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**File #Z-7949
M. Tomazincic**

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: LINDA ANNE BRAND 1240 RICHMOND STREET PUBLIC PARTICIPATION MEETING ON MONDAY, OCTOBER 17, 2011 @ 8:00PM

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Linda Anne Brand relating to the property located at 1240 Richmond Street, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a Residential R1 Special Provision (R1-5(3)) Zone which permits one single detached dwelling subject to a special provision which restricts: maximum floor area; maximum floor area ratio; the minimum rear yard depth; and, restricts the location of parking areas **TO** a Residential R2 (R2-3) Zone to permit single detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings (maximum 2 dwelling units) **BE REFUSED** for the following reasons: i) the requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* which 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; iii) the requested amendment is not consistent with the intent of the North London/Broughdale Special Official Plan Policies which exist in this area to promote neighbourhood stability; and, iv) the requested amendment constitutes "spot" zoning for a site that is not unique and does not have any special attributes which would warrant a site specific amendment.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The requested amendment is to rezone the subject site to permit the internal conversion of the existing single detached dwelling into 2 residential dwelling units. The recommendation is to refuse the requested amendment.

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; accommodate an appropriate range and mix of land uses; and, promote cost-effective development standards to minimize land consumption and servicing costs.
2. The requested amendment is not consistent with the Residential Intensification policies of the Official Plan which discourage site specific amendments to the Zoning By-law for dwelling conversions within primarily single detached residential neighbourhoods.
3. The requested amendment is not consistent with the North London/Broughdale Special Official Plan policies which have identified portions of the Oxford, Richmond and Adelaide Street North corridors as the preferred location for residential conversions by pre-zoning them for the requested use.
4. The requested amendment would constitute "spot" zoning and is not considered appropriate in isolation from the surrounding neighbourhood. The subject site is not unique nor does it have any special attributes which would warrant a site specific amendment.

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 1240 Richmond St. Applicant: Brand Linda File Number: Z-7949 Planner: Michael Tomazincic Created By: Michael Tomazincic Date: 2011-07-28 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
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Corporation of the City of London
Prepared By: Planning and Development

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BACKGROUND

Date Application Accepted: 15 July 2011	Agent: Ric Knutson
<p>REQUESTED ACTION: Possible amendment to the Zoning By-law Z.-1 FROM a Residential R1 Special Provision (R1-5(3)) Zone which permits one Single Detached dwelling per lot subject to a special provision which: restricts the maximum floor area and floor area ratio; limits the minimum rear yard depth; restricts where parking areas are permitted; and, provides alternative parking standards TO a Residential R2 (R2-3) Zone to permit single detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings (maximum 2 dwelling units).</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use –Single Detached Dwelling • Frontage – Approximately 14.8 metres(48.5 feet) • Depth – Approximately 38.1 metres (125.0 feet) • Area – Approximately 563.2 square metres (6,062.5 square feet) • Shape – Rectangular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Single Detached Dwelling • South – Single Detached Dwelling • East – Single Detached Dwellings (Zoned to permit Apartment Buildings) • West – Single Detached Dwelling/Open Space (Ross Park)

<p>OFFICIAL PLAN DESIGNATION: (refer to map on pages 5, 6, and 7)</p> <p>LOW DENSITY RESIDENTIAL – 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.”</p> <p>NORTH LONDON/BROUGHDALE SPECIAL POLICY AREA – Multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street North corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential. For Low Density Residential areas located outside of the Oxford, Richmond and Adelaide Street North corridors, conservation and rehabilitation of the existing housing stock shall be encouraged. In keeping with the low-rise, low density character of these areas, residential uses will be restricted to single detached, semi-detached, duplex and converted dwellings (to a maximum of 2 units).</p> <p>BIG PICTURE META-CORES AND META-CORRIDORS – SCHEULE B1 (NATURAL HERITAGE FEATURES) – The “Big Picture Meta-Cores and Meta-Corridors” have been refined to reflect local conditions and are identified on Schedule “B1” for reference purposes. The core areas and corridors are represented conceptually, and not to be interpreted as rigid boundary delineations.</p>

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The “Big Picture” concept is not a component of London’s Natural Heritage System. While policies for land use and development activity within the area will continue to be guided by the designations on Schedule “A”, naturalization projects and landowner stewardship initiatives that support the “Big Picture” system of core natural areas and corridor connections will be encouraged by the City of London.

REGULATORY FLOODLINE – SCHEULE B2 (NATURAL RESOURCES AND NATURAL HAZARDS) – The extent of the floodway will be generally defined by the one hundred year flood standard. On individual watercourse reaches the floodway may vary from the one hundred year flood standard according to critical flood depth and velocity, existing and proposed development in the immediate area, and the potential for adverse impact on upstream or downstream development of lands. The precise delineation of the floodway is the responsibility of the Upper Thames River Conservation Authority. The flood fringe will be generally defined as that area between the floodway as determined by the Upper Thames River Conservation Authority, and the Regulatory Flood elevation.

EXISTING ZONING: (refer to map on page 8)

RESIDENTIAL R1 SPECIAL PROVISION (R1-5(3)) ZONE– The R1 Zone is the most restrictive residential zone, and provides for and regulates single detached dwellings. The variations which comprise the zone are differentiated on the basis of site requirements in order to provide for a range of lot sizes and dwelling styles. Zone variations R1-4 to R1-9 are zones to be applied to most suburban single dwelling developments.

The special provisions restrict the maximum floor area and floor area ratio for all dwellings; require that the minimum rear yard depth be 30% of the actual lot depth or 7.0 metres (whichever is greater); restrict parking to the required rear-yard depth where access is obtained from a lane and where there is no garage or carport located in the rear or side yard; and, 1 parking space per 100m² of gross floor area (minimum 2 spaces).

PLANNING HISTORY

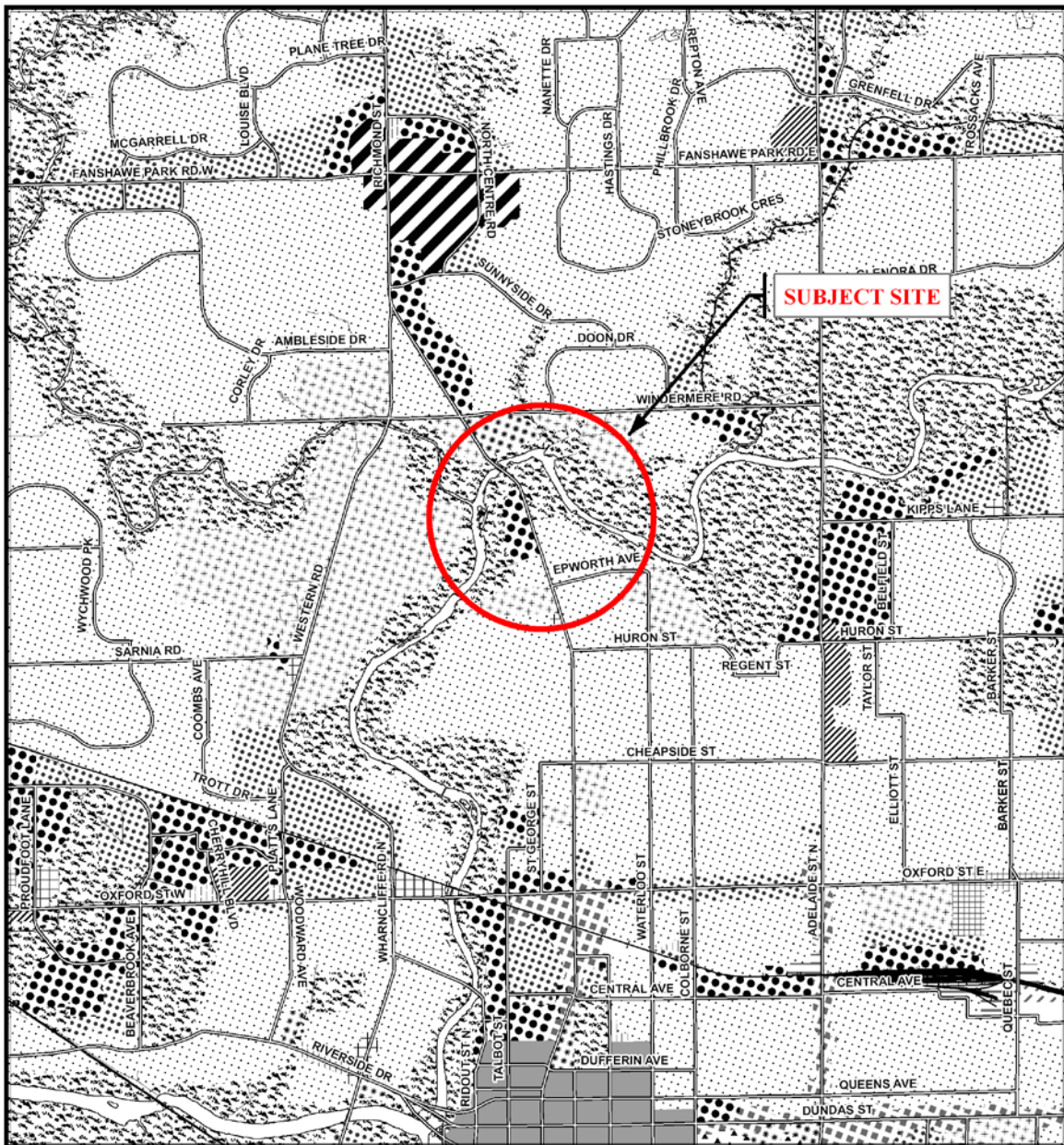
On July 15, 2011, the applicants submitted an application for a Zoning By-law amendment to change the zoning of the subject lands from a Residential R1 zone to a Residential R2 zone.

The subject property was acquired by the property owner in the summer of 2009. Since that time there has been a series of By-law Enforcement complaints, Property Standards complaints, and By-law violations ranging from tall grass, debris, and illegal use.

In June 2010, the applicant was charged and convicted for permitting 2 separate self-contained units at this location. The conviction was handed down on June 28, 2010 and the owner was given a full year by the Justice of the Peace to bring the property into compliance with the Zoning By-law. The Prohibition Order was put forward to June 28, 2011. To date, Municipal By-law Enforcement Officers have not been able to gain entry to the building to confirm whether the applicant complied with the Prohibition Order and restored the building to a single dwelling.

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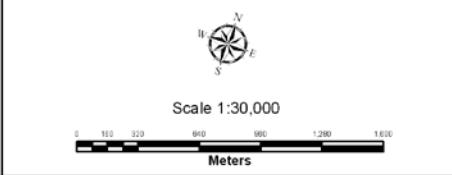


Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential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

CITY OF LONDON
Department of
Planning and Development

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

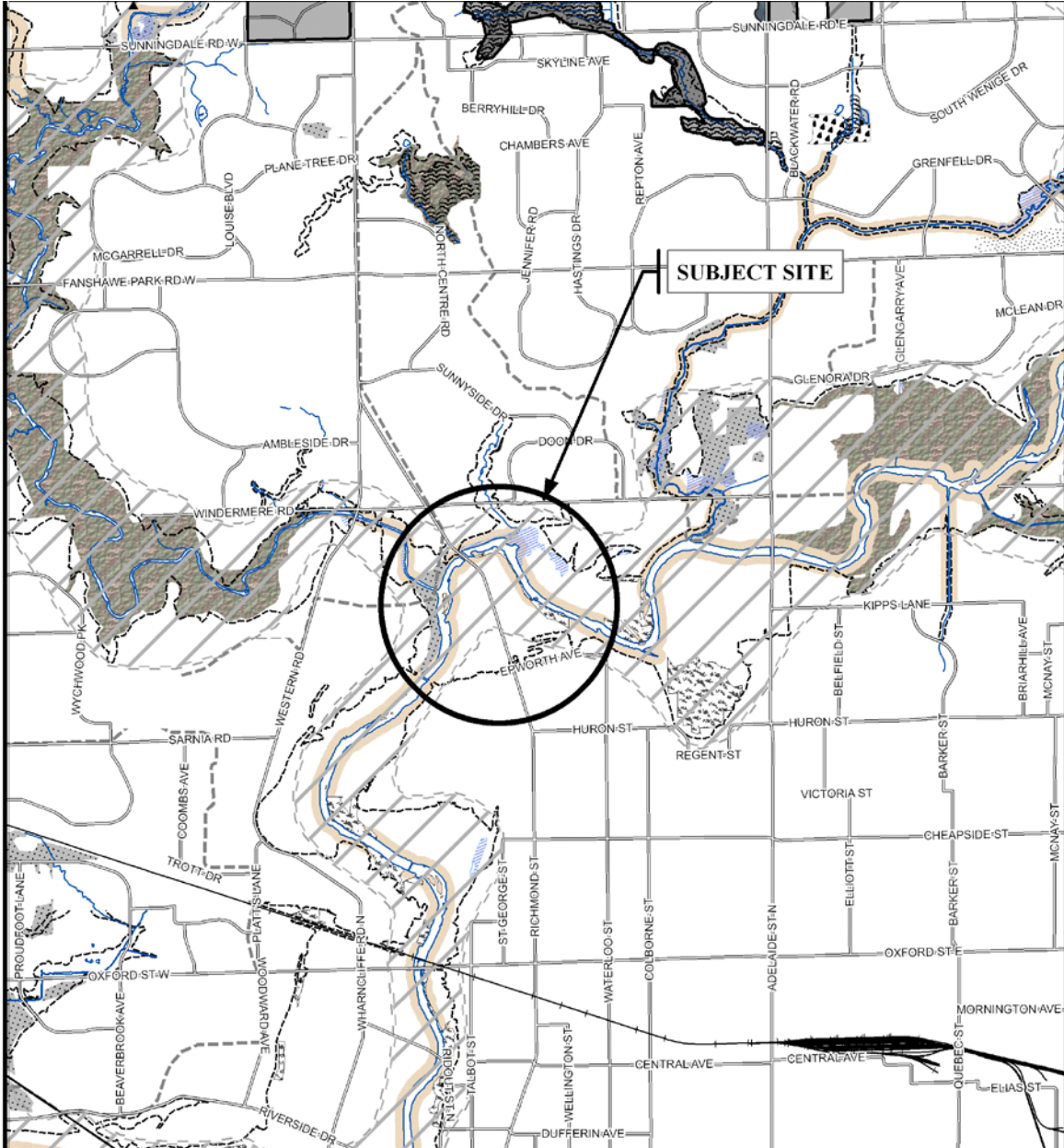
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7949
PLANNER: MT
TECHNICIAN: CK
DATE: 2011 Aug 29

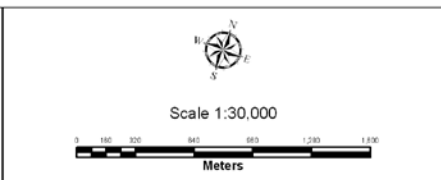
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<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small> <small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small> <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors <p> Areas Under Appeal</p>
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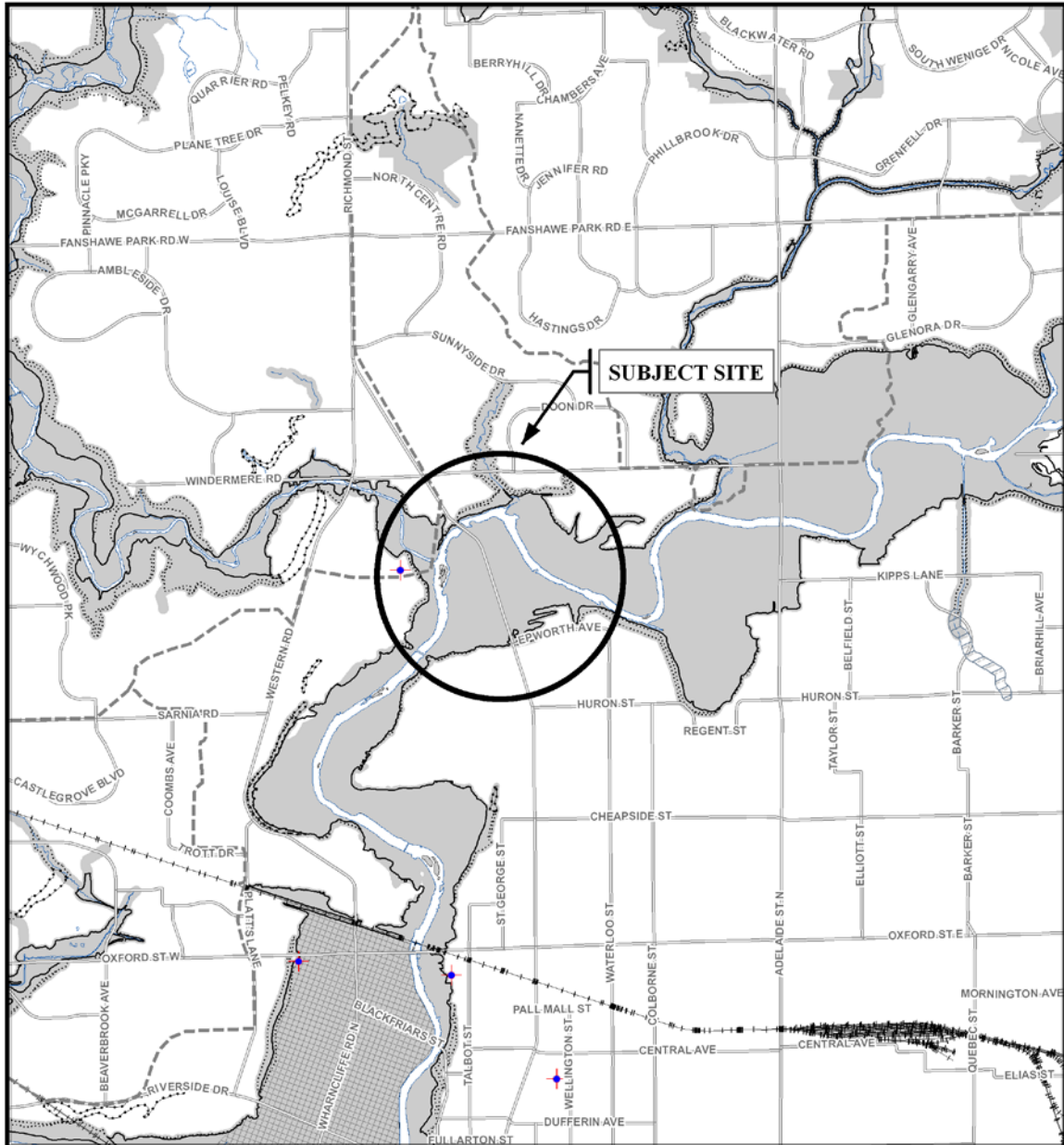
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7949
PLANNER: MT
TECHNICIAN: CK
DATE: 2011 Aug 29

