

Jean-Marc Metrailler
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Via email: PPMClerks@london.ca

Planning and Environment Committee (PEC)

City of London

Re: OZ-9661 – 5-bedroom Limits and Increased Permissions for Additional Residential Units

Dear members of PEC and Council,

I write to provide three comments on the proposed Zoning and Official Plan amendments for ARUs, each of which is explained in greater detail below.

1. *The “graduated” bedroom cap in Near-Campus Neighbourhoods (NCNs) should be approved*

As a resident of an NCN, I commend both city planning staff and neighbourhood associations for productive discussions and engagement on these amendments. The proposed “graduated” bedroom cap, in my view, is a reasonable compromise and a positive product of that engagement.

The “graduated” cap mitigates legitimate neighbourhood concerns flagged by residents’ associations, while also recognizing that a “hard” 5-bedroom cap would be limiting on ARUs and unlikely to align with the city’s housing unit goals or provincial/federal obligations. It also encourages investment from serious developers committed to creating quality compliant units, versus the poorly maintained and overcrowded single family homes too often seen in our NCNs. For those reasons, I support it.

2. *Proposed setback rules do not sufficiently vary for building height*

While the proposed setbacks for detached ARUs appear generally reasonable, I am concerned about scenarios where they do not sufficiently *vary for a higher or lower building heights*, and may thus unintentionally incentivize 2-storey detached ARUs over 1-storey detached ARUs.

To help visualize, my understanding of the proposed setback requirements for detached ARUs can be summarized in the following chart, which shows three scenarios (rear facing windowed and windowless walls, and side-facing windowed walls) where the required setbacks are *the same for 1-storey and 2-storey detached ARUs*:

Detached ARU Wall Type	Rear-Yard Setback	Side Yard Setback
One Storey – No windows	3m	Greater of 1.2m or the setback of the zone (which in most cases increases for 2-storey)
Two Storey – No windows	3m	
One Story – with windows	3m	3m
Two Storey – with windows	3m	3m

All else equal, a rational builder under each scenario will be incentivized to choose 2-storeys over 1-storey. An unduly strict requirement for 1-storey buildings relative to 2-storey buildings may therefore unintentionally worsen the privacy concerns the setbacks are intended to address.

As an alternative, I suggest that the setbacks in each scenario could provide a reduction in required setback when a 1-storey ARU is selected over a 2-storey ARU. For example, instead of a 3m requirement in these cases, the setback might be reduced to 1.5 or 2m if the developer chooses a single-storey.

Such a reduction would not, in my view, create unreasonable privacy concerns (and may in fact improve them) because:

- a) it would rationally incentivize single-storey ARUs over two-storey ARUs; and
- b) the proposed setback rules as a whole would still remain stricter than both London’s current setback rules for detached ARUs¹ and setback rules that have been adopted in other Ontario municipalities for detaches ARUs.²

3. Importing by reference the main dwelling setback requirements of the zone creates complications that may not be intended to apply to ARUs

The requirement that the side-yard setback be the “greater of” 1.2m and the required main dwelling setback for the zone creates some perhaps unintentional complications.

Per section 5.3 (4) and (5) of the current Zoning Bylaw, homes without private garages in most residential zones are required to have a 3m setback on one side. This is sensible for a main dwelling in order to provide space for required parking in the side yard. However, it is not in

¹ Currently, detached ARUs are subject to the normal setback requirements for all other detached accessory structures, which allow rear and side yard setbacks as low as 0.6m.

² [Hamilton](#) and [Windsor](#) for example, appear to have a 1.2m rear and side setback requirement that apply to detached ARUs of all heights. In [Toronto](#) (subject to some exceptions), rear and side setbacks are typically 1.5m. In [Guelph](#), both rear-yard and side-yard setbacks equal side-yard the setback of the zone, and increase to a minimum of 3m only if the ARU is two-storeys and has windows.

my view sensible that this side yard parking-related setback requirement be applied to detached ARUs that will typically be located in the rear yard and which in any event do not have *any* parking requirements.

My suggestion is perhaps to add wording that makes clear this side-yard parking setback does not apply to detached ARUs, or to simply give detached ARUs their own adequate side yard setback requirements that do not import the requirements of the zone for the main dwelling. I'll add that this is another 3m setback that applies *equally* to 1-storey and 2-storey buildings, and which again creates those same incentive concerns.

Notwithstanding my respectful concerns on setbacks, I broadly support the aims of the amendments, and add that city planning staff have been knowledgeable, attentive, and responsive in preparing them. Even if the setback questions are not totally addressed immediately, I am confident that staff will monitor developments and variance requests etc. and that there will be opportunities for further refinement if such issues manifest themselves.

Thank you for taking the time to review and consider my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean-Marc Metrailler', with a stylized, cursive script.

Jean-Marc Metrailler