## **Report to Planning and Environment Committee**

To: Chair and Members

**Planning & Environment Committee** 

From: George Kotsifas P. Eng.,

Managing Director, Development & Compliance Services and

**Chief Building Official** 

Subject: Forever Homes

442 Third Street

Public Participation Meeting on: July 13, 2020

#### Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Forever Homes relating to the property located at 442 Third Street:

- the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 13, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R2 (R2-3) Zone, **TO** a Residential R6 Special Provision (R6-5(\_)) Zone;
- (b) **IT BEING NOTED THAT** the following Site Plan matters pertaining to 442 Third Street have been identified during the review of the application:
  - i) Construction of a wood, board on-board privacy fencing for the extent of the north, east and south perimeter, with a minimum height of 2.13m (7ft);
  - ii) Interior garbage storage if possible, or appropriately located and enhanced screening for outdoor garbage storage;
  - iii) the provision outdoor lighting fixtures within parking areas that will minimize light trespass onto adjacent properties;
  - iv) maximize tree preservation and retention on the subject lands; and,
  - v) Orient Unit 1 to Third Street by encouraging the principle building entrance and front porch to face the street.

## **Executive Summary**

#### **Summary of Request**

Requested amendment is to permit one, 2-unit residential building and one, 4-unit residential building with a reduced a front yard setback for the 2 unit building and a north interior side yard setback for both residential buildings.

#### **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommendation is to allow for two unit, 2-storey townhouse dwelling at the front of the property and a four unit, 2-storey townhouse dwelling with special provisions for a reduced front yard setback and a reduced interior side yard setback.

## **Rationale of Recommended Action**

- 1. The recommended amendment is consistent with the policies of the PPS 2014 which promote infill and the efficient use of land.
- 2. The recommended amendment is in confromity with the in-force polices of The London Plan, including but not limited to, the Our City policies.
- The recommended amendment is in conformity with the in-force polices of the 1989 Official Plan, including but not limited to, the Low Density Residential designation policies.

4. The recommended amendment facilitates the development of an underutilized site with an appropriate form of development.

## **Analysis**

## 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the east side of Third Street between Dundas Street and Oxford Street East. The site is currently developed with a two-storey single detached dwelling. The site is surrounded by a City-owned park to the east, single detached dwellings to the north, south, and a commercial plaza (Gibraltar Market) to the east across Third Street.

## 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation Low Density Residential
- The London Plan Place Type Neighbourhoods
- Existing Zoning Residential R2 (R2-3) Zone

#### 1.3 Site Characteristics

- Current Land Use Residential
- Frontage 20.3 m (66.6 ft)
- Depth 95.2.3 m (312.3ft)
- Area 1,837m<sup>2</sup> (19,773 ft<sup>2</sup>)
- Shape Rectangular

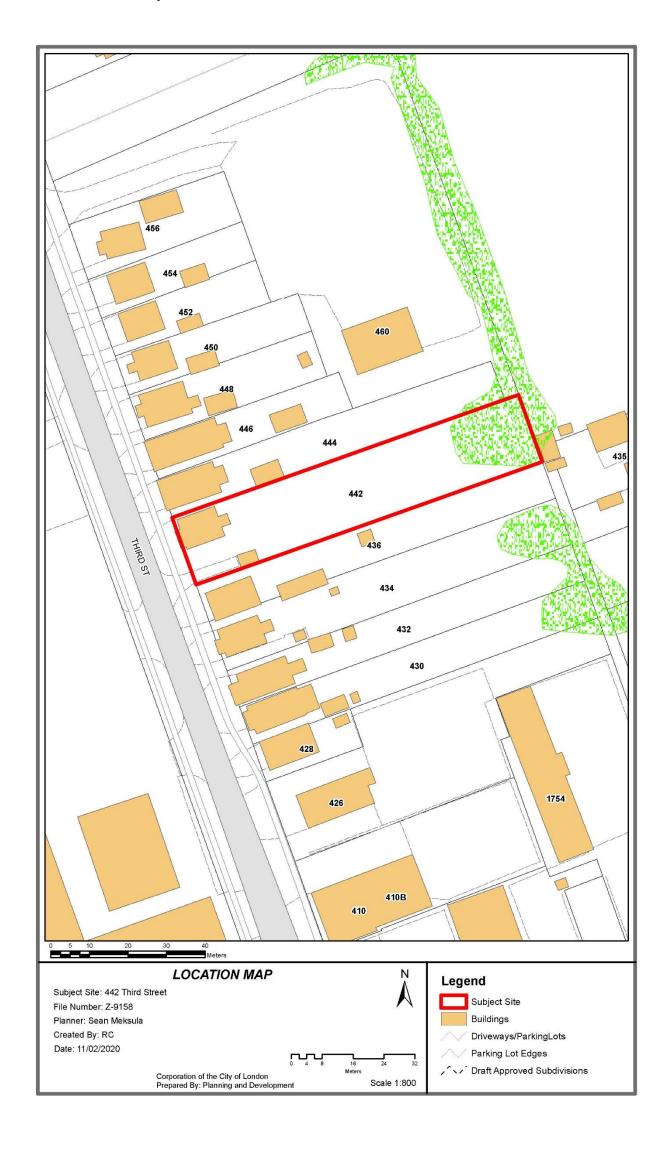
## 1.4 Surrounding Land Uses

- North Residential
- East Park and Residential
- South Residential
- West Commercial

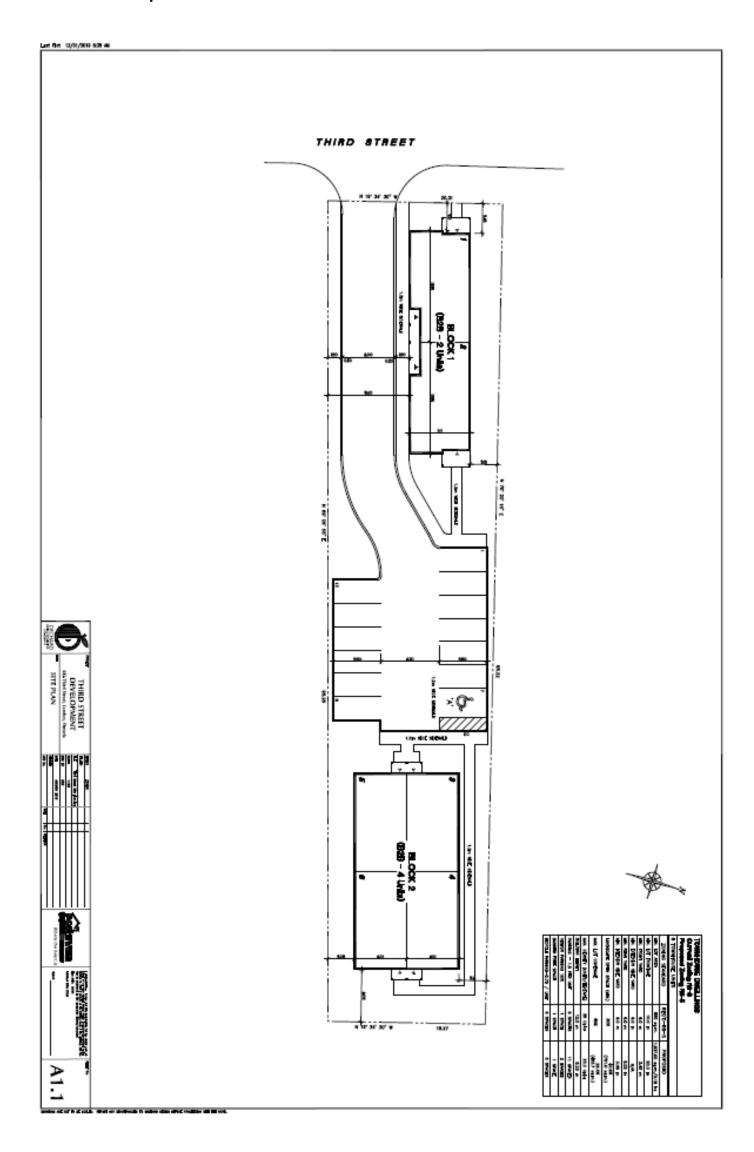
#### 1.5 Intensification (6 units)

- The proposed additional residential unit represents intensification within the Built-Area Boundary
- The proposed residential units are outside of the Primary Transit Area

## 1.6 Location Map



# 1.7 Proposed Site Plan



## 2.0 Description of Proposal

## 2.1 Development Proposal

The proposed development contemplates the removal of the existing single-detached dwelling on this site and the construction of two new townhouse buildings with a maximum height of 10.5 metres on the front and rear portions of the property. A total of 6 residential units are proposed by the applicant, which would include a two unit, 2-storey townhouse dwelling located on the front of the lands and four unit, and 2-storey townhouse dwelling situated at the back of the lands.

Surface parking is proposed to be located on the northern and southern portion of the site between the buildings, with access provided from a driveway onto Third Street. A total of 12 parking spaces are proposed (2 spaces per unit), which exceeds the Zoning By-law requirement of 1 parking spaces per unit. There is also one barrier-free parking space proposed as well as 6 bicycle parking spaces.

A special provision has been requested by the applicant for a front yard setback of 3.45 metres, which is 2.55 metres less than the Zoning By-law standard of 6 metres. The applicant has also requested that the special provision include reduced north interior side yard setbacks are of 3.05 metres, which are 2.95 metres less than the Zoning By-law standard of 6 metres.



Figure 1: Rendering submitted by applicant

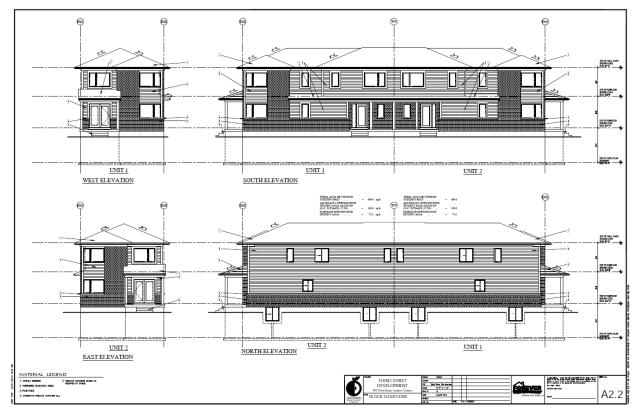


Figure 2: Proposed 1 2 unit building Elevation – submitted by applicant

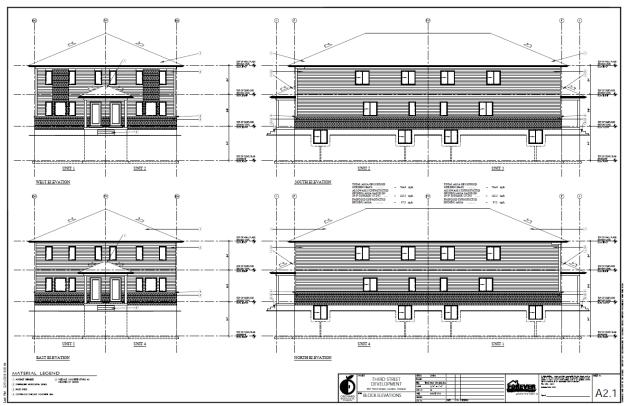


Figure 3: Proposed 1 4 unit building Elevation – submitted by applicant

## 3.0 Relevant Background

## 3.1 Planning History

The subject site is occupied by an existing single detached dwelling which was constructed in approximately 1860. The property is rectangular in shape and has never been the subject of a *Planning Act* application.

### 3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the site from a Residential R2 (R2-3) Zone to a Residential R6 Special Provision (R6-5(\_)) Zone. The R2-3 Zone permits single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings (up to 2 units). The requested Zoning By-law Amendment would permit single detached dwellings, semi-detached dwellings, duplex dwellings, triplex

dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings and fourplex dwellings in a cluster form of development. The requested special provision is to permit a reduced front yard setback of 3.45 metres and reduced north interior side yard setbacks of 3.05 metres.

#### 3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on December 23, 2019 and was published in *The Londoner* on December 26, 2019. One "Possible Land Use Change" sign was placed on the subject site, fronting onto Third Street. One written response was received from the abutting property owner. The primary concerns cited was with respect to structural damage of their house during the digging of the foundation being so close to their house, storm water runoff due to grading, increased traffic, increase in property taxes and extra noise during construction.

## 3.4 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock (1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4) and promoting active transportation limiting the need for a vehicle to carry out daily activities (1.1.3.2, 1.6.7.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. In accordance with section 3 of the Planning Act, all planning decisions 'shall be consistent with' the PPS.

#### The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is located within the Neighbourhoods Place Type on a Neighbourhood

Connector, as identified on \*Map 1 — Place Types and \*Map 3 — Street Classifications. Neighbourhoods Place Types make up the majority of the City Structure's land area. The vision for the Neighbourhoods Place Type provides key elements for neighbourhoods, including easy access to daily goods and services within walking distance and employment opportunities close to where we live (\*916\_6 and \*916\_7). Each neighbourhood provides a different character and function, giving Londoners abundant choice in affordability, mix, urban vs. suburban character, and access to different employment areas, mobility options, and lifestyles (Policy \*917\_). The London Plan identifies a range of low-rise residential uses, including single detached, semi-detached, duplex dwellings and triplex dwellings (\*Table 10). For properties within the Neighbourhoods Place Type on a Neighbourhood Connector, the range of heights that may be permitted on a site is 1 to 2.5 storeys (\*Table 11). This range of permitted uses and maximum heights will not necessarily be permitted on all sites within the Neighbourhoods Place Type on a Neighbourhood Connector, as proposed developments must fit within its context (Policy \*920\_).

#### 1989 Official Plan

The City of London 1989 Official Plan ("Official Plan") implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The lands are within the Low Density Residential designation in the Official Plan which are primarily developed or planned for low-rise, low density housing forms. The policies also encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services, facilities and land. Residential intensification refers to the development of a property, site or area at a higher density than that which currently exists (3.2.3.2).

## 4.0 Key Issues and Considerations

The following provides a summary of the key issues and considerations associated with this application.

#### 4.1 Use

As the proposed development would result in intensification of an underutilized infill lot, the proposed use and intensity has been considered.

#### Provincial Policy Statement, 2020 (PPS)

Section 1.1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas to be the main focus of growth and development (1.1.3.1) and directs municipalities to establish land use patterns within settlement areas based on efficient use of land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2a)).

The recommended amendment is consistent with the policies of the PPS as it will facilitate the development of an underutilized site within an established settlement area. The proposed 2-unit and 4-unit townhouse dwellings contribute to a mix of housing types and provides choice and diversity in housing options. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

#### The London Plan

The range of uses within the Neighbourhoods Place Type in The London Plan is related to the classification of street the property fronts, which allows a broader range of uses and intensities along major roads (\*919\_ 2&3). The intent is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, vibrancy and interesting communities (\*919\_6). The subject site is located on a Neighbourhood Connector which permits a range of residential dwellings including single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations, group homes, triplexes and small-scale community facilities. Multi-unit dwellings such as semi-detached, duplex, converted dwellings, triplex and townhouses are permitted uses in the Neighbourhoods Place Type and along Neighbourhood Connectors and as such the proposed townhouse dwellings are a permitted use for this site.

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (\*937\_). The London Plan creates a variety of opportunities for intensification, such as Redevelopment – the removal of existing buildings in favour of one or more new buildings that house a greater number of dwelling units than what currently exists. (\*939\_6.). Residential intensification proposals will require site plan approval, except for the creation of secondary dwelling units within existing structures, and converted dwelling units that will result in a maximum of two units. (\*949\_).

The standard site plan approval process shall apply to intensification projects that will result in three or more residential units (\*951\_). There is currently is no fencing for the perimeter of the site. Through the Site Plan Approval Process there is opportunity to improve the privacy through the provision of a consistent wood, board on board fence along the full extent of the perimeter to provide better separation and delineation from abutting lands. In addition to the fencing, the use of landscaping will be required along the perimeter to enhance screening and buffering and maximize privacy between neighbours. Through the review of detailed design, the Site Plan Approval process considers implementing mitigation efforts to reduce potential impacts and best utilize features such as fencing, lighting, garbage storage and landscaping to provide enhanced privacy and effective screening. At the time of Site Plan Approval, a landscape plan will be required to identify new plantings and vegetation, and a tree preservation plan will identify opportunities for retention of mature vegetation if required.

\*Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (\*921\_). \*Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type, provides the range of permitted heights based on street classification (\*935\_1). Accordingly, \*Table 10 permits a range of low rise residential uses, including semi-detached, duplex, converted dwellings, triplex and townhouses, and \*Table 11 permits a maximum height of 2.5-storeys. As such, the recommended amendment to rezone the site to a Residential R6 Special Provision (R6-5(\_)) Zone is in conformity with The London Plan as the proposed dwellings are to have a maximum height of 10.5 metres which is consistent with heights in the surround neighbourhood and consistent with the maximum height 2.5-storeys permitted in The London Plan.

#### 1989 Official Plan

The Official Plan supports the provision of a choice of dwelling types according to location, size, affordability, tenure, design and accessibility (Policy 3.1.1 ii). It also supports the distribution of a choice of dwelling types, and designates lands for a range of densities and structure types throughout the City (Policy 3.1.1 vi).

The site is currently within the Low Density Residential designation, which applies to lands primarily intended for low-rise, low density housing forms including detached, semi-detached and duplex dwellings, at a density of up to 30 units per hectare (uph). However, Residential Intensification (defined as the development of vacant and/or underutilized lots within previously developed areas) (3.2.3.1.ii) may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law. Residential intensification in areas within the Low Density Residential designation, will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments.

A Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. The proposed redevelopment of the lands for one, 2-unit townhouse and one, 4-unit townhouse is compatible with surrounding land uses, and is unlikely to impact surrounding uses. The size and shape of the parcel of land is able to accommodate the intensity and additional parking requirements necessary for six units. There is a limited supply of lands zoned for multi-unit dwellings in the immediate area, however, two-unit dwellings are permitted as of right within the neighbourhood. The site is in close proximity to public open space to the immediate east of the subject site. Transit services for the proposed new uses are available to service the site on Dundas Street and Oxford Street East. Parking and access for the site will be provided on the south portion of the lands. This will be addressed through site plan, which is required for any residential intensification application.

The Site Plan Approval process will ensure that appropriate access, parking, fencing (if necessary), and landscaping is used to help mitigate any potential impacts and maintain the privacy of abutting outdoor amenity areas.

This application, as detailed above, will have no impact on adjacent lands, meets the policies of the PPS, 1989 Official Plan and The London Plan, and is a suitable and compatible form of intensification within the existing neighbourhood.

#### **4.2** Form

The applicant has requested a special provision to reduce the front yard setback to a minimum of 3.45 metres and a reduce the north interior side yard setback of 3.05 metres, where 6 metres would be required under the standard Residential R6 (R6-5) Zone for both setbacks. A maximum height of 12 metres is permitted in the Residential R6 (R6-5) Zone.

#### Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement promotes intensification and redevelopment in appropriate locations (Policy 1.1.3.3). The Provincial Policy Statement identifies that appropriate development standards should be promoted that facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The Provincial Policy Statement identifies that long-term economic prosperity should be supported by encouraging a sense of place and promoting a well-designed built form (Policy 1.7.1 (e)). The requested reduction in front yard setback is consistent with this policy as a reduced front yard setback helps to improve the relationship between a building and pedestrians on the sidewalk by providing a sense of enclosure which creates a comfortable pedestrian environment and by providing greater visibility from the building onto the street which improves pedestrian safety and maintains the streetscape along Third Street.

#### The London Plan

The London Plan requires that site layouts should be designed to minimize and mitigate impacts on adjacent properties (Policy 253\_). The London Plan includes the policy that buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and a comfortable

pedestrian environment (Policy 259). Permitting a reduced front yard setback for the subject site is consistent with this policy direction and will help to improve the relationship between the proposed development and the pedestrian environment on Third Street. Potential impacts on adjacent and nearby properties from a new development also need to be managed and mitigated, such as loss of privacy and shadowing (Policy 1578\_).

Along with the requested 3.45 metre minimum front yard setback, the recommended Zoning By-law Amendment provides a front yard setback which is a greater setback than the existing homes on Third Street which are mostly located at the property line with little or no front yard setback being provided. The requested 3.45 metres help to ensure the building has a setback to the Third Street sidewalk to help ensure a comfortable pedestrian environment.

The requested special provision for a reduced interior side yard setback of 3.05 metres appropriately minimizes and mitigates impacts on adjacent properties including privacy and shadowing for a building proposed to be constructed at a height of 8.33 metres. The recommended Zoning By-law special provision is intended to allow for the potential impacts on adjacent properties to be mitigated, should those properties also be redeveloped with reduced interior side yard setbacks. In this situation, no substantial impacts are expected on surrounding uses, given the nature of the property in question. The lands are characterized as significantly deep lots with mature vegetation, and separation distance from abutting uses allows for the proposed use to not interfere with the compatibility of the surrounding residential uses.

## Official Plan (1989)

The subject lands are designated Low Density Residential in the 1989 Official Plan, which permits a range of low-rise residential uses including single detached, duplex, and semi-detached dwellings as the primary permitted uses. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. The Official Plan identifies that development of a within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (Policy 3.2.2). Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses. (3.2.1).

The Official Plan (1989) identifies that new development should include street-oriented features that provide for the enhancement of the pedestrian environment (Policy 11.1 viii). Allowing for a reduced front yard setback for the proposed development improves the relationship between the building and the street, enhancing the pedestrian environment and maintains the contiguous streetscape along Third Street.

The Official Plan also identifies that in reviewing the design and positioning of new buildings, access to sunlight for adjacent properties should be maximized (Policy 11.1.1 ix). The design and positioning of new buildings should also minimize the loss of privacy for adjacent residential properties (Policy 11.1.1 xiv).

The requested reduced interior side yard setback conforms to these objectives, especially if the possibility of the future development of adjacent sites is considered. The provision of appropriate interior side yard setbacks is necessary to allow for separation distance between buildings to achieve privacy and natural light for building residents. The proposed dwellings are consistent with the policies of the Official Plan, with respect to form as the proposed side yard setback ensures that there is sufficient distance for privacy, natural light and that surrounding uses are not negatively impacted.

The intent of the front yard setback regulation is to ensure a contiguous streetscape and to prevent buildings from imposing on the pedestrian amenity of a streetscape. The streetscape is characterized by dwellings having a diverse range of front yard setbacks and articulations. The proposed setback would allow for a dwelling with setbacks which are similar to other forms of residential development in the area (notably the adjacent

north and south properties). Through the Site Plan Application the design of the building and the site will be addressed to orient Unit 1 to Third Street by encouraging its principle building entrance and front porch to face the street. With this being done the proposed development will maintain a contiguous streetscape along Third Street. Through the Site Plan Approval Process the consideration will be given for the construction of privacy fencing around the perimeter of the property, lighting, and garbage storage as well as landscaping will be implemented to help enhance privacy and effective screening for the site. A tree preservation plan will identify opportunities for retention of mature vegetation at this time.

The provisions of the existing Residential R2 (R2-2) Zone require a minimum interior side yard setback of 1.2 metres plus 0.6 metres for each storey above the first, and where there is no attached garage, one side is required to be 3.0 metres to provide adequate parking facilities in the interior side or rear yards. The intent of the regulations is to ensure that adequate separation distance is provided between the building and neighbouring properties for access and maintenance, and to ensure that the privacy of abutting uses is not negatively impacted. The provisions of the recommended Residential R6 Special Provision (R6-5( )) Zone provide a north interior side yard setback of 3.0 metres whereas 6.0 metres is required. The recommended interior side yard setback would increase the existing condition on the northern property line by moving the proposed building further away from the property than the existing setbacks of the current dwelling on the lands. The request to provide a side yard setback of 3.0 metres, would exceed the minimum requirements of the existing Residential R2 (R2-2) Zone and the existing single detached dwellings, as such privacy on the adjacent properties is not expected to be substantially impacted in this situation.

#### 4.3 Issue and Consideration: Intensity

The requested Zoning By-law Amendment is to permit 6 residential units on the subject site, which would result in a density of 33.3 dwelling units per hectare. This density is appropriate for the subject site and consistent with municipal and provincial policies for residential intensification.

#### Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement promotes residential intensification on appropriate sites within settlement areas, in order to promote efficient development and land use patterns (Policy 1.1.1, 1.1.3.1). The Provincial Policy Statement indicates that municipalities shall identify and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where it can be accommodated taking into account the existing building stock (Policy 1.1.3.3). The Official Plan is identified as the most important vehicle for implementing the Provincial Policy Statement.

The requested Zoning By-law Amendment represents a form of residential intensification, and is in a location that has been identified as appropriate for residential intensification through the Official Plan.

## The London Plan

The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. It places a greater emphasis on encouraging and supporting growth within the existing built up area of the City, rather than greenfield development (Policy 79\_). There is a target that 45% of all new residential development will be within the existing built-up area of the City (Policy \*81\_). Residential intensification in the form of infill development on vacant and underutilized lots will be supported, subject to the other policies of The London Plan (Policy 80\_).

The London Plan does not include density limits in units per hectare, rather it provides maximum height as a measure of intensity. The proposed dwellings consist of a habitable basement level and two upper floors, and is considered to be a low-rise built form at 2.0

storeys in height or 8.33m. Within the Neighbourhood Connector Street Type, buildings have a standard maximum height of 1 to 2.5 storeys. Development along Connectors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility (\*921\_Table 10). The surrounding dwellings are generally one and two storey dwellings with pitched roofs. The intent of the regulations ensure that abutting uses are not negatively impacted. The height of the proposed building is 2.0 storeys which is a compatible building height to the neighbouring low density residential uses, and consistent with taller structures in the area such as the existing apartment buildings to the south. The requested amendment would permit a maximum height of 12 metres and could accommodate a 2.5-storey building on the site. In this situation the applicant is proposing a building height of 8.33 metres for each building, which is consistent in height with other 2-storey dwellings in the surround neighbourhood. As such the proposed maximum height of 12 metres is appropriate for the subject site and Range of permitted uses.

#### Official Plan (1989)

The subject site is located within the Low Density Residential land use designation in the Official Plan. The development of Low Density Residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre). Densities in established low density residential areas, such as the Central London District, where dwelling conversions, existing apartment buildings, infill development, and the conversion of non-residential buildings have occurred or may be permitted, may exceed 30 units per hectare. The calculation of residential density is described in policy 3.6.10. (Policy 3.2.2).

However, Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing. The proposal is for a new townhouse block for a total of 6 dwelling units, which equates to a density of approximately 33.3uph. The scale of development and intensity is in keeping with the upper limits of the intensification policies, is appropriate for the site, and supported by a Neighbourhood Character Statement and Compatibility Report (3.2.3.3 & 3.2.3.4).

The requested density and use as cluster housing maintains the general intent and objectives of the Plan and given the foregoing, staff is satisfied that the recommended amendment is in conformity with the 1989 Official Plan.

## 5.0 Conclusion

The recommended amendment would allow for a development that is consistent with the 2014 Provincial Policy Statement that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the 2014 Provincial Policy Statement that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to the 1989 Official Plan that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended multi-unit dwellings. The recommended amendment conforms to The London Plan that contemplates residential intensification in the Neighbourhoods Place Type, where multi-unit dwelling are contemplated as a primary permitted use on all street classifications. The recommended amendment conforms to the 1989 Official Plan and the maximum density contemplated in the Low Density Residential designation through residential intensification. The recommended amendment also conforms to the height maximums contemplated in the Neighbourhood Place Type on a Neighbourhood Connector (Third Street) in The London Plan.

The recommended Zoning By-law includes setbacks that would allow for a development that has a height that fits within its context, interior side yard setbacks that do not adversely affect neighbouring properties, and a front yard setback that would create a positive relationship between the development and pedestrians on Third Street. The recommended Zoning By-law Amendment conforms to the 1989 Official Plan and The London Plan as it would allow for an expanded range of residential uses, which are primary permitted uses on the site in both the 1989 Official Plan and The London Plan, whereas the existing zoning permits a modest range of residential uses. Additionally, the recommended interior side yard setback would increase the existing condition on the northern property line.

The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood. The proposed multi-unit dwellings represent a sensitive and compatible development that is a good fit within the surrounding context, and makes efficient use of the existing municipal services and infrastructure, and encourages residential intensification as per the PPS, The London Plan and the 1989 Official Plan.

Prepared by:	
	Sean Meksula, MCIP, RPP Planner, Development Services
Recommended by:	
	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	
	George Kotsifas, P.ENG
	Managing Director, Development and Compliance Services and Chief building Official

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

July 6, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

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## **Appendix A**

Bill No.(number to be inserted by Clerk's Office) (2020)

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 442 Third Street.

WHEREAS Forever Homes has applied to rezone an area of land located at 442 Third Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 442 Third Street, as shown on the attached map comprising part of Key Map No. 108, from a Residential R2 (R2-3) Zone, to a Residential R6 Special Provision (R6-5()) Zone.
- 2) Section Number 10.4 e) of the Residential R6 (R6) Zone is amended by adding the following Special Provision:

)	R6-5(_)	442 Third Street
---	---------	------------------

a) Regulations

i) Front Yard Depth 3.5 metres (11.5 feet) (Maximum)

ii) North Interior Side 3.0 metres (9.8 feet)
Yard Depth when the end wall of a unit contains no windows to habitable rooms

iii) Height 10.5m (34.5ft) (Maximum)

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.

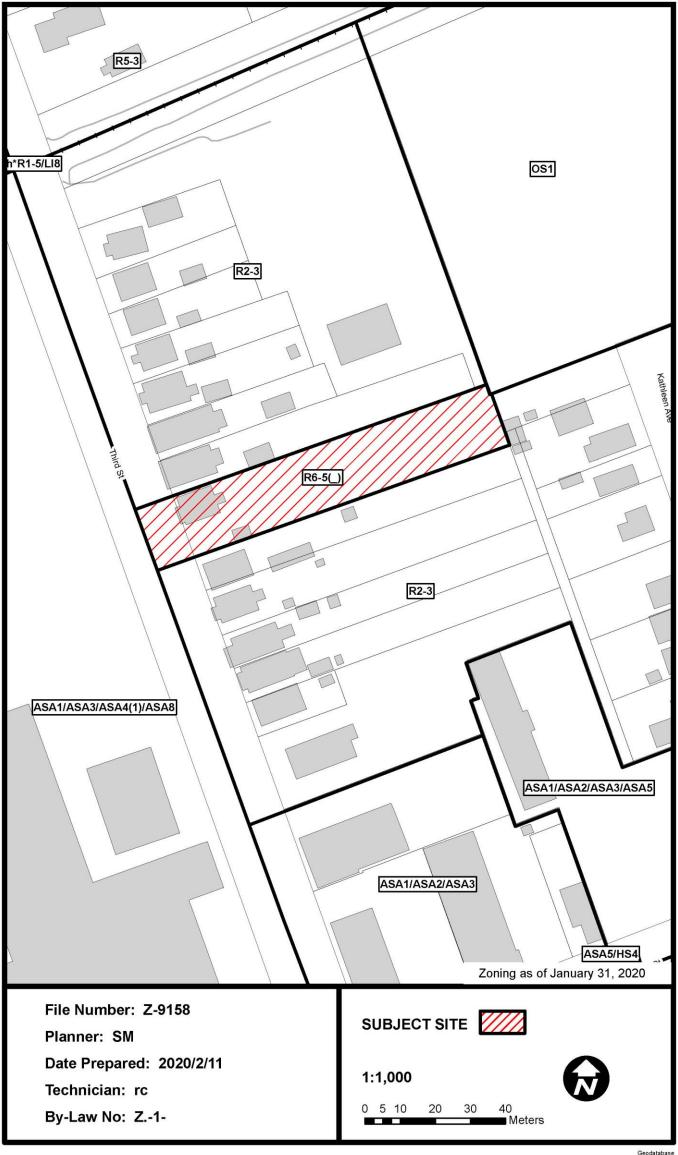
PASSED in Open Council on July 21, 2020.

Ed Holder Mayor

Catharine Saunders City Clerk

First Reading – July 21, 2020 Second Reading – July 21, 2020 Third Reading – July 21, 2020

# AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



## **Appendix B – Public Engagement**

### **Community Engagement**

**Public liaison:** On December 23, 2019, Notice of Application was sent to 98 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 26, 2019. A "Planning Application" sign was also posted on the site.

Only 1 reply was received.

**Nature of Liaison:** The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R2 (R2-3) Zone to a Residential R6 Special Provision (R6-7(\_)) Zone to permit and facilitate the development a range of cluster dwellings including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse and apartment building uses. The notice advised of special provisions to the standard R6-5 Zone regulations to permit a reduced minimum front yard depth of 3.45 metres and a reduced northerly minimum interior side yard depth of 3.05 metres.

**Responses:** A summary of the comments received include the following:

#### Concern for:

- concerned of structural damage to my house digging so close to it;
- all extra water run off as my property is at a lower grade;
- do not want all the extra traffic;
- do not want my taxes to go up;
- do not want the extra noise both during construction and after with extra residents.

#### Responses to Public Liaison Letter and Publication in "The Londoner"

From: Steve Schumacher

**Sent:** Thursday, January 2, 2019 11:00 AM **To:** Meksula, Sean <smeksula@london.ca>

Subject: Z-9158

As the home owner of 436 Third St. I strongly disagree of this proposed land use change

- concerned of structural damage to my house digging so close to it
- all extra water run off as my property is at a lower grade
- do not want all the extra traffic
- do not want my taxes to go up
- do not want the extra noise both durring construction and after with extra residents

This is a few of my concerns

Appreciate if these concerns and more are taken into consideration home owner 436 Third St. Stephen Schumacher

#### **Agency/Departmental Comments**

#### UTRCA - January 6, 2020

The UTRCA has no objections to this application.

#### London Hydro - March 3, 2020

This site is presently serviced by London Hydro. Contact the Engineering Dept. for the new services that are required to facilitate these new buildings. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

#### **Development Services Engineering – January 20, 2020**

No comments.

## **Urban Design – February 27, 2020**

Through the Site Plan Application the following refinements to the design of the building and the site will need to be addressed:

 Unit 1 is to be oriented to Third Street with its principle building entrance and front porch facing the street.

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, bylaws, and legislation are identified as follows:

## Provincial Policy Statement, 2020 (PPS)

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

#### 1989 Official Plan

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.2.3.4 Residential Land Use Designations, Low Density Residential, Residential Intensification, Compatibility of Proposed Residential Intensification Development

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

Section 3.7.2 Residential Land Use Designations, Planning Impact Analysis, Scope of Planning Impact Analysis

Section 3.7.3 Residential Land Use Designations, Planning Impact Analysis, Required Information

Section 19.4.3 Implementation, Zoning

#### The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7\_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 59\_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66\_ Our City, Planning for Growth and Change

Policy 79\_ Our City, City Structure Plan, The Growth Framework, Intensification

\*Policy 83\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84\_ Our City, City Structure Plan, The Growth Framework, Intensification

\*Policy 90\_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154\_8. Our City, Urban Regeneration

Policy 256\_City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 259\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 389\_City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398\_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

\*Policy 399\_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497\_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554\_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural heritage Resources

Policy 565\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586\_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617\_ City Building Policies, Cultural Heritage, Archaeological Resources

\*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

- \*Table 11 Range of Permitted Heights in Neighbourhood Place Type
- \*Policy 919\_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods Use, Intensity and Form
- \*Policy 937\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods
- \*Policy 939\_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification
- \*Policy 952\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process
- \*Policy 953\_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification
- \*Policy 1578\_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

Policy 1682\_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

\*Policy 1683\_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land <i>use</i> is a different housing type than the prevailing land use on the east side of Third Street, but is compatible. The intensity and form of development as requested by the applicant is compatible to the area. The recommended amendment would provide for a development form which is able to mitigate impacts on adjacent properties in a manner that is compatible with the surrounding land use.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The subject site is large rectangular parcel of land and is of adequate size to support the proposed six (6) residential units, as demonstrated on the site plan in Figure 1.7 of this report. Minor reductions in front yard and interior side yard setbacks have been requested as special provisions to maintain the established street-wall for the yard and provide increased privacy for the north interior side yard. The rear yard is of adequate size to accommodate the number of parking spaces required for the use.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The residential land in the vicinity of the subject lands is largely developed. The designation and the zoning is generally indicative prevailing use of the residential land for single detached dwellings. There are no vacant lands designated and/or zoned for multi-unit dwellings in the vicinity of the subject lands.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	N/A – the proposed development is not considered to be medium density residential development or high density residential development.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	As an alternative housing type, the proposed multi-unit dwellings may help satisfy a diverse range of housing needs within the community, and would be inherently more affordable than the prevailing single detached dwellings.

The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses:

The scale or height of the proposed multiunit dwellings and their positioning on the site through the use of appropriate yard depths or setbacks, would preserve the low-rise, low-coverage character of the receiving residential neighbourhood, and impacts on adjacent properties such shadow, overlook, noise and penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening. By limiting the number of buildings and dwellings that would be permitted on the subject lands provides for an appropriate separation distance between buildings on the subject lands for the provision of daylight, natural ventilation and privacy to abutting dwellings.

The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

Landscaping of the site, buffering and refinement of the parking area will be determined at the Site Plan Approval stage.

The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control Bylaw, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties

The site is currently accessed off of Third Street. No new accesses to the site are proposed and no impacts to traffic, pedestrian and vehicle safety, and surrounding properties are anticipated. Any required refinement to the site access and parking area will be determined at the Site Plan Approval stage.

The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

The 2 ½ -storey, approximately 8 metre height of the proposed multi-unit dwellings are consistent with the heights that can be achieved on adjacent residential properties. The massing (bulk), scale, storm water runoff, construction and layout of the proposed buildings will be reviewed and evaluated in greater detail through the Site Plan Approval process. Therefore there are no concerns with respect to integration of the proposed use with present and future land uses.

The potential impact of the development on surrounding natural features and heritage resources;

The subject lands are not located within proximity of a Natural Heritage System, and the UTRCA has no objections to the reaoning as proposed. An archeological assessment has been performed on the subject lands and no archaeological resources were identified during the Stage 2 archaeological assessment of the study area. and as such no further archaeological assessment of the property is recommended and no holding provision is required for the lands.

Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;

The site does not contain any constraints posed by the environment.

Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;

Staff is satisfied the proposed multi-unit dwellings are in conformity with the 1989 Official Plan and meets the general intent of the Zoning By-law. The requested Residential R6 Zone includes special provisions to permit reduced front and interior side yards. The implementation of these provisions will ensure the proposed site concept plan conforms to the Zoning By-law through the site plan process.

Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

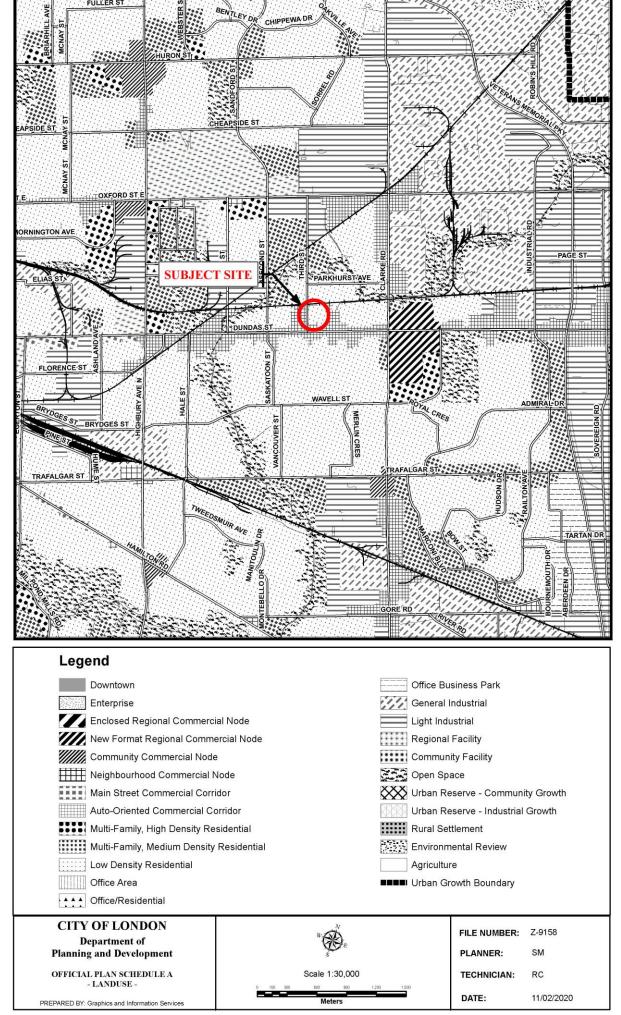
The recommended amendment maintains the maximum permitted height to match the standard condition permitted in the Residential R2 Zone variations that surround the subject lands to be compatible with the scale of development that could be achieved on the adjacent residential properties. The recommended amendment would provide appropriate yard depths consistent with the yard depths that would be required for a building of a similar height in the Residential R2 Zone variations that surround the subject lands and provide sufficient space for landscaped screening as a buffer to adjacent residential properties. Opportunities for additional landscape buffers providing separation between the parking area and adjacent residential properties will be determined at the Site Plan Approval stage. No other adverse impacts have been identified.

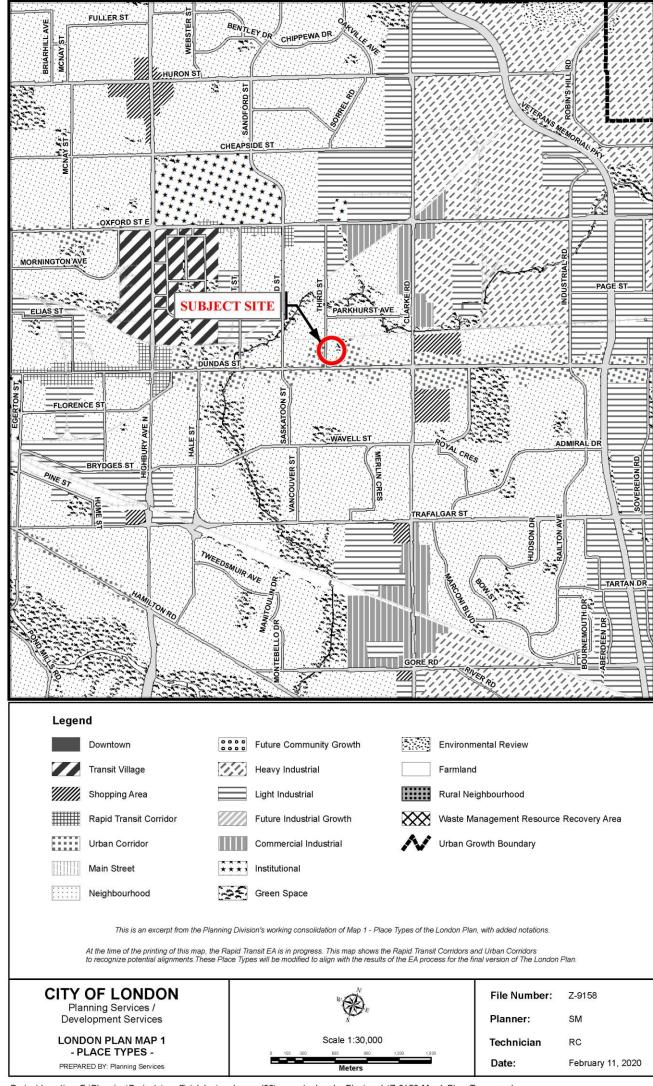
Impacts of the proposed change on the transportation system, including transit

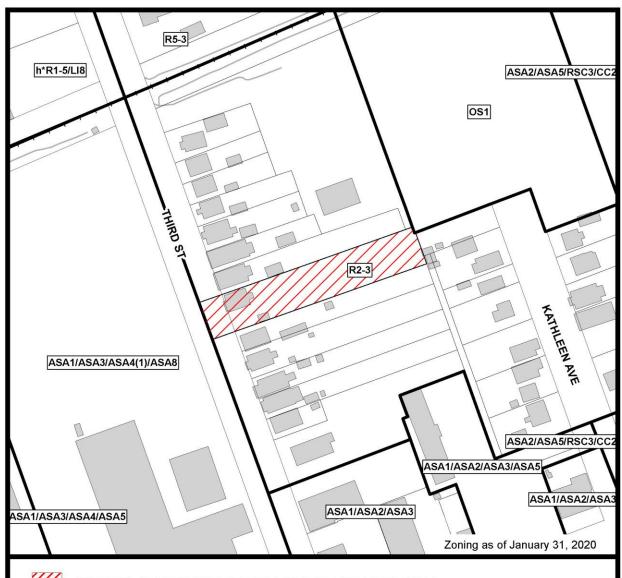
No impacts on the transportation system, including transit, are anticipated as a result of the requested zoning. The residential intensification of the subject lands would support public transit by increasing potential ridership along existing bus routes.

## Appendix D - Relevant Background

## **Additional Maps**







# COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

#### LEGEND FOR ZONING BY-LAW Z-1 1)

- R1 SINGLE DETACHED DWELLINGS
  R2 SINGLE AND TWO UNIT DWELLINGS
  R3 SINGLE TO FOUR UNIT DWELLINGS
  R4 STREET TOWNHOUSE
  F5 CLUSTER TOWNHOUSE
  R6 CLUSTER HOUSING ALL FORMS
  R7 SENIOR'S HOUSING

- R7 SENIOR'S HOUSING
  R8 MEDIUM DENSITY/LOW RISE APTS.
  R9 MEDIUM TO HIGH DENSITY APTS.
  R10 HIGH DENSITY APARTMENTS
  R11 LODGING HOUSE

- DA DOWNTOWN AREA
  RSA REGIONAL SHOPPING AREA
  CSA COMMUNITY SHOPPING AREA
  NSA NEIGHBOURHOOD SHOPPING AREA
  BDC BUSINESS DISTRICT COMMERCIAL
  AC ARTERIAL COMMERCIAL
  HS HIGHWAY SERVICE COMMERCIAL
  RSC RESTRICTED SERVICE COMMERCIAL
  CC CONVENIENCE COMMERCIAL
  SS AUTOMOBILE SERVICE STATION
  ASA ASSOCIATED SHOPPING AREA COMMERCIAL
- OR OFFICE/RESIDENTIAL
- OC OFFICE CONVERSION
  RO RESTRICTED OFFICE
  OF OFFICE

- RF REGIONAL FACILITY
  CF COMMUNITY FACILITY
  NF NEIGHBOURHOOD FACILITY
  HER HERITAGE
  DC DAY CARE

- OS OPEN SPACE CR COMMERCIAL RECREATION ER ENVIRONMENTAL REVIEW
- OB OFFICE BUSINESS PARK LI LIGHT INDUSTRIAL
- GI GENERAL INDUSTRIAL
  HI HEAVY INDUSTRIAL
  EX RESOURCE EXTRACTIVE
  UR URBAN RESERVE
- AG AGRICULTURAL
- AGC AGRICULTURAL COMMERCIAL RRC RURAL SETTLEMENT COMMERCIAL TGS TEMPORARY GARDEN SUITE RT RAIL TRANSPORTATION

- "h" HOLDING SYMBOL
  "D" DENSITY SYMBOL
  "H" HEIGHT SYMBOL
  "B" BONUS SYMBOL
  "T" TEMPORARY USE SYMBOL

#### CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z.-1 **SCHEDULE A** 



Z-9158 MAP PREPARED:

2020/02/11

FILE NO:

RC

SM

1:1,500

0 5 10 20 30 40 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS