

To: Planning and Environment Committee (PEC)
and
Chuck Parker, Senior Planner
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From: Anna Waz, London resident
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Subject: File OZ-9176 Implementing Additional Residential Unit Requirements of the Planning Act (Bill 108) – Public Comment

To whom it may concern,

The following are my comments as they relate to the implementation of additional residential units in the City of London. As a resident who has gone through the process of creating a secondary dwelling unit under Section 4.37, I would like to share my comments as the by-laws are updated to reflect Bill 108/Regulation 299 (More Homes, More Choices Act, 2019).

My comments, detailed below, can be summarized as follows:

- I support the implementation of additional dwelling units.
 - The proposed amendment for maximum unit size is a major weakness in its confusing method of calculation and lack of an exception for basement apartments. These weaknesses will deter people away from creating legal, safe additional dwelling units.
 - I recommend the City use an absolute area as a maximum size, or if a percentage continues to be used, it should be a percentage of an area which is known, which does not fluctuate as units are added, and which encompasses the entire square footage of a home. (For details, see Section 7 below).
 - The proposed amendment for maximum unit size should also be improved by adding an exception for basements which would allow the entire square footage of a basement to be used. Similar basement exceptions exist in Toronto, Vancouver, and Ottawa.
 - To increase the number of residential units, above those that are already allowed as part of the secondary dwelling unit by-laws, the number of bedrooms permitted should be increased, for example, to seven. Many municipalities do not regulate the number of bedrooms, and more flexibility is recommended to increase the number of legal residential units.
 - I support the proposed amendment regarding parking, which would allow homeowners to make the decision regarding how to make parking work, and whether it is required.
 - More effort should be put into “translating” by-law definitions and providing examples and visuals so that the public can better understand what is allowed.
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Additional Residential Units

I support regulations which allow for an increase in additional residential units. As the **July 13, 2020 Report to the Planning and Environmental Committee** noted, there are many benefits to implementing additional residential units as they provide an increased number of safe housing accommodations, which is especially important as demographics change.

Proposed Amendments

1. Definitions

1.1 Secondary Dwelling Unit vs. Additional Residential Unit

I agree with the proposed amendment (“secondary dwelling units” changed to “additional residential units”).

1.2 Row house vs. Street townhouse

I agree with the proposed amendment (no change). Additional residential units in cluster townhouses are unlikely, given ownership and existing density.

1.3 Accessory vs. Ancillary

While I agree with the proposed amendment, to keep using the terms “accessory or ancillary” rather than “ancillary” alone, I recommend that the City puts more effort into “translating” these terms so they can be better understood by the public.

The current definition in Section 2 is: “Accessory or ancillary” means a use, building, or structure customarily incidental, subordinate, and exclusively devoted to the main use and carried on with such main use, building, or structure on the same lot.” This is very difficult to understand for the general public. Given that the additional dwelling unit by-laws hinge on units being allowed in an ancillary building, the City should consider providing more examples so that the public can understand what is allowed. The City of Windsor, as an example, provides visuals of common additional dwelling unit configurations.

1.4 Detached House vs. Single Detached Dwelling, Semi-Detached House vs Semi-Detached Dwelling

I agree with the proposed amendment (no change).

1.5 Attached vs Detached

I agree with the proposed amendment (more use of the terms “attached” and “detached”; deletion of terms such as “subordinate”). Together with my comments above in 1.3, the City should provide more clarity regarding accessory/ancillary structures and how they related to detached or attached configurations. For example, under the new by-laws, if one additional residential unit is within a single detached home (for example, a basement apartment), does the 3rd dwelling unit have to be detached, or can it be attached in the form of a new addition? Alternatively, if one dwelling unit is created in an existing attached garage, can an additional unit be created in a detached structure? More examples should be provided to help the public understand by-law definitions in more practical terms.

1.6 Definitions of Dwellings once Additional Residential Units are Added

No comment.

2. Restriction of Additional Residential Units in Near Campus Neighborhoods

I agree with the proposed amendment that Policy 942_2 be deleted. I think additional dwelling units can be implemented in low-rise forms in Near-Campus Neighborhoods in a responsible way which enhances their livability, especially when other restrictions (unit size, bedrooms, etc.) are respected.

3. Parking

I agree with the proposed amendment of no change to current requirement for secondary units, where no additional parking is required. This allows homeowners to make the decision regarding how to make parking work, and whether it is required. It avoids excessive parking and impervious areas, and aligns with transportation planning to support public transit and active transportation options, as opposed to car-centric planning. Current zoning regulations already have requirements for maximum parking area coverage, and restrictions around driveway widening. I do not think further requirements are needed.

Alternatively, if parking requirements are pursued, they should not be required when located close to transit, as in the City of Edmonton.

4. Provision of new parking areas in Heritage Conservation Districts

No comment as the proposed amendment has not yet been provided.

5. Number of Bedrooms Permitted

I disagree with the proposed amendment, that no change occurs to the current requirements, which would leave the number of bedrooms capped at five. If one of the goals of implementing the additional residential unit requirements is to increase the number of residential units, above those that are already allowed as part of the secondary dwelling unit by-laws, then this goal is unlikely to be met if the number of bedrooms permitted stays the same. If someone has already gone through the process of creating a secondary dwelling unit, they are likely already at the five bedroom cap. Given the costs of accessory structures, this leaves little incentive to create an additional dwelling unit in the form of a studio apartment (zero bedrooms). For those who would be considering additional dwelling units after the forming of this by-law, again, given the costs associated with creating these units, they are more likely to create one two-bedroom unit, for example, rather than two separate one-bedroom units. If the number of bedrooms permitted stays the same, the implementation of additional dwelling units is unlikely to fulfill its purpose of increasing the supply of housing and the benefits that come with it.

When looking at additional dwelling unit by-laws in other municipalities, including Windsor, Edmonton, Vancouver, Toronto, and Ottawa, the majority do not have regulations on the number of bedrooms. Only Ottawa specifies a number of bedrooms permitted. Ottawa's by-laws do not allow more than 2 bedrooms each for additional dwelling units, with a total maximum number of bedrooms across the three units capped at 8 bedrooms.

I support an increase to the number of bedrooms permitted, namely allowing dwelling units to have 2 bedrooms, to bring the total bedroom limit to 7 for the property.

6. Height

I disagree with the proposed amendment (no change to existing regulations). Keeping the regulations as is, which generally limits accessory buildings to between 4 and 6 meters, would largely limit the creation of additional dwelling units above detached/laneway garages, one of the specific examples mentioned in the Province's original definition of a secondary dwelling unit. I do recognize that allowing greater heights does increase privacy concerns. I support a more flexible approach to height. For example, the City of Windsor and City of Edmonton's height restrictions vary based on the pitch of the roof. Application by minor variance, as is the case in Windsor, also seems like a balanced approach.

7. Maximum Gross Floor Area for Additional Residential Units

I disagree with the proposed amendment ("gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units"). The proposed amendment for maximum unit size is a major weakness in its confusing method of calculation and lack of an exception for basement apartments. These weaknesses will deter people away from creating legal, safe additional dwelling units.

Bylaw Wording

Firstly, the wording of the by-law is confusing, especially when a third unit is being considered. Other municipalities such as Windsor and Edmonton, have clearer by-laws which state an absolute maximum unit size: 100 m² (1076 ft²) in the case of Windsor, and 130 m² (1400 ft²) in the case of Edmonton. Vancouver states: "Detached and attached ADUs shall not exceed 800 square feet or up to 50% of the size of the main house, not including the garage (whichever is less)." In other words, Vancouver includes an absolute unit size (800 m²), as well as a percentage which is relative to an absolute/known size (50% of the size of the main house). In London, on the other hand, the wording is a percentage of a sum of multiple unit sizes, unit sizes which are unknown and to be determined/in the process of being calculated. The general public, when trying to understand this by-law is very likely to stumble upon this wording.

When by-law wording variations are translated into their equivalent equations, the difficulty in understanding London's proposed by-law becomes even clearer.

Variation A: Absolute unit size (e.g. Windsor)

$$\text{maximum unit size} = 100 \text{ m}^2$$

Variation B: Percentage of an absolute unit size (e.g. Vancouver)

$$\text{maximum unit size} = 50\% * \text{total gross floor area of the home}$$

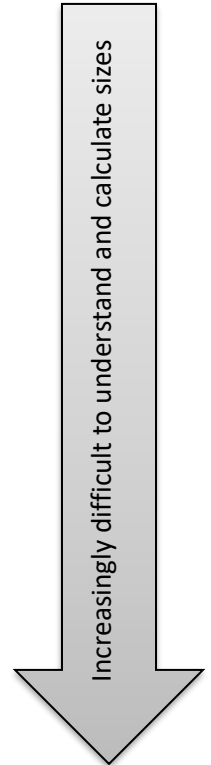
Variation C: Percentage of a sum of multiple (unknown) unit sizes (e.g. London)

$$45\% \geq \frac{A + B}{A + B + C}$$

Where: A = gross floor area of additional dwelling unit 1

B = gross floor area of additional dwelling unit 2

C = gross floor area of the primary dwelling unit



With Variation C, if I am a homeowner with a bungalow, which has a 1000 ft² above ground, and a 1000 ft² basement footprint, what am I allowed to do under this by-law wording? I do not yet have a "primary dwelling unit" because I am still in the process of splitting up my home into multiple units. (It should also be noted, that "primary dwelling unit" is not currently defined under Zoning By-law Section 2). As I try to calculate possible areas for additional dwelling units, both my numerator and denominator are changing. If you continue solving the equation, assuming a 1000 ft² primary dwelling unit, the maximum area of both A+B would be ~800 ft². If you split this evenly between two units, this leaves you with a 400 ft² basement apartment (with 600 ft² unused in the basement), and 400 ft² bunkie/detached dwelling unit. Are these kind of results really the intention of the by-law? When updating the by-law, please consider the wording through the eyes of a homeowner. Difficult to understand wording and equations, which produce questionable results, will be a barrier to the creation of legal additional dwelling unit.

Additionally, when the maximum area is a percentage of the dwelling unit sizes, in addition to being confusing to calculate, what is also lost in the equation is any areas of the home which are not part of the living space of any dwelling unit, for example, utility rooms or shared spaces. The Section 2 definition for "gross floor area" does include mechanical rooms; however, given that the proposed wording refers to the gross floor area of the *dwelling units*, rather than the building, this area, as well as areas used for common spaces, seems to be lost in the calculation. I understand the intention of using a percentage is to ensure that additional units are

smaller and do not overtake the original home, leading to negative effects on streetscape, or over-intensification. However, when the current wording does not actually consider all parts of the home, it leads to smaller units than actually intended by the by-law.

The proposed by-law should either move to an absolute size for ease of use, or, if a percentage is used, it should be relative to a total that is absolute and encompasses the whole home, and which is not changing as units are added. For example, a percentage of the total gross floor area of the home should be considered. Alternatively, maximum unit size can also be expressed depending on whether the dwelling unit is detached, attached, or part of the existing structure.

Basement Apartment Exception

A second major weakness is that the proposed amendment creates illogical configurations for basement apartments in some of the most common home layouts. Basement apartments are one of the most common types of additional dwelling units. In bungalows, side-splits, back-splits, and ranch style homes, the upstairs square footage is generally the same as the lower level square footage. These styles of homes are very popular for basement apartments as they often have separate entrances. When creating a basement apartment, the proposed amendment will force a homeowner to create a smaller unit than the existing home footprint would allow. This leads to homeowners creating large storage rooms, or large utility rooms, simply for the purpose of meeting the 40% rule (in the case of the existing secondary dwelling unit by-laws). I strongly urge the City planners to review building permit applications to date for secondary dwelling units within basements to see the types of dead space, storage, and utility rooms that are being created as a result of the current secondary dwelling unit by-law wording, which is very similar to the proposed wording for additional dwelling units. Larger than needed utility rooms are a poor use of space, space that could have otherwise been used to create a better layout. When you cannot use your entire basement footprint, this is major source of frustration (and likely a deterrent) for homeowners who are trying to create safe, legal spaces that can be enjoyed. Several municipalities, including Vancouver, Toronto, and Ottawa, specifically address this situation, and in the case of basements, allow the dwelling unit to occupy the whole of the basement. The proposed amendment should be updated to include a similar exception for basements.

Given that redundancies in the proposed amendments already exist to control over-intensification, as a cap of the maximum number of bedrooms is likely to remain, the maximum unit size guidelines should be improved and made more flexible, such as with the easier to understand absolute unit sizes, as well as an exception to allow for the use of entire basement footprints.

8. Minimum Gross Floor Area for Additional Residential Units

I support the proposed amendment (no change). Room sizes are covered under the Ontario Building Code, and I feel that it does a sufficient job to ensure adequate minimum residential units. Alternatively, similar to the City of Toronto, I would support removal of a minimum dwelling unit size.

9. Other Changes in Heritage Conservation Districts

No comment as a proposed amendment has not yet been provided.

10. Changes to other Municipal By-laws/Processes

No comment.