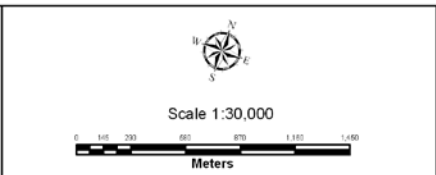
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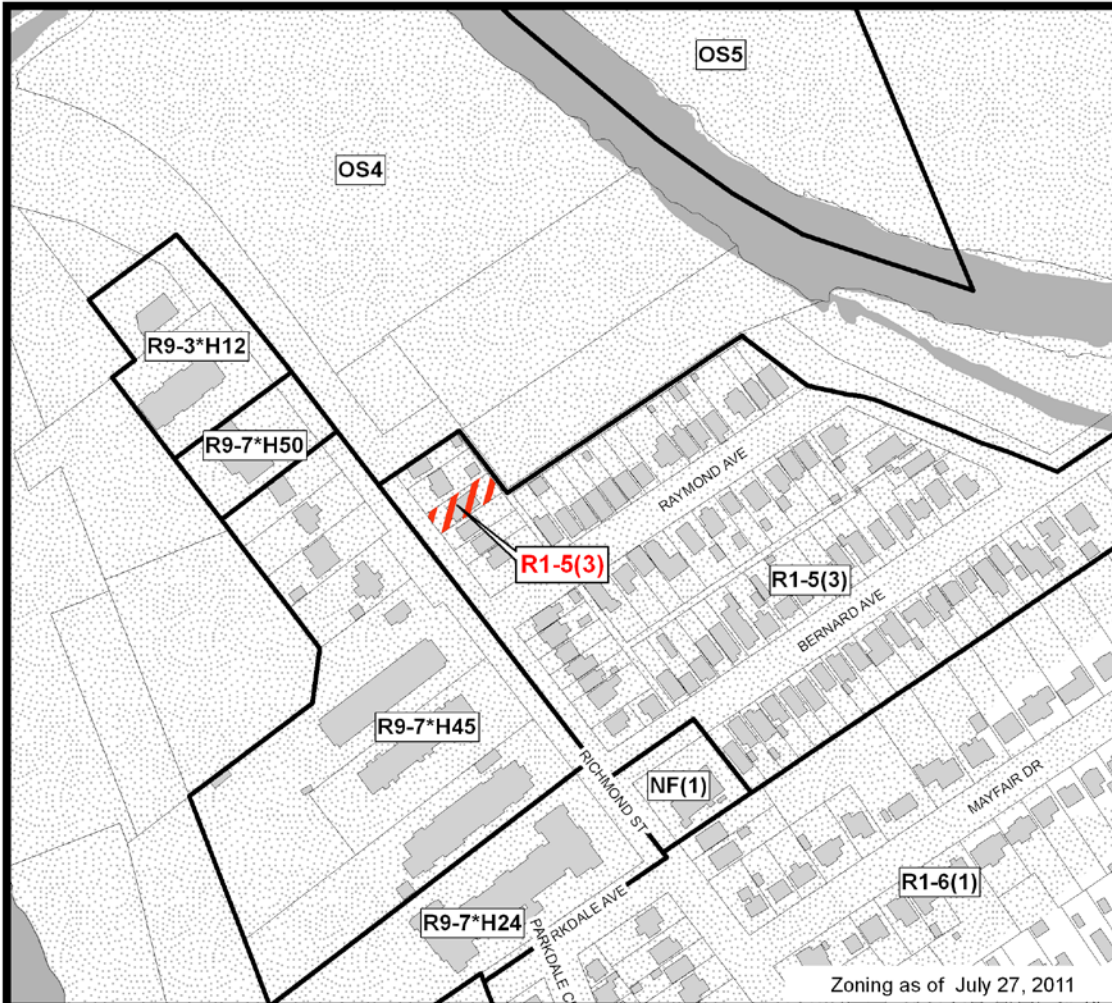
<p>NATURAL RESOURCES</p> <ul style="list-style-type: none"> Aggregate Resource Areas Extractive Industrial Emergency Municipal Water Wells <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Potential Special Policy Areas Special Policy Area 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Regulatory Flood Line <i>NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.</i> <i>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</i> Riverine Erosion Hazard Limit For Confined Systems Riverine Erosion Hazard Limit For Unconfined Systems Steep Slopes Outside of the Riverine Erosion Hazard Limit Abandoned Oil/Gas Wells Conservation Authority Regulation Limit
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CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE B2
NATURAL RESOURCES
AND
NATURAL HAZARDS
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7949
PLANNER: MT
TECHNICIAN: CK
DATE: 2011 Aug 29

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-5(3)

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

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p>		<p>FILE NO: Z-7949 MT</p>
<p>ZONING BY-LAW NO. Z-1</p>		<p>MAP PREPARED: 2011/08/29 CK</p>
<p>SCHEDULE A</p>		<p>1:3,000</p> <p>0 15 30 60 90 120 Meters</p>
<p>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro

No objection

Upper Thames River Conservation Authority (UTRCA)

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
<i>Highly Vulnerable Aquifer (HVA)</i>	<i>6</i>	<i>Moderate & Low Threats</i>

NOTE: No significant threats to drinking water are identified for this property

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. This information is provided for the City’s consideration in moving forward on this application.

RECOMMENDATION

The UTRCA has no objections to this application for zoning amendment. Given that only interior renovations are proposed, a Section 28 permit will not be required for the proposed works.

Stormwater Management Unit

No comment

Wastewater & Drainage Engineering Division

No objection

Transportation Planning & Design Division

- If a site plan is required a road widening dedication will be required measured at 18 m from the centre line of Richmond Street*
- Access to the site will remain through the rear of the property*

PUBLIC LIAISON:	<p>On July 29, 2011, Notice of Application was sent to 51 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 30, 2011. On September 30, 2011, Notice of Public Meeting was sent to 51 property owners in the surrounding area. Notice of Public Meeting was published in the “Living in the City” section of the London Free Press on Saturday, October 1, 2011.</p>	<p>7 Responses 1 General Information 6 Opposed</p>
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Nature of Liaison: Possible amendment to the Zoning By-law Z.-1 **FROM** a Residential R1 Special Provision (R1-5(3)) Zone which permits one Single Detached dwelling subject to a special provision which: restricts the maximum floor area and floor area ratio; limits the minimum rear yard depth; restricts where parking areas are permitted; and, provides alternative parking standards **TO** a Residential R2 (R2-3) Zone to permit single detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings (maximum 2 dwelling units).

Responses: 7 Responses Received

1 response requesting general information was received

6 responses in opposition to the proposed application were received. Reasons cited in opposition include:

- The stewardship of the property has not been positive and with added intensity the problems will be exacerbated
- The subject site cannot accommodate its existing parking and there is concern that this will be exacerbated by doubling the intensity
- Concern about the lack of private amenity area to accommodate the proposed intensity
- Concern was raised about the precedent setting nature of this application and the potential for similar properties to seek the same range of uses
- Concerns about the site-specific nature of this amendment. Such potential precedent setting applications should be undertaken on a comprehensive basis
- There is a history of By-law Enforcement/Infraction issues at this site
- Any amendments to add a second unit should not increase the intensity of the building by ensuring that the entire building is limited to a total of 5 bedrooms

ANALYSIS

Subject Lands

The subject site is located on the east side of Richmond Street, just north of Raymond Avenue. Richmond Street is classified as an arterial road, which acts as an important gateway into the City of London from the north and major intra-city, north-south corridor carrying an average of 30,000 vehicles per day.

This portion of the Richmond Street corridor is characterized by Multi-Family, High Density Residential designation along the west side and Low Density Residential along the east side of the corridor. The Zoning By-law and built form is consistent with this designation. The subject site is located on the east side of the corridor and is zoned to permit 1 single detached dwelling.

Contextually, the subject site is situated in the centre of a contiguous row of 6 single detached dwellings spanning the block between Raymond Avenue and Ross Park. Vehicular access to the subject site is via an unassumed rear laneway.

The subject site is also located within the flood fringe of the Thames River. This flood fringe covers a wide area north of Epworth/Tower Lane to the south spanning to the north branch of the Thames River. The lands immediately adjacent to the subject site are also located within this flood fringe.

The land use to the north of the subject site is a single detached dwelling, to the east of the subject site is Ross Park and the single detached dwellings which front Raymond Avenue, to the south of the subject site are single detached dwellings, and to the west of the subject site are single detached dwellings that are zoned to permit a Multi-Family, High Density Residential development with a maximum density of 150 units per hectare and a maximum height of 45 metres. Council recently approved a Zoning By-law amendment to add a Bonus zone for those lands to permit the development of a multi-unit apartment building consisting of 311, two-

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bedroom units, with a maximum height of 55 metres and with reductions in the zoning regulations pertaining to the number of parking spaces and setback requirements (Z-7856).

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. As it relates to this application, the PPS provides some direction to this matter.

The policies of the PPS promote healthy, liveable and safe communities by: encouraging 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, the requested amendments to intensify the subject site do not promote healthy, liveable, and safe communities. Residential intensification of Low Density Residential dwellings near 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 pursued due to the increasing pressures for maximizing the intensity of dwellings in the area.

The policies of the PPS require municipalities to *identify and promote* opportunities for intensification and redevelopment where this can be accommodated 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 the North London/Broughdale Neighbourhood special policies for this area which “*identify*” and “*promote*” opportunities for intensification along the Richmond, Oxford, and Adelaide Street corridors “...*that are designated Multi-Family, High and Multi-Family Medium Density Residential*”. The subject site is designated Low Density Residential and has not been identified as an area in which intensification is promoted in an effort to encourage neighbourhood stability.

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 contains intensification policies outlining development standards which facilitate appropriate intensification, redevelopment, and compact form by establishing criteria which ensure that the form, intensity, and character are compatible with the surrounding established neighbourhood in conformity to the PPS (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 PPS requires that *redevelopment* be in conformity with the policies pertaining to Protecting Public Health and Safety policies. Policy 3.1.1 of the PPS generally directs development to areas outside of hazardous lands adjacent to rivers which are impacted by flooding hazards. The flooding hazard area, or flood plain, is divided into the *floodway*, where flood depths and/or velocities are considered to pose potential threat to life and/or property damage, and the *flood fringe*, where depths and velocities of flooding area generally less severe. The subject lands are located within a flood fringe.

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Notwithstanding policy 3.1.1, the PPS does permit development to occur in the *flood fringe* where the effects and risk to public safety are minor such that they are able to be managed or mitigated to ensure that:

- floodproofing standards are incorporated;
- access standards allowing vehicles and people to exit the area during times of flooding;
- new hazards are not created and existing hazards are not aggravated; and,
- no adverse environmental impacts will result.

The Upper Thames River Conservation Authority (UTRCA) has reviewed the requested amendment and has indicated that they have no objections to this application provided that only interior renovations are proposed.

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.

Residential Land Use Designations

The General Objectives for all residential designations include:

- Support the provision of a choice of dwelling types according to location, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied;
- Support the distribution of a choice of dwelling types by designating lands for a range of densities and structural types throughout the city;
- Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal sewers and facilities; and,
- Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses.

The North London/Broughdale Neighbourhood, and this portion of the Richmond Street corridor in particular, currently have a diverse range of dwelling types according to location, size, affordability, tenure, design, and accessibility in conformity to the General Objectives of the Official Plan. Similarly, the designation of lands in this area supports the distribution of a choice of dwelling types to provide for a range of densities and structural types. Council has fulfilled these General Objectives in this neighbourhood and the requested amendment adds little value in further meeting these objectives.

Council has encouraged infill residential development in residential areas within this neighbourhood where development can efficiently utilize existing municipal sewers and facilities as exemplified by Council's recent decision to amend the Zoning By-law for the lands immediately across the street from the subject site to permit the development of a 311-unit apartment building. Therefore, Council has fulfilled this General Objective and the requested amendment adds little value in further meeting this objective.

Potential for land use compatibility problems in the North London/Broughdale Neighbourhood have traditionally occurred when Low Density Residential structures are intensified to accommodate an increasing number of residents, as is being sought by this requested land use change. Conflicts arise due to increased demands for vehicular parking as well as an increase in noise and garbage that is inherent with an increase in occupancy. In fact, the history of By-law Enforcement issues related to an increase in intensity at the subject site is indicative of the land use compatibility problems that arise when single detached dwelling are intensified. Therefore, the requested amendment is inconsistent with the latter General Objective.

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Low Density Residential Objectives

In addition the General Objectives for residential designations, the Official Plan also identifies specific objectives for each of the three land use designations. For the Low Density Residential designation, the Official Plan lists two objectives, of which one is pertinent to this application. The Low Density Residential objectives state:

Enhance the character and amenities of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected.

