



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **October 19, 2020**

Subject: **Report IPSPL20-023**
Official Plan and Zoning By-law Amendment Applications
O2003 and Z2004 – 265 Edinburgh Street

Purpose

A report to evaluate the planning merits of an Official Plan and Zoning By-law Amendment for the property at 265 Edinburgh Street to facilitate the conversion of an existing 4-unit dwelling to an 8-unit dwelling.

Recommendations

That Council approve the recommendations outlined in Report IPSPL20-023 dated October 19, 2020, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Schedule “E”- Residential Density of the Official Plan be amended in accordance with Exhibit D of Report IPSPL20-023;
- b) That Section 3.9 Exceptions of Zoning By-law 97-123 be amended by adding exception No. 335 in accordance with Exhibit E of Report IPSPL20-023;
- c) That the subject property be rezoned from R.1, R.2 – Residential Districts – to R.3-335-H in accordance with Exhibit E of Report IPSPL20-023;

- d) That the 'H' Holding Symbol be removed at such time as:
 - a. Site Plan Approval has been granted for the property, including provision for air conditioning of dwelling units with windows of habitable rooms within 6m of a motor vehicle parking space or driveway; and
 - b. The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law for four additional dwelling units; and
- e) That the Commissioner of Infrastructure and Planning Services be granted the authority to approve an application to remove the Holding Symbol pursuant to Section 36 of the Planning Act in accordance with Exhibit E of Report IPSPL20-023.

Budget and Financial Implications

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

Background

The subject property is located on the southwest corner of Edinburgh and Bethune Streets. The property is near the crest of a hill and therefore sits above properties to the east and south. The surrounding area is predominantly residential in character, with a mix of single detached and duplex dwellings. Dwellings in the area are primarily two storeys in height. The property is located a short distance from the Central Area and provides relatively convenient walking and cycling access to downtown.

The dwelling on the adjacent property to the west, 269 Edinburgh Street, is known as "Smith Town Hill House" and is a Designated Heritage Property (By-law 04-110) pursuant to Part IV of the Ontario Heritage Act (OHA). The subject property was severed from 269 Edinburgh Street in 2017 (Committee of Adjustment File No. B08/17) as a vacant lot. The property is currently designated as Residential on Schedule A – Land Use of the Official Plan and is zoned as "R.1, R.2 – Residential District.

The subject property is approximately 0.12 ha (0.31 ac) in size and currently supports a newly built semi-detached dwelling (two principal dwelling units, side by side) with secondary suites in each basement (four units total on the property). The building is two storeys in height and has a walk-out basement and a potentially habitable attic.

The Applicant would like to renovate the interior of the dwelling to establish two separate apartments in each of the second floor and attic levels to bring the total number of dwelling units in the building to 8. The property currently has 13 parking spaces on site and the Applicant has built a rear deck/fire escape on the south side of the building that provides direct access from all upper levels to the ground.

To facilitate the proposed additional units, the Applicant proposes to re-zone the property from R.1, R.2 – Residential Districts – to R.3 – Residential District with By-law exceptions relating to reduced lot area and width per dwelling unit, reduced building coverage, increased parking coverage, reduced separation between parking areas and windows to habitable rooms and removing a lodging house as a permitted use.

Additionally, the Applicant has requested that Schedule E – Residential Density of the Official Plan be amended to designate the property for medium density residential use.

Analysis

Provincial Policy Statement, 2020

Any decision on the proposed Zoning By-law amendment must be consistent with the Provincial Policy Statement, 2020 (PPS) which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by (among other things):

- “b) accommodating 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), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”.

Additionally, Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing by:

- “b) permitting and facilitating:
 - i. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

- ii. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs”.

The new dwelling was built on a vacant lot in accordance with existing Zoning By-law regulations and utilizing existing municipal services. The creation of four additional dwelling units within the existing structure will provide additional rental housing opportunity in the neighbourhood while maximizing the use of existing infrastructure. The dwelling is located outside of areas of flooding and natural hazard. Being contained within an existing building, the proposed additional dwelling units would not change the exterior character of the dwelling or neighbourhood.

Section 2.6.1 of the PPS requires significant built heritage resources to be conserved. The existing dwelling is located adjacent to a Designated Heritage Property pursuant to Part IV of the OHA. In 2017 when the subject property was severed from the designated heritage property as a vacant lot, Peterborough Architectural Conservation Advisory Committee (PACAC) had requested the completion of a Heritage Impact Assessment and then rescinded that request on the understanding that the proposed severance was intended to re-establish a former lot pattern and that no further land use changes were being contemplated at the time. At the time, it was understood by PACAC and the Applicant that a Heritage Impact Assessment would be required as part of any future Zoning By-law Amendment on the property.

After the successful lot severance, however, the Applicant obtained a building permit under current zoning regulations to build the dwelling that is on site now. The City was unable to require a Heritage Impact Assessment prior to building permit issuance and therefore was unable to investigate the potential impact that the proposed dwelling may have on the adjacent heritage property. Considering the site has now been built with a dwelling, parking area and some landscaping, and that the subject application is proposing to establish additional residential units within the existing dwelling, and without the need for exterior renovation, a Heritage Impact Assessment was not required as part of this application.

In accordance with the City's Site Plan Control By-law 11-081, any residential development greater than 4 dwelling units is subject to site plan control. Consequently, re-zoning the property to convert the dwelling from a semi-detached dwelling with secondary suites to an 8-unit dwelling will trigger the need for site plan control. If the proposed dwelling conversion was subjected to site plan control, staff would require a Heritage Impact Assessment as part of the site plan application to assess impact that the existing dwelling and property has had, if any, on the adjacent heritage property and

recommend mitigation measures, such as landscaping and planting, that would be implemented through site plan approval.

A Place to Grow, 2019

Similar to the PPS, any decision on the proposed Zoning By-law amendment must conform with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan). The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe (GGH). The subject property is located within the Delineated Built-up Area as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the plan and to policies that are specific to the Delineated Built-up Area.

Generally, the Growth Plan requires municipalities to focus growth within Delineated Built-up Areas and to support the achievement of communities that:

- feature a diverse mix of land uses and convenient access to local stores, services, transportation options and public service facilities;
- improve social equity and quality of life; and
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

In staff's opinion, the proposed use helps to achieve these policy directions and therefore conforms with the Growth Plan.

Official Plan

The subject property is designated Residential on Schedule A – Land Use of the Official Plan. The property is not identified on Schedule E – Residential Density and is therefore considered to be designated for low density residential uses (density of less than 25 units per hectare). In low density areas, multiple unit buildings such as the building being proposed may be permitted in appropriate locations provided that they are of a similar height to other low density uses and do not exceed the density threshold for the designation.

Section 4.2.5.7 establishes criteria to be considered when reviewing an application for residential development:

- i) The type of housing form proposed for a site;
- ii) The nature and extent of existing land uses within an area or in proximity to a site to be developed;

- iii) The adequacy of municipal services available to an area or to the site;
- iv) The implications of traffic generation and proposed measures to lessen the impact on the surrounding environment;
- v) The provision of amenities to serve the residents of a development and the adequacy of amenities in the area to serve the residents;
- vi) The proximity of the site to municipal park and recreation areas and school sites in order to serve the residents of the development;
- vii) Adequate standards for parking, buffering, and landscaping in the zoning by-law; and
- viii) The proximity of the site to, or presence of significant natural / environmental features and how the development is sensitive to these features.

Generally, the existing dwelling and the proposed conversion of the dwelling to 8 units is consistent with the built form and height of the surrounding neighbourhood. The area contains a mix of dwellings, including a two-storey apartment dwelling adjacent to the site along Bethune Street. The dwelling has been developed utilizing existing municipal services, generates minimal traffic impacts, and has been developed with sufficient parking to support an 8-unit dwelling. The dwelling is located less than 300m from Union Park, approximately 170m from the Central Area Rotary Greenway Trail Link, and approximately 800m from the north edge of downtown commercial core on George Street.

Generally, staff is satisfied that the proposed use conforms with the location criteria of the Official Plan however by converting the dwelling to 8 units, the property would be developed at a density of 64 units per hectare. To reflect this density, staff support the Applicant's request to amend Schedule E – Residential Density of the Official Plan to designate the lands for medium density use.

In accordance with the Planning Act, Section 6.5.4 of the Official Plan, and By-law 90-331, cash-in-lieu of parkland dedication will apply to the proposed additional dwelling units.

Zoning By-law

To facilitate the proposed use, the Applicant is requesting that the property be re-zoned from R.1,R.2 to R.3 and that a new exception, Exception No. 335, be added to Section 3.9 of the Zoning By-law to:

- Reduce the required minimum lot area per dwelling unit from 230 square metres to 150 square metres;

- Reduce the required minimum lot width per dwelling unit from 6 metres to 4.3 metres;
- Reduce the maximum building coverage from 35% to 20%;
- Increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 36%;
- Prohibit the establishment of a Lodging House on the property; and,
- Reduce the minimum distance between a motor vehicle parking space/driveway and a window to a habitable room in an apartment building or group dwelling from 6 metres to 0 metres.

Generally, staff has no objection to most of the requested regulations as many of these have been implemented elsewhere across the City and because they are reflective of a built form that will be subject to further review through site plan approval.

However, staff does have concern with eliminating the minimum distance between the parking/driveway area and habitable windows in the dwelling. Because of the site's grades, several large windows to basement and main floor suites are located at either ground level or just above ground level, adjacent to the parking area (see photos in Exhibit B). Given the proximity of the windows to the parking area and the dimensions of the parking area (see Exhibit C), staff is concerned that vehicle movements could pose a collision risk to the building and therefore recommend that a minimum separation of 1m be maintained in the proposed By-law exception and that a safety barrier be implemented at the site plan stage. Additionally, staff is concerned with the impact that vehicular idling and movement may have on indoor air quality in suites abutting the parking/driveway area. To mitigate these, staff recommend that suites with windows within 6m of the parking/driveway area be provided with air conditioning to allow windows to be kept closed.

In order to facilitate a 1m separation between the dwelling and the parking/driveway area, a reduction of landscaped open space may be required along the west property line to ensure the resulting driveway and parking area meets the Zoning By-law regulations for aisle width and parking space size. The layout of the parking / driveway and landscaped open space area can be addressed at the site plan stage.

Should the proposed Zoning By-law amendment be approved and the existing dwelling converted to 8 units, the existing secondary suites in the basement would no longer comply with the regulations of Section 6.33.3 of the By-law and would therefore be considered dwelling units under the Zoning By-law. As a consequence, the reduced parking rate of 1 space per secondary suite would no longer apply and parking would instead be required at a rate of 1.5 spaces per unit. For an 8-unit dwelling, a total of 12

parking spaces would be required. Presently, the site is developed with 13 parking spaces (including 1 accessible space).

Depending on the height of ceilings to be created in the attic level, it is possible that the attic could be considered a third storey in accordance with the Zoning By-law's definition of storey. Under Section 45(1.3) of the Planning Act, should the proposed Zoning By-law amendment be approved, the Applicant is prohibited from requesting minor variances to that by-law within two years of the Zoning By-law coming into effect unless authorized by resolution of Council. To provide sufficient flexibility for the Applicant to complete their planned renovation, staff recommend that the proposed Zoning By-law exception permit a building height of up to three storeys within the existing dwelling.

Site Plan Approval

As discussed, the proposed dwelling conversion to 8 units will require Site Plan Approval. Although the site is already built, Site Plan Approval will provide the City the opportunity to review and address details related to the location of parking, driveways, lighting, tree preservation and/or planting, landscaping and buffering, stormwater management, municipal servicing and necessary road improvements.

Responses to Notice

Summary of Agency Responses

Agency circulation was issued on April 29, 2020.

No external agencies raised objections or concerns with the proposed development. Otonabee Region Conservation Authority provided some comments on a stormwater management report submitted in support of the application and noted that their comments can be addressed at the site plan stage.

The City's Heritage Preservation Office advised that the subject property is listed in the City's register of properties of cultural heritage interest or value. If any demolition is proposed, the owner is required to notify Council at least 60 days prior to any removal or demolition of the building.

Summary of Public Responses

In accordance with Planning Act requirements, a Notice of Complete Application and Public Meeting for the proposed Zoning By-law Amendment was published in the Peterborough Examiner on September 21, 2020 and was mailed to property owners within 120m of the site on September 21, 2020.

Additionally, on September 3, 2020, the Applicant hosted a virtual neighbourhood open house with staff and two members of the public in attendance. One participant sought clarification on the nature of the proposal while the other sought information relating to stormwater management. As of the writing of this report, no written public comments have been received.

Delegation of Approval Authority

The Municipal Act, 2001 provides municipal Councils with broad authority to delegate (give to other individuals or bodies) powers and duties subject to certain restrictions. Delegation of authority enables municipal Councils to streamline their decision-making.

In accordance with Section 23.1(1) of the Municipal Act, 2001, staff recommend that Council delegate its authority to approve an application to remove the holding symbol applied to the subject property pursuant to Section 36 of the Planning Act to the Commissioner of Infrastructure and Planning Services. The decision to approve such applications is administrative in nature and would involve the Commissioner determining that the conditions for the removal of the holding symbol have been satisfied.

Section 23.3 (1) 5. of the Municipal Act prohibits Council from delegating its authority to pass a Zoning By-law. Accordingly, should the Commissioner approve an application to remove a holding symbol under delegated authority, a by-law to amend the Zoning By-law to give effect to the approval would be included on an agenda for a Council meeting for passage.

Summary

Staff recommend approval of the proposed Official Plan and Zoning By-Law amendments with added provisions to maintain some spatial separation between parking/driveway areas and windows to habitable rooms on-site and to permit an increased building height of three storeys within the existing dwelling. Staff also recommend the use of a Holding Symbol 'H' to ensure that site plan approval, collection of parks levy, and provision of air conditioning is addressed prior to the amended Zoning coming into effect.

The proposed conversion of the existing dwelling from 4 to 8 units is in keeping with Provincial and Official Plan policy, maintains the existing condition of the building exterior and yard, maintains the character of the existing street and compatibility with adjacent properties, and addresses a need for rental housing in the community.

Additionally, pursuant to Section 23.1(1) of the Municipal Act, 2001, staff recommend that the Commissioner of Infrastructure and Planning Services be granted the authority to approve an application to remove the holding symbol applied to the subject property.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Site Photographs
Exhibit C – Site Plan
Exhibit D – Draft Official Plan Amendment
Exhibit E – Draft Zoning By-law

Exhibit A, Page 1 of 1

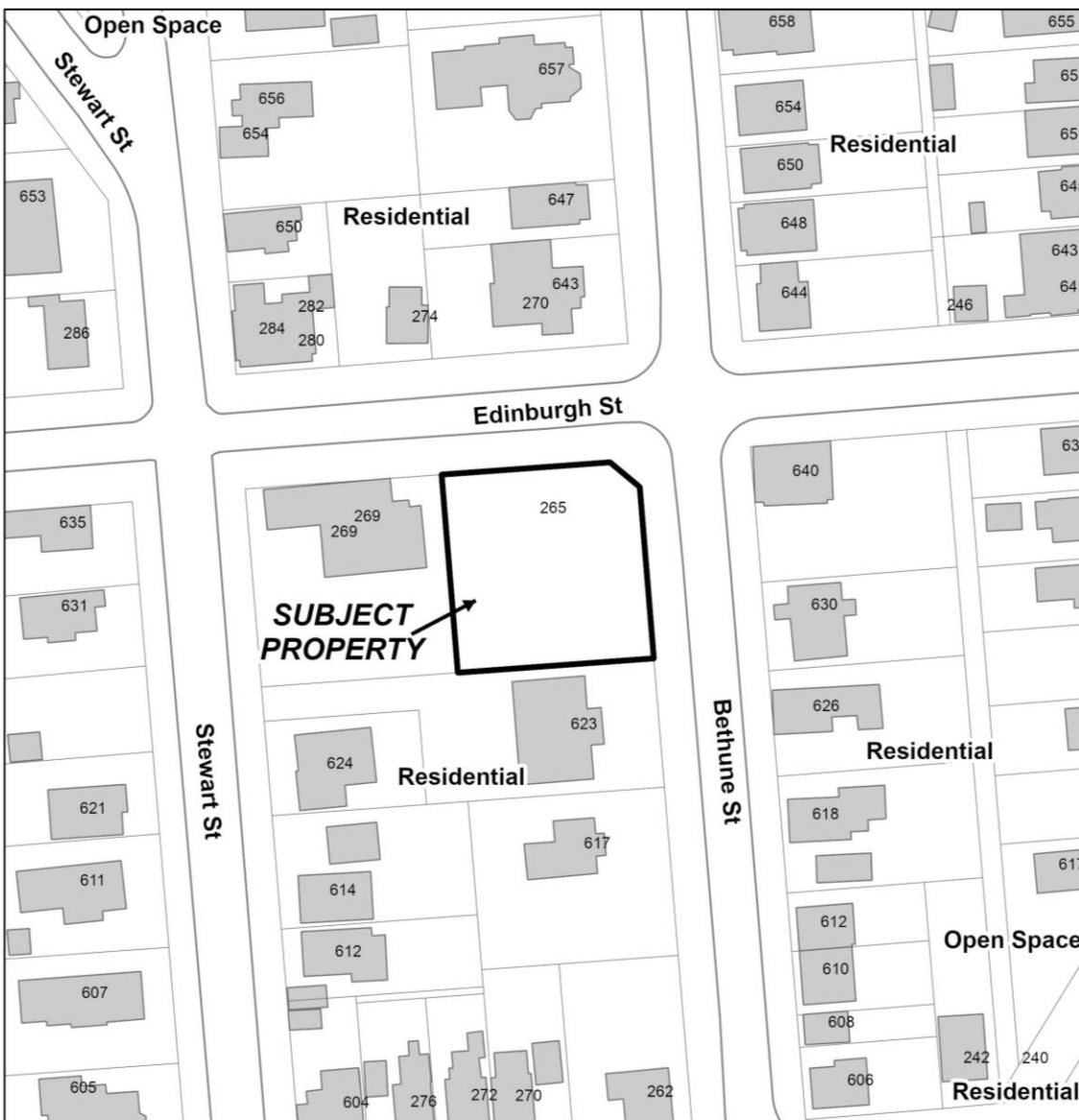
Land Use Map

File: Z2004

Property Location: 265 Edinburg St

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 hardcopy 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: April 22, 2020

Map by: PZhao

0 3.75 7.5 15 22.5 30 37.5
Metres

Exhibit B, Page 1 of 1

Site Photographs – August 14, 2020



Looking from Edinburgh and Bethune Streets



Looking from Edinburgh Street

Exhibit C, Page 1 of 1

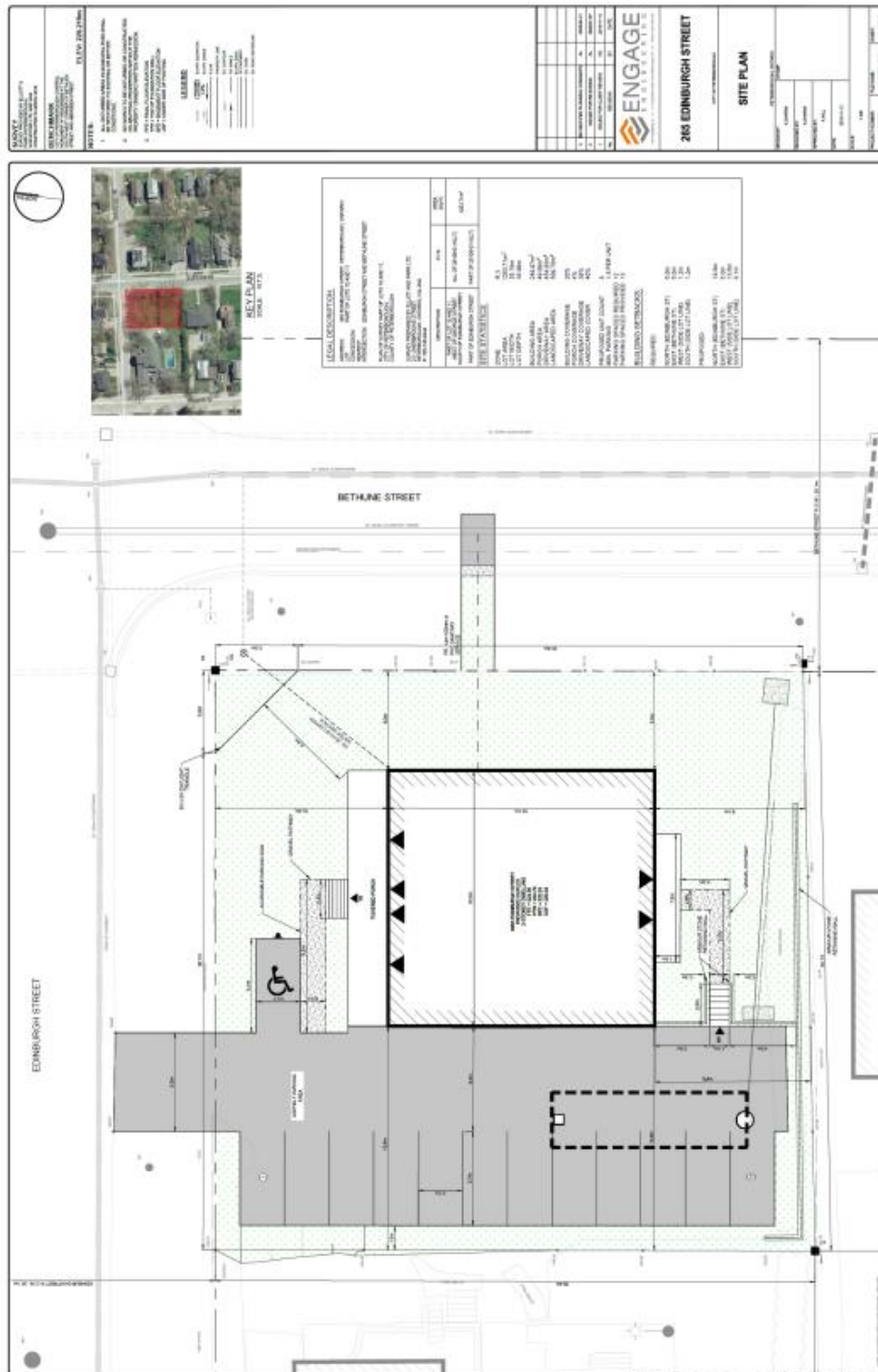


Exhibit D, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 20-

Being a By-law to adopt Amendment No. 186 to the Official Plan of the City of Peterborough for 265 Edinburgh Street

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

1. Schedule 'E' of the Official Plan of the City of Peterborough is amended in accordance with the Schedule 'A' attached hereto.

By-law read a first, second and third time this 26th day of October, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit D, Page 2 of 2

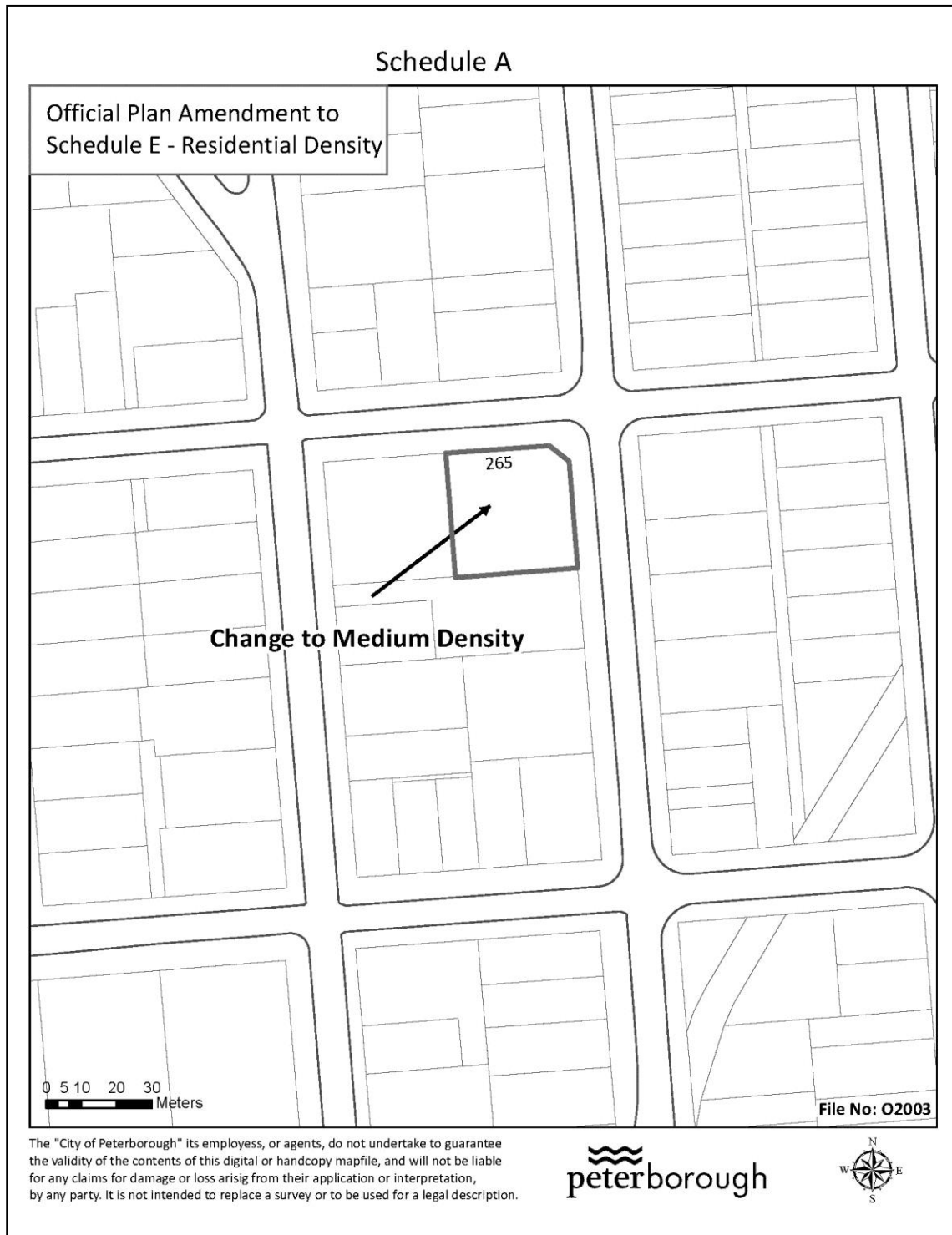


Exhibit E, Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 20-

Being a By-law to Amend the Zoning By-law for the lands known as 265 Edinburgh Street

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

1. That Section 3.9 – Exceptions, be amended to add the following:

“.335 Minimum lot area per dwelling unit: 150 square metres.

Minimum lot width per dwelling unit: 4.3 metres

Maximum building coverage: 20%

Maximum lot coverage by open parking areas, driveways and vehicle movement areas: 36%

Maximum number of storeys: 3 within an existing dwelling

Notwithstanding the provisions of Section 9.1, a Lodging House shall not be permitted.

Notwithstanding the provisions of Section 4.3.2 c), a motor vehicle parking space or driveway shall not be located within 1 metre of a window to a habitable room in an apartment dwelling or group dwelling.”

2. That Map 12a forming part of Schedule “A” to By-law 97-123, is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ from R.1,R.2 – Residential District to R.3-335-H – Residential District.
3. That the ‘H’ Holding Symbol be removed at such time as:

Exhibit E, Page 2 of 3

- i. Site Plan Approval is granted for the property, including provision for air conditioning of dwelling units with windows of habitable rooms within 6m of a motor vehicle parking space or driveway;
 - ii. The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law for four additional dwelling units.
4. Pursuant to Section 23.1(1) of the Municipal Act, 2001, Council's authority to approve an application to remove the Holding Symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990, c. P.13 is hereby delegated to the Commissioner of Infrastructure and Planning Services.
5. For the purpose of subsection 23.2(4) of the Municipal Act, 2001, it is the opinion of Council that the legislative power being delegated to an individual pursuant to this By-law is of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of such power.

By-law read a first, second and third time this 26th day of October, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit E, Page 3 of 3

