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Z-8701
Britt O'Hagan

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	NEW LOW RISE DEVELOPMENT IN EXISTING NEIGHBOURHOODS ITEM FOR DIRECTION ON APRIL 24, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the Council resolution of January, 2016 the following actions be taken relating to concerns regarding low density redevelopment and infill projects within mature neighbourhoods:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 2, 2017 to amend the Zoning By-Law Z.-1 by amending Section 4.23 to add regulations for front and exterior side yard setback, garage width maximum, side yard setbacks and building depth for the Residential (R1, R2 and R3) Zone variations within the Primary Transit Area as shown in Schedule "A" of Appendix "A";
- (b) the Streetscape Character Analysis Template shown in Appendix "C" **BE ENDORSED** at the Municipal Council meeting on May 2, 2017 and be used in evaluating proposals for Residential Intensification under Section 3.2.3 of the Official Plan and, when in effect, the residential intensification policies of the London Plan.
- (c) that Civic Administration **BE DIRECTED** to monitor new development subject to these new regulations for a period of one year, and report back on the outcomes, and any required further changes.

PREVIOUS REPORTS

Council Resolution - Municipal Council on September 15, 2015

Residential Infill Analysis – Report to PEC December 14, 2015

RATIONALE

1. A number of new residential dwellings and major residential building additions have been constructed within existing mature neighbourhoods that are incompatible with existing neighbourhood/streetscape character and do not represent good planning.
2. A number of new residential dwellings and major residential building additions that have been identified as incompatible, are not considered intensification under Official Plan policy (3.2.3) or London Plan policy (938) in that they do not result in the addition of a residential unit and are not subject to the controls that would otherwise be obtained through such intensification policies to ensure development fits well within existing neighbourhoods.
3. It has been demonstrated that the current regulations of the Zoning By-law applicable to low density zones are not always sufficient to ensure new residential development and major additions are compatible with the character of the neighbourhood/streetscape.
4. For new development considered intensification and subject to Site Plan review, the content requirements and evaluation criteria for Neighbourhood Character Statement and Compatibility Reports (1989 Official Plan) and Planning and Design Reports (London Plan) are not sufficiently clear in the current report template submitted during applications.

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BACKGROUND

At the direction of Municipal Council on September 15, 2015, City staff conducted an evaluation of the impact of recent residential demolitions and the subsequent new construction in the Old South neighbourhood with respect to applicable planning policies.

Staff reported back to Municipal Council, through the Planning and Environment Committee, on December 14, 2015, recommending the adoption of an Interim Control By-law. The Interim Control By-law would restrict redevelopment within the designated area for the period of 1 year while Staff were undertaking a study.

The proposed Interim Control By-law was not Council's preferred option and therefore they directed staff to undertake a study to review Official Plan policies, the Z.-1 Zoning By-law, the Site Plan By-law, current planning and development processes related to new residential dwellings and residential building additions and report back on a preferred approach and process to address the concerns that have been identified.

Staff have conducted the following stakeholder consultation:

- June 15, 2016 Community Consultation Meeting #1
- November 10, 2016 Community Consultation Meeting #2
- November 14, 2016 Meeting with the Development / Building Industry
- November 16, 2016 Meeting with the Urban League
- March 3, 2017 Meeting with the Development / Building Industry

PUBLIC LIAISON:	On November 3, 2016, a Notice of Application was sent to 47 members of the public, and all Neighbourhood Associations. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 3, 2016.
Nature of Liaison:	Possible change to Official Plan and Zoning By-law Z.-1 to create new policy within the Low Density Residential designation for redevelopment in existing neighbourhoods, requiring Site Plan review. Possible changes to Zoning By-law Z.-1 to update the regulation for front yard setback; and to add regulations including, but not limited to, garage width, driveway width, and side yard setback within General Provision 4.23. Additional housekeeping amendments to the Official Plan and Zoning By-law Z.-1 may be considered where other sections and regulations cross-reference the above.
Responses:	Emails and telephone calls were received requesting clarification and additional information. Themes included: 1) aversion to car-oriented development, 2) support for infill and intensification, 3) concern with additional review process/restrictions. E-mail comments are attached as Appendix "B".

Agency Comments - No agency comments or concerns were received.

ISSUES IDENTIFIED THROUGH CONSULTATION

The following is a summary of issues that the public and stakeholders have identified related to the compatibility of new development with existing neighbourhood character and associated review processes.

1. Auto-Oriented Development in Urban Neighbourhoods
 - The width of garage doors – sometimes consuming all or the majority of the building facade
 - The projection of garages in front of the main building wall
 - The width of driveways – covering almost all of the front yard in some cases
 - The length of driveways accommodating tandem parking

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2. Massing and Scale

- Excessive lot coverage
- Shadow and privacy impacts on rear yards
- Height of buildings



Image 1 - Garage doors consuming the majority of the building facade

Image 2 – New building showing potential shadow and privacy impacts on adjacent rear yard

3. Streetscape Character

- Relationship of buildings to the street
- Spacing and consistency of buildings and setbacks
- Architectural style and details

4. Trees and Green Space

- Paved front yards that provide no opportunity for front yard tree planting or landscaped areas.
- Removal and damage to trees in the rear yard, both on the development site and adjacent properties
- Drainage impacts related to tree and open space removal



Image 3 – Paved front yards providing no opportunity for tree planting

Image 4 – Front yard setback disrupting the existing streetline

5. Process

- Timelines associated with additional Site Plan review process
- Costs associated with additional processes and/or consulting fees
- Staff resources required for additional review

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OBJECTIVES

Guiding objectives were established to help in evaluating possible solutions.

1. Fit

New development must be compatible with, and fit within, the existing context of established neighbourhoods. It must maintain the existing character of the streetscape and built form, including the scale and location of buildings, the location of parking areas, and presence of green space and trees. New development should continue unique features and patterns. Regulations must accommodate the unique characteristics of an individual streetscape and not preclude the development of appropriate, compatible built forms.

2. Flexibility

Regulations should provide flexibility to respond to unique neighbourhood characteristics and development patterns, and to not prevent a positive response. They should provide the building and development industry with flexibility and alternatives to offer a variety of building forms and amenities to fit home owners' expectations. Development review should allow for personal tastes and diverse architectural styles and materials to be accommodated within evolving neighbourhoods.

3. Efficiency of Process

Any new policy, regulation or requirement should be mindful of associated review timelines and costs to developers. A solution will need to work within existing staff resources. Where possible, efforts should be taken to create an efficient, streamlined process.

ANALYSIS

The following analysis of issues and proposed solutions aims to evaluate each item based on fit, flexibility and efficiency, as outlined above. Many policy, process and regulatory options were evaluated and the following recommendations were chosen in order to balance the community's concerns, building industry's needs, staff resources and municipal policy that encourages infill and the regeneration of mature neighbourhoods.

1. Regulatory Approach

Issue: Approach should capture single home redevelopment and work within existing staff resources.

Proposal: Control development through zoning, as opposed to requiring Site Plan review.

Analysis: The existing regulations for low density zones do not allow for the built forms that have been constructed over time in mature neighbourhoods. These include characteristics such as zero lot line development, minimal front yard setbacks and driveways to rear yard parking. In order to achieve compatible built forms within these existing urban neighbourhoods, the zoning regulations require changes.

Many of the new buildings and additions that have been identified as incompatible, are not considered intensification under Official Plan policy (3.2.3) or London Plan policy (938) and therefore do not require a planning application (eg. zoning amendment or site plan application). Requiring a site plan application for rebuilds and large additions was considered through this process, but ultimately was seen to be inefficient and unnecessary.

Addressing the built form through zoning regulations will work within the existing building permit review process, will not require substantive additional staff resources, will not introduce additional review processes, and will not increase approval timelines.

Fit	Aligns the zoning to permit desirable built forms
Flexibility	Provides options for development
Efficiency	Zoning changes can be implemented within existing staff resources, and will not extend approval requirements

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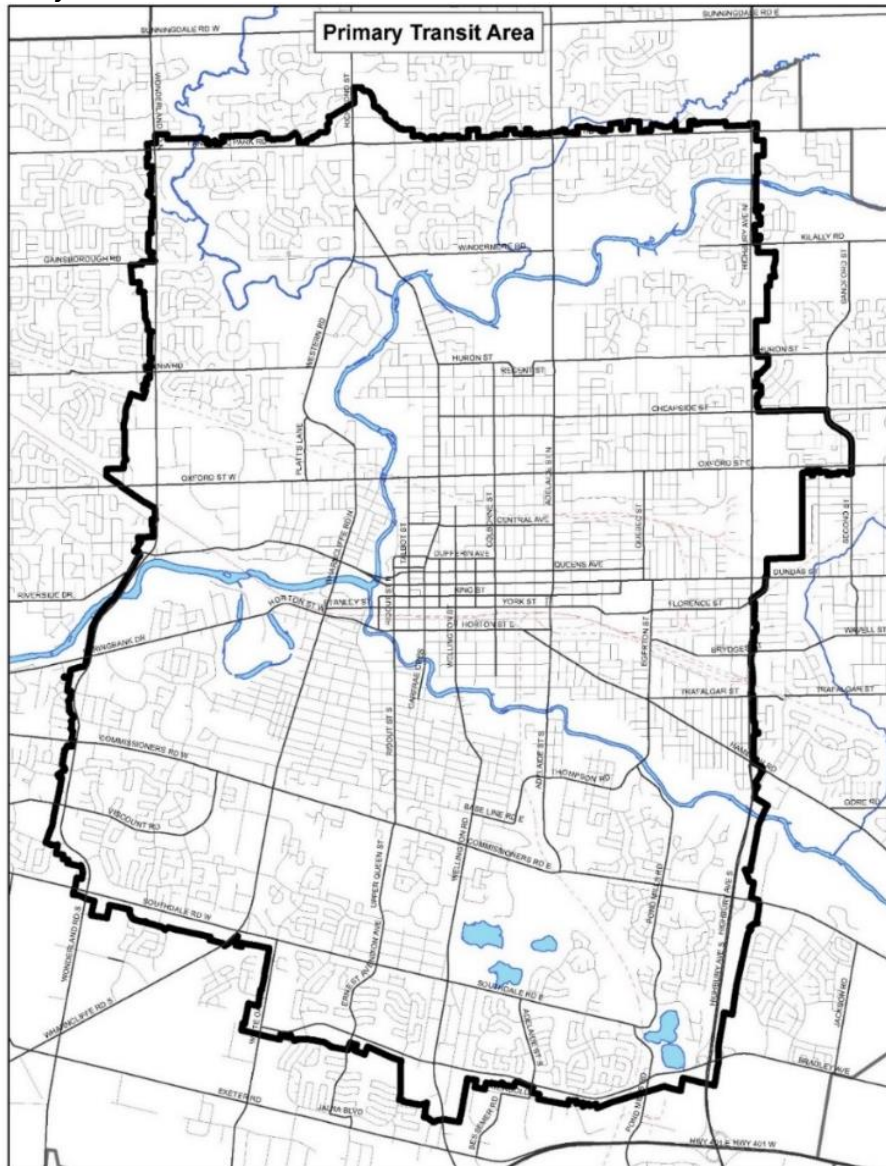
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2. Geographic Area of Regulation

Issue: Regulations should focus on low density properties in existing urban neighbourhoods.

Proposal: Apply new zoning regulations to R1, R2 and R3 zone variations within the Primary Transit Area.

Figure 1 – Primary Transit Area



Analysis: The Primary Transit Area, as shown in *Figure 1*, is identified as the focus for residential infill and intensification in the London Plan. The vast majority of land within this boundary has already been developed. The PTA includes all of the urban neighbourhoods where infill has been identified as a concern. The proposed regulations will apply exclusively to this area.

To further refine the focus, developments that would be subject to new regulations are only in the R1, R2 and R3 zones. These are the zone variations that include single detached, semi-detached, duplex, triplex and fourplex dwellings. Beyond these small-scale developments, Site Plan review would be required as the intensity and usability of the site would be greatly increased.

Fit	These regulations will focus on low density development only. They will focus on existing residential neighbourhoods. Suburban development areas are not affected.
Flexibility	All properties outside of the Primary Transit Area will not be affected by these proposed regulations. Within the Primary Transit Area, properties that are not R1, R2 and R3 zones will not be subject to these regulations.
Efficiency	They can be implemented within existing staff resources, and approval requirements.

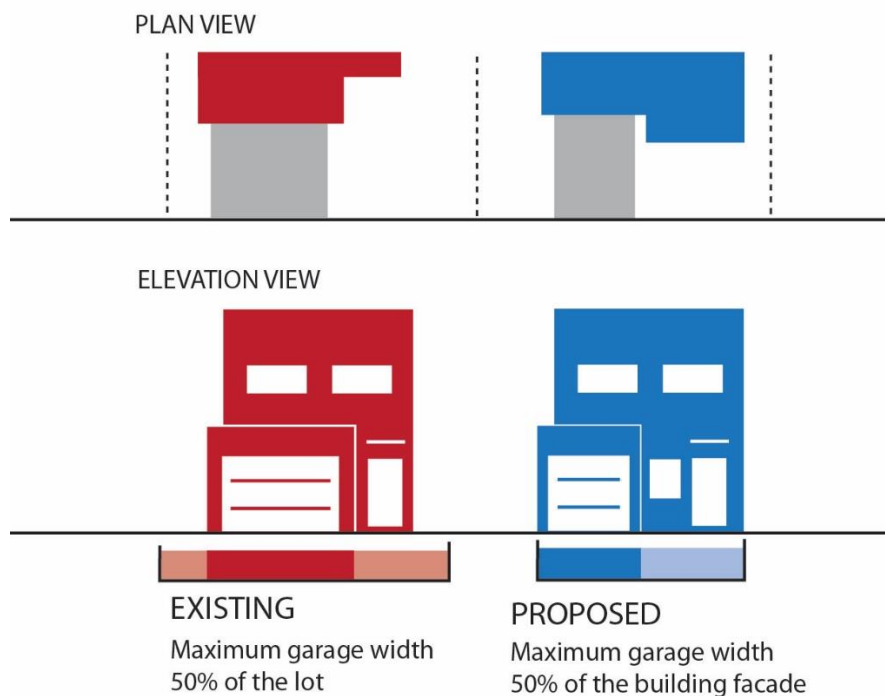
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3. Maximum Garage Width

Issue: The introduction of auto-dominated developments within urban areas, including negative impacts of garages and cars on the streetscape and the neighbourhood character, as well as loss of boulevard space for tree planting.

Proposal: Introduce regulations in the zoning by-law so that the maximum residential garage width (interior walls) shall not exceed 50% of the building façade width.

Figure 2 – Garage Width



Analysis: Current zoning allows garages to be up to 50% of the width of the property. On small lots (under 12 metres wide) garages are permitted to be up to 53% of the width of the property. There is no requirement for active living space to be present on the front façade of buildings, and in some cases, the entire front of the building consists of garage. By maximizing the width of the garage, the remainder of the building at the front is too narrow to accommodate a living space (less than 2m in many cases). The front door is then pushed back to the side of the building to avoid long interior hallways.

By requiring the garage width to be a maximum of 50% of the building façade, the remainder of the building beyond the garage will be wide enough to accommodate a living space adjacent to the street. The width of the building will determine the permitted garage width and therefore an increase in lot frontage will not increase the proportion of garage on the building façade. Driveway width is a result of the width of the garage; therefore, providing more restrictive zoning for the width of garages will result in narrower driveways as well. This will allow adequate space in the boulevard for street tree planting.

Fit	Respectful of boulevard trees and pedestrian-oriented character.
Flexibility	The proposed regulation does not prohibit attached garages.
Efficiency	Using the proposed regulation avoids the need for a site plan process where there is no additional unit.

4. Minimum and Maximum Front and Exterior Side Yard Setback

Issue: Buildings that are set back excessively on properties, ignoring existing street line and development patterns, allowing for large front yard parking areas as well as creating a privacy and shadowing impact on the rear yards of neighbouring properties.

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Proposal: Introduce regulations in the zoning by-law for front and exterior side yard setbacks to be established based on the average of adjacent buildings.

The maximum front yard setbacks would be established based on the average setback of the two closest buildings within the same block, on the same side of the street. Where the setbacks of the two closest buildings differ by five metres or more, the maximum setbacks would be established based on the average of the four closest buildings. Where the site being developed is within a block with fewer than the required number of existing buildings, the maximum setbacks would be established based on the average of all of the buildings.

The minimum front and exterior side yard setbacks would be established based on the smallest setback that exists from above.

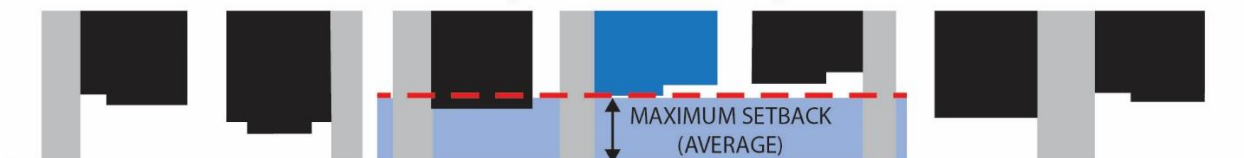
The minimum setback for garages would be 6.0 metres, or the setback of the main building, whichever is greater.

Figure 3 – Front Yard Setbacks

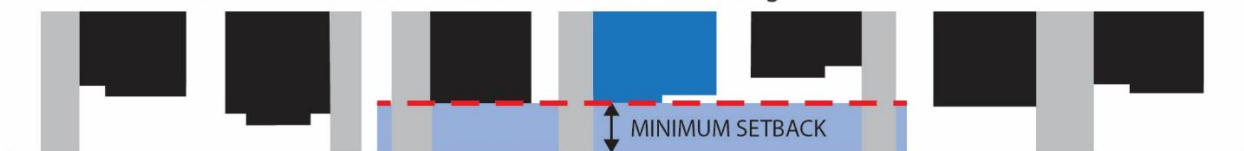
EXISTING - Minimum setback as a fixed number (eg. 4.5 metres), no maximum setback; minimal flexibility



PROPOSED - Maximum setback as average of closest 2 buildings



PROPOSED - Minimum setback as smallest of closest 2 buildings



Analysis: Existing zoning regulations include a set dimension for minimum front yard setback based on the classification of street the property fronts onto. There are no existing maximum front yard setbacks in residential zones.

There is an existing front yard setback exemption in Section 4.23 of the Zoning By-law that permits a reduced front yard setback for development in established neighbourhoods. However, the current regulation is written to permit an exemption if one of the adjacent lots is vacant. It is also difficult to verify as this section of the by-law identifies that the building line is to be established where 5 buildings are at the same line over a 300 metre distance. It is not mandatory that this setback, as identified in this Section 4.23, is to be used as it is an exemption.

There are currently no regulations for maximum front yard setback, allowing the construction of buildings to be excessively set back on the site to accommodate long driveways in the front yard and tandem parking.

Large areas of multi-car parking in the front yard impacts the relationship of the building to the street. Large front yard setbacks also disrupt the existing established streetline, where all homes were constructed with a similar setback. The introduction of a minimum and maximum front yard setback based on the existing adjacent buildings will customize the setbacks to respond to the existing streetscape. It will also ensure development is not being pushed to the rear of the site impacting the privacy and shadowing of adjacent properties.

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By establishing the maximum and minimum front yard setbacks based on the existing development pattern, new buildings will fit more harmoniously into the existing streetscape. Including both a minimum and maximum permitted setback will also provide a degree of flexibility for the potential redevelopment of the site.

Where the two closest buildings have a large difference in setback, two additional building setback measurements will be required to establish the maximum setback. The option always exists for the developer to go with the minimum building setback and not require additional measurements on the survey.

Fit	Respects existing streetlines and development patterns. Directs building mass towards the street. Minimizes the impact of garages in urban areas.
Flexibility	Provides a range; will often be less restrictive than current regulations
Efficiency	Avoids minor variances by introducing greater flexibility. Can be reviewed during the building permit process.

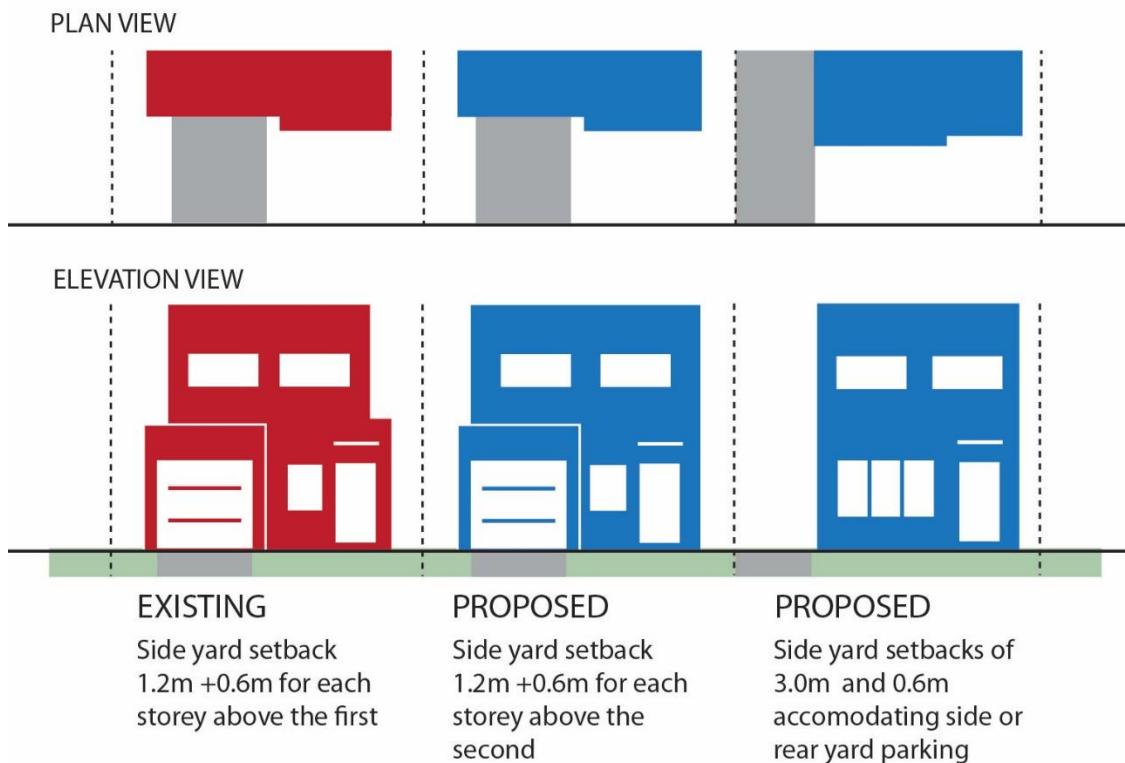
5. Interior Side Yard Setbacks

Issue: Existing zoning lacks the flexibility to reduce the side yard setback on one side in favour of an increased side yard setback on the other to facilitate a driveway for rear yard parking.

Additionally, existing zoning requires a 0.6 metre side yard stepback at the second storey. This narrows the second storey façade reducing the usability of the second storey, as well as the amount of active building elements such as windows.

Proposal: Introduce regulations in the zoning by-law so that the interior side yard setbacks shall be 1.2 metres for a one or two storey building and an additional 0.6m for portions of the building above the second storey; or where parking is provided in the side or rear yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6m for a one or two storey building and an additional 0.6m for portions of the building above the second storey.

Figure 4 – Side Yard Setbacks



Analysis: The existing zoning requires 1.2 metres side yard setbacks for the first storey and an additional 0.6 metres for each additional storey. This results in a built form that is stepped back, with less floor area on the second storey, and fewer active façade elements. The loss of space on the second storey may translate into extra deep buildings to make up the Gross Floor Area.

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The majority of infill projects have been two storey buildings and removing the requirement for the second storey stepback will allow for more regularized built forms and the shifting of building mass to the front of that property.

The existing zoning requires 1.2 metre side yard setbacks for the first storey regardless of whether parking is being offered in a side or rear yard. On narrow lots where 1.2 metre setbacks are required on both sides, providing a 3 metre driveway results in a building envelope too narrow to create functional and desirable living spaces. By lowering the required side yard opposite the driveway, the provision of a detached garage in the side or rear yard becomes more feasible. Rear yard parking provides a good option where large amounts of parking are desired on narrow lots.

In future, detached garages may become desirable options for secondary suites and this will allow for further intensification in existing neighbourhoods in a compatible manner.

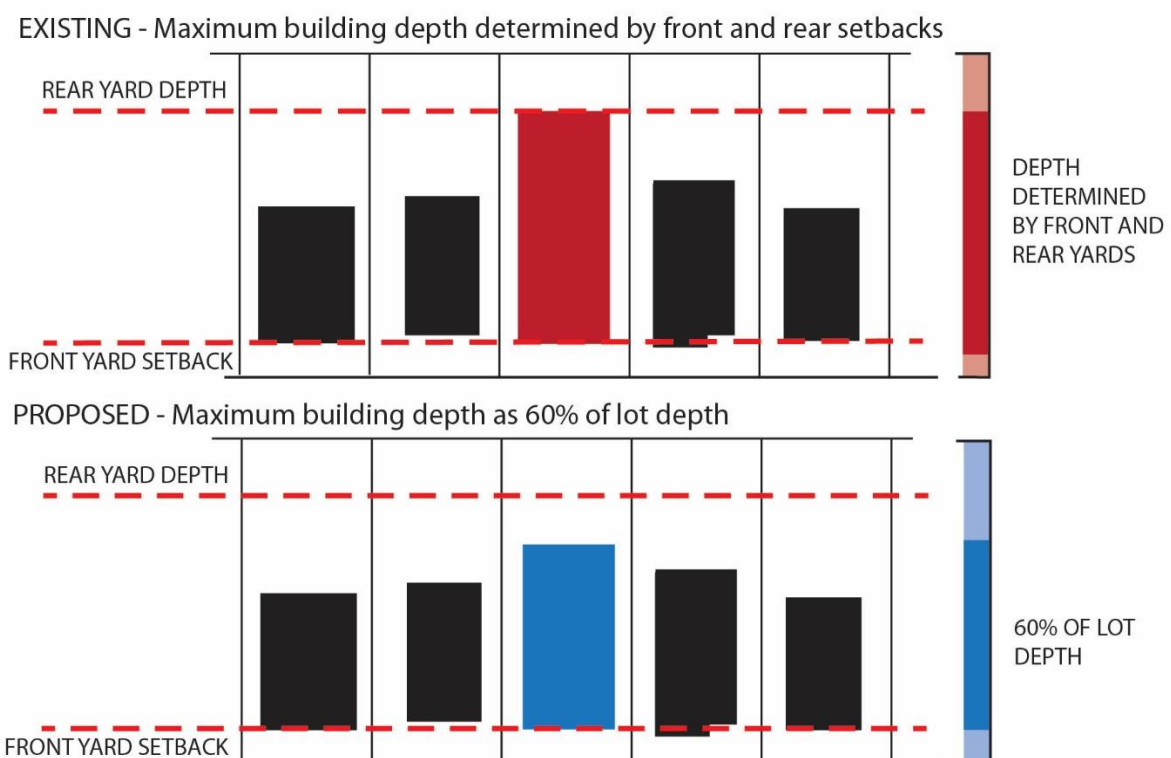
Fit	Allows for continuation of rear yard parking development patterns
Flexibility	Provides parking alternatives; better accommodates two storey buildings; is less restrictive than current regulations
Efficiency	Can be reviewed as part of the Building Permit. Avoids minor variances by introducing greater flexibility

6. Building Depth

Issues: New buildings on narrow lots have the potential to be designed to maximize floor area by extending the building depth significantly into the rear yard. This can cause shadowing and privacy concerns for neighbours.

Proposal: Introduce regulations in the zoning by-law so that the maximum building depth shall not exceed 60% of the actual lot depth. Minimum rear yard setbacks outlined in Table 5.3, Table 6.3 and Table 7.3 would still apply.

Figure 5



Analysis: Under current zoning, the location and size of building footprints is regulated by the minimum rear yard depth and the maximum building coverage. Within the R1, R2 and R3 Zones, rear yard depth varies from 4.5 metres to 10.5 metres and coverage varies from 20% to 45% of the total lot area.

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Large coverage allows buildings to extend far back into rear yards and reduce the area used for landscaped open space or trees. This impacts the amenity of neighbouring properties, by reducing privacy and sometimes causing shadowing impacts.

Maximum lot coverage alone cannot control the depth of a building, as it accounts for area only, and not dimensions. When implemented in conjunction with the regulations for maximum front yard setback, a maximum depth of 60% of the lot depth will better direct development towards the front of properties, in line with existing built forms.

Rear yard depth regulations will still apply and further limit situations where buildings are set far back on properties or on very small properties where the 60% building depth may overlap the rear yard setback area.

Fit	Promotes built form consistent with existing development patterns. Minimizes impacts on neighbouring properties and protects green space in rear yards.
Flexibility	Does not restrict coverage more than current regulations
Efficiency	Building depth can be reviewed as part of the Building Permit and will require no additional review process. In exceptional circumstances, a minor variance can be sought where additional building depth is warranted.

7. Neighbourhood Character and Compatibility Report Template

Issue: Where an additional unit is being created, the content requirements and criteria for evaluation of a Neighbourhood Character Statement and Compatibility Report are not explicit and not as effective as they should be as a useful tool for the Site Plan review process.

Proposal: The new template and manual attached as Appendix B is proposed to evaluate applications for residential intensification through the Site Plan Review process.

Analysis: Applications for residential intensification are required to submit a Neighbourhood Character Statement and Compatibility Report. The template currently being used for these reports is very open-ended and does not offer clear content requirements or evaluation criteria. A more objective and systematic approach to the report template and manual should be taken.

Fit	Common characteristics of the neighbourhood will be clearly identified and development reviewed for fit
Flexibility	Where development proposes to not follow the existing development patterns and characteristics, meaningful justification and discussion can occur
Efficiency	The new template and manual will simplify and streamline the process of conducting and writing a Neighbourhood Character Statement. It will scope the review through Site Plan Approval.

CONCLUSION

Through consultation, concerns focused on the loss of trees and green space, the dominance of vehicles and garages, the mass and scale of buildings and the compatibility with the existing streetscape and development pattern(s).

Additional concerns focused on the timelines and costs of additional review processes, providing flexibility in what housing products are possible and not regulating architectural style or details.

By amending the General Provisions of the Zoning By-law to include minimum and maximum front yard setback, side yard setback options, maximum garage width and building depth, development will better fit within established residential neighbourhoods. Implementation through the Zoning By-law will also ensure no additional costs, staff resources or approval processes will be needed.

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PREPARED BY:	SUBMITTED BY:
BRITT O'HAGAN, MCIP RPP URBAN DESIGNER	SEAN GALLOWAY, MCIP RPP MANAGER, URBAN DESIGN & GIS
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

April 10, 2017
BOH

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Britt O'Hagan**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17 _____

A by-law to amend By-law No. Z.-1 to add General Provisions related to low-rise residential development in the Primary Transit Area.

WHEREAS the Corporation of the City of London has applied to amend various sections of the Zoning By-law, pertaining to the area known as the Primary Transit Area, that is generally bounded by Fanshawe Park Road to the north, Highbury Avenue to the east, Bradley Avenue/Southdale Road to the south and Wonderland Road to the west, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Section 4, General Provisions, to By-law No. Z.-1 is amended by adding the map entitled *Figure 4.23 Primary Transit Area* attached hereto as Schedule "A", before section 4.24 of the By-law.
2. Section 2.0, Definitions, to By-law No. Z.-1 is amended by adding the following definitions:
 - a) "BUILDING FAÇADE" – means the front elevation of a main building including the entire width and height of all building parts within the first 6 metres of building depth; and may include multiple building wall surfaces, and excludes stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments.
 - b) "BUILDING DEPTH" – means the horizontal distance between the front and rear building walls but where the front and rear building walls are not parallel, the building depth is the length of a line joining the midpoints of such walls, and excludes stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments.
 - c) "PRIMARY TRANSIT AREA" – means the area generally bounded by the following streets: Fanshawe Park Road to the north; Wonderland Road to the west; Southdale Road (west of White Oak Road) and Bradley Avenue (east of White Oak Road) to the south; Highbury Avenue to the east; Properties on both sides of each boundary street are included within this Primary Transit Area.
3. Section 4.23, General Provisions, of By-law No. Z.-1 is amended by deleting Section 4.23 in its entirety and replacing Section Number 4.23 with the following:

"4.23 Regulations for Low-rise Residential Development in the Primary Transit Area

- a) Area
These regulations apply to development and additions in R1, R2, and R3 Zone variations within the Primary Transit Area identified in *Figure 4.23 Primary Transit Area*".

The Primary Transit Area is generally bounded by the following streets: Fanshawe Park Road to the north; Wonderland Road to the west; Southdale Road (west of White Oak Road) and Bradley Avenue (east of White Oak Road) to the south; Highbury Avenue to the east; Properties on both sides of each boundary street are included within this Primary Transit Area.

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4.23.1 Front and Exterior Side Yard Setback

- a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. the average setback of the two (2) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street;
 - ii. where the setbacks of the two (2) closest buildings to the subject site from (i) above differ by 5.0 metres or greater - the average of the four (4) closest residential buildings oriented to the same street, within the same block, on the same side of the street;
 - iii. where the subject site is within a block with fewer than the required number of existing residential buildings from (i) or (ii) above, the average setback of all residential buildings oriented to the same street, within the same block, on the same side of the street;
- b) The Minimum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. The smallest Main Building setback that exists from (i), (ii) or (iii);
 - ii. The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.

4.23.2 Interior Side Yard Setbacks

- a) 1.2 metres; for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6 metres for each storey or part thereof above two storeys; except that, where no private garage is attached to the dwelling, one side yard shall be 3.0 metres.
- b) Where parking is provided in the side or rear yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6m for each storey or part thereof above two storeys.

4.23.3 Building Depth

The maximum building depth shall not exceed 60% of the actual lot depth. Minimum rear yard setbacks outlined in Table 5.3, Table 6.3 and Table 7.3 still apply.

4.23.4 Garage Width

The maximum residential garage width (interior walls) shall not exceed 50% of the building façade width.

- 4. Section 5.3, Regulations, to Zoning By-law No. Z.-1 is amended by deleting clause 7) in its entirety and replacing clause 7) with the following:

“7) Regulations for Low-Rise Residential Development in the Primary Transit Area

Notwithstanding the provisions of Table 5.3, the front and exterior side yard setbacks, interior side yard setbacks, building depth and garage widths within the Primary Transit Area are specified in Section 4.23 of the General Provisions.”

- 5. Section 6.3, Regulations, to By-law No. Z.-1 is amended by adding the following:

“4) Regulations for Low-Rise Residential Development in the Primary Transit Area

Notwithstanding the provisions of Table 6.3, the front and exterior side yard setbacks, interior side yard setbacks, building depth and garage widths within the Primary Transit Area are specified in Section 4.23 of the General Provisions.”

- 6. Section Number 7.3, Regulations, to By-law No. Z.-1 is amended by adding the following:

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"5) Regulations for Low-Rise Residential Development in the Primary Transit Area

Notwithstanding the provisions of Table 7.3, the front and exterior side yard setbacks, interior side yard setbacks, building depth and garage widths within the Primary Transit Area are specified in Section 4.23 of the General Provisions."

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.

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. P13*, 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 2, 2017.

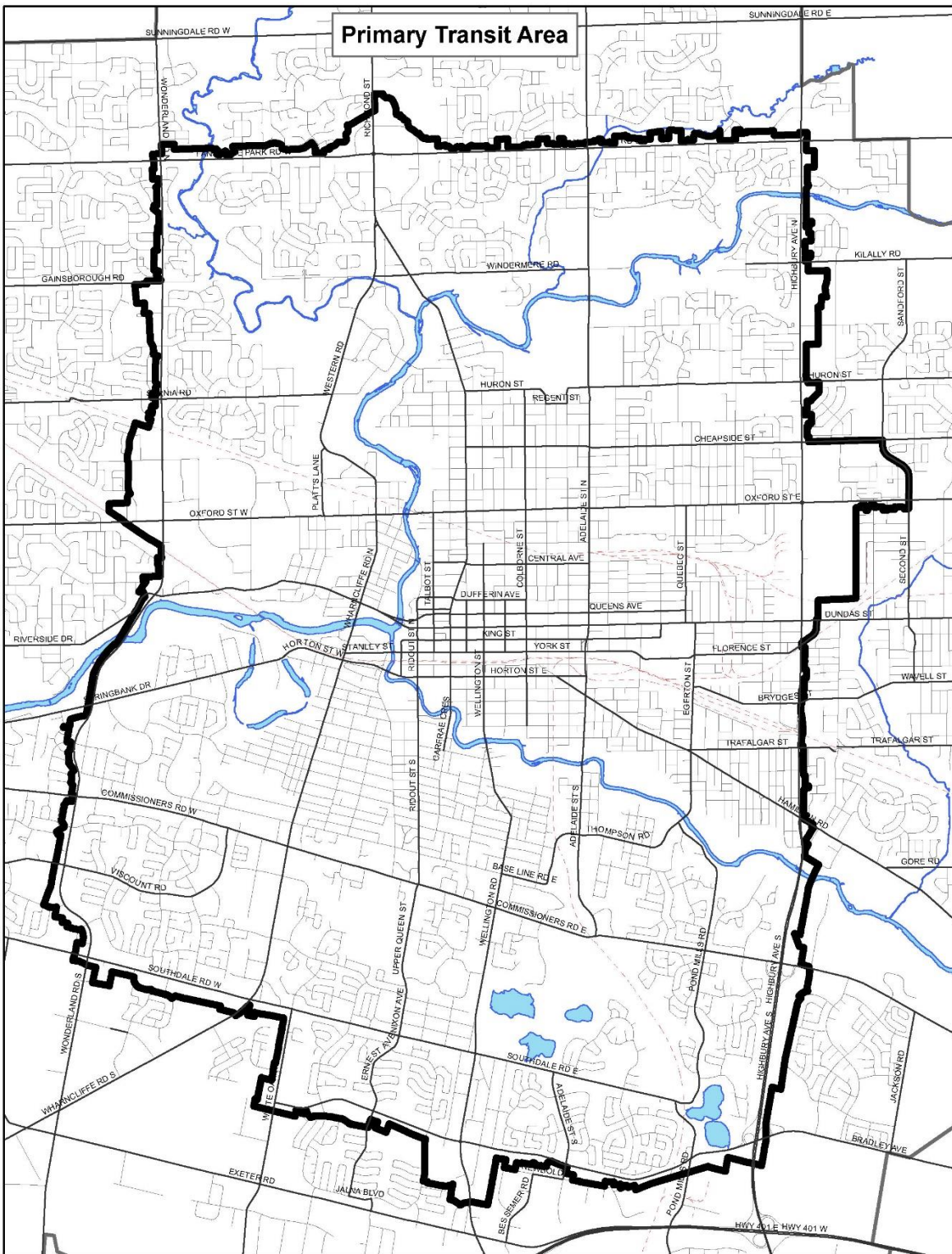
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - May 2, 2017
Second Reading - May 2, 2017
Third Reading - May 2, 2017

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Schedule "A"
Figure 4.23 Primary Transit Area



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Appendix "B"

From: Brian Keith
To: [O'Hagan, Britt](#)
Subject: Residential Infill Study
Date: Friday, October 28, 2016 12:16:45 PM

Hello: I have received the flyer about this Study, and have some comments. I am a resident of the old south and own a detached house. Our own lot isn't big enough for an infill residence, but I see many other large lots that are.

In my opinion, the City should encourage more infill housing, with appropriate planning guidelines. Here are some of the guidelines I can think of:

Infill properties should be allowed.

In a residential neighbourhood, infill residences should be no more than 2 storeys.

In a residential neighbourhood, infill apartment buildings should be no more than 3 storeys.

The lot has to be big enough to hold the second house or apartment building.

There should be ample room between housing units so it doesn't become overly crowded like a slum where the houses are touching each other.

Planning rules should contain a ratio governing the maximum floor area of buildings compared to the size of the lot.

Whoever builds infill housing must allow for off-street parking of residents' cars, so the streets don't become filled up with extra cars.

Planning rules should address where snow from laneways and sidewalks can be placed so there's room to pile snow without having to throw it onto the street.

Laneways should be public thoroughfares and not private with no trespassing allowed, to facilitate shortcuts for walkers and cyclists.

Targets should be set for the number of people living in each square kilometre, and build to that capacity but not exceed it.

Planning guidelines should allow for properties to be split up into rooming houses or group homes, rather than exclusively single-family homes.

Architects and builders should be encouraged to build carports or nice-looking car parking spaces, and not build all houses with big ugly garage doors facing the street.

Thank you for your consideration.

Brian Keith


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From: Deborah Rosen
To: [O'Hagan, Britt](#)
Subject: RE: Residential infill development in Old South
Date: Saturday, August 13, 2016 6:41:17 PM

Hi Britt,

Great to hear from you. I wish I could have been in attendance for the community meeting at Wortley Road Public School on the 15th of June. I hope you will give me some time by correspondence. And sorry it took so long to share my view.

The working definition of "infill" creates two distinct categories of development. The one for existing vacant lots, the other for creating vacant lots in order to build.

What concerns me on a level that impacts my life everyday is traffic density.

The Wortley Village is considered to be a good neighbour to live in. Grocery store, library, cafes. Consistently though over the years more cars have come into the village as a destination, for entertainment. Cars have grown in size. Minivans SUV's, huge 4x4's. It is intimidating to a pedestrian, like myself. You can no longer expect to make eye contact with drivers through the dark and opaque glass. Vehicles have become so much taller, when parked along the street you can't see across the road anymore. The exhaust is worse by far than cigarette smoke and people idle in their vehicles regularly.

Even vendors disregard walking people, being able to buy permits to expand on public sidewalks further squeezing us out.

Londoners comfort with car exhaust is baffling. Restaurant patios right on the road next to traffic!

As regards to buildings popping up or being replaced, please keep in mind the effects of vehicles and parking spaces, as part of an overall plan.

Thanks for your efforts to include feedback from residents of old south.

Sincerely

Deborah Rosen

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To: Britt O'Hagan, Urban Designer, Planning Services, City of London

RE: Low Density Residential Policy OZ-8701, Application by City of London to amend ZBA/OP

January 2017

It is understood this study came from council wanting to look at compatibility of new development (specifically single family homes) with the character of older neighbourhoods, to recommend policy, regulation and process changes to help address the issue. Many residents took issue with the look and size of the new homes being built, particularly on Langarth Street East.

At public meetings I have attended, people are concerned with the looks and size of the new houses being constructed. Size is already governed by the existing zoning by-law, while looks/style are subjective. The question becomes, how to control style and size beyond what the existing controls provide?

Recently I have engaged a variety of other existing residents about this topic. Many I have encountered **like the look of the new homes and find them to be aesthetically pleasing**. Others do not really like the look, however they do not feel there is an issue just because they do not like them. **They respect other's rights to build a home in a style of their choosing**. Some have even said it is ridiculous to consider controlling what these houses look like, much less force them through a site plan control process.

Building (front, rear, side) setbacks are already covered by by-law and clause 4.23 of the by-law pertaining to front yard setback exemption in built up areas. I would suggest however that 4.23 be amended to allow the minimum front yard setback to be the lesser of what is calculated in the exemption formula, or what is specified in the table. This clause should only be applied in the permissive sense, not utilized to increase setbacks. I attended the PEC meeting where the infill development on 199 Commissioners, and found it hard to believe staff were recommending a 20 metre front yard setback minimum because of the existing setbacks on that side of Commissioners. What happens when some of these estate type lots get redeveloped? By this logic, they will all be damned to have excessive front yard setbacks, resulting in a permanent loss of potential building density. This seems completely contrary to the London Plan ideology.

Building depth is proposed to be limited to the maximum depth of the closest 8 buildings. What happens if the closest 8 buildings are very shallow? Are you not forever damning that one particular lot to those conditions, while perhaps allowing another one of the 8 to be deeper as it will be compared to the 8 closest to it? Detached garages in older neighbourhoods often are in rear yards. Will rear yard garages be used to determine the maximum depth? I respectfully suggest that building footprints be left governed by site coverage, and rear yard setbacks be used to control building depth, as currently contemplated in the existing by-law.

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If building depth is to be regulated for new builds, then it must apply to all renovations and additions as well. There is nothing preventing anyone from constructing a very long addition resulting in the same situation that is currently seen as a problem with several new builds. People could just retain a small part of the existing home, construct a massive addition to create what is essentially a new house without going through the complete new build site plan process as contemplated. I cannot imagine however this is considered to be reasonable, and therefore believe building depth should be regulated as per the existing by-law

Driveways being shifted to mimic the existing patterns (i.e. parking beside the house) can limit house design and creativity because the house will become very narrow. Long narrow (one car width) driveways are inconvenient for multiple car households. They also result in increased on street parking (to avoid car shuffling), make snow removal more challenging, and can generally compromise the functionality of a home.

“Wide” driveways do not necessarily have a negative impact on street tree planting. Street tree planting guidelines prevent trees from being planted closer than 6 metres from one another. You would have to have a rather large yard that can accommodate 2 street trees to begin with combined with a wide (3 car) driveway to have an impact on street tree placement, given the current driveway by-law that already exists to prohibit driveways wider than 50% of the lot frontage. I note that the houses on Langarth Street seem to still have ample opportunity for street trees, regardless of the fact that two of them have driveways which are at least 66% of the lot width.

“A configuration that accommodates parking of vehicles in the same way as the rest of the neighbourhood as to not impact the pedestrian environment.” What does this even mean??? Just because you force someone to park in the same way as the rest of the neighbourhood does not necessarily mean you achieve a lesser impact on the pedestrian environment. This statement is highly subjective and ambiguous.

Encouraging form that considers the massing/form/height of the existing buildings. This is quickly leading into subjective criteria. Will a two storey house not be considered if it is in between one storey homes? What is the limit? 1.5? 2.5? Consideration of flat roofs?

Porches and stoops – if there are no porches or stoops in the 8 closest houses, will a porch or stoop be prohibited on the new proposal? What about the status of enclosed porches? Are they to be considered no porch, or porch? Do the porches or stoops have to be covered?

In short, our existing “old” neighbourhoods are a mix of many different building styles and sizes. These different buildings are often located next to one another. No one seems to have an issue when massive additions are constructed on existing homes. There are many examples of very long existing older homes next to original homes with a shallow (small) foot print (see Tecumseh Street example).

I have attached 3 maps obtained from the City of London website. Here is a brief commentary:

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Tecumseh Street – On the south side it is obvious many homes have had significant additions extending well past other existing homes. None of these homes are new builds, however, many of the “problems” brought up with the new builds are present here, but no one seems to be bothered by this.

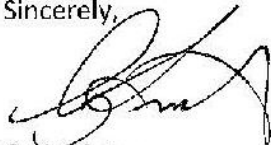
Biscay Road – This is in Old Oakridge, constructed in the late 1950’s – 1960’s. Most houses here are one story bungalow’s situated width-wise on their very wide 70 – 90’ lots. The proposal for site plan control and the restrictions associated with them would effectively prohibit any contemplation of someone subdividing a lot and constructing two new homes, as the homes would be situated length-wise, and easily offend the proposed building depth formula.

Weston Street – Illustrates the unfairness of the proposed building depth formula. Also note, there are varied building depth’s here, again which are seen as “problematic” with new builds. Please see example of 31 Weston St. Compared to 35 Weston St. – the methodology of limiting building depth arbitrarily penalizes some properties compared with their next door neighbours. What about consideration for other structures on the adjacent lots? Will the maximum allowable building depth be calculated by using the main house itself or will it include the depth of garages, garden/pool sheds, cabanas, workshops etc. on nearby lots?

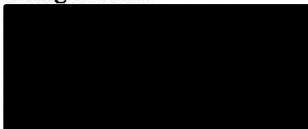
The above noted example on Weston Street also creates a chronological hierarchy about how building depth is regulated. If 37 Weston St redevelops using the rear building setback line set by 59 Weston, then 31 Weston St now has a significantly increased allowable building depth. This can only happen if 37 builds first. This is inherently unfair, as 31 Weston has to wait. Perhaps 31 Weston becomes impatient, and buys 37 Weston and builds it back to allow 31 to get an increased building depth.

I respectfully submit there is no “problem” here other than some residents not liking the look of new builds. Many of the “problems” noted here exist with the construction of additions to existing homes. To target new builds in this manner is unfair, and will ultimately result in fewer new builds in existing neighbourhoods. This is contrary to the London Plan direction of facilitating more infill and intensification, not less. People will not bother with infill if they have to be forced into a site plan process for a single family home. Higher levels of scrutiny for new builds and renovations/additions are required for Heritage Conservation Districts, not anywhere else in my opinion.

Sincerely,



Craig Linton



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From: Oatman, Jane [REDACTED]
To: [O'Hagan, Britt](#)
Subject: Residential Infill Study
Date: Monday, October 31, 2016 2:26:46 PM

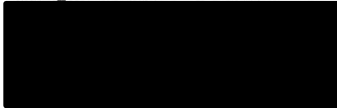
Hello,

Thanks for the opportunity for me to be able to express my opinions regarding infill in my neighbourhood, Old South/Wortley Village.

I can understand the need for multi-unit housing, hence single structure buildings torn down to allow more units on a property. The tax revenue garnered for the city is not lost on me, but neither is the loss of identity and soul of a neighbourhood. I think Wortley Village is desirable because of its character, and soul. There is a lot of historical buildings and no cookie-cutter soulless housing and some of the newer ultra-modern design/construction looks totally out-of place in the village.

I feel it is important to protect this unique London Community, by limiting the amount of change that can be done to it. I would welcome the village receiving a designated heritage status so that it can be preserved. I know this will not make the developers happy, but they can go off to Hyde Park, where poor planning destroyed that once picturesque and unique village.

Regards, Jane Oatman



From: Laverne Kirkness
To: [O'Hagan, Britt](#)
Cc: [REDACTED]
Subject: RE: Infill Presentation from Friday's meeting
Date: Wednesday, March 15, 2017 8:37:19 PM
Attachments: [image004.png](#)

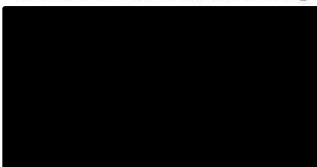
Britt: I have reviewed the infill presentation and polled the LAPC members. There appears to be no comments of opposition or concern. I have discussed it with Maureen Zunti as well. It appears that City staff have responded well to many of the earlier industry concerns such as not requiring SPA for single detached development etc. The amending zoning provisions proposed, would appear to be increasing flexibility on the standards and this is always welcomed. The forms have been simplified.

I think we can say on behalf of LAPC that we support generally your proposals. However, we did ask that the City Map permit measuring tools and ask if that would be available to more easily be able to complete the forms.

Thank you again for the involvement.



Laverne Kirkness, BES.RPP.MCIP.
Kirkness Consulting Inc.
Urban and Rural Planning



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From: Lee Greenwood [REDACTED]
 Sent: Thursday, November 10, 2016 5:15 PM
 To: Galloway, Sean <sgallowa@London.ca>
 Subject: In-Fill Meeting

Hi Sean:

Unfortunately I am unable to attend the meeting this evening in regards to “in-fill homes” in London, ON. I would like this letter to express my concerns over the implementation of rules and regulations that may stifle the growth of this type of housing stock. Please feel free to share my comments.

My first concern is aesthetic; A home is a deep expression of a person or families’ design choices. I would hate to see interesting projects stopped simply because they did not fit someone else’s idea of “fitting-in”. We live in an in-fill home at 100 Baseline Road East that was an urban design finalist in 2010. Our home does not look like many others in the neighbourhood nor would we want it too.

My second concern is economic. Cities of the world reinvent themselves time and time again by replacing ageing housing stock with newer structures. Any move to make this process more cumbersome, expensive or bureaucratic will surely result in less investment in our housing stock. Neighbourhoods such as Old South and Old North that have seen keen interest from home buyers and have consequently seen new investment will suffer if more rules are put in place.

One only needs to look around the city to see fine examples of in-fill homes (Kenneth Ave has some great ones!). I would suggest we focus on the positive outcomes of the majority of projects rather than the few projects that have been problematic.

I believe the most effective method to ensure orderly housing development in older neighbourhoods is to ensure that the zoning by-law and specifically the yard setbacks match those of original homes in the neighbourhood. Ensuring a consistent street scape and massing is achieved should be the only constraint on development. Moving to a cumbersome system of urban design review or similar is not a preferable option. Our city should continue to promote the in filling of old neighbourhoods – it makes for a vibrant place!

Regards,

Lee Greenwood

Canadian Commercial [REDACTED]

From: Mike Rice
 To: O'Hagan, Britt [REDACTED]
 Cc: [REDACTED]
 Subject: OZ-8701
 Date: Sunday, November 20, 2016 2:53:34 PM

Dear Brittany,

Thank you for doing the presentation about infill, it was very informative and increased my knowledge of planning. I went from knowing nothing to knowing about five per cent of your knowledge. I will now get to the purpose of this email.

Outside of the primary transit area the rules could be ignored or twisted to the developer’s advantage. I will cite two examples in my planning area(Argyle) where the developer has found some land, and another developer severed a lot. Example A the developer found a piece of land that fronted on to Clarke Road, the entrance of the lot is wide enough to put a driveway in. The driveway goes back between 50 to 100 feet before opening up into a large rectangular lot. There is a structure being built on the lot, the rumour is that this structure is to be for high functioning Autistic adults, there is now a sign up that says that the lot is to be used for affordable housing. The lot was originally part of the plan for Sunrise subdivision built in the late 1950’s, the lot was supposed to be a road with houses built around it. The road was never built and the lot sat vacant until 2016.

Example B: The lot is located on Trafalgar St. near Clarke Road. The lot originally had an old frame type farmhouse in an “L” shape and had two families living in it. The structure was torn down and two three story apartment building erected on the lot. There are now six families living on that lot. The original farmhouse design could have been historic or unique, there was no historical designation on the house. Beside this example sits a house with sufficient land in the lot where the house could be torn down and two structures built on the lot.

In both examples I have assumed that the developer got the necessary permits and planning approval. In Example A the developer did not do a very good job of communicating to the residents of the area. The residents were annoyed, upset and DISCOURAGED from doing anything. In Example B it was a fait accompli.

I would suggest with these examples that this policy be applied city wide with emphasis given to the primary transportation area. Should you wish to discuss this matter with me, I usually do research at Central Branch London Public Library three times a week or I can meet you at Coffee Culture.

Again thank you for all your hard work in creating a new policy/bylaw.

Yours truly,
 Mike Rice

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From: Lisa Mammolite
To: [O'Hagan, Britt](#)
Subject: Wortley Village Infill
Date: Wednesday, October 26, 2016 9:03:36 AM

Good Morning Bo,

I received the notice about the planning departments infill meeting.

I am the owner of [REDACTED] here in the village. I am in favour of infill within the Wortley Village community.

I am not sure if you need something else from me but if you do please let me know.

Thanks
Lisa Mammolite
[REDACTED]

From: Susan Shaw
To: [O'Hagan, Britt](#)
Cc: [REDACTED]
Subject: Residential Infill Development in Old South
Date: Wednesday, June 15, 2016 9:04:18 AM

Dear Britt,

Although I am unable to attend the community meeting this evening, this is a matter that I feel strongly about as an Old South resident and home owner.

First, I am convinced that limiting urban sprawl is one of the very highest priorities for the future of London, and also that this requires infill development in places like Old South. I am in favour of infill development where the new housing is done appropriately. One of the important aspects of limiting urban sprawl is to reduce the suburban culture of the car, and the type of infill that I am against is that which looks back to the car rather than forward to the community.

We are extremely lucky that housing in Old South demonstrates a historical form that is desirable for the future. To the extent that housing forms can influence the cohesion of a community, this is what has happened. Small setbacks from the streets and houses with front porches make neighbours of people who otherwise simply live next to each other. (And having a small commercial area creates interactions that generate cohesion, too.) The sense of community in Old South is its greatest attraction, and what makes it both a desirable place to live, and an example worthy of emulation.

The new houses that we have been plagued with in recent infill developments create the opposite of community. These are designed around cars, not community, with prominent garages, no front porches, and setbacks to accommodate cars parked in driveways. It is this, rather than any particular building material or style which I find offensive, and moving away from the direction that I want to see in my community.

Regards,
Susan Shaw
[REDACTED]

Agenda Item # Page #

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Appendix "C"