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Planner: G. Barrett

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	INFORMATION REPORT RESIDENTIAL INTENSIFICATION POLICIES AUGUST 15, 2011

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions **BE TAKEN**:

- A. The attached proposed Official Plan Amendment to clarify the intent of the intensification policies of the Official Plan regarding when public site plan will be required **BE CIRCULATED** for public review and comment.
- B. The Site Plan Control By-law **BE AMENDED**, based on the proposed Official Plan amendment, to clarify the site plan matters to be considered in the review of intensification proposals, including a requirement for Public Site Plan review in those instances where intensification may occur where no planning application or process other than site plan review is required.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Report to Planning Committee, Information Report, Residential Intensification and Infill Housing Background Study, May 28, 2007

Report to Planning Committee, Information Report, Summary of Comments received Regarding Draft Official Plan Policies, January 28, 2008.

Report to Planning Committee, Public Participation Meeting, Official Plan Review, February 25, 2008.

Report to Planning Committee, Public Participation Meeting, Proposed Modifications to Official Plan Amendment No. 438, September 28, 2009.

BACKGROUND

As a result of Official Plan Amendment 438 (OPA 438), new policies regarding residential intensification were added to the City's Official Plan. These policies were developed in response to public and political concerns raised during the review of residential intensification projects in established residential areas of the City. In instances where a zoning by-law amendment was required, Council often deferred consideration of the zoning matter until site plan matters could also be considered. The new policies are intended to make these processes concurrent, so that the relevant site plan matters can be addressed at the same time as the other planning matters.

These residential intensification policies are intended to both define what is meant by residential intensification, and what matters should be considered when reviewing proposals for residential intensification. The policies require that these matters be reviewed through a public site plan

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process.

In the Official Plan, residential intensification is defined in Section 3.2.3.1 as follows:

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- i) redevelopment, including the redevelopment of brownfield sites;*
- ii) the development of vacant and/or underutilized lots within previously developed areas;*
- iii) infill development, including lot creation;*
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,*
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation.*

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision.

Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.

This definition above is the same as the definition of residential intensification found in the Provincial Policy Statement, 2005, with the exception of the inclusion of "lot creation" in the definition.

In order to address issues of impact, new policies were also included that would require the preparation by the applicant of both a Neighbourhood Character Statement and a Compatibility Report to be used in the review of intensification proposals. Policies were added to the Plan to outline the contents of each of these reports. In simple terms, the Neighbourhood Character Statement describes the existing neighbourhood context, which can then be used as the basis for evaluating how the proposed intensification project addresses this context. This evaluation is what is contained in the compatibility report.

Another policy change that was brought forward was the requirement for public site plan review and urban design. Policy 3.2.3.5 states:

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. In addition to all other site planning issues, residential intensification site plan proposals will be evaluated to ensure:

- i) Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;*
- ii) The use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and,*
- iii) Consideration of the following Urban Design Principles:*
 - (a) Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped;*

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(b) The form and design of residential intensification projects should complement and/or enhance any significant natural features that forms part of the site or are located adjacent to the site;

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

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

(e) The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets;

(f) Buildings should be positioned to define usable and secure open space areas on the site and to afford a reasonable measure of privacy to individual dwelling units;

(g) Parking and driveways should be located and designed to facilitate manoeuvrability on site and between adjacent sites, and to reduce traffic flow disruption to and from the property; and,

(h) Projects should have regard for the neighbourhood organizing structure. Building and site designs should facilitate easy connections to and around the site to public transit and destinations.

iv) For Residential Intensification projects proposed on lands designated Low Density Residential, or projects requiring an Official Plan amendment to a more intensive residential land use designation, or projects requesting bonus zoning pursuant to policy 19.4.4. shall apply policy 3.2.3.3. neighbourhood character statement, 3.2.3.4. statement of compatibility and policy 3.7.2.1. respectively.

While the intent of these policies is clear, there have been issues regarding how the policies are to be applied and implemented. It has been suggested, for example, that the requirement for a public site plan review process may be overly onerous in situations where the same development application would go through a public review process, such as a minor variance application or an application for consent. In the same way, there have been concerns raised where new development has occurred in accordance with the underlying zoning, but the new development may not be in keeping with the existing development. It is these types of concerns that these proposed amendments to the Official Plan policies and Site Plan Control By-law are intended to address.

ANALYSIS

What is Residential Intensification?

By its definition, intensification results in a change in the current intensity of development, as it results in a density of development on a site that is greater than what currently exists. Often this change in density comes in a form of development that is unlike the surrounding areas, such as cluster or multi-family residential units in a single family detached neighbourhood, though this is not always the case. Intensification arising from new lot creation may be in the same form of housing, but with a new lotting pattern or at a greater density than currently exists.

The new policies added to the City's Official Plan through OPA 438 were intended to both define residential intensification, and to provide a process and criteria for the review of intensification projects. The definition for residential intensification is the same as the definition found in the Provincial Policy Statement (PPS), with the exception of the addition of lot creation as a form of

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intensification.

Some of the issues related to residential intensification may also arise in confusing "infill" and "intensification". Infill is a form of intensification, and is defined as development that occurs on vacant or underutilized lots within established areas. The current policy states in part:

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision.

This policy could be clarified to indicate that development on vacant blocks of land in developing areas of the City is not considered to be infill development.

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. ~~It is not intended that infill housing will occur~~ Residential development on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision will not be considered as infill development.

There has also been confusion regarding whether or not the City's residential intensification policies would apply in instances where new residential development occurs that is greater in intensity than currently exists within an area, but is in accordance with the zoning of the lands. An example of this would be where an existing single family dwelling is demolished, and replaced with a duplex on lands that are zoned that would permit the duplex development. In order to clarify this, the current policy that defines residential intensification could be amended to include a definition of redevelopment. This would be consistent with the definition found in the Provincial Policy Statement.

Such a policy would read as follows:

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

With such a definition, the scenario described above would be considered as residential intensification, and would be subject to the intensification policies of the Official Plan.

Site Plan Approval Issues

Since the adoption of the residential intensification policies, concerns have been raised regarding the requirement for concurrent public site plan approval as part of the review of residential intensification proposals.

Policy 3.2.3.5. states in part:

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. In addition to all other site planning issues, residential intensification site plan proposals will be evaluated to ensure:

Concerns have been raised that this requirement may be redundant, or that it adds time to the process for the approval of residential intensification proposals. The intent of the policy was twofold; to identify those instances where site plan approval would be required, and secondly, to indicate that the site plan approval process would be concurrent with any other planning approval process. An additional concern is that the policy could require consideration of site plan matters that would not necessarily be required, or add any value to the review process as it related to residential intensification.

In order to address the "timeliness" issue, it is suggested that the policy be clarified to indicate

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that site plan review will be required for all residential intensification projects as defined in the policy, but that public site plan review will only be required in those instances where there is not a concurrent public participation process associated with any other required planning application approval. For those residential intensification proposals where there would not be a public site plan review process required because there is another, concurrent public participation and review process, staff would be responsible to ensure that public concerns raised through the public consultation process on the application would be considered. Staff would then be responsible to ensure that these concerns would be incorporated as conditions of any required approvals, and that the public is made aware through the public notification process related to the application that this is also their opportunity to comment on site plan matters. These requirements would need to be reflected in the application review process for these applications, and in the by-laws associated with those processes.

In order to address these concerns, and to clarify the intent of the policy, the following amendments to Policy 3.2.3.5 are proposed:

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. Where an application under the Planning Act that includes a requirement for public notice and consultation is required for the residential intensification project, a separate public site plan review process may not be required. ~~In addition to all other site planning issues,~~ Residential intensification site plan proposals will be evaluated to ensure:



It should be noted that these proposed policy amendments may require additional staff time and resources to review these applications. Development Approvals staff estimate that more than 30 applications would be required to go through this amended process. It is anticipated that these proposed amendments will address concerns regarding the extent of the review required, and clarify those instances where a separate public site plan review process will be required.

Possible Site Plan Control By-law Changes

In order to effectively implement these policies, changes to the Site Plan Control By-law may be required. The purpose of these changes would be to clarify the extent of the site plan review required, the nature of the information required, such as elevations, site plans and landscape plans, and in which instances public site plan review would be required. The By-law amendments would also include changes to the Notice procedures to ensure that the public is advised that this is their opportunity for comment on site plan related matters. This change in notice procedures may also be required for notices of minor variances and notices for consents.

CONCLUSION

These proposed amendments to the policies regarding residential intensification will still maintain the intent of these policies, any will clarify the “process” and “application” concerns that have been raised in implementing these policies. Amendments will be required to the City’s Site Plan Control By-law to implement these revised policies.

PREPARED BY:	RECOMMENDED BY:
	
GREGG BARRETT, AICP MANAGER, CITY PLANNING AND RESEARCH	JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER

August 8, 2011
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Bill No. (number to be inserted by Clerk's Office)
Insert year

By-law No. C.P.-1284. _____

A by-law to amend the Official Plan for the City of London,
1989 relating to insert address/location.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act*, R.S.O. 1990, c.P.13.

PASSED in Open Council on Insert date of Council meeting.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - Insert Council date
Second Reading - Insert Council date
Third Reading - Insert Council date

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AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To clarify the policies as they relate to residential intensification by adding definitions for infill development and redevelopment, and to clarify the policies as they relate to where site plan review would be required as part of the consideration of a proposal for residential intensification.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to all lands located in the City of London.

C. BASIS OF THE AMENDMENT

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Policy 3.2.3.1 Definition

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- i) redevelopment, including the redevelopment of brownfield sites;
- ii) the development of vacant and/or underutilized lots within previously developed areas;
- iii) infill development, including lot creation;
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation.

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. ~~It is not intended that infill housing will occur~~ Residential development on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision will not be considered as infill development.

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

Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.

2. Policy 3.2.3.5 Public Site Plan Review and Urban Design

Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. Where an application under the Planning Act that includes a requirement for public notice and consultation is required for the residential intensification project, a separate public site plan review process may not be required. ~~In addition to all other site planning issues,~~ Residential intensification site plan proposals will be evaluated to ensure: