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O-7970
S. Meksula

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON RESIDENTIAL INTENSIFICATION POLICIES MEETING ON NOVEMBER 26, 2012

RECOMMENDATION

That, on the recommendation of the Managing 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 December 11, 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) based on the proposed Official Plan amendment attached in "A", staff **BE DIRECTED** to amend the Site Plan Control By-law, 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.

It being noted that the residential intensification policies will be subject to further review as part of the ReThink London Official Plan review process.

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.

Report to Planning and Environment Committee, Public Participation Meeting, proposed Residential Intensification and Amendment to the intensification policies of the Official Plan and when Public Site Plan is required, January 16, 2012.

Report to Planning and Environment Committee, Public Participation Meeting, clarification of the proposed Residential Intensification policies and Amendment to the intensification policies of the Official Plan and when Public Site Plan is required, August 20, 2012.

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RATIONALE

1. The recommended Official Plan amendment is consistent with the Provincial Policy Statement (2005).
2. The recommended amendment is consistent with section 2.2.1. vii) Official Plan Vision Statement of the Official Plan which states that, through the implementation of the plan, City Council will *“utilize planning processes that are responsive to neighbourhood and community needs, provide meaningful opportunities for public participation and recognize that neighbourhoods are the strength of the community and the foundation for achieving London’s vision of the future”*.
3. The recommended amendment is consistent with section 2.3.1. ii) Planning Principles of the City of London Official Plan which states that *“Land use planning should promote compatibility among land uses in terms of scale, intensity of use and potentially related impacts”*.
4. 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.
5. 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.
6. The recommended amendment is the result of extensive consultation with the London Development Institute, London Home Builders, and interest groups. The recommended amendment serves to clarify the intent of the City’s residential intensification policies.

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 infill and redevelopment and to clarify when public site plan will be required.

BACKGROUND

On August 20, 2012, a report was presented to the Planning and Environment Committee that included revised policies to deal with previous concerns brought forth regarding the current residential intensification policies and site plan review process, recommending further clarification and modifications to the current polices for development within the City of London.

Planning and Environment Committee heard representations from the London Development Institute (LDI), the London Home Builders Association and other interest groups on the proposed changes to the Official Plan policies regarding “Residential Intensification”. In response to the comments, Planning and Environment Committee and then Council on August 20, 2012 resolved that the proposed amendment;

*“... **BE REFERRED** back to the Civic Administration for further clarification; and, pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, **NO FURTHER NOTICE BE GIVEN** in respect of the proposed Official Plan amendments, as the proposed amendments are minor;*

In accordance with the direction of Municipal Council, planning staff met with the London Development Institute (LDI), London Area Planning Consultants (LAPC) and London Home Builders Association (LHBA) to discuss their concerns and resolve the outstanding issues regarding the proposed amendments to the residential intensification policies. The discussion involved not only the proposed Official Plan amendment, but also included the identification of opportunities to facilitate a “less onerous” site plan process. The previous staff report is attached for background.

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Policies	Issues	Proposed Amendments
<ul style="list-style-type: none"> Policy 3.2.3.1. <p>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.</p>	<ul style="list-style-type: none"> New subdivision developments since annexation, OPA 88 and OPA 438 which may be caught in the infill process even though they have been zoned to permit the use. 	<p>Amend subsection 3.2.3.1 as follows:</p> <p>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 registered after Official Plan Amendment 88 (July 2, 1996) will not be considered as infill development.</p>
<ul style="list-style-type: none"> Policy 3.2.3.5. <p>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:</p>	<ul style="list-style-type: none"> 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 requirement for a concurrent public site plan approval review process is onerous and redundant, in instances where the public has already had the opportunity to comment on an application that would be considered as residential intensification. Where a project would meet the definition if intensification in this plan, but would conform to zoning, public site plan may not be required; however, the site plan matters associated with intensification 	<p>Amend subsection 3.2.3.5 by deleting the first paragraph in its entirety and replacing it with:</p> <p>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.</p> <p>In instances where a residential intensification project would also require an application under the <i>Planning Act</i> 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 and identified below 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 with a zoning by-law amendment, minor variance application or application for consent, a separate public site plan review will be required.</p> <p>Where a residential intensification project conforms to current zoning, public site plan review will not be required, however, site plan review will be required to address the matters identified</p>

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<ul style="list-style-type: none"> Policy 3.7.3.1. In order to address issues of impact, new policies were also included that would require the preparation by the applicant of both a Neighbourhood Character Statement and a Compatibility Report to be used in the review of intensification proposals. 	<p>should still be considered.</p> <ul style="list-style-type: none"> A Neighbourhood Character Statement and a Compatibility Report should be able to be submitted as a combined document and not as separate documents. The Neighbourhood Character Statement describes the existing neighbourhood context, which can then be used as the basis for evaluating how the proposed intensification project addresses this context. The Compatibility and Character statements may be combined to show that the infill development is compatible with the existing character of the neighbourhood. 	<p>below.</p> <p>Amend subsection 3.7.3.1 as follows:</p> <p>An applicant proposing a residential intensification development, as defined in section 3.2.3.1. of the Plan, within the Low Density residential designation, or requesting an Official Plan Amendment to a more intensive residential land use designation or requesting Bonus Zoning pursuant to policy 19.4.4. shall be required to submit the following detailed reports. <u>These reports may be submitted as a single document that demonstrates how the proposal is complementary with the Neighbourhood Character Statement:</u></p> <p>(b) Compatibility Report. As part of an application for residential intensification, the applicant shall be required <u>to provide a detailed statement of the compatibility of the project</u> to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing, surrounding neighbourhood. The conceptual design of the project shall incorporate the following items <u>to address the compatibility of the proposal with the surrounding neighbourhood.</u></p>
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The proposed amendments to the residential intensification policies are intended to clarify the process for review for the most part as it relates to public site plan. The proposed amendments also clarify the definition of infill and redevelopment. The recommended revisions to the policies of the Official Plan are shown in strike out and underline to show the proposed changes.

~~Deleted~~
~~Added~~

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. Residential development on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision registered after OPA 88 (July 2, 1996) will not be considered as infill development.~~

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

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.

To address issues of intensity and form, the policies will require a concurrent public site plan review process to address matters related to the character and compatibility of residential intensification proposals with the existing neighbourhood.

The City's residential intensification policies will apply in situations where new residential development takes place that is greater in intensity than currently exists within an area, but is in accordance with the zoning of the lands. The goal of residential intensification is to incorporate additional residential units into an existing neighbourhood in a way which does not cause an unacceptable negative impact. In order to clarify this, the current policy that defines residential intensification has been amended to include a definition of redevelopment. This is consistent with the definition found in the Provincial Policy Statement.

Residential Intensification and Site Plan Approval

Planning staff have refined the previously suggested policy amendments to amend the residential intensification policies relating to the requirement for public site plan approval. The new approach clearly defines the requirements for public input as part of the site plan review process as required under the Planning Act.

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

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identified in policy 3.2.3.5.

The recommended policy change is noted below:

3.2.3.5.

Public Site Plan Review and Urban Design

i) 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 in Section 3.2.3.5. (ii) with the exception of the instances as described below. In addition to all other site planning issues, residential intensification site plan proposals will be evaluated to ensure:

(a) Permitted single detached dwelling conversions to add one additional residential unit only within an existing building.

(b) Where a residential intensification project would 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 will 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 and identified in Section 3.2.3.5. (ii) 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 with a zoning by-law amendment, minor variance application or application for consent, a site concept plan may be used to elicit public comment. This may result in recommendations for matters to be considered, or conditions if any, to be applied to the future development of the site.

(c) Where a residential intensification project complies with current zoning, public site plan review will not be required; however, administrative site plan review will be required to address the matters identified in Section 3.2.3.5. (ii).

ii) Residential Intensification site plan proposals shall address the following matters:

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

iii)(c) Consideration of the following Urban Design Principles:

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

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

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

(e)(v). 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;

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~~(f)(vi)~~ 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)(vii)~~ 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)(viii)~~ 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) iii~~ 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.

Neighbourhood Character

In order to address issues of impact, new policies were also included that would require the preparation by the applicant of both a Neighbourhood Character Statement and a Compatibility Report to be used in the review of intensification proposals.

3.7.3.1.

Residential Intensification

An applicant proposing a residential intensification development, as defined in section 3.2.3.1. of the Plan, within the Low Density residential designation, or requesting an Official Plan Amendment to a more intensive residential land use designation or requesting Bonus Zoning pursuant to policy 19.4.4. shall be required to submit the following detailed reports. These reports may be submitted as a single document that demonstrates how the proposal is compatible with the Neighbourhood Character Statement.

(b) Compatibility Report. *As part of an application for residential intensification, the applicant shall be required to provide a detailed statement of the compatibility of the project, to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood. The conceptual design of the project shall incorporate address the following items to demonstrate the compatibility of the proposal with the surrounding neighbourhood.*

The recommended amendment 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, and that the public is invited to comment on those matters through this process. This would mean that the site plan review process and public consultation process would occur simultaneously. The amended policy also clarifies that the site plan matters to be addressed are those identified in policy 3.2.3.5.

Possible Site Plan Control By-law Changes

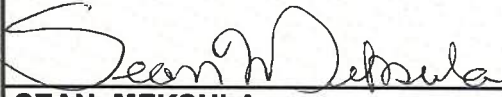


In order to put into practice these policies, changes to the Site Plan Control By-law will be essential. The basis of these changes is to clarify the scope of the site plan review required; the nature of the information required (such as elevations, site plans and landscape plans) and those instances in which public site plan review would be required. Additional amendments to the Site Plan Control By-law shall 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. The Notice procedures for zoning by-law amendments, minor variances, and consents, will also be amended to reflect these policy changes.

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CONCLUSION

Taking into account comments received on the proposed policy amendment, steps have been taken to modify the existing residential intensification policies. These proposed amendments to the policies regarding residential intensification will still preserve the objectives of these policies, and will clarify the "process" and "application" concerns that have been identified since adoption and implementation of these policies. Amendments will be required to the City's Site Plan Control By-law to further implement these modified policies while still providing opportunities for public input as part of the planning approval process. These amendments are also intended to encourage appropriate residential intensification while maintaining the character of the area. Additional policy adjustments will be reviewed as a component of the ReThink London process.

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

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Responses London Development Institute (LDI), the London Home Builders Association and other interest groups.

London Development Institute

November 5, 2012

By Email

City of London
300 Dufferin Avenue
London, Ontario
N6A 4L9

Attn.: Sean Meksula, Planner II

Re: Residential Intensification Policy Amendment

Dear Mr. Meksula,

Thank you for the opportunity to review the revisions to the Intensification Policy amendment as discussed at our meeting with City Planning staff, representatives from the London Area Planning Consultants (LAPC), the London Home Builders Association and the LDI.

The revised amendment clarifies the issues raised at our meeting regarding when a public site plan meeting is required and the level of detail to be submitted in a single document to demonstrate the compatibility of a new project in the Neighbourhood Character Statement.

Intensification and infill projects will be a major focus in the ReTHINK London initiative and further review of these policies should be undertaken as part of that process.

Thank you again.
Sincerely,
London Development Institute



Jim Kennedy
President, LDI

cc LDI Members
cc John Fleming, City Planner

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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 December 11, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – December 11, 2012
Second Reading - December 11, 2012
Third Reading - December 11, 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 plans of subdivision registered after OPA 88 (July 2, 1996) 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 it in its entirety, and replacing it with:

Site Plan Review and Urban Design

- i. Residential intensification proposals will be subject to a public site plan process to address the matters identified in Section 3.2.3.5. (ii) with the exception of the instances as described below:

- (d) Permitted single detached dwelling conversions to add one additional residential unit only within an existing building.
- (e) Where a residential intensification project would 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 will 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 and identified in Section 3.2.3.5. (ii) 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 with a zoning by-law amendment, minor variance application or application for consent, a site concept plan may be used to elicit public comment. This may result in recommendations for matters to be considered, or conditions if any, to be applied to the future development of the site.

- (f) Where a residential intensification project complies with current zoning, public site

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plan review will not be required; however, administrative site plan review will be required to address the matters identified in Section 3.2.3.5. (ii).”

- ii. Residential Intensification site plan proposals shall address the following matters:
 - (a) 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;
 - (b) The use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and,
 - (c) Consideration of the following Urban Design Principles:
 - (i). Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped;
 - (ii). 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;
 - (iii). New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses;
 - (iv). New development should include active frontages to the street that provide for the enhancement of the pedestrian environment;
 - (v). 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;
 - (vi). 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;
 - (vii). 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,
 - (viii). 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.
- iii. 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.
 - 4. Amend subsection 3.7.3.1. by deleting the word “detailed” in the first paragraph:
 - 5. Amend subsection 3.7.3.1. by adding a new sentence at the end of the first paragraph “These reports may be submitted as a single document that demonstrates how the proposal is compatible with the Neighbourhood Character Statement.”
 - 6. Amend subsection 3.7.3.1. (b) Compatibility Report by deleting the first paragraph in its entirety and replacing it with:

As part of an application for residential intensification, the applicant shall be required to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood. The conceptual design of the project shall address the following items to demonstrate the compatibility of the proposal with the surrounding neighbourhood: