



City of
Peterborough

To: **Members of the General Committee**

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

Meeting Date: **June 5, 2023**

Subject: **Zoning By-law Amendment for 376 Rubidge Street, Report IPSPL23-019**

Purpose

A report to evaluate the planning merits of amending the zoning of 376 Rubidge Street from R.1, R.2, R.3 – Residential District to SP.241-H – Commercial District which would permit the property to be used as a small-scale office.

Recommendations

That Council approve the recommendations outlined in Report IPSPL23-019, dated June 5, 2023, of the Commissioner of Infrastructure and Planning Services as follows:

- a) That the subject property be rezoned from R.1, R.2, R.3 – Residential District to SP.241-H – Commercial District, in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL23-019.
- b) That the 'H' – Holding Symbol be removed at such time as an agreement is entered into for the provision of cash-in-lieu of parking and that the associated payment has been made to the City.

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 east side of Rubidge Street between Simcoe Street and Hunter Street West. The property currently supports a two-storey single-detached dwelling.

Uses permitted in the SP.241 zoning district include an office, a clinic and a dwelling unit in existing buildings. The applicant proposes to amend the zoning of the property to the SP.241 – Commercial District to permit the use of a small-scale office in the existing dwelling for to accommodate the increased office space demands of the Roman Catholic Diocese of Peterborough. The existing single-detached dwelling would be converted to office use. The applicant is proposing minor modifications to the rear of the structure to provide outdoor amenity space for employees. The applicant is proposing to satisfy their on-site parking requirement through a payment of cash-in-lieu and provide parking for employees on other properties they own in proximity to the subject property.

The proposal was subject to a Pre-Consultation meeting on May 19, 2022 and the Zoning By-law Amendment application was deemed complete on March 7, 2023.

The application was supported by the following documents:

- Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated October 3, 2022.
- Parking Memo prepared by The Roman Catholic Diocese of Peterborough, dated September 30, 2022.
- Planning Memo prepared by One Community Planning, dated January 31, 2023.
- Concept Site Plan and Building Floor Plans prepared by Aside Architects, dated February 21, 2023.

Comments from agencies and departments from the first circulation were sent to the applicant on April 18, 2023. A revised Concept Site Plan and Summary of Neighbourhood Comments was received on April 26, 2023.

A Community Notice was circulated to all property owners within 120 metres of the subject property on April 6, 2023. The Notice invited property owners in proximity to the proposal to contact the applicant's consulting team with any comments, questions or concerns prior to April 21, 2023. No comments were received through this circulation.

The latest concept site plan is attached as Exhibit B to Report IPSPL23-019.

Analysis

a) **Provincial Policy Statement, 2020 (PPS)**

Any decision on the proposed Zoning By-law Amendment must be consistent with the 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, livable and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential unit types, employment, institutional, recreation, parks 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 states “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.”

The subject property is located within the City’s settlement area boundary 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. The introduction of the SP.241 zoning district would allow for the flexibility for the site to function either as a small-scale office or a residential use, depending on market demands of the time without requiring further land use approvals. The property is located outside of areas of flooding and natural hazard. There are no proposed changes to the facade of the existing structure, maintaining the existing character of the neighbourhood.

It is the opinion of staff that the proposed Zoning By-law Amendment is consistent with the policy direction of the PPS.

b) **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

Any decision on the proposed Zoning By-law Amendment must conform with the policies of 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. The subject property is located within the Delineated Built-Up Area as defined in the Growth Plan.

Retail and office uses are directed to areas that support active transportation and have existing and planned transit. The subject property is located in close proximity to a transit stop, the Downtown Transit Terminal and the new Bethune Street active transportation corridor.

It is the opinion of staff that the proposed Zoning By-law Amendment conforms with the policy direction of the Growth Plan.

c) **Official Plan**

The City of Peterborough Official Plan (2021) received approval from the Minister of Municipal Affairs and Housing on April 11, 2023. Section 7.22 of the Official Plan outlines transition policies for applications that were in process prior to Provincial approval of the Official Plan. Applications that were deemed complete prior to the approval of the Plan may continue towards final approval under the policy framework in place at the time a Notice of Complete Application was issued. In the case of this application, the Notice of Complete Application was issued on March 9, 2023. Since there are no policy conflicts between the former Official Plan and the current Official Plan, staff will review the proposed Zoning By-law amendment against the policies of the current Official Plan.

The subject property is designated 'Strategic Growth Area' on Schedule 'A' – Urban Structure, 'Central Area' on Schedule 'B' – Land Use Plan and 'Downtown neighbourhood' on Schedule 'C' – Central Area to the City's Official Plan.

The Downtown Neighbourhood designation is intended to provide a transition area between the mixed-use areas of the commercial core and the residential neighbourhoods outside of the Central Area, accommodating a mix of land uses that are compatible with residential land uses. The designation permits a number of uses, including small-scale office uses. Within the Downtown Neighbourhood designation, all development applications shall meet the following criteria:

- i) Ensure that new buildings are designed in a manner compatible with the existing buildings with respect to height, massing setbacks and lot coverage;

The proposed office use will utilize the existing building, with modifications occurring at the rear of the property. The proposed development will maintain compatibility with adjacent properties.

- ii) Ensure that traffic impacts are adequately mitigated and developments which generate a significant amount of vehicular traffic are only permitted on Arterial or Collector Roads;

It is not anticipated that the proposed development will generate much traffic and parking for the use will not be provided on site. Rubidge Street is classified as a Low-Capacity Arterial at this location.

- iii) Recognize and enhance the natural amenities of the site, particularly sites which abut Jackson Creek, and respect the Creek as a public amenity and pedestrian corridor; and,

The proposed development involves removing the existing rear addition which will be replaced with a deck. Further, accommodating cash-in-lieu of parking rather than requiring on-site parking will allow for the trees at the rear of the property to remain.

- iv) Provide active transportation linkages with adjacent districts, both within and adjacent to the Central Area.

The proposed development will be served by existing active transportation linkages including sidewalks on Rubidge Street and cycling lanes on Bethune and Charlotte Streets.

Section 4.3.1(i) of the Official Plan provides the City with the ability to grant exemptions from all or part of the off-street parking required by a proposed development in the Central Area in exchange for the payment of cash-in-lieu of parking. Transportation Division staff reviewed the proposed development with respect to its location near the Transit Terminal, active transportation infrastructure, municipal parking facilities and other properties owned by the applicant and determined that there are several alternatives to providing parking facilities on the subject property. In accordance with Section 4 of the Zoning By-law, the proposed development requires three parking spaces. The subject property is currently recognized as having one parking space. As such, the applicant is eligible to pay cash-in-lieu of parking for two spaces instead of providing them on-site. It is recommended that a Holding symbol be placed on the property, to be removed once the property owner enters into a cash-in-lieu of parking agreement with the City and makes payment to cover the two required parking spaces.

The Zoning By-law Amendment has the effect of permitting a small-scale office on a property that is municipally serviced within the downtown core. The proposed amendment conforms to the Central Area policies of the Official Plan and is compatible with neighbouring uses.

d) **Zoning By-law**

The current R.1, R.2, R.3 – Residential District only permits residential dwelling units and lodging houses (R.3 only). The introduction of the SP.241 zoning district will facilitate the use of the subject property for a small-scale office in accordance with the Downtown Neighbourhood policies in the Official Plan that will be compatible with the surrounding low-density residential development.

The proposed development results in the need for the applicant to provide three parking spaces on-site. The subject property is recognized as having one parking space to support the existing single-detached dwelling. The applicant will satisfy the additional parking requirement by paying cash-in-lieu for two parking spaces.

An 'H' – Holding Symbol is recommended to ensure that a cash-in-lieu of parking agreement is entered into, and associated payment made, in accordance with Official Plan policy, prior to the land use taking effect.

Response to Notice

a) Agency Responses

Agency circulation was issued on March 9, 2023.

There were no significant concerns or comments from agencies or departments with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses

Notice of Public Meeting was issued by mail to property owners within 120 metres of the subject property and published in the Peterborough Examiner on May 8, 2023.

No written comments have been received from the public as of the writing of this report.

Submitted by,

Jasbir Raina, CEng., M.Tech, MBA, PMP, MIAM
Commissioner, Infrastructure and Planning Services

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Exhibits:

Exhibit A: Land Use Map
Exhibit B: Concept Plan
Exhibit C: Draft Zoning By-law Amendment

Exhibit A – Land Use Map

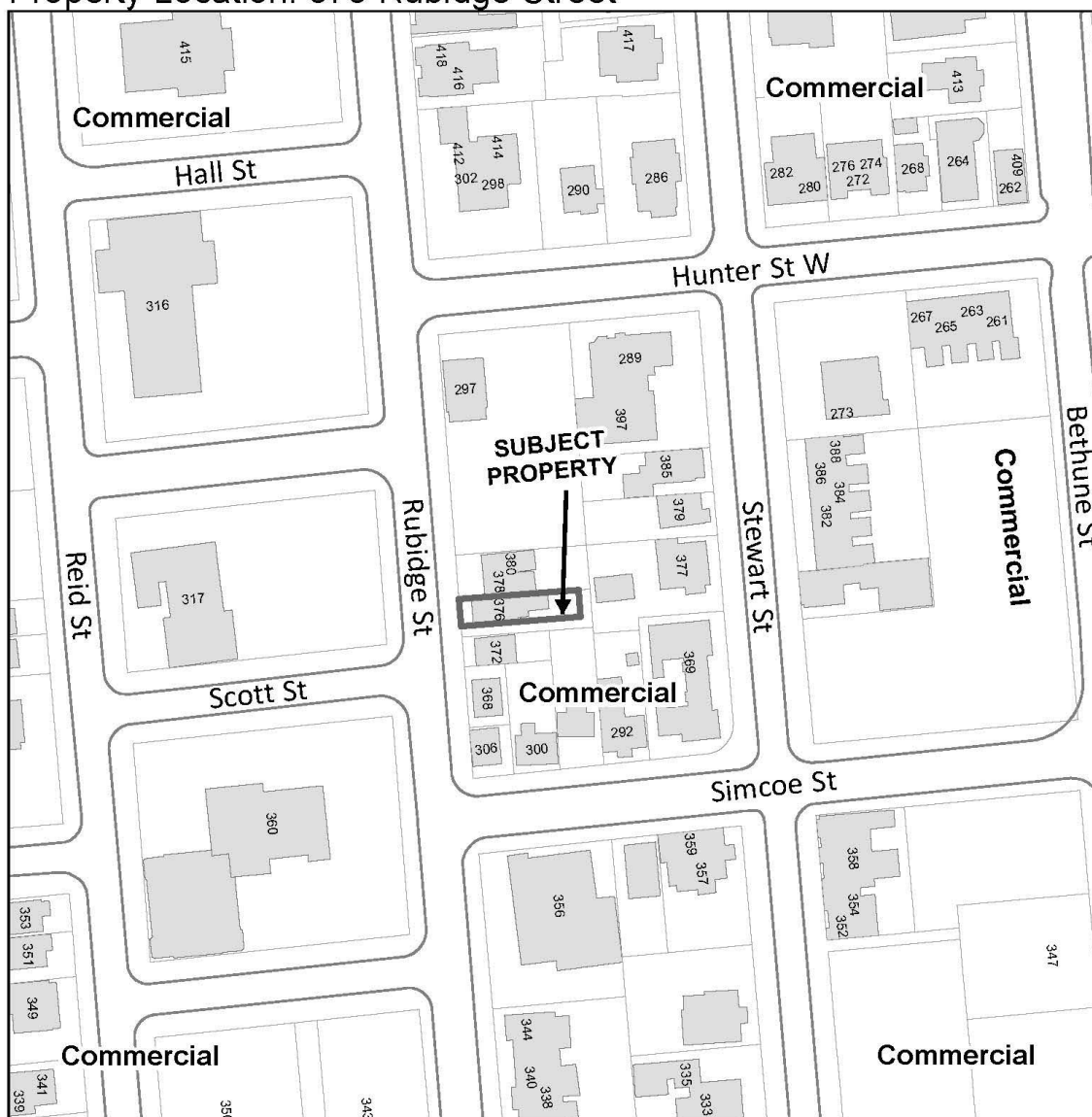
Land Use Map

File: Z2304

Property Location: 376 Rubidge Street

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: March 8, 2023

Map by: BGautam

0 5 10 20 30 40 50 Metres

Exhibit B – Concept Plan

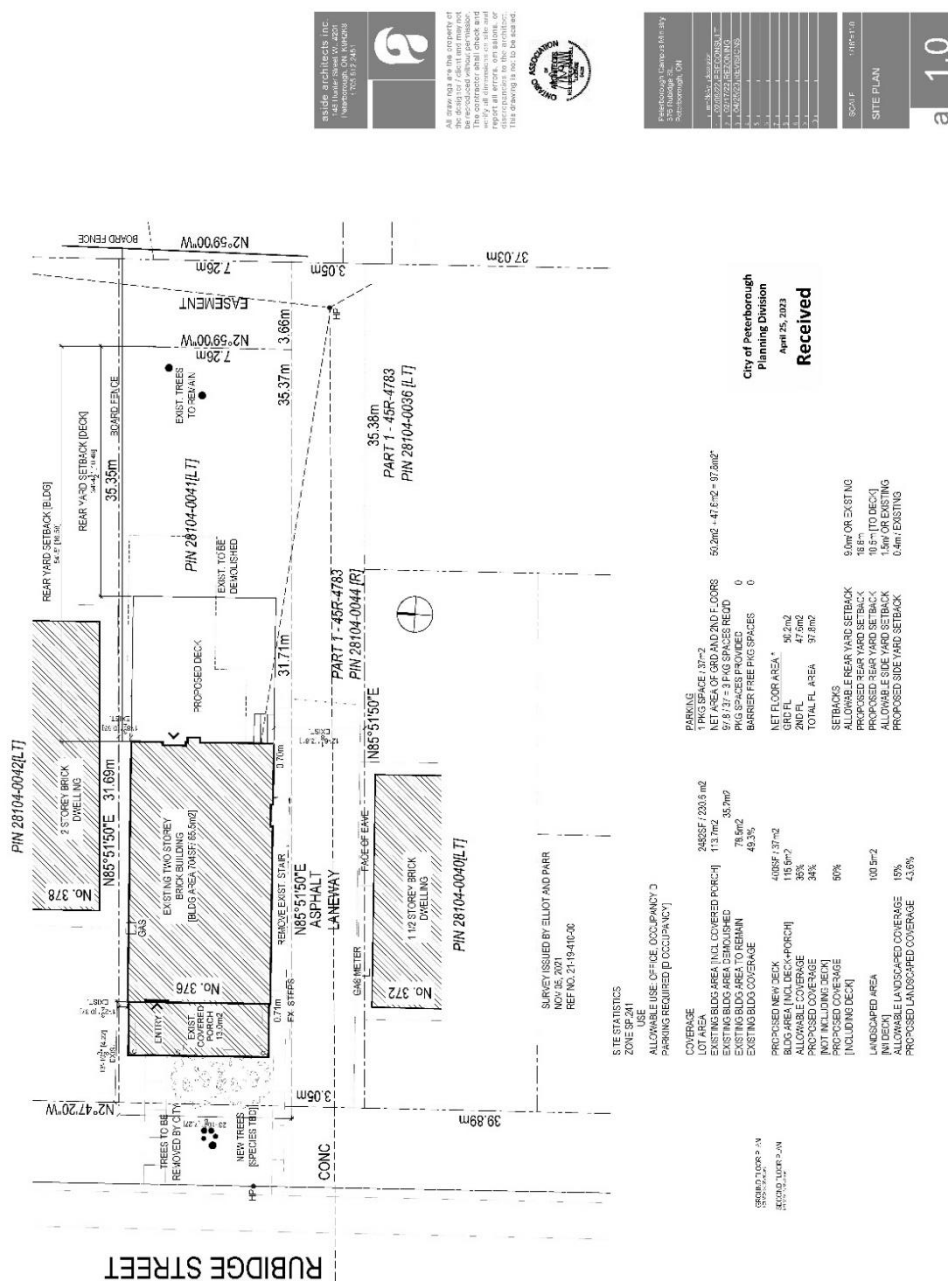


Exhibit C – Draft Zoning By-law Amendment



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 376 Rubidge Street

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

1. That Map 12c 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 to SP.241 – H.**
2. That the ‘H’ – Holding Symbol be removed at such time that the property owner enters into a Cash-in-lieu of Parking Agreement with the City and provides a cash-in-lieu payment equivalent to two parking spaces.

By-law passed this 26th day of June, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk

