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: Amy Liu

88 Chesterfield Avenue

Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Amy Liu relating to the property located at 88 Chesterfield Avenue. The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 24, 2023, to amend Zoning By-law No. Z-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** Residential R2 (R2-2) Zone **TO** a Residential R3-2 special Provision (R3-2(_)) Zone.

Executive Summary

Summary of Request

The owner has requested to rezone the subject site to Residential R3 Special Provision (R3-2()) Zone to permit a three-unit converted dwelling.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R3 Special Provision (R3-2(_)) Zone providing for a converted dwelling up to three units. The following special provisions would recognize existing site conditions and facilitate the intended use; a driveway width of 11.0 metres and front yard setback of 5.8 metres.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns by providing a range of uses and opportunities for intensification and redevelopment;
- The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Neighbourhoods Place Type, City Building Policies and Our Tools;
- The requested zoning to permit a three-unit converted dwelling facilitates the development at an intensity that is appropriate for the site and the surrounding neighbourhood.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes the efficient use of

existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation.

Analysis

1.0 Background Information

1.1 Property Description

The subject site is located on the east side of Chesterfield Avenue, approximately 172 metres north of Thompson Road, and in the Glen Cairn Planning District. The site is 871m² in size with a lot frontage of 22.9 metres. The site currently contains a two-storey, three-unit converted dwelling on the north side of the site.





1.2 Current Planning Information

- The London Plan– Neighbourhoods Place Type fronting a Neighbourhood Street (Chesterfield Avenue)
- Existing Zoning Residential R2 (R2-2) Zone

1.3 Site Characteristics

- Current Land Use Three-Unit Converted Dwelling
- Frontage 22.9 Metres
- Depth 38 Metres
- Area 871m²
- Shape Rectangular

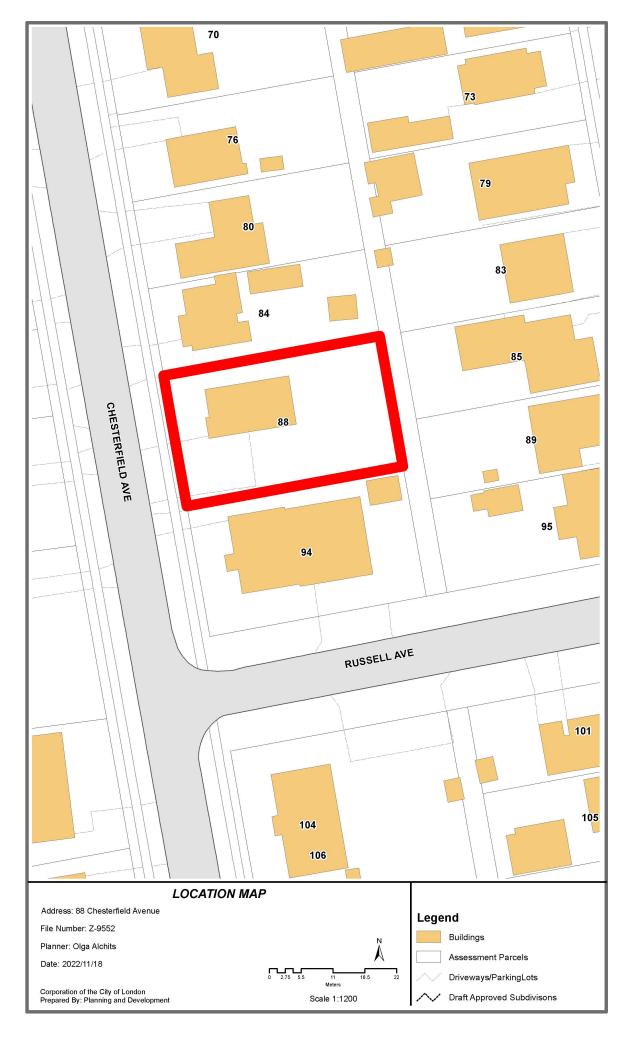
1.4 Surrounding Land Uses

- North Low Density Residential Single-Detached Dwellings, Multi-Unit Dwellings
- South Low Density Residential Semi-Detached Dwellings, Multi-Unit Converted Dwellings, Multi-Unit Dwellings
- East Low Density Residential Single-Detached Dwellings, Duplex Dwellings, Triplex Dwellings
- West Low Density Residential Single-Detached Dwellings, Semi-Detached Dwellings, Multi-Unit Building

1.5 Intensification

The 3-unit converted dwelling represents intensification within the Built-Area boundary and within the Primary Transit Area.

1.6 Location Map



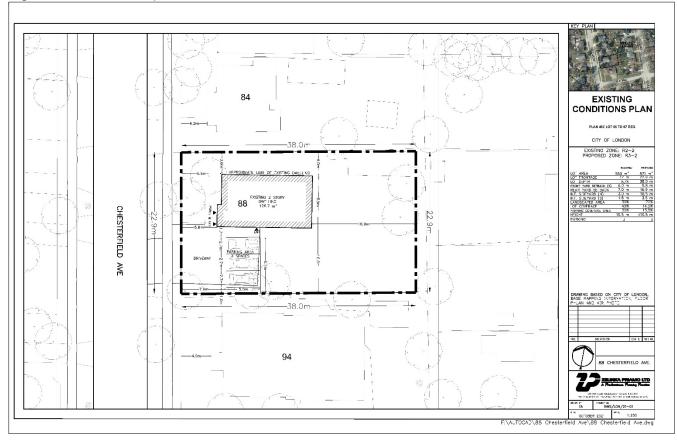
2.0 Discussion and Considerations

2.1 Existing Conditions

On October 7, 2022 the City of London accepted a complete application that seeks to permit a three-unit converted dwelling.

The applicant provided a site plan of the existing conditions, as there are no physical changes or development being proposed on the subject site. Currently, the site contains a two-storey dwelling on the north side of the site, which has been converted to accommodate 3-units. The original building did not contain a finished basement however, sometime after initial construction, the basement was finished and a unit was added, resulting in the present 3-unit converted dwelling. Vehicular access is provided by a driveway from Chesterfield Avenue that leads to the parking area which provides for three, individually accessible parking spaces south of the existing building. The site contains two large trees at the front and a few on the southern property line near the parking area. The site provides landscaped open space and amenity space to the south and the rear. The existing 3-unit converted dwelling and the existing conditions of the subject site are proposed to be brought into compliance with the Zoning By-law through this Zoning By-Law Amendment.

Figure 2: Site Concept



2.2 Requested Amendment

The applicant is requesting a Residential Special Provision (R3-2(_)) Zone, which permits triplex dwellings and converted dwellings that in no case shall have a lot area less than 220.0 square metres per unit. The existing site conditions are proposed to be recognized through this Zoning By-Law Amendment; the following special provisions are being requested:

- An increased driveway width of 11.0 metres in place of 8.0 metres
- A reduced front yard setback of 5.8 metres in place of 6.0 metres

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comment on this application in response to the notice of application given on October 12, 2022. One (1) email in support of the requested zoning amendment was received.

2.4 Policy Context (see more detail in Appendix C)

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). The PPS also 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 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 2, 4 and 5).

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

 Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The subject site is also within the Primary Transit Area which will be a focus of residential intensification and transit investment within London. The nature and scale of intensification will vary depending on the Place Type within the Primary Transit Area and will be a good fit within existing neighbourhoods (90_). Directing infill and intensification to this area is a major part of this Plan's strategy to manage growth in the city as a whole and to target 45% of all future residential growth in the Built-Area Boundary (91_).

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

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

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. 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).

Consistent with the PPS, the existing 3-unit converted dwelling contributes to the existing range and mix of housing types in this area, providing for choice and diversity in housing options for both current and future residents. The converted dwelling provides an example of a well utilized site within a defined settlement area and is a form of efficient form of housing and use of the lands. Further, in conformity of the PPS, the converted dwelling makes efficient use of existing municipal services, nearby amenities, institutional uses, retail and entertainment service uses. The site is sufficiently sized to accommodate all the necessary components for a well-functioning residential site, including parking, amenity space, appropriate setbacks, and appropriate vehicular and pedestrian circulation. The proposed Zoning By-law Amendment to permit a 3-unit converted dwelling is consistent with the 2020 Provincial Policy Statement.

4.2 Issue and Consideration #2: Use

Policy 916_3 of the London Plan's Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities and forms. Policy 943_identifies converted dwellings may be permitted in appropriate locations within the Neighbourhood Place Type.

The subject site is in the Neighbourhoods Place Type of the London Plan fronting a Neighbourhood Street. Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

The 3-unit converted dwelling contributes to the existing range and mix of housing types in the area, which consists of single detached dwellings and multi-unit dwellings to the north, a 3-unit converted dwelling directly to the south, single-detached dwellings, duplex and triplex dwellings to the east and single-detached dwellings, semi-detached dwellings and a multi-unit building to the west. Within this context, the converted dwelling is in keeping with the existing uses in the area and would not have a

detrimental impact on neighbouring residential lands. Further, the existing 3-unit converted dwelling use on the subject site is a permitted use within the Neighbourhood Place Type at this location.

4.3 Issue and Consideration #3: Intensity

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_ 5. and 6., and 953_ 1. and 2.). 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 3 storeys is contemplated within the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Street, that being Chesterfield Avenue (Table 11- Range of Permitted Heights in the Neighbourhood Place Type), while the intensity of development must be appropriate for the size of the lot (953_3.). The London Plan encourages intensification within existing neighbourhoods to help support aging in place, diversity of built form, affordability, vibrancy and the effective use of land in neighbourhoods (59_5).

Consistent with the London Plan policies, the converted dwelling provides a level of intensification which is considered appropriate, sensitive to, and a good fit within, the existing neighbourhood. The existing 2-storey dwelling is situated along Chesterfield Avenue within a neighbourhood that has a variety of low- and medium-density residential uses consisting of single-detached dwellings, duplexes, triplexes, fourplexes, and converted dwellings. Medium-density residential uses, in the form of townhouses are located to the north along Veronica Avenue at the intersection of Chesterfield. Further, the subject site is within walking distance of commercial and recreational uses. This includes Chelsea Green Community Church, Chelsea Green Children's Centre, Thompson Road Park, and Glen Cairn Park North, all located within a 400-metre radius. The converted dwelling represents residential intensification as it adds one unit to a legal duplex. The 3-unit converted dwelling on the site will make use of existing transit and public services in the area. The proposal is considered in keeping with the intensity policies set out by The London Plan. As such, staff is satisfied the proposed intensity and scale of the existing dwelling is in conformity of The London Plan.

4.4 Issue and Consideration #4: Form

The London Plan encourages compact forms of development as a means of planning for and managing growth (7_, 66_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (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 site layout, access points, driveways, landscaping, amenity areas, building location and parking, building and main entrance orientation, building line and setback from the street, height transitions with adjacent development, and massing (953_ 2.a. to f.). City Design policies further encourage/require design details, such as principal building entrances along the public right-of-way (291_) and the inclusion of outdoor amenity spaces (295_). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578).

Consistent with The London Plan, the recommended intensification of the subject property would optimize the use of land and public infrastructure in the area. Located within a developed area of the city, the increase in intensity on the subject site would contribute to achieving a more compact form of growth.

The proposed amendment, as previously noted, will not result in any physical changes to the overall form of development on the site. The existing dwelling is considered an

appropriate form of development and provides adequate site functions as intended by the City Design policies. The subject site also provides a functional site layout with the driveway located in the interior side yard, leading to three surface parking spaces and a sufficient outdoor amenity area located to the south and the rear of the site. Staff are satisfied that the existing form meets the intent of the urban design goals and is in conformity of The London Plan.

4.5 Issue and Consideration #5: Zoning

The applicant is requesting to permit the existing site conditions, and as such special provisions are being requested. The following is an analysis of the request and staff's response:

- An increased driveway width of 11.0 metres Staff have no concern with the increase in driveway width as it is an existing site condition and accommodates the parking needed for the site, while still allowing for a sufficient amenity area and landscaped open space on the property.
- A reduced front yard setback of 5.8 metres The reduced front yard depth is recognizing the existing site layout/setback of the current dwelling. Reduced front yard setback distances reflect current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of way to create and animate the public realm (259_). Staff has no concerns with this proposed setback as the existing built form and setback has gained a level of acceptance within the community and is generally in keeping with the policies of The London Plan.

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 the Neighbourhoods Place Type. The recommended amendment will permit a 3-unit converted dwelling within the Built-Area Boundary with a land use, intensity, and form that is appropriate for the site.

Prepared by: Olga Alchits

Planner I, Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Britt O'Hagan, MCIP, RPP

Acting 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) 2023

By-law No. Z.-1-23_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 88 Chesterfield Avenue.

WHEREAS Amy Liu has applied to rezone an area of land located at 88 Chesterfield Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 88 Chesterfield Avenue, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2 (R2-2) Zone **TO** a Residential R3 Special Provision (R3-2()) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the following Special Provision:
 -) R3-2() 88 Chesterfield Avenue
 - a) Regulations

i) Front Yard Depth 5.8 metres (19.02 feet) (Minimum)

ii) Driveway Width 11 metres (36.08 feet) (Maximum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

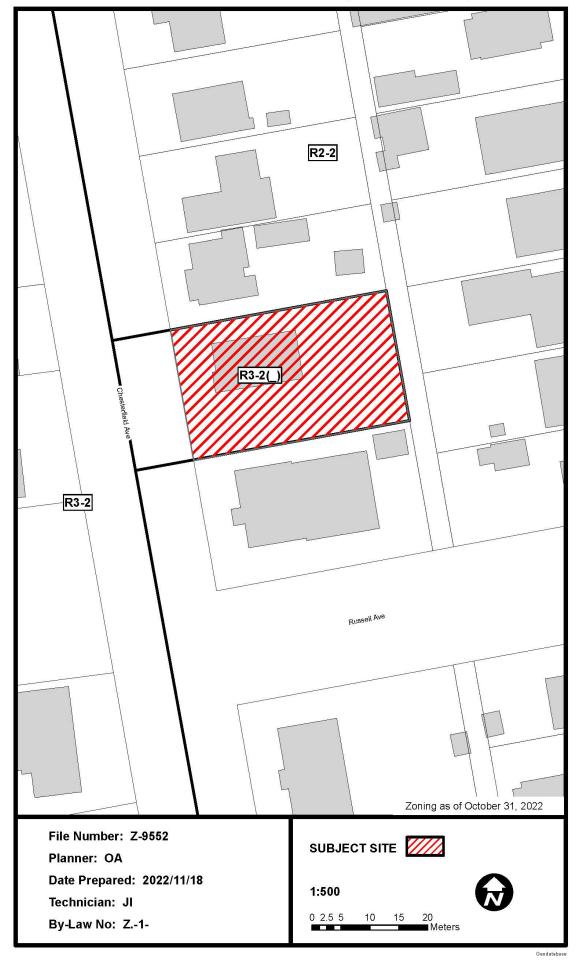
PASSED in Open Council on January 24, 2023.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – January 24, 2023 Second Reading – January 24, 2023 Third Reading – January 24, 2023

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



Appendix B - Public and Departmental/Agency Consultation

Community Engagement

Notice of Application:

Public liaison: On October 12, 2022, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 13, 2022. A "Planning Application" sign was also posted on the site.

1 reply from 1 individual was received.

Nature of Liaison:

88 Chesterfield Avenue - The purpose and effect of this zoning change is to permit the existing two-storey, three-unit converted dwelling. Possible change to Zoning By-law Z.-1 **FROM** a Residential (R2-2) Zone **TO** a Residential R3 Special Provision (R3-2(_)) Zone, to permit the existing two-storey, three-unit converted dwelling. The city may consider other special provisions to recognize existing site conditions. File Z-9552

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

Hello.

I am writing this letter on behalf of **John Brotzel**. He owns [address] and wants to approve the application posted in regards to the notice of planning.

File number: Z-9552 Applicant: Amy Liu

Kind Regards, John Brotzel

Departmental and Agency Comments

Urban Design (October 18, 2022)

• There are no Urban Design comments or concerns related to the ZBA (for 3-unit converted dwelling) for 88 Chesterfield Avenue.

Engineering (November 3, 2022)

• Engineering has no comments for the re-zoning application.

Parks Planning and Design (October 17, 2022)

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

Heritage Planning (October 17, 2022)

Major issues identified

Archaeological potential at 88 Chesterfield Ave. is identified on the City's Archaeological Mapping. The description of work in the proposal is limited to rezoning. The scope of work does not appear to result in soil disturbance (new construction/addition or paving), therefore no archaeological assessment is required as part of a complete application.

Notes

- Archaeological potential remains on the property. If soil disturbance is reasonably anticipated as part of future alterations/new construction on the property, an archaeological assessment may required.
- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

Landscape Architect (October 26, 2022)

No comments

London Hydro (October 27, 2022)

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

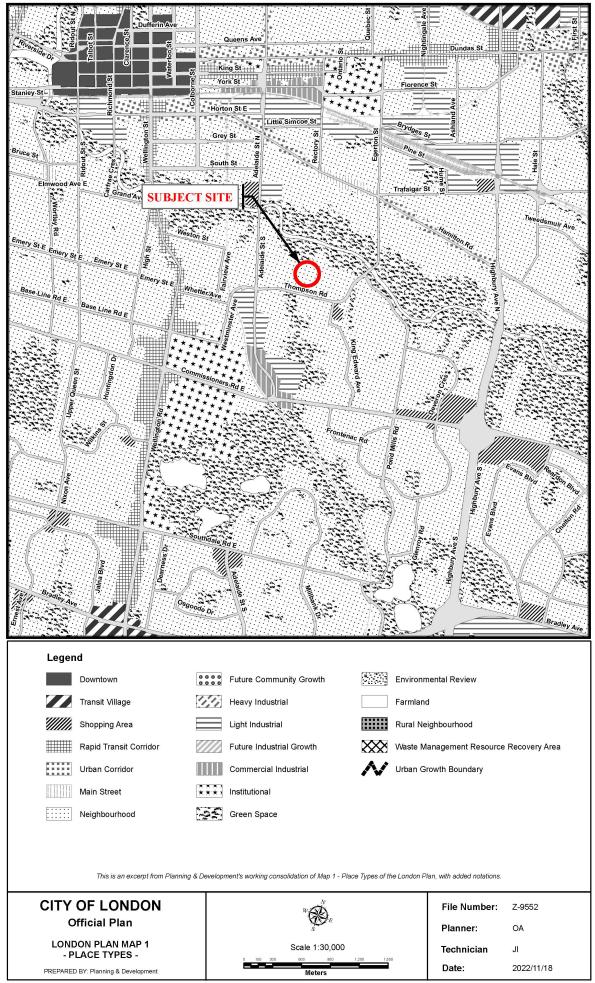
Appendix C – Planning Impact Analysis

1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and 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. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing

	and scale of the existing built form is appropriately integrated into the community.
Conformity with the policies of the place type in which they are located.	The recommended 3-unit converted dwelling proposal provides for the use and intensity of development contemplated within the Neighbourhoods Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	Not applicable.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site is currently fully serviced by municipal water, sanitary and storm sewers.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	No changes to traffic and access management are anticipated. A Traffic Impact Assessment was not required.
Noise	The existing dwelling is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was not required for the Zoning By-law amendment application.
Parking on streets or adjacent properties.	Staff is satisfied that sufficient parking is available for the existing dwelling. It is not anticipated that overflow parking will be required on local streets.
Emissions generated by the use such as odour, dust or other airborne emissions.	The site will not generate noxious emissions.
Lighting	Not applicable.
Garbage generated by the use.	Not applicable. No change pertaining to garbage is anticipated.
Privacy	Not applicable. No external changes are being proposed
Shadowing	Not applicable. No external changes are being proposed
Visual Impact	Not applicable. No external changes are being proposed.
Loss of Views	Not applicable. No external changes are being proposed.
Trees and canopy cover.	All conditions are existing, and no changes are proposed. Two large trees are located at the front and rear as well as a few on the south side of the site.
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	Not applicable.
Natural resources.	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

Appendix D - Relevant Background

The London Plan - Map 1 - Place Types



Zoning By-law Z.-1 - Zoning Excerpt

