

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** 2445727 Ontario Inc. (Phil Pattyn)  
16 Wethered Street

**Date:** May 31, 2021

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2445727 Ontario Inc. (Phil Pattyn) relating to the property located at 16 Wethered Street:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone **TO** a Residential R5-4 Special Provision (R5-4(\_)) Zone, **BE REFUSED** for the following reasons:
- i) The Provincial Policy Statement, 2020 (PPS) directs opportunity for intensification through identification and promotion. In the Near Campus Neighbourhoods, Council has identified and promoted intensification, and is very specific in directing these proposals to nodes and corridors as outlined in the London Plan. The proposed redevelopment is not within these areas and is not appropriate.
  - ii) a rezoning to permit the requested redevelopment does not conform to the in-force policies of the 1989 Official Plan;
  - iii) a rezoning to permit the requested redevelopment does not conform to the in-force policies of The London Plan;
  - iv) a rezoning to permit the requested redevelopment within close proximity to Fanshawe College within the Near Campus Neighbourhood area with the proposed intensity and form is not appropriate and is not good planning;
  - v) the proposed redevelopment should be directed to the specific areas for intensification as outlined in the Near Campus Neighbourhood Policies;
  - vi) the proposed redevelopment is not appropriate and does not ensure that the character and compatibility with the surrounding neighbourhood is maintained; and
  - vii) the subject site does not have any special attributes or is not unique within the context of the area to warrant the proposed redevelopment with the form and intensity.

## Executive Summary

### Summary of Request

The applicant proposes to redevelop the subject site for a two-storey, 8-unit townhouse building.

The applicant requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-4( )) Zone. The requested special provision is to permit a reduced front yard setback from 6.0m to 5.0m.

## Purpose and the Effect of Recommended Action

The purpose and effect of the recommended refusal is to maintain the existing Residential R1 (R1-6) Zone on the property. This zone permits single detached dwellings.

## Rationale of Recommended Action

1. The Provincial Policy Statement, 2020 (PPS) directs opportunity for intensification through identification and promotion. In the Near Campus Neighbourhoods, Council has identified and promoted intensification, and is very specific in directing these proposals to nodes and corridors as outlined in the London Plan. The proposed redevelopment is not within these areas and is not appropriate;
2. The proposed rezoning to permit the requested redevelopment does not conform to the in-force policies of the 1989 Official Plan;
3. The proposed rezoning to permit the requested redevelopment does not conform to the in-force policies of The London Plan;
4. The proposed rezoning to permit the requested redevelopment within close proximity to Fanshawe College within the Near Campus Neighbourhood area with the proposed intensity and form is not appropriate and is not good planning;
5. The proposed redevelopment should be directed to the specific areas for intensification as outlined in the Near Campus Neighbourhood Policies;
6. The proposed redevelopment is not appropriate and does not ensure that the character and compatibility with the surrounding neighbourhood is maintained; and
7. The subject site does not have any special attributes or is not unique within the context of the area to warrant the proposed redevelopment with the form and intensity.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

After decades of planning policies that *reacted* to land use matters and applied policies throughout pockets of Near-Campus Neighbourhoods in isolation to issues occurring elsewhere, Council directed Staff to undertake a comprehensive planning approach that *proactively* addressed residential intensification opportunities. This resulted in an initiative called, “Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges.” This initiative was presented to the Planning Committee in February, 2007 and highlighted the gaps between the vision for the Near-Campus Neighbourhoods and the state of affairs at that time. In November 2008, the results of these consultations were presented to the Planning Committee in the form of the Great Near-Campus Neighbourhoods Strategy and Implementation Plan, both of which were approved to address Near-Campus planning issues. The Great Near-Campus Neighbourhoods Strategy has been in effect since 2008, with Official Plan policies and Zoning regulations being in effect as of 2012.

In 2016 a review of the NCN was undertaken to determine whether the strategy is having the desired effect and whether any changes are required to close the gaps between the vision and current conditions in the Great Near-Campus Neighbourhoods. As a result of that review the NCN boundary was redrawn and minor clarifications were made in the existing policies.

## 1.2 Property Description

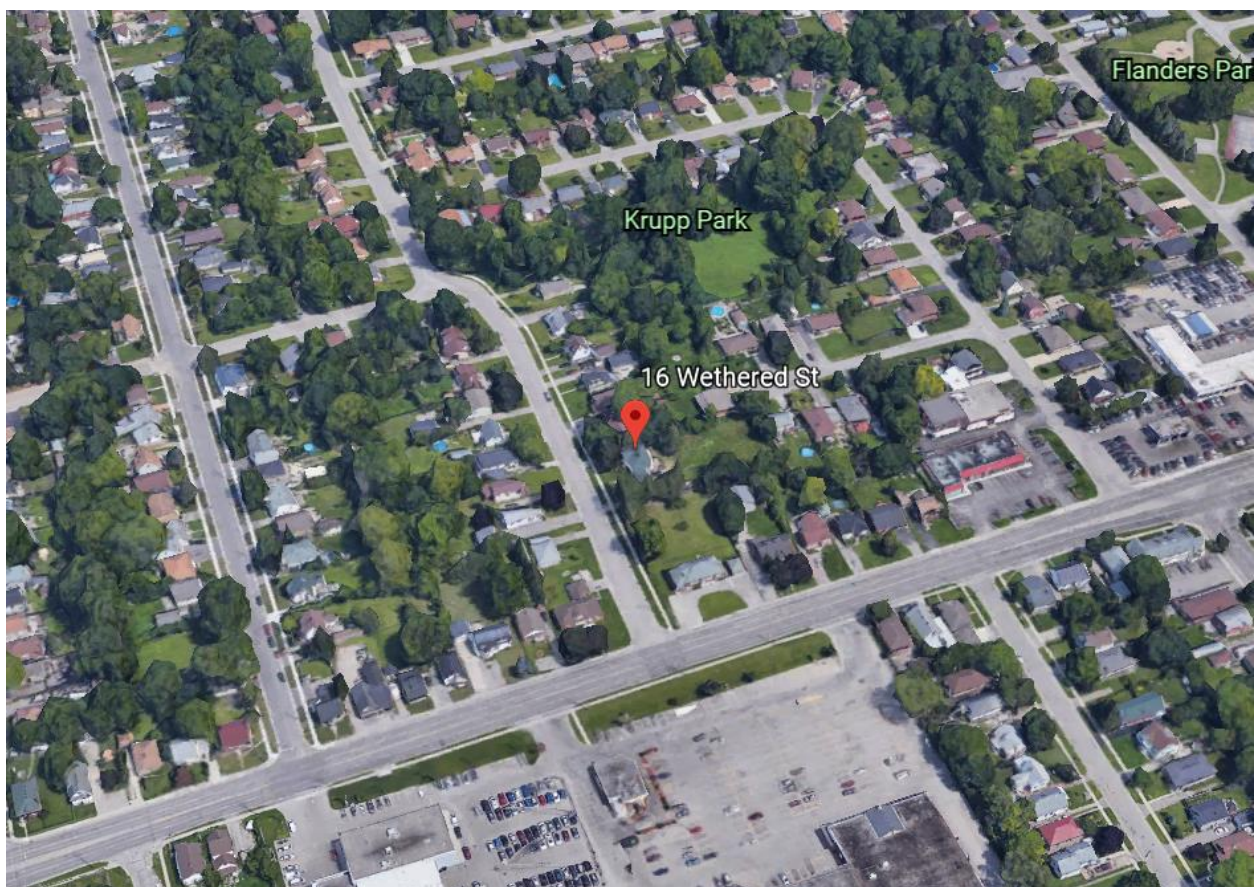
The subject site consists of one property located on the east side of Wethered Street, north of Oxford street East. The subject site is approximately 0.2 hectares in size with a lot frontage of approximately 30m and yard depth of approximately 66m. Currently a single detached dwelling exists on the subject site.



**Figure 1 -View of the subject site from Wethered Street**

The site is within an older low density residential neighbourhood. The adjacent land uses include a mix of one and two storey single detached dwellings on large lots.

The broader surrounding neighbourhood to the north, west and east of the subject property is characterized by a low-rise, low-density residential. To the south, the low density residential continues, with the exception of a commercial plaza further east at the intersection of Oxford Street East and Oakeside Street.



**Figure 2 - Google Earth image of the broader neighbourhood**

## 1.3 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Low Density
- The London Plan Place Type – Neighbourhoods Place Type
- Within the Near Campus Neighbourhood Area

- Existing Zoning – Residential R1 (R1-6) Zone

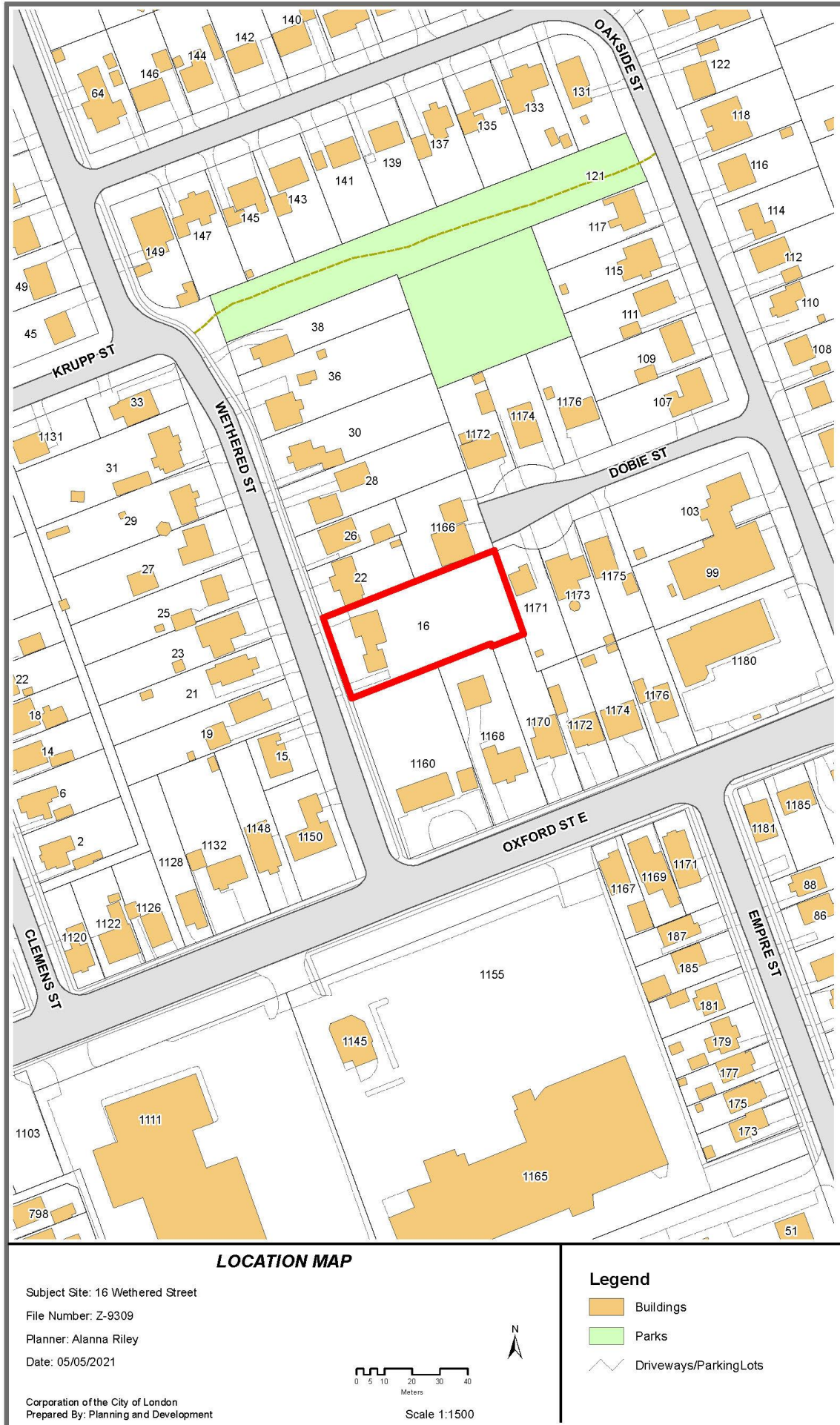
#### **1.4 Site Characteristics**

- Current Land Use – Single detached dwelling
- Frontage – 30 metres
- Depth – 66 metres
- Area – 0.2 ha.
- Shape – rectangular

#### **1.5 Surrounding Land Uses**

- North – low density residential
- East – low density residential
- South – low density residential, commercial
- West – low density residential

## 1.6 Location Map



## 1.7 Intensification (8 units)

- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification inside the Primary Transit Area

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The requested amendment is to redevelop the subject site for a two-storey, 8-unit townhouse building with a reduced front yard setback. The building is proposed to be side-lotted, with the front yards and rear yards interfaced with the side and rear yards of the abutting north and east properties. Access is proposed to be a two-way driveway leading to each unit's driveway and garage. Each unit is proposed to be approximately 130 m<sup>2</sup>. The total residential density is 40 units per hectare.

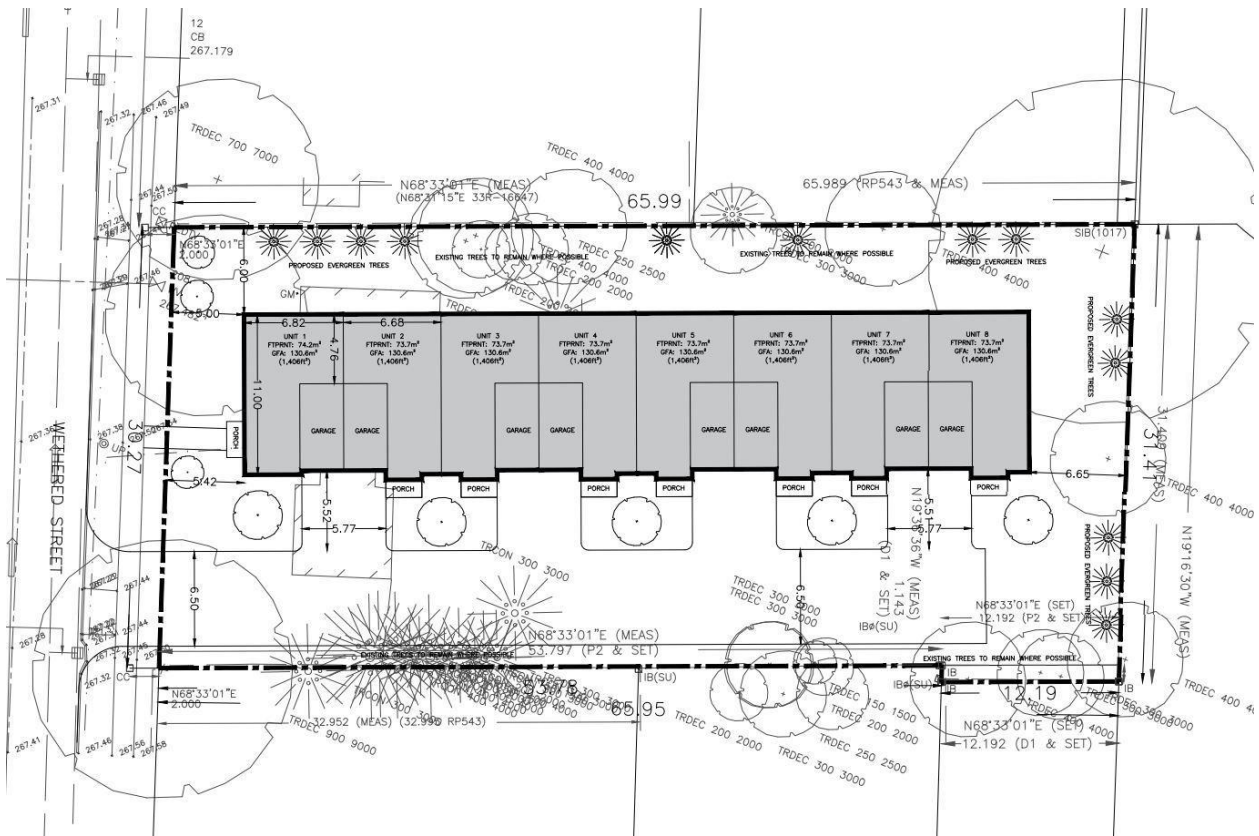


Figure 3 – Site Concept



Figure 4 – Building Rendering



**Figure 5 - Front view from Wethered Street looking northeast**



**Figure 6 - Front view from Wethered Street looking southeast**

## **2.2 Community Engagement (see more detail in Appendix A)**

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on February 10, 2021. Written and verbal replies were received from fifteen individuals.

The public's concerns generally included:

- Intensity
  - Traffic volume and safety issues
  - Noise issues resulting from an increased amount of traffic and number of people
  - On-street parking
- Form
  - Ignores the single-family home characteristics of the neighbourhood
- Student Housing
  - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood

- Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
  - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
- Loss of property value

### **2.3 Policy Context (see more detail in Appendix B)**

The subject site is located in the Low Density Residential designation in the 1989 Official Plan. The site is located in the Neighbourhoods Place Type in The London Plan. Note that certain London Plan maps and policies are under appeal before the Local Planning Appeal Tribunal (LPAT).

#### **Provincial Policy Statement**

The *Provincial Policy Statement, 2020* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

In accordance with section 3 of the Planning Act, all planning decisions shall be consistent with the Provincial Policy Statement (PPS).

The Provincial Policy Statement 2020 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 over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b).

The PPS encourages areas inside the urban growth boundary (i.e. “settlement areas” per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area’s existing building stock (s. 1.1.3.3), accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements (s. 1.1.3.3), promoting development standards which facilitate intensification, redevelopment and compact form (s. 1.1.3.4).

The PPS also encourages the range and mix of affordable and market-based housing to be built at densities that meet projected needs, by establishing targets for affordable housing (s. 1.4.3.a). Planning authorities are also required to permit and facilitate all housing options and all types of residential intensification.

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 London Plan is organized into nine parts. The “Our Strategy” part of the Plan establishes eight key directions that serve as the foundation for the policies and place types of the Plan (London Plan, s. 54). Under each key direction a number of planning strategies are identified. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city:

- Creating a strong civic image by...creating and sustaining great neighbourhoods...(s. 55\_, Direction 1.3); and
- Revitalize our urban neighbourhoods and business areas (s. 55\_, Direction 1.4).

The London Plan provides direction to build a mixed-use compact city by:

- Sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59\_, Key Direction 5.3);
- Plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59\_, Key Direction 5.4); and
- Manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways (Key Direction 5.8).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60\_, Key Direction 6.4); and
- Dependent on context, require, promote, and encourage transit-oriented development forms (s. 60\_, Key Direction 6.6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (s. 61\_ Key Direction 7.2).

The London Plan provides direction to make wise planning decisions by:

- Ensure that all planning decisions and municipal projects conform with the London Plan and are consistent with the Provincial Policy Statement (s. 62\_, Key Direction 8.1); and
- Ensure new development is a good fit within the context of an existing neighbourhood (s. 62\_, Key Direction 8.9).

The London Plan also includes a City Structure Plan that identifies the framework for growth and change over the planning horizon which establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79\_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86\_\*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_\*).

Within this City Structure, the subject site is located within the urban area (within Urban Growth Boundary and Built Area).

The subject site is located in the Neighbourhoods Place Type on \*Map 1 – Place Types in The London Plan. The London Plan envisions neighbourhoods as vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Key elements include a strong neighbourhood character, sense of place and identity; attractive streetscapes and buildings; a diversity of housing choices; well-connected neighbourhoods; lots of safe, comfortable, convenient and attractive alternatives for mobility; easy access to daily goods and services within walking distance; employment opportunities close to where we live; and parks, pathways and recreational opportunities that strengthen community identity and serve as connectors and gathering places (Policy 916\_\*).

The standard range of permitted uses and heights in the Neighbourhoods Place Type is tied to the road network, allowing broader ranges of uses and taller buildings at the intersections of higher-order roads. As the site is located on a Neighbourhood Street, the lowest-order road classification in the City, permitted uses include single detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, home occupations and group homes, with a maximum height of 2.5 storeys (Policy 920\_\*, Tables 10\* and 11\*, Map 1 – Place Types\* and Map 3 – Street Classifications\*).

The Neighbourhoods Place Type contains specific policies for intensification, stressing its importance to achieving the vision and key directions of The London Plan and identifies a variety of forms of intensification including 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 (Policy 939\_\*). Such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality and sustainability (Policy 937\_\*). It is an important strategy of the Plan to support all forms of intensification, while ensuring that they are appropriately located and fit well within their neighbourhood (Policy 940\_\*). Policy 953\_\* of the Plan states that the City Design policies of the Plan will apply to all intensification proposals, along with additional urban design considerations for residential infill. These specific criteria will be reviewed in the analysis of this report.

The site is also located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962\_\*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964\_\*). Planning goals and review criteria for use, intensity and form are detailed which will be discussed in the analysis of this report.

## **1989 Official Plan**

The City of London Official Plan outlines Council's objectives and provides policies regarding the short- and long-term physical development of the municipality. Comprehensively, the policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan relate primarily to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The Official Plan's Vision statement is an expression of City Council's intent for the long term planning and management of land use and growth in the City of London.

Furthermore, urban design objectives and guidelines are to be applied to assist in the protection and enhancement of neighbourhood and streetscape character, and provide for the blending of infill and redevelopment projects with their surroundings (Sections 2.2.1.v) and vi).

Planning principles that are further reflected in the objectives and policies of the Official Plan promote compatibility among land uses in terms of scale, intensity of use and related impacts; support the maintenance and enhancement of built heritage resources; encourage a compact urban form while directing redevelopment and intensification

activities to locations where existing land uses are not adversely affected; and promote site and building design which is sensitive to the scale and character of surrounding uses (Section 2.3.1.ii, iii), v), vi), vii) and viii).

The subject site is within the Low Density Residential designation which primarily permits low-rise and low density housing forms. The Low Density Residential designation permits single detached, semi-detached and duplex dwellings as the main uses. Multi-attached dwellings at densities similar to the area are permitted where appropriate. Low density development will not exceed an approximate net density of 30 units per hectare. Residential Intensification may also be permitted in the Low Density Residential designation Through intensification, a density of up to 75 units per hectare may be permitted. (Section 3.2.1, 3.3.2,3.2.3).

Residential Intensification proposals in the Low Density Residential designation are subject to a Neighbourhood Character Statement, a Statement of Compatibility and Public Site Plan Review and the site review criteria contained in Sections 3.2.3.5 and 19.9.2 of the Plan. (Sections 3.2.3.3, 3.2.3.4, 3.2.3.5)

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962\_\*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964\_\*). Planning goals and application review criteria for use, intensity and form are detailed which will be discussed in the analysis section of this report.

### **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1 Use**

##### **Provincial Policy Statement**

The PPS 2020 states that “*Healthy, liveable and safe communities are sustained by... accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial),...and other uses to meet long-term needs*” (1.1.1.b). It “...directs growth and development to settlement areas and encourages their regeneration.” (Policy 1.1.3.1). Also, it states that “*Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment*” (Policy 1.1.3.2 b)). Further the PPS directs planning authorities “...to identify appropriate locations and promote opportunities for transit-supportive development, accommodation a significant supply and range of housing options through intensification and redevelopment where this can be accommodated...” (Policy 1.1.3.3)

Council’s goal to achieve intensification through redevelopment is promoted through intensification policies in the 1989 Official Plan and London Plan as envisioned by the PPS. Furthermore, the Near Campus Neighbourhood policies in The London Place and the 1989 Official Plan provide additional evaluative framework for all planning applications within NCN. These policies promote opportunities for intensification through encouraging appropriate intensification that support the vision for these policies while discouraging inappropriate forms of intensification to protect the stability of established neighbourhoods. The NCN policies in both the 1989 Official Plan and The London Plan direct residential intensification to nodes and corridors and away from the interior of the low density residential neighbourhoods. Also, other low density areas of the NCN areas have been planned to support intensification through R2, and R3 zoning. Since Council has identified the areas where intensification will be supported, our policies are consistent with the PPS. The subject site is an older established

neighbourhood, designated and zoned low density residential to recognize the existing single detached dwelling and is not identified as an area for intensification in the proposed form of redevelopment in the Near Campus Neighbourhoods.

### **The London Plan**

The London Plan encourages intensification where appropriately located and provided in a way that is sensitive to and a good fit within existing neighbourhoods (Policy 83\_, 937\_, and 953\_1). The subject lands are located within the Neighbourhoods Place Type with frontage on a Neighbourhood Street, normally permitting a range of residential uses from single detached dwellings up to townhouse dwellings (\*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 1-storey and a maximum height 2.5-storeys is contemplated in the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Street (\*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type).

Within the Neighbourhoods Place Type along a Neighbourhood Street, this may be a development that through the intensification policies could be appropriate. However, as noted, this site lies within a Near Campus Neighbourhood area and these intensification policies apply to protect the many areas that have already absorbed significant amounts of residential intensification. Therefore, in the NCN policies this type of intensification for redevelopment is directed to place types that are intended to allow for mid-rise and high-rise residential development which include the Transit Village, Rapid Transit Corridor, Urban Corridor, and Shopping Area Place Types. These policies promote intensification in these nodes and corridors, and discourage development proposals like this in the interior of the neighbourhoods. The proposed redevelopment is not appropriate and does not meet the policies in the London Plan for NCN for intensification.

### **1989 Official Plan**

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are within the Low Density Residential designation which is applied to lands that are primarily developed or planned for low-rise, low density housing forms (Section 3.2.). Where appropriate, the designation permits some multiple-attached dwellings, such as row houses or cluster houses, subject to the policies of the 1989 Official Plan (Section 3.2.1.). Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the Residential Intensification policies and the Planning Impact Analysis policies (Section 3.2.3.), and will be considered in a range up to 75 units per hectare (Section 3.2.3.2.). Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments (Section 3.2.3.2.). Notwithstanding the above, proposals for residential intensification within Near Campus Neighbourhood areas are subject to the area-specific policies applied to these areas to evaluate their appropriateness.

### Near-Campus Neighbourhoods Policies

The planning and urban design goals set out in the Near Campus Neighbourhood (NCN) policies in The London Place (Policy 365\_) and the 1989 Official Plan (Section 3.5.19.4.) are intended to serve as an additional evaluative framework for all planning applications within NCN. They include:

- Planning for residential intensification in a proactive, coordinated, and comprehensive fashion;
- Identifying strategic locations where residential intensification is appropriate within NCNs and which use strong transit connections to link these opportunities to campuses;
- Avoiding incremental changes in use, density, and intensity that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods;

- Encouraging a balanced mix of residential structure types at appropriate locations while preserving stable residential areas;
- Encouraging residential intensification in mid-rise and high-rise forms of development;
- Directing residential intensification to significant transportation nodes and corridors and away from interior neighbourhoods;
- Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity;
- Ensuring that residential intensification projects incorporate urban design qualities that enhance streetscapes and contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties.

Within the NCN, Residential Intensification may be permitted within low density residential neighbourhoods subject to the criteria listed under Policy 968\_ in The London Plan and Section 3.5.19.10 in the 1989 Official Plan, including that:

- the development provides for adequate amenity area;
- mitigation measures are incorporated which ensure surrounding residential land uses are not negatively impacted;
- the proposal does not represent a site-specific amendment for a lot that is not unique within its context and does not have any special attributes;
- the proposal is appropriate in size and scale and does not represent over-intensification of the site; and
- the proposal establishes a positive and appropriate example for similar locations in the NCN areas.

Policy 969\_ further discourages forms of intensification within NCNs that:

- are inconsistent with uses and intensity shown in Tables 10 to 12 of The London Plan;
- are within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity;
- are located on inadequately sized lots that do not reasonably accommodate the use, intensity or form of the proposed use;
- contain built forms that are not consistent in scale and character with the neighbourhood;
- continue an ad-hoc and incremental trend towards residential intensification within a given street, block or neighbourhood.

Similar to the London Plan, applications for residential intensification are evaluated against the applicable policies in the 1989 Official Plan. In other areas of the City, these policies would apply and the redevelopment may be supported. However, because this site is in the Near Campus Neighbourhood area, the NCN policies in the 1989 Official Plan apply which identify and promote specific areas for opportunities for intensification. Outlined in these policies the goals encourage appropriate intensification to create balanced neighbourhoods that preserve stable low density residential neighbourhoods. Also, the policies provide the opportunity for intensification in areas located along arterial roads in the Multi-Family Medium and High Density Residential designations. The types and locations of intensification are identified in the policies and any proposal that may undermine the long-term stability and established vision for Near-Campus Neighbourhoods is discouraged. This ensures the stability of the interior of low density areas with the NCN are protected from ad hoc intensification and the character of these areas is maintained.

The proposal for redevelopment deviates from the NCN policies that provide for a more sensitive approach to intensification. The proposed redevelopment is not an appropriate form of residential intensification within the NCN being located within the interior of an existing low density neighbourhood. This proposal does not meet the policies of the 1989 Official Plan policies and does not represent good planning.

## 4.2 Intensity and Form

### Provincial Policy Statement

The PPS states that *land use patterns within settlement areas are to provide for appropriate densities and opportunities for intensification and redevelopment (1.1.3.2)*. Also, the PPS 2020 requires municipalities to *identify appropriate locations and promote redevelopment, taking into account existing building stock (s.1.1.3.3), is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4), and speaks to creating a system of nodes and corridors to direct intensification which are transit supportive (s. 1.8.1)*.

The City of London has identified appropriate locations and promoted opportunities for intensification and redevelopment through Official Plan policies that establish a hierarchy within the Urban Growth Boundary for residential intensification, and redevelopment where it can be accommodated. Appropriate development standards to facilitate intensification, redevelopment and compact form include consideration for the potential impacts of scale and intensity within existing neighbourhoods. The proposed redevelopment represents an intensification and form of redevelopment that does not support the policies outlined in the Near Campus Neighbourhood which in turn do not support the province's goal for appropriate compact, higher density form, and long-term economic property that encourages a sense of place by promoting a well-designed built form within the existing NCN. This proposal is not consistent with the PPS.

### The London Plan

The City Structure Plan provides a framework for London's growth and change over the next 20 years. It informs the other policies of the Plan by illustrating the desired future shape of our city within 5 frameworks including the growth framework. One of the elements of the growth framework includes the policies for the Urban Growth Boundary and intensification within this area. The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. (Policy 79\_). Residential intensification will play a large role in achieving the City's goals for growing "inward and upward" and take many forms, including redevelopment, at a higher than existing density, on developed lands. (Policy 80\_). Intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_\*). The intensity of development must be appropriate to the neighbourhood context as it relates to height, massing, setbacks etc. (Policy 953\_2), as well as appropriate for the size of the lot, and accommodate such things as adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area etc. (Policy 953\_3). More detailed policy direction for appropriate forms of intensification is contained in the City Building and relevant Place Type chapters of the Plan, along with the policies in the Our Tools part of the Plan (Policy 83\_\*). The London Plan controls how intense lands can develop through specific criteria and a height framework, however, it does not limit densities of development by Place Type. The subject site is located within the Neighbourhoods Place Type fronting onto a Neighbourhood Street, the land use classification that normally provides for the lowest intensity of residential development. As mentioned, The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (\*Policy 83\_, \*Policy 937\_, \*Policy 939\_ 2. and 5., and \*Policy 953\_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (Policy 84\_).

Low-rise, low density residential uses in the form of single detached dwellings built in the 1950's-60's are the dominant forms of development in the surrounding neighbourhood. The existing lot fabric in the surrounding area can also be characterized as relatively large lots with significant lot depths. Based on the policies mentioned above with emphasis on the Our Tools policies that direct decision makers to evaluate a development proposal against the existing context as well as the future context envisioned by policy, and a review of the Evaluation Criteria for Planning and Development Applications, the site is not conducive to this level of intensification and form. This proposal, although conforms to the height policy in the London Plan, introduces a new form of a development within the existing context which does not have

any special attributes or is not unique within the context of the area to warrant the proposed redevelopment with the form and intensity. The requested redevelopment is not an inappropriate level of intensification within the Neighbourhoods Place Type, and Near Campus Neighbourhoods.

### 1989 Official Plan

The 1989 Official Plan directs this type of low-density residential development to areas with densities similar to the area where appropriate. As mentioned, Residential Intensification may also be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the Residential Intensification and a Planning Impact Analysis. This analysis is to be used to evaluate the appropriateness of a proposed change in land use and is located in Appendix B. Through intensification, a density of up to 75 units per hectare may be permitted. (Section 3.2.1, 3.3.2,3.2.3).

The surrounding neighbourhood can be characterized by low-rise, low density residential uses in the form of single detached dwellings, which are located on relatively large lots with significant depth and mature vegetation. The subject lands are approximately 0.2 ha in size with a lot frontage of 33m and lot depth of 67m, the lands south the of subject lands front onto Oxford Street East, a major transit route along Oxford Street which connects directly to Fanshawe College with bus stops in close proximity. Also, Fanshawe College is approximately a 15-minute walking distance from these properties.

That being said, the proposed redevelopment located within the Near Campus Neighbourhood is not appropriate. With the subject site being located within clear boundaries of a low density residential neighbourhood in the Near Campus Neighbourhood area, surrounded by single detached dwellings, it is clear that the intent of the subject site is as such, to develop within the R1-6 Zone applied to the site.



**Figure 8 - Proposed redevelopment within the context of the neighbourhood**

The proposed redevelopment would introduce undesirable changes in the character and amenity of the streetscapes and neighbourhood. Also, as mentioned, the proposal does not represent an amendment for the subject site that is unique within its context and does not have any special attributes which would warrant a site-specific amendment. The proposed intensity and form will adversely impact the surrounding low density residential neighbourhood and streetscape along Wethered Street. Additionally, the

redevelopment for the proposed two-storey, 8 unit townhouse building represents an over-intensification of the site. Many areas have already absorbed significant amounts of intensification for student housing. It is important to ensure that any proposed developments do not undermine the visions of the NCN and that the policies of the NCN be adhered to which direct a type of proposal like this away from stable low density residential neighbourhoods and encourage intensification in medium and high density forms.

Furthermore, the proposed site concept does not demonstrate compatibility with the character of the area. Residential intensification projects shall use innovative and creative urban design techniques to ensure that the character and compatibility with the surrounding neighbourhood is maintained. Based on the above analysis, the proposed redevelopment would not provide an improvement to the visual characteristic of the of the area, particularly the streetscape. The proposal is not appropriate and does not ensure that the character of the surrounding area would be maintained. Also, the policies do not identify lands that are intended for a transition between any future development along Oxford Street East to the surrounding low density residential neighbourhood. Any future applications along Oxford Street East will be analyzed on a site-specific basis. The proposed redevelopment would not serve as a positive development within this area of the NCN.

A rezoning to permit the requested redevelopment within close proximity to Fanshawe College within the Near Campus Neighbourhood area with the proposed intensity and form is not appropriate and is not good planning. The proposed redevelopment should be directed to the specific areas for intensification as outlined in the Near Campus Neighbourhood Policies.

#### **4.3 Zoning By-law**

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. For this application, the criteria has been reviewed and the proposal is not appropriate for the subject site.

Also, it is important to note staff's concern that an ad-hoc Zoning By-law amendment on the subject site could set precedence for the approval of increased intensity on other lands in low rise, low density areas. Since other properties fronting onto Wethered Street have the same lot characteristics as the subject site, an amendment could establish a benchmark and create a level of expectation upon which other requests for amendments may be based, making it difficult to refuse an application which is not in keeping with the intent of the Near Campus Neighbourhood policies, the Residential R1 (R1-6) Zone, and the locations Council has specifically identified where intensity will be directed.

Given the proposed intensity and form within the Low Density Residential designation and that there is nothing unique about the subject site, the proposed redevelopment is not appropriate and does not conform to the 1989 Official Plan and The London Plan policies.

#### **5.0 Conclusion**

The Provincial Policy Statement, 2020 (PPS) directs opportunity for intensification through identification and promotion. In the Near Campus Neighbourhoods, Council has identified and promoted intensification, and is very specific in directing these proposals to nodes and corridors as outlined in the London Plan. The proposed redevelopment is not within these areas and is not appropriate



The recommended amendment does not conform to The London Plan policies that do not contemplate this form of Residential Intensification in the Neighbourhoods Place Type on Neighbourhood Streets within the Near Campus Neighbourhood Area. The recommended amendment does not conform to the 1989 Official Plan that do not contemplate ad hoc Residential Intensification in the Low Density Residential designation in the form of multiple-attached dwellings as it is not appropriate or good planning.

The requested amendment is not consistent with the Residential Intensification policies of The London Plan and the 1989 Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained and provides appropriate development standards to regulate the form of Residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses.

The requested amendment is not consistent with the Near-Campus Neighbourhoods policies in The London Plan and the 1989 Official Plan which encourage intensification in medium and high density forms and discourage continued intensification in low density forms of housing. As indicated in the report, the subject lands are not unique within its context and a site-specific amendment for Residential Intensification at this location is not reasonable, and does not serve as a positive and appropriate example within the NCN areas.

**Prepared by:** Alanna Riley, MCIP, RPP  
Senior Planner

**Recommended by:** Paul Yeoman, RPP, PLE  
Director, Development Services

**Submitted by:** George Kotsifas, P. Eng  
Deputy City Manager, Planning and Economic  
Development

## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On February 10, 2021, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 10, 2021. A “Planning Application” sign was also posted on the site.

Replies from 15 individuals were received

### Nature of Liaison:

Requested Zoning By-law Amendment

To change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-4(\_)) Zone. Changes to the currently permitted land uses and development regulations are summarized below The Zoning By-law is available at [london.ca](http://london.ca).

### Current Zoning

**Zone:** Residential R1 (R1-6) Zone

**Permitted Uses:** a single detached dwelling

**Special Provision(s):** n/a

**Residential Density:** minimum lot frontage – 15.0 metres; minimum lot area – 450 sq. metres

**Height:** 10.5 metres

### Requested Zoning

**Zone:** Residential R5 Special Provision (R5-4(\_)) Zone

**Permitted Uses:** Cluster townhouse dwellings and cluster stacked townhouse dwellings

**Special Provision(s):** minimum front yard depth of 5.0 metres in place of 6.0 metres

**Residential Density:** 40 units per hectare

**Height:** 12.0 metres

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

### Concern for:

The public’s concerns generally included:

- Intensity
  - Traffic volume and safety issues
  - Noise issues resulting from an increased amount of traffic and number of people
  - On-street parking, garbage
  - Privacy and overlook
- Form
  - Ignores the single-family home characteristics of the neighbourhood
  - Decay of the neighbourhood
  - Encroachment into the neighbourhood
- Student Housing
  - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
  - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
  - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
- Loss of property value

## Responses to Public Liaison Letter and Publication in “The Londoner”

I am inquiring about File: Z-9309 - 16 Wethered St and the proposed zoning change.

Would you please provide details about the builder? When this is proposed to start and when a hearing will be for this proposal?

I had called on Friday and left a voicemail regarding this file and am expecting to hear back from you early this week. I recognize Monday is a holiday, but I had called first thing on Friday morning.

Thanks so much,

Marjorie Leyland

I am hoping to acquire further information on the current planning application at 16 Wethered Street, with the hope that the implications and concerns therein can be considered when reviewing the application. My family and I reside at 1171 Dobie Street, immediately east of the property under review. Below is a list of our questions at this time.

1. Will the proposed units be freehold townhouses? Having individual ownership is an important factor in ensuring the occupants of the units have the pride of place needed to retain integrity in the property, but as well, the neighbourhood as a whole.
2. Will garbage be collected at the curb of each individual unit, or in communal dumpsters? Once again, having individual ownership in combination with individual garbage collection will encourage individual accountability and eliminate the issues of sights, sounds, and smells associated with communal waste storage bins and/or dumpsters.
3. The site plan included in the notice does not indicate fencing. However, the rendering illustrated that which appears to be a standard 6' tall privacy fence. A full fence wrapping the entire property will be important to maintain privacy, as well as reduce the likelihood of people cutting through the back of the property to reach Dobie Street.

I am looking forward to hearing back from you with any information and insight that you can provide.

All the best,

Enrique Banuelos

Hello my names Roberto Voivoda. 1166 Dobie street. I have multiple concerns about 16 wethered street rezoning and the notice of planning. As I live right next door to the proposed new zoning and build, we feel that it will make an unsafe area for my family and kids. First is a lengthy build period, interrupting my family's day to day life, kids learning, study time and safe outdoor play in our yard. Also electric outages, water stoppage, sewer, and other unforeseen events. Not to mention the dust, garbage, noise, smells, workers being able to look into our home, and backyard playing area for my kids. As they deserve there safe space on our property to play and grow up. Next is the proposed build itself, being 2 story's there will be 8 units with visibility from window directly into our home, and safe place backyard where we enjoy our time with our kids. As my wife has anxiety issues, logged issue at my daughter's school of a stalker in the area. There are concerns of noise, cleanliness, "privacy violations", and being a townhouse complex encroaching on small family homes. Also this is complex there will be a garbage dumpster according to law, as the proposed building images show and the land images there would only be a few area to place the garbage area, towards our home front yard corner or the neighbour's back yard, bringing in pests, animals, people and more. Also considering there are many family's of young

kids, and elderly in this area, we worry of students aswell, improper behavior, loud noises late at night, garbage, trespassing on properties for short cuts across lawns and damages to properties.

Our largest concerns is my kids and wife well being and safety. We feel this proposal will be non beneficial to the area, not just in safety of the people living here, Canadian privacy issues and our rights, our children's safety and health, and property values as this area has been zoned for a long time as single family homes and dwelling. We ask that this proposal be stopped and unable to continue. Also that the land be rezone to its original status for single family residence.

We humbly ask to be kept up to date on all decisions on this proposal.

Sincerely,

ROBERTO VOIVODA

I am writing to advise that I am against the zoning change to 16 Wethered Street, to permit the building of an 8-unit, 2- storey townhouse.

I live on Bucke Street, which is very close to the proposed building site. Over the past 30 years of living here, I have seen an ever increasing decay in the neighbourhood, due primarily to the presence of rental units. Of the thirty odd residential buildings on Bucke Street, I estimate that currently at least ten of them are rented to students and other individuals. Currently, on my right, two houses away, the residence is rented; the two houses on my left are both rented and the house behind me is rented.

We do not need an 8 unit townhouse in the area. I am afraid this will just further speed up the decay of the area.

I believe the area should be single family residences, lived in by families that care about the area and take care of their properties.

The City is also negligent in looking after the area. We were to get new sewers and our street redone five or six years ago. This has now been put on hold. All of the streets around us have been upgraded, but our street is the same as it was back in 1960.

I do not want a rental townhouse building in my area. Once one is built, I am afraid others will follow.

Thanks and regards, Derwin Lamont

I talked to a few home owner, and they all oppose the change to the zoning, like me, i will also talk to the Ward Councillor Jesse Helmer. **WE DO NOT NEED MORE CONGESTION IN TRAFFIC, AND GARBAGE ON THE STREET. GIVE THE ENVIRONMENT PRIORITY.** Please register my letter against the BY-Law Amendmente change.  
Domenico Piovoso

We are concerned about the proposed amendment for 16 Wethered Street. The proposed zoning change to an eight-unit, two-storey townhouse is what we and many of our neighbours are opposed to. We live in a pleasant neighbourhood and have a wonderful community. One of the concerns is adding all these houses will cause many extra vehicles to be parked on the nearby streets. Our desire is to keep and maintain the desirability and quiet community we have here in Mervin Heights.

Please do not change the zoning for 16 Wethered Street. Please do not let them build and overcrowd our neighbourhood.

Thank you,

Rik and Christina Kool

Our neighbourhood does not need a two story walkup, please do not rezone, we have enough unruly students living in the area already affecting property values.  
Jim Hilliard

The lack of visitor parking in the proposed application will result in additional people parking on the street south of 16 Wethered.

I would like more visible "no parking" signage on the east side of Wethered just south of 16 Wethered St. The existing signage is not sufficient and there are often vehicles parked in the "no parking" area. The increased number residences and visitors of the new residents increases the likelihood of parking in the "no parking" area.

Zach

I do not wish to see a change in the current Zoning bylaw (Residential R1 (R1-6)). I also realize that the lot size of 16 Wethered St. is large but as the neighbourhood is all single family homes, a 8 unit two storey townhome would not fit the area profile. I would not object to two or perhaps three single family dwellings on that lot. There are many homes in our neighbourhood with fairly large lot sizes, so I would not want to set a precedent with the approval of this project.

Thank-You  
Paul Rooks

I have received and entirely examined the Notice of Planning Application (File: Z-9309) pertaining to the address: 16 Wethered Street.

I also would like to introduce myself as Jordan Hough, owner of 99 Oakside Street for the past seven plus years as of now. I am quite enthused in receiving this notice as our property at 99 Oakside went through a similar, though, not as ambitious project in the respective neighbourhood. I have been elated these past few years to see many planning applications and the complete process of infill within and around our neighbourhood.

I would like to be included throughout this process inclusive of any committee meetings etc. The best way to contact myself would be through e-mail: [jordan@jocarpentry.ca](mailto:jordan@jocarpentry.ca)

Thank you for your time,

Jordan

I saw the sign went up at this address to say they want to turn it into a 8 unit apartment.

I would object to this proposal as all the homes in this area are single family homes and does not fit with the rest of the neighborhood. Also with 8 units there will be an increased traffic flow to this area too, which is not good for the area as this way is the main way to a major road. Also this is a school bus route and having more traffic along this route will impact that as well. Lastly with the increased number of people on such a small property will result in more street parking and more people on the road.

I would approve a single family home like all the properties in this area. Anything other than that will affect the lively hood of all people in the area.

Thanks,  
Wayne

I am writing you this morning as we only found out this morning of this plan of zone change. I am very disappointed that you think this is not a decision that everyone on the street should have been notified of.

My husband and I would like to express that we do not agree with these changes and will be notifying the rest of our neighbours, as many will have the same views.

I hope a decision has not already been finalized and if so that it was NOT approved.

Thank you for taking the time to read this and to pass along to all who need to read.

Hello all,

I, Roberto Voivoda, and my wife Moo Ching Chang, are writing this email again, opposing 16 Wethered Street zoning amendment to allow an eight-unit, two-storey townhouse complex from being built.

It took us a lot of effort, tens of failed housing bidding wars, more than 3 years to finally get a house, a quieter environment for our very young kids to live and grow in due to the rapidly climbing housing market in London since 2016 when our first baby was born. We have moved to 1166 Dobie Street (which is right beside the proposed rezoning house) since August 01, 2020, less than a year, only 6 months, and we have received the letter from London City about the notice of planning application, we were very sad to see the news because we knew if there is eight-unit, two storey townhouse being built right next to our house, our backyard, us and our kids' safety and privacy will be fading away.

Firstly, we are very concerned about our kids (boy - 2 years old and girl - 4 years old) safety and privacy. According to the plan, the eight-units will have visibility from first and second storey windows directly into our home, our daughter's room, son's room, our kitchen and adjacent rooms and our backyard. We won't feel comfortable or safe to let our kids play in our backyard.

Secondly, thirdly and ongoing concerns are repeatedly from our 1st complaint email.

We humbly ask this eight-unit, two-storey townhouse proposal of 16 Wethered Street be stopped, and remain its original status for single family residence.

Thank you.

Sincerely,

ROBERTO VOIVODA

## Agency/Departmental Comments

### *Urban Design Peer Review Panel (March 17, 2021)*

The Panel recommends that significant further exploration of design alternatives and site design modifications occur. The submitted materials fail to address a range of key urban design considerations against which the proposed development should be evaluated. It is difficult to discern, based on the limitations of the submitted materials, how the unique context of this site has informed the proposed development with regard to issues such as access points, front yard setback, building depth, and building orientation.

#### **Recommendations:**

The panel recommends further consideration of the following elements of the site and building design by the Applicant and City Staff:

##### Zoning Approach:

- The Applicant's materials and presentation emphasized a desire toward "limiting" exceptions to the proposed Residential (R5-4) base zone.
- It is unclear if the proposed R5 zone variation and the applicable zone standards were created to apply in this context. Infill zoning, as per the current City of London Official Plan (3.2.3) and The London Plan requires a site-specific approach which considers the unique context of each site. The Panel cautions that the R5-4 zone regulations predate both of these guiding policy frameworks and may not be appropriate as an evaluative tool for new townhouse development on this site. Best-practices from municipalities in Ontario where similar forms of infill are allowed "as-of-right" contain contextually based regulations to ensure fit across many situations. London's Neighbourhood Infill Zoning Regulations – Rear Yard Setback:

- The application materials do not address the City's regulations for Low-Rise Residential Development in the Primary Transit Area (Section 4.23) which were introduced in 2017 to manage and direct infill development in London's established neighbourhoods.
- Notably, the proposed form of development extends the entirety of the depth of this lot, well-beyond the 60% threshold codified through the city's infill zoning rules.
- The City and Applicant should clarify the extent to which these regulations should inform the proposed zoning by-law amendment. Failure to address/speak to the intent and applicability of those infill zoning rules would establish a strong precedent for future deep lot infill.
- A compelling rationale should be required by the City for an Applicant to extend beyond the 60% lot depth - or the City should seek to clarify the applicability of this regulation for future UDPRP review.

##### Front Yard Setback

- New development on this site should respect the existing street-wall that is established by existing dwellings to the north.
- In this regard, the proposed building extends beyond the established front yard setback and the rear yard of the westerly dwelling unit extends well into the front yard of the adjacent single detached dwelling creating an awkward spatial relationship.

##### Building Orientation

- The proposed street-facing door and "porch" feature is poorly executed and will ultimately undermine the established character of Wethered Street in this location.
- It is recommended that, at least, two of the proposed units be reoriented to face Wethered Street. Architectural and landscape design should serve to reinforce these units as true, street-facing units.
- The style, massing, articulation and detailing should be carefully considered and composed such that the development complements and integrates with the existing building forms to the north.

##### North Setback

- Further consideration and analysis should be undertaken for opportunities to create greater spatial separation between the proposed building and the adjacent

rear yard to the north. Consider shifting the building south and further integrating parking into garages to enable this.

Overlook Mitigation

- The architectural design should consider and implement architectural features including enhanced window projections, step-backs and sills that focus views outward and not downward into adjacent rear yards.
- This UDPRP review is based on City planning and urban design policy/regulations, the submitted brief, and the noted presentation. It is intended to inform the ongoing planning and design process. It is unclear how the site context has informed the design outcome with respect to front yard setbacks and building orientation. The materials do not have regard for the 60% lot depth maximum established in section 4.23 of the Zoning By-law. Significant further review is recommended to ensure an appropriate design outcome on this site and to establish clarity around interpretation of Section 4.23, anticipating that various similar infill proposals that will be submitted to the City in the future.

## Responses to the Urban Design Peer Review Panel

Comment:

### Zoning Approach:

- The Applicant's materials and presentation emphasized a desire toward "limiting" exceptions to the proposed Residential (R5-4) base zone.
- It is unclear if the proposed R5 zone variation and the applicable zone standards were created to apply in this context. Infill zoning, as per the current City of London Official Plan (3.2.3) and The London Plan requires a site-specific approach which considers the unique context of each site. The Panel cautions that the R5-4 zone regulations predate both of these guiding policy frameworks and may not be appropriate as an evaluative tool for new townhouse development on this site. Best-practices from municipalities in Ontario where similar forms of infill are allowed "as-of-right" contain contextually based regulations to ensure fit across many situations.

Applicant Response:

The R5 zone and its variations have recently been applied to a number of similar infill projects with similar building orientations. The R5 zone regulations are indeed intended to be a standard implementing zone for this type of intensification in appropriate locations. The intent to limit special regulations speaks to applying appropriate and established standards for infill projects. There is no "as-of-right" zone or zoning regulations to permit the vast majority of redevelopment proposals in the City of London. The current Zoning By-Law Amendment application allows for ample review of the specific proposal.

Comment:

### London's Neighbourhood Infill Zoning Regulations – Rear Yard Setback:

- The application materials do not address the City's regulations for Low-Rise Residential Development in the Primary Transit Area (Section 4.23) which were introduced in 2017 to manage and direct infill development in London's established neighbourhoods. Notably, the proposed form of development extends the entirety of the depth of this lot, well-beyond the 60% threshold codified through the city's infill zoning rules.
- The City and Applicant should clarify the extent to which these regulations should inform the proposed zoning by-law amendment. Failure to address/speak to the intent and applicability of those infill zoning rules would establish a strong precedent for future deep lot infill.
- A compelling rationale should be required by the City for an Applicant to extend beyond the 60% lot depth - or the City should seek to clarify the applicability of this regulation for future UDPRP review.



Applicant Response:

Section 4.23 only applies to the R1, R2, and R3 zones and therefore does not apply to the proposed R5 zone. Section 4.23 is not regarded as an evaluation tool for the proposed ZBA, rather we look to the Official Plan for guiding policies regarding appropriate lot coverage and depth. The comment regarding “the 60% threshold codified through the City’s infill zoning rules” is misinformed as, again, the section in question does not apply to the proposed R5 zone. As we have maintained in our submission materials, the proposed zone is intended to be reflective of an area of transition between the future 4-6 storey redevelopment opportunities to the south and the existing residential neighbourhood to the north.

Comment:

#### Front Yard Setback

- New development on this site should respect the existing street-wall that is established by existing dwellings to the north.
- In this regard, the proposed building extends beyond the established front yard setback and the rear yard of the westerly dwelling unit extends well into the front yard of the adjacent single detached dwelling creating an awkward spatial relationship

Applicant Response:

There is no street wall established to the south of the subject lands; the proposed townhouse building would be the first building north of Oxford Street fronting onto the east side of Wethered Street. The building extends marginally in front of the dwelling to the north. There are opportunities to move the building back if this is a significant concern.

Comment:

#### Building Orientation

- The proposed street-facing door and “porch” feature is poorly executed and will ultimately undermine the established character of Wethered Street in this location.
- It is recommended that, at least, two of the proposed units be reoriented to face Wethered Street. Architectural and landscape design should serve to reinforce these units as true, street-facing units.

The style, massing, articulation, and detailing should be carefully considered and composed such that the development complements and integrates with the existing building forms to the north

Applicant Response:

A revised front elevation will be provided, emphasizing the west (street-facing) elevation.

Comment:

#### North Setback

Further consideration and analysis should be undertaken for opportunities to create greater spatial separation between the proposed building and the adjacent rear yard to the north. Consider shifting the building south and further integrating parking into garages to enable this

Applicant Response:

The proposed 6.0m northerly setback is consistent with established standards for this type of intensification project. There is no opportunity to increase this setback without reducing the depth of the building or width of the driveway. There is no additional opportunity to integrate parking into the building as doing so would reduce the number of parking spaces per unit down to 1, which would not comply with the

parking requirements in the zoning by-law.

Comment:

#### Overlook Mitigation

The architectural design should consider and implement architectural features including enhanced window projections, step-backs and sills that focus views outward and not downward into adjacent rear yards

Applicant Response:

The proposed two-storey building is consistent with the range of building heights in the area. Opportunities for visual screening are available, including landscaping with columnar trees. We are in receipt of comments from the landowner to the north indicating a preference for the rear of the units to face north, rather than south. The mitigation measures suggested by panel members would provide a costly and poorly functioning second storey. Such step backs may be appropriate for a taller building, but are not appropriate for a two-storey townhouse.

## **Appendix B – 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, by-laws, and legislation are identified as follows:

### **Provincial Policy Statement, 2020**

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 b)

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

1.4.3

Section 1.7 – Long Term Economic Prosperity

### **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 5. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61\_5. Our Strategy, Key Directions, Direction # 7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

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 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

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\_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

\*Policy 953\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

**Official Plan (1989)**

General Objectives for All Residential Designations

3.1.1 ii)

3.2.3.2 – Residential Intensification, Density and Form

3.2.3.4 – Compatibility of Proposed Residential Intensification Development

Low Density Residential Designation

3.3 - Preamble

3.3.1 - Permitted Uses

3.3.2 - Scale of Development

3.3.3 - Residential Intensification

3.7 - Planning Impact Analysis

3.7.2 – Scope of Planning Impact Analysis

3.7.3 - Required Information

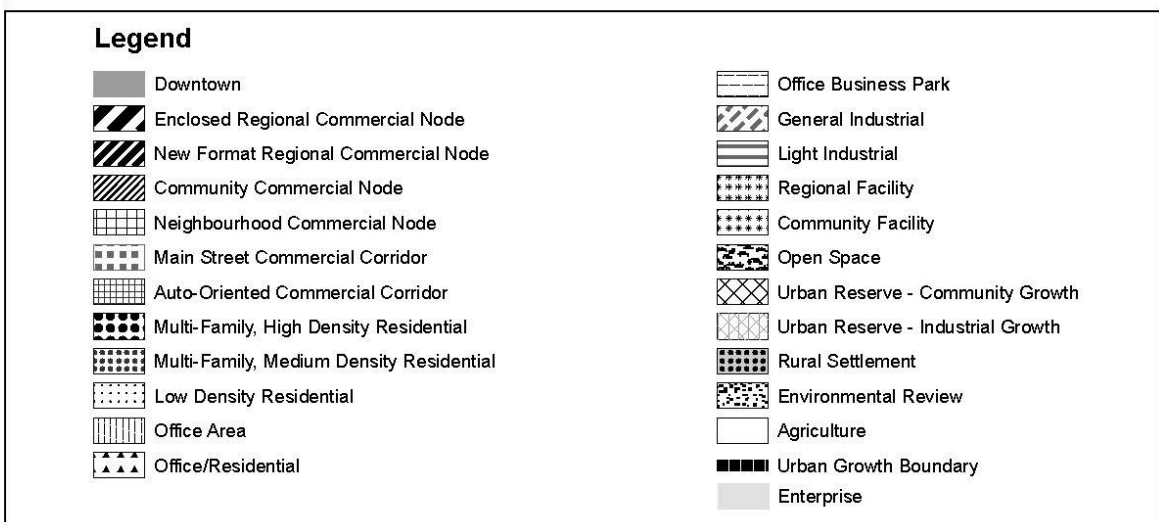
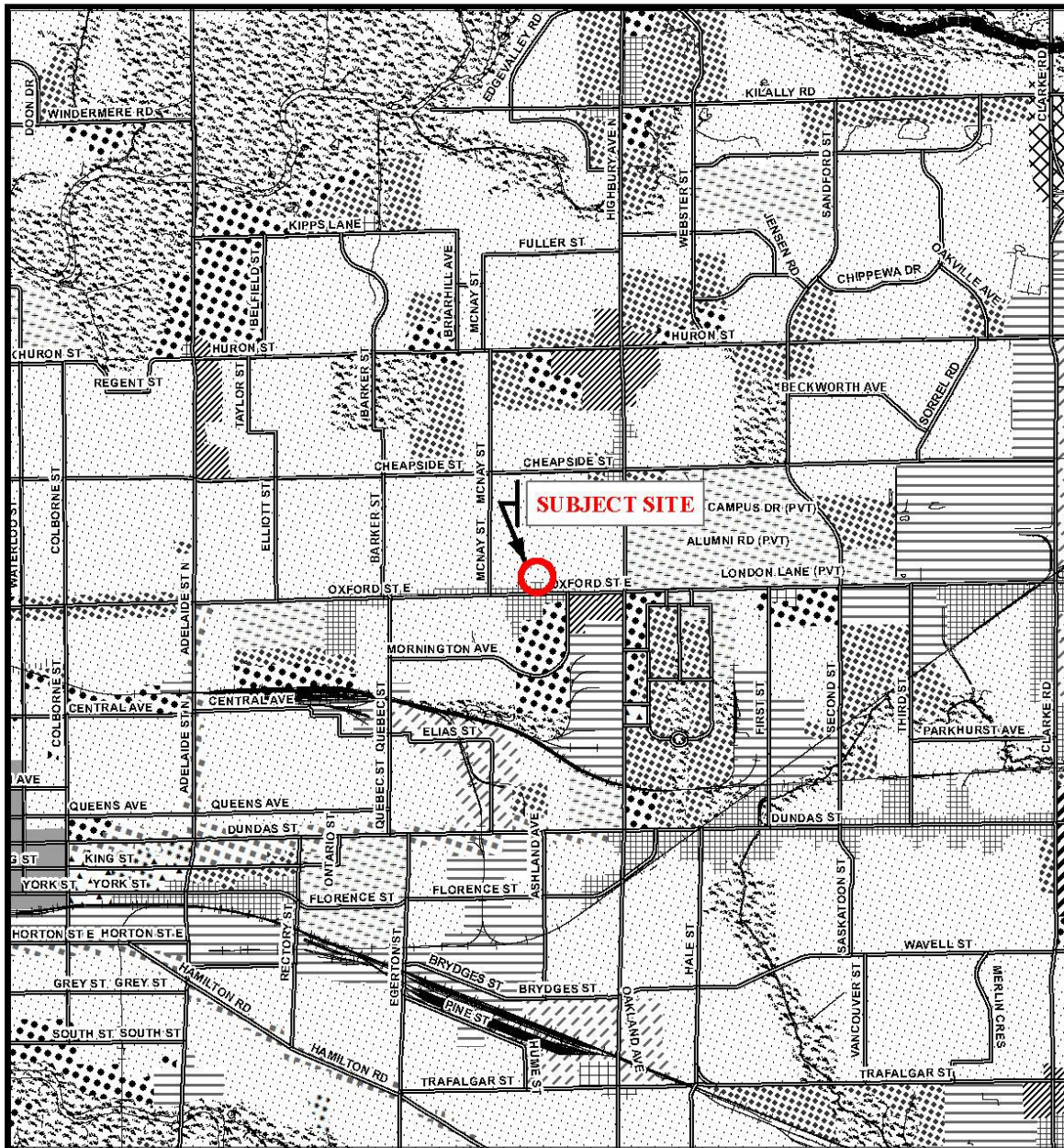
<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The subject site consists of a rectangular shaped parcel currently occupied by a single detached dwelling. This site is located within the interior of a low density residential neighbourhood comprised mainly of single detached dwellings to the north, west and east and a converted dwelling to the south. The single detached dwellings which front onto Wethered Street are setback from 6 to 8 metres, have landscaped front yards with driveways leading to garages, along both sides of the streetscape. Many mature trees are also located along the streetscape with a public sidewalk on the east side of Wethered Street. The proposed two-storey, 8 unit townhouse would introduce a new form of housing in the area. Along with this new form, the proposed building has the rear units interfacing with the side and rear yards of the abutting properties. As a result, this does not demonstrate a redevelopment that would be compatible with the character of the area and is not recommended as it would lead to undesirable changes in the character and amenity of the streetscape and surrounding area.
The size and shape of the parcel of land on which a proposal is to be located, and	The subject lands are of sufficient size to support the proposed development,

<p>the ability of the site to accommodate the intensity of the proposed use;</p>	<p>including sufficient setbacks, parking, outdoor amenity space, and pedestrian circulation. However, a front yard setback reduction has been requested as part of the redevelopment. Also, as mentioned the building is proposed to be side lotted onto Wethered Street, with the rear yards of each unit setback 6.0m interfacing with the interior side yard and rear yard of the property to the north. A driveway is proposed along the north interior sideyard of the subject site interfacing with the dwelling to the south.</p>
<p>The supply of vacant land in the area which is already designated and/or zoned for the proposed use;</p>	<p>The abutting lands to the north, south, east and west are residential uses. The lands to the south are zoned Residential and permit some intensification through conversion or redevelopment. At the intersection of Oxford Street and Highbury Ave., on the south east corner is expected to experience new residential development through the London Psychiatric Hospital Secondary Plan.</p>
<p>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;</p>	<p>The subject site is located close to many small neighbourhood parks including Krupp Park, Mornington Park, Flanders Park, and Huron Heights Park. Also Sir John A Macdonald Elementary school is a few blocks to the north . Access to transit is less than a block away on Oxford Street east with direct access to Fanshawe College to the east, downtown to the west along with connections to many community and recreational facilities.</p>
<p>The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;</p>	<p>The proposed development is not proposing any affordable housing.</p>
<p>The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>The scale/height of the proposed two-storey, 8 unit townhouse development could create impacts on the two adjacent properties to the north and south as the front yard and rear yard would interface onto these two properties interior and rear side yards. Impacts on these adjacent properties could include overlook and privacy, light penetration, noise and exhaust fumes from cars entering the development.</p>
<p>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;</p>	<p>Within the development area, landscaping and screening opportunities through vegetation would be considered at the Site Plan Approval stage.</p>

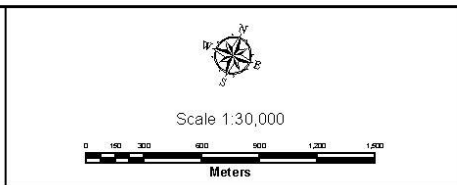
<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;</p>	<p>Vehicular access is proposed to be located on the south side of the subject lands. Transportation Planning and Design was circulated on the planning application and development proposal. The driveway location and design can further be addressed at the site plan approval stage.</p>
<p>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;</p>	<p>At the site plan stage, attention should be paid to: reconfiguring the site plan to include a row of street oriented townhouses with garages located in the rear in order to establish a street edge that is oriented to the street and provides for an active edge along the Wethered Street frontage, and also provides for a side yard interface between the proposed townhouses and the existing single detached dwellings to the north.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>The subject lands are not located within proximity of a Natural Heritage System.</p>
<p>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;</p>	<p>The site does not contain any constraints posed by the environment.</p>
<p>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;</p>	<p>The requested amendment is not consistent with the in-force policies of the Official Plan. The requirements of the Site Plan Control By-law will be considered through any future application for Site Plan Approval.</p>
<p>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;</p>	<p>Tree planting, building massing treatments and fencing are expected to mitigate minor adverse impacts on the surrounding land uses.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>No impacts on the transportation system, including transit, are anticipated as a result of the requested zoning.</p>

# Appendix C – Relevant Background

## Additional Maps 1989 Official Plan Schedule A – Land Use

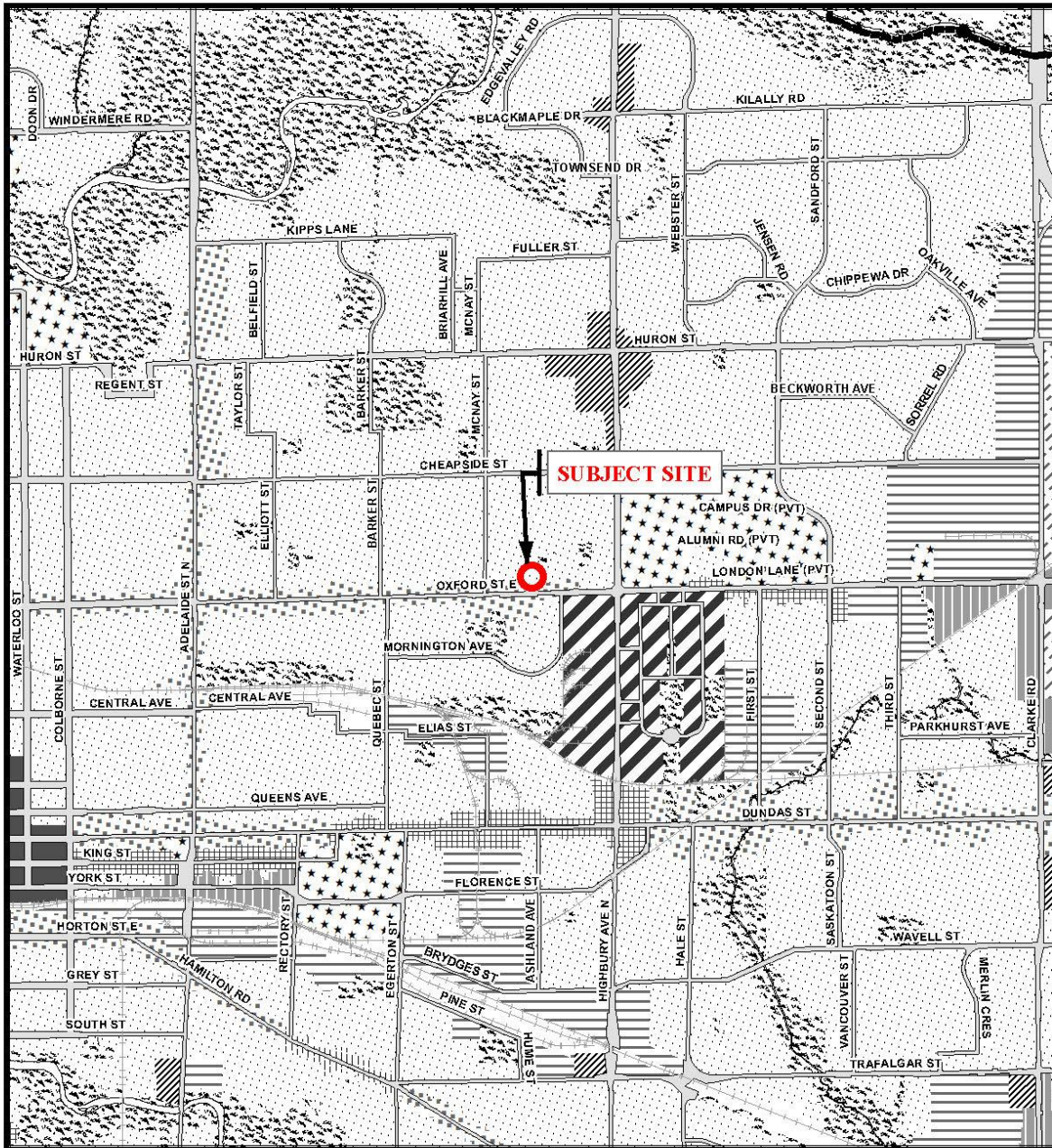


**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9309  
 PLANNER: AR  
 TECHNICIAN: RC  
 DATE: 2021/05/05

# The London Plan Map 1 – Place Types



## Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

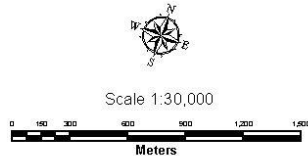
### CITY OF LONDON

Planning Services /  
Development Services

### LONDON PLAN MAP 1

- PLACE TYPES -

PREPARED BY: Planning Services



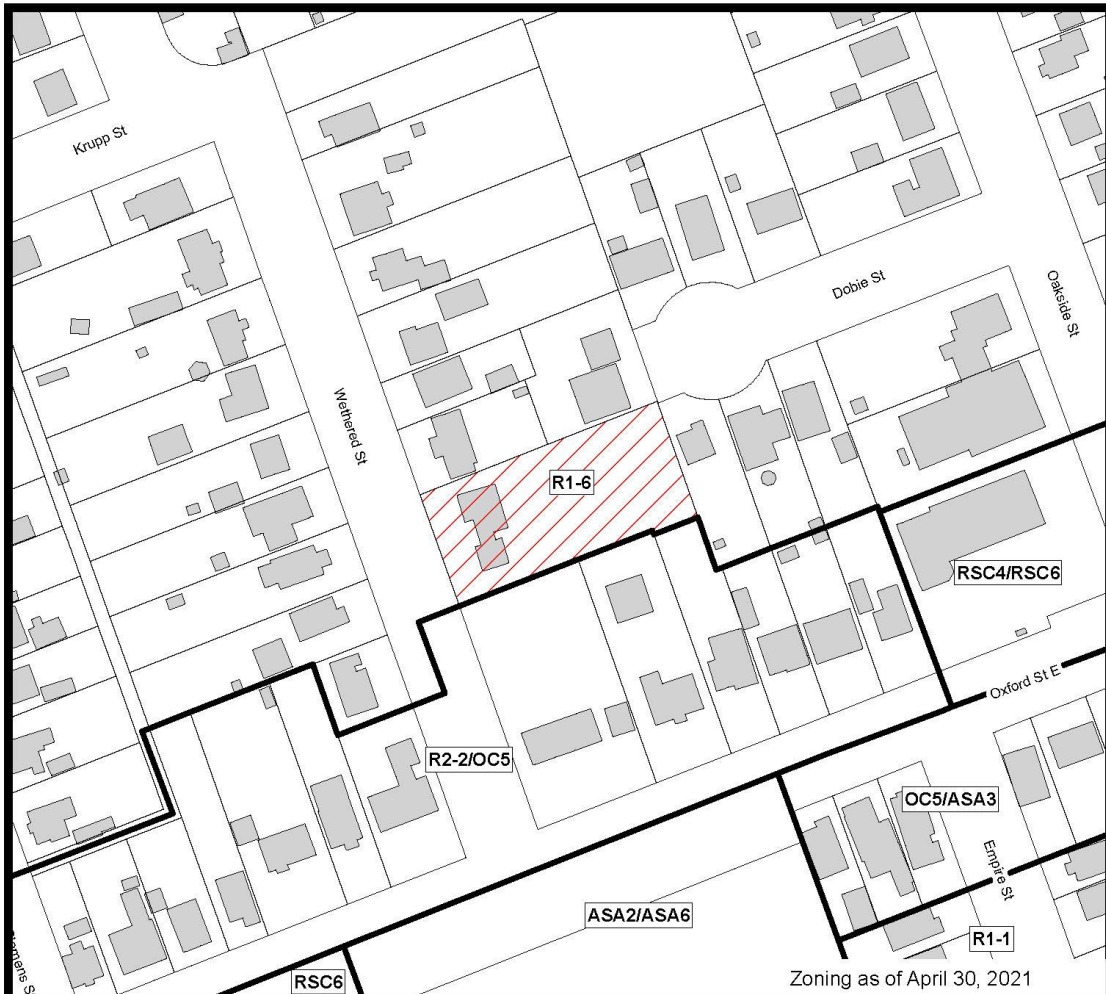
**File Number:** Z-9309

**Planner:** AR

**Technician:** RC

**Date:** May 5, 2021

# Zoning By-law Z-1



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
Z-9309 AR

MAP PREPARED:  
2021/05/05 RC

1:1,500  
0 5 10 20 30 40  
Meters