official Plan?

- The redevelopment of 736 Talbot Street will result in the development of an affordable housing project which will complement and enhance the existing area.
- The proposed development is a low-rise mixed-use apartment building, four storeys in height.

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- A small office/studio would be included on the main floor with three one-bedroom apartments on each of the upper three floors, consistent with the intent of the policies of the Official Plan for the main and secondary uses permitted by the Multi-family High Density Residential designation. These uses are appropriate given the surrounding Main Street Commercial Corridor designation and existing surrounding land uses.
- Talbot Street is a primary collector, which is an appropriate location for a mixed-use building.
- While the existing building on the site dates to 1881, it is no longer a listed heritage property and it is therefore appropriate to allow for the redevelopment of the lands.
- The Multi-Family High Density Residential designation allows for maximum densities of 250 units per hectare (100 units per acre) in Central London. The proposed development is requesting 240 units per hectare.
- The subject property is .036 hectares (excluding the required road widening) which permits nine units. The proposed nine unit development, therefore, conforms with the allowable residential density of 250 units per hectare.
- Planning Staff are not supportive of interpreting the subject lands as Main Street Commercial Corridor, as there is a distinct line on Schedule "A" of the Official Plan, surrounding the property, separating and designating the property as Multi-Family High Density Residential.

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of that use, and the built form. This is achieved by applying various zone variations to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. These regulations may include: setbacks from property lines, building height, lot coverage requirements, floor area, and parking requirements, among others. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

Current Zone

The current zone is a Holding Residential R10 (h-1*R10-3*H-36) Zone which permits the following uses to a maximum height of 36 metres and a maximum density of 250 units per hectare: Apartment buildings; Lodging house class 2, Senior citizens apartment buildings; Handicapped persons apartment buildings and Continuum-of-care facilities. The holding provision (h-1) requires that to ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.

Requested Zone

The requested zone is a Business District Commercial Special Provision BDC() Zone which will permit a 4 storey mixed use apartment building with commercial uses on the ground floor and 9 residential dwelling units located above the first floor with a maximum height of 12 metres and maximum density of 240 units per hectare, a maximum lot coverage of 78% and a minimum of 6 parking spaces. The recommended zoning by-law amendment is to re-zone the property to the Business District Commercial (BDC) Zone to accommodate both the proposed residential use on the upper floors and the main floor office/ studio space.

The Business District Commercial (BDC) Zone typically provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and in hamlets or small business areas in rural areas. Normally buildings are located near the street line with parking to the rear.

The BDC Zone variation provides for a wide range of compatible office, retail, facility and residential uses which are appropriate in all Business District Commercial Zone variations. In addition to the uses provided for under BDC an expanded range of uses may be permitted at appropriate locations through the use of other zone variations in BDC1 (larger scale uses) and BDC2 (institutional/facility type uses).

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Is the requested zone appropriate?

A Holding Business District Commercial Special Provision (h-1*BDC()) Zone is being recommended to permit a 4 storey mixed use apartment building with office/studio on the ground floor and 9 residential dwelling units located above the first floor with a maximum height of 12 metres and maximum density of 240 units per hectare, a maximum lot coverage of 78% and a minimum of 6 parking spaces.

The holding provision (h-1) is to ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.

Staff is recommending that the permitted non-residential uses on the site be limited to offices and studios, and that the potential size of these uses be limited by restricting them to the front portion of the ground floor of the building. Accordingly, dwelling units may be permitted within the rear portion of the ground floor or on the second floor or above. This is consistent with the intent of the Multi-family, High Density Residential designation of the Official Plan to provide primarily residential uses with appropriate secondary uses at a limited scale.

Planning Impact Analysis

It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. If a use is appropriate but its intensity is not, the site may not be able to contain the demand for that use. Similarly, if the use and intensity are appropriate but the form is not appropriately designed or is not situated in a desirable location the proposed development may result in impacts onto the abutting properties. The criteria of use, intensity and form are evaluated through the Planning Impact Analysis.

Planning Impact Analysis is used to evaluate applications for an Official Plan amendment and/or Zoning By-law amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses. The Planning Impact Analysis is intended to document the criteria reviewed by Municipal Staff through the application review process to assess an application for change. Depending upon the situation, other criteria may also be considered. The relevant criteria to be considered include the following:

- *the policies contained in the Section relating to the requested designation;*

The proposed uses are identified as primary and secondary permitted uses within the Multi-family High Density Residential designation of the Official Plan.

- *compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;*

The proposed uses are compatible with the surrounding land uses. The proposed development would establish a 4 storey (12m) mixed use building with ground floor office/studio and 9 residential dwelling units at a compatible scale to the surrounding landuses.

- *the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses.*

The proposed development will require two special provisions. The first special provision is for lot coverage. The development requires lot coverage of 78% whereas 70% is the maximum. A second special provision is required for parking. The applicant has provided 6 parking spaces, whereas 14 are required. The subject lands are undersized, and in order for the site to properly develop an increase in lot coverage is required. The subject site is within close proximity to public transit, which may adequately compensate the need for 14 spaces.

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- *the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties;*

The City of London Transportation Division have not expressed concerns with the volume of traffic generated by the proposed development. However, to ensure that any potential traffic impacts are mitigated, Transportation Staff has requested that their concerns be addressed at the Site Plan Approval process.

- *the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*

The proposal is a low-rise residential development with first floor office/studio uses and will not negatively impact the surrounding land uses because of the site's proximity to lands which are designated and used for commercial and office uses.

- *the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;*

Transportation Planning and Design has no concern with the Zoning by-law amendment for this property but does have concern with the proposed design of the parking facilities. There is concern that motorists exiting the parking area will not be able to see pedestrians on the sidewalk or other vehicles on Talbot Street due to building walls or columns. Transportation will require a road widening dedication measured 13 m from the centre line of Talbot St and a sight triangle at the intersection of Talbot Street and Piccadilly Street. These and other transportation issues will be discussed in greater detail through site plan review.

- *the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area and its conformity with the City's commercial urban design guidelines;*

On March 20, 2013 the proposed development was presented to the Urban Design Peer Review Panel. The matters addressed by the Panel are outlined in the Significant Department/Agency Comments section of this report and will be addressed at the Site Plan Approvals Stage.

- *the potential impact of the proposed development on surrounding natural features and heritage resources;*

There are no natural features surrounding the subject lands.

- *constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development;*

There are no known environmental issues.

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CONCLUSION

The development is proposed at a location which enhances the character and amenity of the area; where public transit, shopping facilities and public open space, are easily accessible; and where there are adequate municipal services to accommodate the development. The proposal includes nine (9), one-bedroom units and is consistent with the Council adopted Near Campus Neighbourhood Strategy. The recommended Zoning By-law amendment provides appropriate regulations to control the use and intensity of the building and establishes housing which is affordable to low and moderate income households.

PREPARED BY:	SUBMITTED BY:
NICOLE MUSICCO – PLANNER II COMMUNITY PLANNING & DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING & DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING & CITY PLANNER	

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Responses to Public Liaison Letter and Publication in “Living in the City”

None.

**Bibliography of Information and Materials
Z-8149**

Request for Approval:

City of London Zoning By-law Amendment Application Form completed by Malcolm Ross, January 29, 2013.

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*, March 1, 2005.

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

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

Planning Justification Report, Shire Consult3.ing, January 2013.

Urban Design Brief, Carsten Jensen Architect, January 2013.

Correspondence: (all located in City of London File No. Insert File No. Z-8149 unless otherwise stated)

City of London -

Tomazincic, M. - Manager, Planning Review – February 13, 2013.

Corby, M. Planner II – Emails to M. Ross (2012-2013)

Various emails – January 2013 – March 2013 – M. Ross and C. Smith

Killen, K. – Urban Design Technician - Memo to C. Smith (March 15, 2013)

Henry, B, ZRR to N. Musicco – March 15, 2013.

Page, B. City of London Parks Planning and Design. Memo to N. Musicco – March 8, 2013.

Postma, R. Email to C. Smith – February 20, 2013.

Titus, P. Email to C. Smith – March 8, 2013.

Masschelein, B. Email to C. Smith – March 7, 201

Departments and Agencies -

Creighton C., UTRCA. Letter to C. Smith – March 7, 2013.

Dalrymple, D., London Hydro. Memo to C. Smith – February 15, 2013.

Raffoul, L. Memo to C. Smith – Bell Canada – February 25, 2013.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2013

By-law No. Z.-1-13_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 736 Talbot Street.

WHEREAS Robert Edward and Cindy Lynn Sedge have applied to rezone an area of land located at 736 Talbot 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 736 Talbot Street as shown on the attached map compromising part of Key Map No. 68, **FROM** a Holding Residential R10 (h-1*R10-3*H-36) Zone, **TO** a Holding Business District Commercial Special Provision (h-1*BDC()) Zone.

1) Section Number 25 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

25.3__ BDC() 736 Talbot Street

a) Regulations

- i) Off-street parking (minimum) 6 spaces
- ii) Lot Coverage (maximum) 78%
- iii) Height (maximum) 12 metres (39.37 feet)
- iv) Density (maximum) 250 units per hectare (101.18 units per acre)

a) Permitted Uses

- i) Dwelling units restricted to the rear portion of the ground floor or on the second floor or above with offices and studios in the front portion of the ground floor.

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 April 30, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

Agenda Item # Page #

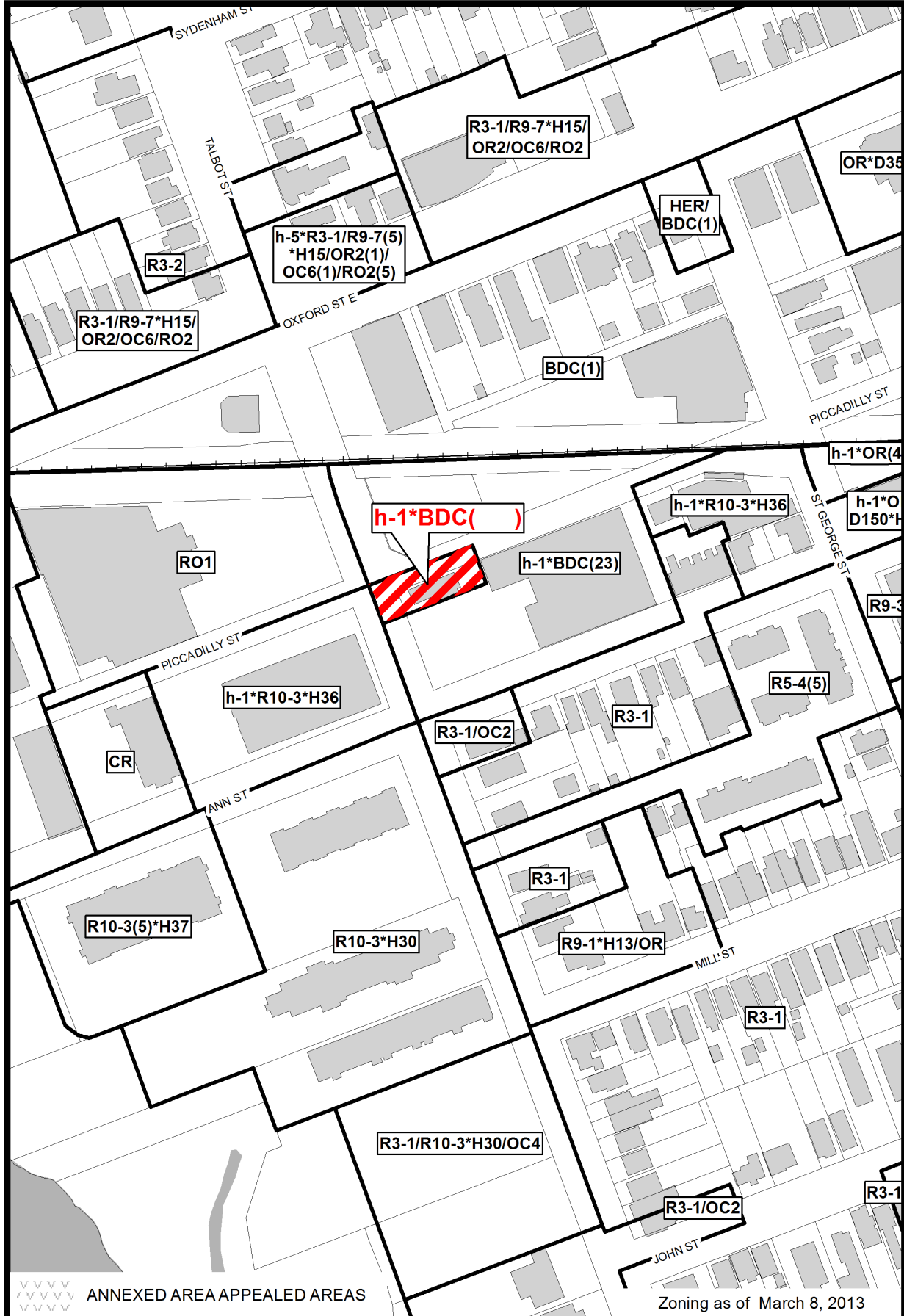
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First Reading - April 30, 2013
Second Reading - April 30, 2013
Third Reading - April 30, 2013

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



File Number: Z-8149

Planner: NM

Date Prepared: 2013/04/04

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE



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