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File: Z-8152
Planner: Barb Debbert

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| TO: | CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE |
| FROM: | JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER |
| SUBJECT: | APPLICATION BY: GUS AGGELOPOULOS 404-408 PALL MALL STREET & 660 COLBORNE STREET PUBLIC PARTICIPATION MEETING ON MAY 28, 2013 |

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| RECOMMENDATION |
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Gus Aggelopoulos relating to the property located at 404-408 Pall Mall Street & 660 Colborne Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 11, 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 Residential R8/Convenience Commercial (R8-1/CC) Zone which permits such uses as apartment buildings, stacked townhouses, emergency care establishments and continuum-of-care facilities at a maximum height of 13.0 metres and a maximum density of 40 units per hectare, and convenience service establishments, convenience stores, financial institutions and personal service establishments without drive-through facilities, **TO** a Residential R8/Convenience Commercial Special Provision (R8-1/CC(_)) Zone to permit in addition to the above-noted uses, a restaurant, without a drive-through facility, to a maximum gross floor area of 75 square metres within the existing building, and to require a minimum of five on-site parking spaces for all uses within the existing building;

- (b) the Administration **BE REQUESTED** to review compliance of the Owner in all respects with the Agreement between the City and Owner under Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (The Boulevard Parking Agreement), and if necessary require the Owner to comply with the Agreement in all respects, or alternatively, to enter into a revised Boulevard Parking Agreement to the satisfaction of the City Engineer, such revised Agreement to include appropriate landscaping, and to report back to the Planning and Environment Committee.

- (c) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as:
 - i) the restriction of the recommended use to within the existing building was the basis on which notice of application and notice of public meeting were given;
 - ii) the requirement for a minimum of five on-site parking spaces recognizes an existing site condition, and was discussed at the public meeting held on May 28, 2013.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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None

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| PURPOSE AND EFFECT OF RECOMMENDED ACTION |
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The purpose and effect of the requested Zoning By-law amendment is to permit the conversion

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of the main floor of the existing building from a convenience store to a small-scale espresso bar.

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| RATIONALE |
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The recommended Zoning By-law amendment to permit a restaurant in addition to existing permitted uses is appropriate and suitable for the following reasons:

- i) The proposal is consistent with the policies of the *Provincial Policy Statement, 2005*, which promotes healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses;
- ii) A small-scale restaurant at this location is in keeping with the intent of the Official Plan; and,
- iii) The proposed zone provides for the replacement of one neighbourhood-scale community oriented use with another neighbourhood-scale community oriented use, which is complementary to and compatible with the existing neighborhood.

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| BACKGROUND |
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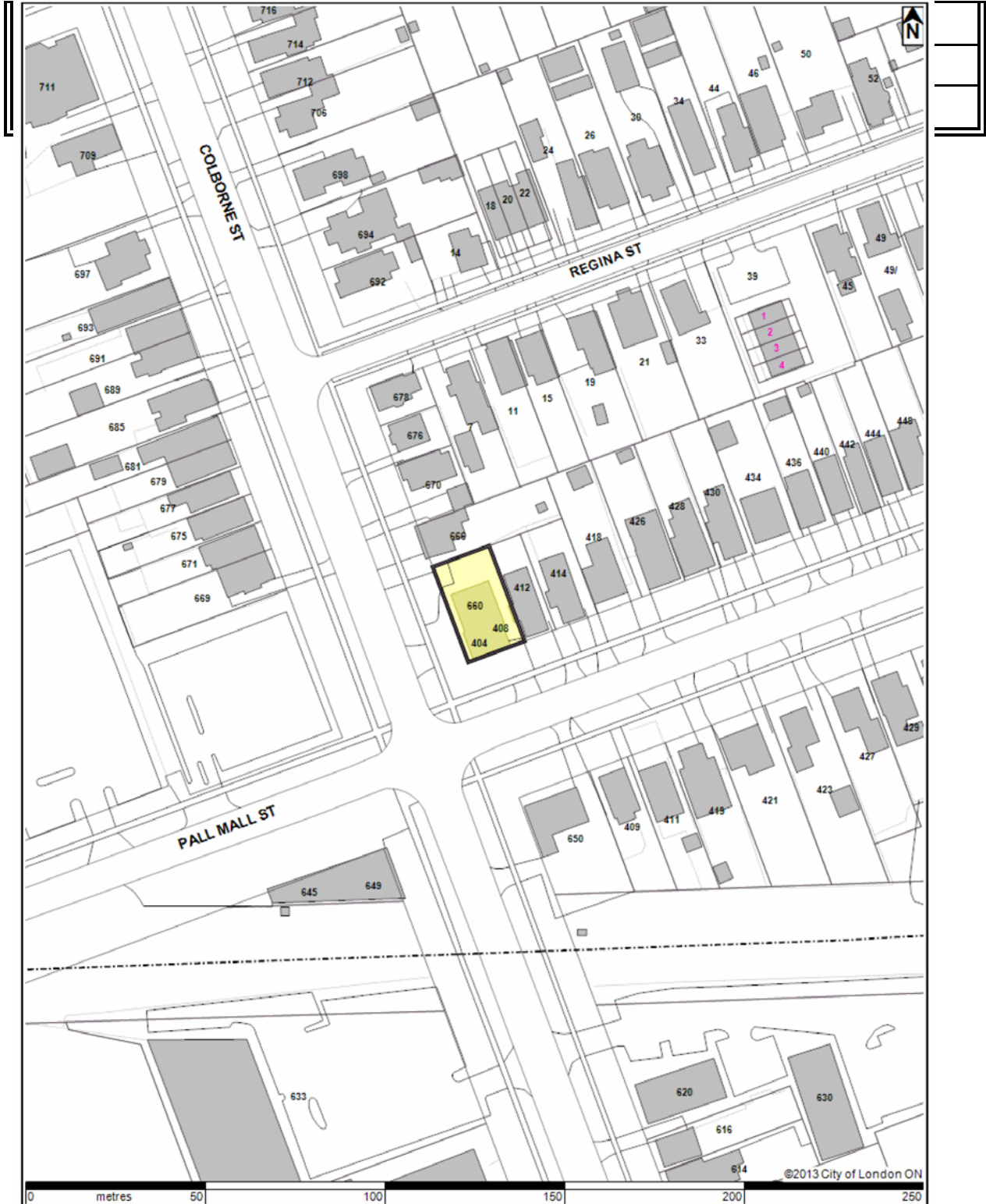
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| Date Application Accepted: January 29, 2013 | Agent: Ben Billings, Insites Consulting |
| <p>REQUESTED ACTION: Change Zoning By-law Z.-1 from a Residential R8/Convenience Commercial (R8-1/CC) Zone which permits such uses as apartment buildings, stacked townhouses, emergency care establishments and continuum-of-care facilities at a maximum height of 13.0 metres and a maximum density of 40 units per hectare, and convenience service establishments, convenience stores, financial institutions and personal service establishments without drive-through facilities, to a Residential R8/Convenience Commercial Special Provision (R8-1/CC()) Zone to permit, in addition to the above-noted uses, a restaurant, without a drive-through facility, to a maximum gross floor area of 78.9 square metres.</p> | |

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| <p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Retail Convenience Store & Residential • Frontage – 16.8 metres (on Pall Mall Street) • Depth – 28.3 metres • Area – 474.8 square metres • Shape - Rectangular |
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| <p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North - Single detached and converted residential dwellings • South - offices and converted dwellings • East - Single detached and converted residential dwellings • West - Offices and related parking, private club |
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| <p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)</p> |
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LOCATION MAP
 Subject Site: 404-408 Pall Mall St and 660 Colborne St
 Applicant: Aggelopoulos Gus
 File Number: Z-8152
 Planner: Barb Debbert
 Created By: Barb Debbert
 Date: 2013-02-25
 Scale: 1:1200

