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File No: Z-8046
Planner: N. Musicco

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: INSITES CONSULTING 1197 YORK STREET AND 1201-1203 YORK STREET PUBLIC PARTICIPATION MEETING ON JULY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Insites Consulting relating to the property located at 1197 York Street and 1201-1203 York Street:

- (a) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential (R2-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (to a maximum of 2 units) **TO** a Residential Special Provision (R2-2()) Zone to allow for converted dwellings (maximum of four dwellings per building) on lots having a minimum lot frontage of 12 meters and a minimum lot area of 520m² and to recognize existing front yard, rear yard and interior yard setbacks **BE REFUSED** for the following reasons:
- The current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood, consistent with the Provincial Policy Statement;
 - The requested amendment has the potential to create impacts on the abutting land owners resulting from the introduction of a multiple unit residential development into a stable residential area;
 - The requested amendment could set a further precedent for additional multiple unit residential uses and erode the residential character of the area;
 - The proposed amendment would constitute "spot" zoning, and is not considered appropriate in isolation from the surrounding neighbourhood;
 - For the abovementioned reasons, the requested Zoning By-law amendment is not consistent with the Official Plan

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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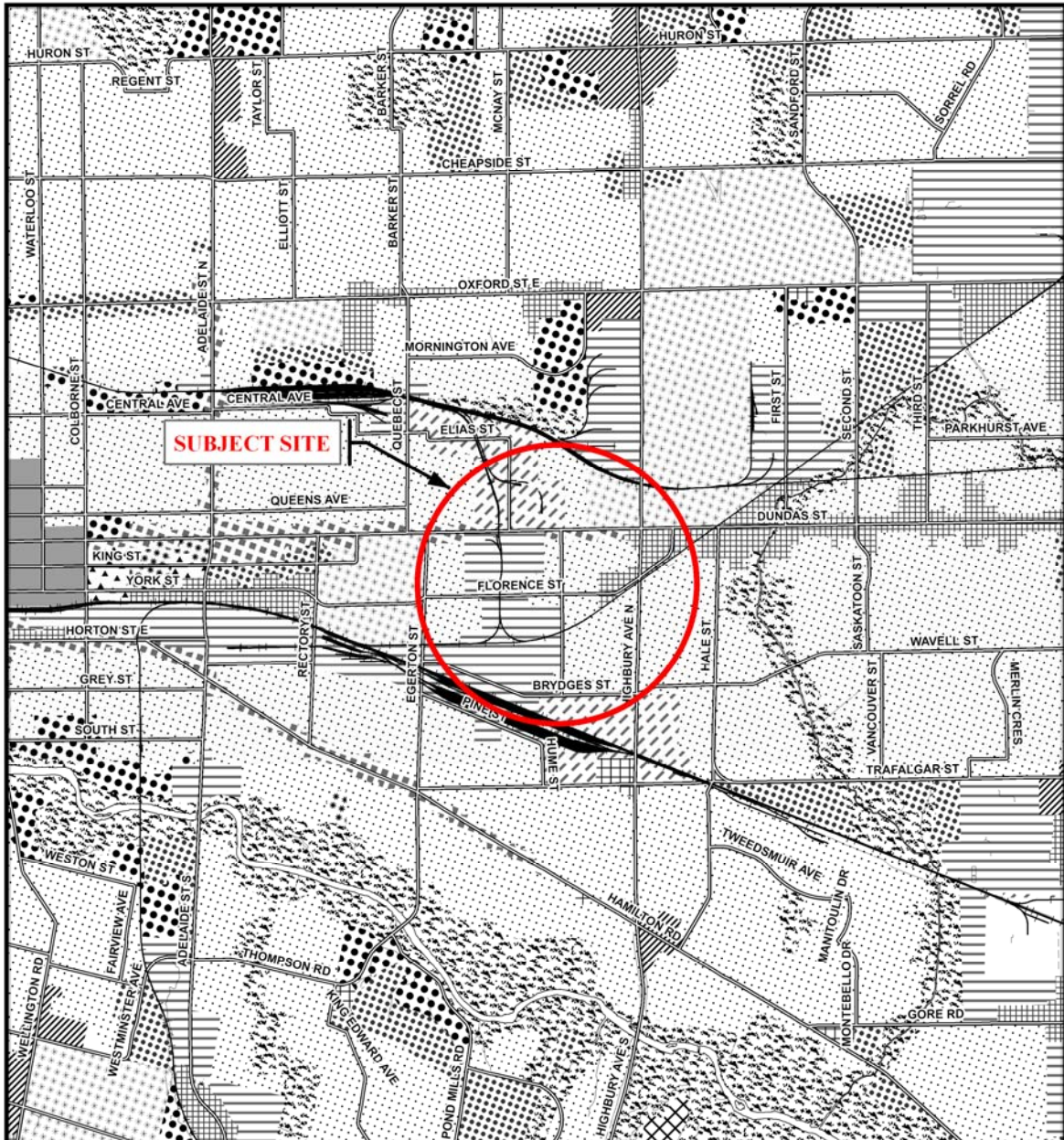
None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed recommendation will refuse the application to allow for one additional dwelling unit in the property located at 1197 York Street (a legal non-conforming triplex) and two additional dwelling units in the property located at 1201/1203 York Street.

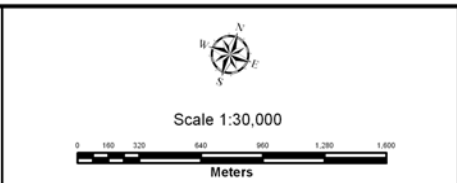
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Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density 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

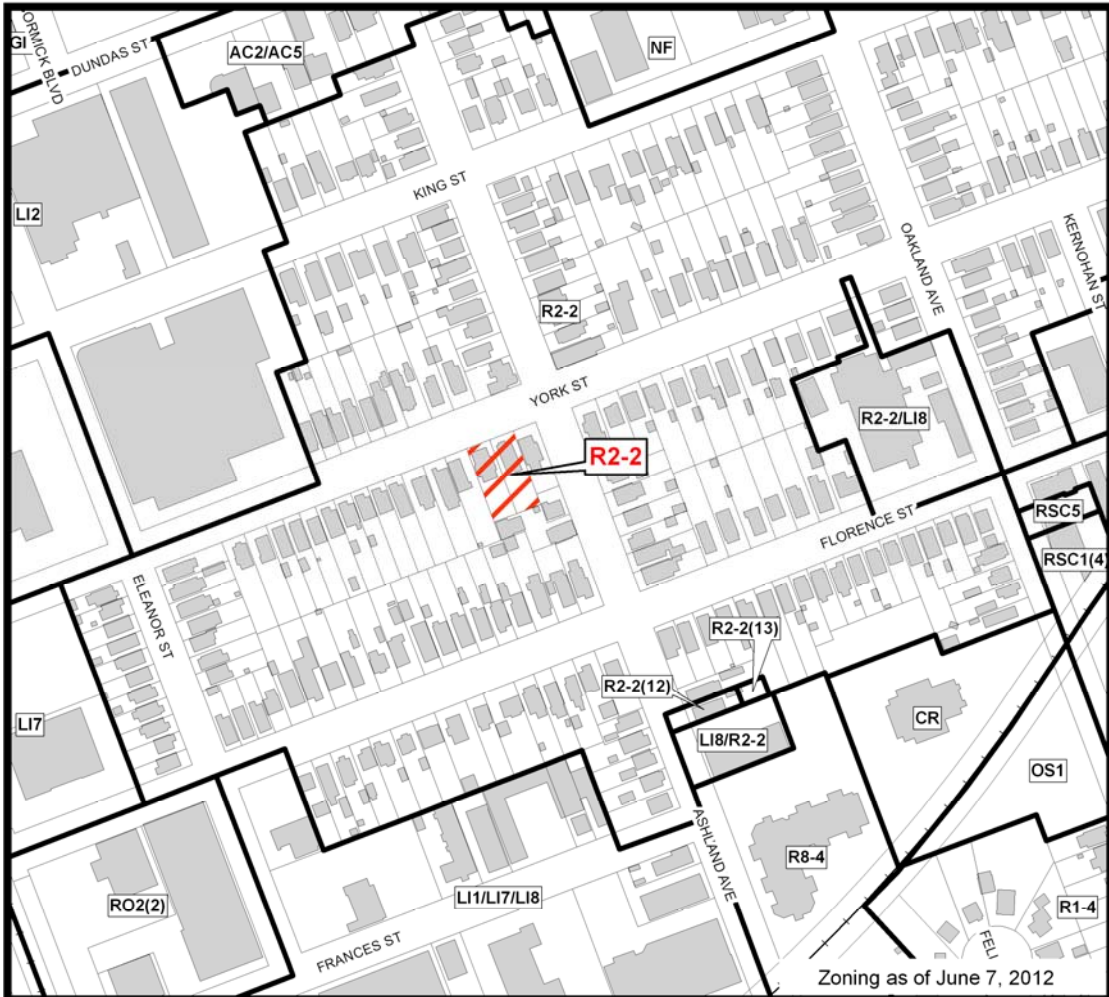
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8046
 PLANNER: NM
 TECHNICIAN: CK
 DATE: 2012/06/21

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

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

- 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

- 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

2) ANNEXED AREA APEALED AREAS

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-8046 NM

MAP PREPARED:
 2012/06/21 CK

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RATIONALE

The rationale for the recommendation for refusal of the requested Zoning By-law amendment is that the requested Zoning By-law amendment is not consistent with the Official Plan:

- The current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood;
- the requested amendment has the potential to create impacts on the abutting land owners;
- the requested amendment could set a further precedent for additional multiple unit residential uses and erode the residential character of the area; and
- the proposed amendment would constitute "spot" zoning, and is not considered appropriate in isolation from the surrounding neighbourhood

BACKGROUND

Date Application Accepted: April 18, 2012	Agent: Insites Consulting (Ben Billings)
REQUESTED ACTION: Possible amendment to the Zoning By-law Z.-1 FROM a Residential (R2-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (to a maximum of 2 units) TO a Residential Special Provision (R2-2()) Zone to allow for converted dwellings (maximum of four dwellings per unit) on lots having a minimum lot frontage of 12 meters and a minimum lot area of 520m2 and to recognize existing front yard, rear yard and interior yard setbacks.	

SITE CHARACTERISTICS: <ul style="list-style-type: none"> • Current Land Use – Residential R2 zone containing two fourplex dwellings. • Frontage – 1197 York Street = 12.78 m. 1201-1203 York Street = 13.10 m. • Depth - 1197 York Street = 40.77 m. 1201-1203 York Street = 40.77 m. • Area - 1197 York Street = 521 m2 1201-1203 York Street = 534 m2 • Shape – Rectangular
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SURROUNDING LAND USES: <ul style="list-style-type: none"> • North - Residential R2 uses single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (max. 2 units). • South - Residential R2 uses single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (max. 2 units). • East - Residential R2 uses single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (max. 2 units). • West - Residential R2 uses single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (max. 2 units).
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OFFICIAL PLAN DESIGNATION: Low Density Residential (refer to Official Plan Map)
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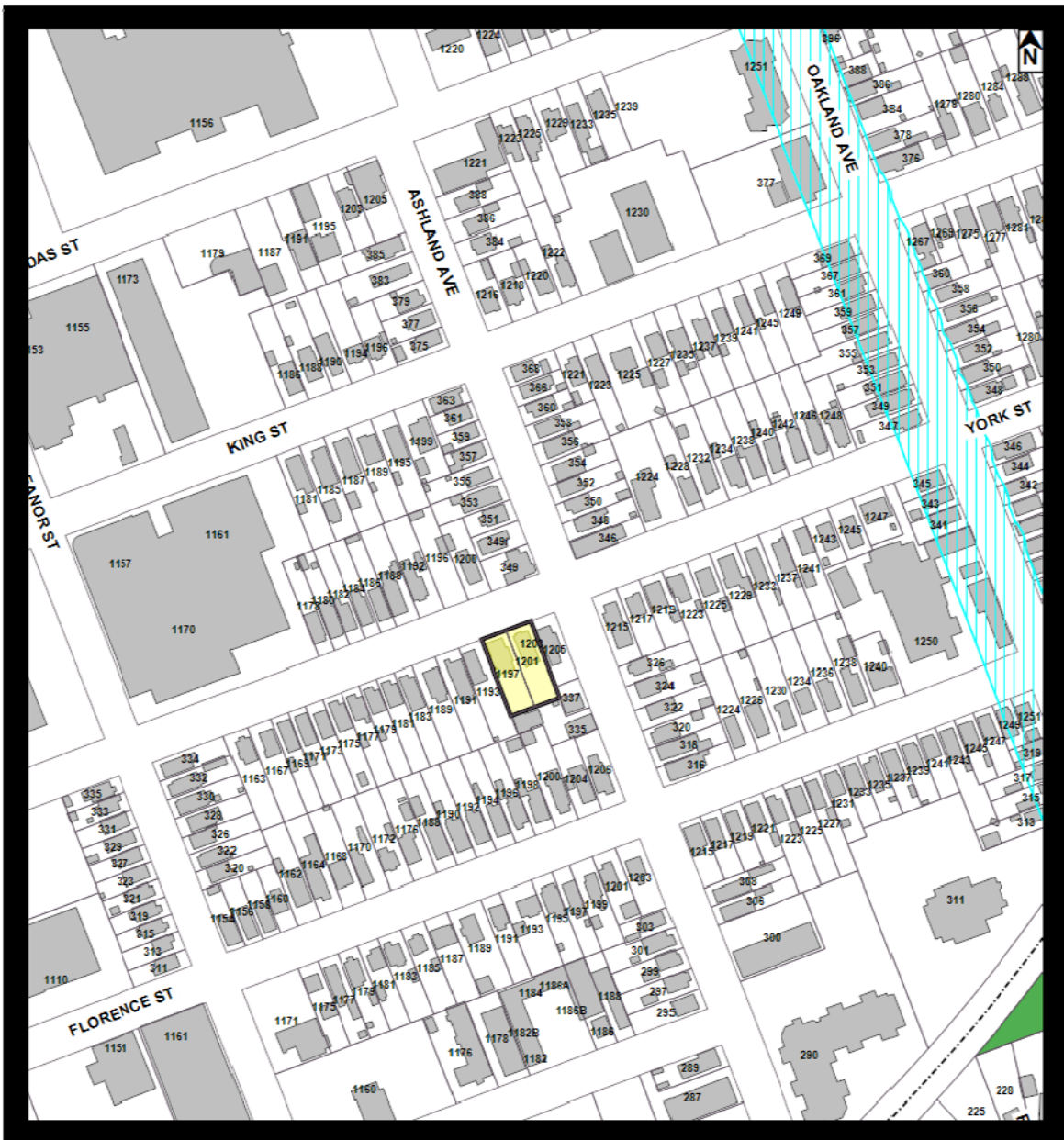
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The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

EXISTING ZONING: Residential R2 Zone (refer to Zoning Map)

The R2 Zone variation provides for and regulates low density residential development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings and two unit converted dwellings.

Location Map



PLANNING HISTORY

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A history of by-law and property standard complaints exists on the property. Below are complaints that were received and documented in the City of London Amanda tracking system.

1197 York Street

- 2007 - By-law Enforcement - Assessed as duplex, being used as a triplex.

1201/1203 York Street

- 1989 - Converted Complaint – Two apartments in basement.
- March 19, 2010 – By-law Enforcement - Applied for a Rental License as fourplex; zone doesn't permit, 72/73 assessment = 2 units.
- April 29, 2010 – Violations By-law – Illegal land use.

In 1990, an application was submitted to the City to amend the zone for 1201/1203 York Street to allow for 4 units. The application was returned to the owner with a letter indicating that the two additions units would not be deemed to conform as per Section 1.3. According to the By-law Department records, 1197 York Street is considered to be a legal non-conforming use (for 3 units).

On December 21, 2012, representatives for the property owner consulted with Planning Staff to discuss the possibility of rezoning 1201/1203 York Street to permit a fourplex dwelling. A subsequent Planning Assessment Report was submitted on January 2, 2011 to the Planning Division outlining the merits of a Zoning By-law amendment for 1201/1203 York Street. The report was internally circulated for review and comment. As a result of the circulation, it was indicated that a “site specific” Zoning By-law amendment would not be considered without significant justification including a review of other properties within the existing neighbourhood.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

PUBLIC LIAISON:	On April 20, 2012, a Notice of Application was sent to 121 property owners in the surrounding area. Notice of Application was also published in the “Living in the City” section of the London Free Press on April 21, 2012. A “Possible Land Use Change” sign was also posted on the site.	2 responses received
Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 FROM a Residential (R2-2) Zone which permits singles, semi-detached, duplex and converted dwellings (to a maximum of 2 units) TO a Residential Special Provision (R2-2()) Zone to allow for converted dwellings (maximum of four dwellings per unit) on lots having a minimum lot frontage of 12 meters and a minimum lot area of 520m2 and to recognize existing front yard, rear yard and interior yard setbacks.		
Responses: 1201 Florence Street – No objection. 354 Ashland Avenue – No objection		

Development Planning

Site plan approval is required for each property. A site plan cannot be approved unless there is a formal right-of-way in place allowing access for 1201 and 1203 across 1197 York Street.

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The applicant will need to consult Building or Engineering regarding fire proofing the building and providing appropriately sized PDC's.

Wastewater and Drainage Engineering (Sanitary Sewers)

No objection.

Stormwater Management (Water Engineering)

The Stormwater Management controls may be required (i.e. water quality, water quantity and erosion control) if future proposed alterations or proposed additional development are considered on this site. Future comments will be made at Site Plan Approval.

London Hydro

London Hydro has no objection.

Urban Forestry – City of London

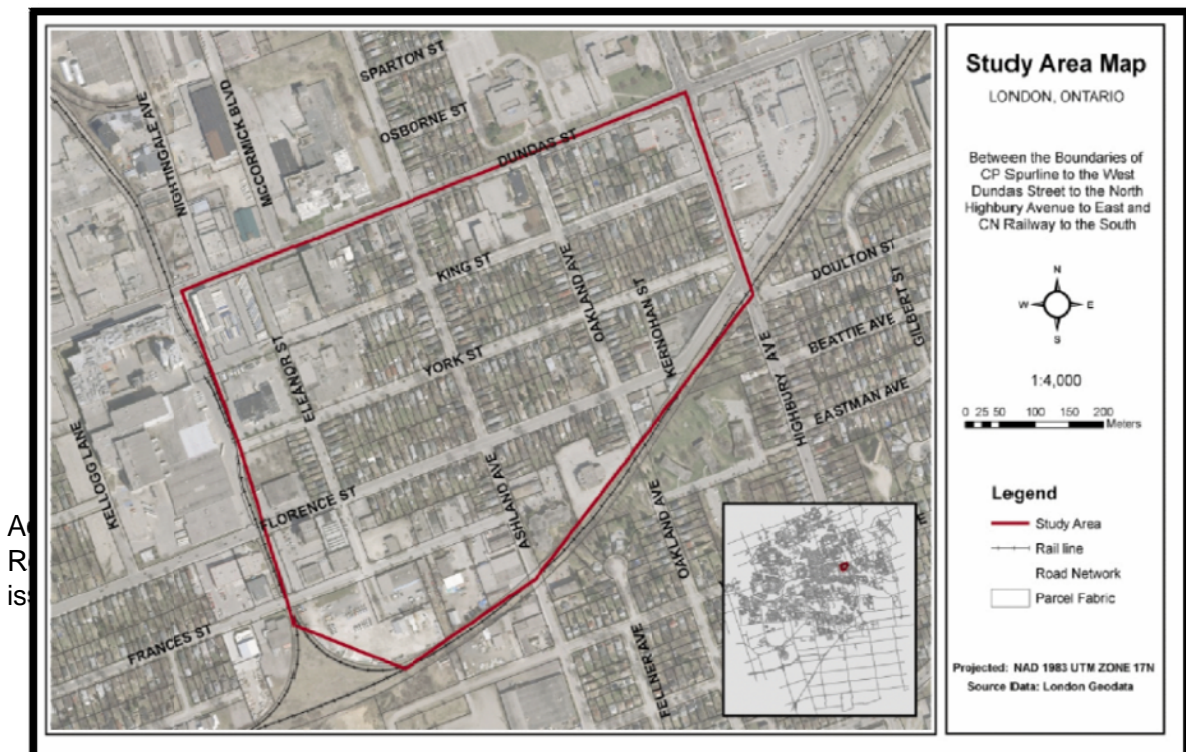
Urban Forestry has no objection to this application.

ANALYSIS

The subject sites are located in East London, south of Dundas Street and West of Highbury Avenue. The two residential buildings that occupy the sites were constructed in 1928 and 1902. The property owner at 1197 York Street is seeking an amendment to add an additional dwelling unit to the legal non-conforming triplex, for a total of four units. The property owner at 1201/1203 York Street is seeking an amendment to add two additional dwelling units to the legal duplex. There are no changes/alterations being proposed to the buildings as part of this application.

York Street East Residential Intensification Study – *Insites Consulting – April 29, 2012*

As part of a complete Zoning By-law amendment application, the City of London Planning Department requested that a Residential Intensification Study be submitted. Insites Consulting undertook the study which included the area bounded by Dundas Street to the north, Highbury Avenue to the east and an industrial rail line to the south and west. The total study area included 41 hectares. The study area contained a total of 360 properties of which 301 (84%) are residential properties. A significant portion of the study area below is designated Low Density Residential and zoned Residential R2. The primary permitted uses in the Low Density Residential designation and the Residential R2 zone includes single detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings (max. 2 units).



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- In 2009, a new 2 storey house with 2 car garage with an unfinished basement was constructed including a conversion from a single family dwelling to a duplex.
- In 2011, a new single family dwelling was constructed with an unfinished basement.

Provincial Policy Statement

The Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It is intended to be read in its entirety and the relevant policies are to be applied in each situation. As it relates to this application, the PPS provides some direction to this matter. *Under Section 3(5) of the Planning Act, the decision of Council must 'be consistent with' the policies of the Provincial Policy Statement.*

Appropriate Mix of Land Uses

The Provincial Policy Statement promotes the accommodation of an appropriate range and mix of residential, employment (industrial, commercial and institutional uses), recreation and open space uses to meet long term needs. Planning authorities are to provide for an appropriate mix and range of employment and opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. They shall also maintain an adequate supply of lands available for residential intensification and redevelopment

Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs while achieving efficient development patterns. The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through municipal official plans. Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The current Official Plan designation and Zoning allows for intensification of up to a maximum of two units per building. 1197 York Street and 1201/1203 York Street are located in a stable and predominately single family residential neighbourhood. The requested amendment to allow a maximum of four units per building would result in over-intensification. Allowing more than two units per building is not consistent with the Provincial Policies and is not consistent with the City of London Official Plan policies.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

Residential intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form. The proposed amendment is not consistent with the policies of the Official Plan. The proposed amendment would permit residential intensification. Residential intensification is defined in section 3.2.3.1 of the Official Plan as: the conversion or expansion of existing residential buildings to create new residential units or accommodation. It is the intent of the Official Plan to permit and encourage residential intensification where it can be demonstrated to be compatible with the abutting residential uses. *Section 3.2.3 states; where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supersede them.*

3.2.3.1- Definition

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

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- redevelopment, including the redevelopment of brownfield sites
- the development of vacant and/or underutilized lots within previously developed areas;
- infill development, including lot creation;
- the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- the conversion or expansion of existing residential buildings to create new residential units or accommodation.

3.2.3.2 - Density and Form

Areas within the Low Density Residential designation may be zoned to permit the conversion of single detached dwellings to add one or more dwelling units. Site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged. Accessory dwelling units may be permitted in accordance with Section 3.2.3.8. of this Plan.

The Official Plan policies for this area are appropriate, promote neighbourhood stability and allow for some intensification and redevelopment of residential properties. Permitting more than two units per building is not compatible with the policies of the Official Plan nor with the abutting residential uses.

Zoning By-law
Current Zoning

The property is currently zoned Residential R2 (R2-2). The current zone allows for single detached, semi detached, duplex and converted dwellings to a maximum of two units. Currently, 1201-1203 York Street is functioning as a four unit converted dwelling and 1197 York Street is functioning as a three unit converted dwelling. The existing zone is intended to limit the intensity of the use to two units maximum. The existing zone is consistent with the properties to the north and is intended to maintain the scale and character of the neighbourhood. The existing zone is consistent with the Official Plan.

The R2 Zone variation provides for and regulates low density residential development in the form of single detached dwellings, semi-detached dwellings, duplex dwellings and two unit converted dwellings. The Residential R2 Special Provision (R2-2(9)) Zone also provides regulations on floor area ratio/ maximum gross floor area for lots less than 400m², lots between 401-500 m², lots between 501-700 m², lots between 701 m²-1000m² and lots over 1000m².

Proposed Zoning

The proposed amendment is to permit a Residential R2 Special Provision (R2-2 ()) Zone to be applied to these two properties specific to permit a converted dwelling with four dwelling unit per property. Special provisions are required to allow for the building as it exists to conform to the Residential R2 (R2-2) Zone. The following special provisions are required to allow a four unit converted dwelling are for the property located at 1197 York Street:

- A minimum front yard setback of 2.7m, where 4.5m is required
- A minimum east interior side setback of 1.9m, where 3.0m. is required; and
- A minimum west interior side setback of 0.7m where 1.8m is required.
- A maximum height of 12m where 10.5m is permitted.

The special provisions required to allow a four unit converted dwelling are for the property located at 1201/1203 York Street include:

- A minimum front yard setback of 3.1m, where 4.5m is required
- A minimum east interior side setback of 2.6m, where 3.0m. is required; and
- A maximum height of 12m where 10.5m is permitted.
- A maximum off street parking area coverage of 25.4% where 25% is permitted.

The Zoning By-law Z.-1 requires that all required parking for a use be provided on the lot. Four parking spaces have been provided per lot however a special provision is required to permit an off street parking area coverage of 25.4% where 25% is allowed for the property located at 1201/1203 York Street.

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The proposed Residential R2 Special Provision (R2-2()) zone has been specifically requested to allow for a converted three unit dwelling for this one property only. Rezoning the subject property in isolation from the surrounding area represents "spot" rezoning and should be discouraged. The requested amendment could set a further precedent for specific zoning amendments to allow for additional multiple unit residential uses which would erode the existing residential character of the area. The current zoning for this area is considered appropriate and allows for an appropriate level of intensification. The current zone allows for redevelopment to a maximum of two dwelling units that is compatible with the surrounding residential neighbourhood.

As a comparison, the Residential R3 Zone permits fourplex and converted dwellings (to a maximum of four dwelling units). The Residential R3 zone variation allows for converted dwellings with a maximum of 4 units and a minimum lot area of 180m2/unit. A minimum lot area of 720m2 is required in order to support 4 units. The applicant is seeking a special provision to allow for minimum lot area of 520m2 within the Residential R2 zone which is less than the minimum lot area required for a converted fourplex. Rezoning the subject property in isolation from the surrounding area represents "spot" rezoning and should be discouraged.

The requested amendment could set a further precedent for specific zoning amendments to allow for additional multiple unit residential uses which would erode the existing residential character of the area. The current zoning for this area is considered appropriate and allows for an appropriate level of intensification. The current zone allows for a maximum of two dwelling units per building which is compatible with the surrounding residential neighbourhood.

CONCLUSION

The Official Plan designation is Low Density Residential. The requested amendment to Zoning By-law Z.-1 would constitute "spot" zoning, over intensification and is not considered appropriate in isolation from the surrounding neighbourhood. The proposed recommendation will refuse the application to allow for one additional dwelling unit in the property located at 1197 York Street (a legal non-conforming triplex) and two additional dwelling units in the property located at 120111203 York Street. The Official Plan policies and zoning for this area are appropriate, promote neighbourhood stability and allow for some intensification and redevelopment of residential properties

PREPARED BY:	SUBMITTED BY:
NICOLE MUSICCO – PLANNER II COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING & CITY PLANNER	

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Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone Response:
Jacqueline Sillers - 1201 Florence Street.

Email Response:
Bill Pengelly – 354 Ashland Avenue

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Bibliography of Information and Materials
Z-8046

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Insites Consulting , April 4, 2012

Reference Documents:

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

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

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 01, 2005.

City of London, Notice of Application, April 20, 2012

City of London, Living in the City – April 21, 2012

City of London, Notice of Public Meeting – June 29, 2012

City of London, Living in the City – June 30, 2012

Residential Intensification Report – Insites Consulting – April 2012

Correspondence: (all located in City of London File No. 2-8018 unless otherwise stated)

City of London

Rick Postma - Parks Planning - Email to N. Musicco - April 24,2012

Jeff Leunissen - Development Services - Email to N. Musicco - April 24,2012

External Responses

D. Dalrymple, London Hydro, Memo to N. Musicco, April 24,2012

Various emails between N. Musicco and Ben Billings- April2012-June 2012
Submitted Studies

Planning Justification Report, Insites Consulting, April 2012

Residential Intensification Report - Insites Consulting – April 2012

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