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File: Z-8648
Planner: AB Watson

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 25 GOWER STREET PUBLIC PARTICIPATION MEETING ON SEPTEMBER 6, 2016

RECOMMENDATION

That, further to the direction of Municipal Council, the following actions be taken with respect to the application of City of London, Planning Services relating to the property located at 25 Gower Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 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 Special Provision R2-2(19) Zone, **TO** a Residential Special Provision R2-2(17) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 20, 2016	Planning Report to PEC for Zoning Bylaw amendment to prohibit the development of new converted dwellings within the Blackfriars/Petersville Area
September 23, 2014	Planning Report to PEC for Official Plan Amendment to recognize Special Policy Area for London West addressing flood lines
September 23, 2014	Planning Report to PEC with Recommendations for new Residential R2 Special Provision
April 29, 2014	Blackfriars/Petersville HCD Plan and Conservation Guidelines and Official Plan Amendments to PEC
April 8, 2014	Report to PEC on Various Zoning Options
March 25, 2014	Draft HCD Plan and Conservation Guidelines to PEC
December 10, 2013	Report on Potential HCD Boundary to PEC
August 20, 2013	Notice of Appeal Report to PEC
May 14, 2013	Report to Special PEC Meeting
May 7, 2013	Planning Report to PEC on Options
April 23, 2013	Presentation to PEC

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit the interior alteration of an existing dwelling located at 25 Gower Street to a new converted dwelling with two units.

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LOCATION MAP

Subject Site: 25 Gower St
Applicant: City of London
File Number : Z-8648

Planner : AW
Created By : MB
Date : 2016/08/02
Scale : 1:2000

Legend

 Subject Site



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RATIONALE

The proposed amendment is in keeping with the direction of Municipal Council of June 23, 2016 which came about as both a Site Plan and Minor Variance application were being considered for the subject site while Council simultaneously considered a broader amendment to the Zoning By-law for lands zoned R2 within the Blackfriars/Petersville Area.

BACKGROUND

Direction to Undertake Site Specific Zoning Bylaw Ammendment

At the June 20, 2016 Planning and Environment Committee (PEC) staff presented a city initiated zoning bylaw for Blackfriars/Petersville Area. During the public meeting the owner of 25 Gower Street described that he had been working on planning applications with the City for a month prior to receiving the notice of application (Z-8602) and requested that he be allowed to continue with the interior alteration of an existing dwelling to a new converted dwelling with two units.

At its session held on June 24, 2016, Municipal Council resolved:

“...the Civic Administration BE DIRECTED to initiate a Zoning By-law Amendment process to exempt the property located at 25 Gower Street from the zoning by-law restrictions implemented...(2016-D09)(21-12-PEC)”

In accordance, City Planning staff initiated a site specific zoning application that would allow a converted dwelling as a permitted use. Please refer to schedule A for a copy of the resolution.

Date Application Accepted: June 29, 2016	Agent: Planning Services
REQUESTED ACTION: Exempt 25 Gower Street from the zoning by-law restrictions implemented on the Residential Special Provision R2-2(19) Zone for lands within the Blackfriars/Petersville Area to allow for the interior alteration of an existing dwelling located on the subject lands to a new converted dwelling with two units.	

CHARACTERISTIC OF NEIGHBOURHOOD:

Historically, the Blackfriars/Petersville neighbourhood has been characterized as a stable, low density residential area. For the most part this has occurred because there are limited redevelopment opportunities because the neighbourhood is located within a flood plan (of the Thames River as indicated in the Regulatory Framework section below. The area initially developed as a low density residential neighbourhood and has largely remained that way over time because of this constraint. Other neighbourhoods abutting the Downtown have seen more intensification than Blackfriars/Petersville.

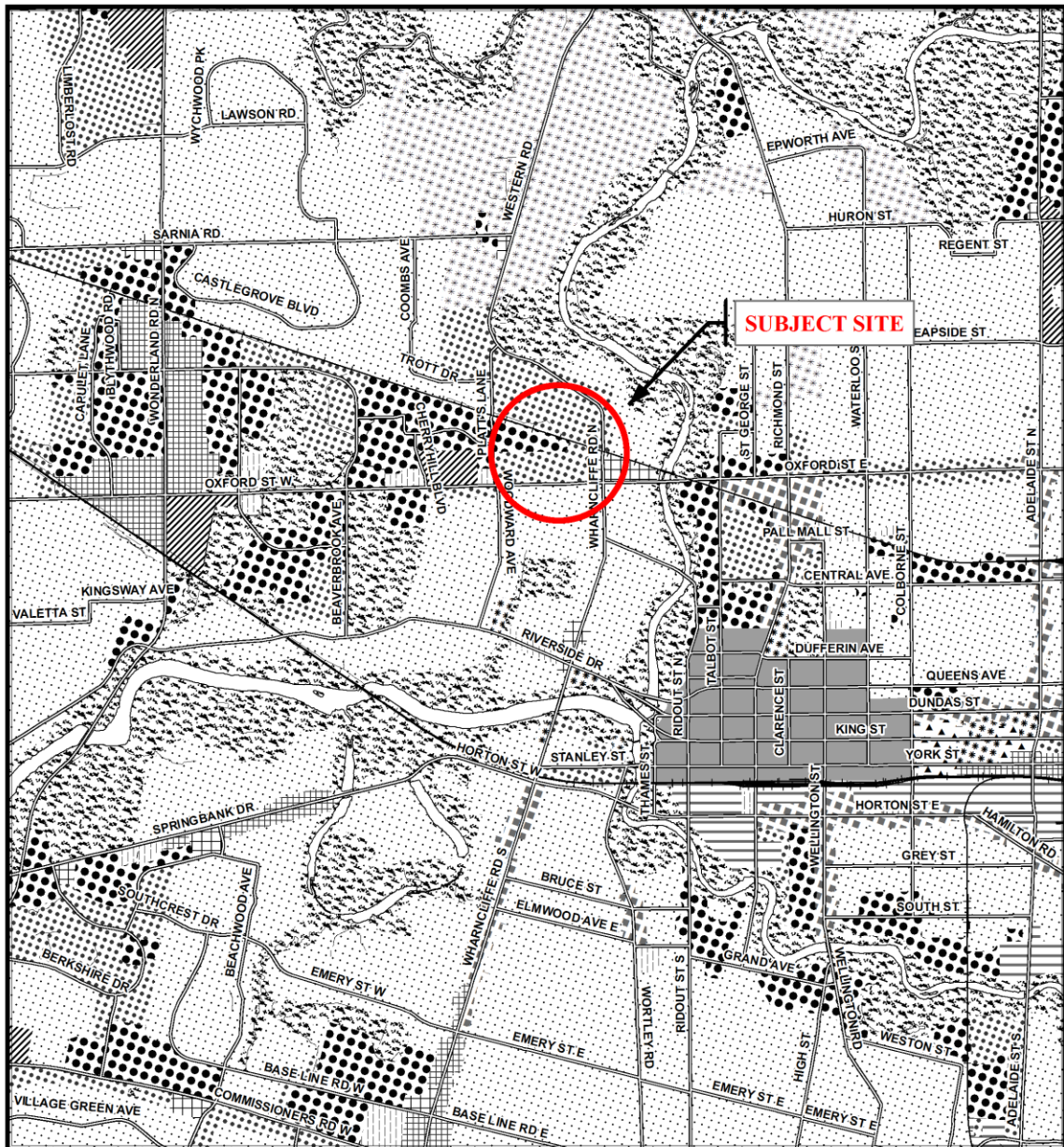
REGULATORY FRAMEWORK:

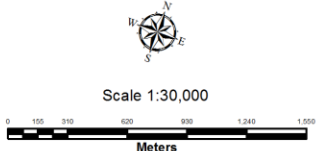
It is important to note that the entire Blackfriars/Petersville Neighbourhood Area lies within the flood plain of the Thames River. Therefore, all of the lands are subject to the limiting regulations imposed accordingly.

The Upper Thames River Conservation Authority (UTRCA) is responsible, along with others, for implementing the *Flood Plain Planning Policy Statement* of the Province of Ontario. This Policy outlines the regulations for prohibiting or providing conditional approval for development proposed in the floodway or flood fringe respectively. Under the standard flood plain policies, development in the floodway is prohibited with the exception of buildings or structures associated with essential public infrastructure, flood and erosion control, bank stabilization and watershed management works.

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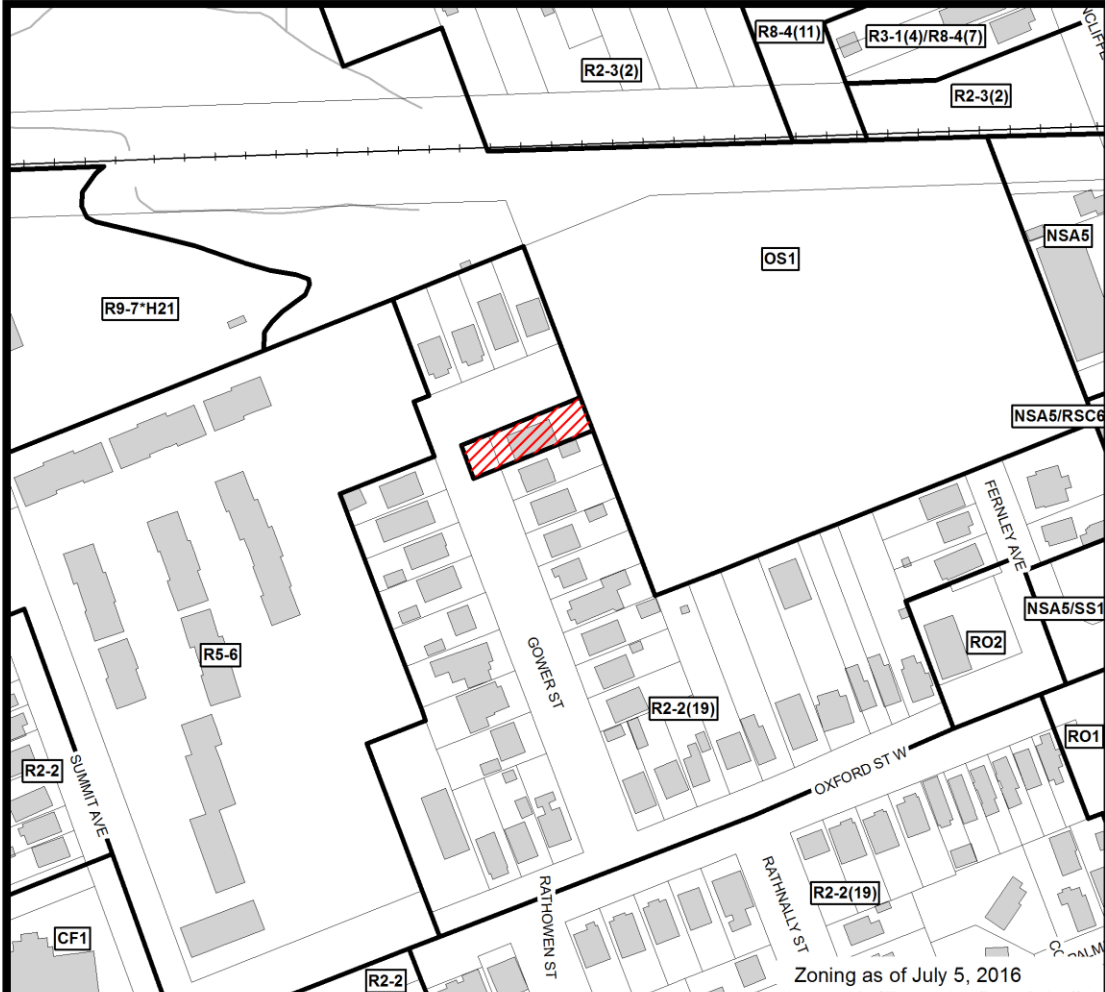
File: Z-8648
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<p>Legend</p> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary 	<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p> <div style="text-align: center;">  <p>Scale 1:30,000</p> <p>Meters</p> </div> <p>FILE NUMBER: Z-8648 PLANNER: AW TECHNICIAN: MB DATE: 2016/08/02</p>
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2(19)

1) **LEGEND FOR ZONING BY-LAW Z-1**

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| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z.-1
SCHEDULE A

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO: Z-8648	AW
MAP PREPARED: 2016/08/02	MB
1:2,000 0 10 20 40 60 80 Meters	

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File: Z-8648
Planner: AB Watson

<p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)</p> <p>The subject lands are designated Multi Family, Medium Density Residential on Schedule “A” which generally permits: multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single-detached, semi-detached and duplex dwellings.</p> <p>The majority of the Lands within the Blackfriars/Petersville Neighbourhood Area are Low Density Residential however other land use designations include those:</p> <ul style="list-style-type: none"> -north of Oxford Street which are designated Neighbourhood Commercial Node and Multi-Family, Medium Density Residential; -lands at the intersection of Riverside Drive and Wharncliffe Road which are designated Neighbourhood Commercial Node and Office Area; and -lands along the Thames River corridor which are designated Open Space,
<p>EXISTING ZONING: (refer to Zoning Map)</p> <p>Residential Special Provision R2-2(19)</p> <p>Permitted Uses:</p> <ul style="list-style-type: none"> - single detached dwellings, - existing legally established semi-detached dwellings, - existing legally established duplex dwellings, - existing legally established converted dwellings (maximum 2 dwelling units).

PLANNING HISTORY

In a 2014 report (OZ-8373) staff recommended changes to the Official Plan and Zoning By-law that would “*recognize existing legal two-unit development and permit single detached dwellings and converted dwellings with a maximum of two units as-of-right. It would not permit the redevelopment of properties that do not currently contain two units to redevelop to new two unit structures. Any future requests to permit a two unit structure on those properties would require a zoning by-law amendment, which would include a public consultation process.*”

To date, the Province has not approved the Special Policy Area for West London and the area has been guided by “*UTRCA Interim Policies for City of London Candidate Special Policy Areas*”, in place since 1991. Recently, the UTRCA has had discussions with the City about reapplying to the Province for special policy status for West London. A report recommending that the City re-initiate the Special Policy Area process was also presented to the Planning and Environment Committee for consideration on September 23, 2014. To date no Special Policy Area has been established for West London and the UTRCA is still in the process of updating the floodplain mapping related to this area.

Between 2014 and 2016 City staff observed a number of minor variance applications being submitted to the Committee of Adjustment in order to facilitate the alteration of single and semi-detached dwellings within the Blackfriars/Petersville area, and permit new converted dwellings.

On June 20, 2016 City staff brought forward a supplementary Zoning By-law amendment application for lands zoned Residential Special Provision R2-2(17) within the Blackfriars/Petersville Area (Z-8602). The purpose of this Zoning By-law amendment was to recognize existing converted dwellings with two units and to prohibit the development of new converted dwellings with two units on lands currently zoned Residential Special Provision R2-2(17) within the Blackfriars/Petersville Area.

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In response to Council direction of June 23, 2016 City staff initiated this site specific Zoning By-law amendment for 25 Gower Street located within the Blackfriars/Petersville Area. Staff did however wait until the appeal period on the Blackfriars/Petersville Area application ended before bringing forward the site specific amendment.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority (UTRCA):

On July 6, 2016, the UTRCA advised the Committee of Adjustment that the relief being sought for reduced lot area to permit a converted dwelling at 25 Gower Street represented intensification through zoning within a Special Policy Area which was not consistent with UTRCA policy. While the Conservation Authority could not support the requested minor variance because it was not consistent with our policy, we acknowledged that the relief being sought was minor in nature and deferred to the Committee of Adjustment to determine whether the variance could be justified having given full consideration to all other matters.

Based on discussions with City Planning Staff, we understand that Municipal Council has directed that a site specific zoning by-law amendment to permit a new converted dwelling at 25 Gower Street be brought forward. Similarly, the UTRCA cannot support this Zoning By-Law Amendment and we defer to the City regarding the justification for the amendment.

Environmental & Parks Planning

There are no natural heritage features on site that require evaluation. The applicant does not appear to be altering the exterior of the property and will not impact the existing trees on site or the existing fencing abutting Kensington Park. If alterations are proposed to the rear of the property E&PP staff will provide requirements through the site plan stage.

- Standard park fencing (SPO 4.8) will be required along the rear property line;
- Parkland dedication has not been provided for this property. At the time of development, cash-in-lieu of parkland will be required as a condition of the development agreement. Consistent with the Council approved parkland dedication By-law CP-9, cash will be collected.

Transportation Planning & Design

Reviewed the application and has no comments to offer at this time.

Wastewater and Drainage Division

Reviewed the application and has no comment with regard to this application.

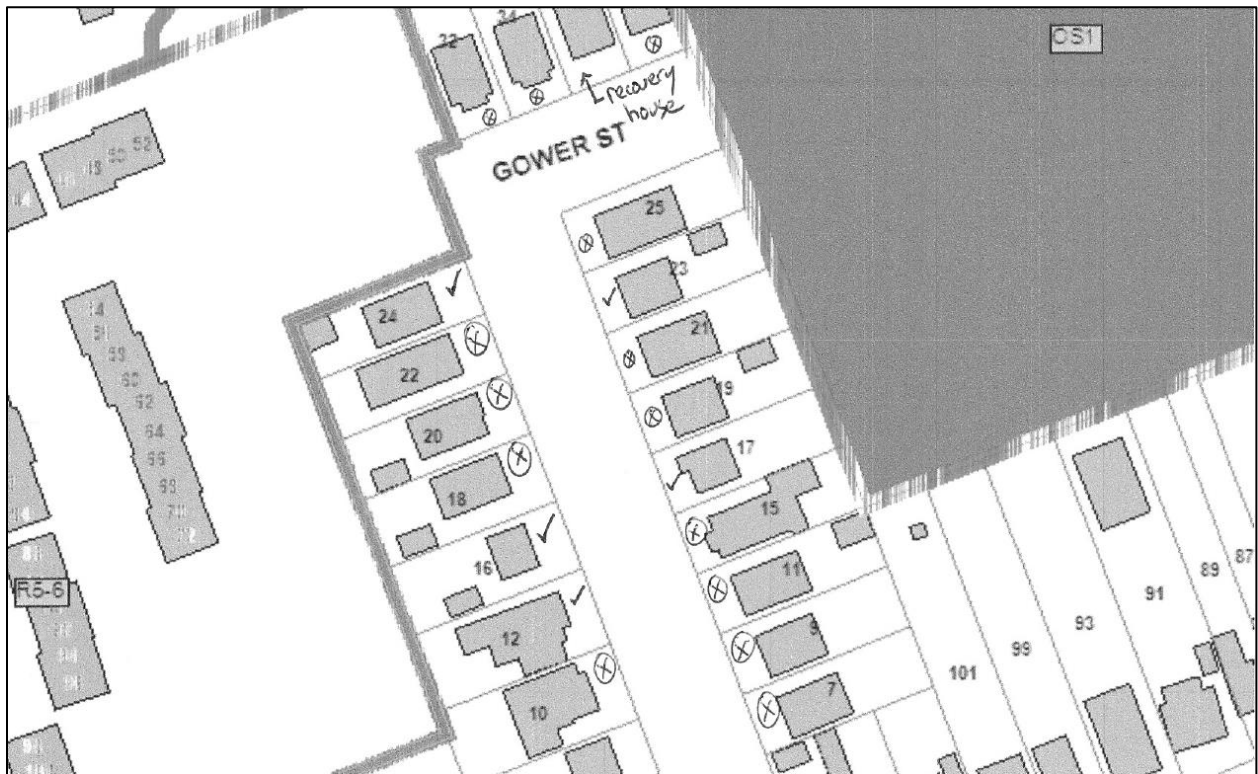
PUBLIC LIAISON:	On July 14, 2016, Notice of Application was sent to 99 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on August 18, 2016.	2 replies were received
<p>Nature of Liaison: The purpose and effect of this zoning change is to permit the interior alteration of an existing dwelling located at 25 Gower Street to a new converted dwelling with two units. There is an active Minor Variance application being considered for the subject site which was discussed at the Public Participation Meeting on June 20, 2016 with the Planning & Environment Committee while Municipal Council simultaneously considered a broader amendment to the Zoning By-law for lands zoned R2 within the Blackfriars/Petersville Area. At their regular meeting of June 23, 2016 Municipal Council directed staff to make this site specific amendment, noting that the property at 25 Gower Street be exempt from the zoning by-law restrictions implemented on the Residential Special Provision R2-2(19) Zone for lands within the Blackfriars/Petersville Area. Possible change to Zoning By-law Z.-1 FROM a Residential Special Provision R2-2(19) Zone TO a Residential Special Provision R2-2(17) Zone to permit a converted dwelling (maximum 2 dwelling units).</p>		

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Responses: Seeking clarification on what the application is about

As part of the Minor Variance application and further to the City's Notice of Application, the property owner of 25 Gower Street spoke with neighbouring residents. The following map was prepared and submitted by Mr. Torhjem showing what he understands to be rental properties (as noted with an X in a circle) as well as those that are owner occupied (as noted with a checkmark).



The applicant contacted neighbouring property owners and obtained signatures from 16, 17 and 23 Gower Street. He further advised with the exception of two properties which he has not made contact (being 12 and 24 Gower Street) based on his conversations it appears that there are no concerns with the proposed development.

CONCLUSION

The June 2016 Zoning Bylaw amendment to prohibit development of new converted dwellings within the Blackfriars/Petersville Area forms greater consistency with policies for flood prone areas including the "UTRCA Interim Policies for City of London Candidate Special Policy Areas" in place since 1991 which recognizes development within the floodplain as provided for in the Provincial Policy Statement. The new bylaw amendment allows for a site specific exception.

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PREPARED BY:	SUBMITTED BY:
AMANDA-BREA WATSON, MCIP RPP PLANNER II, URBAN REGENERATION	GREGG BARRETT, AICP MANAGER, LONG RANGE PLANNING AND RESEARCH
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

August 2, 2016

ABW

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

<u>Telephone</u>	<u>Written (email)</u>
Jane Knight 24 Gower Street London ON N6H 2E6	NONE
36 Gower Street St. Stephen’s House of London	

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Bibliography of Information and Materials
Z-8648

Request for Approval:

City of London Zoning Bylaw Amendment Application Form, completed by City London, June 29, 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.

Correspondence: (all located in City of London File No. Z-8602)

City of London -

Giesen A., City of London Transportation Planning & Design. E-mail to A-B. Watson. July 15, 2016.

Moore R., City of London Wastewater and Drainage Division. E-mail to A-B. Watson. July 20, 2016.

Page B., City of London Environment and Parks Planning. Memoe to A-B. Watson. July 28, 2016.

Departments and Agencies -

Creighton C., UTRCA. Letter sent via email to A-B. Watson. August 2, 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 land located at 25 Gower Street,
within the Blackfriars/Petersville Area

WHEREAS the City of London has applied to rezone an area of land located at 25 Gower Street, within the Blackfriars/Petersville Area, 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 lands located at 25 Gower Street, within the Blackfriars/Petersville Area, as shown on the attached map comprising part of Key Map No. A106, from a Residential Special Provision R2-2(19) Zone to a Residential Special Provision R2-2(17) Zone.

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 September 13, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - September 13, 2016.
Second Reading - September 13, 2016.
Third Reading - September 13, 2016..

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Appendix "B"
Except from Council Minutes of June 23, 2016

21. Blackfriars/Petersville Area (Z-8602)

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application by the City of London, with respect to the Blackfriars/Petersville Area:

- a) the proposed by-law appended to the staff report dated June 20, 2016 as Appendix "A", relating to the Blackfriars/Petersville Area BE INTRODUCED at the Municipal Council meeting to be held on June 23, 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 Special Provision R2-2(17) Zone, TO a Residential Special Provision R2-2() Zone. (2016-D09); and,
- b) the Civic Administration BE DIRECTED to initiate a Zoning By-law Amendment process to exempt the property located at 25 Gower Street from the zoning by-law restrictions implemented by a) above;

it being pointed out that at the public participation meeting associated with this matter, the individual indicated on the ~~attached~~ public participation meeting record made an oral submission regarding this matter. (2016-D09)