

2ND REPORT OF THE
LONDON HOUSING ADVISORY COMMITTEE

Meeting held on January 13, 2016, commencing at 12:15 PM, in Committee Room #4, Second Floor, London City Hall.

PRESENT: D. Nemeth (Chair), A. Galloway, K. Kaill, S. Kwok, J. Malkin, B. Odegaard, J. Peaire, D. Peckham and N. Reeves and J. Martin (Secretary).

ABSENT: J. Coley Phillips, H. Drennan, M. Inthavong, J. Muller, J. Randall and D. Yuhasz.

ALSO PRESENT: G. Barrett, J. Binder, J. Browne, S. Giustizia, M. Hardy-Trevenna, G. Matthews and N. Watson.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

II. SCHEDULED ITEMS

2. Official Plan and Zoning By-law Amendments, Secondary Dwelling Units and Affordable Housing Components

That it BE NOTED that the London Housing Advisory Committee received the attached presentation from G. Barrett, Manager, Long Range Planning and Research with respect to an update related to the Official Plan and Zoning By-law Amendments for secondary dwelling units and affordable housing components.

III. CONSENT ITEMS

3. 1st Report of the London Housing Advisory Committee

That it BE NOTED that the 1st Report of the London Housing Advisory Committee from its meeting held on December 9, 2015, was received.

4. Municipal Council - 7th Report of the London Housing Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 4, 2016, with respect to the 7th Report of the London Housing Advisory Committee, was received.

5. Mayor's Advisory Panel on Poverty Working Group

That it BE NOTED that the communication from the Mayor's Advisory Panel on Poverty dated December 16, 2015, was received.

6. LSTAR - News Release - Stacey Evoy 2016 LSTAR President

That it BE NOTED that the LSTAR® news release dated January 4, 2016, was received.

IV. SUB-COMMITTEES & WORKING GROUPS

7. Mayor's Advisory Panel on Poverty Working Group

That it BE NOTED that there was not a Mayor's Advisory Panel on Poverty working group report.

V. ITEMS FOR DISCUSSION

8. 2016 London Housing Advisory Committee Work Plan

That the attached 2016 Work Plan for the London Housing Advisory Committee BE FORWARDED to Municipal Council for consideration.

VI. DEFERRED MATTERS/ADDITIONAL BUSINESS

9. (ADDED) CMHC – Releases

That it BE NOTED that the CMHC news release dated Fall 2015 and January 11, 2016, were received.


VII. ADJOURNMENT

The meeting adjourned at 1:25 PM.

NEXT MEETING DATE: February 10, 2016

City Wide Official Plan and Zoning By-law Amendments OZ-8053


Secondary Dwelling Unit Policies and Regulations
November 26, 2015



Background – Provincial Changes

Bill 140 - Changes to the Planning Act



- Must permit Secondary Dwelling Units within:
 - Single Detached Dwellings
 - Semi Detached Dwellings
 - Townhouses; **OR**
 - Accessory Structures of Singles, Semis or Townhouses.
- Must update Official Plan and Zoning By-law to comply with the Act;
- Increases the maximum temporary allowance of Garden Suites to 20 years;
- Secondary dwelling units policies or any "requirements or standards that are part of such policies" established by the City may not be appealed to the Ontario Municipal Board;
- No "grandfathering" provisions were included in the *Planning Act* amendments.



Secondary Dwelling Units

What is a Secondary Dwelling Unit?


- Self-contained residential unit with kitchen and bathroom facilities within a dwelling or an accessory structure.
- Also known as accessory or basement apartments, in-law suites, coach houses or secondary suites.
- Clearly secondary, accessory, and ancillary to the primary dwelling.

When a Secondary Suite will be permitted


A single secondary dwelling units will be permitted as-of-right when:

- The primary unit is a single-detached, semi-detached or street townhouse
- The secondary dwelling unit is greater than 25m² but less than 40% of the size of the dwelling unit
- The primary unit is owner-occupied
- The secondary unit is one-bedroom (and the total bedroom limit for the primary dwelling unit would not be exceeded)
- The unit is outside the Near-Campus Neighbourhood Area
- The unit meets the requirements of the building and fire codes
- The creation of a secondary dwelling unit can be completed without affecting the character of the area through new front entrances or other site and building alterations ("invisible density")




"Non-conforming" secondary dwelling units

- The policies and regulations proposed create "as-of-right" zoning for all secondary dwelling units which meet the policies and regulations.
- Both the minor variance and zoning by-law amendment processes can be used to address units which do not meet the regulations in their entirety.
- Both new and 'existing' secondary dwelling unit owners may apply.



Previous Council Direction

On December 3, 2013 Municipal Council resolved that the Official Plan amendments and Zoning By-law amendments be referred back to staff to provide further clarification; receive advice from the London Housing Advisory Committee; and, receive advice from the Town & Gown Committee.



Areas of Discussion

- 1. "Grandfathering" existing units
- 2. Requirement for an additional parking space
- 3. Limited to owner-occupied dwellings
- 4. Near-campus Neighbourhood restriction



"Grandfathering" Existing Units

- Whereas the two-unit legislation of 1995 (Bill 120) explicitly required the City to grandfather units Bill 140 does not.
- The Ministry of Municipal Affairs and Housing has noted specifically that:

'[the] changes do not "grandfather" any existing second units that do not meet applicable laws'.
- 'Existing' secondary dwelling units which do not meet the policies and regulation can avail of the minor variance or zoning by-law process as appropriate.



Amended By-law

- New paragraph added to Section 1) Permitted Zones

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing a secondary dwelling unit on the date of the passing of this by-law may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the *Building Code Act, 1992, S.O. 1992, c.23* permitting the erection, alteration, occupancy or use of the secondary dwelling unit, and if the secondary dwelling unit complies with the regulations of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*.



Additional Parking Space

- The additional parking space requirement has been removed.
- The intent of these changes is create affordable housing the requirement for a parking space was deemed unnecessarily restrictive.
- A tenant with a vehicle may seek out rental opportunities where a parking space is available for that vehicle.
- Policy requires that should a secondary dwelling unit owner wish to create additional parking for the unit, that parking would be in accordance with the character of the neighbourhood.



Owner-Occupation

- The purpose of the legislation is to provide opportunities to create affordable home ownership and affordable rental units
- Other municipalities in reviewing their by-laws have made the distinction by:
 - Limiting the secondary dwelling units to home-owner occupied primary dwelling units (Innisfil);
 - Requiring a minor variance for non-home-owner occupation (Mississauga); and,
 - Offering incentives solely to home-owner occupied units (Kingston)
- This requirement is not dissimilar to the restrictions already in place for home occupations



Near-Campus Neighbourhood Restrictions

- The Strong Communities through Affordable Housing Act, 2011 (Bill 140) allows for spatial restrictions on the location of secondary dwelling units.
- There is already a significantly higher level of intensification, including apartments and other multi-unit residential forms, in the Near-Campus Neighbourhood area than other areas of the City.
- More than 70% of the opportunities for secondary dwelling units remain available 'as-of-right' outside the Near-Campus Neighbourhood area.



Proposed Official Plan Amendments

1. Official Plan amendments proposed add secondary dwelling units to the list of permitted uses within the Low Density Residential, Multi Family Medium Density Residential and Multi Family High Density Residential designations, when in association with an approved primary dwelling unit.

2. New Policy 3.2.3.9 is added to the Official Plan to establish the specific requirements and standards to establish secondary dwelling units.

- Establish standards for the types of units where secondary dwelling units would be permitted
- Establish standards related to the size of the units
- Specify the total number of bedrooms
- Specify the areas where secondary dwelling units would be permitted
- Establish standards related to "fit" (exterior alterations, entrances, etc.)
- Specify the requirements for site plan approval

3. Policy 12.2.2.1 Secondary Dwelling Units in Chapter 12, Housing is amended to be consistent with the revised definition of secondary dwelling units



Proposed Zoning By-law Amendments

New Definition:

SECONDARY DWELLING UNIT means a dwelling unit ancillary and subordinate to an owner-occupied primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

The proposed Zoning By-Law regulations proposed for secondary dwelling units, including:

- 1) Permitted Zones
- 2) Number of Secondary Dwelling Units Per Lot
- 3) Location of Secondary Dwelling Units
- 4) Location of Secondary Dwelling Units within Accessory Structures
- 5) Floor Area Requirements
- 6) Total bedrooms
- 7) Exterior Alterations
- 8) Secondary Dwelling Units in Accessory Structures
- 9) Code Requirements



Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to an Official Plan Amendment to introduce new city-wide policies related to secondary dwelling units and for a Zoning By-law Amendment to introduce regulations related to secondary dwelling units, the following actions **BE TAKEN**:

- a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2015 to amend the City of London Official Plan to update secondary dwelling unit policies in accordance with changes to the *Planning Act*.
- b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2015 to amend the City of London Zoning By-law Z.-1, in conformity with the Official Plan as amended in part (a) above, to provide secondary dwelling unit regulations in accordance with changes to the *Planning Act*.
- c) Staff **BE DIRECTED** to implement required changes to the Residential Rental Unit Licensing By-law to address Secondary Dwelling Unit uses.
- d) The policies for Secondary Dwelling Units **BE INCORPORATED** into the final draft of The London Plan



London Housing Advisory Committee Work Plan – 2016

Date, January 2016

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Mayors Advisory Panel on Poverty	<ul style="list-style-type: none"> Develop recommendations to address poverty in London – community engagement, conversations, online feedback and delegations. FOCUS on safe affordable housing, Housing First, etc. 	Working Group	Deadline for engagement – December 2015 2016 – Receive & review recommendations	#1.13
Land Transfer Tax	<ul style="list-style-type: none"> The municipality is investigating this as an option to generate more revenue. LHAC is concerned that this makes home ownership less affordable. 	LHAC	2015 DONE – This will not be moved forward	
Safe Housing Conditions for Vulnerable Persons	<ul style="list-style-type: none"> Community Working Group meeting on a regular basis to make recommendations to City Council. Chair represents LHAC at the table, and will report back to the committee. 	Chair	2016	#7.1 #8.9
Terms of Reference Review	<ul style="list-style-type: none"> Review the Terms of Reference annually to ensure understanding of roles and responsibilities. Do the terms of reference need updating? 	Working Group	2016	Align with values of accountability, collaboration, leadership, inclusion, innovation & sustainability.
Government changes to Affordable Housing Provincial Long Term Affordable Housing Strategy	<ul style="list-style-type: none"> Judy Binder will provide additional updates as they become available. Receive updates re: refugee resettlement as it affects housing. (#3.1) 	LHAC	Ongoing	#1.13 #1.5
Secondary Dwelling Units	<ul style="list-style-type: none"> LHAC recommended removal of the Greater Near Campus Neighbourhood restriction and additional parking space requirement and grandfathering safe secondary units established between 1995 and 2014. (February 11, 2014) City Council has deferred approval of Secondary Dwelling Units Zoning By-law Amendment – LHAC will continue to follow this development. 	LHAC	2016	#5.5 #8.9 #7.10
Greater Near Campus Neighbourhood	<ul style="list-style-type: none"> Review the boundaries of the Greater Near Campus Neighbourhood. 	LHAC	Ongoing	#5.8, #7.10 #1.11, #1.15
End of Operating Agreements	<ul style="list-style-type: none"> First Nations & federal & co-op – need to be cognizant of this because it impacts housing stock. 	LHAC	Ongoing	#1.13
City of London Budget Process	<ul style="list-style-type: none"> Ensure adequate housing funds, programs, infrastructure, etc. to meet the needs. Previous commitments to housing are maintained 	LHAC	January 2015	#1.13 #1.5