Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: 551-555 Waterloo Street

Public Participation Meeting

Date: April 19, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application of David Russel relating to the property located at 551-555 Waterloo Street:

- (a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 3, 2022 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 R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-73) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone.
- (b) **IT BEING NOTED** that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:
 - Boundary landscaping along the north and west property boundaries to meet the standards of the Site Plan Control By-law and have screening/privacy qualities.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to facilitate a 3-storey rear addition to the existing building, increasing the total number of dwelling units from 8 to 10, and to permit home occupations within dwelling units in an apartment building.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate the construction of a 3-storey rear addition to the existing building, increasing the total number of dwelling units from 8 to 10, and to permit home occupations within dwelling units in an apartment building. The following special provisions would ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process and identify existing conditions: a minimum northerly interior side yard depth of 0.4 metres (whereas 4.5 metres is required); a minimum southerly interior side yard depth of 4.0 metres (whereas 4.5 metres is required); a minimum front yard depth of 0 metres (whereas 7 metres is required); a maximum building height of 10 metres (whereas 13 metres is permitted); establish a maximum gross floor area of 1,600 square metres (whereas no maximum gross floor area is specified); and home occupations within dwelling units in apartment buildings, restricted to the ground floor and occupy no more than 25% of total floor area of the dwelling unit, up to a maximum of 35 square metres, whichever is less.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;

- 2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions;
- 3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation;
- 4. The recommended amendment is consistent with the policies of West Woodfield Heritage Conservation District Plan.
- 5. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

OZ-6898 – Official Plan and Zoning Review By: City of London West Woodfield – Central Avenue Area Zoning Review

Z-8599 – Zoning By-law Amendment Application for Mystery Escape Rooms

1.2 Planning History

In 2006, through the Official Plan and Zoning By-law Amendment (OZ-6898) application, Section 3.5.4, Woodfield Neighbourhood policies of the 1989 Official Plan was amended by adding policies to permit infill and intensification within the low density residential neighbourhood within the area bounded by Wellington Street, Pall Mall Street, Waterloo Street and Princess Avenue, where development is clearly compatible with the character, scale and intensity of the low density residential neighbourhood in this area. Following an appeal to the Ontario Municipal Board, the lands were zoned Residential R3 Special Provision (R3-2(6)).

In 2016, a Zoning By-law Amendment (Z-8599) application was received to request the use of a Mystery Escape Room on the lands at 551-555 Waterloo Street by adding an Office Conversion (OC4) Zone to the existing Residential R3 Special Provision (R3-2(6)) Zone. The applicant also requested to amend the Zoning By-law Z.-1 to allow a place of entertainment use and a reduction in parking for a temporary period up to one year, which was recommended for refusal by staff. The requested temporary zone was passed by Council to allow for a place of entertainment to not exceed seven (7) months.

1.3 Property Description

The subject lands are located on the west side of Waterloo Street midblock between Princess Ave and Wolfe Street in the Central London Planning District. The subject lands have a frontage of 30.48 metres on Waterloo Street and an area of 1,398.9 square metres. The lands are currently developed with two converted dwellings and parking at the rear of the site. The converted dwellings are located on the same lot and are structurally attached by a second storey enclosed walkway, which was constructed in 1984. The common parking area is accessed via a City-owned laneway to the immediate south of the property. The buildings currently contain a total of eight (8) residential units and two (2) office conversions.



Figure 1: Subject lands (view from Waterloo Street)

1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type Neighbourhoods Place Type
- Official Plan Designation Low Density Residential
- Existing Zoning Residential R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-73) Zone

1.5 Site Characteristics

- Current Land Use Converted dwellings (containing eight (8) residential units and two (2) office conversions)
- Frontage 30.48 metres (100 feet)
- Depth 42.29 metres (137.75 feet)
- Area 1,398.9 square metres (15,057.63 square feet)
- Shape Irregular

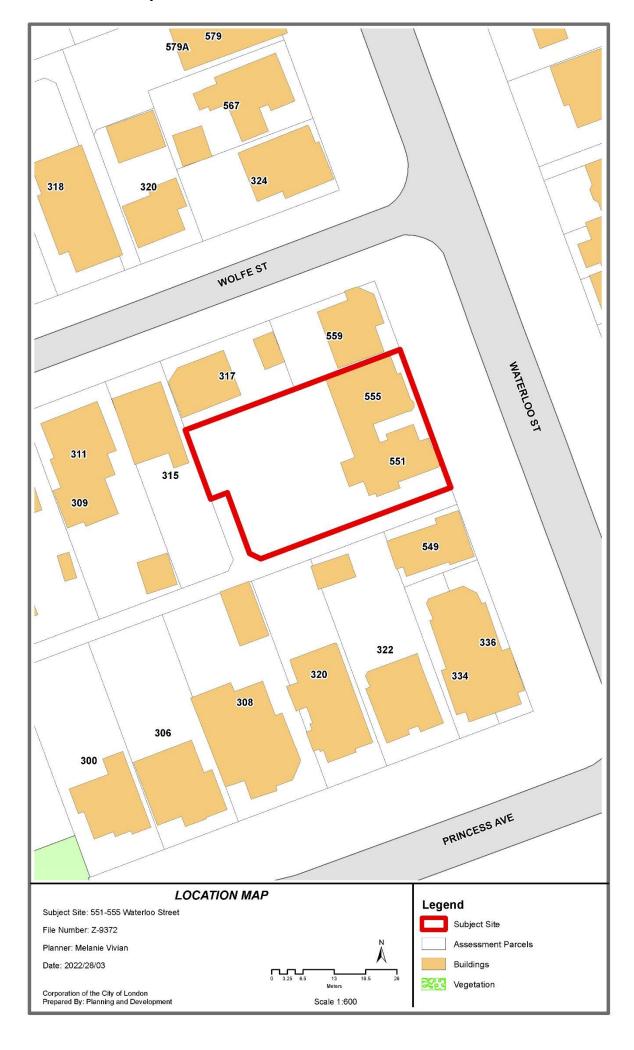
1.6 Surrounding Land Uses

- North Office conversion
- East Single detached dwellings and converted dwellings
- South Low rise apartments
- West Single detached dwellings, converted dwellings, and office conversions

1.7 Intensification

The proposed 10 residential units represent intensification within the Built-area Boundary. The proposed residential units are located inside of the Primary Transit Area.

1.8 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The owner has requested to rezone the subject site to facilitate a 3-storey rear addition to the existing buildings, increasing the total number of dwelling units from 8 to 10, and to permit home occupations within dwelling units in an apartment building.

Original Concept Plan

The conceptual site plan originally submitted in support of the requested amendment (Figure 2) included a site design with 16 parking stalls with the parking area directly adjacent to the north property boundary. The original concept site plan did not address garbage collection or other matters within the Site Plan Control By-law.

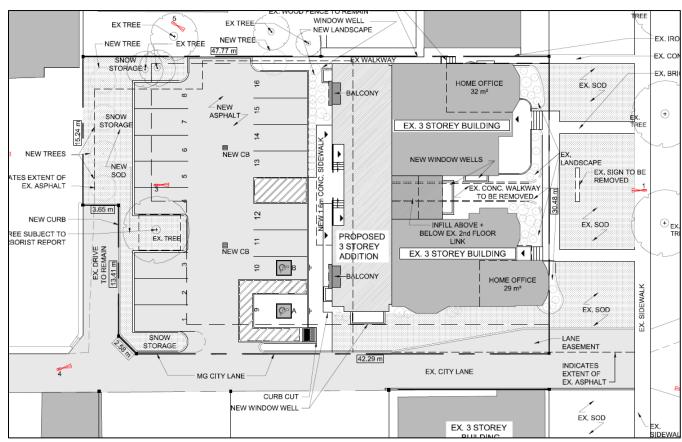


Figure 2: Site concept plan

Revised Proposal

On January 11, 2022 staff received a revised conceptual site plan to address site design concerns relating to garbage collection and parking area setbacks.

The updated site plan includes the use of deep well waste systems adjacent to the City lanes for collection, a greater setback from the north property boundary and a reduced number of parking stalls. The proposed setback from the north property boundary of 1.5 metres meets the intent of the Site Plan Control By-law and will provide sufficient space for landscaping to allow for screening. To accommodate the northern property boundary setback, the applicant is proposing 15 parking stalls whereas 16 parking stalls were originally proposed. It is noted that a minimum of 10 parking stalls are required in accordance with the Zoning By-law Z-1.

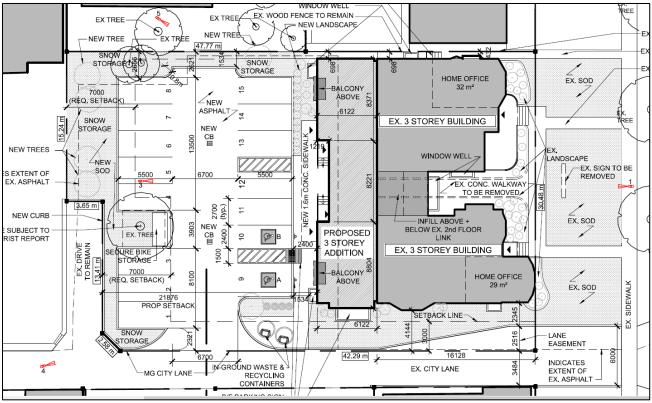


Figure 3: Updated concept site plan

2.2 Requested Amendment

The owner has requested to rezone the site to a Residential R8 Special Provision (R8-4(_)) Zone to facilitate the proposed addition. Special provisions would permit: a minimum northerly interior side yard depth of 0.4 metres (whereas 4.5 metres is required); a minimum southerly interior side yard depth of 4.0 metres (whereas 4.5 metres is required); a minimum front yard depth of 0 metres (whereas 7 metres is required); a maximum building height of 10 metres (whereas 13 metres is permitted); establish a maximum gross floor area of 1,600 square metres (whereas no maximum gross floor area is specified); and home occupations within dwelling units in apartment buildings, restricted to the ground floor and occupy no more than 25% of total floor area of the dwelling unit, up to a maximum of 35 square metres, whichever is less.

2.3 Community Engagement (see more detail in Appendix B)

Three written responses were received, citing concerns regarding previous tree removals and existing site conditions related to fencing, garbage, and snow storage.

2.4 Policy Context

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted,

approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth looking "inward and upward";
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).
- Protecting our cultural heritage resources and neighbourhood character (Key Direction #7, Direction 5)

The London Plan provides direction to make wise planning decisions by:

- Ensuring all planning decisions conform with The London Plan and are consistent with the Provincial Policy Statement (Key Direction #8, Direction 1)
- Ensure new development is a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9)

The site is in the Neighbourhoods Place Type on a Neighbourhood Connector, as identified on *Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within this Place Type include a range of low rise residential uses, including low rise apartments in Central London (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The maximum permitted height is 2.5 storeys, or 4 storeys in Central London with a Bonus Zone (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type). The subject lands are also located within a Near-Campus Neighbourhood, as identified on *Map 7 – Specific Policy Areas of The London Plan and the West Woodfield Heritage Conservation District as identified on Map 9 – Heritage Conservation Districts and Cultural Heritage Landscapes.

1989 Official Plan

The subject site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation is applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings (3.2). The subject lands are also located within a Near-Campus Neighbourhood, as identified on Figure 3-1 "Near-Campus Neighbourhoods Area" of the 1989 Official Plan, and subject to specific policies for the Woodfield Neighbourhood (3.5.4).

West Woodfield Heritage Conservation District Plan

The subject property is designated under Part V of the *Ontario Heritage Act* as it is located within the West Woodfield Heritage Conservation District. The West Woodfield Heritage Conservation District is bounded by Richmond Street, Dufferin and Queens Avenue, Pall Mall Street and Central Avenue and the west limit of the East Woodfield Heritage Conservation District. The West Woodfield Heritage Conservation District is intended to help protect and preserve the heritage assets and character that exists in the area (5.1). The West Woodfield Heritage Conservation District outlines a number of goals for the district including avoiding the destruction and/or inappropriate alteration of the existing building stock, materials and details and; maintaining and enhancing the visual, contextual and pedestrian oriented character of West Woodfield's streetscape and public realm (3.1). A further details review of the West Woodfield Heritage Conservation District can be found below in Section 4.4.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; 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; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)).

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

As identified above, the subject property is designated under Part V of the *Ontario Heritage Act* as it is located within the West Woodfield Heritage Conservation District. The PPS directs that significant built heritage resources and significant cultural heritage landscapes be conserved (2.6.1). As proposed, the existing building is being maintained with the addition located at the rear allowing for the buildings character to be maintained. Additionally, the PPS notes that planning authorities shall not permit development and site alteration on adjacent lands to protect heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage properties will be conserved (2.6.3). The applicant submitted a Heritage Impact Assessment as part of a complete application that has been reviewed by Heritage Planning staff. Heritage Planning staff are satisfied that there will be no adverse impacts to the subject property and adjacent designated properties.

The recommended amendment facilitates infill development at an appropriate location within a settlement area. The proposed 3-storey addition contributes to a mix of housing types and provides choice and diversity in housing options for both current and future residents. No new roads or infrastructure are required to service the site, making efficient use of land and existing services. The proposed development represents an appropriate form of intensification through infill redevelopment on a site that is located in an area serviced by existing transit and supports the Province's goal to achieve a more compact, higher density form of development, consistent with the PPS.

4.2 Issue and Consideration #2: Use

The London Plan and 1989 Official Plan

The subject lands are within the Neighbourhoods Place Type on a Neighbourhood Connector in The London Plan. The range of permitted uses within the Neighbourhoods Place Type is directly related to the classification of street onto which the property has frontage (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The proposed apartment building use is included in the range of primary permitted uses within the Neighbourhoods Place Type as the subject lands are located within Central London. The recommended amendment proposes to increase the number of residential units through a rear addition to the existing buildings. Further, the recommended amendment facilitates the provision of a mix of housing types within the neighbourhood, consistent with the policies of The London Plan and PPS.

The subject site is located in the Low Density Residential designation in accordance with Schedule 'A' of the 1989 Official Plan. Primary permitted uses in areas designated Low Density Residential include low-rise, low density forms of housing including detached, semi-detached, and duplex dwellings (3.2). Residential Intensification is also contemplated within the designation and is defined as the development of a property, site or area at a higher density than currently exists on the site through the expansion of existing residential buildings to create new residential units (3.2.3.1.v)). The policies of residential intensification include the integration with heritage buildings to preserve and upgrade buildings considered to be of heritage value or interest. The existing buildings on site are designated under the *Ontario Heritage Act* as the lands are located within the West Woodfield Heritage Conservation District. The recommended amendment would preserve the existing heritage buildings as the addition is at the rear of the site.

As identified on Map 7 – Specific Policy Areas and Figure 3-1 "Near Campus Neighbourhoods Area", the subject lands are located within the Near-Campus Neighbourhoods which contain specific policies regarding intensification and increases in residential intensity in the Neighbourhoods Place Type within Near-Campus Neighbourhoods. Both The London Plan and 1989 Official Plan contain planning goals for the area which include encouraging a balanced mix of residential structure types in appropriate locations while preserving stable residential areas; utilizing zoning and other planning tools to allow for residential intensification and residential intensity which is appropriate in form, size, scale, mass, density and intensity; and, ensuring that intensification projects incorporate urban design qualities that compliment adjacent properties and contribute to the character and functional and aesthetic quality of the

neighbourhood (965_6, 965_9 and 965_10). The proposed use allows for a minor increase in intensity on site going from 8 units to 10 units, without taking away from the character of the existing neighbourhood while providing for a range of housing.

4.3 Issue and Consideration #3: Intensity

The London Plan

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with the existing neighbourhoods (83_, 937_, 939_2 and 5, and 953_1). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 1 storey and a maximum height of 2.5-storeys, with opportunities for 4-storeys with bonus zoning in Central London, is contemplated within the Neighbourhood Place Type where a property has frontage on a Neighbourhood Connector (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type). Further, the intensity of the development must be appropriate for the size of the lot (953_3).

It is noted that Table 11 – Range of Permitted Heights is not in force and effect at this time and is informative rather than determinative for the purpose of this planning application. Notwithstanding the above, the recommended amendment would facilitate the development of a 3-storey rear addition, matching the height of the existing building. The applicant is proposing a height of approximately 10.0 metres; consistent with surrounding parcels. It is noted that the Residential R8 (R8-4) Zone permits a maximum height of 13.0 metres. To ensure the height is compatible with the existing heritage dwellings and surrounding uses, the recommended amendment includes a special provision to regulate a maximum height of 10.0 metres.

1989 Official Plan

Development within areas designated Low Density Residential shall have a low rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (3.2.2.). Within the Low Density Residential designation, Residential Intensification will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments (3.2.3.2.).

The recommended amendment would facilitate the development of the subject site with a low-rise apartment building at a density of approximately 72 units per hectare. It is noted that with the proposed rear addition to the existing building, the density is increasing from 58 units per hectare to 72 units per hectare through the addition of two (2) units. In accordance with Section 3.2.3.2 of the 1989 Official Plan, Zoning By-law provisions can be used to ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area. Surrounding land uses in the immediate vicinity of the subject land contain a variety of uses from single detached dwellings to triplexes and fourplexes for a range of densities.

The proposed rear addition to the existing building is of a low rise scale with a lot coverage and height that provides little risk of shadow and privacy issues on adjacent lands. The development, as proposed, proposes a lot coverage of 30.1% and a height of 10.0 metres; both under the permitted maximums of the Residential R8 (R8-4) Zone. This allows for adequate space for parking to serve residents and visitors as well as on site landscaping. The recommended amendment also proposes to regulate a maximum gross floor area of 1,600 square metres (whereas no maximum gross floor area is required under the Residential R8 Zone). By establishing a maximum gross floor area, further intensification of the site would not be permitted and would require additional approvals under the *Planning Act*.

Residential intensification in the Low Density Residential designation is subject to a Planning Impact Analysis on the basis of criteria relevant to the proposed change (3.7.2). See Appendix C of this report for a complete Planning Impact Analysis addressing matters of both intensity and form.

West Woodfield Heritage Conservation District Plan

The West Woodfield Heritage Conservation District Plan outlines policies with respect to land uses and development patterns. Policies include maintaining the residential amenity and human scale by ensuring that the low density residential land use character remains dominant (4.1(a)). Where intensification is proposed, the policies within the Plan, promote adaptive reuse of the existing heritage building (4.1(d)). The recommended amendment would maintain the existing streetscape along Waterloo Street with the addition at the rear. Further, the recommended amendment includes the preservation and adaptive re-use of the existing heritage buildings.

4.4 Issue and Consideration #4: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth by growing "inward and upward" to achieve that compact form of development (7_ , 66_, 59_2 and 79_). The London Plan also accommodates opportunities for infill and intensification of various types and forms and encouraging infill and intensification in meaningful ways (59_4 and 59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

1989 Official Plan

The Low Density Residential designation of the 1989 Official Plan contemplates residential intensification in different forms including low rise apartment buildings. The scale and form of infill housing must recognize the scale of adjacent land uses and reflect the character of the area (3.2.3.2).

Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood is maintained (3.2.3). Consideration has been given to the form of the proposed development and specific measures to mitigate compatibility concerns. The proposed addition is situated at the rear of the site as to maintain the existing frontage along Waterloo Street. Further, the addition is proposed to match the height of the existing heritage buildings, leaving the heritage buildings as the main site feature.

Parking for the site is located at the rear with access from an existing City-lane immediately south of the subject lands. It is noted that the proposed development provides for the required parking established by the Zoning By-law Z.-1 as 10 parking stalls are required and 15 spaces are proposed. To address any privacy concerns, adequate setbacks along the north and west property boundaries have been provided to allow for landscape planting. Through the site plan application process, staff will ensure the proposed plantings have screening qualities along the north and west property boundaries.

One of the goals of the West Woodfield Heritage Conservation District is to maintain the low-density residential character of the district as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses (3.1). The recommended amendment provides a rear addition to facilitate two (2) additional units on site while maintaining the character of the existing heritage buildings along Waterloo Street. Further guidelines of the Plan include ensuring that infill development is compatible with the heritage character and pedestrian scale of the District and ensuring additions are subordinate to the original structure to allow the original heritage features and built form to take visual precedence on the street (3.1 and 4.2.1(c)). As previously mentioned, the rear addition provides for infill development that is compatible with the heritage character and will not take away from the existing pedestrian scale along Waterloo Street. The recommended amendment is not proposing any exterior modifications to the existing heritage buildings fronting Waterloo Street. This will assist in ensuring the existing streetscape and pedestrian scale along the street frontage is maintained.

4.5 Issue and Consideration #5: Zoning

The recommended amendment would facilitate the rezoning of the subject lands to a Residential R8 Special Provision (R8-4(_)) Zone to facilitate two (2) additional units on site, increasing the unit count from eight (8) units to ten (10) units. As part of the recommended amendment, reduced setbacks are proposed for the northerly interior side yard, southerly side yard and front yard. It is noted that although reductions are proposed, these are existing conditions being recognized through the rezoning process and the proposed addition is not extending beyond the existing building setbacks. The proposed rear yard setback exceeds the minimum required setback to facilitate landscaped areas and a parking lot at the rear of the building. The Zoning By-law Z.-1 requires one (1) space per unit for an apartment building in parking standard area 2. Currently, 15 parking stalls are proposed on site including two (2) barrier-free parking stalls. Parking on site also provides for the minimum required visitor parking, 1 space for every 10 units, in accordance with the Site Plan Control By-law.

The recommended amendment also seeks to permit home occupations within dwelling units in apartment buildings, restricted to the ground floor and occupy no more than 25% of total floor area of the dwelling unit, up to 35 square metres, whichever is less. As existing, there are two office conversions within the heritage buildings that the proponent is seeking to maintain. A special provision is required as the Zoning By-law Z.-1 does not permit home occupations in apartment buildings and restricts the floor area to a maximum of 25% of total floor area of the dwelling unit and a maximum of 28 square metres. As existing, there are two (2) home occupation (offices) on site as regulated by the existing Office Conversion (OC4) Zone. Given that the home occupation (offices) are currently existing on site and will be integrated into the apartment building use, staff have no concerns regarding their compatibility. By limiting the floor area to 25% of the total floor area of the dwelling unit, up to 35 square metres, whichever is less, ensures the residential component is maintained and will not be fully converted to an office use.

4.6 Issue and Consideration #5: Heritage and Archaeology

The London Plan

The London Plan contains policies to ensure archaeological and cultural heritage resources are protected. Development and site alteration on properties listed on the Register shall not be permitted except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties listed on the Register will be conserved (586_).

1989 Official Plan

Where heritage buildings are designated under the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken which would adversely affect for the reason(s) for designation except in accordance with the *Ontario Heritage Act* (13.2.3.). As noted, the subject property is located within the West Woodfield Heritage Conservation District. Policies within the 1989 Official Plan note that the design of new development, either as infill or as additions to existing buildings should complement the prevailing character of the area (13.3.6.ii)).

The subject site is identified as having archaeological potential in the 2018 Archaeological Master Plan and is designated under Part V of the *Ontario Heritage Act*. As part of a complete application, the applicant was required to submit a Stage 1-2 Archaeological Assessment and a Heritage Impact Assessment (HIA). The Stage 1-2 Archaeological Assessment, prepared by Lincoln Environmental Consultation Corp. dated September 2021 concludes that no archaeological resources were identified during the Stage 2 archaeological assessment and recommends that no further archaeological assessment of the study area is required. An Ontario Ministry of Tourism, Culture and sport archaeological compliance letter, dated February 27, 2022, has also been received. Heritage Planning staff has confirmed that all archaeological conditions have been satisfied for this application.

The HIA has been reviewed by both the London Advisory Committee on Heritage (LACH) and heritage planning staff. In their comments, LACH has advised it is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment and is in support of the development.

More information and detail is available in the appendices of this report.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type. Further, the recommended amendment is in conformity within the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation. The recommended amendment is also consistent with the West Woodfield Heritage Conservation District Plan. The recommended amendment will facilitate the development of an underutilized site with a land use and intensity that is appropriate for the site.

Prepared by: Melanie Vivian

Site Development Planner

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Gregg Barrett, AICP

Director, Planning and Development

Submitted by: Scott Mathers MPA, P. Eng

Deputy City Manager, Planning and Economic

Development

Appendix A

Bill No.(number to be inserted by Clerk's Office) 2022

By-law No. Z.-1-22_____

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

WHEREAS David Russell has applied to rezone an area of land located at 551-555 Waterloo Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 551-555 Waterloo Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R1 (R1-7) Zone to a Holding Residential R5 Special Provision (h-183*R5-7(_)) Zone.
- 2) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:
 -) R8-4() 551-555 Waterloo Street
 - a) Regulations

i) Front Yard Depth 0.0 metres (Minimum)

ii) North Interior Side 0.4 metres Yard Depth (Minimum)

iii) South Interior Side 4.0 metres Yard Depth (Minimum)

iv) Gross Floor Area 1,600 square metres (Maximum)

v) Height 10 metres (Maximum)

vi) Home occupations shall be permitted within dwellings units in apartment buildings and restricted to the ground floor and occupy no more than 25% of total floor area of the dwelling unit, up to a maximum of 35 square metres, whichever is less. All other provisions of Section 4.10 shall be applied to any home occupation within the dwelling unit of the apartment 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 May 3, 2022.

Ed Holder Mayor

Michael Schulthess City Clerk

First Reading – May 3, 2022 Second Reading – May 3, 2022 Third Reading – May 3, 2022

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 16, 2021, Notice of Application was sent to 60 property owners and 45 occupants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 17, 2021. A "Planning Application" sign was also posted on the site.

On March 16, 2022, Notice of Revised Application and Notice of Public Meeting was sent to 60 property owners and 65 occupants in the surrounding area. Notice of Revised Application and Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 17, 2022.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 3-storey rear addition to the existing building, increasing the total number of dwelling units from 8 to 10, and to permit home occupations within dwelling units in an apartment building. Possible change to Zoning By-law Z.-1 **FROM** a Residential R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-73) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone. Special provisions would permit: a minimum northerly interior side yard depth of 0.5 metres (whereas 4.5 metres is required); a minimum southerly interior side yard depth of 4 metres (whereas 4.5 metres is required); a minimum front yard depth of 0 metres (whereas 7 metres is required); a maximum building height of 10 metres (whereas 13 metres is permitted); a maximum gross floor area of 1,600 square metres (whereas no maximum gross floor area is specified); a minimum parking requirement of 16 spaces (whereas 10 spaces are required); and home occupations within dwelling units in an apartment building. The proposed home occupations would be restricted to the ground floor and occupy no more than 25% of the total ground floor gross floor area File: Z-9372 Planner: C. Maton ext. 5074

The purpose and effect of this zoning change is to permit a 3-storey rear addition to the existing building, increasing the total number of dwelling units from 8 to 10, and to permit home occupations within dwelling units in an apartment building. Possible change to Zoning By-law Z.-1 **FROM** a Residential R3 Special Provision/Office Conversion/Temporary (R3-2(6)/OC4/T-73) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone. Special provisions would permit: a minimum northerly interior side yard depth of 0.4 metres (whereas 4.5 metres is required); a minimum southerly interior side yard depth of 4.0 metres (whereas 4.5 metres is required); a minimum front yard depth of 0.0 metres (whereas 7.0 metres is required); a maximum building height of 10 metres (whereas 13.0 metres is permitted); establish a maximum gross floor area of 1,600 square metres (whereas no maximum gross floor area is specified); and to permit home occupations within dwelling units in apartment buildings, restricted to the ground floor and occupy no more than 25% of total floor area of the dwelling unit, up to a maximum of 35 square metres, whichever is less. File: Z-9372 Planner: M. Vivian

A total of 3 replies were received.

Responses: A summary of the various comments received include the following:

Concern for:

Garbage Snow Storage

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Larry, Frances & Brittany Coste 315 Wolfe Street London, ON N6B 2C4

Xu Wang, Changzhi Xu & Qingguo Wang 317 Wolfe Street London, ON N6B 2C4
ACO London Communications Committee Eleanor J. Rath

From: Brittany Coste

Sent: Monday, June 21, 2021 2:04 PM **To:** Maton, Catherine <cmaton@london.ca>

Cc: Larry Coste

Subject: [EXTERNAL] File: Z-9372 551-555 Waterloo Street

Good afternoon.

I have been a resident of 315 Wolfe Street since 1978. My property backs onto both 551-555 Waterloo street. The original site plan established in 1977 had 14 mature trees, most of the trees have been removed and there are only 2 trees left. The original parking lot consisted of 16 parking spaces and a 25 foot buffer between my property and theirs. Because of the expansion from the original 1977 plan has already taken place, they have been parking 25-30 cars pre-covid. Please see the attached original development plan.

The site concept map for the development show snow storage along the fence line of 315 & 317 Wolfe, this is currently where they are storing snow that is causing water damage and property damage as they push the snow right up against the fence line. The fence has been pushed over 2-3 times with only temporary repairs being made.

The current garbage situation is unacceptable. Please see the attached photos.

Best regards,

Larry, Frances & Brittany Coste 315 Wolfe Street

From: Xu Wang

Sent: Monday, June 21, 2021 12:42 PM **To:** Maton, Catherine <cmaton@london.ca>

Subject: [EXTERNAL] 551-555 Waterloo St planning application Z-9372

Hello Catherine,

My name is Xu, I am writing this on behalf of my parents, Changzhi Xu and Qingguo Wang, owners of 317 Wolfe.

We are very against David Russells plans for 551-555 Waterloo st. For years, the property has pushed snow and stacked garbage against the fence where it caused enough damage to collapse. Even though it is not our fence, we still had to do repairs because David Russell would not. Increasing the capacity of the parking lot is just going to increased damage to the fence. I do not believe they will follow their plans to plow snow because they have even more room right now and still decided to push the snow against the fence. This is not an isolated thing, its been happening since we moved here in 2014.

We are in the real estate business and asked around about him. I am always weary of things I read on the internet but the stories are honest about the slumlord practises. The rot, the bugs, the pests, the poor quality living are not isolated events in his career.

It is not just about the snow, it is about the way they operate and how they choose to ignore the small things. It's the way they let their buildings rot and deteriorate because

you can't profit off pest or mold control. If they cannot do the basic things correctly I do not believe they cannot do the bigger stuff correctly either.

We would be disappointed should the plans go ahead.

Xu

From: ACO London

Sent: Monday, March 21, 2022 12:48 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 551-555 Waterloo Street

Hi Melanie:

I am reviewing the Notice of REVISED Application for the above noted property.

I am noticing some date differences in the reports provided on the City website when compared to the documents made available at the time of the Notice of Application. For example,

Site Plan and Architectural Drawings

Notice of Application - site plan on second page dated 2021-04-14 Notice of Revised Application - site plan on first page dated 2020-11-03

Planning Justification Report

Notice of Application - Cover letter dated February 26, 2021 and document of 41 pages Notice of Revised Application - Cover letter dated February 2, 2021 and document of 23 pages

Heritage Impact Assessment

Notice of Application - HIA dated February 26, 2021 - 51 pages Notice of Revised Application - HIA dated January 8, 2021 - 51 pages

HIA Appendices - appears to be same document for both

Roof Diagram - appears to be same document for both

Service Feasibility Study - appears to be same document for both

Shadow Study - appears to be the same document for both

It seemed a bit odd that the "revised" submission all had dates further back in time. Can you please confirm that this is correct?

Is there a summary of the differences between the original application (at the time of Notice) and the Revised Application heading to Public Meeting?

Thanks
Eleanor J. Rath
ACO London Communications Committee

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Architectural Conservancy Ontario - London Region

Celebrating & advocating for London's architectural heritage since 1966

twitter.com/ACOLondonOnt facebook.com/ACOLondon instagram.com/aco_london acolondon.ca

Agency/Departmental Comments

Engineering Comments:

We have reviewed the Servicing Feasibility Report and have no further comments related to the re-zoning application.

Water Engineering Comments:

Water Engineering has no comments for the zoning by-law amendment noted above.

<u>Urban Design Comments:</u>

Urban Design staff have reviewed the submitted application for the above noted address and provide the following urban design principles for the site consistent with the Official Plan, the London Plan, applicable by-laws, and guidelines:

The applicant is commended for providing a building and site design that
incorporates the following design features: a rear addition that is sensitive to its
context with the massing, material selection and usage and location of the addition
having regard for neighbouring properties that appear to minimize shadows impacts
and loss of privacy.

Site Plan Comments:

I have reviewed the submitted concept plan and can offer the following:

- For accessibility purposes, a ramp is required to be included on the site plan.
 This is also a requirement of the Ontario Building Code. I would advise having the applicant reach out to Building directly to determine the number of ramps required.
- 2. Relocate the curb ramp to be between the two barrier-free stalls and remove the access aisle from behind the Type A space.
- 3. A setback of 1.5m is required from the property line to the parking areas to provide for landscape screening. This would include the proposed hammer head at the end.
- 4. The location of garbage collection should also be located on the site plan. As this is an apartment building, garbage is to be stored internal to the building until collection day.
- 5. Bicycle storage is also to be internal to the building with its location identified on the site plan.

Building Comments:

No ramp is required as per the sections quoted in the code by Nick.

Heritage Comments:

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the heritage impact assessment requirements for (Z-9372):

• A+LiNK Architecture Inc. (2021, February 26). Heritage Impact Assessment, 551-555 Waterloo Street, London, ON.

Please be advised that heritage planning staff recognizes the summary of mitigation approaches outlined on pages 39-42 of the heritage impact assessment (HIA). Mitigating factors noted in the HIA primarily reference compatibility of design with regards to the rear addition by:

retaining the existing residences on the properties;

- having the addition located at the rear of the existing residences;
- having the proposed height, massing and form similar to that of the existing residences;
- the use of gable-pitched rooflines to 'highlight' existing and adjacent residences;
- having the proposed addition both subordinate to, and discernible from, the existing residences;
- having parking located at the rear lot, with access from the south side of the property along the sidewalk and existing service laneway; and
- not negatively affecting the views, vistas or other heritage elements of nearby and adjacent properties. (HIA, p1)

Heritage staff further acknowledges the submission of an added requirement for a roof diagram which has adequately depicted the interfaces between the slopes of the existing and new roofs.

Heritage staff recommends that buffering and protection measures (i.e. site plan controls) be put in place in order to prevent potential negative indirect impacts caused by construction. The site plan control methods shall be determined in advance of construction and noted on construction drawings.

Based on the review of the heritage impact assessment (HIA), heritage staff is satisfied that there will be no adverse impacts to the designated property at 551-555 Waterloo Street and adjacent designated properties as a result of the proposed development at the rear of 551-555 Waterloo Street. It has been demonstrated that the proposed development sufficiently complies with the principles, goals & objectives, policies and guidelines of the West Woodfield Heritage Conservation District (specifically Sections 4.2.1, 8.2.1, 8.2.2 and 8.2.6) and that significant heritage attributes will be conserved. The HIA can be accepted to meet heritage requirements for (Z-9372). Note that heritage alteration permit (HAP) will be required prior to the issuance of a building permit.

Parks Planning and Design Comments:

Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Enbridge Gas Inc. Comments:

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

We trust the foregoing is satisfactory.

London Hydro Comments:

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances

from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner

Appendix C – Policy Context

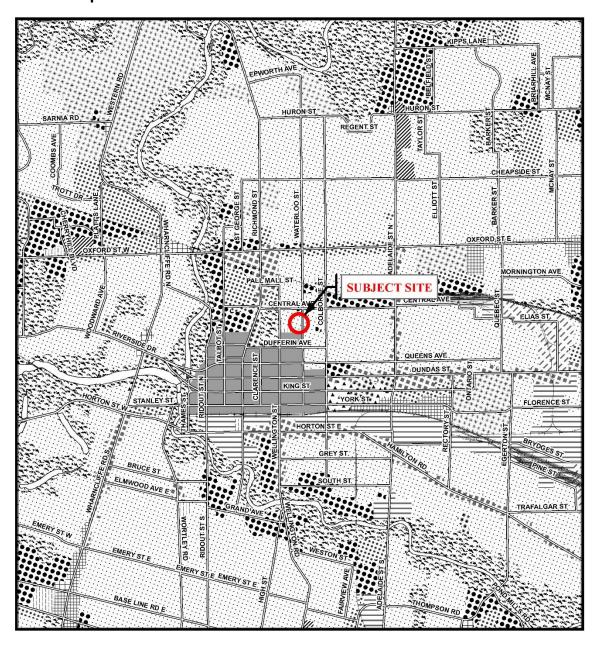
The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

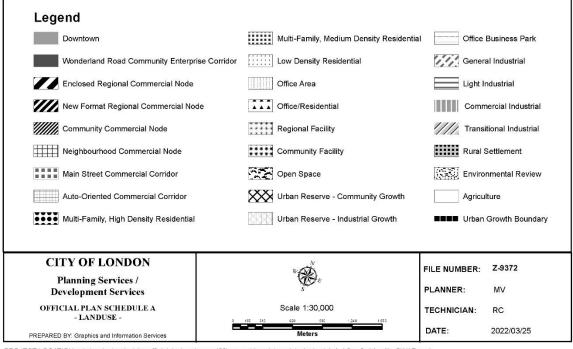
3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is contemplated use in the Official Plan and contributes to a variety of housing forms within the neighbourhood.
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 use;	The revised site concept achieves an intensity that allows for other on-site functions such as guest parking, open space and adequate space for landscape buffering.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The site is located in Central London, close to public open spaces (Victoria Park), transit services and is within walking distance to the downtown core.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	The proposed development is in an area in need of affordable housing units and provides for a mix of housing types which is inherently affordable.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale/height of the proposed rear yard addition is in keeping with the height of the existing building. The front yard depth of the development is existing and not proposed to change. At the rear of the site, appropriate buffering is being provided from the rear lot line to the proposed development while the interior side yard is consistent with the existing buildings.
	Impacts on adjacent properties, such as overlook and light penetration, would be mitigated through a combination of yard depth, appropriate space for landscape screening, and photometric analysis/mitigation at the site plan approval stage for any proposed light standards.

The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	The proposed development provides for the retention of a mature tree within he parking area. As part of the proposal, the applicant is seeking to add additional plantings on site that have the opportunity to provide screening. These additional plantings will be considered at a future Site Plan Approval stage.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control Bylaw, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties	The site is proposed to be accessed through an existing lane. Transportation Planning and Design have no concerns with the proposed site access.
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	Urban Design staff commend the applicant for providing a building and site design that incorporates design features such as a rear addition that is sensitive to its context with the massing, material selection and usage and location of the addition having regard for neighbouring properties that appear to minimize shadow impacts and loss of privacy.
The potential impact of the development on surrounding natural features and heritage resources;	The existing buildings are designated under Part V of the Ontario Heritage Act as they are located in the West Woodfield Heritage Conservation District. The applicant submitted a Heritage Impact Assessment and Heritage Planning have no concerns about the proposed addition.
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;	N/A
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;	The requested amendment is consistent with the in-force policies of the Official Plan. Further, the proposed form of development will be reviewed for conformity to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process. The requirements of the Site Plan Control Bylaw have been considered through the design of the site to ensure functionality.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	As discussed above, tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.
Impacts of the proposed change on the transportation system, including transit	The residential intensification of the subject lands will have a negligible impact

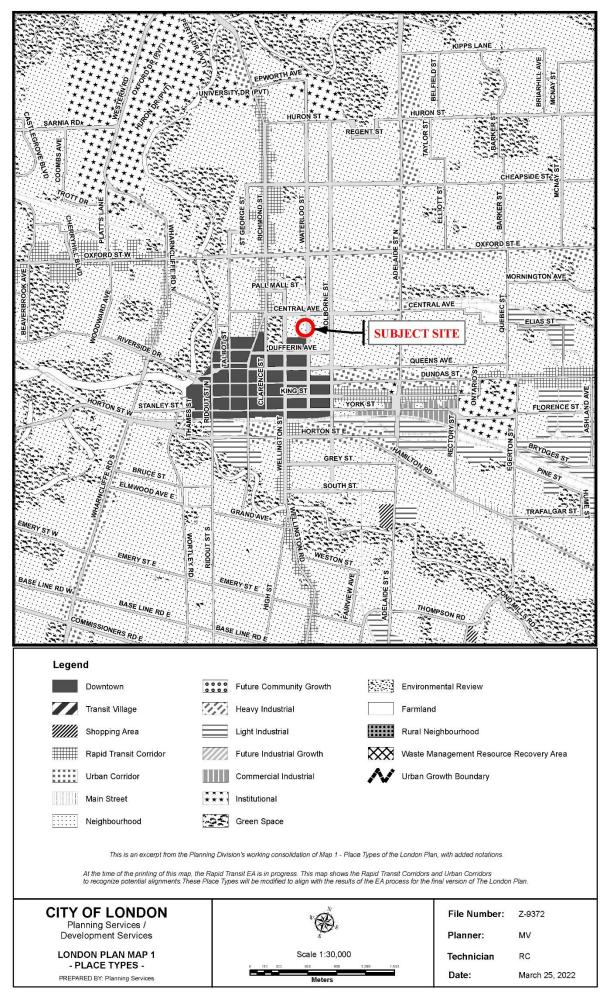
Appendix D – Relevant Background

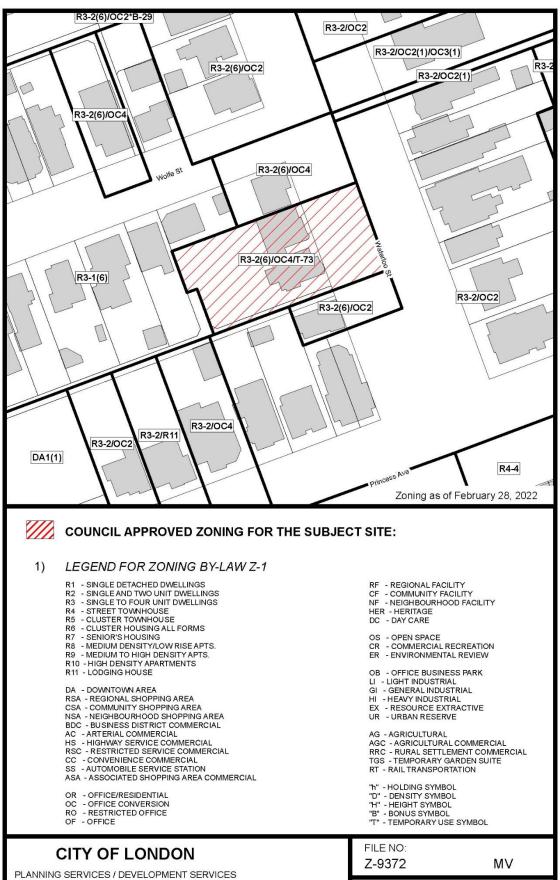
Additional Maps





 $PROJECT\ LOCATION:\ e.\ planning\ projects\ p.official plan \ work consol00\ excerpts\ mxd_templates\ schedule A_b\&w_8x14_with_SWAP.mxd$





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



MAP PREPARED: 2022/03/25 rc 1:1,000 0 5 10 40 ■ Meters 20

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