

Agenda

Planning and Environment Committee

6th Meeting of the Planning and Environment Committee

April 3, 2018, 4:00 PM

Council Chambers

Members

Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park, Mayor M. Brown

The Committee will recess at approximately 6:30 PM for dinner, as required.

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: The City of London Urban Agriculture Steering Committee

Planning & Environment Committee on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, the attached report on the Urban Agriculture Steering Committee **BE RECEIVED** for information.

Executive Summary

In accordance Council direction of November 14, 2017 staff have established the Urban Agriculture Steering Committee tasked with guiding and monitoring the implementation of the City of London's Urban Agriculture Strategy. The committee is comprised of two members appointed by Council advisory committees, one appointed by the Western Fair Association, one appointed by the Middlesex London Food Policy Council, and six selected from applications by community members. The Steering Committee held its first meeting March 9, 2018 and elected Becky Ellis as its chair.

Analysis

1.0 Previous Reports

Urban Agriculture Strategy – November 6, 2017
Draft Urban Agriculture Strategy – July 17, 2017
Urban Agriculture Strategy Terms of Reference – December 12, 2016
Urban Agriculture Strategy Draft Terms of Reference – September 6, 2016

2.0 Background

On November 14, 2017 Municipal Council endorsed London's Urban Agriculture Strategy. The strategy was developed over the course of 2016 and 2017 through significant community and City effort. At the November 14, 2017 meeting of council, council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Urban Agriculture Strategy:

- a) *the attached revised Urban Agriculture Strategy, consistent with the Food System policies of The London Plan, BE ADOPTED in order to guide and support the development of urban agriculture within the City of London as part of London's food system; it being noted that reference to the provision for backyard hens was deleted from the Strategy;*
- b) *the Terms of Reference for an Urban Agriculture Steering Committee appended to the staff report dated November 6, 2017 BE ENDORSED; and,*
- c) *the Managing Director, Planning and City Planner BE DIRECTED to implement the Urban Agriculture Steering Committee;*

it being noted that the initiatives in this Strategy that are the responsibility of the City can be accommodated within existing budgets and any new initiatives may be considered in future multi-year budget cycles; and,

it being further noted that the Planning and Environment Committee reviewed and received a communication dated November 2, 2017, from M. Woods, Chief Operating Officer, Western Fair District, with respect to this matter.

This report addresses item (c) of the resolution, the implementation of an Urban Agriculture Steering Committee.

The Urban Agriculture Steering Committee is tasked with providing on-going coordination and direction of City and community efforts. The approach taken establishes a steering committee to provide leadership, monitor implementation and report to Council on progress over the life of the Strategy. The committee is comprised of community members, including representation from Council's advisory committees, and maintains connections with the groups in London active in urban agriculture and the Urban Agriculture Strategy's development.

On November 28th, the City of London with the Middlesex-London Food Policy Council and the Western Fair Association co-hosted a celebration of local food and announced the call for applications for membership on the Steering Committee. Notice was also provided to those community members who had been involved in the development of the strategy, an email list of over 150. The invitation for applications closed February 5, 2018. In accordance with the Terms of Reference, staff selected applicants who represented the breadth of the community involved in urban agriculture and who could assist with the community implementation of the strategy.

The selected applicants bring a breadth and depth of experience that will benefit the implementation of the Urban Agriculture Strategy. The committee's membership also ensures that links are maintained between staff and active community groups through a consistent line of feedback and communication. In accordance with the terms of reference for the steering committee, members have been sought from community groups, local businesses and institutions.

Rebecca Ellis and Jeff Lucas have been selected to represent the community groups category. Rebecca Ellis is a founding member of London Urban Beekeepers Collective, is an active member of the Friends of Urban Agriculture London and is studying urban beekeeping as part of her PhD study. Jeff Lucas is involved with Friends of Urban Agriculture London, the Blackfriars Community Garden and Urban Roots, he has run programs and sat on committees and boards dedicated to organics, gardening and other co-operative projects in the past.

Paige Postma and Jeremy Horrell have been selected to represent the urban agriculture oriented business category. Paige Postma operates the Sungold Organics market garden, a bio-intensive small scale operation and sells produce locally. Jeremy Horrell is one of the founders and operators of Urban Roots London, a new urban farm in the city which sells produce locally.

Gabor Sass and Madeline Wilson have been selected to represent the local institution category. Gabor Sass is an assistant professor with the Centre for Environment and Sustainability at Western University and has been instrumental in organizing the local conferences on urban agriculture and sustainability. Gabor has a leadership role in the Kensington Village Association and Friends of Urban Agriculture London. Madeline Wilson is the co-ordinator of Covent Garden Farmers' Market and has previously worked in farming; she currently sits on the Harvest Bucks Committee, a program dedicated to providing fresh fruit and vegetables to those who would otherwise have difficulty affording them.

Although the terms of reference limits the appointments to six, two additional applicants have been invited to join the committee ex-officio. Both are community members active in urban agriculture and their experience and insight will be advantageous in this founding year of the steering committee. Stephen Harrott has 35 years of experience with composting, planting, and growing as well as organizing local food activities. He is active with the Thames Region Ecological Association and the Friends of Urban Agriculture London. Alex Tritton operates On The Move Organics within London, an organization dedicated to supplying local and organic food to households and businesses within the region.

In accordance with the terms of reference, the Advisory Committee on the Environment, the Agricultural Advisory Committee, the Middlesex-London Food Policy Council and the Western

Fair Association have appointed members to the committee. The Advisory Committee on the Environment has appointed Diane Szoller. The Agricultural Advisory Committee has appointed Skylar Franke. The Middlesex-London Food Policy Council has appointed Jana Keller. The Western Fair Association has appointed Mike Woods.

The first meeting of the Urban Agriculture Steering Committee was held March 9 and the committee has elected Rebecca Ellis as committee chair and Jeff Lucas as vice chair. In keeping with the development of the Urban Agriculture strategy, the meetings will be open to the public to allow for community attendance and input. Meeting agendas and minutes will continue to be posted on the City’s Urban Agriculture Strategy webpage, which was established through the development of the strategy. Committee members are requested to disseminate and share the results of committee meeting with their respective community groups and organizations.

Conclusion

- The Urban Agriculture Steering Committee is comprised of the following members:
- Representing community groups:
 - Becky Ellis and Jeff Lucas
 - Representing urban agriculture related business:
 - Paige Postma and Jeremy Horrell
 - Representing local institutions:
 - Gabor Sass and Madeline Wilson
 - Representing designated groups and committees as set out in the Terms of Reference:
 - Diane Szoller of the Advisory Committee on the Environment
 - Skylar Franke of the Agricultural Advisory Committee
 - Mike Woods of the Western Fair Association
 - Jana Keller of the Middlesex London Food Policy Council
 - Ex-officio committee members:
 - Stephen Harrott and Alex Tritton

Prepared by:	Leif Maitland Planner I, Long Range Planning and Research
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

March 26, 2018
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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Designating By-law for 163 Oxford Street East
Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 163 Oxford Street East to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on April 10, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

Summary of Request

The designation of the property at 163 Oxford Street East was requested by the property owners.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to pass the by-law to designate the property at 163 Oxford Street East under Section 29 of the *Ontario Heritage Act*. This is the final step in the designation process.

Rationale of Recommended Action

The evaluation of the property at 163 Oxford Street East found that the property is of significant cultural heritage value or interest, and merits designation under the *Ontario Heritage Act*.

Analysis

1.0 Background

The property at 163 Oxford Street East is of significant cultural heritage value or interest because of its physical or design values and its contextual values.

The property consists of a narrow two and one half storey, front gable, brick-veneer residential structure built in an Edwardian architectural style. Architectural features which represent the Edwardian style include the use of imported red brick, the three stained glass windows, the full length façade front porch, porch columns and balustrade with restrained classical detailing and gable pediment. Contextually, the building located at 163 Oxford Street East has a combination of architectural features and modest design elements that make it unique while still contributing to the eclectic character of buildings found in the Talbot North area of London.

The property owners, Kelley McKeating & Bruce Jones, requested the designation of their property at 163 Oxford Street East to recognize its cultural heritage value or interest. Supported by the recommendation of the London Advisory Committee on Heritage (LACH) at its meeting on December 13, 2017, Municipal Council resolved to issue its notice of intent to designate the property under Section 29 of the *Ontario Heritage Act* at its meeting on January 16, 2018. This notice was served on the Ontario Heritage Trust and the property owner. The notice was also published in *The Londoner* on February 1, 2018; the thirty day appeal period expired on March 5, 2018. No appeals were received.

The final steps to designate the property at 163 Oxford Street East under the *Ontario Heritage Act* are the passage of the designating by-law (Appendix A) and registration of that by-law on the title of the property.

2.0 Conclusion

The property at 163 Oxford Street East is a significant cultural heritage resource in the City of London and should be protected under the *Ontario Heritage Act*.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Jim Yanchula, MCIP, RPP Manager, Urban Regeneration
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

March 26, 2018
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Bill No.
2018

By-law No. L.S.P.-_____

A by-law to designate 163 Oxford Street East to
be of cultural heritage value or interest.

WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 163 Oxford Street East has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 163 Oxford Street East, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on April 10, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2018
Second Reading – April 10, 2018
Third Reading – April 10, 2018

SCHEDULE “A”
To By-law No. L.S.P.-_____

Legal Description

Part Lots 8 and 9, s/s Oxford Street, Plan 22(W), as in 909614, London

SCHEDULE “B”
To By-law No. L.S.P.-_____

Statement for Designation

Description of Property

The property at 163 Oxford Street East is located on the south side of Oxford Street East between Talbot Street and St. George Street.

Oxford Street is a five lane street which runs in an east-west direction; curbs and sidewalks are found on both the north and south side. The property is on an L-shaped lot and the building is set back from the street in alignment with the front facades of neighbouring buildings. A paved driveway located at the rear of the house offers vehicular access and pedestrian access from the Oxford Street East sidewalk is achieved through concrete steps.

Statement of Cultural Heritage Value or Interest

The property located at 163 Oxford Street East, London, Ontario is of significant cultural heritage value because of its physical or design value and its contextual value.

The property consists of a narrow two and one half storey, front gable, brick-veneer residential structure built in an Edwardian architectural style. Architectural features which represent the Edwardian style include the use of imported red brick, the three stained glass windows, the full length façade front porch, porch columns and balustrade with restrained classical detailing and gable pediment. This infill building was built c. 1908 and occupied by a variety of middle class residents throughout the 20th century.

The building located at 163 Oxford Street East has a combination of architectural features and modest design elements that make it unique while still contributing to the eclectic character of buildings found in the Talbot North area of London. The property is nestled between 155 Oxford Street East (a listed property) and 165 Oxford Street East (Designated under Part IV of the OHA) and is representative example of a compatible early 20th century infill building. The property works to reinforce the original residential nature of the streetscape. The numerous refined, but modest, design features help express the socio-economic mix of buildings associated with Talbot North area of London at the turn of the century.

Heritage Attributes

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 163 Oxford Street East include:

- The two and one-half storey residential building;
- The setback of the building from Oxford Street East, with a wide boulevard and concrete steps to facilitate access from the sidewalk;
- Slate roof with octagonal-shaped tiles;
- Red brick veneer;
- The front and rear gable pediments with wood shingle imbrication;
- The wooden sunburst motif design found in the front, rear and side gables;
- The rectangular gable window with the flat, modestly designed, wooden trim;
- The overhanging eaves, molded wooden soffit and simple decorative wooden frieze;
- The exterior brick chimney located on the eastern elevation;
- The segmental arched window openings with the original double hung wooden windows, brick voussiors and plain lug sills;
- The large window opening with stained glass transoms found on the main level of the façade;
- The stained glass window found on the western elevation;

- The semielliptical arch window opening on the eastern elevation with plain lug sill, brick header voussoirs and decorative stain glass window;
- The open porch with offset gable peak (over the doorway and stairs) with inset vertical wooden planks in the pediment and a shed style roofline made with a slate roof with octagonal-shaped tiles;
- The decorative wood fascia with dentils found on the porch roofline;
- The open porch supported by decorated wooden columns with capitals, bases, and collars, which rest upon tapered brick engaged piers;
- The wooden balustrade with upper and lower wooden railing;
- The wooden plank porch flooring and wooden porch skirt; and,
- The original wooden door found on the facade with circular glass insert and rectangular transom with clear glass insert

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Designating By-law for 440 Grey Street
Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 440 Grey Street to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on April 10, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

Summary of Request

The designation of the property at 440 Grey Street was requested by Municipal Council.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to pass the by-law to designate the property at 440 Grey Street under Section 29 of the *Ontario Heritage Act*. This is the final step in the designation process.

Rationale of Recommended Action

The evaluation of the property at 440 Grey Street found that the property is of significant cultural heritage value or interest, and merits designation under the *Ontario Heritage Act*.

Analysis

1.0 Background

The property at 440 Grey Street is of significant cultural heritage value or interest because of its physical or design values and its contextual values.

The building located at 440 Grey Street is a one-storey, buff “London brick” Ontario Cottage circa 1880. It exhibits many of the characteristics of this architectural style including a square plan, low, hipped roof, and symmetrical façade with a central doorway that is flanked by two identical windows. The façade is three-bay and well-proportioned, with a small gable over the front entrance. Contextually, 440 Grey Street is a very modest, working-class home of the period. The area surrounding the property is commonly known as the SoHo (South of Horton) Neighbourhood, and has existed within the same boundaries since London’s inception in 1840; SoHo has been identified as a potential Heritage Conservation District. Historically, this area has been associated with the Black settlement in London during the mid-1800’s, and its early days as a place of refuge on the Underground Railroad.

At its meeting on September 6, 2017, the London Advisory Committee on Heritage (LACH) recommended designation of the property at 440 Grey Street. A Statement of Cultural Heritage Value or Interest was brought forward to the Planning and Environment Committee meeting held on January 8, 2018. Municipal Council resolved to issue its notice of intent to designate the property under Section 29 of the *Ontario Heritage Act* at its meeting on January 16, 2018. This notice was served on the Ontario Heritage Trust and the property owner. The notice was also published in *The Londoner*

The final steps to designate the property at 440 Grey Street under the *Ontario Heritage Act* are the passage of the designating by-law (Appendix A) and registration of that by-law on the title of the property.

The property at 440 Grey Street is a significant cultural heritage resource in the City of London and should be protected under the *Ontario Heritage Act*.

Prepared and Submitted by:	<p>Jim Yanchula, MCIP, RPP Manager, Urban Regeneration</p>
Recommended by:	<p>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</p>

March 26, 2018
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Appendix A

Bill No.
2018

By-law No. L.S.P.-_____

A by-law to designate 440 Grey Street to be of cultural heritage value or interest.

WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 440 Grey Street has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 440 Grey Street, more particularly described in Schedule “A” attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule “B” attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on April 10, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2018
Second Reading – April 10, 2018
Third Reading – April 10, 2018

SCHEDULE “A”
To By-law No. L.S.P.-_____

Legal Description

Part Lot 14, N/E Grey Street, Plan 178(E), as in 577879, London

SCHEDULE “B”
To By-law No. L.S.P.-_____

Statement for Designation

Description of Property

440 Grey Street is located in a residential neighbourhood on the north side of the street, between Colborne Street and Maitland Street. Contextually the residential block works to form part of an area of London, known as SoHo.

Grey Street runs in an east-west direction from Adelaide Street in the East, to the Labatt’s Brewery in the west near the Thames River. The property has a rectangular lot that is similar in size and shape to neighbouring properties to the east and west. The property includes a detached one storey brick residential building, with a one storey detached structure at the rear of the parcel. The dwelling was built circa 1881. An unpaved driveway is located on the west edge of the property line.

Statement of Cultural Heritage Value or Interest

The property located at 440 Grey Street, London, Ontario is of significant cultural heritage value because of its design value and its contextual value.

The built features of the property consist of a one storey brick residential structure. Built circa 1881, the house is an Ontario Cottage executed in buff ‘ London’ brick and exhibits a symmetrical 3-bay façade with central doorway and flanking windows that is representative of this style. The accessory building at the rear of the property is not believed to have any cultural heritage value.

This property has contextual value because it is important in maintaining and supporting the character of the SoHo neighbourhood. The property also has contextual value due to its historical linkages to what has been an important ethnically diverse working class neighbourhood as well its association with Black settlement in London. This is characterized by the nearby Beth Emanuel Church located at 430 Grey Street. In addition, the area was also a site for the early Jewish community in London.

Heritage Attributes

The heritage attributes which support or contribute to the cultural heritage value or interest of 440 Grey Street includes:

- The one storey Ontario Cottage with a low hipped roof and central peaked gable;
- The setback of the house from the street;
- The double with buff brick construction;
- The symmetrical 3-bay façade with central doorway and flanking windows;
- The two identical front two-over-two sash wood windows topped by segmented arch brick voussoirs;
- The west elevation evenly spaced two-over-two sash window openings topped by segmented arch brick voussoirs;
- The front façade brick stringer ‘frame’ which effectively creates brick pilasters at the corners;
- The wood paneled entrance door surround;
- The transom with etched coloured glass displaying the house number; and
- The gable window opening with brick arch.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P.Eng
Managing Director, Development and Compliance
Services and Chief Building Official
Subject: Exemption of Part Lot Control
Application By: Rembrandt Meadowlilly Inc.
Address: 1013, 1133, 1170 and 1250 Meadowlark Ridge
Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, with respect to the application by Rembrandt Meadowlilly Inc the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 10, 2018 to exempt Parts of Blocks 1, 3, 4 and 13, Registered Plan 33M-603 from the Part Lot Control provisions of subsection 50(5) of the Planning Act, for a period not to exceed two (2) years.

Executive Summary

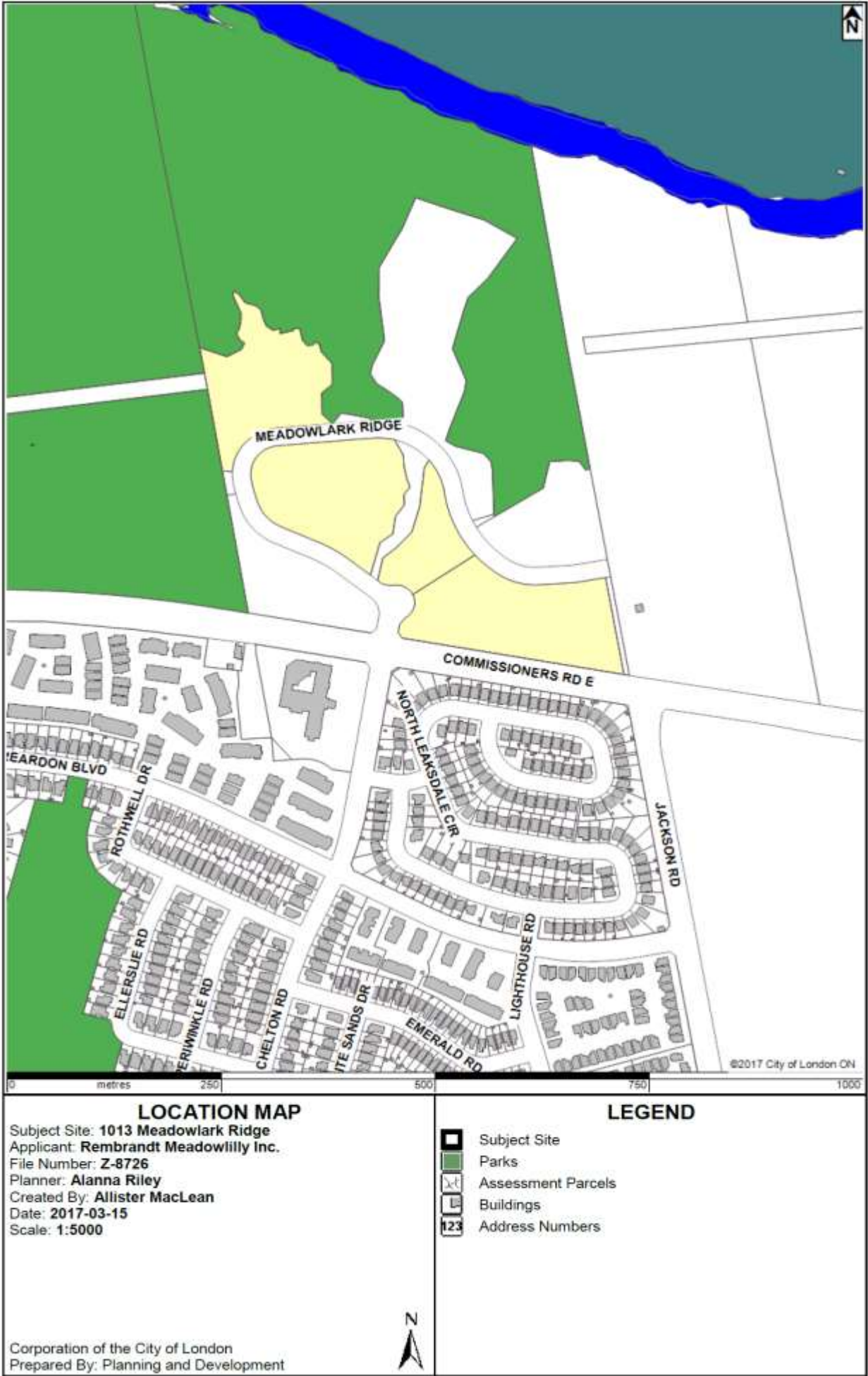
Summary of Request

To exempt Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603.

Rationale of Recommended Action

A By-law for an exemption from Part Lot Control will allow the developer to create twenty-eight (28) lots on the subject lands, and thus they would not need to apply to the London Consent Authority for consent to allow for the conveyance of each and every lot.

Location Map



Analysis

This application for Part Lot Control Exemption is to facilitate the creation of the free hold single detached residential lots.



On April 4, 2017 Municipal Council resolved:

That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the applications of Rembrandt Meadowlilly Inc., relating to the properties located at 1013, 1133, 1170 and 1250 Meadowlark Ridge:

- a) *the proposed by-law appended to the staff report dated March 27, 2017, BE INTRODUCED at the Municipal Council meeting to be held on April 4, 2017 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning FROM a Residential R5 Special Provision/ Residential R6 Special Provision (R5-4(11)/R6-5(15)) Zone, which permits cluster housing in the form of single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, townhouse dwellings, stacked townhouse dwellings, apartment buildings, fourplex dwellings and cluster townhouse dwellings TO a Residential R1 Special Provision (R1-4(_)) Zone, to permit single detached dwellings with a minimum 10 metre setback from lands zoned Open Space (OS5);*

b) pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, a proposed by-law BE INTRODUCED at a future Municipal Council meeting, to exempt Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603 from Part Lot Control provisions in accordance with Section 50(7) of the Planning Act, R.S.O., 1990, for a period not to exceed two (2) years; it being pointed out that these lands are subject to a registered subdivision agreement and the rezoning as outlined above;

c) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part Lot Control by-law for Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603, as noted in clause b) above:

i) the applicant shall submit a draft reference plan to the Development Services Division for review and approval to ensure the proposed lots comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office;

ii) the applicant shall submit to the Development Services Division a digital copy together with a hard copy of each reference plan, as noted in part i) above, to be deposited; it being noted that the digital file shall be in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iii) the applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed, in accordance with the reference plan(s) to be deposited;

iv) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

v) the applicant shall enter into an amended subdivision agreement with the City for Registered Plan 33M-603 and provide adequate security; and,

vi) the R1-4 (__) Zone, as recommended in clause a) above, be in full force and effect;

d) the Mayor and City Clerk BE AUTHORIZED to execute an amendment to the subdivision agreement between the Corporation of the City of London and Rembrandt Meadowlilly Inc., to implement updated servicing standards and other municipal requirements for the subdivision and any other agreements and all documents required to fulfil its conditions; and,

e) the applicant BE ADVISED that the cost of registration of this Part Lot Control by-law is to be borne by the applicant in accordance with City policy;

The exemption from the Part Lot Control provisions of the *Planning Act* allows lot lines for individual units (lots) to be established on registered blocks in registered plan of subdivisions. The conditions noted above have been satisfied; zoning is in place, the proposed lots comply with the approved zoning, a reference plan and digital copy of the plan have been deposited with the Land Registry Office and received by the City, municipal addressing has been assigned and an amending subdivision agreement with security has been accepted. The attached recommended by-law to implement Council's April 4, 2017 resolution will allow the applicant to create the single detached lots as per the attached reference plan which permits the lands to be transferred to purchasers.

The subject lands are designated as Medium Density Residential in the Official Plan and are located within a “Neighbourhood” Place Type in the London Plan. Meadowlark Ridge, which provides access to the blocks in the subdivision, is identified as a “Neighbourhood Street. Single detached, semi-detached, duplex and townhouse dwellings (between one and 2.5 storeys in height) are primary permitted uses in this location. The Meadowlilly Woods ESA was previously evaluated and dedicated to the City as a component of the Natural Heritage System. Section 19.6.4 of the Official Plan provides direction related to exemptions for part-lot control. Overall, the plan of subdivision and zoning that are in place and the lotting proposed with the passing of this By-law are considered to be substantially consistent with the objectives of the Official Plan and London Plan.

Conclusion

The conditions for lifting the Part-Lot Control provisions of the *Planning Act* have been satisfied. Council is in a position to pass the by-law lifting part lot control as recommended in Council’s April 4, 2017 resolution to allow the applicant to create the single detached lots as per the attached reference plan which permits the lands to be transferred to purchasers.

Recommended and Prepared by:	Alanna Riley, MCIP, RPP Senior Planner Development Services
Reviewed by:	Lou Pompilii, MPA, RPP Manager, Developments Planning
Concurred by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official

March 26, 2018
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Appendix A

inserted by Clerk's Office

By-law No. C.P.- **Number**

A by-law to exempt from Part Lot Control, lands located at 1013, 1133, 1170 and 1250 Meadowlark Ridge, legally described as a Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603, more particularly described as Parts 1-35 in Plan 33R-20017 in the City of London and County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rembrandt Meadowlilly Inc., it is expedient to exempt lands located on 1013, 1133, 1170 and 1250 Meadowlark Ridge, legally described as Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603, more particularly described as Parts 1-35 in Plan 33R-20017 in the City of London and County of Middlesex, from Part Lot Control;

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

1. Parts of Blocks 1, 3, 4 and 13 in Registered Plan 33M-603, more particularly described as Parts 1-35 in Plan 33R-20017 in the City of London and County of Middlesex, located 1013, 1133, 1170 and 1250 Meadowlark Ridge, are hereby exempted from Part Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended, for a period not to exceed two (2) years.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on April 10, 2018

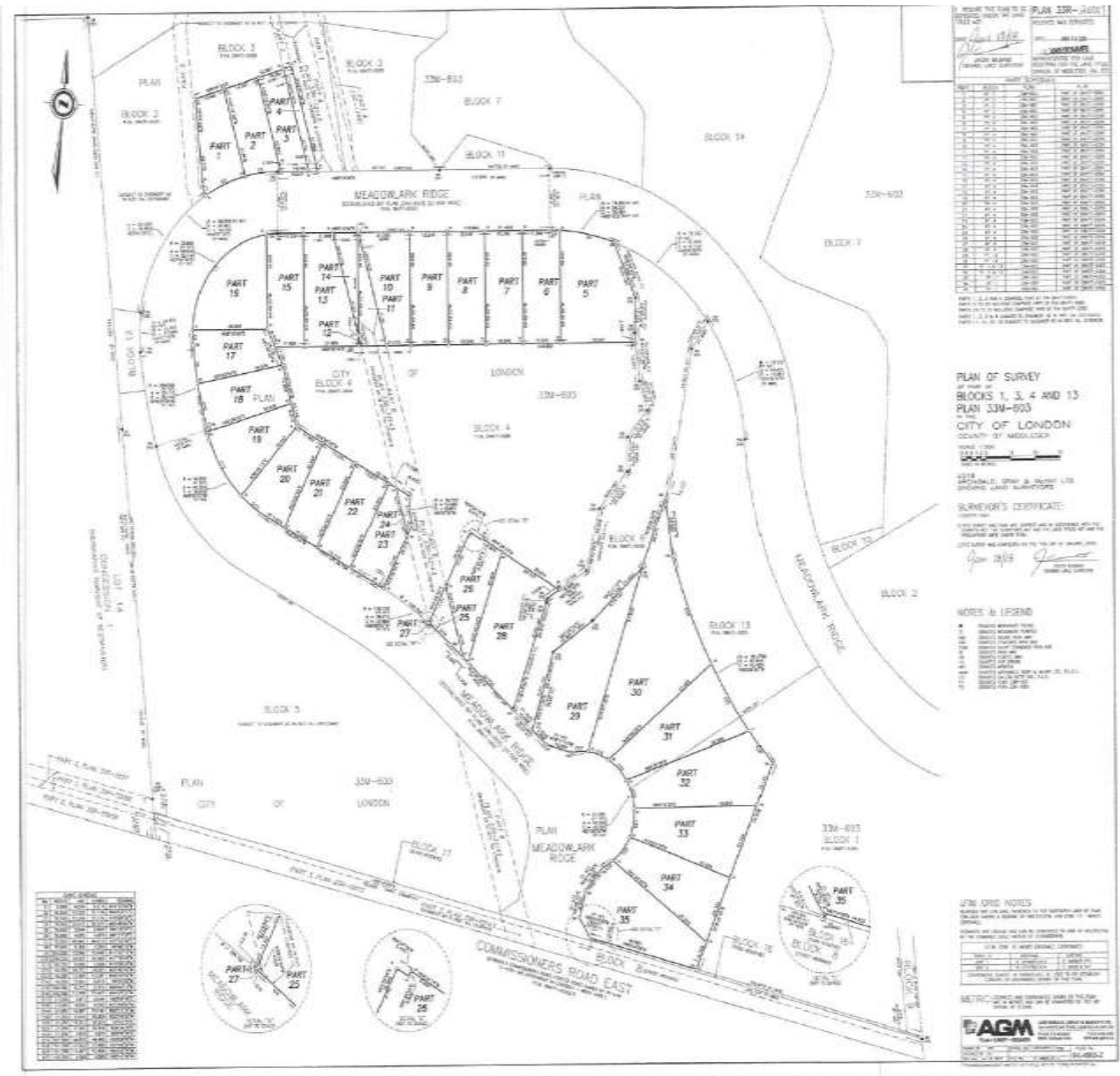
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2018
Second Reading – April 10, 2018
Third Reading – April 10, 2018

Appendix B

Reference Plan – 33R-20017



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Mike Abualhayja
8076 Longwoods Road
Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following report on the decision by the Ontario Municipal Board, relating to an appeal by Jacqueline Caranci concerning 8076 Longwoods Road **BE RECEIVED** for information.

Background

An application to amend the Z.-1 Zoning By-law was received by the City and deemed complete on January 11, 2017. The application was to allow for the adaptive reuse of an existing structure (barn) located at 8076 Longwoods Road to facilitate a livestock facility and an abattoir through an Agricultural Commercial Special Provision (AGC2(1)) Zone.



Figure 1: Subject Site

A Public Participation Meeting was held before the Planning and Environment Committee on May 23, 2017, to consider the matter. At Municipal Council on May 30, 2017, the matter was referred back to staff to report back with a revised by-law to ensure that the livestock operation would be maintained appropriately. Council approved the recommended amendment on July 25, 2017.

The matter was appealed to the Ontario Municipal Board (OMB) on August 22, 2017 by Jacqueline Caranci and a hearing took place on February 7-9, 2018. In its decision dated March 16, 2018, the Board was satisfied that conflicts and compatibility concerns between the subject site and neighbours and agricultural operations are addressed through the Zoning By-law Amendment. The Board also concluded that the “Zoning By-law Amendment represents good planning and sees no reason to interfere with the City’s decision”, and ordered the appeal be dismissed.

Conclusion

The OMB decision found that the City has very carefully thought through the proposal and next steps with site plan approval so as to ensure that the new operation and

neighbouring uses will be able to co-exist into the future. The appeal was dismissed and a copy of the OMB decision dated March 16, 2018 is attached to this report as Appendix "1".

Prepared by:	Sonia Wise Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

March 26, 2018
/sw
\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8735Z - 8076 Longwoods Rd (SW)\OMB Appeal\OMB PEC staff report\Z-8735 - OMB Decision Report.docx

Appendix 1

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 16, 2018 **CASE NO(S):** PL170972

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Jaqueline Caranci
Subject:	By-law No. Z.-1-172592
Municipality:	City of London
OMB Case No.:	PL170972
OMB File No.:	PL170972
OMB Case Name:	Caranci v. London (City)

Heard: February 7 to 9 in London, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Jacqueline Caranci	Douglas Gagel*
City of London	Aynsley Anderson
Mike Abualhayja	Alan Patton

DECISION OF THE BOARD DELIVERED BY PAULA BOUTIS AND ORDER OF THE BOARD

INTRODUCTION

[1] The Appellant, Jacqueline Caranci, appeals a decision of the City of London ("City") passing Zoning By-law No. Z-1-172592 ("ZBLA"). This ZBLA amends By-law No.

Z.-1 ("ZBL") to rezone land located at 8076 Longwoods Road ("Subject Site"). The re-zoning allows the property to continue to have the existing dwelling use, but also allows a livestock facility within the existing barn, and will permit an abattoir.

[2] Ms. Caranci lives at 7620 Longwoods Road, just south and east of the Subject Site. In addition to Ms. Caranci testifying, she called several other witnesses who live near the Subject Site. These were Rick Burt, who lives immediately to the south at the next door property at 7638 Longwoods Road; Arlene Bulgin, who lives at 4316 Murray Road; and Mary Lou and Steven Saker, who live at 7671 Longwoods Road.

[3] In addition, Bill Millar testified. He operates a strawberry farm that surrounds the Subject Site with a municipal address of 7375 Longwoods Road. At one time, the Subject Site was part of his property.

[4] The Applicant Mike Abualhayja also testified about the proposal and the Subject Site.

[5] For the City, Sonia Wise, a planner in Current Planning for the City, testified. The Board qualified her to give opinion evidence in the area of land use planning.

[6] At the conclusion of the three day hearing, the Board reserved its decision. After a full review of the evidence, the Board concludes it must dismiss the appeal.

ROLE OF THE BOARD

[7] The Board understands that Mr. Abualhayja had been or has been keeping livestock at his property in the absence of zoning permissions to do so. The Board also understands that the Applicant sought the ZBLA to bring the property into compliance with the zoning by-laws.

[8] The Appellant feels that if the Board approves the variances "after the fact", this amounts to allowing the Applicant to flout the rules. However, the Board must emphasize that its role is not an enforcement role for breaches of City by-laws or other laws. As noted at the hearing, the Board's obligation is to determine whether the ZBLA sought meets the statutory requirements under the *Planning Act* ("Act") and other applicable guidelines and policies, and whether it constitutes good planning, in accordance with the evidence presented. The Board's judgment on planning permissions cannot be clouded by the Applicant's alleged breach of the zoning by-laws. Planning decisions, as counsel for the City put it, are about regulating the use, not the user.

[9] Finally, the Appellant sought to address the question of whether the proposed abattoir use was really needed. As counsel for the Applicant submitted, and the Board agreed, the market need for a particular use is not part of the mandate of the Board. To the extent need is important, it is only in the context of particular policies that may apply to the application, but it is not the Board's role to address market needs or concerns. As a result, the Board does not consider this issue relevant.

EVIDENCE AND ANALYSIS

Issues

[10] In every decision the Board makes, it must have regard to Council's decision (s. 2.1 of the Act) and it must have regard to the various matters of provincial interest listed in s. 2 of the Act. These include the protection of agricultural resources of the Province.

[11] In addition, the ZBLA must be consistent with the Provincial Policy Statement, 2014 ("PPS") and conform to the City's Official Plan ("OP"). Both instruments provide direction on compatibility concerns and the protection of agricultural uses.

Area Context, Planning History of Subject Site and the Proposal

[12] The Subject Site is a little over a kilometre away from London's urban boundary, located west of Lambeth in south west London. There are two nearby rural settlements north of the Subject Site. One is along Longwoods Road and Kilbourne Road. The other is further east, closer to the urban boundary, and north of Kilbourne Road.

[13] To the south and east of the Subject Site are a few detached dwellings, where the Appellant and other witnesses reside. These are not considered "rural settlements". They are in lands designated Agricultural in the OP and all the lands are zoned agricultural, as is the Subject Site.

[14] The Subject Site itself is about 2 hectares in size, with 150 metres ("m") frontage. There is a dwelling, storage barn, and a shed on the site. There are many trees along the south and north property lines and scattered throughout the property.

[15] The Subject Site was severed from lands formerly owned by Mr. Millar. This occurred around November of 2000. Mr. Millar testified he had a surplus dwelling on the property and did not want to be a landlord, so sought to have it severed. This was done under the zoning by-law in force at the time. Other abutting lands were to merge with and the Board understands did merge with the retained farm lands.

[16] At the time, Mr. Millar, as the applicant, advised that he was not seeking to create or expand a livestock facility, which was reflected in the staff planning report. Also noted in the staff report was that minimum distance separation requirements referred to in the OP were met.

[17] The property to be severed - and which became the Subject Site - had on it a farmhouse, barn, and shed. The retained lands were expected to and have continued to be used for growing crops. Because the dwelling was a surplus dwelling, policies under the OP at the time contemplated that a severance would be appropriate. Under the zoning by-law of the time, the permitted uses were for a farm, a market garden, a specialty farm, a forestry use, a single family dwelling, a home occupation and an accessory use.

[18] In 2008, the City undertook a "zoning by-law refinement review", which included the Subject Site. The existing use at that time was a single detached dwelling within the AG1 Zone, with an OP designation of Agricultural, which remains. Planning staff recommended changing the zoning from an AG1 zone variation to an AG4 zone variation, which change occurred, and which allows only a detached dwelling on the site, but no livestock.

[19] The proposed ZBLA would change the zoning to "holding Agricultural Commercial Special Provision Zone" (AGC2), subject to three holding provisions:

- a. an h-5 provision, to ensure that the development takes a form compatible with adjacent land uses, and agreements are required to be entered into following a public site plan review;
- b. an h-18 provision, requiring an archaeological assessment prior to development; and
- c. an h-120 provision, not to be removed until the site plan approval has been granted and a record of approval for a Nutrient Management Strategy has been obtained.

[20] The AGC2(1) zoning will only permit as uses the existing dwelling, abattoir, and livestock facility within the existing structure.

[21] The barn on the Subject Site has a high-roof portion and a low-roof portion. It is configured in an 'L' shape. For the purposes of this application, the barn use is considered a new use, changing as it is from a storage barn to housing livestock and an abattoir. The change of use triggers the need for a minimum distance separation ("MDS") calculation to facilitate the use, which is discussed later in these reasons.

[22] The proposal contemplates that approximately 100 sheep and 100 goats will be kept in the high roof section of approximately 200 metres squared ("m²") in pens. The abattoir is to operate in the 110 m² lower-roofed section. Mr. Abualhayja indicated he did not expect to actually have the maximum number of animals there at any one time, given the number of animals available at auction at any one time.

[23] The Applicant's planning justification report indicated that the livestock would be housed prior to slaughter for about three days. The expectation is that about 2,000 pounds of meat will be produced each week as part of the Applicant's wholesale business, which he operates as London Quality Halal Meats. He testified his current operations ship to London, Windsor, Hamilton, Kitchener and Mississauga.

[24] Mr. Abualhayja testified that an abattoir operation is regulated by the Canadian Food Inspection Agency ("CFIA") and the Ontario Ministry of Food and Agriculture ("OMAFRA"). He also has training specific to handling halal meat processing.

[25] Mr. Abualhayja testified that they will slaughter animals two days a week and process two days a week for shipping to their customers. Upon questioning by Aynsley Anderson, counsel for the City, Mr. Abualhayja testified that currently they use the Mount Brydges Abattoir and Norwich Packers for their meat business, which is a short drive away from the Subject Site.

[26] Mr. Abualhayja testified that the manure would be shipped off-site daily and would not be stored outside. In addition, any other animal waste from the abattoir will be picked up at the end of the slaughter day. He testified that the animal waste has to be kept in a special room inside the slaughter house. For the manure, OMAFRA issued a Nutrient Management Strategy (Exhibit 9), which is valid from Fall 2017 to Fall 2022.

[27] Regarding traffic, in addition to day-to-day personal driving, the Applicant indicated there would be traffic related to the delivery of product off-site and livestock to the site, along with the transfer of waste from the site.

Conditions at the Subject Site and Resident Concerns

[28] During his cross-examination, the Appellant's representative put to him photographs that he was told were taken of his property on August 15, 2016 (Exhibits 12A, 12B and 12C). Mr. Abualhayja denied that these were of his property. These were later proven through the witness who took them, Mr. Burt, who resides immediately to the southeast of the Subject Site and is the closest property. Mr. Burt also took video footage from the fence line on that same day (Exhibit 14), which the Board viewed at the hearing.

[29] The photographs showed a few dead animals in the yard. The video showed similar images and clearly showed a manure pile. The fencing was broken and looked to be in poor condition. Mr. Abualhayja agreed the video was of the Subject Site. The Board also concludes the photographs were of the Subject Site.

[30] Mr. Burt testified he had been living in the area for about 30 years and had been at his current property for about 15 years. He indicated that "about two years ago, maybe a little later than two years ago, all of a sudden flies inundated our neighbourhood." He testified he began to see "huge piles of manure and dead animals

all over the place" and "the fence was terrible". It was his view that the flies came from the manure pile (or piles).

[31] He testified that he thought livestock came to the Subject Site about four or five years ago, but that the flies got bad about two years ago. It was at that time he started investigating. He was confident that the flies arose from the Subject Site and not from the chicken farm, which was further away and had not caused a problem in the past.

[32] Mr. Burt testified that the situation interfered with family outings: they could not have a picnic because of the flies and the smell.

[33] Mr. Burt also testified that the animals from the Subject Site came into his fields. He stated that animals destroyed probably a quarter acre. Though Mr. Burt indicated he had taken photographs as late as November 2017, and problems persisted, no photographs or video was in evidence for anything other than the one date in August 2016.

[34] Mr. Burt was upset that his property, which is not in a rural settlement area, but an agriculturally zoned area, had less stringent MDS setbacks than rural settlements do under the guidelines.

[35] Other witnesses testified to similar concerns about nuisance issues. Ms. Saker was also certain that the problems did not result from the chicken farm down the road, and noted that she had come from a chicken farm background.

[36] The witnesses also raised concerns that their property values would be impacted by this operation. Mr. Saker is a real estate agent and had commented that in the past three or four years, he had seen "quite a few new homes" across the road from him. To the east, he testified a new ranch had gone up and, further along Longwoods Road before Kilbourne Road, there were two new houses. He commented there was another

pocket just south of the Subject Site and the rest of the area would be more farms. He also commented that there was a big demand for these houses and that the property values were higher because they were close to the City urban boundary limits.

[37] The Appellant's representative asked Mr. Saker for his opinion on the impact the Subject Site re-zoning would have on property values. The Board refused to allow this line of questioning as Mr. Saker was clearly not neutral in the matter as a nearby resident. Also, the Appellant's representative had advised the Board at the outset that no expert witnesses would be called in the Appellant's case and he had not been so qualified by the Board and could not be in the circumstances.

[38] Ms. Saker raised concerns about the bend in the road along Longwoods Road as a traffic hazard. She has been living there for nine years, and noted three major accidents, two of which were "life altering". In one case, a person was paralyzed. In another case, the accident was fatal. She testified that people speed and go straight instead of following the curb. Ms. Saker was concerned that if more traffic were entering and leaving the Subject Site that there would be more accidents. However, she had not told the City about the curb or her concerns with it.

[39] On this point specifically, it was the opinion of Andrew Giesen, Senior Transportation Technologist with the City, that this site is not a retail operation and is not expected to generate any traffic above that of any other agricultural use in the area. Staff had conducted a sight line review to ensure compliance with the City's Access Management Guidelines and the Ontario Ministry of Transportation Standards and concluded that the measured sight line distance is sufficient for stopping sight distance. He also advised that should trees or shrubs pose difficulties for sight lines, the City has a program to deal with this on a complaint basis (Exhibit 5A, Tab 12, page 151).

[40] Mr. Giesen provided this information in an email in response to an email from Mr. Burt. Mr. Giesen provided Mr. Burt with the details he needed to contact the City should a tree or shrub be posing a hazard.

[41] Mr. Millar was next to testify in the Appellant's case. He owns the adjoining farm to the Subject Site, out of which the Subject Site was severed as a surplus dwelling on the farm as described earlier. Mr. Millar testified they own property on both sides of Longwoods Road.

[42] Mr. Millar testified that they are a third generation fruit farm which grows strawberries. He is the second generation and his son the third. They have been supplying the London area with strawberries and raspberries for over 50 years and use local labour. In the summer, the farm has over 50 employees. He explained that the majority of sales are direct on the farm sales. They also have customers that also pick their own berries. He said they have some wholesale sales.

[43] Mr. Millar was of the view that allowing the proposed agricultural operation would harm his own, as people would not want to come to the farm to buy his product or pick strawberries if they are "inundated with flies or there is a really bad odour" and "dead animals rotting" nearby. He commented that there were days when it was really bad and customers started to complain. He indicated he could not see planting his berries near the livestock operations and it would make some of his land unusable for his production. He was concerned about the viability of his farm if this is permitted.

[44] Finally Mr. Millar commented that while he understood that the Agricultural Advisory Committee did not have concerns with this proposal, they did not consult with him.

[45] Mr. Millar under cross-examination advised he was not allowed to have animals. However, Ms. Anderson took Mr. Millar to provisions which explained that an AG1 zone, the zoning of his farm, can have animals. She asked if he was aware that all properties surrounding the Subject Site were permitted to have livestock. Mr. Millar stated that, "Just because you can, doesn't mean you should."

[46] Ms. Caranci, the Appellant, was the last to testify in her case. Ms. Caranci is part of an unincorporated association, the Longwoods Community Association. It was through her work with this group that they determined one of them would file an appeal and others would be witnesses or financially support the appeal.

[47] Ms. Caranci testified that she and her husband purchased the property they live in now in February of 2016. There had been another home at the site which they demolished, and then they built the current home.

[48] They bought their property as it was surrounded by fields and appeared to be part of a residential neighbourhood. She did say they had also looked at the zoning and did understand it was not residentially zoned. However, she testified they also had confirmed that the Subject Site was zoned only for a single family dwelling only. Ms. Caranci was forthright in her admission that she understood zoning can change through applications, just as she had sought a minor variance change for her own property. However, she felt her neighbours would not have animals on their properties within her lifetime, even if they could do so at any time under current zoning.

[49] Along with others, Ms. Caranci was an active participant in this matter through the public process. In addition to the statutory meeting, there was a meeting held by the local councillor, Anna Hopkins, at the Lambeth Community Centre. At this meeting, City staff for planning and transportation and Councillor Hopkins attended to answer questions about the proposal.

[50] Ms. Caranci testified that this operation will introduce conflicts between the Subject Site and its neighbours and so does not uphold the OP. She felt it would harm Mr. Millar's operations. Further, there was no market need for it. Like the others, she was concerned about truck traffic. She thought the Subject Site would not go back to farm uses and was concerned that if the Board allowed it, it would "set a precedent" for other people in the City to break by-laws and then solve them through a re-zoning. She felt that it would jeopardize the investment in her home. Lastly, she felt it created a public health and safety issue.

[51] She commented the flies had been "unreal", the worst of which occurred while they were building the new home and the finishes were going in. She had also had to deal with escaping animals getting onto her property, indicating it had happened several times. Ms. Caranci testified that she had seen predatory animals approach the Subject Site because of the dead animals. She felt she could not leave her kids in the yard to play in these circumstances.

[52] Several of the Appellant's witnesses, including the Appellant herself, were concerned Mr. Abualhayja would get the zoning, but then not proceed with the abattoir. This would then allow for livestock but without an abattoir. The Board gathered from this that the residents felt that the livestock would then not be regulated.

[53] Ultimately, Ms. Caranci was of the view that the mitigation measures would not work, noting smell and flies do not respect minimum separation distances. She had been disappointed in enforcement activity to date and had little confidence things would improve. She felt Council's unanimous vote in favour of the proposal could only mean they did not understand the extent of the problems. She felt this approval was succumbing to the self-interest of one property owner to the detriment of other property owners.

[54] The Board recalled Mr. Abualhayja to ask what he was doing with the animals now. He stated that at this time, there were no animals on his property. The Board is not confident that it obtained an accurate answer as to when he removed the animals, but Mr. Abualhayja indicated "they can send any inspector to my farm" and see he does not have any animals.

[55] The Board notes at this juncture that it accepts the evidence of the nearby residents that the manner in which the Subject Site has been operated has created conflicts between them and the owner of the property.

Staff Review and Agency Comments

[56] There were no significant concerns or comments from commenting agencies. Transportation Planning and Design sought a road widening dedication of 18.0 m from the centre line on Longwoods Road. Water servicing is to be addressed through site plan approval. Urban Forestry had no concerns as no new construction is contemplated. Wastewater and Drainage Engineering had no objections.

[57] Planning staff wrote two reports in support of the proposal. The first was as part of the public participation meeting on May 23, 2017 ("May Report"). The second was prepared for the Planning and Environment Committee for its meeting on July 17, 2017 ("July Report").

[58] Following its meeting on May 30, 2017, Council directed that the application be referred to staff to report back with a revised by-law that would provide for "a potential opportunity to ensure that the livestock operation is maintained appropriately". Council also referenced that certain considerations be taken in respect of site plan regarding fencing, tree planting and a holding provision for a public site plan approval process.

[59] The final by-law passed by Council on July 25, 2017 included the three holding provisions referenced earlier and limited the uses to the existing dwelling, the abattoir, and the livestock facility within the existing structure. Earlier iterations of the proposed ZBLA added uses to the AGC2 zone, rather than limiting them to the specific uses, and had fewer holding zone provisions. Notably the holding provisions related to site plan agreements and approval and the requirement for a Nutrient Management Strategy were absent. The addition of the h-5 provision also means that there will be an opportunity for further public consultation related to the site plan approval process.

[60] Both the May and July Reports, in addition to reviewing the planning framework itself, included a review of applicable provincial legislation that would govern the operation. This includes the *Farming and Food Production Protection Act, 1998* ("FFPPA"), the *Nutrient Management Act, 2002* ("NMA"), and the *Food Safety and Quality Act, 2001* ("FSQA").

[61] Under FFPPA, nuisance issues that do not result from "normal farm practices" can be addressed through the Normal Farm Practices Protection Board. Nuisance complaints are addressed through neighbour to neighbour resolution, mediation and conflict resolution, and ultimately a hearing to that Board if necessary.

[62] The NMA governs the safe use of nutrients, which includes what is defined as "agricultural source materials" like manure from livestock. Obtaining the Nutrient Management Strategy is one of the conditions that must be fulfilled before the h-120 provision can be lifted. It is also under the NMA that deadstock is regulated. Enforcement of this legislation is by the Ministry of Environment and Climate Change.

[63] The FSQA regulates the slaughter of livestock and processing of meat for food.

Planning Evidence

[64] Ms. Wise took the Board through the PPS, the in-force City OP, and the recently approved London OP, which though passed is under appeal and therefore not in-force. Ms. Wise is of the opinion that the proposal is consistent with the PPS and conforms to the City OP and London OP. She is of the opinion that the livestock facility and abattoir use is appropriate within the agriculturally designated area and that impacts can be mitigated.

Provincial Policy Statement, 2014

[65] Regarding the PPS, Ms. Wise opined that agricultural resources are a key provincial interest, ensuring the production of food and fibre in the province.

[66] Policies at s. 1.1.4 of the PPS address rural areas, which reference the need to provide opportunities for economic activities in prime agricultural areas. The Subject Site is within an agricultural area. These activities are subject to the Policies in s. 2.3 which are specifically directed at agriculture. It was Ms. Wise's opinion that this proposal relates to an economic activity which is small scale and local in nature.

[67] Under s. 2.0, the Province directs that Ontario's long term prosperity, environmental health and social well-being depend on a number of factors, including protecting agricultural resources for their economic, environmental and social benefits.

[68] Under the policies at s. 2.3, prime agricultural areas are required to be protected for long term use for agriculture. Permitted uses will be agricultural uses, agriculture-related uses and on-farm diversified uses. These are defined terms which include the raising of livestock and associated on-farm buildings and structures, including livestock facilities, and manure storage. Agriculture-related uses means uses that are directly related to farm operations in the area in close proximity to farm operations.

[69] Under Policy 2.3.3.1, proposed agriculture-related uses and on-farm diversified uses shall be compatible with and not hinder surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal planning documents which achieve the same objectives.

[70] Under Policy 2.3.3.2, all types, sizes and intensities of agricultural uses and normal farm practices are to be promoted and protected in accordance with provincial standards. Under Policy 2.3.3.3, new land uses including new livestock facilities must comply with the MDS formulae developed by the Province.

Official Plan

[71] Ms. Wise then reviewed with the Board the applicable policies from the City's OP, from 1989.

[72] The Vision Statement includes reference to the protection of agricultural lands outside of designated growth areas from incompatible development or activities that detract from the long term viability of farming (Policy 2.2.1.(iii)).

[73] Policy 2.4.1.(xx) requires that agricultural lands will be protected for long term agricultural uses. Permitted uses and activities on designated agricultural lands are limited to agricultural uses, secondary uses and agriculture related uses.

[74] Policy 2.7.2.(viii) addresses economic development strategy which encourages, among other activities, agriculture and food activities to be innovative and responsive to changes in the economy.

[75] It was Ms. Wise's opinion that these policies focused on the long term preservation of agricultural uses on agricultural lands and the economic advantage of agricultural uses in the City.

[76] The main policies in the City's OP regarding agricultural land farming and the rural community are found at s. 2.10. A goal of the City is to conserve agricultural land, protect the viability of farms and farm-related industries and maintain the quality of rural life to the benefit of all. Sub-policies in this section, specifically, i, ii, iii, iv, and ix, direct Council to address the need to conserve agricultural lands as valuable, limited and non-renewable; protect the productivity of farmland; protecting the long term viability and stability of agriculture by accepting that it should be a permanent use of land; encouraging economic development and research opportunities that add to the valuable contribution the sector makes to the local and regional community; and to support legislation of senior levels of government.

[77] Ms. Wise summarized these policies as recognizing that agricultural land is a non-renewal resource important to the City's economy. Further, agricultural areas are vulnerable to threats and pressures which include land use compatibility and the introduction of non-farm uses in rural areas. These lands are to be protected as long term, considered permanent, and not place holders for future residential development.

[78] Chapter 9 of the City OP further addresses the agriculture, rural settlement and urban reserve land use designations. Ms. Wise referenced the following text in the introduction:

The objectives and policies of this Chapter are intended to protect the agricultural and land resource and maintain the viability of farming within these areas to ensure agriculture continues to make a significant contribution to the City's economy. The policies recognize the need for a long term commitment to agriculture and are intended to prohibit the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and prohibit the introduction of land uses that are incompatible with, or may potentially constrain farm operations.

[79] Ms. Wise testified that this proposal reinforces the long term preservation and economic contribution of agriculture.

[80] There are several policies that then reinforce this vision under s.9.1.1 i, ii, vii, viii, and ix. These address protection of the land base for future generations; promotion and support for a healthy and productive agricultural industry; minimizing land use conflicts between residential uses in the settlement area and livestock operations; discouragement of the creation of non-farm residential lots in the area; and mitigating impacts from any new non-agricultural uses on surrounding agricultural operations and lands to the extent feasible.

[81] Ms. Wise testified that these were consistent themes for the protection of long term use for agricultural lands. These policies also identify the need for compatibility between farm and non-farm or sensitive uses and the need to minimize land use conflicts.

[82] Though not in-force due to being under appeal, Ms. Wise reviewed the new OP for London with the Board. The London OP has similar goals as the City OP for the protection of a local food production system, permits this type of operation and includes the same policies as the City OP for the agricultural-related commercial and industrial use policies, referenced below.

[83] While it was the suggestion of Mr. Gagel that the Subject Site and surrounding area were in transition to residential uses, the Board finds this is an inaccurate representation of the planning regime, the zoning in place and the long term intentions of the City as evidenced through its OP and as directed by the PPS.

[84] Under the policies at s. 9.2, the City OP identifies livestock as a primary permitted use (Policy 9.2.1). Secondary uses are permitted, including agriculturally-related commercial and industrial uses. Ms. Wise testified that an abattoir is a secondary permitted use (Policy 9.2.2).

[85] Policies at s. 9.2.8 relate to agriculturally-related commercial and industrial uses. These are small-scale uses that are supportive of the farm operation itself. New uses of this nature may be permitted by an amendment to the ZBL, subject to several requirements:

- a. The amount of land devoted to the activity includes only the minimum necessary to support the activity and its servicing requirements. Ms. Wise testified that the Subject Site is an existing under-sized farm parcel within an agricultural area that makes efficient use of the site and does not require the removal of arable land from production.
- b. It can be demonstrated that the use is supportive of the farm operation and requires a location in close proximity to the farm to function successfully. Ms. Wise testified that the proposal for the abattoir on-site illustrates a clear relationship between the need to locate the agricultural and agriculturally-related commercial uses together. The integration of these uses in one location eliminates the need to transfer livestock to and from the site for accommodation, slaughter and processing.
- c. The location of the facility should not impose any operating constraints or result in a reduction of the efficiency of existing farms in the vicinity. These activities should be directed to sites having soil capability, drainage, topographic, site size or configuration limitations for agriculture. Ms. Wise testified that the abattoir will be located within an existing barn and not impact the neighbouring farms or farming operations. Crop production is not feasible on this sized parcel. The Agricultural Advisory Committee supported this application.

- d. The facility does not require municipal or sewage disposal services. Ms. Wise indicated that this facility will use private services.
- e. Access is available from a public highway or road and the access must not create a hazard due to poor site lines or proximity to an intersection, steep grade or curve. The road should be capable of accommodating traffic year round, the volume and type of traffic, including truck traffic, that it is likely to generate. Ms. Wise indicated that there is direct access from Longwoods Road and that while there is a curve on the road, there are no existing concerns with sightlines, access or the current driveway location. Ms. Wise noted that six parking spaces will be required for the abattoir which can be accommodated on the Subject Site, and which will be subject to site plan approval.
- f. There should be adequate drainage and suitable outlets for storm water runoff. Ms. Wise noted this is an adaptive reuse. As a result, there is no new construction; and
- g. The uses are subject to site plan control, which must address several factors, including compliance with the MDS requirements, which is addressed below.

Minimum Separation Distance Requirements

[86] Because this amounts to a new livestock facility, this triggered the requirement for a building permit, which in turn triggered the requirement for compliance with the MDS requirements in the City OP (Policy 9.2.11) and the ZBL.

[87] The Minimum Distance Separation Document Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks ("MDS Guidelines") are prepared by OMAFRA.

[88] Ms. Wise testified that the minimum distance separations are not required for the abattoir use, but are required for the livestock use.

[89] She further testified that MDS II setback distances must be applied prior to the approval of a building permit application for a first livestock facility occupying an area greater than 10 m².

[90] In this case, Ms. Wise testified that the Subject Site is surrounded by "Type A Land Uses (Less Sensitive)". These include dwellings on lots which are located outside settlement areas and which are not recognized through an official plan designation for development. It also includes dwellings located on lots zoned for agricultural uses, residential uses, or non-agricultural uses provided that the lots remain in prime agricultural areas.

[91] For the purposes of the MDS calculation, the nearest land use is Mr. Burt's property, which is directly abutting the Subject Site. Ms. Wise took the Board through several scenarios regarding the number of livestock that may be on the Subject Site. This included the Applicant's stated proposal and other scenarios with potential for greater impacts. There was no scenario in which the proposal did not meet the required set-backs. In four out of five cases, the set-back requirements were exceeded. In the last and fifth scenario, the requirements were met or exceeded (Exhibit 5A, Tab 24).

[92] Mr. Burt was upset about the fact that the MDS requirements would have been double those that apply to his property if he were in a rural settlement area. However, the situation is that neither he, nor his neighbours, are in a rural settlement area for which greater MDS setbacks apply.

Site Plan

[93] No site plan application was before the Board and the ZBLA is subject to holding provisions regarding the approval of a site plan. Council's resolution authorizing the

passage of the ZBLA subject to the holding provisions also requested that through the site plan process the following be considered:

- a. Relocation of the livestock paddock to the north side of the livestock facility. Ms. Wise testified this area is the furthest location from the nearest sensitive Type A land use;
- b. Adequate fencing of the perimeter of the livestock paddock. Ms. Wise testified this would address stray livestock concerns;
- c. Provision of tree planting at the southeast corner of the property. Ms. Wise testified this corner directly abuts a neighbouring Type A land use, and has little to no vegetation and landscaping at this time. Tree planting will assist with screening between the two properties; and
- d. Provision of tree planting or landscaping along the east property boundary. Ms. Wise testified the northern and eastern boundaries of the Subject Site abut a field used for crop cultivation. The interface between the two is open and un-vegetated. Tree plantings and landscaping will provide better delineation and screening of the property boundary and better containment.

[94] The Board is satisfied that conflicts and compatibility concerns between the Subject Site and area neighbours and agricultural operations are addressed through the ZBLA, both because of the application of the MDS formulae and because of the holding provisions relating to the future site public plan process.

[95] The Board adopts Ms. Wise's opinion that the ZBLA is consistent with the PPS's intention to preserve and protect agricultural lands for the long-term; that it conforms to the OP; that the uses are appropriate within the agricultural designation; and impacts will be mitigated to the extent feasible.

[96] The City has very carefully thought through the proposal and next steps with site plan approval so as to ensure that new operation and neighbouring uses will be able to co-exist into the future, notwithstanding the past situation. The Board concludes the ZBLA represents good planning and sees no reason to interfere with the City's decision.

ORDER

[97] The appeal is dismissed.

"Paula Boutis"

PAULA BOUTIS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Environmental and Ecological Planning Advisory Committee

Report

4th Meeting of the Environmental and Ecological Planning Advisory Committee
March 15, 2018
Committee Rooms #1 and #2

Attendance PRESENT: S. Levin (Chair), E. Arellano, A. Boyer, C. Evans,
P. Ferguson, S. Hall, S. Madhavji, N. St. Amour, S.
Sivakumar and I. Whiteside and H. Lysynski (Secretary)

ALSO PRESENT: G. Barrett, C. Creighton, J. MacKay, L.
McDougall, J. Ramsay and S. Shannon

ABSENT: E. Dusinge, C. Dyck, B. Krichker, C. Kushnir, K.
Moser, C. Therrien and R. Trudeau

The meeting was called to order at 5:00 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Environmental Assessment Act

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee received the attached presentation from E. Schwartzel, Deputy Commissioner, Environmental Commissioner of Ontario, with respect to the *Environmental Assessment Act*.

2.2 Victoria Bridge Environmental Assessment

That the following actions be taken with respect to the e Victoria Bridge Environmental Assessment:

a) the detailed design BE REVIEWED by one of the City of London's Ecologist Planners; and,

b) an Environmental Study Report BE REQUIRED in the Request for Proposal;

it being noted that the Environmental and Ecological Planning Advisory Committee received the attached presentation from S. Shannon, Technologist II, Transportation Planning and Design and S. Muscat, AECOM, with respect to this matter.

3. Consent

3.1 3rd Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 3rd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on February 15, 2018, was received.

- 3.2 Proposed 2018 City-Funded Environmentally Significant Areas Capital Projects - L. McDougall

That it BE NOTED that the proposed 2018 City-Funded Environmentally Significant Areas Capital Projects list, was received.

- 3.3 Notice of Application - City of London - Lands South of Exeter Road, North of Dingman Drive, East of White Oak Road and West of the Marr Drain

That it BE NOTED that the Notice dated February 13, 2018 from T. Macbeth, Planner II, with respect to the application by The Corporation of the City of London, relating to the lands located south of Exeter Road, north of Dingman Drive, east of White Oak Road and west of the Marr Drain, was received.

4. Sub-Committees and Working Groups

- 4.1 You, Your Dog and Environmentally Significant Areas - S. Levin

That the revised You, Your Dog and Environmentally Significant Areas brochure BE REFERRED back to the Working Group for further amendments and to report back at the next Environmental and Ecological Planning Advisory Committee meeting.

- 4.2 (ADDED) Green Standards for Light Pollution and Bird-Friendly Development - Fourth Draft

That the attached, revised, Green Standards for Light Pollution and Bird Friendly Development BE APPROVED.

6. Deferred Matters/Additional Business

- 6.1 (ADDED) Parker Stormwater Management Facility - Water Balance Report

That it BE NOTED that the Working Group consisting of B. Krichker and I. Whiteside will report back on the Parker Stormwater Management Facility at the next Environmental and Ecological Planning Advisory Committee meeting.

7. Adjournment

The meeting adjourned at 7:10 PM.

Protecting Biodiversity in Ontario; the Environmental Commissioner's Perspective

City of London EEPAC
March 15, 2018
Ellen Schwartzel, Deputy Commissioner

Overview

- Ontario's Environmental Bill of Rights
 - your toolkit
 - The municipal connection

How Ontario protects:

- species at risk
- protected areas



2

The government of Ontario

What are its environmental responsibilities?



3

The government of Ontario has broad
environmental responsibilities:



4

an *Environmental Bill of Rights*

- Why?



5

Before the *Environmental Bill of Rights*

Little transparency:

- No obligation to consult the public
- No obligation to explain decisions



6

What is under the *EBR* umbrella?



What is under the *EBR* umbrella?

17 ministries, including:

- Ministry of the Environment and Climate Change
- Natural Resources and Forestry
- Agriculture, Food and Rural Affairs
- Energy
- Municipal Affairs
- Housing
- Northern Development and Mines
- Transportation



Ontario's *Environmental Bill of Rights*

Your rights to:

- Have your say on environmental decisions
- Ask for new environmental laws and policies
- Ask for enforcement of environmental rules

Environmental Commissioner of Ontario

- Impartial
- Officer of the Legislature
- environmental watchdog

Environmental Commissioner of Ontario

- Impartial
- Officer of the Legislature
- environmental watchdog
- Dianne Saxe



Ontario's *Environmental Bill of Rights*:

- Tools worth using
- Tools have limitations
- Tools + practice = better results



Tools that have worked:

- The Environmental Registry
- Applications for Review and Investigation
- Appeals
- Environmental Commissioner's Office



Having Your Say: the Environmental Registry



Having Your Say: the Environmental Registry



The Environmental Registry

- Shows the public what ministries are working on
- Lets the public comment before decisions are made
- Shows the comments of other people
- Shows how the ministry considered public comments



What's on the Registry?

What's on the Registry?



What's on the Registry? Example



What's on the Registry? Example

Canada-Ontario Action Plan for Lake Erie

- 75 day comment period (MOECC)
- Registry #012-9971
- Decision: Feb 22, 2018
- **2,205 comments**



What's on the Registry? Example

Canada-Ontario Action Plan for Lake Erie

Comments by the public:

"Any farming practices that currently favour perennial vegetation (e.g., grazing livestock, forage production) should be encouraged and practices that favour annual cropping (e.g., drainage loan programs, subsidized crop insurance) should be reduced or coupled with a requirement for perennial vegetation."



What's on the Registry? example

Ecological Integrity in Provincial Parks and Conservation Areas

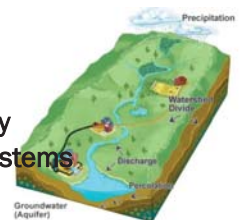
- 90 day comment period (MNRF)
- Registry #013-1671
- Comment deadline was January 24, 2018



What's on the Registry? Example

Municipal Guide for Watershed Planning

- coordinate all the players
- engage the public
- Best practices for quality/quantity
- Integrate with natural heritage systems
- 160 pages



What's on the Registry? Example

Watershed Planning Guidance

- 60 day comment period (MOECC)
- Registry #013-1817
- Comment deadline April 7, 2018



Registry Upgrade Underway

- Better search capabilities
- Fresh look
- Plain language
- Mobile-friendly
- Custom notifications



The Environmental Registry

Do public comments matter?



Most Comments 2016/2017

1. Moratorium on Permits to Take Water for water bottling – 21,276
2. Hunting rules for snapping turtles and other wildlife – 13,461
3. Exempting Algonquin wolves from protection – 13,251
4. Hunting rules for wolves and coyotes in northern Ontario – 12,113 (plus 200,000 signatures on petitions)



Do Public Comments Matter?

Decision: Ontario's Pollinator Action Plan

- Registry #: 012-6393
- 5,220 comments received (OMAFRA)
- Decision posted Feb. 14, 2017



Public Comment Success Story: 2016

Proposed Changes to Wolf and Coyote Management MNRF proposed:

- to loosen hunting /trapping rules for wolves and coyotes
- Alleged justification: predation on moose (Moose Project)
- >12,000 comments, including three petitions with >200,000 signatures
- MNRF decided not to proceed



Public Comment Success Story: 2017



Public Comment Success Story: 2017

Small Game Hunting Regulations:

MNRF proposed streamlining and updating, Dec. 2016:

- to restrict harvests for snapping turtles



Public Comment Success Story: 2017

Small Game Hunting Regulations:

MNRF proposed streamlining and updating, Dec. 2016:

- to restrict harvests for snapping turtles

Decision: March 31st, 2017

- >13,000 comments
- MNRF decided to end hunting for snappers



Public Comment Success Story: 2017

MNRF Decision:

“Based on public feedback, there was significant opposition to maintaining any open season for snapping turtles. Snapping Turtle is a long-lived species that reproduces slowly and is subject to other significant stressors such as road mortality. The Ministry has closed the Snapping Turtle season to help maintain populations of this species into the future.”

Effective Registry Comments

- Do your homework
- Stay on point
- The devil's in the details
- Remember, it's a public platform

YOU Know Your Community

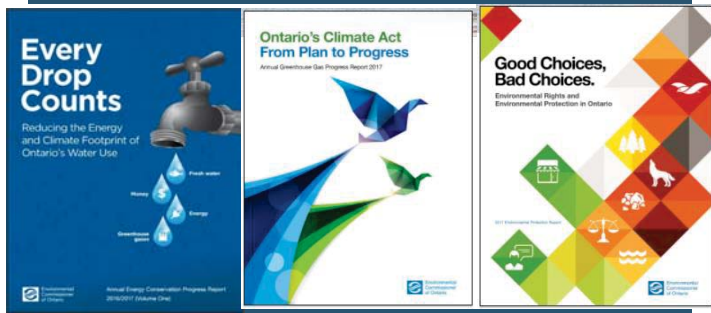
Location-specific information

+ Contextual information =

Better Decision Making



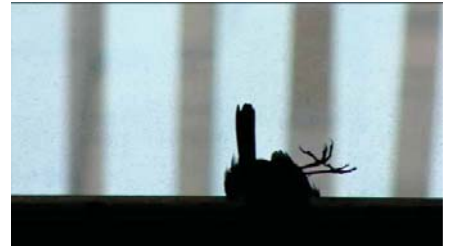
Another EBR Tool: Our reports



37

We flag emerging or chronic issues

e.g.
Light Pollution



38

We flag emerging or chronic issues

e.g.
Light Pollution

The ECO recommends:
the MOECC publicly **clarify how it will regulate reflected light from buildings** to protect birds, now that an Ontario court has ruled that it is a contaminant under the Environmental Protection Act.
- 2014/2015 Annual Report; p. 63

39

We flag emerging or chronic issues

e.g.
Invasive Species



40

We flag emerging or chronic issues

e.g.
Invasive Species

Plant Native Species:
Purchase native plants and trees for your garden
and avoid invasive plants and trees at all costs –
2015/2016 Environmental Protection Report; p. 43

41

We flag emerging or chronic issues

e.g.
Provincial Policy Statement is weak
on protecting natural heritage:

[Environmental Commissioner of Ontario Annual Report 2013/2014](#)

42

We flag emerging or chronic issues

“Overall, the PPS is wholly inadequate to safeguard natural heritage against the irreparable damage and loss of biodiversity that inevitably accompany development.”

Environmental Commissioner of Ontario Annual Report 2013/2014; p. 143



43

We flag emerging or chronic issues

e.g. No \$ for buying natural heritage lands

Ontario's budget for land acquisition:
\$1000/year province-wide

Environmental Commissioner of Ontario Annual Report 2014/2015



44

Strengths of ECO Reports

- Current info
- Ontario-focused
- Fair, independent
- Plain language
- Catalyst for change



45

Strengths of ECO Reports

- Catalyst for change



46

Strengths of ECO Reports

- Catalyst for change



47

Strengths of ECO Reports

- Catalyst for change

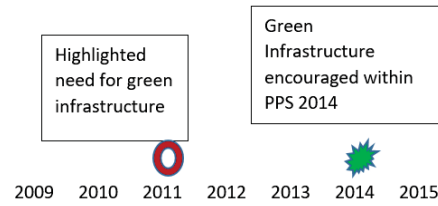


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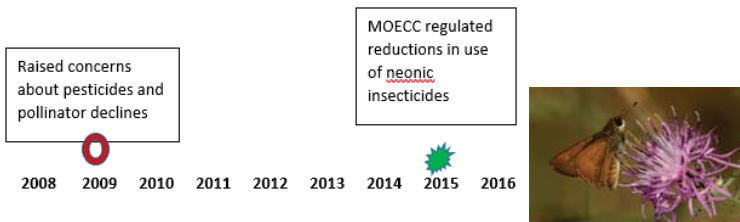
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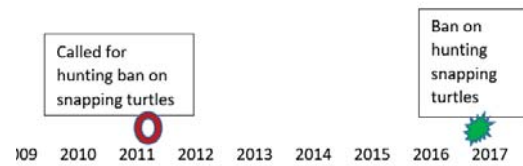
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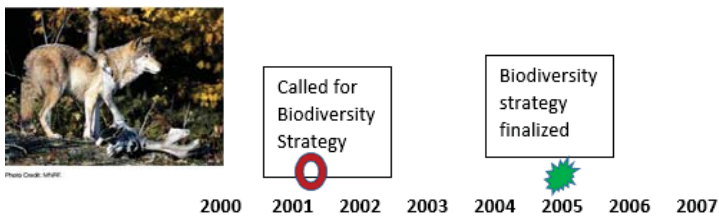
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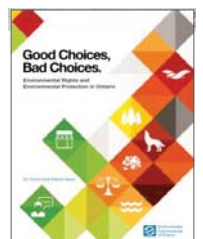
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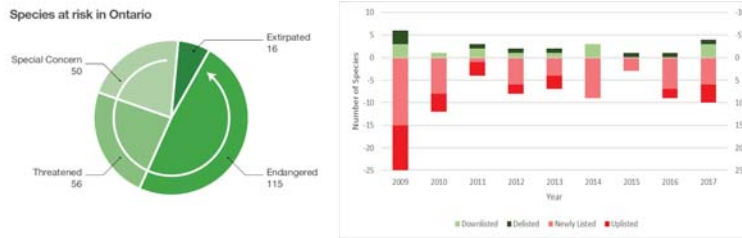
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Species at Risk In Ontario

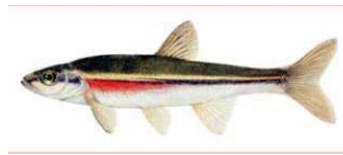


237 Ontario Species Already at Risk



Endangered Species Act: Should Protect and Recover Species

- Flexibility tools
 - Permits
 - Agreements
 - Regulatory exemption & permit-by-Rule
 - forestry operations
 - hydro-electric generating stations
 - aggregate pits and quarries
 - ditch and drainage activities
 - early exploration mining
 - wind facilities
 - development and infrastructure

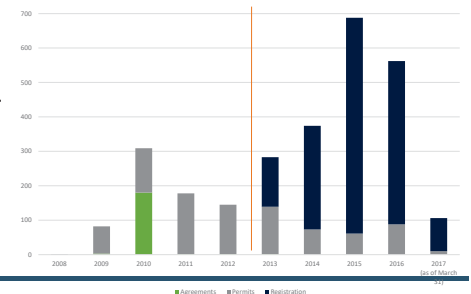


How is it working?

- Since 2013, MNRF simplified the authorizations for harming, harassing or damaging the habitat of a species at risk
- permit-by-rule system
- Most permit-by-rule only requires proponents to minimize harm, not eliminate or compensate for it
- MNRF does not monitor compliance with permit-by-rule, nor does it assess the effectiveness of the rules

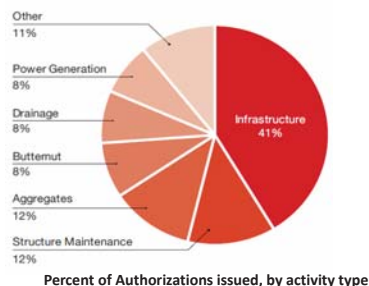
How Have ESA's Flexibility Tools Been Used?

- ESA authorizations have drastically increased under permit-by-rule

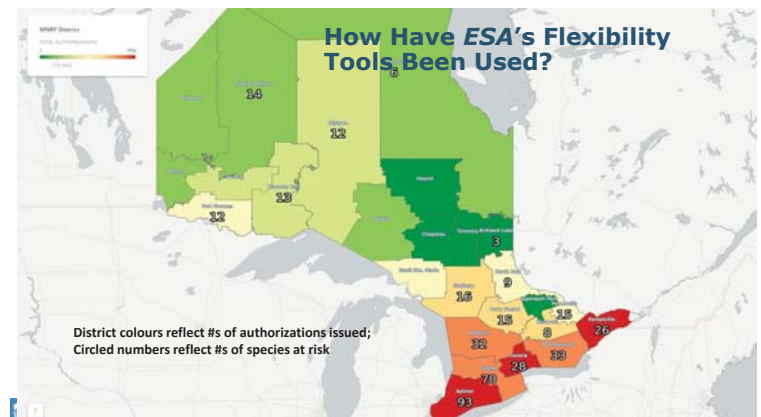


How Have ESA's Flexibility Tools Been Used?

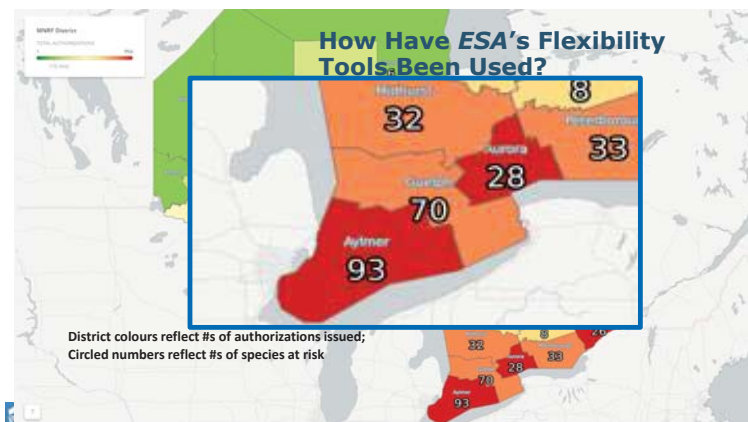
- "Infrastructure" has the largest impact on species at risk
- i.e., roads, power lines, etc.



How Have ESA's Flexibility Tools Been Used?

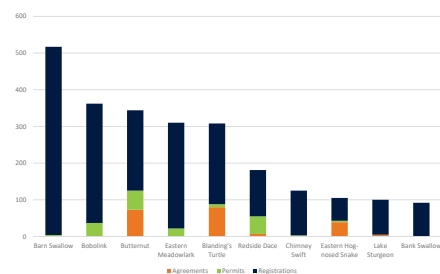


How Have ESA's Flexibility Tools Been Used?



How Have ESA's Flexibility Tools Been Used?

- Some species at risk are affected more frequently



Blind Faith: The MNRF Doesn't Check

- No routine compliance auditing
- Enforcement data not tracked
- No legal authority to conduct site inspections for permit-by-rule activities
- No monitoring for effectiveness

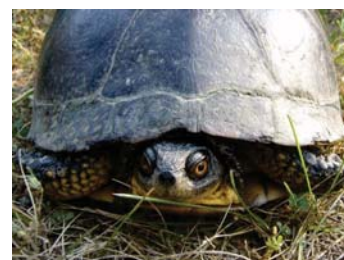


Eastern Meadowlark - Threatened



No public information about ESA Activities

- The public is cut out of ESA decision making
- The MNRF does not share information about permit-by-rule activities
- No way to appeal ESA permit decisions
 - A back-door appeal route for renewable energy projects



Blandings Turtle - Threatened
Photo Credit: Outley McNauth



The Problems with ESA

- 237 Ontario Species Already at Risk
- ESA Should Protect, Recover Species
- Species Getting Less Protection Under Permit-by-Rule
- Blind Faith: The MNRF Doesn't Check
- Public Can't Access Information About Activities That Affect Species at Risk
- Big Changes Needed to Protect Species at Risk



Barn Swallow - Threatened
Photo Credit: Charles James Sharp



Recommendations: big changes needed to protect species at risk

- Determine the effects of its approvals and authorizations on species at risk and publicly report on the results.
- Amend the ESA to give enforcement officers the ability to conduct inspections of registered activities to ensure compliance with rules in regulation.
- Post instrument proposals for all permits on the Environmental Registry for full public notice and comment.
- Make all species at risk approvals, including registrations, publicly accessible on Access Environment.
- Amend the ESA to create a right of appeal.





What is a protected area?

- permanently set aside and managed to conserve nature – where plants, animals and natural processes are not negatively affected by human activities
- E.g., provincial parks, conservation reserves, wilderness areas, dedicated protected areas and national parks

Nanabosho
– The Sleeping Giant



Why have protected areas?



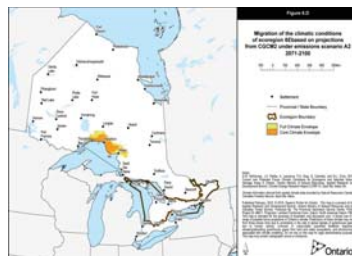
Why have protected areas?

- Conserve habitat – habitat loss is the biggest single driver of species extinctions and extirpations
- Diversity and abundance of species is often higher within protected areas
- Safe-haven for species at risk
 - E.g., Rondeau Provincial Park is home to over 75 species at risk
- Source habitat to support biodiversity outside their boundaries
 - E.g., Algonquin Provincial Park is source habitat for eastern wolves



Why have protected areas: climate change

- Migration corridors for species to follow shifting climatic envelopes
- Climate refugia – areas species can retreat to and persist in under future climate conditions
- Ecosystem-based adaptation (e.g., flood control)
- Carbon sequestration



Why have protected areas?

Pukaskwa National Park holds
~23 megatonnes of carbon;
Ontario buildings emit ~35 mt/year



Commitment to protect 17% by 2020

- Canada committed to the Aichi Biodiversity Targets under the Convention on Biological Diversity
- Target 11:
By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.



Commitment to protect 17% by 2020

- Biodiversity: It's in Our Nature – Ontario Government Plan to Conserve Biodiversity 2012-2020
 - Ontario government commits to expand Ontario's system of protected areas and conservation lands, but does not explicitly discuss the 17% target
 - Ontario government states that it will work with existing legislation and policy to "explore opportunities for expanding the system of protected areas and conservation lands"
- The target is also endorsed in the Ontario Biodiversity Council's conservation strategy



Why 17%?



Where are protected areas needed?

- Improve ecoregional representation
 - Southern Ontario needs more protected areas
- Plan for connectivity between areas
- Protect biodiversity hotspots
 - E.g., Important Bird Areas
- Protect climate refugia
- Protect significant carbon sinks



How much progress has Ontario made?

- Only 10.7% of the province is protected

Category	Number	km ²	% of Province
Provincial Protected Areas			
Regulated Provincial Park	334	74,193	6.9%
Regulated Conservation Reserve	295	15,142	1.4%
Dedicated Protected Area – Regulated under PPRA	5	3,495	0.3%
Dedicated Protected Area – Non-regulated	4	8,800	0.8%
Wilderness Area	11	8	<0.1%
Total Provincial Protected Areas	649	101,637	9.4%
National Protected Areas			
National Park	5	2,056	0.2%
National Urban Park	1	19	<0.1%
National Marine Park	1	114	<0.1%
National Marine Conservation Area	1	10,880	1.0%
National Wildlife Areas	10	54	<0.1%
Migratory Bird Sanctuary	8	319	<0.1%
Other National Protected Area			
National Capital Commission Area	16	82	<0.1%
Total National Protected Areas	42	13,523	1.3%
Total National and Provincial Protected Areas	691	115,160	10.7%



How much progress has Ontario made?

- Ontario needs to protect another 68,000 km² to achieve 17%

= 9 x Algonquin Park



ECO Recommendations

- The MNRF should fund the work required to inventory and assess Ontario's natural heritage areas as protected areas and other conservation lands

ECO Recommendations

The MNRF should develop a plan to achieve 17% conservation in the province, including:

- Identifying priority lands for protection (e.g., biodiversity hotspots, improving ecoregional representation, protecting climate refugia)
- Identifying priorities for ecological restoration in the protected areas system
- Identify opportunities for co-management with Indigenous communities
- Provide financial and capacity-building support to increase protection of partially protected natural heritage areas
- Restore land acquisition funding programs



Change Happens.....

Dear Dr. Saxe:

I want to thank you for meeting with me to discuss the 2017 Environmental Protection Report *Good Choices, Bad Choices* on October 25, 2017.

I think we had a good exchange of views and I hope you appreciated the complexity of balancing social, economic and environmental considerations in managing our natural resources.

Following our meeting, I have established a project team within MNRF to review your 2017 report and advise our executive table on areas for improvement going forward. I hope this will, among other things, improve the information sharing between our offices that we agreed was necessary.

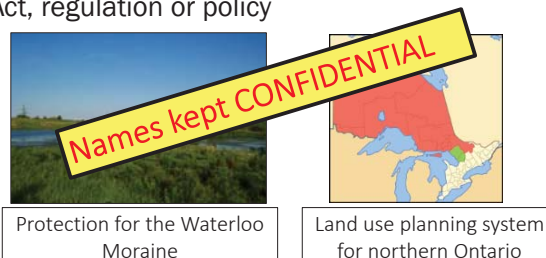
Another EBR tool: Applications for Review

How to Ask for New Environmental Laws or Policies



Applications for Review

The public can also request a review of the need for a new Act, regulation or policy



Applications for Review

Ministries accept ~ **19%**
of these requests:

Applications for Review

Ministries accept ~ **19%**
of these requests:

- New laws
- Amended regulations
- Amended approvals

Applications for Review Example

2015



Applications for Review example



real-time bypass alerts for Toronto;
to Twitter and Website; fall 2017

Kingston now has real-time by-pass alerts

Know Before You Go



Another EBR Tool: Applications for Investigation

How to Ask for Enforcement of Environmental Rules



Applications for Investigation

If you believe someone has contravened or violated a prescribed Act, regulation or instrument, you can ask the government to investigate

Applications for Investigation

Damage to the habitat of an endangered species



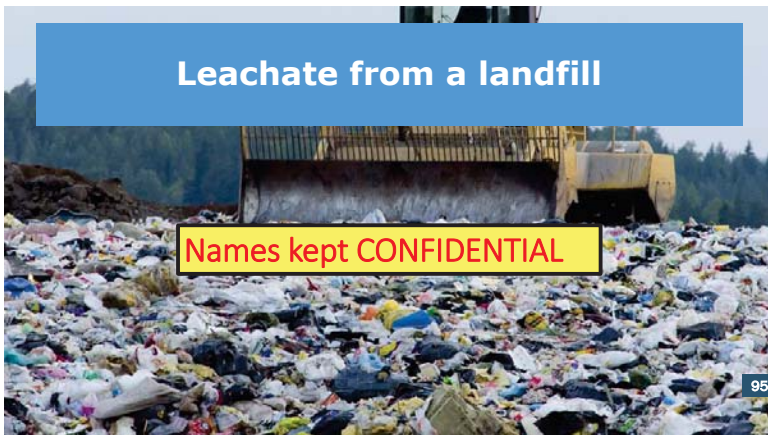
Noise, vibration or air emissions



Leachate from a landfill



Leachate from a landfill



Names kept CONFIDENTIAL

Applications for Investigation

Ministries accept ~ 37%
of these requests:

Applications for Investigation

Ministries accept ~ **37%**
of these requests:

- Charges
- Provincial Officers' Orders

Applications for Investigation

Legislation most cited:

Environmental Protection Act (65%)

Section 14 – Prohibits discharge of a contaminant into the natural environment that causes an adverse effect, including:

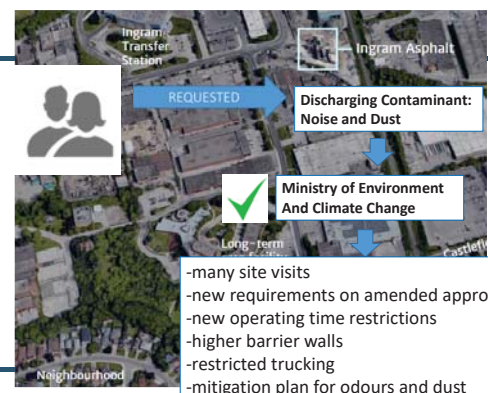
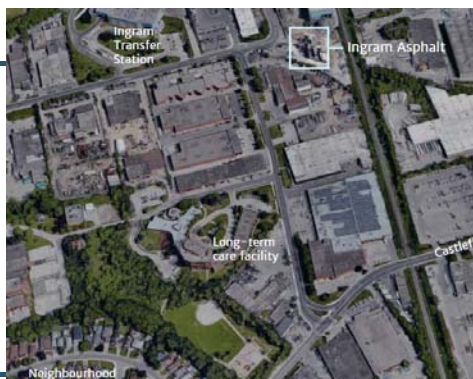
Applications for Investigation

- Impairment of the quality of the natural environment for any use that can be made of it
- Injury or damage to property or plant/animal life
- Harm or material discomfort
- Loss of enjoyment of normal use of property
- Interference with normal conduct of business

Applications for Investigation

- Ingram Asphalt plant
2015-2016

Toronto



In North York, lax environmental enforcement pits neighbours against asphalt plant

Ministry of Environment allowed plant to operate for years under inadequate permit as neighbours complained about dust, noise.

By AINSLIE CRUICKSHANK Staff Reporter
Wed., Feb. 7, 2018



Application for Investigation (2014)



Application for Investigation



Applications for Investigation Example

2015



Applications for Investigation Example

2015



Applications for Investigation Example

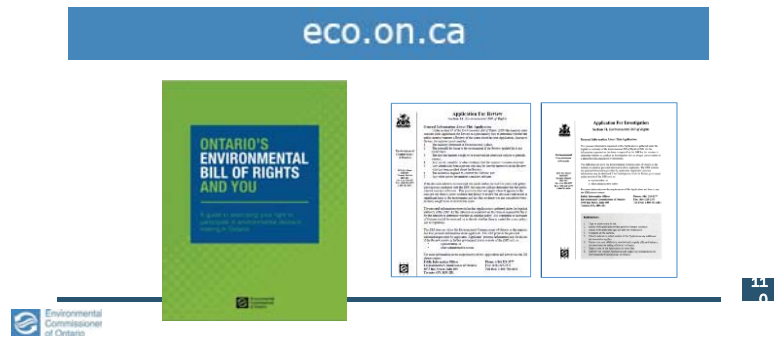
2015



EBR Applications



How to Submit an EBR Application



Recap

- Your EBR Rights:
- A failed system for species at risk
- Protected Areas: little progress

Recap

- Your EBR Rights: [explore the Registry!](#)
[Have your say!](#)
- A failed system for species at risk
- Protected Areas: little progress

Recap

- Your EBR Rights: [explore the Registry!](#)
[Have your say!](#)
- A failed system for species at risk
 - We need compliance strategy; transparency; focus on net benefits for species
- Protected Areas: little progress

Recap

- Your EBR Rights: [explore the Registry!](#)
[Have your say!](#)
- A failed system for species at risk
 - We need compliance strategy; transparency; focus on net benefits for species
- Protected Areas: little progress
 - We need focus on Southern Ontario and wetlands

Thank You!



www.eco.on.ca

Victoria Bridge

Municipal Class EA

Environmental and Ecological Planning Advisory Committee



Shari Muscat, Environmental Planner

March 15, 2018

AECOM Imagine it. Delivered.

Summary

- Municipal Class Environmental Assessment
- Existing Bridge and Road
- Existing Environmental Conditions
- Natural Heritage Features and Functions
- Species at Risk Assessment
- Significant Wildlife Habitat Assessment
- Tree Inventory
- Proposed Bridge Solution
- Impact Assessment
- Recommendations
- Conclusions
- Next Steps

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Municipal Class Environmental Assessment

Class Environmental Assessment

- Evaluated rehabilitation or replacement alternatives. Full range of alternatives evaluated along with their impacts on social, economic, natural, and cultural environment.

Study Area

- The Study Area is located on Ridout Street South, and spans the South Branch of the Thames River, just south of Horton Street.

Problem/Opportunity:

Constructed in 1926, Victoria Bridge is located on Ridout Street over the south branch of the Thames River in the City of London. Recent bridge inspections identified ongoing issues of deterioration which may reduce the structural capacity of the bridge. Given the age of the bridge, existing conditions, functional deck width, structural capacity, potential heritage value and other considerations, the Class EA study should identify a solution to address structural deficiencies and accommodate all users through bridge rehabilitation or replacement.



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Existing Bridge and Road



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Existing Environmental Conditions

City of London OP Map B1 and B2

- Conservation Authority Regulation Limit
- Riverine Erosion Hazard Limit for Confined Systems
- Significant Corridors
- Big Picture Meta-Cores and Meta-Corridors
- Woodlands adjacent to the study area.



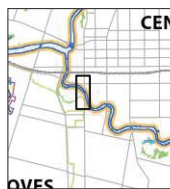
Map B1



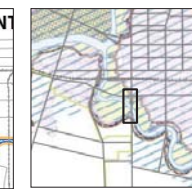
Map B2

The London Plan Map 5 and 6

- Significant Valleylands
- Conservation Authority Regulation Limit
- Highly Vulnerable Areas
- Riverine Erosion Hazard Limit



Map 5



Map 6

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Natural Heritage Features and Functions

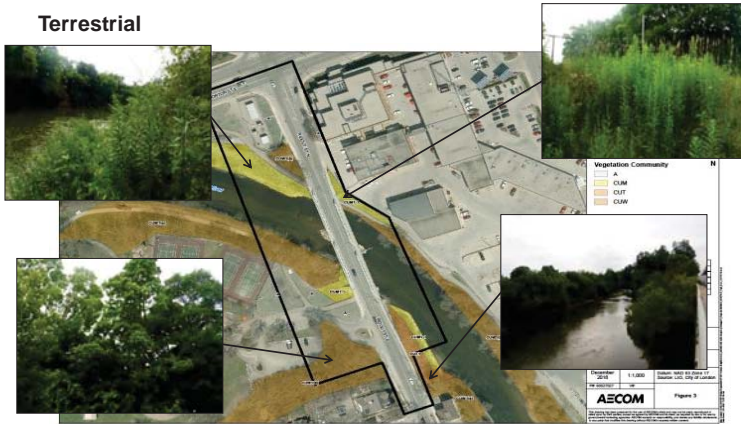
Aquatic Ecosystems



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Natural Heritage Features and Functions

Terrestrial



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Species at Risk Assessment

- A review of background information revealed that seventy-nine (79) Species at Risk (SAR), protected under the ESA, may potentially occur within the study area.
- Of these, thirty-eight (38) species are listed as Endangered, twenty-one (21) species are listed as Threatened, and twenty (20) species are listed as Special Concern (SC).
- Upon completion of the SAR habitat screening, suitable habitat for twenty-six (26) terrestrial and aquatic species were identified within the subject lands. However, only two (2) of the species were observed; these include Barn Swallow (*Hirundo rustica*), and Monarch (*Danaus plexippus*). Suitable habitat conditions exist within the study area for an additional twenty-four (24) species, although they were not observed.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Species at Risk Assessment

Federally Recognized Features & Species (Aquatic)

- Round Pigtoe (*Pleurobema sintoxia*) - Endangered
- Rayed Bean (*Villosa fabalis*) - Endangered

Provincially Recognized Features & Species

Common Name	Scientific Name	Candidate Habitat	Confirmed Habitat
Barn Swallow	<i>Hirundo rustica</i>		X
Chimney Swift	<i>Chaetura pelagica</i>	X	
Monarch	<i>Danaus plexippus</i>		X
Little Brown Myotis	<i>Myotis lucifugus</i>	X	
Eastern Small-footed Myotis	<i>Myotis labii</i>	X	
Northern Myotis	<i>Myotis septentrionalis</i>	X	
Tri-colored Bat	<i>Pteronotus subflavus</i>	X	
Eastern Musk Turtle	<i>Stemmodon odoratus</i>	X	
Northern Map Turtle	<i>Graptemys geographica</i>	X	
Queensnake	<i>Rhynchochoilus septentrionalis</i>	X	
Snapping Turtle	<i>Chelydra serpentina</i>	X	
Spiny Softshell	<i>Apalone spinifer</i>	X	
Eastern Sand Darter	<i>Ammocrypta pallidula</i>	X	
Northern Madtom	<i>Noturus stigmosus</i>	X	
Round Pigtoe	<i>Pleurobema sintoxia</i>	X	
Rayed Bean	<i>Villosa fabalis</i>	X	
Round Hickorynut	<i>Obovata subrotunda</i>	X	
Silver Shiner	<i>Notropis photogenus</i>	X	
Black Redhorse	<i>Moxostoma valenciennesi</i>	X	
Wavy-rayed Lampmussel	<i>Lampisilis fasciola</i>	X	
Spotted Sucker	<i>Minytrema melanops</i>	X	
Kidneyshell	<i>Ptychocheilus fasciatus</i>	X	
Northern Riffleshell	<i>Epiplatysma tonulosa rangiana</i>	X	
Rainbow Mussel	<i>Villosa iris</i>	X	
Salamander Mussel	<i>Simpsonia ambigua</i>	X	
Snuffbox	<i>Epiplatysma triquetra</i>	X	

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Significant Wildlife Habitat Assessment

During the background screening exercise a total of twenty-two (22) candidate Significant Wildlife habitats were identified:

- Seasonal Concentration Areas – nine (9) Candidate Habitats
- Rare Vegetation Communities or Specialized Habitats for Wildlife – nine (9) Candidate Habitats
- Habitats of Species of Conservation Concern – three (3) Candidate Habitats
- Animal Movement Corridors – one (1) Candidate Habitat

Of the twenty-two (22) candidate habitats identified, twenty (20) were ruled out, leaving two (2) candidate habitats as present within the study area.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Significant Wildlife Habitat Assessment

Candidate Significant Wildlife Habitat	Confirmed Significant Wildlife Habitat
Two (2) candidate SWH remain as species specific surveys were not completed in order to confirm habitat. <ul style="list-style-type: none"> Bat Maternity Colonies Turtle Nesting Areas – Candidate turtle nesting habitat was observed within the vicinity of the bridge 	Special Concern and Rare Wildlife Species – One species of Special Concern (Monarch) was observed within the study area during 2017 field investigations.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Tree Inventory

- A tree inventory was completed in accordance with the City of London Tree Protection By-law (2016) and using accepted arboricultural techniques as outlined in the Tree and Landscape Appraiser's Guide for Plant Appraisal, 9th Edition, (2000).
- The tree inventory and assessment was completed for the trees in naturalized and parkland areas, adjacent to Victoria Bridge on Ridout Street (North and South), which could be affected by the works.
- A total of 97 trees greater than 10 cm DBH were inventoried and assessed within the Victoria Bridge study area. Additionally, 407 trees less than 10 cm DBH were tallied within the study area and within 6 m of the study area.
- Of the trees surveyed (greater than 10 cm DBH), 87 are likely to be removed as a result of the construction activities. The remaining 10 are to be retained and should have the appropriate tree protection measures practiced and enforced during all construction activities.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Tree Inventory



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Proposed Bridge Solution

Assessment of Alternatives

- Alternative A: Bridge Rehabilitation with Improved Accommodation for Pedestrians/Cyclists;
- Alternative B: Bridge Rehabilitation for Active Transportation & New Bridge Downstream (West);
- **Alternative C: Remove Existing Bridge & Build New Bridge on Existing Alignment;**
- Alternative D: Remove Existing Bridge & Build New Bridge on New Alignment Downstream (West);
- Alternative E: Minimal Rehabilitation of Existing Bridge. Eliminate at the end of Projected Service Life and Build New Bridge In existing location.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Proposed Bridge Solution

Assessment of Alternatives

- All alternatives will require the construction of two new piers or abutments along river banks and the removal of the centre pier. The impacts are considered to be minor and can be mitigated through the implementation of best management practices.
- Works within UTRCA regulated limits will require permitting under Ontario Regulation 157/06
- No impacts to significant woodlands or significant vegetation communities are anticipated.
- Each of alternatives has the potential to impact riparian vegetation, natural stream morphology and erosion of river bank.
- All alternatives have the potential to affect SAR habitat within the vicinity of the Bridge.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

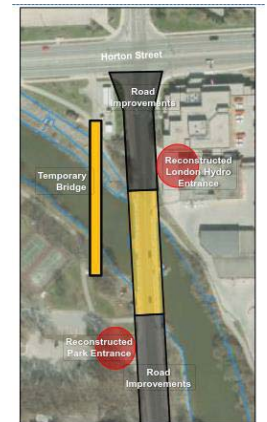
Proposed Bridge Solution

Access across the river

- Temporary bridge across Thames River will be provided for pedestrians and cyclists. The bridge will also carry temporary services.

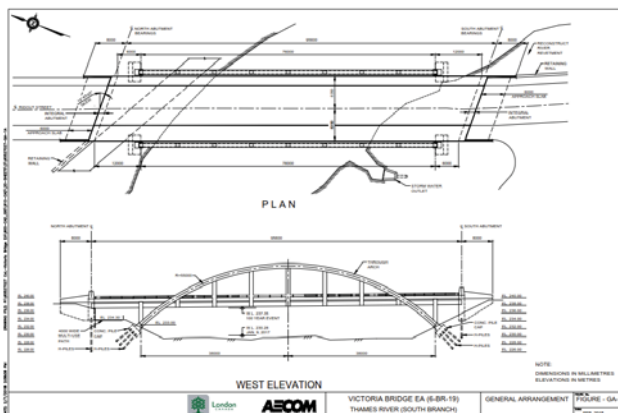


Temporary bridge example



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Proposed Bridge Solution



Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Impact Assessment

Short Term Impacts

- Sediment and Erosion
- Dust
- Damage and disturbance to natural features
- Disturbance to wildlife and wildlife habitat
- Disturbance of fish and mussel species and their habitat
- Temporary dewatering impacts

Long Term Impacts

- Loss or permanent disturbance to vegetation
- Disturbance to fish and mussel habitat
- Disturbance to terrestrial and aquatic SAR species habitat

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Recommendations

- A detailed Tree Inventory and Preservation Plan should be conducted once the final design is completed;
- An Erosion and Sediment Control Plan should be prepared during Detailed Design;
- Any in water-works will require a plan to relocate fish and mussels encountered within the construction footprint for the preferred alternative. This should be prepared during detailed design;
- Wherever possible, habitat for Species at Risk should be compensated for and/or enhanced;
- A detailed invasive species control program should be developed for upstream and downstream areas adjacent to the bridge;
- A detailed restoration plan utilizing native plantings and native seed mixes following City specifications should be developed and followed; and
- The loss of habitat for barn swallow needs to be compensated for as part of the final design.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Conclusions

Permits and Approvals

- Potential habitat for 26 terrestrial and aquatic SAR species has been identified within the study area. Further consultation at the Detailed Design Stage is required to determine next steps on further species specific field investigations and permitting.
- Within the study area, the Thames River provides suitable conditions for several aquatic SAR, this will require further consultation with Federal and Provincial Agencies to determine permitting requirements.
 - Consultation with MNRF will be required to confirm ESA permit requirements, as well as to determine the requirement for the completion of any species specific surveys;
 - An IGF shall be prepared to determine next steps in consultation with the MNRF at Detailed Design;
 - Due to the presence of aquatic Species at Risk Act (SARA) species within the Thames River, further consultation with DFO is required to determine permitting needs.
- Permit from the UTRCA will be required under Ontario Regulation 157/06

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Conclusions

Timing Restrictions

- The Thames River within the vicinity of the proposed works is classified as warmwater. The restricted activity timing window for the spring spawning period is from March 15th to June 30th.
- Removal of vegetation within the study areas can occur between the months of September to April, which is outside of the typical breeding bird period (April 1st to August 31st) within southern Ontario to avoid contravening the Migratory Birds Convention Act.
- Should construction take place during the barn swallow nesting period of May 1 – August 31, barn swallow need to be excluded from any part of the structure by undertaking the following prior to the active season:
 - Removing barn swallow nests that may be impacted; and
 - Installing tarps and/or netting to prevent barn swallow from accessing the structure.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

Next Steps

- Finalize Environmental Study Report (ESR).
- 30 Day Public Review of Report (May – June 2018).
- Detailed Design: 2019 to 2020.
- Tendering and contract award: Fall 2021.
- Construction: 2022.

Victoria Bridge
Environmental and Ecological Planning Advisory Committee March 15, 2018

GREEN STANDARDS FOR LIGHT POLLUTION & BIRD-FRIENDLY DEVELOPMENT

By – law recommendations for the City of
London

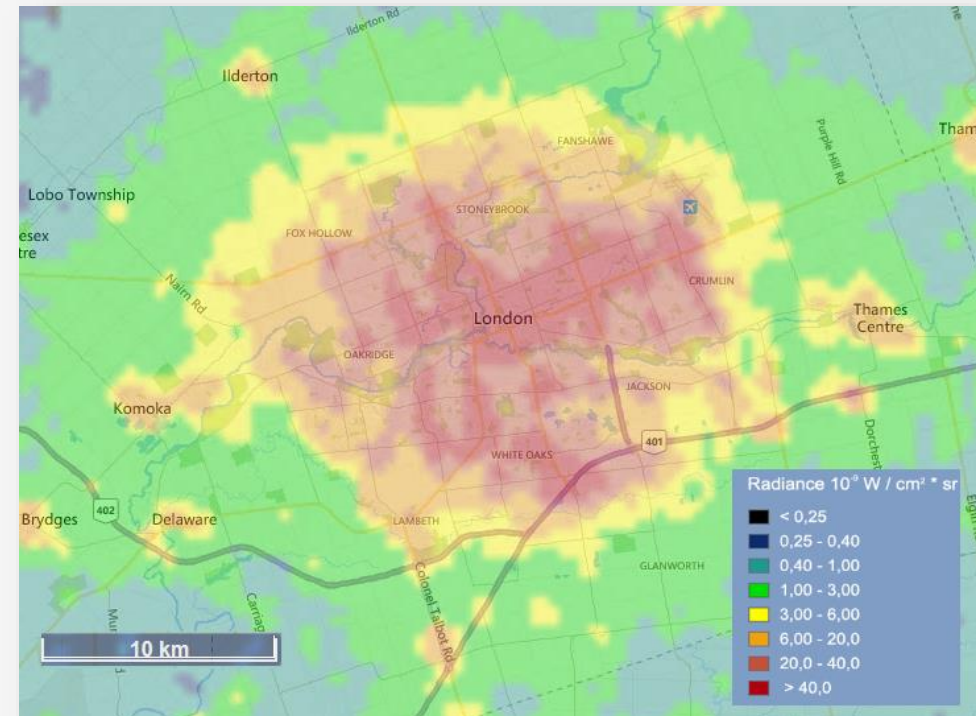
Prepared by the Ecological and Environmental Advisory Committee (EEPAC), the
Advisory Committee on the Environment (ACE), & the Animal Welfare Advisory
Committee (AWAC)

- Fourth Draft -
March 2018

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1. DEFINITIONS

Definitions were derived from pre-existing standard documents of other municipalities within Ontario¹⁻⁵. For the purpose of this document, terms shall be defined as follows:

- **Architectural lighting** – outdoor lighting to illuminate landscaping features (e.g. trees, stones, or water), building facades, etc. (excepting signage)
- **Automatic timing device** - any device which controls light fixtures to automatically turn on and off at designated times
- **City** – the City of London, Ontario
- **Council** - the elected municipal council of the City
- **Curfew** - a time defined by the City when outdoor lighting must be reduced or switched off
- **Cut-off shielding** - a luminaire having a light distribution in which zero lux intensity occurs at or above and angle of 90° nadir
- **Decorative lighting** - see *vanity lighting* (below)
- **Diode** - a device allowing one-directional flow of current
- **Direct light** - light directly emitted from the installed light fixture or off of its internal reflector or luminaire
- **Emergency conditions** - lighting that is only switched on during an emergency, exit paths during an emergency situation, or security lighting used solely during alarms
- **Glare** - undue brightness from a light source. Light emitted from fixtures which diminish a bystander's ability to see and/or causes discomfort
- **Grandfathered** - existing light fixtures which may be exempt from these recommendations (Section 6)
- **Hardscape** - permanent human-made elements of an outdoor landscape design
- **Horizontal illuminance** - Amount of light energy landing on a horizontal surface (e.g. the ground)
- **IESNA** - Illuminating Engineering Society of North America or any successor organization
- **Indirect light** - light which is scattered or reflected off of other surfaces
- **Lamp** - any artificial source of light
- **LED (Light Emitting Diodes)** - a popular modern type of lamp
- **Light fixture** - a complete lamp assembly which includes lamp, housing, reflector, mounting bracket, and/or pole socket
- **Light pollution** - any adverse consequence of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment
- **Light trespass** - any light which falls beyond the property it is intended to illuminate
- **Lumen** - a measurement unit that quantifies the amount of light produced by a lamp or emitted from a luminaire (distinct from 'watt', a measure of power consumption). Conversion to lux is possible
- **Luminaire** - see *Light fixture* (above)
- **Lux** – an international unit used to measure light intensity. Conversion to lumen is possible
- **Official Plan** - the City of London and Planning Area's Official Plan, revised periodically
- **Outdoor lighting** - any outdoor installed or portable luminaire used for flood lighting, general illumination, or advertisement
- **Outdoor recreational facilities** - an outdoor space or venue used for sporting events or entertainment purposes within the city
- **Over-illumination** - lighting of an area beyond that which human vision is able to differentiate
- **Owner** - the registered owner according to the land registry office or the person in the actual occupation of the land
- **Point illuminance** - Amount of light energy measured at a given point
- **Shielded luminaire** - refers to luminaires with an adjustable mounting device allowing aim in any direction and contains a shield, louver, or baffle to reduce direct view of lamp
- **Sky glow** - any brightening of the nighttime sky caused by light directed and/or reflected upwards and/or sideways that reduces the ability to view the night sky
- **Sufficient daylight** - adequate natural lighting such that exterior artificial lighting is not required (approximately 30 minutes after sunrise or 30 minutes prior to sunset)
- **Vanity lighting** - lighting for the purpose of drawing attention. For example, lighting to illuminate landscaping features (e.g. trees, stones, or water), building facades, etc. (excluding signage)
- **Ventilation grate** - street grates or grills which disperse air from structures under roadways and/or sidewalks to reduce heat gain in the summer and allow for passive heating in winter
- **Visual markers** - a physical design visible within a bird's optical wavelength to indicate a barrier is present



London, Ontario downtown at night. Photograph © Joanna Kurowski



2. PURPOSE & JUSTIFICATION

The City of London plans to become one of the greenest cities in Canada by reducing its impacts on the environment and its carbon footprint (direction 4, The London Plan)¹. Specifically, The London Plan contains the goals of minimizing bird strikes on buildings and reducing negative environmental impacts of light pollution¹. In Canada, it is estimated that 25 million birds die annually from collisions with buildings²². The purpose of this document is to provide guideline recommendations for by-law development to achieve these goals. Many specifications in this document are derived from pre-existing guidelines of other Ontario municipalities²⁻⁹, as well as from the Illuminating Engineering Society of North America (IESNA).

2.1 Environmental Impacts

Light pollution impacts the behaviour and survival of birds, mammals, amphibians, fish, and arthropods, and diminishes ecological health both locally and nationally¹⁰. Specific threats to wildlife include disruption of movement and migration¹¹⁻¹⁴, changes in communication and reproductive behaviours (e.g. songbird call times)¹⁵, shifts in species diversity, altered interactions among species^{16,17}, disruption of foraging behaviour, and increased mortality¹⁸⁻²¹.

2.2 Carbon Footprint and Cost

Goals of the current London Community Energy Action Plan²³ include an 80% reduction in greenhouse emissions by 2050 and energy cost savings. Policy and design standards to reduce wasted lighting energy are crucial if the City of London is to achieve these goals. Reducing wasted energy is an easy way for the City of London to reduce its carbon footprint; total wasted light energy in the United States is estimated between 80 and 225 kg of CO₂ annually²⁴. The negative economic impacts of light pollution on health, wildlife, and astronomy are estimated at \$7 billion each year in the United States¹⁰.



3. GENERAL INFORMATION

3.1 Light Pollution

The City of London's Advisory Committee on the Environment (ACE), Environmental and Ecological Protection Advisory Committee (EEPAC), and Animal Welfare Advisory Committee (AWAC) (or 'we the committees') collectively recognize that it is beneficial to protect dark skies through responsible city lighting policies. We the committees recognize that other Ontario municipalities have outdoor lighting ordinances to reduce glare and light intrusion while promoting energy conservation and healthy neighbourhoods.

Light pollution has been defined as "excessive or obtrusive artificial light caused by bad lighting design"¹⁰. Proper lighting design and illumination standards can reduce light pollution by²⁰:

- Preventing lighting in specific areas
- Limiting lighting duration
- Reducing light trespass
- Reducing light intensity

3.2 Bird-Friendly Design

Bird-friendly design is critical for city-wide progressive green development standards. Designs to reduce bird mortality may be similar to light pollution reduction strategies, with further inclusion of non-reflective glass and ventilation grates. In accordance with The City of London's Humane Urban Wildlife Conflict Policy, the City of London can take the following measures to reduce bird fatalities:

- Placement of bird-friendly exterior light fixtures in conjunction with glass design elements
- Adoption of a migratory bird policy⁸
- Provision of a comprehensive list of design-based development strategy options to architects, planners, urban designers, building owners and managers, tenants, and homeowners that can be applied to new or existing buildings
- A campaign that promotes awareness of the dangers the urban environment poses to migrating birds such as the City of Toronto's "Lights Out Toronto" event
- Bird-friendly ventilation grates with a porosity no greater than 2 cm² or covered with netting to prevent injured birds from falling through
- If transparent noise barriers must be used, they shall have visual markers for birds to perceive and avoid them
- Eliminate reflective glass and mirrors from exterior landscape and building design. Birds are unable to distinguish between reflected and real habitat, which results in increased collision mortality



The night sky in Toronto, Ontario during a power outage in 2003 (left) and on a night with power (right). Photograph © Todd Carlson

4. LIGHTING DESIGN CRITERIA

All general recommendations found in Section 4.1 are applicable to all newly installed lighting fixtures. Specific design details can be found in the following sections categorized by site usage type (residential, non-residential, special consideration sites). These recommendations and criteria are amalgamated from the design guideline recommendations of the Model Lighting Ordinance², and various Ontario municipalities (e.g. Toronto, Burlington, and Richmond Hill).

4.1 Hours of Operation

Recommendations for luminance and timing of lighting are intended to reduce or eliminate unnecessary light pollution. The IESNA and other documents typically use a light curfew to achieve this. The city of London's curfew begins **at and ends at**

Facilities requiring a curfew adjustment (e.g. restaurants, bars, sports stadiums, hospitals) will be evaluated on a case-by-case basis. During curfew, outdoor lighting must adhere to Section 4.2, bullet 5 option A or B. All residential and non-residential areas, including illuminated signs, are subject to the curfew³⁶. Some site uses may warrant a curfew extension (e.g. recreation or entertainment) (see Section 6, General Exemptions).

4.2 Universal Outdoor Light Fixture Requirements

The general recommendations laid out below apply to all properties and lots.

- All outdoor light fixture installations must use shielded or cut-off fixtures
- No installed light fixtures will emit light above 90° from a direct downward plane
- Light fixture mounts/poles must have a non-reflective finish to reduce glare
- Maximum lumen levels for different light fixture heights must conform to Table 4.2
- All outdoor installed lighting (unless stated otherwise in Section 4.5) must incorporate one of the following:
 - A. An automatic switch (or automatic timing device) to extinguish all outdoor lighting curfew. These switches can include photoelectric, astronomic, programmable, or building automation switches. The switch must include a backup power device (battery or other)
 - B. Occupancy sensors/timers/motion sensors

- Light trespass at the property line will not exceed 11.6 lumens / ft² for commercial/industrial property boundaries or 5.8 lumens / ft² for residential property boundaries. In the case of a mixed residential/commercial boundary, the value for the residential shall take precedence
- Adjustable, or swivel fixtures, are prohibited
- Pole heights cannot exceed: **Height = Distance from pole to property line x 4** and should not exceed height of adjacent structures. Large parking lots and parking garages with >10 parking spaces are exempt from this recommendation. If a non-residential zone light fixture must be installed higher due to safety considerations, cut-off shielding greater than 90° must be installed
- Glare onto adjacent properties, roadways, and pedestrian thoroughways is prohibited. This may require the use of additional shielding
- All light sources (a.k.a bulbs, diodes) must be directed in such a way so that the light source is not directly visible from adjacent properties
- Openings in buildings which will contribute to light spillage must be blocked or shielded to transmit less than 10% light during the overnight hours (11 PM - 6 AM)
- The use of lasers, search lights, strobe lights, twinkle lights, or chasing lights are prohibited unless used for emergency services

Table 4.2

Mounting Height		Maximum Single Light Fixture
Feet	Meters	Lumens
6	1.83	500 – 1000
8	2.44	600 – 1600
10	3.05	1000 – 2000
12	3.66	1600 – 2400

4. LIGHTING DESIGN CRITERIA

4.3 Residential

All residential zones (R1 through R11) must adhere to the requirements listed above. If the residential zone is combined with a non-residential zone, the property is strongly encouraged to meet both residential (Section 4.3) and non-residential (Section 4.4) guidelines. Residential guidelines are as follows:

- Maximum single fixture lumen allowance at a main entrance will not exceed 1,260 lumens.
- Maximum lumen allowance for each additional fixture (excluding main entrance, driveway/parking (Section 4.5.2), and motion sensed security lighting (Section 4.5.7), is 315 lumens / fixture.
- In residential buildings with 5 or more stories, shielded directional fixtures with motion-sensors for security are not to exceed 1,260 lumens each.

Additional design criteria for specific types of sites or property uses (including parking lots and security lighting, which may be utilized for residential properties) are included in Section 4.5.

4.4 Non-Residential

For all non-residential sites, Table 4.4 must be followed. Site total lumen allowance will be determined by number of parking spaces (if site has fewer than 10) or total square footage of hardscape. These site lumens may be divided among all light fixtures on the property, so long as they adhere to the universal guidelines noted above (Section 4.2) and any specific site guidelines below. Some specific types of site usage (e.g. sale lots or service stations) will have additional design considerations or may receive additional lumen allowance (Section 4.5).

Table 4.4

Light Zone Code	City of London Property Zone Code(s)			Lumen Allowance	
				Lumens / parking space (for sites <= 10 parking spaces)	Lumens / ft ² of hardscape (sites > 10 parking spaces)
LZ-0	AG	ER	OS	350	0.5
	UR				
LZ-1	AG	DC	HER	490	1.25
	C				
	OC	RO	RRC		
	T	TGS			
LZ-2	AC	GI	OF	630	2.5
	ASA	HS	OR		
	BDC	LI	RSC		
	CC	NF	NSA		
	CF	CSA	OB		
	CR				
LZ-3	DA	RF	SS	840	5
	EX	RSA			
	HI	RT			

Values obtained from the IESNA. This table is intended for non-residential zones only.

LZ0 - "Recommended default zone for wilderness areas, parks, and preserved, and undeveloped rural areas."

LZ1 - "Recommended default zone for rural and low-density residential areas" (may include business parks).

LZ2 - "Recommended default zone for light commercial business districts and high density or mixed-use residential districts" (may include churches, schools, recreation facilities, light industrial zoning).

LZ3 - "Recommended default zone for large cities' business district" (may include business zone districts, commercial mixed-use, and heavy industrial zones).



4. LIGHTING DESIGN CRITERIA

4.5 Specific Use Design Considerations and Lumen Allowance Additions

The following sections have been provided for specific-use zones and may be applicable to residential or non-residential areas.

4.5.1 Entertainment Venues and Events

Entertainment venues and specific events are to be evaluated individually on a case by case basis.

4.5.2 Parking Lots and Garages

Lighting in parking lots and garages are primarily for the safety of pedestrians. Parking structure lighting should be modulated so that they transition to match, but not exceed, adjacent roadway lighting levels at exits/entrances. All parking lots must adhere to maximum lumens at property line as described in Section 4.2.

In general, all parking lots shall have an average horizontal illuminance of no more than 25 lux with a maximum point illuminance not to exceed 40 lux. In the individualized case that a parking lot requires enhanced security due to the threat of vandalism or personal safety, the average horizontal illuminance and maximum point illuminance may be no greater than 75 lux.

These recommendations apply to any and all residential, institutional, customer, employee, or general use parking lots.

4.5.3. Outdoor Sales Lots

Sales lots are illuminated to draw attention to displayed products and/or for security purposes. The lighting requirements include a graduated illuminance level from the front row (between the roadway and the front row of merchandise) to the last row. In addition to the universal guidelines presented in Section 4.2, site maximum horizontal illuminance is not to exceed:

- 100 lux at the front row
- 50 lux at all other rows
- 20 lux at all pathways/drives on the property

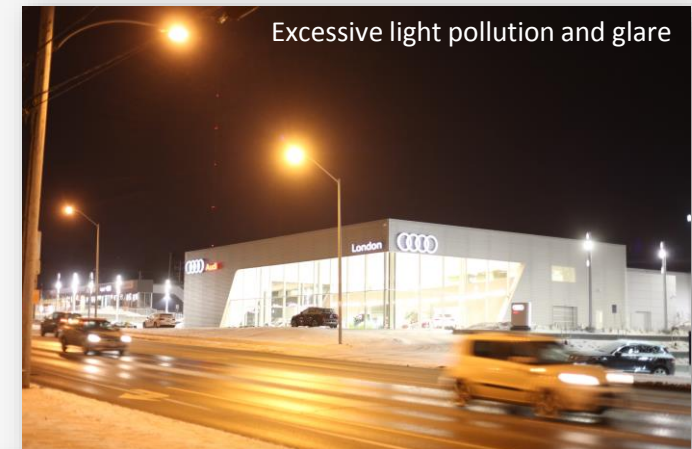
In addition to the lumen allowance provided in Table 4.4, outdoor sales lots used exclusively for the sale of vehicles have an additional allowance of:

LZ-1, additional 4 lumens / ft² hardscape

LZ-2, additional 8 lumens / ft² hardscape

LZ-3, additional 16 lumens / ft² hardscape

These recommendations apply to every outdoor sales lot to be illuminated and are to be incorporated into the light fixture design in accordance to the lumen allowance for non-residential areas.



Two commercial lots in London, Ontario with excessive light pollution and glare (top) and relatively low light pollution and low glare (below). Photographs © Ryan Fraser 2015

4. LIGHTING DESIGN CRITERIA

4.5.4 Service Stations and Gas Stations

The purpose of lighting a service/gas station is to ensure patron safety and to draw attention and interest to the business. Over-illumination of the property is prohibited, and the illumination limits for property boundaries (Section 4.2) must be maintained. Installed fixtures are to be limited to a canopy whenever possible. In addition to adherence to the universal guidelines presented in Section 4.2, site average horizontal illuminance is not to exceed:

- 100 lux for pump island/under canopy
- 30 lux for service areas
- 20 lux for pathways/drives

In addition to the allowance provided in Table 4.4, service stations/gas stations have additional allowed lumens:

- LZ-1, 4000 additional lumens / pump
- LZ-2, 8000 additional lumens / pump
- LZ-3, 16,000 additional lumens / pump

These values are additional design criteria which need to be implemented in conjunction with the lumen allowance provided for non-residential sites.

4.5.5 Sports Recreational Fields

Outdoor sports fields require lighting for clear illumination of players. Sports/recreational fields have been divided into 4 classes:

1. More than 5,000 attendance seats (e.g. universities, colleges, semi-pro players)
2. 1,500 – 5,000 attendance seats (e.g. small universities or colleges, high-attendance high schools)
3. 500 – 1,500 attendance seats (e.g. high schools, training clubs with spectator seats)
4. Less than 500 attendance seats (e.g. leagues, elementary schools, little league, social events)

Using this classification system, illumination levels and lighting equipment must adhere to the IESNA Recommended Practice for Sports and Recreational Area Lighting (RP-6, latest edition). Illuminance values, fixture positioning, pole height, and curfew timing mandated in the IESNA RP-6 shall take precedence over the requirements outlined in this document.

4.5.6 Architectural and Vanity Lighting

Architectural lighting is used to highlight and attract attention to architectural features, heritage features, and municipal landscaping, monuments, or fountains. No fixture will be installed to emit light above the horizontal plane (e.g. directly upwards). No light fixture will be aimed at reflective or polished surfaces such as glass, smooth stone, glazed tile, etc. The maximum total illuminance shall not exceed 100 lux. Architectural/vanity lighting must be extinguished at curfew, preferably by automatic switch (Section 4.2, bullet 5, option A).

Lumens from architectural light fixtures must be included in the site maximum lumen allowance for non-residential sites (Table 4.4).

4.5.7 Security Lighting

Lighting to ensure the safety of pedestrians shall be used as required. Light fixtures for this purpose shall:

- Reduce brightness contrast
- Ensure no light is directed 90° above the horizontal
- Employ motion sensors (Section 4.2, bullet 5, option B)

These guidelines shall apply to all pedestrian trafficked areas and will be included in the site/lot lumen allowance.

4.5.8 Other

- Vehicular and temporary emergency lighting required by Fire and Police departments, or other emergency services shall be exempt from the requirements of the By-law.
- Outdoor lighting utilizing fossil fuels, including torches, lanterns, and open flames.
- Lights used by contractors, providing the lights are located on the property where such work is taking place and only during hours where work is occurring.
- Specific instances where concern for public safety conflicts with the guidelines outlined in this document will be evaluated on a case-by-case basis.



5. EXEMPTIONS

5.1 Grandfathered Lighting

All existing light fixtures in place at the time of this policy shall be grandfathered. Grandfathered light fixtures which are determined to cause excessive glare or light trespass may be required to be shielded, redirected, or removed. Any modification, relocation, repair, or reinstallation of any grandfathered light fixture must meet the design criteria laid out in Section 4. Should a property undergo a use or zoning change, all light fixtures must be updated to meet the design criteria in Section 4. All new fixtures installed after the date of this policy must meet the design criteria in Section 4.

5.2 General Exemptions

These guidelines do not take precedence over highway and road lighting bylaws.

5.2.1 Recreational use - after 11 PM - limitation

Where an outdoor recreational use in an outdoor recreational facility continues after 11 PM, outdoor light fixtures required to be on in connection with that use are permitted, but only while that use continues.

5.2.2 Entertainment event - after 11 PM - limitation

Where a concert, play or other entertainment event in a park or on other land owned by the Corporation and used for public purposes takes place or continues after 11 PM, outdoor light fixtures required to be on in connection with that event are permitted, but only while the event takes place or continues.

5.2.3 Hospitals

All hospitals shall be exempt.

5.2.4 Seasonal lighting

Lighting such as Christmas and other holiday lighting shall be exempt.

5.2.5 Temporary Exemptions

Any person may submit a written request for temporary exemption from the recommendations by completing a written request form prepared by the City. The written request should include:

- Specific exemption request
- Type and use of exterior lighting involved
- Date(s) of the event
- Duration of the event
- Location of exterior lighting
- Size, wattage, and height of proposed lighting

The owner or lease of the land upon which the prohibited light(s) will be placed shall apply to the city for an exemption. Plans for the location and fixture specifications for the specified light(s) shall be submitted with the application.

An exemption may be granted in whole or in part with terms and conditions. Any breach by the applicant of any of the terms or conditions will render the exemption null and void.



Keith Urban at Rock the Park music festival, London Ontario.
Photograph © Derek Ruttan 2015



6. BIRD-FRIENDLY DESIGN

Mortality rates of birds are increasing due to collisions with buildings, especially during the migratory season. Each year nearly 25 million birds die in Canada from building collisions alone, making reflected light from buildings one of the most deadly threats to birds. With new guidelines in place, a building that emits reflected light which injures or kills birds is now a violation of the provincial Environmental Protection Act (EPA) and the federal Species At Risk Act (SARA). Due to these legal offenses, it is important for buildings to follow bird-friendly design guidelines across Canada.

The following strategies outline recommendations for achieving green standards for bird-friendly development, and are derived from the City of Toronto Green Development Standard: Bird-Friendly Development Guidelines (2007), City of Toronto Green Development Standard Version 2.0 (2015) and City of Toronto Bird-Friendly Development Guidelines Best Practices Glass (2016). These documents work together to reduce the threat of death from buildings by making glass less dangerous to birds and by mitigating light pollution. Options for creating visual markers, treating glass, and muting reflection shall be applied to 85% of glass features and windows for the first 12 m above grade (dimensions relate to typical tree height). Dimensions for visual markers and muting reflection applications are subject to building design and site conditions.

6.1 Visual Markers

Visual markers are the most effective technique to reduce window strikes and shall be used on exterior surface glass, balcony railings, fly-through conditions and parallel glass within the first 12 m of the building. The distance between patterns or applications on glass must be a distance of 10 cm by 10 cm or less and at least 5 mm in diameter. Visual markers should have high contrast and be applied to low reflectance, exterior surface glass.



6. BIRD-FRIENDLY DESIGN

6.2 Glass treatments

Glass treatments shall be applied above 12 m to the height of or anticipated height of the surrounding tree canopy and vegetation at maturity in sites close to natural areas such as ravines or woodlots. Glass treatments must also be applied to glass adjacent to or in the vicinity of elevated landscapes such as podium gardens and green roofs. Glass treatment options must also be applied to windbreaks, solariums and greenhouses in order to create sufficient visual markers for birds.

UV glass can be effective since birds are able to see into the UV spectrum, making UV treated glass opaque to birds but translucent to humans. Such UV glass must be tested and approved by a third party for effectiveness as outlined in the 2014 Toronto Green Standard version 2.0.

Patterned or 'fritted' glass refers to glass which contains opaque or translucent images or abstract patterns. The images are created by using dots in a variety of sizes and densities which are most effective on the exterior surface of the glass. Only non-reflective glass should be used when combined with fritted patterns. Pattern design should follow the outlines in 6.1: Visual Markers.

Film products refers to external film applications or laminates which contain images or patterns and can be designed to enhance the architectural design of the building.

Decals with no more than 5 to 10 cm of clear spaces between patterns can be used. Decals must be located on the exterior glass.

Decorative Grilles and Louvres refer to exterior grille features which if applied must be 10 cm by 10 cm or less.

Fenestration Patterns refer to multiple paned glass containing horizontal and vertical mullions. Panes must be no more than 28 cm with 10 cm or less the most effective visual marker.

Art work applied to the interior or exterior of windows can be used to provide sufficient visual markers while allowing for natural light.



Photo: John Carley



Photo: FLAP Canada



Photo: MMC Architects



Photo: MMC Architects

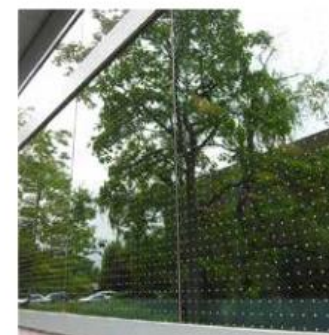


Photo: FLAP Canada



Photo: FLAP Canada

6. BIRD-FRIENDLY DESIGN

6.3 Muting Reflections Options

Awnings and overhangs to mute images at ground floor level.

Sunshades refer to applications to reduce direct sunlight, while allowing indirect light into rooms. This feature mutes reflection thus reducing window strikes.

6.4 External Lighting

Decorative Lighting should be eliminated wherever possible. For existing buildings, decorative lighting should be projected downward and turned off during migratory season (September – November, March – May)

Advertising Lighting must be lit from above to reduce the volume of light being projected unnecessarily into the night sky.

Event and Festival Lighting such as spotlights and search lights must be prohibited during bird migration season.

Roof Top Lighting that should be prohibited. Vanity lighting may be allowed only if the following conditions are met:

- Exterior light fixtures are installed to prevent unnecessary light spillage.
- Vanity lighting is turned off from 11 PM - 5 AM year-round without exception utilizing an automatic device.

Overrides afterhours may be provided by a manual or occupant sensing device with a limit of 30 minutes.

6.5 Interior Lighting

Bird Friendly Operational Systems and Practices refers to the use of operating and system practices by residents, tenants, building owners, and managers to help reduce migratory bird fatalities. The following strategies can be used:

- **Installation of interior task lighting** at work stations be the recommended light source during evening work hours, increasing energy efficiency, reducing light pollution, and migratory bird fatalities. Overhead lighting be turned off at night and focused lighting such as task lighting be used during bird migration season.
- **Provision of shielding from interior generated light** with less than 10 % transmittance overnight for all fenestrations (windows, doors, skylights, curtained walls), for example blinds and curtains.
- **Motion-Sensitive Lighting** to be installed and retrofitted in lobbies, walkways, corridors, and operating systems that automatically turn off lights during after work hours.
- **Internal Location of Greenery:** Building owners and managers must locate greenery away from clear glass and minimize lighting levels through motion sensing lighting in ground floor lobbies, walkways and corridors and retrofit glass in these areas wherever possible with bird friendly window applications in order to meet the Bird Friendly Green Standard (birds drawn into cityscapes by light pollution seek safety by flying towards greenery and are extremely dangerous in these areas.)



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8. CONTRIBUTORS

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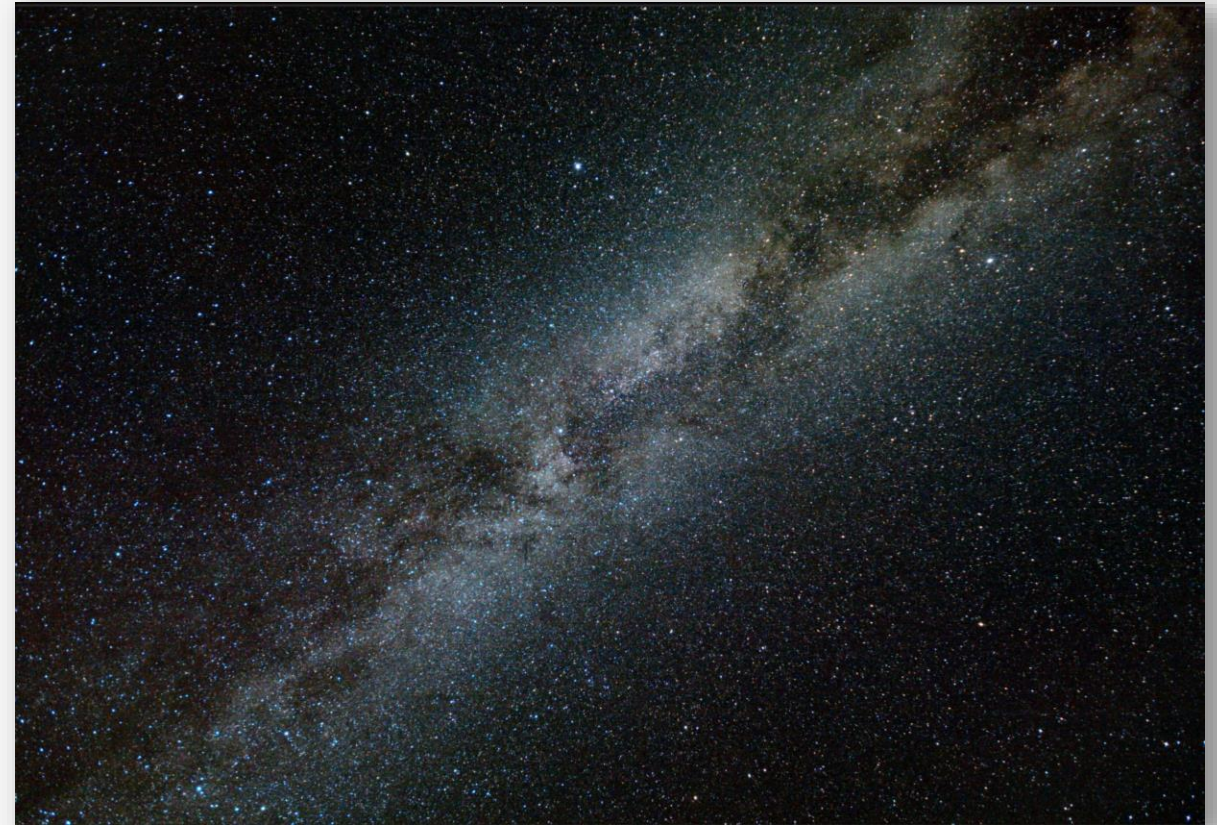
Advisory Committee on the Environment (ACE)

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Animal Welfare Advisory Committee (AWAC)

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The Summer Triangle and Milky Way, from Fingal, Ontario.
Photograph © Ryan Fraser and Trevor McNaughton 2012

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: London Affordable Housing Foundation
1039, 1041, 1043, 1045, 1047 Dundas Street
Public Participation Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of London Affordable Housing Foundation relating to the property located at 1039, 1041, 1043, 1045, 1047 Dundas Street:

- (a) The proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting April 10, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Business District Commercial (BDC) Zone, **TO** a Business District Commercial Bonus (BDC*B(_)) Zone, subject to the completion of a development agreement, to facilitate the development of a high quality, multi-storey, mixed-use building with a maximum of 41 dwelling units (556 units per hectare) which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:
- i) Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design.
 - ii) Provision of Affordable Housing

The development provides 41 dwelling units (556 units per hectare), consisting of 32 one bedroom units and 9 barrier free one bedroom units for affordable housing.
- (b) The Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
- i) Appropriately mitigate potential CPTED issues through site design alternatives, specifically along the interior side yards and vehicular entrance.
 - ii) Enhance the landscape strip along the rear property line to include buffer plantings (trees) adjacent to residential properties.

Executive Summary

Summary of Request

The recommended bonus zone would permit the development of a mid-rise apartment building and ensure that only 1 bedroom units would be permitted within the development. Additional zoning provisions to provide for first floor residential units, and a minimum parking requirement of 22 spaces where 52 spaces are required has also been requested through the Bonus zone.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested amendment is to permit a new 5-storey apartment building containing 41 one bedroom residential units at a total density of 205uph and maximum height of 18 metres. Direction to the site plan approval authority will help address local concerns about the creation of unsafe areas on the site. The bonus zone shall be implemented through a development agreement to facilitate the development of the requested apartment building in return for the provision of affordable housing and the construction of the high quality form of development illustrated in Schedule “1” of the amending by-law.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment is consistent with the City of London Official Plan policies and Rapid Transit Corridor Place Type policies of the London Plan.
3. The recommended amendment facilitates the redevelopment of an underutilized site and encourages an appropriate form of development.
4. The bonusing of the subject site ensures the building form and design will fit within the surrounding area and provide for an affordable housing and quality design standard.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located along Dundas Street at the easterly end of the Old East Village Corridor. The site is situated on a block of land between the Western Fair grounds and former Kellogg’s factory. The surrounding area is considered to be in transition as large areas of land were formerly used for light industrial uses (McCormicks and Kellogg’s Sites) but the future land use direction envisions the development of commercial and residential uses.

The subject site is currently vacant and previously consisted of 5 single detached dwellings which have been merged to create a single lot to accommodate the proposed apartment building. The sight also abuts a small cluster of low density residential uses to the south and commercial/low density residential uses to the north.

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

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Rapid Transit Corridor
- Existing Zoning – BDC Zone

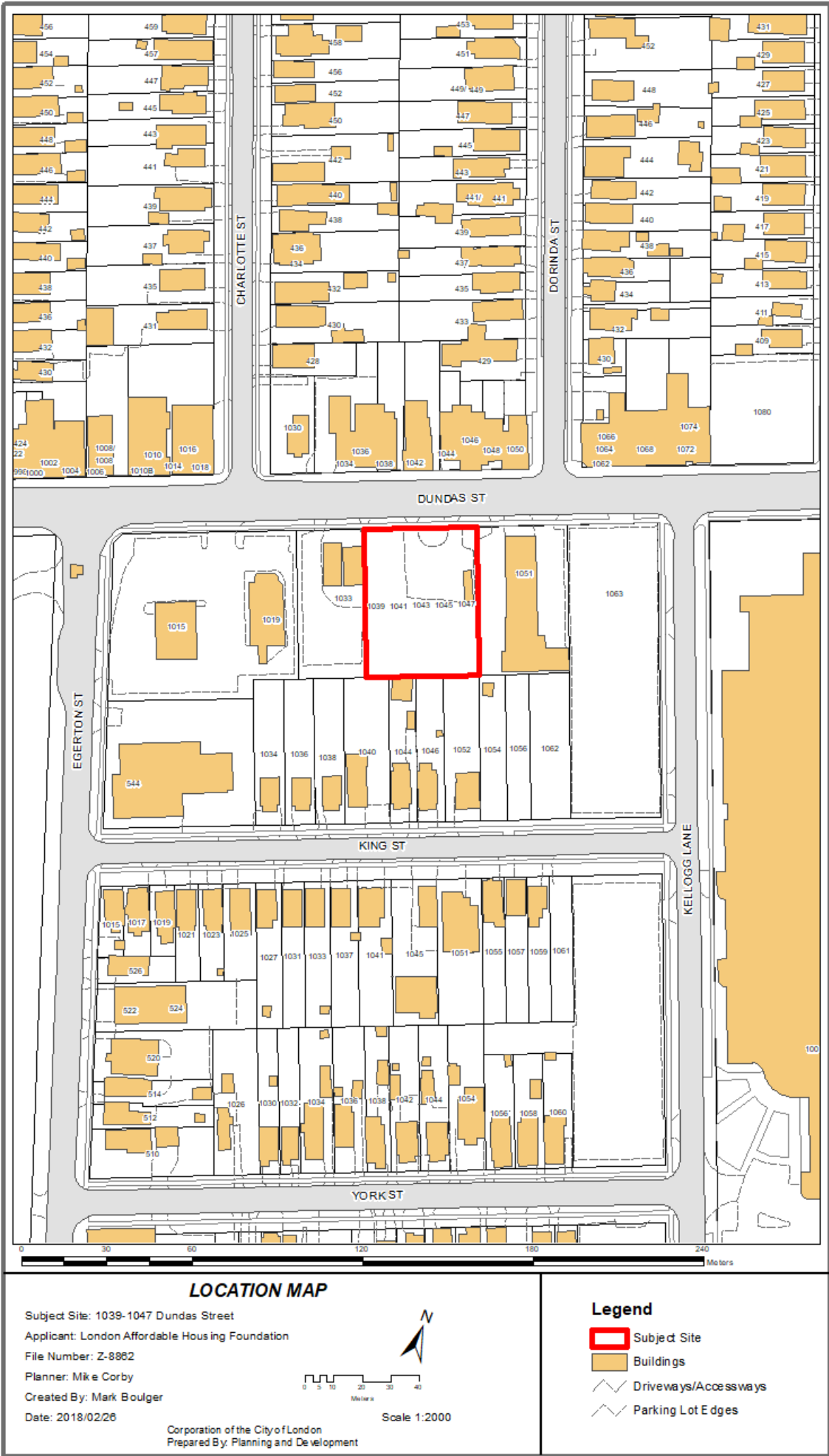
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 40 metres (131.2 ft)
- Depth – 52m (170.6 ft)
- Area – 0.20ha (0.49 acre)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Low Density Residential/Commercial Space
- East – Assembly Hall/Light Industrial
- South – Low Density Residential
- West – Commercial/ Western Fair

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposed development is for a 5-Storey apartment with a total of 41 residential units, consisting of 32 one bedroom units and 9 barrier free one bedroom units for affordable housing. A total of 22 at-grade parking spaces are to be provided in the rear yard along with 32 indoor bicycle spaces. The building will be located at the front of the property along the ultimate road widening to address the street and maintain a form of development that is in keeping with current and future developments in the area.

3.0 Revelant Background

3.1 Planning History

The subject site was previously home to 5 single detached dwellings which were demolished in 2008/2009 and have remained vacant since. The properties are located at the easterly edge of the Old East Village corridor in an area that historically was a transition area from the main commercial area of the Village to the former industrial uses of Kellogg's and McCormick's. Some light industrial uses still exist in this area however the extent of industrial uses has decreased and a shift to more commercial and residential uses has been planned in the area. The Old East Village has 3 specific area policies in the Main Street Commercial Corridor [MSCC] designation and this site is located just outside of the Area of Transition and Redevelopment. The Area of Transition identifies that these lands along the corridor are not considered to be a viable part of a continuous pedestrian commercial streetscape as such it promotes a mix of uses to help encourage development.

3.2 Requested Amendment

The requested amendment would permit a new 5-storey apartment building containing 41 one bedroom residential units at a total density of 205uph and maximum height of 18.0 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other zoning provisions such as first floor residential units, and a minimum parking requirement of 22 spaces has also been requested. The amendment will require a change to the Zoning By-law Z.-1 from a Business District Commercial (BDC) Zone to a Business District Commercial Bonus (BDC*B(_)) Zone.

3.3 Community Engagement (see more detail in Appendix B)

Through the circulation process some community concerns were raised about on site safety, details of the proposed design, requested reduction in parking and the lack of commercial uses on the main floor. The Old East Village Business Improvement Area also echoed these concerns and their comments are attached to Appendix "C". The report below addresses these concerns in detail.

A community meeting was also held by the applicant on January 31, 2018 comments from the meeting are attached as Appendix "C" and summarized in Appendix B.

3.4 Policy Context (see more detail in Appendix D)

Provincial Policy Statement (2014)

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

service facilities and are also transit-supportive (1.1.3.2).

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

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households. It also encourages planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

Official Plan

The Main Street Commercial Corridor (MSCC) designation is normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City. Those Main Street Commercial Corridors adjacent to the Downtown will be regarded as gateway areas and subject to additional policies (4.4.1.3. Function). The objectives of these corridors are to provide for the redevelopment of vacant, underutilized or dilapidated properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development while maintaining a similar setback and character of the existing uses. (4.4.1.1 Planning Objectives). In order to ensure these objectives of scale, compatibility and character are achieved the MSCC has specific Urban Design Objectives (4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting while supporting public transit and encourage the transition and connection between the gateway Main Street Commercial Corridors and the Downtown through pedestrian, transit and design linkages.

The main permitted uses in the Main Street Commercial Corridors (4.4.1.4.) include a wide range of commercial, office, institutional and residential uses created through the development of mixed-use buildings. In specified Main Street Commercial Corridors identified in Section 4.4.1.13 the primary and secondary permitted uses and/or other policies relating to the nature and scale of development have been varied to meet specific policy objectives for these areas.

The subject site is located just outside of the Old East Village Specific Main Street Commercial Corridor (4.4.1.13.2) and although the policies do not directly apply to the subject site some of the principles are transferable to this section of Dundas Street. The specific policies refer to the Area of Transition and Redevelopment which is located west of the subject site spanning from the eastern edge of the Village Annex to Egerton Street on the south side of Dundas Street and to Charlotte Street on the north side of Dundas Street, almost across the street from the subject site. The Area of Transition acknowledges that large gaps in the streetscape exists and given the length of the entire corridor extending from Adelaide Street, this district is not currently considered a viable part of a continuous pedestrian commercial streetscape. This plan supports the transition of this area to provide for a mix of uses.

The scale of development (4.4.1.7.) is also important in the Main Street Commercial Corridor when redeveloping or infilling commercial uses. The corridor aims to maintain

a setback and orientation that is consistent with adjacent uses. Residential densities within the corridor should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.3. of this Plan.

Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas. Main Street Commercial Areas should ensure that urban design provides continuity of the urban fabric; provides incentives and flexibility for redevelopment opportunities; provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (4.4.1.9. Urban Design)

London Plan

The subject site is located in a Rapid Transit Corridor which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses. Mixed-use buildings are encouraged while large floor plate, single use buildings will be discouraged (Permitted Uses, 837_).

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility. The corridor requires minimum height of 2 storeys (or 8m) with the ability to bonus up to 12 storeys. Lot assembly is encouraged to help create comprehensive developments and reduce vehicular accesses to the street and to allow for coordinated parking facilities. Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites (Intensity, 840_).

Like the current Official Plan, all planning and development applications will conform with the City Design policies of the London Plan. Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line. The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged. Development should be designed to implement transit-oriented design principles while buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation. On-street parking within Corridors is encouraged wherever possible while surface parking areas should be located in the rear and interior side yard (Form, 841)

4.0 Key Issues and Considerations

Through the circulation process no departmental concerns were expressed. Overall the proposal received positive reviews from the members of the public who attended the community meeting held by the applicant however some concerns were raised about the lack of commercial units on the main floor of the development, limited parking being provided, minor design changes and potential CPTED issues. The report below addresses these concerns in detail.

4.1 Issue and Consideration # 1 – Commercial Uses on Main Floor

Provincial Policy Statement, 2014 (PPS)

The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and

mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development will be integral within this community as it will increase the vitality and regeneration of the surrounding area while maintaining an appropriate land use pattern within a settlement area. The proposed apartment will help stimulate and support the existing uses in the area and help draw future uses to the primary commercial areas of Old East Village. The requested infill development will create an appropriate increase in density and provide a land use that is considered compatible with the surrounding lands and will efficiently use the consolidated properties which previously were home to single detached dwellings. The increase in density and proposed residential uses on the main floor is appropriate as it will take advantage of the surrounding resources, infrastructure, public service facilities and will be transit-supportive while providing a use to help stimulate growth in the area.

The PPS also promotes appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households. It also encourages planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. The PPS promotes increased densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

As previously noted the residential development and proposed density are located in an area where the new development will efficiently use the existing infrastructure and surrounding resources/public service facilities. The proposed residential development helps promote an alternative form of housing and density in the area that mainly consists of low density forms of housing while helping meet the social, health and wellbeing for current and future residents. The increased density is also appropriate as it will support the existing transit systems in the area and is located along a future BRT route where higher densities are encouraged to locate.

Official Plan

The Main Street Commercial Corridors provide for a wide range of retail/commercial uses along with residential uses created through the conversion of existing buildings, or through the development of mixed-use buildings with residential uses permitted above the first floor. In specific Main Street Commercial Corridors identified in Section 4.4.1.13 the primary and secondary permitted uses and/or other policies relating to the nature and scale of development have been varied to meet specific policy objectives for these areas.

The subject site is located just east of the Old East Village Specific Main Street Commercial Corridor (4.4.1.13.2) and although the policies do not directly apply to the subject site some of the principles are transferable to this section of Dundas Street. The specific policy of importance is called the Area of Transition and Redevelopment. This area is located just west of the subject site as it ends at Charlotte Street on the north side of Dundas Street almost across the street from the subject site. The subject site is located further away from the main commercial corridor of the OEV where policies encourage commercial uses to locate. The Area of Transition acknowledges that large gaps in the streetscape exists and given the length of the entire corridor extending from Adelaide Street, this district is not currently considered a viable part of a continuous pedestrian commercial streetscape.

The specific area policies acknowledge the difficulties of the Old East Village corridor as it pertains to developing and maintaining a viable and continuous commercial presence along such a long corridor. With the Area of Transition promoting a mix of uses and not

requiring a continuous commercial streetscape, an alternative form like the proposed apartment would be deemed appropriate for this area. Policy 4.4.1.13.2 states that this area "...will be pre-zoned to allow for medium and large-scale development such as multi-family housing...". The subject site previously existed as 5 single detached dwellings with no commercial component existing on-site and the buildings across the street are primarily residential in nature with some commercial uses existing and other commercial units remaining vacant. Considering the previous absence of commercial uses on-site and the varying amount of at-grade commercial uses existing in the area it is considered appropriate to remove the requirement for commercial uses on the main floor. However, it should be noted that the recommended zoning does permit commercial uses at-grade, it simply removes the regulation to compel it.

This block of land is also located in isolation to the other residential and commercial clusters of the corridor. It is situated between the existing Western Fair Grounds to the west and former industrial lands to the east where a continuous street level commercial corridor does not exist (See image below). Although the industrial lands to the east are looking to redevelop much of these uses will exist within the existing buildings with a minimum street-level presence and it will be difficult for this section of the corridor to function as an isolated pocket of street-level commercial in a mixed-use building away from the cluster of commercial to the west. With the current focus of directing commercial uses to the main portion of the Old East corridor there is no reason to require commercial space within this development. For these reasons it is appropriate to provide a special provision that does not require commercial uses on the main floor of the proposed development.



The London Plan

The Rapid Transit Place Type policies also encourage mixed-use buildings along the corridors, however given the surrounding context and above-mentioned analysis about commercial uses in this area, a residential building with no commercial uses on the main floor would be considered appropriate at this location at this time. While recognizing that should conditions change, the building has been designed to accommodate future commercial uses at-grade and the recommended Zoning would permit the transition.

4.2 Issue and Consideration # 2 – Proposed Design/Form

Provincial Policy Statement, 2014 (PPS)

The proposed development is in keeping with the PPS as it provides an opportunity for intensification at an appropriate location taking into account the existing building stock in

the area. The new development provides a compact form that appropriately intensifies an underutilized site while providing an alternative form of development than what currently exists in the area. The development will be required to meet current development standards and site plan requirements. The subject site is located on a future bus rapid transit line in proximity to other bus routes and is an appropriate location to provide intensification at a higher density than previously existed. The development will promote active transportation limiting the need for a vehicle to perform daily activities in conformity with the goals of the PPS.

Official Plan

The objectives of the Main Street Commercial Corridors are to ensure that when implementing its broad range of permitted uses the scale is compatible with adjacent developments. The policies aim to maintain a setback that is consistent with adjacent uses while maintaining the character of the existing uses. (4.4.1.1 Planning Objectives, 4.4.1.7 Scale of Development). In order to ensure these objectives of scale, compatibility and character are achieved, the MSCC has specific Urban Design Objectives (4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting while supporting public transit and encourage the transition and connection between the gateway Main Street Commercial Corridors and the Downtown through pedestrian, transit and design linkages. Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas (4.4.1.9. Urban Design).

As part of a complete application the applicant provided an Urban Design Brief, Character and Compatibility report and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. Some minor concerns were raised by the UDPRP and Staff who suggested that the applicant revisit the design of the building's main entrance, refine the window pattern to add visual interest in the front façade, provide a variation in building height and increase the visual surveillance through building and site design. The applicant was also encouraged to consider opportunities to provide on-site common amenity area and include buffer plantings (trees) adjacent to residential properties along the rear property line. The recommendation includes a clause to the Site Plan Approval Authority to consider implementing this recommendation.

The applicant has addressed many of the above-mentioned concerns by providing a revised building entrance that helps define the front façade and create a focal point for the building and establish a main street feel. The original window pattern has been altered from narrow rectangular windows to a large window pattern helping to provide visual interest to the front façade. The internal meeting space of the building was also shifted to the front of the building to help increase the visual interest and activity on the main floor as well as address safety concerns by increasing the visual surveillance of the site. Openings along the westerly wall of the vehicular access have also been provided to ensure light and sight lines are provided at the entrance. Though a physical change in height could not be accommodated, the applicant has altered the building design by providing a change in materials after the 4th floor and use of a datum line to differentiate sections of the building.

A concern that was also raised through the process was the setback of the proposed building in relation to the existing developments. The building was required to be sited further from Dundas Street than the existing developments along the corridor as the road widening requirements for the future BRT is greater than what previously existed. However, when the abutting lands redevelop they will also be required to provide the additional setback ensuring future development will be in line with the proposed development creating a continuous, pedestrian oriented block of land in keeping with

design objectives of the MSCC. The development is accessible providing walkable sidewalks from the City sidewalk to the main entrance and will support public transit while providing a quality form of development to help enhance the transition between the Dundas Street, Main Street Commercial Corridor as a gateway into Downtown. Urban Design Staff and UDPRP overall were pleased with the proposed development and, with the design considerations being addressed, the development is in keeping with the design guidelines outlined in Chapter 11 and in keeping with the Urban Design objectives of the MSCC.

London Plan

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility. The corridor requires minimum height of 2 storeys or 8m with the ability to bonus up to 12 storeys. Lot assembly is encouraged to help create comprehensive developments and reduce vehicular accesses to the street and to allow for coordinated parking facilities. Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites (Intensity, 840_).

Similar to the current Official Plan all planning and development applications will conform with the City Design policies of the London Plan. Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create a separation distance between new development and properties that are adjacent to the rear lot line. The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged. Development should be designed to implement transit-oriented design principles while buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation. On-street parking within Corridors is encouraged wherever possible while surface parking areas should be located in the rear and interior side yard (Form, 841)

The proposed development is in keeping with the policies of a Rapid Transit Corridor.

4.3 Issue and Consideration # 3 – Bonusing Provisions

Official Plan

Residential uses within the Main Street Commercial Corridor (“MSCC”) defer to the scale and densities allowed in the Multi-Family, High Density and Medium Density Residential designations which would permit a maximum density of 150uph at this location.

As previously indicated, the applicant has applied to increase the density above the permitted 150 uph to 205 uph through the bonusing provisions outlined in Section 19.4.4 of the Official Plan. The policies of the Official Plan permit Bonus Zoning as a means of achieving enhanced development features which result in a public benefit that cannot be obtained through the normal development process in return for permitting increased heights and densities. The Planning Act provides direction on bonusing which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law. The proposed building form and design (as discussed in Section 4.2- Design/Form) and provision of affordable housing, which may not otherwise be implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan. These bonusable features are outlined below:

i) Exceptional Building Design

The building design shown in the various illustrations contained in Schedule “1” of the amending by-law is being bonused for features which serve to support the City’s objectives of promoting a high standard of design.

ii) Provision of Affordable Housing

The development provides 41 residential units, consisting of 32 one bedroom units and 9 barrier free one bedroom units for affordable housing.

In order to implement the identified items for bonus zoning, section 19.4.4 iv) of the Official Plan states that:

“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”

Bonus zoning is implemented through a development agreement with the City that is registered on title to the lands. The development agreement is intended to “lock in” the design features that will be incorporated into the form of development to merit the additional density. Through the site plan approval process, the proposed development will be reviewed to ensure that all facilities, services and matters that have warranted bonus zoning have been incorporated into the development agreement. These design features are highlighted in the recommendation and the amending by-law included in the illustrations attached as Schedule “1”.

4.4 Issue and Consideration # 4 – Parking Reduction

Some concerns were raised about the request to reduce parking as it would result in overflow parking on abutting lands. The Zoning By-law requires apartments to provide 1.25 spots per residential unit, requiring 52 spaces for the 41 residential units proposed in this development. As part of a complete application the applicant submitted a Parking Justification Study which noted that the site is *“located on the No.2 Dundas Street transit route which operates at a 10 minute headway in peak hours and a 15 minute headway in off-peak hours and Saturdays. The site is within walking distance of the No.7 Wavell Route which operates on Florence Street and the No. 20 Cherryhill route which operates on Quebec Street. The latter provides a direct link to Fanshawe College. All three routes provide a direct link to the Downtown core.”* The Dundas Street Corridor will also be the future route of the BRT system. With several alternative forms of transportation in the immediate area the demand for automobile ownership will be reduced for future tenants given the proximity to three Bus routes and future BRT with direct access to the downtown core.

It is also important to note that the proposed development will be restricted to 1 bedroom units through the recommended bonus zone where general apartments can range up to 5 bedrooms per unit. This reduction in the number of bedrooms per unit also warrants consideration in the required parking standards for the site.

The parking study also referenced a similar affordable housing development owned by the applicant that provides 1 parking space per unit however only nine of the 25 spaces provided have registered users which results in a ratio of 0.36 spaces per unit. While this represents one example, this information in combination with the above mentioned public transit options and one bedroom restriction warrant a reduction in parking. For the above-mentioned reasons, the requested 22 parking spaces is being recommended where 52 are required.

4.5 Issue and Consideration # 5 – CPTED

During the consultation process the Old East Village BIA raised some site-specific safety concerns that relate to the physical development of the site. Both interior side yards create narrow, dark spaces between the proposed building and and future fencing on the site. It is recommended that these issues be considered through the Site Plan Approvals process to consider some form of fencing, lighting or alternative site design to ensure these spaces are protected from the public being able to access them for inappropriate uses.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The requested amendment to add a bonus zone on the subject site to permit a density of 205 uph would facilitate a purpose-built development which would include a 5-storey apartment building containing 41, one bedroom residential units for affordable housing. The recommended zoning is consistent with the PPS 2014 and with the City of London Official Plan and future London Plan. The recommendation will facilitate the redevelopment of an underutilized site and encourages an appropriate form of development while the use of a bonus zone ensures that the building form and design will fit within the surrounding area and provide for an enhanced design standard.

Prepared by:	Mike Corby, MCIP, RPP Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

March 26, 2018
MC/mc

Appendix A

Bill No. (number to be inserted by Clerk's Office)
(2018)

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1039,
1041, 1043, 1045, 1047 Dundas Street.

WHEREAS London Affordable Housing Foundation has applied to rezone
an area of land located at 1039, 1041, 1043, 1045, 1047 Dundas Street, as shown on the
map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to
lands located at 1039, 1041, 1043, 1045, 1047 Dundas Street, as shown on the
attached map comprising part of Key Map No. A.108, from a Business District
Commercial (BDC)) Zone to a Business District Commercial Bonus (BDC*B(_))
Zone.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by
adding the following new Bonus Zone:

4.3) B(_) 1039, 1041, 1043, 1045, 1047 Dundas Street

The Bonus Zone shall be implemented through a development agreement to
facilitate the development of a high quality, multi-use building, a total of 41 dwelling
units and density of 205 units per hectare, which substantively implements the Site
Plan and Elevations attached as Schedule “1” to the amending by-law.

The following special regulations apply within the bonus zone upon the execution
and registration of the required development agreement(s):

a) Regulations:

- | | | |
|------|---|---|
| i) | Density
(maximum) | 205 units per
hectare (83 units
per acre) |
| ii) | Height
(maximum) | 18 metres
(52.50 feet) |
| iii) | Parking
(minimum) | 22 Parking Spaces |
| iv) | Bedrooms
(maximum) | 1 per unit |
| v) | Dwelling units are permitted on the whole of the first floor. | |

The inclusion in this By-law of imperial measure along with metric measure is for the
purpose of convenience only and the metric measure governs in case of any discrepancy
between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with
Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage

of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 10, 2018.

Matt Brown
Mayor

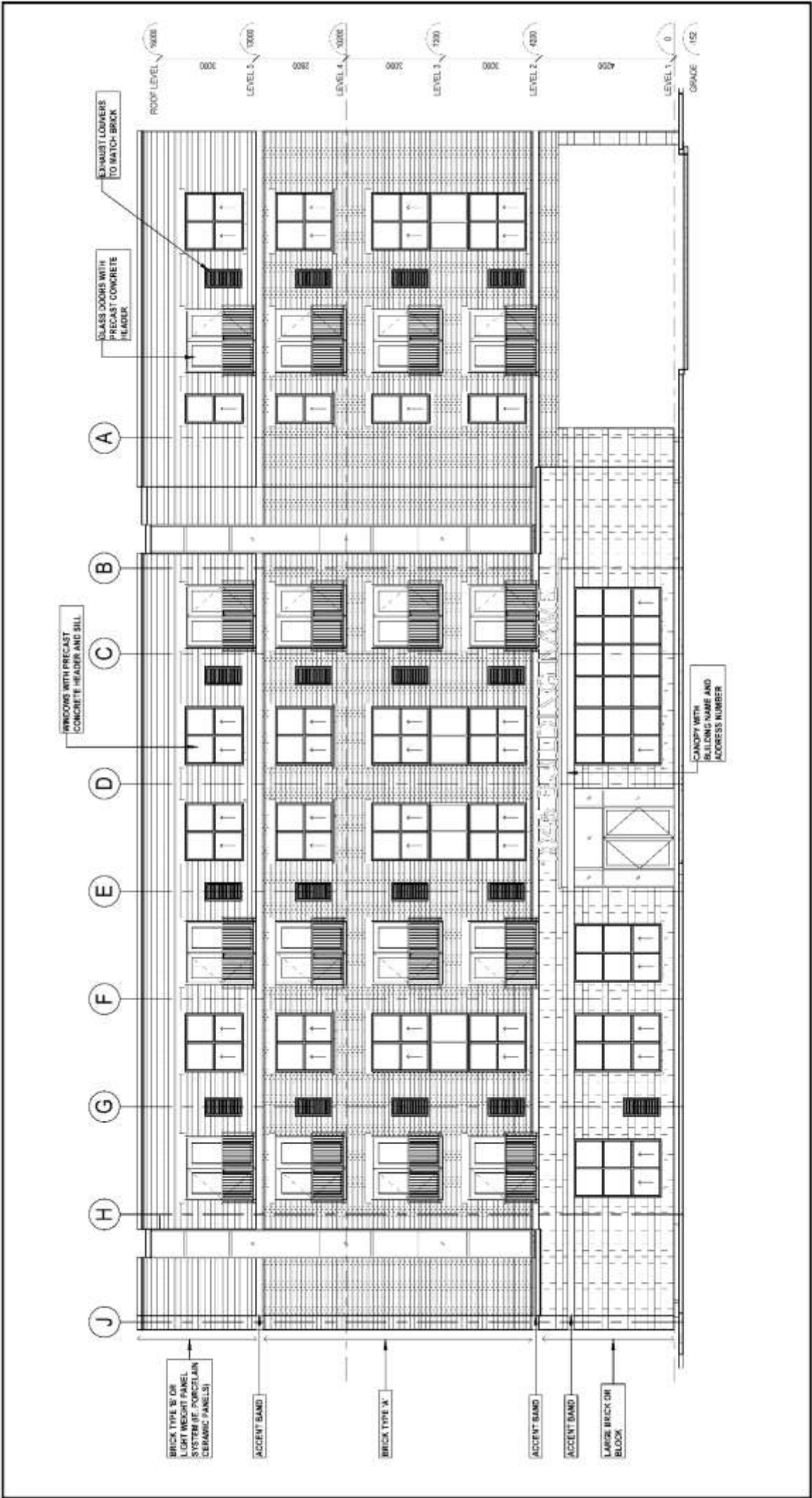
Catharine Saunders
City Clerk

First Reading – April 10, 2018
Second Reading – April 10, 2018
Third Reading – April 10, 2018

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

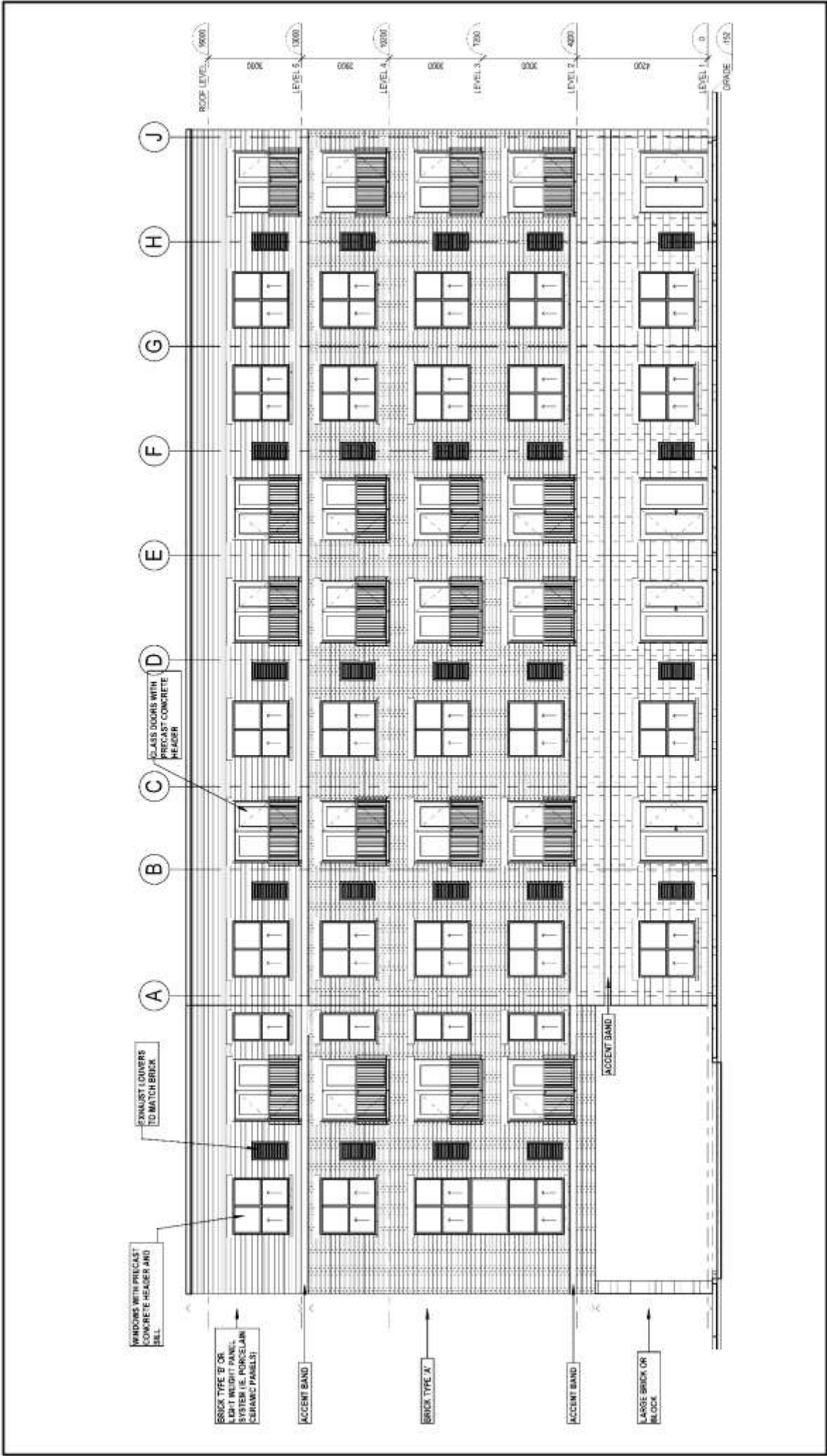


Schedule “1”



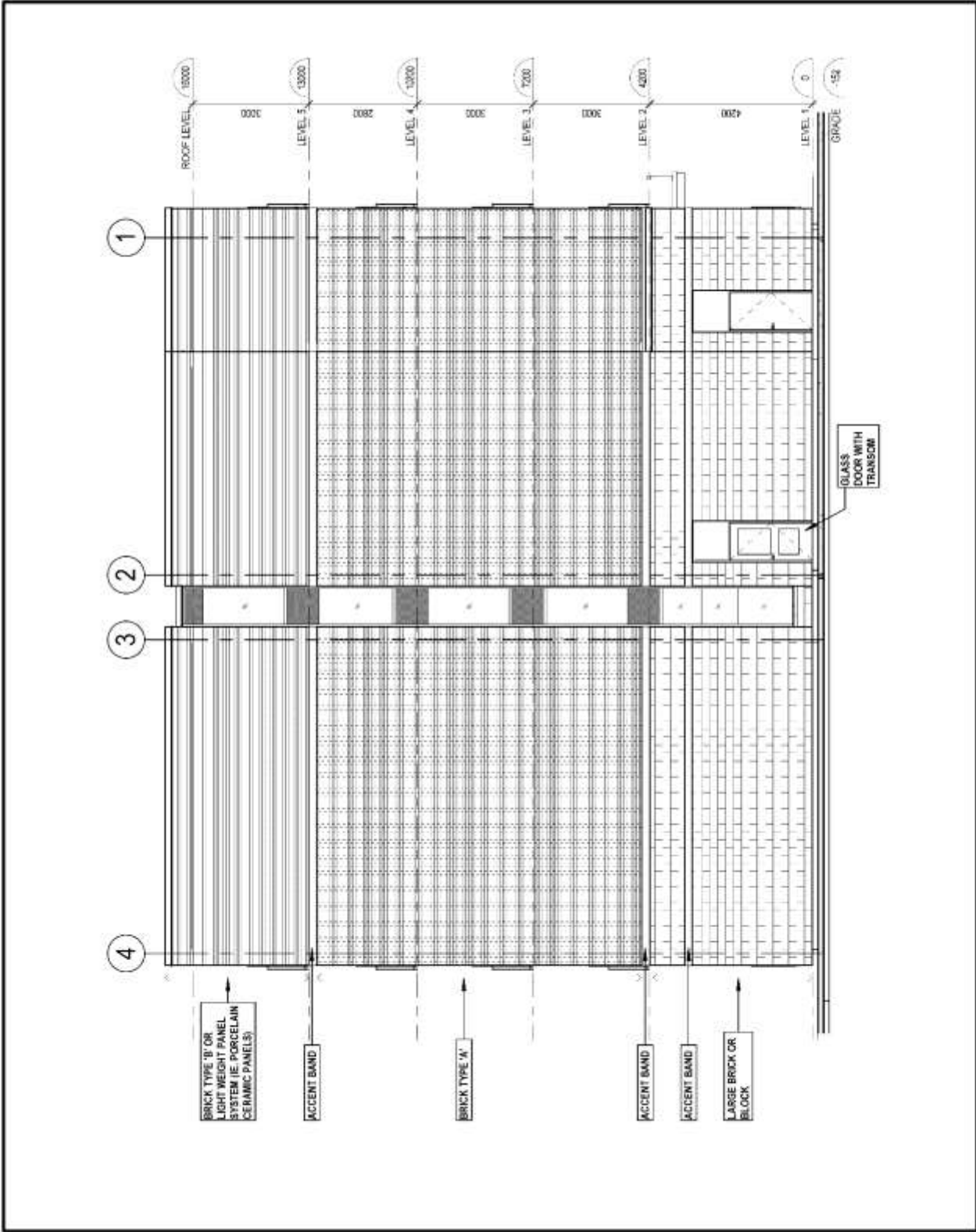
1 NORTH ELEVATION
A4.1 1:100

Schedule “1”



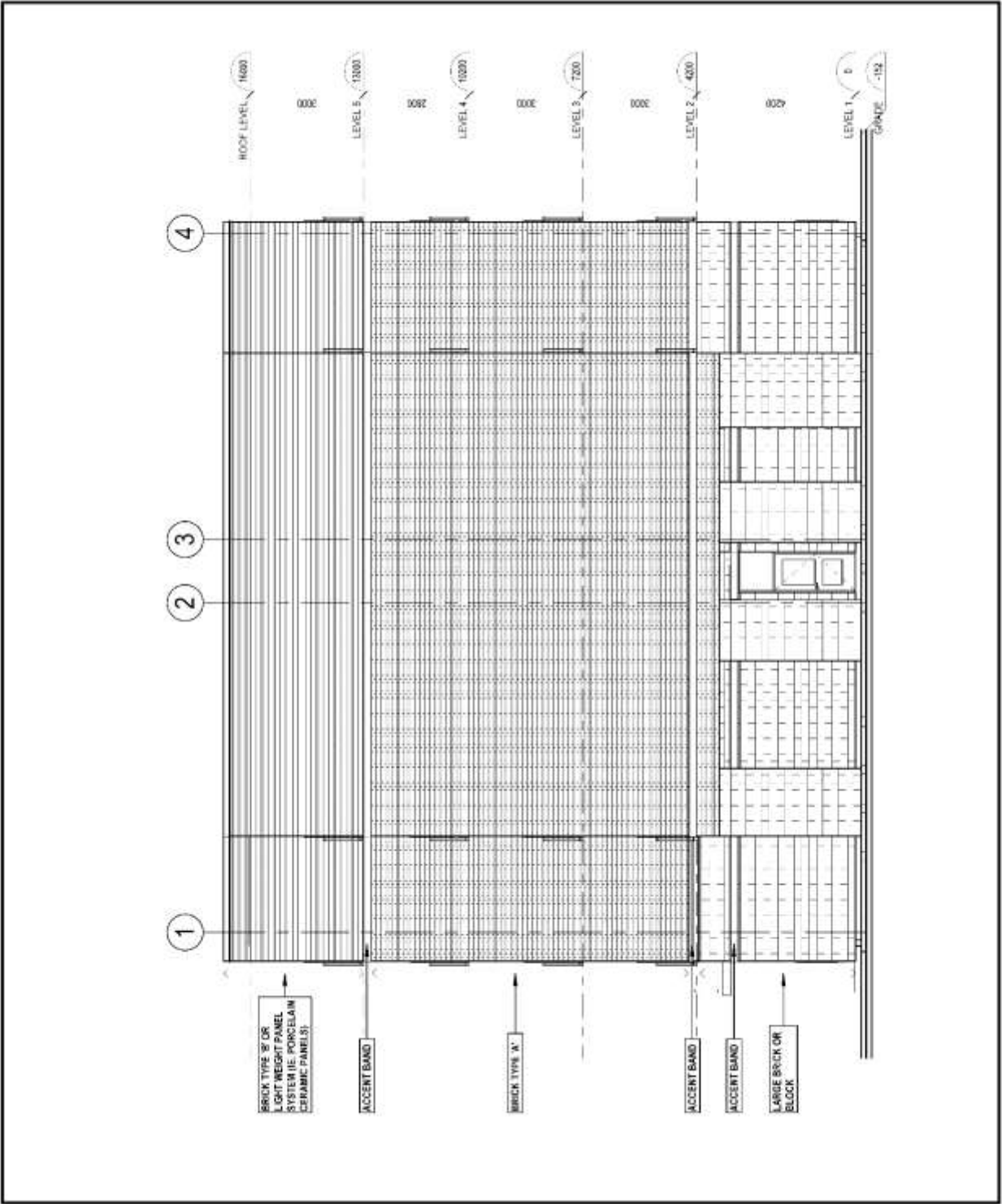
3 SOUTH ELEVATION
A4.1 1:100

Schedule “1”

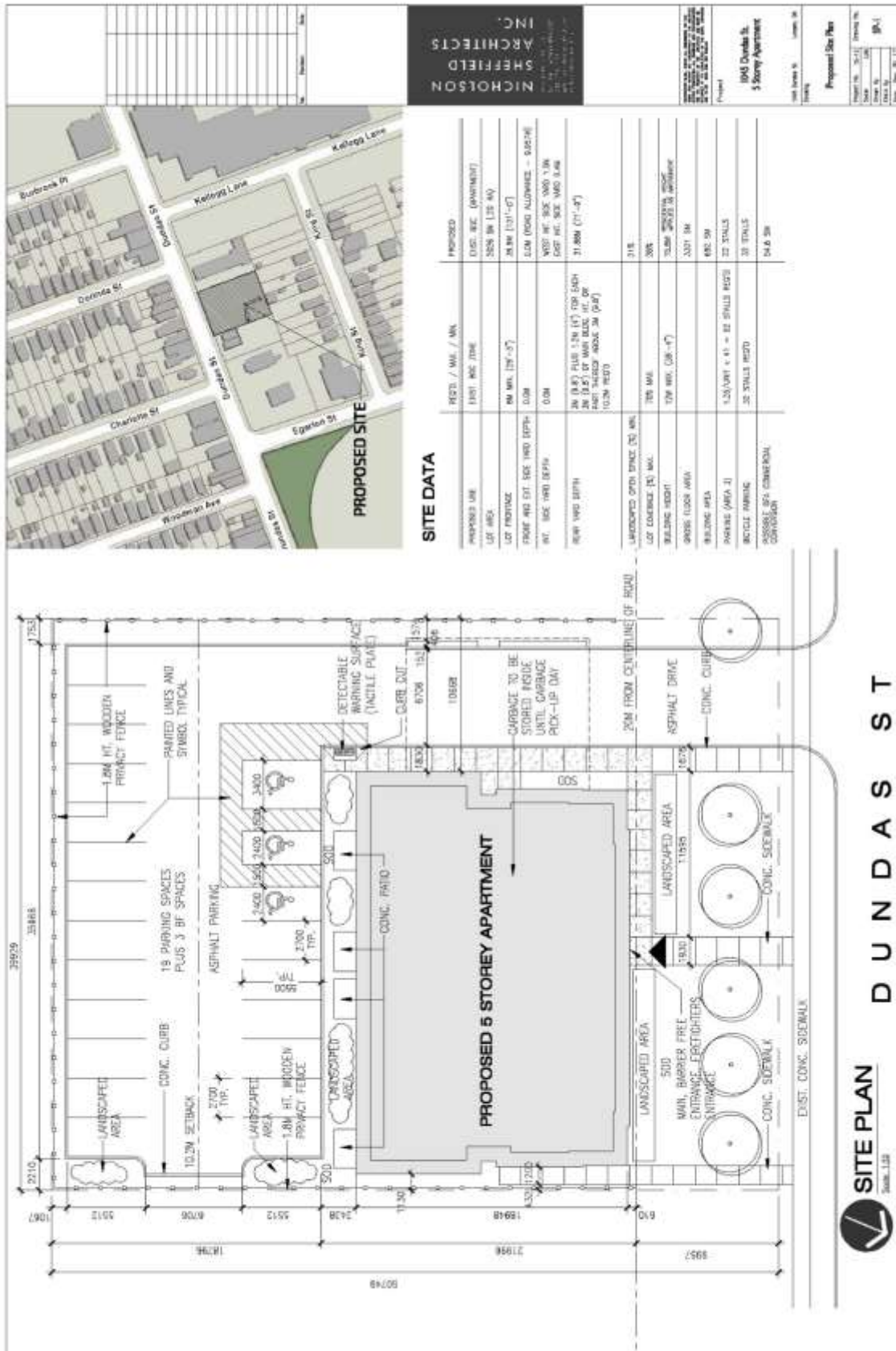


22 EAST ELEVATION
A4.1
1:100

Schedule “1”



4 WEST ELEVATION
44.1 1:100



Appendix B – Public Engagement

Community Engagement

Public liaison: On December 20, 2017, Notice of Application was sent to 92 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 21, 2018. A “Planning Application” sign was also posted on the site.

4 replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit a 5-storey apartment building containing 41 residential units.

Change Zoning By-law Z.-1 from an Business District Commercial (BDC) Zone to a Business District Commercial Bonus (BDC*B(___)) Zone to permit a height of 15.8 metres and a residential density of 205uph in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other special zoning provisions such as first floor residential units, and a maximum parking requirement of 22 spaces where 52 spaces are required will also be considered as part of the bonus zone.

Public liaison: On March 14, 2018, Revised Notice of Application and Public Meeting was sent to 92 property owners in the surrounding area. Revised Notice of Application and Public meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 15, 2018.

No replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit a 5-storey apartment building containing 41 residential units.

Change Zoning By-law Z.-1 from an Business District Commercial (BDC) Zone to a Business District Commercial Bonus (BDC*B(___)) Zone to permit a height of 17.8 metres and a residential density of 205uph in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other special zoning provisions such as first floor residential units, and a maximum parking requirement of 22 spaces where 52 spaces are required will also be considered as part of the bonus zone.

Community Meeting:

A community meeting was also held by the applicant on January 31, 2018 comments from the meeting are attached below.

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

Concern for:

- Requested reduction in parking.
- No Commercial uses on Main Floor
- Design
- Safety

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

Telephone	Written
Carol Cooke 432 Dorinda St, London ON, N5W4B4	Dr. Malizia 1033 Dundas St, London ON
	Bill Downie 1052 King St, London ON
	Alan R. Patton Patton Law 1512-140 Fullarton Street London ON N6A 5P2
	Lewis Seale 1 – 1036 Dundas, London N5W 3A5

Agency/Departmental Comments

Development Services – January 19, 2018

Transportation

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- Road widening dedication of 20.0m from centre line required on Dundas Street
- Dundas Street has been identified as a rapid transit corridor in the Council approved Rapid Transit Master Plan (RTMP). Through the Transit Project Assessment Process (TPAP), the corridor and station locations will be refined and examined in greater detail, future access to Dundas Street will be restricted to right in/right out. For information regarding the RTMP or TPAP please use the following web links:
<http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx> or
<http://www.shiftlondon.ca/>
- Detailed comments regarding access design and location will be made through the site plan process.

SWED

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Brief 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.
- This site can be service by the 1350mm storm sewer or the 825mm storm both on Dundas Street, confirming there is sufficient surplus capacity in the pipe and downstream system to accommodate the proposed development.

Water

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- A new 400mm PVC watermain along Dundas Street is available to service the site.

WADE

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- The sanitary sewer available for the proposed development is the new 300mm sanitary sewer on Dundas Street.

Additional comments may be provided upon future review of the site

London Hydro – January 8, 2018

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.

Upper Thames River Conservation Authority – January 17, 2018

The UTRCA has no objections to this application.

Urban Design Peer Review Panel – February 21, 2018

The Panel provides the following feedback on the submission to be addressed through the zoning bylaw amendment application:

1. Entrance. The front building entrance should be further defined to be more prominent along the front façade.
2. Fenestration. The Panel supports the applicant's intent to further refine the window pattern to add visual interest in the front façade.
3. Variation in building height. The Panel recommends providing variation in building height which may also be achieved through the use of varying building materials and building volumes.
4. Visual Surveillance. The Panel is supportive of the openings added to the driveway wing wall, supporting the building above. Additional visual surveillance and transparency from the building is recommended by adding windows along the side walls at grade and at the corners (e.g. stairwells and the building's driveway wall).
5. On-site amenity. The Panel encourages the applicant to consider opportunities to provide on-site common amenity area either interior or exterior to the building. An example could include shifting the interior meeting room to the front façade (allowing for additional glazing and potential spill-out of amenity in the front e.g. benches).
6. Rear property line buffer. The landscape strip along the rear property line should include buffer plantings (trees) adjacent residential properties.

Concluding comments:

The Panel supports the proposed project with the recommendations noted above. Regarding the building's front setback, should the City re-evaluate the required BRT right-of-way width, the Panel would support moving the building closer to the street edge.

Urban Design Staff – March 19, 2018

Urban design staff have worked closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the community, the Urban Design Peer Review Panel, and City staff. The majority of the design concerns, in particular those related to the design of the main entry into the building, the amount of glazing on the ground floor, the size and shape of the window openings, and the design of the underpass driveway have been addressed with the final proposed elevations. The proposed building design is generally in keeping with the vision for the corridor and establishes an active built edge along the Dundas Street frontage with all parking functions located in the rear. The use of masonry brick and block materials on the façade provides for a high quality finish that is appropriate for this highly urban corridor and is consistent with other buildings along Dundas Street.

London Transit Commission – March 20, 2018

I am writing to voice London Transit's strong support for the by-law amendment at 1039-1047 Dundas St. Intensification, particularly that involves subsidized housing, provides land uses that compliment the future rapid transit corridor and helps to maintain transit access for transit dependent income groups. London Transit also supports any reduction to minimum parking requirements particularly adjacent to major transit corridors and in the context of serving subsidized housing.

Appendix C – Community Meeting Comments

**NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street**

**Wednesday, January 31, 2018
6:00 p.m. to 8:00 p.m.
Canadian Corps Association – Unit 12**

Thank you for attending today's information meeting. We trust you were provided with helpful information regarding the development in your area. If you have any comments, please complete the area below (use back of page if required). You can also email your comments to zp@zoplan.com or mail to 318 Wellington Road London ON, N6C 4P4.

COMMENT SHEET:

- > the right side of the wall could use some windows
- > make sure residents are properly screened. Concerned with low income residents being taken advantage by drug dealers in area. How to protect them? Even with camera, will they be monitored live? See back

Name: Marcel Hajik Phone #

Address: 665 Dundas St.

- > as aesthetically pleasing as possible. Fencing may make it look like a jail? Also areas where drug dealers could thrive between fence and building should be addressed.
- > tunnel area should be monitored for drug activity.

**NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
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COMMENT SHEET:

should be targeting young professionals
would be a better fit for the intentions of
the area.
The bus stop needs to be cut out and
you should look at a crosswalk
for safety of your tenants

Name: Joanne Phone:

Address: YORK St.

- 1) Recommend a blue box for every unit
- 2) Community BBQ area
- 3) Animal waste receptacle.



NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

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COMMENT SHEET:

I don't think re zoning for this project is good.
Dundas's commercial corridor is improving and new developments should focus on commercial development. This kind of large residential development should happen on a residential street. The city should not approve this change.
Name: Aaron Chandler Phone: _____
Address: 1036 King St.

NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

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6:00 p.m. to 8:00 p.m.
Canadian Corps Association – Unit 12

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COMMENT SHEET:

I DON'T THINK MAIN STREET CORRIDOR SHOULD BE USED FOR SOCIAL HOUSING. IT IS SHORT SIGHTED TO CHANGE IT FROM COMMERCIAL ZONING.
Name: Dave Chawler Phone # _____
Address: 610 Dundas St

NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

Wednesday, January 31, 2018
6:00 p.m. to 8:00 p.m.
Canadian Corps Association – Unit 12

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COMMENT SHEET:

Excellent addition for Area. I am the owner of an affordable housing project 3 years ago across the street (1046 Dundas) Residential apartments that are affordable are a MUST. There is a huge need and I am stopped daily for people needing housing.

Name: Devin Harris Phone # -

Address: 1816 Parkhurst Ave

NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

Wednesday, January 31, 2018
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COMMENT SHEET:

As long as it charges ~~low~~ reasonable rent and checks applicants' background and income, it might work ok.
It will better to have commercials on first floor though.

Name: Satomi Chandler Phone # -

Address: 1036 King St. London ON

NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

Wednesday, January 31, 2018
6:00 p.m. to 8:00 p.m.
Canadian Corps Association – Unit 12

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COMMENT SHEET:

What a much-needed development for the
community + London
Well done CAHF!!
Sounds like lots of interest + excitement for
this project

Name: Erin Mutch Phone #
Address: 231 Ambleside Dr

NEIGHBOURHOOD OPEN HOUSE
PROPOSED 5-Storey APARTMENT
1039, 1041, 1045, 1047 Dundas Street

Wednesday, January 31, 2018
6:00 p.m. to 8:00 p.m.
Canadian Corps Association – Unit 12

Thank you for attending today's information meeting. We trust you were provided with helpful information regarding the development in your area. If you have any comments, please complete the area below (use back of page if required). You can also email your comments to zp@zpplan.com or mail to 318 Wellington Road London ON, N6C 4P4.

COMMENT SHEET:

I think that this is a great idea and plan this
community and Londoners.

Name: Sophie Mutch Phone #
Address: 231 Ambleside Drive

March 9, 2018

**Proposed Affordable Housing Development – 1047 Dundas Street March 9, 2018
Community Open House Feedback provided to and by the Old East Village BIA
Jennifer Pastorius, Old East Village BIA**

Historically, the Old East Village BIA has supported retaining a variety of housing options and worked with numerous groups and property owners to assist in the development of both affordable and at market apartments on and around the commercial corridor. Even though the 1047 Dundas proposed development is just east of the Old East Village Community Improvement Plan area the possibility to further develop the area is an exciting one for the BIA. More residential units bring more customers to our existing businesses and create a greater need for additional shops and retail services. Projects that are developed with the thriving commercial environment and neighbourhood scale and design in mind will best integrate into the steadily revitalizing Old East Village commercial corridor.

Six members of the Old East Village BIA board and the BIA Manager attended the January 31st meeting. Two additional board members submitted feedback based on the renderings circulated via email prior to the Open House. One neighbourhood resident submitted their comments to both Zelinka Priamo Planners and the BIA. This feedback is offered in addition to feedback collected by the meeting organizers during the event. During both in person meetings and through submitted comments, three distinct themes emerged regarding the proposed development. These included comments regarding 1) need for mixed use, 2) the design and 3) importance of understanding the area context and activity. Below is a summary of the submitted feedback:

1. The comments demonstrated a significant concern regarding the lack of commercial units on the main floor of the development. Business owners shared that commercial activity is vitally important to any business district and residential buildings provide the feet on the street to shop in the retail sector. With the exception of Tony's Pizza and McHardy Vacuum, the most eastern end of the Old East Village commercial corridor was once void of the growing concentration of businesses that you see today. Investment data gathered by the BIA and the upcoming developments in previously empty factory sites like Kellogg's and McCormick's demonstrate that commercial interest is growing in this area of Dundas St. Property owners and residents stated that commercial spaces will be important assets as the corridor develops over the coming years and will create more walkable neighbourhoods and connectivity to the existing business community.
2. Regarding the building, attendees had strong opinions about the design and safety. It was recommended that the design should reflect the spirit of the Old East Village Urban Design Guidelines to ensure that in the future the development will complement the existing built form of the area; this would include a setback for all floors beyond three stories facing Dundas Street. Generally, the design was considered institutional and bland. References were made to "quality designed London affordable housing developments" which fit into the existing surrounding built form such as Woodfield Commons at 390 Princess Ave, Tecumseh Place, 77 Tecumseh Road and LAHF's Gethsemane Gardens. Concerns were raised regarding the expanse of blank walls on the front, east and west sides, the size and shape of the windows and lack of pronounced entrance pathway or overhang. There were safety concerns regarding the east and west walls in relation to the proximity of the proposed 7-foot fence. Strategically placed exterior lighting was also recommended.
3. It was articulated by those who provided comment what is critical is that developers understand the context of the existing neighbourhood area activity, and its potential impacts on their tenants. Currently, the area has a variety of businesses and activities. Much of the commerce in the area is positive and

supportive of local entrepreneurs. However, there still exist notable daily illegal activities just to the east and west of the proposed development. The BIA recognizes that the choice of tenancy resides outside the purview of City of London Planning; however, this theme was introduced in the comments and has therefore been included. Comments expressed significant support for a generous mix of at-market and affordable rents to ensure a varied tenant population. Specific building design components were suggested that could improve the safety of the tenants, if implemented; an on-site property manager was recommended to deter anti-social behaviour on the property. There is particular vulnerability when living in close proximity to anti-social and illegal activity, the potential risk of negative impacts to tenants cannot be understated. Therefore the Old East Village BIA, the London Affordable Housing Foundation and the London Housing Development Corporation have jointly acknowledged the nearby social challenges and have committed to work together proactively to mitigate the impacts of such activity on tenants, the development property and the surrounding area.

The comments that informed this report have been provided to the London Affordable Housing Foundation, City of London Planning staff, and the London Housing Development Corporation for their review and consideration. The comments were not edited; they were provided to all parties as they were shared or submitted.

Thank you for receiving the above thematic analysis based on conversations at the community consultation and comments collected via email. Participation in new neighbourhood development is an active part of BIA work. We are pleased to provide this feedback and look forward to working with all parties to provide area context as the project develops.

Appendix C – Policy Context

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

PPS

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

1.1.1 a, b, c, e, f

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.4 Housing

1.4.1

1.6.7 Transportation Systems

1.6.7.4

Official Plan

3.4. Multi-Family, High Density Residential

3.4.3. Scale of Development

4.4.1 Main Street Commercial Corridor

4.4.1.3. Function

4.4.1.1. Planning Objectives

4.4.1.2. Urban Design Objectives

4.4.1.4. Permitted Uses

4.4.1.7. Scale of Development

4.4.1.9. Urban Design

4.4.1.13. Specific Main Street Commercial Corridors

4.4.1.13.2. Old East Village (iii)

19.4 Zoning

19.4.4 Bonus Zoning

London Plan

Rapid Transit and Urban Corridors

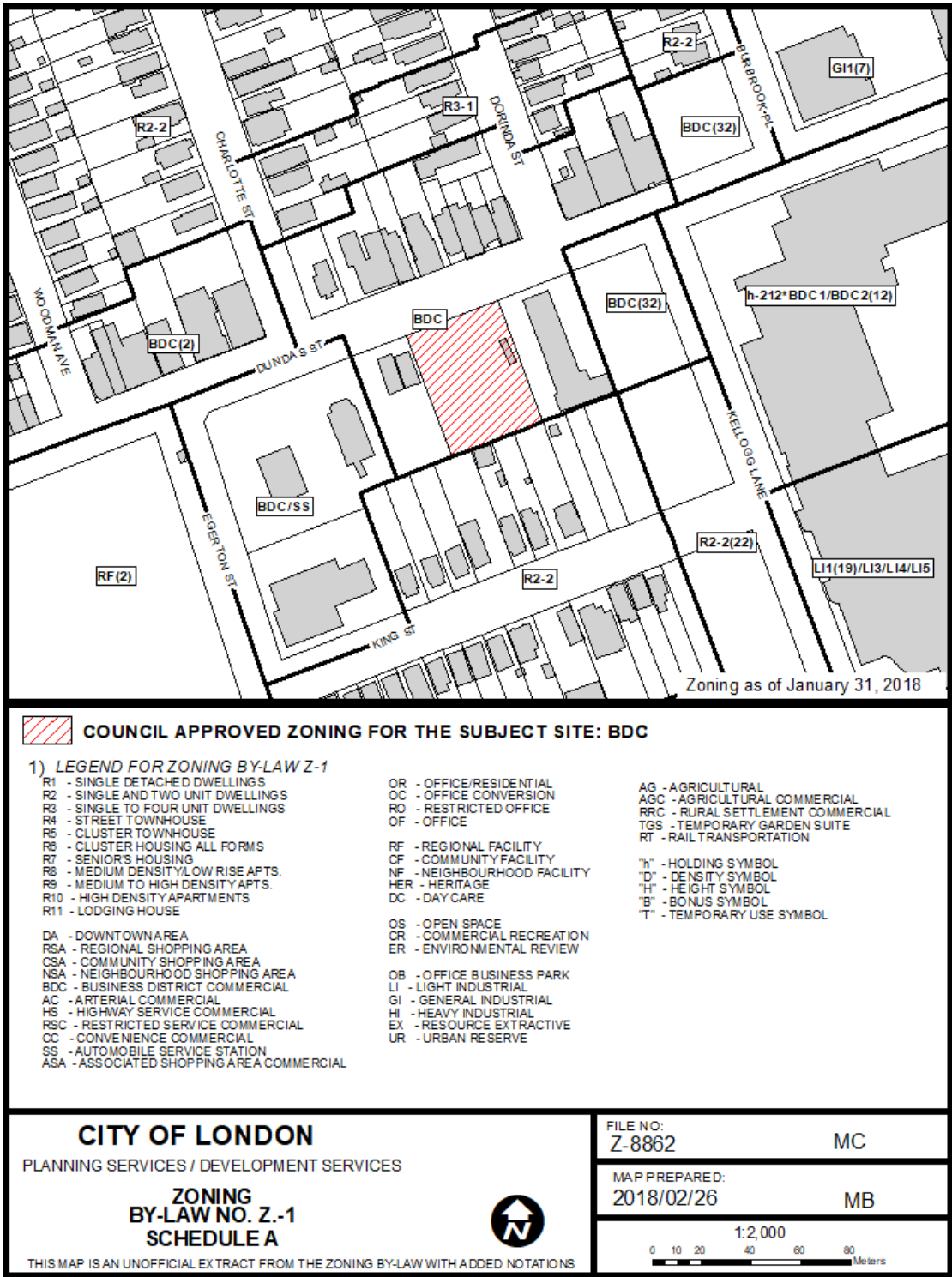
Permitted Uses – 837

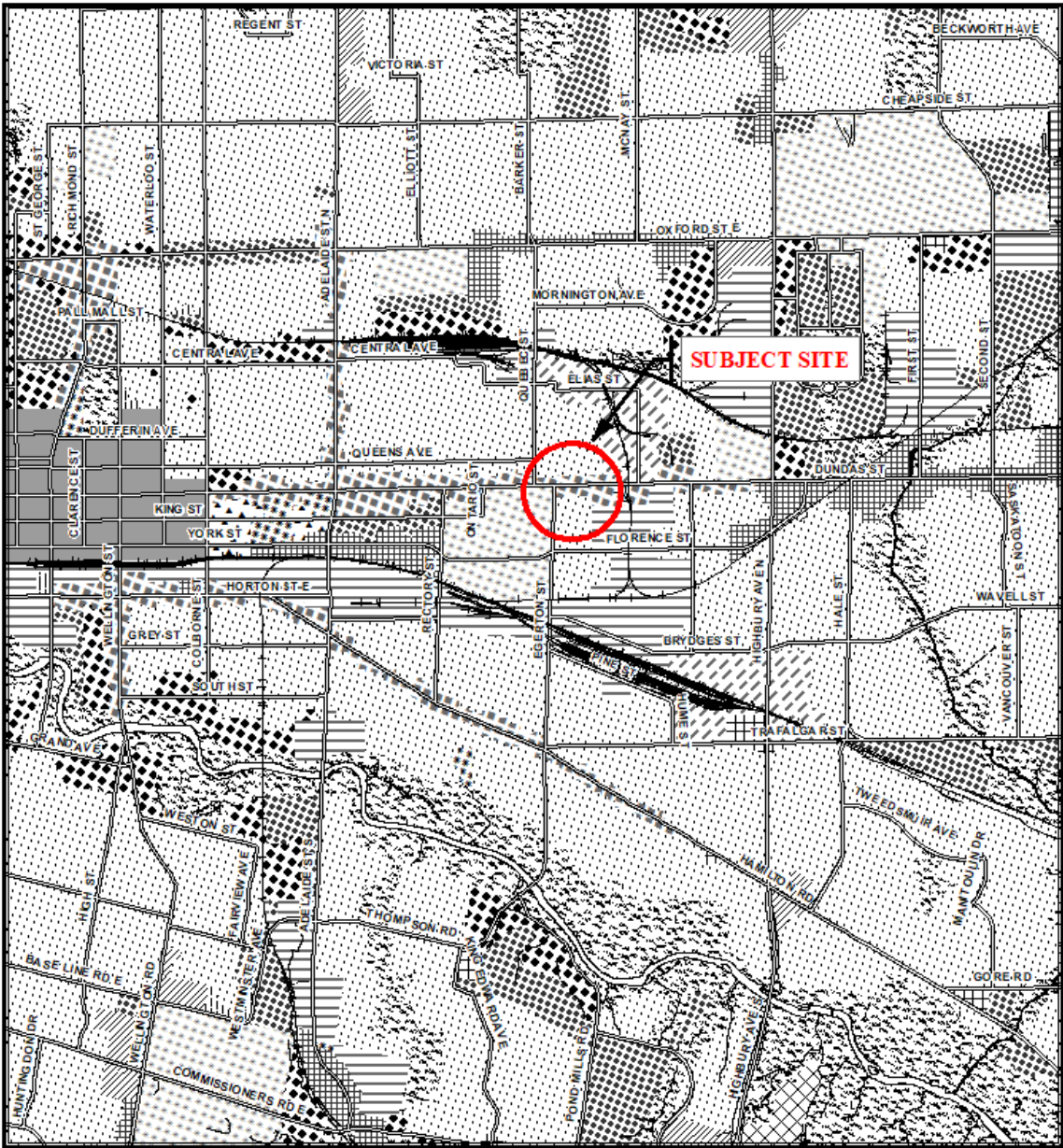
Intensity – 840

From – 841

Appendix D – Relevant Background

Additional Maps





Legend

Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

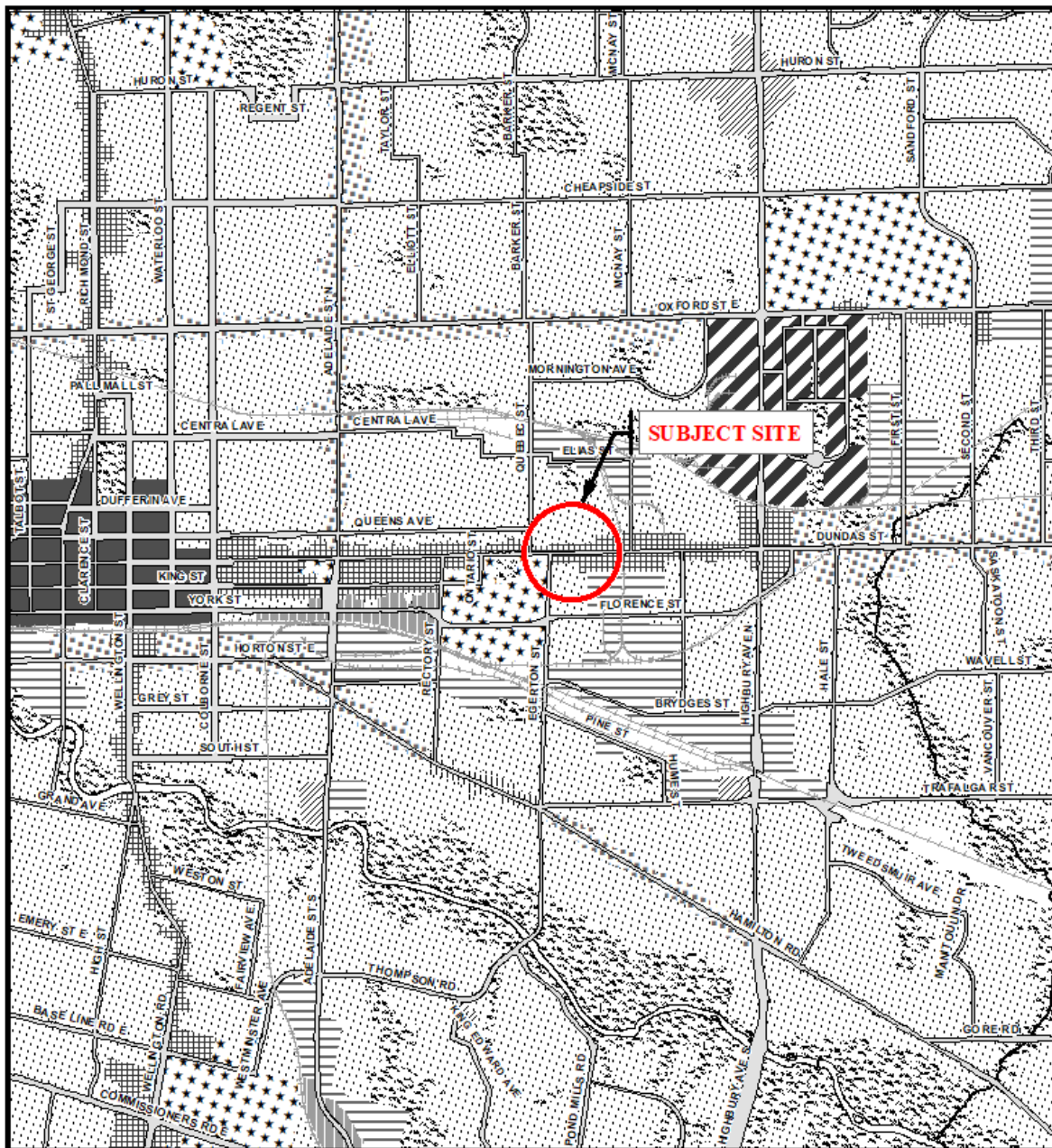
CITY OF LONDON
Planning Services /
Development Services
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services




















Scale 1:30,000

FILE NUMBER: Z-8862
PLANNER: MC
TECHNICIAN: MB
DATE: 2018/02/26

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol\00\excerpts\mod_templates\scheduleA_b&w_8x14_with_SWAP.mod



Legend

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

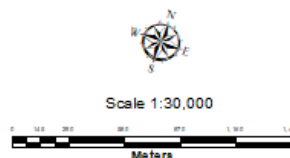
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



File Number: Z-8862
Planner: MC
Technician: MB
Date: February 26, 2018

Agricultural Advisory Committee

Report

2nd Meeting of the Agricultural Advisory Committee
March 21, 2018
Committee Room #3

Attendance PRESENT: S. Franke (Chair), H. Fletcher, A. Lawrence, M. McAlpine, L. McKenna and S. Twynstra and J. Bunn (Secretary)

ALSO PRESENT: L. Mottram

The meeting was called to order at 7:00 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the Agricultural Advisory Committee

That the 1st Report of the Agricultural Advisory Committee, from its meeting held on January 17, 2018, BE RECEIVED.

3.2 Advisory Committee on the Environment Reports

That the 3rd and 4th Reports of the Advisory Committee on the Environment, from its meetings held on February 7, 2018 and March 7, 2018, respectively, BE RECEIVED.

3.3 Highway 401 and Highway 4 (Colonel Talbot Road) Interchange Improvements and Highway 4 and Glanworth Drive Underpass Replacements – Public Information Centre 3 Display Material Package - Dillon Consulting

That the communication dated February 13, 2018, from J. Matthews, Dillon Consulting Limited, with respect to the Public Information Centre 3 display material package related to the Highway 401 and Highway 4 (Colonel Talbot Road) interchange improvements and Highway 4 and Glanworth Drive underpass replacements, BE RECEIVED.

3.4 Municipal Council Resolution - 1st Report of the Agricultural Advisory Committee

That the Municipal Council resolution from its meeting held on January 30, 2018, with respect to the 1st Report of the Agricultural Advisory Committee, BE RECEIVED.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 The Bees Act – Draft Letter

That the revised attached letter to The Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs, with respect to a request for information related to when Ontarians can expect consultation opportunities related to the Bees Act, as outlined in the Ontario Pollinator Health Action Plan, BE APPROVED by Municipal Council; it being noted that the letter will also be forwarded to the Advisory Committee on the Environment (ACE) for a decision on whether the ACE will co-sign the letter.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 7:27 PM.

**To: Hon. Jeff Leal
Minister of Agriculture, Food and Rural Affairs
11th Flr, 77 Grenville St
Toronto, ON M7A 1B3**

As representatives of Agricultural Advisory Committee to the City of London, we recommend the London City Council urge the Ontario Ministry of Agriculture to let Ontarians know when they can expect consultation opportunities related to The Bees Act, as outlined in the PHAP, as soon as possible.

Pollinators are in decline across North America (Kerr, 2015; Packer, 2011) and many parts of the world, to an extent that the UN Food and Agriculture organization has identified this as a major threat to global food security (FAO 2016). Bees are the most important pollinators in many parts of the world, and the decline of both domesticated and wild bee populations has begun to have very damaging impacts on agriculture on a world scale, and could lead to potentially catastrophic disruptions in ecosystem function (Steffan-Dewenter and Potts, 2005; Packer 2011), with risks greatly amplified by climate change. Agriculture is one the main economic activities within the municipalities surrounding the city of London. Urban agriculture is also a growing practice within the city. For these reasons, we are very concerned with the plight of both domesticated (honey) and wild bees.

There is growing evidence that urban beekeeping is excellent for bees: cities, often imagined as concrete wastelands, are full of plant diversity that offer ample pollen and nectar for bees (Packer and Willis, 2009; Kaluza et al, 2016; Frankie et al, 2009; Westrich, 2016; Garbuzoy et al; Larson and Kesheimer, 2015). Pesticides, which kill harmful as well as beneficial insects, are used far less in cities than rural areas. A city that buzzes with honeybees from backyard hives will also be an excellent place for wild bees, who are more at risk than their domesticated cousins, because beekeepers tend to plant gardens and create habitats that benefit all bees.

In the province of Ontario most urban beekeepers are violating the Bees Act, because they violate the 30 m rule which states that “No person shall place hives or leave hives containing bees within 30 metres of a property line separating the land on which the hives are placed or left from land occupied as a dwelling or used for a community center, public park or other place of public assembly or recreation” (Ontario Ministry of Agriculture). This rule effectively makes backyard beekeeping in cities almost impossible.

Although we understand that this part of the Bees Act is only enforced on a complaint basis, of which the Ministry receives very few each year, we feel the rule hinders the growth of urban beekeeping in Ontario. People excited to begin beekeeping are discouraged from setting up a backyard hive because they do not want to violate

legislation. The 30 m rule keeps some backyard beekeepers from registering their hives with the Ontario Ministry of Agriculture, a practice that may be disastrous if a disease such as Foul Brood, strikes a nearby hive. Although the Ministry requires all beekeepers to register their hives, even if they violate the 30 m rule, many beekeepers are afraid of having their hive removed if they do so.

The Government of Ontario's Pollinator Health Action Plan (PHAP), which was released on December 15, 2016 proposed a number of potential actions that the province could take to address honey bee diseases, pests and genetics, including a recommendation that the government release for consultation a discussion paper to modernize the province's legislative framework on beekeeping. Among other components, these modernization proposals could include provisions related to updated requirements for the location of hives.

We would like to know when these expected consultations could occur and would like to provide input on the Bees Act in regards to the above aforementioned issues. We would also like to circulate to the urban and rural stakeholders who would like to provide feedback on the Bees Act.

Sincerely,

Agricultural Advisory Committee

City of London

References - Research provided by Becky Ellis

City of Edmonton. Urban Beekeeping.

https://www.edmonton.ca/city_government/urban_planning_and_design/beekeeping-pilot-project.aspx Accessed Oct 22, 2016

City of Edmonton. Bee Myths.

https://www.edmonton.ca/city_government/urban_planning_and_design/beekeeping-video-gallery.aspx. Accessed Oct 22, 2016

FAO (2016). Pollinators Vital to our food supply under threat.

<http://www.fao.org/news/story/en/item/384726/icode/>, accessed Sept 6, 2016

Frankie, G.W., Thorp R.W., Hernandez, J., Rizzardi, M., Ertter, B., Pawelek, J.C....Wojcik, V.C. (2009). Natives bees are a rich natural resource in urban California gardens. *California Agriculture*, 63(3), 113-120

Frankie, G.W. (2009). Ecology of Urban Bees: A review of current knowledge and direction for future study. *Cities and the environment*, 2(1), 3-15

Garbuzov, M., Schurch, R., & Ratnieks, F. (2015). Eating locally: dance decoding demonstrates that urban honey bees in Brighton, UK. Forage mainly in the surrounding urban area. *Urban Ecosystems*, 18(2), 411-418

Kaluza, B.F., Wallace, H., Heard T.A, Klein, A.M, & Leonhardt, S.J. (2016). Urban gardens promote bee foraging over natural habitats and plantations. *Ecology and Evolution*, 6(5), 1304-1316

Kerr, J, Pindar, A., Galpern, P., Packer, L., Potts, S.G., Roberts, S.M....Pantoja, A. (2015). Climate change impacts on bumblebees coverage across continents. *Science*, 349(6244).

Larson, J.L. & Kesheimer, A.J. (2014). Pollinator assemblages on dandelions and white clover in urban and suburban lawns. *Journal of Insect Conservation*, 18(5),

Ontario Ministry of Agriculture. (2009). Bees Act.

<https://www.ontario.ca/laws/statute/90b06>, accessed August 25, 2016

Packer, L. (2011). *Keeping the Bees: Why all bees are at risk and what we can do to save them*. Harpers-Collins Press.

Packer, L. & Willis, E. (2009). Can green roofs provide habitat for urban bees. *Cities and the Environment*, 2(1),

Peters, K.A. (2012). Keeping bees in the city? Disappearing bees and the explosion of urban agriculture inspire urbanities to keep honeybees: why city leaders should care and what they can do about it. *Drake Journal of Agricultural Law*, 17(3),

- Steffan-Dewenter, I. & Potts, S.G. (2005). Pollinator diversity and crop pollination services are at risk. *Trends in Ecology & Evolution*, 20(12),
- Westrich, P.A. (2016) Influence of the reduction of urban lawn mowing on wild bee diversity. *Journal of Hymenoptera research*, 49(1), 51-63

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: The Corporation of the City of London
Neighbourhood School Strategy - Evaluation and Acquisition
of Surplus School Sites
Meeting on: April 3, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken regarding the evaluation and acquisition of school sites identified as surplus to School Boards' needs:

- (a) That the following report **BE RECEIVED** for information;
- (b) That the report **BE CIRCULATED** to the Thames Valley District School Board, the London District Catholic School Board, the Urban League and the Child and Youth Network for their review and comment, prior to the final report being brought before a future meeting of Planning and Environment Committee; and;
- (c) The attached draft Surplus School Sites Evaluation and Acquisition Policy **BE CONSIDERED** at a future meeting of the Planning and Environment Committee following the public consultation.

Executive Summary

- School Boards undertake "Pupil Accommodation Review" (PAR) processes to evaluate schools for consolidations, closures and/or new school development as a means of ensuring that the School Boards' resources are managed effectively and that students are provided appropriate and sustainable accommodations.
- In some instances, the results of a PAR may identify a school for closure. The School Boards' surplus school site disposition processes provide the City with an opportunity to acquire an identified surplus school site.
- The purpose of this report is to provide a strategy for the evaluation of school sites that have been declared surplus through the School Boards' PAR process to determine if there is a municipal purpose for the lands.
- There are three municipal purposes for which the City would consider acquiring an identified surplus school site:
 - Affordable housing
 - Parkland
 - Community Facility
- If no municipal purpose for the site is identified, the site will not be acquired.
- Consistent with City policies, all surplus public lands are to be evaluated for affordable housing opportunities before the consideration of other public uses.
- In all evaluations, the City shall consider the adaptive re-use potential of the existing school building in its evaluation of the surplus school site.
- Heritage considerations will be part of the Staff evaluation for acquisition of sites. School buildings that have been evaluated to be significant heritage resources will be retained. However, if the site is not required for municipal purposes, the site will not be acquired.
- Where the site is required for municipal purposes and the surplus school building has been identified as a significant heritage resource, the site evaluation shall include the costs of the restoration and rehabilitation of the heritage structure.
- If the site evaluation identifies that the entire site is required for municipal

purposes, and the surplus school building is not a heritage structure or able to be re-purposed for an identified municipal purpose, the structures on the site will be removed.

- Where a City need for the land is identified, partners for the intended future development may be sought. Any potential partnerships will be supplementary and complementary to the identified City purpose for the use of the lands. The City will not acquire surplus school sites to meet the needs of any potential partner if there is no identified municipal need for the lands.

Council Strategic Plan

Council has identified in the 2015-2019 Strategic Plan that the Strategic Focus of creating and maintaining “Vibrant, Connected, and Engaged Neighbourhoods” requires the City to “*work with our partners in Education to help keep neighbourhood schools open and use former school sites efficiently*” (Strategy 1.c).

1.0 Relevant Background

Schools play an important role creating complete communities and neighbourhoods. Demographic changes, the age and condition of buildings, the ability of older buildings to accommodate changing educational instruction needs, and other operational and programming requirements may result in a school board undertaking a Pupil Accommodation Review (PAR) process. The results of this review may include the identification of school sites to be closed and ultimately disposed of.

The City has a role in the PAR process, but the purpose of this report is to identify the City’s role and process for evaluation of school sites that have been identified as surplus to a School Boards’ needs, not to describe the City’s role in the PAR process.

This evaluation strategy establishes a more proactive process to respond to sites that have been identified as potentially surplus to School Boards’ needs. By evaluating all of the sites that are under consideration at the outset of the PAR process, rather than waiting to evaluate any final site identified for closure, the City will be able to identify potential budget impacts of any acquisition, consider partnership opportunities for any sites that are identified for potential acquisition to meet an identified municipal need, and advise the School Boards within the prescribed timeframe at the end of the PAR process if there is a municipal interest in acquiring the site.

The City’s current practice is to evaluate the final site that is identified through the PAR process. This requires the City to undertake this evaluation within the now 180 day (formerly 90 day) period established in the legislation once a school has been declared surplus. By evaluating all of the sites that have been identified for consideration as part of a PAR process at the outset of the process, the City will have sufficient time to more fully evaluate all sites for municipal purposes. Previous PAR processes have taken up to two years to complete.

Closing schools results in the loss of these important community assets. Once the property is no longer used for school purposes, it no longer fulfills its former role within the community. Instead, the closed school site would provide an opportunity for the City to acquire the lands for other uses. The re-use of closed school lands may be as infill for new development, or for use as one of several municipal purposes which warrant City acquisition and redevelopment of the property.

Policy 440_ of the London Plan recognizes this opportunity:

440_ For a variety of reasons, non-municipal public facilities may close from time to time, leaving important community sites for redevelopment. The City will consider acquiring these sites, where there is an identified public benefit in doing so.

There are three possible municipal needs that could be addressed through the acquisition of an identified surplus school site:

- As a site for affordable housing

- As parkland
- As a Community Facility

Each of these possible uses could result in the school site maintaining its role as an important community asset and as an element of a complete community.

The City has an “affordable housing first” policy for surplus public lands. Policies 502 and 523 of the London Plan state:

502_ The City will seek out opportunities to acquire surplus lands from school boards, the provincial and federal government, and other institutional entities and stakeholders for housing purposes.

523_ Subject to the City Structure Plan and Urban Place Type policies of this Plan, surplus public lands will be evaluated for their suitability for the development of affordable housing prior to their consideration for any other uses.

As such, affordable housing opportunities for surplus school sites will be given priority over other potential municipal uses.

2.0 Closed School Site Evaluations for Potential City Acquisition

Site Evaluations by Municipal Team

An evaluation team consisting of various departmental and agency representatives, including but not limited to: Planning; Parks Planning, Parks and Recreation; Neighbourhood, Children and Fire Services; Housing Services; Realty Services; Facilities; Finance; and the Housing Development Corporation will be struck to evaluate any schools sites identified as surplus and available for redevelopment. This team will also consult with additional departments and agencies as needed.

Timing of City’s Site Evaluations: As Soon As Sites Identified by the School Board for Consideration of a Pupil Accommodation Review

As part of the recent changes to School Boards’ community planning and partnerships initiative, the City now meets with the Boards annually to evaluate projected student populations, demographics, and planned land uses within different geographic areas. As part of these yearly planning meetings, there is an initial identification of which schools may be considered in an upcoming Pupil Accommodation Review process.

The Pupil Accommodation Review process is a multi-step process that would allow the City to initiate its evaluation of potential surplus school sites at the initiation of this PAR process. The PAR process includes: (1) the initial school board recommendation at the outset of a PAR that identifies the schools under consideration, (2) the final recommendation by the school board following the public process that may include a recommendation for a school closure, and (3) the actual date of closing of the school or schools (e.g. at the end of June at the end of a school year). Only after the PAR is completed, the final accommodation review recommendations are approved, and a school has closed at the end of the school year will the regulations for a property sale take effect. It should also be noted that the Board must declare a school site surplus before the final stage of the PAR process begins, which could mean that the actual timing of a site’s availability would not be known until after a School Board has accepted any recommendation that would identify a school facility to be declared surplus.

Recent amendments to the Provincial regulations governing the sale of school board property (O. Reg. 444/98) have added some additional flexibility to the PAR timelines. This is an extended period to “close the deal” on a land sale and allow for an additional 90 days to finalize terms of a land sale agreement. The recent amendments have extended the circulation period within which the City may identify interest and make an offer of purchase on a surplus school site. The circulation period has been extended from 90 days to 180 days; however, this deadline is only extended if the City has identified an interest within the first 90 days (i.e. the current circulation period) and must submit its bid to purchase within the new, additional 90 day period.

To allow the City the maximum amount of time to evaluate sites for potential acquisition, the City’s site evaluation will commence with initial identification of the schools to be

considered through the PAR. The City evaluation process would then occur in parallel to the School Board’s Pupil Accommodation Review process and the City will have time to address key evaluation considerations, potential site constraints, and budget matters in preparation for the final step, which is the 180 day land sale process provided under the process. Opportunities for public participation related to site re-use may also be explored through the parallel City process. Appendix ‘B’ illustrates a generalized chart of such evaluation process timelines.

Key Considerations for Staff Evaluations

As identified in the table below, the key factors and considerations for the team evaluation will include: identified needs for municipal public uses, constraints to City acquisition or public re-development, and financial planning and budget consideration.

Key Factors for City Decision	Considerations	
Municipal Need	<ul style="list-style-type: none">Affordable HousingCommunity FacilityParksLandBuilding(s)Entire SitePortion of the site	
Constraints to Re-use or Development	<ul style="list-style-type: none">Heritage and/or ArchaeologyUse or Intensity (Official Plan policy/planning context; Zoning)Physical attributes, access, location, and/or servicing	
Financial Planning and Budgeting	<ul style="list-style-type: none">Costs (archaeology; demolitions; designated substance abatement; security, utilities, and maintenance holding costs)Financial planning considerations (timing, availability of funding, partnership opportunities)Land value (paying fair market value)	<ul style="list-style-type: none">Sources of financing:<ul style="list-style-type: none">Approved City capital budgets;Reserve funds;Combination of other sources (e.g. revenues from partners);HDC budget for affordable housingOpportunities to recoup costs through the sale of a portion of the site (portion not required to meet identified municipal need)

3.0 Land Need Evaluation

Municipal Land Needs

There are three municipal purposes that the City would consider for the acquisition of an identified surplus school site:

- (1) Affordable housing;
- (2) Community facility site; and/or
- (3) Public parkland.

The heritage value of the identified school buildings will be considered as part of the site evaluation. Where a significant heritage asset has been identified and recommended for retention, the identified surplus school site would be acquired by the City with the intention of retaining the former school buildings, and the costs related to the retention and rehabilitation will be included in the site evaluation. It is anticipated that this will be an exceptional circumstance, as the value of most surplus school sites for municipal purposes would be based on the development of a vacant, cleared site.

If the result of the site evaluation has determined that the adaptive re-use of the building for the identified municipal purpose is appropriate, the building will be retained, and the

costs related to the retention and rehabilitation will be included in the site evaluation.

As part of the evaluation of any surplus school site for municipal uses, the site evaluation will include an assessment of whether the entire closed school property is required, or only a portion of the property is required to meet the identified municipal needs. If the entire property is required for any Affordable Housing, Community Facilities, or Parkland uses, then a budget and source of funding will be required to acquire the entire site.

If only a portion of the property is required to satisfy municipal needs, it is likely that a budget will still be required to acquire the entire site. It is unlikely that a School Board would consider selling only a portion of a site to the City. Evaluations will consider possible cost recovery options for the portion of lands not needed. This process was recently used in the acquisition of the former Sherwood Forest Public School site. The site evaluation determined that only a portion of the site was required for municipal purposes (in this instance, a park site), and the remainder was surplus to City needs. As part of the site acquisition process, the City, in consultation with the neighbourhood, developed a plan for the remainder of the site. The portion surplus to the City's needs was made available through a Tender process, and the lands have subsequently been sold for residential development.

It is recommended that only in instances where the evaluation has determined there is a City need for the surplus school buildings or lands should the City explore opportunities for municipal partnerships with private organizations or not-for-profits. To mitigate potential risks to the City associated with the organizational and/or financial ability and capability of any potential partner, the City must have an identified need for municipal acquisition of lands or buildings that is not reliant on the partnership with community groups or other private or not-for profit organizations.

Partnerships may be considered when constructing new facilities, such as affordable housing and community facilities, and will be based upon the City's existing processes to evaluate potential partners. Partnerships may also be considered in instances where the City would only require a portion of the school site, and the partner would be able develop the remainder of the site.

Review as Potential Affordable Housing Site

The March 2016 Report entitled *London For All: A Roadmap to End Poverty* identifies the need for continued implementation of London's Homeless Prevention and Housing Plan, which includes increasing the stock of affordable housing and acquiring appropriate surplus buildings and properties from other levels of government. The Homeless Prevention and Housing Plan identifies that the surplus buildings and properties are, where possible, to be purchased for re-use as affordable housing.

Similarly, providing affordable and social housing opportunities supports the federal National Housing Strategy and implements the Province's Fair Housing Plan, which recognizes surplus lands as an opportunity to increase the supply of affordable housing.

Providing accessible and affordable housing options for all Londoners is an important element of building a prosperous city. The policies of the London Plan include affordable housing targets (policies 517_ through 521_). The policies of the Plan further state that the City will prepare housing monitoring reports that will, amongst other matters, evaluate the supply of, and assess the demand for, affordable housing. Appropriately located surplus school sites provide an opportunity to implement the affordable housing policies of the London Plan.

In accordance with the policies of the London Plan, surplus school sites are evaluated for their potential as affordable housing sites before consideration is given to any other land use, and access to appropriately sited land across the city is required in order to address the demand for affordable housing.

In evaluating the appropriateness of a surplus school site for affordable housing purposes, consideration will be given to the following:

- The site is within the urban growth boundary;
- Any buildings on the site will be evaluated to determine if they are capable of being adaptively re-use/re-purposed for housing;

- The use of the site for affordable housing purposes would be consistent with the City Structure and Urban Place Type policies of the London Plan;
- The site is identified as being within an area where there is a demonstrated need for affordable housing;
- The site would support and provide for the regeneration opportunities;
- The site is not constrained by built features (including gas lines, pipelines, utility corridors etc.) or significant environmental features or functions;
- The site is in proximity to a range of community amenities supportive of affordable housing including, but not necessarily limited to:
 - Transit;
 - Parks and/or open space;
 - Grocery stores and commercial centres;
 - Low cost public facilities such as libraries and community recreation centres;
 - Service agencies and/or supportive programming;
 - Day care centres; and,
 - Hospital or medical/dental services.

As noted above, sites will be evaluated for need as Affordable Housing sites before other public land uses are evaluated. Unless identified as a heritage resource worthy of retention, the adaptive re-use of existing buildings for affordable housing is unlikely. An important criterion in the Board's evaluation of its built assets as part of the PAR process considers the quality, condition and age of the structure. It is not likely that a purpose-designed building that is determined to not be worthy of retention because of its age or condition would be worthy for retention for another purpose.

In those instances where the building is worthy of retention due to its heritage value or its ability to be re-used for affordable housing, the evaluation will need to consider the costs of both the site acquisition and the additional costs associated with the retention of the building in the site evaluation.

More intensive land uses, including affordable housing, which could be in more intensive residential forms than the surrounding neighbourhood may require Special Policy consideration. In the London Plan, the intensity of use is based on the Place Type and the street classification. Most surplus school sites are located in the interior of neighbourhoods and the former school sites may be located on lower-order streets that permit limited intensity for redevelopment.

If a closed school site's location, size, configuration or other site-specific factors limit its potential as a future affordable housing development opportunity, then the site will next be evaluated for its potential as both a Community Facility and a Parkland site.

Community Facility Site Evaluation

The site evaluation for a Community Facility use will be based upon the principles and objectives of the *Parks and Recreation Strategic Master Plan*. The objective is to create a balanced distribution of recreational opportunities across the City, with a network of neighbourhood and city-wide facility types.

Targets for each type of facility exist as general guidelines to determine needs, with needs based upon area populations and participation rates in community centre programs. Existing and future needs are established through public input, demographics and participation trends, as well as consideration of projects currently being undertaken by the City.

Once the broader need for a facility has been identified in a particular area of the city, Staff will assess specific sites based on the following criteria:

- **Real estate criteria:** takes into consideration the physical size of the site, whether currently available for sale, the existence of constraints to development, and potential for municipal ownership of land;
- **Service delivery components:** considers whether creation of new community facility sites will encroach on the areas served by existing facilities; and also

considers the population living in proximity to the potential site that is currently under-served by community facilities (i.e. the area or population with a gap in service); and,

- **Accessibility component:** which takes into consideration how accessible the new site would be, including access to existing bus/bike routes, number of students, older adults and households within a 15 minute walk, and the city's total population living in proximity to the site.

Evaluation criteria for community facilities is currently under review as part of the update to the Parks and Recreation Strategic Master Plan (anticipated in 2018). Any changes to the evaluation criteria or space criteria for community facilities through the Master Plan Update would be reflected when applied to the evaluation of closed school sites.

All Community Facility projects will be identified in the Master Plan, and included in the 10-year capital plan. Any opportunities for the planned City expenditures to be developed on identified surplus school sites will require that the site match the planned locations and need as identified in the Master Plan.

It is important to note that the City's standards do not count any school site amenities towards meeting the City targets. In other words, amenities on school board properties, like play structures, sports fields or tennis/basketball courts, etc., are not counted as part of the City's inventory, so the loss of these facilities on school sites identified for closure would not need to be replaced to maintain the City's service standard. In those areas where there is an identified parkland deficit, the use of the surplus school site will be considered and evaluated based on the requirements identified under Parkland Site Evaluation.

Parkland Site Evaluation

Identified surplus school sites would be evaluated for possible parkland use based on the following requirements:

- City-wide parks to take advantage of prominent land forms and natural environmental features, such as riverbanks, ravines, or wetlands. Topographic variation and natural environment features may be developed for sports activities or special events;
- Urban and neighbourhood parks that are accessible to the community within a walkable service radius of 800 metres (10 minute walk), and not crossing major streets;
- Priorities for parkland acquisition will include consideration of:
 - i) existing and forecasted population densities;
 - ii) existing facilities and their accessibility to the neighbourhood residents;
 - iii) the availability of funds for acquisition;
 - iv) the suitability of lands available for sale; and,
 - v) acquisitions which will serve to create a more continuous or linked park system.

Additional considerations for parkland use include:

- Other opportunities for parkland acquisition. In the development or redevelopment of land, the City may acquire a 5% dedication of land under consideration for development for parkland purposes. For small developments, this would not provide a sufficient land base to meet parkland needs. In older parts of the City, the required dedication is not always achieved. As an alternative, the *Planning Act* provides for a dedication of 1 hectare of park space per 300 dwelling units (or 500 units for cash-in-lieu).
- Other opportunities to meet neighbourhood parkland needs on other lands that are open and accessible to the public, such as other school sites within the neighbourhood.
- The location of other nearby amenities and the convenience of access to park space. The service standard objective is for neighbourhood park space and play equipment to be located within an approximately 800 metre radius of every home

in a residential neighbourhood.

If the neighbourhood is deficient in parkland and the school functions as the primary park within that immediate neighbourhood, then retention of the school site as municipal parkland will be given high priority.

To address park needs in areas planned for further intensification and regeneration, the City is currently developing a 'Parks Acquisition and Renewal Strategy'. The Parks Acquisition and Renewal Strategy will assess parks needs in areas of intensification and provide strategies for land acquisition within built-up areas as well as a strategy for intensified use of existing parks. The current acquisition targets may be modified through the preparation of this acquisition and renewal strategy. Parks funding mechanisms are also being addressed through the strategy. A consultant is starting work on this strategy and a draft report will be prepared in early 2018 for consideration as part of the Development Charges Background Study.

4.0 Financial Considerations

For sites that have been evaluated and a potential municipal use has been identified, a financial analysis of the potential site acquisition will be required. This analysis may be taken in parallel with the evaluation of the sites identified for consideration through the PAR process.

Costs and budget implications to be evaluated include:

- The cost to repurpose a school property, including the cost of demolitions and site clearance and/or designated substance abatement and building stabilization for the refurbishment of any structures to be retained;
- Costs associated with sub-surface site assessment, including archaeological or brownfield matters; and,
- Determination of and the financial implications associated with paying Fair Market Value (FMV) for the school property.

These three factors would be considered as part of the determination of what the City would pay to acquire the site.

Additional factors to be considered include:

- Evaluation of the City's existing capital plan to determine if funding for an approved capital project can be redirected to purchase a school property that would replace that capital project or represents a higher priority than the existing approved capital project;
- Ongoing operating budget impacts associated with timing of repurposing the site, including maintenance, security and other associated holding costs of a property;
- For sites where it is recommended that all or a portion of the buildings be retained for future municipal use, the additional capital costs associated with retaining the structure will need to be determined; and
- Evaluation of the cost of land purchase now versus future land purchase to provide the same services. In other words, the opportunity cost of not acquiring land and the Net Present Value (NPV)/financial costs of acquiring (or assembling) the same or similar land assets later.

Sources of Funding may include:

- Approved City of London capital budgets;
- Reserve funds;
- Any other potential sources including, for example, revenues from sub-leases to partners, noting that evaluations must stand on their own without partners (i.e. cannot assume that partners will be available); and,
- For affordable housing projects, the HDC's budget for affordable housing development projects, noting that this is not a City budget or allocation, and that the HDC would work with the City on sources of funding for eligible affordable housing projects.

If the evaluation determines that only a portion of the site is needed, then the financial evaluation would need to consider if the entire site should be acquired. It is not likely that the School Board declaring the lands surplus would consider the sale of only a portion of the lands.

Three options include:

- a) Acquire the entire site for the identified municipal use, even if the site has more land than is required for the identified municipal use;
- b) Acquire the entire site for a municipal use with another partner to use the portion of the site not required for municipal uses; or,
- c) Acquire the entire site, and re-sell the portion of land not required for municipal purposes.

Option (a) could have a significant budget impact, depending on how much more land would be acquired than is needed for the identified municipal purpose, and the City would need to consider that it would not recoup this extra cost.

Option (b) would require that the City have a partner with the financial ability to pay for the portion of the lands not required by the City.

Option (c) was recently used in the acquisition of the Sherwood Forest Public School site. This recent acquisition resulted in:

- Retained parkland in area – addressed difficult accommodation review result for community
- Intensification demonstration project – showing how community could get behind quality intensification within very low density area; opportunity for aging in place
- High quality development design entrenched in the agreement – ensuring good fit
- Good financial result – Recouping all of the original costs and significantly more that can be contributed to the Land Acquisition Reserve Fund for other projects.

The City may need to consider establishing a reserve fund in the future to acquire sites that are larger than what is required for the identified municipal use. This would be used as an additional source of financing for a site for which a budget may exist to fund the portion of the site acquisition required for the municipal use, but where there is no budget to acquire the additional lands associated with the surplus site.

5.0 No Municipal Acquisition Required

If the closed school site is not required for a municipal need, external community organizations would be able to pursue their own land acquisition negotiations directly with the School Boards. Through its relationships with the School Boards and community, the City could assist with consultations between the groups, but the City would not be a party to the land acquisition.

6.0 Conclusion

Closed school sites provide unique opportunities for the City to address deficiencies or needs for uses that are important for neighbourhoods and communities, such as affordable housing, parkland, and community facilities. Closed school sites also provide opportunities for non-municipal development. In most instances, this would be new residential development within established neighbourhoods.

Once a school board determines that a school site is surplus to the Board’s needs, the site no longer serves its role as a community asset based on its school function. In most instances, the value of the school site to the City is its value as a land asset that can be used for municipal purposes. Where there is an opportunity for the adaptive re-use of a school building, the City may retain all or a portion of the structure.

The re-use or redevelopment of any site identified to be acquired for municipal purposes would be subject to the Official Plan policies and Zoning on the site. If required, the City would consider the change from the former Institutional land use as a school to other land

uses using policies of the Official Plan (the *London Plan*), Zoning By-law and Site Plan. Any such changes to land use on closed school sites would require public consultations in accordance with the *Planning Act* and City’s policies and practices.

Acknowledgements:

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TM/GB/tm

Appendix A

Surplus School Site Acquisition and Evaluation Policy (Draft)

Policy Statement

To establish a proactive approach to the evaluation of sites identified by School Boards as surplus to school needs. Surplus school sites will be evaluated for municipal acquisition if they meet an identified municipal need.

Municipal Needs

Surplus school sites will be evaluated for acquisition to meet an identified municipal need:

- As a site for an affordable housing project. This will be the first need evaluated.
- As a site for a community centre
- As a site to address an identified parkland deficiency

Timing of the Evaluation

All sites within the City that have been identified by a School Board to be considered as part of a Board-approved Pupil Accommodation Review (PAR) process will be evaluated. This municipal evaluation shall be undertaken in parallel with the School Board's process. The City's evaluation of all of the identified sites identified in the PAR shall be completed before the School Board completes the PAR process and identifies any site to be declared surplus through the process.

If a site meets the evaluation criteria, a source of financing will be identified to acquire the site so that funds will be available to acquire the site within 180 days after the School Board has declared a site surplus.

If a site is declared surplus by a School Board at the end of the PAR process, the City may consider the acquisition of the site if it has been evaluated as meeting an identified municipal purpose. If the site that is declared to be surplus does not meet an identified municipal need, it will not be recommended for acquisition by the City.

Site Evaluation Team

Surplus school sites will be evaluated by a Staff Team representing the following Service Areas

- Planning Services/Parks Planning
- Parks and Recreation
- Neighbourhood, Children and Fire Services
- Housing Services
- Finance
- Realty Services
- Housing Development Corporation

Site Evaluation Criteria

Affordable Housing

- The site is within the urban growth boundary;
- Any buildings on the site will be evaluated to determine if they are capable of being adaptively re-use/re-purposed for housing;
- The use of the site for affordable housing purposes would be consistent with the City Structure and Urban Place Type policies of the London Plan;
- The site is identified as being within an area where there is a demonstrated need for affordable housing;
- The site would support and provide for the regeneration opportunities;
- The site is not constrained by built features (including gas lines, pipelines, utility corridors, etc.) or significant environmental features or functions;

- The site enjoys proximity to a range of community amenities supportive of affordable housing including, but not necessarily limited to:
 - Transit;
 - Parks and/or open space;
 - Grocery stores and commercial centres;
 - Low cost public facilities such as libraries and community recreation centres;
 - Service agencies and/or supportive programming;
 - Day care centres; and,
 - Hospital or medical/dental services.

Community Centre

- Real estate criteria: takes into consideration the physical size of the site, whether currently available for sale, the existence of constraints to development, and potential for municipal ownership of land;
- Service delivery components: considers whether creation of new community facility sites will encroach on the areas served by existing facilities; and also considers the population living in proximity to the potential site that is currently under-served by community facilities (i.e. the area or population with a gap in service); and,
- Accessibility component: which takes into consideration how accessible the new site would be, including access to existing bus/bike routes, number of students, older adults and households within a 15 minute walk, and the city's total population living in proximity to the site.

Parkland

- City-wide parks to take advantage of prominent land forms and natural environmental features, such as riverbanks, ravines, or wetlands. Topographic variation and natural environment features may be developed for sports activities or special events;
- Urban and neighbourhood parks that are accessible to the community within a walkable service radius of 800 metres (10 minute walk), and not crossing major streets;
- Priorities for parkland acquisition will include consideration of:
 - i) existing and forecasted population densities;
 - ii) existing facilities and their accessibility to the neighbourhood residents;
 - iii) the availability of funds for acquisition;
 - iv) the suitability of lands available for sale; and,
 - v) acquisitions which will serve to create a more continuous or linked park system.

Additional considerations for parkland use include:

Other opportunities for parkland acquisition. In the development or redevelopment of land, the City may acquire a 5% dedication of land under consideration for development for parkland purposes. For small developments, this would not provide a sufficient land base to meet parkland needs. In older parts of the City, the required dedication is not always achieved. As an alternative, the *Planning Act* provides for a dedication of 1 hectare of park space per 300 dwelling units (or 500 units for cash-in-lieu).

- Other opportunities to meet neighbourhood parkland needs on other lands that are open and accessible to the public, such as other school sites within the neighbourhood.
- The location of other nearby amenities and the convenience of access to park space. The service standard objective is for neighbourhood park space and play

equipment to be located within an approximately 800 metre radius of every home in a residential neighbourhood.

If the neighbourhood is deficient in parkland and the school functions as the primary park within that immediate neighbourhood, then retention of the school site as municipal parkland will be given high priority.

Financial Considerations

- The cost to repurpose a school property, including the cost of demolitions and site clearance and/or designated substance abatement and building stabilization for the refurbishment of any structures to be retained;
- Costs associated with sub-surface site assessment, including archaeological or brownfield matters; and,
- Determination of and the financial implications associated with paying Fair Market Value (FMV) for the school property.

These three factors would be considered as part of the determination of what the City would pay to acquire the site.

Additional factors to be considered include:

- Evaluation of the City's existing capital plan to determine if funding for an approved capital project can be redirected to purchase a school property that would replace that capital project or represents a higher priority than the existing approved capital project;
- Ongoing operating budget impacts associated with timing of repurposing the site, including maintenance, security and other associated holding costs of a property;
- For sites where it is recommended that all or a portion of the buildings be retained for future municipal use, the additional capital costs associated with retaining the structure will need to be determined; and
- Evaluation of the cost of land purchase now versus future land purchase to provide the same services. In other words, the opportunity cost of not acquiring land and the Net Present Value (NPV)/financial costs of acquiring (or assembling) the same or similar land assets later.

Partnerships

The City may partner in the development of a site that has been identified for acquisition for municipal uses in accordance with City policies regarding partnerships. Such partnerships may include the development of any portion of a site not required for municipal uses.

Sites Recommended for Acquisition

Only sites that meet the evaluation criteria for an identified municipal need will be recommended for acquisition. An evaluation of the acquisition costs shall be undertaken for any site identified to be acquired, and a Source of Financing will be identified.

The City may consider the acquisition of sites that are larger than required to meet the identified municipal need, and may dispose of the portion not required to offset costs associated with the acquisition and development of the site.

Appendix B

City's Closed School Site Evaluations: Generalized Process

