



City of  
**Peterborough**

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**To:** **Members of the General Committee**

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

**Meeting Date:** **February 1, 2021**

**Subject:** **Report IPSPL21-002**  
**Background Report – Official Plan and Zoning By-law**  
**Amendment for 1597, 1607, 1619 and 1633 Lansdowne Street**  
**West**

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## **Purpose**

A report to provide background information related to applications to amend the Official Plan and Zoning By-law to facilitate the use of the lands for a high density, multi-unit residential development, supporting up to 118 units (Building A: 59 units; Building B: 59 units), together with a combination of underground parking (127 spaces) and surface parking (84 spaces).

## **Recommendation**

That Council approve the recommendations outlined in Report IPSPL21-002 dated February 1, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

That Council receive the report and any comments received from the public regarding the application.

## **Budget and Financial Implications**

There are no direct budget or financial implications arising from the receipt of this report.

## **Background**

The subject property is comprised of 4 properties located on the south side of Lansdowne Street West, west of Spillsbury Drive. The area is comprised of a mix of residential, commercial and public service uses. The residential uses in the area are predominantly single, two unit and row house units.

The properties total approximately 1.20ha. (2.5ac.) in size and are currently vacant and support a stormwater management facility. The applicant acquired the lands in 2012 and rezoned the lands from Residential to Commercial in 2012 (By-law # 12-135) to permit a service commercial plaza in accordance with the SP.268 – Special Commercial District with an exception (.244) to permit a bank, loan company or financial institution and exclude a library, museum or art gallery.

The developer submitted applications to amend both the Official Plan and Zoning By-law on July 5, 2019. The applications were deemed complete on September 12, 2019. The applications proposed amendments to the Official Plan and Zoning By-law to permit the use of the subject lands for a high density, multi-unit residential development, supporting up to 187 units (Building A: 88 units; Building B: 99 units), together with ground floor commercial uses (Building A: 1350m<sup>2</sup>; Building B: 1300m<sup>2</sup>). The applications proposed a mix of residential and commercial uses in two buildings with a maximum height of 10 storeys and a combination of underground and surface parking. Building A was proposed at 9 storeys, situated parallel to Lansdowne Street West along the frontage of the subject lands. Building B was proposed at a height of 10 storeys, situated perpendicular to Lansdowne Street West along the easterly boundary of the subject lands.

Comments from agencies and departments, together with concerns from the neighbouring residential property owners abutting the lands and in proximity to the property were shared with the applicants. On December 17, 2019, the applicants held a Neighbourhood Meeting (Project Open House) at the Royal Canadian Legion, 1550 Lansdowne St W. Approximately 35 people attending the Open House, including Ward Councillors and Planning Staff. The Development team revealed a revised plan at the December 17, 2019 meeting, revising the location and reducing the height of the proposed buildings to a maximum height of 6 storeys, both proposed to be situated parallel to Lansdowne Street West, and eliminating the proposed commercial uses. A combination of underground and surface parking is proposed again, via the revised plans.

A revised submission, reflecting the new concept plan, was submitted to the City on January 31, 2020. Circulation of the revised proposal was sent to a scoped group of agencies and departments for review and comment. Some of the neighbouring property owners, at staff's request, were also provided with copies of the revised documents to assist their understanding of the new concept.

The applications were accompanied by a Functional Servicing Review, Traffic Impact Study, Servicing Plans, a Planning Justification Report and Conceptual Site Plan and Concept Elevations. Further to the original circulation of the application with the accompanying documents, the applicant also provided a Noise Study and a Stage 1 and 2 Archaeological Assessment, Landscape Plan and a Shadow Study. The January 2020 resubmission included a revised and updated Planning Justification Report, updated Traffic/Parking Letter, revised Functional Servicing Report, Revised Site Plan and Concept Elevations and a revised Shadow Study and Landscape Plan.

A Noise Impact Study was submitted with the application to assess potential noise from Lansdowne Street West and Spillsbury Drive, as well as stationary noise sources in accordance with Provincial Guidelines. Based on the results of the assessment, Acoustic Engineering Ltd. recommends mitigative measures including appropriate setbacks for the proposed apartment buildings from the stationary noise source to the west (commercial use: public garage) and air conditioning to allow windows and exterior doors to remain closed, ensuring the sound level limits for the stationary noise source and the road noise are met. In addition, it is recommended that noise warning clauses, which is a typical measure used to make residents aware of potential noise sources, be introduced to any purchase/lease arrangements.

Planning Staff received many comments from neighbouring property owners and residents, concerned about the landscaping and buffering between the proposed buildings and the existing single detached dwellings directly to the south of the property. Massing and scale of the proposed buildings were predominant concerns with the original application and the revised application resulted in particular regard and concern for the proposed height of the underground structure as it extends to the east within the property.

Details regarding the resubmission and comments from various agencies and departments, led to some further information sharing with the Development Team on behalf of the applicant and City agencies and departments, related to servicing and traffic. Since significant revisions were made to the proposed plans, Staff required that the applicant hold a second Public Open House to advise area residents of the changes. The applicants declined to host a second Public Open House, but nevertheless staff has received further comments and concerns from the neighbouring property owners.

## Appeal

On October 23, 2020, the developer appealed the applications to the Ontario Land Tribunals - Local Planning Appeal Tribunal (LPAT) on the basis that Council had not rendered a decision within the prescribed time lines established in the **Planning Act**, and are awaiting a Hearing Date(s). The application had not been presented to Council, as staff were encouraging the developer to hold a second meeting for public input on their revised plan.

The LPAT is an independent administrative body responsible for hearing appeals on a variety of municipal matters. The LPAT hears cases in relation to a range of land use matters, heritage conservation and municipal governance. Once an appeal is filed with the LPAT, decisions related to the Planning application rest with the LPAT.

The application is being presented at this time to provide Council with details of the proposed development and allow Council to hear the comments from the public regarding these proposed amendments. Presenting the report allows for explanation regarding a perceived delay in processing the application. The City has not been able to properly complete the review process awaiting information, rather than a hold up of the application.

When appeals are filed with the LPAT due to a non-decision of Council, there is a lack of awareness of a development application and communication between staff, Council and the public. Applications do not run the regular course of being considered, which includes a statutory public meeting under the Planning Act where the application is presented to all of Council and the public for a decision to be made by Council.

Recommendations from staff on the merits of the application have not been included in the report for two reasons.

- 1) Staff would typically consider comments from the public as part of the analysis. Because a community meeting has not been held to present the revised plans, staff cannot fully complete the process
- 2) Council is not able to render a decision on the merits of the application, because the applicant has filed an appeal with the LPAT. Unless LPAT refers the matter back to the City, Council is relieved of their role to render a decision regarding the appealed applications.

Staff will not seek party or participant status for the City in the appeal. Staff will remain available to respond to questions by or on behalf of LPAT. If the file is referred back to the City, staff will provide Council with supplementary report with recommendations for Council to consider.

Notice has been provided to the public to assist in understanding the applications to be considered by the LPAT and to provide an opportunity to receive updated background information regarding the proposals and the appeals

The Notice provided to the public, gives direction for their participation in the appeal process as follows:

“You may wish to take a look at the provincial website guide to the Local Planning Appeal Tribunal at the following link. It will give you additional information regarding the process and how to request party status, should you be interested in getting involved with the Hearing.

<https://www.ontario.ca/document/citizens-guide-land-use-planning/local-planning-appeal-tribunal>

The following link to the LPAT website, provides further information regarding appeals:

[https://olt.gov.on.ca/wp-content/uploads/2019/09/2019\\_08\\_28-LPAT-Guide-A.pdf](https://olt.gov.on.ca/wp-content/uploads/2019/09/2019_08_28-LPAT-Guide-A.pdf) “

## Applications

### a) **Proposed Official Plan Amendment**

The lands are designated ‘Residential’ on Schedule ‘A’ –Land Use and located within the Built Boundary and situated along the Intensification Corridor along Lansdowne Street West on Schedule A-1 – City Structure. The application proposes to amend Schedule ‘A’ – Land Use, from Commercial to Residential,; Schedule ‘I’ – Commercial Area, by deleting the Service Commercial designation; Schedule ‘E’ – Residential Density, by adding High Density Residential to the subject lands; Figure 1 – Commercial Structure, by deleting the Commercial designation; and amend Section 4.2.4 (Policies for Specific Residential Properties) to facilitate a residential density of up to 118 units per hectare.

The policies related to the Intensification Corridors encourage appropriate intensification within the Built Boundary of the City, in locations where capacity exists or can readily be improved within the infrastructure, and where additional development can be compatibly integrated with existing built form, land use patterns, natural heritage features and natural hazards. Intensification is encouraged along identified Intensification Corridors as identified on Schedule A-1, City Structure.

The Residential policies of the Official Plan “encourage residential intensification to increase the supply of housing through better use of existing resources, buildings and under-utilized sites” as noted in Section 4.2.1.2 of the Official Plan (Residential Objectives).

The proposed redevelopment of the lands contemplates a density of approximately 116 units per hectare (47.2 units per acre), which is slightly higher than the suburban limit of 110 units per hectare (44.5 units per acre) contemplated under the High Density designation.

The applications were accompanied by a Functional Servicing Review, Traffic Impact Study, Servicing Plans, a Planning Justification Report and Conceptual Site Plan and Concept Elevations. Further to the original circulation of the application with the accompanying documents, the applicant also provided a Noise Study and a Stage 1 and 2 Archaeological Assessment, Landscape Plan and a Shadow Study. The January 2020 resubmission included a revised and updated Planning Justification Report, updated Traffic/Parking Letter, revised Functional Servicing Report, Revised Site Plan and Concept Elevations and a revised Shadow Study and Landscape Plan.

Development applications, including Official Plan and Zoning By-law Amendment applications must address the provisions of Section 4.2.5.6 and 4.2.5.7 of the Official Plan which includes the requirement for a concept site plan and building perspective, with sufficient details related to the massing and conceptual design and relationship to the streets and surrounding neighbourhood. The adequacy of municipal servicing, implications of traffic generation, provision of amenities, proximity to schools, parks and recreation areas, adequate buffering, parking and landscaping, and proximity or presence of significant natural/environmental features should all be considered in the evaluation of the proposed amendment.

### **Proposed Zoning By-law Amendment**

The property is currently zoned SP.268-244 – Special Commercial District, limiting the permitted uses to service commercial uses including a bank, loan company, or financial institution.

The application further proposes to amend the Zoning of the subject lands from the SP.268-244 – Special Commercial District zone to a Special Residential District zone to permit a multi-unit residential development with a maximum height of 6 storeys (excluding any roof-mounted mechanical penthouse); and site specific setbacks and regulations in accordance with the following:

<b>Regulation</b>	<b>Proposed</b>
Minimum lot area	10,000m <sup>2</sup>
Minimum lot width	30m
Minimum lot area per dwelling unit	85m <sup>2</sup>
Minimum building setback from side lot line (main building and underground parking structure):	25 m from the westerly lot line or 4m per storey and 6m or 1m per storey from the easterly lot line, whichever is greater
Minimum building setback from rear lot line	40m for main building and 9m for underground parking garage, including minimum 9m landscaped open space planting strip
Maximum number of storeys	6 (excluding any roof mounted mechanical penthouse)
Maximum building coverage	25%
Maximum Lot Coverage (% of lot area) by open parking, driveways and vehicle movement areas	39%
Minimum Landscaped Area (% of lot area)	35%
Minimum distance between parking, driveway and vehicle movement areas and windows to habitable rooms	5.4m

The Zoning By-law requires a total of 207 parking spaces (1.75 spaces per unit). The concept plan illustrates 211 spaced being provided.

## **b) Site Plan Approval**

Subsequent to any Official Plan and Zoning Approval, the proposal will also be subject to Site Plan Approval prior to issuance of a Building Permit. Any residential development containing more than four (4) dwelling units is subject to Site Plan Approval. Approval of the Site Plan related to the proposed development of the lands for more than fifty (50) units requires Council Approval. Site Plan Approval will address the details related to the location of parking, driveways, lighting, landscape treatment and buffering.

## Notice

Agency circulation was originally issued on August 30, 2019 and circulation of the revised submission was issued on February 18, 2020.

### Summary of Public Responses:

On December 17, 2019, the applicants held a Neighbourhood Meeting (Project Open House) at the Royal Canadian Legion, 1550 Lansdowne St W. Approximately 35 people attending the Open House, including Ward Councillors and Planning Staff. The Development team revealed a revised plan at the December 17, 2019 meeting, revising the location and the height of the proposed buildings to a reduced maximum height of 6 storeys, proposed to be situated parallel to Lansdowne Street West, and eliminating the proposed commercial uses. A combination of underground and surface parking is proposed again, via the revised plans.

Planning Staff received many comments from neighbouring property owners and residents, concerned about the landscaping and buffering between the proposed buildings and the existing single detached dwellings directly to the south of the property. Massing and scale of the proposed buildings were predominant concerns with the original application and the revised application resulted in particular regard and concern for the proposed height of the underground structure as it extends to the east within the property.

Summary

The application for an Official Plan and Zoning By-law Amendment for 1597, 1607, 1619, 1633 Lansdowne Street West had not been presented to Council, as staff were encouraging the developer to hold a second meeting for public input on the revised plan. On October 23, 2020, the applicants appealed the applications to the Ontario Land Tribunals - Local Planning Appeal Tribunal (LPAT) on the basis that Council had not rendered a decision within the prescribed timelines established in the **Planning Act**. The application is presented at this time to allow Council to hear the comments from the public regarding these proposed amendments.

Submitted by,

Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services



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**Attachments:**

Exhibit A – Land Use Map  
Exhibit B – Revised Concept Site Plan  
Exhibit C – Concept Elevations

**Exhibit A, Land Use Map, Page 1 of 1**

# Land Use Map

File: Z1913 & O1904

Property Location: 1597 - 1633 Lansdowne St W

EXHIBIT

SHEET

OF

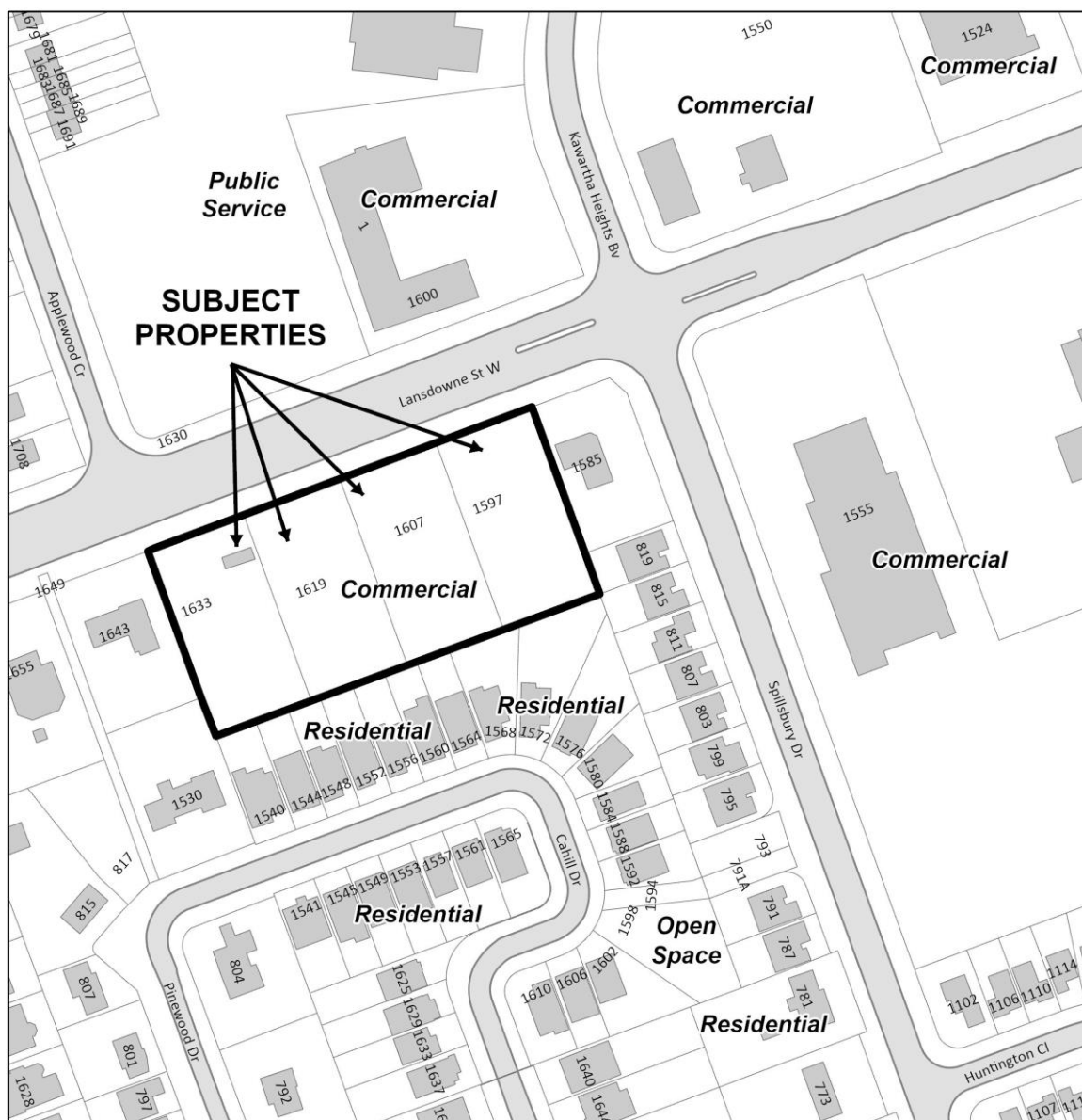
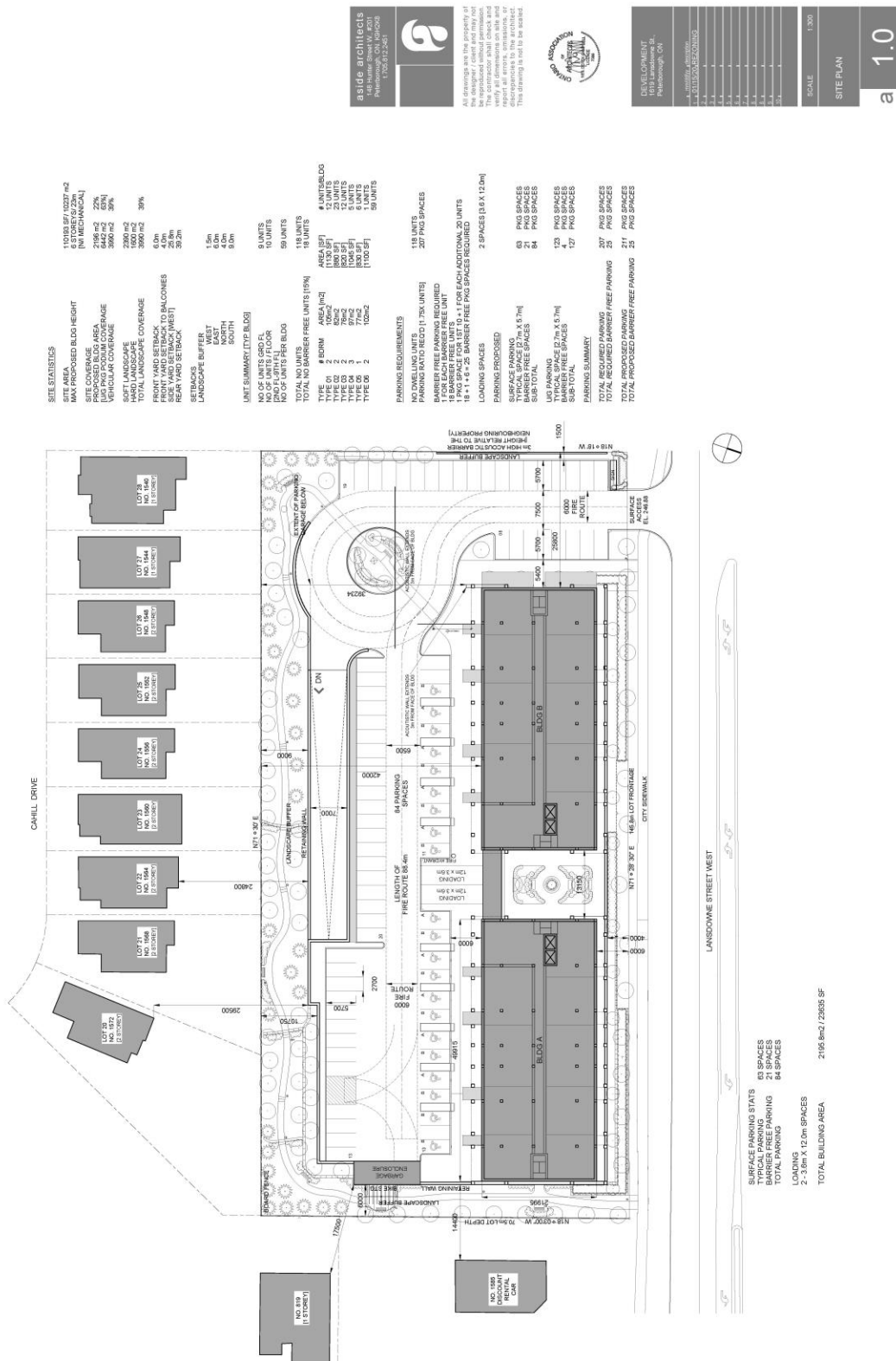


Exhibit B, Revised Concept Site Plan, Page 1 of 1



The architectural drawings for the proposed development at 1000 Lansdowne St, Vancouver, BC, include the following:

- BLDG A NORTH ELEVATION:** Shows the north elevation of Building A, a multi-story residential building with a flat roof and a series of windows. The elevation includes a vertical scale from TO MECH EL. 288.20 to ROOF EL. 289.50.
- BLDG A SOUTH ELEVATION:** Shows the south elevation of Building A, featuring a ground floor with large glass windows and a series of windows above. The elevation includes a vertical scale from USG PND EL. 243.00 to ROOF EL. 289.50.
- SITE ELEVATION LOOKING NORTH:** A site plan showing the layout of the development, including Building A, Building B, and the proposed setbacks. The plan includes a vertical scale from TO MECH EL. 288.20 to ROOF EL. 289.50.
- SITE ELEVATION LOOKING SOUTH FROM LANSOWNE ST:** A site plan showing the layout of the development, including Building A, Building B, and the proposed setbacks. The plan includes a vertical scale from TO MECH EL. 288.20 to ROOF EL. 289.50.

The drawings are prepared by aside architects, 405 Pendergast Dr., Vancouver, BC, V6C 2C2. The scale is 1/8" = 1'-0". The drawings are schematic and not for construction.

Exhibit C, Concept Elevations, Page 2 of 2