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

LEGEND

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

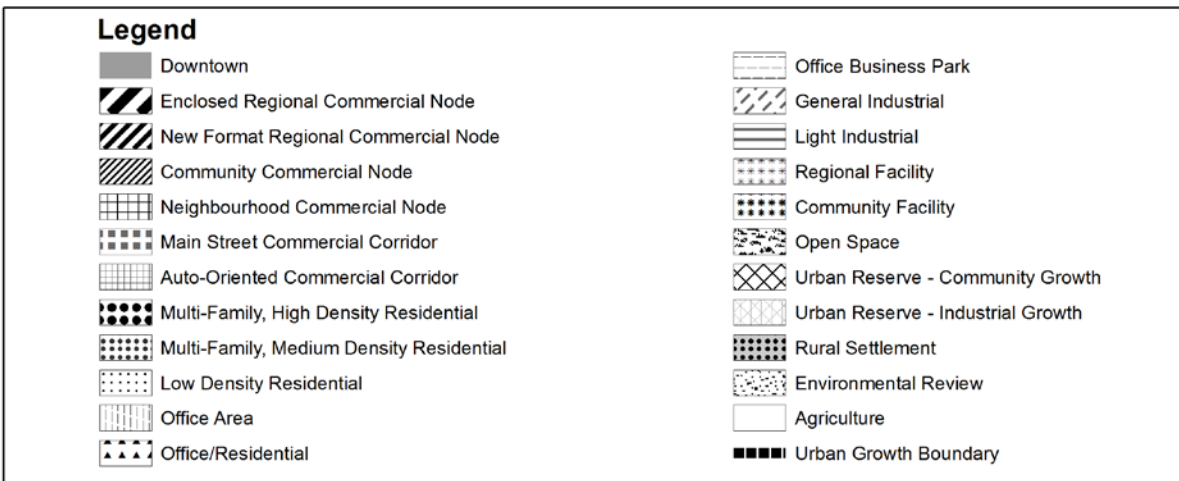
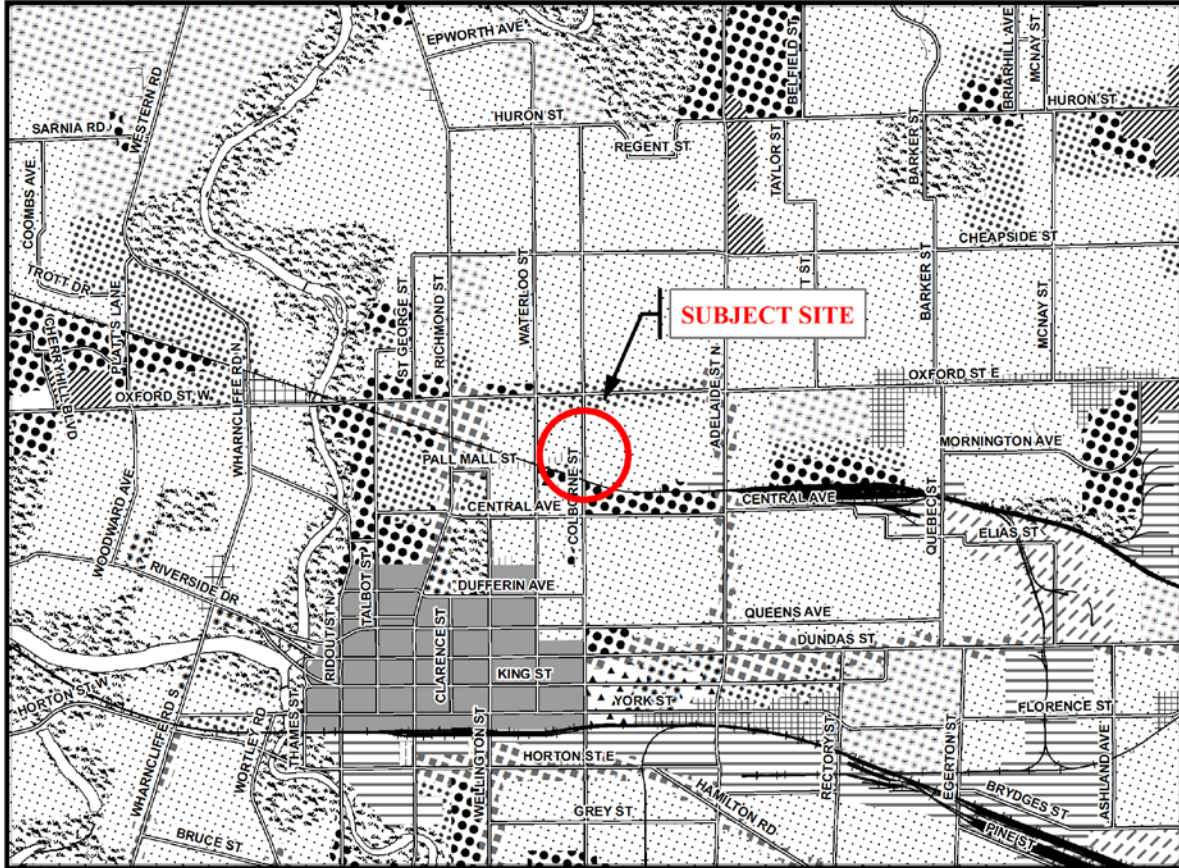
Agenda Item # Page #

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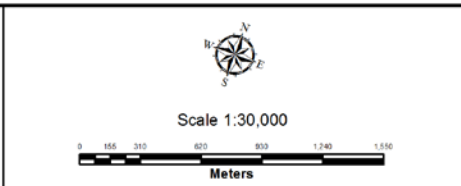
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CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services

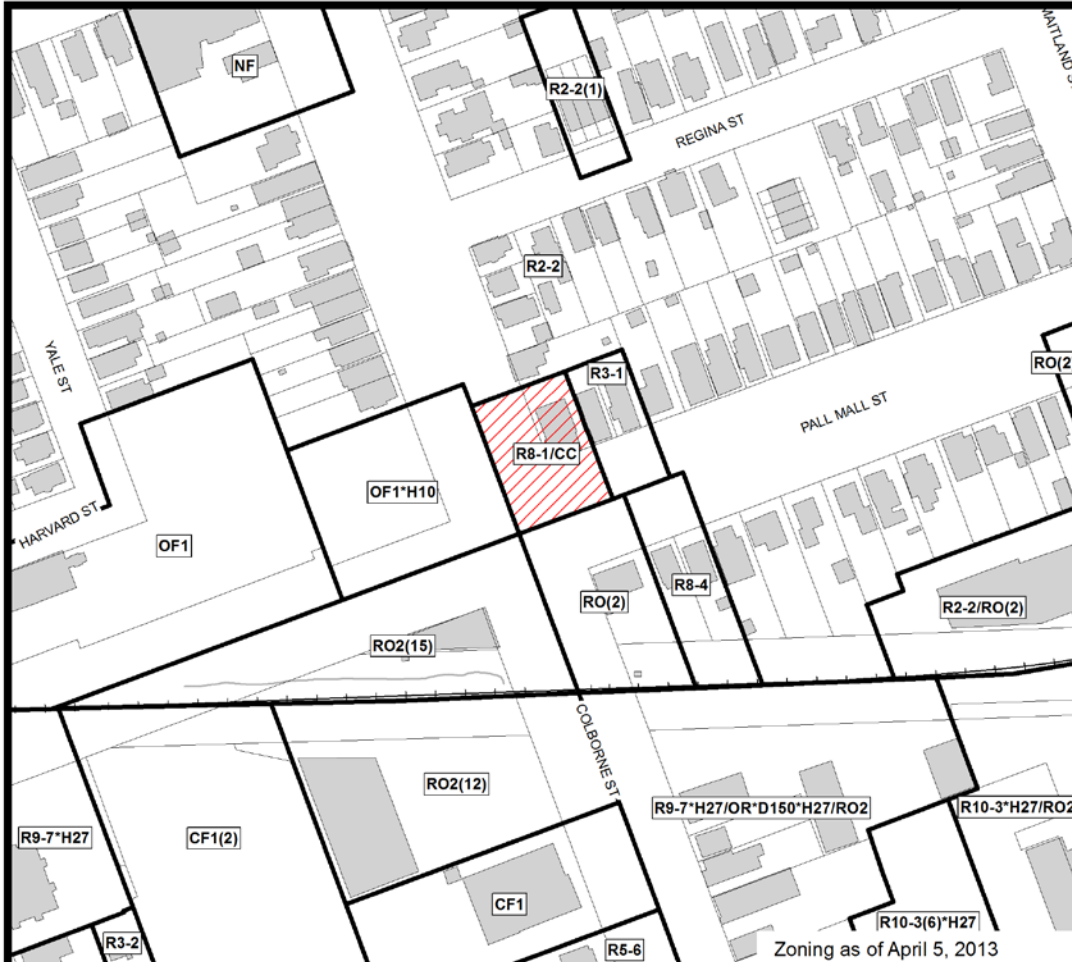


FILE NUMBER: Z-8152
PLANNER: BD
TECHNICIAN: MB
DATE: 2013/05/02

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x11.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R8-1/CC

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

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| <p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1</p> <p>SCHEDULE A</p> <p><small>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</small></p> | <p>FILE NO: Z-8152 BD</p> <hr/> <p>MAP PREPARED: 2013/05/03 MB</p> <hr/> <p style="text-align: center;">1:2,000</p> <p style="text-align: center;">0 10 20 40 60 80 Meters</p> |
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| PLANNING HISTORY |
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The agent has advised that the existing building was constructed in the late 19th century as a hotel. In 1973 the property was purchased by the current owner, when the convenience store and lunch counter were established on the main floor. Over time the hotel rooms were converted into apartment units.

Presently the convenience store and lunch counter is operated within a portion of the main floor of the building, having a floor area of 66.4 square metres (715 square feet). The building also contains five apartment units including 2 two bedroom units, each with an area of 92 square metres; and 3 one bedroom units, each with an area of 60.3 square metres.

Given the age of the building and the length of time the uses within it have existed, the lands have not been subject to Site Plan review. The land owners have however had an agreement in place with the City of London since the 1960s which permits the parking of motor vehicles on the boulevard. The current agreement has a five year term running from September 22, 2011 until September 21, 2016 to allow parking.

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| SIGNIFICANT DEPARTMENT/AGENCY COMMENTS |
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Transportation Planning & Design Division

The parking lot layout that currently exists on the site (as shown on the concept plan) does not conform to the boulevard parking agreement currently in effect. The owner will be required to obtain a new boulevard parking agreement that reflects the current parking layout.

Upper Thames River Conservation Authority (extracts)

CONSERVATION AUTHORITIES ACT

The subject property is not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.

DRINKING WATER SOURCE PROTECTION

At this time, certain activities on this property may be considered Moderate or Low threats to drinking water.

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| PUBLIC LIAISON: | On March 1, 2013, Notice of Application was sent to 69 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 March 7, 2013. A "Possible Land Use Change" sign was also posted on the site. | 13 replies were received |
| <p>Nature of Liaison: Change Zoning By-law Z.-1 from a Residential R8/Convenience Commercial (R8-1/CC) Zone which permits such uses as apartment buildings, stacked townhouses, emergency care establishments and continuum-of-care facilities at a maximum height of 13.0 metres and a maximum density of 40 units per hectare, and convenience service establishments, convenience stores, financial institutions and personal service establishments without drive-through facilities, to a Residential R8/Convenience Commercial Special Provision (R8-1/CC()) Zone to permit, in addition to the above-noted uses, a small-scale espresso bar (restaurant), without a drive-through facility, to a maximum gross floor area of 78.9 square metres.</p> | | |

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Responses:

3 were in support of the application, noting that the variety store use is obsolete at this location and that an espresso bar would be a good addition to a walkable neighbourhood near the Downtown core.

8 were opposed to the application and consisted primarily of the owners of homes to the east of the subject property on Pall Mall Street, citing such reasons as the following:

- Heritage properties and their environs must be protected – Pall Mall Street east of the subject site represents a streetscape of restored Victorian residences and the subject property is identified in the Inventory of Heritage Resources as a Priority 2 building described as a Gothic Revival – Grocery Store, 1878.
- A more sympathetic re-use of the space that would meet the present use of neighbourhood residents would be as neighbourhood markets with local produce.
- A restaurant is not compatible with the zoning, the street’s visual vista, or the building.
- Traffic and on-street parking congestion and safety issues.
- The on-site and boulevard parking plans look unrealistic.
- The increase in foot and vehicular traffic and noise would produce a negative impact on the neighbourhood.
- The residential aspect of the neighbourhood should be maintained.
- The restaurant represents a higher neighbourhood densification and threatens the future low-rise stability of the area.
- A restaurant/coffee bar is not in keeping with the planning goals as set out by the City. It is incompatible with the residential character of the neighbourhood and could set a negative precedent for future applications.
- Concerns that “bar” implies a liquor license and late night disturbances.
- There are at least 30 sources of coffee within walking distance including those on Adelaide Street North, Oxford Street and Richmond Row.
- The current zoning already allows for the selling of coffee and espresso in up to 10% of the convenience store floor space.
- Concern that both a restaurant and a convenience store could be located within the building.
- Concerns about increased garbage and how it will be dealt with.

2 made inquiries for information and clarification.

ANALYSIS

Subject Site:

The subject lands, known as 404-408 Pall Mall Street & 660 Colborne Street, are located on the north east corner of the intersection of Pall Mall Street and Colborne Street. Although there are multiple municipal addresses, the development consists of one building on one lot. The property is rectangular in shape with an area of approximately 475 square metres. The existing building is a two and a half storey yellow brick Victorian apartment building, which was constructed as a hotel in the late 19th century and is listed as a Priority 1 – High Victorian structure in the City of London’s Inventory of Heritage Resources. The building presently contains five apartments and a convenience store (Helen’s Variety). Five parking spaces are provided on site to service the apartments. Seven boulevard parking spaces currently exist, six of which are permitted by an existing Boulevard Parking Agreement.

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View from Colborne Street and Pall Mall Street



Nature of Application:

The purpose of the application is to permit the conversion of the space currently occupied by Helen's Variety, to a small-scale espresso bar. While the space currently occupied has an area of 66.4 square metres, the applicant is requesting additional floor area in order to account for any minor adjustments in the floor area, if needed, and for minor use of a small area in the basement (storage and staff use of an existing washroom facility). The applicant is applying to add a special provision to the existing Convenience Commercial Special Provision (R8-1/CC) Zone for the property, to add restaurant, without a drive-through facility, as a permitted use.

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 promotes healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses) and other land uses; and, promoting cost effective development standards to minimize land consumption and servicing costs.

The recommended rezoning will allow for a small-scale espresso bar (restaurant) to be established within existing commercial space in a building that is located on a serviced lot and compatible in form with surrounding land uses. The change of zoning will facilitate the utilization of existing buildings located within the built-up area of the City, which helps to sustain the financial well-being of the municipality. Reuse of the space will also help to balance local market demand and create commercial employment opportunities in the area.

The proposal satisfies Section 1.1.1 of the PPS which promotes efficient development and land use patterns by avoiding development and land use patterns that would prevent the efficient expansion of settlement areas as well as accommodating an appropriate range and mix of residential, employment (including commercial uses) to meet long-term needs;

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The proposal also satisfies Section 1.3.1 of the PPS which directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The proposed rezoning is consistent with the PPS in that it promotes a healthy community and economic diversity. The proposed restaurant establishment will generate new jobs and promotes the efficient use of land. The adaptation of an existing building reduces costs and prevents the expansion of the settlement area and land consumption. The proposed rezoning and limited change to the existing building allows ample options for future use of the site.

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.

The subject lands are designated Low Density Residential in the Official Plan. In addition to the main permitted uses including single detached, semi-detached, duplex and converted dwellings, the Official Plan also contains policies in Sections 3.2.1(v) and 3.6.5, which allow for the recognition of existing convenience commercial uses within the Low Density Residential designation, where specific criteria related to the intended function of these sites, permitted uses, location, scale and form of development are met. Convenience commercial uses in the Residential designations which were existing on the date of adoption of the Official Plan and which meet the locational criteria of the Plan are recognized as legal conforming uses, and are shown on Appendix 1 of the Plan. The subject property is one of those locations which is recognized as permitting convenience commercial uses in accordance with these policies.

Convenience commercial uses are intended to function at a neighbourhood scale while providing services to the surrounding residential areas and the travelling public. Specific uses are listed which are viewed as fulfilling this intent, including variety stores; video rental establishments; film processing depots; financial institutions; medical/dental offices; small take-out restaurants; small food stores; and gasoline sales associated with a variety store. The Official Plan limits convenience commercial developments to a maximum of 1,000 square metres (10,764 square feet) of gross leasable area. The scale of individual uses within a convenience commercial zone is to be specified in the Zoning By-law.

The proposed use of the existing convenience commercial space for a small-scale restaurant is consistent with the intent of the Official Plan to support a limited range of mixed use, neighbourhood oriented commercial development within the Low Density Residential designation at appropriate locations. A review of the neighbourhood within 500 metres of the subject property indicates the existence of 2 other operating variety or convenience stores, located at 474 Central Avenue (Victory Variety) and at 414-416 Piccadilly Street and 722 Colborne Street (Piccadilly Stop). An additional variety store located at 531 Colborne Street (Pete's Variety), has been vacant for over two years. Within the last year, the legal non-conforming convenience store located at 474 Pall Mall Street (the Bag Lady) has transitioned to a delicatessen, and with substantial neighbourhood support, was recognized as a permitted use (change of legal non-conforming use) by the Committee of Adjustment in February of this year. The current status of variety and convenience stores within this area may be indicative of an oversaturation of the local market with traditional variety stores and a concurrent localized increase in demand for food and beverage services. The proposed espresso bar represents the replacement of one appropriate land use with another appropriate land use within the same physical space and allows for the re-use of the existing heritage structure and existing servicing infrastructure.

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Planning staff agree with several neighbourhood responses indicating that a return to neighbourhood markets with local produce may also be a suitable use for the subject site, however this is not the proposal that is under consideration. Opportunities for this type of use will continue to be available on this or other recognized convenience commercial sites in the neighbourhood, in conformity with the intent of the Official Plan and subject to a Zoning By-law Amendment application.

The intensity or scale of the use is naturally limited by the size of the existing commercial space within the mixed use building. The applicant has requested an increase in the allowable gross floor area (GFA) to account for any inaccuracies in measuring the existing space, and to allow for staff use of an existing washroom in the basement along with some storage. It is not anticipated that any construction activities would occur within the main floor of the building to increase the publicly accessible commercial area.

Concerns related to increased GFA would be related to increased building capacity and the related impacts outside the building and on nearby properties. One of the most apparent potential impacts, and a matter raised by nearby landowners to the east on Pall Mall Street, is overflow on-street parking. Five existing on-site parking spaces are intended to provide parking for the residential units, while six parking spaces on the City's boulevard (between the sidewalk and the property line adjacent to the subject lands) are permitted through a Boulevard Parking Agreement with the City, which has been continuously renewed since the 1960's. For a restaurant with a GFA of 66.4 square metres (existing) or 75 square metres (recommended), at a required parking rate of 1 space for every 15 square metres of GFA, the Zoning By-law requires a minimum of 5 parking spaces. While they do not technically represent parking spaces as required by the Zoning By-law, the boulevard parking spaces perform the intended function of the By-law by remaining available for the exclusive use of commercial uses on the subject property. At the recommended scale for the proposed use, the need for the regular use of the available on-street parking on Pall Mall Street is not expected to occur.

Another key concern raised by neighbouring property owners is that the restaurant use will generate a significant increase in vehicular traffic. Given the scale and nature of the proposed espresso bar use, and the existence of other coffee shops in the broader area, it is expected that much of the clientele will come from the surrounding neighbourhood and office uses, and walk to the site. In addition, the Transportation Division has expressed no concerns with increased traffic or safety issues.

With respect to the form of development, the applicant is proposing minor aesthetic improvements to the exterior of the building. As indicated in the Planning Justification Report prepared by Insites Consulting, these changes will consist of the removal of the existing bars on the windows, the addition of awnings over the windows, and a new tasteful and compatible façade sign will replace the existing variety store sign. The retention of the existing building and façade improvements will create greater conformity of the existing building with other heritage buildings in the neighbourhood.

Subject to the continued renewal of the Boulevard Parking Agreement (the Agreement), the boulevard parking spaces will continue to serve the site. Historically the commercial use of this site has relied on the availability of these spaces, for over 40 years. The existence and use of boulevard parking spaces for commercial purposes is not uncommon in the older neighbourhoods surrounding the Downtown core. In the case of the subject site, the continued existence of boulevard parking is appropriate given that the spaces are oriented away from the interior of the neighbourhood, toward the intersection of a Primary Collector with a local road, where the opposing corners are in commercial use.

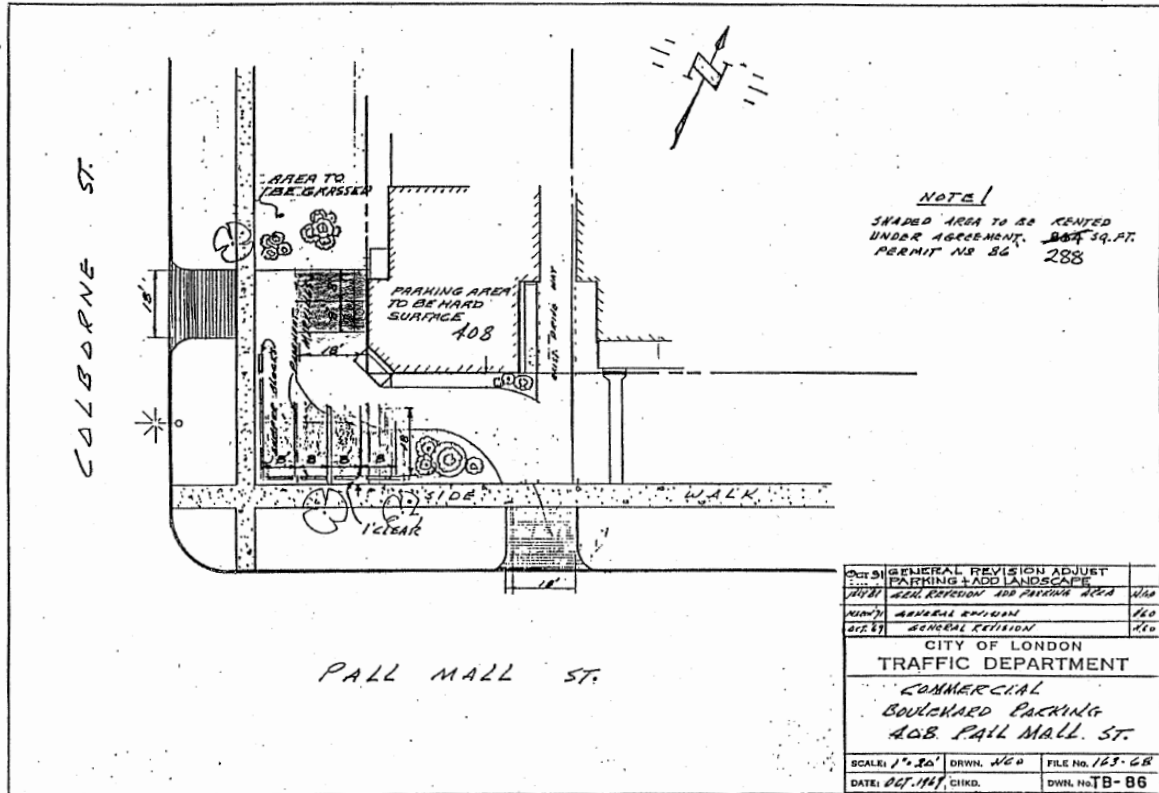
Of greater concern is how the boulevard parking has been implemented and maintained in the context of the requirements of the existing Boulevard Parking Agreement and reasonable neighbourhood expectations. Illustrated below is the site plan which was attached to the

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original Agreement and appended to subsequent agreement renewals to the present time, and an aerial photograph of the boulevard parking arrangement as it exists today.

1969 Site Plan to Boulevard Parking Agreement



2012 Aerial Photo



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The Agreement clearly states that “*the Corporation [of the City of London] leases to the Lessee the leased premises ... provided the parking arrangement on the leased premises is constructed and maintained in accordance with the attached site plan.*”

A comparison of the two images reveals that the site plan has not been complied with in the following respects:

- Five parking spaces are delineated along Pall Mall Street instead of four, reducing the amount of green space in the boulevard;
- The two parking spaces delineated along Colborne Street have been rotated 90 degrees, resulting in a different traffic flow pattern on-site and reduced green space in the boulevard;
- An additional access to the residential rear yard parking exists; and,
- Landscaping in the boulevard is virtually non-existent.

Some of these changes may have arisen out of the realities of traffic movement on the site. However, others such as a lack of landscaping seems to have been overlooked.

The Agreement also contains the following terms:

4. *Prior to the commencement of any construction on or use of the leased premises, the Lessee shall contact the City Engineer for approval to ensure that all construction and works in conjunction with the said Plan shall be in accordance with the specifications of the City Engineer.*
5. *The conditions hereby imposed and works to be carried out on the leased premises are to be completed within ninety (90) days from the date of this agreement, weather permitting, or by such other date as may be specified by the City Engineer, otherwise the agreement is to be null and void.*
6. *The Lessee shall at his own expense maintain during the said term the leased premises in accordance with the said Plan and shall make no alteration or additions to the parking arrangement on the leased premises without the approval of the Corporation.*

It would be appropriate at this time for the City to conduct a review of the situation and ensure that it is remedied, either through compliance with the existing site plan or the development of a revised site plan which more accurately reflects an appropriate number and layout of boulevard parking spaces and traffic movements, and enhancement of the remaining green areas within the boulevard through landscaping to meet reasonable community expectations. It is noted that the applicant’s agent held a community meeting on March 28, and at that time indicated that “there will be a request made to the city to plant some trees in this area; however it is unclear at this point if the city will permit any further enhancement of their lands by the property owner. It is the proprietor’s desire to provide some additional landscaping through planters if permitted to do so.”

There appears to be a willingness on the part of the proprietor to make some boulevard improvements. The best way to achieve this is to document an agreed upon solution in a revised Boulevard Parking Agreement. Therefore, staff have recommended that a revised Agreement be entered into and that the City Administration report back to the Planning and Environment Committee on the results of that process.

The Urban Forestry Section has been contacted and has confirmed that a boulevard tree recently planted within the Pall Mall Street boulevard adjacent to the subject property has died, possibly due to environmental conditions. They have also confirmed it is unlikely there is room within the Colborne Street boulevard for a street tree.

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With the appropriate controls on the scale and form of the use, staff do not anticipate negative impacts on the surrounding residential community and view the proposal as a positive for the revitalization of this existing commercial space within the community.

Zoning:

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 the permitted use, and the built form. This is achieved by applying various zones 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. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

The subject lands are currently with the Residential R8/Convenience Commercial (R8-1/CC) Zone. The Convenience Commercial component of this Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments.

A Convenience Store is defined as follows:

...a retail store having a gross floor area of 300 square metres (3,229 square feet) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of prepared food does not exceed 10% of the gross floor area, to a maximum of 30 square metres (323 square feet).

The proposed restaurant, as recommended, is to have a maximum gross floor area of 75 square metres. According to information provided by the applicant's agent, this space is intended to accommodate both guest and staff washrooms, storage, counter and beverage preparation areas, and an indoor seating area. The applicant estimates that approximately 29 square metres (312 square feet) or 40 per cent of the space will be occupied by seating. This area is essentially equivalent to the maximum of 30 square metres that would be permitted as of right if a larger convenience store existed at this location.

The parking rates for the existing permitted uses on the site range between 1 space per 15 square metres and 1 space per 30 square metres of gross floor area. The parking rate for a restaurant is 1 space per 15 square metres, the same rate as applies to the currently permitted "personal service establishment". While from a parking rate perspective, the proposed use is more intensive than the existing variety store, the reality is that no additional parking spaces (on-site and boulevard parking) are required to meet anticipated parking requirements.

Neighbourhood concerns were expressed that the proposed rezoning would allow for the co-existence of a restaurant and a variety store at this location, virtually doubling the amount of commercial space on the site. In order to provide clarification that the existing commercial space is to be occupied by the new use, the recommended special provisions for the zone indicate that the maximum GFA of 75 square metres applies to all commercial uses combined.

The applicant did not request, and staff have not considered in detail any existing zoning compliance deficiencies that may be identified when applications for building permits for the interior renovations are made. The need for minor variances may be identified at that time.

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File: Z-8152
Planner: Barb Debbert

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| CONCLUSION |
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The recommended Zoning By-law amendment to allow a small-scale restaurant within the existing commercial space within this mixed use heritage structure is consistent with the Provincial Policy Statement, in keeping with the intent of the Official Plan, will make a positive contribution to the neighbourhood and represents good planning.

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| PREPARED BY: | SUBMITTED BY: |
| | |
| BARB DEBBERT, SENIOR PLANNER, COMMUNITY PLANNING AND DESIGN | JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN |
| RECOMMENDED BY: | |
| | |
| JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER | |

May 8, 2013

BD

"Attach."

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8152Z - 404-408 Pall Mall St & 660 Colborne St (BD)\Z-8152 PEC Report.docx

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File: Z-8152
Planner: Barb Debbert

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

| <u>Telephone</u> | <u>Written</u> |
|---|--|
| George Namu c/o Helen's Variety 408 Pall Mall Street London ON N5Y 2Z2 | Michelle Hrga 694 Colborne Street London ON |
| Brian Byrne 499 Dufferin Avenue London ON N6B 2A1 | Maureen Moll 434 Pall Mall Street London ON |
| Robin Pittman 685 Colborne Street London ON | Cindy & Bert Killian 428 Pall Mall Street London ON N5Y 2Z2 |
| | Piccadilly Area Neighbourhood Association 300 Piccadilly Street London ON N6A 1S5 Attn: Anna Woodson, Executive Director |
| | Ken and Rosemary Ghalingher Beaune 30 Regina Street London ON |
| | Alexis and Denev McDowell 436 Pall Mall Street London ON |
| | Alan Muskiluke and Paul Brady 426 Pall Mall Street London ON |
| | Matt Falls 421 Pall Mall Street London ON N5Y 2Z3 |
| | Susan Yerema, Bob Ward & family 418 Pall Mall Street London ON |

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File: Z-8152
Planner: Barb Debbert

Debbert, Barb

From: Michelle Hrga [M.Hrga@tvdsb.on.ca]
Sent: Wednesday, March 06, 2013 9:57 AM
To: Debbert, Barb
Subject: re: application notice

Follow Up Flag: Follow up
Flag Status: Flagged

Hi - I am jjust responding to the application notice at 404-408 Pall Mall St. I live a few houses away and I am in support of this - great idea - the variety store there now is a dud - I hope this application gets approved.

Thanks
Michelle Hrga
694 Colborne Street

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File: Z-8152
Planner: Barb Debbert

March 6, 2013
The City of London Planning Division
P.O. Box 5035
London, Ontario
N6A 4L9

ATTN: Barb Debbert
Re: Z - 8152

I am writing with respect to the Notice of Application to Amend the Zoning By-Law, by the applicant Gus Aggelopoulos, 404-408 Pall Mall Street and 660 Colborne Street.

I am in opposition to the conversion of the main floor convenience store to an espresso bar/restaurant.

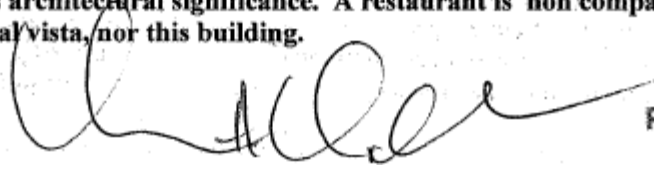
I have lived with my family, in a single family residential home at 434 Pall Mall Street for the past 35 years. My property is situated along a streetscape of restored Victorian residences. I can trace my house back to the original land indenture from John Carling in 1864. I have photographs of my house and neighbouring properties from the 1920's onward. We are a neighbourhood of like-minded individuals who possess of a keen sense of architectural preservation.

I am opposing this application because it is non compatible with our neighbourhood and streetscape. The property at 660 Colborne Street is identified in City of London, 1991, Inventory of heritage Resources, prepared by the Local Architectural Conservation Advisory Committee & Department of Planning and Development. It is classified as a Priority 2 and dated 1878, with the significance/style described as a Gothic Revival – Grocery Store. The largest percentage of heritage properties in the city of London reside in Ward 2 and they and their environs must be protected.

The corner convenience store seems to be a thing of the past, particularly since the prevalence of Sunday shopping, although they still dot many of our corners. I would like to see a sympathetic alternative use to these dying stores that meets the present needs of our residents. I propose that these convenience stores revert back to their original use as neighbourhood markets. For example: a vendor of locally grown produce, organically grown fruits, vegetables, flowers and herbs. If it's serving our immediate community needs, there would be no additional parking congestion, simply install some bicycle racks.

The Victorian façade is still intact at 404-408 Pall Mall, the property attached to it at 660 Colborne has architectural significance. A restaurant is non compatible with the zoning, our visual vista, nor this building.

Sincerely,
Maureen Moll



RECEIVED
CITY OF LONDON
PLANNING DEPARTMENT

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File: Z-8152
Planner: Barb Debbert

March 6, 2013
The City of London Planning Division
P.O. Box 5035
London, Ontario
N6A 4L9

March 6, 2013

Barb Debbert
Planning Division
Committee of Adjustment
City of London
Re: Z-8152

Dear Ms. Debbert:

We are writing to voice our objection to the request to an amendment to the City's Zoning By- Z-1 law to the conversion of the main floor of the existing building from a convenience store to a small- scale espresso bar at 404-408 Pall Mall and 660 Colborne St.

By allowing this property to convert to a restraunt will cause chaotic traffic issues at an already congested intersection putting the safety of school children and pedestrians at risk in addition it will add congestion to the parking issues that currently exist on this residential street.

We have lived at 428 Pall Mall Street for 20 years, alongside many very long-time property owners. It is a stable residential neighbourhood containing many notable, restored Victorian residences, and more specifically a recognized Victorian streetscape (Heritage Resources Inventory) directly to the east of the above mentioned, 404-408 Pall Mall Street property.

We purchased our home in 1993 because of its uniqueness and it was primary residential neighborhood and have spent considerable time and money restoring the house. We moved from Northern Ontario to live a house that had never been on the market and 2 sisters had grown up in it and the last surviving sister passed away in 1992. We met with family members prior to purchase as they were anxious to ensure the house was been purchased by a family. The house was heated by an old converted woodstove in the kitchen with a hand pump connected to a cistern that was used as a drinking spot for horses as the house was built on the original site of the united Church of Canada and a plaque commemorating this fact is at the Colbourne United Church Also the same person built 424 and 428 Pall Mall and to this day all 3 homes remain residential. Our Daughter now lives in the neighborhood and teaches at Central High School and the grand children attend Lord Roberts. We are very committed to maintaining the residential aspect of the area.

We were starting to be inundated by non-compatible, non owner occupied, high-density rental properties and (PANA) the Piccadilly Neighbourhood Association, was adamantly vocal about maintaining the residential quality of our neighborhood, and the planning department listened.

The use and the zoning of the property to permit the conversion of this property from a convenience store to a restraunt is a step backwards from the laborious planning at city hall during the last official plan. A higher neighbourhood densification threatens our future low-rise stability, which is unacceptable to us and too many other people who have made a serious long-time commitment to our beloved residential core neighborhood.

Sincerely,

Cindy & Bert Killian
428 Pall Mall Street
London, ON.
N5Y 2Z2

[Redacted signature block]

cc Councilor Bryant

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**File: Z-8152
Planner: Barb Debbert**

Barb Debbert
City of London, Planning Division
300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

Rec'd

Attn: Barb Debbert,

Re: Application Z-8152 to Change the Zoning at 404-408 Pall Mall Street and 660 Colborne Street

Dear Ms. Debbert,

I am writing on behalf of Piccadilly Area Neighborhood Association to object to the above noted application. The objections as you will have noted in the other letters that have been sent are numerous.

A restaurant/coffee bar is not in keeping with the planning goals as set out by the city. It is incompatible with the residential character of the neighborhood and could set a negative precedent for future applications.

The increase in foot traffic and vehicle traffic and noise would produce a negative effect on the neighbourhood. The zoning as it stand already permits the selling of coffee in the are up to 10% of the overall floor space. There are numerous heritage homes in the neighborhood including 660 Colborne which the neighborhood has fought to maintain.

I respectfully request that you do not consider or approve this application of amendment.

Yours Sincerely,

Piccadilly Area Neighborhood Association
300 Piccadilly Street
London, Ontario
N6A 1S5
Anna Woodson
Executive Director
PANA

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File: Z-8152
Planner: Barb Debbert

Debbert, Barb

From: [REDACTED]
Sent: Thursday, March 07, 2013 7:26 AM
To: Debbert, Barb
Subject: Re: Colborne Street Espresso Bar

I have been a resident on Colborne Street for over 12 years - I believe the idea of a small -scale espresso bar is exactly the direction the downtown core needs - the idea of living in a neighbourhood were you can walk with your family is exactly the direction we need to be going in - thanks

J

Debbert, Barb

From: Rosemary Gahlinger-Beaune [REDACTED]
Sent: Thursday, March 07, 2013 4:26 PM
To: Debbert, Barb
Subject: rezoning of 404-408 Pall Mall

Hi Barb,

Just got the notice of application for rezoning submitted by Gus Aggelopoulos. We have no objections to this proposal - in fact, this type of purpose seems suitable for the area.

