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File: Z-8608
Planner: M. Tomazincic

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 2293683 ONTARIO CORP. 2397 OXFORD STREET WEST PUBLIC PARTICIPATION MEETING ON MAY 30, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2293683 Ontario Corp. relating to a portion of the property located at 2397 Oxford Street West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 31, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-14) Zone **TO** a Holding Residential R1 Special Provision (h-18*R1-14()) Zone;

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to permit the establishment of an enlarged home occupation that would be located within an existing accessory building and permit the employment of up to ten (10) persons who do not reside on the subject site.

RATIONALE

The recommended action is supported based on the following rationale:

- a) the recommended amendment is consistent with the Provincial Policy Statement, 2014;
- b) the recommended amendment conforms to the policies of the Official Plan;
- c) the recommended amendment is in keeping with the intent of the Zoning By-law;
- d) the proposed enlarged Home Occupation will be limited to existing buildings and is not anticipated to create impacts on the surrounding woodlands;
- e) the proposed enlarged Home Occupation is located in an area where sufficient buffer and mitigation exists to maintain the established land use compatibility with the surrounding properties in the area; and,
- f) the proposed enlarged Home Occupation provides for live-work opportunities in a site-specific and unique location.

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BACKGROUND

Date Application Accepted: April 11, 2016	Agent: Laverne Kirkness, Kirkness Consulting Ltd.
REQUESTED ACTION: Maintain existing zone, but permit enlarged home occupation. Special provisions required for location and size of home occupation and reduction to lot frontage.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - Residential • Frontage – 19 meters (62.3 feet) • Depth – Irregular • Area – 4.6 hectares (11.4 acres) • Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Thames River • South - Residential/Komoka Provincial Park • East - Easter Seals Camp • West - Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Rural Settlement / Open Space / Environmental Review
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Residential R1 (R1-14)

PLANNING HISTORY

The subject lands are located outside of the Urban Growth Boundary in the Rural Settlement designation. The subject lands have operated as a single detached residence.

The detached garage where the expanded home occupation is intended to be located was built in 2005.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Urban Forestry: *“There is no concern with the application or impacts as the proposed development is limited to existing buildings. Any tree injury or removal within the OS5 designated lands requires a permit from the City.”*

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Transportation Engineering: *A road widening dedication of 18.0m from centre line is required along Oxford Street West, a 6.0mx6.0m daylight triangle is required at the north east corner of Oxford Street West and Woodhull Road.*

Wastewater and Drainage Engineering: *No Objections*

Upper Thames Conservation Authority: *“As indicated the subject lands are regulated by the UTRCA. However, given that no new construction is proposed, we have no objections to this application or Section 28 permit requirements”.*

Urban Regeneration (Heritage): *“2397 Oxford Street West is located adjacent several cultural heritage resources:*

- *2311 Oxford Street West (Woodeden Camp; listed on the Register)*
- *2411 Oxford Street West (designated By-law No. LSP-23-1988)*
- *2442 Oxford Street West (Kilworth United Church, listed on the Register)*
- *2501 Oxford Street West (listed on the Register)*

The property is also located within an area of archaeological potential. While it is preferred that an archaeological assessment (Stage 1-2 recommended) be submitted as part of a complete application, the h-18 provision may be appropriate as there is no proposed site alteration as part of this rezoning.”

Environmental and Parks Planning

The Parks Planning & Design Section has reviewed the request for the proposed zoning and has no concerns with the application with the understanding that the use would be restricted to the existing residential dwelling and that no additional buildings, structures or parking areas would be created. Any of the above noted additions would trigger the requirement for an EIS to be completed for the development.

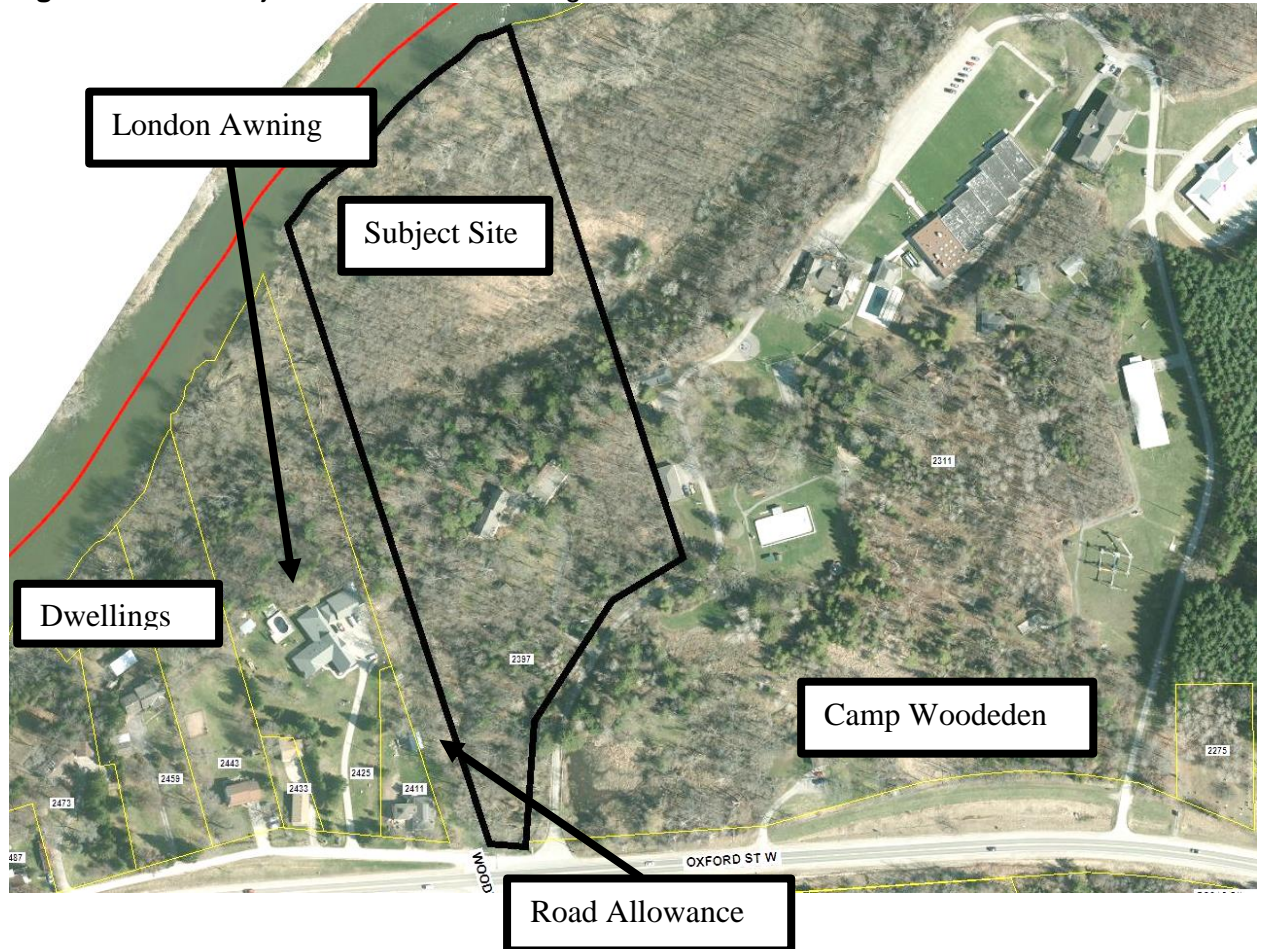
PUBLIC LIAISON:	On April 21, 2016 Notice of Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on April 21, 2016. A “Possible Land Use Change” sign was also posted on the site.	1 reply wa received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit the establishment of an expanded home occupation. Possible change to Zoning By-law Z.-1 FROM an Residential R1 (R1-14) Zone TO a Residential R1 Special Provision (R1-14(____)) Zone to permit a residential use with special provisions that allow a home occupation to operate in an accessory structure, with an increased floor area, permit additional employees, provide for additional required parking and a reduced lot frontage.</p>		
<p>Responses: Concerns:</p> <ul style="list-style-type: none"> • Lack of cap on the number of employees; • Carriage house not designed for 10 employees, concerns with existing septic system, parking, increased garbage/waste; • Will signage be permitted • How will monitoring be completed? Concerns with conducting business meetings on site. • Will the home occupation be transferable to a new owner in the event of a sale? 		

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ANALYSIS

THE SUBJECT SITE

Figure 1 – The subject site and surrounding context



The subject site is located on the north side of Oxford Street West (northeast from the intersection with Woodhull Road) with access from a shared private road.

The subject site can be described as a large rural estate lot measuring approximately 4.65ha (11.5ac) in area and consisting of a 510m² (5,490sq.ft) dwelling and a two-storey accessory building with a GFA of 220m² (2,370sq.ft) per level. The lower level of the accessory structure is a garage with sufficient room for vehicles to maneuver internally and the upper level was constructed as an accessory dwelling with the internal finishes left incomplete. It is within this portion of the accessory structure in which the requested use proposes to locate.

Immediately to the east and south of the subject site is Camp Woodeden. The northern property line follows the Thames River's shoreline. The entire length of the eastern property line is adjacent to an unassumed roadway that would form the extension of Woodhull Road to the River's edge. And a small portion of the lot frontage fronts Oxford Street West.

Further west are single detached dwellings with varying lot sizes and shapes including one containing a Home Occupation (London Awnings) which shares a large portion of the western edge of the unassumed road allowance with the subject site.

NATURE OF THE APPLICATION

The requested amendment is to permit the establishment of a Home Occupation that exceeds the current Zoning provisions regulating such uses. While Home Occupation uses are permitted

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as-of-right in any single detached dwelling, the requested amendment is intended to seek relief from some of the regulations listed in the General Provisions of the Zoning By-law.

The requested amendment seeks to modify the following General Provisions:

1. Permit the proposed use to occupy a maximum floor area of 221m² whereas the maximum floor area is 28m²;
2. Permit the proposed use to occupy the second floor of an accessory structure whereas the General Provisions do not permit Home Occupations within an accessory structure;
3. The proposed use seeks to permit a maximum of ten employees whereas the General Provisions to not permit the use or employment of more than one person who does not reside in the dwelling unit; and,
4. To permit a minimum lot frontage of 19m to recognize the existing lot pattern.

Figure 2 – Photo of existing dwelling and accessory building (provided by applicant)



THE PROPOSED USE (Nature of the Business)

“Stiris Research Inc. is an entrepreneurial Clinical Trial Management Company, providing comprehensive study management solutions for Phase I through Phase IV clinical research. We provide tailor-made services from full-service outsourcing to focused clinical study management” (excerpt from www.stirisresearch.com).

It is important to note that the clinical testing described above is undertaken by doctors at the hospitals. There is no clinical testing proposed to occur within the proposed home occupation. The nature of the business is such that Stiris’ monitors audit the doctors’ work at off-site locations where the clinical testing is actually occurring (i.e. hospitals). These monitors are regionally based throughout Canada and the US.

After the monitors complete their audit, the monitors send a report and regulatory documents into the office for processing. The requested amendment seeks to establish an enhanced Home Occupation in the form of an office where the administrative staff process these reports/regulatory documents sent by the monitors and either file it internally or forward them to the pharmaceutical/biotech company for their files. The only work proposed to be undertaken

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within the enhanced Home Occupation involve administrative, accounting, and secretarial duties, in conformity to the provisions of the Zoning By-law.

PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2014 (PPS) directs the focus of growth and development to “Settlement Areas”– including Rural Settlement areas – and promote their vitality and regeneration (1.1.3.1.). The PPS requires land use patterns in Settlement Areas to be based on a range of uses and opportunities for “intensification” (1.1.3.2(b)) which is defined as, “*the development of a property, site or area at a higher density than currently exists through...the expansion or conversion of existing buildings*” [emphasis added]. The PPS also requires municipalities to identify locations and promote opportunities for “intensification” where this can be accommodated in existing building stock. The recommended amendment implements the Settlement Policies of the PPS policies by facilitating the conversion of the upper storey of an existing building resulting in intensification of existing building stock, in conformity to the policies of the PPS.

In terms of “Employment” the PPS requires municipalities to promote economic development and competitiveness by “*providing for an appropriate mix and range of employment uses...*” and “*providing opportunities for a diversified economic base [by] maintaining a range and choice of sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses*” [emphasis added]. The requested amendment will facilitate a mix of employment uses in conformity to the PPS that are not currently available within the Rural Settlement designation. The recommended amendment also takes into account the modest needs of the existing business, in conformity to the PPS, by allowing it to incubate within an expanded Home Occupation until such time as growth and expansion requirements will exceed the ability of the site to accommodate the use at which time a more suitable location may be sought.

The “Natural Heritage” policies of the PPS prohibit development and site alteration on lands that are adjacent to natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions. Recognizing that the subject site comprises a mix of zones which distinguish the developable area from the natural heritage features of the site, the recommended amendment will only apply to the developable area of the site and furthermore the proposed location of the Home Occupation within an existing building will not result in development or site alteration. Therefore, there will be no negative impacts on the natural heritage features of this site in conformity to the PPS.

Based on the above, the recommended amendment is consistent with the policies of the PPS.

OFFICIAL PLAN

The subject lands are designated “*Rural Settlement, Environmental Review and Open Space*” and the requested amendment is limited exclusively to the portion of lands designated *Rural Settlement* therefore the analysis will focus on this designation. The Rural Settlement designation primarily permits residential uses while allowing for Home Occupations and limited small-scale commercial and industrial uses where appropriate.

The Rural Settlement designation includes a specific policy related to “Home Occupations”. This policy permits Home Occupations subject to the following criteria:

- The use is secondary to the residential use;
- The use is operated by only those residing on the property on which the Home Occupation is located; and,
- The use is conducted entirely within the dwelling.

Given that the use is explicitly permitted by policy, the following analysis will focus on the fulfillment of the Official Plan criteria.

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Secondary to the Residential Use

Based on the information provided by the applicant, the habitable floor area of the main dwelling is approximately 510m² (5,490sq.ft). In addition, there is a full basement and attached garage which are not included in this floor area calculation which would substantially increase the area allocated to the principle main dwelling use. Conversely, the area within the accessory structure where the requested use is proposed to be located is 220m² (2,370sq.ft). This demonstrates that the primary use of the subject site is that of a single detached dwelling to which the requested expanded Home Occupation use will be secondary in conformity to the Official Plan criterion.

Use is operated by those residing on the property

The applicant and property owner is a numbered Ontario company (Stiris Research Inc) whose principal is Shantal Feltham. Ms. Feltham resides in the dwelling and is the operator of the proposed use. Therefore, the use is operated by those residing on the property in conformity to the Official Plan criterion.

Use is conducted entirely within the dwelling

Notwithstanding that the proposed use is intended to be located within an accessory structure next to the primary dwelling, this policy is not intended to confine a Home Occupation to the dwelling. It is intended to prohibit the *outdoor use* of the property for the Home Occupations such as the use of outdoor storage of materials or vehicles, outdoor storage of animals, or the use of a swimming pool.

The Official Plan further states that, “*The types of home occupation permitted and the standards applying to these uses shall be set out in the Zoning By-law.*” Therefore, the Zoning By-law offers a companion framework to the Official Plan which implements this policy on a site-specific basis (see below).

ZONING BY-LAW

The Zoning By-law regulations governing Home Occupations are listed the General Provisions section of the By-law under the two sections identified as “Accessory Uses” and “Home Occupation”

Accessory Uses

Where the Zoning By-law permits a lot or a building to be used for a principle use, the By-law also permits an accessory use or building to be used as an extension to that principle use. Specifically, where the Zoning By-law permits a lot or a building to be used for Single Detached Dwellings, that lot or building may also be used to permit accessory uses or buildings for the purposes of Home Occupations subject to the appropriate provisions.

Home Occupation

As stated above, the Official Plan criteria defer to the provisions of the Zoning By-law to regulate the types of Home Occupation permitted and the standards applying to these uses. The following provisions of the Zoning By-law regulate Home Occupation uses within Single Detached Dwellings and help to implement the Official Plan.

The Official Plan allows the Zoning By-law to apply standards to regulate the Home Occupation provisions of the Rural Settlement policies. In order to regulate the recommended Home Occupation use, the following regulations apply:

- *The home occupation shall be clearly ancillary to the use of the dwelling unit and carried out by a resident of the unit*
 The recommended amendment fulfills this provision and therefore no special provisions are required.

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- *The floor area taken up by all home occupations shall be no more than 25 percent (25%) of the total floor area of the and shall be confined to one area and shall not exceed 28.0 square metres*

The proposed use is intended to occupy the upper storey of an existing accessory structure with dimensions that exceed this requirement. Although the upper storey was constructed to be used as an accessory dwelling, the interior was left unfinished. A special provision to permit a total floor area of 221m² and confined to the existing building is appropriate to allow for an adaptive reuse of this existing building and the intensification of the site in conformity with the PPS.

- *In no case shall any outdoor storage be permitted*
 This provision implements the Official Plan criterion that requires Home Occupations to be located within the interior of dwellings. There is no outdoor storage proposed for the requested use and therefore no special provisions are required.
- *The home occupation shall not involve the use or employment within the dwelling unit of more than one person who does not reside in the dwelling unit. The function of such non-resident person shall be restricted to a secretarial, accounting, clerical or support role*
 Although the proposed use employs persons who do not reside in the dwelling, it is not anticipated or intended that the entire Staff complement be in the office at any one time given that the nature of the business involves monitoring clinical testing in off-site locations. However, a special provision to permit the use or employment of up to ten persons who do not reside in the dwelling is required to allow the proposed use to adequately perform its services. The subject site can accommodate all employee parking requirements without the need for exterior alterations. Notwithstanding the number of non-resident staff that are employed, the function of the non-resident staff will be restricted to secretarial, accounting, clerical and support roles therefore no special provisions are required for this latter provision.
- *The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site*
 The applicant has indicated that the monitors they employ to oversee the clinical testing are regionally based throughout Canada and the United States. The monitors will not use the premises as a base of operations nor will the proposed Home Occupation be used to assemble or rally employees for transportation to a work site. Therefore, no special provisions are required.
- *The home occupation shall not require the creation of additional on-site parking spaces, except in accordance with this By-law*
 As previously indicated, the subject site is sufficiently large enough to accommodate the proposed number of employees therefore no exterior alterations are required, such as the creation of additional on-site parking spaces. Therefore, no special provisions area required.

OTHER ISSUES

Environmental Impact Studies

Section 15.5.1 ii) of the Official Plan states that: *“Environmental Impact Studies [EIS] are required where development or site alteration is proposed within or adjacent to components of the Natural Heritage System”. The City will require that an Environmental Impact Study be completed to its satisfaction, in consultation with the relevant public agencies prior to the approval of an Official Plan amendment, Zoning By-Law amendment, subdivision application, consent application or site plan application, where development is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in Table 15-1.”* The proposed enlarged Home Occupation is not considered to constitute “development” as the

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use would be limited to the existing building through internal conversions. Since there are no exterior changes proposed to accommodate the requested use, an EIS is not required as part of this application.

Archaeological Potential

The subject lands are identified as having potential for archaeological resources. As part of the recommended amendment, a holding provision (h-18) is included to require any future development to undertake the appropriate assessment of the subject lands and restricting development, site alteration or soil disturbance prior to receiving clearance from the City of London. This holding provision does not prevent the Home Occupation from operating wholly within the existing accessory structure as proposed through the application.

The following holding provision is included as part of the recommended action and the draft by-law included with this report:

“h-18 Purpose: To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division.

The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out.”

Potential Impacts

As illustrated in Figure 1 (above), the subject site is buffered from the abutting properties in terms of proximity, natural features, and road allowances. Given the size of the property, it is sufficiently capable of accommodating the anticipated level of intensity of the proposed enlarged Home Occupation without any exterior alterations.

The proposed use is administrative in nature and therefore there are no noise, odour, or impacts associated with hours of operation anticipated. The property to the south and east of the subject site (Camp Woodeden) is used seasonally and no impacts are anticipated between the uses while the Camp is active. The subject site is buffered from the properties to the west by a road allowance and, of those properties, the one in closest proximity to the subject site also operates as a Home Occupation (London Awnings). The existing buildings are surrounded by woodland which further helps to mitigate any impacts.

Potential for Precedent

All requests for land use changes are assessed against the merits of each application. This recommended amendment is not anticipated to set precedence for future enlarged home occupations within accessory buildings. Concern often arises when a change in land use is approved on a site that is similar in nature to its neighbouring properties and does not have any unique attributes which would distinguish it within its context. The subject site is located within the Rural Settlement area where its disproportionately large size allows it to accommodate the use and mitigate any anticipated impacts thereby differentiating it from most lots within the City. The requested uses proposes to modestly intensify a portion of an existing building that had been constructed for residential purposes while still able to accommodate all of the required parking and landscaped open space requirements. The subject site is abutted by road

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allowances, the Thames River corridor and a seasonal use which are less sensitive to potential impacts. Given the unique characteristics of the subject lands, there will be few properties that will be able to claim shared characteristics to set precedence.

CONCLUSION

The recommended action of this report supports the requested amendment to permit an expanded home occupation on the subject lands. The proposed development represents an opportunity for economic development in a limited capacity while supporting existing facilities within the city. The expanded home occupation is considered appropriate to occupy the existing detached garage with supporting facilities, such as parking for additional employees internalized to the building. No new constructions or impacts are anticipated to be created by the proposed use. The recommended action is consistent with the Provincial Policy Statement and the Official Plan and maintains the intent of the Zoning By-law. Staff recommends support of the proposed amendment as attached in draft to this report.

PREPARED AND SUBMITTED BY:
MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

April 14, 2016

MT/el

“Attach”

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- PEC Report - Support.docx

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
N/A	Dr. Jay Walker,

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**Bibliography of Information and Materials
Z-8608**

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by 2293683 Ontario Inc., March 18, 2016

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Kirkness Consulting Inc. *Planning Justification Report*, date.

Correspondence: (all located in City of London File No Z-8608. unless otherwise stated)

City of London -

Moore, R., Wastewater and Drainage Engineering, via email to E. Lalande, April 27, 2016

Hodgins, K., Urban Forestry, via email to E. Lalande, April 21, 2016

Page, B., Environmental and Parks Planning, via email to E. Lalande, May 12, 2016

Hodgins, K., Urban Forestry, via email to E. Lalande, May 3, 2016

Stiris Research Inc

Feltham, S., Stiris Research Inc, via email to M. Tomazincic, May 5, 2016

Feltham, S., Stiris Research Inc, via email to M. Tomazincic, May 12, 2016

Departments and Agencies -

Creighton, C. Upper Thames Conservation Authority, via email to E. Lalande, May 4, 2016

Other:

Site visit May 1, 2016.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
 2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone a portion of an area of land located at 2397 Oxford Street West.

WHEREAS 2293683 Ontario Corp. has applied to rezone a portion of an area of land located at 2397 Oxford Street West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 2397 Oxford Street, as shown on the attached map comprising part of Key Map No. A105, from a Residential R1 (R1-14) Zone to a Holding Residential R1 Special Provision (h-18*R1-14()) Zone.
- 2) Section Number 5.4 of the Residential R1 (R1-14) Zone is amended by adding the following Special Provision:
 -) R1-14() 2397 Oxford Street West
 - a) A Home Occupation is permitted within the upper level of the existing accessory building.
 - b) Regulations:

i. Lot Frontage (Minimum)	19 metres (62.4 feet)
ii. Gross floor area (Maximum)	221m ² (2,379 sq.ft)
iii. Number of employees who do not reside in the dwelling (Maximum)	10
iv. Parking area for Home Occupation restricted to the area as existing on the date of the passage of this by-law	

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on May 31, 2016.

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Matt Brown
Mayor

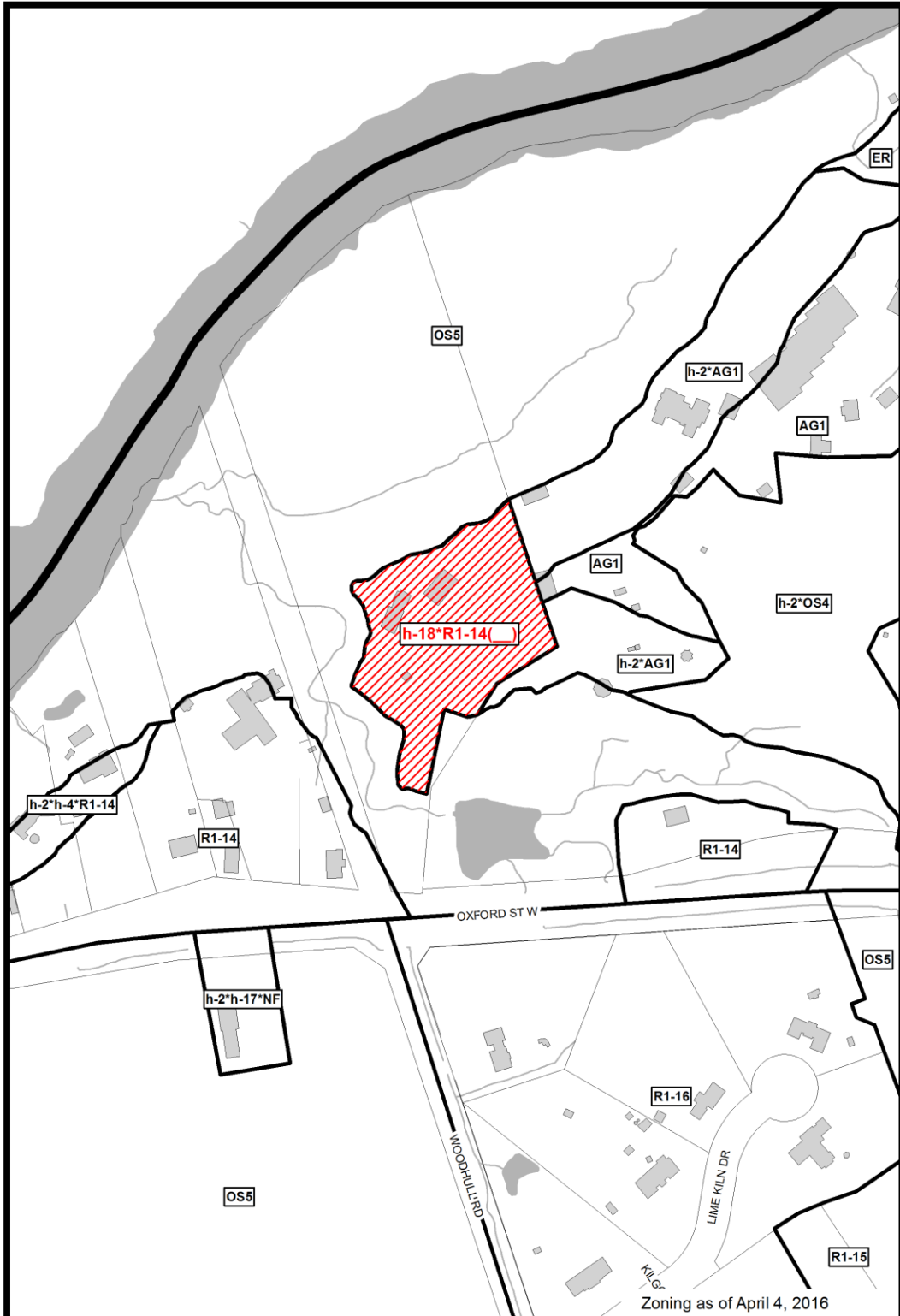
Catharine Saunders
City Clerk

First Reading – May 31, 2016
Second Reading – May 31, 2016
Third Reading – May 31, 2016

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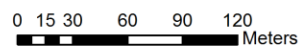
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8608
Planner: EL
Date Prepared: 2016/05/06
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000



Geodatabase