The subject site has a history of accommodating 2 residential dwellings in contravention to the Zoning By-law. The accommodation of 2 residential dwellings coincides with multiple By-law Enforcement complaints related to property standards issues that are inherent when a single detached dwelling is expected to accommodate a level of intensity for which it was not intended.



Figure 1 – Illustration of garbage accumulating at the rear of the subject site during its illegal use as a converted dwelling

Additional Neighbourhood concerns related to parking further exacerbate the potential for adverse impacts to the abutting properties with 2 residential dwelling units at the subject site. Therefore, the requested amendment is not consistent with this Low Density Residential Objective. Furthermore, Council has already directed “*higher intensity uses to locations where existing lands uses are not adversely affected*” directly across the street from the subject site on the west side of the Richmond Street corridor thereby fulfilling the intent of this Objective.

Low Density Residential Intensification Policies

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

- redevelopment, including the redevelopment of brownfield sites;
- the development of vacant and/or underutilized lots within previously developed areas;
- infill development, including lot creation;

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- the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- the conversion or expansion of existing residential

Clearly, the requested amendment to facilitate an internal conversion of the existing single detached dwelling into 2 residential dwellings can be characterized as the latter category.

Although the Residential Intensification policies recognized that, “*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*”, the policies also recognize the importance of considering a comprehensive planning approach by stating that, “Site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged.”

The context of the surrounding established residential neighbourhood is one of single detached dwellings situated on lot sizes that are comparable to the subject site which are accessed by a rear laneway. The fact that the subject site has a lot area of 563.2m² ranks the subject site among the medium-sized lots along this block of single detached dwellings (see Figure 2 below). The subject site is not unique within its context and does not have any special attributes which would warrant a site specific amendment. Therefore, the requested amendment constitutes “spot” rezoning and is not considered appropriate in isolation from the surrounding neighbourhood. This request for a site specific “spot” zoning amendment is contrary to the residential intensification policies of the Official Plan.



Figure 2 – Illustration depicting the lot frontages and lot depth of the block surrounding the subject site

The Residential Intensification policies state that, “*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*”. The

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subject site is located within a specific residential area identified under policy 3.5 (North London/Broughdale Neighbourhood) and, as such, the more general Low Density Residential Intensification policies must be read in conjunction with the specific policies.

North London/Broughdale Neighbourhood Special Official Plan Policies

The North London/Broughdale Neighbourhood special policies were adopted by Council to promote neighbourhood stability given the demands for residential intensification in this area. These policies anticipate that there will be continued demand for residential intensification in this neighbourhood and list a series of policies which direct intensification to appropriate areas while protecting the low-rise, low-density character of the surrounding residential area.

The North London/Broughdale Neighbourhood special policies direct multiple unit residential development to those areas within the Oxford, Richmond and Adelaide Street North corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential. Although the subject site is located along the Richmond Street corridor, it is designated Low Density Residential.

The North London/Broughdale Special policies also contemplate residential intensification in the Low Density Residential designation within the existing housing stock provided there is adequate space to accommodate required on-site parking and landscaped open space and that intensification is of a scale which is compatible with surrounding land uses. However, in an effort to implement this policy, large portions of the Oxford, Richmond, and Adelaide Street North corridors have already been pre-zoned to permit converted dwellings. It should be noted that the subject site is not located in an area which has been pre-zoned to permit residential conversions.

In summary, the North London/Broughdale Neighbourhood policies direct residential intensification to areas along the Oxford, Richmond and Adelaide Street North corridors that area designated Multi-Family, High and Multi-Family Medium Density Residential. While the policies contemplate residential conversions within the existing building stock, Council has pre-zoned lands which provide opportunities for residential conversions to implement this policy. The subject site is not located within an area that is pre-zoned for residential intensification and therefore requires a site-specific Zoning By-law amendment to permit an internal conversion. However, Official Plan policies discourage site specific amendments to the Zoning By-law to facilitate dwelling conversions. Given that the subject site does not have any special attributes which would warrant a site specific amendment, the requested amendment is not warranted in isolation from the surrounding neighbourhood.

Natural Hazard Policies

The Official Plan policies include a two-zone flood plain concept which apportions the flood plain into the “flood fringe” and “floodway”. The two-zone concept allows infill development and redevelopment of an existing use within identified areas along the Thames River where a flood fringe has been identified through hydraulic floodway analysis. The use of the two-zone concept may allow for some new development within the flood fringe areas of the flood plain where these are no adverse impacts. This is consistent with the Policies of the PPS.

Policy 15.6.3.v)(c) (Development within the Flood Plain) permits new development or structures to occur within the flood plain subject to the approval of the Upper Thames River Conservation Authority (UTRCA). As previously mentioned, the UTRCA has reviewed the requested amendment and has indicated that they have no objections to this application provided that only interior renovations are proposed.

Planning Impact Analysis

A Planning Impact Analysis is evaluated on the basis of criteria relevant to this request for residential intensification. Where an Official Plan amendment and/or zone change application is being reviewed, the following criteria may be considered:

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- *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.*

The subject site has already been used to accommodate 2 residential dwellings units in contravention to the Zoning By-law. In June 2009, Municipal By-law Enforcement Staff investigated the subject site for an Illegal Use – that being 2 residential dwelling units whereas the Zoning By-law permits a maximum of 1 dwelling unit – and in August 2009 the property owner was found to be in violation of the Zoning By-law. The current property owner was charged and convicted for permitting 2 separate self-contained residential dwelling units at this location in June 28, 2010. The owner was given a full year by the Justice of the Peace to bring the property into compliance with the zoning by-law. The Prohibition Order was put forward to June 28, 2011.

Since the initial investigation began in June 2009, the subject site has been cited for 14 By-law Enforcement Complaints, 1 Property Standards complaint, and 8 violations. These range from garbage being strewn on the site, unkempt lawns, and tarps being hung from the building. These are indicative of the likely impact of the proposed development on the present and future land uses in the area and demonstrate that the requested use for 2 residential dwelling units is not compatible with the surrounding land uses.

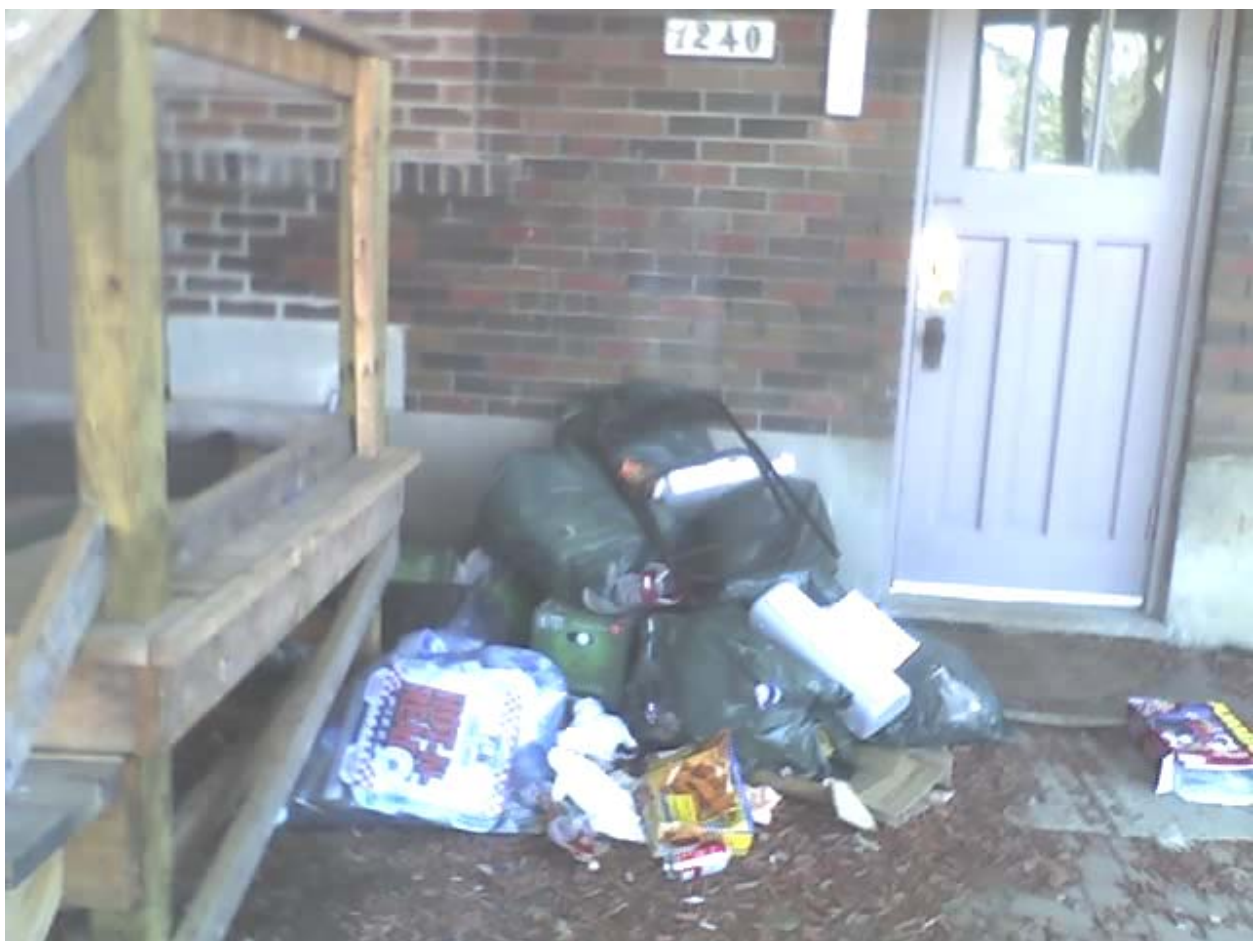


Figure 3 - Illustration of garbage accumulating at the rear of the subject site

- *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;*

The subject site meets the minimum zoning regulations required by the requested zone variation. However, the aforementioned By-law Enforcement issues are indicative of the requested use being too intense for the subject site to accommodate. Since June 2009, when By-law Enforcement Staff first began investigating the subject site for its use as 2 residential dwelling units, the subject site has not been able to contain the level of intensity.

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- *The supply of vacant land in the area which is already designated and/or zoned for the proposed use.*

As previously mentioned, Council has pre-zoned lands along the Oxford, Richmond, and Adelaide Street North corridors to permit converted dwellings and implement the policies of the Official Plan. There are also additional lands in the interior of the North London/Broughdale Neighbourhood that are pre-zoned to permit dwelling conversions. Council has pre-zoned large areas in proximity to the subject site which permit the requested use. As a result, the requested use should be directed to the permitted areas and is not appropriate at the subject site.

- *The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area.*

The retention of any desirable vegetation features have not been identified by the applicant.

- *The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties.*

The location of vehicular access points are proposed to remain as they currently exist. The requested use will require Site Plan approval, although there will be no public Site Plan process. The requested use is not anticipated to have an impact on the City streets or on pedestrian and vehicle safety. However, as a result of public consultation, several members of the public expressed concern that the subject site currently exhibits issues related to the traffic being generated by the subject site on the rear laneway impacting their properties.

- *The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;*

No changes to the exterior of the building are proposed through this requested amendment.

- *Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law.*

The requested amendment is not consistent with the City's infill policies which discourage site-specific amendments to permit converted dwellings. The subject site meets the minimum lot requirements of the Zoning By-law but would constitute "spot" rezoning. The requested use will be required to undertake Site Plan approval where issues such as road widening dedication and other site-specific issues can be addressed at that time.

- *Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.*

Mitigation measures have not been identified by the applicant.

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

No impacts to the transportation system are anticipated should the proposed development be permitted to proceed.

Great Near-Campus Neighbourhoods Strategy

Council adopted the Great Near-Campus Neighbourhoods Strategy and Implementation Plan in November 2008 and gave direction for Staff to initiate the strategies listed in the Implementation Plan. The Strategy is a multi-faceted approach to establish a collective vision for Near-Campus Neighbourhoods, which will further clarify Council's long-term intent for these Neighbourhoods.

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The intent of the Great Near-Campus Neighbourhoods Strategy is to close the gap between the collective vision for the Near-Campus Neighbourhoods and the current state of affairs impacting these neighbourhoods.

Among the reasons that necessitated the need to undertake a Near-Campus Neighbourhoods Strategy is the ad-hoc intensification that is occurring in these neighbourhoods. Applications for site-specific Zoning By-law amendments, consents to sever, and requests for minor variances are 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 these neighbourhoods creating impacts related to a loss of residential amenity, By-law Enforcement concerns, loss of neighbourhood stability, and other issues.

The intention is to adopt a comprehensive plan for the Near-Campus Neighbourhoods which establishes policies and planning tools that will be used in the review of planning applications for lands near UWO and Fanshawe College and provide guidance for appropriate locations, forms, and concentrations of intensification projects within these neighbourhoods.

To achieve this, the land use strategies adopted by Council include:

- Modify Zoning By-law to regulate the number of bedrooms by structure type – possible recommendations to the Zoning By-law include reductions in the maximum number of bedrooms per dwelling type from the current 5-bedroom maximum to 3-bedrooms per unit for multi-unit developments such as duplexes, triplexes, fourplexes, converted dwellings, townhouses, and apartments.
- Establish policy framework for revised Zoning regulations – possible amendments to the Zoning regulations include modifications to the parking area requirements, landscaped open space requirements, regulations pertaining to mutual driveways, and outdoor living area requirements.
- Explore Floor Area Ratio regulations for all zones – possible amendments to the Zoning Regulations to continue to expand the areas of the City where the floor area ratio regulations are applied to protect neighbourhood stability by ensuring that new dwellings are constructed in proportion to the size of a given lot.
- Identify opportunities for Multi-Family, High Density and Multi, Family, Medium Density residential development – possible amendments to the Official Plan and Zoning By-law to identify additional areas which facilitate the development of multi-unit residential developments that are purpose-built to accommodate the anticipated level of intensity, located along arterial roads that are serviced by transit, and professionally managed.
- Establish new Official Plan policies which describe the Vision for the Near Campus Neighbourhoods and providing a context for planning applications – this is intended to establish a level of expectation regarding the types of planning applications that may be supported and those that may be refused based on the notion that applications may be supported because they are consistent with the collective Vision and others may be refused because they deviate from the collective Vision and perpetuate the current state of affairs.

Through extensive consultation with the public, students and administration of the University of Western Ontario and Fanshawe College, Police Services, Fire Department, Landlords, and various departments within the City of London, the preferred forms of residential intensification within areas near the University and College have been identified as higher density forms of multi-unit housing, such as mid-rise and high-rise apartment buildings, located in the appropriate designations.

In general, the Great Near-Campus Neighbourhoods Strategy promotes intensification in the form of medium and large scale apartment buildings, in areas designated Multi-Family, Medium

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Density or Multi-Family, High Density Residential, located along transportation nodes or corridors, and which are professionally managed.

The request to adopt a site-specific Zoning By-law amendment in this Low Density Residential area to facilitate the internal conversion of the subject site to permit 2 residential dwelling units perpetuates the issues that triggered the need to undertake the Near-Campus Neighbourhoods Strategy in the first place. The proposed form of intensity is ad-hoc, is not conducive to on-site management, and is not consistent with the goals of the Great Near-Campus Neighbourhoods Strategy.

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. 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. The use of Zoning to implement the policies of the Official Plan is achieved by applying various zones to all lands within the City of London which identify: i) a list of permitted uses; and, ii) 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.

As it relates to the subject site, the only use permitted under the current zoning is one single detached dwelling per lot. In addition, there are special zoning regulations applied to the subject site to regulate the intensity of residential development in this area including limitations on the maximum gross floor area, maximum floor area ratio, minimum rear yard depth, and alternative parking requirements. The proposed amendment seeks to rezone the subject site to a Residential R2 zone to facilitate the internal conversion of the subject site to permit 2 residential dwelling units.

Section 6.1 – General Purpose of the R2 Zone – describes the rationale behind the Residential R2 zone variations. This section states that the Residential R2 Zone variation is slightly less restrictive than the R1 Zone. 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 requested amendment seeking to delete the existing special Zoning regulations in order to permit a more intensive form of development attempts to effectively eliminate one of the vital safeguards that has existed in this area to prevent inappropriate residential intensification. Whereas the current Zoning regulations limit the Floor Area Ratio at 40%, the application form submitted by the applicant suggest that this residential conversion will comprise a Floor Area Ratio of 75%, representing an increase of almost 200%.

Although the subject site meets the minimum requirements of the Zoning By-law the issue is the *appropriateness* of a site-specific Zoning By-law amendment at this location. As previously mentioned, the subject site is not unique among this portion of Richmond Street. There are similarly sized parcels as the subject site that are accessed from the public laneway to the rear.

A concern is that an ad-hoc Zoning By-law amendment on the subject site would set precedence for the approval of increased intensity on other lands along this corridor. If approval of the requested amended is based on the fact that the subject site meets the minimum requirements of the Zoning By-law, the fact that the subject site is not the largest site along this block of Richmond Street implies that other lands exist in the vicinity that can accommodate an equal or greater amount of intensity than that proposed in this application. This amendment would establish the benchmark upon which other requests for amendments would be based and it would become difficult to refuse an application for a change in land use on equally sized or larger parcels of land in proximity to the subject site. In other words, there is a concern that an adoption of the requested Zoning By-law amendment would create the level of expectation that future applications for the abutting lands to the north and south of the subject site would also be approved given their similar characteristics.

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CONCLUSION

The requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* which promote healthy, liveable and safe communities by encouraging efficient development and land use patterns which sustain the financial well-being of the municipality. Residential intensification of Low Density Residential dwellings near the University of Western Ontario have resulted in significant costs being borne by the Municipality.

The requested amendment is not consistent with the Residential Intensification policies of the Official Plan which discourage site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods.

The requested amendment is not consistent with the North London/Broughdale Special Official Plan Policies which have identified lands along the Oxford, Richmond and Adelaide Street North corridors as the preferred location for residential conversions by pre-zoning them for the requested use.

The requested amendment would constitute “spot” zoning and is not considered appropriate in isolation from the surrounding neighbourhood. The subject site is not unique nor does it have any special attributes which would warrant a site specific amendment to the Zoning By-law.

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RECOMMENDED BY:	
J.M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

October 4, 2011

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

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Bibliography of Information and Material – Z-7949

Request for Approval

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Ric Knutson.

City of London. Record of Pre-Application Consultation (signed by Ric Knutson)

Knutson Development Consultants Inc. Summary Cover Letter – 15 July 2011

Conceptual Site Plan – Undated

Knutson Development Consultants Inc. Planning Justification Report – June 2011

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

Previous Reports/Resolutions Pertinent to this Matter

None

Correspondence: (located in City of London File No. Z-7949 unless otherwise stated)

City of London

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Transportation Planning & Design Division

Couvillon, A., Senior Transportation Technologist. E-mail to M. Tomazincic. 22 September 2011

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Public Responses

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