We live at 30 Regina St. Ph. [REDACTED] should you have any concerns.

Appreciate you letting us know.

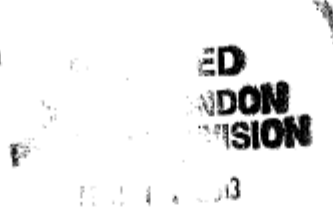
Ken and Rosemary Gahlinger Beaune

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File: Z-8152
Planner: Barb Debbert

March 9, 2013

Barb Debbert
The City of London
Planning Division
P.O. Box 5035
London, ON.
N6A 4L9



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FILE NO. _____
REFERRED TO:
SUBSEQUENT
 FOR ACTION
 FOR INFORM
 FOR REPORT

Dear Ms. Debbert:

Re: Z-8152

FILE NO. _____
REF: _____
SUBS: _____
 FOR ACTION
 FOR INFORM
 FOR REPORT

Please register this letter as our objection to the application to permit an espresso bar in a current and long-time corner convenience store.

First of all... having lived on Pall Mall Street for 29 years, in too-close proximity to the bar district and suffering the late-night myriad of liquor related assaults on my property, so anything with the name "bar" in it renders me shaking my head in horror. It just screams stepping stone to an application for a liquor licence and the after-hours crowd. We're constantly battling to suppress the student rental issues, a bar would be an accelerant to de-stabilize our residential quality of life.

Secondly: we are an insular low density residential neighbourhood, in walking distance to at least 30 diverse sources which can provide coffee, including a Tim Horton's on Adelaide Street, a Starbucks and Williams Cafe on Richmond Street, as well as Victoria Park Bandshell. We do not need a coffee shop or another restaurant on our corner, there are more than enough along Adelaide, Oxford and the Richmond Row corridor. And, if you're trying to accommodate the offices in the area, provide them with urban food and coffee trucks because few of the employees live in the neighbourhood because we see them drive out of the area at night.

What we need is an owned and operated corner store that provides the residents of our neighbourhood with what they want and what they are saying they want is to be able to go to their local corner store and buy some farm fresh eggs or some vegan cookies, not tobacco and lottery tickets. We need to revitalize these outdated variety stores to adapt to

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File: Z-8152
Planner: Barb Debbert

the needs of the aging demographic who will not be driving to the Superstore(s).

The city planning in our area has been respectful of our Victorian heritage and has placed the business and commercial on the parameter of our residential neighbourhood. There are innumerable possible alternative new choices for a corner variety store within the existing zoning.

Sincerely



**Alexis and Dency McDowell
436 Pall Mall Street**

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File: Z-8152
Planner: Barb Debbert

March 13, 2013
Barb Debbert
The City of London
Planning Division
P.O. Box 5035
London, ON.
N6A 4L9

Dear Ms. Debbert:

Re: Z-8152

Please register this letter as our objection to the application to permit an espresso bar (restaurant) in, in place of, or in addition to the current and long-time corner convenience store.

This area of London is designated as low density residential in the London official plan and is well served by nearby restaurants in areas better suited for such establishments (Oxford Street, Richmond Street and Adelaide come to mind).

The current designation allows for the selling of coffee and espresso in an area of up to 10% of the overall floor space. It should be noted that the current convenience store sells prepared food and that it only occupies a portion of the main level, with the remainder used for one or two residential units that are additional to the residential units on the second floor.

With this change, it would be possible for both a restaurant and a convenience store to be located in the building, unless that is a restriction in the zoning that I am not aware of (the amendment reads that both would be allowed.)

Parking as drawn on the site plan as provided by Insites Consulting is not possible due to the space required for vehicles to maneuver into parking spots and to access the location. As such it will not be possible to have 11 true parking spaces on the site. That with the number of residential tenants in the building limits the parking that would be available for a possible 78.9 square metre restaurant. As a result street parking along Pall Mall and Colborne would be required.

We are also concerned with the likelihood of additional garbage that will exist in the neighbourhood as a result of this location becoming a full restaurant. As it is, there is no regular cleanup of the boulevards/sidewalks in front of the location, nor is there outside access to a garbage container that patrons can use.

If this location is rezoned, I imagine the next step would be for the operator to apply for a liquor license. This is definitely not something we need on the corner of our residential neighborhood. We already put up with the night-time foot traffic of bar patrons returning from the Richmond St / Downtown bars and they are often quite noisy. If we end up with a licensed restaurant on the corner, this will only get worse.

We would like the city to work on preserving and enhancing the residential character of this unique core neighbourhood instead of allowing it to slowly be taken over by commercial use.

Sincerely

Alan Muskiluke and Paul Brady
426 Pall Mall Street

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File: Z-8152
Planner: Barb Debbert

Debbert, Barb

From: Matt Falls [REDACTED]
Sent: Wednesday, March 20, 2013 8:23 PM
To: Debbert, Barb
Subject: Z-8152 Opinion of Application

Corporation of the City of London
 300 Dufferin Avenue
 P.O. Box 5035
 London, ON
 N6A 4L9

Attn: Barb Debbert,

Re: Application Z-8152 to Change the Zoning at 404-408 Pall Mall Street and 660 Colborne Street

Dear Ms. Debbert,

I am writing to you to object to the above noted application.

I am a home owner located at 421 Pall Mall Street, not far from the subject property. At present, the foot traffic in and around the CC store is generally one person at a time; staggered throughout the day. I have not witnessed any parking on the street for the CC store, nor have I heard any related noise. This is consistent with other Convenience Commercial establishments in the area.

To introduce an espresso/restaurant bar in lieu of the existing use would produce a negative effect on the neighbourhood. It will cause an increased volume of: foot traffic; people in and around the establishment; noise from both inside and outside the building and parking on the street. For reference, one only needs to look to the "The Bag Lady" establishment at the east end of the same block.

There can be no argument put forward by the applicant to suggest the proposal will not cause degradation to the neighbourhood compared to what exists and operates presently under the existing zoning. As such, I cannot imagine the Planning Department, Planning Committee and City Council would consider amending the Zoning By-laws and OP for an application with this negative affect on the adjacent neighbourhood; particularly in a neighbourhood that contains significant Heritage homes.

I respectfully request that you do not consider or approve this application of amendment.

Yours Sincerely,

Matt Falls
 421 Pall Mall Street
 London, ON
 N5Y 2Z3
 [REDACTED]

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File: Z-8152
Planner: Barb Debbert

March 24, 2013
Barb Debbert
The City of London
Planning Division
P.O. Box 5035
London, ON.
N6A 4L9

Dear Ms. Debbert:

Re: Z-8152

Please register this letter as our objection to the application to permit an espresso bar (restaurant) in, in place of, or in addition to the current and long-time corner convenience store.

This area of London is designated as low density residential in the London official plan and we ask the city to uphold the current plan.

As long time residents of Pall Mall St. we are concerned about the scope and options provided by the proposed change in zoning. We have raised a family in this unique core neighbourhood...Helen's Variety has been a fixture and good neighbour. We have and would support business and/or residential ventures under the current zoning.

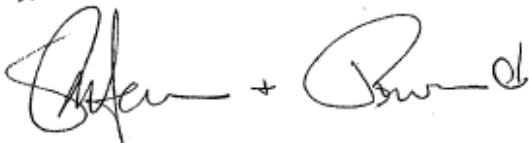
A few concerns with the espresso bar proposal:

- Parking plans look unrealistic...there is not the space required for vehicles to maneuver into parking spots and to access the location. The residential tenants in the building require parking and this will limit spaces available for the restaurant. As a result street parking along Pall Mall and Colborne would be required, which can already be a problem on Pall Mall.
- If this location is rezoned, we imagine the next step would be for the operator to apply for a liquor license. This is definitely not something we need on the corner of our residential neighborhood. Today we deal with the noise and cleanup from night-time foot traffic of bar patrons returning from the Richmond St / Downtown.
- The proposed rezoning opens up many options for the building down the road, long after an espresso bar is gone...many of these options are NOT at all suitable for the residential character of our neighbourhood that we have worked so hard to preserve.
- There are many options for a good cup of coffee in the area, all within a 10-15 walk of Colborne and Pall Mall.

We recognize the challenge and need to revitalize the outdated variety store and adapt to the needs of the aging demographic and urban dweller who will not, or chooses not to drive to the big box Superstores. We are happy and willing to support community minded people with an entrepreneurial panache and business plan that can be assimilated into the current plan/zoning and vibe of the neighbourhood.

We have a unique neighbourhood. Those of us who live here love it, we wouldn't want to live anywhere else. We work hard to preserve its residential character and to support the local businesses that exist under the current city plan...a plan that creates a good balance for everyone.

Sincerely,



Susan Yerema, Bob Ward and Family
418 Pall Mall Street

RECEIVED
CITY OF LONDON
PLANNING DIVISION

MAR 26 2013

FILE NO. _____

REFERRED TO BD

SUBSEQUENT REFERRALS
 FOR ACTION FILE

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File: Z-8152
Planner: Barb Debbert

Bibliography of Information and Materials
Z-8152

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Gus Aggelopoulos, February 12, 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.

Insites Consulting. *Planning Justification Report*, January, 2013.

Correspondence:

City of London -

Titus P., City of London Environmental & Engineering Services Department, Stormwater Management Unit. E-mail to B. Debbert. March 15, 2013.

Couvillon A., City of London Transportation Planning & Design Division. E-mail to B. Debbert. March 20, 2013.

Postma R., City of London Planning and Development, Urban Forestry Unit. E-mail to B. Debbert. March 5, 2013.

Masschelein B., City of London Environmental & Engineering Services Department, Wastewater and Drainage Engineering Division. E-mail to B. Debbert. March 20, 2013.

Departments and Agencies -

Creighton C., UTRCA. Letter to B. Debbert. March 19, 2013.

Other:

Site visit May 3, 2013 and photographs of the same date.

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8152
Planner: Barb Debbert

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 404-408 Pall Mall Street & 660 Colborne Street.

WHEREAS Gus Aggelopoulos has applied to rezone an area of land located at 404-408 Pall Mall Street & 660 Colborne Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 404-408 Pall Mall Street & 660 Colborne Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R8/Convenience Commercial (R8-1/CC) Zone to a Residential R8/Convenience Commercial Special Provision (R8-1/CC(__)) Zone.
- 2) Section Number 29.4 of the Convenience Commercial (CC) Zone is amended by adding the following Special Provision:

| | | |
|--------|---|--|
| CC(__) | 404-408 Pall Mall Street & 660 Colborne Street | |
| a) | Additional Permitted Use | |
| i) | Restaurants, without drive-through facilities, within the existing building | |
| b) | Regulations | |
| i) | Gross Floor Area | 75 square metres (807.3 square feet) (Maximum for all commercial uses combined) |
| ii) | Parking (min) | 5 for all permitted uses within the existing building |

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 June 11, 2013.

Joe Fontana
Mayor

Agenda Item # Page #

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File: Z-8152
Planner: Barb Debbert

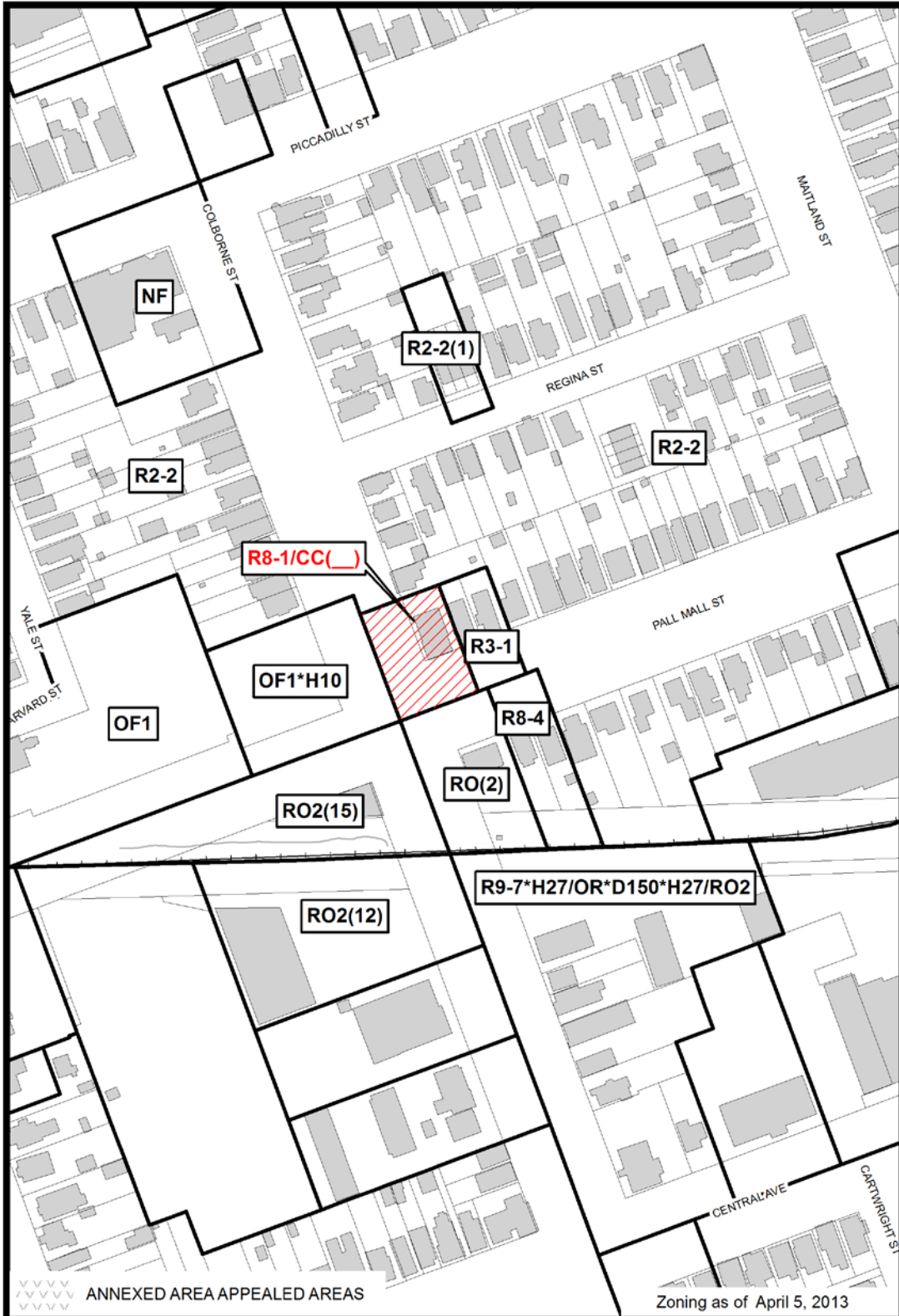
Catharine Saunders
City Clerk

First Reading - June 11, 2013
Second Reading - June 11, 2013
Third Reading - June 11, 2013

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File: Z-8152
Planner: Barb Debbert

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



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| <p>File Number: Z-8152 Planner: BD Date Prepared: 2013/05/03 Technician: MB By-Law No: Z.-1-</p> | <p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p style="text-align: right;"></p> |
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Geodatabase