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S. Meksula

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| TO: | CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE |
| FROM: | JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER |
| SUBJECT: | APPLICATION BY: CITY OF LONDON RESIDENTIAL INTENSIFICATION POLICIES PUBLIC PARTICIPATION MEETING ON JANUARY 16, 2012 |

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| RECOMMENDATION |
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That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to Section 3.2.3.1 "Residential Intensification Definition" and Section 3.2.3.5 "Public Site Plan Review and Urban Design" of the Official Plan:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2012 to amend the Official Plan by amending Section 3.2.3.1 "Residential Intensification Definition" and Section 3.2.3.5 "Public Site Plan Review and Urban Design" to add a policy clarifying the intent of the intensification policies;
- (b) the Site Plan Control By-law **BE AMENDED**, based on the attached Official Plan amendment, to clarify the site plan matters to be considered in the review of intensification proposals, including a requirement for Public Site Plan review in those instances where intensification may occur where no planning application or process other than site plan review is required.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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Report to Planning Committee, Information Report, Residential Intensification and Infill Housing Background Study, May 28, 2007

Report to Planning Committee, Information Report, Summary of Comments received Regarding Draft Official Plan Policies, January 28, 2008.

Report to Planning Committee, Public Participation Meeting, Official Plan Review, February 25, 2008.

Report to Planning Committee, Public Participation Meeting, Proposed Modifications to Official Plan Amendment No. 438, September 28, 2009.

Report to Planning Committee, Information Report, Residential Intensification and Amendment to clarify the intent of the intensification policies of the Official Plan regarding when public site plan will be required, August 15, 2011.

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| RATIONALE |
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1. The recommended amendment conforms to the policies of the Official Plan.
2. The recommended Official Plan amendment is consistent with the Provincial Policy Statement (2005).
3. The attached Official Plan amendment clarifies the intent of residential intensification by clarifying those instances when a public meeting is required to address the residential intensification site plan matters.

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**O-7970
S. Meksula**

- 4. The recommended amendment is intended to ensure that the residential intensification site plan matters are considered concurrently with zoning by-law amendment, consent and minor variance applications.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan change is to clarify the intent of the residential intensification policies of the Official Plan to define redevelopment and to clarify when public site plan will be required.

BACKGROUND

On August 15, 2011, a report was presented to the Built and Natural Environment Committee that included revised policies to address the concerns raised regarding the recently adopted residential intensification policies. These draft policies were circulated for public review and comment. To date, written correspondence has been received from the London Development Institute (LDI), and meetings have been held with representatives of both the London Home Builders Association to discuss their concerns.

The current policies of the Official Plan read as follows:

3.2.3.1 Definition

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

- i) redevelopment, including the redevelopment of brownfield sites;*
- ii) the development of vacant and/or underutilized lots within previously developed areas;*
- iii) infill development, including lot creation;*
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,*
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation.*

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision.

Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.

This definition above is the same as the definition of residential intensification found in the Provincial Policy Statement, 2005 with the exception of the inclusion of "lot creation" in the definition.

In order to address issues of impact, new policies were also adopted that would require a concurrent public site plan review process to address matters related to the compatibility of residential intensification proposals with the existing neighbourhood.

To address these matters, policy 3.2.3.5 of the Official Plan states:

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. In addition to all other site planning issues, residential intensification site plan proposals will be evaluated to ensure:

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**O-7970
S. Meksula**

i) Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;

ii) The use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and,

iii) Consideration of the following Urban Design Principles:

(a) Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped;

(b) The form and design of residential intensification projects should complement and/or enhance any significant natural features that forms part of the site or are located adjacent to the site;

(c) New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses;

(d) New development should include active frontages to the street that provide for the enhancement of the pedestrian environment;

(e) The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets;

(f) Buildings should be positioned to define usable and secure open space areas on the site and to afford a reasonable measure of privacy to individual dwelling units;

(g) Parking and driveways should be located and designed to facilitate manoeuvrability on site and between adjacent sites, and to reduce traffic flow disruption to and from the property; and,

(h) Projects should have regard for the neighbourhood organizing structure. Building and site designs should facilitate easy connections to and around the site to public transit and destinations.

iv) For Residential Intensification projects proposed on lands designated Low Density Residential, or projects requiring an Official Plan amendment to a more intensive residential land use designation, or projects requesting bonus zoning pursuant to policy 19.4.4. shall apply policy 3.2.3.3. neighbourhood character statement, 3.2.3.4. statement of compatibility and policy 3.7.2.1. respectively.

Since the adoption of these policies, two concerns have been raised. The first relates to clarifying what is meant by “infill” and “redevelopment” in policy 3.2.3.1, which defines residential intensification, and secondly, is the requirement for a public review process onerous or redundant in instances where the public already has the opportunity to comment on an application that would be considered as intensification. The proposed amendments are intended to address these concerns.

ANALYSIS

What is Residential Intensification?

The definition of intensification is the development of a property, site or area at a higher density than currently exists on the site. An issue with the current definition relates to infill housing. The revised definition clarifies that “infill” refers to intensification on lots within existing neighbourhoods, and not the development of vacant blocks in new plans of subdivision that were intended for forms of development that may be at greater densities than the surrounding newly developing area.

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O-7970
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The proposed change to policy 3.2.3.1 to clarify this is provided below:

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. ~~It is not intended that infill housing will occur~~ Residential development on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision will not be considered as infill development.

Another clarification provides a definition for redevelopment within the context of the intensification policies. There has been confusion regarding whether or not the City’s residential intensification policies would apply in instances where new residential development occurs that is greater in intensity than currently exists within an area, but is in accordance with the zoning of the lands. An example of this would be where an existing single family dwelling is demolished, and replaced with a duplex on lands that are zoned that would permit the duplex development. In order to clarify this, the current policy that defines residential intensification could be amended to include a definition of redevelopment. This would be consistent with the definition found in the Provincial Policy Statement.

It is further recommended that policy 3.2.3.1. be amended to include the following:

For the purposes of this Plan, redevelopment means the creation of new units or lots on previously developed land.

With such a definition, the scenario described above would be considered as residential intensification, and would be subject to the intensification policies of the Official Plan.

Residential Intensification Site Plan Approval Issues

Another issue that has been raised since the adoption of the residential intensification policies relates to the requirement for public site plan approval. In certain instances, this was seen by both applicants and staff as a redundant or onerous requirement where there was already a public input process as part of the Planning Act application. There was also concern about the extent of the site plan matters to be addressed in the public site plan review process.

The recommended amendment to policy 3.2.3.5 is intended to clarify these issues. The recommended policy would require the site plan review process and public consultation process to occur simultaneously, and would also limit the matters to be considered to those matters identified in policy 3.2.3.5.

The recommended policy change is noted below:

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process ~~In addition to all other site planning matters, residential intensification site plan proposals will be evaluated to ensure:~~ to address the matters identified below.

In instances where a residential intensification project would also require an application under the Planning Act that includes public notice and consultation such as a zoning by-law amendment, consent or minor variance application, a separate public site plan review may not be required. For these applications, the public notification process shall clearly state that the residential intensification site plan matters contemplated by the Official Plan shall be addressed as part of this process and that the public is invited to comment on those site plan matters as part of their response to the application. Where a specific development proposal has not been submitted, a separate public site plan review will be required.

When a residential intensification project conforms to current zoning, a public site plan review will be required to address the matters identified below. Notification will be provided to all property owners within 120 meters of the proposed project to advise them of their opportunity to comment on the proposal.

Residential intensification proposals will be evaluated to ensure:

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Possible Site Plan Control By-law Changes

In order to effectively implement these policies, changes to the Site Plan Control By-law may be required. The purpose of these changes would be to clarify the extent of the site plan review required, the nature of the information required, such as elevations, site plans and landscape plans, and in which instances public site plan review would be required. The By-law amendments would also include changes to the Notice procedures to ensure that the public is advised that this is their opportunity for comment on site plan related matters. This change in notice procedures may also be required for notices of zoning by-law amendments, minor variances and notices for consents.

RESPONSE TO CONSULTATION

The London Development Institute (LDI) raised three concerns regarding the current policy and the draft recommended changes. The first concern relates to requiring a separate site review in instances where an intensification proposal is also subject to a minor variance application, consent or zoning by-law amendment. The recommended policy change clarifies that the notice provisions for these applications will indicate that the residential intensification site plan matters will be addressed concurrently through the planning application process for a minor variance, consent or zoning by-law amendment.

The second concern raised by the LDI was requiring public site plan review in instances where additional development through intensification may be permitted by the existing zoning on a site. In most cases, this type of development would require administrative site plan review, so the requirement for public site plan review is not an overly onerous additional requirement.

The final issue identified by the LDI relates to the level of detail and information required in the consideration of residential intensification applications. The policy has been clarified to state that it is only the matters identified in the policy that are subject to review for intensification applications, not the full range of site plan matters.

CONCLUSION

The residential intensification policies of the Official Plan were added as part of the Five Year Official Plan Review process (OPA 438). Since the adoption of those policies, clarification has been sought on matters related to the definition of intensification and infill, and how the policies could better integrate the consideration of residential intensification site plan matters where there are opportunities for public input as part of the planning approval process.

The recommended amendments to the residential intensification policies are intended to clarify these matters.

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| PREPARED BY: | SUBMITTED BY: |
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| SEAN MEKSULA PLANNER II CITY PLANNING AND RESEARCH | GREGG BARRETT, AICP MANAGER – CITY PLANNING AND RESEARCH |
| RECOMMENDED BY: | |
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| JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER | |

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

| <u>Telephone</u> | <u>Written</u> |
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| None | London Development Institute c/o Jim Kennedy 630 Colborne Street Suite 203 London, ON N6B 2V2 |

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the
City of London Planning Area, 1989.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on January 23, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – January 23, 2012
Second Reading - January 23, 2012
Third Reading - January 23, 2012

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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To clarify the policies as they relate to residential intensification by adding definitions for infill development and redevelopment, and to clarify the policies as they relate to where site plan review would be required as part of the consideration of a proposal for residential intensification.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to all lands located in the City of London.

C. BASIS OF THE AMENDMENT

The proposed policy changes to the Official Plan are consistent with the authority provided under the *Planning Act*. The proposed amendments will address clarify the matters to be considered in the evaluation of proposals for residential intensification, and those instances where public review may be required.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Amend subsection 3.2.3.1. by deleting the second sentence of the second paragraph "It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision." and replacing it with "Residential development on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision will not be considered as infill development."
2. Amend subsection 3.2.3.1. by adding a new paragraph "For the purposes of this Plan, redevelopment means the creation of new units or lots on previously developed land." between the second and third paragraphs.
3. Amend subsection 3.2.3.5 by deleting the first paragraph in its entirety and replacing it with:

"Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process to address the matters identified below.

In instances where a residential intensification project would also require an application under the *Planning Act* that includes public notice and consultation such as a zoning by-law amendment, consent or minor variance application, a separate public site plan review may not be required. For these applications, the public notification process shall clearly state that the residential intensification site plan matters contemplated by the Official Plan shall be addressed as part of this process and that the public is invited to comment on those site plan matters as part of their response to the application. Where a specific development proposal has not been submitted, a separate public site plan review will be required.

When a residential intensification project conforms to current zoning, a public site plan review will be required to address the matters identified below. Notification will be provided to all property owners within 120 meters of the proposed project to advise them of their opportunity to comment on the proposal.

Residential intensification proposals will be evaluated to ensure:"