

--	--

File: Z-8075
Planner: E. Ling

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SHANA'A HOLDINGS INC. 260 SARNIA ROAD PUBLIC PARTICIPATION MEETING ON 24 SEPTEMBER, 2012

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Shana'a Holdings Inc. relating to the property located at 260 Sarnia Road.

- a) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-9) Zone which permits single detached dwellings, **TO** a Residential R3 (R3-3) Zone to permit single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings and fourplex dwellings, **BE REFUSED** for the following reasons:
- i. The requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* that encourage efficient development and land use patterns which sustain the financial well-being of the municipality.
 - ii. The requested amendment is not consistent with the Residential Intensification policies of the Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained.
 - iii. The requested amendment is not consistent with Council adopted Near Campus Neighbourhoods Strategy policies regarding coordinated and comprehensive applications for intensification as opposed to site-specific developments.
 - iv. The requested amendment is not consistent with Council adopted policies pertaining to the Great Near Campus Neighbourhoods Strategy which encourage intensification in medium and high density designations and forms and discourage continued intensification in low density forms of housing.
 - v. The requested amendment would constitute "spot" zoning and is not considered appropriate in isolation from the surrounding neighbourhood. The subject site does not have any special attributes which warrant a site specific amendment to permit the proposed form and intensity of development.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The requested amendment is to amend the Zoning By-law to permit a *fourplex* under the infill policies of the Official Plan. The recommended action is to refuse the requested amendment.

--	--

File: Z-8075
Planner: E. Ling

RATIONALE

1. The requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* that encourage efficient development and land use patterns which sustain the financial well-being of the municipality.
2. The requested amendment is not consistent with the Residential Intensification policies of the Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained.
3. The requested amendment is not consistent with Council adopted Near Campus Neighbourhoods Strategy policies regarding coordinated and comprehensive applications for intensification as opposed to site-specific developments.
4. The requested amendment is not consistent with Council adopted policies pertaining to the Great Near Campus Neighbourhoods Strategy which encourage intensification in medium and high density designations and forms and discourage continued intensification in low density forms of housing.
5. The requested amendment would constitute “spot” zoning and is not considered appropriate in isolation from the surrounding neighbourhood. The subject site does not have any special attributes which warrant a site specific amendment to permit the proposed form and intensity of development.

BACKGROUND

Date Application Accepted: June 28, 2012	Agent: Zelinka Priamo Ltd. c/o Casey Kulchycki
REQUESTED ACTION: To rezone the subject lands Residential R3 (R3-3) to permit the construction of a new fourplex dwelling.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Single detached dwelling converted to two unlicensed residential rental units featuring four (4) and three (3) bedrooms respectively (not a permitted use). • Frontage – approx. 34.1m (112ft) • Depth – approx. 43.5m (143ft) • Area – approx. 1 483.6m² (0.37ac/0.15ha) • Shape – Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Vacant Land Designated RF and Zoned Residential R1, Brescia University College Campus parking lot (OZ-7955) and residence building (to be constructed). • South – Single detached residential dwelling(s) • East – University of Western Ontario student residence building (5-storeys, 1,000 beds) • West - Single detached residential dwelling(s).

--	--

**File: Z-8075
Planner: E. Ling**

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map p.5)
LOW DENSITY RESIDENTIAL The primary objective of the Low Density Residential designation is to enhance the character and amenities of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected. The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. 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. The Official Plan may permit residential Intensification which exceeds the densities and range of residential unit types in the Low Density Residential designation.
EXISTING ZONING: (refer to Zoning Map)
Residential R1 (R1-9)

PLANNING HISTORY

- On June 28, 2012 the applicant submitted an application for Zoning By-Law amendment to a Residential R3 Zone (R3-3) to permit the construction of a fourplex dwelling, and to demolish the existing dwelling and detached garage.
- Previous property standards violations re. Residential Rental Unit Licensing (Oct. 2010/Nov. 2011 – operating rental unit(s) without a license), slumping retaining wall (2007), excessive garbage (2006), oversized vehicle parking (2003).
- Application for Official Plan and Zoning By-law Amendment in 1991 (OZ-4400/T. Rudell) to change from Low Density Residential to a Multi-Family Medium Density Residential Designation and Zone to Residential R5-4/CF1 to permit six townhouses or alternatively a group home Type 2 at 260 Sarnia Road (different applicant). Council refused amendment due to;
 - o “Recent” construction (at the time) of single new detached dwellings, reinforcing the desirability of the neighbourhood as Low Density Residential.
 - o Determined that Multi-Family Medium Density areas, in close proximity to the University, are appropriate but must be developed in a comprehensive manner; not property by property.
 - o Negative neighbourhood response (fumes and noise from parking, re-grading could lead to privacy concerns, absentee landlord concerns, property maintenance and standards concerns. The remainder of the concerns centred on “group home” permission.

Note: The refusal was appealed to the OMB but the appeal was eventually dropped.

Empty boxes for Agenda Item # and Page #






File: Z-8075
Planner: E. Ling



LOCATION MAP

Subject Site: 260 Sarnia Rd
Applicant: Shana'A Holdings Inc
File Number: Z-8075
Planner: Ethan Ling
Created By: Ethan Ling
Date: 2012-07-17
Scale: 1:3700

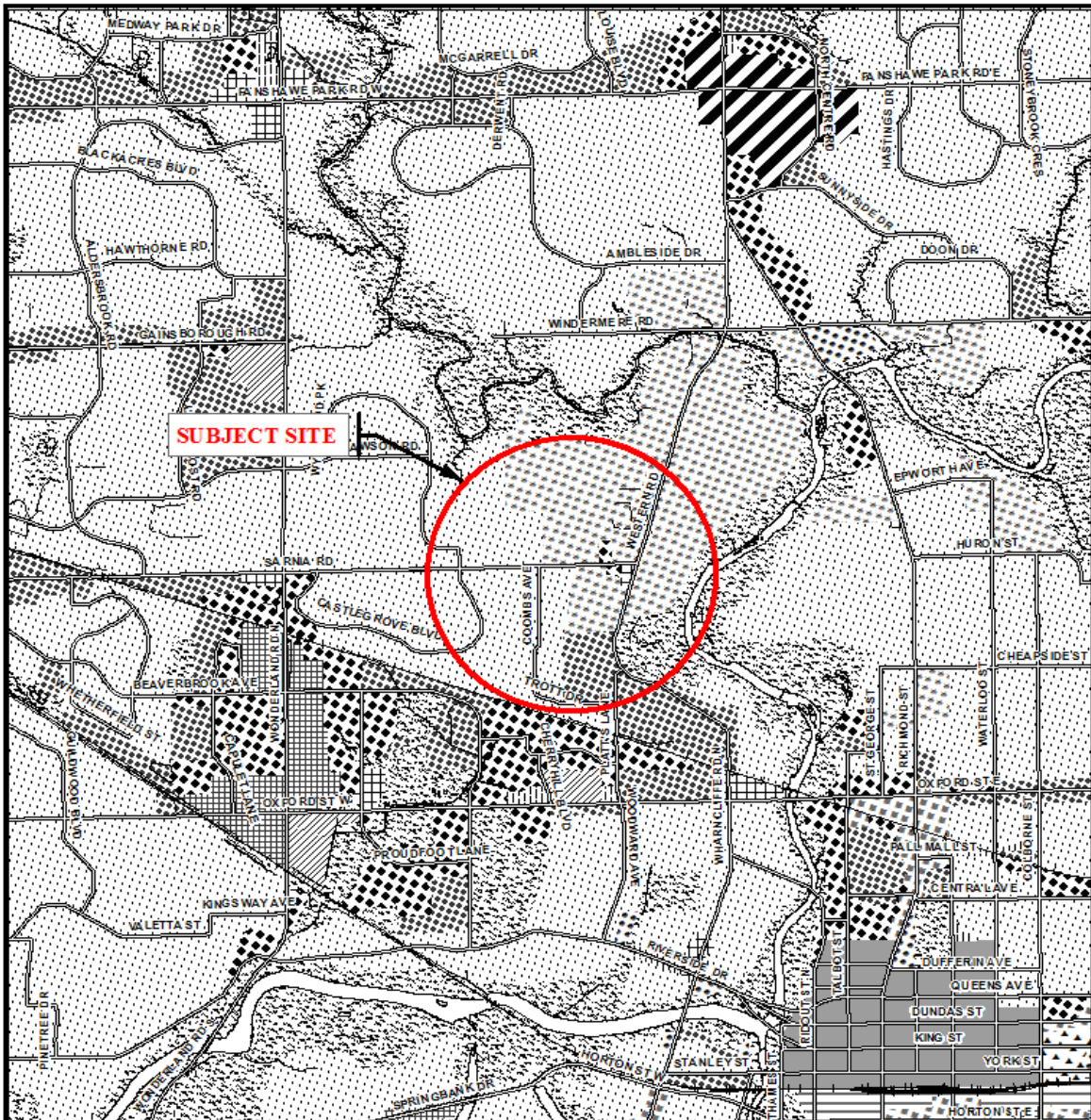
LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London
Prepared By: Planning, Environmental

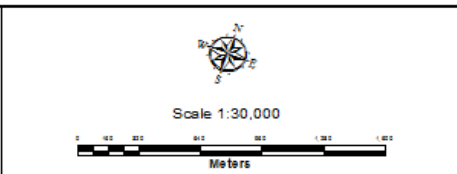


--	--



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

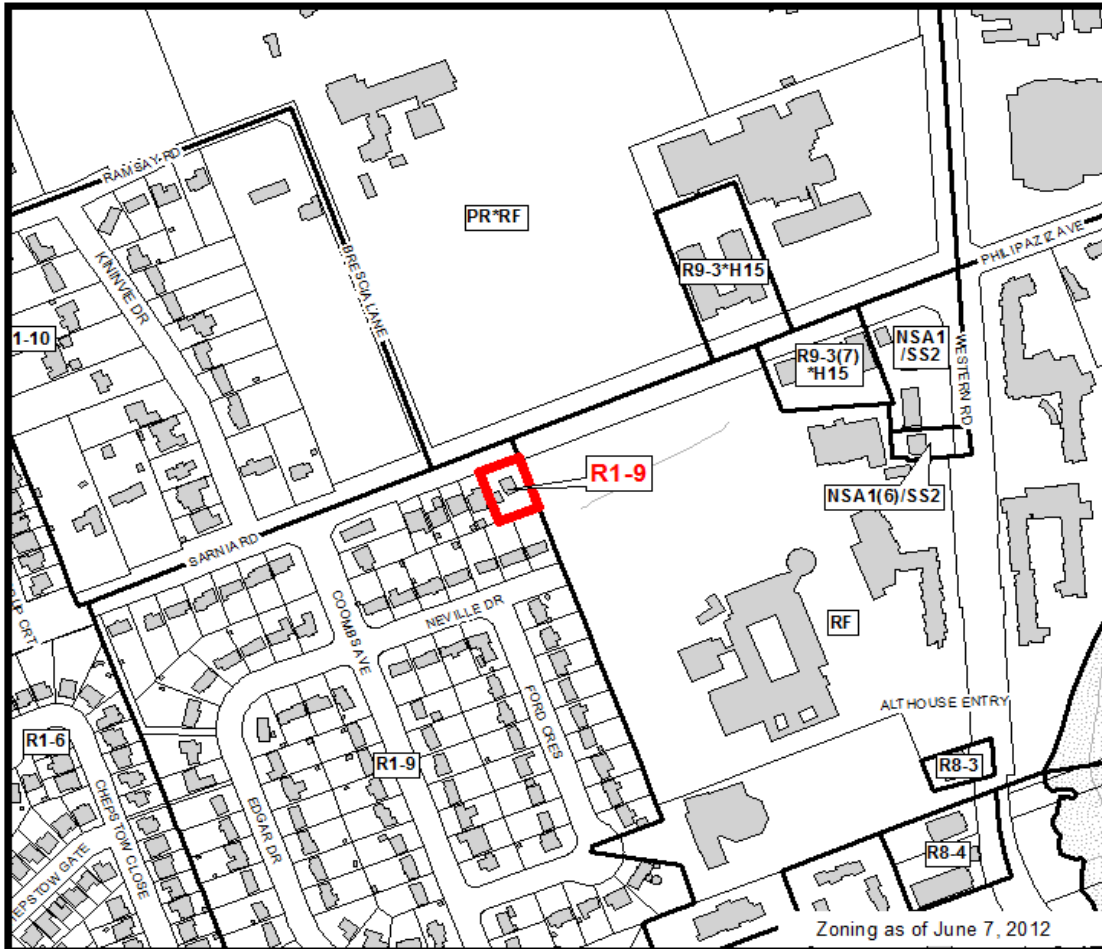


FILE NUMBER: Z-8075
 PLANNER: EL
 TECHNICIAN: CK
 DATE: 2012/07/30

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

--	--

File: Z-8075
Planner: E. Ling



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9

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 APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
Z-8075 EL

MAP PREPARED:
2012/07/30 CK

1:4,500
0 20 40 80 120 160
Meters

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

--	--

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro
No objection

Stormwater Management Unit

The SWM Unit does not support the application until further review of a proposed site servicing/drainage works stormwater management plan. Current indications show the topography of the land to slope to the south, and there is no fronting storm sewer. Further intensification could cause storm water runoff to adversely impact neighbouring properties.

Transportation Planning & Design Division
No comment

Upper Thames River Conservation Authority (UTRCA)

CONSERVATION AUTHORITIES ACT:

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.

CLEAN WATER ACT:

The Clean Water Act (CWA), 2006 is intended to protect existing and future sources of drinking water. Drinking Water Source Protection represents the first barrier for protecting drinking water including surface and ground water from becoming contaminated or overused thereby ensuring a sufficient, clean, safe supply now and for the future. The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Well Head Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. The subject property is located in an area with Highly Vulnerable Aquifers and is in a Significant Groundwater Recharge Area.

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
<i>Highly Vulnerable Aquifer (HVA)</i>	6	<i>Moderate & Low Threats</i>
<i>Significant Ground Water Recharge Area (SGRA)</i>	6	<i>Moderate & Low Threats</i>

NOTE: At this time, certain activities on this property may be considered Moderate or Low threats to drinking water.

PROVINCIAL POLICY STATEMENT (PPS, 2005):

Section 2.2.1 requires that:

“Planning Authorities shall protect, improve or restore the quality and quantity of water by: d) implementing necessary restrictions on development and site alteration to:

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*

In Section 2.2.2 that:

“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.”

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

--	--

**File: Z-8075
Planner: E. Ling**

RECOMMENDATION

The UTRCA has no objections to this application for zoning amendment. Our Comments are provided for the information of the municipality

Urban Design Peer Review Panel

The Urban Design Peer Review Panel offered the following comments to the applicant at their meeting August 15, 2012.

- *Consider the siting of the building; locate the building to align with the setback of the houses to the west along Sarnia Road to retain a consistent street wall.*
- *The building is a multi-unit building and it may be better to reflect this use through the architectural expression of the built form, rather than having the building reflect a single detached dwelling.*
- *If the building takes on a multi-unit form then there is an opportunity for outdoor amenity space that will make the development and the rental space more desirable.*
- *This site is a transition site and the building should reflect this; consider using materials from both the residential buildings and the institutional buildings that are located on either side.*
- *The front door, as illustrated is correctly located and should remain in that location.*
- *The secondary door at the rear is also desirable.*
- *There should be a direct pathway to the front door (straighten the existing pathway).*
- *The exposed facade along the parking should be further developed with articulation and landscaping to improve the pedestrian experience along the elevation.*
- *The proposed roof is a large expanse and should be broken up; there currently is a single dormer reducing the mass.*
- *Landscaping along the west is important to provide a barrier between this use and the neighbouring residents.*
- *Landscaping to the east should be used to mitigate the expanse of parking from the new development of student residences.*
- *A landscape plan would be useful to evaluate the design merits of the submission.*

Urban Forestry

Urban Forestry has no comments for the rezoning application so long as it is subject to site plan approval.

Wastewater & Drainage Engineering Division

There is a 300mm PVC watermain available on Sarnia Road for the proposed 4-plex. The water service for the existing dwelling must be cut and capped at the watermain. The new water service is to be in standard position and sized according to the Applicant's Engineer's specification.

There will be one service and one meter.

The applicant must ensure the adequacy of the service for the 4-plex, and if the applicant wants individual metering new services must be installed with a shutoff, and services are to have meters in meter pits.

--	--

File: Z-8075
Planner: E. Ling

PUBLIC LIAISON:	On July 23, 2012 Notice of Application was sent to 26 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 Saturday, July 28, 2012. A "Possible Land Use Change" sign was posted on the site as of July 27, 2012. Notice of Public Meeting was sent to 26 property owners in the surrounding area. Notice of Public Meeting was also published in the "Living in the City" section of the London Free Press on Saturday, September 8, 2012.	3 replies were received: 2 general inquiries 1 concern / objection
<p>Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 FROM a Residential R1 (R1-9) Zone which permits a Single Detached Dwelling TO a Residential R3 (R3-3) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings and fourplex dwellings.</p>		
<p>Responses:</p> <p>The first general inquiry was a desire to be notified if the application was passed because they wanted to do the same thing on their lot. The applicant failed to leave their name or address.</p> <p>The second general inquiry wondered if a public meeting date had yet been set.</p> <p>The concern/objection - from a neighbour – questioned:</p> <ol style="list-style-type: none"> 1. This rezoning opening the doors to further demolition and increased units in the area. 2. Increased pedestrian and vehicular traffic due to new University built and managed residences. 3. How will the City of London avoid "Fleming Drive" type incidents in this area? 4. Why allow this increase in light of the new University managed residences? 5. Will this rezoning have a positive impact on the neighbourhood? 6. Will there be a requirement for 8' fences for all rezoned properties? 		

ANALYSIS

Subject Site and Surrounding Environs

The subject site is designated Low Density Residential (LDR) on Schedule A to the City of London Official Plan (Land Use) and is located on the south side of Sarnia Road, west of Western Road, east of Coombs Avenue. This 34m (112') wide lot is twice the size of nearby residential lots along the south side of Sarnia Road, which average approximately 17m (56'). Lots fronting onto Sarnia Road on the south side feature an average depth of 43m - consistent with the subject site. Overall the subject site is consistent with the lot fabric of the adjacent low density residential lots.

The surrounding neighbourhoods to the south, west and northeast are predominantly low rise, low density single detached dwellings. Immediately adjacent to the subject site, west on Sarnia Road, there are four single detached dwellings that have a similar lot sizes and depths to the subject site.

The existing detached dwelling currently houses two units and a total of 7 bedrooms, as described in the owner's Residential Rental Unit License (RRUL) application. They have not been issued an RRUL.

--	--



Construction East of Subject Site (underway)



Construction East of Subject Site (underway)

Immediately to the east of the subject site construction of a 5-storey, 1,000 bedroom student residence is nearing completion. North of the subject site are vacant lands designated 'Regional Facility' (RF) and zoned Residential R1. Further north Official Plan and Zoning By-law Amendment (OZ-7955) permitted the relocation of a University parking lot west of Brescia Lane and south of Ramsay Road, to facilitate construction of a new 300 bed University residence for Brescia University College 250m from Sarnia Road.

--	--

File: Z-8075
Planner: E. Ling



Construction East of Subject Site (Underway)

These new projects appear to be buffered from the surrounding low density residential uses and provide on-site management, adequate amenity space and services to accommodate the scale and intensity of the residential component of the project(s).

This portion of Sarnia Road is classified as an Arterial Road on “Schedule C: Transportation Corridors” to the City of London Official Plan, with an approximate traffic volume of 22 000 vehicles per day on the road segment between the unsignalized Secondary Collector - Coombs Ave. - and the signalized intersection at Western Road (also an arterial road). The traffic volume numbers predate the two new University of Western Ontario residence buildings described above, which will also feature unsignalized access to Sarnia Road.

Nature of the Application

The applicant has requested an amendment to the City of London Zoning By-Law Z.-1 from Residential R1 (R1-9) which permits single detached dwellings to Residential R3 (R3-3) which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings and fourplex dwellings to facilitate construction of a fourplex dwelling, subsequently demolishing the existing dwelling and detached garage.

City of London Official Plan policies pertaining to residential intensification permit the application as a Zoning By-Law Amendment and forego the need for Official Plan Amendment (see “Official Plan Policies”, p.13 below).

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The policies of the PPS promote healthy, liveable and safe communities by encouraging

--	--

File: Z-8075
Planner: E. Ling

efficient development and land use patterns which sustain the financial well-being of the municipality, accommodating an appropriate range and mix of land uses and promoting cost-effective development standards to minimize land consumption and servicing costs. However, intensification of Low Density Residential dwellings in the proximity of the University of Western Ontario have resulted in significant costs being borne by the Municipality. The Municipality allocates resources toward pro-active By-law Enforcement patrols in these neighbourhoods, there are increased demands for garbage removal and the London Police Services undertakes Project LEARN twice a year in the near-campus neighbourhoods - which is the most expensive initiative in the London Police budget. These initiatives are a response to the increasing pressures felt through attempts to maximize the intensity of Low Density Residential forms of development in the area. Applications - such as this requested amendment - to intensify the subject site do not sustain the financial well being of the Municipality.

The policies of the PPS require municipalities to “*identify and promote*” opportunities for intensification and redevelopment, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. It is important to note that this policy allows municipalities to use their own discretion to “*identify and promote*” the areas where intensification is to be directed and should not be interpreted as a requirement for municipalities to approve *all* intensification proposals.

The City of London has fulfilled this PPS requirement by adopting policies such as the Essex Street Area Study, North London/Broughdale Neighbourhood policies, St. George/Grosvenor Neighbourhood policies and the Talbot Mixed Use Area which “*identify and promote*” opportunities for intensification in conformity to the policies of the PPS. The subject site is designated Low Density Residential and has not been identified as an area where intensification is encouraged.

The PPS requires that municipalities promote appropriate development standards which facilitate intensification, redevelopment, and compact form while maintaining appropriate levels of public health and safety. The Official Plan fulfills this requirement through its intensification policies which outline development standards to facilitate appropriate intensification, redevelopment and compact form by establishing criteria which ensure that the form, intensity, and character of proposals are compatible with the surrounding established neighbourhood (see Official Plan Policies section below).

While the PPS is generally supportive of residential infill and intensification, the policies of the PPS largely require that intensification goals and objectives be developed at the municipal level and are not intended to be used to justify all intensification proposals indiscriminately. The City of London has fulfilled the guidelines of the PPS by identifying and encouraging opportunities for intensification in appropriate forms and in appropriate locations.

Official Plan Policies

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 relevant social, economic and environmental matters. Because the application for Zoning By-law Amendment falls under the *Intensification* Policies of the Official Plan, it is subject to a Planning Impact Analysis and other application assessment requirements.

Low Density Residential Policies

City of London Official Plan policies encourage infill residential development in locations where existing land uses are not adversely affected, where development can efficiently utilize existing municipal services and facilities and promotes development which enhances the character of the residential area. The proposed twenty (20) bedroom fourplex may adversely affect the

--	--

File: Z-8075
Planner: E. Ling

single detached dwellings to the immediate west and south due to lack of landscaping, buffering or screened outdoor amenity space. The form of the proposed building does not typically lend itself to on-site property or waste management mechanisms. The requested amendment represents an ad-hoc approach to land-use planning.

Residential Intensification

Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to Official Plan policies and Planning Impact Analysis policies. As the policy states, residential intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained.

Residential intensification refers to the development of a property, site or area at a higher density than currently exists on the site, defined by various criteria which include but are not limited to *redevelopment*. The proposed rezoning of 260 Sarnia Road meets the definition of redevelopment as per the Official Plan and therefore is subject to Residential Intensification Policies therein.

Character, Compatibility and Urban Design

The applicant's agent has submitted a "Neighbourhood Character Statement" describing the existing conditions along Sarnia Road and within the surrounding low rise, low density residential neighbourhood. The report speaks to the nature of typical lot sizes, setbacks, age, height and building materials found in and around the subject lands. It states that the "...lands provide a unique opportunity to redevelop and intensify the current low density use into a better suited use". A "Compatibility Report" describing the built form, massing and articulation and architectural treatment of the proposed two-storey fourplex was also submitted reiterating the *uniqueness* of the redevelopment opportunity.

Both documents assist Planning Division in evaluating residential Intensification projects. As indicated in the Official Plan, intensification proposals shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained.

In evaluating these submissions, it is the opinion of Planning Division that this site is not unique within the surrounding established residential neighbourhood and it does not represent an individual opportunity to intensify. The site is instead representative of the surrounding lot fabric, being of the same depth as adjacent lots to the west and not unlike those lots to the south in area. Combining two of the lots to the west of the subject creates a lot with the same dimensions as the subject lands. Combining two of the abutting lots to the south would create a lot with a larger frontage and area than the subject site. Because of the pressure to intensify often felt by near-campus neighbourhoods, approval of this proposal may reveal a pattern rather than representing a "unique opportunity".

Furthermore, the Neighbourhood Character Statement and Compatibility Report do not provide enough assurance that the character of the surrounding neighbourhood would be maintained nor does the application demonstrate "...innovative and creative urban design techniques" in the proposed form.

As indicated, the Urban Design Peer Review Panel (the Panel) suggested that the application would benefit from a landscape plan demonstrating improved landscaping to the east (to reduce impact from adjacent off-site parking area(s) of the University and to the west to "provide a barrier between this (proposed) use and the neighbouring residents. The compatibility report relies on "existing vegetation" to provide this privacy.

The compatibility report further describes how the scale and massing of the proposal – though slightly larger – is in keeping with neighbouring homes, the transitional function it serves between forms to the east and west and the role of this fourplex as a "visual focal point along

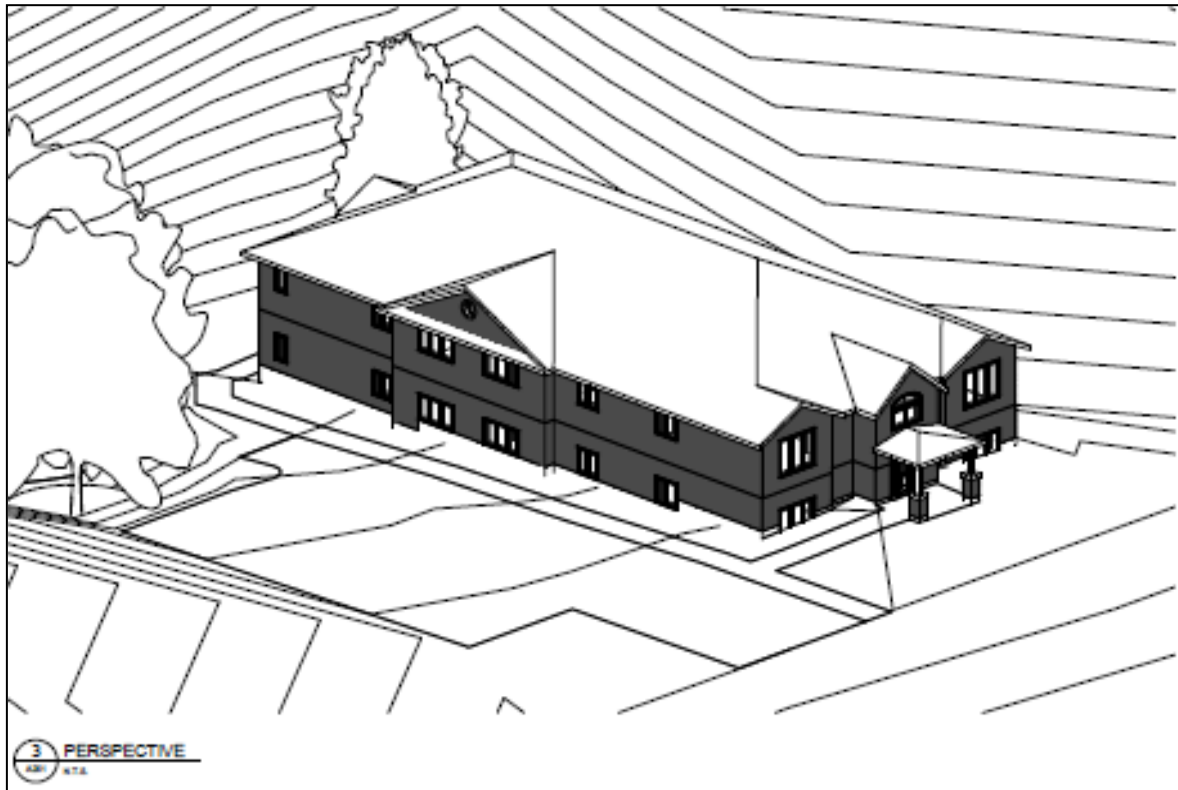
--	--

File: Z-8075
Planner: E. Ling

Sarnia Road”. On the other hand the Panel suggested that it would be more appropriate for this multi-unit building to “reflect its use (as a multi-unit building) through architectural expression of the built form”: To build something that looks like a multi-unit dwelling rather than mimicking a single detached dwelling. Furthermore, the Panel suggested that a multi-unit form would provide for enhanced “outdoor amenity space” and a more “desirable” rental property. This would be in keeping with the intensification policies that advocate low-rise apartments as an acceptable form of development.

The Panel also recommended aligning the proposed fourplex to the setback of the home(s) to the west to retain a consistent street wall, to break up the large expanse of the proposed roof and to reflect, as a transitional building, materials and elements from both the existing detached dwellings and the new institutional building to the west, should the building form move forward as presented. These changes would enhance the “visual focal point” role that the agent and the Panel agree this area could represent.

The proposal, as stated under the intensification policies of the Official Plan, will be subject to Public Site Plan Approval. Through this process criteria will be used to evaluate the project including urban design principles that again require “innovative and creative standards of design for buildings to be constructed”.



260 Sarnia Road – Perspective Drawing (submitted by applicant)

Near-Campus Neighbourhoods Strategy

Council adopted the Near-Campus Neighbourhoods policies on July 24, 2012 and they provide further direction in assessing the merits of this proposed development. It must be noted however that the policies and by-laws of this Strategy were appealed to the Ontario Municipal Board (OMB) but they do represent Council’s direction regarding near-campus intensification.

The intent of the Great Near-Campus Neighbourhoods Strategy (‘NCNS’ or ‘the Strategy’) is to provide guidance to encourage residential intensification proposals that are located in the appropriate areas and constructed in purpose-built, higher density building forms designed to accommodate the anticipated level of intensity and are professionally managed to mitigate concerns related to property maintenance, noise, garbage, and parking, among others.

--	--

File: Z-8075
Planner: E. Ling

Within near-campus neighbourhoods applications for site-specific Zoning By-law amendments and other modifications had been occurring incrementally, on a site-specific basis, in the absence of a comprehensive plan to direct intensification to appropriate areas. While individually an application may seem minor and insignificant, collectively these have resulted in a significant amount of intensity being added to near-campus neighbourhoods, creating impacts related to a loss of residential amenity, By-law Enforcement concerns, loss of neighbourhood stability, and other issues.

Proposals for intensification are considered consistent with the Strategy when they incorporate the following qualities (among others):

- The proposed structure is purpose-built to support the anticipated level of intensity (i.e. form follows function);
- The proposal is located along significant transportation corridors away from the interior of low density residential neighbourhoods; and,
- The proposal incorporates high quality urban design features that enhance the neighbourhood as a result.

Notwithstanding these qualities, the Strategy refers to preferred forms of residential intensification in near campus neighbourhoods. These forms are medium and large scale apartment buildings that are professionally managed and situated at appropriate locations.

Appropriate locations are those areas within near-campus neighbourhoods that are designated Multi-Family, Medium Density Residential and Multi-Family, High Density Residential, located along arterial roads and serviced by public transit.

Furthermore, these policies are meant to be flexible in allowing additional areas to be considered where they are approached in a coordinated and comprehensive fashion - rather than on a site-specific basis - to determine if they have the potential to comprise part of a coordinated and comprehensive intensification strategy or whether they represent a stand-alone project creating an undesirable anomaly within the neighbourhood.

The subject site does fall within the Council approved near campus neighbourhood(s) area. Defining this broad area of near-campus neighbourhoods is intended to consider these neighbourhoods more holistically and avoid the incremental approach of addressing specific areas in an ad-hoc way over time.

The proposed development is located along an arterial – Sarnia Road – and it is “away from the interior of a low density residential neighbourhood”. However, the lands are designated “Low Density Residential” and the proposal is considered a low density form of intensification which is not a “preferred form of residential intensification” such as professionally managed medium and large scale apartment buildings in Medium and High Density designations. Again, the proposal is site specific and does not form a part of a comprehensive development strategy.

As the NCNS states, one of the characteristic forms of intensification *not* considered appropriate in near-campus neighbourhoods includes large numbers of bedrooms within a single dwelling unit, particularly within multi-unit buildings. The Near Campus Neighbourhood Strategy limits the number of bedrooms per dwelling unit to three in all semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, converted dwellings, dwelling units within apartment buildings, and all forms townhouse dwellings within proximity of the campus(es). The rationale behind this proposed change is that in some cases the current zoning regulations effectively permit the equivalent level of intensity of several single detached dwellings on a lot size comparable to that of just one single detached dwelling without a proportional increase in the lot requirements. In fact, some of the requirements that are indicative of the ability of the lot to accommodate a certain level of intensity - such as the minimum number of required parking spaces - are often reduced for multi-unit buildings although with a large number of bedrooms/unit they may be expected to accommodate an even greater amount of intensity than a single detached dwelling.

--	--

**File: Z-8075
Planner: E. Ling**

The proposed fourplex development is representative of these discrepancies; on the surface a proposal for four units that meets or exceeds the requirements of the requested zone may not appear too intense. However twenty bedrooms with six parking spaces and an effective density of 133 persons per hectare is a more telling depiction of the intensity of the proposed development and an example of the need for further neighbourhood protections and policy refinements as offered through the Near Campus Neighbourhoods Strategy.

Planning Impact Analysis

A Planning Impact Analysis is used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses. The criteria to be evaluated include:

- *Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area*

There is a concern that this ad-hoc development on a site that is not unique within its context may encourage other landowners to make future applications for similar types of intensification where the City would favour a coordinated and comprehensive plan to assess the area's potential to accommodate a higher intensity of use(s).

- *The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use*

Due to the appeal to the Ontario Municipal Board of the Near Campus Neighbourhood Strategy, By-law amendments which sought to reduce the maximum number of bedrooms per dwelling unit from five (5) to three (3) are not currently in force and effect. Therefore, the proposed five-bedroom/unit fourplex meets current regulations of the proposed R3-3 Zone. As well, the proposal qualifies as *intensification* in the Official Plan with a units/hectare density below the maximum permitted threshold(s) of the Low Density Residential Designation.

- *The supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses*

There is no designated and/or zoned land that would accommodate the proposed fourplex use in the immediate area. However, lands in close proximity have been designated and zoned to accommodate intensification and special policies have been applied in surrounding neighbourhoods which direct intensification to 'appropriate' areas that are comprehensively planned (See Essex, St. George/Grosvenor, North London/Broughdale, etc.).

- *The potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties*

The requested amendment is not anticipated to create any additional impacts on City streets, pedestrian and vehicular safety or on surrounding properties given the existing volume of traffic on Sarnia Road and the impact of the neighbouring Regional Facility uses.

- *Impacts of the proposed change on the transportation system including transit*

There are no impacts anticipated on the transportation system.

- *the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses*

--	--

File: Z-8075
Planner: E. Ling

The potential impacts are related to intensity, privacy and the lack of a coordinated plan for area intensification. These concerns have been expressed in the prior analysis section.

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

As it relates to the subject site, the only use permitted under the current zone is one single detached dwelling per lot. Currently this address is being used as a two-unit converted dwelling with seven (7) total bedrooms, operating without Residential Rental Unit Licenses.

The applicant is seeking an amendment to the Z-1 Zoning By-law to a Residential R3 (R3-3) Zone. The R3 Zone provides for and regulates low to low-medium density residential development permitting single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings; and allows for the conversion of an existing dwelling. The R3-2 and R3-3 Zone variations are intended to be used throughout the City for most low to medium-low residential developments.

Although the subject site meets the minimum requirements of the Zoning By-law regarding the requested Residential R3 (R3-3) zone, the issue is the *appropriateness* of a site-specific Zoning By-law amendment at this location.

A concern is that an ad-hoc Zoning By-law amendment on the subject site would set precedent for the approval of increased intensity on other lands along this corridor, despite the size of the subject lot and proximity to the new residence buildings on the campus. An amendment could establish a benchmark upon which other requests for amendments may be based, making it difficult to refuse an application for a change in land use on parcels of land in proximity to the subject site that meet the requirements of this or other slightly less intense zones not in keeping with the intent of the Residential R1 Zone. In other words, an approved amendment could create a level of expectation that future applications for intensification along Sarnia Road and the surrounding neighbourhoods may also be approved. This again speaks to the need for a comprehensive plan to be brought forward regarding lands in this corridor and not the site by site application for intensification that this proposal represents.

CONCLUSION

The requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* that encourage efficient development and land use patterns which sustain the financial well-being of the municipality.

The requested amendment is not consistent with the Residential Intensification policies of the Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained.

The requested amendment is not consistent with Council adopted Near Campus Neighbourhoods Strategy policies regarding coordinated and comprehensive applications for intensification as opposed to site-specific developments.

The requested amendment is not consistent with Council adopted policies pertaining to the Great Near Campus Neighbourhoods Strategy which encourage intensification in medium and high density designations and forms, and discourage continued intensification in low density

--	--

**File: Z-8075
Planner: E. Ling**

forms of housing.

The requested amendment would constitute “spot” zoning and is not considered appropriate in isolation from the surrounding neighbourhood. The subject site is not unique and does not have any special attributes which warrant a site specific amendment to permit the proposed form and intensity of development within the context of the surrounding neighbourhood.

Refusal of this application would also be consistent with a 1991 Council resolution for this specific property that considered medium and high density residential uses in close proximity to regional facilities - such as the University – potentially desirable only when planned in a comprehensive manner and not on a property by property basis.

This application perpetuates the ad-hoc and site-by-site amendment applications emblematic of many low density neighbourhoods in proximity to the University of Western Ontario, pressured for greater intensification simply based on their location and not on their appropriateness.

PREPARED BY:	SUBMITTED BY:
ETHAN LING, PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

August 30, 2012
EL/el

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to\8075Z - 260 Sarnia Road (EL)\Z-8075 260 Sarnia Road
PEC Report (final).docx

--	--

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

<u>Telephone</u>	<u>Written</u>
Anonymous general inquiry	Mary Hryb, 249 Neville Drive Glen Matthews, Housing Mediation Officer, University of Western Ontario (via email)

--	--

Bibliography of Information and Materials Re. Z-8075:

Request for Approval

City of London Zoning By-law Amendment Application Form, completed by Casey Kulchycki of Zelinka Priamo Ltd., June 28, 2012.

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*, March 1, 2005.

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

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

City of London. File OZ-4400 (Rudell, T.), 1991

Zelinka Priamo Ltd. *Planning Justification Report (and Appendices)*, April, 2012

Zelinka Priamo Ltd. *Urban Design Brief*, April 2012

Ron Koudys Landscape Architects - *Tree Preservation Report for 260 Sarnia Road*, February 2012

Correspondence: (all located in City of London File No. Z-8075 unless otherwise stated)

Departments and Agencies

Creighton, C., Upper Thames River Conservation Authority, Letter to E. Ling, August 1, 2012

Dalrymple, D., London Hydro, Letter to E. Ling July 31, 2012

Galloway, A., City of London SWM Unit email to E. Ling. August 13, 2012

Moore, R., City of London Water Engineering Division, email to E. Ling August 29, 2012

Masschelain, B., City of London Wastewater and Drainage, email to E. Ling August 29, 2012

Postma, R., City of London Urban Forestry email to E. Ling. August 1, 2012

Raffoul, L., Bell Canada, Letter to E. Ling August 8, 2012

Urban Design Peer Review Panel Minutes, August 15, 2012: Panel Review Application #2: 1:45PM (260 Sarnia Road).

Other

Site visit August 15, 2012 and photographs of the same date.