

To: COUNCIL

Meeting Date: 5/28/2024

Subject: Recommendation Report for City initiated Zoning By-law Amendment - 214 and 216 Union St. N. and 229 and 231 Anne St.

Submitted By: Sylvia Rafalski-Misch, MCIP, RPP, Manager of Development Planning

Prepared By: Sancy Sebastian, Planner – Development Co-ordinator

Report No.: 24-032-CD

File No.: R17/23

Wards Affected: Ward 1

RECOMMENDATION(S):

THAT Report 24-032-CD Recommendation Report for City initiated Zoning By-law Amendment - 214 and 216 Union St. N. and 229 and 231 Anne St. be received;

AND THAT Council approves the proposed Zoning By-law Amendment to rezone the subject lands from RM3 s.4.1.299 to RM4 s.4.1.475, with a site specific provision for a reduced lot frontage, to legalize the two existing semi-detached dwellings;

AND THAT Council is satisfied that the requirements for a public meeting in accordance with subsection 34(17) of the Planning Act have been met;

AND FURTHER THAT that the By-law attached to report 24-032-CD be passed.

EXECUTIVE SUMMARY:

Purpose

The purpose of this report is to provide a recommendation on a City initiated Zoning By-law Amendment to legalize the two (2) existing semi-detached dwellings, for a total of four (4) dwelling units on the subject lands.

Key Findings

- The current RM3 - Multiple Residential zone does not permit semi-detached dwellings. Two semi-detached dwellings have been built on the subject lands.

- The proposed City initiated Zoning By-law Amendment is to rezone the lands from RM3 to RM4 to legalize the two existing semi-detached dwellings.
- The Owner of 214 and 216 Union Street North has applied and received conditional approval for a consent application to create separate lots for the existing semi-detached dwellings.
- As a condition of the consent application, a Zoning Bylaw Amendment is required to legalize the existing semi-detached dwellings in order for the lot creation to be completed.
- No new development is proposed on the subject lands.

Financial Implications

- There were no application fees for this City initiated Amendment.

STRATEGIC ALIGNMENT:

Strategic Action

Objective(s): PLANNING FOR GROWTH - Provide for a mix of development, uses and amenities in order to meet the needs of a changing and diverse population

Strategic Action: Increase housing options

OR

Core Service

Program: Development Approvals

Core Service: Official Plan and Zoning By-law Amendments

BACKGROUND:

Subject Lands

The subject lands are located south of Highway 401, and west of Highway 24, within the Preston community. Bound by Anne Street to the west, Union Street to the east, and Duke Street to the south, the subject lands contain two semi-detached dwellings, for a total of four (4) dwelling units.

The lands at 214 and 216 Union Street North have a combined lot frontage of 17 metres and these lands are proposed to be severed into two separate lots, with a semi-detached dwelling unit on each lot. The lands at 229 and 231 Anne Street are already two separate lots, with a semi-detached dwelling unit located on each lot, with individual lot frontage of 8.5 metres. The subject lands are identified on Figure 1 below.



Figure 1 – Aerial view of the Subject Lands



Figure 2 – Existing semi-detached at 229 and 231 Anne Street



Figure 3 – Existing semi-detached at 214 and 216 Union Street North

Surrounding Lands

Surrounding land uses consist of a mix of single detached dwellings, semi-detached dwellings and townhouses with industrial lands and a rail corridor to the northeast of the subject lands. The properties on the south side of Duke Street across from the subject lands are identified as properties of interest on the Heritage Registry due to a historic wall along the south side of the property, facing King Street East.

ANALYSIS:

The City is initiating this amendment to legalize the two (2) existing semi-detached dwellings, for a total of four (4) dwelling units on the subject lands, for which building permits were issued. The one semi-detached dwelling at 229 and 231 Anne Steet was part of a larger townhouse development at the time of Site Plan approval. The existing site specific RM3 zone permits townhouse and apartment dwellings but does not permit semi-detached dwellings. A Zoning By-law Amendment is required to rezone the subject lands to RM4 with site specific provision for a reduced lot frontage.

The comprehensive timeline outlining the series of zoning changes, severance application, lot creation, and building permits and the steps taken towards resolution is included in Appendix C of this report.

City of Cambridge Official Plan (2012)

The 2012 City of Cambridge Official Plan designates the subject lands as “Low/Medium Density Residential”, which permits single detached dwellings, semi-detached dwellings, townhouses and/or walk-up apartments. The lands are also located in the “Regeneration Areas”. The maximum density for this area is 75 units per hectare. The subject lands are developed with two semi-detached dwellings with a density of 11 units per hectare. The proposed Zoning By-law Amendment conforms to the City Official Plan.

Proposed Zoning By-law Amendment

The proposed Amendment is to rezone the subject lands from RM3 with existing site-specific s.4.1.299 to RM4 with proposed site-specific s.4.1.475 to permit a reduced lot frontage for each semi-detached dwelling unit (on individual lot) from 9 metres to 8.5 metres, and to legalize the two existing semi-detached dwellings on Union Street and Anne Street.

If approved, the proposed Amendment will legalize the existing semi-detached dwellings and the owner of 214 and 216 Union Street can fulfill the consent condition to create two saleable lots within an established residential neighbourhood. No exterior additions

or site alterations are proposed and the required parking is provided for each unit in the garage and the driveway as it currently exists.

EXISTING POLICY / BY-LAW(S):

City of Cambridge Official Plan, 2012, as amended.

Existing Land Use Designation(s):

- Low/Medium Density Residential – Map 2 of Official Plan
- Regeneration Areas – Map 6 of Official Plan

No changes to the Official Plan designations are proposed. Figure 4 below shows the existing Land Use Designation on Map 2 of the City Official Plan.

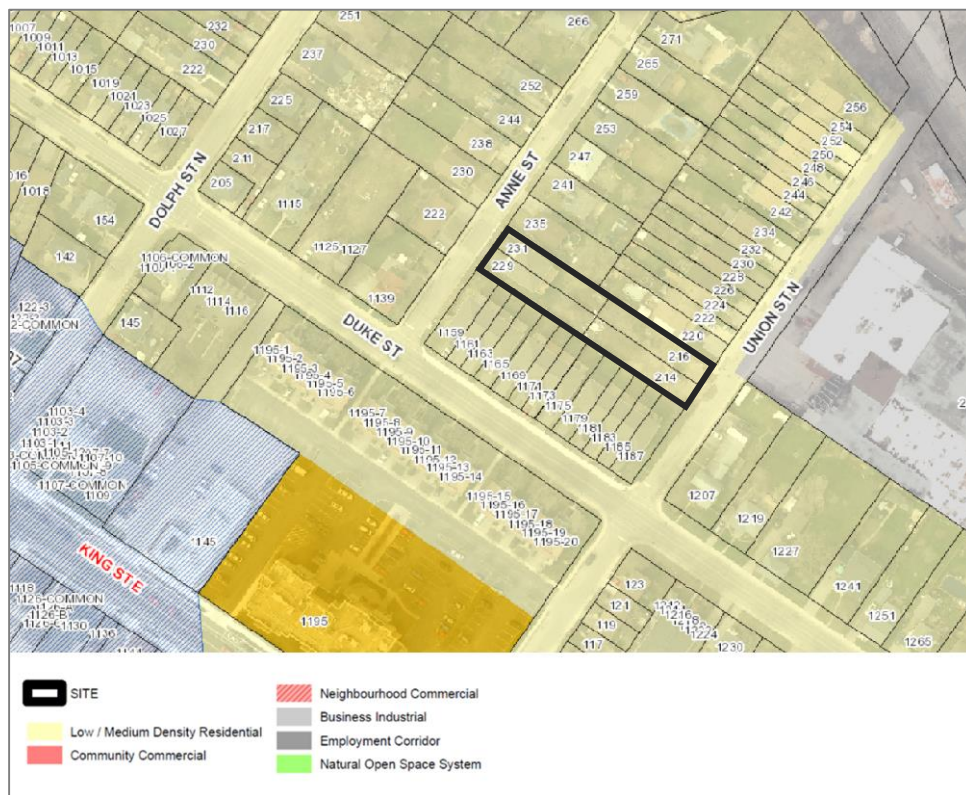


Figure 4 - Existing Map 2 of The City Official Plan

City of Cambridge Zoning By-law 150-85, as amended.

Existing Zoning: RM3 - Multiple Residential, s. 4.1.299 (By-law 126-15)

Proposed Zoning: RM4 - Multiple Residential, s.4.1.475

Figure 5 below shows the existing zoning and Figure 6 shows the proposed zoning.

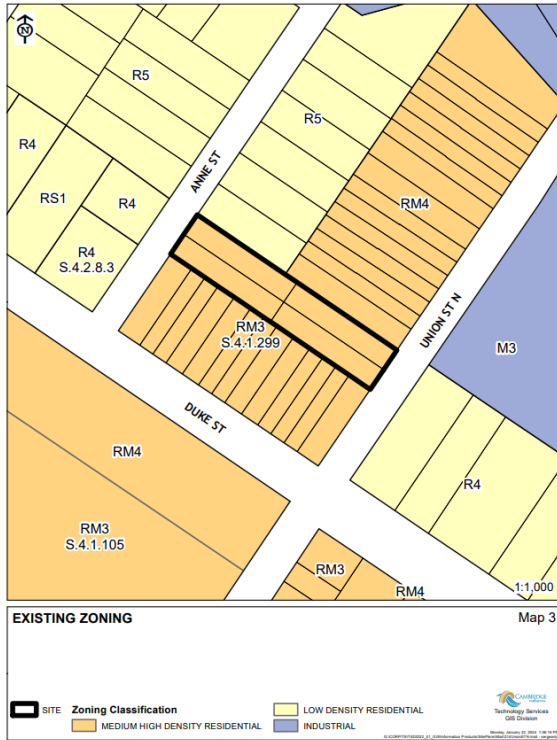


Figure 5 – Existing Zoning

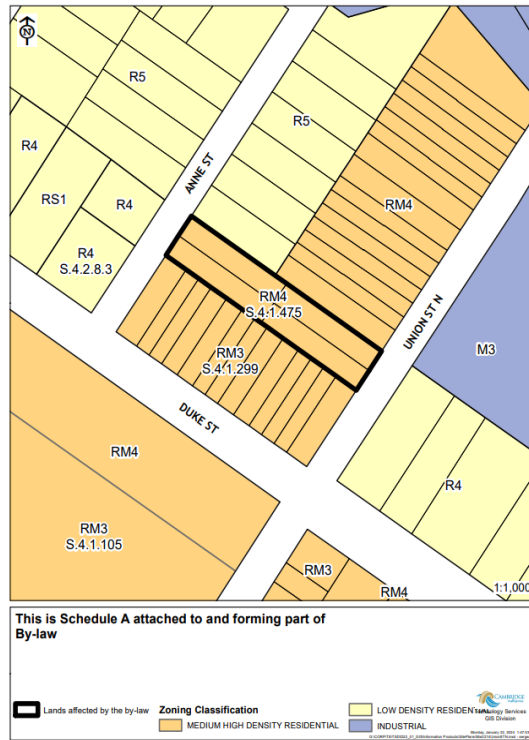


Figure 6 – Proposed Zoning

FINANCIAL IMPACT:

There are no application fees associated with the proposed City initiated Zoning By-law Amendment.

PUBLIC VALUE:

A statutory public meeting required under the Planning Act was held on May 7th, 2024.

Following the Public Meeting, any person that provided their contact information on the sign-in registry at the meeting or requested through other means to be kept informed about the application, were notified of the May 28th, 2024 Council Meeting and provided with access to the Recommendation Report.

ADVISORY COMMITTEE INPUT:

Advisory Committees Consulted:

Not Applicable

PUBLIC INPUT:

The statutory public meeting required under the Planning Act was held on May 7, 2024, and official notification was provided in The Record on April 12, 2024. In addition, notice was provided to all assessed property owners within 120 metre (393.7 feet) radius of the site. Staff also received one written submission regarding the application. The comments expressed at the public meeting and through the written submission are summarized below and include Planning staff response.

Number	Concerns Raised	Staff Response
1	The current parking setup for townhouses along Duke Street has led to traffic incidents, primarily due to obscured visibility at the intersection of Union Street North and Duke Street.	As per staff analysis, no potential to create unacceptable adverse traffic operational and/or safety impacts on the road network was identified during staff's review of the Zoning Bylaw Amendment application in 2014.
2	Concern was raised whether a Transportation Impact Study was conducted during the Zoning Bylaw Amendment application process in 2014 and prior to the issuance of building permits for 214 and 216 Union Street North.	A Transportation Impact Study (TIS) is conducted whenever a proposed development will generate more than 75 additional peak hour trips to or from the site or if any of the listed below conditions apply: <ul data-bbox="943 1255 1430 1875" style="list-style-type: none">• The development is located in an area of high roadway congestion and/or a high employment or population growth area.• The development requires an amendment to the Official Plan.• The development, its access(es) or type of operation is not consistent with land-use zoning or transportation plans.• As part of the proposed development, a new traffic signal is proposed.

Number	Concerns Raised	Staff Response
		<ul style="list-style-type: none"> • If in the opinion of the City, the development has the potential to create unacceptable adverse traffic operational and/or safety impacts on the road network. <p>None of the above conditions were considered to be applicable to the previously proposed 32-unit apartment development; therefore, a TIS was not recommended as part of the rezoning application in 2014.</p>
3	<p>Insufficient parking is available on Union Street North for visitors and the two semi-detached dwellings at 214 and 216 Union Street North do not have enough space to park two vehicles in the driveway, resulting into encroachment to sidewalk.</p>	<p>The properties from 220 to 256 Union Street North are zoned RM4. As per the parking requirements under the City Zoning Bylaw 150-85, no additional visitor parking spaces are required for these townhouse properties in the RM4 Zone.</p> <p>The two semi detached properties have one required parking space per dwelling unit based on bedroom count. Accordingly, one vehicle can be parked in the garage, and one additional vehicle can be parked in the driveway. The driveway is 3.05m wide and 7.6m long, which accommodates one vehicle with no encroachment onto the sidewalk.</p>
4	<p>214 and 216 Union Street North properties were not included in the public meeting proposal as part of the rezoning application in 2014.</p>	<p>The statutory public meeting held on March 10th, 2015, was based on the proposal to build a 3 storey 32-unit apartment building and that proposal included the 214 and 216 Union Street properties as part of the</p>

Number	Concerns Raised	Staff Response
		subject lands. The Zoning Bylaw 126-15 was approved and passed by Council on July 14 th , 2015.
5	<p>The public meeting was conducted by the developer changing the proposal from a 32-unit apartment building to exclusively townhouses on Duke Street. In the presentation, no semi-detached units were proposed along Anne Street and Union Street North.</p>	<p>The notices on record for the public meeting and neighbourhood meeting for the above noted Zoning By-law Amendment, were for a 3 storey 32-unit apartment building and included the 214 and 216 Union Street property as part of the subject lands. Staff are unable to comment on what was presented at a meeting held by the developer.</p>
6	<p>The properties located along Union Street North from 220 to 256 were noted to hold a 1/16 ownership stake in the sanitary easement passing through their backyards. Prior consultation with these property owners was required before establishing any new connections to the existing sanitary line. Further, it was stated that the covenant instrument attached to the deed of the property required to recognize the following.</p> <ul style="list-style-type: none"> • Sanitary services meaning sanitary main is privately owned by the owners of 220 to 256 Union Street North inclusive severally and jointly. 	<p>In 1994 the City obtained ownership of the sanitary main located behind the properties from 220 to 254 Union Street North. The property at 256 Union Street North has a private sewer lateral that connects to this sanitary main.</p>
7	<p>In 1989 when the sanitary main was constructed, asphalt was dumped by the developer across the back of</p>	<p>This issue is beyond the scope of the current planning application.</p>

Number	Concerns Raised	Staff Response
	<p>properties 220 to 256 Union Street. As the sanitary line was not placed at the right level, there was no adequate fall for the sanitary line to run along the back of the properties. Although the illegally dumped asphalt was later removed, it adversely affected the functionality of the sewer line. Consequently, the property owner at 256 Union Street had to finance the reconstruction of the sanitary lateral line to reinstate it at a higher level on her property</p>	
8	<p>The owner of 256 Union Street asserted that the 1/16th ownership of the sanitary line on their property was never transferred to the City, indicating that they still retain ownership of a portion of the sanitary main. Additionally, the properties at 214 and 216 Union Street North were connected to the sanitary line without obtaining permission from the owners of 256 Union Street North.</p>	<p>In 1994 the City obtained ownership of the sanitary main located behind the properties from 220 to 254 Union Street North. The property at 256 Union Street North has a private sewer lateral that connects to this sanitary main.</p>

Council Direction to Staff:

At the Statutory Public Meeting held on May 7th, 2024, Council directed Staff to provide a response to the concerns raised at the public meeting and to include the timeline of previous approvals for the properties. Staff has responded in the above table to the comments provided at the public meeting and has included the timeline of previous approvals in Appendix C to this report.

INTERNAL / EXTERNAL CONSULTATION:

The proposed Amendment has been circulated to the departments and commenting agencies listed in Appendix B.

There were no objections or comments received from the circulated departments or commenting agencies with respect to the proposed Zoning By-law Amendment.

CONCLUSION:

The proposed Zoning By-law Amendment will legalize the two existing semi-detached dwellings on the subject lands and complete the proposed severance to create individual lots for the semi-detached dwelling located at 214 and 216 Union Street North.

It is the opinion of Planning staff that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with the policies of the Provincial Growth Plan, the Regional Official Plan, and the City of Cambridge Official Plan and meets the general intent and purpose of the City of Cambridge Zoning By-law 150-85.

As such, Planning staff recommends approval of the proposed Zoning By-law Amendment contained in Appendix A respectively.

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 24-032-CD – Appendix A – Proposed Zoning By-law – 214 and 216 Union St N and 229 and 231 Anne St
2. 24-032-CD – Appendix B – Internal/External Consultation
3. 24-032-CD – Appendix C – Previous Approvals