Planning and Environment Committee

Report

7th Meeting of the Planning and Environment Committee
April 30, 2018

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

ALSO PRESENT: Councillors H.L. Usher and M. van Holst; I. Abushehada, G. Barrett, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, M. Knieriem, P. Kokkoros, G. Kotsifas, H. Lysynski, D. Mounteer, C. Parker, M. Pease, L. Pompilii, C. Saunders, J. Smolarek, S. Spring, M. Tomazincic, K. Van Lammeren and P. Yeoman.

The meeting was called to order at 4:00 PM.

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor S. Turner disclosed a pecuniary interest in clause 3.6 of this Report having to do with the location of potential Supervised Consumption Facilities in London, by indicating that his supervisor, Dr. C. Mackie, CEO and Medical Officer of Health, Middlesex-London Health Unit, has delegation status at this meeting.

2. Consent

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That Items 2.1 to 2.7, inclusive, BE APPROVED.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

2.1 5th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, the following actions be taken with respect to the 5th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on April 19, 2018:

a) part b) of clause 2.2 of the 4th Report of the EEPAC BE AMENDED to read as follows:

"b) the Environmental Study Report BE REQUIRED to be included in the Request for Proposal";

b) N. Pasato, Senior Planner, BE REQUESTED to attend the next Environmental and Ecological Planning Advisory Committee (EEPAC) meeting and provide a written report with respect to the following, related to the Subject Land Status Report on the properties located at 3614, 3630 Colonel Talbot Road and 6621 Pack Road:

i) the current status of the Subject Land Status Report;

ii) the current status of the Environmental Impact Study;

iii) what other studies are currently being undertaken and the time line for their completion;

iv) what studies are yet to be undertaken as part of the application and detail design; and,

v) how EEPAC will be involved in the review of these studies;

it being noted that the EEPAC received a communication dated January 23, 2018, from Natural Resource Solutions Inc., with respect to this matter;

c) the Civic Administration BE REQUESTED to provide an electronic copy of the South London Wastewater Servicing Study to the Environmental and Ecological Planning Advisory Committee for its consideration;

d) the Working Group comments appended to the 5th Report of the Environmental and Ecological Planning Advisory Committee and dated April, 2018 with respect to the Bus Rapid Transit Environment Information Session review and recommendations BE FORWARDED to the Project Director, Rapid Transit, for consideration;

e) the Working Group comments appended to the 5th Report of the Environmental and Ecological Planning Advisory Committee with respect to the Parker Stormwater Management Facility, Water Balance report BE FORWARDED to P. Titus, Senior Technologist, for consideration; and,

f) the following actions be taken with respect to the Notice of Planning Application for a draft Plan of Subdivision and Zoning By-law Amendment for the property located at 600 Sunningdale Road West appended to the 5th Report of the Environmental and Ecological Planning Advisory Committee:

i) a Working Group BE ESTABLISHED consisting of S. Levin and C. Dyck to review and report back at the next Environmental and Ecological Planning Advisory Committee meeting with respect to this matter; and,

ii) C. Smith, Senior Planner, BE REQUESTED to provide an electronic copy of the hydrogeological study with respect to this property to the EEPAC; and,

g) clauses 1.1, 2.1, 3.2, 3.4, 3.6 to 3.9, 4.2, 5.1, 5.2 and 6.2 BE RECEIVED.

Motion Passed

2.2 Application - 467- 469 Dufferin Avenue (OZ-8804)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received December 14, 2017, submitted by Lisa Lansink (Marigold Homes Inc.), relating to Official Plan Amendment and Zoning By-law Amendment File Number OZ-8804 concerning the property located at 467-469 Dufferin Avenue, the Ontario Municipal Board BE ADVISED that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it. (2018-D09)

Motion Passed

2.3 Application - 661 to 667 Talbot Street (Z-8659)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received November 27, 2017 submitted by Ian Flett, on behalf of AnnaMaria Valastro, relating to the Zoning By-law Amendment Z.-1-172622 concerning the properties located at 661 and 667 Talbot Street, the Ontario Municipal Board BE ADVISED that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it. (2018-D09)

Motion Passed

2.4 Application - Riverbend Golf Community Phase 9 (Block 1 Plan 33M-721) (P-8762)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, to exempt the following lands from Part Lot Control, the proposed by-law appended to the staff report dated April 30, 2018, BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to exempt Block 1 Registered Plan 33M-721 from the Part Lot Control provisions of Subsection 50(5) of the *Planning Act*. (2018-D09)

Motion Passed

2.5 Application - 660 Sunningdale Road East - Applewood Subdivision Phase 1 - Special Provisions (39T-09501)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the subdivision of land over Concession 6 S, Part Lot 13, situated on the north side of Sunningdale Road, west of Adelaide Street North, municipally known as 660 Sunningdale Road East:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the Applewood Subdivision, Phase 1 (39T-09501) appended to the staff report dated April 30, 2018 as Appendix “A”, BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated April 30, 2018 as Appendix “B”; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2018-D09)

Motion Passed

2.6 Application - 3804 South Winds Drive - Deer Creek Subdivision - Special Provisions (39T-09503)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Southside Group, for the subdivision of land over Part Lot 74, West of the North Branch of the Talbot Road, (Geographic Township of London), situated on the north end of South Winds Drive, municipally known as 3804 South Winds Drive:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Southside Group, for the Deer Creek Subdivision, (39T-09503) appended to the staff report dated April 30, 2018 as Appendix “A”, BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated April 30, 2018 as Appendix “B”; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2018-D09)

Motion Passed

2.7 560 and 562 Wellington Street - Status Update and Request to Undertake Further Study (OZ-8462)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of GSP Group Inc. relating to the property located at 560 and 562 Wellington Street:

a) the staff report dated April 30, 2018, entitled "GSP Group Inc., 560 and 562 Wellington Street, Status update and request to undertake further study" BE RECEIVED for information; and,

b) the Managing Director, Planning and City Planner, BE DIRECTED to undertake a review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park and to

consider a comprehensive plan for the properties surrounding the Park. (2018-D09)

Motion Passed

3. Scheduled Items

3.1 Public Participation Meeting - Application - Archaeological Management Plan (OZ-8771)

Moved by: M. Cassidy
Seconded by: J. Helmer

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the application of the City of London relating to the Archaeological Management Plan for all properties in the City of London:

a) the proposed by-law appended to the staff report dated April 30, 2018 as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to amend the Official Plan to add a new subsection to Section 19.2.2 ii) (Guideline Documents) to add Archaeological Management Plan (2017) to the list of Guideline Documents;

b) the proposed by-law appended to the staff report dated April 30, 2018 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a) above), to delete Section 3.8. 2) s) h-18 (Holding Zone Provisions) and replace with new wording to require an archaeological assessment to be undertaken; and,

c) the proposed by-law appended to the staff report dated April 30, 2018 as Appendix “C”, BE INTRODUCED at a future meeting of Municipal Council to amend The London Plan by ADDING the Archaeological Management Plan (2017) to Policy 1721_ of the Our Tools policies when The London Plan is in force and effect;

it being noted that technical edits to Section 6 of the Archaeological Management Plan (2017) have been made to provide consistent wording with the Provincial Policy Statement and The London Plan to require an archaeological assessment for site plan applications;

it being further noted that no individuals spoke at the public participation meeting associated with this matter;

it being also noted that the Municipal Council approves this application for the following reasons:

. the Archaeological Management Plan (2017) was adopted by Municipal Council at its meeting on July 25, 2017 and directed the following actions be taken:

· to delete from the list of Guideline Documents for the Official Plan (1989) reference to the Archaeological Master Plan (1996) from the Official Plan and to replace it with reference to the Archaeological Management Plan (2017) to the list of Guideline Documents in the Official Plan (1989);

· to delete reference to the Archaeological Master Plan (1996) from The London Plan and to replace it with reference to the Archaeological Management Plan (2017); and,

· to delete the wording of the h-18 zone of the Zoning By-law, Z.-1, and replace it with wording consistent with the adopted Archaeological Management Plan (2017);

· archaeological resources contribute to our understanding of the past. Our stewardship and management of archaeological resources shows our respect for past occupation, settlement, and cultures that have had an influence on our City;

· the conservation of archaeological resources is a matter of Provincial Interest, pursuant to Section 2(d) of the Planning Act, with policies requiring archaeological assessments in the Provincial Policy Statement (2014). Provisions of the Ontario Heritage Act protect archaeological sites from inappropriate alteration and disturbance, and help to ensure that archaeological fieldwork in Ontario is undertaken in compliance with the Standards and Guidelines for Consultant Archaeologists (2011);

· archaeological resources are best protected through the planning and development process. The land use planning process, governed by the Planning Act or the Environmental Assessment Act, requires approval authority to integrate the requirements of the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act regarding known archaeological sites and areas of archaeological potential;

· the City must ensure that appropriate policies and practices are in place to conserve archaeological resources in the planning and development process; and,

· replacing the Archaeological Master Plan (1996) with the Archaeological Management Plan (2017) will bring the City of London's archaeological resource management policies into alignment with current legislation and regulatory framework, and bring our land use planning tools into conformity. (2018-R01)

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Voting Record:

Moved by: A. Hopkins
Seconded by: M. Cassidy

Motion to open the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Moved by: M. Cassidy
Seconded by: Mayor M. Brown

Motion to close the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

3.2 Public Participation Meeting - Application - 200 Villagewalk Boulevard (Z-8867)

Moved by: M. Cassidy
Seconded by: J. Helmer

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1904812 Ontario Ltd., c/o Domus Development London Inc., relating to the property located at 200 Villagewalk Boulevard, the proposed by-law appended to the staff report dated April 30, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on May 8, 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 Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone, TO a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(_)) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

· the recommended Zoning By-law Amendment would allow the development of a building with a height and setbacks consistent with what was already approved through minor variance applications for a professional office building on the site. The requested addition of up to 790 square metres of medical/dental office as a permitted use would allow for an office use that is likely to create a more active frontage than the professional office use already permitted on the site, bringing the permitted uses into greater conformity with the Official Plan and The London Plan policies that apply to the site; and,

· the recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with the Official Plan and The London Plan, and allows for an additional type of office use to occupy an already-approved office building which is under construction. The recommended Zoning By-law Amendment is also a condition of consent application (B.050/17), which is necessary to facilitate the expansion of the site to accommodate the requested parking supply. (2018-D09)

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Voting Record:

Moved by: J. Helmer
Seconded by: M. Cassidy

Motion to open the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

3.3 Public Participation Meeting - Official Plan, The London Plan and Downtown Plan Criteria for Downtown Temporary Surface Commercial Parking Lots (O-8876)

Moved by: J. Helmer
Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of The Corporation of the City of London relating to the properties located within the boundaries of the Downtown as defined by the Official Plan:

a) the proposed by-law appended to the staff report dated April 30, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to amend the Official Plan to change Section 4.1.10 iv) (Parking/Surface Parking Lots) to add Official Plan criteria to evaluate requests for temporary extensions to existing surface commercial parking lots;

b) the proposed by-law appended to the staff report dated April 30, 2018 as Appendix “B”, BE INTRODUCED at a future Council meeting to amend The London Plan by ADDING new policies to the Downtown Place Type policies and the Temporary Use Provisions of the Our Tools policies when The London Plan is in force and effect; and,

c) the changes to Policy 5.2 in the guideline document “Our Move Forward – London’s Downtown Plan”, appended to the staff report dated April 30, 2018 as Appendix “C” BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to add criteria to evaluate requests for temporary extensions to existing surface commercial parking lots;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reason:

the purpose and effect of the recommended action is to add criteria to provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long term goal of replacing surface lots with development that includes underground or above ground parking spaces. (2018-D08)

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Voting Record:

Moved by: J. Helmer
Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Moved by: M. Cassidy
Seconded by: T. Park

Motion to close the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

3.4 Public Participation Meeting - Old East Village Dundas Street Corridor Secondary Plan - Draft Terms of Reference (O-8879)

Moved by: J. Helmer
Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner, the Terms of Reference for the Old East Village Dundas Street Corridor Secondary Plan, appended to the staff report dated April 30, 2018 as Appendix A, BE ENDORSED;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters. (2018-D08)

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Voting Record:

Moved by: Mayor M. Brown
Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Moved by: J. Helmer
Seconded by: T. Park

Motion to close the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

3.5 Public Participation Meeting - Application - 100 Kellogg Lane (Z-8893)

Moved by: J. Helmer
Seconded by: Mayor M. Brown

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application by the Corporation of the City of London, relating to the property located at 100 Kellogg Lane (south portion), the proposed by-law appended to the staff report dated April 30, 2018, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on May 8, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 40.4 a) 19) of the Light Industrial Special Provision (LI1(19)) Zone to add “place of entertainment in association with a commercial recreation establishment” and “amusement games establishment in association with a commercial recreation establishment” to the list of permitted uses;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being further noted that the Municipal Council approves this application for the following reasons:

· the recommendation is consistent with Provincial Policy Statement 2014;

· the recommendation is consistent with the Light Industrial policies of the Official Plan;

· the recommendation provides for a compatible adaptive reuse of a large industrial site located within a community in transition comprised of legacy industrial uses, residential uses and new commercial land use policies;

· the recommended amendment is consistent with the intent of the vision expressed by the applicant at the public meeting on October 10, 2017, but was not specifically identified within the list of permitted uses in the Zoning By-law amendment at that time; and,

· the recommended amendment will facilitate the building permit to allow for the entertainment and amusement type uses proposed to be established as part of the commercial recreation facility that is currently under renovation.

(2018-D09)

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Voting Record:

Moved by: M. Cassidy
Seconded by: T. Park

Motion to open the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

Moved by: M. Cassidy
Seconded by: J. Helmer

Motion to close the public participation meeting.

Yeas: (6): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Motion Passed (6 to 0)

3.6 Delegation - Dr. C. Mackie, Middlesex London Health Unit - Supervised Consumption Facility Location

Moved by: Mayor M. Brown
Seconded by: T. Park

That, the following actions be taken with respect to supervised consumption facility locations:

a) the provision of supervised consumption facilities in London BE ENDORSED;

b) the provision of supervised consumption services at 241 Simcoe St and 446 York St BE ENDORSED subject to the properties meeting the criteria for the location of supervised consumption facility in accordance with Council policy "Siting of Supervised Consumption Facilities (SCF) and Temporary Overdose Prevention Sites (TOPS)";

c) the Civic Administration BE DIRECTED to consult with the London Police Services, Middlesex London Health Unit, Regional HIV AIDS Connection, London and Middlesex Housing Corporation, Resident and Business Associations of an area being considered for a proposed supervised consumption site, with respect to the preparation of a Neighborhood Safety Plan; and,

d) that Civic Administration BE DIRECTED to consult with the London and Middlesex Housing Corporation to work on any required changes to the Articles of Incorporation and Shareholder agreements;

it being noted that the Planning and Environment Committee heard the attached presentation from Dr. Mackie, Medical Officer of Health and Chief Executive Officer, Middlesex-London Health Unit, with respect to this matter;

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

· a communication dated April 22, 2018, from G. Coakley, Coakleys;

· a communication dated April 26, 2018, from L. McCardle, 31 Cartwright Street;

· a communication dated April 26, 2018, from B. Speagle, 434 Wilkins Street;

· a communication dated April 26, 2018, from A. Lukach, President, SoHo Community Association;

· a communication dated April 26, 2018, from D.J. Lizotte, by e-mail;

· a communication dated April 26, 2018, from C. Bodkin, 15 Ravenglass Crescent;

· a communication dated April 26, 2018, from M. Richings, Founder, Red Ten Women's Peer Support Network;

· a communication from D. Ruston, by e-mail; and,

· a communication dated April 27, 2018, from J. Densky, by e-mail. (2018-S08)

Yeas: (5): A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Recuse: (1): S. Turner

Motion Passed (5 to 0)

Voting Record:

Moved by: Mayor M. Brown
Seconded by: J. Helmer

Motion to grant Dr. C. Mackie an extension of his delegation beyond five minutes.

Yeas: (5): A. Hopkins, M. Cassidy, J. Helmer, T. Park, and Mayor M. Brown

Recuse: (1): S. Turner

Motion Passed (5 to 0)

4. Items for Direction

None.

5. Deferred Matters/Additional Business

None.

6. Adjournment

The meeting adjourned at 7:06 PM.

Environmental and Ecological Planning Advisory Committee Report

The 5th Report of the Environmental and Ecological Planning Advisory Committee
April 19, 2018
Committee Rooms #1 and #2

Attendance

PRESENT: S. Levin (Chair), E. Arellano, A. Boyer, C. Dyck, P. Ferguson, S. Hall, B. Krichker, S. Madhavji, K. Moser, N. St. Amour, S. Sivakumar, C. Therrien, R. Trudeau and I. Whiteside and H. Lysynski (Secretary)

ABSENT: C. Evans

ALSO PRESENT: G. Barrett, C. Creighton and A. Macpherson

The meeting was called to order at 5:03 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 Southdale Road Environmental Assessment Study

That a Working Group BE ESTABLISHED consisting of R. Trudeau (Lead), S. Levin and C. Therrien to review the Southdale Road West Environmental Assessment Study; it being noted that the Environmental and Ecological Planning Advisory Committee received the attached presentation from T. Koza, Project Manager, B. Huston and B. Fox, Dillon Consulting Limited, with respect this matter.

3. Consent

3.1 4th Report of the Environmental and Ecological Planning Advisory Committee

That part b) of clause 2.2 of the 4th Report of the EEPAC BE AMENDED to read as follows:

"b) the Environmental Study Report BE REQUIRED to be included in the Request for Proposal".

3.2 5th Report of the Advisory Committee on the Environment

That it BE NOTED that the 5th Report of the Advisory Committee on the Environment, from its meeting held on April 4, 2018, was received.

3.3 Natural Resource Solutions Inc. - 3614, 3630 Colonel Talbot Road and 6621 Pack Road: Subject Lands Status Report Agency Comments Responses

That N. Pasato, Senior Planner, BE REQUESTED to attend the next Environmental and Ecological Planning Advisory Committee (EEPAC) meeting and provide a written report with respect to the following, related to the Subject Land Status Report on the properties located at 3614, 3630 Colonel Talbot Road and 6621 Pack Road:

a) the current status of the Subject Land Status Report;

b) the current status of the Environmental Impact Study;

c) what other studies are currently being undertaken and the time line for their completion;

d) what studies are yet to be undertaken as part of the application and detail design; and,

e) how EEPAC will be involved in the review of these studies;

it being noted that the EEPAC received a communication dated January 23, 2018, from Natural Resource Solutions Inc., with respect to this matter.

3.4 Medway Valley Heritage Forest Environmentally Significant Area

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee (EEPAC) held a general discussion with respect to the Medway Valley Heritage Forest Environmentally Significant Area (south) Conservation Master Plan and received the presentation that K. Moser presented to the Planning and Environment Committee on Monday, April 16, 2018, on behalf of the EEPAC.

3.5 South London Wastewater Servicing Study

That the Civic Administration BE REQUESTED to provide an electronic copy of the South London Wastewater Servicing Study to the Environmental and Ecological Planning Advisory Committee for its consideration.

3.6 Notice of Project Commencement - Brougdale Dyke Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Study Commencement for the Broughdale Dyke Municipal Class Environmental Assessment, was received.

3.7 Notice of Project Commencement - Riverview Evergreen Dyke Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Project Commencement for the Riverview Evergreen Dyke Municipal Class Environmental Assessment, was received.

3.8 Notice of Public Information Centre 3 - Adelaide Street North - Canadian Pacific Railway Grade Separation Municipal Class Environmental Assessment Study

That it BE NOTED that the Notice of Public Information Centre #3 relating to Adelaide Street North Canadian Pacific Railway Grade Separation Municipal Class Environmental Assessment Study, was received.

3.9 Notice of Public Meeting Cancellation - Southside Group - 3234, 3263, 3274 Wonderland Road South

That it BE NOTED that the Notice of public meeting cancellation relating to the Southside Group, for the properties located at 3234, 3263 and 3274 Wonderland Road South, was received.

4. Sub-Committees and Working Groups

4.1 EEPAC'S Bus Rapid Transit Environment Information Session Review and Recommendations

That the attached Working Group comments dated April, 2018 with respect to the Bus Rapid Transit Environment Information Session review and recommendations BE FORWARDED to the Project Director, Rapid Transit, for consideration.

4.2 (ADDED) Wetland Sub-Committee

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee heard a verbal update from R. Trudeau, Chair, Wetlands Sub-Committee, with respect to the Sub-Committee meeting held on April 19, 2018.

5. Items for Discussion

5.1 Water and Wastewater Anticipated Environmental Assessments Table

That it BE NOTED that the 2018 Water and Wastewater Anticipated Environmental Assessments table, was received.

5.2 Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum – Final Report

That B. Krichker BE REQUESTED to review the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class Environmental Assessment Addendum - Final Report and report back at the June, 2018, Environmental and Ecological Planning Advisory Committee meeting with respect to this matter.

6. Deferred Matters/Additional Business

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

That the attached Working Group comments with respect to the Parker Stormwater Management Facility, Water Balance report BE FORWARDED to P. Titus, Senior Technologist, for consideration.

6.2 (ADDED) Notice of Public Information Centre #2 - Southdale Road West Improvements

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee received the attached Notice of Public Information Centre #2, with respect to the Southdale Road West Improvements - Pine Valley Boulevard to Colonel Talbot Road Municipal Class Environmental Assessment; it being noted that S. Levin will attend the Public Information Centre on behalf of EEPAC.

6.3 (ADDED) Draft Plan of Subdivision and Zoning By-law Amendment - 600 Sunningdale Road West

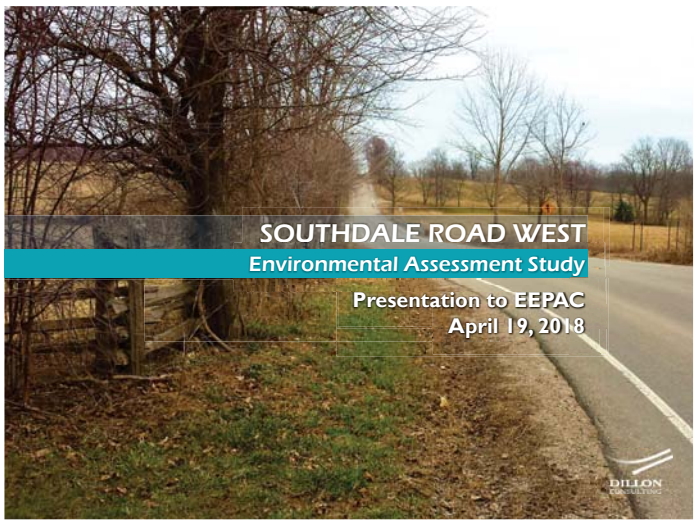
That, the following actions be taken with respect to the attached Notice of Planning Application for a draft Plan of Subdivision and Zoning By-law Amendment for the property located at 600 Sunningdale Road West:

a) Working Group BE ESTABLISHED consisting of S. Levin and C. Dyck to review and report back at the next Environmental and Ecological Planning Advisory Committee meeting with respect to this matter; and,

b) C. Smith, Senior Planner, BE REQUESTED to provide an electronic copy of the hydrogeological study with respect to this property to the EEPAC.

7. Adjournment

The meeting adjourned at 7:13 PM.



SOUTHDALE ROAD WEST

Environmental Assessment Study

Presentation to EEPAC
April 19, 2018

WELCOME!

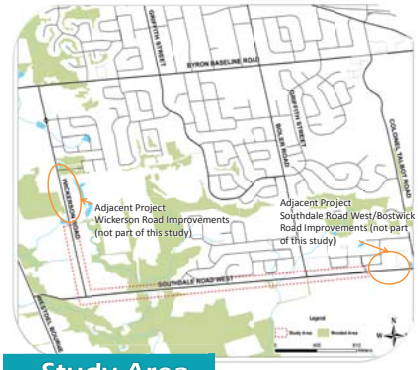
Problem Statement:

Significant improvements are required to the grade and cross-section of Southdale Road West and Wickerson Road. This study is assessing the need for traffic operations and safety improvements, access modifications and pedestrian and cyclist friendly design features on the two roadways.

Presentation Outline:

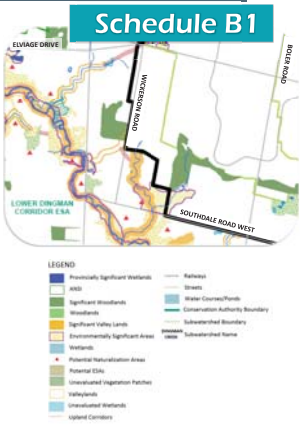
- **SUMMARIZE** the need for improvements to Southdale Road West and Wickerson Road
- **OUTLINE** alternatives considered and the technically preferred solution
- **PRESENT** summary of the Environmental Impact Study completed
- **OUTLINE** the next steps in the planning and design process
- **DELIVER** a copy of the EIS for EEPAC review and consideration.

STUDY AREA



Study Area

Schedule B1



CLASS EA PROCESS

PHASE 1: Problem/ Opportunity	PHASE 2: Alternative Solutions	PHASE 3: Design Options for Preferred Solution	PHASE 4: Environmental Study Report (ESR)	PHASE 5: Implementation
✓ Identify problems/ opportunities to be addressed in the planning and design process ✓ Confirm the need for improvements ✓ Prepare a "Problem Statement"	✓ Develop alternative solutions for improving the roads ✓ Overview of existing and future conditions ✓ Consultation with review agencies and the public PUBLIC INFORMATION CENTRE 1 March 3, 2017	✓ Identify design options for the preferred solution ✓ Detailed overview of existing/future conditions ✓ Evaluate design options and select a preferred design option ✓ Consultation with review agencies and the public ✓ Complete an impact assessment of the preferred design option EEPAC Presentation PUBLIC INFORMATION CENTRE 2 Summer 2017	✓ Document the decision-making process in an ESR for a Schedule C project	✓ Design and construction phase ✓ Project must be designed and constructed as outlined in the ESR

WE ARE HERE

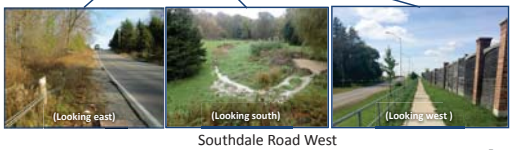
The Study is following the requirements of the *Municipal Class Environmental Assessment* (EA) (2011) for a Schedule 'C' (major) project.

The Class EA process ensures:
- ✓ All relevant engineering and environmental factors are considered in the planning and design process
- ✓ Public and agency input is integrated into the EA process.

EXISTING CONDITIONS

Wickerson Road

Existing Designations - From Map 1 of the London Plan (2016)



Southdale Road West

ALTERNATIVE SOLUTIONS

Phase 2 of the Class EA process has been completed. The process involved the development of alternative solutions for improvements to the roads.

Two alternative solutions were developed:

- **Do Nothing** – Southdale Road West and Wickerson Road would remain in the same condition with no improvements
- **Improvements** to Southdale Road West and Wickerson Road to meet minimum design standards
  - **Alternative 1** – vertical and cross section reconstruction to meet design standards on the existing horizontal alignment
  - **Alternative 2** – horizontal realignment of Southdale Road West and Wickerson Road outside of the current footprint of the roadway. This alternative would also include vertical and cross section reconstruction to meet design standards.

Alternative 2 was dismissed due to the significant impacts outside of the existing road footprint.

EVALUATION OF ALTERNATIVES

Evaluation Factors	"Do Nothing"		Alternative 1	
Road Design Standards	✗	Does not meet design standards	✓	Meets design standards
Traffic Operations and Safety	✗	Does not meet design standards	✓	Meets design standards
Opportunities for Active Mobility	✗	No opportunities	✓	Opportunities available
Opportunities for new infrastructure installation (watermain, etc.)	✗	No opportunities	✓	Opportunities available
Impacts on Natural Heritage	✓	No impacts	✗	Impacts
Impacts on Land Uses, Socio-Economic Environment and Cultural Heritage Resources	✓	No impacts	✗	Impacts

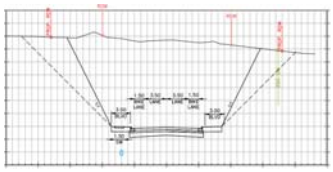
PREFERRED SOLUTION

Alternative 1 is recommended as the preferred solution because it:

- Meets City's minimum road design standards
- Improves safety and drainage
- Provides opportunities for active mobility
- Accommodates other planned servicing improvements.

The Preferred Solution provides:

- 2-Lane roadway designed to current standards
- Profile improvements to current design standards



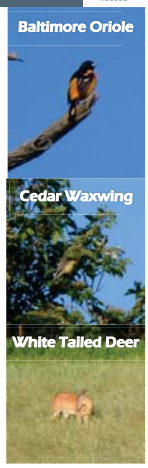
EIS OVERVIEW

An Environmental Impact Study (EIS) was completed for the technically preferred solution. The EIS included:

- 2 years of Natural Environment Inventories (2016-2017).
- A Subject Land Status Report
- Summary of Impacts and Mitigation measures to be carried into detail design and/or construction.

Key objectives of the EIS were to:

- Determine potential impacts on the existing natural heritage system
- Recommend areas for avoidance of impacts and/or mitigation to ensure protection of significant features and functions
- Protect Species at Risk (SAR) and significant wildlife
- Develop a restoration plan, including opportunities for invasive species management, opportunities for wildlife connectivity and avoid net loss of wetland environments
- Recommend changes to Schedule B1 of the City's Official Plan.



EIS FINDINGS

Ecological Land Classification

- Candidate significant wildlife habitat in the Study Area may include: Bat Maternity Colony, Amphibian Breeding Habitat, Turtle Wintering Area and Special Concern Species

Wetlands

- Two wetland features capture surface water flows but have limited ecological function. They will be treated as locally significant. The larger wetland provides breeding habitat for amphibians and will also be treated as locally significant

Breeding Birds and Raptors

- Red-winged Blackbirds and Baltimore Orioles showed evidence of breeding in the Study Area. SAR birds observed during the Study included Eastern Meadowlark and Barn Swallow. There were no raptor nests observed within or adjacent to the Study Area

Aquatic Resources

- There are two watercourse features in the Study Area. They are both characterized as intermittent and/or ephemeral watercourses that may provide potential seasonal habitat for fish

Species at Risk (SAR) and Species of Conservation Concern (SCC)

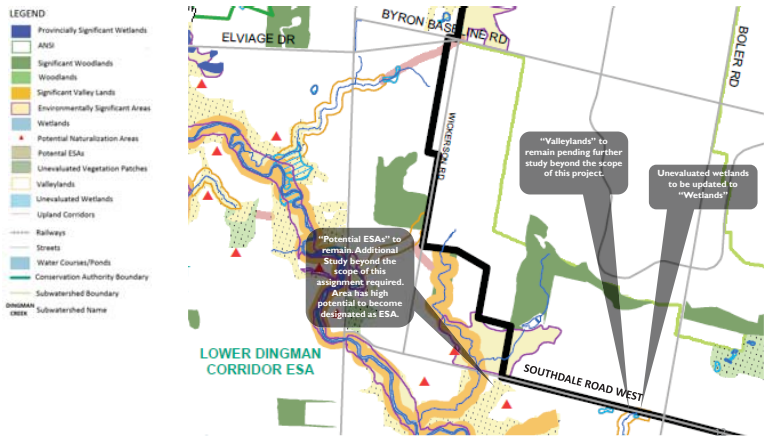
- Three SAR (Eastern Meadowlark, Bobolink and Little Brown Myotis) and two SCC (Eastern Wood-pewee and Wood Thrush) have potential habitat or seasonal occurrence in the Study Area and may be impacted by the proposed road improvements.

KEY RECOMMENDATIONS

In addition to typical mitigation measures (erosion and sediment control, timing windows, bird nest searches, etc.) additional key recommendation from the EIS include:

- Minimizing Construction Footprint:
  - Two lane roadway
  - Curbs and gutters will be used to minimize grading
  - Reinforced slopes will be used in areas where fill is required
- Tree Impacts
  - Significant tree impacts are anticipated. Many large, mature trees will be lost
  - Detailed tree survey and tree preservation plan to be developed during detail design. Goal to minimize tree removals and impacts to mature trees
  - Compensation ration for planting plan to be determined during detail design
- Invasive Species Management Plan:
  - Study area was observed to contain an abundance of invasive species. During detail design, an Invasive Species Management Plan shall be developed to target aggressive invasive flora (European Common Reed, European Buckthorn, Periwinkle, etc.)
- Edge Management and Compensation Planting Plan
  - Creation of an Edge Management and Compensation Planting Plan is recommended to reduce impacts to existing woodlands and specifically the Environmental Sensitive Area (ESA) within the project limits
- Wildlife Impact Mitigation Plan
  - Consideration for installation of a wildlife crossing under Southdale Road in the vicinity of the ESA to improve wildlife movement corridors. The crossing to be designed to accommodate small mammals while not negatively impacting hydraulic operations of existing culvert crossing on the projects West Tributary
- Wetland Compensation
  - The project will result in the loss of a small wetland community located on the projects East Tributary. To achieve "no net loss" of wetland habitat, compensation habitat plans shall be reviewed and identified during detail design.

SCHEDULE B1 RECOMMENDED UPDATES



NEXT STEPS

Public Information Centre #2:
- Anticipated May 2018.

Environmental Impact Study (EIS):
- Receive input from EEPAC, UTRCA and MNRF by **May 21, 2018**
- Finalize EIS.

Environmental Study Report (ESR):
- Finalize EA document - June 2018
- Present EIS and EA document to Council for endorsement
- 30-day public and agency review period – Anticipated summer 2018.

Construction:
- Following the detailed design phase, construction could begin as early as 2020.

Questions?

EEPAC's BRT EIS review and recommendations
Submitted by B. Krichker, S. Levin, S. Sivakumar, C. Therrien
April 2018

Site 1 – Oxford and Mud Creek
Site 2 – North Thames (downtown)
Site 3 – Western Road crossing of Medway Creek
Site 4 – University Drive Bridge
Site 5 – Wellington Road crossing of the Thames
Site 6 – Adjacent to Westminster Ponds
Site 7 – Exeter Road OPP station (Murray Drain)

RECOMMENDATIONS

Existing Conditions

Highlights:

- Terrestrial flora surveys should be conducted in early May in order to see the full spring ephemeral community additionally we recommended survey be performed throughout the summer to identify and transplant regionally rare species if present as based on your responses to our previous comments. The surveys are incomplete.
- Additional fish surveys should be conducted during the spring of the year (March–May) to determine what fish species are present within the BRT study area during the spring spawning season. The document indicates surveys were only performed in the late summer and early fall of each year.
- No access to hydrological existing conditions, benthic invertebrate sampling, water balance, etc….
- No benthic sampling past 2014?
- the reporting on existing and future hydraulics/hydrological conditions, including water balance (surface, subsurface water and groundwater conditions) and evaluate any potential adverse impacts on the environment and ecology the project infrastructure lands function and features, if these water resources conditions will be altered;
- the required correlation/coordination of these existing and future water resources conditions together with soil conditions on the evaluations of potentially adverse impacts, mitigation measures associated with the assessment of changes of environmental/ecological conditions of the system that will be impacted by the proposed BRT infrastructure system.
-

Additional comments:

- A timeline showing the restrictions of work for various habitats and species (Migratory Bird, turtle nestings, spawning, etc) be included in all bid documents. (It is not included in the EIS and it should be as well as there are a number of "blackout" times given the variety of terrestrial and aquatic species affected).

- Although habitat enhancement strategies are an admirable goal, it is unclear what strategies have been successful for the SAR species identified in this study. More clarity is required.
- The EIS must include dates aquatic surveys were carried out and if the surveys were done in the areas of BRT work. (There are no dates for work undertaken by agencies!)
- Where Queensnake is noted (p. 7), the EIS be updated to reflect the finding of a Queensnake by a member of the public and confirmed by the SAR biologist at UTRCA in 2012/13 west of the Medway bridge (site 3). Queensnake surveys must precede work at this location. This should include the mowed back yard adjacent to the "station" south of Windemere, between the Medway bridge and the residence bridge. This back yard is actually Huron University College property.
- Chimney Swift and Cavity tree surveys for bats be required at detail design stages when works may negatively impact SAR species. Swift Watch be consulted during the detail design stage. (Was there a reply to Erin's May 8, 2017 e-mail to Claire Paller at the MNRF regarding Swifts and detailed nest surveys?)
- Mollusc surveys be required at the detail design stage for in water works and works at site 3. Any SAR species found must be removed and relocated away from the construction site rather than held and relocated to the site later.
- The Awareness and Encounter Protocols be reviewed at each site with the SAR biologist from the UTRCA where turtles and their habitat may be affected by work. A fisheries expert from UTRCA or UWO provide the review where SAR aquatic species may be encountered and their habitat affected. This is particularly relevant as female turtles travel many Km.
- All water balance reports, particularly for the project near site 6, must be reviewed by the hydrologists at the City and the UTRCA.
- Agree that SAR status be reviewed prior to detail design and/or construction. It is noted that Figure 27 is wrong as Spiny Softshell Turtles were listed as Endangered (from Threatened) in Ontario in Dec 2016.
- EEPAC would appreciate knowing who checks the Overall Benefit Permit and who checks if there has been an overall benefit? For Turtles, the SAR biologist at UTRCA must review the application before submission. If you hope to achieve and overall benefit, the permit must include how much money will be provided to ensure there is a benefit. Furthermore, who actually determines if the conditions of the permit have been met and what are the consequences if the benefits are not achieved?
- The EIS notes the thermal regime for Site 3 but not for any of the other relevant sites such as 2, 4, 5, and 7. This information should be included in the final EIS.
- Regarding Site 1, EEPAC provided extensive notes to SWM staff regarding the restoration plans for Mud Creek and that restoration for fishery habitat is less important than restoration for other species as there is a perched culvert at the Thames outlet and that fish are likely not found upstream.

- Assessment of soil quality (SQ) indicators that detect soil degradation in different land use and soil management systems (LUSMS) is desirable to achieve sustainable management strategies. Can we include soil quality (Physical, chemical and microbial) assessment and monitoring procedure in place for all sites in 300 m buffer zone?
- Is initial screening and element being absent is sufficient to make decisions on SAR? Better to have comprehensive survey for SARs at least in natural heritage sites (site 1 and 6)
- Field notes indicate that they have found several invasive species. Is there a protocol defined to handle invasive species?

<u>System based design</u>

Highlights:

- Current flow regime including velocity and depth at site 3. Pier design must try to minimize impacts to these hydrological factors and minimize immediate downstream impacts.
- Impacts to species at risk. Need to maintain the current riffle, pool sequences at site 3. This is known spawning site of castotomids including the threatened black redhorse (*Moxostoma duquesnei*) and the wavy-rayed lampmussel (*Lampsilis fasciola*).

Additional comments:

- The two lane multi use pathway adjacent to the PSW be reduced to one lane in order to reduce the impact on the PSW. (site 6)
- EEPAC agrees with permanent barriers to prevent the public from accessing sensitive river bank and shoreline habitat. For example, we agree with the exclusion fencing at Site 6 at detailed design and construction and then made permanent.
- EEPAC notes there is little if any data on Silver Shiner. Avoidance of habitat loss is the best approach to protecting this SAR fish.
- EEPAC supports enhancement of habitat around the Murray Drain at Site 7 and the protection of the adjacent meadow for Meadowlark.
- Bridge work at Site 3 has the potential to be very deleterious to fish habitat, particularly to habitat for castomids (suckers) including the SAR Black Redhorse (*M. duquesnei*). Hydrological modelling will need to be performed for this site to see how modification of the bridge and construction in the permanently wet sections of Medway Creek will influence the hydrological regime of the stream. Great care must be taken to minimize in water impacts to both the substrate, the flow and the thermal regime of the stream. Critical environmental factors for Black Redhorse spawning areas has been identified as streams and smaller rivers short distances away from their mouths (Bowman, 1970; Smith 1977). Black redhorse have been seen spawning on in the spring in riffles of rubble and gravel in 15-60 cm of water (Bowman, 1970) with flow rates of 1.4 m3/sec and surface velocities of 0.24 m/sec (McSwain and Jennings, 1972).

Mitigation and monitoring

Highlights

- Creation of monitoring plan overseen by multiple agency groups including pre-, during, and post-construction. Compensatory mitigation plans shall be reviewed by City staff, EEPAC, MNRF, DFO, and UTRCA staff before being finalized. Approval of the MNRF, DFO and UTRCA shall be required.
- Habitat replacement should also be considered for the impacted aquatic environment. Having compensatory habitat replacement in terrestrial systems is not enough to replace lost aquatic habitats. Improvement of stream/river banks and riparian areas could help with this. Additionally, development of new spawning areas and enhancement of current ones along the watercourse for species such as Black Redhorse (*Moxostoma duquesnei*) should be considered.

Additional comments:

- Given how much of the compensatory mitigation is in the future and is noted to take 20-40 years for woodland recovery, the city shall consult with the UTRCA, MNRF, DFO and EEPAC on sufficient project budget for compensatory mitigation which will be required beyond the study area at various points in time.
- The compensatory mitigation plans must have suitable budgets because only the standard three-year warranty for plantings is included in the EIS. The Plans must also include who is responsible for monitoring, who is specifically to receive monitoring reports and frequency. It is not enough to say, for example, "The city will get annual reports." EEPAC's concern is that it is unclear how much review is done at the detail design stage having almost never been involved at the detail design stage!
- Consideration be given to start funding compensatory mitigation in the Ponds now by implementing the buckthorn removal plan recommended by N-S Environmental in the Master Plan for this ESA.
- Better than 1:1 replacement be considered replacement of mass rather than replacement of individuals when considering compensatory mitigation for tree removal.
- Removal of phragmites be included in each project budget where this invasive plant occurs in the work area of each project such as Site 6.
- Is there a plan to create new turtle nesting habitat? If so, this must be reviewed by the SAR biologist specialist at UTRCA.
- When construction starts, this could cause further disturbance in micro climate –disturbance in soil and hydrology. Is there assessment and monitoring procedure in place. Specially disturbance in soil could attract invasive species in buffer zones (300m)

Construction window

Highlights

- Clarification of wording when mentioning in water works. For Black Redhorse, in water works should be performed from early summer to late fall (June–November) to avoid construction during the spring spawning migrations and on the spawning grounds.

Additional comments

- Consider moving and replanting the Kentucky Coffee Tree near the University Bridge. The assumption is that moving while the tree is youngest is better. Continue to work with Dr. Greg Thorn with regards to the movement of this tree and the Butternuts at site 4.
- Support requiring Clean Equipment Protocol

Comments on responses to previos comments issued by EEPAC following the review of the London RT SLSR (WSP, 2017)

1. Continue to work with MNRF during the detailed design to minimize the impacts to Kentucky Coffee Trees. Dr. Greg Thorn should be consulted when dealing with the Kentucky Coffee Trees on site 4. Also, how will this be followed? We recommend monitoring of Kentucky Coffee Trees be implemented in the monitoring plan.
2. We support the additional surveys to be performed throughout the summer. Further comments on this are included on page 1 of the document.
3. We support the additional surveys to be taken for occupancy of at-risk birds at site 4. This should also be included in the mitigation and monitoring plan.

11. We support the continued consultation and recommend that if potential turtle nesting and overwintering sites be lost that the construction of new nesting and overwintering sites be included in the mitigation plan.

References:

Bowman, M. L. 1970. Life history of the black redhorse, *Moxostoma duquesnei* (LeSuer) in Missouri. *Transactions of the American Fisheries Society* **99**:546–559.

McSwain, L. E. and R. M. Jennings. 1972. Spawning behavior of the spotted sucker *Minytrema melanops* (Rafinesque). *Transactions of the American Fisheries Society* **101:**738–740.

Smith, C. A. 1977. The biology of three species of *Moxostoma* (Pisces-Catostomidae) in Clear Creek, Hocking, and Fairfield counties, Ohio, with emphasis on the golden redhorse, *M. erythrurum* (Rafinesque). Doctoral dissertation, Ohio State University, Columbus. 158 p.

EEPAC originally provided comments at the October 2017 EEPAC meeting and additional comments at the November EEPAC meeting. Please see the following:

Theme 1 - Impact on Dingman Creek

Overall, we are still concerned with the project's potential impact on Dingman Creek. None of the reports have addressed base and peak flow to the Hampton-Scott Drain under major and minor storm events. As we had previously stated, the 2005 Dingman Creek Subwatershed Study Update ("DCSSU") makes specific recommendations for sub watershed management within the Dingman Creek watershed, and until such time as the DCSSU is superseded, its recommendations should be followed. Our chief concern is that the changes to the stormwater management strategy for the Parker SWMF are being viewed in isolation, without considering the more localized impact on the Hampton-Scott Drain and, ultimately, its broader impact on Dingman Creek.

Recommendation 1:

We reiterate our previous recommendations, notably Nos. 2, 3, and 4 from our comments presented at the December 2017 meeting. The crux of these recommendations are:

a. prepare a water balance assessment for the site to establish baseline water conditions. The Water Balance assessment (dated December 2017) does not provide an assessment of the current flow regime into the Hampton-Scott Drain from Significant Woodland being preserved, not that of groundwater into the Drain.
b. Evaluate base flow and peak flow conditions from the Significant Woodland to the Hampton Scott drain. The Water Balance does not provide an evaluation of the Significant Woodland's retention/detention capabilities during a Major Storm event, nor does it provide a base flow assessment to the Hampton Scott Drain during Major and Minor Storm events.

Theme 2 - Water flow to the Woodland

With specific reference to the overall water balance within the Woodland, the Water balance report cites the goal of not more than a 10% reduction in water water reporting to the Woodland. The Water balance Assessment calculated the Woodlot size as being 17.7 Ha with an additional 19.0 Ha of "buffer zone" in the "Post-Development Ultimate Scenario" that is composed of 40% to 45% impervious areas; essentially, the report implies the "buffer zone" would be private property and the necessary flow to the Woodland would only be achieved using water flows "directed to the woodlot via directly connected "buffer" zones in rear yards, via indirectly connected LID measures, or via a piped diversion system to offset the infiltration deficit." Previous reports had referenced a 14.6 Ha buffer around the Woodland; our assumption was that this buffer would have not been private property under the Post-Development scenarios (either interim or ultimate). Our concerns with this revised approach are:

- Flow to the Woodlot in the interim and ultimate scenarios is dependent on maintenance of LID measures on private property, the efficacy and long term maintenance of which is uncertain.

- Flow to the Woodlot is also dependent on a series of assumptions around the ultimate site design. To the extent that the site design gets modified, the amount of water reporting to the Woodland could be further reduced.
- How the water is relayed to the Woodlot could also have an impact on the Woodlot's retention/detention ability. For instance, piping water into the Woodlot, while maintaining the overall volume, may not necessarily be retained during a storm event the same way interflow and surface flow into the Woodlot would be.

Recommendation 2:

- The buffer zone around the Woodland should be excluded from overall development (i.e. remain public access lands). Excluding the land from overall development should eliminate the creation of impervious areas within the buffer zone and thus help to maintain water reporting to the Woodland.
- The size of the buffer zone should be evaluated such that there is a not more than 10% reduction in water reporting to the Woodland.
- The specific LID measures should be evaluated within the context of their impact on the Woodland's ability to retain/detain water during a storm event.

Theme 3 - Dewatering during Construction

The Hydrogeological Assessment highlights the need for dewatering during construction of the Trunk Sanitary and Stormwater sewers (typical scenario of 426 L/min, worst-case scenario of 1,070 L/min) and for the SMWF (typical scenario of 106 L/min, worst-case scenario of 385 L/min). The report mentions that the dewatering may have an impact on water levels in the "creek", which is presumably the Hampton-Scott drain, and recommends redirecting discharge to the channel to maintain surface water levels (Section 6.1.2). The report also highlights that groundwater pumped during the proposed dewatering will likely require some form of treatment for to lower Total Suspended Solids and lower the associated metals concentration prior to discharge to the local storm sewer system (Section 8.0). Lastly, the report recommends that a staff gauge be established as a visual reference in the watercourse (agin, we assume the report is referencing the Hampton-Scott drain) to assess whether water levels are being impacted by the dewatering, and if so, the discharge may be redirected in consultation with the UTRCA. Given that the construction period is relatively short (21 days for each of the Trunk Sanitary and Stormwater sewers and the SWMF), there may be insufficient time to contact the UTRCA and develop a plan to maintain water levels in the Hampton-Scott drain.

Recommendation 3:

Establish a plan ahead of time to prepare for the contingency of having to re-direct water to the Hampton-Scott drain to maintain water levels during construction. This plan should include, inter alia, water quality testing consistent with the recommendations of the DCSSU to ensure discharged water does not adversely impact Dingman Creek.

Southdale Road West Improvements –
Pine Valley Boulevard to Colonel Talbot Road
Municipal Class Environmental Assessment

NOTICE OF PUBLIC INFORMATION CENTRE #2

The City of London is undertaking a Municipal Class Environmental Assessment (EA) study to determine road improvements for Southdale Road West between Pine Valley Boulevard and Colonel Talbot Road, and Bostwick Road, north of Pack Road. This project will address future growth requirements and will determine how best to accommodate all roadway users including vehicles, cyclists and pedestrians.

Public Information Centre

The second and final Public Information Centre (PIC) will be held for this project to present the preliminary recommended design for the Southdale Road West and Bostwick Road corridors including alternatives considered and impacts to be addressed. Project team members will available to discuss the project and to receive your input. This PIC will be a drop-in event and no formal presentation will be made.

You are invited to attend the PIC to be held:

Date: Thursday May 3, 2018
Time: 5pm to 7pm
Location: Westview Baptist Church – 1000 Wonderland Road South, London

Display materials will be available on the City of London website.

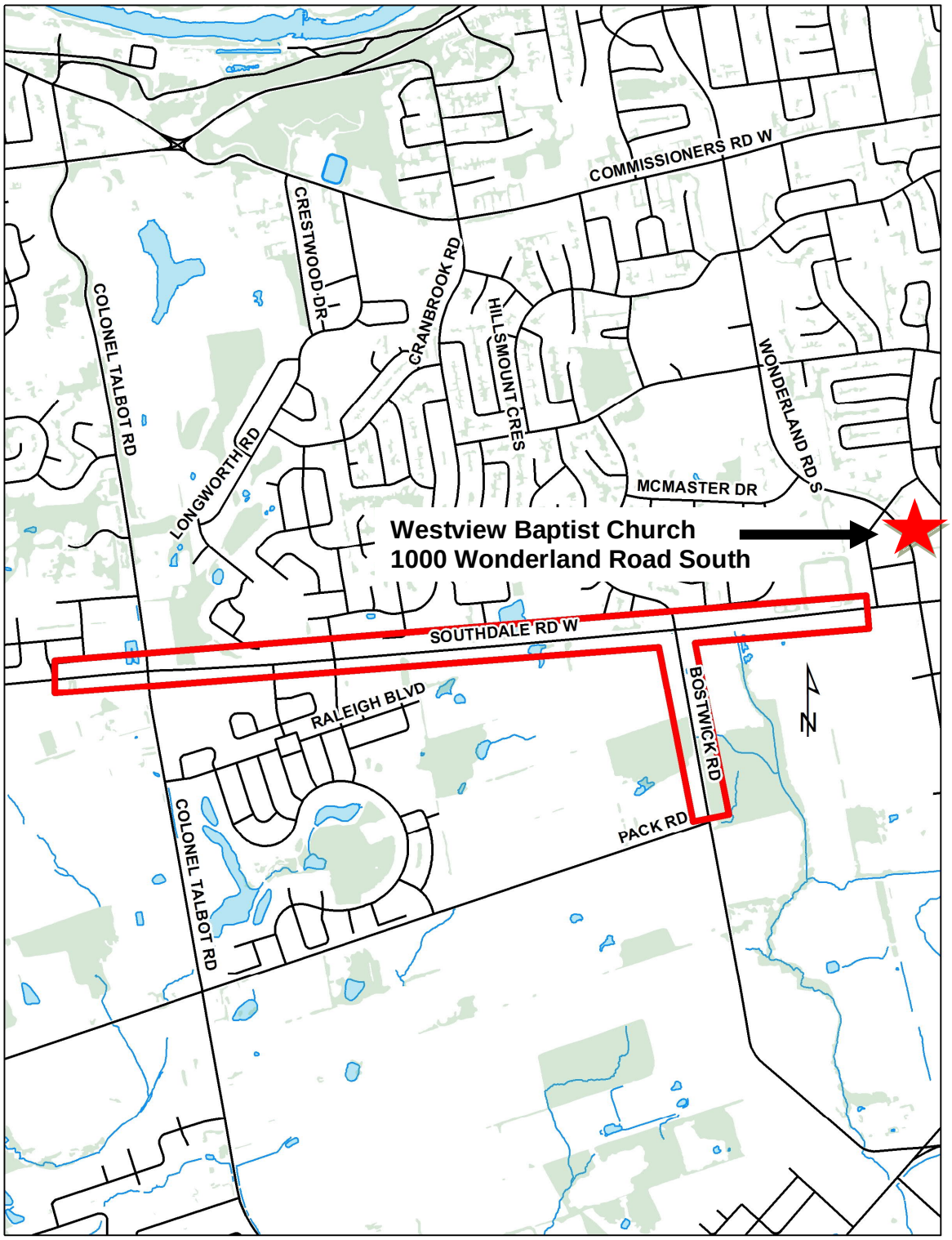
To provide comments, receive additional information or be added to the study mailing list, please visit www.london.ca or contact either of the following team members below:

Ted Koza, P. Eng.,
Project Manager,
Corporation of the City of London
300 Dufferin Avenue
London ON, N6A 4L9
Tel: 519-661-CITY (2489) x. 5806
Email: tkoza@london.ca

Peter McAllister, P. Eng., PMP,
Project Manager,
AECOM Canada
250 York Street, Suite 410
London ON, N6A 6K2
Tel: 519-963-5865
Email: peter.mcallister@aecom.com

With the exception of personal information, all comments will become part of the public record of the study. The study is being conducted according to the requirements of the Municipal Class Environmental Assessment, which is a planning process approved under Ontario's Environmental Assessment Act.

STUDY AREA


COMMISSIONERS RD W
CRESTWOOD DR
CRANBROOK RD
HILLSMOUNT CRES
WONDERLAND RD S
COLONEL TALBOT RD
LONGWORTH RD
MCMASTER DR
Westview Baptist Church
1000 Wonderland Road South
SOUTHDALE RD W
RALEIGH BLVD
BOSTWICK RD
PACK RD
COLONEL TALBOT RD
N

NOTICE OF PLANNING APPLICATION

Draft Plan of Subdivision and Zoning By-law Amendment

600 Sunningdale Road West

File: 39T-18501/Z-8889
Applicant: Sunningdale Golf and Country Ltd.

What is Proposed?

Draft Plan of Subdivision and Zoning amendment to allow:

- 114 single detached dwellings
- 3 new local streets
- 4 new open space blocks

LEARN MORE & PROVIDE INPUT

Please provide any comments by **May 18, 2018**
Craig Smith
crsmith@london.ca
519-661-CITY (2489) ext. 5924
Development Services, City of London, 300 Dufferin Avenue, 6th Floor,
London ON PO BOX 5035 N6A 4L9
File: 39T18501/Z-8888
london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:
Josh Morgan
joshmorgan@london.ca
519-661-CITY (2489) ext. 4007

If you are a landlord, please post a copy of this notice where your tenants can see it. We want to make sure they have a chance to take part.

Date of Notice: April 3, 2018

Application Details

Commonly Used Planning Terms are available at london.ca/planapps.

Requested Draft Plan of Subdivision

Consideration of a Draft Plan of Subdivision consisting of 114 single detached lots, 4 park blocks and numerous one foot reserve blocks serviced by 3 local streets.

Requested Zoning By-law Amendment

To change the zoning from an Urban Reserve (UR3) Zone, a Holding Urban Reserve (h.2*UR3) Zone and an Open Space (OS4) Zone to a Residential R1 (R1-9) Zone and an Open Space (OS5) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Requested Zoning (Please refer to attached map)

Zone(s): Residential R1 (R1-9) Zone that permits single detached dwellings with:

- Minimum Lot Frontage of 18.0 metres
- Minimum Lot Area of 690 square metres
- Maximum Height of 12.0 metres

And an Open Space (OS5) Zone that permits passive recreational uses only.

The City may also consider the use of holding provisions, to ensure development is street oriented, discourage the use of noise walls, that waterlooping and a second public access is provided and a development agreement will be entered into to the satisfaction of the City.

An Environmental Impact Study has been prepared to assist in the evaluation of this application.

Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. These lands are currently designated as Low Density Residential and Open Space in the Official Plan, which permits single detached dwellings and passive recreational uses as the main uses.

The subject lands are in the Neighbourhoods and Green Space Place Type in *The London Plan* (Council-adopted but not in force and effect), permitting a range of residential and passive recreational uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied for a Draft Plan of Subdivision and to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the Participating in the Planning Process page at london.ca.

See More Information

You can review additional information and material about this application by:

- visiting Development Services at 300 Dufferin Ave, 6th floor, Monday to Friday between 8:30am and 4:30pm;
- contacting the City's Planner listed on the first page of this Notice; or
- viewing the application-specific page at london.ca/planapps.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Draft Plan of Subdivision and zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act.* You will also be invited to provide your comments at this public participation meeting. The

Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting. The Council Decision will inform the decision of the Director, Development Services, who is the Approval Authority for Draft Plans of Subdivision.

What Are Your Legal Rights?

Notification of Council and Approval Authority's Decision

If you wish to be notified of the Approval Authority's decision in respect of the proposed draft plan of subdivision, you must make a written request to the Director, Development Services, City of London, 300 Dufferin Ave., P.O. Box 5035, London ON N6A 4L9, or at developmentservices@london.ca. You will also be notified if you provide written comments, or make a written request to the City of London for conditions of draft approval to be included in the Decision.

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Director, Development Services to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

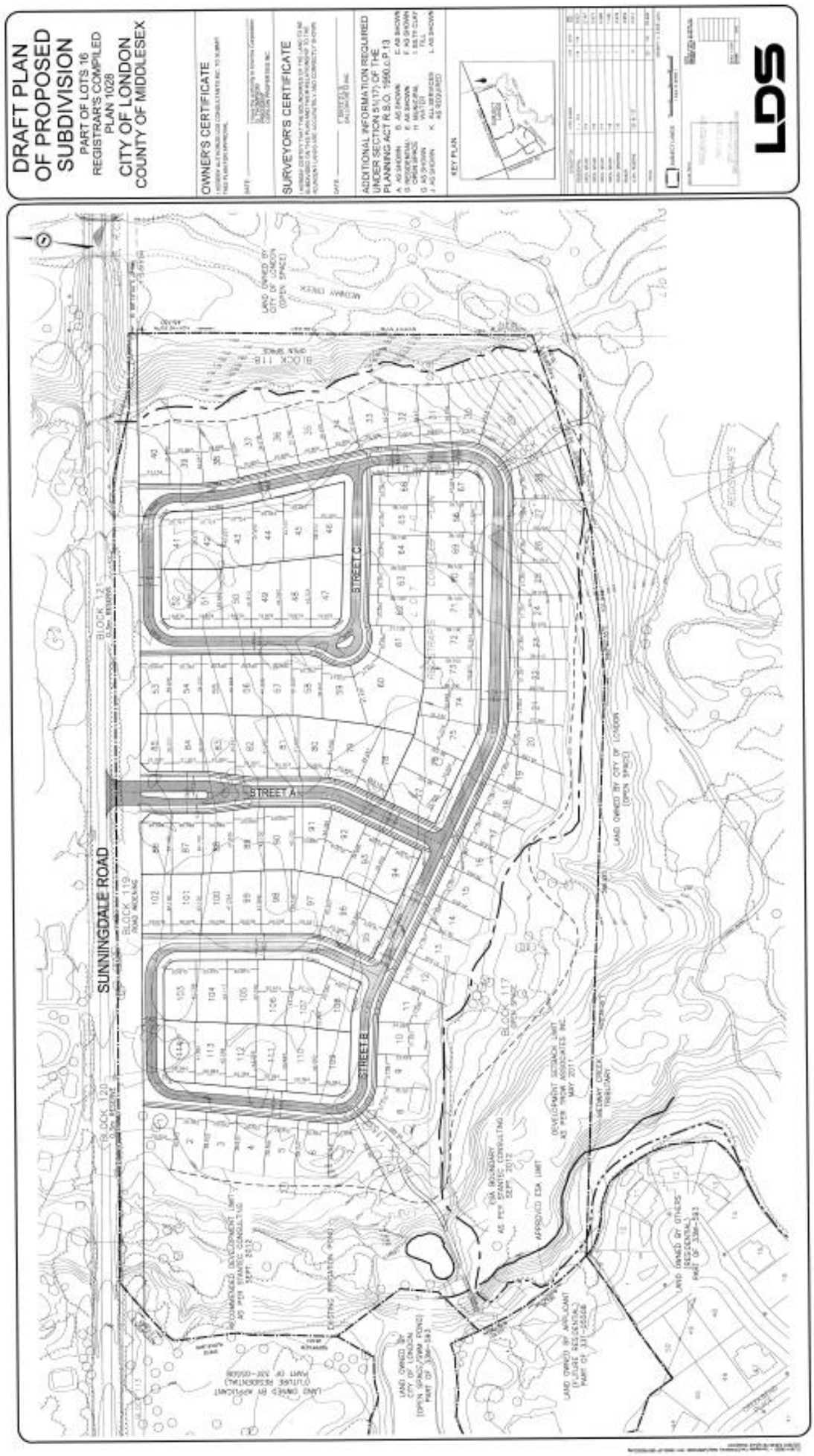
For more information go to http://elto.gov.on.ca/tribunals/lpat/about-lpat/.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY(2489) ext. 4937.

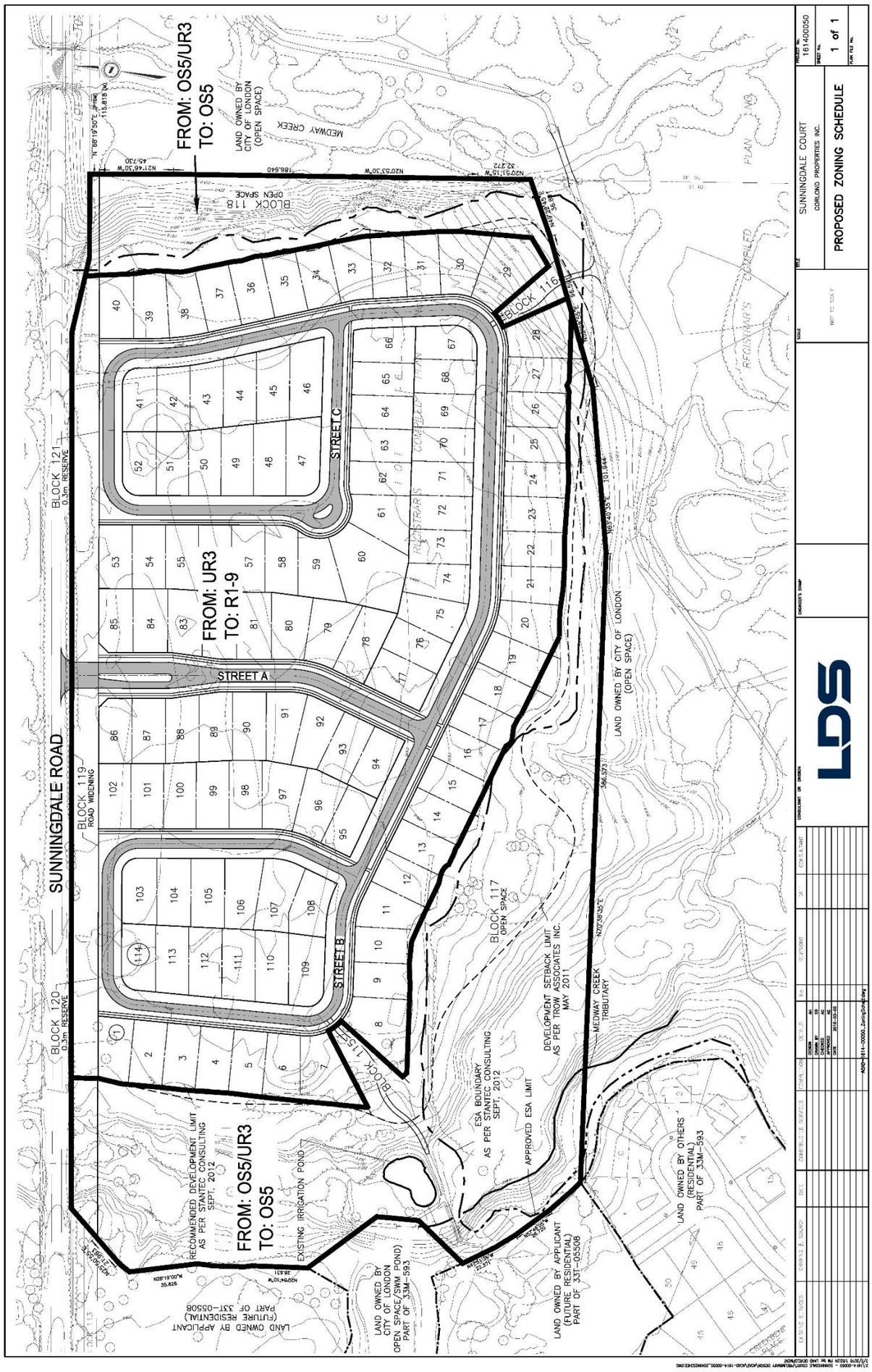
Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact** accessibility@london.ca **or 519-661-CITY(2489) extension 2425 for more information.

Requested Draft Plan of Subdivision



The above image represents the applicant's proposal as submitted and may change.

Requested Zoning



The above image represents the applicant's proposal as submitted and may change.

File: OZ-8804
Planner: M. Campbell

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Marigold Homes Inc.**
467-469 Dufferin Avenue
April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received December 14, 2017 submitted by Lisa Lansink (Marigold Homes Inc.) relating to Official Plan Amendment and Zoning By-law Amendment File Number OZ-8804 concerning 467-469 Dufferin Avenue, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

Executive Summary

Summary of Request

Request to amend the Official Plan for the City of London to add a specific policy to Chapter 10 (Policies for Specific Areas), and request to amend the Zoning By-law for the City of London by changing the zoning of the subject lands from a Residential R3 (R3-2) Zone to a Residential R3 Residential/R8 Special Provision Bonus (R3-2/R8-4(_)•B(_)) Zone and add a definition for “Micro-Suites” to permit the redevelopment of the subject lands for an apartment building consisting of 12-“Micro-suites”.

Purpose and the Effect of Recommended Action

The recommended action is to advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on December 12, 2017 to refuse the requested Official Plan Amendment and Zoning By-law Amendment to allow the redevelopment of the subject lands for an apartment building consisting of 12-“Micro-suites”.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands consist of a single rectangular parcel located on the south side of Dufferin Avenue, one property west of Maitland Street and are known municipally as 467-467 Dufferin Avenue (Appendix “A”). The subject lands have a site area of approximately 390 sq. m (4,198 sq. ft.) and are located in the historic Woodfield Neighbourhood, which is an established residential neighbourhood located east of the Downtown Area. As part of the East Woodfield Heritage Conservation District (“HCD”), the subject lands are a protected heritage property designated under Part V of the Ontario Heritage Act. There is an existing 1-storey semi-detached dwelling located on the subject lands.

2.0 Relevant Background

2.1 Planning History

The Official Plan Amendment and Zoning By-law Amendment applications for 467-497 Dufferin Avenue were received by the City and deemed complete on July 12, 2017.

A Public Participation Meeting was held before the Planning and Environment Committee on December 4, 2017, to consider the matter. The Committee recommended refusal of the requested amendments. At Municipal Council on December 12, 2017, Council resolved to refuse the requested amendments.

A copy of the appeal letter from Lisa Lansink (Marigold Homes Inc.), and the reasons for the appeal are attached as Appendix "B" to the report. The Ontario Municipal Board has scheduled this hearing for June 27-29, 2018.

2.2 Requested Amendment

The applicant requested an amendment to the Official Plan for the City of London, 1989 to add a specific policy to Chapter 10 (Policies for Specific Areas) to permit an apartment building, consisting of 12-"Micro Suites", and a maximum density up to 307 units per hectare ("uph") and exceed the density range (up to 75 uph) contemplated for residential intensification within the "Low Density Residential" designation and the Policies for Specific Residential Areas which direct that the Woodfield Neighbourhood be maintained as a Low Density Residential area.

An amendment to the City of London Zoning By-law Z.-1 was requested to change the zoning from a Residential R3 (R3-2) Zone to a Residential R3 Residential/R8 Special Provision Bonus (R3-2/R8-4(_)•B(_)) Zone to permit development in the form of a low-rise apartment building with special provisions to provide relief from the standard R8 Zone regulations.

Special provisions were requested for the following: a minimum lot area of 390 sq. m (as existing), a minimum lot frontage of 12.5 metres (as existing), a minimum front yard depth of 1.0 metre, a minimum side yard depth of 1.2 metres, maximum lot coverage of 63%, a maximum lot coverage for an accessory building of 10.4%, a minimum side yard depth and minimum rear yard depth for an accessory building of 0.3 metres, and the addition of regulations such as a maximum gross floor area of 615 sq. m, a bicycle parking standard of one (1) bicycle parking space per "Micro-suite", and the prohibition of vehicular parking spaces for "Micro-suites".

The applicant requested a Bonus Zone to permit an increase in the maximum permitted density up to 307 uph in return for a high quality urban design including building form, exterior finish, and fenestration in keeping with the heritage character of the East Woodfield HCD; secure bicycle parking for twelve (12) spaces; and private affordable housing.

"Micro-Suites" was requested to be added to the defined terms in the Zoning By-law.

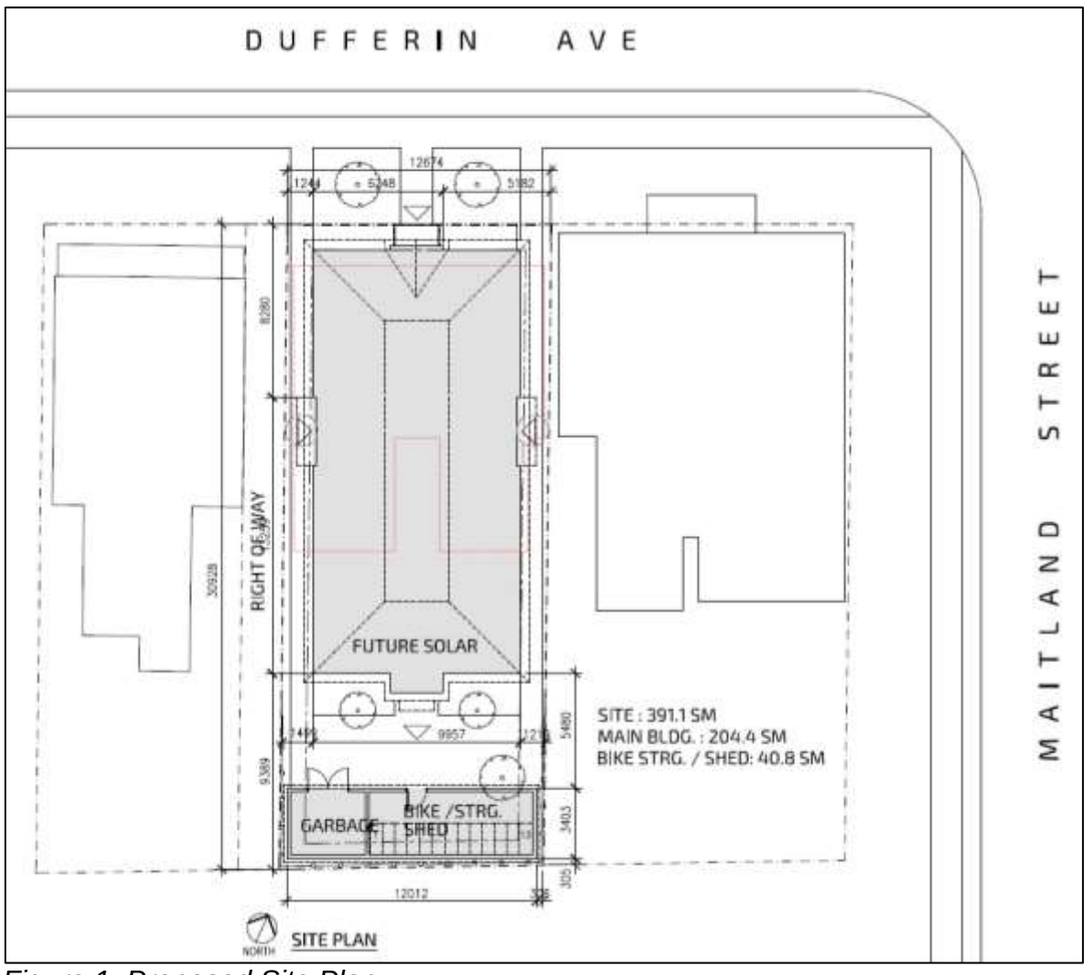


Figure 1: Proposed Site Plan

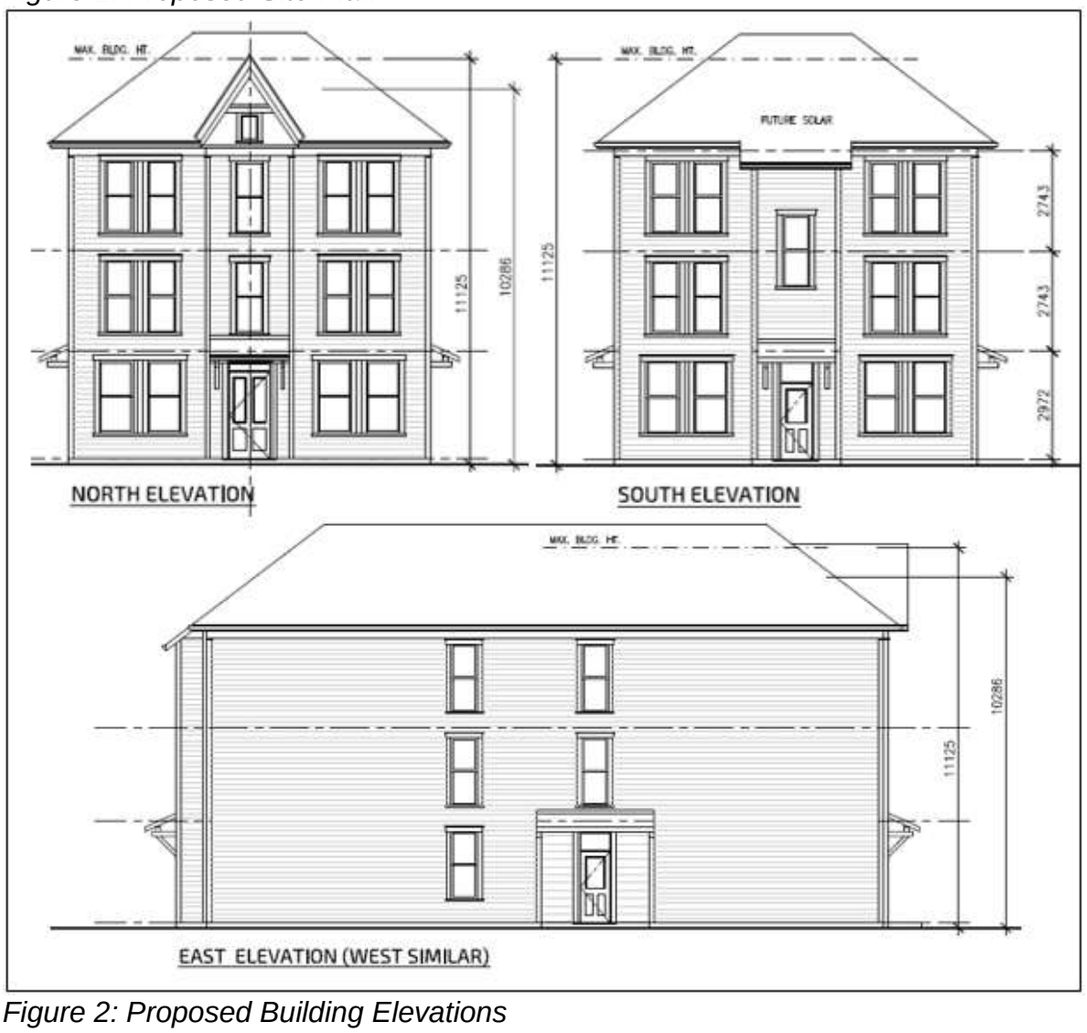


Figure 2: Proposed Building Elevations

3.0 Conclusion

The proposed redevelopment is not consistent with the PPS which encourages intensification in appropriate locations where it can be accommodated. There is no clear commitment to satisfy the definition of affordable housing in the PPS. The proposed redevelopment is not consist with the PPS which directs that cultural heritage resources shall be protected.

The use and intensity of development contemplated for the subject lands does not conform to the planned intent for the subject lands in the Official Plan or The London Plan, and is not appropriate within the context of the existing surrounding neigbourhood or on the subject lands. There is no clear commitment to satisfy the definition of affordable housing in the Official Plan or The London Plan. The proposed redevelopment does not conform to the Official Plan or The London Plan that provides for the conservation and protection of cultural heritage resources. The proposed removal or demolition of the existing building on the subject lands within the East Woodfield HCD does not conform to the East Woodfield HCD Plan.

The proposed redevelopment does not satisfy all the criteria of a Planning Impact Analysis required for applications considering a Specific Policy Area and/or residential intensification. A compelling reason has not been provided to define “Micro-suites” separately for the purposes of this application. The request for Bonus Zoning does not satisfy the general Bonus Zoning objectives in the Official Plan, and not all of the proposed bonusable items are eligible for Bonus Zoning in the Low Density Residential designation. The proposed redevelopment represents an over-intensification of the subject lands.

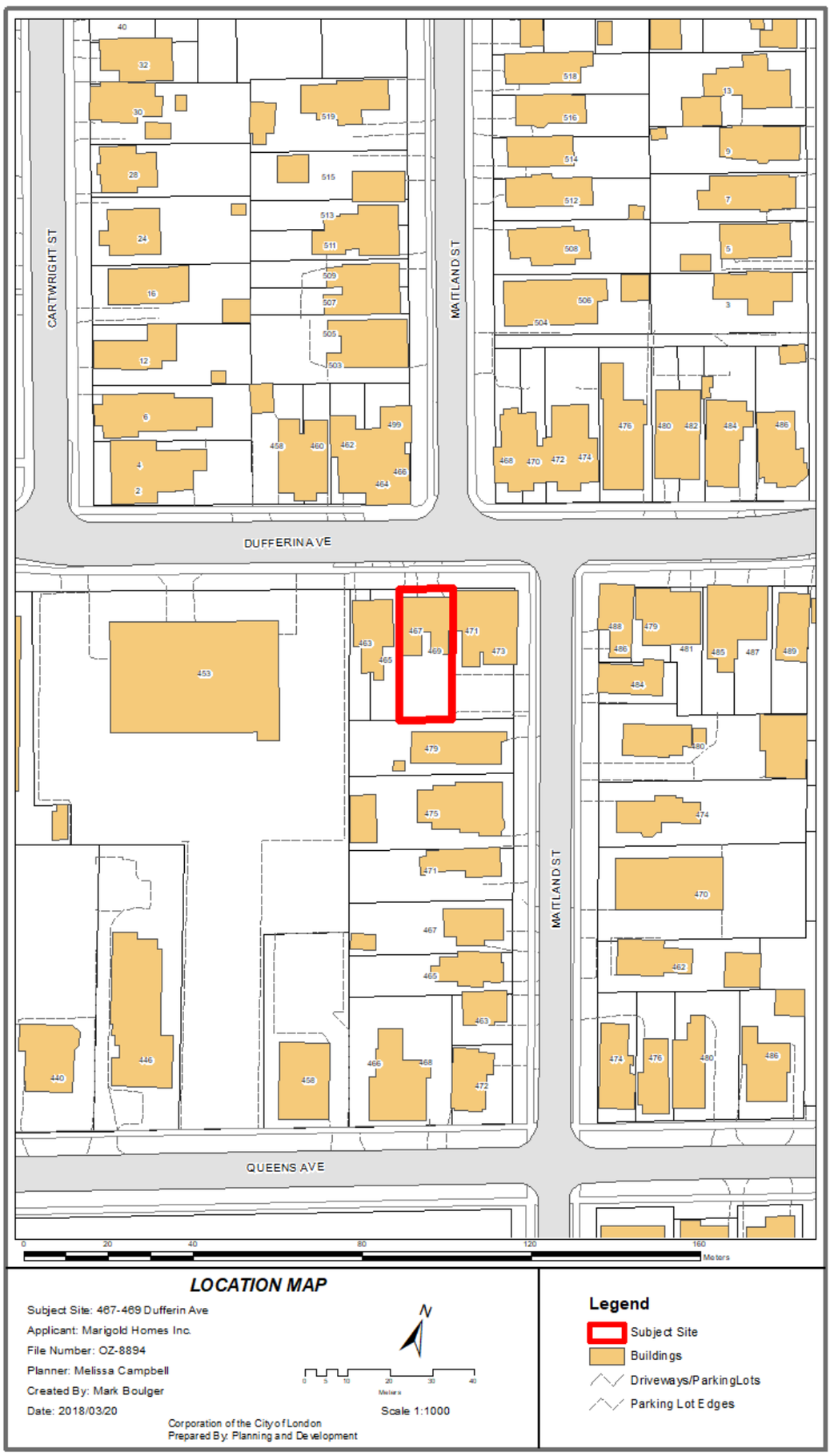
Prepared by:	**Melissa Campbell, MCIP, RPP** **Current Planning**
Submitted by:	**Michael Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

April 24, 2018
MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8804OZ - 467-469 Dufferin Avenue (MJC)\OMB\OZ-8804 - OMB PEC-Report.docx

File: OZ-8804
Planner: M. Campbell

Appendix A – Location Map



File: OZ-8804
Planner: M. Campbell

Appendix B – Appellant Form

Ontario

Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: 416-212-6349
Toll Free: 1-866-448-2248
Fax: 416-326-5370
Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

RECEIVED
DEC 14 2017
CITY CLERKS OFFICE

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
	***Planning Act* Matters**	
Official Plan or Official Plan Amendment	☐ Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	☐ Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	☐ Approval Authority failed to make a decision on the plan within 180 days	17(40)
	☐ Council failed to adopt the requested amendment within 180 days	22(7)
	☑ Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	☐ Appeal the passing of a Zoning By-law	34(19)
	☐ Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	☑ Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	☐ Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	☐ Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	☐ Appeal a decision that approved or refused the application	53(19)
	☐ Appeal conditions imposed	
	☐ Appeal changed conditions	53(27)
	☐ Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	☐ Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	☐ Appeal a decision of an Approval Authority that **approved** a plan of subdivision	51(39)
	☐ Appeal a decision of an Approval Authority that did **not approve** a plan of subdivision	
	☐ Appeal a lapsing provision imposed by an Approval Authority	
	☐ Appeal conditions imposed by an Approval Authority	
	☐ Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	☐ Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
	***Development Charges Act* Matters**	
Development Charge By-law	☐ Appeal a Development Charge By-law	14
	☐ Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	☐ Appeal municipality's decision regarding a complaint	22(1)
	☐ Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	☐ Objection to a front-ending agreement	47
	☐ Objection to an amendment to a front-ending agreement	50
	***Education Act* Matters**	
Education Development Charge By-law	☐ Appeal an Education Development Charge By-law	257.65
	☐ Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	☐ Appeal approval authority's decision regarding a complaint	257.87(1)
	☐ Failed to make a decision on the complaint within 60 days	257.87(2)
	***Aggregate Resources Act* Matters**	
Aggregate Removal Licence	☐ One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	☐ One or more objections against an application for a 'Class B' aggregate removal licence	
	☐ Application for a 'Class A' licence – refused by Minister	11(11)
	☐ Application for a 'Class B' licence – refused by Minister	
	☐ Changes to conditions to a licence	13(6)
	☐ Amendment of site plans	16(8)
	☐ Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	☐ Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	☐ Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	☐ Revocation of licence	20(4)
	***Municipal Act* Matters**	
Ward Boundary By-law	☐ Appeal the passing of a by-law to divide the municipality into wards	222(4)
	☐ Appeal the passing of a by-law to redivide the municipality into wards	
	☐ Appeal the passing of a by-law to dissolve the existing wards	
	***Ontario Heritage Act* Matters**	
Heritage Conservation District	☐ Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	☐ Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal *
467-469 Dufferin Avenue, London ON N6B 1Z7

Municipality *
City of London

Upper Tier (Example: county, district, region)
County of Middlesex

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name	First Name
Lansink	Lisa

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Marigold Homes Inc.

Professional Title
President

Email Address
[redacted]

Daytime Telephone Number *	Alternate Telephone Number	Fax Number
[redacted] ext.	[redacted]	

Mailing Address

Unit Number	Street Number *	Street Name *	PO Box
	507	Colborne Street	

City/Town *	Province *	Country *	Postal Code *
London	ON	Canada	N6B 2T6

4. Representative Information

☑ I hereby authorize the named company and/or individual(s) to represent me

Last Name	First Name
Patton	Alan

Company Name
Patton Cormier & Associates

Professional Title
Laywer

Email Address
[redacted]

Daytime Telephone Number	Alternate Telephone Number	Fax Number
[redacted] ext.		

Mailing Address

Unit Number	Street Number	Street Name	PO Box
1512	140	Fullarton Street	

City/Town	Province	Country	Postal Code
London	ON	Canada	N6A 5P2

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
OZ-8804

Outline the nature of your appeal and the reasons for your appeal *
We believe our application is an appropriate infill project for our neighbourhood. We have met design criteria, will provide a unique living environment, we will be providing privately funded affordable housing, reducing urban sprawl and use of existing infrastructure, and will be offering a housing type not readily available within the Woodfeild area.

The requested amendments are consistent with the PPS 2014;
The requested amendments conform to the intent of the City of London Official Plan;
The requested amendments conform to the intent of the London Plan, approved December 2016.
The requested amendment for zoning regulations recognize the existing development pattern and building form in the area; and
The proposed building is a good fit in the neighbourhood.

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting ☑ Written submissions to council

***Planning Act* matters only**
Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☑ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☑ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☐ Yes ☑ No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day ☑ 2 days ☐ 3 days ☐ 4 days ☐ 1 week

☐ More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Land use planners, architects, engineers, owners / applicants, structural engineers, potentially city staff

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☑ Yes ☐ No

8. Required Fee

Total Fee Submitted * $ 600

Payment Method * ► ☑ Certified cheque ☐ Money Order ☐ Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Lisa Lansink		2017/12/14

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Application By: Drewlo Holdings Inc.**
661 and 667 Talbot Street
Meeting on: **April 30, 2018**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received November 27, 2017 submitted by Ian Flett on behalf of AnnaMaria Valastro relating to the Zoning By-law Amendment Z.-1-172622 concerning 661 and 667 Talbot Street, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

Executive Summary

Purpose and the Effect of Recommended Action

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on October 30, 2017 to approve the requested amendment to the Zoning By-law to permit a bonus zone for a 16-storey apartment building at a density of 403 uph.

Previous Reports Pertinent to this Matter

Z-8659: Public Participation Meeting on October 23, 2017 for the development of a 16-storey (49.5m tall) apartment building with 236 apartment units (403 uph). Two levels of underground parking totaling 133 parking spaces and 38 surface parking spaces are to be provided.

Background

An application to amend the Z.-1 Zoning By-law was received by the City and deemed complete on July 20, 2016. The initial application for a 16-storey apartment was designed with 16 storeys of height along the frontage of Talbot Street and also stretched back into the site along the northerly property limit in an L-shaped form. Through the application review and input from city departments, the public, and relevant panels and agencies the development design eventually evolved to reduce potential impacts on the surrounding area and respect the heritage features of neighbouring properties. The result was a U-Shaped building with a 3-storey base along Talbot Street, that steps back to 7-storeys in height, with a further 16-storeys of height being moved to the rear and north side of the property.

A Public Participation Meeting occurred before the Planning and Environment Committee on October 23, 2017, and Council approved the requested Zoning By-law Amendment on October 30, 2017. The approved amendment was a change to the Zoning By-law from a Residential R3/Residential R10/Office Conversion (R3-1/R10-3*H30/OC4) Zone TO a Residential R3/Residential R10 Bonus (R3-1/R10-3*H30*B(_)) Zone and an Open Space (OS4) Zone.

Figure 1: Council Approved Development Concept

The Bonus Zone approved by Council was intended to facilitate the development of a high quality, multi-storey residential apartment building, with a height of up to sixteen (16) storeys (49.5m) and a maximum of 236 dwelling units (403 units per hectare), which substantively implements the building design depicted in Figure 1 (above). In return for the Bonus Zone, the applicant agreed to provide the following services, facilities and matters:

i) Exceptional Building Design
Specifically 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 for buildings.

ii) Overall Design
A contemporary architectural design that uses a coordinated palette of high quality materials to be further refined through the site plan approval process, including the use of brick along the Talbot Street frontage of the building for the first 3-storeys to ensure the building is in keeping with the character of the area.

iii) Podium Base Design
a) A podium base up to 3-storeys in height to provide a pedestrian-friendly scale at ground-level and a continuous street-wall façade along the easterly (Talbot Street) façade;
b) A stepback after the first 3-storeys along Talbot Street providing a pedestrian scale that is in keeping with the character of the buildings to the south and east.

iv) Tower Design
A building design that breaks up the massing of the building by providing multiple height variations and architectural details to respond to the surrounding community.

v) Parking Strategy
The provision of two levels of underground parking.

Copies of the appeal letter from Ian Fleet, and the reasons for the appeal, are attached as Appendix 'B' to this report. The Ontario Municipal Board hearing has been scheduled for May 30, 2018.

5.0 Conclusion

The proposed development will contribute to the mix of residential uses in the area while encouraging the redevelopment of an underutilized site. The development provides an appropriate form of intensification considering its physical size, shape and distribution of massing, as well as its location near the downtown and accessible bus routes. The bonusing of the subject site ensures that the building form and design will fit within the surrounding area and provide for an enhanced design standard. Planning staff have reviewed the appeal letter and see no reason for Council to alter its decision relating to this matter.

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**

April 23, 2018
MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2016 Applications 8573 to\8659Z - 661 & 667 Talbot St (MC)\OMB\PEC-Report-Template-AODA.docx

Appendix "A"


ANN ST
TALBOT ST
MILL ST
JOHN ST
BARTON ST
ACKFRIARS ST/DOUT ST N
CENTRAL AVE
LOCATION MAP
Subject Site: 661 - 667 Talbot St
Applicant: Drewlo Holdings Inc.
File Number : Z-8659
Planner : MC
Created By : MB
Date : 2017/10/12
Scale : 1:1500
Legend
Subject Site

Appendix "B"

Ontario

Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: 416-212-6349
Toll Free: 1-866-448-2248
Fax: 416-326-5370
Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

RECEIVED
NOV 27 2017
CITY CLERK'S OFFICE

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
	***Planning Act* Matters**	
Official Plan or Official Plan Amendment	☐ Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	☐ Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	☐ Approval Authority failed to make a decision on the plan within 180 days	17(40)
	☐ Council failed to adopt the requested amendment within 180 days	22(7)
	☐ Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	☑ Appeal the passing of a Zoning By-law	34(19)
	☐ Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	☐ Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	☐ Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	☐ Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	☐ Appeal a decision that approved or refused the application	53(19)
	☐ Appeal conditions imposed	
	☐ Appeal changed conditions	53(27)
	☐ Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	☐ Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	☐ Appeal a decision of an Approval Authority that **approved** a plan of subdivision	51(39)
	☐ Appeal a decision of an Approval Authority that did **not approve** a plan of subdivision	
	☐ Appeal a lapsing provision imposed by an Approval Authority	
	☐ Appeal conditions imposed by an Approval Authority	
	☐ Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	☐ Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
	***Development Charges Act* Matters**	
Development Charge By-law	☐ Appeal a Development Charge By-law	14
	☐ Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	☐ Appeal municipality's decision regarding a complaint	22(1)
	☐ Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	☐ Objection to a front-ending agreement	47
	☐ Objection to an amendment to a front-ending agreement	50
	***Education Act* Matters**	
Education Development Charge By-law	☐ Appeal an Education Development Charge By-law	257.65
	☐ Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	☐ Appeal approval authority's decision regarding a complaint	257.87(1)
	☐ Failed to make a decision on the complaint within 60 days	257.87(2)
	***Aggregate Resources Act* Matters**	
Aggregate Removal Licence	☐ One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	☐ One or more objections against an application for a 'Class B' aggregate removal licence	
	☐ Application for a 'Class A' licence – refused by Minister	11(11)
	☐ Application for a 'Class B' licence – refused by Minister	
	☐ Changes to conditions to a licence	13(6)
	☐ Amendment of site plans	16(8)
	☐ Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	☐ Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	☐ Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	☐ Revocation of licence	20(4)
	***Municipal Act* Matters**	
Ward Boundary By-law	☐ Appeal the passing of a by-law to divide the municipality into wards	222(4)
	☐ Appeal the passing of a by-law to redivide the municipality into wards	
	☐ Appeal the passing of a by-law to dissolve the existing wards	
	***Ontario Heritage Act* Matters**	
Heritage Conservation District	☐ Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	☐ Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal *

661 to 667 Talbot Street, London Ontario

Municipality *
London

Upper Tier (Example: county, district, region)
Ontario

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name *	First Name *
Valastro	AnnaMaria

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title

Email Address

Daytime Telephone Number * ext.	Alternate Telephone Number	Fax Number

Mailing Address

Unit Number	Street Number *	Street Name *	PO Box
1	133	John	

City/Town *	Province *	Country *	Postal Code *
London	Ontario	Canada	N6A 1N7

4. Representative Information

☑ I hereby authorize the named company and/or individual(s) to represent me

Last Name	First Name
Flett	Ian

Company Name
Eric Gillespie Professional Corp.

Professional Title
lawyer

Email Address

Daytime Telephone Number ext. 302	Alternate Telephone Number	Fax Number

Mailing Address

Unit Number	Street Number	Street Name	PO Box
600	10	King St EAST	

City/Town	Province	Country	Postal Code
Toronto	Ontario	Canada	M5C 1C3

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
Z-8659

Outline the nature of your appeal and the reasons for your appeal *

Please see attached

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☑ Oral submissions at a public meeting ☑ Written submissions to council

***Planning Act* matters only**
Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☑ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☑ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☐ Yes ☑ No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day ☐ 2 days ☑ 3 days ☐ 4 days ☐ 1 week

☐ More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
1

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
land use planner

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☑ Yes ☐ No

8. Required Fee

Total Fee Submitted * $ 300

Payment Method * ► ☐ Certified cheque ☑ Money Order ☐ Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
AnnaMaria Valastro	A. Valastro	2017/11/27

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Noti

EKG ERIC K. GILLESPIE PROFESSIONAL CORPORATION
BARRISTERS & SOLICITORS

IAN FLETT, J.D.
Telephone: +1 (416) 703-5400
Direct: +1 (416) 703-7034
Fax: +1 (416) 703-9111
Email: iflett@gillespielaw.ca

November 27, 2017

Delivered by hand

City Clerk Office
The Corporation of the City of London
300 Dufferin Ave, London, ON N6B 1Z2

Dear : City Clerk

Re: Notice of Appeal re London Zoning By-law Z-8659

We are the lawyers for AnnaMaria Valastro on behalf of the North Talbot Neighbourhood Association. Our client appeals Zoning By-law Z-8659 for the following reasons:

- Council failed to consider the impact of the development proposal on the Thames Valley Significant Corridor as contemplated by policy 15.4.6 of the Official Plan;
- The development proposal is inconsistent or conflicts with Provincial Policy Statement policy 2.1.8 being adjacent to a Significant Valley land;
- Council failed to consider the impacts of the development proposal on traffic operations surrounding the subject site in accordance with policy 18.2.7 Official Plan;
- Council failed to consider active transportation in and around the subject site contrary to Official Plan policies 18.2.8 and 18.2.14 and inconsistent with PPS 2014 policy 1.6.6.2.
- Council failed to consider the impacts of the development application, as approved, on neighbouring properties, thereby failing to conform to its Official Plan;
- Council failed to consider the impact on lands designated Open Space near and/or upon the subject site and further, failed to appropriately zone certain lands near the Thames River;
- Council failed to provide sufficient information ahead of a public meeting for the public to generally understand the application in contravention of section 35(12)(a)(i) of the *Planning Act*;
- By-law Z-8659 fails to conform to Official Plan policy 3.4.3 by inverting the focus of where growth and intensification is directed in the City of London;
- By-law Z-8659 fails to conform to Official Plan policy 3.4.3 as there are few, if any, unique attributes to benefit the public.
- The impugned by-law fails to conform to Official Plan policies concerning the Talbot mixed-Use Area, *inter alia*, policy 3.5.1 by:

- Adversely impacting the neighbourhood by removing visual access to the Thames River Valley;
- Changing the low rise, low and medium density character of the area to high density without sufficient setbacks or interface between the site and surrounding land uses.
- Does not provide a high standard of landscaped open space with minimal front yard area of 2.5 meters is insufficient; any other landscaped open space is private and not available for public amenity; the street trees are on public property and not part of the project.

- The impugned zoning by-law fails to conform to Official Plan policies concerning built form, including policy 11.1.1 by failing to:
  - complement significant natural heritage features Thames Valley Corridor;
  - minimize the obstruction of natural features and landmarks;
  - consider the retention of trees on the subject site;
  - disharmonious architectural styles;
  - consider appropriate design styles on the edge of the Thames River.

Please find enclosed a Notice of Appeal and a cheque in the amount of $300 to Minister of Finance;

We are obliged for your confirmation of receipt of this correspondence and our client's Notice of Appeal.

Yours very truly,

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION
Per:

Ian Flett

File: P-8762
Planner: L. Mottram

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng.**
Managing Director, Development & Compliance Services
and Chief Building Official
Subject: **Application By: Sifton Properties Limited**
Riverbend Golf Community Phase 9
East Side of Kains Road, North of Shore Road
Block 1 Plan 33M-721
Meeting on: **Monday April 30, 2018**

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following action be taken with respect to the application by Sifton Properties Limited to exempt the following lands from Part Lot Control:

a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 8, 2018 to exempt Block 1 Registered Plan 33M-721 from the Part Lot Control provisions of Subsection 50(5) of the Planning Act.

Executive Summary

Summary of Request

Request for approval to exempt Block 1 in Registered Plan 33M-721 from the Part Lot Control provisions of the Planning Act.

Purpose and Effect of Recommended Action

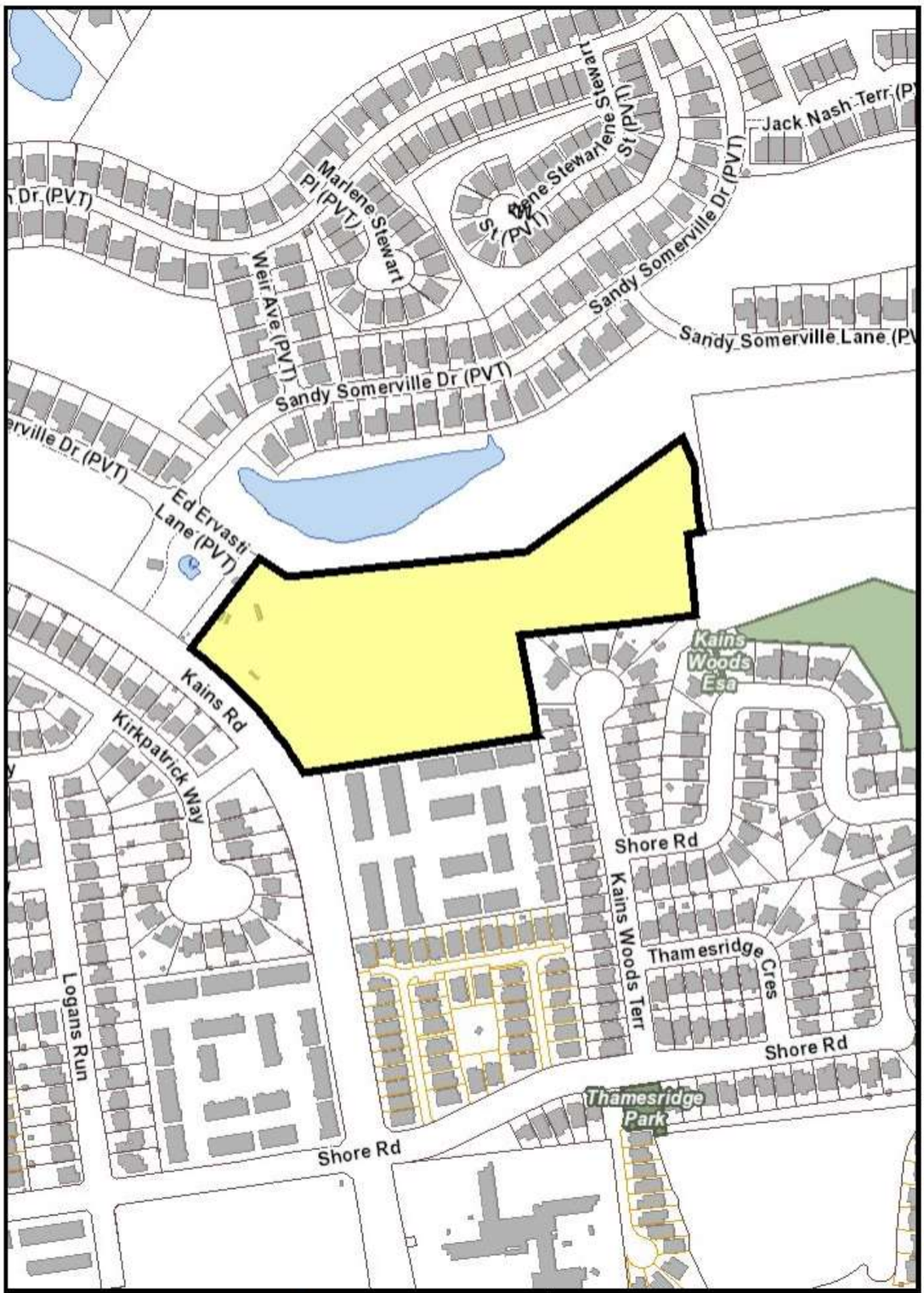
Exemption from Part Lot Control will allow the developer to divide the block further into land lease parcels consisting of thirty-six (36) residential detached homes and twenty-one (21) attached townhomes, with access provided via a private internal access road.

Rationale for Recommended Action

The conditions for passing the Part Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

File: P-8762
Planner: L. Mottram

LOCATION MAP



Location Map	
Subject Property:	2120 Kains Road
Applicant:	SIFTON PROPERTIES LIMITED
File Number:	P-8762
Created By:	Larry Mottram
Date:	3/19/2018
Scale:	1:4000

Corporation of the City of London

N

Legend

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers

Analysis

At its meeting held on July 25, 2017, Municipal Council resolved:

9. That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited, to exempt the following lands from Part Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed bylaw appended to the staff report dated July 17, 2017, **BE INTRODUCED** at a future Municipal Council meeting, to exempt Block 1 Plan 33M-721, from the Part Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are zoned Residential R6 Special Provision (R6-5(7) and R6-5(22)), which permits cluster forms of housing such as single detached, semi-detached, duplex, triplex, townhouse and stacked townhouse dwellings in the form of land lease community homes;

b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control By-law for Block 1 Plan 33M-721, as noted in clause a) above:

   i) the applicant submit a draft reference plan to the Building Division for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
   ii) the applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited; it being noted that the digital file shall be formatted in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
   iii) prior to the reference plan being deposited in the Land Registry Office, the applicant submit to Development Services for review, a draft reference plan showing the proposed part lots are consistent with the approved site plan, servicing drawings, development agreement, and conditions to the approval of this application;
   iv) 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;
   v) the applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
   vi) the site plan and development agreement be registered prior to passage of the exemption from part lot control by-law; and,

c) the applicant **BE ADVISED** that the cost of registration of the above-noted By-law is to be borne by the applicant, in accordance with City policy. (2017-D25) (9/14/PEC)

The exemption from the Part Lot Control will allow for creation of individual residential units on a long-term land lease basis. The conditions noted above have been satisfied, and the attached recommended by-law to implement Council's July 25, 2017 resolution will allow the conveyance of individual leasehold interests for lands within Block 1 Plan 33M-721, as per the attached reference plan. This development proposal, known as Riverbend Golf Community Phase 9, will consist of thirty-six (36) cluster residential detached dwellings and twenty-one (21) attached townhomes, with access provided via a private internal access road.

File: P-8762
Planner: L. Mottram

REFERENCE PLAN 33R-20077

Conclusion

In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Recommended by:	**Larry Mottram, MCIP, RPP** **Senior Planner - Development Services**
Reviewed by:	**Lou Pompilli, MPA, RPP** **Manager, Development Planning**
Reviewed by:	**Matt Feldberg** **Manager, Development Services (Subdivisions)**
Concurred In by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P. Eng** **Managing Director, Development and Compliance Services and Chief Building Official**

April 23, 2018
GK/PY/MF/LP/LM/lm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\P-8762 - 2120 Kains Road (LM)\PEC Report to pass by-law.docx

File: P-8762
Planner: L. Mottram

Appendix A

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

By-law No. C.P. (number to be inserted by Clerk's Office)

A by-law to exempt from Part Lot Control lands located on the east side of Kains Road, north of Shore Road; being composed of all of Block 1 Plan 33M-721, more accurately described as Parts 1-54 inclusive on Reference Plan 33R-20077 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 Sifton Properties Limited, it is expedient to exempt lands located on the east side of Kains Road, north of Shore Road; being composed of all of Block 1 Plan 33M-721 from Part Lot Control;

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

1. Lands located on the east side of Kains Road north of Shore Road, being composed of all of Block 1 Plan 33M-721, in the City of London and County of Middlesex, more accurately described as Parts 1 to 54 inclusive on Reference Plan 33R-20077, 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; it being noted that these lands are zoned to permit cluster forms of housing such as single detached, semi-detached, duplex, triplex, townhouse and stacked townhouse dwellings in the form of land lease community homes in conformity with the Residential R6 Special Provision (R6-5(7) and R6-5(22)) Zones. A Site Plan Development Agreement for the lands in question was entered into with the City of London on March 10, 2017, and registered in the Land Registry Office on July 12, 2017.

2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

Appendix B – Relevant Background

Additional Reports

File No. P-8762 – Planning and Environment Committee Meeting on July 17, 2017 – Report from the Managing Director, Development & Compliance Services and Chief Building Official with respect to an application by Sifton Properties Limited requesting an exemption from Part Lot Control for Block 1 Plan 33M-721, located on the east side of Kains Road, north of Shore Road, known as Riverbend Golf Community Phase 9.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng**
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: **Application By: Extra Realty Limited**
660 Sunningdale Road East
Applewood Subdivision Phase 1 - Special Provisions
Meeting on: **April 30, 2018**

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the subdivision of land over Concession 6 S, Part Lot 13, situated on the north side of Sunningdale Road, west of Adelaide Street North, municipally known as 660 Sunningdale Road East;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the Applewood Subdivision, Phase 1 (39T-09501) attached as Appendix "A", **BE APPROVED**;

(b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B", and

(c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

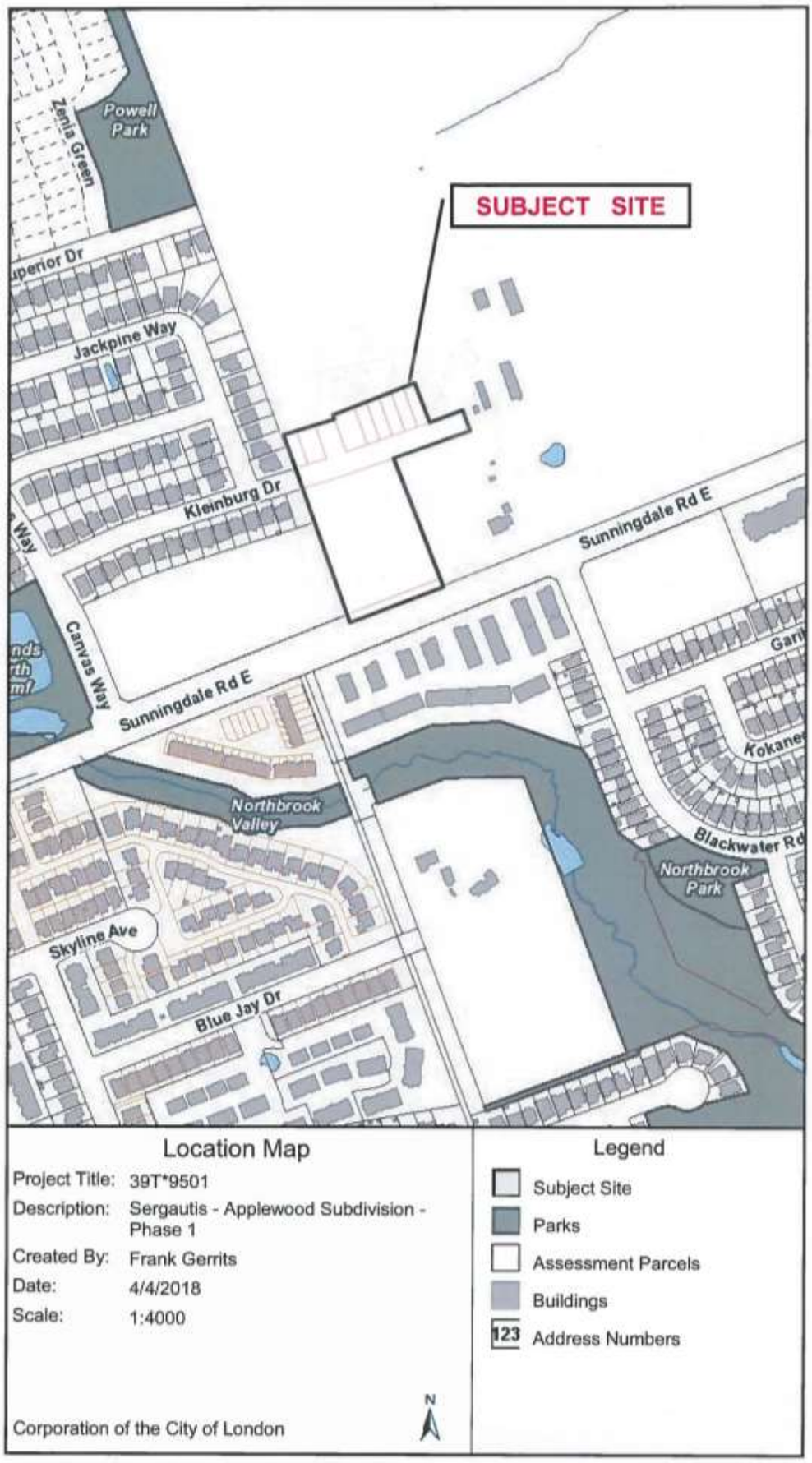
Analysis

1.0 Site at a Glance

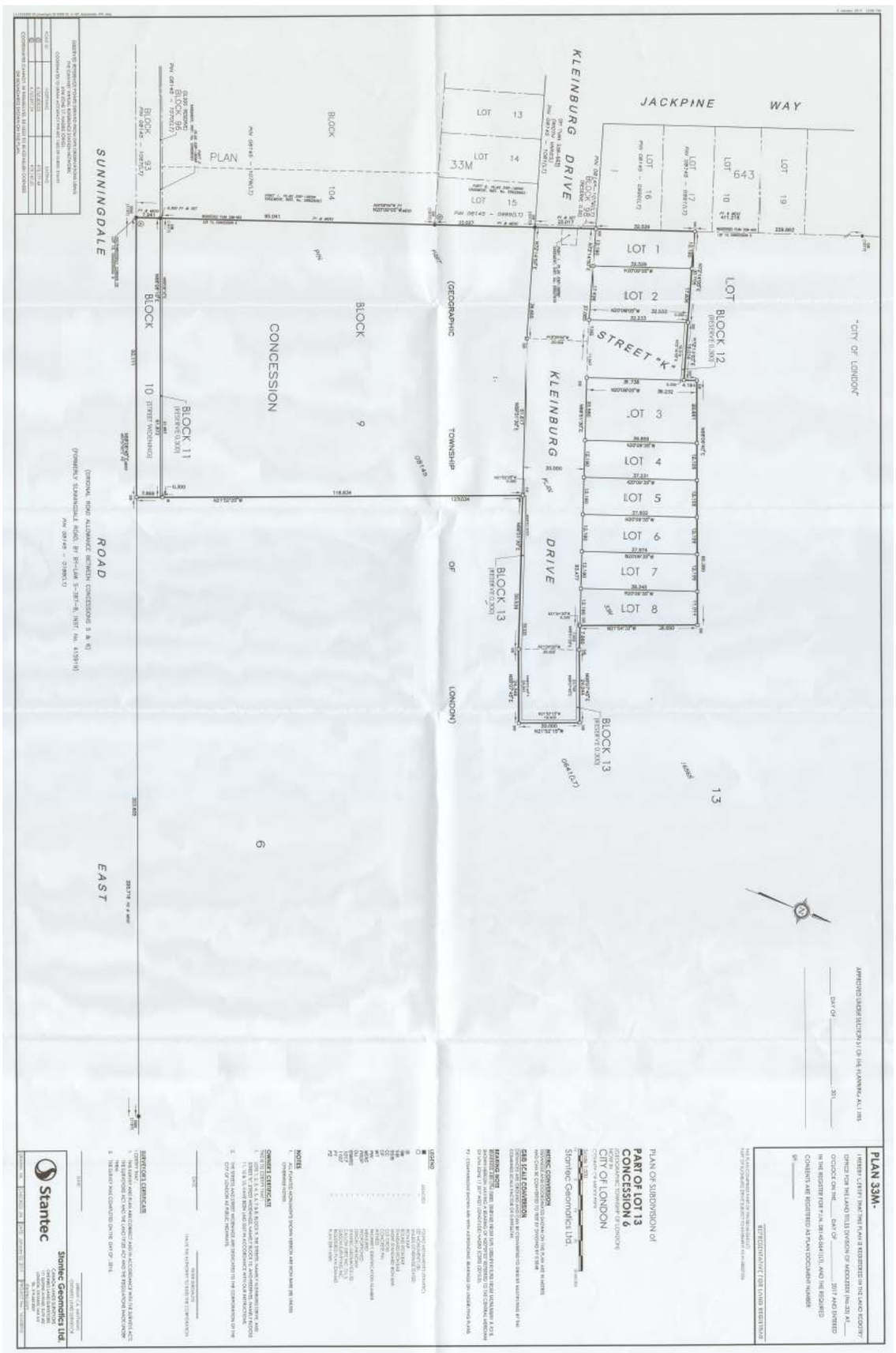
1.1 Property Description

The subject site is a 42 hectare parcel of land located at the northwest corner of Adelaide Street North and Sunningdale Road East. It is located at the northerly limit of the City and borders with the Township of Middlesex Centre. The property slopes generally from north to south with a rolling terrain. The site currently contains a 4 hectare woodlot (designated as Environmentally Significant Area), a small Provincially Significant Wetland, and existing buildings including a single detached dwelling (located towards the south end of the property, adjacent to the extension of Blackwater Road), and two brick barns which have been designated under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, (currently under appeal).

1.2 Location Map Phase 1 Applewood Subdivision



1.3 Applewood Phase 1 Plan



2.0 Description of Proposal

2.1 Development Proposal

The draft plan of subdivision was recently revised (February, 2018) and consists of 39 low density blocks (Blocks 1-39), four (4) medium density residential blocks (Blocks 40-44), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), one (1) secondary collector road (Street "D"/Superior Drive), and ten (10) new local streets.

A public meeting for the revised Draft Plan and associated Zoning By-law amendment was held at Planning and Environment Committee on January 22, 2018. The Zoning By-law amendment was referred back to staff and ultimately brought forward to the February 20, 2018 PEC meeting for approval. The revised draft plan of subdivision was approved by the Approval Authority on February 21, 2018. The Zoning By-law amendment is now in force and effect.

The Applicant is registering the first phase of this subdivision, which consists of eight (8) single detached lots and one (1) multi-family, medium density block, all located off of the extension of Kleinburg Drive.

Development Services has reviewed these special provisions with the Owner who is in agreement with them.This report has been prepared in consultation with the City's Solicitors Office.

Prepared by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
Recommended and Reviewed by:	**Lou Pompilii, MCIP RPP** **Manager, Development Planning (Subdivision)**
Reviewed by:	**Matt Feldberg** **Manager, Development Services (Subdivision)**
Concurred in by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**

April 23, 2018

Appendix A – Special Provisions

5. STANDARD OF WORK

Remove Subsection 5.7 as there are no rear yard catchbasins in this Plan.

~~5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.~~

~~The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots _____ in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.~~

16. PROPOSED SCHOOL SITES

Remove Subsections 16.3 to 16.9 as there are no school sites in this Plan.

~~16.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~16.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~16.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been was waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~16.7 The Owner agrees that the school blocks shall be:~~

(a) ~~graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~

(b) ~~top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

~~16.8 Where the Owner has been required to improve the site by grading, top-soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of his obligations under this Agreement.~~

~~16.9 If and when the City purchases the site, the City may establish a policy with respect to the ultimate use or disposition of the site.~~

25.1 STANDARD REQUIREMENTS

Remove Subsection 25.1 (h) as there are no walkways in this Plan.

~~(h) Prior to the issuance of a Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway(s) (Block(s) _____) in in accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

#1 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement all geotechnical recommendations made in the geotechnical report accepted by the City, to the satisfaction of the City, at no cost to the City.

#2 The Owner shall have its Urban Designer and/or Architect, as pre-approved by the City, certify all building permit applications for single detached dwellings that the building plans are designed in accordance with the approved urban design guidelines.

#3 Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:

(i) For the removal of the temporary turning circle on Kleinburg Drive inside this Plan, an amount of $20,000.

25.2 CLAIMS

Remove Subsection 25.2 (a) in its entirety and replace with:

There are no eligible claims for works by the Owner paid for from a Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

Delete Subsection 25.2 (b) through (g) in its entirety:

~~(a) The Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said development charge Reserve Fund.~~

~~The anticipated reimbursements from the development charge Reserve Funds are:~~

~~(i) for the construction of XXXXXXXXXXXX , the estimated cost of which is $_____;~~

~~(ii) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $_____;~~

~~(iii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is $_____;~~

~~(iv) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is $_____~~

~~(v) for the construction of left turn channelization on ____at _____, the estimated cost of which is $____, as per the accepted work plan;~~

~~(vi) for the ultimate design of _____ Road, including channelization, the estimated cost of which is $_____, as per the accepted work plan;~~

~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is $_____, as per the accepted work plan;~~

(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the City Engineer, the estimated cost of which is $_____, as per the accepted work plan;

(ix) for the construction of pavement widening on _____ at _____consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is $_____. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the accepted work plan;

(x) for dedicating to the City Block _____ on this Plan for stormwater management purposes, the estimated cost of which is $_____.

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

(b) Upon approval of an application for a claim to a development charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits noted above and in accordance with the Council approved "Source of Financing Report" and the then in force Development Charges By-law and any policies established thereunder.

(c) Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC By-law, and further, where such works are not oversized pipe works (sanitary, storm or water – the reimbursement of which is provided for in subsidy tables in the DC By-law), then the Owner shall submit through their consulting engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:

i) no work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and

ii) in light of the funding source and the City's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.

(d) The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

(e) The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two weeks notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.

(f) The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the work plan prior to authorizing work.

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

#4 The Owner shall grade the portions of Block 9 of this Plan, which has a common property line with Sunningdale Road East, to blend with the ultimate profile of Sunningdale Road East, in accordance with the accepted engineering drawings.

25.7 STORM WATER MANAGEMENT

Remove Subsection 25.7 (a) and replace with the following:

(a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:

i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;

ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands, in accordance with the file manager process;

iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008) and the Minor reivisions/amendments to the Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (May 2011) and any amendments and/or addendums;

iv) The approved Functional SWM Servicing Report and the detailed design of the Uplands North (Powell) SWMF 2B by AECOM – May 2011;

v) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.

vi) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;

vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;

viii) The City of London Design Specifications and Requirements Manual, as revised;

ix) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and

x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Add the following new Special Provisions:

#5 The Owner shall decommission any temporary sediment basins and associated infrastructure in this Plan upon development of Block 9, to the satisfaction of the City, at no cost to the City.

25.8 SANITARY AND STORM SEWERS

Remove Subsection 25.8 (c) and **replace** with the following:

(c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to the City's existing storm sewer system being the 450 mm diameter storm sewer on Kleinburg Drive, in accordance with the accepted engineering drawings, to the satisfaction of the City.
The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

Remove Subsection 25.8 (e) as there are no park/school blocks in this Plan.

~~(d) Where required, storm and sanitary sewer easements on park/school blocks shall be to the satisfaction of the City and the appropriate school board. Maintenance access requirements shall be provided to the satisfaction of the City Engineer.~~

Remove Subsection 25.8 (j) as this is not applicable.

~~(j) The Owner shall register on title of Block ____ in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block ____ in this Plan shall be responsible for installing a sanitary private drain connection, at the owner's expense, from the said block to the proposed municipal sanitary sewer to the (North, South, East, West) of this Block in City owned lands ____described___, or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.~~

Remove Subsection 25.8 (o) and **replace** with the following:

(o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on Kleinburg Drive, in accordance with accepted engineering drawings, to the satisfaction of the City.

The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

Add the following new Special Provisions:

#6 The Owner shall remove the temporary Ditch Inlet Catch Basin's, (DICBS), etc. and the existing easements on Kleinburg Drive may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.

#7 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Kleinburg Drive in Plan 33M-643, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

Remove Subsection 25.9 (d) and **replace** with the following:

(d) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the accepted engineering drawings.

Remove Subsection 25.9 (h) and **replace** with the following:

#8 The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 200 mm diameter water main on Kleinburg Drive, as per the accepted engineering drawings, to the specifications of the City Engineer.

Add the following new Special Provisions:

#9 The Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

#10 The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:

i. to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal/assumption;

ii. any incidental and/or ongoing maintenance, periodic adjustments, repairs, replacement of broken, defective or ineffective product(s), poor workmanship, etc. of the automatic flushing devices;

iii. payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption; and

iv. all works and the costs of removing the devices when no longer required.

#11 The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set-out in the accepted engineering drawings and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging as set out in the accepted engineering drawings, and the watermains are not installed to the stage limits, the Owner would be required to submit revised plans and hydraulic modelling as necessary to address water quality.

#12 With respect to any proposed development Blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this Plan, a warning clause advising the purchaser/transferee that if it is determined by the Ministry of Environment and Climate Change (MOECC) that the water servicing for the Block is a regulated drinking water system, then the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.

If deemed a regulated system, the City of London may be ordered by the Ministry of the Environment and Climate Change (MOECC) to operate this system in the future. The system may be required to be designed and constructed to City standards.

#13 Prior to connection of the constructed water distribution system to the City's Municipal water distribution system, the Owner shall ensure that watermains are commissioned in accordance with the requirements of the City of London's Standard Contract Documents and all water quality measures are in place.

25.11 ROADWORKS

Remove Subsection 25.11 (b) and **replace** with the following:

(b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:

(i) a fully serviced road connection where Kleinburg Drive in this Plan connects with Kleinburg Drive in Plan 33M-643, including all underground services and all related works as per the accepted engineering drawings;

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City Engineer. The Owner shall provide full-time supervision by its Professional Engineer for all works to be constructed on Kleinburg Drive in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for

the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

Remove Subsection 25.11 (n) as there are no walkways in this Plan.

~~(n) Prior to the issuance of any Certificate of Conditional Approval, concrete sidewalks shall be constructed on all pedestrian walkways shown in this Plan in accordance with City Standard SR-7.0 and accepted design drawings and shall extend to the travelled portion of the streets connected by the walkway. Concrete drainage swales and chain link fence shall be provided in accordance with City standard SR-7.0 and accepted design drawings along both sides of such walkways for their entire length. Alternative concrete sidewalks with a flat cross-section, without swales, may be substituted upon approval of the City. Ornamental obstacle posts shall be provided in all walkways as required by the City.~~

Remove Subsection 25.11 (q) as there are no traffic calming measures required in this Plan.

~~(q) Where traffic calming measures are required within this Plan:~~

~~(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.~~

~~(ii) The Owner shall notify the purchasers of all lots abutting the raised intersection traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~

~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~

~~(iv) The Owner shall register against the title of all Lots and Blocks on Kleinburg Drive and Blackwater Road in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.~~

Remove Subsection 25.11 (r) and **replace** with the following:

(r) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road East via Canvas Way.

Add the following new Special Provisions:

#14 The Owner shall construct a temporary turning circle at the east limit of Kleinburg Drive, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Kleinburg Drive, all as shown on this Plan of Subdivision, prior to its extension to the east, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the east limit of Kleinburg Drive and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5 metre concrete sidewalks on the north and south side, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is $20,000 for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

#15 The Owner shall be required to make minor boulevard improvements on Sunningdale Road East adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

#16 The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Extra Realty Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Kleinburg Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres; and’
- Taurus Street shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Kleinburg Drive.

A 1.5 metre sidewalk shall be constructed on one side of Taurus Street on the west boulevard

Pedestrian Walkways

There are no walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Extra Realty Limited to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 11, 12 and 13
Road Widening (Dedicated on face of plan):	Block 10
Walkways:	NIL
5% Parkland Dedication:	NIL – to be taken through future phase(s).
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Extra Realty Limited to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	$ 95,383
BALANCE PORTION:	$540,502
TOTAL SECURITY REQUIRED	$635,885

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

~~The Owner shall supply the security to the City in accordance with the City's By-Law No. A-7146-255 and policy adopted by the City Council on July 27, 2014.~~

In accordance with Section 9 - Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Extra Realty Limited to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

(a) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan at the east limit of Kleinburg Drive as per the accepted engineering drawings.

Road Easements:

There are no road easements required.

Appendix B – Related Estimated Costs and Revenues

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF - None identified.	$0
Claims for City led construction from CSRF - None identified.	$0
Total	$0

Estimated Total DC Revenues (2018 Rates)	Estimated Revenue
CSRF	$675,582
UWRF	$61,004
TOTAL	$736,586

1 There are no anticipated claims associated with this development.

2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

Reviewed by:

April 3/2018
Date

Matt Feldberg
Manager, Development Services (Subdivisions)

April 3/2018
Date

Paul Yeoman
Director, Development Finance

Appendix C – Additional Information

Previous Reports

June 9, 2003 – Report to the Planning Committee recommending adoption of the Uplands North Area Plan.

July 18, 2005 – Report to the Planning Committee regarding the Placemaking demonstration project.

May 6, 2009 – Report to Planning Committee regarding tree cutting on the property.

June 22, 2009 – Report to Planning Committee regarding status of subdivision/file; information report.

October 8, 2013 - Report to Planning Committee regarding status of subdivision/file; information report.

July 28, 2014 - Report to Planning and Environment Committee recommending approval of a redlined draft plan of subdivision and associated Official Plan and Zoning By-law amendments; Staff recommendation of redline changes to the draft plan and associated amendments supported/approved by Municipal Council.

July 17, 2017 – Report to Planning and Environment Committee on Request for Demolition of Heritage Listed Property located at 660 Sunningdale Road East; Staff recommendation that notice be given under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report; supported/approved by Municipal Council

January 22, 2018 - Report to Planning and Environment Committee recommending approval of a revised redlined draft plan of subdivision and associated Zoning By-law amendments; Staff recommendation of redline changes to the revised draft plan and associated amendments. Municipal Council supported the draft plan revisions but requested changes to the zoning by-law.

February 20, 2018 – Report to Planning and Environment Committee recommending revised Zoning By-law amendments; by adding additional special provisions that permit apartment buildings within a mixed use building restricted to the rear portion of the ground floor or above. Municipal Council supported the revised zoning by-law amendment.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng**
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: **Application By: Southside Group**
3804 South Winds Drive
Deer Creek Subdivision - Special Provisions
Meeting on: **April 30, 2018**

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Southside Group for the subdivision of land over Part Lot 74, West of the North Branch of the Talbot Road, (Geographic Township of London), situated on the north end of South Winds Drive, municipally known as 3804 South Winds Drive;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Southside Group for the Deer Creek Subdivision, (39T-09503) attached as Appendix "A", **BE APPROVED**;

(b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B", and

(c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

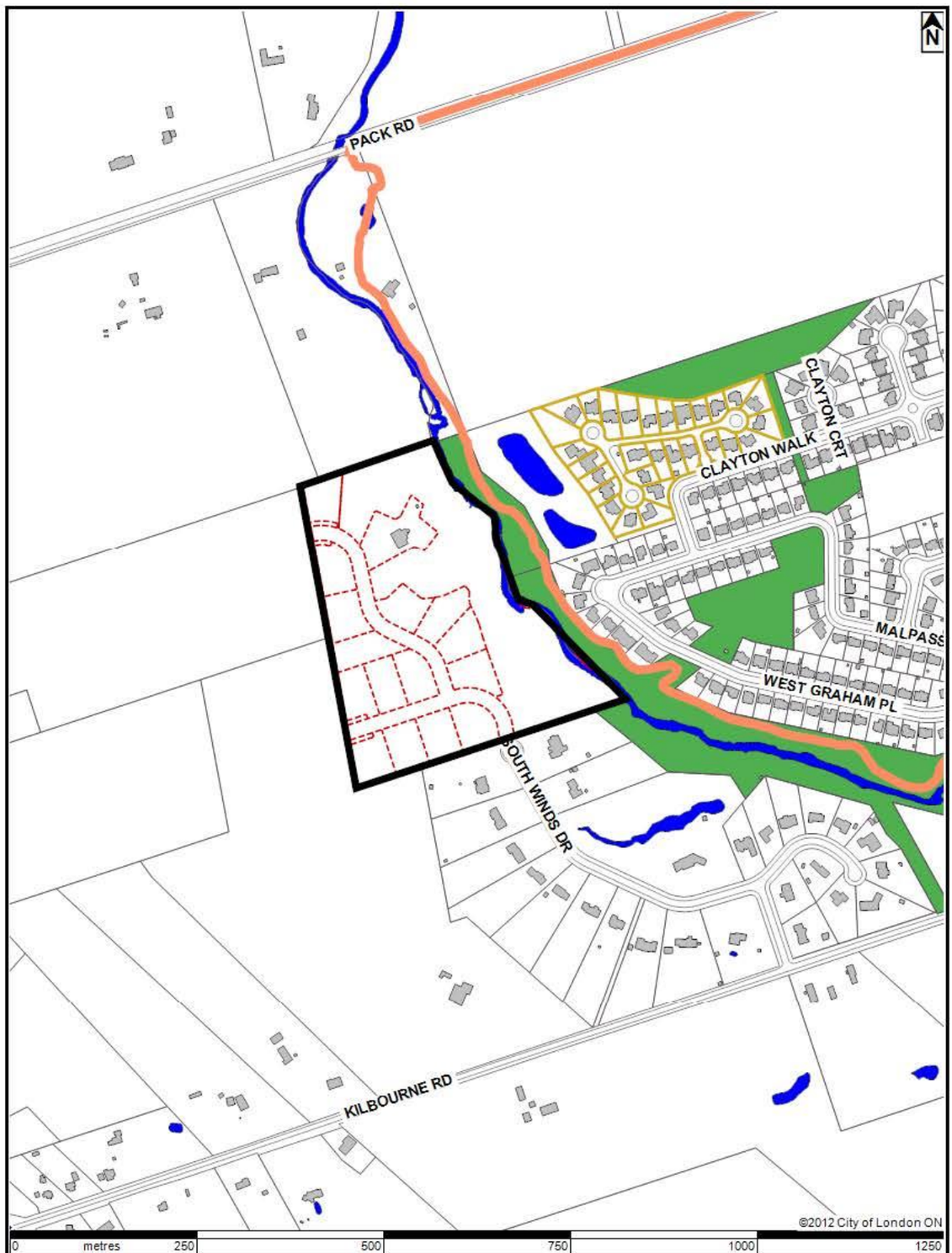
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is a 10.9 hectare parcel, (27 acres) of land located at the north end of South Winds Drive, north of Kilbourne Road, all west of Colonel Talbot Road. It is located at the westerly portion of the City and is outside of the Urban Growth Boundary. The surrounding lands are comprised predominantly of agricultural operations and rural residential to the north and west, and a stream corridor and low density residential to the south and east. The subject parcel is located west of Dingman Creek. The subject site is comprised of field crop with a driveway extending from the existing residential subdivision to the south of the existing dwelling located at 3804 South Winds Drive.

1.2 Location Map Deer Creek Subdivision



LOCATION MAP

Subject Site: **3804 South Winds Drive**
File Number: **39T-09503 (REVISED PLAN)**

Planner: **Alanna Riley**
Date: **2012-09-17**
Scale: **1:6300**

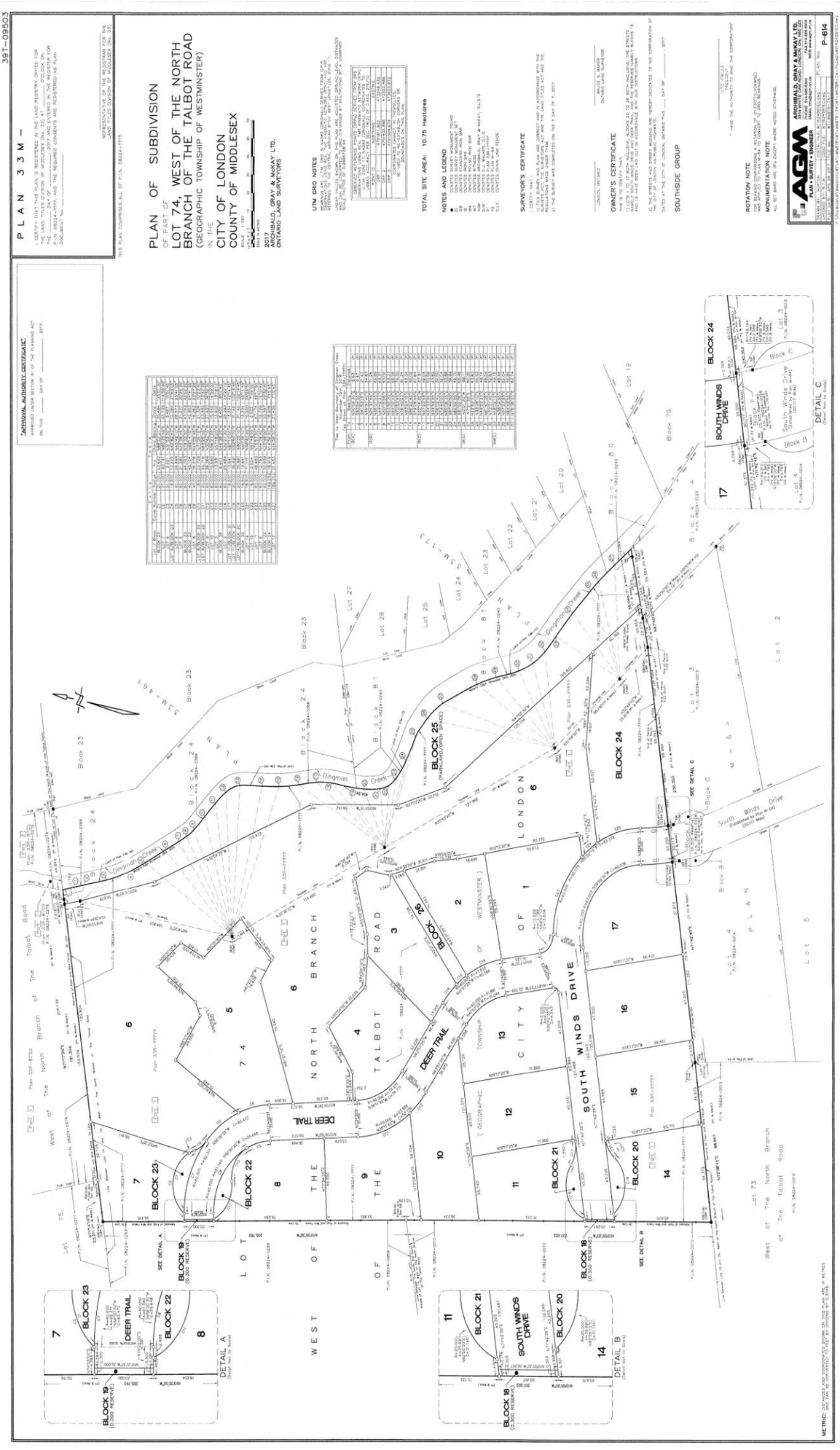
N

Corporation of the City of London
Prepared By: Planning and Development

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers

1.3 Deer Creek Plan of Subdivision



2.0 Description of Proposal

2.1 Development Proposal

The application for approval of a draft plan of subdivision was accepted on August 25, 2009. At that time, the draft plan consisted of 22 single detached lots served by two local streets, one of which is the extension of South Winds Drive from the existing residential estate subdivision to the south. The site had a total area of 10.9 hectares (26.9 acres) with single family lots ranging in size from 0.2 to 0.3 hectares (0.5 to 0.74 acres).

A revised plan of subdivision was submitted and accepted by the City on September 24, 2012. The revised plan of subdivision reduced the number of residential lots from 22 to 17 larger sized lots. The plan is served by two local streets (includes an extension of South Winds Drive) extending to the westerly property boundary and terminating with temporary turning circles, temporary road easement blocks, and 0.3 metre (1 foot) reserve blocks. Municipal Council considered this draft plan, Official Plan and Zoning By-law amendments and recommended they be approved subject to conditions.

Appeals to the Ontario Municipal Board to Council's decision was submitted by Valerie M'Garry of Valerie M'Garry Law Office on behalf of Doug Dittmer and Elizabeth MacKinnon, and by Stephen Gibson of McKenzie Lake Lawyers on behalf of James Waldie, and Joseph Liberatore, relating to Council's decision.

On March 23, 2016, the Ontario Municipal Board issued the following:

> *Based on all of the foregoing, we are satisfied that the proposal should move forward. Accordingly, it is ordered that:*
>
> *a) The OPA is approved.*
> *b) City By-law Z.-1 is amended in accordance with the ZBA.*
> *c) The Draft Plan is approved subject to the Draft Plan Conditions.*
> *d) Pursuant to s. 51(56.1) of the Act, final approval of the Draft Plan for purposes of s. 51(58) is hereby given to the City.*
> *e) The Appeals are dismissed.*

The Applicant is registering this plan of subdivision, which consists of seventeen (17) single detached lots, located off of the extension of Southwinds Drive and the creation of Deer Trail.

The Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City's Solicitors Office.

Prepared by:	**Craig Smith** **Senior Planner, Development Services**
Recommended and Reviewed by:	**Lou Pompilii, MCIP RPP** **Manager, Development Planning (Subdivision)**
Reviewed by:	**Matt Feldberg** **Manager, Development Services (Subdivision)**
Concurred in by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**

April 23, 2018

CS/FG Y:\FGerrits\doumentation coordinator\Working Files\39T-09503 - Southside - Southwinds\39T-09503 - Deer Creek Subdivison - Southside Group - PEC REPORT.docx

Appendix A – Special Provisions

5. STANDARD OF WORK

- **Remove** Subsection 5.7 as this is not applicable.
-

~~5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.~~

- ~~The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lot 17 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.~~

9. INITIAL CONSTRUCTION OF SERVICES AND BUILDING PERMITS

Revise Subsection 9.1 as follows:

9.1 The Owner, any subsequent owner and or their agents or assignee, covenants and agrees that no building permit will be applied for (other than any permit which may be required for the construction of the works and services hereinafter described) and no person shall be entitled to a building permit with respect to any Lot upon this Plan of subdivision until with regard to the services in respect thereof there exists a Certificate of Conditional Approval, except as hereinafter provided. If, in the opinion of the City Engineer, or upon certification by an independent registered Professional Engineer, Lots are serviced with:

(a) ~~storm sewer and storm private drain connection connected to an approved outlet;~~
(b) ~~sanitary sewer and sanitary private drain connection connected to an approved outlet;~~
(c) ~~approved water main and water service connection~~;
(d) approved electrical connection;
(e) curb and gutter;
(f) catch basins and connections;
(g) granular "B" access road;
(h) permanent street signs; and
(i) subdivision and Lot identification signs;

and provided that the Owner has complied with the City's "Subdivision and Development Agreement Security Policy" which may be in effect from time to time; and provided also that the Owner shall not then be in default under any term of this Agreement, the City may issue a Certificate of Conditional Approval in respect of such services, excepting only that any Lot not having been serviced with a water service connection from an abutting water main, will not delay the issuance of the said Certificate of Conditional Approval.

Revise Subsection 9.2 as follows:

9.2 The Owner covenants and agrees, and undertakes to notify, in writing, any purchaser of a Lot on the said plan of subdivision from him, that no building permit will be issued until works and services have been constructed and installed for the benefit of the Lot in respect of which a permit is sought, and no proceedings to compel the City or its officers or employees to issue any building permit shall be taken until the said works and services have been constructed and installed as aforesaid. The issuance of a building permit with respect to any particular Lots shall not be deemed an admission by the City that the services to such Lot have been satisfactorily completed. Notwithstanding the requirement

for curb and gutter to be installed prior to the issuing of a building permit, the City, subject to all other conditions having been met, may issue a building permit or permits provided that the Owner shall certify that he has supplied in writing, to the builder or owner of the property, all the necessary respective elevations and grades as shown on the approved Lot grading plan and street profile. Failure on the part of the Owner to notify, in writing, any purchaser from him, shall be deemed to be a default of the Owner under this Agreement. No occupancy of any building shall take place until there has been constructed within the street allowance adjacent to that building, the following:

~~i) a storm sewer and private drain connection connected to an approved outlet;~~
~~ii) a sanitary sewer and sanitary private drain connection connected to an approved outlet;~~
~~iii) approved water main and water service connection;~~
iv) approved electrical connection;
v) catch basins and connections;
vi) granular "B" access road;
vii) permanent street signs;
viii) subdivision and Lot identification signs.

Revise Subsection 9.5 as follows:

9.5 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have its Professional Engineer carry out the following to the satisfaction of the City Engineer and at no cost to the City in order to verify that no deficiencies exist in the storm ~~and sanitary~~ sewers constructed to serve this Plan:

i) Provide a copy of the video inspection of all storm ~~and sanitary sewer~~ systems constructed to serve this Plan in a format acceptable to the City Engineer. The video is to be checked in advance by the Owner's Professional Engineer to identify the deficiencies, with an explanation of how the deficiencies were corrected;

ii) Conduct deflection testing by pulling a suitable mandrel through the pipe not sooner than thirty (30) days after the completion of backfilling, all in accordance with Ontario Provincial Standard Specifications; and

iii) ~~Carry out testing of the sanitary sewer system in accordance with OPSS 407, OPSS 410 and the City of London Standard Contract Documents for infiltration testing, exfiltration testing and low pressure air testing. The Owner's Professional Engineer shall provide a report of the test results to the City. Any deficiencies must be corrected and additional testing carried out to ensure the system meets the applicable standard~~.

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Revise Subsection 10.7 as follows:

10.7 The Owner hereby agrees that the City will assume each street in this subdivision when the following are completed to the satisfaction of the City:

(i) All works and services required on the street to be assumed, including all storm ~~and sanitary private drain connections and water services~~, must be constructed in accordance with the final approval servicing plans based on the final Lot layout of Lots in this Plan;

(ii) Either seven (7) years has elapsed from the date of registration of the Subdivision Agreement, or a minimum of seventy percent (70%) of the building Lots and Blocks fronting the street to be assumed are built upon, whichever is earlier, or other arrangements are made with and approved by the City; and

(iii) The works, services and roads requested for assumption connect to already assumed works, services and roads.

16. PROPOSED SCHOOL SITES

Remove Subsection 16.3 to 16.9 as there are no school blocks in this Plan.

~~16.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for~~

~~school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~16.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~16.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been was waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~16.7 The Owner agrees that the school blocks shall be:~~

(a) ~~graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~

(b) ~~top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

~~16.8 Where the Owner has been required to improve the site by grading, top-soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of his obligations under this Agreement.~~

~~16.9 If and when the City purchases the site, the City may establish a policy with respect to the ultimate use or disposition of the site.~~

24. IDENTIFICATION SIGNS / SITE SIGNAGE

Remove Subsection 24.1 and **replace** in its entirety with the following:

24.1 The Owner shall:

(a) erect, or cause to be erected, at his entire expense, subdivision identification signs in accordance with the City's standard "Specifications for Subdivision Identification Signs", as they apply to this subdivision. The Owner shall be responsible for obtaining the information from the City;

(b) maintain all signs erected pursuant to 24.1(a) above, at all times in a condition satisfactory to the City and will not be removed until 95% of all the subdivision housing units have been built and occupied;

(c) notwithstanding any other provisions of this Agreement, refrain from making any application for building permits, which includes a permit restricting occupancy, until such time as the Owner has complied with subsections (a) and (b) of this clause;

(d) prior to the issuance of a Certificate of Conditional Approval, the Owner shall erect a sign at each street entrance to the subdivision informing the public that the subdivision is un-assumed by the City. The sign shall be erected and shall be maintained until assumption, all to the satisfaction of the City, at no cost to the City. The sign shall read;

This subdivision is currently not assumed by the City. Responsibility for the maintenance remains with (name of the developer). All City of London by-laws still apply; and

(e) prior to the construction of any dwellings within this Plan, erect at all street intersections and other locations as required by the City, permanent signs designating street names, parking restrictions and other information as required by the City, installation and maintenance shall be the responsibility of the Owner, and at no expense to the City. All signs shall be of a design approved by the City.

(f) prior to the issuance of a Certificate of Conditional Approval, the Owner shall erect signs on dead-end streets, where applicable, with a notification that the street is to be a through street in future. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City.

25.1 STANDARD REQUIREMENTS

Revise Subsection 25.1 (d) as follows:

(d) Should the Owner develop this Plan in stages, prior to the issuance of a Certificate of Conditional Approval for this Plan, the Owner shall submit to the City for approval, a schedule of constructing the proposed staged development including the streets and proposed Lots to be constructed in each stage.

Prior to the issuance of a Certificate of Conditional Approval for each stage of development, the Owner shall satisfy the following matters to the specifications and satisfaction of the City, and all at no cost to the City:

(i) construct a minimum of two (2) access roads to at least a granular 'B' road condition between the approved staged area and one or more existing City streets in order to provide primary and secondary emergency access routes to the Lots and Blocks in the approved staged areas. Should one or more of these access roads not be located on a road allowance in this Plan, then the Owner will be required to deed to the City an adequate right-of-way over each of the said access roads to the specifications of the City and at no cost to the City, prior to any building permits being issued in the approved staged area. The City agrees to quit claim each of the aforementioned rights-of-way after the City determines that they are no longer required for emergency access purposes;

(ii) ~~submit flow design calculations prepared by its Professional Engineer of the proposed looped and unlooped watermain systems to service the approved staged area to the City's Water Engineering Division for review and approval;~~

(iii) ~~construct the looped and unlooped watermain systems as approved by the City's Water Engineering Division to the extent where the watermains are operational and adequate fire flows are proven to be available to the satisfaction of the City's Water Engineering Division;~~

(iv) construct barricades at the limits of all dead-end streets in the approved staged area as required by the City. The barricades are to be installed at the same time as the placement of the granular 'B' on affected streets;

(v) erect signs on dead-end streets in the approved staged area, where applicable, with a notification that the street is to be a through street in future;

(vi) construct a temporary turning circle to City standards where a dead-end street in the approved staged area is greater than 45 metres (150 feet) long;

(vii) restrict construction traffic to and from this subdivision to designated streets, and if necessary place barricades as required to restrict construction traffic, such that no construction traffic to and from this subdivision will utilize existing streets adjacent to this Plan, except as approved otherwise by the City; and

(viii) all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings.

Revise Subsection 25.1 (f) as follows:

(f) The Owner shall adhere to the recommendations of its Geotechnical Professional Engineer who shall provide full time supervision with respect to the removal of existing fill (including but not limited to organic and deleterious materials) and the placement of new engineered fill and the construction of utilities, roadways, foundation design, driveways and buildings on areas and the implementation of Low Impact Development systems within this Plan as identified by the Geotechnical Professional Engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a Geotechnical Professional Engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the Geotechnical Professional Engineer's recommendations.

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots and Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a Geotechnical Professional Engineer for each Lot and Block within the Affected Lands in order to protect the proposed buildings on the said Lots and Blocks from settlement and other harmful effects.

The Owner shall register against the title of each Lot within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot within the Affected Lands must adhere to the recommendations of the Geotechnical Professional Engineer, and shall deliver a certificate of a Geotechnical Professional Engineer to the City's Director of Building Control upon completion of the foundation on the Lot within the Affected Lands that the building construction was completed in accordance with the Owner's Geotechnical Professional Engineer's recommendations.

Remove Subsection 25.1 (h) as there are no walkways in this Plan.

~~(h) Prior to the issuance of a Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway(s) (Block(s) _____) in in accordance with City Standard No. SR-7.0.~~

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Add the following new Special Provisions:

#1 Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the accepted hydrogeological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

#2 The Owner shall comply with any requirements of all affected agencies (eg. Hydro One Networks Incorporated, Ministry of Natural Resources, Upper Thames River Conservation Authority, Ministry of the Environment and Climate Change, etc.), all to the satisfaction of the City.

#3 No construction or installation of any services (eg. clearing of servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision (eg. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and Climate Change, City, etc.)

#4 The Owner shall not make a request to the City to assume any portion of this Plan of subdivision until such time that all Lots in this Plan are fully developed with the following being completed on each Lot:

(i) a constructed residential dwelling;
(ii) all storm/drainage and SWM related works;
(iii) a fully functioning water well system;
(iv) a fully functioning private on-site sanitary (septic) system; and
(v) final lot grading on each Lot is completed.

All to the satisfaction of the City unless otherwise approved by the City.

#5 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing municipal or private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.

#6 The Owner shall include in all Purchase of Sale Agreements for all Lots in this Plan that the septic systems and water wells are private systems. It is each property owner's responsibility to monitor and maintain these systems in locations consistent with the locations identified in the accepted engineering drawings.

#7 The Owner shall include in the Purchase of Sale Agreement for Lot 6 of this Plan that the steep slopes in the Open Space area, including the storm system and maintenance access, are not to be disturbed.

#8 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall relocate and/or remove the existing driveway and restore the affected area, including a new driveway connection from Lot 5 to Deer Trial, to the satisfaction of the City and at no cost to the City.

#9 The Owner shall include in all Purchase of Sale Agreements for all Lots in this Plan that an emergency access exists on Blocks G and H in Plan 33M-64, approximately 280 metres south of this Plan of Subdivision should the existing Southwinds Drive, between Kilborne Road and this Plan be restricted in an emergency.

#10 The Owner acknowledges that they are responsible for co-ordinating with the owner of each Lot for the construction and monitoring of private septic and water well systems on each lot to ensure there is no cross-contamination and servicing conflicts between all servicing.

25.2 CLAIMS

Remove Section 25.2 in its entirety as there are no eligible claims in this Plan.

~~(a) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City and as authorized by the City in accordance with this agreement, and which are eligible for a claim and the claim is made against a development charge Reserve Fund or the Capital Works Budget, the Owner must conform with the By-law and policies governing the administration thereof as included in the requirement of City of London By-law C.P.-1496-244 Schedule 8 as amended (the "Development Charges By-law"), including but not limited to, requirements for a work plan, tendering of construction works and completeness of claims.~~

~~(b) If the Owner alleges an entitlement to any reimbursement or payment from a development charge Reserve Fund as a result of the terms hereof, the Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said development charge Reserve Fund.~~

~~The anticipated reimbursements from the development charge Reserve Funds are:~~

~~(i) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $_____;~~

~~(ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is $_____;~~

~~(iii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is $_____~~

(iv) for the construction of pavement widening on _____ at _____consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is $____. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the accepted work plan;

(v) for the construction of a stormwater management facility in conjunction with this Plan, the estimated cost of which is $____, as per the accepted work plan;

(vi) for dedicating to the City Block ____ on this Plan for stormwater management purposes, the estimated cost of which is $ ____.

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

Funds needed to pay the above claims will be committed (on a subdivision by subdivision basis) from approved capital budgets at the time of approval of this agreement, unless funds in approved capital budgets are insufficient to accommodate commitment to the full extent of the estimated claims. In this case (ie. insufficient capital budget), the excess of the estimated claim over the approved budget shall be submitted for Council approval in the next following budget year.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

(c) Upon approval of an application for a claim to a development charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits of discussed above and in accordance with the Council approved "Source of Financing Report" and the then in force Development Charges By-law and any policies established thereunder.

25.6 GRADING REQUIREMENTS

#11 The Owner shall include in the Agreement of Purchase and Sale and/or Lease for the transfer of Lot 6, that an overland flow route is located over the said Lot, and include a covenant by the purchaser or transferee to observe and comply with the following:

i) The purchaser or transferee shall not alter or adversely affect the said overland flow route over Lot 6 as shown on the accepted lot grading and servicing drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

#12 The Owner shall maintain the existing overland flow route on Lot 6 as per the accepted engineering drawings, to the satisfaction of the City Engineer.

#13 The Owner shall make all necessary arrangements to have adequate private easements registered on title and include in the Agreement of Purchase and Sale or Lease and in the transfer of deed of said Lots within this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said Lots and/or Blocks, to allow the owners of Lots 4 , 5 and 6, inclusive, in this Plan, access for the maintenance and repair of the retaining wall within each of the said Lots in this Plan, to the satisfaction of the City, at no cost to the City.

#14 Prior to the issuance of any Certificate of Conditional Approval for Lots 4, 5 and 6 in this Plan, the Owner shall construct the proposed retaining wall adjacent to the Deer Trail right-of-way limit adjacent to each of the said Lots as shown on the accepted engineering drawings and have its professional engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

#15 The Owner shall register against the title of Lots 4, 5 and 6 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lots shall be responsible for the maintenance of the retaining walls in the future located on the said Lots, at no cost to the City.

#16 Prior to assumption, the Owner's professional engineer shall certify to the City, the retaining wall on Lots 4, 5 and 6 is in a state of good repair and functioning as intended, all to the satisfaction of the City.

25.7 STORM WATER MANAGEMENT

Remove Subsection 25.7 (a) and **replace** with the following:

(a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:

ii) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study (2005) and any addendums/amendments;

iii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands and any addendums/amendments;

iv) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;

v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;

vi) The City of London Design Specifications and Requirements Manual, as revised;

vii) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and

viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Add the following new Special Provisions:

#17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm water system and a maintenance access, between Lots 2 and 3 on Block 26, from Deer Trail to the open space portion of Lot 6 for the storm water system, including the outlet and in accordance with recommendations with regards to the slope and construction for the access and construct the access to City standards, as per the accepted engineering drawings, to the satisfaction of the City. The maintenance access shall be fenced where it abuts Lots 2 and 3, to the satisfaction of the City.

#18 The Owner shall deed Block 26 to the City for stormwater purposes, to the satisfaction of the City, at no cost to the City.

#19 Prior to assumption of this Plan, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

#20 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have all low impact development features installed and operational in this Plan to accommodate the storm servicing design in accordance with the accepted servicing drawings and the accepted Stormwater Management Report to the specifications and satisfaction of the City, at no cost to the City.

#21 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its professional engineer submit a monitoring and maintenance strategy to the City for review and acceptance outlining a program for the monitoring and maintenance of the low impact

development features in this Plan, all to the satisfaction of the city, at no cost to the City. This strategy is to be in accordance with the "Low Impact Development Stormwater Management Practice Inspection and Maintenance Guide" prepared by Toronto and Regional Conservation Authority.

#22 Prior to assumption of this Plan, the Owner shall complete the following, at no cost to the city, all to the satisfaction of the City:

i) operate, maintain, inspect, monitor and protect the low impact development features, including correcting any deficiencies as soon as they are detected, in accordance with the accepted maintenance and monitoring program;

ii) have its consulting professional engineer submit monitoring reports in accordance with the accepted maintenance and monitoring program.

#23 Prior to assumption of this Plan, the Owner shall have its professional engineer certify to the City that all low impact development features in this Plan are constructed and operational in accordance with the Ministry of Environment and Climate Change's Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Report, to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction of the City, at no cost to the City.

#24 The Owner's Professional Geotechnical Engineer shall ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with the Dingman Creek are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.

#25 The Owner's Professional Geotechnical Engineer shall ensure that all geotechnical issues and all required setbacks and separation distances related to SWM BMP measures and the septic systems are adequately address for the subject lands, all to the satisfaction of the City Engineer and the Ministry of Environment and Climate Change.

25.8 SANITARY AND STORM SEWERS

Revise Subsection 25.8 (a) as follows:

(a) Storm ~~and sanitary trunk~~ sewers shall be constructed within the limits of the subdivision beyond if required of such size, type, position and extent as are shown on the plans and and specifications approved by the City Engineer or as otherwise required by him in writing. The City may require this work to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner, at the expense of the Owner. It shall be the responsibility of the Owner to provide a satisfactory outlet for said storm ~~and sanitary trunk~~ sewers from the limits of this subdivision to the point of junction with the approved City sewer outlet.

Remove Subsection 25.8 (b) as this is not applicable to this Plan.

~~**(b)** Sewage treatment capacity is available for this Plan and will be reserved by the City for this Plan provided this Plan and this Agreement are registered within one (1) year of the date of this Agreement.~~

- ~~In the event that this Plan and this Agreement are not registered within one (1) year of the date of this Agreement then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.~~
- ~~The Owner acknowledges that sewage treatment capacity must be allocated for this Plan prior to the Owner's application for building permits in this Plan.~~

Remove Subsection 25.8 (c) and **replace** with the following:

(c) The Owner shall construct the storm sewers to service the Lots in this Plan, which is located in the Dingman Creek Subwatershed, and discharge the flows from this Plan to the outlet which is the Dingman Creek Tributary 'B' via the Best Management Practices (BMPs) and storm/drainage works for this Plan as per the accepted engineering drawings, to the satisfaction of the City.

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- The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

Remove Subsection 25.8 (d) as this is not applicable.

~~(d) The Owner shall provide a maintenance access for all sanitary sewer manholes which will be located in easements on private property or ensure the manholes will be located within a paved area in a location acceptable to the City Engineer to facilitate maintenance of the sanitary sewer system. The Owner shall ensure all storm sewer manholes which will be located in easements on private property, shall be located within a paved area or alternative location which will allow access to the satisfaction of the City Engineer.~~

Remove Subsection 25.8 (e) as this is not applicable to this Plan.

~~(e) Where required, storm and sanitary sewer easements on park/school blocks shall be to the satisfaction of the City and the appropriate school board. Maintenance access requirements shall be provided to the satisfaction of the City Engineer.~~

Remove Subsection 25.8 (f) as this is not applicable to this Plan.

~~(f) Storm sewers with storm private drain connections shall be constructed to the lot line of every Lot in the subdivisions. The requirement for the storm private drain connections may be waived if the Owner's Geotechnical Professional Engineer certifies that foundation drains and sump pumps are not required~~

Remove Subsection 25.8 (g) as this is not applicable to this Plan.

~~(g) No weeping tile connections will be permitted into the sanitary sewers in this Plan.~~

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Remove Subsection 25.8 (j) as this is not applicable to this Plan.

~~(j) The Owner shall register on title of Block ____ in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block ____ in this Plan shall be responsible for installing a sanitary private drain connection, at the owner's expense, from the said block to the proposed municipal sanitary sewer to the (North, South, East, West) of this Block in City owned lands ____described___, or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.~~

Remove Subsection 25.8 (k) as this is not applicable.

~~(k) The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to that satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:~~

~~(i) commence upon completion of the Owner's service work connections to the existing unassumed services; and~~

- ~~_____~~

~~(ii) continue until the time of assumption of the affected services by the City.~~

Remove Subsection 25.8 (l) as this is not applicable.

~~(l) With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by~~

outside owners whose lands are serviced by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside owner will be conditional upon the outside owner satisfying any requirements set out by the City, which may include the granting of any servicing easements that are required by other outside owners whose lands are to be connected to the subject services, and agreement by the outside owner to pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed services and/or facilities

Remove Subsection 25.8 (m) as this is not applicable to this Plan.

(m) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during and after construction, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:

(i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed in conjunction with the conditional clearance. This plug may only be removed by the City of London inspectors or Operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;

(ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;

(iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;

(iv) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;

(v) The Owner shall cap private drain connections to lots which are vacant or not occupied in this Plan in order to prevent practices which contravene City of London By-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. If any private drain connection is found without a cap, the Owner shall ensure a cap is installed within 48 hours of being advised by the City. The removal of the cap shall be at the cost of the Owner and shall be made only at the time of or immediately prior to occupancy of that lot.

Remove Subsection 25.8 (n) as this is not applicable to this Plan.

(n) In the event that flow conditions in the sanitary system indicate that flows are in excess of theoretical flows, and until such time as the sewer is assumed by the City, the Owner may be required to:

(a) Undertake smoke testing and provide a record of the results to the City Engineer; and

-

(b) Alternatively, permit the City to undertake smoke testing, flow monitoring, or other testing of the connections to the sanitary sewer to determine if there are connections which would permit inflow and infiltration into the sanitary sewer. The Owner will be responsible to correct any improper connections and/or deficiencies at no cost to the City.

Remove Subsection 25.8 (o) as this is not applicable to this Plan.

-

(o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the _____mm (__inch) diameter sanitary sewer on_____. The sanitary sewers required in conjunction

~~with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.~~

Add the following new Special Provisions:

#26 The Owner shall register on title of each Lot in this Plan, and shall include in the agreement of purchase and sale for the transfer of each of the said Lots, a covenant by the purchaser or transferee to observe and comply with the following conditions:

i) private septic system servicing on each lot shall be constructed and installed by each property owner and the property owner shall undertake monitoring and maintain the private servicing, at no cost to the City;

ii) a private pre-treatment unit/tertiary sanitary treatment system which produces effluent with a nitrate concentration of 12 mg/L or less shall be provided;

iii) as required under the Ontario Building Code, the property owner shall at all times have a contract with a certified maintenance contractor to ensure the proper maintenance and operation of the private tertiary sanitary treatment system. A copy of an executed maintenance contract with a qualified wastewater maintenance provider shall be submitted to the City's Chief Building Official, City Engineer and the Owner prior to occupancy. The wastewater maintenance provider shall be approved by the treatment system manufacturer or City approved equivalent;

iv) the results of the annual inspection and monitoring of the private septic systems, as required by the Ontario Building Code, shall be submitted by the owner to the City's Chief Building Official and a copy of the results shall be provided to the City Engineer and the Owner;

v) the purchaser or transferee shall inspect and maintain the private septic system on the said Lots, including correcting any deficiencies as soon as they are detected, in accordance with the Ontario Building Code and design criteria accepted by the City, all to the satisfaction and at no cost to the City;

vi) during the development of the said Lots in this Plan until this Plan is assumed by the City, the purchaser or transferee shall allow the Owner to enter the Lot to inspect, maintain and correct any deficiencies for the private septic system should the purchaser or transferee not inspect, monitor, maintain or correct any deficiencies in a timely manner in accordance with the Ontario Building Code and the design criteria accepted by the City, to the satisfaction of and at no cost to the City;

vii) the construction of structures, extensive landscaping fences or other appurtenances in any location which may affect the operation of the private sewage system is prohibited;

viii) allow the Owner to enter the Lots in this Plan to construct stormwater works on each lot where needed (eg. stormwater infiltration trenches) to the satisfaction of the City and at no cost to the City.

#27 Prior to assumption of this Plan, the Owner shall confirm to the City's Chief Building Official and the City Engineer that all Lot owners utilizing private septic systems have a valid contract with a qualified wastewater maintenance contractor at the time of assumption. The wastewater maintenance provider shall be approved by the treatment system manufacturer or City approved equivalent.

#28 Prior to assumption and during development of the Plan of Subdivision, the Owner shall oversee the installation and the annual inspection/monitoring programs of the private sanitary (septic) systems to ensure that each Lot in this Plan is in compliance with the Ontario Building Code, the accepted design criteria and the annual inspection and monitoring program. Should the Lot owner not do so, the Owner shall advise the City and correct any deficiencies as soon as they are detected, all to the satisfaction of and at no cost to the City.

#29 Prior to assumption of this Plan, the Owner shall have its professional engineer certify to the City that all private sanitary (septic) systems on each Lot have been constructed and are in compliance with the Ontario Building Code, the accepted design criteria and the annual inspection and monitoring programs, to the satisfaction of and at no cost to the City. Where the above cannot be met, the Owner shall advise the City and correct any deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction of and at no cost to the City.

#30 The Owner shall construct a temporary Ditch Inlet Catch Basin (DCIB) on Lot 14 and provide any necessary easements, as per the accepted engineering drawings to the satisfaction of the City.

#31 Notwithstanding Section 5 – Standard of Work and/or Section 25 – General Provision of this Agreement, the Owner is not responsible for constructing any sanitary sewers in this Plan as there is no sanitary outlet available to service the Lots in this Plan. The Lots in this Plan shall be serviced by private on-site sanitary (septic) treatment systems in compliance with the Ontario Building Code and the Environment and Climate Change guidelines and approvals and the conditions specified in this Agreement to the satisfaction of the City.

#32 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct new services and make adjustments to the existing works and services on Southwinds Drive in Plan M-64, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

Remove Subsections 25.9 (a) to (f) as they are not applicable to this Plan.

~~(a) Watermain shall be constructed within the limits of the subdivision beyond if required of such size, type, position and extent as are shown on the plans and and specifications approved by the City Engineer or as otherwise required by him in writing. The City may require this work to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner, at the expense of the Owner. It shall be the responsibility of the Owner to connect to the existing water supply system at satisfactory locations, as approved by the City Engineer.~~

~~(b) Prior to the approval of the water service connection by the City Engineer and the issuance of a building permit, the Owner shall refrain from installing water service to any Block Lot.~~

~~(c) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, all to the specifications of the City Engineer.~~

~~(d) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the engineering drawings.~~

~~(e) The Owner shall not request the release of any holding provisions on lots/blocks in this Plan until the restriction of a looped watermain system has been satisfied, to the satisfaction of the City.~~

~~(f) Where any water service connection is required to be made following the construction of curb, gutter, concrete sidewalk and/or top coat surface asphalt on any street in a new subdivision, such water service connection shall not be made using "open cut" methods but shall be made using drilling or boring techniques and in such a manner as to eliminate the possibility of settlement of such curb, gutter, concrete sidewalk or top coat surface asphalt, except where in the opinion of the City Engineer, ground conditions are such that the use of drilling and boring methods become unreasonable or uneconomical.~~

Add the following new Special Provisions:

#33 Prior to Assumption of this Plan, the Owner shall provide the City with information regarding the location of the private water well on each lot and details of the construction of the private water well. The Owner shall also provide confirmation to the City that the location of the private water well is consistent with the location identified in the servicing plan and that a deep cased well has been constructed for each lot.

#34 The Owner shall include a warning clause to be registered on the title of each Lot within this Plan of Subdivision and included in all Agreements of Purchase and Sale for all Lots in this Plan as follows:

> **"Purchasers/tenants are advised that there is no municipal water servicing available to or within this Plan of Subdivision for the provision of either domestic water supply or water supply for fire protection services."**
>
> **"The City of London assumes no responsibility or liability for any loss or damage (including loss of life) which may occur as a result of there being no municipal water service for this Plan of subdivision. The owners and occupants, from time to time, of the Lots within this subdivision shall indemnify and save harmless the City from and against all claims, including costs related thereto, for all damages or injuries including loss of life to any person or persons and for damage to any property arising out of or in any way occasioned by or resulting from the lack of a municipal water system in this subdivision to provide for adequate fire flows and fire hydrants for fire protection purposes."**

#35 The Owner shall include a warning clause to be registered on the title of each Lot within this Plan of Subdivision and included in all Agreements of Purchase and Sale for all Lots in this Plan as follows:

"Individual Lot private water wells and private septic systems shall be located in accordance with the accepted engineering drawings and in accordance with **Schedule 'I' (lot grading drawings)** attached to the Subdivision Agreement, ensuring minimum set-back and separation distances are being maintained."

#36 The Owner shall register on title of each Lot in this Plan, and shall include in the agreement of purchase and sale for the transfer of each of the said Lots, a covenant by the purchaser or transferee to observe and comply with the following conditions:

i) Private water wells on each lot shall be constructed and installed by each property owner and the property owner shall maintain the private servicing, at no cost to the City;

ii) Water wells must be deep cased wells in accordance with Ontario Regulation 903 to avoid potential contamination from the sanitary effluent. The drilling of shallow water wells is prohibited; and

iii) The location of the water well on each lot shall be consistent with the location identified for the water well in the servicing plan submitted for this subdivision;

#37 Prior to assumption, the Owner shall submit a report demonstrating that the Ministry of the Environment and Climate Change's D-5-4 and D-5-5 guidelines have been met to the satisfaction of the City in relation to the private water wells and private septic systems.

#38 The Owner is not required to provide for fire flows and fire hydrants for fire protection purposes for this Plan of Subdivision, The Owner acknowledges and agrees that the City assumes no responsibility or liability for any damage or loss (including loss of life) to provide for adequate fire flows and fire hydrants for fire protection purposes as there is no watermain available.

25.10 HYDROGEOLOGICAL WORKS

Revise Subsection 25.10 (c) as follows:

(c) The Owner shall adhere to the recommendations in the detailed hydro geological report prepared by its Professional Engineer, determining the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or

farm wells in the area and identify any abandoned wells in this Plan, assess the impact on water balance, recommendations for foundation design should high groundwater be encountered and any fill required in the plan and recommendations for Low Impact Development (LIDs) system, to the satisfaction of the City Engineer.

If necessary, the Owner's Professional Engineer shall provide recommendations addressing any contamination impacts that may be anticipated or experienced as a result of the said construction as well as any recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the above accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

Add the following new Special Provisions:

#39 The Owner shall carry out twice yearly water quality monitoring during any site alteration and dwelling construction and at the time of assumption by the City, to ensure there is no negative impact to the existing wells in the area. Should any remedial works be required, the Owner shall complete these works to the satisfaction of the City, at no cost to the City. The Owner shall provide copies of the monitoring reports to the City Engineer.

25.11 ROADWORKS

Remove Subsection 25.11 (b) and **replace** with the following:

(b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:

(i) a fully serviced road connection where Southwinds Drive in this Plan connects with Southwinds Drive in Plan 33M-64, including all related works as per the accepted engineering drawings;

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City Engineer. The Owner shall provide full-time supervision by its Professional Engineer for all works to be constructed on Southwinds Drive in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

Remove Subsection 25.11 (g) as there are no sidewalks in this Plan.

(g) The Owner shall register against the title of all Lots in the subdivision which have a sidewalk in front of or abutting them, and include in the agreement of purchase and sale for the conveyance or transfer of each of the said Lots, a covenant by the purchaser or transferee (and by each successive Owner after such purchaser or transferee until such covenant is fulfilled) stating that the sidewalk construction in front of or abutting the Lot shall be completed by the owner within thirty (30) days after occupancy of the Lot, except in cases where occupancy occurs between November 1 and May 31 and the sidewalk construction cannot be completed within the specified time, in which case the required sidewalk construction shall be completed by the following June 1.

- The Owner shall have its Professional Engineer include confirmation on the Final Grading Certificate that the sidewalk fronting or abutting the subject Lot is complete.

Remove Subsection 25.11 (n) as there are no walkways in this Plan.

(n) Prior to the issuance of any Certificate of Conditional Approval, concrete sidewalks shall be constructed on all pedestrian walkways shown in this Plan in accordance with City Standard SR-7.0 and accepted design drawings and shall extend to the travelled portion of the streets connected by the walkway. Concrete drainage swales and chain link fence shall be provided in accordance with City standard SR-7.0 and accepted design drawings along both sides of such walkways for their entire length. Alternative concrete sidewalks with a flat cross-section, without swales, may be substituted upon approval of the City. Ornamental obstacle posts shall be provided in all walkways as required by the City.

Remove Subsection 25.11 (q) as there are no traffic calming measures in this Plan.

(q) Where traffic calming measures are required within this Plan:

(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.

(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.

(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.

(iv) The Owner shall register against the title of all Lots and Blocks on __(insert street names) ___ in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

Remove Subsection 25.11 (r) and **replace** with the following:

(r) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Kilbourne Road via South Winds Drive or other routes as designated by the City.

Add the following new Special Provisions:

#40 The Owner shall construct permanent cul-de-sacs on the west limit of South Winds Drive and the west limit of Deer Trail as per the accepted engineering drawings, to the satisfaction of the City.

#41 The Owner shall include a warning clause to be registered on the title of each Lot within this Plan of Subdivision and included in all Agreements of Purchase and Sale for all Lots in this Plan as follows:

"Purchasers/tenants are advised that the permanent cul-de-sacs at the west limit of South Winds Drive and the west limit of Deer Trail may be removed in the future and the roads may be connected to future roads upon development to the west."

#42 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall relocate and/or remove the existing driveway and restore the affected area, including constructing a new driveway connection from Lot 5 to Deer Trail, to the satisfaction of the City, at no cost to the City.

#43 The Owner shall remove the temporary turning circle on South Winds Drive and adjacent lands, in Plan 33M-64 to the south of this Plan, and complete the construction of South Winds Drive in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-64 for the removal of the temporary turning circle and the construction of this section of South Winds Drive and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that South Winds Drive in Plan 33M-64 is constructed as a fully serviced road by the Owner of Plan 33M-64, then the Owner shall be relieved of this obligation.

#44 The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

25.12 PARKS

#45 Prior to the issuance of a Certificate of Conditional Approval ,the Owner shall implement all of the mitigation recommendations contained in the Environmental Impact Study (Biologic, August 2009), and the EIS letter (Biologic, January 2013) including, but not limited to provision for buffer zones, re-vegetation/restoration, and construction mitigation all to the satisfaction of the City.

#46 At the time of purchase and sale, the Owner shall prepare and deliver to all purchasers and transferees of the lots in this plan, an education package as described in the Biologic August 2009 EIS as approved by the City that explains the stewardship of natural areas and the value of existing tree cover.

#47 Prior to any grading or construction activity, the Owner shall develop a Tree Preservation Plan for lots 8, 9, 10, 11 and 14 inside the Area of Secondary Tree Preservation as identified in Biologic's January, 2013 EIS.

#48 Prior to any grading or construction activity, the Owner shall install the Tree Preservation fencing in accordance with approved Primary Tree Protection Fencing locations identified in Biologic's January, 2013 EIS. The Owner's ecological consultant shall provide certification of the installation to the City.

#49 Within one (1) year of registration of this Plan of Subdivision, the Owner shall monument all residential lots adjacent to the OS5 zoned lands and where the OS5 zone limit intersects with interior side lot lines, at all changes of direction and 20 metres apart (max.) or alternatively, the Owner shall construct fencing along the property limit interface of all private lots adjacent to the Open Space zoned lands of Lot #6.

#50 Within one (1) year of registration of this Plan of Subdivision, the Owner shall monument the northern and western limits of Blocks 24 and 25 abutting Lot 6 with standard City concrete monuments as per City standards (SPO 4.7) to delineate the block limits.

#51 Within one (1) year of registration of this Plan of Subdivision, the Owner shall carry out a hazard tree survey within the park block and implement the findings of the survey all to the City's satisfaction.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Southside Group to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- South Winds Drive and Deer Trail shall have a minimum road pavement width (excluding gutters) of 8.0 metres with centre medians with a minimum road allowance of 20.0 metres, as per the accepted engineering drawings.

Sidewalks

There are no sidewalks in this Plan of Subdivision.

Pedestrian Walkways

There are no walkways in this Plan of Subdivision.

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Southside Group to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 18 and 19
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Blocks 24 and 25
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL
Maintenance Access/Overland Flow Route	Block 26

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary road blocks:	NIL

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Southside Group to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	$ 202,393
BALANCE PORTION:	$1,146,896
TOTAL SECURITY REQUIRED	$1,349,290

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this Plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

In accordance with Section 9 - Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Southside Group to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

(a) Multi-purpose easements for servicing including an easement shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

(i) Over Lot 6 between Block 25 and Block 26 for servicing and overland flow route

Appendix B – Related Estimated Costs and Revenues

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF - None identified.	$0
Claims for City led construction from CSRF - None identified.	$0
Total	$0
Estimated Total DC Revenues (2018 Rates)	**Estimated Revenue**
CSRF	$295,154
UWRF	$0
TOTAL	$295,154

1 There are no anticipated claims associated with this development.

2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

3 Estimated Revenues are based on charges outside the Urban Growth Boundary.

Reviewed by:

April 18 | 2018
Date

Matt Feldberg
Manager, Development Services (Subdivisions)

April 18, 2018
Date

Paul Yeoman
Director, Development Finance

File #: OZ-8462
Planner: Michelle Knieriem

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **GSP Group Inc.**
560 and 562 Wellington Street – Status update and request to undertake further study
Meeting on: **April 30, 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 GSP Group Inc. relating to the property located at 560 and 562 Wellington Street:

(a) the following report **BE RECEIVED** for information; and,

(b) Staff **BE DIRECTED** to undertake a review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park and to consider a comprehensive plan for the properties surrounding the Park.

Executive Summary

Summary of Recommendation

Staff recommend that this report be received for information, and that Staff be directed to undertake a further review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park in order to advance Municipal Council's referral of this Official Plan and Zoning By-law amendment application back to Staff.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to provide an update on the status of discussions with the applicant for the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street, in response to the direction by Municipal Council to refer the matter back to Staff in May, 2017, and to direct Staff to further review the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park to consider a comprehensive plan for the properties surrounding Victoria Park. Such an analysis may provide greater clarity and context for evaluating the proposal at 560 and 562 Wellington Street

Rationale of Recommended Action

As directed by City Council, Staff have been working with the applicant in response to the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street for the preparation of a revised development proposal that conforms to the planning policies. Although the applicant has made substantial changes to their development proposal in order to better align with the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan, a gap still exists between the development proposal and the land use policy framework.

It is recommended that Staff be directed to undertake a review of the existing plans, policies, and guidelines for the properties surrounding Victoria Park to consider whether there is a need to develop a comprehensive plan for the lands surrounding Victoria Park. Given that the planning regime for the properties surrounding the Park is varied and lacks a cohesive vision, further study of the policy framework and the context of the lands surrounding Victoria Park will determine whether there is a need to develop a comprehensive policy, design guideline, and plan to knit together these lands following

a public participation process. Such an analysis may provide greater clarity and context for evaluating the proposal at 560 and 562 Wellington Street.

Analysis

1.0 Background

1.1 Planning history of Official Plan and Zoning By-law Amendment Application at 560 and 562 Wellington Street

The site at 560 and 562 Wellington Street is currently occupied by a 2-storey office building, a 5-storey office building, and associated surface and underground parking. An Official Plan and Zoning By-law Amendment application was submitted in February, 2015 which proposed to demolish the existing buildings and construct a 25-storey mixed-use apartment building on the subject site. That application was circulated and residents of the surrounding area expressed significant concern with the requested development. A Public Information Meeting was held on April 22, 2015. In June, 2015, the applicant requested that the file be placed "on hold", to allow the applicant an opportunity to review the feedback they had received in response to their requested development and consider possible changes to the design to resolve some of the issues.

The applicant submitted a revised proposal in December, 2016, which proposed a 22-storey mixed-use apartment building with a reduced podium height, a slightly increased setback to the residential neighbourhood to the east, and modifications to the material and building design to attempt to better respond to the context of the West Woodfield Heritage Conservation District. The revised proposal continued to receive significant concern from residents in the surrounding area.

Planning Staff prepared a report that was considered by City Council at its meeting of May 16, 2017, recommending the requested Official Plan Amendment and Zoning By-law Amendment be refused, as the proposed development was not consistent with the Provincial Policy Statement; did not conform to the West Woodfield Heritage Conservation District Plan; did not meet the location criteria for the Multi-Family High Density Residential land use designation in the Official Plan; represented over-intensification of the subject site; did not pass all of the criteria in a Planning Impact Analysis described in the Official Plan; and was not consistent with The London Plan.

At this meeting, City Council referred the application back to Staff to continue to work with the applicant to revise the application for consideration at a future Public Participation Meeting. Council identified that the revised development must be more in keeping with and conform to the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan.

2.0 Update on Application

2.1 Update on discussions with the Applicant and request for further study

Further to the City Council direction to refer the Official Plan Amendment and Zoning By-law Amendment back to Staff, Staff have continued to work with the applicant for the submission of a revised application that is more in keeping with and conforms to the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan. Although the applicant has made substantial changes to their development proposal a gap remains between the policy framework and the revised development proposal. In an effort to continue discussions with the applicant on a revised development proposal, Planning Staff are of the opinion that further study of the properties surrounding Victoria Park and the associated policy context is required which may allow Staff to consider the revised development proposal and inform the need for a comprehensive plan for the properties surrounding Victoria Park.

3.0 Request for Further Study

3.1 Planning Context Surrounding Victoria Park

The lands surrounding Victoria Park have a varied policy context, with planning polices for different properties surrounding the Park being directed by different policy and guideline documents. The lands surrounding the Park have not be considered in a comprehensive framework of their shared relationship to the Park, despite the role of Victoria Park as a prominent City-wide park for the City of London.

All properties surrounding Victoria Park are subject to the Official Plan and the Council-adopted London Plan, a portion of which is in-force and effect and a portion of which is under appeal to the Ontario Municipal Board. Official Plan designations for properties surrounding Victoria Park vary, with Low Density Residential, Multi-Family Medium Density, Community Facility, Downtown Area, Office Area, and Main Street Commercial Corridor designations applying to the properties surrounding the park. The London Plan Place Types for properties surrounding Victoria Park include Downtown, Neighbourhood, and Rapid Transit Corridor. These Official Plan designations and The London Plan Place Types are further guided by additional plans, policy layers and guidelines that apply to certain properties surrounding the Park, including:

- West Woodfield Heritage Conservation District Plan – This Heritage Conservation District Plan applies to properties on the eastern and western edge of Victoria Park.
- Downtown Heritage Conservation District Plan – The Downtown Heritage Conservation District Plan applies to properties on the southern edge of Victoria Park
- Downtown Design Study and Guidelines – This document applies to the lands to the south of Victoria Park and the northeast parcel at the intersection of Dufferin Avenue and Wellington Street.
- Our Move Forward: London's Downtown Plan – The Downtown Plan applies to the lands to the south of Victoria Park and the northeast parcel at the intersection of Dufferin Avenue and Wellington Street.
- Woodfield Neighbourhood Specific Policy Area – This Specific Policy Area applies to the lands on the northern and eastern edge of Victoria Park and the parcel on the southeast corner of Central Avenue and Richmond Street.

Maps showing the varied planning framework surrounding Victoria Park can be found in Appendix "A".

Despite this varied planning framework, a study has not been completed to comprehensively consider the lands surrounding Victoria Park based on their relationship to Victoria Park.

3.2 Need for Further Study

This varied context makes it challenging for Staff to comprehensively consider applications for developments surrounding Victoria Park, such as the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street West. Based on the existing policy framework these developments are considered on a "one-off" basis in the absence of a broader framework to guide development around the Park. Existing zoning permissions vary from 10 metres to 90 metres in height in areas around the Park, creating an inconsistent context for development around the Park. A rapid transit corridor along the western edge of the Park may also result in development pressure that would benefit from a comprehensive plan. While Staff appreciate that each property surrounding the Park must also be considered within its context to the other surrounding properties that do not front onto Victoria Park, consideration must also be given to each property surrounding the Park to help establish a compatible built form that considers the context of the Park as a whole.

The intention is for Staff to hire a consultant to assist with the study of the land surrounding Victoria Park.

The findings from the study of the lands surrounding Victoria Park would help to inform discussions with the applicant on the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street, and would also help to provide a framework for evaluating any future development proposed on any of the properties surrounding Victoria Park. The study of these lands may result in the creation of a comprehensive plan for the properties surrounding the Park, subject to public participation, that would allow Staff to better guide development around the Park in a holistic manner by considering the relationship between any proposed development and Victoria Park and the surrounding context.

Such a study could consider matters including, but not limited to, the following:

- Existing Official Plan policies
- The London Plan policies
- Heritage Conservation District plans, policies and guidelines
- Possible development around the park and its potential impact on adjacent low-rise residential neighbourhoods
- Clearly delineating where development may be supported beyond a low or mid-rise height
- A method for synthesizing the multiple overlapping plans, policies, and guidelines

4.0 Conclusion

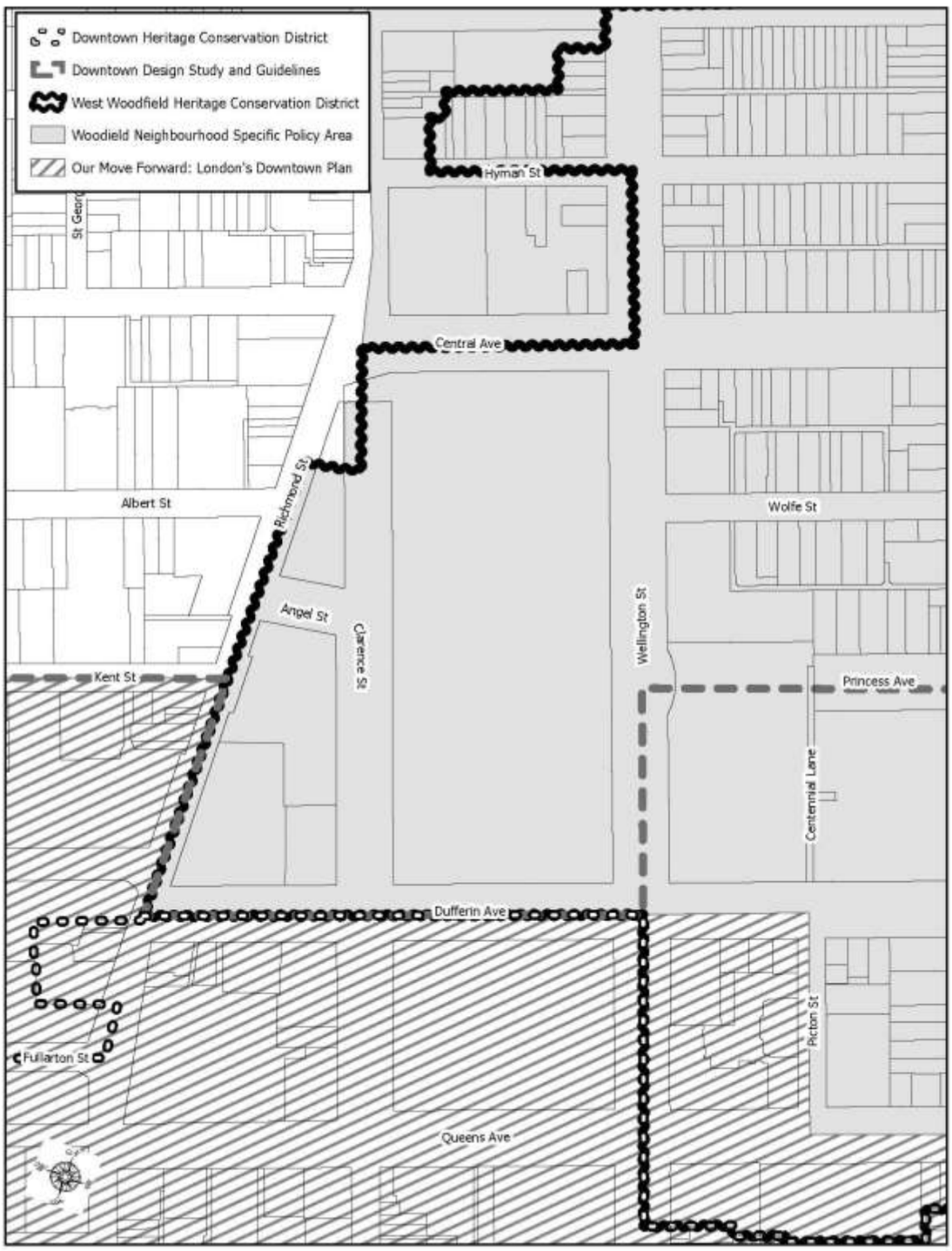
Following Council direction, Staff and the applicant have continued to discuss a revised development proposal, as part of the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street, which is more in keeping with and conforms to the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan. Although the applicant has made substantial changes to their development proposal in order to better align with the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan, a gap still exists between the development proposal and the land use policy framework. It is recommended that Staff be directed to review the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park to determine whether there is a basis to consider the Official Plan and Zoning By-law Amendment application at 560 and 562 Wellington Street and evaluate the need to develop a comprehensive plan for the properties surrounding Victoria Park to guide future development applications for properties surrounding the Park.

Prepared by:	**Michelle Knieriem, MCIP, RPP** **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**

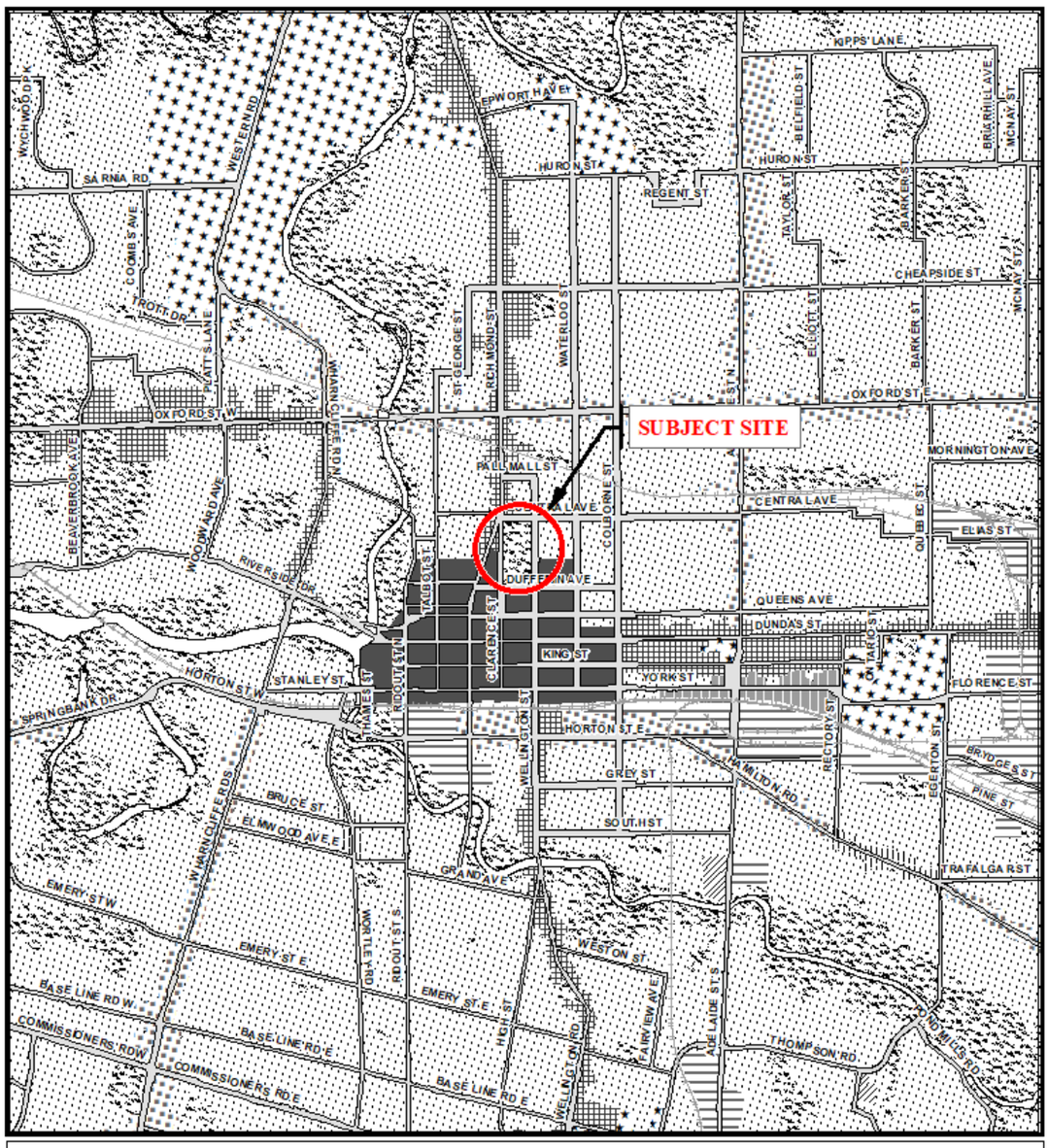
April 23, 2018
MT/mt

Appendix A – Relevant Background

Additional Maps



File #: OZ-8462
Planner: Michelle Knieriem



Legend

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

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

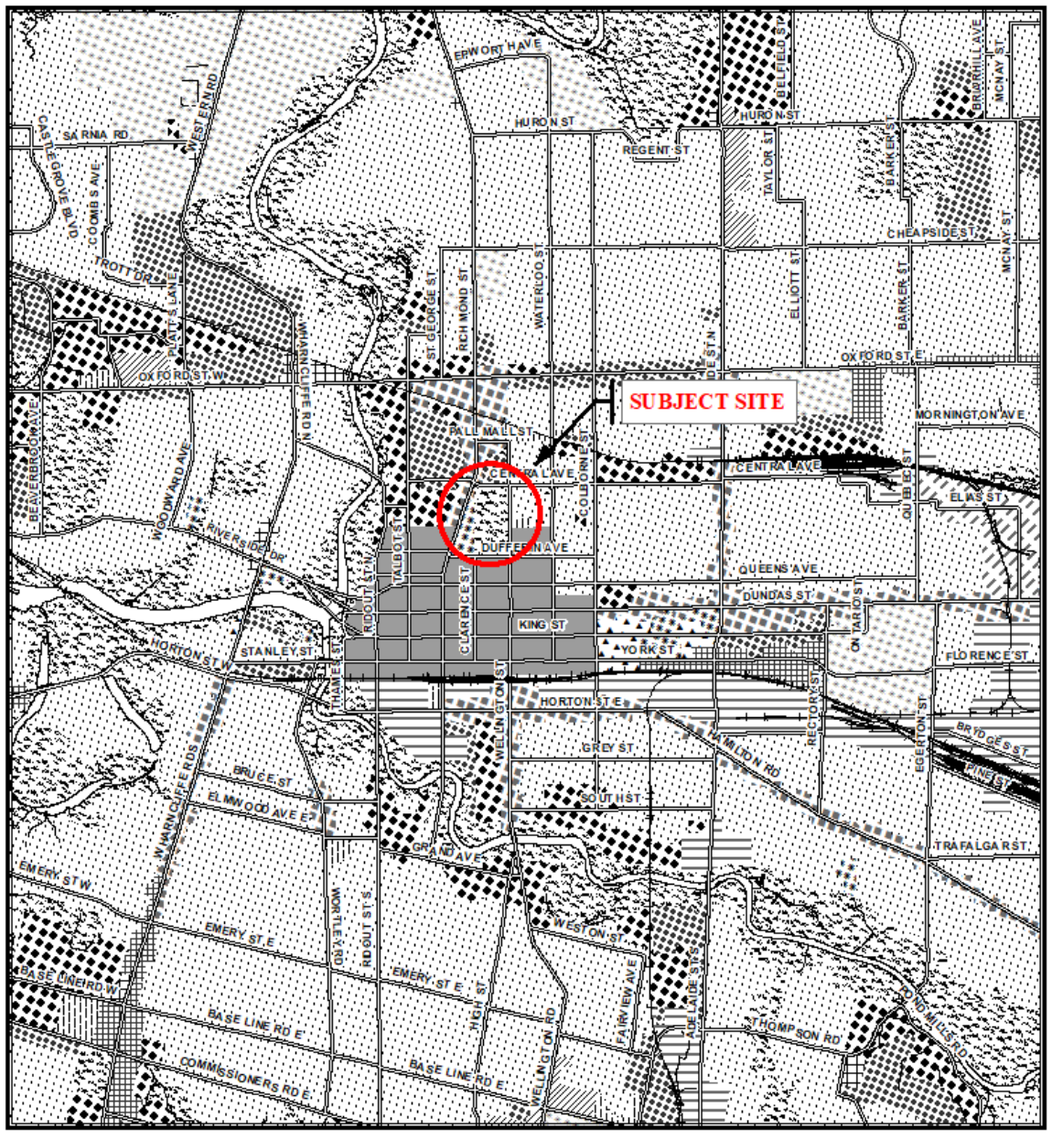
Scale 1:30,000

Meters

File Number:	
Planner:	MK
Technician	MB
Date:	April 23, 2018

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\EXCERPT_Map1_PlaceTypes_b&w_8x14.mxd

File #: OZ-8462
Planner: Michelle Knieriem



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

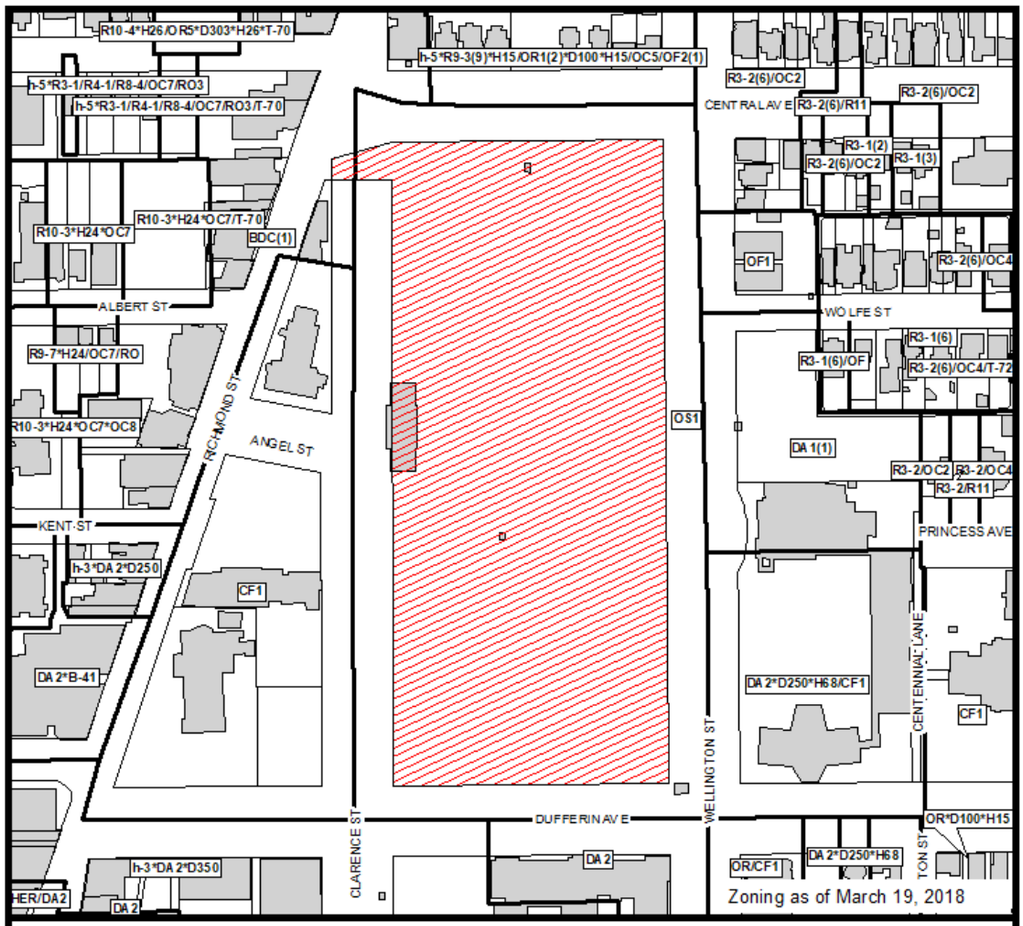
Scale 1:30,000

Meters

FILE NUMBER:	
PLANNER:	MK
TECHNICIAN:	MB
DATE:	2018/04/23

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

File #: OZ-8462
Planner: Michelle Knieriem



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS1

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

R1 - SINGLE DETACHED DWELLINGS
R2 - SINGLE AND TWO UNIT DWELLINGS
R3 - SINGLE TO FOUR UNIT DWELLINGS
R4 - STREET TOWNHOUSE
R5 - CLUSTER TOWNHOUSE
R6 - CLUSTER HOUSING ALL FORMS
R7 - SENIOR'S HOUSING
R8 - MEDIUM DENSITY/LOW RISE APTS.
R9 - MEDIUM TO HIGH DENSITY APTS.
R10 - HIGH DENSITY APARTMENTS
R11 - LODGING HOUSE

DA - DOWNTOWN AREA
RSA - REGIONAL SHOPPING AREA
CSA - COMMUNITY SHOPPING AREA
NSA - NEIGHBOURHOOD SHOPPING AREA
BDC - BUSINESS DISTRICT COMMERCIAL
AC - ARTERIAL COMMERCIAL
HS - HIGHWAY SERVICE COMMERCIAL
RSC - RESTRICTED SERVICE COMMERCIAL
CC - CONVENIENCE COMMERCIAL
SS - AUTOMOBILE SERVICE STATION
ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL
OC - OFFICE CONVERSION
RO - RESTRICTED OFFICE
OF - OFFICE

RF - REGIONAL FACILITY
CF - COMMUNITY FACILITY
NF - NEIGHBOURHOOD FACILITY
HER - HERITAGE
DC - DAY CARE

OS - OPEN SPACE
CR - COMMERCIAL RECREATION
ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK
LI - LIGHT INDUSTRIAL
GI - GENERAL INDUSTRIAL
HI - HEAVY INDUSTRIAL
EX - RESOURCE EXTRACTIVE
UR - URBAN RESERVE

AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
TGS - TEMPORARY GARDEN SUITE
RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL
"D" - DENSITY SYMBOL
"H" - HEIGHT SYMBOL
"B" - BONUS SYMBOL
"T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:

MAP PREPARED:
2018/04/23

1:3,000
0 15 30 60 90 120
Meters

File #: OZ-8462
Planner: Michelle Knieriem

Additional Reports

Application by GSP Group Inc. re properties located at 560 and 562 Wellington Street (OZ-8462)(Public Participation Meeting May 8, 2017): City Council considered the Staff recommendations in this report and directed Staff to continue to work with the applicant to develop a revised proposal that is more in keeping and conforms with the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan

File: OZ-8771
Planner: C. Parker/K. Gonyou

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Application By: The Corporation of the City of London**
Archaeological Management Plan
Public Participation Meeting on: Monday April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the application of the City of London relating to the Archaeological Management Plan for all properties in the City of London:

(a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to amend the *Official Plan* to add a new subsection to Section 19.2.2 ii) (Guideline Documents) to add Archaeological Management Plan (2017) to the list of Guideline Documents;

(b) the proposed by-law attached hereto as Appendix "B" BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to amend Zoning By-law No. Z.-1, in conformity with the *Official Plan* as amended in part (a) above, to delete Section 3.8. 2) s) h-18 (Holding Zone Provisions) and replace with new wording to require an archaeological assessment to be undertaken; and,

(c) the proposed by-law attached hereto as Appendix “C”, BE INTRODUCED at a future meeting of Municipal Council to amend *The London Plan* by ADDING the Archaeological Management Plan (2017) to Policy 1721_ of the Our Tools policies, AND that three readings of the by-law enacting *The London Plan* amendments BE WITHHELD until such time as *The London Plan* is in force and effect.

IT BEING NOTED that technical edits to Section 6 of the Archaeological Management Plan (2107) have been made to provide consistent wording with the *Provincial Policy Statement* and *The London Plan* to require an archaeological assessment for site plan applications.

Executive Summary

- The Archaeological Management Plan (2017) was adopted by Municipal Council at its meeting on July 25, 2017 and directed the following actions be taken:
    - To delete reference to the Archaeological Master Plan (1996) from the *Official Plan* and to replace it with reference Archaeological Management Plan (2017) to the list of Guideline Documents in the *Official Plan* (1989);
    - To delete reference to the Archaeological Master Plan (1996) from *The London Plan* and to replace it with reference to the Archaeological Management Plan (2017); and,
    - To delete the wording of the h-18 of the Zoning By-law, Z.-1, and replace it with wording consistent with the adopted Archaeological Management Plan (2017).
- Archaeological resources contribute to our understanding of the past. Our stewardship and management of archaeological resources shows our respect for past occupation, settlement, and cultures that have had an influence on our City.
- The conservation of archaeological resources is a matter of Provincial Interest, pursuant to Section 2(d) of the *Planning Act*, with policies requiring archaeological assessments in the *Provincial Policy Statement* (2014).

Provisions of the *Ontario Heritage Act* protect archaeological sites from inappropriate alteration and disturbance, and help to ensure that archaeological fieldwork in Ontario is undertaken in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011).

- Archaeological resources are best protected through the planning and development process. The land use planning process, governed by the *Planning Act* or the *Environmental Assessment Act*, requires approval authority to integrate the requirements of the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* regarding known archaeological sites and areas of archaeological potential.

- The City must ensure that appropriate policies and practices are in place to conserve archaeological resources in the planning and development process.

- Replacing the Archaeological Master Plan (1996) with the Archaeological Management Plan (2017) will bring the City of London's archaeological resource management policies into alignment with current legislation and regulatory framework, and bring our land use planning tools into conformity.

Official Plan Amendment Analysis

1.0 Subject Lands

The lands affected by the Official Plan Amendment are City-wide.

2.0 Nature of Application

This report recommends approval of amendments to the current *Official Plan* and *The London Plan* and the Zoning By-law to implement the Archaeological Management Plan (2017). The intent of this Official Plan Amendment/Zoning By-law Amendment application is to bring land use planning tools into conformity with the Archaeological Management Plan (2017), which was adopted by Municipal Council at its meeting on July 25, 2017.

3.0 Relevant Background

3.1 Planning History

The Archaeological Master Plan (1996) was adopted by Municipal Council as a Guideline Document to the *Official Plan* at its meeting on October 7, 1996. The Archaeological Master Plan (1996) established a predictive model to identify when an archaeological assessment is required for planning or development applications across the entire City. In the intervening 22 years, the Archaeological Master Plan (1996) served to avoid situations of unintended discovery of archaeological resources.

There have been legislative changes and an evolution of best practice in archaeological resource management since the adoption of the Archaeological Master Plan (1996). The Archaeology Sub-Committee of the London Advisory Committee on Heritage (LACH) advocated for a review of the Archaeological Master Plan (1996). The review of the Archaeological Master Plan (1996) was included in the Planning Services Work Plan and project funding secured through the budget process. At its meeting on October 27, 2015, Municipal Council adopted the Terms of Reference for the Archaeological Master Plan Review Project.

Archaeological Services Inc. (ASI), with Letourneau Heritage Consulting and D. R. Poulton & Associates, were retained to undertake a review of the Archaeological Master Plan (1996) in light of current legislation and best practice in archaeological resource management in Ontario. The project's four goals were achieved:

1. Update the sites database and associated mapping for known (registered and unregistered) archaeological sites within the City of London;
2. Review the existing composite archaeological site potential layer and make recommendations for improvements;
3. Review current federal, provincial, and municipal planning and management guidelines for known and potential archaeological resources; and,
4. Develop an implementation framework for responsible municipal stewardship and

management of archaeological resources in the City.

The composite archaeological site potential layer is composed of: the Indigenous (Pre-Contact) archaeological site potential layer, the historical (Euro-Canadian/Colonial) archaeological site potential layer, and the integrity layer. Each of these layers was reviewed to determine their efficacy and make adjustments to improve that efficacy rate.

The exiting Indigenous archaeological site potential layer was working with an efficacy rate of 90%. This is considered successful but still provided room for improvement. Through the inclusion of alluvial soils (adding 980 hectares) within the Indigenous archaeological site potential layer, the efficacy was improved to 100% - capturing all previously identified Indigenous archaeological sites.

The existing historic archaeological site potential layer was working at an efficacy rate of 72%, which is considered only moderately successful. To improve the efficacy of the historical archaeological site potential layer, mapping of features identified on geo-referenced historical maps (courtesy of Western University's Human Environments Analysis Laboratory) was undertaken. In particular, detailed mapping on a block-by-block basis was completed for the Early Urban Core, Core Expansion Area, and East Industrial District to identify areas that are likely to retain archaeological resources. The efficacy rate of the historic archaeological site potential layer has been improved to 100% to capture all previously recorded historic archaeological sites.

The integrity layer removed areas upon which modern development activities had likely destroyed any archaeological resources. This is often associated with substantial land disturbances that characterize development practices from the late-twentieth century to present. The detailed mapping of the Early Urban Core, Core Expansion Area, and East Industrial District removed areas of past disturbance and retaining those where there is potential for archaeological resources to remain. Integrity outside of these areas was not comprehensively reviewed and should be reviewed as part of a Stage 1 archaeological assessment as required.

With these adjustments, greater confidence can be conferred in the composite archaeological site potential layer to accurately identify the likelihood of encountering archaeological resources, and the requirement to complete archaeological assessments prior to soil disturbance, development and/or site alteration.

As a result of this review, the Archaeological Management Plan (2017) was developed and presented to the LACH at its meeting on July 12, 2017 and the PEC at its meeting on July 17, 2018. At its session held on July 25, 2017, Municipal Council resolved:

19. That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the Archaeological Management Plan (2017):

a) the Archaeological Management Plan appended to the staff report dated July 17, 2017, BE ADOPTED as The Corporation of the City of London's approach to archaeological resource management in the City of London;

b) the Civic Administration BE DIRECTED to initiate an amendment to the Official Plan (1989, as amended) to adopt the Archaeological Management Plan as a Guideline Document pursuant to Section 19.2.2;

c) the Civic Administration BE DIRECTED to initiate an amendment to The London Plan to adopt the Archaeological Management Plan as a Guideline Document pursuant to Policy 1721_1 upon The London Plan coming into effect;

d) the Civic Administration BE DIRECTED to amend the definition, under "Holding Zone Provisions" for h-18; and,

e) the Civic Administration BE DIRECTED to collaborate with the First Nations noted in the Archaeological Master Plan to develop administrative processes for engagement with Indigenous communities for archaeological resources. (2017-R03) (19/14/PEC)

This report responds to clauses b), c) and d) of Municipal Council's resolution. Staff continue to work with local First Nations to develop administrative processes for engagement related to archaeological resources.

4.0 Rationale for Amendments

4.1 Requested Amendment

Municipal Council has requested an Official Plan Amendment to add the Archaeological Management Plan (2017) as a Guideline Document to Chapter 19 of the *Official Plan*, as well as to amend Policy 1721_1 of *The London Plan* to remove reference to the Archaeological Master Plan (1996) and replace it with reference to the Archaeological Management Plan (2017).

An amendment to the Zoning By-law, Z.-1, has also been requested to delete and replace the wording of the h-18 holding provision in conformity with the Archaeological Management Plan (2017).

4.2 Community Engagement

Notice of Application was published in the Public Notices and Bidding Opportunities section of *The Londoner* on February 22, 2018. The notice advised of the possible amendment to the *Official Plan* to delete reference to the Archaeological Master Plan (1996) and replace it with reference to the Archaeological Management Plan (2017), as well as possible amendment to *The London Plan* with the same. The notice also advised of the possible amendment to the Zoning By-law to delete and replace the wording of the existing h-18 holding provision. No responses were received.

Notice of Public Meeting was published in the Public Notices and Bidding Opportunities section of *The Londoner* on April 12, 2018.

4.2.1 London Advisory Committee on Heritage

The LACH and its Archaeology Sub-Committee were consulted during the Archaeological Master Plan Review Project, culminating in consultation with the LACH at its meeting on July 12, 2017.

4.3 Policy Context

***Provincial Policy Statement* (2014)**

As identified under Section 2 of the *Planning Act*, archaeology is matter of Provincial Interest. This is reinforced through the *Provincial Policy Statement* (2014), which is issued under Section 3 of the *Planning Act*. Section 3(1) of the *Planning Act* requires that municipal decisions affecting a planning matter “shall be consistent” with the *Provincial Policy Statement*.

With respect to archaeological resources, Policy 2.6.2 of the *Provincial Policy Statement* states that:

> *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

“Conserved” is defined by the *Provincial Policy Statement* as meaning “the identification, protection, management and use of built heritage resources, cultural heritage landscapes, and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments” (*Provincial Policy Statement*, 2014).

“Significant” archaeological resources are those “that have been determined to have cultural heritage value or interest for the important contributions they make to our understanding of the history of a place, an event, or a people” (*Provincial Policy Statement,* 2014). The identification and evaluation of such resources are based on archaeological fieldwork and determined by a consultant archaeologist.

Policy 2.6.4 of the *Provincial Policy Statement* promotes archaeological management plans in conserving archaeological resources. Policy 2.6.5 of the *Provincial Policy Statement* directs planning authorities to “consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.”

***Official Plan* (1989)**
Policies for the protection and enhancement of archaeological resources are found within Chapter 13 of the *Official Plan*. Policy 13.4.1 states, "Council will facilitate, in accordance with Provincial policy efforts to preserve and excavate historic and pre-historic archaeological resources. Council will consult with the Ministry of Culture and with the archaeological committee of the LACH on matters pertaining to archaeological resources."

The provisions of Policy 13.4.2 of the *Official Plan* enable the preparation and maintenance of an "Archaeological Master Plan to provide direction for the identification, evaluation, and conservation of archaeological resources through the land use planning process." Pursuant to this policy, The Archaeological Master Plan (1996) was adopted as a Guideline Document by Municipal Council.

Policy 13.4.3 of the *Official Plan* identifies applications for planning approvals that are subject to review for their potential impacts to archaeological resources. These application are: area plans, plans of subdivision, Official Plan amendments, Zoning By-law amendments, and consents. City-initiated development projects require consideration of potential impacts to archaeological resources pursuant to Policy 13.4.4. Notably, Site Plan applications and Minor Variances applications are not noted by Policy 13.4.3 of the *Official Plan* as requiring consideration of potential impacts to archaeological resources.

***The London Plan* (2016)**
The policy framework for archaeological resource conservation in the Cultural Heritage chapter of The London Plan enhances the policy direction of the Official Plan and brings policies regarding cultural heritage resources (including archaeological resources) into compliance with Provincial policy. Policy 609_ of The London Plan directs that "the City will prepare and maintain an Archaeological Management Plan…" The adoption of the Archaeological Management Plan (2017) complies with the policies of *The London Plan*.

In addition to revised reference to applicable legislation, including the *Ontario Heritage Act* and the *Funeral, Burials and Cremation Services Act*, the policies of *The London Plan* have a stronger recognition for Indigenous engagement and monitoring during the archaeological assessment process. This includes providing an invitation to participate in the Archaeological Management Plan process, direction for proponents and consultant archaeologists to consult with the appropriate First Nation for in situ conservation and/or interpretation and commemoration, as well as the provision for monitors during Stage 2 archaeological assessment and providing copies of archaeological assessment reports to the appropriate First Nation. These policies comply with direction from the Province in Policy 2.6.5 of the *Provincial Policy Statement*; some policies were added by the Minister's modifications to *The London Plan*. Staff continue to work with local First Nations to develop administrative processes for engagement related to archaeological resources.

Whereas the *Official Plan* defined what planning and development applications require archaeological assessment, the policies of *The London Plan* direct those consideration to the Archaeological Management Plan (2017). The Archaeological Management Plan (2017) requires archaeological assessment for: Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision, Site Plan, Consent, Minor Variance, and City of London public works.

Zoning By-law, Z.-1
Holding provisions can be added to a property to restrict future uses until conditions for removal are met. The holding provision for archaeological resources, h-18, is typically added to a property through the Zoning By-law Amendment process where an archaeological assessment is required but has not been undertaken or completed. For example, a Stage 1-2 archaeological assessment was submitted for a property as part of a complete application for Zoning By-law Amendment but Stage 3 assessment is required for a specific site. The h-18 holding provision could be added to the property to ensure that significant archaeological resources are conserved prior to development or site alteration.

The existing h-18 holding provision states,

> *To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. No grading or other soil disturbance shall take place on the subject property prior to the issuance of a letter of clearance by the City of London Planning Division. (Z.-1-051390).*
>
> *The property will be assessed by a consultant archaeologist, licensed by the Ministry of Citizenship, Culture and Recreation under the provisions of the* Ontario Heritage Act *(R.S.O. 1990); and any significant sites found will be properly mitigated (avoided, excavated or the resource protected), prior to the initiation of construction, servicing, landscaping or other land disturbances. The condition will also be applied where a previous assessment indicates the presence of significant archaeological resources but mitigation has not been carried out. (Z-1-97502).*

The wording of the existing h-18 holding provision is out of date. Deleting the existing wording and replacement with the wording of the Archaeological Management Plan (2017) will provide specificity and clarity when the h-18 holding provision is applied to a property or area.

The recommended h-18 holding provision states,

> *The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.*
>
> *All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.*
>
> *Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.*
>
> *No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.*

4.4 Additional Background

Ontario Heritage Act

The *Ontario Heritage Act* governs the general practice of archaeology in the province to maintain a professional standard of archaeological research and consultation. The Minister of Culture is responsible for issuing licenses to qualified individuals. All consultant archaeologists who undertake Stage 1 to 4 archaeological assessments must be licensed by the Ministry of Tourism, Culture and Sport (MTCS). All work conducted by the consultant archaeologist must conform to the standards set forth in the most current *Standards and Guidelines for Consulting Archaeologists* (2011) authorized by the MTCS and the accompanying bulletins.

Under Section 48 (1) of the *Ontario Heritage Act*, no person shall carry out archaeological fieldwork or knowing that a site is a marine or other archaeological site, within the meaning of the regulations, alter the site or remove an artifact or any other physical evidence of past human use or activity from the site unless the person applies to the Minister and is issued a licence that allows the person to carry out the activity in question.

In changes to the *Ontario Heritage Act*, outlined in the *Government Efficiency Act* (2002), it became illegal for any person or agency to alter an archaeological site without a license.

5.0 Conclusion

As directed by Municipal Council at its meeting on July 25, 2017, the Archaeological Management Plan (2017) will be added to the list of Guideline Documents in the current Official Plan (1989) and The London Plan. The Z.-1 Zoning By-law will be amended to replace the wording of the current h-18 holding provision related to archaeological assessments with a new holding provision in compliance with the direction of the Archaeological Management Plan (2017).

Prepared by:	**W. J. Charles Parker, MA** **Senior Planner**
Prepared by:	**Kyle Gonyou, CAHP** **Heritage Planner**
Submitted by:	**Gregg Barrett, AICP** **Manager, Long Range Planning and Research**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

April 23, 2018
KG/cp

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Appendix A

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

By-law No. C.P.-1284-
A by-law to amend the Official Plan for the City of London, 1989 relating to addition of the Archaeological Management Plan as a Guideline Document.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

File: OZ-8771
Planner: C. Parker/K. Gonyou

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To amend the Official Plan to add a new subsection to Section 19.2.2 ii) (Guideline Documents) to add Archaeological Management Plan (2017);

B. LOCATION OF THIS AMENDMENT

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

C. BASIS OF THE AMENDMENT

Archaeological resources contribute to our understanding of the past. Our stewardship and management of archaeological resources shows our respect for past occupation, settlement, and cultures that have had an influence on our City. The conservation of archaeological resources is a matter of Provincial Interest, pursuant to Section 2(d) of the *Planning Act*, with policies requiring archaeological assessments in the *Provincial Policy Statement* (2014). Provisions of the *Ontario Heritage Act* protect archaeological sites from inappropriate alteration and disturbance, and help to ensure that archaeological fieldwork in Ontario is undertaken in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011).

Archaeological resources are best protected through the planning and development process. The land use planning process, governed by the *Planning Act* or the *Environmental Assessment Act*, requires approval authority to integrate the requirements of the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* regarding known archaeological sites and areas of archaeological potential. It is the approval authority's obligation to ensure that appropriate policies and practices are in place to conserve archaeological resources in the planning and development process.

The Archaeological Management Plan (2017) replaces the existing Archaeological Master Plan (1996).

D. THE AMENDMENT

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

1. Section 19.2.2 ii) of the Official Plan for the City of London is amended by adding the following:

(_) Archaeological Management Plan (2017)

Appendix B

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 delete and replace an existing Holding Provision in Section 3.8 (Holding Zones).

WHEREAS the City of London has initiated an application to make an amendment to Zoning By-law Z-1, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number _ this rezoning will conform to the Official Plan;

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

1) Section 3.8. 2) s) h-18 (holding zone provision) is deleted and replaced with new wording provided below;

s) h-18

The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

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 May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

File: OZ-8771
Planner: C. Parker/K. Gonyou

Appendix C

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

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

A by-law to amend The London Plan for the City of London, 2016 relating to replacement of Existing Policy related to Archaeological Resources.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on xxxx x, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – xxxx x, 2018
Second Reading – xxxx x, 2018
Third Reading – xxxx x, 2018

File: OZ-8771
Planner: C. Parker/K. Gonyou

AMENDMENT NO.
to the

THE LONDON FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To delete an existing policy in Section 1721_1 (Culture Heritage Guidelines) of The London Plan for the City of London and replace with a new entry.

B. LOCATION OF THIS AMENDMENT

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

C. BASIS OF THE AMENDMENT

Archaeological resources contribute to our understanding of the past. Our stewardship and management of archaeological resources shows our respect for past occupation, settlement, and cultures that have had an influence on our City. The conservation of archaeological resources is a matter of Provincial Interest, pursuant to Section 2(d) of the *Planning Act*, with policies requiring archaeological assessments in the *Provincial Policy Statement* (2014). Provisions of the *Ontario Heritage Act* protect archaeological sites from inappropriate alteration and disturbance, and help to ensure that archaeological fieldwork in Ontario is undertaken in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011).

Archaeological resources are best protected through the planning and development process. The land use planning process, governed by the *Planning Act* or the *Environmental Assessment Act*, requires approval authority to integrate the requirements of the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* regarding known archaeological sites and areas of archaeological potential. It is the approval authority's obligation to ensure that appropriate policies and practices are in place to conserve archaeological resources in the planning and development process.

The Archaeological Management Plan (2017) replaces the existing Archaeological Master Plan (1996).

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

1. Policy 1721_1 with regard to Cultural Heritage Guideline Documents is deleted in its entirety and replaced with the following policy;

    1. Archaeological Management Plan (2017)

Appendix D

Previous Reports Pertinent to this Matter

April 25, 1996 – Report to the Comprehensive Policy Committee – Revised Official Plan Amendment – Archaeological Master Plan

October 3, 1996 – Report to the Comprehensive Policy Committee – Revised Official Plan Amendment – Review of Submissions.

August 23, 2010 – Report to the Planning Committee – Information Report, Archaeological Master Plan.

October 19, 2015 – Report to the Planning & Environment Committee – Archaeological Master Plan Review Project Terms of Reference

July 17, 2017 – Report to Planning and Environment Committee – Archaeological Management Plan (2017)

File: Z-8867
Planner: Michelle Knieriem

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **1904812 Ontario Ltd**
200 Villagewalk Boulevard
Public Participation Meeting on: April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1904812 Ontario Ltd. c/o Domus Development London Inc. relating to the property located at 200 Villagewalk Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 22, 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 Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone, **TO** a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(_)) Zone.

Executive Summary

Summary of Request

The requested Zoning By-law Amendment is to permit a medical/dental office with a maximum gross floor area of 790 square metres (in addition to the other uses that are already allowed on site), to allow for a reduction in parking from 114 required spaces to 88 spaces provided, to permit an increased maximum front yard setback of 4 metres where 3 metres is permitted for the first and second storey with an additional metre required for the third storey and above; to permit an increased maximum interior side yard setback of 16.1 metres where 3 metres is permitted; and, to increase the permitted height from 10 metres to 15 metres.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law Amendment is to add a medical/dental office use, with a gross floor area of up to 790 square metres, and to allow amendments to Zoning By-law standards for parking, maximum front yard setback, maximum interior side yard setback, and height. The recommended action is consistent with the request from the applicant.

Rationale of Recommended Action

The recommended Zoning By-law Amendment would allow the development of a building with a height and setbacks consistent with what was already approved through minor variance applications for a professional office building on the site. The requested addition of up to 790 square metres of medical/dental office as a permitted use would allow for an office use that is likely to create a more active frontage than the professional office use already permitted on the site, bringing the permitted uses into greater conformity with the Official Plan and The London Plan policies that apply to the site.

The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with the Official Plan and The London Plan, and allows for an additional type of office use to occupy an already-approved office building which is under construction. The recommended Zoning By-law Amendment is also a condition

of consent application (B.050/17), which is necessary to facilitate the expansion of the site to accommodate the requested parking supply.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is an irregular shape with frontage on both Sunningdale Road West and Villagewalk Boulevard. The subject site has an area of approximately 0.53 hectares.

The site is subject to a conditionally granted consent (B.050/17) application to sever a portion (489.4 square metres) of the adjacent site at 180 Villagewalk Boulevard and convey it to the subject site at 200 Villagewalk Boulevard for parking and access. One of the conditions of consent is that this Zoning By-law Amendment is in-force and effect.

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- Sunningdale North Mixed Use Area Plan – Multi-Family, Medium Density Residential within the Mixed Use Area
- The London Plan Place Type – Main Street
- Existing Zoning – Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone

1.3 Site Characteristics

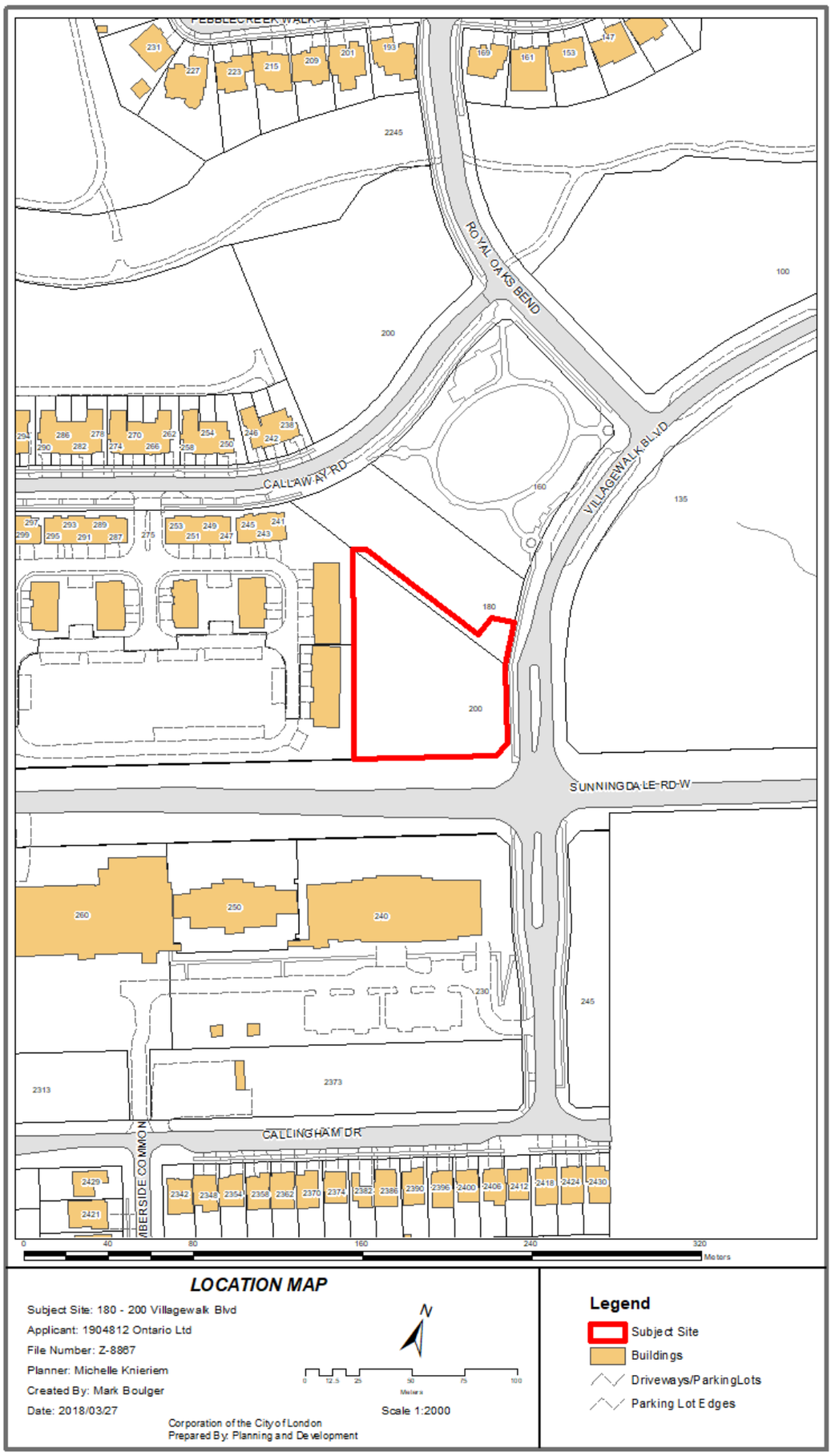
- Current Land Use – Vacant land (office building under construction)
- Frontage – 41.7 metres (136.8 feet)
- Depth – 99.4 metres (326.1 feet)
- Area – 0.53 hectares (1.3 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – The site immediately to the north has a minor variance conditionally approved in 2017 for cluster townhouses. Further north is a future park (Villagewalk Commons).
- East – A site plan application has been submitted for a commercial plaza.
- South – Two 14-storey apartment buildings. Further south are single detached homes. A draft plan of subdivision application has been submitted and is currently under appeal at the Ontario Municipal Board for the lands southeast of the subject site (58 Sunningdale Road West).
- West – Cluster townhouses. Further west is the Sunningdale Golf Club.

Figure 1: Photo of office building under construction on the site.

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing the development of a 4 storey (15 metre) office building with medical/dental offices on the first floor and professional offices above. The proposed office building would have a 4 metre front yard setback and an interior side yard setback of 16.1 metres from the 0.3 metre reserve on Sunningdale Road. The development is proposed to include 88 parking spaces.

The subject site has Zoning By-law and Site Plan approvals for the construction of a 4 storey (15 metre) professional office building, at the front and side yard setbacks that are requested by the applicant. This professional 4-storey office building is currently under construction as a result of previous zoning approvals that permit the use and gross floor area, as well as subsequent minor variance approvals that permit the requested height, setbacks, and a reduced parking supply. The requested medical/dental office use is proposed to be located within this building that is under construction. As a medical/dental office is not a permitted use within the existing zone, the applicant is required to seek special provisions for the height and setbacks that were previously approved for a professional office use.

3.0 Relevant Background

3.1 Planning History

The subject site is part of the Sunningdale North Area Plan. The Sunningdale North Area Plan was adopted by City Council in 2006. Additional information on the applicable policies from the Sunningdale North Area Plan can be found in Section 3.4 “Policy Context”.

The subject site was part of a larger draft plan of subdivision and Zoning By-law Amendment application for the lands at the northwest corner of Sunningdale Road and Richmond Street that were owned by Auburn Developments. This draft plan of subdivision was approved with conditions and the Zoning By-law Amendment was adopted by City Council in 2008 (Application 39T-04513/Z-6842). The subject site was zoned Holding Residential R6 Special Provision/Residential R7 Special Provision/Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone to permit professional offices up to 5,000 square metres in addition to a variety of residential dwelling types.

The subdivision was subsequently registered in September 2011 as Subdivision Plan 33M-633.

The site was subject to another Zoning By-law Amendment application in 2013 for 200 and 275 Calloway Road and 180 and 200 Villagewalk Boulevard (Z-8130). This Zoning By-law Amendment pertained to the Special Provisions for the Residential R6 Zone that applies to the subject site. The Zoning By-law Amendment deleted the minimum/maximum density requirement of 35 units per hectare and replaced it with a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. The maximum permitted height was also increased from 12 metres to 15 metres, should the site be developed with the Residential R6 Zone permissions. This Zoning By-law Amendment only pertained to the Residential R6 Special Provision (R6-5(26)) Zone permissions for the subject site. The Residential R7 Special Provision (R7(10)) and Office Special Provision (OF(1)) Zone permissions remained unchanged. This Zoning By-law Amendment was adopted by City Council in 2013.

A minor variance application was conditionally approved for the subject site (A.141/14) by the Committee of Adjustment in 2014, subject to obtaining a building permit. The variances conditionally granted by the Committee were for a height of 15 metres whereas 10 metres was permitted, and to permit 72 parking spaces where 87 parking spaces were required for the proposed professional office building.

The applicant returned to the Committee of Adjustment in 2015 for another minor variance application (A.075/15) for the same proposed professional office building as a

result of additional variances being identified through the review of the applicant's Site Plan Control application. The variances requested included: a maximum front yard setback of 4 metres for the first and second storey whereas a maximum setback of 3 metres was permitted with an additional metre required for the third storey and above; a front yard setback for the third storey and above equal to the first and second storey; a minimum of 72 parking spaces whereas 91 were required; and a minimum interior south side yard setback of 16.1 metres from the 0.3 metre reserve on Sunningdale Road West whereas a maximum of 3 metres was permitted. These variances were approved conditionally, on the condition that the applicant obtain a building permit for the building.

In 2016 a Site Plan Public Participation meeting was held before the Planning and Environment Committee for the Site Plan Control application submitted to construct a 4-storey professional office building (SP14-039271). No members of the public attended the meeting and no issues were identified.

In 2017, City Council adopted the recommendations in a report (H-8439) to remove the holding provisions that apply to the subject site. This allowed for consideration of the subject site for building permits to construct a 4-storey professional office building. An office building is currently under construction based on these permissions.

A consent application (B.050/17) was submitted in 2017 for 180 and 200 Villagewalk Boulevard to sever approximately 489 square metres from 180 Villagewalk Boulevard and convey this land to 200 Villagewalk Boulevard for the purposes of future office uses in order to accommodate additional parking for 200 Villagewalk Boulevard. This was conditionally approved by the consent authority in 2018.

The Zoning By-law Amendment that is currently under consideration is required to permit medical/dental offices as a permitted use within the building that is currently under construction that was initially intended for professional offices.

3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the site from a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone which allows a range of residential and professional office uses, to a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(_)) Zone. The special provision requested is to allow a medical/dental office with a maximum gross floor area of 790 square metres in addition to the other uses that are already allowed on site, to allow for a reduction in parking from 114 spaces required to 88 spaces provided, to permit an increased front yard setback of 4 metres, to permit an increased interior side yard setback of 16.1 metres, and to increase the permitted height from 10 metres to 15 metres.

The applicant currently has zoning permissions to construct a 4-storey professional office building with the modified building setbacks that are being requested. As medical/dental offices are not a permitted use in the existing Zoning By-law permissions for the site, the applicant is required to undergo a Zoning By-law Amendment to permit medical/dental offices within the building they are constructing. The parking requirements for medical/dental offices are also more significant than professional office uses, as such the applicant is in the process to acquire a portion of the abutting parcel for the provision of additional parking spaces (through consent application B0.50/17) and is seeking relief from a portion of the additional required parking spaces. The permissions for increased setbacks and height that are being sought as part of this Zoning By-law Amendment application are also required, as they were approved through the minor variance process with the intention of applying to a professional office use.

3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on January 31, 2018 and was published in *The Londoner* on February 1, 2018.

Two “Possible Land Use Change” signs were placed on the subject site, one fronting onto Sunningdale Road West and the second fronting onto Villagewalk Boulevard.

As of the date of this report, three community members have contacted Planning Staff with regards to this application. Concerns expressed included that the proposed use was not appropriate and that the amount of parking provided would not be sufficient to service the proposed use. Concerns were also expressed about the requested special provisions for increased height and increased setbacks, however in some instances these concerns were alleviated when it was identified to respondents that the applicant already has permission to build a professional office building with the requested height and setbacks.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that planning authorities shall promote economic development and competitiveness by providing for an appropriate range of employment and institutional uses to meet long term needs (Policy 1.3.1). It also encourages compact, mixed use development that incorporates compatible employment uses to support livable and resilient communities (Policy 1.3.1). Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

City of London 1989 Official Plan (“Official Plan”)

The City of London 1989 Official Plan (“Official Plan”) implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The subject site is located within the “Multi-Family Medium-Density Residential” land use designation in the Official Plan. Development in the Multi-Family Medium-Density Residential land use designation is intended to provide multi-family medium density uses that enhance the character and amenity of residential areas (Policy 3.1.3). Densities are generally limited to a maximum of 75 units per hectare, however in certain instances densities can be permitted up to 100 units per hectare (Policy 3.3.3). Small-scale office developments are a secondary permitted use within the Multi-Family Medium-Density Residential land use designation.

The site is within the “Mixed Use Area” overlay in the Sunningdale North Planning Area (Policy 3.5.16). The Mixed Use Area is intended to allow for a range of retail and service-related commercial uses, office uses, institutional uses, and medium and high density residential uses.

The London Plan

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. A portion of The London Plan is in-force and effect, and the remainder of the plan continues to be under appeal to the Ontario Municipal Board.

The subject site is located within the Main Street Place Type in the London Plan. In new neighbourhoods, main street areas can be planned to create a strong neighbourhood character and a distinct sense of place (Policy 903). They are to be strongly tied to their surrounding communities, but also provide a unique and inviting shopping and leisure experience for all Londoners and out-of-City visitors (Policy 904).

Buildings in Main Street Place Types are to be designed to fit with the planned vision, scale and character of the area (Policy 910). Buildings are to have a minimum height of 2 storeys (8 metres) and not exceed 4 storeys in height, with an upper limit of 6 storeys permitted in select instances through bonusing. Main Street Place Types permit a broad range of residential, retail, service and office uses (Policy 908). Mixed use building are encouraged and retail and service uses will be encouraged at grade with residential and non-service office uses directed to the rear of the building and upper floors. Office uses are to be limited to 2,000 square metres (Policy 910).

Sunningdale North Area Plan

The Sunningdale North Area Plan applies to the area between Wonderland Road North to the west, Sunningdale Road West to the south, Richmond Street to the east and the municipal boundary to the north. The subject site is designated Multi-family Medium Density Residential and is within the Mixed Use Area overlay.

The Multi-family Medium Density Residential designation permits a wide range of low-rise housing types ranging from single and semi-detached units to townhouses and low-rise apartments. The site is within the Mixed Use Area overlay in the Sunningdale North Area Plan, which encourages the mixing of land uses, either vertically within a single building or horizontally in multiple buildings. It also encourages that an active street frontage should be provided where possible.

The Area Plan also includes Urban Design Guidelines that are intended to guide design and future development of the Upper Richmond Village. The Urban Design Guidelines identify and describe the principal design elements of the community, their relationship to each other, and the objectives of the concept plan as a whole. The Urban Design Guidelines envision that Upper Richmond Village will provide a range of commercial, residential and recreation opportunities at a pedestrian scale to encourage the evolution of a lively and attractive urban area. The Urban Design Guidelines provide guidance on such matters as building orientation and siting, massing, façade design and landscaping. Included in the Urban Design Guidelines is the direction that buildings are encouraged to be sited close to the street line, and also the direction that buildings on the Main Street (Villagewalk Boulevard) shall be a minimum of two storeys in height and shall be encouraged to accommodate commercial or residential uses on the second floor.

Zoning By-law

The Zoning By-law that applies to the subject site resulted from a Zoning By-law Amendment application adopted by City Council in 2008 associated with the Draft Plan of Subdivision Application. The site is zoned Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone. This Zoning By-law designation permits medium-density cluster housing, apartment buildings for seniors and special populations, and professional offices with a maximum gross floor area of 5,000 square metres.

The site is also subject to minor variance approvals (A.141/14 and A.075/15) that permit a height of 15 metres, a maximum front yard setback of 4 metres, a maximum interior side yard setback of 16.1 metres, and a reduction in parking to 72 spaces. However, these variances only applied to uses permitted by the existing zoning. Since the medical/dental office use is requested to be added to the subject site, the applicant requires approval of these variances through the Zoning By-law Amendment process if they are to apply to the medical/dental office use.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use

The applicant has requested a special provision to add a medical/dental office as a permitted use, with a maximum gross floor area of 790 square metres, in addition to the uses that are already permitted on the site.

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement identifies that Planning Authorities shall promote economic development and competitiveness by providing for an appropriate range and mix of employment and institutional uses to meet long-term needs (Policy 1.3.1). It encourages compact mixed use development that incorporates compatible employment uses to support livable and resilient communities (Policy 1.3.1). Further, the PPS also identifies that the vitality and viability of mainstreets should be enhanced (Policy 1.7.1c).

The requested medical/dental office use is consistent with the Provincial Policy Statement as it contributes to providing an employment use that contributes to the mixed use development of the Sunningdale North Area and its main street on Villagewalk Boulevard.

Official Plan

The subject site is located within the "Multi-Family Medium-Density Residential" land use designation in the Official Plan. The primary permitted uses in this Official Plan designation are medium density residential uses. Small-scale offices (up to 2,000 square metres in size) are a secondary permitted use (Policy 3.3.1; Policy 5.2.4). The subject site is also within the Sunningdale North Mixed Use Area overlay which permits a range of retail, service-related commercial uses, office uses, institutional uses, and medium and high-density residential uses.

The existing Zoning By-law that applies to the subject site permits up to 5,000 square metres of office space. The addition of medical/dental office uses would still be required to be within this total 5,000 square metres of office space.

The proposed medical/dental office use conforms to the Official Plan, including the Sunningdale North Area Plan, as the Sunningdale North Mixed Use Area overlay permits a range of uses including office uses. The total quantity of office space that would be permitted, including professional offices and medical/dental offices, is consistent with what is already permitted by the Zoning By-law for professional offices on the site and consistent with the size of building that is currently under construction.

The Downtown is intended to be the primary office employment area in the City, intended to accommodate professional offices (Policy 5.1.1). While the subject site permits up to 5,000 square metres of office space, replacing some of the permitted professional office space with medical/dental offices will help to reduce the quantity of professional office space on the subject site and allow for additional demand to divert towards professional office locations downtown.

The London Plan

The subject site is within the Main Street Place Type in The London Plan. The Main Street Place Type permits a broad range of residential, retail, service, and office uses (Policy 908). Mixed use building are encouraged and retail and service uses are encouraged to locate at-grade with residential and non-service office uses at the rear of the building and on the upper floors (Policy 908). Office uses are to be limited to 2,000 square metres (Policy 910).

While The London Plan limits office uses in the Main Street Place Type to 2,000 square metres, the existing Zoning By-law for the subject site permits up to 5,000 square metres of office space for professional offices. Adding medical/dental offices as a

permitted office use would not increase the total amount of office space on the site, as the total office use (including medical/dental offices) permitted on the site would still be 5,000 square metres. The proposed medical/dental office use would bring the subject site into greater conformity with The London Plan as medical/dental offices create a more active street frontage than professional offices, as patients would be frequenting the building throughout the day to attend appointments.

4.2 Issue and Consideration # 2: Form – Special Provision for Increased Height, Increased Front Yard Setback and Increased Interior Side Yard Setbacks

The applicant has requested that a special provision be added to the Zoning By-law for an increased height of 15 metres where 10 metres is permitted, an increased front yard setback to a maximum of 4 metres where a maximum of 3 metres is permitted for the first and second floor (with an additional metre required for the third floor and above), and an increased interior side yard setback of a minimum of 16.1 metres from the 0.3 metre reserve on Sunningdale Road where a maximum of 3 metres is permitted.

The applicant has permissions to build at this increased height and increased setbacks for an office building through previous minor variance applications. These permissions only apply if the site is developed with the existing permitted professional office use. As the applicant has requested to add a medical/dental office as a permitted use, an amendment is required to permit this increased height and setbacks for the added use.

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement identifies that appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The requested special provision for increased height and increased front and interior side yard setbacks continue to represent appropriate development standards and are consistent with the Provincial Policy Statement.

Official Plan

The Sunningdale North Area Plan, which is part of the Official Plan, identifies that a critical element is the Mixed Use Area in the community, and that both residential and commercial buildings in this area are intended to establish a well-defined and continuous streetscape. Further, it identifes that alterantive design standards should be considered to facilitate street-oriented development (Policy 3.5.16). The requested 4 metre front yard setback continues to be in conformity with this requirement, given that it represents just a modest increase from the 3 metre requirement that currently applies to the site yet it is a significant reduction from the standard Zoning By-law requirement of the Office (OF) Zone regulations requiring a minimum front yard setback of 6 metres (with additional setback requried depending on building height). The requested maximum 4 metre front yard setback continues to facilitate street-oriented development.

The London Plan

The London Plan encourages that buildings should be sited with minimal setbacks from public rights-of-way to create a streetwall edge and establish a sense of enclosure and a comfortable pedestrian environment. The requested maximum front yard setback of 4 metres, while greater than the existing Zoning By-law standard of 3 metres, continues to be significantly less than the standard minimum requirement of 6 metres (with additional setback required depending on building height), and conforms with the intent of this The London Plan policy.

The addition of a medical/dental office use is not anticipated to have an impact on the appropriateness of the increased height and revised setbacks that were already approved for an office building on the site through the minor variance application process. As this increased height and setbacks have already been determined to be appropriate by the Committee of Adjustment for a professional office use, these

permissions are recommended to be maintained for the addition of a medical/dental office to the building that is currently under construction.

4.3 Issue and Consideration # 3: Intensity - Parking

The applicant has requested a special provision for a reduction in required parking, proposing a minimum of 88 parking spaces where 114 parking spaces are required.

The Official Plan requires that any variance from the parking requirements in the Zoning By-law, with the exception of Low Density Residential uses, shall be supported by a Parking Study Report (Policy 18.2.12). Despite this requirement, the Official Plan identifies that for areas within the Sunningdale North Area Plan, alternative design standards may be considered (Policy 3.5.16). One example of possible alternative standards provided is that reduced parking rates may be considered for the commercial block, recognizing and supporting pedestrian and transit usage. While the subject site is not wihtin the commercial block, it is within the Mixed Use Area and is on the opposite site of Villagewalk Boulevard from the commercial block. It is anticipated that the Mixed Use Area will be a walkable, vibrant mixed use area when it is built-out, and as such reduced parking standards are appropriate in this instance. Further, a reduced parking standard has already been approved for the professional office uses on the site through a previous minor variance application.

An in-force policy in The London Plan does not require a Parking Study Report in all instances of requests for reduced parking, and instead identifies a parking study may be required where a request is made for a minor variance to the parking requirements (Policy 369).

Transportation Services has reviewed the proposed parking quantity and have accepted this proposed parking quantity as acceptable in this location for the requested use and have identified that a parking study is not required.

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

5.0 Conclusion

The recommended Zoning By-law Amendment to permit a medical/dental office with a maximum gross floor area of 790 square metres in addition to the other uses that are already allowed on site, to allow for a reduction in parking from 114 spaces required to 88 spaces provided, and to permit increased maximum front yard and interior side yard setbacks is consistent with the Provincial Policy Statement and conforms with existing Official Plan policies and policies in The London Plan.

The requested addition of medical/dental offices as a permitted use, for up to 790 square metres of gross floor area, is appropriate as it is expected that this use would create a more active street frontage than the already-permitted professional office use. This is in greater conformity with Official Plan policies and The London Plan policies both of which anticipate the subject site to be part of a vibrant mixed use area. The requested reduction in parking has been determined by Transportation Services to be acceptable for what is anticipated to transform into a vibrant, walkable main street. The requested special provisions for height and increased building setbacks have also been determined to be appropriate in this instance as existing permissions on the site allow professional offices to be constructed to this height and increased setbacks.

The recommended Zoning By-law Amendment is consistent with the requested Zoning By-law Amendment and is anticipated to add vibrancy to Villagewalk Boulevard than would be generated by the existing permissions for a professional office use.

File: Z-8867
Planner: Michelle Knieriem

Prepared by:	**Michelle Knieriem, MCIP, RPP** **Planner II, Planning Services**
Submitted by:	**Michael Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

April 23, 2018
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8867Z - 200 Villagewalk Blvd (MK)\PEC Report\PEC Report April 12

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 200 Villagewalk Boulevard.

WHEREAS 1904812 Ontario Ltd. c/o Domus Development London Inc. has applied to rezone an area of land located at 200 Villagewalk Boulevard, 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 200 Villagewalk Boulevard, as shown on the attached map comprising part of Key Map No. A102, from a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone to a Residential R6 Special Provision/ Residential R7 Special Provision/ Office Special Provision (R6-5(26)/R7(10)/OF(_)) Zone.

2) Section Number 19.4 of the Office (OF) Zone is amended by adding the following Special Provision:

) OF(_) 200 Villagewalk Boulevard

a) Additional Permitted Use:
i) Medical/dental offices up to 790 square meters.

b) Regulations

i)	Front Yard Setback (Maximum)	4 metres (13.1 feet)
ii)	Interior Side Yard Setback from the reserve on Sunningdale Road (Maximum)	16.1 metres (52.8 feet)
iii)	Height (m) (Maximum)	15 metres (49.2 feet)
iv)	Parking Spaces (Minimum)	88
v)	Total Gross Floor Area for medical/dental offices (Maximum)	790 square metres (8,503 square feet)

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.

File: Z-8867
Planner: Michelle Knieriem

PASSED in Open Council on May 8, 2018.

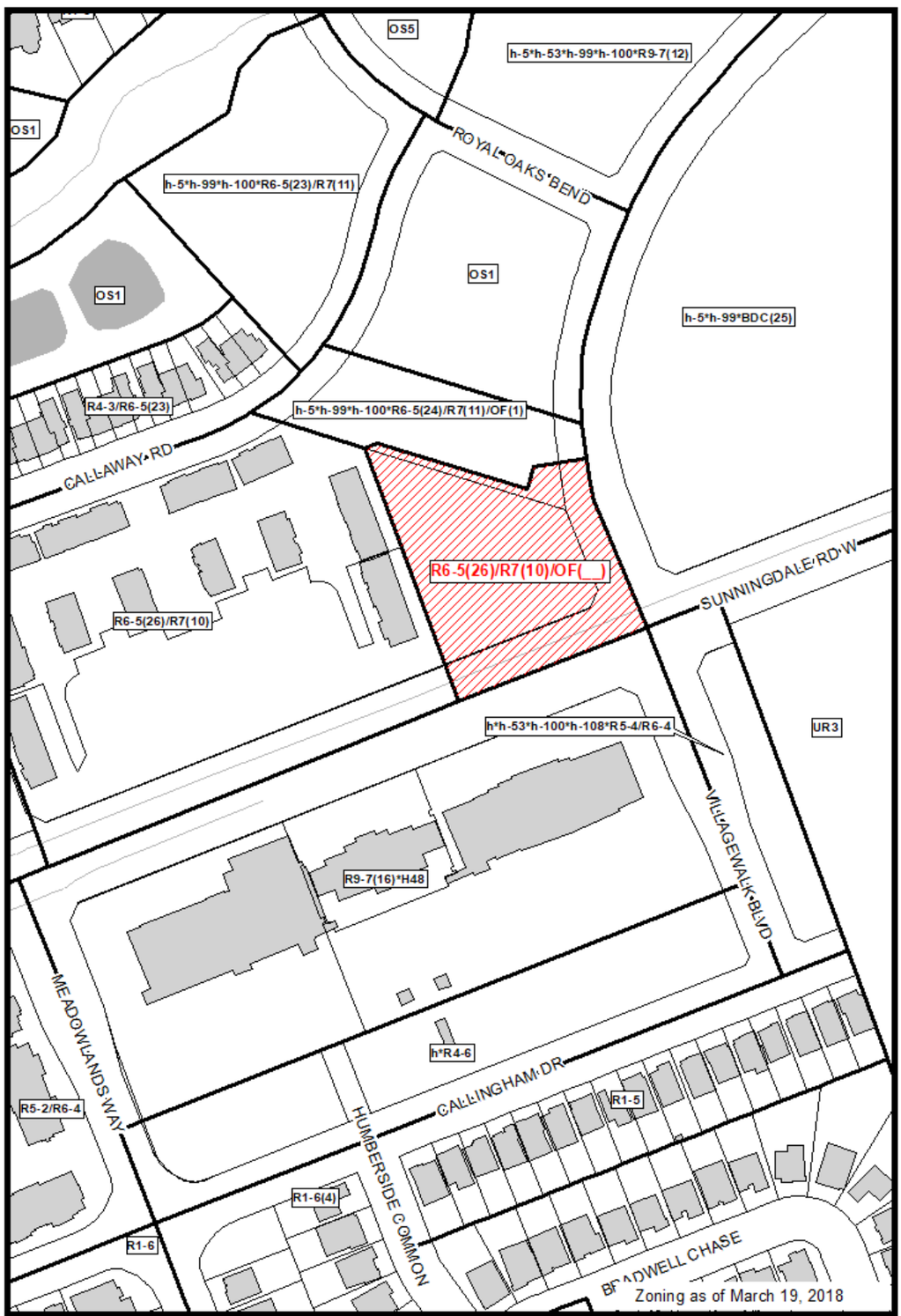
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

File: Z-8867
Planner: Michelle Knieriem

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



File Number: Z-8867
Planner: MK
Date Prepared: 2018/03/27
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE

1:2,000

0 10 20 40 60 80 Meters

Appendix B – Public Engagement

Community Engagement

Public liaison: On January 31, 2018, Notice of Application was sent to 205 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 1, 2018. A "Planning Application" sign was also posted on the site.

3 replies were received.

Nature of Liaison: Change Zoning By-law Z.-1 from a Residential R6/R7/Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone which allows a range of residential and professional office uses, to a Residential R6/R7/Office Special Provision (R6-5(26)/R7(10)/OF(__)) Zone. The special provision requested is to allow a medical/dental office with a maximum gross floor area of 790m² in addition to the other uses that are already allowed on site, to allow for a reduction in parking from 114 spaces required to 88 spaces provided, to permit a reduced front yard setback of 4 metres, to permit a reduced interior side yard setback of 16.1 metres, and to increase the permitted height from 10 metres to 15 metres.

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

Concern for:
Parking is insufficient for a medical/dental use:

Residents expressed a concern that the requested quantity of parking would not be sufficient for the requested medical/dental use. Transportation Services has evaluated the requested quantity of parking and have found the quantity of parking spaces proposed to be acceptable.

Building height:

Residents have expressed concerns about the requested height increase. The site already has permissions to construct a building for professional offices at the requested height, and that building is currently under construction. The addition of a medical/dental office as a permitted use within the building that is under construction would not affect the impact of the 15 metre building height, as this height is already permitted for a professional office building, which is currently under construction. The medical/dental office use would occupy the building that is currently under construction, in addition to professional office uses that are already permitted on the site.

Traffic:

Residents expressed a concern that increased traffic would be generated by a medical/dental office. Transportation Services evaluated the proposed use on traffic in the area and found the traffic that could be generated by the requested Zoning By-law Amendment to be acceptable.

Change in front yard setback:

Residents have expressed concerns about the requested increase in front yard setback. The site already has permissions to construct a building for professional offices at the requested setback, and that building is currently under construction. The addition of a medical/dental office as a permitted use within the building that is under construction would not impact the ability of the development to relate to pedestrians on the street on Villagewalk Boulevard, as a building containing professional office uses can already be constructed at this setback.

File: Z-8867
Planner: Michelle Knieriem

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Boksman, Len 609-240 Villagewalk Boulevard London, ON N6G 0P6	Tawfic, Qutaiba 612-240 Villagewalk Boulevard London, ON N6G 0P6
	Lu, Mimmie N/A

Agency/Departmental Comments
Environmental and Engineering Services

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

Transportation

No comments for the re-zoning application.

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

- Two scenarios for the access that could be supported by the City; construction of a side by side left turn lane, or the restriction of the access to right in/right out through the construction of a median
- Detailed comments regarding access design and construction will be made through the site plan process

SWED

No comments for the re-zoning application.

WADE

No comments for the re-zoning application.

Water

No comments for the re-zoning application.

London Hydro

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

Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006).* These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act,* and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014).* The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

Conservation Authorities Act

These lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

Drinking Water Source Protection
Clean Water Act
The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We would like to advise that the subject lands are identified as being within a vulnerable area. Mapping which identifies these areas is available at:
http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Upon review of the current assessment reporting map, we wish to advise that there are ***no vulnerable areas*** identified for this area.

Recommendation
The UTRCA has no objections to this application.

Appendix C – Policy Context

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

Provincial Policy Statement
Policy 1.3.1: Planning authorities shall promote economic development and competitiveness by:

a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
c. encouraging compact, mixed use development that incorporates compatible employment uses to support liveable and resilient communities; and
d. ensuring the necessary *infrastructure* is provided to support current and projected needs

Policy 1.1.3.4: Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.7.1: Long-term economic prosperity should be supported by:

c. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

Policy 4.7: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

Official Plan

Policy 3.1.3: Multi-Family, Medium Density Residential Objectives
i) Support the development of multi-family, medium density residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.

ii) Encourage the development of well-designed and visually attractive forms of multi-family, medium density housing.

iii) Promote the retention of desirable natural features through the appropriate location of buildings and parking areas.

Policy 3.3.1: Permitted Uses
Secondary Permitted Uses
iv) Uses that are considered to be integral to, or compatible with, medium density residential development, including group homes, home occupations, community facilities, funeral homes, commercial recreation
facilities, small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.

Policy 3.5.16: Sunningdale North Planning Area
The following policy applies to lands within the Sunningdale North Area Plan, located generally north of Sunningdale Road West, west of Richmond Street, east of Wonderland Road North, and south of the municipal boundary. These policies are to be read in conjunction with the Sunningdale North Area Plan, which has been adopted by Council as a guideline document under Section 19.2. of this Plan.

Mixed Use Area
i) Within the Sunningdale North Area Plan, a Mixed Use Area has been identified. This area includes a commercial block, several residential blocks, and a park block. Specific objectives and corresponding policies have been adopted by Council for this area and applications for the Official Plan and Zoning By-law amendments, plans of subdivision and condominium, consents, and site plans within this Mixed Use Area will be reviewed on the basis of the following policies and a Council-adopted concept plan.

General Concept
ii) This Mixed Use Area will allow a range of retail and service-related commercial uses, office uses, institutional uses and medium to high density residential uses. These uses will be mixed horizontally in multiple buildings and/or vertically within single buildings. Such a mix is intended to provide live-work opportunities and pedestrian accessibility to consumer goods and services within the area and the surrounding residential communities. An integrated design for this community, with a clear focal point and

quality pedestrian linkages, is intended to support walkability and a strong sense of place for Sunningdale North.

Concept Plan, Zoning and Site Plans
iii) Zoning amendments, plans of subdivisions, plans of condominium, consents and site plan applications for lands within the Mixed Use Area will be consistent with a concept plan to be adopted by Council as a guideline document under Section 19.2. of this Plan. The concept plan will include, but not be limited to, the approximate allocation of uses, layout of buildings, parking areas, access points, streetscape and architectural design features, driveways, pedestrian linkages, transit service facilities, landscaped areas, focal points and gateway features. It will also include design guidance, including graphic representations of the planned built form that will be applied to individual buildings and sites to achieve the stated objectives for this Mixed Use Area.

Design Objectives
iv) A critical element of the plan for this Mixed Use Area is the Village Commons which will act as the primary focal point for the entire community plan area. It will be important to create a sense of enclosure around the Village Commons by building a relatively intense building streetscape along the frontage of those streets which surround the Commons. Similarly, it is intended that both residential and commercial buildings along the primary collector roads, leading to the Commons, be lined with a well defined and continuous street edge to establish a strong entrance into the commons and a pedestrian supportive environment. The concept plan will include build-to lines, building mass objectives and minimum frontage coverages to ensure that large gaps are not present around the Commons or along the collector roads in close proximity to the Commons.

Equally as important, the commercial uses which are located adjacent to the collector road and the Commons will provide active frontage and a high quality of architectural design to create a Mainstreet look and feel. Where active frontage is not deemed to be possible onto the collector road, buildings will be designed such that they appear as building frontages, incorporating windows, doors and other architectural features that enforce this appearance and enhance the pedestrian streetscape. Sidewalks on the south side of the collector road will be wider than those traditionally constructed along arterial roads to further support this pedestrian objective. All buildings within this Mixed Use Area will be designed with architectural features and landscaping to enhance pedestrian streetscapes.

Community Commercial Node
v) The lands designated Community Commercial Node within the Mixed Use Area are addressed through Policy 4.3.7.6. of this Plan.

As described in the Sunningdale North Area Plan, a focus of the commercial block will be to support smaller-scale retail uses of a distinct character within a Mainstreet setting. In addition, more traditional building forms will be permitted on this block in prescribed proportions. Office uses fronting the Village Commons are to include ground floor retail uses to enhance, and capitalize upon, the Commons experience. Retail uses on the entire site will not exceed 16,000 m2 and office uses will be of a medium scale, as defined in Section 5.5.1. of this Plan, and will not exceed 10,000 m2 in total floorspace. (Clause v) amended by Ministry Mod. #8 Dec. 17/09)

Linkages
vi) Commercial uses will be designed to support both pedestrian access from the surrounding community and destination shopping from more distant locations. A strong pedestrian streetscape will be developed along the primary collector road and around the Village Commons. Strong internal pedestrian linkages will be supported, through the concept plan, between all buildings within the commercial block. Linkages to the Village Commons will be supported from the internal areas of the commercial block.

Building Form
vii) Single family detached, semi-detached and duplex buildings will not be permitted within the Multi-family, Medium Density Residential blocks located in the Mixed Use Area. Triplexes and fourplexes will only be permitted where the goals of establishing a strong street edge are maintained. Various forms of row housing and low-rise apartment buildings, which cover a large portion of the site's street frontage, will be identified in the concept plan. Buildings fronting the Village Commons and the primary collector road will be a minimum of two storeys in height.

Gateway Treatment
viii) Gateways will be addressed through the concept plan in two ways. Recognizing that Richmond Street is a major northern gateway to London, a high standard of landscaping and architectural design will be required for all buildings along this frontage. Subdivision designs will be required which orient residential building frontages on Richmond Street in order to eliminate the need for extensive noise walls. Similarly, this standard will be applied on Sunningdale Road West close to the intersection of Richmond Street. The concept plan will ensure that the buildings on either side of the primary collector road will provide a strong street edge and high quality design standard as a gateway into the Sunningdale North community.

Alternative Standards
ix) Alternative design standards may be considered for the Sunningdale North community. For example, reduced parking rates may be considered for the commercial block, recognizing and supporting pedestrian and transit usage. Alternatives may also be considered relating to the width of the road allowance surrounding the Village Commons and along the northern collector, with the goal of creating a sense of enclosure and pedestrian amenity. Similarly, reduced front yard setbacks will be established for commercial and residential blocks fronting the Village Commons and collector roads.

Housing Density
x) Notwithstanding the policies of Section 3.3.3. and 3.4.3. of the Official Plan, the concept plan will establish minimum residential densities in the Mixed Use Area for development within the Multi-Family, Medium Density Residential and Multi Family, High Density Residential designations to provide for the efficient utilization of land and provide a critical mass to support the mixed use concept and transit servicing.

Collector Roads
xi) Within the Mixed Use Area, a primary collector road will be located from Richmond Street North to Sunningdale Road West. It is expected that the width of the road allowance for this collector will be kept to a minimum, within the scope of requirements for a widened sidewalk and on-street parking. It will be important to encourage a minimal road allowance and minimal building setbacks along the Mainstreet corridor and the Village Commons. The Concept Plan will address maximum right-of-way, traveled road, on-street parking, sidewalk widths and access points.

Street Oriented Development
xii) Within the Sunningdale North Area Plan, new residential development adjacent to arterial and collector roads will be oriented to the street to provide a high quality of urban design. Alternative design standards will be explored, where practical, to assist in realizing this objective. Noise attenuation walls along arterial roads will be discouraged

Phasing
xiii) The concept plan shall include a phasing plan for the Mixed Use Area. This phasing plan shall identify the mix of uses within each phase. A residential development component will be included in all phases of the development of the Mixed Use Area. A substantial component of residential development shall be completed to support the Mixed Use Area prior to the approval of the final phase.

Policy 5.1.1: General Objectives for all Office Designations

i) Provide for choice in the location and cost of office space while maintaining the Downtown as the primary office employment area in the City
Policy 5.2.4: Scale of Development
Office buildings in Office Area designations shall be low to medium rise in height, and of a scale that will minimize the impact on, and can be integrated with, surrounding uses. Office buildings shall be permitted up to a medium scale in the Office Area designation. The Zoning By-law will control the scale of development through building height, lot coverage, floor area, and setback regulations.

For the purpose of this Plan, office development of less than 2,000 square metres (21,529 sq.ft.) gross floor area will normally be considered “small scale”, and office development between 2,000 square metres (21,529 sq.ft.) and 5,000 square metres (53,921 sq.ft.) gross floor area will normally be considered “medium scale”. (OPA #506)

Policy 18.2.12: Parking Policies
The provision of public and private parking and loading facilities that are safe, and accessible well integrated with the transportation system, adequate for the land uses they support, and developed to a standard which promotes compatibility with adjacent land uses, shall be supported. Council may consider a policy to limit the maximum amount of parking spaces to support a proposed development.

Parking and Loading Requirements
i) The Zoning By-law shall contain standards for the provision of private off-street parking and loading facilities to be required as a condition of the development and use of land. These standards may vary according to the parking demand normally associated with different types of land uses. With the exception of low density residential uses, any variance from the parking requirements of the Zoning By-law shall be supported by a Parking Study Report. Parking standards may also vary among areas of the City on the basis of public transit service levels, accessibility requirements and the availability of off-site parking. The development of parking in the Downtown shall be based on the provisions of policy 4.2.8. of this Plan

Policy 19.9.5. Noise, Vibration and Safety
The development of residential uses on lands in close proximity to the London Airport, rail lines, freeways and provincial highways, industrial, commercial or institutional uses shall have regard for potential impacts from noise, vibration and/or safety concerns and, where a proposed development does not comply with provincial guidelines for acceptable levels of noise, and/or where there is a concern over safety, mitigation measures may be required through the development approval process.

Setback from High Pressure Pipelines
iv) A minimum setback of 20 metres (65 feet) will be provided from the centre of a high pressure pipeline to the nearest wall of a building intended for human occupancy.

The London Plan
Policy 259: Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

Policy 369: Where a request is made for a minor variance to the parking requiremetns, as established in the *Zoning By-law*, the approval authority may require a parking study.

Policy 900: Retail uses will not exceed 16,000m2 and individual office uses will be 5,000m2 or less and will not exceed 10,000m2 in total floor space for the entire land area within the Shopping Area Place Type and the adjacent Main Street Place Type.

Policy 903: Main Streets are some of London’s most cherished historical business areas that contain a mix of residential and commercial uses that were initially established to serve surrounding neighbourhoods. In new neighbourhoods, main street areas can be planned to create a strong neighbourhood character and distinct sense of place.

Policy 904: Main Streets play a large role in defining our history and our identity as a city. They include many important cultural heritage resources and their preservation is an important part of our goal to conserve our cultural heritage to pass along to future generations. Main Streets are strongly tied to their surrounding communities, but also provide a unique and inviting shopping and leisure experience for all Londoners and out-of-City visitors.

Policy 908: The following uses may be permitted in the Main Street Place Type:
1. A broad range of residential, retail, service and office uses may be permitted within the Main Street Place Type.
2. Mixed use buildings will be encouraged.
3. Retail and service uses will be encouraged at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors.
4. The full range of uses described above will not necessarily be permitted on all sites within the Main Street Place Type.

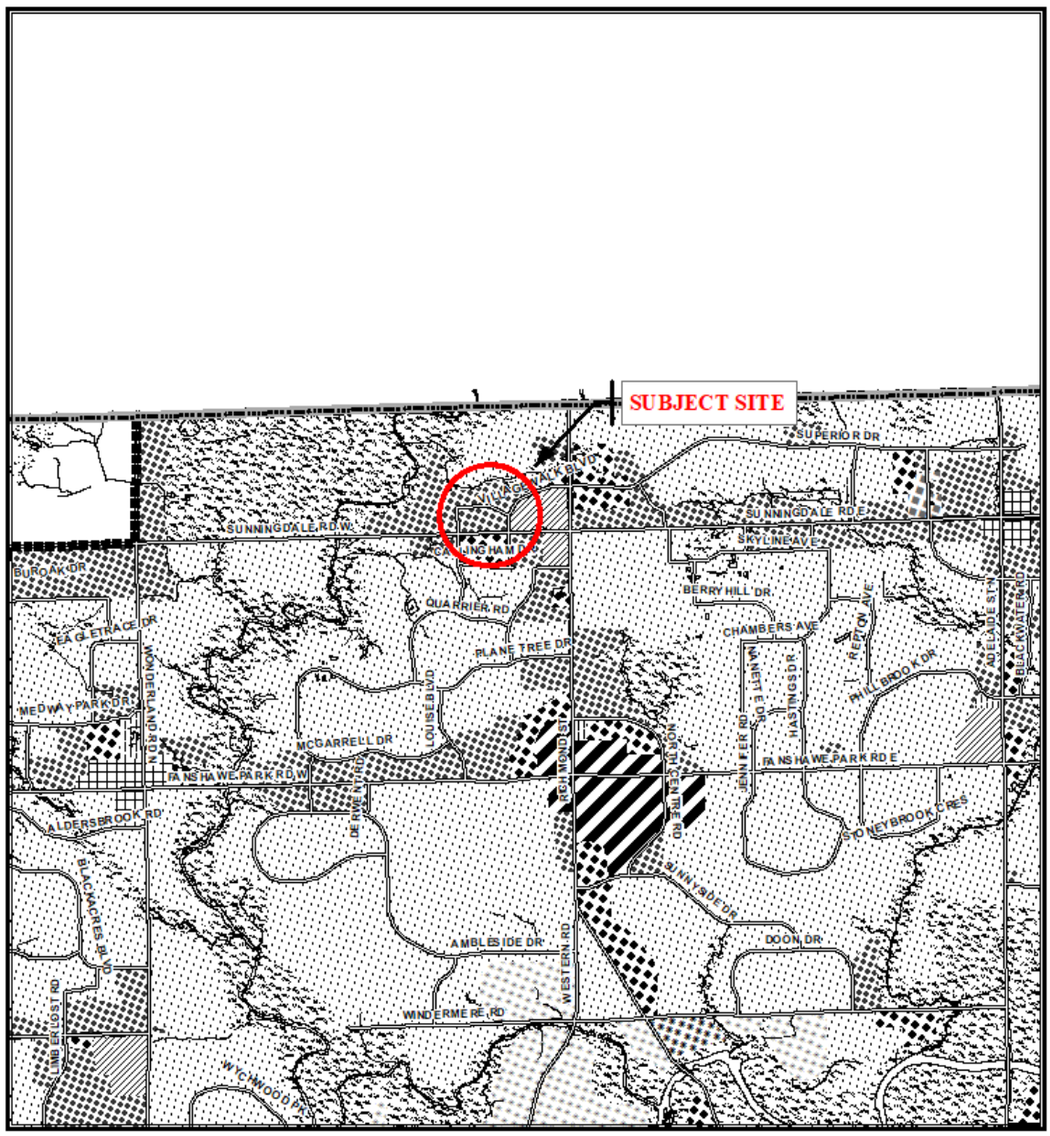
Policy 910: The following intensity policies will apply within the Main Street Place Type:
1. Buildings in Main Street Place Types will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment.
2. Buildings in the Main Street Place Types that are in new neighbourhoods will fit in with the planned vision, scale, and character of the area.
3. Large floor plate commercial buildings will not be permitted.
4. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan.
5. Individual buildings will not contain any more than 2,000m2 of office space.
6. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.
7. The full extent of intensity described above will not necessarily be permitted on all sites within the Main Street Place Type.

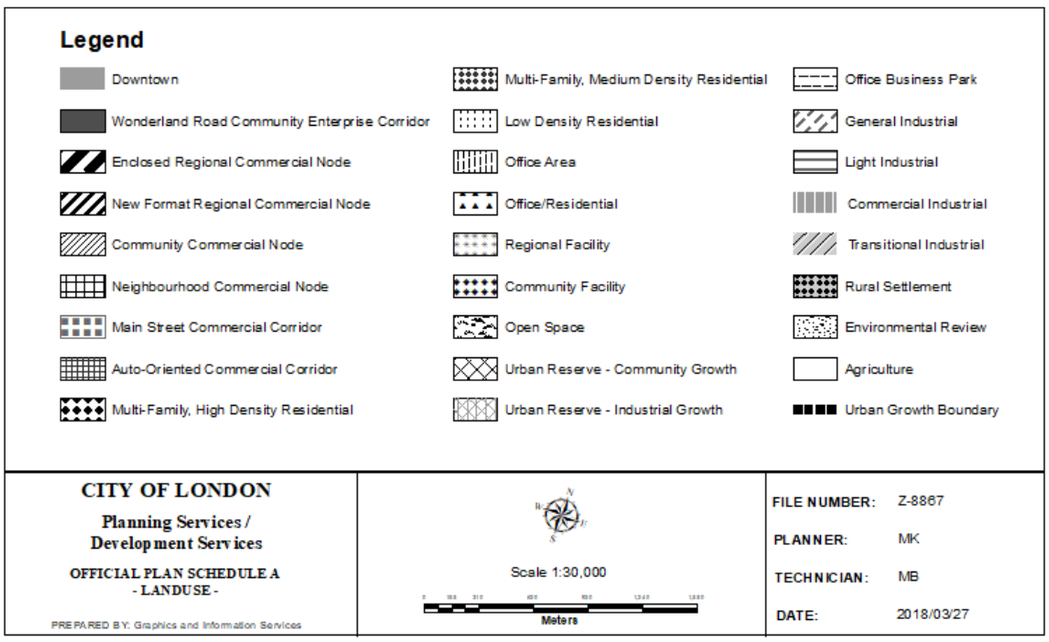
Policy 1772: Additional Rail and Pipeline Safety policies will apply, as follows:
1. All proposed development adjacent to railways will provide appropriate safety measures such as setbacks, berms and security fencing, to the satisfaction of the City in consultation with the appropriate railway.

2. A minimum setback of 20 metres will be provided from the centre of a high pressure pipeline to the nearest wall of a building intended for human occupancy.

Appendix D – Relevant Background

Additional Maps





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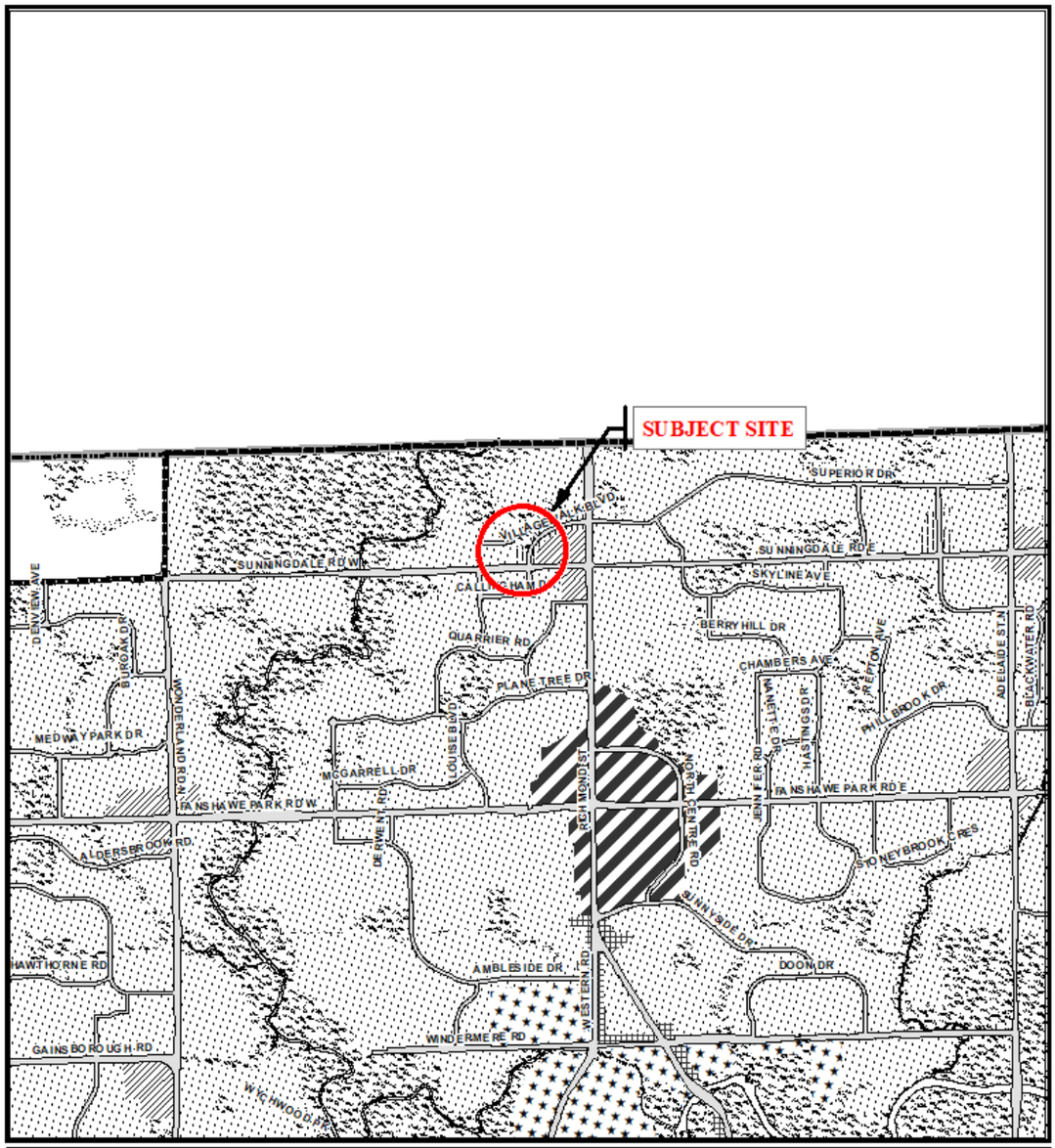
File: Z-8867
Planner: Michelle Knieriem



Legend

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

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

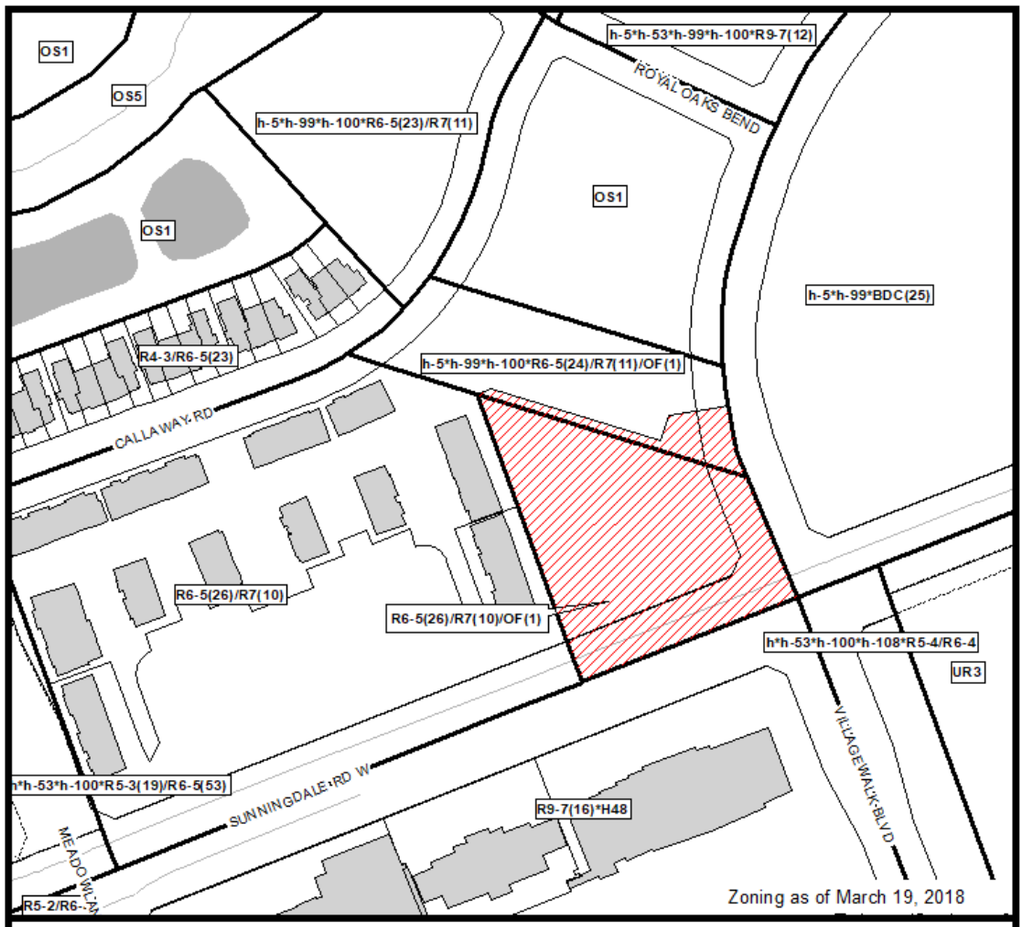
Scale 1:30,000

Meters

File Number:	Z-8867
Planner:	MK
Technician	MB
Date:	March 27, 2018

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\EXCERPT_Map1_PlaceTypes_b&w_8x14.mxd

File: Z-8867
Planner: Michelle Knieriem



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*h-99*h-100*R6-5(24)/R7(11)/OF(1) and R6-5(26)/R7(10)/OF(1)

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

R1 - SINGLE DETACHED DWELLINGS
R2 - SINGLE AND TWO UNIT DWELLINGS
R3 - SINGLE TO FOUR UNIT DWELLINGS
R4 - STREET TOWNHOUSE
R5 - CLUSTER TOWNHOUSE
R6 - CLUSTER HOUSING ALL FORMS
R7 - SENIOR'S HOUSING
R8 - MEDIUM DENSITY/LOW RISE APTS.
R9 - MEDIUM TO HIGH DENSITY APTS.
R10 - HIGH DENSITY APARTMENTS
R11 - LODGING HOUSE

DA - DOWNTOWN AREA
RSA - REGIONAL SHOPPING AREA
CSA - COMMUNITY SHOPPING AREA
NSA - NEIGHBOURHOOD SHOPPING AREA
BDC - BUSINESS DISTRICT COMMERCIAL
AC - ARTERIAL COMMERCIAL
HS - HIGHWAY SERVICE COMMERCIAL
RSC - RESTRICTED SERVICE COMMERCIAL
CC - CONVENIENCE COMMERCIAL
SS - AUTOMOBILE SERVICE STATION
ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL
OC - OFFICE CONVERSION
RO - RESTRICTED OFFICE
OF - OFFICE

RF - REGIONAL FACILITY
CF - COMMUNITY FACILITY
NF - NEIGHBOURHOOD FACILITY
HER - HERITAGE
DC - DAY CARE

OS - OPEN SPACE
CR - COMMERCIAL RECREATION
ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK
LI - LIGHT INDUSTRIAL
GI - GENERAL INDUSTRIAL
HI - HEAVY INDUSTRIAL
EX - RESOURCE EXTRACTIVE
UR - URBAN RESERVE

AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
TGS - TEMPORARY GARDEN SUITE
RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL
"D" - DENSITY SYMBOL
"H" - HEIGHT SYMBOL
"B" - BONUS SYMBOL
"T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
Z-8867 MK

MAP PREPARED:
2018/03/27 MB

1:2,000
0 10 20 40 60 80
Meters

Additional Reports

Sunningdale North Area Plan/Guidelines: The Sunningdale North Area Plan and Guidelines were adopted by City Council in 2006.

Application by Auburn Developments Inc – Northwest corner of Richmond Street and Sunningdale Road (39T-04513/Z-6842) (Public Participation Meeting June 17, 2018): City Council approved with conditions the Draft Plan of Subdivision and Zoning By-law Amendment application for the Richmond North Subdivision. In regards to the subject site, the subject site was zoned Holding Residential R6 Special Provision/Residential R7 Special Provision/Office Special Provision (R6-5(26)/R7(10)/OF(1)) Zone to permit professional offices up to 5,000 square metres in addition to a variety of residential dwelling types.

Application by City of London 200 & 275 Calloway Road and 180 & 200 Villagewalk Boulevard (Z-8130) (Public Participation Meeting February 26, 2013): City Council adopted a Zoning By-law Amendment in 2013 for 200 & 275 Calloway Road and 180 & 200 Villagewalk Boulevard which pertained to the Special Provisions for the Residential R6 Zone that applies to the subject site. The Zoning By-law Amendment deleted the minimum/maximum density requirement of 35 units per hectare and replaced it with a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. The maximum permitted height was also increased from 12 metres to 15 metres, should the site be developed with the Residential R6 Zone permissions. This Zoning By-law Amendment only pertained to the Residential R6 Special Provision (R6-5(26)) Zone permissions for the subject site. The Residential R7 Special Provision (R7(10)) and Office Special Provision (OF(1)) Zone permissions remained unchanged.

Application by 1904812 Ontario Inc (c/o Domus Development London Inc.) 200 Villagewalk Boulevard Public Site Plan Meeting (SP14-039271) (Public Participation Meeting September 19, 2016): A Public Participation meeting was held before the Planning and Environment Committee for the Site Plan Control application submitted to construct a 4-storey professional office building (the building currently under construction). No members of the public attended the meeting and no issues were identified.

Application by 1904812 Ontario Limited 200 Villagewalk Boulevard (H-8439)(Public Participation Meeting May 8, 2017): In 2017, City Council removed the holding provisions that apply to the subject site. This allowed for consideration of the subject site for building permits to construct a 4-storey professional office building. An office building is currently under construction based on these permissions.

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – 200 Villagewalk Boulevard (Z-8867)

- Dr. Boksman, 609-240 Villagewalk Boulevard – indicating that it is a Tricar building just to the south of this site; stating that when the Planning Committee amended the policy for their building, decided to give them twelve visitors parking spots for a one hundred fifty unit condominium building; indicating that the building that is in process next door is also one hundred fifty units; advising that they currently have situations on holidays, special weekends, where they have in excess of twenty cars parking on the road because there is insufficient parking for their two high rise buildings; advising that he is not opposed to this building being zoned for a dental building because he, as one himself, is retired; finding it unusual and he is totally against the fact of reducing the parking that is required for this site; educating the Committee, referring to his dental practice, in the North end of the city, because the rents are so high, dental offices run in the approximately seventy percent overhead range and so many of them get together to have a better, more efficient use of space and try to decrease or mitigate that overhead cost; believing that, in this building, if they are looking at eight thousand five hundred and three square feet, a portion of that being dental office, he foresees that probably it will probably be a group practice going into that building; pointing out that just to handle the parking for that alone, irrespective of everything else that is involved with that building, running through the statistics for their past practice with two dentists; advising that they had two dentists, three office receptionists, one office manager, four hygienists, two dental assistants, one floater, eight patients in the rooms at one time and at least eight, if not more, waiting in the waiting room; stating that, just for a two person dental practice, they would need approximately thirty parking spots; going on record that he does not support this application as far as reducing the number of parking spots; thinking that is the wrong way to go since they already, south of Sunningdale Road, have massive parking problems because of the two high rise buildings that Tricar has built and sometimes people from their area, south of Sunningdale, already park on the street to the North of Sunningdale.
- Mike, Domus Developments, applicant – expressing support for the staff recommendation; indicating that there is one dentist going in on the main floor; advising that this is a four storey building and they are only going in for one level of dental and the other three floors are leased out for office use; noting that their office is going there; indicating that they are taking three thousand feet and have four cars; reiterating that the office component is not going to be intense in how much parking they will take; knowing that the dental will take more which is why they added the severance to add in more parking for that basic reason; advising that the people who sign the lease are advised that they have a certain number of parking spaces that they are allowed so they are aware of their parking allowances; advising that he does know what Dr. Boksman is talking about across the road, where they park on the road and they have nothing to do with that, you are looking at a residential versus an office component.

File No.: O-8876

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**

Official Plan, The London Plan and Downtown Plan Criteria for Downtown Temporary Surface Commercial Parking Lots

Public Participation Meeting on: April 30, 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 the Corporation of the City of London relating to the properties located within the boundaries of the Downtown as defined by the Official Plan:

(a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to amend the Official Plan to change Section 4.1.10 iv) (Parking/Surface Parking Lots) to add Official Plan criteria to evaluate requests for temporary extensions to existing surface commercial parking lots;

(b) The proposed by-law attached hereto as Appendix “B”, BE INTRODUCED at a future Council Meeting to amend The London Plan by ADDING new policies to the Downtown Place Type policies and the Temporary Use Provisions of the Our Tools policies AND that three readings of the by-law enacting The London Plan amendments BE WITHHELD until such time as The London Plan is in force and effect; and,

(c) That the changes to Policy 5.2 in the guideline document “Our Move Forward – London’s Downtown Plan”, attached hereto as Appendix “C” BE INTRODUCED at the Municipal Council meeting on May 8, 2018 to add criteria to evaluate requests for temporary extensions to existing surface commercial parking lots.

Executive Summary

The purpose and effect of the recommended action is to add criteria to provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long term goal of replacing surface lots with development that includes underground or above ground parking spaces.

Background

Municipal Council, at its meeting held on September 15, 2015 resolved:

15. *That the following actions be taken to assist with encouraging redevelopment of vacant lots in London’s downtown*:

a) *the Civic Administration **BE REQUESTED** to review and report back to a future meeting of the Planning and Environment Committee on the status of all commercial parking lots in the downtown to confirm that these properties are zoned appropriately to permit the use;*

*b) the Civic Administration **BE REQUESTED** to ensure that the policies contained within the Downtown Master Plan, Our Move Forward, that discourage the extension of temporary use by-laws for the establishment of commercial parking uses in the downtown, be considered during the evaluation of any new applications or applications for the extension of an existing temporary use by-law, for the creation of new commercial parking; and,*

*c) the Civic Administration **BE REQUESTED** to report back to a future meeting of the appropriate Committee as how best to expedite the creation and implementation of a downtown parking strategy. (2015-D09) (15/20/PEC)*

In response to Council's direction, Planning Staff initiated a review of surface commercial parking lots in Downtown, a review that was intended to occur in conjunction with the Downtown Parking Strategy Study being undertaken by consultants and managed by the Transportation Division. The review was completed in 2017 and both the Downtown Parking Strategy Study and the Report on Downtown Surface Commercial Parking Lots report was presented at the Planning and Environment Committee on December 4, 2017.

As a result Municipal Council, at its meeting held on December 12, 2017, resolved:

29. *That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to Downtown Temporary Commercial Parking lots:*

a) *the Managing Director, Planning and City Planner BE DIRECTED to initiate an Official Plan amendment to The London Plan's Temporary Use Provisions section, in order to add criteria, consistent with the Downtown Parking Strategy, that will be considered when reviewing planning applications for temporary zoning for surface commercial parking lots in the Downtown;*

b) the Managing Director, Planning and City Planner BE DIRECTED to amend the guideline document entitled "Our Move Forward: London's Downtown Plan" to provide more detailed and streetscape-specific guidance on the evaluation of planning and development applications for temporary zoning to permit and design surface commercial parking lots in the Downtown; and,

c) the Managing Director, Planning and City Planner BE DIRECTED to continue to proactively advise owners and operators of existing unlicensed surface commercial parking lots to obtain a business license noting that one of the conditions of issuance of a business license includes conformity with municipal By-laws including the Zoning By-law.
(2017-T02) (29/1/PEC)

This report addresses Clauses (a) and (b). By-law Enforcement will address Clause (c).

Planning Issues with Surface Commercial Parking Lots in the Downtown

The previous planning report identified the following issues which provide justification for the introduction of criteria to evaluate temporary commercial parking lot extension requests;

1. These lots represent underutilized land in our Downtown – lands that could be built upon to generate employees and residents in the core, as well as businesses and services that attract Londoners and tourists Downtown. It is estimated that approximately 25% of the Downtown, excluding streets, is occupied by surface parking lots (including both commercial and accessory surface lots).

2. In the past, some surface commercial parking lots have been created at the expense of Downtown heritage buildings that were demolished;

3. Surface parking lots represent a gap in important streetscapes, undercutting the goal of providing continuous streetscapes that are interesting, active, comfortable and attractive for pedestrians. Streetscapes with such qualities are key to Downtown's success.

4. These lots can create safety concerns from a variety of perspectives.

5. It is believed that the revenues generated by commercial surface parking lots can act as a disincentive to the re-development of these sites. Parking revenues generally range between $2000-$3000 per year per surface parking space. In addition, ticket revenues can generate $500 or more per year per parking space. Expenses to operate such facilities are very low – particularly for those that operate more than one site. Using these assumptions, it would not be unreasonable for a 100 car surface parking lot to generate a profit in the order of $300,000. Meanwhile, property taxes on such facilities remain low for most parking lots, relative to property taxes that would be assessed if a building were located on the same site.

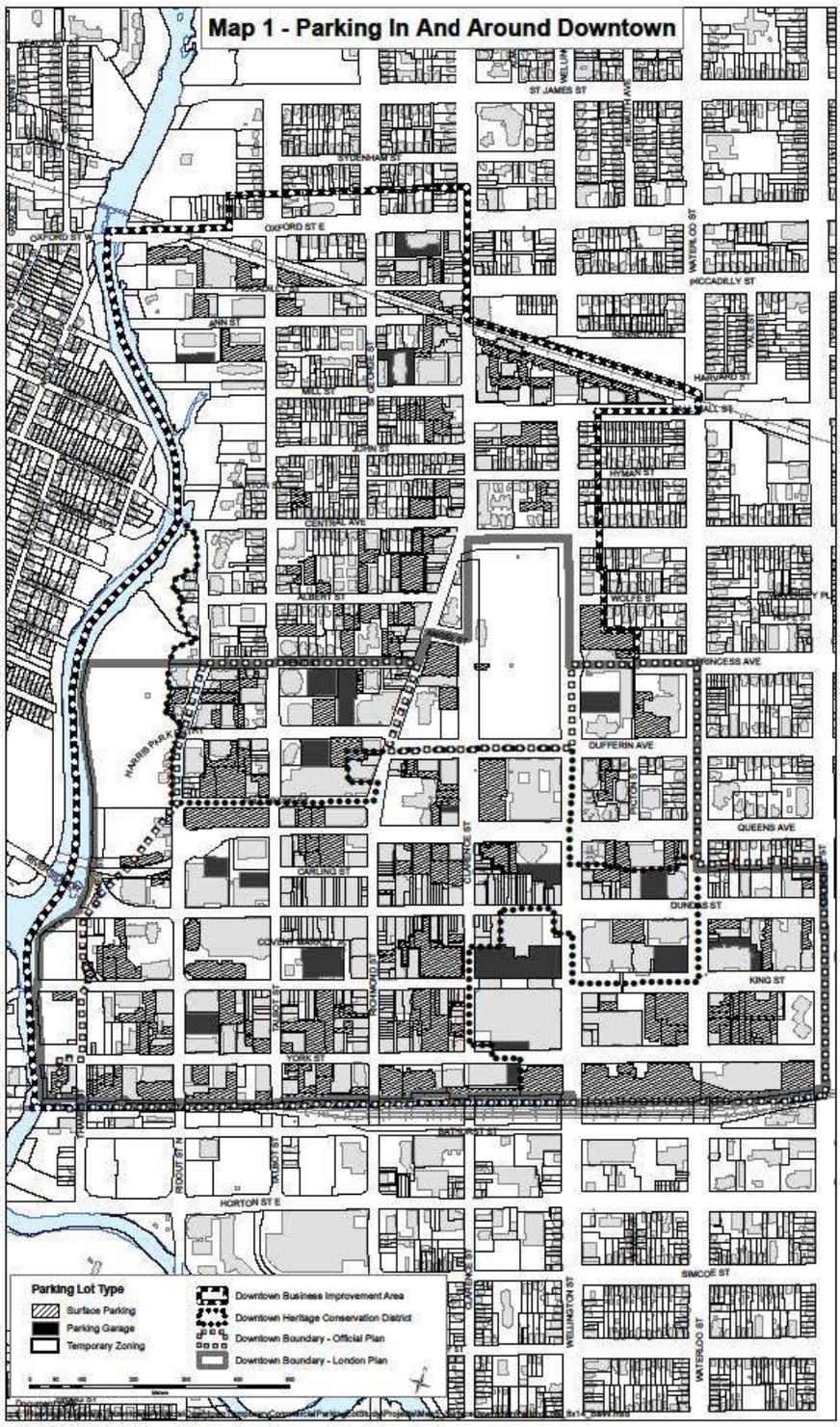
6. Several surface commercial parking lots have been allowed through temporary zoning for very long periods of time. While the maximum allowable time period for a temporary zone is 3 years, successive applications for 3-year temporary zoning is not limited. In some cases, temporary zoning has been repeatedly approved for surface commercial parking for more than 20 years, raising questions as to whether it is truly a temporary use and consistent with the vision for Downtown London.

7. For those surface commercial parking lots that have received Council approval for 3-year extensions of their temporary zoning for long periods of time, expectations for future extensions of temporary zoning exist. This raises questions as to how Council may refuse an application for a temporary zoning application without creating significant disruption for Downtown parking customerse.

8. Enforcement Staff at the City continue to work towards ensuring that surface commercial parking lots are appropriately zoned and licensed.

9. However, surface commercial parking lots do provide an important source of parking in the Downtown for workers, customers, and patrons in the core. There are differences in the utilization of parking lots in the Downtown, whereby some areas have very high utilization rates and other areas have low utilization rates.

1.1 Location Map



The December 4, 2017 report to Planning and Environment Committee (PEC) provided a recommended approach to considering temporary zoning applications for Downtown surface commercial parking lots with the following objectives;

Objectives

1. Ensure an adequate supply of parking for residents, employees, visitors/tourists and patrons of the Downtown.

2. Avoid the underutilization of Downtown lands by reducing the proportion of Downtown area that is covered by surface parking lots – currently approximately 25%.

3. Fill gaps in important streetscapes that are currently created by the presence of surface commercial parking lots.

4. Eliminate the implicit financial incentive for property owners to continue to operate surface commercial parking lots, rather than redeveloping important sites in the Downtown.

5. Mitigate the disruption to Downtown parking lot users that could be caused by refusing to approve the extension of temporary parking, where such extension has been granted for an extended period of time.

6. Provide clarity on when temporary zoning for surface commercial parking lots will be permitted and when it will not be permitted.

7. Ensure compliance with zoning regulations, site plan requirements and licensing relating to surface commercial parking lots in the Downtown.

As a result, the following approach was recommended,

Recommended Approach

1. Establish a new Official Plan policy within the Downtown designation in the Existing Official Plan and within the Permitted Uses and Temporary Use Provisions sections of The London Plan. This section currently establishes a series of criteria relating to temporary use provisions of various types throughout the City.

   It is proposed that a new series of criteria be added which relate specifically to the review of applications for temporary surface parking lot extensions in the Downtown. This policy will consider a number of factors relating to the need for parking in the Downtown at the subject site's location, and the importance of the site from a streetscape and development perspective. It will also consider the length of time that the lot has been used as a surface parking lot on a temporary basis.

2. Where a surface commercial parking lot has existed for an extended period, and Council does not wish to support a proposed further extension of this temporary zoning, Council may wish to allow for a temporary zone extension for a period of six months to minimize the disruption to those patrons using this lot – allowing them some time to find alternative parking arrangements.

3. Modify the current guidelines within the document, "Our Move Forward: London's Downtown Plan" to provide greater detail in support of the review of applications for temporary surface parking lots in the Downtown and their site design. These guidelines may provide greater clarity on the importance of certain pedestrian streetscapes. They may also provide guidance for the design of surface parking lots in the Downtown, such that they provide amenity to the streetscape to the greatest degree possible until they are developed.

4. Monitor parking lot utilization rates within various locations in the Downtown – using the utilization rates established in the Downtown Parking Strategy Study as the baseline for zoning application evaluation and also for monitoring in the future. The Downtown

Parking Strategy identified areas 3 and 4 of the Downtown that have almost reached the 90% occupancy level. These areas are identified on the map below.

Within these areas the City should encourage new developments to incorporate public accessible parking structures and/or support surface parking lot extensions until new development/parking structures are built.

Proposed Official Plan Policies

The following policies are proposed to be added to the existing Official Plan (1989) and The London Plan:

1673_a
In addition to the other Temporary Use Provision policies and the Downtown Place Type policies of this Plan, applications for temporary zoning to support surface commercial parking lots in the Downtown will be evaluated based on the following criteria:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.

2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.

3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.

4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long term basis

5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.

6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.

7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements

5.0 Summary/Conclusion

Surface commercial parking lots currently provide an important supply of parking for the Downtown. Over time, it is anticipated that surface lots will be re-developed in favour of commercial parking within structures – either within the architectural mass of a mixed-use building, or in a separate parking structure with an appropriate use fronting the street. Surface commercial parking lots can undermine the quality of Downtown's pedestrian environments – a key requirement for Downtown's future success. They represent an underutilization of Downtown land area and can also create safety concerns.

Council is regularly asked to extend temporary zoning permissions to allow for the continuation of surface commercial parking lots. This report recommends a policy that can help Council to evaluate such requests. It also recommends changes to the guideline document, "Our Move Forward: A Plan for London's Downtown", such that it can provide guidance that informs the evaluation and site design of such proposals in more detail.

Prepared by:	**W.J. Charles Parker, MA** **Senior Planner, Urban Regeneration**
Submitted by:	**Mike Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

File No.: O-8876

Appendix A

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

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

A by-law to amend the Official Plan for the City of London, 1989 relating to Temporary Downtown Commercial Parking Lots.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018

File No.: O-8876

Third Reading – May 8, 2018

File No.: O-8876

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 4.1.10 iv) (Parking/Surface Parking Lots) of the Official Plan for the City of London to include criteria to assess requests for extension of temporary zoning for existing surface commercial parking lots in Downtown.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the Official Plan in the City of London.

C. BASIS OF THE AMENDMENT

Surface commercial parking lots currently provide an important supply of parking for the Downtown. Over time, it is anticipated that surface lots will be re-developed in favour of commercial parking within structures – either within the architectural mass of a mixed-use building, or in a separate parking structure with an appropriate use fronting the street. Surface commercial parking lots can undermine the quality of Downtown's pedestrian environments – a key requirement for Downtown's future success. They represent an underutilization of Downtown land area and can also create safety concerns.

Council is regularly asked to extend temporary zoning permissions to allow for the continuation of surface commercial parking lots. This amendment recommends a policy that can help Council to evaluate such requests. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

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

1. Section 4.1.10 iv) (Downtown Parking/Surface Parking Lots) of the Official Plan for the City of London is amended by adding the following after the existing policy:

“For lands within the Downtown Area designation, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.

2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.

3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.

4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis

5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.

6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.

7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements”

File No.: O-8876

Appendix "B"

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

By-law No. C.P.- ____ -__

A by-law to amend The London Plan for the City of London, 2016 relating to Temporary Downtown Commercial Parking Lots.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

File No.: O-8876

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add wording to policy 800_5 of The London Plan for the City of London.

2. To add a new Policy following Policy 1673 to include criteria to assess requests for extension of temporary zoning for existing surface commercial parking lots in Downtown.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the The London Plan in the City of London.

C. BASIS OF THE AMENDMENT

Surface commercial parking lots currently provide an important supply of parking for the Downtown. Over time, it is anticipated that surface lots will be re-developed in favour of commercial parking within structures – either within the architectural mass of a mixed-use building, or in a separate parking structure with an appropriate use fronting the street. Surface commercial parking lots can undermine the quality of Downtown's pedestrian environments – a key requirement for Downtown's future success. They represent an underutilization of Downtown land area and can also create safety concerns.

Council is regularly asked to extend temporary zoning permissions to allow for the continuation of surface commercial parking lots. This amendment recommends a policy that can help Council to evaluate such requests. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long-term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. Policy 800_5 (Place Type Policies/Downtown/Permitted Uses) of The London Plan for the City of London is amended by adding the following at the end of the existing policy:

   "Criteria for evaluating requests for temporary zone extensions are provided in Policy 1673 a) of the Our Tools Section of the Plan."

2. Add a new Policy 1673 a) (Our Tools/Temporary Use Provisions) which states the following:

"*1673_a*

For lands within the Downtown Place Type, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots, in the Downtown:

1. *The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.*

2. *The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*

3. *The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.*

4. *The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis*

5. *Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.*

6. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*

7. *Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements"*

File No.: O-8876

Appendix "C"

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

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

A by-law to amend the "Our Move Forward- London's Downtown Plan" for the City of London, relating to Temporary Downtown Commercial Parking Lots.

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

1. Amendment No. (to be inserted by Clerk's Office) to the "Our Move Forward- London's Downtown Plan" – 2015, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

File No.: O-8876

AMENDMENT NO.

to the

"OUR MOVE FORWARD-LONDON'S DOWNTOWN PLAN" FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is add wording to policy 5.2 (Build a Great Neighbourhood) of the "Our Move Forward-London's Downtown Plan" guideline document for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located within the boundaries of the Downtown as defined by the Official Plan and The London Plan in the City of London.

C. BASIS OF THE AMENDMENT

Surface commercial parking lots currently provide an important supply of parking for the Downtown. Over time, it is anticipated that surface lots will be re-developed in favour of commercial parking within structures – either within the architectural mass of a mixed-use building, or in a separate parking structure with an appropriate use fronting the street. Surface commercial parking lots can undermine the quality of Downtown's pedestrian environments – a key requirement for Downtown's future success. They represent an underutilization of Downtown land area and can also create safety concerns.

Council is regularly asked to extend temporary zoning permissions to allow for the continuation of surface commercial parking lots. This change will provide more detailed and streetscape-specific guidance on the evaluation of planning and development applications for temporary zoning to permit and design surface commercial parking lots in the Downtown. The addition of criteria will provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meet the long- term goal of replacing surface lots with development that includes underground or above ground parking spaces.

D. THE AMENDMENT

1. Section 5.2 (Build a Great Neighbourhood) of "Our Move Forward – London's Downtown Plan" is amended by adding the following after the existing text;

   "*Requests for temporary zoning for surface commercial parking lots, and extensions to temporary zoning for surface commercial parking lots, will be evaluated based on the following criteria;*

   1. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*

   2. *The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*

   3. *The location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit-users, cyclists and drivers.*

4. *The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.*

5. *Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.*

6. *Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.*

7. *Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.*

8. *Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site.*

9. *Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.*

10. *Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.*

Appendix B – Public Engagement

Community Engagement

Public liaison: On Thursday, March 8, 2018 Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner*.

1 reply was received

Nature of Liaison: The purpose and effect of this Official Plan and London Plan amendment and change to the Downtown Plan Guideline Document is to adopt criteria for considering applications for Downtown Temporary Surface Commercial Parking Lots. This City application is being initiated in response to the 2017 review of Downtown Temporary Surface Commercial Parking Lots requested by Council and the subsequent Council resolution on December 12, 2017. Possible amendments to the Official Plan (Sections 4.1.6 viii and/or Section 4.1.10 iv), London Plan (Policy 800_5) and the "Our Move Forward" London's Downtown Plan Guideline Document.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
(519) 474-7137	Casey Kulchycki Planner – Zelinka Priamo Ltd. 318 Wellington Road N6C 4P4 Wanted to be added to notification List

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Official Plan, The London Plan and Downtown Plan Criteria for Downtown Temporary Surface Commercial Parking Lots (O-8876)

- Jennifer Granger, President, Architectural Conservancy of Ontario (ACO), London Branch – indicating that ACO supports the goal of replacing surface parking lots with development that would include underground or aboveground parking rather than tearing down heritage properties for a development; stating that it seems to them that developers and investors are just sitting on parking lots that they have owned for years until they finally decide to build or sell the land for a development; noting Camden Terrace on Talbot Street was torn down by Rygar Developments to build a high rise and we are still waiting for them to begin building the high rise; believing the situation might have been avoided if there had been more surface lots available for them to build on.

Report to Planning and Environment Committee

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

From: **John M. Fleming**
Managing Director, Planning and City Planner

Subject: **Old East Village Dundas Street Corridor Secondary Plan**
Draft Terms of Reference

Public Participation Meeting on: April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the Terms of Reference for the Old East Village Dundas Street Corridor Secondary Plan, attached hereto as Appendix A, **BE ENDORSED.**

Executive Summary

The Old East Village Dundas Street Corridor Secondary Plan is intended to provide more specific policy direction, than the parent London Plan, for development and public projects within the secondary planning area. It responds to a number of emerging initiatives within the Old East Village Corridor – including such things as the introduction of Bus Rapid Transit, an upcoming infrastructure and street renewal project, a cycling route assessment and various development pressures on the Corridor. The secondary plan is intended to be completed by the end of 2018, so that it can serve as the foundation for the design of the reconstruction of Dundas Street from Adelaide Street to Ontario Street.

The Terms of Reference are the first step in the process of preparing the Secondary Plan and include the purpose, key issues to be addressed, study area, the proposed public engagement program and a timeline for completion. To meet the proposed timeline, Staff recommend that any changes to the terms of reference desired by Council be directed to Staff, so that they can make those changes and move forward with the secondary plan project immediately.

Background

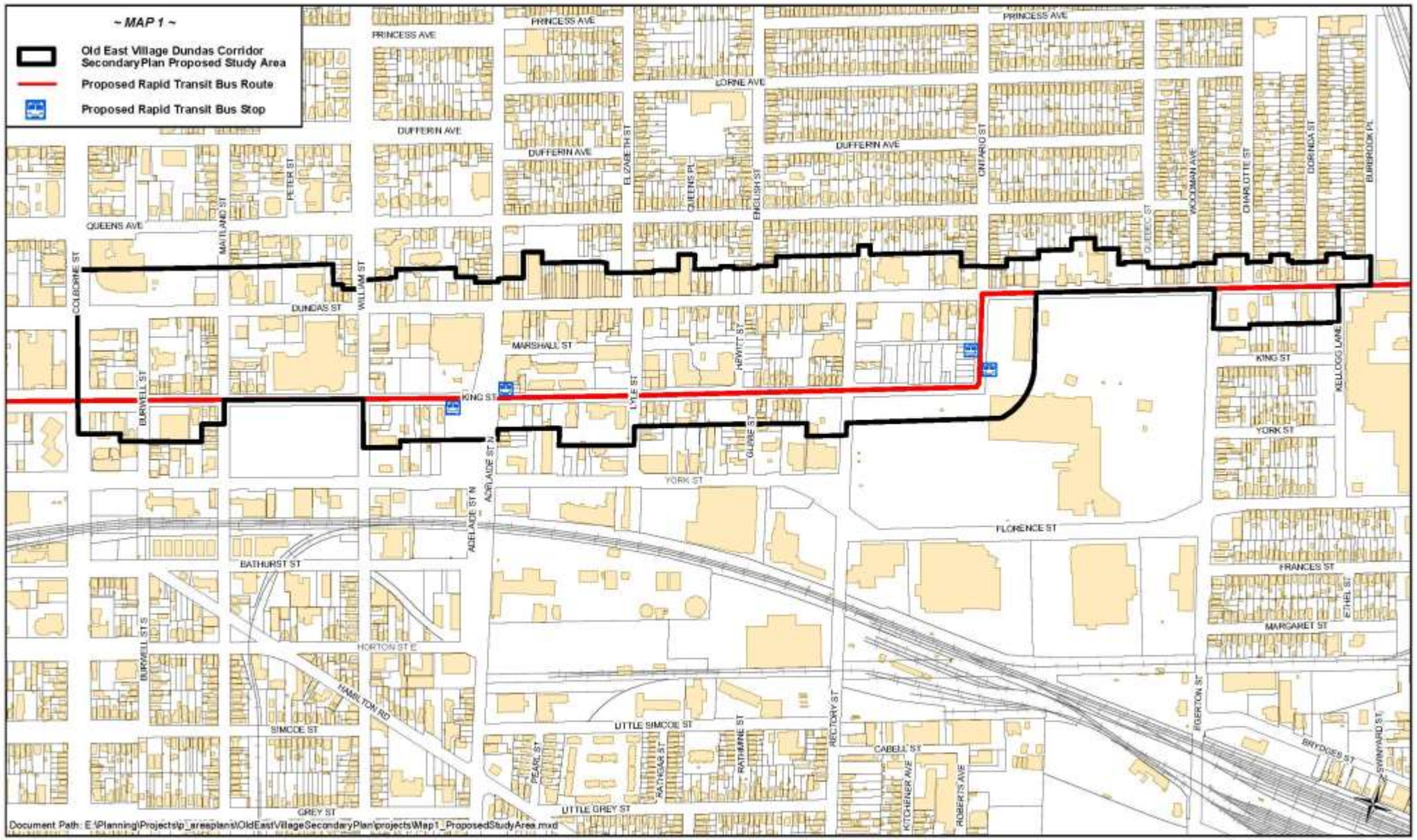
1.0 Purpose of the Secondary Plan

The London Plan indicates that secondary plans may be used for a number of reasons:

- To provide more detailed guidance for the development of an identified area, in addition to the more general policies of the London Plan.
- To coordinate the development of an area that is subject to substantial change.
- "Areas, in whole or in part, within the..."*Rapid Transit Corridor… Place Type that may require vision and more specific policy guidance for transition from their existing form to the form envisioned by this Plan*."

The corridor along Dundas and King Streets, between Colborne Street and Burbrook Place/Kellogg Lane is such an area that would benefit from a secondary plan. This area has, or will be, experiencing a number of changes and exciting planning initiatives that will need to be carefully coordinated. They include:

- The London Plan assignment of the Rapid Transit Corridor Place Type along King Street and Dundas Street.


~ MAP 1 ~
Old East Village Dundas Corridor SecondaryPlan Proposed Study Area
Proposed Rapid Transit Bus Route
Proposed Rapid Transit Bus Stop
PRINCESS AVE
DUFFERIN AVE
LORNE AVE
QUEENS AVE
DUNDAS ST
MARSHALL ST
KING ST
YORK ST
FLORENCE ST
FRANCES ST
MARGARET ST
BATHURST ST
HORTON ST E
SIMCOE ST
GREY ST
LITTLE SIMCOE ST
LITTLE GREY ST
CABELL ST
BRYDGES ST
SYMINGTON AVE
COLBORNE ST
MAITLAND ST
PETER ST
WILLIAM ST
ELIZABETH ST
QUEENS PL
ENGLISH ST
ONTARIO ST
QUEBEC ST
HOLDMAN AVE
CHARLOTTE ST
DORCHESTER ST
BURBROOK PL
BURWELL ST
HEWITT ST
LYLE ST
GLOBE ST
ADELAIDE ST N
KELLOGG LANE
ETHEL ST
BURWELL ST S
HAMILTON RD
PEARL ST
RATHGAR ST
RATHMINE ST
RECTORY ST
EGERTON ST
KITCHENER AVE
ROBERTS AVE
Document Path: E:\Planning\Projects\p_areaplans\OldEastVillageSecondaryPlan\projects\Map1_ProposedStudyArea.mxd

- Planned construction of rapid transit along King Street from the Downtown through to Ontario Street, and proceeding along Dundas Street from Ontario Street through to Highbury Avenue and eventually to Fanshawe College. With this comes the important need to provide strong connections from the rapid transit stations at Adelaide and King Street and on Ontario Street, to the business corridor on Dundas Street.

- A planned higher order east-west cycle route through the Old East Village, to connect to the larger cycling network and Downtown.

- Reconstruction of the Dundas Street underground services and streetscape from Adelaide to Ontario Street – with consideration of sewers, watermain, cycling, tree planting, on-street parking, enhanced streetscape amenities, furniture, etc.

- Planned construction of an Adelaide Street/CPR rail underpass, to the north of the Dundas Street corridor, and the important connections to it.

- Continued revitalization of the Western Fair market and fairgrounds, with the possibility of redevelopment of a portion of the fairground site.

- Redevelopment applications and multiple development interests for the lands along the Dundas Street corridor and King Street corridor – some of which are seeking buildings of significant height.

- Heritage building conservation and consideration, which has served to establish a heritage image for the neighbourhood north of the corridor, attracting significant investment into the building stock.

- A desire for a green plan, and a recent patio design guideline, along the Dundas Street Corridor with the intent of setting the standard for a desirable pedestrian and patio experience.

A secondary plan can knit all of these considerations together for the corridor, and set a more detailed policy context, development design guidelines, and a coordinated approach for delivering capital programs.

2.0 Timing – Major Milestones

It is intended that the Secondary Plan will be completed by the end of 2018, so that it can support the design and engagement process for the reconstruction of Dundas Street between Adelaide Street and Ontario Street. The following is a summary of how that process is proposed to occur:

Step in Process	Timing
Terms of Reference Approved	May, 2018
Background Research Undertaken	May through June

Bicycle Network Evaluation	May through September
Public Workshop/Public Meetings	June, 2018
Draft of Secondary Plan – Public Meetings	September, 2018
Final Secondary Plan	December, 2018
Infrastructure Renewal and Streetscape Reconstruction – Detailed Design	2019
Infrastructure Renewal and Streetscape Reconstruction	2020

Attached are the proposed Draft Terms of Reference. In advance of this meeting they have been circulated to the Old East Village Business Improvement Area (BIA) organization, Old East Village Community Association, and Staff leading the Shift Rapid Transit project.

Notice was given of the Secondary Plan Terms of Reference on March 12, 2018 to other City departments and various agencies as well as within the Living in the City section of the London Free Press. Notice of Public Meeting was given in early April, 2018.

3.0 Next Steps

Following Council approval of the Terms of Reference, Planning staff will start the Secondary Plan process. The timeline to complete the secondary plan will be tight, with completion targeted for the end of 2018. It will be important to meet this date so that the secondary plan can serve as the foundation for the streetscape reconstruction project design in 2019. To achieve this, it will be important to complete the first secondary plan public engagement workshops in June of 2018.

4.0 Conclusion

The attached terms of reference will guide the preparation of the proposed Old East Village Dundas Corridor Secondary Plan. Given the importance of timeliness, Staff are recommending that Council move forward with these terms of reference. If amendments are desired by Council, it is recommended that Council identify these amendments now, so that staff can take that direction, make the necessary changes, and begin the secondary plan process immediately.

Prepared by:	**W.J. Charles Parker, MA** **Senior Planner, Urban Regeneration**
Submitted by:	**Michael Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

CP/JF

APPENDIX A

OLD EAST VILLAGE DUNDAS STREET CORRIDOR SECONDARY PLAN

TERMS OF REFERENCE

Planning and Ongoing Initiatives in the Old East Village

The corridor along Dundas and King Streets, between Colborne Street and Burbrook Place/Kellogg Lane has experienced, or will be experiencing, a number of changes and exciting planning initiatives that will need to be carefully coordinated. They include:

- The London Plan assignment of the Rapid Transit Corridor Place Type along King Street and Dundas Street.

- Planned construction of rapid transit along King Street from the Downtown through to Ontario Street, and proceeding along Dundas Street from Ontario Street through to Highbury Avenue. With this comes the important need to provide strong connections from the rapid transit stations at Adelaide and King Street and on Ontario Street, to the business corridor on Dundas Street.

- A planned higher order cycle route through the Old East Village, to connect to Downtown and the larger cycling network.

- Infrastructure renewal and streetscape improvements on Dundas Street from Adelaide to west of Ontario Street – with consideration of watermain, sanitary and storm sewer replacements, new traffic signals, streetlights, cycling facilities, tree planting, on-street parking, enhanced streetscape amenities, furniture, etc.

- Planned construction of an Adelaide Street/CPR tracks underpass, to the north of the Dundas Street corridor, and the important connections to it.

- Continued revitalization of the Western Fair market and fairgrounds, with the possibility of redevelopment of a portion of the fairground site.

- Redevelopment applications and multiple development interests for the lands along the Dundas Street corridor and King Street corridor – some of which are seeking buildings of significant height.

- Heritage building conservation and consideration, which has served to establish a heritage image for the neighbourhood north of the corridor, attracting significant investment into the building stock.

- A desire for a green plan, and a recent patio design guideline, along the Dundas Street Corridor with the intent of setting the standard for a desirable pedestrian and patio experience.

Purpose of a Secondary Plan for the Old East Village

Secondary plans are intended to:

- Allow for the development of policies for a specific area that may be more detailed than the general policies of the London Plan.

- Allow for more specific vision and policy guidance for lands with the Rapid Transit Corridor Place Type to assist with specific transition from their existing form to the form envisioned by the Plan.

- Assist in the implementation and refinement of the Plan.

The proposed secondary plan will consider all of the existing and planned initiatives within the Old East Village (listed above) and, through a robust public engagement

program, allow for a more detailed vision and policy framework for planning development and public projects within the Dundas Corridor. The secondary plan may also include specific design guidance for development and public projects in the corridor.

Defined Secondary Plan Area

- The secondary plan entitled, “Our Move Forward: London’s Downtown Plan” extends to Colborne Street, defining the western boundary of the subject secondary plan.
- To the east, the McCormick Secondary Plan covers lands north of Dundas Street, east of Burbrook Place, defining the eastern boundary of the subject secondary plan.
- Accordingly, the secondary plan will consider lands that are included within the London Plan’s Rapid Transit Corridor Place Type, between Colborne Street and Burbrook Place.
- Through the study process, this boundary may be adjusted where there it is determined that it would be advantageous to do so from a secondary planning perspective.
- The important context surrounding this defined area will be considered throughout the study process and in preparing the secondary plan

Preliminary List of Issues to be Considered Through Secondary Plan

Within the secondary plan area, there are a number of issues that will need to be considered. Below is a preliminary summary. There will likely be additional issues that surface through the secondary plan engagement process; they will also be addressed and incorporated into the ultimate secondary plan:

King Street – Rapid Transit Corridor Place Type

- King Street has been identified in The London Plan as a Rapid Transit Corridor
- This Place Type can support a broad range of uses
- It also encourages intensification, supporting the assembly of properties to allow for redevelopment projects, where it is appropriate
- Within this Place Type, The London Plan establishes maximum heights that can support high-rise forms of development where appropriate
- The Rapid Transit Corridor Place Type also establishes a number of form policies that augment the City Design policies of the Plan
- It may be desirable to establish more detailed and specific use, intensity or form policies for the King Street corridor, within the Study Area
- The existing specific policies for the corridor that exist in the London Plan, which were originally established as a result of the Community Improvement Plan (policies that include an Area of Transition) will be re-evaluated, modified if necessary, and brought into the Secondary Plan as appropriate.

Dundas Street – Rapid Transit Corridor Place Type

- Dundas Street has been identified in The London Plan as a Rapid Transit Corridor; accordingly, the background and issues identified above for King Street would apply for this corridor as well
- However, for the Rapid Transit Corridor between Colborne Street and Quebec Street the London Plan identifies specific “Main Street” policies
- These policies may allow for greater height and also may allow for more office floor area
- It would be beneficial to identify, more specifically, where buildings of greater height will be directed along the corridor and where it is expected that mid-rise heights will be the maximum height that is permitted.
- In general, it may be desirable to establish more detailed and specific use, intensity or form policies for the Dundas Street Rapid Transit corridor, within the Study Area

Design Guidance

- The London Plan provides City Design policies and some further form policies within the Rapid Transit Place Type
- Furthermore, in April of 2016 the Old East Village Commercial Design manual was adopted by Council

- That said, it may be desirable to establish more specific design policies – including non-commercial uses - that address specific considerations within the secondary plan area.
- For example, it may be appropriate to identify design policies relating to the expected interface between taller buildings and the surrounding low density residential neighbourhoods adjacent to the corridor.
- There may also be useful design guidance for public projects – including streetscape improvements and the "green plan" concept that the Old East Village BIA has been discussing for many years.
- It may be appropriate to incorporate all or a portion of the existing urban design guidelines into the secondary plan

Cycling Network

- The Cycling Master Plan identified a higher order connection between the Old East Village and Downtown, and more broadly between the Thames Valley Parkway and the Quebec Street / Egerton Street north-south route. With finalization of Rapid Transit routing in the downtown, this routing needs to be revisited. A cycling route assessment that considers origins, destinations, route characteristics and public input will provide guidance on the recommended route and cycling facility type. There are multiple options that require further consideration – for example, Dundas Street, Queens Avenue, King Street.
- Each of these options have significant implications for items such as on street parking, tree planting, street furniture, etc.

Rapid Transit Connections

- During the Bus Rapid Transit Environmental Assessment process, much discussion occurred in the Old East Village about the pro's and con's of routing rapid transit along Dundas Street (between Adelaide and Ontario)
- While it was recognized that locating rapid transit on Dundas would leave no room for important main street amenities (trees, street furniture, patio space, etc.), there was an acute concern that transit traffic would be moving around the heart of the Old East Village and not directly through it.
- In establishing the preferred route along King Street eastward to Ontario Street, key station connections to Dundas Street would be necessary. These include stations at King/Colborne, King/Adelaide and King/Ontario (mid-block).
- The secondary plan will help to determine how a very positive/enticing pedestrian environment can be designed to create a strong connection between stations and the Dundas Street main street.

Other Key Connections

- Similar to consideration of connections to rapid transit, the secondary plan will provide an opportunity to consider connections from Dundas Street to other important locations such as the municipal parking lots located behind storefront buildings, Western Fair, the Market and Queens Park, etc.
- Furthermore, connections to the recent Music, Entertainment and Culture Districts Strategy can be considered to evaluate whether there are measures that can be incorporated in the secondary plan to support the Old East Village's culture district status.

Heritage Building Conservation

- The lands within the secondary plan area are not included in the Old East Village Heritage Conservation District
- However, these heritage resources represent a significant part of the image/brand of the Old East Village and their conservation is important
- Heritage resources, their conservation, and how new development may be integrated into the corridor should be considered, in concert with the tools available under the Ontario Heritage Act

Green Plan

- The Old East Village BIA has long been interested in preparing a "green plan" that establishes a strategy for tree planting and other forms of landscaping within the corridor

- This can be a consideration when discussing design priorities and fundamental goals for the upcoming streetscape improvements

Patios

- The Old East Village Commercial Urban Design Manual approved by Council in April of 2016 included patio guidelines.
- There may be policies stemming from this work, relating to patios, that should be included in the secondary plan
- Alternatively, the guidelines could be incorporated into the secondary plan for greater patio design guidance

On-street Parking

- On-street parking is an important element for any main street's success. It provides main street customers with a convenient parking option and creates the "optic" of available parking, even when there are other municipal parking resources available nearby.
- Furthermore, it tends to slow down car traffic and provide a comfortable buffer between pedestrians and automobile traffic.
- One significant issue in the Old East Village is the very narrow road allowance from Adelaide Street to Ontario Street. How can on street parking fit into the road allowance together with enhanced tree planting, patios, street furniture and protected bicycle lanes. Some prioritization will be important

Dundas Street Infrastructure Renewal and Streetscape Improvement Project

- The infrastructure on Dundas Street between Adelaide Street and the future rapid transit route connection at Ontario Street requires renewal. This project will include watermain, sanitary and storm sewer replacements, new traffic signals, streetlights with consideration of tree planting, on-street parking, enhanced streetscape amenities and furniture. It is anticipated that all of the above can be useful to establish goals, objectives, priorities and conceptual directions for the upcoming Dundas Street streetscape improvement project
- The planned re-design of York Street at Adelaide Street will be evaluated for its implications – for example, Lyle Street and its intersection at Dundas Street
- This project will draw from the public engagement, secondary plan policies and design guidelines to create a streetscape improvement plan that meets the needs and desires of the Old East Village neighbourhood, the Old East Village Business Improvement Area and those of the City of London community as a whole.

Intended Outcomes

The following are the outcomes that are intended from the secondary plan process:

1. Council adopted Old East Village Dundas Corridor Secondary Plan – this secondary plan will have the force and effect of the Official Plan. The primary effect of the Plan will be to:
    a. Provide policy guidance/direction for private sector development within the corridor.
    b. Provide policy guidance/direction for public projects within the corridor.

2. A separately prepared plan for protected bicycle lanes through the Old East Village (integrated into the secondary plan
3. A completed public engagement process that informs Old East Village residents and business owners of the many initiatives currently underway or planned and results in a community-driven plan for the corridor, ultimately adopted by Council.
4. A strong foundation for the streetscape improvement design process
5. Re-evaluate the existing special policies that apply to the Dundas Street commercial corridor to determine if they can be enhanced and/or modified based on the success of new development proposals and incorporate these special policies into the secondary plan.

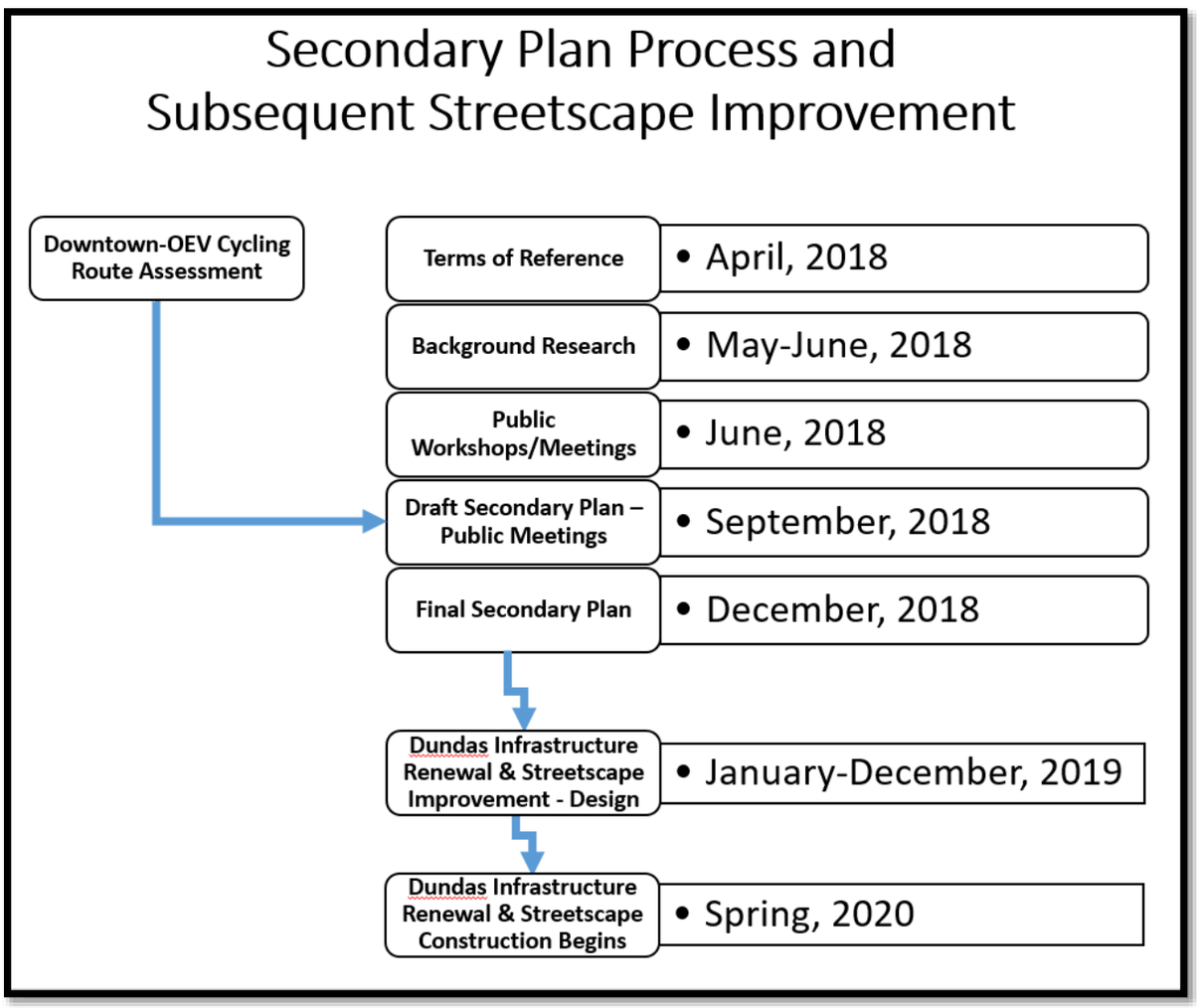
6. Complement the efforts of the Community Improvement Plan that has been adopted for the commercial corridor and has been instrumental in leading the rehabilitation of the area.

Public Engagement
Staff will work closely with the Old East Village BIA and the Old East Village Community Association to coordinate engagement activities. The intent is to use the engagement process to inform/educate, but primarily to develop a plan that reflects the aspirations of the business and residential community.

The following are engagement techniques that will be used:

1. Community public meeting (2 in June, coordinated with community workshops)
2. Community workshops (2 in June)
3. Stakeholder meetings (May, June, July)
4. Community public meetings (2 in September – response to Draft Secondary Plan)
5. Web page to provide information and seek information
6. On-street planning notification signage along Dundas Street, encouraging involvement in the process
7. Social media information
8. Attendance at BIA and Community Association meeting(s)
9. Public Participation Meeting at Planning Committee for adoption of the Plan

Timeline – Milestones
The following shows the key milestones for the secondary plan process. It also shows how the completed secondary plan relates to the Dundas Infrastructure Renewal and Streetscape Improvement project.



PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – Old East Village Dundas Street Corridor Secondary Plan – Draft Terms of Reference (O-8879)

- Jen Pastorius, Manager, Old East Village Business Improvement Area – see attached communication.

Old East Village Secondary Plan Terms of Reference Comments

Presented by Jennifer Pastorius
Old East Village BIA Manager
Area Resident

I am happy to be here today to speak to the Old East Village Secondary Plan Terms of Reference.

First I would like to thank John Fleming and his team and Edward Soldo and his group for their early and collaborative work on this project.

When we are talking about infrastructure and development projects, Old East Village has a lot going on.

Adelaide Grade Separation EA just had its last Public Information Centre before moving into the detailed design phase.

Rapid Transit lanes have been designated for King Street and Dundas between Adelaide and Ontario.

And, the work to replace over 100 year old infrastructure on Dundas in the Village will be completed in the coming weeks.

And there are multiple potential residential and commercial developments being proposed or planned.

The Old East Village Secondary Plan and its terms of reference acknowledge these other large scale private and city projects and their relationship to the Old East Village which is so important in identifying opportunities for area improvements that are timely and coordinated.

This report list for review many such potential improvements – things like, a greening plan, cycle lanes, street treatments, traffic flow, area intensification, connectivity from Dundas to King Street and the municipal parking lots to name a few.

We are pleased to support the recommendation to endorse the Terms of Reference. It is exciting to work with Planning and Engineering to review potential opportunities for improvements in the area. The last time Dundas Street scape changed significantly was the straightening of the Dundas curve, which was more than 20 years ago.

So as you can imagine, the BIA is pleased to assist this process moving forward and to work with City staff and the Old East Village Community Association to encourage Old East Villagers to get involved in shaping this comprehensive and potentially transformative secondary plan.

File: Z8893
Planner: Name: L. Pompilii

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**
100 Kellogg Lane
Public Participation Meeting on: April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner with respect to the application of the Corporation of the City of London, relating to the property located at 100 Kellogg Lane (south portion), the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 8, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to amend Section 40.4 a) 19) of the Light Industrial Special Provision (LI1(19)) Zone to add "place of entertainment in association with a commercial recreation establishment" and "amusement games establishment in association with a commercial recreation establishment" to the list of permitted uses.

Executive Summary

Summary of Request

The requested zoning amendment is to clarify the range of accessory uses that are permitted in association with the uses considered by City Council on October 17, 2017. Civic Administration has initiated a technical change to the Zoning By-law No. Z.-1 to recognize two uses that were contemplated by the Applicant in October, 2017; however, the identified uses were not specifically listed in the amending By-law. Rather than interpret these uses as being accessory to the main commercial recreation establishment use, a further Zoning Amendment and Public Participation meeting is recommended to support a change for the additional uses on the south portion of 100 Kellogg Road.

Purpose and the Effect of Recommended Action

The purpose and effect of this Zoning By-law Amendment is to permit additional uses to the range of uses currently permitted in the Light Industrial Special Provision (LI1(19)) Zone variation. The recommended action will be the addition of two uses, "place of entertainment in association with a commercial recreation establishment" and "amusement games establishment in association with a commercial recreation establishment" to the list of permitted uses.

Rationale of Recommended Action

1) The recommendation is consistent with Provincial Policy Statement 2014.
2) The recommendation is consistent with the Light Industrial policies of the Official Plan.
3) The recommendation provides for a compatible adaptive reuse of a large industrial site located within a community in transition comprised of legacy industrial uses, residential uses and new commercial land use policies.
4) The recommended amendment is consistent with the intent of the vision expressed by the applicant at the public meeting on October 10, 2017, but was not specifically identified within the list of permitted uses in the Zoning By-law amendment at that time.
5) The recommended amendment will facilitate the building permit to allow for the entertainment and amusement type uses proposed to be established as part of the commercial recreation facility that is currently under renovation.

2.0 Description of Proposal

2.1 Development Proposal

The recommended rezoning will result in no new physical developments on the site. The recommended amendment will permit place of entertainment and amusement games establishment uses in association with a commercial recreation establishment. The additional uses were contemplated as part of the Applicant's vision for the adaptive re-use of the former Kellogg's factory, which has remained vacant since December of 2014.

3.0 Relevant Background

3.1 Planning History

The planning report, prepared by Planning Services (File No. OZ-8794), for the public participation meeting on October 10, 2017 has been used for the purposes of the background, site characteristics, policy context and supporting analysis for this application. A copy of the previous report is attached in Appendix C.

The proposal summary report, submitted by the applicant in February, 2017, identifed the adaptive reuse of the south portion of 100 Kellogg Lane to accommodate a limited range of commercial schools and commercial recreation establishments to take advantage of the tall ceiling height that is in excess of 34 metres (110 feet) for the former Kellogg's factory.

3.2 Community Engagement (see more detail in Appendix B)

No responses have been received at the time this report was prepared.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Permitted Uses

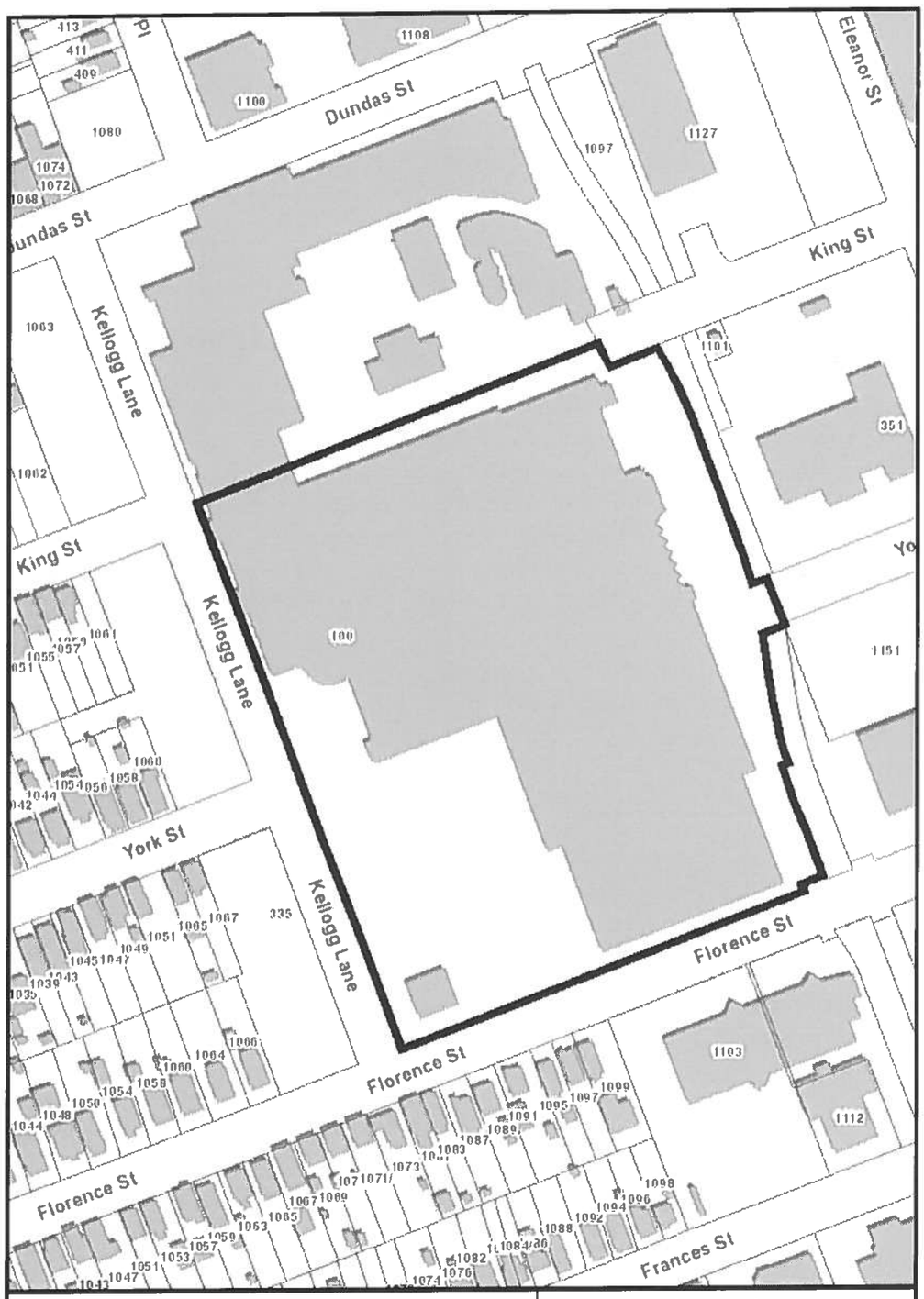
At the time of the planning application in June, 2017, the vision and specific range of uses for the adaptive re-use of the former manufacturing facility had not been fully realized. The planning application that was submitted by the Applicant was processed based on the broad range of residential, commercial and light industrial uses for the adaptive re-use of the existing industrial building.

The nature and extent of the uses intended for the portion of the buildings proposed for the commercial recreation establishment evolved during the planning application review process. At the Public Participation meeting the applicant described their vision for this space as an entertainment type centre, which was beyond the scope of a commercial recreation establishment use. This enhanced vision was not captured by either the Applicant or staff prior to the adoption of the Zoning By-law.

At the time of the building permit application in January, 2018, the zoning interpretation confirmed that virtual reality gaming and arcades do not comply with the zoning permissions for a commercial recreation establishment. Further gaming and arcades could not be interpreted as being associated with the commercial recreation establishment uses, unless it is explicitly referenced in the list of permitted uses of the Light Industrial Zone.

In order to comply with the Z.-1 Zoning By-law, the proposed virtual reality gaming will require the place of entertainment use, and the proposed arcade will require the amusement game establishment use as set out in the City of London Zoning By-law Z.-1. An amendment to the Zoning By-law is required to allow the identified specific uses.

File: Z8893
Planner: Name: L. Pompilii



Location Map

Project Title:	Z-8893
Description:	100 Kellogg Lane
Created By:	Dave Turvey
Date:	4/9/2018
Scale:	1:2000

Corporation of the City of London

N

Legend

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. This proposed application ensures that the goals of the PPS 2014 are being achieved by an adaptive re-use of a former manufacturing facility within a settlement area that has been unused since December of 2014. The continued use of this existing facility ensures that no additional land consumption is required and minimizes servicing costs as the subject site has been fully serviced for a large factory. The proposal also provides an opportunity to contribute to the vitality and regeneration of the City and contribute to the long-term economic prosperity of the community.

Official Plan

An amendment to the Official Plan for this site was approved by City Council on October 17, 2017 for specific policies to allow for the adaptive re-use of the subject building.

The London Plan

The Light Industrial Place Type of The London Plan is in keeping with the Light Industrial designation of the existing (1989) Official Plan. As established through the previous application considered by Council on October 17, 2017, Specific Area Policy (Chapter 10) amendments to the existing (1989) Official Plan will be required to be carried over to the Specific Policies of The London Plan.

The London Plan encourages urban regeneration efforts that stimulate the repurposing of the existing building stock, where the previous use of such buildings is no longer viable.

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

5.0 Conclusion

The recommendation is for a technical amendment to the Light Industrial LI Special Provision (LI1(19)) Zone that was approved by City Council on October 17, 2017. The amendment to the LI1(19) Zone is to allow for place of entertainment and amusement games establishment both in association with a commercial recreation establishment. The commercial recreation establishment was approved by City Council on October 17, 2017.

The amendment to the Zoning By-law is considered appropriate as it is consistent with the PPS 2014, the policies of the existing (1989) Official Plan and The London Plan.

File: Z8893
Planner: Name: L. Pompilii

Prepared and Submitted by:	for Heather McNeely **Lou Pompilii, MCIP, RPP** **Manager, Development Planning** **Development Services**
Concurred in by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**

April 23, 2018
LP/HMcN/MT

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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 100 Kellogg Lane (south portion).

WHEREAS this rezoning conforms to the Official Plan;

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

1) Section Number 40.4 of the Light Industrial (LI) Zone is amended by changing the following Special Provision to add to the list of additional permitted uses:

a) LI1(19) 100 Kellogg Lane (south portion)

a) Additional Permitted Use[s]

i) Place of entertainment in association with a commercial recreation establishment

ii) Amusement games establishment in association with a commercial recreation establishment

iii) Self-Storage Establishments

iv) Offices (within existing building)

v) Notwithstanding the provisions of Section 40.3(4)(a) of Zoning By-law No. Z.-1, all listed secondary uses shall be permitted on the subject site.

b) Regulations

i)	North yard setback (minimum)	0 metres (0 feet)
ii)	West yard setback (minimum)	0 metres (0 feet)
iii)	East yard setback (minimum)	0 metres (0 feet)

iv) Notwithstanding the provisions of Section 4.19 (10) of Zoning By-law No. Z.-1, a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane.

v) A maximum Gross Floor Area of 8,361m2 (89,997ft2) shall be permitted for Office Uses (within existing

building) in combination with the Office uses permitted in the BDC1/BDC2(12) zone on 100 Kellogg Lane.

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 May 8, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 8, 2018
Second Reading – May 8, 2018
Third Reading – May 8, 2018

Appendix B – Public Engagement

Public liaison:
On April 6, 2018, Notice of Application and Notice of Public Meeting was sent to the individual and organization that expressed interest in the original application (City File No. OZ-8794) that was considered by Planning and Environment Committee at a Public Participation meeting on October 10, 2017. The Notice was posted on the City of London website on April 10, 2018, and a "Planning Application" sign was posted on the site on April 7, 2018 for the lands comprising the south portion of 100 Kellogg Lane. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on (April 12, 2018).

No significant replies were received at the time this report was prepared.

Nature of Liaison:
The purpose and effect of this Zoning By-law Amendment is to permit additional uses to the range of uses currently permitted in the Light Industrial Special Provision (LI1(19)) Zone variation.

Possible change to the Zoning By-law No. Z.-1 to amend Section 40.4 a) 19) of the Light Industrial Special Provision (LI1(19)) Zone to add place of entertainment and amusement games establishment in association with a commercial recreation establishment to the list of permitted uses.

Responses to Public Liaison Letter and Publication in "The Londoner"

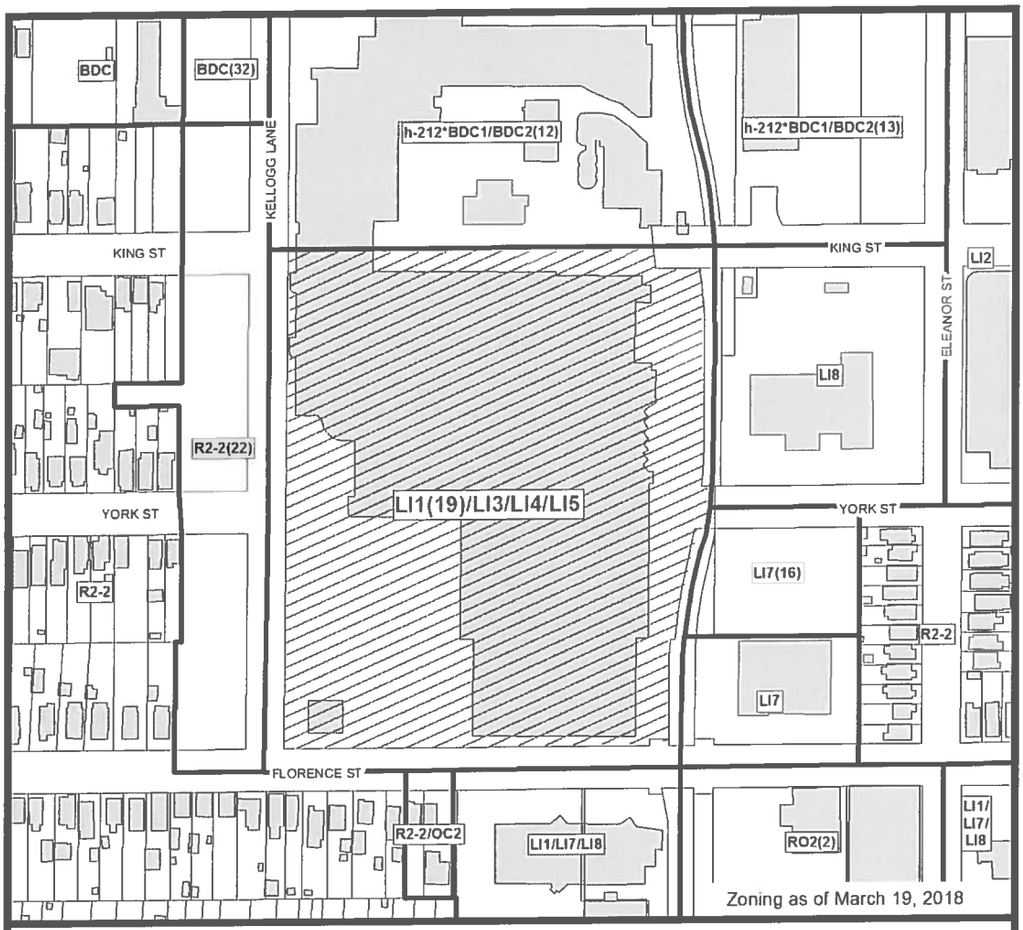
Telephone	Written
	Old East Village BIA – acknowledged receipt of the Notice

Departmental/Agency Comments:

No replies were received at the time this report was prepared.

File: Z8893
Planner: Name: L. Pompilii

Appendix C – Relevant Background & Policy Context



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI1(19)/LI3/LI4/LI5

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

R1 - SINGLE DETACHED DWELLINGS
R2 - SINGLE AND TWO UNIT DWELLINGS
R3 - SINGLE TO FOUR UNIT DWELLINGS
R4 - STREET TOWNHOUSE
R5 - CLUSTER TOWNHOUSE
R6 - CLUSTER HOUSING ALL FORMS
R7 - SENIOR'S HOUSING
R8 - MEDIUM DENSITY/LOW RISE APTS
R9 - MEDIUM TO HIGH DENSITY APTS
R10 - HIGH DENSITY APARTMENTS
R11 - LODGING HOUSE

DA - DOWNTOWN AREA
RSA - REGIONAL SHOPPING AREA
CSA - COMMUNITY SHOPPING AREA
NSA - NEIGHBOURHOOD SHOPPING AREA
BDC - BUSINESS DISTRICT COMMERCIAL
AC - ARTERIAL COMMERCIAL
HS - HIGHWAY SERVICE COMMERCIAL
RSC - RESTRICTED SERVICE COMMERCIAL
CC - CONVENIENCE COMMERCIAL
SS - AUTOMOBILE SERVICE STATION
ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL
OC - OFFICE CONVERSION
RO - RESTRICTED OFFICE
OF - OFFICE

RF - REGIONAL FACILITY
CF - COMMUNITY FACILITY
NF - NEIGHBOURHOOD FACILITY
HER - HERITAGE
DC - DAY CARE

OS - OPEN SPACE
CR - COMMERCIAL RECREATION
ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK
LI - LIGHT INDUSTRIAL
GI - GENERAL INDUSTRIAL
HI - HEAVY INDUSTRIAL
EX - RESOURCE EXTRACTIVE
UR - URBAN RESERVE

AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
TGS - TEMPORARY GARDEN SUITE
RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL
"D" - DENSITY SYMBOL
"H" - HEIGHT SYMBOL
"B" - BONUS SYMBOL
"T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-8893 HM

MAP PREPARED: April 19, 2018 DT

1:2,500

0 12.525 50 75 100 Meters

Previous Report Pertinent to this Matter

October 10, 2017 Planning and Environment Committee – the planning report (see attached OZ-8794) for the application by E & E McLaughlin Ltd located at 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street recommending approval of the Official Plan and Zoning amendment to permit the adaptive reuse of the existing buildings for a variety of residential, commercial, office and light industrial uses. The October, 2017 planning report was used for the evaluation of this technical zoning change, and forms the basis of the policy and regulatory analysis.

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

TO:	**CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE**
FROM:	**JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER**
SUBJECT:	**APPLICATION BY: E & E MCLAUGHLIN LTD. 100, 335 AND 353 KELLOGG LANE, 1063, 1080, 1097, 1127 DUNDAS STREET AND 1151 YORK STREET PUBLIC PARTICIPATION MEETING ON OCTOBER 10, 2017**

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of E&E McLaughlin Ltd. relating to the property located at 100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street:

(a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2017 to amend the Official Plan to change the designation of those lands located at the north portion of 100 Kellogg Lane and 1097 and 1127 Dundas Street **FROM** a Light Industrial designation, **TO** a Main Street Commercial Corridor designation;

(b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2017 to amend the Official Plan by **ADDING** a policy to section 10.1.3 – Policies for Specific Areas;

(c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a & b) above, to change the zoning of the lands at the north portion of 100 Kellogg Lane **FROM** a Light Industrial (LI8) Zone, **TO** a Holding Business District Commercial/Business District Commercial Special Provision (h-(_)*BDC1/BDC2(_)) Zone and on the south portion of 100 Kellogg Lane **FROM** a Light Industrial (LI8) Zone, **TO** a Light Industrial Special Provision/Light Industrial (LI1(_)/LI3/LI4/LI5) Zone and on the lands located at 1097 and 1127 Dundas Street **FROM** a Light Industrial (LI2) **TO** a Holding Business District Commercial Special Provision (h-(_)*BDC1/BDC2(_)) Zone and on the north portion of 1063 Dundas Street and 1080 Dundas Street **FROM** a Business District Commercial (BDC) Zone **TO** a Business District Commercial Special Provision (BDC(_)) Zone and on the lands located at 335 and 353 Kellogg Lane and the south portion of 1063 Dundas Street **FROM** a Residential R2 (R2-2) Zone **TO** a Residential R2 Special Provision (R2-2(_)) Zone and on the lands located at 1151 York Street **FROM** a Light Industrial (LI7) Zone **TO** a Light Industrial Special Provision (LI7(_));

(d) The proposed by-law attached hereto as Appendix "D" **BE INTRODUCED** at a future Council meeting, to amend The London Plan by **ADDING** new policies to the Specific Policies for the Rapid Transit and Urban Corridor Place Type and Specific Policies for the Neighbourhoods Place Type and Light Industrial Specific Policies **AND ADDING** the subject lands to Map 7 – Specific Policy Areas – of The London Plan **AND** that three readings of the by-law enacting The London Plan amendments **BE WITHHELD** until such time as The London Plan is in force and effect.

e) The Site Plan Approval Authority **BE REQUESTED** to consider through the site plan process that accessory parking lots provide quality landscaping and screening along with a knee high wall on Dundas Street.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan and Zoning amendment is to permit the adaptive re-use of the existing buildings for a variety of residential, commercial, office and light industrial uses while providing accessory parking on abutting lands.

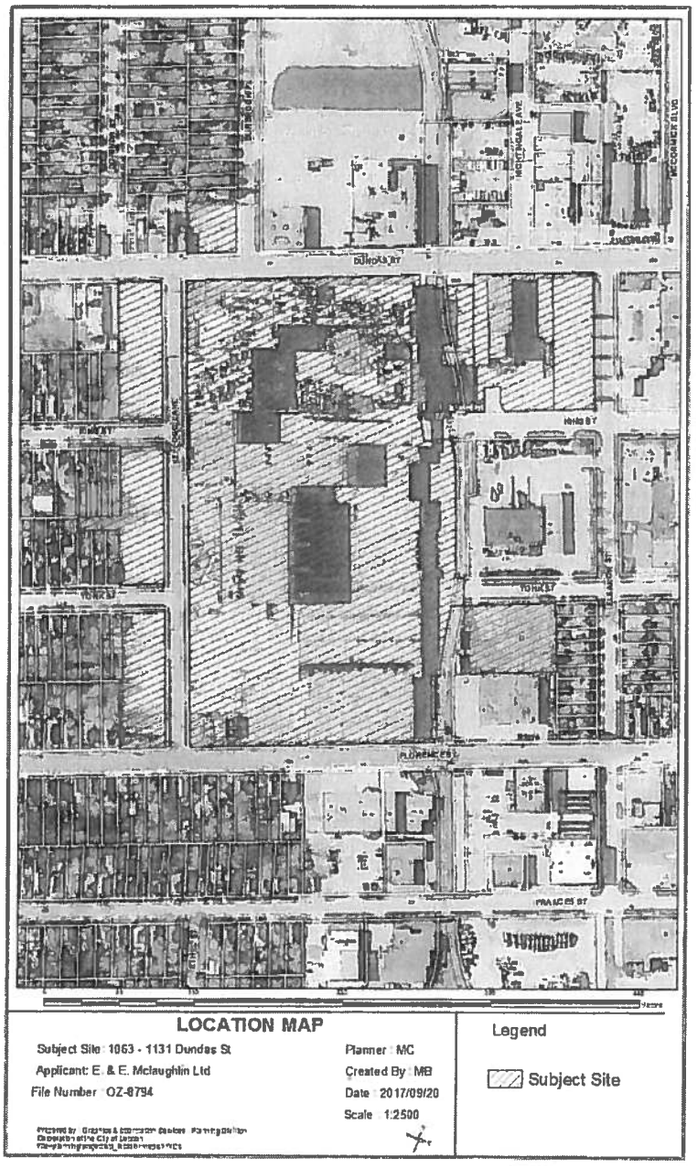
RATIONALE

1) The recommendation is consistent with Provincial Policy Statement 2014.
2) The recommendation is consistent with the Main Street Commercial Corridor, Light Industrial policies and Policies for Specific Areas of the Official Plan.
3) The recommendation provides for a compatible adaptive reuse of a large industrial site located within a community in transition comprised of legacy industrial uses, residential uses and new commercial land use policies.
4) The recommendation will provide the subject site a variety of uses that will help activate the pedestrian realm along an arterial road and future rapid transit corridor.
5) The lands being designated Main Street Commercial Corridor are in keeping with the future Rapid Transit Corridor place type of the London Plan.
6) The recommendation to remove the subject site from the requirements of section 7.3.2 of the Official Plan and 40.3(4)(a) of the Zoning By-law No. Z-1, is appropriate as the London Plan recommends Light Industrial place types within 300 metres of the site.
7) The recommended Policies for Specific Areas on the remaining sites is appropriate as it maintains the existing designations identified through the London Plan while providing flexibility for the site to support the uses at 100 Kellogg Lane as they have historically done.

File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby



Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

BACKGROUND

Date Application Accepted: June 22, 2017	**Agent**: Michelle Doornbosch (Zelinka Priamo)

REQUESTED ACTION: Possible amendment to the Official Plan from Light Industrial to Main Street Commercial Corridor (MSCC) for 1097 and 1127 Dundas Street and on the north portion of 100 Kellogg Land (on the Dundas Street frontage). Additional Policies for Specific Areas will be considered to permit: Self-storage Establishments as a permitted use; Office uses at a maximum gross floor area of 8,361m2 in combination with any office uses in the Light Industrial lands to the south; and, parking on 1063,1080, 1097 and 1127 Dundas Street, 335 and 353 Kellogg Lane and 1151 York Street to support the proposed uses at 100 Kellogg Lane. A policy for Specific Area will be considered for the remaining Light Industrial designation at 100 Kellogg Lane to permit 8,361m2 of Office uses in combination with any Office uses in the MSCC lands to the north. The proposed Special Policy is also seeking the full range of commercial uses permitted in the Light Industrial designation and zone. The provision is required due to the site's proximity to existing General Industrial and Heavy Industrial designations which restricts commercial uses.

Possible change to the Zoning By-law Z.-1 FROM a Light Industrial (LI8) Zone TO a Business District Commercial/Business District Commercial Special Provision (BDC/BDC1(_)) Zone for the north portion of the site to permit a wide range of commercial, office and residential uses. The requested special provision would permit self-storage establishments on the first floor, maximum building height of 15 metres, minimum parking requirement of 400 parking spaces in combination with the parking requirements for the uses permitted on the adjacent lands on the south portion zoned LI1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the south portion of the site zoned LI1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI8) Zone TO a Light Industrial Special Provision/Light Industrial (LI1(_)/LI3/LI4/LI5) Zone on the south portion of the site to permit a wide range of light industrial uses. The requested special provision would permit a self-storage establishments on the main floor, front and exterior side yard setbacks of 0m (existing), interior side yard setback adjacent to a BDC zone of 0m, minimum parking requirement of 400 parking spaces in combination with the uses permitted on the adjacent lands on the north portion of the site zoned BDC1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the north portion of the site zoned BDC1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI2) Zone TO a Business District Commercial Special Provision (BDC1/BDC2(_)) Zone for the lands at 1097 and 1127 Dundas Street. The requested special provision would permit an accessory parking lot to support future uses at 100 Kellogg Lane and FROM a Business District Commercial (BDC) Zone TO a Business District Commercial Special Provision (BDC(_) Zone for the lands at 1063 and 1080 Dundas Street. The special provision requested would permit a parking lot (existing) as an accessory use to support the permitted uses at 100 Kellogg Lane and FROM a Residential R2 (R2-2) Zone TO a Residential R2 Special Provision (R2-2(_) Zone for the lands at 1063 Dundas St, 335 and 353 Kellogg Lane. The special provision requested would permit a parking lot (existing) as an accessory use to future uses at 100 Kellogg Lane and FROM a Light Industrial (LI7) Zone TO a Light Industrial Special Provision (LI7(_) Zone for the lands at 1151 York Street. The special provision requested would permit a parking lot as an accessory use to support the permitted uses at 100 Kellogg Lane.

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

SITE CHARACTERISTICS:

- **Current Land Use** – Vacant Industrial Building (Former Kellogg's Factory)
- **Frontage** – Multiple Frontages, Main Factory has 172.4m along Dundas Street and 347m along Kellogg Lane
- **Depth** -347m from Dundas
- **Area** – approx. 6.6ha (16.3 ac)
- **Shape** – Main Factory site is rectangular with additional properties included in the application.

SURROUNDING LAND USES:

- **North** - Residential/Vacant Industrial
- **South** - Residential
- **East** - Industrial/Residential
- **West** - Residential

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

- Light Industrial/ Low Density Residential/ Main Street Commercial Corridor

THE LONDON PLAN PLACE TYPE: (refer to The London Plan Map)

- Light Industrial/ Neighbourhood/Rapid Transit Corridor

INTENSIFICATION: (identify proposed number of units)

• N/A	• N/A

EXISTING ZONING: (refer to Zoning Map)

- 100 Kellogg Lane – LI8
- 335, 353 Kellogg Lane – R2-2
- 1063 Dundas Street – R2-2 and BDC
- 1080 Dundas Street – BDC
- 1097, 1127 Dundas Street – LI2
- 1151 York Street – LI7

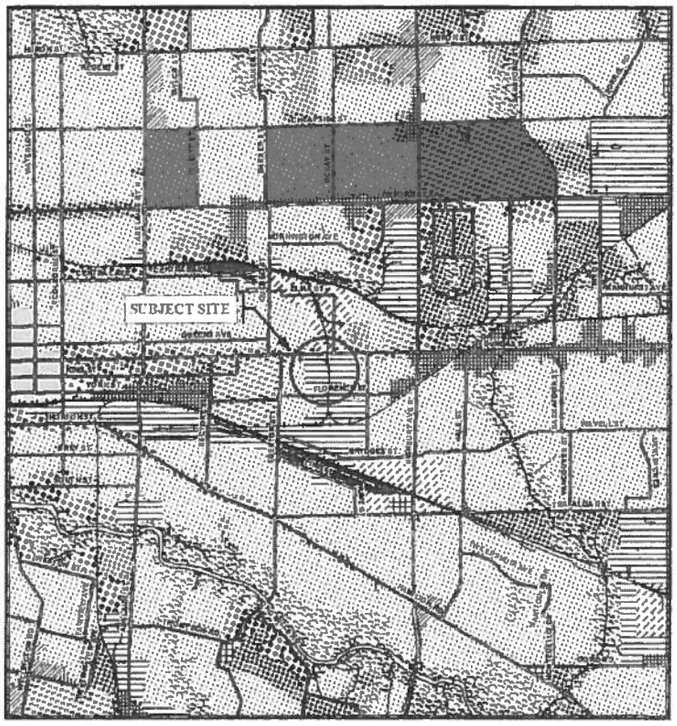
PLANNING HISTORY

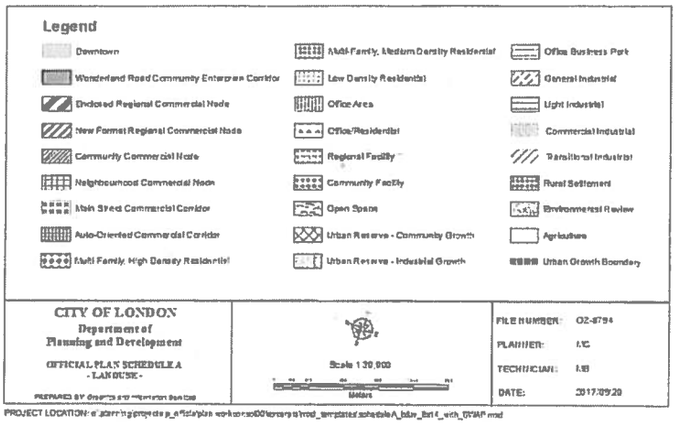
The subject site was the location of the Kellogg's Factory which first started in London in 1914 as the Canada Corn Company producing Kellogg's Corn Flakes for the Kellogg's Company. In 1924 Kellogg's bought the London plant and took over production. Over the years the plant grew and in 1984 a massive expansion occurred which resulted in the plant that exists today. Over time additional parking was provided on the lands directly west of the main factory abutting the residential homes. On December 23, 2014 the plant was permanently closed and has remained vacant since. (Timeline obtained from CTV news article)

File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

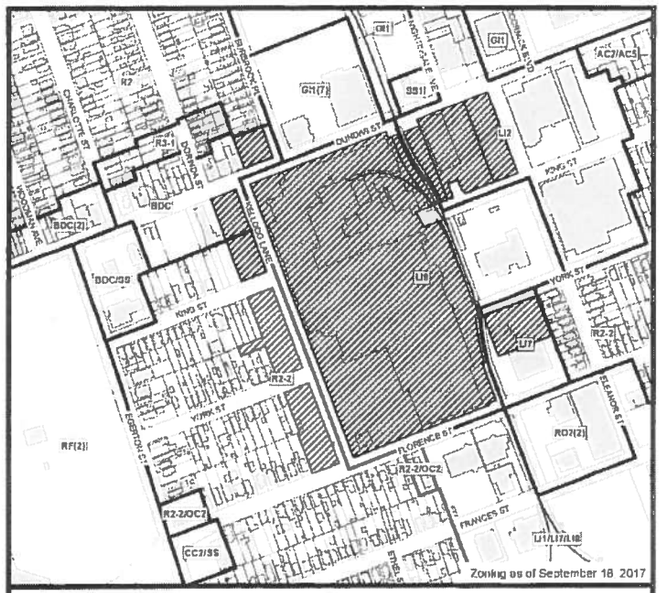




File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE. BDC, R2-2, LI2, LI7, and LI8

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

R1 - SINGLE DETACHED DWELLINGS
R2 - SINGLE AND TWO UNIT DWELLINGS
R3 - SINGLE TO FOUR UNIT DWELLINGS
R4 - STREET TOWNHOUSE
R5 - CLUSTER TOWNHOUSE
R6 - CLUSTER HOUSING ALL FORMS
R7 - SENIOR'S HOUSING
R8 - MEDIUM DENSITY/LOW RISE APTS.
R9 - MEDIUM TO HIGH DENSITY APTS.
R10 - HIGH DENSITY APARTMENTS
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BDC - BUSINESS DISTRICT COMMERCIAL
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RSC - RESTRICTED SERVICE COMMERCIAL
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ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL
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RO - RESTRICTED OFFICE
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AG - AGRICULTURAL
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"h" - HOLDING SYMBOL
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"T" - TEMPORARY USE SYMBOL

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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

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

FILE NO: OZ-8794 MC
MAP PREPARED: 2017/09/21 MB
1:4,000
0 20 40 80 120 160 Meters

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Memo – August 9, 2017

Verbatim comments as per the Transportation Division:

- *6.0mx6.0m daylight triangles required at Kellogg Lane and Dundas Street & Kellogg Lane and Florence Street*
- *Road widening dedication of 13.0m from centre line is required on Florence Street*
- *Road widening dedication of 20.0m from centre line is required on Dundas Street*
- *Dundas Street has been identified as rapid transit corridor in the Council approved Rapid Transit Master Plan (RTMP) , the corridor and station locations will be refined and examined in greater detail through the Transit Project Approval Process (TPAP), Access in the future may be restricted, for information regarding the RTMP or TPAP please use the following web link: http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx*
- *Details regarding parking lot access location and design will be made during the site plan process*

Verbatim comments as per the Water Engineering Division.

Because there are so many old watermain (many old fire lines) throughout the site, Water Engineering would like to see an overall water servicing concept from the developer.

Verbatim comments as per the WADE Division:

The sewer available on Dundas Street is the 450mm municipal sanitary sewer.
The sewer available on Kellogg Lane is the 300mm municipal sanitary sewer.
The sewer available on Florence Street is the 300mm municipal sanitary sewer.

Verbatim comments as per the SWM Division:

The SWED staff offers the following points as an addition to the comments provided during the pre-application consultation (see attached e-mail):

- *Due to the amount of parking spaces, the owner shall be required to have a consulting Professional Engineer confirming that water quality to the standards of the Ministry of the Environment is/or will be addressed to the satisfaction of the City Engineer. Addressing water quality could include, but not be limited to such options as the use of an oil/grit separator, catchbasin hoods, bioswales, etc.*
- *Additional comments may be provided upon future review of the development application.*

Attached e-mail:

The Stormwater Engineering staff have no objection to this pre-application considering that as per the proposal summary, it has been proposed the adaptive re-use of the existing former Kellogg's Facility for a variety of residential, commercial and light industrial uses.

Please ensure the applicant is informed about the following SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the storm servicing strategy for this land:

- *The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper*

SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

- *The existing municipal owned 550mm/800mm storm sewer traversing the site is not to be impacted.*
- *The design and construction of SWM servicing works for the subject land shall be in accordance with:*
  - *The SWM criteria and targets for the Central Thames Subwatershed,*
  - *Any Municipal Class Environmental Assessment in the area,*
  - *The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls, and*
  - *The City's Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies.*
- *The design of the SWM servicing work shall include but not be limited to such aspects as water quality requirements to the MOECC and the City standards for any proposed parking area, on-site SWM controls design, possible implementation of SWM Best Management Practices (e.g. Low impact Development "LID" features), grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, etc.*
- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from existing external drainage areas through the subject lands are preserved, all to the satisfaction of the City Engineer.*
- *The Owner shall ensure that increased and accelerated Stormwater runoff from this site shall not cause damage to downstream lands, properties or structures beyond the limits of this site.*
- *Additional comments may be provided upon future review of the site.*

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

PUBLIC LIAISON:	On July 5, 2017, Notice of Application was sent to 207 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 6, 2017. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
	On September 13, 2017, Revised Notice of Application and Public Meeting was sent to 242 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 14, 2017. A "Possible Land Use Change".	0 replies were received
	A community information meeting was also held by the applicant and the Old East Village BIA on September 14, 2017.	62 Comments were received

File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

Nature of Liaison:

The purpose and effect of this Official Plan and Zoning amendment is to permit the re-use of the existing buildings for a variety of residential, commercial and light industrial uses. Possible amendment to the Official Plan from Light Industrial to Main Street Commercial Corridor (MSCC) for 1097 and 1127 Dundas Street and on the north portion of 100 Kellogg Land (on the Dundas Street frontage). Additional Policies for Specific Areas will be considered to permit: Self-storage Establishments as a permitted use; Office uses at a maximum gross floor area of 8,361m2 in combination with any office uses in the Light Industrial lands to the south; and, parking on 335 and 353 Kellogg Lane to support the proposed uses at 100 Kellogg Lane. A policy for Specific Area will be considered for the remaining Light Industrial designation at 100 Kellogg Lane to permit 8,361m2 of Office uses in combination with any Office uses in the MSCC lands to the north. The proposed Special Policy is also seeking the full range of commercial uses permitted in the Light Industrial designation and zone. The provision is required due to the site's proximity to existing General Industrial and Heavy Industrial designations which restricts commercial uses.

Possible change to the Zoning By-law Z.-1 FROM a Light Industrial (LI8) Zone TO a Business District Commercial/Business District Commercial Special Provision (BDC/BDC1(_)) Zone for the north portion of the site to permit a wide range of commercial, office and residential uses. The requested special provision would permit self-storage establishments on the first floor, maximum building height of 15 metres, minimum parking requirement of 415 parking spaces in combination with the parking requirements for the uses permitted on the adjacent lands on the south portion zoned LI1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the south portion of the site zoned LI1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI8) Zone TO a Light Industrial Special Provision/Light Industrial (LI1(_)/LI3/LI4/LI5) Zone on the south portion of the site to permit a wide range of light industrial uses. The requested special provision would permit a self-storage establishments on the main floor, front and exterior side yard setbacks of 0m (existing), interior side yard setback adjacent to a BDC zone of 0m, minimum parking requirement of 415 parking spaces in combination with the uses permitted on the adjacent lands on the north portion of the site zoned BDC1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the north portion of the site zoned BDC1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI2) Zone TO a Business District Commercial (BDC1/BDC2) Zone for the lands at 1097 and 1127 Dundas Street and FROM a Business District Commercial (BDC) Zone TO a Business District Commercial Special Provision (BDC(_) Zone for the lands at 1063 Dundas Street. The special provision requested would permit a parking lot (existing) as an accessory use to support the permitted uses at 100 Kellogg Lane and FROM a Residential R2 (R2-2) Zone TO a Residential R2 Special Provision (R2-2(_) Zone for the lands at 1063 Dundas St, 335 and 353 Kellogg Lane. The special provision requested would permit a parking lot (existing) as an accessory use to future uses at 100 Kellogg Lane.

File: Z8893
Planner: Name: L. Pompilii

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File: OZ-8794
Planner: Mike Corby

Revised Notice, September 14, 2017

The purpose and effect of this Official Plan and Zoning amendment is to permit the re-use of the existing buildings for a variety of residential, commercial and light industrial uses. Possible amendment to the Official Plan from Light Industrial to Main Street Commercial Corridor (MSCC) for 1097 and 1127 Dundas Street and on the north portion of 100 Kellogg Land (on the Dundas Street frontage). Additional Policies for Specific Areas will be considered to permit: Self-storage Establishments as a permitted use; Office uses at a maximum gross floor area of 8,361m2 in combination with any office uses in the Light Industrial lands to the south; and, parking on 1063,1080, 1097 and 1127 Dundas Street, 335 and 353 Kellogg Lane and 1151 York Street to support the proposed uses at 100 Kellogg Lane. A policy for Specific Area will be considered for the remaining Light Industrial designation at 100 Kellogg Lane to permit 8,361m2 of Office uses in combination with any Office uses in the MSCC lands to the north. The proposed Special Policy is also seeking the full range of commercial uses permitted in the Light Industrial designation and zone. The provision is required due to the site's proximity to existing General Industrial and Heavy Industrial designations which restricts commercial uses.

Possible change to the Zoning By-law Z.-1 FROM a Light Industrial (LI8) Zone TO a Business District Commercial/Business District Commercial Special Provision (BDC/BDC1(_)) Zone for the north portion of the site to permit a wide range of commercial, office and residential uses. The requested special provision would permit self-storage establishments on the first floor, maximum building height of 15 metres, minimum parking requirement of 400 parking spaces in combination with the parking requirements for the uses permitted on the adjacent lands on the south portion zoned LI1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the south portion of the site zoned LI1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI8) Zone TO a Light Industrial Special Provision/Light Industrial (LI1(_)/LI3/LI4/LI5) Zone on the south portion of the site to permit a wide range of light industrial uses. The requested special provision would permit a self-storage establishments on the main floor, front and exterior side yard setbacks of 0m (existing), interior side yard setback adjacent to a BDC zone of 0m, minimum parking requirement of 400 parking spaces in combination with the uses permitted on the adjacent lands on the north portion of the site zoned BDC1(_), and a maximum gross floor area for Office uses of 8,361m2 (90,000ft2) in combination with the Office uses permitted in the adjacent lands on the north portion of the site zoned BDC1(_). Possible change to the Zoning By-law FROM a Light Industrial (LI2) Zone TO a Business District Commercial Special Provision (BDC1/BDC2(_)) Zone for the lands at 1097 and 1127 Dundas Street. The requested special provision would permit an accessory parking lot to support future uses at 100 Kellogg Lane and FROM a Business District Commercial (BDC) Zone TO a Business District Commercial Special Provision (BDC(_) Zone for the lands at 1063 and 1080 Dundas Street. The special provision requested would permit a parking lot (existing) as an accessory use to support the permitted uses at 100 Kellogg Lane and FROM a Residential R2 (R2-2) Zone TO a Residential R2 Special Provision (R2-2(_) Zone for the lands at 1063 Dundas St, 335 and 353 Kellogg Lane. The special provision requested would permit a parking lot (existing) as an accessory use to future uses at 100 Kellogg Lane and FROM a Light Industrial (LI7) Zone TO a Light Industrial Special Provision (LI7(_) Zone for the lands at 1151 York Street. The special provision requested would permit a parking lot as an accessory use to support the permitted uses at 100 Kellogg Lane.

Responses:

Community Information Meeting (as summarized by Old East Village BIA)

- See appendix 'E'

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File: OZ-8794
Planner: Mike Corby

ANALYSIS

Subject Site

The subject site consists of multiple properties located at 100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street. The main property is located at 100 Kellogg Lane which was home to the Kellogg's Factory which played a major role in the community over the past 100 years. It is this old industrial site that will be subject to the majority of the requested amendments and ultimately the area which will provide the facilities and services that will be used by the public.

Nature of Application

The application is seeking to permit the adaptive reuse of the existing industrial building by providing multiple uses which include commercial, retail, restaurant and entertainment type uses along with potential residential or hotel uses. A wide range of uses and special provisions has been requested to recognize existing site conditions and parking while permitting uses that could effectively be accommodated in the facility helping facilitate the building's adaptive reuse.

PPS 2014

The Provincial Policy Statement (PPS) 2014 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, employment, institutional, recreational and other uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs along with efficient development and land use patterns to help sustain the financial well-being of the Province and municipality over the long term. Avoiding development and land use patterns which may cause environmental or public health and safety concerns and improving accessibility for persons with disabilities and older persons are also key aspects of the PPS. The PPS also encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development, and that their vitality and regeneration be promoted as it is critical to the long-term economic prosperity of our communities. It seeks to ensure the effective use of infrastructure and public service facilities and that land use patterns within settlement areas shall be based on a mix of uses that support active transportation and are transit-supportive, where transit is planned, exists or may be developed.

This proposed application ensures that the goals of the PPS 2014 are being achieved by re-developing lands within a settlement area that have been unused since December of 2014. The continued use of existing, planned functional lots ensures that no additional land consumption is required and minimizes servicing costs as the subject site has been fully serviced for a large factory and no upgrades are anticipated. The proposed Official Plan and Zoning By-law amendments provide the ability to develop a mix of uses ranging from residential, commercial to office and light industrial use to meet the current and future demands of the City and community. The proposal also provides an opportunity to contribute to the vitality and regeneration of the City and contribute to the long-term economic prosperity of the community. The proposed development will go through the Site Plan Approval process which will address any public health and safety concerns and ensure that accessibility for persons with disabilities and older persons is available. The proposal is also transit supportive as Dundas Street is the future route of a Rapid Transit corridor and currently has bus routes along Dundas Street and Florence St (South side of the property) both which abut the site.

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]. The subject site provides a unique building stock as a former industrial site with multiple building types and styles that could be used for variety of uses.

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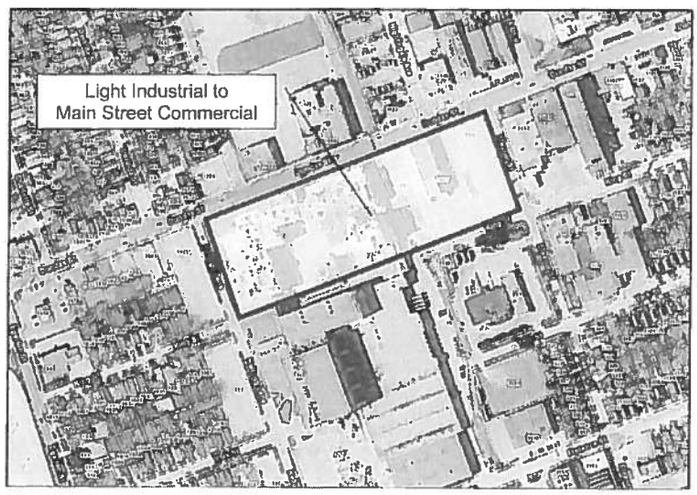
The site's location within the City is also unique as a parcel of land this size located so close to central London is rare and provides a good opportunity for redevelopment. The policies of the PPS also require the promotion of appropriate development standards which facilitate intensification, redevelopment and compact form [1.1.3.4]. The recommended amendment facilitates the redevelopment of the existing built form that has proven compatible through its long history. The redevelopment of the site is required to go through the Site Plan Approval process which will increase the site's ability to be sensitive to the surrounding context and ensure that this policy has been achieved.

The proposed amendment also creates employment opportunities [1.3 Employment] by providing an appropriate mix and range of employment uses and developing a compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities [1.3.1]. In creating employment opportunities the proposal also contributes to the Long-Term Economic Prosperity [1.7] of the City and community. The amendment would promote economic development opportunities on the site and in the area and enhance the vitality and viability of Dundas Street and the abutting community. The redevelopment of a historical industrial site would re-establish a sense of place by re-purposing the Kellogg's factory which was a significant corporate entity in London's history. This proposal is also seeking to create a tourist attraction within the City of London that will attract patrons from across Ontario and further. It has been identified that the applicant is considering the potential heritage designation of the front portion of the site and it is their plan to maintain and reuse the significant built heritage resources on the site [2.6.1].

Official Plan

The north portion of 100 Kellogg Lane and properties at 1097 and 1127 Dundas St are designated as Light Industrial. The proposed Official Plan amendment for this portion of the site is seeking to change the designation to a Main Street Commercial Corridor Designation (MSCC). The MSCC designation currently exists along the north and south side of Dundas Street spanning from Maitland Street to the subject site.



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The Main Street Commercial Corridor designation is applied to long established commercial areas, primarily along arterial roads, in older parts of the City that mostly consist of small, separately-owned and often pedestrian-oriented commercial uses, but may also include a mix of residential, light industrial uses, and community facilities. [4.4.1.3. Function, 4.4.1.5 Location]. The subject site is in keeping with the locational criteria outlined above and the potential uses on the site would provide for the desired mix of uses. The applicant has noted that a wide range of commercial, retail and restaurant type uses will be implemented on the main floor with office or a hotel use occupying the majority of the upper floors. The proposed re-designation is a natural progression of the existing MSCC designation that was placed on a long established, pedestrian oriented shopping area. The proposed amendment would be in keeping with the Planning Objectives [4.4.1.1] and Urban Design Objectives [4.4.1.2] of the MSCC designation by providing a large, mixed-use building along a main arterial road (Dundas Street). The designation of the lands to MSCC would facilitate the redevelopment of an underutilized site for commercial uses that would be considered compatible with adjacent land uses as the majority of uses along Dundas Street are commercial in nature. The reuse of the existing buildings also ensures compatibility with the scale, setbacks and character of the existing uses in the area. The adaptive reuse of the building along Dundas Street will also provide for an enhanced pedestrian environment while encouraging the rehabilitation of the existing building. Also, by activating the street frontage, the development will be transit supportive and will maintain and create the strong identity that once existed with the Kellogg's factory. The intent of the application is to maintain the cultural heritage value of the existing buildings and potentially designate the north portion of the property.

The Main Street Commercial Corridor designation provides a wide range of uses in order to achieve its goals of mixed use development along main arterial roads. These uses include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings [4.4.1.4. Permitted Uses]. The requested Business District Commercial zones are intended to implement the MSCC designation and, as such, the uses permitted in the zoning are in keeping with the permitted uses of the Official Plan.

The Main Street Commercial Corridor clearly identifies the desired form and scale of development that should occur. The existing building which fronts onto Dundas Street is in keeping with these policies as the existing building provides a continuous form of development along the street and with potential alterations to the interior main floor to provide for a range of commercial, retail, restaurant type uses will help create a pedestrian friendly development. The existing built form will maintain the same setbacks and create storefront visibility to Dundas that is consistent with the surrounding lands.

The site also has the potential to provide for residential uses above the main floor. The residential densities in the Main Street Commercial Corridor should be consistent with those permitted in the Multi-Family, Medium Density and High Density Residential designations and in keeping with the provisions for section 3.4.3 of the Official Plan. The applicant has identified that a hotel and/or office uses are the preferred use in the upper storeys of the building along Dundas Street however an apartment or condominium type use could also be implemented (4.4.1.7. Scale of Development). This is also in keeping with policy 4.4.1.8. (Mixed Use Development) which encrouages mixed use developments to help promote active street life and movement in these area beyond work-day hours.

Along with the above-mentioned policies, Applications to Expand or Add Main Street Commercial Corridor designations [4.4.1.11] have a specific list of items that it will be evaluated on. The subject site is appropriate to add to the MSCC designation as the existing facility is in keeping with the scale, function and form policies of the MSCC designation as well as provides an opportunity to integrate residential uses through a mixed-use development.

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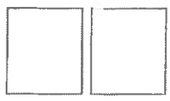

For all of the above mentioned reasons Staff is supportive of the change in Official Plan designation from the existing Light Industrial designation to the Main Street Commercial Corridor Designation.

Policies for Specific Areas - Chapter 10

The challenge with the subject site is to repurpose a large, purpose built facility for a new use which differs from its intended purpose. The current Official Plan provides the ability to implement Policies for Specific Areas (Chapter 10) which allows Council to maintain the existing land use designations while providing for a mix of uses that cannot be incorporated within one specific land use designation. The recommended amendment recognizes many unique situations based on the existing built form, zoning and Official Plan designations and the past uses previously occurring on the sites. Several of the lands identified in this application were used to provide parking for the Kellogg's factory. The lands at 1063 Dundas Street and 335 and 347 Kellogg Lane were previously single detached dwellings which were then demolished to provide parking for the factory as it expanded. The Low Density Residential designation and Residential (R2-2) zoning remained as the sites were used for accessory parking. At the time the parking was never formally recognized and the recommended amendment seeks to regularize the parking areas that had historically serviced the site. The properties at 1080 Dundas and 1151 York Street have also been vacant for several years. Though it is not known if these were used for parking for the Kellogg's factory, 1080 Dundas was clearly an accessory parking lot and 1151 York is a vacant industrial lot proposed to be used for parking for the future facility. Since the underlying designations on these properties are not intended to change through this application they retain their long-term planned function should the subject site evolve over time causing these lands to become surplus to their needs. The applicant has requested a Chapter 10 amendment to formally recognize the previous accessory parking on these sites and add additional parking in a supporting role for the future uses at 100 Kellogg Lane. If the future uses at 100 Kellogg Lane were to cease to exist the recommended amendment would require that the sites revert back to the underlying designations and zones. This makes a site specific policy appropriate to provide for the adaptive reuse of the existing facilities in place.

> *In the Low Density Residential designation at 335, 353 Kellogg Lane, 1063 Dundas Street and Main Street Commercial Corridor designation at 1063, 1080, 1097, 1127 Dundas Street, and Light Industrial designation at 1151 York Street in addition to the permitted uses policies of the respective designations, accessory parking in favour of the uses at 100 Kellogg Lane will be permitted*

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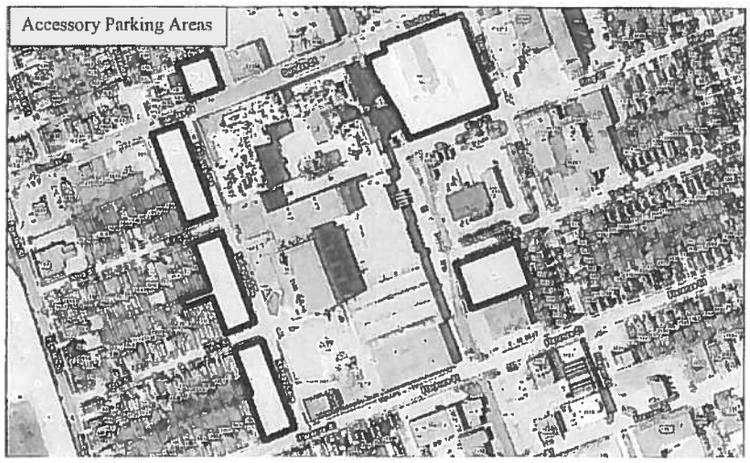

A Chapter 10, Policy for Specific Area has also been requested to permit additional uses at 100 Kellogg Lane and recognize the previous office gross floor area in the current facility. The lands that are recommended to be designated Main Street Commercial Corridor along Dundas Street include a request for a Self-Storage Establishment use (restricted to the lower level) while the Light Industrial lands at 100 Kellogg Lane are recommended to add Self Storage Establishments and Offices as permitted uses in order to effectively use the vacant office and industrial space on the site. The office uses in the Light Industrial designation have been requested by the applicant to recognize the previously existing 8,361m^2 of office space over the entire property at 100 Kellogg Lane.

General office uses are not permitted in Light Industrial areas and other office uses are restricted to supportive and accessory type office uses. The Main Street Commercial Corridor does permit office uses but restricts it to a maximum GFA of 2000m^2. Due to the size of the existing facility in this unique situation, it is appropriate to recognize the existing office space on the site and permit the full range of office uses as this provides opportunities to re-use the existing purpose-built office space. The size of the facility and range of potential commercial, industrial and office type uses highlights the need for a Policy for a Specific Area as there is no specific designation that would help direct the potential future development of the site in an appropriate fashion. As such, it would be appropriate to consider the application of a Site Specific policy to provide for the range of requested uses and increase in GFA for office uses within the existing buildings.

The proposed self-storage establishment use in the Light Industrial area is appropriate as warehouse uses and existing self-storage establishments are permitted and new self-storage establishments are permitted where an approved secondary plan indicates that the area currently designated Light Industrial is intended to transition out of industrial use. Though no secondary plan has been completed for the subject site, the McCormick lands across the street, which were once industrial, have been incorporated into a secondary plan which recognize that they are transitioning away from industrial uses. The recommended site-specific policies proposed for the subject site are intended to substitute the need for a full secondary plan and recognize that the site will likely transition away from typical industrial uses toward a greater mix of commercial uses providing greater compatibility with the surrounding residential and future mixed-uses on the site. The recommended amendment would also restrict any self-storage establishment to the lower floor of the building along Dundas Street as this area has limited opportunity for commercial uses

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and is considered to be an appropriate location to place the use if desired. The proposed Chapter 10 amendments to permit the additional Office uses at a total gross floor area of 8,361m² and Self-Storage establishments as permitted uses would read as follows:

> *In the Light Industrial designation at 100 Kellogg Lane in addition to the uses permitted in the Light Industrial Designation, Self-Storage Establishments and Offices (within the existing building) will also be permitted.*
>
> *In the Main Street Commercial Corridor designation and the Light Industrial Designation at 100 Kellogg Lane, Office uses (within the existing building) are permitted at a maximum gross floor area of 8,361m² for the whole of the property.*

The final Policy for Specific Area seeks relief from to existing policies that restrict secondary uses in the Light Industrial zones when located within 300m of a Heavy Industrial or General Industrial zones and do not have access from an arterial or primary collector road. In the case of the subject site a General Industrial designation and zone are located directly across the street within the McCormick secondary planning area. Though the lands have remained in the General Industrial designation within the Official Plan and Zoning By-law, the McCormick Secondary Plan removes the General Industrial designation and replaces it with mixed use, commercial and residential uses while the London Plan identifies this area as a Rapid Transit Corridor and Neighbourhood Place Type. Since the intent is to no longer have General Industrial uses within 300m of the subject site and the site itself still has frontage on an arterial road it is appropriate to provide an exemption from these policies through a Chapter 10 amendment. Additionally, the recommended Zoning By-law amendment includes a holding provision to undertake a review to assess compatibility between industrial facilities (see Zoning section below)

The Chapter 10 Policy will read as follows to exempt 100 Kellogg Lane from both the Official Plan and Zoning provisions that would restrict the secondary uses:

> *Notwithstanding policy 7.3.2 of the Official Plan or 40.3(4)(a) of the Zoning By-law No. Z-1, secondary uses may be permitted within 300m of lands zoned for General Industrial (GI) uses and do not require access from an arterial or primary collector road.*

Zoning

Several zoning amendments have been applied for in conjunction with the requested Specific Area Policies and new Main Street Commercial Corridor designation. The lands that have been identified for accessory parking through the Chapter 10 amendments are recommended to maintain their existing zoning and add a special provision to implement the accessory parking as a permitted use in favour of 100 Kellogg Lane. The proposed accessory parking amendments are highlighted below. Accessory Parking in favour of 100 Kellogg Lane is recommended to be added to the following properties by way of special provision zoning:

Address	Proposed Change
1080 Dundas Street	BDC to BDC(_)
335 and 353 Kellogg Lane	R2-2 to R2-2(_)
1063 Dundas Street	BDC and R2-2 to BDC(_) and R2-2(_)
1151 York Street	LI7 to LI7(_)

A Zoning By-law amendment from a Business District Commercial (BDC) zone has been applied for on the north portion of 100 Kellogg Lane and 1097 and 1127 Dundas Street, recommended to be designated as Main Street Commercial Corridor, to implement the new designation. The BDC zone is most commonly used to implement the MSCC designation and Staff has no objection to the requesting zoning. Special provisions are also required in order to implement the recommended Chapter 10 amendments regarding additional uses and increases in gross floor area. Along with the provisions requested through the Chapter 10 amendments a minimum parking requirement of 400 spaces has been requested over the entire property at 100 Kellogg

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Lane. This can be accommodated on the lands located at 335 and 353 Kellogg Lane and 1063 Dundas Street while the additional parking on the other lands identified will be used as the additional phases of the development occur. The new zoning to implement recommended MSCC designation is identified below:

Address	Proposed Change
1097 and 1127 Dundas Street	LI2 to BDC1(_)/BDC2
Special Provision: - To permit Accessory Parking in favour of 100 Kellogg Lane	
North Portion 100 Kellogg Lane	LI8 to BDC1(_)/BDC2
Special Provisions: - Additional permitted use: Self-Storage Establishment restricted to the basement floor - 15 metre height regulation to recognize existing height - a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane. - A maximum Gross Floor Area of 8,361m2 (89,997ft^2) shall be permitted for Office Uses (within the existing building) in combination with the Office uses permitted in the LI1(_) zone on 100 Kellogg Lane.	

The existing Light Industrial Designation requires zoning amendments in order to implement the Chapter 10 amendments recommended to implement a wider range of permitted uses and increases in office gross floor area. The requested wider range of uses is being implemented through different Light Industrial zone variations all which are in conformity with the existing Light Industrial designation and the proposed Chapter 10 amendment to permit secondary uses. Additional special provisions have been identified to recognize existing site conditions.

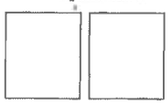
Proposed zoning in the Light Industrial designation:

Address	Proposed Change
South Portion 100 Kellogg Lane	LI8 to LI1(_)/LI3/LI4/LI5
Special Provisions: - Additional permitted use: Self-Storage Establishment, Offices (within existing building) and all listed secondary uses in section 40.3(4)(a) - North side yard, West Side yard, East Side yard setbacks of 0m. (The north side yard condition is created by the new zone line that will split the site into a north BDC zone and a south LI zone on the subject site.) - a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane. - a total maximum Gross Floor Area of 8,361m^2 (89,997ft^2) shall be permitted for Office Uses (within the existing building) in combination with the Office uses permitted in the BDC1/BDC2(_) zone on 100 Kellogg Lane.	

Staff is supportive of the above mentioned amendments as they are all in keeping with the existing Official Plan policies, future London Plan policies and proposed Chapter 10 amendments.

Other Issues:

As part of a complete application a Phase II ESA was undertaken by the applicant. This report expanded on a Phase I ESA that was previously completed on the site in November 2014. Though some contaminants were indicated on the site they were not at levels which required any remediation or threat to the property. The only recommendation from the report was to complete an air quality test in the northwest corner of the building as this corner was once home to a gas station and solvent and paint room inside the building. Planning Staff are noting that the recommendation provided by the ESA was to complete an indoor air quality assessment to determine if there is any potential impact as a result of PHCs contamination at the northwest



corner of the site and completing a Screening Level Risk Assessment. If any future residential use is desired within the building a record of site condition will be required prior to any building permits being granted in order to ensure residential uses are appropriate for the site.

D-6 Holding Provision

The applicant has acknowledged that a review of the D-6 Guidelines will be required prior to any use being implemented on the site. At the time of the application the specific range of uses were still being finalized and given the wide range of permitted uses that would be available after the rezoning it was determined the best course of action is to place a holding provision on the site that will ensure that a review of the D-6 Guidelines are undertaken once final uses have been determined.

h-___ Purpose: To prevent or minimize possible adverse effects on sensitive land uses created by industrial properties an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the Site Plan Approval Authority, prior to the removal of the "h-(_)" symbol.

London Plan

The Place Types identified through the London Plan are in keeping with the current Official Plan designation with the only difference being the lands along Dundas Street which are identified as a Rapid Transit Corridor in the London Plan as opposed to Light Industrial in the current Official Plan. The proposed amendments however bring the front portion of the site into the Main Street Commercial Corridor designation which is in keeping with the London Plan designation. The remaining amendments are those to the Specific Area Policy (Chapter 10) which will be required to be carried over into the future London Plan's Specific Area Policies.

CONCLUSION

The requested amendment would permit a wide range of commercial, residential, retail, office and light industrial uses on the subject site. This would facilitate the adaptive re-use of the Kellogg's factory which has remained vacant since December of 2014. The recommendation is consistent with Provincial Policy Statement 2014 and the Main Street Commercial Corridor policies and Chapter 10 policies of the Official Plan. The recommendation provides the opportunity for an adaptive reuse of a large industrial site located within a community in transition from industrial uses. The proposed Main Street Commercial Corridor designation is along an arterial road and future rapid transit corridor which will benefit from a variety of uses that will activate the pedestrian realm within the existing structure. The proposed amendments are in keeping with the place types of the London Plan. The recommendation to remove the subject site from the requirements of section 7.3.2 of the Official Plan and 40.3(4)(a) of the Zoning By-law No. Z-1, is appropriate as the London Plan and McCormick Area Secondary Plan removes all General Industrial designations within 300 metres of the site and the subject site continues to front an arterial road. The use of Chapter 10 provisions on the remaining sites will maintain the designations identified through the London Plan while providing flexibility for the site to function for alternative uses.

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File: OZ-8794
Planner: Mike Corby

PREPARED BY:	SUBMITTED BY:
MIKE CORBY, MCIP, RPP CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

September 19, 2017
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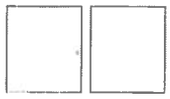


File: OZ-8794
Planner: Mike Corby

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

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

A by-law to amend the Official Plan for the City of London, 1989 relating to the north portion of 100 Kellogg Lane, 1097 and 1127 Dundas Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on October 17, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - October 17, 2017
Second Reading - October 17, 2017
Third Reading - October 17, 2017

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of certain lands described herein from Light Industrial to Main Street Commercial Corridor on Schedule "A", Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to the lands located at the north portion of 100 Kellogg Lane and 1097 and 1127 Dundas Street in the City of London.

C. BASIS OF THE AMENDMENT

The proposed Main Street Commercial Corridor fronts an arterial road and future rapid transit corridor uses that will interact and activate the pedestrian realm. This designation is also in keeping with the future Rapid Transit Corridor Place Type identified in the London Plan.

D. THE AMENDMENT

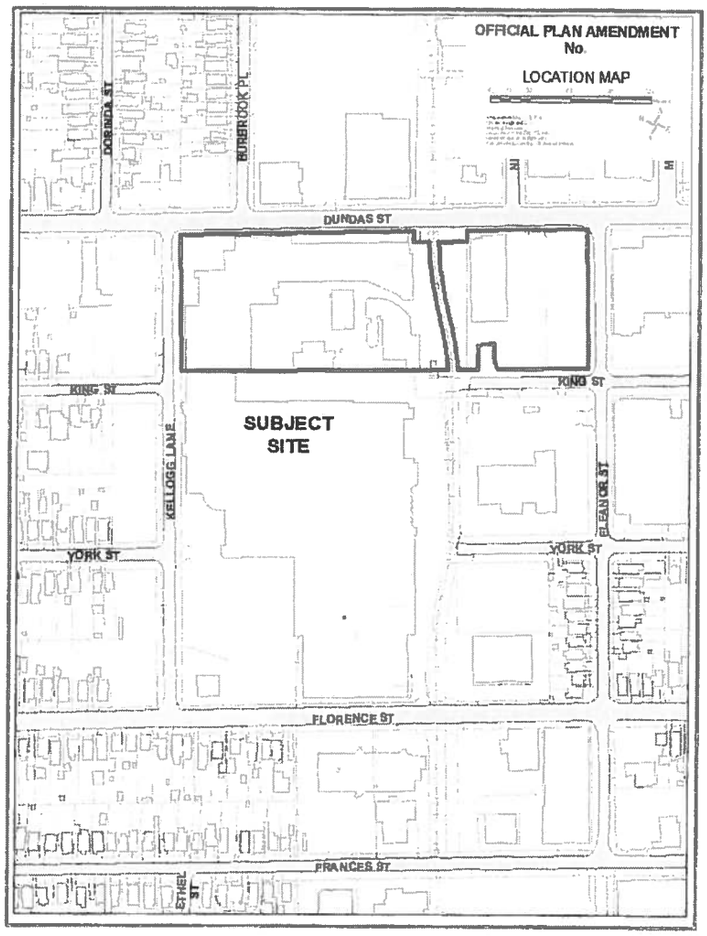
The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at the north portion of 100 Kellogg Lane and 1097 and 1127 Dundas Street in the City of London, as indicated on "Schedule 1" attached hereto from Light Industrial to Main Street Commercial Corridor.

File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

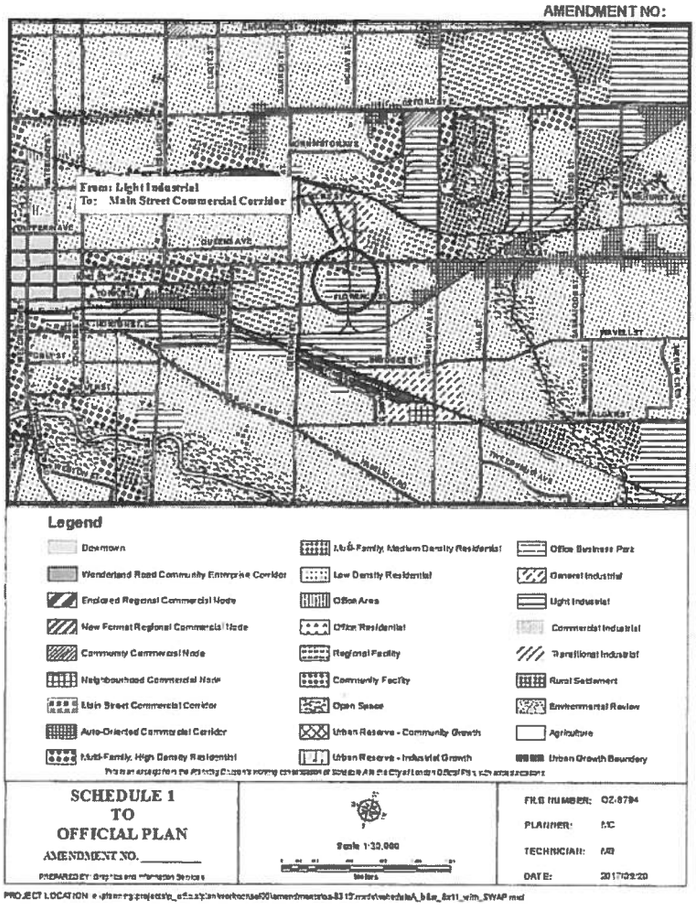
File: OZ-8794
Planner: Mike Corby



Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

AMENDMENT NO:



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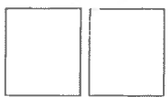


File: OZ-8794
Planner: Mike Corby

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2017

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

A by-law to amend the Official Plan for the City of London, 1989 relating to 100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

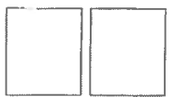
PASSED in Open Council on October 17, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - October 17, 2017
Second Reading - October 17, 2017
Third Reading - October 17, 2017

Agenda Item # Page #



File: OZ-8794
Planner: Mike Corby

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 of the Official Plan for the City of London to permit the re-use of the existing lands and buildings for a variety of residential, commercial and light industrial uses while providing accessory parking on abutting lands.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with Provincial Policy Statement 2014 and Policies for Specific Areas of the Official Plan. The recommendation provides the opportunity for an adaptive reuse of a large industrial site located within a community in transition from industrial uses. The recommendation to remove the subject site from the requirements of section 7.3.2 of the Official Plan and 40.3(4)(a) of the Zoning By-law No. Z-1, is appropriate as the London Plan and McCormick Area Secondary Plan removes all General Industrial designations within 300 metres of the site and the subject site continues to front an arterial road. The use of Policies for Specific Areas will maintain the existing designations, which are in keeping with the Place Types identified through the London Plan, while providing flexibility for the site to function for alternative uses.

D. THE AMENDMENT

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

1. Section 10.1.3 – Policies for Specific Areas of the Official Plan for the City of London is amended by adding the following:

   100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street

   In the Main Street Commercial Corridor designation at 100 Kellogg Lane and 1097 and 1127 Dundas Street in addition to the uses permitted in the Main Street Commercial Corridor Designation, Self-Storage Establishments may also be permitted in the basement of the existing buildings.

   In the Light Industrial designation at 100 Kellogg Lane in addition to the uses permitted in the Light Industrial Designation, Offices will be permitted within the existing building and Self-Storage Establishments will also be permitted. Notwithstanding policy 7.3.2 of the Official Plan or 40.3(4)(a) of the Zoning By-law No. Z-1, secondary uses may be permitted within 300m of lands zoned for General Industrial (GI) uses and do not require access from an arterial or primary collector road.

   In the Main Street Commercial Corridor designation and the Light Industrial Designation at 100 Kellogg Lane, Office uses (within existing building) are permitted at a maximum gross floor area of 8,361m^2 for the whole of the property.

Agenda Item # Page #

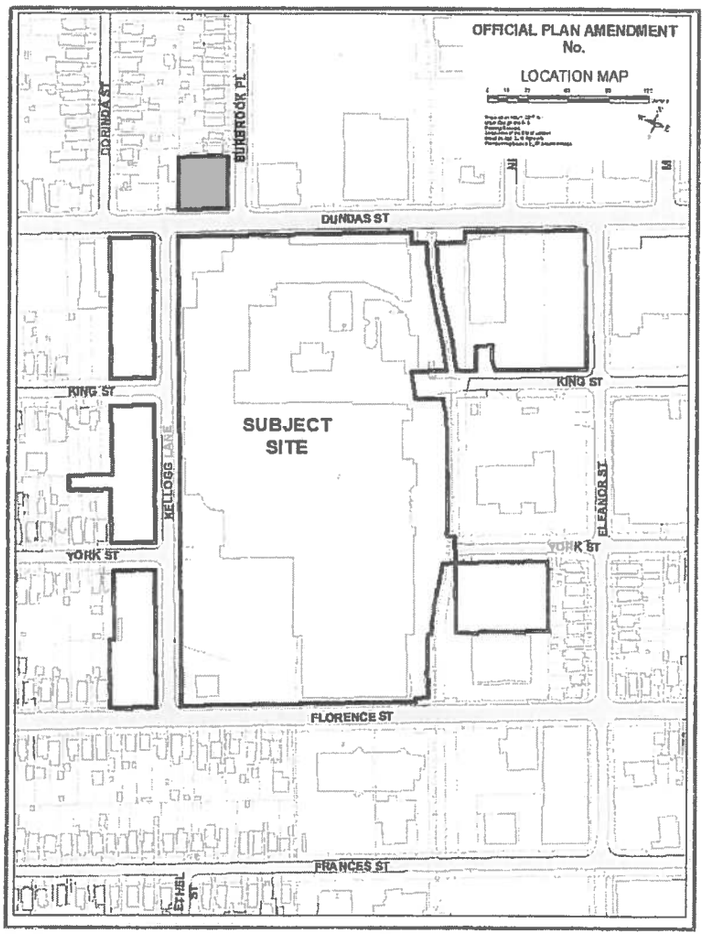
File: OZ-8794
Planner: Mike Corby

In the Low Density Residential designation at 335, 353 Kellogg Lane, 1063 Dundas Street and Main Street Commercial Corridor designation at 1063, 1080, 1097, 1127 Dundas Street, and Light Industrial designation at 1151 York Street in addition to the permitted uses of the respective designations, accessory parking in favour of the uses at 100 Kellogg Lane will be permitted.

File: Z8893
Planner: Name: L. Pompilii

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby



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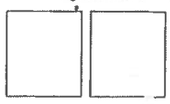


File: OZ-8794
Planner: Mike Corby

Appendix "C"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street .

WHEREAS E&E McLaughlin Ltd. has applied to rezone an area of land located at 100, 335 And 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street, as shown on the map attached to this by-law, as set out below;

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

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at the north portion of 100 Kellogg Lane, as shown on the attached map comprising part of Key Map No. A.108, from a Light Industrial (LI8) Zone to a Holding Business District Commercial Special Provision/Business District Commercial (h-(_)*BDC1/BDC2(_)) Zone.

2) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(_)

Purpose: To prevent or minimize possible adverse effects on sensitive land uses created by industrial properties an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the Site Plan Approval Authority, prior to the removal of the "h-(_)" symbol.

3) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:

) BDC2 ( ) 100 Kellogg Lane

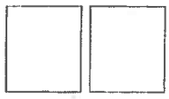
a) Additional Permitted Use
i) Self-Storage Establishments (restricted to basement floor of the existing building)

b) Regulation[s]
i) Height (maximum) 15 metres (49.21ft)

ii) Notwithstanding the provisions of Section 4.19 (10) of Zoning By-law No. Z.-1, a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane.

iii) A maximum Gross Floor Area of 8,361m2 (89,997ft²) shall be permitted for Office Uses (within existing building), in

Agenda Item # Page #



combination with the Office uses permitted in the LI1(_) zone on 100 Kellogg Lane.

4) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at south portion of 100 Kellogg Lane, as shown on the attached map comprising part of Key Map No. A.108, from a Light Industrial (LI8) Zone to a Light Industrial Special Provision/Light Industrial (LI1(_)/LI3/LI4/LI5) Zone.

5) Section Number 40.4 of the Light Industrial (LI1) Zone is amended by adding the following Special Provision:

) LI1 ( ) 100 Kellogg Lane

a) Additional Permitted Use[s]
   i) Self-Storage Establishments
   ii) Offices (within existing building)
   iii) Notwithstanding the provisions of Section 40.3(4)(a) of Zoning By-law No. Z.-1, all listed secondary uses shall be permitted on the subject site.

b) Regulation[s]

i)	North yard setback (minimum)	0 metres (0 feet)
ii)	West yard setback (minimum)	0 metres (0 feet)
iii)	East yard setback (minimum)	0 metres (0 feet)

iv) Notwithstanding the provisions of Section 4.19 (10) of Zoning By-law No. Z.-1, a minimum of 400 parking spaces is required for the entirety of 100 Kellogg Lane and can be provided in combination with parking spaces on site and lands zoned to permit accessory parking lots in favour of 100 Kellogg Lane.

v) A maximum Gross Floor Area of 8,361m2 (89,997ft²) shall be permitted for Office Uses (within existing building) in combination with the Office uses permitted in the BDC1/BDC2(_) zone on 100 Kellogg Lane.

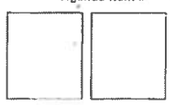
6) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1097 and 1127 Dundas Street, as shown on the attached map comprising part of Key Map No. A.108, from a Light Industrial (LI2) Zone, to a Holding Business District Commercial Special Provision (h-(_)*BDC1/BDC2(_)) Zone.

7) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(_)

Purpose: To prevent or minimize possible adverse effects on sensitive land uses created by industrial properties an analysis of compatibility between industrial facilities (D6 Guidelines) shall be carried out by a qualified professional and submitted to the City and any recommendation contained therein for mitigation measures be undertaken to the satisfaction of the Site Plan Approval Authority, prior to the removal of the "h-(_)" symbol.

Agenda Item # Page #



File: OZ-8794
Planner: Mike Corby

8) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:

) BDC2 ( ) 1097 and 1127 Dundas Street

c) Additional Permitted Use
i) Accessory Parking in favour of 100 Kellogg Lane

9) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at the north portion of 1063 Dundas Street and 1080 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 Special Provision (BDC(_) Zone.

10) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

) BDC( ) North portion of 1063 Dundas Street and 1080 Dundas Street

a) Additional Permitted Use
i) Accessory Parking in favour of 100 Kellogg Lane

11) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 335 and 353 Kellogg Lane and the south portion 1063 Dundas Street, as shown on the attached map comprising part of Key Map No. A.108, from a Residential R2 (R2-2) Zone, to a Residential R2 Special Provision (R2-2(_) Zone.

12) Section Number 6.4 of the Residential (R2) Zone is amended by adding the following Special Provision:

) R2-2 ( ) 335 and 353 Kellogg Lane and south portion of 1063 Dundas Street

a) Additional Permitted Use
i) Accessory Parking in favour of 100 Kellogg Lane

13) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1151 York Street, as shown on the attached map comprising part of Key Map No. A.108, from a Light Industrial (LI7) Zone, to a Light Industrial Special Provision (LI7(_)) Zone.

14) Section Number 40.4 of the Light Industrial (LI7) Zone is amended by adding the following Special Provision:

) LI7 ( ) 1151 York Street

a) Additional Permitted Use
i) Accessory Parking in favour of 100 Kellogg Lane.

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.

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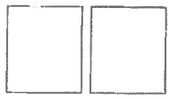


File: OZ-8794
Planner: Mike Corby

PASSED in Open Council on October 17, 2017.

Matt Brown
Mayor

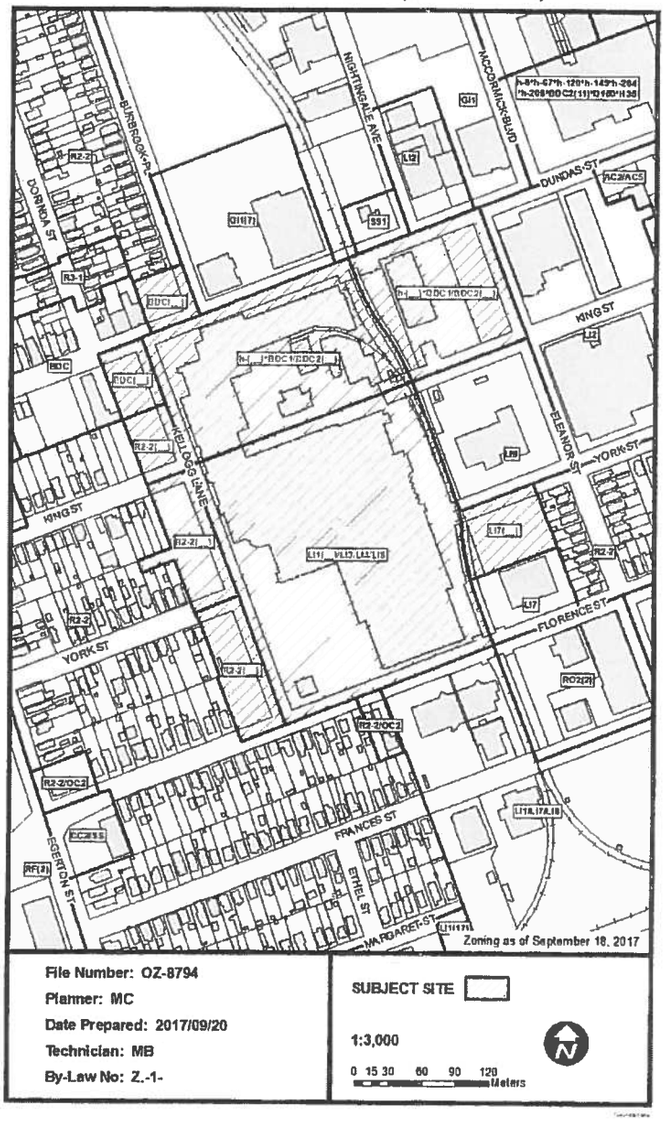
Catharine Saunders
City Clerk

First Reading - October 17, 2017
Second Reading - October 17, 2017
Third Reading - October 17, 2017

Agenda Item # Page #

File: OZ-8794
Planner: Mike Corby

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



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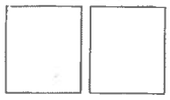


File: OZ-8794
Planner: Mike Corby

Appendix "D"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. C.P._____

A by-law to amend The London Plan for the City of London, 2016 relating to 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

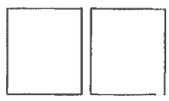
PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

Agenda Item # Page #



File: OZ-8794
Planner: Mike Corby

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add new policies to the Specific Policies for the Rapid Transit and Urban Corridor Place Type and Specific Policies for the Neighbourhoods Place Type and Light Industrial Specific Policies and adding the subject lands to Map 7 – Specific Policy Areas – of The London Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to the lands located at 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street and 1151 York Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2014 and Policies for Specific Areas of the London Plan. The recommendation provides the opportunity for an adaptive reuse of a large industrial site located within a community in transition from industrial uses. The use of the Policies for Specific Areas will maintain the existing designations while providing flexibility for the site to function with alternative uses.

D. THE AMENDMENT

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

1. Specific Policies for the Rapid Transit and Urban Corridor Place Type of The London Plan for the City of London is amended by adding the following:

   100 Kellogg Lane and 1063, 1080, 1097, 1127 Dundas Street

   ( )_ In the Rapid Transit Corridor Place Type located at 100 Kellogg Lane and 1097, 1127 Dundas Street, Self-Storage Establishments may also be permitted in the basement of the existing buildings. Office uses may be permitted at 100 Kellogg Lane up to a total maximum gross floor area of 8,361m^2 (within the existing building) in combination with the with the Light Industrial Place Type portion of the site to the south. Accessory parking in favour of the uses located at 100 Kellogg Lane may be permitted at 1063, 1080, 1097, and 1127 Dundas Street.

2. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London is amended by adding the following:

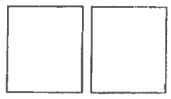
   335 and 353 Kellogg Lane

   ( )_ In the Neighbourhoods Place Type located at 335 and 353 Kellogg Lane, accessory parking in favour of the uses at 100 Kellogg Lane will be permitted

3. Light Industrial Specific Polies of The London Plan for the City of London is amended by adding the following:

   100 Kellogg Lane and 1151 York Street

   ( )_ In the Light Industrial Place Type located at 100 Kellogg Lane, Self-Storage Establishments and Offices (within the existing



building) will also be permitted. Office uses (within the existing building) may be permitted up to a total maximum gross floor area of 8,361m² in combination with the with the Rapid Transit Corridor Place Type portion of the site to the north. Accessory parking in favour of the uses located at 100 Kellogg Lane may be permitted at 1151 York Street.

4. Map 7 – Specific Policies Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 100, 335, 353 Kellogg Lane, 1063, 1080, 1097, 1127 Dundas Street, and 1151 York Street in the City of London, as indicated on "Schedule 1" attached hereto.

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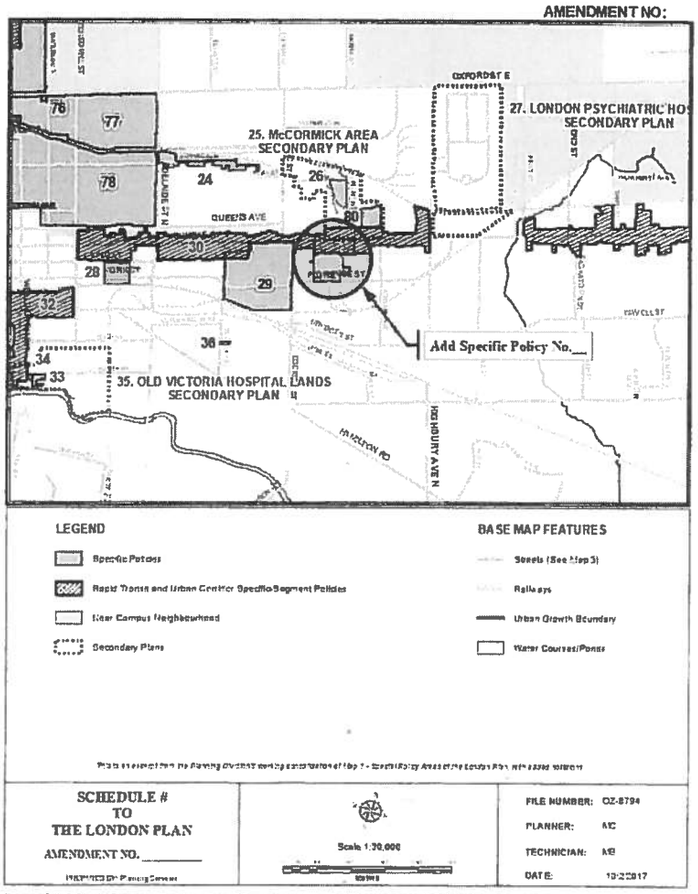
File: OZ-8794
Planner: Mike Corby

AMENDMENT NO:



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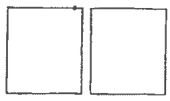

File: OZ-8794
Planner: Mike Corby

Appendix "E"

100 Kellogg's Lane Community Meeting – 100 Kellogg Lane
Thursday September 14, 2017

Summary and Thematic Analysis provided by the Old East Village BIA
September 9, 2017

Promotion of Event and Recruitment of Attendees:

Business and property owners of in the Old East Village Community Improvement Plan (CIP) and those businesses located on the Dundas Street corridor that are in close proximity to the Kellogg`s redevelopment site received invitations to the community consultation event. Invitations by the BIA were conferred through door-to-door canvasing with flyers and a telephone campaign contacting businesses in the CIP and businesses directly impacted by the redevelopment for the 10 days preceding the event. Direct invitations from door-to-door canvassing reaching approximately 85 business owners and the telephone campaign reached out to 135 business owners.

Information and invitations for the event was circulated to the Old East Village residents through telephone, social media, and individual networks of the Old East Village Community Association and board members of the Old East Village Business Improvement Area (BIA). Residents, property owners, and interested parties were requested to call and RSVP for the event.

Attendees to the event were asked register and fill out and return comment cards. Of those who attended 87 people registered and 62 comment cards were submitted.

Attendance breakdown: Attendees were asked to check all that apply.

15 – OEV Commercial Property Owners
13 – Business Owners
43 – OEV Residents
11 – Interested Party
5 – Unidentified

Thematic Analysis:

Generally feedback towards the redevelopment was very positive. Of the 62 comment cards submitted 32 expressed approvals for the conceptual plan with repeated themes of ``Plans look great! `` and ``Very exciting!`` Many attendees were drawn to the hotel conceptual plan. Residents and business owners enjoyed the visuals presented at the event and were pleased to see this large vacant building that for some was,once their place of employment, being utilized.

In addition to the positive comments regarding the project, the cards also identified three themes which included questions and comments focused around interaction and integration with the wider community. The first of these relates to how the redevelopment will connect to the Dundas corridor in built form and economics. Attendees identified that as presented the redevelopment has a `campus` feel and that connectivity to Dundas would be limited which many not elicit visitors of the complex to explore the Dundas Street corridor. Conversely attendees were concerned that the redevelopment would not elicit residents to utilize the new facilities. Visually, comments identified a need to respect the heritage attributes of the Kellogg's Dundas Street façade and also that the façade should be integrated more fulsomely to enhance the outward design of the project.

The second theme identified was in reference to the planned usage of the site. A majority of these comments regarded the hotel. Attendees had questions about the clientele of the hotel i.e. would it be reserved for guests of entertainment section of the redevelopment or any Londoners? Also, will the hotel be a boutique/independent proprietor or an international chain? Others were interested in a more diversity in mixed use including possible residential units, start-up companies, and creative industry.

The final theme from comment cards involved continued community involvement after the event. Attendees recognized the large scale and ambition of this important redevelopment along with the ever evolving changes in concepts and plans. With the inherent impact from the

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redevelopment of the Kellogg's site to the Dundas corridor and surrounding neighbourhood attendees expressed a keen interest in being involved in the process. Notably attendees would like further consultation when large scale changes are being made to the conceptual plan especially if usages, including the hotel, brewery, and entertainment complex, are changed from those presented at the event to something not closely related.

Comment Cards

The comments in this report are taken word for word from the received comment cards and they have been categorized according to theme.

Positive General Comments

- Love the idea of a beautiful hotel with restaurant and brewery. Love the Factory plan. Love the potential jobs.
- Very exciting!
- Nice vision
- Hoping it goes well and it up and running soon and has a very positive effect on the area
- Plans look great!
- Looking forward to seeing the plans unfold.
- I am pleased with the plans. I am so excited to have a play park in my area
- So impressed with the vision and scope of this project, so passionately moving forward by a family business.
- Everyone involved brings creativity, experience, and heart.
- Interesting use of vacant building.
- Great development in this area and for London
- Very informative and interesting presentation. Great opportunity for East London.
- Progressive and positive addition to the community
- Looks great! Very excited to have this project in our neighbourhood
- Look forward to seeing the results – it looks good
- I really like how everything is turning out and hopefully this will bring more people to the blossoming area
- Plans overall are very exciting, can't wait to use it
- Can't wait for it to open
- Very impressed with the plans for the area
- Great idea, will help revitalize East London and bring business and excitement back to the end of town
- Very supportive of the project. Bodes well for the future of the area and will be a destination location
- Amazing ideas, I hope everything goes according to plan! Super Exciting!
- Welcome to the neighborhood with this exciting proposal. Very happy with Phase 1 and hopeful for Phase 2
- 10Eighteen is thrilled about your development and look forward to your opening
- Many congratulations on an outstanding proposal, including intelligent and sensitive treatment of the heritage properties on the site.
- Love your ideas!
- Looking forward to watching it evolve.
- The proposal looks fantastic and the area is ready for it.
- Fabulous idea for the building
- Looking forward to future developments
- Granddaughter looking forward to trampoline.
- Would definitely be a place my grandchildren would enjoy.
- It looks very good. Would be a good thing for the East London people
- Hotel idea is interesting
- Absolutely love the concept
- Can't wait for it to open
- We are excited about the development coming to Kellogg's and look forward to it attracting other businesses to the area
- This is great for the east end of London
- Very supportive of the project. Bodes well for the future of the area and will be a destination location
- It will be exciting for our neighbourhood with Aeolian Hall and The Palace

Comments regarding connectivity to Dundas St and the Old East Village neighbourhood

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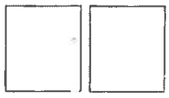


File: OZ-8794
Planner: Mike Corby

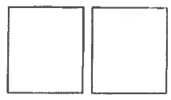
- Concern: Visual and Pedestrian connection to north Dundas St corridor
- Long block with no break to courtyard
- Need to increase connectivity to Dundas St (from Kellogg to past the tracks). This is very important.
- How will this project enhance the connectivity to the OEV business corridor? i.e. is this amenity internal destination operation or will it be interactive with the business corridor? This is critical.
- Ensure connectivity with the Dundas corridor and existing commercial establishment.
- Would like to see some connectivity to OEV so facility does not become a 'Great Wolf Lodge' and kill OEV existing businesses.
- Would like to see elements on the Dundas St aspect that enhance streetscape and connect it to the areas west of the site
- How will 'The Factory/100 Kellogg' connect to the Dundas business corridor and the Old East Village/East London communities?
- It looks like Dundas Street presence is not being invested in or improved upon. Can the main entrance be off Dundas?
- Traffic off of Dundas into building.
- Always want to promote consistency with neighborhood look and feel – heritage qualities ect.
- Please ensure attractive, commercial use on Dundas St frontage.
- Design of hotel, restaurant, etc should also look outward not only inward.
- Connect to rest of community.
- I just hope that all of the new visitors to the area will spill out into OEV and positively affect the businesses and neighbourhood
- It will be interesting to see how the concepts incorporate the community. (The visuals look insular/campus-like).
- I would like the Dundas side to be a more interesting feature and to have some draw to attract people and add to the OEV.
- However, I am concerned that the complex is too closed off from the streetscapes surrounding it – particularly Dundas St.
- Everything looks well but nothing can be seen of the streetscape
- Brochures in each hotel room for local businesses/restaurants attracting people PERIOD would make this neighborhood come alive and revive it the way it needs to!
- Traffic off of Dundas into building.
- Also love to see the companies hire local people.
- Also employ area residents

Comments regarding Planned Usage

- Light industrial 'hub' for creative industry and start-ups would be a community/site/London asset (very important), once it's gone its gone
- Would like to see a sizable residential component to provide 24 hour life and safety component. Build it and they will come!
- Build the hotel (boutique) i.e. Broadview hotel development in Toronto. Don't let existing hotel industry extort political influence to thwart something that may be competitive (backward regressive thinking)
- More details on hotel?
- How will the open air space work in winter?
- Will it be public friendly or guests only?
- How will Londoners be able to make use of the hotel spaces? Specifically the stages and open areas?
- For 'The Factory': will other London based companies be able to join the fold? Rent space?
- Please keep it local, 'no franchises'
- Hope pricing for recreation is affordable for all.
- There better be a membership price!
- I was hoping for an indoor waterpark and hotel in this space but this is the next best option.
- Our only hope is that it is kept affordable for us who live nearby to use the facilities regularly

Comments regarding future Community Involvement

Agenda Item # Page #



File: OZ-8794
Planner: Mike Corby

- We as a community need more public forums/feedback on change in future planning/design/zoning use. If there is a significant change in what has been applied for the community needs a change to engage and participate
- How do we ensure the plan is maintained without major revision of use/form/scope and vision one this plan is improved?
- Happy to have this in my neighborhood, but very necessary for the community to know about any divergence from the current plan and have a chance to consult on the changes.
- What happens if the proposed hotel use of the building fronting onto Dundas doesn't come to fruition?
- Would like to be kept informed about how Phase 2 develops and/or changes and be able to provide input as firmer plans develop commercial space at street level on the Dundas aspect should be considered
- As I understand there is currently no further community consultation required. I feel that any major change should trigger another consultation session.

Comments regarding Project Timelines

- How many stages?
- Estimated completion
- When and how – i.e. time frame for build
- When are the go-karts coming?

Miscellaneous comments

- Is site 24hr, 7 days public accessible (or private)?
- Build it, Dundas East is the place to be! (see Liberty Village, Toronto)
- Excellent idea, however, outdoor pool area seasonal?
- I fail to see the purpose of a giant 6" deep pool.
- Traffic flow off Dundas St
- Phasing and activating the street before the third phase.
- Less parking
- I would, however, request that pedestrian access through at King Street be provided for in some manner
- Interesting concepts – like the idea of 'active' space and additional access points
- Positive use of existing office space encouraging influx of people – live workspace
- Hotel?
- Any future plans to buy out York St to expand?
- Any way to get a free or discounted pass every year?
- I would like to talk with someone about this
- Glad to see that the Mill building will be demolished.
- Empty buildings are no good for anyone, get business going.
- I hope council has the good sense to expedite plans
- Please add bicycle racks.
- increase property value
- How many vacuum cleaners will they need?
- With a parking lot beside my home I was concerned for the future
- I am hoping for a [job] opening with any of the businesses coming to the area.
- OEV can use the additional economic boost

MIDDLESEX-LONDON HEALTH UNIT

REPORT TO CITY OF LONDON
PLANNING AND ENVIRONMENT COMMITTEE

TO: Chair and Members of the Planning and Environment Committee

FROM: Christopher Mackie, Medical Officer of Health / CEO

DATE: 2018 April 30

SITING OF SUPERVISED CONSUMPTION FACILITIES

Recommendation

It is recommended that the Planning and Environment Committee:

1. ***ENDORSE both 241 Simcoe Street and 446 York Street as appropriate locations for permanent Supervised Consumption Facilities; and***
2. ***COMMIT that, when a bylaw is put in place to establish specific zoning criteria for Supervised Consumption Facilities in London, the endorsed locations automatically be deemed zoned for such use.***

Key Points

- Approximately 400 people have lost their lives to addiction in London and Middlesex over the past decade, making supervised consumption facilities sorely needed. These facilities have been shown to improve public order – reducing needle waste and public injection – as well as public health.
- The Temporary Overdose Prevention Site that has been operating in downtown London since February 12th has seen over 1700 client visits. Results have been overall very positive.
- The scale of the issue warrants more than one such facility.
- In addition to the two permanent locations identified above, the partners involved have submitted an application for a mobile facility.

Background

After observing significant increases in the rate of infectious diseases predominantly amongst people who inject drugs (PWID), the Middlesex-London Health Unit (MLHU) and the Regional HIV/AIDS Connection (RHAC) worked together with several partners in the health, social services, and emergency response sectors to develop an application to the federal government for permission to establish a Supervised Consumption Facility (SCF). Supervised Consumption Facilities (SCF's) have been shown to: help prevent fatal overdoses; reduce the spread of life-threatening infections such as HIV, Invasive Group A Streptococcus (iGAS), and infectious endocarditis; and improve public order by reducing needle waste and public injecting.

Public Consultation, Initial Work, and City Council Policy

Recently, MLHU and RHAC collaborated with several other agencies to open the first provincially sanctioned Temporary Overdose Prevention Site (TOPS) in order to help address these concerns until federal approval for a permanent SCF could be obtained. This work was informed by public consultations in November of 2017 regarding what an SCF should include in order to be effective and acceptable to the community. These consultations included online survey input from over 2000 people, in-person consultations with over 400 participants, and targeted focus groups with service providers, Indigenous agencies and individuals, and people who inject drugs. The focus groups included specific consultations in some of the affected neighbourhoods,

including Downtown, South of Horton (SoHo), Old East Village (OEV), and Hamilton Road. Key recommendations from these public consultations:

1. Ensure site location is accessible and welcoming to potential clients and respects the immediate neighbourhood context.
2. Implement and operate from a base of evidence and best practices, and commit to ongoing evaluation.
3. Be equipped to serve diverse group of clients with varying needs.
4. Respect neighbourhood needs and concerns.
5. Communicate, educate, and train.
6. Develop strong partnerships and commit to system shift.
7. Continue to work with the "bigger picture" in mind.
8. Develop and implement a comprehensive implementation strategy.

All of these recommendations were considered in the implementation of the TOPS, and are being used to guide the development of the SCF model. The full report from the public consultations can be found here.

As part of implementing these recommendations, several partners from the Opioid Crisis Working Group and beyond have been engaged in both establishing the service model and operating the TOPS. These partners are currently being engaged regarding the establishment of the SCF's.

On January 30, 2018, City Council unanimously passed into bylaw a new Council policy entitled Siting of Supervised Consumption Facilities (SCF) and Temporary Overdose Prevention Sites (TOPS). This policy provided guidance which assisted in finding a location for the new Temporary Overdose Prevention Site, and has been used extensively in the search for candidate sites for a permanent Supervised Consumption Facility.

London's Temporary Overdose Prevention Site Demonstrates Effectiveness & Acceptability

To date, the Temporary Overdose Prevention Site has been successful on multiple fronts. While it is still fairly early in the operation of the TOPS, numerous consultations with residents, businesses and other stakeholders have been positive and have indicated that the service has been generally well received, and has likely had a net positive impact on the community. While there have been a small number of issues in the vicinity, it does not appear that these issues are occurring with any increased frequency, and they are offset by a substantial reduction in needle waste in the area, and a corresponding reduction in public injecting behaviour.

As of April 20, there have been over 1700 client visits to the TOPS (600 unique visits), and on only three occasions was intervention required to prevent an overdose. In addition, there have been several very positive and therapeutic interactions that have helped people in the throes of addiction to improve their lives. Because of the partnerships with key community agencies working at the TOPS, numerous clients have been able to connect to support services that they may not have been able to access, and in some cases have even moved on to detoxification and other treatments for their addictions.

The services offered at TOPS are complemented by a comprehensive suite of harm reduction activities including a clean needle program, naloxone kit distribution and training, needle recovery teams, client education, and infectious disease surveillance. Best practices from across North America have been studied and adopted locally to help prevent overdose and reduce the spread of infectious diseases.

Recent data suggest that there has been a reduction in new HIV and Hepatitis C cases in London, while naloxone has been used by bystanders in the community on several occasions to prevent fatal overdoses. Examples of effective peer support and enhanced client navigation experiences have also been reported at the TOPS location. Communities from across Ontario have been turning to agencies in London for guidance and support in addressing their local situations.

Needle Recovery

The needle recovery efforts that have been implemented in parallel with the opening of TOPS are of particular note. While needle waste is not associated with a high risk of transmission of infectious disease, finding it near homes or places of work can be distressing for residents, customers, and business owners. The enhanced needle recovery work is led by MLHU's Community Emergency Response Volunteer (CERV) program with RHAC providing needle disposal services. Recovery efforts have been planned based on information from the London Cares Homeless Response Services database, as well as from Downtown London and the Old East Village BIA, both of which have provided a list of "hot spots," or locations where large collections of needles have been found in the past. After piloting in the fall of 2017, the full implementation of the CERV needle recovery model has proven to be effective, cost-effective, and complementary to other needle recovery efforts including those of the City of London.

Planning Considerations

The partners who are leading this work are all committed to respecting neighbourhood needs and concerns. Not only was this respect a key recommendation from the public consultation process for the SCF application process, but it is also a basic principle of good public service to consider the expressed values of the community when planning new services. To this end, the public consultation input to date and the Council policy on siting of Supervised Consumption Facilities have been top of mind throughout the site selection process.

The Council policy established the following evaluation criteria:

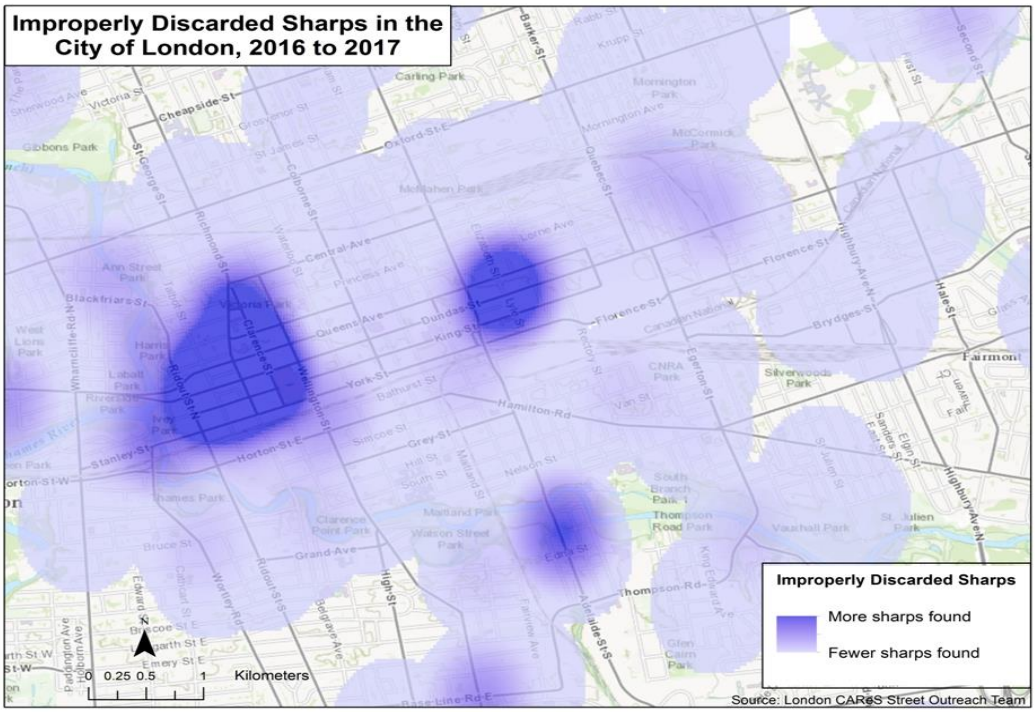
1. Locations that meet the needs of those who they are designed to service
    i. Within close proximity to, or near, communities where drug consumption is prevalent
    ii. Well serviced by transit
    iii. Discrete, allowing for reasonable privacy for those using the facility
    iv. Separated from busy pedestrian-oriented commercial areas
    v. Separated from public spaces that generate pedestrian traffic or may generate large crowds from time to time
    vi. Close to an area with other drug addiction related support services

2. Locations that avoid land use conflicts
    i. Separated from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving supervised consumption facilities after consuming
    ii. Separated from parks
    iii. Separated from key pedestrian corridors within the Core Area
    iv. Separated from public elementary or secondary school properties
    v. Separated from municipal pools, arenas and community centres and the Western Fairgrounds
    vi. Not within the interior of a residential neighbourhood

Supervised consumption facilities should be designed to:

- Incorporate Crime Prevention Through Environmental Design (CPTED) principles
- Meet provincial regulations, the policies of this plan, and municipal by-laws relating to accessibility
- Orient building entrances to allow for reasonably discrete entry and exit
- Ensure that building waiting areas and vestibules are adequately sized to avoid line-ups or waiting outside of the building
- Allow for easy visual surveillance of the facility and its surrounding site from the street
- Avoid opportunities for loitering, such as the installation of seating areas or landscape features that can be used for seating

Data collected from London Cares Homeless Response Services, Downtown London, RHAC and MLHU has helped to identify where improperly disposed needles are most prevalent. This information can be used as a proxy for identifying where injection drug use occurs in public spaces. Generally, these areas include alleys, behind buildings, in parks, and in parking lots in spaces out of sight from the street. From this data, it is shown that the areas around both are currently experiencing moderately high degrees of injection drug use.



For context, clients who attend the Supervised Consumption Facility wait approximately 10-15 minutes in the waiting room prior to entering the supervised consumption room. The average amount of time spent in the consumption area is 15-20 minutes prior to the client then moving to the aftercare room. Clients spend approximately 15-20 minutes in the aftercare room in order to ensure that help is available during the period of greatest risk for overdose. With a typical visit averaging 40-50 minutes, clients remain in the facility during the height of their intoxication, which contributes to improved public order in adjacent areas.

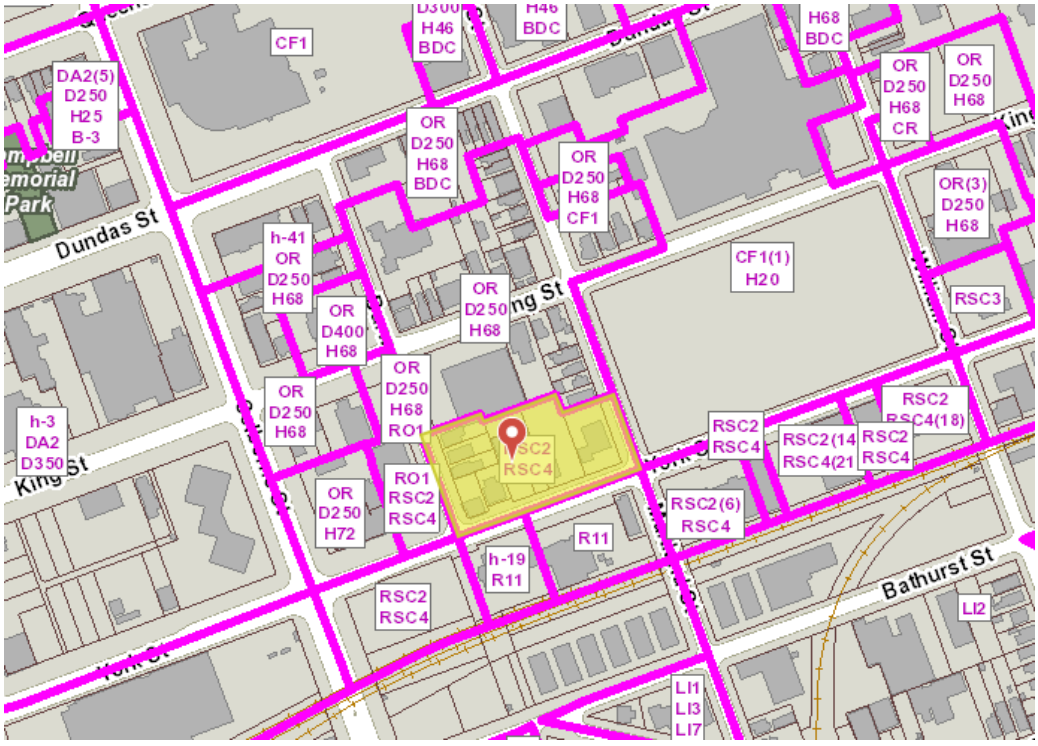
Identifying Permanent Locations

Dozens of locations have been considered for London's first permanent Supervised Consumption Facility. A handful of these would meet the criteria set by Council. In the remaining cases, the sites were often either not immediately available, or the landlords decided for various reasons not to proceed. Several sites along Dundas Street were not pursued because of the commitment that was made during public consultations not to pursue a permanent site on Dundas in order to respect the request of the Business Improvement Associations and some community members in the Downtown and OEV neighbourhoods.

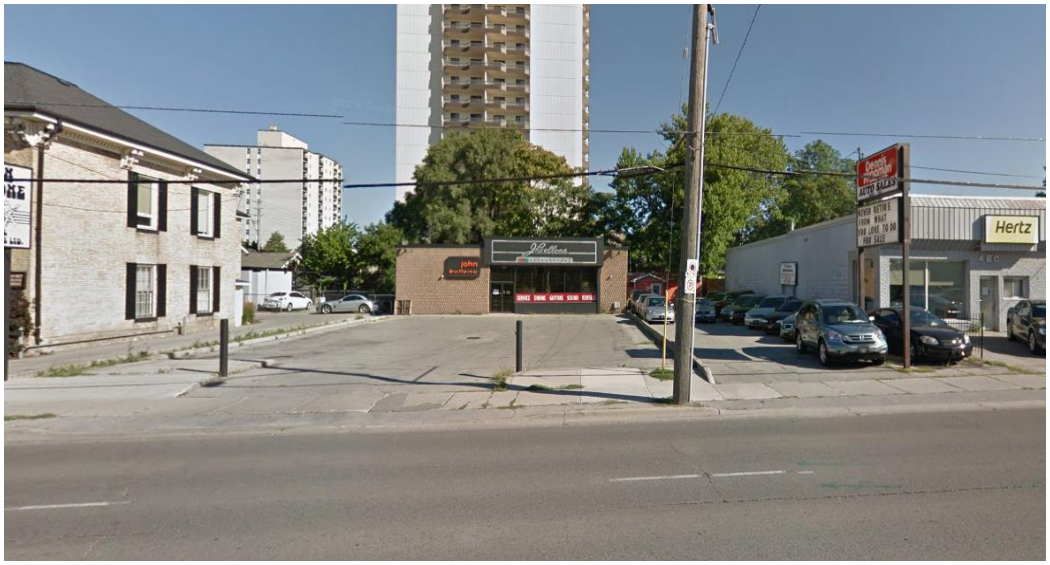
Recently, progress seemed to have been made in negotiating leases with landlords at 120 York Street and 372 York Street. These two locations each had several benefits in terms of client service. Unfortunately, in both of cases, lease negotiations failed.

Subsequently, with the support of their landlords, 446 York Street and 241 Simcoe Street came under consideration for SCF locations. These locations were evaluated by MLHU and RHAC to ensure alignment with Council's policy on the siting of Overdose Prevention Sites and Supervised Consumption Facilities.

The location at 446 York Street is located in close proximity to the Men's Mission emergency shelter where many of those experiencing homelessness are also battling addictions. The location is positioned in such a way that it can support some of the clients from OEV, Downtown and SoHo. Separation distance from sensitive land uses such as Childreach (250 metres and across the CN Rail tracks) and H.B. Beal Secondary School (300 walking distance) is also suitably accomplished. The larger front yard setback of the building provides an improved degree of privacy for clients accessing the site. The 3,800 square foot floor plate can provide ample space to deliver wrap-around support services in partnership with interested agencies, and is complementary to the rehabilitation services offered at the Men's Mission.

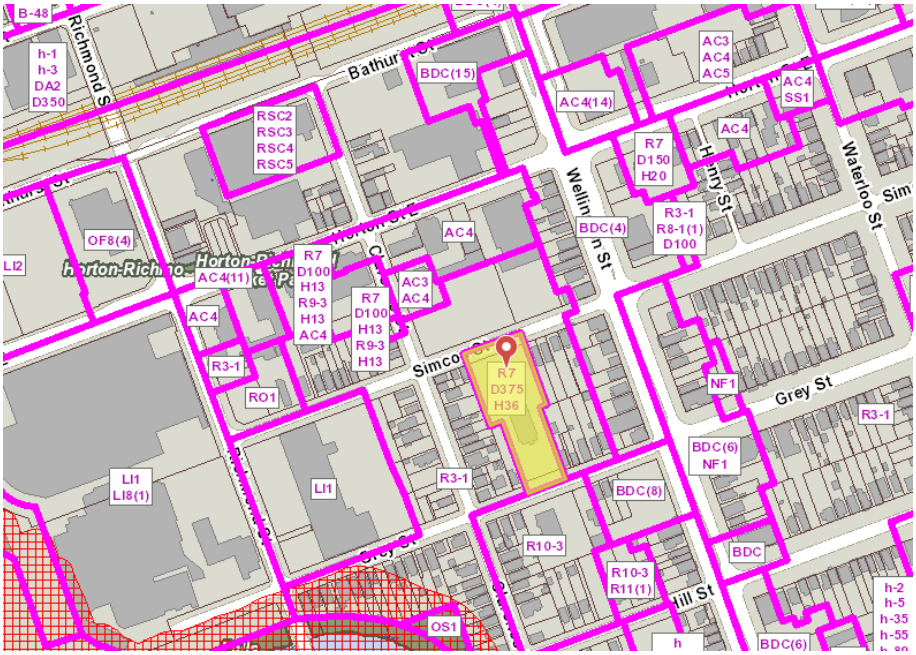


446 York Street – Map



446 York Street – Street View

The site at 241 Simcoe Street is proposed to be established on the ground floor of the LMHC apartment building, though would be accessed from the outside of the building. This location is also directly situated within an area experiencing challenges with substance use. As it is on the northern edge of the SoHo neighbourhood, it would be accessible to clients from that neighbourhood, as well as from Downtown and the Salvation Army Centre of Hope emergency shelter. While recognizing that the location is within a residential facility, the support of the SoHo Community Association is an indicator that people in the neighbourhood already recognize that the drug crisis is affecting the area, and that an SCF has the potential to help reduce its impact. The Board of the London Middlesex Housing Corporation, which manages the facility, is keen to partner. The location is away from schools and pedestrian corridors. It is at least 200 metres from parks. It is adequately separated from the Boys and Girls Club on Horton by 300 metres. This space can also accommodate additional support services, and is philosophically aligned with much of the work done in social service agencies in the area.



241 Simcoe Street – Map


241 Simcoe Street – Street View

By all measures of the drug crisis, the issue in London is on the order of magnitude of that of Toronto (where three SCF's and one TOPS currently operate) and Ottawa (where two SCF's currently operate). The two proposed sites, being on the east and west sides of Downtown, together will serve a large area that has been heavily affected by the drug crisis. Moreover, having more than one site offers the important advantage of preventing the real or perceived stigmatization of any one area.

In the view of MLHU and RHAC, both 241 Simcoe Street and 446 York Street are considered to be materially compliant with the Council policy, and both are necessary to address the health, social, economic and neighbourhood issues caused by the drug crisis in London.

Residents and property owners within 120 metres of each site have been invited to consultation meetings at the Middlesex-London Health Unit to take place in the evening on Thursday, April 26. The results of these meetings will be reported at the Planning and Environment Committee meeting on April 30.

Mobile Facility Also Planned

In addition to the permanent sites, a mobile facility is contemplated, and an application has been submitted for a federal exemption and provincial funding. A mobile facility would help reach parts of the community that are not within easy walking distance of the fixed sites.

While the location of a mobile facility can be adjusted based on practical issues that may arise, predictability is considered of great importance for such facilities. As such, the facility, usually housed in a large van, stops at the same locations each day. The mobile facility will serve Downtown, OEV, and at least one other location, each for 3-6 hours per day. Currently, the third location is envisioned to be in SoHo, but this will be carefully considered once partners have received confirmation of approval of permanent sites. Out of respect for the commitment not to situate a fixed SCF on Dundas Street, proponents also expect to be able to identify, in partnership with neighbours, accessible and appropriate locations for stops that are not directly on Dundas.

While mobile facilities can reach more locations, there is a trade off with capacity. The smaller footprint within a mobile facility means that it can only accommodate two consumption booths, and has limited space for complimentary services. Each of the permanent sites contemplated can accommodate up to six people in consumption booths at one time, and has ample space for other service providers.

Federal policy requires that a community have a fixed SCF in place before establishing a mobile service, in part to ensure that clients are still able to access supervised consumption services in the event of a vehicle breakdown.

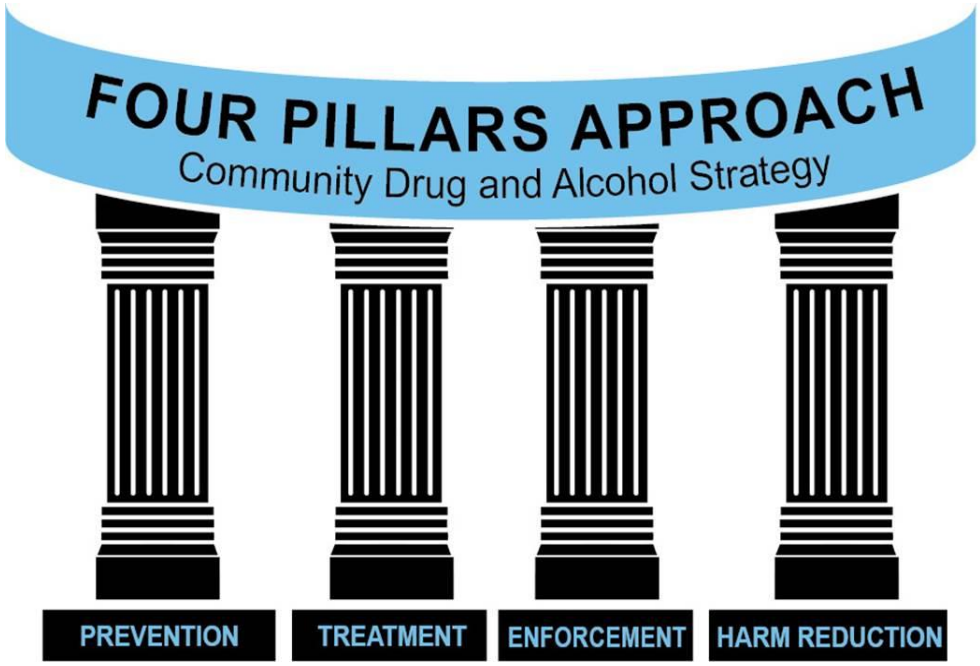
Situated Within Broader Strategy

As strongly as the research evidence supports supervised consumption services, there is no illusion that an SCF will solve all of the problems posed by the drug crisis in our community. This work is situated within a broader Community Drug and Alcohol Strategy, which itself links in with several other pieces of work, including the recently released Community Mental Health and Addictions Strategy for London.

The Community Drug and Alcohol Strategy is firmly rooted in Four Pillars approach. This approach, which includes Prevention, Treatment, Enforcement, and Harm Reduction, is the recognized best practice in this area.

Prevention aims to prevent or delay substance use. *Treatment* refers to therapeutic interventions that seek to improve the physical and psychological well-being of people who use or have used substances, and includes

therapies such as rehabilitation and opioid maintenance. *Enforcement* strengthens community safety by preventing and responding to crimes and community disorder issues. *Harm Reduction* aims to reduce the health, social and economic harms associated with drug use for those who are not yet able to stop using substances.



The draft recommendations contained in the Community Drug and Alcohol Strategy, which have been developed in consultation with over 60 partners and agencies, lay a strong foundation for a broad community response to these issues.

Conclusion

The Middlesex-London Health Unit and the Regional HIV/AIDS Connection believe that the conditions as set out in the Council policy for the location of Supervised Consumption Facilities are satisfied in both the 241 Simcoe Street and 446 York Street locations, and request Council endorsement of both of these addresses as preferred options for the establishment of permanent SCF's. A commitment from Council is also sought that, when specific zoning is put in place for such facilities, the endorsed location(s) would be automatically deemed zoned for such use.

Christopher Mackie, MD, MHSc, CCFP, FRCPC
Medical Officer of Health / CEO

MIDDLESEX-LONDON HEALTH UNIT

Siting of Supervised Consumption Facilities

Planning and Environment Committee
April 30, 2018

choose health

Supervised Consumption: Does it work?

It's already working right here…

186 King: Temporary Site

Temporary Overdose Prevention Site

(As at April 25, 2018)

- Two thousand and ninety-nine (2099) client visits
- Almost 700 unique clients
- Three overdoses, all handled smoothly
- Hundreds of clients connecting with other services, including drug counselling and treatment services
- No increase in neighbourhood issues
- Several different neighbours noting REDUCTION in needle waste

What about the neighbourhood?

Do supervised consumption sites increase crime? 'The answer to that is a flat no'

Janice Abbott is the woman who launched the first-ever such site in a residential building in Canada

Colin Butler · CBC News · Posted: Apr 25, 2018 4:38 PM ET | Last Updated: April 25

Research Evidence Summary

- No increased in drug-related crime

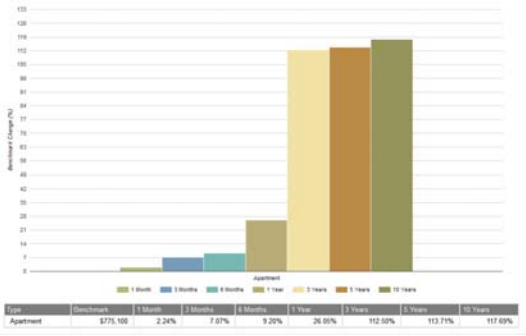
  (Wood et al., Substance Abuse Treatment. Prevention, and Policy, 2006)

- Reductions in public disorder

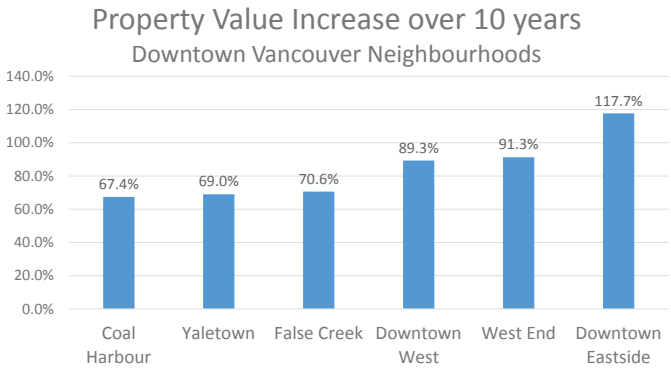
  (Wood et al., Canadian Medical Association Journal, 2004, Petrar et al., Addictive Behaviors, Stoltz et al., Journal of Public Health, 2007)

Are property values affected?

Property Values in Vancouver's Downtown Eastside



Source: Christie's International Real Estate
https://faithwilsongroup.com/neighbourhoods/downtown-east/



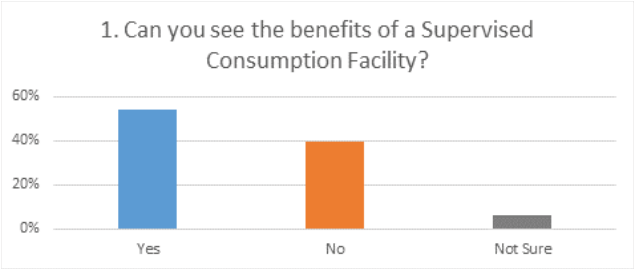
Public Meetings

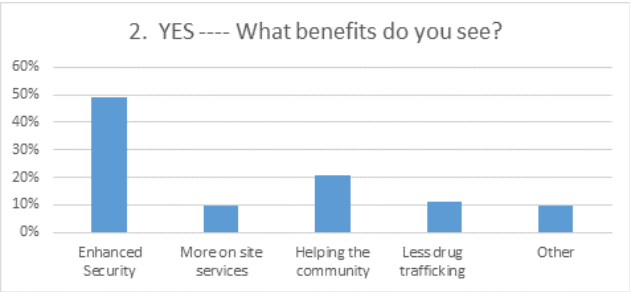
For 446 York and 241 Simcoe

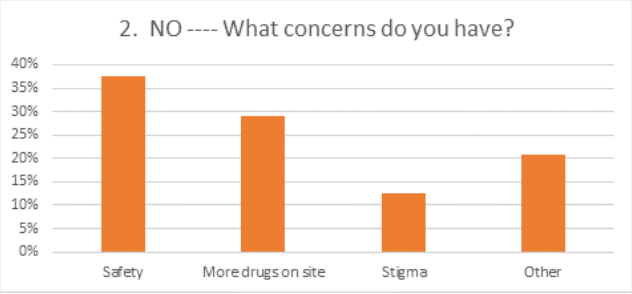
Themes

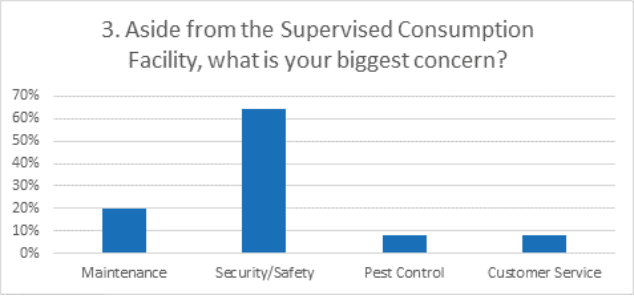
- Personal safety
- Security of property
- Property values
- Trust

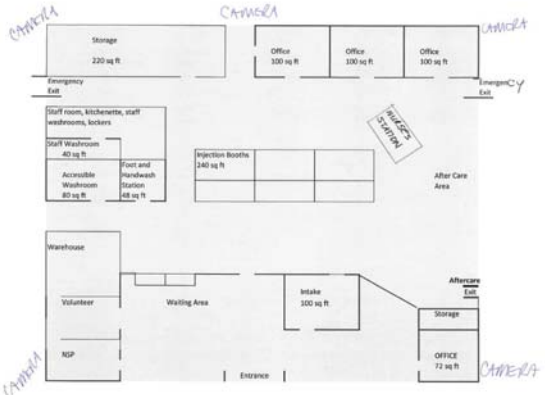
→ Neighbourhood Safety Planning

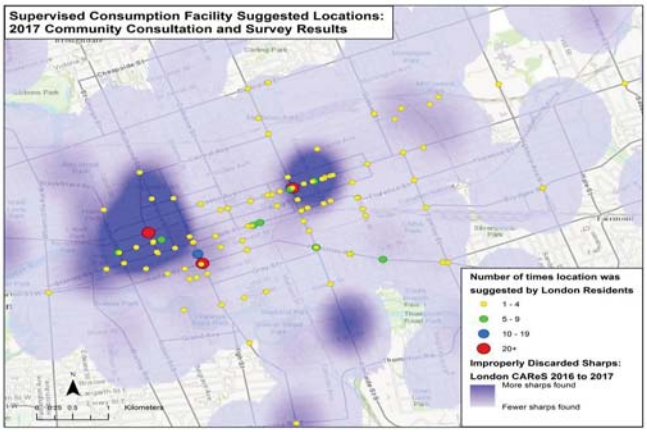

1. Can you see the benefits of a Supervised Consumption Facility?
60%
40%
20%
0%
Yes
No
Not Sure


2. YES ---- What benefits do you see?
60%
50%
40%
30%
20%
10%
0%
Enhanced Security
More on site services
Helping the community
Less drug trafficking
Other


2. NO ---- What concerns do you have?
40%
35%
30%
25%
20%
15%
10%
5%
0%
Safety
More drugs on site
Stigma
Other


3. Aside from the Supervised Consumption Facility, what is your biggest concern?
70%
60%
50%
40%
30%
20%
10%
0%
Maintenance
Security/Safety
Pest Control
Customer Service


CAMERA
CAMERA
CAMERA
Storage
220 sq ft
Office
100 sq ft
Office
100 sq ft
Office
100 sq ft
Emergency Exit
Emergency Exit
Staff room, kitchenette, staff washrooms, lockers
Staff Washroom
40 sq ft
Accessible Washroom
80 sq ft
Foot and Handwash Station
48 sq ft
Injection Booths
240 sq ft
NURSE'S STATION
After Care Area
Warehouse
Volunteer
Waiting Area
Intake
100 sq ft
Aftercare Exit
Storage
NSP
OFFICE
72 sq ft
Entrance
CAMERA
CAMERA


Supervised Consumption Facility Suggested Locations:
2017 Community Consultation and Survey Results
Number of times location was suggested by London Residents
1 - 4
5 - 9
10 - 19
20+
Improperly Discarded Sharps:
London CAReS 2016 to 2017
More sharps found
Fewer sharps found
Kilometers

April 22, 2018

City of London
300 Dufferin
London, Ontario
N6A 4L9

COAKLEYS
YOUR ONE STOP SERVICE SHOP

Attention: Chair and members, Planning and Environment Committee

Re: Proposed Supervised Consumption Site 120 York Street

I am the owners of a shoe repair shop close to the proposed injection site. I attended the community information meeting last night and would like to express my opinion on this location as the possible location for the supervised consumption site. While we all agree, there needs to be a place that people can go and safely inject, 120 York Street does not meet the objectives of the City of London's criteria nor would be in the best interest of downtown London.

120 York Street does not meet the following criteria:

- It is not a discrete location
- It is not separated from busy pedestrian oriented commercial areas
- It is not separated from public spaces that generate pedestrian traffic or may generate large crowds from time to time. (Budweiser Gardens, Bus station, Train station, Covent Garden Market)
- It is within a residential neighbour of many residential towers and downtown apartments with more expected to start in the next month (89 York Street)
- It is within very close range to international high school, new building proposed by YOU for young mothers, babie and infants.
- It is not separated from key pedestrian corridors within the Core Area
- It is not separate from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving supervised consumption facilities after consuming.

Items of Concern:

- Close to bus station where people/visitors/students are coming and going daily - first impression of Downtown London
- Lots of positive commercial development in the area which will be stifled by this facility. i.e. I had two individuals cancel their showings for residential units in our building today from the article in the London Free Press. They did not want to live near facility.
- Lots of retail business in the area -Talbot Street is a thriving jewel of Downtown London with positive energy from Budweiser Gardens and the pedestrian activity that happens from the parking lots in the area as they make their way to special events. This would be a detriment to all the work in the downtown area to revitalize.

- Visual to all guests/patrons and large groups of people going to Budweiser Gardens including children events, public skating, hockey and basketball teams.
- Busy pedestrian oriented commercial area as well as large number of residential buildings. Residents concerned about the location and their safety.
- Not a good location for central use as 120 York Street is in the west end of downtown. Location across from the London Free Press building is better location as problem is both downtown an old east village. Within walking distance to both areas if located further east. London Free Press site does not have much development so it minimizes the effect on surrounding businesses.
- Huge events where people fill the streets -Juno Awards, Curling, Disney on Ice, to name a few. Parking is spread throughout this area along with restaurants, coffee shops, that bring lots of people in this area. Possible issues with consumers.
- Concern of drug dealers concentrating near the proposed site to sell drugs for supervised consumption and interaction of individuals who consume once let out of facility with busy pedestrian area.
- General day to day key pedestrian corridor for bus station, train station - busy area for discrete location.

The Middlesex Health Unit presented a very well run information session and tried to outline the positives of the supervised consumption site, which I know may be true. While there may be a benefit to the users, it is a detriment to businesses, residents, public places in the area that have invested and embraced the positive building and chose to purchase their home or business in this area. Our property taxes have increased 20% in 2017 and another 16% in 2018 due to the positive growth in this area. This site will definitely reverse the trend. Perception is reality for most people. It will reverse all that the Downtown Business Association is working so hard to achieve.

While I do own a business that will be greatly affected by this location, I would feel the same way if I had nothing to lose. For the City of London this would be a huge mistake.

Respectfully Submitted;

Gary Coakley

Gary Coakley

From: Lincoln McCardle
Sent: Thursday, April 26, 2018 12:49 PM
To: Turner, Stephen <sturner@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Tanya Park <tanya@tanyapark.ca>; Helmer, Jesse <jhelmer@london.ca>
Cc: Lysynski, Heather <hlysynsk@London.ca>; Mackie, Dr. Christopher
Subject: SUPPORTING THE PROPOSED SUPERVISED CONSUMPTION SITES

Dear Planning and Environment Committee,

I wanted to take a few minutes to write today in the hopes of helping to persuade you to endorse both 241 Simcoe Street and 446 York Street locations for London's supervised consumption facilities. I suppose I would normally begin by explaining why these facilities are so important and desperately required but I'm going to work on the assumption that we are knowledgeable and in agreement on this already and simply move on to discuss the proposed sites themselves. Let me just start by acknowledging that there is almost certainly going to be resistance no matter what site(s) are chosen. While a majority of reasonable people see the need for the site, far less want it to exist anywhere near where they live, work and/or play. I suppose it's easier to pretend that the current crisis doesn't necessarily mean that injection drug use is not already currently happening in all these places currently but of course, well, it's been identified as a health crisis by many far more knowledgeable than myself.

I currently live, work and play downtown and find myself likely a minority as a proud YIMBY - that is to say that I say "Yes In My BackYard!" The number of times I have found discarded needles is beyond comprehension. I know of, and have contacted the London CAReS many times - and while they are doing amazing and important work I do question the sustainability of our current model. From my son's school playground to municipal parks to -- well, just about anywhere, keeping my eyes out and asking my children to do the same can be an ongoing cause of concern. I've clearly gotten off-track but reaffirming the need for these facilities let me actually talk to the proposed sites themselves.

If we use the fact that no location or set of locations will be perfect my thinking is that the current locations appear to check off a large number of requirements and preferences for a safe consumption sites:

- located in or near communities where drug consumption currently exists
- a reasonable buffer from the core downtown area and other public spaces
- near existing complimentary support and social services
- reasonably well serviced by transit
- safe distance from schools, parks and in a suitable a discreet location not within a residential neighbourhood

If we recognise that any location offered will meet with some opposition we have to at some point approve the option presented. Why not today. Studies seem to suggest that there is no increase in crime associated with these facilities and given that four hundred of our fellow Londoners have died as a result of opiod use over the last decade I would ask that you carefully consider what message is being sent by further postponing their establishment. Again, the main argument I've heard against any site offered seems to be, and forgive my paraphrasing, that they

are an important and much-needed service that I wish was further from my work and/or home. Over time I've come to the realisation that the so-called experts are often in fact the actual experts. If they are of the opinion that these are currently the best two options on the table than I would be remiss if I did not behoove you to believe them.

In closing, while it's important to keep the bigger picture I mind I do want to also state that at this junction I believe it's equally important that we act quickly. I do want to thank you for your time and consideration and hope that for all of these above, and other reasons, that you will consider endorsing both 241 Simcoe Street and 446 York Street locations for London's supervised consumption facilities.

All the best and have a wonderful day!

Take care,
Lincoln McCardle

--
Lincoln McCardle
31 Cartwright St
London ON
N6B2W5

From: Brian Speagle
Sent: Thursday, April 26, 2018 12:12 PM
To: Lysynski, Heather <hlysynsk@London.ca>
Subject: Siting of Supervised Consumption Sites

This email is in support of the report authored by Dr. Christopher Mackie of the Middlesex-London Health Unit, dated April 30, 2018.
As someone who has been directly impacted by addiction and mental health issues over my adult life, I support this effort wholeheartedly. Dr. Mackie's report on the need for supervised consumption sites is thorough, compassionate, and sensitive to the needs of the entire community. It strongly reflects the current research on this issue.
Please do not hesitate to contact me if you require further comment.
Thank you.

Sincerely,

Brian Speagle

434 Wilkins St.
London, ON N6C 5B2

SoHo Community Association
225 Burwell Street South
London, ON N6B 2V5

April 26, 2018

City of London
Planning & Environment Committee
300 Dufferin Street
London, ON N6A 4L9

Attention: Councillor Steve Turner, Chair

Councillor Turner:

The SoHo Community Association wishes to express our support for the establishment of a Safe Consumption Site in our neighbourhood. We are grateful to the Middlesex London Health Unit and the London Middlesex Public Housing Department for their efforts in bringing this to 241 Simcoe Street.

We understand that the choice of this location has caused major concerns for residents of our neighbourhood, both within the building itself, and in the immediate vicinity. After careful consideration of the evidence gathered over many years around the world, and most recently in Vancouver, where such a facility already exists, we are confident that this location is optimal.

I would like to thank the committee for their consideration.

Sincerely,

Angela Lukach

Angela Lukach, President

cc. Councillor Anna Hopkins
Councillor Jesse Helmer
Councillor Maureen Cassidy
Councillor Tanya Park
Cathy Saunders, City Clerk

26 April 2018

City of London Planning and Environment Committee
c/o City Clerk
300 Dufferin Ave
London, ON N6A 4L9

Dear Members of the Planning and Environment Committee:

I am writing in support of Dr. Christopher Mackie's recommendations that the Committee endorse the two identified sites as appropriate locations for a Supervised Consumption Facility (SCF) and commit that these sites will be zoned as such when the relevant bylaw is passed.

I am lending my support first and foremost as a member of the London community, and second as a researcher in epidemiology & biostatistics and professor in public health. My research focuses on helping decision-makers draw on the best available data-driven evidence to support their decisions. This is sometimes a very challenging problem; however, in the case of SCFs, the evidence is abundant and clear: Implementing a permanent consumption facility will reduce public injection behaviour, reduce transmission of blood-borne infections, improve access to care, and above all, save lives. There is no evidence that SCFs worsen crime. Dr. Mackie has gone to extraordinary lengths in collaboration with the City of London and the community at large to identify sites where an SCF can be as effective and impactful as possible.

Decisions that matter always flow from a synthesis of evidence and values. Lives will be saved by following Dr. Mackie's recommendations. As a community, we have a moral imperative to value those lives as highly as we value our own. Endorsing the sites is the evidence-based choice and it is the moral choice. I implore the PEC to do the right thing.

Yours sincerely,

Daniel J. Lizotte, PhD

April 26, 2018

To: Chair and Members of Planning and Environment Committee, City of London, ON
Councillor Anna Hopkins
Councillor Stephen Turner
Councillor Maureen Cassidy
Councillor Tanya Park
Councillor Jesse Helmer

Re: Siting of Supervised Consumption Services

I am writing as a long-time citizen of London, ON and a medical student who is invested in individual and community health. I was born and raised in London, attended both elementary and high school here, and returned to London after my undergraduate degree to work for the YMCA of Western Ontario for several years. Although I currently attend medical school at McMaster University, I intend to return to London after graduating and have strong ties to the city through my family and friends. All of this to say **I care deeply about our city and her citizens.**

People who use drugs deserve high quality healthcare based on the best available evidence. About 400 people have died in London due to substance use and overdose in the last decade.[1] Supervised consumption sites improve the health of people who use substances by providing new needles and reducing infection transmission, and reducing mortality from overdose, as well as connecting people to other healthcare and social services.[2] They also improve public order by reducing discarded used needles and public injecting.

I wholeheartedly urge the Committee to follow the recommendations of our city's public health professionals to endorse 241 Simcoe Street and 446 York Street as appropriate locations for permanent Supervised Consumption Facilities and commit that, when a bylaw is put in place to establish specific zoning criteria for Supervised Consumption Facilities in London, the endorsed locations automatically be deemed zoned for such use. **It's time to show people who use drugs that their lives matter to this city.**

Sincerely,

Claire Bodkin

15 Ravenglass Crescent
London, ON
N6G 4K1

[1] Lives Lost to London's Opioid Crisis to be Remembered at Ivey Park This Friday — Middlesex-London Health Unit [Internet]. Healthunit.com. 2018 [cited 26 April 2018]. Available from: https://www.healthunit.com/news/400-lives-lost-memorial

[2] Potier C, Laprévote V, Dubois-Arber F, Cottencin O, Rolland B. Supervised injection services: what has been demonstrated? A systematic literature review. Drug & Alcohol Dependence. 2014 Dec 1;145:48-68.

Margaret Richings

Founder

Red Tent Women's Peer Support Network
10-364 Talbot Street
London, On N6A 2R6

26th April 2018

CITY OF LONDON
PLANNING AND ENVIRONMENT COMMITTEE

300 Dufferin Ave, London, ON N6B 1Z2

Attention: City of London Planning and Environment Committee Members,

I was asked to write a letter of support by Chris Mackie, who currently works for M.L.H.U..

I understand that certain policy changes and requests are being made regarding T.O.P.S sites..

I am founder of Red Tent Womens Peer Support Network for 2 years, and have been an independant Peer Support Worker for the last 10 years within City of London area. Working with Mental Health and Addiction, Poverty, and Homelessness issues. I provide communications as a liason across London as well. Their are also four partners within the organization providing administrative, and expert support.

I recently was appointed a voting member of The London Homeless Coalition Steering Committee.

Recommendation:

It is recommended that the Planning and Environment Committee:

1. ENDORSE both 241 Simcoe Street and 446 York Street as appropriate locations for permanent

Supervised Consumption Facilities; and

2. COMMIT that, when a bylaw is put in place to establish specific zoning criteria for Supervised

Consumption Facilities in London, the endorsed locations automatically be deemed zoned for such use.

I understand approximately 400 people who are considered part of the community family attending drop-in centers and community meals have lost their lives to addiction in London and Middlesex over the past 10 years.

The support that my grass roots organization, endorses and encourages help to prevent fatal overdoses; reduce the spread of life-threatening infections, harm reduction behaviors, steps, as well as safe disposal of injection materials.

Indigenous individuals, and people who inject drugs are a part of the community we assist in the affected neighbourhoods.

This includes Downtown, and Old East Village (OEV), as well as the core list from The Community Meal Program, My Sisters Place, and Sanctuary Church Drop-In.

We commend City Council and the Committee for having “endorsed recently, MLHU and RHAC collaborated with several other agencies to open the first provincially sanctioned Temporary Overdose Prevention Site (TOPS).” put forward by Middlesex London Health Unit and many other stakeholders involved in the health of citizens of London,On.

The partners of the organization, along with myself understand the urgent need for these sites to provide safety, harm reduction and dignity to those suffering with addiction, and mental health issues, along with a strong need of support from the outer service providers, the communities they affect and the city in general.

We will continue to endorse, support and communicate the positive measures of many people within London, especially those Council, and Committee members who recognize the need of these types of resources.

Thank you to those who tirelessly work towards positive solutions to the addiction, and mental health of those citizens of our forest city.

Three members of the communities lives were saved as a result which in our view is an invaluable step forward from the tragedies that have occured. The mental health stress alone on the community regarding death is sizeable, and palpable.

The community members are currently educating others regarding the current site which is open, and supporting those who need direct access, and the linked harm reduction services available to them.

The organization has already seen marked, sizeable positive encouragement, and actions in targeting, supporting, peer driven escorting to facilities.

The issues surrounding addiction permeate all classes, incomes, cultures, races, and genders within the London boundaries. I and the organization are hopeful that the Planning and Environment Committee, as well as City Councillors will continue to endorse, and make possible access to these urgently needed resources through out the city.

The two sites recommended are by us known areas of concern, and we support the policies of London Middlesex Housing Corporation, My Sisters Place, and the Community churches providing outreach, meals, directive addiction support, harm reduction services in both areas.

Due to the fact that people have died from homelessness, health issues that associate with addiction, coexisting with mental health as well we encourage committee members and City Council members to take a strong stand and recommend/implement the recommendations which have been submitted by M.L.H.U.

Sincerely,

Margaret Richings

Founder

Red Tent Women's Peer Support Network

Dear Chair and Members of the Planning and Environment Committee,

I am writing this letter of submission in support of both 241 Simcoe Street and 446 York Street as appropriate locations for permanent Supervised Consumption Facilities. Both locations, are of optimal location for this community based support service.

The 241 Simcoe Street site to be located within a London Middlesex Housing Corporation building is a brilliant example of collaboration between multiple sectors of support services. This addresses a need where there have been events that demonstrate a great need. Services coming alongside those who need this service, where they need this service thus meeting them where they are at, is a vital piece in supporting persons who inject and use drugs.

446 York Street and its proximity to the Men's Mission is once again a fine example of meeting the need of a community. Persons who are clients of the Men's Mission will benefit from the increase in wraparound services available to them in the close vicinity of one another. It will make access to services much less of a barrier to these individuals who are often precariously housed or are of no fixed address. Thus, they can access supports and services from both the Men's Mission and the Supervised Consumption Facility. Additionally, those who are located within the surrounding area who will use this service will benefit as well.

The two proposed facilities are in addition to a mobile van that will make 4 stops within the city. At this time, Health Canada, does not allow for the mobile van to be the sole support for Supervised Consumption in a community- it must be in addition to facilities with (a) fixed address(es).

I feel at this time that the two sites selected in addition to the mobile van would allow support for persons within our community who are often marginalized, unable to access services due to numerous barriers and in need of a multi-service supports. With access to the Supervised Consumption Facilities and mobile van, these individuals will be connected to supports, community and receive the care, support and dignity they need and deserve.

As someone, who lives closely to both the Men's Mission and the proposed Supervised Consumption Facility at 446 York Street I am in full support of this location. I feel that with the proper protocols, procedures and provisions we can and will welcome this much needed service into the neighbourhood. There is great need- London and these identified communities and neighbourhoods are in need of our love, compassion, care and support. In tandem with other support services (e.g. the Men's Mission nearby and the wraparound services available at the Site) we can support these individuals when and where they need it the most. They are people's family members, friends, and loved ones. It's time we come alongside them where they at, doing the best we can to support them during often difficult times when they are likely to face many barriers.

With a population of almost 500,000, London is within the top 10 biggest cities in Canada and we need to reflect that- and so do our services. We are a city rich in diversity, and in need. The time is now as we face multiple crises related to the opioid drug crisis. London must continue to be a leader in our response to the opioid crisis- in mid February the community opened the province of Ontario's first sanctioned Temporary Overdose Prevention Site- which has had enormous positive impact with over 2100 visits and only a few medical events which were taken care of on-site. These people, these community members- got help, got support and received love and care.

I urge the Chair and all Members of the Planning and Environment Committee that you please support the endorsement of both 241 Simcoe Street and 446 York Street as appropriate locations for permanent Supervised Consumption Facilities and when such time occurs that zoning by-laws for Supervised Consumption Facilities are established that the two above locations be automatically grandfathered into such zoning.

Thank you for your consideration,

Deana Ruston
Ward 13/ Downtown Resident

From: John Densky
Sent: Friday, April 27, 2018 8:36 AM
To: Turner, Stephen <sturner@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Helmer, Jesse <jhelmer@london.ca>; tanya@tanyapark.ca; Lysynski, Heather <hlysynsk@London.ca>
Cc: Mackie, Dr. Christopher
Subject:

Fellow Londoners, city council members and interested parties,

I am writing you to ask that you endorse the initiative to open supervised injection sites at 241 Simcoe Street and 446 York Street in London Ontario. I ask that you also endorse the implementation of a mobile supervised injection site for our community.

I am a homeowner in the Rectory and Hamilton Road neighborhood and I moved to said area from a neighborhood bordering the Downtown Eastside, in Vancouver B.C. I have spent a great deal of time in direct contact with neighbors battling addictions and I witnessed the battles the city of Vancouver went through in the 80's, 90's and early 2000. I buried friends, fought addiction myself and I have very personal experiences with all that comes with addiction, poverty and mental illness.

Currently I believe our neighborhood is unsafe for young children. The parks, sidewalks, trails and school grounds are littered with used needles. Our neighbors live in daily peril with the recent influx of dangerous opiates. People we know and love, face life and death decisions every day as they try and live with addiction. Hidden away in their most vulnerable moments. Denying vulnerable citizens of this community access to lifesaving services seems only acceptable when we can group them together under labels such as 'addict'.

Our neighborhood has paid a heavy price and continues to. I now ask the rest of the community to bear a portion of that load and open Supervised Injection Sites immediately. To ignore the HUNDREDS OF DEATHS that have occurred and will continue, is morally unacceptable. To ignore the MILLIONS OF DISCARDED, DIRTY NEEDLES in our community is morally unacceptable.

London does not want to go through what Vancouver did, in the 1990's, before the harm reduction strategies began to be implemented. Leading up to that the market for heroin in the city became bloated with oversupply. As a result, heroin was being sold on the street uncut and cheap. Hundreds of Vancouverites lost their lives to overdoses. Hidden away in the back alleys and dark corners of the Downtown Eastside. I lost friends. My neighbors lost family members and loved ones. It was a dark time in the city and most frustratingly, it was preventable. We don't want this to happen in London and currently, all the pieces are lining up for this to occur.

Please be brave in your decision making. Separate personal beliefs and assumptions from our currently, desperate reality. Endorse the supervised injection site initiative now, before more lives are lost

John Densky

documentary photographer
www.johndensky.ca
Skype: jdensky
Facebook: John Densky