

Planning and Environment Committee

Report

14th Meeting of the Planning and Environment Committee
September 10, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park
ABSENT: Mayor M. Brown
ALSO PRESENT: Councillor M. van Holst, G. Barrett, A. Beaton, M. Corby, M. Elmadoon, M. Feldberg, J.M. Fleming, K. Gonyou, P. Kokkoros, G. Kotsifas, H. Lysynski, A. Macpherson, H. McNeely, L. Mottram, B. O'Hagan, N. Pasato, M. Pease, L. Pompili, M. Ribera, S. Rowland, A. Salton, C. Saunders, J-A. Spence, C. Smith, J. Smolarek, M. Sundercock, M. Tomazincic, R. Turk and P. Yeoman

The meeting was called to order at 4:00 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor T. Park disclosed a pecuniary interest in clause 3.2 of this Report, having to do with the properties located at 147-149 Wellington Street and 253-257 Grey Street, by indicating that her family owns property in the area.

2. Consent

Moved by: T. Park
Seconded by: A. Hopkins

That Items 2.1 to 2.4, inclusive and 2.6 to 2.9, inclusive, BE APPROVED.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

2.1 List of Approved Tree Species

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated September 10, 2018 entitled "List of Approved Tree Species PEC Deferred Matter #2" BE RECEIVED for information. (2018-E04)

Motion Passed

2.2 Passage of Heritage Designating By-law for 660 Sunningdale Road East

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the by-law appended to the staff report dated September 10, 2018, to designate the property

located at 660 Sunningdale Road East, to be of cultural heritage value or interest BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*. (2018-R01)

Motion Passed

2.3 Passage of Heritage Designating By-law for 2096 Wonderland Road North

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the by-law appended to the staff report dated September 10, 2018, to designate the property located at 2096 Wonderland Road North, to be of cultural heritage value or interest BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*. (2018-R01)

Motion Passed

2.4 Application - 1245 Michael Street (Blocks 1-5, Plan 33M-745) (P-8858)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Wastell Builders (London) Inc., to exempt lands from Part Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at a future Municipal Council meeting, to exempt Blocks 1-5, Plan 33M-745 from the Part Lot Control provisions of subsection 50(5) of the said Act, for a period not to exceed three (3) years; it being noted that the Applicant has requested that three separate exemption by-laws/reference plans for approval be brought forward to future meetings of the Planning and Environment Committee and Council;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part Lot Control By-law for Blocks 1-5, Plan 33M-745 as noted in clause a) above:
 - i) the Applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - ii) the Applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iii) the Applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing

locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

iv) the Applicant submit to the City for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

v) the Applicant shall enter into any amending subdivision agreement with the City, if necessary;

vi) the Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

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

viii) the Applicant shall obtain approval from Development Services for each reference plan to be registered prior to the reference plan being registered in the land registry office;

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

x) the site plan and development agreement be registered prior to passage of the exemption from part lot control by-law; and,

c) the Applicant BE ADVISED that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy. (2018-D09)

Motion Passed

2.6 City Services Reserve Fund Claimable Works for the SS15A Southwest Area Trunk Sewer

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the subdivision agreement between The Corporation of the City of London and Colonel Talbot Developments Inc. (Auburn Developments), for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision:

a) the revised Special Provisions contained in the Subdivision Agreement for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision (39T-12503) outlined in Section 2.0 of the staff report dated September 10, 2018, BE APPROVED;

b) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated September 10, 2018 as Appendix "A". (2018-F01)

Motion Passed

2.7 Application - 1835 Shore Road (H-8890)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 1835 Shore Road, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 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 Special Provision (h•h-206•R5-6(10)/R6-5(42)) Zone TO a Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) Zone to remove the h and h-206 holding provisions. (2018-D09)

Motion Passed

2.8 Application - 3105 Bostwick Road - Talbot Village Subdivision - Phase 6

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Topping Family Farm Inc. for the subdivision of lands over Part of Lot 76, East of the North Branch of the Talbot Road, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of the Pack Road, east of Settlement Trail, and south of Old Garrison Boulevard, municipally known as 3105 Bostwick Road:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Family Farm Inc., for the Talbot Village Subdivision, Phase 6 (39T-14506) appended to the staff report dated September 10, 2018 as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated September 10, 2018 as Appendix "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated September 10, 2018 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. (2018-D09)

Motion Passed

2.9 Building Division Monthly Report for July 2018

Moved by: T. Park
Seconded by: A. Hopkins

That the Building Division Monthly Report for the month of July, 2018 BE RECEIVED for information. (2018-F-21)

Motion Passed

2.5 Application - 89 York Street (H-8861)

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

That, consideration of the application by Endri Poletti Architect Inc., relating to the request to remove the h-1 and h--3 holding provisions on the property located at 89 York Street, BE POSTPONED to a future Planning and Environment Committee meeting. (2018-D09)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3. Scheduled Items

3.1 Public Participation Meeting - Swimming Pool Fence By-law Amendments - City Initiated

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

That on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018 to amend By-law No. PS-5, as amended, entitled "Swimming Pool Fence By-law" in order to amend fee Schedule "A" relating to pool fence application permits; it being noted the last swimming pool fence fee increase took place in 1997;

it being noted that no individuals spoke at the public participation meeting associated with this matter. (2018-F21)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

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

Motion to open the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.2 Public Participation Meeting - 147-149 Wellington Street - 253 and 257 Grey Street (Z-8905)

Moved by: J. Helmer

Seconded by: A. Hopkins

That, the following actions be taken with respect to the application of JAM Properties Inc., relating to the properties located at 147-149 Wellington Street and 253-257 Grey Street:

- a) the comments received from the public during the public engagement process appended to the staff report dated September 10, 2018 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*; and,
- c) the Civic Administration BE REQUESTED to include, as part of any recommended bonus zoning, the provision of a portion of the total units of the proposed building as affordable housing units;

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;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

Additional Votes:

Moved by: M. Cassidy

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Recuse: (1): T. Park

Absent: (0): Mayor M. Brown

Motion Passed (4 to 0)

Moved by: A. Hopkins

Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

3.3 Public Participation Meeting - Application - 1196 Sunningdale Road West - Zoning By-law Amendment (Z-8916)

Moved by: T. Park

Seconded by: M. Cassidy

That, on the recommendation of the Senior Planner, Development Services, based on the application by Landea Developments Inc., relating to the property located at 1196 Sunningdale Road West, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting on September 18, 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 R1 (h-h-100*R1-4) Zone and a Holding Residential R1 (h-h*-100*R1-13) Zone TO a Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-13 (_)) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters. (2018-D09)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy

Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

Moved by: M. Cassidy

Seconded by: J. Helmer

Motion to close the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.4 Public Participation Meeting - 3493 Colonel Talbot Road (Z-8922)

Moved by: A. Hopkins

Seconded by: M. Cassidy

That, on the recommendation of the Manager, Development Planning, based on the application by the 2219008 Ontario Ltd., c/o MHBC Planning

Ltd., relating to the properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting September 18, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), FROM a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) TO a Residential R1 Special Provision (R1-8(_)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(_)) Zone, to permit a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector while maintaining the existing garage setback regulations, a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres, a minimum rear yard depth of 7.0 metres, 35% minimum landscaped open space, and 40% maximum lot coverage;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters. (2018-D09)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: T. Park

Seconded by: A. Hopkins

Motion to open the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: T. Park

Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.5 Public Participation Meeting - Application for Draft Plan of Vacant Land Condominium Zoning By-law Amendment - 459 Hale Street (39-CD-18503/Z-8886)

Moved by: J. Helmer

Seconded by: T. Park

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Artisan Homes Inc., relating to the lands located at 459 Hale Street:

a) the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 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 Residential R1 (R1-5) Zone TO a Residential R6 Special Provision (R6-2()) Zone, to permit cluster housing in the form of single detached dwellings with a special provision to permit a minimum lot frontage of 8.0 metres and maximum density of 22 units per hectare; and,

b) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 459 Hale Street:

i) the provision of enhanced landscaping along the side and rear yards, in particular, the use of larger trees that would provide more of a buffer between the existing residential homes and the new homes;

ii) the loss of privacy;

iii) the close proximity of the proposed condominiums to the existing neighbours;

iv) the loss of existing wildlife;

v) the increase in noise;

vi) the loss of view;

vii) the need to relocate recreational equipment in backyards;

viii) water run-off concerns;

ix) the proposed dwellings are out of character with the existing neighbourhood;

x) garbage collection;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: T. Park

Seconded by: M. Cassidy

Motion to open the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: J. Helmer

Motion to close the public participation meeting.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

4. Items for Direction

4.1 9th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: M. Cassidy

Seconded by: T. Park

That the following action be taken with respect to the 9th report of the Environmental and Ecological Planning Advisory Committee from its meeting held on August 16, 2018:

a) C. Smith, Senior Planner, BE ADVISED of the following comments with respect to the application by Sifton Properties Limited, relating to the property located at 1877 Sandy Somerville Lane:

i) the block be fenced with no gates;

ii) signage be posted, with a positive message, advising why the area is environmentally significant; and,

iii) a trail map be included on the above-noted signage;

b) K. Oudekerk, Environmental Services Engineer, BE ADVISED that S. Hall, S. Levin and R. Trudeau, are the Environmental and Ecological Planning Advisory Committee (EEPAC) representatives on the draft Project File for the East London Sanitary Servicing Study; it being noted that the EEPAC reviewed and received a communication dated August 2, 2018, from K. Oudekerk, with respect to this matter;

c) the Working Group comments appended to the 9th Report of the Environmental and Ecological Planning Advisory Committee, with respect to the Environmental Impact Statement and exp Hydrogeology report relating to the W3 Farms/York Developments application, relating to the properties located at 3700 Colonel Talbot Road and 3645 Bostwick Road BE FORWARDED to N. Pasato, Senior Planner, for consideration; and,

d) clauses 1.1, 2.1, 2.2, 3.1, 3.3, 6.1 and 6.3 BE RECEIVED.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

4.2 The City of London Boulevard Tree Protection By-law - Amendments

Moved by: A. Hopkins

Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken in regards to The City of London Boulevard Tree Protection By-law:

a) the staff report dated September 10, 2018 entitled "The City of London Boulevard Tree Protection By-law - Amendments" BE RECEIVED for information;

- b) the proposed By-law BE REFERRED to the Trees & Forest Advisory Committee for review and comment; and,
- c) the proposed By-law BE REFERRED to a public participation meeting to be held by the Planning and Environment Committee in Q1 2019 for the purpose of seeking public input and comments on the proposed By-law. (2018-E04)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and T. Park

Nays: (1): J. Helmer

Absent: (0): Mayor M. Brown

Motion Passed (4 to 1)

4.3 Reinstatement of Demolition Control By-law

Moved by: J. Helmer

Seconded by: A. Hopkins

That the communication dated August 21, 2018, from J. Grainger, President, London Region Branch, Architectural Conservancy of Ontario, with respect to their request to reinstate the Demolition Control By-law BE REFERRED to the Managing Director, Development and Compliance Services & Chief Building Official to respond directly to Ms. Grainger. (2018-P10D)

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: T. Park

Seconded by: M. Cassidy

That the Managing Director, Development and Compliance Services & Chief Building Official and the Managing Director, Planning and City Planner, BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

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

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

6. Adjournment

The meeting adjourned at 6:32 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: List of Approved Tree Species
PEC deferred matter #2
Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, this report **BE RECEIVED** for information regarding the List of Approved Tree Species that may be planted on City lands.

Executive Summary

The Planning & Environment Committee asked staff to report back on the types of tree species that are planted on the boulevard. This item is on the Planning & Environment Committee's deferred matters file #2, as a resolution from the February 24, 2015 meeting of the Planning & Environment Committee.

The City has long maintained a list of approved tree species for planting on City lands (Appendix A). This list is in appendix 5 to Chapter 12 of the Design Specifications and Requirements Manual. The list was originally created as a guide to developers in their preparation of acceptable tree planting plans. It now serves as an approved list of tree species for all City lands. It is updated annually, as required. Suggested changes from Trees & Forests Advisory Committee (Allergens, Climate Change and Invasives Working Group) and more recently from members of the Urban Agriculture Steering Committee have been reviewed and discussed with those Committees and included, if aligned with Official Plan policy and Urban Forest Strategy recommendations.

1.0 Relevant Background

1.1 History

The City has long maintained a list of approved tree species for planting that can be found as appendix 5 to Chapter 12 of the Design Specifications and Requirements Manual. This Manual is available on the City's website. The list of approved tree species for planting on City lands was intended to guide developers in their preparation of acceptable tree planting plans for sub-divisions and other developments where trees are required to be planted on City boulevards. While this guidance was intended for trees being planted as street trees, it serves as an approved list of tree species for all City lands. Staff and the Trees and Forests Advisory Committee have suggested several improvements to the list annually. Those changes are submitted for compilation with all other suggested amendments to the Design & Specification Requirements Manual. Draft revisions are then circulated for comment across City Divisions and the development community.

The latest submission of changes to the List of Approved Tree Species was made in 2017, and put into effect in July 2018. Prior to this it had been a few years since updates to the list had been made. Recent changes to the list include removal of tree types no longer being planted by the City and a new shortlist of species that are prohibited in the City. The list also includes the Ogren Plant Allergy Scale (OPALS) rating. This is the potential allergy rating based on tree species. The provision of improved information is a goal of the Urban Forest Strategy (2014).

The Forestry Operations team participated in the preparation of this report and in discussions with the Trees & Forests Advisory Committee and members of the Urban Agriculture Steering Committee.

1.2 Policy Context

The London Plan (Tree Planting) - Policy 401:

1. The principle of planting the right tree in the right place will guide all municipal and private development-related tree planting. This involves the assessment of a tree's long-term survival, growth, and health prospects within the context of its urban environment.
2. Tree planting will focus on the preferential planting of large shade tree species where possible to maximize long-term benefits.
3. Native species trees will be preferred for planting, recognizing that non-native species play an important role where native species do not survive and grow well in urban conditions or for specific landscape objectives.

Urban Forest Strategy (2014) & Tree Planting Strategy (2017):

The concept of "right tree, right place" is fundamental to urban forest management. This focuses on making sure suitable tree species are selected to match their intended function and available growing space conditions. This applies to city street and park trees as well as natural woodlands. In the latter case, the emphasis is on making sure species are well suited to soil conditions.

London Plan (Pollinator Policies):

1. Policy 239 - Opportunities will be explored for supporting pollinators and food production through landscaping and street tree planting.
2. Policy 659 – Promote London as a pollinator sanctuary, considering how we can create and support environments that are conducive to pollinators in all of the planning and public works we are involved with, recognizing the important role that pollinators play in our long-term food security.

The Urban Agriculture Strategy (2017):

Action Item: Ensure that good management practices are undertaken to prevent pests; locate edible trees in locations where they can be safely maintained over the long-term.

2.0 Key Issues and Considerations

2.1 Invasive Species

Concern has been expressed by the Trees & Forests Advisory Committee with regard to the inclusion of some invasive species in the list. Whether a species is invasive or not can be difficult to establish until long after its initial introduction by when its invasive tendencies may be obvious. Species may be invasive in one country, plant zone, region or City, but not in another. Staff will continue to monitor the emergence of non-native species in naturalized areas as well as review scientific literature and outcomes from other places that are broadly similar to our City before determining that a species is invasive or likely to be invasive here. Probable or known invasive species will be placed in the new "Prohibited Species" section.

2.2 Native vs. non-native

Guided by the Urban Forest Strategy, and as outlined in the Tree Planting Strategy, the City has adopted a priority system for future species selection:

1. Native to Ontario
2. Native to the continent of North America
3. Non-native – originating from places other than North America, and not invasive.

Trees from category (3) are acceptable if a tree from (1) or (2) has already failed in that location, or the conditions in a site are such that certain species from (3) are the only species expected to thrive. Minimum buffers or setbacks may be applied as well to minimize the risk of harm to natural heritage (native species) features.

2.3 Edible Tree Species

The London Plan, Urban Forest Strategy and Tree Planting Strategy reflect the growing interest in urban food security and the desire to provide edible trees in our City.

Some projects that included edible trees on public lands:

- South Thames Park Food Forest
- West Lion's Park Food Forest
- Cedar Hollow Orchard
- Community Orchards & Gardens (2017 Neighbourhood Decision Making Project)

Many native tree species provide food - such as serviceberry (fruits), maple (sap made into syrup) and shellbark or shagbark hickory (nut "milk"). Cultivated fruits and hybridized nut trees further extend the range of edible tree species that are resilient to diseases and pests endemic in this region although many of these are non-native. Discussions will continue with the Urban Agriculture Steering Committee to identify existing and potentially extend the range of edible species in the List.

2.4 Pollinators

Recently, the Advisory Committee on the Environment (ACE) has recommended that London become a "Bee City" designated through "Bee City Canada". London's urban forest is a key element in providing pollinators food, habitat and protection from adverse weather conditions. This is reflected in our species list where each tree species provide some or all of these values.

2.5 Species at Risk

The City may require a permit from the Ministry of Natural Resources and Forestry before Species At Risk may be planted. The City has obtained and implemented permits to plant tree Species At Risk in some park locations as part of a broader species recovery strategy. Caution is required when planting Species At Risk, as once planted, future maintenance and/or removal of the tree may be regulated by the Province.

2.6 The approved list is not exhaustive.

Absence from the list does not necessarily mean that a species is unacceptable to the City. Expanding the list of suitable species would lead to a more diverse, and likely resilient, urban forest that will be exposed to extremes of weather, migration of pests and diseases, and the urban heating effect. The City may accept other species that are not listed, and the list may be expanded during regular annual updates if those species appear to do well in the City of London. Although not intended for anything other than new street plantings through development processes, over the years the list has been amended to include tree species for parks and other City lands. The name of the list will be reconsidered for the 2018 Design & Specifications Guidelines update.

3.0 Conclusion

The City will continue to work with interested stakeholders to maintain and update the List of Approved Tree Species to provide a useful tool for selecting appropriate tree species for planting on City lands.

Prepared by:

**Sara Rowland R.P.F., Urban Forestry Planner
Planning Services**

Reviewed by:

**Jill-Anne Spence
Manager, Urban Forestry**

Submitted by:

**Andrew Macpherson, O.A.L.A.
Manager, Environmental & Parks 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 28, 2018
SR/sr

Y:\Shared\Urban Forestry\PEC reports\List of Approved Tree Species 2018

Appendix A

List of Approved Trees - Appendix 5, Ch. 12 of Design & Specification Requirements Manual, 2018



Design Specifications & Requirements Manual

APPROVED STREET TREES

APPENDIX 5

The selection of trees for individual locations is a difficult process. It must give careful consideration to the neighbourhood and the existing conditions including soil type, moisture, available growing space above ground, proximity to hard physical plant (hydro wires, gas, lighting, hydrants, vaults, sidewalks) and future rooting and growing space demands.

In recommending the species in the table we recognize that they are not all suitable for all locations. Carefully select the species which possess the characteristics that most closely meet the environmental conditions of each site. As well, not all cultivars of each species are listed. The design professional may suggest species not listed and they will be reviewed by City staff through the approval process.

Other concerns include:

- ◆ STRESS considers the tolerance to conditions such as compacted soil, diseases, drought, insects, road salt spray
- ◆ TIME considers which species can be transplanted/moved at specific times in the year eg. spring only
- ◆ NATIVE considers the suitability of trees indigenous to this region for use in highly disturbed soils, traditionally found in streetscapes and new subdivisions
- ◆ FRUIT consider the size and season and abundance of fruit produced by some species making them less desirable in specific locations
- ◆ DISEASE consider the potential for widespread mortality and costly removal and replacement programs generating public and political complaints with trees such as Norway maple (Verticillium wilt) American Elm (Dutch Elm Disease) Austrian Pine (Diplodic Tip Blight). Avoid mass planting of single species.

Variety

In an effort to promote long term sustainability, cost effective block trimming operations and increase ability to manage street tree risk management, we encourage a variety of tree species on each and every street. We also support aesthetically pleasing street tree designs and therefore encourage the planting of tree species mixtures which have similar form.

Commonly the landscape architect or registered professional forester is responsible for proper design and species selection taking the above points into consideration.

In an attempt to assist the design and species selection process, a list of recommended street trees is included. The list has been prepared using a number of references and you are encouraged to search these out and provide input with respect to other species for consideration.

References include:

- Dirr, M.A. 1990 Manual of Woody Landscape Plants
Farrar, J.L. 1995 Trees in Canada
Gerhold, H.D. et.al., 1989 Street Tree Factsheets
Himelick, E.B., 1981 Tree & Shrub Transplanting Manual
Poor, J.M. (Editor) 1984 Plants That Merit Attention Vol. 1
Rehder, A. 1940 Manual of Cultivated Trees & Shrubs
Sternberg, G, & J. Wilson 1995 Landscaping with Native Trees
Watson, G.W. 1992 Selecting and Planting Trees

TREE FORMS:



VASE



PYRAMIDAL



OVAL



COLUMNAR



ROUNDED



SPREADING

APPROVED STREET TREES

APPENDIX 5

*Do not use within 200m of a natural area or watercourse. Use only in highly urbanized and disturbed environments where other species may fail to thrive

Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Acer campestre</i> ** Hedge Maple	Non-Continental	Boulevard	Compact form/trunk suckers require extra maintenance.	Medium	Rounded	7
<i>Acer x freemanii</i> Hybrid Soft Maple	Native to Ontario	Boulevard	Caution: Many cultivars of <i>Acer rubrum</i> and <i>A. saccharinum</i> exist under the name <i>Freemanii</i> , each with different characteristics	Medium	Oval-Rounded	Autumn Fantasy, Indian Summer and Morgan all 1 Autumn Blaze 7
<i>Acer ginnala</i> ** Amur Maple	Non-Continental	Boulevard	(by prior approval Only) Multi-stem Compact form/red & yellow face colour/lots of seeds/tends to sucker/specify single stem form	Small	Rounded	4
<i>Acer nigrum</i> Black Maple	Native to Ontario	Boulevard Park	Lots of seed for winter interest/rare/needs moist soil	Large	Oval	~7 (assumed to be same as sugar maple)
<i>Acer pennsylvanicum</i> Striped Maple	Native to Ontario	Boulevard Park	Specify single stem.	Medium	Rounded	6
<i>Acer pseudoplatanus</i> ** Sycamore Maple	Non-Continental	Boulevard	Very pollution and salt tolerant Cankers cause high maintenance	Large	Oval-Rounded	8
<i>Acer rubrum</i> Red Maple ▪ 'October Glory' ▪ 'Red Sunset'	Native to Ontario	Boulevard Park	Green summer foliage & yellow to red fall colour tolerates wet soil	Medium	Oval-Rounded	*1 *1
<i>Acer saccharinum</i> Silver Maple	Native to Ontario	Boulevard Park	Fast growing softwood maple; Maintenance issues as tree nears maturity due to weak wood.	Large	Oval-Rounded	Males: 9 Females: *1
<i>Acer saccharum</i> <i>Sugar Maple</i>	Native to Ontario	Boulevard Park	Upright form/fall colour varies/prefers good drainage/shallow roots/salt sensitive	Large	Oval-Rounded	7
<i>Acer spicatum</i> Mountain Maple	Native to Ontario	Boulevard Park	Specify single stem. Shade tolerant, seldom thriving in the open. Prefers cool shade. May spread by root shoots.	Small	Oval-rounded	Not available
<i>Acer tataricum</i> ** Tatarian Maple	Non-Continental	Boulevard	Specify single stem. Good red & yellow fall	Medium	Rounded	5

APPROVED STREET TREES

APPENDIX 5

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Aesculus glabra</i> Ohio Buckeye	Native to Ontario	Boulevard	Untested in London area and may suffer winter problems. Likes moist soil. For use in limited circumstances	Medium	Oval	7
<i>Aesculus hippocastanum</i> Horsechestnut ▪ 'Baumannii'	Non-Continental	Boulevard	Good spring flower with no fruit/limit use due to disease susceptibility	Large	Rounded	7
<i>Amelanchier arborea</i> Downy Serviceberry	Native to Ontario	Boulevard Park	Showy flower & fruit/ tolerant of wet & dry soil	Small	Rounded	Not available
<i>Amelanchir canadensis</i> Shadblow Serviceberry	Native to Ontario	Boulevard Park	Difficult to maintain single stem Four-season interest Tolerates moist soil	Small	Rounded	Not available
<i>Amelanchier laevis</i> Smooth Serviceberry	Native to Ontario	Boulevard Park	Multi-stem specimens by prior approval only	Small	Rounded	3
<i>Asimina triloba</i> Pawpaw	Native to Ontario	Park	Large fruit has food value to humans	Small	Rounded	
<i>Betula alleghaniensis</i> Yellow Birch	Native to Ontario	Parks	Interesting bark features and good fall colour	Large	Rounded-Spreading	7 (but only has a short blooming period)
<i>Betula papyrifera</i> White Birch	Native to Ontario	Parks	Interesting bark features and good fall colour	Large	Rounded-Oval	7
<i>Carpinus betulus</i> European Hornbeam 'Fastigiata'	Non-Continental	Boulevard	Difficult to transplant Keep away from road salt & spray	Medium	Pyramidal-Oval	8
<i>Carpinus caroliniana</i> Blue beech or Musclewood	Native to Ontario	Boulevard Parks	Difficult to transplant/keep away from road salt & spray/likes wet soil/thin bark and sculptured trunk	Medium	Rounded	8 (Rating for genus only)

APPROVED STREET TREES

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Carya cordiformis</i> Bitternut Hickory	Native to Ontario	Parks	Difficult to transplant due to large tap root, messy fruit	Large	Oval-Vase	8-10* (Rating for genus only)
<i>Carya glabra</i> Pignut Hickory	Native to Ontario	Parks	Difficult to transplant due to large tap root, messy fruit	Large	Oval-Vase	8-10*
<i>Carya laciniosa</i> Big Shellbark Hickory	Native to North America	Parks	Difficult to transplant due to large tap root, messy fruit	Large	Oval-Vase	8-10*
<i>Carya ovata</i> Shagbark Hickory	Native to Ontario	Parks	Difficult to transplant due to large tap root, messy fruit	Large	Oval-Vase	10
<i>Celtis laevigata</i> Sugarberry	Native to North America	Boulevard Park	Compact form/good in moist soils	Large	Vase	8
<i>Celtis Occidentalis</i> Common Hackberry	Native to Ontario	Boulevard Park	Requires pruning for general form. Very tolerant.	Large	Vase	8
<i>Cercidiphyllum japonicum</i> Katsura Tree	Non-Continental	Boulevard	Multi-stem by prior approval only. Difficult to transplant. Thin bark. Needs supplemental water.	Large	Rounded	Males: 8 Females: *1
<i>Cercis canadensis</i> Redbud	Native to Ontario	Boulevard Park	Seeds readily. Suitable for lawns but not formal boulevard due to low branching.	Medium	Vase-Rounded	5
<i>Cladrastis kentukea (lutea)</i> Yellowwood (Single Stem Only)	Native to North America	Boulevard	Few problems/use local seed sources or stock only/prune early	Medium	Rounded	5
<i>Cornus alternifolia</i> Alternate-leaf Dogwood	Native to Ontario	Boulevard Park	Use local winter hardy material only Specify single stem	Medium	Rounded	5

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Cornus florida</i> Flowering dogwood	Native to Ontario	Park	Specify single stem only. Use local winter hardy material only/ good flower/ specify single stem Can be very sensitive. Prefers acid soil, Limited use only.	Small	Rounded	5
<i>Cornus kousa</i> Kousa dogwood	Non-Continental		Resistant to dogwood anthracnose; berries have human food value	Small	Vase	5
<i>Corylus colurna</i> Turkish Hazal	Non-Continental	Boulevard	Good form/ difficult to transplant/ winter interest/ needs supplemental water	Large	Pyramidal	8
<i>Crataegus (varieties)</i> Hawthorns	<i>(Dependent on species)</i>	Boulevard Park	<u>Thornless & disease resistant varieties only.</u> * For use in limited circumstances <i>Crataegus monogyna</i> is invasive*	Small	Rounded	4
<i>Fagus grandifolia</i> American Beech	Native to Ontario	Boulevard Park		Large	Oval	7
<i>Fagus sylvatica</i> European Beech	Non-Continental	Park	Needs moist soil/different leaf colours with varieties/sensitive to activity within root zone/leaves persist through winter/thin bark	Large	Oval-Rounded	7
<i>Fagus orientalis</i> Oriental beech	Non-Continental	Park		Large	Oval-Rounded	7
<i>Ginkgo biloba</i> Maidenhair tree (Male cultivar only)	Non-Continental	Boulevard	Good yellow fall colour/thin bark/tolerant of city conditions & pollution/slow growing but very large at maturity/virtually pest and disease free	Large	Pyramidal Spreading	Males: 7 Females: *2
<i>Gleditsia triacanthos</i> var. <i>inermis</i> Thornless Honey Locust ▪ 'Shademaster' ▪ 'Skyline'	Native to North America	Boulevard	Provides a filtered shade/susceptible to defoliation by leafhopper/susceptible to canker and other pests and diseases	Medium	Spreading	Males: 7 Females: *1 Bisexual: 4

APPROVED STREET TREES

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Gymnocladus dioicus</i> Kentucky Coffee tree	Native to Ontario	Boulevard Park	Male variety only in boulevard	Large	Oval	Males: *9 Females: *1
<i>Halesia tetraptera</i> Carolina Silverbell	Native to North America	Park	Low branched tree with narrow head/broad, rounded crown/reserve for lawn areas	Medium	Rounded	3
<i>Juglans nigra</i> Black Walnut	Native to North America	Park	Messy fruit/needs large area * For use in limited circumstances	Large	Oval	8-*9
<i>Koelreuteria paniculata</i> Goldenrain tree	Non-Continental	Boulevard Park	Good yellow flower & fruit/susceptible to winter damage/weak	Medium	Rounded	4
<i>Laburnum (varieties)</i> Golden chain tree	Non-Continental	Park	Poisonous pea-like seeds. yellow chain like flower/winter hardy local varieties only/borderline hardiness * For use in limited circumstances	Small	Rounded	7
<i>Liriodendron tulipifera</i> Tulip tree	Native to Ontario	Boulevard Park	Good flowers and yellow fall colour/local sources/moist well drained soil/very large tree most appropriate for lawn areas/somewhat weak wooded	Large	Rounded	4
<i>Maackia amurensis</i>** Amur Maackia	Non-Continental	Boulevard	Small, round headed tree/slow growing/summer flowering/bronze coloured bark	Small	Rounded	3
<i>Maclura pomifera</i> Osage Orange	Native to Ontario	Park only				
<i>Magnolia acuminata</i> Cucumber tree	Native to Ontario	Boulevard Park	Status: Endangered	Medium	Oval-Rounded	Deciduous:6 Evergreen: 5
<i>Malus (most)</i> ** Flowering & Domestic Crab Apple:	(Dependent on species)	Boulevard	Maintenance problems/disease & insect problems/tolerates most soils Choose persistent fruit- holding, or poorly-fruited types.	Small	Rounded-Spreading	4
<i>Malus coronia</i> Wild Crabapple	Native to Ontario	Park		Small	Rounded	4 (Genus only)

APPROVED STREET TREES

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Nyssa sylvatica</i> Black Gum	Native to Ontario	Park	Difficult to transplant due to tap root, interesting summer and fall foliage, not for heavily polluted areas	Medium	Rounded -Oval	Males: 9 Females: 1
<i>Ostrya virginiana</i> Hop Hornbeam or Ironwood	Native to Ontario	Boulevard Park	Mainly an understory species	Medium	Oval	7
<i>Phellodendron amurense</i> Amur corktree	Non-Continental	Boulevard	Good winter texture in bark/lots of black berries/use in protected areas	Medium	Spreading	Males: 8 Females: 1
<i>Pinus strobus</i> White Pine	Native to Ontario	Park Boulevard	Locate with care in boulevards, due to possible sight line and access issues when mature (bushy). Avoid <i>Ribes</i> (alternate host for white pine blister rust)	Large	Pyramidal	4
<i>Platanus x acerifolia</i> London Planetree	Hybrid of <i>Platanus occidentalis</i> (N. America) and <i>Platanus orientalis</i> (Europe), so has no native range ¹¹	Boulevard	Frost cracks on trunk/attractive peeling bark/fruit can cause problems/very large at maturity – reserve for large lots and lawn areas	Large	Spreading	9
<i>Platanus occidentalis</i> Sycamore	Native to Ontario	Boulevard Park	Frost cracks on trunk/attractive peeling bark/fruit can cause problems/very large at maturity – reserve for large lots and lawn areas	Large	Spreading	9
<i>Populus ssp.</i> Balsam Poplar, Eastern Cottonwood, Large-tooth Aspen, Trembling Aspen	Balsam Poplar, Eastern Cottonwood, Large-tooth Aspen: Native to Ontario Trembling Aspen: (TBD)	Park. Not permitted in Boulevard	Wood is light, soft and weak, breaks easily in storms, drops flowers, fruit, twigs and branches	Large	Pyramidal – Vase and Spreading	Males: 9 Females: 1

APPROVED STREET TREES

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Populus ssp.</i> Dwarf varieties.		Boulevard or Park	Limited numbers may be considered in Boulevards on a trial basis	Medium	Varies	
<i>Prunus Americana</i> American plum	Native to Ontario	Park	Somewhat thorny. Untested in boulevard.	Small	Rounded	2
<i>Prunus nigra</i> Canada plum	Native to Ontario	Park	Thorny. Untested in boulevard.	Medium	Rounded	3
<i>Prunus pensylvanica</i> Pin Cherry	Native to Ontario	Park	Excellent flowers with no fruit/single stem to be specified/weeping cankers * For use in limited circumstances	Small	Oval	5
<i>Prunus serotina</i> Black Cherry	Native to Ontario	Boulevard Park	Interesting bark, messy fruit; Better in lawns than in formal boulevard.	Large	Oval	5 (Genus only)
<i>Prunus</i> (flowering varieties) Small Cherry	(Dependent on species; most popular flowering cherries are non-continental)	Boulevard	Weeping cankers; prone to fungal infections * For use in limited circumstances *	Small	Vase	
<i>Prunus virginiana</i> Choke Cherry	Native to Ontario	Boulevard Park	green spring foliage & red in summer/bark tends to split	Small	Rounded	6
<i>Ptelea trifoliata</i> Hop-tree	Native to Ontario					
<i>Quercus alba</i> White Oak	Native to Ontario	Boulevard Park	Needs moist soil/fruit maintenance/needs large space at maturity	Large	Rounded	8
<i>Quercus bicolour</i> Swamp White Oak	Native to Ontario	Boulevard Park	Grows in wetter conditions with acidic soils	Large	Rounded	8
<i>Quercus ellipsoidalis</i> Northern Pin Oak	Native to Ontario	Boulevard Park				8
<i>Quercus macrocarpa</i> Bur Oak	Native to Ontario	Boulevard Park	Large size at maturity – reserve for large lots and lawn areas/fruit drop/difficult to transplant/requires good soils	Large	Rounded	8

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Quercus muhlenbergii</i> Chinquapin Oak	Native to Ontario	Boulevard Park	Attractive tree, especially in old age	Medium	Rounded	8
<i>Quercus robur</i> 'Fastigata' Fastigate English Oak	Non-Continental	Boulevard	Needs well drained soil/holds leaves through the winter/ difficult to transplant/very upright in form – reserve for sites with specific need for this form	Large	Columnar	8
<i>Quercus robur</i> English Oak	Non-Continental	Boulevard Park	Needs well drained soil/difficult to transplant/large size at maturity	Large	Rounded	8
<i>Quercus rubra</i> Red Oak	Native to Ontario	Boulevard Park	Needs sandy loam soil/difficult to transplant/more salt tolerant and faster growing than other oaks	Large	Rounded	8
<i>Quercus velutina</i> Black Oak	Native to Ontario	Boulevard Park	Needs well drained soil/difficult to transplant/large size at maturity	Large	Rounded	8
<i>Rhus ssp.</i> Staghorn Sumac, Smooth Sumac	Native to Ontario	Boulevard Park	Spreads quick, freely suckers from roots creating wide spreading colonies. Tolerates dry sterile soils	Small	Rounded - Spreading	Males: 10 Females: 7
<i>Sassafrass albidum</i> Sassafrass	Native to Ontario	Boulevard Park	Prefers sandy soils			Males: 7 Females: 1
<i>Sophora japonica</i> Japanese Pagoda Tree	Non-Continental	Boulevard	Excellent white flower/green stem when young/limit use due to messy characteristics	Large	Spreading	5
<i>Sorbus aria</i> Whitebeam Mountain Ash	Non-Continental	Boulevard	Leathery, gray-green leaves/white flowers in May/fall colour varies from pale green to golden brown to reddish	Medium	Pyramidal-Oval	4 (Genus only)
<i>Sorbus x thuringiaca</i> Oakleaf Mountain Ash	Non-Continental	Boulevard	Forms a tight, rounded crown/White flowers/red fruit/Leathery dark green leaves	Small	Rounded	4 (Genus only)
<i>Syringa reticulata</i> Japanese Tree Lilac ▪ 'Ivory Silk'	Non-Continental	Boulevard	Good white summer flower/excellent small specimen. Prone to over-use	Small	Rounded	6
<i>Tilia americana</i> Basswood	Native to Ontario	Boulevard Park	Prefers deep moist fertile soil/will grow on drier heavier soil/needs large space	Large		7

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Tree Species	Native Range	Use	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Tilia cordata</i> Littleleaf Linden <ul style="list-style-type: none"> ▪ 'Glenleven' ▪ 'Greenspire' ▪ 'Greenglobe' 	Non-Continental	Boulevard	Aphid & borer problems; suckers from base; messy species	Medium	Pyramidal	7
<i>Tilia x euchlora</i> Crimean Linden	Non-Continental	Boulevard	Fruit messy/suckers from base * <i>For use in limited circumstances</i>	Medium	Rounded	7
<i>Tilia tomentosa</i> Silver Linden	Non-Continental	Boulevard	Heat and drought tolerant.	Medium	Pyramidal-Oval	7
<i>Ulmus americana</i> Elm <ul style="list-style-type: none"> ▪ 'Homestead' ▪ 'Pioneer' ▪ 'Sapporo Autumn Gold' 	Specific cultivars hybridized for disease resistance	Boulevard	Choose with care. Cultivars vary in resistance to Dutch elm disease and elm leaf beetle.	Large	Vase	8
<i>Zelkova serrata</i> Japanese Zelkova <ul style="list-style-type: none"> ▪ 'Green Vase' ▪ 'Village Green' 	Non-Continental	Boulevard	Rapid growth/narrow branch angles promote fork split/frost susceptibility when young	Large	Vase	*10

SPECIES NOT PERMITTED FOR USE

Tree Species	Native Range	Comments and Notes	Size	Form	OPALS Rating ⁷
<i>Acer platanoides</i> Norway Maple (many cultivars)	Non-Continental	Surface roots conflict with and turf/girdling roots/aphid and wilt problems.	Medium	Various Forms	8
<i>Ailanthus altissima</i> Tree of Heaven	Non-Continental				
<i>Alnus glutinosa</i> European Alder (Single Stem Only)	Non-Continental	Tolerant of wet & dry soil. Invasive tendencies checked by dry sites.	Medium	Pyramidal	9
<i>Caragana arborescens</i>	Non-Continental	Toxic	Small	Varies	
<i>Carpinus betulus</i> European Hornbeam 'Fastigiata'	Non-Continental	Difficult to transplant Keep away from road salt & spray	Medium	Pyramidal-Oval	8
<i>Eleagnus angustifolia</i> Russian Olive	Non-Continental				
<i>Maackia amurensis</i> Amur Maackia	Non-Continental	Small, round headed tree/slow growing/summer flowering/bronze coloured bark	Small	Rounded	3
<i>Paulownia spp.</i>					
<i>Pyrus calleryana</i> Callery Pear ▪ 'Chanticleer'	Non-Continental	Fireblight problems Graft incompatibility problems with some rootstocks. Objectionable smell.	Small	Pyramidal	Ornamentals:4 Fruiting: 3
<i>Sorbus aucuparia</i> European Mountain Ash	Non-Continental	Scab disease & insect problems; Limit use due to fruit and other problems.	Medium	Oval	4

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Heritage Designating By-law for 660 Sunningdale Road East
Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

Summary of Request

The passage of the heritage designating by-law is the last step in the process to recognize the two remaining red clay tile barns at 660 Sunningdale Road East as significant cultural heritage resources under the *Ontario Heritage Act*. While this was initiated by two demolition requests, the barns are of significant cultural heritage value and warrant conservation.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to pass the heritage designating by-law for the two red clay tile barns located at 660 Sunningdale Road East. The effect of the recommended action is to retain the two red clay tile barns which are significant cultural heritage resources.

Rationale of Recommended Action

Since the two previous demolition requests for the red clay tile barns located at 660 Sunningdale Road East, the property owner and staff have worked together to reach a settlement regarding the heritage designation of the two barns. The information presented herein represents the settlement reached.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North. The property is located at the northern boundary of the City of London and abuts the Municipality of Middlesex Centre. The property is part of the former London Township that was annexed by the City of London in 1993.

1.2 Previous Reports

March 2, 1999. Municipal Council resolved that the lands be excluded from the Uplands Community Plan and be added to the Stoney Creek Community Plan be refused.

May 12, 1999. 6th Report of the LACH, Report of the Stewardship Sub-Committee of the

LACH, re: discussion of 660 Sunningdale barns.

January 30, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

February 27, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 12, 2002. Monthly Report of the Heritage Planner to LACH Members, re: 660 Sunningdale Road East.

April 30, 2003. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

May 7, 2003. Memorandum from the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

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

August 7, 2007. Report to Planning Committee regarding 660 Sunningdale Road East (39T-99513/Z-5723).

March 11, 2009. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

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

June 22, 2009. Report to the Planning Committee regarding the status of the subdivision/file.

October 10, 2010. 3rd Report of the LACH. Re: Notice, 660 Sunningdale Road East.

October 8, 2013. Report to the PEC. 39T-09501/OZ-7683.

March 12, 2014. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

April 9, 2014. 5th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

July 28, 2014. Report to the PEC. 39T-09501/OZ-7638.

July 12, 2017. Report to the LACH. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

July 17, 2017. Report to the PEC. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

January 22, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision, Public Participation Meeting.

April 11, 2018. Report to the LACH: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 16, 2018. Report to the PEC: Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by: Peter Sergautis.

April 30. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision Phase 1 – Special Provisions.

1.3 Cultural Heritage Resource

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it

found that the barns are of cultural heritage value because of their physical/design values and their contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

Contextually, the location and arrangement of the barns on the property, and the relationship between the barns contributes to the property's physical, functional, visual, and historical links to its surroundings.

1.4 Previous Demolition Request (2017)

Action to demolish the largest of the three barns at 660 Sunningdale Road East commenced in early May 2017. A complaint from the community made the City aware of the demolition activities at the property. A letter advising the property owner of their obligations under Section 27(3) of the *Ontario Heritage Act*, to provide Municipal Council 60 days' notice of the property owner's intention to demolish the building or structure on the heritage listed property, was sent to the property owner on May 11, 2017. Demolition activities subsequently ceased, but a substantial portion of Barn 1 had already been removed. A building permit to demolish is not required to demolish a barn under the *Ontario Building Code Act*; however, this does not change the obligations of property owners regarding Section 27(3) of the *Ontario Heritage Act* for heritage listed properties.

Following a meeting with the property owner, a request for the demolition of the (then) heritage listed property was received on June 9, 2017. The London Advisory Committee on Heritage (LACH) was consulted at its meeting on July 12, 2017, and a public participation meeting was held at the Planning & Environment Committee (PEC) meeting on July 17, 2017. At its meeting on July 25, 2017, Municipal Council resolved to issue its Notice of Intent to Designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest for the two smaller red clay tile barns pursuant to Section 29(3) of the *Ontario Heritage Act*. Notice of Intention to Designate was served on the property owner and the Ontario Heritage Trust, and published in *The Londoner* on August 24, 2017. The property owner appealed the Notice of Intent to Designate the property at 660 Sunningdale Road East to the Conservation Review Board (CRB) on August 31, 2017 (within the statutory 30-day appeal period).

The largest red clay tile barn was subsequently demolished.

1.5 Appeal to the Conservation Review Board

The property owner appealed Municipal Council's Notice of Intent to Designate the property to the CRB. Both the City and the property owner have made efforts to resolve the appeal. A proposed settlement was considered by the Planning & Environment Committee at its meeting on April 16, 2018 and Municipal Council at its meeting on April

24, 2018. Minutes of Settlement were signed by the property owner on May 15, 2018 and by Mayor Matt Brown and Cathy Saunders, City Clerk, on May 31, 2018.

The Minutes of Settlement resolve a number of matters related to the designation of the two red clay tile barns and the future development of the property at 660 Sunningdale Road East. Namely (summarized):

- The designation of the two red clay tile barns will be restricted to Block 48 of the Draft Plan of Subdivision. The heritage designating by-law will be registered on the title of property with a registered plan prepared for Block 48;
- Minor wording amendment to the Statement of Cultural Heritage Value or Interest for the two red clay tile barns which emphasize the existing locations of the barns but removes reference to the historic agricultural character of the area;
- Heritage Impact Assessment (HIA) will be required for adjacent blocks in the Draft Plan of Subdivision: Block 41 and Block 45; and,
- The property owner agreed to withdraw its appeal to the Conservation Review Board regarding the first (2017) demolition request and to not appeal the subsequent (2018) demolition request.

1.6 Previous Demolition Request (2018)

As the property at 660 Sunningdale Road East is treated as if it were designated (per Section 30(1) of the *Ontario Heritage Act*), the consent of Municipal Council is required to demolish a building or structure on the property.

Through their solicitor, the property owner submitted a demolition request for the remaining two red clay tile barns at 660 Sunningdale Road East on February 14, 2018. The LACH was consulted at its meeting on April 11, 2018, and a public participation meeting was held at the PEC meeting on April 16, 2018. At its meeting on April 24, 2018, Municipal Council resolved to refuse the demolition request. Notice of refusal was served on the property owner and the Ontario Heritage Trust, and published in *The Londoner* on May 3, 2018.

No appeal was received regarding Municipal Council's refusal of this demolition request, consistent with agreements in the Minutes of Settlement.

1.7 Heritage Community Improvement Plan

The Heritage Community Improvement Plan (Heritage CIP) offers two grant programs to address some of the financial impacts of heritage conservation by offering incentives that promote building rehabilitation in conjunction with new development. The Tax Increment Grant provides the registered owner a refund on the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a heritage designated property. The second initiative is a Development Charges Equivalent Grant which is issued when a heritage designated property is conserved and rehabilitated in conjunction with a development project relating to an intensification or change of use.

A property must be designated under the *Ontario Heritage Act* to be able to access the grant programs of the Heritage CIP. Both the Development Charges Equivalent Grant and the Tax Increment Grant could be leveraged to assist with heritage conservation work for the two red clay tile barns at 660 Sunningdale Road East. These programs are only applicable to the two red clay tile barns and the real property on which they are located.

2.0 Conclusion

The two red clay tile barns at 660 Sunningdale Road East are significant cultural heritage resources that have met the criteria for designation under the *Ontario Heritage Act*. Staff have worked with the property owner to reach a settlement regarding the designation of the property under the *Ontario Heritage Act*.

This report was prepared with the assistance of A. Anderson, Solicitor.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
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 31, 2018
KG/

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Passage of By-law 660 Sunningdale Road East.docx

Appendix A

Bill No.
2018

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

A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest.

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

AND WHEREAS notice of intention to so designate the property known as 660 Sunningdale Road East has been duly published and served;

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

1. The real property at 660 Sunningdale Road East, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on August 28, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

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

Legal Description

"Part of Lot 13, Concession 6 (Township of London), City of London, County of Middlesex Designated as Part 1 on 33R-20149".

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

Description of Property

660 Sunningdale Road East is located on the north side of Sunningdale Road East, just west of Adelaide Street North in London, Ontario. Two barns are located near the southwest corner, on the high ground of the property. These form a rural complex formerly part of a larger landscape to their south, comprising a third [largest] red clay tile barn, a wooden barn, and a house.

The medium sized barn located at 660 Sunningdale Road East has a gable roof with projecting purlins and three ventilators at its ridge. The end gable is clad in corrugated steel; the same material clads the roof. The building configuration is single storey in height and nine bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Paired multi-pane windows, with a five-over-five fenestration pattern, separated by a mullion are located in the upper part of each bay as well as flanking the end doorways. Large doorways are located on the north and south façades, with a sliding barn-style door on the south facade.

The smallest of the red clay tile barns located at 660 Sunningdale Road East has a gable roof with projecting purlins, but only two ventilators at its ridge. The end gables of this barn are also clad in corrugated steel, as is its roof. The building configuration is single storey in height and five bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Individual multi-pane windows, with a five-over-five fenestration pattern, are located in each bay: five on the west façade, four windows and one door on the east façade. Three windows evenly spaced across the north façade, and a large doorway on the south façade with a smaller doorway and window to one side and a pair of windows to the other.

Statement of Cultural Heritage Value or Interest

The two red clay tile barns located at 660 Sunningdale Road East are of cultural heritage value or interest because of their physical or design values and contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

Physical/Design Values

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

Contextual Values

The location and arrangement of the barns on the property, and the relationship between the barns contributes to the property's physical, functional, visual, and historical links to its surroundings.

Heritage Attributes

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The application of typically industrial materials in an agricultural form;
- Existing location of the two barns on the property;
- Physical relationship between the two barns; and,
- Materials, construction, and form of the two barns including: red clay tiles, protruding concrete piers, roof trusses with projecting purlins of the roof structures, multi-pane windows with a five-over-five fenestration pattern, and metal gable roof with ventilators.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Heritage Designating By-law for 2096 Wonderland Road North
Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 2096 Wonderland Road North to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

A demolition request for the heritage listed property located at 2096 Wonderland Road North was submitted. Municipal Council issued its Notice of Intent to Designate with the effect of preventing the demolition of the cultural heritage resource. No appeals were received regarding Municipal Council's Notice of Intent to Designate. Passage of the heritage designating by-law is the last step in the designation of the property at 2096 Wonderland Road North under the *Ontario Heritage Act*.

Analysis

1.0 Background

1.1 Property Location

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road West and Sunningdale Road West.

1.2 Previous Reports

May 9, 2018. Report to the LACH: Demolition Request for Heritage Listed Property at 2096 Wonderland Road North by Invest Group Ltd.

May 28, 2018. Report to the PEC: Demolition Request for Heritage Listed Property at 2096 Wonderland Road North by Invest Group Ltd.

1.3 Cultural Heritage Resource

The cultural heritage resource located at 2096 Wonderland Road North is a two storey brick building which was determined to meet the criteria of O. Reg. 9/06, meriting designation under the *Ontario Heritage Act*. The property has cultural heritage value or interest because of its physical/design values as a rare and representative example of a mid-19th century Georgian farmhouse. It was found to have historical/associative values because of its direct historical links to the Warner family, a pioneer family in the former London Township. The property was found to have contextual value because it is physically and historically linked to the surroundings.

1.4 Demolition Request and Notice of Intent to Designate

A demolition request and Heritage Impact Statement was submitted on April 18, 2018. The London Advisory Committee on Heritage (LACH) was consulted at its meeting on May 9, 2018, and a public participation meeting was held at the Planning & Environment Committee (PEC) meeting on May 28, 2018. At its meeting on June 12, 2018, Municipal

Council resolved to issue its Notice of Intent to Designate the property at 2096 Wonderland Road North to be of cultural heritage value or interest. Notice of Intent to Designate was served on the property owner and the Ontario Heritage Trust, and published in *The Londoner* on July 5, 2018. Supplementary notice was served on July 17, 2018. No appeal was received within the statutory 30 day appeal period ending on August 5, 2018.

1.5 Heritage Community Improvement Plan

The Heritage Community Improvement Plan (Heritage CIP) offers two grant programs to address some of the financial impacts of heritage conservation by offering incentives that promote building rehabilitation in conjunction with new development. The Tax Increment Grant provides the registered owner a refund on the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a heritage designated property. The second initiative is a Development Charges Equivalent Grant which is issued when a heritage designated property is conserved and rehabilitated in conjunction with a development project relating to an intensification or change of use.

A property must be designated under the *Ontario Heritage Act* to be able to access the grant programs of the Heritage CIP. Both the Development Charges Equivalent Grant and the Tax Increment Grant could be leveraged to assist with heritage conservation work for two storey brick house at 2096 Wonderland Road North.

2.0 Conclusion

The property at 2096 Wonderland Road North is a significant cultural heritage resource in the City of London and should be protected under the *Ontario Heritage Act*.

Staff are confident that a compatible infill development can be accommodated on the subject property while ensuring the conservation of this significant cultural heritage resource and its heritage attributes.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
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 27, 2018
KG/

Appendix A

Bill No.
2018

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

A by-law to designate 2096 Wonderland Road North to be of cultural heritage value or interest.

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

AND WHEREAS notice of intention to so designate the property known as 2096 Wonderland Road North has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 2096 Wonderland Road North is designated as being of cultural heritage value or interest for the reasons set out and more particularly described in Schedule "A" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

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

Legal Description

Lot 17, RCP 1028, London

Description of Property

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road East and Sunningdale Road East. A two-storey brick building is located near the northeast corner of the property.

Statement of Cultural Heritage Value or Interest

The residence at 2096 Wonderland Road North has local significance for design/physical value, historical/associative value, and contextual value.

The residence at 2096 Wonderland Road North has physical or design value as a rare and representative example of a mid-19th century Georgian farmhouse. The residence is a two storey structure with a low-pitched hip roof and bookend chimneys. It has a buff brick exterior with a common bond, brick voussoirs, and a stone foundation. The Georgian style of architecture is reflected in the symmetrical façade and minimal use of ornamenting and detail.

The residence at 2096 Wonderland Road North has historical and associative value because of its link with the Warner family. William Warner was the original patent holder on the property, receiving it in 1819. His son, Wesley Warner, inherited the farmstead and was a noted member of London Township for his involvement in the temperance society.

The residence at 2096 Wonderland Road North has contextual value because it is physically and historically linked to its surroundings. It remains located in its original spot on the property and historically reflects the prominent role agriculture played in London Township.

Heritage Attributes

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 2096 Wonderland Road North include:

- Georgian two storey farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows

The addition at the rear of the brick building is not considered to be a heritage attribute.

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: Wastell Builders (London) Inc.
1245 Michael Street

Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Wastell Builders (London) Inc. to exempt lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Blocks 1-5, Plan 33M-745 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed three (3) years, **IT BEING NOTED** that the Applicant has requested that three separate exemption by-laws/reference plans for approval be brought forward to future meetings of the Planning and Environment Committee and Council;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for Blocks 1-5, Plan 33M-745 as noted in clause (a) above:
 - i. The Applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - ii. The Applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iii. The Applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - iv. The Applicant submit to the City for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - v. The Applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vi. The Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - vii. The Applicant shall obtain confirmation from Development Services that

the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited;

- viii. The Applicant shall obtain approval from Development Services for each reference plan to be registered prior to the reference plan being registered in the land registry office;
 - ix. The Applicant shall submit to the City confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - x. The site plan and development agreement be registered prior to passage of the exemption from part lot control by-law;
- (c) the Approval Authority (Municipal Council) **BE REQUESTED** to approve this by-law; and,
- (d) the Applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

Executive Summary

Summary of Request

This report is for review and endorsement by Council of the draft approval to exempt Blocks 1-5 in Registered Plan 33M-745 from the Part Lot Control provisions of the Planning Act.

Purpose and Effect of Recommended Action

Exemption from Part Lot Control will allow the developer to create 76 street townhouse units, with access provided via a new public street (Michael Circle).

Rationale for Recommended Action

The standard conditions for passing the Part Lot Control By-law are attached, and will be reviewed and endorsed by Municipal Council prior to the final by-law.

Analysis

1.1 Property Description

The subject site is located on Michael Street, which is generally located south of Huron Street east of Highbury Avenue, and west of Sandford Street. The subject site is approximately 3.4 ha in size, and is an irregular shape. The site is directly adjacent to the Stronach Arena and Community Centre. The site was the former Huron Heights Public School, which was owned by the Thames Valley District School Board and was built in 1959. There are two existing public walkways which access the site in the northwest corner and the southwest corner of the site. The site is surrounded by single detached residential uses to the west and south, a community facility (Stronach Area and Park) to the east, and a cemetery and existing townhouse development to the north.

1.2 Current Planning Information

- Official Plan Designation – Schedule “A” - Low Density Residential, Multi Family, Medium Density Residential, Open Space
- The London Plan Place Type – Neighbourhood Place Type
- Existing Zoning – Residential R4 Special Provision (R4-4(2)) Zone

Location Map



©2017 City of London ON

LOCATION MAP	LEGEND
<p>Subject Site: 1245 Michael Street Applicant: Wastell Builders (London) Inc. File Number: P-8858 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2017-11-27 Scale: 1:5000</p>	<ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

1.3 Site Characteristics

- Current Land Use – vacant and under construction dwellings/future townhouse dwellings under construction
- Frontage – approx. 66.1 m (216.8 ft) along Michael Street
- Area - 3.4 ha (8.42 ac)
- Shape - irregular

1.4 Surrounding Land Uses

- North – cemetery, townhouses (cluster housing)
- East – recreational uses (Stronach Arena/baseball diamonds/playground)
- South – single detached dwellings, recreational uses (Stronach Arena/baseball diamonds/playground)
- West – single detached dwellings

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Wastell Builders (London) Inc., has requested exemption from part lot control in order to create a total of 76 freehold townhouse dwelling units on a local street (Michael Circle). The plan of subdivision was registered in May, 2018 as five (5) multi-family residential blocks, and one (1) open space block, all served by one (1) new local street (Michael Circle). The dwellings will be freehold townhouse units, approximately two storeys in height, and accessed by the public street.

3.0 Relevant Background

3.1 Planning History

The subject site was the former Huron Heights Public School (French Immersion). The site consisted of a main school building, several outbuildings/storage sheds and eleven classroom portables on site. The school was closed in June 2014 and declared surplus by the Thames Valley District School Board. The subject site was offered to the City, however it was determined that this site was not required for municipal purposes. The subject lands were subsequently sold to a private developer in 2016.

The Applicant submitted an application for Draft Plan of Subdivision and Zoning By-law amendment in July, 2016. The draft plan of subdivision and zoning amendment was approved by Municipal Council on January 31, 2017, and subsequently by the Approval Authority on February 10, 2017. Final approval of the subdivision, which consisted of five (5) blocks on a new local street (Michael Circle) was granted by the Approval Authority on May 8, 2018, as 33M-745.

3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part Lot Control. A notice of the request for exemption from part lot control and a list of standard draft conditions is circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions were applicable and no additional conditions were needed.

3.4 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used for relotting single detached dwellings on a plan of subdivision (to make the lots smaller or bigger), and to create lots for semi-detached and street townhouse developments. Individual lots for semi-detached or townhouse lots are not normally created through a registered plan of subdivision. Often times, the developer will wait to create the lots for semi-detached or street townhomes, in order to ensure that the eventual lot line matches the foundation for the building. This approach is used to address challenges that builders encounter in ensuring that the common centre wall between two or more dwelling units was constructed exactly on the property line. Part-Lot Control may be exempted to allow a property owner to legally divide lots within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide staff when considering requests for exemption to Part-Lot Control and it contains the following:

- a) appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 (R4-4(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The blocks were registered and intended to be developed as street townhouse units at the time of the subdivision approval. To create the individual units it is required that Exemption from Part-Lot Control be obtained to create the separated street townhouse units. The complete division of all these blocks was not practical at the time of draft approval and is appropriate following obtaining site plan approval and construction to ensure foundations are in the appropriate place.

- c) the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is not out of character for the area and permits the townhouse development as established by the subdivision plan and zoning.

- d) the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

This condition does not apply.

- e) references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are designated Low and Medium Density Residential in the Official Plan which permits street townhouse uses. The proposed development will allow development of parcels that are in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has applied for and received site plan approval (SP17-092) to construct 76 street townhouse units on a new local street (March, 2018). Securities have also been taken through the subdivision and site plan process.

It should be noted that the Applicant intends to bring forward three separate exemption by-laws/reference plans for approval at PEC and Council. The first by-law is intended for the next PEC meeting for 46 units, which encompasses all of Block 1 and 2 of the registered plan; the second by-law is anticipated for October with 12 units (Block 3); and the third and final by-law is anticipated for November, with a total of 18 units (Block 4 and 5).

5.0 Conclusion

The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of 76 street townhouse units. The proposed plan has been reviewed against the City's Policy on Exemption from Part-Lot Control, the Official Plan and the applicable proposed zoning and has been determined to meet existing policies and the City's Zoning By-law.

The request represents sound land use planning and is recommended.

Recommended by:	Nancy Pasato, 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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 28, 2018

NP/np

\\CLFILE1\users-x\pdda\Shared\ADMIN\1- PEC Reports\2018 PEC Reports\13 - Sep 10 '18 PEC\Draft PEC Report 1245 Michael draft part lot control.docx

Appendix A

Bill No. **Number inserted by Clerk's Office**
2018

By-law No. C.P.- **Number inserted by Clerk's Office**

A by-law to exempt from Part Lot Control, lands located on Michael Circle, north of Michael Street, legally described as Blocks 1-5 in Registered Plan 33M-745.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Wastell Builders (London) Inc., it is expedient to exempt lands located on Michael Circle, north of Michael Street, legally described as Blocks 1-5 in Registered Plan 33M-745, from Part Lot Control;

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

1. Blocks 1-5 in Registered Plan 33M-745, located on Michael Circle, north of Michael Street, are hereby exempted from Part Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years;
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading –
Third Reading -

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P. Eng
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: Endri Poletti Architect Inc.
89 York Street

Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Endri Poletti Architect Inc., relating to the property located at 89 York Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 18, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone **TO** a Downtown Area Bonus (DA2•D350•B-35) Zone to remove the h-1 and h-3 holding provisions.

Executive Summary

Summary of Request

To remove the holding provisions from the zoning on 89 York Street in order to permit the construction of a mixed use development.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-1" and "h-3") symbols from the zoning to permit construction of an 11 storey mixed-use development (residential, apartment/hotel, commercial and office uses) at 89 York Street.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the applicant has incorporated appropriate noise and vibration attenuation measures into the design of the development (h-1) and a wind impact assessment has been completed that includes appropriate recommendations for building design that will be incorporated in the proposed development (h-3) of the proposed mixed-use building at this location.

Analysis

1.0 Site at a Glance

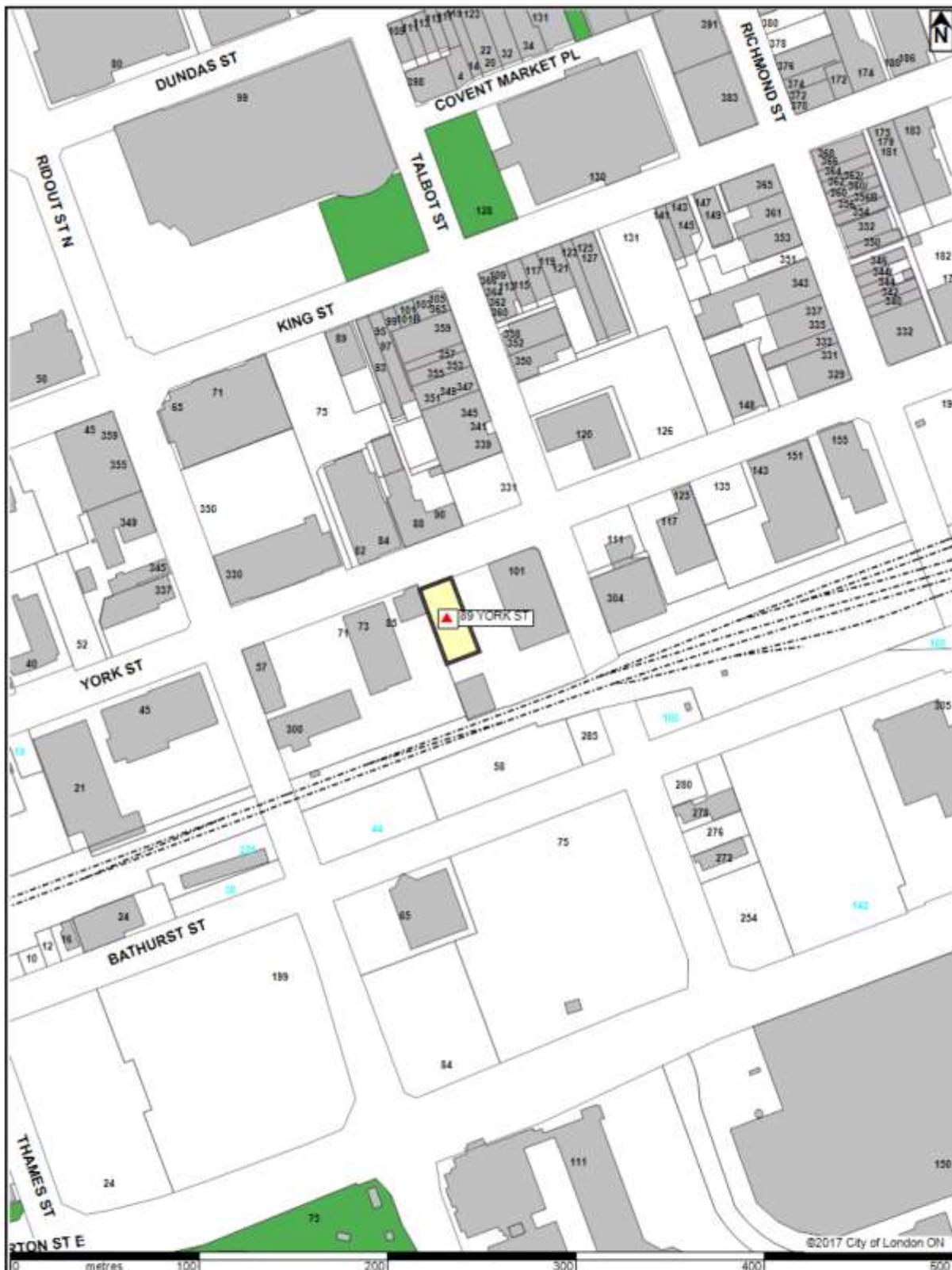
1.1 Property Description

The site is located on the south side of York Street with a frontage of 17.8m and a lot area of 757m². The site previously contained a one storey commercial building which has since been demolished, and the site is currently vacant. There is an existing commercial plaza (Yorkville Centre) to the west, the Greyhound Bus Station to the east and south, and a mix of commercial and residential uses to the north, including a heritage listed apartment building at 88-90 York Street.

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

- Official Plan Designation – Downtown
- The London Plan Place Type – Downtown
- Existing Zoning – Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone

Location Map



LOCATION MAP

Subject Site: 89 York Street
 Applicant: Endri Poletti Architect Inc.
 File Number: H-8861
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2017-12-11
 Scale: 1:2500

LEGEND

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

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



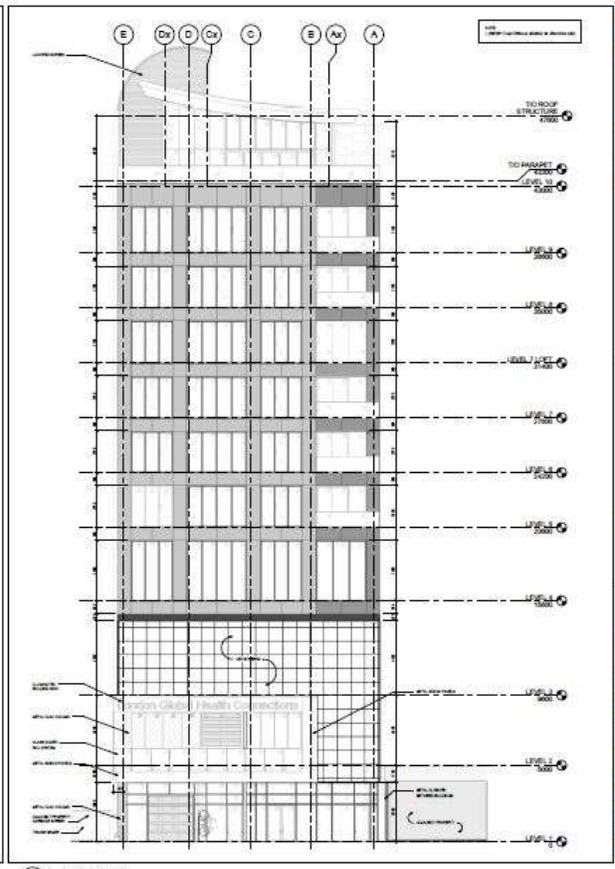
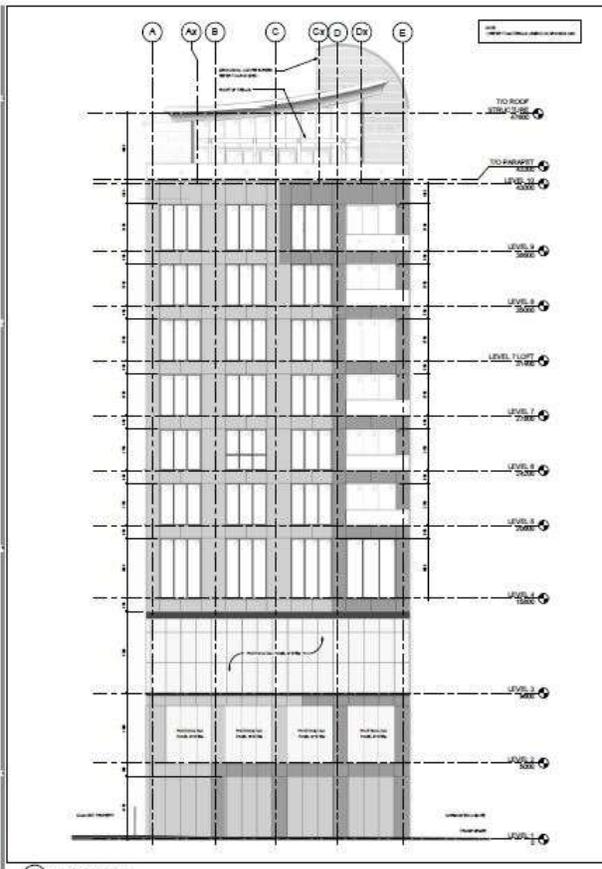
Site Plan Excerpts



East Elevation



West Elevation



South and North Elevation

1.2 Site Characteristics

- Current Land Use –vacant
- Frontage –17.8m (58.4 ft)
- Depth – 42.5m (139.4 ft)
- Area – 757m² (8,148.3 sq ft)
- Shape – rectangular

1.3 Surrounding Land Uses

- North – Mixed Use
- East – Passenger bus terminal (Greyhound)
- South – Passenger bus terminal and railway corridor (Greyhound)
- West – Commercial Plaza

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit an 11 storey mixed use development with a focus on health and well-being and enhanced architectural design. The building will contain a restaurant, retail clinic, spa, hotel and residential units (12).

The Applicant submitted a site plan application in December of 2017 (SP17-112).

A minor variance application (A.204/17) was granted for height (an increase from 44.3m to 49.9m) on January 29, 2018.

3.0 Relevant Background

3.1 Planning History

The subject site was previously used as a one storey commercial building which was demolished in early 2012. The site has been vacant for the past few years with no on-site activity.

The site was the subject of a minor variance application in 2010, (file A.127/10). The request was to allow for a reduction in parking from six (6) required spaces to zero (0), to facilitate the development of a mixed use building. The Committee of Adjustment refused the application and it was appealed to the Ontario Municipal Board by the applicant. The appeal was later withdrawn on February 24, 2011.

The site was the subject of two site plan applications, SP10-031591 in 2010, and SP12-012426 in 2012. The 2012 site plan application received approval and a development agreement was entered into with the City of London for a five (5) storey mixed-use building with five (5) residential apartments

The subject lands are within the Downtown Heritage Conservation District though do not feature any individual historically significant buildings. The district is designated under *Part V* of the *Ontario Heritage Act* and provides direction to ensure proposed development is compatible with the precinct.

There was an application to remove the holding provisions h-1 and h-3 from the site in 2012. The application was successful and the holding provisions were removed from the property on November 20, 2012.

A zoning by-law amendment to add a bonus zone to the site to permit an increase in return for various design improvements was approved by Municipal Council on December 21, 2015 (file Z-8525). Through this amendment, the h-1 and h-3 holding provision were added to the amended Zone for 89 York Street at that time.

The site is currently the subject of a site plan application (SPA-17-112).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1- “h-1” holding provision

The “h-1” holding provision states that:

To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.

The Owner submitted a Noise and Vibration Assessment (prepared by Development Engineering, June 2017). The report anticipates no vibration impact on the proposed building from the adjacent Canadian National Railway (CNR) line and the “existing railway will not impact the structural integrity of the building”. Additional construction mitigation measures have been recommended to further mitigate vibration levels and will be addressed at the building permit stage. As part of the recommendations from the report with respect to noise, additional construction measures, installation of central air conditioning, and warning clauses within the development agreement are recommended. These warning clauses have been added to the development agreement. This satisfies the requirement for removal of the “h-1” holding provision.

4.2 Issue and Consideration # 2- “h-3” holding provision

The “h-3” holding provision states that:

To ensure that development over 30.0 metres (98.4 feet) in the DA1 Zone or over 15.0 metres (49.2 feet) in the DA2 Zone will not have an adverse impact on pedestrian level wind conditions in the Downtown Area of the City of London, a wind impact assessment which may, at the request of the City, include wind tunnel testing, shall be prepared by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London prior to removal of the "h-3" symbol.

A Pedestrian Wind Assessment (RWDI, April 2017) was submitted as part of the site plan application. The wind assessment indicated that the proposed development will not cause any adverse wind effects in the surrounding area. Impacts are expected predominately in winter months, limited to the outside patios and terraces. As part of the design of the building the Applicant has incorporated an interior vestibule at the main entrance as a wind break. An auto door opener and closer will also be incorporated, which will be suitable for these potential higher winter wind conditions. The Applicant has also indicated that the outside terraces and patios will be closed during the winter months. The development has incorporated glass railings/guards which can be replaced with higher guards, and planters for all patios and terraces in the development, which can be retroactively planted with higher plantings should any issues arise in the future.

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

5.0 Conclusion

The conditions for removing the holding provision have been met, as the applicant has incorporated appropriate noise and vibration attenuation measures into the design of the development (h-1), and a wind impact assessment has been completed, and the appropriate recommendations for building design will be incorporated in the proposed development (h-3). Therefore, it is appropriate to remove the holding provisions from the site.

Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed 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.	

August 3, 2018
NP/np

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

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Appendix A

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

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

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 89 York Street.

WHEREAS Endri Poletti Architect Inc. have applied to have applied to remove the holding provisions from the zoning for the lands located at 89 York 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 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 89 York Street, as shown on the attached map, to remove the h-1 and h-3 holding provisions so that the zoning of the lands as Downtown Area Bonus (DA2•D350•B-35) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Appendix B – Public Engagement

Community Engagement

Public liaison: On December 12, 2017, Notice of Application was sent to 4 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 December 21, 2017.

No replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h-1” & “h-3”) Provisions from the Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone. The “h-1” provision ensures that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to removal of the holding symbol. The “h-3” provision ensure that development will not have an adverse impact on pedestrian level wind conditions in the Downtown Area, a wind impact assessment shall be prepared by a qualified professional and any recommendations for building design or site modifications to achieve acceptable wind conditions shall be incorporated into the proposed development, prior to removal of the holding symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than January 22, 2018.

Responses: No comments received.

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

Telephone	Written
N/A	N/A

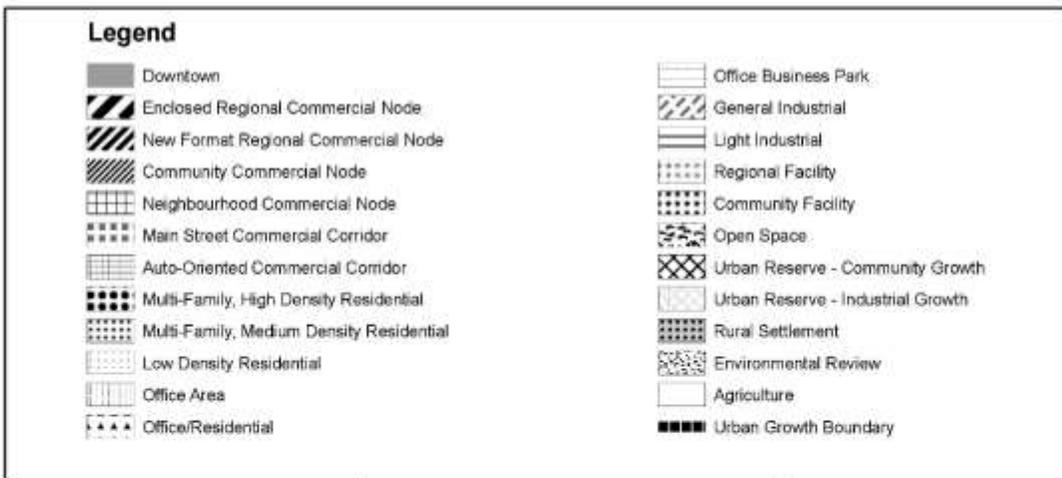
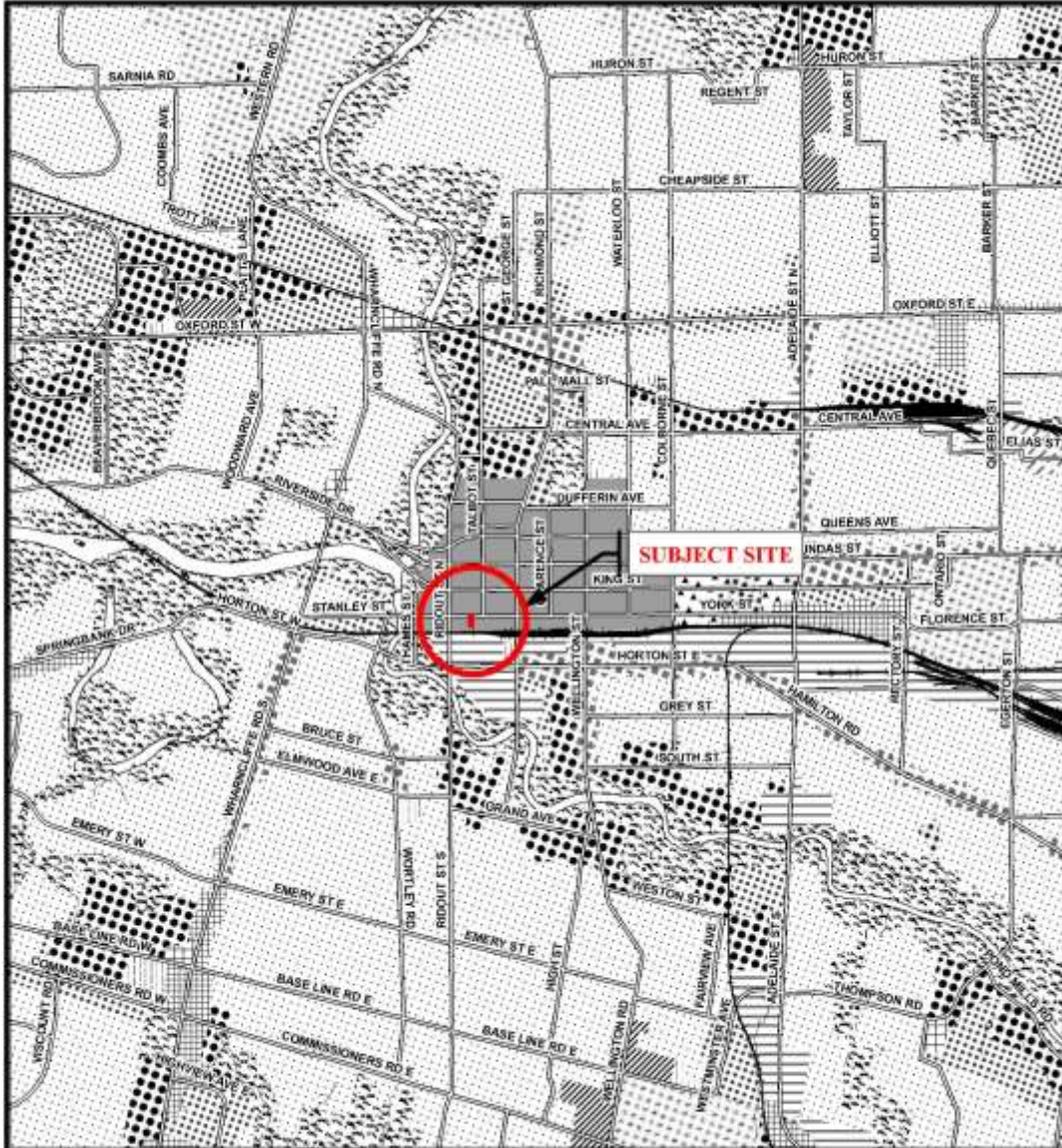
Agency/Departmental Comments

None.

Appendix C – Relevant Background

Additional Maps

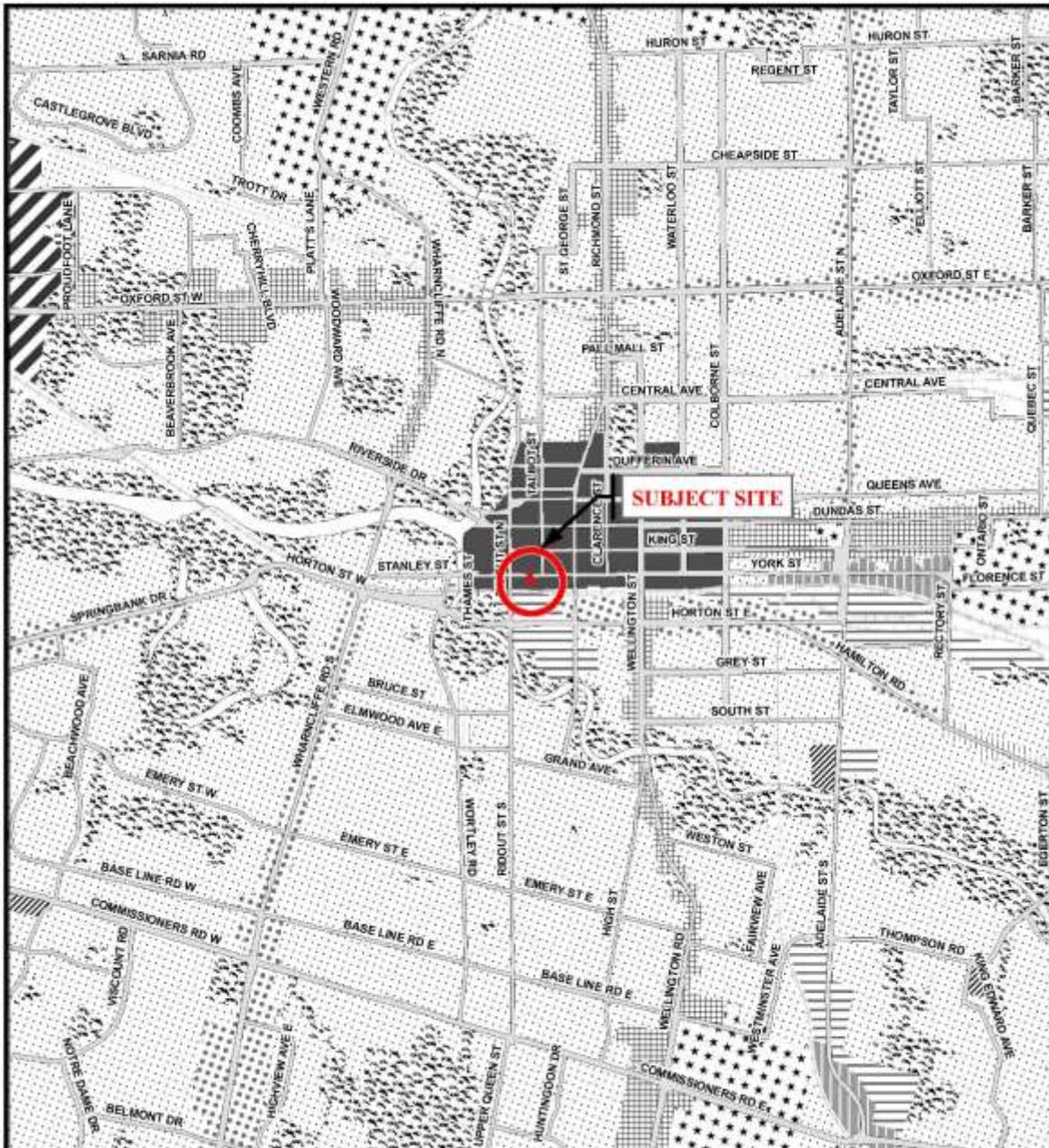
Official Plan Schedule “A” Excerpt



<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-8861</p> <p>PLANNER: CS</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/03/01</p>
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PROJECT LOCATION: s:\planning\project\map_official\plan\work\corsec\0\exam\exam\map_templates\scheduleA_NEW_d&w_Sc14.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



Scale 1:30,000



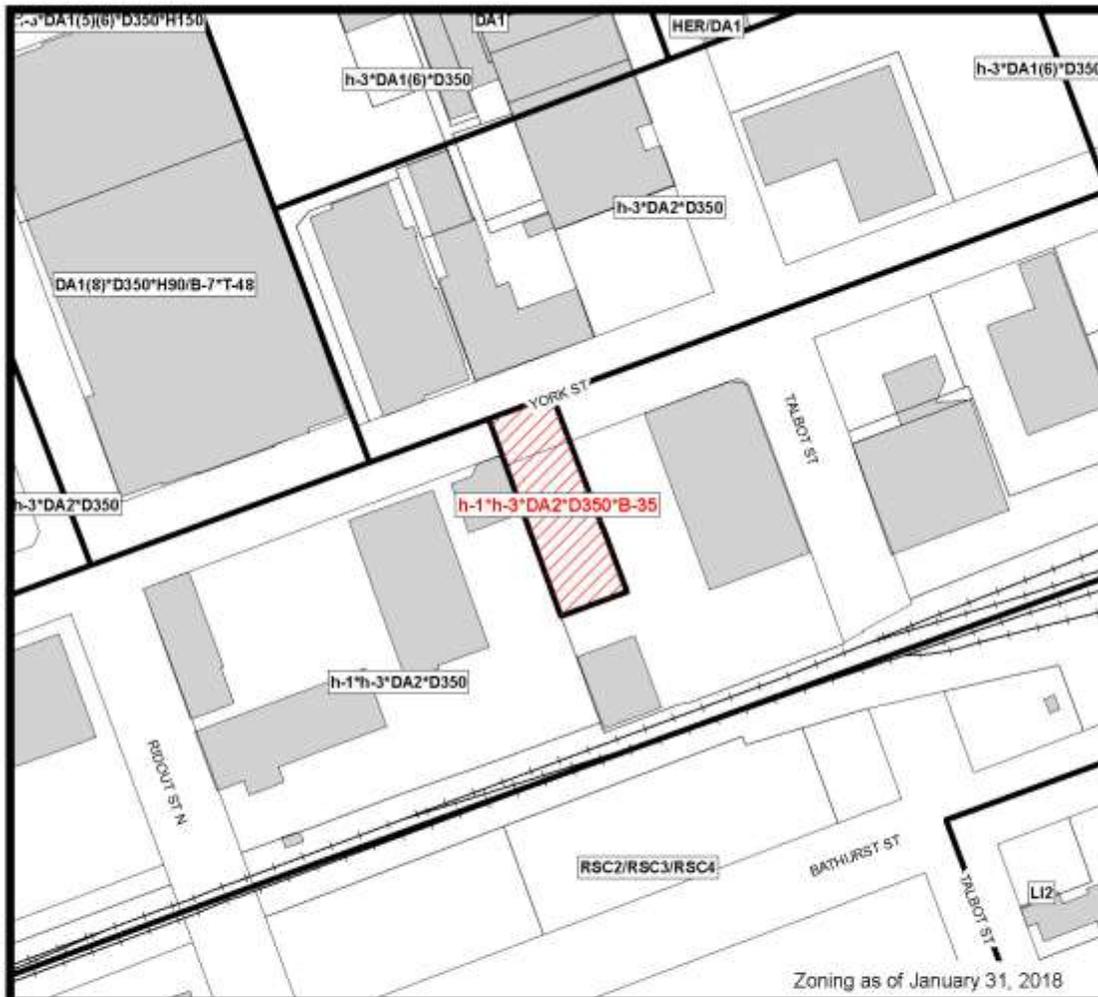
File Number: H-8861

Planner: NP

Technician: RC

Date: March 1, 2018

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:

H-8861

NP

MAP PREPARED:

2018/03/01

rc

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Previous Reports/Applications

A.127/10

The site was the subject of a minor variance application in 2010, (file A.127/10). The request was to allow for a reduction in parking from six (6) required spaces to zero (0), to facilitate the development of a mixed use building. The Committee of Adjustment refused the application and it was appealed to the Ontario Municipal Board by the applicant. The appeal was later withdrawn on February 24, 2011.

SP12-012426

The site was the subject of two site plan applications, SP10-031591 in 2010, and SP12-012426 in 2012. The 2012 site plan application received approval and a development agreement was entered into with the City of London for a five (5) storey mixed-use building with five (5) residential apartments. Security in the amount of \$22,000 was received, and parkland dedication cash in lieu of \$10,600 was paid.

H-8064

There was an application to remove the holding provisions h-1 and h-3 from the site in 2012. The application was successful and the holding provisions were removed from the property zoning on November 20, 2012.

Downtown Heritage Conservation District

The subject lands are within the Downtown Heritage Conservation District though do not feature any individual historically significant buildings. The district is designated under part V of the Ontario Heritage Act and provides direction to ensure proposed development is compatible with the precinct.

Our Move Forward – London’s Downtown Plan

The lands are also subject to Our Move Forward – London’s Downtown Plan (“Downtown Plan”) which was approved by Council in April, 2015. The Downtown Plan sets the context for future public and private sector investment and identifies how development should contribute to the overall Downtown vision.

Z-8525

A zoning by-law amendment to add a bonus zone to the site to permit an increase in return for various design improvements was approved by Municipal Council on December 21, 2015.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas
Managing Director, Development and Compliance Services
and Chief Building Official

Subject: City Services Reserve Fund Claimable Works for the SS15A
Southwest Area Trunk Sewer

Date: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions **BE TAKEN** with respect to the subdivision agreement between The Corporation of the City of London and Colonel Talbot Developments Inc. (Auburn Developments) for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision;

- (a) the revised Special Provisions contained in the Subdivision Agreement for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision (39T-12503) outlined in Section 2.0 below, **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "A".

Previous Reports Pertinent to this Matter

Planning and Environment Committee, December 4, 2017, Agenda Item 9, Subdivision Special Provisions Applicant: Colonel Talbot Developments Inc. Hunt Lands Subdivision 39T-12503

Commentary

1.0 Background

The special provisions for the Hunt Lands Subdivision Agreement between the Corporation of the City of London and Colonel Talbot Developments Inc. (Auburn Developments) were approved by Council on December 12, 2017. Under this agreement, the Owner is to construct Stage 1 of the Southwest Area Trunk Sanitary Sewer SS15A (DC14-WW00005) which crosses through the subdivision, services the neighbouring W3 Lambeth Farms Subdivision to the north and will provide an outlet for the Colonel Talbot Pump Station.

The committed funding associated with these works was based on preliminary engineering design estimates that were included in the special provisions of the Subdivision Agreement. However, subsequent discussions between the Owner's Consulting Engineer and Staff have resulted in design modifications for the construction of the sanitary trunk sewer. The purpose of this report is to seek authorization to amend the special provisions of the Subdivision Agreement and Source of Financing to align with the revised sanitary trunk sewer design.

The construction of the revised design of the sanitary trunk sewer has been procured in accordance with the 2014 Development Charges By-law. As a result of the change in scope between the preliminary design and final design, the tendered costs increased relative to the preliminary design estimates. The majority of additional costs are related to grading of the area in order to accommodate the shallower trunk sewer depth. Through discussions between Staff and the Owner's Consulting Engineer, these beneficial changes in design allow for improved operation and maintenance which translate into reduced costs over the long-term.

Tendered construction costs associated with the final design to accommodate shallower sewer depth are estimated at an additional \$670,151 plus \$23,134 for engineering fees. The overall estimated cost per meter for construction of the SS15A Southwest Trunk Sanitary Sewer is in line with recent City constructed trunk sewer projects.

2.0 Revised Special Provisions

Staff is recommending that the Subdivision Agreement conditions related to development charges claimable works be amended as follows:

The anticipated reimbursements from the development charge Reserve Funds are:

- (i) for the construction of the SS15A CSRF sanitary trunk sewer, Stage 1, in conjunction with this Plan, at an estimated cost of which is \$1,827,121, excluding HST as per the accepted work plan;*
- (ii) for the engineering fees related to the design, construction and contract administration of SS15A CSRF sanitary trunk sewer, Stage 1, in conjunction with this Plan, the estimated cost of which is \$276,256, excluding HST, as per the accepted work plan;*
- (iii) for the engineering fees for the design of the SS15A CSRF sanitary trunk sewer, Stage 2, at an estimated cost of which is \$43,965, excluding HST, as per the accepted work plan;*
- (iv) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$49,195;*

3.0 Conclusion

The tendered costs outlined above for the construction of the SS15A Southwest Area Trunk Sanitary Sewer have been validated and are eligible works under the 2014 Development Charges By-law.

Staff are recommending that Council approve the revised special provisions and the attached Source of Financing in Appendix 'A' to enable construction and eventual claim payment to Colonel Talbot Developments Inc.

Prepared by:	Jason Senese, CGA, CPA, MBA Manager, Development Finance
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Finance
Recommended by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official

Cc.: Jason Davies, Manager, Financial Planning & Policy,
Colonel Talbot Developments Inc. (Auburn Developments)

Appendix A – Source of Financing Report

Chair and Members
Planning and Environment Committee**RE: Subdivision Special Provisions - Colonel Talbot Developments Inc.
Hunt Lands Subdivision
Capital Project ES2494 - North Talbot Sanitary Sewer Extension (SS15A) (Subledger 2442746)****FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE OF FINANCING:**

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance Services and Chief Building Official, the detailed source of financing for this project is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Committed to Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<u>ES2494 North Talbot Sanitary Sewer Extension</u>					
Engineering	\$307,296	\$325,857	\$302,316	\$23,541	\$0
Land Acquisition	250,000	231,439			231,439
Construction	2,208,404	2,208,404	1,177,333	681,946	349,125
NET ESTIMATED EXPENDITURES	<u>\$2,765,700</u>	<u>\$2,765,700</u>	<u>\$1,479,649</u>	<u>\$705,487</u> 1)	<u>\$580,564</u>
<u>SOURCE OF FINANCING:</u>					
<u>ES2494 North Talbot Sanitary Sewer Extension</u>					
Drawdown from City Services - Mjr SWM Reserve Fund (Development Charges)	3)	\$2,765,700	\$2,765,700	\$1,479,649	\$705,487
TOTAL FINANCING		<u>\$2,765,700</u>	<u>\$2,765,700</u>	<u>\$1,479,649</u>	<u>\$705,487</u>

1) **Financial Note - Construction**

	<u>ES2494-Stage 1</u>
Contract Price	\$1,827,121
Less: Amount previously approved by Council	1,156,970
	670,151
Add: HST @13%	87,120
Total Contract Price Including Taxes	757,271
Less: HST Rebate	75,325
Net Contract Price	<u>\$681,946</u>

Financial Note - Engineering

	<u>ES2494-Stage 1</u>	<u>ES2494-Stage 2</u>	<u>TOTAL</u>
Contract Price	\$276,256	\$43,965	\$320,221
Less: Amount previously approved by Council	258,866	38,221	297,087
	17,390	5,744	23,134
Add: HST @13%	2,261	747	3,008
Total Contract Price Including Taxes	19,651	6,491	26,142
Less: HST Rebate	1,955	646	2,601
Net Contract Price	<u>\$17,696</u>	<u>\$5,845</u>	<u>\$23,541</u>

TOTAL**\$705,487**

- 2) The claim for the construction of eligible storm sewers cost of \$49,195 in capital project ES5429 - Storm Sewer Internal Oversizing Subsidy was approved in the Planning and Environment Committee meeting held on December 4, 2017.
- 3) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

lp

 Jason Davies
 Manager of Financial Planning & Policy

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
1835 Shore Road
Removal of Holding Provisions (h and h-206)

Meeting on: September 10, 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 1835 Shore Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 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 Special Provision (h•h-206•R5-6(10)/R6-5(42)) Zone **TO** a Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) Zone to remove the h and h-206 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-206 holding symbols to permit the development of 72 residential townhouse dwellings on the subject site.

Rationale of Recommended Action

1. The conditions for removing the holding (h & h-206) provisions have been met and the recommended amendment will allow development of a proposed 72 unit townhouse development in compliance with the Zoning By-law.
2. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.
3. As part of the site plan review, the plans and building elevations were reviewed for compliance with the design principles and concepts identified in the West Five Urban Design Guidelines. The plans and building elevations have been accepted and included in the approved Site Plan and Development Agreement.

Analysis

1.1 Location Map



Location Map

Subject Property: Proposed Address: 1835 Shore Road
Applicant: SIFTON PROPERTIES LIMITED
File Number: H-8890
Created By: Rob Carnegie
Date: 5/4/2018

Legend

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



1.3 Building Elevations - 1835 Shore Road (Block K)



2.0 Description of Proposal

The removal of the h and h-206 holding provisions from the zoning of the lands to allow for a proposed 72 unit residential townhouse development consisting of a mix of 1-storey (34) and 2-storey (38) dwelling units.

3.0 Relevant Background

3.1 Planning History

On January 8, 2016, the Approval Authority for the City of London approved a draft plan of subdivision consisting of 1 medium density residential block, 3 medium density residential / mixed use blocks, 1 mixed use block, and 1 high density residential / mixed use block, served by 1 primary collector and 2 local streets (File No. 39T-14503/OZ-8410). The total area is approximately 30 hectares and is bounded by Oxford Street West, Westdel Bourne, Shore Road, and Kains Road. This subdivision plan incorporates the future southerly extension of Logans Run to connect with Oxford Street West, and an east-west connector road between Kains Road and Westdel Bourne referred to as Linkway Boulevard.

Sifton Properties Limited "West Five" development is a planned, sustainable, mixed-use community consisting of a range of office, retail, residential and public uses. It is being promoted as a model of "smart" community design incorporating significant renewable energy technologies and initiatives. In conjunction with the draft plan of subdivision, Municipal Council adopted Official Plan and Zoning By-law amendments for the proposed West Five lands, including a specific-area policy to guide development of the community vision, mix of land uses, building form, scale and density. Urban design guidelines were also prepared and approved by Council through the adoption of a holding provision in the Zoning By-law.

The purpose and effect of this zoning change is to remove the holding provisions from the zoning on Block 3 of the draft approved plan. An application for site plan approval has been submitted by Sifton Properties Limited for a 72 unit (1 and 2 storey) residential townhouse development.

4.0 Key Issues and Considerations

Have the conditions for removal of the holding (h and h-206) 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.

A Development Agreement was recently executed between Sifton Properties Limited and the City of London. Sifton Properties Limited have also posted security as required by City policy and the Development Agreement. Therefore, the condition has been met for removal of the “h” provision.

The purpose of the holding (“h-206”) provision in the zoning by-law is as follows:

“Purpose: To ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London prior to the removal of the h-206 symbol.”

Permitted Interim Uses: Existing uses

The general intent of the West Five Urban Design Guidelines is to:

- promote architectural and urban design excellence, sustainability, innovation, longevity, and creative expression with visionary design and high-quality materials and places;
- promote harmonious fit and compatibility, emphasizing relationships between buildings, streets and open space;
- create a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment all year round focusing on reducing the use of the car; and,
- ensure high-quality living and working conditions, including access to public space for all building occupants.

The subject development plans and drawings have been reviewed and are generally in keeping with these design principles and with the City’s Placemaking Guidelines. The design provides for a strong south facing, east-west building orientation. The roof pitch maximizes exposure to natural sunlight in order to capture solar energy all year round. At the same time, it provides for orientation of front doors and/or front-facing units to Shore Road and Linkway Boulevard, and minimizes the appearance of blank side walls along Logans Run and Kains Road. The building facades incorporate a variety of materials which adds to the visual interest including a combination of brick veneer, prefinished aluminum panels and horizontal siding, glass casement windows, and the use of high-energy efficiency components such as exterior insulation and finishing systems (EIFS) and roof mounted solar panels.

Vehicular ingress and egress will be from Logans Run, with the majority of units having their driveways and garages accessed internally, except for Block 'A' units which will have individual driveway access directly to Shore Road. This maintains continuity of the streetscape to the west where a similar style of solar energy townhouse development is nearing completion. The site has been planned so that there is a strong building orientation and pedestrian connection to all surrounding public streets. In particular, the townhouse blocks adjacent Shore Road and Linkway Boulevard feature units with terrace doors, porches, steps, and a 1.5 metre wide concrete sidewalk providing individual walkway connections to the street. End units along Logans Run and Kains Road will also feature entrances on front facing facades and walkway connections to the street. A centrally located common amenity area is provided along with fifteen (15) additional visitor parking spaces, plus one (1) barrier free parking space, which is above the standard site planning requirement of 1 space per 10 units and is considered sufficient.

As part of the site plan review process, the plans and building elevations were reviewed for compliance with the West Five Urban Design Guidelines by the City's Urban Design and GIS Section. The plans have now been accepted and a Development Agreement has been executed, and securities have been received. Staff is satisfied that the "h-206" symbol can be lifted from the zoning applied to this site.

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-206") symbols from the zoning applied to this site.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Lou Pompili, 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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 31, 2018
GK/PY/LP/LM/lm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8890 - 1835 Shore Road (LM)\Draft PECreport.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 1835 Shore Road.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning for the lands located at 1835 Shore Road, 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 1835 Shore Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

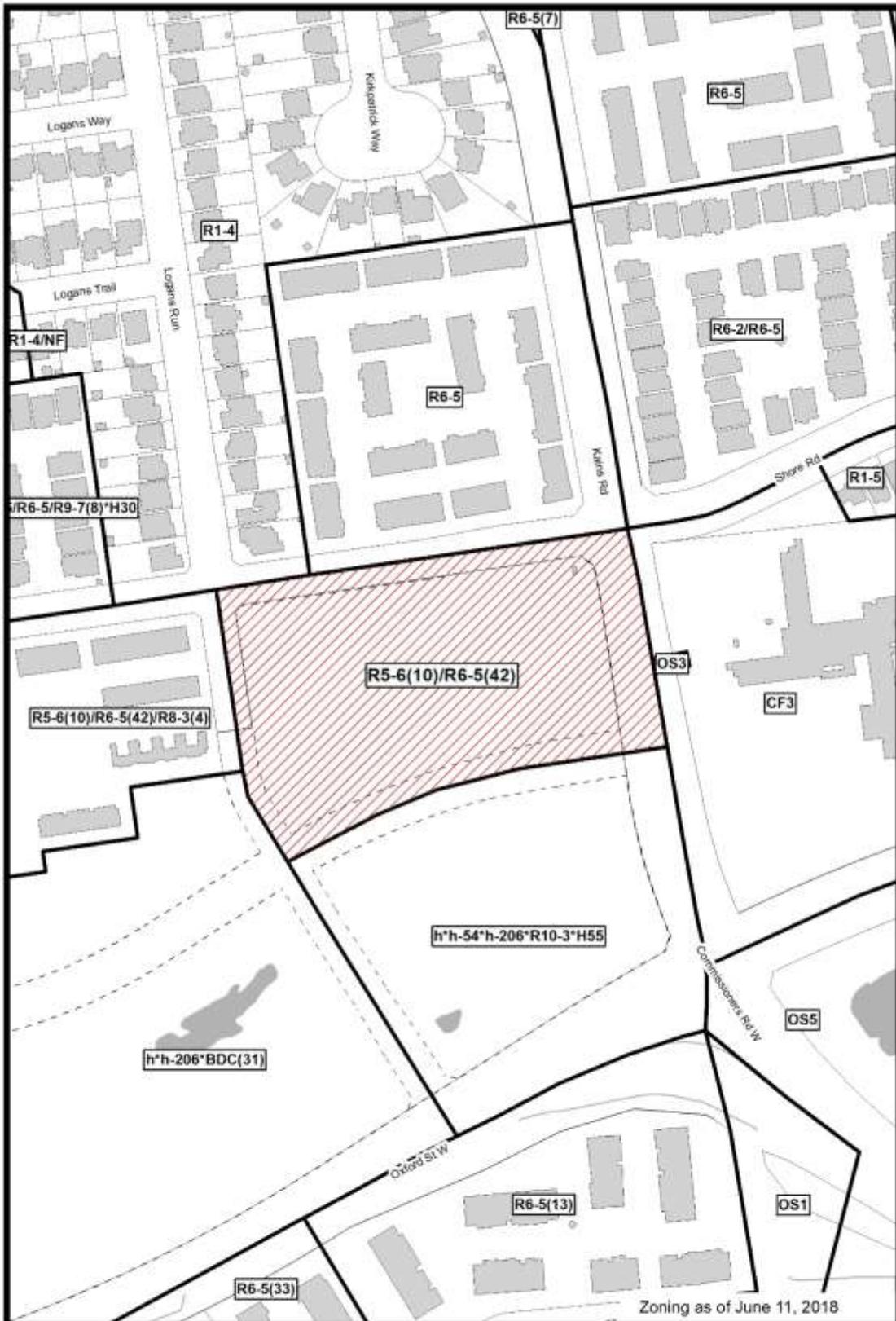
PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - September 18, 2018
Second Reading – September 18, 2018
Third Reading - September 18, 2018

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



<p>File Number: H-8890 Planner: LM Date Prepared: 2018/08/02 Technician: LT By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters </p> <p></p>
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Appendix B – Public Engagement

Community Engagement

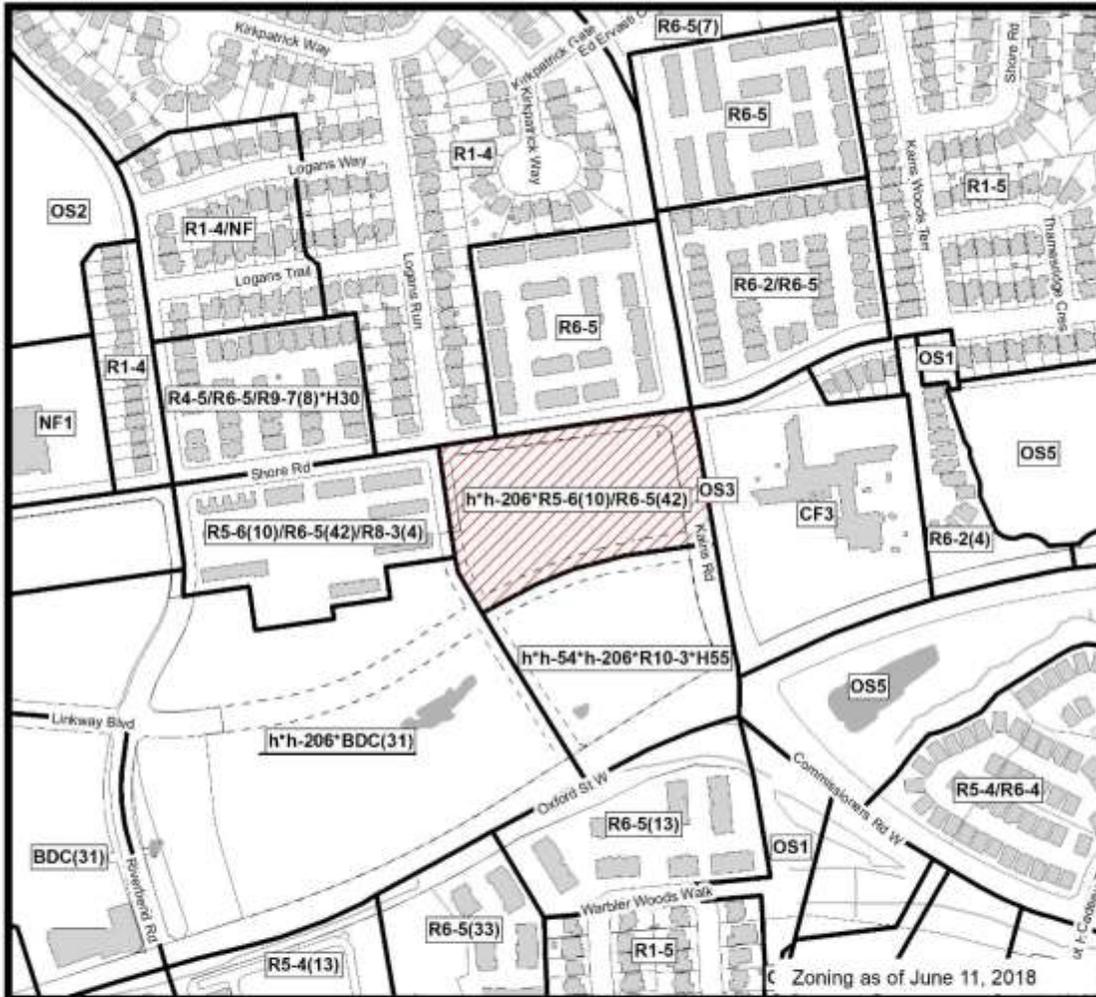
Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on May 17, 2018.

0 replies were received

Nature of Liaison: 1835 Shore Road; located on the south side of Shore Road between Logans Run and Kains Road; comprising Block 3, as shown on the draft-approved plan of subdivision (File No. 39T-14503) – City Council intends to consider removing the Holding (“h” & “h-206”) Provisions from the zoning of the subject lands. The purpose and effect is to allow development of 74 (1 and 2 storey) residential townhouse units permitted under the Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) 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-206” symbol is intended to ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of 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



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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 |
|--|--|

<p>CITY OF LONDON</p> <p>PLANNING SERVICES / DEVELOPMENT SERVICES</p> <p>ZONING BY-LAW NO. Z-1 SCHEDULE A</p> <p>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: H-8890 LM</p> <hr/> <p>MAP PREPARED: 2018/ 08/ 02 LT</p> <hr/> <p>1:5,000</p> <p>0 25 50 100 150 200 Meters</p>
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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: Topping Family Farm Inc.
3105 Bostwick Road
Talbot Village Subdivision – Phase 6
39T-14506 - Special Provisions

Meeting on: September 10, 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 Topping Family Farm Inc. for the subdivision of lands over Part of Lot 76, East of the North Branch of the Talbot Road, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of the Pack Road, east of Settlement Trail, and south of Old Garrison Boulevard, municipally known as 3105 Bostwick Road:

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Family Farm Inc. for the Talbot Village Subdivision, Phase 6 (39T-14506) 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 3105 Bostwick Road, on the west side of Bostwick Road and north of Pack Road. The subject site is approximately 22.6 hectares in size, and also includes Block 172 from registered plan 33M-562. The draft plan of subdivision consists of 244 single detached lots, one (1) school block, one (1) park block, one (1) road widening, and two (2) 0.3 m reserves, all served by the extension of Old Garrison Boulevard (a secondary collector), two (2) new secondary collector roads and eight (8) new local streets. A public meeting was held at Planning and Environment Committee on May 19, 2015. The subdivision was draft approved by the Approval Authority on June 29, 2015.

The Applicant is registering the second and final phase of this subdivision (known as Talbot Village Phase 6), which consists of 121 single detached lots, one park block, and one school block.

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

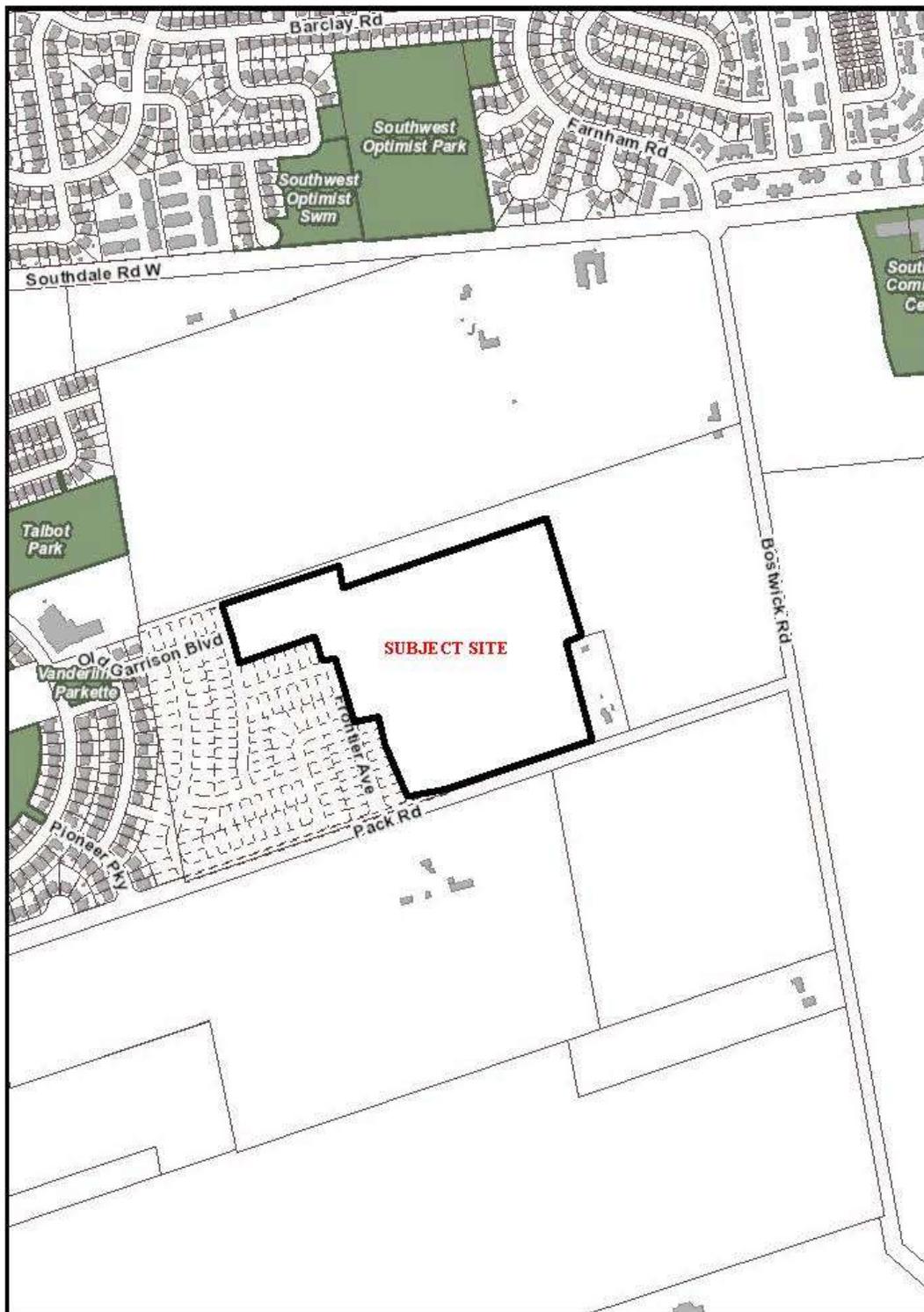
This report has been prepared in consultation with the City's Solicitors Office.

Temporary Pump Station and Existing Sanitary Capacity

This development relies on a temporary pump station that was constructed by the Speyside East Corporation under the Talbot Village Phase 1A agreement executed in 2002. The pump station construction was granted approval as a temporary measure to allow the Talbot Village development to move forward in advance of a permanent sanitary treatment solution for the southwest area of the city. At the time, Southside Pollution Control plant was considered to be the ultimate solution. Since that time, the Southwest Area Plan has been completed, along with the Southwest Area Sanitary Servicing Study (SASS) and the 2014 Development Charges Background Study (DCBS). Through the SASS and the 2014 DCBS, an alternate solution is identified that includes a 2019 GMIS project to construct the Colonel Talbot Pumping Station and forcemain. When this work is complete, the temporary Talbot Village Pumping Station can be decommissioned and wastewater flows from this development can be accommodated by the new City constructed and DC funded pump station and forcemain.

Through the engineering review for this site, a detailed sanitary capacity analysis was undertaken by the applicant. It examined the existing servicing capacity and proposed sewage flows from this site, as well as short-term capacity required during the Colonel Talbot Pumping Station construction. In conjunction with Development Services, Environmental and Engineering Services staff have determined that sewage flows generated by the Phase 6 of the Talbot Village development can be accommodated in the existing pump station capacity.

1.2 Location Map: Phase 6 Talbot Village



Location Map

Subject Property: 3105 Bostwick Rd
 Applicant: Speyside East Corporation
 File Number: 39T-14506
 Created By: Frank Gerrits
 Date: 5/9/2018
 Scale: 1:8000

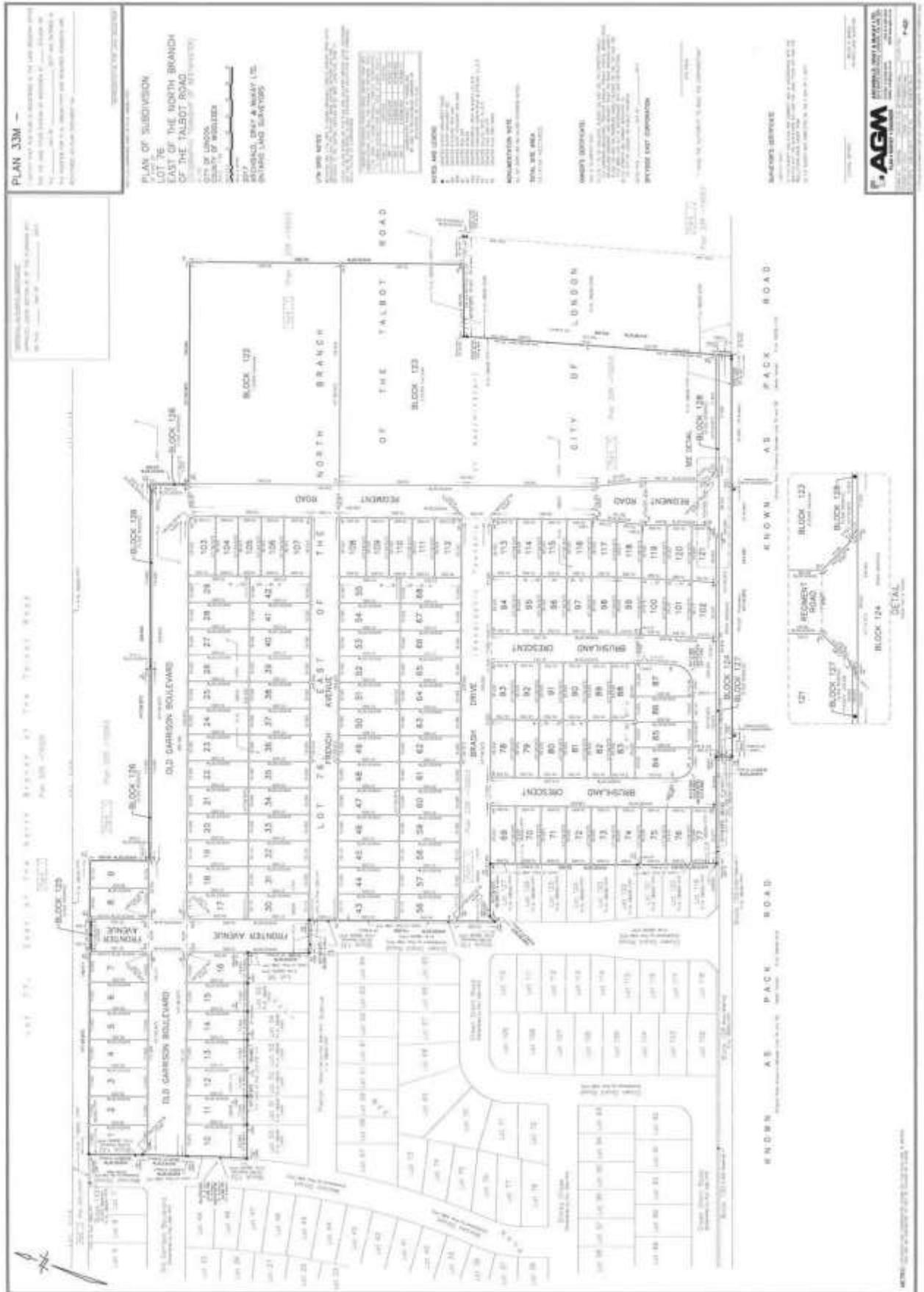
Legend

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

Corporation of the City of London



1.3 Talbot Village Phase 6 Subdivision Plan



Prepared by:	Nancy Pasato, 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 31, 2018

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

NP/FG Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2014\39T-14506 - 3105 Bostwick Road (NP)\Subdivision Agreement\39T-14506 - Talbot Village Phase 6 - PEC REPORT.docx

Appendix A – Special Provisions

5. STANDARD OF WORK

Remove Subsection 5.7 as there are no rear yard catchbasins.

~~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:

- #1 The City may require the works and services required under this Agreement to be undertaken by a contractor whose competence is approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.
- #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.

9. INITIAL CONSTRUCTION OF SERVICES AND BUILDING PERMITS

Revise Subsection 9.3 as follows:

9.3 Except as otherwise provided herein in Section 5.7, 25.5 and 25.6, no Lot in the subdivision acquired by a bona fide purchaser for value shall be charged in any way with the obligations of this Agreement, with exception to Erosion and Sediment Control measures and lot grading. and rear yard catchbasins.

Provided that any purchaser of a Lot in this Plan of subdivision shall be subject to the restrictions and conditions of this section limiting the right to obtain a building permit or the right to compel the issuance thereof. No connection from any building to the sanitary sewer system shall be made prior to the roof being on the building and the building sheathed.

16. PROPOSED SCHOOL SITES

Remove Subsection 16.3 and **replace** with the following:

16.3 The Owner shall set aside Block 123 as a site for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.

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 will not be removed until 95% of all the subdivision housing units have been built and occupied, or assumption, all at the discretion of the City.
- 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 unassumed by 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 Topping Family Farm Inc. All City of London by-laws still apply; and

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

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

#7 The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this Plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

#8 The Owner shall implement the recommendations of the "Environmental Noise Impact Assessment Talbot Village – Phases 5 and 6", dated October 2015, prepared by IBI Group , in the following manner:

- i) The Owner shall not submit any application for building permit for Lots 77, 102 and 121 unless noise attenuation walls are incorporated into the plans. All walls shall be a minimum 2.4 m in height, with return, as per the accepted engineering drawings. The above noted walls shall be of a solid construction with the surface density of no less than 20 kg/m². The walls may be constructed from a variety of materials such as wood, brick, pre-cast concrete or other concrete/wood composite systems provided that it is free of gaps or cracks.

Prior to the issuance of building permits on the respective Lots, a Professional Engineer qualified to provide acoustical engineering services in Ontario shall review the building and grading plans for Lots 77, 102 and 121 to certify that noise control measures as approved have been incorporated.

The Owner agrees in accepting offers of purchase and sale to advise owners, that a sound barrier is located inside the property line within the side and/or rear yard of the property and that the said sound barrier shall not be altered or removed or tampered with. It shall be the obligation of the owner of the Lot to repair, to maintain and to replace the noise attenuation barrier, in accordance with the approved plan and/or provision or set of provisions included in the subdivision agreement, all at the owner's expense and to the satisfaction of the City.

- ii) The following warning clause shall be registered on title within the subdivision agreement and included in all Agreements of Purchase and Sale or Lease for all Lots within this Plan:

“The City of London will not be responsible for noise issues that arise from existing or any increased traffic along Pack Road. The City of London will not be responsible for constructing any noise attenuation measures adjacent to Pack Road.”

- iii) The following warning clause (Type B) shall be registered on title within the subdivision agreement and included in all Agreements of Purchase and Sale or Lease for Lots 77, 102 and 121 of this Plan:

“Purchasers/tenants are advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing Pack Road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

- iv) The following warning clause (Type C) shall be registered on title within the subdivision agreement and included in all Agreements of Purchase and Sale or Lease for Lots 75, 76, 84, 85, 86, 87, 99, 100, 101, 118, 119 and 120 of this Plan:

“This dwelling unit has been designed with the provision for adding central air condition at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of the Environment.”

- v) The following warning clause (Type D) shall be registered on title within the subdivision agreement and included in all Agreements of Purchase and Sale or Lease for Lots 77, 102 and 121 of this Plan:

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria.”

- vi) The Owner shall include in any submission for a building permit application for Lots 75, 76, 84, 85, 86, 87, 99, 100, 101, 118, 119 and 120, the inclusion of forced air heating with provisions for future air conditioning (which can be installed at the owner’s option) which is sized to accommodate central air conditioning by the occupant if they so desire.

- vii) The Owner shall include in any submission for a building permit application for Lots 77, 102 and 121, the inclusion of central air conditioning.

#9 The Owner’s approved design consultant shall review and endorse all applications for building permits and shall submit at the time of building permit applications a certificate of compliance by the Owner’s approved design consultant in accordance with the approved urban design guidelines at no cost to the City of London, and to the satisfaction of the City. The approved design consultant shall be responsible for reviewing all permits with respect to the exterior design criteria for all buildings, landscape areas and other development within the plan in the context of the approved Talbot Community Urban Design Guidelines, and tertiary plan. The purpose is to ensure a high quality of urban design, architecture and landscape standards and construction. All building permit applications must include clearance from an urban designer or architect pre-approved by the City that the building plans are designed in accordance with the approved Talbot Community Urban Design Guidelines.

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 \$25,345;
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$376,028;
- (iii) for the construction of pavement widening on Regiment Road, from Pack Road consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is \$10,364, excluding HST. The claim will be based on a pavement widening for a distance of 45 metres north of Pack Road and a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.5 metres. The widened road on Regiment Road shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 20.0 metre road allowance for this street, with 30 metre tapers on both street lines; and
- (iv) for engineering costs for pavement widening on Regiment Road, at an estimated cost of which is \$1,554, excluding HST.

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:

- #10 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.

#11 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.

#12 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.

#13 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 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

#14 Prior to any commencement of construction on site, the Owner shall construct temporary erosion and sediment control measures as per the accepted engineering drawings, to the satisfaction of the City.

25.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

#15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct an overland flow spillway from Brushland Crescent to Pack Road as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

#16 The Owner shall grade the portions of Lots 77, 102 and 121 and Block 123, which have a common property line with Pack Road, to blend with the ultimate profile of Pack Road, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Pack Road. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

#17 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile located on Lots/Blocks in this Plan, all to the satisfaction of the City and at no cost to the City.

#18 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 owner to

the north and east for any regrading in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

25.8 STORMWATER 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 Dingman Creek Subwatershed Study and any addendums/amendments;
 - ii) The approved Functional Stormwater Management Plan/Report for the Talbot Village SWM Facility E2/E3 (July 2002) 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 approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Design Specifications and Requirements Manual, as revised;
 - viii) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

25.9 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 Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 1500 mm diameter storm sewer on Brash Drive the 1050 mm diameter storm sewer on Frontier Avenue and the 300 mm diameter storm sewer on Old Garrison Boulevard. All major flows shall be ultimately directed to the overland flow outlet channel at 3605 and 3695 Settlement Trail via Pack Road.

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 (j) as this is not applicable.

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

Remove Subsection 25.8 (k) and **replace** with this following:

- (k) The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to that satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
- (i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - (ii) continue until the time of assumption of the affected services by the City.

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

- (o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on Old Garrison Boulevard, the 200 mm diameter sanitary sewer on Frontier Avenue and the 375 mm diameter sanitary sewer on Brash Drive. 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:

- #19 The subdivider acknowledges that the ultimate sanitary outlet to service this plan is the future sanitary sewer along Colonel Talbot Road, which will flow to the Colonel Talbot Pumping Station as identified in the accepted [Environmental Assessment](#) and consistent with the 2014 Southwest Area Sanitary Servicing Master Plan. Until suitable facilities are available, in order to provide an outlet for this plan, a temporary servicing strategy has been accepted (consistent with the Talbot Village Phase 1A agreement made September 4th, 2002 between Speyside East Corporation and the City of London) which includes the provision of a temporary sanitary pumping station, discharging to the Oxford Sewage Treatment Plant via the Byron Pumping Station.

The subdivider hereby agrees to construct the sanitary sewers in this plan to the identified outlet, to the specifications of the City Engineer. The subdivider further agrees to construct all sanitary sewers required in conjunction with this plan to 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.

- #20 The subdivider agrees to pay the City to operate and maintain the temporary pumping station and forcemain. The subdivider agrees to continue to pay to the City the cost of operating and maintaining the temporary pumping station until such time that the permanent sewer outlet is available and this temporary pumping

station is decommissioned. To this effect, the City shall continue to hold sufficient security for these costs as identified in the Phase 1A agreement made September 4th, 2002 between Speyside East Corporation and the City of London.

- #21 The Owner shall notify the City at least two (2) weeks in advance of any removal of the Talbot Village Pumping Station at such time that the permanent outlet is available or arrange for the decommissioning upon request by the City.
- #22 The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City. As previously agreed to with the Owner in addition to standard inflow and infiltration (i&i) measures the following enhanced i&i measures are to be incorporated. The Owner shall:
- i) Provide regular unscheduled inspection of basement excavations by the developer's agents to ensure sanitary connections remain capped until plumbing connections are made;
 - ii) Provide a notice to all builder' and homeowners within the development, complete with an acknowledgement of receipt, regarding sanitary PDC's and the City By-law WM-4 and secure against any infractions as a deterrent;
 - iii) Wrap all manhole joints at time of installation; and
 - iv) Permit City flow monitoring of Phase 5 and 6 Talbot Village, to monitor i&i, and results are to be provided to the Owner's Consulting Engineer.
- #23 The Owner shall include in the agreement of purchase and sale for the transfer of Block 123, 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.
- #24 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on adjacent streets in Plan 33M-726 and Pack Road, 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 drawings, all to the satisfaction of the City Engineer, at no cost to the City.

25.10 WATER SERVICING

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

- (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 (d) and **replace** with the following revised General Provision:

- (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:

#25 The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing high level water supply system, being the 150 mm diameter water main on Old Garrison Boulevard and the 200 mm and 250 mm diameter watermain on Frontier Avenue 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:

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

- i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal/assumption;
- ii) any incidental and/or ongoing maintenance, periodic adjustments, repairs, replacement of broken, defective or ineffective product(s), poor workmanship, etc., of the automatic flushing devices;
- iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption;
- iv) all works and the costs of removing the devices when no longer required; and
- v) ensure the automatic flushing devices are to an approved outlet.

#27 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.

#28 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, Conservation and Parks 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, Conservation and Parks to operate this system in the future. The system may be required to be designed and constructed to City standards.

#29 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.

#30 The available fire flows for development Block 123 within this Plan have been established through the subdivision water servicing design study as follows:

- Block 123 @ 76 l/sec

Future development of this Block shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

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

#32 The following warning clause shall be included in all Agreements of Purchase and Sale or Lease of all Lots and Blocks in this Plan:

“The water system, servicing to all the Lots and Blocks within this Plan, has been designed so as to provide service from a high-level water supply system, which is backed up from the low-level water supply system. From time to time, properties in this area may experience lower water pressure when water supply from the high-level system is not available and servicing is provided from the low-level water supply system.”

#33 The Owner shall include in all Purchase and Sale Agreements, the requirement that the homes to be designed and constructed on all Lots and Blocks in this Plan are to have pressure reducing valves installed and included in the building permit applications for the Lots and Blocks.

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 French Avenue connects with Frontier Avenue in Plan 33M-726, including all underground services and all related works as per the accepted engineering drawings;
 - (ii) a fully serviced road connection where Frontier Avenue connects with Frontier Avenue in Plan 33M-726, including all underground services and all related works as per the accepted engineering drawings;
 - (iii) a fully serviced road connection where Old Garrison Boulevard connected with Old Garrison Boulevard in Plan 33M-726, including all underground services and all related works as per the accepted engineering drawings;
 - (iv) a fully serviced road connection where Regiment Road connects with Pack Road, including all underground services and all related works as per the accepted engineering drawings;
 - (v) a fully serviced road connection where Brash Drive connects with Frontier Avenue in Plan 33M-726, including all underground services and all related works as per the accepted engineering drawings;
 - (vi) install temporary street lighting at the intersection of Regiment Road and Pack Road; and

- (vii) a spillway to Pack Road from Brushland Crescent 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 Frontier Avenue/Crown Grant Road, Old Garrison Boulevard and Pack 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. 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 on the plan of subdivision at locations suitable to the City and in accordance with the specifications and standards set forth by the London Hydro for the City of London for street lighting on City roadways as per the accepted engineering drawings; and
- (ii) all street lighting shall match the style of street light poles and luminaires already existing or approved along the developed portion of the streets adjacent to this Plan, all to the satisfaction of the City Engineer.
- (iii)

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

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

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

Add the following new Special Provisions:

- #34 Barricades are to be maintained at the limits of all streets in this Plan until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

- #35 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Old Garrison Boulevard and Frontier Avenue, Regiment Road and Brash Drive 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.

- #36 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersection on Old Garrison Boulevard, Frontier Avenue, Brash Drive

and Regiment Road, including permanent signage and pavement markings as per the accepted engineering drawings, to the satisfaction of the City Engineer.

- #37 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Regiment Road and Old Garrison Boulevard adjacent to the speed cushion location that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- #38 Prior to assumption or when required by the City Engineer, the Owner shall install speed cushions on Regiment Road and Old Garrison Boulevard, including permanent signage and pavement markings as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #39 The Owner shall be required to make minor boulevard improvements on Pack 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.
- #40 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.
- #41 The Owner shall construct Frontier Avenue and Regiment Road to secondary collector road standards, to the satisfaction of the City.
- #42 The Owner shall construct Old Garrison Road to secondary collector road standards on a right-of-way width of 23.5 metres with enhanced boulevards for additional plantings, sidewalks and medians, as per accepted engineering drawings, to the satisfaction of the City.
- #43 Prior to the issuance of a Certificate of Conditional Approval or as otherwise directed by the City, the Owner shall install temporary street lighting on Pack Road at the intersection of Regiment Road, to the satisfaction of the City, at no cost to the City.
- #44 Prior to assumption or when required by the City Engineer, the Owner shall construct the accepted traffic calming measures at the following intersections in accordance with the design Specifications and Requirements Manual, as per the accepted engineering drawings and to the satisfaction of the City Engineer:
 - i) interim speed cushions on Regiment Road and Old Garrison Boulevard as per the accepted engineering drawings in the vicinity of the future “square-about”; and
 - ii) raised intersections at Old Garrison Boulevard and Frontier Avenue, Frontier Avenue/Old Garrison Boulevard and Brash Drive and Regiment Road and Brash Drive.

25.12 PARKS

Add the following new Special Provision:

- #45 The Owner shall grade, seed and service the park as per the accepted engineering drawings, all to the specifications and satisfaction of the City. The City will construct the park amenities and pathways.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Topping Family Farm Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Old Garrison Boulevard shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 23.5 metres with enhanced landscaping treatment in the widened boulevard.
- Frontier Avenue and Regiment Road shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 20.0 metres.
- Brash Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 18.5 metres
- French Avenue, Brushland Crescent (east and west legs) shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 17.5 metres
- Brushland Crescent (south leg) shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 14.5 metres in accordance with City of London Window Street Standard Guidelines UCC-2M
- Regiment Road, from Pack Road to 45 metres north of Pack Road shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.5 metres. The widened road on Regiment Road shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 20.0 metre road allowance for this street, with 30 metre tapers on both street lines. The boulevard greater than 6.0 metre City standard is to be provided with an enhanced landscaping feature, to the satisfaction of the City, at no cost to the City.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of the following:

- Old Garrison Boulevard
- Frontier Avenue
- Regiment Road – north of French Avenue

A 2.4 metre sidewalk shall be constructed on the east boulevard of Regiment Road fronting Block 123 from Pack Road to French Avenue in accordance with City standards, at no cost to the City.

A 1.5 metre sidewalk shall be constructed on one side of the following:

- French Avenue – south boulevard
- Brash Drive – south boulevard
- Brushland Crescent – outside boulevard
- Regiment Road (from Pack Road to French Avenue) – west boulevard

The Owner shall provide sidewalk links from Brushland Crescent to Pack Road in accordance with the City of London Window Street Standard Guidelines UCC-2M to the satisfaction of the City, at no cost to the City.

Pedestrian Walkways: There are no walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Topping Family Farm 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 125, 126, 127 and 128
Road Widening (Dedicated on face of plan):	Block 124
Walkways:	NIL
5% Parkland Dedication:	Block 122
Dedication of land for Parks in excess of 5%:	
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	Block 123
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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 Topping Family Farm 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:	\$ 843,698
BALANCE PORTION:	<u>\$4,780,955</u>
TOTAL SECURITY REQUIRED	
\$5,624,653	

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

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2018, between The Corporation of the City of London and Topping Family Farm 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:

- (a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) 10 metre drainage easement along the entire north limits of this Plan
 - (ii) For temporary DICB's on Block 123 as per the accepted engineering drawings

Appendix B – Related Estimated Costs and Revenues

RE: Subdivision Special Provisions - Talbot Village Phase 6
Topping Family Farm Inc. - 3105 Bostwick Road
Capital Budget Project No. ES5145 - Sanitary Sewer Internal Oversizing Subsidy (Subledger 2433830)
Capital Budget Project No. ES5429 - Storm Sewer Internal Oversizing (Subledger 2433831)
Capital Budget Project No. TS1371 - Road Class Oversizing City Share (Subledger 2433832)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that 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 and the Manager, Development Planning, 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 Subsidy						
Construction	\$446,625		\$446,625	\$143,668	\$25,791	\$277,166
	446,625	0	446,625	143,668	25,791	277,166
ES5429-Storm Sewer Internal Oversizing						
Engineering	\$177,463	(\$150,000)	\$27,463	\$27,463		\$0
Construction	5,569,587	323,624	5,893,211	5,510,565	382,646	0
	5,747,050	173,624	5,920,674	5,538,028	382,646	0
TS1371-Road Class Oversizing City Share						
Engineering	\$32,063		\$32,063	\$12,986	\$1,581	\$17,496
Construction	467,937		467,937	91,413	10,546	365,978
	500,000	0	500,000	104,399	12,127	383,474
NET ESTIMATED EXPENDITURES	\$6,693,675	\$173,624	\$6,867,299	\$5,786,095	\$420,564 1)	\$660,640

SOURCE OF FINANCING

ES5145-Sanitary Sewer Internal Oversizing Subsidy						
Drawdown from Industrial Oversizing - Sewer Reserve Fund	\$12,200		\$12,200	\$3,879	\$696	\$7,625
Drawdown from City Services - Sewer Reserve Fund (Development Charges) 2)	434,425		434,425	139,789	25,095	269,541
	446,625	0	446,625	143,668	25,791	277,166
ES5429 Storm Sewer Internal Oversizing						
Drawdown from Sewage Works Reserve Fund	\$25,300		\$25,300	\$23,647	\$1,653	\$0
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges) 2) & 3)	5,721,750	173,624	5,895,374	5,514,381	380,993	0
	5,747,050	173,624	5,920,674	5,538,028	382,646	0
TS1371-Road Class Oversizing City Share						
Capital Levy	\$4,400		\$4,400	\$940	\$109	\$3,351
Drawdown from Industrial Oversizing R.F.	10,400		10,400	2,192	255	7,953
Drawdown from City Services - Roads Reserve Fund (Development Charges) 2)	485,200		485,200	101,267	11,763	372,170
	500,000	0	500,000	104,399	12,127	383,474
TOTAL FINANCING	\$6,693,675	\$173,624	\$6,867,299	\$5,786,095	\$420,564	\$660,640

1) **Financial Note - Construction**

	ES5145	ES5429	TS1371	Construction Total
Contract Price	\$25,345	\$376,028	\$10,364	\$411,737
Add: HST @13%	3,295	48,884	1,347	\$53,526
Total Contract Price Including Taxes	28,640	424,912	11,711	465,263
Less: HST Rebate	2,849	42,266	1,165	\$46,280
Net Contract Price	\$25,791	\$382,646	\$10,546	\$418,983

Financial Note - Engineering

	TS1371	Engineering Total
Contract Price	\$1,554	\$1,554
Add: HST @13%	202	202
Total Contract Price Including Taxes	1,756	1,756
Less: HST Rebate	175	175
Net Contract Price	\$1,581	\$1,581

Total - Construction & Engineering

	\$25,791	\$382,646	\$12,127	\$420,564
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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 \$173,624 for Project ES5429 is available as a drawdown from the City Services - Mjr SWM 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 storm sewer internal oversizing (DC14-MS01001/ES5429) total projected growth needs of \$22,988,157. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total commitments for ES5429 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.

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs^(Note 1)	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF	
- Sanitary - internal oversizing subsidy (DC14-WW02001)	\$25,345
- Storm - internal oversizing subsidy (DC14-MS01001)	\$376,028
- Internal widening of Regiment Road (DC14-RS00063)	\$10,364
- Internal widening engineering (DC14-RS00063)	\$1,554
Claims for City led construction from CSRF	
- None identified.	\$0
Total	\$413,291
Estimated Total DC Revenues^(Note 2) (2018 Rates)	Estimated Revenue
CSRF	\$5,013,079
UWRF	\$412,424
TOTAL	\$5,425,503

- 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 developer led road works above 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.
- 5 Oversizing costs identified are based on preliminary estimates through draft plan phase. The extent of roadworks and the various pipe sizes and length of oversized sewers and watermain will be finalized through the detailed design process which may change the values noted.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services
(Subdivisions)

Reviewed by:

Date

Paul Yeoman
Director, Development Finance



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: August 13, 2018

RE: Monthly Report for July 2018

Attached are the Building Division's monthly report for July 2018 and copies of the Summary of the Inspectors' Workload reports.

Permit Issuance

By the end of July 2018, 2,761 permits had been issued with a construction value of approximately \$630 million, representing 1,447 new dwelling units. Compared to last year, this represents a 6% decrease in the number of permits, a 4.4% decrease in the construction value and a 13.2% decrease in the number of dwelling units.

To the end of July, the number of single and semi-detached dwellings issued were 430, which was a 33.4% decrease over last year.

At the end of July, there were 699 applications in process, representing approximately \$436 million in construction value and an additional 898 dwelling units, compared with 729 applications having a construction value of \$302 million and an additional 795 dwelling units for the same period last year.

The rate of incoming applications for the month of July 2018 averaged out to 18.4 applications a day for a total of 387 in 21 working days. There were 58 permit applications to build 58 new single detached dwellings, 10 townhouse applications to build 25 units, of which 7 were cluster single dwelling units.

There were 442 permits issued in July totalling \$70.6 million including 143 new dwelling units.

Inspections

BUILDING

Building Inspectors received 2,791 inspection requests and conducted 3,291 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 268 inspections were conducted this month per inspector.

Based on the 2,293 requested inspections for the month, 93% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 918 inspection requests and conducted 1,115 plumbing related inspections. 2 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 7 inspectors, an average of 186 inspections were conducted this month per inspector.

Based on the 918 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:ht
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 July 2018

CLASSIFICATION	July 2018		to the end of July 2018		July 2017		to the end of July 2017				
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE			
SINGLE DETACHED DWELLINGS	53	21,744,124	430	177,743,184	430	75	33,809,805	75	646	266,690,383	646
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	19	20,163,879	145	108,260,389	429	30	19,574,129	73	159	123,556,095	514
DUPLEX,TRIPLEX,QUAD,APT BLDG.	1	660,800	6	125,303,520	538	3	41,959,680	168	6	93,516,360	470
RES. ALTER & ADDITIONS	191	6,426,080	1092	39,590,479	50	218	4,434,741	3	1,127	44,687,024	37
COMMERCIAL-ERECT	2	1,939,240	21	51,700,603	0	1	50,000	0	9	21,312,990	0
COMMERCIAL-ADDITION	3	2,760,000	12	9,650,718	0	1	210,000	0	8	14,327,260	0
COMMERCIAL-OTHER	36	5,095,850	263	35,896,737	0	22	9,284,000	0	202	44,539,220	0
INDUSTRIAL-ERECT	1	950,000	3	9,450,000	0	0	0	0	2	3,537,720	0
INDUSTRIAL-ADDITION	1	480,000	5	7,278,000	0	2	538,690	0	10	8,843,775	0
INDUSTRIAL-OTHER	1	491,100	37	13,896,068	0	6	1,171,360	0	44	2,912,460	0
INSTITUTIONAL-ERECT	0	0	0	0	0	2	14,300,000	0	2	14,300,000	0
INSTITUTIONAL-ADDITION	1	7,299,600	5	14,049,600	0	0	0	0	1	1,200,000	0
INSTITUTIONAL-OTHER	38	1,850,100	159	33,748,410	0	34	2,402,923	0	100	15,756,523	0
AGRICULTURAL	0	0	1	50,000	0	0	0	0	1	200,000	0
SWIMMING POOL FENCES	29	627,441	144	3,093,930	0	35	670,248	0	154	2,854,718	0
ADMINISTRATIVE	27	119,450	104	370,350	0	26	67,900	0	123	723,875	0
DEMOLITION	11	0	58	0	25	11	0	7	71	0	53
SIGNS/CANOPY-CITY PROPERTY	2	0	10	0	0	1	0	0	20	0	0
SIGNS/CANOPY-PRIVATE PROPERTY	26	0	266	0	0	45	0	0	254	0	0
TOTALS	442	70,607,664	2,761	630,081,987.13	1,447	512	128,473,476	319	2,939	658,958,404	1,667

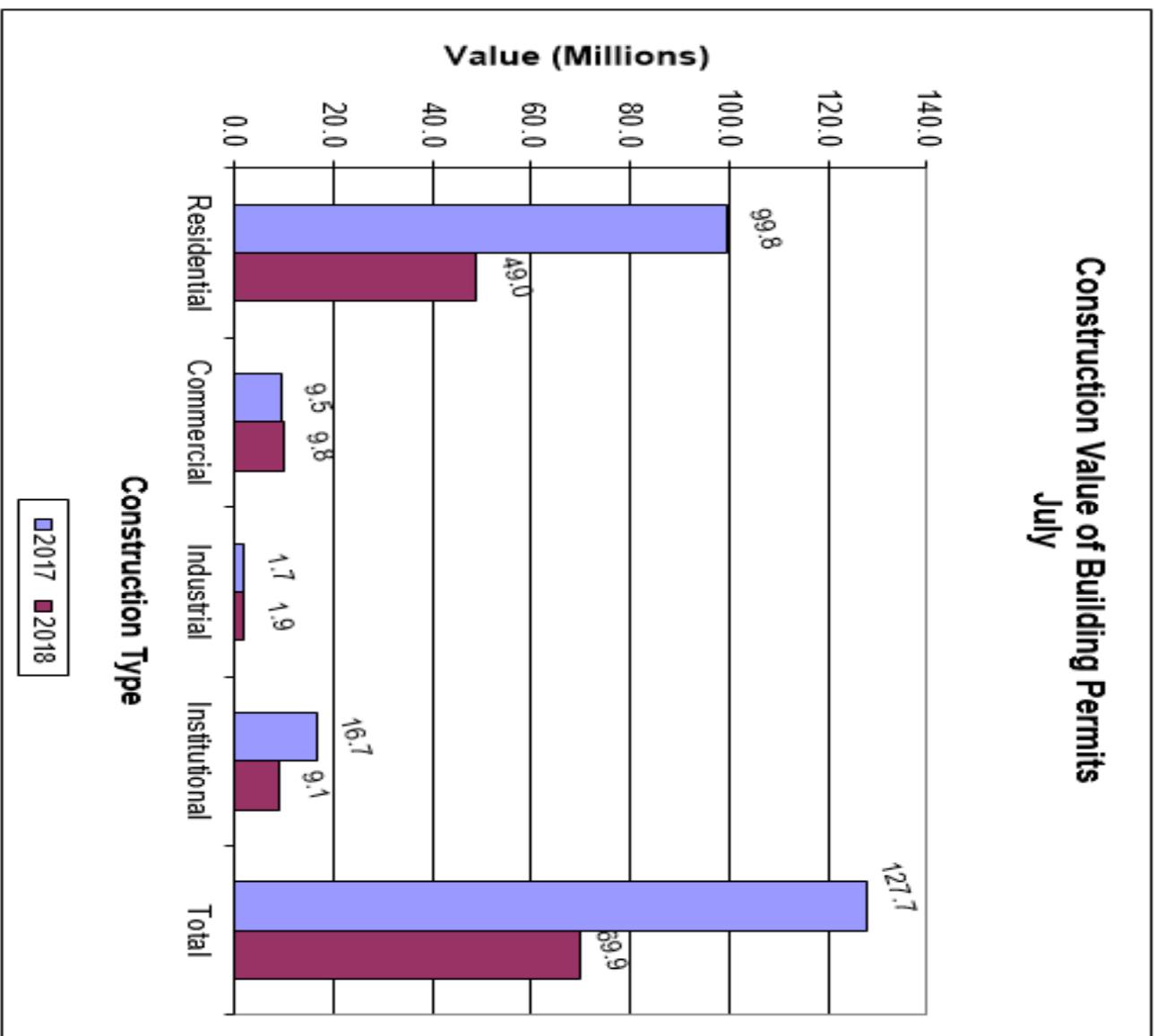
Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.

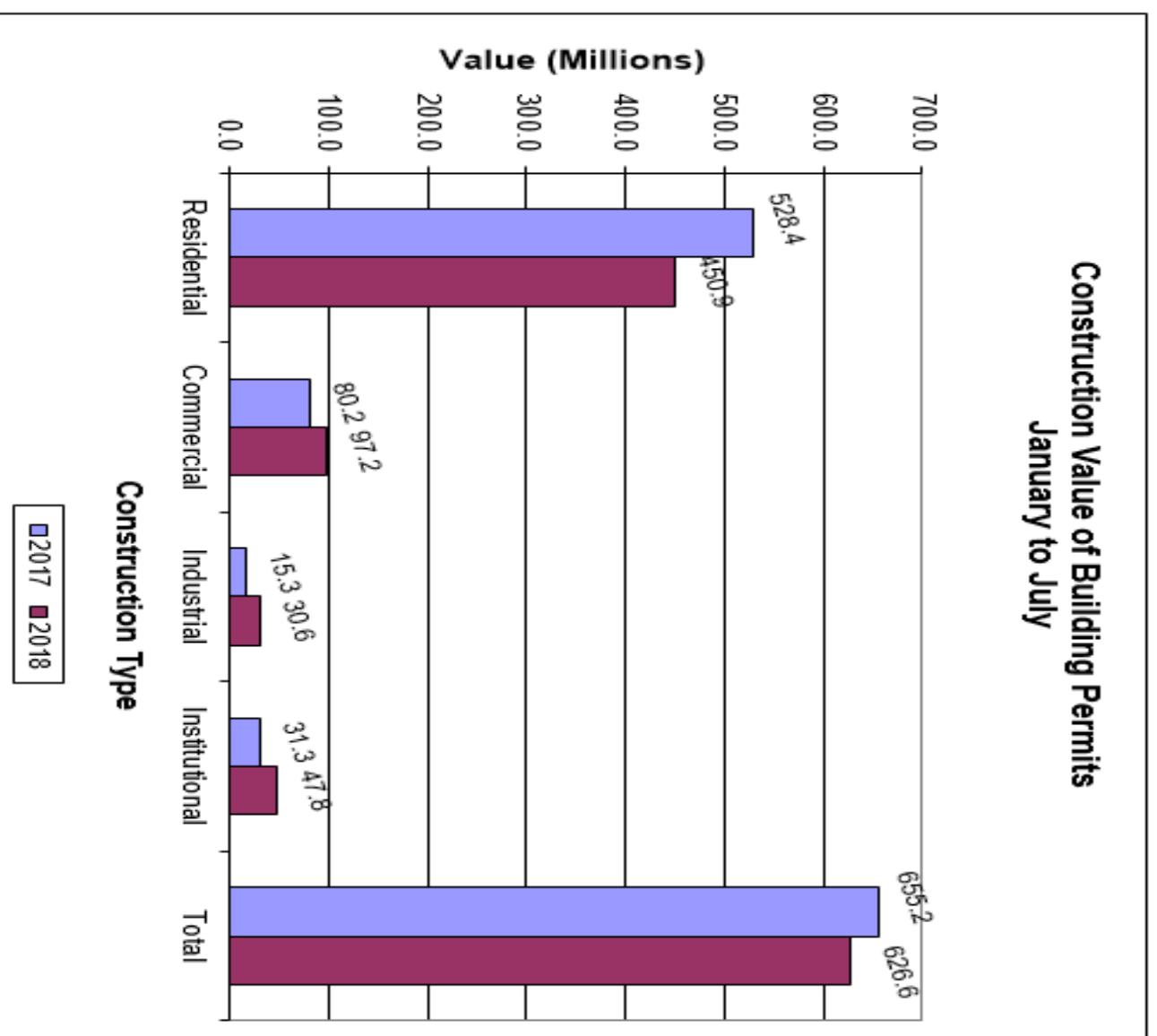
3) Construction Values have been rounded up.

August 13, 2018

Construction Value of Building Permits July



Construction Value of Building Permits January to July



**City of London - Building Division
Principal Permits Issued From July 01, 2018 to July 31, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
1803299 Ontario Inc	1803299 Ontario Inc	100 Kellogg Lane	0	225,000
Incorporated	1088 Adelaide St N	Install-Amusement Games Establishment-Install Roof Top Solar Panel. Ftr	0	375,000
London City CVO Manager Of Realty Services	109 Greenside Ave	Alter-Restaurant -Comm - Alter For 29 Seat Restaurant - Mint Leaves	0	491,100
Ingredion Canada Corp	1100 Green Valley Rd	Alter-Water Filtration-Id - Alter For Hvac Unit Replacement. Ftr	0	480,000
M.C.C. No 259	1102 Jaina Blvd	Add-Plant For Manufacturing-Id- Add New Dryer Shell Permit Only. Misc. Metal	0	135,000
	1165 Oxford St E	Alter-Apartment Building-Alter For Balcony Repairs	0	885,500
		Alter-Retail Store-Add & Alter For Goodwill Stores Ftr/Fpo: Shell Pe	0	
Kilally Shopping Centre Inc	1255 Kilally Rd	Alter-Offices-Interior Alteration For Medical Office. Ftr	0	150,000
Brescia University College	1285 Western Rd	Add-University-Is - Addition To Brescia College For Academic Pavi	0	7,299,600
Sifton Properties Limited	1295 Riverbend Rd	Alter-Office Complex (Retail/Office)-Cm - Interior Alteration	0	125,000
Wonderland Commercial Centre Inc.	1365 Beaverbrook Ave	Erect-Offices-Erect Shell Retail Building	0	600,840
The Ridge At Byron Inc.	1710 Ironwood Rd 20	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 1 Storey, 2 Car Garage, 3 B	1	410,400
The Ridge At Byron Inc.	1710 Ironwood Rd 54	Erect-Townhouse - Cluster Sdd-Erect - 1 Storey, 2 Car Garage, 4 Bedrooms, Finish	1	520,000
Westland Homes Westland Homes	189 Woodholme Pl	Erect-Townhouse - Cluster Sdd-Erect - Sfd - 1 Storey, 2 Car Garage, 4 Bedrooms,	1	417,800
Drewlo Holdings Inc.	1960 Dalmagary Rd M	Erect-Townhouse - Condo-Erect 5 Units Townhouse Condo Block M, (Block 12	5	1,281,000
1904812 Ontario Limited	200 Villagewalk Blvd	Alter-Offices-Alter Interior For 4th Floor Office Tenants Ftr/F	0	600,000
1904812 Ontario Limited	200 Villagewalk Blvd	Alter-Offices-Cm - Interior Alteration For Tenant Fit-Up For Sui	0	150,000
Ironstone Company Inc.	2070 Meadowgate Blvd H	Erect-Townhouse - Condo-Erect New Townhouse Block H 7 Units, 3 Storey, 1	7	1,594,600
Inc.				
Ironstone Company Inc.	2070 Meadowgate Blvd I	Erect-Townhouse - Condo-Erect New Townhouse 8 Units Block I, 3 Storey, 1 C	8	1,821,400
Inc.				
Ironstone Company Inc.	2070 Meadowgate Blvd J	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block J - 6 Unit, Dpn'S	6	1,531,600
Inc.				
Ironstone Company Inc.	2070 Meadowgate Blvd K	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block K - 6 Unit - Dpn'S	6	1,585,000
Inc.				
Ironstone Company Inc.	2070 Meadowgate Blvd M	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block M - 6 Unit, Dpn'S	6	1,534,490
Inc.				
Ironstone Company Inc.	2070 Meadowgate Blvd N	Erect-Townhouse - Condo-Erect New Townhouse Block N 7 Units, 5 Storey, 1 C	7	1,780,000
Inc.				
Foxhollow Developments Inc.	2491 Tokala Trail C	Erect-Street Townhouse - Condo-Erect - New Townhouse Block 'C', 2 Storey, 1 Car	4	1,030,000
Property Manager M.F. Arnsby Property Management	250 Pall Mall St	Alter-Apartment - Condo-Facade Restoration	0	178,000
Sifton Properties Limited	255 Queens Ave	Install-Offices-Commercial Building - Plumbing Installation - Offi	0	0
Sifton Properties Limited	2621 Holbrook Dr G	Erect-Townhouse - Condo-Erect 3 Units Townhouse Bldg G	3	799,848
Foxwood Developments (London) Inc.	2910 Tokala Trail F	Erect-Townhouse - Condo-Rt - Erect 4 Unit Townhouse Condo, Bldg F, Units 1	4	1,000,000
Developments (London) Inc.				
Foxwood Developments (London) Inc.	2910 Tokala Trail G	Erect-Townhouse - Condo-Rt - Erect 4 Units Townhouse Condo Bldg G Units 23	4	1,000,000
Developments (London) Inc.				
CvH(No.3) Lp	312 Oxford St W	Install-Nursing Homes-Is Install 13r Sprinkler System Ftr/Fpo	0	387,850
2585306 Inc.	3260 Singleton Ave K	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	820,000
1016747 Ontario Limited	3270 Singleton Ave 22	Erect-Townhouse - Cluster Sdd-Erect- 2 Storey, 2 Car Garage, 3 Bedroom, Unfinish	1	320,400
York Developments (London) Inc	3325 Wonderland Rd S	Add-Retail Store-Add Units 3 & 4 To Existing Building. Ftr Fpo Sh	0	2,250,000
(London) Inc				
1699259 Ontario Ltd.	3339 Wonderland Rd S	Alter-Restaurant -Cm - Interior Alter For Malibu Restaurant Unit #1.	0	200,000

**City of London - Building Division
Principal Permits Issued From July 01, 2018 to July 31, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
York Developments (London) Inc	3339 Wonderland Rd S (London) Inc	Alter-Restaurant -Cm - Interior Alteration For New Restaurant - Fire	0	200,000
Fiest Ltd	4117 Dowell Dr	Erect-Warehousing-Id - Erect New Light Industrial Establishment Ftr	0	950,000
The Bank Of Nova Scotia	420 Richmond St	Alter-Offices-Cm - Interior Alteration For Bank Of Nova Scotia	0	1,000,000
Copp Realty Corp	4333 Colonel Talbot Rd	Erect-Non-Residential Accessory Building-Cm - Erect Accessory Building Conditional Shell	0	1,338,400
Thames Valley District School Board	44 Hawthorne Rd	Alter-Schools Elementary, Kindergarten-Interior Alteration For Washrooms	0	160,000
Sifton Properties Limited	495 Richmond St	Alter-Offices-Cm - Interior Alterations In Suite 420	0	115,000
West Coronation Developments Inc	499 Sophia Cres	Install-Site Services-Install Underground Site Servicing	0	1,200,000
Thames Valley District School Board	50 Tewksbury Cres	Alter-Schools Elementary, Kindergarten-Interior Alteration To Replace Existing Two Washro	0	600,000
District School Board	600 Guinness Way	Install-Townhouse - Condo-Install New Water And Storm	0	1,000,000
Cedar Hollow Developments Limited	654 Oxford St E	Erect-Apartment Building-Erect 4 Unit Apartment Building, Eeds Package A-1.	4	660,800
	7091 Clayton Walk 26	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 2 Car Garage, 3 Bedrooms, Unfinish	1	401,341
Real Estate Corp.	775 Southdale Rd E	Add-Retail Plaza-Comm - Add To And Alter Existing Commercial Builid	0	480,000
2425293 Ontario Inc. C/O Farhad Noor	811 Samia Rd G	Erect-Townhouse - Condo-Erect 6 Unit Blk G, 2 Storey, Dpn 52,54,56,58,60,6	6	1,158,000
2425293 Ontario Inc. C/O Farhad Noor	811 Samia Rd H	Erect-Townhouse - Condo-Erect Blk H, 2 Storey, Dpn 64, 66, 70, 72, 74, Uni	6	1,158,000
Husky Oil Operations Limited	99 Commissioners Rd W	Alter-Carwash-Cm - Alterations To Update Existing Car Wash	0	375,000
Total Permits	48	Units	85	Value 42,775,969

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

Real Estate Corp.
York Developments (London) Inc
York Developments (London) Inc
Tri-Us Property Management
Tri-Us Property Management
Tri-Us Property Management
Wonderland Commercial Centre Inc.

Commercial permits regardless of construction value.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, P. Eng.
Managing Director, Development & Compliance Services
and Chief Building Official

Subject: Swimming Pool Fence Permit Fee Review (Item for Direction)

Meeting on: September 10, 2018

Recommendation

That on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 2018 to amend **By-law No. PS-5**, as amended, entitled "Swimming Pool Fence By-law" in order to **amend fee Schedule "A" relating to pool fence application permits**, it being noted the last swimming pool fence fee increase took place in 1997.

Executive Summary

Summary of Request

This report is in relation to an update of the current fee schedule for swimming pool fence permits. An increase in fees is proposed to recover the cost of administration, application review and conducting on-site inspections in accordance with the requirements of the Swimming Pool Fence By-law (PS-5).

Purpose and the Effect of Recommended Action

The purpose and effect of the report is two-fold: (1) increase the fee from the current \$9.00 per \$1000.00 of total estimated swimming pool and fence construction value to \$12.50 per \$1000.00 and, (2) increase the minimum swimming pool fence permit fee from the current \$50.00 to \$200.00.

Rationale of Recommended Action

The existing fee schedule detailed in Schedule 'A' of the Swimming Pool Fence By-law (PS-5) was established over 20 years ago and has not been updated to offset any inflationary and/or administration costs since coming into effect on April 7, 1997. It is recommended that City Council implement an updated permit fee schedule in an effort to recover the increased costs associated with administration and enforcement of the Swimming Pool Fence By-law that have taken place during this timeframe.

Analysis

1.0 Background

City of London Development and Compliance Services staff have undertaken a review of the current fee structure relating to permit issuance as based on the requirements of the Swimming Pool Fence By-Law (PS-5 – Consolidated May 3, 2010), including a comparative review of other municipal jurisdictions, detailed in Appendix 'B' of this report. The existing fee schedule detailed in Appendix 'C' was established over 20 years ago and has been unaltered since coming into effect on April 7, 1997.

The Swimming Pool Fence By-law requires that every swimming pool, as defined by the By-law, be completely enclosed by a fence. Whether the fence is new or existing, a permit is required before the swimming pool can be installed. Pool enclosure by-laws are established primarily to ensure public safety by establishing a number of basic requirements for appropriate fencing construction and the outfitting of gating mechanisms for property owners wanting to install a backyard swimming pool.

2.0 Process Review

When an applicant attends the City of London's Building Division, the applicant can meet with staff to undertake a preliminary permit review. Once a complete application is received and fees are paid, staff undertake a full plan examination. This examination includes review for compliance with the Zoning By-law, Swimming Pool Fence By-Law and any other regulatory requirements that may be applicable.

After a permit is issued by the Building Division, a Municipal Law Enforcement Officer (MLEO) will undertake an onsite inspection to ensure compliance with all the applicable regulations and submitted plans. Typically it takes a minimum of two field inspections to achieve compliance. When all this is completed and there are no further deficiencies, the swimming pool fence permit is closed.

3.0 Rationale to Increase Permit Fees

Costs associated with processing swimming pool fence permits and compliance review include both direct and indirect costs. Direct costs associated with the day to day activities relating to permit intake and processing include front counter duties with the applicant, plans review, permit issuance, field inspections, enforcement actions when necessary, and other related administrative duties. Indirect Costs are costs related to fixed operating expenses for the City of London and are generally apportioned to various service areas across the Corporation. Both of these types of costs tend to increase over time due to inflationary pressures. The current fee structure does not allow the Building Division to recoup the full cost of service delivery at current fee levels.

The current fee schedule for swimming pool fence permits is based on a two-tier fee structure. A minimum fee of \$50.00 is typically applied to smaller projects where construction value is less than or equal to \$5555.00. For those proposed projects that exceed \$5555.00 in construction value, permit fees are calculated based on \$9 per \$1,000.00 of estimated construction value. The proposed fee increase is intended to establish a cost recovery fee model that accounts for both the direct and indirect costs associated with the day to day administration of the permit review and inspection process, while recognizing that substantial cost escalations have taken place since the last fee increase.

As part of our permit fee increase review, City staff consulted with the swimming pool industry stakeholders and as of the publishing of this report have received no comments.

3.0 Conclusion

The current rates for swimming pool fence permits in the City of London have not been updated since 1997 whereas administrative and operational expenses have obviously increased during this time. Building Division staff recommend a revised permit fee of \$12.50 per \$1000.00 of estimated construction value with a minimum base permit fee of \$200.00. The proposed fee increase is reasonable given the length of time that has elapsed since the last review, the increased costs incurred to administer the Swimming Pool Fence By-Law and the fact that the proposed increase is very much in line with permit fee structures of other comparable municipalities across southwestern Ontario.

Moving forward, in order to reduce the length of time between swimming pool fence fee reviews, the Building Division will establish an internal procedure to conduct a permit fee analysis every 5 years to ensure our cost of service delivery is recovered.

Prepared by:	<p>John-Paul Sousa Business and Zoning Coordinator, Development and Compliance Services – Building Division</p>
Prepared by:	<p>Adam Salton Manager, Zoning and Public Property Compliance, Development and Compliance Services – Building Division</p>
Recommended By:	<p>George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official</p>
Concurred By:	<p>Peter Kokkoros, P. Eng Deputy Chief Building Official, Development and Compliance Services – Building Division</p>

August 31, 2018
JPS/AS/PK/GK/

Bill No. XXXXX

By-law No. PS-5-10004

A By-law to amend By-law PS-5 entitled
“A by-law to provide for the owners of
privately-owned outdoor swimming pools
to erect and maintain fences”

WHEREAS pursuant to paragraph 30 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, a by-law may be passed to issue permits for swimming pool fences and to prescribe safety standards for privately owned outdoor swimming pools;

WHEREAS section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended by section 10 of Schedule M of the Savings and Restructuring Act, 1996 provides that the Council may by by-law impose fees for services and activities provided or done by or on behalf of The Corporation of the City of London;

AND WHEREAS it is expedient to impose fees for certain services provided by Development and Compliance Services;

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

1. Schedule “A” is hereby deleted in its entirety and replaced therefor with the following:

**SCHEDULE ‘A’
PERMIT FEES**

1. New swimming pool fence permit fee is \$12.50 per \$1,000.00 of total swimming pool and fence construction value with a minimum fee of \$200.00.
2. Replacement swimming pool fence permit fee is \$12.50 per \$1,000.00 of fence construction value with a minimum fee of \$200.00.

2. This by-law shall come into force on the day it is passed.

PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – September 18, 2018
Second reading – September 18, 2018
Third reading – September 18, 2018

Appendix B – Municipal Fee Comparative Review

Municipality	Fee Structure Type	Amount
Burlington	Flat Fee	\$305.00
Cambridge	Flat Fee distinguished by permit type	<ul style="list-style-type: none"> ▪ Inflatable pool & fencing: \$135.00 ▪ Above ground pool and enclosure: \$160.00 ▪ In-ground pool & fencing: \$215.00
Guelph	Flat Fee	\$200.00
Hamilton	Flat Fee	\$165.00
Middlesex Centre	Flat Fee	\$335.00
Norfolk County	Progressing Fee	For the first \$3,000.00 of construction costs \$45.00 For each additional \$1,000.00 or part thereof \$11.00
Oakville	Flat Fee	\$282.00
Stratford	Flat Fee distinguished by permit type	<ul style="list-style-type: none"> ▪ Above ground pool: \$229.00 ▪ Pool in-ground pool: \$369.00
Vaughan	Flat Fee	\$409.00
Waterloo	Flat Fee	\$162.00
Windsor	Tiered	\$13.50 per \$1000.00 of estimated value with a minimum fee of \$200.00
Examples of Swimming Pool Fence Permits		
	Municipal Average Fee	Proposed London Fee
An inflatable pool with an estimated construction value of \$100	\$224.27	\$200.00
An above ground pool with an estimated construction value of \$16,000	\$241.00	\$200.00
An in-ground pool with an estimated construction value of \$20,000	\$265.73	\$250.00
Notes:		
<ul style="list-style-type: none"> - Estimated construction value includes cost of swimming pool and fence - Average estimated construction value of permits issued in London for 2017 was \$19,665 - Median estimated construction value of permits issued in London for 2017 was \$20,000 		

Appendix C – Existing Permit Fees - Schedule 'A'

1. New swimming pool fence permit fee is \$9.00 per \$1,000.00 of total swimming pool and fence construction with a minimum fee of \$50.00.
2. Replacement swimming pool fence permit fee is \$9.00 per \$1,000.00 of fence construction value with a minimum fee of \$50.00

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: JAM Properties Inc.
147-149 Wellington Street, 253-257 Grey Street
Public Participation Meeting on: September 10, 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 JAM Properties Inc. relating to the property located at 147-149 Wellington Street, 253-257 Grey 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 an 18-storey (63 metre) L-shaped apartment building which will include 262 residential units (593uph). Two levels of underground parking will provide 162 parking spaces with another 38 spaces being provided at ground level.

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 approximately 600 metres south of Downtown London and is along a future rapid transit corridor that will connect south London to the core of the City. The site is situated between two proposed transit stations at South Street and Horton Street E. The consolidated lands are approximately 0.44 ha in size and currently accommodates a restaurant with a large surface parking lot at 147-149 Wellington Street and 3 single detached dwellings at 253-257 Grey Street. North and South of the site along the Wellington Street corridor are a mix of vacant buildings, commercial/retail uses and residential uses generally at a scale of 1 to 2.5 storeys in height. To the west of the site is a mixed use community with two apartment buildings (9 & 12 Storeys in height) in close proximity to the subject site. To the east is the Soho community which is also considered a mixed use community.

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

- Official Plan Designation – Main Street Commercial Corridor/Multi-Family, High Density Residential
- The London Plan Place Type – Rapid Transit Corridor
- Existing Zoning – BDC(8), BDC(4)

1.3 Site Characteristics

- Current Land Use – Restaurant/Single Detached Dwellings
- Frontage – 72.2 metres (236.8 ft) Wellington St/ 66.9 metres (219.4ft) Grey St
- Depth – Varies
- Area – 0.44 ha (1.09ac)
- Shape – Irregular

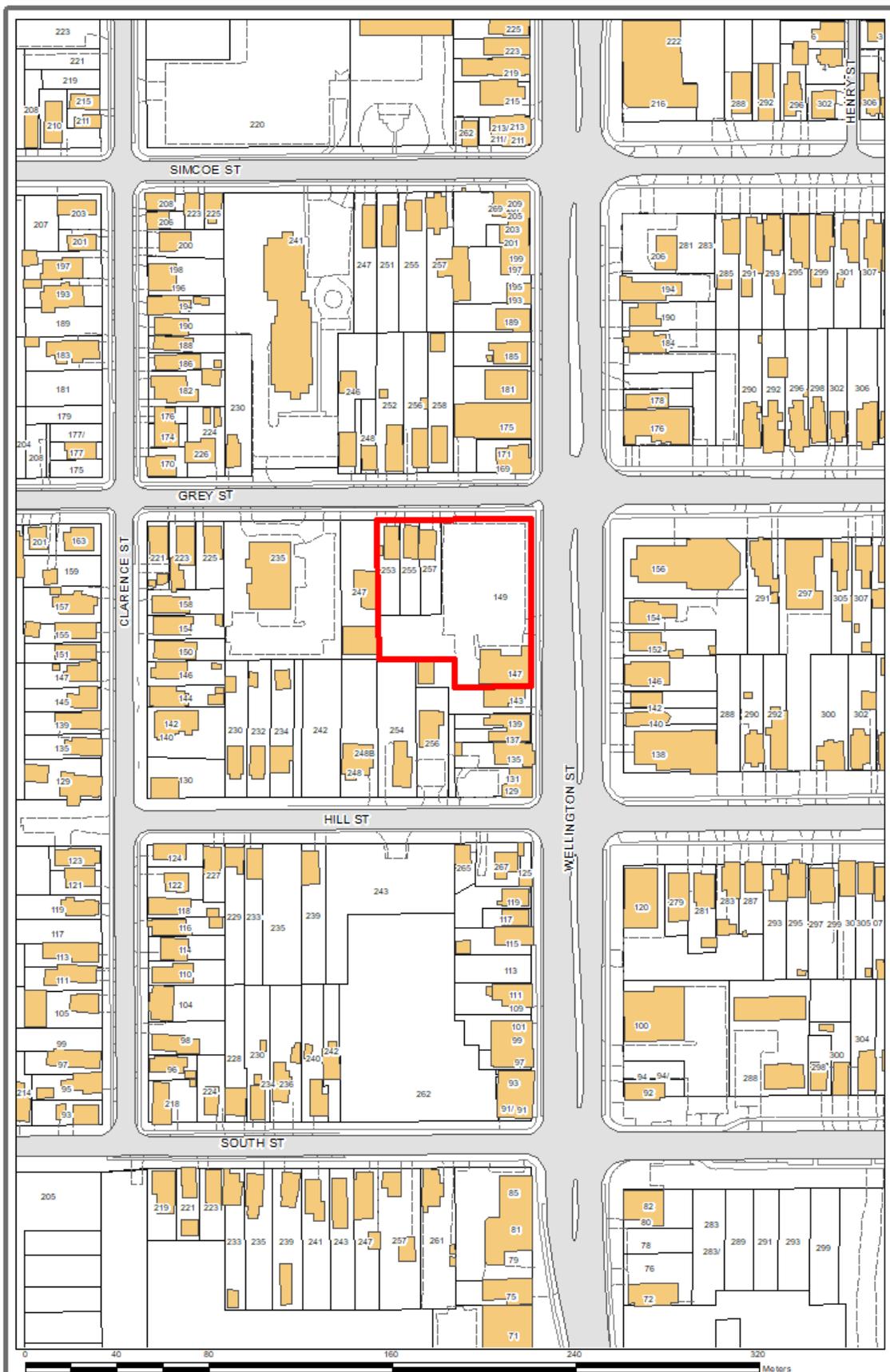
1.4 Surrounding Land Uses

- North – Commercial/ Single Detached Dwellings
- East – Church/Single Detached Dwellings
- South – Commercial/Single Detached Dwellings
- West – Apartment/Single Detached Dwellings

1.5 Intensification (identify proposed number of units)

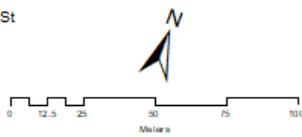
- The proposed development will represent intensification within the Built-area Boundary
- The proposed development will represent intensification within the Primary Transit Area

1.5 Location Map



LOCATION MAP

Subject Site: 147-149 Wellington St, 253-257 Grey St
 Applicant: JAM Properties Inc
 File Number: Z-8905
 Planner: Mike Corby
 Created By: Mark Boulger
 Date: 2018/07/31



Scale 1:2000

Legend

- Subject Site
- Buildings
- Driveways/Parking Lots
- Parking Lot Edges

2.0 Description of Proposal

2.1 Development Proposal

The proposed development includes an 18-storey (63 metre) L-shaped apartment building which will include 262 residential units (593uph). The tallest portion of the building is located on the northeast corner of the site at the intersection of Grey and Wellington. The building reduces in height as you move west along Grey Street to 8 storeys in height with a 4 storey podium located the length of the building along Grey Street. Wellington Street also sees a reduction in height to an 8 storey building as you move south with a 5-storey podium running the length of the building. Ground floor residential units are proposed on all frontages of the apartment. These units will be constructed in a manner that will allow for transition to commercial uses at a future date when it becomes economically viable to do so. Two levels of underground parking will provide 162 parking spaces with another 38 spaces being provided on at ground level. Vehicular access will be provided from Grey Street and the above ground parking will provide a potential green roof canopy as a unique design feature.

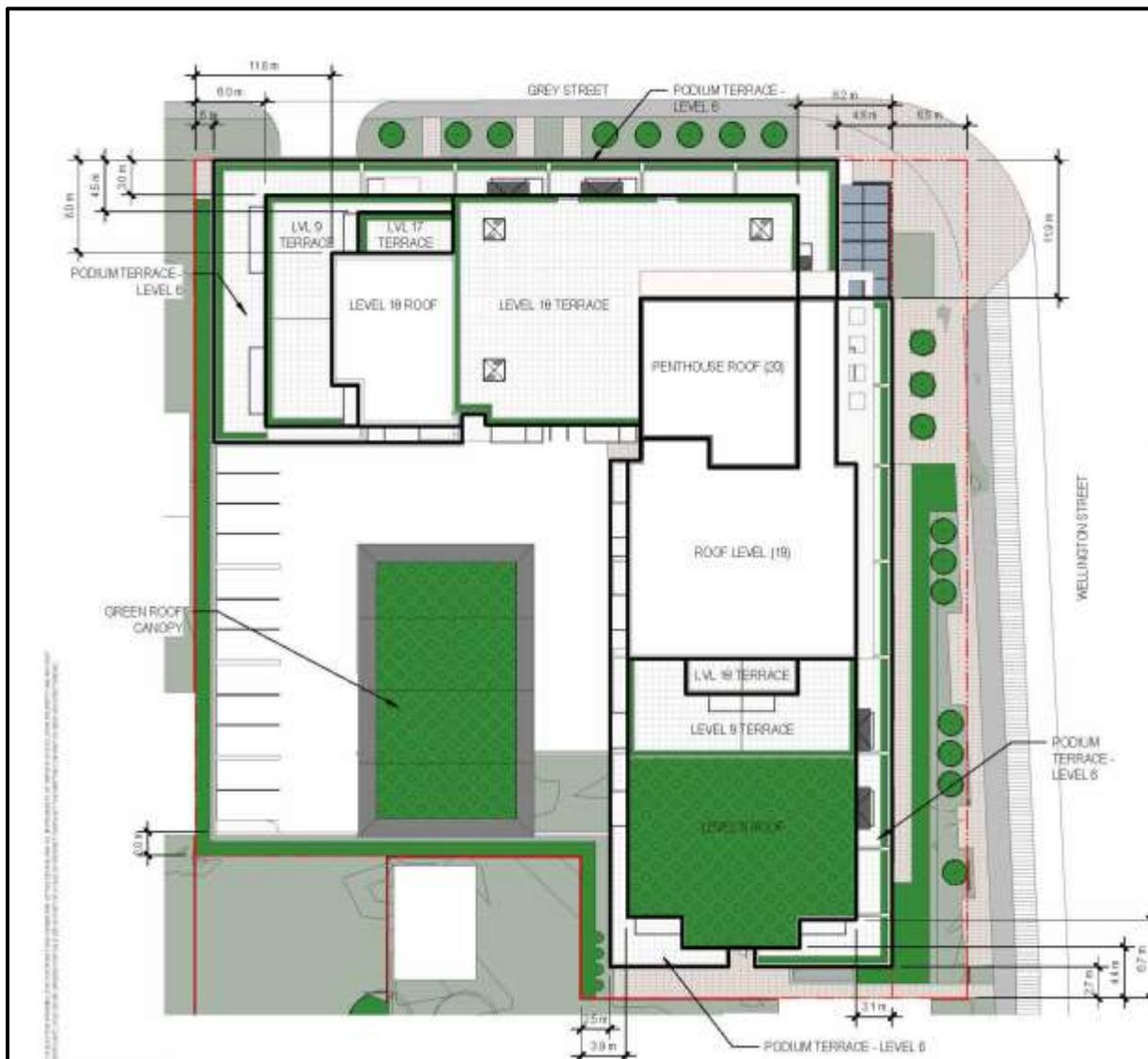


Figure 1: Conceptual Site Plan



Figure 2: Conceptual Rendering: street level view



Figure 3: Conceptual Rendering: view from the northeast.

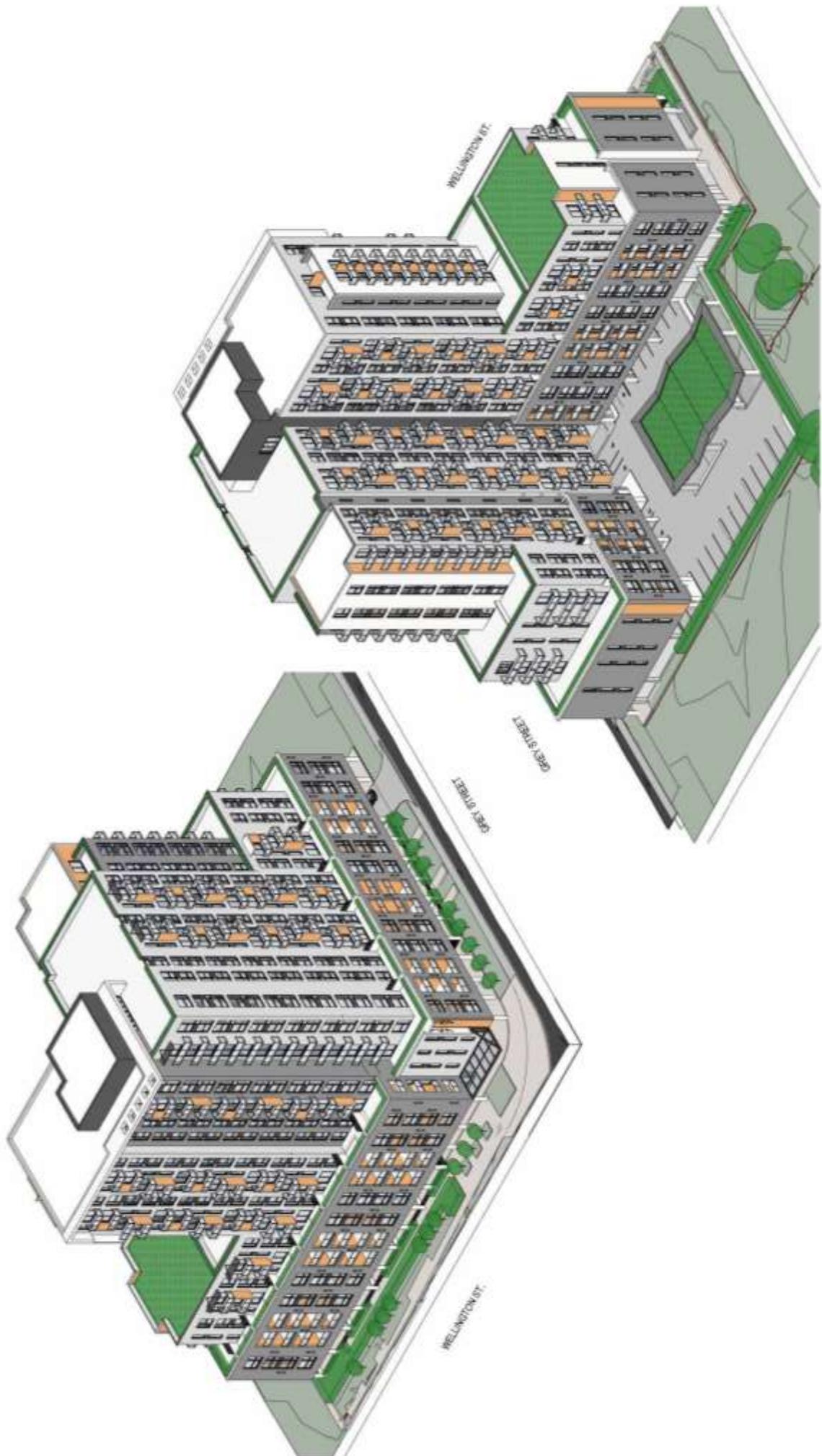


Figure 4: Conceptual Rendering: view from the northeast/southwest

2.2 Submitted Studies

The application was accepted as completed on April 25, 2018. The following information was submitted with the application:

- Planning Justification Report
- Conceptual Site Plan
- Urban Design Brief
- Heritage Impact Assessment
- Servicing, Feasibility Study
- Pedestrian Wind Study
- Zoning Referral Record

2.3 Requested Amendment

The requested amendment is for a Zoning By-law amendment from a Business District Commercial Special Provision (BDC(8)) Zone and Business District Commercial Special Provision (BDC(4)) Zone to a Business District Commercial Special Provision Bonus (BDC(8))*B() Zone and Business District Commercial Special Provision Bonus (BDC(4))*B() Zone. The bonus zone is requested to permit the following:

3.0 Relevant Background

3.1 Community Engagement (see more detail in Appendix B)

There were 5 responses received during the community consultation period with an additional 8 submitted at the Community Information Meeting, which was held on June 26, 2018. The most commonly received comments include:

Support for:

- Proposal will help change the face of the area
- Bring new life to neighbourhood
- Good use of an underused site
- Modern Design
- Underground Parking
- Increased residential population close to the core.
- Meets needs to balance the neighbourhood

Concerns for:

- Height
- Potential increase in parking issues
- Increased Traffic
- Shadows affecting surrounding lands
- Prefer owned units vs rental

3.2 Policy Context

The subject site is currently located in a Main Street Commercial Corridor (MSCC) with the 3 single detached dwellings fronting Grey Street being located in a Multi-Family, High Density Residential (MFHDR) designation. The London Plan also identifies the subject site and Wellington Street Corridor as a Rapid Transit Corridor.

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 Main Street Commercial Corridor which generally take the form of either long-established, pedestrian-oriented business districts or newer mixed-use areas. They have a street-oriented form with buildings close to the street. The street frontages of individual uses are generally of a scale that provides for easier pedestrian movement. They include a broad range of uses, that cater to the adjacent residential neighbourhoods within easy walking distance.

The following are policy excerpts from the Official Plan that are relevant to this development application:

4.4.1.1. Planning Objectives

- i) Provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;
- ii) Encourage development which maintains the scale, setback and character of the existing uses;
- iii) Encourage common parking areas instead of individual access points and individual parking areas; and
- iv) Encourage mixed-use development to achieve higher densities and to reinforce the objectives of achieving a diverse mix of land uses.

4.4.1.2. Urban Design Objectives

- i) Encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics;
- ii) Provide for and enhance the pedestrian nature of the Main Street Commercial Corridor;
- iii) Enhance the street edge by providing for high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting;
- iv) Design development to support public transit;
- v) Create high quality public places;
- vi) Maintain and create a strong organizing structure;
- vii) Maintain or create a strong identity and place;
- viii) Maintain the cultural heritage value or interest of listed buildings and ensure through the application of the Commercial Urban Design Guidelines that new development is consistent with the form of existing development; and
- ix) Encourage the transition and connection between the gateway Main Street Commercial Corridors and the Downtown through pedestrian, transit and design linkages.

4.4.1.3. Function

The Main Street Commercial Corridor designation is normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City. This designation may also be applied to new commercial areas provided that a mixed use, street oriented form of development is proposed. Proposals for the creation of new Main Street Commercial Corridors shall be supported by a comprehensive design concept and design guidelines. These areas typically consist of small, separately owned and managed commercial properties that meet the frequent shopping and service needs of nearby residents or provide specialty shopping for customers from a much larger area. Those Main Street Commercial Corridors adjacent to the Downtown will be regarded as gateway areas and subject to additional policies.

4.4.1.4. Permitted Uses

Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings. Zoning on individual sites may not allow the full range of permitted uses.

4.4.1.7. Scale of Development

Redevelopment or infilling of commercial uses within a Main Street Commercial Corridor designation shall form a continuous, pedestrian oriented shopping area and shall maintain a setback and storefront orientation that is consistent with adjacent uses.

Residential Densities

- iii) Residential densities within mixed-use buildings in a Main Street Commercial Corridor designation should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.3. of this Plan.

Form

- iv) Main Street Commercial Corridors are pedestrian-oriented and the Zoning By-law may allow new structures to be developed with zero front and side yards to promote a pedestrian streetscape.

4.4.1.8. Mixed Use Development

Residential uses combined with commercial uses or free-standing residential uses will be encouraged in the Main Street Commercial Corridors to promote active street life and movement in those areas beyond the work-day hours. Residential development above existing commercial development should provide maximum privacy between private living spaces as well as adequate separation from commercial activity.

4.4.1.9. Urban Design

Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas. Given the diversity of the Main Street Commercial Corridors, separate guidelines for specific areas to include recommendations for the private realm, and the public realm, including streets and open spaces where direct municipal investment can assist in creating more pedestrian and transit friendly environments, may be required.

Main Street Commercial Areas should ensure that urban design:

- i) provides continuity of the urban fabric;
- ii) provides incentives and flexibility for redevelopment opportunities;
- iii) protects heritage buildings and landscapes and maintains the diversity of the urban environment;
- iv) provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings.
- v) provides for architectural guidelines to enable greater influence on building elevations, entrances and materials;
- vi) provides for signage policies and regulations that are sensitive to the main street environment; and
- vii) provides guidelines with strong direction on the provision of landscaping and streetscaping, open spaces and on-street parking as elements of the public realm.

When implementing residential densities the MSCC designation defers to the policies of the Multi-Family, High Density Residential. The following MFHDR policies apply to the subject site.

3.4.3. Scale of Development

Net residential densities in the Multi-Family, High Density Residential designation will vary by location and will be directed by the policies in this Plan. Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare (140 units per acre) in the Downtown Area, 250 units per hectare (100 units per acre) in Central London (the area bounded by Oxford Street on the north, the Thames River on

the south and west and Adelaide Street on the east), and 150 units per hectare (60 units per acre) outside of Central London.

Density Bonusing

- i) Council, under the provisions of policy 19.4.4. and the Zoning By-law, may allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities or design features. The maximum cumulative bonus that may be permitted without a zoning by-law amendment (as-of-right) on any site shall not exceed 25% of the density otherwise permitted by the Zoning Bylaw. Bonusing on individual sites may exceed 25% of the density otherwise permitted, where Council approves site specific bonus regulations in the Zoning By-law. In these instances, the owner of the subject land shall enter into an agreement with the City, to be registered against the title to the land.

The bonusing provisions set out in the Official Plan are as follows:

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.”

London Plan

The subject site is located in a Rapid Transit Corridor in The London Plan. Rapid Transit Corridors are the connectors between our Downtown and our Transit Villages. They offer great opportunities for people to live and work close to high-order transit to give them attractive mobility choices. These corridors will vary from segment to segment, depending upon their context, the degree to which they are transitioning from one form to another and City Council’s goals for their future development. The Urban Corridors are also mid-rise, mixed-use areas that may develop into good candidates for future rapid transit corridors beyond the life of this Plan [ROLE WITHIN THE CITY STRUCTURE_829].

PERMITTED USES 837_ The following uses may be permitted within the Rapid Transit Corridor and Urban Corridor Place Types, unless otherwise identified by the Specific-Segment policies in this chapter:

1. A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type.
2. Mixed-use buildings will be encouraged.
3. Large floor plate, single use buildings will be discouraged in Corridors.
4. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade.
5. The full range of uses described above will not necessarily be permitted on all sites within the Rapid Transit and Urban Corridor Place Types.

INTENSITY

839_ Table 9 shows the minimum height, maximum height, and maximum height with bonus zoning that may be permitted in the Rapid Transit and Urban Corridor Place Types.

840_ The following intensity policies apply within the Rapid Transit and Urban Corridor Place Types unless otherwise identified:

1. Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility.
3. Lot assembly is encouraged within the Corridor Place Types to create comprehensive developments that reduce vehicular accesses to the street and to allow for coordinated parking facilities.
4. Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses.
8. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.
9. The full extent of intensity described above will not necessarily be permitted on all sites within the Rapid Transit and Urban Corridor Place Types.

FORM

841_ The following form policies apply within the Rapid Transit and Urban Corridor Place Types:

1. All planning and development applications will conform with the City Design policies of this Plan.
2. Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line.
3. The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
4. Development should be designed to implement transit-oriented design principles.
5. Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation.
6. Convenient pedestrian access to transit stations will be a primary design principle within Rapid Transit Corridors. New development adjacent to rapid transit stations and transit stops should make strong, direct connections to these facilities.
7. On-street parking within Corridors is encouraged wherever possible and when conflicts with public transit services and on-street bike paths can be avoided or mitigated.
8. While access to development along Corridors may be provided from "sidestreets", traffic impacts associated with such development will be directed away from the internal portions of adjacent neighbourhoods.
9. All public works will ensure a highquality pedestrian environment through streetscape improvements such as widened sidewalks, upgrading the sidewalk material, planting street trees, installing benches and other street furniture, providing pedestrian lighting, and integrating public art.
10. Planning and development applications will be discouraged if they result in the creation of one or more isolated remnant lots that cannot be reasonably developed or assembled with other parcels in the Place Type to develop in accordance with the long-term vision for the Corridor.
11. Where appropriate, block concepts should be developed to provide for rear drive lanes and to coordinate automobile access and circulation.
12. Surface parking areas should be located in the rear and interior side yard. Underground parking and structured parking integrated within the building design is encouraged.
13. An appropriate transition of building scale and adequate setback distances should be provided between the Corridor and adjacent neighbourhood areas.

SPECIFIC-SEGMENT POLICIES

844_ The Main Street policies apply to the following Rapid Transit and Urban Corridor segments:

1. Old East Village - Dundas Street from the Downtown Place Type Boundary to Quebec Street
2. Richmond Row - Richmond Street from Oxford Street to Kent Street
3. SoHo - Wellington Street from the CN tracks to the south branch of the Thames River and Horton Street from Colborne Street to lands just west of Richmond Street

SEGMENT GOALS

845_ Main Street segments are streets that have been developed, historically, for pedestrian oriented shopping or commercial activity in the older neighbourhoods of the city. In an effort to provide local shopping and commercial options so that residents can walk to meet their daily needs, this Plan will support main streets within specific segments of the Rapid Transit Corridor and Urban Corridor Place Types. These areas will be in a linear configuration and street-oriented, meaning buildings will be close to the street with parking generally located to the rear of the site or underground. A broad range of uses at a walkable neighbourhood scale will be permitted within these areas.

PERMITTED USES

846_ The Permitted Use policies of the Rapid Transit Corridor Place Type will apply.

INTENSITY

847_ The Intensity policies for the Rapid Transit Corridor Place Type will apply, in addition to the following policies:

1. Within the Old East Village, Richmond Row, and SoHo segments, buildings will be a minimum of either two storeys or eight metres in height. Podiums for taller buildings will be a minimum of either two storeys or eight metres in height.
2. Buildings in these three Main Street segments will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan.
3. Office uses will not exceed 5,000m² per building.

FORM 848_ Development within all three Main Street segments will conform with the City Design and the Rapid Transit Corridor Form policies of this Plan. In addition, the following policies will apply:

1. Cultural heritage resources shall be conserved in conformity with the Cultural Heritage policies of this Plan and in accordance with the Ontario Heritage Act. Development proposals adjacent to cultural heritage resources will be required to assess potential impact on these cultural heritage resources and design new development to avoid and mitigate such impact.
2. The design and building materials of new structures will be in keeping with, and supportive of, the form and character of the Main Street segment. It is important to recognize that this policy is intended to support character, but not limit architectural styles. A variety of architectural styles could successfully integrate and fit within the context of all three Main Street segments if designed appropriately.
3. Signage will be integrated with the architecture of the building, fixed to the building, and its size and application will be appropriate for the character of the area. Stand-alone signage in the front yard is strongly discouraged. This does not apply to regulatory road signage.
4. A podium base, with a substantial stepback to the tower, should be used for buildings in excess of four storeys, to avoid sheer walls fronting onto these main street corridors.

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.

Technical Review

- Appropriate and desirable design of the proposed apartment.

- Ensure sanitary servicing capacity is available to support the increase in density being sought or an alternative solution is arranged.
- 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 31, 2018

/mc

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8905Z - 147-149 Wellington St + 253-257 Grey St (MC)\PEC Report\PEC-Report -147 Wellington Street.docx

Appendix A – Public Engagement

Public liaison: On May 9, 2018 Notice of Application was sent to 115 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 10, 2018. A “Planning Application” sign was also posted on the site.

5 replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit an 18-storey (63 metre) L-shaped apartment building which will include 262 residential units (593uph). Two levels of underground parking will provide 162 parking spaces with another 38 spaces being provided on at ground level.

Possible change to Zoning By-law Z.-1 from a Business District Commercial Special Provision (BDC(8)) Zone and Business District Commercial Special Provision (BDC(4)) Zone to a Business District Commercial Special Provision Bonus (BDC(8))*B() Zone and Business District Commercial Special Provision Bonus (BDC(4))*B() Zone. The bonus zone would permit a residential density of 593uph and maximum height of 63 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such as setbacks, lot coverage and a parking reduction may also be considered through the re-zoning process as part of the bonus zone.

Responses:

From: Sharon

Sent: Wednesday, May 30, 2018 8:03 AM

To: Corby, Mike <mcorby@London.ca>; Park, Tanya <tpark@london.ca>

Subject: 147- 149 Wellington Street and 253-257 Grey Street

I am a resident on South Street and have read over the proposal for the above site. I would like to make a few comments.

1. A building of the suggested height will be an eyesore in this location. Looking around the neighbourhood most residences and businesses are low rise. Even the apartment buildings on Grey and Simcoe do not reach the proposed height. Look at the new dwellings being constructed on Commissioners Road across from Byron Northview school are only 4 stories and “fit” well within the area. An 18 storey monolith does not. A smaller development with lawns and gardens would be more reasonable.
2. Being a resident of SoHo, I witness on a daily basis the traffic congestion on Wellington. How are the residents of this structure suppose to access Wellington? I can see only one exit onto Grey Street which means they either go west on Grey and turn south on Clarence and either access Wellington via Hill Street or South Street. Have either of you been on South Street in the morning or evening rush hour? The street is a pass through for people trying to avoid Wellington and Horton either coming off Wellington or coming from or heading to Richmond. I have even posted a slow down sign to deter speedsters.
3. My other concern is the water table and drainage. Since Canada Bread was torn down we have had to deal with flooded basements at both of our properties. Since we are lower than Grey Street and this proposed development has underground parking, I am wondering what this is going to do to the water flow and drainage. We all know water drains to the lowest point and that would be towards South Street.
4. The Family Circle restaurant is a cornerstone of our community. If the owners are wanting to retire that is one thing but if they are being forced out by the city and developers than that is wrong.

File: Z-8905
Planner: Mike Corby

SoHo is an unique area of London. We are not downtown, or Byron or even Wortley Village but we are an established locale of working people who tend to our gardens, walk our streets and take pride in our properties. To erect such a huge building (similar in size to the TD tower) would ruin the ambience of this area.

Please consider my concerns. Thank you.

S. Weames

Sunday, May 20, 2018

Mike Corby, Planning Services, City of London

RE: Notice of Application - 147-149 Wellington St. and 253-257 Grey St. - Z-8905

Dear Mr. Corby,

It has come to the attention of ACO London that JAM Properties wishes to build an 18-storey building on the site of 147-149 Wellington Street and to the west at 253-257 Grey Street.

This is the kind of infill development ACO London wishes to encourage. Most of the development site is a parking lot and the buildings to be demolished are neither designated nor on London's heritage inventory. The SoHo neighbourhood is only a potential Heritage Conservation District at this time. Nearby heritage buildings such as the Red Antiquities building – one of London's oldest surviving wooden structures – and Christ Church – the second oldest Anglican church building in the city, now Living Fountain Christian Centre – are not harmed by this proposal.

Some heritage advocates may consider the proposed tower too high, not blending well into the neighbourhood. However, any development that encourages Londoners to live in the core, yet preserves the heritage elements that make the core worth inhabiting, is a step in the right direction. ACO will continue to advocate for London's built heritage while supporting the development of underutilized spaces such as this corner.

Sincerely,

Jennifer Grainger

President, London Region Branch

Architectural Conservancy Ontario

From: Lisa McGonigle

Sent: Monday, May 14, 2018 8:24 PM

To: Corby, Mike <mcorby@London.ca>

Subject: 147-149 Wellington Street and 253-257 grey street

Mike

I received the notification for a zoning amendment File Z-8905 for an 18 floor apartment building. I am concerned about the impact this will have on My property , a building of this height will block any afternoon /evening natural light my property currently receives.

I also am concerned about the increase in traffic flow in the local area.
How does one protest this planning application?

Thank you

Lisa McGonigle
290 Hill Street
London, Ontario

From: Kimberly Haycock
Sent: Friday, June 1, 2018 2:33 PM
To: Corby, Mike <mcorby@London.ca>
Cc: Raymond Deleary ; Park, Tanya <tpark@london.ca>
Subject: Notice of Planning 147-149 Wellington and 253-257 Grey Street

Good Afternoon,

I am e-mailing you on behalf of Atlohsa Native Family Healing Services specifically our 256 Hill Street location, Zhaawanong Shelter.

On May 11, 2018 we received a notice of planning application from the City of London. The application is in regards to an 18-storey apartment building proposed for 253-257 Grey Street and 147-149 Wellington. At Zhaawanong Shelter we service women and their children who have fled abusive situations and the safety and security of our residents is our top priority. We are concerned that an 18-storey apartment building would overlook our property and pose a safety and privacy risk to the women and children accessing our services. Furthermore, based on the proposed plan the building would cause an obstruction of view of the property.

I would greatly appreciate the opportunity to discuss this matter further and can be reached by phone at _____. Thank you for your time and consideration.

Sincerely,

Kimberly Haycock
Shelter Coordinator
Zhaawanong Shelter
256 Hill Street
London, ON N6B1C9

From: Craig Linton
Sent: Friday, May 18, 2018 1:32 PM
To: Corby, Mike <mcorby@London.ca>
Subject: ZBA Z-8905

Hi Mike,

I received notice of the above noted ZBA, as my office is located fairly close by. Neither I nor my client have any issues with the application.

I would like to be kept informed of this application progress, as I am interested to see how the London Plan policies will be applied here.

It is my understanding that this site is located on the RT corridor, but not within 100m of an RT station, or a civic boulevard or urban thoroughfare. As such, from what I see on table 9, the "standard" maximum height is 8 storeys, or 12 stories with type 2 bonus zoning. Can you confirm my interpretation of this table is correct as it applies to this particular property?

Sincerely,
Craig
Craig Linton
DEVELOPRO LAND SERVICES INC.

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

Telephone	Written
	Sharon Weames 76 Anderson Ave London On N5Z 2A9
	Jennifer Grainger President, London Region Branch Architectural Conservancy Ontario 1017 Western Road London, ON N6G 1G5
	Lisa McGonigle 290 Hill Street London, Ontario
	Kimberly Haycock Shelter Coordinator Zhaawanong Shelter 256 Hill Street London, ON N6B1C9
	Craig Linton DEVELOPRO LAND SERVICES INC.

Agency/Departmental Comments

London Hydro – May 25, 2018

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

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. A blanket easement may be required.

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.

Development Services – 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

Comments related to the re-zoning application:

The municipal sanitary sewer available for the subject lands is the 375mm diameter sanitary sewer on Grey St which outlets to a 300mm sanitary sewer on Wellington Street.

The downstream sewers has been the subject of basement flooding. The City is currently undertaking flow monitoring to quantify the high upstream inflow and infiltration. (I&I).

Based on the increase in density being sought and noting the constraints in the downstream system WADE would recommend a **holding provision**.

WADE is prepared to consider a development if it stays within their current zoning density.

Transportation

No comments for the re-zoning application.

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

- Road Widening dedication of 24.0m from centre line required on Wellington Street
- 6.0mx6.0m daylight triangle required at Wellington Street and Grey Street
- Grey and South Street are tentatively scheduled for conversion from one to two way operation in 2026
- Wellington Street has been identified as a Rapid Transit Corridor in the Council approved Draft Environmental Project Report (EPR). Through the TPAP and detailed design, the corridor and station locations will be refined and examined in greater detail. Future access to Wellington Street will be restricted to right in/right out where there is no signalized intersection.
- For information about the BRT project, the Applicant can use the following web links: <http://www.shiftlondon.ca/> or www.ShiftLondon.ca/brt_epr (refer to Appendix A: South Corridor, Part 2, page 6 of 9).
- Detailed comments regarding access design and location will be made through the site plan process

Stormwater

No comments for the re-zoning application.

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

- The information presented in section 4 of the Servicing Feasibility Study is adequate for the purpose of this application. It is the SWED expectation to have a comprehensive storm servicing and stormwater management analysis and calculations as part of the required storm/drainage servicing report.

Water

No comments for the re-zoning application.

Additional comments may be provided upon future review of the site

If you have any questions, please feel free to contact Brent Lambert at (519) 661-2489 ext. 4956.

Urban Design Peer Review Panel – June 18, 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 the Applicant's submission documents. Furthermore, presenting the evolution of the project was very helpful and offered insight into opportunities that could be explored further to assist in breaking down the proposed massing.
- The Panel has concern over the massing of the proposed building on the site and its significant presence at the corner of Wellington Street and Grey Street. Consideration should be made for additional volume at the entrance, and possible glazing, to mitigate this concern.
- The Panel noted that the length of the tower wings on both Wellington Street and Grey Street seem out of scale to the existing and planned context of the site and neighbourhood, resulting in a large street wall affecting the public realm.
- The Panel noted that the size and height of the podium massing is large in comparison to the surrounding residential neighbourhood, creating a disconnect between this development and its context. It was noted the podium would benefit from further articulation, to breakdown its scale, making it relate more to the context and reduce its presence on the streetscape.
- The Panel noted that the overall massing would cast significant shadowing for an extended period on the surrounding low-rise residential neighbourhoods outside of the planned transit corridor.
- The Panel suggested considering warmer materials to better relate to the surrounding context.
- The Panel commended the applicant on the design details that incorporate the orange accent colour and the texture, depth and articulation of the building.
- The Panel noted that the balcony features emphasize the horizontality of the building wings, seemingly extending the massing and length of the building – they may benefit from emphasizing the verticality of the project, reducing its perceived width.
- The Panel noted that the building would benefit from a simplification of form and elements, to help reduce its massing and reduce its presence on the site.
- There is concern from the Panel about the proposed "bonusable" features that would support an increase in height from the allowable 12 storeys to 16 storeys, per the London Plan, let alone the proposed 18 storeys. The panel appreciates the underground parking and the level of design attention and detail given to this project. However, the Panel would recommend that the massing reduce to better

relate to the surrounding public realm and be in keeping with the allowable building heights outlined in the London Plan.

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.

LACH – June 27, 2018

I hereby certify that the Municipal Council, at its meeting held on June 26, 2018 resolved:

That the following actions be taken with respect to the 7th Report of the London Advisory Committee on Heritage from its meeting held on June 13, 2018:

b) M. Corby, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage does not support the conclusions of the Heritage Impact Statement, dated April 2018, with respect to the property located at 147 Wellington Street, for the following reasons:

- the lack of compatibility and sympathy with the adjacent heritage listed and designated properties with respect to setback, material and design, particularly as it relates to the property located at 143 Wellington Street;
- it does not encourage active commercial uses at grade in order to continue to support the historically commercial streetscape; and,
- it does not properly consider the potential cultural heritage value of the on-site building at 147-149 Wellington Street;

Heritage – July 31, 2018

The subject properties at 253, 255, 257 Grey Street and 147-149 Wellington Street are located adjacent to the heritage listed properties:

- 169-171 Wellington Street
- 156 Wellington Street
- 154 Wellington Street
- 152 Wellington Street¹
- 146 Wellington Street
- 143 Wellington Street²
- 254 Hill Street

1 Added to the Register (Inventory of Heritage Resources) by Municipal Council at its meeting on March 27, 2018.

2 Added to the Register (Inventory of Heritage Resources) by Municipal Council at its meeting on March 27, 2018.

Additionally, the subject property at 147-149 Wellington Street was added to the Register (Inventory of Heritage Resources) by Municipal Council at its meeting on March 27, 2018.

Because of the adjacency of the subject properties to heritage listed properties, a Heritage Impact Assessment (Heritage Impact Statement) 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 Statement* (prepared by Zelinka Priamo Ltd., dated April 2018) was submitted as part of a complete application.

On-Site Potential Cultural Heritage Resources

Section 2.6.1 of the *Provincial Policy Statement* directs that,
Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The proposed development will affect the on-site potential cultural heritage resource.

Perhaps due to the timing of its addition to the Register (Inventory of Heritage Resources), the property at 147-149 Wellington Street was not considered by the *Heritage Impact Statement* as a potential cultural heritage resource. The *Heritage Impact Statement* should be revised to include an evaluation of this property to determine if it is a significant built heritage resource and assessment of impacts as a result of the proposed development with regards to this on-site potential cultural heritage resource.

Adjacency to Heritage Listed Properties

Development or site alteration adjacent to cultural heritage resources can result in adverse impacts to their cultural heritage value or interest. Policy 2.6.3 of the *Provincial Policy Statement* (2014) states,

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The *Provincial Policy Statement* represents minimum standards; a municipality may exceed those minimum standards provided doing so would not conflict with any policies of the *Provincial Policy Statement*. As reflected in the policies of *The London Plan*, Municipal Council has decided to affording consideration of potential impacts to adjacent heritage listed properties. Policy 565_ of *The London Plan* states:

New development, redevelopment, and all civic works and project on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts, and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

It is the obligation of the proponent to demonstrate that the potential heritage attributes of adjacent heritage listed properties are conserved through the development process. This may require evaluation of those adjacent properties using the criteria of *Ontario Heritage Act* Regulation 9/06.

Heritage Listed Properties

Section 27(1.2) of the *Ontario Heritage Act* enables Municipal Council to add properties that it “believes to be of cultural heritage value or interest” to the Register. This action does not require a formal evaluation, but the belief of Municipal Council that these properties are of potential cultural heritage value or interest. The policies of *The London Plan* recognize the interest that Municipal Council has in ensuring the conservation of cultural heritage resources, including heritage listed properties.

Heritage Impact Statement

The *Heritage Impact Statement* (Zelinka Priamo Ltd., April 2018) was exceedingly brief, and failed to offer a comprehensive assessment of the potential impacts of the proposed development on adjacent heritage listed properties or consider alternative development approaches. Instead the *Heritage Impact Statement* (Zelinka Priamo Ltd.,

April 2018) focused on why it felt that consideration of adjacent heritage listed properties should not be completed.

Staff are not satisfied that the proposed development is compatible with adjacent heritage listed properties, and that the proposed development may result in adverse impacts which remain unmitigated.

Additionally, the potential cultural heritage resource on-site at 147-149 Wellington Street, as well as adjacent heritage listed properties, requires consideration through revision to the *Heritage Impact Assessment*.

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

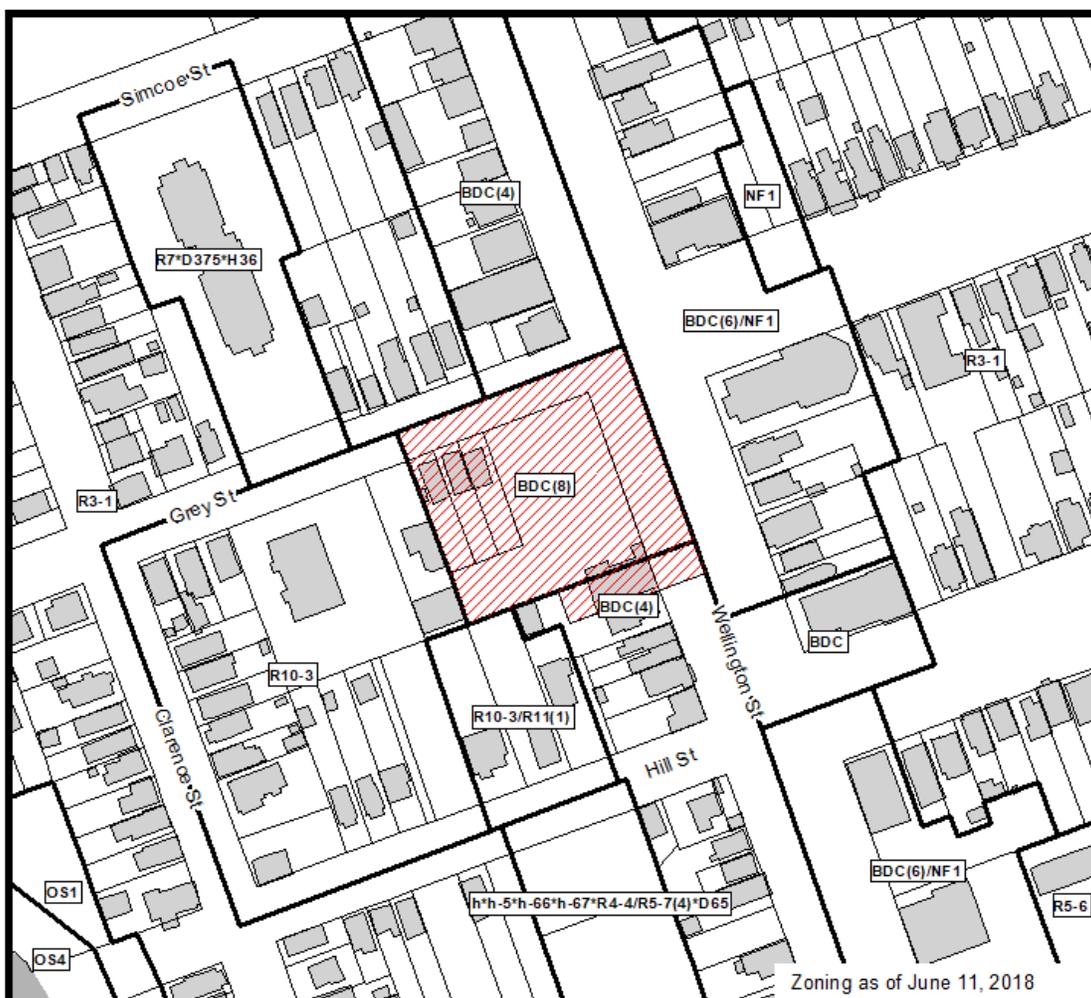
City of London Official Plan

Z.-1 Zoning By-law

Site Plan Control Area By-law

Appendix C – Additional Information

Additional Maps



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: BDC(4) and BDC(8)**

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**

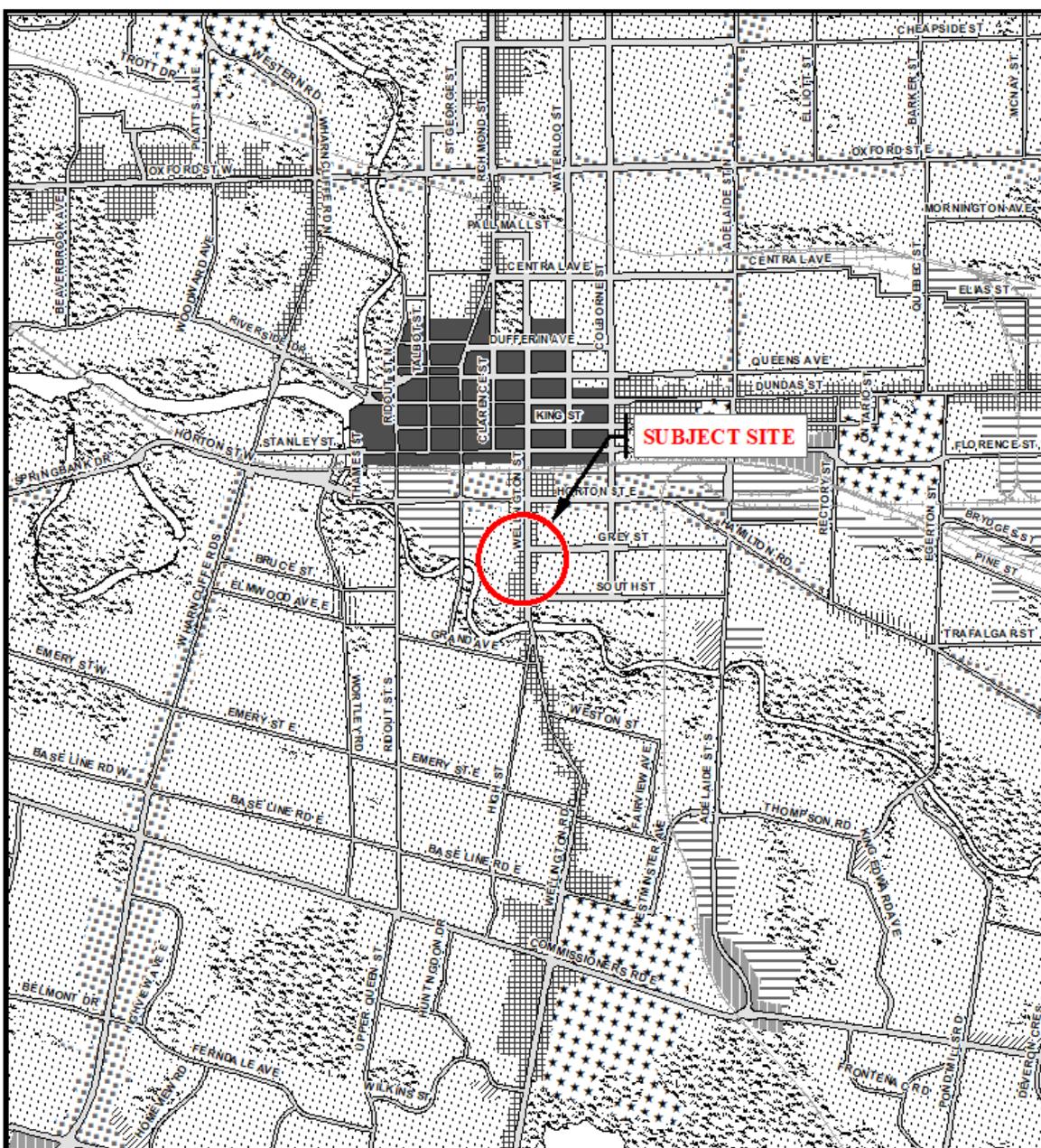


FILE NO:
 Z-8905 MC

MAP PREPARED:
 2018/07/31 MB



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



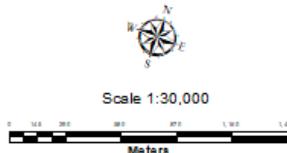
Legend

- | | | |
|------------------------|--------------------------|---|
| 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-8905
Planner: MC
Technician: MB
Date: July 31, 2018

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Application – 147 – 149 Wellington Street and 253 - 257 Grey Street (Z-8905)

- Maria Gitta, 117 Clarence Street – believing that this is too massive of a project and she has noticed especially being more familiar with South London and Old South London, there almost seems to be a disrespect for what exists and this need to intensify to such an extent that it makes the quality of living for people around very unpleasant; indicating that she could see maybe eight to ten storeys on this project; expressing displeasure with bonus zoning; wondering what bonus zoning means; is that an excuse to have a one-time exception to this kind of project because then it falls back into we have planning issues that the City runs and then they get exceptional one-time excuses that they do not have to follow that and if there is going to be Bus Rapid Transit along that route, why do there need to be two layers of underground parking when everybody should be hopping on public transit and that could reduce the levels of the building right there; noticing that, in the comments from the past, not that there were many, statements like meets the needs to balance the neighbourhood, that is totally meaningless, that means absolutely nothing; expressing that she is not sure how you would give weight to something like that as this process continues; reiterating that it is too much, it is too big.
- Harry Froussios, Zelinka Priamo Ltd., on behalf of the applicant – see attached presentation.
- David Yuhasz, Zedd Architects - see attached presentation.
- *(Councillor A. Hopkins enquiring about the number of underground and above-ground parking spaces.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that there will be two hundred total parking spaces, one hundred sixty-two of them will be underground and thirty eight will be surface parking for accessible needs, visitors and commercial requirements as well.
- *(Councillor J. Helmer enquiring, if the ground floor units were not residential and were commercial instead, what is the commercial square footage that would be available at the ground level, roughly.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that the residential units will be of a certain size and the commercial could be expanded depending on the needs of the individual tenants; noting that it is approximately four thousand square feet for a single unit; *(Councillor Helmer enquiring, for that kind of square footage, is the agent for the applicant thinking that if there were requirements around parking for the commercial space that the surface parking would be able to accommodate all of that.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that he thinks it would accommodate some of that but at the same time they are going to look at maybe, if necessary, a reduced rate to take advantage of the fact that it is on a Bus Rapid Transit line as well.
- Resident – enquiring how long it takes to design one of these buildings, on average. *(Councillor S. Turner indicating that the Committee will collect all of the questions and respond to them at the closing of the public participation meeting.)*
- Sam Trosow, Broughdale area – asking that the Planning and Environment Committee not characterize any objections he makes to this as NIMBYism because it is not; advising that he has no objection with intensification; understanding that this is an underutilized site; understanding that it is the policy of the City to build inside the core and up; noting that he does not have a problem with any of that; thinking that this is a good site to be intensified especially since it is a parking lot; however, his problem, and what he has spent all of his time on today, is the question of the bonusing because he thinks that if you are going to engage in bonusing, you have to understand what the base is; stating that the allowable density now is two hundred fifty units per hectare and they are asking for five hundred ninety-three; indicating that is a big bonus, that is not just a little fifteen percent tip that you are getting on the side; that is a big bonus; advising that the current allowable height is twelve metres, they are asking for sixty-three; reiterating that is a big bonus; indicating that the question is not whether there should be a big development here, that is fine, but the question is that if you are going to engage in the practice of bonusing, what are you getting for it and if you do not get something that is a public benefit, a community oriented, a community facing public benefit, you are really frustrating the purpose of the density bonus provisions; thinking

3.2

that we have to look very carefully at what you are getting; stating that all he has to go on, so far, is the Planning Justification Report, and what you are getting is really nothing because the only things that are mentioned as enhancements in the Planning Justification Report, on pages 17, 18 and 19, are underground parking to the rear and high quality design; indicating that you give someone bonusing for a high quality design, they are going to say that otherwise they are going to do poor quality design, a mix of building materials, an entrance near the intersection; oh, great, there is going to be an entrance near the intersection; pointing out that these are not public benefits that qualify as things that you should be giving huge, massive bonusing for; balconies on all sides of the building, yes, if they want to market these units and he presumes that they are going to at least be at market rate, yes, a balcony will help them sell units but that is not a public benefit for the purposes of bonusing; what are some examples of things that would be public benefits for purposes of bonusing, well, even before you have your Inclusionary Zoning by-law done, you could ask for a set aside of some number of affordable units, yes you can, you can do that under bonusing and you are not under any legal obligation to give the bonus; you set the terms, you go to the negotiating table with some reasonable demands; stating that everybody is in favour of affordable housing, put some in this site; there are some other things you can do, the report that he read said nothing about bicycle storage, nothing and the number of accessible parking spaces, he thinks they said five; noting that is pretty small; what is the setback they are asking for in the front, oh, right, it is a round number, it is zero; indicating that is not reasonable; you need to have a drive-through area on the first floor, make it cantilevered if they want so they are only losing two or three floors but if you think it is a good idea to put up a big apartment building without any type of a drive-through in the front for pizza trucks and FedEx deliveries and what have you, look at the Luxe on Richmond Street, that is what is going to happen; advising that this is a transportation corridor, the very fact that this is a transportation corridor is why you have to create a little bit more space in front; zero setback, really, you should be asking them to dedicate some space in front so that the public is not squeezed, you should be asking for some type of bicycle storage, you should be asking for some better accessibility, you should be thinking about what the traffic situation is going to be and you have not done that, not yet; you can take this back but he has seen some of the bonusing arrangements that you come back with and he has seen too many situations which the developers have been given huge bonuses for using nice materials; indicating that you have got to do better than that; advising that is what he wanted to say; reiterating that he is not against the project but he thinks that if you give this away, the massive bonusing that they are getting, without getting something substantial, public benefit bonusing, in return, you are setting a very bad precedent.

- Fabian Haller, area resident – advising that she has been living in the area with her family for about twenty-five years now; expressing appreciation to Mr. S. Trosow for having some very good points; indicating that she and her family are extremely excited about this development; pointing out that they attended the June meeting and were very pleased with the design that they saw; thinking that there has been a lot of improvement; expressing that what gets them really excited, having lived in the neighbourhood and recently having purchased another property in SoHo is the potential that is happening; they are excited; noting that they have three young adult children that have spent time in Toronto going to school and when she showed them the plan of this they were excited, it is so great to see young people excited about what is happening in London and considering that this is something that they might want to live in one day; advising that she does not have any questions or demands but she wanted to make sure that their voices are heard, that they really enjoyed seeing the proposal and they really hope that it will happen for them and for those younger people that we are all trying to retain in this city.

Public Meeting – Planning and Environment Committee



JAM Properties Inc.

Proposed Apartment Building – 147-149 Wellington Street and 253-257 Grey Street

September 10, 2018



The Developer – JAM Properties Inc.

- JAM Properties Inc. is a development group consisting of local individuals with strong ties to the SoHo Community.

Consultation – City Staff & Public

- Extensive meetings with City Staff prior and following formal ZBA submission to discuss proposal and design of building; several concepts prepared resulting in different design and reduced density from original application;
- Public Open House held on June 26, 2018; well attended by members of the Community;
- Current design is a product of ongoing discussions with City Staff, agencies and members of the public; achieves a very good balance between all policy directions, comments, and client objectives.



Proposed Development

- Design of building has been updated since the preparation of the Staff Report, in response to comments from Staff, UDPRP, and the public;
- 18 storey apartment building, consisting of a 4 storey podium along Wellington Street, and 4 storey podium along Grey Street;
- 240 residential units (545 uph);
- Ground floor units designed to accommodate commercial and residential uses;
- 200 parking spaces (162 underground spaces; 38 surface spaces); surface parking and ramp to underground parking not visible from Wellington and Grey Streets;
- Rooftop terraces proposed on multiple floors; extensive landscaping proposed along street frontages.



Benefits of Proposed Development

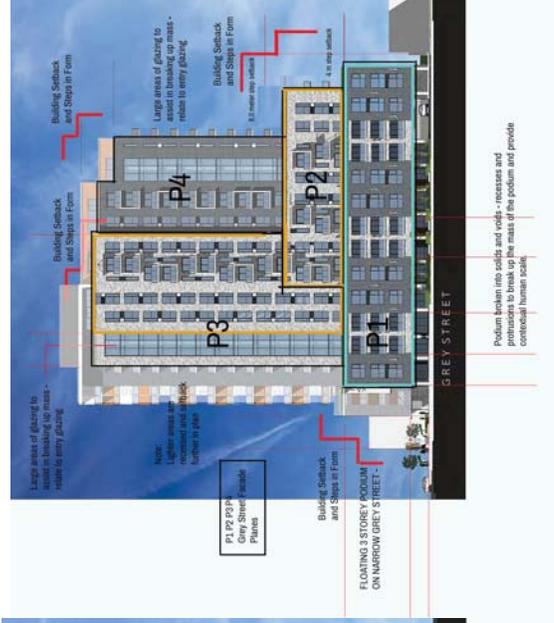
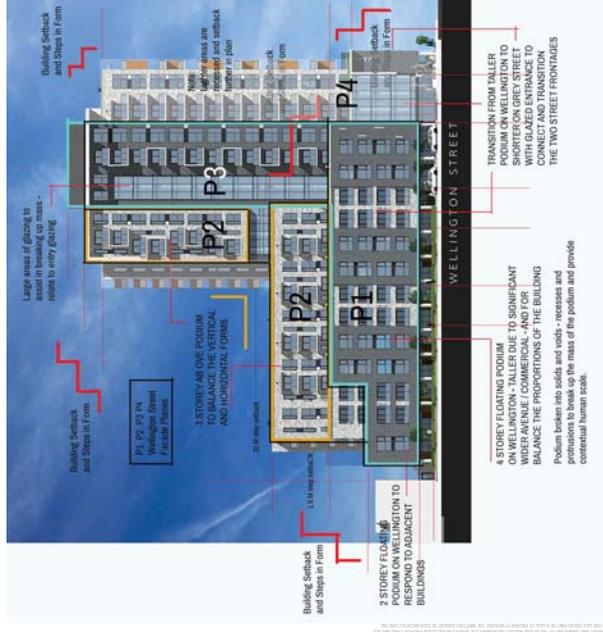
- The proposed development represents a significant redevelopment within the SoHo Community and provides enhancement of the immediate streetscape; potential to be a catalyst for additional development within the SoHo Community and along the Wellington Street corridor.
- Provides a desired and preferred form of housing with modern facilities designed to high architectural standards that will contain a range of amenities typical of contemporary apartment buildings.
- The majority of parking facilities are contained within underground parking, and are carefully designed to be out of view from the public realm thereby eliminating the visual impact of the parking facilities;
- The proposed development is located proximate to a wide range of services, amenities, commercial establishments, and will make extensive use of existing and planned public transit, including the future planned BRT line;



Benefits of Proposed Development

- Proposed design has had regard for, and respects, the character of existing buildings in the area.
- The scale and built form of the proposed development is in keeping with other existing and recently approved high-density residential apartment buildings in the area.
- The ground floor of the building is designed to be interchangeable between commercial and residential uses, as market conditions warrant.
- Bonusable features attributable to the proposed development will provide an overall benefit to the Community.
- Proposed development is consistent with PPS policies regarding intensification, efficient use of existing infrastructure, and promotion of the use of transit.
- Rezoning application is consistent with the policies of the current, in-effect (1989) Official Plan; and is a great example of the type of development that is envisioned by the London Plan for properties along the intensification corridors.





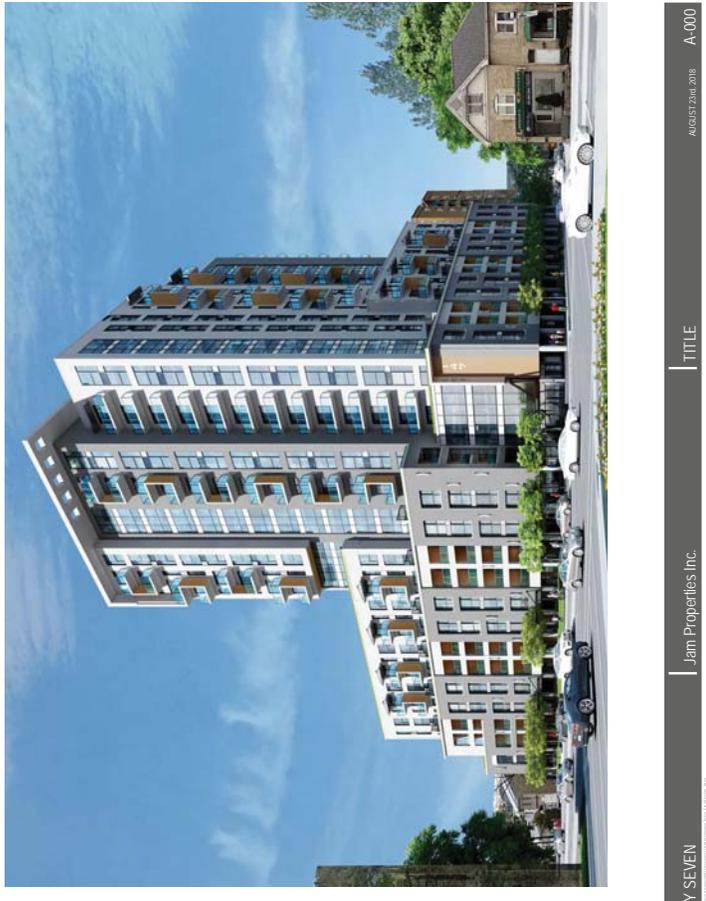


17-019 ONE FORTY SEVEN

Jain Properties Inc.

GREY ELEVATION

AUGUST 23RD, 2018 A-005



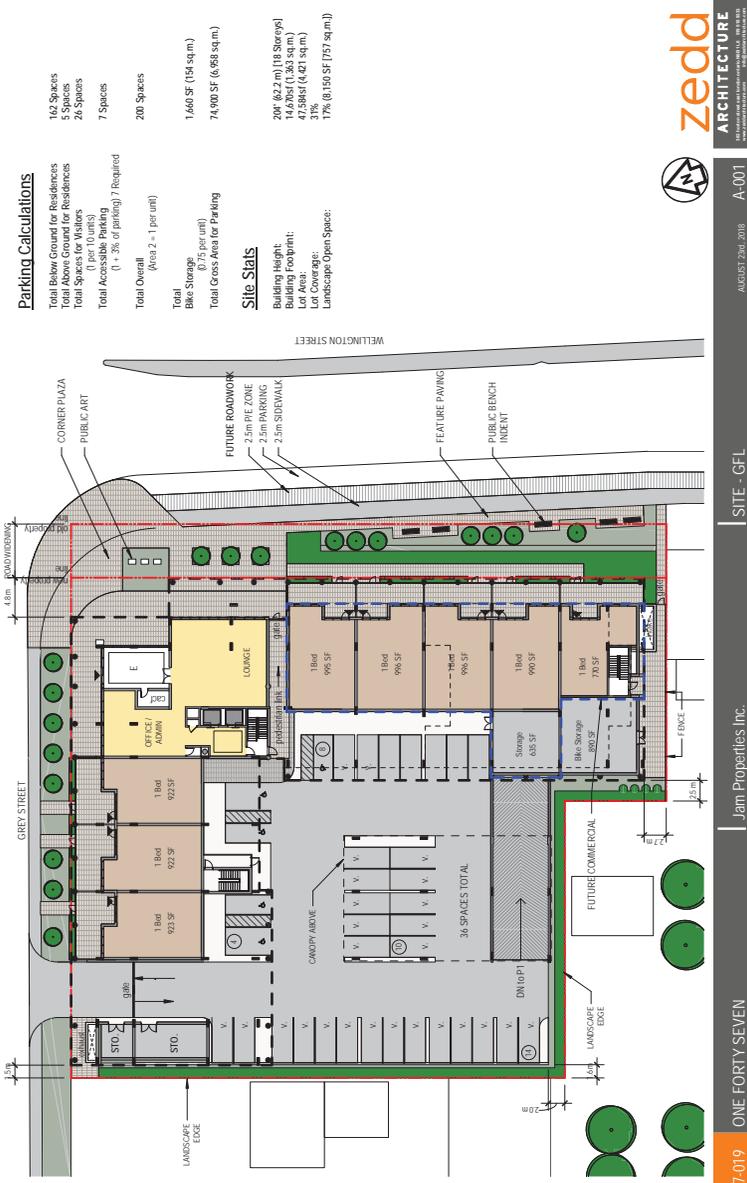
17-019 ONE FORTY SEVEN

Jain Properties Inc.

TITLE

AUGUST 23RD, 2018

A-000



Parking Calculations

Total Below Ground for Residences
 Total Above Ground for Residences
 Total Spaces for Visitors
 Total Area (1 per 10 units)
 Total Area (1 + 26% of parking) / Required

Total Overall (Area 2 - 1 per unit)
 Total
 Bike Storage (87.5 per unit)
 Total Gross Area for Parking

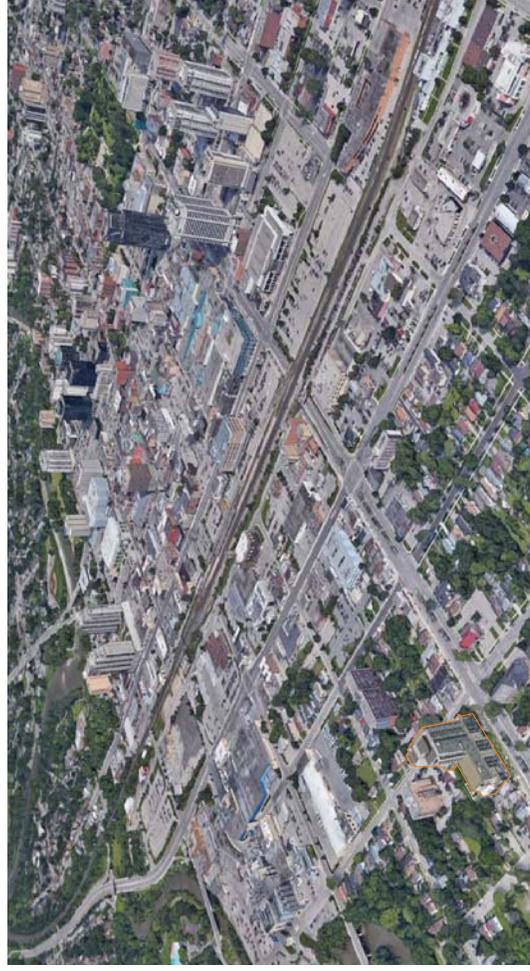
Site Stats

Building Height:
 Lot Area:
 Lot Coverage:
 Landscape Open Space:

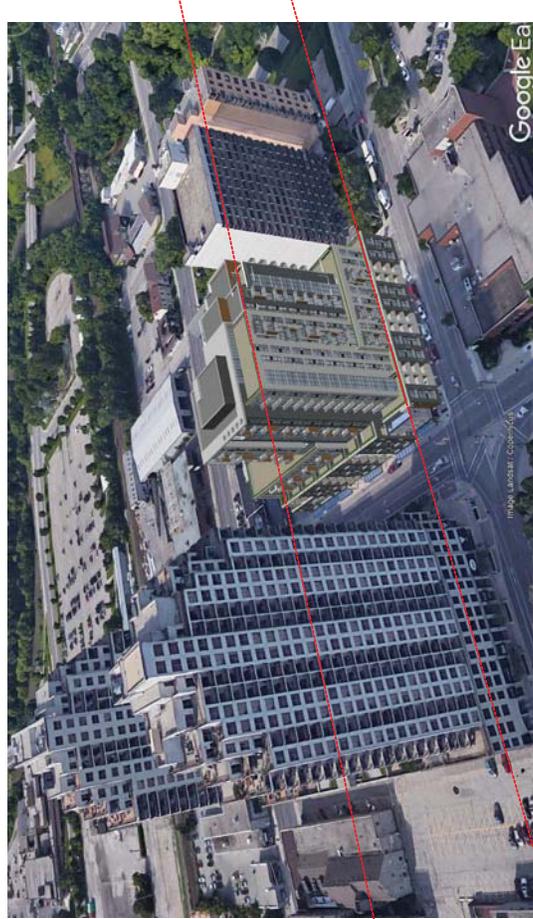
162 Spaces
 5 Spaces
 26 Spaces
 7 Spaces
 200 Spaces
 1,660 SF (154 sq.m)
 74,900 SF (6,958 sq.m)

205' (62.2 m) (18 Stories)
 14,076 SF (1,303 sq.m)
 47,884 SF (4,421 sq.m)
 33%
 17% (8,150 SF / 757 sq.m)





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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: Landea Developments Inc.
1196 Sunningdale Road West
For: Zoning By-law Amendment (Z-8916)
Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Landea Developments Inc. relating to the property located at 1196 Sunningdale Road West the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 18, 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 R1 (h*h-100*R1-4) Zone and a Holding Residential R1 (h-h*-100*R1-13) Zone **TO** a Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 (_)) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-13 (_)) Zone.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this application is to permit single detached dwelling development with a maximum lot coverage of 45% where 40% maximum is permitted and a maximum height of 10.5 m where 9 m is permitted.

Rationale of Recommended Action

The proposed zoning amendment to allow for the subject lands to be developed for single detached dwelling uses with 45% coverage and 10.5 m maximum height is appropriate as:

1. The proposed development is consistent with the Provincial Policy Statement;
2. The proposed Zoning By-law Amendment provides for a form of residential development conforms with the Low Density Residential policies of the Official Plan;
3. The proposed Zoning By-law Amendment provides for a form of residential development that conforms with the Neighbourhood Place Type and Neighbourhood Street Classification policies of the London Plan; and
4. The proposed development is compatible with the surrounding residential development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is located on the south side of South Carriage Road and east of Hyde Park Road. The lands are currently vacant and have been draft approved for subdivision approval (39T-08502).

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhood
- Existing Zoning – Holding Residential R1 (h*h-100*R1-4) Zone and a Holding Residential R1 (h-h*-100*R1-13)

Site Characteristics

- Current Land Use – Vacant Residential
- Frontage – Varied
- Depth – Varied
- Area – approx. 2.ha
- Shape – irregular

1.3 Surrounding Land Uses

- North – Vacant low density residential
- East – Single detached dwellings
- South – Single detached dwellings
- West – Single detached dwellings

1.4 Location Map



2.0 Description of Proposal

2.1 Development Proposal

To permit single detached dwellings with a maximum lot coverage of 45% where 40% is currently permitted and a maximum height of 10.5 metres where 9 metres is currently permitted. See below proposed zoning amendment locations.

Proposed Zoning Amendments (See Attached Proposed Zoning Plan)

Area "A"

Amend the Z-1 Zoning By-law **FROM** a Residential R1 (R1-4) Zone **TO** a Residential R1 Special Provision (R1-4(_)) Zone to permit 45% maximum lot coverage for single detached dwellings.

Area "B"

Amend the Z-1 Zoning By-law **FROM** a Residential R1 (R1-4) Zone **TO** a Residential R1 Special Provision (R1- (_)) Zone to permit a single detached dwelling units with 45% maximum lot coverage and a maximum height of 10.5m.

Area "C"

Amend the Z-1 Zoning By-law **FROM** a Residential R1 (R1-4) Zone **TO** a Residential R1 (R1-4) Zone to permit single detached dwellings with a maximum height of 10.5m.

Area "D"

Amend the Z-1 Zoning By-law **FROM** a Residential R1 (R1-13)) Zone **TO** a Residential R1 Special Provision (R1-13 (_)) zone to permit single detached dwellings with a maximum height of 10.5m.

3.0 Revelant Background

3.1 Planning History

Draft Plan of Subdivision applications for two plans of subdivision (39T-05511 and 39T-05512) and Zoning By-law Amendment applications (Z-6977 and Z-6979) were accepted in August 2005. The plans were draft approved and the current zoning was granted in October of 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 consisted 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 consisted of 111 single family lots and various part lots all served by three (3) new streets.

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

3.2 Community Engagement (see more detail in Appendix B)

One response was received opposing the proposed amendment.

4.0 Key Issues and Considerations

The proposed Zoning Amendment was evaluated to determine whether it was compatible with the surrounding neighbourhood.

Provincial Policy Statement (PPS)

The PPS promotes and directs efficient land use and development patterns. The proposed development is consistent with Section 1.0 Building Strong Communities and Section 3.0 Protecting Public Health and Safety as it:

- provides for a mix of residential development
- provides for intensification; and
- efficiently uses land and resources in the City of London.

The London Plan

The following London Plan policy section have been considered in evaluating the proposed Zoning By-law Amendment:

1. Our Strategy.
3. City Building policies.
4. The policies of the place type in which the proposed subdivision is located.
6. Relevant secondary plans and specific policies.

The proposed single detached dwelling form was established in 2008. The existing Residential R1 zones were approved prior to detailed engineering design submissions and the current proposed building designs. The proposed Zoning By-law Amendment conforms to the following London Plan policies.

Our Strategy

59_ Build a mixed-use compact city

4. Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.
5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place

The proposed Zoning By-law Amendment to permit an additional 5% lot coverage and additional height will allow for forms of housing that takes advantage of the existing servicing and facilities. The proposed housing type (additional floor area) maintains the complete form of residential use and could allow for an opportunity of aging in place.

City Building Policies

193_ In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:

1. A well-designed built form throughout the city.
2. Development that is designed to be a good fit and compatible within its context.

The proposed Zoning By-law Amendment will allow for a form of single detached dwellings that are designed and built within an area specifically designated for this form. The proposed Zoning By-law Amendment will allow for single detached dwellings that are designed to be compatible and a good fit within the existing single detached residential built form.

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 and streetscapes.

201_ Existing landscapes and topographical features should be retained and integrated into new neighbourhoods.

The proposed Zoning By-law Amendment will allow for single detached dwellings that will allow an increase in height by using the existing topography and will maintain the street and lot pattern within the approved draft plan of subdivision.

Place Types

935_ the following intensity policies will apply within the Neighbourhoods Place Type.

Type. 3. Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space.

The proposed Zoning By-law Amendment will allow for single detached dwellings that are consistent with the Neighbourhood place type and street classification and their intended character, goals and functions as:

- it provides for attractive streetscapes, buildings, and public spaces
- it provides for a diversity of housing choices.
- it provides for landscaped open space, setbacks, minimum required parking that is consistent with the existing single detached dwellings; and
- the intensity of the development can be accommodated on the proposed lots.

Relevant Secondary Plans.

The Foxhollow Area Plan designated the subject lands Low Density Residential. This designation permits residential uses with a maximum density of 30 units per hectare.

The proposed Zoning By-law Amendment is consistent with the Foxhollow Area Plan. The Zoning By-law Amendment will permit the single detached residential form and 30 unit per hectare intensity as was considered in the approved area plan.

Official Plan Polices

The proposed development is consistent with the Low Density Residential designation as it:

- permits single detached dwellings with a maximum density of 30 units per hectare (uph)
- provides an appropriate mix of housing types and density within the subdivision
- maintains the single detached dwelling form at a scale and density that is compatible with the surround built form.

Planning Impact Analysis

Planning Impact Analysis under Section 3.7 in the Official Plan was used to evaluate this application for the proposed Zoning Amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. The proposed Zoning Amendment is consistent with Section 3.7 as:

- it is compatible with the surrounding land uses and will not impact development on present and future land uses in the area;
- the size and shape of the parcels can accommodate the intensity of the proposed use; and,
- the proposed development is consistent with The London Plan, City's Official Plan and Zoning By-law.

Zoning

The lands are located within a Residential R1 (R1-4) and Residential R1 (R1-13) Zones. These lands were zoned during the subdivision approval process in 2008. The intent of the zones was to permit single detached dwelling development.

Coverage

The existing Residential R1 (R1-4) Zone requires a maximum lot coverage of 40% for all structures including accessory buildings, a maximum height of 9 metres and landscaped open space of 35% minimum. The existing Residential R1 (R1-13) Zone requires a

maximum 45% lot coverage, a maximum height of 9 metres and landscaped open space of 30% minimum.

The request for a maximum lot coverage of 45% in the Residential R1 (R1-4) Zone are for lots that are located in areas that are adjacent to the Residential R1 (R1-13) Zone. The proposed increase from 40% to 45% will allow for single detached dwellings that are consistent with the residential R1 (R1-13) Zoned lots that are of the same size (frontages 12m or greater, and 360m² in size or greater). The lots in the proposed Residential R1 Special Provision (R1-4 (_)) Zone are still required to provide a minimum of 35% landscaped open space whereas the lands zoned Residential R1 (R1-13) require a minimum 30% landscaped open space..

The proposed maximum 45% lot coverage and the minimum 35% landscaped open space will ensure that an adequate area for amenity (green) space is provided. The applicant intends on meeting all other requirements of the zone with regard to landscaped open space, interior and rear yard setbacks and parking area percentage.

The proposed 45% maximum lot coverage is consistent with the form of development on the abutting single detached lots and will not cause any substantial impacts on abutting uses. The proposed 45% maximum lot coverage amendment will allow for a variety of single detached housing forms on all lots in the subdivision (Zoned R1-4 or R1-13) that are compatible and comprehensive.

Height

The existing Residential R1 (R1-4) Zone and the Residential R1 (R1-13) permit a maximum height of 9 metres.

The proposed amendment for the increase of maximum height are for the lots that back onto the stormwater management open space areas. The grading for these lots at the road are similar to the grading for the balance of the subdivision at the road. A two storey home that is measured from the front elevation to the average mid-point of a sloped roof would comply with the existing zone on these lots. On the lots that back onto the stormwater management facility, the grade changes from the front of the lots to the back of the lots. This change in grading is large enough to expose the basement floor level to the exterior ground level in the rear yard; home owners can “walk out” of these basements and into the rear yard. Zoning By-law Z.-1 requires that height be measured from the average grade to the average mid-point of a sloped roof; because of the grade change of the lots that back onto the stormwater management facilities the applicant requires a special provision to permit a maximum height of 10.5m to allow two storey single detached dwellings on these lots.

Staff has reviewed the proposed zoning of the subject property. The proposed Zone will allow for development that is compatible with the zoning of surrounding lands and will not negatively impact future land uses in the area. The proposed amendment is appropriate and represents good land use planning.

Public Comment

One response was received opposing the proposed amendment:

- Single family homes are being used for multifamily uses;
- Additional coverage and heights will allow for more occupants in the single detached dwelling;
- More tree coverage should be promoted; and
- There will be additional traffic.

The proposed amendment would allow for single detached dwelling uses. The proposed amendment is for a small increase in floor area and additional height. All other requirements of the Residential R1 zone will be required to conform with the regulations including Section 5.2 of Zoning By-law Z.-1 which states: *No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any Residential R1 Zone variation for any use other than the following use:*

a) *A single detached dwelling.*

A single detached dwelling is defined as: *means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.*

There is no multifamily residential uses proposed on these lots. Any future requests for uses greater than a single detached dwelling will require compliance with all regulations of the City of London Zoning By-law Z.-1.

The impact and retention of tree coverage (open space) and the analysis of traffic impact by this development was determined during subdivision approval process. The increase in coverage does not include a reduction in the required landscaped open space minimum. The proposed amendment will not impact the approved subdivision plan including the established open spaces or road patterns.

Details regarding Community feedback and existing zoning are available in Appendix B and C of this report.

5.0 Conclusion

The proposed amendment is in conformity with The London Plan and City of London Official Plan. The proposed amendment will permit development that is appropriate for the subject lands, and compatible with the surrounding land use pattern. These proposed amendments represent good land use planning and are recommended to Council for approval.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed 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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions) August 31, 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 1196 Sunningdale Road West.

WHEREAS Landea Developments Inc. has applied to rezone an area of land located at 1196 Sunningdale Road West, 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 1196 Sunningdale Road West., as shown on the attached map from a Holding Residential R1 (h-h-100*R1-4) Zone and a Holding Residential R1 (h-h-100*R1-13) Zone to a Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-13 ()) Zone.
- 2) Section Number 5.4 of the Residential R1-4 and R1-13 Zone is amended by adding the following Special Provision:
 -) R1-4 ()
 - a) Regulation[s]

Lot Coverage	45%
Maximum	
 -) R1-4 ()
 - a) Regulation[s]

Lot Coverage	45%
Maximum	
Height	10.5 metres
Maximum	
 -) R1-4 ()
 - a) Regulation[s]

- Height 10.5 metres
- Maximum
-) R1-13 ()
- a) Regulation[s]
- Height 10.5 metres
- Maximum

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.

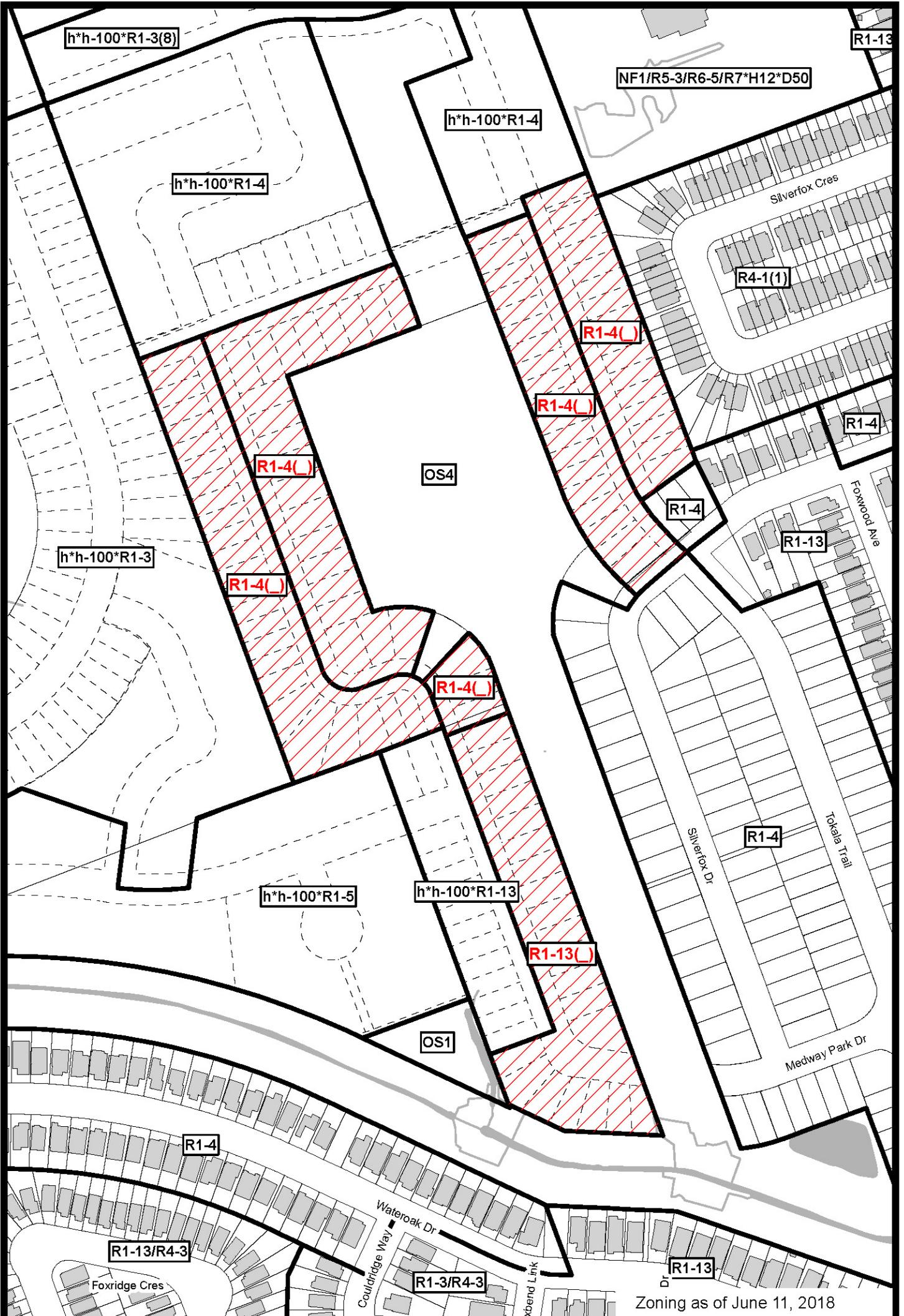
PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

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



File Number: Z-8916

Planner: CS

Date Prepared: 2018/07/09

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE



1:3,000

0 15 30 60 90 120
Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 19, 2018 Notice of Application was sent to all property owners within 120m of the subject property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 5, 2018.

Nature of Liaison: The purpose and effect of this application is to permit the construction of single detached dwellings with a maximum lot coverage of 45% where 40% maximum is permitted and a maximum height of 10.5m where 9m is permitted

Responses: One.

I personally don't agree with amending the zoning in this subdivision. 40 percent and 9 meter height is more than adequate for a SINGLE family home. More and more it is becoming evident that individuals are buying homes but multiple families or extended families are occupying the property.

A two story home with two car garage at a 40% coverage of a 40 x100 foot lot would allow for a living space of approximately 4200 sq ft of space including the lower level. Increasing that to 45% of the same size lot would increase that to 4820 square feet of space. This would be for a typical subdivision lot. As the lot size goes up so would the proportions of the dwelling. Increasing the height to 12 meters could add another floor and potentially another 1800 sq ft on a typical lot bringing the grand total to 6620 sq ft of useable space. This seems to me like an awful lot of space for a typical family. If you consider the front and side required setbacks required by London this does not leave a lot for green space.

I would think that the Forest city would be promoting as much green space as possible. Every land developer I have noticed cuts down every tree possible to maximize lot size and profit. The trees that the city puts in on the boulevard will take 20 years to mature and there are options for the homeowners to decline if they wish.

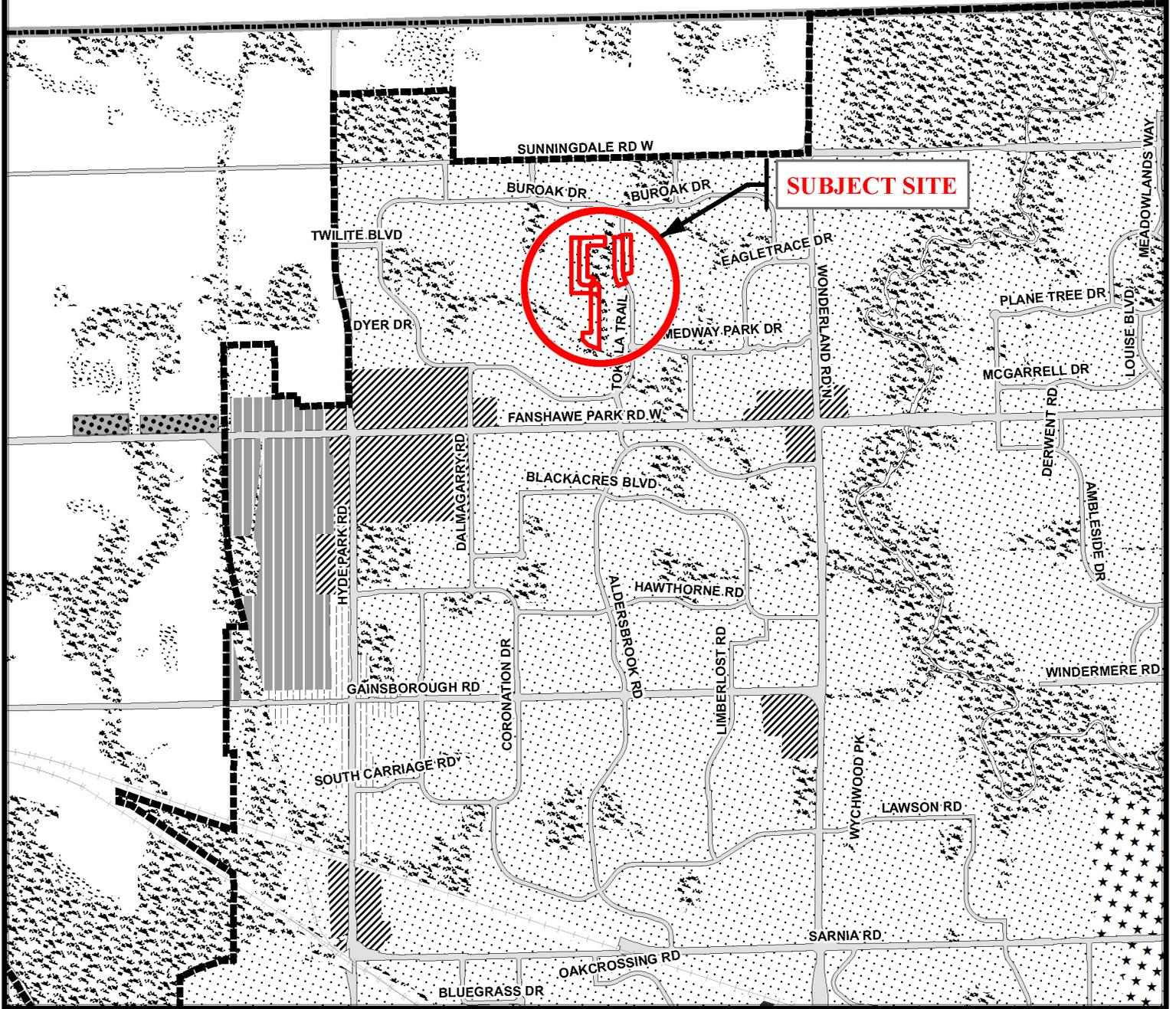
In short I do not like the idea of increasing the footprints of homes on development lots that have current zoning. It is not fair for developers to do this to homeowners in the area. If this sort of development is desired it should be laid out at the onset with input from all of the stakeholders. On the front of the communication it says the developer is requesting 12 m height but in the text of requested zoning it does not.

I would also like to ensure that Tokala trail is extended to the north to tie in with Burroak. Tokala and Silverfox drive are currently the shortcut for the public school and high school because there is currently no light at Fanshawe and Foxwood. The addition of all of these extra houses without will only increase the traffic flow on these streets.

*Sincerely
Randy and Cathy Beharriell*

Appendix C – Relevant Background

LONDON PLAN MAPPING 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



Scale 1:30,000



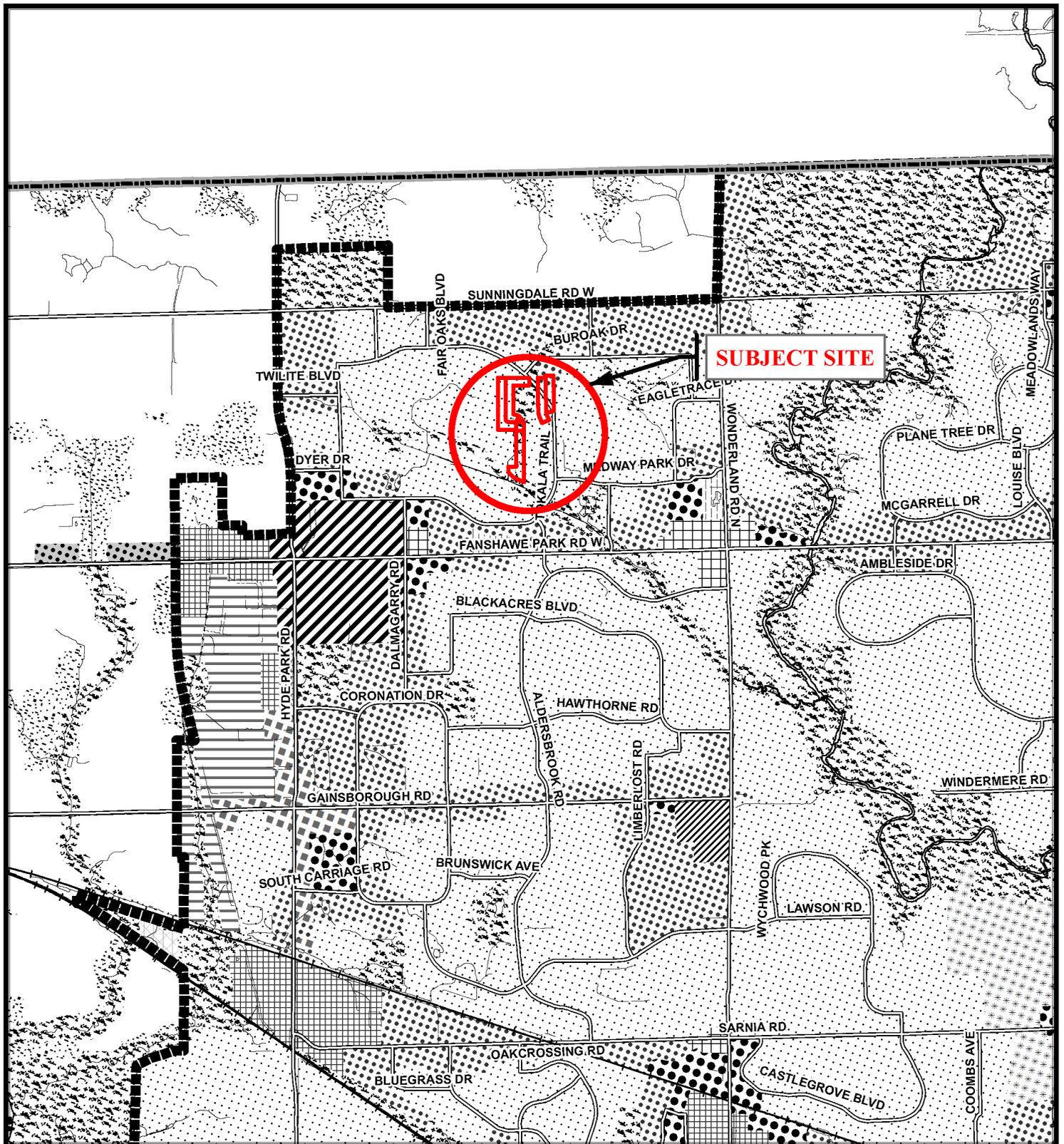
File Number: Z-8916

Planner: CS

Technician rc

Date: July 9, 2018

OFFICIAL PLAN MAPPING 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

CITY OF LONDON

Planning Services /
Development Services

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



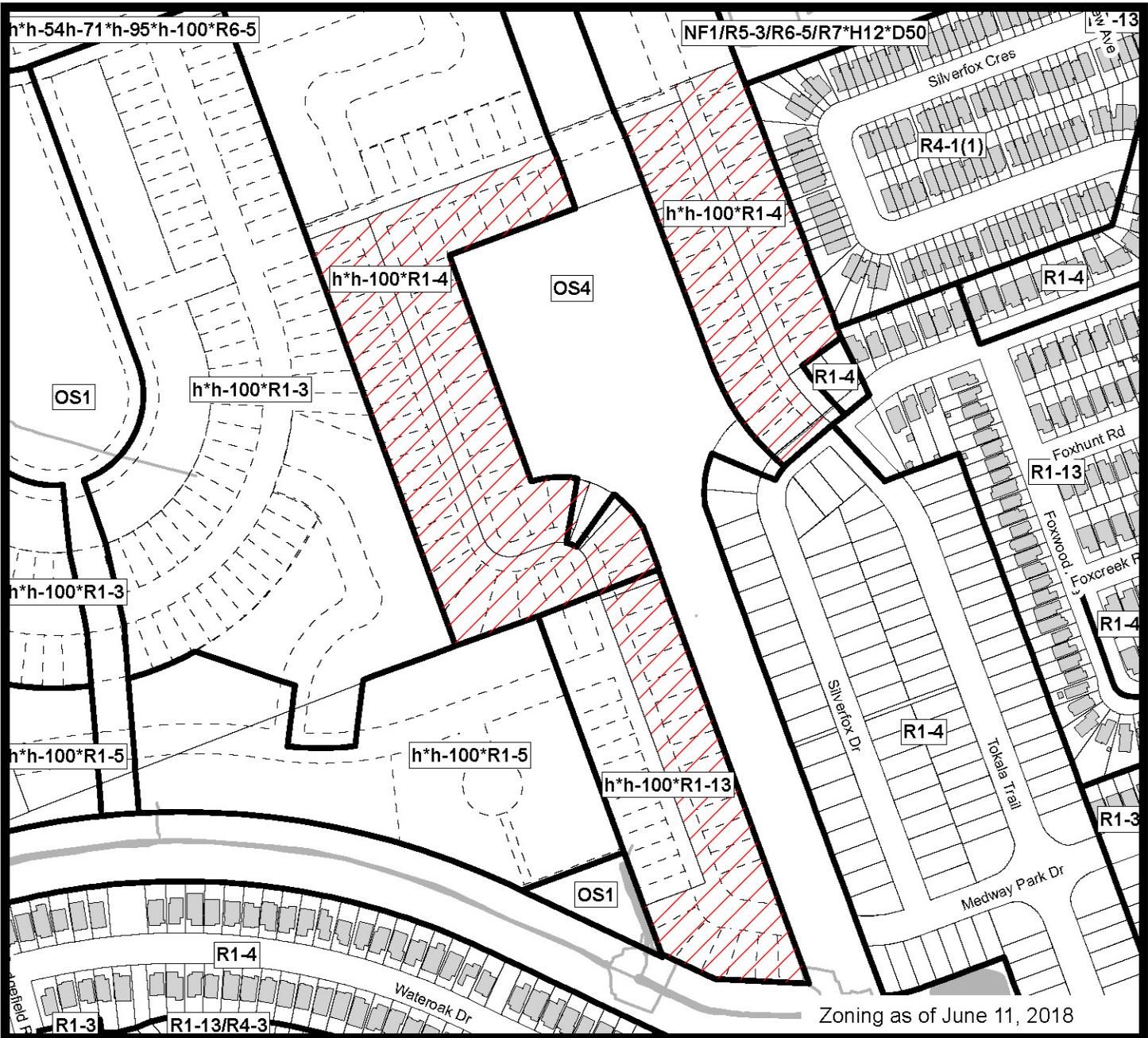
FILE NUMBER: Z-8916

PLANNER: CS

TECHNICIAN: rc

DATE: 2018/07/09

ZONING BY-LAW MAPPING EXCERPT



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-8916

CS

MAP PREPARED:

2018/07/09

rc

1:4,000

0 25 50 100 150 200

Meters

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

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – 1196 Sunningdale Road West (Z-8916)

- Casey Kulchyki, Zelinka Priamo Ltd. – indicating that they have reviewed the staff report; expressing agreement with the staff recommendation.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Managing Director, Development and Compliance
Services and Chief Building Official

Subject: 2219008 Ontario Ltd. c/o MHBC Planning Ltd.
3493 Colonel Talbot Road

Public Participation Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, with respect to the application of the 2219008 Ontario Ltd. c/o MHBC Planning Ltd., relating to the properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 10, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, **FROM** a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) **TO** a Residential R1 Special Provision (R1-8(_)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(_)) Zone to permit a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector while maintaining the existing garage setback regulations, a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres, a minimum rear yard depth of 7.0 metres, 35% minimum landscaped open space, and 40% maximum lot coverage.

Executive Summary

Summary of Request

The requested zoning amendment provides current and future homebuilders / homeowners with greater flexibility regarding the design and lay-out of their single detached building lots through some minor revisions to the zoning regulations relating to the front, rear, exterior, and interior side yard setbacks; landscaped open space; and lot coverage. The requested amendment is for a portion of lands addressed as 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle.

Purpose and the Effect of Recommended Action

The purpose and effect of this Zoning By-law Amendment is to permit:

- a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector;
- a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres
- a minimum rear yard depth of 7.0 metres;
- 35% minimum landscaped open space; and,
- 40% maximum lot coverage.

The existing regulation in the Special Provision Residential R1 (R1-8(5)) Zone which prohibits garages from projecting beyond the façade of the dwelling or façade (front face) of any porch, and occupying more than 50% of the lot coverage will remain in place. The proposal for reduced setbacks, reduced landscaped open space, and increased lot coverage is to allow for larger dwellings within the subdivision.

Rationale of Recommended Action

- 1) The recommended amendment is consistent with the Provincial Policy Statement 2014;
- 2) The recommended amendment conforms to the 1989 Official Plan;
- 3) The recommended amendment conforms to the policies of The London Plan;

1.0 Site at a Glance

1.1 Property Description

The subject lands are located at the southwest corner of Colonel Talbot Road and Pack Road. There are existing agricultural uses to the north, low density residential uses to the south, Dingman Creek to the west, and agricultural uses to the east. The requested amendment is for a portion of the lands addressed as 3493 Colonel Talbot Road, as well as the following 108 individual properties within the approved phase of the subdivision:

- 3418 to 3538 Silverleaf Chase;
- 3428 to 3556 Grand Oak Cross;
- 7392 to 7578 Silver Creek Crescent; and,
- 7325 to 7375 Silver Creek Circle.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Special Provision Residential R1 (R1-8(5)) and a Holding Special Provision Residential R1 (h•h-100•R1-8(5)) Zone

1.3 Site Characteristics

- Current Land Use – Vacant Residential
- Frontage – Varied
- Depth – Varied
- Area – Approximately 1.8 ha
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Single detached dwellings
- West – Dingman Creek

2.0 Description of Proposal

2.1 Development Proposal

The recommended Zoning By-law amendment will permit single detached dwellings with:

- A minimum front and exterior side yard setback of 4.5 metres whereas 5.0 metres is permitted;
- A minimum interior side yard setback of 1.2 metres, except that where no private garage is attached to the dwelling, one yard shall be 3 metres, whereas 1.2 metres plus 0.6 metres for each storey above the first is permitted;
- A minimum rear yard setback of 7.0 metres whereas 7.5 metres is permitted;
- A minimum of 35% landscaped open spaces whereas 40% is required; and,
- A maximum of 40% lot coverage whereas 35% is permitted.

The Special Provision Residential R1 (R1-8(5)) Zone contains an additional regulation which states: *“Garages shall not project beyond the façade of the dwelling or façade*

(front face) of any porch, and shall not occupy more than 50% of lot frontage.” This regulation is to remain as a special provision of the zoning of the subject lands, and is not part of this amendment.

The “h” and “h-100” holding provisions on a portion of the lands are also not being removed at this time.

3.0 Relevant Background

3.1 Planning History

On September 15, 2014, an application was received for Draft Plan of Subdivision (39T-14504) for the entirety of the subject property. The proposal included 202 single detached dwellings, two (2) medium density residential blocks (Blocks 204 and 205), one (1) mixed use block (Block 203), an institutional block (Block 176), five (5) walkway blocks (Blocks 177, 178, 211, 212 and 213), one (1) future development block (Block 206), two (2) park blocks (Blocks 207 and 208), two (2) open space blocks (Blocks 209 and 210), a stormwater management block (214) serviced by Pack Road, and six (6) local public streets.

The lands were the subject of an Official Plan and Zoning By-law Amendment (OZ-8417) which resulted in the current designations and zones on the lands. The amendments were approved on January 26, 2016.

The subdivision was granted draft approval on March 24, 2016.

The “h” and “h-100” holding provisions were removed from a portion of the lands on March 27, 2018 (H-8756).

3.2 Community Engagement (see more detail in Appendix B)

On July 18, 2018, Notice of Application was sent to all property owners within 120 metres of the subject lands, as well as those who commented during the previous Zoning and Official Plan Amendment (39T-14504/OZ-8417), and wished to be kept informed of future planning applications on the lands. One response has been received at the time this report was prepared. Notice of Application was published in The Londoner on July 5, 2018, and a Revised Notice of Application was published on July 19, 2018. One inquiry was received with respect to the Notice.

4.0 Key Issues and Considerations

The proposed Zoning By-law Amendment was evaluated to determine whether it was compatible with the surrounding neighbourhood.

4.1 Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 provides policy direction regarding land use and development. The proposed application is consistent with Section 1.0 Building Strong Communities and Section 3.0 Protecting Public Health and Safety, as it provides for a mix of residential development in combination with the mixed-use and medium density residential blocks within the subdivision, as well as intensification and an efficient use of land and resources within an existing settlement area. Walkways, park and open space blocks are also provided through the subdivision in order to facilitate natural settings for recreation and linkages throughout the surrounding area to the stream corridor which is located on the subject property.

4.2 The London Plan

The proposed amendment would permit reduced front and exterior yard setbacks to bring building facades closer to the street, which in conjunction with the existing regulation for garages to reduce their visual impact and projection toward the street complies with the vision and goals of The Plan and Southwest Area Plan (SWAP). The intensity of development is appropriate to the neighbourhood context, and design measures have been implemented through the subdivision approval process to mitigate potential conflicts between rural and urban uses given the subject site’s proximity to

agricultural lands. The neighbourhood, as designed is consistent with the intended character, goals, and functions of the Neighbourhood Place Type.

In this instance, given the incorporation of the natural heritage system in the subdivision design and the more intense forms of housing on the easterly portion of the property, the request for an increase of maximum lot coverage and reduction in minimum landscaped open space by 5% for the single detached lots does not infringe upon the goals and vision of The London Plan.

The proposed development conforms to the Key Directions and Place Type policies of The London Plan.

4.3 1989 Official Plan

The subject lands are designated Low Density Residential which permits low-rise, low density housing forms including single detached dwellings. The proposed amendment maintains the single detached dwelling form at a scale and density that is compatible with the built form of the surrounding area. The integration of the proposed single detached lots and the medium density residential and mixed use development blocks provide for a choice of dwelling types in a form which is integrated with established land use patterns. The proposed development conforms to the policies of the 1989 Official Plan.

4.4 Southwest Area Secondary Plan (SWAP)

The subject lands are located within the North Lambeth Neighbourhood in the SWAP, and are intended to develop as a neighbourhood with low to mid-rise housing forms located internal to subdivisions and throughout the neighbourhood. The proposed development provides for an appropriate mix of housing types and density within the subdivision. The proposed development conforms to the goals and policies of the SWAP.

4.5 Zoning

The lands are located within Special Provision Residential R1 (R1-8(5)) and Holding Special Provision Residential R1 (h*h-100*R1-8(5)) Zones. The lands were zoned during the subdivision process in January of 2016 to permit single detached dwellings with a minimum frontage of 15.0 metres and a minimum lot area of 600 square metres, and with a special provision that garages not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage. This special provision implements the specific policy directives included in SWAP and is being maintained with the subject amendment application. The holding provisions for a portion of the lands were removed in March of 2018.

Coverage

The existing Special Provision Residential R1 (R1-8(5)) Zone permits a maximum lot coverage of 35% and a minimum of 40% landscaped open space.

The requested increase of lot coverage from 35% to 40% is for all of the single detached lots within the subdivision, many of which are adjacent or in close proximity to lands within a Residential R6 (R6-5) Zone, which permits cluster dwellings - including single detached dwellings, with a lot coverage of 45% and landscaped open space minimum of 30%. The proposed amendment will allow for single detached dwellings which are in character with the adjacent lands, and the lot coverage and landscaped open space regulations will ensure an adequate amenity area is provided.

The proposed 40% maximum lot coverage is consistent with suburban forms of development and will not cause impacts on abutting uses.

Setbacks

The existing Special Provision Residential R1 (R1-8(5)) Zone permits a front and exterior side yard setback of 5.0 for main buildings to Local Streets and Secondary Collectors; a minimum interior side yard setback of 1.2 metres plus 0.6 metres for each

storey above the first, except that where no private garage is attached to the dwelling, one yard shall be 3 metres; and a minimum rear yard setback of 7.5 metres.

The reduced front and exterior yard setbacks of 4.5 metres would allow for dwellings to be located closer to the property line and would contribute to a human-scale, pedestrian-oriented development.

The proposed interior side yard setbacks of 1.2 metres, except that where no private garage is attached to the dwelling, one yard shall be 3 metres, is a reduction only in the requirement for an additional 0.6 metres for each additional storey in height above the first. The maximum building height permitted in the existing Special Provision Residential R1 (R1-8(5)) Zone is 10.5 metres. As the Zone permits only single detached dwellings, a side yard setback of 1.2 metres will not negatively impact the privacy and amenity of the dwellings, and provides adequate space for access and maintenance.

The proposed rear yard setback of 7.0 metres would allow for dwellings to be closer to the rear property line, which would result in a loss of private amenity space. In this instance, the reduction of 0.5 metres in setback will not substantially reduce the amenity and privacy of the rear yards. Where lots back onto the stream corridor on the lands, no stormwater management issues are expected and Storm Water Engineering staff have no objections to the proposal.

The proposed amendments will allow for single detached housing forms in the subdivision that are compatible with one another and the future medium-density blocks in the subdivision.

5.5 Planning Impact Analysis

As per Section 3.7 in the Official Plan, where a zone change application is being considered, a variety of criteria may be considered when evaluating the proposal with respect to the appropriateness of a change in land use, and in minimizing potential adverse impacts on abutting uses. The proposed Zoning By-law Amendment is consistent with Section 3.7 as:

- the proposed use of the lands, being single detached dwellings, is not changing as part of this application, and is compatible with surrounding uses.
- the lots created through the Plan of Subdivision are of sufficient size and shape to accommodate the proposed use.
- the height and density of the lands are not being increased as part of this application. The reduced setbacks as proposed will not create impacts on surrounding land uses.
- the permission for increased coverage and reduced setbacks would result in dwellings which are not out of character for the neighbourhood and surrounding area.
no potential impact is anticipated on surrounding natural features and heritage resources.

5.0 Conclusion

The proposed amendment is consistent with the Provincial Policy Statement and is in conformity with The London Plan and the 1989 Official Plan. The proposed amendment provides future homebuilders/homeowners with greater flexibility regarding the design and layout of their single detached building lots while maintain the vision and goals of Southwest Area Secondary Plan permitting development that is appropriate for the subject lands, and compatible with the surrounding land use pattern. These proposed amendments represent good land use planning and are recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed & 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	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 31, 2018
MS

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\Z-8922 - 3493 Colonel Talbot Road (MS)\PEC\Z-8922 - 3493 Colonel Talbot Road - PEC Report - DRAFT.docx

Previous Reports Pertinent to this Matter

January 26, 2016: Official Plan and Zoning By-law Amendment (OZ-8417).

March 27, 2018: The “h” and “h-100” holding provisions were removed from a portion of the lands (H-8765).

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 properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle.

WHEREAS 2219008 Ontario Limited has applied to rezone properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle as shown on the map attached as Schedule "A" 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 as amended, is amended by changing the zoning applicable to lands located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle as shown on the map attached as Schedule "A" to this by-law **FROM** a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) **TO** a Holding Residential R1 Special Provision (R1-8(_)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(_)) Zone.
2. Section Number 5.4 of By-law No. Z.-1, as amended being the Residential R1-8 Zone is amended by adding the following regulations to the Special Provision R1-8(5) Zone:
 -) R1-8(5)
 - a) Regulations:
 - i) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage
 - ii) Lot Coverage (%) 40%
(Maximum)
 - iii) Landscaped Open Space (%) 35%
(Minimum)
 - iv) Rear Yard Depth 7.0 m
(Minimum)
 - v) Front Yard 4.5 m
Depth for Main Dwelling
To Local Street or
Secondary Collector
(Minimum)

vi) Exterior Yard	4.5 m
Depth for Main Dwelling To Local Street or Secondary Collector (Minimum)	
vii) Interior Side Yard	1.2 m; except that where
Depth for Main Dwelling (Minimum)	no private garage is. attached to the dwelling, one yard shall be 3.0 m

3. 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.

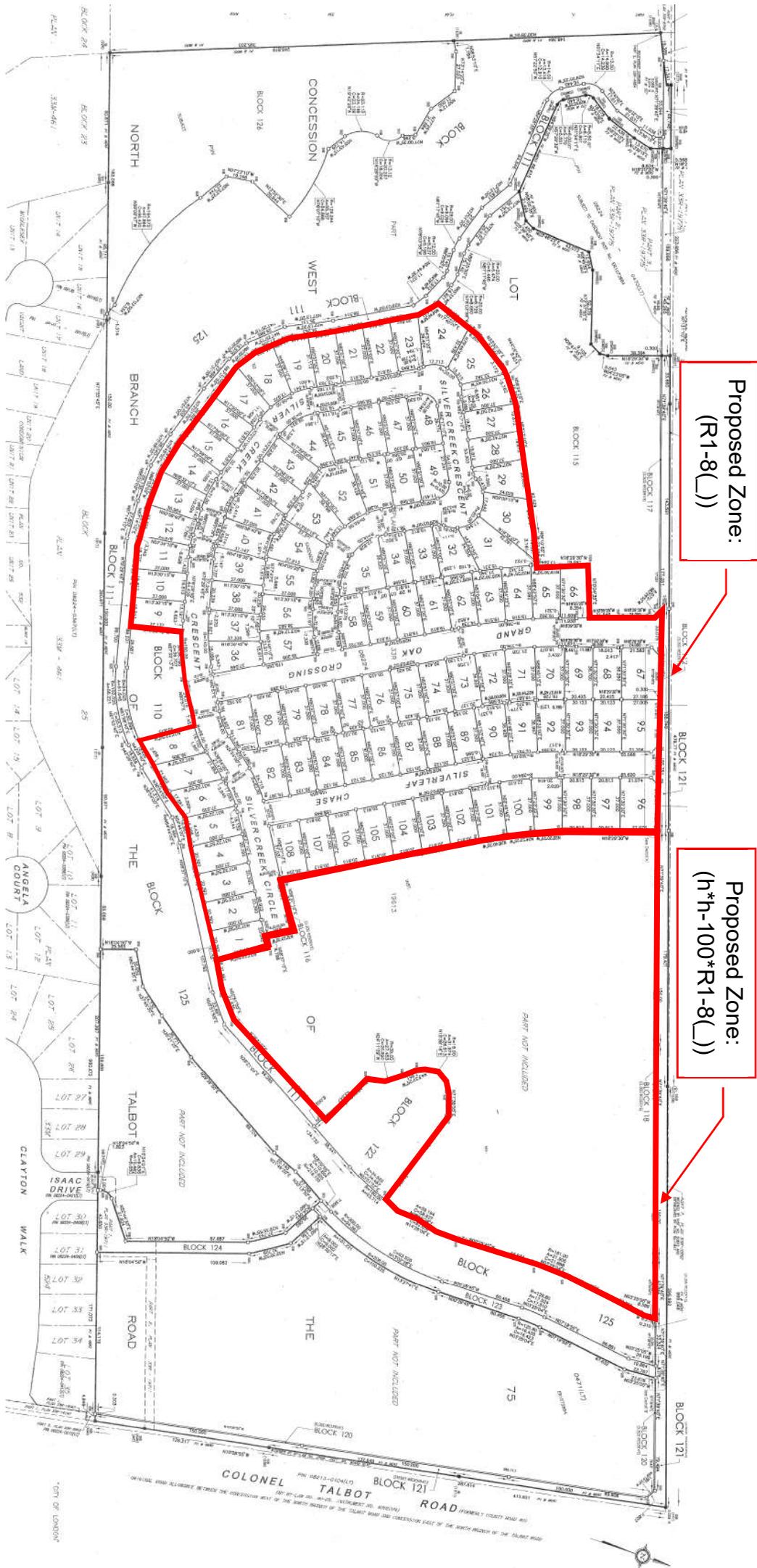
PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Site Concept Zoning



Appendix B – Public Engagement

Public liaison:

On July 18, 2018, Notice of Application was sent to all property owners within 120 metres of the subject lands, as well as those who commented during the previous rezoning and Official Plan Amendment (39T-14504/OZ-8417), and wished to be kept informed of future planning applications on the lands. One response has been received at the time this report was prepared. Notice of Application was published in The Londoner on July 5, 2018, and a Revised Notice of Application was published on July 19, 2018. One inquiry was received with respect to the Notice.

One reply was received at the time this report was prepared.

Nature of Liaison:

The purpose and effect of this Zoning By-law Amendment is to To change the zoning from a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-8(5)) **TO** a Holding Residential R1 Special Provision (R1-8 (_)) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-8(_)) Zone to permit a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector, a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres, a minimum rear yard depth of 7.0 metres, 35% minimum landscaped open space, and 40% maximum lot coverage.

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

Telephone	Written
Anonymous Resident – Requested a digital copy of the Notice of Application	N/A

Departmental/Agency Comments:

Transportation

No comments.

Waste Water and Drainage Engineering

No comments

Stormwater Engineering Division

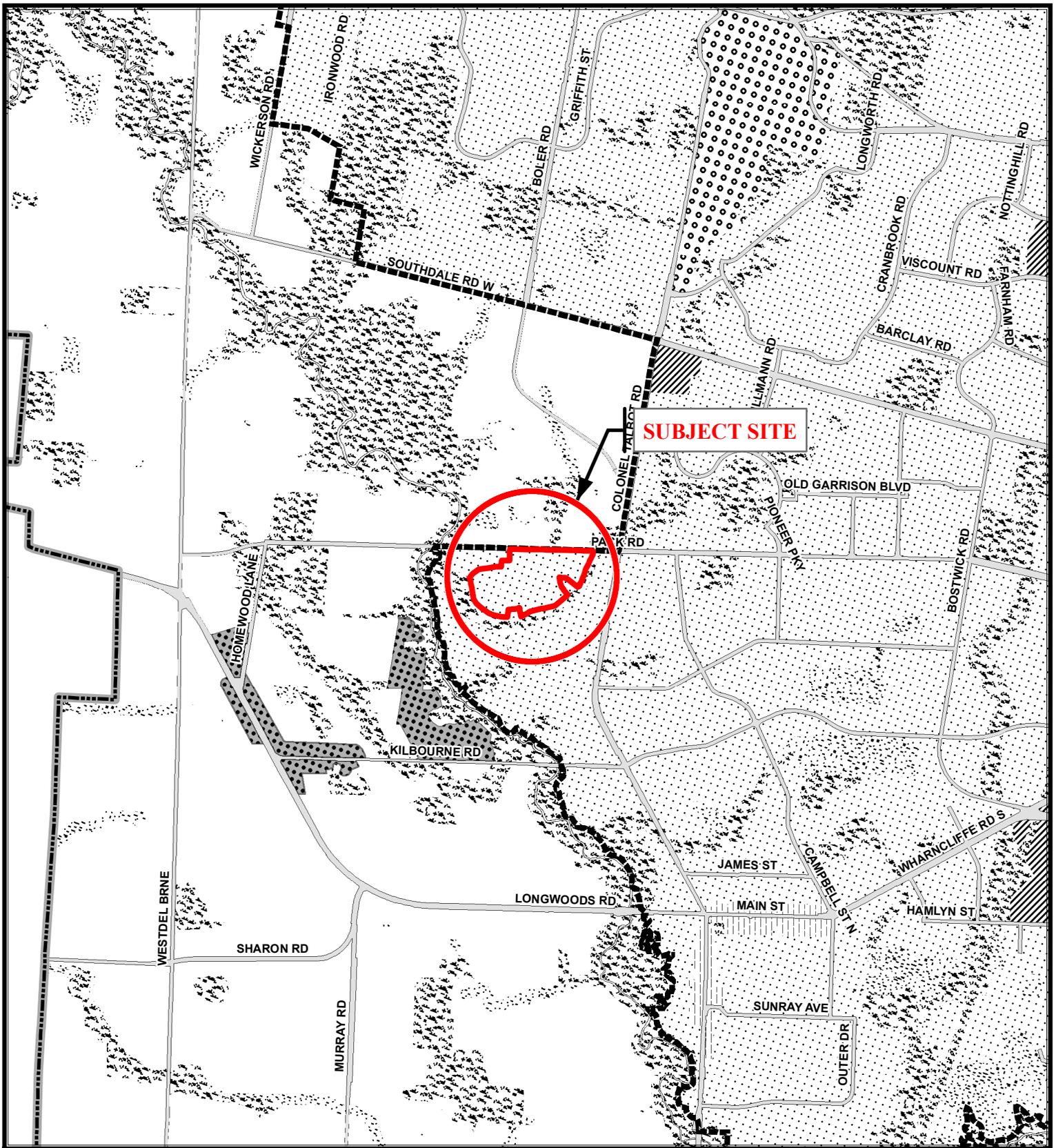
No comments. All necessary SWM servicing and drainage requirements/controls for this site are or will be implemented as part of the approved site plan and associated site plan agreement (reference file SPC17-106).

UTRCA

No objection.

London Hydro

No objection.



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

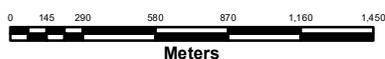
Planning Services /
Development Services

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

PREPARED BY: Planning Services



Scale 1:30,000

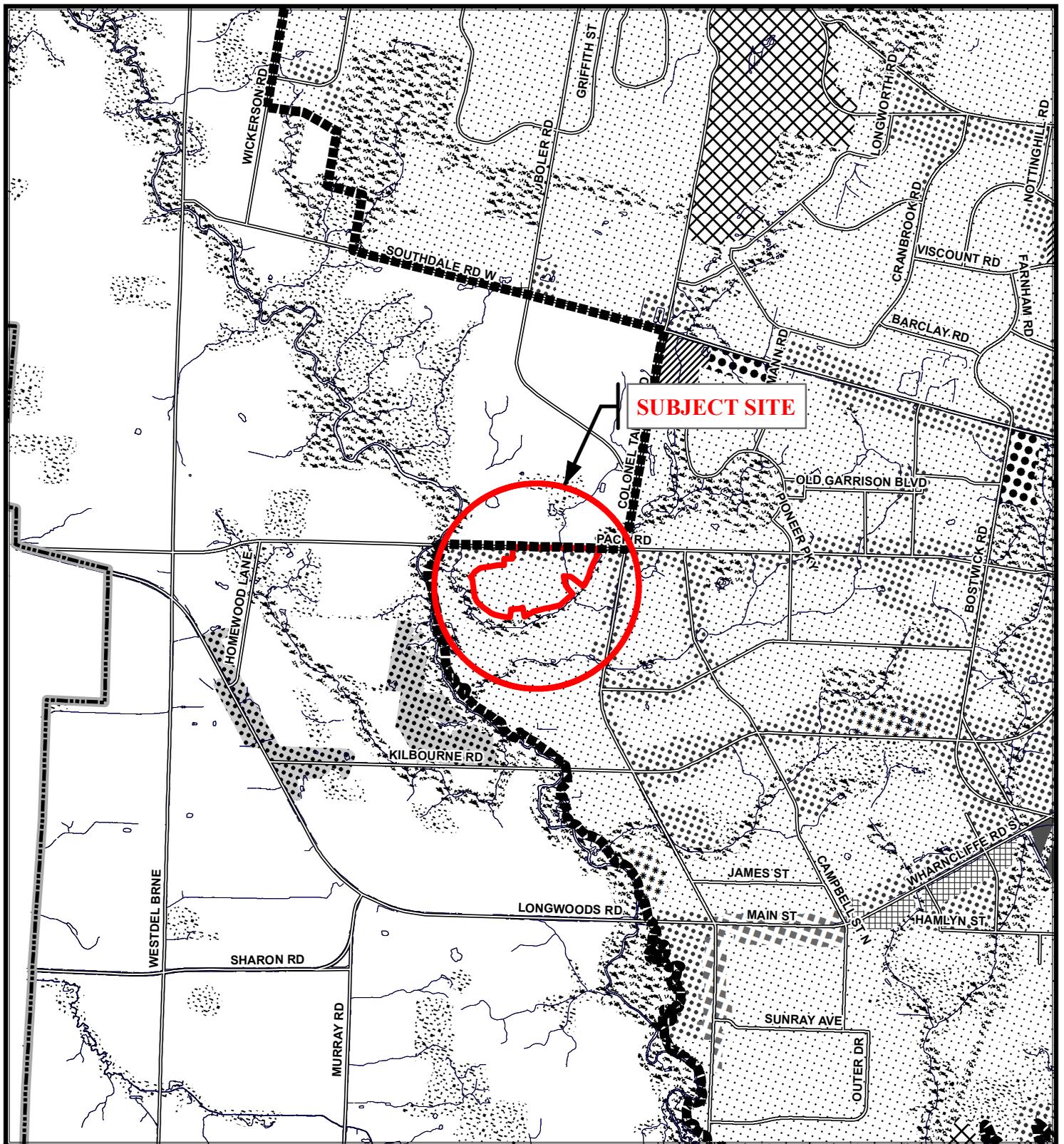


File Number: Z-8922

Planner: MS

Technician: RC

Date: August 9, 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

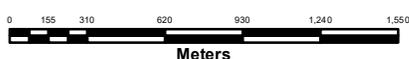
**Planning Services /
Development Services**

**OFFICIAL PLAN SCHEDULE A
- LANDUSE -**

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: Z-8922

PLANNER: MS

TECHNICIAN: RC

DATE: 2018/08/09

PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – Application – 3493 Colonel Talbot Road
(Z-8922)

- Scott Allen, MHBC Planning – expressing agreement with the staff recommendation; thanking staff for their attention to this application.

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: Artisan Homes Inc.
459 Hale Street
Zoning By-law Amendment (Z-8886)
Draft Plan of Vacant Land Condominium (39CD-18503)

Public Participation Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Artisan Homes Inc. relating to the lands located at 459 Hale Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 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 Residential R1 (R1-5) Zone **TO** a Residential R6 Special Provision (R6-2()) Zone to permit cluster housing in the form of single detached dwellings with a special provision to permit a minimum lot frontage of 8.0 metres and maximum density of 22 units per hectare; 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 application for Draft Plan of Vacant Land Condominium relating to the property located at 459 Hale Street.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to amend the Zoning By-law to permit cluster housing in the form of single detached dwellings with a special provision to permit a minimum lot frontage of 8.0 metres and maximum density of 22 units per hectare; and, to report to the Approval Authority any issues or concerns raised at the public meeting with respect to an application for Draft Plan of Vacant Land Condominium consisting of six (6) residential dwelling units and a common element for access driveway and services.

Rationale of Recommended Action

1. The recommended Zoning By-law Amendment and Draft Plan of Vacant Land Condominium are consistent with the Provincial Policy Statement.
2. The proposed infill housing development satisfies the residential intensification and relevant planning policies of The London Plan and the 1989 Official Plan.
3. The recommended zoning amendment and special provisions are appropriate, and conform with The London Plan and the Official Plan.
4. The proposed development is compatible and in keeping with the character of the surrounding residential neighbourhood.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is located on the west side of Hale Street, south of Brydges Street and north of Heather Crescent. The lot is currently occupied by an older single detached, one storey dwelling, detached garage, and a large rear yard.

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

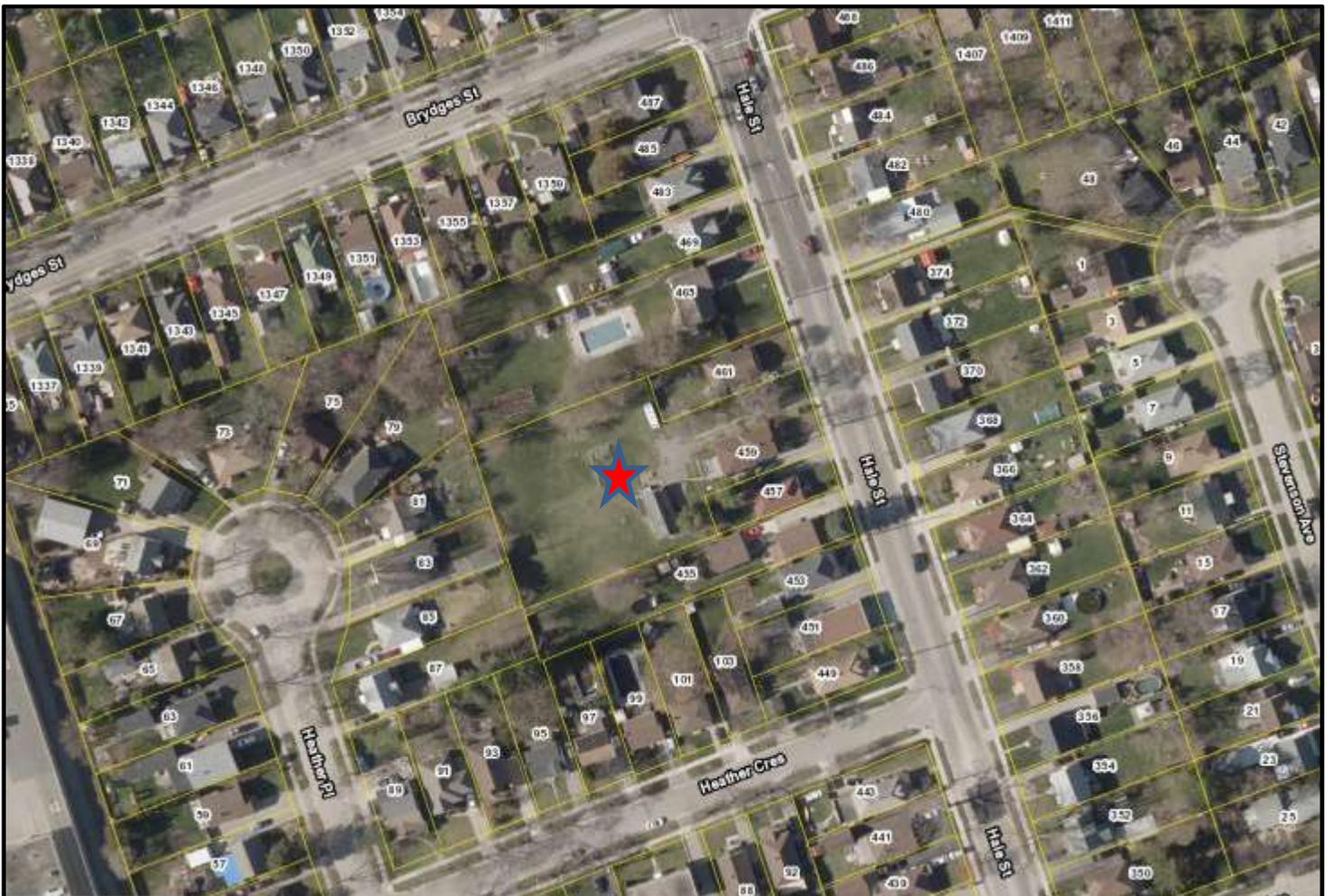
- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Zoning – Residential R1 (R1-5)

1.3 Site Characteristics

- Current Land Use – residential single detached dwelling
- Frontage – 22.4 metres total
- Depth – approx. 90 metres
- Area – approx. 3200 square metres or 0.32 hectares total area (0.28 hectares vacant portion of property proposed to be developed)
- Shape – irregular

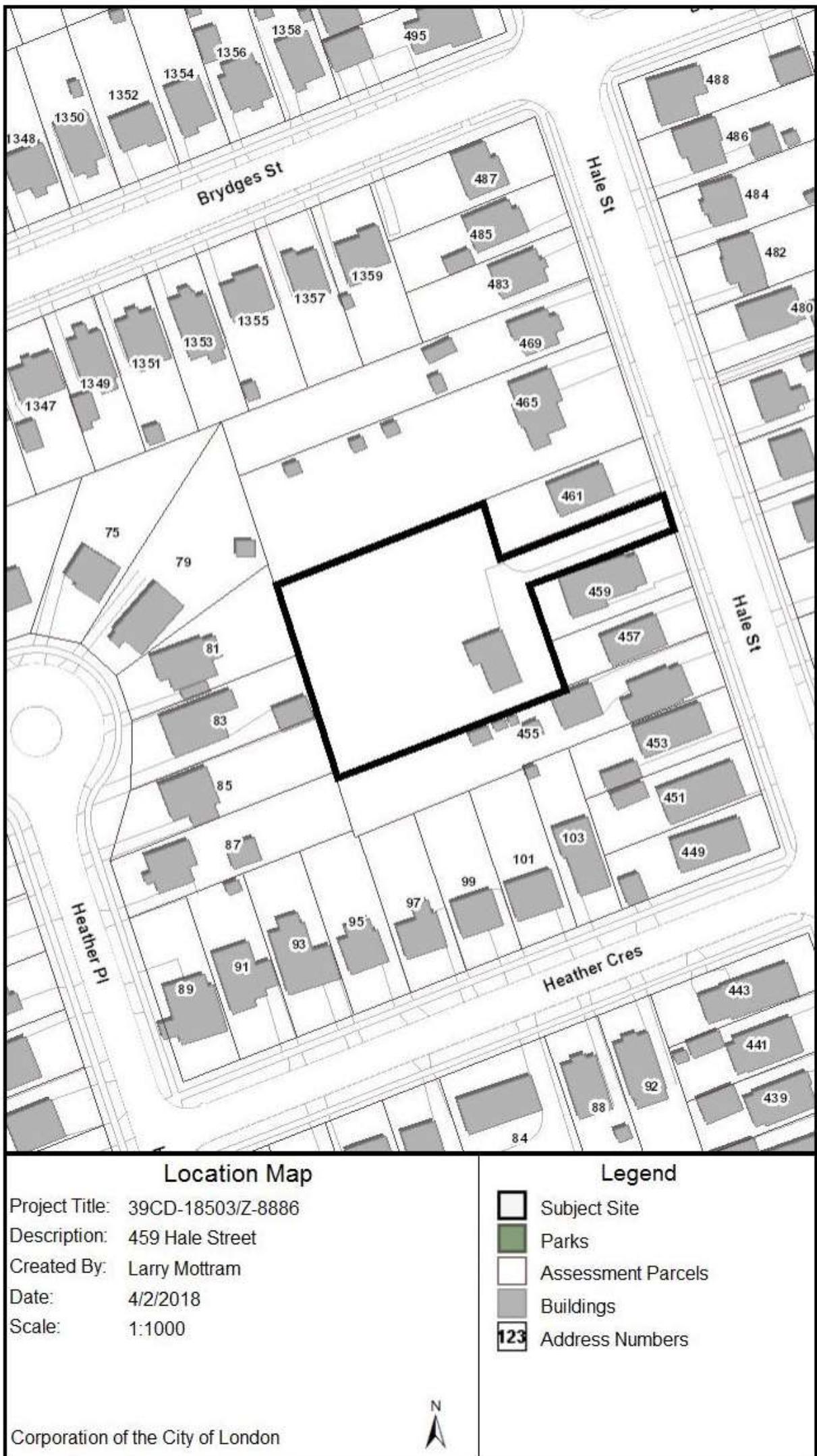
1.4 Surrounding Land Uses

- North – residential single detached dwellings
- East – residential single detached dwellings
- South – residential single detached dwellings
- West – residential single detached dwellings



 459 Hale Street

1.5 Location Map

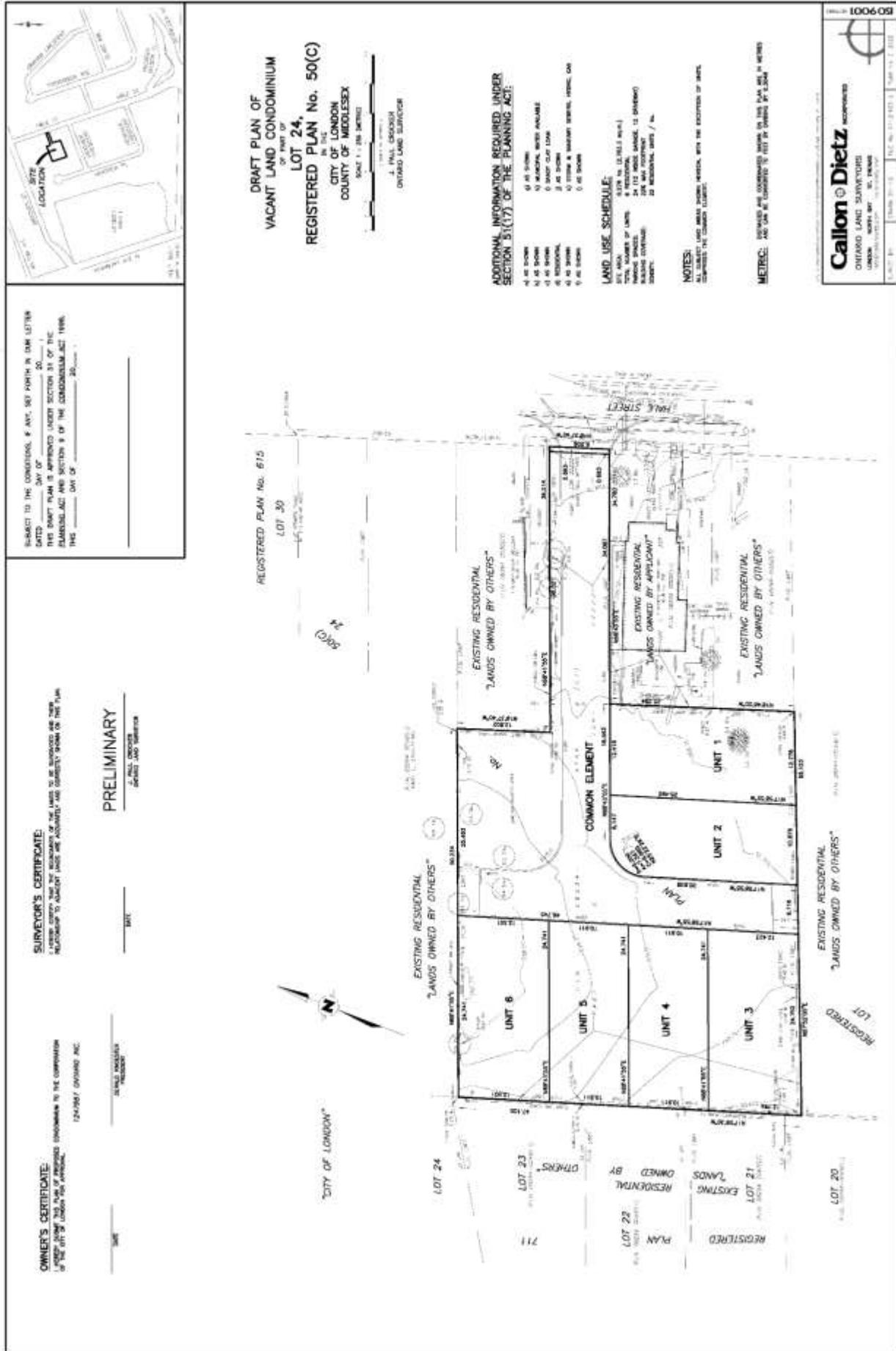


2.0 Description of Proposal

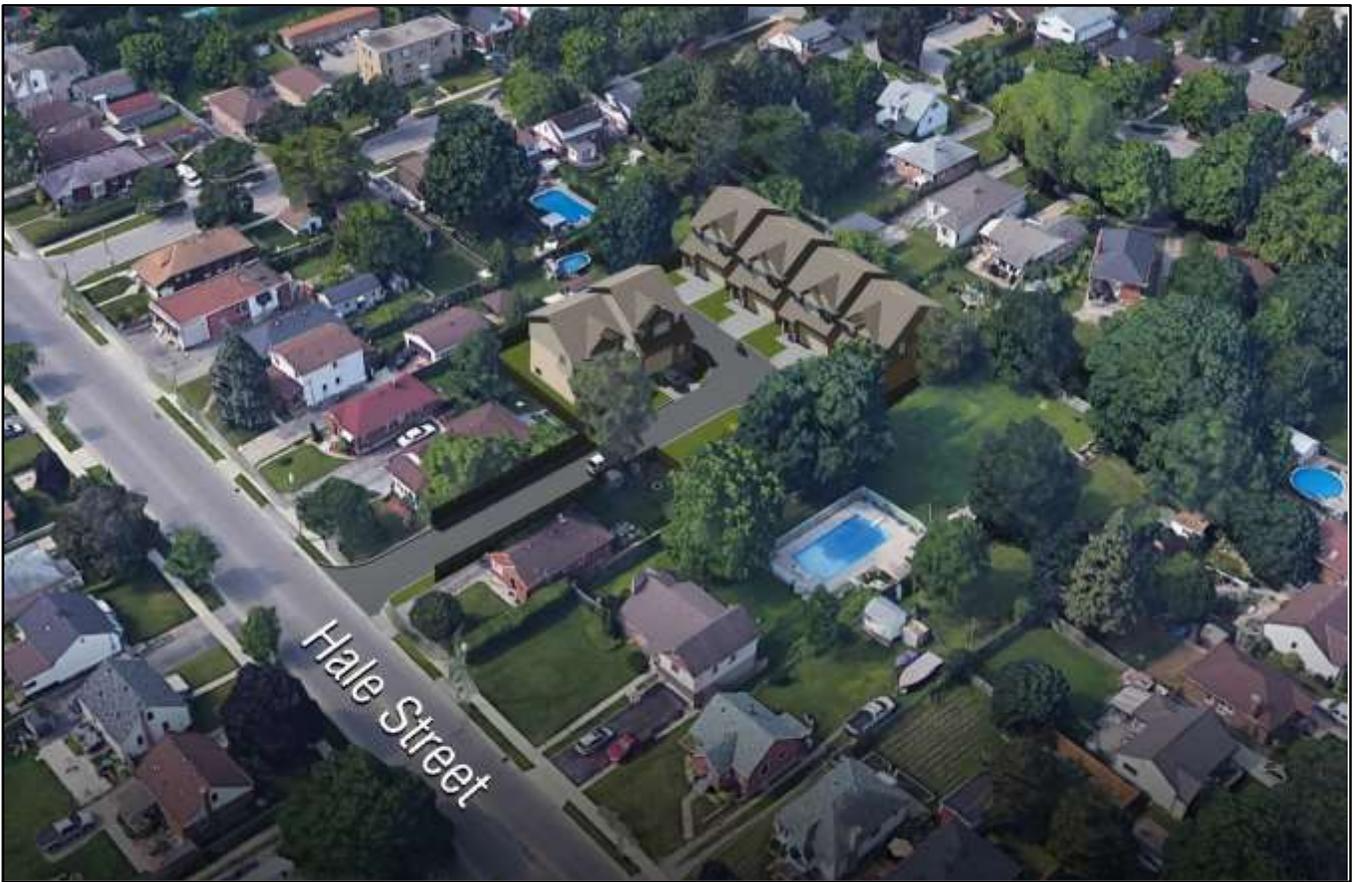
2.1 Development Proposal

Proposal for a six (6) unit vacant land residential condominium development on the vacant portion of the property along a private road with access to Hale Street. The existing residence is proposed to be severed from the remainder of the property to be developed, and would continue to exist on a smaller freehold lot with frontage and access onto Hale Street. The existing detached garage is proposed to be demolished.

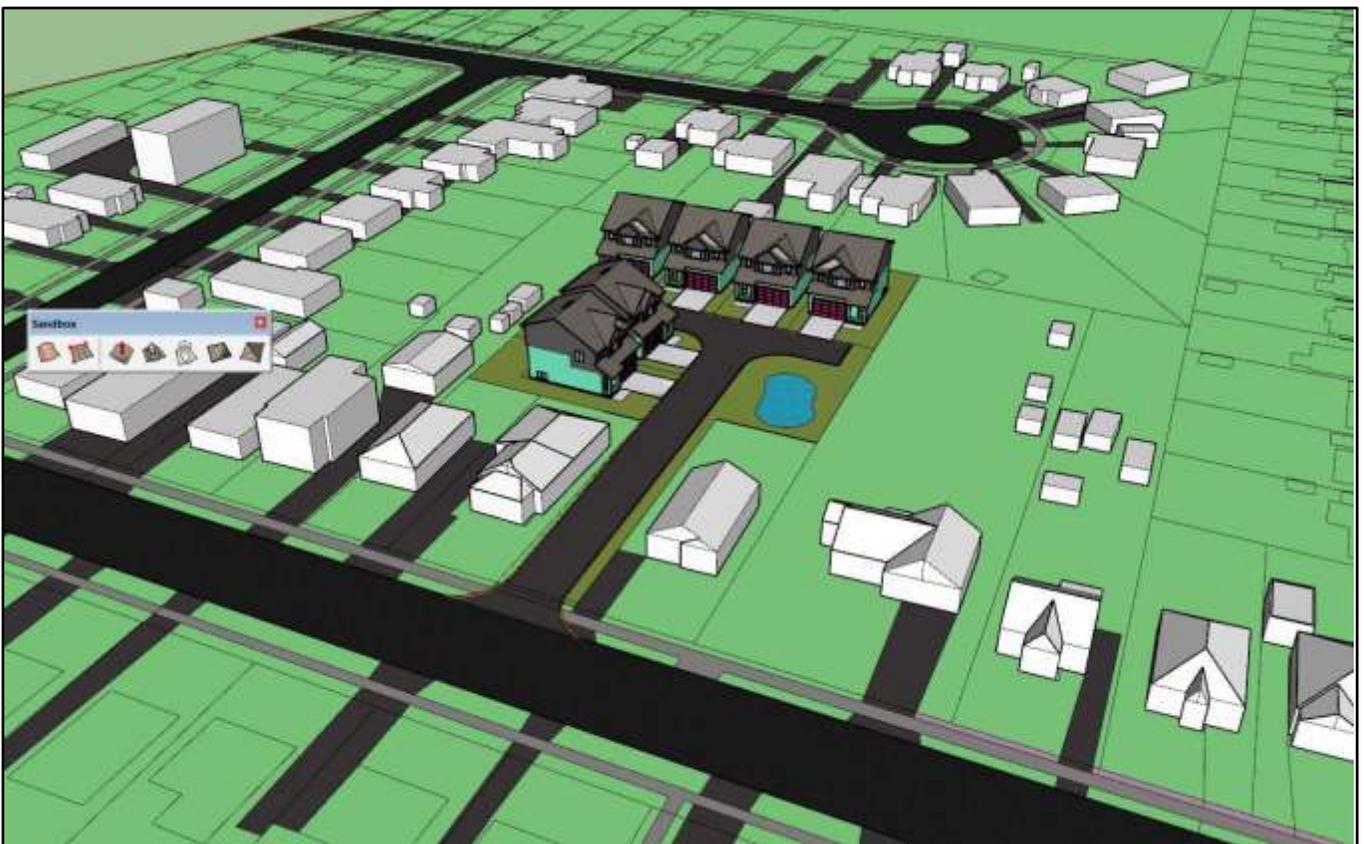
2.2 Proposed Draft Plan of Vacant Land Condominium



2.4 Images from the Applicant's Neighbourhood Character and Compatibility Report For Lands at: 459 Hale Street by Artisan Homes Inc. for a 6 Unit Vacant Land Condominium Project – March 2018 (prepared by Kirkness Consulting)



3D Google map view of the neighbourhood with massing model of the proposed development inserted into the image.



Massing model showing proposed development within neighbourhood context with Hale Street in the foreground looking westerly to Heather Place.



Massing model view of proposed private road from Hale Street (left) showing five of the proposed residences and part of an open space water detention area at right centre.



Sample elevation showing architectural detail of the building façade (1 of 2)



Massing model view from neighbouring property to the west showing proposed 2 storey houses, driveway and large accessory building from residence on Heather Place.

3.0 Relevant Background

3.1 Planning History

An application to amend the zoning by-law was received in January of 1989 from A. Makrakos the owner of the property at 459 Hale Street (File Z-3944). The purpose of the application was to allow development of five single family lots on a private road to be held in common ownership by the individual homeowners. The City of London initiated a concurrent review of the zoning for adjacent lands at 455, 465 and 469 Hale Street as these properties were all similarly situated, and similarly sized lots (File Z-4068). On December 18, 1989, Municipal Council resolved that, on the recommendation of the Director of Planning and Development, the application by A. Makrakos relating to 459 Hale Street and the City-initiated review of 455, 459, 465 and 469 Hale Street to amend the zoning by-law by changing the zoning of the subject properties from a Two Family (2F) Zone to a Special Residential (SR-) Zone to permit individually owned single family dwellings and lots, and a change in the definition to permit lots on a private street be refused. The rationale for Council's refusal was that there was insufficient support from the owners of the affected lands to permit proper development of the properties; the lots and ownership pattern was not in keeping with the established neighbourhood; and the change in lot definition to permit lots on a private street was contrary to existing City policies at the time.

3.2 Requested Amendment

An amendment to change the zoning on a portion of the property proposed to be developed from a Residential R1 (R1-5) Zone to a Residential R6 Special Provision (R6-2()) Zone to permit cluster housing in the form of single detached dwellings, with a special provision to permit a minimum lot frontage of 8.0 metres, maximum lot coverage of 40%, and maximum density of 22 units per hectare. (Note: the request for a 40% maximum lot coverage is not required and as a result shall not be included with any amending zoning by-law being considered by Development Services staff).

3.3 Community Engagement (see more detail in Appendix B)

Comments/concerns received from the community are generally summarized as follows:

- The site is too small for the proposed form and intensity of development
- It does not fit within the context of the established neighbourhood
- It will result in overcrowded conditions and will add to already heavy traffic volumes at peak times on Hale Street
- It will impact resident's privacy, quiet enjoyment of their property, and property values
- The narrow roadway from Hale Street is not wide enough for fire trucks, garbage trucks and other essential vehicles
- Previous attempts have been made to get permission to build on this property and were refused by the City

3.4 Policy Context Summary (A detailed policy analysis is provided in Appendix C)

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. As this development proposal represents a form of residential infill of vacant or underutilized lands, the PPS contains strong policies to direct growth to settlement areas, encourage a diversity of densities and land uses within settlement areas, and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock, and availability and suitability of infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3).

The London Plan

The subject site is located within the Neighbourhoods Place Type in the London Plan. The London Plan, through the vision articulated in the Our City policies, places an emphasis on growing "inward and upward" to achieve a compact form of development, as well as encouraging and supporting growth within the existing built-up area of the city. The Neighbourhoods Place Type policies, with respect to Residential Intensification in Neighbourhoods, expands on that vision and specifically states that:

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 City Structure Plan also recognizes that residential intensification will play a large role in achieving our goals for growing “inward and upward”, and supports various forms of intensification, including infill development of vacant and underutilized lots, subject to the policies of the Plan. This includes consideration of the policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. The London Plan policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods.

1989 Official Plan

These lands are designated “Low Density Residential” on Schedule ‘A’ of the 1989 Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as the primary permitted uses up to a maximum density of 30 units per hectare. The proposal to develop this parcel with six single detached dwelling units is permitted and will result in an overall density of 22 units per hectare which is within the density limits prescribed in the Low Density Residential policies.

The proposal also represents a form of residential infill of a vacant or underutilized site within an established neighbourhood which may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the Residential Intensification policies of the Official Plan. These policies require that a Statement of Neighbourhood Character and Compatibility be submitted by the proponent in accordance with Section 3.2.3 Residential Intensification and Section 3.7.3 Planning Impact Analysis.

A Neighbourhood Character and Compatibility Report was prepared and submitted by Artisan Homes Inc. including concept site plan, building floor plans and elevations, colour renderings, and 3D massing model showing the proposed development within the context of the neighbourhood. A Tree Assessment Report and Servicing Brief also accompanied the formal application submission. The Official Plan policies have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – The site is too small and this proposal does not fit within the context of the established neighbourhood.

The Neighbourhood Character and Compatibility Report describes the site layout and design in the context of the surrounding neighbourhood, including building orientation, setbacks, transition of building height, and architectural treatment. Massing models are provided in order to demonstrate how the proposal fits with the surrounding neighbourhood. The use, form and intensity of the proposed development is considered compatible and appropriate for the site in order to accommodate the buildings, driveways, parking, fencing, landscaping, outdoor amenity area, and buffering.

The Our Strategy, City Building and Design, Neighbourhood Place Type, and Our Tools policies in The London Plan, as well as the residential infill and intensification policies of the current Official Plan, have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives. This proposal represents a good fit within the neighbourhood in terms of the type and form of housing, tenure (owner-occupied), similar lot/unit frontages, and spatial separation between buildings. It is recognized that there are differences from existing development, such as the proposed attached 2-car garages, shallower rear yards, narrower street (a private road), and while there are some 2-storey homes, 1 and 1-1/2 storey dwellings are more predominant in the neighbourhood. At the same time, the proposal represents a cluster of new built homes that contributes to diversity and the rich mix of housing in the neighbourhood.

4.2 Issue and Consideration # 2 – It will add to already heavy traffic volumes at peak times on Hale Street.

Low volumes of traffic are expected to be generated from this 6 unit infill development. Hale Street is classified as a Secondary Collector in the Official Plan (Neighbourhood Connector in The London Plan) carrying on average 10,000 vehicle trips a day, and under

the 15,000 vehicles per day capacity. The City's Transportation Planning and Design Division have reviewed the proposed site concept plans and did not report any concerns. The access location and design will be reviewed again in more detail at the Site Plan Approval stage.

4.3 Issue and Consideration # 3 – It will impact resident's privacy, quiet enjoyment of their property, and property values.

Building front entrances, driveways, and garages are oriented internally to the site so that impact on privacy of adjacent properties is minimized. Perimeter fencing (1.8 metre high board-on-board fence) and landscape planting buffers will also be incorporated into the approved site plan and landscape plans to provide screening and privacy of adjacent rear yard amenity areas. The proposed 2-storey dwellings with pitched roof design are not expected to cast shadowing on adjacent properties, or result in any significant loss of sunlight. The proposed residential infill development is not expected to adversely affect the residential stability of this area.

4.4 Issue and Consideration # 4 – The narrow roadway from Hale Street is not wide enough for fire trucks, garbage trucks and other essential vehicles.

The access from Hale Street is a 6.7 metre wide private driveway. Design standards for vehicular access to and from private site developments (including fire routes, parking, etc.) are specified in the City's Site Plan Design Manual. The proposed driveway width meets the City's site design standards. Typically, the maximum dead end distance without an approved turnaround facility is 90 metres. The proposed driveway is approximately 60 metres in from the public street terminating at a "T" junction.

4.5 Issue and Consideration # 5 – Previous attempts have been made to get permission to build on this property and were refused.

As noted in the history section above, the development application referred to was considered in 1989. Many things have evolved since that time, including Provincial and municipal planning policies recognizing the importance of residential intensification. The Condominium Act was amended to introduce Vacant Land Condominiums, and zoning by-laws have changed. Similar small-scale infill housing projects have been developed in neighbourhoods in other parts of the City.

5.0 Conclusion

The recommended amendment to the Zoning By-law and application for Approval of Vacant Land Condominium are considered appropriate, are consistent with the Provincial Policy Statement, and conform to The London Plan and the 1989 Official Plan. The proposal will permit a small residential infill development that is appropriate for the subject lands, and compatible with the surrounding land use pattern.

Prepared & Recommended by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompili, 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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 31, 2018
GK/PY/LP/LM/lm

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Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 459
Hale Street.

WHEREAS Artisan Homes Inc. has applied to rezone an area of land
located at 459 Hale 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 459 Hale Street, as shown on the attached map, from a Residential
R1 (R1-5) Zone to a Residential R6 Special Provision (R6-2(_)) Zone.
- 2) Section Number 10.4 of the Residential R6 Zone is amended by adding the following
Special Provision:
 -) R6-2 (
 - a) Regulations
 - i) Lot Frontage (Minimum) 8.0 metres
 - ii) Density (Maximum) 22 units per hectare

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 September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Appendix B – Public Engagement

Community Engagement

Public liaison: On April 18, 2018, Notice of Application was sent to 129 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. A “Planning Application” sign was also posted on the site.

Responses: 3 telephone calls, 1 counter inquiry, and 13 written replies were received.

Nature of Liaison: Consideration of an application for approval of a proposed draft plan of vacant land condominium consisting of 6 single detached residential units and a common element for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval of a Zoning By-law Amendment to change the zoning from a Residential R1 (R1-5) Zone to a Residential R6 Special Provision (R6-2()) Zone to permit cluster housing in the form of single detached dwellings, with a special provision to permit a minimum lot frontage of 8.0 metres, maximum lot coverage of 40%, and maximum density of 22 units per hectare.

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

- The site is too small for the proposed form and intensity of development
- It does not fit within the context of the established neighbourhood
- It will result in overcrowded conditions and will add to already heavy traffic volumes at peak times on Hale Street
- It will impact resident’s privacy, quiet enjoyment of their property, and property values
- The narrow roadway from Hale Street is not wide enough for fire trucks, garbage trucks and other essential vehicles
- Previous attempts have been made to get permission to build on this property and were refused by the City

Responses to Notice of Application and Publication in “The Londoner”

Telephone or In Person	Written
Gord McIntosh – 87 Heather Place	Carol Hepting – 483 Hale Street
Bob McEachnie – 1349 Brydges Street	Carol Smith – 83 Heather Place
Kevan Angar – 85 Heather Street	Darlene Pigeau – 63 Heather Place
Darrell Laraway – 465 Hale Street	Homeowner – 81 Heather Place
	Josh A. Monk – 1357 Brydges Street
	Larry Graham and Nancy Stilwell
	Lawrence and Jean Ruth Rath – 99 Heather Crescent
	Linda Holmes
	Lisa Bailey-Moore – 1356 Brydges Street
	Lisa O’Brien – resident Heather Place
	Robert Mitchell
	Shawn Lewis – 67 Trapper Street
	Tracy Rath – 485 Hale Street

Agency/Departmental Comments:

Environmental and Parks Planning

- *Parkland dedication has not been collected for the subject lands. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-9.*
- *Urban Forestry agrees with the recommendations within the submitted Tree Preservation Plan noting tree preservation fencing should be included around the boulevard tree in front of 459 Hale. All recommendations within the plan are to be implemented as part of the site plan and the condominium plan.*
- *We are requesting that the developer register all trees being planted with the Million tree website or seek to register them on their behalf. It is a free service that only takes a few minutes and can be found at www.milliontrees.ca. There would be recognition for the developer on this site and they would be contributing to the Million tree challenge of which the City of London is a partner with Re-Forest London.*

Stormwater Engineering Division (SWED)

The Owner acknowledges that the subject lands are located within the Central Thames Subwatershed and that the minor storm outlet for this plan is the existing 300 mm diameter storm sewer on Hale Street.

The Owner agrees to have a consulting professional engineer design and construct proposed storm/drainage and SWM servicing works for the subject lands all to the satisfaction of the City Engineer and according to the requirements of the following:

- i) The SWM criteria and environmental targets for the Central Thames Subwatershed;*
- ii) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;*
- iii) The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 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 City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;*
- v) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and*
- vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.*

The Owner agrees that, prior to issuing a Certification of Conditional Approval for this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria, all to the satisfaction of the City Engineer.

Prior to issuing a Certification of Conditional Approval, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands and those flow routes shall be constructed and be operational, all to the satisfaction of the City Engineer.

The Owner agrees to promote the implementation of SWM soft measure Best Management Practices (BMP's) including Low Impact Development (LIDs) solutions within the subject lands, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within the subject plan and the approval of the City Engineer.

The Owner shall ensure that increased and accelerated Stormwater runoff from this development shall not cause damage to downstream lands, properties or structures beyond the limits of this plan and notwithstanding anything to the contrary of any requirements of the city or any approval given by the City Engineer, the indemnity provided shall apply to any damage or claim for damages arising out of, or alleged to have arisen out of such increased or accelerated Stormwater runoff from the subject lands.

The Owner agrees to provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City Engineer.

The Owner agrees to develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands and that will be in accordance with City of London and MOECC standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required erosion and sediment control measures were maintained and operating as intended during all phase of construction.

The Owner agrees to have a qualified geotechnical consultant provide a report, at the detailed design engineering submission, confirming the existing soil characteristics to support the proposed design of the infiltration basin for the development, to the satisfaction of the City Engineer.

The Owners professional engineer shall provide, at the detailed design engineering submission, a maintenance and operation manual for the proposed infiltration basin (LID) facility.

The Owners professional engineer shall provide, at the detailed design engineering submission, a report outlining the required 5 years of monitoring program to assess performance of the infiltration basin to ensure that it stays viable as a long term SWM LID solution.

The Owners professional engineer shall provide, at the detailed design engineering submission, an alternate piped stormwater solution for the development in case the proposed infiltration basin ceases to function as per the original design. This alternate design shall be provided in the SWM report and shall demonstrate compliance with the City Design Requirements for Permanent Private Stormwater Systems.

The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of any existing stormwater conveyance systems. In an event, where the above condition cannot be met, the Owner agrees to provide SWM on-site controls that comply to the accepted Design Requirements for Permanent Private Stormwater Systems.

The Owner's professional engineer shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design and shall demonstrate this in the detailed design engineering submission, all to the specification and satisfaction of the City Engineer.

Appendix C – 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 infill development in the form of cluster single detached dwellings falls within this Place Type. Hale Street is identified on Map 3 – Street Classifications as a Neighbourhood Connector.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 5. Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.*

Key Direction #8 Making Wise Planning Decisions

- 9. Ensure new development is a good fit within the context of an existing neighbourhood.*

This proposal represents a small-scale infill development which contributes to broader strategic objectives of building a mixed-use compact City of London. The proposed development is not identical; however, it is compatible with the scale and the form of housing in the surrounding area, and a good fit within the context of the existing neighbourhood.

City Building and Design Policies

199_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood’s character and demonstrate how the proposal has been designed to fit within that context. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

Based on our review of the applicant’s Neighbourhood Character Statement and Compatibility Report, and supporting documents, this proposal represents a small-scale infill development which satisfies the City Building and Design, Our Tools and Residential Intensification policies of the London Plan.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

916_ In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
- 4. Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*

5. Lots of safe, comfortable, convenient, and attractive alternatives for mobility.
6. Easy access to daily goods and services within walking distance.
7. Employment opportunities close to where we live.
8. Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identity, diversity of housing choices and affordability, safe and convenient alternatives for mobility, and close proximity to employment and recreational opportunities.

947_ These policies relate only to lot creation on vacant or underutilized sites in established neighbourhoods, and will not include blocks of land that have been established in plans of subdivision registered after July 2, 1996. Consents to sever lots will conform with the consent policies in the Our Tools part of this Plan. If conceptual site and elevation plans exist at the time of the consent application, these plans will be evaluated based on the policies of this Plan and if deemed appropriate may be included as a condition of the consent approval to be addressed through the building permit stage.

If plans are not available at the time of consent, the approval authority may establish a condition to require that future development on the severed and retained properties will be subject to site plan approval. A condition for a public site plan meeting may also be required at the discretion of the approval authority.

This proposal represents a lot creation of a vacant or underutilized site in an established neighbourhood. In this case, the lot creation results from the process of approval of the vacant land condominium. The applicant has provided a conceptual site and elevation plans which have been reviewed by staff in conjunction with the application for draft plan of vacant land condominium approval and zoning by-law amendment. The proposal will still require a formal application to be made for Site Plan Approval.

948_ The creation of rear-lot development (flag-shaped lots) will be discouraged in the Neighbourhoods Place Type unless the intensification policies in this Plan are met and the following urban design considerations are addressed:

1. Access to the new property will be wide enough to provide:

- a. Separate pedestrian/vehicular access.*
- b. Sufficient space beside the driveways for landscaping and fencing to buffer the adjacent properties.*
- c. Adequate space at the street curb for garbage and blue box pickup.*
- d. Snow storage for the clearing of these driveways.*

2. In laying out a rear-lot development project, care should be taken to avoid creating front to back relationships between existing and proposed dwelling units. To support a reasonable level of privacy and compatibility, the front doors of the new units should avoid facing onto the rear yards of existing homes.

3. Where existing dwellings fronting onto the street are not incorporated into the infill project, adequate land should be retained in the rear yard of these dwellings to provide:

- a. Appropriate outdoor amenity space.*
- b. Adequate separation distance between the existing dwellings and the habitable areas of the infill project.*
- c. Sufficient space for landscaping in the rear yards for visual separation if required.*
- d. Parking and vehicular access for the existing dwellings, so as not to introduce parking into the front yards of the existing dwellings.*

The rear-lot development policies are essentially the same in the current Official Plan, and are covered off in the next section of this report.

953-2. *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.*

953-3 *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.*

The applicant has provided a Compatibility Report which describes the site layout and design in the context of the surrounding neighbourhood, including building orientation, setbacks from the street, and transition of building height. Massing models were provided to demonstrate how the proposal fits with the scale of the surrounding neighbourhood. The intensity of the proposed development is considered appropriate for the site in order to accommodate driveways, adequate parking, landscaped open space, outdoor amenity areas, buffering and setbacks.

Our Tools

Evaluation Criteria for Planning and Development Applications

1578_ 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.*

- Hale Street is classified as a Neighbourhood Connector carrying on average 10,000 vehicle trips per day, and under the 15,000 vehicles per day capacity. The proposed development is not expected to contribute significantly to traffic volumes, and the site plan approval process will ensure safe vehicular access is achieved.

- All required parking will be provided on-site.

- The proposed development is not expected to generate excessive noise and emissions.

- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.

- Individual units will have 2-car garages which should be large enough for storage of domestic garbage.

- Perimeter fencing and landscape planting buffers will be incorporated for screening and privacy.

- The proposed 2-storey dwellings with pitched roof design is expected to result in minimal

loss of sunlight or shadowing on adjacent properties.

- Architectural treatment (covered in the next section of this report) is of a more contemporary style than existing homes in the neighbourhood, but is not expected to be visually impacting.
- The topography is relatively flat so there will be no loss of natural view corridors or vistas.
- A Tree Preservation Assessment report was prepared by RKLA Landscape Architects and submitted with the application. Although the site is devoid of any significant trees, the perimeter has some mature boundary trees that are to be retained as much as possible. The response from Urban Forestry indicated they were in agreement with the recommendations within the submitted Tree Preservation Plan noting tree preservation fencing should be included around the boulevard tree in front of 459 Hale Street. All recommendations within the plan are to be implemented as part of the Site Plan Approval.
- There are no natural heritage features, and no concerns for cultural heritage or natural resources.

1578_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 next section of this report draws from the applicant's Neighbourhood Character and Compatibility Report and discusses the various components listed above, including neighbourhood and streetscape character, massing, building placement, setbacks, and architectural attributes. Based on our review of The London Plan policies, Staff would agree that this proposal represents a good fit within the neighbourhood because of the type and form of housing, tenure (owner-occupied), similar lot/unit frontages, and spatial separation between buildings. It is recognized that there are also some differences, such as the proposed attached 2-car garages, shallower rear yards, narrower street (private road), and while there are examples of 2-storey homes, 1 and 1-1/2 storey dwellings are more predominant in the neighbourhood. Despite the differences, this infill development represents a cluster of new built homes that will contribute to the diversity and the rich mix of housing in the neighbourhood.

Official Plan

These lands are designated "Low Density Residential" on Schedule 'A' of the City's Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as the primary permitted uses up to a maximum density of 30 units per hectare. The proposal to develop this parcel with six single detached dwelling units is a permitted and will result in an overall density of 22 units per hectare which is within the density limits prescribed in the Low Density Residential policies.

The proposal also represents a form of residential infill of a vacant or underutilized site within an established neighbourhood which may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the

Residential Intensification policies of the Official Plan. These policies require that a Statement of Neighbourhood Character and Compatibility be submitted by the proponent in accordance with Section 3.2.3 Residential Intensification and Section 3.7.3 Planning Impact Analysis.

A Neighbourhood Character and Compatibility Report was prepared and submitted by Artisan Homes Inc. including concept site plan, building floor plans and elevations, colour renderings, and 3D massing model showing the proposed development within the context of the neighbourhood. A Tree Assessment Report and Servicing Brief also accompanied the formal application submission. The Official Plan policies have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives, including the following specific policies:

3.7.3 (a) Neighbourhood Character Statement

Character & Image

i) description of the existing street character;

The street character in the Brydges and Hale Street area is generally described as a grid pattern that also incorporates a number of crescents and cul-de-sacs (Heather Place). Road allowances are 20 metres with approximately 8 to 10 metres pavement width, curb and gutter, and sidewalks on both sides of the street. A mixture of one and two storey, single detached dwellings on freehold lots are the dominant built form and use. Lot sizes are typically 12-13 metres wide with lot depths ranging on average 37 metres along Brydges Street and Heather Crescent, 40 metres on Heather Place, 45 metres on the east side of Hale Street, with several unusually deep lots on the west side of Hale Street that measure up to 90 metres deep, including the subject property.

ii) description of the project in the context of the neighbourhood;

The applicant's proposal is a six (6) unit cluster of two-storey, single detached condominium dwellings (vacant land condominium) located on the vacant rear portion of the property. Access would be provided by a 6.7 metre wide access driveway providing ingress and egress from Hale Street approximately 50 metres in length. Surrounding the project would be single detached homes which front onto Hale Street, and Heather Place. Three residences on Heather Place would have rear yards facing the rear yards of four of the proposed dwelling units. Four residences on Hale Street would have their rear yards backing or siding on rear and interior side yards of the proposed dwelling units. No front or rear yards would face into the front yards of adjacent dwelling lots. The existing home will be retained on its own lot and thereby maintains the lot fabric and continuity of the Hale Street streetscape.

iii) visual components;

Topographically the site is very flat with no natural view corridors or vistas.

iv) retention and role of natural environment.

There are no natural heritage features present. A Tree Preservation Report was prepared by RCLA Landscape Architects and submitted with the application. Although the site is devoid of any significant trees, the perimeter has some mature boundary trees that are to be retained as much as possible. The response from Urban Forestry indicated they were in agreement with the recommendations within the submitted Tree Preservation Plan noting tree preservation fencing should be included around the boulevard tree in front of 459 Hale Street. All recommendations within the plan are to be implemented as part of the site plan and the condominium plan.

Site Design

i) the location of buildings, as well as their orientation to the street edge and sidewalks;

The bulk of the building stock is made up of single detached dwellings throughout the neighbourhood. Most buildings are typically setback from the front lot line (and the boulevard containing street edge and public sidewalks) on average 6.0 to 8.0 metres. Side yards are in the average range of 1.2 to 3.0 metres, providing building separation on average of approximately 2.4 to 5.0 metres.

ii) the location of building entrances;

All buildings have front entrances with some having front porches and steps to the sidewalk or driveway, all oriented to the public streets.

iii) how the design relates to its site and greater surrounding area;

The proposed development represents a small cluster of single detached homes fronting a common private driveway. Each dwelling would have front door entrances and building face width similar to many homes in the surrounding area, as well as double-driveways and attached two-car garages for parking, and for domestic storage that would otherwise be located outside.

iv) views in to and out of the site – how does the building function as a view terminus – provide pedestrian perspectives (at-grade views) and important views;

Views into the site from Hale Street would be along the common driveway terminating at the front entrances of two of the six residential dwellings. Views out of the site to the north and south along the common driveway would be shielded by fencing and landscaping to protect the privacy of neighbouring property owners.

v) vehicular and pedestrian circulation

Vehicular and pedestrian movement on a 6.7 metre wide paved common driveway connection to Hale Street.

Servicing

i) accessibility and connectivity of the site to the adjacent neighbourhood, community facilities and destinations, including consideration of the circulation for automobile, pedestrians, cyclists and persons with disabilities;

The site will have full accessibility and connectivity to neighbourhood facilities, including schools, neighbourhood parks, and multi-purpose pathways all within close proximity for walking, biking or driving via Hale Street, Brydges Street, and the local street network.

ii) access to transit;

There is access to London Transit bus routes on both Hale Street and Brydges Street.

iii) shared service locations, parking, ramps, drop-offs, service areas for garbage, loading, utilities, etc.

Only the common access driveway, utilities and services are shared within the condominium common element.

3.7.3 (b) Compatibility Report

Built Form Elements:

- i) how the building(s) addresses the street;*
- ii) street wall and treatment of grade level;*

- iii) *roof top and cornice lines;*
- iv) *location of entrances and other openings;*
- v) *relationship of the building(s) to the street at intersections;*
- vi) *design for comfort and safety (i.e. privacy, lighting, sun and wind protection, etc.)*

The applicant's concept plans and renderings illustrate how buildings will address the private driveway similar to the building relationship to streets in the surrounding neighbourhood. At relatively level grades, the front of each building will be setback at 5.8 metres on an 11 metre wide lot, providing for a 2-car driveway, lawn area, and front doors with covered front porches. Pitched roofs with dormers are proposed which are a common roof style for the area. The east-west orientation of four of the homes would enable front and rear yard exposure to sunlight. The north-south orientation of two other homes provide for southerly exposed rear yards to capture sunlight.

Massing and Articulation:

- i) *the rhythm of at-grade openings;*
- ii) *setbacks;*
- iii) *transition to adjacent uses/buildings, and among buildings within the site;*
- iv) *transition of scale;*
- v) *street proportion / street sections (building to street ratio);*
- vi) *shadowing caused by mid-rise and tall buildings should be minimized and impacts on adjacent private amenity areas (natural light and privacy for example) should be minimized.*

The applicant's Neighbourhood Character and Compatibility Report indicates that the architectural rhythm of at-grade building openings would be well defined because of the architectural harmony and similarity of the six buildings. The similarities are with respect to front doors and porches, and building separation spaces. The primary differences relate to the attached 2-car garages; however, it is noted that this adds to the diversity and interest of the development in its contribution to the area.

Building setbacks are similar in terms of front yards and side yards. The rear yards that are proposed are much shallower than the surrounding neighbourhood at just over 6.0 metres (versus 15-20 metre rear yards common in the neighbourhood). This is typical of 1950's suburban residential development, notwithstanding that the R1-5 zoning presently permits a minimum rear yard depth of 7.0 metres.

With respect to building scale and height, staff would agree with the compatibility report that transition with adjacent uses works fairly well for several reasons:

- the 2-storey dwellings are adjacent very deep rear yards to the north and south, and the site is lower in elevation to the rear yards to the west;
- it includes minimum 3 metres to 6 metres side and rear yards around the outer edges of the development, adjacent neighbouring properties;
- it is inward looking upon itself such that overlooking is avoided (certainly for living areas, not for all upper bedroom windows necessarily);
- it would have building foot prints that are not markedly different from that of the neighbourhood;
- it would not cast any significant shadows being only 2 storey buildings.

Architectural Treatment:

- i) *style;*
- ii) *details;*
- iii) *materials;*
- iv) *colours.*

Architectural details include greater use of brick work, siding applications and artificial shingle gable end façade, together with multiple roof segments and dormers. The style and appearance will obviously be more modern than many of the residences in the neighbourhood that were built in the 1950-60's era. However, staff agree that this diversity contributes to the overall character of the neighbourhood. Exterior building

materials are proposed to be a combination of brick and siding. Material colour is proposed to be mainly grey and brown earth tones, which are somewhat more subtle than the prevailing building materials with tones of red, yellow, white, and beige.

Section 3.2.3.5 Public Site Plan Review and Urban Design

(a) Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;

The site concept plans indicates sensitivity to existing private amenity space. Building front entrances, driveways, and garages sized to accommodate indoor storage of garbage receptacles are all oriented internally to the site so that impact on adjacent properties is minimized.

(b) The use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and,

Perimeter fencing and landscape planting buffers will be incorporated into the approved site plan and landscape plan.

(c) Consideration of the following Urban Design Principles:

(i). Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped;

There is expected to be a reasonable level of innovation and creative design as discussed in the compatibility assessment above. The Site Plan process will ensure that appropriate levels of design and innovation are included as part of this development project.

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

The site consists of maintained lawn and several mature trees around the property boundary. There are no significant natural heritage features.

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

The applicant's site concept plans, building elevations and renderings demonstrate appropriate levels of diversity, continuity and harmony of architectural style.

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

The development proposal emphasizes active residential frontages to a common private driveway which will provide vehicular and pedestrian connection to the public street and sidewalk.

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

The proposed 2-storey dwellings with pitched roof design is expected to result in minimal loss of sunlight on adjacent properties and streets.

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

Building positioning has been laid to provide for a common open space area, as well

as individual private outdoor amenity areas.

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

Vehicle maneuverability and traffic volumes from this small six unit infill development are not expected to create traffic flow disruption either internally or externally.

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

The site facilitates easy access and connectivity to the greater neighbourhood, and to public transit on Hale Street and Brydges Street.

3.2.3.7 Supporting Infrastructure

- i) Off-street parking supply and buffering;*
- ii) Community facilities, with an emphasis on outdoor recreational space;*
- iii) Traffic impacts and Transportation infrastructure, including transit service;*
- iv) Municipal services.*

The site concept plan demonstrates that the minimum off-street parking requirements as set out in the zoning by-law can be met. Public outdoor recreational space is located within a 400 metre radius of the site (Kiwaniis Park - open space and multi-use trail corridor), and just beyond that is Lions Park consisting of outdoor swimming pool, playing fields, playgrounds, and tennis courts located within an 1100 metre radius. As noted above, low volumes of traffic are expected to be generated from this small infill development. Hale Street is classified as a Secondary Collector (Neighbourhood Connector in The London Plan) carrying on average 10,000 vehicle trips a day, and under the 15,000 vehicles per day capacity. Municipal water, sanitary and storm sewers are available at the front of the property on Hale Street.

Due to capacity constraints in the existing storm sewer system, an on-site infiltration basin is proposed as shown on the site concept plan as a landscaped area north of the common driveway. A preliminary design for the infiltration system accompanied the servicing brief for this development proposal. As noted in the response from the City's Stormwater Engineering Division, the owner will be required as part of the detailed engineering submission to provide a geotechnical report confirming the existing soil characteristics are present to support the proposed design of the infiltration basin, to the satisfaction of the City Engineer. A maintenance and operation manual for the proposed infiltration basin (LID) facility, and a report outlining a 5 year monitoring program to assess the performance of the infiltration basin, will also be required as conditions of approval of the site plan and servicing drawings.

Section 3.2.3.11 Rear-Lot Development

- i) Access to the new project shall be widen enough to provide:*
 - separate pedestrian/vehicular access;*
 - sufficient space beside the driveways for landscaping and fencing to buffer the adjacent properties;*
 - adequate space at the street curb for garbage and blue box pickup; and*
 - snow storage for the clearing of these driveways.*

There is sufficient width for a standard 6.7 metre wide access driveway. The applicant is not proposing a separate sidewalk due to the small number of units and the scale of the development. Access requirements including sidewalks will be reviewed when a detailed access plan is provided as part of the applicant's Site Plan Approval submission. There will be a requirement for a 1.8 metre high board-on-board fence and landscaping to buffer the adjacent properties. Snow storage areas are identified on the site concept plans, and the applicant will be required to prepare and submit a plan for private garbage collection

as part of the conditions for Site Plan Approval.

ii) In laying out a rear-lot development project, care should be taken to avoid creating front to back relationships between existing and proposed dwelling units. To support privacy the front doors of the new units should not face onto the rear yards of existing homes. As well, depending on the scale of the development and the building types proposed internally, front doors should face front doors.

The project avoids front to back relationships between existing and proposed dwelling units. Building front entrances and garages are oriented internally to the site so that impact on privacy of adjacent properties is minimized.

iii) Where existing dwellings fronting onto the street are not incorporated into the infill project, adequate land should be retained in the rear yard of these dwellings to provide:

- Appropriate outdoor amenity space;*
- Adequate separation distance between the existing houses and the habitable areas of the infill project;*
- Sufficient space for landscaping in the rear yards for visual separation if required; and provision for parking and vehicular access for the existing houses, so as not to introduce parking into the front yards of the existing house.*

The existing dwelling will be retained on its own lot separate from the condominium development and will be required to meet the minimum lot size and yard regulations in Zoning By-law No. Z.-1. The minimum rear yard depth requirement in the R1-5 Zone is 7.0 metres. The proposed retained lot meets the yard depth requirement and is considered adequate for providing outdoor amenity area, separation distance, and landscape screening. A separate driveway and parking already exists in the southerly interior side yard.

In conclusion, the proposal represents a small-scale infill development that satisfies the residential intensification and relevant planning policies of the Official Plan, as outlined above. The development is compatible with the scale and type of housing existing in the immediate area. Based on Staff's review, the proposed use, form and intensity conform to the City's Official Plan policies.

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 with an approved Site Plan 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 single detached housing. Building elevation plans will be 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 to be included in an approved Site Plan and Development Agreement.

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 element 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 facilities and structures in the common elements.

Z.-1 Zoning By-law

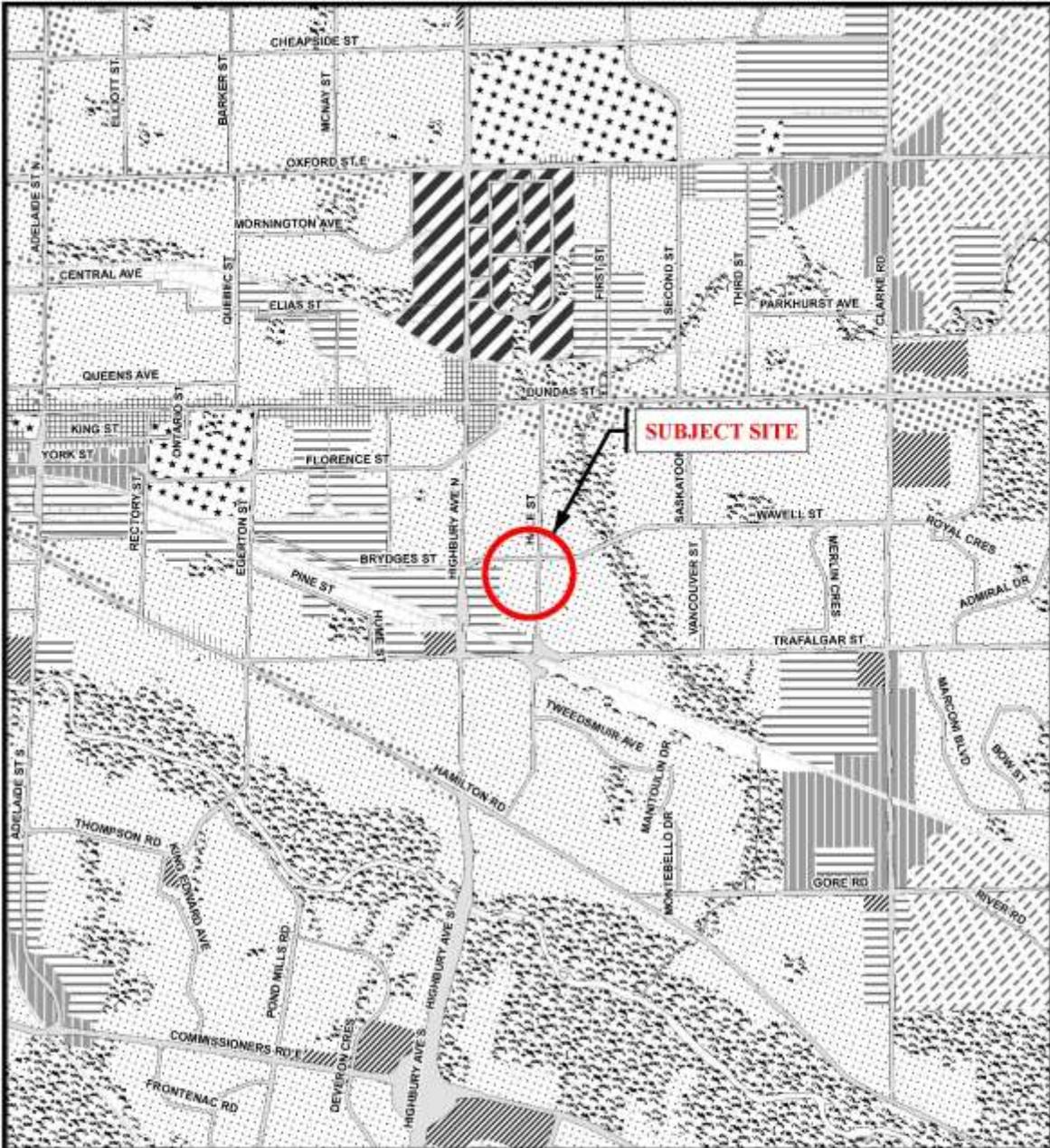
The zoning is currently Residential R1 (R1-5) which permits single detached dwellings on lots with a minimum lot area of 415 square metres and minimum lot frontage of 12 metres. The recommended zoning is a Residential R6 Special Provision (R6-2()) Zone. The recommended Zone permits cluster housing in the form of single detached dwellings. In addition, a special provision to permit a minimum lot frontage of 8.0 metres and maximum density of 22 units per hectare has been requested. The standard lot frontage requirement is 22 metres minimum; however, it is recognized that this is an irregularly shaped parcel, with a large lot area, but minimal lot frontage on a public road, and the requested 8.0 metres is sufficient to accommodate the standard 6.7 metre wide private driveway. The increase in density from the R6-2 Zone standard of 20 units per hectare to 22 unit per hectare represents a minor increase of 10%, and is considered appropriate for an infill development such as this. The maximum lot coverage requirement is 30%. Based the site concept plan information provided by the applicant, the total building coverage for the six proposed dwellings on the site is 22% which meets the R6-2 Zone requirement. The original submission from the applicant included a request for a special provision to increase the lot coverage from 30% to 40%; however, it has been determined by Development Services staff that that will not be necessary. The recommended zoning amendment and special provisions are considered appropriate and conform to the Official Plan and The London Plan.

Provincial Policy Statement, 2014

As this proposal represents a form of residential infill of vacant or underutilized lands, it is supported by the PPS which contains strong policies to direct growth to settlement areas, encourage a diversity of densities and land uses within settlement areas, and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and availability and suitability of infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3). 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. There are no natural heritage features present and there are no concerns with respect to cultural heritage or archaeological resources (Section 2.1 and Section 2.6). As well, there are no natural hazards or known human-made hazards present on the subject site (Section 3.1 and Section 3.2). Therefore, the proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium are found to be consistent with the Provincial Policy Statement.

Appendix D – Relevant Background

London Plan Map 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



Scale 1:30,000



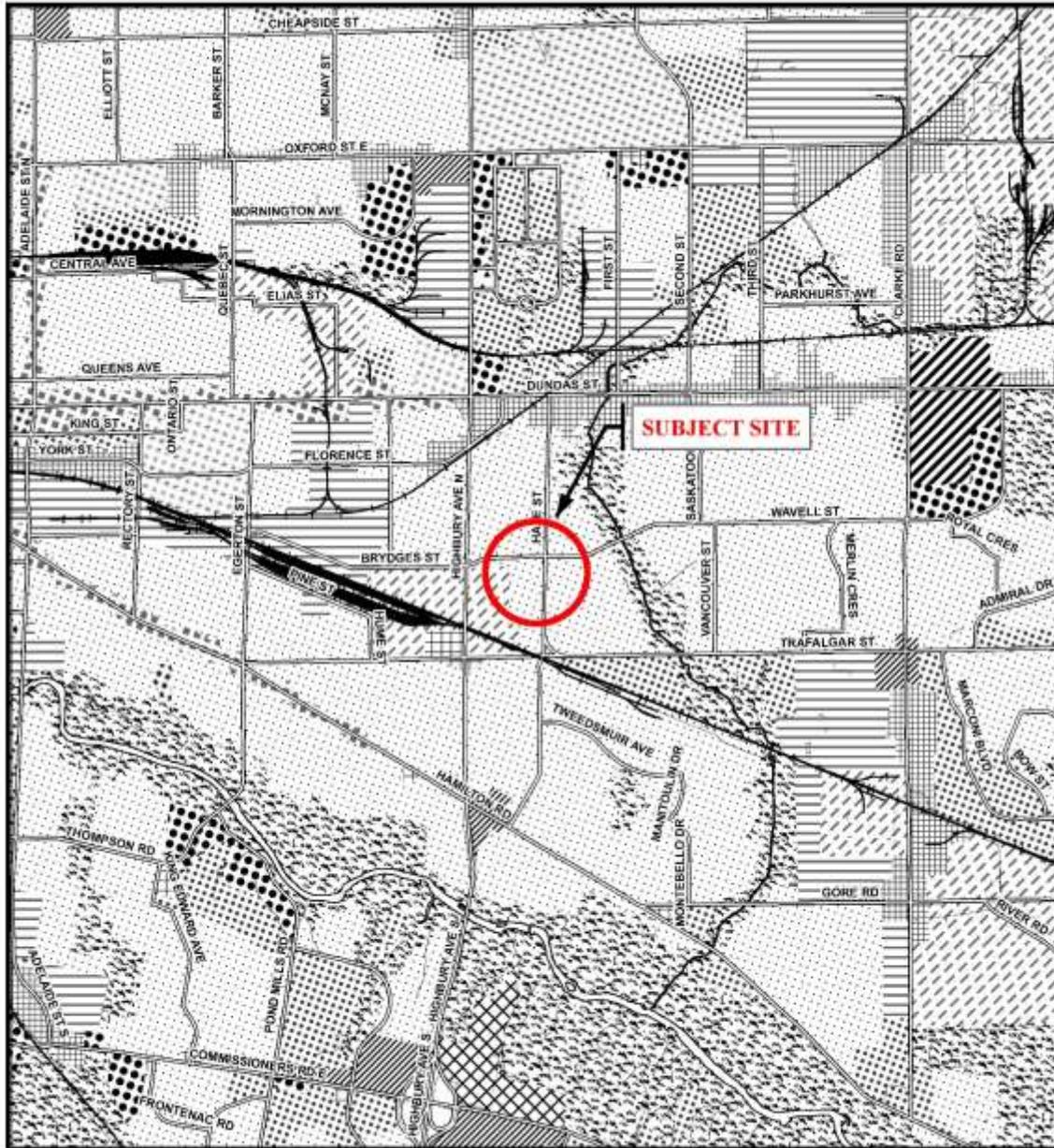
File Number: 39CD-18503/Z-8888

Planner: LM

Technician: RC

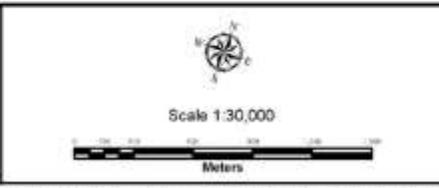
Date: August 14, 2018

Official Plan Map 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

CITY OF LONDON
 Planning Services /
 Development Services
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: 39CD-19503/Z-8886
 PLANNER: LM
 TECHNICIAN: RC
 DATE: 2018/08/14

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolidated\mxd\template\scheduleA_b\w_5x14_wth_5WAP.mxd

Zoning By-law Map Excerpt



Zoning as of June 11, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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 CC - 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
 "Y" - 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:
39CD-18503/Z-8886 LM

MAP PREPARED:
2018/08/14 RC

1:2,000
0 10 20 40 60 80 Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – Application – 459 Hale Street (39CD-18503/Z-8886)

- *(Councillor T. Park enquiring about the current R1-5, what are the units per hectare on it currently.);* Mr. L. Mottram, Senior Planner, responding that there is a density in the R1-5 Zone, it is expressed in terms of lot area and lot frontage; a minimum lot area for a lot in that zone is 415 square metres and a minimum lot frontage is 12 metres.
- *(Councillor J. Helmer indicating that Mr. L. Mottram, Senior Planner, touched on this during the presentation, but wondering if he can repeat it in terms of the side yard and rear yard setbacks, what is contemplated with what they see here in the concept.);* Mr. L. Mottram, Senior Planner, responding that this concept plan would provide for a 6 metre rear yard setback and that would be along the westerly rear yards of the four dwelling units as well as the southerly rear yards of the other two dwelling units south of the common access driveway; the side yards are a minimum of 3 metres and that is set by the zone standards of the requested R6-2 Zoning.
- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – indicating that Artisan Homes has been building homes in this city since 1985 and are well reputed; advising that he has three areas to cover, one is that he would like to thank Development Services and Larry Mottram for their supporting report for the six unit detached vacant land condominiums; expressing agreement with the staff report; asking that the Planning and Environment Committee support it and put it in front of the Municipal Council for their adoption; indicating that there are reports that they prepared to make a complete application such as the Final Proposal Report which is the planning justification, the Neighbourhood Character and Compatibility Report, a Tree Inventory and Preservation Report and a number of Engineering briefs and memos that helped to make this application complete and thorough and he thinks the City staff have acknowledged that; advising that Artisan wants him to convey to the Planning and Environment Committee that they are concerned, even about the thirteen letters that were received that have expressed concerns; noting that there were approximately one hundred thirty letters that went out and to have thirteen letters come back for an infill proposal is, in his view, relatively not many; stating that is not to minimize the concerns but it is to put some kind of quantitative aspect, there is no major petition here or something to oppose it but there are concerns and Artisan said let us deal with those; the key word is compatibility of course with infill, how to be sensitive to the abutting neighbours; noting that these six slides try to demonstrate further than what already Mr. L. Mottram explained in page 180 and 181 of his report about how he is responding to the neighbourhood concerns; noting that he will go through these quickly, they are pictures and they take you around the perimeter of the site visually and show what it looks like and what they would do in addition; showing an orientation plan that the Planning and Environment Committee has already seen, you can see the six units, these are lots but in the condominium world we call them units and upon each one we put a dwelling unit and then as you can see on the upside, you can see 465, 461, 459, 457 and 455 Hale Street, those are the four properties abutting the north, east and south sides and then there are three properties, 81 through 85 Heather Crescent on the west side and in addition to this already internalized site design they have front yards facing front yards and not into people's rear yards that exist is a major step in what they think is compatible; advising that they already have aspects of built-in interface that help to deal with compatibility; in addition to the zoning, site plan approval will require supplemental planning and they will have to talk to that neighbour as to whether or not they would also build a privacy fence or simply use that one but you can see that there is already something there; noting that there is a three metre side yard; pointing out that they do not wish to disturb the vegetation abutting 81 Heather Crescent; however, with these infill developments they have to make a point to talk to the neighbour about what would they see fitting; do they want to leave that alone or do they just want a privacy fence which Artisan is prepared to build with supplemental planting on Artisan's side or their side; starting off with something pretty decent; talking to the three neighbours along Heather Crescent to see what they feel in terms of compatibility. See attached presentation.
- *(Councillor A. Hopkins enquiring about how many bedrooms the units will have.);* Mr. J. Knoester, Artisan Homes, responding that what they intended to do here was, this area does not have any new single family homes available and what they were looking at was

3.5

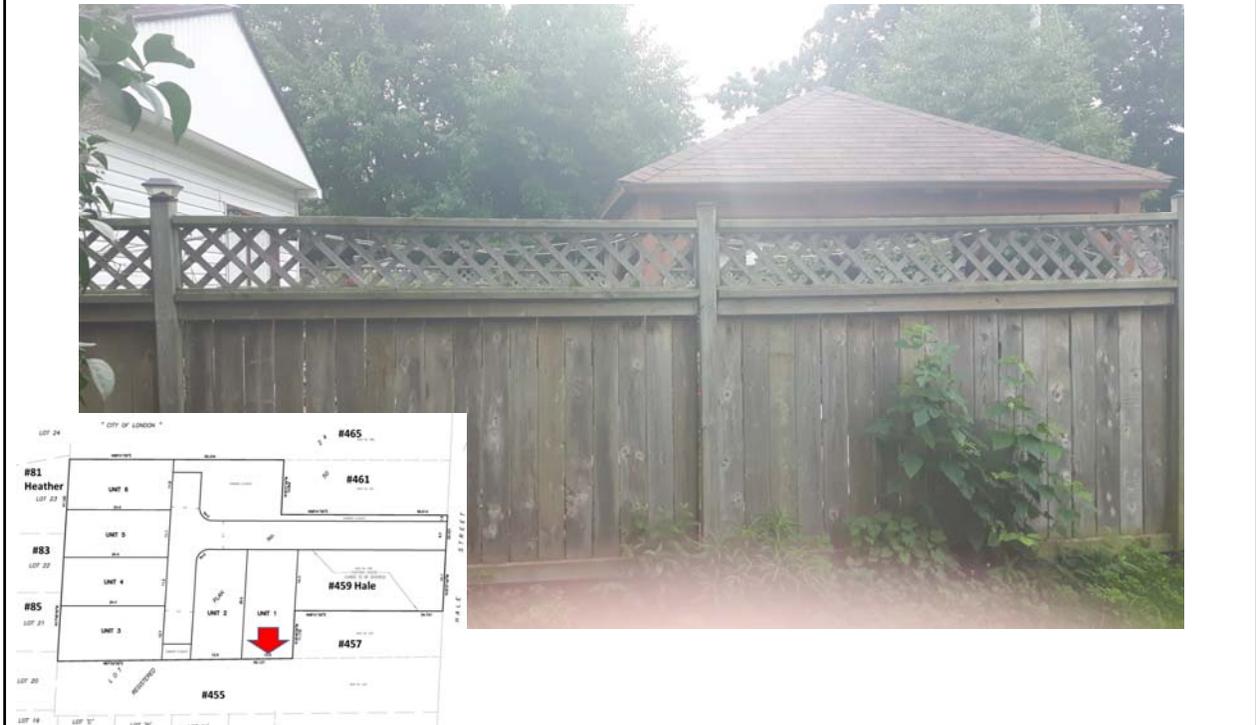
to build three bedrooms with possibly finished basements in here; the houses will be around 1,500 square feet on two levels with the potential to develop another 500 square feet in the lower level; they will all come with two car garages, all be brick, all be sided with the highest quality material they can use; advising that there is a lack of affordability with new houses as the price of land, the price of construction has gotten so high that when you throw out a number like \$400,000 people go, well it is impossible to find something new with a two car garage for that and that is what these will do, these will be in that price range so they will not be a detriment to that neighbourhood, they will increase the value of whatever is going on in that neighbourhood; the other thing is, they were talking about the idea of the existing house and what they did was to leave the existing house, they could have taken it out and incorporated it and wound up with the frontage they needed but this suited the neighbourhood better; as a matter of fact, if you drive by 459 Hale Street, except for the sign that says that there is a rezoning application, you cannot even tell the property is back there and how he knows that is because if people knew that, they would have fifty other developers trying to develop in the last five years; reiterating that you can drive past this site 100 times and never know or even see it; when the houses are in there, the houses that sit, 1 and 2, will be sitting behind the existing two houses and the other ones will be way at the back, you will have very much difficulty seeing them but they are really good quality houses, reasonably priced in a neighbourhood where you cannot find new houses; *(Councillor Turner interrupting and indicating that the Councillor had asked how many bedrooms.)*

- Darrell Laraway, 465 Hale Street – indicating that he does not want to see this happen; advising that is it going to create more noise and there is already a lot of noise on Hale Street because of the roundabout and he is sick of that; expressing concerns about the storm, where are they going to put the water; it is going to go right against one of his trees, he has a great big maple tree there, he has a big swimming pool and he thinks it is going to do something to it; advising that they have birds of prey in the backyard that feed all the time and it is going to do something to them; they are going to have to remove the groundhogs on the property; reiterating that he does not want to see it; advising that he is ready to retire, he has been in that house for twenty-five years and it is going to invade his privacy not only with the noise of building it, but the noise after, all the car doors, everything else, he does not want to see it happen.
- Resident, 455 Hale Street – indicating that there is going to be a wall spanning the entire length of his property; advising that never again will he see another sunset; noting that this weekend he looked out, saw the sun and a nice red sky and that is going to be gone, he will never ever see to the west of his property again as there is going to be a house with windows looking onto his yard and it has been said that there is no invasion of privacy but there is lots; any of his neighbours on Heather Crescent will no longer see the sunset; when he first heard the proposal, to say that he was a little more than angry is an understatement; these condos are going to make the whole area look terrible, this is out of place with the character of the neighbourhood; it will never blend in, it is an eye sore; advising that he did not put a lot of blood, sweat and tears into his place to have some stranger, who is never going to live there, destroy it all; to have someone come in and build a wall with windows just mere feet from where he eats and cooks; these condos are so close they can look out their windows and literally see what he has on his barbeque grill; stating that a 1.8 metre fence is not tall enough; indicating that he looked Google Earth from above these houses and he can see right where he sits; noting that he has a hot tub right there and you can see inside of it; indicating that they will see him in his hot tub and he is sure he will have to relocate it at his expense; advising that it is literally an intrusion of his privacy and most people will say oh well, it is not in my neighbourhood but it is in his neighbourhood and he is not happy about it; advising that not one person on this Council would want this in their backyards so why should they; stating that the developer had a tree assessment done to have some trees removed because there is something wrong with them; lies; believing the only thing wrong with these trees is that they are in his way; indicating that the builder, Artisan Homes, does not care about the impact on the community surrounding this lot, they only care about the impact on their wallets and this is evident by the sheer size squeezed into that area; in one of the renderings there is a picture of some kind of lush vegetation growing in his backyard blocking the view of the condo; another lie, this does not exist; *(Councillor Turner interrupting and stating that claiming the validity or falseness of a statement that speaks into somebody's character and he would ask that he refrains from that; he can certainly make comments to the merits of the proposal but please do not claim that something is a lie if you do not have something to back that up because that might get*

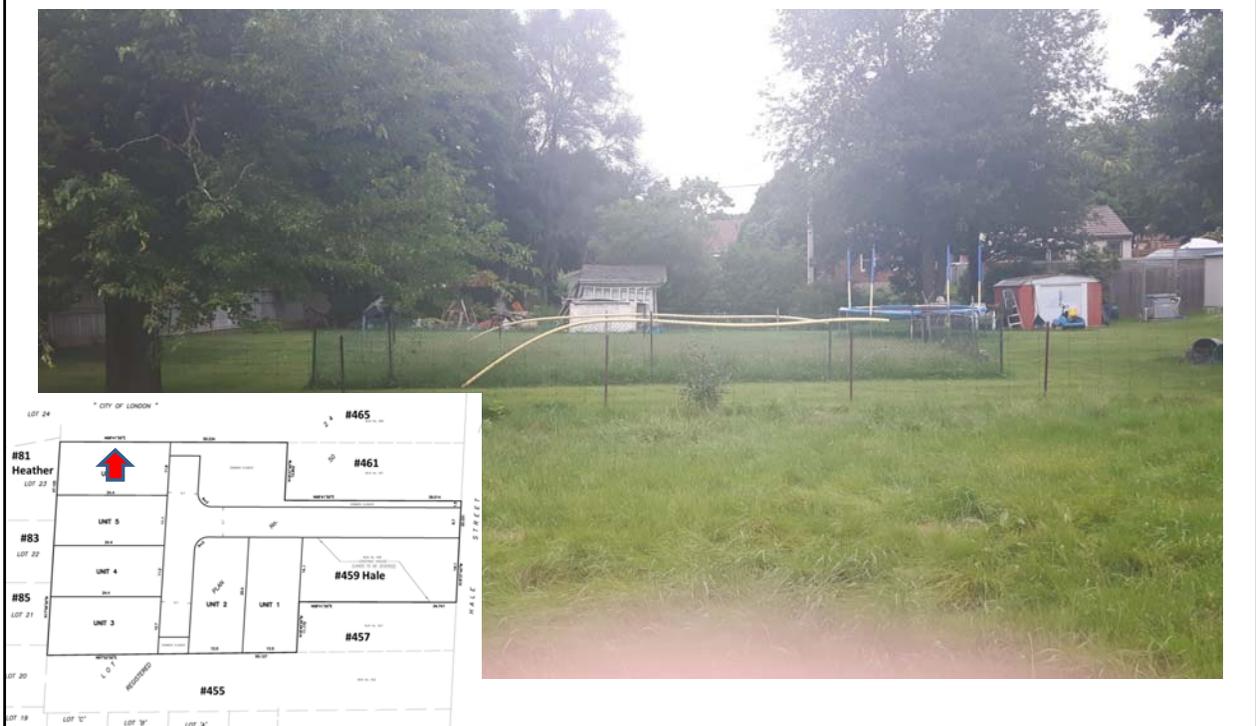
you into trouble.); indicating that there is a picture of it, a rendering; advising that the backyard of the property has only been cut once in the year that he has owned it and the only reason that lawn was cut was because of complaints from the neighbourhood; indicating that there have been complaints again and it is still not cut; he does not care about what is going on, about the property, he does not care about the people that live around it, he does not care about the neighbourhood that is there; all he cares about is building these homes and leaving, good bye, see you, have a nice day.

- Jared Townsend, Argyle Community Association – indicating that clearly there are a lot of people in their area that do not like it so he is going to have to go ahead and say that he does not want to see it either because you have this guy with the groundhogs, that guy with his privacy and it is just like they do not want it done so do not do it.
- Brian Tourout, 461 Hale Street – advising that they came out to the meeting to hear what the neighbours had to say; expressing concern with the garbage trucks and how the garbage is going to be taken care of; expressing concern with the height of the fence; advising that he does not believe that 1.8 metres is high enough, it is a little short for the neighbourhood; indicating that the neighbourhood has a lot of break-ins from people jumping fences and an easy access on the way through to Heather Place is probably an easier way for them to get through; expressing concern because he has seen in the past builders come in without thinking of the intent of the neighbours around it and he wanted to make sure that they keep in mind; seeing the pictures of the backyards, he does not have those trees in his backyard; for a staggered fence on a big, long driveway, everyone can see right down through his backyard and the privacy will be affected; hoping the builder would have discussed things more or maybe try to work with it a little bit more, he does not know but there are a few concerns and he would like to see a responsible decision made for this.

Looking south from rear of Unit (lot) 1 onto 455 Hale street showing existing fence and garage - shed.



Looking north from the Unit (lot) 6 adjacent to 465 Hale street – also 90 m deep. The house on lot 6 will be at least 100 ft. away from the house at 465 and well away from the pool area and garden and storage place.



The rear of Units (lot) 5/6 backing onto 81 Heather Crescent. Note vegetation and fencing



The rear view from lot 4/5 backing onto 83 Heather Crescent. Note the large concrete block workshop at neighbour's rear yard boundary.



Looking west from Unit (lot 3) and part of Unit (lot) 4 backing on to 85 Heather Crescent. Again, note trees at rear yard boundary



Closing Comments

- Policy framework focus is about INFILLING.
- COMPATIBILITY
 - Existing fencing and vegetation
 - Additional fencing and landscaping thru SPA
 - Setbacks are not being reduced
 - Density and Frontage are slightly reduced (10%) to preserve existing residence
 - 129 letters sent out – 13 replies in writing (10%)
 - 7 abutting land owners – 3 replied

Environmental and Ecological Planning Advisory Committee

Report

9th Meeting of the Environmental and Ecological Planning Advisory Committee
August 16, 2018
Committee Rooms #1 and #2

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

ALSO PRESENT: C. Creighton, P. Kavcic, T. Koza and S. Shannon

REGRETS: E. Arellano, E. Dusenge, C. Evans and S. Sivakumar and C. Therrien

The meeting was called to order at 5:00 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Southdale Road Environmental Assessment from Pine Valley Drive to Colonel Talbot Road, including Bostwick Road north of Pack Road

That a Working Group BE ESTABLISHED, consisting of S. Levin (lead), C. Dyck, P. Ferguson and R. Trudeau, to review the Southdale Road Environmental Assessment, from Pine Valley Drive to Colonel Talbot Road, including Bostwick Road, north of Pack Road; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) received the attached presentation from S. Shannon, Technologist II and S. Muscat, AECOM, with respect to this matter.

2.2 Municipal Class Environmental Assessment - Clarke Road Widening from the future Veterans Memorial Parkway extension to Fanshawe Park Road East

That a Working Group BE ESTABLISHED, consisting of S. Hall, B. Krichker and K. Moser, to review the Municipal Class Environmental Assessment for the Clarke Road widening from the future Veterans Memorial Parkway extension to Fanshawe Park Road East and to report back at the October 18, 2018 Environmental and Ecological Planning Advisory Committee meeting; it being noted that the EEPAC heard a presentation from I. Bartlett and S. Spisani, Stantec, with respect to this matter.

3. Consent

3.1 8th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 8th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on July 19, 2018, was received.

3.2 Notice of Application - Draft Plan of Subdivision - 1877 Sandy Somerville Lane

That C. Smith, Senior Planner, BE ADVISED of the following comments with respect to the application by Sifton Properties Limited, relating to the property located at 1877 Sandy Somerville Lane:

- a) the block be fenced with no gates;
- b) signage be posted, with a positive message, advising why the area is environmentally significant; and,
- c) a trail map be included on the above-noted signage.

3.3 Letter of Resignation - C. Kushnir

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee (EEPAC) reviewed and received the communication dated July 30, 2018, from C. Kushnir, with respect to her resignation from the EEPAC.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Pending Class Environmental Assessment Completion - East London Sanitary Servicing Study

That K. Oudekerk, Environmental Services Engineer, BE ADVISED that S. Hall, S. Levin and R. Trudeau, are the Environmental and Ecological Planning Advisory Committee (EEPAC) representatives on the draft Project File for the East London Sanitary Servicing Study; it being noted that the EEPAC reviewed and received a communication dated August 2, 2018, from K. Oudekerk, with respect to this matter.

6. Deferred Matters/Additional Business

6.1 (ADDED) Notice of Study Commencement - Adelaide Street North Municipal Class Environmental Assessment Study

That it BE NOTED that the Notice of Study Commencement for the Adelaide Street North Municipal Class Environmental Assessment Study from H. Huotari, Project Manager, Parsons Inc. and M. Davenport, Project Manager, City of London, was received.

6.2 (ADDED) W5 Farms/York Developments - 3700 Colonel Talbot Road and 3645 Bostwick Road

That the attached Working Group comments with respect to the Environmental Impact Statement and exp Hydrogeology report relating to the W3 Farms/York Developments application, relating to the properties located at 3700 Colonel Talbot Road and 3645 Bostwick Road BE FORWARDED to N. Pasato, Senior Planner, for consideration.

6.3 (ADDED) 3080 Bostwick Road

That S. Wise, Planner II, BE REQUESTED to provide copies of the Hydrogeological study and the Environmental Impact Statement for the property located at 3080 Bostwick Road to the Environmental and Ecological Planning Advisory Committee (EEPAC); it being noted that the EEPAC established a Working Group, consisting of S. Levin to review the Environmental Impact Study and a Working Group, consisting of B. Krichker and I. Whiteside, to review the Hydrogeological study, with respect to this matter.

7. Adjournment

The meeting adjourned at 7:05 PM.

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road

Municipal Class EA

Environmental and Ecological Planning Advisory Committee



Shari Muscat, Environmental Planner

August 16, 2018

Summary

- Municipal Class Environmental Assessment
- Study Area
- Existing Environmental Conditions
- Natural Heritage Features and Functions
- Species at Risk Assessment
- Significant Wildlife Habitat Assessment
- Tree Inventory
- Preferred Alternative
- Impact Assessment
- Mitigation Measures
- Recommendations
- Conclusions

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Municipal Class Environmental Assessment

Study Area

The Study Area for this EIS is comprised of the Southdale Road West Corridor extending from Pine Valley Boulevard to Colonel Talbot Road and includes a section of Bostwick Road

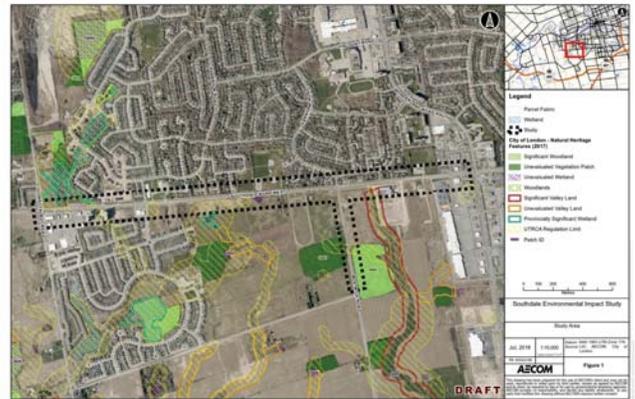
Problem/Opportunity:

This widening project was identified as a priority in the City of London's 2030 Transportation Master Plan and was identified as part of the 2014 Development Charges Background Study, including phasing. The City of London is considering widening of this corridor from Colonel Talbot Road to Pine Valley Boulevard, from 2 to 4 lanes, to be staged for construction from Pine Valley Boulevard to Farnham Road in 2022 and from Farnham Road to Colonel Talbot Road in 2026.

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Study Area



Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Existing Environmental Conditions

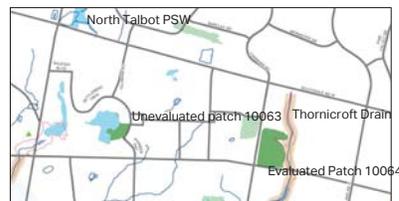
City of London OP Map Schedule B1 and the London Plan Natural Heritage Features Map 7 and Figure 5

- Provincially Significant Wetland (PSW; North Talbot) at Southdale Road West and Colonel Talbot Road,
- Unevaluated Vegetation Patch (Patch No. 10063) located west of Bostwick Road,
- A Significant Woodland Patch (Patch No. 10064) located on the east side of Bostwick Road, and
- A Significant Valley (associated with Thornicroft Drain).

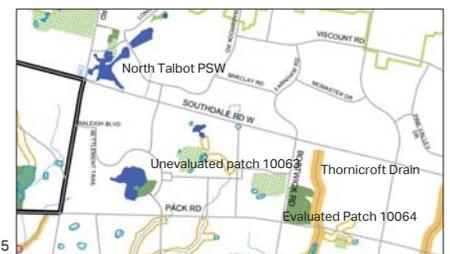
Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Official Plan Schedules and Maps



Schedule B1



Map 5

Natural Heritage Features and Functions

Field Investigations

- Aquatic habitat assessment conducted August 15th, 2017
- Ecological Land Classification and floral inventory completed on June 9th, 19th, July 7th and July 11th, 2017
- Tree Inventory and assessments completed July 28th, 2017 and August 15th, 2017
- Breeding Bird Surveys completed on June 19th and July 7th, 2017
- Anuran call surveys were completed on April 26th, May 26th, and June 27th 2017
- Grassland Breeding Bird Surveys completed on June 12th, 22nd and July 6th, 2018

Natural Heritage Features and Functions

Aquatic Ecosystems

Six aquatic features were identified within the Study area and include from east to west:

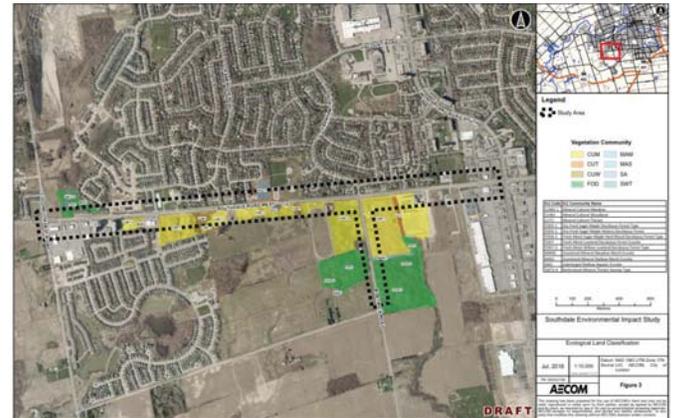
- Thornicroft Drain
- Tributary to Thornicroft Drain on Bostwick Road
- Pond / Wetland within the woodland west of Bostwick Road
- Small wetland on the south side of Southdale Road West
- Storm Water Management Facility (SWMF) within Southwest Optimist Park; and
- North Talbot PSW

Natural Heritage Features and Functions

Terrestrial

- The Study Area is located along Southdale Road mainly in an urbanized setting comprised of a mix of commercial and residential land uses.
- Naturally occurring vegetation communities are limited to four (4) locations along Southdale Road.
- Within these four locations, a total of eight (8) natural vegetation communities were delineated within the Study Area
 - three cultural (CUM, CUT, CUW)
 - two forest (FOD),
 - one swamp (SWT)
 - two Shallow Aquatic (SA) communities.
- Three (3) additional vegetation communities were delineated not associated with any natural heritage features.
 - Two cultural (CUM, CUT)
 - One shallow aquatic (SA) community

Vegetation Communities



Natural Heritage Features and Functions

Terrestrial

- North Talbot Provincially Significant Wetland Patch No. 10059
 - Patch No. 10059 is located at the intersection of Southdale Road and Colonel Talbot. The patch is approximately 14 ha in size and contains two individual ELC communities. This patch is considered part of the North Talbot PSW.
- Bostwick Road West Woodland Patch No. 10063
 - This woodland is approximately 6.4 ha in size and is located on the west side of Bostwick Road. It is recognized in the London Plan as an unevaluated vegetation patch.
- Bostwick Road East Woodland Patch No. 10064
 - Patch No. 10064 is approximately 9.7 ha in size and is found on the east side of Bostwick Road. According to the London Plan this patch is considered a Significant Woodland.
- Small Wetland Feature along Southdale
 - This small feature is approximately 0.14 ha in size and is located on the south side of Southdale Road adjacent to Southwest Optimist Park.

Natural Heritage Features and Functions



Natural Heritage Features and Functions

Terrestrial

Wetlands

Wetland communities within the Study Area are divided into two separate wetland patches.

- The larger of the two, found within the Study Area, is 14.03 ha in size and is recognized as part of the North Talbot PSW. The portion of this PSW that falls within the Study Area is approximately 1.8 ha in size with both swamp and marsh wetland types observed
- The second wetland patch is approximately 0.18 ha in size and is located directly south of Southdale road across from Southwest Optimist Park. A culvert is present connecting this small patch to a small channel on the north side of Southdale Road within Southwest Optimist Park.

Woodlands

- The two woodland Patches: No. 10063 & No. 10064 have been identified as significant woodland patches

Species at Risk Assessment

- A review of background information identified seventy-six (76) SAR that may potentially occur within the Study Area.
- Of these, thirty-seven (37) species are listed as END, eighteen (18) species are listed as THR, and twenty-one (21) species are listed as SC
- Upon completion of field surveys within the Study Area, potentially suitable habitat for twenty-seven (27) species was identified, however, only four (4) of the species were observed. These include Barn Swallow (*Hirundo rustica*), Eastern Meadowlark (*Sturnella magna*), Bobolink (*Dolichonyx oryzivorus*) and Eastern Wood-pewee (*Contopus virens*). Although suitable habitat was not identified, Monarch (*Danaus plexippus*) and Bank Swallow (*Riparia riparia*) were observed during field investigations.
- Although the species themselves were not observed, suitable habitat conditions exists within the two woodlands located along Bostwick Road for Eastern Small-footed Myotis (*Myotis leibii*), Northern Myotis (*Myotis septentrionalis*), Little Brown Myotis (*Myotis lucifugus*), and Tri-colored Bat (*Perimyotis subflavus*).
- Additionally, Candidate Habitat for Barn Swallow and the four (4) bat species listed above may potentially be found within the barn structure located at the corner of Southdale Road and Bostwick Road.

Species at Risk Assessment

Provincially Recognized Features & Species

Common Name	Scientific Name	Candidate Habitat	Confirmed Habitat
Barn Swallow	<i>Hirundo rustica</i>		X
Bobolink	<i>Dolichonyx oryzivorus</i>		X
Chimney Swift	<i>Chaetura pelagica</i>	X	
Common Nighthawk	<i>Chordeiles minor</i>	X	
Eastern Meadowlark	<i>Sturnella magna</i>		X
Eastern Wood-pewee	<i>Contopus virens</i>		X
King Rail	<i>Rallus elegans</i>	X	
Northern Bobwhite	<i>Colinus virginianus</i>	X	
Wood Thrush	<i>Hylocichla mustelina</i>	X	
American Bitter	<i>Taxidea taxus jacksoni</i>	X	
Little Brown Myotis	<i>Myotis lucifugus</i>	X	
Eastern Small-footed Myotis	<i>Myotis leibii</i>	X	
Northern Myotis	<i>Myotis septentrionalis</i>	X	
Tri-colored Bat	<i>Perimyotis subflavus</i>	X	
Spoon-leaved Moss	<i>Bryoandersonia illecebra</i>	X	
Blue Ash	<i>Fraxinus quadrangulata</i>	X	
Broad Beech Fern	<i>Phegopteris hexagonoptera</i>	X	
Climbing Prickly Rose	<i>Rosa setigera</i>	X	
Crooked-stem Aster	<i>Symphoricarpon prenanthoides</i>	X	
Drooping Trillium	<i>Trillium flexipes</i>	X	
Eastern Flowering Dogwood	<i>Cornus florida</i>	X	
False Rue-anemone	<i>Enemion biternatum</i>	X	
Green Dragon	<i>Arisaema dracontium</i>	X	
Heart-leaved Plantain	<i>Plantago cordata</i>	X	
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>	X	
Willowleaf Aster	<i>Symphoricarpon praetium</i>	X	
Wood-poppy	<i>Stylophorum diphyllum</i>	X	

Species at Risk

Grassland Breeding Birds

- Based on the results of breeding bird surveys conducted in by AECOM in 2017 that identified the presence of Eastern Meadowlark within the Study Area, it was determined that species specific surveys were required to identify grassland habitat use within the Study Area by Bobolink and Eastern Meadowlark
- A linear transect was set up traversing the grassland habitat within the Study Area with point count stations located along the transect at approximately 250m intervals. Three visits were conducted by qualified AECOM biologists on June 12th, 22nd and July 6th, 2018
- Both Bobolink and Eastern Meadowlark were identified during the surveys, as well as other SAR bird species.

Species at Risk

Grassland Breeding Birds

- Bobolink were observed at three stations and Eastern Meadowlark were observed at two.
- Bank Swallow was observed foraging over the fields at two stations although no nesting habitat was identified within the study area.
- Barn Swallow was also observed foraging over the fields at three stations. Barn structures are located approximately 80 m to the south east of one station GR-02 and at the north end of the pasture approximately 60m from station GR-03. Barn Swallows were observed entering and exiting the barn at station GR-03 during the surveys. It is likely that Barn Swallows are nesting within this structure, although access to both barn structures was not obtained to determine the presence of nests. No Bobolink, Eastern Meadowlark or other SAR bird species were observed at station GR-04.
- Within the Study Area there is a total of 1.35 ha of habitat for Bobolink and Eastern Meadowlark

Significant Wildlife Habitat Assessment

During the background screening exercise a total of twenty (20) candidate Significant Wildlife habitats were identified:

- Seasonal Concentration Areas – six (6) Candidate Habitats
- Rare Vegetation Communities or Specialized Habitats for Wildlife – nine (9) Candidate Habitats
- Habitats of Species of Conservation Concern – four (4) Candidate Habitats
- Animal Movement Corridors – one (1) Candidate Habitat

Of the twenty (20) candidate habitats identified, eighteen (18) were ruled out, leaving two (2) candidate habitats as present within the study area.

Significant Wildlife Habitat Assessment

Candidate Significant Wildlife Habitat	Confirmed Significant Wildlife Habitat
Bat Maternity Colonies	Special Concern and Rare Wildlife Species <ul style="list-style-type: none"> two (2) species were observed within the Study Area during 2017 field investigations - Monarch and Eastern Wood-pewee

Tree Inventory

- A tree inventory was completed in accordance with the City of London Tree Protection By-law (2016) and using accepted arboricultural techniques as outlined in the Tree and Landscape Appraiser's Guide for Plant Appraisal, 9th Edition, (2000).
- Two hundred and fourteen (214) trees greater than 10 cm DBH were inventoried and assessed within the Study Area of Southdale Road West.
- Additionally, two hundred and sixty-two (262) trees less than 10 cm DBH were tallied within the Study Area and within 6 m of the Study Area.
- A total of 810 trees were tallied within the Bostwick Rd East and West Woodlands within 6 m. Patch 10063 contained 323 trees and Patch 10064 contained 487 trees (within the Study Area).
- A full tree inventory and preservation plan will be completed and submitted once the details of the design have been finalized.

Preferred Alternative

The preferred road cross section will include two lanes of traffic in each direction, complete with left turn lanes and centre medians where applicable. Sidewalks and bike lanes will be accommodated within the boulevards. Additionally, improvements to Bostwick Road, south from Southdale Road West to just north of Pack Road will include upgrading to an urban cross section with the addition of bike lanes in each direction.

Preferred Alternative



Impact Assessment

Short Term Impacts

- Disturbance and damage of vegetation along Southdale and Bostwick
- Removal of trees to widen Southdale and Bostwick Road
- Damage to tree rooting zones
- Fill and sediment deposition within watercourses
- Disturbance of fish habitat
- Disturbance of birds and other wildlife
- Short term, isolated dewatering impacts

Impact Assessment

Long Term Impacts

- Loss or Potential Disturbance to Vegetation - Vegetation will be cleared to accommodate the widening of Southdale and Bostwick Road. This includes the removal of 0.03 ha of wetland habitat found along Southdale Road associated with the small wetland feature.
- Introduction of Non-Native Species
- Potential Disruption to Resident Wildlife through Noise
- Potential Disruption to Wildlife through Lighting
- Potential Increase of Wildlife Road Mortality
- Potential Disturbance to Significant Identified Woodlands – Vegetation within the identified Significant Woodlands and the North Talbot PSW may be removed in some locations to accommodate the widening of Southdale and Bostwick Road
- Potential loss of 1.35 ha of habitat for Eastern Meadowlark and Bobolink

Mitigation Measures

- Construction Sequencing Plan
- Sediment and Erosion Control Fencing
- Construction Mitigation – Fisheries Timing Windows
- Peripheral Vegetation Protection
- Dust Suppressant Treatment
- Controlled Construction Vehicle Access
- Construction Vehicle Re-fueling Stations
- Damage to Rooting Zones during removals
 - To avoid compaction of soils, root zones around trees within natural heritage features will need to be fenced
- Wildlife Habitat Protection and Mitigation Measures
 - Avoidance through scheduling of construction periods
 - Wildlife observation protocol
- Breeding Birds and Vegetation Removals
 - Construction is restricted to periods before and after breeding period (no works April 1st to August 31st)
- Construction Mitigation – Noise Disturbance to Resident Wildlife
 - Construction is restricted to periods before and after breeding period (no works April 1st to August 31st)
 - Limit construction activity to a period after 7 am and before 7 pm daily
- Wildlife Protection and Handling
 - SCC surveys and relocation
 - Transplant and Relocation Plan
- Disturbance to fish species
 - Fish relocation for in-water works prior to construction
 - Scientific License to Collect Fish required from MNRF for relocation

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Recommendations

- A detailed Tree Inventory and Preservation Plan should be conducted once the final design is completed;
- An Erosion and Sediment Control Plan should be prepared during Detailed Design
- A detailed Construction Sequencing Plan should be prepared;
- A detailed SAR and Wildlife Handling Protocol should be developed prior to the initiation of construction;
- A Notice of Activity is to be prepared with the associated Habitat Management Plan for Bobolink and Eastern Meadowlark at Detailed Design
- Any in-water works will require a plan to relocate fish encountered within the construction footprint. This should be prepared during detailed design.
- Wherever possible, habitat for SAR should be compensated for and/or enhanced;
- An edge management plan shall be prepared once construction has been completed along Bostwick Road for Patch No 10063; and
- A detailed restoration plan utilizing native plantings and native seed mixes following City specifications should be developed and followed.
- Consultation with EEPAC during the Detailed Design and Construction Phase

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Conclusions

Permits and Approvals

- Potential habitat for 27 terrestrial SAR species has been identified within the study area. Further consultation at the Detailed Design Stage is required to determine next steps on further species specific field investigations and permitting.
- Permit from the UTRCA will be required under Ontario Regulation 157/06
- As the proposed road work will potentially result in the removal of 1.35 ha of habitat for Bobolink and Eastern Meadowlark, a Notice of Activity (NOA) and a Habitat Management Plan will need to be prepared for the MNRF prior to commencing development in accordance with Ontario Regulation 242/08

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Conclusions

Timing Restrictions

- Removal of vegetation within the study areas can occur between the months of September to April, which is outside of the typical breeding bird period (April 1st to August 31st) within southern Ontario to avoid contravening the Migratory Birds Convention Act.
- The watercourses within the Study Area are classified as warmwater. The restricted activity timing window for the spring spawning period is from March 15th to July 15th.

Southdale Road West Improvements – Pine Valley to Colonel Talbot Road
Environmental and Ecological Planning Advisory Committee

August 16, 2018

Review of EIS Update by Biologic, dated May 8, 2018 and exp Hydrogeology report dated April 2018.

Both received at EEPAC's July 2018 meeting

Reviewed by S. Levin, R. Trudeau and I. Whiteside

The key concern for the working group remains the surface flows from Patch 10066 (identified now as a Significant Woodland) to Patch 10069 (also Significant). Both the EIS and the hydrogeological report agree that maintaining this seasonal flow is important to maintain the features and functions of Patch 10069. What is missing from both reports is how this can be accomplished, particularly without the completion of the Dingman Creek Subwatershed Study update currently underway.

RECOMMENDATIONS

1. A holding provision be applied to require approval of the City Engineer or designate and the UTRCA of the design of the system proposed to maintain the seasonal surface flows to Patch 10069, both in terms quantity and quality (e.g. page 34, Recommendation 1, page 36, etc). EEPAC further recommends that this system remain in public ownership so that maintenance remains a municipal responsibility rather than future individual home owners. The design must include the areas to the southwest that are part of the flow regime to the P9 SWM facility as well as Phase 2 of the Sifton development to the north and the remaining part of the York property, particularly as no aquatic habitat site investigations relative to the flow channel under and west of Colonel Talbot Road were carried out (see page 16).
2. EEPAC strongly opposes the suggestion that the compensation for the small wetland at the southwest corner of the property be within Patch 10069. EEPAC recommends the area be where the City has proposed it (adjacent to Patch 10069) or created on the boundary between this property and the property to the north where other wetland replacement is being proposed. In this way, a larger, more functional wetland would be possible.
3. The working group is also concerned about access to Patch 10069 prior to development of the lands to the south. Although there will be fencing of backyards in the W3 Farms development, the southern part of this patch will remain accessible. The working group recommends the City gain ownership of this woodland earlier rather than later so that a sustainable trail system can be created (preferably outside the woodland) prior to the people creating their own, harming the wet features and the endangered butternut tree which is to be retained and requires protection.
4. EEPAC recommends education signage be installed at appropriate points (e.g. Recommendation 29, page 42) near the ecological features as a constant reminder of the significance of the features. EEPAC does not believe the one time owner education

packages are effective. EEPAC supports Recommendation 27 on page 41 for sign plaques on the fences within individual lots.

5. EEPAC recommends the environmental monitoring strategy mentioned on page 42 be a condition of development that requires approval of a City Ecologist. EEPAC also recommends that any monitoring program start with the first year of construction and not end until the third year after substantial completion of the subdivision.

ADDITIONAL COMMENTS

There were a number of inconsistencies (e.g. p. 13, 26) in the EIS update such as whether or not Patch 10066 had been studied and who did the site work. However, EEPAC is in agreement that this patch meets one High criterion from the woodland evaluation guideline document and is therefore a Significant Woodland to be retained (Table A, page 27).

The field sheet includes notations about raptors and ribbon snake (Special Concern Species) habitat, however there is no discussion of these findings and their significance in the report.

With respect to storm water management, the report notes that storm water from Areas 2 and 3 are "tributaries" to the SWMF P9, which presumably means storm water from these areas will drain to that SWMF. However, Area 1, which drains to the east (presumably to Thornincroft Drain) "private permanent treatment" is proposed for storm water. Additionally, run-off from Area 1 is expected to increase 171% without mitigation measures. We have two concerns:

- a. No details on the private treatment system were provided, specifically with respect to water treatment/quality parameters and flow volumes.
- b. The report presents these as annual average increases in run-off, but does not indicate what will happen during major and minor flows. As run-off from the subdivision will mostly occur during storm events, and the report does not evaluate the impact of elevated storm water run-off on Thornincroft Drain (and ultimately Dingman Creek) as a result of these storm events.

We recommend that the report further evaluate the impact from increase in surface water flow from the site to Thornincroft Drain and Dingman Creek during major and minor flow events. If the evaluation fails to demonstrate that overall water quality will be improved or at minimum maintained to pre-development conditions, additional mitigation measures should be considered.

The report also mentions the implementation of LID measures to promote post development infiltration to a target of 80% of the predevelopment infiltration; LID measures may presumably also form part of the storm water management system for the site by acting to retain storm water. We recommend that LID measures, particularly LID measures that form part of any storm water management system be placed on public property, as the eventual homeowner may lack the desire or skill in maintain the LID measures and run-off may consequently increase over time as the efficacy of the LID measures wane.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner and
Kelly Scherr
Managing Director, Environmental & Engineering Services
and City Engineer

Subject: The City of London Boulevard Tree Protection By-law -
Amendments

Meeting: September 10, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken in regards to The City of London Boulevard Tree Protection By-law:

- a) The report and proposed By-law attached as Appendix "A" **BE RECEIVED** for information;
- b) That the proposed By-law **BE REFERRED** to the Trees & Forest Advisory Committee for review and comment; and,
- c) That the proposed By-law **BE REFERRED** to a public participation meeting to be held by the Planning & Environment Committee in Q1 2019 for the purpose of seeking public input and comments on the proposed By-law.

Executive Summary

In February of 2015, a report was brought forward to repeal and replace the Boulevard Tree Protection By-law P.-69. As a result of the public participation meeting Council directed Civic Administration to follow up on the feedback that was received (Appendix "C") and report back at a later meeting.

This report has been delayed. Soon after the February report, Civic Administration was directed to focus efforts on the creation of a private tree protection by-law which was subsequently adopted in August 2016. Both the public and private tree by-laws support the Urban Forestry Strategy pillars to "Protect More" and "Plant More" to reach Council's goal of 34% tree canopy cover by 2065. It specifically addresses the action item to "review and revise the current Boulevard Tree Protection By-law to set fines consistent with other by-laws, and to strengthen tree protection" in the Strategy.

Analysis

1.0 Previous Reports

- | | |
|-------------------|---|
| August 22, 2016 | Planning & Environment Committee Report – Adoption of the Tree Protection By-law and direction to monitor the implementation of the By-law and provide a status report and any recommendation to the By-law within a period of one year |
| February 15, 2015 | Planning and Environment Committee report to repeal the Boulevard Tree protection By-law and approve the City Tree Protection By-law to update administrative clauses and increase fees |

2.0 Summary of By-law Changes

Major Administrative Changes

- Scope of By-law applies to trees located in the “Boulevard” and specifically excludes unassumed lanes. Trees located in unassumed lanes will be managed on a case-by-case basis in a similar manner as outlined in the Lane Maintenance Policy.
- Removed the “Consensual Tree Removal Process” and prior “Schedule B” (Consensual Tree Removal and Replanting Fees) as it only captured the costs to remove the tree. It does not capture costs such as stump grinding, restoration of the boulevard if needed or administrative costs. Current fees are not sufficient for tree replacement(s).
- Added the new definition of Boundary Tree and a provision for Civic Administration to provide notification to the private property owner if the City is going to remove a Boundary Tree.
- Added “Tree Removal, Restoration and Replanting Fees” (Appendix “B”). The new fees proposed include an updated amount for tree removals based on class size, and an average/estimated cost for stump grinding, boulevard restoration and administrative costs. It also outlines the replacement tree fee of \$350 per tree for every 10 cm of diameter at breast height (DBH) of tree removed. For example, a 30 cm DBH tree would require three (3) replacement trees with a total fee of \$1050. The purpose of these new fees is to capture the real costs of the tree work and ultimately replacing lost tree canopy. These fees will be added to the Fees and Charges By-law.
- Removed “Prohibited Species List” and prior “Schedule C” as the Managing Director has the authority to approve all tree planting and the removal of any trees regardless of species on the boulevard.
- Improved enforcement of the By-law through new sections on Powers to Make a Work Order – to Discontinue Activity, Offences & Penalties and also including Civil Remedies. Civic Administration will apply for a set fine order once the By-law has been passed by Council.

This feedback was reviewed with the City’s Legal Services Division and suitable updates to the by-law have been proposed.

Appraised Tree Value Challenges

One of the major changes proposed in the 2015 report was that the “appraised value” of any City tree being removed should be collected. Trees have value and should be managed comprehensively as part of the City’s infrastructure. They are the only asset that appreciates in value over time. As a tree grows and matures their environmental and economic benefits grow exponentially. This practice is in line with the arboriculture industry best practices and can be seen in other municipalities where trees are seen as the original “green infrastructure”. Capturing replacement costs is aligned with the City’s Corporate Asset Management (CAM) plan for all City assets to have replacement values. In all cases, alternative solutions should be explored, such as pruning the tree or redesign of the proposed works, where feasible, to avoid damaging or removing the tree.

However, the City is limited by the *Municipal Act, 2001* in what fees and charges it can impose by by-law. The City can impose a fee/charge for “services or activities provided

or done by or on behalf of it". In this case, the "service" is the removal/replanting of the tree(s).

Below are a few examples of how the fees/charges compare to one another for the removal of a street tree using the current "Consensual Removal Process", the proposed "Tree Removal, Restoration and Replanting Fees" and "Appraised Value". Please note that the "Appraised Value Cost" is not a set cost/fee but is the result of a calculation based on the trunk formula method (TFM). This method can be found in the "Guide for Plant Appraisal – 9th edition" published by the International Society of Arboriculture (ISA). This method defines value in comparison to other trees of the same species and is often used when the tree is too large to be replaced with typical nursery stock. The basic value of a tree is the sum of two factors: the cost of transplanting the largest normally available tree of the same or comparable species, and the increase in value because of the larger size of the tree being appraised compared to the size of the replacement tree. The value of a tree is a result of changing factors for the individual tree being appraised such as species, size, site conditions, and location.

Street Tree Removals Comparisons:

Street Tree Type	Size cm DBH	Current Fees	Proposed Fees	Appraised Value Cost - varies (possible development sites)
Sugar Maple	81	\$2,300	\$5,840	\$30,300
Norway Spruce	65	\$2,300	\$4,440	\$25,000
Thornless Honey Locust	43	\$1,600	\$3,740	\$20,700
Flowering Crab-apple	24	\$800	\$2,240	\$1,820

Over the next two months Civic Administration will follow up with the appropriate divisions, such as Development Services, to investigate how the tree appraisal method can fit into their processes, such as site plan and subdivision conditions, to better reflect the true asset value of our trees.

3.0 2015 Planning & Environment Committee Meeting - Public Feedback (Appendix C)

Allow Residents to Plant Trees without Permission

Civic Administration supports the engagement of the community in improving and enhancing City property. It not only leads to increased pride and sense of ownership, the provision of more trees is highly desirable and accords with the City's strategic goals.

At the February 15, 2015 meeting, public comments were received that requested Civic Administration make it easier for residents to plant a tree on City property. The proposed Boulevard Tree Protection By-law includes a provision for residents to plant a tree on the boulevard, with the consent of the Managing Director. Staff are recommending, at this time, the *status quo* requiring Civic Administration approval continue.

Possible issues associated with planting trees on the City Boulevard without prior approval can include the following:

- a) Creating obstructions: trees are planted in locations that conflict with sight lines, road signs and traffic can create possible safety concerns for pedestrians and vehicles;
- b) Safety of people planting the trees: planting in the boulevard is challenging and proper steps must be taken to ensure safety. This can include calling for underground locates and setting up proper safety zones;
- c) Not complying with industry safety standards (Minimum Maintenance Standards for Municipal Highways): new tree plantings are not inventoried and not included in routine maintenance schedules;

- d) Impacts on utilities: trees planted too close to utilities can damage them as the tree grows. This increases costs for utility providers, reduces service reliability and can, in the case of sanitary and storm sewer assets, risk damages to private property via back-ups and flooding.
- e) Right species of tree: ensuring the right tree is planted for a given site. Site conditions such as water availability, soil structure and tolerance to urban conditions can impact the health and longevity of the tree. Selecting trees that cannot perform in these types of locations can see an increase maintenance costs and trees that are removed prematurely. Also, the selection of shade trees is a priority to meet canopy cover goals. Trees bearing fruits should be permitted only in certain circumstances e.g. where their fruits will be harvested promptly and not left on the ground to become a slip, trip or fall hazard or attracting wasps and vermin;
- f) Specimen quality trees: nursery grown trees with strong central leaders and branch structure are required to minimize future maintenance issues and costs;
- g) Inventory information: not having accurate information about where and what trees are in the City's control will impact tree maintenance through under-resourcing, and could result in increased risk and future claims. It will also lead to the inventory not being a reliable source of data; and
- h) Increased administrative tasks on staff, directly or indirectly, discovering trees, confirming public tree and adding to inventory or coordinating the tree removal if it is discovered to be a hazard.

Improved Tree Planting Process

Since the 2015 report many improvements to the City's tree planting process have been made. Due to Council approving an increase in the tree planting budget more trees have been able to be planted and wait times have significantly decreased. Forestry Operations has also secured a long term planting contract with lower average costs to plant a tree and a more diverse species selection. Depending upon the time of the year residents can see a request for a tree to be planted within that same planting season (spring/fall) or next up-coming planting season. This is at no cost to the resident. All of these efforts support the City of London's Tree Planting Strategy.

4.0 Public Engagement

Some preliminary engagement was completed earlier in the year with the development community. Staff attended meetings with the Building and Development Liaison Forum (BDLF) and London and Area Planners' Association where they were provided a brief update on the status of the By-law and a summary of the proposed changes. Staff are planning to attend the BDLF September 7th meeting with an update.

The Urban Agriculture group was identified as being interested in changes to this By-law. The topic of being able to plant trees, specifically fruit trees on the boulevard, with or without permission was an item that was identified in the 2015 public comments.

Staff held a meeting with members of the Urban Agriculture steering committee. The purpose of the meeting was to see if there were any opportunities within the By-law that would support the Urban Agriculture Strategy. The two following two items were identified:

1. Evaluate the potential of public land available in the city for public "foodscaping", and
2. Ensure that good management practices are undertaken to prevent pests; locate edible trees in locations where they can be safely maintained over the long-term.

At the meeting, staff brought forward the challenges associated with the public planting on boulevards without oversight. It was communicated that Civic Administration's position is that this is not supported for the same concerns that are noted previously in the report (safety, tree maintenance, species selection, inventory management and

liability concerns). Civic Administration supports the planting of fruit trees in appropriate locations but the boulevard provides unique challenges. Safety concerns due to low-branching trees, possible lack of maintenance, and concerns related to messy fruit dropping on sidewalks are routine complaints heard by staff. The current City of London “Approved Species List” includes trees that produce fruit and nuts such as serviceberry and walnut trees.

There has been a significant community interest in urban agriculture and food sustainability which Civic Administration supports. Some recent examples of projects that include fruit tree plantings:

Public Lands:

- South Thames Park Food Forest
- West Lion’s Park Food Forest
- Cedar Hollow Orchard
- Community Orchards & Gardens (2017 Neighbourhood Decision Making Project)

Private Lands:

- National Tree Giveaway event– includes fruit trees for sites in smaller urban settings
- London’s Fruit Tree Project (2018 Neighbour Decision Making Project)

There has also been opportunity to award TreeME Grants for fruit tree planting projects such as the Emily Carr Community Garden and Gibbons Park Montessori School Food Forest. The budget for the TreeME Grants have also increased from a total program amount of \$30,000 to \$200,000. This funding increase was supported by Council to help implement The Urban Forest and Tree Planting Strategies.

Other NDMP projects supported with an urban agriculture theme include the following:

- Bee Pollinator Garden
- Community Beehives
- Pollinator Pathways Project

At this meeting, the Committee did not necessarily agree with Civic Administration’s position. However, requests for planting fruit trees, in addition to other type of species, can still be brought forward for locations where they can be maintained over the long term and not cause safety and/or long term maintenance concerns. The Committee was going to bring the topics discussed back to their Urban Agriculture Group in September for more feedback.

Also, as a result of the meeting, other items were identified where Civic Administration could support other Urban Agriculture advances such as mapping fruit and nut trees located on City properties; identifying locations for community orchards and the adoption of previously abandoned orchard by volunteers.

5.0 Resources & Budget

Environmental & Engineering Services will continue to administer this By-law utilizing existing staffing resources. However, the enforcement of the By-law will be an additional function. There are some functions in the current By-law and the proposed By-law that are similar such as inspections for tree removals and collecting fees. The most significant impact to staffing resources will be the enforcement component. Staff will now have to respond to all possible infractions, perform investigations, issue tickets, prepare evidence and attend court hearings if needed.

Based on the experience of the Tree Protection By-law, other costs that can be expected to enforce the By-law may include costs for staff to attend Municipal By-law Enforcement Officers (MLEO) training, uniforms, and enforcement supplies.

Including Administrative Monetary Penalties (AMP), when the operational protocol

has been established within the City, as part of this By-law would help to streamline the By-law enforcement process.

Staff are proposing that they report back to the Planning and Environment Committee in Q1 2019 on the anticipated impact on resources and services. Any requests for additional funding Council may wish to consider to support the implementation of the Boulevard Tree Protection By-law should be considered in addition to other funding requests, through the 2020-2023 multi-year budget process.

6.0 Conclusion

Over the next two months staff intend to gather feedback from the industry based on the proposed By-law. This report is being referred out for public comment to be submitted to the Civic Administration by the end of November. This will provide stakeholders time to review the proposed amendments and provide input. Once comments have been received the By-law will be revised as needed and a further report back will be provided in early 2019.

This report was prepared with the assistance of L. Marshall, Solicitor and Sara Rowland, Urban Forestry Planner.

Prepared by:	Jill-Anne Spence Manager, Urban Forestry
Submitted by:	Andrew Macpherson, OALA Manager, Environmental and Parks Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Recommended by:	Kelly Scherr, P.Eng.,MBA,FEC Managing Director Environmental & Engineering Services and City Engineer

August 31, 2018

Y:\Shared\Urban Forestry\PEC Reports\Final\Sept 10 2018 Blvd Tree Protection ByLaw Report

Appendix A

Bill No.
2018

By-law

A by-law relating to PLANTING AND
PRESERVING OF TREES ON
BOULEVARDS IN THE CITY OF
LONDON

WHEREAS Municipal Council has determined that it is desirable to enact a By-law to prohibit the Injury and Destruction of Trees of any size located on City boulevards, to prohibit the planting of trees on City boulevards without the City's consent, and to establish a requirement for payment of the City's estimated costs of removing the tree and purchasing and planting new trees in the event an abutting owner wishes the City to remove a City boulevard tree with the City's consent;

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

AND WHEREAS subsection 8(2) of the *Municipal Act, 2001* provides that in the event of ambiguity in whether or not a municipality has the authority to pass a by-law under s. 10, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed on December 31, 2002;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses (including permits, approvals, registrations and any other type of permission) respecting the matter;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 9, Animals;

AND WHEREAS subsection 44(1) of the *Municipal Act, 2001* provides that a municipality that has jurisdiction over a highway shall keep it in a state of repair that is reasonable in the circumstances, and in subsection 44(2) that a municipality that defaults in complying with subsection (1) is (subject to the *Negligence Act*) liable for all damages any person sustains because of the default;

AND WHEREAS subsection 44(8)(b) of the *Municipal Act, 2001* provides that no action shall be brought against a municipality for damages caused by any obstruction, or any siting or arrangement of any tree adjacent to or on any untraveled portion of a highway;

AND WHEREAS subsection 62(1) of the *Municipal Act, 2001* provides with respect to highways that a municipality may, at any reasonable time, enter upon land lying along

any of its highways, to inspect trees and conduct tests on trees, and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

AND WHEREAS subsection 62(2) of the *Municipal Act, 2001* provides with respect to highways that an employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway;

AND WHEREAS subsection 62.1(1) of the *Municipal Act, 2001* authorizes a municipality to apply to a judge of the Superior Court of Justice for an order requiring an owner of land lying along a highway to remove or alter any vegetation that may obstruct the vision of pedestrians or drivers of vehicles on the highway, cause the drifting or accumulation of snow or harm the highway if the municipality is unable to enter into an agreement with the owner of the land to alter or remove the vegetation;

AND WHEREAS the *City of London Act, 1953*, c. 118 declares that all trees growing upon highways within the City of London are the property of The Corporation of the City of London;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the Managing Director, including the power to prescribe operational standards such as the format and content of forms or documents, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS section 132.1 of the *Municipal Act, 2001* authorizes a municipality to enter on land adjoining land owned or occupied by the municipality, at any reasonable time, for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the municipality but only to the extent necessary to carry out the maintenance, repairs or alterations;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons;

AND WHEREAS sections 429, 431, 444 and 445 of the *Municipal Act, 2001* provide for a system of fines and other enforcement orders;

AND WHEREAS subsection 40(4) of the *Electricity Act, 1998* provides that a transmitter or distributor may enter any land for the purpose of cutting down or removing trees, branches or other obstructions if, in the opinion of the transmitter or distributor, it is necessary to do so to maintain the safe and reliable operation of its transmission or distribution system;

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

Part 1 SHORT TITLE

Short Title

1.1 The short title of this by-law is the Boulevard Tree Protection By-law.

Part 2 DEFINITIONS

Definitions

2.1 For the purposes of this By-law:

"Boulevard" means that portion of every road allowance within the geographic area of the City of London which is not used as a sidewalk, driveway, travelled roadway of shoulder, and specifically excludes unassumed lanes;

"Boundary Tree" means a tree having any part of its trunk located on the boundary between adjoining lands. For the purposes of this definition, 'trunk' means that part of the tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

"By-Law Enforcement Officer" means a person appointed pursuant to the *Police Services Act*, or any successor legislation, as a Municipal Law Enforcement Officer to enforce the provisions of this By-law;

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

"Critical Root Zone" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter;

"Managing Director" means the person who holds the position of Managing Director of Environmental and Engineering Services & City Engineer for the City or their written designate who is authorized by the Managing Director to act on their behalf in respect of this By-law;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed. The terms "Destroyed" and "Destruction" shall have a corresponding meaning;

"Injure" means to harm, damage or impair the natural function, form of a Tree, including its roots within the Critical Root Zone, by any means, and includes but is not limited to carving, drilling, injecting, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate inoculation of decay fungi, pest or disease, inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms "Injury", "Injuring" and "Injured" shall have a corresponding meaning;

"Tree" means a woody perennial plant and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity. The term "Trees" shall have the same meaning, plural.

Part 3 SCOPE

3.1 This By-law applies to City Boulevards within the City of London.

Part 4 ADMINISTRATION

4.1 The administration of this by-law shall be performed by the Managing Director.

Part 5 PROHIBITIONS

Plant tree without permission

5.1 No person shall plant or cause to be planted a Tree on a Boulevard without written permission of the Managing Director.

Injure Tree – Destroy Tree - prohibited

5.2 No person shall Injure or Destroy a Tree located on a Boulevard without written permission from the Managing Director.

Attaching objects prohibited without permission

- 5.3 No person shall attach any object or thing to a Tree upon a Boulevard without written permission from the Managing Director.

Undertaking work - Injure Tree

- 5.4 No person shall undertake any work over, upon or under a Boulevard so as to Injure a Tree, without written permission from the Managing Director.

Hinder Managing Director in duties

- 5.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, the Managing Director or any other person in the exercise of the powers and performing the duties authorized and contained in this by-law.

Fail to Comply with Order to Discontinue Activity

- 5.6 No person who has been issued an Order to Discontinue Activity shall fail to comply with the Order.

Exceptions – City – *Electricity Act*

- 5.7 The prohibitions in this Part shall not apply to the City nor to a person acting under authority of the City. The prohibitions in sections 5.2 and 5.4 shall not apply to a person acting under authority of the *Electricity Act, 1998* or any successor legislation.

Part 6 POWERS OF THE MANAGING DIRECTOR

Managing Director - authority

- 6.1 The Managing Director is authorized to plan, regulate, supervise and carry out all planting, removal, and maintenance (including pruning) with respect to Trees situated on a Boulevard in the City of London.

Branch extending over highways

- 6.2 The Managing Director may trim any Trees on private property where the branches extend over a highway.

Trees may be removed

- 6.3 The Managing Director may, in their sole discretion and for any reason, remove any Tree from the Boulevard.

Trees on adjacent lands – enter upon land – Trees removed - dangerous

- 6.4 (1) Pursuant to subsection 62(1) of the *Municipal Act, 2001*, or successor legislation, the Managing Director may, at any reasonable time, enter upon land lying along any of its highways to:
- (a) inspect Trees and conduct tests on Trees,
 - (b) remove decayed, damaged or dangerous Trees or branches of Trees if, in the opinion of the municipality, the Trees or branches pose a danger to the health or safety of any person using the highway.

(2) Pursuant to subsection 62(2) of the *Municipal Act, 2001*, or successor legislation, an employee or agent of the City may remove a decayed, damaged or dangerous Tree or branch of a Tree immediately and without notice to the owner of the land upon which the Tree is located if, in the opinion of the employee or agent, the Tree or branch poses and immediate danger to the health or safety of any person using the highway.

Abutting owner request for Boulevard Tree removal - costs - Tree replacement

- 6.5 (1) An owner of property that is abutting the Boulevard may submit a written request to the Managing Director, in the form prescribed by the Managing Director, requesting the Managing Director to remove a Tree located on that part of the Boulevard that is abutting the owner's property.

(2) Upon a request under subsection (1) above, the Managing Director has the sole discretion to decide whether a Tree may be removed from the Boulevard, and the sole authority to remove such a Tree.

(3) If the Managing Director determines that a Tree may be removed from the Boulevard at the request of an abutting property owner under subsection (2) above, then prior to the Tree being removed by the Managing Director, the person requesting the Boulevard Tree removal is required to give to the City:

- (a) the City's estimated costs of removing the tree and purchasing and planting similar new trees as set out in the City's Fees and Charges By-law; and
- (b) a survey if required by the Managing Director.

(4) Where the City removes a Tree pursuant to this section, the Managing Director, at their sole discretion, may plant another Tree or Trees of a species as determined by the Managing Director, at the same or a different location as determined by the Managing Director.

(5) Nothing in this section shall be construed to limit the Managing Director's authority to remove a Tree located on City Boulevard at any time and for any reason.

Boundary trees – at least 72 hours' notice to abutting owners

- 6.6 If it comes to the attention of the Managing Director that a Tree that is to be removed by the City under this By-law is or may be a Boundary Tree, the Managing Director shall provide notice at least 72 hours prior to the removal of the Tree to all apparent abutting owners. Such notice can be effected by leaving the notice at the property (e.g. door-hanger). This requirement to provide notice shall not apply with respect to the City's authority to remove decayed, damaged or dangerous Trees or branches if in the opinion of the municipality the Trees or branches pose a danger to the health or safety of any person using the highway.

Part 7 ENFORCEMENT

Enforced By

- 7.1 This By-law may be enforced by a By-law Enforcement Officer.

Part 8 POWER TO MAKE ORDERS – TO DISCONTINUE ACTIVITY

Orders to Discontinue Activity

- 8.1 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make an Order to Discontinue Activity requiring the person who contravened the By-law or a person that caused or permitted a contravention of the By-law or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

(2) The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date and time by which there must be compliance with the Order to Discontinue Activity.

Service of Order to Discontinue Activity

- 8.2 (1) An Order to Discontinue Activity may be served personally by the By-law Enforcement Officer, may be sent by registered mail to the person contravening the By-law, or may be posted in a conspicuous place on the property where the contravention occurred.

(2) Where an Order to Discontinue Activity under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the person or persons named.

(3) The posting of the Order to Discontinue Activity on the property where the contravention occurred shall be deemed to be sufficient service of the Order to Discontinue Activity on the person or corporation to whom the Order to Discontinue Activity is directed on the date it is posted.

(4) Where an Order to Discontinue Activity issued under the By-law is sent by registered mail, it shall be sent to the last known address of one or more of the following:

- (a) the person contravening the by-law;
 - (b) the person or company undertaking the Injury or Destruction,
- and shall be deemed to have been served on the fifth day after the Order to Discontinue Activity is mailed.

Part 9 OFFENCES AND PENALTIES

Offences

9.1 Any person who contravenes any provision of this By-law is guilty of an offence.

Director or officer of corporation

9.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law is guilty of an offence

Penalties – Minimum and Maximum

9.3 A person convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

Continuation - repetition - prohibited by order

9.4 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Civil remedies

9.5 The City's enforcement remedies under this By-law are in addition to its common law or other statutory rights to damages or other compensation, including compensation to the City for damages for the cost of treating or removing Boulevard Trees and the diminution in the value of the Boulevard calculated by reference to the cost of replacing the injured or destroyed Tree.

Part 10 MISCELLANEOUS

Repeal

10.1 By-law No. P.-69 and all amendments are repealed.

Effective date

10.2 This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2018.

Mayor

City Clerk

First Reading –
Second Reading –
Third Reading –

Appendix B – Proposed Fees

Tree Removal, Restoration and Replanting Fees		
Tree Size (DBH) Diameter at Breast Height	Fees	# Replacement Trees (included in fee)
<10cm	\$ 1,240	1
11cm-20cm	\$ 1,890	2
21cm-30cm	\$ 2,240	3
31cm-40cm	\$ 2,590	4
41cm-50cm	\$ 3,740	5
51cm-60cm	\$ 4,090	6
61cm-70cm	\$ 4,440	7
71cm-80cm	\$ 5,490	8
81cm-90cm	\$ 5,840	9
91cm-100cm	\$ 7,190	10
101cm-120cm	\$ 9,040	11
121cm-130cm	\$ 9,390	12
131cm-140cm	\$ 10,940	13
141cm-150cm	\$ 11,290	14
151cm-160cm	\$ 11,640	15
161cm-170cm	\$ 11,990	16
171cm-180cm	\$ 12,340	17
181cm-190cm	\$ 12,690	18
>191cm	\$ 13,040	19

*This chart is for informational purposes not an appendix to the proposed By-law. The proposed fees will be included in the City's Fees and Charges By-law.

Appendix C – February 2015 Public Participation Meeting Comments

1. Jim Kennedy, President, London Development Institute – expressing support for the staff recommendation to refer the matter back to them; advising that they do not have any major opposition to this, it is just that generally, before a by-law comes to the floor to be passed, there is a bit more pre-consultation on it; indicating that they would appreciate time, whether it comes back in two weeks or when the report can come back; advising that they did just receive it and he was away last week so they just need some time; and, indicating that he did go through it and there are a few issues that he would like some clarification on.
2. Gabor Sass, 101 Forward Avenue – advising that he loves trees; indicating that he teaches courses on Ecology and Sustainability at Western University; noting that they talk about trees and they have lots of trees on their property; speaking to the concept of planting trees and planting without permission; advising that he does not know what the mechanism could be since we have really lofty goals of planting millions of trees; indicating that many property owners will not want to go through a formal application; advising that, in his case, it took many years for the City to actually come out and plant a tree, which they had requested; advising that there is a time delay; noting that there is a limit on staff resources; advising that he would like to put the idea forward of coming up with a mechanism that allows property owners to plant a tree; advising that perhaps there could be a list of favourable trees on boulevards that will not grow to interfere with wires and whatever may be overhead; reiterating that this would allow people to go ahead and plant an appropriate number, with appropriate size trees on their boulevard; advising that, for whatever reasons, they might be interested in growing food; noting that this is a big item for Londoners – urban agriculture; reiterating that right now it says that they need permission; and reiterating his request that there be a mechanism to allow people to plant trees on their boulevard without asking permission to do so.
3. Dean Sheppard, Executive Director, ReForest London – (see submission below)
4. Maureen Temme, 66 Palmer Street – (see below submission below)



February 2, 2015

To: Members of Planning and Environment Committee

Re: Proposed Revisions to Boulevard Tree Protection Bylaw, per February 2, 2015 PEC Agenda

ReForest London is very pleased to see the proposed revisions to the Boulevard Tree Bylaw. They represent important steps in strengthening the City's ability to protect the trees that will provide much needed canopy and ecological services in our lifetimes.

I was personally sitting on Trees and Forest Advisory Committee some five years ago when the Committee suggested the City adopt the value appraisal method proposed in this bylaw. It has taken this long for the issue to make it to the top of staff's list. This is a good example of how limited the capacity to undertake changes and improvements has been over the last several years. During the budget process, you approved an increase in staff capacity. Thank you for that.

There are many things groups like ReForest London, Scouts, Veteran's Memorial Parkway and Upper Thames Conservation Authority can do to help the City reach its canopy targets but these kind of bylaw changes and other required changes to standards and practices can only be done by City staff. So again, thank you for enhancing staff's ability to move us all forward.

Overall, ReForest London is very supportive of the proposed bylaw. The changes are indeed much needed improvements, including:

- Offering the same level of protection to all trees on city property as those along roadways already have;
- Creating a regime that recognizes that the City has a lot of time and money invested in its trees;
- Starting to treat trees more like other forms of infrastructure and assign a more realistic replacement value to them;
- Utilizing the widely accepted tree valuation procedure outlined in the bylaw;
- Making tree removal no longer the cheapest option in construction works; Constructed items like sidewalks, driveways, or bus shelters, can all be removed and replaced within a few weeks. It's a truer reflection of real value when reconstructing those items is cheaper than losing a mature tree forever.

ReForest London commends staff for the work required to bring these revisions to the table and Council for considering this important step forward in protecting and growing our urban forest.

Sincerely,

Dean Sheppard
ReForest London
Executive Director

To: Planning and Environment Committee, Feb. 2, 2015 c/o Heather Lysynski
from: Maureen Temme, 66 Palmer Street, London.
Re: Agenda item 9: Boulevard Tree Protection By-law Replacement
Date: February 2/15

Councillors Hubert, Cassidy, Helmer, Squire and Turner

Thanks for setting a public participation time on a proposed replacement of *London's Boulevard Tree Protection bylaw*.

London's urban forest plan has been put together with care and thought, and includes ideas from many individuals, organizations and city staff ... so that London's tree plan fits with other environment-related things the City is doing. It fits the vision of London's proposed official plan, the London Plan.

Bylaws are detail work, necessary to give City staff clear ways of handling situations ... probably more often than not situations where people are in disagreement with each other or with an aspect of City jurisdiction.

That said, there are some comments I want to make about new, proposed *City Tree Protection By-law*.

Could there be a pre-amble to the bylaw - in the bylaw - that says clearly that the Urban Forestry department wants first and foremost to have a conversation with people about any situation concerning trees on public property ... before the regulations of the bylaw come about? My understanding is that many calls to the Bylaw enforcement office are by neighbours or realtors ... that the process is "complaint driven". Even tho' the proposed City Tree Protection Bylaw will be handled by the Forestry people, it is likely to be a complaint driven process. Two things that might lessen the "complaint driven" and bad feelings that are often involved might be:

1. A public registry or notification of neighbours/the public where and when trees are to be removed, so people can comment. This could be with signs, or notices in neighbourhoods, or notices in the papers (... perhaps even a regular "urban forestry" column in one of the papers with readable size print) or a mention on the news like there are "gardener forecasts"
2. That leads to a **positive** public information campaign **supporting** the bylaw. I think that London should start with saying "London welcomes gardens and trees" and then go on to say there are some places where they work better, and there are circumstances where people need to know some rules ... but all the time putting first that trees are welcome/needed.

Acknowledging again that I do understand that bylaws need to be specific and use definitions, **is there a way to change section 2.5 - Application to plant, injure, destroy or remove a tree** - so that the very language of the title does not deter a person from contacting the urban forestry department?

Also, ... and this might be gotten 'round if there's the public conversation aspect coming before and supporting the bylaw ... why should someone have to spend money on an arborist to get a report to take a limb off a tree?

And, ... and this leads to the Schedule "B" Tree Destruction or Removal fees

... if, after someone has a conversation with the urban forestry department and it's deemed o.k. to take out, for example, a 15cm diameter tree ... may the person do it herself if s/he knows how?

\$800 fee for City staff is 40 hours of work at \$20/hour

... or almost 73 hours of work at minimum wage of \$11.00 an hour.

Does the personal cost to a low-income person ever figure into the tree value systems that are used?

When it comes to a \$400.00 fine for planting a tree on City property

... this is probably going to be relevant mostly to someone planting a tree on her or his front lawn, in situations where the planting is happening on city property. If done in good faith, you are asking someone to pay a fine equivalent to 20 hours of work at \$20 per hour, or about 36.5 hours at \$11.00 minimum wage.

Welcoming gardens of all types in London ... a joint undertaking of several City departments and citizens who are already gardening.

Front yard plantings are the trend one sees in garden magazines and books. Food planting is common (if the front is one's only sunny space), and food-producing shrubs are common. Even trees can be "espaliered" or pruned so as to keep to a particular size

This is relevant to this proposed tree protection bylaw ... certainly in whatever section talks about "injury" to a tree ... doing something near the tree that impedes air/water flow. Under this bylaw, someone who has a modest and well kept/mulched integrated pollinator garden on her/his boulevard *and has planted around a tree* could be subject to a \$1000 fine!

I am confident that a well-planned garden around a tree - would be far better for a tree than, for example, the squares of bare, hard earth that London Life instructs its lawn company to cut around its trees each year on Wellington Street, just down the block from City Hall

There are several City departments^a already involved in evolving Londoners' protection and development of personal and "boulevard" gardens. With a new City tree protection bylaw being developed, perhaps this is a good time for all department to get together with citizens and organizations to talk about how London really can welcome gardens of all kinds. *I've been concerned about this wholistic topic since 2006, and could help with publicizing and getting people any conversations.*

Wording/editing

- It is a **replacement** of, **not a revision** of a bylaw. It is replacing a bylaw to do with boulevards, with one to do with City trees overall.
- **Could text in it clarify how this proposed bylaw relates to situations involving all of individual homeowners, business owners, and companies (hospitals, I don't know)?** The document may need to specifically say that it is written for a long list of entities; and then put "and others". Or it needs to be two-stream for individuals/homeowners and all the others. To me, the bylaw reads as if it is for individuals like homeowners or renters, and my comments above reflect this.
- **The word consensual needs to be in the dictionary** (something I mentioned during my interesting and helpful conversation with S. Rowland last week). See footnote^b

With some apologies for the length of the notes here ... thank you for the opportunity to help get right any bylaw helping London trees.

Sincerely,

Maureen Temme

66 Palmer Street
London N6H 1P7
webkeeper: [Community Gardens London](http://CommunityGardensLondon.com)

Linda McDougall, City ecologist, was given a huge round of applause at the November 24/14 pollinator forum at the Central Library, when she encouraged people to grow flowers and food in their yards, including their front yards. She of course said that we need to be mindful of underground whatevers, and site lines, but did say that we may plant on boulevards. ext. 6494 or lmcdouga@london.ca

Natalie Philps of the Bylaw department is working on a new flyer to explain the City's yard and lot maintenance bylaw, in a positive way. nphilps@london.ca or ext. 4475 (working with Heather Chapman)

Vanessa Kinsley, Community Projects Coordinator, has an [Adopt-a-Street](#) program under her jurisdiction. ext. 1871 vkinsley@london.ca

Greg Sandle, Environment Education Coordinator, has had an eye on the boulevard garden topic for some years now. ext. 7328 or gsandle@london.ca

Sara Rowland, Urban Forester, involved with the new tree protection bylaw. ext. 4490 or srowland@london.ca

that the word "consensual" needs to be listed in the definitions ...

Is "consensual" a commonly used term in bylaws and government documents?

Think about "consensus": ("group solidarity in sentiment and belief" and "general agreement").

Think about "consensual" (1) existing or made by mutual consent without an act of writing

... the "without an act of writing" is interesting, and counter to the formalities proposed in the City Tree Protection By-law

"Consensual" is used these days so often in regard to sexual activity; it's origins are:

mid 18th century: from Latin *consensus* 'agreement' (from *consens-* 'felt together, agreed', from the verb *consentire*) + -al. (<http://www.oxforddictionaries.com/definition/english/consensual>)

Note there the "felt together" reference. Using that idea, there's an implication of a homeowner and a city staff person having a conversation about a gardening situation, finding a solution. That is not the way the document sets up. The bylaw is all about getting in a tree expert and filling out a form.

"Consensual" doesn't seem to be the right word for the situation. So, unless "consensual" is the currently accepted bylaw/legislative term, is there something else?



Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

Tuesday, August 21, 2018

Members of London City Council:

Re: Reinstatement of Demolition Control By-Law

Dear Councillors:

Architectural Conservancy Ontario – London Region Branch (ACO London) recommends that London City Council reinstate the Demolition Control By-Law that was repealed in 2010.

London City Council enacted a Demolition Control By-law in 1992 (CP-1313-224) that included the entire city in the demolition control area. The by-law required the Director of Building Controls to report on any request for a residential demolition to the Planning Committee, subsequently renamed the Built and Natural Environment Committee, a Standing Committee of City Council.

On March 8, 2010 City Council asked that planning staff review the by-law and determine whether it could be changed to allow Civic Administration to act as the approval authority instead of council, under certain circumstances. In response, city planning staff recommended that the Demolition Control Area by-law be repealed and a new system of demolition permit applications be implemented in order to streamline the process (Staff Report dated December 13, 2010, item 18 BNE Committee). The repeal was passed by council on December 20, 2010 and was effective immediately. This meant that (non-heritage) residential demolition applications no longer needed council approval but could be approved by staff.

ACO London has determined that one of the problems with handling residential demolition applications under the Building Code Act and Regulations is the loss of transparency to the public. While under the Planning Act, applications were open to the public and placed on the public agenda of a standing council committee. Under the Building Code Act, the application is considered an administrative matter and the files are not readily accessible to the public. ACO London had to file a records request under MFIPPA, and pay a fee, to obtain information about the number of applications for residential demolitions since 2010.

In addition to providing transparency to the public, the Demolition Control By-Law creates a mechanism to retain affordable housing, encourage maintenance of existing housing stock, and promote revitalization. It is our hope you will reinstate the Demolition Control By-Law with appropriate updates to ensure adequate and appropriate control of demolitions.

Please contact me if you would like to discuss this in more detail. I look forward to hearing from you.

Sincerely,

Jennifer Grainger
President, London Region Branch, Architectural Conservancy Ontario

Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge, 1017 Western Road, London ON N6G 1G5
Telephone: 519-645-0981 | Fax: 519-645-0981 | Web: www.acolondon.ca | E-mail: info@acolondon.ca

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DEFERRED MATTERS

**PLANNING AND ENVIRONMENT COMMITTEE
(AS OF AUGUST 29, 2018)**

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
1	Alternative Planning and Zoning Tools to Holding Provisions – report back on options to redefine and reduce the use of redundant or unnecessary holding provisions in Z.-1.	Dec 3/13 12/25/PEC	Part 1 complete Part 2 - 2019	Fleming/ Kotsifas	Part 1 of the response is completed – report was prepared and new practice significantly reduces need for the general “h” holding provision. Part 2, the remainder, must be deferred until the London Plan is approved – when the zoning by-law update will occur
2	Staff to report back on types of species able to plant on boulevard DELETE AFTER COUNCIL MEETING ON SEPTEMBER 18, 2018	Feb 24/15	Q3, 2018	Fleming/Macpherson	Staff will coordinate with ESD and provide an update on suitable species for street tree planting that address key issues of survivability, canopy cover, maintenance requirements, etc. Revised date per Tree Protection by-Law Implementation Review Report to PEC on November 20, 2017 Report to be heard at PEC on September 10, 2018.
3	Review of commercial corridor along Commissioners Road East	March 2/15 13/6/PEC	2019	Fleming/Barrett	Revised date per the Planning Services Work Plan Update report received by PEC on October 10, 2017.
4	EEPAC Terms of Reference – Civic Admin to report allowing EEPAC to work with staff during the collaboration of reports, electronic distribution of files and to provide advice directly to PEC	May 12/15 (7/11/PEC)	Q4 2015	Saunders	Preparing initial report to PEC to seek Council direction.
5	Civic Administration BE REQUESTED to report back at a future meeting with respect to potential policy and/or by-law changes that would provide a mechanism by which green roofs could be included in the calculation of required landscape open space.	May 18/16 (13/19/PEC)	2019	Fleming/Kotsifas	A future report will be brought to PEC. Revised date per the Planning Services Work Plan Update report received by PEC on October 10, 2017.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
6	Sanitary Servicing to Arva and Water Servicing to Delaware – City Planner and City Engineer to report back with draft agreement that reflects Option 2 and to pursue a reduction in the sewage servicing area to match the current Arva settlement area boundary.	October 3/17 (13/18/PEC)	Q4 2018	Fleming/Mathers	To be added to the Planning Services work plan, recognizing staff resource constraints. Draft revised Servicing Agreement provided to Middlesex Centre for review. Currently awaiting response.
7	Dundas Place Management and Dundas Place Field House – City Planner to report back on results of monitoring all aspects of Dundas Place Management by mid-2019 in order to inform the development of the 2020-2023 Multi-Year Budget.	November 28/17 (17/22/PEC)	Mid-2019	Fleming/Yanchula	Phase 1 of Dundas Place construction to be completed Q4, 2018 at which time Dundas Place Management will commence.
8	White Oak/Dingman Area Secondary Plan – draft Official Plan policies to be brought forward following consultation with stakeholders, agencies and the public.	December 12/17 (4/1/PEC)	Q4, 2018	Fleming/Barrett	In progress – secondary plan on Planning Services Work Plan update received by Planning Committee on October 10, 2017. Expected completion date Q4, 2018.
9	Draft Surplus School Sites Evaluation and Acquisition Policy to be considered at a future PEC meeting following public consultation with the TVDSB, LDCSB, Urban League and Child and Youth Network	April 10/18 (4.1/6/PEC)	Q1, 2019	Fleming/Barrett	Engagement will occur in the coming months with a target date to return Q1, 2019.
10	Medway Valley Heritage Forest ESA – Refer back to Staff to report back after deleting the proposed Bridge A and Bridge D; further public consultation with respect to those portions of the CMP that effect changes to the eastern boundary of the ESA, including the use of public streets; further consultation with the ACCAC, the EEPAC, UTRCA and neighbouring First Nations governments and organizations with respect to improved trail access and conditions; actions be taken to discourage crossings of the creek at sites	April 24/18 (3.2/7/PEC)	2019/2020	Fleming/Macpherson	Next steps currently under review.

[Type here]

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	A, B, C, D and E, as identified in the CMP; hardscaped surfaces on the level 2 trails be limited to the greatest extent possible; ways to improve public consultation process for any ESA and CMP; and, amending the Trails Systems Guidelines to incorporate consultation with neighbouring First Nations, Governments and Organizations at the beginning of the process.				
11	Inclusionary Zoning for the delivery of affordable housing - the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and the London Development Institute.	August 28/18 (2.1/13/PEC)	Q2, 2019	Fleming/Barrett	Consultation currently underway. Report to be presented Q2, 2019.

[Type here]