# **Report to Planning and Environment Committee**

To: Chair and Members

**Planning & Environment Committee** 

From: G. Kotsifas P. Eng.,

Managing Director, Development & Compliance Services and

**Chief Building Official** 

**Subject:** Hajar Properties Inc.

1081 Riverside Drive

Public Participation Meeting on: May 13, 2019 at 4:00pm

# Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Hajar Properties Inc. relating to the property located at 1081 Riverside Drive, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 21, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Private Road Residential R6 (PR\*R6-1) Zone, **TO** a Residential R3 Special Provision (R3-2()) Zone;

# **Executive Summary**

#### **Summary of Request**

The requested amendment is to permit a converted (three unit) dwelling within the existing building.

# **Purpose and Effect of Recommended Action**

The purpose and effect of the recommended action is to re-zone 1081 Riverside Drive to permit residential single detached, semi-detached, duplex, triplex, fourplex and converted dwellings. A special provision will recognize parking permitted within the exterior side yard, with a reduced setback from the property line, and to recognize the existing west side yard depth.

# **Rationale of Recommended Action**

- 1. The recommended amendment is consistent with, and will serve to implement the policies of the Provincial Policy Statement, 2014 which encourage infill and intensification and the provision of a range of housing types, and efficient use of existing infrastructure;
- 2. The proposed residential uses and scale of development are consistent with the Neighbourhoods Place Type policies of the London Plan;
- 3. The recommended amendment is consistent with the policies of the Low Density Residential designation and will implement an appropriate infill development in accordance with the residential intensification and broader Official Plan policies;
- 4. The subject lands are of a suitable size and shape to accommodate the development proposed, and provide for a sensitive and compatible development within the surrounding neighbourhood.

# **Analysis**

# 1.0 Site at a Glance

## 1.1 Property Description

The subject site is located on the northwest corner of Riverside Drive and Hyde Park Road. It is an existing two storey brick residential building approximately 158 m² (1700 ft²) in size. There is a single car garage located on the north side of the main dwelling. The lot is approximately 775.7 m² (8349.6 ft²), and is rectangular in shape. The building is used as a converted (two unit) dwelling with driveway access to both Riverside Drive and Hyde Park Road. The surrounding area consists of single detached dwellings rear lotting onto Riverside Drive to the south, single detached dwellings within a cluster development to the north, single detached dwellings to the east (east side of Hyde Park Road), and a semi-detached dwellings within a cluster housing development, rear lotting onto Riverside Drive to the west. The property is located at the corner of two civic boulevards in The London Plan, being Hyde Park Road and Riverside Drive. In the 1989 Official Plan, Hyde Park Road is a Primary Collector Road and Riverside Drive is an Arterial Road. There are no heritage resource or natural heritage considerations in the immediate area.

# 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation Low Density Residential
- The London Plan Place Type Neighbourhoods
- Existing Zoning Private Road Residential R6 (PR\*R6-1) Zone

#### 1.3 Site Characteristics

- Current Land Use converted dwelling (two units)
- Frontage 21.3 metres (69.9 feet)
- Depth 35.7 metres (117.1 feet)
- Area 775.7 square metres (8349.6 square feet))
- Shape rectangular

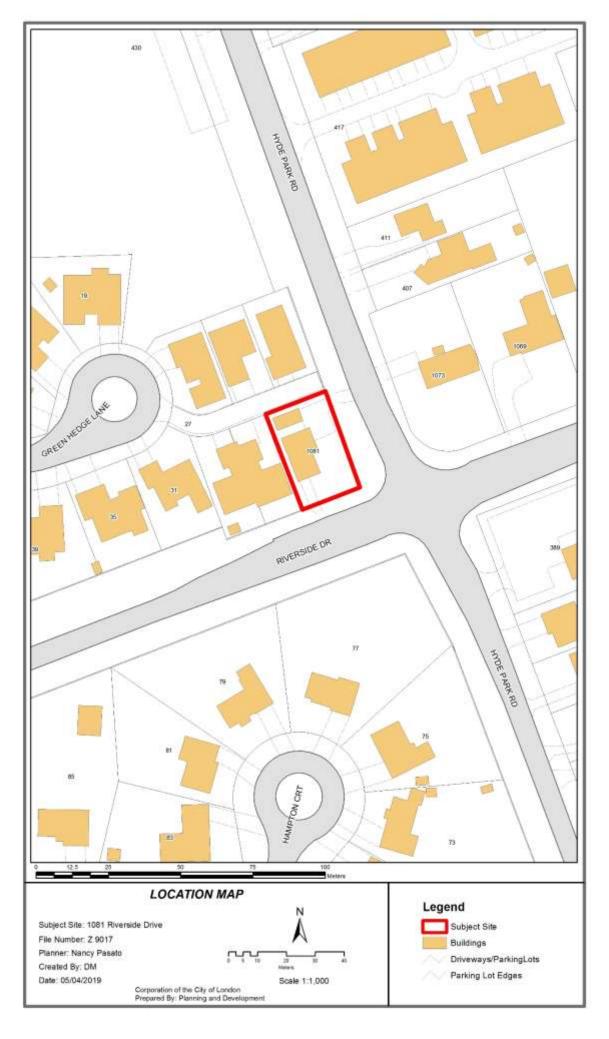
#### 1.4 Surrounding Land Uses

- North single detached dwellings
- East single detached dwellings
- South single detached dwellings
- West semi-detached dwellings

# 1.5 Intensification (1 unit)

- The proposed additional residential unit represents intensification within the Built-Area Boundary
- The proposed residential units are outside of the Primary Transit Area

# 1.6 Location Map



# 2.0 Description of Proposal

# 2.1 Development Proposal

The Applicant is proposing to add one unit within the existing residential dwelling for a total of three units. The height and form of the building (red brick, two-storey) will not change and no additions are proposed as a result of the application. Three parking spaces are required and currently these are proposed to be located off of the existing driveway on Hyde Park Road.

# 3.0 Relevant Background

#### 3.1 Planning History

The existing home was built as a single detached dwelling in 1932. The subject site was originally a larger parcel. A zoning by-law amendment was granted in April, 1987 (Z-3398) to permit single detached, semi-detached, duplex and converted dwellings on the larger parcel. A subsequent consent application (B.75/1987) to sever five lots from the original property, all serviced internally via a private road (accessed from Green Hedge Lane), and retain 1081 Riverside Drive, was granted in 1987. It is assumed at this time that a 0.3m reserve was requested as a condition of the consent application, to control and restrict access for all properties along Riverside Drive. Around this time, the owner of 1081 Riverside Drive obtained a permit to convert the existing single detached dwelling into a converted dwelling with two units.

In 1999, an application for a minor variance (A.111/99) was circulated for the subject site. The request to permit three dwelling units in the existing building was refused, as the Committee felt the addition of one unit was not minor, not desirable for the appropriate development of the land, was not in keeping with the general intent and purpose of the by-law, and that the matter would be more properly dealt with through an application to amend the Zoning By-law. No appeal to the refusal was received.



Figure 1 - Riverside Drive frontage



Figure 2 - Hyde Park Road frontage

#### 3.2 Requested Amendment

The Applicant has requested a Zoning By-law amendment from the existing zone to a Residential R3 (R3-2) Zone. The R3-2 Zone permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings (up to four units), and fourplex dwellings. The Applicant is looking to add another unit within the existing building, for a total of three units (which is considered a converted dwelling).

After site plan consultation, Staff have reviewed the proposed parking location and have identified additional special provisions that will be necessary, such as an interior side yard setback of 1.3 metres (1.8 metres is required), the location of the parking area within the exterior side yard, and parking area setback of 2.4m (7.9 feet) from the property line whereas 3.0m would be required.

# 3.3 Community Engagement (see more detail in Appendix B)

Two responses from the public were received on this application. Both residents were seeking clarification on the application but had no comments or concerns.

The Applicant submitted a site plan consultation. The following comments were made:

- Remove the driveway access off of Riverside Drive.
- Provide enhanced landscaping between the parking area and Hyde Park Road in order to screen this function from the street.
- Consider additional screening of the interior and rear yard to create additional functional amenity space in the front and exterior side yard.
- Grading and Servicing plan to be endorsed by the professional engineer

## 3.4 Policy Context (see more detail in Appendix C)

## Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. The PPS also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs and encourages settlement areas to be the main focus of growth and development (1.1.3).

#### The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority or which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan places an emphasis on growing 'inward and upward' which encourages growth within the existing built-up area. Residential intensification will be supported in a variety of forms including infill development of vacant and underutilized lots and through redevelopment at a higher density than currently exists on developed lands (80.4 & 80.6). A target minimum of 45% for all new residential development will occur within the Built-Area Boundary (\*81). Intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (83). The subject site is within the Built-Area Boundary.

The subject site is within the Neighbourhoods Place Type, as identified on \*Map 1 - Place Types and located along the intersection of two Civic Boulevards (Hyde Park Road and Riverside Drive) as identified on \*Map 3 - Street Classifications. Neighbourhoods will be vibrant, exciting places to live including such elements as: strong sense of place and character, attractive streetscapes and buildings, diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age, well-connected neighbourhoods, easy access to daily goods within walking distance, employment opportunities, and parks and pathways (\*916).

#### 1989 Official Plan

The lands are within the Low Density Residential designation in the Official Plan which are primarily developed or planned for low-rise, low density housing forms. The policies also encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services, facilities and land. Residential intensification refers to the development of a property, site or area at a higher density than that which currently exists (3.2.3.2).

# 4.0 Key Issues and Considerations

#### 4.1 Residential Intensification and Use, Intensity, Form

#### Provincial Policy Statement (PPS), 2014

The PPS encourages increases in density within settlement areas to provide for a mix and range of land uses (1.1.3.2. PPS). Further, the PPS encourages municipalities to provide for all forms of housing to meet projected requirements by permitting and facilitating all forms of residential intensification in locations where appropriate levels of infrastructure and public service facilities are or will be available and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3 d) PPS). The application to add one additional unit to the existing building is not anticipated to result in an impact on adjacent development. The proposed increase in residential uses are appropriate for the site and integrate positively with the surrounding established residential community. The site has access to municipal services and will make efficient use of the property. The change in zoning to allow for three units will add a new housing form to a predominately single detached area.

#### The London Plan

The range of uses within the Neighbourhoods Place Type in The London Plan is related to the classification of street the property fronts, which allows a broader range of uses and intensities along major roads (\*919\_ 2&3). The intent is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, vibrancy and interesting communities (\*919\_6). The subject site is located on two Civic Boulevards which permit a range of residential dwellings including duplex, triplex, fourplex and low-rise apartments with a maximum of 4 storeys. Along a Civic Boulevard within the Neighbourhoods Place Type, more intensive forms of development are also contemplated. The site is located within the Built Area Boundary, which is where residential intensification units are to be directed, but is not located within the Primary Transit Area. A converted dwelling with three units is a permitted use.

The overall use, intensity and form of the site will not change. Parking and access is proposed to be consolidated within the exterior side yard adjacent to Hyde Park Road The proposed three units within the existing building represents appropriate intensification of the site without resulting in an overuse or over-intensification of the property, and are consistent with the range of intensity contemplated in the London Plan.

#### 1989 Official Plan

The Low Density Residential designation of the Official Plan normally permits single detached; semi-detached; and duplex dwellings as the main housing type, at a density of up to 30 units per hectare (uph). However, Residential Intensification (defined as the conversion or expansion of existing residential buildings to create new residential units or accommodation) may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law. 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 (3.2.3.2.). Site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged.

A Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. The proposed addition of one unit within the existing residential dwelling is compatible with surrounding land uses, and is unlikely to impact surrounding uses. The size and shape of the parcel of land is able to accommodate the intensity and additional parking requirements necessary for three units. There is a limited supply of lands zoned for converted dwellings in the immediate area, however, secondary dwelling units are permitted as of right within the neighbourhood. The site is in close proximity to public open space and recreational facilities, to the immediate north and south of the subject site. Transit services are available to service the site. Parking and access for the site will be provided off of Hyde Park Road, with the existing driveway access from Riverside Drive being closed and restored, as per Transportation comments. This will be addressed through site plan, which is required for any residential intensification application. Overall the scale of development and intensity is compatible and appropriate for the site.

The Site Plan Approval process will ensure that appropriate access, parking, fencing (if necessary), and landscaping is used to help mitigate any potential impacts and maintain the privacy of abutting outdoor amenity areas.



Figure 3 - Conceptual site plan

#### 4.2 Neighbourhood Compatibility

## Provincial Policy Statement (PPS), 2014

The PPS encourages intensification and redevelopment where it can be accommodated, taking into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The addition of one unit within the existing building, with no changes proposed to the building, is an acceptable form of residential intensification.

## The London Plan

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (\*937\_). The London Plan creates a variety of opportunities for intensification, such as converted dwellings (\*939\_ 2.). Converted dwellings may be permitted in appropriate locations within the Neighbourhoods Place Type (943\_). Planning and development applications to allow for converted dwellings will be reviewed based on the Planning and Development Applications section in the Our Tools part of this Plan (\*944\_).

# 1989 Official Plan

As part of the consideration for residential intensification, a Neighbourhood Character Statement and Compatibility Report is to be submitted by the Applicant, detailing how the proposed development respects the character of the existing neighbourhood (3.2.3.3. and 3.7.3. a)), and how the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood (3.7.3. b)). The surrounding area consists of single detached dwellings rear lotting onto Riverside Drive to the south, single and semi-detached dwellings within a cluster development to the north and west, and single detached dwellings to the east (east side of Hyde Park

Road). A Neighbourhood Character Statement and Compatibility Report provided by the Applicant supported the proposed converted dwelling as an appropriate and complementary use within the context of the area. Overall, the proposed intensification will respect the character of the surrounding areas, as no external changes to the dwelling are proposed, and any parking and access will be directed towards Hyde Park Road, away from the internal neighbourhood. Any additional site plan considerations and road widening/dedication will be addressed through a development agreement.

This application, as detailed above, will have no impact on adjacent lands, meets the policies of the PPS, 1989 Official Plan and The London Plan, and is a suitable and compatible form of intensification within the existing neighbourhood.

# 4.3 Zoning

# Residential R3 (R3-2) Zone

The request is to re-zone the site to a Residential R3 (R3-2) Zone which permits single detached, semi-detached, duplex, triplex, fourplex and converted (up to four units) dwellings. The addition of one unit within the existing building is compatible with the existing area and will not affect the neighbourhood compatibility.

The initial site concept shows a consolidated parking area along the Hyde Park Road access. The site has a 0.3 m foot reserve along Riverside Drive, which was put in place through the rezoning from 1987 to control access at that time. Transportation Division has indicated this front yard parking area off of Riverside Drive is not supported, and will need to be removed. Instead, the three required parking spaces will be consolidated and located off of Hyde Park Road, away from the adjacent internal lots, and within the exterior side yard. This will require a special provision in the zone to recognize the parking area location within the exterior side yard, and a minimum of 2.4m from the property line. These special provisions are considered minor and will help to consolidate parking to minimize impact on adjacent properties, and to rectify a long standing front yard parking issue.

An additional interior side yard special provision (1.3m in place of 1.8m) is required, to recognize the existing interior side yard setback. No other special provisions have been identified.

# 5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2014, and conforms to The London Plan and the 1989 Official Plan. The proposed addition of one unit within the existing two unit dwelling represents a sensitive and compatible development that is a good fit within the surrounding context, and makes efficient use of the existing municipal services and infrastructure, and encourages residential intensification as per the PPS, The London Plan and the 1989 Official Plan.

Prepared by:	
	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Recommended by:	
	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	
	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to	

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

May 6, 2019 NP/np

# Appendix A

Bill No.(number to be inserted by Clerk's Office) 2019

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1081 Riverside Drive.

WHEREAS Hajar Properties Inc. has applied to rezone an area of land located at 1081 Riverside Drive, as shown on the map <u>attached</u> to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1081 Riverside Drive, as shown on the <u>attached</u> map comprising part of Key Map No. A106, from a Private Road Residential R6 (PR\*R6-1) Zone to a Residential R3 Special Provision (R3-2( )) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the following Special Provision:
  - b) R3-2( ) (1081 Riverside Drive)
    - a) Regulations
      - i) Interior Side Yard 1.3 m (4.3 feet) Depth (Minimum)
      - ii) Notwithstanding Section 4.19.4 a), all required parking is permitted in the exterior side yard (Hyde Park Road) for this site.
      - iii) Notwithstanding Section 4.19.4 c) (a), the parking area setback shall a minimum 2.4 m (7.9 feet) from the property line (Hyde Park Road).
- 3) The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.
- 4) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990*, *c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

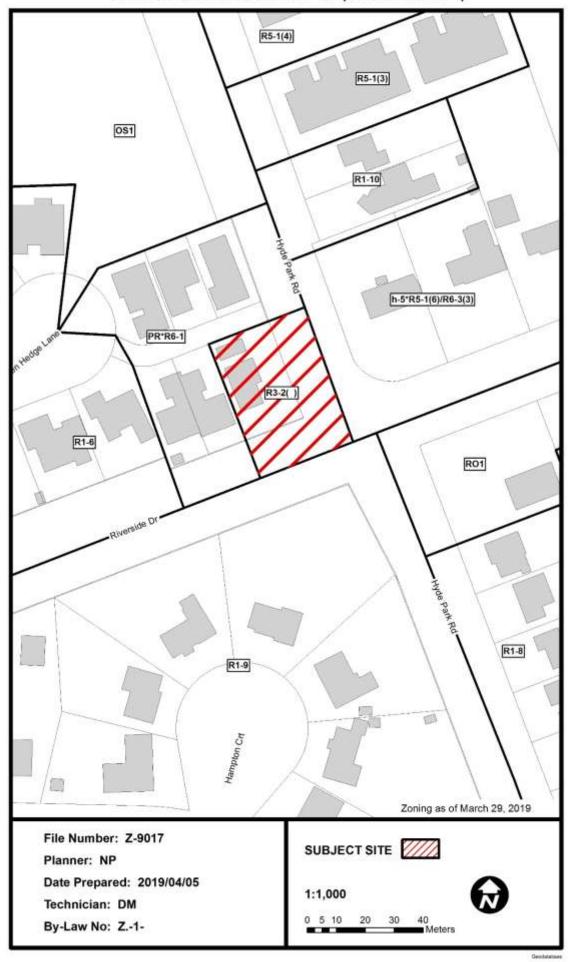
PASSED in Open Council on May 21, 2019.

Ed Holder Mayor

Catharine Saunders City Clerk

First Reading – May 21, 2019 Second Reading – May 21, 2019 Third Reading – May 21, 2019

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



# **Appendix B – Public Engagement**

# **Community Engagement**

**Public liaison:** On January 31, 2019, Notice of Application was sent to 60 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. A "Planning Application" sign was also posted on the site.

Two (2) replies received.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit the addition of another unit within the existing dwelling (three units total). Possible change to Zoning By-law Z.-1 FROM a Private Road Residential R6 (PR\*R6-1) Zone TO a Residential R3 (R3-2) Zone to permit a converted dwelling with maximum total of three (3) dwelling units.

**Responses:** No comments received. Questions on access, parking, private road, external building changes.

Concern for: n/a

#### Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Alan McKee	
1067 Riverside Drive	
Pat Burns-White	
417 Hyde Park Rd, Unit 7	

#### **Agency/Departmental Comments**

#### March 5, 2019: Development Services - Engineering

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

#### **Wastewater**

- The sanitary sewer available is the existing 250mm sanitary sewer on Hyde Park Road.
- As shown on City Plan #6990 the subject lands are served by a 150mm sanitary PDC.

# **Transportation**

- Close and restore driveway to Riverside Drive in accordance with City Standards
- Road widening dedication of 13.0m from centre line is required on Hyde Park Road & Riverside Drive
- 6.0m x 6.0m daylight triangle is required.

#### February 4, 2019: UTRCA (email)

The UTRCA has no objections to this application.

February 4, 2019: London Hydro (email)

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expensed of the owner.

# January 29, 2019: Union Gas (email)

Thank you for your correspondence with regard to the proposed Site Plan Application. Union Gas Limited ("Union") does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

# Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

## Provincial Policy Statement (PPS) 2014

- S1.1 managing and directing land use to achieve efficient and resilient development and land use patterns
- 1.1.1 Healthy, liveable and safe communities
- 1.1.1 b) appropriate range and mix of uses
- 1.1.3 Cost-effective development patterns
- 1.1.3.2 a) 1. Land use within settlement areas

#### Official Plan

3.2 – Low Density Residential Designation

#### London Plan

80, \*81, 82, \*83 – Built-Area Boundary

\*Table 10 – Range of permitted uses in Neighbourhood Place Type

\*916-\*921 - Permitted Uses

\*937, 938, \*939, \*940 – Residential Intensification in Neighbourhoods

943, \*944 - Converted Dwellings

\*949, 950, \*951, \*952 – Site Plan Approval for Intensification Proposals

1576, \*1577, \*1578, \*1579 - Planning and Development Applications

# Z.-1 Zoning By-law

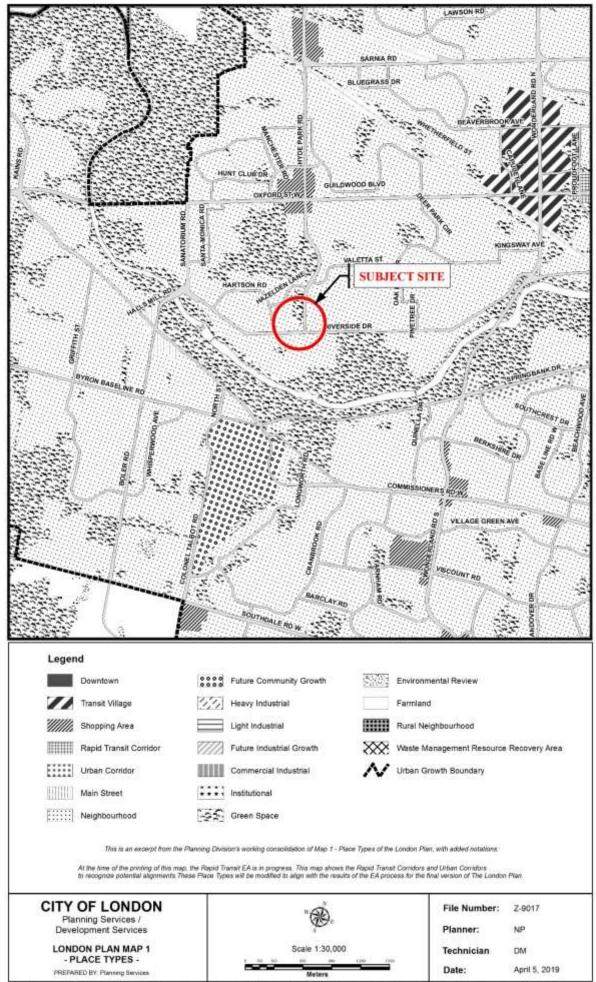
Section 2 - Definitions

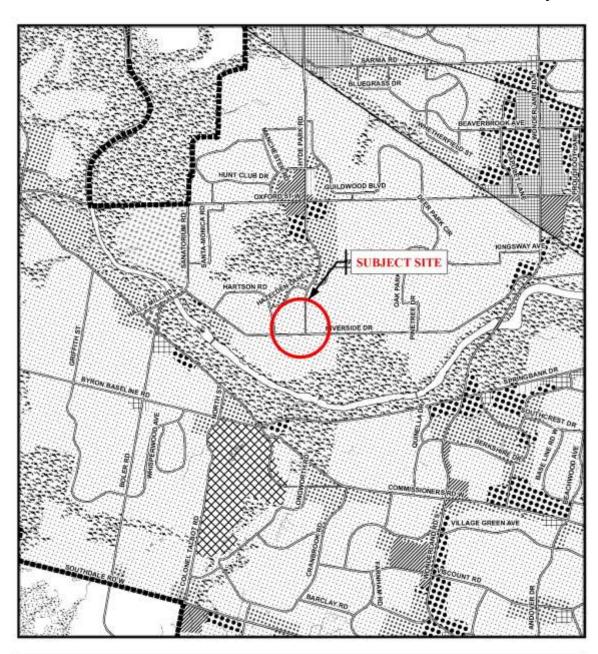
Section 4 - General Provisions

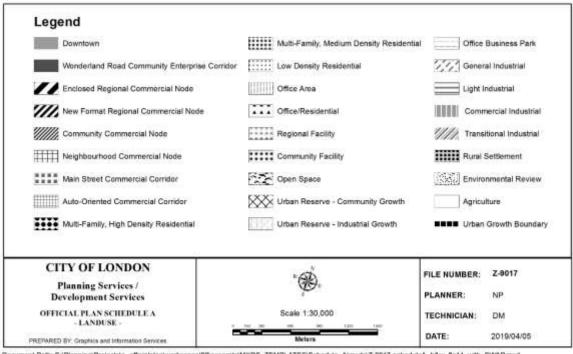
Section 7 - Residential R3 (R3) zone

# Appendix D – Relevant Background

# **Additional Maps**







Document Path: E:Planning:Projects/p\_officialplan/workconsol00/excerpts/MXDS\_TEMPLATES/Schedule\_A/mxds/Z-9017-scheduleA\_b&w\_Bx14\_with\_SWAP.mxd

