



City of  
**Peterborough**

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**To:** Members of the Planning Committee

**From:** Ken Hetherington, Manager, Planning Division

**Meeting Date:** September 14, 2015

**Subject:** Report PLPD15-047  
200 St. Luke's Avenue

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## **Purpose**

A report to evaluate the planning merits of amending the SP.324 – Special Residential Zoning for the property known as 200 St. Luke's Avenue to permit a reduction in the requirement for parking to permit 0.5 spaces per unit for up to 60 affordable units and to reduce the minimum required setback of parking/driveway areas from windows to habitable rooms.

## **Recommendation**

That Council approve the recommendation outlined in Report PLPD14-047 dated September 14, 2015, of the Manager, Planning Division, as follows:

That the SP.324 – Special Residential District Zoning of 200 St. Luke's Avenue be amended in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-047.

## **Budget and Financial Implications**

There are no direct budget or financial implications arising from the approval of this application.

## Rationale

The owners are obligated under the affordable housing agreement of 2006, to provide affordable rents until at least 2028. The agreement was one of the pilot projects funded by Federal, Provincial and Municipal government to encourage the creation of affordable housing stock for the population demographic. The programs have now evolved to provide a higher level of funding and incentives to ensure the longevity and success of developments. The owner has expressed the need to provide additional market rent units to offset the cost of providing reduced rental rates, based on the economic model of the earlier programs.

The proposed reduction in parking for Affordable Housing units has been supported via Community Improvement Area policies of the Official Plan, introduced after the current use of the building was established in 2006. An amendment to the Official Plan in 2012 recognizes the reduced parking requirements for 'affordable' units and provides for alternatives to the provision of parking within the Zoning By-law. Incentives related to the reduction of on-site parking have been considered for newer affordable housing projects considered by the City, based on a lower percentage of car ownership for this demographic.

## Background

The subject application was received on May 14, 2015, deemed to be complete as of June 23, 2015 and was processed in accordance with department procedures. The *Planning Act* allows applicants to appeal Zoning By-law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after October 21, 2015 if Council has not made a decision.

The subject property is approximately 7275m<sup>2</sup> (78310 ft.<sup>2</sup>) in size, located on north side of St. Luke's Avenue, between Rogers Street and Armour Road in the Hunter Street East Business District of the Central Area. The property currently supports a 60 unit Affordable Housing development known as Myrtle Terrace, redeveloped from the former Marycrest Home for the Aged in 2006/2007. The existing SP.324 Zoning was applied to the property, subject to a 2005 Zoning Amendment Application. The current zoning permits up to 76 units with a ratio of 1 parking space per unit, although only 60 units have been created.

The current development supports a total of 60 units and 60 parking spaces, in accordance with the minimum requirement as approved in the 2006 zoning of the lands. The building was modified to replace the ground floor of the westerly wing with underbuilding parking, providing access to the rear courtyard space and additional parking. The owners have experienced, however, that less than 30 parking spaces are being utilized at any given time.

The owner wishes to modify the building to reclaim most of the underbuilding space for a total of 9 new market value rental units, while continuing to provide a vehicular connection to the rear, however, reducing the total number of parking spaces provided from 60 to 47 spaces. It is intended that 60 units remain as 'affordable' under the current obligations of the owners with the City of Peterborough and the proposed 9 new units be considered as market value units.

As such, the owner has requested that the City consider reducing the minimum required parking for the affordable units to 0.5 spaces per unit, recognizing the current demand for parking and provide a minimum of 1.75 parking spaces per unit for the new 9 dwelling units proposed in the current application. The owner has indicated a willingness to amend the corresponding Site Plan Agreement for the property to reflect the changes in the parking layout and configuration.

A 'Site-Area Parking Analysis' was completed by KMD Planning and Associates Ltd. and submitted in support of the application. The analysis provided a tally of parking spaces being used over the span of 6 days at morning and afternoon time periods. The total number of vehicles parked at the time of inspection ranged from a minimum of 8 vehicles to a maximum of 20 vehicles, representing less than 50% of the required parking on site.

## **Analysis**

### **a) Official Plan**

The lands are currently designated "Commercial" on Schedule 'A' – Land Use, in the City of Peterborough Official Plan and 'Business District' on Schedule 'J' – Central Area. The Hunter Street East Business District policies provide direction for future land use considerations. The use of the site for medium to high density residential purposes is considered appropriate and in keeping with the intent and purpose of the Central Area policies of the Official Plan.

The proposed reduction of parking to support the retention of affordable housing units, with limited impact on the surrounding neighbourhood is consistent with the intent and purpose of the Official Plan, insofar as it furthers the ability of the lands to continue to support affordable housing where it is demonstrated that the higher ratio of parking is not demanded.

### **b) Zoning By-law**

The subject property is currently zoned SP.324 – Special Residential District, permitting up to a maximum of 76 units with a minimum parking ratio of 1 on site parking space per dwelling unit. The current zoning does not distinguish between parking for an affordable unit or parking for a market rent unit.

The applicant proposes to amend the existing zoning to distinguish between the affordable and market rent units and provide a lesser parking requirement of 0.5 spaces per unit for the affordable units, in accordance with the following:

<b>Unit Type</b>	<b>Total Units</b>	<b>Parking Spaces</b>
Affordable Units – existing	60	30
Market Rental Units – proposed	9	17
<b>TOTAL</b>	<b>69 units</b>	<b>47 spaces</b>

The proposed conversion of the ground level from underbuilding parking to introduce up to 9 residential units, results in the loss of the underbuilding parking and the reconfiguration of the parking area in the courtyard. In order to maximize the total number of parking spaces provided on site, the applicant also requires a variance from the minimum distance between windows of habitable rooms and parking/driveway areas to permit 0m.

The proposed reduction in the minimum distance between windows of habitable rooms and parking/driveway areas is required to facilitate the driveway connection from the front to the courtyard parking in the rear. Efforts to provide as much landscaping adjacent to window areas are reflected on the site plan submitted with the application and will be addressed at site plan approval stage.

A revised Site Plan will be required to reflect the changes to the parking and driveway configuration. Site Plan Approval will be required prior to issuance of building permit for the additional dwelling units.

## **Response to Notice**

### **a) Significant Agency Responses:**

Agency circulation was issued on June 24, 2015, and the following comments received.

The City's Utility Services Department has no objection subject to the applicant entering into a Site Plan Agreement with the City and the payment of cash in lieu of parkland where required. Utility Services Department Staff request that the zoning be subject to an 'H' Holding Symbol to require Site Plan Approval. Additional comments related to the revised Site Plan submission have been forwarded to the applicant for their consideration. It is noted by Planning Staff that there is an existing Site Plan in place, and an amendment to the existing approved Site Plan will be required to facilitate proposed changes to the existing parking on site, without the use of an 'H' Holding Symbol.

Fire Services notes that pending a fire safety inspection, this property may be reclassified and Fire Code updates may be required.

Peterborough Utilities has noted that Development Charges are applicable for the new units and any new electric heat in the new units has to be metered separately from the renter's meter as per Reg 389/10.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

**b) Summary of Public Responses:**

Notice of Complete Application and Public Meeting were issued concurrently by direct mail and by newspaper advertisement (Peterborough Examiner) on August 17, 2015. The notice complies with the requirements of the *Planning Act*.

Written comments have been received from Kevin Kaller on behalf of Kawartha Orthodontics, opposing the amendment as it relates to a reduction in the total number of parking spaces on site, suggesting that this will place a strain on available parking onto the streets and neighbouring properties. Bob Short provided comment indicating no concern with the reduction in parking, however, requests that on site amenity space be preserved for use of tenants.

No further written comments have been received as of August 24, 2015.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Caroline Kimble  
Land Use Planner

Concurred with,

Malcolm Hunt, Director  
Planning and Development Services

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**Attachments:**

Exhibit A - Land Use Map  
Exhibit B - Site Plan  
Exhibit C - Draft Zoning By-law

Exhibit A, Page 1 of 1

# Land Use Map

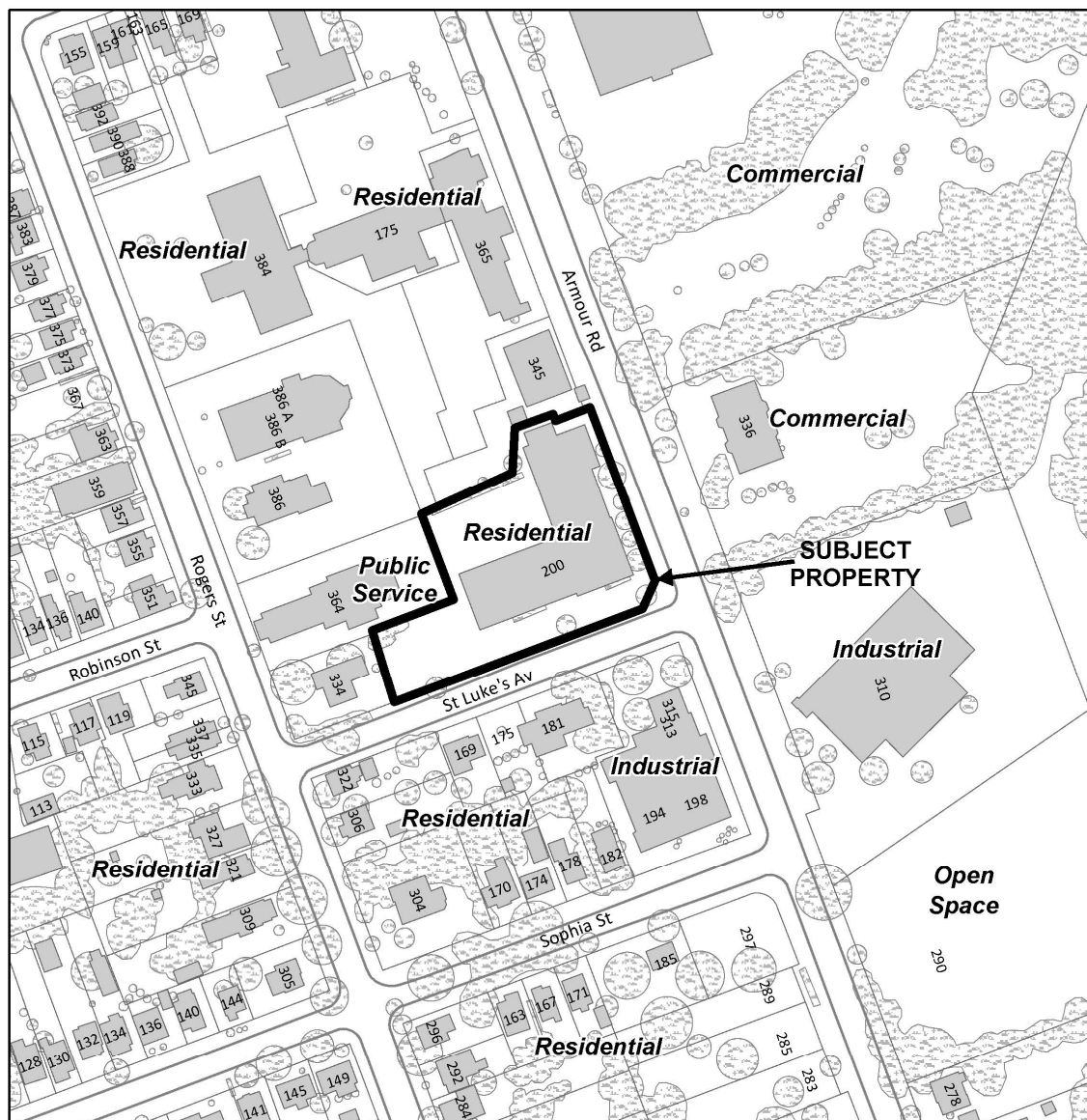
File: Z1508

Property Location: 200 St Luke's Ave

EXHIBIT

SHEET

OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: June 18, 2015

Map by: JEllis

0 5 10 20 30 40 50  
Metres

## Exhibit B, Page 1 of 1

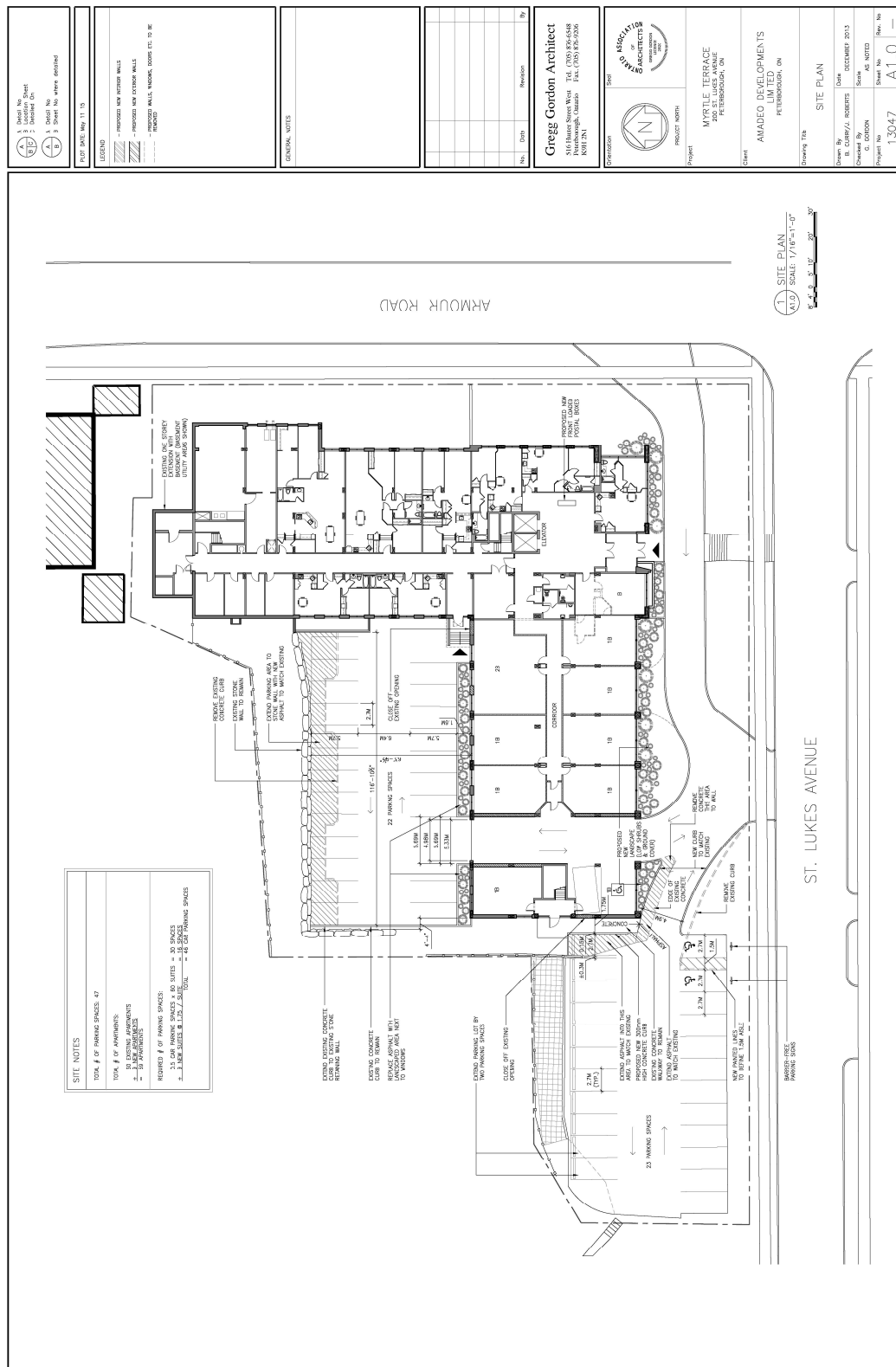


Exhibit C, Page 1 of 1



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## **The Corporation of the City of Peterborough**

### **By-Law Number 15-**

Being a By-law to Amend the Zoning By-law for the property known as 200 St. Luke's Avenue

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Section 354.3 h) of By-law 97-123 is hereby repealed and replaced with the following:  
  
“h) Notwithstanding the parking requirements of Section 4.2 a minimum of 0.5 parking spaces is required for ‘affordable’ units under a Municipal Affordable Housing agreement.”
2. Section 354.3 is hereby amended by adding the following:  
  
“k) Notwithstanding the provisions of Section 4.3.2c) a minimum of 0m is permitted between a window to a habitable room and a driveway/parking area.”

By-law read a first, second and third time this      day of      , 2015.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk