



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner of Infrastructure and Planning Services**

Meeting Date: **April 3, 2023**

Subject: **Zoning By-law Amendment Z2207, 191-195 London Street, Report IPSPL23-008**

Purpose

A report to evaluate the planning merits of amending the zoning at 191-195 London Street from R.1, R.2, R.3, R.4 to a modified R.4 – Residential District to permit up to 6 dwelling units on the properties.

Recommendations

That Council approve the recommendations outlined in Report IPSPL23-008, dated April 3, 2023, of the Commissioner of Infrastructure and Planning Services as follows:

- a) That Section 3.9 Exceptions, of the Zoning By-law 97-123 be amended by adding exception number .353 in accordance with Exhibit C of Report IPSPL23-008; and
- b) That the subject properties be rezoned from R.1, R.2, R.3, R.4 – Residential District to R.4-353 – Residential District in accordance with Exhibit C of Report IPSPL23-008.

Budget and Financial Implications

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

Background

The subject lands are located on the south side of London Street, west of George Street North. The lands currently support a two-and-a-half-storey semi-detached dwelling with three dwelling units that is designated under Part IV of the **Ontario Heritage Act** and identified as Baptie House. The subject lands are currently two separate properties however the applicant is intending to consolidate them. The subject properties are located in a part of the City that has several designated heritage properties, including the adjacent property to the east (187 London Street) as well as 184 London Street located across the street.

The applicant proposes to construct a rear addition that will accommodate three additional dwelling units. Once the addition is complete, the building will have a total six dwelling units. The existing driveway access to the property is a shared Right of Way over 187 London Street. The applicant proposes to continue using this driveway to access the existing rear-yard parking area that will be modified to accommodate formalized parking for seven vehicles as well as bicycle parking. Because the subject properties are currently separate, the Building Division will require them to be consolidated prior to issuing a building permit for the proposed addition.

The application was subject of a pre-consultation meeting in February 2021 and was deemed complete on May 24, 2022. The application was submitted together with a Planning Justification Report, Concept Site Plan, Floor Plans and Elevations, Heritage Impact Assessment, Functional Servicing Report, and a Lawyer's letter regarding the continued use of the Right of Way over 187 London Street in favour of the subject lands.

The applicant seeks to amend the current R.1, R.2, R.3, R.4 residential zoning of the lands to R.4 – Residential District Zone with modifications to facilitate the proposed rear addition and to allow a total of six dwelling units on site.

Analysis

a) Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS which came in to 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 others, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 state “land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) 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.”

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing including all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The property is located within the City’s boundary (settlement area) and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure, consistent with the directives of the PPS.

Section 2.6 of the PPS states that significant built heritage resources shall be conserved and that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where it has been evaluated and it has been demonstrated that heritage attributes of the protected heritage property will be conserved.

A Heritage Impact Assessment prepared by Alex Rowse-Thompson RPP, MCIP, CAHP, Principal, Heritage Studio (August 15, 2022) was submitted in support of the application. The assessment evaluated the proposed addition’s relation to potential negative impacts and outlined mitigation strategies to limit or avoid the potential adverse impacts to the subject property. The author outlined four mitigation strategies as follows:

1. Photographic documentation of the rear elevation and associated heritage attributes;
2. That the new roof ridge be reduced by approximately 600 mm (24”) and the roof form be modified from a gabled roof to a hipped roof to improve the compatibility of the two architectural styles;
3. That the new east wall of the addition be realigned and setback 425 mm (the length of two bricks with mortar joint) from the corner of the existing east wall. The shared driveway on the east elevation makes this elevation the most visible and prominent from within the site. This adjustment will preserve visual and historic evidence and appreciation of the massing and footprint of the original building and preserve the supporting decorative bracket at the south east corner of the eave; and

4. Ensure the protection and retention of the decorative supporting brackets on the southwest and southeast corner adjacent to the new addition during construction.

To ensure consistency with the PPS, prior to issuance of a Building Permit a Heritage Permit will be required. The HIA recommendations will be met through the Heritage Permit review and issuance.

b) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

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;
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

The establishment of complete communities, a thriving economy, a clean and healthy environment, and social equity are goals of the Plan based on core guiding principals including prioritizing intensification and higher densities to make efficient use of land and infrastructure and to support transit viability.

Section 2.2.1.4 of the Plan supports complete communities that:

- “e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.”

In staff’s opinion, the proposed development supports the achievement of complete communities and conforms with the directions of the Growth Plan by supporting housing options, including affordable housing. The proposed will gently increase the number of units at the subject properties, in a location that is close to transit, and walking distance of the downtown and its amenities. The proposed Zoning By-law amendment conforms with the Growth Plan.

c) City of Peterborough Official Plan

The subject property is designated 'Residential' on Schedule A – Land Use in the City's Official Plan. The Residential Land Use Designation is intended to provide areas for housing and other land uses that are integral to and supportive of the residential environment. The intent is to provide a supply of residential land that can accommodate a range of housing types to meet the spectrum of housing requirements within the City. Housing is to be directed to areas with municipal services and infill residential development is encouraged in locations that can utilize existing municipal services and facilities and make more efficient use of existing resources, buildings and underutilized sites.

The proposed development will retain the existing heritage-designated dwelling by proposing to add a complimentary addition that will accommodate three additional dwelling units.

The subject lands are designated for low density residential use which permits single detached, semi-detached and duplex dwellings. Multiple unit buildings are also permitted provided they are consistent in height with other low density uses and provided the maximum density is 25 units per hectare or less. Notwithstanding this density limitation on the subject lands, section 4.2.2.1.3 provides support for medium-density infill housing up to 100 units per hectare that uses existing infrastructure and has a form and scale compatible with the surrounding neighbourhood. The proposed development will achieve a density of 60 units per hectare and will have a height and form consistent with its surroundings.

The infill policies of the Official Plan require that such developments ensure a continuity of the streetscape and provide adequate off-street parking that is adequately buffered. In this instance, the existing streetscape will remain unchanged and parking will continue to be located at the rear of the dwelling.

Section 4.2.5.7 requires developers to provide appropriate information pertaining to the type of housing form, the nature of existing land uses within the area, adequacy of municipal services, traffic generation, amenities available for residents, adequacy of parking, buffering and landscaping

The proposed residential intensification is an addition to the rear of an existing dwelling. The proposed development is in a residential area, just outside of the Central Area. The application for Zoning By-law Amendment was accompanied by a Functional Servicing Report (FSR) prepared by D.M. Wills Associates Ltd and amending material updates as requested by Staff. The FSR indicated that the property is currently served by two sanitary service laterals and that the expansion will involve replacing one of the laterals with a new one and capping the remaining lateral at the main. Services to the various units will be connected internally.

The impact on the water distribution service is anticipated to be negligible. Stormwater Management analyses were completed, recommending that stormwater detention storage and permeable pavement be constructed. It is not anticipated that the proposed development will result in traffic generation. The property is located in an established

neighbourhood with proximity to adequate amenities to support the residential use of the property. The applicant is proposing to continue to use the rear yard for parking.

Typically, details pertaining to parkland dedication, landscaping, buffering and circulation would be addressed through an application for Site Plan Approval (SPA). As of November 28, 2022 (part-way through staff's review of this application), the More Homes Built Faster Act (Bill 23) removed the City's ability to require SPA for residential developments with 10 units or less.

It is to be noted that prior to Bill 23, this development would have benefited from the SPA process via a detailed review of the site from a functionality standpoint. Many of the comments received from commenting departments and agencies were contingent on the SPA process implementing certain requirements and standards to satisfy overall policy objectives of the PPS and the Official Plan. These include but are not limited to stormwater management, walkways and building access as well as landscaping.

The intention going forward based on new provincial direction is that the owner will need to meet the requirements related to lot grading, drainage and servicing in O. Reg 332/12 under the Building Code Act to the satisfaction of the Chief Building Official prior to issuance of a Building Permit. Requirements related to parkland dedication will also need to be addressed prior to issuance of a Building Permit in accordance with the Planning Act and By-law 90-331.

d) City of Peterborough Zoning By-law

The current R.1, R.2, R.3, R.4 Residential Zoning District limits the use of the lands. Based on the City's records, 191 London Street is recognized as a legal non-complying two-unit dwelling and 195 London Street is recognized as a single unit dwelling. The applicant proposes to establish three additional units on site by constructing an addition at the rear of the existing semi-detached dwelling, requiring the consolidation of both properties into one. The applicant proposes that these three additional units be accommodated via a modified version of the R.4 – Residential District.

The layout of the parking area is regulated by the City's Zoning By-law and will also be reviewed at the Building Permit Stage to ensure compliance with the required amount of landscaped open space, maximum coverage of lot by parking driveway and vehicle movement areas, landscaping at the perimeter of the parking area etc.

The application proposes the following exceptions to the standard R.4 – Residential District regulations to support the proposed residential intensification of the lands:

Proposed Regulations:

Regulation	R.4 Requirement	Proposed Exception
Minimum lot area per dwelling unit	185 square metres	167.4 square metres
Minimum lot width	24 metres	17.4 metres
Minimum building setback a. Side lot line	3 metres of 1.5 metres per storey, whichever is greater	i) 0.9 metres (west lot line – existing closest point) ii) 0.48 metres (east lot line existing closest point)
Maximum building coverage	30%	35.5%
Section 4 – minimum parking	1.5 spaces per unit	1.16 spaces/unit
Section 4.3.2.c minimum distance of a parking space to a window of a habitable room	6 metres	0.56 metres (existing distance)

The Planning Justification Report submitted with the subject application indicates that the proposed development would typically require 9 parking spaces to be provided on site. Additionally, the report notes that due to the proximity of several bus routes and an established bikeway network, the requested parking reduction to 7 spaces on site is appropriate. The development proposes a dedicated on-site bike rack for residents.

Many of the modifications to the Zoning District address existing conditions of the site including the existing dwelling being located close to the east and west side lot lines. The existing chimney and side porch projections of the dwelling will be the closest points to the side lot lines. The proposed addition will be at least 1.2 metres from the west lot which is typical for a standard single detached dwelling.

Response to Notice

a) Significant Agency Responses

Agency Circulation was issued on June 22, 2022, with subsequent scoped circulation on October 26, 2022.

The original submission by the applicant included a Heritage Impact Assessment (HIA) prepared by the project's architect. Initial review of this submission by Planning and Heritage Preservation Office Staff (HPO) did not follow the City's HIA Terms of Reference and not prepared by a member of the Canadian Association of Heritage Professionals. It was recommended that a revised submission be prepared in accordance with the City's Terms of Reference to include clear statement of impacts and a mitigation strategy. The applicant provided a new HIA, in accordance with the Terms of Reference, which was accepted by the HPO. Prior to issuance of a Building Permit, the applicant will require a Heritage Permit from the HPO in accordance with the Ontario Heritage Act.

There are no significant concerns or comments from other agencies or departments.

b) Summary of Public Responses

The applicant issued a letter to all neighbouring property owners outlining their plans for the property as well as offering the ability to be available for questions or concerns pertaining to the proposal. This letter was dated January 6th 2023.

Notice of Public Meeting was issued on March 6, 2023, mailed to all property owners within 120 metres of the subject lands as well as published in the Peterborough Examiner. No written comments have been received as of the writing of this report.

Submitted by,

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Commissioner, Infrastructure and Planning Services

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Attachments:

Appendix A – Land Use Map

Appendix B – Concept Site Plan

Appendix C – Draft Zoning By-law Amendment

Exhibit A – Land Use Map, Page 1 of 1

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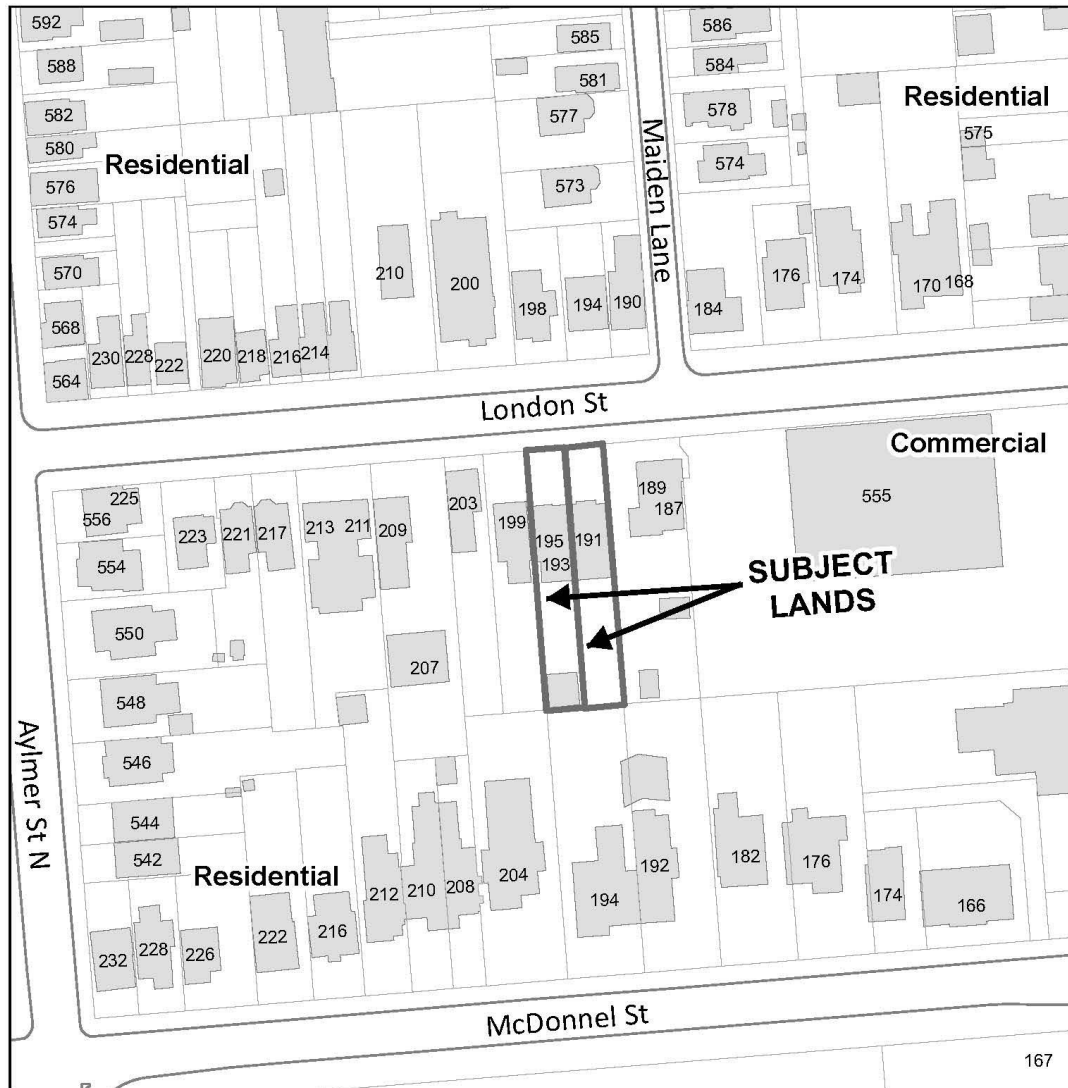
Land Use Map

File: Z2207

Property Location: 191-195 London Street

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

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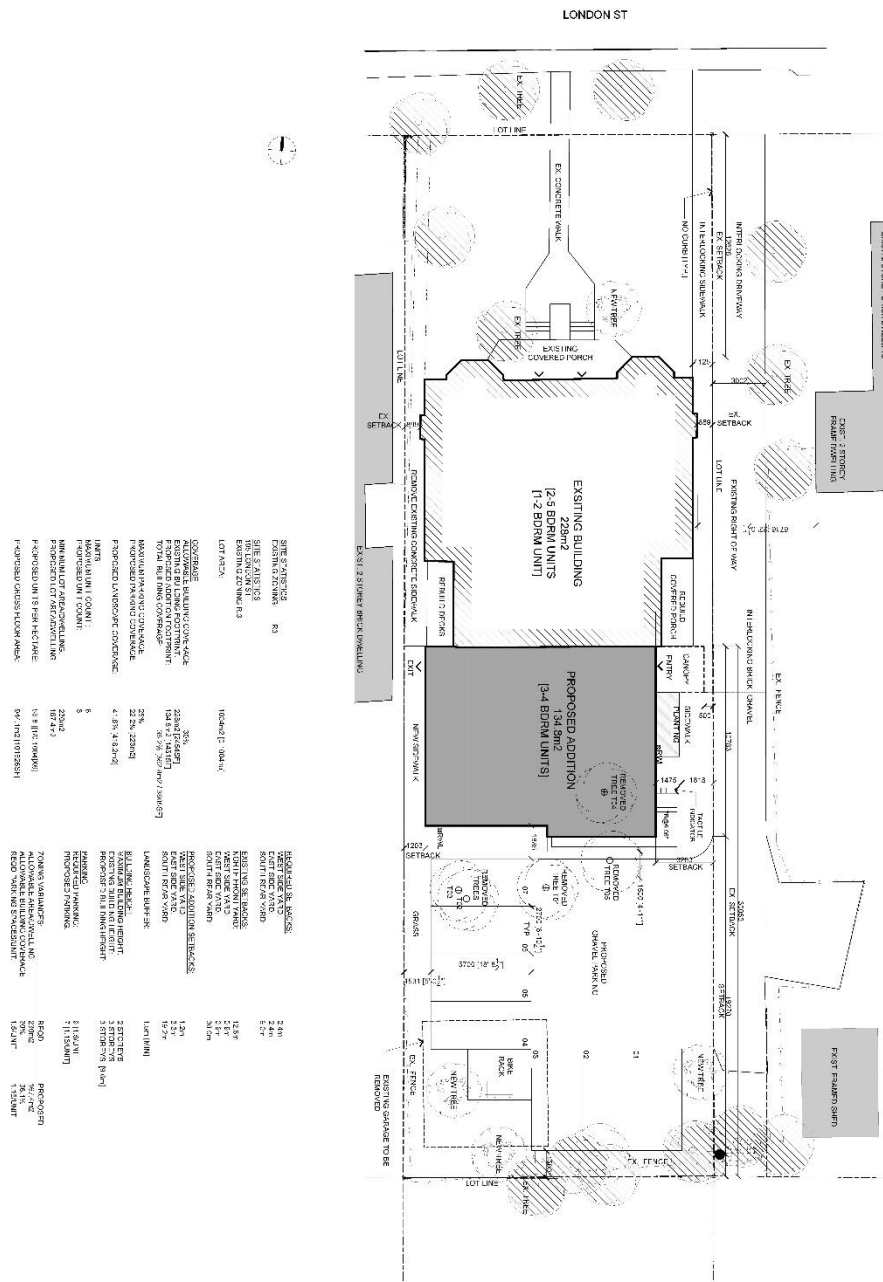


Date: May 11, 2022

Map by: bgautam

0 5 10 20 30 40 50 Metres

Exhibit B – Concept Site Plan, Page 1 of 1



All drawings are the property of the designer/client and may not be reproduced without permission. The contractor shall check and verify all dimensions on site and report all errors, omissions, or discrepancies to the architect. This drawing is not to be scaled.

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1961 Union Street
Pittsburg, CA

SCA F	1/1/00
SITE PLAN	

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Exhibit C – Draft Zoning By-law Amendment – Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 23-[Clerk's Office will assign the number]

Being a By-law to amend the Zoning By-law for the lands known as 191-195 London 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:

“.353 Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Provision
Minimum lot area per dwelling unit	167.4 square metres
Minimum lot width	17.4 metres
Minimum building setback side lot line	0.9 metres (west – existing closest point) 0.48 metres (east - existing closest point)
Maximum building coverage	35.5%

Exhibit C – Draft Zoning By-law Amendment – Page 2 of 3

Section 4 – minimum parking	1.16 spaces/unit
Section 4.3.2.c minimum distance of a parking space to a window of a habitable room	0.56 metres (existing distance)

2. Map **12b** 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, R.3, R.4 to R.4-353.**

By-law passed this day of April, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning By-law Amendment – Page 3 of 3