

# Agenda Including Addeds

## Planning and Environment Committee

15th Meeting of the Planning and Environment Committee

October 9, 2018, 4:00 PM

Council Chambers

### Members

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

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

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## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Contract Renewal for Management of Environmentally Significant Areas  
**Meeting On:** October 9, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** with respect to the renewal of the five year Agreement with the Upper Thames River Conservation Authority for the management of City owned Environmentally Significant Areas in the City of London:

- (a) approval **BE GIVEN** under Section 14.3 (c) of the Procurement of Goods and Services Policy to enter into an Agreement with the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London as a “Sole Source” contract;
- (b) the attached, proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 16, 2018, to approve an Agreement between The Corporation of the City of London and the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London, substantially in the form attached to the by-law, and to authorize the Mayor and City Clerk to execute the agreement; and,
- (c) **IT BEING NOTED** that funding for this service is included within the base budget of Parks and Natural Areas Planning and Design.

## Executive Summary

- The City’s [award-winning](#), leadership in the protection of Environmentally Significant Areas (ESA) is enhanced by the highly skilled members of the Upper Thames River Conservation Authority (UTRCA) ESA Team who have assisted the City with the majority of the “hands on” aspects of ESA management since the original contract with the UTRCA was signed back in 2002.
- The UTRCA ESA Team’s skills, depth of experience, and ability to leverage additional funds through grants and other programs are key to the enhanced protection of our ESAs making the UTRCA the most qualified to provide a unique service that cannot be handled by any other City service area, environmental group or general contractor.
- The UTRCA is a quasi-governmental, non-profit, London based organization and their mission statement is “*Inspiring a healthy environment*” making them a great fit for continuing the effective and efficient management of London’s ESAs. The UTRCA’s ends are:
  - *protect life and property from flood and erosion*
  - *protect and improve water quality*
  - *preserve and manage natural areas*
  - *provide outdoor recreation opportunities*
- An opportunity to assume some aspects of the mandate items along with the corresponding funding associated with that work in the UTRCA contract was offered to relevant City Service Areas in early 2018. Due to the unique nature of

the work, these offers were declined and ESA conservation work will continue to be outsourced.

- The 2019-2023 contract is provided in **Appendix A**.

## Background

### 1.0 Previous Reports Pertinent to this Matter

**September 25, 2017** - Planning and Environment Committee Meeting Report for [The London Invasive Plant Management Strategy](#)

**November 26, 2013** – Planning and Environment Committee Meeting Report for [Contract Renewal for the Management of ESAs](#)

### 2.0 ESA Management Activities and UTRCA “Sole Source” Contract

#### 2.1 London’s Environmentally Significant Areas

ESAs are managed by the City funded UTRCA ESA Team under contract, for the protection and enhancement of ecological integrity, while permitting safe and appropriate access to nature for all Londoners. The 735.6 hectares of City owned ESA lands to be managed in 2019 cover a range of habitats including upland forests, floodplains, wetlands, bogs, and meadows that support a diversity of wildlife. Due to the unique blend of skills required to manage and protect ESAs, the City has a long standing contract with the UTRCA to manage London’s ESA lands on our behalf. The cost for this service in 2018 (excluding HST) is \$505,146. Eleven City owned ESAs currently being managed by the UTRCA include:

- Westminster Ponds/Pond Mills
- Meadowlily Woods
- Kains Woods
- Sifton Bog
- Kilally Meadows
- Medway Valley Heritage Forest
- Warbler Woods
- The Coves
- Lower Dingman
- Kelly Stanton
- Pottersburg Valley

#### 2.2 ESA Policies and Guidelines

The City’s management and protection of London’s ESAs is guided by the leading edge and [award winning](#) policies in the:

- London Plan
- Environmental Management Guidelines
- Guidelines for Management Zones and Trails in ESAs
- ESA Conservation Master Plans
- Tree Risk Management Policy for ESAs
- London Invasive Plant Management Strategy

#### 2.3 London Invasive Plant Management Strategy

The City of London is an identified leader among other municipalities and other levels of government in demonstrating a proactive approach to the management of invasive species since 2006. London is the first municipality in Ontario to complete a citywide strategy. The [London Invasive Plant Management Strategy](#) (LIPMS) approved by Council in 2017 identifies the continued success in managing invasive species in ESAs as a model for best practices.

In ESAs, the successful execution of this challenging work is thanks in large part to the highly skilled ESA Team who are licenced by the Ministry of the Environment, Conservation and Parks, and meet a special Ministry of Natural Resources and Forestry “Natural Resources Exception” to manage invasives (including associated restoration work) as part of their mandate under operations, and through annual capital projects. Over the last 5 years about 10% of the ESA Team’s time was devoted to invasive species management and restoration as part of the contract. In addition to this operational work, the UTRCA brings in other qualified staff to complete an average of \$50,000 capital invasive species management and restoration projects in ESAs each year.

## **2.4 General Management Items in the Contract**

Proactive, highly skilled management for the protection of ESA lands continues to be a priority for the City, local residents, EEPAC, and members of the Trails Advisory Group. The City and the UTRCA have enhanced the effectiveness and sustainability of ESA management since the UTRCA was formally contracted in 2002. Due to efficiencies and policy updates included in the last contract, the City of London and the UTRCA have revised the mandate in the revised contract in **Appendix A**.

General management items and targets, as outlined in the revised contract (refer to **Appendix A**) are as follows:

1. Monitoring and enhancing the natural resource – (40% of time)
2. Enforcing provincial regulations, and City by-laws including encroachments (20%)
3. Risk management, structure inspections and tree hazard programs (5%)
4. Developing and maintaining trail network (30%)
5. Coordinating educational programs, special events and community projects (5%)

These mandate items are expanded upon in Appendix #2 of the updated contract. In order to effectively fulfill these mandate items, the UTRCA has continued to broaden the professional and technical skills of their ESA Team to include the following skill sets:

- Provincial and Municipal By-law Enforcement Officers
- Ecological Restoration Technicians with pesticide applicator licenses
- Forestry Technicians with hazard-tree assessment and chain saw qualifications
- Fish and Wildlife Technicians
- Trail Building and Design Specialists, and Carpenters
- Communications Specialists

The ESA Team meets the diverse operational needs and improves efficiency in management of the ESAs. For example, while building a boardwalk, planting native trees or managing invasive species, the same staff could educate/charge persons under the Parks and Recreation By-law, Conservation Authorities Act or Trespass to Property Act. While each of these tasks could be performed by individual contractors, it is the blend of these skills and the depth of experience that make this team the most qualified to provide a unique service that cannot be met by any other general contractor. The UTRCA also has a wide range of professional conservation staff who assist with this contract as needed.

## **2.5 Leveraged Funds for Enhanced ESA Protection**

Over the last decade the UTRCA has successfully leveraged funds to hire additional staff to do conservation work in London’s ESAs. During the last 4 years of the current 5 year contract, the UTRCA received \$183,500 in grants and donations for the enhanced protection of our ESAs including participation in the Canada Summer Jobs program, co-op programs and the Province’s Junior Rangers program.

## **2.6 Enhanced Local Stewardship Through the Adopt an ESA Program**

ESA protection and awareness of their significance is enhanced through the City’s [Adopt an ESA](#) program launched in 2013. Dedicated local volunteers, businesses, organizations

and community groups help to protect ESAs through stewardship efforts including tree planting, invasive species removal, litter removal, and engagement in the City's Trails Advisory Group.

### **3.0 Agreement Changes**

#### **3.1 Adjustments to Time Allocated to Mandate Items**

Some mandate items have been shifted to better match the category titles. Assisting City staff with by-law enforcement and reduction of private use encroachments on to public lands has been shifted from the risk category to the enforcement category. Other changes are based on successes achieved during the last contract, and areas targeted for further improvement based on ESA public observation reports, and comments from the public and local community groups over the last 5 years:

- Monitoring and enhancing the natural resource including invasive species management and restoration continues to be a priority and this mandate item's target has been increased from 25% of the ESA Team's time to 40%.
- A reduction in private property encroachments into the ESAs has been successfully achieved and will continue through ongoing enforcement work coordinated by City by-law staff with support from the ESA Team. Since 2016, 47 properties with encroachments into City owned ESA lands have been brought into compliance, and another 35 are now in the enforcement process, moving towards compliance.
- The City's highly effective Hazard Tree Risk Management Policy brought in with the last contract, has significantly reduced the time spent managing hazard trees (from 22% in 2014 down to just 2% in 2017) freeing up 20% of the ESA Team's time to focus on other items in the mandate.
- Time allocated to by-law enforcement and education to increase compliance with ESA rules including "Dogs on Leash" remains the same in the mandate, however, other adjustments will better allow the ESA Team to actually meet the 20% of time targeted, effectively increasing time devoted to this mandate item. During the summer, London Animal Cares provides additional enforcement of Dogs on Leash by-laws in ESAs.

### **4.0 Financial Implications**

In the first year of the term of this Agreement, the City shall pay the UTRCA \$700.44 per hectare for the management of ESAs. In each subsequent year of the term, the annual payment shall be increased by an amount equal to the annual increase in the Cost of Living Index, to a maximum of 2% on an annual basis. As new ESA lands are acquired, the City shall pay the corresponding increase in the contract amount in accordance with the formula established. For 2019, the cost of the services provided by the UTRCA is estimated to be \$515,243.

Funding for the services provided under this contract is included in the approved Parks and Natural Areas Planning and Design base budget.

### **5.0 Conclusion**

#### **4.1 Enhanced ESA Protection and Advantages to the City in Retaining UTRCA**

- The City's leadership in the protection of ESAs is enhanced by the highly skilled members of the UTRCA ESA Team who have assisted the City with the majority of the "hands on" aspects of ESA management since the original contract with UTRCA was signed back in 2002.
- The UTRCA ESA Team's skills and the depth of experience, and, ability to leverage additional funds through grants and other programs are key to the protection of our ESAs making them the most qualified to provide a unique service

that cannot be handled by any other City service Area, environmental group or general contractor.

- The UTRCA is a quasi-governmental, non-profit, London based organization and their mission statement is “*Inspiring a healthy environment*” making them a great fit for effectively and efficiently managing London’s ESAs.

The 2019-2023 contract is provided in **Appendix A**.

<b>Prepared by:</b>	<b>Linda McDougall, MES, OALA, RPP Ecologist, Environmental and Parks Planning</b>
<b>Submitted by:</b>	<b>Andrew Macpherson, OALA Manager, Environmental and Parks Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
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	

September 28, 2018  
LM/lm

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Bill No.  
2018

By-law No.

A By-law to approve an Agreement between The Corporation of The City of London and the Upper Thames River Conservation Authority; and to authorize the Mayor and City Clerk to execute the Agreement.

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

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 purposes of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of The City of London (the "City") to enter into an Agreement with the Upper Thames River Conservation Authority, for the management of certain lands within the City of London (the "Agreement");

AND WHEREAS it is appropriate to authorize the Mayor and City Clerk to execute the Agreement on behalf of the City;

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

1. The Agreement attached as Schedule "A" to this By-law, being the Agreement between The Corporation of the City of London and the Upper Thames River Conservation Authority is hereby AUTHORIZED AND APPROVED.
2. The Mayor and City Clerk are authorized to execute the Agreement authorized and approved under section 1 of this by-law.
3. This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 16, 2018

Matt Brown  
Mayor

Catherine Saunders  
City Clerk

**SCHEDULE "A"**

**THIS AGREEMENT** dated as of the 1st day of January, 2019,

**BETWEEN:**

**UPPER THAMES RIVER CONSERVATION AUTHORITY**

(the "Authority")

OF THE FIRST PART

and

**THE CORPORATION OF THE CITY OF LONDON**

(the "City")

OF THE SECOND PART

**WHEREAS** the Authority and/or the City are the owners of the Environmentally Significant Natural Areas (ESAs) located within the City of London, in the County of Middlesex, known as the Westminster Pond/Pond Mills, Kilally Meadows, Medway Valley Heritage Forest, Sifton Bog, Warbler Woods, Meadowlilly Woods, Kains Woods, The Coves, Lower Dingman, Kelly Stanton, and Pottersburg Valley which for the purposes of the City's Parks and Recreation By-law are considered to be ESAs under their joint management (hereinafter referred to as the "ESAs");

**AND WHEREAS** the Authority approves of the use of its ESA lands for public access as long as such public access is in compliance with the City's Parks and Recreation By-law;

**AND WHEREAS** the City desires the Authority to provide Management Activities for all of the ESAs under this agreement whether owned by the City or owned by the Authority;

**AND WHEREAS** the existing location and demarcation of the ESAs and their respective management areas are more particularly identified in the maps shown as Appendix #1 attached hereto;

**AND WHEREAS** the City and the Authority have previously entered into agreements dated the 2<sup>nd</sup> day of July, 1976 and the 15<sup>th</sup> day of March, 2002 and the 18<sup>th</sup> day of August 2008 and the 1<sup>st</sup> of January 2013 with respect to the creation, development and management of environmentally significant natural areas in the City of London;

**AND WHEREAS** the City and the Authority have agreed to enter into this Agreement in replacement to all previous management agreements as set out in the paragraph above and to provide for the maintenance, repair, service, development and operation of the ESAs and their respective management areas on the terms and conditions contained herein;

**AND WHEREAS** the Authority is governed by the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, and s. 21 of that Act provides that, for the purpose of accomplishing its objects, an authority has power and may enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality; and further in s. 20 that the objects of an authority are to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals;

**AND WHEREAS** the City is governed by the *Municipal Act, 2001*, S.O. 2006, c. 11, Sch. A. as amended, and s. 9 of that Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and further in section 10(2) to pass by-laws respecting the "economic, social and environmental well-being of the municipality; health safety and well-being of persons; protection of persons and property; public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; providing services that the municipality considers necessary or desirable for the public; and animals;

**AND WHEREAS** the parties intend that the Authority's costs of providing its services to the City will not form part of the Authority's annual levy to the City for carrying out the Authority's regulatory services under the *Conservation Authorities Act*;

**AND WHEREAS** the City intends to identify within the City's annual operating budget the annual costs of this Agreement;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the premises and the mutual covenants and agreements herein contained, the parties hereto agree as follows:

#### 1. Management Activities

(a) The Authority shall carry out the management activities described in Appendix #2, attached hereto ("Management Activities") for the ESAs and other lands according to objectives established in the Conservation Master Plans for the ESAs, and as directed by the joint ESA Management Committee and as otherwise directed by the City;

(b) It is understood and agreed between the parties that the scheduling and timing of Management Activities as set forth in paragraph 1 (a) will be completed at the discretion of the Authority on the basis of regular consultation with the City and to the City's satisfaction;

(c) The parties shall from time to time develop risk management and hazard tree management policies applicable to all lands within the ESAs and their respective management areas, whether owned by the City or the Authority;

(d) In performing its Management Activities under this Agreement, the Authority shall comply with all applicable policies as provided by the City, or as otherwise directed in writing by the City.

(e) The Authority shall provide a minimum of 6900 hours of service per year carrying out the Management Activities; and,

(f) The Authority shall provide quarterly reports to the City in a form acceptable to the City outlining progress on all Management Activities.

#### 2. Term of Agreement

This agreement shall be for a term of five (5) years commencing on the 1st day of January, 2019 and shall expire on the 31st day of December, 2023.

#### 3. Land Acquisition

Except as hereinafter provided, the parties hereto agree that the title to all lands within the ESAs shall remain in the name of the registered owner as of the date of the signing of this Agreement. As one of the methods of acquiring land necessary for implementation of the ESA Master Plans the Authority may, from time to time and when sums become available from the Province of Ontario, Ontario Ministry of Natural Resources and Forestry, obtain and register property in its own name. Any such land acquisitions shall only be done with the approval of the City.

The City may at any time acquire on behalf of itself or the Authority any land which may become available with respect to the ESAs or surrounding lands. It is hereby agreed between the parties that, with respect to any lands so purchased by the City, that the City may apply through the Authority, to the Ministry of Natural Resources and Forestry or any other municipal, provincial or federal agencies, for such grants as may be available, and the Authority shall assist to ensure that such application is in fact made to the proper body.

#### 4. Payments to the Authority

(a) The Authority's costs to provide the Management Activities to the City as defined in subparagraph (b) below, are separate and distinct from the Authority's annual levy to the City for carrying out its regulatory services under the *Conservation Authorities Act*. The Authority shall not include in its annual levy to the City under the *Conservation Authorities Act* the costs for its Management Activities under this Agreement.

(b) In the first year of the term of this Agreement, the City shall pay the Authority seven hundred dollars (\$700.44) per hectare for the management of ESAs. As of January 1, 2019, the total area under management will be 735.6 ha. In each subsequent year of the term, the annual payment

shall be increased by an amount equal to the annual increase in the Cost of Living Index, to a maximum of 2% on an annual basis, except as otherwise agreed by the parties.

The Authority shall use the payments provided by the City pursuant to this Agreement only for the specific purpose for which the payment is provided.

Notwithstanding anything in this Agreement, the Authority shall immediately refund to the City any payments made by the City that are in excess of the amount to which the Authority is entitled.

(c) The parties agree that a minimum of one (1) years notice will be given to the other party if any change to the payment formula described in paragraph 4 (b) is anticipated. In the event of a termination notice under section 11, the City's payment obligations for the following year shall be modified *pro rata*.

(d) As new ESA lands are acquired, the City shall pay the corresponding increase in the contract amount in accordance with the formula established in paragraph 4 (b) commencing in the next year. Program costs and management activities will be adjusted with the agreement of the parties in order that newly acquired ESA lands can be managed in accordance with this Agreement.

(e) The Authority shall submit its proposed expenses and revenues for providing the Management Activities for subsequent years to the City for its approval by May 30<sup>th</sup> in a format acceptable to the City and in accordance with generally accepted accounting and budgeting practices. The revenues shall include the value of any in kind services or donations received to offset the costs of maintenance, repair, development, operation and management of the ESAs.

(f) Payment by the City in each year shall be in accordance with procedures agreed upon by the parties, but such payments shall not be less than one twelfth of the sum owing in each year payable monthly by the City.

#### 5. Indemnification and Waiver

The Authority undertakes and agrees to defend and indemnify the City and hold the City harmless, at the Authority's sole expense, from and against all claims, demands, suits, losses, costs, damages and expenses that the City may sustain or incur by reason of:

- (a) any breach of this Agreement by any of the Authority, the Authority's employees, any subcontractor of the Authority, or persons for whom the Authority is at law responsible;
- (b) any loss or misuse of funds held by the Authority, the Authority's employees, subcontractor of the Authority, or persons for whom the Authority is at law responsible, under this Agreement;
- (c) the acts or omissions of the Authority, the Authority's employees, subcontractor of the Authority, or any person for whom the Authority is at law responsible in performing the services or otherwise carrying on the Authority's business, including any damage to any and all persons or property, whether deliberate, accidental or through negligence, and all tickets, fines or penalties;
- (d) any claim or finding that any of the Authority, the Authority's employees, subcontractor of the Authority, or persons for whom the Authority is at law responsible are employees of, or are in any employment relationship with, the City or are entitled to any Employment Benefits of any kind; and,
- (e) any liability on the part of the City, under the *Income Tax Act* (Canada) or any other statute (including, without limitation, any Employment Benefits statute), to make contributions, withhold or remit any monies or make any deductions from payments, or to pay any related interest or penalties, by virtue of any of the following being considered to be an employee of the City, from Authority: Authority's employees or others for whom Authority is at law responsible in connection with the performance of services or otherwise in connection with Authority's business.

#### 6. Responsibility for Damage

If the said lands, or any property installed thereon by the City shall become damaged by an act, omission or negligence of the Authority, the Authority shall promptly remedy the damage or pay such reasonable amount as may be required to restore the property to its pre-damage condition.

#### 7. Insurance

The Authority agrees to purchase and maintain during the term of the agreement at its own expense obtain and maintain until the termination of the contract, and provide the City with evidence of:

- a) Comprehensive general liability insurance on an occurrence basis for an amount not less than five million (\$5,000,000) dollars and shall include the City as an additional insured with respect to the successful bidder(s) operations, acts and omissions relating to its obligations under this Agreement, such policy to include non-owned automobile liability, personal injury, broad form property damage, contractual liability, owners' and contractors' protective, products and completed operations, contingent employers liability, cross liability and severability of interest clauses;
- b) Automobile liability insurance for an amount not less than five million (\$5,000,000) dollars on forms meeting statutory requirements covering all vehicles used in any manner in connection with the performance of the terms of this Agreement;
- c) The policies shown above will not be cancelled or permitted to lapse unless the Authority ensures that the insurer notifies the City in writing at least thirty (30) days prior to the effective date of cancellation or expiry. The City reserves the right to request such higher limits of insurance or other types of policies appropriate to the work as the City may reasonable require; and
- d) Evidence that the insurance described above is in force shall be provided to the City on commencement of the program and thereafter at least once annually prior to the renewal date of the policy. The City reserves the right to request such higher limits of insurance or other types of insurance policies appropriate to program as it may reasonably require.

#### 8. Licenses

The Authority shall have the right to licence the use of any lands within the ESAs that the Authority owns for the purposes consistent with the Master Plans, provided that the term of any such licence(s) shall not exceed one (1) year in duration. With respect to all licences having a term in excess of one (1) year, the Authority shall obtain the approval of the City regarding the terms and conditions of such licence prior to the issuance of the same. Any fees received by the Authority for such licensing hereunder shall be applied to and offset any costs, fees, charges, or other sums the City is responsible for pursuant to this agreement so as to so reduce such payments by the City.

#### 9. Compliance

All parties shall at all times comply with all provisions of the Conservation Authorities Act and any amendments thereto and any regulations, by-laws and amendments in force from time to time and all rules and regulations pertaining to ESAs as may be enacted from time to time.

The Authority shall comply with all applicable federal, provincial and municipal legislation, regulations and by-laws.

The Authority shall ensure that it and all of its volunteers, employees or agents, if they deal with members of the public under this Agreement, receive training about the provision of services to persons with disabilities, in compliance with the *Accessibility for Ontarians with Disabilities Act, 2005* and its Regulations

#### 10. Development

In accordance with the *Conservation Authorities Act*, and for greater certainty only, the City shall comply with all regulations of the Authority concerning the placement of fill, construction of buildings, alteration of waterways for any development on any lands within the ESA's unless the written consent of the Authority shall have been first obtained.

#### 11. Termination

Either party may terminate this Agreement for any reason by giving one (1) year written notice to the other party.

#### 12. The Authority's Contractual Status

(1) The Authority acknowledges and agrees this Agreement shall in no way be deemed or construed to be an Agreement of Employment. Specifically, the parties agree that it is not intended by this Agreement that the Authority nor any person employed by or associated with the Authority (including but not limited to its agents, officers, subcontractors) is an employee of, or has an employment relationship of any kind with the City or is in any way entitled to employment

benefits of any kind whatsoever from the City whether under internal policies and programs of the City, the *Income Tax Act*, R.S.C. 1985 c.1 (1st Supp); the *Canada Pension Act*, R.S.C. 1985, c.C-8; the *Employment Insurance Act*, S.O. 1996,c.23; the *Workplace Safety and Insurance Act*, 1997 S.O. 1997, c.26 (Schedule "A"); the *Occupational Health and Safety Act*, R.S.O. 1990, c.o.1; the *Pay Equity Act*, R. S. O. 1990, c.P.7; the *Health Insurance Act*, R.S.O. 1990, c.H.6; or any other employment related legislation, all as may be amended from time to time, or otherwise.

(2) Notwithstanding subparagraph (1) above, it is the sole and exclusive responsibility of the Authority to make its own determination as to its status under the Acts referred to above and, in particular, to comply with the provisions of any of the aforesaid Acts, and to make any payments required thereunder.

(3) The parties are each independent of the other and this Agreement shall not operate to create a partnership, joint venture, employment arrangement, master servant relationship or any other similar relationship between the City and the Authority or between the City and any employees, agent or contractor of the Authority.

**13. Assignment**

Neither this Agreement nor any part or interest may be assigned, subcontracted or otherwise transferred by the Authority without the prior written consent of the City, which consent may be withheld.

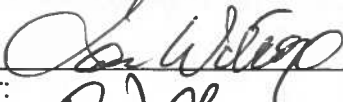
**14. Execution**

The Authority acknowledges that it has read this Agreement, understands it and agrees to be bound by its terms and conditions.

**IN WITNESS WHEREOF** the parties hereto have duly executed this Agreement, under the hands of their duly authorized officers in that behalf.

**SIGNED, SEALED AND DELIVERED**

**UPPER THAMES RIVER CONSERVATION AUTHORITY**

Per: 

**IAN WILCOX**  
General Manager/Secretary-Treasurer  
Brad Glasman, P.Eng.  
Manager, Conservation Services  
Upper Thames River Conservation Authority

Per: 

\*We have the authority to bind the Upper Thames River Conservation Authority

**THE CORPORATION OF THE CITY OF LONDON**

\_\_\_\_\_  
Mayor

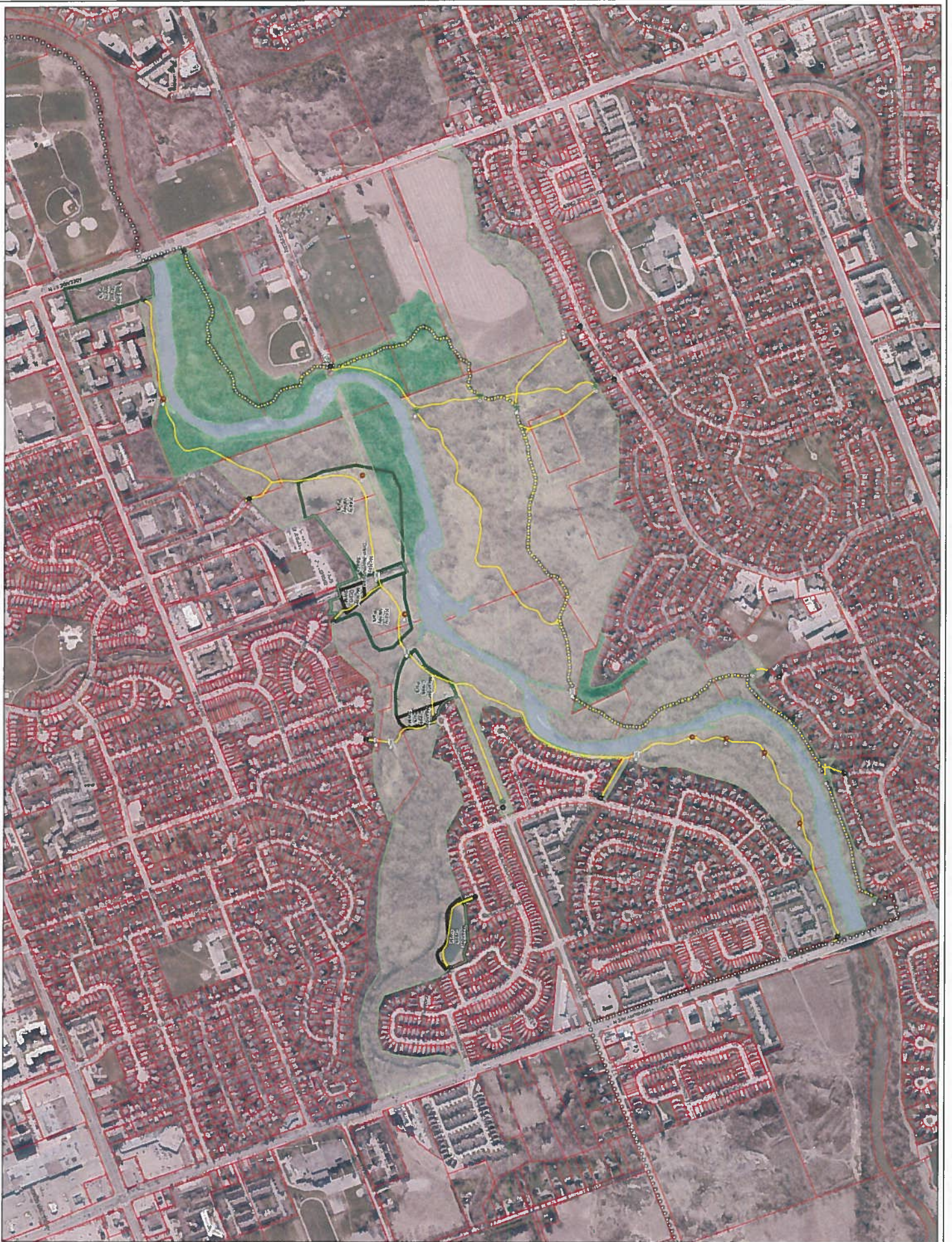
\_\_\_\_\_  
City Clerk

**Appendix #1**

**ESA Management Area Maps**

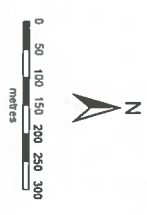
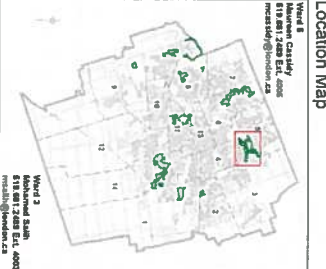






**Killally Meadows  
2018 Management Area**

- Legend**
- Management Structure
  - Burial Ground
  - Well
  - Bridge
  - Structure
  - Access Point
  - 1 Killally Road (East)
  - 2 Killally Road (West)
  - 3 Killally Road (North)
  - 4 Killally Road (South)
  - 5 Killally Road (East)
  - 6 Killally Road (West)
  - 7 Killally Road (North)
  - 8 Killally Road (South)
  - 9 Killally Road (East)
  - 10 Killally Road (West)
  - 11 Killally Road (North)
  - 12 Killally Road (South)
  - 13 Killally Road (East)
  - 14 Killally Road (West)
  - 15 Killally Road (North)
  - 16 Killally Road (South)
  - 17 Killally Road (East)
  - 18 Killally Road (West)



**UPPER THAMES RIVER  
CONSERVATION AUTHORITY**

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# Medway Valley Heritage Forest 2018 Management Area

## Legend

### Managed Structures

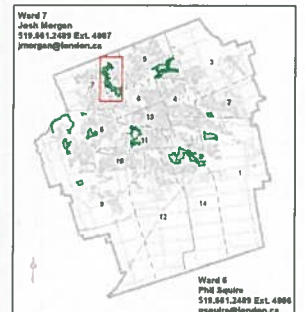
- Barricade (Open)
- Barricade (Closed)
- Boardwalk
- Bench
- Bridge
- Raking
- ▲ Staircase
- Viewing Platform

### Access Point

- 1 Wonderland Road North
- 2 Attawandaron Gate
- 3 Attawandaron Road (Central)
- 4 Attawandaron Road (North)
- 5 Fanshawe Park Road West (West)
- 6 Fanshawe Park Road West (South)
- 7 Hickoryridge Common
- 8 Sunningdale Road West
- 9 Valleyrun Boulevard (West)
- 10 Glenridge Crescent
- 11 Ambleside Park
- 12 Gloucester Road
- 13 Windermere Road (West)
- 14 Elsie Perrin Williams Estate
- 15 Ramsey Road (North - Huron College)
- 16 Ramsey Road (South - Brescia College)
- 17 Metamora Crescent
- 18 Wychwood Park
- 19 Doncaster Gate (East)
- 20 Picarrie Crescent
- 21 Valleyrun Boulevard (East)
- 22 Craekridge Bend

- Parking
- Managed Trail (10771 m)
- Management Area (133.4 ha)
- City of London (105.8 ha)
- UTRCA (27.6 ha)

## Location Map



0 50 100 200 300 400 500  
metres

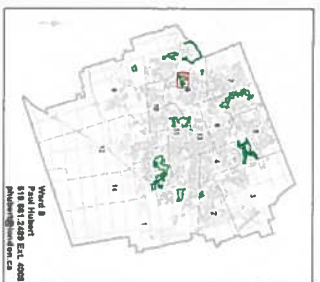
**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

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**Sifton Bog**  
2018 Management Area

- Legend**
- Managed Structures**
- Baricade (Open)
  - Benchwalk
  - Viewing Platform
- Access Point**
- 1 O'ford Street West (Kiosk)
  - 2 Hyde Park Road (Kiosk)
  - 3 Old Hyde Park Road
  - 4 Mande Place
  - 5 Hawthorn Way
  - 6 Santa Monica Road
  - 7 Naomee Place
  - 8 Naomee Crescent
- Other**
- ② Parking
  - ② Managed Trail (2833 m)
  - Management Area (41.6 ha)
  - City of London (11.6 ha)
  - UTRCA (30 ha)



**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

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# Warbler Woods

2018 Management Area

## Legend

### Managed Structures

- Barricade (Open)
- Barricade (Closed)
- Boardwalk
- ▣ Bridge
- Railing

### Access Point

- ① Commissioners Road West
- ② Chestnut Court
- ③ Springfield Crescent
- ④ Timber Drive
- ⑤ Woodgate Place
- ⑥ Conifer Place
- ⑦ Baseline Road East
- ⑧ Baseline Road West
- ⑨ Warbler Woods Walk (North)
- ⑩ Warbler Woods Walk (South)
- ⑪ Upper West Avenue
- ⑫ Boardwalk Way
- Ⓟ Parking

Managed Trail (5379 m)

Thames Valley Trail

Management Area (40 ha)

City of London (40 ha)

### Location Map



0 25 50 100 150 200  
metres

**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

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**Meadowilly Woods  
2018 Management Area**



**Legend**

**Managed Structures**

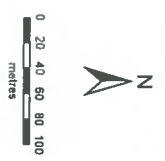
- Barricade (Open)
- Barricade (Closed)
- Boardwalk
- Bridge

**Access Point**

- 1 Commissioners Road Parking Lot
- 2 Meadowilly Road South (South)
- 3 Meadowilly Road South (North)
- 4 Stormwater Road

**Parking**

- Managed Trail (4467 m)
- Management Area (59.6 ha)
- City of London (59.6 ha)



**UPPER THAMES RIVER  
CONSERVATION AUTHORITY**

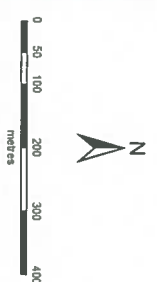
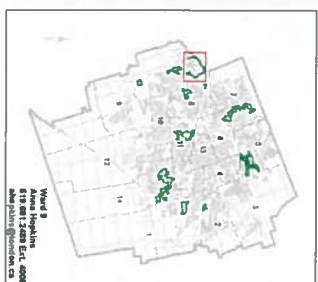
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**Kains Woods**  
2018 Management Area



- Legend**
- Managed Structures
  - Barricade (Open)
  - Barricade (Closed)
  - Railing
  - Boardwalk
  - ≡ Bridge
  - Access Point
  - ① Tigelly Road
  - ② Shore Road South
  - ③ Oxford Street West
  - ④ Wasdel Bourne
  - ○ ○ Thames Valley Trail (576a m)
  - ▭ Management Area (28.1 ha)
  - ▭ City of London (28.1 ha)

**Location Map**



**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

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# The Coves
















2018 Management Area

## Legend

### Managed Structures

-  Bridge
-  Railing

### Access Point

-  1 Springbank Drive
-  2 Brookdale Avenue
-  3 MacAlpine Avenue
-  4 Cove Road
-  5 Elmwood Avenue
-  6 Southcrest Drive
-  7 Phyllis Street
-  8 Centre Crescent
-  9 Baseline Road West
-  10 Beachwood Avenue
-  11 Rachel Street
-  12 Emery Street
-  13 Winston Avenue
-  14 Mackay Avenue
-  15 Briscoe Street West

 Managed Trail (5842 m)

 Thames Valley Trail

 Management Area (47.4 ha)

 City of London (47.4 ha)

### Location Map



0 25 50 100 150 200 250 300  
metres

**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

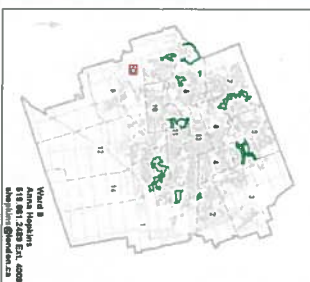
Map produced by UTRCA with data provided by the City of London.  
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**Lower Dingman  
2018 Management Area**

- Legend**
- Access Point
  - 1 Homewood Lane
  - P Parking
  - Managed (1837 m<sup>2</sup>)
  - Management Area (20.8 ha)
  - City of London (20.8 ha)



**Location Map**



**UPPER THAMES RIVER  
CONSERVATION AUTHORITY**

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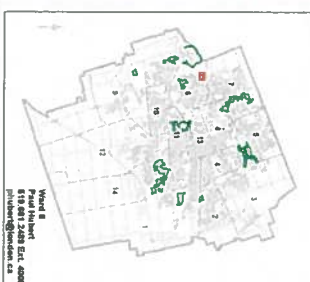


Kelly Stanton  
2018 Management Area

Legend	
	Managed (0 m)
	Management Area (5.6 ha)
	City of London (5.6 ha)



Location Map



**UPPER THAMES RIVER**  
CONSERVATION AUTHORITY

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## Appendix #2

### Management Activities:

The Management Activities to be performed by the Authority under this Agreement are:

- 1. Monitoring and enhancing the natural resource – Approximately 40% of total hours:**
  - a. Wildlife and habitat protection
  - b. Invasive species management, ecological restoration, and, monitoring
  - c. Native tree planting
  - d. Coordinate research initiatives
- 2. Enforcing applicable provincial statutes, regulations, and municipal bylaws – 20%:**
  - a. City Parks and Recreation By-laws, including encroachments into City ESA lands
  - b. Trespass to Property Act
  - c. Conservation Authority Act
- 3. Overseeing and implementing risk management and hazard tree policies – 5%:**
  - a. City Hazard Tree Risk Management Policy and Procedure Manual
  - b. Annual inspection of built structures (ex. stairs, boardwalks, docks, railings etc.)
- 4. Maintaining trail systems – 30%:**
  - a. Maintenance and upkeep of built structures (boardwalks, bridges, stairs, docks etc.)
  - b. Maintenance and upkeep of ESA entrances, and existing trail system
  - c. Maintenance and upkeep of all required signage
  - d. Garbage pick-up
- 5. Coordinating educational programs, events and community projects – 5%:**
  - a. Public meetings and presentations
  - b. Community projects and volunteer groups
  - c. Provide quarterly and annual reports to the City
- 6. Other management activities as agreed to in writing by the parties.**

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** London Plan Status Update  
**Meeting on:** October 9, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following report **BE RECEIVED** for information.

## Executive Summary

The London Plan was adopted by Council on June 23, 2016 and was approved by the Province on December 28, 2016. The plan was appealed and is still making its way through the appeals process. The Local Planning Appeals Tribunal (LPAT) had confirmed on March 29, 2018 that 35% of the plan was not under appeal and therefore in force as of January 20, 2017. On August 27, 2018 a decision was released by the LPAT that has the effect of bringing the majority of the London Plan into force. Currently there are 931 policies in force (50% of Plan), 544 policies in force but subject to site specific appeals (29% of the Plan), and 356 policies under appeal (19% of the Plan).

The London Plan page of the City website has been updated to include a new consolidated version of the Plan that shows what policies are still subject to appeal, an updated status table for all policies of the Plan, and a document showing what sites are subject to site specific appeals and what policies are under appeal for each site.

## London Plan Status Update

The London Plan recently took a big step forward with 80% of the plan coming into force through the latest decision by the Local Planning Appeals Tribunal (LPAT). This report provides an update on the appeals process, the current status of the plan, and the next steps for the plan to come fully into force.

## The London Plan Appeals Process So Far

Since the London Plan was approved by the Minister of Municipal Affairs and the appeals period ended on January 20, 2017 City Planning and Legal staff have been working towards resolving the appeals or scoping them to specific issues and policies, so that as much of the Plan can come into force as soon as possible. Recently, on August 27, 2018 a decision was received from the Local Planning Appeals Tribunal (LPAT) reflecting this approach and bringing 80% of the London Plan's policies into force.

The following timeline describes the major milestones that have occurred since the London Plan was adopted by Council as a new official plan for the City of London on June 23, 2016.

### June 23, 2016

City Council adopted the London Plan as the new official plan for the City of London. This followed more than 4 years of engaging with the community through ReThink London and preparing two drafts and a final version of the Plan. Following Council's approval of the Plan it was sent to the Ministry of Municipal Affairs for review. Under the Planning Act the Province is the approval authority for new official plans.

### July 26, 2016

City Council considered a report that included amendments to both the London Plan and 1989 Official Plan policies for near-campus neighbourhoods. This followed a separate review of the planning approach to near-campus neighbourhoods and the amendments were approved. The proposed changes to the London Plan were then forwarded to the Ministry of Municipal Affairs with a request to include in their approval of the London Plan.

#### **December 28, 2016**

Notice of Decision was received from the minister of Municipal Affairs approving the London Plan. This approval included 29 modifications of the Plan as approved by City Council.

#### **January 20, 2017**

The appeal period following the Province's approval of the Plan ended with 42 appeals having been received. Subsequent clarification of the appeals would confirm that 35% of the plan (645 policies) was not subject to any appeals and came into force on this date.

#### **September 5, 2017**

The first pre-hearing conference of the London Plan appeals process was held and it established the process for resolving, scoping, and ultimately scheduling hearing time for the appeals. Appellants were required to submit lists of appealed policies (due October 2, 2017), proposed policy revisions to address their concerns (due November 6, 2017), and attend roundtable settlement discussions with City staff and all other interested appellants.

#### **November 20-24, 2017**

Roundtable meetings were held between planning experts over the course of a week, allowing policies with multiple appellants to discuss possible settlement. Agreed changes were brought back to City Council and the appellants for approval.

#### **January 9, 2018**

The second pre-hearing conference was held shortly after the roundtable meetings had occurred. There had been little time for all of the parties to review possible settlements so another pre-hearing conference was scheduled for March 29, 2018.

#### **March 29, 2018**

The next pre-hearing conference organized all of the Plan's policies into tables, which included:

- Table 1: Policies for which the Minister received no appeal
- Table 1.1: Policies for which the Minister received an appeal, but that the appellant has not yet provided proposed modifications
- Table 2: Policies under appeal that have been resolved
- Table 3: Policies under appeal for which only site-specific issues remain
- Table 4: Policies identified for "Resolution Stream" for which further discussion is required
- Table 5: Policies identified for "Hearings Stream"

The original motion was to bring tables 1 and 1.1 into force, however it was agreed that City staff and the appellants would work through the policies on table 1.1 and assign them to one of the other tables. An updated list of tables would be brought to the next pre-hearing conference.

#### **June 25, 2018**

Following the agreed process at the March 29 pre-hearing Conference the policies organized into tables 1-5, with table 1.1 no longer required. This was approved by the LPAT through its decision on August 27, 2018. The effect of this decision is the following breakdown of policies:

- Policies in force – 931 (50% of Plan)

- Policies in force but subject to site specific appeals – 544 (29% of the Plan)
- Policies under appeal – 356 (19% of the Plan)

The result of this decision is that 80% of the London Plan policies are now in effect for all properties, except for the areas identified in site-specific appeals.

## Using the London Plan

Now that 80% of the London Plan is not subject to appeals, it is the primary planning document that applies in the review of planning and development applications and in the analysis for any other planning project.

Where there are important policies pertaining to a specific application or issue that remain under appeal, the London Plan will be used in the analysis of an application. In those instances a review of the application based on the policies in the 1989 Official Plan will also be completed, and the planning recommendation will consider both plans. The approach for this type of analysis will be done on a case by case basis, and the weight put on either plan's policies will be determined based on the specific circumstance of the application. In all cases, however, it is our objective to implement the vision, values, key directions, and policies that Council approved in the London Plan.

Three documents have been prepared to assist in understanding what policies are in-force and what are still subject to appeals. They are available on the London Plan page of the City website – [www.london.ca/business/Planning-Development/Official-Plan/Pages/The-London-Plan-DL.aspx](http://www.london.ca/business/Planning-Development/Official-Plan/Pages/The-London-Plan-DL.aspx). They include:

1. The London Plan August 27, 2018 consolidated version – This version incorporates changes approved by the LPAT in its latest decision and also includes updated red boxes around policies that remain under appeal. The red boxes apply only to policy appeals that apply city-wide.
2. Status Table – This table lists all policies, maps, tables, and figures of the London Plan and provides information on whether they are in force, in force but subject to site specific appeals, or are under appeal. The table also gives the location of sites related to site specific appeals and lists any changes that have been made to a policy since the plan was approved by City Council on June 23, 2016.
3. Site-specific appeals list – This document includes a map showing what areas or properties are subject to site specific appeals, and lists the policies under appeal in regards to each site.

## What is in force?

Below is a high level description of the parts of the plan that are in force or subject to appeals. Details are available on the status table or the highlighted version of the Plan available on the City website.

### **Our Challenge, Our Strategy**

The first two parts of the London Plan are now in full force and effect. These are important parts as they establish a foundation of planning principles that support the rest of the plan's policies. Our Challenge describes the planning challenges that face the City of London as well as the opportunities to realize the plan within its 20 year horizon. Our Strategy includes the vision, values, and key directions of the Plan. All of the subsequent parts and chapters in the Plan follow the direction established by these policies.

### **Our City**

The Our City part of the plan includes more specific direction about the urban structure that is planned for London, and includes direction on issues such as intensification,

urban growth, mobility, green development and environmental protection, economic development, and the community framework. This part has portions under appeal, however other portions that are in force will provide direction for how the city will be planned.

### **City Building Policies**

The City Building policies give direction on specific issues and apply city-wide. The majority of the City Building policies are in force. Chapters that include no or very few appeals include Parks and Recreation, Public Facilities and Services, Civic Infrastructure, Homelessness Prevention and Housing, Culturally Rich and Diverse City, Cultural Heritage, Smart City, Food System, and Green and Healthy City.

The City Design, Mobility, and Forest City chapters include a greater number of appeals. Policies are appealed within the City Design chapter primarily that relate to character, the street network, buildings design, and some of the site layout policies. Within the Mobility chapter appeals remain to the active transportation policies and the street classifications and design requirements. The Forest City chapter remains under appeal with regards to the City's objectives to protect more, maintain better and monitor, and plant more city trees.

The substantial number of policies now in force within this part of the plan establishes strong direction that will be utilized to achieve the city building objectives of Council.

### **Place Type Policies**

The Place Type policies include a significant number of policies still under appeal, although there are also a substantial number of policies in force. Place types that are mostly in force include: Transit Village, Shopping Area, Main Street, Institutional, Future Growth, Farmland, Rural Neighbourhoods, and Waste Management Resource Recovery Area. Place types that include a significant number of appeals: Downtown, Rapid Transit and Urban Corridors, Neighbourhoods, and Industrial. Tables that provide for permitted heights are still subject to appeal for all place types.

Each planning application will be to be reviewed against all of the policies of the applicable place type. Afterwards, when it has been determined whether there issues with policies under appeal, the Land Use Designation policies from the 1989 Official Plan may also be considered.

### **Environmental Policies**

This part is largely in force. The Natural and Human-Made Hazards and Natural Resources chapters are almost completely in force, while the majority of the Natural Heritage chapter is also in force but appeals remain pertaining to components of the natural heritage system that include significant woodlands, significant valleylands, and ecological buffers.

### **Secondary Plans and Our Tools**

These parts of the plan are mostly in force except for some specific issues in the Our Tools part. These issues under appeal include the growth management implementation strategy, evaluation criteria for planning and development applications, and bonus zoning.

## **Next Steps**

The next pre-hearing conference is set for October 16, 2018. Legal Services will provide advice in a separate report regarding updates on litigation processes following the pre-hearing conference.

After the August 27, 2018 decision of the LPAT 80% of the London Plan is in force. Planning staff will now be using the London Plan primarily in the review of planning and development applications as this plan represents the current planning vision and direction that was approved by Council. The 1989 Official Plan will not be repealed until

all London Plan appeals are resolved and it will be considered in instances where key London Plan policies are not yet in force.

An education plan is also being prepared to ensure that Council, Civic Administration, and the public are aware of the updated status of the London Plan and are considering the London Plan in all decisions, recommendations, or applications. Internally at the City, Planning Services staff are providing information sessions to staff on how to use and implement the London Plan. Information is being provided externally through updates to the City website. City planning staff are also available to meet with key stakeholders as needed.

<b>Prepared by:</b>	<b>Justin Adema, MCIP, RPP Planner II, Long Range Planning and Research</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Research</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
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	

October 1, 2018  
JA/ja

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## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Passage of Heritage Designating By-law for 172 Central Avenue  
**Meeting on:** October 9, 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 172 Central Avenue to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on October 16, 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 172 Central Avenue was submitted on June 15, 2018. Municipal Council issued its Notice of Intent to Designate on July 24, 2018 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 172 Central Avenue under the *Ontario Heritage Act*.

## Analysis

### 1.0 Background

#### 1.1 Property Location

The property at 172 Central Avenue is located on the north side of Central Avenue between St. George Street and Richmond Street.

#### 1.2 Previous Reports

July 11, 2018. Report to the LACH: Demolition Request for Heritage Listed Property at 172 Central Avenue by G., P., & C. Mitsis.

July 16, 2018. Report to the PEC: Demolition Request for Heritage Listed Property at 172 Central Avenue by G., P., & C. Mitsis.

#### 1.3 Cultural Heritage Resource

The cultural heritage resource located at 172 Central Avenue was determined to meet the criteria of O. Reg. 9/06, meriting designation under the *Ontario Heritage Act*.

This property has cultural heritage value or interest because of its physical/design values as a representative example of the Italianate style in London. It was found to have historical/associative values because of its direct associations with Dr. Oronhyatekha (1841-1907), one of Canada's first Indigenous medical doctors and a person of National Historic Significance, who was the first occupant of the home in about 1882 until 1889, as well as the International Order of Foresters as the home of its first Supreme Chief Ranger, Dr. Oronhyatekha. The property at 172 Central Avenue has the potential to yield information on an understanding of Mohawk ideals and Victorian values as reflected in the home of Dr. Oronhyatekha. The property also has direct associations with Tony Urquhart, noted artist. As well, the property has contextual values because it is important in defining the character of the North Talbot area.

#### **1.4 Demolition Request and Notice of Intent to Designate**

The property owners submitted their written notice of intention to demolish or remove the building located at 172 Central Avenue which was received June 15, 2018. The London Advisory Committee on Heritage (LACH) was consulted at its meeting on July 11, 2018, and a public participation meeting was held at the Planning & Environment Committee (PEC) meeting on July 16, 2018. At its meeting on July 24, 2018, Municipal Council resolved to issue its Notice of Intent to Designate the property at 172 Central Avenue to be of cultural heritage value or interest. Notice of Intent to Designate was served on the property owner and the Ontario Heritage Trust on July 25, 2018 and published in *The Londoner* on August 2, 2018. No appeals were received within the statutory 30 day appeal period ending on September 1, 2018.

Passage of the heritage designating by-law (Appendix A) is the last step in the designation of the property at 172 Central Avenue under the *Ontario Heritage Act*.

#### **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 preservation 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 designated heritage property. The second incentive is a Development Charges Equivalent Grant which is issued when a heritage designated property is preserved 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.

Financial support could help to see this significant cultural heritage resource retained. Unfortunately, the programs of the Heritage CIP (tax increment grant and development charges rebate) may have limited applicability for 172 Central Avenue depending on the rehabilitation of the property.

## **2.0 Conclusion**

The property at 172 Central Avenue is a significant cultural heritage resource in the City of London and should be protected under the *Ontario Heritage Act*. The passage of the heritage designating by-law is the last step in the process to formally designate this property as a significant cultural heritage resource that is valued by Londoners.

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

October 1, 2018  
KG/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Demolition\Central Avenue, 172\Demolition Request\2018-10-09 PEC Passage of By-law 172 Central Avenue.docx

## Appendix A

Bill No.  
2018

By-law No. L.S.P.- \_\_\_\_\_ - \_\_\_\_

A by-law to designate 172 Central Avenue 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 172 Central Avenue 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 172 Central Avenue, 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 October 16, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

**SCHEDULE “A”**  
**To By-law No. L.S.P.- \_\_\_\_\_ - \_\_\_\_\_**

**Legal Description**

Lot 23, Plan 238(W), London

**SCHEDULE “B”**  
**To By-law No. L.S.P.- \_\_\_\_\_ - \_\_\_\_\_**

**Statement for Designation**

**Description of Property**

The property located at 172 Central Avenue is located on the north side of Central Avenue (formerly Lichfield Street, Litchfield Street) between Richmond Street and St. George Street. A two storey brick building with an elevated basement is located on the property.

**Statement of Cultural Heritage Value or Interest**

The property at 172 Central Avenue is of cultural heritage value or interest because of its physical or design values, historical or associative values, and its contextual values.

The property at 172 Central Avenue includes a house which is a representative example of the Italianate style in London. Popular in the 1870s-1880s, the Italianate style was at the height of its popularity when the house at 172 Central Avenue was constructed in about 1882.

The house has a symmetrical two-storey façade with three bays, where the central bay slightly projecting, which is typical of the Italianate style. However, the remaining design qualities of the house are unusual. It is narrow with its broadest façade facing Central Avenue to make the home appear larger and grander. The two storey house is very tall, emphasizing the verticality of the Italianate style in the elevated basement and formal approach up to the main entry door, nearly ten foot ceilings on the main floor, and twelve foot ceilings on the second storey. These design characteristics are often attributed to Dr. Oronhyatekha’s robust stature.

The house demonstrates a high degree of integrity with respect to the Italianate style and its vertical emphasis in the design treatment of the façade, as it retains a number of original features, including: symmetrical façade, wooden two-over-two windows, paired and single brackets at the eaves, brick quoins, brick string course, brick voussoirs, brick frieze, shallow hipped roof, and slightly projecting central bay with gable and round louvered opening.

Dr. Oronhyatekha (1841-1907) is a person of National Historic Significance with direct historical associations to the property at 172 Central Avenue. He and his family lived in the house at 172 Central Avenue in its first occupancy in about 1882 until 1889. Dr. Oronhyatekha is often attributed as having a hand in the design of the house at 172 Central Avenue, as demonstrated in its tall ceilings, robust detailing, and prominent street-facing presentation to emphasize the prestige of the address. London is important in an understanding of Dr. Oronhyatekha’s significance as he was living in London when he first joined the International Order of Foresters as well as when he became its Supreme Chief Ranger. Dr. Oronhyatekha cited London as the “cradle” of the International Order of Foresters. Dr. Oronhyatekha was remembered by Londoners well after his departure from London and death in 1907.

The house at 172 Central Avenue is associated with the International Order of Foresters as the home of its first Supreme Chief Ranger, Dr. Oronhyateka. The fashionable

Italianate style of the house reflects the grandness and stature of a community leader, like Dr. Oronhyateka.

The property is also associated with Tony Urquhart (b.1934), who lived at 172 Central Avenue from 1968 until 1972. Tony Urquhart was the first Artist-in-Residence at the University of Western Ontario. He is the co-founder of the Canadian Artist Representation/Frontes des Artistes Canadiens, and is known for his distinctive “box” style of paintings and sculptures as one of Canada’s pioneering abstractionists. He was inducted into the Order of Canada in 1995.

The property at 172 Central Avenue has the potential to yield information on an understanding of Mohawk ideals and Victorian values as reflected in the home of Dr. Oronhyatekha.

The property at 172 Central Avenue is important in defining the character of the North Talbot area. The North Talbot area is characterized by homes primarily in the 1870s and 1880s which reflect popular architectural styles of the time. The prominent design values of the house allow it to define this character.

### **Heritage Attributes**

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 172 Central Avenue include:

- Form, scale, and massing of the two storey brick building with elevated basement;
- Setback of the building from Central Avenue;
- Orientation of the building with its broadest façade towards Central Avenue;
- Brick exterior cladding (now painted) and brick detailing, including string course, frieze, quoins, voussoirs, and two chimneys;
- Symmetrical, three-bay façade with middle bay slightly projecting;
- Shallow pitched hipped roof with gable roof emphasizing the slightly projecting middle bay of the building;
- Louvered round window in the front gable;
- Paired and single wood brackets at the eaves;
- Segmented arch window openings with radiating brick voussoirs;
- Wooden two-over-two windows; and,
- Wood shutters on the front façade.

## 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:** Foxwood Developments (London) Inc.  
2900 Tokala Trail  
Removal of Holding Provisions (h, h-71 and h-100)  
Public Participation Meeting on: October 9, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Foxwood Development (London) Inc. relating to the property located at 2900 Tokala Trail, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 2900 Tokala Trail **FROM** a Holding Residential R5 (h-\*h-71\*h-100\*R5-7)) Zone **TO** a Residential R5 (R5-7) Zone to remove the h., h-71 and h-100 holding provisions.

## Executive Summary

### Summary of Request

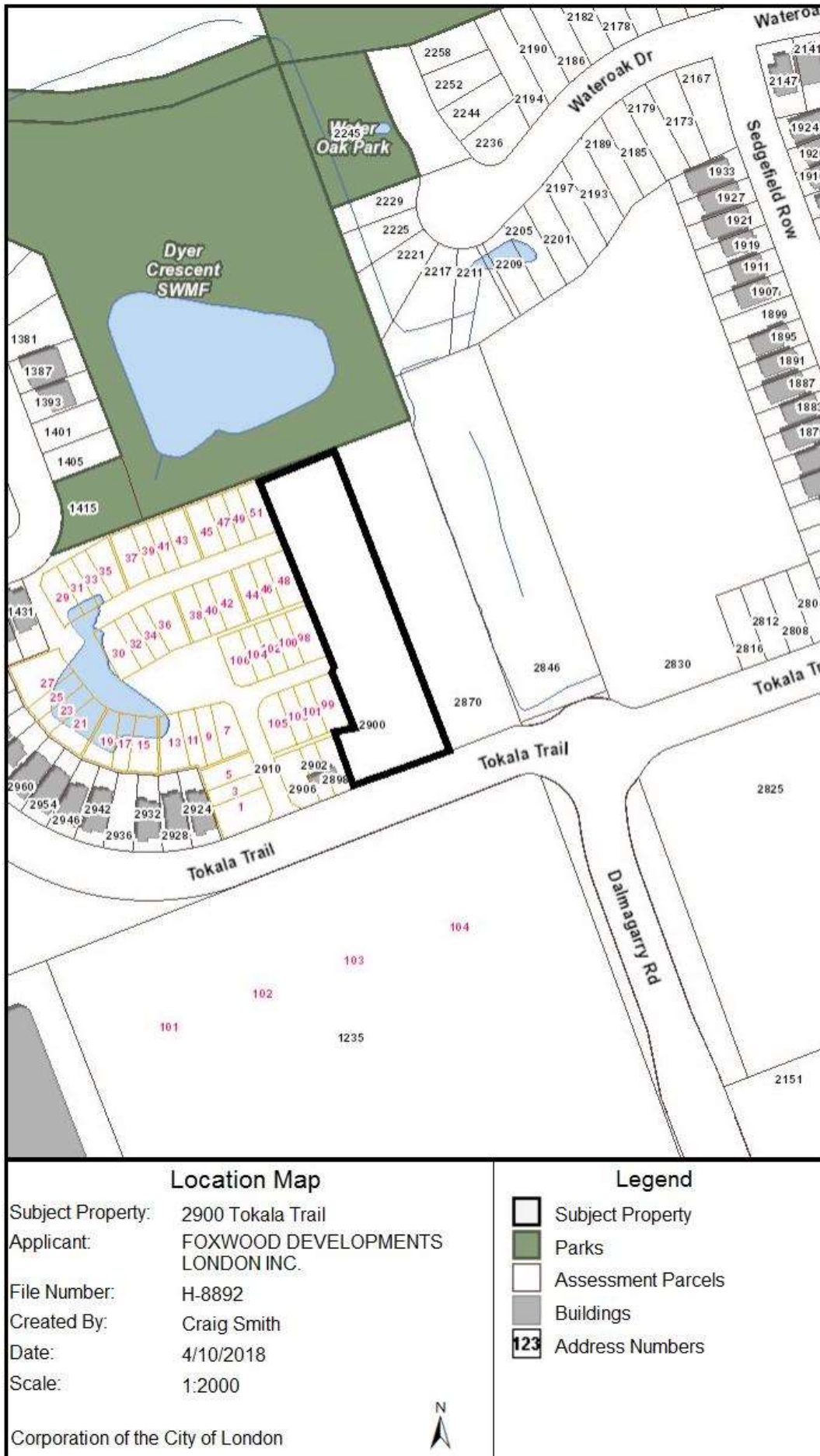
To remove the h, h-71 and h-100 holding provisions from 2900 Tokala Trail for the consideration of building permits to construct a 18 unit cluster townhouse vacant land condominium.

### Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with The London Plan and the Official Plan and in compliance Zoning By-law No.Z-1.
2. Through the Site Plan Approval process (SPA18-021) all matters relating to security, agreements, design, access and servicing have been resolved and these holding provisions are no longer required.

# Analysis

## Location Map





## **2.0 Description of Proposal**

### **2.1 Development Proposal**

An application has been received by the applicant requesting the removal of the site specific holding provisions to permit an 18 unit townhouse vacant land condominium to be developed on the site.

## **3.0 Key Issues and Considerations**

### **Why is it Appropriate to remove these Holding Provisions?**

Full Site Plan Approval (SPA18-021) for this development proposal is imminent. An executed Development Agreement and security has been submitted by the applicant to the City for the 18 unit townhouse development which will consist of a vacant land condominium.

### **h. Holding Provision**

*h - 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.*

With the executed development agreement combined with the submission of the required security by the applicant, the requirements of this holding provision have been adequately satisfied. It is appropriate to remove this holding provision at this time.

### **h-71 Holding Provision**

*h-71 Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol.*

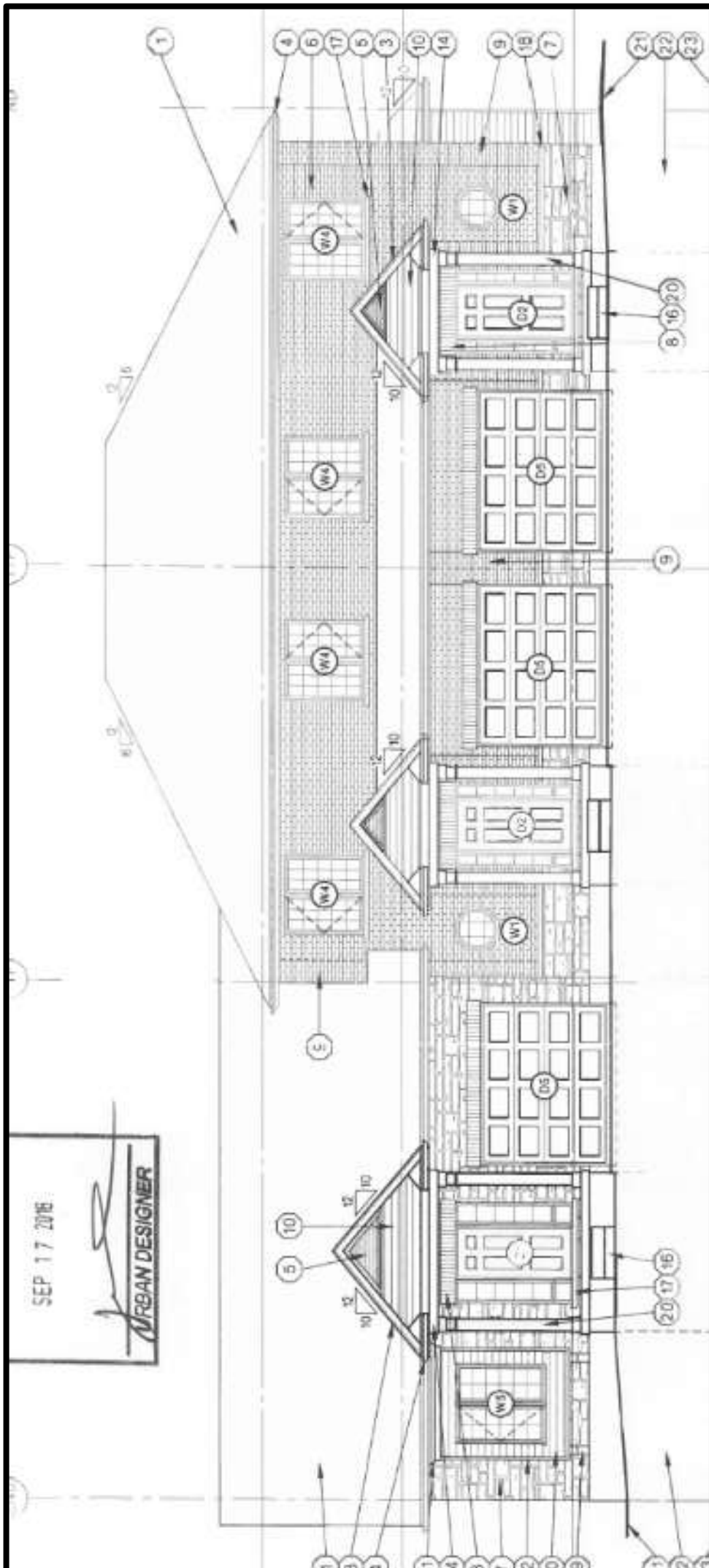
The proposed plans and elevations are consistent with the Hyde Park Community Plan design guidelines and have been reviewed and accepted by Community Planning and Urban Design. It is appropriate to remove this holding provision at this time.

### **h-100 Holding Provision**

*h-100 Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.*

The site is serviced by Tokala Trail which has two connections to the abutting arterial road network (Hyde Park via Dyer Drive and Fanshawe Park Road West via Dalmagary Road). There is a looped watermain system to service this development. As a result, it is appropriate to remove the h-100 holding provision at this time.

Proposed Tokala Trail Elevation





## 4.0 Conclusion

It is appropriate to remove the h., h-71 and h-100 holding provisions from the Residential R5 (R5-7) Zone at this time. Removal of the holding provisions will allow for the consideration of building permits to permit the construction of an 18 unit townhouse development as a vacant land condominium.

<b>Prepared by:</b>	<b>C. Smith, MCIP, RPP Senior Planner, Development Services</b>
<b>Submitted by:</b>	<b>Lou Pompili, MCIP, RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Recommended by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
CS\

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- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning of the land located at 2900 Tokala  
Trail.

WHEREAS Foxwood Developments (London) Inc. has applied to remove the holding provisions from the zoning for the land located at 2900 Tokala Trail, 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 2900 Tokala Trail, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R5 (R5-7) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

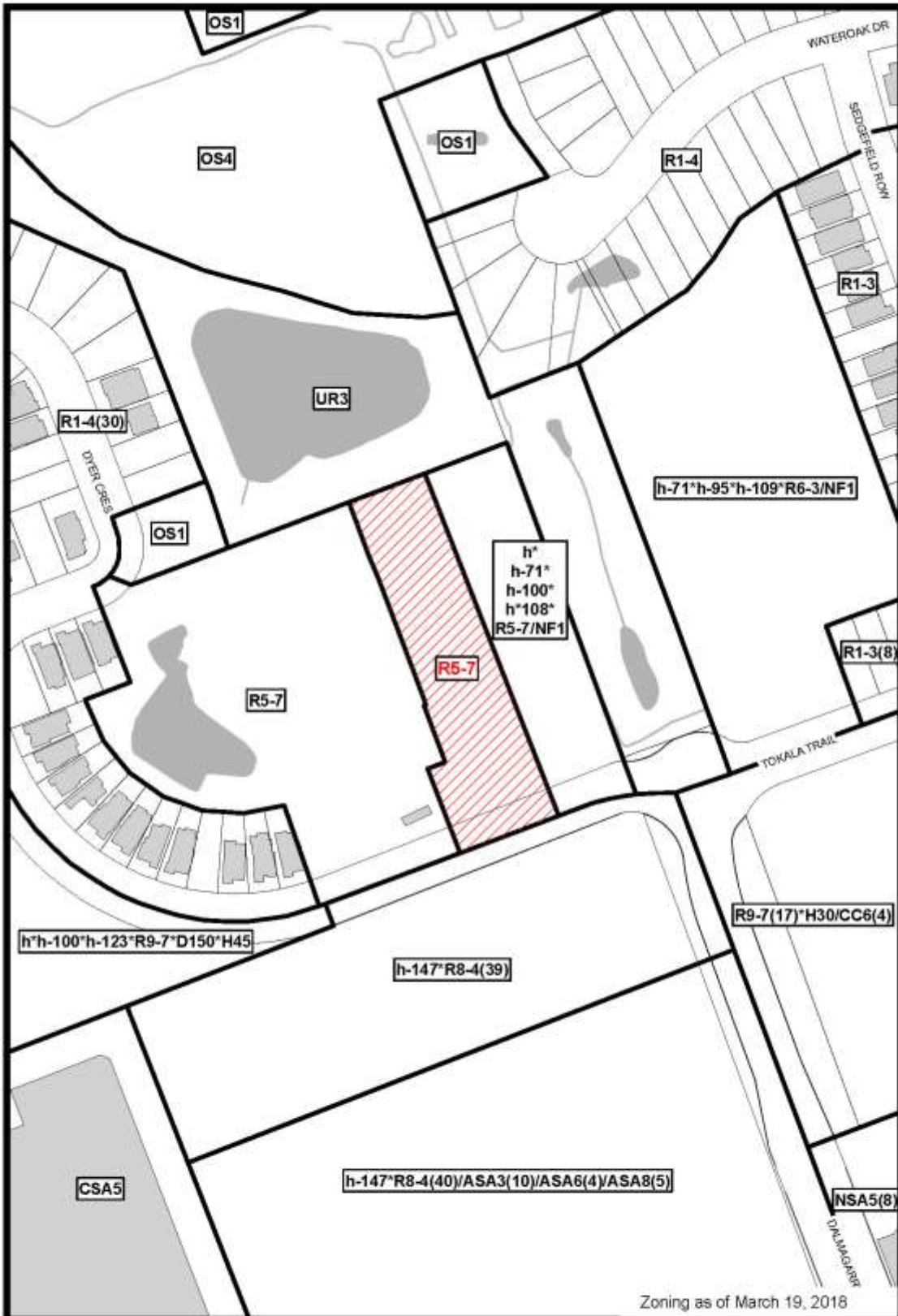
PASSED in Open Council on, October 16, 2018




Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

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



<p>File Number: H-8892                  Planner: CS                  Date Prepared: 2018/04/27                  Technician: rc                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p></p>
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03/20/2018

## Appendix B – Public Engagement

### Community Engagement

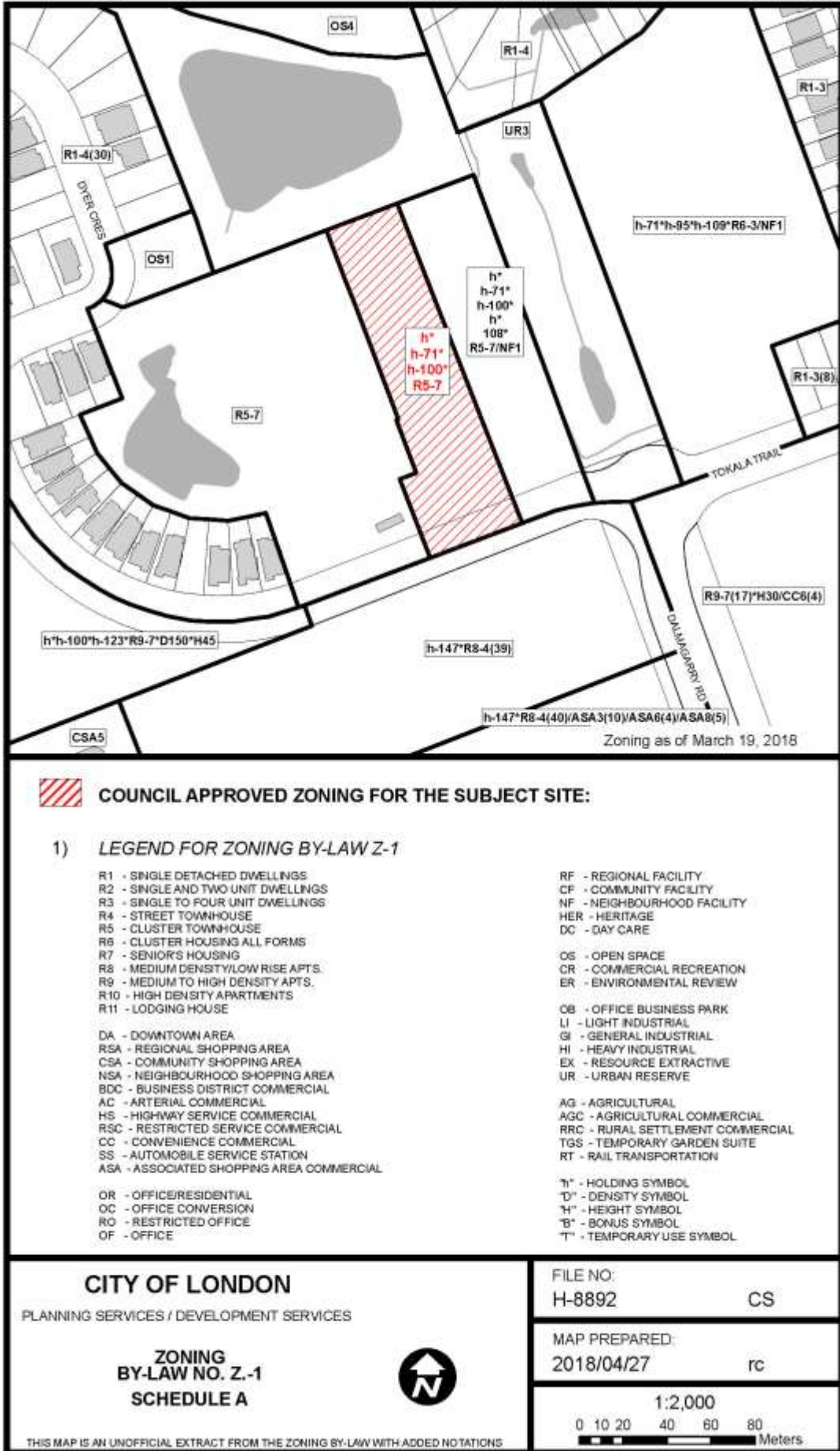
**Public liaison:** Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h., h-71 and h-100 holding provisions from the lands which requires that all services are provided, encourage street-oriented development and an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than May 14, 2018.

# Appendix C

## Zoning Map





## 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:** Mimadala Holdings Inc.  
3804 South Winds Drive  
Removal of Holding Provisions (h., h-161, h-162 and h-163)  
Public Participation Meeting on: October 9, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Mimadala Holdings Inc. relating to the property located at 3804 South Winds Drive, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 3804 South Winds Drive **FROM** a Holding Residential R1 Special Provision (h-\*h-161\*h-162\*h-163\*R1-14(3)) Zone **TO** a Residential R1 Special Provision (R1-14 (3)) Zone to remove the h., h-161, h-162 and h-163 holding provisions.

## Executive Summary

### Summary of Request

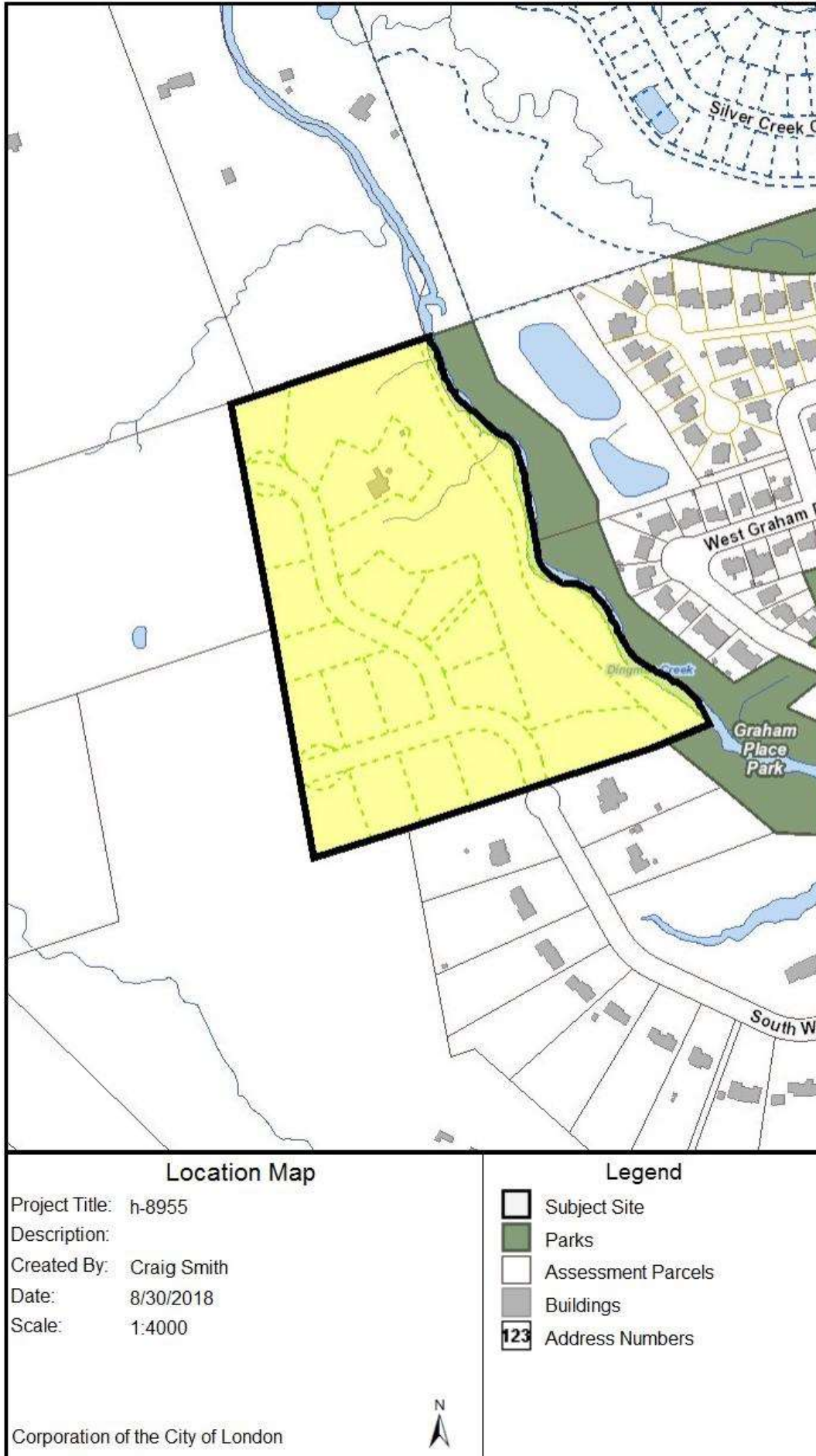
With the criteria for the removal of the subject holding provisions (h., h-161, h-162 and h-163) being met for 3804 South Winds Drive a request has been received by the applicant to remove the site specific provisions to allow for the consideration of building permits for this 17 lot single detached dwelling subdivision.

### Rationale of Recommended Action

1. The removal of the holding provision will allow for development in conformity with The London Plan and the Official Plan and in compliance with the Zoning By-law.
2. Through the subdivision approval process, Municipal staff have confirmed that Engineering drawings ensuring that stormwater management and individual sanitary and private water wells have been accepted and are in compliance with the overall servicing strategy, the required security has been submitted to the City of London and the execution of the subdivision agreement is imminent. As a result the h., h-161, h-162 and h-163 holding provisions are no longer required

# Analysis

## Location Map





## 2.0 Description of Proposal

### 2.1 Development Proposal

With the criteria for the removal of the subject holding provisions (h., h-161, h-162 and h-163) being met for 3804 South Winds Drive, the applicant has requested that the site specific provisions be removed to allow for the consideration of building permits for this 17 lot single detached dwelling subdivision

## 3.0 Relevant Background

### 3.1 Planning History

The application for approval of a draft plan of subdivision was accepted on August 25, 2009. At that time, the draft plan consisted of 22 single detached lots served by two local streets, one of which is the extension of South Winds Drive from the existing residential estate subdivision to the south. The site had a total area 0110.9 hectares (26.9 acres) with single family lots ranging in size from 0.2 to 0.3 hectares.

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

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

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

*Based on all of the foregoing, we are satisfied that the proposal should move forward.*

*Accordingly, it is ordered that:*

- a) The OPA is approved.*
- b) City By-law Z-1 is amended in accordance with the ZBA.*
- c) The Draft Plan is approved subject to the Draft Plan Conditions.*
- d) Pursuant to s. 57(56.7) of the Act, final approval of the Draft Plan for purposes of s.57 (58) is hereby given to the City.*
- e) The Appeals are dismissed.*

## 4.0 Key Issues and Considerations

### Why is it Appropriate to remove these Holding Provisions?

The registration of the Plan of Subdivision and Subdivision Agreement is imminent. Engineering drawings have been submitted and accepted by the City demonstrating how all servicing (water, sewer, storm) will be accommodated on the site. The applicant has provided the required security with the City.

### h. Holding Provision

*h - Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development*

*agreement or subdivision agreement is executed by the applicant and the City prior to development.*

The applicant has submitted the required security to the City of London for the South Winds North. The special provisions have been endorsed by Council. The owner has provided the necessary security and the subdivision agreement is being finalized for registration. This satisfies the requirement for removal of the “h” holding provision.

### **h-161, h-162 and h-163 Holding Provisions**

*h-161- Purpose: To ensure the proposed stormwater management system servicing serving this subdivision is constructed and operational, the holding provision shall not be deleted until these works have been completed to the satisfaction of the City.*

*h-162- Purpose: To ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works have been approved to the satisfaction of the City.*

*h-163- Purpose: To ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works have been approved to the satisfaction of the City.*

On November 1, 2017 the City of London, Development Services accepted all servicing drawings for the development of this site. The accepted servicing drawings ensure that the stormwater management system, individual sanitary sewers and private water wells are in compliance with the overall servicing strategy. All the requirements for the removal of the “h-161, h-162 and h-163” holding provisions have been accepted to the satisfaction of the City.

## 5.0 Conclusion

It is appropriate to remove the h., h-161, h-162 and h-163 holding provisions from the subject lands at this time as the provision of servicing on the individual lots have been provided, the required security has been submitted to the City of London and registration of the subdivision agreement is imminent.

<b>Prepared by:</b>	<b>C. Smith, MCIP, RPP Senior Planner, Development Services</b>
<b>Submitted by:</b>	<b>Lou Pompili, MCIP, RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Recommended by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
CS\

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- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning of the land located at 3804 South  
Winds Drive

WHEREAS Mimadala Holdings Inc. has applied to remove the holding provisions from the zoning for the land located at 3804 South Winds Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said 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 3804 South Winds Drive, as shown on the attached map to remove the holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-14 (3)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

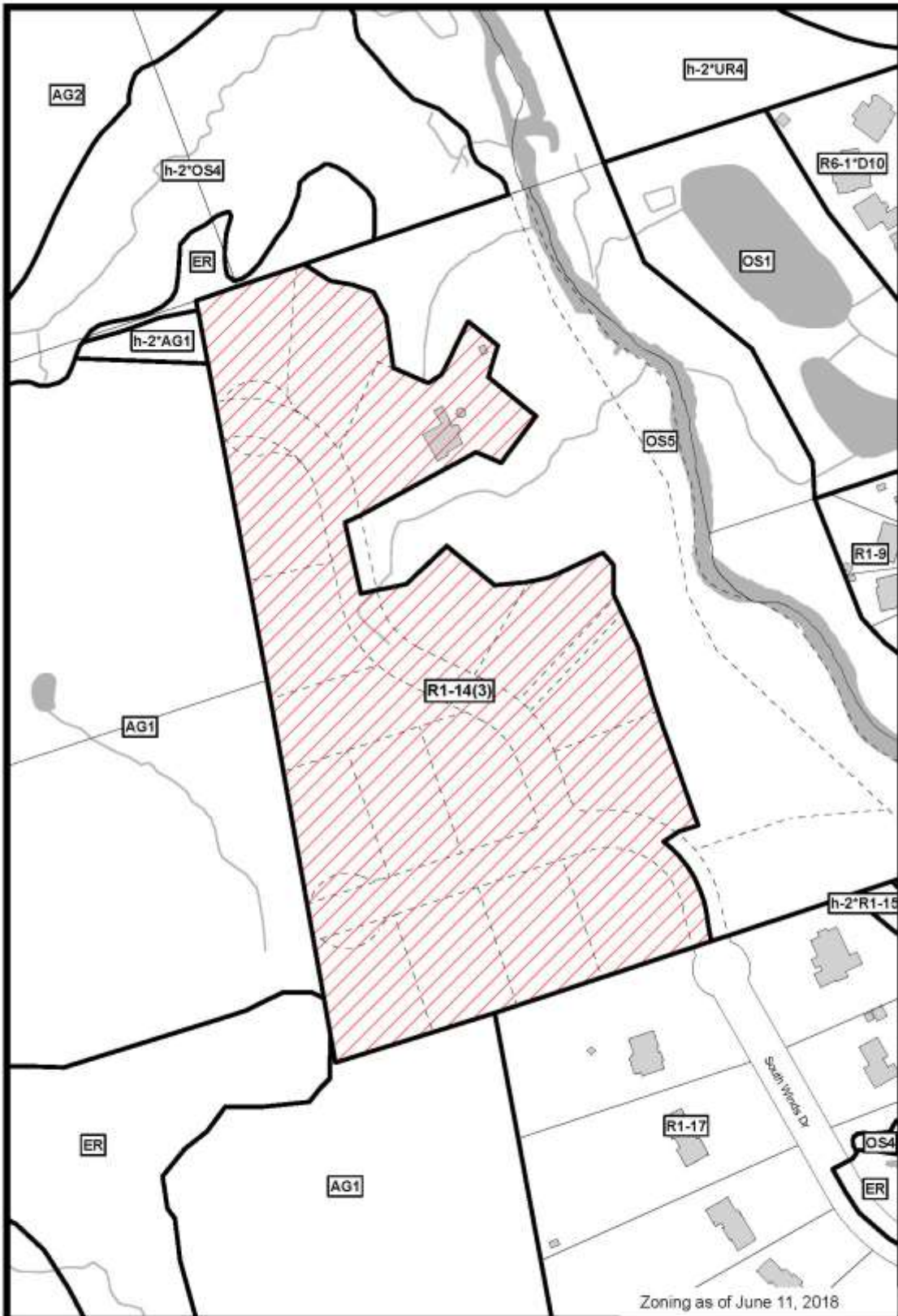
PASSED in Open Council on, October 16, 2018

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

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



File Number: H-8955  
Planner: CS  
Date Prepared: 2018/09/26  
Technician: rc  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



© 2018/09/26



Appendix B – Public Engagement  
**Community Engagement**

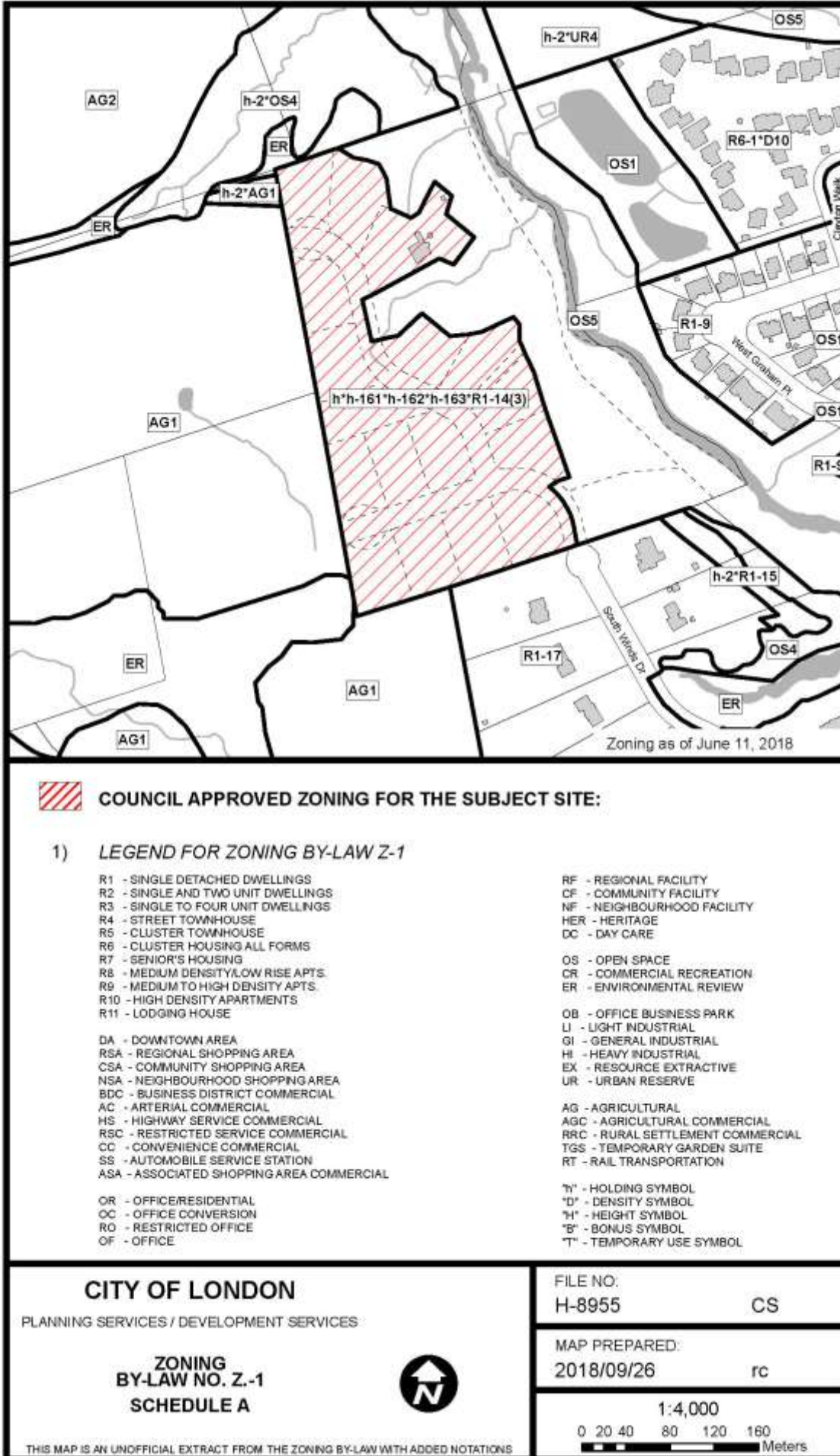
**Public liaison:** Notice of the application was published in the Londoner on April 6, 2018

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h. h-161, h-162 and h-163 holding provisions from the lands which ensures that the sanitary, stormwater management and water services are in compliance with the overall servicing strategy for this subdivision and that an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than September 24, 2018.

# Appendix C

## Zoning Map



## 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:** Sifton Properties Limited  
Riverbend South Subdivision - Phase 2  
(formerly 1826 and 1854 Oxford Street West)

**Meeting on:** October 9, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located within the Riverbend South Subdivision – Phase 2 (formerly 1826 and 1854 Oxford Street West), the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting to be held on October 16, 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 R1 (h•R1-4 and h•R1-5) Zone **TO** a Residential R1 (R1-4 and R1-5) Zone, to remove the holding (h) provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (“h”) provision to allow development of single detached dwelling lots permitted by the Residential R1-4 and Residential R1-5 Zones.

### Rationale of Recommended Action

1. The condition for removing the holding (h) provision has been met and the recommended amendment will allow development of residential uses in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.

# 1.0 Location Map



## Location Map

Project Title: H-8880  
 Description: Portion of 1826 and 1854 Oxford Street West  
 Created By: Larry Mottram  
 Date: 9/21/2018  
 Scale: 1:8000

## Legend

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

Corporation of the City of London



## 2.0 Description of Proposal

### 2.1 Development Proposal

The removal of the holding “h” symbol from the zoning will allow the applicant to proceed with the next phase of the Riverbend South (also known as Warbler Woods) - Phase 2 residential subdivision. The removal of this holding provision applies to the single detached dwelling lots within the subdivision plan consisting of 128 lots.

## 3.0 Relevant Background

### 3.1 Planning History

On December 22, 2016, the City of London Approval Authority granted approval to the draft plan of subdivision submitted by Sifton Properties Limited representing the second phase of their Riverbend South development. The draft plan consists of 14 single detached residential blocks, 4 medium density residential blocks, 1 high density residential block, 1 school block, 3 park blocks, 1 open space block, 1 walkway block, 1 road widening block, 2 reserve blocks, 2 secondary collector roads, and 7 local streets. At its session held November 22, 2016, Municipal Council passed a resolution advising the Approval Authority that it supported issuing draft approval for the proposed plan of subdivision. Council also amended the Zoning By-law to apply specific zoning to the various blocks within the draft plan. Execution of the subdivision agreement is expected to be completed shortly, security has been received, and the subdivision plan is proceeding to final approval and registration. The application request to remove the holding symbol applies specifically to the Low Density Residential blocks, as shown on the draft-approved plan of subdivision (File No. 39T-16502), and identified on the location map included with this report.

## 4.0 Key Issues and Considerations

### 4.1 Have the conditions for removal of the holding (h) provision been met?

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

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

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

The Subdivision Agreement between Sifton Properties Limited and the City of London has been entered into and is expected to be registered shortly. Sifton Properties Limited has also posted security as required by City Policy and the Subdivision Agreement for this phase. Therefore, the condition has been met for removal of the “h” provision.

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

## 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”) symbol from the zoning map.

<b>Prepared by:</b>	<b>Larry Mottram, MCIP, RPP Senior Planner, Development Services</b>
<b>Submitted by:</b>	<b>Lou Pompili, MCIP, RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Recommended by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

September 28, 2018  
LM\lm

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- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located within the Riverbend South Subdivision – Phase 2 (formerly 1826 and 1854 Oxford Street West).

WHEREAS Sifton Properties Limited has applied to remove the holding provision from the zoning for the lands located within the Riverbend South Subdivision – Phase 2 (formerly 1826 and 1854 Oxford Street West), as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located within the Riverbend South Subdivision – Phase 2 (formerly 1826 and 1854 Oxford Street West), as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone and a Residential R1 (R1-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

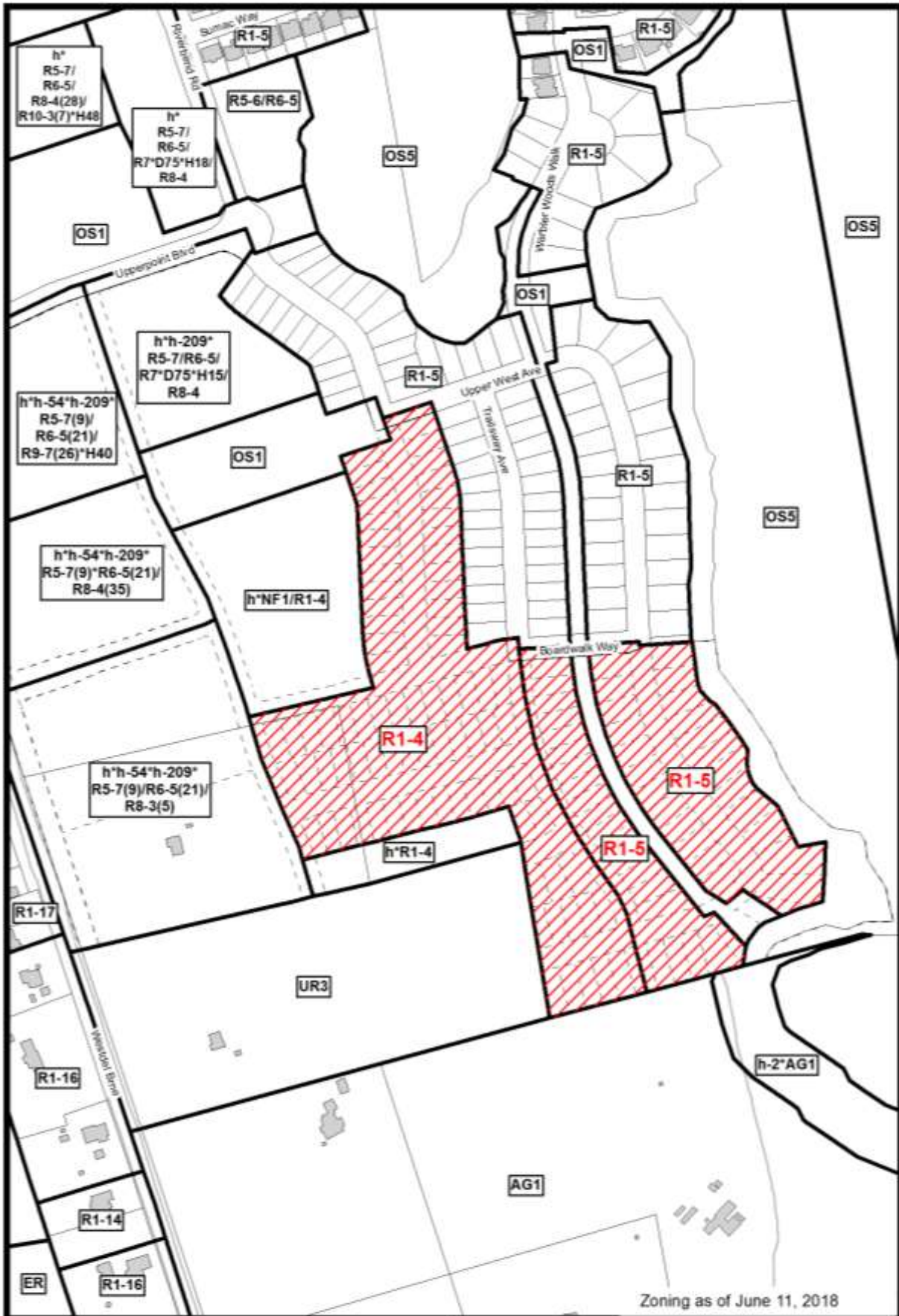
PASSED in Open Council on October 16, 2018.



Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading - October 16, 2018

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



<p>File Number: H-8880                  Planner: LM                  Date Prepared: September 21, 2018                  Technician: DT                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:4,000</p> <p>0 20 40 80 120 160 Meters</p> 
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## Appendix B – Public Engagement

### Community Engagement

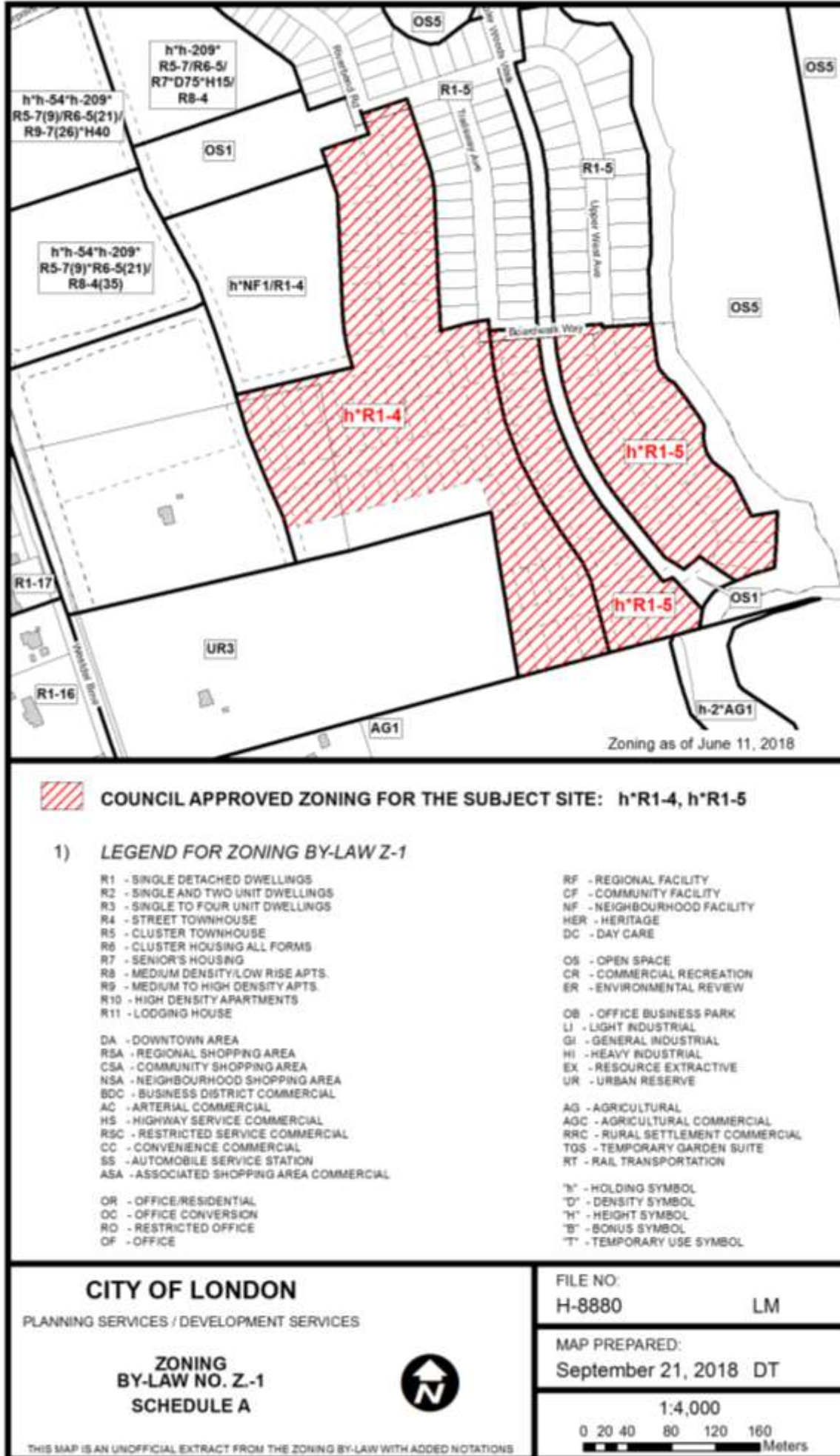
**Public liaison:** Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 29, 2018

0 replies were received

**Nature of Liaison:** The purpose and effect is to remove the holding symbol to allow development of the lands for residential uses permitted under the Residential R1 (R1-4 and R1-5) Zones. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than May 8, 2018.

# Appendix C – Relevant Background

## Existing Zoning Map



## **Additional Reports**

File No. 39T-16502 / Z-8621 – Sifton Properties Limited - 1420 Westdel Bourne and portions of 1826 and 1854 Oxford Street West - Public Participation Meeting on November 14, 2016 – Application for Approval of Draft Plan of Subdivision and Zoning By-law Amendments (Planning and Environment Committee Agenda Item No. 10).



## 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:** September 17, 2018

**RE: Monthly Report for August 2018**

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

### **Permit Issuance**

By the end of August, 3,152 permits had been issued with a construction value of approximately \$734 million, representing 1,746 new dwelling units. Compared to last year, this represents a 9.4% decrease in the number of permits, a 13.1% decrease in the construction value and an 11.2% decrease in the number of dwelling units.

To the end of August, the number of single and semi-detached dwellings issued were 490, which was a 33.9% decrease over last year.

At the end of August, there were 693 applications in process, representing approximately \$462 million in construction value and an additional 832 dwelling units, compared with 741 applications having a construction value of \$212 million and an additional 490 dwelling units for the same period last year.

The rate of incoming applications for the month of August averaged out to 17.5 applications a day for a total of 387 in 22 working days. There were 54 permit applications to build 54 new single detached dwellings, 11 townhouse applications to build 23 units, of which 9 were cluster single dwelling units.

There were 391 permits issued in August totalling \$103.4 million including 299 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 2,554 inspection requests and conducted 3,352 building related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 9 inspectors, an average of 287 inspections were conducted this month per inspector.

Based on the 2,554 requested inspections for the month, 88% were achieved within the provincially mandated 48 hour time allowance.

#### **PLUMBING**

*Plumbing Inspectors* received 940 inspection requests and conducted 1,307 plumbing related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 218 inspections were conducted this month per inspector.

Based on the 940 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 August 2018

CLASSIFICATION	August 2018		to the end of August 2018		August 2017		to the end of August 2017			
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE		
SINGLE DETACHED DWELLINGS	60	27,262,992	60	490	95	36,881,456	95	742	303,571,839	742
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	19	14,219,480	61	164	21	15,034,694	59	180	138,590,789	573
DUPLEX, TRIPLEX, QUAD, APT BLDG.	1	39,299,400	175	7	1	38,204,100	142	7	131,720,460	612
RES-ALTER & ADDITIONS	168	4,372,054	3	1,260	248	5,192,663	3	1,375	49,889,687	40
COMMERCIAL-ERECT	3	1,515,300	0	24	3	7,884,160	0	12	29,197,150	0
COMMERCIAL-ADDITION	0	0	0	12	1	400,000	0	9	14,727,260	0
COMMERCIAL-OTHER	45	10,186,252	0	308	42	18,636,940	0	244	63,176,160	0
INDUSTRIAL-ERECT	0	0	0	3	0	0	0	2	3,537,720	0
INDUSTRIAL-ADDITION	0	0	0	5	2	5,456,700	0	12	14,300,475	0
INDUSTRIAL-OTHER	5	3,346,736	0	42	3	115,200	0	47	3,027,660	0
INSTITUTIONAL-ERECT	0	0	0	0	1	56,157,500	0	3	70,457,500	0
INSTITUTIONAL-ADDITION	0	0	0	5	0	0	0	1	1,200,000	0
INSTITUTIONAL-OTHER	30	2,396,000	0	189	16	782,800	0	116	16,539,323	0
AGRICULTURAL	2	160,000	0	3	0	0	0	1	200,000	0
SWIMMING POOL FENCES	31	663,590	0	175	32	728,692	0	186	3,583,410	0
ADMINISTRATIVE	21	33,750	0	125	11	19,050	0	134	742,925	0
DEMOLITION	4	0	1	62	2	0	0	73	0	53
SIGNS/CANOPY-CITY PROPERTY	0	0	0	10	11	0	0	31	0	0
SIGNS/CANOPY-PRIVATE PROPERTY	2	0	0	268	53	0	0	307	0	0
<b>TOTALS</b>	<b>391</b>	<b>103,455,554</b>	<b>299</b>	<b>3,152</b>	<b>542</b>	<b>185,493,955</b>	<b>299</b>	<b>3,482</b>	<b>844,462,359</b>	<b>1,967</b>

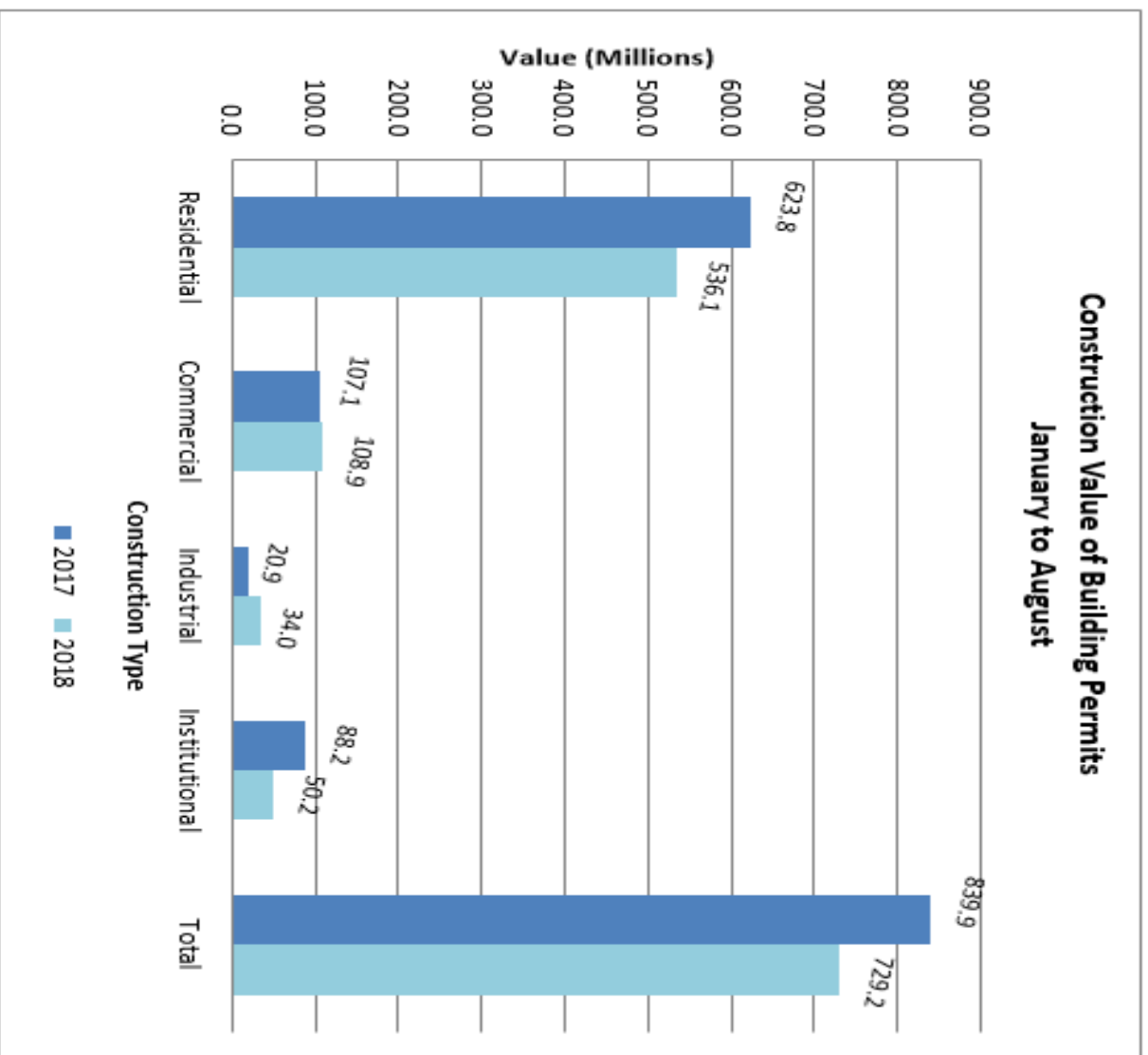
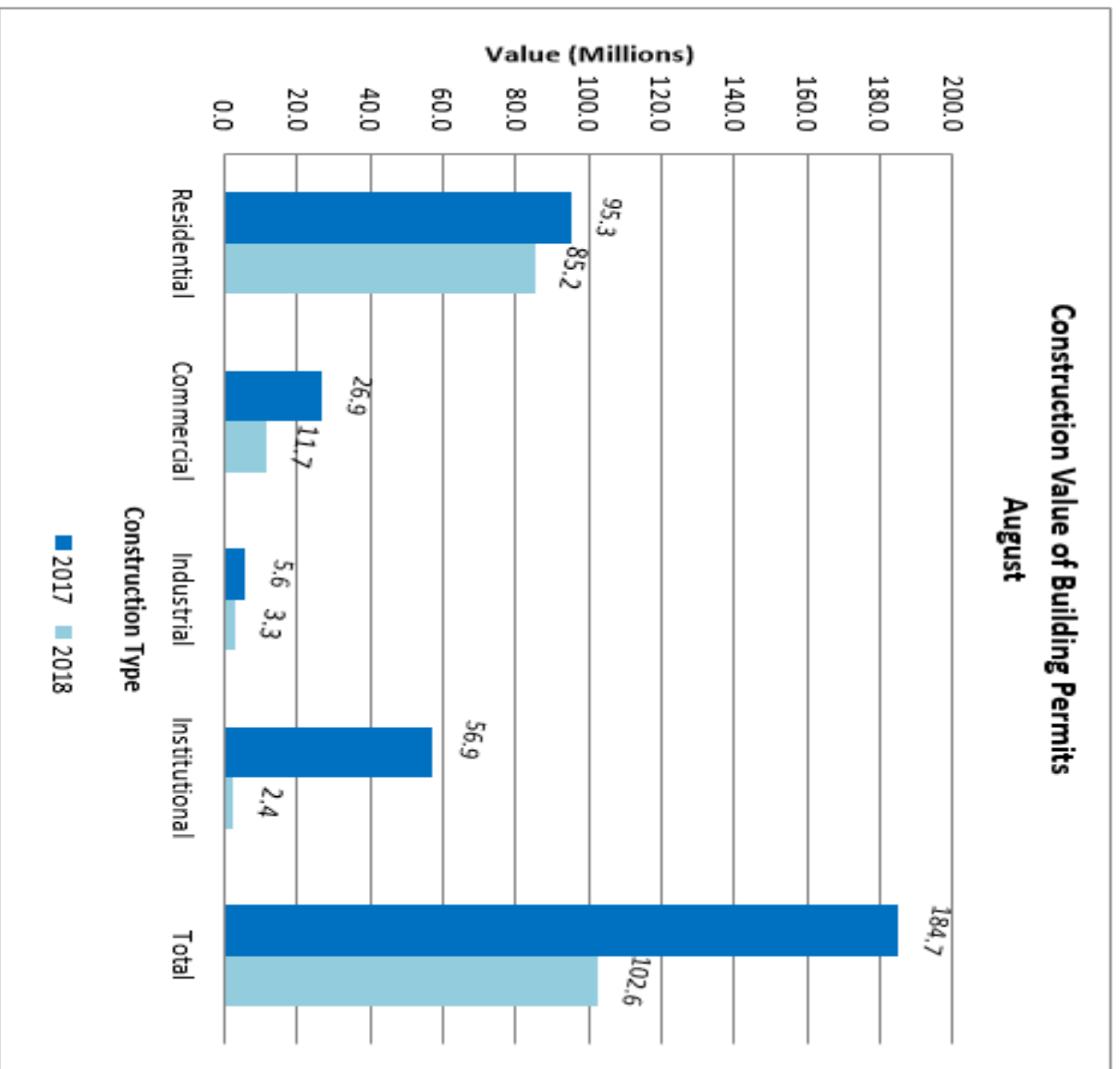
<y:/shared/building/monthlyreports/monthlyreports/2018BCASummary/BCA-AUG2018>

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

**September 17, 2018**



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

<b>Owner</b>	<b>Project Location</b>	<b>Proposed Work</b>	<b>No. Of Units</b>	<b>Constr Value</b>
North London Medical Centre	1055 Fanshawe Park Rd W	Alter-Medical Offices-Cm - Interior Tenant Renovations Ftr/Fpo	0	120,252
Rembrandt (London) Inc	1061 Eegletrace Dr 37	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 4 Bedrooms, Unfinish	1	462,200
(London) Inc				
2447695 Ontario Inc.	109 Fanshawe Park Rd E	Alter-Financial Institution-Cm - Storefront Complete Replacement. Former Pizza	0	300,000
Bentall Kennedy Canada	1105 Wellington Rd	Alter-Retail Store-Cm - Interior Alteration For Freedom Mobile	0	200,000
	Rembrandt Meadowlark Inc	Erect-Street Townhouse - Condo-Erect 7 Units Townhouse Block Dpn 15, 17, 19, 21,	7	1,749,900
	Rembrandt Meadowlark Inc	Erect-Townhouse - Condo-Erect 7 Unit Townhouse Block Dpn 1,3,5,7,9,11,13 F	7	1,695,200
	Rembrandt Meadowlark Inc	Erect-Townhouse - Condo-Erect 7 Unit Townhouse Block Dpn 10, 12, 14, 16, 1	7	1,695,200
	Rembrandt Meadowlark Inc	Erect-Townhouse - Condo-Erect 4 Unit Townhouse Block Dpn 1070, 1072, 1074,	4	999,900
University Of Western Ontario-Board Of Governors	1151 Richmond St	Install-University-Instll- Boiler Replacement In Alumni House Residen	0	200,000
Hyde Park Square Inc	1195 Hyde Park Rd	Erect-Office Complex (Retail/Office)-Cm - Erect New Shell Commercial Building For Retail	0	540,300
	London City	Alter-Outdoor Rinks/Swimming Pools-Alter Interior Bathroom.	0	1,000,000
	London City	Erect-Outdoor Rinks/Swimming Pools-Erect New Change Room Bldg	0	400,000
	London City	Install-Outdoor Rinks/Swimming Pools-Install New Pool To Replace Existing Two Pools. Fr	0	1,400,000
	London City	Install-Outdoor Rinks/Swimming Pools-Install New Pool To Replace Existing Two Pools. Fr	0	1,400,000
Ironstone Company Inc. Ironstone Building Company Inc.	1375 Whetfield St	Install-Townhouse - Cluster Sdd-Townhouse - Install Site Servicing	0	700,000
Wastell Developments Inc. Wastell Developments Inc.	1440 Michael Cir A	Erect-Townhouse - Condo-Erect 4 Units Townhouses 1440 Building A - Dpn'S 1	4	488,600
Wastell Developments Inc. Wastell Developments Inc.	1440 Michael Cir B	Erect-Townhouse - Condo-Erect 4 Unit Townhouses, 1440 Building B - Dpn'S -	4	445,200
Wastell Developments Inc. Wastell Developments Inc.	1440 Michael Cir C	Erect-Townhouse - Condo-Erect 4 Units - 1440 - Building C Townhouses - Dpn	4	488,600
Rai Holdings Inc	1569 Oxford St E	Alter-Offices-Alter Interio 2nd Floor Offices	0	150,000
Sifton Properties Limited Sifton Properties Limited	1583 Ed Ervasit Lane	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 2 Car, 1 Storey, 3 Bed, Par	1	422,000
	1700 Hyde Park Rd	Alter-Offices-Comm - Alter For Acupuncture Office, Unit 9, Ftr	0	120,000
	1700 Hp Inc	Alter-Retail Store-Alter Interior Of Unit #19 And Rebuild Unit #17a	0	450,000
	1700 Hp Inc	Alter-Retail Store-Comm - Alteration For Jaydancin Store In Unit #17	0	120,000
	The Ridge At Byron Inc.	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 1 Storey, 2 Car Garage	1	461,800
	The Ridge At Byron Inc.	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 1 Storey, 2 Car Garage	1	516,600
	The Ridge At Byron Inc.	Erect-Townhouse - Cluster Sdd-Erect New Cluster Townhouse Sdd, 1 Storey, 2 Car Ga	1	325,800
Eastwood Centre Inc C/O Laryn Property Mgmt	1920 Dundas St	Alter-Retail Store-Comm - Alter For Facade Work For Bulk Barn Store	0	105,000
Union Development & Trading Inc	2117 Aldersbrook Rd	Alter-Restaurant - Cm - Interior Alteration For Change Of Use From Au	0	450,000
1610341 Ontario Inc	240 Waterloo St	Alter-Offices-Interior Fit Up For Unit 105, Ftr Shell Shop Dr	0	210,000
Sifton Properties Limited Sifton Properties Limited	2400 Moe Norman Way	Erect-Townhouse - Cluster Sdd-Erect New Cluster Townhouse Sdd, 1 Storey, 2 Car,	1	306,000
Auburn Inc. Auburn Developments Inc.	2491 Tokala Trail J	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Condo, Building J, Dpns	4	1,200,000
Sifton Properties Limited Sifton Properties Limited	255 Queens Ave	Alter-Offices-Interior Alteration For Great West Life Offices On	0	1,300,000
Sifton Properties Limited Sifton Properties Limited	2621 Holbrook Dr E	Erect-Townhouse - Condo-Erect New 4 Units Townhouses Bldg E, Dpn 16,18,20,	4	678,480
	Hyde Park Square Inc	Install-Retail Plaza-Comm - Install Site Servicing Ftr	0	200,000
	St Joseph's Health Care London C/O	Alter-Hospitals-Alter Interior Bldg B Level 3 St. Joseph's Hospital	0	120,000
Facilities Planning				
Waste Management Of Canada Corporation	290 Exeter Rd	Install-Non-Residential Accessory Building-Install Truck Refuelling System	0	3,000,000
1221022 Ontario Inc 1221022 Ontario Inc	300 Sovereign Rd	Alter-Plant For Manufacturing-Id - Interior Alterations For Two Vestibules & Two	0	200,000
Choice Properties Inc	3074 Wonderland Rd S	Erect-Retail Plaza-Erect Shell For Retail W/ Site Services	0	575,000

Permits\_Issued\_Greater\_100000\_Construction value



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

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave I	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	800,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave J	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	800,000
1016747 Ontario Limited	3270 Singleton Ave 24	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 2 Storey, 2 Car Garage	1	293,400
London Health Association	339 Windermere Rd	Alter-Hospitals-Inst - Alter Pharmacy Area On Level One For Pharma	0	400,000
I.F. Propco Holdings (Ontario) 31 Ltd.	355 Wellington St	Alter-Offices-Cm- Interior Alteration To Convert Two Units Into	0	400,000
I.F. Propco Holdings (Ontario) 31 Ltd.	355 Wellington St	Alter-Offices-Comm - Alter For Pwc Offices In Units 210a & 245.	0	555,000
Thames Valley District School Board Thames Valley District School Board	509 Waterloo St	Install-Schools Secondary, High, Jr. High-Install Site Services At Central Secondary School	0	300,000
Old Oak Properties Inc. Old Oak Properties Inc.	515 Richmond St	Erect-Apartment Building-Ra - Erect New 32 Storey Residential Development+	175	39,299,400
Fid Leonard Management Board Secretariat Co/lo Property And Land Management	567 Rosecliffe Terr 12	Erect-Townhouse - Cluster Sdd-Erect, New Sdd, 1 Storey, 2 Car Garage, 3 Bedroom,	1	390,600
Fid Leonard Management Board Secretariat Co/lo Property And Land Management	600 Sanatorium Rd	Alter-Care Facility-Alter To Replace Kitchen And Exhaust Hood. Ftr She	0	365,000
Canadian Commercial (Maitland)	627 Maitland St	Alter-Medical Offices-Comm - Alter For Neurological Clinic In Unit 6 Fr	0	125,000
Totpuddle Housing Co-Operative Inc	656 King St	Alter-Apartment Building-Alter To Repair Fire Damage, Fire Separation And T	0	180,000
1748978 Ontario Inc	695 Sovereign Rd	Install-Distilleries-Industrial Building - Plumbing Installation - Dist	0	0
Carvest Properties Ltd	71 King St	Alter-Apartment Building-Apartment - Alter To Repair Water Damage On Floors	0	150,000
Esam Construction Limited	720 Proudfoot Lane	Alter-Recreation Centre-Comm - Alter Interior For Multi-Purpose Room And A	0	300,000
University Of Western C/O Property Manager	800 Collip Cir	Alter-Research Centre-Institutional- Alter To Lab Space On Basement Level	0	122,000
London Health Sciences Centre	825 Commissioners Rd E	Install-Hospitals-Is - Sprinkler System Expansion	0	292,000
Riocan Holdings Inc C/O Rio Can Management Inc	92 Fanshawe Park Rd E	Alter-Restaurant <= 30 People-Comm - Alter To Refurbish Swiss Chalet. Ftr/Fpo	0	550,000

Total Permits 56 Units 236 Value 70,518,432

*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**

Hyde Park Square Inc
Wonderland Power Centre Inc

*Commercial permits regardless of construction value.*

Permits\_Issued\_Greater\_100000\_Construction value

# Environmental and Ecological Planning Advisory Committee

## Report

10th Meeting of the Environmental and Ecological Planning Advisory Committee  
September 20, 2018  
Committee Rooms #1 and #2

Attendance PRESENT: S. Levin (Chair), A. Boyer, C. Dyck, P. Ferguson, S. Hall, K. Moser, S. Sivakumar, C. Therrien, R. Trudeau and I. Whiteside and H. Lysynski (Secretary)

ALSO PRESENT: C. Creighton, L. Pompili and S. Wise

REGRETS: E. Arellano, C. Evans, B. Krichker and N. St. Amour

The meeting was called to order at 5:02 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

None.

### 3. Consent

#### 3.1 9th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 9th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on August 16, 2018, was received.

### 4. Sub-Committees and Working Groups

#### 4.1 3080 Bostwick Road

That the attached Working Group comments with respect to the application by MHBC Planning relating to the property located at 3080 Bostwick Road BE FORWARDED to S. Wise, Senior Planner, for consideration.

#### 4.2 Southdale Road Environmental Assessment

That the attached, revised, Working Group comments relating to the Southdale Road Environmental Assessment, from Pine Valley to Colonel Talbot Road BE REFERED to S. Shannon, Technologist II, City of London and S. Muscat, AECOM.

**5. Items for Discussion**

- 5.1 Canadian Pacific Railway Crossing at Adelaide Street North – Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Study Completion for the Adelaide Street North Municipal Class Environmental Assessment Study Public Review, was received.

**6. Deferred Matters/Additional Business**

- 6.1 (ADDED) Commissioners Road West Realignment Class EA Study - Notice of Completion

That it BE NOTED that the communication dated September 13, 2018 from T. Koza, Project Manager, City of London, with respect to the Commissioners Road West Realignment Class Environmental Assessment Study - Notice of Completion, was received.

**7. Adjournment**

The meeting adjourned at 6:07 PM.

**Review of EIS by Stantec, dated May 1, 2018, exp Hydrogeology report dated February 2018, and Parish Aquatic Services Erosion Assessment report dated May 2016.**

All received after EEPAC's August 2018 meeting when requested by the Committee  
Reviewed by S. Levin, B. Krichker, and I. Whiteside

**General Comments:**

EEPAC has site specific concerns and recommendation related to the EIS, Groundwater Study, and Erosion Assessment of Thornicroft Drain as outlined in the Document Review section, below. However, the Committee also has broader concerns regarding this development and other current and future adjacent developments in the Southwest Area of the City, specifically in the Talbot, Lambeth, and Bostwick Planning Districts. We have reviewed several studies for proposed developments in these Districts, and several consistent themes have emerged thereof, namely:

1. The lack of a system wide approach to evaluate environmental and ecological impacts, with individual projects looked at in isolation to adjacent developments. Rather, the cumulative impacts from future and existing developments should be used to look at the system's overall environmental and ecological health. For example, several of the proposed developments will be required to relocate existing onsite wetlands; however, there appears not to have been any coordination among the various involved parties to maximize the ecological benefit therefrom. Another example is the cumulative impact of stormwater runoff from the developments, with each development ignoring surface water flows from adjacent sites and their cumulative impact on soil erosion and sedimentation on downstream ecological receptors.
2. Certain proposed developments will rely on private SWM systems for part or the entire site. EEPAC's concern is twofold. First, SWM appear to rely on LID measures to limit surface run-off, with the reports implying that the measures will serve to manage stormwater quality and quantity to a certain extent. Our concern with respect to the reliance on LID measures is that a) the long term efficacy of the measures is not demonstrated and performance may degrade with time; and b) provisions for long term maintenance of the LID measures are not outlined, which is an added concern if the LID feature is located on private property. Secondly, the reports did not provide an estimate of retention/detention capacity of the storm water management systems during major and minor storm events. This figure is important to determine peak flow into the drainage channels to ensure that there is no adverse impact to downstream ecological receptors (e.g. fish habitat) via increased sediment flow or channel erosion.
3. The proposed developments are located in part of the Dingman Creek subwatershed, specifically Tributaries B, C, and D. However, none of the reports received to date for this area have referenced Dingman Creek Subwatershed Study Update 2004 ("DCSSU"). That document has been approved by the City Council and not superseded or rescinded, and is thus still applicable. In EEPAC's opinion, all DCSSU objectives and requirements should be referenced in relevant reports for new developments and all new developments should be screened against DCSSU requirements to ensure adherence. It also should be noted that the DCSSU includes (among others): the recommendations for the water resources and environmental requirements; SWM criteria and environmental targets; and, the

## 3080 BOSTWICK RD (at Southdale Road) RESIDENTIAL DEVELOPMENT c/o YORK DEVELOPMENTS

requirements for preservation and protection of the environmental/ecological existing conditions of the system based on the tributaries approach. The reports provided for this proposed development and others have not identified these requirements, nor have they demonstrated compliance with these requirements, nor have their analysis been based on the system approach.

With these three points in mind, EEPAC is recommending that the City consider defer approval until a comprehensive plan can be developed for the entire area to deal with the cumulative impacts from the developments, including demonstrated compliance with the DCSSU criteria and recommendations for the relevant tributaries to Dingman Creek. Such deferral would be consistent with the London Plan, which requires that surface and groundwater features and their hydrological functions are to be considered as part of the systems approach to land use planning (paragraph 1302).

### **Document Review:**

EEPAC's comments are primarily related to groundwater and surface water management during and after construction. Our chief concern is related to the impact of any discharge into Thornicroft Drain, which is a tributary to Dingman Creek and has a warm water fishery downstream of the proposed development. Our comments below are informed by the Erosion Assessment prepared by Parish. Key points from that report are:

- The channel on the site (Thornicroft Drain) is characterized as "Transitional or Stressed", meaning channel morphology is within the range of variance for similar streams, but evidence of instability is frequent. The report found evidence of aggradation and widening within the study area, with the reach having "low ecological health" for among other reasons, a high degree of sediment suspended in the water column. Channel degradation appears to be caused by stormwater flows released upstream (e.g. from developments North of Southdale Rd.)
- Discharging directly to the watercourse is not the preferred solution, even with erosion protection established. The report recommends locating the stormwater outlet away from the existing watercourse and constructing an outlet change that incorporates natural in stream flow energy dissipation measures prior to entering the watercourse. The report goes on to note that localized erosion control will not mitigate the on-going issues affecting the watercourse, and that future large scale remediation work along Thornicroft drain is anticipated.

### **Theme 1 – Dewatering During Construction**

The hydrogeological report identifies shallow groundwater as close as ~4.5 meters below ground surface, present in a silty sand aquifer that extends throughout the site, with a hydraulic conductivity assumed to be  $10^{-4}$  to  $10^{-5}$  m/s (n.b. Single Well Recovery Tests were not done because the recharge in the wells was *too rapid* to measure). The report also does not characterize seasonal fluctuations in the water table, and thus the water table could be higher during construction. Lastly, the report identified surface water samples with levels of iron and aluminum that exceed the Ontario Provincial Water Quality Objectives.

The report is not specific on whether expected a Permit to Take Water will be required as part of the construction. However, given the hydraulic conductivity and relatively shallow depth of the underlying sandy silty aquifer, it is possible, especially given the site design calls for buildings up to 21 stories tall. EEPAC also has concerns that the water balance within the channel can be impacted by dewatering activities, as surface water quantity and quality may have substantial influence on adjacent groundwater conditions (and vice-versa). For instance, if the dewatering activities are taking place near to the channel, surface water flows could be diminished potentially impacting the downstream woodlot and warm water fishery. Conversely, dewatering discharges that end up in the channel may cause erosion and sediment problems within the channel, again impacting downstream receptors.

Recommendations:

1. Establish whether a Permit to Take Water will be required by evaluating seasonal groundwater fluctuations and expected excavation depths during construction.
2. Further characterize the surficial aquifer to determine the cone of influence during potential dewatering activities, with a particular focus on identifying dewatering activities that will impact surface water flows in the channel.
3. Establish a dewatering plan that includes an Erosion Sediment Control Plan, as well as appropriate measures to ensure the channel is not impacted by the dewatering activities.
4. During construction and post-construction dewatering, groundwater and surface water quality sampling should be conducted to ensure no change to the baseline conditions. Special attention should be paid to ensure that any discharged water met the Ontario Provincial Water Quality Objectives.
5. Even if a permit to take water is not required as volumes will be below the permit threshold, special attention should be paid to maintain the sites current equilibrium, and limiting any discharge to the channel to amounts that are removed as part of dewatering.

**Theme 2 – Stormwater Management**

The site's approach to stormwater management is described in detail in the report entitled *Storm Drainage and Stormwater Management Plan (2016)* prepared by IBI Group. EEPAC has not received this report to review. The EIS provided some details from that report, including *inter alia* the following:

- Stormwater Management will be provided by a "Permanent Private Stormwater System", with quantity controls within each block for up to the 100-year storm event to the event feasible (n.b. the concept/ definition of what is "feasible" and what is "not feasible" is not defined).
- Future public roads will drain into Thornicroft drain without quantity control, and major flows up to the 250-year storm event (and presumably beyond) will drain directly into the open channel via the proposed street pattern.
- LID measures may be used to increase the existing infiltration and help manage stormwater run-off. However, the actual efficacy of these measures was not quantified given the site mostly consists of apartment blocks and associated parking lots was not articulated.
- Stormwater quality control measures were not articulated (e.g. for salt and from parked cars), which is important given the preliminary site design is composed of largely apartment blocks and associated parking lots.

EEPAC's concern is that the stormwater management plan, as it stands, will result in a significant increase in the flow into Thornicroft Drain, both through direct surface water flow and potentially through increased groundwater flow. Furthermore, the intensity/ velocity of that flow will be much greater than currently exists as the nature of the development with parking lots, roads, and buildings (i.e. impermeable) will result in a much higher peak discharge. As outlined in the Erosion Assessment prepared by Parish, Thornicroft drain does not have the capacity to handle large inflows without further degradation. The proposed stormwater management plan is at direct odds to the conclusions of the Erosion Assessment, which recommended no direct discharges to the channel. The current plan, as is, will likely have an adverse negative impact on the downstream warm water fishery and woodlot, and follow-on impacts to Dingman Creek.

Recommendations:

6. Redesign the stormwater management system such that it meets current best practices. This may require work during the Southdale Road widening. These include, at minimum, quantity and quality

## 3080 BOSTWICK RD (at Southdale Road) RESIDENTIAL DEVELOPMENT c/o YORK DEVELOPMENTS

control of stormwater discharges up to the 100-year storm event for the entire site (pre-and-post construction), with sufficient retention/detention capabilities to protect the integrity of Thornicroft drain. Of particular note, the stormwater management system appears to rely on secondary infiltration to detain the water, yet the hydrogeological report did not provide a seasonal evaluation of groundwater levels to determine whether the underlying sandy/silty aquifer can indeed absorb the water under a worst case scenario (e.g. high water table with a major storm event).

7. Should the revised stormwater management plan include LID systems, these systems 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.

EEPAC would also like to review the *Storm Drainage and Stormwater Management Plan* (2016) prepared by IBI Group, as well as any other SWM report completed and update for the subject site, and provide recommendations.

### **Theme 3 – Fluvial Geomorphic Study of Thornicroft Drain and DCSSU Compliance**

#### Recommendation:

8. Consistent with the a recommendation from the Erosion Assessment prepared by Parish, EEPAC echoes their recommendation that a comprehensive fluvial geomorphic investigation of the entire tributary be undertaken to assess the geomorphic character and systemic processes operating within the tributary to properly assess potential risk to downstream areas and develop responsible long-term solutions relating to urban development and SWM.
9. We also recommend that the City include a holding provision for this development until the developer or the consulting engineer demonstrate that the design will be in compliance with the approved DCSSU (2004) criteria and recommendations for this tributary and with the recommendations of the Parish report.

Southdale Road West Improvements (Pine Valley to Colonel Talbot Road)  
September 10, 2018 (received at August 2018 EEPAC meeting)  
Reviewed by: Carol Dyck, Peter Ferguson, Sandy Levin, Randy Trudeau

**Major Concerns:**

Lack of clarity regarding location of and impact to plant species with high coefficient of conservation.

Loss of 1.3 ha of Eastern meadowlark habitat with no consideration for overall loss of habitat in the Southwest of London, nor a Habitat Management Plan for the required compensatory mitigation.

Lack of clarity regarding responsibility for the culvert structure south of Southdale Road West and plans for improvement.

EIS did not include looking for barn swallow nests in the culvert.

Loss of and/or disturbance to wetlands.

High potential for spreading invasive species.

Overall high levels of development in the area as well as potential for several future projects requires a holistic look at species and habitat management in southwestern London. Three consultants did work in the area for three different projects.

**1. Lack of Clarity regarding plant species**

The reviewers found that the list of sensitive species in this EIS was unclear. In particular, it was not clear (e.g., page 17, North Talbot PSW – Patch 10059 and page 18, Patch 10063) as to where in the vegetation communities some of the plant species with a high co-efficient of conservation are located and therefore, it is not clear what the impacts of construction activities and/or the widened road will be regarding these species. The EIS did not make a clear statement either way. For instance, the EIS notes that through construction a small part of 10063 will be removed. However, it fails to note that roughly 180m of new edge will be created. The EIS also does not indicate whether or not any of the sensitive species will be affected as we know only that certain species like Wood Horsetail were found in the significant woodland but not specifically where.

Similarly, on pages 21-22 the report discusses the importance of the North Talbot Provincially Significant Wetland, which scored 250 points “within the Special Features Component due to the presence of END false hop sedge”. The EIS does not make clear whether or not the false hop sedge was found within or outside the study area, nor whether this plant species would be affected by the construction.



Recommendation: To be considered complete the EIS must clearly state whether the plant species with a high coefficient of conservation are found within or outside the study area, and whether these species will be affected by construction. And if affected, what compensatory mitigation will be required.

Recommendation: In the cases where these sensitive plant species are found within the study area and will be negatively impacted by construction, clearly specify what actions will be taken to reduce harm and/or to compensate any loss either in the EIS or at detailed design.

## **2. Invasive Species**

Phragmites is prevalent in south western London. Indeed, the EIS makes reference to the “phragmites choked swale” (p.13) and provides photographic evidence (Appendix D p. 4). Moreover, the road widening will create roughly 180 metres of new edge along a significant woodland, and as it is not the area but the *length* of this edge that is relevant when considering the spread of invasive species and the creation of new edge effect, more attention should be paid to this issue. The reviewers are concerned that with the proposed road widening a very real risk exists of spreading phragmites further along the disrupted edges and into the wetlands and Thornicroft Drain.

Recommendation: Clean equipment protocol should be closely adhered to during construction.

Recommendation: An invasive species management plan including monitoring **must** be included in the project budget and contract documents.

Recommendation: The detailed design must include recommendations for mitigation caused by creating new edge.

## **3. Barn Swallows**

This monitoring for this EIS noted fly-overs by barn swallows (at stations GR01, GR02 and GR03) and suggested that suitable habitat may be found in the barn to which AECOM was not granted access. The report states that “no nesting structures have been observed” (p. 44). However, a previous development study in that same area by Duggan they found that barn swallows were nesting in the culvert.

Recommendation: AECOM should examine the culvert coming from the Storm Water Management Facility within Southwest Optimist Park for evidence of barn swallows nesting. If nesting, alternative nesting kiosks must be included in the project.

## **4. Culvert related to Thornicroft Drain**

The EIS leaves many questions in regards to the culvert associated with Thornicroft Drain. On page 12 the report notes that “[t]he culvert under Southdale Road creates a permanent barrier to fish passage as the upstream section appears to be buried”. We wondered at the wording “appears to be” and would like to know if AECOM investigated to determine whether or not

this was actually the case. Housing development is slated for 3080 Bostwick Road and the reviewers wondered whether it would be the responsibility of those developers or the City, in regards to this road widening, to address the situation with the culvert. It is our belief that likely the housing development will go forward before the road expansion occurs. An EIS carried out by StanTec, for the development at 3080 Bostwick, which included a fluvial geomorphological study of the Thornicroft Drain by Parish dated May 2016, noted that turbidity from the north is causing problems to the south where the watercourse passes through a Significant Woodland and provides warm water fish habitat. Given that fish inhabit the Thornicroft Drain, a plan must be in place to ensure that species are protected and damage downstream is minimized.

Recommendation: Work that impacts on the Thornicroft Drain must have a plan to avoid damage downstream and reduce erosion. (The downstream section of the Thornicroft Drain is remarkably “natural”, and it would be advantageous to keep it in that state or even enhance it through improvements to the north (i.e. the culvert).

Recommendation: It is noted that it is the City’s storm sewers which are causing high flows in the Thornicroft Drain, resulting in high turbidity and it is noted that the culvert is insufficient, therefore, it is recommended that it is the City’s duty to fix the submerged culvert *prior* to the road expansion and perhaps even *prior* to the other development projects slated for the area.

Recommendation: If work is not done prior to the road project, then funds to reduce the impact or eliminate erosive flows during storm events must be included in the contract documents for the road project.

## **5. Loss of Wetlands**

According to the monitoring that was done for this EIS, there appears to be a lot of bird activity around the small wetland south of Southdale, which demonstrates its ecosystem function even if it is small. We would also like to note that a number of development projects that have been undertaken recently or have been approved for future development involve the loss of wetlands, which is concerning even if these wetlands do not cover a great area. Wetlands provide numerous ecosystem services, such as storm management, water filtration and serve as habitat for numerous species.

- a) Consistent with the London Plan, all wetlands are to be protected regardless of size.

If part a), above is not achievable, “b) Minimize disturbance and/or removal of the small wetland south of Southdale and ensure that the North Talbot Provincially Significant Wetland is not adversely affected. Moreover, through the process of widening the road, the City should ensure that the flow of water into small wetland is maintained.”

If part b), above is not achievable, “c) In the event of loss of wetland area, the road project include sufficient budget to compensate for the loss of wetland through creation of a wetland of at least 4 ha, elsewhere close to the disturbance site.

## **6. Meadowlark Habitat**

This project will result in the loss of 1.3 hectares of Meadowlark habitat. Consequently, a minimum of 4 hectares of replacement habitat is required according to the consultant who spoke at the August EEPAC meeting. The report makes mention on p. 70 of the creation of a Habitat Management Plan for the Meadowlark but one does not currently exist. The reviewers also take exception to the rating of “low-no effect” regarding the removal of SAR habitat on p. 70.

Recommendation: The City should not approach habitat loss and its replacement/offsetting in a piecemeal fashion, especially given the high level of development in that corner of the City. In most EIS work in the southwest, meadowlark and/or bobolink are noted in the field work. Therefore, we recommend that the City begin purchasing land in and around that area to offset the loss of habitat for species like the Meadowlark. The City could consider purchasing land using money from either development charges or infrastructure projects, outside the growth boundary, west of Colonel Talbot and south of Southdale which would enlarge the close to development project to protect significant woodland, significant valley land and cultural meadows.

Recommendation: No construction works or removal of habitat should occur before a Habitat Management Plan is submitted as part of the permitting process for this project. EEPAC would appreciate the opportunity to be involved in the creation of this plan. We would also like to suggest that the City follow the example of the Brantford and Grand River Conservation Authority which is a 20-year plan (dated August 22, 2017) which requires a five-year monitoring period after the implementation of a habitat management plan.

## **7. Species and Habitat Management Plan**

The southwest corner is currently experiencing rapid development. Indeed, three development projects -- road widening, community centre and housing development -- each which hired a different consulting firm to undertake an environmental impact study or assessment, are completed or currently expected to occur in the near future. As a consequence, significant areas meadowland, woodland and wetland will be affected, either directly (due to loss as a result of land conversion) or indirectly (through increased particulate pollution, noise pollution and light pollution). Significant valley lands will be heavily impacted around Southdale. With London’s growing population, the trend towards greater development in this area is unlikely to slow. It is therefore important to work now to protect some of the important relatively wild areas in this area.

Recommendation: The City should take a holistic, integrated approach when looking at southwestern London to ascertain which areas would be beneficial to preserve, particularly as a result of this road widening project.

Recommendation: A Habitat Management Plan for SAR birds must be created *prior* to the start of construction on the new road and approved by the Ministry.

Recommendation: The City should start purchasing land in the southwest corner of London now to take a proactive approach to conservation amidst all the construction. These lands could become part of a future ESA or an enlargement to the Lower Dingman ESA. A 20-year management plan for this area should be considered.

Recommendation: The City should consider the acquisition and creation of wildlife corridors in the area to connect bird species (and other species) inhabiting that region to the various valley lands, woodlands, wetlands and meadow lands in the area.

#### **Final Queries:**

1. On p. 69-70, the report makes mention of “integrated restoration plantings”. We would like to know what exactly is meant by this phrase.

Recommendation: A significant number of trees and other plants will be lost as a result of this project. We would like to suggest that replacement species are **native** to south western Ontario. For instance, a number of Norway maples will be removed; these could be replaced by native varieties such as sugar or red maple. Native species will prove more beneficial for insects and birds. In addition, though cities often like to have a uniform tree species lining streets, we would like to suggest that the City replace trees with a variety of species. Recent pest outbreaks (i.e. emerald ash borer) and diseases demonstrate that it is not to have a monoculture of species should a new threat target a particular tree.

2. According to this EIS, there are no cavity trees within the ROW, but there is possibility of cavity trees within the woodland. We appreciate the precautionary approach that will be used in regards to candidate habitats for bats and that any vegetation removal occur outside of bat roosting season.

Recommendation: Though bats may not have been observed, a buffer should be applied for species that are in recovery, i.e. bats and recent outbreaks of white nose disease. For that reason, we recommend that any cavity trees that are found during the construction phase be retained to serve as future habitat when the species rebounds.

3. Figure 5 on p. 38 shows several amphibian monitoring stations located near the small wetland south of Southdale and near the Storm Water Management facility, but only two by the North Talbot Provincially Significant Wetland. We would like to know the rationale behind this decision. Moreover, amphibians got a low rating for activity and presence but these findings seem contrary to comments made by others working and studying the area, as well as anecdotal reports.

Recommendation: New amphibian surveys may be necessary to establish their level of presence in the affected area.

4. Reference is made to the “detailed design” stage of the development, such as on p. 58 regarding how to deal with the loss of vegetation. As it is difficult to determine how sound mitigation policies are or will be without access to this information, it would be beneficial if EEPAC could be included at the Detailed Design phase.

Recommendation: That EEPAC be offered the opportunity to comment on the Detailed Design for this project to ensure that mitigation recommendations – such as dealing with loss of habitat or vegetation – meet high standards given this is a city project.

## 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:** Public Participation Meeting Report  
31675 Ontario Ltd (York Developments Inc)  
3080 Bostwick Road

**Public Participation Meeting on: October 9, 2018**

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of 31675 Ontario Ltd (York Developments Inc) relating to a portion of the property located at 3080 Bostwick Road:

- (a) The comments received from the public during the Public Engagement process attached as Appendix "A" to the staff report dated September 28, 2018, **BE RECEIVED**
- (b) **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 of the subject application.

## Executive Summary

### Summary of Request

The requested amendment is to permit a draft plan of subdivision and Zoning By-law Amendments to allow for two development blocks, three new roads, a park block, an open space block and lands identified for future development.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the details of the requested amendment in conjunction with the statutory Public Meeting;
- ii) Preserve the appeal rights of the public and ensure the Municipal Council has had the opportunity to review the requested draft plan of subdivision and Zoning By-law Amendments prior to the expiration of the 180 day timeframe legislated for draft plan of subdivision and accompanying *Planning Act* applications;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation period; and
- iv) Bring forward a future recommendation report for consideration by the Planning and Environment Committee, once the technical review is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site consists of 5.8ha of vacant land, which also forms part of a larger parcel of land owned by the applicant (approximately 15ha) with frontage on Southdale Road West and Bostwick Road. The portion of the site that is the subject of the draft plan of subdivision and Zoning By-law Amendments is located south, southeast and southwest of the Bostwick Community Centre and the proposed development blocks of Sites 1, 3 and 5, which are the subject of separate *Planning Act* application sites.



Figure 1: Proposed Master Development Plan

#### 1.2 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Multi-Family, High Density Residential (MFHDR) & Open Space (OS)
- The London Plan Place Type – Neighbourhoods, Green Space & High Density Residential Overlay
- Southwest Area Plan Designation – Multi-Family, High Density Residential (MFHDR), Open Space and Environmental Review
- Existing Zoning – Urban Reserve (UR4) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone

#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 84m (Bostwick Road)
- Depth – varies
- Area – 5.8ha
- Shape – Irregular

#### 1.4 Surrounding Land Uses

- North – Residential
- East – Vacant land & Future Place of Worship
- South – Vacant
- West – Vacant & Agricultural

1.5 Intensification (identify proposed number of units)

- 504 residential units are being proposed within the subject site which is located outside of the Built-area Boundary, and Primary Transit Area

1.6 Location Map





## 1.7 OZ-8941 (Site 1), Z-8942 (Site 3), and OZ-8943 (Site 5)

There are three separate Development Proposals for Sites 1, 3 and 5 which currently form part of the subject lands, but are not part of the draft plan of subdivision and Zoning By-law Amendment application 39T-18502/Z-8931. These three sites are part of separate Official Plan and Zoning By-law Amendments under consideration for development as well as three separate consent applications to create the lots, outside of the subject draft plan of subdivision proposal.

## 2.0 Description of Proposal

### 2.1 Development Proposal 39T-18502/Z-8931

The draft plan of subdivision has three new roads proposed (Street A, Street B and Street C), as part of the draft plan. A roundabout is proposed at the intersection of Street B and Street C.

The open space block (Block 11) is part of the Thornicroft Drain which is proposed to be zoned Open Space (OS4) permitting passive recreation and conservation activities. The park block (Block 4) is being proposed as a new Community Park located east of Street A and north of Street C, and will be zoned Open Space (OS2) to allow for a wide range of active recreational activities.

Lands to the south of Street C are being reserved for future development. The existing Urban Reserve (UR4) Zone will be retained, and special provisions are proposed to recognize reduced lot size and frontage.

Two development blocks (Blocks 2 & 6) are both proposed for high density residential development. Block 2 is located at the southwest portion of the site; east of Bostwick Road, north of Street C, and south of Site 1. Block 6 is located at the southeast portion of the site; east of Street B and south of Site 5.

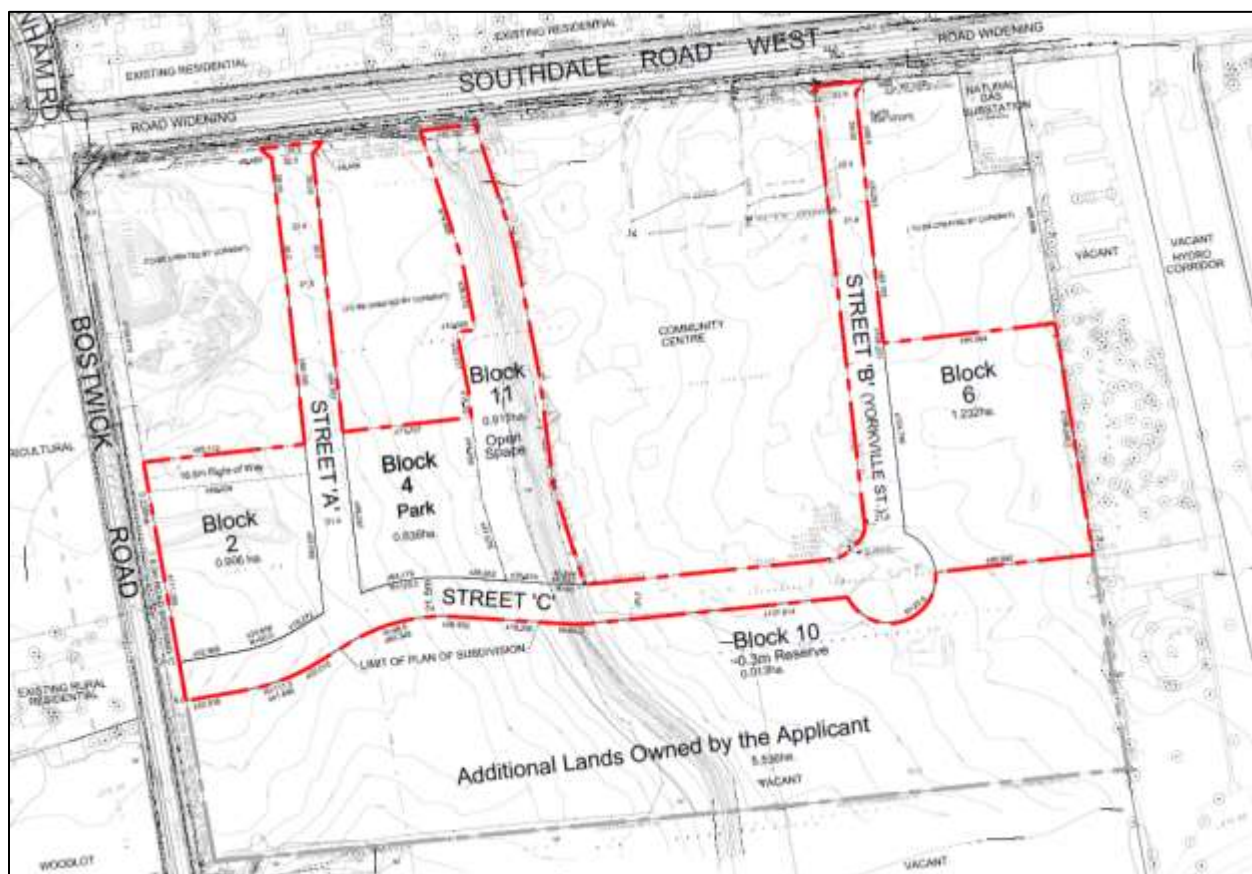


Figure 2: Proposed Draft Plan of Subdivision 39T-18502/Z-8931

## 2.2 Block 2

A site specific bonus zone is requested for Block 2 to permit the development for an 18 storey (70m) residential tower along Bostwick Road, and two 3.5 storey stacked townhouse blocks located along the eastern boundary of the site.



Figure 3: Conceptual Site Plan – Block 2

There are a total of 174 residential units proposed and a total density request of 193 units per hectare. Special provisions are requested to allow a minimum front yard setback of 6m, a height of 13m for the proposed stacked townhouses, and an exterior side yard setback of 0.4m and a rear yard setback of 22m for the proposed apartment building.



Figure 4: Conceptual Rendering – Block 2

A total of 254 parking spaces are proposed to support this development proposal consisting of 28 surface and 226 underground spaces. The access for Block 2 is

proposed from Street C, and a future east-west access is proposed to the north of the site.

### 2.3 Block 6

A site specific bonus zone is requested for Block 6 to permit the development of two 17 storey (68m) residential towers. The towers are connected by a 4 storey building in the middle and step down to 15 storeys along the north and east building edges.

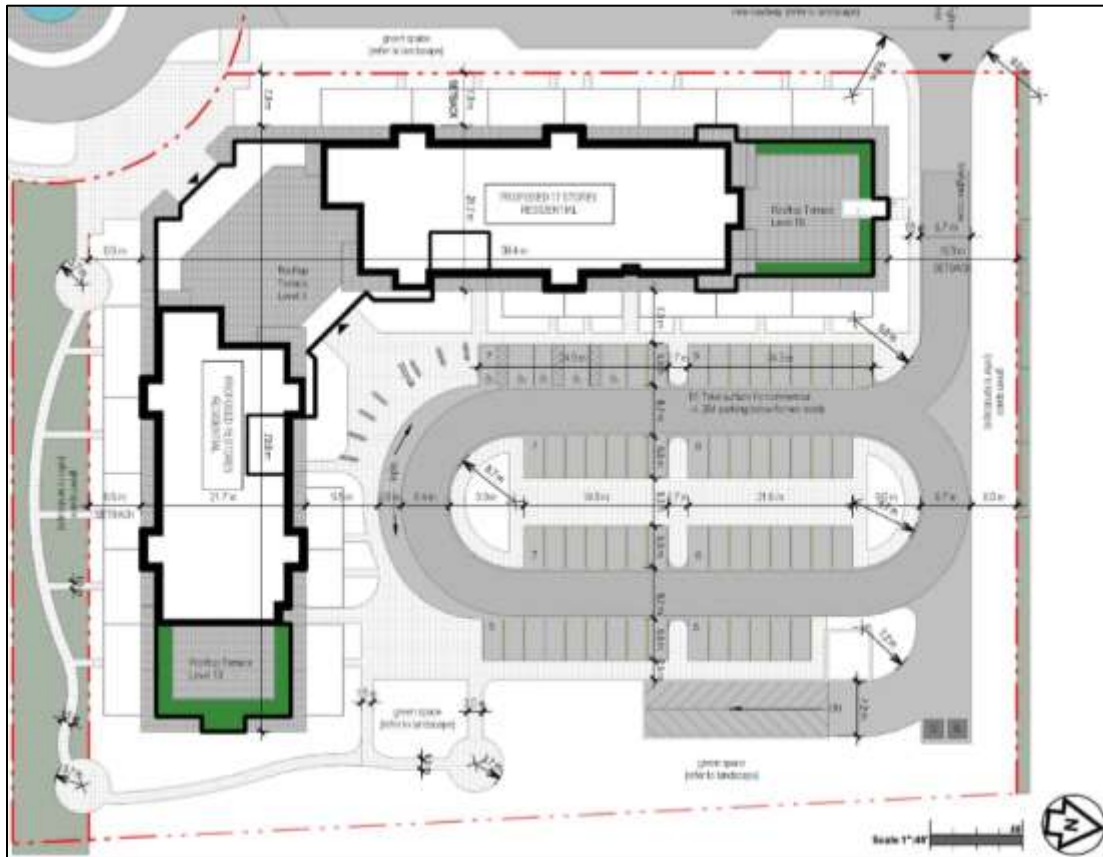


Figure 5: Conceptual Site Plan – Block 6

There are a total of 330 residential units proposed and a total density request of 269 units per hectare. Special provisions are being requested to permit a minimum front yard setback of 6.5m, an interior side yard setback of 12m, a rear yard setback of 12m, and a reduced number of parking spaces.



Figure 6: Conceptual Rendering Block 6 – Southeast View

A total of 325 parking spaces are proposed which is a reduction of 88 spaces from the minimum 413 that the by-law requires. The access for Block 6 is proposed to the north of the site from Street B that leads to 61 surface and 264 underground spaces. Both development blocks (Blocks 2 & 6) are proposing increased height and density through two separate site-specific bonus zones.

The proposed bonusable facilities, services or matters include:

- To support the provision of common open space that is functional for active or passive recreational use;
- To support the provision of underground parking;
- To encourage aesthetically attractive residential development through the enhanced provision of landscaped open space;
- To support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit; and,
- To support the provision of design features that provide for universal accessibility in new construction and/or redevelopment

## 2.4 Submitted Studies

A number of reports and studies were submitted to support the requested amendment, including:

- Transportation Impact Assessment
- Urban Design Brief
- Final Proposal Review
- Sanitary Servicing and Feasibility Analysis
- Preliminary Geotechnical Investigation
- Storm Drainage and Stormwater Management Plan
- Environmental Impact Study
- Archaeological Assessment
- Hydrogeological and Water Balance Analysis
- Drain Erosion Assessment

## 2.5 Requested Amendment

The requested amendment to the Zoning By-law is intended to permit a high density residential form of development, with bonus zoning proposed for the two development blocks, and open space zones within the proposed park block and the limits of the Thornicroft Drain lands. The requested Amendments from an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone to:

Block 2: Residential R9 Bonus (R9-7\*B-(#)) Zone – to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. A bonus zone is requested to permit townhouses and stacked townhouses with a maximum height of 13m and a minimum front yard setback of 6m; an apartment building with a maximum height of 70m, a density of 193 units per hectare, a reduced exterior side yard setback of 0.4m, a reduced rear yard setback of 22m;

Block 6: Residential R9 Bonus (R9-7\*B-(##)) Zone – to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. A bonus zone is requested to permit townhouses, an apartment building with a maximum height of 68m, a density of 269 units per hectare, a minimum front yard setback of 6.5m, a reduced interior side yard setback of 12m, a reduced rear yard setback of 12m, and a reduced number of parking spaces (with 325 spaces provided);

Block 4: Open Space (OS2) Zone – to permit conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with

conservation lands and public parks, campground, and managed forest; commercial recreational establishments, community centres, institutions, private outdoor recreation clubs, public swimming pools, recreational buildings, riding stables, sports fields, golf driving range, miniature golf course, go kart track, batting cages, tennis court and playground;

Block 11: Open Space (OS4) Zone – to permit conservation lands, conservation works, golf courses, private parks, public parks, recreational golf courses cultivation or use of land for agricultural/horticultural purposes, and sports fields without structures;

Future Development Lands: Urban Reserve Special Provision UR4( ) Zone – to permit existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside put, passive recreation uses, kennels, private outdoor recreation clubs, and riding stables with a special provision for a reduced lot size of 2ha.

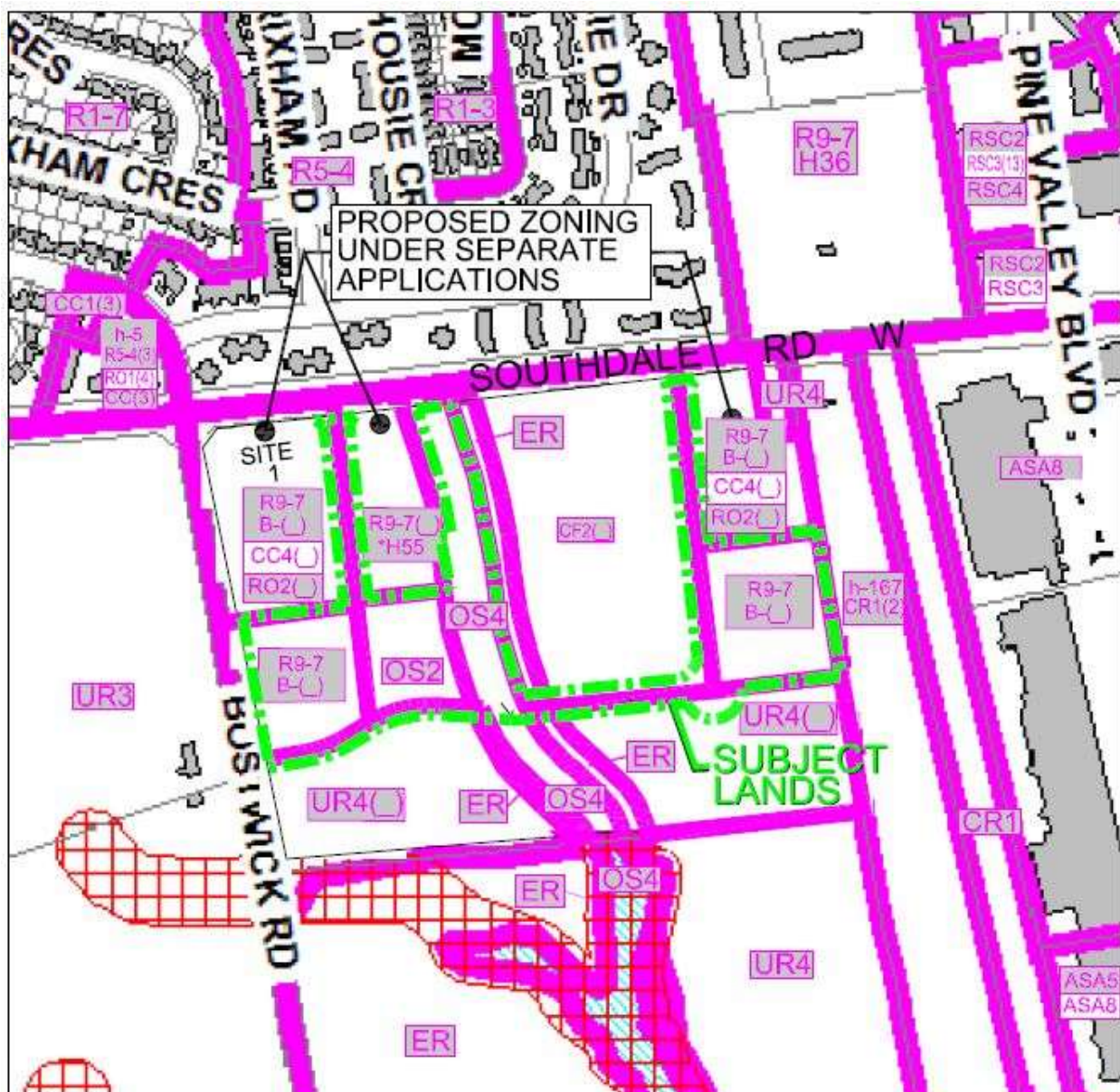


Figure 7: Proposed Zoning Amendment Map

### 3.0 Relevant Background

#### 3.1 Planning History

The subject lands previously formed part of the Town of Westminster which were annexed into the City of London in 1993. The lands were designated “Urban Reserve – Community Growth” and “Environmental Review” in 1996 when the Official Plan amendment for the annexed area was adopted.

In 2004, the current owner of 3080 Bostwick Road, in its entirety, applied for an Official Plan and Zoning By-law amendment (OZ-6662) to allow for a range of commercial and residential development on the lands. That planning application was considered to be premature in the absence of a comprehensive plan for the area, and was put 'on hold' to allow for the completion of the Southwest Area Secondary Plan. The Southwest Area Secondary Plan came into effect on April 29, 2014 (OPA No. 541) following an Ontario Municipal Board hearing. Recent amendments to the Plan were undertaken in April of 2017 to incorporate referenced policies from the 1989 Official Plan prior to the full London Plan coming into effect.

At the time of the draft plan in 2012, the recommended designation of the subject lands was for Multi-Family, Medium Density Residential. During the review of the SWAP, the owner requested a Multi-Family, High Density Residential designation instead of the Medium Density recommended, which was endorsed by the Planning and Environment Committee on October 15, 2012 as follows:

*ix) the portion of the property located at 3080 Bostwick Road west of the open space be designated "Multi-Family, High Density Residential"*

In 2014, a portion of the lands was the subject of a Zoning By-law Amendment Application (Z-8386) to facilitate development of the Bostwick Community Centre. A local road connection was created along the easterly boundary of the Community Centre lands and Municipal Services were extended along Southdale Road to support the Community Centre.

### **3.2 Community Engagement (see more detail in Appendix A)**

Notice of Application was circulated on August 17, 2018, and notice was published in the Londoner on August 16, 2018. There were 7 responses provided through the community consultation period. A summary of the comments include:

Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

### **3.3 Policy Context (see more detail in Appendix B)**

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The following policies support efficient and resilient development patterns through a range of uses and efficient use of land:

*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and*

*housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1 b); Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1) efficiently use land and resources; 2) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and Long-term economic prosperity should be supported by encouraging a sense of place,[and] by promoting well-designed built form (1.7.1. d).*  
In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with the PPS'.

### **The London Plan**

The London Plan directs that all of the relevant policies of the Plan that relate to a planning and development applications should be read in their entirety and form the basis for evaluating consistency with the Plan (1577-1578). Proposed plans of subdivision will be evaluated based on all of the policies of The London Plan, including such policies as (1688):

1. Our Strategy
2. Our City
3. City Building Policies
4. Our Tools
5. Place Type Policies
6. Availability of Municipal Services
7. Potential impacts on adjacent and nearby properties
8. The degree to which the proposal fits within its context and policy goals
9. Relevant secondary plans and specific policies
10. Relevant guideline documents

### **Our Strategy**

Relevant planning strategies to support key directions to guide planning and development include the following:

*Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (59.5);  
Link land use and transportation plans to ensure they are integrated and mutually supportive (60.4);  
Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (61.2); and  
Implement "placemaking" by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character (61.3).*

### **Our City – City Structure Plan**

The City Structure Plan provides a framework for London's growth and change for the future, including the following policies:

*The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing builtup area of the city (79); It is a target of this Plan that a minimum of 45% of all new residential development will be achieved within the Built-Area Boundary of the city, as defined by Figure 2. For the purposes of this Plan, this will be referred to as the "intensification target". The Built-Area Boundary is defined generally as the line circumscribing all lands that were substantively built out as of 2006. This boundary will be used on an on-going basis to*

*monitor intensification and will not change over time (81); and Subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of this Plan (86).*

### City Building Policies

The City Building Policies provide over-arching direction for how the City grows, including the following:

*Development that is designed to be a good fit and compatible within its context (193); 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 (197); Throughout this Plan we have recognized that mobility and land use are inextricably linked. The design of a street and its associated public right-of-way will have a large impact on the use, intensity and form of development that can be supported along any corridor. In this way, how we plan our streets will dictate the quality of our neighbourhoods, our ability to facilitate positive infill and intensification along rapid transit corridors, and our success in promoting and supporting a viable transit system. It will also establish our ability to move people, goods, and services efficiently from one location to another within the city and to other parts of the world (309); and Utilize rapid transit services to strategically promote and stimulate intensification and support our growth management policies (313.3); To achieve a high level of connectivity that can support all forms of mobility, street networks within new neighbourhoods will be evaluated for their connectivity ratio. A ratio of 1.5 or higher will be used as a target (323); and Neighbourhoods should be designed to use public spaces and parks to serve as mobility linkages through and between neighbourhoods (333).*

### Neighbourhoods Place Type

The subject site is within the Neighbourhoods Place Type in The London Plan and located with frontage on two Civic Boulevards. The range of permitted uses include: single detached, semi-detached, townhouses, triplexes, small-scale community facilities, stacked townhouses, fourplexes, and low-rise apartment buildings. The development form is intended between a minimum of 2 storeys and a maximum of 4 storeys, with a potential to bonus up to 6 storeys (Tables 10-12).

### High Density Residential Overlay

The London Plan directs higher density uses towards strategic locations to support and take advantage of public transit, such as in transit villages and along rapid transit corridors; though also recognizes some remnant high density residential areas (954). The subject lands are designated in the 1989 Official Plan as High Density Residential, which are recognized in the High Density Residential (HDR) Overlay and retain greater development potential despite not being in a targeted growth location (955).

Lands located within the High Density Residential Overlay but outside of the Primary Transit Area may be permitted to develop up to 12 storeys with a density up to 150 units per hectare. On large sites or areas within the High Density Residential Overlay, capable of accommodating multiple buildings, a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings will be required. Zoning may not allow for the full range of height and density identified in these policies. (958.2,3 & 5).

### 1989 Official Plan

The subject site is within the Multi-family, High Density Residential (MFHDR) designation, which primarily permits multiple-attached dwellings, and low and high-rise



apartment buildings (3.4.1).

### **Southwest Area Secondary Plan (SWAP)**

Both The London Plan and the 1989 Official Plan recognize the need for a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558). The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan. While the Plan is to be read and applied in its entirety, the most relevant policies for the consideration of the requested amendment include the following:

#### **20.5.1.4 Principles of the Secondary Plan**

The Southwest Area Plan is guided by a series of objectives and principles. Any amendments to the Secondary Plan shall be consistent with the following principles:

##### 20.5.1.4.i) Creation of a Diverse and Connected Community

- a) Provide for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities.*
- d) Provide for daily needs without reliance on a car;*
- j) Design the community street pattern to create or enhance view corridors.*

##### 20.5.1.4 ii) A Range of Housing Choices

- a) Ensure that a range and mix of housing types is provided within developments to achieve a balanced and inclusive residential community;*
- b) Ensure that housing developments and designs achieve compact residential development;*
- e) Provide opportunities for live-work opportunities to reduce the need for commuting; and*
- f) Provide affordable housing opportunities.*

##### 20.5.1.4 iv) A Green and Attractive Environment

- a) Protect and enhance natural heritage features such as woodlands, wetlands, river and creek systems*
- b) Develop publicly owned open spaces into linear parks with generous buffers to built areas.*
- c) Enhance livable neighbourhood ideals using public green spaces and urban squares/parkettes as significant design features and by designing walkable neighbourhoods.*
- d) Encourage development patterns that provide extensive visual and physical public access to natural features, provided there is minimal impact to the Natural Heritage System.*
- h) Encourage a built form and site design that is attractive and supportive of alternative modes of transportation.*

##### 20.5.1.4 v) A model of Sustainable Growth Management

- a) Extend infrastructure in a logical and cost-effective manner;*
- c) Design a road network of walkable connected streets and neighbourhoods;*
- e) Establish a high degree of connectivity between residential, open space, commercial and institutional uses within and between existing and new neighbourhoods; and*
- f) Ensure the use of housing densities and efficient development patterns that minimize land consumption and servicing costs.*

### 20.5.2 Community Structure Plan

The Community Structure Plan assists with implementing the vision for the built form, public realm and neighbourhood street pattern, including the following objectives:

- i) development patterns shall generally reflect a fine urban grid street network with a high level of connectivity;*
- iv) the arterial roads shall serve as key organizing elements and shall generally experience a higher intensity of development than the interior portions of the Planning Area;*
- viii) open space areas such as woodlands, river and creek systems and utility corridors may be used to provide pedestrian and cycling linkages between places within and outside the community, that complement the transportation opportunities offered by the street network.*

### 20.5.3 General Policies

The general policies of the Southwest Area Plan apply to all the lands within the secondary plan boundary as well as all the Neighbourhoods and designations, and include the following policies:

#### 20.5.3.1 Housing i) Affordable Housing

- a) where appropriate, density bonusing will be considered for proposals that have an affordable housing component above 25% of the total dwelling count in any one development;*
- b) opportunities for affordable housing shall be integrated into neighbourhoods and developments that also provide for regular market housing;*

#### 20.5.3.2 Sustainable/Green Development

##### i) Principles

*The Southwest Area Secondary Plan is based on a design in which one of the key goals is to maximize the potential for sustainable development. In a City Planning context, this is achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system.*

*Through planning applications, including subdivision design and layout, proponents are encouraged to design and construct development to meet the following criteria for sustainable development:*

- a) reduce the consumption of energy, land and other non-renewable resources;*
- b) minimize the waste of materials, water and other limited resources;*
- c) create livable, healthy, accessible and inclusive environments; and*
- d) reduce greenhouse gases.*

##### ii) Policies

- b) in new buildings, Leadership in Energy and Environmental Design (LEED) principles;*
- d) alternative energy sources, including solar and appropriately sized rooftop mounted wind collectors. Such technologies should be sensitively incorporated into buildings and community design;*
- f) a range of residential dwelling types that support life-cycle housing and provide opportunities to age-in-place;*
- i) food production opportunities throughout the site. This includes but is not limited to community gardens, private gardens, greenhouses, roof-top gardens and edible landscaping programs; and*
- l) the employment of building technologies such as “greenroofs.” Alternately, the use of reflective roof surface materials with high solar and thermal reflectivity to reduce the “heat island” effect is also desired.*

#### 20.5.3.4 Community Parkland and Trail Network i) Pathways and Trails

- a) *Pedestrian pathways and trail development will be focused along the central corridor through the community extending from Dingman Creek to Southdale Road West (and beyond), and include the Sandra McInnis Woods, Thornicroft Drain, Pincombe Drain and hydro corridor. These corridors are intended to provide major pedestrian and cycling linkages within the overall community parkland network.*
- c) *The multi-use pathway network shown on Schedule 2 is intended to function as recreational pathways for pedestrians and cyclists.*
- d) *Subdivision design shall incorporate and provide connections of linear pathway/trail and park systems within residential neighbourhoods and between neighbourhoods where possible, and provide significant exposure of the open space feature to the residential community.*

#### 20.5.3.4 Community Parkland and Trail Network ii) Parks

- a) *The general location of neighbourhood and district parks is illustrated on Schedule 2. Further refinement of the location, size and configuration of these parks will be undertaken at the subdivision approval stage*
- b) *An adequate distribution and balance of active parkland and play equipment shall be provided within an 800 metre radius of new residential development, without crossing major barriers such as railways, rivers or major roads.*
- e) *Through the subdivision design and approval process, efforts will be made to incorporate neighbourhood and district parks in proximity/adjacent to natural heritage features, and provide appropriate linkages to protect and enhance the natural heritage features.*

#### 20.5.3.6 Natural Heritage – i) Components of a Natural Heritage System

##### c) Other Natural Heritage Features

*Natural Heritage Features other than the Dingman Creek, which are identified on Schedule B-1 of the Official Plan will be confirmed and/or delineated through the recommendations of an approved Environmental Impact Study in accordance with Section 15 of the Official Plan. Ecological buffers will be established for Natural Heritage Features based upon the recommendations of an approved Environmental Impact Study (EIS) in accordance with section 15 of the Official Plan*

##### d) Development Limit

*Where development occurs within distances adjacent to natural heritage features that trigger the need for an Environmental Impact Study (EIS) as set out in Table 15-1 of the Official Plan, an EIS will be scoped to confirm and delineate the natural feature, to determine the appropriate ecological buffer and to provide details on the Open Space system and naturalization opportunities to integrate the system with the adjacent features to be protected.*

#### 20.5.3.6 Natural Heritage – ii) Enhanced Open Space Corridors

*In order to enhance open space opportunities within the Southwest Area, the City will seek to locate open space corridors adjacent to key natural heritage features. These corridors are intended to provide for uses such as trails, active and passive parkland and stewardship opportunities.*

*These enhanced open space corridors are intended to build upon the natural heritage system in the Southwest area and will help to create unique communities and neighbourhoods linked by an integrated open space system. Where there are no natural features to build upon, these corridors may, over time, provide open space connections between natural features. It is intended that these corridors will provide both active and passive recreation opportunities and will form a component of the Southwest area park system.*

#### 20.5.3.6 Natural Heritage – iii) Tree Planting Standards and Stewardship Practices

- a) All landscape plans for new development and the re-development of existing sites within the Southwest Area Secondary Plan shall comply with tree planting standards and other tree canopy cover targets established for each land use as identified in the Urban Forest Strategy;*
- b) Wherever possible, enhanced tree planting will be encouraged in exterior side yards along local streets; and*
- e) Encourage the use of large stock tree-planting for development adjacent to arterial roads. The use planting technologies and standards to provide for long term and sustainable growth is encouraged.*

#### 20.5.3.8 Transportation - i) General Policies

*The transportation network within this Plan consists of Arterial, Primary and Secondary Collector roads. Local Streets may connect to appropriately designed arterial roads to provide new connections to the community neighbourhoods. The local street pattern will provide an organizing structure for each of the Neighbourhood areas.*

- a) The street patterns shall support pedestrian-oriented development patterns, with strong relationships to the natural heritage features in the Southwest Planning Area;*
- b) The Neighbourhood area street pattern shall support transit, cycling and walking;*
- c) At the subdivision and/or site plan application stage, traffic controls, including the provision of signalized intersections and turning movements, and street frontages that may be subject to full or partial restrictions on individual driveway access, shall be identified as part of the appropriate traffic studies required as part of a complete application;*
- h) Long stretches of on-street parking on local roads shall be broken-up with landscaped “bump-outs” sufficiently sized to support boulevard trees; and*
- i) Mitigation and replacement of any natural heritage feature that may be impacted or lost as a result of roads shall be required.*

#### 20.5.3.9 Urban Design

##### i) Development Design Policies

- a) All development, particularly in the Wonderland Boulevard, Lambeth Village Core, Neighbourhood Central Activity Nodes and residential areas, shall be designed in a form that is to be compact, pedestrian oriented and transit friendly;*
  - c) Development shall be based on a modified grid road system with interconnected networks of roads designed to disperse and reduce the length of vehicular and pedestrian trips and support the integration and long term viability of transit service. For local roads, the modified grid road system will respond to topography, the Open Space System and the nodal areas identified in the Plan. Cul-de-sacs will generally be permitted only when warranted by natural site conditions;*
  - d) The Open Space System forms a central feature of the Planning Area and the development form should reflect this fact. In addition, an interconnected system of trails will be developed that supports recreation, transit and transportation and connects the Wonderland Boulevard, Lambeth Village Core and the Neighbourhood Central Activity Nodes.*
  - e) Public safety, views and accessibility, both physically and visually to the Open Space System, as well as to parks, schools and other natural and civic features, will be an important consideration in community design. This will be accomplished through a range of different approaches including, but not limited to, the use of single loaded roads, combining public open space with other public or institutional facilities (e.g. school/park campuses, easements, stormwater management ponds adjacent to the Open Space System) and the location of high density residential and employment buildings.*
- Priority will be given to maintaining views and accessibility at key trail access points of the Open Space System. In addition, views to other public facilities, such as schools and parks, shall be ensured through the provision of a minimum of a combination of a*

*public right-of-way and/or open space immediately adjacent to a minimum of 50 percent of the perimeter of the property*

*i) The length of the block contributes significantly to creating a pedestrian-friendly environment. Blocks should be short and regular in length to make walking efficient and allow for variation in routes. Where it is impossible or undesirable to provide short blocks, wide public mid-block corridors should be provided to shorten walking distances. Development adjacent to such connections shall be designed to provide an active building facade for a minimum of 50 percent of the length of the pedestrian connection;*

*j) Views of the following features shall be created at appropriate locations:*

- Civic buildings;*
- Natural features and open spaces;*

*l) Safe Community Design is to promote safety, security and accessibility in public spaces through urban design including the design and siting of buildings and structures that:*

- Encourages continuous occupancy of public spaces;*
- Provides for opportunities for visual connections and ease of public access to adjacent streets, parks and other public areas;*
- Results in clear, unobstructed views of parks, school grounds, and open spaces from adjacent streets;*
- Ensures appropriate lighting, visibility and opportunities for informal surveillance are provided for walkways, parking lots, parking garages and open space areas;*
- Results in the selection and siting of landscape elements in a manner which maintains views for safety and surveillance;*
- Encourages the provision of views into, out of and through publicly accessible interior spaces;*
- Precludes entrapment or the perception of entrapment through properly identified exits and signage; and,*
- Results in accessibility for the disabled and elderly;*

*m) Community linkages will be established to connect other parts of the city where possible through road, transit, pedestrian and bicycle links, to ensure that the entire city functions in an integrated manner; and*

*m) Community linkages will be established to connect other parts of the city where possible through road, transit, pedestrian and bicycle links, to ensure that the entire city functions in an integrated manner.*

## *ii) Public Realm a) Local Streets*

*Local streets play a dual role as neighbourhood socialization spaces, as well as supporting transportation needs. The design requirements, while less substantial than for arterial and collector streets, must support the dual role of local streets;*

*b) Sidewalks shall generally be required on both sides of all streets;*

*c) Street furniture such as lighting, signage, parking meters, bicycle parking facilities, newspaper boxes, utilities, and garbage facilities shall be designed and placed within a consistent and integrated system of form, pattern, shape, colour, and texture to avoid clutter. Utilities will be grouped or clustered wherever possible and shall not compromise the overall intended character and design response for the street as identified in this section and associated Neighbourhood policies; and*

*d) Pedestrian/cyclist comfort and safety shall be considered in the streetscape design for roads under the control of the City of London.*

## *iii) Buildings and Site Design*

*a) Buildings, structures and landscaping shall be designed to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street. Generally, heights of buildings shall also be related to road widths to create a more comfortable pedestrian environment, so that the wider the road width, the higher the building height;*

*c) Buildings on corner lots at the intersections of arterial and collector roads shall be sited and massed toward the intersection;*

*d) The rear and side building elevations of all buildings on corner lots shall be designed to take advantage of their extra visibility;*

- e) *In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, attached garages shall not:*
- *project beyond the façade of the dwelling or the façade (front face) of any porch; or*
  - *contain garage doors that occupy more than 50% of the frontage of a lot unless the City is satisfied through the submission of detailed plans by the applicant that the garage doors can be appropriately integrated with the streetscape;*
- g) *Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by:*
- *screening of the parking lot at the public right-of-way through the use of features such as low fences, walls and landscaping and in a manner which reflects the safe community design policies of this Section;*
  - *parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings;*
  - *the use of landscaping or decorative paving to reduce the visual expanse of large parking areas;*
  - *provision of pedestrian walkways adjacent to stores, between building clusters, and to provide pedestrian access to transit stops, public sidewalks and adjacent developments.*
- h) *All commercial and office development proposals shall demonstrate safe, effective and accessible pedestrian and bicycle and transit oriented transportation linkages from residential areas, and between and within these developments;*
- i) *Landscaping requirements shall ensure:*
- *the creation of a human scale within new development;*
  - *the enhancement of pedestrian comfort;*
  - *the provision of features which contribute to the definition of public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions; and*
  - *landscape design that promotes the use of native species and enhancement of ecological stability and integrity to reduce the heat island effect.*

#### 20.5.4.1 Residential

##### i) Function and Purpose

*It is intended that the Low, Medium and High Density Residential designations will support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”;*

##### iii) All Residential Designations in all Neighbourhoods

a) *Access to Arterial Roads The primary transit network is expected to be provided on the arterial roads. For all Draft Plan of Subdivision, Consent and Site Plan applications that include land within 400 metres of an arterial road, the requirements for a complete application shall include the submission of a plan that demonstrates the provision of viable, safe and effective pedestrian linkages to the arterial road, to provide pedestrian access to potential future transit services. Public streets are preferred, however, pathway connections may be considered on a case-specific basis;*

c) *Mix of Residential Forms Plans of subdivision shall accommodate a diversity of building types.*

#### 20.5.4.3 Open Space

##### i) Function and Purpose

*The Open Space designation will apply to lands within the Southwest Planning Area that are intended for active and passive recreation, and that are components of the city’s natural heritage system.*

*The Open Space designation is made of four sub-areas:*

- *Public Parkland – Active Recreation;*
- *Public Parkland – Urban Parks;*
- *Natural Heritage/Environmental; and*
- *Stormwater Management.*

ii) Character

*a) Public Parkland - Active Recreation – This area will have an active recreation character. The primary design focus will be to accommodate neighbourhood recreational needs such as multi-use and recreational pathways, play structures, basketball, skateboarding and playing fields. Opportunities for passive recreation are also to be integrated into active recreation park spaces; and*

*c) Natural Heritage/Environmental – This open space area is intended to protect the features and functions of the Natural Heritage System. In addition to providing opportunities to enhance the natural heritage system through naturalization and restoration of environmental buffers and linkages, it may allow for pedestrian trails and other forms of passive recreation, where appropriate.*

#### 20.5.5 Neighbourhoods and Land Use

This Secondary Plan is organized on the basis of Neighbourhood Areas which have specific functions and characteristics implemented by special policies pertaining specifically to the land use designations within that Neighbourhood. The subject lands are within the Bostwick Residential Neighbourhood which include the following policies:

#### **20.5.9 Bostwick Residential Neighbourhood**

i) Function and Purpose

*The Bostwick Neighbourhood will provide for residential development with the highest intensity of all of the Residential Neighbourhood Areas in the Southwest Planning Area, to support activities in the Wonderland Boulevard Neighbourhood.*

*Higher intensity mid-rise, transit-oriented development is encouraged along portions of the arterial road network to support the provision of transit services as detailed in Section 20.5.4.1 iv) of the General Residential policies.*

ii) Character

*The residential areas will develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the city, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day to day living experience.*

#### 20.5.9.2 High Density Residential

i) Intent

*The High Density Residential designation provides for transit-oriented, mid-to high-rise, residential development that may be mixed use in nature.*

ii) Permitted Uses

*Permitted uses in the High Density Residential designation shall include mid-rise to high-rise apartment buildings, apartment hotels, nursing homes, rest homes, and homes for the aged. Convenience commercial uses and secondary permitted uses, including community centres, allowed in the High Density Residential designation of the Official Plan may be permitted within these areas.*

iii) Built Form and Intensity

*a) New development may be permitted to a maximum density of 150 units per hectare*

*and a maximum building height of 12 storeys, subject to further urban design review at the site plan approval stage;*

*b) The Urban Design policies of Section 20.5.3.9 and the General Residential policies of Section 20.5.4.1 of this Plan shall apply;*

*c) Notwithstanding Section 20.5.9.2(iii)(a), Sections 3.4.3(ii) and (iv) of the Official Plan shall apply.*

#### 20.5.17.1 Appendix 4: Official Plan Extracts – Policies

Relevant policies from the 1989 Official Plan have been included in the Secondary Plan to ensure that the policies that are required to fully implement the Secondary Plan are carried forward and become part of this Secondary Plan. Where policies of the 1989 Official Plan are referenced in the Secondary Plan and are not carried forward, it is the intent that this Secondary Plan is to be read in conjunction with the policies of The London Plan.

#### 20.5.17.3 - 3.4.3 Scale of Development

Further to the built form and intensity policies in section 20.5.9.2 iii) of SWAP, the ‘Scale of Development’ policies set out in section 3.4.3 ii) & iv) apply and include the following: Height and Density outside of the Downtown and Central London Areas are guided by the following policies:

##### i) Height and Density outside of the Downtown and Central London Areas

*Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:*

*(a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;*

*(b) all areas shall include a diversity of housing forms such as midrise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;*

*(c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;*

*(d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and*

*(e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of an secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.*

##### ii) Criteria for Increasing Density

*Notwithstanding Section i) above, on any lands designated Multi-Family High Density Residential, Council may consider proposals to allow higher densities than would normally be permitted. Zoning to permit higher densities will only be approved where a development will satisfy all of the following criteria:*

*(a) the site or area shall be located at the intersection of two arterial roads or an arterial and primary collector road, and well-served by public transit;*

*(b) the development shall include provision for unique attributes and/or amenities that may not be normally provided in lower density projects for public benefit such as, but not limited to, enhanced open space and recreational facilities, innovative forms of housing and architectural design features;*

*(c) parking facilities shall be designed to minimize the visual impact off-site, and provide for enhanced amenity and recreation areas for the residents of the development;*



- (d) conformity with this policy and urban design principles in Section 11.1 shall be demonstrated through the preparation of an secondary plan or a concept plan of the site which exceed the prevailing standards; and*
- (e) the final approval of zoning shall be withheld pending a public participation meeting on the site plan and the enactment of a satisfactory agreement with the City.*

iv) Density Bonusing

*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.*

1989 Official Plan 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.*

i) Principle

*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.*

ii) Objectives

*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.*

The London Plan - City Design Policies 193 (1989 Official Plan – Chapter 11 Policies)

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;*
3. *A high-quality, distinctive and memorable city image;*
4. *Development that supports a positive pedestrian environment;*
5. *A built form that is supportive of all types of active mobility and universal accessibility;*
6. *High-quality public spaces that are safe, accessible, attractive and vibrant;*
7. *A mix of housing types to support ageing in place and affordability;*
8. *Sustainably designed development that is resilient to long-term change; and*
9. *Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.*

The London Plan - 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.”*

The London Plan - Affordable Housing 516

*New neighbourhoods will be planned to include a variety of different housing types such that it is possible for people to remain in a neighbourhood as their housing needs change over time (509);*

*A target of 25% of new housing, in aggregate, is to be affordable to low- and moderate-income households as defined by the Provincial Policy Statement and this Plan. This target may be met through residential greenfield development and the many forms of intensification identified in the City Structure policies of this Plan (517); and Secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (518).*

## 4.0 Matters to be Considered

A complete analysis of the applications is underway and includes a review of the following matters, which have been identified to date:

### Provincial Policy Statement (PPS)

- Consideration for the consistency with policies related to the provision of an appropriate mix and intensity of uses, and efficient use of land, infrastructure and services

### Range of Uses

- If the range of residential, open space and park uses are appropriate

### Intensity

- If the requested intensity for each of the two proposed development blocks is appropriate for their site, surrounding context, and able to be serviced
- If the proposed intensity is consistent with the Our City, Our Strategy, City Building, Intensification Targets, City Structure, and Place Type policies

### Bonusing

- If the requested bonus zone results in enhanced public benefit and is commensurate to the increased height and density requested

### SWAP

- Conformity to policies related to the appropriateness of the level of proposed intensity in the Bostwick Neighbourhood and broader secondary plan

### Technical Review

- Functional servicing analysis and available sanitary capacity to accommodate the proposed intensity
- A review of the Transportation Impact Assessment to ensure no negative impacts on existing roads, and to ensure future road construction can be managed through the consent/subdivision applications
- Ensure appropriate and desirable design of towers and consideration before the Urban Design Peer Review Panel

### Zoning

- Suitability of the requested bonus zones and amendments in relation to the proposed development and neighbourhood
- Suitability of the requested Open Space (OS4) to delineate the extent of the Thornicroft Drain

More information and detail is available in the Appendices of this report.

**5.0 Conclusion**

Development Services staff will continue to review the merits of the draft plan of subdivision and Zoning By-law Amendment applications and the comments received with respect to the requested planning applications. A subsequent planning report will be prepared when the review is complete, including a recommended action for the consideration of the Planning and Environment Committee and Municipal Council.

<b>Recommended by:</b>	<b>Sonia Wise, MCIP, RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
/sw

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

Z:\Shared\ADMIN\1- PEC Reports\2018 PEC Reports\15 - Oct 09 '18 PEC\draft\_39T-18502\_Z-8931-3080\_Bostwick\_Rd\_subdivision\_PEC\_Report\_1\_of\_1.docx

## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On August 17, 2018, Notice of Application was sent to 552 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 16, 2018. A “Planning Application” sign was also posted on the site.

7 replies were received

**Nature of Liaison:** The purpose and effect of these applications would be the creation of a high density residential subdivision consisting of apartment buildings, stacked townhouse dwellings, a park and open space, and access via new street connections to Southdale Road and Bostwick Road.

Consideration of a Residential Draft Plan of Subdivision with two (2) high density residential blocks with an estimated total of 504 residential units (consisting of multiple apartment buildings and stacked townhouse dwellings), one (1) park block, one (1) open space block, and one (1) 0.3 m reserve, all served by three (3) new local roads (Street A, Street B, and Street C).

Possible Amendment to Zoning By-law Z.-1 to change the zoning FROM an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone TO: a) a Residential R9 Bonus (R9-7\*B-(#)) Zone – to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. A bonus zone is requested to permit townhouses and stacked townhouses with a maximum height of 13m and a minimum front yard setback of 6m; an apartment building with a maximum height of 70m, a density of 193 units per hectare, a reduced exterior side yard setback of 0.4m, a reduced rear yard setback of 22m, in return for such facilities, services and matters identified in section 19.4 of the 1989 Official Plan, and policies 1638-1655 of The London Plan such as underground parking and enhanced urban design; b) a Residential R9 Bonus (R9-7\*B-(##)) Zone – to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. A bonus zone is requested to permit townhouses, an apartment building with a maximum height of 68m, a density of 269 units per hectare, a minimum front yard setback of 6.5m, a reduced interior side yard setback of 12m, a reduced rear yard setback of 12m, and a reduced number of parking spaces (with 325 spaces provided), in return for such facilities, services and matters identifies in section 19.4 of the 1989 Official Plan, and policies 1638-1655 of The London Plan such as underground parking and enhanced urban design; c) Open Space (OS2) Zone – to permit conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campground, and managed forest; commercial recreational establishments, community centres, institutions, private outdoor recreation clubs, public swimming pools, recreational buildings, riding stables, sports fields, golf driving range, miniature golf course, go kart track, batting cages, tennis court and playground; d) Open Space (OS4) Zone – to permit conservation lands, conservation works, golf courses, private parks, public parks, recreational golf courses cultivation or use of land for agricultural/horticultural purposes, and sports fields without structures; e) Urban Reserve Special Provision UR4( ) Zone – to permit existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside put, passive recreation uses, kennels, private outdoor recreation clubs, and riding stables with a special provision for a reduced lot size of 2ha. Holding provisions may be considered for urban design, municipal servicing, and phasing.

**Responses:** A summary of the various comments received include the following:  
Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety

- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

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

Telephone	Written
Tom Brimson 12-1015 Farnham Rd London ON N6K 1S3	Amanda Nash 1172 Dalhouse Dr London ON N6K 2Y1
Jim Cressman 957 Dalhousie Dr London ON N6K 1M8	Susan Spencer-Paton 31 Brixham Road London ON NK 1P5
Wing Man Lin	Esther Corcoran 143 McMaster Drive London ON N6K 1J5
	Ed Morrison

From: amanda nash [mailto: ]  
 Sent: Monday, August 27, 2018 3:23 PM  
 To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
 Subject: 3080 bostwick rd development

As a resident of Dalhousie dr. We are concerned about traffic on surrounding streets. Traffic is already horrific on southdale and very often backs up through the intersection of Bostwick rd and Southdale rd. It will often back up through the lights at Wonderland and as far west as Colonel Talbot at times. If you add in another potential 1000 plus units that could make this neighbourhood basically inaccessible at many times of day.

With the added population density where will the children go to school ? If even half of the 1000 plus units even have just 2 children where do you suggest these schools put 1000 more students ? The plans do not show any plans for a new school building, so that means our children who already go to these crowded schools will suffer greatly from the overpopulation of their class rooms and school fundings will be stretched even thinner.

LONDON CONDOMINIUM CORPORATON # 15  
31 Brixham Road, London ON N6K 1P5

September 4, 2018

Sonia Wise  
[swise@london.ca](mailto:swise@london.ca)

Dear Ms. Wise:

**Re: Planning Application, 3080 Bostwick Road**

We represent London Condominium Corporation # 15 which consists of 43 townhouse units along McMaster Drive, Brixham Road, Dalhousie Crescent and Farnham Road. Although we are pleased to finally see that the weeds and mounds of dirt at the corner of Bostwick and Southdale replaced by development, we have concerns about the increase in traffic that it will bring to the area and through our streets.

Although, the majority of our condominium residents are seniors and mature adults, there are also many children living in the area and using these streets to attend the three schools in Westmount. Even without the addition of the proposed 1,670 new residents, plus expanse of commercial retail and office use, the traffic along Southdale Road and through our streets has increased tremendously over the past couple of years. With the addition of this number of residents without improvements, the traffic congestion and safety of pedestrians is a great concern.

We urge the City to implement the recommendations for road improvements proposed in the Environmental Study presented by York Developments in 2017, prior to the completion of and new high rise buildings on Southdale Road

Respectfully submitted,

*Susan Spencer-Paton*  
Susan Spencer-Paton  
President

*Doris E. Hall*  
Doris E. Hall  
Treasurer

Email: [REDACTED]

Cc: Anna Hopkins [ahopkins@london.ca](mailto:ahopkins@london.ca)  
Virginia Ridley, [vr Ridley@london.ca](mailto:vr Ridley@london.ca)

1

**From:** Esther Corcoran [mailto:[REDACTED]]  
**Sent:** Monday, September 17, 2018 8:16 PM  
**To:** Wise, Sonia <[swise@london.ca](mailto:swise@london.ca)>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Ms. Wise,

I also forgot to add that to better serve the community and our city, with all the new developments that there is limited affordable homes and rentals with the tightening of the requirements for obtaining a mortgage this greatly impacts young families, single people and those that have already retired and those approaching retirement. People on restricted income or a lack of income growth (eg - seniors), that affordable housing or single family homes are also required. There is a small circle of homes within our subdivision of detached homes that have yards slightly larger than townhome has. Many of them are single floors and this is something that is also needed for those just entering the housing market, downsizing or disabled.

Thank you

Esther Corcoran

-----original message-----

**From:** Esther Corcoran [mailto: ]  
**Sent:** Sunday, September 16, 2018 8:39 PM  
**To:** Hopkins, Anna <ahopkins@london.ca>  
**Cc:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Anna,

We reside in Westmount and would like to share some of our concerns for the proposals for 3080 Bostwick Road. At this time, traffic from Wonderland Rd. S., to Colonel Talbot Rd along Southdale Rd is extremely heavy especially during the early hours and later afternoon (eg - 7am-10am & 4pm-6pm). With the proposed additions of housing the traffic will increase drastically and Southdale is not equipped to handle the increase in traffic and should be expanded prior to any more additional housing being built.

Proposal for Site 1 - the residential apartment building(s) are too high for the surrounding neighborhood as proposed at 21 & 18 storeys high. They should be no higher than 14 storeys. