

Agenda

Planning and Environment Committee

17th Meeting of the Planning and Environment Committee

November 12, 2024

1:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors S. Lehman (Chair), S. Lewis, C.Rahman, S. Franke, S. Hillier

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact PEC@london.ca or 519-661-2489 ext. 2425.

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6. Confidential

6.1 Land Acquisition/ Disposition/ Solicitor-Client Privileged Advice

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality relating to the property located at 39 Carfrae Street.

6.2 Solicitor-Client Privileged Advice/ Litigation/ Potential Litigation

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers or employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to appeals related to the Meadowlily Woods Environmentally Significant Area at the Ontario Land Tribunal (“OLT”), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

6.3 Solicitor-Client Privileged Advice/ Litigation/ Potential Litigation

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers or employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal arising out of a decision of the Committee of Adjustment to the Ontario Land Tribunal (“OLT”) and for the purpose of providing instructions and directions to officers and employees of the Corporation relating to the property located at 142 Wellington Street.

7. Adjournment

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Planning & Development and Building
Housing Update – 2024 Year-To-Date

Date: November 12, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following report **BE RECEIVED**.

Executive Summary

The purpose of this report is to provide Municipal Council with information regarding tracking of Council approvals and new housing units based on their status within the planning and development application process (also called the development “pipeline”).

At the April 16, 2024 Strategic Priorities and Policy Committee, Staff presented the Targeted Actions to Increase London’s Housing Supply in support of the municipal Housing Pledge of 47,000 new housing units. The Targeted Actions report identifies tracking and reporting methods associated with different categories of housing unit in the pipeline.

Linkage to the Corporate Strategic Plan

This report supports the 2023-2027 Strategic Plan areas of focus, including the following under Housing and Homelessness and Well-Run City:

- The City of London demonstrates leadership and builds partnerships to increase quality, affordable, and supportive housing options that promotes access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.
- A well-planned and growing community that promotes faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Council Housing Approvals

In the month of October, there were 8,462 units approved by Council. As of the October 15, 2024, Council Meeting, 21,572 units have been approved for the year-to-date in 2024. These units include Zoning By-law Amendments and Draft Plans of Subdivision approved by Municipal Council.

Table 1: Year-to-date Council Approved Units
As of: October 15th Council

New Units Year-to-date	New Units in 2023	New Units in 2022	Provincial Pledge Total New Units	Current Council Term Approvals
21,572	5,337	4,430	31,339	27,315

*Council Term Approvals accounting October 2022 to present.

2.0 Building Permit Housing Summary

The following section provides an update on current housing activity. It includes both data from the City’s Building Division statistics. The table below includes year-to-date (YTD) new housing units in building permits issued by the Building Division.

Table 2: New Housing Units in Permits Issued by the Building Division.
As of: September 30, 2024

Units (2024 YTD)	Units (2023 YTD)	% Change (2023 YTD)	5-year Average Units (YTD)	5-year Average % Change (YTD)
2,851	1,131	152%	2,350	21%

Due to the delay between permit issuance and a CMHC “housing start” the number of permits issued and the number of “housing starts” will not match. CMHC defines a “housing start” as the beginning of construction work on the building where the dwelling unit will be located. Preliminary work on a housing construction site may occur before or after a permit building permit is issued.

A request was made at the last committee meeting to provide a projection of the number of units anticipated by the end of 2024. Using the historical 5yr. monthly averages for November and December, a total of 3133 units is currently being projected by the end of 2024.

3.0 New Housing in London

CMHC provides monthly reporting on housing starts that is used by the Province as the basis for determining London’s progress towards our 47,000 unit housing pledge. Progress towards the housing pledge is counted after January 1, 2022. Due to the use of CMHC “housing starts”, any homes in a building that had construction work initiated prior to January 1, 2022, is excluded from the Province’s housing tracking data.

London has been extremely successful in promoting more intense forms of housing and achieving much needed apartment rental housing. An apartment building can take several years to construct and when multiple phases of a building are constructed on the same property a “housing start” the entire ultimate development is registered by CMHC. Civic Administration has identified almost 3,000 housing units registered as “housing starts” prior to 2022 that represent new homes for Londoners since Council’s 47,000 unit housing pledge.

The following table provides a hybrid housing unit total combining the CMHC’s “housing starts” data since January 1, 2022, and with the additional new housing available to Londoners over the housing pledge period.

Table 3: Provincial Pledge New Housing Units
As of: September 30, 2024

Source Year	CMHC Housing Starts	Pre 2022 Housing Starts	Provincial Pledge New Housing
2022	2,495	412	2,907
2023	1,534	195	1,729
2024 (to date)	2,153	543	2,696
Pre 2022 Starts Currently Under Construction	-	1,775	1,775
Total New Housing Units:			9,107

4.0 Recent Canada Mortgage and Housing Corporation (CMHC) Housing Market Analysis

The CMHC housing supply and market reports are published throughout the year and will be summarized in this monthly staff report. Below are the national highlights from the Fall 2024 Housing Supply Report, published September 26, 2024:

- Total housing starts in the 6 largest census metropolitan areas (CMAs) rose by 4% in the first half of 2024 compared to the same period in 2023. The level of new construction (68,639 units) was the second strongest since 1990. However, when adjusted for population size, combined housing starts were close to the historical average and weren't enough to meet growing demographic demand.
- Calgary and Edmonton led the growth in housing starts due to record interprovincial migration in recent years, driven by their lower cost for housing and favourable economic conditions. In contrast, housing starts decreased in Toronto, Vancouver and Ottawa.
- Apartment starts in the 6 CMAs increased slightly, driven by rental construction. Nearly half of the apartments started in the first half of 2024 were purpose-built rentals – the highest share on record. This trend aligns with demographic changes and declining homeownership affordability.
- Except for Calgary and Edmonton, condominium apartment starts fell in the first 6 months of 2024 – a trend we expect will continue as developers struggle to reach the minimum pre-construction sales needed to start construction. Both investors and end users have significantly reduced their purchases of new condominiums because of the impact of higher interest rates.
- Developers prioritized clearing backlogs of projects under construction. As a result, apartment completions increased across the 6 CMAs, setting new records in each one except Montréal and Vancouver.
- Municipalities and provinces are working actively to increase housing supply and variety, with policies aimed at better meeting the needs of a broad range of buyers and renters.
- Industry sources indicate that developers, particularly high-density apartment developers, have been hesitant to lower prices for unsold units in existing projects, instead offering substantial incentives like free parking, waived maintenance fees and upgrades. To maintain acceptable profit margins, developers may face longer pre-sales phases, extended development times and potential project cancellations, leading to lower starts numbers in the future.

5.0 Completed Housing Initiatives

This section of the report provides a summary list of the City's housing initiatives undertaken in support of Municipal Housing Pledge of 47,000 new units. The following initiatives have been completed since introduction of the municipal housing target in October 2022:

- Q1 2023 Council adoption of Province's Housing Pledge.
- Q3 2023 Federal Government's approval of City's Housing Accelerator Fund (HAF) Application.
- Q4 2023 Housing Open Data Initiative: Vacant Land Inventory on City's Open Data Portal.
- Q1 2024 Additional Residential Unit (ARU) policy and zoning amendments.
- Q2 2024 Targeted Actions Report: "Targeted Actions to Increase London's Housing Supply: Supporting Council's Pledge for 47,000 units by 2031".
- Q2 2024 Draft Land Needs Assessment (Community Growth Land Uses), for continued consultation.
- Q3 2024 Heights Review/Transit Village/Major Shopping Area, *pending Minister of Municipal Affairs and Housing approval.*

- Q3 2024 Protected Major Transit Station Areas Zoning Review, *pending Minister of Municipal Affairs and Housing approval.*

Conclusion

The purpose of this report is to provide Municipal Council with information regarding housing units based on their status within the planning and development application process. This report provides information on new unit approvals from Council and building permits issued.

A new City of London webpage is also being prepared to highlight key housing indicators and initiatives. Until the web portal is ready, these monthly reports will be brought to Council during for the transition period.

Prepared by: **Brandon Coveney**
Planner, Planning Policy (Growth Management)

Reviewed by: **Travis Macbeth, MCIP, RPP**
Manager, Planning Policy (Growth Management)

Reviewed by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Recommended and Submitted by: **Scott Mathers, MPA, P. Eng.**
Deputy City Manager, Planning and Economic Development

Copy:
Alan Shaw, Director, Building Services
Kyle Wilding, Senior Manager, Building Services
Justin Adema, Manager, Long Range Planning

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: The Corporation of the City of London
3640 Dingman Drive
File Number: OZ-9771, Ward 12
Public Participation Meeting

Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of The Corporation of the City of London relating to the property located at 3640 Dingman Drive:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2024, to amend the Official Plan, The London Plan, to change the designation of the subject lands **FROM** a Commercial Industrial Place Type and Environmental Review Place Type **TO** a Green Space Place Type;
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2024, to amend the Official Plan, the Southwest Area Secondary Plan, to change the designation of the subject lands **FROM** Commercial Industrial **TO** Open Space and Environmental Review;
- (c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property **FROM** an Agricultural (AG2) Zone and Environmental Review (ER) Zone **TO** an Open Space (OS1) Zone and an Open Space (OS5) Zone;
- (d) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Explore opportunities to provide enhanced all season landscape buffers along the eastern property line.

IT BEING NOTED, that the above noted amendments are being recommended for the following reasons:

- i) The recommended amendments are consistent with the *Provincial Planning Statement, 2024 (PPS)*, which promotes healthy, active and inclusive communities by planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages.
- ii) The recommended amendments conform to The London Plan, including but not limited to the Key Directions, City Design and Building Policies and Green Space Place Type policies, and will facilitate recreation facilities that play a significant role in creating healthy communities.
- iii) The recommended amendments facilitate a regional sports park to support the City's commitment to provide exceptional recreational opportunities to the residents of London.

Executive Summary

Summary of Request

The applicant has requested an amendment to The London Plan, the Official Plan for the City of London, to redesignate the property from a Commercial Industrial Place Type and Environmental Review to a Green Space Place Type.

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Agricultural (AG2) Zone and Environmental Review (ER) Zone to an Open Space (OS1) Zone and Open Space (OS5) Zone.

Purpose and the Effect of Recommended Action

The recommended action will permit a regional sports park with multiple sports fields.

Staff are recommending approval of the requested Official Plan Amendment and Zoning By-law Amendment to permit a regional sports park. Staff are also recommending an amendment to the Southwest Area Secondary Plan to redesignate the lands from Commercial Industrial to Green Space and Environmental Review.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Wellbeing and Safety**, Londoners have safe access to public spaces, services, and supports that increase wellbeing and quality of life.
- **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

PEC Report – White Oak Dingman Secondary Plan (O-8844) – March 18, 2018

1.2 Planning History

In 2014, the City of London initiated a review of the land uses within the White Oak-Dingman Area. On March 18, 2018, Staff recommended the White Oak-Dingman Secondary Plan project be deferred until sufficient information is available through Phase 2 of the Dingman Creek Environmental Assessment to delineate a developable land area.

1.3 Property Description and Location

The subject lands are located on the north side of Dingman Drive between White Oak Road and Roxburgh Road, in the Longwoods Planning District. The subject site has a total area of approximately 13.5 hectares, with frontage of 178 metres along Dingman Drive and a depth of approximately 675 metres. The lands are currently used for agricultural uses. The subject lands contain a woodland and wetland on the northern portion of the property and the southerly portion of the site is bisected by a Hydro One Corridor.

The subject lands are within a growing neighbourhood containing a mix of agricultural industrial and future residential uses. To the north are light industrial and agricultural uses fronting Exeter Road. Directly to the east is an industrial recycling business, with the northern portion used for agricultural purposes. The lands to the west and south contain agricultural uses.

Dingman Drive is classified as a Civic Boulevard on Map 3 – Street Classifications of The London Plan. The road segment between White Oak Road and Roxburgh Road has a traffic volume of approximately 6,000 vehicles per day. As part of the Dingman Drive Environmental Assessment project, sidewalks and bike paths were installed on

Dingman Drive between Wellington Road and Highway 401 approximately 700 metres to the east of the subject lands. Additionally, a multi-use pathway runs along the Marr Drain connecting Dingman Drive to Exeter Drive.

Site Statistics:

- Current Land Use: Agricultural
- Frontage: 178 metres (584 feet)
- Depth: 675 metres (2215 feet)
- Area: 13.5 hectares (33.3 acres)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Industrial, Environmental Review and Future Community Growth
- East: Industrial
- South: Agricultural
- West: Agricultural and Future Community Growth

Existing Planning Information:

- The London Plan Place Type: Commercial Industrial & Environmental Review
- Existing Special Policies: Commercial Industrial designation in the Dingman Industrial Neighbourhood (SWAP)
- Existing Zoning: Agricultural (AG2) Zone and Environmental Review (ER) Zone

Additional site information and context is provided in Appendix “C”.

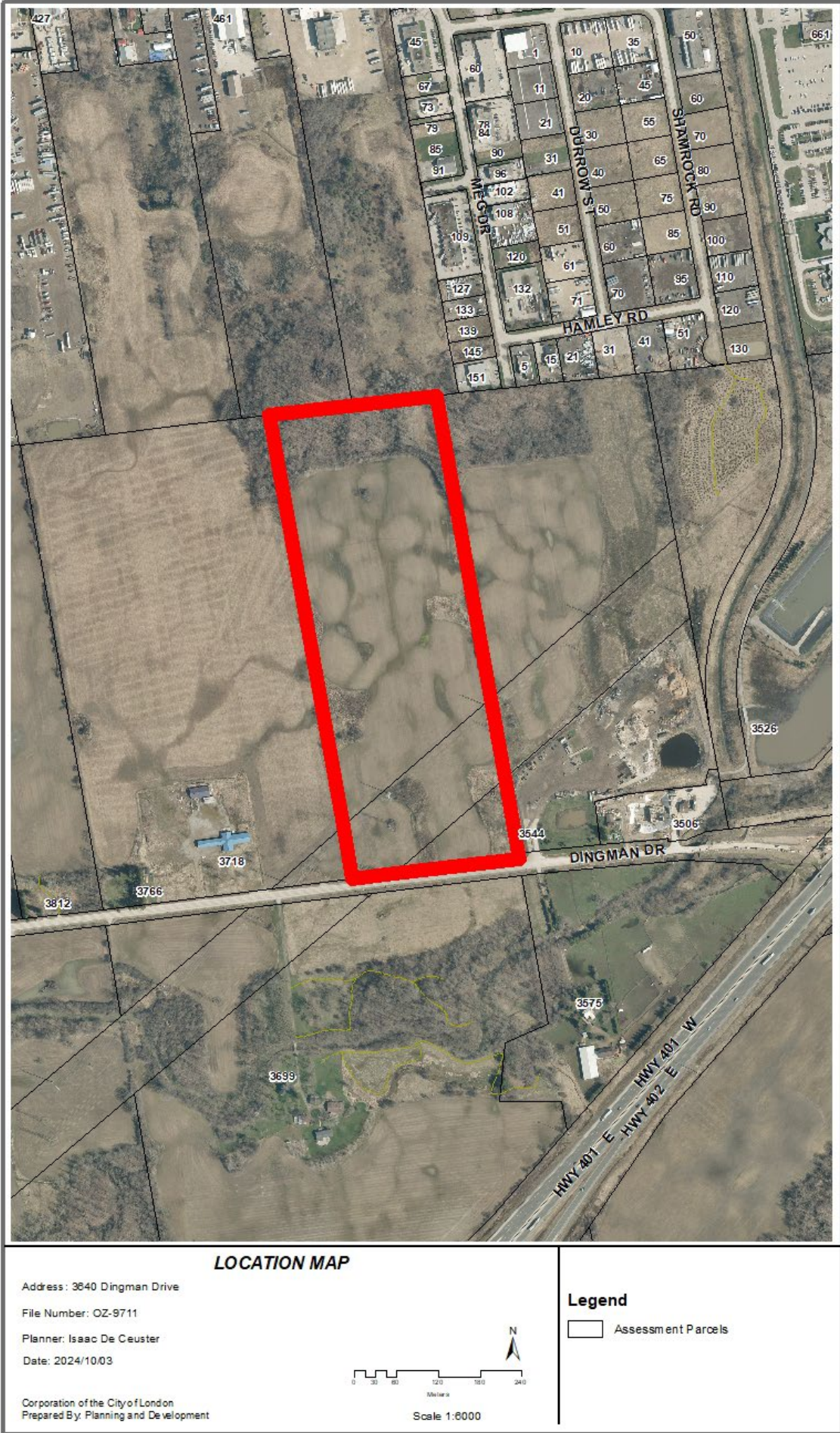


Figure 1- Aerial Photo of 3640 Dingman Drive and surrounding lands.



Figure 2 - Streetview of 3640 Dingman Drive (view looking North)

2.0 Discussion and Considerations

2.1 Proposal

The applicant, the Parks and Forestry Department of the City of London, is proposing an Official Plan and Zoning By-law Amendment to permit a regional sports park. This sports park is intended to accommodate multiple sports fields and serve as a neighbourhood park for the surrounding community and the city as a whole. The sports park will generally be programmed by the City of London to service sports associations and tournaments and can include (fully lit) sports fields, parking lots, pathways and washroom facilities.

Parks and Forestry will engage in a public participation process in 2025 to determine the final design and layout of the site.

The proposed development includes the following features:

- Land use: Recreational
 - OS1 Zone: public park, recreational buildings associated with conservation lands and public parks.
 - OS5 Zone: conservation lands, passive recreation uses which include hiking trails and multi-use pathways
- Form: sports field
- Landscape Open Space: to be determined, more than 20%
- Building coverage: to be determined, less than 10%
- Parking spaces: to be determined, approximately 200 spaces
- Bicycle parking spaces: to be determined through public participation process in 2025

Additional information on the development proposal is provided in Appendix “C”.



Figure 3 - Conceptual Site Plan (August 2024)

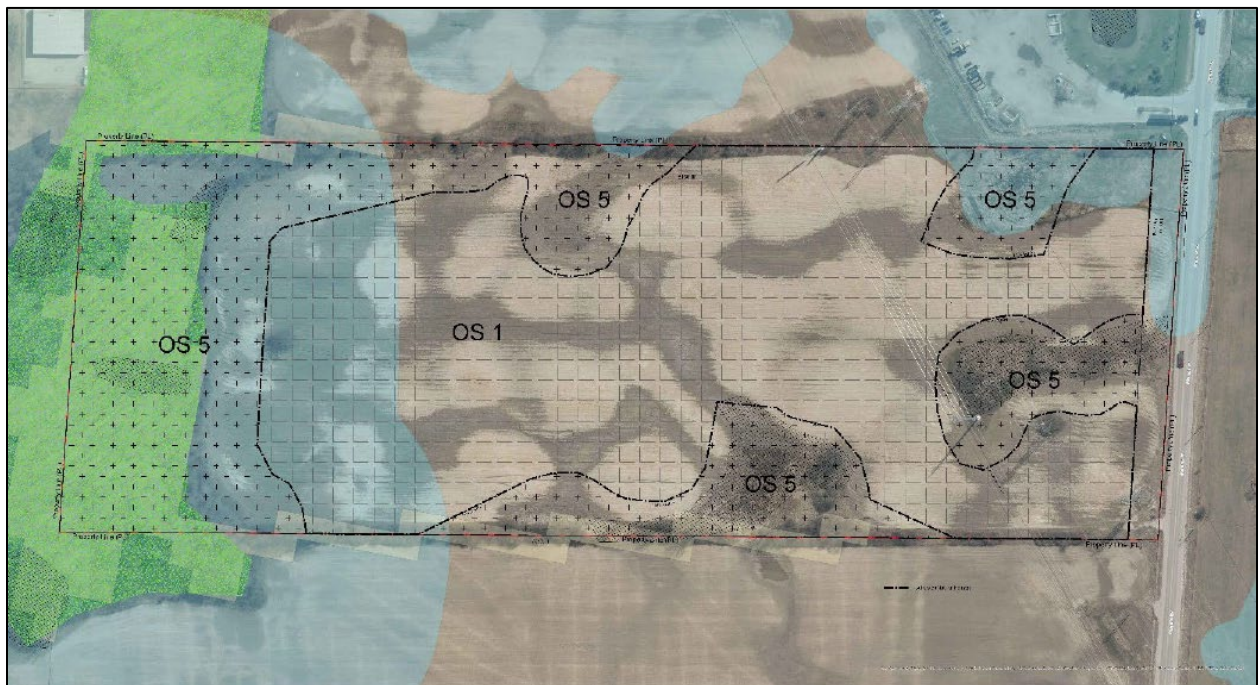


Figure 4 - Proposed Open Space Zone Map (August 2024)

2.2 Requested Amendments

The applicant has requested to redesignate the property from a Commercial Industrial Place Type and Environmental Review Place Type to a Green Space Place Type in The London Plan. The applicant has also requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Agriculture (AG2) Zone and Environmental Review (ER) Zone to an Open Space (OS1) Zone and Open Space (OS5) Zone.

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Engineering has no further comments on the above noted application – Approval is recommended.

- The UTRCA has no objections to this Official Plan and Zoning By-law Amendment.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.4 Public Engagement

On August 16, 2024, Notice of Application was sent to 16 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 29, 2024. A “Planning Application” sign was also placed on the site.

There was one response received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Compatibility of recreational use with abutting recycling facility.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial Planning Statement (PPS), 2024 provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3 of the *Planning Act* and came into effect on October 20, 2024.

Section 1 of the PPS prioritizes investments in infrastructure and public service facilities to support convenient access to housing, quality employment, services and recreation for all Ontarians. The PPS directs planning authorities to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, recreation, parks and open space and other uses to meet long-term needs (PPS, 2.1.6.a).

Further, the PPS promotes healthy, active and inclusive communities by planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails, and linkages, and, where practical, water-based resources (PPS, 3.9.1.b).

With regard to natural heritage, the PPS requires that natural features and areas shall be protected for the long term. This includes the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognized linkages between and among natural heritage features and areas, surface water features and ground water features (PPS, 4.1.1 & 4.1.2)

The proposed development meets the intent of the Provincial Policy Statement, 2024, by introducing public service facilities and recreation, parks and open space to promote healthy, active and inclusive communities while protecting natural heritage for the long term.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.

4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

Southwest Area Secondary Plan

The *Southwest Area Secondary Plan* (SWAP) has been reviewed in its entirety and it is staff's opinion that the proposed Official Plan and Zoning By-law amendment is consistent with it. The subject lands are designated Commercial Industrial pursuant to Schedule 15 (Dingman Industrial Neighbourhood Land Use Designation) of the SWAP. Staff are recommending the lands be redesignated from Commercial Industrial to Open Space and Environmental Review.

3.0 Financial Impact/Considerations

There are no direct municipal expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed recreational use is supported by the policies of the *PPS* to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, recreation, parks and open space and other uses to meet long-term needs (*PPS*, 2.1.6.a). The proposed regional sports park use also aligns with the vision of the Green Space Place Type in The London Plan by providing for green space in all parts of the city to allow for a balanced distribution of locations for both active and passive recreational pursuits (TLP, 761_4). The proposed regional sports park aligns with Key Direction #3 – Celebrate and Support London as a culturally rich, creative, and diverse city, by providing for public facilities, programs and spaces that foster inclusiveness and appeal to a diverse population within our neighbourhoods (TLP, 57_6). Further, the proposal also aligns with Key Direction #4 – Become one of the greenest cities in Canada, by continually expanding, improving, and connecting our parks resources (TLP, 58_10), and Key Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone, by distributing educational, health, social, cultural, and recreational facilities and services throughout the city so that all neighbourhoods are well-served, and by integrating well-designed public spaces and recreational facilities into all of our neighbourhoods (TLP, 61_8, 9, 10).

The proposed Green Space Place Type supports a broad array of recreational amenities across the city, including Sports Parks (TLP, 411_). Sports Parks are designed to accommodate multiple high-end sports fields and service larger areas in the city. These parks are generally programmed to service sports associations and tournaments, Sports fields in this park category are often irrigated and fully lit, contain lit parking lots, streets and pathways, as well as washroom and change room facilities. A Sports Park may serve as the neighbourhood park for the local community and provide neighbourhood amenities as well (TLP, 414_). Permitted uses in the Green Space Place Type include district, city-wide, and regional parks, as well as recreational and community facilities (TLP, 762_3 & 4).

Southwest Area Secondary Plan

The subject lands are designated Commercial Industrial in the SWAP. Permitted uses in the Commercial Industrial designation in the Dingman Industrial Neighbourhood include commercial uses as well as commercial recreation that may be permitted where appropriate (20.5.13.3.ii.b). It should be noted that lands designated Commercial Industrial do not constitute employment areas for the purpose of the *PPS*, and are not included in the City's inventory of industrial lands (20.5.13.3.i). The proposed regional

sports park is a contemplated use in the proposed Open Space and Environmental Review designation in the Dingman Industrial Neighbourhood of SWAP.

Sensitive Land Use

The Ministry of Environment, Conservation and Parks (MECP) provides for a *D-6 Compatibility between Industrial Facilities Guideline* to prevent or minimize the encroachment of sensitive land use upon industrial land uses. In this instance, the abutting property to the east is in the Light Industrial Place Type, designated Industrial in SWAP and is zoned General Industrial Special Provision (GI1(5)) Zone and Heavy Industrial Special Provision (HI4(2)) Zone to facilitate the existing construction and demolition recycling facility.

As set out in Section 1.2.1 of the *D-6 Compatibility Guidelines*, a Municipality can interpret whether a recreational use is deemed a sensitive land use. In previous correspondence regarding the Optimist Soccer dome in 2009, the Ministry confirmed that the City of London has the authority to deem recreational uses as a sensitive or non-sensitive land use, and noted that generally the Ministry does not consider these uses as sensitive. Additionally, Section 1.2.4 of the *D-6 Compatibility Guidelines* provides that the guideline does not apply to certain facilities or land uses, including transfer stations and other waste management facilities or waste processing facilities that require a Waste Certificate of Approval. Based on the above, there is precedent from MECP that the City of London has the authority to deem recreational uses as non-sensitive uses, as any potential user of the sports park would be temporary and can leave at any time. This is consistent with existing City parks that are located adjacent to industrial uses, such as Silverwoods Park at 50 Sycamore Street and the CNRA Park at 325 Egerton Street. As such, the proposed regional sports park is not deemed a sensitive land use and the *D-6 Compatibility Guideline* does not apply to the recycling facility located at 3544 Dingman Drive.

Based on the above, the proposed Sports Park is supported by the PPS, is a permitted use in the proposed Green Space Place Type and is contemplated use in the proposed Open Space and Environmental Review designation in the Dingman Industrial Neighbourhood of SWAP

4.2 Intensity

The proposed regional sports park may include (fully lit) sports fields, parking lots, pathways and washroom facilities. Parks and Forestry will engage in a public participation process in 2025 to determine the final layout of uses on the site.

The proposed intensity is consistent with the policies of the PPS that encourage healthy, active and inclusive communities by planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails, and linkages, and, where practical, water-based resources (PPS, 3.9.1.b), and protection of natural features for the long term (PPS, 4.1.1). Further, the intensity is in conformity with the proposed Green Space Place Type by providing for green space areas to allow for a balanced distribution of locations for both active and passive recreational pursuits (TLP, 761_4). Finally, the proposed Sports Park meets the intent of SWAP to develop a sustainable community including the provision of sports fields, playgrounds and other active recreational amenities, pathways, trails, and gathering and resting places (SWAP, 20.5.3.4).

4.3 Form

Although the final layout of the Sports Park will be determined through a public participation process, the proposed form is consistent with the PPS and City Building policies of The London Plan. The siting of buildings and layout of the site will help to establish the character and sense of place of the surrounding area and will ensure access, visibility, safety and connectivity through wide exposure to the public street (TLP, 244_ & 247_).

In addition to the City Design Policies of The London Plan, key considerations for the design of City parks and recreational amenities include (TLP, 422_):

1. Parks and open space will be designed to be safe and open to casual public surveillance. Parks will have wide exposure to streets and rear-lot development onto parks shall be discouraged.
2. Commercial buildings or prominent buildings adjacent to parks and public spaces should be designed to activate and create a positive interaction with the space.
3. Street layouts will be designed to allow for easy, safe, and attractive pedestrian access from all parts of a neighbourhood to each park space.
4. Municipal walkways shall not replace streets as the means to provide the required neighbourhood access to park sites.
5. Parks and public spaces will be designed to accommodate the City of London *Facility Accessibility Design Standards* and to adhere to the *Accessibility for Ontarians with Disabilities Act*.
6. Parking facilities will be designed to minimize their impact on the character of the public space. Where possible on-street parking will be used to accommodate a public space's parking requirements.
7. Detailed design standards and specifications may be developed and/or updated to provide direction and consistency within the subdivision development process.

Finally, policy 3.4 of SWAP provides that the Parks and Recreation Chapter of The London Plan contain the policies for parkland and recreational services within the Southwest Area Secondary Plan boundaries (SWAP, 3.4). As such, the proposed form meets the intent of the PPS, complies with the City Building and Parks and Recreation policies of the London Plan, and are contemplated in the Community Parkland and Trail Network policies of SWAP.

4.4 Natural Heritage

Parsons Corporation was retained by the City of London to complete a Subject Lands Status Report (SLSR) in support of the White Oak-Dingman Secondary Plan. The SLSR assessed existing natural heritage conditions on site and found a significant woodland on the rear-portion of the site, three evaluated wetlands, a non-significant amphibian breeding habitat and a crayfish habitat. The maximum required buffers of 30 metres are provided to the significant woodland, and 15 metres buffers to the evaluated non-significant wetlands and crayfish habitat. These buffers are consistent with the City of London Environmental Management Guidelines to ensure protection of natural heritage features and their functions, and are shown in Figure 5 below.

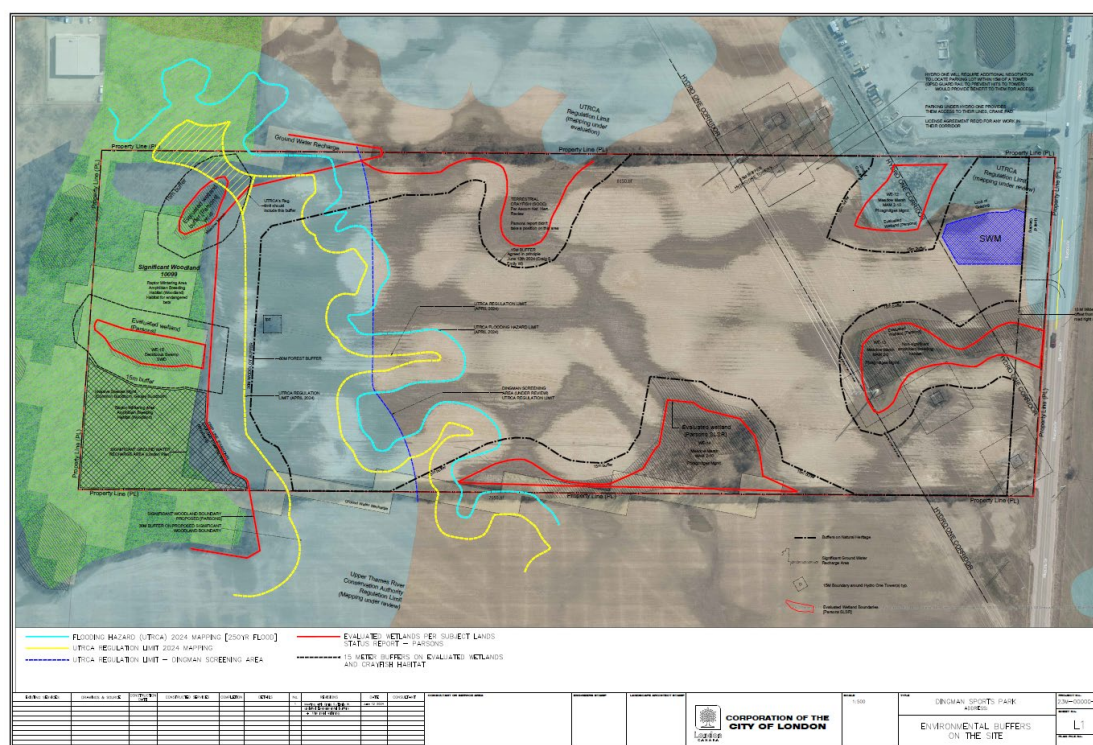


Figure 5 – Environmental Buffers 3640 Dingman Drive

The full extent of natural features and buffers are proposed to be rezoned to an Open Space (OS5) Zone to protect the natural heritage features. The OS5 Zone is the most restrictive Open Space zone and is applied to lands which have physical or environmental constraints. The remainder of the subject site outside of the natural features and associated buffers is proposed to be rezoned Open Space (OS1) Zone. The proposed OS1 Zone will allow for a range of public park and recreational uses to facilitate the proposed regional sports park.

Finally, the subject lands are regulated by the UTRCA due to the presence of riverine flooding and erosion hazards associated with Dingman Creek as well as the area of interference surrounding the wetlands. The Dingman Creek Subwatershed is subject to an ongoing Environmental Assessment to review stormwater servicing as well as delineating the floodplain. The UTRCA has indicated satisfaction with the 15 metre buffer from the wetland proposed through the OS5 Zone boundary. Through a future Site Plan Approval application, the final grading and development setback will require completion of, and UTRCA approval on, the Final Hydrogeological Assessment and Stormwater Management Plan to ensure that the hydrogeological function of the wetland and hazards related to the floodplain have adequately been addressed. As such, the UTRCA has no objections to this application, detailed UTRCA comments are included in Appendix "E" of this report.

Conclusion

The applicant has requested an amendment to the Official Plan, The London Plan, to change the designation of the subject lands from a Commercial Industrial Place Type and Environmental Review Place Type to a Green Space Place Type. The applicant has also requested an amendment to Zoning By-law Z.-1 to rezone the property from a an Agricultural (AG2) Zone and Environmental Review (ER) Zone to an Open Space (OS1) Zone and an Open Space (OS5) Zone. The requested amendments will permit a regional sports park. Staff are recommending approval of the requested Official Plan amendment and Zoning By-law amendment and are also recommending an amendment to the Southwest Area Secondary Plan to redesignate the lands from the Commercial Industrial to Green Space and Environmental Review designation.

The recommended action is consistent with the PPS 2024, and conforms to The London Plan and Southwest Area Secondary Plan. The amendments will facilitate a regional sports park to support the City's commitment to provide exceptional recreational opportunities and ensures the continued protection and enhancement of the existing natural heritage features.

Prepared by: Isaac de Ceuster,
Planner, Planning Implementation

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. C.P.-XXXX-

A by-law to amend the Official Plan, The
London Plan for the City of London, 2016
relating to 3640 Dingman Drive

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, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on November 26, 2024

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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

A. PURPOSE OF THIS AMENDMENT

1. The purpose of this Amendment is to change the Place Type of certain lands described herein from Commercial Industrial Place Type and Environmental Review Place Type to a Green Space Place Type on Schedule “A”, Map 1 – Place Types, to The London Plan for the City of London.
2. The purpose of this Amendment is to amend Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, by changing the designation of the subject lands from Commercial Industrial to Open Space and Environmental Review on Schedule 4 Southwest Area Land Use Plan, and Schedule 15 Dingman Industrial Neighbourhood Land Use Designations.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3640 Dingman Drive in the City of London.

C. BASIS OF THE AMENDMENT

The amendment would allow for a regional sports park on the subject lands. The recommended amendment is consistent with the *PPS 2024*, which promotes healthy, active and inclusive communities by planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly accessible built and natural settings for recreation, including facilities, parkland, public spaces, open space areas, trails and linkages. The recommended amendment conforms to *The London Plan*, including but not limited to the Key Directions, City Design and Building policies and Green Space Place Type policies. The recommended amendments facilitate a regional sports park to support the City’s commitment to provide exceptional recreational opportunities to the residents of London.

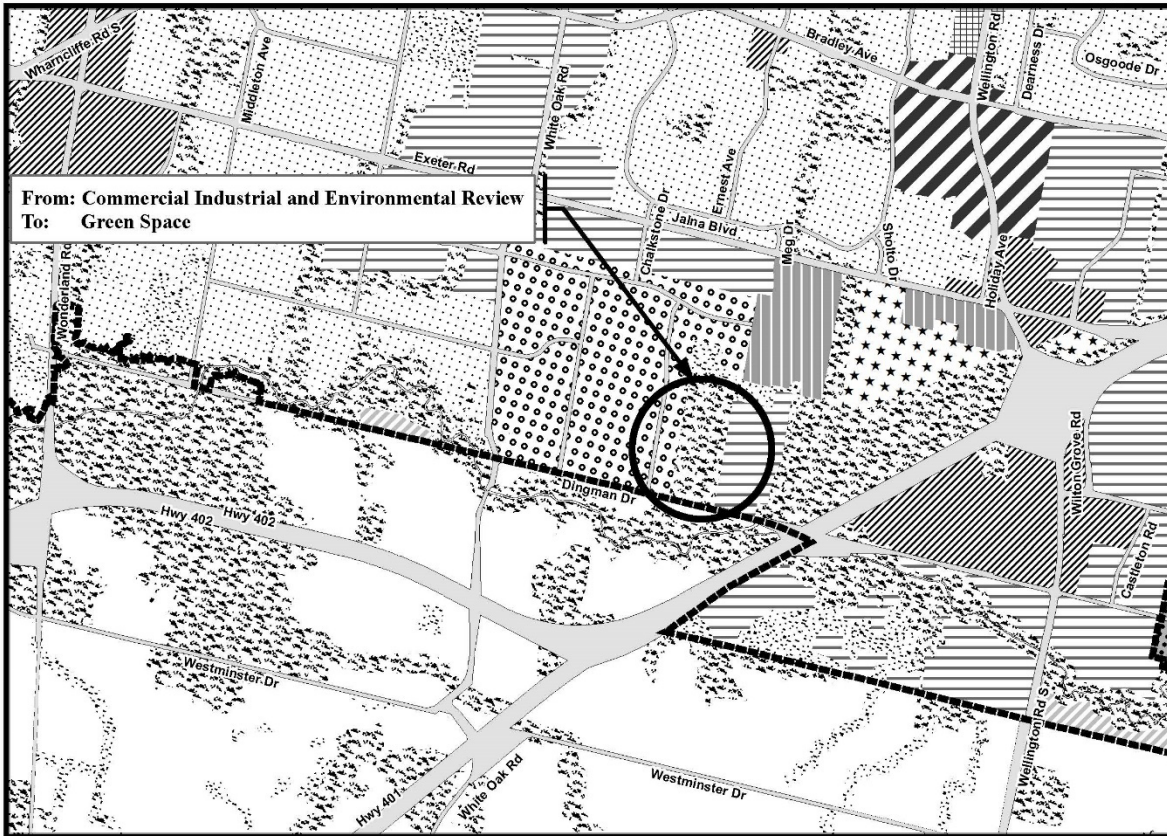
D. THE AMENDMENT

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

1. Map 1 – Place Types, to The London Plan for the City of London is amended by changing the Place Type of those lands located at 3640 Dingman Drive in the City of London, as indicated on “Schedule 1” attached hereto from Commercial Industrial Place Type and Environmental Review Place Type to a Green Space Place Type.
2. Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, Schedule 4 Southwest Area Secondary Plan Land Use Plan, and Schedule 15 Dingman Industrial Neighbourhood Land Use Designations is amended by redesignating the subject lands, as indicated on “Schedule 2” attached hereto from Commercial Industrial to Open Space and Environmental Review.

“Schedule 1”

AMENDMENT NO:



**From: Commercial Industrial and Environmental Review
To: Green Space**

Legend

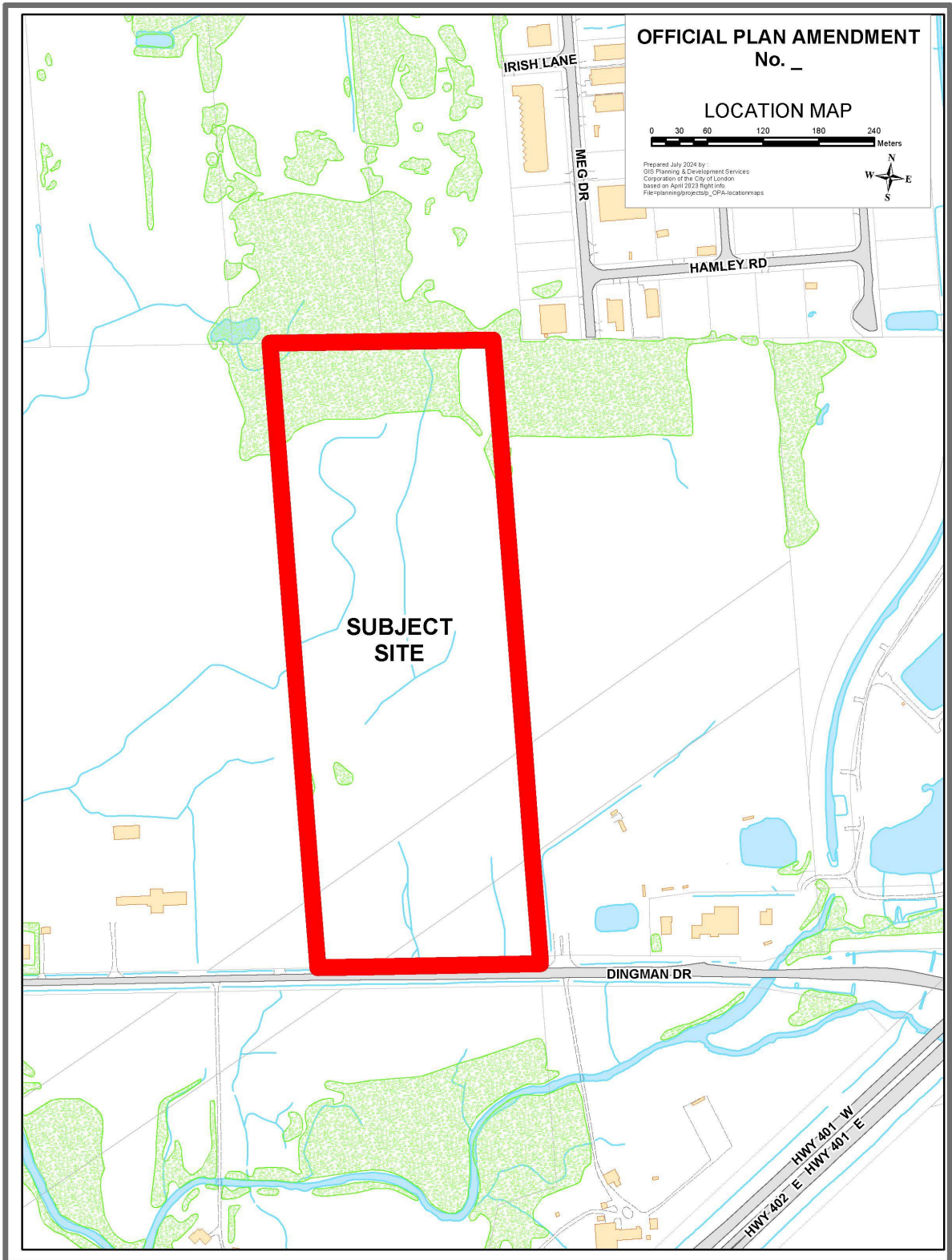
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management 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.

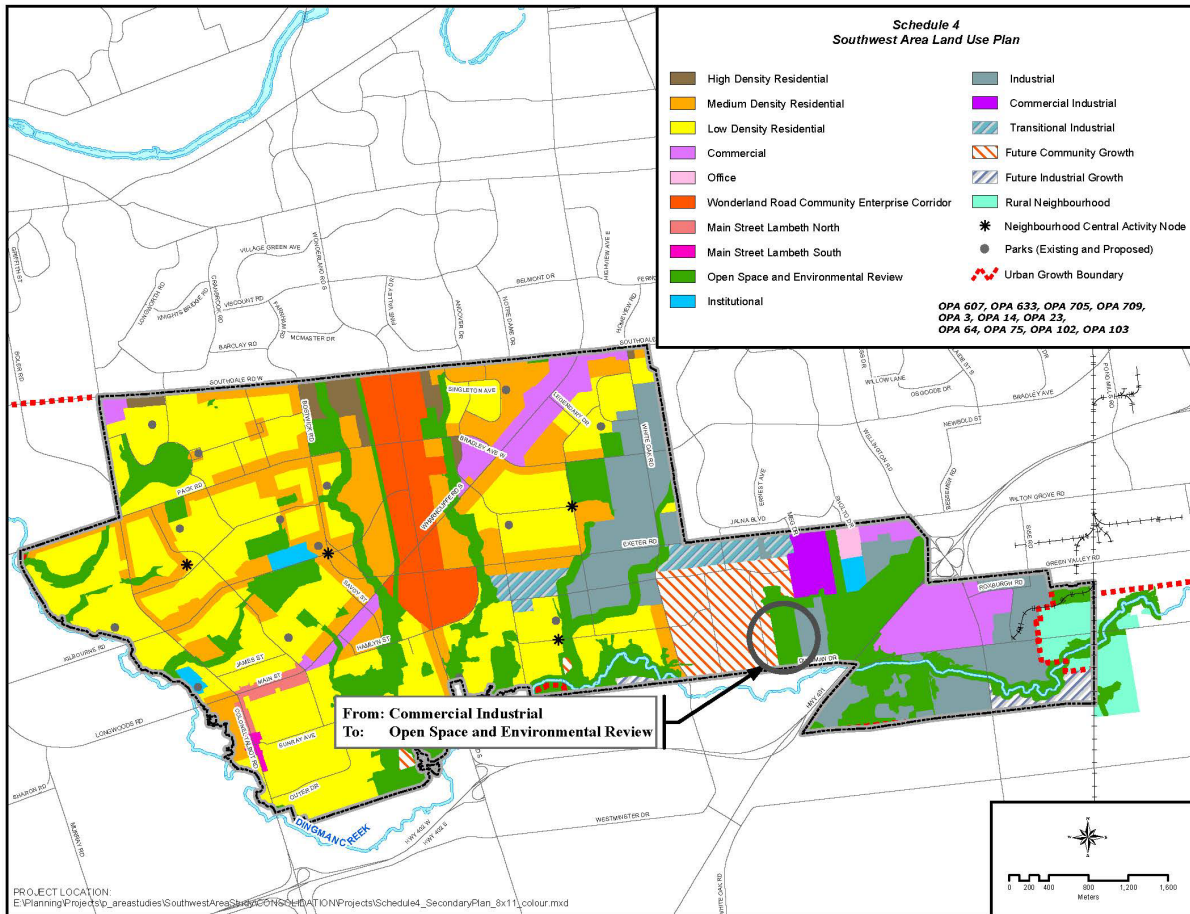
<p align="center">SCHEDULE # TO</p> <p>OFFICIAL AMENDMENT NO. _____</p> <p align="center">PREPARED BY: Planning & Development</p>	<p align="center"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: OZ-9711</p> <p>PLANNER: IDC</p> <p>TECHNICIAN: JI</p> <p>DATE: 10/3/2024</p>
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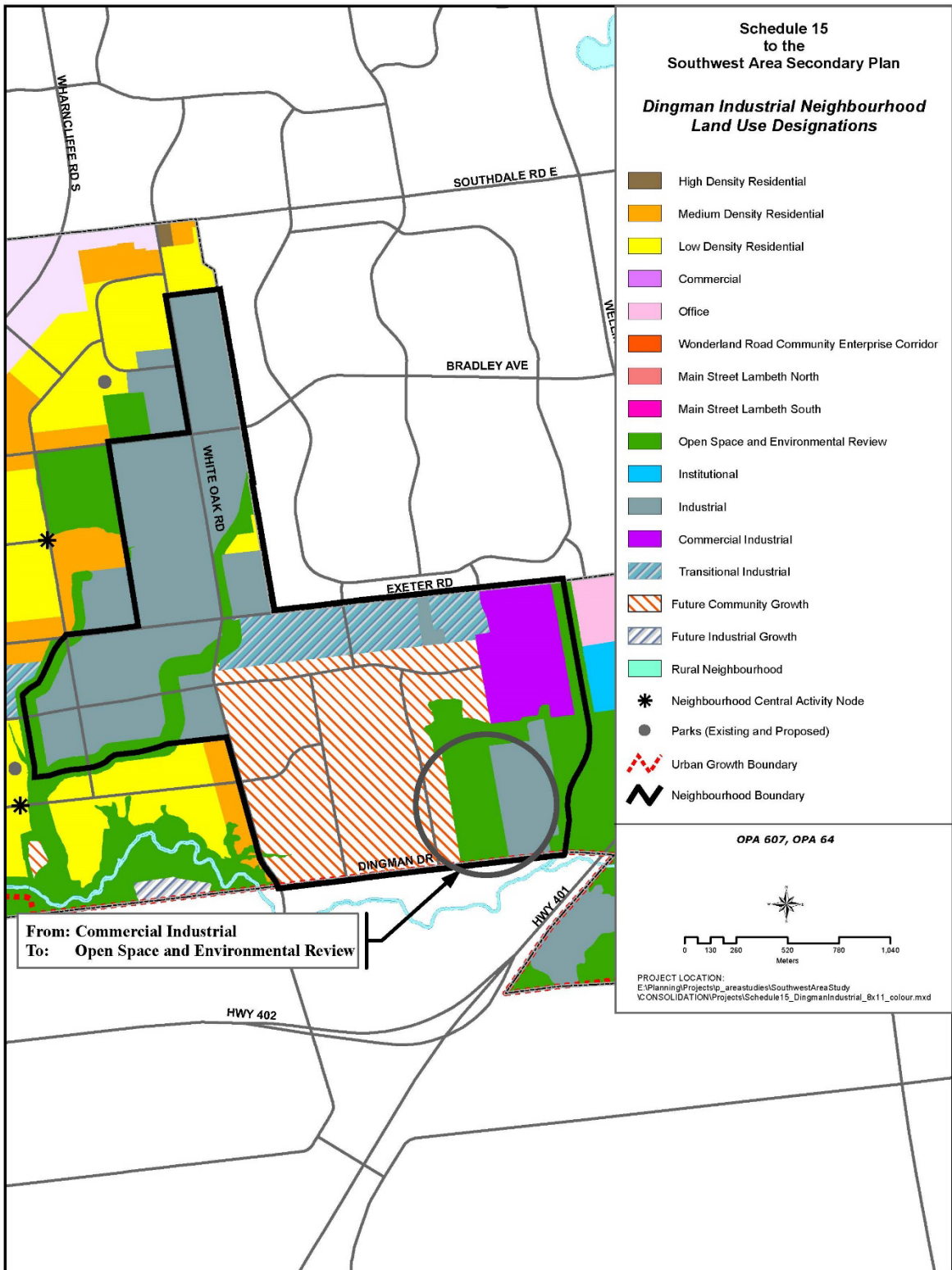
Document Path: E:\Planning\Projects\officialplan\workconsolidations\amendments_LondonPlan\OZ-9711\Projects\AMENDMENT_Map1_PlaceTypes_b&w_8x11.mxd

Official Plan Amendment – Location Map



“Schedule 2”





Appendix B – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3640
Dingman Drive

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3640 Dingman Drive as shown on the attached map, **FROM** an Agricultural AG2 Zone and Environmental Review Zone **TO** an Open Space (OS1) Zone and Open Space (OS5) Zone.
2. This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

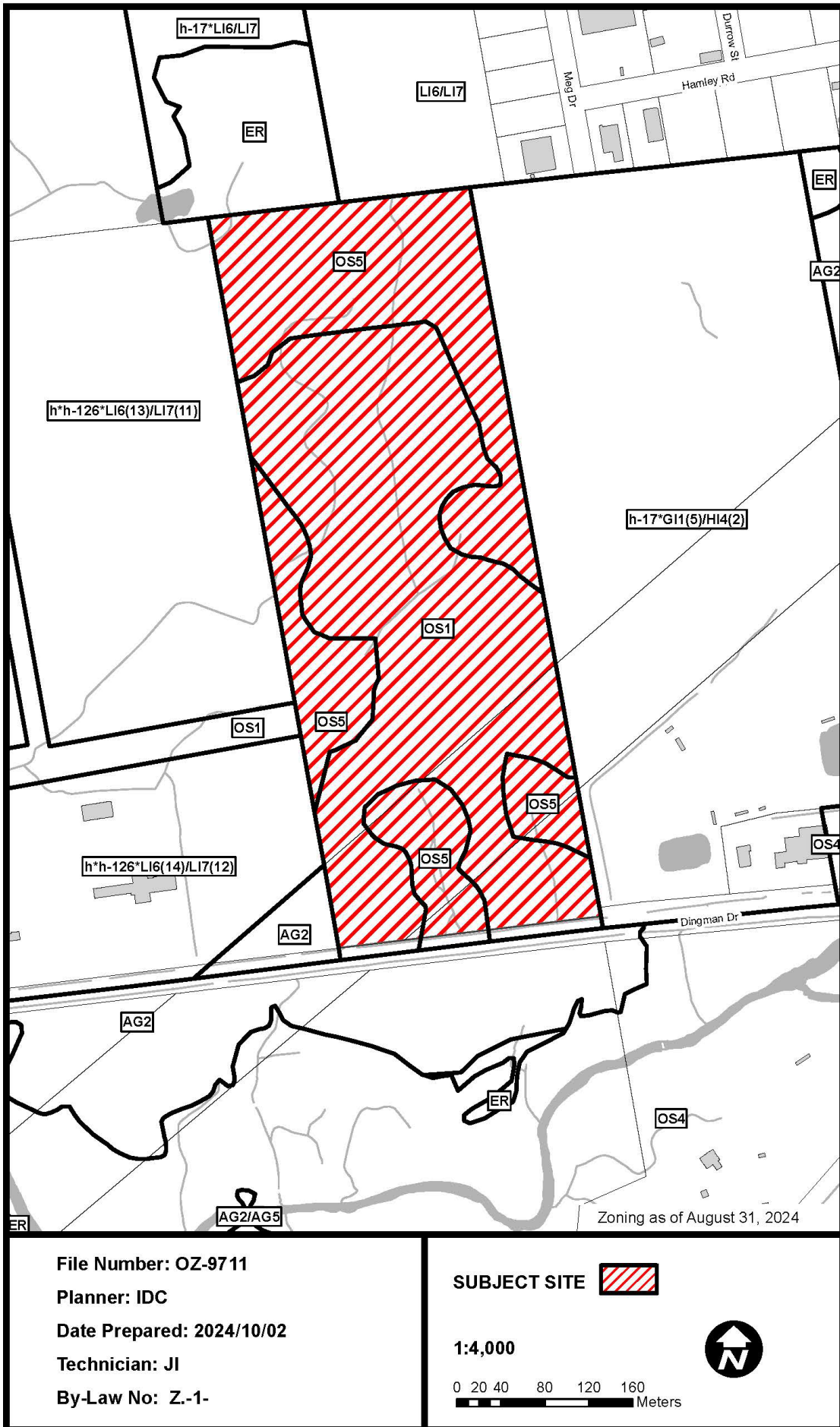
PASSED in Open Council on November 26, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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



File Number: OZ-9711
Planner: IDC
Date Prepared: 2024/10/02
Technician: JI
By-Law No: Z-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters



Geodatabase

Appendix C - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Agricultural
Frontage	178 metres (584 feet)
Depth	675 metres (2,215 feet)
Area	13.5 hectares (33.3 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Industrial, Environmental Review and Future Community Growth
East	Industrial
South	Agricultural
West	Agricultural

Proximity to Nearest Amenities

Major Intersection	Dingman Drive and White Oak Road, 970 metres
Dedicated cycling infrastructure	Dingman Drive, east of Highway 401, 700 metres
London Transit stop	Roxburgh Road, 2,000 metres
Public open space	Marr Drain, 400 metres
Commercial area/use	Wellington Road South, 1,800 metres
Food store	Costco, 1,800 metres
Community/recreation amenity	South London Community Centre, 2,500 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Commercial Industrial Place Type & Future Community Growth Place Type, Civic Boulevard
Current Special Policies	Commercial Industrial designation in the Dingman Industrial Neighbourhood (SWAP)
Current Zoning	Agricultural (AG2) and Environmental Review (ER)

Requested Designation and Zone

Requested Place Type	Green Space Place Type, Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Open Space (OS1) & Open Space (OS5)

C. Development Proposal Summary

Development Overview

Official Plan Amendment and Zoning By-law Amendment to permit a sports park with multiple sports fields.
--

Proposal Statistics

Land use	Recreational & Conservation Lands
Form	Sports fields
Residential units	0

Density	N/A
Gross floor area	To be determined
Building coverage	To be determined, less than 10%
Landscape open space	To be determined, more than 20%
New use being added to the local community	Yes

Mobility

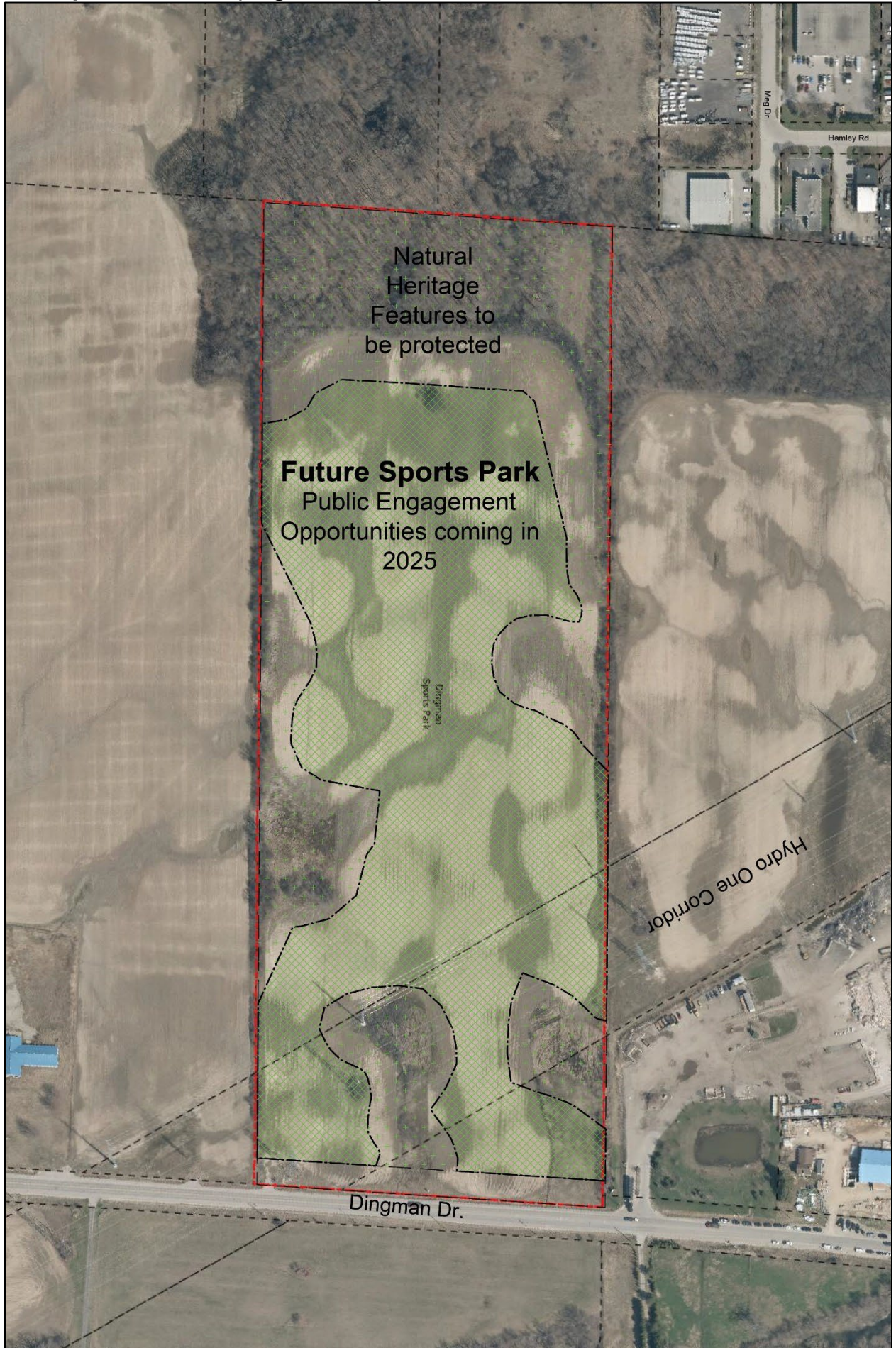
Parking spaces	to be determined, approximately 200 surface parking spaces
Vehicle parking ratio	N/A
New electric vehicles charging stations	TBD
Secured bike parking spaces	TBD
Secured bike parking ratio	TBD
Completes gaps in the public sidewalk	TBD
Connection from the site to a public sidewalk	TBD
Connection from the site to a multi-use path	TBD

Environmental Impact

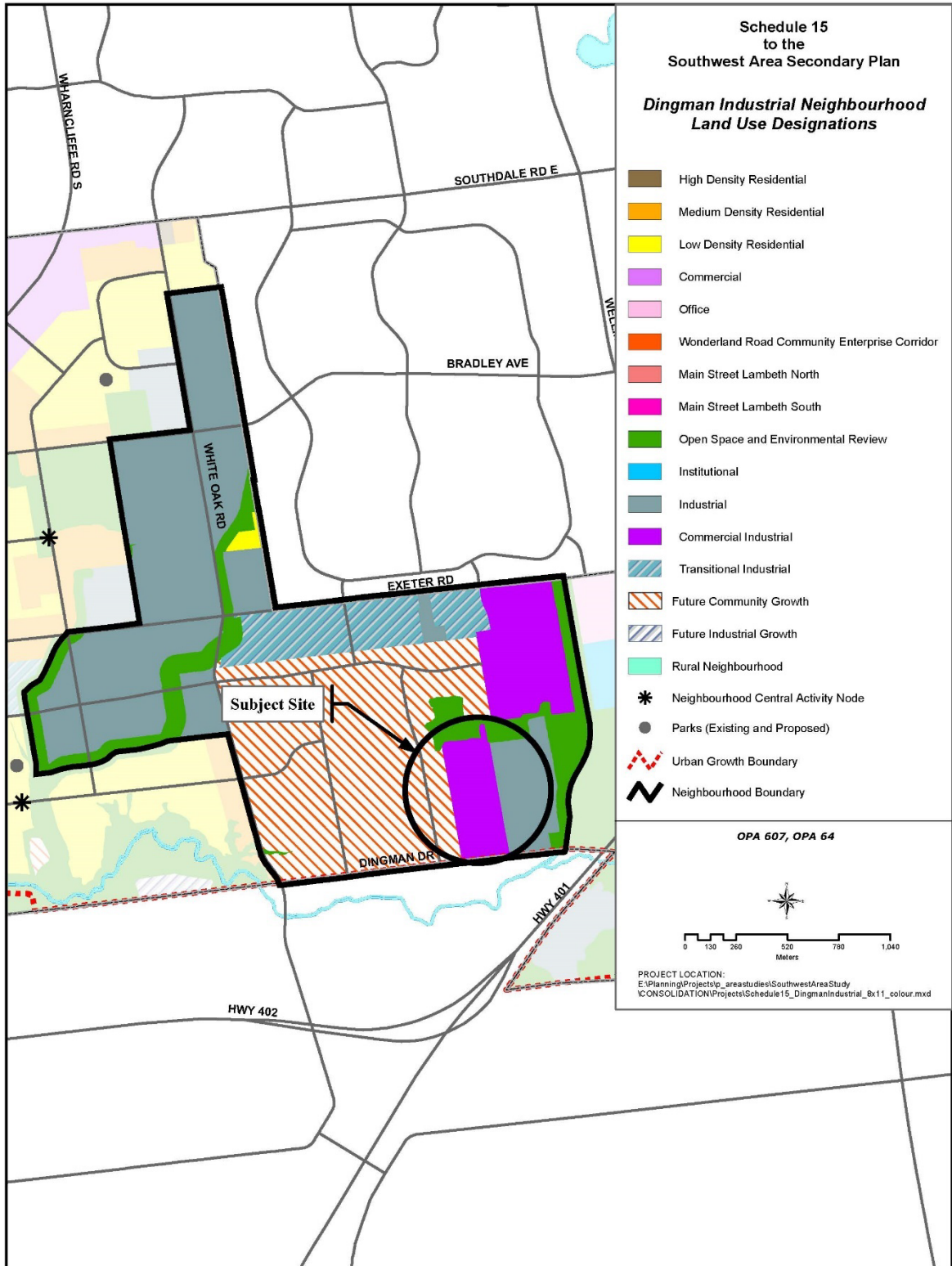
Tree removals	No
Tree plantings	TBD
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	NA
Green building features	Unknown

Appendix D – Additional Plans and Drawings

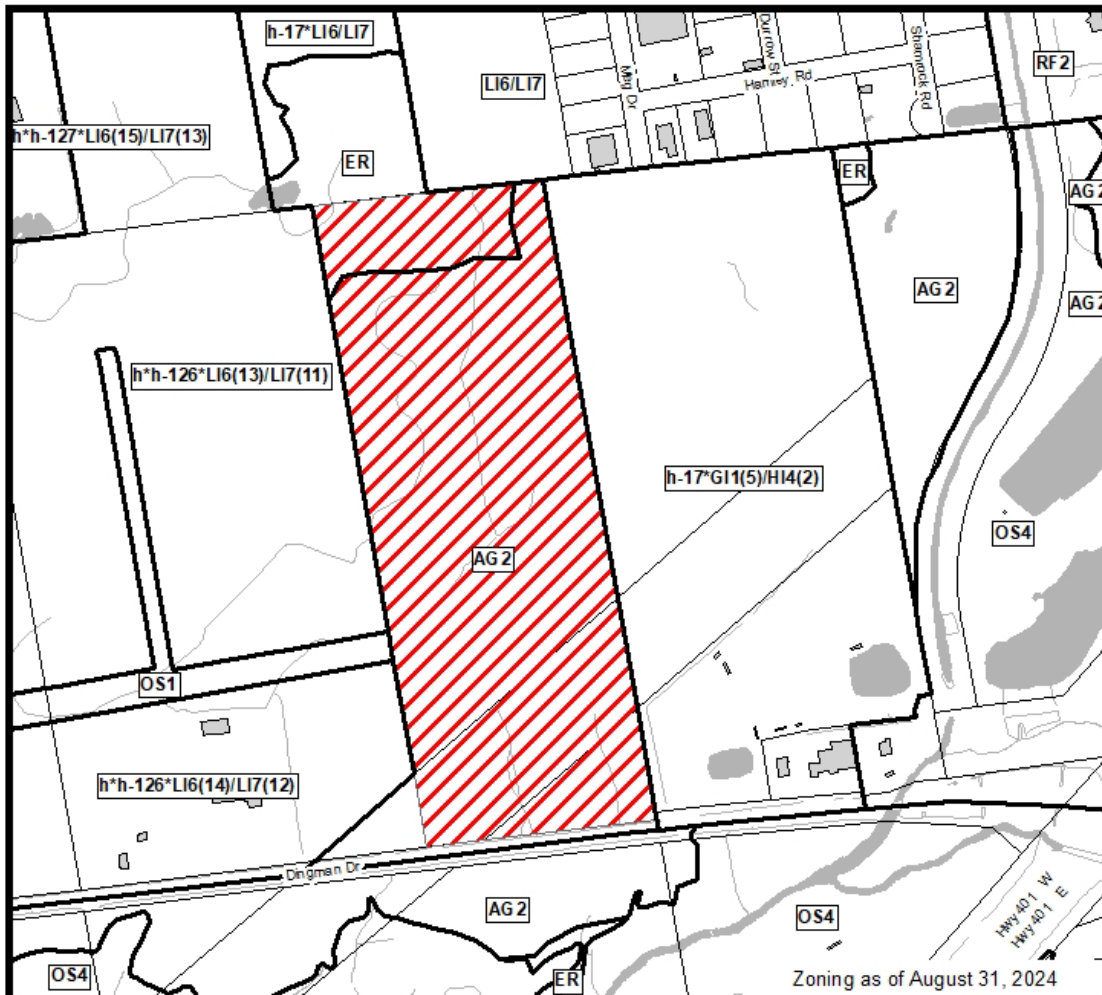
Conceptual Site Plan (August 2024)



SWAP – Schedule 15 Dingman Industrial Neighbourhood Land Use Designation



Zoning Excerpt Map



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2 & ER**

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

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:

OZ-9711 IDC

MAP PREPARED:

2024/10/02 JI

1:6,000

0 30 60 120 180 240 Meters

Appendix E – Internal and Agency Comments

Site Plan

Please note the following for 3640 Dingman Drive:

1. Major Issues
 - None at this time, further review and commentary will be provided once a Site Plan drawing showing site design and functionality is submitted.
2. Matters for OPA/ZBA
 - None at this time, further review and commentary will be provided once a Site Plan drawing showing site design and functionality is submitted.
3. Matters for Site Plan
 - None at this time, further review and commentary will be provided once a Site Plan drawing showing site design and functionality is submitted.
4. Complete Application Requirements
 - Record of Site Plan Consultation

Additional comments will be provided at the time of Site Plan Consultation. If there are any substantial changes, please recirculate for comment.

Heritage

There are no cultural heritage or archaeological concerns with this application.

Ecology

Ecology is in agreement with the Zoning. Parks is providing 30m off the Significant Woodland and providing additional buffer and avoidance with respect to the Terrestrial Crayfish. The Parsons Report is leveraged as the SLSR.

UTRCA

The subject lands *are* regulated by the UTRCA in accordance with Ontario Regulation 41/24, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- Riverine flooding hazards associated with Dingman Creek and its' tributaries; and
- Wetlands and the surrounding area of interference.

Please refer to the attached mapping for the location of the regulated feature. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA. As shown on Map 5 of the London Plan, and consistent with a review of aerial imagery, there are potential unevaluated wetland(s) on the subject lands that are not currently captured on the enclosed regulated areas mapping but have been identified through a previous 2019 Subject Lands Status Report.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

SUMMARY AND RECOMMENDATION

As indicated, the subject lands *are* regulated by the UTRCA due to the presence of riverine flooding and erosion hazards associated with Dingman Creek as well as wetlands and the area of interference surrounding the wetlands. The UTRCA offers the following comments on the proposal:

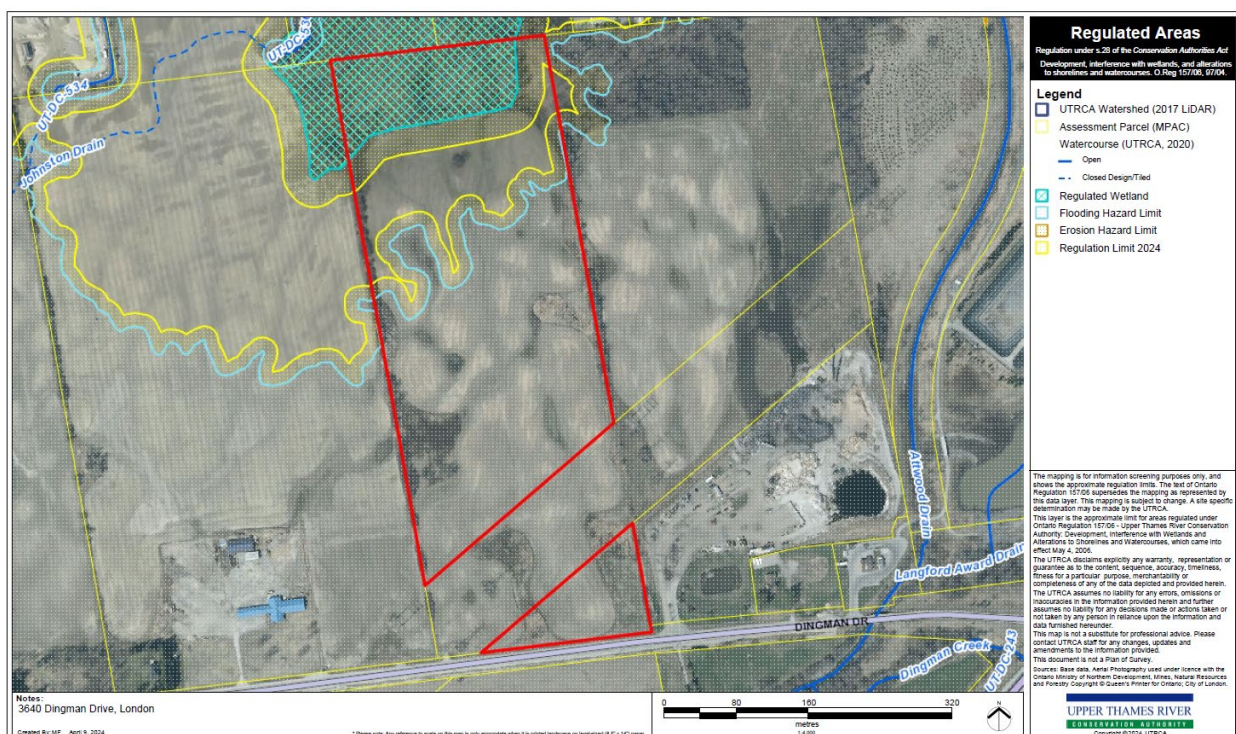
1. The subject lands are located within the Dingman Creek Subwatershed which is subject to an on-going Environmental Assessment (EA) to review stormwater servicing as well as delineating the floodplain. The extent of the flood hazard may change as a result of these works and outcomes of the EA may need to be considered by the applicant with respect to this project through the planning and approval process.

2. The UTRCA, through review of the 2019 SLSR, is satisfied with the proposed 15m setback from the wetland for the *Open Space OS5* zone boundary. The final grading and development setbacks will require completion of, and UTRCA approval of, the final Hydrogeological Assessment and Stormwater Management (SWM) plans to ensure that the hydrological function of the wetland and hazards related to the floodplain have been adequately addressed.

The UTRCA has **no objections** to this Official Plan and Zoning By-law Amendment. For the applicant's information, the following will be required as part of a complete Site Plan Application:

- A revised Concept Plan delineating hazardous lands and all development outside of these areas, including stormwater management infrastructure, facilities, parking and potential trails/pathways;
- A Stormwater Management (SWM) Report;
- An Erosion and Sediment Control (ESC) plan is required; and,
- A grading plan, supported by staged storage balance analysis and flood modeling, is required.

Please note that Section 28 permit application requirements will be confirmed and may be refined during the Site Plan application stage. For a detailed list of Section 28 permit application requirements, please see the enclosed Record of Consultation (2024-08-18), provided to City of London staff in the Parks Department by Michael Funk, UTRCA Land Use Regulations Officer. Please note that the UTRCA's requirements are subject to change pending further consultation and revisions to the proposed development. We remind the applicant that written approval from the Conservation Authority must be obtained prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, or site alteration.



UTRCA Regulated Areas 3640 Dingman Drive

Landscape Architect

The City's Tree Protection Bylaw does not apply to City projects:

This By-law does not apply to:

- (a) activities or matters undertaken by a municipality or a local board of a municipality

Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning-application:

Zoning Application Comments

Planning & Development

- Engineering has no further comments on the above noted application – Approval is recommended. The following comments have been provided shall be addressed at the site plan stage.

Matters for Site Plan

Planning & Development

- The site is within 800m of MTO corridor, and also bisects Hydro One lands. The applicant is to engage with the MTO and HONI as early as possible to confirm any requirements including, but not limited to, easements, permits, or setbacks required for this site.
- The site is located within the UTRCA regulated area and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements, including, but not limited to, approvals, permits, or setbacks required for this site.

Wastewater

- A site servicing plan showing how the proposed development will connect to the existing sanitary sewer will be required.

Stormwater

- The on-going Dingman Stage 2 Environmental Assessment will update and increase floodline area on this site. A two-zone floodplain including a floodway and flood fringe will be proposed. The updated floodplain will require an Official Plan Amendment (OPA) to include changes to the London Plan policies identifying criteria to facilitate development within the flood fringe lands. No development will be possible within the floodway. The OPA will also update the regulatory floodline limit and the conservation authority boundary shown on Map 6 of the London Plan. The OPA will not propose any zoning changes. The EA and OPA are anticipated to be completed by the end of this year (2024). The presentation boards from the Dingman Stage 2 EA public meeting held October 19, 2023 are available online <https://getinvolved.london.ca/dingmancreek>. Please note the floodplain mapping presented at the Public Meeting is now outdated and flood limits within this parcel are anticipated to be greater than what is shown on the available mapping.
- SWED may have future comments pending the outcome of the Dingman EA mentioned above. Additionally, SWED (attn. Amna Tariq) kindly requests to be included as a collaborator while Park Long Range Planning and Design continues to further the concept for this project.
- Subject to the proposed stormwater strategy, applicable studies and approvals may be required (geotechnical study, water balance, hydrogeological study, etc.). Prior to the commencement of a hydrogeological assessment study or assessment in support of the SWMF, the proponent and their consultant are required to

undertake pre-consultation with City of London staff to confirm the scope of the required technical study(ies).

- As part of a complete development application, the owner will be required to have a professional engineer submit to and have approved by the City Engineer the design of a Permanent Private Stormwater System, complete with a Storm/Drainage Servicing report and drawings which should include calculations, recommendations, and details to demonstrate compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS removal), erosion, stream morphology, etc.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- *Additional comments provided at re-zoning:*
 - The engineering design drawings and the conceptual plans previously submitted for PAC are not aligned. Please ensure that the design engineer consults with the conceptual plans for consistency.
 - The engineering design drawings currently do not identify stormwater management features such as LIDs/ Pond (as previously shown in the conceptual plans by Parks). Detailed design drawings and design brief would be required at SPC/SPA to ensure stormwater quality/quantity/erosion/water balance targets are being met.
 - Based on the 2021 Geotech report, groundwater table is intercepted at the southernmost boreholes at 4.4m below ground surface. However, as part of SPA, we require insitu testing of the native soils to establish the saturated hydraulic conductivity, soil types and the infiltration rates to be used for the LIDs (i.e.: bioretention), establish where LIDs can be installed, and LID detailed design.
 - Comments submitted for PAC still apply.
 - If the parking lot LID feature can control volumes for the park, the SWM pond is potentially not required.
 - Please note that an environmental compliance approval (ECA) would be required by the MECP for the SWM pond.
 - SWED kindly requests, if Parks Long Range Planning & Design can leave the southeast triangular parcel vacant, we would be interested in dedication to use it for future Dingman EA flood mitigation. Please see DRAFT floodplain map below for reference.

Water

- Water is available via the 750mm Concrete watermain located on Dingman Drive which is part of the city's low level system with a hydraulic grade line of 301.8m. It should be noted that the cost to construct a connection to this watermain will be substantial due to the size of the existing pipe.
- Alternative water servicing options may become available once the White Oaks Dingman Secondary Plan is finalized .
- Due to factors such as the large size of the site, minimal water demand and potential for seasonal shutdowns, it is anticipated that water quality may be an issue. In the event that water quality cannot be maintained in accordance with city standards, perimeter isolation will be required in the form of a double check-valve assembly installed at property line.
- A water servicing report will be required addressing all domestic demands, fire flows, water quality and the various pressure scenarios as outlined in section 7.3.1 of the city's Design Specifications and Requirements Manual (DSRM)
- Water servicing shall be configured in such a way as to avoid the creation of a regulated drinking water system.
- Further comments will be provided during the site plan application.

Transportation

- Road widening dedication required. Dingman Dr is subject to a 7.942 meter widening.
- Permission from London Hydro regarding easement would be required.
- Left turn lane may be require for Dingman access. Detailed comments regarding access design and location will be made through the site plan process. Proposed site accesses may not work as proposed.

London Hydro

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

Appendix F – Public Engagement

On August 16, 2024, Notice of Application was sent to 16 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 29, 2024. A “Planning Application” sign was also placed on the site.

There was one responses received during the public consultation period.

Nature of Liaison: The purpose and effect of this Official Plan & Zoning amendment is to change the designation from the Commercial Industrial Place and Environmental Review to the Green Space Place Type, to permit a Regional Sports Park. Possible change to Zoning By-law Z.1 **FROM** an Agriculture (AG2) Zone and Environmental Review (ER) Zone **TO** an Open Space (OS1) Zone & Open Space (OS5) Zone. The City may also consider additional considerations such as a different base zone, the use of holding provisions, and/or additional special provisions. File OZ-9771. Planner: I. de Ceuster

Public Comment #1 – Zelinka Priamo Ltd. on behalf of Try Recycling

Good morning, Isaac,

Please find attached the comment letter outlining our concerns and compatibly issues we foresee regarding the proposal for a Regional Sports Park next to the Try Recycling facility.

Kind regards,

**Re: Comment Letter – OZ 9771
Try Recycling
3544 Dingman Drive, London, ON
Our File: TRY/LON/17-01**

Zelinka Priamo Ltd. is the planning consultants working on behalf of Try Recycling for lands located at 3544 Dingman Drive (the “subject lands”). This letter provides comments on the City initiated Official Plan Amendment and Zoning By-law Amendment application (OZ-9771) on lands known municipally as 3640 Dingman Drive, which proposes a Regional Sports Park.

We are concerned regarding the compatibility of the proposed recreational use abutting Try Recycling’s Dingman Drive EnviroDepot Facility. While our client is not objecting to the proposed recreational use, Try Recycling requires written assurance from the City of London that neither their existing operations, nor ability to expand under their existing zoning permissions, will be negatively impacted by the proposed Regional Sports Facility.

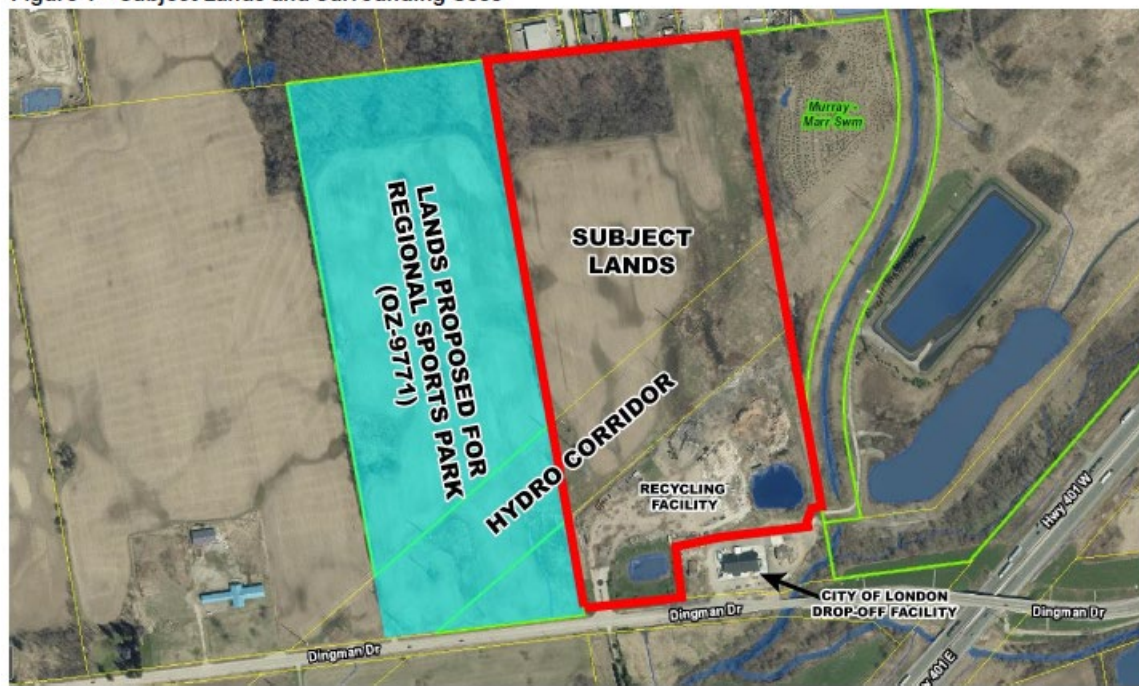
SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located on the north side of Dingman Drive, approximately 350m west of Highway 401 (Figure 1). The subject lands abut the lands proposed for a Regional Spots Park.

The subject lands currently function as a recycling facility, owned and operated by Try Recycling, in the southerly portion of the property, with cultivated fields on the northerly portion. The site is also bisected on the southerly portion by a Hydro One corridor. The irregularly-shaped parcel containing the recycling facility has approximately 119.7 m of frontage on Dingman Drive, a depth of approximately 666.3 m, and an area of approximately 18.9 ha (46.7 ac). The operations of the recycling facility include the acceptance and processing of various types of waste, including electronics, rubble, tires, metal, construction debris, large household items etc. Try Recycling’s current operations are limited to the southerly portion of the parcel; however, they are permitted

to expand operations to the northern corridor of the subject lands. Lands north of the corridor offer significant expansion opportunities.

Figure 1 – Subject Lands and Surrounding Uses



A City of London waste drop-off facility, operated in conjunction with Try Recycling, is also located at the subject lands. Due to the heavy industrial nature of the existing uses, off-site impacts such as noise, dust, vibration, and odour are likely to impact abutting lands. While Try Recycling maintains an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation, and Parks (MECP), and makes best efforts to reduce off-site impacts, such emissions are a normal and expected by-product of heavy industries.

Surrounding land uses include agricultural fields, the Dingman Sanitary Pump Station, the Marr Drain, and the City's sewage detention lagoon. These uses, in particular the City's sewage detention pond, can and do create off-site odour impacts.

The subject lands (3544 Dingman Drive) are identified within the "Light Industrial" Place Type in the London Plan, and are zoned "General Industrial 1 GI1(5)" and "Heavy Industrial 4 HI4(2)" with an "h-17" Holding Provision in the City of London's Z.-1 Zoning By-law. The zoning applied to the subject lands permits significant expansion of Try Recycling's facilities.

PROPOSED PLANNING APPLICATION (OZ-9771)

Lands abutting the subject lands to the west (3640 Dingman Drive) are proposed to be developed for a Regional Sports Park as presented in a planning application brought forth by the Parks and Forestry Department of the City of London. The Planning Justification Report makes no reference to the presence of Try Recycling and provides no analysis on land use compatibility within the area.

The park is intended to accommodate multiple high-end sports fields, providing services to the Southwest Area and the whole of the City. The Sports Park will generally be programmed by the City to service sports associations and tournaments, which can include fully lit sports fields, parking lots, pathways and washroom facilities. The Sports Park is intended also to serve as a neighbourhood park for the surrounding community and provide neighbourhood amenities as well.

CURRENT POLICY & REGULATORY FRAMEWORK

The subject lands are identified within the "Light Industrial" Place Type in the London Plan (Figure 2).

Figure 2 – The London Plan – Map 1 Place Types (outlined in red)



Despite the subject lands being located within the “*Light Industrial*” Place Type, the lands are zoned for, and contain, an active heavy industrial use. As such, policies from the London Plan pertaining to heavy industrial uses are relevant and appropriate for evaluating the proposal to develop a Regional Sports Park on the abutting lands. Policy 1109 of the London Plan states that heavy industries generate significant impacts such as noise, vibration, air emissions, hazardous materials and unsightly outdoor storage, which should be separated from uses to avoid land use conflicts and to allow them to operate effectively without regular complaints from adjacent uses. The London Plan not only recommends separating sensitive land uses from heavy industrial sites, but to also separate heavy and light industrial uses from one another to avoid conflicts (Policy 1113.1). Additionally, the London Plan states that industrial uses that are sensitive to noise, odour, particulates, vibration, and other impacts that may be generated by surrounding industrial land uses will not be permitted as they may preclude or hinder the operation of the intended heavy industrial uses in this Place Type (Policy 1114.3). Policies of the London Plan further emphasize this by stating that uses that are not compatible with heavy industrial uses will not be permitted, to ensure that there are no encumbrances to the operation of the uses primarily intended for this Place Type (1114.8). The Province’s *D-series Guidelines* used to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another are to be evaluated and implemented here (Policy 1114.9). While the *D-6 Guidelines* are not applicable to recycling facilities with an ECA, their principle of land use compatibility is very much valid in this case. This principle is also applied to the notion of placing heavy industrial uses next to sensitive land uses.

Figure 3 – Zoning By-law Z-1 (subject lands outlined in red)



The subject lands are zoned “*General Industrial 1 GI1(5)*” and “*Heavy Industrial 4 HI4(2)*” with an “*h-17*” Holding Provision in the City of London’s Z.-1 Zoning By-law (Figure 3). The City of London Z.-1 Zoning By-law states that the “*General Industrial*” zone provides for and regulates a broad range of industrial activities which are appropriate in large industrial areas, or areas not adjacent to sensitive land uses. The GI1 Zone variation includes the standard range of industrial uses, uses which generally impact adjacent uses. Additionally, the “*Heavy Industrial*” Zone provides for and regulates industrial uses which are noxious and which should be separated from sensitive land uses. The present use of the subject lands produces off-site impacts conducive to heavy industrial activities, including noise, dust, vibration, and noxious fumes.

PLANNING CONSIDERATIONS

Land use planning practice strives to ensure compatible relationships between various land uses. One of the founding principles of land use compatibility is to ensure sufficient separation between heavy industrial uses and sensitive land uses.

A Regional Sports Park is considered a sensitive land use by virtue of its public use nature and outdoor facilities. The presence of the abutting recycling facility at 3544 Dingman Drive will likely have undesirable impacts on such a use if developed on adjacent lands.

The development of a Regional Sport Park on lands abutting a heavy industrial use has the potential to elicit complaints from users of the sports park and ultimately hinder the efficient operation of Try Recycling. For the above noted reasons, the proposed Regional Sport Facility is not consistent with the London Plan’s land use compatibility policies and we strongly urge caution due to the potential for detrimental compatibility issues.

For reference, Section 40.3.4 of the Z.-1 Zoning By-Law requires that secondary uses in the “*Light Industrial*” zone category, which includes recreational uses, be located at least 300m from any “*General Industrial (GI)*” or “*Heavy Industrial (HI)*” zone. This regulation was established due to actual land use conflicts that have arisen with the placement of such sensitive land uses too close to existing industrial uses. We are concerned that the City’s sports park proposal is in conflict with the objective of Section 40.3.4 of the Z.-1 Zoning By-law and may create land use conflicts with Try Recycling. Notably, the lands proposed to be developed for the Regional Sports Park were redesignated to the “*Commercial Industrial*” Place Type to provide a transition from heavy industrial uses to more sensitive land uses including areas within the “*Future Community Growth*” Place Type and existing residential areas to the west. While a Regional Sports Park in this location would provide a buffer to residential uses to the west, the sensitive nature of the use itself negates any meaningful transition.

The Province’s *D-Series Guidelines* are intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. While Try Recycling’s facility is not subject to such guidelines due to its achievement of an ECA, the guidelines should be reviewed as they provide an objective basis for analysis. If the guidelines were to be applied here, we interpret Try Recycling’s operation to be a Class II industrial use which carries an influence area of 300m and recommended minimum separation distance to sensitive land uses of 70m. The proposed Regional Sports Facility is therefore not consistent with the separation guidelines if they were to be applied here.

Despite our land use compatibility concerns, Try Recycling does not oppose the development of 3640 Dingman Drive for a Regional Sports Park. However, we request that Council consider the well-known impacts of Try Recycling’s existing industrial use on sensitive, recreational activities as they pertain to this application. Furthermore, we request written confirmation from the City that there will be no negative impacts on Try Recycling’s existing operations and their future expansion rights as set out in the Zoning By-law.

We trust that the enclosed information is satisfactory. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: DBNM Investment & Management Ltd. (c/o Siv-ik Planning & Design)
383 Clarke Road & 1906 Whitney Street
File Number: Z-9779, Ward 2
Public Participation Meeting

Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application of DBNM Investment & Management Ltd. (c/o Siv-ik Planning & Design) relating to the property located at 383 Clarke Road and 1906 Whitney Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 26, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R2 (R2-3) Zone, **TO** a Holding Residential R2/Residential R8 (h-89*R2-3/R8-4(_)) Zone;

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Planning Statement, 2024 (PPS);
- ii) The recommended amendment conforms to The London Plan, including, but not limited to the Key Directions, City Design and Building policies, and the Neighbourhoods Place Type policies;
- iii) The recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the context of the site and surrounding neighbourhood; and
- iv) The recommended amendment support's Council's commitment to increase housing supply and affordability, and initiatives related to the Housing Accelerator Fund.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R2 (R2-3) Zone to a Holding Residential R2/Residential R8 (h-89*R2-3/R8-4(_)) Zone. Requested special provisions include a minimum lot frontage of 17.4 metres (as existing), a minimum front yard setback of 2.0 metres, a minimum interior side yard depth of 2.4 metres, a maximum height of 10.5 metres, a maximum density of 100 units per hectare, and a minimum parking aisle width of 6.0 metres.

Staff are recommending approval with additional special provisions, as well as a holding provision, to ensure the development will not occur until such time as matters related to stormwater management have been addressed.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law Amendment with special provisions to permit a 2.5-storey, **10-unit** residential development and seven (7) parking spaces.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Strategic Plan Area of Focus: Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Strategic Plan Area of Focus: Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Strategic Plan Area of Focus: Housing and Homelessness**, by supporting faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject properties, municipally known as 383 Clarke Road and 1906 Whitney Street, are located on the west side of Clarke Road and the north side of Whitney Street, within the Argyle Planning District. The subject lands have a frontage of 17.4 metres along Clarke Road, and 6.0 metres along Whitney Street, with a consolidated lot area of approximately 1,032.63m². The property at 383 Clarke Road currently contains an existing four-unit converted dwelling, and the property at 1906 Whitney Street is currently vacant.

Site Statistics:

- Current Land Use: Residential
- Frontage: 17.4 metres (57 feet)
- Depth: 53.3 metres (174.8 feet)
- Area: 0.1 hectares (0.25 acres)
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Low-Density Residential & Commercial
- East: Low-Density Residential
- South: Low-to-Medium-Density Residential
- West: Commercial

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods Place Type fronting a Civic Boulevard (Clarke Road)
- Existing Zoning: Residential R2 (R2-3) Zone



Figure 1- Aerial Photo of 383 Clarke Road & 1906 Whitney Street and surrounding lands.



Figure 2 - Streetview of 383 Clarke Road (view looking west)



Figure 3 - Streetview of 1906 Whitney Street (view looking north)

2.0 Discussion and Considerations

2.1 Development Proposal

The subject lands are proposed to be redeveloped with a low-rise apartment building with a height of 9.0 metres. The proposed development consists of 10 residential dwelling units, equating to a residential density of 97 units per hectare. The proposed building is oriented along and located close to the Clarke Road streetscape. Vehicular access is proposed to be provided via a new driveway from Whitney Street. Vehicular parking is proposed within a surface parking area behind the development, containing a total of seven (7) spaces, with at a rate of 0.7 spaces per unit. Long-term bicycle parking is proposed at a rate of 0.9 spaces per unit, and a minimum of 0.1 short term bicycle parking spaces will be provided. Recessed balconies are proposed to provide for private amenity space for residents.

The proposed development includes the following features:

- Land use: Residential
- Form: Low-rise Apartment Building
- Height: 2.5 storeys (9.0 metres)
- Residential units: 10
- Density: 97 units per hectare
- Building coverage: 28%
- Parking spaces: 7 surface parking spaces (0.7 per unit)
- Bicycle parking spaces: 0.9 long-term spaces per unit; 0.1 short-term spaces per unit
- Landscape open space: 37%

Additional information on the development proposal is provided in Appendix B.

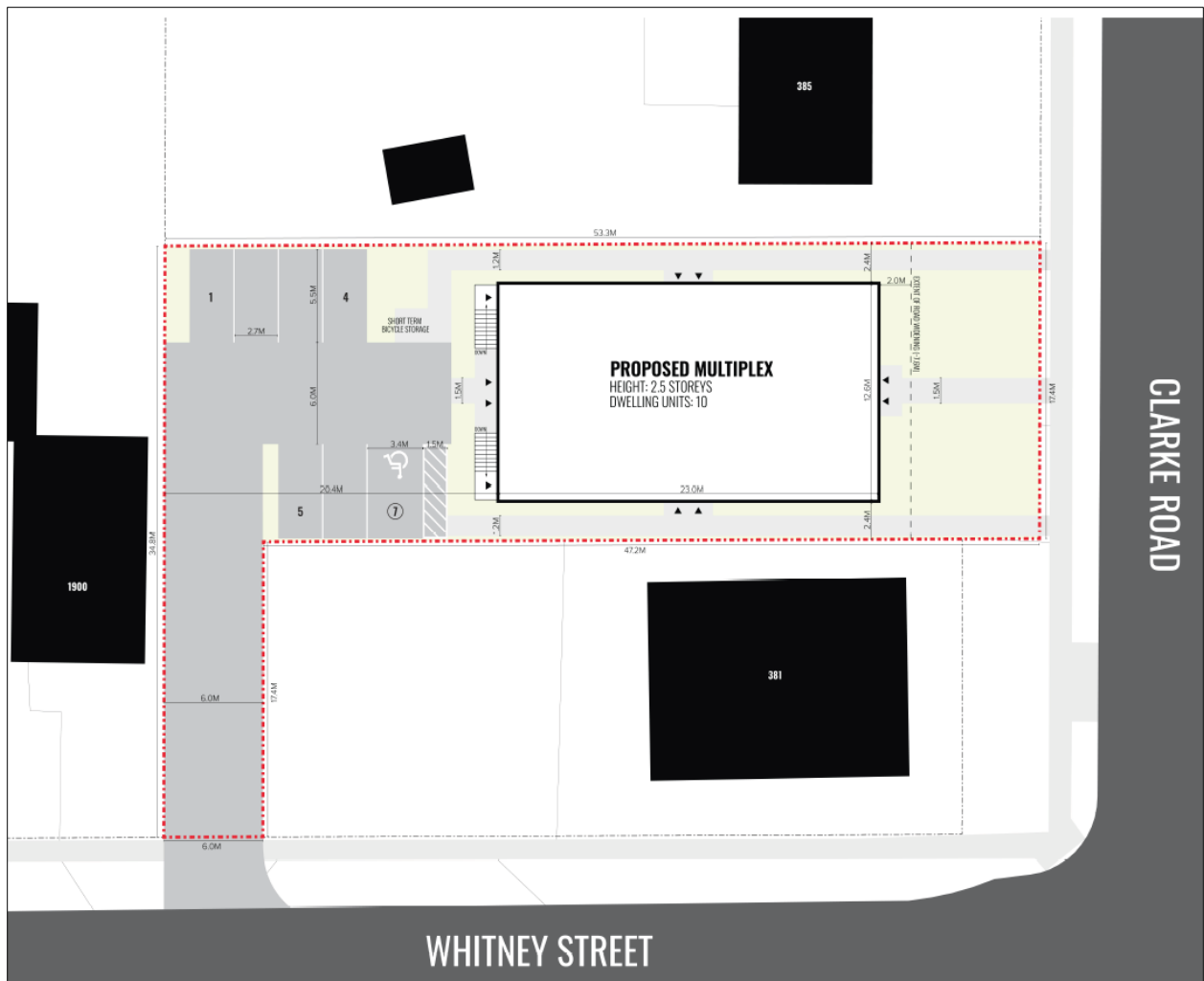


Figure 4 - Conceptual Site Plan (Received August 2024)

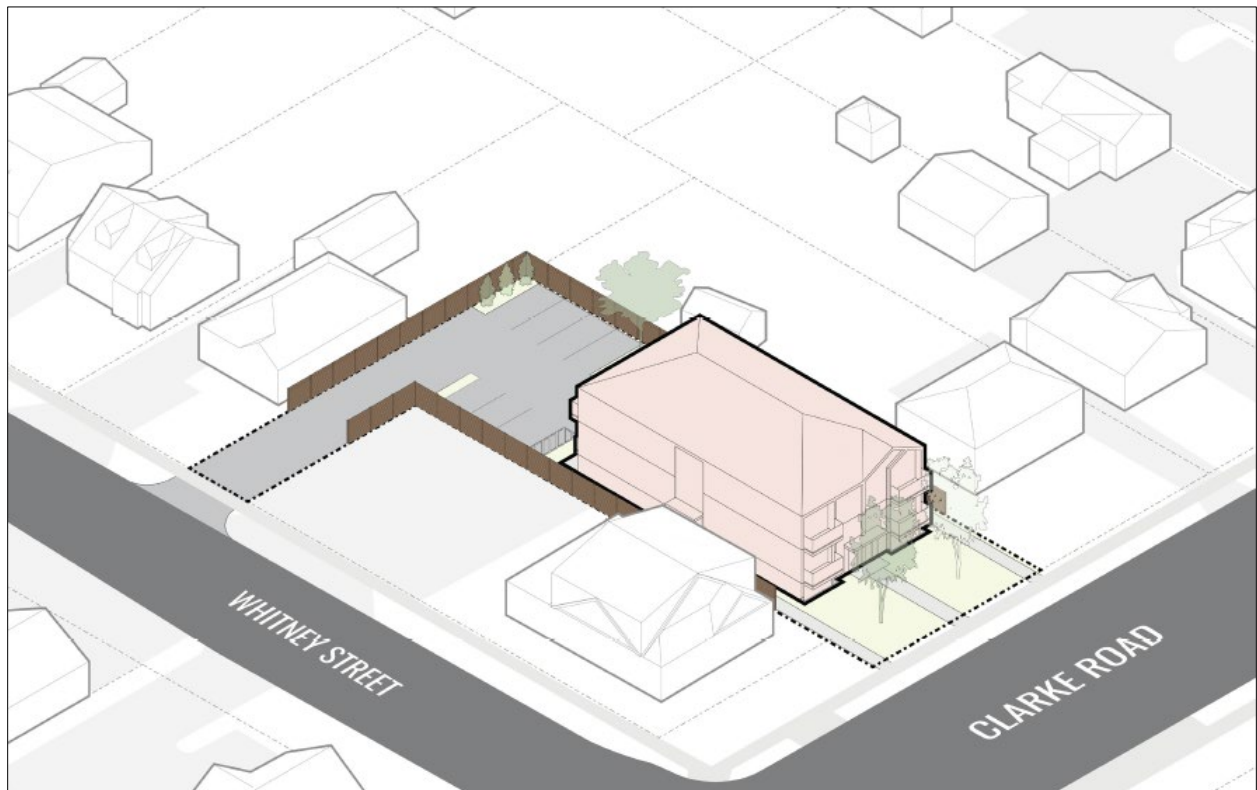


Figure 5 – Rendering of proposed apartment building (Received August 2024)

Additional plans and drawings of the development proposal are provided in Appendix C.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R2 (R2-3) Zone to a Holding Residential R2/Residential R8 (h-89*R2-3/R8-4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R8-4(_))	Required	Proposed
The Clarke Road frontage shall be deemed to be the front lot line		
Lot Frontage (minimum)	30 metres	17.4 metres (as existing)
Front and Exterior Side Yard Depth (minimum)	6 metres (19.7 feet) plus 1 metre (3.3 feet) per 10 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	2.0 metres
Interior and Rear Yard Depth (minimum)	1.2 metres (3.9 feet) per 3 metres (9.8 feet) of main building height or fraction thereof above 3 metres (9.8 feet), but in no case less than 4.5 metres (14.8 feet)	2.4 metres (2.0 metres recommended)
Height (maximum)	13.0 metres	10.5 metres
Density (maximum)	75 units per hectare	100 units per hectare
Parking Aisle Width (minimum)	6.5 metres	6.0 metres

2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Detailed internal and agency comments are included in Appendix D of this report.

2.4 Public Engagement

On September 3, 2024, Notice of Application was sent to 41 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 12, 2024. A “Planning Application” sign was also placed on the site.

There was one response received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Site access/vehicular traffic onto Whitney Street

Detailed public comments are included in Appendix E of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are in the Neighbourhoods Place Type of The London Plan, with frontage on a Civic Boulevard, in accordance with Map 1 – Place Types and Map 3 – Street Classifications.

Table 10 – Range of Permitted Uses provides the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type by street classification (TLP 921_). At this location, Table 10 permits a range of low-to-medium density residential uses including: single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, stacked townhouses, fourplexes, and low-rise apartment buildings. Staff are satisfied the proposed use is in conformity with the policies of the Neighbourhoods Place Type of The London Plan.

4.2 Intensity

The proposed residential intensity is consistent with the policies of the PPS 2024 that encourage all types of residential intensification, including redevelopment which results in a net increase in residential uses (2.2.1.2), compact form (2.4.1.3.c), and an appropriate mix of housing options and densities (2.3.1.3). The proposed intensity conforms with Table 11 – Range of Permitted Heights in Neighbourhoods Place Type, which contemplates a minimum height of 2-storeys (8 metres), and a standard maximum height of 4-storeys and upper maximum height of 6-storeys for properties with frontage along a Civic Boulevard within the Neighbourhoods Place Types. As a maximum height of 2.5-storeys (9.0 metres) is proposed, the proposed development is in conformity with The London Plan policies.

4.3 Form

Within the Neighbourhoods Place Type, and in accordance with the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of site layout, access points, driveways, landscaping, amenity areas, building location and parking, building and main entrance orientation, building line and setback from the street, height transitions with adjacent development, and massing (TLP 953_2, a. to f.).

All planning and development applications will conform with the City Design policies of The London Plan (TLP 194_). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (TLP 193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and promote connectivity and safe movements for pedestrians, cyclists, and motorists between and within sites (TLP 252_ and 255_). In terms of built form, buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings and minimize the visual exposure of parking areas to the street (TLP 256_ & 269_).

The built form consists of a 2.5-storey (9.0 metre) residential apartment building oriented towards Clarke Road. As proposed, the built form directs the height and intensity toward a higher order street (Clarke Road) (TLP 918_13) with appropriate buffering and setbacks towards the existing residential uses to the north and south (TLP 953_2). The proposed built form and massing have consideration for the adjacent low density residential uses and is appropriate within the context of the surrounding neighbourhood (TLP 953_2).

Access to the subject lands is proposed via a driveway onto Whitney Street, promoting connectivity and safe movement for pedestrians, cyclists, and motorists (TLP 255_). As proposed, the parking is to be visually screened from the street, thereby encouraging a pedestrian oriented streetscape (TLP 936_4).

The proposed built form is consistent with the Neighbourhoods Place Type policies and the City Design policies of The London Plan by facilitating a compatible form of development that will help support the growing demands of London residents (TLP 937_). Specifically, facilitating a development that supports aging in place, affordability, and the effective use of land in neighbourhoods (TLP 193_7).

4.4 Zoning Provisions

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from a Residential R2 (R2-3) Zone, to a Holding Residential R2/Residential R8 (h-89*R2-3/R8-4(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff.

Lot Frontage (Minimum) – 17.4 metres (as existing)

The intent of regulating minimum lot frontages is to ensure lots are adequately sized and shaped to support the intended use of the lands. In this case, a 17.0 metre wide frontage along Clarke Road is requested to recognize the existing lot configuration. Staff are of the opinion that the existing lot configuration provides for sufficient space to accommodate appropriately sized new buildings in addition to contextually sensitive side yard setbacks. As the shortest lot line abutting the street is currently Whitney Street, a special provision to deem the lot line abutting Clarke Road the front lot line is also recommended.

Front Yard Setback (Minimum) – 2.0 metres

The applicant is requesting a special provision to permit a front yard depth of 2.0 metres, whereas a minimum of 6.0 metres is required. The reduced front yard setback is supported by the policies of The London Plan, which states that buildings should be sited close to the street to maintain and reinforce the prevailing street wall and create an inviting and comfortable pedestrian environment (The London Plan, 259_). Staff are supportive of the reduced front yard setback as the proposed building will create a human-scale relationship with the public realm that is comfortable for pedestrians.

Interior Side Yard Setback (Minimum) – 2.0 metres

The applicant is requesting a special provision to permit an interior side yard setback of 2.4 metres, whereas a minimum of 3.6 metres is required. Staff are supportive of the reduced setback, as the development maintains appropriate spacing between buildings to allow for sunlight, landscape buffering, and fencing. To provide additional flexibility in building design, staff recommend a setback of 2.0 metres.

Height (Maximum) – 10.5 metres

The applicant is requesting a special provision to permit a maximum building height of 2.5-storeys, or 10.0 metres, whereas 13.0 metres is the maximum permitted. To align the proposed zoning with a low-rise built form along a Civic Boulevard, the maximum height permitted is proposed to be lowered from the typical R8-4 requirement of 13.0 metres to 10.5 metres. The 10.5 metre maximum height aligns with the permissions of the existing R2 Zone categories that currently apply to the site.

Density (Maximum) – 100 units per hectare

The applicant is requesting a special provision to permit a maximum density of 100 units per hectare, whereas 75 units per hectare is the maximum permitted. The increased density will allow for the implementation of the proposed redevelopment, facilitating an appropriate scale of development that is compatible within the existing neighbourhood character (TLP 918_13). Further, the proposed development is located in proximity of existing transit routes, which will support the use of transit by future residents. On this basis, staff are supportive of the proposed density of 100 units per hectare.

Parking Aisle Width (Minimum) – 6.0 metres

The applicant is requesting a special provision to permit a parking aisle width of 6.0 metres, whereas 6.5 metres is the minimum required. Section 4.19 6) of the Zoning By-law regulates driveway widths and access to parking areas. Section 4.19 6 b) of the Zoning By-law notes that for uses not subject to site plan control, driveways and parking aisles shall have a minimum unobstructed width of 6.5 metres, where two-way traffic is permitted. The intent of the regulation is to ensure that uses that do not require site plan control provide a standard two-way driveway (and parking aisle access, when applicable) for access purposes. Due to the existing lot configuration and to optimize the overall design and functionality of the project, staff are satisfied that a 6.0 metre drive aisle is appropriate to accommodate adequate room for site access and maneuvering within the site.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R2 (R2-3) Zone, to a Holding Residential R2/Residential R8 Special Provision (h-89*R2-3/R8-4(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions and a holding provision.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will permit a 2.5-storey, 10 unit residential development and 7 parking spaces.

- Prepared by:** **Chloe Cernanec**
Planner, Planning Implementation
- Reviewed by:** **Catherine Maton, MCIP, RPP**
Manager, Planning Implementation
- Recommended by:** **Heather McNeely, MCIP, RPP**
Director, Planning and Development
- Submitted by:** **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 383
Clarke Road & 1906 Whitney Street

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 383 Clarke Road & 1906 Whitney Street, as shown on the attached map **FROM** a Residential R2 (R2-3) Zone **TO** a Holding Residential R2/Residential R8 Special Provision (h-89*R2-3/R8-4()) Zone.
2. Section Number 12.4 of the R8-4 Zone is amended by adding the following Special Provisions:

R8-4() 383 Clarke Road & 1906 Whitney Street
 - a. Regulations
 1. Clarke Road shall be deemed to be the front lot line
 2. Lot Frontage (minimum) – 17.4 metres
 3. Front and Exterior Side Yard Depth (minimum) – 2.0 metres
 4. Interior and Rear Yard Depth (minimum) – 2.0 metres
 5. Height (maximum) – 10.5 metres
 6. Density (maximum) – 100 units per hectare
 7. Parking Aisle Width (minimum) – 6.0 metres
3. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990*, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

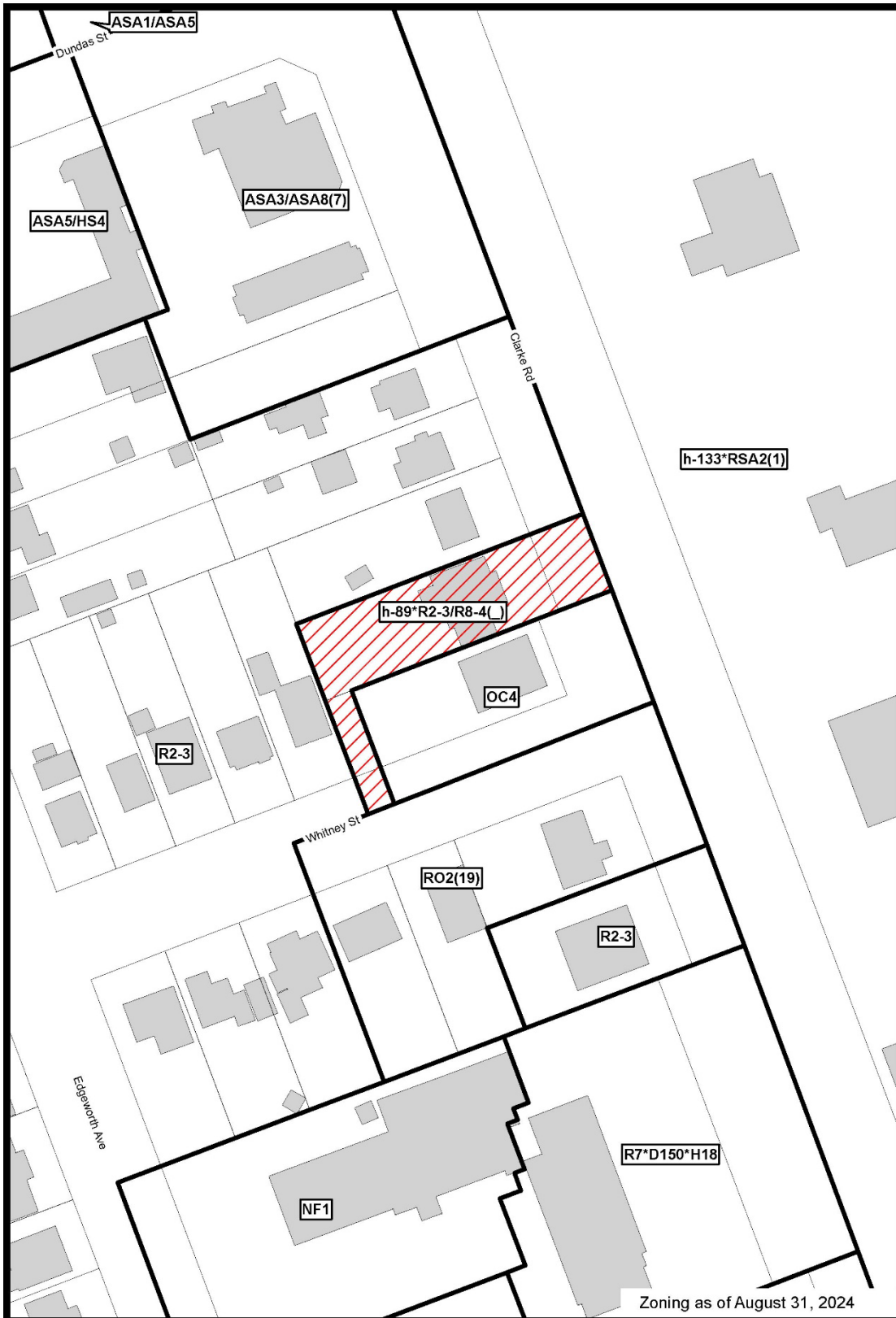
PASSED in Open Council on November 26, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.


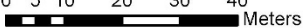

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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



<p>File Number: Z-9779 Planner: CC Date Prepared: 2024/10/01 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,000</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Residential
Frontage	17.4 metres (57 feet)
Depth	53.3 metres (174.8 feet)
Area	0.1 hectares (0.25 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Low-Density Residential & Commercial
East	Low-Density Residential
South	Low-to-Medium Density Residential
West	Commercial

Proximity to Nearest Amenities

Major Intersection	Clarke Road & Dundas Street, 140 metres
Dedicated cycling infrastructure	Wavell Street, 590 metres
London Transit stop	Clarke Road, 150 metres
Public open space	Mildred Barons Park, 970 metres
Commercial area/use	Argyle Mall, 225 metres
Food store	Walmart, 450 metres
Community/recreation amenity	Argyle Arena, 845 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type fronting a Civic Boulevard (Clarke Road)
Current Special Policies	N/A
Current Zoning	Residential R2 (R2-3) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Holding Residential R2/Residential R8 (h-89*R2-3/R8-4()) Zone

Requested Special Provisions

Regulation (R8-4())	Required	Proposed
The Clarke Road frontage shall be deemed to be the front lot line.		
Lot Frontage (minimum)	30 metres	17.4 metres (as existing)
Front and Exterior Side Yard Depth (minimum)	6 metres (19.7 feet) plus 1 metre (3.3 feet) per 10 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	2.0 metres
Interior and Rear Yard	1.2 metres (3.9 feet) per 3 metres (9.8	2.4 metres

Regulation (R8-4())	Required	Proposed
Depth (minimum)	feet) of main building height or fraction thereof above 3 metres (9.8 feet), but in no case less than 4.5 metres (14.8 feet)	
Height (maximum)	13.0 metres	10.5 metres
Density (maximum)	75 units per hectare	100 units per hectare
Parking Aisle Width (minimum)	6.5 metres	6.0 metres

C. Development Proposal Summary

Development Overview

The subject lands are proposed to be redeveloped with a low-rise apartment building with a height of 9.0 metres. The proposed development consists of 10 residential dwelling units, equating to a residential density of 97 units per hectare. The proposed building is oriented along and located close to the Clarke Road streetscape. Vehicular access is proposed to be provided via a new access driveway from Whitney Street. Vehicular parking spaces are proposed to be situated behind the development, for a total of 7 surface parking spaces, with a parking ratio of 0.7 spaces per unit. 9 bicycle parking spaces are proposed, for a bicycle parking ratio of 0.9 spaces per unit. Recessed balconies are envisioned for the proposed building accessed through individual units, providing for private amenity spaces for residents.

Proposal Statistics

Land use	Residential
Form	Low-rise apartment building
Height	2.5-storeys (9.0 metres)
Residential units	10
Density	100 units per hectare
Building coverage	28.1%
Landscape open space	37.1%
New use being added to the local community	No

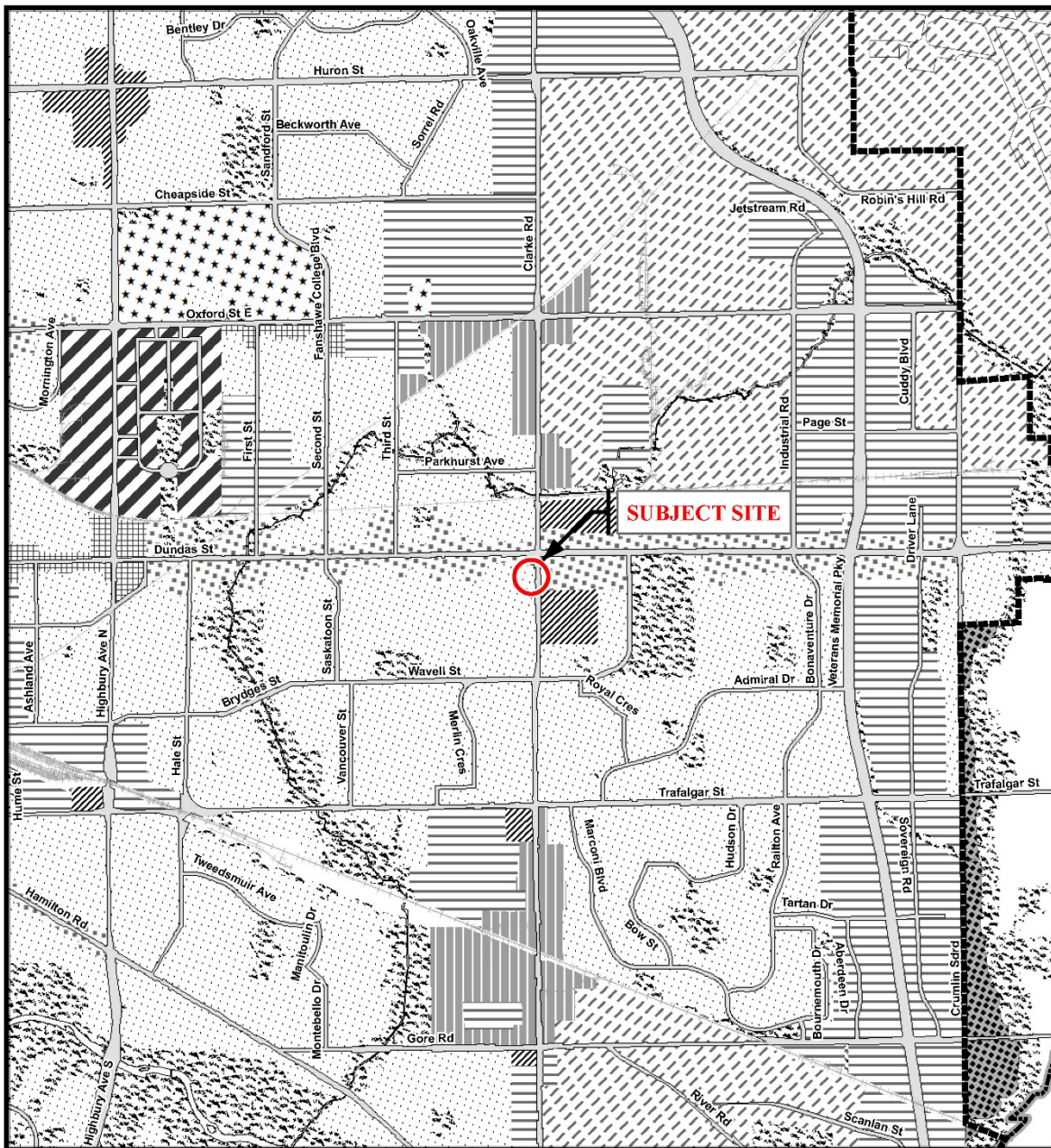
Mobility

Parking spaces	7 surface parking spaces
Vehicle parking ratio	0.7 spaces per unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	9 bicycle parking spaces
Secured bike parking ratio	0.9 spaces per unit
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

Environment

Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Unknown

Appendix C – Additional Plans and Drawings



Legend

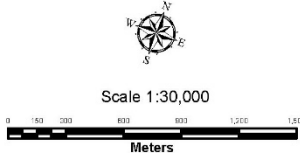
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|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | 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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON Official Plan

LONDON PLAN MAP 1 - PLACE TYPES -

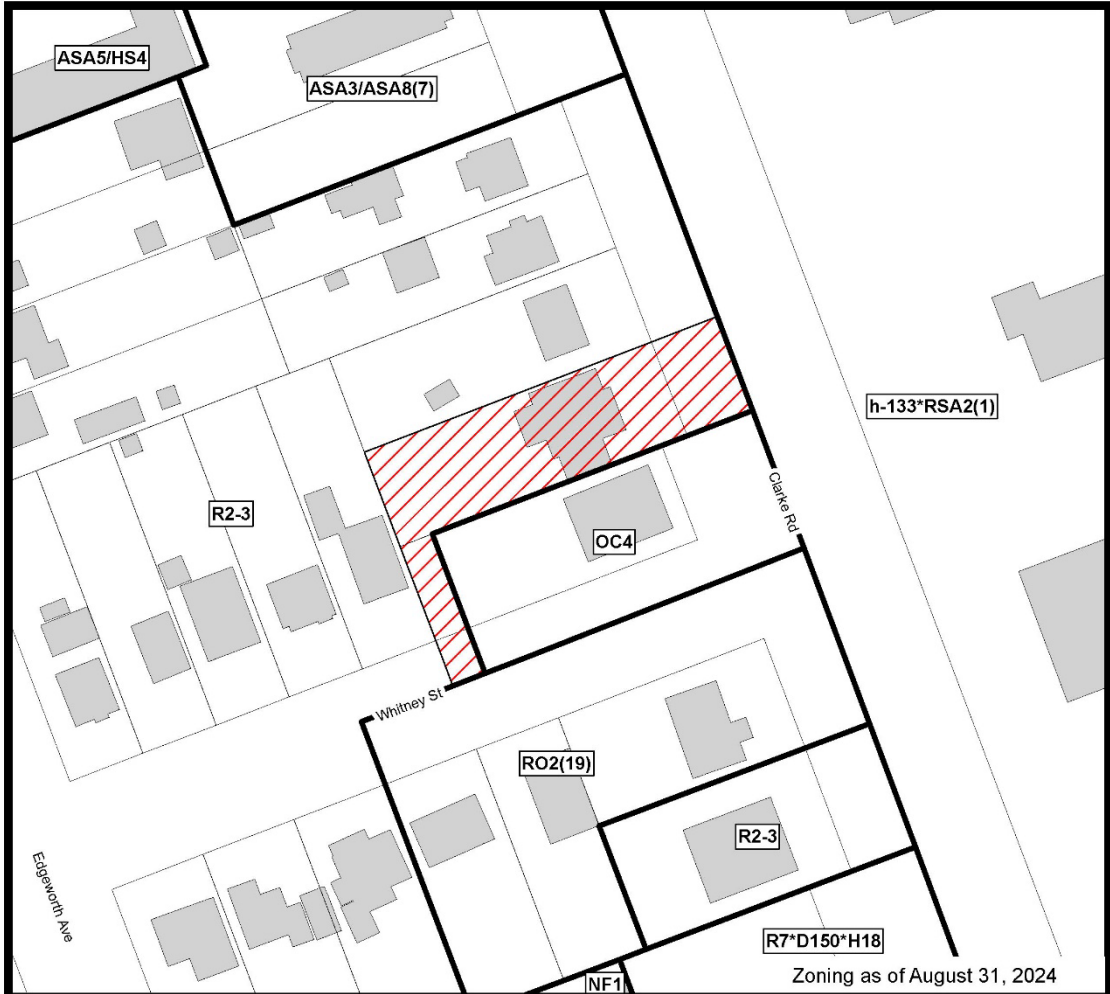
PREPARED BY: Planning & Development



File Number: Z-9779
Planner: CC
Technician: RC
Date: 2024/10/01

Project Location: E:\Planning\Projects\p_officialplan\work\consolid00\excerpts_LondonPlan\mxd\Z-9779-Map1-PlaceTypes.mxd

The London Plan Map 1- Place Types



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-3

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

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-9779

CC

MAP PREPARED:

2024/10/01

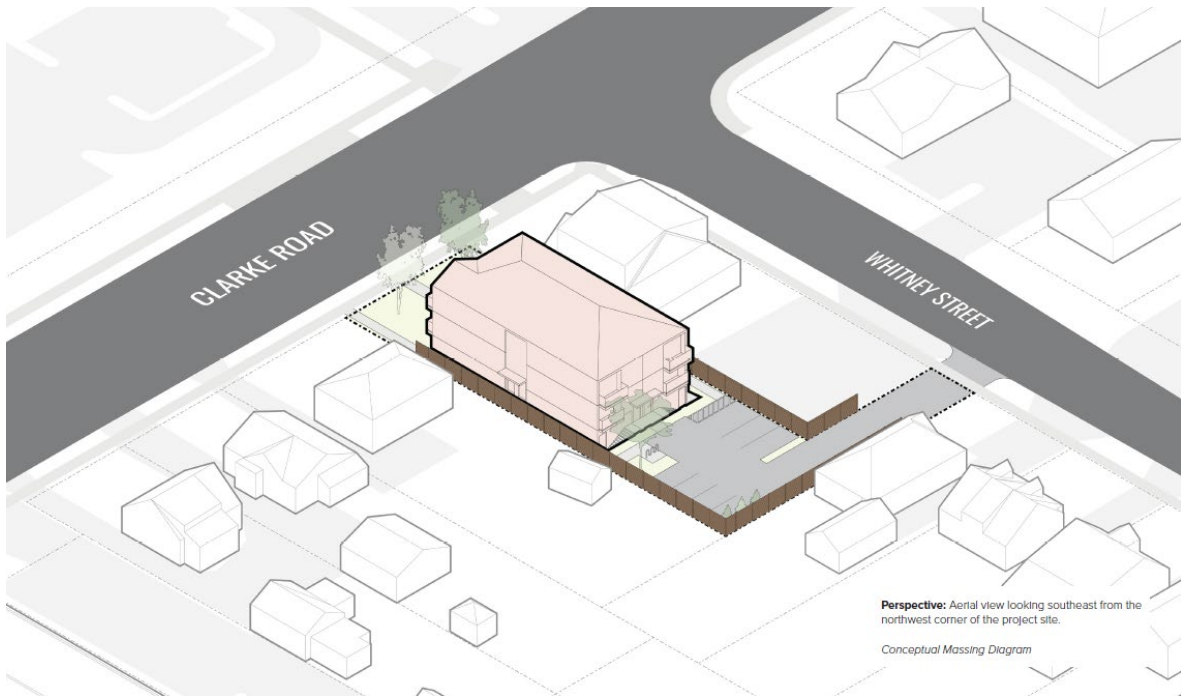
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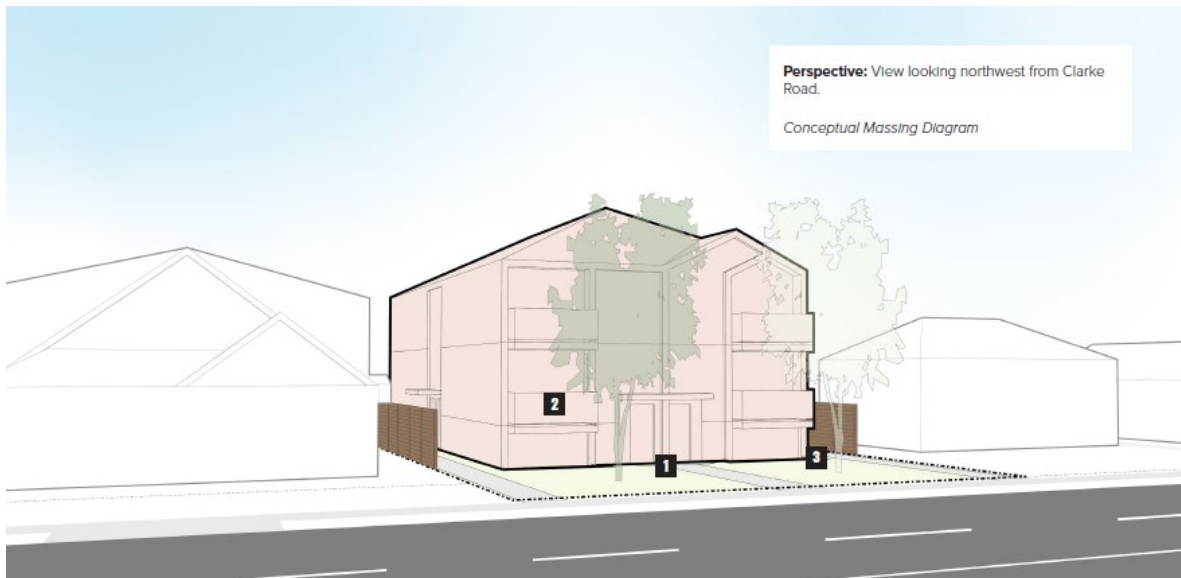
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Meters

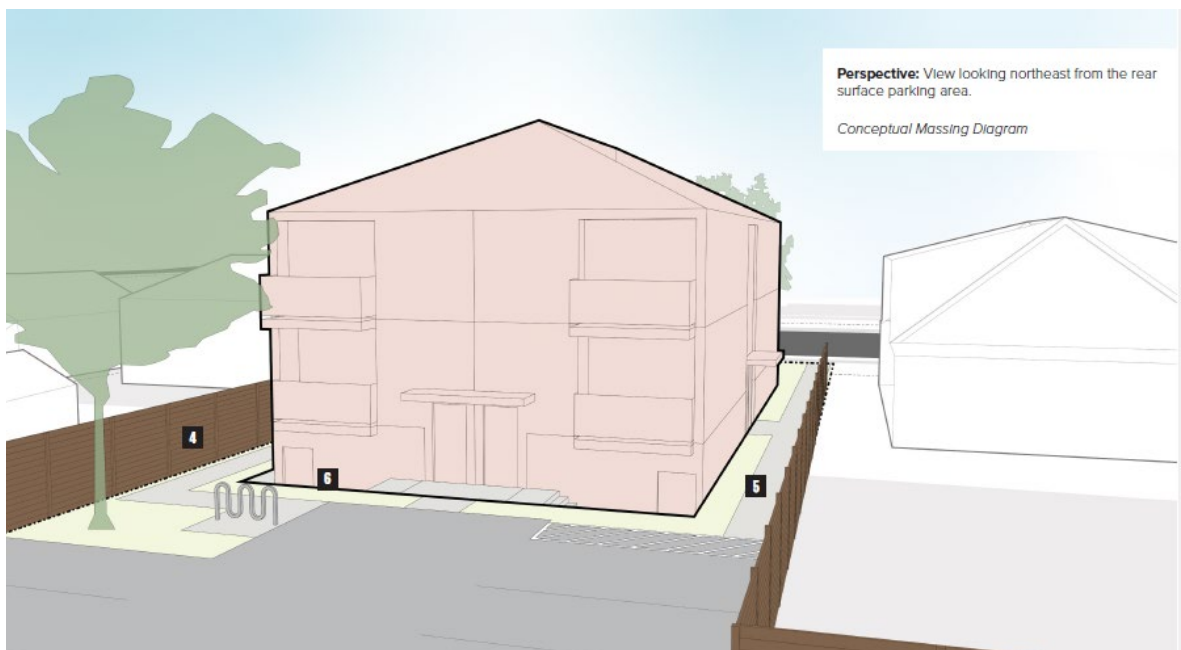
Current Zoning By-law Z.-1 Excerpt



Conceptual Rendering looking southeast



Conceptual Rendering looking northwest from Clarke Road



Conceptual Rendering looking northeast from the rear surface parking area

Appendix D – Internal and Agency Comments

Site Plan – Received September 4, 2024

No Site Plan required, so no comments.

London Hydro – Received September 6, 2024

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

Ecology – Received September 10, 2024

This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major Issues Identified

None

Matters for OPA/ZBA

- None

Matters for Site Plan

- None

Ecology – Complete Application Requirements

- None

Notes

- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the Endangered Species Act.
- Avoid vegetation removal within the active breeding bird period (April 1 – August 30) to avoid disturbing nesting birds and contravening the Migratory Bird Convention Act.

UTRCA– Received September 11, 2024

The UTRCA has ***no objections*** to the application and we have no Section 28 approval requirements.

Heritage – Received September 11, 2024

Heritage staff have received and reviewed the following archaeological assessment submitted as a part of Z-9779:

- Haruta Archaeology, *Stage 1-2 Archaeological Assessment, 383 Clarke Road and 1906 Whitney Street (P1131-0094-2022) August 2, 2024*

The archaeological assessment report identifies that no further archaeological assessment is required for these properties. In addition, a Ministry review letter has been received. Therefore, the archaeological requirements for Z-9779 can have been satisfied.

Parks Planning – Received September 19, 2024

Major Issues

- None.

Matters for OPA/ZBA

- None.

Matters for Site Plan

- Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

Urban Design – Received September 19, 2024

Major Issues:

- This site is located within the Neighbourhoods Place Type, along a Civic Boulevard in The London Plan [TLP] which generally contemplates the proposed use and height. Urban Design recognizes the applicant for changes made to the site layout and building design which has resulted in a more street-oriented and context-sensitive proposal.

Matters for ZBA:

- Urban Design recommends the following Special Provisions be incorporated into the proposed R8-4() Zone to foster a safe, comfortable and accessible public realm, and to reduce potential impacts on neighbouring properties:
 - Maximum height
 - Minimum front yard setback of 2.0m (as proposed)
 - The front face and principal building entrance shall be oriented toward Clarke Road.

Considerations for Site Layout and Building Design:

- This application would not proceed through the Site Plan Approval process given the current unit count; however, Urban Design recommends the following site design matters be considered:
 - Urban Design recognizes the applicant for proposing the following site layout and building design features. The applicant is encouraged to carry these features forward through the development process:
 - A building entrance is located on the Clarke Road-facing facade with direct walkway access from this entrance to the public sidewalk.
 - Balconies have been included which provide private amenity space and break-down the massing of the building.
 - The building form is generally in-keeping with the character of the streetscape along this stretch of Clarke Road and the adjacent neighbourhood.
 - Weather protection (canopies) is proposed above the building entrances.
 - Design the street-facing façade of the proposed building to include human-scale design elements such as a high degree of transparent glazing, landscaping, lighting, and other architectural details to assist with wayfinding and provide passive surveillance and activation [TLP Policy 285, 286, 291].
 - Ensure Crime Prevention Through Environmental Design (CPTED) principals are considered in the design of the space between the proposed building and the interior side property lines (lighting, windows, sightlines, etc.) to promote pedestrian safety and comfort.
 - Incorporate enhanced all-season landscaping to buffer and screen below-grade units from Clarke Road and the rear parking area. Ensure the landscaping effectively shields the below-grade units/floors from headlight glare coming from the rear parking lot and the existing commercial development on the east side of Clarke Road.
 - Ensure any garbage and recycling storage / pick-up areas are located away from view of the public street frontage [TLP Policy 266].

Engineering – Received October 8, 2024

- SWED would request a **holding provision h-89** be applied to the parcel if ZBA approved, to be placed until a storm/drainage and stormwater management (SWM) servicing design report has been prepared and accepted for the subject lands to ensure that the future development has the sufficient storm outlet and SWM servicing to the specifications and satisfaction of the City Engineer.

The following are to be addressed at the permit stage:

- The owner is required to provide a servicing plan **to demonstrate how the site is to be serviced for Sanitary, water and Storm. Lot** grading plans to demonstrate that stormwater flows are self-contained, and that grading can safely convey up to the 250-year storm event, all to be designed by a Professional Engineer for review.
- A servicing brief for sanitary, water and Storm. Brief should also demonstrate water domestic demand and fire flow calculations.
- Confirm a road dedication of 7.942m is shown on all Plans. Draft Reference Plan is to be submitted to geomatics for review. Ensure draft reference plan has been submitted to Geomatics (Geomatics@london.ca) for review.

Wastewater

- The applicant's engineer must determine whether or not the existing PDC can adequately service the increased population.
- SED would ask for mechanical plans in order to better understand how this development would be serviced internally as well as how it would connect to the municipal sewer

Stormwater

- The proposed land use of high density residential will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- The site is tributary to the fronting existing 300mm storm sewer on Clarke Road. **However, the original design of the sewers on Clarke Road did not account for the intensity of this proposed development. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.** On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, alternative infiltration devices, etc.
- Although there is record of one, the City cannot confirm a storm PDC exists to service the property. As per the Drainage By-law, the consultant would be required to provide for a storm PDC. The applicant may not connect to the municipal storm system, via the existing catchbasin on Clarke Road.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site, ensuring that stormwater flows are self-contained, and that grading can safely convey up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands. Grading should direct flow towards Clarke Road and away from adjacent private properties to the best extent practical.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used

during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Water

- Water is available from the existing 200mm CI municipal watermain on Clarke Road and or the 150mm CI municipal watermain on Whitney St.
- Existing water service shall be cut and capped at the watermain during decommissioning.
- All Water servicing to the site shall be to City Standards
- Further comments provided at site plan/Permit stage.

Transportation

- Confirm a road dedication of 7.942m is shown on the concept plan. Ensure draft reference plan has been submitted to Geomatics (Geomatics@london.ca) for review

Appendix E – Public Engagement

B. Glatt – Received September 12, 2024

Dear Chloe:

I write regarding the Notice of Planning Application for a Zoning By-law Amendment for 383 Clarke Road and 1906 Whitney Street.

While I have no objection to the proposed building, I have concerns as to ingress and egress from the property; that being it will only be accessible via Whitney Street.

Whitney Street is already a mess, due to changes made several years ago to allow for a left- turn lane from Whitney onto Clarke Road. This resulted in a strange decision to change a boulevard into a traffic lane, where no lane existed before. Making a west turn off Clarke Road onto Whitney is difficult and next to impossible for anything larger than a passenger vehicle. This “lane” ends just at the ingress/egress point for the proposed building.

Maybe someone could actually take a drive and see how this might present a problem to those of us who already use Whitney Street to access our existing homes, instead of simply looking at a photo. Just a suggestion.

Yours,

Beverley Glatt

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: 1966822 Ontario Inc. (c/o Zelinka Priamo Ltd.)
1195 Gainsborough Road
File Number: Z-9782, Ward 07
Public Participation Meeting

Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application of 1966822 Ontario Inc. (c/o Zelinka Priamo Ltd.) relating to the property located at 1195 Gainsborough Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 26, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Holding Light Industrial (h-17*LI1) Zone and an Open Space (OS4) Zone, **TO** a Holding Light Industrial Special Provision (h-17*LI1(_)) Zone and an Open Space Special Provision (OS4(_)) Zone.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendments are consistent with the Provincial Planning Statement, 2024;
- ii) The recommended amendments conform to the policies of The London Plan, including but not limited to the Key Directions and Commercial Industrial Place Type policies.
- iii) The recommended amendments would facilitate the continued use of the existing building stock with a range of uses that are appropriate for the context of the site and surrounding area.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Holding Light Industrial (h-17*LI1) Zone and an Open Space (OS4) Zone to a Holding Light Industrial Special Provision (h-17*LI1(_)) Zone and an Open Space Special Provision (OS4(_)) Zone.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law amendment with special provisions. The existing holding provision is recommended to remain to ensure development cannot proceed until full municipal water and sanitary services are available to service the site. The recommended action will: permit the current non-conforming uses; facilitate the construction of a new light industrial building at the rear of the property; permit a limited range of additional light industrial uses on the subject lands; and permit portions of the subject lands to be used for existing and proposed surface parking spaces.

The recommended action will permit single-storey light industrial building with a total gross floor area of approximately 5,343.5 square metres.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Strategic Plan Area of Focus: Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject lands are located on the northerly side of 1195 Gainsborough Road, approximately 550 metres from the intersection of Gainsborough Road and Hyde Park Road, in the Hyde Park Planning District. The subject lands are irregularly shaped and have an approximate frontage of 118.8 metres along Gainsborough Road, a depth of approximately 379.3 metres, and an area of approximately 4.1 hectares.

The lands are currently occupied by a one-storey, multi-tenanted light industrial building with a net leasable area of approximately 5,296.5 square metres, and associated landscaping and surface parking areas. There are gravel areas at the rear of the subject lands that are currently used for vehicle parking (bus and car), and a rear lane used for loading and access which abuts the westerly property line. The subject lands abut a former municipal drain known as Stanton Drain, which runs along the easterly edge of the subject lands. The subject lands abut agricultural and open space uses to the north; a listed heritage property (1165 Gainsborough Road (c1870 – Ontario farmhouse)) and the London Hyde Park Rotary Link (former rail line) multi-use path system to the east; Gainsborough Road and agricultural and light industrial uses to the south; and an additional listed heritage property (1205 Gainsborough Road (c1900 – farmhouse, vernacular)) and agricultural uses to the west.

Site Statistics:

- Current Land Use: Light industrial
- Frontage: 118.8 metres
- Depth: 379.3 metres
- Area: 4.1 hectares
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Agricultural/Open Space
- East: Listed Cultural Heritage Resource (Ontario Farmhouse) & multi-use path system
- South: Agricultural/Light industrial uses
- West: Listed Cultural Heritage Resource (Farmhouse vernacular)

Existing Planning Information:

- The London Plan Place Type: Commercial Industrial Place Type
- Existing Zoning: Holding Light Industrial (h-17*LI1) Zone and an Open Space (OS4) Zone



Figure 1- Aerial Photo of 1195 Gainsborough Road and surrounding lands.



Figure 2 - Streetview of 1195 Gainsborough Road (view looking north)

2.0 Discussion and Considerations

2.1 Development Proposal

The rear (northerly) portion of the subject lands is proposed to be developed with a single-storey light industrial building with a total floor area of approximately 5,343.5 square metres. The conceptual design of the building includes entrances and garage bays for each unit with parking spaces in front, as well as communal surface parking spaces to the north, south and east of the proposed building. Parking for the proposed building is provided at a rate of 1 space per 50 square metres of gross floor area, totalling 130 spaces.

The current uses of the existing building include manufacturing and assembly; warehouse establishment; wholesale establishment; service trades; business service establishment; terminal centre (currently not listed as a permitted use); building/construction establishment (currently not listed as a permitted use); and, a commercial recreation establishment (a dance studio – currently not listed as a permitted use).

The proposed Zoning By-law Amendment seeks to rezone the subject lands to a site-specific Light Industrial Special Provision (LI1(_)) Zone and a site-specific Open Space Special Provision (OS4(_)) Zone, in order to: facilitate the construction of a new light industrial building at the rear of the property; permit a limited range of additional light industrial uses on the subject lands; and permit portions of the subject lands to be used for existing and proposed surface parking spaces.

The proposed development includes the following features:

- Land use: Industrial
- Form: New Industrial building behind the existing industrial building
- Height: 1 storey (13 m)
- Gross floor area: 5,343.5m²
- Building coverage: 26%
- Parking spaces: 130 surface spaces
- Bicycle parking spaces: Unknown
- Landscape open space: 29%

Additional information on the development proposal is provided in Appendix “B”.

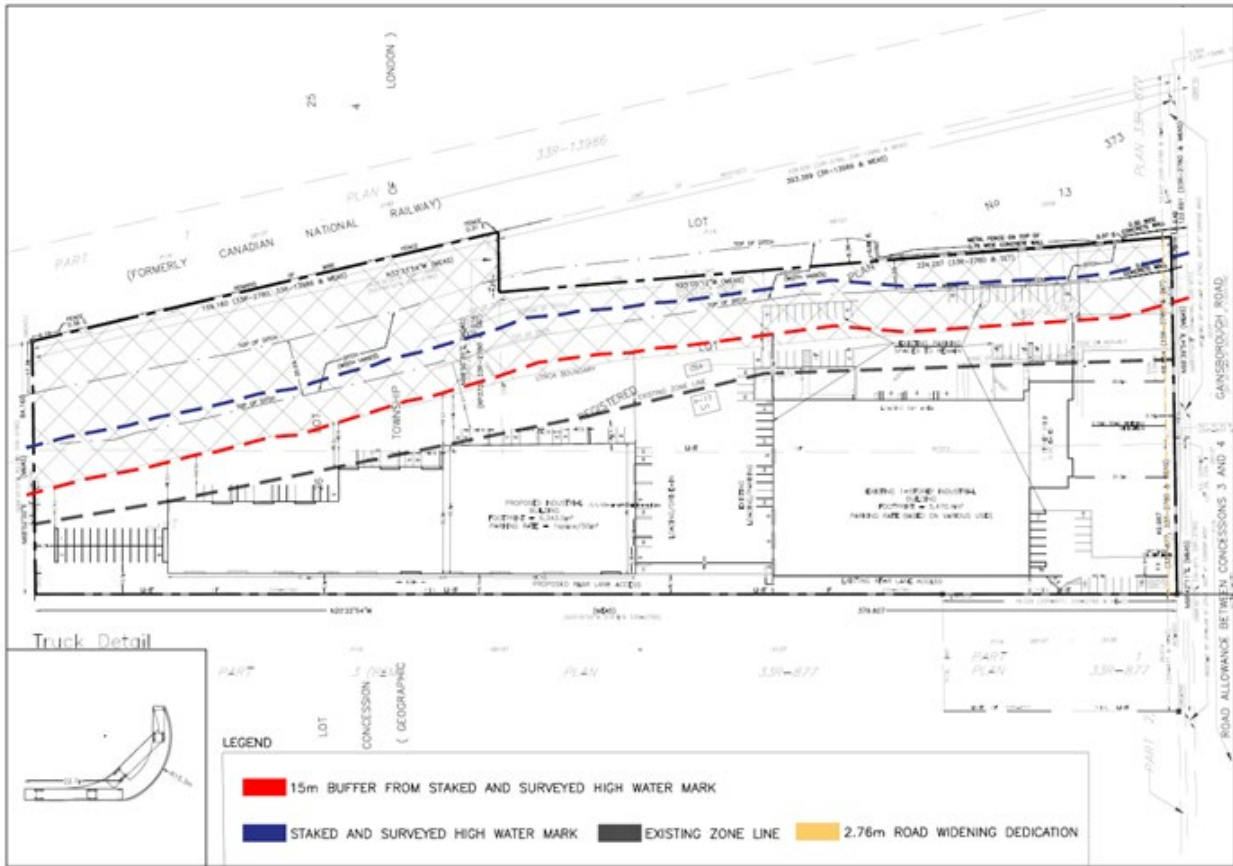


Figure 3 - Conceptual Site Plan (Received September 2024)

Additional plans and drawings of the development proposal are provided in Appendix “C”.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Light Industrial (LI1) Zone and an Open Space (OS4) Zone to a Light Industrial Special Provision (LI1(_)) Zone and an Open Space Special Provision (OS4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation – LI1(_)	Required	Proposed
Permitted uses – LI1	See section 40.2	Additional Uses: Terminal Centre Commercial Recreational Establishment
Parking (minimum)	199 Spaces	130 Spaces
Regulation – OS4(_)	Required	Proposed
Parking Location	Not permitted	Permit parking in the OS4 Zone.

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Parking in the OS4 Zone Variation.

Detailed internal and agency comments are included in Appendix “D” of this report.

2.4 Public Engagement

On September 20, 2024, Notice of Application was sent to 17 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 19, 2024. A “Planning Application” sign was also placed on the site.

There were no comments received from members of the public.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are within the Commercial Industrial Place Type of The London Plan. The Commercial Industrial Place Type is located in automobile and truck dominated environments, away from neighbourhoods and pedestrian-oriented streetscapes (1112_). Commercial uses that do not fit well within the commercial and mixed-use place types, due to the planning impacts that they may generate, are directed to the Commercial Industrial Place Type. Permitted commercial uses will have a tolerance for planning impacts created by a limited range of light industrial uses which may also be located within this place type. These commercial uses tend to have a quasi-industrial character, whereby they may be designed with large outdoor storage areas, impound

areas with high fences, heavy equipment on-site, or large warehouse components that don't integrate well within streetscapes and neighbourhoods. They may also generate noise, vibration, emissions and other planning impacts beyond those that would be expected within a commercial or mixed-use context (1118_).

The applicant has proposed to add multiple uses to the existing Light Industrial (LI1) Zone on the subject lands, while maintaining the existing uses that currently exist on the subject lands that are not currently conforming with the Zoning By-law. The uses the applicant are proposing to rectify and deem legal uses are a terminal centre, a commercial recreation establishment, and building/construction establishments. In accordance with policy 1119_7 of the Commercial Industrial Place Type, a limited range of light industrial uses may be permitted that are compatible with the commercial uses. As the uses are existing, they have established a level of conformity and are not anticipated to have any adverse impacts on the subject lands or surrounding properties. On this basis, staff are satisfied that the uses that are currently within the existing building that are not permitted by the Zoning By-law are appropriate and in conformity with The London Plan.

The applicant has also requested to permit additional uses on the site that are not currently permitted by the Zoning By-law. These uses include food, tobacco and beverage processing industries (excluding meat packaging); repair and rental establishments; service and repair establishments; service trades; private clubs; storage depots; truck sales and service establishments; and, custom workshops. The Light Industrial Zone variation permits a broad range of industrial uses while providing for a range of secondary uses that includes commercial recreational establishments and private clubs. Staff are satisfied the range of uses are compatible with the existing light industrial and commercial uses and are in conformity with The London Plan.

4.2 Intensity

The intensity policies for all industrial place types apply a maximum permitted height of two storeys in the Commercial Industrial Place Type (1124_3). Form policies require sites to be large enough to accommodate on-site truck movements for loading, unless it is deemed appropriate to utilize streets where there are no viable alternatives (1125_7). The requested amendment will facilitate the development of a one -storey building, which is in conformity with the maximum intensity permitted by The London Plan. Further, the subject site is large enough to accommodate on-site loading and truck movements, and the detailed design would be formalized at the Site Plan Approval stage.

4.3 Form

The rear (northerly) portion of the subject lands is proposed to be developed for a single-storey light industrial building with a total floor area of approximately 5,343.5 square metres. The conceptual design of the building includes entrances and garage bays for each unit with parking spaces in front, as well as communal surface parking spaces to the north, south and east of the proposed building. The total number of parking spaces provided for both buildings is 130 spaces

With respect to servicing, an existing sanitary and water service line located nearby can be extended to service the proposed building, and a new storm service will be required.

Staff are satisfied that the proposed built form is complementary to and compatible with the existing building on the subject lands, as well as the surrounding context. The proposed development provides sufficient space for vehicular circulation and separation from the natural heritage components of the site.

4.4 Parking in OS4 Zone

Portions of the property are currently zoned and Open Space (OS4) Zone in relation to the Green Space Place Type on the east side of the property. Existing surface parking, as well as the existing and extended main drive aisle, are located within the OS4 Zone and are not permitted uses. The parking and drive aisle are essential components to the

functionality of the subject lands and have existed since as early as 1998 without any adverse impacts to the drain system that runs through the site. The proposed Zoning By-law amendment does not propose to seek to reduce the area of the OS4 Zone boundary, and it is not anticipated that there would be any further impacts caused by the development of an additional building on site, as the areas have been utilized for vehicular access and parking for many years.

As part of the complete application, the applicant provided an Environmental Impact Study (EIS) prepared by MTE dated June 2024. The recommendations of the EIS include a 15m buffer area on the easterly portion of the property, which is to be naturalized, enhanced and protected, and would remain zoned an OS4 Zone. 25 existing parking spaces are proposed to remain within the buffer, with an additional 31 existing parking spaces proposed to remain within the OS4 Zone outside of the buffer area. In total, 56 existing parking spaces are proposed to remain within the OS4 Zone boundary, and 74 parking spaces are proposed to be located outside of the OS4 Zone. Without the 56 parking spaces proposed to remain within the OS4 Zone boundary, the subject lands would be severely under-parked as a minimum of 199 spaces are required based on the range of existing and proposed uses, and only 130 spaces are provided (inclusive of the spaces within the OS4 Zone).

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Holding Light Industrial (h-17*LI1) Zone and an Open Space (OS4) Zone to a Holding Light Industrial Special Provision (h-17*LI1(_)) Zone and an Open Space Special Provision (OS4(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with special provisions. The existing holding provision is recommended to remain to ensure development cannot proceed until full municipal water and sanitary services are available to service the site.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will permit the development of a single-storey light industrial building with a total floor area of approximately 5,343.5 square metres.

Prepared by: Brent House,
Site Planner, Planning and Development

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy: Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1195
Gainsborough Road

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1195 Gainsborough Road as shown on the attached map **FROM** a Light Industrial (LI1) Zone and an Open Space (OS4) Zone **TO** a Holding Light Industrial Special Provision (h-17*LI1(_)) Zone and an Open Space Special Provision (OS4(_)) Zone.
2. Section Number 40.4 of the Light Industrial (LI1) Zone is amended by adding the following Special Provisions:

LI1(_) 1195 Gainsborough Road

a. Additional Permitted Uses

1. Transport Terminal;
2. Commercial Recreation Establishment;
3. Food, tobacco and beverage processing industries;
4. Repair and rental establishments;
5. Service and repair establishment;
6. Service trades;
7. Commercial recreation establishments;
8. Private clubs;
9. Building or contracting establishments;
10. Storage depots;
11. Truck sales and service establishments;
12. Custom workshops;

b. Regulations

1. Parking (minimum): 130 spaces for all permitted uses
2. Interior side yard setback (minimum): 0.0 metres

3. Section Number 36.4.d) of the Open Space (OS4) Zone is amended by adding the following Special Provisions:

OS4(_) 1195 Gainsborough Road

a. Additional Permitted Uses

1. Existing driveways and parking areas associated with uses permitted in the adjacent LI1(_)) Zone.
4. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

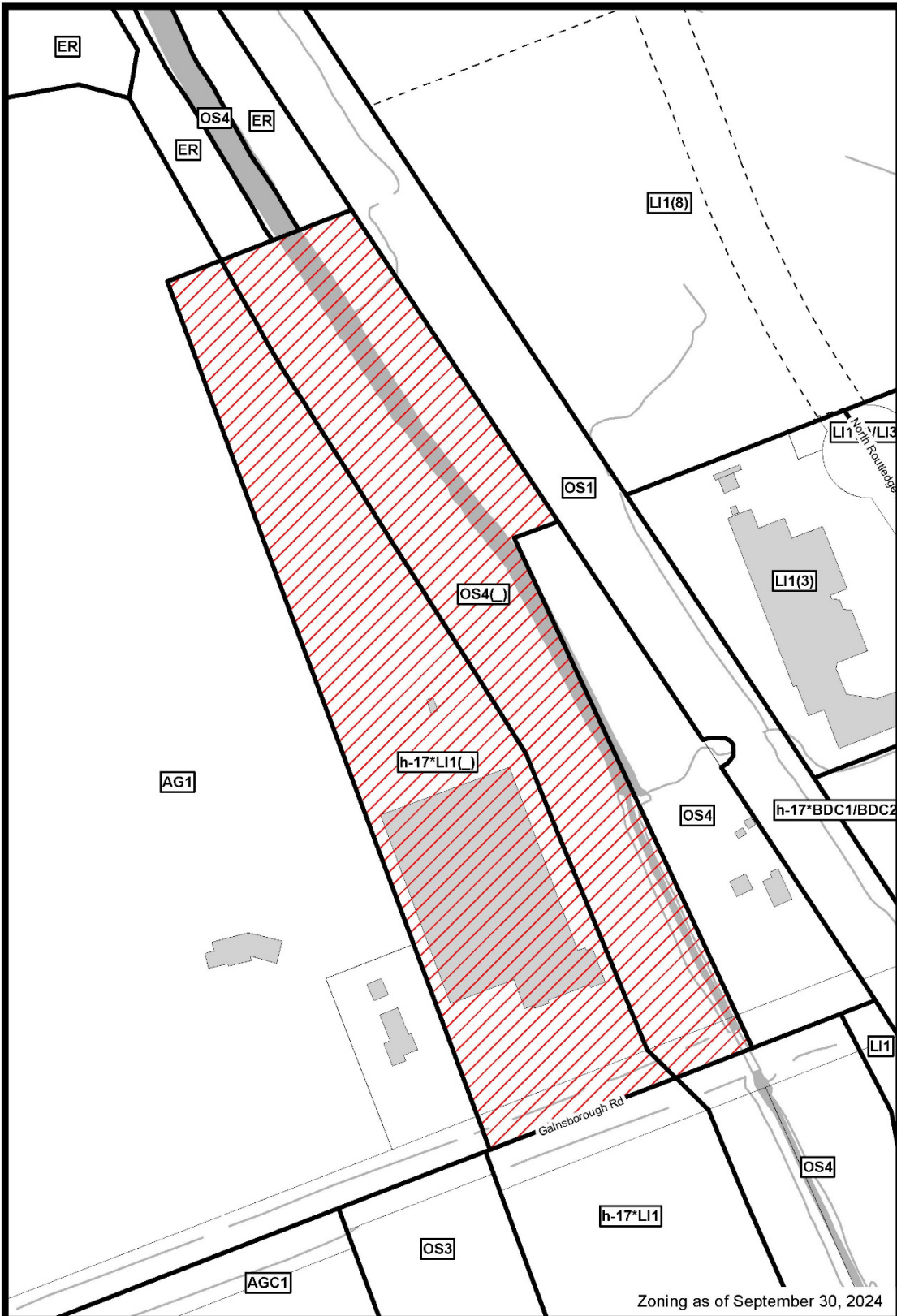
PASSED in Open Council on November 26, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.


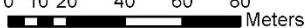

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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



<p>File Number: Z-7982 Planner: BH Date Prepared: 2024/10/10 Technician: RC By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p></p>
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Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Industrial Uses
Frontage	118.8 metres
Depth	379.3 metres
Area	4.1 hectares
Shape	irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Agricultural & open space
East	Residential & multi-use path
South	Agricultural & light industrial uses
West	Residential

Proximity to Nearest Amenities

Major Intersection	Gainsborough Road & Hyde Park Road, 535.6 metres
Dedicated cycling infrastructure	Hyde Park Road, 535.6 metres
London Transit stop	Hyde Park at Gainsborough SB - #2398, 535.6 metres
Public open space	London Hyde Park Rotary Link, 50 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Commercial Industrial Place Type
Current Special Policies	N/A
Current Zoning	Holding Light Industrial (h-17*LI1) Zone and an Open Space (OS4) Zone

Requested Designation and Zone

Requested Place Type	Commercial Industrial Place Type
Requested Special Policies	N/A
Requested Zoning	Holding Light Industrial Special Provision (h-18*LI1(_)) Zone and an Open Space (OS4(_)) Zone

C. Development Proposal Summary

The rear (northerly) portion of the subject lands is proposed to be developed for a single-storey light industrial building with a total floor area of approximately 5,343.5 m². The conceptual design of the building includes entrances and garage bays for each unit with several parking spaces in front, as well as communal surface parking spaces to the north, south and east of the proposed building. Parking for the proposed building is provided at a rate of 1 space per 50 m² totalling 130 spaces.

Proposal Statistics

Land use	Industrial
Form	New industrial building behind the existing industrial building

Height	1 Storey (13 metres)
Gross floor area	5,343.5m ²
Building coverage	26%
Landscape open space	29%
New use being added to the local community	No

Mobility

Parking spaces	130 surface spaces
Vehicle parking ratio	50 spaces per sq. m
New electric vehicles charging stations	N/A
Secured bike parking spaces	None provided.
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	No
Connection from the site to a multi-use path	No

Environment

Tree removals	0
Tree plantings	0
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	Yes
Green building features	Unknown

Appendix C – Additional Plans and Drawings



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:h-17*LI1 & OS4

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9782

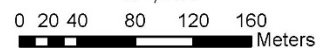
BH

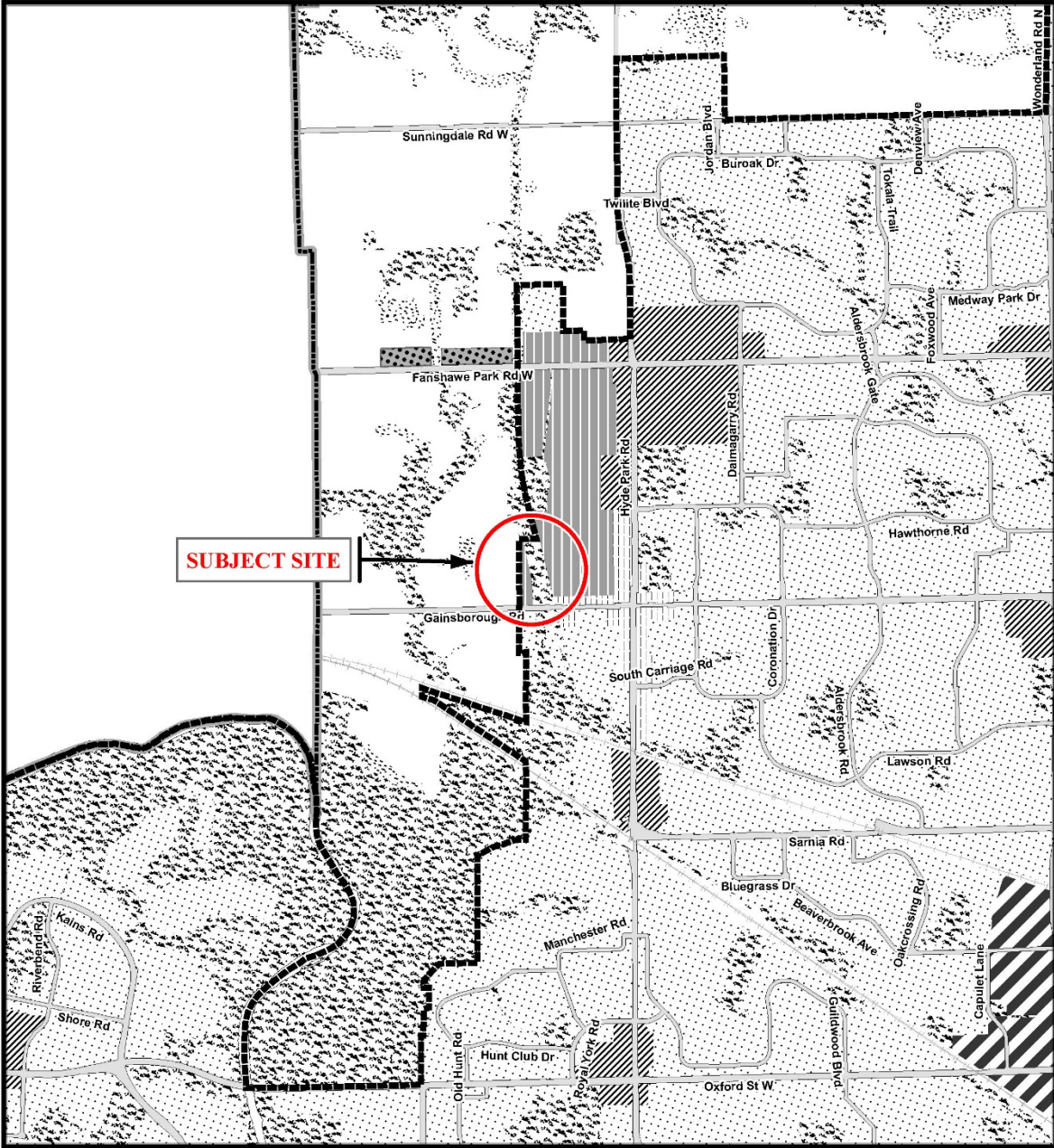
MAP PREPARED:

2024/10/10

RC

1:4,000





SUBJECT SITE

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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

<p>CITY OF LONDON Official Plan LONDON PLAN MAP 1 - PLACE TYPES - PREPARED BY: Planning & Development</p>		<p>File Number: Z-9782 Planner: BH Technician: RC Date: 2024/10/10</p>
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Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxds\Z-9782-Map1-PlaceTypes.mxd

Appendix D – Internal and Agency Comments

Ecology – Comments from Pre-Review

Major issues identified:

- Although the building envelope is located outside of the existing OS4 zone, access to the proposed building appears to require drive aisles and parking within the OS4 zone. Confirm that the proposed access and parking is permitted within the OS4 zone and demonstrate that stormwater and snow storage runoff from these impervious areas will be managed to not negatively impact the significant valleyland and fish habitat.
- A detailed Landscape/Restoration Plan is required for the proposed 15m naturalized buffer in the next submission. Recommendations should be provided in the EIS on how to best restore the areas that are currently compacted gravel parking.
- The residential (RES) ELC ecosite does not appear to have been accurately applied. There is a treed vegetation community present on the adjacent lands to the south that should be recognized. This treed area is not large enough to require evaluation but should be acknowledged to be present.

Ecology – complete application requirements

- None.

Notes

- None.

Heritage – Received September 23, 2024

- I have reviewed the following reports submitted as a part of Z-9782 for 1195 Gainsborough Road:
 - Zelinka Priamo Ltd., *Heritage Impact Assessment, 1195 Gainsborough Road, May 27, 2024*
 - Lincoln Environmental Consulting Corp., *Stage 1-2 Archaeological Assessment, 1195 Gainsborough Road, P1289-0410-2023, December 2023*
- Heritage staff are satisfied with the impact assessment completed within the HIA and are satisfied that the proposal will not result in adverse impacts to the adjacent heritage-listed properties at 1165 Gainsborough Road and 1205 Gainsborough Road.
- Staff have also reviewed the Stage 1-2 Archaeological Assessment for Z-9782. Staff note that the assessment report identifies that no further archaeological assessment be recommended for this property. Staff have not received the Ministry's review and acceptance letter for this assessment report. Staff recommend the h-18 holding provision be applied until the Ministry's letter has been received.

Engineering – Received October 7, 2024

Zoning Application Comments

Planning & Development:

- Engineering has no further comments on this application and recommends approval.
- The following comments shall be addressed at a future siteplan application stage

Wastewater:

- MTE has provided 2 options for sanitary servicing in there attached sanitary brief.
 - Option 1 is to connect to a new sewer in the rear of the property to Maintenance hole HP33 crossing the Stanton Drain and crossing over the adjacent lands known as #1165 Gainsborough Road. If this option is chosen it would be SED's preference to connect to maintenance hole HP34 to avoid crossing over the property to the east #1165 Gainsborough Road.
 - Option 2 is for a local sanitary sewer extension to the sanitary Maintenance hole on Gainsborough road HP130 to pick up 1195 Gainsborough Road. Other properties could also be serviced by this sewer in the future

It would be SED's preference to pursue option 2 as it could potentially service the westerly portion (bisected by the creek) of 1198 Gainsborough Road and pick up additional properties for future development. SED would be open to further discussion and review of both options. Any extension would be at no cost to the City and in standard location within the ROW.

The following items are to be considered during the site plan application stage:

Wastewater:

- The municipal sanitary sewer to service this site is the 825mm adjacent to eastern limit of the site and within the "London Hyde Park Rotary Link"
- City Plan No. 17324 & 17325 show information pertaining to the sanitary sewer.
- The applicants engineer is required to demonstrate servicing to the intended municipal outlet, and provide the maximum population and peak flow of the proposed development including any existing uses on-site. SED is requesting the intended use and type of activity that will take place within the proposed light industrial building.
- The sanitary discharge is to comply with WM-16, and provide an inspection manhole entirely on private property but as close to the street line as possible.

Water:

- Our record shows there is an existing 50mm water servicing the property.
- The applicant shall confirm that the existing water service is sufficient for the proposed addition or replace the water service with a new appropriately sized service if necessary and existing water service shall be abandoned to City Standard (Cut and Cap from main).
- A report will be required addressing water servicing, including but not limited to; domestic and industrial water demands, fire flows and water quality.
- If the ownership of the proposed building is different than the remainder of the site, a separate municipal water service shall be provided.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.
- 50mm PEX water service extends into the municipal ROW to approximately 1150 Gainsborough. If a new upsized service is required for the water demands, the owner will be responsible for upsizing the municipal portion as well.
- As per City Standard, 7.3.5 , It will be a requirement that a testable device (DCVA) be installed at property line for all site plans greater than 2 Ha in size with a private watermain connected to the municipal water supply system which services more than one commercial, institutional and industrial building.

Stormwater:

- The site is located within the UTRCA regulated area and therefore the applicant

is to engage as early as possible with UTRCA to confirm any requirements, including, but not limited to, approvals, permits, or setbacks required for this site.

- The proposed land use of commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- From historic records, it is assumed that the site is serviced by an existing 250mm storm sewer and outlet proximate to the Stanton Drain. The consultant is to investigate the existing servicing layout of the property, and shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under existing conditions up to and including 100-year storm events. On-site SWM control design should include, but not be limited to bioswales, infiltration galleries/systems, required storage volume calculations, flow restrictor sizing, etc. It is suggested that primarily “clean” roof runoff be directed to infiltration features.
- The Consultant may note that implementation of infiltration or filtration measures for a volume that meets or exceeds the 25mm event as part of the water balance target would be accepted to meet Total Suspended Solids (TSS) reduction target. Any flows from parking areas shall have pre-treatment prior to being infiltrated.
- As part of climate change resiliency objectives the consultant is to use best efforts to maximize the provided site storage. The consultant is encouraged to make use of rooftop storage.
- There are currently no downstream quality controls for this area, and per the SWM PPS objectives, new site development should improve the water quality, to the applicable standards at a minimum, for all captured stormwater flows leaving the site. The consultant may wish to consider introducing an OGS c/w inspection MH, or similar strategy, to meet the water quality target (80% TSS removal, Stanton Drain).
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site, ensuring that stormwater flows are self-contained and that grading can safely convey up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- The road widening at the above location is 15.24m from centreline (33R-877 and 126158 Misc). Therefore, an additional widening of 2.76m is required to attain 18.0m from centreline of the road.
- Road widening land dedication is required prior to Site Plan Approval. Ensure draft reference plan has been submitted to Geomatics (Geomatics@london.ca) for review. Once the draft reference plan is approved, please have your lawyer work with Geomatics to dedicate the lands.
- Show updated property line and road widening details on the site plan, and

- remove any parking affected by the road widening.
- Provide 6.0m clear throat from property line in to the site as per City's Access Management Guideline. Show clear throat details on the site plan and other drawings.

UTRCA – Received October 18, 2024

1. As previously provided to the applicant through the pre-consultation and site plan processes, the existing building and associated parking area located at the southern extent of the subject lands predate available aerial imagery for 1998. These uses are recognized as legal non-conforming uses within the OS4 zone and are able to continue to operate in their current manner.
2. Further to the legal non-confirming uses, additional parking areas were installed in 2014 and 2016 to extend outdoor parking for school buses and vehicles. The UTRCA does not have record of issuing a permit or clearance for these works under Section 28 of the Conservation Authorities Act. Consistent with the pre-consultation discussion, these works are recognized as unauthorized and are required to be removed and the lands remediated.
 - 2.
3. The Concept Plan proposes a formal extension to the surface parking area within the OS4 zone along the east side of the proposed structure.
 - a. Surface parking is not identified as a permitted use within the OS4 zone and shall be relocated outside of this zone. The existing parking area associated with the existing building may remain (as per Comment 1).
2. The OS4 zone currently extends beyond the regulation limit of the UTRCA. The current Zoning By-law Amendment application does not propose to refine the extent of the OS4 zone.
 - a. The UTRCA requires a 15 metre development setback from the top of bank of all open watercourses. However, it is our understanding the City of London may have additional setback requirements from a heritage perspective.
3. The Concept Plan does not currently identify the extent of paving that is required to accommodate internal driveways and traffic movement. Please provide a revised Concept Plan that notes the extent of work needed for the entirety of the proposed development.
4. A detailed Landscape/Restoration Plan is required for the proposed 15m naturalized buffer as part of future submission(s).

While the UTRCA has no objections to the proposed Zoning By-law Amendment, we advise the applicant to continue working through both the Site Plan Application and Section 28 permit application processes for the proposed development.

Urban Design – Received September 24, 2024

- There are no major issues to flag from Urban Design. As long as the proposed buildings remains not visible from the street, Urban Design also has no comments.

Landscape Architecture – Received September 24, 2024

1. Matters for Site Plan

- For tree stands outside of a designated Natural Heritage Feature, the summation of tree diameter to be destroyed shall correspond to the number of Replacement Trees required in accordance with London Plan Policy 399; 1 tree for every 10cm diameter removed. Replacement trees to be recommendation to Site Plan Review based on total dbh removed. Where there is insufficient space on the same site from which the trees are removed to plant all of the Replacement Trees, cash-in-lieu

will be calculated by multiplying the number of Replacement Trees that could not be planted on site due to insufficient space by \$350 per tree.

- Any tree removals required as part of the Site Plan application need to be identified on a tree preservation plan to receive permit exemption under the Tree Protection Bylaw

- A tree preservation plan will be required at site plan to:
 - establish the ownership of trees growing along property lines , including the identification of boundary trees that are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Use Total Station to locate trees in close proximity to property lines. GPS location not acceptable due to errors caused by canopy coverage.
 - Identify critical root zones of boundary trees and those up to 3m outside of property lines. This information is used to determine setbacks required to minimally impact boundary and offsite trees. Critical Root Zone" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter
 - Identify City Owned trees and shrubs that will be impacted by proposed development.
 - Determine total dbh proposed for removal to determine tree replacement.

Site Plan – Received October 1, 2024

Major issues identified:

- None.

Zoning Comments:

- All parking and structures/buildings are not to encroach onto lands zoned OS4.

Site Plan Comments:

- Show proposed fire route, fire route signs and sign details.
- Show accessible parking location and sign details.
- Show proposed bicycle parking.

London Hydro – Received September 30, 2024

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

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: 1000915350 Ontario Inc.
145 Base Line Road West
File Number: Z-9783, Ward 11
Public Participation Meeting
Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application of 1000915350 Ontario Inc (c/o siv-ik) relating to the property located at 145 Base Line Road West, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R3 (R3-1) Zone **TO** a Residential R3 Special Provision (R3-1(_)) Zone, **BE REFUSED** for the following reasons:

- i) The requested amendment is not consistent with the Provincial Planning Statement, 2024, which directs municipalities to support the achievement of complete communities by improving social equity and overall quality of life for people of all ages, abilities, and incomes and by promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and support the use of active and public transportation;
- ii) The requested amendment is not in conformity with The London Plan, including but not limited to the Residential Intensification policies in the Neighbourhoods Place Type;
- iii) The proposed intensification cannot be appropriately accommodated on the subject lands and is not compatible with the surrounding neighbourhood;
- iv) The requested amendment would result in over-intensification of the site and existing buildings; and,
- v) The requested lot area per unit does not support necessary site functions relative to the intensity or number of units, including but not limited to the provision of a functional outdoor amenity area.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Residential R3 (R3-1) Zone to a Residential R3 Special Provision (R3-1(_)) Zone to permit the conversion of each of the five (5) existing triplexes to 6-unit cluster converted dwellings, for a total of 30 units.

Purpose and the Effect of Recommended Action

Staff are recommending the refusal of the requested Zoning By-law amendment as the proposed intensification of the subject lands from five (5) triplexes into 6-unit cluster converted dwellings represents over-intensification of the site and existing buildings.

Path to Approval

Staff are supportive, in principle, of residential intensification of the subject lands and acknowledge that the site is suitable to support intensification and/or redevelopment. On this basis, an increase in the number of units per building from three (3) to four (4), for a total of 20 units on site (a total increase of **five (5) units**) could be supported.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Strategic Plan Area of Focus: Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Strategic Plan Area of Focus: Housing and Homelessness**, by supporting faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject lands, municipally known as 145 Base Line Road West, are located on the southeast corner of the intersection of Base Line Road West and West Street in the Southcrest Planning District. The subject lands are comprised of a single lot with a total lot area of 0.32 hectares, a frontage of 32.5 metres along Base Line Road West and a depth of 100.5 metres along West Street.

The subject lands are currently developed with five (5) one-storey triplex dwellings for a total of 15 units. Vehicular access is currently provided via a one-way driveway from Base Line Road West, leading to an angled parking area that exits onto West Street. Sidewalks are located throughout the subject lands, connecting unit entrances to the parking area and municipal sidewalks on both Base Line Road West and West Street. Public transportation is also available along Base Line Road West and Commissioners Road West to the south.

The subject lands are part of an established neighbourhood consisting of a mix of low to high-density residential uses, including single-detached dwellings, cluster townhouses and high-rise apartment buildings. To the south along Commissioners Road West is a greater mix of residential and commercial uses.

Site Statistics:

- Current Land Use: Five (5) Triplexes
- Frontage: 32.5 metres (Base Line Road West)
- Depth: 100.5 metres (West Street)
- Area: 0.32 hectares
- Shape: Rectangular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Residential
- East: Residential
- South: Residential/Commercial/Office
- West: Residential/Office

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods Place Type at the intersection of a Neighbourhood Connector and Neighbourhood Street
- Special Planning Areas: Primary Transit Area
- Existing Zoning: Residential R3 (R3-1) Zone



Figure 1- Aerial Photo of the subject lands and surrounding area.



Figure 2 - Aerial Photo of the subject lands.

2.0 Discussion and Considerations

2.1 Development Proposal

The applicant is proposing to redevelop each of the five (5) existing triplexes into 6-unit converted dwellings. The conversion specifically involves the creation of three (3) new residential dwelling units within the existing unfinished lower-level spaces in each of the existing buildings. The existing main floor dwellings (3 per building) will be maintained with minor physical modifications. The proposed redevelopment will also involve upgrades to the exterior features of the building, landscaping, site circulation network and waste collection functionality. A total of 30 residential units fully within the existing building footprints at a density of 94 units per hectare and a lot area of 105 square metres per unit is proposed. The conceptual site plan is shown below as Figure 3.

The proposed development includes the following features:

- Land use: Residential
- Form: Five (5) Cluster Converted Dwellings
- Height: 1-storey
- New Residential Units: 15 units (30 total)
- Density: 94 units per hectare
- Lot Coverage: 35%
- Landscape Open Space: 39%
- Parking Spaces: 16 surface parking spaces (0.53 spaces/unit)

- Bicycle Parking Spaces: 3 short-term spaces (0.1 spaces/unit)

Additional information on the development proposal is provided in Appendix B.

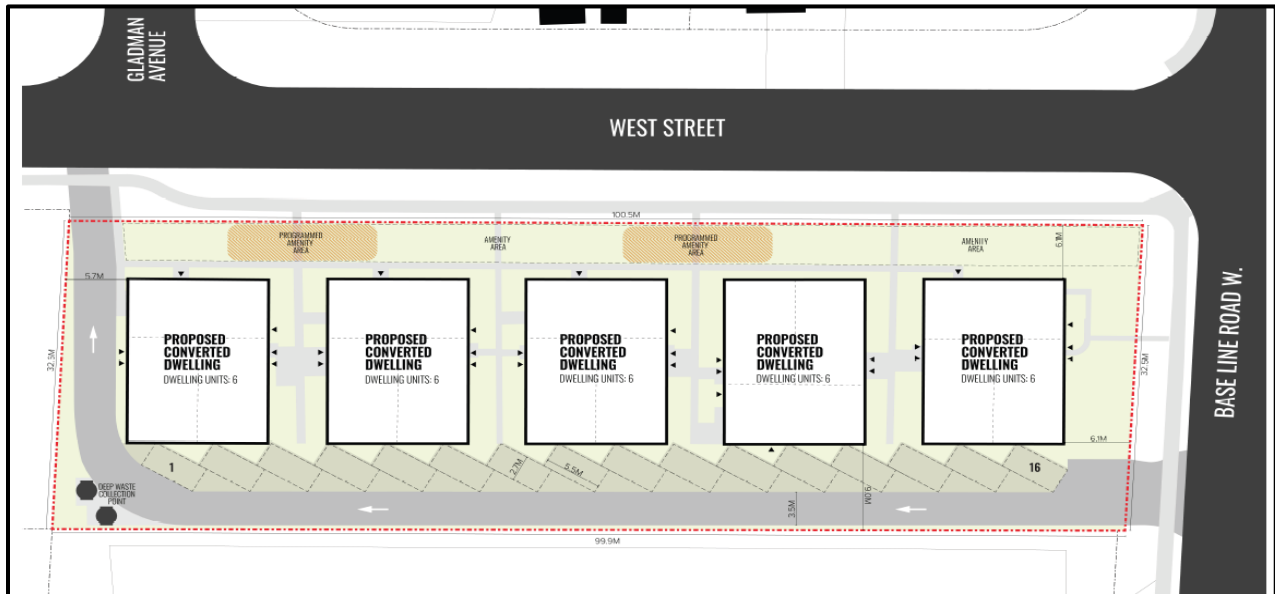


Figure 3 - Conceptual Site Plan

Additional plans and drawings of the development proposal are provided in Appendix D.

2.2 Requested Amendment

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Residential R3 (R3-1) Zone to a Residential R3 Special Provision (R3-1(_)) Zone. The following table summarizes the special provisions that have been proposed by the applicant.

Regulation (R3-1 Zone)	Required	Proposed
Additional Permitted Uses	Converted Dwelling	Cluster Converted Dwelling
Lot Area (minimum)	430.0m ²	3,200.0m ²
Rear Yard Depth (minimum)	6.0m	5.7m
Landscape Open Space (minimum)	20%	35%
Height (maximum)	12.0m	6.0m
Lot Area Per Unit (minimum)	180m ² per unit	105m ² per unit
Parking Area Coverage (maximum)	35%	30%
Accessible Parking Spaces (minimum)	1 space	0 spaces

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Proposed lot area per unit is insufficient.
- Intensity of development and site functionality issues.
- Lack of an appropriately sized outdoor residential amenity area.
- Remove of the required accessible parking space.

Detailed internal and agency comments are included in Appendix D of this report.

2.4 Public Engagement

On September 16, 2024, Notice of Application was sent to 279 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 26, 2024. A “Planning Application” sign was also placed on the site.

There were **two** responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Floor plans/area per units is too small.
- Impacts on current tenants, including displacement.
- Impacts of density on neighbourhood.
- Parking and traffic concerns.

Detailed public comments are included in Appendix E of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial Planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*. The *Provincial Planning Statement (PPS), 2024* provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3 of the *Planning Act* and applies to all decisions that effects a planning matter made on or after October 20, 2024.

Section 1 of the PPS outlines the vision to build more homes for all Ontarians, with the goal of getting at least 1.5 million homes built by 2031. Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. The PPS sets out that every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come (PPS, Section 1). Section 2.1.4 of the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet the projected requirements of current and future residents by maintaining at all times the ability to accommodate residential growth for a minimum of 15 years, through lands which are designated and available for residential development (2.1.4.a).

The PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Specifically, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents that addresses the full range of housing options including affordable housing needs while promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation, and requiring transit-supportive development and prioritizing identification (2.2.1.a,c,d). The PPS also directs municipalities to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities, as well as all types of residential intensification including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units (2.2.1.b).

While staff agrees that the subject lands are an appropriate location to support further residential intensification that would benefit from proximity to existing services, transit, and commercial uses, the proposed redevelopment represents over-intensification of the existing buildings. Further, the site layout does not sufficiently accommodate site functions, such as suitably sized and appropriately located amenity spaces for the number of units proposed. The PPS states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities (2.3.1.3), which includes improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups (2.1.6.c). As such, to support the achievement of complete communities, particularly regarding supporting affordable, accessible, and equitable housing, planning authorities should identify the appropriate type and scale of redevelopment. Planning authorities should also provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents that addresses the full range of housing options including affordable housing needs through promoting densities for new housing (e.g., additional units within existing buildings) which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation, and requiring transit-supportive development and prioritizing identification (2.2.1.c,d).

Staff are of the opinion that the proposed intensification of the existing buildings adversely impacts the livability of the site and neighbourhood through over-intensification; therefore, the development does not improve social equity, quality of life and densification of the property.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that not all the above criteria have been satisfied. Specifically, criteria 1, 2, 3, and 7. An analysis of the deficiencies is addressed in Section 4.0 of this report.

3.0 Financial Impact/Considerations

3.1 Financial Impact

None.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are in the Neighbourhoods Place Type, as identified on Map 1 of The London Plan, at the intersection of a Neighbourhood Connector and Neighbourhood Street, as identified on Map 3. The proposed cluster converted dwelling use is a contemplated use in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type. Other permitted uses include single detached, semi-detached, duplex, townhouses, additional residential units, home occupations, group homes, triplexes, and small-scale community facilities. Per recent amendments to The

London Plan adopted at the Municipal Council meeting on September 24, 2024, multiplexes up to 4 units and stacked townhouse dwellings will also be permitted on lands fronting on a Neighbourhood Connector (i.e. Base Line Road West). However, the Council-adopted amendment to The London Plan is subject to Provincial review and approval before coming into force and effect.

Section 2 of the Zoning By-law defines a “Converted Dwelling” as:

“CONVERTED DWELLING” an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.

The Residential R3 (R3-1) Zone of the Zoning By-law that applies to the subject lands does not allow for a “cluster” form of development with multiple principal buildings on a single lot. The existing “cluster triplex” form of development, however, was constructed under previous zoning regulations and is recognized as legal non-conforming as the use would otherwise not be permitted based on the current Zoning By-law.

4.2 Intensity

In the Neighbourhoods Place Type, a minimum height of 1-storey to a maximum height of 3-storeys may be permitted outside of Central London in accordance with Table 11 – Range of Permitted Heights in Neighbourhoods Place Types. Zoning will also be applied to ensure an intensity of development that is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (TLP 935_3). For converted dwellings specifically, the Zoning By-law will limit the number of units that may be contained in the converted dwelling and may also limit additions to the building (TLP 943_). Planning and Development applications to allow for converted dwellings will also include a review of the number of units proposed in the converted dwelling, evaluated to ensure that this intensity is appropriate in its neighbourhood context and given the size of the lot. The existing building will also not be substantively altered or added to, and the site will be capable of accommodating the additional use (TLP 944_).

Within the Residential R3 (R3-1) Zone of the Zoning By-law, there is no limit on how many units can be included within a converted dwelling, nor a maximum density provision. Rather the maximum number of units and permitted density is dictated by Section 7.3.3 which states “in no case shall a converted dwelling have a lot area of less than 180.0m² per unit in the R3-1 zone variation.” As proposed, the redevelopment of the five (5) triplexes into 6-unit converted dwellings would equate to a reduced lot area per unit of 105.0m², almost half of the minimum requirement. Therefore, while The London Plan establishes a policy framework that supports appropriate residential intensification of a property at a higher residential intensity than what currently exists, the proposed converted dwellings are not considered an appropriate form of residential intensification as the increase in units represents over-intensification of the existing buildings and site (TLP 939_).

The intent of the lot area per unit regulation is to ensure residential intensity is appropriate for the size of the site, and that the site provides adequate space for various site functions relative to the number of units. This includes ensuring the lot can reasonably support driveways, adequate parking in appropriate locations, landscaped open space, an appropriately sized outdoor amenity area, adequate buffering and setbacks, and garbage storage areas (TLP 953_). Planning and Development staff have concerns with the broader policy considerations with the requested special provision to permit a reduced lot area per unit of 105.0m², whereas a lot area of 180.0m² per unit is

required, and whether the proposed lot area meets the intent of policies 943_ and 944_ of The London Plan. While the existing cluster form of development on the subject lands is a unique situation that is not necessarily contemplated through the regulations of the Residential R3 Zone, staff are of the opinion that these regulations continue to be an appropriate mechanism to control the intensity of the development on the subject lands. Staff are further of the opinion that the special provision does not meet the intent of the Zoning By-law to control the intensity of converted dwellings, and in the long-term, could set a negative precedent.

Based on the current site configuration and proposed modifications, there is already limited outdoor amenity area for the existing triplexes which the additional 15 units would put even greater pressure on. The proposed amenity areas are shown on the conceptual site plan, which denotes the location of two proposed programmed amenity areas and existing unprogrammed amenity areas in the exterior side yard abutting the public side walks on West Street. Figure 5 also provides further context to the size and location of the existing outdoor residential amenity area.

Although an increased minimum landscaped open space of 35% is requested, section 2 of the Zoning By-law defines landscape open space as “the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include any access driveway or ramp, parking area, bus parking area, roof-top area or any open space beneath or within any building or structure.” On this basis, any portion of the site containing grass or sidewalks is included in the calculation for landscaped open space, therefore this metric is not necessarily reflective of the usability of these spaces as functional amenity area. It should also be noted that the location of short and long-term bicycle parking spaces and the location of snow storage have not been identified on the site concept plan, which could result in a further reduction in landscaped open space and amenity area, particularly in the winter months.

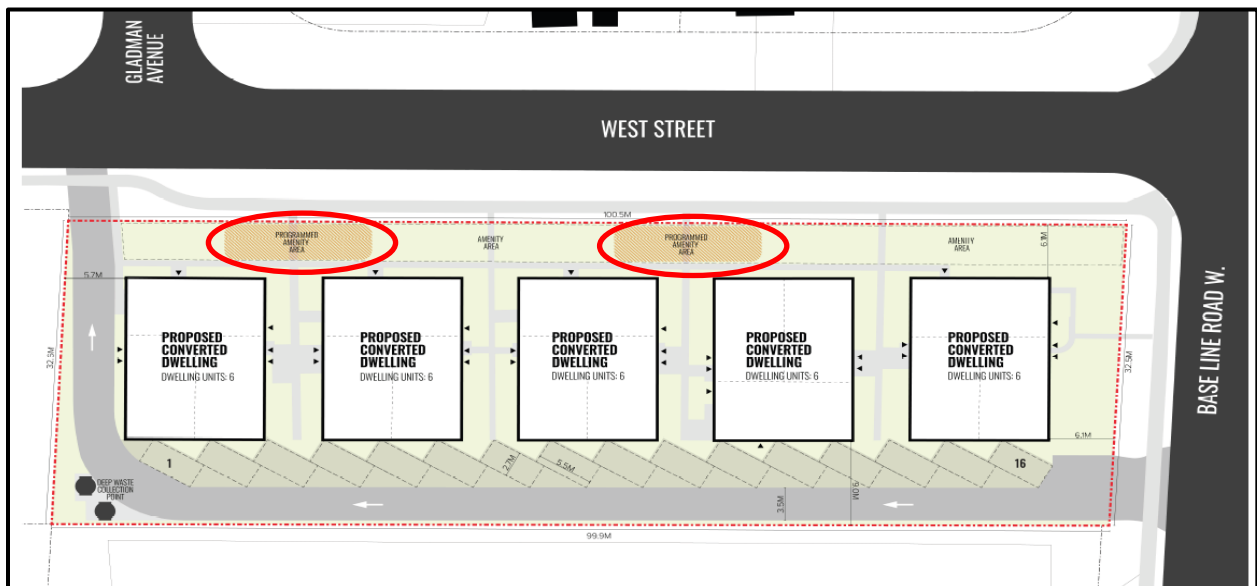


Figure 4 - Conceptual Site Plan, showing the residential amenity space.



Figure 5 – Streetview of the subject lands.

While a cluster form of development can facilitate efficient use of land and promote affordable housing to ensure housing for all Londoners, the integration of affordable forms of housing and rehabilitation of our current public housing resources should balance economic, environmental, and social considerations in all planning decisions to ensure housing is safe, affordable and of a high quality of living (TLP 55_13 and 62_6). Providing accessible, affordable and quality housing options for all Londoners is an important element of building a prosperous city and a necessary component of a city that people want to live and invest in. Housing choice is influenced by location, type, size, tenure, and accessibility, in which affordability and housing options are provided by establishing variety in these factors (TLP 495_). As such, the goal is to ensure that all members of our community have access to housing that is safe, secure, and suitable to their needs and ability to pay, facilitate an adequate and appropriate supply of housing to meet the economic, social, health, and well-being requirements of Londoners, and to allow for aging in place, so that there are opportunities for people to remain in their neighbourhood as their housing needs change over time (TLP 497_1,6,7).

The London Plan contains policies regarding “big picture” thinking and the long-term when making planning decisions to consider the implications of short-term and/or site-specific planning decisions (TLP, 62_3). As proposed, however, Planning and Development staff are of the opinion that the proposed redevelopment of the five (5) triplexes into 6-unit converted dwellings is not considered an appropriate form of residential intensification. In particular, the requested special provision to permit a reduced lot area per unit of 105.0m², whereas 180.0m² per unit is required, is anticipated to adversely impact the livability of the site and neighbourhood through over-intensification.

4.3 Form

The built form consists of five (5) 1-storey triplex dwellings proposed to be repurposed into 6-unit converted dwellings. No additions to the existing buildings are proposed to facilitate the proposed intensification, nor are any major alterations to the site as the units would be located within the basements of the existing buildings and would utilize the existing parking and driveways on site. In accordance with the definition of converted dwelling in the Zoning By-law, the redevelopment will involve an increase in the number of dwelling units without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances (which are limited to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser). Should significant alterations occur, the proposed development would not meet the definition of a converted dwelling.

The conversion of the existing buildings will specifically involve the creation of three (3) new residential dwelling units within the lower levels of each of the five (5) existing buildings. The proposed redevelopment will also involve upgrades to the exterior features of the building, landscaping, site circulation network and waste collection functionality. Internally, physical modifications are proposed to facilitate the creation of

required ingress/egress for the new lower-level units as well as to facilitate new unit entrances to the lower-level units. As shown in the below figure, it is noted that the lower-level is almost entirely below grade and would require additional windows and separate entrances for the new lower-level units to ensure natural light and safe egress are provided in accordance with the Ontario Building Code.

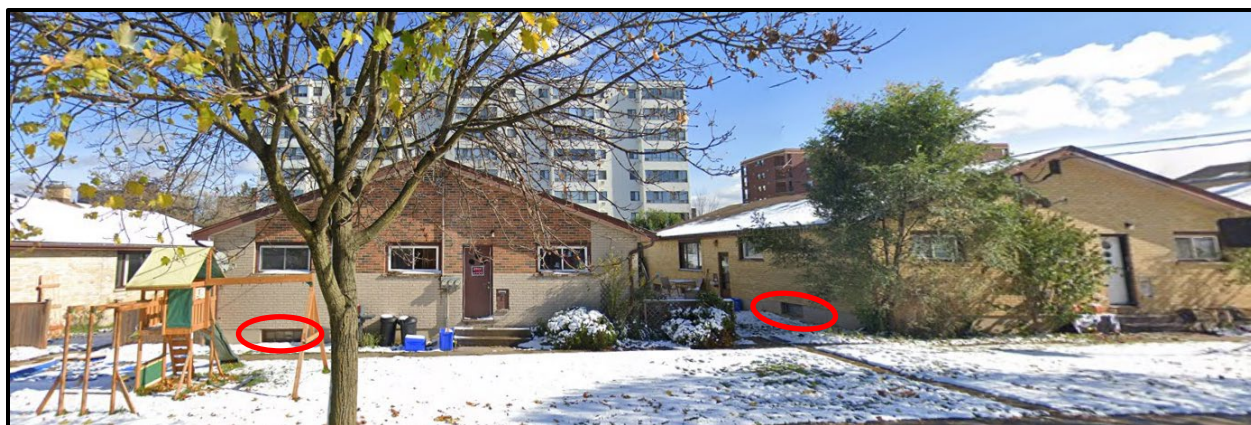


Figure 6 – Streetview of the subject lands.

At the time of Site Plan Approval, the applicant will be required to confirm the following:

- Whether the basement windows will function as an egress window for the proposed basement residential units to the satisfaction of the Section 4.8.8 of the Property Standards By-law which requires a total natural light transmitting area of 5% of the floor area in the case of living and dining rooms and 2.5% of the floor area in the case of bedrooms; and
- That the dwelling units maintain the minimum floor area parameters for a dwelling unit as per Section 4.8.11 of the Property Standards By-law.

The existing main floor dwelling units (3 per building) will be maintained. The conversion of the lower-level spaces in each of the existing buildings, however, will result in current tenants no longer having access to the additional lower-level space (currently unfinished) as part of their units. As shown in the below floor plans comparing the existing triplexes and proposed 6-unit converted dwelling, the existing units will be effectively reduced in size to permit the new units.

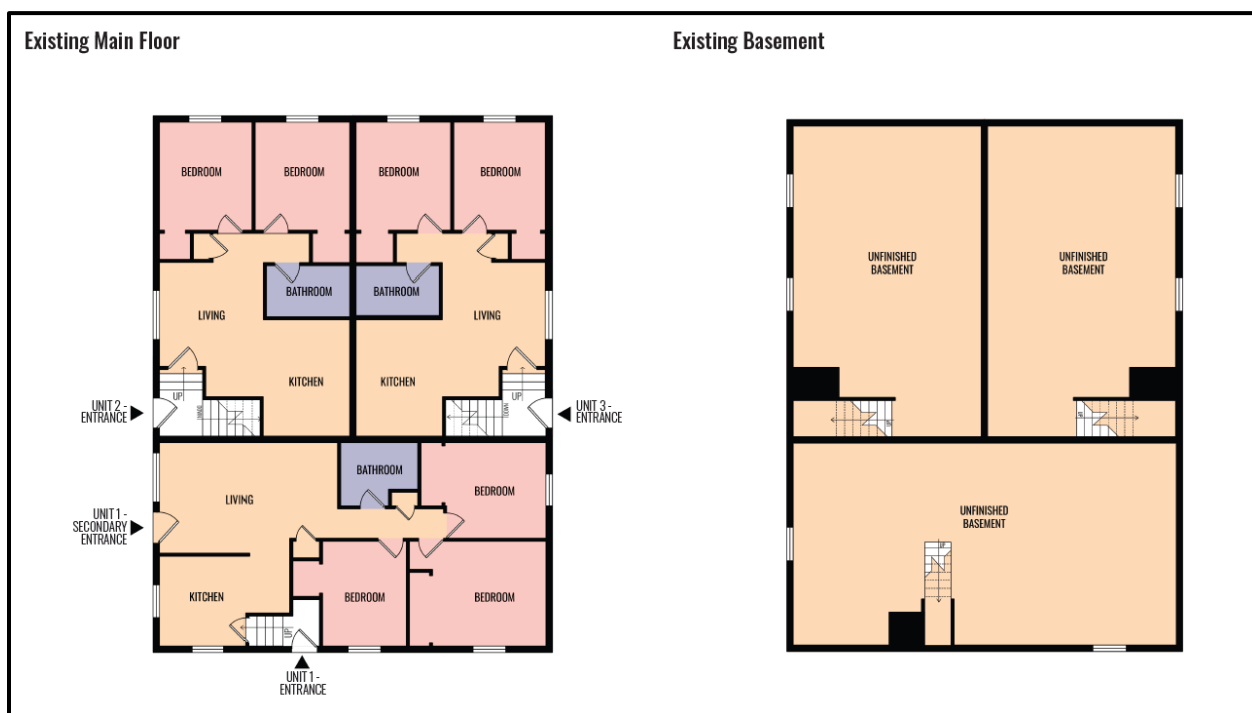


Figure 7 – Floor Plan of the existing triplexes.

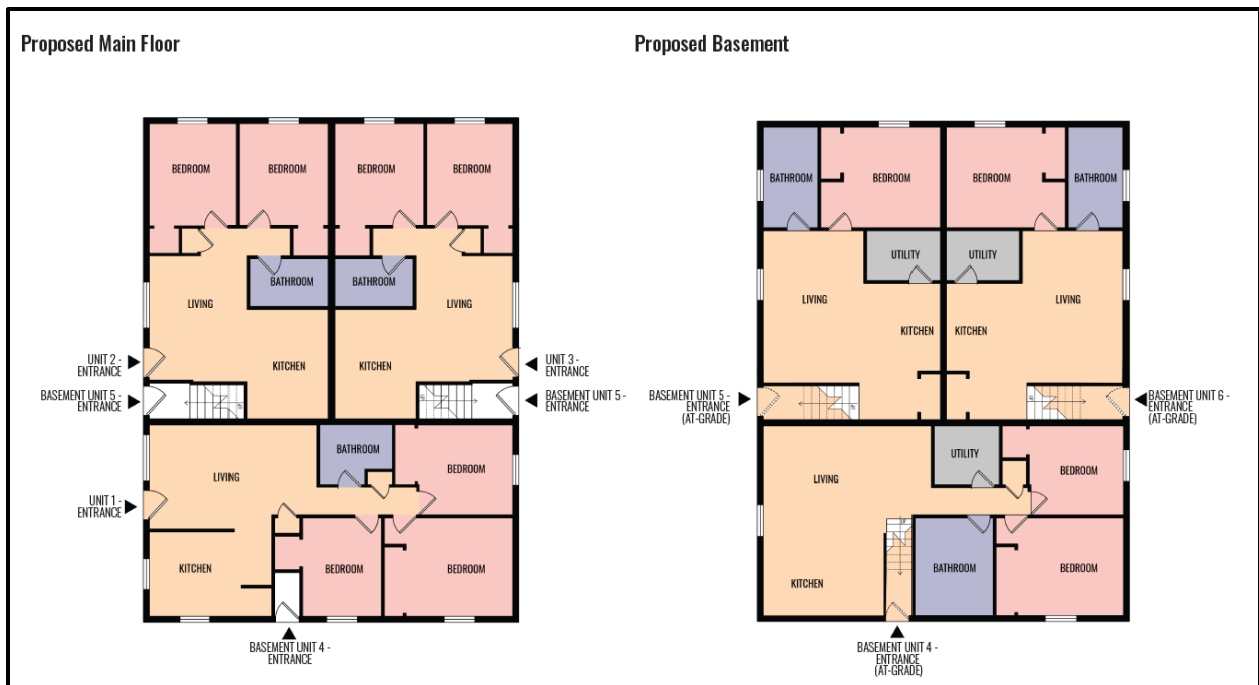


Figure 8 - Floor Plan of the proposed 6-unit converted dwellings.

Vehicular access to the subject lands will continue to be provided via the existing one-way driveway from Base Line Road West, leading to a small informal angled parking area that exists onto West Street. The 16 existing surface parking spaces are planned to remain, provided at a rate of 0.54 spaces per unit. Should the alternative recommendation to facilitate a total of 20 units be approved, a rate of 0.6 spaces per unit (12 parking spaces) plus one (1) accessible parking space and three (3) visitor parking spaces can be provided. In any regard, a minimum of one (1) accessible parking spaces should be provided particularly as the 1-storey buildings could accommodate accessible units. The provision of one (1) accessible parking space and three (3) visitor parking spaces is recommended as a consideration of the Site Plan Approval Authority.

The parking area will generally be visually screened from the street encouraging a pedestrian-oriented streetscape, with additional landscaping to screen the parking area proposed and recommended by staff (TLP 235_ and 936_4). Short-term bicycle parking spaces will also be provided, as well as additional pedestrian walkways to ensure connectivity between unit entrances and the parking area and municipal sidewalks on both Base Line Road West and West Street.

4.4 Path to Approval

Planning and Development staff are of the opinion that the subject lands are not of sufficient size to support the proposed intensification from five (5) triplexes to 6-unit cluster converted dwellings, and that the proposed development represents over-intensification of the site and existing buildings. Staff are of the opinion, however, that the site is suitable for residential intensification in a manner that is appropriate for the site and within the context of the existing neighbourhood.

Given the context of the subject lands and surrounding neighbourhood, staff could support alternative forms of residential intensification that are appropriate for the size of the lot while being sensitive to, compatible with, and a good fit within the existing and planned neighbourhood context could be accommodated while developing additional affordable housing that attracts a diverse population to the city (TLP 55_11, 953_1, and 953_3). This aligns with the Community Housing Strategy which requires abundant opportunities to provide for the development of a broad range and mix of housing types and densities in conformity with the City Structure Plan and the Urban Place Type policies of The London Plan (TLP 508_).

Staff are of the opinion that one additional unit within each of the five (5) existing buildings, for a total of four (4) units per building and 20 units on-site, would be more appropriate for the subject lands. This would result in a lot area of 160m² per unit, which

is a more reasonable reduction from the required 180m² per unit than the applicant's proposal of 105m² per unit and would address concerns regarding the site's ability to accommodate the level of intensity proposed. While there are no significant exterior differences between 20 units and 30 units, differences in the demand of on-site functions (including shared parking and outdoor amenity facilities), the quality of living for existing and future residents, and mitigation of impacts on the neighbourhood are considered. The alternative recommendation is also aligned with the direction towards permitting multiplexes up to 4 units with the intent of regulating the number of additional residential units is to encourage gentle intensification while ensuring the intensity is appropriate for its neighbourhood context and size of the lot.

Lastly, redevelopment on site could also take the form of a comprehensive, purpose-built townhouse or stacked townhouse development. A purpose-built development could incorporate additional mitigation measures to ensure residential intensification is sensitive to, compatible with, and a good fit within the existing and planned neighbourhood context. In accordance with the recent amendments to The London Plan adopted at the Municipal Council meeting on September 24, 2024, fourplexes and stacked townhouse dwellings will also be permitted on lands fronting on a Neighbourhood Connector (i.e. Base Line Road West), which would lend further opportunity for residential intensification and redevelopment of this site. However, it should be noted that this amendment to The London Plan is subject to Provincial review and approval and is not currently in force and effect.

Staff are satisfied that through implementation of the zoning considerations described above, the site could support an appropriate form and intensity of development that is consistent with the PPS and in conformity with The London Plan.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Residential R3 (R3-1) Zone to a Residential R3 Special Provision (R3-1(_)) Zone to permit the redevelopment of each of the five (5) existing triplexes into 6-unit cluster converted dwellings for a total of 30 units.

Staff are recommending the refusal of the requested amendment as it is not consistent with the PPS 2024, is not in conformity with The London Plan, and would result in over-intensification of the site and existing buildings.

Prepared by: **Michaella Hynes**
Planner, Planning Implementation

Reviewed by: **Catherine Maton, MCIP, RPP**
Manager, Planning Implementation

Recommended by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Submitted by: **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Five (5) Triplexes
Frontage	32.5 metres (Base Line Road West)
Depth	100.5 metres (West Street)
Area	0.32 hectares
Shape	Rectangular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Residential
East	Residential
South	Residential/Commercial/Office
West	Residential/Office

Proximity to Nearest Amenities

Major Intersection	Base Line Road West and Beachwood Ave (330 metres)
Dedicated cycling infrastructure	Base Line Road West (on site)
London Transit stop	Route 15 (on site)
Public open space	Southcrest Ravine (200 metres)
Commercial area/use	Commissioners Pharmacy (170 metres)
Food store	Gary's NOFRILLS London (850metres)
Community/recreation amenity	Springbank Gardens Community Centre (2,100 metres)

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type at the intersection of a Neighbourhood Connector and Neighbourhood Street
Current Special Policies	N/A
Current Zoning	Residential R3 (R3-1) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Residential R3 Special Provision (R3-1()) Zone

Requested Special Provisions

Regulation (R3-1() Zone)	Required	Proposed	Recommended
Additional Permitted Uses	Converted Dwelling	Cluster Converted Dwelling	As requested
Lot Area (minimum)	430.0m ²	3,200.0m ²	As requested
Rear Yard Depth (minimum)	6.0m	5.7m	As requested
Landscape Open Space (minimum)	20%	35%	As requested

Regulation (R3-1() Zone)	Required	Proposed	Recommended
Height (maximum)	12.0m	6.0m	As requested
Lot Area Per Unit (minimum)	180m ² per unit	105m ² per unit	160m ² per unit
Parking Area Coverage (maximum)	35%	30%	As requested
Accessible Parking Spaces (minimum)	1 space	0 spaces	As required

C. Development Proposal Summary

Development Overview

The applicant is proposing to redevelop each of the five (5) existing triplexes into 6-unit converted dwellings for a total of 30 residential units.

Proposal Statistics

Land use	Residential
Form	Five (5) Cluster Converted Dwellings
Height	1-storey (6.0 metres)
New Residential units	15 units (30 total)
Density	94 units per hectare
Building coverage	35%
Landscape open space	39%
New use being added to the local community	No

Mobility

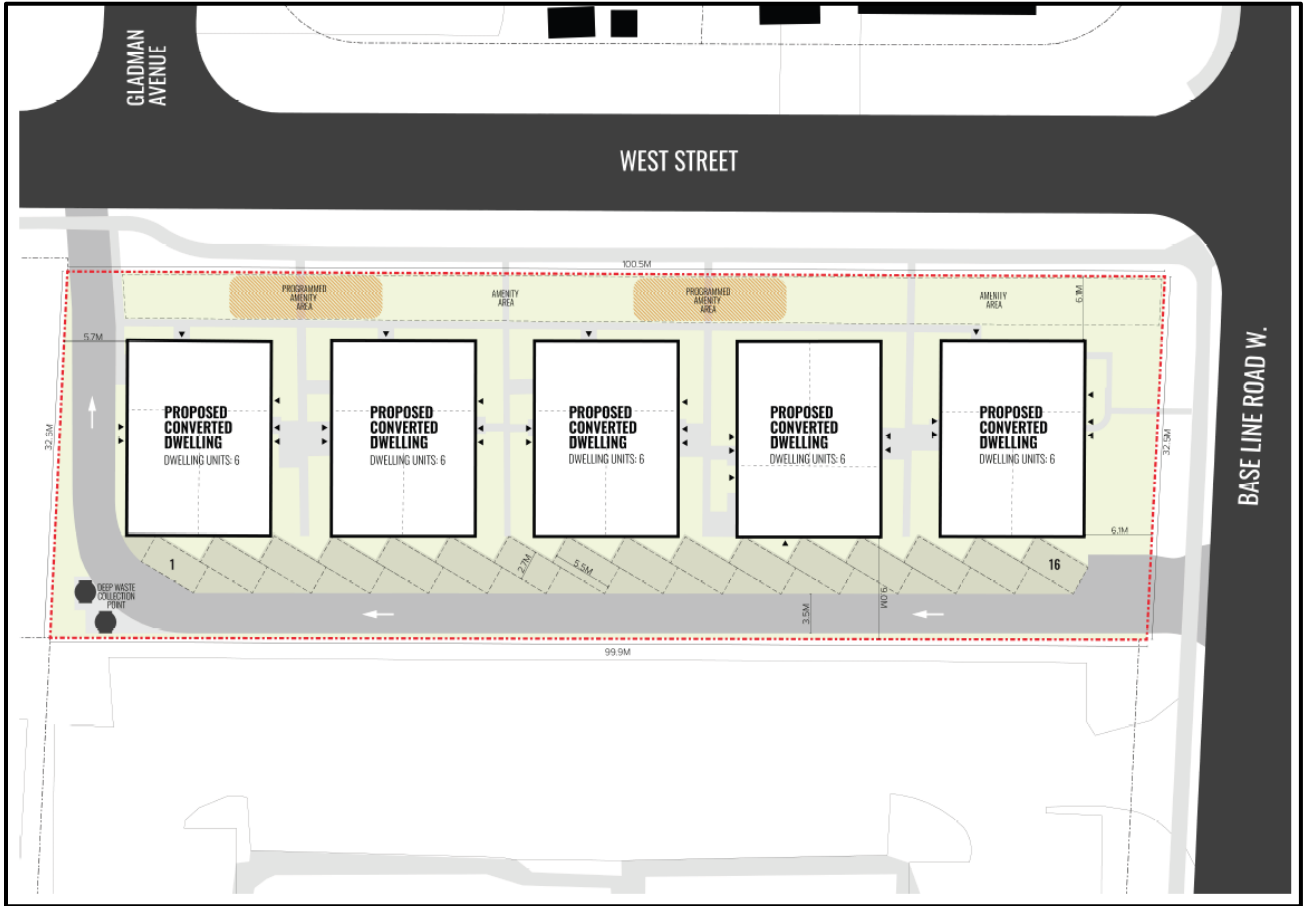
Parking spaces	16 surface parking spaces
Vehicle parking ratio	0.53 spaces/unit
New electric vehicles charging stations	Unknown
Secured bike parking spaces	3 Short-term spaces
Secured bike parking ratio	0.1 spaces/unit
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	Yes

Environment

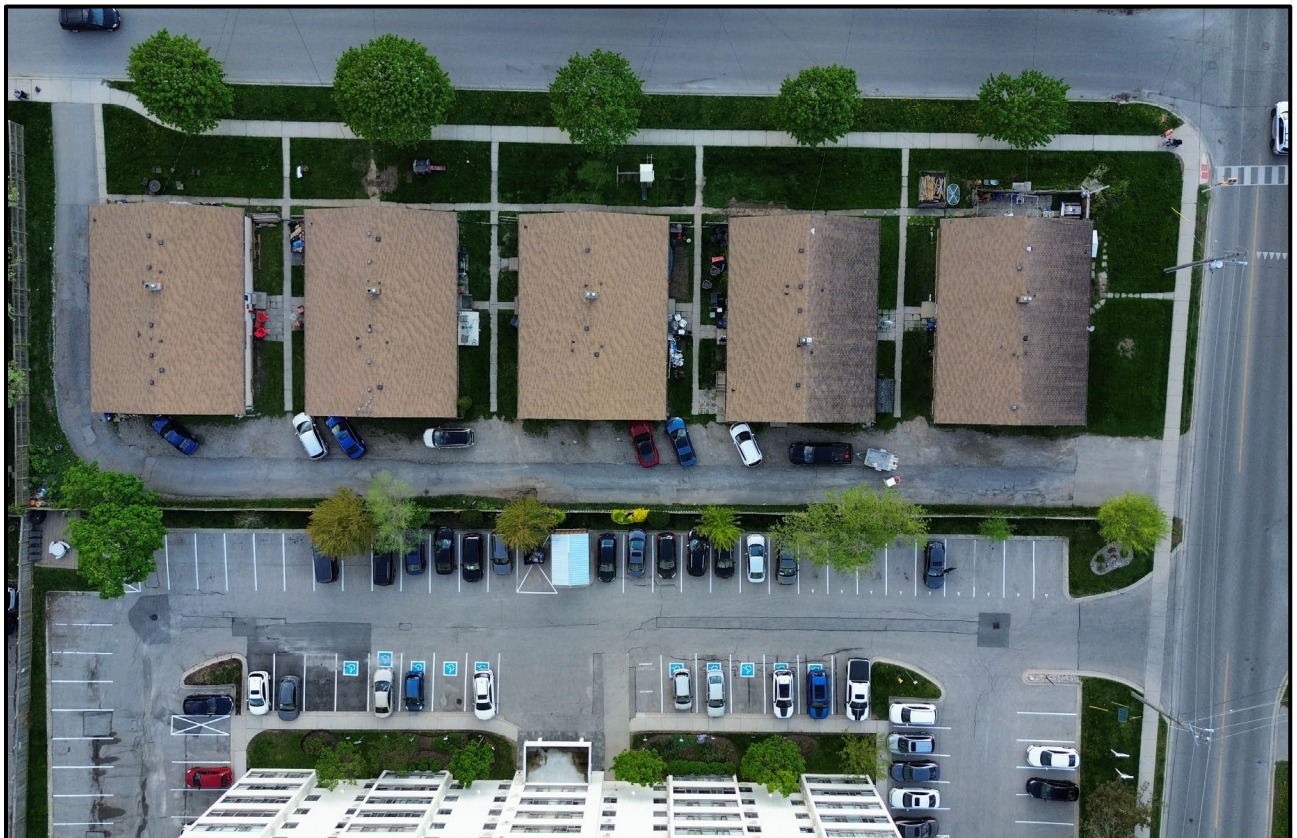
Tree removals	No
Tree plantings	Yes
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	Yes
Green building features	Unknown

Appendix B – Additional Plans and Drawings

Conceptual Site Plan



Aerial Images





Appendix C – Internal and Agency Comments

Planning

Major Concerns

- As previously discussed during the Pre-Application Consultation, Planning and Development staff have concerns of the proposal to add an additional 15 units to the property due to site functionality issues.
- Planning and Development staff are specifically concerned with the requested special provision for a reduced lot area per unit of 105m² whereas 180m² is required. The intent of the lot area per unit regulation is to ensure that adequate space for various site functions is provided relative to the intensity of development or number of units on the lot, and to ensure that the proposed residential intensity is appropriate for the size of the site and is compatible with adjacent properties.
- Planning and Development are also of the opinion that the current amenity space is not sufficient for the proposed additional units on site and have concerns with the special provision to permit zero accessible parking stalls.

Matters for OPA/ZBA

- An alternative special provision to permit 4-units per dwelling as opposed to the requested 6-units, for a total of 20 units is being proposed.
- Given the proposed reduction in the total number of units and the requirement for 0.5 parking spaces per unit, Planning and Development staff are satisfied that one of the 16 parking spaces can be converted into an accessible parking stall, and therefore, this special provision will also be recommended for refusal.

Urban Design

- Considering no expansion, enlargement, or significant exterior modifications to the existing buildings is proposed, Urban Design has no zoning related comments

Matters for Site Plan

- Demonstrate that a safe pedestrian circulation has been provided throughout the site connecting the parking area and the principal entrances of the dwelling units to the public sidewalks. TLP 255, 268
- Ensure that all habitable areas within the below-grade units receive minimum amount of natural light required by the Property Standards By-law-CP-24

Parks Planning

Matters for Site Plan

- Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

UTRCA

- The subject lands **are not** affected by any regulations (Ontario Regulation 41/24) made pursuant to Section 28 of the *Conversation Authorities Act*.
- The UTRCA has **no objections** to the application, and we have no Section 28 approval requirements.

Landscape Architecture

Matters for ZBA/OPA

- There is no potential ground for refusal or issued that could require significant changes to the proposal.

Matters for Site Plan

- A landscape plan is required as part of a complete Site Plan Application. The landscape plan must be completed in accordance with the City of London Site Plan Control Bylaw Section 1.6.1, Section 9. The base plan should be the same scale as the site plan, superimposed on top of servicing plan.
- Replacement trees will be recommendation to Site Plan Review based on total dbh removed.
- A Tree Preservation Plan is required as part of a complete Site Plan Application to:
 - Establish the ownership of trees growing along property lines, including the identification of boundary trees that are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.
 - Identify critical root zones of boundary trees and those up to 3 metres outside of property lines. Critical Root Zone means the area of land within a radius of ten (10) centimetres from the trunk of a tree for every one (1) centimetre of trunk diameter.
 - Determine the total Diameter at Breast Height (dbh) proposed for removal to determine tree replacement. The City will be using the following for tree replacements: for an Individual tree proposed to be removed, the calculation of replacement trees shall be 1 replacement tree for a trunk diameter of 50 centimetres measured at a height of 1.4 metres above ground, 2 replacement trees for a trunk diameter between 51 centimetres and 60 centimetres, and 1 additional replacement tree for every 10 centimetres of trunk diameter thereafter to a maximum of 11 replacement trees. Where there is insufficient space on the same Site to plant all of the number of Replacement Trees as determined by the City Engineer, a cash-in-lieu fee will be charge calculated by multiplying the number of Replacement Trees that could not be planted on site due to insufficient space by \$350 per tree.
- The tree preservation plan and tree protection measures must be completed in accordance with Section 13.3 SPC Bylaw City of London Design Specifications and Requirements Manual, Chapter 12 Tree Planting and Protection Guidelines Section 12.2.2 <https://www.roadauthority.com/Standards>.
- Any tree removals required as part of the application need to be identified on the tree preservation plan to receive permit exemption under the Tree Protection By-law.

Heritage

- There are no cultural heritage or archaeological comments for Z-9783 for 145 Base Line Road West.

Site Plan

Major Issues

- None.

Matters for OPA/ZBA

- Base Line Road West is considered the front yard of the subject site, in accordance with the zoning by-law ensure that no parking is located in the front

yard. (Zoning By-Law, Section 4.19.4.)

Matters for Site Plan

- Add provisions for long and short-term bicycle parking. Confirm the number of provided bicycle parking spaces. Based on Section 4.14a) iii) Cluster dwellings with eleven or more residential units require 0.1 short-term bicycle parking spaces per dwelling unit.
- Provide one (1) accessible parking space to meet the By-law outlined in Section 4.19 10)c)ii)
- Provide a full set of dimensioned elevations, site plan, and floor plans in metric.
- Specify if the basement windows will function as an egress window for the proposed basement residential unit.
- Provide three (3) visitor parking spaces. Multi-unit residential development including cluster detached dwellings developments with a total of three or more units shall provide common areas for visitor designated and signed parking spaces. One (1) visitor parking space shall be provided for every ten (10) dwelling units.
- Identify snow storage locations on plan or confirm removal from site.

Complete Application Requirements

- Site Plan Application

London Hydro

- This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearance from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineer
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Ecology

- No comments on this file.

Engineering

- Engineering has no further comments on this application – Approval is recommended.
- For the applicant's benefit, the following comments have been provided as an FYI and shall be addressed through a future servicing permit/site plan application.

Matter for Site Plan

Wastewater

- The applicant's engineer will need to verify whether or not the existing PDC can convey the increased flow proposed by the additional units.

Water

- A capacity analysis of the existing 40mm water service is to be undertaken to verify the service is appropriately sized to accommodate all domestic demands and fire flow (if applicable) associated with the proposed intensified development. If the existing service is found to be undersized for the proposed use, it is to be abandoned in accordance with city standards (cut and capped at the main) and a

new water service of appropriate size is to be constructed to service the development.

- Water is available via the 200mm PVC watermain located on Base Line Road West which is part of the city's low-level system with a hydraulic grade line of 301.8m
- A water servicing report will be required addressing all domestic demands, fire flows, water quality and the various pressure scenarios as outlined in section 7.3.1 of the city's Design Specifications and Requirements Manual (DSRM)
- Water servicing shall be configured in such a way as to avoid the creation of a regulated drinking water system
- As part of the site plan application, provide information relating to the proposed ownership arrangement of the various buildings (e.g. are all buildings to be owned by the same entity, or will each building be separately owned).
- Further comments will be provided during the site plan application

Transportation

- Road widening dedication required. Base Line Road West is subject to a 1.442m widening (11.5m from centreline).
- A 6m x 6m daylight triangle will be required at the intersection.

Appendix D – Public Engagement

Public Comment #1 – Anna Maria Valastro

The floor plan for the added units in the basement should match the floor plan for the units on the main floor. Increasingly, developers are offering reduced common areas. Whether it is a luxury highrise such as Clarence Place on Dundas Street or student housing, common areas are too small to be practical common areas for more than one person. There is no room for a table or a full chesterfield. Instead, eating counters that double as kitchen work counters are offered and limited sitting capacity such as loveseats or single chairs is all that can fit in a 'livingroom'. The result is that people tend to stay in their rooms. In real terms, the units are used as rooming houses.

Developers are motivated to build these cramped spaces because they can charge more money for more bedrooms but they limit people's quality of life because while it is shelter, it is cramped shelter. The outdoor space also becomes crowded.

There is no evidence that there is a housing crisis and responsible civic decision makers are ceasing using that term and instead are specific and make reference to housing affordability and not a general 'housing crisis'.

The tiny houses that are being built in St. Thomas are approx. 400 sq. ft. for a one bedroom. What is being proposed at 145 Baseline Rd. are two bedrooms at 577 sq. ft. so there is no wasted space. It is important to build good housing and not just housing. The tiny houses being built in St Thomas are for people without shelter. 145 Baseline is for people who are paying for shelter.

Public Comment #2 – Courtney Crossen

Good evening,

I hope everyone is having a great day. I do have some comments and concerns regarding the zoning amendment that is taking place at the apartment I currently rent at.

It is my understanding that the landlord that has recently acquired this property is looking to convert the current 15 units to 30 units.

Once these permits are issued, he is going to issue remaining tenants with an N13 to vacate the property. He has been able to vacate six of the fifteen units with cash for keys offers.

I would like to highlight that at your last meeting with this individual he mentioned that Reno's would take a year and current tenants would not be able to reside in the units while renovations have taken place. Since then, renovations to the upstairs of the vacant units are nearing completion and some have taken as little as two weeks.

As we all know we are experiencing a housing crisis in Canada. More importantly an AFFORDABLE housing crisis. If this landlord is granted these permits, you are giving him the tools he needs to evict the remaining tenants. I propose that permits are given to the vacant units and ones that are occupied be granted permits as they become available.

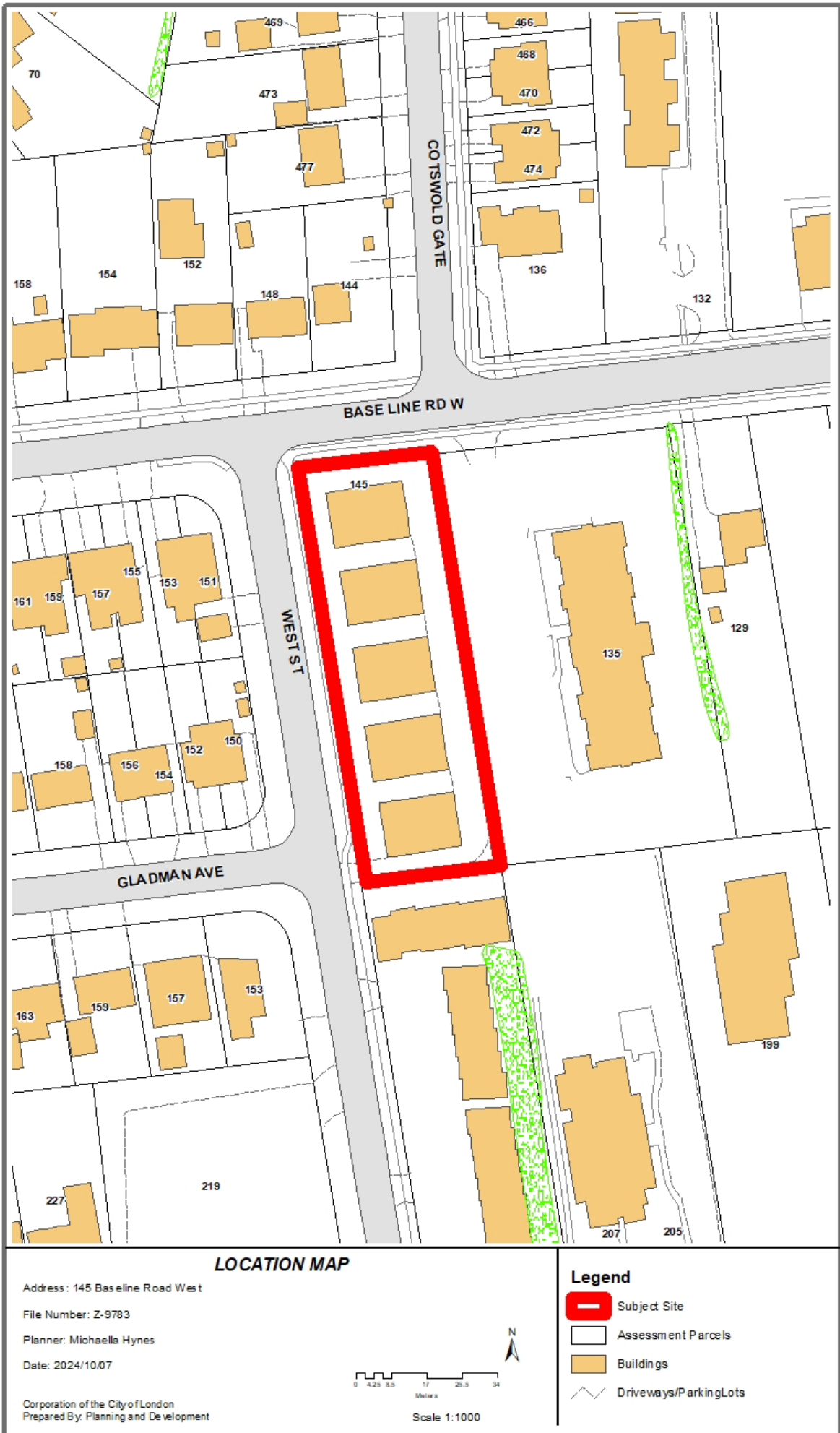
From research I have done these permits would assist the landlord in violating my rights as a tenant in Ontario. He would get the go-ahead from the city to convert my current unit into two units. Take away half my living space for his sole monetary benefit. Where would everyone park? No matter what is said you can't control tenants having a vehicle. Which would mean that West Street would be swamped with tenant and visitor parking.

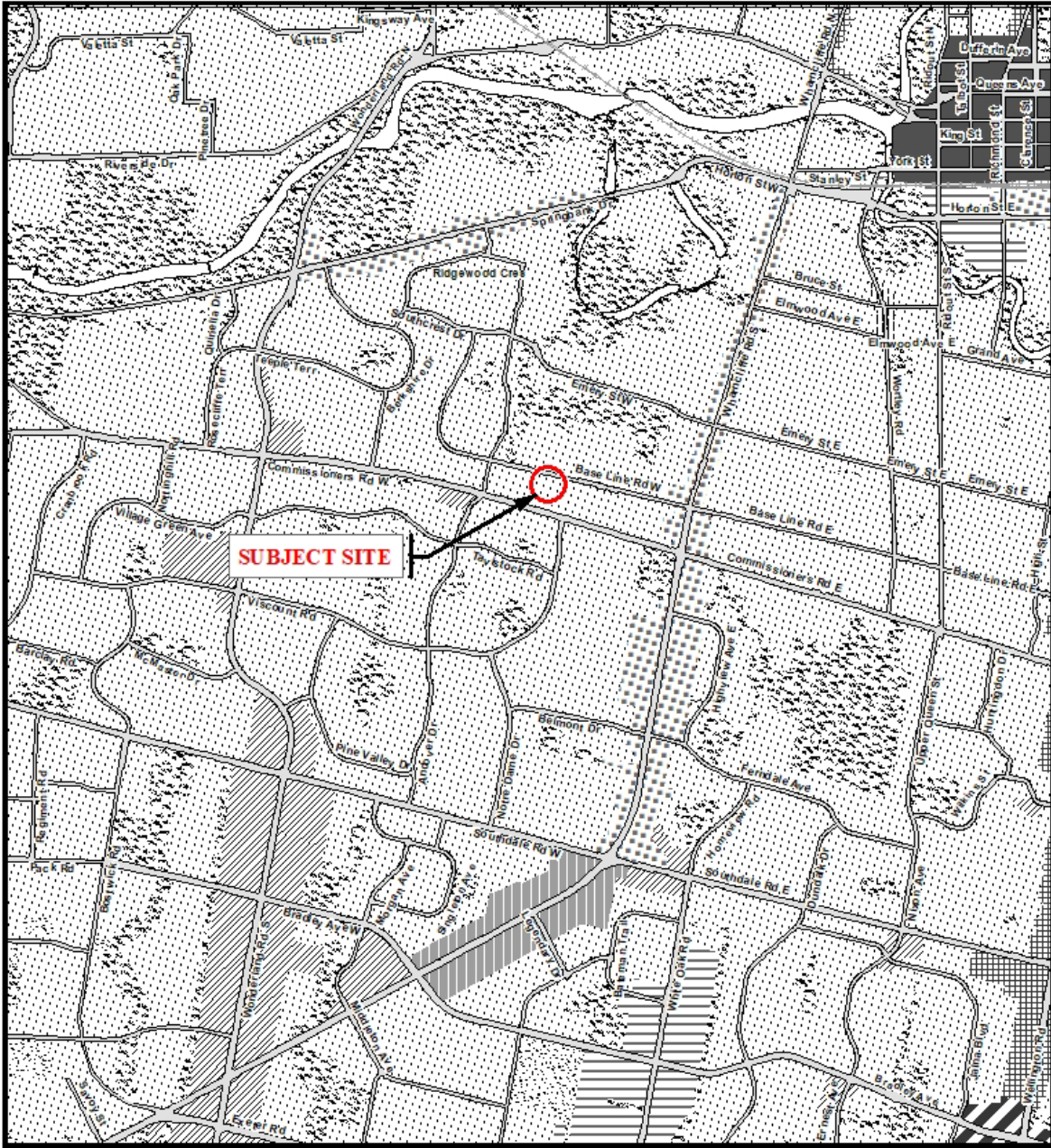
On Base Line Road West we have two other buildings that are going to be built. One for 77 units and the other for 180 units. This already is adding immense population density to the area. Not to mention there is also a vacant lot that has already been zoned for 30+ units at the corner of Commissioners Road West and West Street.

When you vote on November 12th. Please consider that many of my neighbours are some of the most vulnerable in the city. If these permits are granted, we will be fighting for a roof over our heads.

Thank you for your time and consideration and I look forward to speaking more on this matter November 12th, 2024.

Appendix E – Relevant Background





Legend

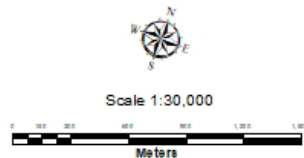
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

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

**CITY OF LONDON
Official Plan**

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development



File Number: Z-9783
Planner: MH
Technician: JI
Date: 2024/10/07

Project Location: E:\Planning\Projects\lp_officialplan\work\consolid00\excerpts_LondonPlan\mxd\Z-9783_Map1_PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R3-1

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9783

MH

MAP PREPARED:

2024/10/07

JJ

1:1,200

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Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Paradise Homes Inc. (c/o Siv-ik.)
566 Southdale Rd E & 818 Easy Street
File Number: Z-9785, Ward 3
Public Participation Meeting

Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Paradise Homes Inc. (c/o Siv-ik) relating to the property located at 566 Southdale Road E & 818 Easy Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 26, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone **TO** a holding a Residential R3/Residential R8 Special Provision (h-18*R3-2/R8-4(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) The Owner shall consider removing surface parking to accommodate additional amenity space.; and
 - ii) Screen the proposed parking area from Easy Street using an all-season landscape buffer.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Planning Statement, 2024 (PPS)*;
- ii) The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Neighbourhoods Place Type policies; and
- iii) The recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the context of the site and surrounding neighbourhood.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from a Residential R3 (R3-2) Zone to a Residential R3/Residential R8 Special Provision (R3-2/R8-4(_)) Zone. Requested special provisions include a maximum density of 105 unit per hectare, a minimum front yard setback of 1.5 metres, a minimum exterior side yard setback of 4.5 metres, and a minimum interior side yard of 1.0 metres.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law Amendment with special provisions to permit the development of a 4-storey apartment building with **16 residential units** and 17 parking spaces. A holding provision is recommended to ensure development does not occur until such time as the City is in receipt of the Ministry of Citizenship and Multiculturalism's (MCM) compliance review letter for the Stage 1-2 Archaeological Assessment.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Housing and Homelessness**, by supporting faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject site municipally addressed as 566 Southdale Road East and 818 Easy Street is located on the northeast corner of Southdale Road East and Easy Street, in the White Oaks Planning District. The site has a total area of approximately 0.16 hectares, with 32.5 metres of frontage along Southdale Road East, and 49.7 metres along Easy Street. 566 Southdale Road East is developed with an existing single detached dwelling while 818 Easy Street is currently vacant.

The surrounding neighbourhood consists of single detached dwellings directly to the north, south, east and west. A mix of residential uses exist in the broader vicinity, including single detached dwellings, townhouses and apartment buildings.

Easy Street is classified as a Neighbourhood Connector on Map 3 – Street Classifications of The London Plan and is a two-lane road. Southdale Road East is classified as a Civic Boulevard on Map 3 – Street Classifications of The London Plan, with a traffic volume of approximately 25,000 vehicles per day. Southdale Road East is a four-lane road with sidewalks on both sides, and access to LTC transit routes, with several bus stops within close proximity.

Site Statistics:

- Current Land Use: Single Detached Dwelling
- Frontage: 32.5 metres along Southdale Road East
- Depth: 49.7 metres
- Area: 0.16 hectares
- Shape: Regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Residential
- East: Residential
- South: Residential
- West: Residential

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods Place Type at the intersection of a Neighbourhood Street (Easy Street) and Civic Boulevard (Southdale Road East)
- Existing Special Policies: None
- Existing Zoning: Residential R3 (R3-2) Zone

Additional site information and context is provided in Appendix "B".



Figure 1- Aerial Photo of Subject Site and surrounding lands



Figure 2 - Streetview of the Subject Site (view looking north from Southdale Rd E)



Figure 3 - Streetview of the Subject Site (view looking east from Easy St)

2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of a 3.5 storey apartment building with 16 dwelling units, landscaped areas, an outdoor amenity space, and 17 surface parking spaces. A full movement vehicular access is proposed from Easy Street. A walkway is proposed parallel to the rear of the building and parking area, providing convenient and safe pedestrian access to the building from Easy Street and Southdale Road East.

The proposed development includes the following features:

- Land use: Residential
- Form: Apartment building
- Height: 3.5 storeys (22.0m)
- Residential units: 16
- Density: 105 units per hectare
- Building coverage: 28.4%
- Parking spaces: 17 surface parking spaces
- Bicycle parking spaces: Long term – 0.9/unit, short term – 0.1/unit
- Landscape open space: 39.3%

Additional information on the development proposal is provided in Appendix “B”.

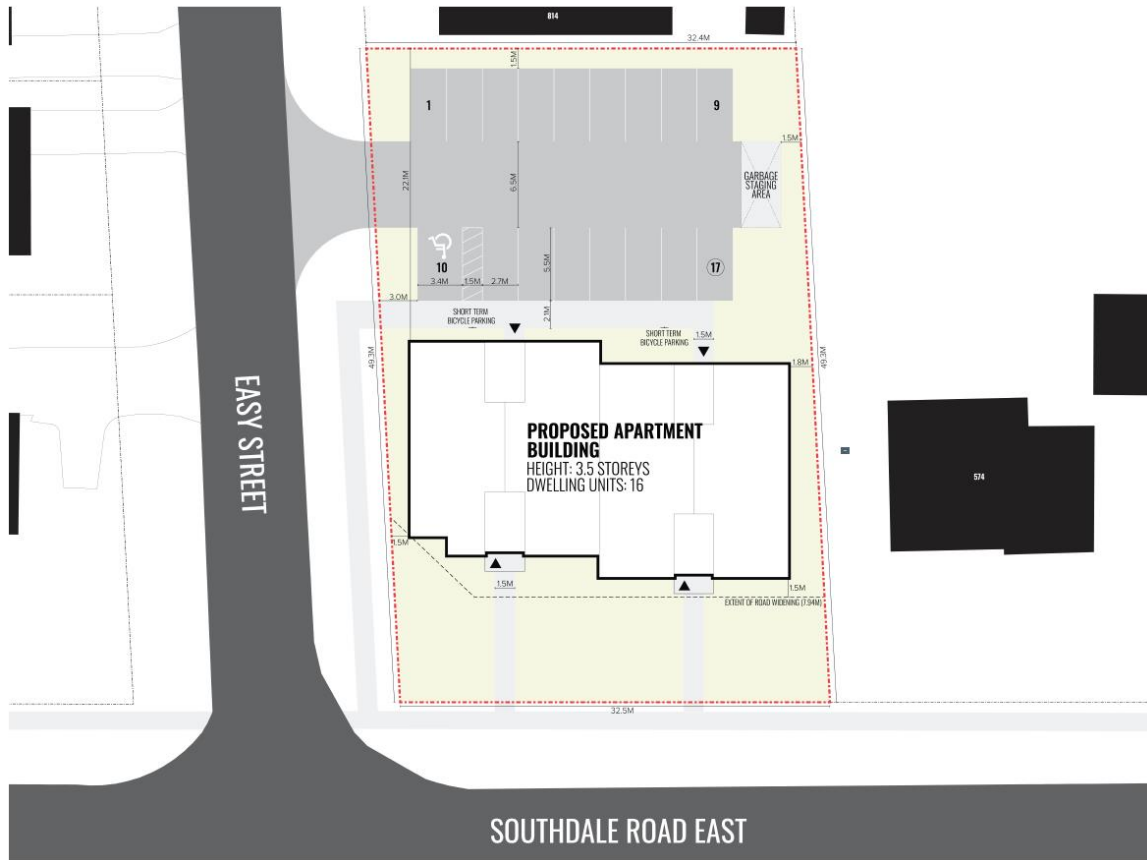


Figure 3 - Conceptual Site Plan

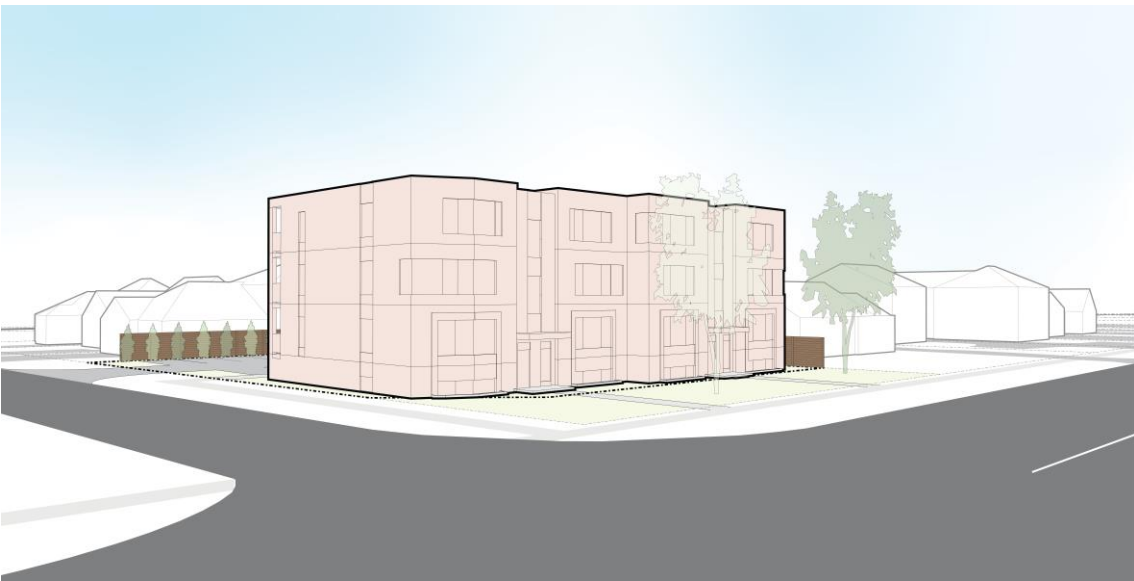


Figure 4 – Rendering of proposed building – view from Southdale Rd E

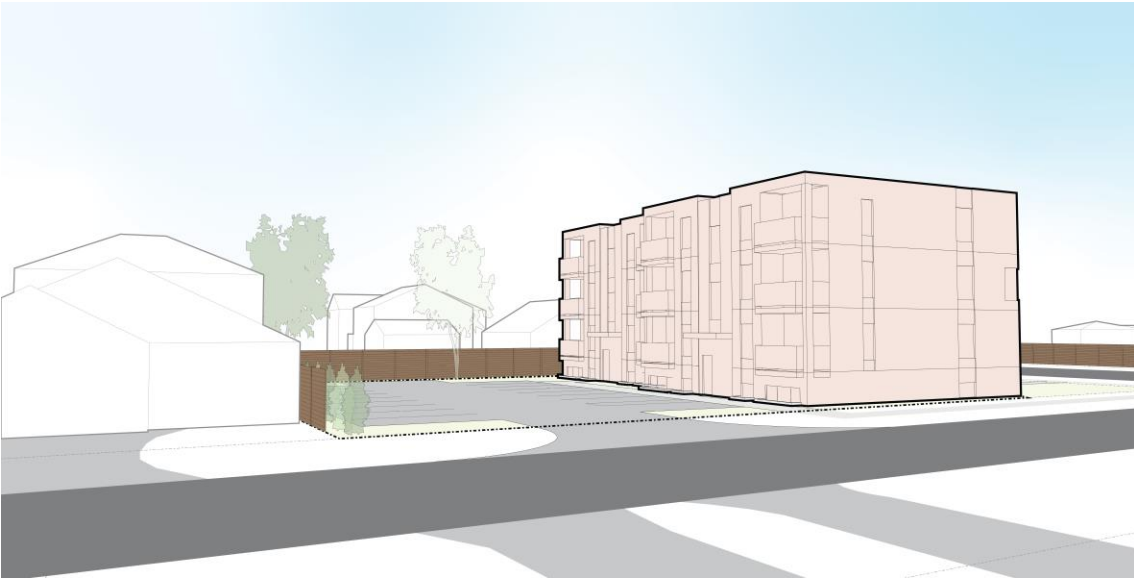


Figure 5 – Rendering of proposed building – rear view from Easy Street

Additional plans and drawings of the development proposal are provided in Appendix “C”.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R3 (R3-2) Zone to a Residential R3/Residential R8 Special Provision (R3-2/R8-4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff. It should be noted that staff are recommending a height of 4-storeys to provide flexibility in the design at the Site Plan Approval stage.

Regulation (R8-4)	Required	Proposed
Front Yard Setback (minimum)	6.0 metres (19.7 feet) plus 1.0(3.3 feet) per 10.0 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	1.5m
Exterior Side Yard Setback (minimum)	6.0 metres (19.7 feet) plus 1.0(3.3 feet) per 10.0 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	4.5m
Interior (East) Side Yard Setback (minimum)	1.2 metres (3.9 feet) per 3.0metres (9.8 feet) of main building height or fraction thereof above 3.0 metres (9.8 feet), but in no case less than 4.5 metres (14.8 feet)	1.8m
Building Height (maximum)	13.0m	12.0m proposed; 15.0 metres recommended
Density (maximum)	75 units per hectare	105 units per hectare

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major concerns were identified by staff.

Detailed internal and agency comments are included in Appendix “D” of this report.

2.4 Public Engagement

On September 26, 2024, Notice of Application was sent to property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 26, 2024. A “Planning Application” sign was also placed on the site.

There were 3 responses received during the public consultation period in support of the proposed development. Concerns included parking adjacent to property, lighting, fencing, sidewalks, drainage, garbage, setbacks, height, and parking overflow on side street.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are in the Neighbourhoods Place Type of The London Plan, with frontage on a Civic Boulevard, in accordance with Map 1 – Place Types and Map 3 – Street Classifications.

Table 10 – Range of Permitted Uses provides the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type by street classification (TLP 921_). At this location, Table 10 permits a range of low-to-medium density residential uses, including low-rise apartment buildings. Staff are satisfied the proposed use is in conformity with the policies of the Neighbourhoods Place Type of The London Plan.

4.2 Intensity

The proposed residential intensity is consistent with the policies of the PPS 2024 that encourage all types of residential intensification, including redevelopment which results in a net increase in residential uses (2.2.1.2), compact form (2.4.1.3.c), and an appropriate mix of housing options and densities (2.3.1.3). The proposed intensity

conforms with Table 11 – Range of Permitted Heights in Neighbourhoods Place Type, which contemplates a minimum height of 2-storeys (8 metres), a standard maximum height of 4-storeys, and an upper maximum height of 6-storeys for properties fronting on a Civic Boulevard. As a maximum height of 4-storeys is being recommended, the proposed development is in conformity with The London Plan.

Servicing is available for the proposed number of units and no concerns were raised by City staff and agencies regarding traffic, noise, parking or other negative impacts.

4.3 Form

Within the Neighbourhoods Place Type, and in accordance with the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of site layout, access points, driveways, landscaping, amenity areas, building location and parking, building and main entrance orientation, building line and setback from the street, height transitions with adjacent development, and massing (TLP 953_2, a. to f.).

All planning and development applications will conform with the City Design policies of The London Plan (TLP 194_). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (TLP 193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and promote connectivity and safe movements for pedestrians, cyclists, and motorists between and within sites (TLP 252_ and 255_). In terms of built form, buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings and minimize the visual exposure of parking areas to the street (TLP 256_ & 269_).

The built form consists of a residential apartment building oriented towards Southdale Road East. As proposed, the built form directs the height and intensity towards the higher order street with appropriate buffering and setbacks towards the existing surrounding residential uses (TLP 918_13 and 953_2). The proposed built form and massing have consideration for the adjacent low density residential uses and is appropriate within the context of the surrounding neighbourhood (TLP 953_2).

Access to the site is proposed from Easy Street, promoting connectivity and safe movement for pedestrians, cyclists, and motorists (TLP 255_). As proposed, the parking is to be visually screened from Southdale Road East, encouraging a pedestrian oriented streetscape (TLP 936_4).

The proposed built form is consistent with the Neighbourhoods Place Type policies and the City Design policies of The London Plan by facilitating a compatible form of development that will help support the growing demands of London residents (TLP 937_). Specifically, facilitating a development that supports aging in place, affordability, and the effective use of land in neighbourhoods (TLP 193_7).

4.4 Zoning Provisions

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from a Residential R3 (R3-2) Zone to a Residential R3/Residential R8 Special Provision (R3-2/R8-4(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and are recommended by staff.

Front Yard and Exterior Side Yard Depth – The applicant is requesting a special provision to permit a front yard depth of 1.5 metres and an exterior side yard depth of 4.5 metres. The reduced setbacks are supported by the policies of The London Plan, which states that buildings should be sited close to the street to maintain and reinforce the prevailing street wall and create an inviting and comfortable pedestrian environment (TLP 259_). Staff are supportive of the reduced setbacks as the proposed building will create a human-scale relationship with the public realm that is comfortable for pedestrians.

Interior Side Yard Depth – The applicant is requesting a special provision to permit an interior side yard depth of 1.8 metres. The requested interior side yard depth provides a total building separation of 8.5 metres to the existing residential building on the adjacent property. Staff are supportive of the reduced setback, as the development maintains appropriate spacing between buildings to allow for sunlight, landscape buffering, and fencing. It should also be noted that the reduced setback is resultant of a pinch-point where the property line tapers towards the rear of the site.

Height – Staff are recommending a special provision to permit a maximum building height of 15.0 metres (4-storeys) to provide additional flexibility for refinements to the design at the Site Plan Approval stage. The increased height, as it is appropriate for the subject site given the street classification in Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type in The London Plan. The site is located in proximity to other mid-rise apartment buildings further down Southdale Road East, therefore the proposed height aligns with existing context of the surrounding area.

Density – The applicant has requested an increased maximum density of 105 units per hectare, whereas 75 units per hectare is the maximum permitted. The increased density will allow for the implementation of the proposed redevelopment, facilitating an appropriate scale of development that is compatible within the existing neighbourhood character (TLP 918_13). Further, the proposed development is located in proximity of existing transit routes, which will support the use of transit by future residents. On this basis, staff are supportive of the proposed density of 105 units per hectare.

4.5 Holding Provision

A Stage 1-2 Archaeological Assessment was completed for the subject lands and submitted as part of the complete application. The assessment identified further archaeological assessment of the property is required through a Stage 3 Assessment. The City has not received the Ministry's acceptance of this assessment; therefore, it is recommended an h-18 holding provision be applied until the City receives confirmation that the Ministry has accepted this archaeological assessment.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R3 (R3-2) Zone to a Residential R3/Residential R8 Special Provision (R3-2/R8-4(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with a holding provision and special provisions.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will permit the development of a 4-storey apartment building containing 17 residential units.

Prepared by: Alanna Riley, MCIP, RPP
Senior Planner, Planning Implementation

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert – Manager, Development Engineering

Appendix A – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 566 Southdale Road East & 818 Easy Street.

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 566 Southdale Rd E & 818 Easy St, as shown on the attached map **FROM** Residential R3 (R3-2) Zone to a holding Residential R3/Residential R8 Special Provision (h-18*R3-2/h-18*R8-4(□)) Zone.
2. Section Number 12.4 of the Residential R8-4 Zone is amended by adding the following Special Provisions:

R8-4(□) 566 Southdale Rd E & 818 Easy St

 - a. Regulations
 - i) Front Yard Depth (min) – 1.5 metres
 - ii) Exterior Side Yard Depth (min) – 4.5 metres
 - iii) Interior (East) Side Yard Depth (min) – 1.8 metres
 - iv) Building Height (max) – 14.0 metres
 - v) Density (max) – 105 units per hectare
3. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

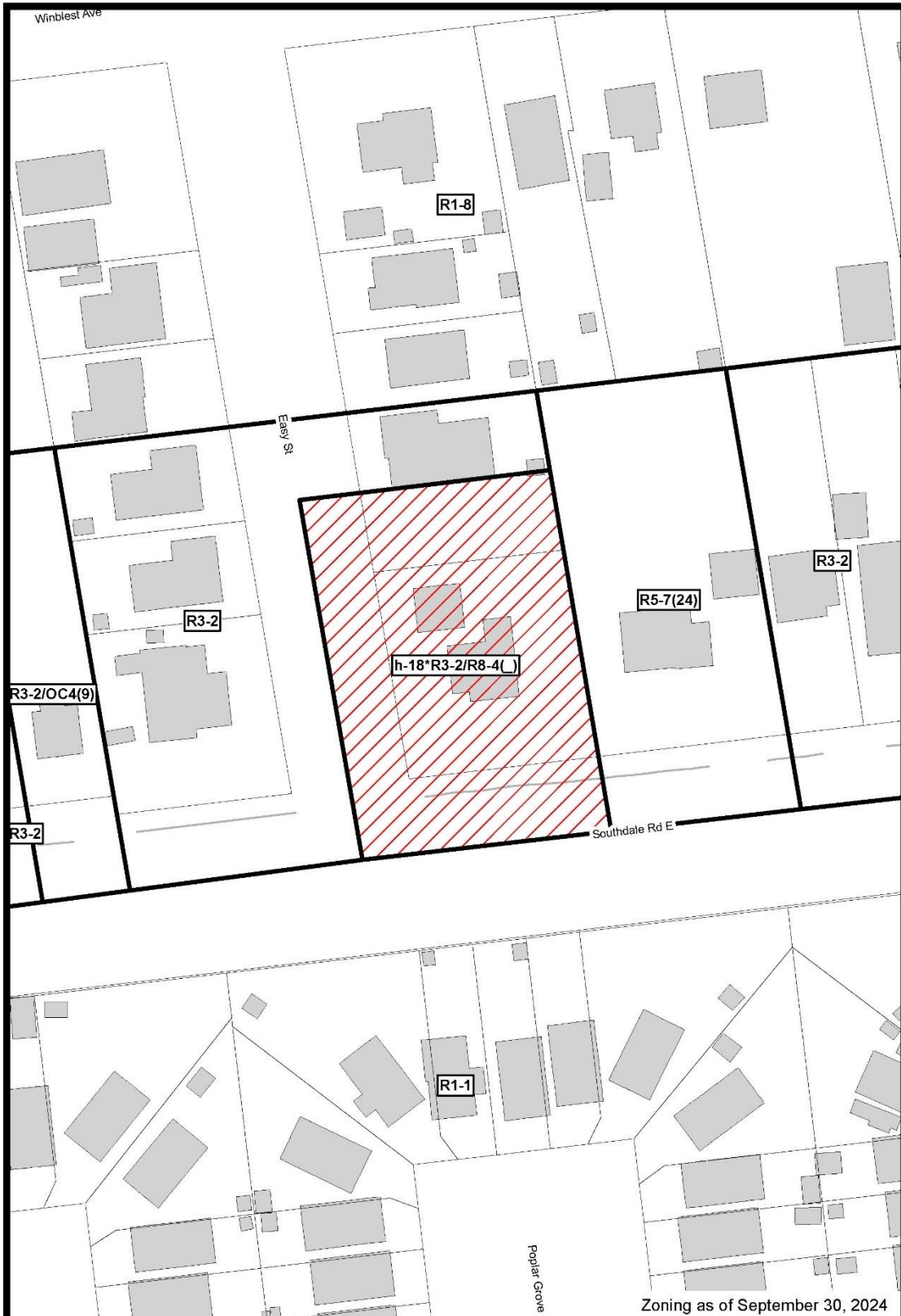
PASSED in Open Council on November 26, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.


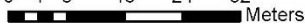

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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



<p>File Number: Z-9785 Planner: AR Date Prepared: 2024/10/11 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p>0 4 8 16 24 32 Meters </p> <p></p>
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Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Residential
Frontage	32.5 metres (Southdale Rd E)
Depth	49.7 metres (Easy Street)
Area	0.16 hectares
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Low Density Residential
East	Low Density Residential
South	Low Density Residential
West	Low Density Residential

Proximity to Nearest Amenities

Major Intersection	Southdale Rd E & Nixon Ave 300 metres
Dedicated cycling infrastructure	Nixon Ave – bike lane, 300 metres
London Transit stop	Nixon Ave – LTC stop, 300 metres
Public open space	WInblest Park, 408 metres
Commercial area/use	Southdale Rd E and Montgomery Rd, 300 metres
Food store	No Frills, 300 metres
Primary school	Cleardale Public School, 550 metres
Community/recreation amenity	South London Community Centre, 1,350 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type fronting a Civic Boulevard
Current Special Policies	N/A
Current Zoning	Residential R3 (R3-2) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	R3 Residential/R8 Special Provision (R3-2/R8-4(_))

Requested Special Provisions

Regulation (R8-4)	Required	Proposed
Front Yard Setback (minimum)	6.0 metres (19.7 feet) plus 1.0(3.3 feet) per 10.0 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	1.5m
Exterior Side Yard Setback (minimum)	6.0 metres (19.7 feet) plus 1.0(3.3	4.5m

Regulation (R8-4)	Required	Proposed
	feet) per 10.0 metres (32.8 feet) of main building height or fraction thereof above the first 3.0 metres (9.8 feet)	
Interior (East) Side Yard Setback (minimum)	1.2 metres (3.9 feet) per 3.0 metres (9.8 feet) of main building height or fraction thereof above 3.0 metres (9.8 feet), but in no case less than 4.5 metres (14.8 feet)	1.8m
Building Height (maximum)	13.0m	15.0m
Density (maximum)	75 units per hectare	105 units per hectare

C. Development Proposal Summary

Development Overview

Staff are recommending approval of the requested Zoning By-law Amendment with special provisions to permit the development of the 4-storey apartment building with 16 residential units and 17 parking spaces.

Proposal Statistics

Land use	Residential
Form	Apartment building
Height	3.5 storeys (16.0 metres)
Residential units	17
Density	105 uph
Building coverage	28.4%
Landscape open space	39.3%
New use being added to the local community	No

Mobility

Parking spaces	17 surface parking spaces
Vehicle parking ratio	1.06 spaces per unit
Secured bike parking ratio	0.9 spaces per unit
Connection from the site to a public sidewalk	Yes

Environmental Impact

Tree removals	27
Tree plantings	Unknown
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	N/A
Green building features	Unknown

Appendix C – Additional Plans and Drawings



Building Rendering: front of the property



Building Rendering: rear of the property

Appendix D – Internal and Agency Comments

Upper Thames River Conservation Authority – Received October 2, 2024

- The subject lands are not affected by any regulations (Ontario Regulation 41/24) made pursuant to Section 28 of the *Conservation Authorities Act*.

Site Plan – Received October 7, 2024

1. Major Issues

- None.

2. Matters for OPA/ZBA

- A portion of the building is within the required daylight triangle. The building will need to be adjusted so it remains entirely on private property.
- Confirm the exterior side yard setback. The drawing currently shows a 1.5 metre setback from the lot line without the road widening requirement.
- Special Provisions required:
 - To permit a front yard setback of 1.5 metres, whereas 6.75 metres is the minimum required.
 - To permit an exterior side yard setback of 1.5 metres, whereas 6.75 metres is the minimum required.
 - To permit an interior side yard setback of 1.8 metres, whereas 9.3 metres is the minimum required.
 - To permit a density of 101 UPH whereas 75 UPH is the maximum permitted.

3. Matters for Site Plan

- Visitor parking is required at a rate of 1 space per 10 dwelling units (2 visitor parking spaces) and ensure that these spaces are clearly delineated on the Site Plan drawing.
- Provide a common outdoor amenity space suitable in size and function for the anticipated number of residents.
- Provide enhanced landscape screening for the parking area and for the waste collection area from both Easy Street and neighbouring properties.
- Widen the driveway to the standard 6.7 metre width for residential developments.
- Provide all necessary details regarding how the Fire Department will service this development.
- Identify how snow storage will be accommodated on site or whether it will be trucked off site.
- As Southdale is designated a Cycling & Walking Route, consider providing more than the minimum amount of long-term & short-term bicycle parking.

4. Complete Application Requirements

- Site Plan Application
- Noise Study

Heritage – Received October 7, 2024

I have reviewed the Stage 1-2 Archaeological Assessment submitted for Z-9785. Please note, the recommendations of the Stage 1-2 Archaeological Assessment report (P1289-0525-2024) identify that an archaeological site was identified requiring further work in the form of a Stage 3 Archaeological Assessment.

An h-18 holding provision should be applied to the property until the Stage 3 Archaeological Assessment has been completed and all archaeological matters are addressed.

Parks – Received October 11, 2024

5. Major Issues

- a. None.

-

6. Matters for OPA/ZBA

- a. None.

7. Matters for Site Plan

- a. Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

Urban Design – Received October 9, 2024

*The subject site is located within the Neighbourhoods Place Type at the intersection of a Civic Boulevard and Neighbourhood Street which contemplates low-rise apartments at this location. **Urban Design is generally supportive of the proposed use; however, Staff would recommend proposing a 4-storey apartment building instead of 3.5 storeys to avoid below-grade units and sunken amenity spaces fronting onto the Civic Boulevard and mitigate potential privacy and noise issues.***

The following site and building design features are supported and should be carried forward:

- *Siting the building close to Southdale Road East and locating parking to the rear of the site.*
- *Providing principal entrances fronting onto Southdale Road East with direct walkway connection to the public sidewalk.*

Matters for Zoning:

- *Provide a minimum 1 metre and a maximum 3 metre front yard set back on Southdale Road East and Easy Street to encourage street-orientation development while avoiding encroachment of footings and canopies. Refer to The London Plan, Policy 259 and 288.*
- *Provide outdoor amenity spaces for the anticipated residents by reducing the amount of surface parking in favour of usable outdoor amenity spaces. Refer to The London Plan, Policy 295.*

Matters for Site Plan:

- *Provide similar level of articulation on the side elevation fronting onto Easy Street to create an active street front and allow passive surveillance along the Neighbourhood Street. Refer to The London Plan, Policies 290, 286, 285, and 228.*
- *Screen the parking visible from Easy Street with an all-season landscape buffer to create a positive visual impact on the public realm. Refer to The London Plan, Policy 278.*
- *Integrate the garbage storage/pick-up area within the building. Alternatively, locate the pick-up area away from the view of Easy Street. Refer to The London Plan, Policy 266.*

Landscape Architecture – Received October 9, 2024

Matters for Zoning:

- *The proposed setbacks on Southdale Road East and Easy Street do not comply with the Site Plan Control By-law, which requires a minimum 3 metre setback. If the minimum setback cannot be achieved due to physical constraints on site, the applicant will be required at Site Plan to consolidate tree planting requirements from the street frontage to an interior site location, i.e., amenity area, excess parking stalls, and/or increased buffer planting along interior property lines.*
- *A Kentucky Coffee-tree is proposed to be removed on site, which is a threatened species on the Species at Risk in Ontario (SARO) list. The proponent is required to receive exemption or authorization from the Ministry of the Environment, Conservation and Parks (MECP) before any work can occur within the required 20 metre buffer from the Kentucky Coffee-tree. Confirmation from the MECP will need to be received by the City prior to the approval of the Landscape Plan or Tree Preservation Plan.*

Matters for Site Plan:

- *City trees are proposed for removal with this application. The City of London Boulevard Tree Protection Bylaws protects all trees located on City of London Boulevards (including their root zones). To request the removal or to apply for consent to injure the roots of the City trees, contact Forestry Dispatcher at trees@london.ca with details of your request. Approval from Forestry will need to be provided prior to the approval of the Landscape Plan or Tree Preservation Plan.*
- *A landscape plan is required as part of a complete Site Plan Application. The landscape plan must be completed in accordance with the City of London Site Plan Control Bylaw Section 1.6.1, Section 9. The base plan should be the same scale as the site plan, superimposed on top of servicing plan. Ensure the following landscape design elements are included in the Landscape Plan:*
- *Provide planted islands within the parking area to achieve the intent of the Site Plan Control By-Law. Provide one planted island for every 15 stalls, with a minimum area of 10 square metres and 0.9 metres in depth. Ensure there is a minimum of one tree with shrubs at the base per planted island. Refer to Section 9 of the Site Plan Control By-law.*
- *Provide tree planting along all exterior property lines fronting onto a public street or a rate of 1 tree per 12 metres. All required tree planting is to be within property limits. Refer to Section 9 of the Site Plan Control By-law.*
- *Provide tree planting along all interior property lines within a 1.5 landscape strip at a rate of 1 tree per 15 metres. Where high intense commercial uses abut residential uses, the width of the landscape strip should increase to 4.5 metres. Refer to Section 9 of the Site Plan Control By-law.*
- *Provide vegetative screening for any portion of the parking lot that is visible from the street with low walls and all-season vegetation. Refer to The London Plan, Policy 282.*
- *The following information is for the proponent and does not need to be included in the MRT presentation:*

Kentucky Coffee-tree and the Endangered Species Act, 2007 (ESA)

- *MECP is responsible for the administration of the [ESA](#). The ESA provides for the protection and recovery of species on the SARO List. The ESA includes prohibitions against killing, harming, harassing, capturing or taking a living member of a species listed as extirpated, endangered, or threatened on the SARO List (section 9) and against damaging or destroying the habitat of a species listed as endangered or threatened on the SARO List (section 10), without an exemption or authorization.*
- *Seeking an ESA authorization or exemption is a proponent-led process. This means that the person carrying out an activity is responsible for determining whether SAR and their habitat are present on or around the site of the activity, and ultimately ensuring their actions do not contravene the ESA.*
- *If a Kentucky Coffee-tree and/or its habitat are present on a property and a project is proposed, the ministry recommends that you carry out the work necessary to prepare an Information Gathering Form (IGF).*
- *After considering all the data and information in the IGF, if you have determined that the activity can be carried out in such a way that you will not have adverse impacts prohibited by sections 9 and/or 10 of the ESA (e.g., all construction work is occurring greater than 20m from a Kentucky Coffee-tree), an exemption or authorization under the ESA would not be necessary to proceed if the activity is carried out in that way. Again, proponents are responsible for ensuring their actions do not contravene the ESA.*
- *If you have determined that the proposed activities could potentially have adverse impacts prohibited by sections 9 and/or 10 of the ESA (e.g., possible harm and/or death caused by removal or relocation, damage/destruction to the*

20 metre buffer), an exemption or authorization may be required before you proceed. There are different authorization types under the ESA, including conditional exemptions under [Ontario Regulation 242/08](#) or permits/agreements. MECP recommends that a proponent review the conditional exemptions (e.g., species protection/recovery, threats to human health and safety) to determine if a project is eligible for any of these options. If not, an IGF should be submitted to the ministry at SAROntario@ontario.ca to seek a permit or agreement. Please visit [How to get an Endangered Species Act permit or authorization | ontario.ca](#) to obtain information on how to get an ESA permit or authorization.

Ecology – Received October 8, 2024

Major Issues Identified

- None

Matters for OPA/ZBA

- None

Matters for Site Plan

- None

Ecology – Complete Application Requirements

- None

Engineering – October 15, 2024

Zoning Application Comments

- Engineering has no further comments on this application. Approval is recommended.
- The Folling comments shall be addressed during the siteplan application stage.

Matters for Site Plan

Wastewater

- There is a 250mm diameter sanitary sewer on Easy Street and a 450mm diameter sanitary sewer on Southdale Road East. The applicants engineer is to demonstrate servicing to the municipal outlet.
- The subject lands are approximately 0.15ha in size and allocated historically as SF dwellings allocated approximately 8 people, with the proposed suggesting 60people but there appears to be surplus capacity for the minor increase in flows, albeit the requested density of 200UPH may be extreme for the area but SED will defer to the appropriate parties.
- The existing PDC will need to be abandoned/removed as per CoL Standards. A new PDC will need to be constructed adequate in size and slope for the proposed development, minimum 150mm diameter at 1.0%
- The applicants engineer is to demonstrate servicing to the municipal outlet with one connection.

Stormwater

- As per section 6.9 of the DSRM, Permanent Private Stormwater Systems (PPS) are a mandatory part of a regional stormwater servicing strategy for all Medium and High Density Residential, Institutional, Commercial and Industrial (ICI) site plan developments. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review. This application falls under PPS case 2.
- As part of a complete development application, the owner will be required to have a professional engineer submit to and have approved by the City Engineer the design of a PPS system, including a Storm/Drainage Servicing report and drawings which should include calculations, recommendations, and details to demonstrate compliance with the below identified SWM criteria and environmental targets:
 - The consultant shall provide/connect to a pdc in accordance with Drainage bylaw (WM-4) and DSRM requirements.

- As per ascon 18366, the subject site is tributary to the 600mm storm sewer on Easy Street at a C-value of 0.65. Any increase in peak flows from pre to post development conditions shall be managed by onsite SWM control design including, but not limited to, bioswales, infiltration galleries/systems, storage volume calculations, flow restrictor sizing, etc. It is suggested that primarily “clean” roof runoff be directed to infiltration features.
- The discharge flow from the site must not exceed the capacity of the stormwater conveyance system.
- The on-site private stormwater system must be designed to meet the minimum subwatershed water quality control criteria requirements outlined in DSRM Table 6.4. (80% TSS removal, Dingman Creek subwatershed)
- Site grading is to safely convey up to the major storm event (100-year event flows factored by 1.3, ref. 2024 DSRM 6.2.3), including control of external drainage areas.
- A Stormwater Management checklist for Site Plan shall be signed and submitted with the initial application. Please refer to DSRM Section 6.1.5 & 6.12.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan to the satisfaction of the City Engineer, including, but not limited to, decreasing impervious areas and Low Impact Development (LID) when possible. Additionally, as part of climate change resiliency objectives the consultant is to use best efforts to maximize the provided site storage, and is encouraged to consider options, such as but not limited to, optimized grading for ponding areas, roof flow control drains, and orifice controls.
- Grading and Disposal of Storm, Surface and Wastewater shall be in accordance with Section 12 of the Site Plan Control By-Law (SPCB).
- Storm sewers on private property are regulated by the Ontario Building Code (OBC). Where there are no specific regulations in the OBC, applicable design guidance from Chapter 5 & 6 of the City of London, 2024 Design Specifications and Requirements Manual (DSRM) shall apply.
- An E&SC for the subject site shall be prepared by the owner’s consultant as part of a complete site plan application. The plan is to include measures to be used during all phases of construction, should identify all erosion and sediment control measures for the subject site, and be in accordance with City of London and MECP standards and requirements. These measures are to also be identified in the Storm/Drainage Servicing Report. For further information on the requirements of the E&SC Plan, please refer to DSRM Section 10.

Water

- Water is available for the subject site via the municipal 300mm high-level watermain on Southdale Road.
- A water servicing brief addressing domestic demands, fire flows, and water quality is required.
- Any existing water services shall be abandoned to City Standards.

Transportation

- Detailed comments regarding access design and location will be made through the site plan process.
- This property is subject to a 7.942 metre road widening in perpendicular width along the Southdale Road East frontage.
- A 6m x 6m daylight at the corner.
- Additional comments to be provided during site plan consultation.

Appendix E – Public Comments

Public Input #1 - Ginnina Pepe – October 21, 2024

Phone Call - Concerns included parking adjacent to property, lighting, garbage, setback, and parking overflow on side street.

Public Input #2 – John R Collins – October 28, 2024

I have a big problem with this as a 16 unit and 17 parking spaces. This will have a major effect on the surface water in Southdale subdivision for the Drain pipe for the subdivision that goes to Dingman Creek main junction is at Easy and Southdale road. Also, the ditches on Southdale Rd. E. Will be blocked due to this walkup. Congestion on Easy and Winblest will be horrendous and we have no sidewalks for children. Plus this is wrong for this area and our houses will be devalue all houses in the subdivision.

John R. Collins

Public Input #2 – Thu L. – October 20, 2024

Hello,

I would like to express my concerns regarding the proposed zoning amendment to 566 Southdale Rd. E & 818 Easy St., File: Z-9785.

1. Parking:

-I believe there will most likely be at least 17 parking spaces for 16 units. If there are more visitors to these apartments, where will they park? If they park on Easy street, Winblest Ave. or Verulam St. that will create a lot of traffic and noise. During the winter, the snow clean up will be very difficult.
-Furthermore, this parking lot and townhouse development will definitely overlook homes in the area causing a privacy issue.

2. Fencing:

-I do not wish to have a row of spectators who can see into my back yard. I hope there will be a fence, of substantial height, of some opaque material, perhaps of wood or concrete, to maintain privacy with adjacent backyards.
-What is the distance between the fence and the property line of neighbouring lot?
-I would like to know about the **retained parcel** for the lot frontage, the back and the side lot.

-Can some trees presently on the property be preserved for the privacy and reducing the noise? If yes, I hope trees will be incorporated into the new design.

3-Drainage:

Will the drainage for the sewers and slope of the **landscaping** be carefully thought out and not inundate neighboring yards with run off?

There is concern with increased density and sewage capacity, water surface run off and storm sewer capacity.

I would like to hear from city staff regarding the impact of the building projects would have on flooding/drainage. I also want to know if there will be a sewer upgrade for our area as most of the houses are more than 50 years old, and the soil is clay. My yard and most of the yards in this area have water issues especially in the spring.

If the city sewer systems can't handle heavy rainfall like in July 2024, and if there is more building, where will the water go?

In the future, if there is any flooding or problems with the drainage in our area, who will fix it? The city, the owner or the builder?

4- Sidewalk:

- The sidewalk access to the property needs to be properly fenced.

5-Animals:

-Are animals be allowed to live in these units? Are they to be pet friendly? The thoughts of sixteen or more animals wandering around the neighborhood worry me. Not everyone cleans up, keeps on a leash and calms barking dogs.

6-Tenants and noise:

- We have mainly one-family low-density housing in our neighborhood. This construction will greatly change the population density of the neighborhood. Please advise me on what measures will be taken to make sure that the condos do not become overcrowded with more than 5-6 renters per unit.

-Will noise become an issue? Are the units well insulated and properly fenced?

7-Lighting:

-Lighting must absolutely be shielded, at a low height, not directed to the neighbors and at soft, dim level of intensity.

8-Height and windows:

-How high is each unit? Otherwise, these habitants will have perfect views of neighbors' back yard and those at the sides. Will there be any privacy measures taken?

For example, either no windows or tinted/frosted windows along the sides or facing the back that look out over the neighbors' yards.

9-The construction

-The construction will affect us a lot: noise, dust, circulation...

-I would like to know about the working hours and the duration of this project.

-What will the time- frame be for the use of heavy equipment and what measures are being taken to make sure the vibrations from their usage not affect the surrounding houses? The vibrations, the digging and the weight of these machines can affect the soil and stability of the earth of the neighbouring properties.

10-The property tax

-Will the property tax be changed because the residential zone becomes a higher density residential zone (or even a possible commercial zone)?

11- Meeting date and time:

The meeting date and time will be on November 12, 2024

Location: City Hall or virtual participation

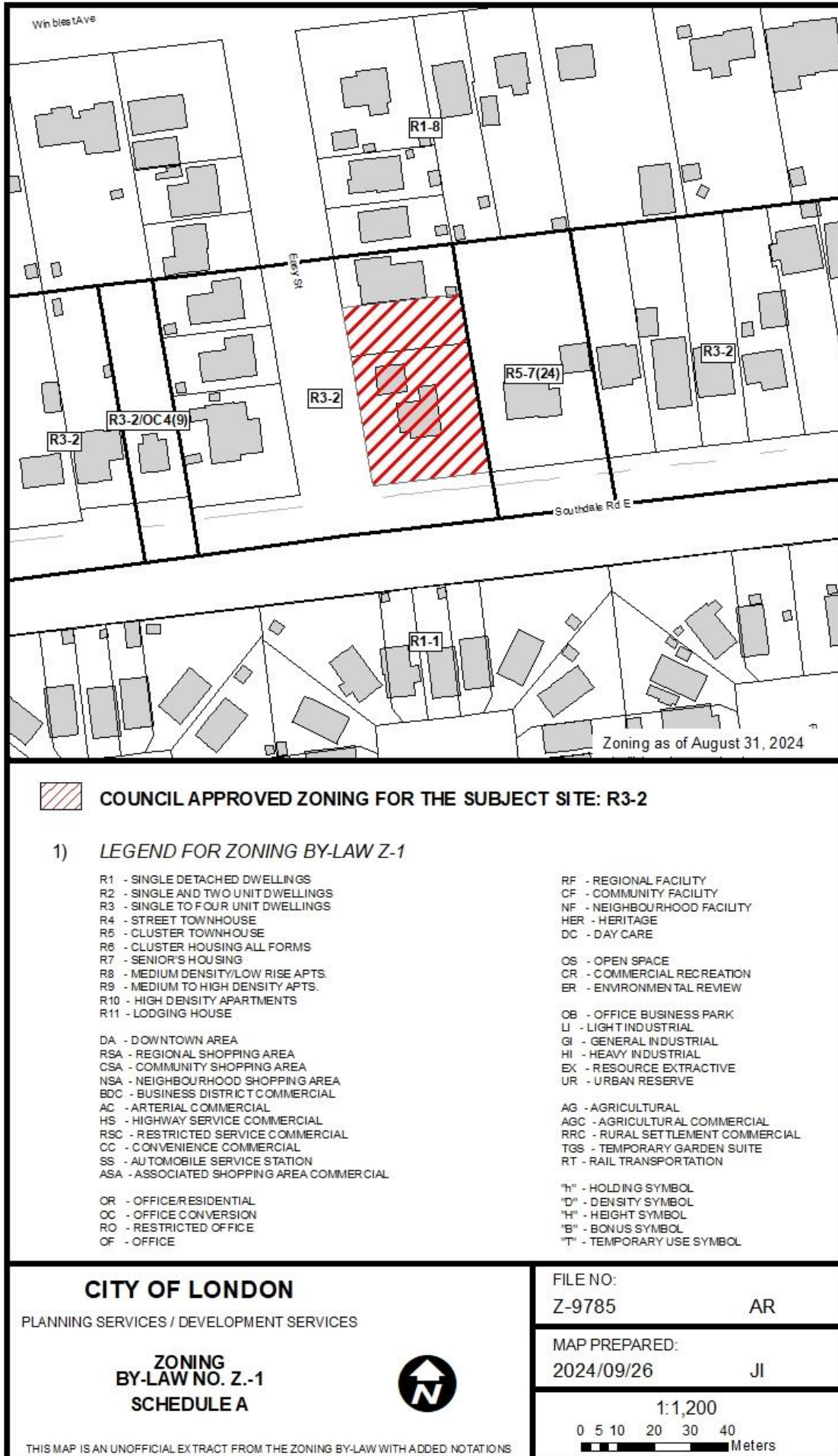
-For those who can't attend because of work or other reasons, will there be any available report of the meeting for them? If yes, where to find it ?

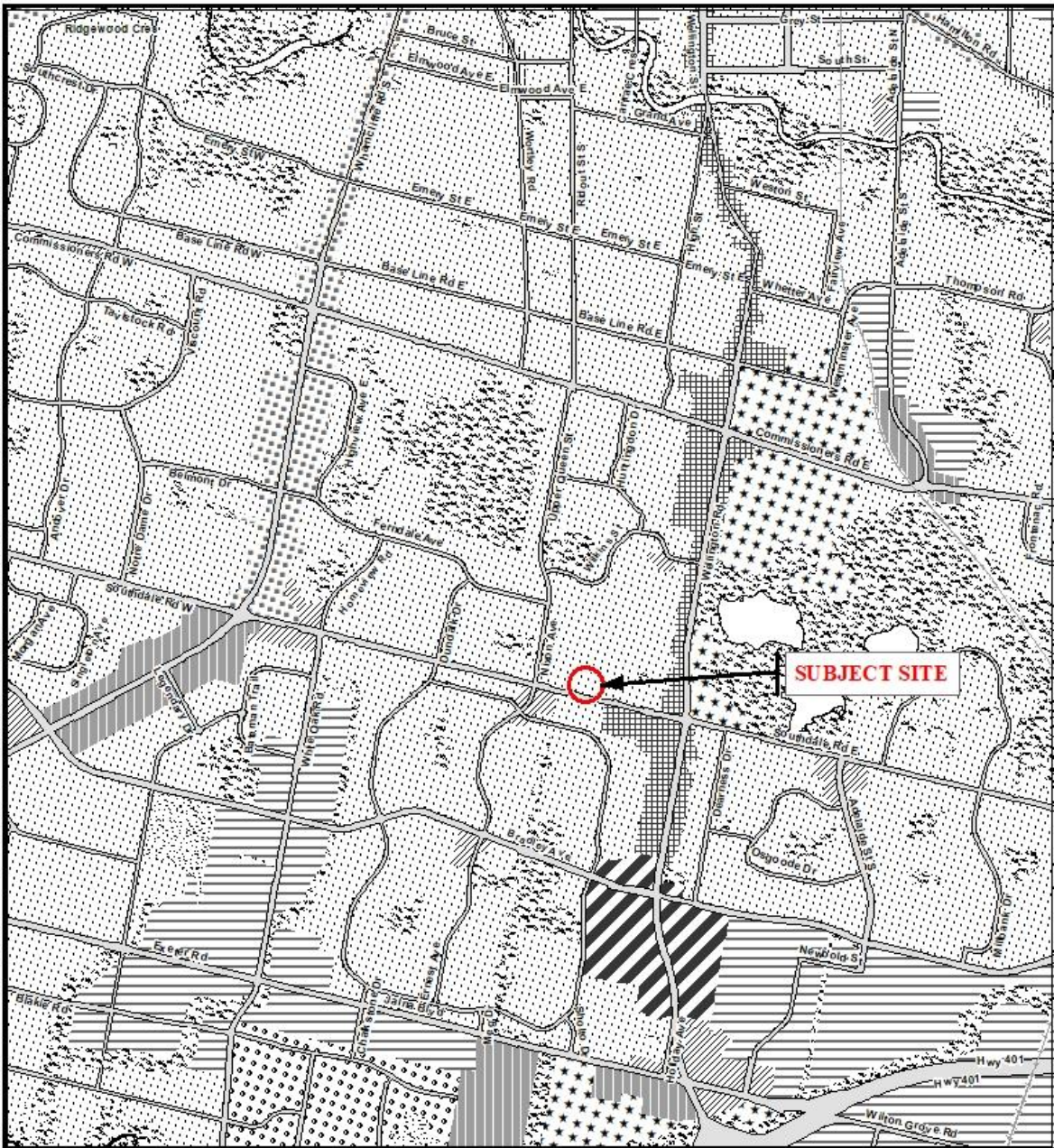
Sincerely,

Thu L.

Appendix F – Relevant Background

Zoning By-law No. Z.-1 – Zoning Excerpt



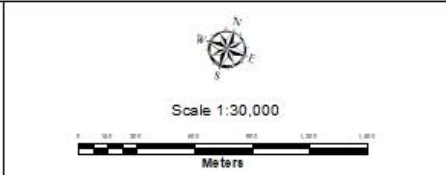


Legend

- | | | |
|------------------------|--------------------------|---|
| 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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning & Development



File Number: Z-9785
Planner: AR
Technician: JI
Date: 2024/09/26

Project Location: E:\Planning\Projects\lp_officialplan\work\consolid00\excerpts_LondonPlan\mxd\Z-9785_Map1_PlaceTypes.mxd

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Site Alteration By-law
Public Participation Meeting
Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Site Alteration By-law:

- (a) the proposed By-law attached hereto as Appendix “A” **BE INTRODUCED** at Municipal Council meeting on November 26, 2024, introduce a new Site Alteration By-Law to expand the by-law’s coverage to encompass the entire limits of the City, with specific exceptions, addressing the limitations of the existing by-law and repeal By-Law No. C.P.-1363-381.

Executive Summary

This report recommends repealing the current Site Alteration By-law and enacting the proposed By-law as attached within Appendix “A”. The purpose of this amendment is to expand the By-law’s scope to encompass the entire limits of the City, with specific exceptions, addressing the limitations of the existing By-law. The proposed changes enhance the protection of natural heritage, facilitate site alteration activities earlier in the development process, and streamline the permitting process.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

Housing and Homelessness by advancing projects that support a well-planned and growing community; faster/streamlined approvals; and protect natural heritage areas and agricultural areas for the needs of Londoners now and into the future.

Climate Action and Sustainable Growth by supporting the protection of soil quality and natural heritage health in London in alignment with the Climate Emergency Action Plan.

Analysis

1.0 Background Information

1.1 Background

On July 16, 2024, Staff brought forward the draft Site Alteration By-law update to be received by Committee and Council. Staff wanted to bring forward the draft as the scope for the By-law increased with the goal of enabling earlier site alteration activities, protecting natural heritage features and streamlining the permitting process. This by-law is being presented as part of our culture of continuous improvement. This review supports the City’s efforts to reach our housing target goals set forth in the More Homes Built Faster Act, 2022 (Bill 23), by continuing to streamline development processes.

This Site Alteration By-law update, as well as other previous delegations are part of several improvements to streamline development processes. The By-law presented today has been thoroughly review by the City as well as the development industry. As

part of Staff's initial review of the existing By-law, several issues were identified as outlined below for the need to advance this update:

- The existing By-law is specific to lands that are within an Environmental Protection Area or on any land that has Draft Plan of Subdivision approval.
- The existing By-law is restrictive for the development process, as it only allows site alteration works if a subdivision agreement is expected within four months of permit issuance.
- The existing By-law does not adequately protect all natural heritage lands from potential deleterious fill placement, grade changes that may impact stormwater runoff, specifically, those that are not within an Environmental Protection Area (ie. Environmental Review and Open Space Place Types within the Official Plan, The London Plan).
- The existing By-law does not adequately enable the advancement of works for development (i.e. Site plans, consents, etc.) to streamline and accelerate the process.

2.0 Discussion and Considerations

2.1 Overview of the Existing Site Alteration Process

Site alteration is an activity undertaken by a developer or landowner to cut and fill soil or place soil at a site to achieve a desired grade without negatively impacting adjacent properties. Landowners are entitled to alter the grade of their land, provided they do not adversely impact adjoining properties, which is a standard condition in the Draft Plan of Subdivision approval.

The current site alteration process is limited to Environmental Protection Areas or lands that are subject to a Draft Plan of Subdivision. Developers that have an approved draft plan of subdivision may request a site alteration agreement from the City as part of the engineering design review. The site alteration agreement allows the developer to proceed with pre-grading of the site prior to executing the subdivision agreement and final acceptance of the engineering drawings. Identified amount of financial security is required as part of the site alteration agreement that is sufficient to restore the site to an acceptable condition, should the subdivider not immediately return to the site to continue development. As part of this process, the developer is required to submit erosion and sediment control plans and tree preservation plans. Once all work is complete, the site alteration agreement is terminated, and security is refunded upon the subdivider entering into a subdivision agreement with the City and posting the associated subdivision security. This process was implemented to facilitate pre-grading activities on draft plan approved parcel to expedite servicing operations once drawing acceptance and execution of the subdivision agreement is complete.

The site alteration agreement process is currently voluntary on the part of the developer, with the intent of allowing developers to gain an earlier start on earth moving while they obtain all the required servicing approvals. Planning and Development Staff administer compliance of the agreement including the management of the security.

Areas including site plans, consents, variances, or regrading of sites prior to formal submission of draft plans are currently not include in the scope of the existing By-law.

2.2 Proposed Updates to the By-Law and Processes

The new Site Alteration By-law will apply to all lands within City limits, subject to certain exemptions, restrictions, and technical review requirements. These exemptions include minor site alterations such as gardening, pool and foundation excavations, normal agricultural practices, City-led activities, and routine maintenance within golf courses. Additionally, the By-law will not apply to residential lots smaller than 0.5 hectares, a threshold established based on Staff's review of comparable municipalities, where restrictions range from 0.3 to 1.0 hectares.

In addition to this, the site alteration agreement process has been reevaluated to reduce costs and administrative burdens while ensuring compliance with City standards. The revisions aim to expedite approval timelines and improve clarity in the application process for both staff and applicants. This new By-law will have the fee structure considered as part of the Fee Review that the Planning and Development Department are undertaking which is envisioned for Committee and Council consideration in Fall 2025. Prior to this fee structure being introduced, this By-law will not include a fee as a way to trial the permitting process.

The enforcement mechanisms for the revised By-law have been aligned with the City's existing enforcement practices to ensure consistency and effectiveness. These measures will follow the same protocols and standards used for other municipal By-laws, ensuring that violations are addressed promptly and equitably across the City. Enforcement will include routine inspections, responding to complaints, and proactive monitoring to ensure compliance with the By-law's requirements. Penalties for non-compliance, such as fines or orders to cease operations, will be imposed in accordance with the City's established By-law enforcement framework. This approach not only maintains uniformity in enforcement but also reinforces accountability, ensuring that site alterations are conducted responsibly and in accordance with both environmental and development regulations. Staff will be equipped with clear guidelines to interpret and apply the By-law, allowing for consistent decision-making and enforcement actions across all cases. This ensures that enforcement remains transparent, and fair.

2.3 Input from City Staff and Industry Representatives

A multidisciplinary working group comprised of City staff from various service areas was established to lead the review of the updated Site Alteration By-law. This group facilitated comprehensive consultations, including discussions with the Clerk's Office and the City Solicitor's Office, where no concerns were raised regarding the proposed revisions.

In addition, the working group engaged with representatives from the development and engineering consulting industries to gather input on the proposed amendments. Feedback has been predominantly positive, with relatively minor suggestions for improvement, which have been considered and integrated into the final draft where feasible.

Additional measures were taken to ensure a thorough review of the proposed By-law which included presenting the initial draft wording of the Site Alteration By-law to the Planning and Environment Committee on July 16, 2024. At that time, no concerns were raised by the committee.

The new Site Alteration By-law is captured within Appendix "A" which has taken into account feedback from City teams as well as the development and engineering consulting industries. Further to this, within Appendix "B" Staff have described the changes between the draft of the By-law presented on July 16, 2024, attached within Appendix "C", to the By-Law planned to be introduced at Council. The revisions made are because of these consultations that enhanced the By-law's effectiveness and its alignment with the City's broader development and environmental goals.

3.0 Financial Impact/Considerations

There is no financial impact to the City of London resulting from this By-law update. The proposed revisions will enable the City to streamline development approval processes while ensuring continued protection of natural heritage features.

As part of the Fee Review Update within Planning and Development a fee for site alteration works will be considered. In the interim, this By-law will not include a fee which will allow Staff to work through the new permitting process and incorporate enhancements.

Conclusion

This report provides the background and context for the new Site Alteration By-law, which seeks to streamline the development approval process while safeguarding natural heritage and environmental protections.

Following consultations with the development and consulting industries, and based on the positive feedback received, the attached by-law is recommended to be introduced. These revisions introduce a more streamlined and adaptable process for managing site alterations, enabling the timely and effective processing of approvals while addressing the evolving needs of the development industry. The updated by-law enhances decision-making efficiency and aligns with the City's broader objectives, fostering smoother operations for both City staff and applicants.

Prepared by: **Mustafa Almusawi**
Manager, Development Inspections

Reviewed by: **Peter Kavcic, P.Eng.**
Manager, Subdivisions and Development Inspections

Recommended by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Submitted by: **Scott Mathers, MPA, P. Eng.**
Deputy City Manager, Planning and Economic Development

cc: Sachit Tatavarti, Solicitor
Michael Harrison, Manager, Subdivision Engineering
Brent Lambert, Manager, Development Engineering

MA/PK/HMc

Appendix "A" – Site Alteration By-Law.

Appendix "B" –Described changes between the draft and final By-Law.

Appendix "C" – Draft Site Alteration By-Law present at PEC on July 16, 2024.

Appendix “A” – Site Alteration By-law

Bill No. (number to be inserted by
Clerk's Office)
(2024)

By-law No. CP-__

A bylaw to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London and to repeal By-law No. C.P.-1363-381, as amended.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that a municipal power be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS in accordance with ‘purpose provision’ in Section 2 of the *Municipal Act, 2001*, the specific natural environment powers conferred on municipalities by Sections 135 through 147 of the aforementioned Act supplement the powers provided under Section 10 of the same Act to provide municipalities with broad and flexible discretion to create regulations necessary for the economic, social, and environmental well-being of their respective municipalities;

AND WHEREAS Section 142 of the *Municipal Act, 2001* specifically provides that by-laws may be passed by the Council of a municipality for the purposes of prohibiting and regulating the placing or dumping of fill, removal of topsoil, and the alteration of the grade of lands within its jurisdiction;

AND WHEREAS Section 425 of the *Municipal Act, 2001* provides the authority or a municipal bylaw to specify that a contravention of a by-law is an offence;

AND WHEREAS Section 436 of the *Municipal Act, 2001* an Officer may at all reasonable times enter and inspect any land to which this By-Law has application;

AND WHEREAS Section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under municipal by-laws, including but not limited to establishment of a “special fine” designed to eliminate or reduce any economic advantage or gain from contravening a by-law;

AND WHEREAS Section 444 of the *Municipal Act, 2001* and addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an "Order to Discontinue Activity", requiring the Person who contravened the By-Law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention;

AND WHEREAS the Council for the City of London has deemed it to be in the public interest to prohibit and regulate the placing or dumping of fill, removal of topsoil, associated vegetation, and alteration of the grade of land in the municipality and to establish a system of fines for offences under this By-Law;

AND WHEREAS the Municipal Council of The Corporation of the City of London passed By-law No. C.P.-1363-381, being a “by-law to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London”, on July 2, 1996.

AND WHEREAS it is deemed expedient to repeal By-law No. C.P.-1363-381 and all its amendments and replace it with a new by-law to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London.

NOW THEREFORE the Municipal Council of The Corporation of the City of London takes the following action:

SHORT TITLE

This By-Law will be referred to as the “Site Alteration By-Law”

Part 1 DEFINITIONS

In addition to terms defined elsewhere in the By-Law, the following terms have the following meanings under this By-Law, including its Schedules:

"Adverse Effect" shall mean one or more of impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property, archeological resources, plant or animal life, harm or material discomfort to any Person, impairment of the safety of any Person, loss of enjoyment of normal use of property and interference with the normal conduct of a business.

"City" means The Corporation of the City of London.

"Council" means the Council of The Corporation of the City of London.

"Conservation Authority" means a conservation authority as defined under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, whichever Authority or Authorities have jurisdiction over particularized land located in the City.

"Crown Agency" shall mean as defined in the *Crown Agency Act*.

"Director, Planning and Development" or "Director" shall mean the person who holds the position of Director, Planning and Development for The Corporation of the City of London, or their designate.

"Drainage" shall mean the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.

"Dumping" shall mean the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location.

"Erosion and sediment controls" shall mean temporary or permanent measures implemented to prevent soil erosion and manage sediment in areas of land disturbance required as conditions for the approval of a Site Alteration Permit.

"Excess Soil" shall mean as defined in the Ontario Regulation 406/19 On-Site and Excess Soil Management made under the *Environmental Protection Act*.

"Fill" shall mean any type of material deposited or placed on lands and includes soil, stone, rock, concrete, asphalt, sod or turf, refuse and waste materials.

"Finished Grade" means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil Removed, in accordance with this By-Law.

“**Officer**” shall mean an employee, officer or agent of the City whose duties include conducting inspections and/or enforcing the City’s by-laws, or a police officer with London Police Services.

“**Order to Discontinue Activity**” shall mean an order made pursuant to Section 7 of this Bylaw.

“**Owner**” shall mean the registered owner of land, or their agent, or anyone acting under the direction of the owner and their agent.

“**Permit**” shall mean a permit issued by the City pursuant to the provisions of this By-Law.

“**Qualified Individual**” shall mean an individual who has the ability to assume responsibility for the design and review of works carried out under this By-Law which shall include professionals who through the rights and privileges of their professional regulatory body have the ability to assume responsibility for the assessment and design of the Site Alteration works.

“**Road Authority**” shall mean as defined in the *Public Service Works on Highways Act*, R.S.O. 1990, c. P.49.

“**Residential Lots**” shall mean any parcel of land which includes residential zoning designation under the City’s Zoning By-Law No. Z.-1, as amended.

“**Site**” shall mean the lands within the City of London which are the subject lands of an application for a Permit pursuant to this By-Law.

“**Site Alteration**” shall mean the physical changing of site conditions through the placement or Dumping of Fill, the excavation, alteration of soil, and/or alteration of the grade which may include but is not limited to: the removal of vegetative cover, including trees outside of Tree Protection Areas that are not addressed by the City’s Tree Protection Bylaw ; the compaction of soil; the obstruction of drainage facilities; the modification of watercourses, such servicing work required to support the site alteration activities; or any combination of the aforementioned activities.

“**Site Alteration Agreement**” shall mean an agreement entered into between the City and Owner as a condition of a Permit.

“**Soil**” shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand, gravel, silt, rock or fill.

“**Topsoil**” shall have the same meaning as the definition of “topsoil” under section 142(1) of the *Municipal Act*.

“**Watercourse**” shall mean a natural or constructed channel having a bed and banks or sides, in which a flow of water regularly or continuously occurs

Part 2 EXEMPTIONS

2.1 By-Law – provisions not applicable – various

The provisions of this By-Law do not apply to the following:

- (a) Site Alteration of a Municipality, Road Authority, or Crown Agency.
- (b) Any placing or dumping of fill, removal of soil, or alteration of the grade of land exempted pursuant to section 142 (5) of the *Municipal Act, 2001*.
- (c) Site alteration as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products, but not including the removal of topsoil for sale, exchange or other disposition.

- (d) Residential Lots under 0.5 ha in size (see Note 1 below).
- (e) Routine maintenance activities within established golf courses.
- (f) Emergency repair work performed in consultation with the City, subject to any requirement from the Director, Planning and Development to obtain a permit for the continuation of such work.
- (g) Site Alteration authorized as a condition of approval for a site plan, plan of subdivision or consent or as a requirement of an executed development agreement, subdivision agreement or consent agreement pursuant to sections 41, 51 or 53 of the *Planning Act*, as amended.

Note 1: Exemption (d) shall not apply where site alteration is proposed on any lands within, adjacent to, or within the trigger distance requiring environmental study and area of adjacent lands of the natural heritage system. This is identified in the City's Official Plan, The London Plan, unless the lots have undergone a planning process that established appropriate and approved buffers from these areas. In such cases, site alterations may proceed in accordance with the approved buffers. However, if any encroachment into these buffers occurs, a Site Alteration Permit shall be required, and enforcement under this by-law shall apply.

Part 3 PROHIBITIONS

3.1 Site Alteration – permit required

Unless otherwise exempt under Part 2 of this By-Law, no person shall undertake, cause or permit Site Alteration on a Site without having first obtained a Permit issued by the Director, Planning and Development.

3.2 Site Alteration – in accordance with permit

Where a Permit has been issued pursuant to this By-Law, no person shall undertake Site Alteration except in accordance with the plans, conditions and any other information on the basis of which a Permit was issued.

3.3 Site Alteration –failure to comply

No person shall fail to comply with an Order to Discontinue Activity or a Work Order made under this By-Law.

Part 4 REQUIREMENTS FOR AN APPLICATION

4.1 Application requirements – permit

A person applying for a Permit shall submit the following to the Director, Planning and Development or designate:

1. A completed Permit application.
2. The permit fee, if applicable, which shall be calculated in accordance with the Fees and Charges By-Law No. A-59, as amended, and submitted in a form acceptable to the City.
3. Site Alteration drawings prepared in accordance the City's Design and Specifications and Requirements Manual, as amended and all requirements of this By-Law.
4. Confirmation through the submission of the appropriate archaeological assessments that a licenced archaeologist consultant has carried out the appropriate archaeological assessments in accordance with all applicable provincial standards, to the satisfaction of the City.
5. If works are proposed within the distances established by Table 13 from a component of the Natural Heritage System as identified by Map 5 of The London Plan, studies or reports may be required to confirm that the Site Alteration doesn't have Adverse Effect on the Natural Heritage System. Such additional reports or studies are to be completed as prescribed in the City's Design Specifications and Requirements Manual to the satisfaction of the City.

4.2 Application - approved form

Applications shall be made on the form approved by the Director, Planning and Development.

4.3 Application - general requirements

Every Permit that is issued is subject to the General Requirements as outlined in Schedule 'A' of this By-Law.

Part 5 REQUIREMENTS FOR ISSUANCE OF A PERMIT

5.1 Permit – requirements

The Director, Planning and Development shall issue a Permit where:

1. The Owner has fulfilled all requirements pursuant to this By-Law.
2. Site Alteration drawings have been accepted by the City.
3. Security is provided in a form and amount to be determined by the Director, Planning and Development in accordance with the City's Policies and By-Law's (as amended from time to time) to secure performance of the work for which the Permit was obtained and compliance with any conditions of granting the Permit.
4. Proof is provided of any other permit that may be required from the City or any external agency or person for the completion of work associated with the Site Alteration.

5.2 Permit – standard conditions

Every Permit issued under this By-Law is subject to the conditions outlined in Schedule 'A' of the Permit. The Director, Planning and Development may, in their sole discretion, waive one or more conditions after taking into consideration the proposed Site Alteration, anticipated impacts to the Site and the potential for Adverse Effects.

5.3 Permit – special conditions

The Director, Planning and Development may impose special conditions on a Permit that are reasonable, including requiring the Owner to enter into a Site Alteration Agreement with the City, to ensure that the proposed Site Alteration is consistent with the provisions of this By-Law and to minimize any Adverse Effect.

5.4 Permit – accepted site alteration drawings

Drawings accepted pursuant to the issuance of a Permit shall form part of said Permit.

5.5 Permit - validity

A Permit issued pursuant to this By-Law shall remain valid from the date specified on the Permit by the Director, Planning and Development, and shall automatically be extended annually from that date unless expressly stated otherwise on the face of the Permit or revoked by the City.

A Permit shall be closed upon either of the following:

- i. The following conditions are met to the satisfaction of the Director:
 1. All Site Alteration works have been complete;
 2. the conditions of the Permit have been fully complied with; and
 3. all outstanding orders are resolved; or
- ii. The Owner enters into a Subdivision, Consent or Development Agreement under the *Planning Act* with the City, which has been registered against the Lands and addresses the Site Alteration works.

5.6 Permit issuance – no exemption from other requirement

A Permit issued pursuant to this By-Law does not preclude the Owner's responsibility to obtain all other approvals which may be required by any level of government and /or agencies thereof.

5.7 Permit transfer – requirements

If the Site for which a Permit has been issued are transferred while the Permit remains in effect, the new owner of the lands shall either:

- (a) provide the City with an undertaking to comply with all the conditions under which the existing Permit was issued; or
- (b) apply for and obtain a new Permit in accordance with the provisions of this By-Law.

5.8 Director, Planning and Development – refer application – comment

The Director, Planning and Development, may refer any application, associated plans and information to municipal staff, public agency, advisory body and/or a Qualified Individual for comment prior to making a decision.

5.9 Permit issuance – revocation

The Director, Planning and Development, may, at their discretion, provide notice to modify or revoke the Permit for any of the following reasons:

- (a) the Permit was obtained based on mistaken, false, incorrect information, or issued in error;
- (b) the Permit Holder has failed to comply with Permit conditions;
- (c) the Permit Holder is in non-compliance of an order issued under this By-Law;
- (d) ownership of the Site has changed, and the new Owner has complied with section 5.7 of this By-Law;
- (e) to protect the safety, health, and well-being of the community; and/or
- (f) to minimize any financial impact to the City.

Part 6 POWERS OF THE DIRECTOR

In addition to any power, duty or function prescribed in this By-Law, the Director, or designate, is authorized and has the delegated authority to:

- (a) Approve and issue Permits;
- (b) Amend or waive permit conditions or other requirements under this By-Law;
- (c) Refuse a Permit application or revoke an existing Permit. A refusal or revocation shall be accompanied by written reasons by the Director.
- (d) Approve and execute Site Alteration Agreements as a condition of Permit approval.

Part 7 ENFORCEMENT ORDERS

7.1 Power to Make Orders

This By-Law may be enforced by an Officer and/or as delegated by the Director, Planning and Development.

7.2 Order to Discontinue Activity

If an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the By-Law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention. No person shall contravene an Order to Discontinue Activity.

An Order to Discontinue Activity may include, but is not limited to, the following:

- (a) immediately desist from the activity constituting or contributing to the contravention;
- (b) leave the Site and cease the contravening activity immediately.

7.3 Work Order

If an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as Work Order, requiring the person who contravened the By-Law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention. No person shall contravene a Work Order.

A Work Order may include, but is not limited to, the following:

- (a) take immediate action to mitigate and/or remediate the impacts of the activity.

7.4 Order to Discontinue Activity or Work Order - particulars

An Order to Discontinue Activity and/or a Work Order shall set out:

- (a) the municipal address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention of the By-Law; and
- (d) the date by which there must be compliance with the order.

7.5 Order to Discontinue Activity or Work Order - service

The Order to Discontinue Activity and/or Work Order may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

7.6 Work Order - remedial action by the City

If an owner is required, under a Work Order under this By-Law, to do a matter or thing, then in default of it being done by the owner so required to do it, the matter or thing may be done at the owner's expense under the direction of an Officer and/or as delegated by the Director, Planning and Development.

7.7 Work Order – cost recovery

The City may recover the costs of doing a matter or thing under section 7.6 from the owner required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.

7.8 Work Order – Lien

The amount of the costs under section 7.6, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

7.9 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

7.10 Authority to Inspect

An Officer and/or the Director may enter onto a Site at any time for the purpose of carrying out and directing inspections that are reasonably required to determine compliance with this By-Law.

Part 8 PENALTY AND OFFENCES

8.1 Offences

- (a) Any person who contravenes any provision of this By-Law is guilty of an offence.
- (b) A director or officer of a corporation who knowingly concurs in the contravention of this By-Law is guilty of an offence.

8.2 Fines - person

Any person convicted under this By-Law is liable:

- (a) upon a first conviction, to a minimum fine of \$500.00 and a maximum fine of \$25,000.00; and
- (b) upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of \$50,000.00.

8.3 Fines - corporation

Despite section 8.2, where the person convicted is a corporation, the corporation is liable,

- (a) upon a first conviction, to a minimum fine of \$5,000.00 and a maximum fine of not more than \$50,000.00; and
- (b) upon any subsequent conviction, to a minimum fine \$10,000.00 and a maximum fine of not more than \$100,000.00.

8.4 Conviction

If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

8.5 Special Fines

In addition to the penalties contained in Sections 8.2 and 8.3 of this By-Law, a special fine may be imposed for the purpose of eliminating or reducing any economic advantage or gain from the contravention of this By-Law, which may exceed \$100,000.00. With respect to Site Alteration resulting in destruction to the Natural Heritage System destruction, the special fine will be calculated to consider the cost of feature replacement and the fair market value of the economic advantage or gain obtained from the contravention.

8.6 Administrative Monetary Penalty

Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-Law A-54, be liable to pay the City an Administrative Monetary Penalty.

Part 9 EFFECTIVE DATE

9.1 Effective date

This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on November 26, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

SCHEDULE 'A' – General Requirements

1. The Owner shall meet all requirements of the Site Alteration By-Law.
2. The Owner agrees to complete the works proposed for Site Alteration in accordance with the plans accepted by the City of London and attached hereby to this Permit.
3. The Owner agrees to assume all risks involved in undertaking the Site Alteration, and to this end the Owner shall indemnify and save harmless the City from and against all claims arising in undertaking.
4. No Person shall perform a Site Alteration on any lands unless it is carried out at the request of or with the consent of the Owner of the Land where the Site Alteration is to occur.
5. The Owner shall obtain all necessary permits, approvals and/or certificates in conjunction with the Site Alteration activities.
6. No construction of municipal services shall commence prior to the execution of a subdivision, consent, or development agreement.
7. No other work shall commence until all pertinent approvals are in place.
8. The Owner shall comply with all relevant legislation including but not limited to *Endangered Species Act, 2007, Migratory Bird Convention Act, Fisheries Act, Environmental Protection Act, R.S.O., 1990*.
9. All imported and exported Excess Soil and Topsoil, regraded or distributed on a Site, shall be all in accordance with the requirements of the Ontario Regulation 406/19 On-Site and Excess Soil Management made under the *Environmental Protection Act*.
10. The Owner shall construct, monitor and maintain erosion and sediment control measures as required during construction to control overland flows from the Site to ensure that mud, silt, construction debris, etc. does not cause an Adverse Effect to abutting properties, in accordance with Chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.
11. No person shall undertake any Site Alteration that may have Adverse Effect on the quality or quantity of water in a well, pond or watering hole intended for use as a source of water for agriculture or human consumption on a property with an adjoining property boundary, or any other property.
12. The existing topsoil on lands subject to Site Alterations shall be preserved by removing and stockpiling enough topsoil to provide sufficient cover to stabilize the site, as applicable. Additional topsoil may be stockpiled for future use at the discretion of the Owner.
13. The Owner agrees to protect all topsoil stockpiles within 30 days of completion of the stripping of the topsoil, or as otherwise approved by the City.
14. All Fill shall be compacted using acceptable engineering practices, as appropriate, unless it is being stockpiled on the Site for future use in accordance with all applicable by-laws and zoning for the City, and grading plans and timelines as approved by the Director, Planning and Development.
15. Any engineered fill needed to support roads, services, houses, and driveways, shall be placed under the direction of the Owner's Qualified Individual.
16. Upon completion of the Site Alteration and grading operations, or in any event, if applicable, prior to entering into a subdivision agreement with the City, the Owner's Qualified Individual; shall certify that any recommendations contained in the hydrogeological report were complied with, and any recommended remedial measures to control groundwater levels were implemented.
17. For Site Alteration on agricultural lands, a soil fertility report shall be prepared and provided, signed by a Qualified Individual, confirming that the Site Alteration will not result in a reduction in the overall soil fertility.
18. The Owner shall address and implement all archaeology requirements and the recommendations of relevant studies. If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of a Permit, the Owner shall immediately cease all activity on the Site, contact the Director of Planning and Development, and take actions as defined by the City or other responsible agency to safeguard and protect the resources.

19. The Owner shall install tree protection fencing, as specified in the accepted Permit plans, prior to any Site Alteration work being undertaken on-site, to the satisfaction of the City.
20. The Owner shall ensure that where the root systems of trees to be preserved are exposed or damaged by construction work, they are neatly trimmed, and the area is backfilled with appropriate material to prevent drying and desiccation. Furthermore, the Owner shall ensure that grades around wooded areas or tree stands are not disturbed. If changes to grades around treed areas are necessary, precautions such as dry welling and root feeding may be required. Any filling and grading within the drip line of trees shall be done by hand.
21. Site Alterations shall not result in:
 - a. Interference with natural drainage processes or blockage of a watercourse.
 - b. Soil erosion, slope instability or siltation that may cause an Adverse Effect on downstream lands including pollution of a watercourse.
 - c. Flooding or other impacts on the natural hydrologic cycle, including ponding that exceeds what is specified in the City's Design and Specifications Requirements Manual.
 - d. A loss or Adverse Effect on the natural environment, including but not restricted to, lands designated as environmentally significant, in The London Plan or Zoning By-Law.
 - e. An Adverse Effect on any fish or wildlife habitat within, or adjacent to the subject site.
 - f. Drainage patterns of adjacent properties, Natural Heritage Systems or Tree Protection Areas, being adversely effected.
 - g. Undue dust problems for adjacent properties. Dust suppression measures are to be implemented during construction and impacted City streets shall be maintained clear of dirt, mud, and debris.
 - h. Any existing City road being fouled with dirt, mud or debris.
 - i. Any existing City road being used for construction access purposes except those routes designated for construction access by the Director, Planning and Development.
 - j. Any on site burning of materials without prior approval of the Fire Department and in accordance with the Open-Air Burning By-Law - F-9, as amended.
 - k. Any negative impact on groundwater levels except those which are approved by the Director, Planning and Development.
 - l. An Adverse Effect on areas of archaeological potential, artifacts, or an archaeological site.

Appendix “B” – Described changes between the draft and final By-Law

The following outlines changes made to the draft language for each of the proposed sections of the Site Alteration By-law, as presented to the Planning and Environment Committee (PEC) on July 16, 2024:

Section	Description of changes
1- Definitions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Updated definitions in line with industry feedback by removing unused terms, and by defining terms based on language used in relevant Provincial Acts. 3. Main change was to revise the definition of Qualified Professional to Qualified Individual which addressed industry feedback.
2- Exemptions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Removed exemption #2. 3. Revised wording for exemption #1 and #4 for clarity and to be inline of the <i>Municipal Act</i> wording.
3- Prohibitions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Minor revised wording to headings and subsection 3.1 for clarity.
4- Requirements for An Application of a Site Alteration Permit	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout including Minor revised wording to headings and subsections 4.2 and 4.3 for clarity. 3. Add new subsection related to application form. 4. Removed subsection 4.1(4). Security covered under section 5.1(3). 5. Revised wording for subsection 4.1(5) to ensure the Natural Heritage System is protected in accordance with The London Plan policies. 6. Removed Subsection 4.4. Redundant section since the intent of this section is covered by the By-Law.
5- Issuance of Permit	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout including Minor revised wording to headings and subsections 5.1 and 5.2 for clarity. 3. Add new subsection related to permit revocation. 4. Revised wording for subsection 5.5 to provide additional flexibility and clarity.
6- Administration	<ol style="list-style-type: none"> 1. Removed section and replaced with Powers of the Director. 2. Added wording describing the Power of the Director under this By-Law.
7- Enforcement Orders	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout for clarity. 3. Relocated wording related to fines and penalties to Section 8. 4. Revised wording of headings. 5. Added a subsection related to Work Orders
8- Penalty and offences	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout for clarity. 3. Revised minimum and maximum fine limits in accordance with the <i>Municipal Act</i>. 4. Revised wording of headings. 5. Added a section related to the Administrative Monetary Penalty System.
SCHEDULE 'A' – General Requirements	<ol style="list-style-type: none"> 1. Combined Schedule A and I and revised wording for clarity and to remove redundancies.

Appendix “C” – Draft Site Alteration By-Law present at PEC on July 16, 2024.

Proposed Section	Proposed wording
1 - Definitions	<p>This section provides the meaning of certain terms used throughout the By-Law.</p> <p>"Adverse Effect" shall mean one or more of impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property, archeological resources, plant or animal life, harm or material discomfort to any Person, impairment of the safety of any Person, rendering any property, plant or animal life unfit for human use, loss of enjoyment of normal use of property and interference with the normal conduct of a business</p> <p>"City" means the Corporation of the City of London</p> <p>"Council" means the Council of the Corporation of the City of London.</p> <p>"Conservation Authority" means of one or more of the Upper Thames River Conversation Authority or Lower Thames Valley Conversation Authority or Kettle Creek Conservation Authority, whichever Authority or Authorities have authority and jurisdiction over particularized land located in the City.</p> <p>"Director, Planning and Development" shall mean the person who holds the position of Director, Planning and Development for The Corporation of the City of London.</p> <p>"Drainage" shall mean the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.</p> <p>"Dumping" shall mean the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property.</p> <p>Erosion and sediment controls – shall mean temporary or permanent measures implemented to prevent soil erosion and manage sediment in areas of land disturbance required as conditions for the approval of a Site Alteration Permit.</p> <p>"Fill" shall mean any type of material deposited or placed on lands and includes soil, stone, rock, concrete, asphalt, sod, or turf, refuse and waste materials.</p> <p>"Finished Grade" means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil Removed, in accordance with this by-law.</p> <p>"Manager, Current Development" means the person who holds the position of Manager, Current Development for The Corporation of the City of London.</p> <p>"Manager, Subdivisions and Development Inspections" shall mean the person who holds the position of Manager, Subdivisions and Development Inspections for The Corporation of the City of London.</p> <p>"Officer" shall mean an employee, officer, or agent of the City whose duties include conducting inspections and/or enforcing the City's by-laws, or a police officer with London Police Services.</p> <p>"Owner" shall mean the registered owner of land, or their agent, or anyone acting under the direction of the owner and their agent.</p> <p>"Order to Discontinue Activity" shall mean an order made pursuant to Section 7 of this Bylaw.</p> <p>"Permit" shall mean a permit issued by the City pursuant to the provisions of this Site Alteration By-Law.</p> <p>"Qualified Professional" shall mean an individual who has the ability to assume responsibility for the works carried out under this by-law... <i>(Note: this definition will be further reviewed in consultation with the industry).</i></p>

	<p>“Residential Lots” shall mean any parcel of land which includes residential zoning designation under the City’s Z.1 Zoning By-Law.</p> <p>“Site” shall mean the lands which are the subject of an application for a Permit pursuant to this by-law.</p> <p>“Site Alteration” shall mean the physical changing of site conditions through the placement or Dumping of Fill, the excavation and/or alteration of soil which may include but is not limited to: the removal of vegetative cover; the compaction of soil; the creation of impervious surfaces; the obstruction of drainage facilities; the modification of watercourses, such servicing work required to support the site alteration activities; or any combination of the aforementioned activities.</p> <p>“Soil” shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand, gravel, silt, rock, or fill.</p> <p>“Topsoil” shall have the same meaning as the definition of “topsoil” under section 142(1) of the Municipal Act.</p> <p>“Watercourse” shall mean a natural or constructed channel through which water flows, but not limited to rivers, streams and municipal or private storm drains</p>
2- Exemptions	<p>This section describes the areas where the provisions of the proposed by-law do not apply.</p> <ol style="list-style-type: none"> 1. Activities of a Municipality, Road Authority, or Crown Agency as defined in the Crown Agency Act. 2. Activities authorized pursuant to a building permit issued by the City. 3. Any placing or dumping of fill, removal of soil, or alteration of the grade of land exempted pursuant to section 142 (5) of the Municipal Act. 4. Normal farm practices as defined in Section 1.1 of the Farming and Food Production Protection Act, 1998, S.O.1998, c.1, as amended or replaced. 5. Residential lots under 0.5ha in size (see Note 1 below). 6. The routine maintenance activities within established golf courses. 7. Emergency repair work performed in consultation with the city, subject to any requirement from the Director, Planning and Development to obtain a permit for the continuation of such work. 8. Activities pursuant to Owner executed development agreements, subdivision agreements, consent agreements or any other development agreements pursuant to the Planning Act. <ul style="list-style-type: none"> • Note 1: Exemption 5 shall not apply where site alteration is proposed on any lands within or adjacent to or within 30 metres of the Natural Heritage System/Tree Protection Area as identified in the London Plan.
3-Prohibitions	<p>3.1 Site Alteration – approval required. Unless otherwise exempted by this by-law, no person shall undertake site alteration without having first obtaining a permit issued by the Director, Planning and Development.</p> <p>3.2 Site Alteration – in accordance with approval Where a permit has been issued pursuant to this by-law, no person shall undertake site alteration except in accordance with the plans, conditions, and any other information on the basis of which a permit was issued.</p> <p>3.3 Failure to Comply No person shall fail to comply with an Order to Discontinue Activity or a Work Order made under this By-Law.</p>
4-Requirements for An Application of a	<p>4.1 A person applying for a permit shall submit the following to the Director, Planning and Development or designate:</p>

<p>Site Alteration Permit</p>	<ol style="list-style-type: none"> 1. a completed permit application. <i>(Note: a fillable Site alteration form is being developed and will be available to replace site alterations agreements).</i> 2. the applicable permit fee calculated in accordance with the Fees and Charges By-Law (XX); to the City in an amount and form acceptable to the City. 3. Site Alteration drawings prepared and sealed by a Qualified Professional for the Site. Site Alteration drawings shall be prepared in accordance the City’s Design and Specifications Requirements Manual and all requirements of this By-Law. 4. a cost estimate of the estimated value of the work associated with the proposed site alteration in accordance with the template and the requirements identified in the City’s Subdivision and Development Security policy, to the satisfaction of the City; <i>(Note: Site alterations security is being reviewed as part of our forthcoming Security policy update).</i> 5. confirmation that the appropriate archaeological assessments on lands deemed to have moderate to high potentials for the discovery of archaeological resources have been completed to the satisfaction of the province. 6. if located within 120m of the Natural Heritage System, studies or reports may be required to confirm that the Site Alteration is in conformity with the London Plan. Such additional reports or studies to be completed as prescribed in the City’s Design and Specifications Requirements Manual to the satisfaction of the city. <p>4.2 General Requirements</p> <ul style="list-style-type: none"> • Every permit that is issued is subject to the General Requirements as attached and identified in Schedule “A” of this by-law. <p>4.3 Coordination with The Planning & Development Process</p> <p>An application for a Site Alteration Permit may be processed concurrently with an application as part of a development application pursuant to the Planning Act. The drawings shall include but not be limited to alterations of grade, servicing, tree removals, and other works deemed appropriate by the City.</p> <p>The Owner acknowledges that any site alteration for a Site in advance of a Planning Approval shall be entirely at their own risk.</p>
<p>5-Issuance of Permit</p>	<p>5.1 Requirements</p> <p>The Director, Planning and Development shall issue a permit where:</p> <ol style="list-style-type: none"> 1. the applicant has fulfilled all requirements pursuant to this by-law. 2. Site Alteration drawings have been accepted by the city. 3. security in a form and amount to be determined by the Director, Planning and Development in accordance with the City’s Subdivision and Development security policy (as amended from time to time) to secure performance of the work for which the permit was obtained and compliance with any conditions of granting the permit. 4. proof of any other permit that may be required from the city (Tree Protection By-Law, Streets By-Law etc.) or any external agency or person for the completion of work associated with the site alteration. <p>5.2 Permit – Conditions - standard</p> <ul style="list-style-type: none"> • Every permit that is issued is subject to the conditions as attached in Schedule “B” of this by-law. <p>5.3 Permit – special conditions</p> <ul style="list-style-type: none"> • The Director, Planning and Development may impose special conditions on a Permit that are reasonable to ensure that the

	<p>proposed site alteration is consistent with the provisions of this by-law.</p> <p>5.4 - Permit – accepted site alteration drawings Drawings accepted pursuant to the issuance of a permit shall form part of said permit.</p> <p>5.5 - Permit valid – 2 years maximum A permit issued pursuant to this by-law shall be valid to the expiry date as specified on the permit by the Director, Planning and Development. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire 2 years after issuance. An extension of permit shall be at the discretion of the Director, Planning and Development. A permit shall be considered closed where a Subdivision, Consent or Development Agreement has been registered for the lands which are covered by the permit.</p> <p>5.6 - Permit issuance – no exemption from other requirement A permit issued pursuant to this by-law does not preclude the applicant’s responsibility to obtain all other approvals which may be required by any level of government and /or agencies.</p> <p>5.7 - Permit transfer – requirements If the lands for which a permit has been issued are transferred while the permit remains in effect the new owner of the lands shall either:</p> <ul style="list-style-type: none"> a. provide the City with an undertaking to comply with all the conditions under which the existing permit was issued; or b. apply for and obtain a new permit in accordance with the provisions of this by-law. <p>5.8 - Director, Planning and Development – refer application – comment The Director, Planning and Development, may refer any application, associated plans and information to municipal staff, public agency, advisory body and/or other qualified professional for comment prior to making a decision.</p>
6-Administration	<p>The administration and enforcement of this by-law shall be performed by the Director, Planning and Development. When the Director, Planning and Development is absent or their office is vacant, the Manager, Subdivisions and Development Inspections shall act in the place of the Director under this by-law and while so acting has and may exercise all the rights, power, and authority of the Director, Planning and Development as delegated by this by-law subject to the same responsibilities and limitations set out in this by-law. When both the Director, Planning and Development and the Manager, Subdivisions and Development Inspections are absent or their offices are vacant, the Manager, Current Development shall act in the place of the Director, Planning and Development under this by-law and while so acting has and may exercise all the rights, power and authority of the Director, Planning and Development as delegated by this by-law subject to the same responsibilities and limitations set out in this by-law.</p>
7-Enforcement	<p>7.1 The provisions of this By-Law shall be enforced by an Officer.</p> <p>7.2 In accordance with section 436 of the Municipal Act, an Officer may at all reasonable times enter and inspect any land to which this By-Law has application.</p> <p>7.3 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.</p> <p>7.4 Subject to section 7.6 of this By-Law, in the event that the City furthers enforcement of this By-Law by prosecution commenced under Part III of the Provincial Offences Act, each contravention of any provision of this By-Law is hereby designated a "continuing offence" pursuant to section 429(2)(a) of the Municipal Act for each day or part of a day that the offence continues.</p>

7.5 Subject to section 7.6 of this By-Law, any Person guilty of an offence, upon conviction under Part III initiated proceedings under the Provincial Offences Act is liable to the City for a fine not less than \$500.00 and not more than \$10,000.00 for each day or part of day that the offence continues, in accordance with section 429(3)2. of the Municipal Act.

7.6 Notwithstanding sections 7.4 and 7.5 of this By-Law, any Person guilty of an offence, upon conviction under proceedings commenced under Part III of the Provincial Offences Act who has participated in any manner in arranging, planning, organizing, financially supporting, carrying out or permitting, whether implicitly or expressly, the removal the existing ground surface of land without or contrary to a Permit to allow for the placing or dumping of fill without obtaining or contrary to a Permit is liable to the City for a "special fine" in the amount of \$50,000.00 in lieu of section 7.5 fines if the "special fine" amount is greater than the amount the total fine amount the convicted Person would be liable to the City for pursuant to section 7.5 at the time the conviction is entered. The "special fine" is established under the meaning and authority of section 429(2)(d) of the Municipal Act, for the purpose of eliminating or reducing any economic advantage or gain from the contravention of this By-Law.

7.7 As set out in section 431 of the Municipal Act and in addition to any other enforcement, remedy or penalty provided for in this By-Law, where a conviction has been entered in Part III proceedings under the Provincial Offences Act, the court which enters the conviction and/or any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

7.8 In accordance with section 444 of the Municipal Act and addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an "Order to Discontinue Activity", requiring the Person who contravened the By-law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention.

7.9 An Order to Discontinue Activity shall set out:

1. The Person to whom it is directed.
2. The municipal address or legal description of the property on which the contravention occurred.
3. The date of the contravention.
4. The reasonable particulars of the contravention of the By-law.
5. The date by which there must be compliance with the Order to Discontinue Activity; and
6. The date on which the Order may expire.

7.10 The Order to Discontinue Activity may be served personally on the Owner or Person to whom it is directed or by regular mail to the last known address of that Owner or Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation, partnership or other business association can be affected by registered mail to its registered corporate or business address or its publicly advertised address.

7.11 If the City is unable to effect service on the Owner under section 7.10, it shall place a placard containing the terms of the Order to Discontinue Activity in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Order to Discontinue Activity.

7.12 In accordance with section 445 of the Municipal Act and in addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that a contravention of the by-law has occurred, the Officer may make an order, known as a "Work Order", requiring the Owner or Person who contravened the by-law or who caused or

	<p>permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.</p> <p>7.13 A Work Order shall set out:</p> <ol style="list-style-type: none"> 1. The municipal address or the legal description of the land. 2. Reasonable particulars of the contravention and of the work to be done. 3. A deadline, being a specific date, for compliance with the Work Order; and 4. A notice that if the work is not done in compliance with the Work Order by the deadline, the City may have the work done at the expense of the Owner and the cost of the work may be recovered as per section 7.17 herein. <p>7.14 The Work Order may be served personally on the Owner or Person to whom it is directed or by regular mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation, partnership or other business association can also be affected by registered mail to its registered corporate or business address or its publicly advertised address.</p> <p>7.15 If the City is unable to effect service on the owner under section 7.14, it shall place a placard containing the terms of the Work Order in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.</p> <p>7.16 Where anything required or directed to be done in accordance with this By-Law is not done, an Officer may upon such notice as he/she deems suitable, do such thing at the expense of the Person required to do it, and in so doing may charge an administration fee as outlined within the City's current Fees By-law, as amended, or replaced.</p> <p>7.17 The City may recover such costs, as incurred by the City pursuant to this by-law from:</p> <ol style="list-style-type: none"> 1. securities provided by the Owner identified in 5.1.3. 2. by adding the costs to the tax roll and collecting them in the same manner as property taxes. 3. a lien on the land upon the registration in the proper land registry office of a notice of a lien. <p>7.18 Costs – interest accrues until payment. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date payment is made.</p> <p>7.19 Where the City proceeds pursuant to section 7.16 of this By-Law, an Officer, or any person under his or her direction may enter onto the land and with the appropriate equipment as required to bring the property into compliance with this By-Law.</p>
<p>SCHEDULE "A" – General Requirements</p>	<ol style="list-style-type: none"> 1. no Person shall perform a Site Alteration on any lands unless it is done at the request of or with the consent of the Owner of the Land where the Site Alteration is to occur. 2. the Owner shall comply with the requirements as outlined in Part 4 of this by-law. 3. the Owner shall comply with all relevant legislation including but not limited to Endangered Species Act, 2007 , Environmental Protection Act, R.S.O., 1990 Haul Routes for the transportation of Fill and Topsoil authorized for placement, dumping or removal at the Receiving Site may be designated to and/or from a Receiving Site by the Director, Planning and Development to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses in accordance with a Permit or Site Alteration Agreement issued by the City, if applicable;

	<ol style="list-style-type: none"> 4. All imported Fill and Topsoil, regraded or distributed on a Receiving Site, shall be all in accordance with the requirements of O.Reg. 406/19. 5. No person shall undertake any Site Alteration that may adversely affect the quality or quantity of water in a well, pond or watering hole intended for use as a source of water for agriculture or human consumption on a property with an adjoining property boundary, or any other property. 6. The existing Topsoil on lands subject to Site Alterations shall be preserved by removing and stockpiling it for use as final cover prior to the performance of any Site Alteration work, as applicable. 7. The Director, Planning and Development may restrict the hours of operation and days of operation permitted beyond those restrictions found in this By-Law. 8. The Director, Planning and Development may restrict the daily volume of truckloads to ensure adequate Municipal oversight of the operations, ensure traffic safety and to address reasonable concerns regarding quality-of-life issues for residents along the Haul Route and in the vicinity of the proposed Site Alteration works. 9. All Fill shall be properly compacted using acceptable engineering practices, as appropriate, unless it is being stockpiled on the Site for future use in accordance with all applicable by-laws and zoning for the City, and grading plans and timelines as approved by the Director, Planning and Development. 10. For Site alteration on Agricultural Lands, a soil fertility report, signed by an Engineer/soil scientist, confirming that the Site Alteration will not result in a reduction in the overall soil fertility. 11. Such Site Alterations shall not result in: <ol style="list-style-type: none"> a. interference with natural drainage processes or blockage of a watercourse. b. soil erosion, slope instability or siltation that may cause an adverse effect on downstream lands. c. pollution of a watercourse' d. flooding, ponding, or other impacts on the natural hydrologic cycle. e. A loss or adverse effect on the natural environment, including but not restricted to lands designated as environmentally significant, however expressed in the London Plan or Zoning By-law, including designations of areas as environmentally sensitive, environmental protection, as being of environmental concern and as being ecologically significant; and f. an adverse effect on any fish or wildlife habitat within, or adjacent to the subject site. g. drainage patterns of adjacent properties being adversely disturbed. h. undue dust problems for adjacent properties. i. any existing City Street being fouled with dirt, mud, or debris. j. any existing City Street being used for construction access purposes except those routes designated for construction access by the Director, Planning and Development. k. any on site burning of materials without prior approval of the Fire Department. l. any negative impact on groundwater levels except those which are approved by the Director, Planning and Development. m. Detrimental effect on the quality and quantity of water in a well n. an Adverse Effect on areas of archaeological significance;
<p>SCHEDULE "B" - Permit</p>	<ol style="list-style-type: none"> 1. The Owner shall meet all requirements of this by-law.

<p>Conditions - Standard</p>	<ol style="list-style-type: none"> 2. The Owner agrees to complete the works proposed for site alteration in accordance with the plans accepted by the City of London and attached hereby to this permit. 3. The Owner agrees to assume all risks involved in undertaking the site alteration, and to this end the Owner shall indemnify and save harmless the City from and against all claims arising in undertaking. 4. If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of a Permit, the Owner shall immediately cease all activity on the Site and contact the Director, Planning and Development and take such actions as defined by the Director, Planning and Development or other responsible agency to address, safeguard, and protect the resources. 5. The Owner shall obtain all necessary permits, approvals and/or certificates in conjunction with the site alteration activities (e.g. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City's Tree Protection By-Law Permit, Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority (UTRCA), Kettle Creek Conservation Authority (KCCA), Department of Fisheries and Oceans (DFO), Ministry of Natural Resources (MNR), Ministry of the Environment, Conservation and Parks (MECP), City, etc.). 6. No construction of municipal services shall commence prior to the execution of a subdivision, consent, or development agreement. 7. No other work shall commence until all pertinent approvals are in place. 8. The drainage patterns of adjacent properties shall not be changed which will adversely affect adjacent properties, Natural Heritage Systems or Tree Protections Areas. <ol style="list-style-type: none"> a. No on-site burning of material or any other type of burning shall take place without prior approval of the Fire Department and in accordance with the Open-Air Burning By-law - F-9, as amended. 9. Sufficient precautions shall be taken, as outlined in chapter 10 of the City's Design Specifications and Requirements Manual, to prevent erosion resulting from activities associated with this permit, all to the satisfaction of the City. 10. The Owner shall construct erosion and sediment control measures as required during construction to control overland flows from the Site to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City. 11. Prior to any work on the site, the Owner shall implement all temporary and permanent erosion and sediment control measures identified in the accepted site alteration drawings and shall have these measures established all to the satisfaction of the City. The erosion and sediment control measures shall be maintained and operated as intended during all phases of construction. 12. In the event that the staging of this site alteration differs to that as set out in the accepted engineering drawings, the Owner shall facilitate an update to drawings as per chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City. 13. ESC monitoring reports shall be submitted to developmentinspections@london.ca in accordance with chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.
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	<ol style="list-style-type: none">14. The Owner shall ensure that ESC measures are installed, monitored, and maintained in accordance with chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.15. Upon completion of the site alteration and grading operations, or in any event prior to entering into a subdivision agreement with the City, the Owner's Qualified Professional shall certify that any recommendations contained in the hydrogeological report were complied with, and any recommended remedial measures to control groundwater levels were implemented.16. Dust suppression measures are to be implemented during construction.17. All existing city streets shall be maintained clear of dirt, mud, and debris.18. Any engineered fill needed to support roads, services, houses, and driveways, shall be placed under the direction of the Owner's Qualified Professional.19. The Owner agrees to protect all topsoil stockpiles within 30 days of completion of the stripping of the topsoil, or as otherwise approved by the city.20. The Owner shall ensure that where the root systems of trees to be preserved are exposed or damaged by construction work, they shall be neatly trimmed, and the area shall be backfilled with appropriate material to prevent drying and desiccation.21. The Owner shall ensure the grades around wooded areas or tree stands shall not be disturbed. If it is necessary to change grades around treed areas to be preserved, the subdivider may be required to take precautions such as dry welling and root feeding. Filling and grading within the drip line of trees shall be done by hand.22. This permit may be closed and associated security released when all the following conditions have been met:<ol style="list-style-type: none">a. full compliance with this Permit and/or.b. a Subdivision, Consent or Development Agreement has been registered for the Lands.23. The Owner shall install tree protection fencing, per accepted Tree Protection Plan, prior to any work being undertaken on-site, to the satisfaction of the City.
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Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Domday Developments c/o Zelinka Priamo Ltd.
1408 & 1412 Commissioners Road West
File Number: Z-9780, Ward 9
Public Participation Meeting

Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Domday Developments c/o Zelinka Priamo Ltd. relating to the property located at 1408 & 1412 Commissioners Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 26, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Enhanced landscaping along the interior and rear boundaries that exceed the minimum requirements of the Site Plan Control By-law;
 - ii) The front face and principle building entrance shall be oriented toward Commissioners Road West;
 - iii) Installation of a board-on-board fence that exceeds the requirements of the Site Plan Control By-law.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Planning Statement, 2024, which encourages growth in settlements areas and encourages land use patterns based on densities and a mix of land uses that provide for a range of uses and opportunities for intensification and redevelopment;
- ii) The recommended amendment conforms to the policies of The London Plan, including but not limited to, the Neighbourhoods Place Type, City Building Policies, and Our Tools;
- iii) The recommended amendment would permit a development at an intensity that is appropriate for the site and the surrounding neighbourhood; and
- iv) The recommended amendment facilitates the development of a site in the Built-Area Boundary with an appropriate form of infill development.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential R8 Special Provision (R8-4(_)) Zone.

Purpose and the Effect of Recommended Action

The recommended action will permit a 4-storey, **22-unit** residential development with a

maximum height of 14.5 metres.

Staff are recommending approval of the requested Zoning By-law Amendment with special provisions for a reduced front yard setback and increased building height.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject lands are located on the south side of Commissioners Road West, in the Byron Planning District. The lands have an area of 0.3 hectares and a lot frontage of 49 metres along Commissioners Road East. The lands currently contain two existing single detached dwellings. The existing dwellings are proposed to be demolished to facilitate the proposed development.

Site Statistics:

- Current Land Use: Single detached dwellings
- Frontage: 49.7 metres
- Depth: 100.3 metres
- Area: 0.30 hectares
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Medium density residential
- East: Single detached dwellings
- South: Single detached dwellings
- West: Single detached dwellings

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods Place Type fronting a Civic Boulevard (Commissioners Road West)
- Existing Zoning: Residential R1 (R1-8) Zone



Figure 5 – Rendering (Rear Elevation) (August, 2024)

2.2 Requested Amendment

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential R8 Special Provision (R8-4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R8-4)	Required	Proposed
Front Yard Depth (minimum)	8.0 metres	1.0 metre
Height (maximum)	13.0 metres	14.5 metres
Yards Where Parking Area is Permitted	N/A	Interior Side/Rear Yard

2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Detailed internal and agency comments are included in Appendix “C” of this report.

2.4 Public Engagement

On September 4, 2024, Notice of Application was sent to 206 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 12, 2024. A “Planning Application” sign was also placed on the site.

There were twelve (12) responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Loss of privacy
- Lighting and noise from vehicles
- Parking, including possible overflows to neighbouring streets
- Property values
- Traffic and safety
- Location of the building too close to the road
- Environmental impact of tree removals and greenspace
- Infrastructure strain
- Stormwater management impacts
- Construction disruptions

Detailed public comments are included in Appendix “D” of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are located in the Neighbourhoods Place Type on Map 1 – Place Types in The London Plan with frontage along a Civic Boulevard on Map 3 – Street Classifications. The proposed use of a low-rise apartment building is a contemplated

use in accordance with Table 10 – Range of Permitted Uses in the Neighbourhood Place Type.

The proposed low-rise apartment building is consistent with the policies of the Provincial Planning Statement, 2024 and contemplated in the Neighbourhoods Place Type in The London Plan. The recommended low-rise apartment building will contribute to the existing range and mix of housing types in the area, which consists of a mix of single detached dwellings, medium-density cluster townhouses and low-rise apartment buildings further to the east. The proposed use promotes Key Direction 5 of The London Plan by providing for infill and intensification of various types and forms to take advantage of existing services and facilities to reduce the need to grow outward and ensuring a mix of housing types within our neighbourhoods so they are compatible and support aging in place (TLP, 59_). The proposed development supports a positive pedestrian environment, a mix of house types within the neighbourhood to support ageing in place and affordability and a healthy, diverse, and vibrant neighbourhood that promotes a sense of place and character (TLP 193_).

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS, 2024, that encourage residential intensification (PPS Section 1.b)2), an efficient use of land, and a diversified mix of uses (PPS Section 2.3.1.2). The proposed intensity is in conformity with the Neighbourhoods Place Type in The London Plan (TLP Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type), which contemplates a standard maximum of four (4) storeys and an upper maximum of six (6) storeys along a Civic Boulevard (Commissioners Road West).

Concerns were raised by members of the public regarding the increase in height having impacts on privacy. To ensure the building does not exceed the proposed 4-storeys, a special provision has been included to regulate the maximum height to 14.5 metres. The proposed height of 14.5 metres (4-storeys), is consistent with existing apartment buildings in the surrounding area and is consistent with the 2-storey townhouse dwellings to the north. The applicant is not proposing reductions in the rear or interior side yard setbacks to provide for adequate buffering between properties and mitigate concerns for privacy. Through the Site Plan Approval process, the applicant is to provide enhanced landscaping along the interior and rear boundaries for privacy from the existing single detached dwellings.

The proposed residential intensity will facilitate an appropriate scale of development that makes efficient use of lands and services and is compatible and complementary to the existing and planned residential development in the area. The proposed intensity contributes to the intensification target in the Build Area Boundary. Servicing is available for the proposed number of units and no concerns were raised regarding traffic, noise, parking or other negative impacts

4.3 Form

The proposed form is consistent with the Neighbourhoods Place Type policies and City Design policies. The London Plan encourages residential intensification within existing neighbourhoods which add value to the neighbourhoods by adding to their planned and existing character, quality, and sustainability (TLP, 937_). The proposed development facilities and appropriate form and scale of residential intensification that is compatible with the existing and future neighbourhood character (TLP, 953_2). The proposed built form supports a positive pedestrian environment, a mix of housing types to support aging in place and affordability and is designed to be a good fit and compatible within its context/neighbourhood character (TLP, 193_). The location and massing of the proposed building is consistent with urban design goals by providing minimal setbacks to the street to activate the street frontage while providing direct pedestrian connections to the public sidewalk (TLP, 259_, 268_).

The proposed development currently shows two parking spaces between the building and the street. Staff recommend that all parking be located internal to the site and visually screened from the street to encourage a pedestrian oriented streetscape (TLP,

936_4). A special provision requiring parking to be located in the interior side or rear yard is recommended accordingly, as well as an additional special provision requiring a greater parking area setback in the rear yard in order to retain existing vegetation and maintain privacy.

4.4 Zoning

The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

A minimum front yard depth of 1.0 metres

A reduced front yard depth of 1.0 metres is proposed by the applicant and is recommended by staff. The reduced front yard depth is to the new property boundary, post road-widening dedication, and is located at a pinch-point. The reduced setback will allow the building to be sited closer to the street and define the street edge, creating an inviting, active, and comfortable pedestrian environment (TLP, 259_). The reduced setback ensures no encroachments into the public right-of-way.

A maximum height of 14.5 metres

An increased building height of 14.5 metres is proposed by the applicant and is recommended by staff. The increase in height is to facilitate the 4-storey apartment building and is consistent with the existing apartment buildings in the area. The maximum height will allow for the implementation of the proposed development, facilitating an appropriate scale of development that is compatible with the existing and future neighbourhood (TLP, 918_13). There are no special provisions requested for reduced interior or rear side yards to provide for adequate buffering from abutting low-density residential uses. Enhanced landscaping in the interior and rear side yards to offset any potential impacts of the increased height will be considered by the Site Plan Approval Authority.

Parking area location – interior side or rear yard

A special provision to regulate the parking area location to the interior side or rear yard is being recommended by staff. Section 4.19 of Zoning By-law Z.-1 does not regulate yards in which the required parking area is permitted where there is no regulations for the R8 Zone. The special provision conforms to The London Plan City Building policies where parking should be located in the interior side or rear yard only (TLP, 269_ and 272_).

Parking area setback (rear) (minimum) – 2.5 metres

A special provision to provide a minimum rear yard parking area setback of 2.5 metres is being recommended by staff. The intent of providing the minimum parking area setback in the rear yard is to retain the existing hedge to provide buffering between the proposed development and neighbouring single detached dwelling at the rear of the site.

4.5 Traffic and Parking

Through the circulation of the application, traffic and safety were among the greatest concerns raised by neighbouring residents. The application has been reviewed by City Transportation staff who raised no concerns with the proposed development. The increased number of vehicles as a result of the proposed development did not require further review or studies.

Concerns were also raised regarding the number of parking spaces proposed in relation to the number of units, resulting in vehicles parking on neighbouring streets. The applicant is proposing a parking rate of 1.0 spaces per unit (22 spaces) exceeding the minimum requirement of 0.5 spaces per unit (11 spaces) as per the Zoning By-law Z.-1. Through the Site Plan Approval process, the applicant will be required to provide visitor parking at a rate of 1 space for every 10 units.

4.6 Servicing and Infrastructure

Concerns were raised regarding the existing infrastructure capacity to support the

proposed development. City Engineering staff have reviewed the application and have confirmed that adequate capacity is available to service the proposed development. A detailed review of the engineering will be completed through the detailed design at the Site Plan Approval stage.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with special provisions.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will facilitate the development of a site within the Built-Area Boundary with an appropriate form of infill development.

Prepared by: Melanie Vivian
Senior Coordinator – Committee of Adjustment

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O' Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1408 and 1412 Commissioners Road West

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1408 and 1412 Commissioners Road West, as shown on the attached map **FROM** a Residential R1 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone.
2. Section Number 12.4 of the Residential R8-4 Zone is amended by adding the following Special Provisions:

R8-4(_) 1408 and 1412 Commissioners Road West
 - a. Regulations
 - i. Front Yard Depth (minimum) – 1.0 metres
 - ii. Height (maximum) – 14.5 metres
 - iii. Yards Where Parking Area is Permitted – Interior side yard or rear yard
3. This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

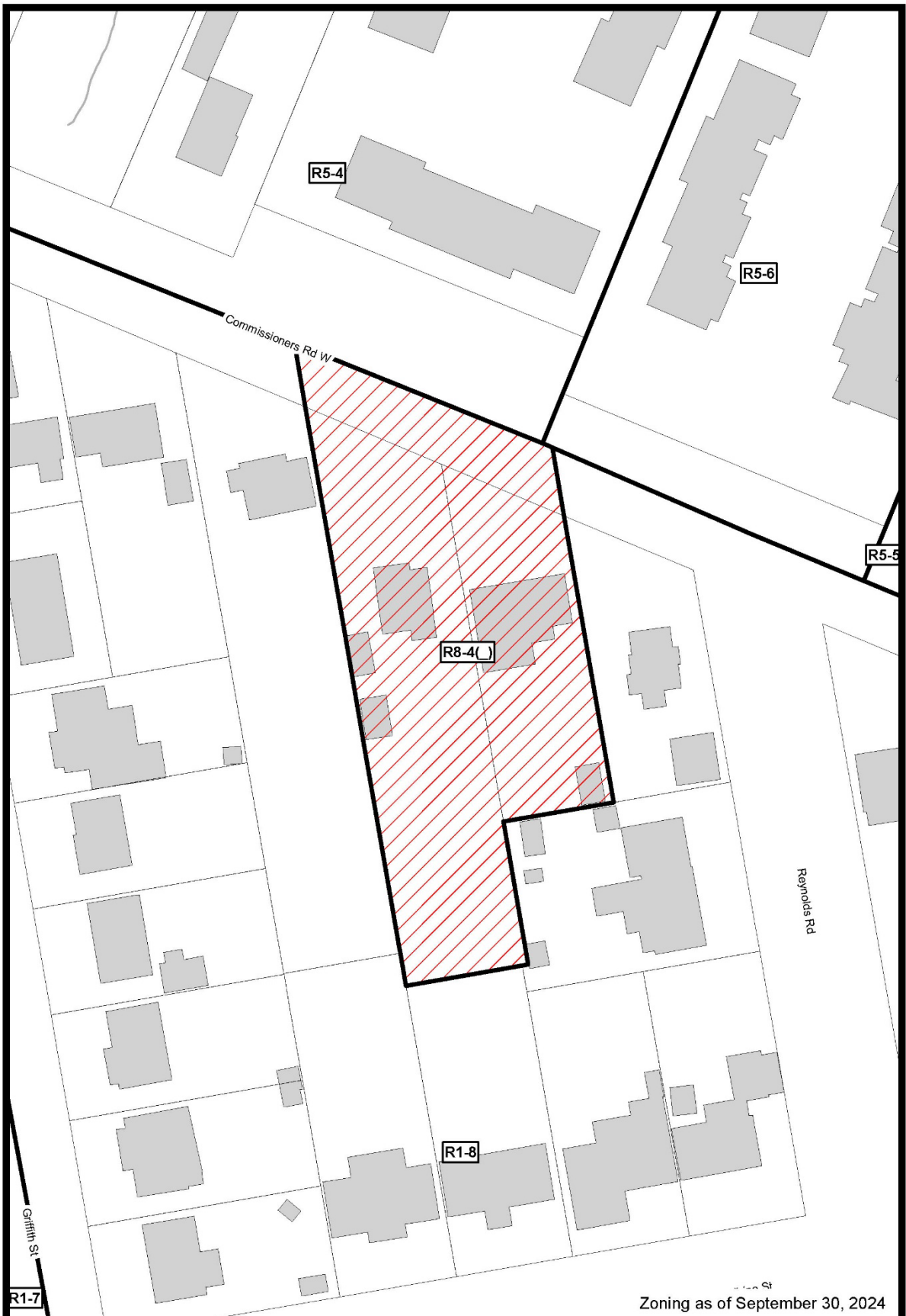
PASSED in Open Council on November 26, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

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



File Number: Z-9780
Planner: MV
Date Prepared: 2024/10/10
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:800

0 4 8 16 24 32 Meters



Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Residential (Single detached dwellings)
Frontage	49.7 metres
Area	0.3 hectares (0.74 acres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Cluster townhouse developments/apartment buildings
East	Single detached dwellings
South	Single detached dwellings
West	Single detached dwellings

Proximity to Nearest Amenities

Major Intersection	Commissioners Road West/Boler Road (770 metres)
Dedicated cycling infrastructure	Commissioners Road West (55 metres)
London Transit stop	Commissioners Road West (north side) (140 metres) Griffith Street (160 metres)
Public open space	Springbank Park (950 metres)
Commercial area/use	Variety of uses (restaurant, retail) (524 metres)
Food store	Metro (1,000 metres)
Community/recreation amenity	Byron Optimist Community Centre (1,100 metres)

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type fronting a Civic Boulevard
Current Special Policies	N/A
Current Zoning	Residential R1 (R1-8) Zone

Requested Designation and Zone

Requested Place Type	Neighbourhoods Place Type on a Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Residential R8 Special Provision (R8-4())

Requested Special Provisions

Regulation (R8-4)	Required	Proposed
Front Yard Depth (minimum) (m)	7.0 metres	1.0 metres
Height (maximum) (m)	13.0 metres	14.5 metres
Paving Area Location	N/A	Interior or rear yard
Parking Area Setback (rear) (minimum)	N/A	2.5 metres
Building Orientation	N/A	The front face and principle building entrance shall be oriented toward

Regulation (R8-4)	Required	Proposed
		Commissioners Road West

C. Development Proposal Summary

Development Overview

The recommended action will permit a 4-storey, 22-unit low-rise apartment building with a density of 73 units per hectare.

Proposal Statistics

Land use	Residential
Form	Low-rise apartment building
Height	4-Storeys (14.5 metres)
Residential units	22
Density	73 units per hectare
Building coverage	22.7 %
Landscape open space	45.1 %
New use being added to the local community	No

Mobility

Parking spaces	22 surface parking spaces
Vehicle parking ratio	1.0 spaces per unit
New electric vehicles charging stations	Unknown
Secured bike parking spaces	Determined through Site Plan Approval
Secured bike parking ratio	Determined through Site Plan Approval
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

Environment

Tree removals	Yes
Tree plantings	Yes (number to be determined through Site Plan Approval)
Tree Protection Area	Yes / No
Loss of natural heritage features	No
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Unknown

Appendix C – Internal and Agency Comments

Planning and Development

- The two (2) parking spaces in the front yard are not supported by staff. Remove/relocate accordingly. A special provision will be included to permit parking in the interior and rear yard only.
- To address public concerns regarding loss of landscaping and privacy, staff may consider a special provision for an increased setback from the parking area at the rear to retain the existing hedge of approximately 2.5 metres.

Site Plan – September 27, 2024

1. Major Issues

- None

2. Matters for OPA/ZBA

- **A Noise Study** will be required at the first submission of the Site Plan Approval application.
- Provide a minimum **1.5m** parking setback from the property boundary.
- A special provision will be required to permit a reduced minimum front yard setback of **1.0m** whereas a minimum front yard setback of **8.0m** is required.

1. At the time of site plan application submission, update the site plan zoning matrix table to reflect the required **8.0m** setback.

ZONING - R8-4		
REGULATION	REQUIRED	PROPOSED
LOT AREA	1,000 m ²	3,049.20 m ² (0.3049 ha) (PRE-ROAD WIDENING)
LOT FRONTAGE	30.0 m	49.697 m
FRONT YARD	7.0 m	1.0 m
INTERIOR SIDE YARD	4.80 m	11.21 m (WEST) 4.80 m (EAST)
REAR YARD	4.80 m	12.06 m
LANDSCAPE OPEN SPACE (MIN.)	30 %	45.1 % (1,374.49 m ²)
LOT COVERAGE (MAX.)	40 %	22.7 % (690.99 m ²)
BUILDING HEIGHT (MAX.)	13.0 m	* 14.3 m
DENSITY (MAX.)	75 UPHA	73 UPHA (PRE-ROAD WIDENING)

- A special provision will be required to permit a maximum height of **14.3m** whereas a maximum height of **13.0m** is permitted.
- Remove or relocate the proposed front-yard parking spaces.

3. Matters for Site Plan

- Clarify if municipal or private collection garbage and recycling services will be utilized.
 1. The City of London can provide deep waste garbage collection for Earth bins and Earth Worx bins. Private collection will be required for any in-ground recycling.
 2. To future proof the subject site for green bin waste collection, consider how green bin waste pickup will be accommodated on-site.

Parks Planning & Open Space Design – September 19, 2024

Major Issues

- None.

Matters for OPA/ZBA

- None.

Matters for Site Plan

- Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

Urban Design – September 19, 2024

Major Issues

- This site is located within the Neighbourhoods Place Type along a Civic Boulevard in The London Plan [TLP] which generally contemplates the proposed use and height. Urban Design is generally supportive of the proposed 4-storey apartment building, but recommends the following comments be addressed.

Matters for OPA/ZBA

- Urban Design recommends the following Special Provisions be incorporated into the proposed R8-4() Zone to foster a safe, comfortable and accessible public realm, and to reduce potential impacts on neighbouring properties:
 - The front face and principal building entrance shall be oriented toward Commissioners Road W.
 - Urban Design is supportive of the other Special Provisions proposed by the applicant.
- Urban Design is not supportive of the proposed parking spaces located between the building and the street. Parking should be located in the interior side or rear yard only.

Matters to be Addressed at Site Plan

- Urban Design recognizes the applicant for proposing the following site layout and building design features. The applicant is encouraged to carry these features forward through the development process:
 - The entrance located on the Commissioners Road W-facing facade with direct walkway access to the sidewalk.
 - Balconies have been included which provide private amenity space and break-down the massing of the building.
 - Weather protection (canopies) is proposed above the building entrances.
- Remove or relocate the two proposed parking spaces located in the front yard. Parking should be located in the interior side or rear yard only [TLP Policy 269, 272].
- Provide adequate buffering and privacy mitigation measures such as enhanced all-season landscaping and fencing along the interior side and rear property lines [TLP Policy 253].
- Consider providing individual accesses to the street-facing ground floor units to encourage active transportation, assist with wayfinding and to activate the street [TLP Policy 291].
- Screen any surface parking areas exposed to the public street with enhanced all-season landscaping [TLP Policy 278].
- Submit a full set of dimensioned and labelled elevations for all sides of the proposed building. Further comments may follow upon receipt of the updated drawings.

Landscape Architecture – October 8, 2024

- Any tree issues identified in the submitted Tree Report can be addressed at site plan. There was only one boundary tree along the west property line, but the layout as proposed will not impact the tree at all.

Engineering – September 19, 2024

Zoning Application Comments:

Planning & Development:

- Engineering has no further comments on this application and recommends approval. For the applicant's benefit, please provide the below site plan comments which need to be addressed as part of a future application.

Matters for Site Plan

Wastewater:

- A site servicing plan which indicates how the proposed development will connect to the municipal sanitary sewer will be required.

Water:

- Water is available for the subject site via the municipal 300mm watermain on Commissioners Road West.
- The existing water services to the existing two property shall be abandon to City Standards.
- A water servicing brief addressing domestic demands, fire flows, and water quality is required.
- Ensure the two properties are under one ownership. Ensure a regulated drinking water system will not be created.

Stormwater:

- As per attached as-constructed 5411 & 5413, the site at C=0.35 is tributary to the existing 900mm storm sewer on Commissioners Road West. As per the Drainage By-law, the consultant would be required to provide for a storm pdc.
- A land use of medium density residential will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- As per the City of London's Design Requirements for Permanent Private Storm Systems, the proposed application falls within case 3a, therefore the following design criteria should be implemented:
 - the flows from a site being developed are to be restricted to those flows which were allowed for the site in the design of the receiving storm sewer; and,
 - the major flows are to be controlled on site up to the 100-year event and the site grading is to safely convey up to the 250-year storm event; and,
 - 100% of quality and erosion controls are to be provided for the lands to be developed, as per the applicable Subwatershed Study (Downstream Thames, 70% TSS removal).

The consultant shall provide a servicing report and drawings to present calculations, recommendations and details to address these requirements.

- Although the site may not contain 29 or more at grade parking spaces, per Case 3 of the PPS (CofL DSRM 6.9) the on-site private stormwater system must provide 100% of the quality control for the lands to be developed (70% TSS removal), as there are no downstream quality controls in place.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site, ensuring that stormwater flows are self-contained and that grading can safely convey up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands. In particular, the residential properties to the southwest.

- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- These properties are subject to a road widening of approximately 7 metres that is to be determined by survey by setting 18.0m from the centerline of construction shown on attached plan E083s1.
- Detailed comments regarding access design and location will be made through the site plan process.

Appendix D – Public Engagement

From: Benita Moore

Sent: Tuesday, September 10, 2024 2:52 PM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] 1408-1412 commissioners Rd West

I have been notified of the intent to go before council on November 12 2024 concerning the proposal of a 4 storey apartment building on the above land. The development will back onto **[redacted]**, which I own. I have grave concerns as to the adverse affect this will have on my home as well as the neighbourhood.

The plans show the parking area to be at my backyard. Their plans will have profound affect on our daily lives and mental well being. We will lose our privacy. With the traffic going in and out we will have car lights and noise in the backyard at all times of the day and night

They currently have 22 parking spots for 22 units. If all spots are used for the building the overflow will come onto the side streets. If there are no spots and visitors come where will they park?

I have spent alot of time and money developing a backyard that provides peace and tranquility and that will be sacrificed. I purchased this property because of the yard. For what it provides and how it would enrich my life. I was a real estate agent for over 20 years. I know that when it comes time for me to sell it will seriously affect the resale value of my home. It will discourage potential buyers.

There is a vine growing on his property with is harming his trees as well as mine. I have contacted the builder inperson and left three messages at his place of business and he has taken no action to deal with this issue. These vines are killing his trees as well as mine. According to their plans all the trees will be removed and they will put up shrubs. You can't replace 50 year old trees with shrubs. The trees currently provide privacy as well as noise reduction from Commisioners.

Please take my concerns as well as my neighbours as this will profoundly change the character of an existing community to the negative.



Figure 1: Pictures of backyard.



Figure 2: Pictures of backyard.



Figure 3: Pictures of backyard.

From: Janet Edwards
Sent: Thursday, September 12, 2024 7:04 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] 1408 & 1412 Commissioners Road West in Byron

The traffic on Commissioners Road is bad enough with traffic coming from Strathroy, Mt. Brydges, Komoka, Kilworth that I don't want to see another apartment building on that street, Apparently Triglar has bought the land on the east side of Commissioners Road and Reynolds Road. Who knows what will be going on there. I hate seeing residential houses being replaced by apartment buildings.

So if I get to vote, I vote no to another apartment building.

Janet Edwards
[redacted], London, ON [redacted]

From: Roberta Day
Sent: Monday, September 23, 2024 12:03 PM
To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] 1408-1412 Commissioners Rd W comments/concerns, File Z-9780

To: Melanie Vivian and Anna Hopkins, and Council

Hello,

My name is Roberta Day and I reside in the **[redacted]**, at the intersection of Griffith and Commissioners.

I would like to express and share with City Councillors my concerns with the proposed development at 1408-1412 Commissioners Rd West.

My main concern is the well-being and safety of the Byron community.

I am a walker and there are many other 'walkers' in this neighbourhood. Adults, children going to school, seniors getting exercise, bicyclists, and runners from Riverbend area.

There is even a sign at the corner of Griffith and Commissioners that encourages walking. It says "You are an 8 minute walk to the shops and park". What it does not say is that you take your life in your hands every time you walk from Grandview to Boler Rd especially on the side of the street where this 4 storey apartment building is proposed. The sidewalk down Commissioners on this stretch is really just an extension of the road. There is no boulevard or grassy area or bike lane in most sections as there is no room. Even the sidewalk seems narrower in some spots. Putting up a 4 storey apartment building would make walking even more hazardous with the cars from the 22 units causing more traffic, turning in and out of the driveway. Maybe that is why there are not any apartment buildings on that side of the road now! They are all on the other side where the boulevard is mainly wider and provides a safer distance from the road for pedestrians.

London is known as the Forest City. I would also like it to be known as a Pedestrian Friendly City. Let's make this busy road in Byron area more pedestrian friendly and safe by not adding to an existing safety hazard that more cars and construction will increase.

In summary, there are too many risks to public safety posed by this development:

- building too close to road (especially if road needs to be widened for traffic)
- sidewalk too close to road
- too close to public school (already lots of traffic with parents dropping off kids)
- limited parking for 22 units (currently people already park down Griffith as no parking)
- increase in traffic from an apartment building and turning left is already dangerous (Not to mention that a 4 storey building will impact neighbours backyards and privacy and property values.)

This stretch of Commissioners Rd already has a problem accommodating the many cars, it is curvy in some areas, and the speed limit is 50km not 40km as it would be in a school district. The sidewalk is too narrow and close to the road. This development could compromise the safety and well being of all pedestrians and Byron residents.

Thank you,

Roberta Day

[Redacted]

From: Alisha Goossens

Sent: Monday, September 23, 2024 1:16 PM

To: Vivian, Melanie <mvivian@london.ca>

Cc: JEFF GOOSSENS; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Proposed Development 1408-1412 Commissioners Road W.

Hello

I would like to express my concerns regarding the proposed development of 1408 and 1412 Commissioners Road, as it abuts the **[redacted]**. I have received the Notice of Application for the above stated property and have been notified that the prior emails which I have sent to the city regarding this proposal will not be included as part of the staff's review.

This proposal will be the first multi-unit dwelling on the south side of Commissioners Road, due west of Boler Road. The proposed building lot is currently zoned for single-family dwellings and the proposed building and parking lot will back directly onto single-

family homes. Additionally, this proposal includes the removal of trees and green space currently on these properties.

My key concerns include:

- The height of the proposed building does not meet current zoning standards and will be situated on lots surrounded by single-family homes
- The loss of privacy to nearby homes
- The environmental impact of the removal of trees and greenspace
- The impact on surrounding properties with the removal of trees and greenspace, being replaced with concrete and other impermeable building materials, especially with increasing severe weather due to climate change
- The infrastructure in the established neighbourhood has been designed for single-family homes and cannot tolerate an increase in building size and population
- Pedestrian and traffic safety concerns, namely the visibility at the corner of Reynolds Road and Commissioners Road with the increase in traffic
- Traffic safety concerns along my street of residence, especially during the construction phase, likely two years as stated by the developer at the public meeting, as we do not have curbs or sidewalks on Woodbine St.
- Safety of the construction of the proposed building, as the builder does not have mid-size apartment buildings in their portfolio of experience

While increasing the number of available homes is important, many factors must be taken into consideration. This proposal is not appropriate for this neighbourhood given the abundance of new residential development taking place to the west and south of this neighbourhood. Residents purchasing property in developing neighbourhoods are aware that construction is ongoing and variable and there is new infrastructure designed to support this type of development.

We are the second owners of **[redacted]** since it's construction in 1957, as is the case for several other homes on Woodbine St. The homes on the north side of Woodbine St. have each only been owned by two or three long -term occupants. We purchased our home due to the private lot and quiet residential street. We have worked tirelessly over the past twenty-five years to maintain our home and provide a safe place for our family.

I have attached photos of our property, the backyard which will be affected by the proposed building. Note, the proposed building will be in the area of the many large trees. I have also included a photo of Woodbine St. taken at the front of my property to demonstrate my safety concerns regarding the increasing amount of traffic that will occur, if approved.

I urge council and any other committee members reviewing this application for re-zoning and development to reject this application as it will cause undue stress in many aspects, including but limited to, safety concerns and environmental issues for this neighbourhood.

Please feel free to contact me or to forward this email to staff involved with this planning application.

Best regards,

Alisha Goossens
[redacted]



Figure 4: Rear yard facing north.



Figure 5: Rear yard.



Figure 6: Rear yard.



Figure 7: Woodbine Street view.

From: Claudia Krupicz
Sent: Wednesday, October 2, 2024 7:04 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Claudia Krupicz
Subject: [EXTERNAL] Opposition Letter for proposed development Commissioners Rd West

Good evening, Melanie,
Find attached my letter of opposition for the building development at 1408-1412
Commissioners Rd W.
I appreciate your time.
Thank you
Best Regards,
Claudia

September 27, 2024

Melanie Vivian
Planning & Development-
City of London
PO Box 5035
London Ontario N6A4L9

RE: 1408 & 1412 Commissioners Rd W London ON (File Z-9780)

Dear Melanie Vivian,

I hope this letter finds you well, My name is Claudia Krupicz and I reside at **[redacted]** corner lot. I am writing this letter to express my strong opposition to the proposed development at 1408-1412 Commissioners Rd W London. While I understand the need for growth and economic development, this project raises several serious concerns that I believe will have long-lasting negative impacts on our community.

1) Increased Traffic and Congestion

The proposed development will bring a substantial increase in traffic to our already congested roads. Commissioners Road West being one of three main arteries from neighbouring development from the west (specifically, Komoka, Kilworth & West 5) commuting into London & vice versa. The local infrastructure is not equipped to handle the additional vehicles that will come with new residents, visitors, and delivery services. Most days, specifically during rush hour traffic commuting to work between 7-9am & 3-5pm) makes it near to impossible to even turn onto Commissioners from Reynolds road as traffic is already bumper to bumper with everyone in a rush, and irritated with little to no courtesy to let you in. This has and will continue to increase and result in longer commutes, increased noise pollution and heightened safety risks, particularly for pedestrians and cyclists.

2) Impact on wildlife

The area in question is home to a variety of wildlife species, many of which are already struggling due to habitat loss. This development threatens to further displace local wildlife, which rely on this space for food, shelter and breeding. The destruction of natural habitats not only endangers these species but also disrupts the ecological balance of the area. We have beautiful mature 100 year old trees that are at risk of being cut down that are home to owls, eagles, and various other animals. These trees provide shade in the summer and contribute to serenity & tranquility all year round.

3) Loss of Privacy

This development will significantly infringe on the privacy of nearby residents. The proposed building, will overlook homes and backyards, creating a sense of intrusion for current residents. In the last few years there were many improvements done on my property to allow for privacy, such as building a new fence, and doing landscaping so that I could enjoy the yard to its fullest potential. The erection of a 4-storey building will undoubtedly diminish the quality of life in our neighbourhood, as residents will no longer feel comfortable in their own private spaces.

4) Construction Disruptions

The construction phase of this project will cause significant disruptions to the community. Extended periods of construction noise, dust, and heavy machinery will create a stressful and unhealthy environment for residents, especially those with young children, the elderly, and anyone working from home. Additionally, road closures and detours will further complicate daily life for everyone in the vicinity.

5) Lack of parking space

The development plan does not adequately address parking needs. The number of parking spaces proposed is insufficient for the volume of new residents, visitors and service vehicles. This will likely lead to overcrowded streets, illegal parking, and increased frustration for both new and existing residents. Inadequate parking will not only inconvenience residents but also impose access for emergency services and delivery vehicles. I have also provided an image from my camera system showing a vehicle parked in a no parking zone in front of my residence from the Reynolds Road side access. Cars are NOT permitted to park between Commissioners before the hydro pole between my neighbouring house and mine, and it's indicated and specified with a no parking sign located on the hydro pole between both properties, but yet people still do, I believe this is a perfect example of what the future may hold and will be a more common growing problem with limited parking arrangements for visitors of this proposed building.

6) Stress on Storm Sewer System

The addition of the new proposed building, and other impervious surfaces will put significant stress on the existing storm sewer system. Increased runoff from this development, particularly during heavy rainfall, could overwhelm the current infrastructure, leading to flooding in residential areas, streets, and near-by green spaces. This is a serious concern, as the current storm sewer system is already under strain during storm events, and further development will only exacerbate this problem.

In light of these concerns, I urge the City of London Planning & Developing department to reconsider this project, or, at the very least, require additional environmental impact assessments and community consultations. Our neighbourhood deserves thoughtful development that respects both the natural environment and the well-being of its current residents. Thank you for considering my concerns. I hope that you will take the necessary steps to protect our community.

Sincerely, Claudia Krupicz

**[redacted] [redacted]
[redacted]**

From: Claudia Krupicz
Sent: Wednesday, October 2, 2024 7:14 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Maciek Krupicz
Subject: [EXTERNAL] Opposition Letter Development 1408-1402 Commissioners Rd W

Good evening Melanie,
I am sending this opposition letter on behalf of my Father Matthew. I have cc'd him on this email as well as he was having computer issues.
If you have any questions regarding the attached, please don't hesitate to reply.

Thank you for your attention in this matter.
Best Regards,

Maciej Krupicz
[redacted]
London, ON **[redacted]**
[redacted]

September 15, 2024

Melanie Vivian
Planning and Development
City of London
PO Box 5035
London, ON N6A 4L9

Re: 1408 and 1412 Commissioners Road West, London (File Z-9780)

Dear Melanie Vivian

I, Maciej Krupicz, would like to formally submit a letter in objection to the proposed development at 1408 and 1412 Commissioners Road West, London (File Z-9780). Please accept this letter containing a list of concerns in reference to the aforementioned development as opposition at this time. For reference, my house occupies the space immediately [redacted] of the proposed site for which I have lived for over 12 years.

The first concern I would like to bring forth is the impact this development will have on the privacy of not only my-self and my family, but also the other single-family residences that surround the proposed property development. The existing homes are mainly 1 to 1 ½ storey homes with open back yards. Adding a 4-storey development over two lots will revoke the privacy that is so precious to our well-being. In my personal opinion, having neighbours that are able to overlook my backyard, brings much hesitation to me, impacting the enjoyment of my private yard. Furthermore, in order for this project to move forward, it will have to involve the removal of the beautiful trees that make our community so unique. Not only will that impact our privacy and remove that shade, but also impact the serenity of our properties. The small amount of light that does come through will also now be permanently blocked by the height of the building.

Post development, it is reasonably foreseeable to see a significant increase in traffic with the addition of twenty-two new families. The volume of traffic that already commutes through this neighbourhood is significant, whereby adding these additional occupants in the area, the traffic concerns will only increase. Traffic travelling northwest, looking to turn into the proposed building site will undoubtedly cause an increased risk for motorists and pedestrians alike. The proposal also suggests the addition of only 22 parking spaces for 22 families. It is well understood that not all families have vehicles, however, majority of families in this day and age have a minimum of 2 vehicles, add in the need for visitor's parking and we have created a hazardously calculated issue. Where shall we expect this influx of vehicles to park, particularly overnight? I would also like to continue that there is a lack of safety for foot traffic in this area as there are no sidewalks available on the off streets, or street crossings within reasonable distance.

One further concern I would like to present relates to the drainage in respect to the anticipated runoff cause during all seasons. During winter months, the two properties provided adequate amount of exposed soil for drainage, and with the proposed building will now cover that soil with both the structure along with the adjoining pavement/concrete needed for parking, walk ways and such. The ability to store and remove the snow during the winter months will have an impact on those that live in the area. The noise of clearing and removing, along with the potential of increased water during the months of melting snow as well as rain, will cause additional stress to the surrounding neighbours, my-self included as well as all the other unpredictable issues that should arise.

In addition to the previous concerns, the sheer volume of construction traffic and noise created by this project will have a negative impact on those living in the area but also those that rely on this thruway as their primary means of travel, presumably for work but also leisure activities. Parking for the workers, as well as the construction vehicles, shall cause significant concern. Those of us that live in the area that are working shift work will also be negatively impacted by the volume while trying to sleep. This will be detrimental to our health.

As noted, there are many significant concerns with this proposed development. I would like to kindly request that these are taken into consideration when reviewing the development application. My personal vote on this matter is to decline the application.

I have included a few pictures to show visual of the affected areas. The proposed 4-storey building behind the wooden fence on the south/west side, in place of the two

soon to be demolished one-storey family homes cutting out sunlight. All area's behind said fence cleared from mature vegetation and paved to almost 100%. Parking lights turned on during nights and excess traffic disturbing all surrounded neighbours. Tenants of proposed buildings overlooking my backyard robbing me from privacy.

I would like to thank you for your time and consideration. Surely, as a community we are able to rally together to put a stop to high rise development in our beloved community. Should you have any further questions, please feel free to contact me.

Kind regards,

Maciej Krupicz

From: JEFF GOOSSENS

Sent: Thursday, October 3, 2024 6:10 PM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] 1408 and 1412 Commissioners Road

As a resident **[redacted]** the proposed development at 1408 and 1412 Commissioners Road West, I would like to present the following points as to why such a development is a negative factor to our neighborhood.

Single family homes are the current use, this is what makes Byron the haven that it is.

Traffic needed to be diverted from the west as we constructed the Oxford street bridge. Overloading our current Commissioners Rd. corridor negates what we were trying to accomplish in the first place.

A required setback of 7 meters is minimal for the safety of pedestrians and for individuals entering Commissioners Rd. off of any side street. 1 meter is a very dangerous and unnecessary distance to consider as a setback.

The water runoff from essentially paving an entire property will have negative if not dangerous outcomes for any neighboring property and / or roadway.

Old Byron need not be reinvented for another's profit- it is meant to be enjoyed by those of us who dwell there and maintain our properties.

So called 'Cheap Housing' seems out of place for an established neighborhood. Locations such as West Five and developing neighborhoods have water retention ponds and the infrastructure and roads to handle the occupancy that this development requires.

Flora and fauna is unique in this area with many species under risk already (spiny softshell turtle etc.) Removing foliage and increasing road traffic only seems harmful.

Safety issues, with a primary school only a block and a half away, this development seems to only impede a safe walking environ for the many people who walk along Commissioners Road.

There are many reasons to not allow a development of this nature to destroy a lovely residential area such as ours. As a proud Byronite from 1967 to this day, I understand progress is inevitable in our times, I only request that the city carefully assess how and where these developments are allowed to enter our communities.

Thank you
Jeff Goossens
[redacted]
Byron

From: Shannon Blain

Sent: Monday, October 7, 2024 8:00 AM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] Opposition Letter

September 30, 2024

Melanie Vivian
Planning and Development
City of London
PO Box 5035
London, ON N6A 4L9

Concern Regarding Proposed Development [redacted]
Re: 1408 and 1412 Commissioners Road West, London (File Z-9780)

Dear Melanie Vivian,

I hope this message finds you well. My name is Tim Westbrook at [redacted] and I have lived here for the past 7 years. Each year I have invested increasingly large amounts money to make my property my personal oasis, my peace and calm and a spot to relax in this current busy lifestyle we all lead today.

I am writing to express my concerns about the proposed 4-story development [redacted] to my property. While I understand the need for progress, I believe this project poses significant challenges for our community, especially regarding privacy, environmental impact, traffic congestion and some deception on the part of the developer.

Firstly, the height of the development would greatly invade my privacy, as tenants would have direct sightlines into my backyard and pool. I have invested over \$150,000 in creating my private sanctuary/ paradise and the prospect of losing that is quite distressing...for my privacy, peace & health.

Additionally, I am alarmed by the plans to cut down a mini forest of over 100-year-old mature trees to make way for a parking lot....which will cause run-off of oil & gas into my pool and kill the fish in my koi pond!! The grade will be higher of this parking lot than my yard.. will there be any guarantees and precautions put in place for this not to happen?

This natural area is not only beautiful but also serves as a habitat for various wildlife, including owls, cardinals, blue jays, and eagles....but also some Red Headed Woodpeckers which I believe is on the **Endangered List** in Ontario due to declining lack of nesting sites and suitable habitats but also reduction in food supply and this 60% decline has happened only in the last 20yrs!odpeckers. I. I have enjoyed getting some of these birds on video also. The removal of these trees would diminish local biodiversity and eliminate the shade they provide during the summer months.

Is London not called the Forest City for a reason?

Moreover, I am concerned about the impact on our neighbourhood's traffic. The addition of 22 to 44 new occupants will exacerbate an already busy Commissioners Road. Turning left onto this road is already a challenge, and the influx of new residents, visitors, and construction workers will only worsen the situation.

There is also the issue of parking; without sufficient space on-site, I fear that visitors will park along Reynolds Road, which lacks sidewalks and poses a danger to pedestrians. Reynolds Rd already sees visitors from the townhouses across the street but also from parents who park & walk their children to school and then pick them up same way. Tell me where all the vehicles of these units will park that have more than 1 vehicle per unit? I've already witnessed an accident with a young boy on a bike get hit by a car turning onto Reynolds Rd...which is on video.

The construction phase will also introduce noise and congestion, further disrupting our community. It is essential to consider the quality of life for current residents, especially those who work shifts and may find the environment increasingly challenging.

Lastly, the developer Jason at Domday, has attempted to deceive some of my surrounding neighbours by telling them that others have decided to sell, which they did not and that I have agreed to sell my property. That is a **flat out lie!** Why would he need to resort to being so dishonest to people? That is not the morals and ethics of a good business man or company one would want to do business with now is it!

Why would the City of London/Community of Byron want to align themselves with such an unprofessional, shady and very questionable company?

I urge you to take these concerns and all of the other property owners in the neighbourhood into account during the planning process.

You just cannot put a price on nature & wildlife, privacy & peace in our busy world today!

I appreciate your attention to this matter and look forward to your response.

Sincerely,
Tim Westbrook

[redacted]
[redacted]
[redacted]

From: Kristen Deschamps
Sent: Tuesday, October 8, 2024 9:15 AM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File Z-9780 1408 & 1412 Commissioners Road, West

For consideration by Council,

I am writing to appeal the 'Notice of Planning Application' of the properties of 1408 & 1412 Commissioners Road West. File Z9780, proposal of a four storey, 22 units, 22 parking spaces building, Applicant Domday Developments c/o Zelinka Priamo Ltd.

I am a current tenant residing at **[redacted]**, West & have resided in this community since **[redacted]**. I chose this home for the quaint neighbourhood, family homes, & close-knit community. As well, due to my physical limitations, I have been able to adapt & modify this home & property over the years to accommodate my physical special needs. A modern, ostentatious 4-storey building placed between 2 well-established homes will change the character & charm of the neighbourhood drastically. Being directly next door to the proposed building & also considering homeowners of 10+ years that have lived peacefully in the neighbourhood, concerns of consistent extreme noise, dirt, traffic & construction will definitely cause undue hardship & stress on all residents in the area.

Aside of personal concerns, there are also the building concerns

The proposal states 22 units with 22 parking spots available, which is substantially inadequate for the allotted ratio of units to parking spots. Where do visitors, overflow vehicles, maintenance/service workers park?

Parking is not available on Commissioners Rd, West or Reynolds Road

The flow of traffic on Commissioners Road West is consistent & moderate to heavy at most times, there is no left turn into the proposed building site thus disrupting the flow of traffic causing more congestion on an already busy main street where speed is also a factor.

The proposed property has tree removal of 14 mature, well-established trees & 3 'veg. units' all reflecting being in good/fair condition but is a construction conflict. The removal of trees causes concern of no natural barriers causing excess exposure to wind & snow. Mature trees provide shade in the summer & windbreak in the winter. As well, removal of trees will cause ecological disruption.

A tall 4storey building on the west side of my residence will greatly impact the amount of sun my property receives, tree-limbing & care for trees on my property are maintained for maximum sun exposure.

The windows on proposed building facing east will face my west bedroom window causing lack of privacy. The east facing windows on the proposed building will allow absolutely no privacy on the north, west, south sides of my yard/property.

Thank you for your consideration

Regards,

Kristen Deschamps

[redacted]

London, Ontario [redacted]

[redacted]

From: Lisa Braiden

Sent: Wednesday, October 9, 2024 5:33 PM

To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] File:Z-9780

As residents of [redacted] for over twelve years, we are deeply concerned about the proposed 4-storey apartment building at 1408 and 1412 Commissioners Road West. The proposed building has 22 units and 22 parking spaces. Where are visitors going to park when visiting?

The other major concern is the additional traffic. Commissioners Road West is already significantly backed up at numerous times during the day.

In the immediate vicinity (across the street) there are numerous large condominium complexes which already generate substantial traffic throughout the day.

Your consideration in this matter is appreciated.

Lisa and Bob Braiden

From: Shannon Blain

Sent: Thursday, October 10, 2024 8:39 AM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] Opposition Letter Addition

Good morning Melanie

In regards to Tim Westbrook's letter, he would like to bring attention to the following:

The 45 degree rule would be a Zoning Violation if this proposed structure was allowed ...please see attachment.

Thank you for adding this to the other list of important issues!

Tim Westbrook

Get [Outlook for Android](#)

From: Nick & Sheryl Gregson

Sent: Thursday, October 10, 2024 3:33 PM

To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Comments on 1408 and 1412 Commissioners Road West Zoning By-Law Amendment

We are writing to express our concerns regarding the new apartment building proposed in our neighborhood, specifically regarding the parking arrangements for the residents and visitors.

We have noted that the plan allocates only 22 parking spaces for 22 apartments. While this might seem adequate on paper, the reality is that it could lead to significant parking overflow onto our streets, particularly Griffith Street, where we reside. Already, neighboring condominiums contribute to parking congestion on our street, and additional vehicles from the new apartments would exacerbate the issue.

Furthermore, we are particularly concerned about the lack of visitor parking, which will likely lead to spill over onto our street. This creates inconvenience and potential safety hazards, especially near the corner where buses frequently travel. Parking in these areas obstructs the smooth flow of traffic, affecting not only residents but also public transportation.

In light of these concerns, we strongly urge you to address the parking allocation and layout. Specifically, I propose:

1. Increasing the number of parking spaces to include visitor spaces to reduce the likelihood of overflow onto nearby streets.
2. Implementing a clear no-parking zone on the east side of Griffith, near Commissioners Road, to avoid interference with turning buses.
3. Ensuring that visitor parking arrangements do not encroach on areas that are critical for bus routes and other public transportation.

Additionally, on behalf of neighboring properties, I request that the apartment complex incorporate tall trees in its landscaping plan to mitigate light pollution. This is particularly important to preserve the quality of life for existing residents and to maintain the character of our neighborhood.

We believe that addressing these issues proactively will contribute to maintaining the quality of life in our neighborhood and ensure that the new apartment building integrates smoothly into our community.

Thank you for considering my concerns.

Sincerely,
Sheryl and Nick Gregson

[redacted]

From: Judy Wunsch

Sent: Wednesday, October 16, 2024 3:08 PM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] Build @ 1408,1412 commissioners Rd. Wt.

Hello Melanie: I would like to ask a question about the building on commissioners Rd. Wt.

I read the plans for 1408 and 1412. Having lived in the neighbourhood since 1959, I am not going to view it as a welcome addition.

I did not see any plans for the 1418. **[redacted]**. This will affect me directly if you develop this narrow piece of property.

Do you have any plans for the future for ?townhouses at 1418 Commissioners Rd. Wt.

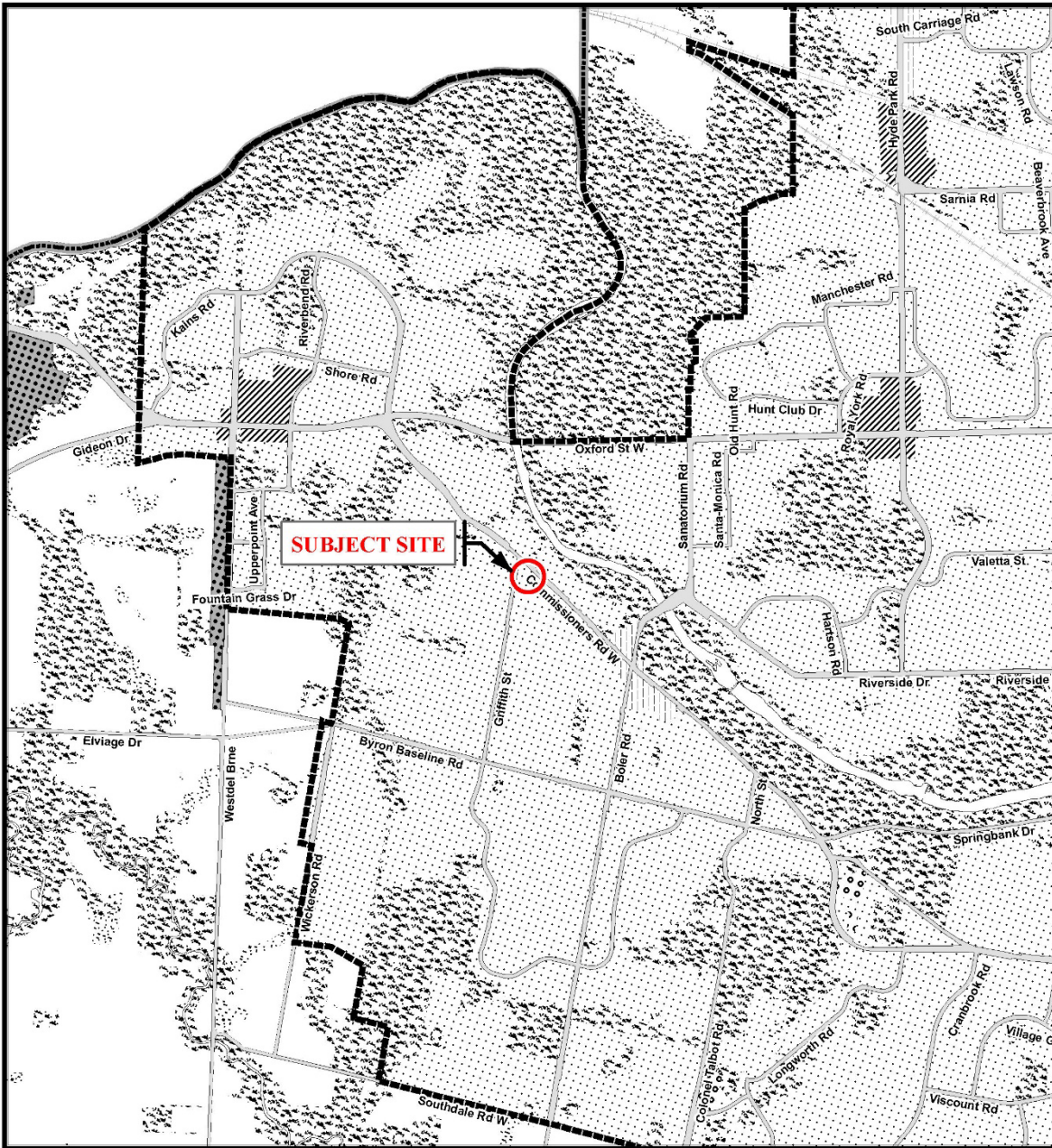
I live at **[redacted]**. If you develop plans for future building will Domday be offering to buy more land?

I hope you can answer my questions. I phoned the city twice and no one had any idea what I was talking about.

The file number is Z-9780 if this is of any help.

Thank you for your time Judy Wunsch. **[redacted]**

Appendix E – Relevant Background



Legend

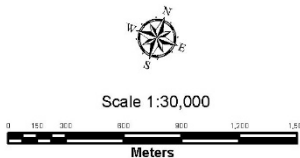
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management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

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

CITY OF LONDON Official Plan

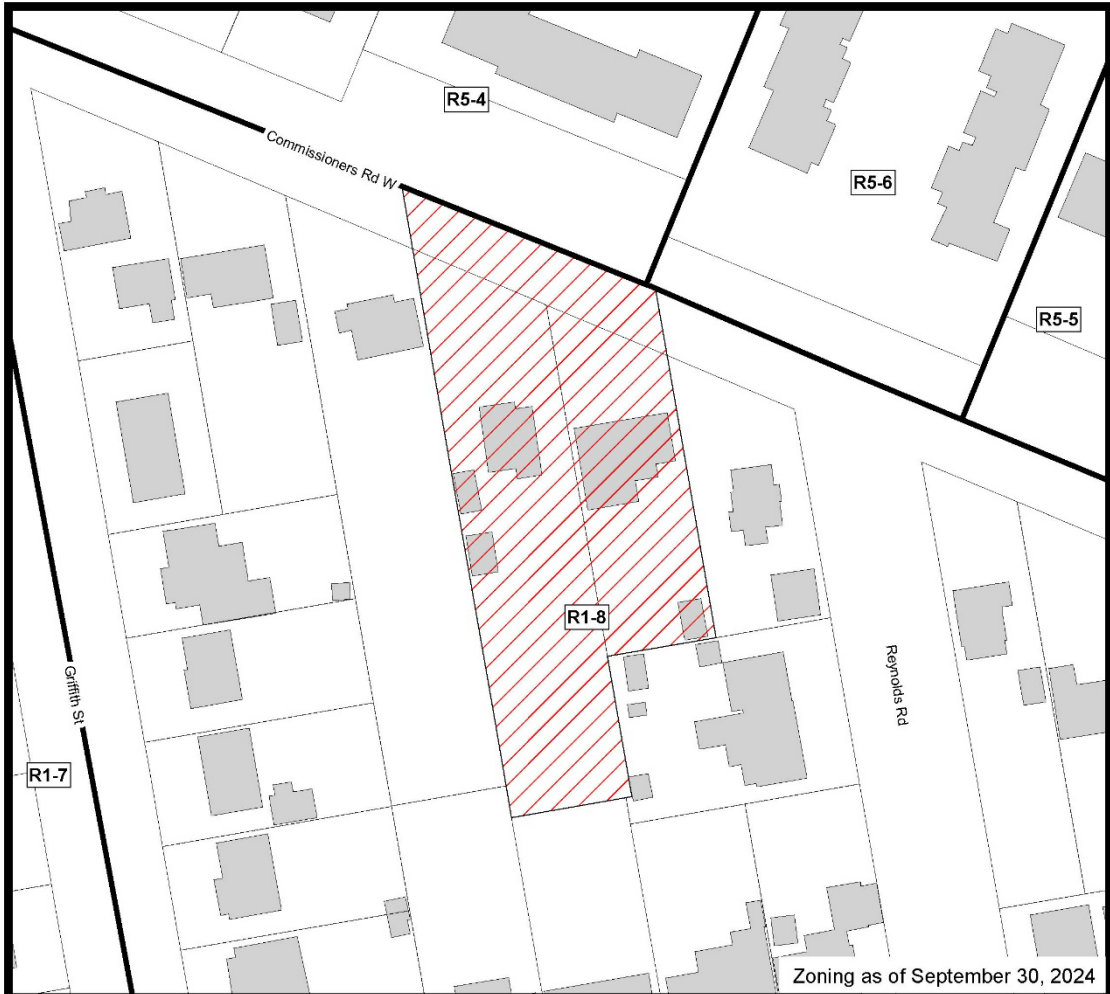
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9780
Planner: MV
Technician: RC
Date: 2024/10/10

Project Location: E:\Planning\Projects\p_officialplan\work\consolid00\excerpts_LondonPlan\mxd\Z-9780-Map1-PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-8

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

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-9780

MV

MAP PREPARED:

2024/10/10

RC

1:1,000

0 5 10 20 30 40 Meters

**DEFERRED MATTERS
PLANNING AND ENVIRONMENT COMMITTEE
(AS OF NOVEMBER 1, 2024)**

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
1	Draft City-Wide Urban Design Guidelines – Civic Admin to report back at a future PPM of the PEC	Oct 29/19 (2.1/18/PEC)	Q4 2024	H. McNeely/ K. Edwards	Staff are working to incorporate the contents of the draft Urban Design Guidelines into the Site Plan Control By-law update (expected Q3 2024) as well as the new Zoning By-law (expected Q4 2024). The need for additional independent UDG will be assessed after those projects are complete.
2	Homeowner Education Package – 3 rd Report of EEPAC - part c) the Civic Administration BE REQUESTED to report back at a future Planning and Environment Committee meeting with respect to the feasibility of continuing with the homeowner education package as part of Special Provisions or to replace it with a requirement to post descriptive signage describing the adjacent natural feature; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) was asked to undertake research on best practices of other municipalities to assist in determining the best method(s) of advising new residents as to the importance of and the need to protect, the adjacent feature; and,	May 4/21 (3.1/7/PEC)	Q3 2024	H. McNeely/ M. Davenport/ K. Edwards	Staff have undertaken a detailed review of the recommendations made in the EIS Monitoring Report and are reviewing overall best practices.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	through section 97.1 of the Municipal Act to implement sustainable building construction features, including but not limited to, energy efficiency, water conservation and green roofs, and report back to Council with options and recommendations, including identifying any required Official Plan, Zoning Bylaw and Site Plan Control Bylaw amendments; and, d) the Civic Administration BE DIRECTED to report back to Council within Q3 2024 with a short update regarding the scope and timeline of the Green Development Guidelines and Green Parking Lot Guidelines.				Part d) work targeted for Q3 2024
8	Materials Guidelines (4th Report of the CACP) - the Civic Administration BE DIRECTED to develop a more permissive set of guidelines for the use of synthetic materials (including composites) in buildings designated under Heritage Conservation Districts to allow greater flexibility in material choices, while also aligning with London's existing HCD policies to preserve the aesthetic of heritage buildings and report back to a future PEC meeting for public input and Council approval;	May 14/24 (2.2/7/PEC)	Q2/2025	H. McNeely/ K. Gonyou	Staff are reviewing synthetic materials (including composites) in relation to their potential use for properties designated as part of a Heritage Conservation District.
9	Civic Administration BE DIRECTED to provide information and associated recommended actions on school block	June 25/24 (4.1./10/PEC)			

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	<p>acquisitions and report back to the Planning and Environment Committee in Q4 of 2024, including, but not limited to:</p> <p>a) background on the acquisition of blocks for the purposes of a school in the context of Planning Act applications;</p> <p>b) a status update on all unacquired Blocks identified in approved Planning Act applications identified for possible School Blocks; and,</p> <p>c) provide options for Council's consideration to provide the School Board(s) with additional flexibility in acquiring School blocks in future Planning Act applications;</p>				
10	The Deputy City Manager, Environment and Infrastructure, BE REQUESTED to report back with an analysis of the Sanitary Servicing Agreement request made by the Municipality of Middlesex Centre, including planning, technical, and financial considerations	July 16, 2024 (4.2/11/PEC)	Q1 2025	K. Scherr/A. Rammeloo	
11	<p>the Civic Administration BE DIRECTED to provide information and associated recommended actions on the following matters in Q4 of 2024:</p> <p>Urban Forestry Strategy Monitoring Report:</p>	July 16, 2024 (4.3/11/PEC)	Q4, 2024	K. Scherr/P. Yeoman	Note: Will be moving to CPSC on December 2nd

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	<p>a) status update of initiatives identified in the Urban Forestry Strategy Implementation Plan;</p> <p>b) the requirements to effect The London Plan policies for tree replanting and/or compensation with development applications;</p> <p>c) opportunities to establish large designed planting sites (e.g., an arboretum or new woodland habitat); and,</p> <p>d) opportunities to require better soil amendments in new developments</p> <p>e) the Civic Administration engage where applicable in stakeholder consultation on these items, including engaging the general public, local agencies, relevant advisory committees and the development industry</p>				
12	<p>the Civic Administration BE DIRECTED to provide information and associated recommended actions on the following matters in Q4 of 2024:</p> <p>Tree Planting Strategy:</p> <p>a) updated policies and numerical standards related to resident input for boulevard tree planting, soil suitability for boulevard tree planting, and selection of tree species to be planted;</p> <p>b) specific planting targets for geographic</p>	July 16, 2024 (4.3/11/PEC)	Q4 2024	K. Scherr/P. Yeoman	Note: Will be moving to CPSC on Dec 2nd

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	<p>areas of the City; and,</p> <p>c) additional planting opportunities on City-owned lands and partnerships with consenting institutional land owners (e.g., schools, hospitals, universities, colleges, etc.);</p> <p>d) the Civic Administration engage where applicable in stakeholder consultation on these items, including engaging the general public, local agencies, relevant advisory committees and the development industry</p>				