

Agenda Including Addeds

Planning and Environment Committee

13th Meeting of the Planning and Environment Committee

August 13, 2018, 4:00 PM

Council Chambers

Members

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

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

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	A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal, and for the purpose of providing instructions and directions to officers and employees of the Corporation.	
7.	Adjournment	

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Update on Regulations for the *Promoting Affordable Housing Act, 2016 (Inclusionary Zoning)*
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with regards to Inclusionary Zoning for the delivery of affordable housing:

- (a) The attached report **BE RECEIVED** for information;
- (b) Staff **BE DIRECTED** to report back to Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and London Development Institute; and
- (c) Staff **BE DIRECTED** to prepare a draft Municipal Assessment Report to establish a framework for policies for Inclusionary Zoning.

Executive Summary

Summary

This report provides a summary of the regulations recently released by the Province to implement Inclusionary Zoning. A summary of changes made since the City provided comments on the previous draft version of regulations is also provided in this report.

Analysis

1.0 Background: Affordable Housing Context

As part of the *Promoting Affordable Housing Act, 2016*, the Province provided a framework for municipalities to introduce inclusionary zoning into Official Plan policies and Zoning By-law regulations. Draft regulations were released for public comment in December 2017. The City provided comments regarding applicability of the draft regulations in London. Following the comment period on the Environmental Bill of Rights, final regulations were released by the Province on April 11, 2018.

1.1 Inclusionary Zoning in Context of Other Affordable Housing Programs

The City of London has established affordable housing objectives and a variety of municipal programs designed to help prevent homelessness, allow access to housing, and support the affordability of housing. This range of existing programs includes government provision of housing, and incentives to support the creation of affordable housing. The programs cover the affordability spectrum from income supports up to average market rent. Inclusionary Zoning is a new regulatory tool that the City can now consider as a means of supporting the provision of affordable housing. As a result of the Province releasing regulations under the *Promoting Affordable Housing Act, 2016*, there is now clarity regarding how a possible inclusionary zoning by-law could support the provision of affordable housing.

If the City chooses to introduce Inclusionary Zoning it could, by by-law, require a certain number of units be created by developers as part of their planning and development applications, and require those units be made available at an affordable rate.

In general terms, inclusionary zoning refers to zoning regulations that would require private development proposals with residential units to include affordable housing units as part of those proposals, and require that those units be maintained as affordable over a period of time.

Inclusionary Zoning does not replace publicly-provided housing, nor is it a municipal incentive program with financial supports. It may, however, be complementary to those programs. Figure 1, below, shows Inclusionary Zoning's relationship to the existing suite of programs in the homelessness to average market rent spectrum:

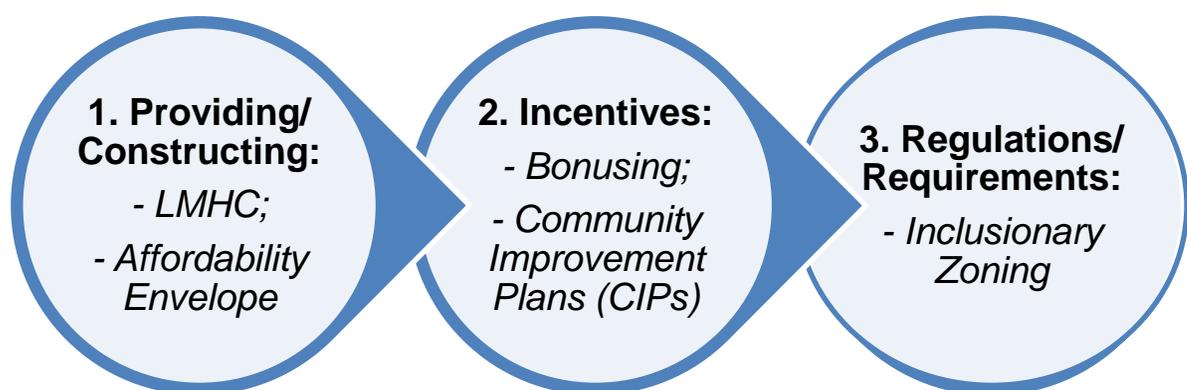


Figure 1: Suite of housing programs

Inclusionary Zoning policies and by-laws may now be considered as a result of legislative changes that would permit the use of inclusionary zoning. The legislation was passed in 2016 and regulations were developed in 2017 and proclaimed in 2018.

The Province identified three objectives for the introduction of legislation that would enable municipalities to use Inclusionary Zoning:

1. To serve more people by increasing the supply of affordable housing units.
2. To create inclusive and integrated communities.
3. To meet local needs by allowing local municipalities to tailor inclusionary zoning by-laws to address local conditions as set out in their Official Plans and zoning by-laws.

Inclusionary Zoning is a new tool that could be used to complement the existing suite of housing programs, as well as support Council's Strategic Plan (Strategy 2B of the Growing Our Economy section), which is to "create new partnerships to build, and support the building of, new affordable housing", and the recommendations of the final report of the Mayor's Advisory Panel on Homelessness, entitled "London For All: A Roadmap to End Poverty".

2.0 Regulations under the *Promoting Affordable Housing Act, 2016*

2.1 The Act and the Draft Regulations

On December 8, 2016, the *Promoting Affordable Housing Act, 2016* (Bill 7, formerly Bill 204) received Royal Assent. This Bill made various changes to the Planning Act, including provisions that would enable municipalities to adopt Official Plan policies and pass zoning by-laws related to Inclusionary Zoning.

On December 18, 2017, proposed regulations to implement Inclusionary Zoning were posted for a 45 day public review and comment period on the Ontario Environmental Registry website (the “EBR”).

The proposed regulations addressed matters such as affordability period, threshold size of buildings (minimum number of units) to which an inclusionary zoning by-law would apply, the affordable housing “set aside” (number of units), inclusionary zoning agreements, municipal incentives, and restrictions to off-site development.

At the Planning and Environment Committee meeting of January 22, 2018, a report was presented with comments related to each of the proposed regulations. That report was circulated to the Ministry of Municipal Affairs for consideration in response to the EBR posting of the proposed regulations. The following points summarize the comments based on the December 2017 draft regulations:

Draft Regulation	City’s previous comments on draft regulations
1. Purpose-built rental projects would be exempt from any inclusionary zoning by-law.	This exemption would eliminate a large portion of London’s potential affordable housing supply.
2. Unless part of a Community Permit Planning System, a municipal financial contribution is required for every affordable unit to be created.	<p>This contribution would be the equivalent of 40% of the difference between the average market price and the affordable price of the affordable units.</p> <p>Given that the total number of affordable housing units that could be developed as a result of inclusionary zoning, and the difference between the average market price and affordable price of affordable housing has not yet been calculated, there could be significant financial implications to the City in implementing inclusionary zoning.</p> <p>It is also important to note that inclusionary zoning regulations from other jurisdictions does not generally include any provision for municipal incentives or contributions.</p>
3. The maximum affordable unit set aside is 5% (10% if located in an identified high-density transit station area).	The unit set aside is much lower than the general 10-20% set aside required in other jurisdictions.

Draft Regulation	City's previous comments on draft regulations
4. The proposed regulations are silent on matters of standards of design, unit size, energy efficiency, etc. as noted in the City's previous submission.	By not specifying minimum standards of design, unit size, etc., affordable housing units could be developed at a lower standard than the prevailing community standard with respect to such matters as materials and appearance and qualities of finishes and/or smaller unit sizes not consistent with the prevailing development pattern.
5. The affordable units required to be provided as part of a development may be permitted to be located off-site, to be constructed within 36 months of the transfer of the affordable units from the proposed development.	It is not known how these off-site units could be provided if they were not developed within the 36 month period after the development requiring the units was completed, nor is there any direction regarding "in proximity to". This could also result in a concentration of affordable housing units, rather than a distribution across the community to provide for integrated and inclusive communities.
6.	Additional City comment: The agreements to implement IZ will require significant staff resources to develop and administer.

The London Housing Advisory Committee (LHAC), the Housing Development Corporation (HDC) London, and other organizations representing municipalities across Ontario also identified similar issues in regards to the draft Inclusionary Zoning regulations.

2.2 Final Regulations Released April 2018

On April 11, 2018, the Minister of Municipal Affairs released Ontario Regulation 232/18 under the *Promoting Affordable Housing Act, 2016* (See Appendix "B"). O. Reg. 232/18 included some considerable changes from the draft regulations that were proposed in December 2017.

The final regulations include the following key items:

- **Official Plan policies:** Official Plan policies to enable the introduction of an inclusionary zoning by-law are still required, however, many of the matters to be prescribed by policy (per the draft regulations) have changed, as outlined in the bullets below.
- **Unit "set aside" (as affordable units):** No percentage of units set aside is prescribed, whereas the draft regulations identified a maximum of 5% of the total units (or 10% at rapid transit stations). The number of units set aside (or gross floor area set aside) is now left to local municipalities.
- **Affordability period:** the length of time the units are to remain as affordable units was previously prescribed in the draft regulations; however, the affordability period is now left to municipalities to identify. This will help recognize local considerations and changes in local market conditions.
- **Measures and incentives:** Under the draft regulations, municipalities were required to pay an incentive of a financial contribution that would cover a fixed portion (40%) of the difference between the market price for units and the affordable unit price. Under O. Reg. 232/18, a municipal financial contribution incentive is not required.

- **Price:** the price of affordable units during and after the affordability period (a defined “transition” period in the draft regulations) has been removed and is now at the discretion of the local municipality.
- **Tenure:** in the draft regulations, development of purpose-built rental buildings was exempt from the Inclusionary Zoning by-law regulations. The final regulations have included both ownership and rental projects that may be subject to the Inclusionary Zoning regulations.
- **Share of proceeds related to equity:** Under the draft regulations, an agreement between the unit owner and City allowed for sale proceeds to be shared based on a scale of how many years it had been owned by the current owner. The final regulations do not include scalar agreements, but instead identify that a by-law may be established and that the municipal portion cannot exceed 50% of the proceeds. Local conditions can establish the apportionment.
- **Restrictions on off-site units:** Under O. Reg. 232/18, the affordable units can be located off-site from the rest of the market-rate development under certain conditions. The affordable units can be located off-site if the municipality’s Official Plan includes Inclusionary Zoning policies that set out the circumstances and conditions under which they may be permitted off-site; if the off-site units are in proximity to the market units; if the off-site location is on lands subject to an Inclusionary Zoning By-law; and those off-site units cannot be counted towards the affordable unit requirements for a development on that second property (i.e. no “double counting”).
- **Exempted developments:** The key changes to exemptions under O. Reg. 232/18 is that buildings of fewer than ten (10) units are exempt from the Inclusionary Zoning By-law (whereas buildings of fewer than twenty (20) units was earlier proposed in the draft regulations). Also, as noted above, rental buildings are no longer exempt under the final version of the regulations.
- **Assessment report:** as identified in section 4 of this report, below, an assessment report is required to be prepared with information supporting the Official Plan Amendment. The housing and market information in the assessment report is to be updated and presented to Council and the public every five years. In addition, reports regarding the subsequent implementing Zoning By-law are required to be presented to Council every two years on the status of affordable housing units, including the number, type, and location of units, as well as range of incomes.

3.0 Stakeholder and Public Consultations

3.1 Consultations to Examine Potential Implementation

Inclusionary Zoning is a new tool that could complement and expand upon existing programs to address homelessness, housing, and affordability of housing within London. Prior to developing inclusionary zoning policies and new zoning by-law, it is recommended that Staff undertake consultations with stakeholders to examine the potential for implementation of Inclusionary Zoning in London.

Consultations will focus on the key concepts of the regulations proposed by the Province and their applicability to the local context in the city of London. Staff will collaborate closely with the development community, as any inclusionary zoning by-law would apply to private residential development projects. Under the regulations associated with inclusionary zoning, housing provided by a non-profit housing provider, or any project where a non-profit housing provider has an interest that is greater than 51%, or any project includes a minimum of 51% of the units intended as affordable housing would be exempt from any inclusionary zoning by-law requirements.

Staff will present the findings of those consultations, as well as options and findings of best practice research from other jurisdictions. Regardless of the form of program, an

Official Plan Amendment to introduce enabling policies into the London Plan will be required should London pursue any form of Inclusionary Zoning program. An Official Plan Amendment will be a subsequent step after these consultations to investigate key concepts and considerations for potential implementation.

3.2 Overview of key concepts for consultations

One of the main purposes of the collaboration and consultations is to investigate the key concepts of Inclusionary Zoning and their applicability to London. This first stage of consultation would not be to identify components of a potential Official Plan Amendment that would direct a subsequent Zoning By-law Amendment to introduce a by-law for Inclusionary Zoning, but instead identify the general requirements and approaches to be considered to implement Inclusionary Zoning in London.

The first round of consultations would address market information related to the opportunities and constraints as well as the following matters:

- How would Inclusionary Zoning be structured, for example, different requirements for ownership and rental affordable housing;
- How does London establish threshold numbers or proportions of projects that would be required to be provided as affordable housing;
- What would be the geographic extent of the by-law (i.e. one or more than one Inclusionary Zoning by-law across the City);
- Should off-site locations be considered for the provision of any required affordable units, and if so, how would London define “proximity”;
- How would the City ensure that off-site unites are developed;
- Are there certain classes of buildings or land uses that should be exempted from an IZ by-law;
- What would be an appropriate affordability period;
- Should IZ consider matters related to unit size and design.
- What market information can be provided in support of the preparation of an assessment report on the demographics, housing supply and projections, as well as other information, as noted in section 4 of this report, below.
- What City resources are required to administer, monitor, and report on an Inclusionary Zoning program, including as relates to market and housing information of the “assessment report”.

Staff will report the results of the consultation about these matters to a future meeting of the Planning and Environment Committee. A subsequent set of consultations would refine the different quantitative measures of a potential Inclusionary Zoning policy and by-law, including matters such as the: threshold size of building to require the provision of affordable units; unit set aside (i.e. the proportion of units to be identified as affordable units); affordability period; price and rent; and share of proceeds.

4.0 Assessment Report

4.1 Assessment Report

As part of the preparation of Inclusionary Zoning policies, an assessment report is required that identifies certain housing market and demographic information. The assessment report is required as a background report at the time of the Official Plan Amendment for the introduction of policies for Inclusionary Zoning. The assessment

report is then required to be updated at least every five years, with monitoring reports every two years.

The assessment report is required to include the following:

1. An analysis of demographics and population in the municipality;
2. An analysis of household incomes in the municipality;
3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.
5. an analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
6. An analysis of potential impacts on the housing market on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to: number of affordable units/affordable gross floor area; affordability period; incentives; and the sale or lease price for affordable units. This analysis will take into account:
 - i) Value of land;
 - ii) Cost of construction;
 - iii) Market price;
 - iv) Market rent; and
 - v) Housing demand and supply

The City's analysis of potential impact on the housing market (i.e. item 6 above), is also required to take into account Provincial policies and plans as well as the municipal Official Plan in its analysis of growth and development in the City. The analysis in item 6 is furthermore required to be independently peer reviewed by a person deemed by Council to be qualified.

Staff propose that a draft assessment report be prepared concurrent to the first stage of consultations, so that it can both support those consultation discussions and provide the information required to align with the timing of any subsequent Official Plan Amendment process.

5.0 Next Steps

Staff will begin the consultation process with the London Home Builders Association, the London Development Institute, and other affordable housing stakeholders. Staff will also undertake the preparation of the assessment report and report back to the Planning and Environment Committee on the results of the consultations and the options and approaches for the implementation of inclusionary zoning in London. Following the selection of a preferred approach, an Official Plan Amendment for inclusionary zoning policies will be initiated. This Official Plan Amendment process would include extensive public consultation to ensure broad community understanding regarding Inclusionary Zoning. It is important to note that Official Plan policies, or a Zoning By-law Amendment to implement IZ, are not appealable, so extensive consultation is recommended to ensure information is available to the public.

6.0 Conclusion

Inclusionary Zoning is a powerful implementation tool to provide affordable housing. Initial consultation with the development community to understand the roles and

potential requirements of private developers to provide affordable housing through Inclusionary Zoning is important. It is therefore recommended that initial consultation with the development community be undertaken prior to the preparation of draft Inclusionary Zoning policies.

Prepared by:	Travis Macbeth, MCIP RPP Planner II, Long Range Planning and Research
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services.</p>	

July 19, 2018
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Appendix A – Relevant Previous Reports

Previous Reports Pertinent to this Matter

Information Report on Inclusionary Zoning in Bill 204, the Promoting Affordable Housing Act, 2016. Planning and Environment Committee, August 22, 2016.

Information Report – Proposed Regulations, Promoting Affordable Housing Act, 2016 (Inclusionary Zoning). Planning and Environment Committee, January 22, 2018.

Français

ONTARIO REGULATION 232/18

made under the

PLANNING ACT

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INCLUSIONARY ZONING

Definitions

1. In this Regulation,

“inclusionary zoning by-law” means a by-law passed under section 34 of the Act to give effect to the policies described in subsection 16 (4) of the Act; (“règlement municipal relatif au zonage d’inclusion”)

“non-profit housing provider” means,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or
- (d) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing; (“fournisseur de logements sans but lucratif”)

“offsite unit” means an affordable housing unit that is required in an inclusionary zoning by-law and that is erected or located in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. (“logement hors site”)

Assessment report

2. (1) An assessment report required by subsection 16 (9) of the Act shall include information to be considered in the development of official plan policies described in subsection 16 (4) of the Act, including the following:

1. An analysis of demographics and population in the municipality.
2. An analysis of household incomes in the municipality.
3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.
5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
 - i. value of land,
 - ii. cost of construction,
 - iii. market price,
 - iv. market rent, and
 - v. housing demand and supply.
7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.

(2) The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:

1. Provincial policies and plans.
2. Official plan policies.

(3) An updated assessment report required by subsection 16 (10) or (11) of the Act shall contain the information specified in subsection (1).

Official plan policies

3. (1) Official plan policies described in subsection 16 (4) of the Act shall set out the approach to authorizing inclusionary zoning, including the following:

1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
2. The locations and areas where inclusionary zoning by-laws would apply.
3. The range of household incomes for which affordable housing units would be provided.
4. The range of housing types and sizes of units that would be authorized as affordable housing units.
5. For the purposes of clause 35.2 (2) (a) of the Act, the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
6. For the purposes of clause 35.2 (2) (b) of the Act, the period of time for which affordable housing units would be maintained as affordable.
7. For the purposes of clause 35.2 (2) (e) of the Act, how measures and incentives would be determined.
8. For the purposes of clause 35.2 (2) (g) of the Act, how the price or rent of affordable housing units would be determined.
9. For the purposes of section 4, the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
10. The circumstances in and conditions under which offsite units would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.
11. For the purposes of paragraph 2 of section 5, the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.

(2) Official plan policies described in subsection 16 (4) of the Act shall set out the approach for the procedure required under subsection 35.2 (3) of the Act to monitor and ensure that the required affordable housing units are maintained for the required period of time.

Net proceeds from sale of affordable housing unit

4. (1) An inclusionary zoning by-law may require a portion of the net proceeds from the sale of an affordable housing unit to be distributed to the municipality.

(2) A by-law referred to in subsection (1) shall set out the percentage of the net proceeds to be distributed to the municipality, which shall not exceed 50 per cent.

(3) If a by-law referred to in subsection (1) is in force, an agreement referred to in clause 35.2 (2) (i) of the Act shall provide that, where an affordable housing unit is sold, a percentage of the net proceeds from the sale shall be distributed to the municipality in accordance with the by-law.

Restrictions on offsite units

5. The authority of a council of a municipality under clause 35.2 (5) (a) of the Act is subject to the following restrictions:
 1. Offsite units shall not be permitted unless there is an official plan in effect in the municipality that sets out the circumstances in and conditions under which offsite units would be permitted.
 2. Offsite units shall be located in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.
 3. The land on which the offsite units are situated shall be subject to an inclusionary zoning by-law.
 4. Offsite units shall not be used to satisfy the by-law requirement to include a number of affordable housing units, or gross floor area to be occupied by affordable housing units, that applies to the development or redevelopment in which the offsite units are permitted.

Restrictions on the use of s. 37 of the Act

6. The authority of a council of a municipality under section 37 of the Act is subject to the following restrictions and prohibitions:

1. Any increase in the height and density of a development or redevelopment permitted in return for facilities, services or matters under section 37 of the Act is deemed not to include:
 - i. the height and density associated with the affordable housing units required in an inclusionary zoning by-law,
 - ii. any increase in height and density permitted in an inclusionary zoning by-law as an incentive described in clause 35.2 (2) (e) of the Act.
2. For greater certainty, the council shall not use its authority under section 37 of the Act with respect to a development or redevelopment giving rise to a by-law requirement for affordable housing units in an area in which a community planning permit system is established.

Reports of municipal council

7. (1) For the purposes of subsection 35.2 (9) of the Act, if a council of a municipality passes an inclusionary zoning by-law, the council shall ensure that a report is prepared and made publicly available at least every two years.

(2) The council shall ensure that each report describes the status of the affordable housing units required in the by-law, including the following information for each year that is the subject of the report:

1. The number of affordable housing units.
2. The types of affordable housing units.
3. The location of the affordable housing units.
4. The range of household incomes for which the affordable housing units were provided.
5. The number of affordable housing units that were converted to units at market value.
6. The proceeds that were received by the municipality from the sale of affordable housing units.

Exemptions from inclusionary zoning by-law

8. (1) An inclusionary zoning by-law does not apply to a development or redevelopment where,

- (a) the development or redevelopment contains fewer than 10 residential units;
- (b) the development or redevelopment is proposed by a non-profit housing provider or is proposed by a partnership in which,
 - (i) a non-profit housing provider has an interest that is greater than 51 per cent, and
 - (ii) a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment;
- (c) on or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following:
 - (i) approval of a plan of subdivision under section 51 of the Act, or
 - (ii) approval of a description or an amendment to a description under section 9 of the *Condominium Act, 1998*; or
- (d) on or before the day the inclusionary zoning by-law is passed, an application is made in respect of the development or redevelopment for a building permit, a development permit, a community planning permit, or approval of a site plan under subsection 41 (4) of the Act.

(2) Despite clause (1) (b), an inclusionary zoning by-law applies to any offsite units that would be permitted in a development or redevelopment.

9. Clause (a) of the definition of “non-profit housing provider” in section 1 is revoked and the following substituted:

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,

Commencement

10. (1) Subject to subsection (2), this Regulation comes into force on the later of the day subsection 10 (1) of Schedule 4 to the *Promoting Affordable Housing Act, 2016* comes into force and the day this Regulation is filed.

(2) Section 9 comes into force on the later of the day subsection 211 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and the day this Regulation is filed.

4

Made by :
Pris par :

Le ministre des Affaires municipales,

BILL MAURO
Minister of Municipal Affairs

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner
George Kotsifas
Managing Director, Development and Compliance Services
and Chief Building Official

Subject: Local Planning Appeal Tribunal Process Report

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, and the Managing Director, Development and Compliance Services and Chief Building Official, with the concurrence of the City Clerk and Solicitor II, the following actions be taken:

- a) The report dated August 13, 2018, entitled “Local Planning Appeal Tribunal Process Report” **BE RECEIVED**:
- b) The Civic Administration **BE DIRECTED** to initiate the processes outlined in the report noted in a) above.

Executive Summary

This report provides information regarding the various changes to municipal processes and procedures as a comprehensive response to Bill 139, and the transition from the Ontario Municipal Board (OMB) to the Local Planning Appeal Tribunal (LPAT) system.

Background

1.0 Previous Reports Pertinent to this Matter

June 18, 2018: Planning and Environment Committee, “Local Planning Appeal Tribunal Transition Report”

January 8, 2018: Planning and Environment Committee, “Ontario Municipal Board (OMB) Reform”

November 28, 2016: Planning and Environment Committee, “Ontario Municipal Board (OMB) Review, 2016.”

August 22, 2016: Planning and Environment Committee, “Ontario Municipal Board Review.”

2.0 Background

The new Local Planning Appeal Tribunal (LPAT) resulted from the review undertaken in 2016 by the Ontario Ministry of Municipal Affairs and the Ministry of the Attorney General of the scope and effectiveness of the Ontario Municipal Board (OMB). On May 30, 2017, Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139)* was introduced for the purpose of improving how the OMB operates within the broader land use planning system. Bill 139 received Royal Assent on December 12, 2017, and the related schedules, rules and regulations applicable to the new Local Planning Appeal Tribunal came into force through proclamation on April 3, 2018.

An internal staff LPAT “Transition & Implementation Working Group” has been established to review and prepare the City of London for process updates and changes. The group is comprised of staff members from the City Clerk’s Office, Planning Services, Development and Compliance Services and Legal Services, which have all participated and provided input into this report. This report will build on the LPAT Transition Report received by the Planning and Environment Committee (PEC) in June 2018, and provides a comprehensive response to Bill 139, including such aspects as:

- Education and Communication strategy for the public and industry professionals;
- Format and timing for additional public participation meetings (PPMs);
- Changes to notice requirements;
- Supporting policy requirements including amendments to The London Plan;
- Complete application requirements and Report Templates; and,
- Changes to decisions and appeals.

Other recent changes to the *Planning Act*, such as the two-year moratorium on Official Plan Amendments after a new Official Plan comes into effect, introduced through Bill 73, that are related to, but not directly linked to the LPAT specific changes, are addressed in a separate report.

Transition Regulations

Transition regulations are set out to direct which *Planning Act* matters would be considered under the ‘new’ LPAT process and ‘old’ OMB procedures. All appeals now received by the City will be considered before the Local Planning Appeal Tribunal (LPAT), regardless of when the application was made. The City currently has three applications under appeal before the new LPAT rules and regulations. There are a further twelve (12) applications in various stages of the OMB appeal process that were filed prior to April 3, 2018, and will proceed under the “old regime” as the *Act* existed on or before April 2, 2018.

Summary of LPAT Process

The Local Planning Appeal Tribunal (LPAT) is an adjudicative tribunal that hears appeals in relation to a range of municipal planning, financial and land use matters. The new LPAT process divides applications and hearing types into Part 1 Appeals and Part 2 Appeals.

Part 1 Appeals

Part 1 appeals under the LPAT will follow the same rules and process as the former OMB. Part 1 hearings include appeals for:

- Minor variances
- Consents
- Site plans
- Subdivision decisions for approval or refusal
- Heritage appeals that previously went to the OMB
- *Aggregate Resources Act* appeals

Part 2 Appeals

The ‘Part 2’ hearings include appeals for:

- Part or all of an Official Plan exempt from approval
- Part or all of an Official Plan decision by the approval authority
- Non-decision or decision by the approval authority of a privately-initiated Official Plan Amendment
- Non-decision or decision by the approval authority of a Zoning By-law Amendment
- Non-decision of a Subdivision

All *Planning Act* appeals were previously conducted as *de novo* hearings, as if they were not previously heard or decided. Part 2 appeals will now face the applicable tests

of Bill 139 to determine if the appeal is valid, including whether the decision is consistent with the Provincial Policy Statement (PPS), and whether the matter conforms to the Official Plan. The LPAT will conduct preliminary screening as to whether or not an appeal is to be accepted, and can dismiss an appeal if the tests are not satisfied.

If an appeal is considered to be valid, the LPAT will undertake a hearing. If the LPAT hearing identifies that there is an inconsistency or non-conformity, the LPAT will return the application to the municipality and provide Municipal Council with the opportunity to make a new decision. Municipal Council would then have 90 days to reconsider the application, with the benefit of the LPAT's direction. If there is a second appeal to the subsequent decision of Municipal Council, or for a non-decision within the 90 days allocated, the Part 2 Appeal will be held as a Part 1 Appeal, or as a *de novo* hearing.

Prescribed Timeframes and Non-decision Appeals

Under Bill 139, municipalities are provided with a longer period of time to make a decision on a planning application before a Part 2 appeal can be filed for non-decision. Municipalities now have 150 days to consider zoning amendments (previously 120 days), and 210 days to consider Official Plan amendment applications (previously 180 days), which includes combined Official Plan amendment and rezoning applications. Where a municipality fails to make a decision within the prescribed timelines, an applicant can appeal the non-decision of Municipal Council to the LPAT. In such an event, where there is no decision of Municipal Council, there may be a very limited evidentiary record to forward to the Tribunal for consideration (see section 8.0).

LPAT Requirements for Non-decision Appeals

Prior to Bill 139, appeals for non-decision did not require the appellant to provide any reasons for the appeal. Under Bill 139, the appellant must now provide an explanation of the basis for the appeal. Specifically, the appellant must argue the 'dual compliance test', in the same way an appeal to a refusal would be argued. The dual compliance test would have to demonstrate how the existing part or parts of the Official Plan or Zoning By-law amendment affected by the requested amendment are not consistent with the PPS and/or do not conform to the Official Plan policies, and further how the proposed amendment to the Official Plan or Zoning By-law would be consistent with the PPS and/or conform to the Official Plan policies.

3.0 Education and Communication

Summary of Key Issue and Consideration

Bill 139, as it relates to LPAT, includes changes for how the overall planning and development industry operates, and how the public are consulted and provide input. A key part of the proposed changes contained in this report as it relates to the LPAT process, will be the approach to education and communication to ensure all who are involved or participate in the planning process have a solid understanding of the various requirements.

Applications and notices will continue to be updated to reference LPAT, the City's website has also been changed and is still being updated as the potential changes in process and policy for several types of applications are worked through. The Civic Administration, with the aid of the Province, will continue to provide information to the public as appeals come forward.

Education and Communication Program

A Community Engagement Program is proposed to be undertaken to engage the Internal Service Areas, External Agency Partners and the Public on the following topic areas:

1. Provide an overview of LPAT
 2. Describe the transition to LPAT
 3. 1 or 2-step public process on *Planning Act* applications
 - Identify the types of applications that are subject to the 2-step process
 - Outline what is involved with the process and how it works
 - Outline the purpose of the Public Participation Meeting (PPM)
 - Clarify what the City is requiring to be included in the submission of an application
 - Identify changes to The London Plan (Our Tools)
 - Layout and explain the process for appeals
- Ensure that there are a variety of opportunities for Internal Service Areas, External Agency Partners and the Public to become engaged in the LPAT transition process
 - Educate the community about the importance of planning, the impact on city building, and the best ways and times to provide input
 - Engage stakeholders presently engaged in planning processes and make tools (literature) available for those who do not normally participate in planning or city initiatives
 - Ensure industry professionals are aware of changes to complete application and report requirements
 - Ensure Municipal Council and Standing Committees are briefed on the upcoming changes and their implications
 - Continue the collective effort to advance The London Plan Vision and Key Directions

Implementation tools for Communication Education Program

- **Website** – a communication resource for consistent messaging

Key components of the website may include:

- Information resources provided in an efficient, visually compelling way;
 - News posts, events, and documents;
 - Display of interactive maps and online engagement elements;
 - Intuitive information architecture and search tools to help citizens locate relevant information quickly;
 - Integration with social media channels
 - Links to provincial LPAT resources such as the rules and legislation, Citizen Liaison Centre, and status of individual cases
- **Formal presentation format** – LPAT “roadshow” (initially internal to the City and ultimately to external audience, as requested)
 - Service Areas – Section/staff Meetings and/or workshops
 - Immediate appearances at team or Division meetings
 - Explain LPAT basics and transition
 - Introduce 1 or 2 step process
 - Work through scenarios
 - External groups (London Development Industry, London Homebuilders Association, Community Associations, Business Improvement Associations etc).

- Presentation of LPAT and City of London process, workshop, Q&A
- Tailor presentation topic areas to the group interests
- Work through scenarios
- **Workbooks**
 - Executive Summary Booklet of LPAT or user guide

Timing

The preparation of an overall Education Communication Program is targeted for the end of Q3, 2018, with delivery of the program targeted for Q4, 2018.

4.0 Meetings and Planning Reports

Summary of Key Issue and Consideration

The LPAT process changes under the *Planning Act* include certain risks that could result in the public not having the opportunity to provide input on a planning application or Municipal Council not having its direction form part of the record. This risk is most directly related to Part 2 appeals for non-decision.

Analysis

The current planning review process includes a Public Participation Meeting (PPM) which is scheduled upon completion of the planning review, and once the staff recommendation is available. For some applications, the planning review may exceed the prescribed timeframe due to revisions to designs or studies, to resolve issues or to address community comments. In many of these cases, there is an acknowledgement that since additional time is required, it is accompanied by an ‘on-hold’ request from the applicant to informally suspend the statutory timeframe. This process is generally undertaken with the applicant as a cooperative and collaborative approach to achieving a beneficial planning outcome, though does create a vulnerability for the municipality for non-decision appeals since the ‘on-hold’ status has no formal basis in legislation.

In the past, if a non-decision appeal arose due to such a scenario it was possible to seek Municipal Council’s direction and the public’s input prior to the appeal hearing. The new LPAT process does not allow for this additional process to be incorporated into, or form what is referred to as, the evidentiary record. This could result in an incomplete and partial record that does not effectively or accurately reflect or convey the comments and concerns of the Municipal Council or the community.

Two Step Meeting and Report Approach

In order to ensure that there is meaningful public participation and an adequate evidentiary record to submit to the Local Planning Appeal Tribunal in the event of a non-decision appeal, the proposed approach is to hold the PPM early on in the application review process. The first planning report known as the “Public Meeting Report” will provide:

- Detailed description of the proposed amendment
- The policy framework that will apply
- A summary of the public comments and feedback received up until the time the report is prepared
- A summary of any issues that have been identified and/or need to be addressed

The report will be provided for information purposes, and will contain limited analysis, no planning opinion/recommendation nor a proposed by-law. Comments received at the PPM will be considered by Planning Services/Development Services staff and the applicant during the remaining application review period. Additionally, the meeting will establish public comments and Council consideration in “the record” for the purposes of a potential LPAT appeal. Once the application review is complete, a subsequent planning report will be prepared known as the “Recommendation Report”, which will provide:

- A complete analysis, evaluation and opinion of the relevant policies
- A response to how the public comments have been addressed or incorporated
- How Standing Committee or Municipal Council direction from the first meeting has been addressed or incorporated
- A recommendation and implementing by-law

An additional public participation meeting could accompany the Recommendation Report if one of the following have been triggered:

- Substantial change or revision to the requested amendment
- New, important or relevant information is provided or available
- Substantial, or increase in, community comments or concerns
- If, for any other reason, an additional public meeting would be in the best interest of the public, and/or benefit the community
- Municipal Council directs that an additional public participation meeting be held

Changes to Report Templates

The Transition Report from June 2018 outlined a number of changes and updates to the staff reports that were required on an immediate basis which included updated wording and references to consistency or inconsistency with the PPS and conformity or non-conformity with the Official Plan. Staff reports also now reference the qualifications of the author and those that provided expert input into the report. Additional changes to the content of planning reports will be required to reflect the proposed two-step process.

Recommendation

A two-step planning process is proposed that will include two planning reports and an early public participation meeting (PPM). Should Municipal Council direct staff to move towards a two-step process the public would have an opportunity to provide input on an application before staff bring forward a recommendation. The input Municipal Council receives from the public prior to the PPM would be summarized in the report brought forward to the second Planning and Environment Committee (PEC) meeting along with a recommendation.

Timing

The approach to meetings and planning reports will be fully implemented by Q4, 2018.

5.0	Notice Requirements
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Summary of Key Issue and Consideration

The replacement of the Ontario Municipal Board with the Local Planning Appeals Tribunal requires that references contained in all municipal notices, such as Notices of Application, Notices of Public Meeting and Notices of Decision, be updated to ensure that applicants, organizations and the public are properly advised of their appeal and participation rights. Additionally, slight changes to the wording of existing Notices are required to comply with the new legislation. The Notices will otherwise remain substantially the same.

Analysis

This legislative change applies to all applications for Official Plans and Official Plan amendments, Zoning By-law amendments, Draft Plans of Subdivision, Draft Plans of Condominium, Minor Variances, and Consents to Sever. The required changes affect document templates in Planning Services, Development and Compliance Services, and the City Clerks Office. Once the templates are updated, there are no long term impacts for staff or operations, other than consistent monitoring to ensure the content remains current.

Timing

As of July 10, 2018, all of the relevant notice templates have been updated to meet the legislative requirements. Depending on Municipal Council's direction related to procedural changes and educational tools discussed elsewhere in this report, additional changes to the content of some or all of the Notices, and the on-site signs, may be required to implement those directions, which will occur by Q4, 2018.

6.0 Supporting Policy Requirements

Summary of Key Issue and Consideration

The Official Plan and The London Plan contain the policies and direction for operational and process matters, including those proposed to change due to the LPAT process update.

Analysis

The 1989 Official Plan contains Complete Application policies in Section 19.16 of the Plan, while The London Plan provides for Complete Application and Pre-Application Consultation Requirements in policies 1580 through 1614 of The Plan. The policies provide a list of submission requirements that are intended to provide Municipal Council and/or a delegated Approval Authority with all relevant and required information that would allow them to make an informed decision within prescribed timeframes and also provide members of the Public and other Stakeholders with access to information relating to the matter. The Policies outline the reports and studies that may be required as part of a Complete Application, as determined at a pre-application consultation meeting, and may include reports and studies that address planning, design, environmental, transportation, servicing, heritage and agricultural matters.

Notwithstanding the comprehensiveness of current policy relating to submission requirements for a complete application, some minor amendments to both Plans may be needed in response to the new LPAT regulations for planning application appeals. The new regulations place greater emphasis on the studies and reports submitted as part of planning applications in terms of addressing the new tests of consistency and conformity.

Recommendation

The Civic Administration will review the need for minor amendments to current policy within the 1989 Official Plan/The London Plan and report back through the Planning and Environment Committee (PEC) should amendments be warranted.

Timing

The review of applicable 1989 Official Plan and The London Plan amendments will be completed by Q4, 2018.

7.0 Complete Application Requirements

Summary of Key Issue and Consideration

A review of the City's processes with regards to complete applications was undertaken as part of the LPAT review. The City's 1989 Official Plan and The London Plan both contain policies related to complete applications and mandatory pre-application consultation for various *Planning Act* applications, including the Part 2 appeals of Official Plan, Zoning by-law amendments, and non-decision appeals for plans of subdivision. Mandatory consultation is required *"to ensure that all relevant and required information pertaining to a planning application is available at the time of submission of the application in order to enable City Council and its delegated approval authorities to make informed decisions within the prescribed period of time, and to ensure that the public and other relevant stakeholders have access to all relevant information early in*

the planning process” (The London Plan, Policy 1580).

As part of the LPAT changes, Civic Administration reviewed and considered the following: whether additional information is required as part of a complete application; if changes are required to The London Plan policies related to Complete Application and Pre-Application Consultation Requirements; and, if any changes are necessary with respect to the Record of Consultation provided to the Applicant.

Analysis

As part of any complete application, the Civic Administration typically require a Planning and Design Report (formerly known as Planning Justification Reports) to be submitted with the application, which contains the policy, background, rationale and justification for the requested land use change. The LPAT legislation places greater emphasis on more detailed material to be provided up front and available for Municipal Council’s and the community’s review. The proponent is required to provide the appropriate information and analysis as part of a complete application, which could constitute the proponent’s justification and position should the application be appealed. It is therefore in the proponent’s best interest to ensure that appropriate information and sufficient detail is provided with every planning application. There is no onus on the City to agree with the content of the information provided.

In order to ensure that applicants provide the necessary evaluation as required by The London Plan policy and LPAT, Staff will develop a Planning and Design report template in order to assist all applicants in providing the necessary information. Templates could be provided on the City website to assist proponents in their submissions for various aspects of the planning process.

Changes to the Record of Consultation provided to the Applicant

As indicated above, the onus will be on the applicant or proponent to ensure that appropriate information and supportive materials have been provided with their application, and that an appropriate person who may be qualified to give expert opinion evidence at the LPAT is retained. Under the new rules for LPAT, there is a chance that appellants may not be able to provide further documentation (e.g. witness statement) to the Tribunal beyond what was provided to the Municipality (including both as part of the complete application, and as part of the public meeting submission). As such, there is a possibility that the materials provided in support of the application may be the only opportunity for the applicant to form the basis for a Planning argument if the application was appealed to the LPAT. To ensure that the proponents are made aware of this, a disclaimer is recommended to be added to the Record of Pre-application Consultation and to the minutes of an Initial Proposal Report. This will ensure that applicants are made aware of the possibility that their submission may form the basis of the planning position at the LPAT in-lieu of the previous OMB approach of having witness statements. Wording will be developed in consultation with the City’s Legal Department.

Timing

It is recommended that the Civic Administration develop a Planning and Design report template in order to ensure applicants provide necessary information to assist in the review of the application and to enhance the evidentiary record. Staff anticipate developing the template and having it available on the City’s webpage for use by the end of Q3.

8.0 Appeals and Non-decisions

Summary of Key Issue and Consideration

As a result of the changes to the *Planning Act*, it is possible that an appeal from a non-decision of Municipal Council could proceed to the LPAT without any input or direction from Municipal Council. Additionally, there is the potential for a decision of Municipal Council to have no evidentiary support at the “first appeal” in the LPAT process, if a

decision is made that is different than the staff recommendation.

Analysis

Under the previous procedural approach, once an appeal was filed, it was possible to obtain direction from Municipal Council by bringing a subsequent report prior to the hearing date; however, LPAT appeals will now be argued entirely on the record that existed at the time of appeal. This also creates potential challenges in the event that Municipal Council makes a decision contrary to a staff recommendation. Under the previous regime, Municipal Council would have the ability to retain experts in support of the decision, but the changes to the *Planning Act* will no longer permit additional evidence to enter the record on which an LPAT first appeal is argued.

Enhanced notice and earlier public participation meetings as described above are proposed to provide a genuine public engagement process that occurs earlier in the planning process, and will ensure that Municipal Council has the opportunity to consider each application prior to an appeal for non-decision. Additionally, in the event of a decision in conflict with a staff recommendation, the proposed changes will ensure that there has been adequate opportunity to consider the evidentiary basis for that direction.

Recommendation

It will be critical that the Planning and Environment Committee (PEC) and Municipal Council understand the options available, should an appeal be filed. To that end, the recommendation is to provide education to the new Municipal Council with orientation materials of the differences in timing between the new and old approaches, as well as continue to have Legal staff available at PEC to provide advice prior to a decision.

Timing

Changes related to appeals and non-decision matters are anticipated to be completed by Q4, 2018.

9.0	Other Matters
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Under the new rules of the Local Planning Application Tribunal (LPAT), many appeals pertaining to development applications permitted under the *Planning Act* will function in a similar manner to those which would have been filed with the Ontario Municipal Board. The Civic Administration reviewed the processes for appeals filed under Section 41 (Site Plan Control), Section 45 (Minor Variance), Section 51 (Plans of Subdivision), and Section 53 (Consent). As per the legislation, appeals to these application types function with the same rules (Part 2) as other development applications (e.g. Zoning and Official Plan amendments) being challenged under a second appeal to the LPAT. Filing an appeal, participation, hearings, submission materials, and summons follow a similar path as that of the procedural operations of the former Ontario Municipal Board. From the perspective of the Civic Administration, it does not appear that an adjustment to how the Civic Administration process and report on the above noted development applications requires modification to align with the new rules of the LPAT.

In similar a manner, the Ontario Municipal Board dealt with appeals filed under the *Aggregate Resources Act*, the *Development Charges Act*, the *Education Act*, the *Expropriations Act*, the *Municipal Act*, and the *Ontario Heritage Act*. While there were changes to the respective legislation for each of the above noted Acts, substantial change to procedural matters at the LPAT are either unknown or untested. It appears it will be a “wait and see” approach to how appeals filed to the LPAT will function on a procedural basis. The Ministry of Municipal Affairs and Housing is currently preparing documentation to assist with cases filed under of the above noted Acts.

Conclusion

This report provides information regarding the recent transition from the Ontario Municipal Board (OMB) to the Local Planning Appeal Tribunal (LPAT). Initial changes to municipal processes required to accommodate the new system were identified through the LPAT Transition Report in June, 2018. This accompanying LPAT Process Report includes various administrative and procedural changes that are required to comprehensively address the Bill 139 implications.

Prepared by:	Sonia Wise, MCIP RPP Planner II, Current Planning
Concurred by:	Cathy Saunders City Clerk
Concurred by:	Aynsley Anderson Solicitor II, Legal and Corporate Services
Recommended by:	George Kotsifas, P.Eng. Managing Director, Development and Compliance Services and Chief Building Official
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services, Development and Compliance Services, and Legal and Corporate Services</p>	

August 2, 2018

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: ReThink Zoning Terms of Reference

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following report and draft Terms of Reference **BE RECEIVED** and **BE CIRCULATED** to stakeholders, agencies, and the public for the purposes of receiving comments, noting that the final Terms of Reference will be brought before a future meeting of the Planning and Environment Committee for approval following consultations with stakeholders, agencies, and the public.

Analysis

What is ReThink Zoning?

ReThink London is the name Staff are considering to brand the process of discussing, researching, consulting, and ultimately writing a new by-law that will replace the current Zoning By-law Z.-1.

ReThink Zoning is being considered for several reasons:

1. To link this project to the successful and award-winning undertaking that was ReThink London – the engagement process that resulted in the London Plan – and it has been called the most successful engagement process over a planning process ever done in Canada. We want to build on that success and continue the conversation in this next planning phase. The conversation will shift in this phase from *what will our city be* to *how we make it happen*.
2. To encourage creativity and innovation. Zoning is an important regulatory means of establishing a variety of planning permissions. However, the current Zoning By-law has limitations, such as limited flexibility and being “2D” in nature. By rethinking zoning, new approaches can be considered that have been successfully applied elsewhere, or original ideas explored that are uniquely suited to The London Plan approach.

Why Write a New Zoning By-law?

The London Plan has been adopted by Council and approved by the Province, and it is currently moving through the Local Planning Appeal Tribunal [“LPAT”] appeals process. Therefore, it is appropriate to begin updating the related by-laws necessary to implement the vision, goals, key directions, and other policies of the new Plan.

There are two main reasons to replace Zoning By-law Z.-1 now that the London Plan has been approved. They are:

1. The *Planning Act* requires a zoning by-law to conform to the in-force official plan.
2. The current Z.-1 Zoning By-law was used as a tool to implement the '89 Official Plan and does not translate in achieving the new vision, values, key directions, or other policies of The London Plan.

1. Compliance with the Planning Act

The Planning Act requires that all by-laws must comply with an official Plan. Section 24(1) of the *Act* states that, “*despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.*” Because Zoning By-law Z.-1 was written and approved as a tool to implement the 1989 Official Plan its regulations work to achieve the policies of that Plan. The London Plan includes a new vision for the city and new policies that in some cases require different forms of development. Therefore, a new by-law that conforms to the new plan is required.

In addition, Section 26(9) of the *Act*, which deals with updates to an official plan, states that, “*No later than three years after a revision under subsection (1) or (8) comes into effect, the council of the municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan.*” Therefore, because the official plan has been entirely rewritten, in order to comply with this requirement the zoning by-law must be replaced to conform to The London Plan.

2. Implementing The London Plan

The second reason to replace Zoning By-law Z.-1 is to achieve The London Plan’s vision, values, key directions, and other policy objectives. The London Plan includes a new city structure, a new approach to city building, and new ideas about what kind of city London should grow to become. It has replaced the traditional concept of Land Use Designations with Place Types, which consider the use, intensity, and form of development equally to achieve great places throughout the city.

The London Plan was developed through a 5-year process of conversation and engagement with Londoners. The method by which development is regulated through zoning is inherent in the implementation of an Official Plan.

Draft Terms of Reference

Draft terms of reference are attached as an appendix to this report. This draft is intended to start the conversation, and will be refined through engagement and consultation with stakeholders, agencies, and the public.

The draft terms of reference are separated into five sections:

1. An Introduction to the project
2. Goals, Objectives, and Desired Outcomes
3. Work Plan
4. Project Team
5. Community Engagement

1. Introduction

The introduction establishes the purpose of the project and why the project is necessary.

2. Goals, Objectives, and Desired Outcomes

This section provides guiding principles for this project, to ensure that all who are involved are working towards the same end.

3. Work Plan

The proposed work plan is separated into two phases. Phase 1 includes background research and consultation, with the outcome of Phase 1 being a decision on the type of by-law and the approach to be taken. Phase 2 will include preparation of the by-law.

Details are provided for Phase 1, but it is recognized that Phase 2 will depend in large part on the outcomes of Phase 1 so only general information is provided. A deliverable of Phase 1 includes detailed terms of reference for Phase 2.

4. Project Team

Three teams are identified in the terms of reference:

- Project team – includes staff who will carry out the project, and includes the project manager and project lead. This team includes four staff from Planning Services and two staff from Development and Compliance Services.
- Steering Committee – this team includes senior leaders and managers whose portfolios interface with zoning matters. This team includes four staff from Planning Services, four staff from Development and Compliance Services, one staff from Environmental and Engineering Services, and one staff from Legal and Corporate Services.
- Technical Resource Group – this team will be comprised of staff from various City Service Areas who will contribute to various stages of the project. They represent other disciplines whose input is important for the success of the project and staff with special expertise to contribute.

The terms of reference also includes information regarding the hiring of consultants, who will be a part of the project team. Required skills and experience are outlined in the terms of reference as well as a summary of expectations and responsibilities. More details will be included in the request for proposals to be prepared.

5. Community Engagement & Information Sharing

This section overviews the strategy to provide opportunities for community input and to ensure information is available and accessible with regards to this project.

Conclusion and Next Steps

These terms of reference are intended to be circulated for feedback from stakeholders, agencies, and the public. This is to ensure that the right questions are asked, and the project is set up from the beginning for success.

It is anticipated that we will have opportunities to meet with various groups and individuals in the coming months, who will help to refine these terms of reference. Following these consultations, in the fourth quarter of this year, it is anticipated that the final terms of reference will be brought back for approval as well as a request for proposals to retain consultants.

Prepared by:	Justin Adema, MCIP, RPP Planner II, Long Range Planning & Research
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

August 3, 2018

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1.0 ReThinking Zoning in London

In 2011, the City of London – including Council, staff, and all of its citizens – began a conversation about the future of our city. It started with a launch event where Peter Mansbridge spoke about the importance of civic engagement in a successful local government, and ended in June, 2016 when City Council adopted the London Plan – a new plan for growth and development in our city.

The London Plan is the culmination of a community conversation, it represents the shared vision, values, and goals for all Londoners. The Plan's key directions are a summary of this vision for the City, and the rest of plan provides a framework to achieve that vision. The next step in the process of planning our city is to examine tools that help us realize the vision we have set.

One important tool to achieving the planning framework articulated in The London Plan is the zoning by-law. London's current zoning by-law is dated, having been prepared following the approval of the 1989 Official Plan to help implement that Plan. With The London Plan we have a new, more strategic approach to City Building that requires a new by-law for its implementation.

ReThink Zoning is a continuation of the original conversation about how Londoners want to see their City grow – only the focus has now shifted from broader policy matters to more technical questions about how we should realize the vision. Instead of asking Londoners what kind of city do you want to live in, we will be working with Londoners to determine how we should get there and how each development across the city should be considered.

1.1 Implementing the London Plan

The London Plan provides a strategic approach to development in London that is based on City Building policies, a City Structure Plan, and a variety of place types. The City Building Policies provide the over-arching direction for how we will grow as a city over the life of the Plan and define the shape, character and form of the City. The City Structure Plan identifies five key foundations that inform the other policies of the Plan: The Growth Framework, The Green Framework, The Mobility Framework, The Economic Framework, and The Community Framework. Each place type is planned to play a unique role within the City Structure and has its own identity and character. The place types work together to create a complete city. All aspects of the place type must contribute to the achieving the Plan's objectives, including the use, intensity, and form of every building and parcel of land.

Zoning is the tool that we currently use to regulate the land use, intensity, and form of development. Therefore, zoning should be viewed as an extension of the Plan and a mechanism to meet its City Building goals. A zoning tool that is linked intrinsically to the policy direction of the London Plan is necessary for the implementation of the Plan.

1.2 Legislated requirements

In addition to requiring our regulatory tools to align with The London Plan, there are also legal issues to consider. The *Planning Act* is the applicable legislation for planning matters in Ontario. It is what requires the City of London to have an Official Plan and permits the City to regulate development as a way of implementing the Plan. The *Act* says that no by-law shall be passed that does not conform with the Official Plan (Section 24(1)). The *Act* also requires that when an Official Plan is updated after a comprehensive review, a municipality shall update the zoning by-law within three years of coming into effect (Section 26(9)). Because The London Plan completely replaces the 1989 Official Plan, it is appropriate to replace the Zoning By-law with a new by-law that conforms to its policies within three years.

2.0 Overarching Goal, Objectives, and Desired Outcomes

This is a major project that will have a lasting impact on how London will be shaped to meet the vision established in The London Plan. This section describes the guiding principles for the project.

2.1 Overarching Goal

To continue the momentum of ReThink London, implement the new London Plan, and foster the growth and development of a great city.

2.2 Objectives

- To create the best implementation tool to fit London's current and future needs
- To implement The London Plan's vision, values, and key directions
- To implement The London Plan place types in terms of use, intensity, and form
- To create a user-friendly and plain language document while recognizing the regulatory nature of the by-law
- To make use of new technologies available for the application and administration of zoning
- To allow for flexible application of the by-law while maintaining a level of certainty and predictability
- To create a tool that allows for efficient planning processes

2.3 Desired Outcomes

- Quality developments across the City that contribute to our city-building goals
- Efficient planning processes that result in great neighbourhoods
- A by-law that can be understood by all users involved in the planning process – including developers, professionals, community groups, and the general public
- A by-law that meets all legislative requirements, is defensible on its planning merits, and includes clear, enforceable regulations.
- A by-law that is intrinsically linked to The London Plan with obvious connections to the use, intensity, and form requirements of the place types as well as the City Building and Our Tools parts of the Plan.

3.0 Work Plan

ReThink Zoning is not just about updating the Zoning By-law Z.-1 to match the London Plan place types. It will consider the full range of possibilities that are available under the *Planning Act* and will look carefully at approaches being taken in other cities to see whether there are opportunities to improve on how we regulate development in our city. The work plan will include time for the research to be completed and analyzed, and needs to be flexible to allow later stages to fit with whatever direction or approach is identified as the best fit in London. To achieve this, a two-phase work plan is proposed. Details are provided for Phase One, however Phase Two will be refined after the details of the types of tools and approaches will be utilized has been confirmed through Phase One. Detailed Terms of Reference for Phase Two are included as a deliverable in Phase One.

3.1 Phase One

Phase One will provide an opportunity to investigate alternate approaches to development regulation and determine what tools should be used to implement the London Plan to achieve its goals.

Tasks to be completed in Phase One include:

- Prepare an RFP and work plan for the completion of Phase One
- Retain a consultant to work collaboratively with staff to complete Phase One
- Complete background research with regards to:
 - Ontario legislated requirements for zoning, including options available to municipalities for the implementation of Official Plans
 - The London Plan policies and directions, in regards to compatibility with different development regulation options available in Ontario

- Best practices from North America and other comparable parts of the world
- Review existing Zoning By-law No. Z.-1 to identify areas of strength or concern, determine what is working and what needs improvement to achieve the overall goals
- Engagement with key stakeholders to assess strengths and weaknesses of our current by-law and the desired outcomes of a new by-law
- Public engagement program to listen to ideas, concerns, and suggestions from Londoners
- Identify key elements/components/areas to be addressed through the new zoning by-law
- Recommend the best zoning approach to implement the policy directions of The London Plan
- Prepare Terms of Reference for Phase 2 – the preparation of the by-law, based on the direction provided by Council

Deliverables to be submitted in Phase One include:

Deliverable	Assignment
● Terms of Reference (Phase 1) – to include Community Engagement Strategy for Phase 1	Prepared by staff
● Request for Proposal (RFP) for consultant to undertake Phase 1	Prepared by staff
● Background Paper – overview of research and engagement findings and linkages to The London Plan	Prepared by consultants
● Recommendation Report – Analysis of issues, recommended tool, draft terms of reference for Phase 2	Prepared by staff, based on recommendations from the consultants
● Terms of Reference (Phase 2) – to include Community Engagement Strategy for Phase 2	Prepared by staff

3.2 Phase Two

Phase Two is when the new by-law will be prepared, based on the approach confirmed through Phase One. The information in this section is general in nature and will be clarified in the detailed Terms of Reference to be prepared in Phase One.

Tasks that will be completed in Phase Two include:

- Prepare a detailed inventory of existing development
 - Review land use
 - Review intensity – may include height, gross floor area, coverage, floor plate area, density in units per hectare, number of bedrooms, parking, floor area ratio
 - Review form – may include site layout (parking, landscaping, orientation, setbacks, and building location on a site), and buildings (massing, step-backs, materials, architecture)
 - Identify and analyze patterns of development to assist in property-appropriate zoning tools
 - Where appropriate, use new technologies to obtain this information (may include LiDAR, remote sensing, or other technologies)
- Analyze and recommend technologies for the administration and presentation of zoning information
 - Explore opportunities of GIS based applications
- Prepare outline of by-law, consideration to be given to:
 - Organization – chapters, types of zones, etc
 - Layout – use of tables, figures, illustrations, document design, etc
- Prepare and test sample zones against existing conditions and potential development opportunities

- Prepare first draft of by-law, provide opportunity for stakeholder and public comments
- Prepare second draft of by-law, circulate for stakeholder and public comments
- Review required amendments to other city by-laws/documents resulting from the replacement of the current zoning by-law
- Prepare final by-law for approval

Deliverables to be prepared in Phase Two include:

- Inventory and analysis of existing development
- Mapping/zoning data overview and recommendation
- First Draft By-law
- Second Draft By-law
- Results of public and stakeholder feedback
- Amendments to other City by-laws and documents
- Final By-law for approval

Note that the deliverables will be prepared by a combination of City staff and consultants. The specific breakdown of responsibilities will be defined through the detailed Phase Two terms of reference.

3.3 Project Scope

The nature of large projects such as ReThink Zoning often includes “scope creep” resulting from the encroachment of additional tasks than was originally planned. It is important to ensure that the scope of this project remains focused in order to achieve the milestones identified in the Project Schedule.

3.4 Project Schedule

Work to be completed	Target completion date
Terms of Reference and RFP for Consultant(s)	Q4, 2018
Retain consultants	Q2, 2019
Background Paper	Q3, 2019
Recommendation Report	Q4, 2019
Terms of Reference – Phase 2	Q4, 2019
Phase 2	TBD – based on TOR

4.0 Project Team

Staff from various departments within the Corporation as well as a consulting team will contribute to the success of ReThink Zoning. This section describes the roles of staff and the consultant to be retained on the project.

4.1 City Staff

This project is part of the Planning Services work plan and will be completed at the direction of the Managing Director, Planning and City Planner. The project lead will be the Manager, Current Planning and the project manager will be a Planner from Planning Services. However, given the scope of this project, significant participation from across all Service Areas of the City of London will be required. Of particular importance will be the contributions of Development & Compliance Services staff, who play a critical role in the implementation of the Zoning By-law. This important role will be reflected in the makeup of the various teams working on the project.

At the outset, three groups of staff will be established to contribute to the completion of this important project. The Project Team will be the main group working on the project on a daily basis, a Steering Committee will be established to provide guidance to the Project Team and contribute at key decision points, and a Technical Resource Group will include staff from virtually every Service Area in the City. This group will review materials and provide input as needed at various points in the process. Some members will play large roles while others will only be required to contribute at certain points.

4.1.1 Project Team

The project team will be responsible to complete the work plan of ReThink Zoning and will be the main contact for consultants retained on this project. The Project Manager will provide leadership to this team by delegating tasks, chairing meetings, and being the main source of information/communication on behalf of the project team. The makeup of the project team will include:

- Manager, Current Planning – Planning Services (Project Lead)
- Planner, Long Range Planning & Research – Planning Services (Project Manager)
- Planner, Current Planning – Planning Services
- Urban Designer – Planning Services
- Manager, Development Planning – Development Services
- Business and Zoning Coordinator, Zoning – Development & Compliance Services

4.1.2 Steering Committee

The Steering Committee will be made up of senior leaders at the City and managers with portfolios that interface with the Zoning By-law. The Role of the Steering Committee will be to provide input, advice, and guidance to the Project Team and will be particularly involved at any key decision point during the project. The Steering Committee will include:

- Managing Director, Planning and City Planner – Planning Services (Steering Committee Chair)
- Managing Director, Development and Compliance Services and Chief Building Official – Development & Compliance Services
- Managing Director, Environmental and Engineering Services and City Engineer
- Director, Development Services – Development & Compliance Services
- Manager, Current Planning – Planning Services
- Manager, Long Range Planning and Research – Planning Services
- Manager, Urban Regeneration – Planning Services
- Manager, Development Services (Site Plan) – Development & Compliance Services
- Manager, Zoning and Public Property Compliance – Development & Compliance Services
- Solicitor II, Legal and Corporate Services

4.1.3 Technical Resource Group

Most internal Service Areas and divisions will contribute at some point during this project. They will not be required to play a major role for all phases of the project but will provide input as needed. Individuals from the divisions/Service Areas listed below will contribute, and other groups may be added depending on the nature of input required.

The Technical Group will comprise staff from Planning Services, Development and Compliance Services, Environmental and Engineering Services, the City Clerk's Office, Corporate Communications, and Neighbourhood, Children and Fire Services.

4.2 Hiring Consultants

Given the scope and complexity of this project, consultants will be retained to support staff in completing the work plan and providing specialized expertise throughout the process. A request for proposals for the Phase One consultant will be prepared and issued following the approval of these terms of reference. Contracts for this project will be divided into the project phases, recognizing that the best zoning approach is identified at the end of Phase One and may require specific knowledge and experience that is beyond the Phase One consulting team.

The selected consultant(s) will have a strong background in planning implementation, and should include experience with various approaches to zoning. The consultant team will need to be able to understand the approach taken through The London Plan and identify ways to achieve its objectives through development regulation. The consultant team will demonstrate the values that guide all planning decisions in London – these are

to be accountable, be collaborative, demonstrate leadership, be inclusive, be innovative, and think sustainably.

It is anticipated that there will be a team of consultants retained as multiple areas of expertise will be required. Some of the specialized areas include:

- Land use planning – ReThink Zoning is a planning review first and foremost. It is required that the lead consultant will include professional planners.
- Urban design – The London Plan integrates urban design into the planning process and approaches to regulation that consider how to ensure an engaging and attractive public realm will be important.
- Mapping/GIS – new and innovative approaches to the mapping components of the zoning by-law are encouraged, and it is expected that the consulting team will bring expertise on this issue.
- Community engagement – public input is important to the success of this project. Effective engagement with the community must be integrated into all parts of the project.
- Application review processes – implementation of the new by-law must work for those who are applying and interpreting the by-law, therefore consideration of this and other administrative matters must be included. The consulting team should have experience and insight into how the new by-law would be “operationalized”.

4.2.1 Expectations and responsibilities

The consulting team will work closely with the Project Manager and Project Team to complete the work plan for this project. Deliverables will be submitted to the Project Team who will coordinate with the Steering Committee and make recommendations, based on the information provided by the consultants, to City Council. The Work Program section of this report identifies what tasks will be led by the consultant team.

5.0 Community Engagement and Information Sharing

This project requires input from a variety of stakeholders, agencies, and the public if it is to be successful. This project will give direction to the way we grow as a city and will shape our neighbourhoods, urban centres, and other places within London. While the intent is not to engage in a discussion about first principles – issues like the city structure and the vision for each place type have been established through The London Plan – there is plenty of opportunity for stakeholders and the public to help shape our approach to how we implement the Plan.

Equally important during this project is the availability of information. People will want to know where this project stands, what opportunities they will have for participation, and how changes to the zoning by-law could affect their properties and communities. Through the various tools available, including the city website, social media, open houses, traditional advertising, and other approaches, we will strive to provide up-to-date and useful information to the public regarding the project.

All members of the public are invited to participate throughout the ReThink Zoning process. Some key stakeholders have been identified and will be invited to meet with staff and discuss the options to replace our zoning by-law. These stakeholders include:

- All City Service Areas
- Advisory Committees to Council
- Public agencies – eg: London Economic Development Corporation, Upper Thames River Conservation Authority, London Hydro, London Housing Development Corporation, Ministry of Municipal Affairs.
- Community organizations – eg: business improvement areas, the Urban league of London, neighbourhood associations, ratepayer groups.
- The Development Industry – eg: London Development Institute, London Home Builders Association, London Association of Planning Consultants, and other members of the Building and Development Liaison Forum.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Zelinka Priamo Ltd.
1631 to 1649 Richmond Street
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following information report regarding 1631 to 1649 Richmond Street, **BE RECEIVED** for information.

Executive Summary

Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the properties at 1631 to 1649 Richmond Street. This information is being provided in response to a delegation from a potential applicant requesting approval to submit an Official Plan amendment application to amend policies in The London Plan. The Planning Act does not permit amendments to new Official Plans for two years following the date of the adoption of the new Official Plan, unless otherwise permitted by Municipal Council.

Should Municipal Council resolve that the applicant is permitted to request an amendment to The London Plan, the merits of the proposed application would be evaluated following the submission of a complete application.

Nature of Proponent's Request

The existing Zoning By-law and The London Plan policies permit the development of 6-storey apartment buildings fronting Richmond Street with townhouses at the rear on the subject site. The proponent is seeking permission to develop two, 7-storey apartment buildings. Townhouse are not included as part of the proponent's proposal.

The proponent requires the permission of Municipal Council to apply for an Official Plan amendment as there are policies in The London Plan that limit the height permitted on the subject site to a maximum of 6-storeys.

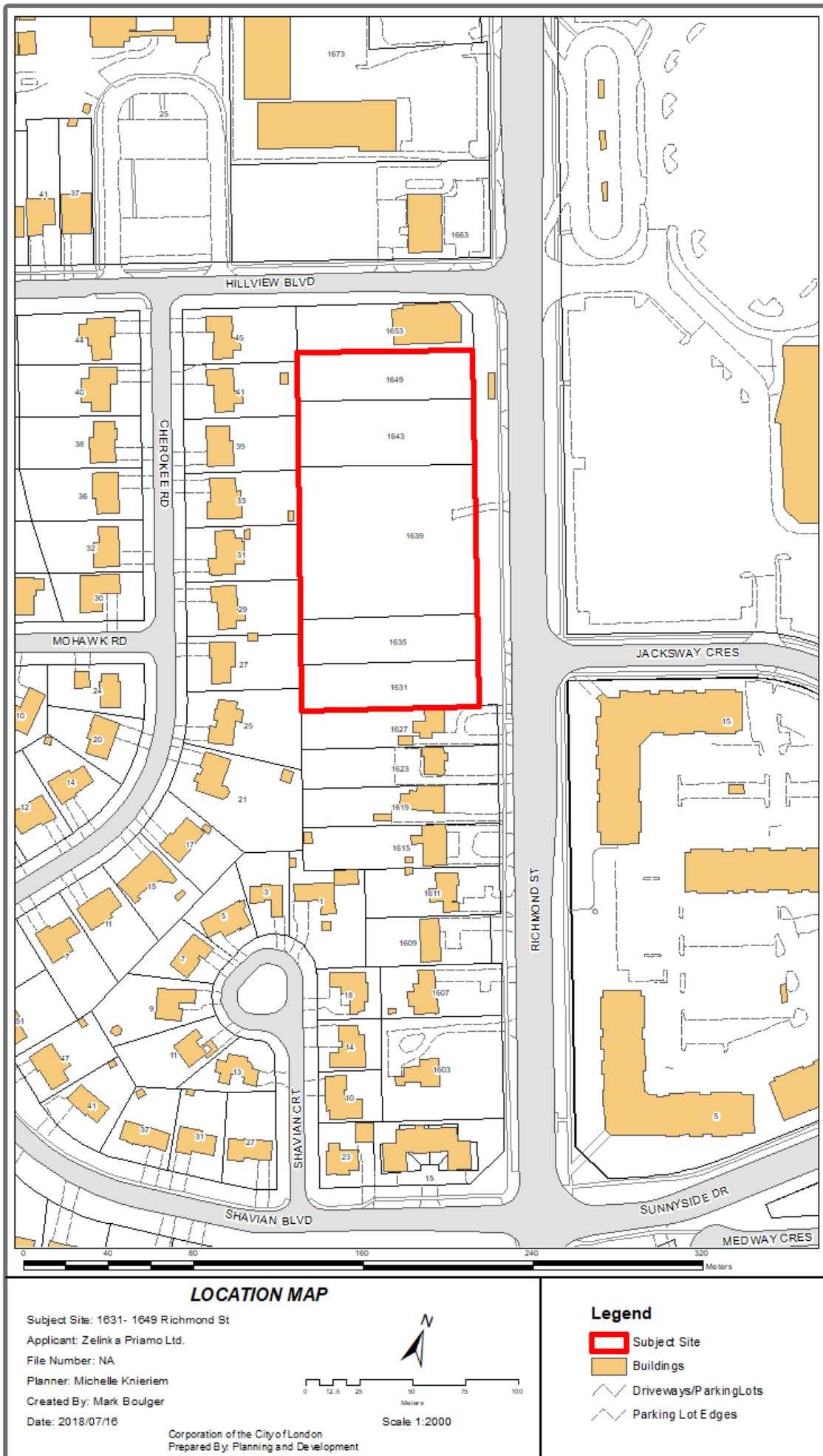
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is a mid-block site located on the west side of Richmond Street, south of Hillview Boulevard. The subject site has an area of approximately 1.54 hectares and is comprised of five separate property parcels. The subject site is currently vacant. The grading of the subject site is generally flat.

1.2 Location Map



1.3 Current Planning Information (see more detail in Appendix A)

- Official Plan Designation – Multi-Family, Medium Density Residential; also subject to site specific policies
- The London Plan Place Type – Transit Village Place Type; also subject to site specific policies
- Existing Zoning – Residential R9 Special Provision (R9-7(23) Zone and Residential R9 Special Provision (R9-7(20))/Convenience Commercial Special Provision (CC4(3)) Zone

1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 166 meters (544 feet)
- Depth – 93 metres (305 feet)
- Area – 1.54 hectares (3.81 acres)
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – Mixed use building with medical/dental offices on the ground floor and residential above; further north is a bank, a commercial plaza, and a gas station. The lands are part of the Transit Village Place Type in The London Plan and are designated Multi-Family Medium Density Residential and Enclosed Regional Commercial Node in the 1989 Official Plan.
- East – Shopping centre (Masonville Mall) and 4-storey low-rise apartments. These lands are part of the Transit Village Place Type in The London Plan and are designated Enclosed Regional Commercial Node and Multi-Family High Density Residential in the 1989 Official Plan.
- South – Low-rise dwellings occupied by a mixture of residential buildings and conversions to commercial uses. These lands are part of the Transit Village Place Type in The London Plan and are designated Multi-Family Medium Density Residential in the 1989 Official Plan.
- West – Low-rise residential homes. These lands are part of the Neighbourhoods Place Type in The London Plan.

1.6 Intensification

- The requested development proposes 291 residential units
- The proposed units represent intensification within the Built-area Boundary
- The proposed units would be constructed within the Primary Transit Area

2.0 Site History

In 2004, City Council approved a Zoning By-law Amendment to permit cluster single-detached, semi-detached and townhouses on the lands at 1607 to 1653 Richmond Street with a holding provision for a public site plan review (Z-6670/Z-6673). A staff report recommending the site plan (S.P. No. 06-032378) be approved and the holding provision be removed for allow cluster townhouses was referred back to Staff by City Council in order to consult with the Urban Design Peer Review Panel and the community. There was significant community concern about this application. The applicant subsequently appealed the application for the removal of the holding provision to the Ontario Municipal Board based on Council's failure to make a decision about the removal of the holding provision within the statutory timeframe outlined in the Planning Act. The Ontario Municipal Board considered this appeal and removed the holding provision and approved the Site Plan Application.

Following the Ontario Municipal Board decision, the City worked with the developer and the community to develop a City-initiated Official Plan Amendment, Zoning By-law Amendment, Master Plan and Guideline document for the lands at 1607-1653 Richmond Street following extensive consultation with the developer and the community (OZ-7965). In 2011 City Council withheld the third reading on these amendments until site plan approval at the request of the developer.

In 2013, Staff initiated new Official Plan and Zoning By-law Amendment applications at

the request of the developer to look at alternative methods to implement the direction of the previous Official Plan and Zoning By-law Amendment, as the adoption of the previous amendments had been withheld until site plan approval. In 2014, City Council approved the Official Plan and Zoning By-law Amendments with an “h-5” holding provision for public site plan review and entering into a development agreement before development could proceed on the site (OZ-8310). The adoption of the Official Plan and Zoning By-law Amendments were appealed to the Ontario Municipal Board by a neighbouring property owner, however this appeal was dismissed.

City Council adopted an Official Plan and Zoning By-law Amendment for 1643, 1649 and 1653 Richmond Street to permit a 5-storey mixed-use building at 1653 Richmond Street and 6-storey apartment buildings on the eastern (front) portion of the site at 1631-1649 Richmond Street with townhouses on the western (rear) portion of the site. A public site plan meeting was held for 1631-1649 Richmond Street in 2015 (SP15-011562) for two 6-storey apartment buildings and 18 townhouse units. The holding provisions were removed from 1631-1649 Richmond Street in 2015 (H-8519).

In March, 2018, a pre-application consultation meeting was held with Zelinka Priamo Ltd. regarding a request to remove the townhouses on the western portion of 1631-1649 Richmond Street and to add a 7th storey to each of the 6-storey apartment buildings approved for the site. A community information meeting was subsequently held by the applicant at the request of Staff in April, 2018 at the London Public Library, Masonville Branch.

Following the pre-application consultation meeting, portions of The London Plan, including the site specific policies that apply to the subject site, came into effect. Due to the two year moratorium on applications for Official Plan Amendments to new Official Plans under the Planning Act, the applicant must receive permission from City Council in order to submit an application for an Official Plan Amendment to these in-force London Plan policies.

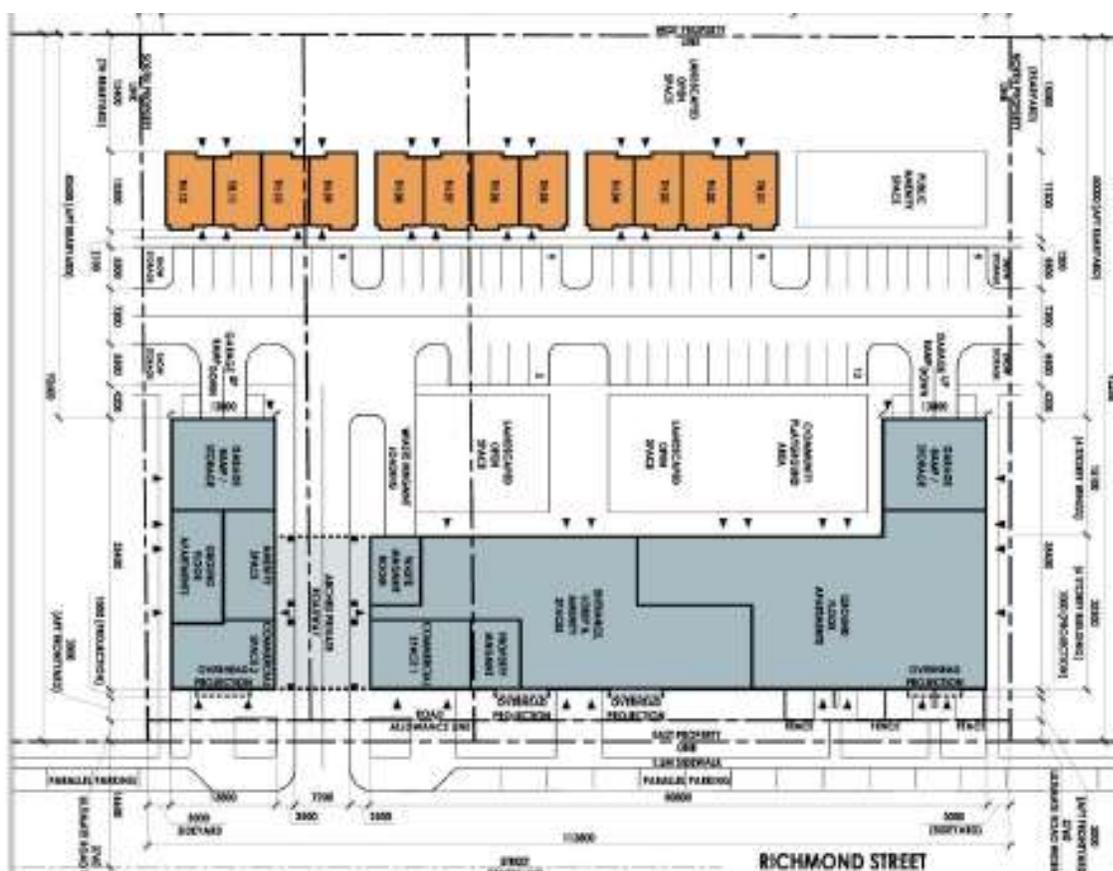


Figure 1 – Site Plan for 1631-1639 Richmond Street submitted by applicant in 2011



Figure 2 - West elevation for 1631-1639 Richmond Street submitted by applicant in 2011



Figure 3 - South elevation for 1631-1639 Richmond Street submitted by applicant in 2011

3.0 Policy Context

The following policies include a list of Provincial Policy Statement policies that would apply to the proposed development and the policies in The London Plan that the proponent is requesting to amend.

Additional policies that apply to the subject site may be identified through the review of any future Official Plan Amendment and Zoning By-law Amendment application for the subject site.

3.1 Provincial Policy Statement

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

a) promote compact form and a structure of nodes and corridors;

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.

3.2 The London Plan

823_ In addition to the Richmond Street-Old Masonville Master Plan and Urban Design Guidelines and the key principles identified above, the following policies will provide additional guidance for the development of these lands:

4. For the lands located at 1631, 1635, and 1639 Richmond Street, the permitted uses shall include apartment buildings, cluster townhouses, and limited convenience commercial uses on the ground floor of the apartment building which service the day-to-day convenience needs of the residents of the immediate neighbourhood. Any commercial uses must be integrated within the residential apartment building and are not intended to be within a “stand-alone” commercial structure. The exact range of permitted convenience commercial uses shall be specified in the Zoning By-law. The location of the apartment buildings shall be restricted to the eastern portion of these properties, thereby locating the maximum heights and densities away from the existing single detached dwellings to the west. Notwithstanding the general Transit Village Place Type policies, a maximum net density of 200 units per hectare and a maximum height of six storeys shall be permitted for the apartment building, subject to the regulations of the Zoning By-law.

The proponent has indicated the application would be to permit a height of 7 storeys.

825_ The subject lands are located on the west side of Richmond Street, south of Hillview Boulevard, including the lands that are municipally known as 1643, 1649 and 1653 Richmond Street. These lands are situated along an important gateway into the City of London from the north, along a future rapid transit corridor, and are adjacent to Masonville Mall, a regional activity and employment centre. Given the prominent location of the subject lands, it is desirable to increase the scale of development and range of uses permitted on these lands. It is intended that the following site-specific policies will facilitate the development of an aesthetically pleasing, functional and transit-supportive development which simultaneously preserves the residential amenity of the abutting low density residential lands to the west. A limited amount of medical/dental office space within a mixed-use building may be provided to service surrounding neighbourhoods and provide an effective pedestrian-oriented interface with the corner of Richmond Street and Hillview Boulevard. Future development of these lands shall be generally in accordance with a conceptual block development plan developed in support of a zoning by-law amendment application which meets the Intensification policies in the Our City part, and City Design chapter of this Plan, as well as the following site specific policies:

2. Notwithstanding the general Transit Village Place Type policies, a maximum density of 200 units per hectare and a maximum height of up to six storeys shall be permitted subject to the regulations of the Zoning By-law.

The proponent has indicated the application would be to permit a height of 7 storeys.

5.0 Conclusion

This report is to be read in conjunction with the delegation provided by the proponent for the properties at 1631 to 1649 Richmond Street.

Should Municipal Council decide to allow the request for an Official Plan amendment to

be submitted to amend The London Plan policies applicable to these lands, and such an application is submitted, Staff will present future recommendations to Municipal Council with regard to the merits of the application.

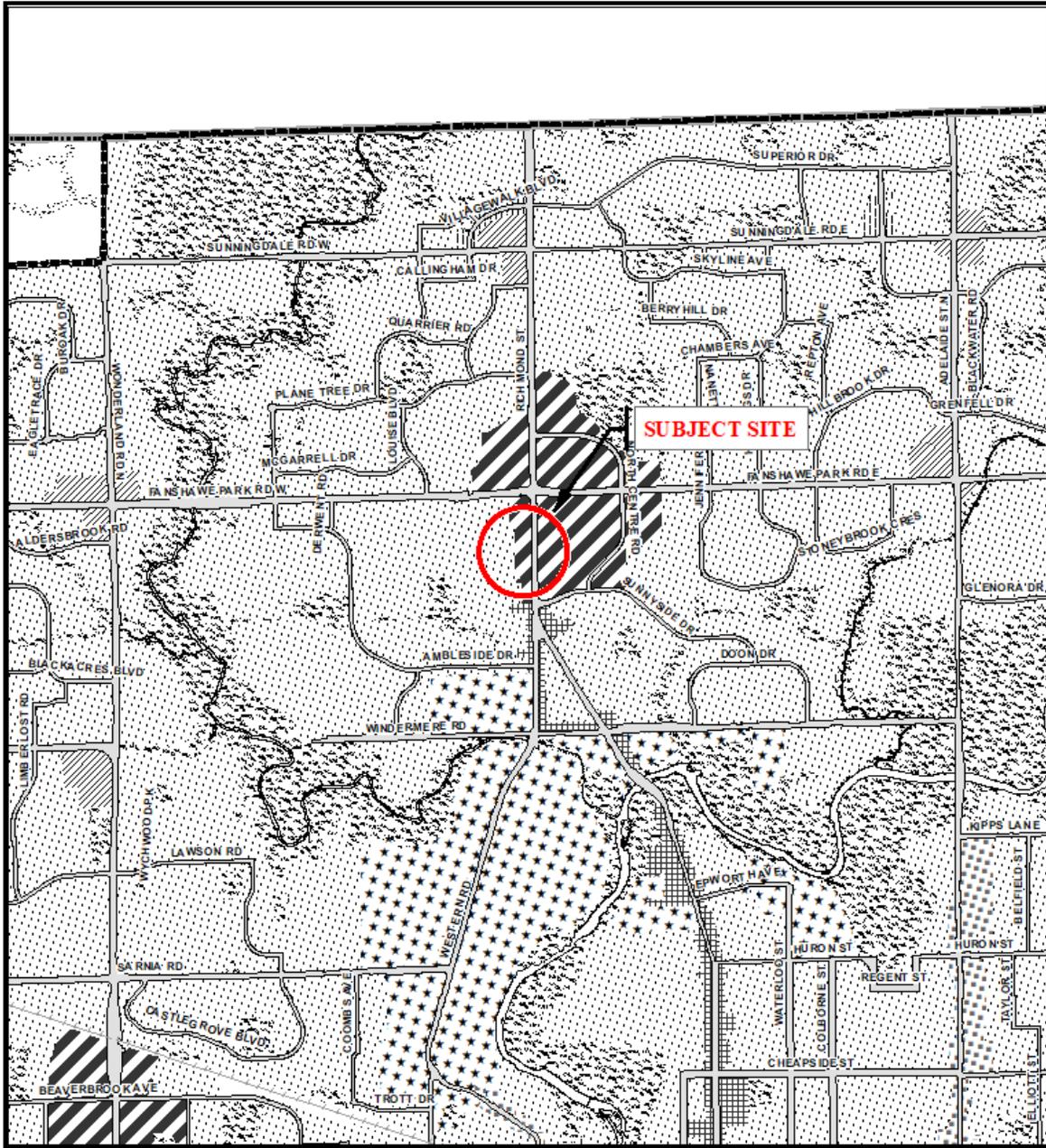
Prepared by:	Michelle Knieriem, MCIP, RPP Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

August 1, 2018
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\1631-1649 Richmond Street\1631 to 1649 Richmond Street PEC Report

Appendix A – Additional Information

Additional Maps



Legend

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

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

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

CITY OF LONDON

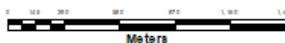
Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



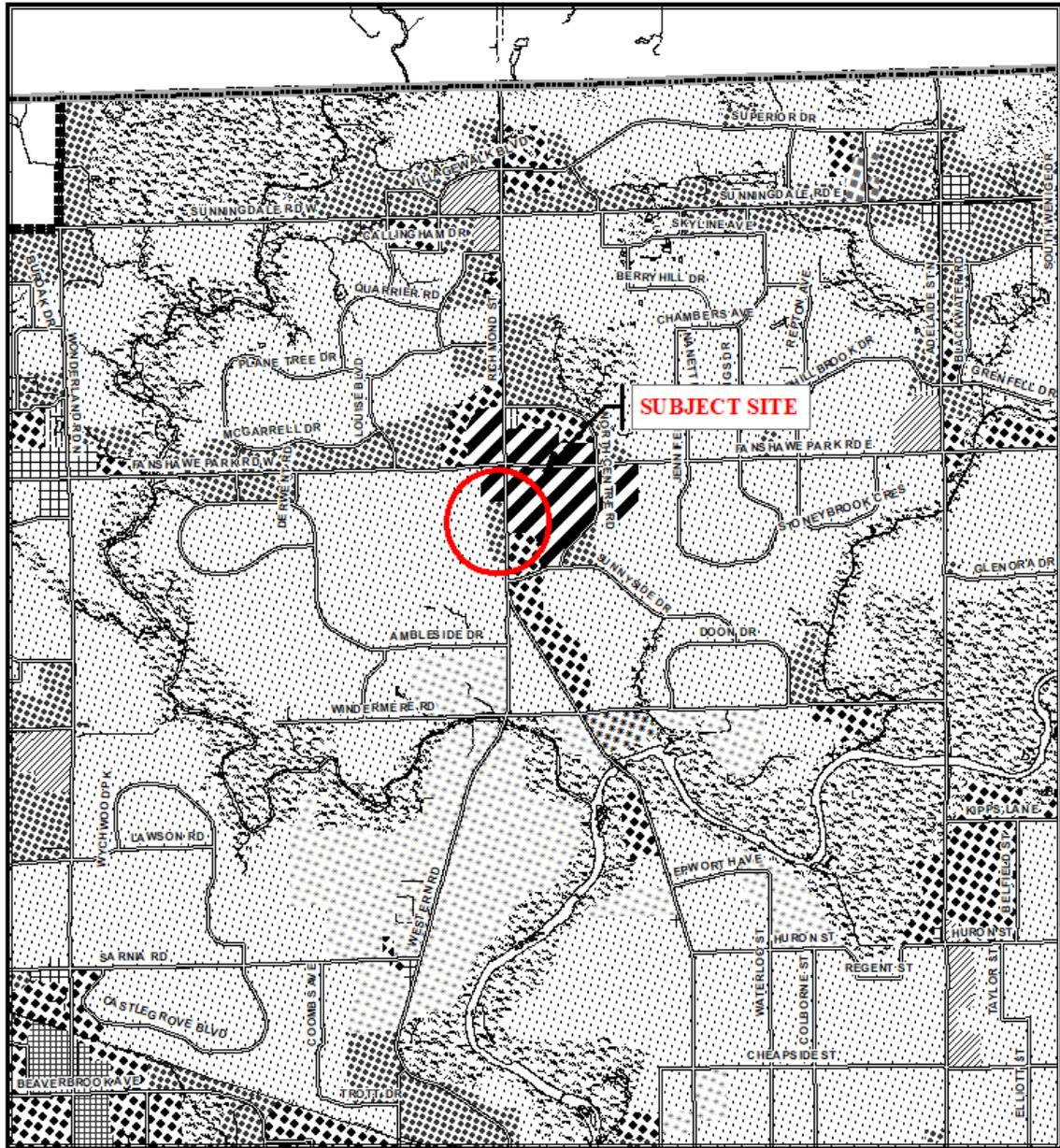
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Planner: MK

Technician: MB

Date: July 16, 2018

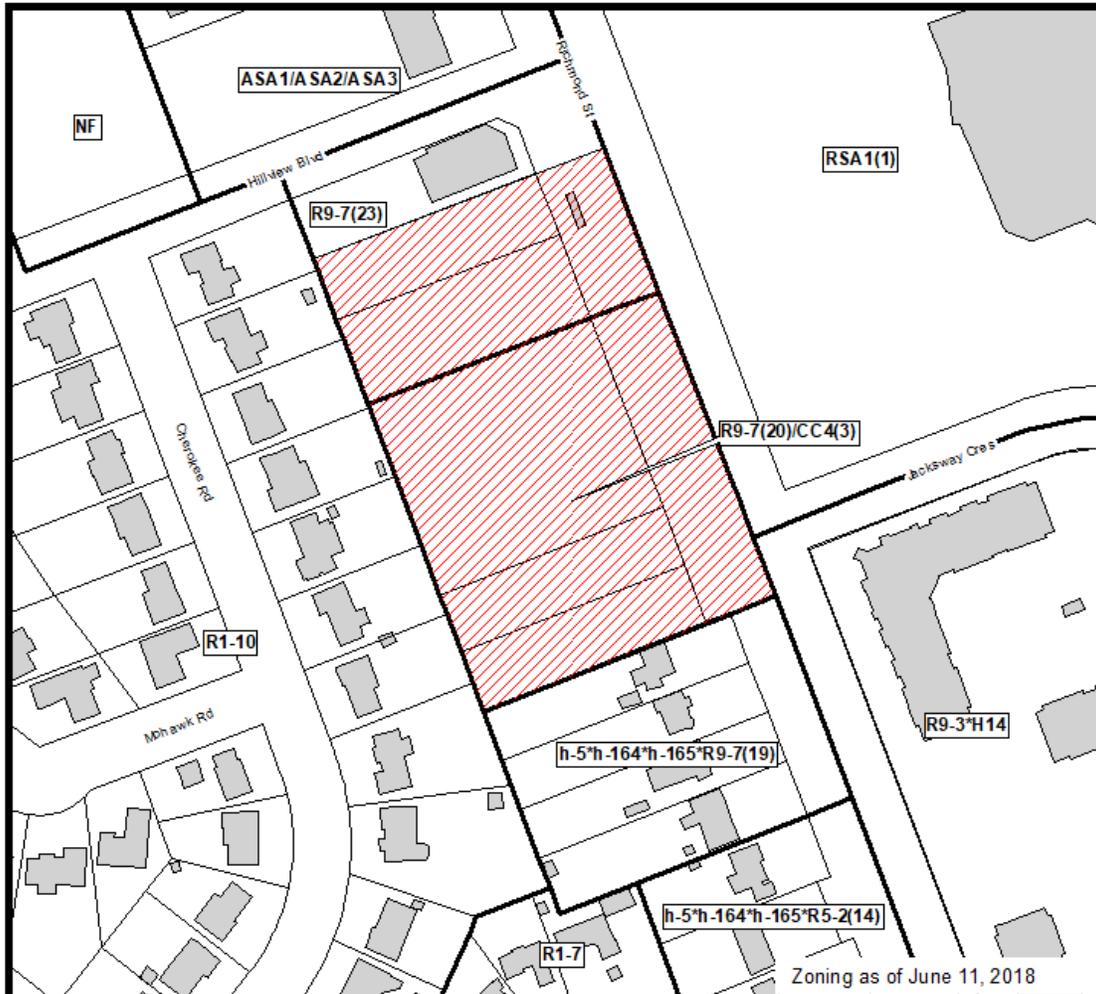
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Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: NA</p>
		<p>PLANNER: MK</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/07/16</p>

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\cosol00\excerpts\mxd_templates\scheduleA_b&w_sx14_with_SWAP.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R9-7(23) and R9-7(20)/CC4(3)

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

NA MK

MAP PREPARED:

2018/07/16 MB

1:2,000

0 10 20 40 60 80 Meters

Previous Reports

September 27, 2004 Report to Planning Committee – 1607-1653 Richmond Street (Z-6670/Z-6673)

October 18, 2004 Report to Planning Committee – 1607-1653 Richmond Street (Z-6670/Z-6673)

November 16, 2009 Report to Planning Committee – Public Site Plan Review (S.P. No. 06-032378) – 1639 Richmond Street

March 1, 2010 Report to Planning Committee – Ontario Municipal Board Appeals – 1639 Richmond Street

October 17, 2011 Report to Built and Natural Environment Committee – 1607, 1609 (eastern portion), 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649, and 1653 Richmond Street (OZ-7965)

December 12, 2011 Report to Planning and Environment Committee – 1607, 1609 (eastern portion), 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649, and 1653 Richmond Street (OZ-7965)

December 12, 2011 Report to Planning and Environment Committee – Storm Sewer to Accommodate Intensification on Richmond Street

August 22, 2012 Report to Planning and Environment Committee – Storm Outlet Reconstruction and Upgrade Works to Accommodate 1631, 1635, and 1639 Richmond Street Development and Residential Intensification on Richmond Street

November 12, 2013 Report to the Planning and Environment Committee – 1607, 1609 (eastern portion), 1611, 1615, 1619, 1627, 1631, 1635, 1639, 1649, 1653 Richmond Street (OZ-7965)

January 21, 2014 Report to the Planning and Environment Committee – 1607, 1609 (eastern portion), 1611, 1615, 1619, 1627, 1631, 1635, 1639, 1649, 1653 Richmond Street (OZ-7965)

April 29, 2014 Report to the Planning and Environment Committee – 1607, 1609 (eastern portion), 1611, 1615, 1619, 1627, 1631, 1635, 1639, 1649, 1653 Richmond Street (OZ-7965)

October 7, 2014 Report to the Planning and Environment Committee – 1643, 1649, 1653 Richmond (OZ-8310)

May 19, 2015 Report to the Planning and Environment Committee – 1631, 1635, 1639, 1643 and 1649 Richmond Street Site Plan Public Participation Meeting (SP15-011562)

September 8, 2015 Report to the Planning and Environment Committee – 1631, 1635, 1643, 1649, 1653 Richmond (H-8519)

July 26, 2018

Cathy Saunders
City Clerk
City Clerk's Office
City of London
300 Dufferin Avenue
London, ON
N6A 4L9

Dear Ms. Saunders:

**Re: Proposed London Plan Amendment
1631, 1635, 1639, 1643, and 1649 Richmond Street
London, ON**
Our File: AVL/LON/17-01

Zelinka Priamo Ltd., on behalf of 1635 Richmond (London) Corporation, is pleased to provide the following information as it relates to a request to seek Council's permission to amend the London Plan, as per S.22(2.2) of the Planning Act, regarding the above-noted lands, known municipally as 1631, 1635, 1639, 1643, and 1649 Richmond Street (the 'subject lands'). The intent of this request is to amend certain site-specific, special policies applicable the subject lands and to re-zone the subject lands to permit two, 7-storey apartment buildings.

SITE DESCRIPTION

The subject lands are located on the west side of Richmond Street, south of Hillview Boulevard, across from Masonville Place, and northwest of Jacksway Crescent (Figure 1). The lands consist of the five (5) properties noted above and have a combined area of 1.542ha (3.81ac), a frontage along Richmond Street of approximately 166m (410ft), and a depth of approximately 93m (230ft). The lands formerly contained several single detached dwellings which have since been removed.

The subject lands are located at a key gateway location to the City of London, being located across from Masonville Place and are highly visible when viewed from the north (from on top of the Richmond Street hill) and from the south (coming around the bend in Richmond Street at Western Road).

Lands abutting the subject lands to the north, 1653 Richmond Street, have recently redeveloped for a 4-storey, mixed use building. Lands to the west and south are occupied by single detached dwellings. Lands to the east and southeast contain Masonville Place and a 3.5-storey apartment complex (Jacksway Apartments).

CURRENT LONDON PLAN POLICIES AND ZONING

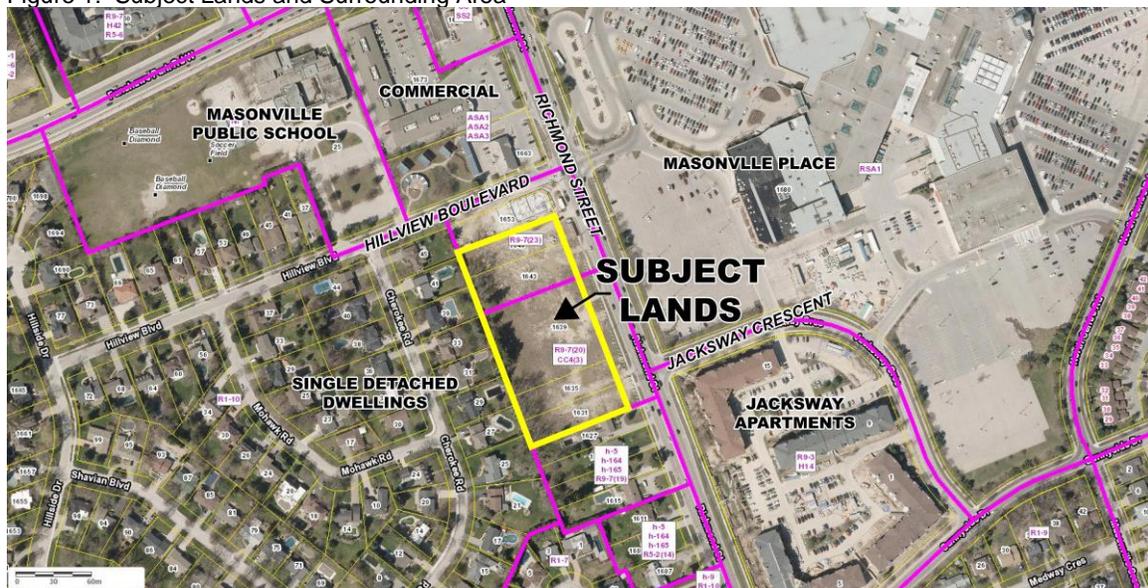
The subject lands are within the “*Transit Village*” place type as per Map 1 of The London Plan, while Richmond Street is designated as a “*Rapid Transit Corridor*”. The standard policies of the “*Transit Village*” place type permit a broad range of residential, retail, service, and other uses. Table 8 in The London Plan provides that the maximum standard building height in the “*Transit Village*” place type is 15 storeys, and with Type 2 bonusing 22-storeys. However, the subject lands are also identified as within Specific Policy Areas 9 (1643, 1649 and 1653 Richmond Street) and 10 (Richmond Street – Old Masonville), corresponding to Sections 821 to 825, which permit apartment buildings, cluster townhouses, and limited convenience commercial uses on the ground floor of the apartment building. The height of apartment buildings is limited to 6 storeys and a maximum density of 200 UPH is permitted.

It is important to note that the above-mentioned special policies contained within the London Plan originated from Sections 3.5.25 (1643, 1649 and 1653 Richmond Street) and 3.5.26 (Richmond Street-Old Masonville) of the previous Official Plan (1989), as the original development proposal was approved by Council prior to the approval of the London Plan.

The subject lands are currently zoned “*Residential 9 (R9-7(20)) Zone*”, “*Residential 9 (R9-7(23)) Zone*” and “*Convenience Commercial (CC4-3) Zone*” in the City of London Z-1 Zoning By-Law. The *R9-7(20)* and *CC4-3* zones apply to 1631, 1635, and 1639 Richmond Street, while the *R9-7(23)* zone applies to 1643 and 1645 Richmond Street.

The current zoning was approved in accordance with Sections 3.5.25 and 3.5.26 of the previous Official Plan, but also implements the site-specific policies of the London Plan as they relate to the subject lands.

Figure 1: Subject Lands and Surrounding Area



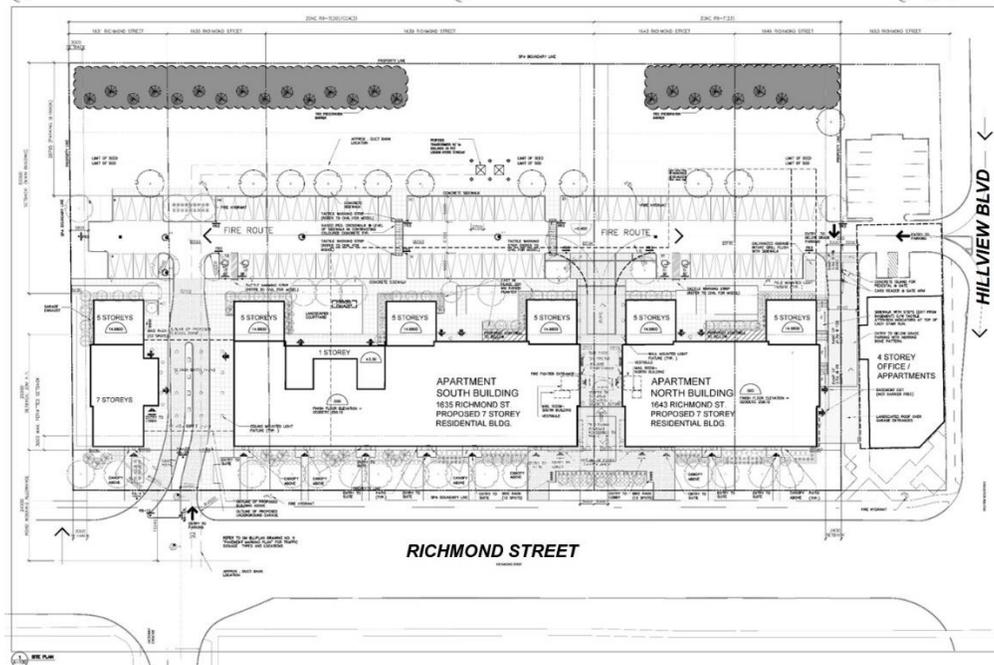
PROPOSED DEVELOPMENT

The subject lands were originally proposed, through the previous owner/developer, to accommodate two 6-storey apartment buildings, consisting primarily of 3-bedroom units, situated near Richmond Street, with 18 townhouse units to be constructed towards the west portion of the site (220 total units). The original development proposal went through extensive neighbourhood consultation, resulting in the above-mentioned site-specific policies in the previous Official Plan (1989), and site-specific zoning.

The subject lands are now proposed to be redeveloped by 1635 Richmond (London) Corporation for two (2), 7-storey apartment buildings with a total of 291 units providing a mix of 1, 2, and 3-bedroom units (Figures 2-3). Townhouses units are no longer proposed and are being removed from the proposed development. The two apartment buildings continue to be situated and oriented towards Richmond Street with a minimal building setback. Vehicular access to the site is still proposed to be provided by a new access opposite Jacksway Crescent, and through the abutting lands to the north (1653 Richmond Street) to Hillview Boulevard. The Jacksway Crescent access is proposed to be routed under the southerly portion of the south building with dwelling units over top. Underground parking is provided for vehicles, in addition to limited surface parking to the rear of the apartment buildings. A series of pedestrian connections are provided to the Richmond Street sidewalk. A large landscaped and hardscaped forecourt is provided between the north and south buildings, extending out to Richmond Street.

Lands behind (west) of the rear surface parking area, formerly the location of the 18 townhouses, are proposed to be landscaped, resulting in an increased rear yard setback of approximately 50m.

Figure 2: Conceptual Development Plan



It is noted that the proposed development is similar to the previous proposal for the subject lands, as noted above, which resulted in the current site-specific policies and zoning. The primary difference between the previous plan and the current proposal is the removal of townhouse units along the rear (west) of the property in exchange for an additional storey of building height on the apartment building.

Figure 2: Conceptual Building Elevations (East & West)



The proposed 291 units yield a net residential density of approximately 189 units per hectare (UPH), whereas a maximum density of 200 UPH is permitted.

CURRENT POLICY & PLANNING CONSIDERATIONS

The current development proposal complies with all policies contained within Sections 821-825 of the London Plan, save and except for the following:

1. Section 823.4 – a maximum height of 6 storeys is permitted for the apartment building within 1631, 1635 and 1639 Richmond Street; whereas a height of 7 storeys is proposed.
2. Section 825.1 – cluster townhouses are permitted; whereas the current development proposal does not contemplate this use.
3. Section 825.2 – a maximum height of 6 storeys is permitted within 1643 and 1649 Richmond Street; whereas a height of 7 storeys is proposed.
4. Section 825.4 – a comprehensive block development plan is required to be submitted as part of a zoning by-law amendment. The lands at 1653 Richmond Street have already been developed; and the original development for the subject

lands has acquired Site Plan Approval. The proposed development would require minor changes to the approved site plan (removal of townhouse units – to be replaced by landscaping). As such, a comprehensive block development would be redundant and not necessary for the zoning by-law amendment.

5. Sections 825.5.c and 825.5.g – these policies relate specifically to maximum height and number of townhouse dwellings, which are no longer proposed.

It is intended that the proposed development will make better and more compatible use of the subject lands by removing the previously proposed townhouse units to the rear of the lands (interfacing with the abutting single detached dwellings to the east) and adding an additional storey onto the apartment buildings. There will also be a wider range of 1- and 2-bedroom units incorporated into the apartment buildings. These changes have the effect of increasing the number of units while removing units proximate to the abutting dwellings, thereby providing a more favourable interface along the rear lot lines.

The proposed development will be less than the maximum permitted density of 200 UPH as set out in both the London Plan (Sections 823.4 & 825.2), and the site-specific zoning which applies to the subject lands.

The proposed development may be regarded as a re-location of dwelling units from the rear of the property to the front of the property. The lands previously contemplated for townhouse dwellings are intended to be utilized for some additional surface parking and an increased landscaped open space along the rear lot line to further increase privacy between the proposed development and adjacent residential lands to the west.

PROPOSED LONDON PLAN & ZONING BY-LAW AMENDMENTS

Based on the above policy and planning considerations, the London Plan Special Policy Areas identified above are proposed to be amended to permit a building height of 7 storeys, rather than the 6 storeys currently permitted, and to remove policies related to cluster townhouses.

In addition, the existing “*Residential 9 (R9-7(20)) Zone*”, “*Residential 9 (R9-7(23)) Zone*” and “*Convenience Commercial (CC4-3) Zone*” are to be amended as follows:

- Permit a maximum building height for apartment buildings of 22m, whereas 20m was previously permitted;
- A minimum parking supply of 196 spaces; and,
- Remove permissions and regulations related to cluster townhouses.

NEIGHBOURHOOD CONSULTATION

The proposed development plan has been reviewed by the Old Masonville Ratepayers Association, and there have been several discussions between our client and representatives of the Association regarding the merits of the current proposal and to ensure the neighbourhood is supportive of the proposed changes to the original proposal.

In addition, a Public Open House was hosted by our firm on April 18, 2018, on behalf of 1635 Richmond (London) Corporation, to present the proposed development plans and

receive feedback from the neighbourhood on the proposed development. Based on the input received, we believe that the neighbourhood is generally supportive of the current proposal as the removal of townhouses, in exchange for added height to the apartment buildings, will provide more separation of buildings from the rear yards of properties that back on to the subject lands.

Based on the above, we believe that there is merit in the proposed London Plan Amendment to allow an increase in the additional height of the apartment buildings from 6 storeys to 7 storeys, together with the removal of cluster townhouses, as it represents a minor departure from the original proposal approved by Council and is still in keeping with the spirit and intent of the policies intended to guide the future development of the subject lands.

As such, we kindly request Council to authorize the submission of a London Plan Amendment application by our client, as per S.22(2.2) of the Planning Act.

On behalf of 1635 Richmond (London) Corporation, we thank you for your consideration of the above. Should you have any questions, or require further information, please do not hesitate to contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Senior Associate

cc. Brian McMullan - 1635 Richmond (London) Corporation
Michelle Knieriem – Planner II, Current Planning Services

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Process to Consider Privately-initiated Applications for
Official Plan Amendments

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the City Clerk, the report entitled “Process to Consider Privately-initiated Applications for Official Plan Amendments” **BE RECEIVED** for information.

Executive Summary

This report describes the process that will be undertaken for the consideration of Official Plan Amendments to The London Plan during the two year moratorium that applies to privately-initiated applications for an amendment to the Official Plan.

Background

1.0 Previous Reports Pertinent to this Matter

August 22, 2016: Planning and Environment Committee, “Changes to the *Planning Act* through the *Smart Growth for Our Communities Act* (Bill 73).”

June 1, 2015: Planning and Environment Committee, “Information Report: Bill 73 Amendments to the *Planning Act*.”

2.0 Background

As a result of various amendments to the *Planning Act* arising from the Smart Growth for Our Communities Act, 2015, a two year “time out” was provided that would not permit any privately-initiated application to amend a new Official Plan or Zoning By-law for two years after their adoption/enactment, unless supported by the municipality. Municipalities are permitted to make municipally-initiated amendments to a new Official Plan or Zoning By-law, and are able to pass a resolution to allow the consideration of a privately-initiated application during the two year moratorium. This provision has been in effect since July 1, 2016.

Specifically, Section 22(2.1) of the *Planning Act* states:

Two-year period, no request for amendment

(2.1) No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. 2015, c. 26, s. 21 (1).

As more of The London Plan comes into force and effect, this two-year prohibition will “come into play”, as The London Plan policies are to be applied in the consideration of applications to amend the Official Plan. The two year moratorium applies to the period starting when any portion of the Official Plan comes into effect. For The London Plan, this date was January 20, 2017, which was the day after the last day on which appeals to The London Plan could be submitted, and all those policies that were not under appeal came into force and effect as of that date. This means that the two year moratorium will be in place until January 20, 2019.

3.0 Process to Consider Privately-initiated Applications for Official Plan Amendments

Summary of Issues to be Considered

- The two-year moratorium applies to new official plans
- No privately-initiated applications to amend a new Official Plan are permitted until the end of the two year period (two years from the first day any part of the Plan (emphasis added) takes effect, unless the municipality passes a resolution to allow an application to be processed.
- Municipalities have the ability to make municipally-initiated amendments, and can pass resolutions to allow applications during the moratorium.
- A resolution can relate to site-specific applications, a class of applications, or applications generally.
- Any application proceeding during the moratorium would be subject to all the normal *Planning Act* requirements for public meetings, notice and appeal rights.

Summary of Approach

- The two year moratorium applies until January 20, 2019.
- Privately-initiated amendments will be considered on a site-specific bases. It is not recommended that a class of applications (for example, any application to permit residential intensification within the Primary Transit Area would be allowed to be submitted) be described, as the purpose of the two year moratorium is to provide an opportunity for the new policies to “be tested” and be applied as Council’s policy direction.
- Civic Administration will submit an Information Report to the Planning and Environment Committee for the meeting when the Delegation by the applicant has been scheduled. The report will not provide any planning analysis of the request, or any planning opinion regarding the request.
- Civic Administration will not comment on the merit of any request for consideration of an amendment or provide any planning opinion regarding the request at the meeting where the Delegation by the applicant is heard.
- The Planning and Environment Committee may refuse to allow the consideration of the request or permit the consideration of the request. Permitting the request would result in the submission of an Official Plan Amendment application that will then be processed under the normal *Planning Act* requirements with a Staff recommendation being provided at a future recommendation to the Planning and Environment Committee after the application has been processed in accordance with the *Planning Act*.

Process to Consider Privately-initiated Applications to Amend the Official Plan

- Applicant requests Delegation before the Planning and Environment Committee to request consideration of submitting an application to amend The London Plan.
- Applicant submits a written request to the City Clerk for Delegation status providing information in support of their request for permission to submit an application to amend The London Plan that would include the following:
 - Address of the property/ies to be considered
 - Land use designation (Official Plan, 1989)
 - Description of any policies (Official Plan, 1989) specific to these lands (if applicable)
 - Place Type (London Plan)
 - Description of any Specific Area Policies applicable to these lands (if applicable)

- Description of any other policies applicable to these lands (London Plan)
- Description of the requested amendment, and the purpose and effect of the proposed amendment
- The City Clerk will place the request for Delegation status at a future meeting of the Planning and Environment Committee.
- The Civic Administration prepare a report to be considered by the Planning and Environment Committee at the same meeting that the Delegation is received.
- The report submitted by Staff will provide a description of the requested amendment to the Official Plan, including matters such as:
 - Description of the property/ies to be considered
 - Description/explanation of the request, including the purpose and effect of the requested amendment
 - Description of the applicable Place Type and relevant Place Type policies.
 - Description of any previous applications related to the property/ies.
 - Description of any other policies to be considered as part of the requested amendment.
- The Planning and Environment Committee will consider the request for permission to submit an application to amend The London Plan, and will recommend an action to be considered for approval by Municipal Council.
- If the request to consider an application to amend The London Plan is approved by the Municipal Council, the Municipal Council will pass a resolution to allow the application to be submitted.
- The Applicant will submit an application to the City for an Official Plan Amendment through the standard planning application process.

4.0 Conclusion

As a result of more of the policies of The London Plan coming into force and effect, the prohibition on amendments for two years to the Official Plan as described in Section 22(2.1) of the *Planning Act* will apply. This two year period begins on the first day that any part of the Plan comes into effect. For The London Plan, portions of the Plan came into force on January 20, 2017, meaning that until January 20, 2019, amendments to The London Plan are not permitted unless Council allows the application to be made.

This report provides a process for Municipal Council to consider if an application to amend The London Plan should be considered. In permitting the application to be made, Municipal Council is not taking any position on the merits of the application; the permission would allow an application to be submitted to then be processed through the normal *Planning Act* process for the consideration of an amendment to the Official Plan. At the end of that process, Municipal Council would decide on the merits of the application at the statutory public meeting that would be scheduled for that specific application.

<p>Prepared and Submitted by:</p>	<p>Gregg Barrett, AICP Manager, Long Range Planning and Research</p>
<p>Concurred by:</p>	<p>Cathy Saunders City Clerk</p>
<p>Recommended by:</p>	<p>John M. Fleming, MCIP RPP Managing Director, Planning and City Planner</p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services, Development and Compliance Services, and Legal and Corporate Services</p>	

August 2, 2018

GB

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner
George Kotsifas, P.Eng.
Managing Director, Development and Compliance Services &
Chief Building Official

Subject: Planning Services and Development Services Application
Fees and Charges Update

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken:

- (a) the information report regarding the Planning Services and Development Services fee review **BE RECEIVED** for information; and,
- (b) this item **BE REMOVED** from the Planning and Environment Committee Deferred Matters list (Item #3 of the May 28, 2018 PEC report), it being noted that a Public Participation Meeting will be held at the Strategic Priorities and Policy Committee on September 17, 2018.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this information report is to summarize the existing fees, highlight the consultation process with local stakeholders and outline the proposed fee modifications for Planning Services and Development Services. The recommended fee modifications, including the introduction of new fees and modifications to existing fees, will be included in the update to the Fees and Charges By-law to be considered by Municipal Council in September, 2018.

The recommended fees and a comparison to the existing fees is provided in Appendix A.

Analysis

1.0 Background

1.1 Previous Fee Reviews

The last comprehensive review of the combined Planning Services and Development Services processing fees occurred in 2008. The focus in 2008 was on improving cost recovery. These fee increases were phased in over 2009.

A further comprehensive review of processing fees has not been undertaken since 2008. Some individual fee increases have occurred in intervening years:

- In 2010, the application fee for condominium amalgamations was decreased to 50% of the processing fee for a standard condominium, recognizing the reduced level of effort required to perform the applicable analyses for the application.
- Official Plan and Zoning Amendment fees were increased in 2013, following the results of an internal audit by PricewaterhouseCoopers LLP which recommended

a cost-benefit analysis be performed to determine whether application fees should be modified. The fee increases were intended to align application fees with like-sized municipalities to ensure the maintenance of appropriate levels of cost recovery. Staff initially recommended an annual escalation fee of 2 percent compounded annually be applied such that fees would increase gradually every year, however the initial recommendations were referred by Municipal Council back to Staff for further consultation. Following this further consultation, the annual escalation fee was removed from the recommendations and the fee increases were adopted by Municipal Council. At this time, the maximum site plan approval application fee was also removed.

- Subdivision draft approval extension fees were reviewed in 2015. Although no changes were made to the base fee for draft approval extensions, a variable fee was introduced for extensions greater than 6 months.

A list of reports associated with the previous fee reviews can be found in Appendix B.

1.2 Existing Fees

Appendix A provides a listing of fees that were considered through the 2018 Fees Review, including existing fee amounts and timetables for the most recent review/update.

1.3 Factors Influencing 2018 Fee Review

The following factors informed the 2018 Fees Review, reflecting multiple perspectives from community and industry stakeholders and staff:

- Length of time since previous reviews – The last comprehensive fee review of combined Development Services and Planning Services application fees was completed in 2008. A subsequent review limited to Official Plan and Zoning By-law Amendment fees was completed in 2013. Few fee changes have occurred since these previous reviews.
- Additional costs to the industry – Concern about burden of increased fees on the development industry and the need to remain competitive.
- Requirement to investigate additional revenue sources – Recommendations from the audit review to explore methods to generate revenue and requests to explore fee increases raised during the review of assessment growth business cases.
- Compounding nature of fee/charges increases (Planning Services Fees, Development Services Fees, Development Charges, Building Permit Fees) – Consider the combined impact of fees on housing prices and the development industry.
- Need to respond to community desires and expectations – New/updated policies, regulates and guidelines requires more involved application review.
- Request for phase-in of fee increases – Desire expressed by stakeholders to phase-in fee increases/stagger fee increases rather than having one significant fee increase.
- Fees to incent preparedness – Encourage the submission of applications that can proceed expeditiously to approval and avoid the need to conduct multiple reviews of submitted materials/inspection requests.
- Desire for improved service – Hiring additional staff resources to improve review timelines and improving processes.
- Actual costs to deliver services (Planning Service, Development Service and partners) – Fees should recognize the actual costs of service delivery

beyond the Planning Services and Development Services resources, including the other commenting divisions, Legal Services, and the City Clerk's Office.

- Growth should pay for growth – The idea that growth should help to fund growth requirements, rather than having the tax base fund the bulk of costs associated with growth.

2.0 Consultation

2.1 Consultation to Inform Review

The recommended fees are the result of discussion with the Urban League, the development community, and staff. Staff held three consultation meetings with stakeholders to inform the approach to the fees review and to establish the recommended fees.

The first stakeholder meeting, held on June 8, 2018, outlined the context and scope of the fee review, provide an opportunity to determine the considerations for analysis/draft fees and established a methodology for the review. At this meeting, potential approaches were discussed for the methodology for the fee review, at which point it was determined that a recovery rate approach for Planning Services and Development Services expenditures for the review of applications would be the preferred approach. This was determined to allow for a balance between the costs of development applications incurred by applicants while recognizing the public benefit that also results from development. The use of municipal comparators was determined to be considered as contextual for the fees review, rather than be a primary method for establishing fees as fees methodology can vary significantly between municipalities.

Other comments from the meeting included:

- fees should be made simple and easy to understand;
- inefficiencies should be targeted to reduce expenditures;
- consider an annual fee increase based on a fixed rate rather than significant increases every few years;
- requested to eliminate/avoid “surcharges” – fees applied in addition to application fees as subsequent points in the process;
- recommended fees should be presented in a table of all fees, including those fees that are not changing;
- consider the possibility of major/minor application categories and associated fees; and
- the proposal to add new for resubmissions should be reconsidered, recognizing there are merits to resubmission fees and also merits to not penalizing developers for making a resubmission.

These comments were considered and helped to inform the development of the draft fees and recommended next steps.

At the second meeting, held on July 16, 2018, the draft fees were presented for Planning Services and Development Services. These fees were developed based on the following considerations:

- a 30% recovery target;
- the impact of increase/decrease for individual fees;

- hypothetical development examples with pre- and post-fee increases;
- municipal comparators; and
- an approximation of level of effort required to review the applications.

In addition to existing fees, draft proposals were made for a Resubmission Fee, Pre-application Consultation Fee, Deeming By-law Fee, Consent Agreement Fee, and Site Plan/Subdivision Compliance Fee.

The following comments were also identified at the meeting:

- consider allowing a new use to be added through the Committee of Adjustment process rather than requiring a Zoning By-law Amendment;
- the monetary value that an application adds to a property should be considered;
- consider the cumulative impact of the fee increases from across city divisions on the cost of constructing new housing;
- recommend establishing the base fee for compliance inspections to cover the average number of inspections and then charge additional fees for inspections that exceed this average;
- concerns expressed about the Planning and Development Services Fees Review being undertaken in the isolation of other fees and charges reviews (Parks, Building, Development Charges); and
- consider the introduction of major/minor application categories and associated fees.

At the third meeting, held on July 31, 2018, the recommended fees and next steps were presented. The fees presented at the meeting were consistent with the recommended fees included in this report.

The following comments were identified at the meeting:

- the need to coordinate fees with other development-related fee reviews (i.e. Development Charges, Building Permits etc.);
- consideration must be given to the impact of fee increases on housing affordability by increasing home prices;
- the need for a comprehensive review to consider such matters as the relationships between fees and the construction value of a project;
- revenue recovery rates should be considered from smaller municipalities;
- inefficiencies need to be addressed;
- consideration should be given when considering application fees to the revenue generated by the assessment growth from new development;
- consider the cumulative impact of the fee increases from across city divisions on the cost of constructing new housing;
- the amount of time required for the review of applications should be tracked and used to determine fees;

- consider the introduction of major/minor application categories and associated fee;
- draft fees from other service areas have not been released, so a concern was identified about the compounding impact of fee increases on development; and
- the addition of indexing will help to ensure revenue recovery levels are maintained in the future.

At this meeting staff identified that a comprehensive fee review was required to determine future fee levels and the approach to “pricing” for Planning Services and Development Services application review. Staff will be engaging a consultant to undertake the review for new fees to be implemented in 2022. This comprehensive fees review would consider matters that would address many of the comments received as part of the 2018 review that are presently beyond Staff’s ability to provide a fulsome response. Further details about the recommended comprehensive fee review are provided in Section “5.0 – Next Steps”.

3.0 Methodology

3.1 Recovery Rate

Through consultation with the local stakeholders, it was recommended that a recovery rate approach be adopted when establishing fees. The recovery rate approach sets a benchmark for the percentage of the municipal expenditure allocated towards the review of development applications that will be recovered through application fees, recognizing the public benefit that is also derived from development approvals. The recovery rate approach was considered in previous fee reviews.

The current review considered the total direct departmental expenditure of Planning Services and Development Services directed to the review of development applications. Over the last three years (2015, 2016, and 2017), the cost recovery from application fees for both Planning Services and Development Services has averaged approximately 22 percent, with the remaining 78 percent being funded by the tax base. Staff established a working target of 30 percent, seeking to balance the funding for the review of development applications between the applicant and the public, recognizing the public benefit provided by development. The 30 percent recovery target was considered in the development of the recommended fees, while also recognizing the impact fee increases could have on development proposals.

3.2 Municipal Comparators

The review of the development application fees for other municipalities was considered in the review, to inform the analysis of fee increases and to test the reasonableness of proposals.

As part of the fee review, London was reviewed against what were determined to be its most similar municipalities – mid-sized cities in Southern Ontario that are outside of the Greater Toronto Area. Mid-sized cities are defined as cities with populations between 50,000 and 500,000. This allowed for a comparison to other cities that were facing similar challenges to London based on their size and that reviewed development proposals which had a similar diversity of uses, level of intensification and required similar considerations.

Smaller surrounding municipalities were also considered in this review, however these municipalities were identified as generally facing different considerations through the development review process and a different fee structure. Differences often include:

- applicant is often responsible for paying the peer review costs for materials submitted with the application in smaller municipalities whereas in larger municipalities the review of these materials is included as part of the application fee given that the larger centres have experts on staff to review applications (i.e. heritage, urban design, engineering etc.);

- advertising and circulation costs are higher;
- larger centres generally have a wider variety of different land use applications, such as institutional, high density residential, and certain industrial uses which may not be as predominant in smaller centres;
- larger centers often experience a greater proportion of applications for residential intensification than smaller centres;
- there are often more interest groups involved

The review of similar municipalities assisted in testing the reasonableness of recommended fees.

Comparative fee information for 15 municipalities is provide in Appendix C.

4.0 Recommended Fees

4.1 Official Plan and Zoning By-law Amendment Fees

Current and Recommended Fees

The current and recommended fees are provided in Appendix A.

These fees have remained constant and have not been increased since the 2013 Fee Review which resulted in certain fees increasing for 2014. The increase in Official Plan Amendment, Zoning By-law Amendment and combined Official Plan and Zoning By-law Amendment application fees is intended to help achieve the 30 percent cost recovery for the review of these development applications, with consideration for municipal comparators.

The recommended fees have resulted in greater parity in cost between Official Plan Amendment and Zoning By-law Amendment application fees. This is intended to reflect the similarity in the complexity of the review associated with each application, recognizing that the staff time required to review a Zoning By-law Amendment application is similar to the time required to review an Official Plan Amendment application. An increase is also proposed to the combined Official Plan Amendment and Zoning By-law Amendment application fee. This increased fee is intended to reflect the significant consultation required for these applications as changes are being proposed to the way the community expected a site to be developed.

No increase is proposed to the existing Holding Provision Removal or Temporary Zone Extension Fees. It was determined that the existing fees continue to be reasonable for these processes for cost recovery and are comparable to other municipalities. Whether these fees need to be increased would be re-evaluated as part of the future comprehensive fee review.

Pre-Application Consultation Fee

The City of London does not currently charge a fee for the processing of pre-application consultations. This pre-application consultation fee would apply to both Planning Services and Development Services.

On average Planning Services reviews approximately 100 proposal summaries annually for pre-application consultation, of which approximately half result in Official Plan Amendment and/or Zoning By-law Amendment applications. Additionally, almost 200 consultation occur each year for site plan approvals and subdivisions combined. The review of proposals employs a considerable amount of staff resources, as Planners review the application and consolidate comments from various other staff members including Heritage Planners, Urban Designers, Parks Planners, Engineers, Ecologists, and Site Development Planners. These proposal summaries are then also reviewed by

management and a meeting is held with the applicant to provide preliminary feedback about the proposal summary and outline required submission materials. This is a valuable process that helps to identify potential issues before an application is submitted and provides clarity on submission materials. It is a requirement before the submission of applications for Official Plan Amendment, Zoning By-law Amendment, subdivision approval or site plan control.

While staff recognize that the pre-application consultation is a very important process, it is a staff-intensive process. The introduction of a pre-application consultation fee is intended to allow for some cost recovery and also to discourage the submission of proposal summaries that are not well formulated, have little chance to come to fruition as an application, or are better suited as an informal inquiry, while continuing to make the process accessible.

At the recommended pre-application consultation fee, London would have the lowest pre-application consultation fee among mid-sized cities in Southern Ontario charging pre-application consultation fees. Pre-application consultation fees are charged in Kitchener (\$933 for an Official Plan Amendment, \$622 for a Zoning By-law Amendment), St. Catharines (\$1,192.25), Guelph (\$400), Cambridge (\$415), Brantford (\$400), and Sarnia (\$275). Windsor, Waterloo, Niagara Falls, and Welland do not charge pre-application consultation fees. Similar to most municipalities with pre-application consultation fees, the pre-application consultation fee would be refundable towards the cost of the planning application should an application be submitted in the future.

Staff will continue to monitor the pre-application consultation fee to determine its effectiveness. The effectiveness of this fee would be evaluated as part of the recommended comprehensive fee review.

Municipal Comparators

Municipal comparators were considered when developing the recommended fees, in order to ensure that fees remained at a reasonable level when compared to similar-sized municipalities in Southern Ontario. Application fees for the City of London were reviewed against the 11 mid-sized municipalities in Southern Ontario, located outside of the Greater Toronto Area. Mid-sized municipalities are defined as municipalities having populations between 50,000 and 500,000. The following municipalities were used in the comparison: Waterloo, Cambridge, Kitchener, Niagara Falls, St. Catharines, Guelph, Welland, Brantford, Windsor, and Sarnia. London is the largest of these municipalities. It is anticipated that other mid-sized municipalities will face a similar level of complexity in the review of development applications.

When the existing fees were compared against the other mid-sized cities in Southern Ontario, out of 11 municipalities, London had the fourth lowest Zoning By-law Amendment application fee, the third lowest Official Plan Amendment application fee, and the third lowest fee for a combined Official Plan Amendment and Zoning By-law Amendment application. The recommended fees would bring London into the median range of these mid-sized municipalities. Graphs are provided in Appendix C providing comparisons of how existing and recommended fees compare to other mid-sized municipalities in Southern Ontario.

The municipalities immediately surrounding municipalities were also considered. When compared to the surrounding municipalities of Strathroy-Caradoc, St. Thomas, Middlesex Centre, Woodstock and Thames Centre, the existing fees of the City of London are the highest for Zoning By-law Amendments, Official Plan Amendments, and combined Official Plan Amendments and Zoning By-law Amendments. The recommended fees would continue to be higher than these surrounding municipalities. This is reflective of the fact that for many of these municipalities the applicant is required to pay for peer review fees, such reviews of Heritage Impact Assessments, Environmental Impact Assessments, or engineering documents, which are included in the application fees for the City of London who have specialists on staff to review these applications. The wider range of applications made to the City of London introduce

issues that may not exist in smaller municipalities (i.e. high rise development, large industrial uses, institutional uses, near-campus applications). There is also a greater proportion of proposals for residential intensification than is generally reviewed by these smaller municipalities, which require significant consultation and project modification. Graphs are provided in Appendix C providing comparisons of how existing and recommended fees compare to other mid-sized municipalities.

Recovery Rate

It is estimated that 25 percent of all Planning Services expenditures are devoted to the review of development applications. The recovery rate approach targeted a 30 percent cost recovery of these Planning Services expenses devoted to the review of development applications. Table 1 below provides information on the recovery rate for the past 3 years, with an average cost recovery of 22 percent for the period.

Table 1: Planning Services Recovery (2015 – 2017)

Planning Services	2015	2016	2017	Average
Planning Services Expenditures (25%) <small>*excludes other associated expenditures ie. Engineering, City Clerks, Legal etc.</small>	\$1.33 million	\$1.52 million	\$1.59 million	\$1.48 million
Planning Services Revenues	\$0.32 million	\$0.39 million	\$0.27 million	\$0.32 million
Tax contributions	\$1.01 million	\$1.11 million	\$1.32 million	\$1.16 million
Tax to fees ratio	3.2	2.8	4.9	3.6
Percentage Recovery	24.0%	26.0%	17.0%	21.9%

It is estimated that the cost recovery will be improved based on the recommended fees. While it is anticipated that the recommended fees will still not produce a 30 percent cost recovery, this increase in fees is working towards this 30 percent cost recovery. The decision to have recommended fees lead to a cost recovery that still does not meet the 30 percent target was done after stakeholder consultation determined that an increase in fees to reach a 30 percent cost recovery would lead to significant cumulative increases in existing fees. The recommended fees were found to improve cost recovery, moving towards a 30 percent cost recovery, while keeping fee increases at a reasonable level for the development community. The addition of annual indexing to the fees will help to ensure that future increases will not be required to be as significant to maintain levels of cost recovery.

These cost recovery considerations for the purposes of this fee review are based exclusively on the Planning Services expenditures. Many other city divisions are involved in the review and processing of Planning Services applications, such as Development Services, Legal Services, Engineering Services and the City Clerk's Office. It is anticipated that the actual cost recovery when the inputs from all divisions are considered is significantly less than the cost recovery used for the purposes of this fee review, which only accounted for Planning Services expenditures. The recommended comprehensive fee review to be conducted by a consultant before 2021 will provide a more thorough review of all costs associated with the review of development applications.

3.2 Development Services Fees

Current and Recommended Fees

In addition to Official Plan and Zoning By-law Amendment applications, a wider range of Planning Act applications are also processed by Development Services, including subdivisions, part lot control, consents, condominiums, site plan approvals, site plan

amendments, and minor variances. The fees for certain applications processed by Development Services have not been substantially updated since the 2008 Fee Review. Fees are also charged for street renaming and municipal address changes.

A list of the current fees and recommended fees is provided in Schedule A.

The recommended fees include increases to fees for applications for site plan approval, site plan amendments, street renaming, municipal address changes, minor variances, and certain components of applications for subdivisions, consents and condominiums. Fees for final approval and agreement preparation for subdivisions and condominiums are recommended to be deleted, as these will be addressed through increases to the base fee. No changes were made to the cost of applications for part lot control, and fees for certain components of subdivision, consent, and condominium applications also remained unchanged. New fees were added for deeming by-laws, consent agreements and compliance re-inspections, with two compliance inspections included in application fees, but a charge subsequently applied to help incentivize compliance during the first and second inspections.

The need to simplify the fee structure was a goal identified through the consultation process, as the existing fee structure includes a number of individual cost components for subdivision and condominium applications, and also a complex formula for the calculation of fees for site plan control applications. The proposed fee structure simplifies these fees, including certain components of the subdivision and condominium applications in the base fee for these applications and simplifying the formula for the calculation of site plan control application fees.

The proposed changes to fees for applications for Official Plan Amendments, Zoning By-law Amendments, combined Official Plan and Zoning By-law Amendments, and the introduction of the pre-application consultation fee will also apply to Development Services, where certain Official Plan and Zoning By-law Amendment applications are also processed. The recommendation for no change to existing fees for the removal of Holding Provisions and Temporary Zone Extensions would also apply to Development Services where these applications are also processed.

The recommended fees would be increased by inflationary adjustments based on the construction index used, in the same method used for calculating development charges. This will help to maintain levels of cost recovery as expenditures increase from inflation impacting the cost of goods and increases to staff salaries outlined in the collective agreement.

Municipal Comparators

Appendix B provides comparative municipal fee information for major fees administered by Development Services. It should be noted that “apples-to-apples” comparisons of these fees are challenging as significant variation exists in how fees are structured (e.g., some municipalities opt for base and variable fees, while others do not). When examining base fees amongst the municipalities, the City of London’s existing fees are generally lower than the average for mid-sized cities, while most local municipalities have lower fees. This information provided context for the Fees Review analysis and the recommended fee increases.

Recovery Rate

Unlike Planning Services which includes staff that work on studies and do not directly process development applications, Development Services expenditures (with the exception of Development Finance) are directly attributable to the review of applications. The recovery rate approach targeted a 30 percent cost recovery of Development Services expenditures. As noted in Table 2, the average recovery rate was 22 percent for 2015-2017. It should be noted that costs and revenues associated with drawing review and Ministry of Environment fees are also included in Table 2, but are not being examined with this fees review.

Table 2: Development Services Recovery (2015 – 2017)

Development Services	2015	2016	2017	Average
Development Services Expenditures <small>*excludes DF and other associated expenditures w/ EES, Clerks, Legal etc.</small>	\$4.16 million	\$4.79 million	\$5.11 million	\$4.69 million
Development Services Revenues	\$1.05 million	\$1.04 million	\$1.04 million	\$1.04 million
Tax contributions	\$3.11 million	\$3.75 million	\$4.07 million	\$3.64 million
Tax to fees ratio	3.0	3.6	3.9	3.5
Percentage Recovery	25.2%	21.7%	20.4%	22.2%

It is anticipated that cost recovery will be improved based on the proposed fees and annual indexing. While cost recovery is estimated to improve at the proposed application fees, Development Services is not anticipated to meet the 30 percent cost recovery target. While the recommended fees are short of the recovery target, the increases are bringing cost recovery closer to the target. This is done out of an effort to increase fees at a reasonable rate for the development community. It is anticipated that the proposed comprehensive fees review would improve this cost recovery rate with revised fees to be implemented in 2022.

The recovery rate was calculated using exclusively Development Services expenditures, and does not include expenditures from other divisions involved in the review and processing of Development Services applications, such as Legal Services, Planning Services, and the City Clerk’s Office. Costs associated with Development Finance are also excluded. When all expenditures towards the review and processing of an application are considered, it is anticipated that the recovery rate would be significantly lower than when exclusively Development Services expenditures are considered. The consideration of other departmental expenditures in the review of applications would be considered as part of the comprehensive fee review recommended to be conducted to establish fees in 2021.

3.3 Hypothetical Development Examples

One of the concerns expressed through meetings with stakeholders was with regard to the cumulative impact of the fee increase on development applications. The below Table 3 provides examples of how existing and recommended fees would compare in potential development scenarios:

Table 3 - Examples of Cumulative Application Fees

Example Development	Existing Cumulative Fee	Proposed Cumulative Fee	Difference	% Change
Small commercial development (2,500sqm) with a change in use (Zoning By-law Amendment and Site Plan)	\$8,950	\$13,500	\$4,450	51%
Large format retail development (10,000sqm) (Zoning By-law Amendment and Site Plan)	\$13,450	\$21,000	\$8,550	56%
50 unit townhouse block (Zoning By-law Amendment, Site Plan, Condominium Application)	\$12,350	\$18,250	\$6,400	48%
180 unit condominium apartment building (Official Plan Amendment, Zoning By-law Amendment, Site Plan, Standard Condominium)	\$22,550	\$34,250	\$11,700	52%
Subdivision (119 lots, 5 blocks)(Subdivision and Zoning By-law Amendment)	\$32,625	\$45,350	\$12,725	39%

As described earlier in this report, the analysis of hypothetical development examples was an important “feedback loop” in considering the impacts and reasonableness of the recommended application fees.

3.4 Indexing

Historically, the City of London has not included inflationary adjustments as part of Planning Application fees. Although this was considered during the 2008 comprehensive review, annual adjustments were omitted with the approved fees.

As a result of discussions with stakeholders, Staff are recommending that inflationary adjustments be applied to all Planning Services and Development Services fees described in this report following the 2019 “baseline” fee year (i.e., for 2020 and 2021). Most municipalities surveyed performed a version of annual adjustments, based on a 2% fixed increase, the Consumer Price Index (CPI), or set dollar amounts (e.g., a \$100 increase to the base fee each year).

Staff are recommending the use of the construction price index presently used to adjust Development Charges (DCs) rates each year. The construction price index is universally used throughout the Province for DCs and is accepted in the industry. Further, it reflects cost fluctuations in the construction sector, which is more directly relatable to the product of development approvals than the goods that are used to inform the CPI. Over the past 4 years, the average annual adjustment for DCs has been 2.36%, and this rate has been used as a proxy for modelling purposes for the estimated future revenue information contained in this report. It should be noted that the indexing of fees to be performed in 2020 and 2021 will be to the applicable indexing value available for the period preceding the annual adjustment (e.g., the November 2019 indexing value will be applied to January 1, 2020 fees).

3.5 Other Fees Considered

Resubmission Fee

The concept of a resubmission fee was considered as part of this fee review. Resubmission fees are charged by many municipalities to cover the cost of the staff resources required to review a revised proposal and the costs associated with the mailing and advertising of the notices associated with the draft proposal.

Through consultation with the stakeholders, it was recognized that the majority of resubmissions are made to address comments from staff and the community. Staff are of the opinion that it is best not to discourage these revisions, as such it is recommended that resubmissions continue to occur at no additional cost to the applicant.

Consent Agreement Fee

With the tabling of the draft fees, Staff proposed the introduction of a consent agreement fee to contribute towards the preparation and review of these documents. As a result of further discussion and consideration, this fee is not being recommended at this time as most consent agreements are prepared to register on title the requirement for site plan approval, where applicable. Staff will continue to monitor the need for this fee in the future.

Major/Minor Application Fees

Another concept that was considered was the introduction of a major/minor classification for Official Plan Amendment and Zoning By-law Amendment applications. Several municipalities have implemented a differentiation between major and minor Official Plan and/or Zoning By-law Amendment fees, with minor applications having lesser fees than major applications.

The criteria to determine if an application is major or minor varies significantly between municipalities. For example, in Guelph a major Zoning By-law Amendment application is categorized as a change in zone category, while in Windsor a minor amendment is defined as an addition to the range of permitted uses for commercial, industrial or

institutional zones, a change to existing regulations or zoning district to match the lot lines, a rezoning to accommodate a maximum of six dwelling units for a site designated as residential in the Official Plan, and site-specific zoning applications on sites with an area of less than 1,000 square metres that are designated as a use other than residential in the Official Plan.

It was determined that it would be difficult to make a distinction between major and minor applications that reflected cost recovery as each application is unique and the uses and scale proposed do not necessarily reflect the amount of staff resources that would be required to process the application. The introduction of a distinction between major and minor Official Plan and Zoning By-law Amendment applications is recommended to be further considered as part of the comprehensive fee review process proposed for fees to be implemented in 2022.

In lieu of the introduction of a major/minor classification for Official Plan and Zoning By-law Amendment applications, it was also suggested through the consultation process that the City of London consider the addition of uses through the Committee of Adjustment. This suggestion was considered, however it was determined that this practice could not be implemented at this time as further review of consistency with the Planning Act legislation is required. Of particular importance is whether this would be consistent with the duties and responsibility of Municipal Council and the Committee of Adjustment outlined in legislation and whether this approval authority role could be delegated from Municipal Council to the Committee of Adjustment.

4.0 Next Steps

This report provides background on the recommended changes to the Fees and Charges By-law for Planning Services and Development Services. A Public Participation Meeting for the Fees and Charges By-law will occur at the September 17, 2018 Strategic Priorities and Policy Committee meeting.

Stakeholder consultation has led to a recommendation that a comprehensive fee review be completed in 2021, for implementation in 2022. This will require the engagement of a consultant. This review would evaluate the methodology that has been used in the establishment of application fees (i.e., the recovery rate approach) and would also provide an opportunity to examine performance targets, service standards and non-direct costs. The recommended fee modifications outlined in this report would serve as an interim measure until the Comprehensive Fee Review is completed. The kick-off for the comprehensive review will occur in the fall of 2020.

5.0 Conclusion

The recommended fees for various development applications outlined in this report will be included in the update to the Fees and Charges By-law to be considered by Municipal Council in the fall of 2018. The recommended fees are based on a 30 percent cost recovery approach with consideration of impacts of individual fee increases, hypothetical development examples, comparable municipalities and a rough approximation of level of effort. The intention of the Fees Review has been to work towards fees that balance the funding for the review of development applications between the applicant and the public in future reviews, recognizing the public benefit provided by development. The recommended fees were developed in consultation with stakeholders, who provided valuable input to develop the methodology and establish the recommended fees. The recommended fees are also intended to simplify the fee structure, providing greater clarity to applicants on the fees that can be expected as part of the development process. Based on the outcome of stakeholder consultation, staff will be engaging a consultant to perform a comprehensive fee review in 2021 considering a number of factors that were beyond the scope of the current fee review to help inform future fee updates.

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Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

August 3, 2018
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Appendix A

Official Plan Amendment and Zoning By-law Amendment Fees – Existing and Proposed

Application	Existing Fee	Proposed Fee	\$ Change	% Change	Previous Review	Notes
Official Plan Amendment	\$10,000	\$12,000	\$2000	20%	2013	N/A
Official Plan Amendment/Zoning By-law Amendment	\$15,000	\$20,000	\$5000	33%	2013	N/A
Zoning By-law Amendment	\$7000	\$11,000	\$4000	57%	2013	N/A
Temporary Zone Extension	\$1300	\$1300	0	0%	>2008	N/A
Holding Provisions Removal	\$1000	\$1000	\$0	0%	2008	N/A
Pre-Application Consultation Fee	\$0	\$250	New Fee	New Fee	N/A	Refunded with submission of a development application

Additional Development Services Fees – Existing and Proposed

Application	Existing Fee	Proposed Fee	\$ Change	% Change	Previous Review	Notes
Subdivisions:						
Draft Approval	\$7500+	\$15000+	\$7500	100%	2008	Base fee plus \$150 per lot (\$125) and \$300 per block (\$250)
Draft Approval Extension	\$1000+	\$1000+	\$0	0%	2015	<= 6 mos, \$1000; 6+, Base fee plus \$50 per lot and \$100 per block
Draft Approval Revision	\$1000	\$1000	\$0	0%	<2008	If major revision, new fee required
Subdivision Agreement	\$1000	\$0	-\$1000	-100%	<2008	Included in base fee
Subdivision Final Approval	\$1000	\$0	-\$1000	-100%	<2008	Included in base fee
Part Lot Control	\$200	\$200	\$0	0%	>2008	N/A
Consents:						
Lot Creation	\$1100+	\$1500+	\$400	36%	>2008	Base fee plus \$150 per additional lot (\$125)
Other	\$900	\$1000	\$100	11%	>2008	For easements, title validation, leases
Deed Certification	\$100+	\$100+	\$0	0%	>2008	\$100 for first certificate and \$200 for each additional certificate
Consent and Minor Variance	\$2100	\$2500	\$400	14%	>2008	Combined fee of \$1500 for consent and \$1000 for variance

Application	Existing Fee	Proposed Fee	\$ Change	% Change	Previous Review	Notes
Condominium (Non Vacant Land):						
Application						
Final Approval	\$3000	\$4500	\$1500	50%	2008	N/A
Revisions	\$300	\$0	-\$300	-100%	2008	N/A
Draft Approval Extensions	\$200	\$200	\$0	0%	2008	N/A
	\$100	\$100	\$0	0%	2008	N/A
Condominium (Vacant Land):						
Application	\$3750+	\$7500+	\$3750	100%	2008	Base fee plus \$150 per unit (\$125)
Final Approval	\$500	\$0	-\$500	-100%	2008	Included in base fee
Revisions	\$1000	\$1000	\$0	0%	2008	N/A
Draft Approval Extensions	\$500	\$500	\$0	0%	2008	N/A
Condominium (Amalgamated):						
Application	\$1500	\$1800	\$300	20%	2010	N/A
Final Approval	\$300	\$0	-\$300	-100%	2008	Included in base fee
Revisions	\$200	\$200	\$0	0%	2008	N/A
Extensions	\$100	\$100	\$0	0%	2008	N/A

Application	Existing Fee	Proposed Fee	\$ Change	% Change	Previous Review	Notes
Site Plan Approval:						
Residential	\$750+	\$1000+	\$250	33%	2013	Base fee plus (total units – 5 units x \$50)
Non-residential (new site plan)	\$750+	\$1000+	\$250	33%	2013	Base fee plus (total GFA sqm – 1000 sqm) x \$1)
Non-residential (old site plan)	\$750+	N/A	N/A	N/A	2013	Same as non-residential new building
Site Plan Amendments:						
General Amendments	\$450	\$750	\$300	67%	2008	N/A
Fire Routes	\$450	\$750	\$300	67%	2008	N/A
Street Renaming	\$175	\$500	\$325	186%	>2008	Base fee plus costs of advertising, signage, installation and homeowner reimbursement of \$50/household
Municipal Address Change	\$100	\$500	\$400	400%	>2008	N/A
Minor Variances:						
Category 1	\$300	\$400	\$100	33%	>2008	Accessory structures with no dwelling units
Category 2	\$400	\$500	\$100	25%	>2008	Yard setbacks
Category 3	\$800	\$1000	\$200	25%	>2008	Permissions re: non-conforming uses
Category 4	\$1000	\$1200	\$200	20%	>2008	Lot/yard requirements, general uses, home occupations, etc.
Deeming By-law	\$0	\$1000	New Fee	New Fee	N/A	N/A
Compliance Re-inspections	\$0	\$250	New Fee	New Fee	N/A	Each inspection after 2nd

Appendix B – Previous Fee Reviews

Reports from Previous Fee Reviews

February 8, 2018 – Report to Planning Committee – “Condominium Amalgamation Application Fees”

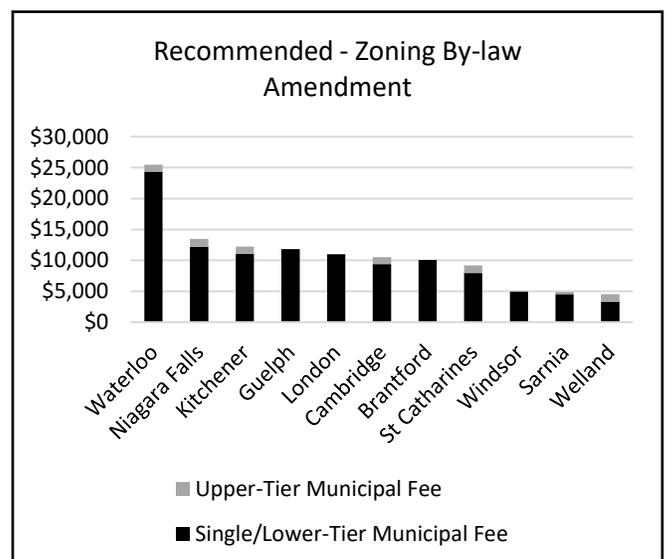
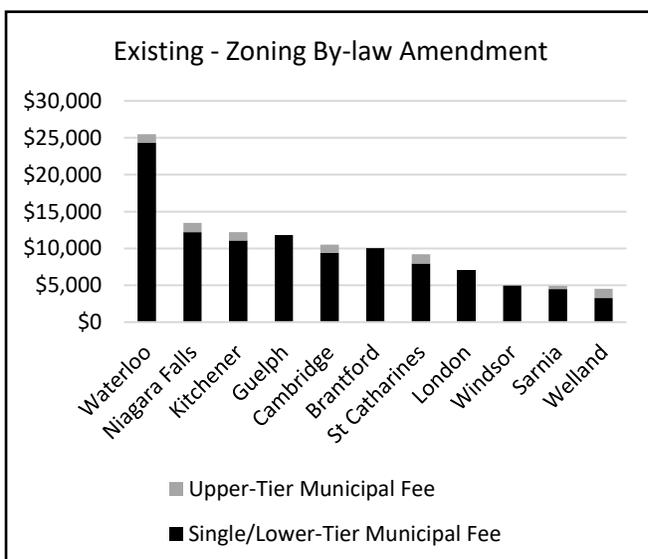
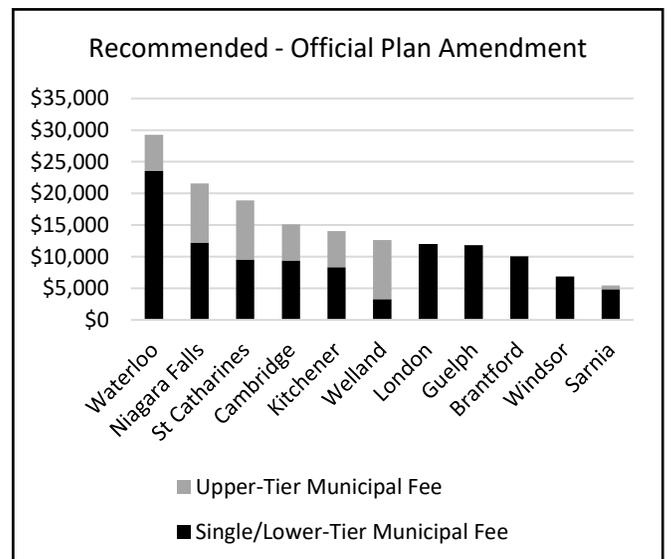
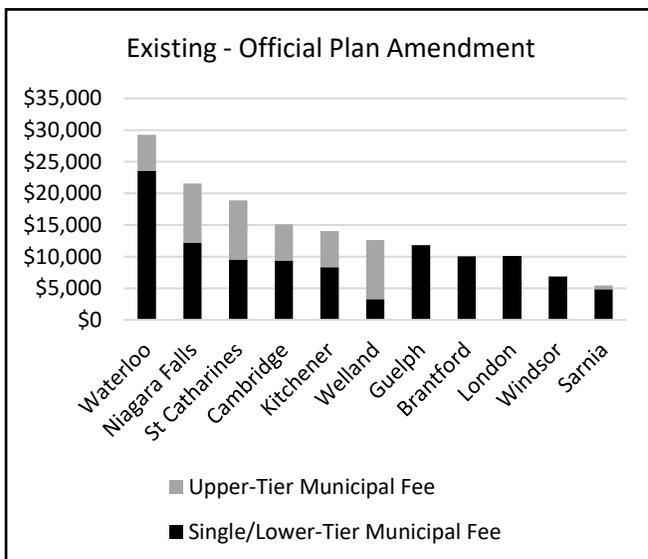
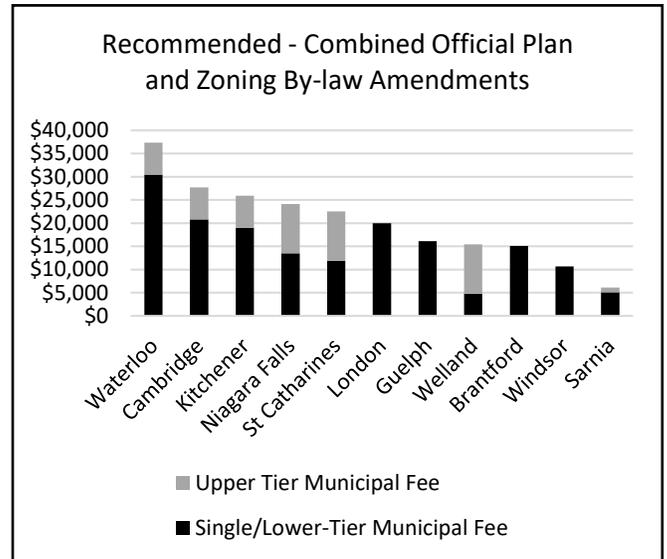
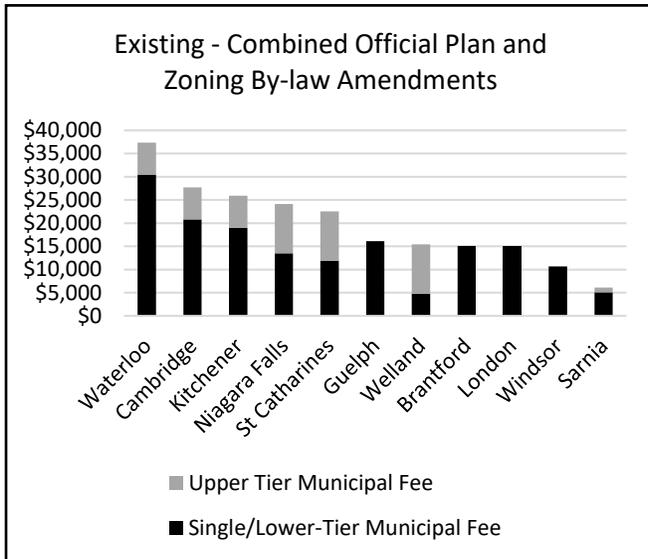
November 26, 2013 – Report to Planning and Environment Committee – “Review of Planning Application Fees”

November 12, 2013 – Report to Planning and Environment Committee – “Review of Planning Application Fees”

November 24, 2008 – Report to Planning Committee – “Review of Planning Application Fees”

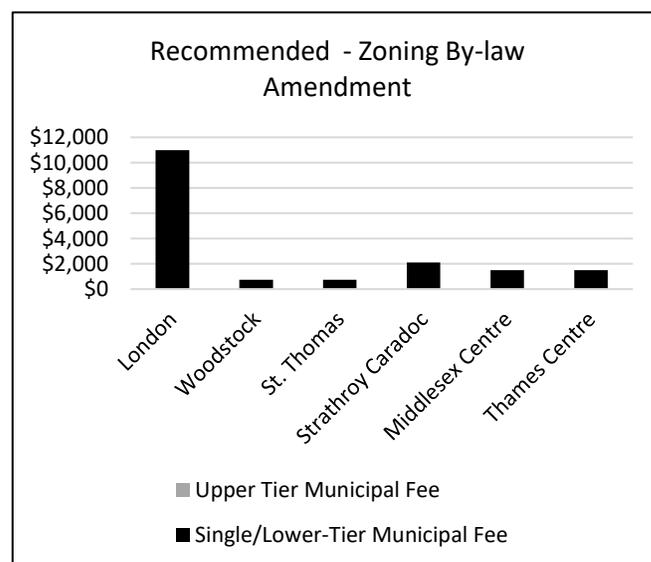
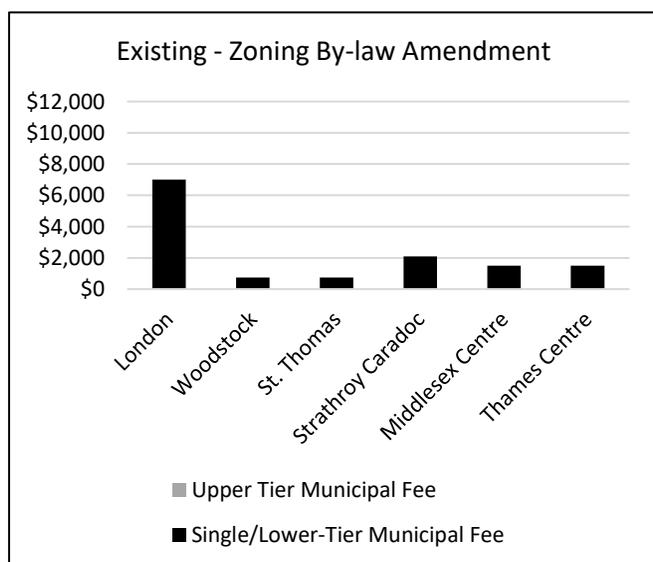
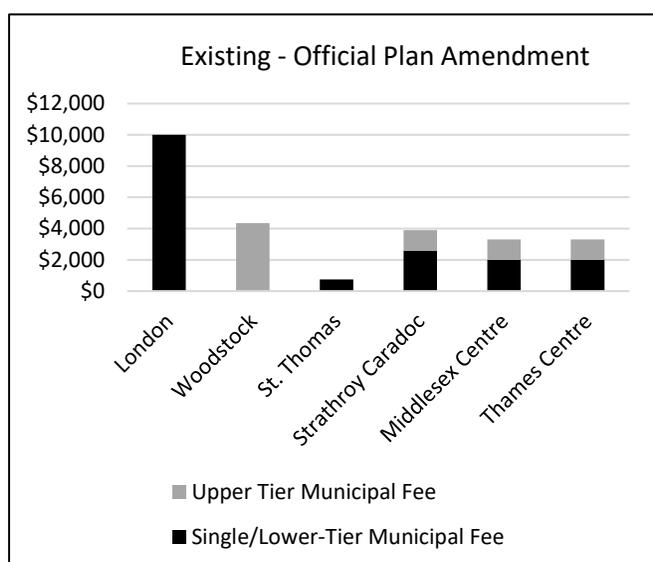
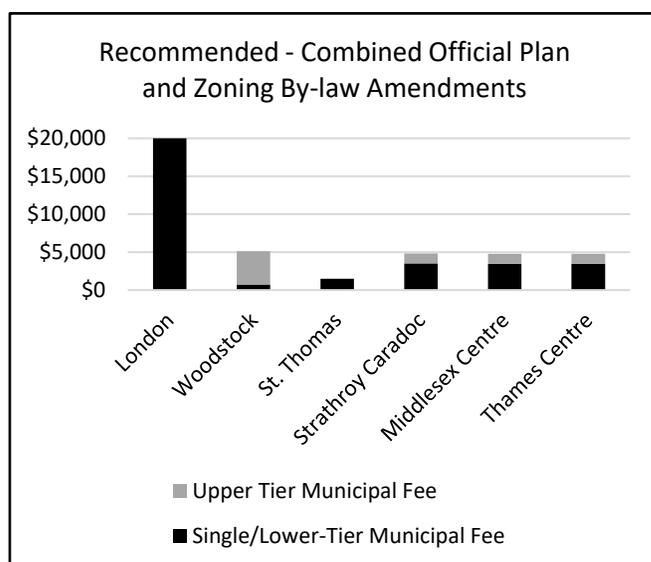
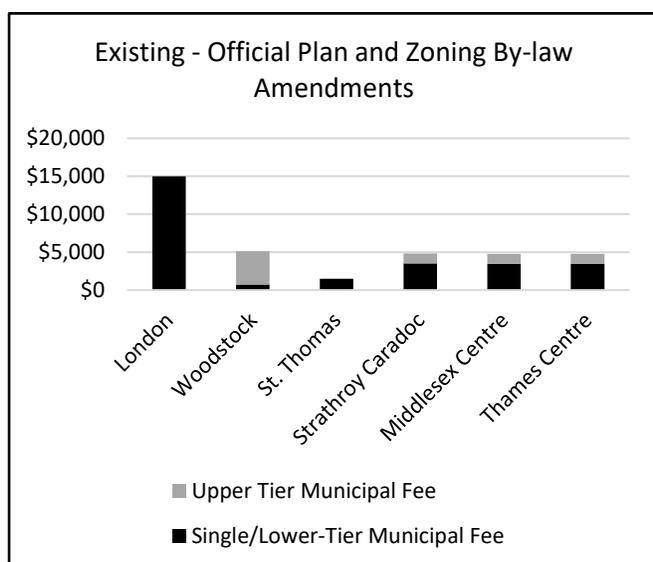
Appendix C – Municipal Comparators

Municipal Comparators – Existing and Recommended Official Plan and Zoning By-law Amendment Application Fees



*Note: Due to variable fee structures between municipalities, this analysis assumes that the development includes 20 residential apartment units (100 sqm per unit) on an undeveloped site

Municipal Comparators – Nearby Municipalities – Existing and Recommended Official Plan and Zoning By-law Amendment Application Fees



**Note: Due to variable fee structures between municipalities, this analysis assumes that the development includes 20 residential apartment units (100 sqm per unit) on an undeveloped site*

Municipal Comparators – Additional Development Services Fees

Development Services Comparative Fee Analysis
July 31 2018

	Waterloo	Cambridge	Kitchener	Niagara Falls	St. Catharines	Guelph	Welland	Brantford	Windsor	Samia	Average	Min	Max	London Existing	London Proposed
Subdivision Draft Approval	\$ 46,579	\$ 13,390	\$ 12,653	\$ 18,500	\$ 16,922	\$ 34,142	\$ 11,921	\$ 21,777	\$ -	\$ 7,650	\$ 18,353	\$ -	\$ 46,579	\$ 7,500	\$ 15,000
Subdivision Variable	\$ -	\$ 375	\$ 180	\$ 1,100	\$ -	\$ -	\$ 57	\$ 681	\$ 600	\$ -	N/A	N/A	N/A	\$ 125	\$ 150
Subdivision Agreement	\$ -	\$ 1,600	\$ -	\$ -	\$ 7,948	\$ -	\$ 1,010	\$ 2,000	\$ 1,500	\$ -	\$ 1,406	\$ -	\$ 7,948	\$ 1,000	\$ -
Subdivision Final Approval	\$ -	\$ -	\$ 2,583	\$ 2,500	\$ 990	\$ 14,310	\$ -	\$ -	\$ 460	\$ -	\$ 2,084	\$ -	\$ 14,310	\$ 1,000	\$ -
Subdivision Draft Extension	\$ 1,300	\$ -	\$ -	\$ 2,250	\$ 3,215	\$ 1,899	\$ 2,683	\$ 1,000	\$ 2,950	\$ -	\$ 1,530	\$ -	\$ 3,215	\$ 1,000	\$ 1,000
Subdivision Revisions	\$ 2,285	\$ 1,150	\$ 4,405	\$ 2,500	\$ 1,969	\$ -	\$ 1,598	\$ 250	\$ 3,280	\$ -	\$ 1,744	\$ -	\$ 3,280	\$ 1,000	\$ 1,000
Consents - Lot creation	\$ 1,430	\$ 1,810	\$ 1,450	\$ 3,995	\$ 2,368	\$ 1,961	\$ 1,970	\$ 2,507	\$ 2,246	\$ 1,325	\$ 2,106	\$ 1,325	\$ 3,995	\$ 1,100	\$ 1,500
Condominium - Non VLC	\$ 12,166	\$ 5,305	\$ 5,386	\$ 4,000	\$ 9,124	\$ 6,463	\$ 9,422	\$ 19,196	\$ 160	\$ 2,750	\$ 7,397	\$ -	\$ 19,196	\$ 3,300	\$ 4,500
Condominium - VLC	\$ 22,366	\$ 9,550	\$ 8,459	\$ 15,000	\$ 11,624	\$ 6,463	\$ 11,922	\$ 19,196	\$ 160	\$ 6,100	\$ 11,084	\$ -	\$ 22,366	\$ 4,250	\$ 7,500
Site Plan - Residential	\$ 5,369	\$ 6,525	\$ 4,608	\$ 5,250	\$ 8,312	\$ 5,692	\$ 3,513	\$ 4,761	\$ 5,626	\$ 3,500	\$ 5,316	\$ 3,500	\$ 8,312	\$ 750	\$ 1,000
Site Plan - Residential Variable	\$ -	\$ -	\$ 91	\$ -	\$ -	\$ 132	\$ -	\$ -	\$ -	\$ -	N/A	N/A	N/A	\$ 40	\$ 50
Site Plan - Non-residential	\$ 5,369	\$ 6,525	\$ 4,608	\$ 5,250	\$ 8,312	\$ 5,692	\$ 3,513	\$ 4,761	\$ 5,626	\$ 3,500	\$ 5,316	\$ 3,500	\$ 8,312	\$ 750	\$ 1,000
Site Plan - Non-residential Variable	\$ -	\$ -	\$ 2	\$ -	\$ 4,890	\$ 2	\$ -	\$ -	\$ -	\$ -	N/A	N/A	N/A	\$ 150	\$ 1
Minor Variances	\$ 1,225	\$ 1,040	\$ 1,225	\$ 2,500	\$ 1,835	\$ 951	\$ 1,443	\$ 1,758	\$ 2,143	\$ 535	\$ 1,465	\$ 535	\$ 2,500	\$ 1,000	\$ 1,200

	Woodstock	St. Thomas	Middlesex Centre	Thames Centre	Strathroy-Caradoc	Average	Min	Max	London Existing	London Proposed
Subdivision Draft Approval	\$ 2,850	\$ 2,250	\$ 8,000	\$ 5,000	\$ 9,700	\$ 5,560	\$ 2,250	\$ 9,700	\$ 7,500	\$ 15,000
Subdivision Variable	\$ 75	\$ 20	\$ -	\$ -	\$ -	N/A	N/A	N/A	\$ 125	\$ 150
Subdivision Agreement	\$ -	\$ 300	\$ 600	\$ -	\$ -	\$ 180	\$ -	\$ 600	\$ 1,000	\$ -
Subdivision Final Approval	\$ <52500	\$ <52000	\$ 300	\$ 300	\$ 300	\$ 1,080	\$ 300	\$ 2,500	\$ 1,000	\$ -
Subdivision Draft Extension	\$ 460	\$ -	\$ 300	\$ 300	\$ 300	\$ 272	\$ -	\$ 460	\$ 1,000	\$ 1,000
Subdivision Revisions	\$ 560	\$ -	\$ 600	\$ 300	\$ 300	\$ 352	\$ -	\$ 600	\$ 1,000	\$ 1,000
Consents - Lot creation	\$ 2,275	\$ 450	\$ 1,000	\$ 1,500	\$ 1,750	\$ 1,395	\$ -	\$ 2,275	\$ 1,100	\$ 1,500
Condominium - Non VLC	\$ 2,205	\$ 2,250	\$ 7,000	\$ 4,000	\$ 9,700	\$ 5,031	\$ 2,205	\$ 9,700	\$ 3,300	\$ 4,500
Condominium - VLC	\$ 2,205	\$ 2,250	\$ 7,000	\$ 4,000	\$ 9,700	\$ 5,031	\$ 2,205	\$ 9,700	\$ 4,250	\$ 7,500
Site Plan - Residential	\$ 450	\$ 1,100	\$ 750	\$ 1,000	\$ 1,350	\$ 930	\$ 450	\$ 1,350	\$ 750	\$ 1,000
Site Plan - Residential Variable	\$ -	\$ -	\$ -	\$ -	\$ -	N/A	N/A	N/A	\$ 40	\$ 50
Site Plan - Non-residential	\$ 450	\$ 1,100	\$ 750	\$ 1,000	\$ 1,350	\$ 930	\$ 450	\$ 1,350	\$ 750	\$ 1,000
Site Plan - Non-residential Variable	\$ -	\$ -	\$ -	\$ -	\$ -	N/A	N/A	N/A	\$ 150	\$ 1
Minor Variances	\$ 700	\$ 400	\$ 600	\$ 750	\$ 700	\$ 630	\$ 400	\$ 750	\$ 1,000	\$ 1,200

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: Landea North Developments Inc. and Landea
Developments Inc.
Creekview Subdivision - Phase 3
39T-05512 - Special Provisions

Meeting on: August 13, 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 Landea North Developments Inc. and Landea Developments Inc., for the subdivision of land over Part of Lot 22, Concession 5, (Township of London), City of London, County of Middlesex, situated on the south side of the Sunningdale Road West, west of Wonderland Road, municipally known as 1196 Sunningdale Road West:

- (a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Landea North Developments Inc. and Landea Developments Inc. for the Creekview Subdivision, Phase 3 (39T-05512) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C";
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Analysis

1.0 Site at a Glance

1.1 Property Description

The draft plan of subdivision is located on a portion of 1196 Fanshawe Park Road West, on the north side of Fanshawe Park Road West and east of Hyde Park Road. The subject site is approximately 28. ha in size. The draft plan of subdivision consists of 41 low density residential blocks, one (1) multi-family block, one (1) stormwater management block, four (4) park blocks and various reserve blocks, walkways and road widening blocks served by two (2) new collector roads and six (6) new local streets. Draft Plan of Subdivision applications for two plans of subdivision (39T-05511 and 39T-05512) were accepted on in August 2005. The plans were draft approved in October 2009. Extensions were granted in 2012 and again in 2015. On March 6, 2017 the City of London Approval Authority granted the merger of both Draft Approved Plans of Subdivision into one (39T-05512) Draft Approved Plan of Subdivision. The draft approval expiry date is October 14, 2018.

On December 31, 2012 the first phase was registered as Plan 33M-652, which consists of 48 single family lots, various part lots all served by four (4) new streets. On November

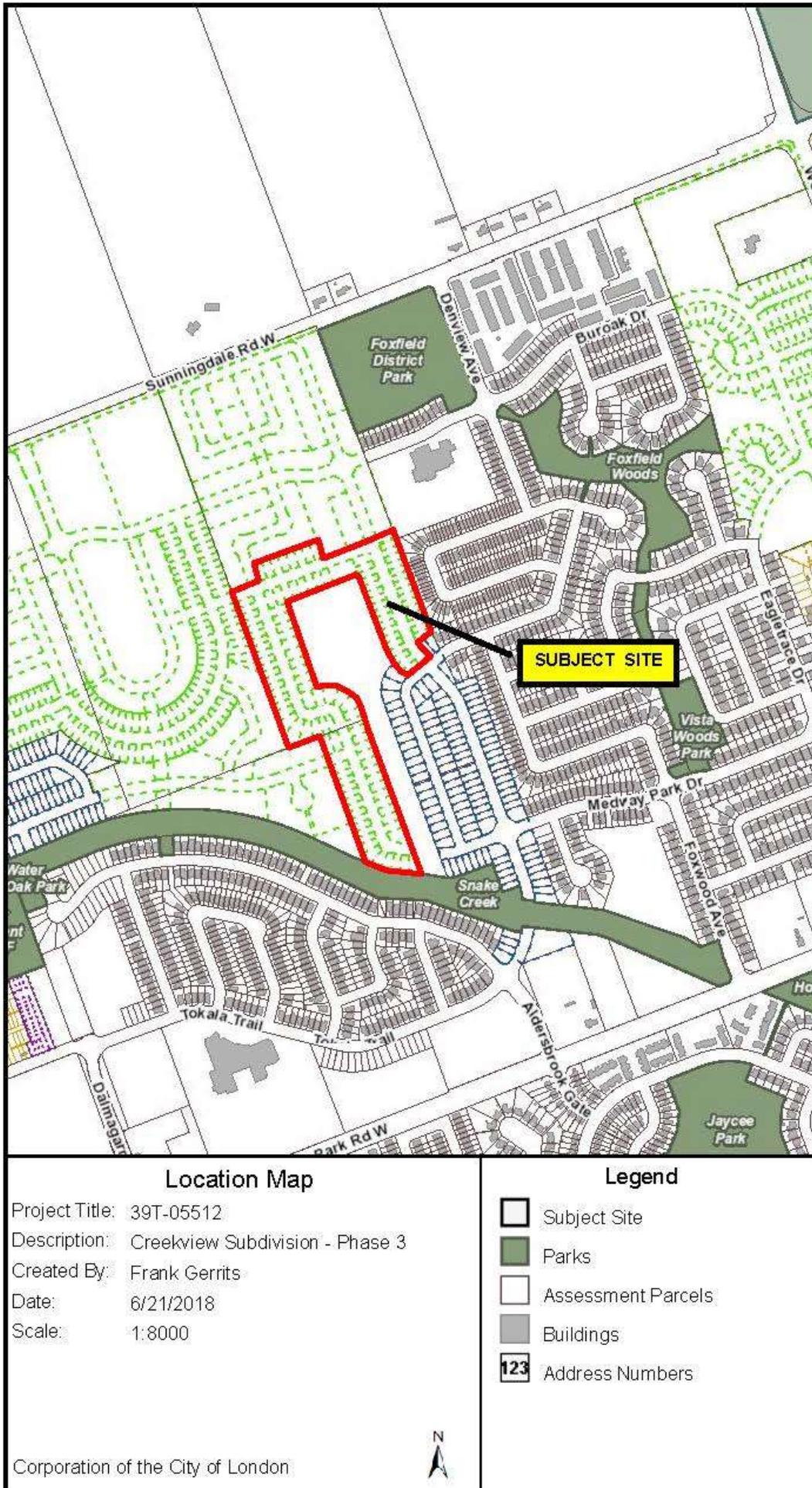
1, 2017 the second phase was registered as Plan 33M-729, which consist of 111 single family lots and various part lots all served by three (3) new streets.

The Applicant is now registering the third phase of this subdivision (known as Creekview Phase 3), which consists of 125 single detached lots.

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.

1.2 Location Map Phase 3 Creekview



Prepared by:	Craig Smith Senior Planner, Development Services
Recommended and Reviewed by:	Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivision)
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 1, 2018

Cc: Paul Yeoman, Director, Development Services and Approval Authority

CS/FG Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2005\39T-05512 - 995 Fanshawe Pk Rd
W\Phase3\FinalApproval\SpecialProvisions\39T-05512 - PEC ReportPhase3.docx

Appendix A – Special Provisions

5. STANDARD OF WORK

Add Subsection 5.7

- 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 110 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.

Add the following new Special Provisions:

- #1 The City may require the works and services required under this Agreement to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner.
- #2 The Owner shall maintain works and services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.

16. PROPOSED SCHOOL SITES

Remove Subsections 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 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 in its entirety and **replace** 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 erected signs pursuant to 24.1(a) above, at all times in a condition satisfactory to the City and ensure signs are not removed until the earlier of 95% of all the subdivision housing units have been built and occupied or assumption;
- 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 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."

The Owner shall be responsible for the maintenance and replacement of the signs, until assumption of this plan of subdivision, all to the satisfaction of and at no cost to the City.

- e) 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.
- f) within two (2) months of curb installation or as otherwise directed by the City, the Owner shall, erect at all street intersections and other locations as

required by the City, permanent signs designating street names, parking restrictions and other information. 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.

- g) within two (2) years of registration of this Plan or otherwise directed by the City, the Owner shall install all permanent regulatory and non-regulatory traffic signage in accordance with the accepted engineering drawings. Regulatory signage that requires a City by-law (ie. Stop and Yield), shall be installed by the City on the permanent street name posts.

25.1 STANDARD REQUIREMENTS

Remove Subsection 25.1 (a) as it is repeated in Subsection 5.20:

- ~~(a) Prior to the construction of any works on existing City streets, the Owner shall have its Professional Engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".~~

Remove Subsection 25.1 (h) and **replace** with the following:

- (h) Within one year of registration of the Plan, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway, Block 126, in accordance with City Standard No. SR-7.0.

Add the following new Special Provisions:

- #3 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 geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.
- #4 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.
- #5 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.)
- #6 The Owner shall comply with conditions set out in the existing reciprocal agreement (Agreement between Claybar Developments Inc., Foxhollow Developments Inc., Fox Hollow North Kent Developments Inc., Landea Developments Inc. and Landea North Developments Inc. dated November 30, 2009) between the adjacent property owner to the east to construct adequate municipal services, grading, drainage and accesses over the external lands to the east, to develop this plan, all to the satisfaction of the City Engineer, at no cost to the City.
- #7 The Owner acknowledges that the City shall retain the existing easement ER684975 over lands external to this plan, to the satisfaction of the City;

- #8 The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.
- #9 The Owner shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan (36, 38, 62, 76, 92 and 109) are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior side yard road frontage. Further, the Owner shall obtain approval of their proposed design from the Managing Director of Planning and City Planner and his/her designate prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.

25.2 CLAIMS

Remove Subsection 25.1 (b) and **replace** with the following:

- (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 \$9,850.50, excluding HST, as per accepted engineering drawings;
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$480,743, excluding HST, as per accepted engineering drawings;
- (iii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$57,300, excluding HST, as per accepted engineering drawings;
- (iv) for dedicating to the City, Block 127 on this Plan, for stormwater management purposes, the estimated cost of which is \$48,484, (0.157 ha at \$308,880/hectare (\$125,000/acre));

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.

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #10 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to the west and north to re-grade a portion of the property (eg. swales external to plan), in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
- #11 The Owner shall grade all rear lots abutting the existing SWM Facility as per the accepted engineering drawings, 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:
 - i) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
 - ii) The preferred storm/drainage and SWM Servicing option of the Municipal Class Environmental Assessment (EA) for the Foxhollow lands and any addendums/amendments;
 - iii) The approved Functional Design Report for the Fox Hollow Stormwater Management Facility # 3;
 - 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:

- #12 The Owner shall restore any disturbed areas within the SWM channel and/or lands as a result of construction associated within this Plan (crossing of Heard Drain) to existing or better conditions, to the satisfaction of the City.
- #13 The Owner shall ensure the grading of Lots in this Plan is compatible with the grading on the City lands adjacent to this Plan, including the Heard Drain and SWM Facility, as per the accepted engineering drawings, all to the specifications and satisfaction of the City, at no cost to the City.
- #14 The Owner shall co-ordinate the work associated with this plan of subdivision with the City's proposed construction of the overland flow route outlet channel into the Fox Hollow SWM Facility # 3, to the satisfaction of 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 Medway Creek Subwatershed, and connect them to the City's existing storm sewer system as per the accepted engineering drawings, to the specifications and 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 (d) as it 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 it is not applicable.

- ~~(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 (j) as it is not applicable.

- ~~(j) The Owner shall register on title of Block [redacted] in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block [redacted] 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 [redacted] described [redacted], 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 as per the accepted engineering drawings, to the specifications of 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:

- #15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Medway Park Drive and Tokala Trail in Plan M-729, adjacent to this plan to accommodate the proposed works and services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.
- #16 The Owner shall construct, including but not limited to, temporary Ditch Inlet Catch Basins, (DCIB), sanitary stubs, etc, at the north limit of Medway Park Drive and

north limit of Tokala Trail as per the accepted engineering drawings, to the satisfaction of the City.

- #17 The Owner shall construct a temporary storm sewer and DICB on Heardcreek Trail as per the accepted engineering drawings, to the satisfaction of the City.
- #18 The Owner shall connect all existing field tiles into the proposed storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.

25.9 WATER SERVICING

Remove Subsection 25.9 (b) as it is not applicable.

~~(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**.~~

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

- (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 as per the accepted engineering drawings, all to the specifications and satisfaction of the City Engineer.

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 engineering drawings.

Remove Subsection 25.9 (h) as it is repeated in 25.9 (c)

~~(h) 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 _____ mm (____ inch) diameter water main on _____, to the specifications of the City Engineer. The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.~~

Add the following new Special Provisions:

- #19 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;
 - 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;
 - iv) all works and the costs of removing the devices when no longer required; and
 - v) ensure the automatic flushing devices are connected to an approved outlet.
- #20 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 water servicing report, and the watermains are not installed to the stage limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.

- #21 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, 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.

25.11 ROADWORKS

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

- (b) 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 Medway Park Drive and Tokala Trail 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 (i) and **replace** with the following:

- (i) Within one (1) year of registration of this Plan, the Owner shall:
- (i) install street lights on each street shown and walkway lighting as necessary on the walkway blocks in this plan of subdivision as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

All at no cost to the City and in accordance with the accepted drawings and city standards.

Remove Subsection 25.11 (n) as other conditions cover the timing of the construction of sidewalks:

- (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 (r) and **replace** with the following:

- (q) 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 Fanshawe Park Road West via Aldersbrook Gate and Tokala Trail.

Add the following new Special Provisions:

- #22 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the extension of Medway Park Drive (from Medway Park Drive in Plan 33M-729 including Part 15, Plan 33R-18005), including all underground servicing and a minimum of granular 'B' road consistent with the servicing of Medway Park Drive within this plan as required herein, all to the specifications of the City Engineer, at no cost to the City.
- #23 The Owner shall maintain the extension of Medway Park Drive over Part 15, Reference Plan 33R-18005 until construction is fully complete, all deficiencies cleared, a Certificate of Completion of Works covering the road construction has been issued to the City by the Owner's consulting professional engineer and the road is assumed by the City, all to the satisfaction of the City Engineer, at no cost to the City.
- #24 Prior to assumption, the Owner shall prepare a Reference Plan to the City's satisfaction and pay for the cost of registering and depositing the dedication by-law to create the portion of Medway Park Drive over Part 15, Reference Plan 33R-18005.
- #25 The Owner shall be required to make minor boulevard improvements on Medway Park Drive and Tokala Trail 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.

25.12 PARKS

- #26 All Lots/Blocks abutting park blocks shall be fenced with 1.5meter high chain link fence without gates in accordance with current City park standards (SPO 4.8) or approved alternate. Fencing shall be completed to the satisfaction of the Manager of Parks Planning and Design within one (1) year of registration of the plan of subdivision.
- #27 All Lots/Blocks abutting Open Space blocks used primarily for stormwater management facilities and or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Should any property owner desire to construct a fence at the interface(on the property line) with the Open Space SWM blocks, fencing shall be limited in accordance with current City park standards (SPO 4.8) or approved alternate.

- #28 All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of EESD and Parks Planning and Design.
- #29 No grading shall occur within proposed parkland blocks except where determined to be appropriate by the Manager of Parks Planning and Design.
- #30 Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to lands zoned as Open Space, an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City.
- #31 Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of 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 Landea North Developments Inc. and Landea Developments Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Tokala Trail shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

- Medway Park Drive, Bridgehaven Drive and Heardcreek Trail shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Tokala Trail.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:

- (i) Medway Park Drive – north and east boulevard
- (ii) Bridgehaven Drive – south boulevard
- (iii) Heardcreek Trail – south boulevard

Pedestrian Walkways

City of London standard 3.0m wide pedestrian walkways shall be constructed on Block 126 of 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 Landea North Developments Inc. and Landea Developments Inc. 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 129, 130 and 131
Road Widening (Dedicated on face of plan):	NIL
Walkways:	Block 126
5% Parkland Dedication:	Block 128
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	Block 127

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Landea North Developments Inc. and Landea Developments Inc. 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:	\$ 586,667
BALANCE PORTION:	<u>\$3,324,447</u>
TOTAL SECURITY REQUIRED	\$3,911,114

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. 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 Landea North Developments Inc. and Landea Developments Inc. 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:

There are no multi-purpose easements required for this Plan as there is currently a blanket easement on this Plan.

Appendix B – Related Estimated Costs and Revenues

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ¹	Estimated Cost ³ (excludes HST)
Claims for developer led construction from CSRF	
- Watermain - internal oversizing subsidy (DC14-WD01001) ⁴	\$57,300
- Storm sewers - internal oversizing subsidy (DC14-MS01001) ⁴	\$480,743
- Sanitary sewers - internal oversizing subsidy (DC14-WW02001) ⁴	\$9,850
Claims for land acquisition from CSRF	
- Block 127 for Fox Hollow SWMF 3 (0.157 hectares x \$308,880/hectare) ⁵	\$48,494
Total	\$596,387
Estimated Total DC Revenues ² (2018 Rates)	Estimated Revenue ³
CSRF	\$3,490,750
UWRF	\$313,625
TOTAL	\$3,804,375

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 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 The revenues and costs in the table above are not directly comparable. The City employs a “citywide” approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
- 4 The extent of pipe sizes and length of oversized sewers and watermain will be finalized through the detailed design process which may change the values noted.
- 5 The acquisition of this block is required for the major overland route channel into the stormwater facility, the per hectare rate applied is consistent with Schedule 8 s. 4.7.3 of the Development Charges By-law C.P. - 1496-244.

Reviewed by:

Date

 Matt Feldberg
Manager, Development Services
(Subdivisions)

Reviewed by:

Date

 Paul Yeoman
Director, Development Finance

RE: Subdivision Special Provisions - Landea Phase 3 Subdivision
Landea North Developments Inc.
Capital Budget Project No. EW3818 - Watermain Internal Oversizing (Subledger 2437631)
Capital Budget Project No. ES5429 - Storm Sewer Internal Oversizing (Subledger 2437630)
Capital Budget Project No. ES5145 - Sanitary Sewer Internal Oversizing (Subledger 2437632)
Capital Budget Project No. ES3020-FH3 - SWM Facility - Fox Hollow 3 (Subledger 2437994)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that a portion of these works cannot be accommodated within the Capital Works Budget, and that subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official, the detailed source of financing is:

	Approved Budget	Additional Funding	Revised Budget	Committed To Date	This Submission	Balance for Future Work
ESTIMATED EXPENDITURES						
EW3818 - Watermain Internal Oversizing						
Construction	\$569,025	\$70,489	\$639,514	\$581,206	\$58,308	\$0
ES5429 - Storm Sewer Internal Oversizing						
Engineering	\$177,463		\$177,463	\$27,463		\$150,000
Construction	5,569,587		5,569,587	5,021,361	489,204	59,022
	5,747,050	0	5,747,050	5,048,824	489,204	209,022
ES5145 - Sanitary Sewer Internal Oversizing						
Construction	\$446,625		\$446,625	\$133,644	\$10,024	\$302,957
ES3020-FH3-SWM Facility-Fox Hollow #3						
Engineering	\$1,109,311	(\$50,207)	\$1,059,104	\$875,530		\$183,574
Land Purchase	1,098,997	\$49,347	1,148,344	1,098,997	49,347	0
Construction	5,729,007	\$3	5,729,010	5,729,010		0
City Related	8,681	\$857	9,538	9,538	0	0
	7,945,996	0	7,945,996	7,713,075	49,347	183,574
NET ESTIMATED EXPENDITURES	\$14,708,696	\$70,489	\$14,779,185	\$13,476,749	\$606,883	\$695,553

SOURCE OF FINANCING

EW3818-Watermain Internal Oversizing						
Drawdown from Industrial Oversizing Water R.F.	\$1,700		\$1,700	\$1,545	\$155	\$0
Drawdown from City Services - Water Reserve Fund (Development Charges)	567,325	70,489	637,814	579,661	58,153	0
	569,025	70,489	639,514	581,206	58,308	0
ES5429 - Storm Sewer Internal Oversizing						
Drawdown from Sewage Works Reserve Fund	\$25,300		\$25,300	\$22,226	\$2,154	\$920
Drawdown from City Services - Major SWM Reserve Fund (Development Charges)	5,721,750		5,721,750	5,026,598	487,050	208,102
	5,747,050	0	5,747,050	5,048,824	489,204	209,022
ES5145 - Sanitary Sewer Internal Oversizing						
Drawdown from Industrial Oversizing Sewer R.F.	\$12,200		\$12,200	\$3,651	\$274	\$8,276
Drawdown from City Services - Sewer Reserve Fund (Development Charges)	434,425		434,425	129,993	9,750	294,681
	446,625	0	446,625	133,644	10,024	302,957
ES3020-FH3-SWM Facility-Fox Hollow #3						
Drawdown from Sewage Works Reserve Fund	\$237,604		\$237,604	\$230,639	\$1,476	\$5,489
Drawdown from City Services - Major SWM Reserve Fund (Development Charges)	1,978,323		1,978,323	1,978,323		0
Debuture By-law W.-5330(b)-17 (Serviced through City Services Mjr. SWM R.F. (Dev. Charges))	5,730,069		5,730,069	5,504,113	47,871	178,085
	7,945,996	0	7,945,996	7,713,075	49,347	183,574
TOTAL FINANCING	\$14,708,696	\$70,489	\$14,779,185	\$13,476,749	\$606,883	\$695,553

1) **Financial Note**

	EW3818	ES5429	ES5145	ES3020-FH3	Total
Contract Price	\$57,300	\$480,743	\$9,850	\$48,494	\$596,387
Add: HST @13%	7,449	62,497	1,281	6,304	77,530
Total Contract Price Including Taxes	64,749	543,240	11,131	54,798	673,917
Less: HST Rebate	6,441	54,036	1,107	5,451	67,034
Net Contract Price	\$58,308	\$489,204	\$10,024	\$49,347	\$606,883

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.
- 3) The additional funding requirement of \$70,489 for Project EW3818 is available as a drawdown from the City Services - Water Levies Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward. The 2014 DC Study identified a 20 year program for watermain internal oversizing (DC14-WD01001/EW3818) with total projected growth needs of \$1,000,000. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total commitments exceed the funding for the 20 year program and therefore an additional drawdown from City Services - Water DC Reserve Fund in the amount of \$70,489 is required. These DC funded programs are presented to Council in the annual DC Monitoring Report. Adjustments can also be made by Council through the annual GMIS process and the multi-year budget updates. If total growth exceeds the estimates, the growth needs can be adjusted through the DC Bylaw update which is required every five years by the DC Act.

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Ana Lisa Barbon
Managing Director, Corporate Services and
City Treasurer, Chief Financial Officer

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
West 5 Subdivision – Phase 3
39T-14503 - Special Provisions

Meeting on: August 13, 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 Sifton Properties Limited for the subdivision of land over Part of Lots 49 and 50, Concession B, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of Oxford Street West, east of Riverbend Road, west of Kains Road, and south of Shore Road, municipally known as 1300 Riverbend Road:

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the West 5 Subdivision, Phase 3 (39T-14503) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”; and,
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Analysis

1.0 Site at a Glance

1.1 Property Description

Draft plan approval with conditions was granted for the Sifton West 5 lands on January 8, 2016. The draft plan consists of a number of multi-family, medium density residential, multi-family high density residential, and mixed use development blocks. Public roads in the draft plan consists of Riverbend Road (Neighbourhood Connector/Primary Collector) Linkway Boulevard and Logans Run (Neighbourhood/Local Streets).

Phase 1 was registered on October 20, 2016 as Plan 33M-706 consisting of one block for an 87 unit townhouse and stacked townhouse development. Phase 2 was registered on April 19, 2018 as Plan 33M-743 consisting of one medium density block, one commercial / mixed use block, and one private park block, along with several 0.3 metre reserves.

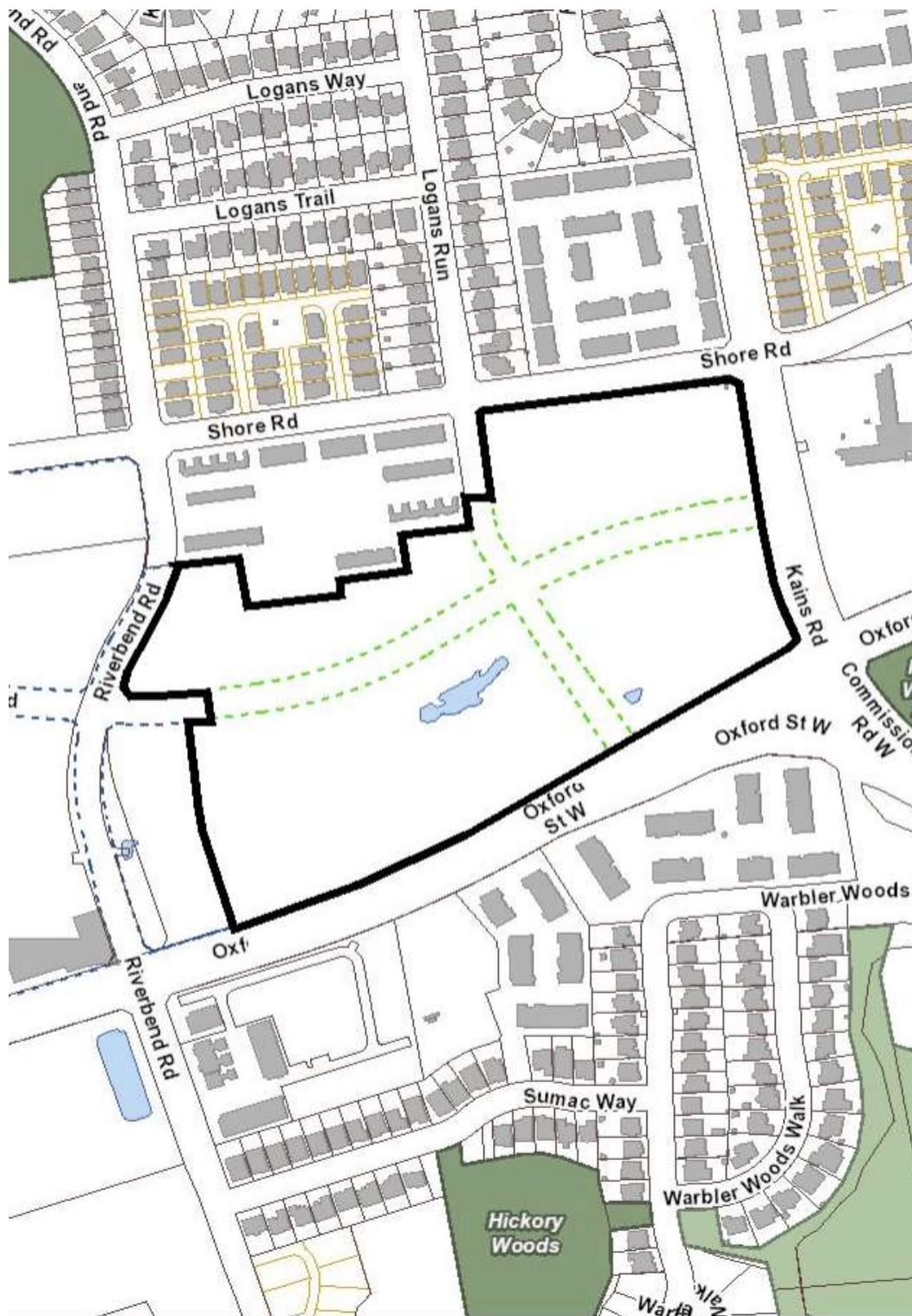
This current phase (Phase 3) represents the remainder of the easterly half of the Sifton West 5 development lands. The proposed plan includes the completion of Linkway Boulevard from just east of Riverbend Road to Kains Road, and Logans Run from just south of Shore Road to Oxford Street West.

This subdivision shall be registered in one (1) phase consisting of one medium density block, one high density block, two commercial / mixed use blocks, and one road widening block, along with several 0.3 metre reserves.

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.

1.2 Location Map: Phase 3 - Sifton Properties Limited - West 5



Location Map

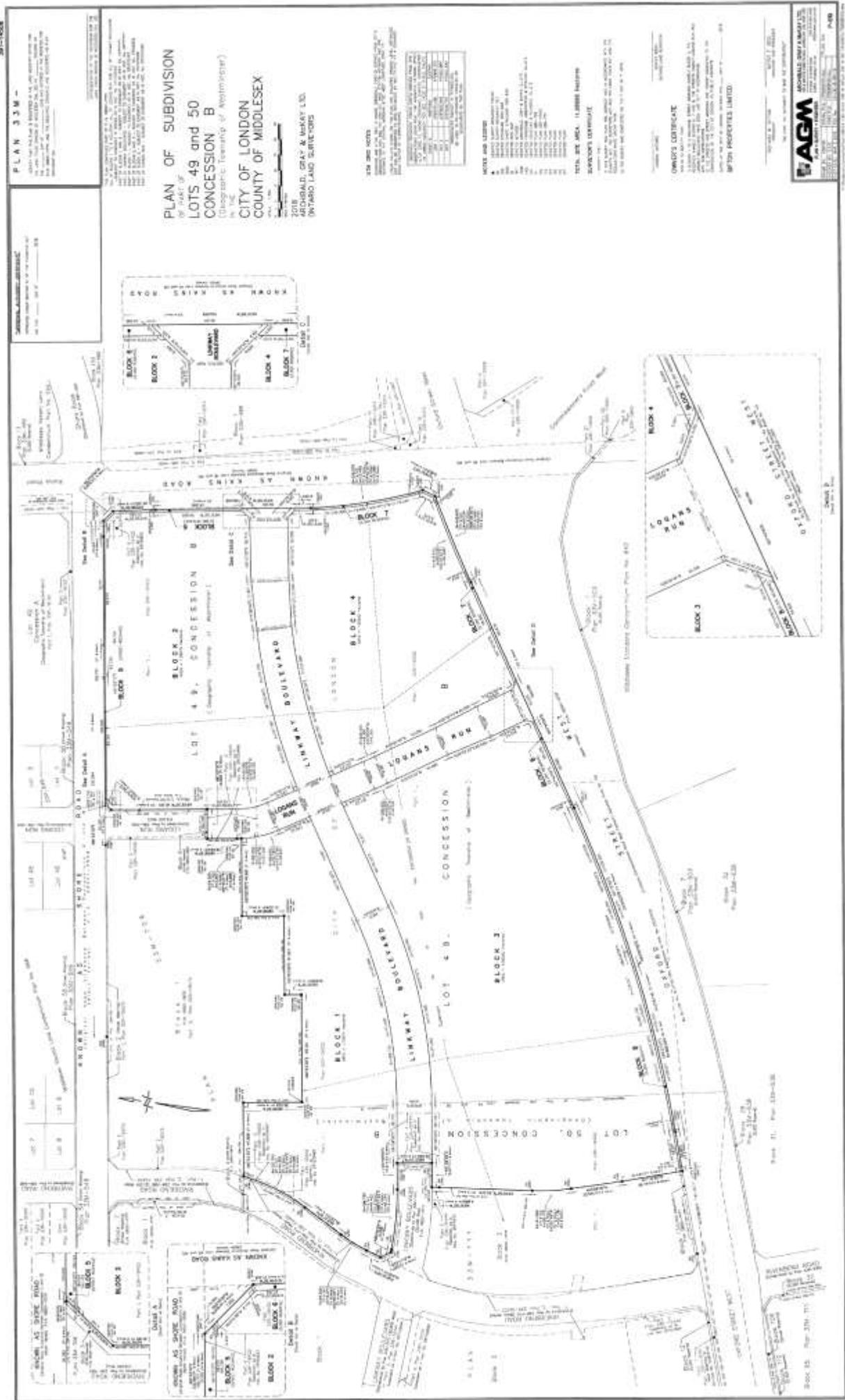
Project Property: 1080 Westdel Brne + Adjacent Lands
 Applicant: SIFTON PROPERTIES LIMITED
 Number: 39T-14503
 Prepared By: Larry Mottram
 Date: 6/27/2018
 Scale: 1:4000

Legend

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

N

1.3 Sifton Properties Limited - Phase 3 Subdivision Plan



Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Recommended and Reviewed by:	Lou Pompili, MCIP RPP Manager, Development Planning
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivisions)
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

August 3, 2018

Cc: Paul Yeoman, Director, Development Services and Approval Authority

Y:\Shared\ADMIN\1- PEC Reports\2018 PEC Reports\12 - Aug 13 '18 PEC\West 5 Subdivision 39T-14503 LM Report 1 OF 1.docx

Appendix A – Special Provisions

1. DEFINITIONS

Add the following Definition:

- #1 “Works and Services” means any and all required works, matters or things required to be installed and constructed by the Owner under this Agreement, including but not limited to earthworks, base and surface asphalt, curb and gutter, sidewalk, traffic islands, driveway ramps, fences, landscaping, boulevards, asphalt walkways, street signs, sanitary sewers, storm sewers, private drain connections, all appurtenances (eg. manholes, catchbasins, catchbasin leads), stormwater management works, watermains and services, valves, hydrants and granular road base.

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 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.~~

Add the following new Special Provisions:

- #2 The City may require the Works and Services required under this Agreement to be completed by contractors whose competence are approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.
- #3 The Owner shall maintain Works and Services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.

Revise the highlighted:

Any variance from items 5.1 to 5.20 above must be clearly set forth in **Schedule "C"**. All the foregoing Works and Services must be fully maintained by the Owner at its own expense in a manner and to a degree satisfactory to the City and the Owner shall retain for himself, his heirs and assigns, the right to enter at all reasonable times and from time to time, upon all Lots and Blocks in the plan of subdivision in order to maintain all the foregoing Works and Services, until the same have been assumed by the City and the warranty period has expired whichever shall be the later. Any damage thereto or failure thereof shall be forthwith repaired to the satisfaction of the City Engineer.

16. PROPOSED SCHOOL SITES

Remove Subsections 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 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 in its entirety and **replace** 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 ensure that the signs will not be removed until the earlier of 95% of the subdivision housing units have been built and occupied or assumption;
- 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 (1) and (2) of this clause;

- d) prior to the issuance of a Certificate of Conditional Approval, 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 Owner shall be responsible for the maintenance and replacement of the signs, 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”;
- e) prior to the issuance of a Certificate of Conditional Approval, 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;
- f) within two (2) months of curb installation or as otherwise directed by the City, 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; and
- g) within two (2) years of registration of this Plan or otherwise directed by the City, install all permanent regulatory and non regulatory traffic signage in accordance with the accepted engineering drawings. Regulatory signage that requires a City by-law (ie. Stop and Yield), shall be installed by the City on the permanent street name posts.

25.1 STANDARD REQUIREMENTS

Remove Subsection 25.1 (a) as it is repeated in Subsection 5.20:

~~(a) Prior to the construction of any works on existing City streets, the Owner shall have its Professional Engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City’s policy on “Guidelines for Notification to Public for Major Construction Projects”.~~

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:

- #4 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.
- #5 Prior to the issuance of any Certificate of Conditional Approval, including but not limited to, temporary grading, Ditch Inlet Catchbasins, rock check dams, etc. shall be constructed and operational, as per the accepted engineering drawings, to the satisfaction of the City.

- #6 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.
- #7 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.)
- #9 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) Removal of temporary works such as temporary sediment erosion swales, rock check dams, etc., an amount of \$7,100.

25.2 CLAIMS

Remove Subsection 25.2 (b) and **replace** with the following:

- (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 \$1,990, excluding HST;
- (ii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$30,720, excluding HST;
- (iii) for the construction of left turn channelization on Kains Road at Linkway Boulevard, the estimated cost of which is \$45,558, excluding HST, as per the accepted work plan;
- (iv) for engineering costs for the construction of left turn channelization on Kains Road at Linkway Boulevard, the estimated cost of which is \$6,834, excluding HST, as per the accepted work plan;
- (v) for the construction of a multi-use pathway along the frontage of Oxford Street West, from Kains Road to Riverbend Road, as per the accepted engineering drawings, based on the equivalent of a 1.5 metre sidewalk, the estimated cost of which is \$125,444, excluding HST, as per the accepted work plan;
- (vi) for the engineering costs for the construction of the multi-use pathway along the frontage of Oxford Street West, from Kains Road to Riverbend Road, as

per the accepted engineering drawings, the estimated cost of which is \$18,817, excluding HST as per the accepted work plan;

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.

Add the following new Special Provisions:

- #9 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.
- # The following works required by this subdivision shall be subject to a work plan:
- a. turn lanes on Kains Road at Linkway Boulevard
 - b. multi-use pathway as per the accepted engineering drawings
- #10 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.
- #11 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.
- #12 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:

- #13 The Owner shall grade the portions of Blocks 3 and 4 inclusive, which have a common property line with Oxford Street West, to blend with the ultimate profile of Oxford Street West, in accordance with the City Standard “Subdivision Grading Along Arterial Roads” and at no cost to 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:
- i) The SWM criteria and environmental targets for the Downstream Thames Subwatershed Study and any addendums/amendments;
 - ii) The Functional Design of the Riverbend 2 SWM Facility and any addendums/amendments;
 - iii) 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.
 - 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:

- #14 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.
- #15 The Owner shall provide the winter maintenance operations protocol for all proposed road infrastructures within this Plan that have the potential to directly impact the Tributary ‘C’ environmentally sensitive area, all to the specifications and satisfaction of the City Engineer.

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 Blocks in this Plan, which is located in the Downstream Thames Subwatershed, and connect them to the City's existing storm system as per 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.

- ~~(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 (j) as it 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 Blocks in this Plan and connect them to the City's existing sanitary sewage system as per the 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:

- #16 The Owner shall include in the agreement of purchase and sale for the transfer of Blocks 1 to 4, inclusive, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.
- #17 The Owner shall remove any temporary DICBS, etc. and any existing easements on Blocks in this Plan may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.
- #18 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make any necessary adjustments to the existing Works and Services on Linkway Boulevard, Logans Run, Kains Road, Riverbend Road and Oxford Street West, 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, all to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

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

- (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.

Remove Subsection 25.9 (c) as it is repeated in 25.9 (h).

- ~~(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.~~

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 engineering drawings.

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

- ~~(h) The Owner shall construct the watermains to service the Blocks in this Plan and connect them to the City's existing water supply system as per the accepted engineering drawings, to the specifications of the City Engineer.~~

~~The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.~~

Add the following new Special Provisions:

- #19 The Owner shall ensure implemented water quality measures 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;
 - 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;
 - iv) all works and the costs of removing the devices when no longer required; and
 - v) ensure the automatic flushing devices are connected to an approved outlet.
- #20 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 water servicing report, and the watermains are not installed to the stage limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- #21 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this Plan of Subdivision:

- i) construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 600 mm diameter watermain on Kains Road, the existing 300 mm diameter watermain on Linkway Boulevard and the existing 300 mm diameter watermain on Logans Run;
- ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 individual water services or 300 multi-family dwelling units; and
- iii) Have their consulting engineer confirm to the City that the watermain distribution system has been constructed, is operational, and is looped from the watermain on Riverbend Road through this Plan via Linkway Boulevard and from Shore Road through this Plan via Logans Run to Kains Road.

#22 The Owner shall ensure future development of these Blocks shall not exceed the established fire flows stated below in order to ensure adequate fire protection is available.

The available fire flows for development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study titled West 5 Subdivision – Phase 3 Water Servicing Report dated May 10, 2018 as prepared by Stantec Consulting Ltd., as follows:

- Blocks 1, 2, 3 and 4 @ 151 litres per second

#23 All development Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.

#24 The Owner shall remove the existing automatic flushers on Logans Run and Linkway Boulevard as per the accepted engineering drawings, all to the satisfaction and specifications of the City Engineer.

#25 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.

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 Logans Run in this Plan connects with Logans Run in Plan 33M-706, including all underground services and all related works, as per the accepted engineering drawings;
 - (ii) a fully serviced road connection where Linkway Boulevard in this Plan connects with Linkway Boulevard in Plan 33M-743, including all underground services and all related works, as per the accepted engineering drawings;

- (iii) a fully serviced road connection where Linkway Boulevard in this Plan connects with Kains Road, including all underground services and all related works, as per the accepted engineering drawings;
- (iv) a fully serviced road connection where Logans Run in this Plan connects with Oxford Street West, including all underground services and all related works, as per the accepted engineering drawings;
- (v) construct a median on Oxford Street West at Logans Run, as per the accepted engineering drawings;
- (vi) construct a multi-use pathway on Oxford Street West from Kains Road to Riverbend Road, as per the accepted engineering drawings;
- (vii) construct a left turn lane on Kains Road as per the accepted engineering drawings;
- (viii) construct a sidewalk on the south boulevard of Shore Road along the entire frontage, 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 Linkway Boulevard, Oxford Street West, Logans Run, Kains Road 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.

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

- (i) Within one (1) year of registration of this Plan, the Owner shall:
 - (i) install street lights on each street shown and walkway lighting as necessary on the walkway blocks in this plan of subdivision as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

All at no cost to the City and in accordance with the accepted drawings and city standards.

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) and **replace** with the following:

- (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 include in the Agreement of Purchase and Sale or Lease for the transfer of all Blocks on Linkway Boulevard and Logans Run in this Plan, 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 Oxford Street West via Riverbend Road.

Add the following new Special Provisions:

- #26 The Owner shall construct Linkway Boulevard as a non-standard primary collector, as per the accepted engineering drawings, to the specifications and satisfaction of the City Engineer.
- #27 The Owner shall construct Logans Run to collector standards, as per the accepted engineering drawings, to the specifications and satisfaction of the City Engineer.
- #28 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a left turn lane on Kains Road at Linkway Boulevard, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #29 The Owner shall construct left turn lanes on Linkway Boulevard at Kains Road, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #30 The Owner shall construct a left turn lane on Logans Run at Oxford Street West, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #31 The Owner shall remove existing infrastructure, including but not limited to, CICB's, DICBs, curbs, etc. on Oxford Street West at Logans Run and Linkway Boulevard

at Kains Road and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

- #32 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a median on Oxford Street West at Logans Run to ensure access to Logans Run is rights-in/rights-out only as per the accepted engineering drawings, to the specification and satisfaction of the City Engineer.
- #33 The Owner shall construct a centre median on Linkway Boulevard as per the accepted engineering drawings, all to the specifications and satisfaction of the City Engineer.
- #34 The Owner shall construct a pedestrian crossover on Linkway Boulevard as per the accepted engineering drawings, to the specifications and satisfaction of the City Engineer.
- #35 The Owner shall construct a 3.0 metre multi-use trail on the north boulevard along the entire frontage of Oxford Street West in this Plan to Riverbend Road, as per the accepted engineering drawings, to the specifications and satisfaction of the City.
- #36 The Owner shall construct a 3.0 metre multi-use trail on the north boulevard of Linkway Boulevard as per the accepted engineering drawings, to the specifications and satisfaction of the City.
- #37 The Owner shall remove the temporary turning circle on Linkway Boulevard and Logans Run and adjacent lands, in Plan 33M-706 and 33M-743 to the north and west of this Plan, and complete the construction of Linkway Boulevard and Logans Run 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 Owners of Plans 33M-706 and 33M-743 for the removal of the temporary turning circle and the construction of this section of Linkway Boulevard and Logans Run 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 Linkway Boulevard in Plan 33M-743 and Logans Run in Plan 33M-706 is constructed as fully serviced roads by the Owners of Plans 33M-706 and 33M-743, then the Owner shall be relieved of this obligation.

- #38 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Linkway Boulevard and Logans Run adjacent to the raised intersection that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- #39 Prior to assumption or when required by the City Engineer, the Owner shall construct the raised intersection at the intersection of Linkway Boulevard and Logans Run, including permanent signage and pavement marking as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #40 The Owner shall be required to make minor boulevard improvements on Oxford Street West, Kains Road and Shore Road 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.
- #41 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 Sifton Properties Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Linkway Boulevard shall have a minimum road pavement width as per the accepted engineering drawings with a minimum road allowance of 22.5 metres.
- Logans Run shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres
- Logans Run, from Oxford Street West to 45 metres north of Oxford Street West shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 21.5 metres. The widened road on Logans Run shall be equally aligned from the centreline of the road and tapered back to the 7.0 metre road pavement width (excluding gutters) and 19.0 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks/Multi-Use Trail

A 1.5 metre sidewalk shall be constructed on both sides of Logans Run.

A 3.0 metre multi-use trail shall be constructed on the north boulevard of Linkway Boulevard as per the accepted engineering drawings.

A 3.0 metre multi-use trail shall be constructed on the north boulevard of Oxford Street West along the entire frontage of this Plan to Riverbend Road as per the accepted engineering drawings.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:

- (i) Linkway Boulevard – south boulevard
- (ii) Shore Road – south boulevard

Pedestrian Walkways

There are no pedestrian 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 Sifton Properties 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 6, 7 and 8
Road Widening (Dedicated on face of plan):	Block 5
Walkways:	NIL
5% Parkland Dedication:	NIL or Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2014, between The Corporation of the City of London and Sifton Properties 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:	\$ 231,910
BALANCE PORTION:	<u>\$1,314,157</u>
TOTAL SECURITY REQUIRED	\$1,546,067

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. 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 Sifton Properties 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:

There are no multi-purpose easements required in this Plan.

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost ^(Note 3) (excludes HST)
Claims for developer led construction from CSRF ^(Note 4) - 300 mm sanitary sewer oversizing (DC14-WW02001) - 300mm watermain oversizing (DC14-WD01001) - Sidewalk equivalent on Oxford Street West (DC14-RS00069) - Sidewalk equivalent engineering fees (DC14-RS00069) - Channelization on Kains @ The Linkway (DC14-RS00067) - Channelization engineering fees (DC14-RS00067)	\$1,990 \$30,720 \$125,444 \$18,817 \$45,558 \$6,834
Claims for developer led construction from UWRF - None identified	\$0
Claims for City led construction from CSRF - None identified	\$0
TOTAL	\$229,363
Estimated Total DC Revenues ^(Note 2) (2018 Rates)	Estimated Revenue ^(Note 3)
CSRF	\$20,372,252
UWRF	\$2,367,153
TOTAL	\$22,739,405

- 1 Estimated costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 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 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of estimated costs and revenues should be used cautiously.
- 4 The developer led minor roadworks listed below will require a work plan to be provided and approved by the City. The work plan should include summary of work completed and costs incurred as well as estimated costs of all engineering and construction of the eligible subdivision works.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Date

Paul Yeoman
Director, Development Finance

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - West Five Phase 3 Stage 1 - Sifton Properties
Capital Budget Project No. ES5145 Sanitary Sewer Internal Oversizing (Subledger 2440624)
Capital Budget Project No. EW3818 - Watermain Internal Oversizing (Subledger 2440625)
Capital Budget Project No. TS1653 - Minor Roadworks-Sidewalks (Subledger 2440626)
Capital Budget Project No. TS1651 - Minor Roadworks-Channelization (Subledger 2440628)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that a portion of these works cannot be accommodated within the Capital Works Budget, and that subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official, the detailed source of financing is:

	Approved Budget	Additional Funding	Revised Budget	Committed To Date	This Submission	Balance for Future Work
ESTIMATED EXPENDITURES						
ES5145 Sanitary Sewer Internal Oversizing						
Construction	\$446,625	\$0	\$446,625	\$143,668	\$2,025	\$300,932
EW3818 - Watermain Internal Oversizing						
Construction	\$735,311	\$31,261	\$766,572	\$735,311	\$31,261	\$0
TS1653 - Minor Roadworks - Sidewalks						
Engineering	\$52,629	\$19,148	\$71,777	\$52,629	\$19,148	\$0
Construction	726,418	127,652	854,070	726,418	127,652	0
	779,047	146,800	925,847	779,047	146,800	0
TS1651 - Minor Roadworks-Channelization						
Engineering	\$390,748	\$6,954	\$397,702	\$390,748	\$6,954	\$0
Construction	2,900,466	(6,954)	2,893,512	2,752,189	46,360	94,963
	3,291,214	0	3,291,214	3,142,937	53,314	94,963
NET ESTIMATED EXPENDITURES	\$5,252,197	\$178,061	\$5,430,258	\$4,800,963	\$233,400	\$395,895

SOURCE OF FINANCING

ES5145 Sanitary Sewer Internal Oversizing

Drawdown from Industrial Oversizing Water R.F.	\$12,200		\$12,200	\$3,924	\$55	\$8,220
Drawdown from City Services - Sewer Reserve Fund (Development Charges)	434,425	0	434,425	139,744	1,970	292,712
	446,625	0	446,625	143,668	2,025	300,932

EW3818 - Watermain Internal Oversizing

Drawdown from Industrial Oversizing Water R.F.	\$1,700		\$1,700	\$1,700	\$0	\$0
Drawdown from City Services - Water Reserve Fund (Development Charges)	733,611	31,261	764,872	733,611	31,261	0
	735,311	31,261	766,572	735,311	31,261	0

TS1653 - Minor Roadworks - Sidewalks

Drawdown from City Services - Roads Reserve Fund (Development Charges)	\$779,047	\$146,800	\$925,847	\$779,047	\$146,800	\$0
	779,047	146,800	925,847	779,047	146,800	0

TS1651 - Minor Roadworks-Channelization

Capital Levy	\$28,419		\$28,419	\$27,139	\$460	\$820
Drawdown from City Services - Roads Reserve Fund (Development Charges)	3,262,795		3,262,795	3,115,798	52,854	94,143
	3,291,214	0	3,291,214	3,142,937	53,314	94,963

TOTAL FINANCING

	\$5,252,197	\$178,061	\$5,430,258	\$4,800,963	\$233,400	\$395,895
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1) **Financial Note - Construction**

	ES5145	EW3818	TS1653	TS1651	Total Construction
Contract Price	\$1,990	\$30,720	\$125,444	\$45,558	\$203,712
Add: HST @13%	259	3,994	16,308	5,923	26,483
Total Contract Price Including Taxes	2,249	34,714	141,752	51,481	230,195
Less: HST Rebate	224	3,453	14,100	5,121	22,897
Net Contract Price	\$2,025	\$31,261	\$127,652	\$46,360	\$207,298

Financial Note - Engineering

	TS1653	TS1651	Total Engineering
Contract Price	\$18,817	\$6,834	\$25,651
Add: HST @13%	2,446	888	3,334
Total Contract Price Including Taxes	21,263	7,722	28,985
Less: HST Rebate	2,115	768	2,883
Net Contract Price	\$19,148	\$6,954	\$26,102

Total - Construction and Engineering

	\$2,025	\$31,261	\$146,800	\$53,314	\$233,400
--	----------------	-----------------	------------------	-----------------	------------------

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

3) The additional funding requirement of \$31,261 for Project EW3818 is available as a drawdown from the City Services - Water Levies Reserve Fund. The additional funding requirement of \$146,800 for Project TS1653 is available as a drawdown from City Services - Roads Levies Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward.

The 2014 DC Study identified a 20 year program for watermain internal oversizing (DC14-WD01001/EW3818) and minor roadworks - sidewalks (DC14-RS000069/TS1653) with total projected growth needs of \$1,000,000 and \$1,590,300 respectively. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total commitments for project EW3818 exceeds the funding for the 20 year program and therefore an additional drawdown from City Services-Water Reserve Fund is required. The total commitment for TS1653 exceeds the accumulated capital budget and therefore the funding will be brought forward from future years allocations from the DC reserve fund, matching when claims are more likely to occur. These DC funded programs are presented to Council in the annual DC Monitoring Report. Adjustments can also be made by Council through the annual GMIS process and the multi-year budget updates. If total growth exceeds the estimates, the growth needs can be adjusted through the DC Bylaw update which is required every five years by the DC Act.

ms

Anna Lisa Barbon
Managing Director, Corporate Services and
City Treasurer, Chief Financial Officer

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
2427 Daisy Bend and 3025 Doyle Drive
For: Removal of Holding Provisions
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 2427 Daisy Bend and 3025 Doyle Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Holding Residential R5/R6 (h•h-54•R5-4/R6-5) Zone **TO** a Residential R5/R6 (R5-4/R6-5) Zone to remove the h and h-54 holding provisions.

Executive Summary

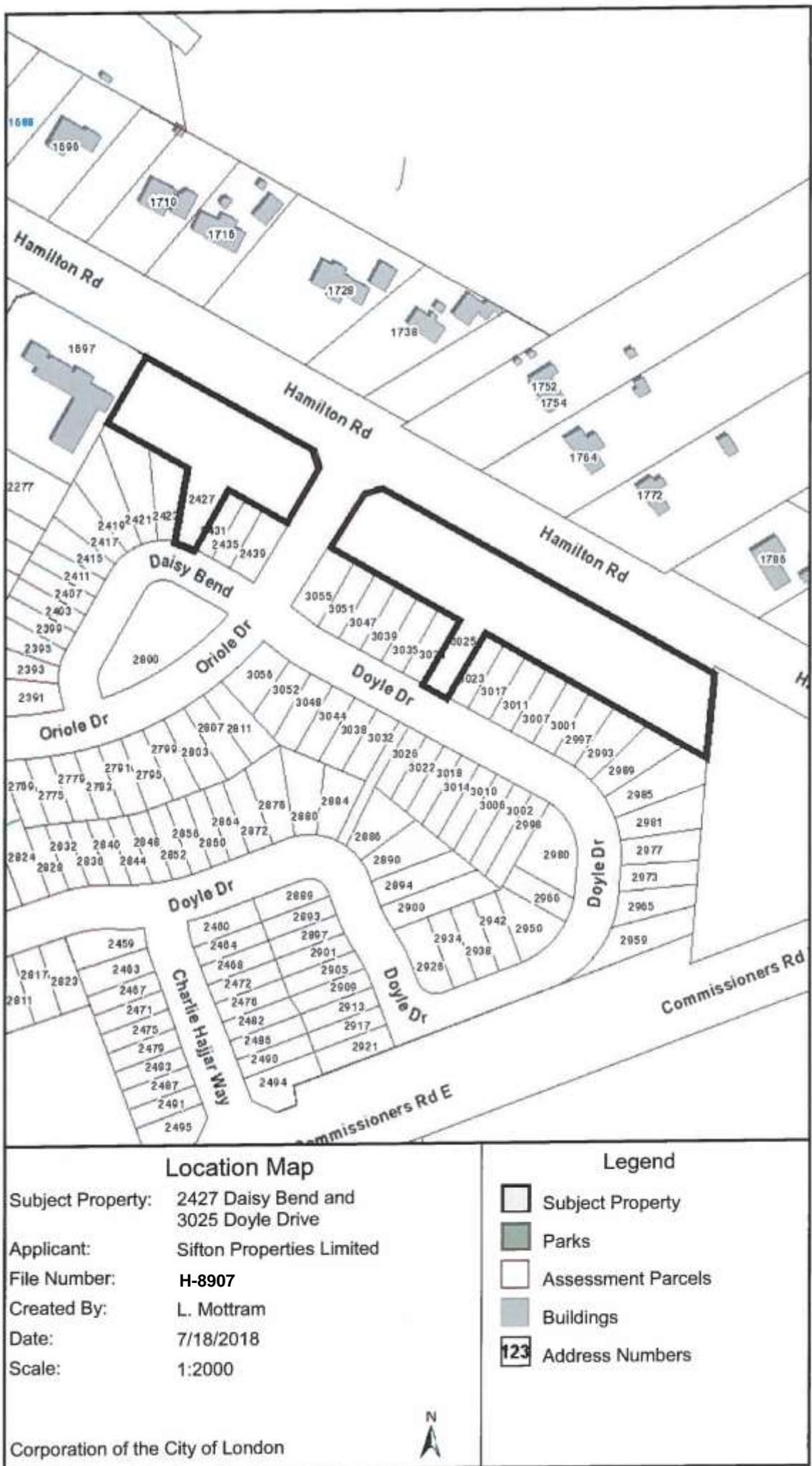
Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h" and "h-54") provisions to allow development of condominium townhouses permitted by the Residential R5/R6 (R5-4/R6-5) Zone.

Rationale of Recommended Action

1. The conditions for removing the holding (h and h-54) provisions have been met and the recommended amendment will allow development of residential uses in compliance with the Zoning By-law.
2. A Subdivision Agreement was previously entered into and securities have been posted as required by City Policy and the Subdivision Agreement. The Development Agreement relating to the proposed Site Plan for the proposed 33 unit condominium townhouse development is being finalized, has been executed by the applicant, and the City is in receipt of required securities.
3. A noise assessment report has also been accepted and the recommendations incorporated into the Site Plan and Development Agreement.

1.0 Location Map



Location Map

Subject Property: 2427 Daisy Bend and
 3025 Doyle Drive
 Applicant: Sifton Properties Limited
 File Number: **H-8907**
 Created By: L. Mottram
 Date: 7/18/2018
 Scale: 1:2000

Legend

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

Corporation of the City of London



2.0 Description of Proposal

The removal of the holding “h” and “h-54” symbols from the zoning will allow the applicant to proceed with a 33 unit vacant land condominium development in the form of attached townhouses. The Application for Vacant Land Condominium is being brought forward under separate report.

3.0 Relevant Background

3.1 Planning History

On December 19, 2017, the Approval Authority for the City of London granted Final Approval to a plan of subdivision on lands located at 1733 Hamilton Road and 2046 Commissioners Road East, known as the Hajjar lands. The subdivision consisting of 111 single family lots, two (2) medium density residential blocks, one (1) park block, one (1) walkway block, one (1) future access block, and four (4) local streets was subsequently registered as Plan 33M-732 on December 22, 2017.

On May 31, 2016, Municipal Council approved the zoning for the subdivision draft plan. The standard holding (h) provision was applied to the zoning for the various residential lots and blocks within the subdivision plan. The “h” provision is applied in almost all subdivision approvals for the purpose of ensuring adequate provision of municipal services, that the required security has been provided, and that conditions of approval of draft plan of subdivision, or conditions of approval of a site plan, ensure that a subdivision agreement or development agreement is entered into.

The holding (h-54) provision was also applied to the zoning for the two multi-family blocks (Blocks 115 and 116) located directly adjacent to Hamilton Road to address potential impacts of road noise on residential development. Noise attenuation policies in both The London Plan and the City’s Official Plan direct that the City’s Zoning By-law may place a holding provision on lands which could be affected by excessive noise levels. The holding provision will be removed when the property owner has satisfied the City that adequate noise attenuation measures have been provided for.

It should be noted that a noise study was undertaken to satisfy conditions of draft approval prior to final approval of the overall subdivision plan. A further noise assessment was recommended specifically for the multi-family blocks so that when a development proposal was brought forward, any required noise mitigation measures could be incorporated into the approved Site Plan and Development Agreement.

4.0 Key Issues and Considerations

Have the conditions for removal of the holding (h and h-54) provisions been met?

The purpose of the holding (“h”) provision in the zoning by-law is as follows:

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.

Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.

The Subdivision Agreement between KSH Holdings Inc. (through a joint venture partnership between Sifton Properties Limited as the developer and Adel Hajjar as the owner of the lands) and the City of London was registered on December 27, 2017 as Instrument No. ER1149382. Sifton Properties Limited posted security as required by City Policy and the Subdivision Agreement. The Development Agreement related to the Site Plan for the townhouse blocks (Block 115 and 116) is being finalized, has been executed by the applicant, and the City is in receipt of the required performance security. Therefore,

the condition has been met for removal of the “h” provision.

The purpose of the holding (“h-54”) provision in the zoning by-law is as follows:

Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.

The Noise Assessment Report for 2427 Daisy Bend and 3025 Doyle Drive, prepared by Development Engineering (London) Limited, dated March 21, 2018, was reviewed and has been accepted by the City. Recommendations for provision of forced air heating and central air conditioning for all units, and noise warning clauses to be registered on title, will be included in the Site Plan and Development Agreement. Specialized building components to meet interior sound level limits are not required for this development. Development Services staff are satisfied that the requirement for removing the holding provision, which addresses noise impacts and mitigation measures recommended by a Noise Assessment Report acceptable to the City of London, has been met.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding (“h” and “h-54”) symbols from the zoning map.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner - Development Services
Reviewed by:	Lou Pompilli, MPA, RPP Manager, Development Planning
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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 3, 2018

GK/PY/LP/LM/lm

CC: Matt Feldberg, Manager Development Services (Subdivisions) - electronic only

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for lands located at 2427 Daisy Bend and 3025 Doyle Drive.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for the lands located at 2427 Daisy Bend and 3025 Doyle Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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 the lands located at 2427 Daisy Bend and 3025 Doyle Drive, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R5/R6 (R5-4/R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

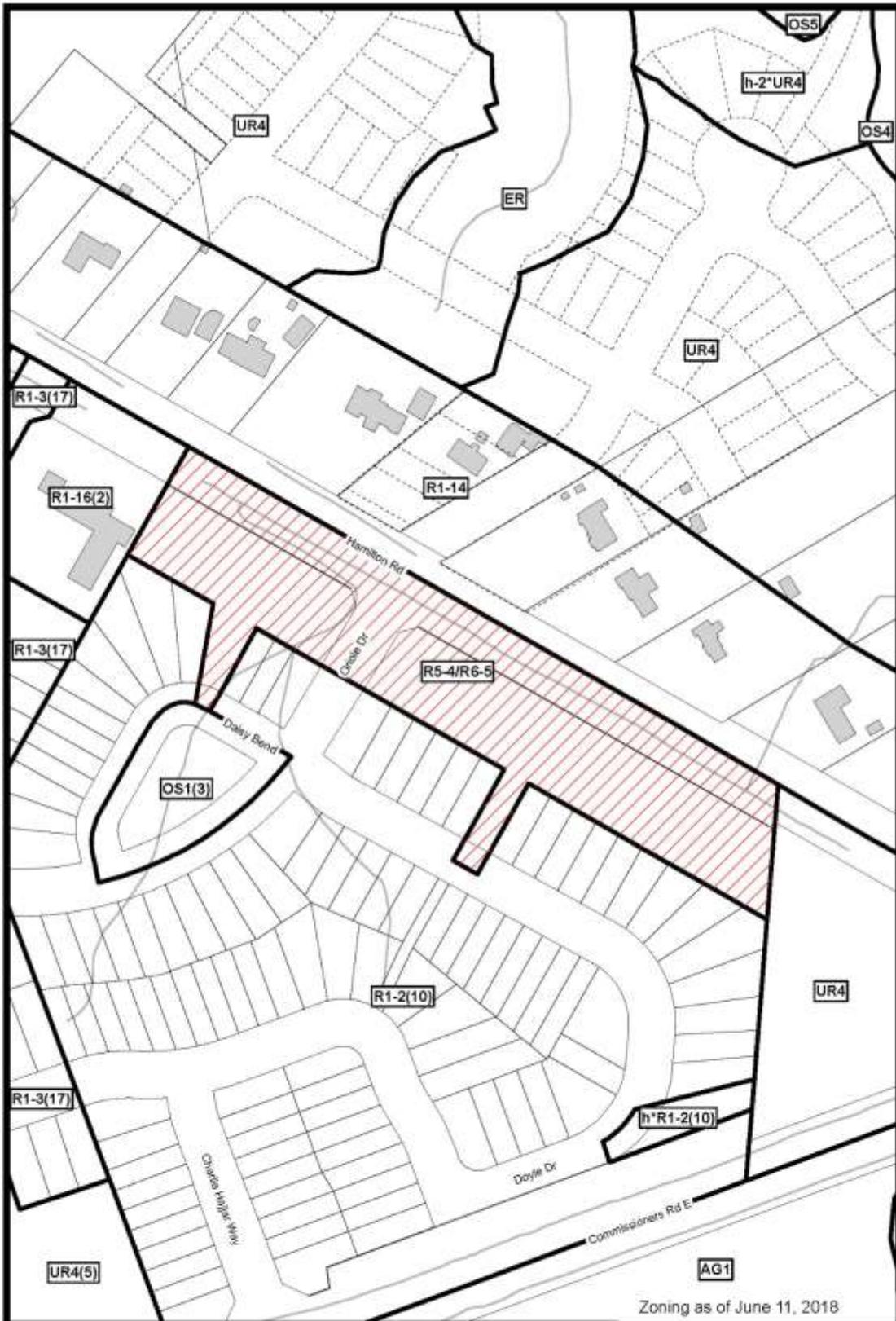
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 28, 2018
Second Reading – August 28, 2018
Third Reading - August 28, 2018

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



Zoning as of June 11, 2018

File Number: H-8907
 Planner: LM
 Date Prepared: 2018/07/23
 Technician: rc
 By-Law No: Z-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



© GeoBusiness

Appendix B – Public Engagement

Community Engagement

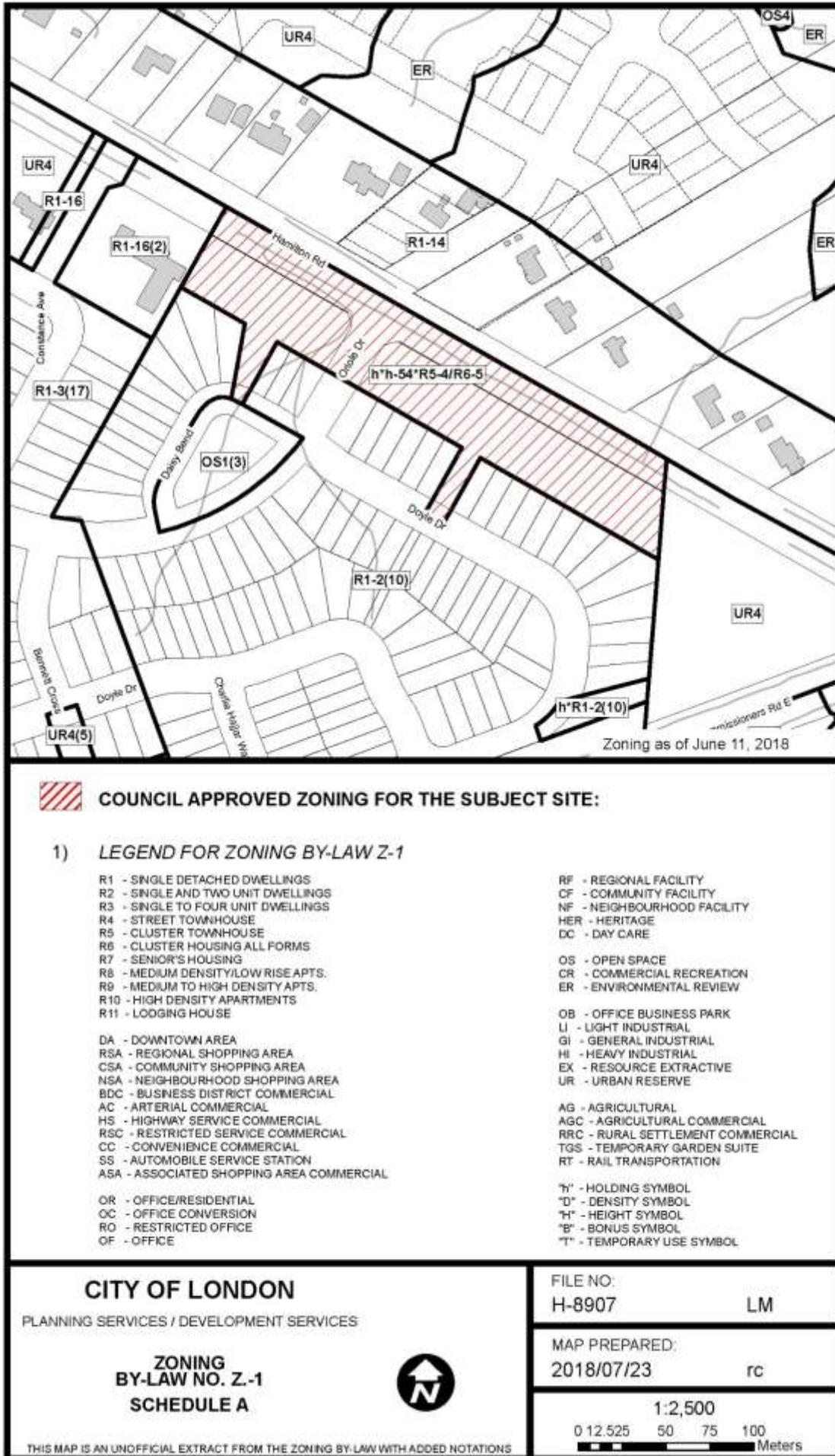
Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on May 17, 2018

0 replies were received

Nature of Liaison: The purpose and effect is to allow development of 33 residential townhouse units permitted under the Residential R5/R6 Special Provision (R5-4/R6-5) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The “h-54” symbol is intended to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. Council will consider removing the holding provisions as it applies to these lands no earlier than June 26, 2018.

Appendix C – Relevant Background

Existing Zoning Map



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: Town & Country Developments Inc.
2313 and 2373 Callingham Drive

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Town & Country Developments Inc. relating to the properties located at 2313 and 2373 Callingham Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 28, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R4 (h•R4-6) Zone **TO** a Residential R4 (R4-6) Zone to remove the "h" holding provision.

Executive Summary

Summary of Request

The applicant has requested removal of the "h" holding provision from the Zone on 2313 and 2373 Callingham Drive, which requires the necessary securities be provided and a development agreement is executed prior to development.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h") symbol from the zoning applied to this site to permit the development of twenty-seven (27) street townhouse units.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the required security has been submitted and the execution of a development agreement is imminent. Through the Site Plan Approval process (file SP17-066), all issues have been resolved and the holding provision is no longer required.

Analysis

1.0 Site at a Glance

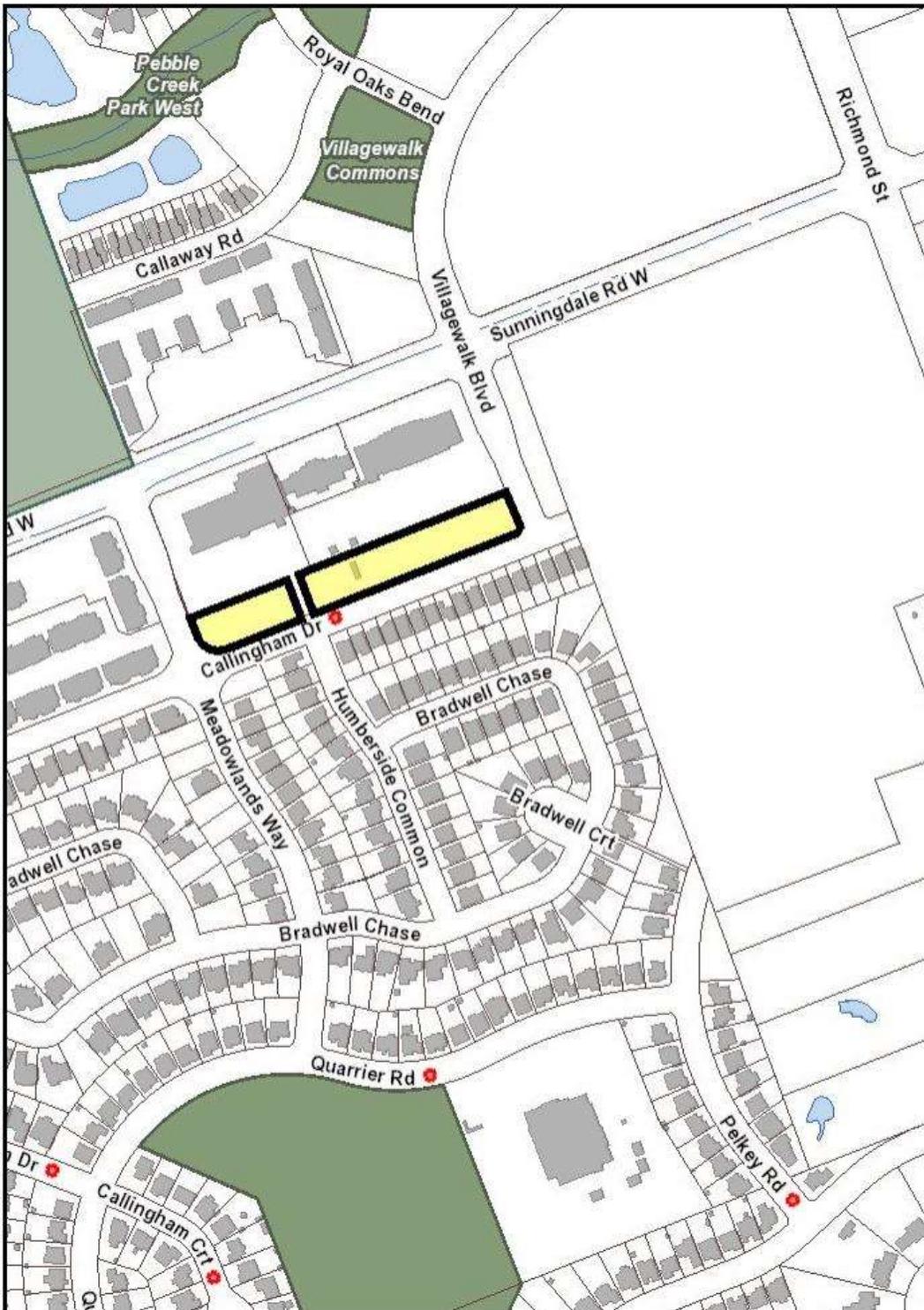
1.1 Property Description

The site is located on the north side of Callingham Drive, east of Meadowlands Way and west of Villagewalk Boulevard. 2313 Callingham Drive has a total frontage of 67.1m (with varying frontage for each unit, but a minimum of 7.8 m) and a site area of 12,637.6 m². 2373 Callingham Drive has a total frontage of 172.8 m² (with varying frontage for each unit, but a minimum of 7.8 m) and a site area of 5,797 m². The sites are presently vacant. There are existing high density residential uses to the north, low density residential uses to the south, medium density residential uses to the west, and vacant lands to the east.

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

- Official Plan Designation – Multi-Family, High Density Residential
- The London Plan Place Type – Neighbourhood
- Existing Zoning – Holding Residential R4 (h•R4-6) Zone

Location Map



Location Map

Project Title: H-8929
 Description:
 Created By: Meg Sundercock
 Date: 7/11/2018
 Scale: 1:4000

Legend

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

Corporation of the City of London



Site Plan



Stantec
 100-111 Commerce Avenue
 Suite 200
 200-111 Commerce Avenue
 200-111 Commerce Avenue

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- LEGEND
- SITE BOUNDARY
 - ▲ PRINCIPAL BUILDING ACCESS
 - ▶ SECONDARY BUILDING ACCESS
 - EXISTING FIRE HYDRANT

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	04/11/2017	ISSUE FOR PERMIT	...	...
2	04/11/2017	ISSUE FOR PERMIT	...	...
3	04/11/2017	ISSUE FOR PERMIT	...	...
4	04/11/2017	ISSUE FOR PERMIT	...	...
5	04/11/2017	ISSUE FOR PERMIT	...	...

PROJECT INFORMATION

PROJECT NO. 16143300

DATE 04/11/2017

PROJECT NAME 23 S. 20th S. CALLINGHAM DRIVE

PROJECT ADDRESS BLOCKS 20 & 30 - 32N-46A

PROJECT CITY/STATE/TOWN/ZIP Laramie, WY 82002

PROJECT CLIENT TOWN & COUNTRY DEVELOPMENTS INC.

PROJECT DESIGNER Stantec

PROJECT ARCHITECT Stantec

PROJECT ENGINEER Stantec

PROJECT SURVEYOR Stantec

PROJECT INFORMATION

PROJECT NO. 16143300

DATE 04/11/2017

PROJECT NAME 23 S. 20th S. CALLINGHAM DRIVE

PROJECT ADDRESS BLOCKS 20 & 30 - 32N-46A

PROJECT CITY/STATE/TOWN/ZIP Laramie, WY 82002

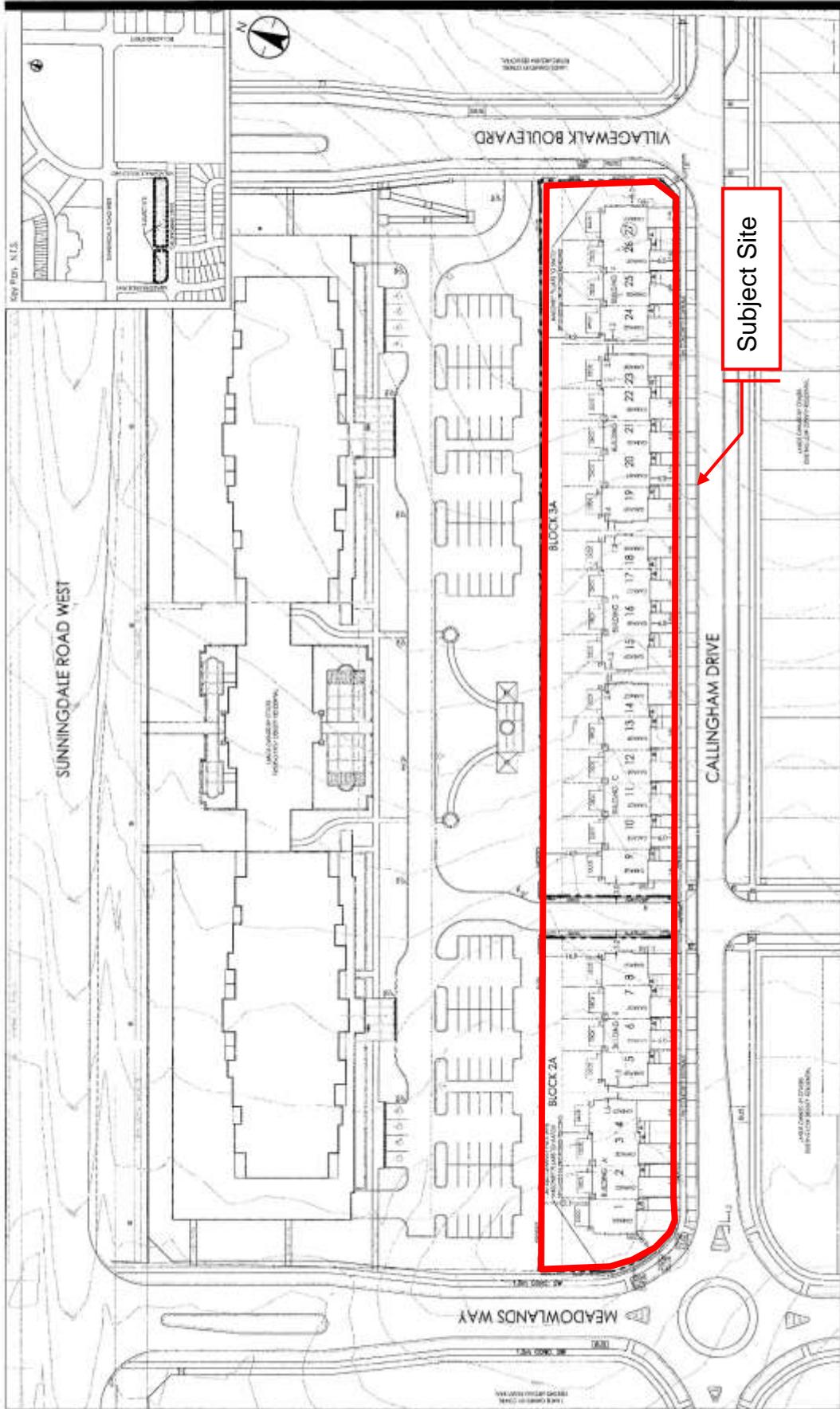
PROJECT CLIENT TOWN & COUNTRY DEVELOPMENTS INC.

PROJECT DESIGNER Stantec

PROJECT ARCHITECT Stantec

PROJECT ENGINEER Stantec

PROJECT SURVEYOR Stantec



PROJECT INFORMATION

PROJECT NO. 16143300

DATE 04/11/2017

PROJECT NAME 23 S. 20th S. CALLINGHAM DRIVE

PROJECT ADDRESS BLOCKS 20 & 30 - 32N-46A

PROJECT CITY/STATE/TOWN/ZIP Laramie, WY 82002

PROJECT CLIENT TOWN & COUNTRY DEVELOPMENTS INC.

PROJECT DESIGNER Stantec

PROJECT ARCHITECT Stantec

PROJECT ENGINEER Stantec

PROJECT SURVEYOR Stantec

1.3 Site Characteristics (2313 Callingham Drive)

- Current Land Use – Vacant
- Frontage – Approximately 67.1 m (220.1 ft)
- Depth – Approximately 33 m (108.2 ft)
- Area – 2,637.6 m² (0.65 acres)
- Shape – Rectangular

1.4 Site Characteristics (2373 Callingham Drive)

- Current Land Use – Vacant
- Frontage – Approximately 172.8 m (556.9 ft)
- Depth – Approximately 33 m (108.2 ft)
- Area – 5,797 m² (1.43 acres)
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – 14 storey apartment building
- East – Vacant
- South – 2 storey single detached dwellings
- West – 2 storey cluster dwellings

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of a twenty-seven (27) unit street townhouse common element condominium. The development will have 6 blocks with a total of 27 residential units.

The Applicant submitted the site plan application on July 27, 2017 (SP17-066).

3.0 Relevant Background

3.1 Planning History

On July 29, 2013, the City of London Approval Authority granted final approval to Phase 1 of the Norquay Sunningdale Subdivision (39T-11504) which created Block 2 and 3 (subject site). The plan was registered on August 21, 2013 as Plan 33M-664.

On August 3, 2017, Town and Country Developments (2005) Inc. applied for Site Plan Approval (SP17-066) to construct 27 street townhouse units fronting onto Callingham Drive.

On October 2, 2017, Town and Country Developments (2005) Inc. applied for a Plan of Common Elements Condominium (39CD-17508) to create a block that accommodated servicing to the townhouse units.

On December 12, 2017, the subject lands were granted Exemption of Part Lot Control with the passage of a Part Lot Control By-law.

On January 16, 2018, the Plan of Common Elements Condominium (39CD-17508) was granted Draft Approval.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” holding provision on the site which requires the necessary securities be provided and a development agreement is executed prior to development.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, no comments were received.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the “h” are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to council for

an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h” holding provision and is appropriate to consider its removal.

The “h” holding provision states:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.

Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”

The Owner has provided the necessary security and has entered into a development agreement with the City. This satisfies the requirement for removal of the “h” holding provision.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, and provided the necessary security. Therefore, the required conditions have been met to remove the “h” holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Recommended by:	Lou Pompilii, MCIP RPP Manager, Development Planning (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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

July 26, 2018
MS/ms

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 2313 and 2373 Callingham Drive.

WHEREAS Town & Country Developments has applied to remove the holding provision from the zoning for lands located at 2313 and 2373 Callingham Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 2313 and 2373 Callingham Drive, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R4 (R4-6) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

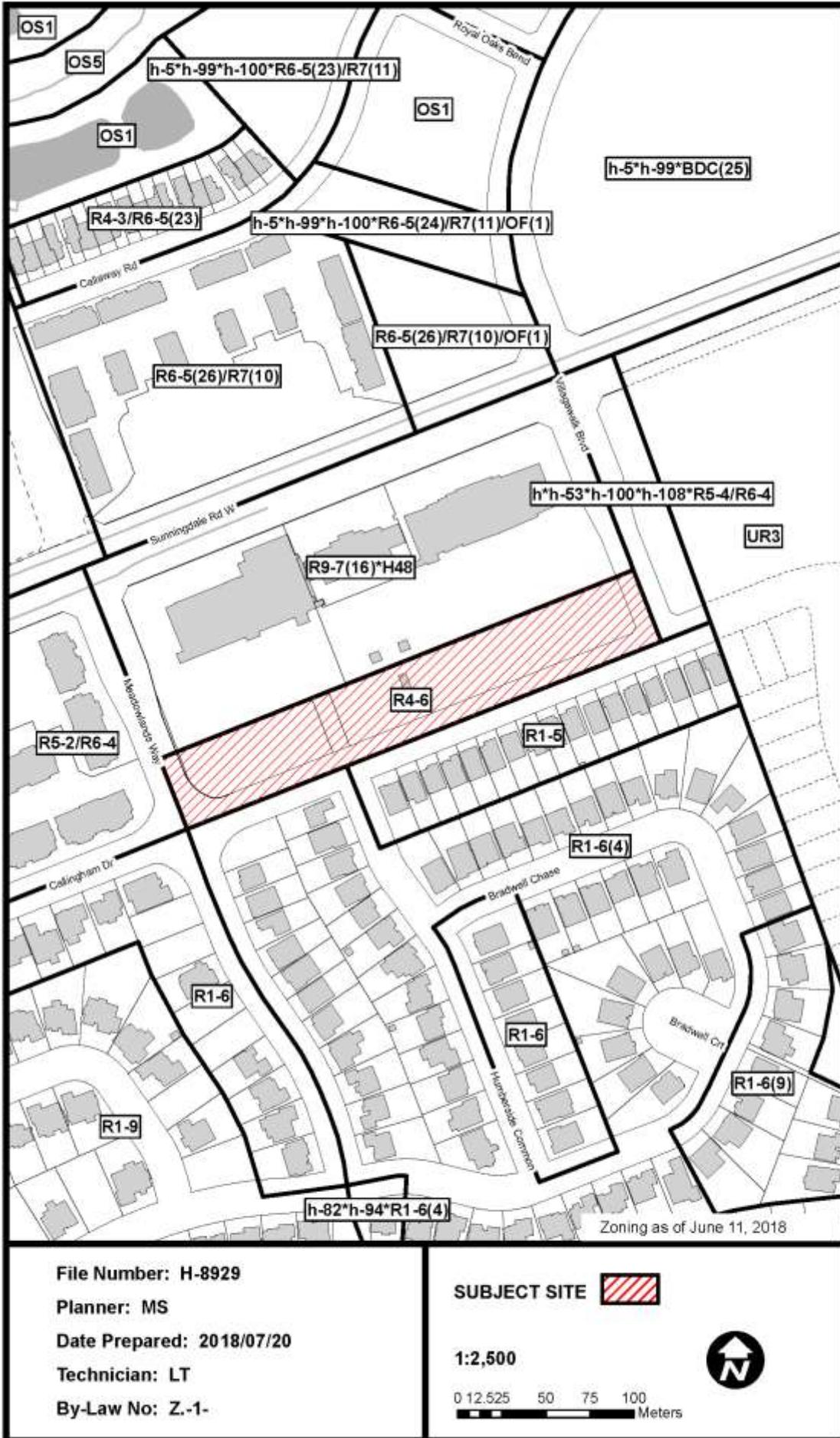
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – August 28, 2018
Second Reading – August 28, 2018
Third Reading – August 28, 2018

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On July 18, 2018, Notice of Application was sent to 4 property owners in the surrounding area (those that requested notice through the previous Official Plan and Zoning by-law amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 19, 2018.

On August 2, 2018, a Revised Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* correct an error in the July 19, 2018 notice.

No replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h”) Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to allow development of the lands for residential uses permitted under the Residential R4 (R4-6) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than August 13, 2018.

Responses: No comments were received.

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

Telephone	Written

Agency/Departmental Comments

Upper Thames River Conservation Authority

- No Objection.

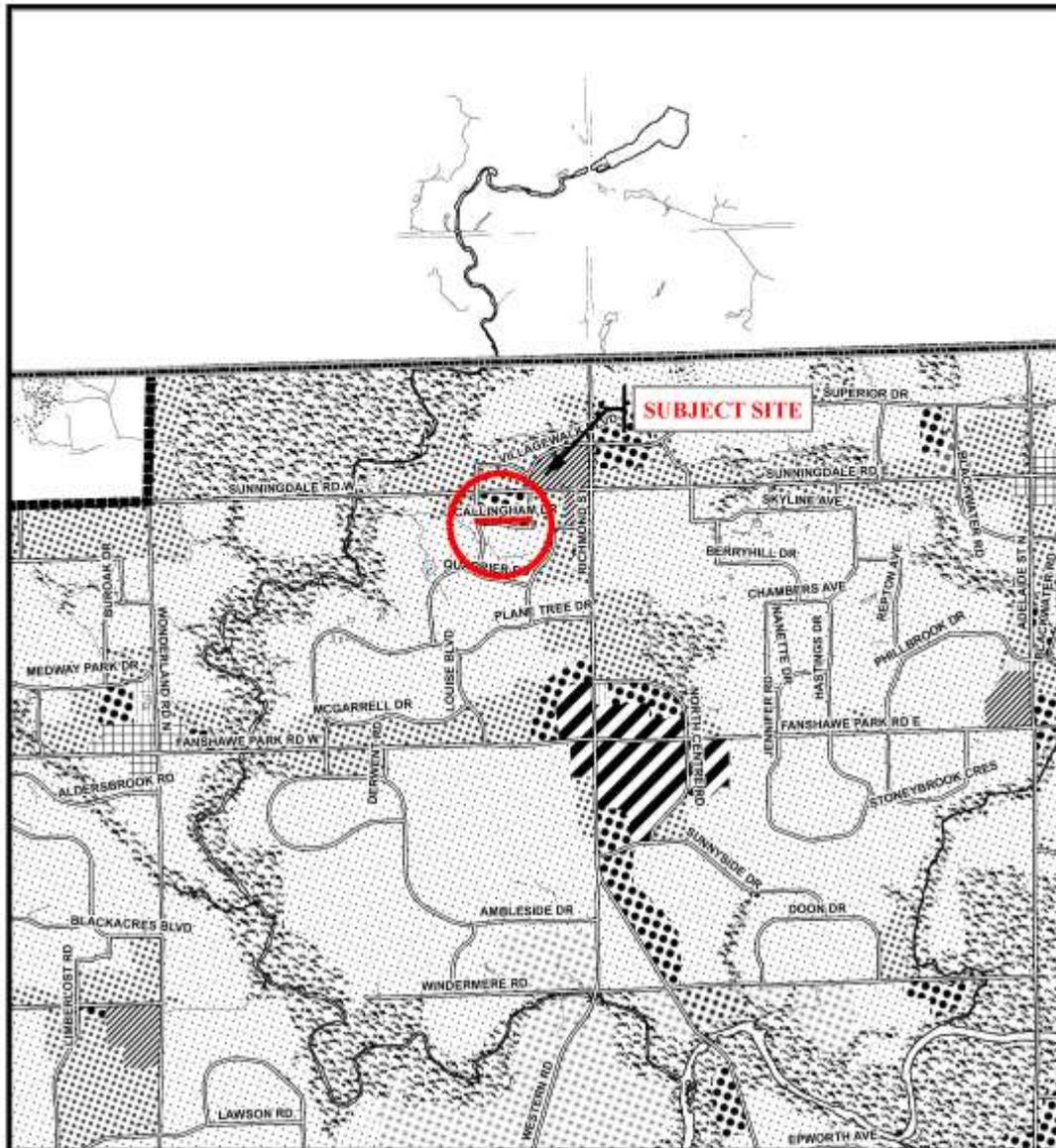
London Hydro

- No Objection.

Appendix C – Relevant Background

Additional Maps

Official Plan Schedule “A” Excerpt

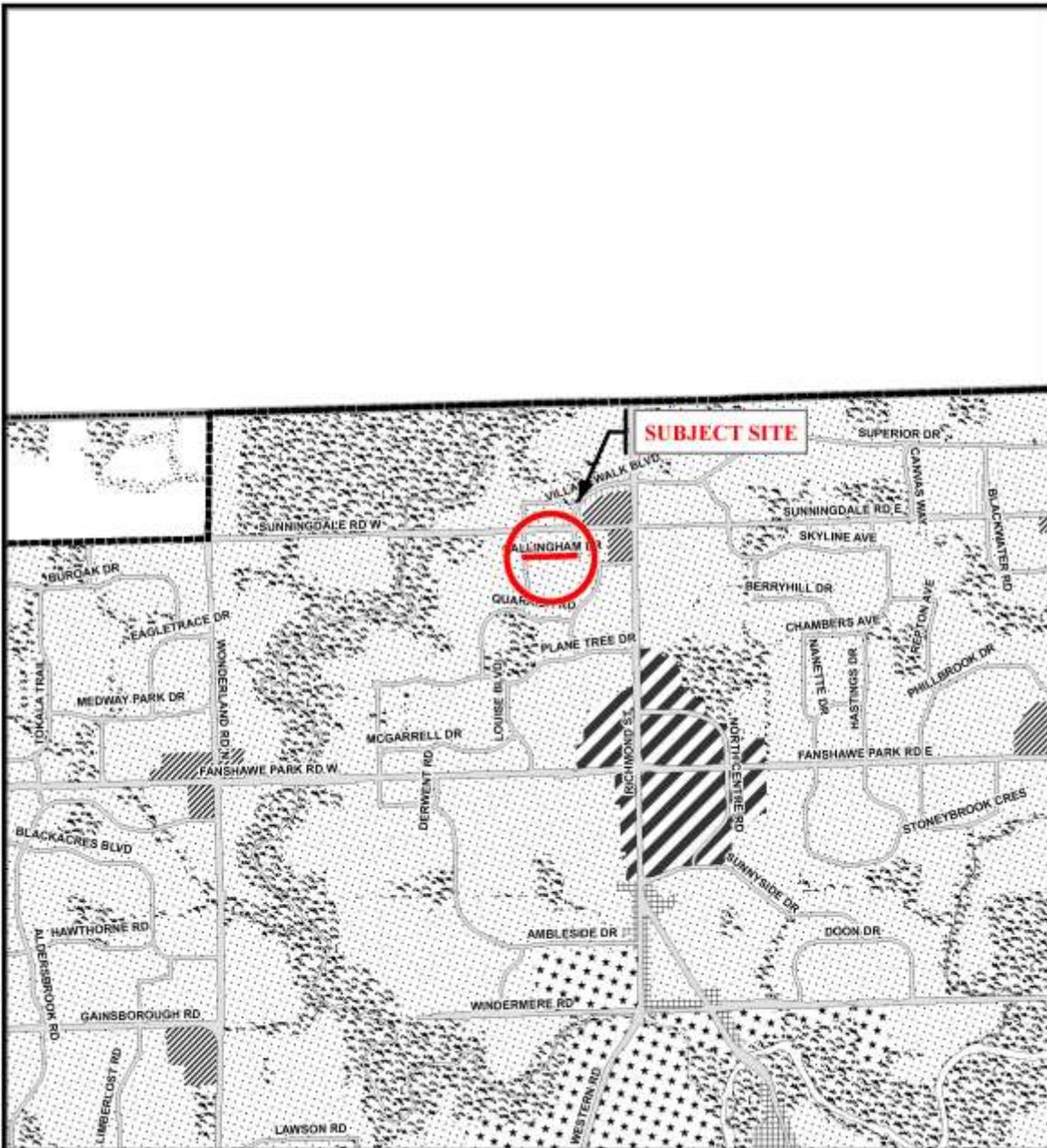


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Winderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	FILE NUMBER: H-8929
		PLANNER: MS TECHNICIAN: LT DATE: 2016/07/20

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\flex\excerpts\mxd_templates\scheduleA_b&w_8x14_with_S\WAP.mxd

London Plan Place Types Excerpt



Legend

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

This is an excerpt from 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.

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: H-8929</p> <p>Planner: MS</p> <p>Technician: LT</p> <p>Date: 2018/07/20</p>
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Project Location: E:\Planning\Projects\p_zoning\z-1zones\amendments\H-8929\projects\EXCERPT_Map1_PlaceTypes.mxd

Previous Reports and Applications Relevant to this Application

39T-11504/OZ-7991 – Report to Planning and Environment Committee on March 26, 2012 to amend the Official Plan and Zoning By-law, and to hold a public participation meeting.

39T-11504/OZ-7991 – Report to Planning and Environment Committee on April 10, 2012 to amend the policies instituted in the previous Official Plan and Zoning By-law amendment to remove the requirement for a specific Bonus Zone, and add an “h-119” holding provision to lands in the R9 Zone, among others.

Z-8151 – Report to the Planning and Environment Committee to amend the Zoning By-law on April 23, 2013.

H-8084 – Report to the Planning and Environment Committee to remove the “h-100” holding provision from the subject lands on September 10, 2013.

P-8830 – Report to the Planning and Environment Committee to exempt the subject lands from Part-lot Control on December 4, 2017.

39CD-17508 – Notice of Decision issued January 16, 2018 for the approval of the draft plan of condominium.

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: Oxford West Gateway Inc. c/o Laverne
Kirkness
1826 and 1854 Oxford Street West
Removal of Holding Provisions (h and h-11)

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Planner II, Development Planning, based on the application of Oxford West Gateway Inc. c/o Laverne Kirkness relating to the property located at 1826 and 1854 Oxford Street West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on August 28, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1284 and 1388 Sunningdale Road West **FROM** a Holding Community Shopping Area Special Provision (h*h-11*CSA5(6)) Zone **TO** a Community Shopping Area Special Provision (CSA5(6)) Zone to remove the h. and h-11 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

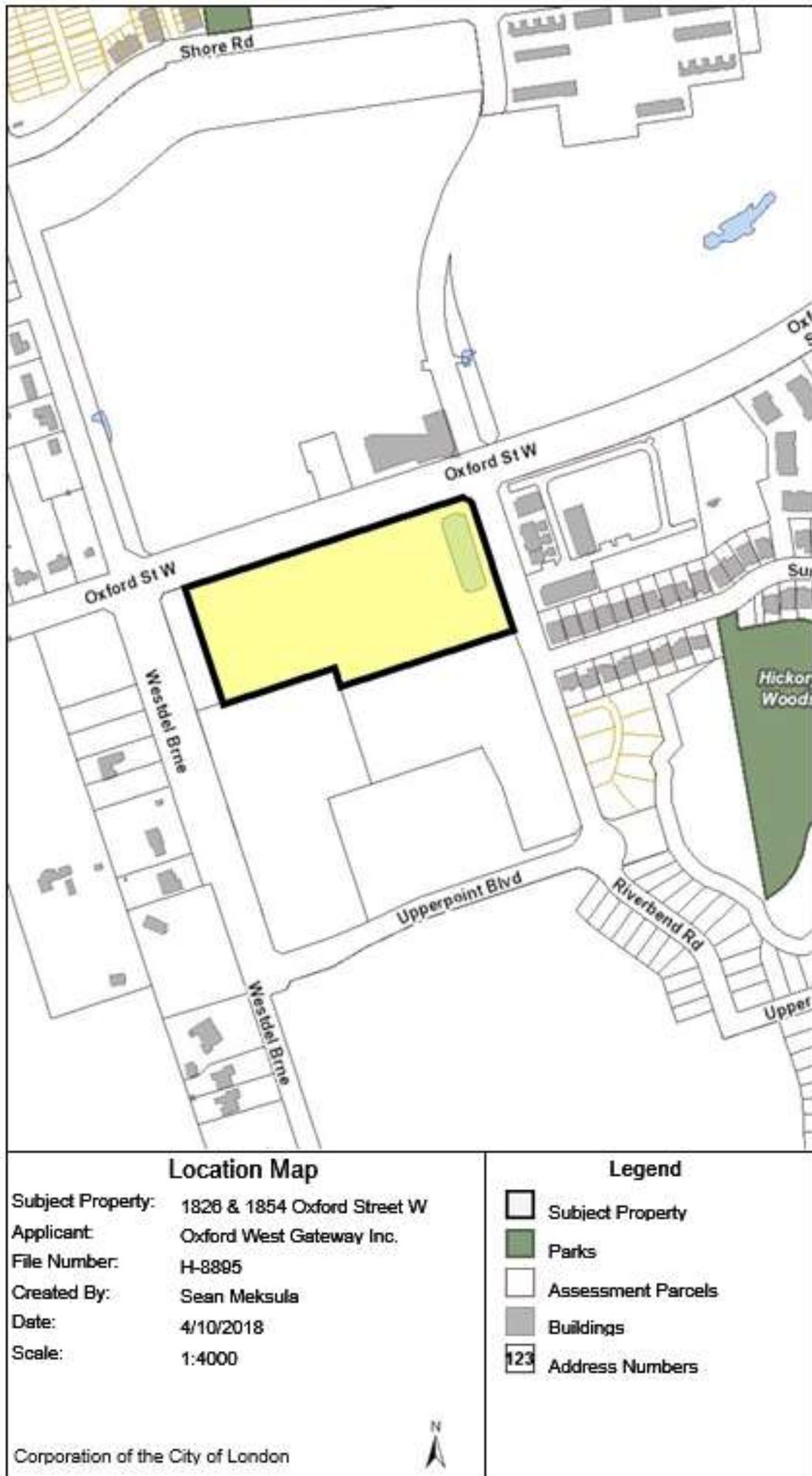
The purpose and effect of this zoning change is to remove the h and h-11 holding symbols to permit the commercial development on this site under the Community Shopping Area Special Provision (CSA5(6)) Zone.

Rationale of Recommended Action

1. Through the Site Plan Approval process (SPA18-010) the required security has been received, access arrangements have been accepted and the development agreement has been executed by the applicant.
2. The conditions for removing the holding (h & h-11) provisions have been met and the recommended amendment will allow development of commercial uses in compliance with the Zoning By-law.

Analysis

1.1 Location Map



East View - Oxford Street West and Westdel Bourne



West View - Oxford Street West and Riverbend Road



2.0 Description of Proposal

The requested amendment will permit the development of eleven (11) commercial buildings on the subject lands, including two (2) restaurants, and a gas station. The development as proposed will have a total of 7171m² of building area, 389 parking spaces, and 80 bicycle parking spaces. The removal of the h and h-11 holding provision will allow for the development of commercial uses on the site.

3.0 Relevant Background

3.1 Planning History

The subject site is located on the south side of Oxford Street West between Westdel Bourne and Riverbend Road. The lands form part of the approved Riverbend South Secondary Plan and associated Official Plan amendments, which were adopted by Municipal Council in January, 2008. The subject lands were designated Community Commercial Node through this process.

The application for Site Plan Approval was accepted on January 29, 2018 for the construction of a gas station, 2 restaurants and 7 retail stores. The applicant entered into a Site Plan development agreement on July 9, 2018. To facilitate Site Plan Approval the applicant applied for a minor variance (A.062/18) on June 4, 2018. The applicant requested a variance to permit a reduced south interior yard setback for three proposed commercial buildings on only a portion of the subject lands. Approval for the variance was granted by the Committee of Adjustment on June 26, 2018.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h” holding provision and is considering its removal appropriate.

The h. holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”

The applicant has provided the necessary security and has entered into a development agreement with the City of London for the site plan. This adequately satisfies the requirements for removal of the “h” holding provision at this time.

4.2 What is the purpose of the “h-11” holding provision and is considering its removal appropriate.

The (h-11) holding provision states that:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.”

The “h-11” holding provision is an important tool to control access points to arterial roads. Site access issues have been addressed, agreed upon and incorporated into the development agreement providing for rights-in, right-out for Oxford Street West and full access for Westdel Bourne and Riverbend Road. Therefore requirements for the removal of the “h-11” holding provision are satisfied at this time.

5.0 Conclusion

The conditions for considering the removal of the h and h-11 holding provisions from the subject lands have been met. The applicant has entered into a development agreement with the City of London with access provisions to the satisfaction of Development Services. Removal of the holding provisions will allow the applicant to apply for building permits to permit the construction of a gas station, 2 restaurants and 7 retail stores.

Prepared and Recommended by:	Sean Meksula, MCIP RPP Planner II, Development Services
Reviewed by:	Lou Pompili, MPA RPP Manager, Development Planning
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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

August 3, 2018

SM/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8895 - 1826-1854 Oxford Street West (SM)\PEC\AODA_PEC_Report-H-8895.docx

Appendix A

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1826 & 1854 Oxford Street West.

WHEREAS Oxford West Gateway Inc. c/o Laverne Kirkness have applied to remove the holding provisions from the zoning for the lands located at 1826 & 1854 Oxford Street West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 1826 & 1854 Oxford Street West, as shown on the attached map, to remove the h and h-11 holding provisions so that the zoning of the lands as a Community Shopping Area Special Provision (CSA5(6)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

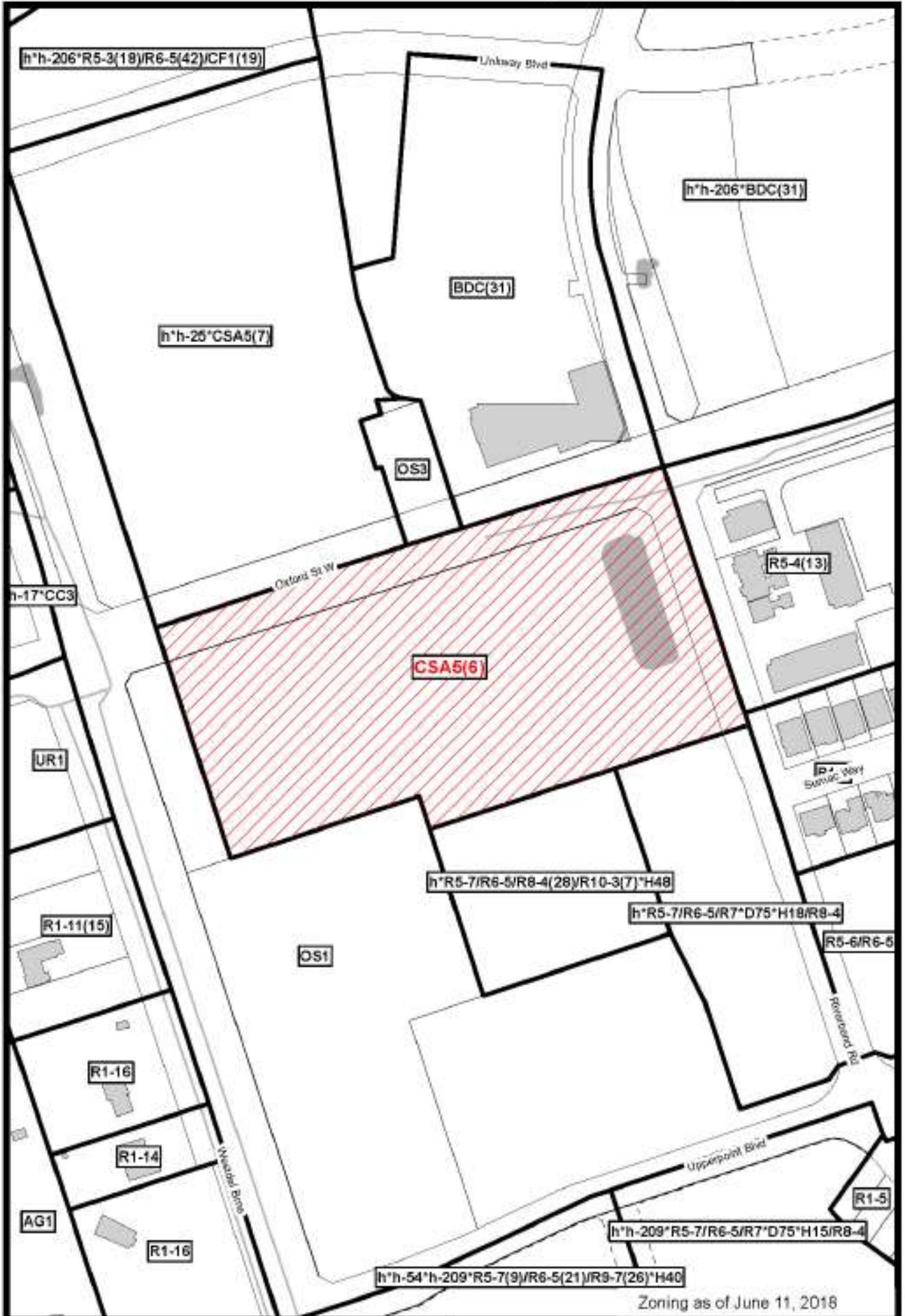
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 28, 2018
Second Reading – August 28, 2018
Third Reading - August 28, 2018

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



File Number: H-8895
 Planner: SM
 Date Prepared: 2018/07/23
 Technician: rc
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters 



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

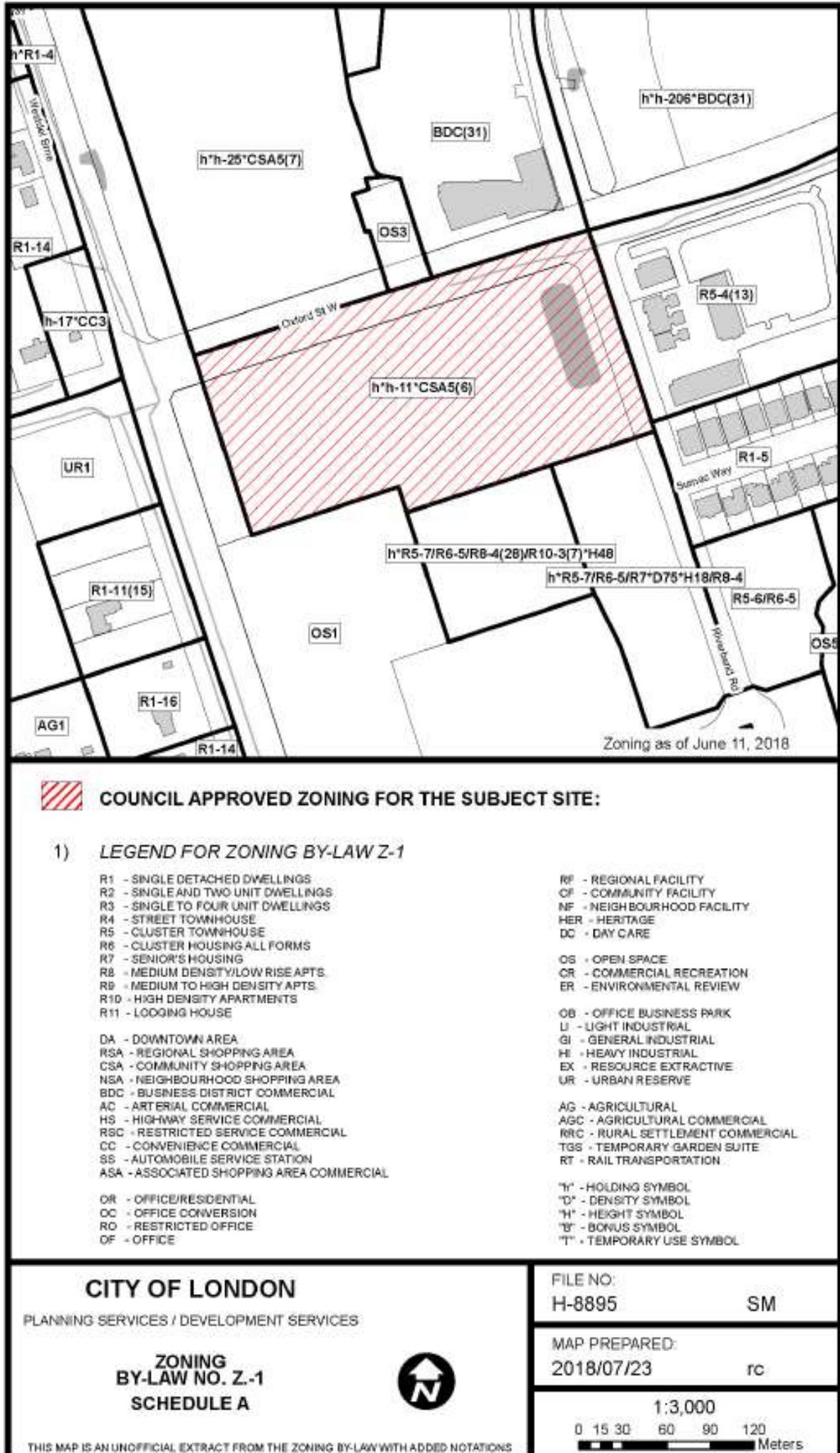
Nature of Liaison: City Council intends to consider removing the Holding (“h” & “h-11”)) Provisions from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to allow development of the lands for commercial uses permitted under the Community Shopping Area Special Provision (CSA5(6)) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.

The “h-11” symbol is intended to ensure the orderly development of lands and the adequate provision of municipal services, the "h-11" symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.

Council will consider removing the holding provision as it applies to these lands no earlier than May 28, 2018.

Appendix C – Relevant Background

Existing Zoning Map



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: Ben Cameron Consulting Inc.
164 Sherwood Forest Square

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Ben Cameron Consulting Inc. relating to the property located at 164 Sherwood Forest Square, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 28, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone **TO** a Residential R8 Special Provision (R8-4(26)) Zone to remove the h-5, h-11, and h-179 holding provisions.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5", "h-11", and "h-179" holding provisions from the zoning on 164 Sherwood Forest Square.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-5", "h-11", and "h-179") symbols from the zoning applied to this site to permit the development of six (6), 4-storey apartment buildings and one (1) amenity building.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as a public site plan meeting was held (h-5), adequate provision of municipal services and appropriate access arrangements have been provided for in the Development Agreement (h-11), and a financial contribution has been provided to the Waste Water and Drainage Engineering Division for source control measures in the municipal sanitary sewer system (h-179).

Analysis

1.0 Site at a Glance

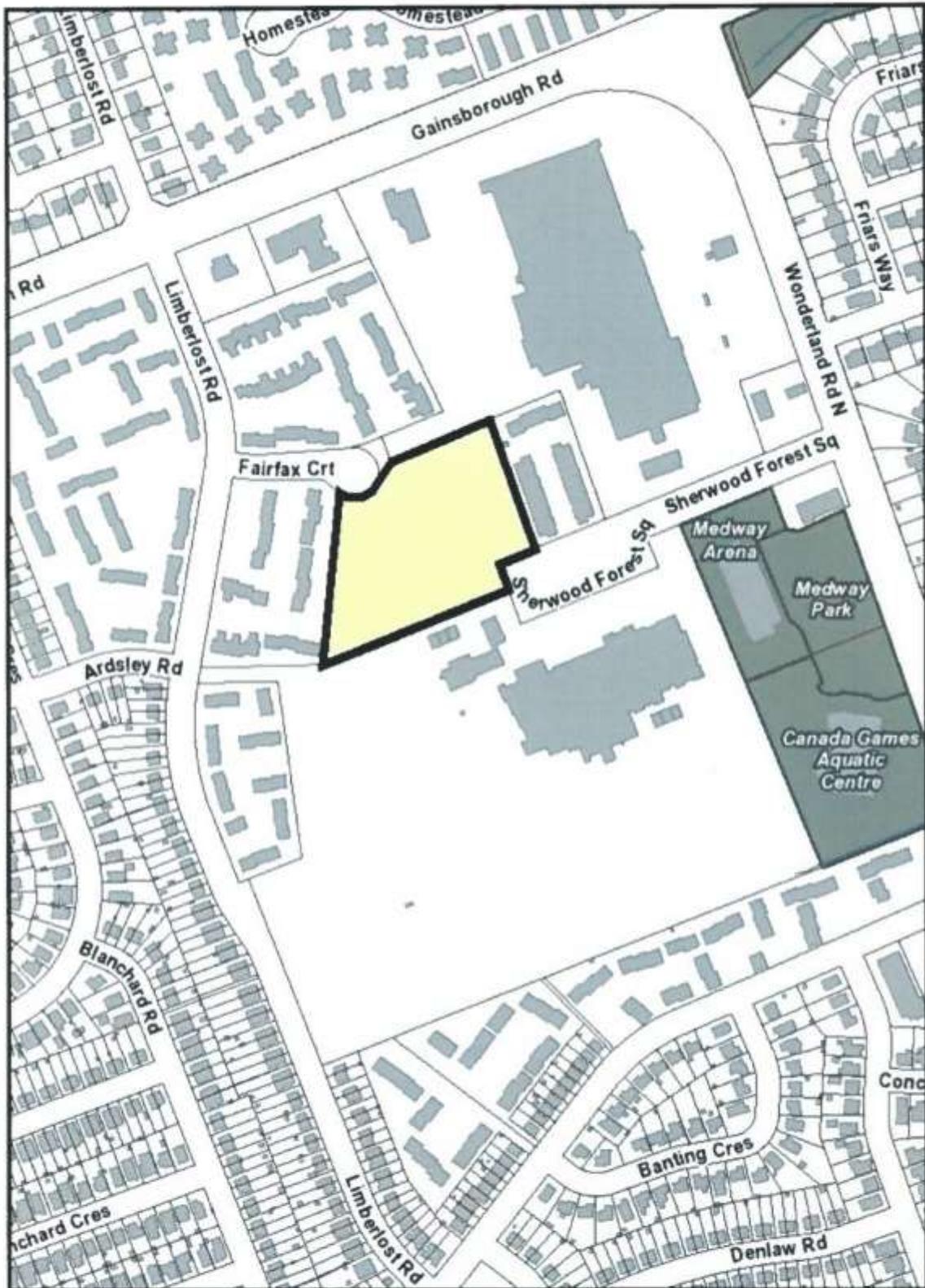
1.1 Property Description

The site is located on the northwest side of Sherwood Forest Square with a frontage of 21.2m and a lot area of 19,643m². The site is currently vacant. There is an existing commercial plaza (Sherwood Forest Mall) to the northeast, residential uses to the east, west, and north, and Sir Frederick Banting Secondary School to the south.

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhood
- Existing Zoning – Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone

Location Map



Location Map

Subject Property: 164 Sherwood Forest Square
 Applicant: Ben Cameron Consulting Inc.
 File Number: H-8913
 Created By: Meg Sundercock
 Date: 6/5/2018
 Scale: 1:4000

Legend

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



Corporation of the City of London

1.3 Site Characteristics

- Current Land Use –vacant
- Frontage on Sherwood Forest Square – approximately 21 m (68 ft)
- Frontage on Fairfax Court – approximately 30 m (98 ft)
- Depth (from Fairfax to Sherwood) – approximately 120 m (393 ft)
- Area – 1.96 ha (4.84 acres)
- Shape – rectangular

1.4 Surrounding Land Uses

- North – 2 - 2.5 storey townhouses and walkway to Sherwood Forest Mall
- East – 1 - 2 storey townhouses and Sherwood Forest Mall
- South – Sir Frederick Banting Secondary School
- West – 2.5 storey townhouses

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit six (6), 4-storey apartment buildings and one (1) amenity building. The development will have a total of 147 residential units, 184 parking spaces, and 111 long term bicycle parking spaces.

The Applicant submitted the site plan application on February 6, 2015 (SP15-004713).

3.0 Relevant Background

3.1 Planning History

The subject site is presently vacant. The site was the subject of a Zoning By-law amendment application in 2014 (file Z-8327), to change the zone of the property from a Community Facility (CF) Zone to a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone. The amendment was adopted by Municipal Council on September 2, 2014. The Council Resolution requested the implementation of a number of design features through the site plan process including the use of lighting, fence materials, and building design and façade articulation. Civic Administration was also requested to give public notification of the removal of the holding provision for transportation access.

A site plan application was accepted on February 12, 2015 (file SP15-004713). A Public Site Plan Meeting was held on May 19, 2015, at which time the following concerns were brought forward:

- i) increase in traffic and resulting safety concerns;
- ii) determining whether or not Sherwood Forest Square is the appropriate street access to the property;
- iii) students' safety concerns; and,
- iv) storm sewer capacity.

The applicant provided a second submission on March 9, 2018 in response to the comments previously provided in 2015. A revised third submission was made in May of 2018.

A consent application (file B.026/18) was submitted June 25, 2018 to establish easements for access and services over the commercial property to the north, 1225 Wonderland Road North (Sherwood Forest Mall).

3.2 Requested Amendment

The applicant is requesting the removal of the h-5, h-11, and h-179 holding provisions on the site.

3.3 Community Engagement (see more detail in Appendix B)

In response to the Notice of Application, three (3) comments were received. Concerns raised include (from the perspective members of the public providing comment):

- whether an archaeological study had been conducted;
- not enough capacity in the existing sanitary sewer for the additional density;
- stormwater impacts on Fairfax Court;
- additional vehicular traffic will be dangerous for pedestrians and school buses;

- four-storey apartment buildings are not in scale with two-storey buildings in the area; and,
- the proposed density is too intense.

Similar concerns were raised through the Zoning By-law amendment and site plan processes. These concerns have been addressed through the site plan approval process where applicable. Building height and density were not amended as a result of these concerns, though the development as proposed complies with the requirements of the Zoning By-law.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the “h” are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h-5” holding provision and is it appropriate to consider its removal?

The “h-5” holding provision states that:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, prior to the removal of the “h-5” symbol.

Permitted Interim Uses: Existing uses.”

A public site plan meeting was held at the Planning and Environment Committee (PEC) on May 19, 2015.

Issues raised at the meeting included concerns with respect to increase in traffic, pedestrian safety, access arrangements, and storm sewer capacity.

Site Plan staff have ensured these, and other issues have been addressed in the approved plans. Engineering drawings, including a Traffic Management Plan have been accepted, with access for the site being directed to Sherwood Forest Square. External works to Sherwood Forest Square are to take place during July and August to mitigate conflicts with traffic at Sir Frederick Banting Secondary School. A Stormwater Management Design Brief has been accepted by the City and ensures that drainage and grading will not negatively impact surrounding properties. Privacy fencing and enhanced landscape buffering has been included in the accepted plan.

The issues raised at PEC have been addressed where applicable and Municipal Council has advised the Approval Authority of their support of this site plan. This satisfies the requirement for the removal of the “h-5” holding provision.

4.2 What is the purpose of the “h-11” holding provision and is it appropriate to consider its removal?

The “h-11” holding provision states that:

“To ensure the orderly development of the lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London.

Permitted Interim Uses: Existing Uses.”

The applicant has submitted a consent application (file B.026/18) to grant the Owner of the subject lands easements over the property to the north for the purpose of access, and water and storm sewer servicing. The granting of these easements will provide for the adequate provision of municipal servicing.

A development agreement has been signed by the applicant, which provides for appropriate access arrangements and the adequate provision of municipal services. The development agreement includes a special provision which states that no building permits shall be issued until such time as an easement is established for the purpose of servicing. This satisfies the requirement for removal of the “h-11” holding provision.

4.3 What is the purpose of the “h-179” holding provision and is it appropriate to consider its removal?

The “h-179” holding provision states that:

“The holding provision shall not be removed until such time as the property owner provides a financial contribution to the City of London for the funding of source control measures in the municipal sanitary sewer system to which this land is tributary. The amount of the contribution shall be agreed upon with the Waste Water and Drainage Engineering Division prior to the removal of the holding provision and the payment will be made directly to the Waste Water and Drainage Engineering Division. Upon receipt of the payment a request for removal of the holding provision can be made.”

The applicant and the Wastewater and Drainage Engineering Division (WADE) agreed upon a contribution amount of \$200,000, which was provided by cheque from the applicant. WADE has confirmed the receipt of this cheque and have indicated that the financial contribution is satisfactory and that the holding provision can be removed. This satisfies the requirement for the removal of the “h-179” holding provision.

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

5.0 Conclusion

The Applicant has signed a development agreement for this site, a public site plan meeting has been held at PEC, adequate municipal servicing has been provided for, and a financial contribution made to the City for the funding of source control measures. Therefore, the required conditions have been met to remove the “h-5”, “h-11”, and “h-179” holding provisions. The removal of the holding provisions are recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Recommended by:	Lou Pompili, MCIP RPP Manager, Development Planning (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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

July 30, 2018
MS/ms

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 164 Sherwood Forest Square.

WHEREAS Ben Cameron Consulting Inc. has applied to remove the holding provision from the zoning for lands located at 164 Sherwood Forest Square, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 164 Sherwood Forest Square, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R8 Special Provision (R8-4(26)) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

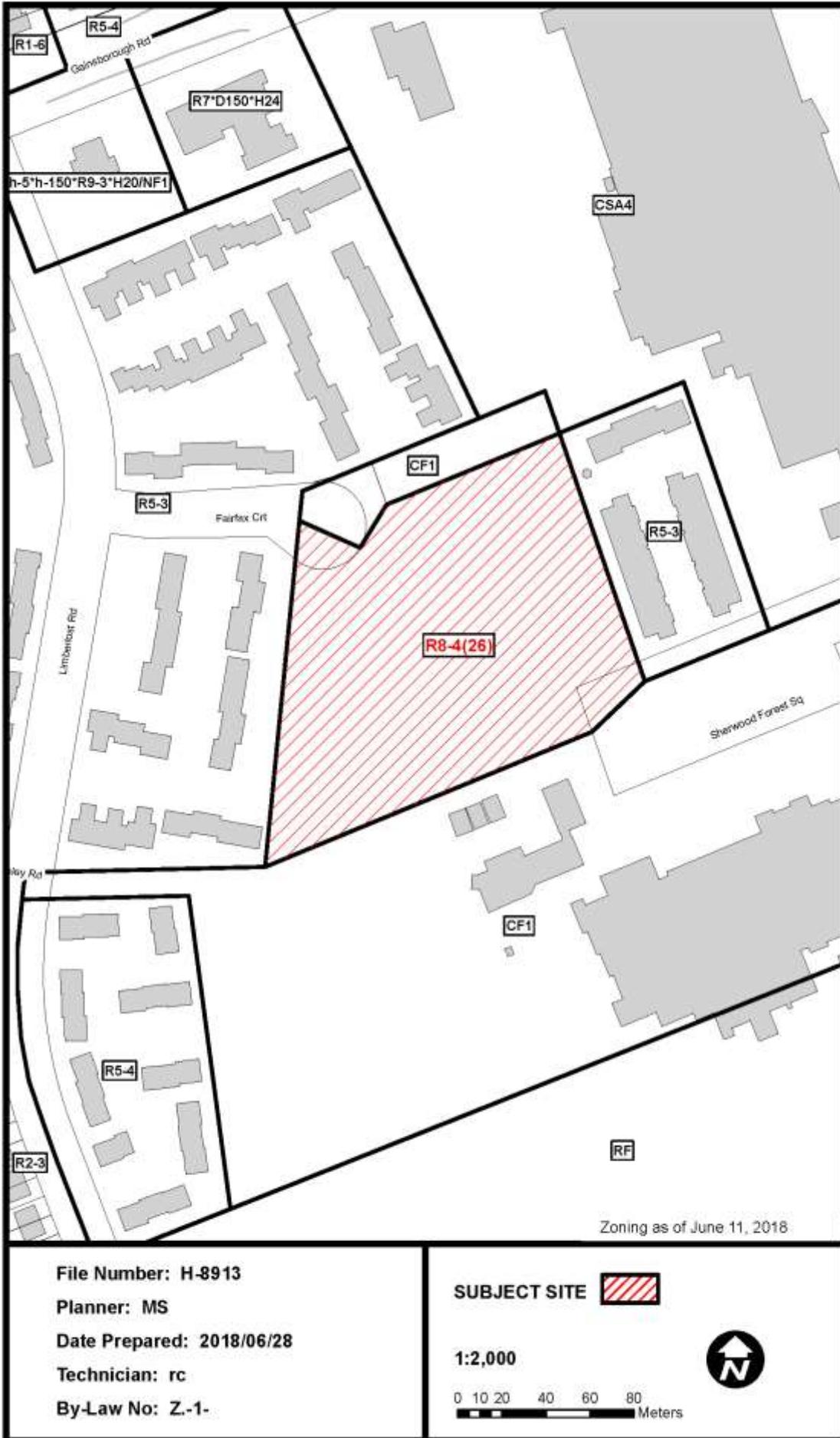
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – August 28, 2018
Second Reading – August 28, 2018
Third Reading – August 28, 2018

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



060446000

Appendix B – Public Engagement

Community Engagement

Public liaison: On June 6, 2018, Notice of Application was sent to 28 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 7, 2018.

On June 27, 2018, Notice of Application was sent to 183 property owners within 120 metres of the subject lands in accordance with the September 3, 2014 Resolution of Council that requested the public within the circulation area be given notice of the removal of the holding provision for transportation access.

Three (3) replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h-5”, “h-11” & “h-179”) Provisions from the Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone. The “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying issues allowed under Section 41 of the *Planning Act, R.S.O. 1990, c. P. 13*. The “h-11” symbol is intended to ensure the orderly development of lands and the adequate provision of municipal services, the “h-11” symbol shall not be deleted until a development agreement associated with a site plan which provides for appropriate access arrangements to the satisfaction of Council is entered into with the City of London. The purpose of the “h-179” symbol is to ensure the property owner provides a financial contribution to the City of London for the funding of source control measures in the municipal sanitary sewer system to which this land is tributary. The amount of the contribution shall be agreed upon with the Waste Water and Drainage Engineering Division prior to the removal of the holding provision and the payment will be made directly to the Waste Water and Drainage Engineering Division. Council will consider removing the holding provisions as it applies to these lands no earlier than July 24, 2018.

Responses: Three (3) comments were received.

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

Telephone	Written
Anne Marie Henderson 4-40 Fairfax Court London ON, N6G 3Y3	N/A
Anonymous Resident	
Anonymous Resident	

Significant Agency/Departmental Comments

Wastewater and Drainage Engineering

- Confirmed the receipt of the financial contribution from the applicant in order to satisfy the h-179 holding provision.

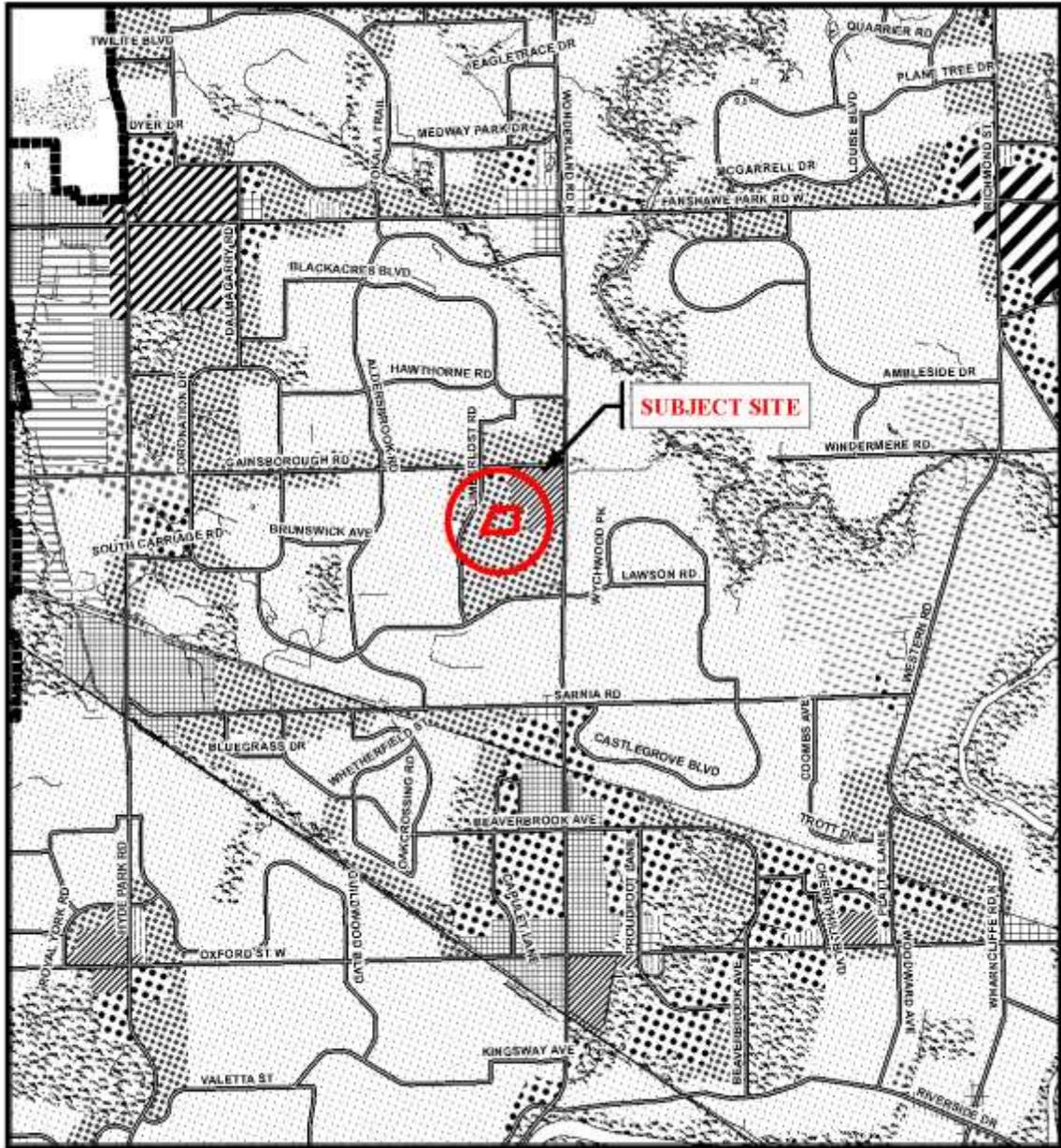
Development Services – Engineering

- Confirmed that the special provision in the development agreement requiring the servicing easements to be in place prior to building permits being issued, and the issuance of a Notice of Provisional Consent Decision for said easements satisfies the h-11 holding provision.

Appendix C – Relevant Background

Additional Maps

Official Plan Schedule “A” Excerpt

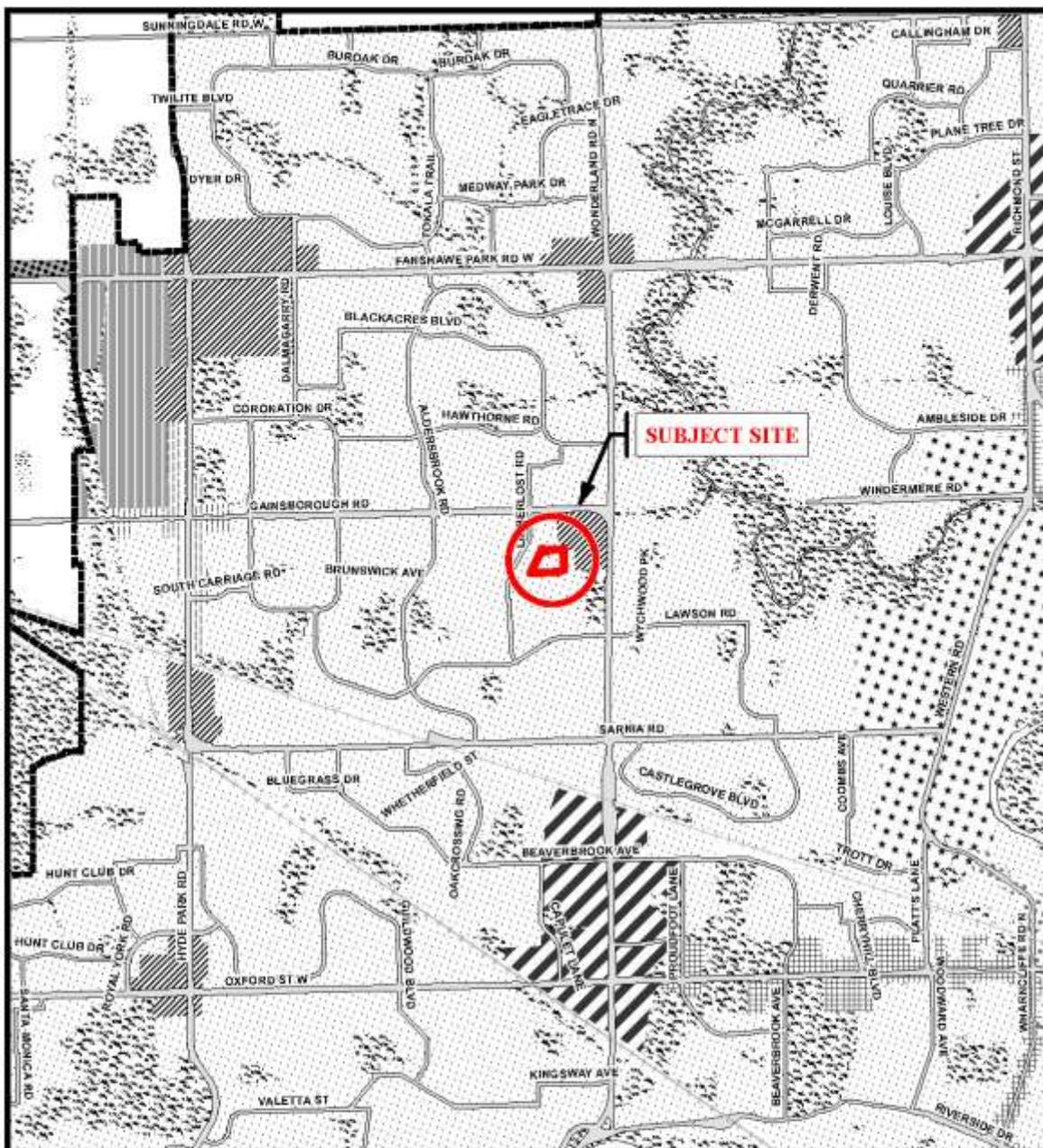


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-6913</p>
		<p>PLANNER: MS</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/07/04</p>

PROJECT LOCATION: e:\planning\projects\p_official\plan\work\consolid00\excerpt\mxd_templates\scheduleA_b&w_bx14_with_SWAP.mxd

London Plan Place Types Excerpt



Legend

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

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

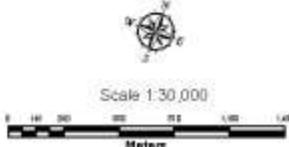
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



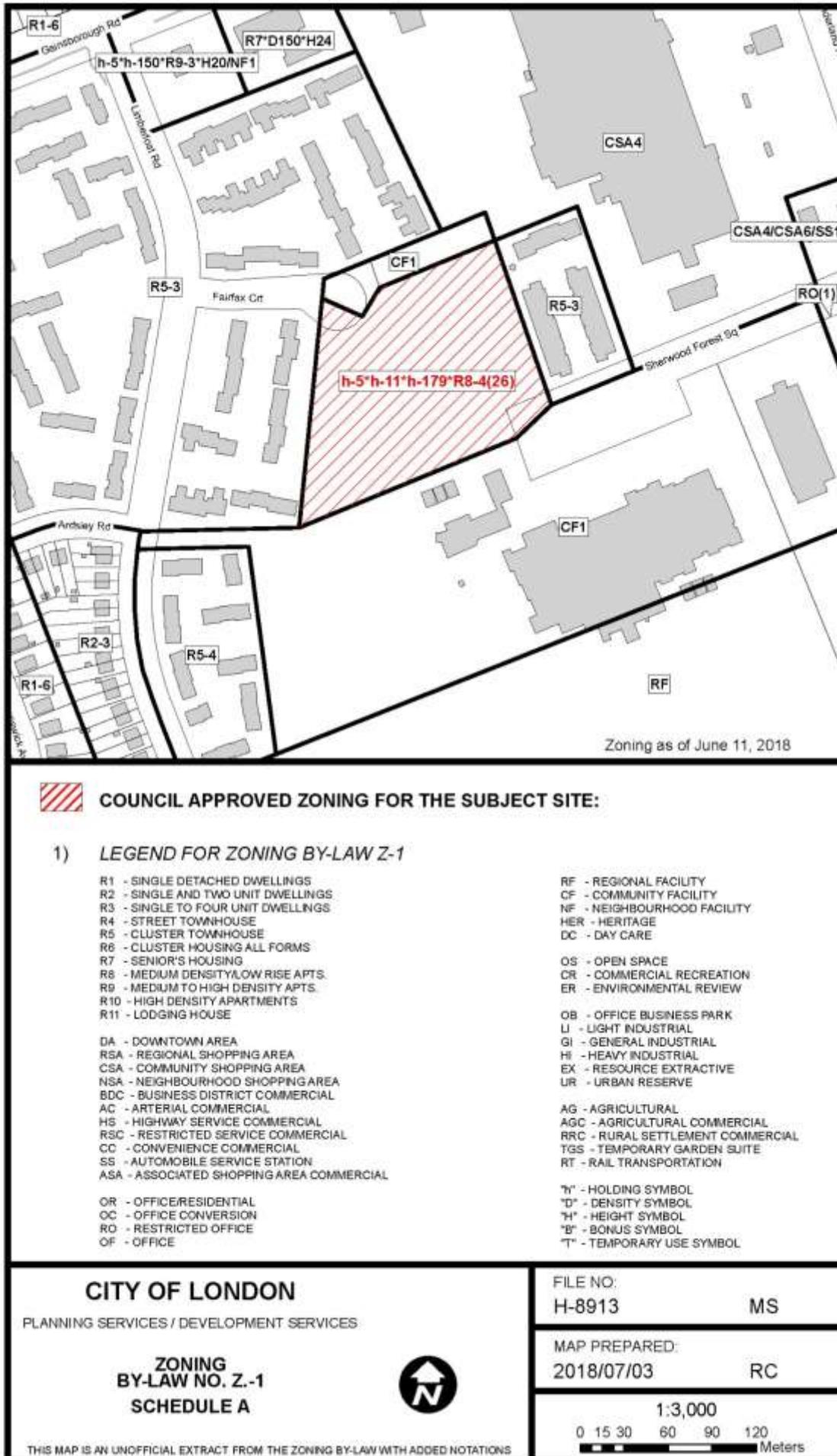
File Number: Z-8913

Planner: MS

Technician: RC

Date: July 3, 2018

Zoning By-law Map Excerpt



Previous Reports Relevant to this Application

File Z-8327 – Report to the Planning and Environment Committee to amend the Zoning By-law on September 2, 2014. On September 3, 2014, a Council Resolution was passed.

SP15-004713 – Report to the Planning and Environment Committee on site plan and issues on May 19, 2015.

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: Indwell Community Homes
728, 730, 742 and 744 Dundas Street
For: Removal of Holding Provision (h-67)
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, based on the application by Indwell Community Homes, relating to lands located at 728, 730, 742 and 744 Dundas Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Holding Business District Commercial Special Provision (h-67•BDC(19)•D250•H46•B-12) Zone **TO** a Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone to remove the h-67 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (h-67) provision to allow a mix of commercial, office and residential uses permitted by the Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone.

Rationale of Recommended Action

1. The removal of the holding provision will allow for development of a vacant and underutilized site in conformity with the Zoning By-law.
2. It is appropriate to remove the h-67 holding provision from the subject lands as a Record of Site Condition has been completed for the subject properties. The Record of Site Condition was submitted to the Ministry of the Environment and has been posted on the Ministry's Environmental Site Registry.

2.0 Description of Proposal

The removal of the holding “h-67” symbol from the zoning will allow a mix of commercial, office and residential uses permitted by the Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone. The applicant is proposing a mixed-use building with community and commercial uses on the ground floor, with residential housing on the upper three floors above. No detailed site concept plans have been provided as of yet.

3.0 Revelant Background

3.1 Planning History

The northwest corner of Dundas Street and English Street is currently a vacant space that previously consisted of a number of commercial and mixed-use buildings fronting on Dundas Street. Several of the buildings had become vacant over time and were eventually boarded up. One of the well-known landmarks at this location was the former Embassy Hotel which was closed in 2009, and was subsequently demolished.

In January 2009, a City-initiated zoning by-law amendment was brought forward to Planning Committee to apply a site-specific Bonus Zone in order to accommodate a proposed development consisting of an 8-storey mixed-use commercial/residential building with 154 residential units and 9 commercial units at street level, with underground parking facilities. Bonus zoning had been used to implement several higher density residential developments within this area of Central London, including the Medallion developments in proximity to the subject lands, to facilitate a high level of urban design, and as an incentive tool to help revitalize the Old East Village Community.

On February 2, 2009, Municipal Council passed an amendment to change the zoning of the subject lands FROM a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone which permits a range of commercial, office, retail, and residential uses (limited to the rear portion of the ground floor or above the ground floor with a maximum density of 250 units per hectare) and a height of 46 metres TO a Holding Business District Commercial Special Provision Bonus (h-67*BDC(19)*D250*H46*B()) Zone to permit the above listed uses and, subject to design approval, an 8-storey mixed use residential/commercial building housing 154 residential units with a maximum density of 483 units per hectare, a front yard depth of 3.0 metres above 12 metres of building height, 30 bicycle parking spaces, and a minimum setback of balcony projection of 1.5 metres from the lot line; together with a holding provision to address concerns related to site contamination by ensuring that a Record of Site Condition has been submitted.

Plans for redevelopment of the site for the proposed 8-storey, residential/commercial building unfortunately did not come to fruition, and the owner (Terrasan 744 Dundas Street London Limited) has recently sold the property holdings.

4.0 Key Issues and Considerations

The purpose of the holding (“h-67”) provision in the Zoning By-law is as follows:

Purpose: To address concerns of site contamination, a Record of Site Condition shall be carried out by a qualified professional and submitted to the Ministry of the Environment. The City of London will remove the "h-67" holding provision once the Ministry is satisfied that the Record of Site Condition is satisfactory.

Has the condition for removal of holding (h-67) provision been met?

A Record of Site Condition was submitted to the Ministry of the Environment and filed on the Ministry’s Environmental Site Registry (RSC Registration #69522) on October 7, 2010. The Record of Site Condition indicates that Phases 1 & 2 Environmental Site

Assessments were conducted in support of the RSC by qualified persons. Specifically, the following reports were relied upon in certifying the information as set out in the RSC:

Date	Report Title	Author	Affiliation
December 20, 2009	Confirmatory Soil and Groundwater Sampling, 726-748 Dundas Street, London, Ontario	Robert C. Ostry, M.A., P.Eng.	TRY Environmental Services Inc
March 06, 2009	Phase II Environmental Soil and Groundwater Investigation, 726-742 Dundas Street, London, Ontario	Tijana Medencevic B.A., Joe Hoyles B.E.S., W. Dave Lewis, P.Eng.	Coffey Geotechnics Inc.
November 18, 2008	Phase I Environmental Site Assessment, 726-742 Dundas Street, London, Ontario	Tijana Medencevic B.A., Joe Hoyles B.E.S., W. Dave Lewis, P.Eng.	Shaheen & Peaker Limited
August 26, 2005	Phase II Environmental Site Assessment, 744-748 Dundas Street, London, Ontario	Randy Knudson B.Sc. and Grant F. Glady B.Sc.	AMEC Earth & Environmental

(Note: The preceding table is an excerpt from Record of Site Condition #69522, Part 2 - List of Reports, Summary of Site Conditions, and Qualified Persons Certifications)

The RSC notes that there was no soil remediation provided; however, an estimated 316 cubic metres of soil was removed and not returned to the property. As of October 28, 2009, a qualified person, identified on the Record of Site Condition as Robert C. Ostry of TRY Environmental Services Inc., provided certification based on the Phases 1 & 2 Environmental Site Assessments, and confirmatory sampling, that there was no evidence of any contaminants in the soil, ground water or sediment on, in or under the RSC property that would interfere with the type of property use to which the RSC property will be put, as specified in the RSC as intended for residential uses (see **Appendix C** for complete copy of RSC).

A notice to readers on the face of the form indicates that this Record of Site Condition has been filed on the Environmental Site Registry to which the public has access and which contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

Development Services staff are satisfied that this satisfies the condition for removal of the “h-67” holding provision.

5.0 Conclusion

It is appropriate to remove the h-67 holding provision from the subject lands as a Record of Site Condition has been completed for the subject properties. The Record of Site Condition was submitted to the Ministry of the Environment and has been posted on the Ministry's Environmental Site Registry.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner - Development Services
Reviewed by:	Lou Pompilli, MPA, RPP Manager, Development Planning
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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 3, 2018
GK/PY/LP/LM/lm

CC: Matt Feldberg, Manager Development Services (Subdivisions) - electronic only

Y:\Shared\ADMIN\1- PEC Reports\2018 PEC Reports\12 - Aug 13 '18 PEC\728 Dundas St H-8925 LM Report 1OF1.docx

Appendix A

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 728, 730, 742 and 744 Dundas Street.

WHEREAS Indwell Community Homes has applied to remove the holding provision from the zoning for the lands located at 728, 730, 742 and 744 Dundas Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 the lands located at 728, 730, 742 and 744 Dundas Street, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 28, 2018
Second Reading – August 28, 2018
Third Reading - August 28, 2018

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



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Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 19, 2018

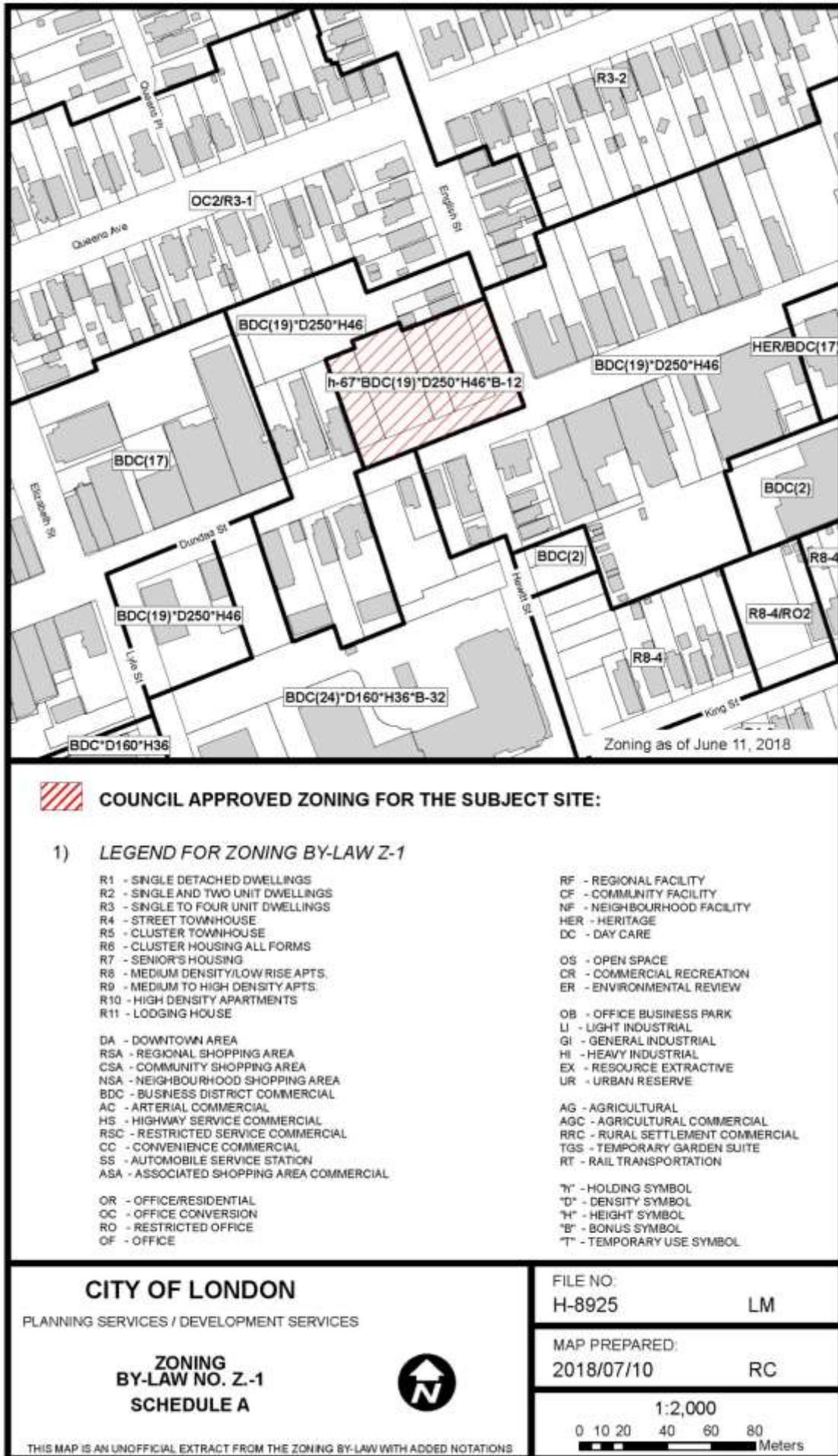
1 written reply received requesting further information regarding the existing zoning.

Nature of Liaison: The purpose and effect is to remove the holding symbol from the zoning to allow a mix of commercial, office and residential uses permitted by the Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone.

Possible change to Zoning By-law Z.-1 by deleting the Holding (“h-67”) Provision from the zoning. The purpose of the “h-67” provision is to address concerns of site contamination, a Record of Site Condition shall be carried out by a qualified professional and submitted to the Ministry of the Environment. The City of London will remove the "h-67" holding provision once the Ministry is satisfied that the Record of Site Condition is satisfactory. Municipal Council will consider removing the holding provision as it applies to the lands described above, no earlier than August 28, 2018.

Appendix C – Relevant Background

Existing Zoning Map



Record of Site Condition

Ontario Ministry of the Environment - Record of Site Condition #69522

Record of Site Condition For Part XV.1 of the *Environmental Protection Act*

Summary

Registration Number	69522
Status	Filed
Filing Date	2010/10/07
Certification Date	2009/10/28
Current Property Use	Commercial
Intended Property Use	Residential
Certificate of Property Use Number	No CPU
Applicable Standards	Full Depth Site Conditions Standard, with Nonpotable Ground Water, Coarse Textured Soil, for Residential/Parkland/Institutional property use
Property Municipal Address	726-728;730-736;740-742;744-748 Dundas Street, London Ontario N5W 2Z4

Notice to Readers Concerning Due Diligence

This record of site condition has been filed on the Environment Site Registry to which the public has access and which contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

Contents of this Record of Site Condition

This record of site condition consists of this document which is available to be printed directly from the Environmental Site Registry as well as all documentation indicated in this document to have been submitted in paper format to the Ministry of the Environment.

Definitions

The following definitions are taken from the *Environmental Protection Act* or Regulation 153/04 under that Act and are included for ease of reference. The Act and Regulation should be referenced for other applicable definitions.

In this Record of Site Condition,

"Act" means the *Environmental Protection Act*, as amended;

"Cleanup Guideline 1996" means the Ministry publication entitled "Guideline for Use at Contaminated Sites in Ontario" originally dated June 1996 and later revised;

"Intended property use", in relation to a record of site condition, means the type of property use in respect of which the record of site condition is filed;

"phase one environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"phase two environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"Regulation" means Ontario Regulation 153/04, Records of Site Condition Part XV.1 of the Act, as amended;

"risk assessment" has the same meaning as defined in the Act at s. 168.1;

"RSC" means a record of site condition under Part XV.1 of the Act;

"RSC property", in relation to a record of site condition, means the property in respect of which the record of site condition is filed;

"SSRA" means a site specific risk assessment conducted in accordance with the Cleanup Guideline 1996.

Part 1: Property Ownership, Property Information and Owner's Certifications**Information about the owner who is filing or authorizing the filing of the RSC**

Owner Name	Terrasan 744 Dundas Street London Limited
Corporate Contact (Authorized Officer)	Jeff Usher
Mailing Address	94 BROCKPORT DRTORONTO, ON, M9W 5C5
Phone	416-2019982x262
Fax	416-2019073
Email	jeff@terrasan.com

RSC Property Location Information

Municipal Address	726-728;730-736;740-742;744-748 Dundas Street London Ontario N5W 2Z4
Municipality	LONDON
Legal Description	PART OF LOTS 5 and 6 BLOCK L, PLAN 304 (3RD), DESIGNATED AS PARTS 3, 4 AND 5, PLAN 33R-4443, LONDON; T/W AND S/T 576806: together with a right of way in perpetuity, in common with the owners thereof, to pass, from time to time and at all times, on foot or with vehicles, together with the full, free, undisturbed, unobstructed and uninterrupted right, liberty, privilege, use, enjoyment and easement, to install, construct, reconstruct, repair, replace, clean, maintain, inspect and use, improvements consistent with the said right of way in, over and upon that part of lot 5, plan 304 (3rd), designated as Part 2, Plan 33R-4443 (being part of PIN 08281-0144); reserving a right of way in perpetuity in favour of the owners from time to time of part of said Lot 5, Plan 304 (3rd) designated as Parts 1 and 2, Plan 33R-4443 (being part of said PIN 08281-01444), in common with the owners of the land herein, to pass, from time to time and at all times, on foot or with vehicles, together with the full, free, undisturbed, unobstructed and uninterrupted right, liberty, privilege, use, enjoyment and easement, to install, construct, reconstruct, repair, replace, clean, maintain, inspect and use, improvements consistent with the said right of way in, over and upon that part of the land herein designated as Part 3, Plan 33R-4443:PART LOTS 6 AND 7 BLOCK L PLAN 304(3RD), PARTS 6, 7, 8 33R4443; S/T AND T/W 576806 LONDON:PART LOT 7 BLOCK L PLAN 304(3RD) AS IN 763010; T/W 763010 LONDON:PART LOT 8 BLOCK L PLAN 304(3RD) AS IN 804817 LONDON;
Assessment Roll Number	030 010 11300 000A7;030 010 11100 000A9;030 010 11000 000A0;030 010 10800 000A4
Property Identification Number (PIN)	08281-0144 LT;08281-0145 LT;08281-0146 LT;08281-0148 LT
RSC applies to entire legal property	YES

RSC Property Geo Reference

UTM Coordinates	NAD83 17-481485-4759790
Latitude & Longitude	42.99054630N 81.22711980W (converted from UTM)
Accuracy Estimate	21 to 100 meters
Measurement Method	Interpolation from a map

RSC Property Use Information

The following types of property uses are defined by the Regulation: Agricultural or other use, Commercial use, Community use,

Ontario Ministry of the Environment - Record of Site Condition #69522

Industrial use, Institutional use, Parkland use, and Residential use:

Current Property Use	Commercial
Intended Property Use	Residential
Certificate of Property Use has been issued under section 168.6 of the Act	NO

Additional Documentation Provided by Property Owner or Agent

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Deed or Transfer for the property
2	Certificate of Status

Signature and Statements of Property Owner or Agent

As an authorized officer acting on behalf of the owner of the RSC property:

1. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.
2. I have conducted reasonable inquiries to obtain all information relevant to this RSC, including information from the other current owners of the RSC property named in this part of the RSC.
3. I have disclosed all information referred to in paragraph 2 to any qualified person named in this RSC.
4. To my knowledge, the statements made in this part of the RSC are true as of _____.

As an authorized officer making the certifications on behalf of the owner:

1. I certify that I have been authorized by the owner of the RSC property to make the statements prescribed by this section on their behalf and that the owner of the RSC property has read and understands the statements being made on their behalf.

Name of Authorized Officer _____ Signature _____ Date _____

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

Part 2 List of Reports, Summary of Site Conditions, Qualified Person's Certifications

Qualified Person Information

Name	Robert C Ostry
Company	TRY Environmental Services Inc.
Job Title	
Business Address	8 WIDDICOMBE HILL TORONTO, ON, M9R 1B3
Phone	416-2461107
Fax	416-2461127
Email	try.env@rogers.com

Additional Documentation Provided by the Qualified Person

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Certificate of Status in relation to the employer of the qualified person
---	---

Municipal Information

Local or Single-Tier Municipality

Municipality	LONDON
Municipal Clerk	George Duncan
Address	300 DUFFERIN AVE LONDON, ON, N6A 4L9
Phone	519-6614500
Fax	519-6614892
Email	webmaster@city.london.on.ca

Upper Tier Municipality

Municipality	MIDDLESEX
Municipal Clerk	Donald Hudson
Address	399 RIDOUT ST N LONDON, ON, N6A 2P1
Phone	519-4347321
Fax	519-4340638
Email	kbunting@county.middlesex.on.ca

Ministry of the Environment District Office

District Office	LONDON
District Office Address	733 Exeter RD, London, ON, N6E 1L3

Reports Supporting Record of Site Condition

The following types of assessments have been conducted in support of this record of site condition:

- A phase one environmental site assessment
- A phase two environmental site assessment

Previous RSCs applying to any part of the RSC property

Previous risk assessments or SSRA applying to any part of the RSC property

Assessments or other reports have been relied upon in certifying the information set out in this Part

Date	Report Title	Report Type	Author	Affiliation
2009/12/20	Confirmatory Soil and Groundwater Sampling, 726-748 Dundas Street, London, Ontario	Others	Robert C. Ostry, M.A., P.Eng.	TRY Environmental Services Inc
2009/03/06	Phase II Environmental Soil and Groundwater Investigation, 726-742 Dundas Street, London, Ontario	Phase 2 ESA	Tijana Medencevic B.A., Joe Hoyles B.E.S., W. Dave Lewis, P.Eng.	Coffey Geotechnics Inc.
2008/11/18	Phase I Environmental Site Assessment, 726-742 Dundas Street, London, Ontario	Phase 1 ESA	Tijana Medencevic B.A., Joe Hoyles B.E.S., W. Dave Lewis, P.Eng.	Shaheen & Peaker Limited
2005/08/26	Phase II Environmental Site Assessment, 744-748 Dundas Street, London, Ontario	Phase 2 ESA	Randy Knudson B.Sc. and Grant F. Glady B.Sc.	AMEC Earth & Environmental

Site Condition Information

Total area of the RSC property (in hectares)	0.305
Phase Two Environmental Site Assessment applies to the entire RSC property	YES
Risk assessment has been prepared and accepted	NO
Environmentally Sensitive Area	No
Sediment Present	N
Soil Texture	Coarse
Assessment/Restoration Approach	Full Depth
Property Use for Site Condition Standards Determination	Residential/Parkland/Institutional
Ground Water Condition	Nonpotable
Contaminant testing on the Ground Water	Y
Local Municipality Non-Potable Water Notification Date	2009/09/25
Upper Tier Municipality Non-Potable Water Notification Date	2009/09/25
Certification Date	2009/10/28

The applicable site condition standards applied for the purpose of this record of site condition are: Full Depth Site Conditions Standard, with Nonpotable Ground Water, Coarse Textured Soil, for Residential/Parkland/Institutional property use.

Final RSC Property Profile - Site Condition Standards

Soil

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
ANTIMONY	< 1.6	13	µg/g
ARSENIC	6.6	20	µg/g
BARIUM	57.5	750	µg/g
BENZENE	< 0.1	5.3	µg/g
BERYLLIUM	< 0.4	1.2	µg/g
BORON (AVAILABLE)	< 0.1	1.5	µg/g
CADMIUM	< 0.4	12	µg/g

Ontario Ministry of the Environment - Record of Site Condition #69522

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
CHROMIUM (TOTAL)	8	750	µg/g
CHROMIUM (VI)	< 0.4	8	µg/g
COBALT	2.9	40	µg/g
COPPER	6.9	225	µg/g
CYANIDE (FREE)	< 1	100	µg/g
ELECTRICAL CONDUCTIVITY	0.55	0.7	mS/cm
ETHYLBENZENE	< 0.05	290	µg/g
LEAD	89.5	200	µg/g
MERCURY	0.381	10	µg/g
MOLYBDENUM	< 0.5	40	µg/g
NICKEL	5.7	150	µg/g
PETROLEUM HYDROCARBONS F1 (C6 - C10)	< 5	30	µg/g
PETROLEUM HYDROCARBONS F2 (>C10 - C16)	< 10	150	µg/g
PETROLEUM HYDROCARBONS F3 (>C16 - C34)	< 50	400	µg/g
PETROLEUM HYDROCARBONS F4 (>C34)	< 50	2800	µg/g
SELENIUM	< 0.8	10	µg/g
SILVER	< 0.4	20	µg/g
SODIUM ADSORPTION RATIO (SAR)	4.3	5	No Unit
THALLIUM	< 0.4	4.1	µg/g
TOLUENE	< 0.08	34	µg/g
VANADIUM	12.5	200	µg/g
XYLENES	< 0.07	34	µg/g
ZINC	85.2	600	µg/g

Sediment

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
No Measurements Provided			

Ground Water

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
ANTIMONY	< 1	16000	µg/l
ARSENIC	< 0.6	480	µg/l
BARIUM	41.1	23000	µg/l
BERYLLIUM	< 1	53	µg/l
BORON (AVAILABLE)	57.3	50000	µg/l
CADMIUM	< 0.5	11	µg/l
CHROMIUM (TOTAL)	3.45	2000	µg/l
CHROMIUM (VI)	< 5	110	µg/l
COBALT	0.83	100	µg/l
COPPER	2.14	23	µg/l

Ontario Ministry of the Environment - Record of Site Condition #69522

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
CYANIDE (FREE)	< 10	52	µg/l
LEAD	< 0.5	32	µg/l
MERCURY	< 0.1	0.12	µg/l
MOLYBDENUM	4.37	7300	µg/l
NICKEL	1.34	1600	µg/l
SELENIUM	4.16	50	µg/l
SILVER	< 0.5	1.2	µg/l
THALLIUM	< 0.5	400	µg/l
VANADIUM	2.4	200	µg/l
ZINC	9.04	1100	µg/l

Remedial Action and Mitigation

Remediated Soils

Estimate of quantities of soil, if any, originating and remaining on the RSC property that have been remediated, at a location either on or off the RSC property, to reduce the concentration of contaminants in the soil.

Soil Remediation Process	Estimated Quantity of Soil (in-situ cubic meters)
No Remediation Provided	

Removed Soils

Estimated quantity of soil or sediment, if any, removed from and not returned to the RSC property (in-situ cubic meters): 316

Deposited Soils

Estimated quantity of soil or sediment, if any, being brought to and deposited at the RSC property not including any soil that has been remediated off the RSC property (identified in the Soil Remediation Process above) (in-situ cubic meters): 0

Remediated or Removed Soil From Near Property Boundary

Has any soil, sediment or ground water at the RSC property that is or was located within 3 meters of the RSC property boundary been remediated or removed for the purpose of remediation: YES

Ground Water Control or Treatment Measures

Ground Water Control or treatment measures that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

No comments entered

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that are required for the RSC property after the certification date:

No comments entered

Other Activities Including Risk Management Measures

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

No comments entered

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that are required for the RSC property after the certification date:

No comments entered

Monitoring or Maintenance

Soil monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

none required

Ground Water monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

none required

Certifications

As the qualified person, and in relation to this Part of the RSC, I certify that:

1. A phase one environmental site assessment of the RSC property, which includes the evaluation of the information gathered from a records review, site visit and interviews, has been conducted in accordance with the Regulation by or under the supervision of a qualified person as required by the Regulation.
2. I have conducted or supervised a phase two environmental site assessment, which includes the evaluation of information gathered through the sampling and analysis of soil and other site investigation or assessment activities, of all or part of the RSC property with respect to one or more contaminants, in accordance with the Regulation.
3. The information represents the site conditions at the sampling points at the time of sampling only and the conditions between and beyond the sampling points may vary.
4. As of 2009/10/28, in my opinion, based on the phase one environmental site assessment and the phase two environmental site assessment, and any confirmatory sampling, there is no evidence of any contaminants in the soil, ground water or sediment on, in or under the RSC property that would interfere with the type of property use to which the RSC property will be put, as specified in the RSC.
5. If non-potable ground water standards have been applied,
 - a. I have given written notice of intention to apply non-potable ground water site condition standards to the clerk of the local municipality in which the property is located and the clerk of any upper-tier municipality in which the property is located.
 - b. The owner of the property has informed me that either,
 - i. the owner did not receive a notice of objection from either the local municipality or the upper-tier municipality within 30 days of the municipality or upper-tier municipality receiving the notice described in paragraph a, or
 - ii. after receiving a notice of objection from the municipality, the municipality has withdrawn its objection and given written consent to the application of non-potable ground water standards.
 - c. I did not receive a notice of objection from either the local municipality or the upper-tier municipality within 30 days of the municipality receiving the notice described in paragraph a, or, after I received a notice of objection from the municipality, the municipality gave written consent to the application of non-potable ground water standards.
6. As of 2009/10/28, in my opinion, based on the phase one and phase two environmental site assessments and any confirmatory sampling, the RSC property meets the applicable Full Depth site condition standards prescribed by section 37

of the Regulation for all contaminants prescribed by the Regulation in relation to the type of property use for which this RSC is filed, except for those contaminants (if any) specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards.

7. As of 2009/10/28, the maximum known concentration of each contaminant in soil, sediment and ground water at the RSC property for which sampling and analysis has been performed is specified in this RSC at Final RSC Property Profile.
8. In relation to any contaminant excepted from the certification mentioned above and as specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards, or in relation to any other contaminant that in my opinion is likely to cause an adverse effect:
 - a. A risk assessment was prepared for the contaminant with respect to the property for which the phase two environmental site assessment was conducted.
 - b. The Director has accepted the risk assessment under clause 168.5 (1) (a) of the Act.
 - c. As of 2009/10/28, the property for which the phase two environmental site assessment was conducted meets the standards specified in the risk assessment for the contaminant.

As the qualified person, and in relation to this Part of the RSC, I also certify that:

1. I am a qualified person and have the qualifications required by section 5 of the Regulation.
2. I have in place an insurance policy that satisfies the requirements of section 7 of the Regulation.
3. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.
4. The opinions expressed in this RSC are engineering or scientific opinions made in accordance with generally accepted principles and practices as recognized by members of the environmental engineering or science profession or discipline practising at the same time and in the same or similar location.
5. To the best of my knowledge, the certifications and statements in this part of the RSC are true as of 2009/10/28.
6. By signing this RSC, I make no express or implied warranties or guarantees.

I, the qualified person named below, on the date stated below, make all of the stated certifications applicable to the qualified person in this Part of the record of site condition.

Name of Qualified Person _____ Signature _____ Date _____

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

Record of Site Condition Filing Form

IMPORTANT notes for submission of Record of Site Condition (RSC) to Ministry of the Environment (MOE):

After completing RSC on Brownfields website, ensure that a signed copy of RSC is submitted to MOE.

Print the downloaded version of RSC in PDF.

Ensure that footer of each page of RSC detail indicates that the RSC is on "Submitted" status.

Forward the signed copy of PDF file together with the additional documentation listed under sections:

- Additional Documentation Provided by Property Owner or Agent
- Additional Documentation Provided by Qualified Person

The forwarding address and fax information for MOE office is:

**Ministry of the Environment
Environmental Assessment and Approval Branch
2 St. Clair Avenue West, Floor 12 A
Toronto, Ontario M4V 1L5**

Fax Number: 416-314-6810

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.
1100 Upperpoint Boulevard / 1854 Oxford Street West
Removal of Holding Provisions (h and h-209)

Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, based on the application by Sifton Properties Limited, relating to lands located at 1100 Upperpoint Boulevard, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Holding Residential R5 / Residential R6 / Residential R7 / Residential R8 (h.*h-209*R5-7/R6-5/R7 D75 H15/R8-4) Zone **TO** a Residential R5 / Residential R6 / Residential R7 / Residential R8 (R5-7/R6-5/R7 D75 H15/R8-4) Zone to remove the h and h-209 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h and h-209 holding symbols to permit the development of 36 residential townhouse dwellings on the subject site.

Rationale of Recommended Action

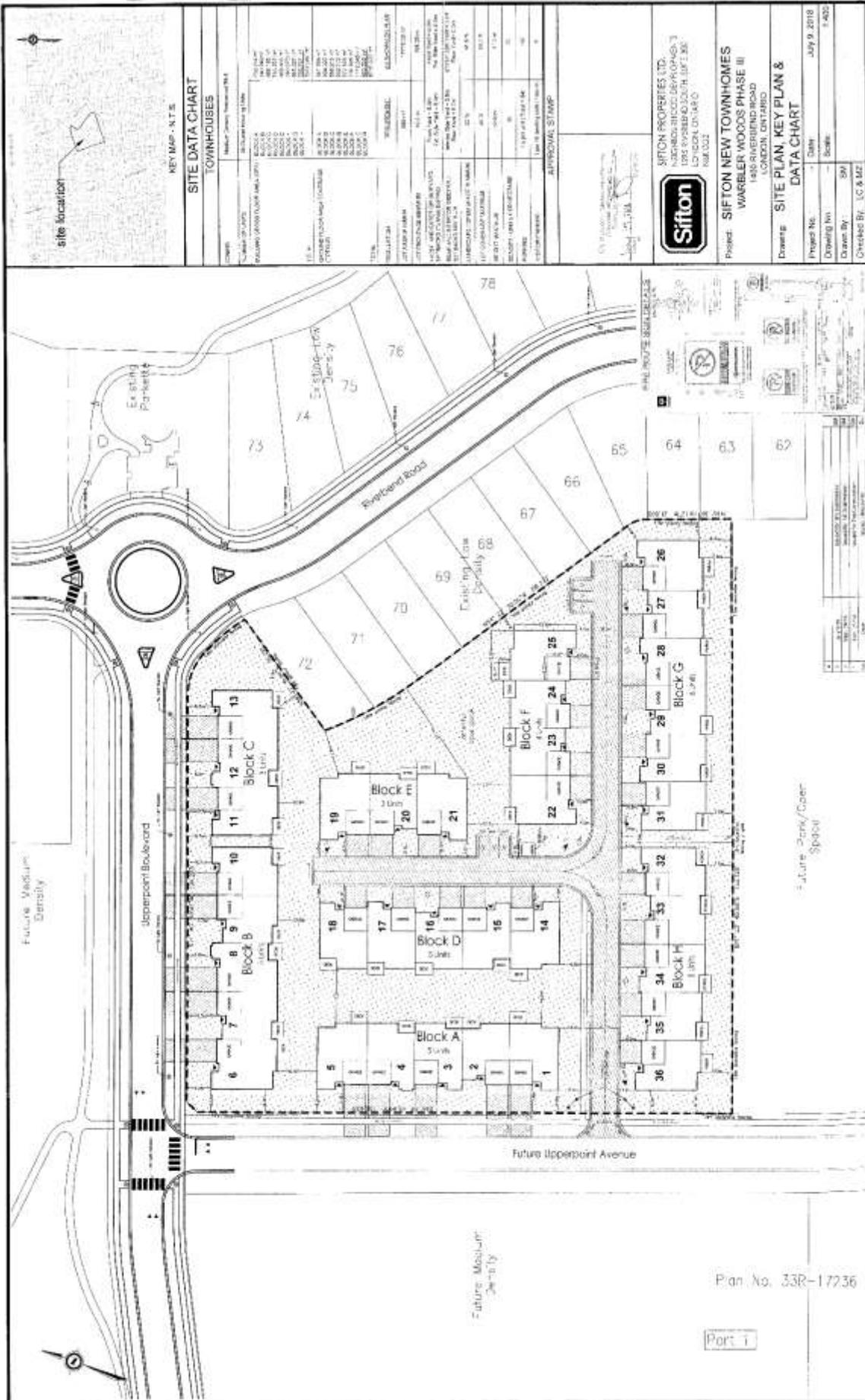
1. The removal of the holding provisions will allow for development in conformity with the Zoning By-law.
2. Through the site plan approval process the required security has been submitted to the City of London, the execution of the development agreement is imminent and the h. holding provision is no longer required.
3. An accepted level of building design and orientation to the park in accordance with the h-209 provision, and a central sidewalk connection to the park to promote a level of connectivity has been provided with the accepted Site Plan and executed Development Agreement. As a result the Approval Authority is satisfied with respect to the lifting of the 209 holding provision.

Analysis

1.1 Location Map



1.2 Site Plan- 1100 Upperpoint Boulevard



2.0 Description of Proposal

To remove the h and h-209 holding provisions from the lands to which they apply requires that all services and access arrangements are provided, that building orientation towards public streets and public spaces are included and that an agreement shall be entered into to the satisfaction of the City. The removal of the h and h-209 holding provision will allow for the construction of 36 residential townhouse structures.

3.0 Relevant Background

3.1 Planning History

On December 22, 2016, the Approval Authority for the City of London granted Draft Approval to a plan of subdivision on lands located at 1824 and 1856 Oxford Street West and 1420 Westdel Bourne, known as the Warbler Woods at Riverbend lands. The subdivision consisted of fourteen (14) single detached residential blocks, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, one (1) road widening block, two (2) reserve blocks, two (2) secondary collector roads, and seven (7) local streets. The subject site was identified as Block 18 in the Draft Plan of Subdivision.

On November 22, 2016, Municipal Council approved the zoning for the subdivision draft plan. The standard holding (h) provision was applied to the zoning for the various residential lots and blocks within the subdivision plan. The “h” provision is applied in almost all subdivision approvals for the purpose of ensuring adequate provision of municipal services, that the required security has been provided, and that conditions of approval of draft plan of subdivision, or conditions of approval of a site plan, ensure that a subdivision agreement or development agreement is entered into.

The holding (h-209) provision was also applied to the zoning for the five multi-family blocks (Blocks 15, 16, 17, 18 and 19) located directly adjacent to Street I, Street J and the Park Block. Block 18 (the subject site) is the only multi-family Block that is adjacent to a Park Block. The h-209 provision was intended to ensure development demonstrates compliance with the urban design policies of the Riverbend South Secondary Plan, and includes orientation towards public streets and public spaces:

Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

On March 31, 2015, City Council adopted an amendment to the Official Plan to add the “Riverbend South Secondary Plan” to the list of Secondary Plans. The Riverbend South Secondary Plan was intended to address matters that include land use mix and compatibility, road alignments, municipal services, public and private utilities, residential densities, road access points, location of parks and community facilities, location of pedestrian and bicycle routes, preservation of natural heritage features, protection of archaeological resources, and urban design guidelines.

Warbler Woods at Riverbend Draft Plan of Subdivision include elements that accurately reflect and implement the Council-approved secondary plan including the low, medium, and high density residential lots and blocks, school block, parks and open space blocks, and the Street ‘I’ and Street ‘J’ collector roadway alignments. The draft plan was also considered to be consistent with the stated principles of the secondary plan, such as connecting the community (through a multi-use trail corridor, pedestrian connections and street network), providing a range of residential housing types and densities (from single detached dwellings to townhouses and apartment buildings), protection and integration of the natural environment (enhancement strategies and buffer management zones adjacent to the Warbler Woods ESA), promoting healthy living and active transportation (neighbourhood park for active recreation and a highly connected cycling and pedestrian network), and promoting environmental sustainability (diversity of uses, density and street

pattern to facilitate viable public transit).

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provision?

The h. holding provision states that:

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to Development.

The Owner has provided the necessary security and the execution of the development agreement is imminent. This satisfies the requirement for removal of the “h” holding provision.

The (h-209) holding provision states that:

Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

An acceptable level of building design and orientation to the park in accordance with the h-209 provision, and a central sidewalk connection to the park to promote a level of connectivity has been provided with the accepted Site Plan and executed Development Agreement. As a result the Approval Authority is satisfied with respect to the lifting of the 209 holding provision.

During the review of the site plan consideration was given to providing a window street along the park edge. In addition, consideration was also given to providing individual walkway access for each unit adjacent to the park to the park limits. Neither option was feasible nor acceptable due to constraints related to grades, drainage, limited lot area and the overall circulation of pedestrian and vehicular movement through this site.

In an effort to meet the design objectives of the Riverbend South Community Plan, attention was given to ensure that all buildings adjacent to the park are designed and oriented to the park. The accepted plans provide architectural features that includes porches, entrances, windows, rooflines and enhanced landscaping around the porches that achieve an appearance of front orientation to the park, consistent with the intent of the Riverbend South Community Plan.

In addition a low (1.2 metres) decorative black iron fence has been provided by the applicant along the southerly limits of the plan, adjacent to the park. This fence treatment is consistent with the accepted design standards for window street developments and allows views and vistas to and from the park from this residential block. The fence treatment also includes decorative pillars and a gate from the central walkway connection of this residential block to the park.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding (“h” and “h-209”) symbols from the zoning map.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Lou Pompilii, MCIP, RPP Manager, Development Planning
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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 3, 2018
LP/LM/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8906 -1100 UpperpointPECreport-H-8906.docx

Appendix A

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1100 Upperpoint Boulevard.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning for the lands located at 1100 Upperpoint Boulevard, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 1100 Upperpoint Boulevard, as shown on the attached map, to remove the h and h-209 holding provisions so that the zoning of the lands as a Residential R5 / Residential R6 / Residential R7 / Residential R8 (R5-7/R6-5/R7 D75 H15/R8-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

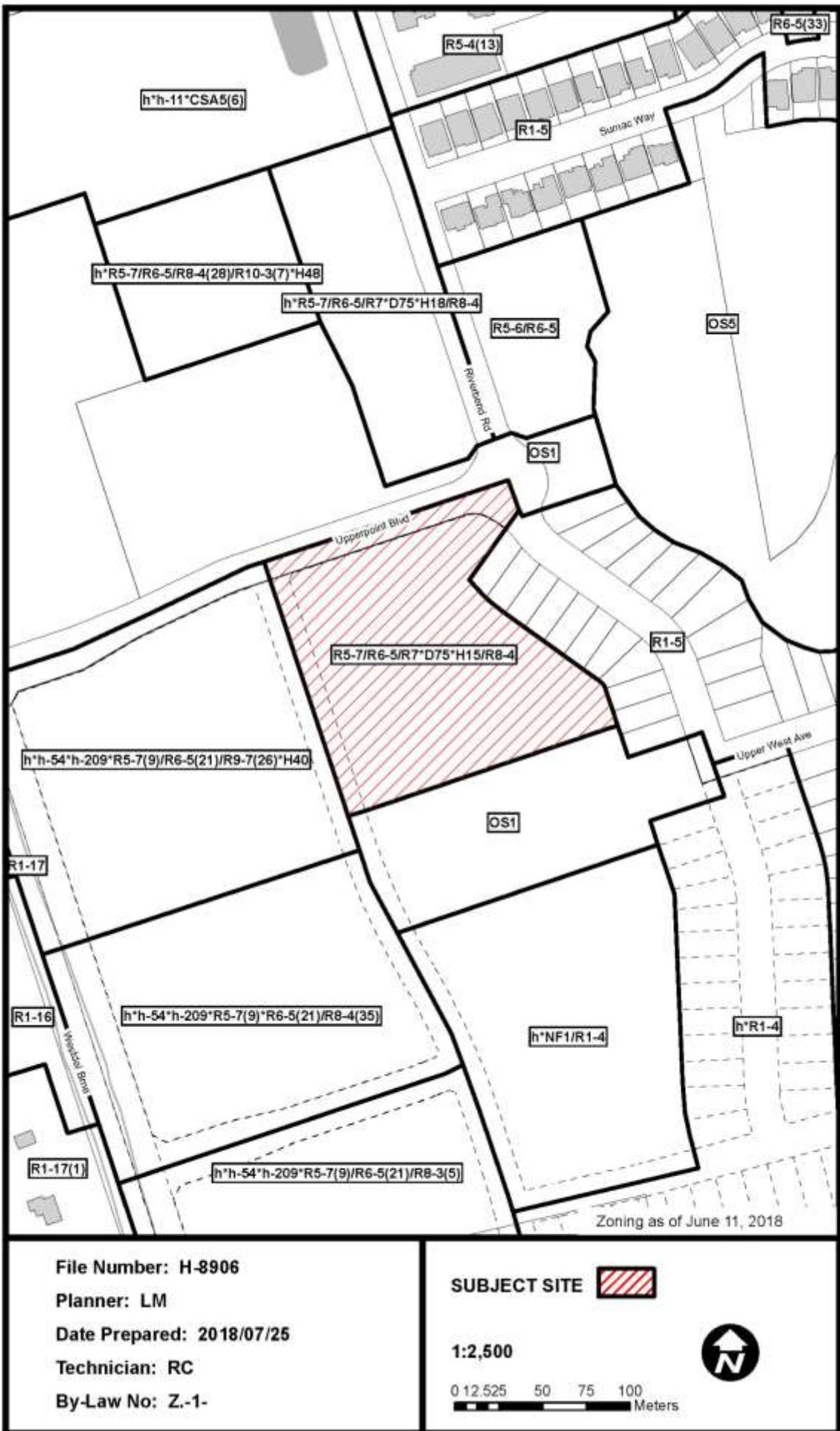
PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -August 28, 2018
Second Reading – August 28, 2018
Third Reading - August 28, 2018

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



Geobase

Appendix B – Public Engagement

Community Engagement

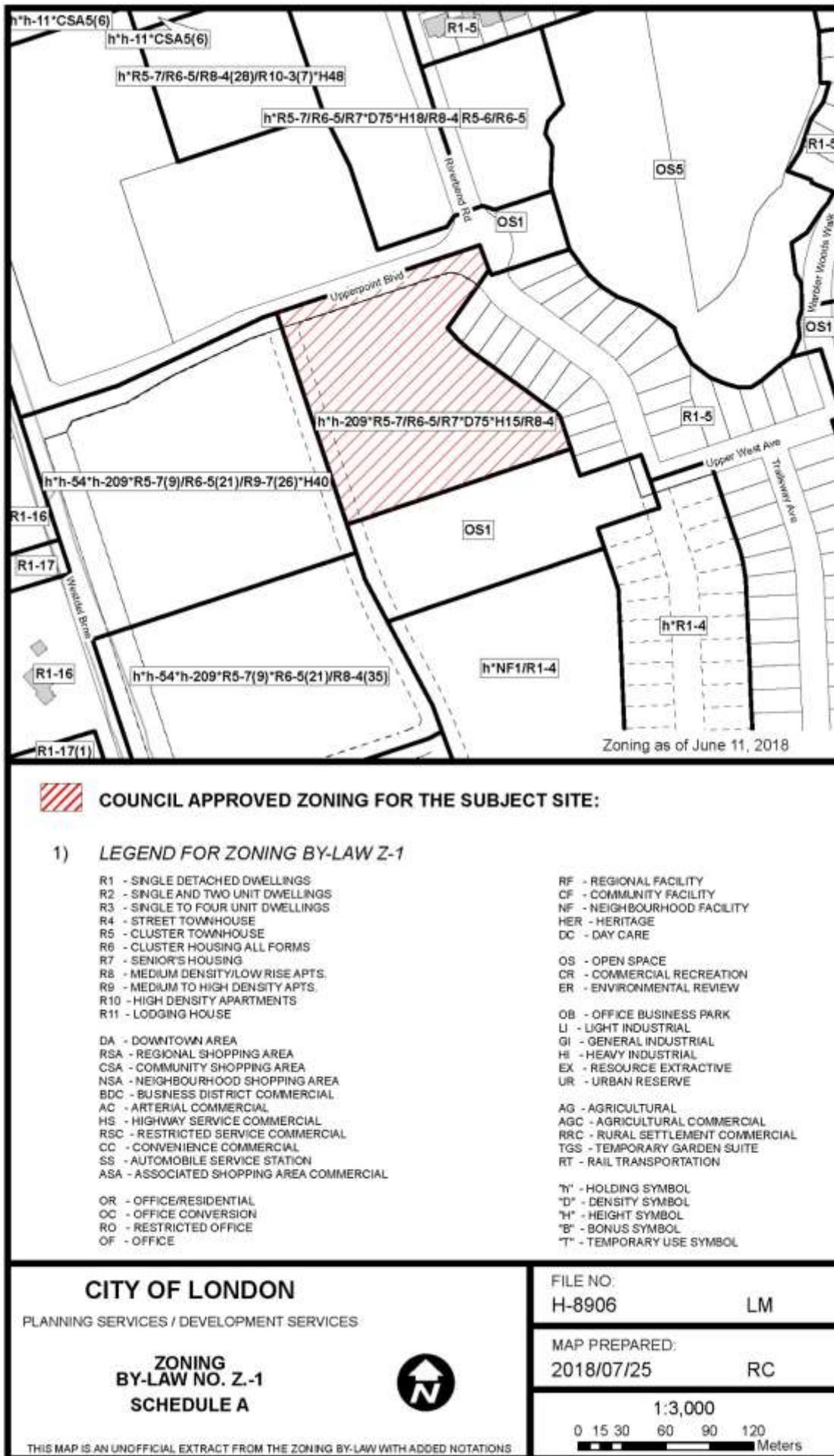
Public liaison: Notice of the application was published in the Londoner on May 17, 2018

0 replies were received

Nature of Liaison: 1854 Oxford Street West (1100 Upperpoint Boulevard proposed future address); located south of Oxford Street West and east of Westdel Bourne; comprising Block 18 as shown on the draft-approved plan of subdivision (File No. 39T-16502) – City Council intends to consider removing the Holding (“h” & “h-209”) Provisions from the zoning of the subject lands. The purpose and effect is to allow development of 36 residential townhouse units permitted under the Residential R5/R6/R7/R8 Special Provision (R5-7/R6-5/R7•D75•H15/R8-4) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The “h-209” symbol is intended to encourage building orientation towards public streets and public spaces. A site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London, prior to the removal of the “h-209” symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than **June 26, 2018**.

Appendix C – Relevant Background

Existing Zoning Map

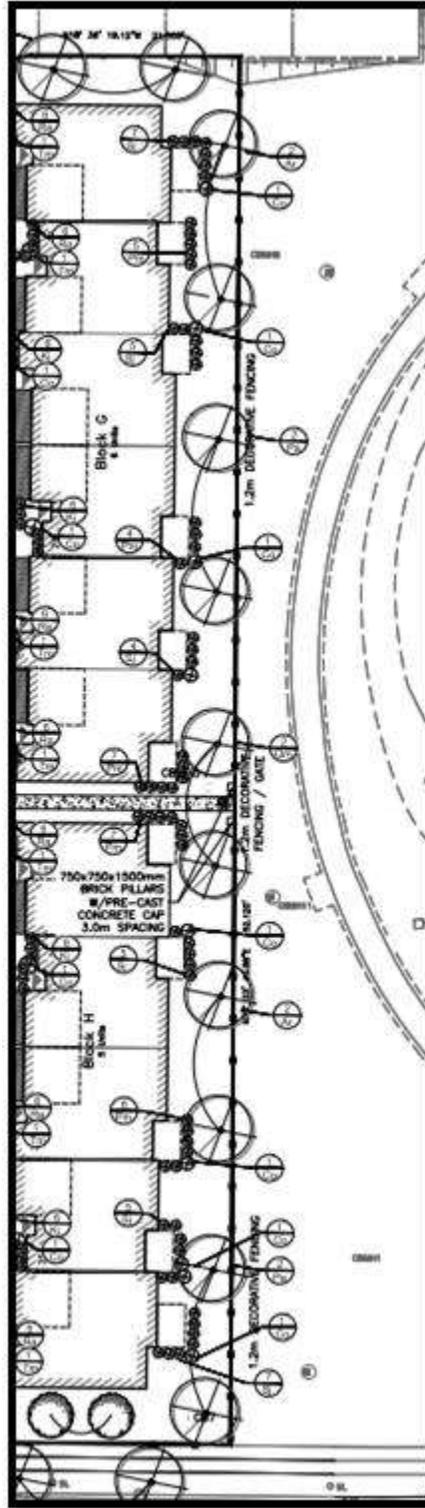
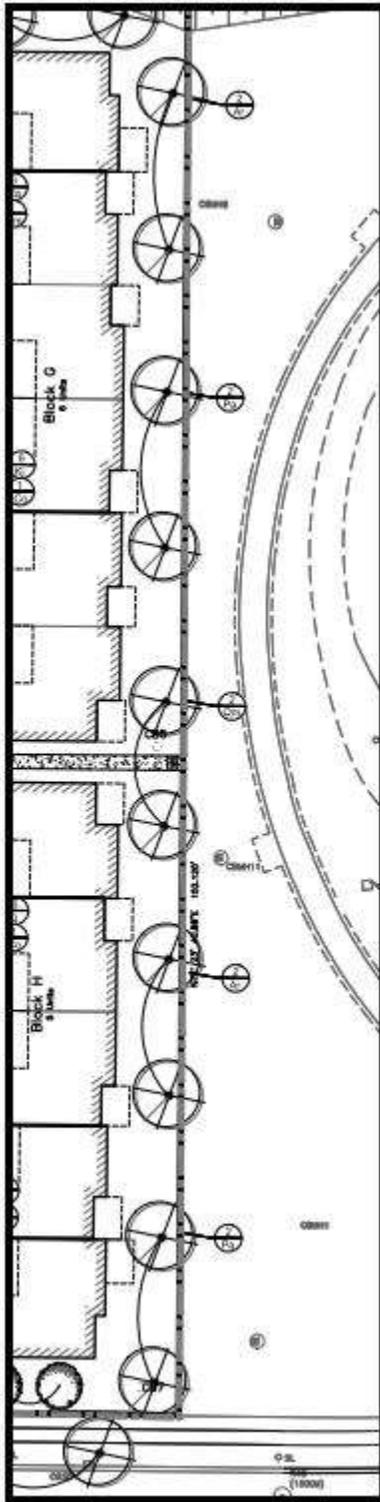


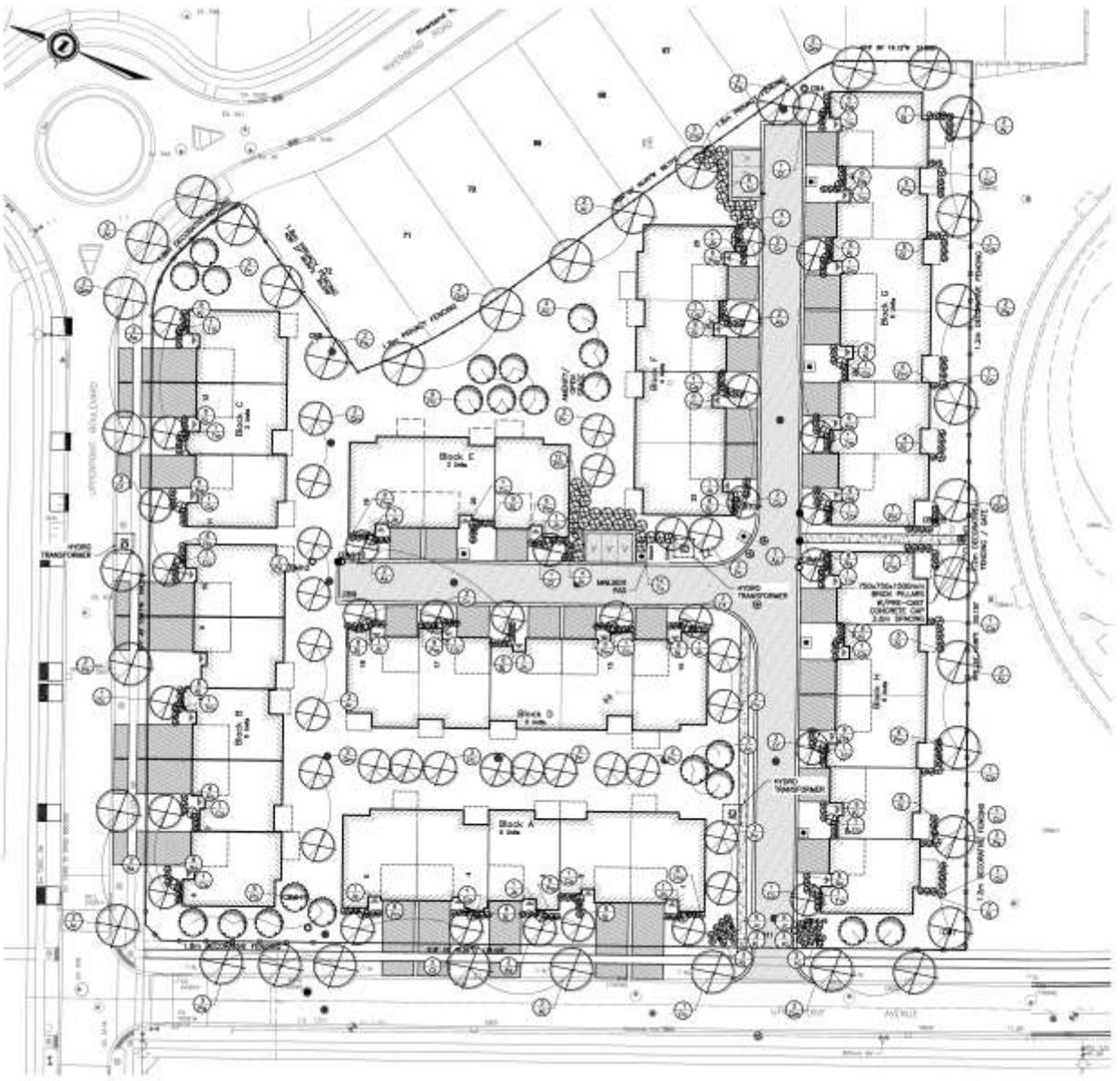
Appendix E – Landscape Plan

Accepted Landscape Plan

First Submission

Second Submission







London
CANADA

Development and Compliance Services Building Division

To: G. Kotsifas, P. Eng.
Managing Director, Development & Compliance Services
& Chief Building Official

From: P. Kokkoros, P. Eng.
Deputy Chief Building Official

Date: July 12, 2018

RE: Monthly Report for June 2018

Attached are the Building Division's monthly report for June 2018 and copies of the Summary of the Inspectors' Workload reports.

Permit Issuance

By the end of June, 2,319 permits had been issued with a construction value of approximately \$560 million, representing 1,304 new dwelling units. Compared to last year, this represents a 4.4% decrease in the number of permits, a 5.4% increase in the construction value and a 3.2% decrease in the number of dwelling units.

To the end of June, the number of single and semi-detached dwellings issued were 377, which was a 34% decrease over last year.

At the end of June, there were 725 applications in process, representing approximately \$448 million in construction value and an additional 780 dwelling units, compared with 824 applications having a construction value of \$402 million and an additional 992 dwelling units for the same period last year.

The rate of incoming applications for the month of June averaged out to 22.9 applications a day for a total of 482 in 21 working days. There were 57 permit applications to build 57 new single detached dwellings, 21 townhouse applications to build 93 units, of which 9 were cluster single dwelling units.

There were 486 permits issued in June totalling \$93.2 million including 124 new dwelling units.

.../2

Inspections

BUILDING

Building Inspectors received 2,161 inspection requests and conducted 3,322 building related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 11 inspectors, an average of 294 inspections were conducted this month per inspector.

Based on the 2,161 requested inspections for the month, 92% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 932 inspection requests and conducted 1,346 plumbing related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 7 inspectors, an average of 224 inspections were conducted this month per inspector.

Based on the 932 requested inspections for the month, 96% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

In some cases, several inspections will be conducted on a project where one call for a specific individual inspection has been made. One call could result in multiple inspections being conducted and reported. Also, in other instances, inspections were prematurely booked, artificially increasing the number of deferred inspections.

AD:ld
Attach.

c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson

CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF June 2018

CLASSIFICATION	June 2018			to the end of June 2018			June 2017			to the end of June 2017		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	54	22,935,930	54	377	155,999,060	377	104	44,549,014	104	571	232,880,578	571
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	27	18,799,316	68	126	88,096,510	348	37	24,107,820	96	129	103,981,966	441
DUPLEX,TRIPLEX,QUAD,APT BLDG.	0	0	0	5	124,642,720	534	0	0	0	3	51,566,680	302
RES -ALTER & ADDITIONS	196	7,558,323	2	901	33,164,399	45	204	4,351,483	1	909	40,252,283	34
COMMERCIAL-ERECT	7	13,813,275	0	19	49,761,363	0	4	19,836,640	0	8	21,262,990	0
COMMERCIAL-ADDITION	1	15,000	0	9	6,890,718	0	1	440,000	0	7	14,117,260	0
COMMERCIAL-OTHER	33	2,940,870	0	227	30,800,887	0	38	9,235,097	0	180	35,255,220	0
INDUSTRIAL-ERECT	0	0	0	2	8,500,000	0	2	3,537,720	0	2	3,537,720	0
INDUSTRIAL-ADDITION	2	5,958,000	0	4	6,798,000	0	1	3,955,500	0	8	8,305,085	0
INDUSTRIAL-OTHER	8	8,785,120	0	36	13,404,968	0	11	133,000	0	38	1,741,100	0
INSTITUTIONAL-ERECT	0	0	0	0	0	0	0	0	0	0	0	0
INSTITUTIONAL-ADDITION	1	900,000	0	4	6,750,000	0	1	1,200,000	0	1	1,200,000	0
INSTITUTIONAL-OTHER	19	10,300,710	0	121	31,898,310	0	23	3,556,100	0	66	13,353,600	0
AGRICULTURAL	0	0	0	1	50,000	0	0	0	0	1	200,000	0
SWIMMING POOL FENCES	46	1,081,329	0	115	2,466,489	0	41	713,386	0	119	2,184,470	0
ADMINISTRATIVE	30	72,400	0	77	250,900	0	39	376,350	0	97	655,975	0
DEMOLITION	9	0	3	47	0	21	9	0	7	60	0	46
SIGNS/CANOPY-CITY PROPERTY	2	0	0	8	0	0	4	0	0	19	0	0
SIGNS/CANOPY-PRIVATE PROPERTY	51	0	0	240	0	0	68	0	0	209	0	0
TOTALS	486	93,160,273	124	2,319	559,474,323	1,304	587	115,992,111	201	2,427	530,484,927	1,348

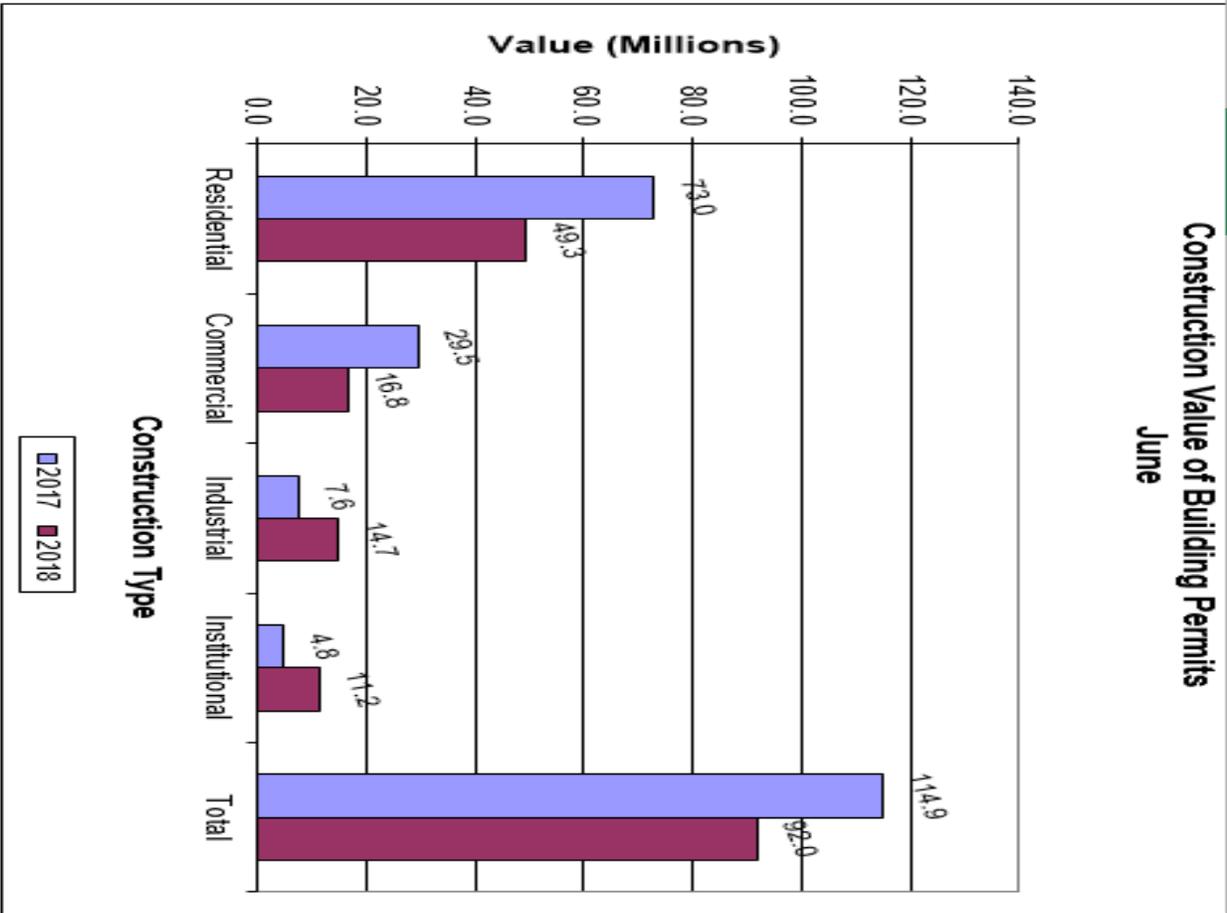
Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.

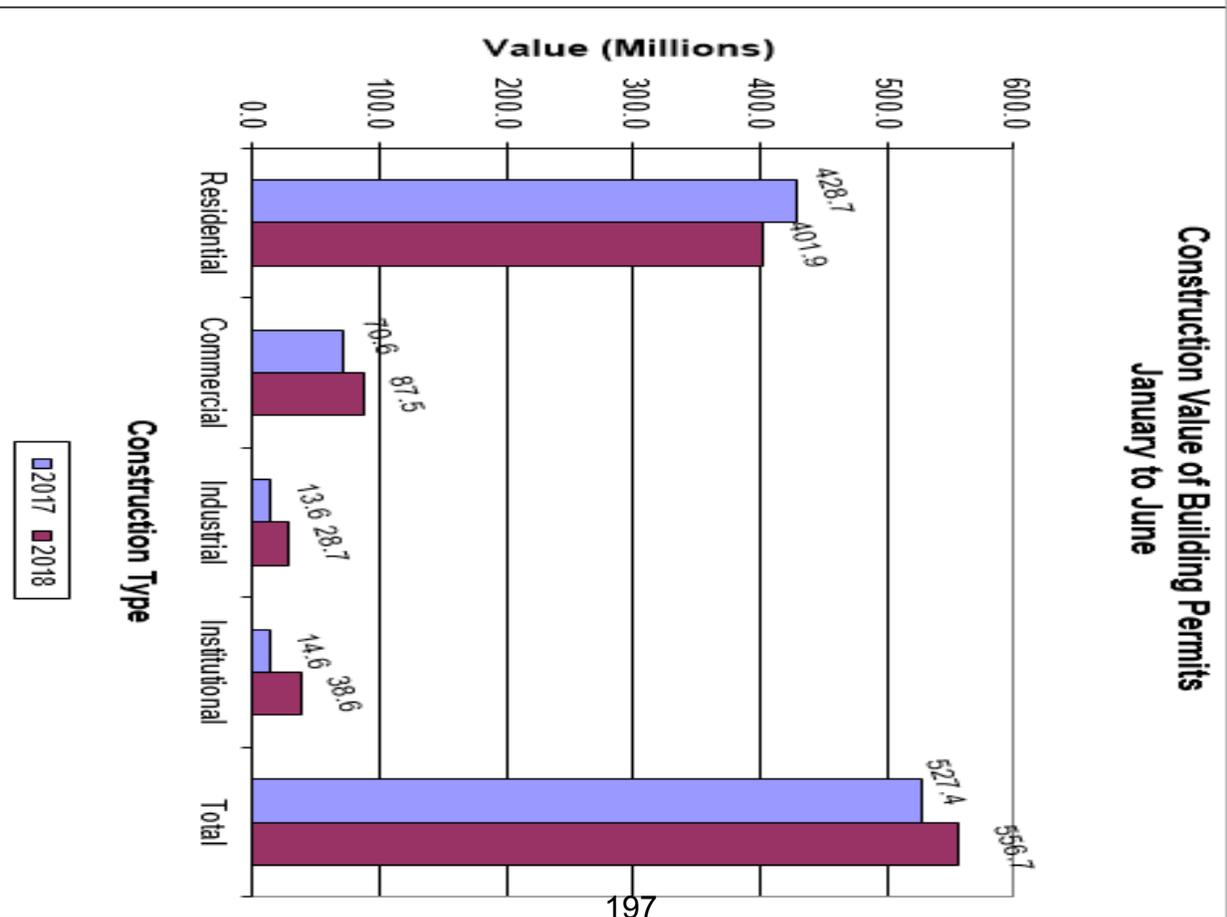
3) Construction Values have been rounded up.

July 12, 2018

Construction Value of Building Permits June



Construction Value of Building Permits January to June



**City of London - Building Division
Principal Permits Issued From June 01, 2018 to June 30, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Const Value
Fanshawe College Of Applied Arts & Technology	1001 Fanshawe College Blvd	Install-Community College-Install, Back Flow Preventer, Grease Interceptor A	0	200,000
Fanshawe College Of Applied Arts & Technology	1040 Waterloo St	Alter-Churches-Alter For Phase 2a At St. Peters Seminary, Work Of	0	7,000,000
124643 Ontario Inc	1050 Hargrove Rd	Alter-Warehousing-Id - Interior Alteration For Medical Marijuana Gro	0	7,500,000
lplex Inc.	1055 Wilton Grove Rd	Install-Plant For Manufacturing-Install Pad And Silos (4)	0	600,000
Rembrandt Meadowlily Inc.	1110 Meadowlark Ridge	Install-Townhouse - Condo-Install Site Services	0	330,000
Sifton Properties Limited Sifton Properties Limited	1170 Riverbend Rd 11	Erect-Townhouse - Cluster Sdd-Erect - Cluster Sfd - 1 Storey, 4 Bedroom, 2 Car G	1	393,000
London City	1201 Adelaide St N	Alter-Water Filtration-Alter For New Air Handling Unit Ftr	0	288,700
Conseil Scolaire Viamonde School Board	1260 Dundas St	Alter-Schools Elementary, Kindergarten-Is - Interior Alteration For Washroom And Flooring	0	800,000
Wastell Developments Inc	1280 Michael Cir A	Install-Street Townhouse - Condo-Install Foundation For Townhome Block A	0	450,000
Wastell Developments Inc	1280 Michael Cir B	Install-Street Townhouse - Condo-Install Foundation For Townhome Block B	0	480,000
University Of Western Ontario-Board Of	1305 Western Rd	Install-University-Install Site Services Ftr	0	0
Governors				
2298342 Ontario Inc.	1320 Driver Lane	Install-Automobile Service Station-Install Site Services For 2350	0	145,000
Wastell Developments Inc	1423 Michael Cir A	Install-Street Townhouse - Condo-Install Foundation For Townhome Block A	0	480,000
Wastell Developments Inc	1423 Michael Cir B	Install-Street Townhouse - Condo-Install Foundation For Townhome Block B	0	495,000
Wastell Developments Inc	1440 Michael Cir A	Install-Street Townhouse - Condo-Install Foundation For Townhome Block A	0	480,000
Wastell Developments Inc	1440 Michael Cir B	Install-Street Townhouse - Condo-Install Foundation For Townhome Block B	0	455,000
Wastell Developments Inc	1440 Michael Cir C	Install-Street Townhouse - Condo-Install Foundation For Townhome Block C	0	480,000
Sciencetech Inc.	1450 Global Dr	Add-Factories-Id - Add Addition To Manufacturing Conditional Fo	0	1,158,000
Old Oak Properties Inc. Old Oak Properties Inc.	148 Fullarton St	Alter-Offices-Cm - Interior Alteration For Tenant Fit Up	0	400,000
Northside Funeral Chapel Ltd	1490 Highbury Ave N	Erect-Funeral Home-Erect Funeral Home Ftr/Fpo, Approved To Shell Jun	0	4,060,000
2568401 Ontario Inc.	1509 Fanshawe Park Rd W	Erect-Automobile Service Station-Cm-Erect New Gas Canopy	0	1,200,000
2568401 Ontario Inc.	1509 Fanshawe Park Rd W	Erect-Carwash-Cm- Erect New Carwash	0	400,000
2568401 Ontario Inc.	1509 Fanshawe Park Rd W	Erect-Convenience Store-Cm- Erect New Convenience Store	0	1,200,000
Sifton Properties Limited Sifton Properties Limited	1597 Ed Ervassil Lane	Erect-Townhouse - Cluster Sdd-Erect - 2 Storey, 2 Car Garage, 2 Bedroom, Unfnis	1	361,800
Sifton Properties Limited Sifton Properties Limited	1603 Ed Ervassil Lane	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 2 Storey, 2 Car Garage	1	465,200
Sifton Properties Limited Sifton Properties Limited	1771 Queens Ave	Alter-Offices-Cm - Construct A Raised Side Walk , Add Vestibule	0	200,000
Greater London International Airport Authority Greater	1950 Avro Rd	Install-Federal Buildings-Install To Upgrade Mechanical System	0	168,810
London International Airport Authority				
C-Ray Holdings Ltd C/O Susan Allison	2004 Dundas St	Alter-Restaurant -Cm- Interior And Exterior Alteration To Existing R	0	200,000
Ironstone Company Inc. Ironstone Building Company	2070 Meadowgate Blvd L	Erect-Townhouse - Condo-Erect - Townhouse Condo- Block L - 6 Units - Dpn'S	6	1,318,800
Ironstone Company Inc. Ironstone Building Company	2070 Meadowgate Blvd O	Erect-Townhouse - Condo-Erect - Townhouse Condo, Block O - 6 Unit- Dpn'S.	6	1,369,200
Ironstone Company Inc. Ironstone Building Company	2070 Meadowgate Blvd P	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block P - 8 Units - Dpn	8	1,820,000
Ironstone Company Inc. Ironstone Building Company	2070 Meadowgate Blvd Q	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block Q - 4 Units - Dpn	4	917,000
Inc.				
Thames Valley District School Board	215 Wharncliffe Rd N	Add-Schools Elementary, Kindergarten-Addition To Elementary School. Alteration To Add	0	900,000
2415121 Ontario Limited	2151 Dalnagary Rd	Erect-Automobile Repair Garage-Cm-Erect New Building For M/Lube Shell Permit On	0	750,000
Legacy Of Upper Richmond Village Inc	2290 Torrey Pines Way 19	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 1 Storey, 4 Bedroom, F	1	331,400

Permits_Issued_Greater_100000_Construction value

**City of London - Building Division
Principal Permits Issued From June 01, 2018 to June 30, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
2217105 Ontario Inc	2294 Dundas St	Erect-Automobile Sales & Service-Erect Automobile Sales And Services Hyundai Car De	0	5,500,000
Summit Properties Inc	235 North Centre Rd	Alter-Offices-Commercial - Alter Interior For Pulse Infoframe Of	0	165,000
Town & Country (2005) Inc.	2373 Callingham Dr E	Erect-Townhouse - Condo-Erect - 5 Unit Townhouse Condo, Dpn 19-23, 3 Store	5	1,992,200
Auburn Inc. Auburn Developments Inc.	2491 Tokala Trail B	Erect-Townhouse - Condo-Erect New 3 Unit Townhouse Condo, Building B, Dpns	3	638,436
Greengate Village Limited	2674 Asima Dr	Erect-Townhouse - Condo-Erect 4 Unit Townhouse, 2 Storey, 1 Car Garage, Un	4	872,200
Qwest Homes Inc. Qwest Homes Inc.	2810 Sheffield Pl 1	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 2 Storey, 2 Car Garage	1	513,000
Sifton Properties Limited Sifton Properties Limited	2810 Sheffield Pl 5	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 5 Bedrooms, Finished	1	513,000
25088884 Ontario Inc.	3 Glenroy Rd	Alter-Retail Store-Cm - Alter For New Pharmacy	0	125,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave F	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	800,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave G	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	800,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave H	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	800,000
1016747 Ontario Limited	3270 Singleton Ave 38	Erect-Townhouse - Cluster Sdd-Erect New 2 Storey, 2 Car Garage, 3 Bedroom, Unfin	1	293,400
1016747 Ontario Limited	3270 Singleton Ave 40	Erect-Townhouse - Cluster Sdd-Erect - 2 Storey, 2 Car Garage, 3 Bedroom, Unfinis	1	300,000
1016747 Ontario Limited	3270 Singleton Ave 42	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 3 Bedrooms, Unfinis	1	320,220
828421 Ontario Inc.	3270 Singleton Ave 48	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sdd - 2 Storey, 4 Bedroom, 2 C	1	309,600
Sifton Properties Limited Sifton Properties Limited	3270 Singleton Ave 50	Erect-Townhouse - Cluster Sdd-Erect - 2 Storey, 2 Car Garage, 3 Bedroom, Unfinis	1	309,600
Sunlight Homes 828421 Ontario Inc.	3270 Singleton Ave 52	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sdd - 2 Storey, 4 Bedroom, 2 C	1	309,600
1279059 Ontario Inc. /mccor management (east)	3409 Wonderland Rd S	Erect-Retail Store-Erect Retail Store Shell Only Rem's Pet Depot Fir	0	703,275
York Developments, 1699259 Ontario Limited	3449 Wonderland Rd S	Install-Restaurant -Install Site Services Fir	0	249,000
Dementia Care Inc	35 Capulet Walk	Alter-Nursing Homes-Is - Interior Alteration And 4 # Maglocks	0	120,000
Dementia Care Inc	41 Capulet Walk	Alter-Nursing Homes-Is - Interior Alteration And Install Four Maglocks	0	120,000
Thames Valley District School Board	440 Princess Ave	Alter-Schools Elementary, Kindergarten-Is - Interior Alteration & Barrier Access Ramp Sh	0	800,000
1319114 Ontario Limited	441 Industrial Rd	Alter-Box Factories-Add - Loading Dock To Industrial Building	0	131,000
Thames Valley District School Board	450 Millbank Dr	Alter-Schools Secondary, High, Jr. High-Interior Alteration To Replace Deteriorated Stair	0	175,000
Public Works Canada C/O Municipal Grants	457 Richmond St	Install-Offices-Not Plumbing Building Exterior Cladding Improvem	0	0
Northwest Healthcare Properties Corporation	460 Springbank Dr	Alter-Offices-Alter Interior For Dental Office Suite 102-103, Fir	0	200,000
Spruce Developments Inc. Spruce Crossing	495 Oakridge Dr 11	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 2 Storey, 2 Car, 3 Bed, Par	1	402,400
Spruce Developments Inc. Spruce Crossing	495 Oakridge Dr 15	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 2 Storey, 2 Car, 3 Bed, Par	1	522,000
Developments Inc.	50 Chapman Ct	(Statcan) Add- Deck-Townhouse - Condo-Add - 8 Decks Units 29 - 36 Blk A	0	116,000
: Sunshine Property Management	50 Chapman Ct	(Statcan) Add- Deck-Townhouse - Condo-Add 8 Decks Units 21 - 28 Blk B	0	116,000
Thames Valley District School Board	509 Waterloo St	Alter-Schools Secondary, High, Jr. High-Interior Alteration To Replace Deteriorated Stair	0	105,000
Thames Valley District School Board	656 Tennant Ave	Alter-Schools Secondary, High, Jr. High-Is - Alter To Improve Barrier Free Accessibility.	0	250,000
Thames Valley District School Board	7091 Clayton Walk 18	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 2 Storey, 2 Car Garage, 4 Bedrooms	1	628,000
Delange Construction	7091 Clayton Walk 8	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 1 Storey, 3 Car, 3 Bedroom, Unfinis	1	650,000
: London Health Sciences Centre	800 Commissioners Rd E	Alter-Hospitals-Interior Alter To 2nd Floor. Fir Ppo	0	300,000
785 Wonderland Road Inc / Mccor Management (East)	805 Wonderland Rd S B	Alter-Restaurant <= 30 People-Alter Interior For Kelseys Restaurant. Fir	0	485,270
Inc.	905 Samia Inc.	Erect-Townhouse - Condo-Erect New 4 Units Townhouse, Block O, Units 74- 7	4	949,200
Percy Zaitman Holdings Limited	924 Wonderland Rd S	Alter-Apartment Building-Balcony Repairs	0	251,000

**City of London - Building Division
Principal Permits Issued From June 01, 2018 to June 30, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
i Starlight Group Property Holdings Nestle Canada Inc.	945 Huron St 980 Wilton Grove Rd	Add-Garage For Apartment Building-Alter To Repair Parking Garage: Structural Repairs Add-Industrial Laboratory-Id- Addition To House New Manufacturing Line Foun	0	150,000 4,800,000

Total Permits 75 Units 68 Value 64,681,371

Includes all permits over \$100,000, except for single and semi-detached dwellings

Commercial building permits issued - subject to Development Charges under By-law C.P.-1496-244

Owner

York (London) Inc York Developments (London) Inc	2217105 Ontario Inc	2568401 Ontario Inc.		
		2568401 Ontario Inc.		
		Northside Funeral Chapel Ltd		
		1279059 Ontario Inc. /		

Commercial permits regardless of construction value.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Chinmaya Mission (Canada)
2156 Highbury Avenue North
Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following information report regarding 2156 Highbury Avenue North, **BE RECEIVED** for information.

Executive Summary

Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the subject site. This information is being provided in response to a delegation from a potential applicant requesting approval to submit an Official Plan amendment application to amend The London Plan. The *Planning Act* does not permit amendments to new Official Plans for two years following the date of the adoption of the new Official Plan, unless otherwise permitted by Municipal Council.

Should Municipal Council resolve that the applicant is permitted to request an amendment to The London Plan, the merits of the proposed application would be evaluated following the submission of a complete application.

Nature of Proponent's Request

The proponent is proposing to add a Neighbourhood Facility zone to the subject site in order to permit a Place of Worship which would use the existing structure on the subject site. Additional parking would be required on site to facilitate the use. The proposed use requires a Zoning By-law amendment application as well as an Official Plan amendment as this type of use is not permitted within the existing Agricultural designation or the existing Specific Policy Area of the 1989 Official Plan and The London Plan. The sites location outside of the Urban Growth Boundary does not lend itself to an alternative Official Plan designation therefore a new Specific Area Policy would be required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in northeast London on the east side of Highbury Ave N. The site is approximately 700 metres north of Fanshawe Park Road abutting natural heritage features which includes the Fanshawe Wetland ESA and a Significant Valley Corridor. The lands are regulated by the Upper Thames River Conservation Authority. The site is also located outside of the Urban Growth Boundary. The site is approximately 2.02 ha in size with a small creek running north/south through the middle of it and an existing single detached dwelling. Currently no sanitary or storm sewers service the site.

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

- The London Plan Place Type – Farmland, Greenspace
- Existing Zoning – R1-11(16), OS4, ER

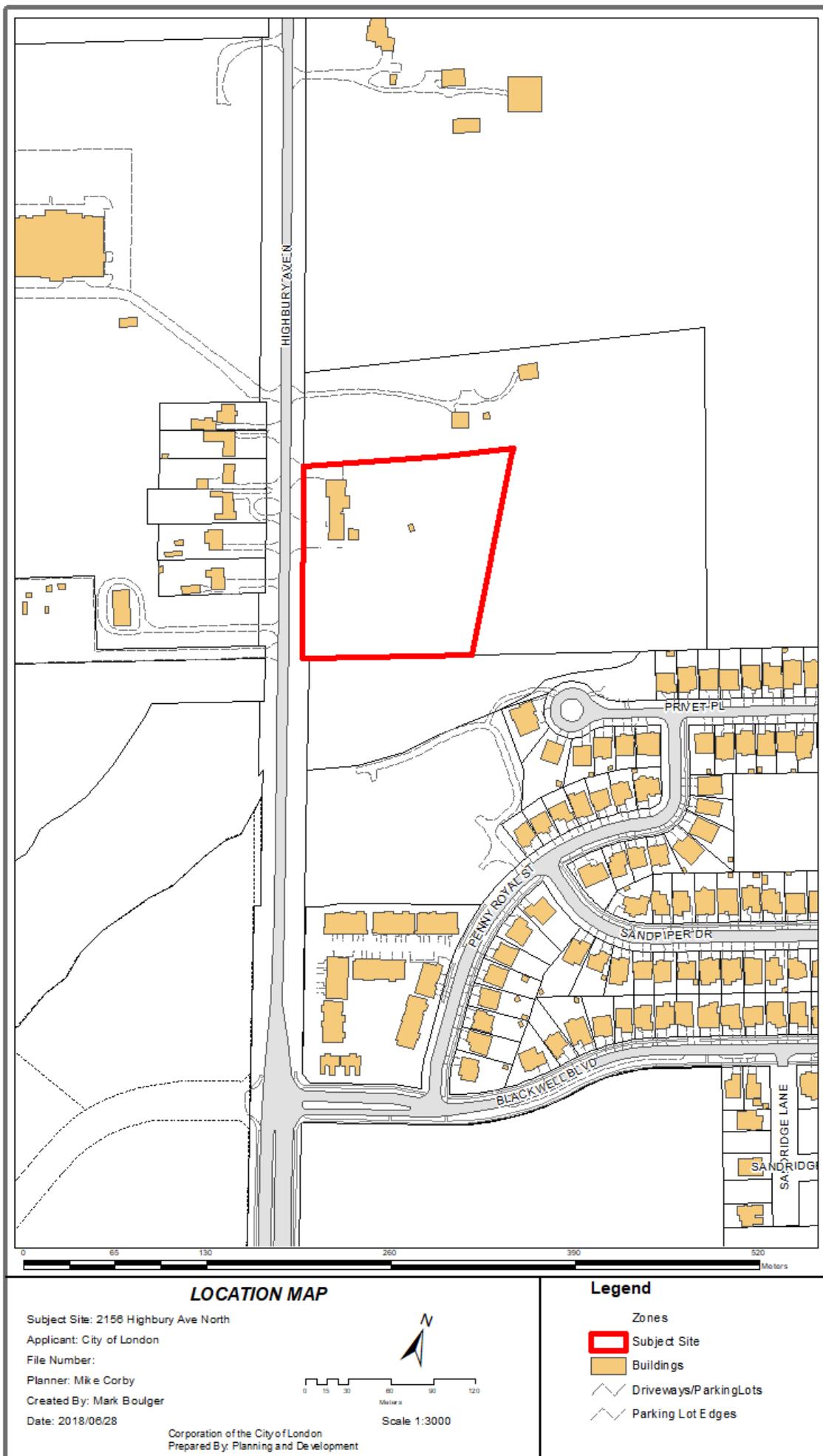
1.3 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 135.6 metres
- Depth – approximately 140 metres
- Area – 2.02 ha
- Shape – irregular

1.4 Surrounding Land Uses

- North – Natural Heritage Features/Agricultural
- East – Agricultural/Natural Heritage Features
- South – Natural Heritage Features/ Low Density Residential
- West – Single detached dwellings

1.5 Location Map



2.0 Site History

The subject site was annexed to the City of London in 1993 and was previously zoned to permit Agricultural uses under the former Township of London Zoning By-law. The subject site was originally used as a farm dwelling while an additional dwelling unit was added at a subsequent point in time.



The site has been through multiple planning applications with the first Official Plan and Zoning By-law amendment application [OZ-6422] being applied for in 2003. The amendment requested a change to the existing Official Plan from Agriculture, Open Space and Environmental Review to a Multi-Family, Medium Density Residential designation. It also requested to amend Zoning By-law No. Z.-1 to change the zoning of the subject property from an Agriculture (A1) Zone to a Residential R1 Special Provision (R1-9()) Zone, Residential R7 Zone, Restricted Office (RO2) Zone; and Neighbourhood Facility (NF) Zone.

A report to Planning Committee on May 26, 2003 recommended refusal of the above noted amendments. It was Staff's opinion that:

1. *The requested office and residential uses are considered to be premature due to the lack of municipal services including: storm and sanitary services; public transit; schools and libraries.*
2. *The subject property is located outside of the Urban Growth Area. Expansion of the Growth Area to accommodate additional land for residential development is*

not warranted given the current supply of vacant land to accommodate urban growth, and the recent five year Official Plan review which did not support expansion of the Growth Area for residential purposes.

- 3. The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which provides criteria for the expansion of urban growth areas.*

On June 2, 2003 Council supported Staff's recommendation and refused the application.

A similar Official Plan and Zoning By-law amendment application [OZ-6827] was applied for in 2004. The application requested to amend the Official Plan to add a special policy to create residential lots for non-farm dwellings and a concurrent Zoning change from the existing Agricultural (AG1) zone to a Residential R1 (R1-11) Zone. On February 28, 2005 Staff provided a report to Planning Committee recommending refusal of the above-mentioned amendments. It was Staff's opinion that:

- 1. The requested Zoning By-law amendment does not conform to the Agricultural policies in the Official Plan, which restricts the creation of lots for non-farm residential uses.*
- 2. Approval of the requested amendment could set a precedent for the creation of additional residential lots in the Agriculture designation.*
- 3. The proposed residential uses are considered to be premature due to the lack of municipal services.*
- 4. The subject property is located outside of the Urban Growth Area. Amending the Official Plan to include a special policy to accommodate additional land for residential development is not warranted given the current supply of vacant land to accommodate urban growth.*
- 5. The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which only permits residential infilling in agricultural areas. Residential infilling is only permitted in Rural Settlement designations.*
- 6. The proposal to sever and create two additional lots for single detached dwellings could compromise the future development pattern of the area. Official Plan policies discourage the development of new single detached dwellings along arterial road frontages.*
- 7. Official Plan policies, Upper Thames Valley Conservation Authority (UTRCA) policies and Provincial policies discourage the fragmentation of hazard lands.*

Notwithstanding the Staff recommendation, on March 7, 2005, Municipal Council introduced by-laws to amend the Official Plan and Zoning By-law to implement a new special policy in the Official Plan to allow for the creation of residential lots for non-farm dwellings and amended the zoning from an AG1 Zone to R1-11(____)/OS4/ER to permit three single detached dwellings.

In 2005 a severance application [B.069/05] and minor variance application [A.113/05] were also applied for however the conditions of consent were never fulfilled and lots were never formally created.

Most recently a report was brought forward to the Planning and Environment Committee in 2016, as the approved zoning in 2005 was inadvertently removed from the subject site shortly after Council approval. At the time of the application in 2005, Planning Staff were simultaneously finalizing the comprehensive Zoning By-law amendment to incorporate the Zoning of the five separate municipalities, applied to all the lands that

had been annexed to the City, into the current City of London Z.-1 Zoning By-law. This “Annexed Area Zoning Amendment” was approved by Council shortly after the approval of the Zoning amendment for the subject site. Amongst all of these amendments was one clause which inadvertently deleted the special zoning provisions of the approved R1-11(14) zone recently adopted by Council for the subject site. Therefore, while the zone map continued to show the subject site as being zoned R1-11(14) there was no corresponding text within the Zoning By-law listing the permitted uses and regulations applicable to that zone. The Staff recommendation in 2016, simply re-applied those special provisions to the subject site that had been inadvertently deleted and it was supported by Council.

The site-specific special policy to permit 3 lots for single detached dwellings was carried over into the London Plan (para 1236), with applicable modifications to replace the phrase “agricultural designation” with “Farmland Place Type”.

Many of the same agricultural policies that applied in during the 2003 and 2005 requested amendments still apply today with the Provincial Policy Statement being updated in 2014. It is anticipated that The London Plan policies applying to the subject site will come into force after the next pre-hearing conference. The relevant policies that apply to the subject site are identified below in section 3.1.

3.0 Relevant Background

3.1 Policy Context

Provincial Policy Statement 2014

1.1.4 Rural Areas in Municipalities

The PPS ensures healthy, integrated and viable rural areas [1.1.4.1] are maintained and supported by building upon rural character, and leveraging rural amenities and assets; accommodating an appropriate range and mix of housing in rural settlement areas; encouraging the conservation and redevelopment of existing rural housing stock on rural lands; promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3. Rural Settlement areas will also be the focus of growth and development and their vitality and regeneration shall be promoted within rural areas.

1.1.5 Rural Lands in Municipalities

Within rural lands located in municipalities the PPS provides a range of permitted uses which include the management or use of resources; resource-based recreational uses (including recreational dwellings); limited residential development; home occupations and home industries; cemeteries; and other rural land uses [1.1.5.2]. The PPS seeks to ensure new uses and developments are compatible with the rural landscape and can be sustained by rural service levels [1.1.5.4].

The PPS seeks to provide opportunities to support a diversified rural economy while promoting agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices at the same time directing non-related development to areas where it will minimize constraints on these uses. 1.1.5.7, 1.1.5.8

2.1 Natural Heritage

The PPS ensures that natural features and areas shall be protected for the long term [2.1.1] and promotes the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems [2.1.2].

2.3 Agriculture

The PPS protects prime agricultural areas for long-term agricultural uses prioritizing special crops followed by Canada Land Inventory Class [2.3.1]. In prime agricultural areas permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses [2.3.3.1]. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards [2.3.3.2].

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a specialty crop area;
 2. the proposed use complies with the minimum distance separation formulae;
 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

2.6 Cultural Heritage and Archaeology

2.6.2 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.

Urban Growth Boundary

The subject property is located outside of the Urban Growth Boundary, the City's twenty year development limit was recently reviewed through The London Plan. Through this review it was determined that there is a sufficient amount of vacant land in northeast London within the Urban Growth Boundary to accommodate growth and no expansion is required.

The London Plan

The subject site has a small Farmland Place Type along Highbury Ave and in the northeast corner of the site. The majority of the property is located within the Greenspace Place Type.



Note: Official Plan boundaries are subject to interpretation by Municipal Council.

Farmland

1180_ The Farmland Place Type will promote sustainable farm practices which encourage the conservation of surface and groundwater resources, aquatic habitat, woodlands, wetlands, wildlife habitat and other natural features, where such practices do not impose undue limitations on the farming community. This Place Type will also discourage the creation of non-farm residential lots in the agricultural area. Impacts from any new non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

HOW WILL WE REALIZE OUR VISION?

9. Discourage uses which are not supportive of agriculture from locating in the Farmland Place Type. Limited non-agricultural uses may be permitted only where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.

11. Mitigate impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands by directing any proposed non-agricultural uses in the Farmland Place Type to lands that are classified as having a lower soil capability in the Canada Land Inventory and to areas where the potential for conflict between agriculture and the proposed non-agricultural uses will be minimized.

PERMITTED USES

1182_ The following uses may be permitted within the Farmland Place Type in conformity with the policies of this Plan:

1. Agricultural uses, including the principal farm residence, secondary farm dwelling units that may be required for the farm operation, and associated on-farm

buildings and structures that support the farm operation, such as barns, silos, drive sheds, and manure storage facilities.

2. Residential uses on existing lots of record.
3. Home occupation.
4. Secondary farm occupation and on farm diversified uses.
5. Agricultural-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.
6. Ancillary retail for on-farm grown and/or produced goods.
7. Limited non-agricultural uses where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.
8. Natural resource extraction.
9. Small Wind Energy Conversion System (SWECS) consisting of one wind turbine and blades, one supporting tower and associated control or Small Wind Energy Conversion System conversion electronics.
10. Green Energy Projects.
11. Existing uses.

INTENSITY

1213_ Farmland uses will be dynamic and vibrant; however some activities within the Farmland Place Type may need to be limited as follows:

2. Non-agricultural uses will be grouped.

FORM

1216_ Development in the Farmland Place Type will be efficient and directed so as to:

1. Minimize noxious impacts on residential buildings.
2. Locate development toward the street to minimize the impact on the amount of land that is agriculturally viable for production.
3. Be grouped to minimize points of access to the street that would create transportation conflict.
4. In all instances maximize the quality and amount of possible land area for agricultural production.
5. Be located on the least valuable soil within the farm parcel.

2156 Highbury Avenue North

1236_ In the Farmland Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), a severance to create three residential lots for non-farm dwellings will be permitted.

Greenspaces

756_ The majority of place types in The London Plan apply to either Urban London, or Rural London, but do not apply to both. There are two Place Types, however, that apply city-wide:

1. Green Space Place Type – applies to the Natural Heritage System, the parks and open space system, hazard lands, and natural resources. The Environmental Policies of this Plan provide clear guidance on how the Natural Heritage System will be protected, conserved and enhanced within this Place Type, in accordance with provincial policy.

PERMITTED USES 762_ The following uses will be permitted within the Green Space Place Type:

1. Permitted uses on the lands identified on Map 5 and Map 6, are contained in the Environmental Policies part of this Plan.
2. Lands within the Green Space Place Type vary considerably, and the uses that are permitted within these areas will be dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected.
3. District, city-wide, and regional parks. Some neighbourhood parks, urban parks and civic spaces are not shown on Map 1, but are included as uses allowed within the Neighbourhoods Place Type.
4. Private green space uses such as cemeteries and private golf courses.
5. Agriculture, woodlot management, horticulture and urban gardens, conservation, essential public utilities and municipal services, storm water management, and recreational and community facilities.
6. The full range of uses described above will not necessarily be permitted on all sites within the Green Space Place Type, and shall be subject to all relevant policies of this Plan.

Environmental Policies

PERMITTED USES AND ACTIVITIES

1388_ In the Green Space Place Type, certain activities or uses will not be permitted, or may be permitted only after studies have been undertaken and approved by the City. This policy of the Plan identifies those uses.

1389_ The following uses may be permitted in the Green Space Place Type:

1. Expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions.
2. Recreational uses associated with the passive enjoyment of natural features including pathways and trails provided that such uses are designed, constructed and managed to protect the natural heritage features and their ecological functions.
3. Creation or maintenance of infrastructure subject to the infrastructure policies below.
4. The harvesting of trees in accordance with good forestry management practices and applicable federal, provincial and municipal requirements.
5. Conservation, mitigation and rehabilitation works.

DEVELOPMENT AND SITE ALTERATION

1393_ Development and site alteration shall not be permitted on adjacent lands to natural heritage features and areas until appropriate studies have been completed to satisfy provincial and municipal policy and the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage features or on their ecological functions.

4.0 Conclusion

This report is to be read in conjunction with the delegation provided by the potential applicant for the property 2156 Highbury Avenue North.

Should Municipal Council resolve to allow the request for an Official Plan amendment to be submitted to the amend The London Plan policies applicable to this site, and such an application is submitted, Staff will present future recommendations to Municipal Council with regard to the merits of the application.

Prepared by:	Mike Corby, MCIP RPP Senior Planner, Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

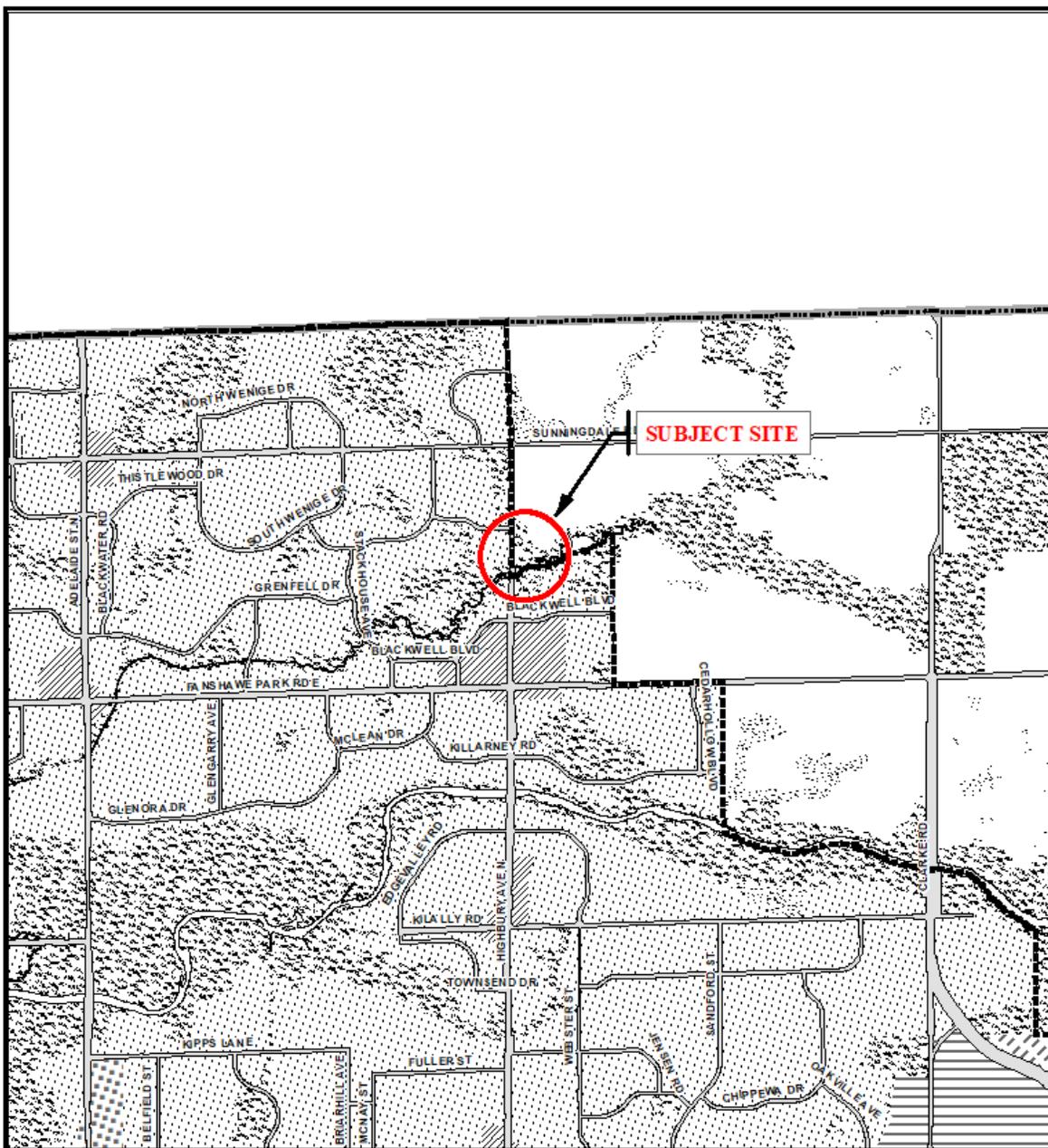
August 1, 2018

Appendix B – Policy Context

The following policy and regulatory documents are being 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, 2014

The London Plan



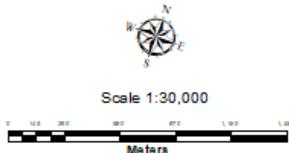
Legend

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

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

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

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number:
Planner: MC
Technician: MB
Date: June 28, 2018

RESUBMITTED

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.Eng. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	CAPITAL WORKS CLAIM – 33M-654 RIVERBEND MEADOWS PH 3 MEETING ON AUGUST 13, 2018

RECOMMENDATION

That, on the recommendation of the Director, Development Services, the request for additional payment of the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3 **BE DISMISSED** as the original claim amount has been paid out in accordance with the Subdivision Agreement provisions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

N/A

BACKGROUND

On May 22, 2018, Municipal Council resolved the following:

That the request from C. Linton, Developro Land Services Inc., for delegation status relating to Riverbend Meadows Phase 3, BE REFERRED to the Managing Director, Development and Compliance Services and Chief Building Official to review and to determine the appropriate process to be undertaken. (2018-T04) (4.5/9/PEC)

A complaint letter (attached) was also received from Developro Land Services Inc. on behalf of Pemic Land Corp, the developer of Riverbend Meadows Subdivision Phase 3 (33M-654). The letter requested additional payment of a Capital Works Budget claim of approximately \$16,000 for the replacement of a private driveway related to a sidewalk construction project. It is noted that the letter incorrectly references the Urban Works Reserve Fund (UWRF) rather than the Transportation Capital Works Budget as the source for the original claim. As further discussed below, the developer's contractor replaced the entire driveway in order to meet the City's design standards for a maximum of 4% cross fall grade requirements within new subdivisions. The developer claims that these costs were not contemplated in the original construction estimate which was carried forward under the Subdivision Agreement.

ANALYSIS

Under the Riverbend Meadows Phase 3 Subdivision Agreement, the developer was required to construct sidewalks fronting eight existing homes on Logans Trail and Logans Run which would be claimable under the Transportation Capital Works Budget. The agreement stipulates that the claim be limited to the maximum amount of \$25,600 excluding HST, which was based on the developer's Professional Engineer's estimate for construction of the works.

Following review of the submitted claim, Pemic Land Corp was paid \$25,600 excluding HST under the Capital Works Budget on January 19, 2017. The reimbursed claim included all costs incurred by the developer for sidewalk construction, engineering fees and a share of the public portion of the driveway replacement within the right-of-way up to the maximum allowable amount.

The additional funding that is being requested is for the private portion of the driveway. Generally in order to accommodate new sidewalk construction, the existing driveway would be

RESUBMITTED

saw cut to allow for the new sidewalk. If required, in order to meet the maximum 4% cross fall grade requirements, the public portion of the driveway within the road allowance may be replaced at the City's cost. As per section 9.4.3 of the City of London's Design Specifications & Requirement Manual, the private portion of the driveway surfaces can have a maximum grade up to 10%. Therefore, replacing the private portion of the driveway to meet 4% cross fall is not a requirement of the City and shall be the developer's cost. Replacing the entire driveway is not consistent with City- led projects and replacement of the private portion of the driveway would be at the homeowner's expense. The City works with the homeowner on a case by case basis to reach an agreement, however it is understood that replacement of the private portion of driveway is not a City expense.

It is noted in Developro's letter that a City-led sidewalk replacement project on Bradley Ave exceeded the 4% cross fall grade requirements. The reason this standard does not apply in this situation is because this was a lifecycle sidewalk replacement project and the design standards specifically reference the 4% cross fall requirement applies to new subdivisions or developments. The City attempts to correct any cross fall grade deficiencies through their lifecycle replacement programs, however in older areas it can be impractical to do so, as opposed to new subdivisions where the grades are generally more level.

The additional funding requested by the developer is recommended to be declined based on the following:

1. It is understood that the driveway was in place prior to registration of the Subdivision Agreement; therefore it is reasonable to assume that any requirements to meet the City's design standards should have been known and included in the Engineer's estimate.
2. The 4% cross fall requirement is not applicable to the private portion of the driveway, hence replacement of the private portion of the driveway was never contemplated nor requested by City staff.
3. The additional funding request is for works completed on private property and in accordance with City's practices, these costs would not be funded through the Capital Works Budget.
4. The Capital Works Budget claim has been paid out in accordance with the Subdivision Agreement up to the maximum allowable amount.

CONCLUSION

The complaint letter submitted by Developro Land Services Inc. on behalf of Pemic Land Corp, regarding the request for additional payment related to the construction of the private driveway was reviewed and discussed with Developro Land Services Inc. It is Staff's opinion that the Transportation Capital Works Budget claim has been paid out in accordance with the Subdivision Agreement and that request for additional payment to Pemic Land Corp be dismissed.

PREPARED BY:	CONCURRED IN BY:

RESUBMITTED

JASON SENESE, CGA, CPA, MBA MANAGER, DEVELOPMENT FINANCE	RAFIQUE TURK, M.Eng., P.Eng. MANAGER, DEVELOPMENT ENGINEERING, DEVELOPMENT SERVICES
RECOMMENDED BY:	SUBMITTED BY:
PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.Eng. MANAGING DIRECTOR, DELVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

Attachment: April 20, 2018 letter titled *Riverbend Meadows Phase 3, 33M-654* from Developro Land Services Inc.

Cc.: Kelly Scherr, Managing Director, Environmental & Engineering Services & City Engineer
Anna Lisa Barbon, Managing Director, Corporate Services and City Treasurer and Chief Financial Officer
Craig Linton, Developro Land Services Inc.

DEVELOPRO LAND SERVICES INC

April 20, 2018

The City of London
300 Dufferin Avenue
London, ON
N6A 4L9

ATTENTION: Ms. Heather Lysynski, City Clerks Office

VIA EMAIL ONLY

Dear Ms. Lysynski

Re: Riverbend Meadows Phase 3, 33M-654, UWRF Claim

This letter is to formally request delegation status at the next possible Planning and Environment Committee (PEC) meeting to discuss a claim made by Pemic Land Corp to the UWRF.

This subdivision required a sidewalk to be installed in front of eight existing homes, and was to be claimable to the UWRF. A preliminary estimate was prepared by our consulting engineer (AECOM). This estimate was used to formulate the subdivision agreement which stipulated the maximum UWRF claim to be \$25,600, excluding HST.

When it came time to construct the sidewalk, we were informed by Development Services that the sidewalk running through a stamped concrete driveway located at 1520 Logans Trail could not be installed by simply sawcutting the driveway and pouring a sidewalk to match the existing grade because the cross fall measured on the existing driveway slightly exceeded 4%.

This required the entire driveway to be removed, as it is impossible to match the existing concrete colour. This was a significant extra cost that was never contemplated during the original estimate. Development Services has denied the claim to recover the extra costs, which amounted to approximately \$16,000.

At the same time as I was told our UWRF claim would be rejected, I noted that sidewalk installed by the City of London at the south west corner of Bradley Avenue and Ernest Avenue did not meet this same standard. When I raised this issue with Development Services, my comments were dismissed, and was told this issue was "closed".

I respectfully request that PEC grant delegation status for myself to address this issue, as I believe it has been an unfair consideration of this extra expense.

DEVELOPRO
LAND SERVICES INC

Sincerely,

A handwritten signature in black ink, appearing to read 'CL', written in a cursive style.

Craig Linton
Developro Land Services Inc.



AECOM
410 – 250 York Street, Citi Plaza
London, ON, Canada N6A 6K2
www.aecom.com

519 673 0510 tel
519 673 5975 fax

August 11, 2016

Mr. Matt Feldberg, C.E.T.
Manager, Development Finance
The Corporation of the City of London
Finance and Corporate Services/Development Finance
300 Dufferin Ave.
London, ON N6A 4L9

Dear Mr. Feldberg:

Project No: 60263364

**Regarding: Riverbend Meadows Subdivision Phase 3 (33M-654)
Pemic Land Corp.
UWRF Claim Submission – External Sidewalks**

On behalf of our client:

Pemic Land Corp.
100 Wellington Road South, Suite 301
London, ON
N6B 2K6
GST Number: 87775 1107 RT0001

this letter and attached supporting documentation is a request for claim to the Community Services Reserve Fund (CSRF) for the below-noted approved claimable items associated with the Riverbend Meadows Subdivision Phase 3 (33M-654) development project. A claim in the amount of **\$47,827.09** (including engineering and HST) is being submitted for the works completed on this project.

The work was completed as part of the Riverbend Meadows Subdivision Phase 3 development located in the Riverbend community in northwest London. In accordance with the approved subdivision agreement, the following items have been identified as claimable to the CSRF:

28 b) for the cost of construction of a sidewalk on the proposed Logans Trail and Logans Way to Logans Run in Plan 33M-549. The claim will be limited to this maximum amount of \$25,600 excluding applicable taxes.

In accordance with the Subdivision Agreement and approved engineering drawings, the required sidewalk was installed. In addition, due to the existing conditions of an existing stamped concrete driveway, and the City not accepting of a sidewalk with a 5% crossfall, the driveway at Mun. No. 1520 Logans Trail had to be removed and replaced. As such, added costs were incurred and are submitted for acceptance as claimable.

In accordance with the attached Claimable Works Checklist, all required supporting documentation has been provided.

Please note that the paid AECOM invoices related to the claimable items have not been attached. The above-noted claimable items relate to the installation of sidewalks and driveway, therefore detailed design and construction administration was limited. As such, we are recommending using a calculation of 4% for engineering fees in lieu of a typical 15% calculation. AECOM did not prepare individual invoices to the client related specifically to the claimable works, therefore it would be extremely difficult to properly identify the hours expended on the completed work. AECOM can confirm that all invoices related to the claimable items have been paid in a timely manner.

We trust the above and attached is sufficient for review and approvals as soon as possible. Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,
AECOM Canada Ltd.



Peter McAllister, P.Eng., P.M.P.
Senior Project Manager
Peter.McAllister@aecom.com

PAM:jd
Encl.

cc. C. Linton, Pemic Land Corp.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: York Development
131 King Street
Public Participation Meeting on: August 13, 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 York Development relating to the property located at 131 King Street:

- (a) The comments received from the public during the public engagement process attached hereto as Appendix "A", **BE RECEIVED**
- (b) Planning staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990, c.P. 13.

IT BEING NOTED that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting.

Executive Summary

Summary of Request

The requested amendment is to permit a site-specific bonus zone to allow for a 30-storey (102 metre) apartment building which will include 266 residential units (931uph) on floors 6 to 30, while the ground floor will provide 608m² of commercial space. Three levels of underground parking will be provided in addition to parking on levels 2 through 5, providing a total of 301 parking spaces with 7 surface parking spaces being provided off York Street at the rear of the building.

Purpose and the Effect

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Zoning By-law Amendment request prior to the expiration of the 150 day timeframe legislated for a Zoning By-law Amendment;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation;
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the review is complete.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in Downtown London and is a through lot with its wider frontage along King Street and its narrower frontage on York Street. The site is directly south of the London Covent Garden Market and just east of Budweiser Gardens. The site is approximately 0.28 ha in size and is currently undeveloped and used for surface parking. East and west of the site along King Street are mixed use buildings with predominately commercial/retail uses at grade and a scale of 2 to 3 storeys in height. The south portion of the site that fronts York Street is located in an area made up of a combination of surface parking and low scale buildings generally used for office and residential type uses.

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

- Official Plan Designation – Downtown
- The London Plan Place Type – Downtown
- Existing Zoning – h-3*DA(16)*D350

1.3 Site Characteristics

- Current Land Use – Surface Parking Lot
- Frontage – 32 metres
- Depth – 120 metres
- Area – 0.28 ha
- Shape – Irregular

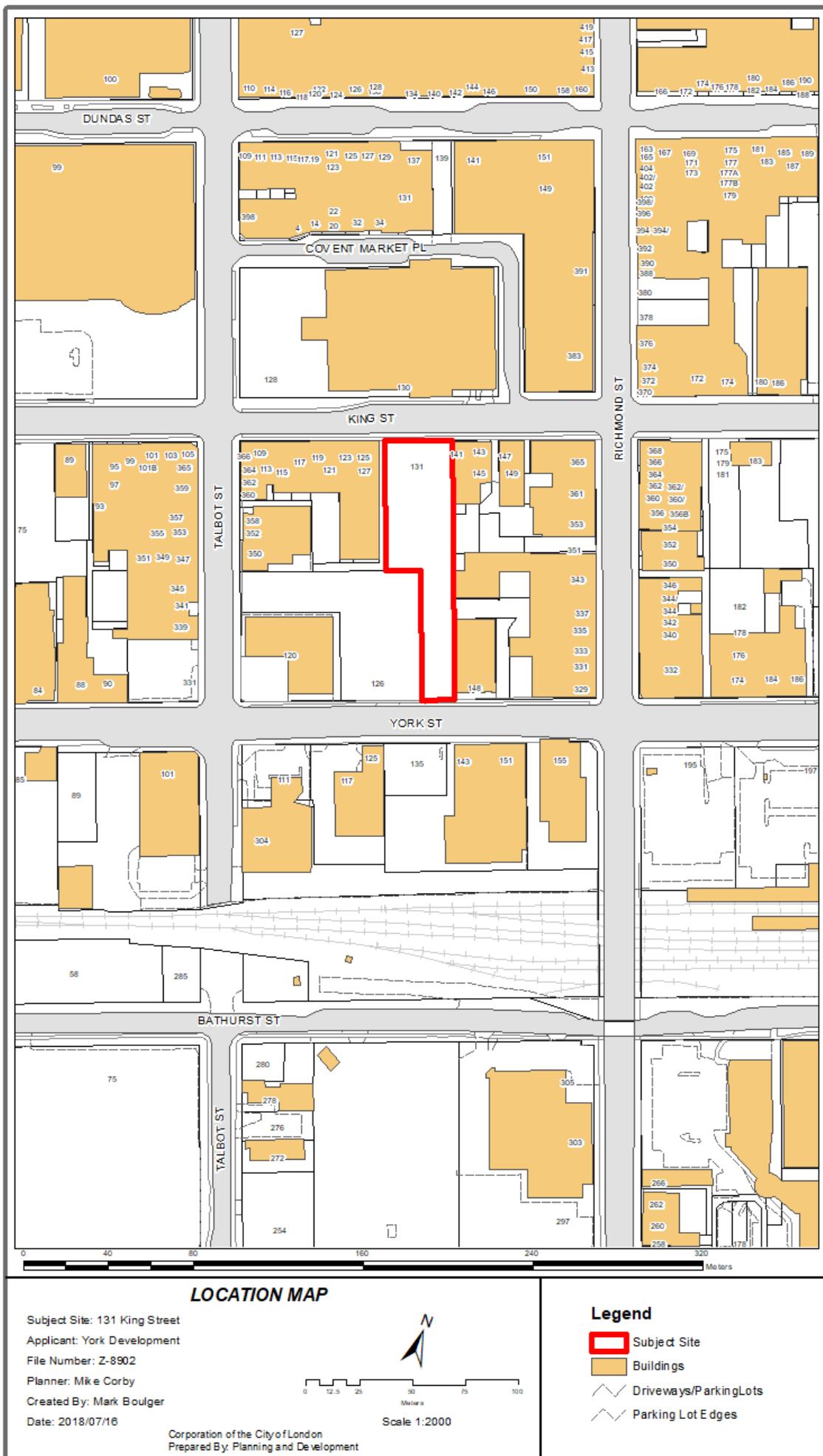
1.4 Surrounding Land Uses

- North – Covent Garden Market
- East – Mixed use buildings
- South – Office/Residential/Surface Parking
- West – Mixed use buildings

1.5 Intensification (identify proposed number of units)

- The proposed development will represent intensification within the Built-area Boundary
- The proposed development will represent intensification within the Primary Transit Area

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposal is for a 30-storey (102 metre) apartment building which will include 266 residential units (931uph) on floors 6 to 30, while the ground floor will provide 608m² of commercial space. Three levels of underground parking will be provided in addition to parking on levels 2 through 5, providing a total of 301 parking spaces with 7 surface parking spaces being provided off York Street at the rear of the building. Vehicular access is provided off King Street and York Street to access upper and lower levels of parking.

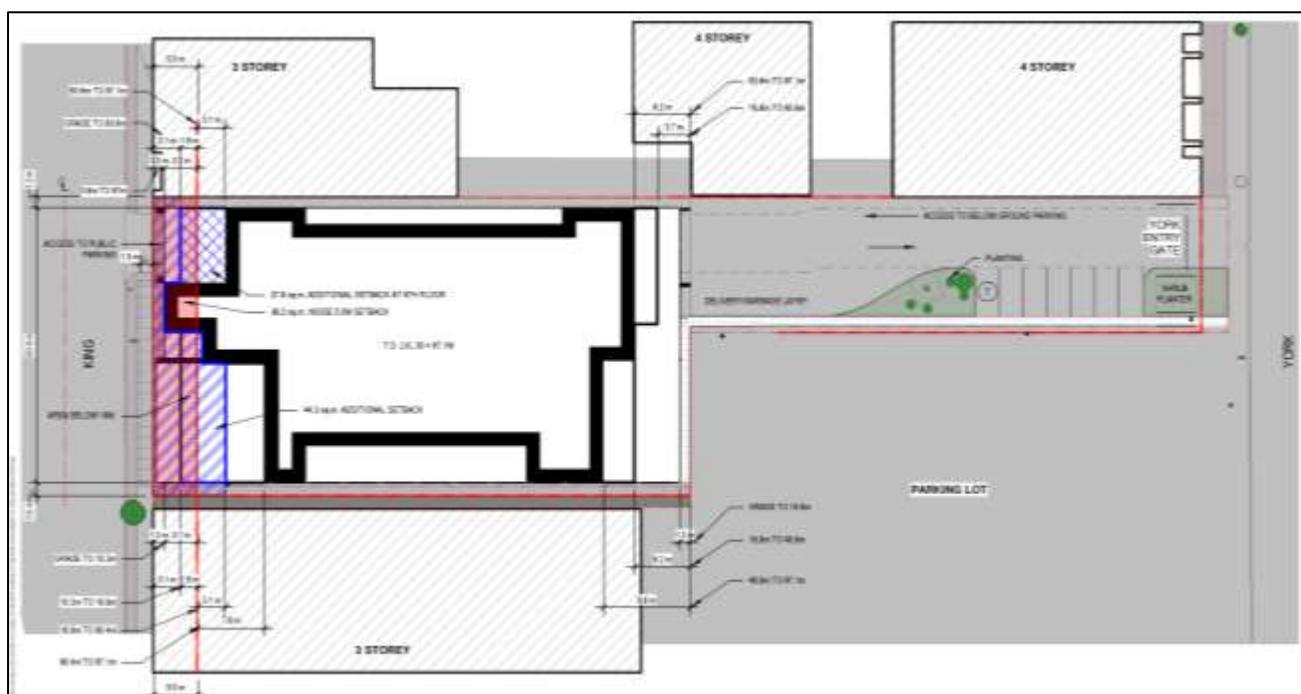


Figure 1: Conceptual Site Plan

A pedestrian connection along the westerly edge of the site has been proposed to allow for movement through the site from York Street to King Street.



Figure 2: Conceptual Rendering: street level view



Figure 3: Conceptual Rendering: view from the northwest.



Figure 4: Conceptual Rendering: view from the northeast

2.2 Submitted Studies

The application was accepted as completed on February 9, 2018. The following information was submitted with the application:

- Planning Justification Report
- Conceptual Site Plan
- Urban Design Brief
- Heritage Impact Assessment
- Archeological Study
- Noise, Vibration, Feasibility Assessment
- Pedestrian Wind Study
- Zoning Referral Record

2.3 Requested Amendment

The requested amendment is for a Zoning By-law amendment from a Holding Downtown Area Special Provision (h-3*DA1(6)*D350) Zone to a Downtown Area Special Provision Bonus (DA1(6)*D350*B(_)) Zone. The bonus zone is requested to permit the following:

- Maximum Density of 931 UPH;
- Maximum Height of 102 m; and
- Site specific setbacks for residential components of the building

3.0 Relevant Background

3.1 Community Engagement (see more detail in Appendix B)

There were 3 responses received during the community consultation period.

Support for:

- Development in the downtown which does not result in the removal of a heritage building and results in the removal of surface parking
- Total parking provided in the development provides opportunity for public parking in the downtown core

Concerns for:

- Potential snow loading on building
- View of tenants on second floor
- Wind impacts
- Prefer building to abut easterly building to not create a narrow alleyway

3.2 Policy Context

The subject site is currently located in a Downtown Area (“DA”) Designation which is intended to support major office uses, hotels, convention centres, government buildings entertainment uses and cultural facilities which have a city-wide or larger service area. The London Plan also identifies the subject site and surrounding area within the Downtown area supporting the City’s highest-order mixed uses and activities providing the same broad range of uses and heights.

Provincial Policy Statement, 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 and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock [1.1.3.3] while promoting appropriate development standards which facilitate intensification, redevelopment and compact form [1.1.3.4] and promoting active transportation limiting the need for a vehicle to carry out daily activities [1.1.3.2, 1.6.7.4].

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

The PPS ensures consideration is given to culturally significant heritage properties and that they are protected from adverse impacts by restricting development and site alteration on adjacent lands to protected heritage property unless it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." [2.6.3.].

In accordance with section 3 of the Planning Act, all planning decisions 'shall be consistent with' the PPS.

Official Plan

The subject site is designated Downtown which is the primary multi-functional activity centre serving the City of London and the surrounding area, comprising much of southwestern Ontario. It contains regionally significant office, retail, service, government, recreational, entertainment and cultural facilities and is distinguished from other areas in the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the City, and that its function as a location for new medium and high density residential environment will be strengthened over time.

4.1. DOWNTOWN DESIGNATION

4.1.1. Planning Objectives

- iii) Encourage growth in the residential population of the Downtown and adjacent gateway areas through new development and the renovation and conversion of existing buildings.
- iv) Encourage the consolidation and enhancement of a compact, pedestrian-oriented shopping area within the Downtown.
- vii) Encourage the provision of a high level of transit services in the Downtown.

- viii) Enhance the attractiveness and accessibility of the Downtown for residents and visitors, with particular attention to attracting seniors and families with children.

4.1.2. Urban Design Objectives

- i) Promote a high standard of design for buildings to be constructed in the strategic or prominent locations of the Downtown;
- ii) Discourage development and design treatments that are considered detrimental to the functional success and visual quality of Downtown;
- iii) Allow flexibility for individual design creativity and innovation;
- iv) Design new development to complement the appearance and function of any significant natural features and public open spaces that are adjacent to the site;
- v) Design new development to provide for continuity and harmony in architectural style with adjacent uses that have a distinctive or attractive visual identity or are recognized as being of architectural or historic significance; and,

4.1.4. Downtown Shopping Area

Within the Downtown boundaries, a Downtown Shopping Area has been identified. Council shall encourage the retention and enhancement of a Downtown Shopping Area in which the predominant uses at street level shall be retail and service facilities that comprise a pedestrian-oriented shopping environment to serve Downtown workers, the residential population and visitors. The policy does not preclude uses which serve a regional clientele. Non service-office uses, residential uses and surface parking lots will be discouraged at street level. The concentration of community service agencies at street level will also be discouraged in the Downtown Shopping Area.

4.1.6. Permitted Uses

Council shall support the continued development of the Downtown as a multi-functional regional centre containing a broad range of retail; service; office; institutional; entertainment; cultural; high density residential; transportation; recreational; and open space uses.

Retail Uses

- i) Developments that are predominantly retail shall be encouraged to locate within the Downtown Shopping Area so that the existing compact pedestrian-oriented shopping environment is maintained and enhanced.

Residential Uses

- iv) The development of a variety of high and medium density housing types in the Downtown will be supported. Residential units may be created through new development or through the conversion of vacant or under-utilized space in existing buildings. Residential development within the Downtown Shopping Area shall provide for retail or service –office uses at street level.

4.1.7. Scale of Development

The Downtown will accommodate the greatest height and density of retail, service, office and residential development permitted within the City of London.

Scale Limitations

- i) Development in the Downtown may be permitted up to a maximum floor area ratio of 10:1 for commercial uses and will normally not exceed 350 units per hectare (140 units per acre) for residential uses. Increases in density may be permitted without amendment to this Plan provided the proposal satisfies density bonusing provisions of Section 3.4.3. iv) and 19.4.4. of the Plan, conforms to the Site Plan Control By-law and addresses standards in the Downtown Design Guidelines. This maximum level of intensity will not be permitted on all sites. In areas which cater primarily to pedestrian shopping needs, including portions of Dundas Street and Richmond Street, the height of buildings at or near the street line will be restricted in the Zoning By-law to provide for a pedestrian-scale streetscape which allows adequate levels of sunlight and minimizes wind impacts. Where a site fronts onto a street which caters to pedestrian shopping needs, building heights will be permitted to increase in a step-like fashion away from areas of pedestrian shopping activity. Parts of the Downtown that are located adjacent to lower density, residential areas will be subject to height, density and site coverage limits in the Zoning By-law that are intended to provide for an appropriate transition in the scale of development.

Design Considerations

- ii) The proponents of development projects in the Downtown will be encouraged to have regard for the positioning and design of buildings to achieve the urban design principles contained in Chapter 11, conform to the Site Plan Control By-law and address standards in Downtown Design Guidelines. It is intended that Downtown development should enhance the street level pedestrian environment and contribute to the sensitive integration of new development with adjacent structures and land uses.

Street Level Wind Impacts

- iii) The design and positioning of new buildings in the Downtown shall have regard for the potential impact that the development may have on ground level wind conditions on adjacent streets and open space areas. New development should not alter existing wind conditions to the extent that it creates or aggravates conditions of wind turbulence and velocity which hamper pedestrian movement, or which discourage the use of open space areas.
 - a. City Council, as part of its review of major development proposals in the Downtown, may require the developer to undertake a street level wind impact statement for the project. The statement shall be sufficient to describe the predicted street level wind conditions associated with the proposed development, and the measures that may be taken to reduce adverse wind conditions to more acceptable levels. Where preliminary findings warrant a more detailed approach, the wind impact statement shall include a wind tunnel analysis of the project. The requirements for a wind impact statement may be imposed at an early stage in the consideration of applications for rezoning or, where rezoning is not required, site plan review.

4.1.9. Circulation Pedestrian

The enhancement of a pedestrian circulation system throughout the Downtown will be supported.

Downtown Shopping Area

- i) New development within the Downtown Shopping Area shall enhance pedestrian circulation and contribute to the appearance and continuity of the shopping environment. In particular, the creation of blank building facades adjacent to, or across from, predominantly storefront development shall be discouraged.

Pedestrian Amenities

- ii) Where appropriate, redevelopment projects will be encouraged to include pedestrian and transit-oriented design features such as the widening of sidewalks, the provision of landscaped areas accessible to pedestrians, street benches and bus bays. Consideration will also be given to the upgrading of public streets to accommodate pedestrian traffic through measures such as the widening of sidewalks, the provision of weather protection, the use of accessibility design standards and the development of at-grade, mid-block street crossings

4.1.10. Parking

Council shall support the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown.

Parking Requirements

- i) Parking requirements will be applied through the Zoning By-law to new development within the Downtown, based on the type of use and at a standard sufficient to satisfy the incremental demand for parking generated by the proposed development.

13.3. HERITAGE CONSERVATION DISTRICTS

13.3.8.5 Downtown

The Downtown Heritage Conservation District Background Study assessed the heritage resources within the Downtown boundaries and determined that the greatest concentration of important buildings was contained within the area defined.

The Downtown is the administrative, cultural and commercial centre of the City of London and has been since London was founded. It contains the greatest collection and variety of heritage buildings in the City. Entire streetscapes, especially along Richmond Street and portions of Dundas Street, are still present.

It is the intent of Council to maintain, protect and conserve the Downtown Heritage Conservation District. Council shall have regard to Official Plan policies as they apply to heritage conservation districts and in accordance with Official Plan policies and the Downtown Heritage Conservation District Plan.

19.4. ZONING

19.4.4. Bonus Zoning

Under the provisions of the Planning Act, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.

Principle

i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

19.4.4 Objectives

ii) "Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:

(a) to support the provision of the development of affordable housing as provided for by 12.2.2.

(b) to support the provision of common open space that is functional for active or passive recreational use;

(c) to support the provision of underground parking;

(d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;

(e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;

(f) to support the provision of employment-related day care facilities;

(g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London,

(h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;

(i) to support the preservation of natural areas and/or features; and

(j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment."

Our Move Forward: London's Downtown Plan

The proposal is subject to the guidelines of London's Downtown Plan, and should seek to implement the relevant Strategic Directions of the plan. These include Forging connections with the downtown neighbourhoods, Greening our downtown, and Building a great neighbourhood.

London Plan

The subject site is located in the Downtown Place Type in The London Plan which shares similar policies to the current Official Plan. The Downtown Place Type promotes the highest-order mixed-use activity centre in the city and permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses. It also encourages mixed-use buildings with retail

and service uses encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors.

ROLE WITHIN THE CITY STRUCTURE

798_ As shown in our City Structure Plan, the Downtown will serve as the highest-order mixed-use centre, and will be unique in the city. It will be connected to the transit villages through rapid transit corridors, and will also be connected to our recreational network, at the confluence of the two branches of the Thames River. Major rail lines, serving commuter traffic, strongly connect our Downtown to the surrounding region, nationally and internationally.

PERMITTED USES

800_ The Downtown is the highest-order mixed-use activity centre in the city. The following uses may be permitted within the Downtown:

1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted in the Downtown Place Type.
2. Mixed-use buildings will be encouraged.
3. Along commercial-oriented streetscapes, retail and service uses will be encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors.
4. New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted.
5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.
6. Educational facilities of all scales and types will be encouraged within the Downtown.
7. In accordance with provincial requirements, light industrial uses may be permitted where it is deemed appropriate and it is demonstrated that there will be no adverse land use impacts and the use can be compatible within its context.
8. The full range of uses described above will not necessarily be permitted on all sites within the Downtown Place Type.

INTENSITY

802_ The Downtown will permit the tallest buildings and the highest densities in the city. The following intensity policies apply within the Downtown Place Type:

1. Buildings within the Downtown Place Type will be a minimum of either three storeys or nine metres in height and will not exceed 20 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 35 storeys, may be permitted in conformity with the Our Tools policies of this Plan.
2. Tall buildings will be permitted only where they achieve a high level of design excellence in conformity with the City Design policies and in accordance with associated guidelines of this Plan.
3. The evaluation of height and built form will take into account access to sunlight by adjacent properties, wind impacts, view corridors, visual impacts on the Thames Valley Corridor, and potential impacts on public spaces and heritage properties located in close proximity to proposed development.
4. There will be no minimum parking required for Downtown residential development.
5. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.
6. The full extent of intensity described above will not necessarily be permitted on all sites within the Downtown Place Type.

FORM

803_ All planning and development applications for lands within the Downtown will be subject to the following policies:

1. All planning and development applications will conform with the City Design policies of this Plan, Our Move Forward: London's Downtown Plan and the Downtown Design Manual.
2. All planning and development applications will conform with the Downtown Heritage Conservation District Plan and related guidelines.
3. All the planning and design that is undertaken Downtown will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety.
4. The design and positioning of new buildings in the Downtown will not negatively impact pedestrian comfort by introducing inappropriate wind turbulence and velocity within the public realm. A wind assessment will be required for all buildings of 6 storeys or more, with the intent of mitigating wind impacts on the pedestrian and other ground level environments.
5. Buildings should be designed to include architectural features that protect pedestrians from rain and sun exposure. Such features include, but are not limited to, awnings, arcades, and overhangs and should be designed in an unobtrusive manner.
6. The design of new development will provide for continuity and harmony in architectural style with adjacent uses that are of architectural or historical significance.
7. Building design that represents individual creativity and innovation will be encouraged within the Downtown to create landmarks, develop a distinctive character for the Downtown, and contribute to the city's image.
10. Shared car and bicycle parking facilities and carshare/bikeshare programs will be encouraged within the Downtown.
11. Projects associated with financial incentives offered through community improvement plans shall conform with all City Design and Downtown Form policies of this Plan and all relevant guideline documents.

Bonusing Provisions Policy 1652

“Under Type 2 Bonus Zoning, additional height or density may be permitted in favour of facilities, services, or matters such as:

- 1) *Exceptional site and building design.*
- 2) *Cultural heritage resources designation and conservation.*
- 3) *Dedication of public open space.*
- 4) *Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.*
- 5) *Community garden facilities that are available to the broader neighbourhood.*
- 6) *Public art.*
- 7) *Cultural facilities accessible to the public.*
- 8) *Sustainable forms of development in pursuit of the Green and Healthy City policies of this Plan.*
- 9) *Contribution to the development of transit amenities, features and facilities.*
- 10) *Large quantities of secure bicycle parking, and cycling infrastructure such as lockers and change rooms accessible to the general public.*
- 11) *The provision of commuter parking facilities on site, available to the general public.*

- 12) *Affordable housing.*
- 13) *Day care facilities, including child care facilities and family centres within nearby schools.*
- 14) *Car parking, car sharing and bicycle sharing facilities all accessible to the general public.*
- 15) *Extraordinary tree planting, which may include large caliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate.*
- 16) *Measures that enhance the Natural Heritage System, such as renaturalization, buffers from natural heritage features that are substantively greater than required, or restoration of natural heritage features and functions.*
- 17) *Other facilities, services, or matters that provide substantive public benefit.”*

4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

Provincial Policy Statement (PPS)

- Consideration for consistency with policies related to promoting appropriate intensification, efficient use of land, infrastructure and services that support transit.

Official Plan

- Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

London Plan

- Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.

Our Move Forward: London's Downtown Plan

- Ensure the proposal implements the relevant Strategic Directions of the plan.

Heritage Conservation District

- Consideration for consistency with policies related to maintaining, protecting and conserving the Downtown Heritage Conservation District.

Technical Review

- Appropriate and desirable design of the proposed apartment.
- All engineering comments have been addressed or will be dealt with at site plan approval stage.
- Identifying matters that could be directed to the site plan approval stage.

Zoning

- Suitability of the requested bonus zone and regulation amendments in relation to the proposed development.

5.0 Conclusion

Planning staff will review the comments received with respect to the proposed Zoning By-law amendment and will report back to Council with a recommendation based on the current application or a potential revised application for a Zoning By-law Amendment. A future public participation meeting will be scheduled when the review is complete and a recommendation is available.

Prepared by:	Mike Corby, MCIP RPP Senior Planner, Current Planning
Submitted by:	Michael Tomazincic, MCIP RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

August 2, 2018

/mc

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8902Z - 131 King St (MC)\PEC Report\PEC-Report -131 King St2.docx

Appendix A – Public Engagement

Public liaison: On April 26, 2018 Notice of Application was sent to 84 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 26, 2018. A “Planning Application” sign was also posted on the site.

3 replies were received

Nature of Liaison: Possible change to Zoning By-law Z.-1 FROM a Holding Downtown Area Special Provision (h-3*DA1(6) *D350) Zone TO a Downtown Area Special Provision Bonus (DA1(6)*D350*B(_)) Zone. The bonus zone would permit a residential density of 931uph and maximum height of 102 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such setbacks and lot coverage may also be considered through the re-zoning process as part of the bonus zone.

Responses:

Sunday, May 20, 2018
Mike Corby, Planning Services, City of London

RE: Notice of Application – 131 King Street - Z-8902

Dear Mr. Corby,
ACO London has recently become aware that York Developments wishes to build a 30-storey building on the site of an Impark surface parking lot at 131 King Street.

This is the kind of infill development ACO London wishes to encourage. Surface parking lots are the obvious places for infill development, since no heritage buildings are demolished to make way for them. While some downtown businesses are worried that the development of surface parking lots will discourage customers, it is important to note that the proposed development still includes 309 parking spaces and therefore supports parking in the core.

The proposed structure is in the Downtown Heritage Conservation District, but the area directly surrounding the parking lot already consists of a diverse selection of buildings with different styles and heights. A development at this location will hopefully help to prevent the demolition of heritage resources elsewhere.

Sincerely,
Jennifer Grainger
President, London Region Branch
Architectural Conservancy Ontario

File: Z-8902
Planner: Mike Corby

Suki & Alice Bal
42 Exmoor Place
London, ON
N5X 3W2

May 17th, 2018

Mike Corby
Planning Services, City of London
206 Dundas Street
London, ON
N6A 1G7

Re: Zoning By-Law Amendment (File: Z-8902)

Hi Mike,

We are the owners of 141 King Street building address property as well as the Suki Salon/Spa business. I am generally in support of the proposed development and zoning by-law amendments, but I a few concerns that I would like addressed as follows:

1. That the new building is built flush against west wall of my building so no alley is created,
2. That the existing windows and vent opening (none-operational) on the west wall of my building to be blocked and sealed before the new building completed,
3. That the existing sump pipe discharge on west side of my building be accommodated properly in design of new building parking.

Please provide notice of the public participation meeting so that I can confirm that my concerns are being considered by the building developers, planners and engineers. Thank you for your attention to this matter.

Regards,

Suki and Alice Bal



July 20th, 2018

Mike Corby - Planner
City of London
300 Dufferin Ave.
London, ON

Dear Mr. Corby:

Re: York Developments – Highrise Residential Proposal
King Street, London, Ontario

Further to your recent meeting with our client Maria Mendes, co-owner of 123-125-127 King Street with Dominic Mendes, and our subsequent telephone conversations, we provide the following comments and concerns regarding the above noted matter. We are hopeful our concerns will be discussed in your progress report scheduled for the Planning Environment Committee (PEC) on August 13th, 2018.

We will summarize our concerns in five (5) main categories, 1) Mutual Laneway, 2) Treatment of the west wall of the proposed building, 3) Wind/Snow load drifting studies, 4) Construction impacts and, 5) Bonusing. We should note that we did meet and then prepared a letter to York Developments summarizing our concerns. While they did respond to our letter, their submissions, while helpful in framing further discussions, were sufficiently vague/non-committal that we felt a submission to the City remained warranted.

1. Mutual Driveway

As you are aware, there is a 3 meter (10 foot) mutual right-of-way between our client's property and the subject lands. The status of this easement and ownership details have been challenging to confirm. A copy of the Reference Plan 33R-7119 is attached with this letter. However for many years the laneway has provided vehicular and tenant access to our client's lands, including periodic parking. The York proposal seeks to establish a different use for this area including a component of a mid-block connection route as well as possible further uses such as an "artisan alley" or outdoor space for possible ground level restaurant uses. Indeed York Developments have leveraged this space in their plans as a major contributor to their bonusing request for the project.

As our client asserts ownership of half of this space, and rights to vehicular access over all of it, we have concerns with the impact York's proposal will have on both, without more specific details and further commitment with respect to design, lighting and maintenance including snow removal. Our client's residential building has both

318 Wellington Road
London, ON N6C 4P4
Tel: (519) 474-7137 • Fax: (519) 474-2264
Email: zp@zpplan.com • Website: zpplan.com

door access and large residential unit windows overlooking this space. Residents with windows on the east wall will have a constant shadow overcast. As such the details are important to ensure safe operation and the livability of our client's building and the residents within. We did inquire as to whether a minor adjustment to the footprint of the building (5ft to the east) could be considered to provide more dimension to this space but were advised such adjustments were unlikely.

2. Treatment of West Wall of Proposed Building

Further to item one, the way in which the first two or three floors of the west side of the proposed building are treated will significantly affect the level of impact the new development will have on the operation and livability of our client's building. In particular, the existing and possible future uses directly accessing and facing the unit's space is cause for concern. This wall impacts the entirety of our client's building as it is approximately 58m (190ft) deep. In their response to our concerns, York proposed a variety of options, including fully functioning lower level retail floor space, with possible use of laneway space, to greenwalls, to variations of building materials and other enhancements such as flags. While some combination of the above may very well result in a positive environment, it was suggested it would only be truly determined later in the process (presumably during site plan). Given the importance of this space being properly executed to ensure function and livability, we would ask that this matter be better clarified before final zoning approval is given.

3. Wind/Snow Drifting Studies

We were advised by York that a preliminary "desk top" wind study was completed as part of the original project submissions. We were further advised that a fully modeled wind tunnel tested study is to be completed to further test some unacceptable wind conditions identified in the original report. Given the proximity of our client's property to the proposed development, we are obviously very interested in the outcome of this study as it relates to wind conditions both at street level along King Street as well as the laneway discussed previously. We are also very much concerned with the possibility that a tall building to the east of our client's property will result in increased drifting and snow loads in the winter on our client's flat roof and around our client's building, including the easement/driveway. Given the age of our client's building (constructed in the 1800's) we are concerned such additional loads will result in structural issues for our client's building. At the very least this could increase maintenance and repair costs, and at the worst, could result in material negative impacts to the building's structural integrity. We believe, to the extent possible, that the scope of the additional wind study be extended to provide comment on modelling to forecast the extent of possible increases in ground drifts and increased snow loads on our client's building.

Of note in this regard, York has agreed to conduct pre- and post-building audits of our client's building to document the existing and future conditions of our client's building, which is commendable and appreciated. However, we did not get assurances that all

costs, including our client's own engineering oversight of the audit efforts would be covered. Also there was no assurance that the snow load/drifted issues would be explored.

4. Construction Impact

The construction of the proposed building will, according to York Developments, take approximately two (2) years. Again, given the proximity of the subject lands to our client's property, our client is concerned about impacts on their business operation, their commercial tenants and the livability of residential units within the building. York has responded by assuring our client that on-site people will be available to address issues, should they arise. We were hopeful this would include efforts not only to mitigate, but also avoid these issues. Here again our client would like clarity and commitment to these efforts before zoning is approved to ensure the measures are adequate and the impacts are minimized, but preferably avoided where possible.

5. Bonusing

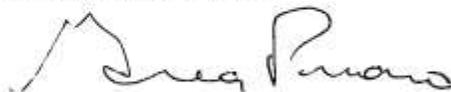
Given the scope of the proposed building for this project, we asked York for details on how they would support their request for bonusing. They did provide us with a list of items, but it was unclear if all would be used or the extent to which they would be relied upon. We will continue to review this as the matter continues to evolve toward a final decision of PEC and Council.

Thank you for considering our client's concerns. We will be in attendance at the August 13th, 2018 PEC meeting to speak to our concerns. Furthermore we will continue to monitor and participate in the planning approval process including continued, thus far, helpful efforts to work with the applicant to refine and resolve as many issues as possible prior to final approval.

Should you have any questions or comments please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Greg Priamo, BES, MCIP, RPP
Principal Planner

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

Telephone	Written
Maria G. Mendes Market View Properties 125,127 King Street, London ON	Jennifer Grainger Architectural Conservancy Ontario – London Region Branch Grosvenor Lodge 1017 Western Road London, ON N6G 1G5
	Suki and Alice Bal 141 King St, London ON

Agency/Departmental Comments

London Hydro – May 22, 2018

Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required.

Note: Transformation lead times are minimum 16 weeks.

Contact Engineering Dept. to confirm requirements & availability.

This site is presently serviced by London Hydro. Contact Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required.

Note: Transformation lead times are minimum 16 weeks.

Contact Engineering Dept. to confirm requirements & availability.

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

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

LACH – June 13, 2018

I hereby certify that the Municipal Council, at its meeting held on June 12, 2018 resolved:

That, the following actions be taken with respect to the 6th Report of the London Advisory Committee on Heritage from its meeting held on May 9, 2018:

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:

- the step back should be consistent with the Downtown Heritage Conservation District guidelines
- the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,
- the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building;

Heritage – May 24, 2018

The subject property at 131 King Street is located within the Downtown Heritage Conservation District, designated under Part V of the Ontario Heritage Act. The subject property is vacant and spans King Street to York Street, mid-block between Talbot Street and Richmond Street.

Historically, this area has been known as “Whiskey Row.” Adjacent to the Covent Garden Market, this area attracted many taverns and hotels to accommodate vendors and farmers at the Covent Garden Market since 1843.

A Heritage Impact Assessment was required as part of a complete application for Official Plan Amendment and Zoning By-law Amendment to permit the development of the subject property for a high rise development. A Heritage Impact Assessment

(prepared by Thor Dingman, dated March 27, 2018) was submitted as part of the complete application.

Recognizing the long period of evolution of the Downtown Heritage Conservation District, one of the goals of the Downtown Heritage Conservation District Plan is to “influence the renovation or construction of modern era buildings so that it is done with regard to the District and complementary to the character and streetscape” (Section 3.2.1). This supports policies in the Official Plan (1989, as amended) including “encourage new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources” (Chapter 13). To achieve this, the proposed development must be distinguishable but also compatible with the heritage character of the Downtown Heritage Conservation District. As the Heritage Impact Assessment notes, “conservation of heritage resources and new development are not mutually exclusive” (page 15).

Staff appreciate that the proposed development does not attempt to replicate a historic architectural style, but represents a contemporary building which reflects its own period. Policies and guidelines regarding new construction are found within Section 6.1.4.1 of the Downtown Heritage Conservation District Plan. Staff appreciate the analysis undertaken by the Heritage Impact Assessment, particularly the summary table of Section 7.6, and would offer the following comments:

- **Setback** – the Heritage Impact Assessment notes that there is “no similar adjacent building.” While there are no adjacent high rise buildings, there are a number of adjacent buildings. The proposed development should, and appears to (noted as “built to the property limit on all sides” in the Heritage Impact Assessment, page 22), match the setback of adjacent buildings to support and maintain the continuity of the street edge.
- **Pedestrian Environment (Podium)** – The Downtown Heritage Conservation District Plan notes that “a single excessively tall and imposing structure can completely alter the pedestrian-focused atmosphere of the Downtown.” To ensure that this does not occur, special attention must be paid to the compatibility of the proposed development and the pedestrian environment, seeking a development that enhances the character of the street.

The proposed development will fill in a gap in the King Street streetscape and not require the demolition of any heritage buildings. Image 36 included within the Heritage Impact Assessment demonstrates the careful consideration that was taken in the design of the proposed development to provide a compatible podium with regards to the heights and cornices of adjacent buildings. The proposed location of the entrance to the parking garage (off of King Street) presents challenges to achieving the desired form of development, and requires mitigation. To ensure this is successfully implemented, the following are recommended:

- Maximize the amount of glazing at grade to 80% and reduce the number of blank walls/spaces;
 - Maintain the clearly distinguish the ground storey from the second storey of the proposed development to avoid “double height” storefronts (as shown in the concept drawings);
 - Maintain the segmented quality of the façade, which works to maintain the rhythm of the storefronts along King Street; and,
 - Use high quality materials throughout the entire proposed development that are consistent with the Downtown Heritage Conservation District (noting proposed materials of: porcelain panels, stainless steel, zinc, standing seam aluminum composite material panels, curtain wall (glass) glazing).
- **Stepback** – The proposed development does not comply with the 5m stepback above the 18m height of the podium (Section 6.1.4.1, Façade Composition,

visual interest and texture on a blank wall of the façade. To ensure the viability of these trees, how will these trees be maintained?

- **Laneway** – Laneways are a significant attribute of the Downtown Heritage Conservation District. Policies and guidelines related to laneways in the Downtown Heritage Conservation District are:
 - Preserve the alleyway openings between or in between building(s) and their original proportions;
 - Improve the visibility of alleyways to increase their utility and safety;
 - Insure that existing alleys are preserved as public right-of-way;
 - Permit no infringement by development or services into the alleys.

The proposed development appears to leverage the opportunities that the laneway between 131 King Street and 125-127 King Street and supports the vision of the Downtown Heritage Conservation District Plan.

- **York Street Frontage** – A new pedestrian and motor vehicle gateway is proposed for the York Street frontage of the property for the proposed development. It is understood that the designs and concepts for this space continue to evolve, however the proposed designs must comply with the Downtown Heritage Conservation District Plan.

Archaeology

The subject is located within an area of archaeological potential identified by the Archaeological Management Plan (2017). A Stage 1 archaeological assessment (Bluestone Research Inc., March 2018) was completed, and further archaeological work is required. Given the current use of the property as a parking lot, it may not be possible to proceed with the trenching strategies for the Stage 2 archaeological assessment until further in the development process. The h-18 holding provision should be applied to the property to ensure that archaeological issues are addressed.

Heritage Alteration Permit

As the subject property is located within the Downtown Heritage Conservation District, Heritage Alteration Permit approval is required to permit the proposed development. The Heritage Alteration Permit must be obtained prior to the issuance of a Building Permit, and will require consultation with the London Advisory Committee on Heritage. It is recommended that the Heritage Alteration Permit application address the items for compatibility raised in this memo, as well as the comments of the LACH on this proposed development (and Heritage Impact Assessment) at its meeting on May 9, 2018.

Development Services – May 24, 2018

Verbatim comments as per the Transportation Division:

- The provision of public parking should be included with this development as this is one of the key recommendations of the Downtown Parking Strategy; “look for opportunities to invest in joint venture projects by participating with developers to integrate public parking in new developments within the next 20 years in sub areas 3,4, and 1 in central southwest downtown”. The subject property is located within sub district 1, further discussion with the developer regarding the provision of public parking will be required to discuss opportunities to integrate public parking into the development. For information regarding the Downtown Parking Strategy please use the following web link:
<https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Parking-Strategy.aspx>
- Road widening dedication of 13.0m from centre line is required on York Street

- The pavement markings on York street will need to be revised to provide for a two way left turn lane (TWLTL)
- Access to King street will be restricted to RI/RO due to the one way direction of travel on King Street
- King Street has been identified as a rapid transit corridor in the Council approved Rapid Transit Master Plan (RTMP). Through the Transit Project Assessment Process (TPAP), the corridor and station locations will be refined and examined in greater detail, future access to King Street will be restricted to right in/right out. For information regarding the RTMP or TPAP please use the following web links: <http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx> or <http://www.shiftlondon.ca/>
- Detailed comments regarding access design and location will be made through the site plan process

Verbatim comments as per the SWM Division:

SWED staff have no additional or new comments to those provided as part of SPC18-071.

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.

CN Rail – May 7, 2018

I have reviewed the development plans and the Noise and Vibration Feasibility Assessment (March 28, 2018) for this proposed development.

I would offer the following comments:

- CN Rail would like to see a full Noise and Vibration Study undertaken, with proposed mediations. This is one of the recommendations in the Feasibility Assessment.
- CN's standard position is to encourage that Class 1 thresholds be met, even if mitigation associated with Class 4 is implemented.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Urban Design – June 19, 2018

Planning Services has reviewed the above noted rezoning, based on the UDPRP submission, and provide the following comments consistent with the Official Plan and applicable by-laws and guidelines:

1. Please provide a response to the UDPRP comments.
2. Narrow the depth of the building north-south to minimize shadowing impacts, and the visual mass of the building.

3. Break down the mass of the building through articulation, separating the balcony, removing unnecessary design features that add 'bulk' and utilizing material changes and a high proportion of glazing on the building.
4. Incorporate a greater proportion of vision glass into the base of the building in order to animate the streetscape.
5. Refine the design of the building by ensuring various design features relate to each other in a unified way.

Urban Design Peer Review Panel - April 27, 2018

The Panel provides the following feedback on the submission to be addressed through the Zoning Bylaw amendment underway:

- The Panel commends the high level of design on the lower floors along the proposed King Street frontage. This element creates human scale to the tower proposal.
- The Panel suggests the owner consider the size and siting of the tower floorplate to reduce its apparent scale and to address its relationship to adjacent properties that may be redeveloped in the future for high density intensification.
- The Panel recommends further refinement of the building design including:
 - to create a more cohesive design by focusing on key features resulting in an overall refinement of the design;
 - to increase articulation along the east/west elevations to break down the length of the building;
 - to continue to develop the "jewel box" design to better integrate it into the building design, making it relate more to other design features on the building;
 - to consider refining the "tongue" gesture and related wall, as it appears from the west, which may be overwhelming, as well as its effect on balcony views to river;
 - to consider refining the tower top, to better relate it to design features at the pedestrian and "jewel box" levels;
 - to encourage more cohesion between the numerous design expressions; and,
 - to give further consideration to the east and west "podium" elevations as they relate to the pedestrian route and tower above.
- Further refinement to the York Street frontage is required through the design process. There was a discussion of various considerations including creation of a park space or a design that can convert to development over time. Further consideration should also be given to the design of the gate element on York Street. This could either better relate to the tower design or a potential parkette; or be eliminated to better serve the potential park/public space.
- The Panel requests further evaluation and refinement of the laneway and pedestrian route through the site to address CPTED issues and address the pedestrian experience such as visual surveillance of the laneway (support windows), sightlines, sidewalk width and location.
- The Panel questions the rooftop public amenity as a bonusable feature due to its operational challenges.

Concluding comments:

The Panel supports the overall design concept with the integration of the design recommendations noted above.

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site.

Appendix B – Policy Context

The following policy and regulatory documents are being 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, 2014

City of London Official Plan

Our Move Forward: London's Downtown Plan and the Downtown Design Manual.

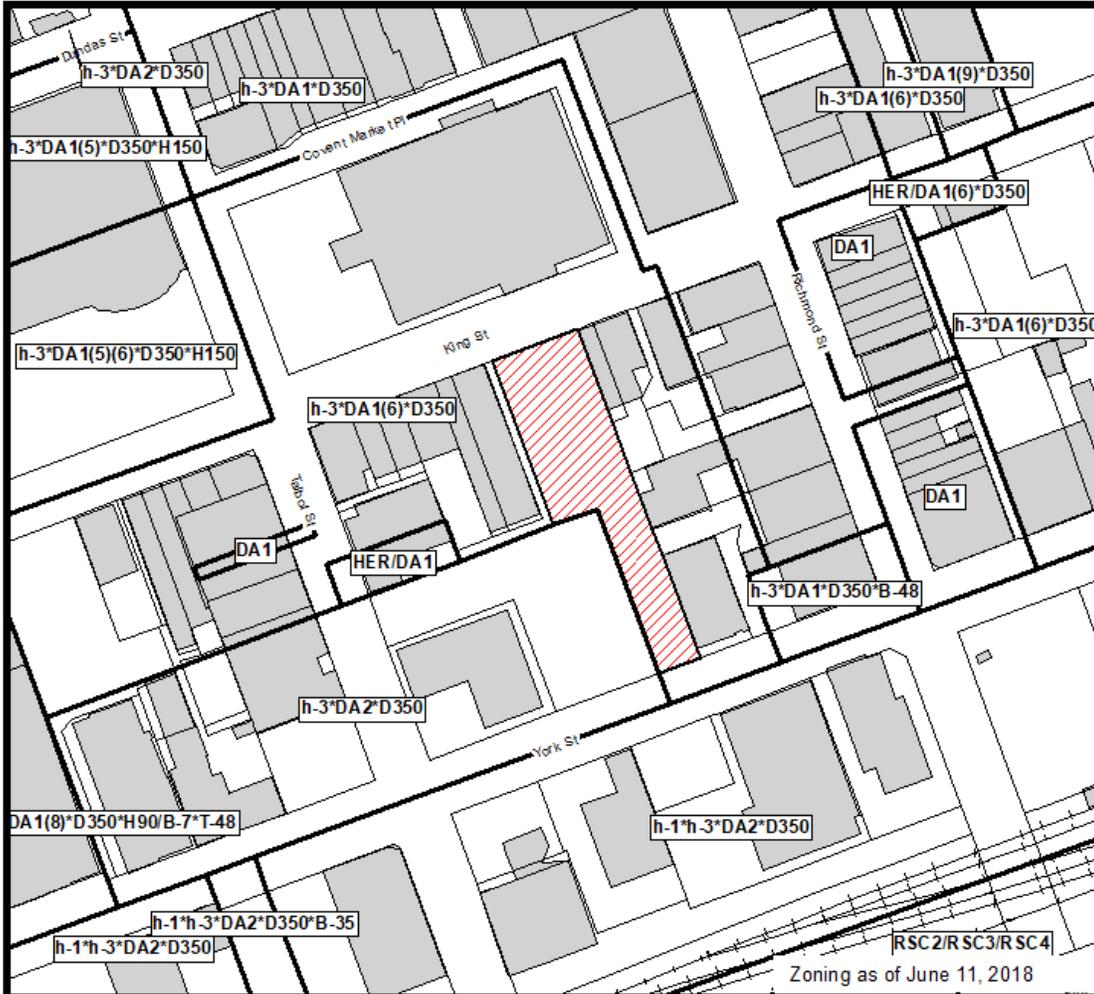
Downtown Heritage Conservation District Plan

Z.-1 Zoning By-law

Site Plan Control Area By-law

Appendix C – Additional Information

Additional Maps



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3*DA1(6)*D350

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



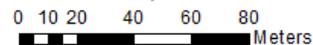
FILE NO:

Z-8902 MC

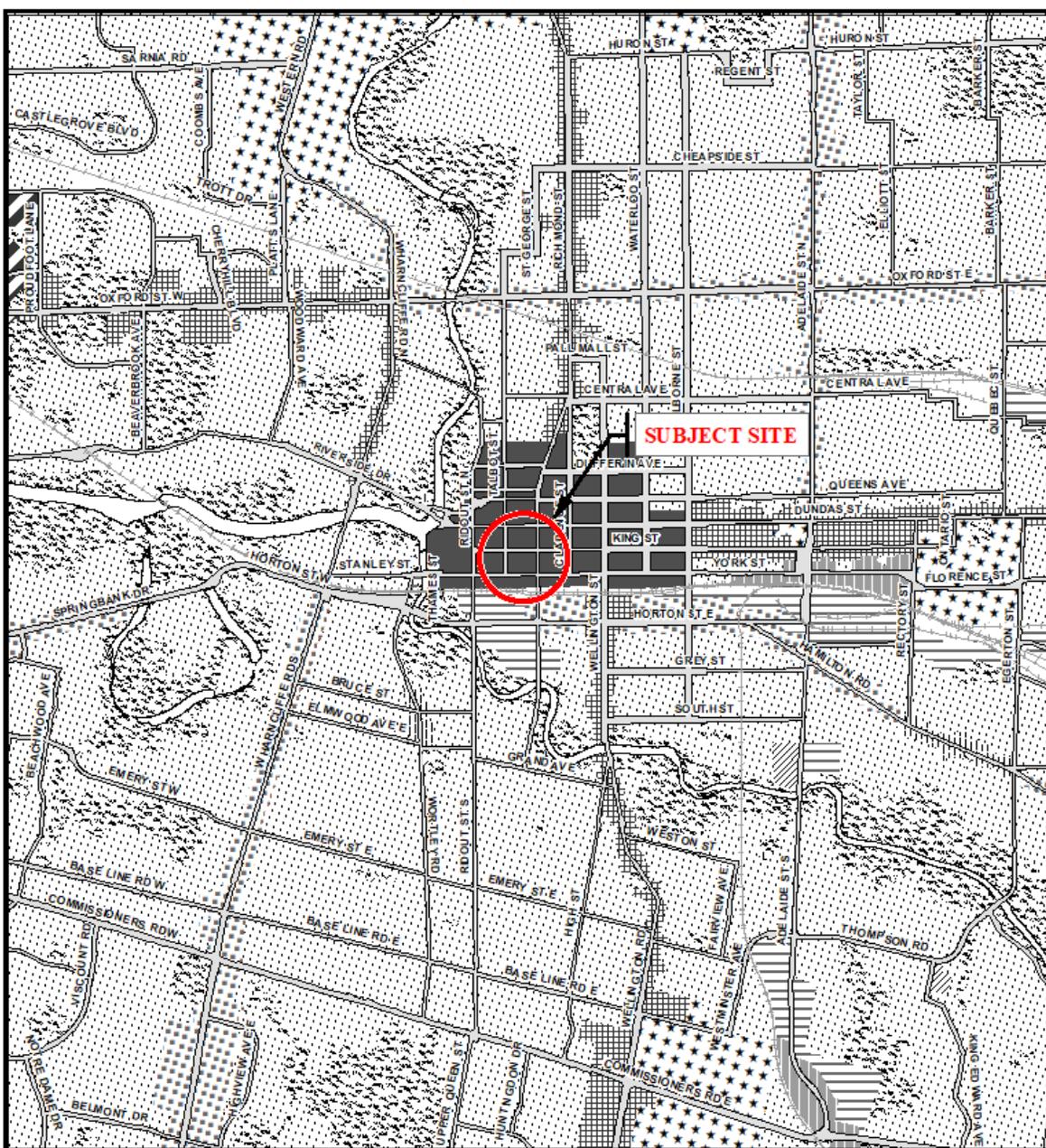
MAP PREPARED:

2018/07/16 MB

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



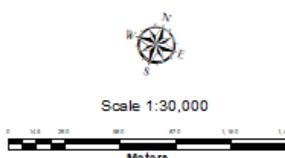
Legend

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

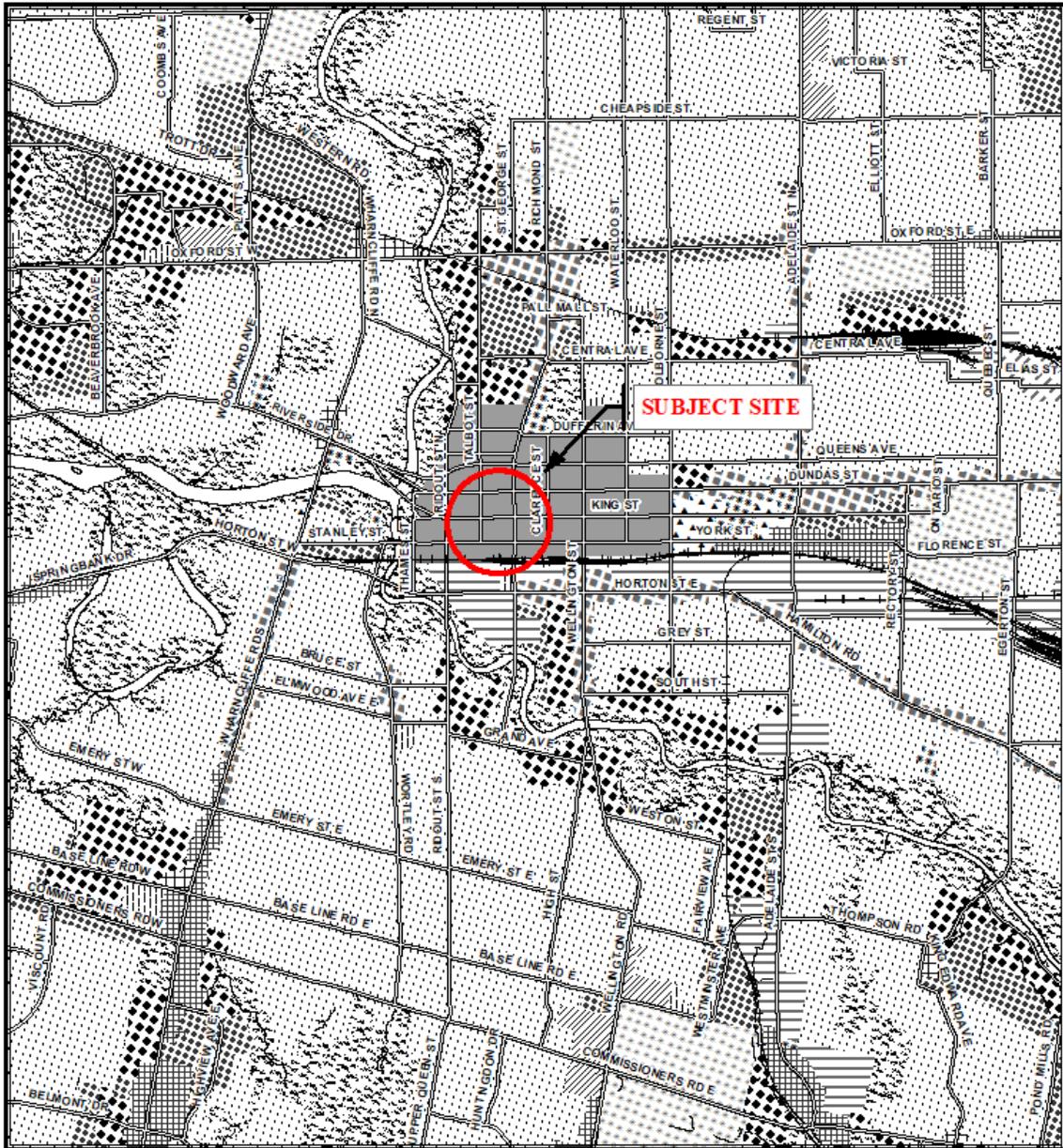
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services

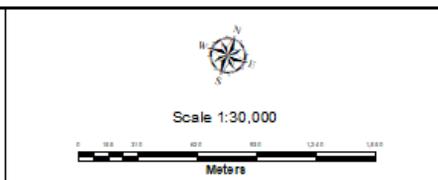


File Number: Z-8902
Planner: MC
Technician: MB
Date: July 16, 2018



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

CITY OF LONDON
 Planning Services /
 Development Services
 OFFICIAL PLAN SCHEDULE A
 - LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8902
 PLANNER: MC
 TECHNICIAN: MB
 DATE: 2018/07/18

PROJECT LOCATION: e:\planning\projcts\p_officialplan\work\koo\100\excerpts\mod_templates\schedule_a_b&w_&x14_with_SWAP.mxd

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
391 South Street
Public Participation Meeting on: August 13, 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 391 South Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 28, 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 holding Residential R7/ Residential R9/ Regional Facility (h-5*R7*D150*H30/R9-7*H30/RF) Zone **TO** a holding Residential R8 Special Provision Bonus (h-__*R8-4(__)*B-__) Zone; and a holding Residential R9 Special Provision Bonus (h-__*R9-3(__)*H30*B-__) Zone.

The (B-__) Bonus Zone shall be implemented through one or more agreements to provide for an apartment building height maximum of 23 storeys or 80m (262 ft) with an increased density of up to 705 units per hectare in return for the provision of the following facilities, services, and matters:

- 1) A high quality development which substantively implements the site plan and renderings as attached as Schedule "1" to the amending by-law, with minor revisions except where described in more detail below;

Lower Podium

- i) Ensure that brick is the primary material used to clad the lower podium portion of the building;
- ii) Ensure ground floor units facing the Riverfront Promenade and South Street include individually accessible and externally lockable front door entrances;
- iii) Ensure ground floor units provide walkways that lead to: a City sidewalk, the courtyard, the River Promenade, and the mid-block connection;
- iv) Provide for elevated ground floor patios where possible, in order to provide for privacy and increase the livability of the ground floor units;
- v) Ensure the principle entrances into the apartment buildings are prominent and easily identifiable by: introducing a break in the rhythm of massing, including a high level of clear glazing, or through the incorporation of canopies;
- vi) Ensure high quality design of the south elevation with individual unit entrances and private amenity courtyard spaces oriented to the Riverfront Promenade, and avoid blank walls to provide a positive edge with active uses facing the promenade;
- vii) Provide a green roof treatment and/or amenity space on top of the lower podium roof;
- viii) Provision of all above-ground structured parking within the building entirely screened by active uses;

Courtyard

- i) Ensure that the Colborne Building is appropriately integrated with the proposed courtyard by including entrances, patios, and active ground floor uses;
- ii) Utilize similar materials, treatments and patterns (ie- paving, aerial string lights between new building and Colborne Building, etc) as the

- proposed SoHo Heritage Square to the north in the design of the proposed courtyard;
- iii) maintain the vista to the Children's War Memorial Hospital Building from the courtyard, by relocating any artifacts such as the nurse's residence arch from the north of the courtyard to elsewhere in the courtyard

Upper Podium

- i) Incorporating brick is encouraged on the mid-rise (eight storey) portions of the building;
- ii) Ensure that the material and colour palette provides for a cohesive design between all elements of the development including the lower podium, towers, top of towers, and the Colborne Building

Tower

- i) Provision of slender point towers with floor plates less than 800m²,
- ii) Ensure the design of the top of the towers provides interest to the skyline and is well integrated with the design language of the overall development
- iii) Offsetting heights of 19 storeys on the north tower and 23 storeys on the south tower.

- 2) Conservation, retention and adaptive re-use of the existing heritage designated Colborne Building;
- 3) Provision of a publicly accessible open space courtyard which substantively implements the concept landscape plan attached as Schedule "2" to the amending by-law, which features:
 - i) A publicly accessible connection over private lands from the SoHo Civic Space to the Riverfront Promenade;
 - ii) Enhanced landscaping with the use of trees, shrubs, and various raised planting features;
 - iii) Decorative paving reminiscent of the former Hospital uses;
 - iv) Provision of publicly accessible seating areas;
 - v) Provision of publicly accessible art pieces in accordance with the Public Art policies in section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan through the installation of hospital artifacts.
- 4) Provision of two levels of underground parking;

Executive Summary

Summary of Request

The requested amendment would facilitate the first redevelopment phase of the Old Victoria Hospital Lands through the retention and adaptive reuse of the existing Colborne Building and provision of a new residential apartment development.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended zoning is to implement the secondary plan on the first development phase of the Old Victoria Hospital Lands. The zoning will allow for the uses, intensity of uses and built form that is envisioned by the secondary plan on a site-specific development. The proposed development will implement the adaptive reuse of the Colborne Building for approximately 20 residential units at the corner of South Street and Colborne Street and a new mixed use development with 2 apartment buildings with heights of 19 and 23 storeys with an upper 8 storey podium, and lower 3 storey podium with up to 620 residential units.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement (PPS), 2014, which promotes intensification, redevelopment and a compact form in

strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents;

2. The adaptive reuse of the existing Colborne Building is consistent with the Provincial Policy Statement, as it encourages a sense of place and preserves important built heritage.
3. The recommended amendment conforms to the Old Victoria Hospital Secondary Plan and facilitates the development of one of the Four Corners and a High Rise Residential block, and contributes to the creation of a vibrant mixed-use node
4. The recommended bonus zone provides for an increased density and height in return for a series of bonusable facilities, services and matters that benefit the public in accordance with Section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan;
5. The recommended amendment is appropriate for the site and context, and will implement the vision of the Old Victoria Hospital Secondary Plan on the City-owned lands, and be a catalyst for revitalization of the overall SoHo community.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is part of the former Victoria Hospital Lands, which extend from the Thames Valley Corridor between Waterloo and Colborne Streets, and represent a prominent site within the SoHo community and the broader City. The site is municipally addressed as 391 South Street and is located at the southwest corner of South Street and Colborne Street intersection. The site is vacant with the exception of the existing heritage Colborne Building located to the east of the site which was constructed in 1899. The subject site consists of a parcel of land with a total frontage of 98m and a lot area of 0.94ha with an irregular shape towards the south of the site which abuts the Thames River. The lands are located on a prominent and significant site within the OVHL secondary plan and the SoHo community.

The surrounding area is comprised of the vacant institutional buildings formerly associated with the Old Victoria Hospital, including the other two buildings to be retained that are located on the north side of South Street: the Old War Memorial Children's Hospital and the Health Services Building. The lands to the south along the Thames River are to be developed as part of a future multi-use pathway for motorists, pedestrians and cyclists known as the Riverfront Promenade. There is one single detached dwelling located east across Colborne Street and the residential neighbourhood of SoHo located further north and east of the site.

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

- Official Plan Designation – Multi-Family, High Density Residential
- The London Plan Place Type – Neighbourhoods
- Specific Policy – Remnant High Density Residential Overlay
- Old Victoria Hospital Lands Secondary Plan Designation – The Four Corners and High-Rise Residential
- Existing Zoning – holding Residential R7/ Residential R9/ Regional Facility (h-5*R7*D150*H30/R9-7*H30/RF) Zone

1.3 Site Characteristics

- Current Land Use – Vacant land and Vacant Heritage Building
- Frontage – 98m (South Street)
- Depth – Varies
- Area – 0.94ha
- Shape – Irregular

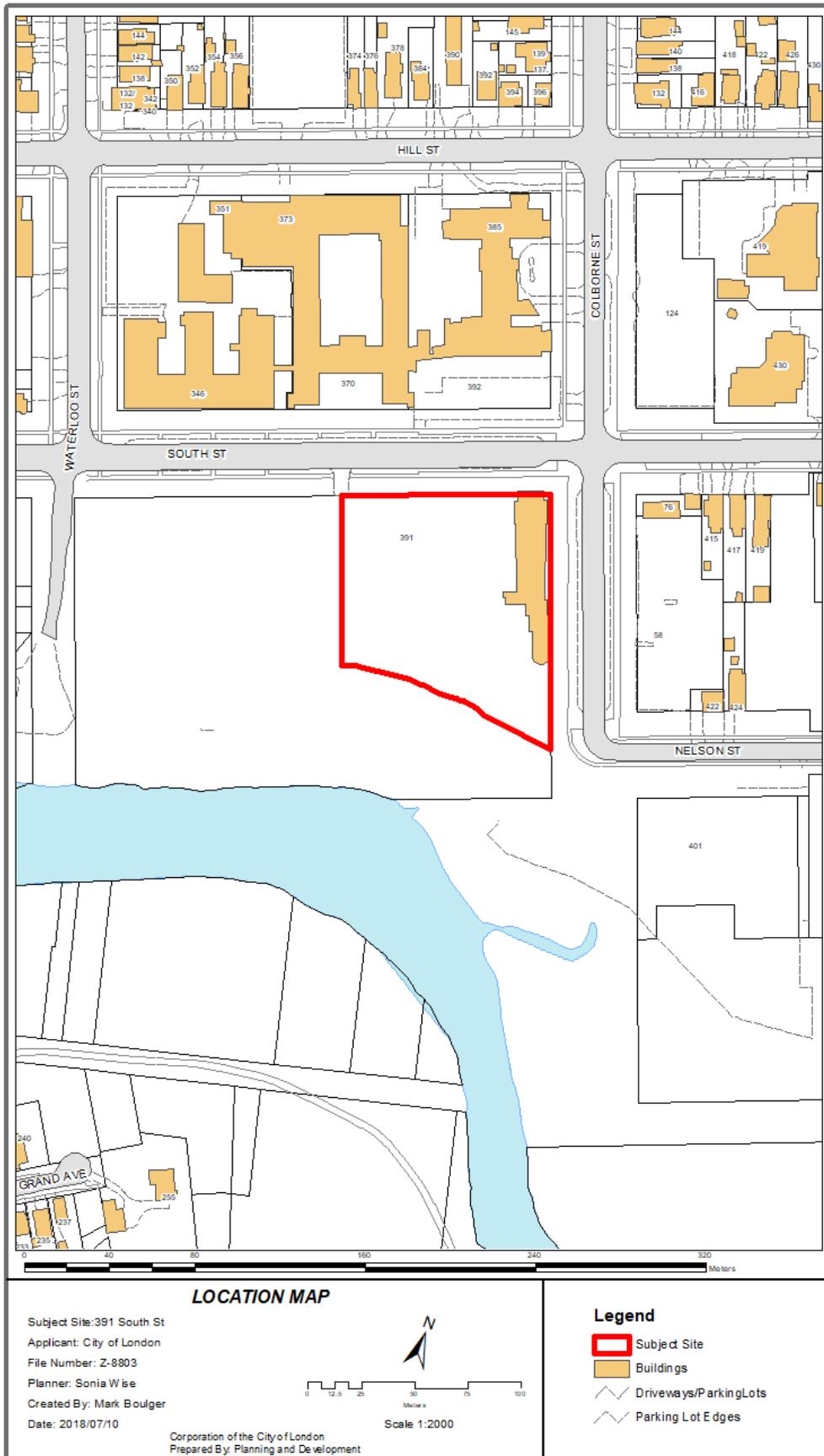
1.4 Surrounding Land Uses

- North – Vacant Regional Facility
- East – Vacant Regional Facility
- South – Thames River
- West – Vacant Regional Facility

1.5 Intensification (identify proposed number of units)

640 residential units represent intensification within the Built-area Boundary and Primary Transit Area

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The purpose of the recommended zoning is to implement the secondary plan on City-owned lands that will allow for the uses, intensity of uses and built form that is envisioned by the secondary plan. The proposed development will implement the adaptive reuse of the Colborne Building at the corner of South Street and Colborne Street with approximately 20 residential units, and a new residential development featuring 2 apartment buildings of 19 and 23 storeys with a lower podium of 3 storeys and an upper podium of 8 storeys, and 620 residential units.



Figure 1: Conceptual Rendering of Development Proposal

3.0 Relevant Background

3.1 Old Victoria Hospital

The legacy of the hospital lands began in 1866, when the site was purchased for one of the city's first medical facilities. London General Hospital was constructed in 1875, renamed to Victoria Hospital in the 1890's, and officially opened in 1899. The hospital lands were added to, expanded and improved with new services with major construction occurring in 1921, 1922, 1927, 1941, 1953, with the last building constructed in 1967 with the addition of the Middlesex Wing.

In 1970, Victoria Hospital was recommended to be moved to the Westminster site, (Current Victoria Hospital) which took nearly 10 years to complete. In 1997 the Health Services Restructuring Commission directed that new space be created at the current Victoria Hospital to replace the outdated and aging facilities at the Old Victoria (South Street) hospital lands. In January 2013, the London Health Sciences Centre moved the last of its clinical programs out of the former hospital, and officially closed to patient care after 138 years of health service. The decision to decommission the hospital lands resulted in the redevelopment opportunity of the subject site and others land of the former hospital that is further detailed through this report ([So Long South Street, 2017](#)).

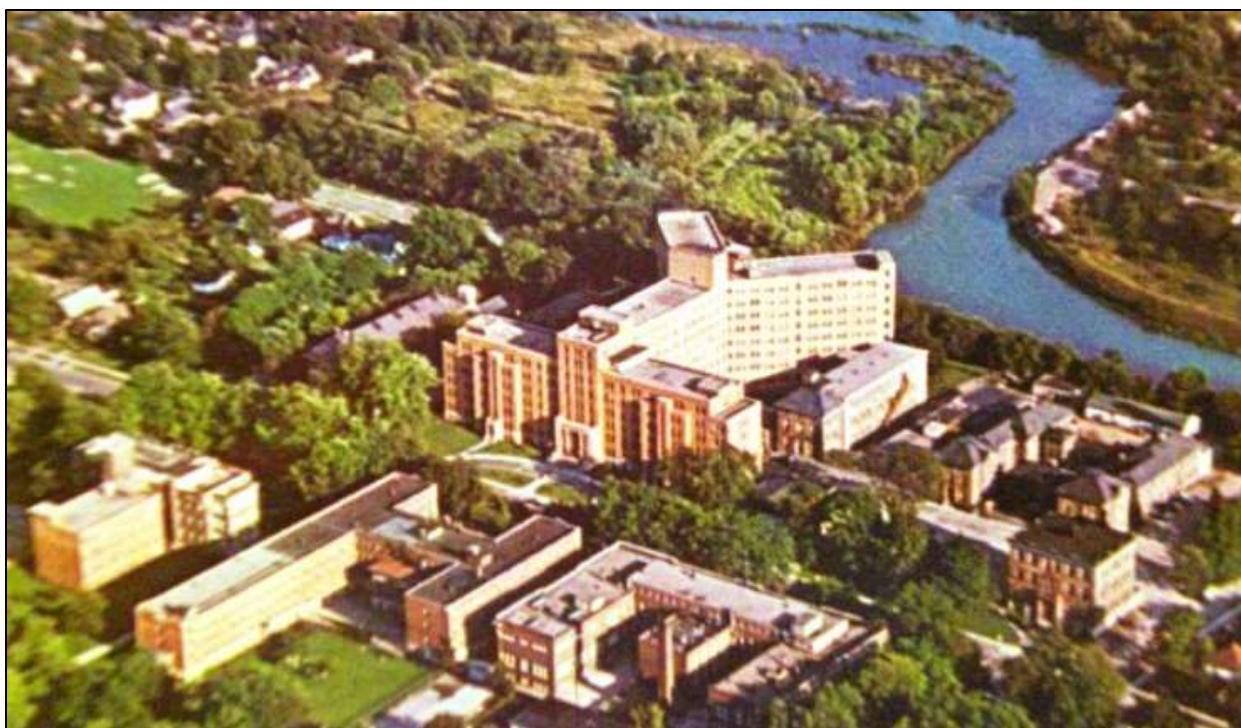


Figure: 2 Aerial Photo - Victoria Hospital (circa 1960) (Courtesy – UWO Archives)

3.2 SoHo Community Improvement Plan – Roadmap SoHo

There has been an extensive planning history for the broader SoHo Area, as well as the site specific history associated with the Old Victoria Hospital Lands, and disposal of lands, through planning initiatives like the SoHo Community Improvement Plan (Roadmap SoHo) and Old Victoria Hospital Lands Secondary Plan. Beginning in 2009 the SoHo Community Association and City of London worked together to prepare a plan that would guide the future opportunities for the neighbourhood. The result was a Community Improvement Plan (CIP) for London's Soho District, and the regeneration south of Horton Street, known as Roadmap SoHo which was approved in 2011.

The plan provided a blueprint for revitalization that is focused on four implementation themes, which all have relevance for the subject lands, including: 1) Old Victoria Hospital Lands, 2) Neighbourhood Places, 3) Neighbourhood Movement, and 4) Neighbourhood Public Spaces. One of the recommendations from the SoHo CIP was undertaking a Secondary Plan for the redevelopment of the Old Victoria Hospital Lands, and introducing a mixed use and flexible zoning by-law for their redevelopment (SoHo CIP p.21).

3.3 Old Victoria Hospital Lands Secondary Plan

Preparation of the Terms of Reference for the Old Victoria Hospital Lands Secondary Plan was initiated in September 2012, and The Old Victoria Hospital Secondary Plan was adopted by Council in June of 2014. The Secondary Plan fulfilled a key initiative of Roadmap SoHo and laid the foundation to promote the long-term sustainability of the area, stimulate re-investment and build neighbourhood capacity. The Secondary Plan provided a detailed land use plan for the comprehensive redevelopment of the lands, and promoted urban design policies to implement the community vision set out in Roadmap SoHo.

3.4 Official Plan and The London Plan

Both the Official Plan and The London Plan recognize the need for a secondary plan such as the Old Victoria Hospital Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Old Victoria Hospital Secondary Plan forms part of the Official Plan and its policies prevail over the more general Official Plan and The London Plan policies if conflicting (1556 & 1558).

3.5 Draft Zoning Z-8344

When Council approved the Old Victoria Hospital Lands Secondary Plan they also directed that Civic Administration initiate a zoning review to implement the Secondary Plan. The draft zoning by-law amendment was completed in 2014 through application number Z-8344. The draft zoning provided an indication of how the approved Old Victoria Hospital Secondary Plan policies would be applied in the Z.-1 Zoning By-law and implemented through regulations. The draft zoning was not approved in 2014 to provide flexibility to tailor future zoning requirements to specific development proposals and allow further refinement from public input. The draft zoning for the subject site that was proposed in 2014 will be modified to reflect the proposed development and winning design from the RFP process for 391 South Street, which is the purpose of this amendment.

3.6 Request for Proposals – First Development Phase

In 2014 the Investment and Economic Prosperity Committee directed staff to undertake the necessary steps to initiate a Request for Expressions of Interest (REOI)/Request for Proposal (RFP) process for the land sale and redevelopment of Phase 1 of the Old Victoria Hospital Lands. Phase 1 includes the subject site which is a development parcel of 0.94ha located west of Colborne Street, south of South Street and north of the Thames River.

The City evaluated the REOIs for completeness, feasibility and alignment with community objectives, and invited pre-qualified proponents to submit RFPs in 2016. In May of 2017, Council approved Medallion Corporation as the winning bid and entered into an agreement for the sale of the lands. Medallion Corporation will acquire the property pending planning approvals and develop the site in accordance with the design proposed through this Zoning Amendment process.

3.7 Proposed Amendment

The proposed amendment builds on and refines the draft Zoning By-law that was prepared as part of application Z-8344 in 2014. A Residential R8 Special Provision (R8-4(_)) is proposed for the eastern portion of the site including the Colborne Building in the Four Corners Designation, and a Residential R9 Special Provision (R9-3(_)) Zone is proposed for the western portion of the site within the High-Rise Residential designation. A holding provision to implement the vision and policies of the Old Victoria Hospital Plan, and a bonus zone is proposed to permit the greater height and density sought in return for eligible facilities, services and matters specified in the bonusing provisions of the Secondary Plan.

3.8 Community Engagement (see more detail in Appendix B)

A Public Information Meeting was held on June 11, 2018 which was collaboratively hosted by the City of London and Medallion Corporation. There were approximately 29 members of the public in attendance along with the local councillor's representative, parks planning staff, planning staff, development services staff and Medallion Corporation staff. The comments received during the application review include a combination of emails, comment cards, and phone comments with approximately 7 generally opposed to the development, and 5 generally in support of the development. A summary of the comments received include the following:

Scale of Development

1) development should not be taller than 1 London Place, 2) maximum height should be no more than 10 storeys, 3) proposed heights are higher than the maximums discussed in 2013, 4) too dense for site, 5) towers are disproportionately high and represent a forbidding aspect in area for dwellings and apartments, 6) impact of shadows from buildings (x2), 7) decreased quality of life with increase in population, 8) the residential uses proposed will be less intensive than the previous hospital uses

Heritage

1) design of the new building does not communicate to the look of the Colborne Building, 2) proposal complements the retention and adaptive reuse of the existing heritage building, 3) impressed by conservation of the Colborne Building

Design

1) development does not blend in or mitigate the 'fortress' feel, 2) are the public courtyards actually public, 3) not in tune with the neighbourhood, 4) appeal for imagination and creativity in design, 5) impressive modern architecture

Bonusing

1) concerned that when re-zoned for greater height/density, developer will abuse permissions, 2) existing zoning should be utilized, 3) Soho Community Association does not support zoning, 4) bonus zones exceed 25% maximum (x2), 5) not consistent with the desires for neighbourhood revitalization in the secondary plan or The London Plan, 6) precedent setting development for other future high density uses that may provide less bonusing, 7) underground parking is not bonusable but necessary

Access to River

1) towers cut off the river and view from the neighbourhood (x2), 2) Nelson St expansion seems to compete with the park space, 3) uncertain about the willingness of the residents to share the river promenade with the rest of the community, 4) development will not block river, river cannot be seen now, 5) excited by the TVP extension to Nelson Street, 5) shared space for vehicles and bikes needs to have distinction

Traffic, Parking and Cycling

1) Concern over increased traffic (x2), 2) excited about the possibilities for people who are choosing active transportation over cars, 3), better bike parking is required, 4) bike storage should be convenient,

Environmental Impacts

1) Concern for environmental impacts on river (x2)

Revitalization

1) development will improve the whole area (x2), 2) support for project (x3), 3) would like to live in a unit, 4) SoHo should be welcoming of this investment, 5) development will generate new tax revenue, 6) efficient utilization of existing infrastructure, 7) neighbourhood can only benefit, 8) strong walking core between SoHo and the downtown and new residents will help support businesses, schools, waterfront amenities, parks and walking paths, and establish a grocery store, 9) more housing choice is needed,

Other

1) feels the community's opinions have been incorporated, 2) interest in details of integration of low-rise residential uses, ownership vs. rentals, and the provision of affordable housing, 3) rental housing in SoHo is an odd mix, 4) people with physical disabilities find renting difficult, 5) no longer lives in SoHo because of lack of rentals and would like to return

3.9 Policy Context (see more detail in Appendix C)

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of uses and cost-effective development patterns.

Official Plan

The designation for the lands in the current Official Plan is Multi-Family, High Density

Residential, which primarily allows for high-rise, high intensity housing forms. The existing Official Plan designation allows for apartment buildings, and considers height on a site specific basis.

The London Plan

The London Plan places an emphasis on growing 'inward and upward' which encourages growth within the existing Built-Area Boundary, and Primary Transit Area. A target minimum of 45% for all new residential development will occur within the Built-Area Boundary, and 75% within the Primary Transit Area, which is the part of the City with the highest level of transit service, and includes the subject site (81 & 92.3).

High Density Residential Overlay

The London Plan directs higher density uses towards strategic locations to support and take advantage of public transit, such as in transit villages and along transit corridors, though also recognizes some remnant high density designated residential areas (954). The subject site is within the Neighbourhoods Place Type which encourages intensification through mid-rise residential and mixed-use development, though is also included in the High Density Residential Overlay which retains greater development potential from the 1989 Official Plan designation as High Density Residential (828 & 955).

Old Victoria Hospital Secondary Plan

The OVH Secondary Plan sets out a community structure, general policies and character area land use designations that provide guidance to reflect the unique development intent for the area. As part of the preparation of the OVH Lands Secondary Plan, a number of studies were completed, including:

- Traffic Impact Assessment
- Storm/Sanitary/Water Servicing Study
- Environmental Impact Study
- Cultural Heritage Resource Study and
- Heritage Building Conditions Assessments

4.0 Key Issues and Considerations

4.1 Location

Four Corners

The eastern portion of the site currently occupied by the Colborne Building is located within the Four Corners designation, which extends outward in all directions from the intersection of South Street and Colborne Street, and south to the top of the Thames Valley Corridor. The Four Corners is intended to provide the primary focal point and mixed use "heart" of the SoHo Community. It is recognized as an important intersection in the neighbourhood with South Street providing the major east – west link to Wellington Street Transit and Commercial Mainstreet, and Colborne Street providing the major north-south link from the Thames River to the Downtown (20.6.4.1).

High-Rise Residential

The western portion of the site is located within the High-Rise Residential designation which extends from South Street to the Thames River. The High-Rise Residential designation is strategically located in proximity to major transportation networks, open space and recreational opportunities, the Four Corners, the Wellington Street Mainstreet Corridor and Bus Rapid Transit, and appropriately distanced from existing and planned low-rise residential forms of development. The designation supports an urban housing form with height and intensity generally increasing closer to the Thames Valley Corridor which is intended to provide a population base to help support the Four Corners and the Wellington Street Transit-Oriented Mainstreet Corridor.

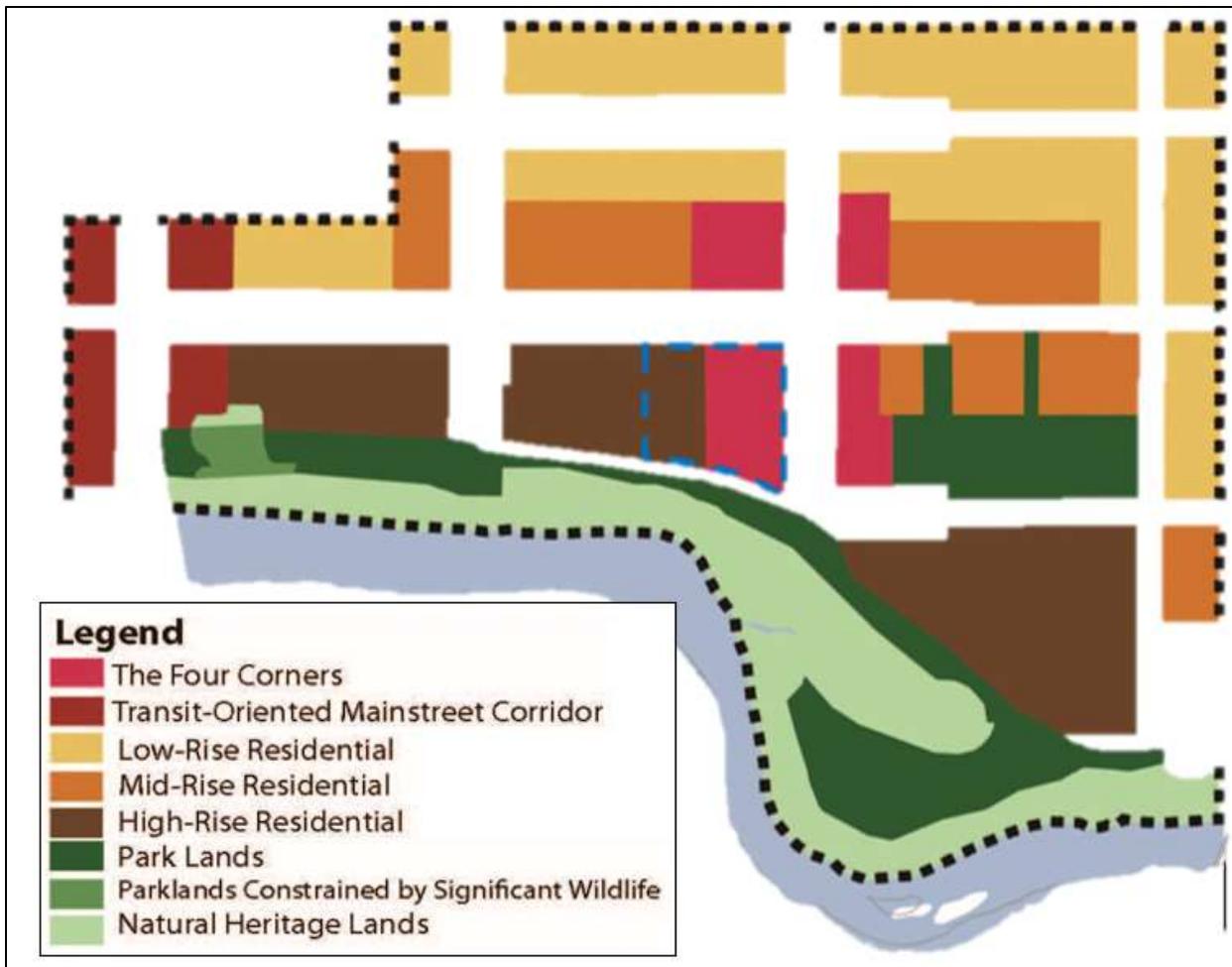


Figure 3: Old Victoria Hospital Secondary Plan Character Designations

4.2 Use

The PPS promotes healthy, livable and safe communities by accommodating an appropriate range and mix of residential, employment, and other uses to meet long term needs (1.1.1 b) PPS). The proposal provides for a mix of predominantly residential and some commercial uses which are suitable and encouraged in the prominent riverfront location.

Four Corners

The primary permitted uses in the Four Corners include residential, community facilities, and various commercial uses that are appropriate in a residential environment and provide a service to local residents without generating impacts on neighbouring residential uses (20.6.4.1 iii). The commercial uses include: small scale-offices, medical/dental offices, small-scale retail stores, small-scale restaurants, personal service establishments, private and commercial schools, convenience stores, day care centres, small-scale specialty food stores, studios and galleries, fitness and wellness establishments, and financial institutions. A variety of small-scale commercial uses are proposed to provide a range of options and flexibility for future tenants.

The recommended zoning for the Colborne Building provides additional permissions to facilitate adaptive reuse and allow for function and flexibility, such as allowing for the conversion of the Colborne Building for office space which would normally be capped for new buildings. The proposed use of the Colborne Building will include residential uses on the 2nd and 3rd floors, with a mix of non-residential and residential uses on the ground floor. The northern portion of the Colborne Building will feature small commercial uses in the first two 'bays' of the building with the possibility of opening up these two areas, which is the part of the building that is most relevant and proximate to the Four Corners.

The southern portion of the existing building is also proposed to have a small retail, restaurant or café unit in the one storey portion of the building that was once the Children's Pavilion. The southern portion of the Colborne Building will have direct access to the Riverfront Promenade and the commercial unit will be able to serve and

take advantage of the multi-use pathway foot and cyclist traffic. The remainder of the ground floor could accommodate small non-residential spaces, residential amenity space for the units above, residential units or live/work studio spaces.

High-Rise Residential

The permitted uses in the High-Rise Residential designation primarily include stacked townhouses and apartment buildings. Lower-rise housing forms are not permitted in this character designation (20.6.4.3.3 ii). For properties such as 391 South Street that abut on the Riverfront Promenade, small-scale restaurant and studio uses may be permitted at grade within the podium of high-rise buildings facing the river, though will not allow for the range or size of non-residential uses anticipated in the Four Corners or the Mainstreet Corridor. The proposed development includes residential uses in the podium and tower portions and has no specific intent for non-residential uses along the promenade. The proposed zoning will allow for small units for the future conversion to restaurant or studio space.

4.3 Intensity

The PPS promotes cost-effective development patterns and standards to minimize land consumption and servicing costs, and encourage settlement areas to be the main focus of growth and development (1.1.3). The subject site is a unique development parcel within a central location with strong connections to the downtown, Old South, Hamilton Road and the Thames River, and efficiently utilizes the existing infrastructure and public service facilities within a walkable neighbourhood.

Four Corners

The Four Corners are intended to integrate a modest amount of mixed-use and commercial and other employment generating uses to serve the local neighbourhood. The Colborne Building is located within the Four Corners character designation and will be re-used for a mix of commercial and residential uses. The Four Corners is not intended to compete with the Wellington Street Mainstreet Corridor regarding diversity of uses or intensity, and the proposal is to provide ground floor commercial space with residential units above, which will provide local and small-scale stores that serve the neighbourhood and maintain the Wellington Corridor as the major commercial centre (20.6.2.4.1 a, c & d).

Residential densities within the Four Corners shall be between 50-75uph without bonus zoning. Residential densities exceeding 75uph may be permitted through a site specific bonus zone (20.6.4.1 iv. a). If the entire Colborne Building was converted to residential units, it could equate to as many as 20 units, which would equate to a density of 79uph. The conversion of the Colborne Building and design of the floorplate to accommodate permitted secondary uses at grade is consistent with the intent to ensure the Four Corners is a focal point for the neighbourhood (20.6.4.1.iv. j)

The draft zoning by-law from 2014 also contained provisions in the event of adaptive reuse of the Colborne Building for office uses. The adaptive reuse of a heritage building for office uses is permitted up to 2,000m², and could be increased through site specific bonus zoning (20.6.4.1 iv. d). The intention is to utilize the building as residential, though the full conversion to the office use for the existing building represents an appropriate alternative if the demand arose. The Colborne Building has a total gross floor area of 3,013m², and a total usable floor space of 2,436m² which could facilitate a mix of office, commercial and residential units as an alternative to the primarily residential uses proposed.

High-Rise Residential

In the High-Rise Residential designation, lands adjacent to the river corridor shall generally experience a higher intensity of development than the interior portions of the neighbourhood. The site directly abuts the river corridor and is proposing a density of up to 705 units per hectare, and a height of 80m. In conformity with the Secondary

Plan, higher densities are to be constructed along the riverfront and gradually decrease in height and density northbound towards the existing SoHo residential neighbourhood. The development of new residential areas at higher than current densities will further serve to provide a population base to help support the planned function of the Four Corners and the Wellington Street Transit-Oriented Mainstreet Corridor (20.6.4.3. i).



Figure 4: Northwest View – Proposed Rendering

4.4 Form

The PPS encourages a sense of place by promoting well-designed built form (1.7.1 d) PPS). The proposed development is an appropriate infill development that relates well to pedestrians with a human scale podium, conserves an important heritage designated building, and the rest of the SoHo neighbourhood.

Four Corners

The Four Corners is intended to be a walkable urban mixed-use “main street” with a pedestrian scale. The adaptive reuse and existing location of the Colborne Building maintains the existing scale and provides a transitional building between the existing residential neighbourhood and the new development phases.

The Secondary Plan identifies that the restoration and sensitive adaptation of significant heritage buildings like the Colborne Building for contemporary urban uses, is a preferred approach to achieving the focal point function and purpose of the Four Corners (20.6.4.1 ii). The adaptive reuse of the Colborne Building will retain the existing built form with modifications to better facilitate its new use, such as the provision of new doors, terracing and stairs for access.

High-Rise Residential

High-rise buildings within the Old Victoria Hospital lands will be composed of three sections; a base, a middle and a top. As proposed, the base of high-rise buildings will consist of a 3 to 4 storey podium (lower podium), the middle will be setback 3-5m from the edge of the podium (upper podium), and the top will be distinguished architecturally from the remainder of the building (20.6.4.3.3.iii.d). The middle (upper podium) is adequately setback from the lower podium and has a range of setbacks given the articulations and changes of planes along the base and middle levels to manage and minimize the massing. The stepback provided achieves the general intent of the minimum provision, and according to section 20.6.5.2 of the Secondary Plan, minor variations may be permitted provided the general intent, and objectives of the Secondary Plan area maintained.



Figure 5: Southeast View – Proposed Rendering

Lower Podium

The massing, siting and scale of buildings located adjacent to, or along the edge of the Riverfront Promenade will be oriented to the Thames Valley Corridor, which is consistent with the proposed development that has the 23 storey tower main entrance principally accessed from the River Promenade. Similarly, back of house activities such as garbage storage and utility boxes are specifically not permitted along the Thames Valley Corridor, and will instead be accessed from the mid-block connection (20.6.4.3.3.iii.i). The lower podium consists of 3 storeys which effectively frames South Street, the mid-block connection and the Riverfront Promenade. The treatment of the ground floor of the lower podium will include ground floor units that can be individually accessed externally to promote convenient ingress and egress that generates activity.

Upper Podium

The upper podium is comprised of an eight (8) storey level, reminiscent of the previous hospital form which presented seven (7) storeys along South Street and nine (9) storeys in the middle and 'Y' addition in the north-south direction. The upper podium provides a transition to the tower portions of the built form and is sufficiently set back from the lower podium to minimize the massing on the pedestrian and street-level. The upper podium will provide a change in materials to the lower podium and add interest and dimension to the massing.

Towers

The middle, or shaft portion of tall buildings shall have a floor plate which reduces the massing of such tall buildings and provides for a slender tower (20.6.4.3.3.iii.e). The total GFA for the floor plate does not exceed 800m² for each tower which creates slender point towers that minimize shadow impacts and creates light and separation on site. The tower components are located towards the south and west of the site, and are step-backed from the lower and upper podiums, which also reduces the impact of shadowing on the surround areas. The top is distinguished architecturally from the remainder of the building while incorporating all mechanical penthouses into a design that will enhance the city skyline (20.6.4.3.3.iii.d).

4.5 Parks, Open Space and The River Promenade

The PPS supports publicly-accessible built and natural settings including parklands, open space areas, trails and linkages, and public access to shorelines (1.5.1 b) & c) PPS). Despite the site backing onto the Thames River, there is currently very little connection to the river, and the existing fencing and lack of trails or paths creates an uninviting interface. The proposal will front the proposed Riverfront Promenade that will extend the Thames Valley Parkway and provide a connection to the Thames River.

Public Courtyard

The space between the existing Colborne Building and proposed new construction to the west is intended to be developed as a publicly accessible, common open space courtyard. The courtyard will provide separation and open views to the Colborne Building, and provide a connection from South Street to the river. Vistas from the river looking north to the Children's War Memorial building and the SoHo civic square will be maintained from the provision of the courtyard. The public space is designed to attract public interest and be used year round, and will have a variety of landscaping and treatments to enhance the space and create unique pockets of interest.

A number of artifacts were salvaged from the demolition phases of the hospital to be re-introduced through future redevelopment phases. The proposed courtyard design features some of these artifacts and incorporates them as pieces of public art, which communicates the area's medical legacy (20.6.1.3 i). The stone archway is to be salvaged from the Nurse's Residence and will be featured in the Courtyard, including a design on the reverse face of the archway featuring a pictorial collage of historical images from the original hospital building and hospital staff. The hospital emblem from the Education Centre is intended to be installed on a stone wall within an exterior

seating area. Stone paths and paving patterns that match the interior plaster detail of the Nurse's Residence, include the cross emblem, as well as the reflexology pathway are also proposed to be installed in the courtyard on site.



Figure 6: View of Courtyard from South

SoHo Civic Square - Heritage Square

The northwest corner of the Four Corners is the urban plaza or SoHo Civic Space. The design of the plaza was developed with community input and highlights heritage features of the surrounding buildings. The plaza will function as a neighbourhood gathering area, and will complement the mixed-uses within the adjacent buildings (20.6.4.v). As a part of the OVHL a mixed-use core is proposed at the intersection of Colborne Street and South Street. The design of the Civic Space will be integrated with the surrounding streetscape and is generally framed by the Children's War Memorial Hospital and the Colborne Building.

Riverfront Promenade

Through the preparation of the Old Victoria Hospital Lands Secondary Plan, City staff worked closely with the Upper Thames River Conservation Authority to establish the extent of the development limit. Various studies including the Environmental Impact Study helped form the foundation for the boundary of the developable lands to ensure they were appropriately set back from the river corridor and any significant features.

The Riverfront Promenade will extend along the north bank of the river from Wellington to Colborne Streets. The Riverfront Promenade will include facilities for pedestrians, cyclists and some vehicular access points along the Thames River. The subject site abuts a section of the Riverfront Promenade and will form part of the new the urban/river interface with the eventual promenade. The promenade is currently in the early stages of planning and the City's consultant Dillon will be exploring detailed designs and undertaking public consultation beginning in the fall of 2018.



Figure 7: Draft Riverfront Promenade Connections

Back to the River

The entire parcel abuts the Thames River Valley Corridor to the south and is located in proximity to the SoHo portion of the Back to the River initiative. The initiative identifies that the entire edge of new development for the hospital lands should be designed to take advantage of the river as a primary amenity (p.25 B2R). The treatment of the river boundary will be a key consideration for the site design to ensure that the importance of the river edge is pronounced and not mistaken for a back of house service area. A system of places and features including trees, pedestrian lighting, sitting areas, viewpoints and furnishings should be complemented by active ground floor uses from Victoria's Lookout to the Overlook at Waterloo Street (p.25 B2R). The proposed design for the site supports the objectives of the Back to the River plan, with the intent of the Four Corners to create a mixed-use pedestrian node that has strong visual connection to the Thames Valley Corridor (20.6.2.4 c). The provision of a destination and gathering place along the Thames Valley Corridor in the courtyard space, and integration with the Riverfront Promenade provide further connection of the built form to the river.

The Back to the River initiative identifies specific special project areas including the downtown Forks of the Thames, and The SoHo Inaugural Project. The SoHo project contains a number of features ranging from lookouts, paved plazas, picnic space, concrete steps, retaining seatwalls and lawn terraces among others (p.24, B2R). The improvements associated with the river will be an attractive development amenity to the hospital site and broader SoHo area. The proposed development integrates well with the Riverfront Promenade and the Back to the River initiative and will continue to find ways to relate to the river through the planning and design stages.

4.6 Heritage

The PPS encourages a sense of place by conserving features that help define character, including built heritage resources like the Colborne Building (1.7.1 d). The Colborne Building and surrounding lands have a rich history associated with the use and legacy of the hospital operation over the past 138 years. In January 2012, Council allowed for the demolition of the Main Hospital Building, the Pastoral Care Building, the Isolation Building and the Surgical Building. However, Council requested that no action be taken on demolition of the remaining heritage buildings (the Colborne Building, the Children's War Memorial Hospital, the Nurses Residence and the Medical Building) until the feasibility of restoring these buildings was adequately assessed through a request for proposal process.

Colborne Building

The Colborne building located on the subject site is a 3 storey buff-brick building constructed in 1899 used initially for the Paying Patient's Pavilion (north portion) and the

Children's hospital (south portion). It was listed as a priority 1 structure on the City's heritage inventory prior to being proposed for part IV designation on November 10, 2017. The location of the Colborne Building at the main intersection of Colborne and South Streets allows the heritage building to be featured distinctively and prominently in the proposal as a whole due to its location and form. The materials of the proposed towers differ from that of the Colborne Building creating a juxtaposition and clearly maintaining the identity of the heritage building. The Colborne Building will be a focal point of the overall development, and the adaptive reuse for commercial and residential uses will contribute to its sustainability, as actively using the building makes it easier to maintain than a vacant building.

A Building Condition Assessment and Adaptive Reuse Study was prepared for the Colborne Building in 2011, which identified an estimated cost to preserve and convert the Colborne Building of \$8,022,000.00 plus HST. According to the report, the cost of constructing a new apartment building could be done for "close to one third of this conversion cost" (Adaptive Reuse Study, p2). The adaptive reuse of the building is a bonusable feature, as the greater height and density permitted in the new construction portion offsets the additional cost of retaining the Colborne Building.



Figure 8: Colborne Building: northeast and southeast views

The London Advisory Committee on Heritage (LACH) reviewed the proposal on July 11, and were generally supportive of the retention and reuse of the Colborne Building. Any future modification to the Colborne Building such as the creation of new doors or enlargement of windows will require an additional Heritage Alteration Permit (HAP) which will be considered by an additional meeting before LACH in the future.

4.7 Brownfield Remediation

Evaluation of the subject site for contamination was undertaken through Records of Site Condition in April, May and June of 2011. Later in the summer of 2011, the MOECC updated and increased the standards for environmental clean-up requirements Province-wide. As part of a due-diligence review of the Environmental Site Assessment, several potential contaminants were identified including: heavy metals, salt, polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs) that exceed the revised generic MOECC standards. Remediation and disposal of impacted soil will occur prior to development, and Medallion Corporation sought the use of financial incentives through the Community Improvement Plan for Brownfield Incentives to offset some of the costs, which was approved by Municipal Council on July 24, 2018.

4.8 Transportation and Movement

The PPS promotes densities and land uses which are transit supportive, where transit is planned, exists or may be developed (1.1.3.2.a) 5 PPS). The site is located in convenient proximity to the future rapid transit corridor along Wellington Road as intended through SHIFT. The PPS also promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the use of transit and active transportation (1.6.7.4 PPS). The subject site has direct access to the

proposed Riverfront Promenade which will provide a multi-use path that will connect cyclists and pedestrians and make active transit trips more accessible and appealing.

The site is located directly on the intersection of South Street and Colborne Street, which is recognized as an important cross-road in the neighbourhood, with South Street providing a major east-west link to the Wellington Street Transit- Oriented Mainstreet Corridor and Colborne Street providing a major north-south link to the Thames River (20.6.4.1.i). Colborne Street is planned as a primary streetscape to bring people from the interior portions of the SoHo neighbourhood towards the Thames River Corridor and riverfront promenade (20.6.2.3).

Traffic Impact Study

The City completed a Transportation Impact Assessment (TIA) at the time of the preparation of the Secondary Plan to provide important information for road needs and the timing of road improvements as development of the neighbourhood proceeds. The TIA also made recommendations such as the conversion of South Street and Grey Street to two-way operations, which is now tentatively scheduled to be converted in 2027 (20.6.3.6).

Mid-block Connection

A mid-block connection is proposed in the north-south direction to the west of the subject site, which would divide the current large block into two generally equal pieces. The mid-block connection will provide the vehicular connection for the underground and structured parking for the proposed development. This location will service the Colborne Building as well, and provide one central location for vehicular entry that the plan supports (20.6.4.1.iv.r). The mid-block connection is also located away from the intersection of South and Colborne Streets which maintains the pedestrian orientation and priority for that area.

Public Transit & Active Transportation

The site is well connected with existing public transit including route 1 along South Street directly in front of the site, and additional services along Wellington Road (routes 13 & 90) to the west, including the proposed future rapid transit services. To the east along Adelaide Street North are two routes, 16 & 92, and to the north there is route 3 along Horton Street. The extension and construction of the Riverfront Promenade will add new cycling and pedestrian infrastructure to the south of the site which will provide convenient access to the off-street Thames Valley Parkway. There are also on-road cycling routes along South Street and Colborne Street which are proposed to be maintained.

Parking

To reduce the impact of surface parking and to provide at-grade amenity areas, the provision of structured parking either underground or above ground shall be encouraged for higher density forms of development (20.6.3.6 viii g). The development is providing 2 levels of underground parking and an additional 3 levels of structured parking above ground. The structured parking provided above ground minimizes the ground disturbance and related remediation required as detailed in section 4.7 of this report.

The structured parking is screened entirely by residential units, and there are a total of 360 parking spaces that will be shared between the new development and the adaptive reuse of the Colborne Building. The draft zoning by-law identified a parking rate of 0.75 spaces per unit, and the 360 provided will equate to 0.56 spaces per unit. The reduced parking rate is appropriate in this location as the site is within a central area of the city with high connectivity to transit, shops and services, and will enjoy strong active transportation connections in the future with the Riverfront Promenade.

4.9 Servicing & Infrastructure

At the time the Old Victoria Hospital Secondary Plan was initiated in 2012, a number of studies and evaluations were also prepared to support the future development of the lands, including:

- Traffic Impact Assessment
- Storm, Sanitary, Water Servicing Strategy
- SoHo Redevelopment Environmental Impact Study
- Building Condition Assessment and Adaptive Reuse Study for Colborne Building

According to the Old Victoria Hospital Lands Secondary Plan, the area is currently fully serviced (20.6.3.5). Recent upgrades occurred beginning in 2014 for water and sewer systems that were identified through a Servicing Area Plan including works on Nelson, Maitland, Simcoe & Henry Streets. Additionally, there is district energy available in this location, which previously serviced the hospital lands and may provide a future connection for the development blocks.

4.10 Bonusing

There are bonusing provisions set out in the Secondary Plan which identify the facilities, services and matters that would be eligible for the consideration of greater height or density permissions for the Old Victoria Hospital Lands. The bonusing provisions must be commensurate with the requested increase in height or density including one or more of the following:

Conservation of the heritage attributes of properties designated under Part IV of the Ontario Heritage Act;

The Colborne Building was designated by Council in November 2017, and will be retained, adaptively reused and incorporated into the proposed development.

Buildings and landscaping of a very good or exceptional design quality. The Urban Design Peer Review Panel will provide guidance to such proposals;

The built form and landscaping around the buildings and in the courtyard is of high quality and will facilitate interest, activity and liveliness in the area. The first development phase of the Old Victoria Hospital Lands sets a high design standard and will serve as a catalyst for revitalization in the area. The Urban Design Peer Review Panel reviewed the proposal on June 20 and provided various comments, recommendations and suggestions. Subject to their implementation, they concluded that “the proposed development represents an appropriate solution for the site”.

Underground parking only in combination with buildings and landscaping of a very good or exceptional design quality;

There are two levels of underground parking and 3 levels of above ground structured parking. The underground parking location is the preferred location as it preserved above ground space to be used for residential or commercial uses that contribute to the streetscape and provide passive surveillance and activity. The structured above ground parking is wrapped by active residential uses which entirely screens the parking and driveway access, and presents animated building frontages rather than blank or unused space typically associated with vehicle storage inside buildings.

Public Art as defined in this Plan;

The Secondary Plan encourages public art to be located in areas that are publicly accessible, highly visible and have cultural significance (20.6.3.4 b). A number of artifacts were salvaged from the demolition phases of the hospital to be re-introduced through installation in the publicly accessible courtyard.

Development of public realm elements such as publicly accessible promenades, parks, plazas, look-outs or seating areas.

The proposed development includes a publicly accessible courtyard located west of the Colborne Building and east of the new construction. The courtyard will connect pedestrians from the Riverfront Promenade to the SoHo Civic space and include a number of different landscaping treatments, seating and play areas on the privately owned lands.

Two additional bonusable features identified in the secondary plan include the provision of affordable housing and the achievement of LEED gold or higher. While these aspects are encouraged for any development, they are not proposed through the first phase of the hospital lands development, and will be pursued through further development phases in the future. The bonusable features proposed for the development of the subject site result in numerous public benefits and are more than sufficient to support the request for greater height and density.

4.11 Zoning

The Four Corners Designated portion of the site will be implemented by the holding Residential R8 Special Provision Bonus (h-_*R8-4 (__)*B-__) Zone. The R8-4 zone variation will include special provisions to allow for an expanded range of uses including: a mix of commercial, retail office, and residential apartments within the existing heritage building. Reduced setbacks will recognize the existing location of the Colborne Building in relation to the existing property boundaries.

The Residential R8 zone allows for a modest height and density as of right per the secondary plan, and the Bonus zone will allow for the greater heights and densities associated with the proposed development. The Colborne building is proposed to have flexibility on the amount and location of non-residential floor area permitted within. Front, rear and exterior side yard depths will have a minimum and maximum setback from 0-3m. Lot coverage will be a maximum of 80%, and landscaped open space will be a minimum of 20%. The height for any new buildings will be 9-13m maximum, and the density will be in a range from 50-60uph. Parking is proposed to be 0.75 spaces per residential unit.

The High-Rise Residential designated portion of the site will be implemented by the holding Residential R9 Special Provision Bonus (h-_*R9-3 (__)*B-__) Zone. The R9-3 zone variation will allow for stacked townhouses and residential apartments. Two additional uses of restaurant and studios will be permitted for the building frontages that abut the River Promenade at grade. The base zone will allow for a maximum high density of 100 units per hectare, and a maximum height of 10 storeys or 30m. Minimum and maximum setbacks will be applied to ensure a strong street presence along the abutting streets, and the River Promenade.

One bonus zone will apply to the entire property for both the Colborne Building and the new development portion. The bonus zone will allow for the greater height of 80m and density of up to 705 units per hectare in return for the provision of such facilities, services and matters described in section 4.7 Bonusing of this report.

A holding provision will apply to both the R8-4 and R9-3 zone variations to ensure that the development is consistent with the vision of the Old Victoria Hospital Secondary Plan. The holding provision will remain on site until a development agreement is entered into for the subject lands that conforms with the character area, form and design policies of the Old Victoria Hospital Secondary Plan.

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

5.0 Conclusion

The proposed amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Official Plan, The London Plan and the Old Victoria Hospital Lands Secondary Plan. The proposal revitalizes a key site in the SoHo community and Old Victoria Hospital lands and implements the vision of the Roadmap SoHo Community

Improvement Plan. The new residential development provides a population that will support the nearby transit services and commercial and retail along the Wellington Road corridor. The retention of the Colborne Building maintains a heritage designated property and local history. The zoning implements the winning design from the RFP process and will facilitate a vibrant and well-designed development form in a transformative location.

Prepared by:	Sonia Wise, 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

/sw

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August 3, 2018

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 391 South Street.

WHEREAS the Corporation of the City of London has applied to rezone an area of land located at 391 South Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 391 South Street, as shown on the attached map comprising part of Key Map No. A107, from a holding Residential R7/Residential R9/Regional Facility (h-5*R7*D150*H30/R9-7*H30/RF) Zone, to a holding Residential R8 Special Provision Bonus (h-__*R8-4(__)*B-__) Zone; and a holding Residential R9 Special Provision Bonus (h-__*R9-3(__)*H30*B-__) Zone.
- 2) Section Number 3.8 2) (Holding "h" Zones/Holding Zone Provisions) is amended by adding the following new holding zone:

h-__ Purpose: to ensure that development is consistent with the vision and objectives for the development of the Old Victoria Hospital lands, the holding provision will not be lifted until a development agreement is entered into for the subject lands, that substantively implements the site plan and renderings attached as Schedule "1" to the amending by-law, with minor variations to the satisfaction of the City of London; that conforms with the community structure, character area, form and design policies of the Old Victoria Hospital Lands Secondary Plan.

Permitted Interim Uses: Existing uses

- 3) Section 4.3. 4) (Bonus Zones/Site Specific Bonus Provisions) is amended by adding the following new bonus zone:

4.3.4(__) B(__) 391 South Street

This bonus zone is intended to facilitate a high quality development which substantively implements through the required development agreement(s), the Site Plan, Renderings and Concept Landscape Plan, attached as Schedule "1" and Schedule "2" to the amending by-law; and

- i) Conservation, retention and adaptive re-use of the existing heritage designated Colborne Building;
- ii) Provision of the publicly accessible courtyard and public art within the courtyard
- iii) Provision of two levels of underground parking

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

- a) Regulations:

i) Density: Maximum	705 units per hectare
ii) Frontage: Minimum	98m (328 ft)
iii) Lot Area: Minimum	9,000m ² (9,687 sq ft)
ix) Front, Interior, Exterior and Rear Setbacks: Minimum	0m (0ft)
x) Height: Maximum	80 metres (262 ft)
xi) Tower floor plate above 9 th Storey Maximum	800m ²
xii) Parking total for all uses: Minimum	360 spaces

- 4) Section 12.4 d) (Residential R8/Special Provisions) is amended by adding the following new special provision zone variation:

R8-4()

a) Additional Permitted Uses

- i) Offices
- ii) Medical-dental offices
- iii) Clinics
- iv) Day care centres
- v) Studios
- vi) Convenience stores
- vii) Pharmacies
- viii) Financial institutions
- ix) Personal service establishments
- x) Restaurants, eat-in
- xi) Business service establishments
- xii) Hotels
- xiii) Retail Store

b) Regulations

- i) Within the existing building, there will be no limit on the location of non-residential floor area or floor space permitted within, with the exception of the retail store use.
- ii) For the existing building, the height is as existing on the date of the passing of the by-law.
- iii) Residential uses located on the ground floor of the existing building may occupy no more than 80% of the total ground floor gross floor area
- iv) Within new buildings, non-residential uses are restricted to the ground floor with a maximum combined gross floor area of 850m²

v) Lot Frontage Minimum	25m
vi) Lot Coverage Maximum	80%
vii) Height Minimum	9 m (29 ft)
Maximum	13 m (42 ft)
viii) Density Minimum	50 units per hectare
Maximum	60 units per hectare
ix) Front and Exterior Side Yard Setbacks Minimum	0m (0 ft)
Maximum	3m (10 ft)
x) Rear Yard Requirements Maximum	3m (10 ft)
xi) Interior Side Yard Requirements Minimum	2m (6 ft)
xii) Landscaped Open Space Minimum	20%
xiii) Parking requirement for residential uses Minimum	0.75 spaces per unit
xiv) Retail Store Total Gross Floor Area Maximum	300m ² (3,229 sq ft)
xv) Offices/Medical Dental Offices for new buildings Maximum	2,000m ²

- 5) Section 13.4 c) (Residential R9/Special Provisions) is amended by adding the following new special provision zone variation:

R9-3()

a) Permitted Uses

- i) Apartment buildings
- ii) Stacked townhouses

b) Secondary Permitted Uses on the ground floor abutting the Riverfront Promenade:

- i) Restaurants, eat-in
- ii) Studios

c) Regulations

i) Lot Coverage (Maximum)	80%
ii) Height Minimum	21 m (69 ft)
Maximum	30 m (98 ft)

iii)	Density Minimum Maximum	75 units per hectare 100 units per hectare
iv)	Floor plate above 4 th Storey Maximum	800m ²
v)	Front and Exterior Side Yard Setbacks Minimum Maximum	0 m (0 ft) 3m (10 ft)
vi)	Rear Yard Requirements Minimum	0m (0 ft)
vii)	Interior Side Yard Requirements Minimum	0m (0 ft)
viii)	Landscaped Open Space Minimum	20%
ix)	Parking requirement for residential uses Minimum	0.75 spaces per unit

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.

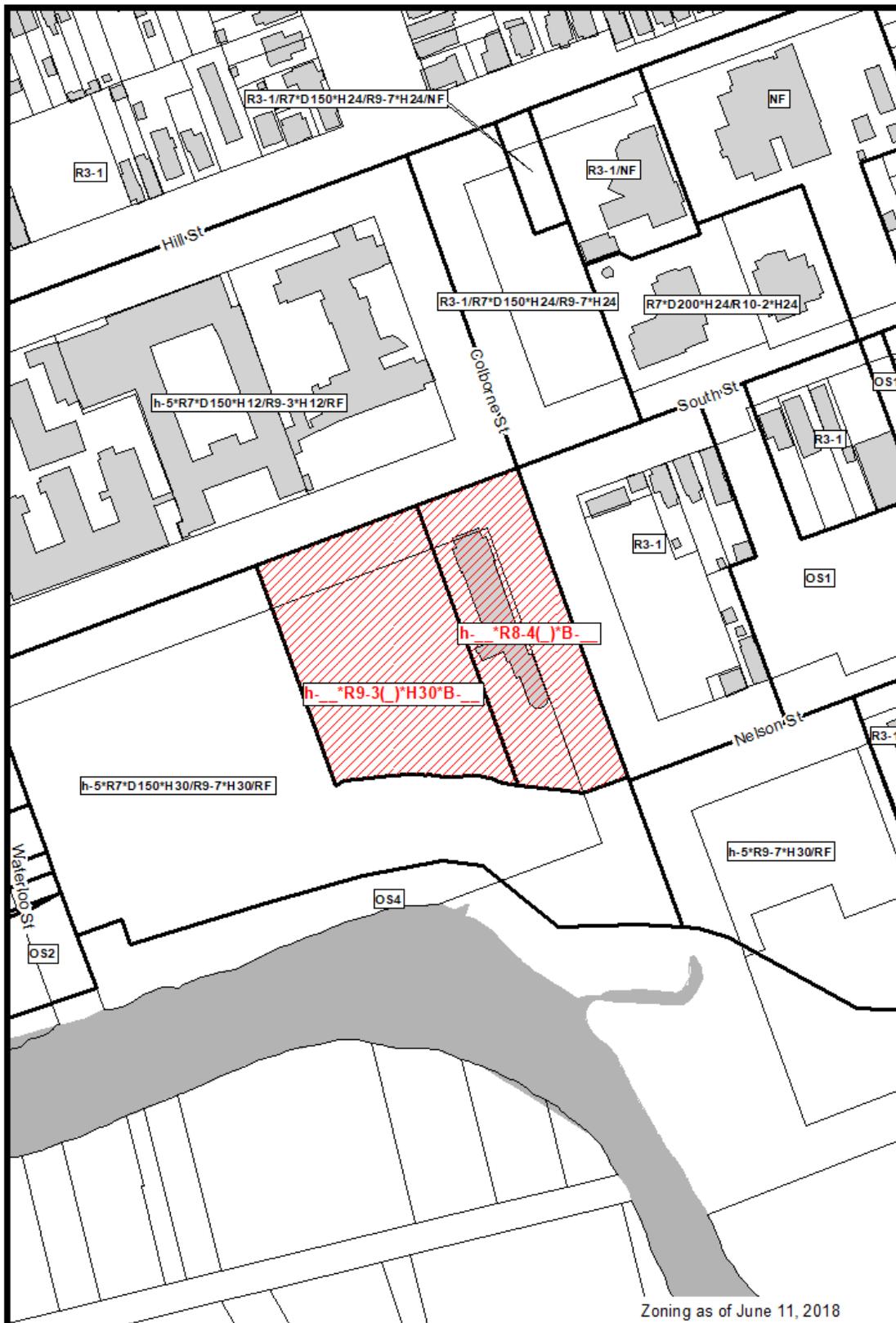
PASSED in Open Council on August 28, 2018.

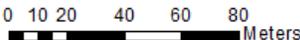
Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – August 28, 2018
Second Reading – August 28, 2018
Third Reading – August 28, 2018

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



<p>File Number: Z-8803 Planner: SW Date Prepared: 2018/07/10 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p> Meters</p> <p></p>
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GeoLabBase

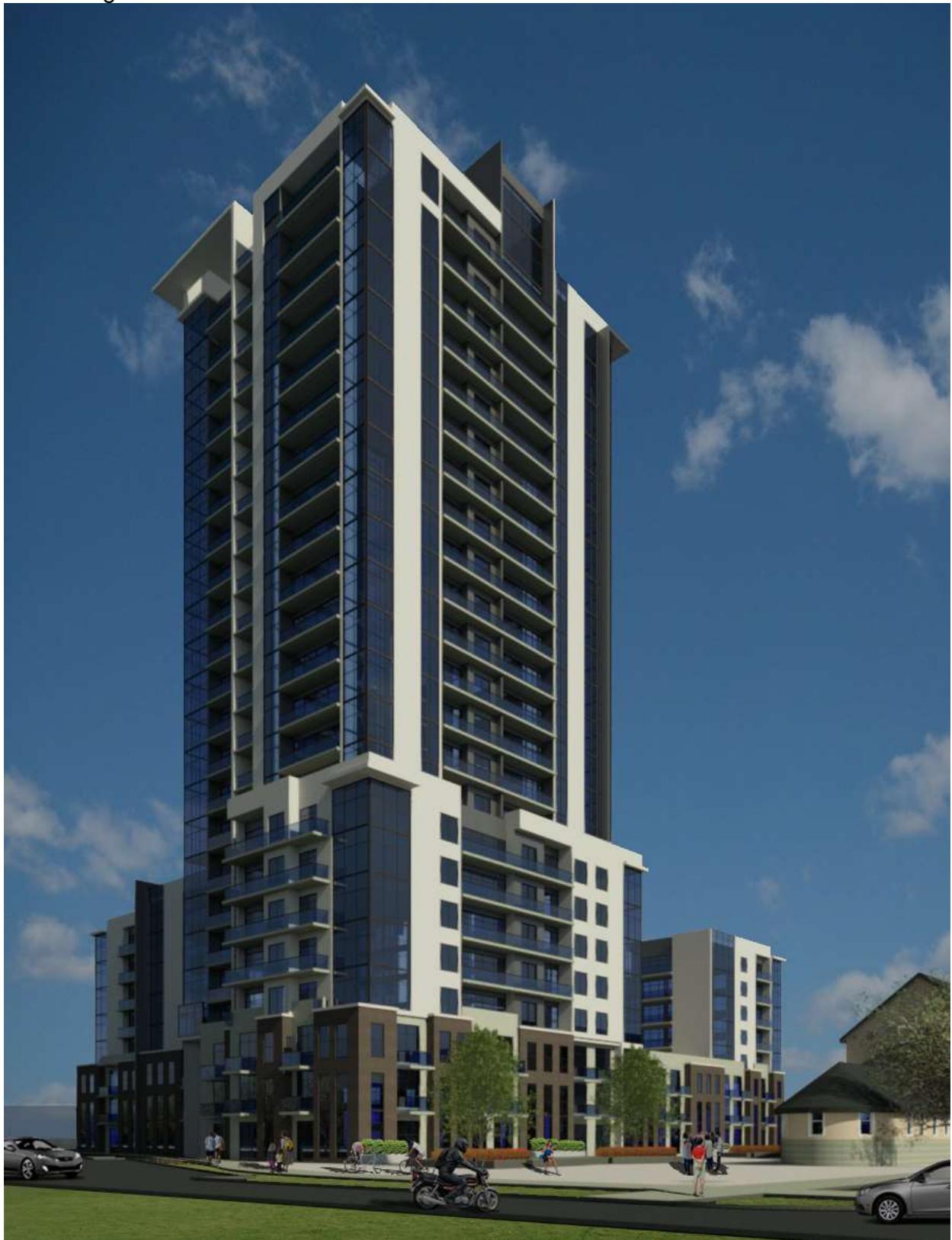
Renderings: Northeast & Southwest View



Rendering: Northwest View



Rendering: Southeast View



Schedule 2



Appendix B – Public Engagement

Community Engagement

Public liaison: On April 18, 2018, Notice of Application was sent to 43 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 19, 2018. Two “Planning Application” signs were also posted on the site.

12 replies were received

Nature of Liaison: To change the zoning from a holding Residential R7/R9/Regional Facility (h-5*R7*D150*H30/R9-7*H30*RF) Zone to a holding Residential R9 Special Provision Bonus (h-_*R9-3(_)*B-_) Zone; and a holding Residential R8 Special Provision Bonus (h-_*R8-4(_)*B-_) Zone.

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

Scale of Development

1) development should not be taller than 1 London Place, 2) maximum height should be no more than 10 storeys, 3) proposed heights are higher than the maximums discussed in 2013, 4) too dense for site, 5) towers are disproportionately high and represent a forbidding aspect in area for dwellings and apartments, 6) impact of shadows from buildings (x2), 7) decreased quality of life with increase in population, 8) the residential uses proposed will be less intensive than the previous hospital uses

Heritage

1) design of the new building does not communicate to the look of the Colborne Building, 2) proposal complements the retention and adaptive reuse of the existing heritage building, 3) impressed by conservation of the Colborne Building

Design

1) development does not blend in or mitigate the 'fortress' feel, 2) are the public courtyards actually public, 3) not in tune with the neighbourhood, 4) appeal for imagination and creativity in design, 5) impressive modern architecture

Bonusing

1) concerned that when re-zoned for greater height/density, developer will abuse permissions, 2) existing zoning should be utilized, 3) Soho Community Association does not support zoning, 4) bonus zones exceed 25% maximum (x2), 5) not consistent with the desires for neighbourhood revitalization in the secondary plan or The London Plan, 6) precedent setting development for other future high density uses that may provide less bonusing, 7) underground parking is not bonusable but necessary

Access to River

1) towers cut off the river and view from the neighbourhood (x2), 2) Nelson St expansion seems to compete with the park space, 3) uncertain about the willingness of the residents to share the river promenade with the rest of the community, 4) development will not block river, river cannot be seen now, 5) excited by the TVP extension to Nelson Street, 5) shared space for vehicles and bikes needs to have distinction

Traffic, Parking and Cycling

1) Concern over increased traffic (x2), 2) excited about the possibilities for people who are choosing active transportation over cars, 3), better bike parking is required, 4) bike storage should be convenient,

Environmental Impacts

1) Concern for environmental impacts on river (x2)

Revitalization

1) development will improve the whole area (x2), 2) support for project (x3), 3) would like to live in a unit, 4) SoHo should be welcoming of this investment, 5) development will generate new tax revenue, 6) efficient utilization of existing infrastructure, 7) neighbourhood can only benefit, 8) strong walking core between SoHo and the downtown and new residents will help support businesses, schools, waterfront amenities, parks and walking paths, and establish a grocery store, 9) more housing choice is needed,

Other

1) feels the community's opinions have been incorporated, 2) interest in details of integration of low-rise residential uses, ownership vs. rentals, and the provision of affordable housing, 3) rental housing in SoHo is an odd mix, 4) people with physical disabilities find renting difficult, 5) no longer lives in SoHo because of lack of rentals and would like to return

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

Telephone	Written
William Sedgwick 204-440 South Street London ON N6B 1C2	Nancy Hamm 354 Hill Street London ON N6B 1E3
Angela Lukach (SoHo Community Organization) 225 Burwell Street London ON N6B 2V5	Mark Clements 302 Hill Street London ON N6B 1E2
Patrick Ambrogio	Patrick Ambrogio
	Catherine Morrisey 105 Clarence Street London ON N6B 2J3
	Peter Dziadura 101 Waterloo Street London ON N6B 2M2
	Angela Lukach (SoHo Community Organization) 225 Burwell Street London ON N6B 2V5
	Jennifer Grainger (ACO) 1017 Western Road London ON N6G 1G5
	Spencer Murray
	Shelley Carr
	Karen Petit 181 William Road London ON N6B 3B6
	Heather Hatch 288 South Street London ON N6B 1B7

From: [REDACTED] [mailto:[REDACTED]]
Sent: Sunday, April 29, 2018 7:16 PM
To: Wise, Sonia <swise@london.ca>
Subject: application for rezoning z-8803

I am a homeowner in SOHO I welcome new developement however the wording of the rezoning does not maximize the height to 23 storeys it allows for bonusing above this height . I am not in favour of a highrise higher then 1 London Place. The top storey is already in the clouds. I am scared that when rezoned the developer will abuse it. Why can,t the present zoning be used with bonusing?Nancy Hamm 354 Hill Street

Message 2 Sent: Monday, May 14, 2018 5:08 PM

I received an invite to an info meeting in June. in It states that the height would be up to 23 storeys on top of 3 to 8 storeys not including. This is not what you told me earlier that it would not be no more than 23 storeys. What is it? 3 to 8 storeys on top of 23 or up to 23 storeys. You need to get your facts straight. This is too high of a density for 5 acres.

From: mark clements [mailto:]
Sent: Sunday, April 29, 2018 3:37 PM
To: Wise, Sonia <swise@london.ca>
Subject: Soho zoning change

I would like to weigh in on the zoning change to allow high rises on the old vic site. I don't understand why anyone would be against this. The argument it will block views of the river. Who can see the river now. This change would do nothing but improve the whole area.

Thank you
Mark Clements
302 Hill st

From: [mailto:]
Sent: Friday, May 04, 2018 4:17 PM
To: ASKCITY <ASKCITY@london.ca>
Cc: Park, Tanya <tpark@london.ca>; Wise, Sonia <swise@london.ca>
Subject: Safe Injection site 241 Simcoe

Hi City Hall,

I am a homeowner just a stone throw from 241 Simcoe. I was surprised to hear from a neighbour that a "Supervised Consumption Facility" , safe injection site, has been approved for this building, and that apparently there had been a process for public input. News to me!

I have carefully read all the letters in support of this initiative attached to the April 30 Planning and Environment Committee Agenda. It is clear to me those letters were the result of a well organized effort to get positive endorsement from a select group of people who live in other parts of the city. What was the criteria for selectively informing and inviting input, please?

Why did I get an informative letter inviting my input on Zoning By-Law Amendment for 391 South Street because I reside within 120 metres, but I received no notice or information about the proposed injection site that will be 50 metres from my front door?

I support both initiatives. In fact I would love to live at 391 South Street when it gets built. But I do have serious concerns about the implications of the 241 Simcoe Street decision.

Two questions:

1. How do the residents in 241 Simcoe feel about this? It was originally a seniors building and very pleasant. I know because I delivered library books there once a month for years. A gifted pianist played in the community room while residents had coffee and exchanged their books. When the housing mandate shifted to include a wide range of special needs, original residents became frightened and desperate to get out. I am afraid to go in there now. There usually are Police cars at the door.

We need a safe injection site, or ten, and we need coordinated services to support drug users. My longtime concern as SoHo resident is the presence of drug dealers, violence, theft, and neighbourhood degradation. We have it all. The London Community Police

Service does a great job dealing with our homeless folks along the river, and that is where thousands of needles are found.

2. Is the decision to implement a "Supervised Consumption Facility" in 241 Simcoe a permanent plan? It sounds like a very weak commitment to solve a very major problem. What I think drug addicts need is their own facility, their own building, not a tiny little room in public housing. They need a massive commitment, multi-agency support, and some compelling sense of purpose to get back on track. They need jobs, or a positive role, and self respect.

This little pocket of historic houses between the river and Wellington, SoHo West, has the potential to become a Toronto commuter community. Two other homeowners and I are regular VIA morning train users, and we can walk to the train station in 11 minutes. Just like the GO Station where I grew up, the long term future of this area is being shaped by easy transportation. It is one of London's closely guarded secret gems.

But I am painfully aware of the evidence of social problems: needles on the ground, overdoses and stabbings, homelessness, poverty, and tents along the river. Our area is thought to be scary, dangerous, and unattractive.

If the injection site decision is permanent, then it slots the neighbourhood as undesirable and unattractive, forever.

I would propose that this decision be considered an interim solution while a more comprehensive strategy is carefully designed. An injection site has to be more than just a safe place. It has to be dedicated to users, and loaded with social support, medical support, psychological support, employment support, housing support, offering opportunity and hopefulness for the people who need it.

Thanks,
Catherine Morrissey
105 Clarence St.

From: Angela Lukach [mailto:]
Sent: Friday, May 11, 2018 4:30 PM
To: Wise, Sonia <swise@london.ca>
Subject: File Z-8803

Sonia -

Please accept this formal notice that the SoHo Community Association does **not** support the suggested zoning amendment for 391 South Street for a number of reasons.

We note that the proposed zoning amendments presented to residents in 2013 indicated a maximum height of 12 storeys for this particular lot. We are also aware that bonus zones elsewhere in the city top out at 25% of maximum height and/or density.

Our residents have expressed deep concerns regarding traffic patterns, shadows that will be cast by the building, and environmental concerns with construction on the river bank.

We look forward to discussing these with your department and Medallion in the future.

With thanks,

Angela Lukach, President

The SoHo Community Association
225 Burwell Street South
London, ON N6B 2V5

SoHo Website: www.soholondon.ca

SoHo Facebook: <https://www.facebook.com/pages/SoHo-Community-Association/211231608916480>

SoHo Twitter: @SoHoLdnOnt

From: "Patrick John Ambrogio, P.Eng." <[REDACTED]>
Date: 2018-05-14 12:34 PM (GMT-05:00)
To: "Park, Tanya" <tpark@london.ca>
Cc: "Carson, Melonie" <mcarson@london.ca>, Jesse Helmer <jhelmer@london.ca>, Stephen Turner <sturner@london.ca>
Subject: RE: South Street Development

Thank you Tanya.

My consistent opinion as a longtime advocate of SoHo, and as the developer of the London Roundhouse project, is that we want to be as welcoming as possible to investment in SoHo, and particularly in residential intensification.

London should send a clear message that developers willing to risk capital to help grow and support our downtown neighbourhoods are wanted.

Compared to the prior use of the lands and buildings as a busy hospital with 24-hour emergency ambulances, commercial deliveries and city-wide traffic, these kinds of residential developments in a walking neighbourhood actually represent a calming of SoHo. They will also lead to a critical population mass necessary to form an even more vibrant community.

A strong walking downtown core will help support our traditional downtown businesses, sustain SoHo schools, justify new critical services such as grocers, utilize new waterfront amenities, parks and walking paths, and so much more. The quality of life in a revitalized Live-Work-Play SoHo is unlimited.

In particular, from a financial perspective, SoHo residential developments will not only generate significant new tax revenue, but do so by leveraging our City's investment in already-existing built infrastructure, by far the most efficient and cost-effective growth pathway available to London.

I hope this does put us on the same side of the debate.

Regards,

Patrick

Message 2 Sent: Friday, May 18, 2018 1:11 PM

Hello Michael,

I wanted to share comments on the proposed development for the former hospital grounds in today's London Free Press (<http://lfpres.com/news/local-news/soho-neighbourhood-group-balks-at-expanded-highrise-plans>). I do so from the perspective of an owner, and early investor, in several residential and commercial properties within SoHo.

The illustrated concept boasts impressive and stunning architecture that integrates modern design. It fully complements the retention and adaptive reuse of the existing heritage building. It is inspiring and bold, and sends the clear message that not only is

SoHo open for business, but that the City of London is too. The confidence in our SoHo downtown will be unlimited and its revitalization momentum unstoppable.

Live-Work-Play will thrive in SoHo as we bolster the City's core population. As a catalyst, the project will attract even more downtown residents and private investment capital including my company's, which will naturally lead to improved services such as grocery stores, shops, and help sustain downtown schools.

My reading of the local residents' sentiment about the project is diametrically-opposed to that of the fledgling community group. Many if not most are in fact excited, ecstatic and fully-supportive. It is easy to forget that the prior use of the lands as a hospital for generations was exceedingly far more intensive and disruptive to the local neighbourhood than the proposed residential concept.

This project is a homerun. I congratulate you and your team, and all City officials, for bringing such a quality private investment partner to the table. After years of stagnation and delay, this is exactly what we have all been waiting for. And it has been well worth the wait.

Regards,

Patrick J. Ambrogio, P.Eng.
V.P. Creative Property Group
Developer of The London Roundhouse



LONDON REGION

Grosvenor Lodge
1017 Western Rd
London, ON N6G 1G5
May 13th, 2018

Sonia Wise
Planning Services
City of London

Dear Ms. Wise:

Re: Zoning By-Law Amendment 391 South St Z-8803

The Architectural Conservancy Ontario London and Region Branch have read with interest the above zoning amendment request and would like to make the following comments:

- A. The towers are disproportionately high. They present a forbidding aspect in this area of 2-5 storey dwelling houses and apartments.
- B. The towers and 'podiums' (themselves apparently 10 storeys in height) screen off the river and the view from the neighbourhood.
- C. This development would foster an enclave that is separate from the neighbourhood. There is no attempt to blend it in or mitigate the riverside 'fortress' feel of this proposal.
- D. Although there are 'public courtyards' incorporated into the plans, it is not clear whether these are open only to residents of the towers or the residents of the

Z-8803
Sonia Wise

neighbourhood at large. How are these courtyards viewed as being features that would foster the growth and development of an historic neighbourhood and the important access to the river?

We would urge you not to fall into the trap of screening off the river and its amenities for leisure from this neighbourhood. We feel that this development is not in tune with this neighbourhood or the professed desires for neighborhood revitalisation as proposed in the *Old Victoria Hospital South Street Secondary Plan* nor the *London Plan* which encourages the development and strengthening of neighbourhoods.

Once again, we appeal for imagination and creativity in design.

Thank you for your attention.

Yours sincerely,

Jennifer Grainger,
President, ACO London and Region

From: Peter Dziadura [mailto:]
Sent: Wednesday, May 16, 2018 8:30 PM
To: Wise, Sonia <swise@london.ca>
Subject: Zoning By -Law Amendment File:Z-8803

To Sonia Wise,

My name is Peter Dziadura and I live at 101 Waterloo St., I'm sending this email in response to the notice of planning application sent to me in the mail, File: Z-8803, and after attending my local SoHo meeting where this application was discussed.

At that time I did have some concerns about the proposed plan and would like to make them known to you at this time as well. My concerns, are mainly about the bonus zone to allow for the increased height and density of the proposed project. It appears that the height and density numbers are

above what was presented to the residence in 2013, and the bonusing is also above the city standards.

With density comes additional traffic and parking issues that did not appear to be clearly addressed. Also, the proposed extension of Nelson Street with it's close proximity to the river was not addressed and might pose some environmental issues? That was also a departure from previous plans,

which maintained a green space with public access walking paths as a priority on both sides of the river bank.

I realize that this is just one phase of the process, and I do plan to attend the upcoming participation meetings in regard to the environmental impact on the river, as well as the public meeting on June 11, 2018, at the Goodwill Industries and I look forward to following the progress of this development.

Thank You for giving me this opportunity to voice my concerns.

Sincerely
Peter Dziadura



COMMENT CARD

RE: Z-8803: 391 SOUTH STREET

June 11, 2018 – 255 Horton Street – Goodwill Industries

Notice of Collection of Personal Information

The personal information on this form is collected under the authority of the Planning Act, R.S.O. 1990 and may be used for the purpose of informing you of future information meetings and Statutory Public meetings relating to this matter. By providing this information you acknowledge, and give consent to, the Corporation of the City of London including your personal information in the public record and that such information may be included in a Council of the City of London agenda and on the City's web site. Questions about the collection of this personal information should be addressed to Michael Tomazincic, Manager of Current Planning, in person at 206 Dundas Street, by e-mail at mtomazin@london.ca, or by phone at 519-661-2489 ext. 4693.

MS. PETTIT	131 WILLIAM ST.	[REDACTED]
Name (Print)	Address	Email

Comments:

IN THIS NEIGHBOURHOOD THE MAXIMUM HEIGHT SHOULD BE TEN STORIES, AND SHORTER WOULD BE BETTER. A LARGE AREA WOULD BE IN PERPETUAL SHADE. THE RIVER BANK AND MANY HOMES IN THE DISTRICT THIS IS A PROPOSED LARGE INCREASE IN POPULATION DENSITY! THE QUALITY OF LIFE DECREASES WITH A SUDDEN INCREASE IN POPULATION.

ASK YOURSELVES IF YOU WOULD WANT THESE TALL BUILDINGS DWARFING YOUR HOMES.



London
CANADA

COMMENT CARD

RE: Z-8803: 391 SOUTH STREET

June 11, 2018 – 255 Horton Street – Goodwill Industries

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Heather Hatch	208 south st.	[REDACTED]
Name (Print)	Address	Email

Comments:

Still not content with answers given about the impact for the community of introducing such high density housing. The precedent being set for such a high density building will make it more difficult to argue against other 25 story developments that are less generous in their housing requirements. Also, talking about underground parking as a benefit to the community side lines is disingenuous as there's no other way they could really provide sufficient parking for the density suggested. Also, their proposals include an approval extension of Nelson street which seems like it would impact on both the accessibility and the space available for the proposed park

development. ^{Extending} ~~Increasing~~ Melton Street will increase public access regardless of the public walk way.

I'm also, from a design perspective, that there is so little communication between the look of the proposed building and the Colborne building.

I'm also concerned that residents of this project will not be, in the long term, content to share the proposed plans with the community at large, ~~and~~ especially if you are talking about appealing to demographics without children.

Thank you

From: shelly carr [mailto:]
Sent: Tuesday, June 12, 2018 7:46 AM
To: Wise, Sonia <swise@london.ca>
Subject: Soho Hospital lands/Medallion Project

Dear Planning Department/Medallion group

Thank you for public meeting about the proposed development at the former South Street hospital lands.

As John Fleming recalled last night, I too was at the original unveiling of the proposed development last spring. I was vice president of the Soho Association at the time.

I was and continue to be excited about this development. I was impressed by the amount of conservation of the Colborne Hospital will receive. I was excited by the suggested extension of the TVP to Nelson Street.

I am unclear on the reasons the current Association has against this development. Most of them are home owners so this may be a concern. However, for tenants in the area, the Medallion will be a Godsend.

Rental housing in the Soho district is an odd mix. We have 5 low income buildings. We have one highrise. We have many walk-ups. And the majority are home to multiple unit buildings.

Because of this mix in this area, people with physical disabilities find renting virtually impossible. And the buildings named have reached a fair age.

Definitely, more choice is needed.

On a more personal note, I was forced to leave Soho because of the rental shortage. I am an empty nester with a physical disability.

I am currently living in Wortley because I was unable to find safe, accessible housing. I anxiously await the building of these units so I can move back to Soho.

I am particularly excited about the possibilities for people who are choosing active transportation choices over cars. Currently, other units located on cycling routes are "dated" for bicycle transportation. Bicycle storage is seen as a convenience not a necessity. Tenants are looking for units that accommodate their bicycles (between my partner and I we have 5) and find many of the other developments lacking. As a Board member with London Cycle Link, I get asked where the apartments are that are "bicycle friendly" weekly. I point them to the OEV development as really their only choice.

The only concern I have is the extension of Nelson. For this section, I ask that a textured material (such as brick) be used to discourage cars from using excessive speeds on this section. The concept of cars sharing road space with cyclists and pedestrians sounds nice except cars weigh 3000 lbs and can "win" against other modes of transport.

But otherwise, on a major cycling route, near a proposed bridge to cross the Thames and near the expected BRT? Yes. Please bring it to Soho.

The neighbourhood can only benefit from such a well thought out unit.

Thanks for listening

Shelley Carr

From: Spencer Murray [mailto:]
Sent: Wednesday, June 13, 2018 11:06 AM
To: Wise, Sonia <swise@london.ca>
Subject: Old Victoria Hospital South Street Plan

Hi Sonia,

I hope all is well! I am emailing to introduce myself - my name is Spencer Murray and I attended the meeting you hosted on Monday night at the Goodwill regarding the Old Victoria South Street Plans. I have a couple further questions from the other evening but had to take off before I could have my questions answered personally.

I will say, I fully support the development of the area. My partner and I both live on Hill St. so will be directly impacted by the development. I work at Mortgage Wise, on the corner of Wellington and Moore, not too far from the development, and grew up close as well. My girlfriend works at Pathways, which is a short commute for her.

We were somewhat taken aback by the London Free Press article released yesterday regarding the outcome of the meeting on Monday. I felt the overall feeling in the room

was positive towards the development aside from one individual who seemed to be strongly opposed. The other community members who spoke in the Q&A were simply asking for clarification on aspects that mattered to themselves. I'm sure you are used to the 'bad press', but I feel that the article was not representative of the actual meeting. We've talked to many of our neighbours about the development and from the feedback we've been hearing, it's all been positive.

We moved into the area back in September, so have somewhat jumped into the planning process. I have tried to attend SoHo Community Association meetings, but with every attempt to do so, the meeting has been moved or cancelled. I believe that the voice of a few is clouding the voices of the many in this regard - it shows in the comments section of the LFP article. That being said, it has sparked some initiative for change between my partner and I.

I also want to thank yourself (and John Fleming) for your work on this project. I want you to know that it is appreciated by some people. From my understanding, the City and the developers have taken a good amount of community member's opinions into consideration for this development which, from what I understand, may not happen with all potential City developments.

The few questions I had regarding the project are as follows

- What will the low-rise residential landscape look like? Will the houses that fit the 'low-rise' profile stay put? or will they be revamped with newer buildings to fit the mould?
- Will all the residential units in Medallion's two development buildings be all rentals? or will some be owned? I wasn't clear on the answer to this one.
- With regards to the Affordable Housing - I know there aren't going to be any Affordable Housing units in the developments but were there talks of potential Affordable Housing projects in the surrounding Low to Mid-Rise Residential areas? What concentration of these Affordable Houses would we see for the surrounding area?

Once again I thank you for your time; your time on the project and your time reading this email.

Warmest regards,

Spencer Murray, BSc

Mortgage Agent # [REDACTED]

Mortgage Wise Financial

FSCO Lic. # [REDACTED]

259 Wellington Rd., London, Ontario N6C 4N7

Cell: [REDACTED] Fax: [REDACTED]

Agency/Departmental Comments

UTRCA – July 31, 2018 Memo Excerpt

As indicated, the subject lands are regulated by the UTRCA. The UTRCA's concerns related to erosion and Geotechnical considerations are to be addressed through Site Plan Consultation with Dillon and Medallion Corporation.

Environmental and Engineering Services Department – June 8, 2018

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

Wastewater

The following items are to be considered:

- Densities for the Old Victoria Lands shall be consistent with the accepted Aecom Servicing report.

Transportation

No comments for the re-zoning application:

The following items are to be considered:

- No objection though It is noted that study area of the TIA does not match the secondary plan nor do the contemplated development volumes of the TIA match those of the sought after densities in the zoning by-law amendment.

Stormwater

No comments for the re-zoning application.

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

- Site to be service as per City as-con drawings 26260 and 26707.
- Site is within UTRCA
- Design and construction of the SWM servicing work shall be in accordance with the Central Thames Subwatershed.

Water

No comments for the re-zoning application.

Urban Design Peer Review Panel – June 20, 2018

Additional comments may be provided upon future review of the site

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

- The Panel had some difficulty providing comments because the concept had evolved from the submission reviewed by the Panel and there were multiple variations and inconsistencies among the drawings.
- The Panel is supportive of the overall concept as follows:
- Active uses on all frontages including the integration of a public open space between South Street and the river.

- Adaptive reuse of the existing heritage building including opening up the façade for uses to connect/ spill out into the public open space.
- The Panel requested that the applicant consider adjustments to the proportions of the massing of the development, specifically, the upper storeys relative to its base (townhouses). The applicant should consider increasing the height of the base and/or providing greater step-back from the base to the upper floors in order to improve the proportion of the 8 storey portion relative to its base.
- The elevations could be enhanced to take better advantage of riverfront views with balconies / terraces.
- Further refinement of the design to have the building edge follow the curve along promenade should be considered.
- The Panel appreciates the effort put into the towers, however, elevations could benefit from simplification. The use of fins, extended rooflines and open hoods creates a sense of confusion throughout the elevations.
- Front entrances should be pronounced and facing a public street. The main entrance from South Street is unclear based on the current submission. Consideration for a larger physical item such as a covered walkway / canopy will help to demarcate the doors and create a sense of arrival.
- The Panel generally supports the efforts to consider the historic context in the detailed design of the promenade. At this early stage, the Panel encourages the applicant to consider the proportions of the space in relation to the buildings that frame it, and provide more detail about the planned use of the pedestrian corridor through the site.
- The Panel commends the applicant's use of the pedestrian corridor to assist in telling the history of the site. Consider through the detailed design of this area that reflection of the site's history does not have to form such a literal response.
- Wayfinding into the residences from the ground floor should be better defined.
- Wind study and shadow studies are recommended to ensure the pedestrian corridor and other pedestrian areas are comfortable spaces.
- Green space and rooftop amenity space(s) should be explored. A large majority of the proposed tower residences will look upon the podium area(s).

Concluding comments:

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site. It is recommended that the project is presented to the Panel prior to site plan submission once further refinements to the concept have been made.

Urban Design – July 11, 2018

Urban Design staff commend the developer for the overall site layout and design in particular for incorporating the following into the design; retention and adaptive re-use of the Colborne Building; incorporating a privately owned publicly accessible courtyard on the west side of the Colborne Building that will link the future river promenade with the future SoHo heritage square; including active building uses on all four sides of the proposed building podium, with individual ground floor unit access directly to the City sidewalk, promenade, courtyard and mid-block connection; incorporating all parking entirely internal to the proposed building; providing for appropriate massing of the podium and towers; providing for appropriate tower setbacks from South Street, the promenade, and the Colborne building; providing for point towers (small floorplates), which limit the extents of shadows; including a high proportion of transparent glazing on the towers.

Urban design staff have been working closely with the developer through the rezoning process to address the majority of the design concerns that have been raised by the community, the Urban Design Peer Review Panel, and City staff. The following design matters should be addressed through the site plan process:

- Ensure ground floor units on all sides of the podium include lockable individual unit entrances with walkways that lead to a City sidewalk, the proposed courtyard, the future river promenade, or the mid-block connection.
- Where possible, provide for elevated ground floor patios in order to provide for privacy and increase the livability of the ground floor units.
- Ensure the principle entrances into the apartment buildings are prominent and easily identifiable. This can be achieved by introducing a break in the rhythm of massing, including a high level of clear glazing, the incorporation of canopies, etc...
- Ensure high quality design of the south elevation with individual unit entrance and private amenity courtyards spaces, avoiding blank walls, in order to provide a positive edge with active uses facing the promenade.
- Ensure the design of the top of the towers provides interest to the skyline and is well integrated with the design language of the overall development.
- Ensure that brick is the primary material used to clad the podium portion of the building, consideration should be given to incorporating brick on the mid-rise (eight storey) portions of the building as well.
- Ensure that the material and colour palette provide for a cohesive design between all elements of the development (podium, mid-rise portion, towers, top of towers, and the Colborne Building)
- Work with heritage staff to ensure that the Colborne Building is appropriately integrated with the proposed courtyard by including entrances, patios, balconies, active ground floor uses.
- Utilize similar materials, treatments and patterns (ie- paving, aerial string lights between new building and Colborne Building, etc...) as the proposed SoHo Heritage Square in the design of the proposed courtyard.
- Incorporate heritage artifacts from hospital buildings into the proposed courtyard.

The developer should provide a response to the UDPRP Memo issued following the March 2018 meeting detailing how they have considered all of the Panels comments.

LACH – July 25, 2018

b) S. Wise, Planner II, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment for the Colborne Building located at 391 Colborne Street and is also satisfied that the proposed development is appropriate to conserve the cultural heritage value of the Colborne Building, with the following recommendations:

- the open space should maintain vistas of adjacent cultural heritage resources, namely, the War Memorial Children's Hospital; and,
- the lower podium heights of the proposed new building should match the height of the eaves of the Colborne Building;

It being noted that the Colborne Building is being preserved in-situ and is appropriately setback from new buildings on the property;

It being further noted that a verbal delegation from E. van der Maarel, A+LiNK Architecture Inc., was received with respect to this matter.

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:

PPS

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.6.7 Transportation Systems
- 1.7 Long-term economic prosperity

Official Plan

- 3.4. Multi-Family, High Density Residential
- 19.4.4 Bonus Zoning

London Plan

- 81 & 92 Growing 'inward and upward'
- 954 Remnant High Density Residential
- 1556 Secondary Plans
- 1645-1655 Bonus Zoning

SoHo Community Improvement Plan – Roadmap SoHo

- p.3 – Vision and Principles
- p.4 Strategic Directions
- p.7 The Plan
- p.11 Old Victoria Hospital Lands
- p.29 Neighbourhood Places
- p.45 Neighbourhood Movement
- p.63 Neighbourhood Public Space

Old Victoria Hospital Lands Secondary Plan

- 20.6.3 General Policies
- 20.6.4.1 Four Corners
- 20.6.4.3.3 High-Rise Residential
- 20.6.5 Implementation

Z.-1 Zoning By-law

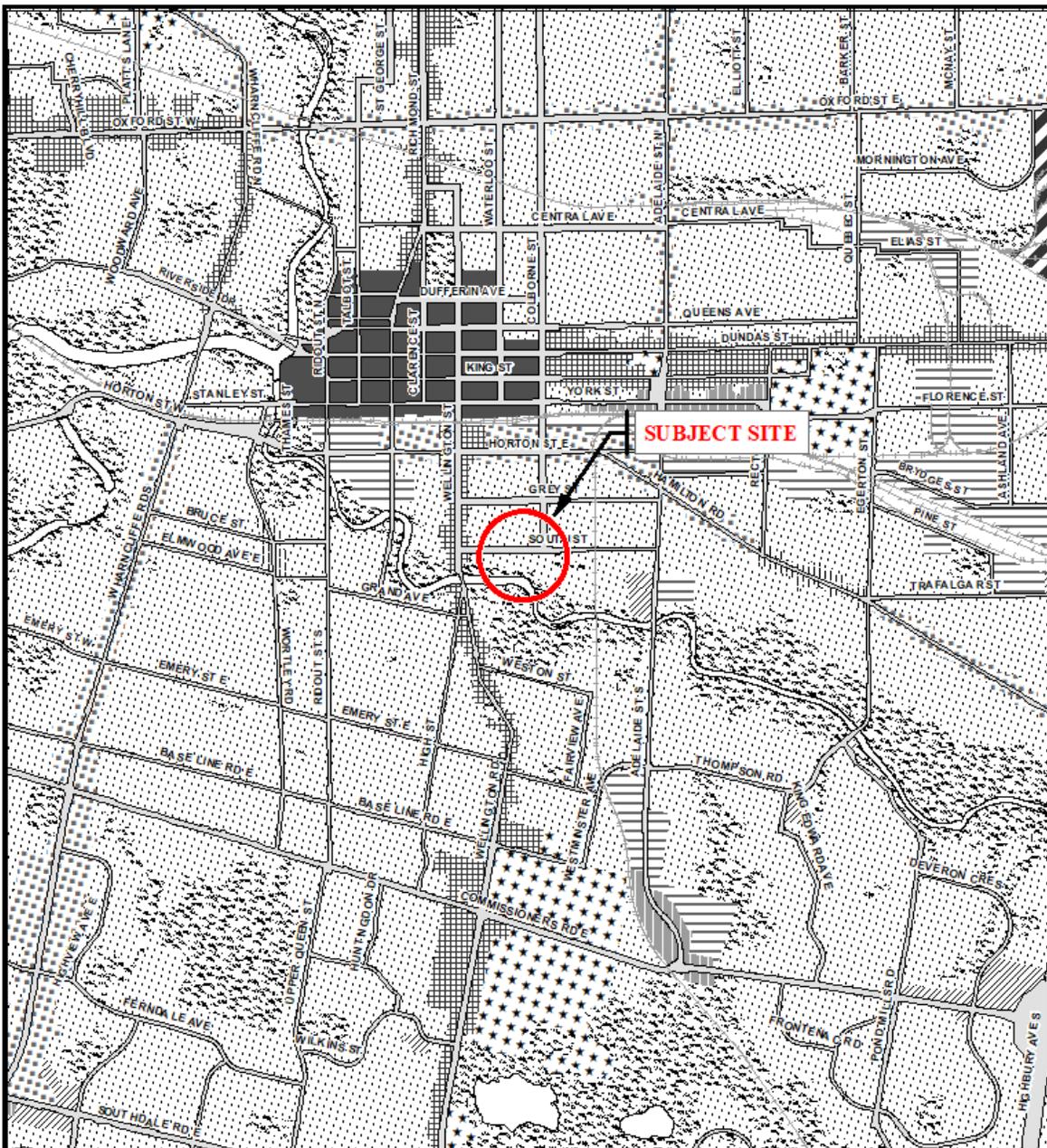
- Section 4: General Provisions
- Section 12: Residential R8 Zone
- Section 13: Residential R9 Zone

Back to the River: The Ribbon of the Thames

- p.24 – p.25 SoHo Neighbourhood
- p.26 SoHo Inaugural Project

So Long South Street: A Photographic History of Victoria Hospital R. Craven (2017)

- p.44 p.56 Making Way for Progress
- p.70 Crossing the River
- p.72 Two Hospitals Unite



Legend

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

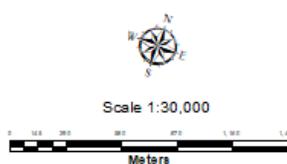
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

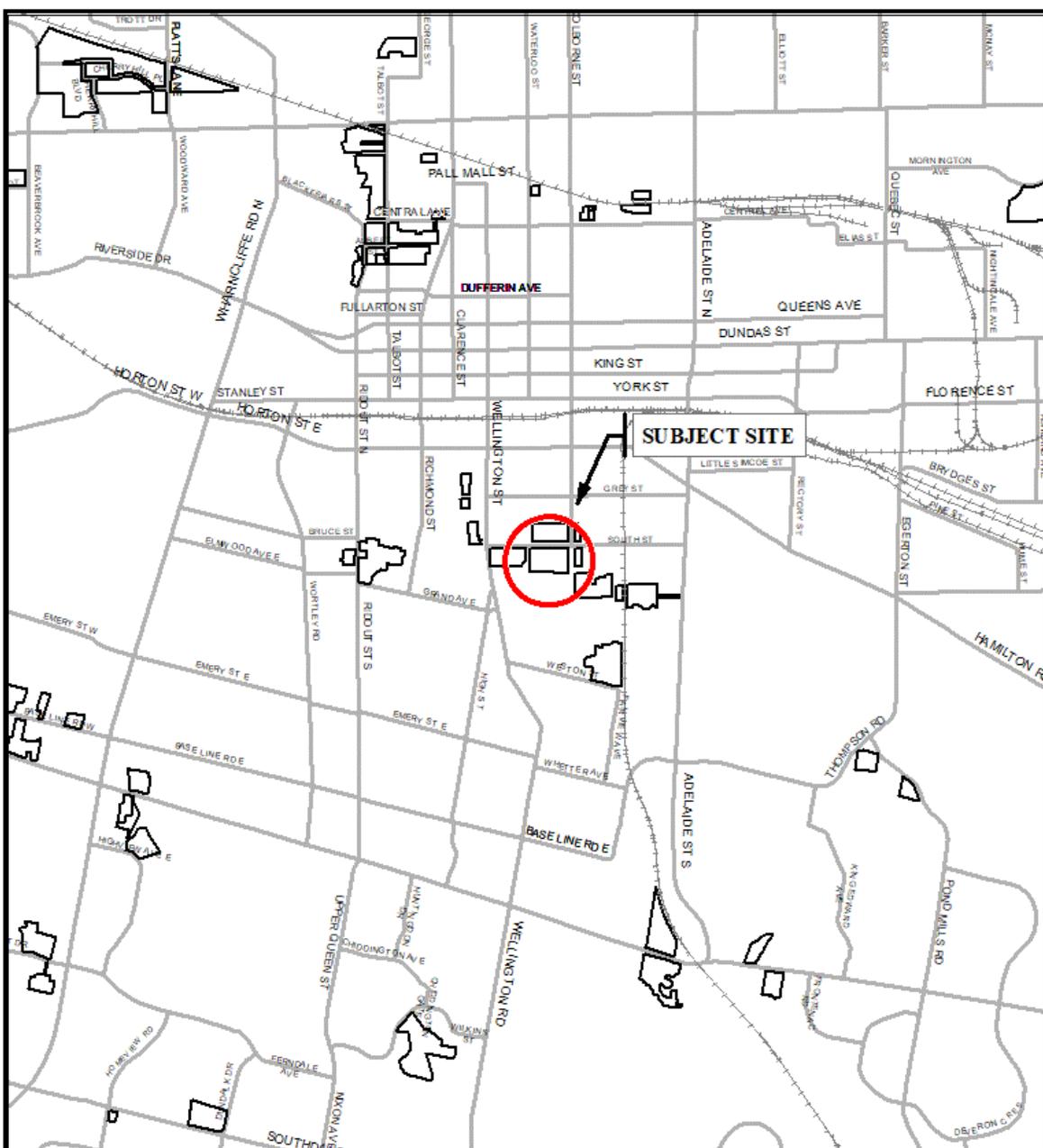
CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



File Number: Z-8803
Planner: SW
Technician: MB
Date: July 10, 2018



Legend

-  High Density Residential Overlay (from 1989 Official Plan)
-  Urban Growth Boundary

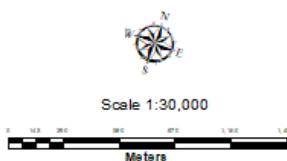
This is an excerpt from the Planning Division's working consolidation of Map 2 - High Density Residential Overlay (From the 1989 Official Plan) of the London Plan, with added notations.

CITY OF LONDON

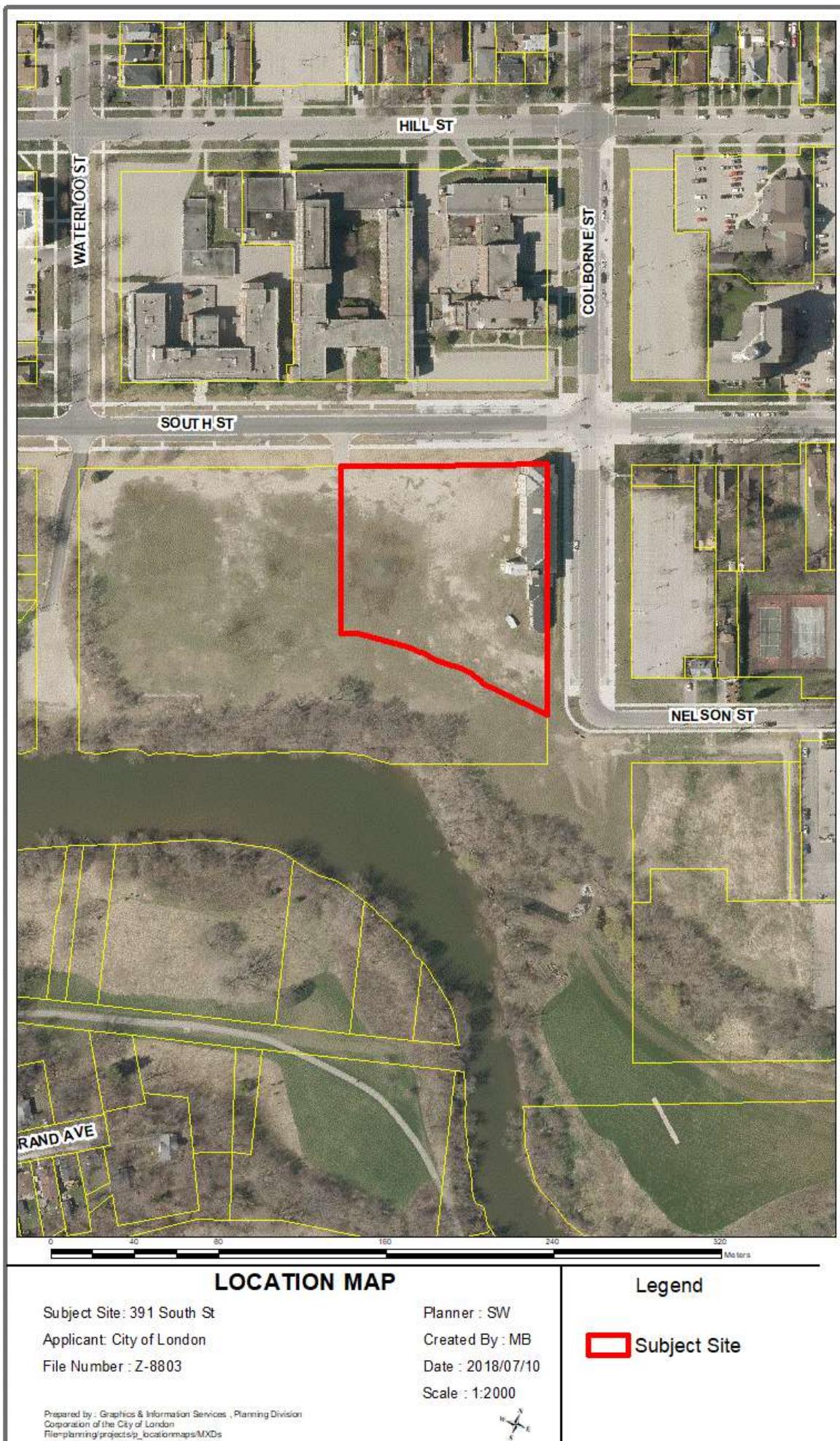
Planning Services /
Development Services

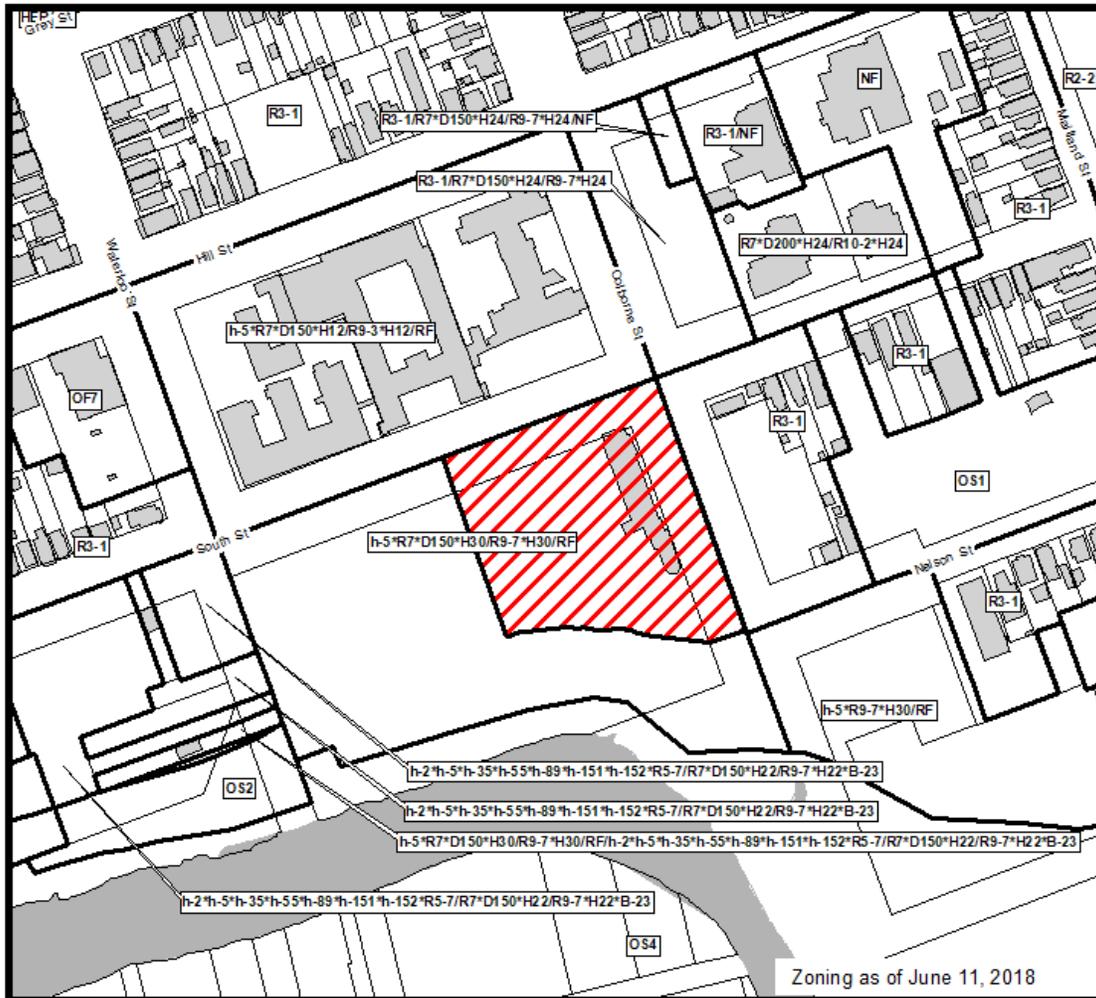
**LONDON PLAN MAP 2
- HIGH DENSITY RESIDENTIAL OVERLAY -
(FROM THE 1989 OFFICIAL PLAN)**

PREPARED BY: Planning Services



File Number: Z-8803
Planner: SW
Technician: MB
Date: July 10, 2018





COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*R7*D150*H30/R9-7*H30/RF

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-8803

SW

MAP PREPARED:

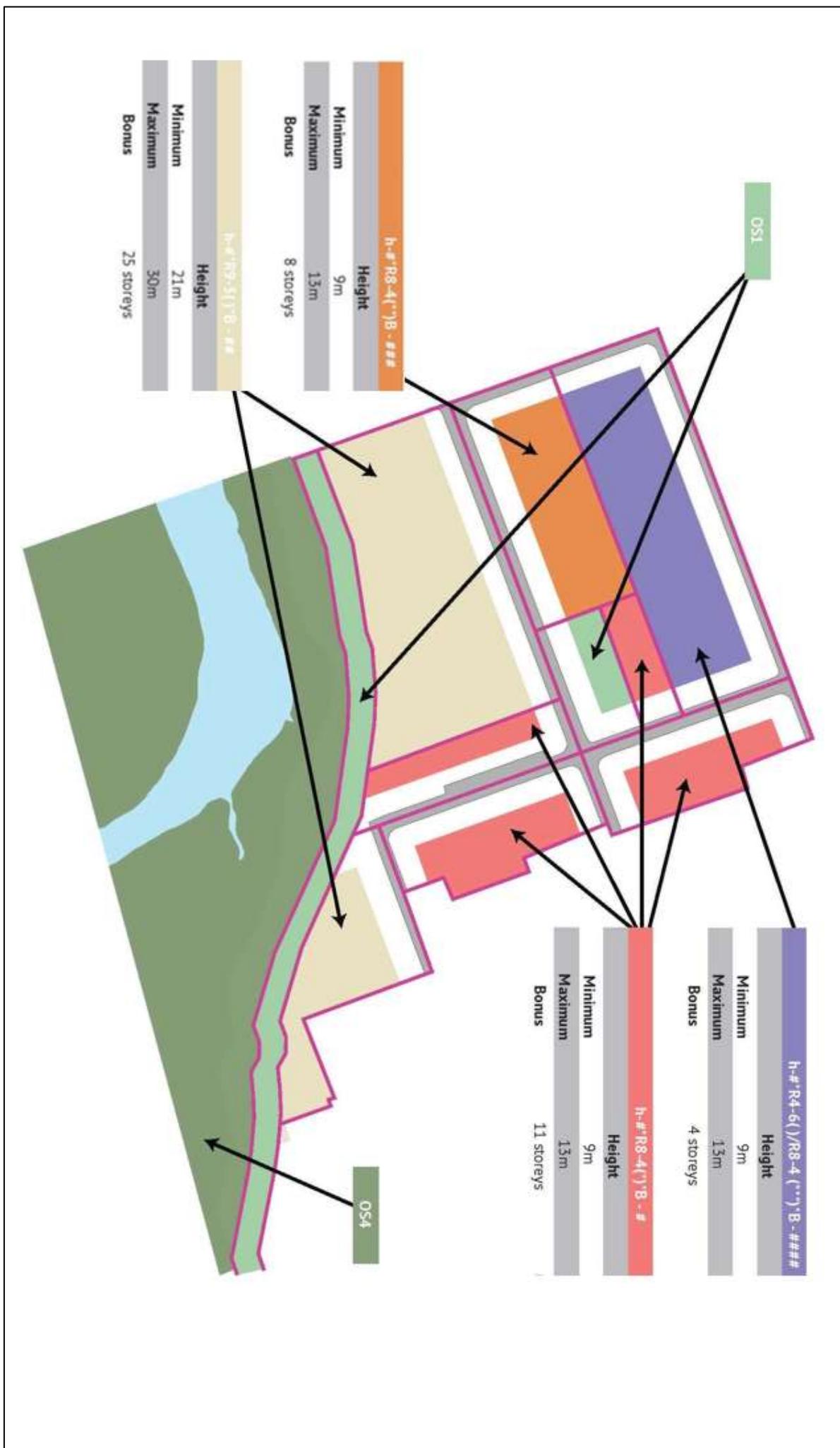
2018/07/10

MB

1:3,000

0 15 30 60 90 120

Meters





June 21
9:00am



June 21
12:00pm



June 21
6:00pm



September 21
9:00am



September 21
12:00pm



September 21
6:00pm



December 21
9:30am



December 21
12:00pm



December 21
6:00pm

Additional Reports

- Sept 25, 2017 Public Participation Meeting to PEC – Heritage Designation of Colborne Building
- October 7, 2014 Public Participation Meeting to PEC – Zoning Study
- August 26, 2014 Report to Corporate Services – Request for Proposals Update
- June 17, 2014 Public Participation Meeting to PEC - Old Victoria Hospital Lands Secondary Plan and Associated Official Plan Amendments/Old Victoria Hospital Lands Zoning Study Report
- June 9, 2014 Report to Investment and Economic Prosperity Committee (IEPC) – to initiate the Request for Proposals process for the Old Victoria Hospital lands
- Sept 25, 2012 Report to (IEPC) – a presentation outlining a preferred redevelopment process for the South Street Campus Lands and the preparation of a Terms of Reference for the Old Victoria Hospital Lands Secondary Plan.
- June 13, 2011 Report to the Built and Natural Environment Committee (BNEC) – a report recommending the adoption of the SoHo Community Improvement Project Area and the SoHo Community Improvement Plan (Roadmap SoHo).

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
2427 Daisy Bend and 3025 Doyle Drive

Public Participation Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the lands located at 2427 Daisy Bend and 3025 Doyle Drive:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive.

Executive Summary

Summary of Request

This is a request by Sifton Properties Limited to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 33 residential units and a common element for internal driveways, walkways, and visitor parking; with access from Daisy Bend and Doyle Drive. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval application.

Rationale of Recommended Action

The proposed Vacant Land Condominium is considered appropriate and in conformity with The London Plan, the City's Official Plan, and is consistent with the Provincial Policy Statement. The proposed residential use is also permitted under the Zoning By-law. A concurrent application to remove the holding provisions from the zoning is being brought forward under a separate report (H-8906). Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The site plan review has progressed to the stage where a Development Agreement has been prepared and is ready to be finalized.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of two multi-family development blocks within a registered plan of subdivision (Blocks 115 and 116 Registered Plan No. 33M-732). The development will be fully serviced and have public road access to Daisy Bend and Doyle Drive. There will be no direct vehicular access to Hamilton Road. Access to Hamilton Road for future residents will be via Oriole Drive.

1.2 Current Planning Information

- Official Plan Designation – “Multi-family, Medium Density Residential”
- The London Plan Place Types – “Neighbourhoods”
- Existing Zoning – Holding Residential R5/R6 (h•h-54•R5-4/R6-5)

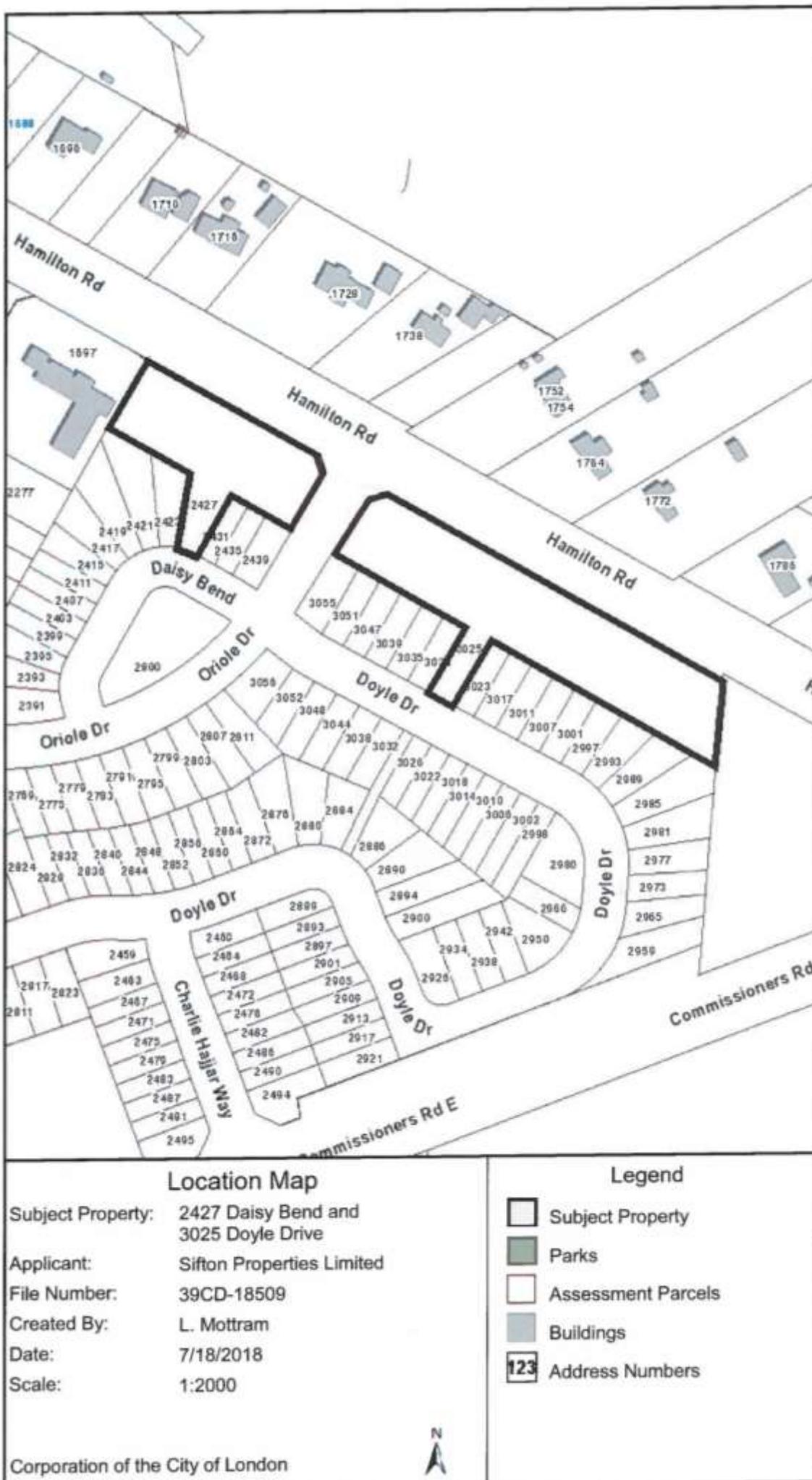
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 10 m (32.8 ft.) on Daisy Bend and 12 m (39.4 ft.) on Doyle Drive
- Depth – approx. 35 m (115 ft.)
- Area – 1.067 hectares (2.63 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – residential single detached homes
- East – vacant land
- South – future residential subdivision
- West – single detached dwelling and future residential subdivision

1.5 Location Map



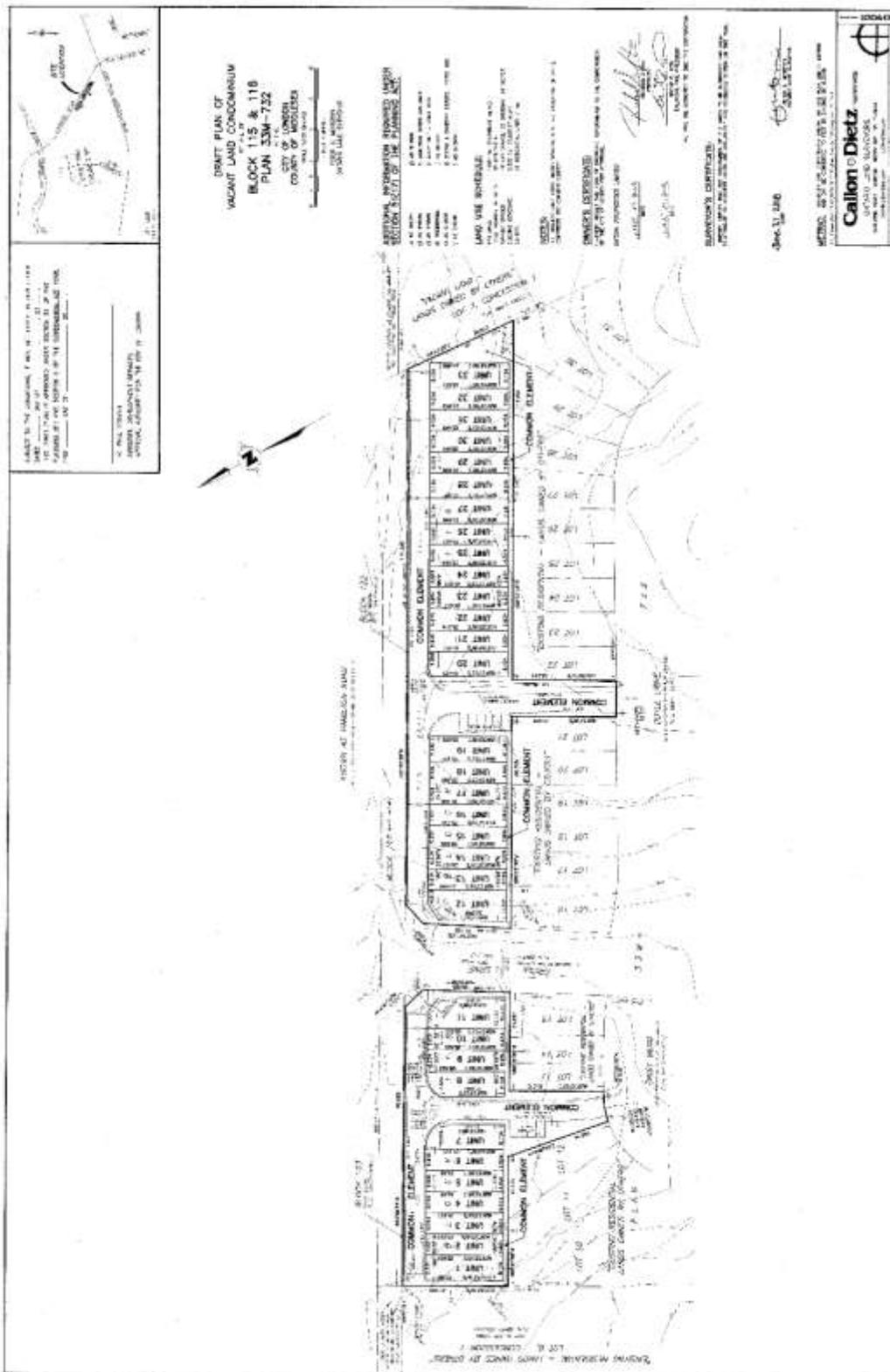
2.0 Description of Proposal

2.1 Development Proposal

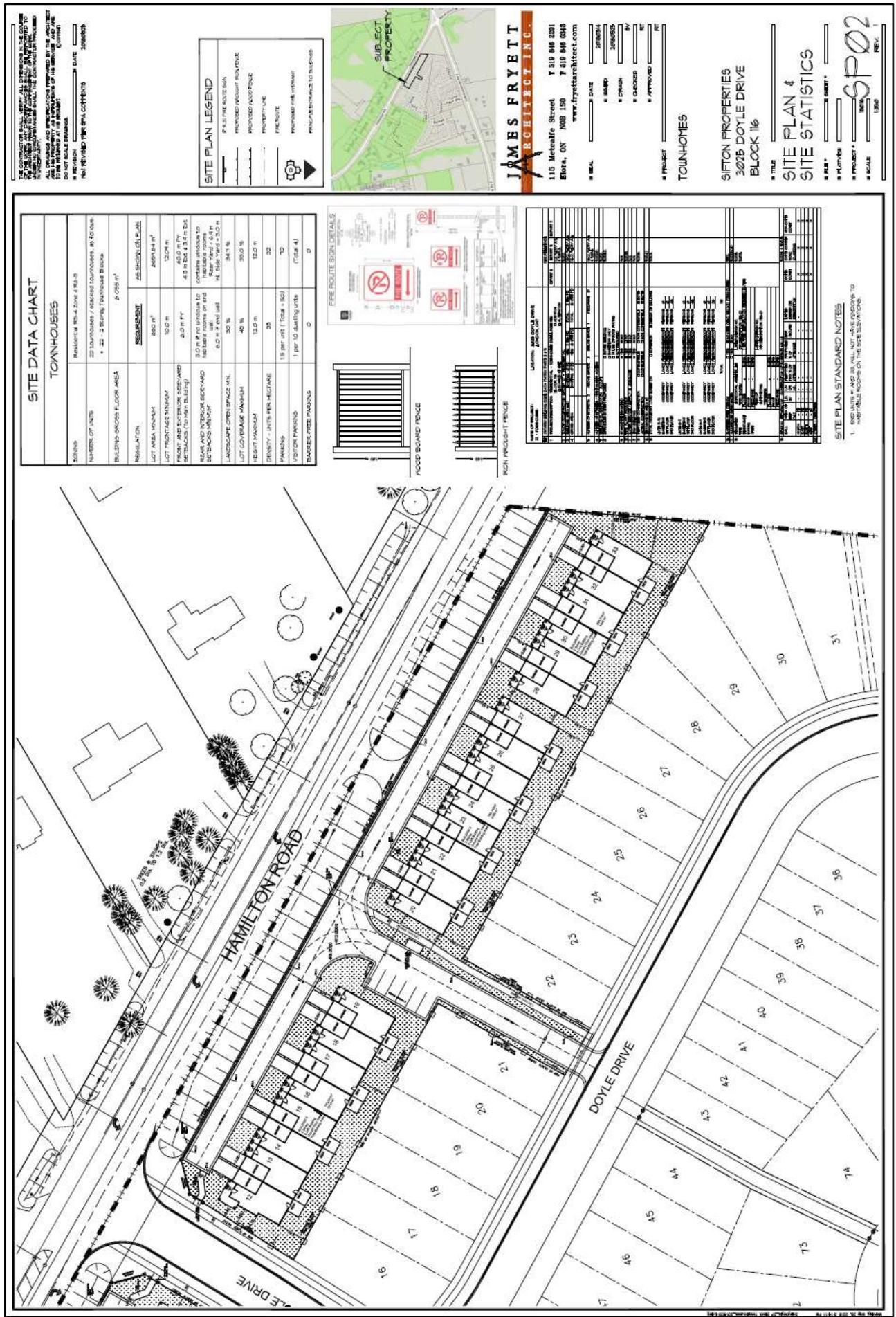
The effect of the application request is to create 33 Vacant Land Condominium units to be developed in the form of cluster townhomes. Landscaped areas, sidewalks, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by the Condominium Corporation.

Applications for Site Plan Approval and Removal of Holding Provisions have been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, have been accepted by the City and the Development Agreement is in the process of being finalized.

2.2 Draft Plan of Vacant Land Condominium



2.4 3025 Doyle Drive - Site Plan



2.5 Building Elevations



3.0 Relevant Background

3.1 Planning History

On December 19, 2017, the Approval Authority for the City of London granted Final Approval to a plan of subdivision on lands located at 1733 Hamilton Road and 2046 Commissioners Road East, known as the Hajjar lands. The subdivision consisting of 111 single family lots, two medium density residential blocks, one park block, one walkway block, one future access block, and four local streets was subsequently registered as Plan 33M-732 on December 22, 2017.

At its meeting held May 31, 2016, Municipal Council considered this subdivision proposal and advised the Approval Authority that there were no issues raised at the public participation meeting of the Planning and Environment Committee held with respect to this matter. At the same time, Council introduced a Zoning By-law Amendment to apply specific zones to the various lots and blocks within the subdivision plan. The two multi-family residential blocks (Blocks 115 and 116) were zoned holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5).

3.2 Community Engagement (see more detail in Appendix A)

At the time of writing of this report one telephone call and three written responses were received from the public in response to the Notice of Application and The Londoner Notice. Issues raised from the public circulation are provided in Appendix A.

There were no significant comments in response to the Departmental/Agency circulation of the Notice of Application.

3.3 Policy Context (see more detail in Appendix B)

The London Plan

Map 1 identifies these lands within the “Neighbourhoods” Place Type. The City Building and Our Tools policies have also been applied in the review of this application.

'89 Official Plan

The lands are designated “Multi-family, Medium Density Residential” on Land Use Schedule ‘A’ of the Official Plan.

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

As further described in Appendix B, Staff is of the opinion that the condominium draft plan is consistent with the PPS, The London Plan, and the '89 Official Plan.

Z.-1 Zoning By-law

The zoning is holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5) which permits a range of dwelling types, including detached and attached forms of housing such as cluster single detached dwellings, townhouses and stacked townhouses. As noted earlier, an application to remove the holding provisions is being brought forward under a separate report. The proposed vacant land condominium is consistent with the Zoning By-law.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Fencing and screening along Hamilton Road frontage.

Concern was expressed about the proposed fencing and screening along the Hamilton Road frontage, and that there should be a solid structural fence or wall to shield the view from existing residences along Hamilton Road.

The site plan and landscape plan provides for a continuous 1.0 metre high iron wrought fence along the entire Hamilton Road frontage of 2427 Daisy Bend and 3025 Doyle Drive, as well as along the easterly property boundary of 3025 Doyle Drive. A gateway treatment incorporating decorative stone pillars is proposed on both sides of Oriole Drive at the entrance to the subdivision from Hamilton Road, and a 1.8 metre high wood board-on-board fence is proposed along the remaining side and rear property lines of the condominium development. All perimeter fencing will be within the Common Element, and the Condominium Corporation will be responsible for maintenance of the fencing, subject to provisions in the Condominium Declaration and By-laws.

It should be noted that Units 1 to 33 are all front-facing and oriented towards Hamilton Road in order that the rear yards and outdoor living areas are protected from potential noise impacts thus avoiding the need for a continuous noise wall. This approach implements policies in The London Plan and the City’s Official Plan as a design tool to address noise sensitive land uses adjacent to higher order streets:

1768_ In the review of all planning and development applications, including the review of secondary plans, for residential development adjacent to Civic Boulevards, Urban Thoroughfares, Rural Thoroughfares, Rapid Transit Boulevards, Expressways and Provincial Highways will be subject to all of the following criteria, to ensure that residential development does not rear or side-lot onto the adjacent streets, as appropriate:

1. *Less sensitive land uses, such as commercial, community facility, public space or office uses, will, whenever practical and in conformity with the Place Type policies of The London Plan, be sited adjacent to these types of streets to act as a buffer between noise generated by the street traffic and sensitive residential uses.*

2. *Place types that permit residential uses with a medium to high level of intensity will, wherever practical, be sited adjacent to these streets. This form of development provides for greater flexibility in building orientation thereby allowing front facing buildings with amenity space in the rear.*

3. *If there is no practical place type alternative, and sensitive place types must locate adjacent to these streets, then subdivision design measures will be encouraged to eliminate the need for noise walls. These subdivision design measures could include, but are not limited to neighbourhood design with window or lay-by streets or service streets; subdivisions with rear lanes; subdivisions on private service streets; or alternative measures that conform with the policies of this Plan.*

The configuration of Blocks 115 and 116 in the subdivision plan were located and laid out in such a way as to accommodate either a row of single detached or attached dwellings oriented to Hamilton Road, and accessed internally by a private window street, as shown by the development site plan and building elevations. By avoiding rear yards backing onto Hamilton Road, the proposed vacant land condominium orientation is consistent with the direction in the City Building policies of The London Plan for streetscapes, in particular Policy 229:

229_ Rear-lotting will not be permitted onto public rights-of-way and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

4.2 Issue and Consideration # 2 – Quality of townhouses and impact on property values of existing homes.

The building elevation plans provide a general indication of the quality of development. Every unit will have a private entrance accented by columns on either side of the entranceway, some units having a covered balcony above, and each unit has its own private garage and individual driveway, with additional visitor parking spaces provided on-site. A variety of exterior building materials is shown, including brick and stone masonry on the first floor, and combination of brick and siding on the second floor. In general, it appears there will be a reasonably high quality of development that should not detract from the residential character of the existing area. The developer would be able to respond as to the final finished product and target market price range.

4.3 Issue and Consideration # 3 – How will this affect drainage?

Site servicing, grading and drainage plans have been submitted and reviewed as part of the Application for Site Plan Approval. As well, a Site Servicing Design Brief prepared by the engineering consultant (Strik, Baldinelli, Moniz Ltd.) accompanied the site plan submission. The majority of post development flows are proposed to be handled by the site's private storm sewers connected to the municipal storm sewers within the subdivision. With specific reference to the storm servicing and stormwater management section of the engineer's design brief, for Block 115 - 2427 Daisy Bend, the majority of the minor and major runoff from the subject site will be conveyed to two proposed catch basin manholes, four landscape catch basins, and one proposed manhole where it is collected and ultimately conveyed to the proposed municipal storm sewer in the future Oriole Drive right-of-way (R.O.W). For Block 116 – 3025 Doyle Drive, the majority of the minor and major runoff from the subject site will be conveyed to one proposed catch basin manhole, two catch basins, four landscape catch basins and two manholes, where it is collected and ultimately conveyed to the proposed municipal storm sewer in the future Oriole Drive R.O.W.

4.4 Issue and Consideration # 4 – Impact on existing domestic wells and septic systems.

Concern was expressed regarding impact on existing resident's wells and septic systems. As a condition of the subdivision approval process, the developer was required to submit a hydrogeological report, prepared by a qualified consultant, to determine the effects of construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, and to assess the impact on water balance. If necessary, the report was to also address any contamination impacts that may be anticipated or experienced as a result of construction. A Hydrogeological Site Assessment was undertaken by the consulting engineer (Peto MacCallum Ltd.) as part of the subdivision design studies. The assessment report indicated that during the water well survey, twelve respondents indicated that they had water wells located on their properties. The majority of the wells were installed within a deeper aquifer, with pump intakes typically below 12 m with the exception of the well installed at 1742 Hamilton Road (well depth of 1.8 m) and 2425 Old Victoria Road (well depth of 4.6 m). The owner of 1742 Hamilton Road indicated that the well was located about 150 m south of the house, or approximately 300 m north of the Site. The property located at 2425 Old Victoria Road is about 350 m south of the Site. Given the distance from the Site, the location and depth of construction dewatering, and the estimated zone of influence, the consultant's report concluded very little or no possibility of any adverse impacts on domestic wells due to the construction dewatering.

4.5 Issue and Consideration # 5 – Traffic noise on Hamilton Road.

A noise impact assessment has been completed as part of the subdivision design studies, as well as for site plan approval for the multi-family blocks. This was required as a condition of approval with respect to potential impact of road noise on proposed new residential development in proximity to Hamilton Road and Commissioners Road East, and recommendations for the developer to provide any noise mitigation. It did not address impacts on existing uses along Hamilton Road. However, vehicular traffic volumes generated by the 33 unit condominium development alone is not expected to contribute significantly to adverse noise levels in the area.

4.6 Issue and Consideration # 6 – Single family homes instead of row of townhouses would blend better with streetscape.

Concerns was expressed that there should be a row of single family homes instead of row of townhouses which would blend better with streetscape of existing homes. A row of freehold single detached lots could only be accommodated by providing a window street adjacent to Hamilton Road. Doyle Drive was designed such that the window street portion is adjacent to Commissioners Road East. However, there was limited site area to provide two window streets adjacent to Hamilton Road, on either side of Oriole Drive. The townhouse block and zoning was approved by Council in 2016 and is an appropriate land use adjacent to Hamilton Road in terms of its fit, form and scale.

4.7 Issue and Consideration # 7 – Should be a row of trees for privacy.

Concern was expressed that there should be a row of trees for screening and privacy. The landscape plan does provide for ornamental tree planting in front of individual dwellings units. However, there is very limited space for plantings along the property frontage. Future tree planting within the boulevard of Hamilton Road is something that the City could consider as part of the Street Tree Planting program.

5.0 Conclusion

The proposed Vacant Land Condominium is considered appropriate and is in conformity with The London Plan, the '89 Official Plan, and the Condominium Submission, Review and Approval Guidelines. The proposed residential use is also permitted under the Zoning By-law. A concurrent application has been made to remove the holding provisions, and is being brought forward under separate report. Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The application for Site Plan Approval has progressed to the stage where a Development Agreement is being finalized.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MCIP RPP Manager, Development Planning (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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

August 3, 2018
GK/PY/LP/LM/Im

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Appendix A – Public Engagement

Community Engagement

Public liaison: On July 17, 2018, a combined Notice of Application and Notice of Public Meeting was sent to 18 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 26, 2018.

Nature of Liaison: Notice of application for consideration of a proposed draft plan consisting of 33 multiple attached dwelling units and common elements to be registered as one Condominium Corporation.

Responses: 3 replies received

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

Concern for:

- Concern about effectiveness of proposed fencing and screening along Hamilton Road frontage, and that there should be a durable structural fence or decorative wall to shield the view along Hamilton Road.
- What quality of townhouses are being proposed? Concern about impact on property values of existing homes.
- How will this affect water drainage?
- Impact on existing domestic wells and septic systems.
- Traffic noise on Hamilton Road.
- Should be a row of single family homes instead of row of townhouses, and would blend better with streetscape of existing single family homes.
- Should be a row of trees for privacy.

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

Telephone & Written	Written
Gary Simm – 1764 Hamilton Road	Laura Roy – 1798 Hamilton Road
	Doug Glaholm – 1772 Hamilton Road

Agency/Departmental Comments:

The City’s Stormwater and Drainage Engineering Division (SWED) recommends the following condition:

“The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed and approved under the Site Plan Approvals Process (File # SPA18-023) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.”

Hello Mr. Jared Zaifman & Mr. Larry Mottram

My name is Gary Simm and myself and Klara Simm are residents of 1764 Hamilton Rd, London Ontario , n6m-1g4

Our family has lived /owned this property since the 1940's. Directly across from the Sifton development (Town homes / Condo's) off of Hamilton Rd, by Oriole Dr.

2427 Daisy Bend and 3025 Doyle Drive

There was a memo sent to us (File # 39CD-18509) Dated June 17th , 2018.

-We have concerns and comments & questions regarding the development.

And would like those to be forwarded to the appropriate parties, to be brought forth at the City Hall Meeting August 13th Related to the aforementioned memo and to any subsequent meetings or discussions with Sifton Properties or to whom it may concern relating this development.

1. **Hamilton Rd - Lowering** - For the Oriole Dr Subdivision to tie into Hamilton rd, a portion of Hamilton Rd was lowered. We and other neighbours along that stretch were given no notice at all before or during the the fall-winter of 2017 when the road was lowered. As a result ourselves and other neighbours have had adverse affects to our driveways and front of the property & as a result usage of our property. There supposedly a later meeting with City that Maneesh Poddar (planner) with Tridon Group is helping to arrange for us residents to show our concerns. We were hoping to address this then. But we would like it to be known at this point in time. There has been many water problems created since 2005's introduction of water & sewer to this street & since 2016-2018's road way projects. I know many residents have water concerns and i am not confident myself in assurances i've personally been given about water on the road-issues and with driveways and ditches that have resulted as to the lowering of the road - so that Oriole Dr could tie in to hamilton and serve the condo's / subdivision.

2. **Fencing / Privacy/ Buffer / Final Product-Look** - Lindsay Clarke of Sifton Properties has provided us with a Sample Photo Which I have included as to what they may expect the road way look to like with respect to the Townhomes/Condo's and it is mostly comprised of fencing with ROD IRON FENCING. Rod Iron/ Steel Fencing is not an acceptable choice in our opinion.

It requires too much maintenance to keep up. We have been told the condo board would be held to a contract in saying they would have to keep the look and maintenance of the fence. The problem is , who has final say as to what looks Disheveled and what is that upkeep interval going to be, and if the condo board does not have the finances , then it doesn't get fixed. Rod Iron / Steel fencing will immediately be affected by grass, grass is highly acidic & corrosive and as soon as there is a member of the city out to cut , that will end up on the fence and the beginning of the fence's downward spiral starts at the very first grass cut. Look at the homes between Wharnccliffe & Wellington on Comissioners Rd and that will be what the fencing ends up looking like.

- Our family and many of the residents that have lived here have been here in excess of 30 years and have been looking out at a picturesque farm field up a hill/valley. If we want to enjoy our front yard we do not want to be looking into the yards of Townhome/Condo's through rod iron fencing. We would like to see something along the lines of a continued stone wall fencing in a similar fashion to what Summer Side at Comissioners Rd has out in front of their subdivision entrance. Some sort of buffer zone

from the road way perhaps even tree's along the walk path, where a wall/fence would be. We would not deem wood as acceptable form of fencing (similar to across from east park).

3. The Existence of the planned Townhouses OR Townhouses at the road way in a neighbourhood that they do not fit in with.

From the best to the worst house on Hamilton Rd between White's Bridge and the Traffic Lights by Old Victoria/Comissioners, there is nothing about this neighbourhood that says low brow or Townhomes / Low rent. The fact that anyone wanted to even approve townhomes/condo's at the road way is frankly ridiculous and it should have been the front at the road way as detached single residential, keeping with the feel / look of what the neighbourhood already had been.

What is being proposed/plannedIt's just going to be a sore thumb in what had historically been (prior to 2017's work/plans) a picturesque neighbourhood....this simply doesn't fit. If Town-homes were deemed necessary we the residents should have been given a vote as to if they come here and where do they get located, if that was not feaseble they should have been placed at the back OR further into the subdivision. You come over the bridge and into a nice sleepy country neighbourhood and yes it is ok that change happens and a entrance at oriole dr has to be there. But to slap a set of town homes/condo's up right at the entrance way doesn't fit with what is here. But if it has to be there and we the residents aren't given a say or a voteTHEN WE NEED A SAY IN WHAT THE FINAL LOOK WILL BE.

4. RESIDENTS of Hamilton Rd, NEED TO HAVE A SAY / Vote ----- In The Final Look/ Fencing / Buffer Zone, Side walks.

There are many of us on Hamilton Rd that have enjoyed a lifestyle for many years untouched- almost hidden for years on the edge of London. In 1993 we were annexed and things changed, and change will continue to happen. But change shouldn't happen without careful consideration. Many people along this street have a lot of personal-finances-tied up and hopes and dreams and a way of life tied up in this street. And we should be Included and given a say in what happens here. When the projects are over we are left with the aftermath/final product. We have even heard some neighbours tell us they are so sick and tired of being ignored & how the entire development from Tridon, Sifton onto City Matters have been handled that they are seriously thinking of abandoning ship and moving--just selling. To me that is extremely upsetting to hear. The Stress Level of People on this street has just gone through the roof.

5. In conclusion i am asking that the City of London & Sifton Properties allow the following:

a) - Give Residents of Hamilton Rd are given a say / vote in if Townhomes are located at the road way. (or what goes there)

b) -- If that is not an option/ feasible and that Townhouses must stay at the Roadway , I would ask that Residents are given Options in terms of a set of plans to vote on.... at a later date, as to what Sifton had planned for the fencing road way design & perhaps more than 1 design could be shown at a meeting for just us resident. And that we be allowed to contribute as to what our opinion is as to the kind of fencing/ wall that we are left with looking at in our neighbourhood. (set up a meeting with us at one of Sifton's Properties OR a City Hall Room)

c) --- That we Residents >> all from 1814 - 1636 etc along hamilton Rd are given Memo's from the city / sifton relating this project. Because that has been a big problem for us on this

road. Many of us don't get the same memo's along this street for many years now. We haven't heard anything relating to lighting, sidewalks, road widening as it pertains to a actual final plan. And perhaps this meeting August 13th will let us know that. But..... **We think we can safely speak for all my neighbours in saying. We wish to be Included and Given a Say / Vote -- - not to be just told this is how it's going to be.**

Thank You

Gary & Klara Simm

1764 Hamilton Rd - London , Ontario - n6m, 1g4

Appendix B – Policy Context

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

The London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Types and policies of The London Plan.

The City Building and Our Tools Policies in the London Plan have been applied, and consideration given to the how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

City Design - Streetscapes 229_ Rear-lotting will not be permitted onto public rights-of-way and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

Sensitive Land Uses Near Noise Generators – Neighbourhood Design and Noise 1768_ In the review of all planning and development applications, including the review of secondary plans, for residential development adjacent to Civic Boulevards, Urban Thoroughfares, Rural Thoroughfares, Rapid Transit Boulevards, Expressways and Provincial Highways will be subject to all of the following criteria, to ensure that residential development does not rear or side-lot onto the adjacent streets, as appropriate:

- 1. Less sensitive land uses, such as commercial, community facility, public space or office uses, will, whenever practical and in conformity with the Place Type policies of The London Plan, be sited adjacent to these types of streets to act as a buffer between noise generated by the street traffic and sensitive residential uses.*
- 2. Place types that permit residential uses with a medium to high level of intensity will, wherever practical, be sited adjacent to these streets. This form of development provides for greater flexibility in building orientation thereby allowing front facing buildings with amenity space in the rear.*
- 3. If there is no practical place type alternative, and sensitive place types must locate adjacent to these streets, then subdivision design measures will be encouraged to eliminate the need for noise walls. These subdivision design measures could include, but are not limited to neighbourhood design with window or lay-by streets or service streets; subdivisions with rear lanes; subdivisions on private service streets; or alternative measures that conform with the policies of this Plan.*
- 4. If land use planning or alternative neighbourhood designs cannot reasonably be utilized within the proposed residential subdivision then a noise impact study will be undertaken on behalf of the property owner, by an accredited acoustical consultant, to determine the appropriate noise attenuation mechanism based on forecasted ultimate traffic volumes, considering the Mobility policies of this Plan, the Transportation Master Plan, road widening dedication and the effect the road widening dedication will have on the design of the required noise attenuation measure; the design specifications of the noise attenuation measure, such as height, density/width, location, benefiting lots, and building material will also be considered.*

Official Plan

The subject lands are designated “Multi-family, Medium Density Residential” on Schedule ‘A’ of the City’s Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 33 residential townhouse dwellings will result in an overall density of 32 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation.

The proposed Draft Plan of Vacant Land Condominium represents a cluster housing form of development consisting of townhouses in compliance with the use, density and height regulations in the zoning by-law. The existing homes along Hamilton Road consist of single family homes on large estate lots. A number of these homes were constructed many years ago prior to annexation when this was a primarily rural area within the Township of Westminster. After annexation, the existing strip of residential dwellings along Hamilton Road was designated as Rural Settlement in the new Official Plan for the annexed areas, and subsequently re-designated to Low Density Residential and Multi-family Medium Density Residential along with other lands with the adoption of the Old Victoria Area Planning Study.

Based on Staff’s review, the proposed use, form and intensity of low and medium density forms of housing proposed within the draft plan of subdivision conformed to the City’s Official Plan policies. Section 19.9.6 Additional Noise Attenuation Policies for Residential Land Uses Adjacent to Arterial Roads have also been given consideration. The same policies are reflected in the policies of The London Plan.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and the Official Plan.
- Sewer and water services will be provided in accordance a Subdivision Agreement and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. Building elevation plans have been reviewed as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant’s consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, Subdivision Agreement and Site Plan Approval process.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;

- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, 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.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

Z.-1 Zoning By-law

The zoning is holding Residential R5/Residential R6 (h•h-54•R5-4/R6-5) which permits townhouses and stacked townhouses up to a maximum density of 40 units per hectare and maximum height of 12 metres; and various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres. Holding “h” and “h-54” provisions were applied to ensure adequate provision of municipal services and that a subdivision agreement or development agreement is entered into; and to ensure completion of noise assessment reports and implementation of mitigation measures for development adjacent arterial roads.

Provincial Policy Statement, 2014

The proposed development achieves objectives for efficient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. The subject lands are within a registered plan of subdivision and are designated and intended over the long term for medium density residential uses. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

Appendix C – Relevant Background

Additional Reports

Planning and Environment Committee Meeting on May 30, 2016 – Report from the Managing Director, Development & Compliance Services and Chief Building Official with respect to an application by Sifton Properties Limited for lands located at 1733 Hamilton Road and 2046 Commissioners Road East – application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments.

Report to Planning and Environment Committee

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

**From: John M. Fleming
Managing Director, Planning and City Planner**

**Subject: 2186121 Ontario Inc.
1146-1156 Byron Baseline Road**

Public Participation Meeting on: August 13, 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 2186121 Ontario Inc. relating to the property located at 1146-1156 Byron Baseline Road.

- (a) The Local Planning Appeal Tribunal **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law No. Z-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone, to permit a 4-storey (15 metre) apartment building **BE REFUSED** for the following reasons:
- i) The requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;
 - ii) The requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and
 - iii) The requested Zoning By-law Amendment does not conform to The London Plan.
- (b) The Local Planning Appeal Tribunal **BE ADVISED** that Municipal Council **RECOMMENDS** that in the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, that the Local Planning Appeal Tribunal **BE REQUESTED** to withhold its Order(s) approving the application until such time as the Tribunal has been advised by the City Solicitor that:
- i) The proposed Zoning By-law Amendment is in a form satisfactory to the City Planner and City Solicitor.
 - ii) A hydrogeological report has been completed and all necessary mitigation measures have been implemented to the satisfaction of the City Engineer.
 - iii) A Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner following a public Site Plan review process.
- (c) That the City Solicitor **BE DIRECTED** to provide legal and planning or expert witness representation at the Local Planning Appeal Tribunal hearing in support of Municipal Council's position.

Executive Summary

Summary of Request

The requested Zoning By-law Amendment is to permit apartment buildings, handicapped person's apartment buildings, lodging houses class 2, stacked townhouses, senior citizen apartment buildings, emergency care establishments, and continuum-of-care centres. The requested special provision would permit a maximum height of 15 metres, whereas the standard Residential R8 (R8-4) Zone would permit a

height of 13 meters, and to permit a minimum front yard setback of 1.8 metres, whereas the standard Residential R8 (R8-4) Zone would require a minimum front yard setback of 8 metres for a building of the requested height.

The applicant has appealed this application to the Local Planning Appeal Tribunal based on City Council's failure to make a decision on the application within 120 days of the submission of a complete application.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for City Council to recommend to the Local Planning Appeal Tribunal that the Zoning By-law Amendment application to permit a 4-storey residential apartment building be refused as the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement and does not conform to the 1989 Official Plan or The London Plan.

The recommended clause also includes a recommendation that should the Local Planning Appeal Tribunal allow the Zoning By-law Amendment, that prior to the issuing of the Tribunal's order, that the form of the amendment be to the satisfaction of the City, that a hydrogeological report be submitted to the satisfaction of the City Engineer, and that a Site Plan Agreement be entered into between the City and the owner following a public site plan process.

Rationale of Recommended Action

The applicant appealed this Zoning By-law Amendment application to the Ontario Municipal Board/Local Planning Appeal Tribunal based on Council's failure to make a decision within 120 days. The application was deemed complete on October 30, 2017 and the 120 day period expired on February 27, 2018. Staff met with the applicant in January, 2018 to discuss concerns with the application and the applicant identified the desire to put the file "on hold" and to continue to work with Staff to revise the proposal and address concerns identified by Staff. The applicant did not have any further meetings with Staff and an appeal was filed on March 16, 2018. A hearing has been scheduled for October 29 and 30, 2018.

The Zoning By-law Amendment is recommended to be refused as the requested amendment is not consistent with the PPS and does not conform to the 1989 Official Plan or The London Plan. The applicant has not demonstrated that the proposed development fits within its surrounding context, with a requested height and requested reduced front yard setback which have not been demonstrated to fit with the neighbourhood character. Further, the applicant has not demonstrated that functional outdoor amenity space could be accommodated on the subject site for residents of the requested building, which also indicates that the requested development is an overdevelopment of the subject site.

The applicant has also not demonstrated that the health and safety of the residents of the adjacent property at 1158 Byron Baseline Road would be protected, as a hydrogeological report has not been provided demonstrating that the requested development would not have negative impacts on the well at 1158 Byron Baseline Road that provides the drinking water to the residents of that property.

Should the Local Planning Appeal Tribunal allow the appeal in whole or in part, it is recommended that its order approving the application be withheld until the Zoning By-law is in the standard City of London format to ensure a consistent format with other by-laws, a hydrogeological report has been completed to ensure the health and safety of the residents on well water at 1158 Byron Baseline Road, and a the Site Plan Control application has been approved through a public site plan process to allow the public an opportunity to comment on site plan matters.

It is staff's opinion that the application in its current form is not consistent with the PPS and does not conform to the 1989 Official Plan or The London Plan. The site does appear to be able to bear some level of residential intensification, but additional work is

required to achieve a development that fits with the neighbourhood character and resolves the hydrogeological concerns.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the south side of Byron Baseline Road, west of North Street and Colonel Talbot Road. The subject site has an area of approximately 0.54 hectares and is comprised of four separate property parcels. The subject site is currently vacant and is occupied by two residential garages that are no longer in use. The site was previously occupied by four single-detached dwellings which have been demolished. The site has a frontage of approximately 74 metres and a depth of approximately 65 metres. The southern portion of the property, fronting onto Byron Baseline Road, is sloped downwards.



Figure 1: Photo of existing site

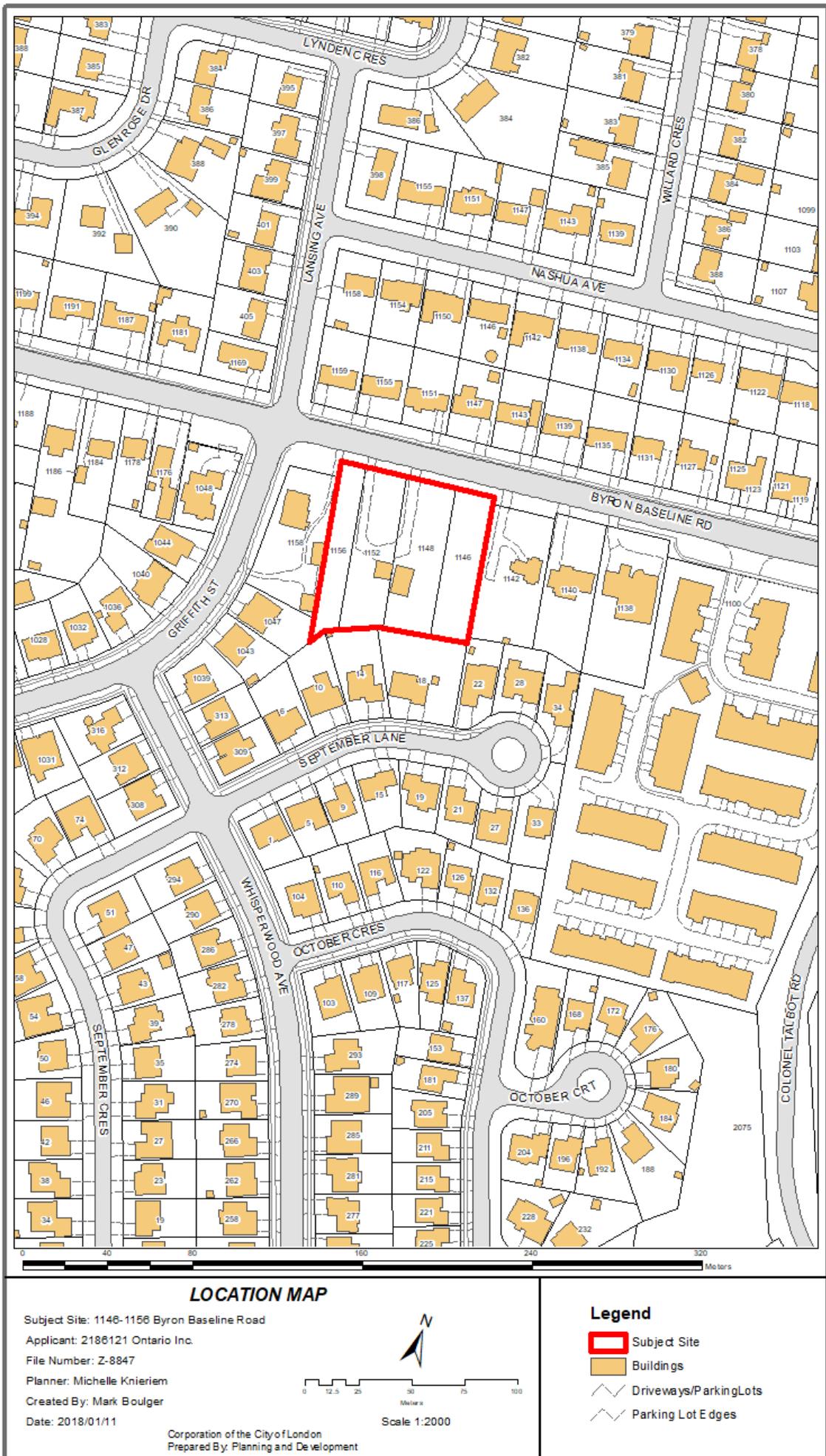
1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low-Density Residential
- The London Plan Place Type – Neighbourhoods on a Civic Boulevard
- Existing Zoning – Residential R1 (R1-7) Zone

1.3 Site Characteristics

- Current Land Use – Vacant land
- Frontage – Approximately 74 metres (242 feet)
- Depth – Approximately 65 metres (213 feet)
- Area – 0.54 hectares (1.33 acres)
- Shape – Rectangular

1.4 Location Map



1.5 Surrounding Land Uses

- North – Single detached dwellings. These lands are designated Low-Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- East – Single detached dwellings and cluster townhouses. These lands are designated Multi-Family, Medium-Density Residential in the Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- South – Single detached dwellings. These lands are designated Low-Density in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- West – Single detached dwellings; immediately west of the subject site is a single detached dwelling, 1158 Byron Baseline Road, which is listed on the City’s Inventory of Heritage Resources. The lands are designated Low-Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.

1.6 Intensification

- The proposed 38 residential units represent intensification within the Built-area Boundary
- The proposed residential units are located outside of the Primary Transit Area.

2.0 Description of Proposal

2.1 Development Proposal

The requested development proposal contemplates a 4-storey (15 metre) apartment building containing 38 units. The proposed residential density is 71 units per hectare. The proposed apartment building includes a requested reduction in minimum required front yard setback to 1.8 metres. A total of 57 surface parking spaces are proposed.

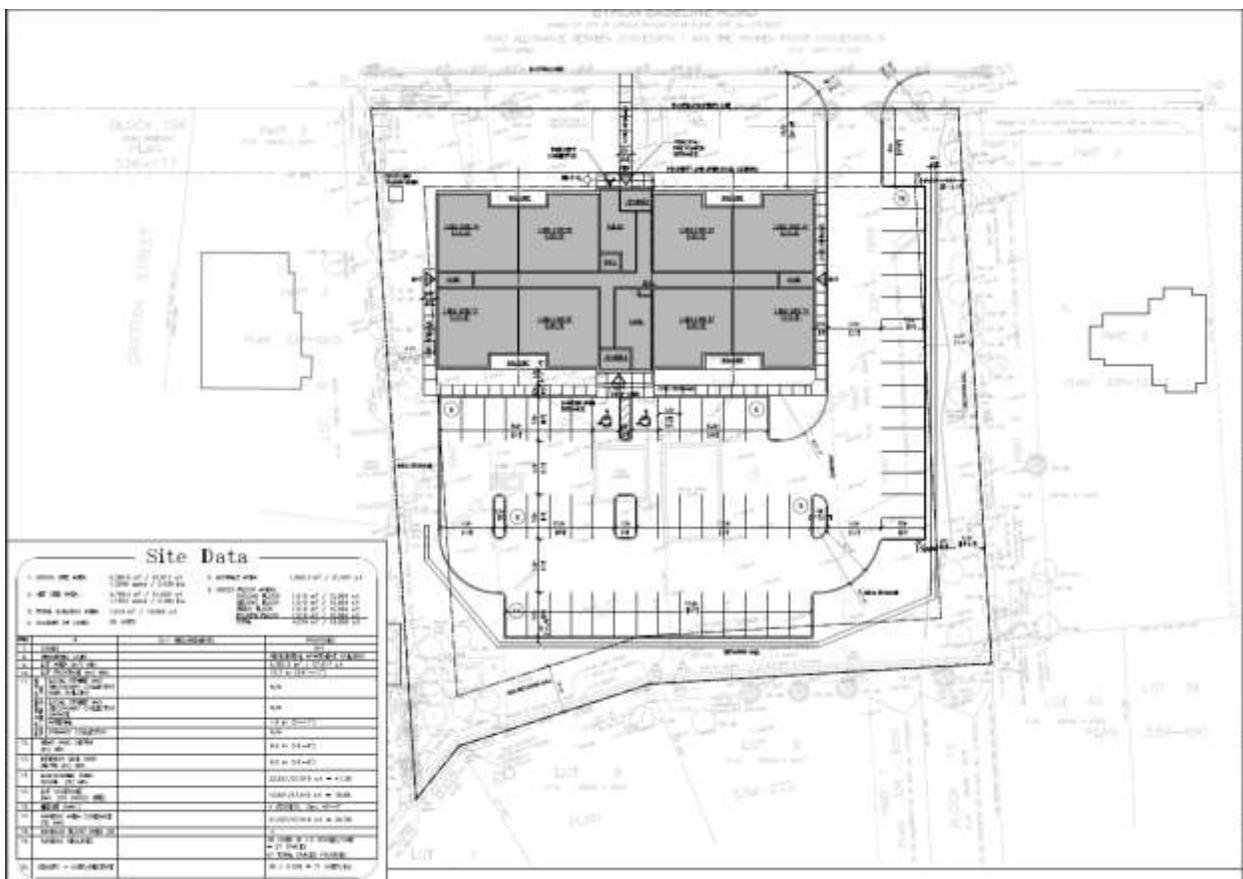


Figure 2: Site Plan - submitted by applicant



Figure 3: Proposed north elevation - submitted by applicant



Figure 4: Proposed south elevation - submitted by applicant

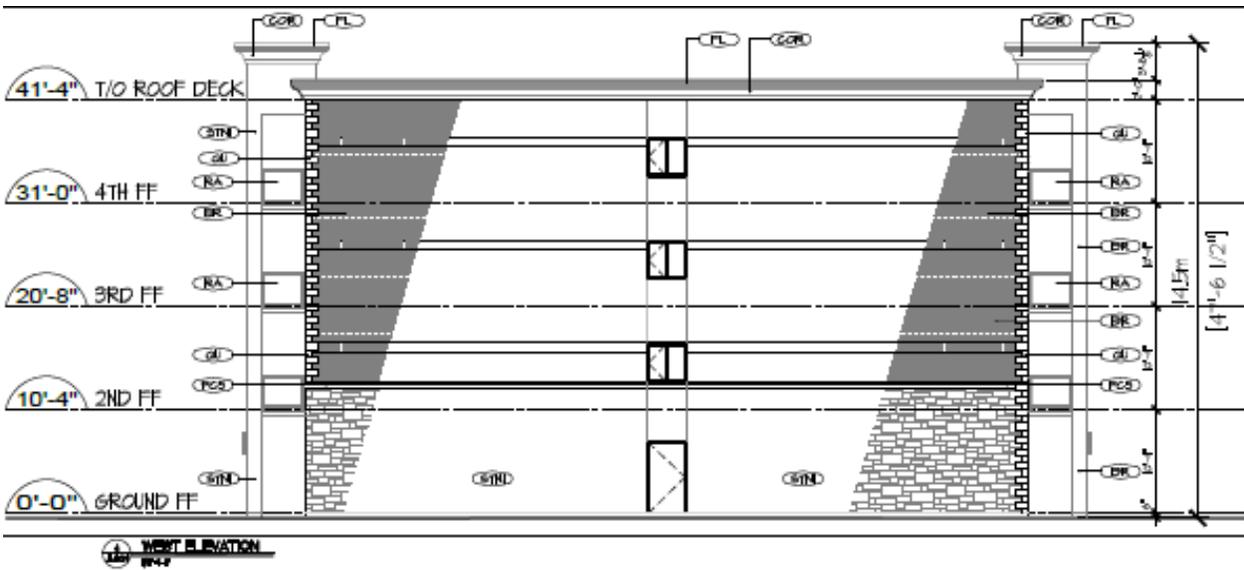


Figure 5: Proposed west elevation - submitted by applicant

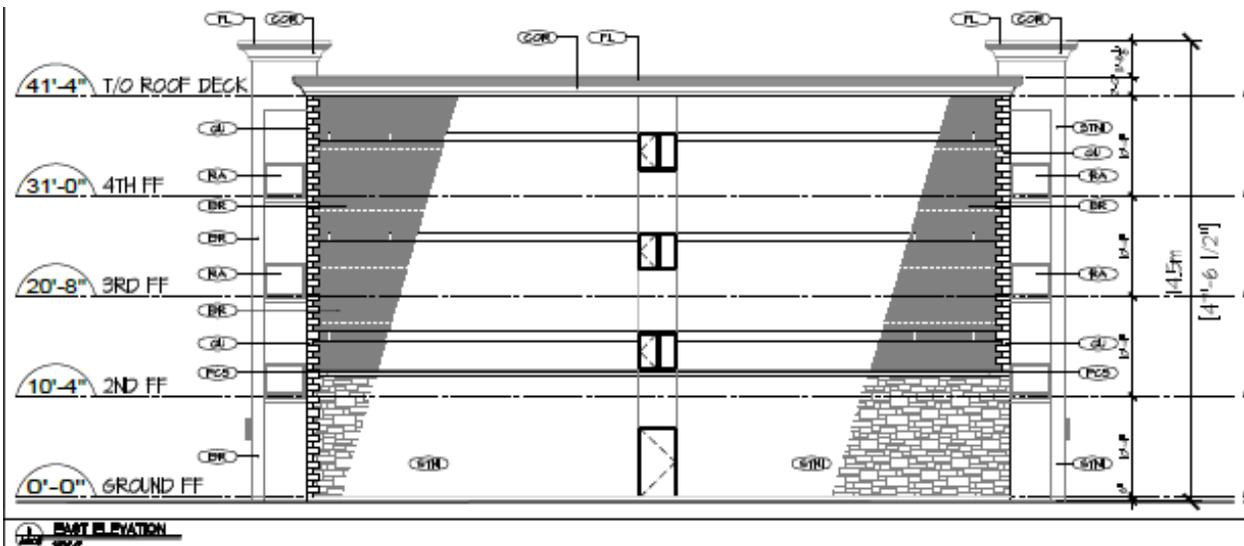


Figure 6: Proposed east elevation - submitted by applicant



Figure 7: Perspective view from northeast – submitted by applicant



Figure 8: Aerial view facing south - submitted by applicant

3.0 Relevant Background

3.1 Planning History

There have been no previous applications for Official Plan Amendments or Zoning By-law Amendments on the subject site.

3.2 Requested Amendment

The requested amendment is to change the zoning on the subject site from a Residential R1 (R1-7) Zone which permits single detached dwellings to a Residential R8 Special Provision (R8-4(_)) Zone which allows apartment buildings, handicapped person's apartment buildings, lodging houses class 2, stacked townhouses, senior citizen residential apartment buildings, emergency care establishments, and continuum-of-care facilities. The requested special provision would permit a maximum height of 15 metres, whereas the standard Residential R8 (R8-4) Zone permits a maximum height of 13 metres. The requested special provision would also permit a reduced front yard setback of 1.8 metres when a minimum of 8 metres is required in the standard Residential R8 (R8-4) Zone for a building of the requested height.

3.3 Application Timeline

A proposal summary was submitted for 1146-1156 Byron Baseline Road in December, 2013 for a 4-storey apartment building with 42 units resulting in a density of 84 units per hectare. The applicant was seeking a Residential R8 Special Provision Bonus (R8-4()•B()) Zone to permit the proposed development, with a special provision for a density of 84 units per hectare. The applicant indicated that the proposed increase in density, beyond the 75 units per hectare limit in the Low-Density Residential designation, should be permitted through a bonusing provision for good urban design. The applicant met with Planning Staff in January, 2014 to discuss the proposal, at which time Staff identified concerns with the height and the low-rise apartment form, indicating that townhouse or possibly a 3-storey apartment building may be more appropriate for the site given the context. Staff identified that an Official Plan Amendment application would be required to permit the requested density.

The applicant submitted an application on December 21, 2016 for the Zoning By-law Amendment that is currently requested, seeking permission to rezone the property to a Residential R8 Special Provision (R8-4()) Zone to permit a 4-storey apartment building with special provisions for a maximum height of 15 metres and a reduced minimum front yard setback of 1.8 metres. An Official Plan Amendment application was not submitted, as the application that was submitted was for a density of 71 units per hectare which is within the range of permitted densities within the Low Density Residential designation, subject to meeting a number of criteria for infill development including the impact on surrounding land uses. This is the current proposal that is before the Local Planning Appeal Tribunal. At the time of submission in December, 2016, the application was deemed incomplete as the following materials had not been submitted:

- a pre-application consultation record within the last 9 months
- a complete Urban Design Brief that was consistent with the City of London's Urban Design Brief Terms of Reference.
- a complete Planning Justification Report that provided a Planning Impact Analysis and addressed all relevant criteria of the Neighbourhood Character Statement and Compatibility Report.

Through discussion with the applicant, it was agreed that the previous pre-application consultation record from January, 2014 could be considered as meeting the criteria for this application given that no additional reports and studies were requested to process the revised application. The applicant resubmitted the application with an Urban Design Brief and a Planning Justification Report on October 11, 2017. This application was deemed complete on October 30, 2017.

The Notice of Application was sent out to property owners within a 120 metre radius of the subject site on November 15, 2017, and was published in *The Londoner* on November 16, 2017. One sign indicating the possible land use change was placed on the subject lands, fronting Byron Baseline Road. Additional details on the community consultation can be found in the below Section 3.4 Community Engagement.

A Community Information Meeting was organized and led by members of the community and held on Monday January 8, 2018. This meeting provided an opportunity for community members to ask the applicant, the Ward Councillor and Planning Staff questions about the application and the Zoning By-law Amendment process.

Planning Staff met with the applicant's agent on January 22, 2018 to discuss Staff concerns with the proposal. At this meeting, and in subsequent email communication, Planning Staff advised the applicant that a report could be prepared for the February 20, 2018 Planning and Environment Committee meeting in order to meet the statutory timeline with a Staff recommendation that would not recommend approval or continue to work together with Staff to address concerns and have Staff prepare a report for a future Planning and Environment Committee meeting. The applicant elected to work with Staff to revise the application rather than have Staff prepare a report recommending the application be refused.

The applicant did not request any further meetings with Staff and did not submit any revised plans. The applicant submitted an appeal to the Ontario Municipal Board (now Local Planning Appeal Tribunal) on March 16, 2018 based on City Council's failure to issue a decision on a Zoning By-law Amendment application within 120 days.

3.4 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 November 15, 2017, and was published in *The Londoner* on November 16, 2017. One sign indicating the possible land use change was placed on the subject lands, fronting Byron Baseline Road.

A Community Information Meeting, organized and led by members of the community, was held at Bryon United Church on Monday January 8, 2018. Planning Staff attended the meeting, presenting an overview of the planning process and policies and answering community questions. The applicant also attended the meeting, providing a presentation about the application and answering community questions.

As of the date of this report, 19 telephone calls and hundreds of emails have been received by Planning Staff from the community with regards to this application. This correspondence came from approximately 150 interested parties.

Concerns expressed included the following:

- The scale of the development would have a negative impact on neighbourhood character;
- Low-rise apartments are not an appropriate use along Byron Baseline Road;
- The proposed building is too tall;
- Potential privacy and overlook issues;
- Site plan issues (garbage location, landscaping, safety of vehicular access, etc.);
- Proposed development would lead to a decline in property values;
- Potential increase in crime and need for additional police presence; and
- Proposed development would have a negative impact on traffic.

Correspondence was also received indicating support for the proposed Zoning By-law Amendment, with these respondents identifying Byron Baseline Road as an appropriate location for additional density to be added to the neighbourhood and also support for the requested development contributing to a diversity of housing types in the Byron neighbourhood.

Additional details about community engagement can be found in Appendix B.

3.5 Policy Context (see more detail in Appendix C)

Planning Act

The Planning Act is a provincial legislation that sets out the ground rules for land use planning in Ontario, including outlining the required processes for the review of Zoning By-law Amendments and the appeals process to the Local Planning Appeal Tribunal. The Planning Act outlines a list of matters of provincial interest that all municipalities must have regard to when reviewing planning applications.

Provincial Policy Statement, 2014

The Planning Act requires that all planning decisions made by City Council be consistent with the Provincial Policy Statement. 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 settlement areas shall be the focus of growth and development (Policy

1.1.3.1, 1.1.3.2). 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 “Low Density Residential” land use designation in the Official Plan. Development in the Low Density Residential land use designation is intended to enhance the character and amenity of residential areas by directing higher intensity uses to locations where existing land uses will not be adversely affected (Policy 3.1.2). Permitted uses in this land use designation include single-detached, semi-detached, and duplex dwellings with a maximum density, generally, of 30 units per hectare (Policy 3.2.1). Residential intensification up to 75 units per hectare is permitted in Low Density Residential designations in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to the provisions of Policy 3.2.3 (Policy 3.2.1; 3.2.3.2). Policy 3.2.3 provides provisions for evaluating proposals for residential intensification, including the requirements that residential intensification projects must recognize the compatibility and character of the area.

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 Local Planning Appeal Tribunal.

The subject site is located within the Neighbourhoods Place Type in The London Plan, on a Civic Boulevard. Neighbourhoods Place Types make up the majority of the City Structure’s land area. The London Plan identifies that Neighbourhoods will be planned for a diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms (Policy 918). Low-rise apartment buildings are a permitted use within the Neighbourhood Place Type on Civic Boulevards, with the range of height heights between 2 and 4 storeys with up to 6 storeys permitted through density bonusing under Section 37 of the Planning Act (Table 10, 11). These uses and heights are not necessarily permitted on all sites within the Neighbourhoods Place Type, as the proposed development must fit within its context (953). Fit does not mean that a proposed use must be the same as the development in the surrounding context, rather it will need to be shown that it is sensitive to, and compatible with, its context (Policy 953).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use

The requested land use of a low rise apartment building was evaluated to determine if this requested land use is appropriate.

Planning Act

The Planning Act outlines matters of provincial interest that municipalities must have regard to when reviewing planning applications. Included in these matters of provincial interest is the provision of a full range of housing. The requested low-rise apartment use has regard to this requirement.

Provincial Policy Statement, 2014 (PPS)

The PPS identifies that healthy and liveable communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons) uses (Policy 1.1.1(b)). It also identifies that planning authorities shall identify (through their Official Plan) appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of existing or planned infrastructure and public service facilities (Policy 1.1.3.3). The proposed low-rise apartment use is supportive of the objectives of accommodating a range and mix of residential uses and intensification. While the requested low-rise apartment use is consistent with the PPS, further consideration is given to the *form* of the requested use and its consistency with the PPS in the below section “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

Official Plan, 1989

The subject site is designated Low Density Residential in the 1989 Official Plan. While the primary permitted uses in Low Density Residential areas are single detached, semi-detached and duplex dwellings, residential intensification may be permitted in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments (Policies and 3.2.1 and 3.2.3.2).

The requested low-rise apartment, as a land use, is appropriate. Further consideration about the appropriateness of the requested height and density of the requested low-rise apartment is discussed in the below section on “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

The London Plan

The London Plan designates the subject site as part of the Neighbourhoods Place Type on a Civic Boulevard (Byron Baseline). Low-rise apartment buildings are identified in the range of permitted uses for properties in the Neighbourhoods Place Type located on Civic Boulevards. The London Plan identifies that this range of permitted uses is not appropriate for every site and that development must fit with the surrounding neighbourhood.

In this instance, there are other low-rise apartment buildings that exist on Byron Baseline Road in close proximity to the subject site, with existing 3-storey low-rise apartment buildings at the northeast corner of Byron Baseline and North Street. The requested land use of a low-rise apartment building is an appropriate use for the site.

While the requested low-rise apartment is an appropriate land use based on the policies in The London Plan, further discussion on the appropriateness of the height and density of the requested Zoning By-law Amendment is discussed in the below section on “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

Summary

The requested low-rise apartment use is consistent with the PPS and conforms to the policies in the 1989 Official Plan and The London Plan. While the requested low-rise apartment use is appropriate, this does not mean that this use is appropriate on all sites in all intensities and forms. An evaluation of the intensity and form of the requested development is provided in the below section “Issue and Consideration #2: Intensity and Form – Scale of Development and Impact on Neighbourhood Character”.

4.2 Issue and Consideration # 2: Intensity and Form – Scale of Development and Impact on Neighbourhood Character

The requested Zoning By-law Amendment was evaluated to determine if the proposed scale of development fits with the character of the neighbourhood.

Planning Act

The matters of provincial interest outlined in the Planning Act include the promoting a built form that is well-designed and encourages a sense of place. All municipal planning decisions must have regard to matters of provincial interest. The form of the proposed development, including the height, front yard setback, and lack of provision of open space, has not demonstrated fit with the surrounding neighbourhood. As such, the development has not proven to be well-designed or encourage a sense of place.

Provincial Policy Statement, 2005 (PPS)

The Provincial Policy Statement identifies that planning authorities shall identify appropriate locations and promote opportunities for intensification where it can be accommodated, while taking into account the existing building stock (Policy 1.1.3.3). The Provincial Policy Statement also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(d)). The Official Plan is identified as the most important vehicle for implementing the PPS (4.7)

While the proposal is generally consistent with the PPS with regard to accommodating intensification and allowing for a range and mix of housing types, the PPS also recognizes that local context is important and that a well-designed built form contributes to overall economic prosperity. This means that all levels of intensification are not appropriate on all sites, as the residential intensification must fit within the surrounding context. The requested Zoning By-law Amendment, which includes a request to increase the permitted height and reduce the minimum required front yard setback, has not demonstrated that it fits within the character of the surrounding neighbourhood. The height that would be permitted by the requested Zoning By-law exceeds the standard heights that are permitted by the Residential R8 zoning. Combined with the requested reduction in minimum front yard setback, which is significantly less than the surrounding buildings, the proposed development has not demonstrated a fit with the surrounding context.

Official Plan, 1989

The 1989 Official Plan identifies that residential intensification will be considered in a range up to 75 dwelling units per hectare for sites in the Low Density Residential designation. In order to achieve this density, this infill housing must recognize the scale of adjacent land uses and reflect the character of the area (Policy 3.2.3.2). As part of an application for residential intensification, an applicant is required to provide a statement of the compatibility, where it can be clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood (Policy 3.2.3.5). Policy 3.7, Planning Impact Analysis, is used to evaluate Zoning By-law Amendments to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding uses.

The proposed development has a density of 71 units per hectare. While this density is within the range of densities that could be appropriate for residential intensification within the Low Density Residential designation, the applicant has not demonstrated that the requested Zoning By-law Amendment would permit development that is sensitive to, compatible with, and a good fit within, the surrounding neighbourhood. The proposed height and reduced front yard setback are out of character with the surrounding neighbourhood. The surrounding neighbourhood is characterized by one and two-storey homes with front yard setbacks generally in excess of 6 metres. While there are other properties in the surrounding neighbourhood with Residential R8 (R8-4) Zones, these

properties are organized in a nodal configuration at the intersection of Byron Baseline Road and Colonel Talbot Road/North Street, an area where higher densities are anticipated. These sites do not include special provisions reduced front yard setbacks or heights in excess of the 13 metres that is permitted in the Residential R8 (R8-4) Zone. The elevations of these sites are also lower than the subject site. The subject site is located mid-block and situated on a hill, further amplifying the perceived height of the proposed development.

When the Planning Impact Analysis was considered, the proposed development did not meet several of the criteria outlined in the Planning Impact Analysis. While a low-rise apartment has been found to be a compatible use for the surrounding neighbourhood, the form and intensity of the proposed low-rise apartment building have not been found to be compatible. The inability of the site to accommodate the proposed level of intensification is demonstrated as the open space on the site is primarily covered with surface parking, preventing opportunities for soft landscaping, outdoor amenity space, or landscape buffering. Measures to mitigate the adverse impacts of the proposal on surrounding land uses has not been demonstrated. The applicant has also not provided a hydrogeological report to demonstrate that there will be no adverse effects from the requested development on the adjacent property at 1158 Byron Baseline Road (more information is provided below in "Issue 4 – Hydrogeology". A comparison of the application against the criteria of the Planning Impact Analysis can be found in Appendix B.

The London Plan

The policies in The London Plan encourage intensification, however this intensification is only permitted in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83; 937).

All planning and development applications must demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area, through matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations (Policy 284). Buildings are to be designed to achieve a scale relationship that is comfortable for pedestrians (Policy 284). The London Plan also indicates that an appropriate transition in height, scale and massing should be provided between development of significantly different intensities (Policy 298). The requested development, with a height of 15 meters, is significantly taller than the adjacent 1 and 2 storey buildings. The development application provided does not include any stepping or modifications to the massing to transition a development of this height within the surrounding area and create a comfortable scale relationship for pedestrians.

While The London Plan identifies that buildings should be sited with minimal setbacks from public rights-of-way, it also identifies that buildings should be sited so as to maintain and reinforce the prevailing street wall or building line of existing and planned buildings (Policy 256, 259). In the instance of the subject site, the application proposes a reduced front yard setback of a minimum of 1.8 metres, while the Zoning By-law standard is 8 metres (6 metres, plus 1 metre per 10 metres of building height or fraction thereof above the first 3 metres). This reduced setback is not characteristic of the surrounding context, where front yard setbacks are generally in excess of 7 metres, including on properties that have provided road widening dedications. The reduced front yard setback would also block views from the westerly approach to the adjacent building at 1158 Byron Baseline Road which is listed on the City's heritage register. The requested reduction in front yard setback has not demonstrated to fit with the character of the surrounding neighbourhood, and far exceeds the surrounding uses.

The London Plan identifies a series of factors that must be considered when determining if a proposal fits within its context. Factors to be considered include: neighbourhood character, streetscape character, street wall, height, density, massing, placement of building, setback and step-back, proposed architectural attributes, relationship to cultural heritage resources, and landscaping and trees. The requested development has not demonstrated that it fits with the neighbourhood character or the

streetscape character, with no stepbacks to reinforce the prevailing context, a height in excess of other permitted heights in the area which does not transition to the lower heights of adjacent properties, and a front yard setback that is significantly less than other properties in the area. The proposed development has not demonstrated a relationship to the adjacent property at 1158 Byron Baseline Road, which is listed on the City's heritage register. Further, the proposed site plan does not show sufficient landscaping and trees to meet the amenity needs of residents or provide a buffer to adjacent uses.

Urban Design Peer Review Panel

The requested Zoning By-law Amendment was considered by the Urban Design Peer Review Panel on December 20, 2017. The comments from the Urban Design Peer Review Panel were similar to the comments provided by Staff, with concerns including the front yard setback and massing not fitting with the neighbourhood and the need to accommodate outdoor amenity space.

The Urban Design Peer Review Panel also identified the need for tree protection zones around existing trees and suggested exploring different materials for the building. These items would be considered as part of any Site Plan Control application for the subject site.

The comments provided the Urban Design Peer Review Panel are provided verbatim in Appendix B.

Summary

As the proposal submitted has not demonstrated that the proposed development fits within its surrounding context, Planning Staff met with the applicant about revising their proposal to a form that was more appropriate for the site. Planning Staff met with the applicant in January about revising their proposal to a form that would be more appropriate for the site, recommending a reduction in height, an increase in front yard setback, a modification in grading to eliminate retaining walls, and modifications to the site configuration and landscaping that could be secured through a bonus zone to allow for a development that fits with the surrounding context. Based on the feedback provided, the applicant did not revise their proposal and appealed the application to the Ontario Municipal Board/Local Planning Appeal Tribunal.

Planning Staff recommend that the requested Zoning By-law Amendment be refused as the proposed development has not demonstrated an ability to be accommodated on the subject site in a form that fits with the surrounding context. Planning Staff are willing to continue to work with the applicant to revise the proposal to a form that fits within the surrounding context and is supportable in advance of the LPAT hearing.

4.3 Issue and Consideration # 3 – Form – Recommendation for a Public Site Plan Process

The community expressed a number of concerns about matters that are considered as part of any future site plan control application. These matters included:

- Landscaping and buffering
- Location of garbage storage
- Safety of vehicular access
- Privacy and overlook
- Potential impact on existing trees on the site

Generally, Site Plan Control applications are delegated to Staff for approval and do not include public notification or a public meeting. However, the Official Plan identifies that public notification and a public meeting on the site plan control application can occur in

connection with residential intensification proposals, such as the proposed development (19.9.2.v).

Should the LPAT decide to approve the requested development, the requirement for a public site plan process is recommended as a result of the significant quantity of public concerns that were received which related to site plan control matters.

4.4 Issue and Consideration # 4: Hydrogeological Assessment

Through the review of the application, City Staff determined that a hydrogeological report was required. The hydrogeological report is required as the adjacent property at 1158 Byron Baseline Road is on well water rather than municipal water, so it must be demonstrated that the proposed development will not have a negative impact on the water quality of the adjacent property at 1158 Byron Baseline Road. This report is necessary to ensure that a development is achievable on the subject site.

Planning Act

The Planning Act identifies the protection of public health and safety as a matter of provincial interest which City Council must have regard for when making planning decisions. As no hydrogeological assessment has been provided, applicant has not demonstrated that the requested development would protect the health and safety of the neighbouring residents at 1158 Byron Baseline Road who are on well water.

Provincial Policy Statement, 2005 (PPS)

The Provincial Policy Statement identifies that healthy and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (Policy 1.1.1 c). It also 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 applicant has not demonstrated that the health and safety of the residents at the neighbouring property at 1158 Byron Baseline Road will be protected, therefore the application has not demonstrated consistency with the Provincial Policy Statement.

Official Plan, 1989

The 1989 Official Plan requires that where an amendment to the Zoning By-law is proposed in the vicinity of an existing well, the application must demonstrate, to the satisfaction of the City, that the proposed development will not negatively impact groundwater quantity and quality (Policy 17.7.3(i)). It also identifies that it is the responsibility of the applicant to identify the locations of wells in the vicinity of the development site (Policy 17.7.3(i)). The applicant has not demonstrated conformity to Official Plan policies as no hydrogeological report has been provided identifying that the proposed development will not negatively impact groundwater quantity and quality for the well on the adjacent property at 1158 Byron Baseline Road.

The London Plan

Similar to the 1989 Official Plan, The London Plan includes an in-force policy that identifies that where a planning and development application is proposed in the vicinity of an existing well, the applicant will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality (Policy 474_13). It also states that it is the responsibility of the applicant to identify the locations of wells in the vicinity of a development site (Policy 474_13). The London Plan includes policies to ensure that public health and safety is maintained in the review of development applications, including an in-force policy that ensures that health and safety is achieved in all planning processes (Policy 62_10). It also includes an in-force policy that safe, clean drinking water will be supplied to Londoners (Policy 743).

The applicant has not demonstrated conformity to this policy as no hydrogeological report has been provided showing that the well at 1158 Byron Baseline Road will not be negatively impacted by the proposed development and that the health and safety of the drinking water for residents at 1158 Byron Baseline Road will be protected.

Summary

The applicant has not provided a hydrogeological report demonstrating the health and safety of the residents at 1158 Byron Baseline Road who are on well water would be protected by the requested development. As the protection of health and safety of residents has not been demonstrated, the application has not demonstrated regard to the matters of provincial interest as outlined in the Planning Act, has not demonstrated consistency with the PPS and has not demonstrated conformity to the 1989 Official Plan or The London Plan.

4.5 Issue and Consideration # 5: Traffic

Members of the community raised a concern about the impact of the proposed development on traffic on Byron Baseline Road. The impact of the traffic that is expected to be generated by the propose development was reviewed by City Staff.

City Staff evaluated the proposed development using the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th edition) to determine the expected traffic impact of the propose development. Based on this calculation, it is estimated that the proposed development would generate 25 trips in the morning peak hour and 32 trips in the afternoon peak hour. This represents a marginal increase in traffic, which City Staff consider to be acceptable. Staff find the traffic impact of the propose development to be acceptable and it is expected to have a very minor increase on traffic generation. More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

Infill development is generally desirable, but is not appropriate in all built forms in all locations. Residential intensification must fit with its surrounding neighbourhood in order to encourage a sense of place and compatibility with the surrounding neighbourhood. Residential intensification must also not compromise the health and safety of residents.

While the intention of the requested Zoning By-law Amendment to provide residential intensification is commendable, this residential intensification has not been demonstrated to fit with the surrounding neighbourhood and has not demonstrated that it would protect the health and safety of residents. The requested Zoning By-law Amendment includes special provisions for height and a reduced front yard setback that have not been demonstrated to fit with the surrounding neighbourhood, challenging the neighbourhood character. The site plan provided does not include opportunities for outdoor amenity space for residents, further demonstrating that the requested Zoning By-law Amendment is an overdevelopment of the site. The application has also not demonstrated measures to improve compatibility with the surrounding neighbourhood, such as adequate buffering or setbacks. While these are generally matters included in the Site Plan Approvals process, for applications where there are challenges with the requested Zoning By-law Amendment to facilitate a development that fits with the surrounding context, consideration of these measures through the Zoning By-law Amendment process can be an opportunity to demonstrate fit with the surrounding neighbourhood.

Staff also have concerns that the requested Zoning By-law Amendment may pose a risk to public health and safety, as the applicant has not provided a hydrogeological report demonstrating that the water quality of the well on the adjacent property at 1158 Byron Baseline Road has been maintained. This potential risk to public health and safety demonstrates that the application does not have regard to The Planning Act, is not consistent with the Provincial Policy Statement, and does not conform to the 1989 Official Plan or to the in-force policies of The London Plan.

The applicant has not demonstrated that the requested Zoning By-law Amendment application fits with the surrounding neighbourhood, indicating that the requested Zoning By-law Amendment is an overdevelopment of the subject site, and has also not demonstrated that the requested Zoning By-law Amendment would allow for development that does not compromise public health and safety. Staff are willing to continue to work with the applicant to resolve these issues in advance of the Local Planning Appeal Tribunal hearing, however in its current form Staff recommend that the application be refused as the requested Zoning By-law Amendment does not have regard for the Planning Act, is not consistent with the Provincial Policy Statement, and does not conform to the 1989 Official Plan or The London Plan.

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
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

August 2, 2018
MT/mt

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Appendix A – Public Engagement

Community Engagement

Public liaison: On November 15, 2017, Notice of Application was sent to 178 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2017. A “Planning Application” sign was also posted on the site.

Replies were received from approximately 150 individual interested parties, including 19 telephone calls and hundreds of emails.

Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to permit the development of the subject site for a 4-storey apartment building comprised of 38 units.

Change Zoning By-law Z.-1 from a Residential R1 (R1-7) Zone which permits single detached dwellings to a Residential R8 Special Provision (R8-4(_)) Zone which permits apartment buildings, handicapped person’s apartment buildings, lodging houses class 2, stacked townhouses, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities. The requested special provision would permit a maximum height of 15 metres; whereas, the standard R8-4 Zone permits a maximum height of 13 metres.

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

Concern for:

Scale of the development and the impact on neighbourhood character:

Community members expressed concerns that the requested Zoning By-law Amendment was overdevelopment and that the requested height, and requested front yard setback did not fit with the surrounding neighbourhood.

Requested low-rise apartment use:

Residents expressed concerns that a low-rise apartment was not an appropriate use for the site and it should be single detached homes or townhouses.

Requested height:

Community members identified a concern that the requested Zoning By-law Amendment would allow a building that is at a height out of character with the surrounding neighbourhood to be constructed on the site. This concern was amplified by the grading of the subject site, such that it would be constructed at a higher elevation than other developments in the area.

Site Plan Control issues (garbage location, landscaping, safety of vehicular access):

Residents expressed concerns about a number of matters that are generally considered as part of a site plan control application including the location of garbage storage, the lack of landscaping, the insufficient buffering, and the safety of the requested vehicular access.

Potential impact on property values:

Residents identified a concern that the proposed development of the subject site would lead to a decline in their property values.

Community Safety:

Residents indicated a concern that the requested Zoning By-law Amendment would allow for a development that an additional police presence would be necessary.

Traffic:

Residents expressed concerns that the proposed development would lead to additional traffic Byron Baseline Road, and that this increased level of traffic would be unacceptable.

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

Telephone	Written
Roland and Dini Dobler 1142 Byron Baseline Road London, ON N6K 2C8	Carol 372 Glenrose Drive London, ON N6K 2A8
Ted Acres 370 Colville Boulevard London, ON N6K 2J5	Ted Acres 370 Colville Boulevard London, ON N6K 2J5
Greg and Crystal Thurston 18 September Lane London, ON N6K 3Y6	John Allan 122 Fourwinds Place London, ON N6K 3L4
Sharon Williams Suite 225 1255 Commissioners Road London, ON N6K 3N5	John and Susan Andrew
Deborah Parker 1047 Griffith Street London, ON N6K 3Y5	Murray Armstrong 18 September Place London, ON N6K 4E7
Julie and Steve Bennett 137 October Crescent London, ON N6K 4E1	John Austen 82 Somerset Road London, ON N6K 3M8
Jan White 126 October Crescent London, ON N6K 4E1	Sandra and Steve Baker 879 Griffith Street London, ON N6K 3S2
Steve Bennett 137 October Crescent London, ON N6K 4E1	Janet Bardawill 26 Belorun Court London, ON N6K 3K8
Councillor Anna Hopkins	Lynda Beaudry
Martin Carswell	Brent Bell 150 Fourwinds Place London, ON N6K 3L4
Stephen Huston 1154 Nashau Avenue London, ON N6K 2C3	Mike Bellamy 602 Grandview Avenue London, ON N6K 3G6
Andrea Sepreganus	Julie and Steve Bennett 137 October Crescent London, ON N6K 4E1
Jacquelyn Burkell 1158 Byron Baseline Road London, ON N6K 2C8	Kyle Bensetzung 277 Whisperwood Avenue London, ON N6K 4E4
Lori Wilson 34 Comox Court London, ON N6K 3K9	Heidi and John Bernans 86 Somerset Road London, ON N6K 3M8
Keith Lucas 959 Griffith Street London, ON N6K 3Z5	Arkady Bluvol 281 Whisperwood Avenue London, ON N6K 4E1

	Nick Borisavljevic 10 September Lane London, ON N6K 3Y6
	Megan Boug
	Adam Boyd 1155 Byron Baseline Road London, ON N6K 2C7
	Joanne Boyd 1155 Byron Baseline Road London, ON N6K 2C7
	Carol Breen 18-1100 Byron Baseline Road London, ON N6K 4M3
	Richard Bridgman 83-1100 Byron Baseline Road London, ON N6K 4M3
	Duncan Bronson 1158 Nashua Avenue London, ON N6K 2C3
	P.J. Brown 10 September Crescent London, ON N6K 4E3
	Jacquelyn Burkell 1158 Byron Baseline Road London, ON N6K 2C8
	Katie Carswell
	Martin Carswell
	Sophie Carswell
	Mark and Herb Christie 943 Griffith Street London, ON N6K 3S2
	Ingrid and Jim Clark 1044 Griffith Street London, ON N6K 3Y5
	James Clark 1044 Griffith Street London, ON N6K 3Y5
	Rob and Karin Clarke 1 September Lane London, ON N6K 3Y6
	Wilma Clarke 90 Whisperwood Crescent London, ON N6K 4B9
	Devin Clements
	Gordon Cornell 46 September Crescent London, ON N6K 4E4
	Margaret Costello 34 September Lane London, ON N6K 3Y6
	Rob Currie 21 September Lane London, ON N6K 3Y6
	Frederick G. and Yvonne Curtis 940 Griffith Street

	London, ON N6K 3V4
	Davis and Allis Daley 1036 Griffith Street London, ON N6K 3Y5
	Gary and Sheila Davies 1043 Griffith Street London, ON N6K 3Y5
	Sam and Molook Dehdezi 22 September Lane London, ON N6K 3Y6
	Pat Dickie
	Roland and Dini Dobler 1142 Byron Baseline Road London, ON N6K 2C8
	Dan Doroshenko 374 Foyston Road London, ON N6K 1E6
	Stephanie Doyle
	Gordon Paul Doyle
	Braeden Doyle
	Janet Edwards 6-1443 Commissioners Road West London, ON N6K 1E2
	Sharon Enwright 386 Lynden Crescent London, ON N6K 2H9
	Jean Faulds 123 Somerset Crescent London, ON N6K 3M4
	Rob Ferguson 181 October Crescent London, ON N6K 4W5
	Sheila Marie Ferolin 1159 Byron Baseline Road London, ON N6K 2C7
	Jake Ferolin 1159 Byron Baseline Road London, ON N6K 2C7
	George and Carole Fleming 14 September Crescent London, ON N6K 4E3
	Tricia Foster-Mohan
	Hubert Fournier
	John and Bessie Fragis 182 Whisperwood Avenue London, ON N6K 4C7
	Andrea Givens 364 Glenrose Drive London, ON N6K 2A8
	Andrew Graham 1138 Byron Baseline Road London, ON N6K 2C8
	Shelley and Ryan Griffith

	Jennifer and JP Gronet 1134 Nashua Avenue London, ON N6K 2C3
	Darcy Harlow 1187 Byron Baseline Road London, ON N6K 2C9
	Susan Herrfort
	Ron and Amanda Hesman
	Lynne Hughes Marsh 246 Whisperwood Avenue London, ON N6K 4C9
	Stephen Huston 1154 Nashua Avenue London, ON N6K 2C3
	Jillian Jamieson 253 Grand View Avenue London, ON N6K 2S8
	Tim and Sandy Jansen 187 Somerset Crescent London, ON N6K 3S5
	Steffen Jensen 270 Whisperwood Avenue London, ON N6K 4E1
	Tina Jensen 1138 Byron Baseline Road London, ON N6K 2C8
	Nancy Jensen 270 Whisperwood Avenue London, ON N6K 4E1
	Gary Johnson 31- 1100 Byron Baseline Road London, ON N6K 4M3
	Brian Jones 28 September Lane London, ON N6K 3Y6
	James K.
	Paul Kearns 52-1100 Byron Baseline Road London, ON N6K 4M3
	Jazmine Kempston 143 Somerset Crescent London, ON N6K 3S1
	Rhonda King 12-1443 Commissioners Road West London, ON N6K 1E2
	William Konkle 1201 Wayne Court London, ON N6K 3Z5
	Cheryl Krobisch
	Lyndzey LaCharite 10 September Lane London, ON N6K 3Y6
	Andrew LaCharite 1139 Byron Baseline Road London, ON N6K 2C7
	Nancy Lahti

	Doug and Patti Landry 1147 Byron Baseline Road London, ON N6K 2C7
	Jo-Anne Lansard 18 September Crescent London, ON N6K 4E3
	Greg LeBlanc 364 Glenrose Drive London, ON N6K 2A8
	Darren LeCraw
	Julie Lee 1158 Byron Baseline Road London, ON N6K 2C8
	Georgina Lennard 340 Glenrose Drive London, ON N6K 2A8
	Keith Lucas 959 Griffith Street London, ON N6K 3Z5
	Andrew MacEachern 1186 Byron Baseline Road London, ON N6K 2C8
	Richard Maille 202-440 North Street London, ON N6K 2H6
	David Marsh 246 Whisperwood Avenue London, ON N6K 4C9
	Joanna McBride 827 Griffith Street London, ON N6K 3N6
	Catherine McClure 215 Somerset Crescent London, ON N6K 3S5
	Todd McCready
	D. McDermid
	Jonathan McEvoy 397 Lansing Avenue London ON N6K 2J2
	Melinda and John McLay 14 September Lane London, ON N6K 3Y6
	Maureen Meehan 31-1100 Byron Baseline Road London, ON N6K 4M3
	Middlesex Condominium Corporation No. 90 c/o Arnsby Property Management 914 Oxford Street East London, ON N5Y 3J9
	Ruth and Larry Mills 1131 Byron Baseline Road London, ON N6K 2C7
	Kathleen Moore 1-1100 Byron Baseline Road London, ON N6K 2C7

	Larry and Catherine Morrison 21-1443 Commissioners Road West London, ON N6K 1E2
	Amanda and Dave Murray 19 Summerdale Crescent London, ON N6K 4C3
	Flo 1114 Nashua Avenue London, ON N6K 2C3
	Wayne Newton 19 Westridge Place London, ON N6K 3R3
	Rodney Nicholson 1131 Byron Baseline Road London, ON N6K 2C7
	Don Noble
	Mike Norris
	Mark Okonski 1028 Griffith Street London, ON N6K 3Y7
	Deborah Parker 1047 Griffith Street London, ON N6K 3Y5
	Richard and Jane Pincombe 1024 Griffith Street London, ON N6K 3Y7
	Christina Pringle 150 Fourwinds Place London, ON N6K 3L4
	Christine Ramsey 66 Somerset Crescent London, ON N6K 3M3
	Pat and John Regan 1143 Byron Baseline Road London, ON N6K 2C7
	Susan Retallack 202-420 North Street London, ON N6K 2H6
	Julie Roberts 6 Willowick Close London, ON N6K 3Y8
	Angela Robinet 1127 Byron Baseline Road London, ON N6K 2C7
	G. Ross
	Greg Rossi 66 Fourwinds Road London, ON N6K 3L2
	Justin Rymer 1039 Griffith Street London, ON N6K 3Y5
	Krystle Rymer 1039 Griffith Street London, ON N6K 3Y5
	Andrea and Peter Sapardanis
	David Shulz

	58 Belorun Court London, ON N6K 3K8
	Les and Judi Sofalvi 90 Summerdale Place London, ON N6K 4C5
	Geoff Sutherland 266 Whisperwood Avenue London, ON N6K 4E1
	Karen Sutherland 266 Whisperwood Avenue London, ON N6K 4E1
	Robert Sward 1140 Byron Baseline Road London, ON N6K 2C8
	Ron and Judy Thomson
	Greg and Crystal Thurston 18 September Lane London, ON N6K 3Y6
	Steve Tigchelaar 10 September Place London, ON N6K 4E7
	Kim Tigchelaar 10 September Place London, ON N6K 4E7
	Robert Toft 34 September Lane London, ON N6K 3Y6
	A.C. Tokarewicz 58 September Crescent London, ON N6K 4E4
	Vince Trudell 1047 Griffith Street London, ON N6K 3Y5
	Jeff Van Hove 831 Griffith Street London, ON N6K 3N6
	Leslie and Mark VanBuskirk 238 Whisperwood Avenue London, ON N6K 4E8
	Pamela Waeland 8-1443 Commissioners Road West London, ON N6K 1E2
	Susan Wagter 10 September Crescent London, ON N6K 4E3
	Lynn and Keith Watson 15-1443 Commissioners Road West London, ON N6K 1E2
	Robert Weymouth 178 Whisperwood Avenue London, ON N6K 4C6
	Sandra Weymouth 178 Whisperwood Avenue London, ON N6K 4C6
	Keith and Jan White 126 October Crescent London, ON N6K 4E1
	Sharon Williams Suite 225 1255 Commissioners Road

	London, ON N6K 3N5
	Lori Wilson 34 Comox Court London, ON N6K 3K9
	Jim and Chris Wincott 446 Blake Street London, ON N6K 2N6
	Vic and Terry Wisniewski 27 September Crescent London, ON N6K 4E2
	Tom and Ronda Wolf 399 Lansing Avenue London, ON N6K 2J2

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:

General Comments:

1. There is an existing well located on the neighbouring property at 1158 Byron Baseline Road. Due to the close proximity and the size and scope of the proposed development, the applicant shall submit a hydrogeological report prepared by a qualified professional which shall include, but not limited to, the following:
 - Existing aquifer conditions and review.
 - Water quality and quantity assessment.
 - Impacts of proposed development on the existing well.
 - Preferred construction approach.
 - Required protection measures during construction.
 - Dewatering requirements.
 - Water quality monitoring program.
 - Contingency plan.

The report may be subject to a peer review depending on the report recommendations. This report shall be completed as part of the re-zoning to ensure the development is achievable.

Stormwater

- There is an existing servicing easement traversing 1146 Byron baseline Road. No structures shall encroach within the extent of the easement.

Transportation

- Road widening dedication of 18.0m from centre line required on Byron Baseline Road

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.

If you have any questions, please feel free to contact Brent Lambert at (519) 661-2489 ext. 4956.

Planning Services

Thank you very much for the submission of the application at 1146-1156 Byron Baseline Road (Z-8847). While Staff appreciate that this site presents an opportunity for infill development, through the review of the application Planning Services has identified the following matters that must be addressed through a revised submission:

- While intensification is desirable, intensification needs to fit within the surrounding context. The proposed development has not been demonstrated to fit within the surrounding context. Please revise the massing, including a reduction in height, to fit with the surrounding area.
- Revise the grades to match adjacent properties and eliminate retaining walls.
- Substantial landscaping will be required to screen and buffer neighbours.
- The proposed development does not identify outdoor amenity space for residents. Please identify where outdoor amenity space for residents will be located.
- Revise the design to be more sensitive to the adjacent heritage property at 1158 Byron Baseline Road.
- The requested reduction in front yard setback should be revised to provide views to and respect the existing heritage building at 1158 Byron Baseline Road. Please consider a setback more in-line with the existing townhouse development to the east.
- The relationship of the proposed development to the public realm on Byron Baseline Road should be enhanced.
- Please be advised that should Staff recommend approval of a revised proposal to City Council, this may be recommended as a bonus zone to tie the proposed development to the plans provided in order to ensure fit with the surrounding neighbourhood.
- Please see attached Urban Design comments for further direction in preparing your revised submission.
- If revised plans are submitted, please provide Staff with a digital model to better allow Staff to review the proposal within the surrounding context.

Staff look forward to working with you to address these comments.

Please note that the concerns identified in this letter are in addition to the comments that have already been provided from the other commenting divisions. Comments from the other commenting divisions must also be addressed.

Additional comments may arise through further review of this application.

Urban Design

Urban Design has reviewed the rezoning documents for the above noted address and provide the following urban design principles consistent with the Official Plan, applicable by-laws, and guidelines:

1. Intensification of the site is desirable given its size and depth. However, the neighbourhood context is primarily low-rise single detached homes. A shorter built form, with a more human scale rhythm would be more appropriate.
2. Ensure the building is setback from the street enough to maintain views to, and respect the existing heritage property to the west. The building setback also need to

accommodate footings, outdoor amenity areas, canopy overhangs, etc. Consider a front yard setback more in line with the existing townhouse development to the east.

3. Design ground floor amenity spaces as open courtyards or front porches extending into the front setback. Provide individual entrances to ground floor units on the north façade, with direct walkway access perpendicular to the future public sidewalk, operable front doors and pedestrian scale features such as canopies and lighting.

a. Any proposed decorative fencing (glass/rod style) should be no more than 1m in height and opaque material walls (brick/stone) should be no more than 0.75m in height.

4. Provide a main pedestrian entrance on the north façade. Differentiate this primary entrance to the lobby from the individual unit entrances on the north façade through an increased proportion of glazing and appropriately scaled building mass.

5. Provide architectural detail and articulation on all facades visible from the public street, noting that the east and west facades of the building will be highly visible from both approaches on Byron Base Line Rd.

6. Incorporate a variety of materials and textures to highlight different architectural elements.

a. Vary the materials horizontally to break up the width of the building and express individual units on the façade.

b. Material change should be associated with a change in façade plain (recess or projection).

c. Ensure windows are proportional to the facades they are on. Provide trimming, brick/masonry detailing to break up the scale of blank walls between windows.

7. Break up the length of the roofline of the building through an articulated roof form, stepbacks, cornices, and/or material change and enclose rooftop mechanical equipment within the built form. Ensure the roof and cornices are in keeping with the scale of the building.

8. The site contains a number of mature trees which should be incorporated into the design of the site plan. A tree preservation report, prepared by a qualified Landscaped Architect or Registered Profession Forester, will be required as part of the formal application. Recommendations of the report should be implemented through the site plan application. The siting and design of the parking lot should maintain as many desirable trees as possible.

Please advise if you have any questions.

Urban Design Peer Review Panel

The Urban Design Peer Review Panel (UDPRP) considered this item on December 20, 2017 and had the following comments:

- The Panel is supportive of allowing multiple dwellings on the property if the change in land use respects the character of the neighbourhood and its planned function per the residential intensification policies the Official Plan and the urban design considerations of the London Plan. The comments below provide feedback on areas to address land use compatibility through urban design and built form.
- The Panel is of the opinion the requested front yard setback is not supportable for a number of reasons. First, it does not align with the development pattern of the neighbourhood that has deeper setbacks. Secondly, it blocks views from the westerly approach to the adjacent heritage dwelling. Finally, it does not allow for

any buffering/tree planting between the building including its private amenity areas and the front property line.

- The Panel is of the opinion that the building massing is not in keeping with the neighbourhood which is characterized by single detached dwellings and a lower built form. The building mass should be broken up and lowered - possibly through additional building articulation or a clustered built form.
- The project should provide common outdoor amenity area for residents.
- The Panel is supportive of tree protection to maintain existing buffers to adjacent properties. Should the City recommend a zoning bylaw amendment, consideration should be given for side and rear setbacks to support the retention of trees.
- Proponent is encouraged to explore material, massing and proportion in a manner that is not a direct response to the “base, middle, top” prescriptive model.

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process.

Appendix B – Policy Context

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

PPS:

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

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:

3.2.1. Permitted Uses

The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

3.2.3 Residential Intensification

Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form.

Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7. Where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supersede them.

Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4. (Subsections 3.2.3., 3.2.4. and 3.2.5. deleted and 3.2.3. added by OPA 438 Dec. 17/09)

3.2.3.2. Density and Form

Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semidetached dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

Areas within the Low Density Residential designation may be zoned to permit the conversion of single detached dwellings to add one or more dwelling units. Site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged. Accessory dwelling units may be permitted in accordance with Section 3.2.3.8. of this Plan.

3.2.3.5

As part of an application for residential intensification, the applicant shall be required to provide an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan.

3.2.3.3. Neighbourhood Character Statement

An inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood shall be undertaken by the applicant, as outlined in

section 3.7.3.1. of the plan. The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape. A well organized and documented understanding of a neighbourhood's character is an effective tool in assessing the appropriateness of a proposed change and the implications the change may have on the character of a neighbourhood.

3.7.2 Planning Impact Analysis

Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The land use is compatible, however the form and intensity has not demonstrated compatibility.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	It has not been demonstrated that the requested intensity can be accommodated in a form compatible with the neighbourhood.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The surrounding area is largely developed, with certain parcels having designations and zoning that could allow for a higher intensity.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The proposed built form is a medium density residential development and would be in close proximity to public open space and recreational facilities and community facilities, including Springbank Park, Byron Optimist Community Centre, Byron Pool, Byron Somerset Public School, and St. George Catholic Elementary School. London Transit operates a bus on Byron Baseline Road that connects to Commissioners Road West.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	N/A – not affordable housing
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	Height does not fit with surrounding context. Front yard setback not compatible with surroundings; also cuts off views to heritage building
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	The proposed development has not demonstrated retention of vegetation through the development proposal.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic	The anticipated traffic that would be generated by the proposed use has been found to be at an acceptable level.

Criteria	Response
generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties	
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The scale, bulk, layout and integration with present and future land uses has not been demonstrated to integrate with the surrounding context.
The potential impact of the development on surrounding natural features and heritage resources;	The requested Zoning By-law Amendment has not demonstrated compatibility with the adjacent heritage-listed resource.
Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;	The applicant has not provided a hydrogeological report to demonstrate there are no adverse effects on the adjacent site at 1158 Byron Baseline Road which is on well water
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and	The requested development does not comply with a number of the Official Plan policies.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	The applicant has not proposed measures to mitigate the impact of adverse impacts on surrounding land uses
Impacts of the proposed change on the transportation system, including transit.	The anticipated traffic that would be generated by the proposed use has been found to be at an acceptable level.

17.7.3. Well-Head Protection

i) Where a draft plan of subdivision, consent and/or Zoning By-law amendment is proposed in the vicinity of an existing well the application will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality. It is the responsibility of the application to identify the location of wells in the vicinity of a development site.

The London Plan

62_Direction #8: Make wise planning decisions

10. Ensure health and safety is achieved in all planning processes

83_ As directed by the policies of this Plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit. Policies within the City Building and Urban Place Type chapters of this Plan, together with the policies in the Our Tools part of this Plan dealing with planning and development applications, will provide more detailed policy guidance for appropriate forms of intensification. A guideline document may be prepared to provide further detailed direction to ensure appropriate forms of intensification.

193_ In all of the planning and development we do and the initiatives we take as a municipality, we will design and foster:

2. Development that is designed to be a good fit and compatible with its context

197_ The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns, streetscapes, public spaces, landscapes, site layout, buildings, materials and cultural heritage.

200_ Neighbourhoods should be designed such that heritage designated properties and distinctive historical elements are conserved to contribute to the character and sense of place for the neighbourhood.

256_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing and planned buildings.

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.

284_ All planning and development proposals will be required to demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area. This will include matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

286_ Buildings will be designed to achieve scale relationships that are comfortable for pedestrians.

298_ An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities. This may be an important consideration at the interface of two different place types.

474_ Water services are critical for London's high-quality drinking water and supply for fire protection. All the planning, design, and budgeting we do to provide water services will conform with the following policies, as well as all other relevant policies of this Plan.

13. Where a planning and development application is proposed in the vicinity of an existing well the applicant will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality. It is the responsibility of the applicant to identify the locations of wells in the vicinity of a development site.

703_ We will direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety.

743_ Safe, clean drinking water will be supplied to Londoners in conformity with the Civic Infrastructure policies of this Plan.

953_ The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply:

1. A Planning and Design Report, as described in the Our Tools part of this Plan, shall be submitted for all intensification proposals. This report will clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.

2. Compatibility and fit, from a form perspective, will be evaluated based on such matters as:

- a. Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location, and parking.
- b. Building and main entrance orientation.
- c. Building line and setback from the street.
- d. Character and features of the neighbourhood.
- e. Height transitions with adjacent development.
- f. Massing appropriate to the scale of the surrounding neighbourhood.

3. The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas.

937_ Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. However, such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability. The following policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods.

1578_ All planning and development applications will be evaluated with consideration of the use, intensity, and form that is being proposed. The following criteria will be used to evaluate all planning and development applications:

6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:

- a. Traffic and access management.
- b. Noise.
- c. Parking on streets or adjacent properties.
- d. Emissions generated by the use such as odour, dust, or other airborne emissions.
- e. Lighting.
- f. Garbage generated by the use.
- g. Loss of privacy.
- h. Shadowing.
- i. Visual impact.
- j. Loss of views.
- k. Loss of trees and canopy cover.
- l. Impact on cultural heritage resources.
- m. Impact on natural heritage features and areas.
- n. Impact on natural resources.

The above list is not exhaustive.

7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:

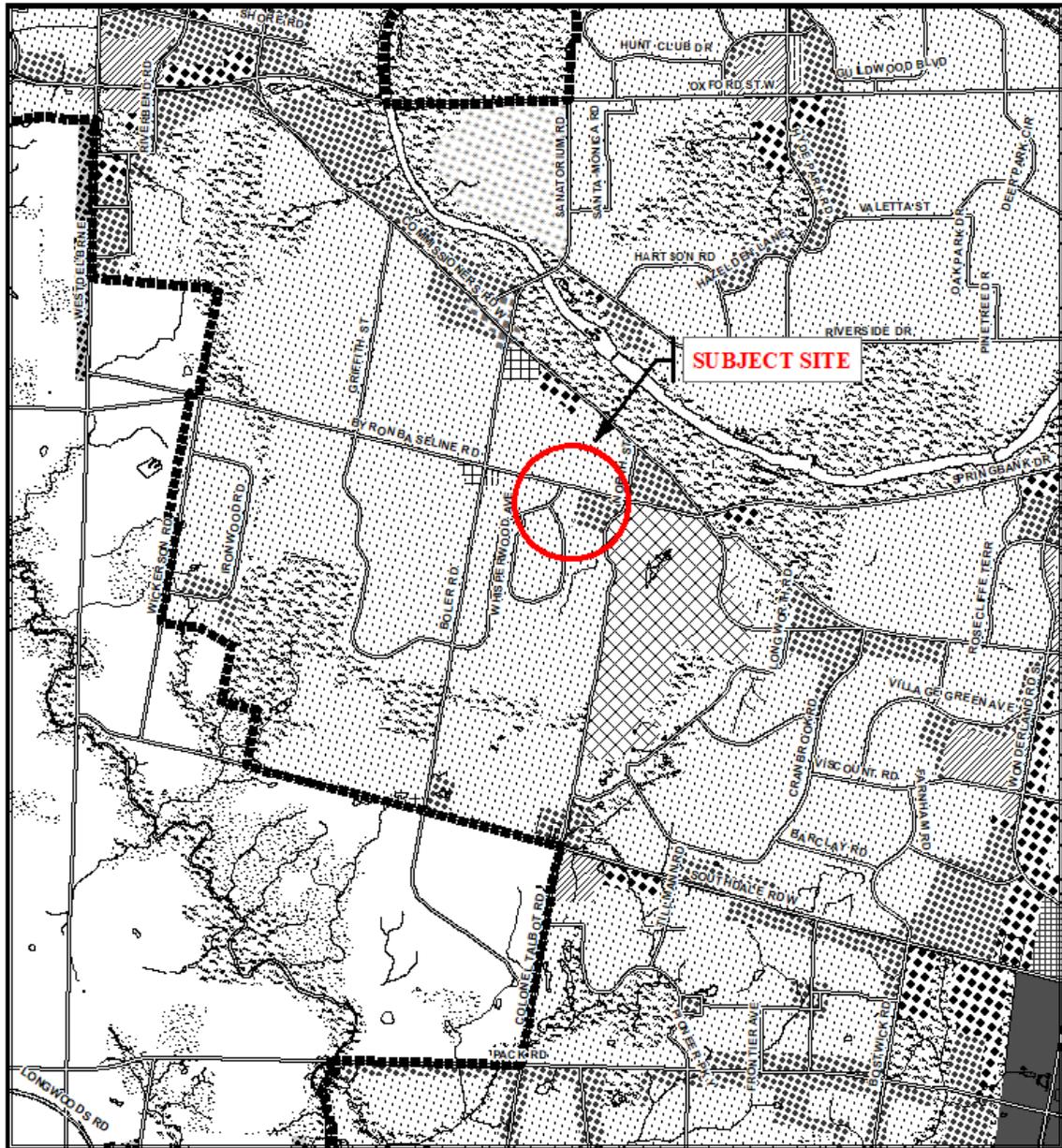
- a. Policy goals and objectives for the place type.

- b. Policy goals and objectives expressed in the City Design chapter of this Plan.
- c. Neighbourhood character.
- d. Streetscape character.
- e. Street wall.
- f. Height.
- g. Density.
- h. Massing.
- i. Placement of building.
- j. Setback and step-back.
- k. Proposed architectural attributes such as windows, doors, and rooflines.
- l. Relationship to cultural heritage resources on the site and adjacent to it.
- m. Landscaping and trees.
- n. Coordination of access points and connections.

The above list is not exhaustive.

Appendix C – Relevant Background

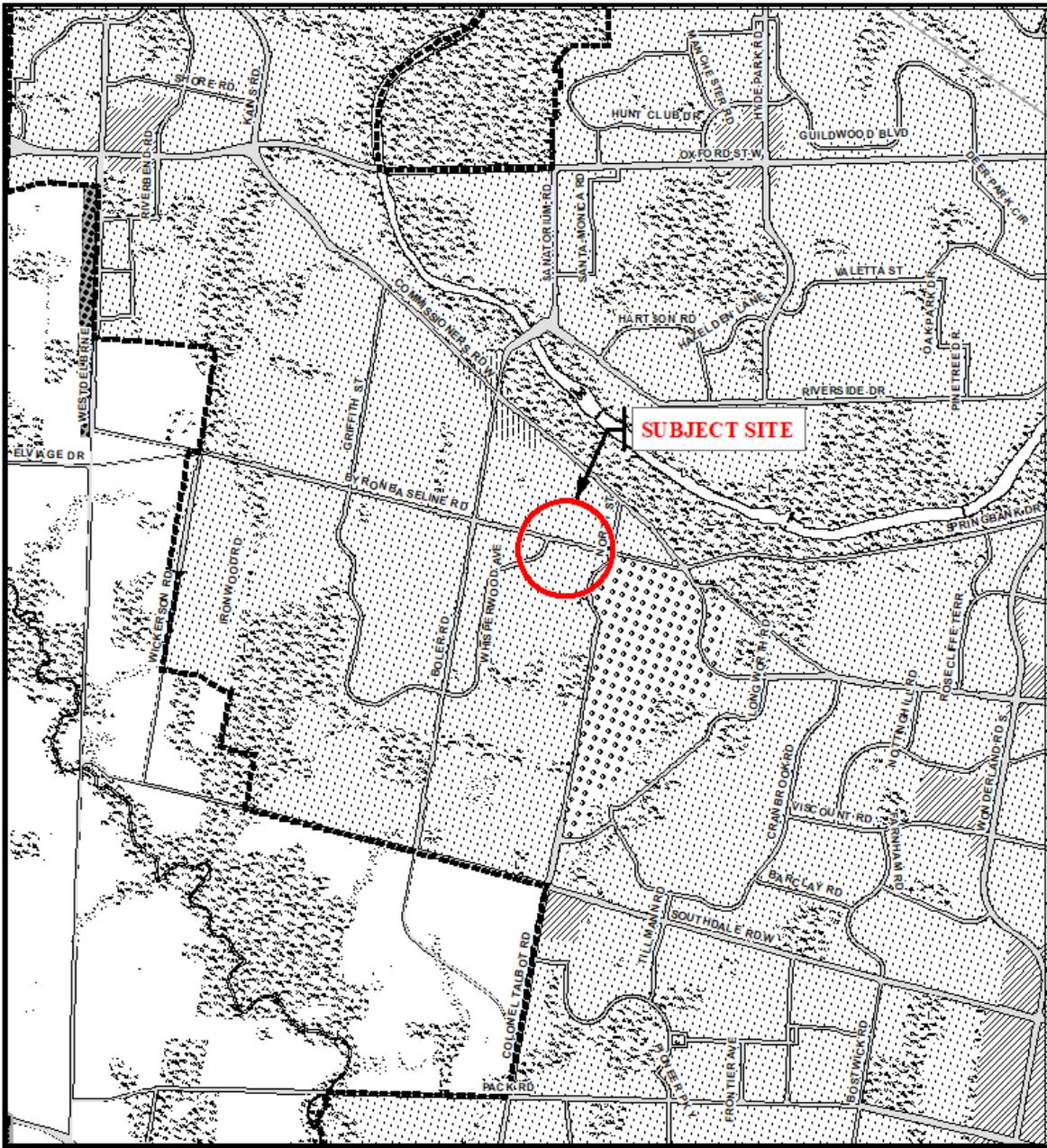
Additional Maps



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>		FILE NUMBER: Z-8847
		PLANNER: MK TECHNICIAN: MB DATE: 2018/01/11

PROJECT LOCATION: e:\planning\projects\ip_officialplan\work\consolid\00\excerpts\mxd_templates\scheduleA_b&w_sx14_with_SWAP.mxd



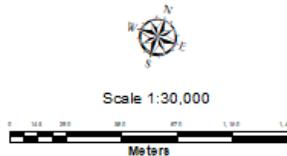
Legend

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

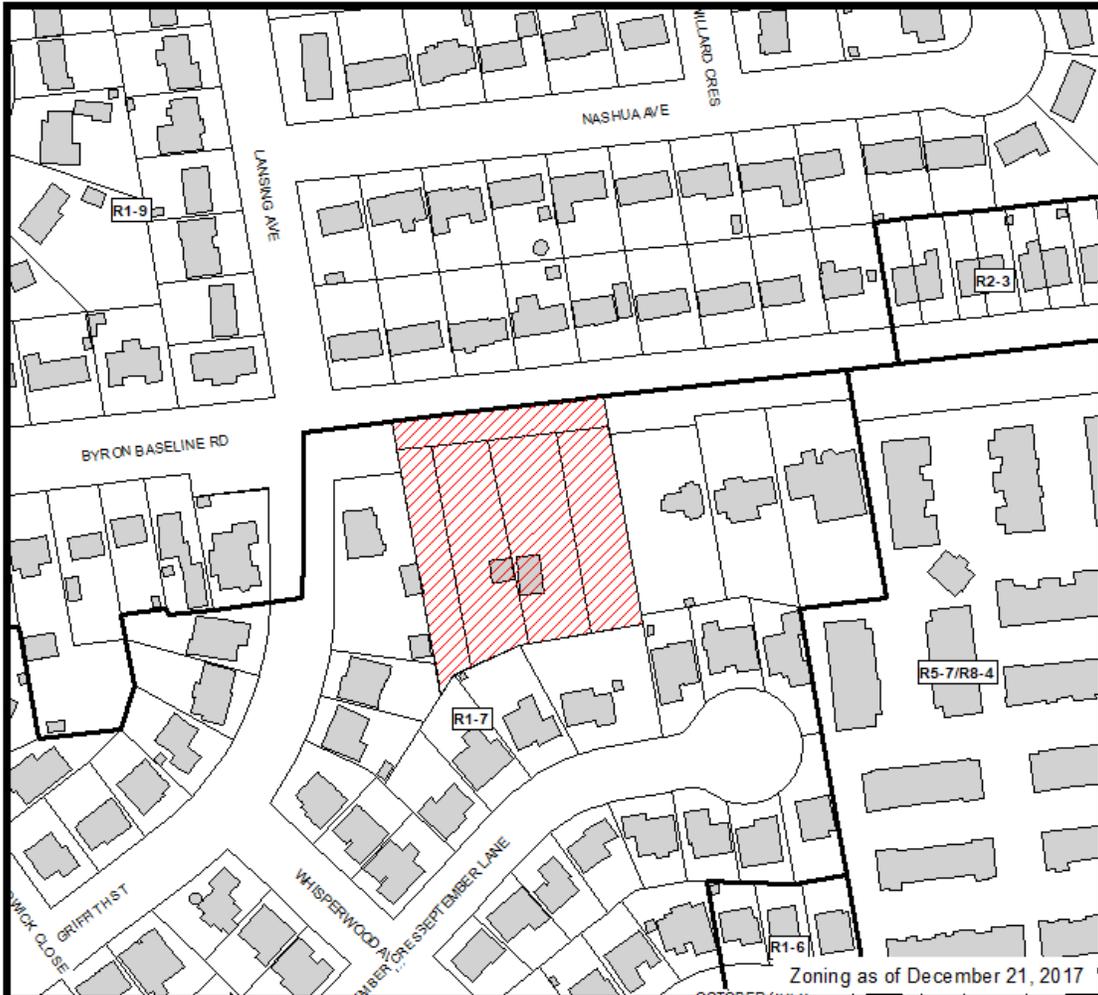
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number: Z-8847
Planner: MK
Technician: MB
Date: January 11, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-7

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-8847 MK

MAP PREPARED:

2018/01/11 MB

1:2,000

0 10 20 40 60 80 Meters

July 27, 2018

Councillor Stephen Turner (Chair)
Planning and Environmental Committee
City of London

Dear Councillor Turner:

At the August 13th, 2018 meeting of the Planning and Environmental Committee, you will be introduced to a proposal to amend the zoning by-law to allow a four storey apartment building at 1146-1156 Byron Baseline Road, File Number Z-8847.

My husband and I have the following concerns:

- A 15 meter building (four storey) is too tall and will not fit in with the surrounding single and two storey homes in this area;
- The proposed building's setback is too far forward and it will be positioned right at the sidewalk on Byron Baseline Road;
- Byron Baseline Road is a two-lane arterial street that runs through the heart of a single family residential area and traffic entering and exiting an apartment building will negatively impact traffic flow;
- The proposal by the developer amounts to piecemeal planning: the developer owns three lots in the centre of single-storey and two-storey dwellings and in order to maximize profits, he applies for a zoning change to obtain the highest density that he can;
- The existing three-storey apartment building on North Street and the condominium development at 1100 Byron Baseline Road cannot be used as justifications for the proposed intensification because the consultants have misrepresented the nature of these buildings;
- North Street slopes down considerably from Byron Baseline Road to Commissioners Road, and the roofline of this apartment complex is no higher than that of the single-storey houses across the street from it on Byron Baseline Road;
- The condominiums at the corner of Col. Talbot Road and Byron Baseline Road are one and two-storey units, not the three-storey buildings the consultants have cited.

These are just a few of the many reasons why the proposed four-storey apartment building is not compatible with the surrounding area. A much more appropriate development for this location on Byron Baseline Road would be single-storey or two-storey townhouses.

We hope you will consider these comments when making your decision.

Yours truly,

Keith and Jan White
126 October Crescent
London, ON
N6K 4E1

On Jul 30, 2018, at 3:15 PM, Tom Wolf

Dear Councillor Turner

At your August 13th meeting of the Planning and Environmental Committee, you will be introduced to a proposal to amend the zoning by-law to allow a four story apartment building at 1146-1156 Byron Baseline Road, file number Z-8847. We feel that this is a bad idea for the following reason:

The large size and scale of the project is totally out of scale with the rest of the neighborhood of single family homes. We feel the resulting look obtained will make it appear as if a huge block of concrete has been dropped in to fill up the space lacking any character as with one and two homes in the area. Also because the property will sit on a high point on Byron Baseline, coming from either the east or west, the building will appear even larger than the finished height might suggest.

If there are any questions about why we are against this, we will be in the gallery to support our opposition to this change.

Thank you,
Tom & Ronda Wolf
399 Lansing Ave
London N6K2J2

Written Submission
Public Meeting Before the Planning and Environment Committee
13 August 2018
File: Z-8847
1146-1156 Byron Baseline Road

Robert Toft
34 September Lane
London, Ontario
N6K 3Y6

Planning and Environment Committee
City of London
300 Dufferin Avenue
London, ON N6B 1Z2

Dear Committee Members,

As a longtime resident of Byron, I am not opposed to development in my community or to the intensification plans the City of London has adopted, but I strongly object to the building at the heart of Z-8847, particularly the suitability of the four-storey apartment structure proposed for the vacant lots at 1146 – 1156 Byron Baseline Road. In short, the building is inappropriate for the location. I will be affected by the proposed structure, as I live on September Lane, the street directly behind the land 2186121 Ontario Inc. would like to develop.

In addition, the *Planning Report* and *Urban Design Brief* prepared for 2186121 Ontario Inc. do not make a sufficiently strong case for the developer. Because the proposed project is not sensitive to, compatible with, or a good fit for the existing neighbourhood, I will address some of the shortcomings of the report and brief, especially the omissions and misleading statements.

General Planning Principles

The section of Byron Baseline Road between Boler Road and North Street has a commercial area at one end (Boler Road) and at the other end (North Street), one- and two-storey condominiums, as well as a three-storey apartment structure. All the dwellings in between are single-storey residential units (two of them appear to have usable attic space and several structures near North Street are semi-detached, single-storey buildings). In other words, although Byron Baseline is an arterial road, the portion under discussion runs through a predominantly low-density residential area.

In my view, normal planning for this section of Byron Baseline Road would have the commercial area at Boler and Byron Baseline stepped down through medium density housing (low-rise apartment structures followed by townhouses) to single-family residential dwellings farther away from the commercial area.

I suggest that the most appropriate location for a low-rise apartment structure along this portion of Byron Baseline Road would be immediately next to the commercial area at the intersection of Boler and Byron Baseline, as the existing structures there are a single-storey plaza on the southwest corner and a two-storey office building and a church on the east side:

Single-storey plaza on the southwest corner



Church on the northeast corner



Two-storey office building on the southeast corner



Specific Comments on the *Planning Report* and the *Urban Design Brief*

The *Planning Report* and *Urban Design Brief* are very similar, for November's *Urban Design Brief* repeats much of the text from the June *Planning Report*.

1. Neighbourhood Character Statements

The neighbourhood character statements should have included photos of the houses around the proposed apartment building to demonstrate that this four-storey structure provides continuity and harmony in architectural style with the adjacent single-storey and two-storey, pitched-roof buildings. I provide the missing photos below, illustrations which show that the 38-unit apartment building is incompatible with surrounding dwellings, for it is too large, that is, it is too tall and imposing, with too many units, to respect the character and density of the existing neighbourhood.

The heritage building immediately next to the proposed apartment structure (see the second illustration below) also needs to be considered in the design of any new building in order to provide what the City of London's Urban Design Principles (under Policies) refer to as "continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are recognized as being of cultural heritage value or interest." The developer's design clearly does not conform to this objective (the architect's sketch of the proposed structure is the first item below).

*Architect's representation of the face of the proposed apartment building
(taken from the Urban Design Brief)*



Heritage home to the immediate west of the proposed apartment structure



Single-storey house to the east of the proposed apartment structure



Single-storey houses across the street from the proposed apartment structure



*Houses on September Lane directly to the south of the proposed apartment structure
(photo from the Urban Design Brief)*



2. Compatibility Statements

The consultants working on behalf of 2186121 Ontario Inc. have said that the proposed apartment building is compatible with the adjacent neighbourhood primarily because of two existing developments, the condominiums at 1100 Byron Baseline Road and the three-storey apartment building at the corner of North Street and Byron Baseline Road, as well as the heritage home immediately to the west of the proposed apartment building.

The reports state:

“the proposed four storey apartment building is considered to be generally compatible with the low-profile character of the surrounding neighbourhood” (*Urban Design Brief*, p. 8), but two pages later they say “the project is unlike the single detached homes immediately adjacent,” before going on to suggest that the proposed building is “quite like the low-rise apartments located a short distance from the site (North St.) as well as the townhouse development at 1100 Byron Baseline Road. *The height and scale of the proposed building is in character with this development*” (*Urban Design Brief*, p. 10, italics mine). Unfortunately, the consultants did not provide photos to prove that the italicized statement is true, and the next four photos demonstrate that the new apartment building is clearly incompatible with all existing structures on the relevant portion of the road.

Please note that in their reports, the consultants specifically refer to: “the three storey townhomes of 1100 Byron Baseline Road” (*Urban Design Brief*, p. 2 and *Planning Report*, p. 4). However, these townhouses are not three-storey dwellings, for the photos I have included below show that the development is actually a mixture of single-storey and two-storey units. It is important to understand that the two-storey units in this development do not tower over the adjacent single-family, two-storey dwelling on September Lane (see the second photo below).

Representative condominiums at 1100 Byron Baseline Road

Single storey



Two storey, showing in the background the two-story house at the end of September Lane (south side of the street).

The condominiums do not tower over the adjacent house.



Furthermore, the consultants call the heritage home immediately to the west a three-storey structure: “adjacent to the west is a three storey Victorian design home ... with mechanical equipment on the roof” (*Urban Design Brief*, pp. 4-5). But the building is a two-storey house, with a peaked roof containing attic space (the pitch of the roof is similar to many modern designs, which are usually considered to be two-storey dwellings):



Moreover, the reports use the height of the existing three-storey apartment building at Byron Baseline Road and North Street as further justification for their proposed four-storey structure. However, this older apartment block has 8-foot ceilings, and because of the slope from Byron Baseline Road down to Commissioners Road, the building does not rise above the roofline of the single-storey house across the street from it at the corner of Byron Baseline Road and North Street, as this photo shows:



3. Incompatibility with Existing Intensification Projects Further Along Byron Baseline Road

Over the years, the City has approved intensification projects along Byron Baseline Road between Timber Drive and Boler Road, but all these developments consist of one- and two-storey dwellings. The older two (1294 Byron Baseline Road and the structures at the southwest corner of Griffith Street and Byron Baseline Road) contain two-storey townhouses, while the newer developments (1452 and 1499 Byron Baseline Road) consist of either one- or two-storey

buildings. The photos below provide further evidence of the incompatibility of the proposed four-storey apartment building with existing structures along Byron Baseline Road.

1294 Byron Baseline Road



Southwest corner of Griffith Street and Byron Baseline Road



1452 Byron Baseline Road



1499 Byron Baseline Road



4. Rebuilding Byron Baseline Road from Boler to North Street

The *Urban Design Report* mentions on page 11 that “the road [“a 2 lane arterial,” *Planning Report*, p. 10] is currently closed as it is being rebuilt to carry the increased traffic demands.”

However, even though the consultants assume that the City has taken additional traffic flow into consideration as part of their rebuilding project (I expect the City has studies to show that the proposed apartment building will not increase traffic congestion significantly), Byron Baseline is already far too busy for a small 2-lane arterial road to handle. Anyone who uses the street on a

regular basis at peak hours knows that the road cannot withstand even a slight rise in traffic volume. In fact, the road has not been rebuilt for “increased traffic demands” but has been altered to accommodate bicycle lanes in both directions.

5. Front Setback and Elevation

The proposed building is to sit right at the sidewalk, and it will be far closer to the street than other buildings on that section of Byron Baseline Road. It will stick out in an imposing fashion that certainly doesn't match the setback character or built form of the surrounding area. Moreover, since the proposed structure has a long, continuous front façade, it will intimidate pedestrians by towering over them. The building, then, does not enhance the pedestrian environment.

6. Rear Setback

The large parking lot at the rear of the proposed building is not compatible with the backyards of other properties on the street.

7. Privacy

A four-storey building with balconies at the front and back will deprive adjacent properties of their privacy, for sight lines from the balconies will allow the occupants to peer directly onto the neighbours' decks, pools, etc. Furthermore, the existing cedar hedge at the rear of the property is not tall enough, and never could be tall enough, to prevent peering. I note that the consultants have not provided a study that deals with the negative effects of peering.

8. Noise

The large parking lots at the rear and left of the building will be noisy, with cars coming and going at all hours, and they will be lit from dusk until dawn, causing further problems for neighbours. Another issue is garbage collection and storage via wheel-out bins. These will be an eyesore and will cause unnecessary noise.

9. Buffers

The existing cedar hedge at the rear of the property is not an adequate buffer to neighbouring properties, as it is not tall enough (6 meters at best compared to a 15 meter proposed height for the apartment building). Similarly, the road in front of the structure is also not an adequate buffer, for it is not wide enough to properly separate the apartment building from houses across the street. In addition, most of the existing trees are deciduous and will provide no buffering from November to April/May.

In conclusion, I believe there are many reasons why the proposed 15 meter, four-storey, 38-unit apartment building is incompatible with the surrounding area. I also note that the points I have raised in this submission are similar to those made by the panel of architects the City of London's Planning Services used to review and comment on the proposal. I attended the public meeting where they made their comments, and every architect found the project to have fundamental flaws. I urge committee members to obtain a detailed transcript of that meeting.

As I said earlier, I am not opposed to development or intensification, and perhaps a much more appropriate project for this location on Byron Baseline Road would be some form of townhouse or condominium development. I would, in fact, happily support intensification through townhouses or condominiums similar to what already exists on Byron Baseline Road.

Sincerely,

Robert Toft

cc. Anna Hopkins, Councillor (ahopkins@london.ca)

Julie Lee and Jacquelyn Burkell
1158 Byron Baseline Road
London, Ontario
N6K 2C8

July 30, 2018

Dear Councillor Turner:

**RE: WRITTEN SUBMISSIONS – PUBLIC MEETING
BEFORE PLANNING & ENVIRONMENT COMMITTEE (August 13, 2018)
FILE: Z-8847
1146 – 1156 Byron Baseline Road**

We are the co-owners and residents of the home located at 1158 Byron Baseline Road, and we are writing to you in your role as the Chair of the Planning and Environment committee that will be considering file Z-8847 on August 13th. Unfortunately, we will be unable to attend the meeting, as we are out of town. We have, however, significant concerns regarding this application, and we want to put them before the committee in writing.

Our home is situated on the southeast corner of Griffith and Byron Baseline Road directly adjacent (on the west side) to the proposed 4-storey apartment building development. Our home is on the Heritage Register and is historically significant to the Byron Village community. It was built in 1911 by a member of one of the founding families of Byron. The architecture is unique, and the home's owner/builder individually constructed each of the molds used for the bricks, pillars, and arches that are characteristic of this heritage home.

We most vigorously oppose the change in the zoning by-law from the current R1 designation to an R8 designation with special provisions to allow a taller building (15 instead of the standard 13 meters) with a much smaller front yard setback (1.8 meters instead of the standard 8 meters) in order to permit the development of a 38 unit, 4-storey apartment building. We are of the opinion that the proposed development is incompatible with the neighbourhood and as such is inconsistent with the London Plan (2016) which has as a goal to achieve "development that is designed to be a good fit and compatible within its context" (p, 62); we also note that proposed plan presents environmental and health issues that have been neither acknowledged nor addressed by the Applicant. Both of these concerns arise in a context of a longstanding strained relationship between the Applicant and the neighbourhood. We will detail each of these concerns below.

Before providing this detail, we want to make it clear that we do *not* oppose the development of 1146 – 1156 Byron Baseline Road, so long as that development is consistent with the City's Official Plan. Indeed, we welcome an appropriate development on this property, which has been vacant for some time. However, the proposed development (and the integral request to

change the zoning designation) conflicts with the principles and requirements set out in the London Plan. The Applicant has many options for medium density housing that would not represent such a stark and unwelcome contrast with the neighbourhood and that would not require an R8 designation with special provisions. The Applicant, however, has put forward a plan that maximizes intensification/density without attention to key and balancing planning principles that include neighbourhood compatibility, respect for heritage, and environmental impact. It is for these reasons that we oppose the proposed zoning by-law change.

I. LACK OF COMPATIBILITY WITH AND CONSIDERATION OF NEIGHBOURHOOD/HERITAGE

The planning document provided by the Applicant suggests that the proposed building is “unlike the single detached homes immediately adjacent but quite like...the townhouse development at 1100 Byron Baseline Road.” We fundamentally disagree with this statement. The development at 1100 Byron Baseline Road consists of one and two-storey condominiums in detached groups of 4 – 7 units (R5 zoning designation), with interspersed trees and green space. The 1100 Byron Baseline property includes green space buffering between the townhouses and each of the nearest neighbours and the street-side view is of gardens and green space between the road and set back one or two-storey residential buildings. These buildings are entirely compatible with the surrounding single-family homes that are typically 1 to 1 ½ stories. By contrast, the proposed development (which would require an R8 designation with special provisions) would present a street-side view of a large four-storey apartment building set much closer to the street than any of the surrounding buildings, with minimal green space. The proposed placement of this building would utterly obstruct the street view of our heritage home from any view except traffic/pedestrians coming from the west.

Clearly, the planned building is out of scale with the single-family homes in the area – both in terms of height and density. In addition, the Applicant’s Planning Report does not accurately deal with the contrast between the roof-line/height of our home and the proposed four-storey structure. Our home is 2 ½ stories rather than three (as stated in the Planning Report), and the outbuilding on our property is also 2 ½ stories rather than three (as stated in the Planning Report). In addition, the surrounding homes all meet or exceed the setback required by the R1 zoning, and the planned development would present a stark contrast to the existing neighbouring homes in this respect. We also note that in the proposal the entire site is devoted either to the footprint of the building or its parking lot. Such a plan is entirely inconsistent with the well-established neighbourhood standard of set back residences and plenty of green space.

There are a number of higher-density apartment buildings (4-5 storey) in Byron. A number of these are located on Commissioners Road directly across from Springbank Park. According to the City of London data, Commissioners Road carries almost double the traffic of Byron Baseline (14-15 thousand vehicles per day, compared to 7.5-9 thousand vehicles per day on Byron Baseline in the region of the planned development); moreover, Commissioners Road in the vicinity of the apartment buildings includes significant commercial development. Thus, these apartment buildings are appropriately placed on a busier thoroughfare that is *not*

primarily single family residential (consistent with the zoning). These buildings are “set-in” to the natural slope/topography of the vicinity – thereby reducing the roof-line by at least one storey. Further, these buildings are significantly set back from the street/sidewalk and have integrated greenspace and landscaped buffers. In addition to the apartment buildings on Commissioners Road, there are also four-storey apartment buildings located on the north side of Byron Baseline Road (almost directly across the street from the gravel pit). Similar to the Commissioners Road buildings, these are also “set-down” by at least one story, as they have built into the natural sloping topography. Again, these buildings have incorporated set back and green space that is characteristic of Byron village, and they are located on a busier stretch of Byron Baseline Road. Thus, we do not see the proposed development as consistent with these existing buildings.

In addition to these general considerations, we are particularly concerned about the impact of the proposed development on our home and our ability to enjoy this space. The plan places the proposed building as close as possible to our home, within 12 feet of the shared property line, with the bulk of the building immediately opposite our home. We have a number of large windows on the east side of the home, including those in our kitchen – we have enjoyed the morning and early afternoon sun. We believe that the proposed building would significantly shadow our living space. We do not agree with the Applicant’s Plan which states that “any sun shadowing would typically be to the north and east.” The Applicant’s Plan does acknowledge that this conclusion is *not* based on any reliable information given that a shadowing study was not completed. Our lived experience would suggest that their claim of no shadowing, specifically as it relates to our property, is false. Again, none of these issues have been addressed or acknowledged in the Applicant’s Planning Report.

The discussion of ‘compatibility’ in the Applicant’s Planning Report pays some attention to the southern and eastern borders of the property. Notably, the eastern and southern borderlines are *most distant* from the proposed building, which would be situated on the property close to the western edge. Remarkably there is little discussion of compatibility with our property, which is on the western border, where the proposed building would be set close to the property line. There is mention of “perimeter vegetation” that, it is suggested, would assist in separation of the building and the “heritage asset” (our home), but this is a misrepresentation of the existing vegetation. Indeed, there is *no* existing significant planting on the property line with the exception of a 3-4 foot hedge that starts well in front of our home, and that would therefore provide no separation of the proposed building and our home. There are a small number of Manitoba Maples trees on the property line, which are in poor health and likely to experience increased deterioration as a result of any significant construction. These trees, therefore, are unlikely to provide any significant screening from the proposed building. In any event, given that the plan is that the apartment building is to be built directly proximate to the western boundary and within feet of our home, it is plainly obvious that neither a wall nor a planting could ever provide a meaningful visual border between our house and the apartment building. It is our view that the Planning Report misreports or mischaracterizes the negative visual impact of the proposed building on our home.

II. FAILURE TO CONSIDER ENVIRONMENTAL/HEALTH ISSUES

We have a well on our property that existed long before the provincial requirement for well construction records. The well has long been serviced by Staintons Limited, and is a drilled well approximately 100 feet deep. We are totally reliant on our well for water, including drinking water. Our property does not have city water service. Our well is situated close to the eastern edge of our property, and thus close to the west side of the proposed apartment building. We are very concerned that the process of construction for the proposed apartment building as well as the resulting long-term and high-density use would negatively affect our well and water supply. Excavations for the planned building site would be within 12 feet of our property line and proximate to our well. Pile driving or any type of construction method involving percussion would risk the integrity of our well system/water. There has been no environmental assessment carried out to assess this plan's impact on our well. Indeed, we were left a letter by a third party assessor in late 2017/early 2018, asking us to contact them regarding the well. Despite our repeated telephone calls and messages to the telephone number that was provided there has been no response or follow-up.

Over the past twenty years we have regularly secured water tests for our well water. All tests have demonstrated the high quality of the water. We will be securing a "Well Wise Water Test for Metals, Minerals and Salts" to establish the baseline (current) for the quality of our well. We are putting the city and the developer on notice that we will seek damages if there is any negative impact on our system and/or water quality in the event of moving ahead with this project.

We are concerned as well about the trees that would be affected by the proposed development. The Applicant's Planning Report relating to the tree planting survey/plan is illegible. There is a small grove of mature walnut trees at the southwestern corner of the site; these are desirable trees, providing a welcome green space in the urban environment. The London Plan notes that trees are important features of a neighbourhood's character and sense of place. It is, however, unclear whether the developer plans to keep these trees safe, and indeed the plan suggests that these trees would be destroyed to make way for required parking. Further, the trees on the western boundary of the property, which provide the only visual screening for our home, are in poor health and would be likely to deteriorate quickly and die during construction.

Finally, we consider the likely shadowing that would occur as a result of the proposed development to be a significant environmental issue. Given the proximity of the proposed building to our home, we believe that we would experience significant shadowing, especially in the morning and early afternoon.

III. POOR DEVELOPER/NEIGHBOUR RELATIONS

On a couple of occasions we have directly spoken with Mr. Birani, who we understand to be the Principal (owner) of the property and, presumably, the Principal of 2186121 Ontario Inc. Mr Birani has not been forthcoming or honest with us or with our neighbours about his intentions for the property. We asked him about his plans for the property (after the existing three structures were demolished), and we were told that he planned to build townhouses, of a tear-down nature, given that [he] planned to eventually build nice homes for his children. Thus, we have good reason to be concerned about the quality of the proposed building. We have received reports from other neighbours that they also asked the Principal about potential land use and they were advised that the plan was for townhomes. These conversations occurred less than two years ago. These individuals relied upon this representation for the purpose of purchasing homes in direct proximity to this property.

The Applicant did not hold, or even attempt to schedule, a neighbourhood/public meeting with respect to this proposal being issued (although the Planning Report indicates that such a meeting was planned for September, 2017). Thus, the Applicant has not sought any feedback from the community with respect to the planned development. It should come as no surprise, therefore, that this Plan is highly insensitive to our community. When a public meeting was finally held, facilitated and supported by the City, the Principal's representative indicated that the plan would remain intact and unchanged despite the community members' many and varied requests and concerns for accommodation and amelioration of the most egregious negative impacts of the proposed development. We, and other members of the community, are emphatically *not* opposed to development, and even intensification, of the proposed site. We *are* opposed, however, to the proposed development, which is profoundly 'out of step' with the surrounding neighbourhood and plainly includes no consideration for existing neighbourhood residents.

In closing, we restate our position opposing the application for a change to the zoning for this property with additional special considerations. We also request that our written submission be considered at the upcoming Public Meeting. Unfortunately, we have to be out of the province for the scheduled meeting. We urge our City to actively oppose this Plan in further proceedings, including any hearing at the Ontario Municipal Board.

Sincerely,

Julie Lee, LL.B.

Jacquelyn Burkell, Ph.D.

At your August 13th meeting of the Planning and Environmental Committee, you will be introduced to a proposal to amend the zoning by-law to allow a four storey apartment building to be built at 1146-1156 Byron Baseline Rd. **file number Z-8847.**

Previously three single family homes stood there before they were sold and the houses raised creating a parcel of three empty lots. These houses were built far back from the street and suited the neighbourhood profile of older single-family bungalow style homes across the street as well as some single storey duplexes.

Two years ago, we were happy to hear rumours that a one or two storey condominium development was planned for these lots. There was also a possibility of two storey town houses similar to those farther down the street near Colonel Talbot Road. Even a two storey apartment building (16 units) would be a welcome addition to the neighbourhood and a good infill plan.

Last fall we were stunned to learn that the builder intended to build a four storey (15 m.) tall 32-unit apartment building instead. To facilitate this build, they require a change to the current Residential zoning R1 (R1-7) by-law to a Residential R8 (R8-4(_)) Special Provision Zone which would allow them to locate the front of their structure **1.8 m. from the sidewalk** instead of the currently zoned 8 m. to give them enough room for a parking lot behind their building. Needless to say, there would be little or no room for any kind of landscaping in the 6 feet in front of the building to soften the intrusion.

There is nothing “special” about this building. We were told at a community meeting with the builder last winter that high priced condominium apartments were the goal.

This structure would loom over the sidewalk and street, block the sun, create all kinds of privacy issues for the two storey family homes backing onto the lit parking lot and look totally out of place and scale to the other one storey homes, duplexes and town houses on either side of Byron Baseline Rd.

We are opposed to the rezoning request for this four storey apartment building.

Thank you for your attention to this matter.

Ingrid and Jim Clark

1044 Griffith St. London ON N6K 3Y5 (residents for 32 years)

Trees and Forests Advisory Committee

Report

7th Meeting of the Trees and Forests Advisory Committee
July 25, 2018
Committee Room #3

Attendance PRESENT: G. Mitchell (Acting Chair); T. Khan, A. Meilutis, A. Morrison, N. St. Amour, M. Szabo, S. Teichert and R. Walker and J. Bunn (Acting Secretary)

ABSENT: C. Haindl, J. Koelheide, C. Linton and R. Mannella

ALSO PRESENT: A. Beaton, J. Ramsay, S. Rowland and J. Spence

The meeting was called to order at 12:15 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 Boulevard Tree Protection By-law Update

That it BE NOTED that a verbal update from J. Spence, Manager, Urban Forestry, with respect to the Boulevard Tree Protection By-law, was received.

3. Consent

3.1 6th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 6th Report of the Trees and Forests Advisory Committee, from its meeting held on June 27, 2018, was received.

3.2 Highbury Avenue/Hamilton Road Intersection Improvements - Environmental Assessment Study - Notice of Completion

That it BE NOTED that the Notice of Completion, from B. Huston, Dillon Consulting Limited and M. Elmadhoon, City of London, with respect to the Highbury Avenue/Hamilton Road Intersection Improvements Environmental Assessment Study, was received.

4. Sub-Committees and Working Groups

4.1 (ADDED) Parks and Recreation Master Plan Working Group

That the Civic Administration BE ADVISED of the following comments from the Trees and Forests Advisory Committee with respect to the Parks and Recreation Master Plan:

- it should be ensured that trees continue to populate the City of London as it is “The Forest City” and more trees should be planted in shared recreation spaces;
- it is recommended that a shade policy be created as a task item and implemented under the Parks and Recreation Master Plan;

- selective tree species should be planted in parks and recreation areas to assist with safer shaded areas;
- older trees should be kept and maintained as much as possible and all trees should be properly maintained (watering, trimming, etc.);
- citizens of the City of London should be engaged with respect to what is being done to protect and encourage trees and forests in their area;
- tree-related communities (i.e., ReForest London) should be allowed to use parks and recreation facilities to hold events;
- the Parks and Recreation Master Plan should explicitly recognize the importance of park spaces play in the local environment and that park spaces should be designed in such a way as to enhance the environmental benefits they offer; and,
- it is recommended that a Naturalization Policy be included as a task item under the Parks and Recreation Master Plan.

4.2 (ADDED) Tree Protection By-law Working Group

That the Civic Administration BE ADVISED of the following comments of the Trees and Forests Advisory Committee with respect to the City of London Tree Protection By-law:

- there should be a standardized form as part of the application package for both the “Arborist Report” and the “Arborist Opinion”;
- the by-law should include a minimum canopy target of 51% of irreversible die back;
- the definition of “Pest” should be revised to include an infestation causing detrimental and irreversible damage to the direct health of a tree;
- the distinctive tree size should be reduced to 25 cm for a permit;
- the definition of “Replacement Tree” should be revised to clarify that “native” is required and that “shade” and “large growing tree” are synonymous;
- golf courses should be added to the exemption list in Section 5 of the by-law; and,
- wildlife values and interests within a tree should be considered more carefully with respect to provincial and federal Acts and Regulations and tied back to the by-law process to ensure a consistent approach;

it being noted that the attached communication from the Tree Protection By-law Working Group, with respect to this matter, was received.

5. **Items for Discussion**

None.

6. **Deferred Matters/Additional Business**

None.

7. **Adjournment**

The meeting adjourned at 1:56 PM.

Official Recommendations for City of London Tree Protection By-law

1. Standardized form as part of the application package for both the “Arborist Report” and “Arborist Opinion”

REASONING: Make the application process more streamlined and accessible for applicants and city staff reviewing application package material.

2. Include a minimum canopy target of irreversible die back within the by-law

REASONING: Give arborists an acceptable and standardized target for reports and opinions.

3. Review the definition of “Pest” to include an infestation causing detrimental and irreversible damage to the direct health of a tree

REASONING: Many trees can become “infested” with aphids and other “pests” that do not impact the overall long term health of the tree, and just cause physical appearance to change.

4. Review “Replacement Tree” definition to clarify “native” is required, and “shade or large growing tree” are synonymous.
 - a. *** Should the distinctive tree size recommendation go forward (25cm), the replacement definition should be altered to

REASONING: As the by-law currently reads, native appears independent from shade or large growing tree, and doesn’t give the impression it is mandatory.

5. Golf courses be added to the exemption list

REASONING: Golf courses currently manage trees on a “required removal for safety” rational, and many do not have the resources to include replacement programs, nor do they want to increase forest density. Overall, the forest cover across the City on golf course land is not significant to raise concern about overall large scale canopy loss.

6. Reduce distinctive tree size to 25cm for a permit (=14% of trees protected in London compared to the current 4% with 50cm diameter)

REASONING: At current 50cm diameter standards, 4% of trees in the City of London are protected under this bylaw. Changing protection to 25cm diameter increases the protection of trees to 14%, and encompasses a greater species diversity.

7. Adding Species at Risk Act (Ontario 2004) to section 8.3 (including other wildlife in the tree), or consider removing other specific provincial legislation and speak generally to halting work when wildlife are present.

REASONING: Select provincial legislation is included (Migratory Birds Convention Act, 1994), but does not encompass all potential wildlife issues that are addressed at the provincial level.

Environmental and Ecological Planning Advisory Committee

Report

The 8th Meeting of the Environmental and Ecological Planning Advisory Committee
July 19, 2018
Committee Rooms #1 and #2

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

ALSO PRESENT: C. Creighton, A. Macpherson and L. Pompilii

REGRETS: E. Dusenge, C. Dyck, C. Evans, C. Kushnir, S. Madhavji, K. Moser, C. Therrien and R. Trudeau

The meeting was called to order at 5:10 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 7th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 7th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on June 21, 2018, was received.

3.2 Highbury Avenue/Hamilton Road Intersection Improvement Environmental Assessment Study - Notice of Completion

That it BE NOTED that the Notice of Completion for the Highbury Avenue/Hamilton Road Intersection Improvements Environmental Assessment Study from B. Huston, Project Manager, Dillon Consulting Limited and M. Elmadhoon, Project Manager, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Parks and Recreation Master Plan Working Group Comments

That the attached Working Group comments relating to the Parks and Recreation Master Plan review BE REFERRED to the Civic Administration for review and consideration; it being noted that the Environmental and Ecological Planning Advisory Committee is willing to assist with the review of the Parks and Recreation Master Plan.

5.2 Notice of Application - 3070 Colonel Talbot Road and 3645 Bostwick Road
- Revised Draft Plan of Subdivision, Official Plan and Zoning By-law
Amendments

That, the following actions be taken with respect to the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road:

- a) a Working Group BE ESTABLISHED, consisting of S. Levin (lead), R. Trudeau and I. Whiteside to review the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road; and,
- b) the Division Manager, Environmental & Engineering Services, BE REQUESTED to provide a status update on the Dingman Creek Subwatershed study;

it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Notice of Planning application, revised Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments from N. Pasato, Senior Planner, with respect to this matter.

5.3 Municipal Class Environmental Assessment (EA) Study for Clarke Road from the Future Veterans Memorial Parkway (VMP) Extension to Fanshawe Park Road East

That it BE NOTED that the Notice of Public Information Centre for the Clarke Road Improvements, Veterans Memorial Parkway Extension to Fanshawe Park Road East, Municipal Class Environmental Assessment Public Information Centre, was received.

5.4 Riverview/Evergreen Dyke Public Information Centre

That, S. Hall BE ASKED to attend the Public Information Centre for the Riverview Evergreen Dyke Municipal Class Environmental Assessment; it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Notice of Public Information Centre from P. Adams, Environmental Planner, AECOM Canada and A. Spargo, Project Manager, AECOM Canada, with respect to this matter.

6. Deferred Matters/Additional Business

6.1 (ADDED) 323 Oxford Street West - Katz Environmental Impact Study Scoping Meeting

That C. Smith, Senior Planner, BE ADVISED that S. Hall will attend the Environmental Impact Study meeting, on behalf of the Environmental and Ecological Planning Advisory Committee, relating to the property located at 323 Oxford Street East.

6.2 (ADDED) Environmental Impact Study (IES) Compliance

That it BE NOTED that the Managing Director, Development and Compliance Services & Chief Building Official's report dated July 16, 2018, with respect to Environmental Impact Study compliance, was received.

7. Adjournment

The meeting adjourned at 5:50 PM.



City of London

PARKS & RECREATION

strategic master plan
2009

Final Report

Adopted by Municipal Council November 23, 2009



The integrated nature of  parks and recreation planning involves several areas of study that are outside of the Master Plan's primary focus, including considerations related to arts and culture, environmental management (e.g., natural heritage system and environmentally significant areas), place-making, trails and pathways, urban design, and other civic responsibilities. The Master Plan speaks to these secondary areas of focus – many of which are guided by other documents – and more fully integrates them into the primary context of parks and recreation. It is not the purpose of this Plan to reiterate the content of other policy documents, but rather it recognizes the other processes that are involved. Reference should be made to other municipal documents in order to gain a more complete understanding of the full range of strategies and requirements in all areas indirectly related to parks and recreation.

Planning Context

This document is an update to the Plan that was approved by Council in 2003. As the City has implemented many of the actions from the 2003 Plan, the time was right to re-examine community needs and establish direction and priorities for the coming years.

Further, many elements of programming, infrastructure, and investment have changed in recent years and need to be updated to more accurately reflect the work that the City undertakes. Examples of some of the many infrastructure changes include the pending development of the new North London Community Centre (in partnership with the YMCA and London Public Library), improvements to several major facilities (e.g., North London Optimist Community Centre, Thames Park Pool, Stronach Community Recreation Centre, Storybook Gardens, Wonderland Gardens, etc.), the addition of over 250 acres of parkland and thousands of metres of new pathways, along with several new spray pads, skate parks, soccer fields, dog parks, etc.

In addition, the City has recently adopted a greater focus on neighbourhood-level service delivery, programming, and parks and facility use. By taking on a proactive role in community development, the City has embraced a more holistic approach to service delivery that also leverages the abilities and resources of countless community partners and volunteers. By investing in neighbourhoods, the City is able to help develop leaders, support families, and build community capacity. In this way, downstream costs and impacts (such as crime, reliance on the social safety net, and poverty) are deterred and positive outcomes (such as increased literacy rates, improved health and physical activity levels, and enhanced quality of life) are strengthened.

In terms of demographic statistics, it is important to note that the City's population (estimated at 355,675 in 2007) is forecasted to grow by nearly 3,300 new residents each year, to a level of 421,200 residents in 2027; this represents a total growth of 65,525 residents over a 20-year period. Older adults, age 55 years and over, are expected to account for 33% of the total population by 2027 (accounting for 76% of the population growth during this timeframe). All other age groups are expected to see less growth in total numbers, particularly the 10-19 age group, which is projected to shrink slightly by 2027. In terms of population distribution, the greatest amount of growth is forecasted to occur in the Southwest, Northeast, and Northwest. Recent trends also point towards greater ethnic diversity, an increase in the number of persons with disabilities, and continued poverty concerns (currently 17% of London residents live at or below the "low income cut-off").

Summary of Comments on Microsoft Word - London PRSMF_Final_November 6 2009_v2

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 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:43:41 PM

although it may be outside the primary focus, it certainly became contentious when there were specific actions related to ESAs. Therefore, it is recommended that the parks and recreation master plan exclude ESAs and other components of the Natural Heritage System.

The Strategic Master Plan was developed within the context of recent strategic planning initiatives and directions of City Council and the Community Services Department, including Council's Strategic Plan, the London Strengthening Neighbourhoods Strategy (ongoing), the Child and Youth Agenda, the Thames Valley Corridor Plan (ongoing), and the Bicycle Master Plan. The overall creation of this Plan also considered consultation with residents and stakeholders, as well as research and analysis of trends and service provision levels.

The Case for Parks and Recreation



Research has shown that even small investments in parks and recreation yield big economic, social and environmental returns. The City of London contributes to the realization of many community and personal benefits by providing interconnected opportunities for improving community well-being and the overall quality of life of its residents.

In considering the future of London's parks and recreation system, greater emphasis should be placed on Strong Neighbourhoods, Healthy Lifestyles, and Sustainable Environments, the primary benefits of which are illustrated in the following graphic.

Strong Neighbourhoods

- Recreation and leisure opportunities are key entry points for belonging in our community by supporting strong families and individuals both young and old in building strong neighbourhoods.
- Neighbourhoods are about people and places and how they work in partnership to make great places to live, work and play.

Healthy Lifestyles

- Recreation directly benefits individuals and families who participate: learning new skills and knowledge, increasing personal health, reducing stress, developing stronger social skills and bonds of friendship, and staying independent longer.
- Recreation is essential to the social, cultural and economic well-being of the community.
- Creative cities enhance quality of life, marketability of the City, alternate forms of transportation, and create a climate for job creation in the knowledge economy.

Sustainable Environments

- The City of London values its natural heritage and environment.
- Parks, open space and natural areas are essential to ecological survival and contribute to the overall quality of life in London.



Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:45:13 PM
would be nice to cite sources

Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:46:38 PM
This is not a primary benefit of sustainable environments. And do you mean natural environment?

Guiding Principles

The Parks & Recreation Strategic Master Plan supports Council’s values of citizen engagement, open and accountable government, respect and integrity and fiscal responsibility and is a key contributor to the Community Vitality Priority of Council which states that:

“...we shall strive to make London one of the greatest places to live, work, play and visit by focusing on Londoners (our people) and the neighbourhoods in which they live.”

To deliver on Council’s priorities and Departmental mandates, the following guiding principles (core directional statements) were established for the Parks & Recreation Strategic Master Plan.

Accessibility and Affordability

- The City of London shall seek to provide fair, accessible and affordable recreation and leisure opportunities that encourage participation by a diverse community.

Quality of Service

- The City of London shall strive to provide the highest quality of services to its residents.

Quality Infrastructure (Facilities and Parks)

- A strategic and sustainable system of parks and recreation infrastructure is vital to the delivery of parks and recreation services and programs.

Adaptability and Flexibility

- The ability to be continually relevant and flexible is important to meeting the needs of the current and future populations.

Accountability

- Open and accountable government is key to a healthy community. The City values being accessible to residents, listening to their needs and reporting regularly on progress.



Key Directions and Recommendations

Note: Sections 4 to 6 contain a complete listing of all Strategic Master Plan recommendations.

System-wide Recommendations

(i.e., recommendations spanning the various departments and divisions involved in the delivery of parks and recreation services in the City)

Overall, public perceptions are largely positive about the work of the City of London. Nevertheless, continued attention to specific areas is required to enhance services and public approval, including:

- continuing to build and maintain a clean, safe, usable system of parks and recreation facilities that supports healthy and socially active lifestyles and that contributed to neighbourhoods that are strong, liveable, and inclusive;
- continuing to improve communication with community groups and stakeholders;
- establishing a performance measurement system; 
- regularly testing (every 3-5 years) the effectiveness of the current delivery system;
- continuing to strengthen the City's role in supporting volunteerism; 
- ensuring that programs, services, facilities and opportunities remain accessible, affordable and inclusive of all residents (including persons of low income, culturally diverse residents, and persons with disabilities) through a variety of mechanisms (e.g., subsidy policies, a wide range of no cost / low cost programs and opportunities, educating about the benefits of participating, providing leadership training toward potential future employment, providing childcare services to enable adults and caregivers to participate, etc.);
- through social marketing and working hand-in-hand with related initiatives and agencies,  educating the public on the importance and benefits of participating in leisure opportunities as a way of increasing participation and the overall health of residents;
- adopting a Standardized Partnershi  framework that sets out a decision-making process to ensure that new and existing relationships with outside groups provide maximum benefit to the municipality; the Framework should also include a mechanism through which unsolicited proposals can be objectively evaluated; and,
- continuing to protect and enhance the local natural heritage system through restoration, rehabilitation, and renaturalization, as well as stewardship initiatives and community partnerships. 

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Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:48:00 PM
Did this happen?

Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:48:42 PM
in what areas? What is the trade off between volunteers with no training and professionals?

Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:28:54 PM
although educating is an admirable goal, limited budgets and competing priorities make this difficult.

Number: 4 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:49:30 PM
Done? Where reported?

Number: 5 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:29:43 PM
Natural Heritage System should be capitalized as it is in the Official Plan and the London Plan

Service Level Recommendations

(i.e., recommendations that are of interest to specific service areas within the City)

Building on the Guiding Principles and the objective of ensuring a balanced distribution of recreational opportunities, the Strategic Master Plan recommends a model that accommodates a network of facility types. This approach allows for City and community-serving facilities to be provided at larger multi-use centres, as well as a series of smaller centres that can act as neighbourhood hubs and gathering places at the local level.

The Plan strives to place facilities like gathering/programming spaces, playgrounds, and accessible pathways and trails at the neighbourhood level of distribution. These “neighbourhood hubs” serve as anchors of community life and facilitate and foster broader, more creative interaction within neighbourhoods, along with serving as gathering places for programming, connecting with neighbours, and growing a sense of neighbourhood. For some neighbourhoods, these facilities may be multi-use community centres, for others it may be a community room attached to an arena or pool, while for others it may be space in a place of worship, school, or ethnically-based social club. Where gaps in the municipal inventory exist, the City may need to look to partnerships with other providers to assist in creating access to such opportunities. Implementation of the London Strengthening Neighbourhoods Strategy (once complete) will be critical to moving this concept forward.

In relation to parks and recreation facility and service planning and investment, the following recommendations highlight a few of the more significant projects:

- the development of a Southwest multi-use community centre (including an indoor aquatic centre, twin ice pads, gymnasium, activity rooms, etc.); the provision of two new ice pads would allow for Farquharson Arena to be re-purposed to other community recreational uses, pending further study and analysis;
- site evaluation and selection for the proposed Southeast/East London recreational components (e.g., indoor aquatics, gymnasium, activity rooms, etc.); additional study is recommended to confirm the statement of need and to complete a locational assessment and business case;
- the creation of additional program space in Northwest London at either Medway Arena or another local site;
- further evaluations (e.g., feasibility studies) of several facilities (e.g., Farquharson, Silverwood and Glen Cairn Arenas) that are located within key neighbourhoods and have the potential to serve new and meaningful roles (e.g., re-purposed to include components such as activity and meeting rooms, youth and senior space, gymnasiums, or other activity-specific space);
- as a key priority, addressing the gaps in the Thames Valley Parkway (along all tributaries of the Thames River) and creating connections to bike arterials and feeder routes, along with the implementation of London’s Bicycle Master Plan;
- the development of additional spray pads (some of which may be wading pool conversions), playgrounds, skate parks, off-leash dog areas, basketball courts, and tennis courts to address gaps in geographic distribution;
- increase the provision of additional soccer fields over time, with an emphasis on full size, lit, and irrigated pitches to accommodate demand from adults and competitive youth teams;

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Remove. This has been used to threaten the integrity of the Natural Heritage System. If retained, indicate "gaps in the TVP must be outside the significant parts of the Natural Heritage System such as ESAs, Significant Woodlands, and Wetlands."

 Number: 2 Author: Sandy Subject: Highlight Date: 2018-07-15 4:30:27 PM

- giving consideration to re-purposing under-utilized ball diamonds and tennis courts to in-demand uses, in combination with expanding and/or improving the playability of other ball diamond sites (where warranted);
- exploring partnership opportunities for the development of outdoor artificial turf fields; 
- continuing to incorporate amenities that increase the usability of parks for older residents and residents of different ethnic backgrounds;
- implementation of the parks planning and acquisition policy considerations contained in a recent City report (“Parkland Dedication Requirements, Practices, and Procedures”, 2008);
- establishing a target level of 3 hectares of neighbourhood and district parkland per 1,000 population; in addition, the City should continue to acquire significant natural heritage areas, with the understanding that these strategies may require a mixture of acquisition-based strategies and collaboration with partners; and,
- adding an “Urban Park” category (e.g., plazas, civic squares, civic greens, etc.) to reflect emerging residential growth patterns and a movement toward improved walkability and place-making; alternate funding streams may be required to cover the additional costs associated with this park type.

The following table provides a summary of the recommended facility provision targets and projected needs over the next ten-year period.

Summary of Inventory, Provision Targets and Needs – Community Facilities

Facility Type	Current Inventory	Recommended Provision Target	Summary of Facility Needs (2009-2018)
Community Centres/Facilities	23 facilities offering programs and/or rentals, including: <ul style="list-style-type: none"> • 4 multi-use centres* • 19 neighbourhood facilities Major Non-Municipal Centres include YMCA recreation centres and Boys & Girls Club	1 multi-use community centre per 55,000 population 1 neighbourhood community centre per 20,000 population	3 multi-use centres over the next 10 years (including the new North London Community Centre). Repurposing of some neighbourhood facilities is recommended.
Gymnasiums	7 municipal gymnasiums*	1 municipal gymnasium per 30,000 population	4 gymnasiums (as components of larger community centres) over the next 10 years.
Arenas	22 ice pads at 12 facilities (includes municipal arenas and Western Fair Sports Centre, for which the City has an agreement) Arenas excluded from inventory include John Labatt Centre (event venue), Ice Park (private), and Thompson Arena (UWO)	1 pad for every 450 registered youth users (target is linked to youth as they represent the largest allocation for prime time ice)	None over the next 10 years.
Indoor Swimming Pools	3 municipal indoor pools* Major non-municipal indoor pools include YMCA recreation centres, Boys & Girls Club and UWO	1 indoor aquatic centre per 60,000 population	3 indoor pools over the next 10 years (including the new North London Community Centre).

1.2 About the 2003 Strategic Master Plan

In 2003, Council adopted a Parks & Recreation Strategic Plan for the City of London. Many actions of that Plan have been implemented, while some items have yet to be achieved. With the Plan being six years old, the time has come for an update that revisits the direction, priorities, and accomplishments set forth in the 2003 Plan.

Many of the findings and directions of the 2003 Strategic Master Plan remain relevant to this updated Plan; therefore, it is important to review and understand some of the key conclusions from six years ago. The public consultation process in 2002/03 was extremely extensive and yielded a great deal of constructive feedback.

Since 2003, Council has developed new Strategic Priorities that more clearly identify the system of parks and recreation's key role in delivering on these priorities. As well, many elements of programming, infrastructure, and investment have changed and need to be updated to more accurately reflect the work Parks and Recreation, Neighbourhood and Children's Services and Parks Planning and Design undertake. While many of the existing recommendations continue to be relevant, other components need to be reviewed and updated under this new lens.

Recently, a greater focus on the neighbourhood for service delivery, programming, and parks and facility use has been identified through several corporate initiatives. The City's work in community development and community capacity building has taken on a more proactive role in the past few years. Specifically, the City's role as an enabler, facilitator, catalyst, educator, promoter and partner has greatly expanded, especially at the neighbourhood level.

Furthermore, modifications to the City's financial picture occurred in the years since the 2003 Plan was implemented. The introduction of a debt cap, new capital budgets to address emergent needs, prioritization of major capital projects funded by growth-related development charges, as well as changes in Provincial and Federal funding have contributed to a parks and recreation financial plan that was not feasible.

1.3 Key Accomplishments Since 2003



Over the past few years, the City has produced several landmark studies that will guide service provision into the future, including the following:

- Council's Strategic Plan (2007) outlines the strengths, values and priorities that will guide London until 2010.
- The London Strengthening Neighbourhoods Strategy (2008 and ongoing) engages local residents in neighbourhood improvement planning.
- The Strengthening Neighbourhoods Initiative: Kipps Lane Strategy (2007; action plan development ongoing) has acted as a model for successful neighbourhood capacity building.
- The Child and Youth Agenda (2008; action plan development ongoing) working to achieve "*happy, healthy children and youth today; caring, creative adults tomorrow*". The priorities of

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 5:27:46 PM

Nothing in this list relates to the Natural Heritage System. As mentioned, this plan is focused rightfully so, on recreation, and in most sections, active and facility based recreation. It is unwise to include the Natural Heritage System in this Plan.

the Agenda are: ending poverty; making literacy a way of life; leading the nation in healthy eating and healthy physical activity; and, creating a family-centred service system.

- Thames Valley Corridor Plan (ongoing) is a progressive step in ensuring that London's natural heritage assets are preserved, while enhancing recreational opportunities. 
- A Bicycle Master Plan (2005) was created to increase the infrastructure for cyclists, and provide guidelines for the design of new facilities.
- In 2008, an Outdoor Skate Park Implementation Strategy was created to ensure that skate parks were being provided at both the advanced and introductory levels with an appropriate distribution throughout the City.
- London CAREs (Community Addiction Response Strategy) was developed to establish an integrated strategy to improve the health of street involved and homeless individuals who live with the effects of poverty, addiction, and mental illness.

In relation to parks and recreation infrastructure, the following are some of the key accomplishments arising out of and since the 2003 Strategic Master Plan:

- a new multi-use community recreation centre is slated for opening in North London in 2010, in partnership with the YMCA and London Public Library;
- redevelopment of the North London Optimist Community Centre (2007);
- expansions to the South London Community Centre (2004), Stronach Community Recreation Centre (2005/06), Earl Nichols Community Centre (2006), and Lambeth Community Centre (2007);
- upgrades to the Hamilton Road Senior Centre and Community Centre and Annex, as well as the East Lions Artisans Centre;
- major lifecycle maintenance projects at facilities such as Carling Heights Optimist Community Centre, Oakridge Arena/Pool, and Earl Nichols Arena;
- Labatt Park – which is the oldest continuously used baseball park in the world – received capital improvements to its grandstand, among other items;
- Storybook Gardens was extensively renovated in 2003, including the addition of a spray pad, enhanced play area, and refrigerated winter skating path, among other changes to the park's operations and infrastructure. Most recently, a Business Plan (2008) and Task Force were created, which led to the development of several recommendations that will be implemented in the 2009 or 2010 seasons or as funding becomes available;
- thousands of metres of new pathways have been opened, bicycle lanes have been incorporated into new road works, requirements for additional bicycle parking have been accommodated, and many pathway replacement and widening projects have taken place;
- the Thames Park outdoor pool re-design and construction has been initiated;
- new spray pads have been built throughout the City, including at Southeast Optimist, Gibbons, and Lambeth Centennial Parks;
- several new skate parks have been built; including at Victoria Park, White Oaks, Stronach, Naomi Almeida, and Basil Grover Parks;

 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:33:20 PM
The Corridor Plan is more about recreation than preservation.

Section 2: STRATEGIC DIRECTION / PHILOSOPHY BEHIND THE PLAN

This section presents the City's vision, priorities, and departmental and division mandates, a description of the parks and recreation service streams, and principles guiding the development of the Plan, as well as an overview of the benefits of parks and recreation.

2.1 City Council Vision and Priorities

The City plays an active and important role in the development and promotion of recreation, leisure and sport opportunities and is committed to initiatives and community-based projects that *"assure the health, safety and well-being of individuals and families while promoting liveable and inclusive neighbourhoods"* (Council Strategic Priority – Community Vitality).

It is intended that this Plan provide a long-term sustainable strategy for managing the City's parks and recreation resources (people and places) in a cost-effective manner that is responsive to both the current and future needs of the community. The Plan also identifies what the City provides and sets out how we can make London the best place to live, work and play.

The Parks & Recreation Strategic Master Plan supports Council's values of citizen engagement, open and accountable government, respect and integrity and fiscal responsibility.

The Plan will deliver on **Council's 2007-2010 Vision Statement:**

"We are a caring, responsive community committed to the health and well-being of all Londoners. The actions we take will be socially, environmentally and fiscally responsible so that our quality of life is enhanced and sustained for future generations. Our people, heritage, diverse economy, strategic location, land and resources are our strengths.

This Vision will produce a high quality of life, valued services and engaged residents and employees."

The Parks & Recreation Strategic Master Plan is a key contributor to the **Community Vitality Priority** of Council which states that:

"...we shall strive to make London one of the greatest places to live, work, play and visit by focusing on Londoners (our people) and the neighbourhoods in which they live."

Other corporate priorities impacting the Strategic Master Plan include:

- **Infrastructure and Renewal** – investing in strategic and sustainable municipal infrastructure. Our goal is to construct and maintain a progressive model of municipal infrastructure that meets the needs of a growing community.
- **Managed and Balanced Growth** – implementing a strategic approach to growth. Our goal is to plan and manage for growth for the long term economic, environmental and social benefit of the community.
- **Environmental Leadership** – valuing our natural heritage and environment. Our goal is to protect a healthy and sustainable environment and encourage an environmentally-sensitive City.



Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:35:09 PM

If the Natural Heritage System is included in the update, it should be made clear that environment means natural environment or the Natural Heritage System. Environment has a number of common meanings.

2.3 Benefits of Parks and Recreation

To provide an understanding for the need for parks and recreation opportunities within the City of London, the benefits of parks and recreation must be considered. According to the Canadian Parks and Recreation Association's (CPRA) Benefits of Recreation Catalogue, "to those involved in the delivery of leisure services, recreation has always been seen as a means to a bigger end." Research has shown that small investments in parks and recreation yield big economic, social and environmental returns. It is clear that this "benefits" perspective is important and significant for parks and recreation.

The City of London contributes to the realization of many community and personal benefits by providing interconnected opportunities for improving community well-being and the overall quality of life of its residents. In 2003, London City Council declared, through its endorsement of the Parks & Recreation Strategic Master Plan, that:

"Recreation is essential to the social, cultural and economic well-being of the community and shall be a core service of the City of London."

Community Benefits of Parks and Recreation

The City of London continues to be committed to improving community well-being by investing in recreation, leisure and parks that produce public goods. Public goods are benefits that everyone enjoys, not just those who directly participate. Everyone in our City benefits if:

- Children develop better social skills;
- Youth find ways to positively channel their energies;
- Culturally diverse groups find common social ground recreating together;
- Property values increase because of the quality of nearby green spaces and parks;
- Everyone takes on a stewardship role in protecting the environment;
- Health care costs are reduced because we build healthier populations;
- Businesses are more productive because of healthier workforces;
- New leaders are encouraged and supported;
- Community pride is enhanced;
- Volunteerism is encouraged and enhanced;
- Our City attracts new business and economic growth because of its quality of life; and,
- Tourism increases because of the festivals and events held in the City. 

Personal Benefits of Parks and Recreation

The most readily apparent benefits of parks and recreation are those that directly benefit individuals and families who participate by allowing them to:

- Learn new skills and knowledge;
- Increase personal health with particular attention paid to inactivity, obesity, disease prevention and overall well-being;
- Reduce stress and increase self-esteem;
- Develop stronger social skills and bonds of friendship;
- Stay independent longer;
- Increase life expectancy; and,
- Enjoy the beauty of parks and open spaces while enhancing quality of life. 

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 12:57:46 PM
Is this part of the Parks and Recreation Plan or Tourism?

Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:36:34 PM
.. and protecting the flora and fauna of the Natural Heritage System. Again, the challenge is the mixing of terms such as natural environment, parks and open spaces. Hence the recommendation to use Natural Heritage System if it is included in the updated Plan

2.4 Overview of the City's Parks and Recreation Service Areas

London's complex parks and recreation system delivers on Council's vision and priorities, department and division mandates, and the benefits of parks and recreation. This system is comprised of ten major service streams:

1. Community Investments and Planning
2. Community Programs/Spectrum
3. Community Facilities (Indoor)
4. Aquatics
5. Parks Planning and Design
6. Community Facilities (Outdoor)
7. Sports Services
8. Special Events
9. Golf
10. Storybook Gardens

The municipal role in supporting the principle of services for everyone ranges from one of direct delivery, to purchase of service, to partnership (private and public), to facilitator/enabler and broker or investor.

The City's role in community investments and planning is one of helping people by investing in neighbourhoods, developing leaders, supporting families, and working with communities. Through this type of upstream investment in our people, neighbourhoods and communities we are working to deter downstream costs and impacts such as crime, reliance on the social safety net, and poverty. Upstream investment will also result in improved outcomes, such as increased literacy rates, improved health and physical activity levels, improved quality of life, etc.

In community programs, the main objective is to provide a broad array of affordable, accessible, introductory recreation and leisure programming. The City might then work with community partners and act as a facilitator of activity by supporting the provision of programming by others for those who may wish to develop a level of excellence. In many cases the City provides the facility (e.g., meeting space, ice rinks, sport fields and playing surfaces) while community associations provide the programming (e.g., arts classes, minor hockey, soccer and football associations). The City also provides programs where gaps exist in the community and where facilities are available (e.g., adult recreational basketball and volleyball leagues).

With respect to community facilities and the two parks service areas (Parks Planning & Design and Community Facilities - Outdoor), these can be described as a network of parks and pathways, and small and large facilities that work together to strengthen neighbourhoods and meet the community development and programming needs of the community. Another important aspect of the Parks Planning and Design service area relates to the planning, protection, and management of the municipal natural heritage system, which is comprised of the Thames River valley and its many tributaries, several Environmentally Significant Areas, significant wetlands and woodlands, smaller woodlots, and open space corridors. In aquatics, the City has an historical investment in the full range of services from introductory swimming to supporting and encouraging excellence in the sport from both a programming and a facility perspective.



 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:37:38 PM
Natural Heritage System should be capitalized if or when it appears in the Plan.

Guiding Principle 3. Quality Infrastructure (Facilities and Parks) 	
<p>A strategic and sustainable system of parks and recreation infrastructure is vital to the delivery of parks and recreation services and programs.</p>	<ul style="list-style-type: none"> • Work towards providing appropriate and consistent service levels across the City; • Construct and maintain a modern and progressive system of parks and recreation infrastructure that meets the needs of a growing community; • Maximize utilization of existing resources, through investment in rehabilitation and renewal; and, • Maximize utilization of existing resources by investing strategically in their redevelopment or repurposing: <ul style="list-style-type: none"> ○ In planning and design – consider longer term community needs; and, ○ Compare costs and benefits of facility renewal against new construction.

Guiding Principle 4. Adaptability and Flexibility	
<p>The ability to be continually relevant and flexible is important to meeting the needs of the current and future populations.</p>	<ul style="list-style-type: none"> • Develop facilities, amenities and programming that are flexible, serve multiple users and can be linked to broader community strategies and initiatives related to health, economy, development, transportation, education and growth management; • Construct and maintain a modern and progressive system of parks and recreation infrastructure that meets the needs of a growing community; and, • Respond to evolving resident needs and strive to remain continually relevant in the types of programs, facilities and investments that London undertakes.

Guiding Principle 5. Accountability	
<p>Open and accountable government is key to a healthy community.</p> <p>The City values being accessible to residents, listening to their needs and reporting regularly on progress.</p>	<ul style="list-style-type: none"> • Continue to develop ways to meaningfully engage the public in decision; • Exercise fiscal and social accountability in all endeavours; • Continue to deliver consistent and responsive customer service to Londoners; and, • Publicly report on performance and results on a regular basis.



If you are going to leave Natural Heritage System in this Plan, it needs its own Guiding Principle. Otherwise, it gets lost in this section.

The City’s population forecasts between 2007 and 2027 suggest an annual growth rate of just under 1%, which translates into slightly more than 3,000 new residents each year. Ultimately, the City is forecasted to have 421,200 residents by 2027, representing 18.4% growth over 2007 (a total of 65,525 residents). It should be noted that the projections in this section are only an informed estimation of the future. They are not accurate predictions of the future and should be used accordingly.

Population by Age

With regard to population growth by age group, older adults age 55 years and over are expected to account for 76% of the population growth between the years 2007 and 2027; this age group currently accounts for 25% of the City’s total population and this proportion will grow to 33% by 2027. This aging of the population is a trend that is being witnessed province-wide.

The 20-39 age cohort will grow by 13% and the number of youth between 0 and 9 years will grow by 11%; however, neither of these groups will grow as fast as the City’s overall population, resulting in a reduced proportion of the population. The only age cohort that is declining in total numbers is the 10-19 age group, which is projected to shrink by 4% by 2027.



City of London Population Forecasts by Age

	Population Estimates & Projections			Total Population		% of Total Population	
	2007 (est.)	2017 (proj.)	2027 (proj.)	Change (2007-2027)		2007 (est.)	2027 (proj.)
0 to 9 years	37,890	39,700	41,900	4,010	11%	11%	10%
10 to 19 years	46,775	41,900	44,700	-2,075	-4%	13%	11%
20 to 39 years	101,470	112,900	115,000	13,530	13%	29%	27%
40 to 54 years	80,300	75,200	80,600	300	0%	23%	19%
55 to 64 years	39,480	51,100	48,800	9,320	24%	11%	12%
65+ years	49,760	67,800	90,200	40,440	81%	14%	21%
City – Total	355,675	388,600	421,200	65,525	18%	100%	100%

Sources: Altus Clayton (2007). Employment, Population, Housing and Non-Residential Construction Projections, City of London, Ontario 2007 Update.
Statistics Canada, 2006 Census, Custom Data Request prepared by Traffic Zone (Sept. 2007)

Population Distribution

The City has been divided into six smaller territories or “collections of neighbourhoods” for a more detailed analysis. This is a slight departure from the five “Plan Areas” that were identified in the 2003 Strategic Master Plan; however, the intent is the same – to better assess the spatial distribution of recreation services for the purposes of this Plan (e.g., facilities per population). All Plan Areas are generally similar in population and, where possible, have been defined by major physical barriers such as the Thames River. The application of the Plan Areas is not intended to suggest that each area should contain the same service provision levels, as the needs and capacities of each area are unique.

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:38:53 PM

you should break the seniors out into 65-74 and 75+ as they are very different and have different needs. The online survey uses 65-74 and 75+

Other Key Demographic Observations

The 2006 Census shows a growing diversity of Londoners. 20% of London residents have a mother tongue other than English or French and the total immigrant population is growing. 21% of the local residents were born in a country other than Canada and visible minorities represent 14% of the population; the characteristics of visible minorities in London are shown below.

City of London Visible Minority Population, 2006

Visible Minority	Residents in London	% of the London Population
Arab	7,700	2.0%
Latin American	7,700	2.0%
Black	7,600	2.0%
Chinese	6,300	1.8%
South Asian	6,200	1.7%
Aboriginal Identity	5,000	1.4%
South East Asian	3,700	1.0%
West Asian	2,200.	0.6%
Korean	2,000	0.6%
Filipino	1,800	0.5%
Multiple Visible Minority	1,500	0.4%
Japanese	500	0.1%

Source: Statistics Canada, 2006 Census

A profile on children, youth and families in London, based on 2001 Census data, indicated that:

- 17% of London residents are considered low income and live at or below the Low Income Cut Off (LICO), which can be defined as spending 20 more percentage points on food, shelter and clothing than the average family;
- 46% of families living below LICO are led by lone parents;
- 51% of families living below LICO are immigrants;
- 41% of the users of the Food Banks are children and youth;
- 25% of the users of Food Banks have no income; and,
- a child born in London today has a 20% chance of living in poverty.



It is also important to note that Statistics Canada indicates that 1.9 million Canadians reported having a disability in 2006. 15.5% of Ontarians reported a disability, up 2% from 2001. Based on these percentages, approximately 56,400 of London’s current residents would report having a disability. It is anticipated that with the aging population, the percentage of persons with disabilities could increase to 20% in the future.

You might want to clarify that this includes all disabilities - often people assume this figure is only those with physical disabilities.

Participation Trends Impacting Parks & Recreation

- Growth in unstructured, self-scheduled activities.
- Participation in many organized sports is holding steady or even losing ground. Approximately 50% of children and youth and 28% of adults participate directly in sport in Canada, but as the community ages and less growth is seen in younger age groups, sport participation rates are not expected to increase as fast as the overall population. For example, participation in ringette and girls hockey is on the rise, while participation by boys in organized hockey is declining.
- Emerging (non-traditional) recreation activities, particularly in communities that are becoming more ethnically diverse.
- Increasing pressure for elite sport facilities for both training and competition (such as indoor turf complexes, track and field facilities, aquatic competitive use pools, etc.), as well as year-round opportunities for recreational and competitive sports (such as soccer, hockey, football, etc.).
- High levels of interest in pathways and trails, swimming, and other activities that can be done by all ages and levels of ability.
- Increased environmental awareness and stewardship, including park naturalization.

Design Trends Impacting Parks & Recreation

- Existing recreational infrastructure is aging, creating customer service and funding challenges – the majority of recreation facilities in Ontario are over 25 years old and 30% to 50% of these are near the end of their useful life.
 - National trends show a general preference for multi-use community facilities over single-use facilities as many users prefer a choice of amenities/services/activities in one location. At the same time, the demand for neighbourhood-level facilities (e.g., gathering/programming spaces, playgrounds, and accessible pathways and trails) remains important to Londoners.
 - Increased emphasis on resource-sharing, such as partnerships and other collaborative arrangements.
 - “Green” construction and facility retrofitting (many municipalities are adopting minimum LEED requirements), which can result in increased capital costs, but lower operating costs in the long-run.
 - Urban design trends emphasize the importance of plentiful greenspace and parks within individual neighbourhoods. Walkability and urban design that is conducive to alternative modes of transportation are gaining popularity as well.
-  Growth in passive recreational use of pathways and trails leads to demand for amenities (drinking fountains, washrooms, outdoor exercise equipment, benches etc.).
- Use of all-season sport surfaces and field lighting to increase capacity of existing sport fields.

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:39:59 PM

This is generally in conflict with protecting the Natural Heritage System. Such amenities are appropriate in parks, not in the Natural Heritage System.

Indoor Recreation Facilities

- Gaps in facility distribution (Southwest, Southeast, East, and Northwest were frequently raised);
- While larger multi-use facilities are great, there is a desire for more neighbourhood-based facilities;
- There is growing demand for indoor soccer facilities;
- There is a desire to re-examine single pad arenas and their ability to become repurposed as more multi-use, neighbourhood facilities; and,
- Linking facilities with pathways and bus routes is desired.

Outdoor Recreation Facilities, Parks, and Trails



- Completion of pathway and trails network should be a priority;
- Bike lanes are in demand, but safety is an issue (improve public awareness, provide or encourage development of lock-up facilities);
- Neighbourhood focus for parks and playgrounds must continue;
- Improvements to parks and support amenities are being requested;
- Sport field maintenance and upgrades should be considered, even if it means reducing the number of fields (e.g., baseball); and,
- Requests were received for a larger skate park, dedicated football field, more spray pads, indoor pools, soccer fields, and prime time ice at arenas.

3.5 Other Considerations

Strides have been made by federal and provincial governments (primarily through policies) that should be considered by the City of London in forming any recommendations and policies regarding parks and recreation participation:

- The Canadian Sport Policy (2002) outlines areas through which sport impacts Canadian society, including social and personal development, health, culture, education, economic development, and entertainment. The policy is based upon four key goals: enhanced participation, enhanced interaction, enhanced excellence, and enhanced capacity.
- The True Sport Movement's goal is to make sport one of Canada's most valued public assets and in the process, contribute immeasurably to the social fabric of Canadian society. Community sport has great potential to enrich the lives of those who participate and to help build strong, vibrant communities. "The London Declaration: Expectations for Fairness in Sport" was signed in London, Ontario in 2001 by the then Ministers of Sport in recognition of renewed emphasis on the ethical foundations of sport. Staff from the Parks & Recreation Department endorsed the True Sport Movement in 2006 and endeavour to promote the movement and to foster growth amongst program participants and community sport organizations.
- Active 2010 was created by the Provincial government with the goal of increasing participation in sport and physical activity throughout Ontario. The strategy presents numerous benefits of regular activity, including: increased longevity; psychological well-being; increased labour force productivity; and support for the economic growth of cities.

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:42:50 PM

This can be in conflict with protecting the Natural Heritage System. Given the ambiguity in the current survey, it is unclear how you will determine priorities?

Performance Measurement and Testing the Effectiveness of the Current Delivery System

Entrenching evidence-based decision-making processes will demonstrate when the City is meeting or exceeding the mark in terms of quality assurance, community and user satisfaction, community engagement levels, human resources efficiency, customer service and the delivery on community priorities (environment, inclusiveness, etc.). The development of performance measures and comparison of results year after year will clearly demonstrate the City's commitment to service excellence. A full review of the effectiveness of the model should be executed every 3-5 years.

Communication with Community Groups and Stakeholders

City Staff has formed strong relationships with stakeholders and partners and works together with the community to ensure that parks and recreation services are delivered in a thoughtful fashion. Staff works to ensure that these groups and stakeholders are supported in their endeavours and are consulted on any potential policy and procedural changes that may be under development. In some cases regular meetings are held to consider the collective approach to service delivery. The City has an "open door policy" to work on any emerging issues the groups may bring up. There is a continuing effort to strengthen communications with community groups and stakeholders and it is suggested that a communications audit form the basis of these improvements.

Recommendations – Service Excellence

1. Continue to support community development and customer service initiatives in order to:
 - increase partnership opportunities;
 - develop a more community-based delivery system;
 - modify direct programming in response to the current needs of the community; and,
 - encourage resident participation and engagement.
2. In defining its role in a strength-based delivery system, the City should be responsible for providing the following core services:
 - the supply and maintenance of a system of parks and recreation facilities capable of serving the needs of residents;
 - the provision of services and programs to serve specific groups where the City is the agency that is the best positioned to deliver them; priority should be given to those programs and services that reach the greatest number of residents and/or provides the greatest public benefit;
 -  • the supply and maintenance of appropriate areas of open space/parkland for passive and active pursuits and the protection of significant environmental features;
 - the provision of staff to co-ordinate and program core services including planning, research, facility allocation, customer service, community development functions, etc.; and,
 - research and response to social issues and emerging trends with respect to service delivery.

In addition, the City may become involved when:

- there is no other available and/or appropriate provider of a service for an identified activity;
- for reasons of legislation or public safety, the services are best provided by the City;
- the program is seen as a priority by the public and operation by an alternative provider would not be acceptable to the public; or
- revenue-generating opportunities are significant or can be self-sustaining to the overall operations and programs.

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:43:43 PM

There is no definition of passive recreation in this document. The definition varies from place to place therefore, it should be included. Sadly, it was not in the current survey either.

Recommendations – Service Excellence

3. On an ongoing basis, the effectiveness of the City's service delivery model in meeting community needs should be monitored. The model should be reassessed every three to five years or as necessary by developing and assessing performance measures, efficiencies, quality assurance, service satisfaction and the City's ability to respond to service priorities.
4. Strengthen the City's role in supporting volunteerism, including the definition of roles, responsibilities and parameters for volunteer involvement in the delivery of parks and recreation services. As a general principle, the City will support volunteers by assisting with training, organizational development, providing advertising (e.g., Spectrum) and promoting increased recognition through organizations engaged in recreation, leisure and sport delivery.
5.  Develop a performance measurement system by which the level, quality, and effectiveness of service delivery can be strategically and operationally evaluated and assessed on an ongoing basis. The performance indicators should be based upon a benefits-driven approach that promotes positive end results for the entire community.
6. Review services and programs to identify the benefits that each one delivers and make continuous efforts to maximize the delivery of these positive outcomes and address gaps in delivery.

4.2 Communications / Engagement

City of London staff exist to provide and enable meaningful programs and services that respond to current leisure trends and needs within the City. To this end, staff engage residents, business, likeminded organizations and community groups on a regular basis to continue to focus on investments that enhance local capacity and support accessible, responsive programming – particularly in neighbourhoods with higher numbers of vulnerable children, youth and families. Meaningful programs and services cannot be provided without open dialogue with the people that the City serves.

In addition, the City engages in joint projects where its expertise can lead to positive outcomes for the community in several different ways. An example is the provision of land and resources for the development of community gardening. This initiative benefits our community in several different ways. Community gardens:

- is a greening strategy;
- strengthens the stewardship and protection of open space;
- is an educational opportunity;
- provides food security for our vulnerable populations; and,
- provides healthy and fresh food choices to individuals and families.

There are many synergies and collaborative opportunities that can provide benefits to the community in addition to those directly associated with parks and recreation. The City has seen many successes as a result of community engagement in support of community priorities. This reinforces the ability of collaborative partnerships to deliver on many fronts.

For example, including persons from culturally diverse backgrounds involves understanding and addressing the barriers to participation, possibly providing space for groups to self-manage the provision of recreational activities, and offering introductory experiences to typical Canadian recreation pursuits.

Residents with low incomes face particular barriers in accessing parks and recreation services, including: lack of transportation, family support, awareness, safe places to play, childcare and the inability to place a priority on participation in recreational pursuits spending time and money on security needs (housing, employment, food) instead. Special approaches must be taken to include residents of low income, including: subsidy policies, a wide range of no cost / low cost programs and opportunities, educating about the benefits of participating, providing leadership training toward potential future employment, and providing childcare services to enable adults and caregivers to participate.

The City's role in better serving under-represented residents and groups can best be described as follows:

- a) Organizational Commitment: The City states that programs and services are for all and inclusion is paramount to the success of program and service provision.
- b) Organizational Policy and Plans: Policies state the importance of access, equity and inclusion in the provision/enabling of programs and services. There are plans developed to address where the gaps in service provision exist.
- c) Informed Leadership: The leaders within the corporation and the champions within the community are well informed and play a role in promoting the balanced provision of service and inclusion of all under-represented groups.
- d) Representation in Decision-Making & Governance: The City's leadership, staff, advisory committees and volunteers reflect the community it serves.
- e) Effective Partnerships: Community partners are identified and assisted in building capacity where it is needed and role clarity is evident.
- f) Service Planning & Evaluation: Services and initiatives continue to be provided that address gaps in service provision to under-represented groups. Further that the effectiveness of the services is determined and results are distributed to like-minded organizations and the public annually.
- g) Communications, Language, Promotion and Publicity: Barriers to participation are reduced through the use of plain language in communications, City reports, promotion and publicity. Access to interpretation and translation services, as well as physical access, is recognized as essential to full participation.
- h) Human Resources: Policies and practices with respect to recruitment, retention, promotion, training and development of staff and volunteers enable a barrier-free workforce that reflects the community it serves.

It is critical that the Department strengthen its existing approach to understand needs, develop programs and services, strengthen partnerships, and evaluate its effectiveness in including under-represented groups. The City is compliant with provincial accessibility legislation and follows the advice of the Accessibility Advisory Committee to understand and create barrier free infrastructure and services.



Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:44:30 PM

you may want to reword this as the City is not required to follow the advice of this (or any) advisory committee as per the information available on the Ontario Government web site.

4.6 Environmental Stewardship

One of Council’s priority areas is to protect a healthy and sustainable environment and encourage an environmentally sensitive city. The City of London is committed to taking a leadership role in addressing the environmental impacts of its operations. The provision of a safe and clean parks and open space system strengthens the liveability and vibrancy of the City, while making London a place where people of all ages are engaged in healthy lifestyles.

Through the Planning and Development Department, the City’s Parks and Horticulture Services staff provide property management services and program support to the community’s parks and open space system and civic and recreation facilities for the benefit of Londoners in the enjoyment of active and passive recreational pursuits. These functions include ground maintenance, program support to existing and emerging recreational activities, and environmental stewardship initiatives.

London’s parks and open space system has consistently been rated by the public as one of the City’s best assets, both for its quality of design and quality of maintenance. The mix of neighbourhood parks, community sport complexes, and environmentally significant areas receive high praise from residents, as do the City’s many environmental stewardship initiatives. The coordination of community partnership projects in parks has also been a great success.



In terms of the local natural heritage system (e.g., environmentally significant areas, woodlots), the City will continue to support its protection and enhancement through restoration, rehabilitation, and renaturalization, as well as through stewardship initiatives and continued community partnerships. Alignment of the recommendations between this Strategic Master Plan and the Thames Valley Corridor Plan (currently being prepared) will be important in this regard.



Recommendations – Environmental Stewardship

- 56. New capital projects should be in accordance with principles of environmental and financial sustainability.
- 57. In designing and managing its facilities, parks and open spaces, the City should take into consideration “green” technologies and design principles that will assist in reducing environmental impacts and realizing energy efficiencies over the long term. Over time, this will require the development of strategies and operational initiatives aimed at addressing issues such as climate change and emission/carbon reduction.

Note: Additional recommendations directly related to Environmental Stewardship can be found in Section 5.



 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:47:03 PM
if included in the new Plan, would suggest "..encourage awareness of environmental sensitivity."

 Number: 2 Author: Sandy Subject: Highlight Date: 2018-07-15 4:46:06 PM

 Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:48:17 PM
There has been no public process of developing Guidelines for the use of Significant Woodlands. If the Natural Heritage System remains in the Plan, developing a Guideline must be included as a recommendation.

 Number: 4 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:26:08 PM
the TVCP was not a stewardship document. Again, by mixing the Natural Heritage System into this Plan, you are overlaying it with a recreation over protection and enhancement framework.

Recommendations - Aquatics

100. Develop a public education campaign on the need for all families to learn to swim including drowning and water incident prevention messaging. Targeted presentations and assisting families to access pools and swimming lessons should also accompany the public education plan.
101. Continue to pursue partnerships for the provision of access to non-City owned aquatic facilities.

Note: Additional recommendations directly related to this service area can be found in Section 5.3.

5.5 Parks Planning and Design

The Parks and Natural Areas Planning and Design service area is part of the City's Planning and Development Department. It provides direction for many planning, design and development activities within the City's parks and open space system.

Specifically, this service area recommends policy direction for the Official Plan and for Council with respect to the provision of parkland, and land acquisition priorities. It also reviews development approvals related parks, open space, and pathways.

In addition, this service area is responsible for lifecycle renewal programs, as well as growth and new initiative capital projects related to the Thames Valley Parkway, Open Space Development, District Parks, Neighbourhood Parks, Sports Parks and specialty parks. Natural heritage protection and management of the City's seven municipally-managed Environmentally Significant Areas (ESAs) and its 80 smaller woodlots is another area of focus of this service area.

¹ As identified in the City's (draft) Official Plan, "Environmentally Significant Areas contain natural features and perform ecological functions that warrant their retention in a natural state. While Environmentally Significant Areas are protected to some extent by their inclusion in the Open Space designation, additional measures to provide for their protection and utilization are considered necessary." "The City's management and rehabilitation priorities with respect to Environmentally Significant Areas are to protect the existing ecosystem features and functions, to increase the amount of interior forest habitat, and to strengthen corridors."



Furthermore, it should be noted that "where necessary, public access to identified Environmentally Significant Areas within public ownership will be controlled so that such access will not be detrimental to the significant features of the property."

Residents encourage the City to strive for high quality design of parks and pathways and to reflect the values of their neighbourhood, while recognizing the need for higher-level parks that serve broader district or City-wide needs. Several design-related recommendations are contained in this Strategic Master Plan, including the need to incorporate amenities that increase the usability of parks for older adults and residents of different ethnic backgrounds (both of which are growing groups in the City).

Demands for both organized (e.g., team sports) and unstructured (e.g., casual play) recreational activities are high in the City of London. It is likely that the aging of the population and a general

 Number: 1 Author: Sandy Subject: Highlight Date: 2018-07-15 4:49:00 PM

 Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:49:39 PM

These two paragraphs seem to be "throw ins" that are unrelated to the rest of this section. Again, highlights why this document is not the place for the Natural Heritage System. Whether or not there should be a separate Master Plan for the NHS or not is a separate discussion.

Recommendations – Parks Planning and Design

Official Plan Classification and Hierarchy of Parkland	105. Add an “Urban Park” category to the existing parkland classification and hierarchy established in the Official Plan, along with appropriate definitions, standards, and policies. An alternative funding program may be required for the full development of “Urban Parks”.
Guidelines for Acquiring and Developing Municipal Parks	106. Implementation of the City of London’s report on “Parkland Dedication Requirements, Practices, and Procedures” should be pursued to maximize land dedications for public use.
	107. Give consideration to the issues and options raised in this Parks & Recreation Strategic Master Plan (including the associated background documents) when reviewing the City’s Official Plan.
Parks Development and Redevelopment Priorities and Guidelines	<p>108. The City’s Bicycle Master Plan identifies conceptual routes that support cycling and linkages across the City and between neighbourhoods. To achieve this goal, appropriate lands should be dedicated to the City in accordance with the <i>Planning Act</i> and not as part of the parkland dedication requirements. Should any of these routes involve natural heritage areas, their establishment may be subject to the findings and recommendations of a Conservation Master Plan, an environmental assessment or other environmental study, as directed by the City’s Official Plan.</p> <p>109. Allocate general revenue and/or development charge funds to ensure that land is acquired in advance of development for higher order needs such as planned community centres.</p>
	110. Continue to maintain and improve “Neighbourhood” park infrastructure by allocating capital budget funds to yearly improvements.
	111. Within “District” level parks, the City should, wherever possible, cluster the same type of playing fields together to increase a sense of form and function. Wherever possible, “District” level parks should also include washrooms, water fountains, electrical outlets, benches and safe, accessible pathways, etc.
	112. Special recognition and attention is required for “City-wide” or “Regional” level parks that attract visitors, local residents, and tourists or that have the potential of playing this role (e.g., Storybook Gardens, Springbank Park, Ivey Park, Victoria Park, Kiwanis Park, Harris Park, and Gibbons Park). The City should strive to maintain the delicate balance of protecting the environmental integrity of these parks while committing to an ongoing program of enhancing them through the addition of amenities, upgrades, and promotion.
Natural Heritage System Planning	113. Continue to work to complete the assembly of the Ecological Land Classification (ELC) database to support the identification of significant natural heritage features and areas.
	114. To assist in priority setting in parkland acquisition, the City should use the City’s Ecological Land Classification (ELC) database, in conjunction with the Official Plan criteria, to update guidelines for acquisitions of significant natural heritage features and areas.



 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:50:53 PM
The Bicycle Master Plan wisely avoided the Natural Heritage System. Therefore it would be better to delete this or to say, "...the Bicycle Master Plan avoids the Natural Heritage System.

 Number: 2 Author: Sandy Subject: Highlight Date: 2018-07-15 4:51:01 PM

 Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:51:04 PM
There are Guidelines?

Recommendations – Parks Planning and Design

**Park Design,
Maintenance and
Management
Issues**

115. Design and manage the separations between active and passive park areas to effectively discourage active uses encroaching into passive park areas.
-
116. Develop Park Resource Management Plans for those park and open space areas with smaller woodlots and natural features (e.g., wetlands). 
-
117. Establish a cooperative process and formal agreement framework by which developers may build parks and install recreational amenities (under the direction and to the satisfaction of the City) in residential areas prior to the parkland being dedicated to the City.
-
118. In keeping with Crime Prevention Through Environmental Design (CPTED) principles, the City should only light parks where “after-dusk” activities are permitted and/or encouraged.
-
119. A consistent system of park signage should be developed that indicates points of access and features to be found in each park with priority being assigned to “City-wide” and “District” parks.
-
120. Maintain a commitment to accessibility, safety, and security within its entire parks and pathway system.
-
121. To better reflect changes in London’s population, greater attention should be paid to incorporating amenities (such as washrooms, benches/seating areas, shaded areas, picnic areas, floral gardens, open spaces that can accommodate new activities, etc.) that increase the usability of parks for older adults and residents of different ethnic backgrounds.
-
122. Provisions to incorporate spaces and amenities encouraging physical activity, wellness, and informal use opportunities – in an effort to encourage use and improve activity levels – should be key considerations in the design of parks and open spaces.
-
123. Work with its partners to develop “value-added” improvements to the parks system. Such improvements must address City and local priorities and must conform to City safety and design standards.
-
124. Refine principles and criteria for the establishment, management, and subsequent public education of naturalized areas within parks.

Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:51:46 PM
Not sure this was done. And why include wetlands?

Recommendations – Parks Planning and Design

Environmental Stewardship

125. In order to foster partnership relationships to enhance the parks system, the City should:
- develop a community partnership agreement to guide community development and maintenance of additional parkland features beyond basic level standards;
 - continue to seek community sponsorships and partnerships to support the development of trails, pathways, and park features;
 - work with surrounding municipalities and organizations to develop a regionally integrated pathway and trail system; 
 - promote Citywide and corporately sponsored “greening” programs;
 - continue to promote community gardens in municipal and non-municipal locations;
 - continue to implement a tree watering stewardship program that will get more Londoners actively involved in maintaining the City’s corporate image (“The Forest City”); and,
 - promote the development of new partnerships.
-
126. Continue to support enhancement of the natural heritage system through restoration, rehabilitation, and re-naturalization.
-
127. Review the current policy and by-law for woodland acquisition to potentially use the woodland acquisition fund to acquire woodlands deemed desirable by the City to ensure their protection and retention within the natural heritage system.
-
128. Develop guidelines and set priorities for the management of City woodlots in parks.
-
129. Develop and implement a natural resource management strategy to address invasive species that threaten biodiversity within sensitive habitat areas, with technical input and assistance from the province and the Conservation Authority. 
-
130. Develop and implement strategies to address excessive wildlife-induced impacts (such as excessive deer browsing).
-
131. Establish stewardship priorities for the natural heritage system. Stewardship ranges from direct ownership and management by the City, to private ownership and land stewardship initiatives with landowners. 
-
132. Improve awareness and understanding about the natural heritage system, both with the general public and City administration. 
-
133. As identified in the City’s Official Plan (as amended from time to time), pathways and community trails for recreational use may be permitted in natural heritage areas, provided that such uses are designed, constructed and managed to minimize their impact on the natural heritage area. New or expanded infrastructure (sewer, roads, SWM facilities) shall only be permitted where it has been supported through an environmental assessment process under the Environmental Assessment Act and the policies of the City’s Official Plan.

 Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:35:26 PM
... outside the Natural Heritage System

 Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:52:54 PM
done!

 Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:36:17 PM
done for city owned. Not so much for those still in private hands

 Number: 4 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:52:40 PM
Suggestions would be helpful. This is a big task given competing priorities and limited budgets

Recommendations – Parks Planning and Design

Environmental Stewardship
(continued)

134. Requests for proposals issued by the City should contain provisions that require satisfactory acknowledgement and treatment of any natural heritage system features and areas so that negative impacts are avoided.
-
135. Within recreational areas containing both natural areas and intensively used and/or developed recreational components and facilities, a suitable separation of these uses should be established, in keeping with the City’s Official Plan policies and any recommendation contained in an environmental study.
-
136. Prohibit inappropriate uses, including off-leash dogs, within parks and natural heritage areas, and support this prohibition with active public education programs and follow-up enforcement as necessary. The City should enhance enforcement efforts aimed at controlling running of pets “off leash” within all natural heritage areas. 
-
137. Align the recommendations of this Strategic Master Plan with those of the Thames Valley Corridor Plan (once approved), particularly in relation to items such as (but not necessarily limited to):
- undertaking strategic land acquisitions to improve access points to the river and pathway system and for natural heritage conservation;
 - optimization of under-utilized open space and park space for recreational or naturalization purposes; 
 - establishing pathway and trail connections from the Thames River to parks, open space areas, tributaries, and surrounding neighbourhoods; and, 
 - ensuring reasonable access to accessory recreational amenities along the river, such as seating, trash cans, washrooms, etc.
-
138. Champion City beautification efforts by:
- developing strategies to plant on unplanted roadways;
 - encouraging the development of more floral gardens, ornamental parks, urban squares, and quiet retreats at the neighbourhood level in order to enhance the passive experience in parks; 
 - continuing to pilot innovative park design utilizing cultural, heritage and artistic themes, working with partners to fund and implement projects (example downtown “reading garden” associated with library);
 - developing a “partners in parks” program to support, enhance, and expand community-based volunteer beautification; and,
 - promoting art in public spaces, in parks, and in private developments.

Note: Additional recommendations directly related to this service area can be found in Sections 4.6 and 5.6.

-
- Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:37:59 PM
active programs not done. EEPAC did not get much cooperation from Civic Administration (communications in particular) in its efforts to produce a brochure directed at cat owners.
-
- Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:38:36 PM
meaning? Open Space as per the OP or open space including the Natural Heritage System? Better be specific
-
- Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:54:04 PM
why? The notion is access to and not through the Natural Heritage System
-
- Number: 4 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:55:09 PM
If you are going to use parks generically this might confuse people who do not understand that ESAs and Woodlands are NOT parks. Do you really want invasive flora in the Natural Heritage System? It should be clear that the Natural Heritage System and the Park System are different.

Recommendations – Community Facilities (Outdoor)

- Pathways & Trails**
139. A number of pathway development projects are required in order to complete the gaps in the Thames Valley Parkway and connections to the secondary recreational bike system and on-road network. Pathway development projects should be implemented based on the following priorities (in order of priority):
1. filling the gaps between existing pathways;
 2. connecting neighbourhoods; and,
 3. extending the pathway system to new areas.
- Where conceptual routes cross components of the natural heritage system, the appropriate environmental studies shall be undertaken in accordance with the policies of the Official Plan. 
-
140. Clearly sign and define pathway and trail entry or access points. 
-
141. Pathways, wherever possible, should connect to London Transit Commission (LTC) bus stops or have well defined walking routes from LTC bus stops to the pathways. Routes providing access to all City parks, open space areas and natural areas should be provided to the LTC. This information should be available on the LTC web-site, on bus schedules (as appropriate) and noted on the route maps.
-
142. Where appropriate and in keeping with Official Plan policies, infrastructure within publicly accessible components of the natural heritage system should be designed such that persons with disabilities can be reasonably accommodated.
-
143. In high traffic areas, continue efforts to separate types of use (pedestrians do not mix well with cyclists and rollerblade enthusiasts).
-
144. Continue efforts to connect the “missing links” in the pathway and trail system. In some circumstances, this may require negotiating agreements with privately owned lands. 
-
145. In designing new pathway and trail routes, the City’s Ecological Land Classification (ELC) database should be used to plan activities, uses, and alignments so they avoid sensitive habitats. 
-
146. Implementation of the City of London’s Bicycle Master Plan should continue to be pursued as a high priority relative to recreational use.
-
147. Identify and consider opportunities to enhance the City’s “walkability” through urban design and active transportation initiatives.
-
- Soccer Fields**
148. Continue to work with the school boards to maintain access to and appropriate maintenance of school fields on an as-needed basis.
-
149. Carefully monitor public access to the Ontario Realty Corporation lands (London Psychiatric Hospital) at Highbury Avenue and Oxford Street to ensure continued availability of these or alternate fields (should they be removed from service).

-
- Number: 1 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:56:43 PM
If you are going to include this, change it such that the Natural Heritage System (capitalized) should NOT be crossed for a recreational bike system.

 - Number: 2 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:41:18 PM
still not done

 - Number: 3 Author: Sandy Subject: Sticky Note Date: 2018-07-15 4:56:28 PM
as long as they are outside the Natural Heritage System

 - Number: 4 Author: Sandy Subject: Sticky Note Date: 2018-07-02 1:42:15 PM
again, this should exclude linking the system through the Natural Heritage System.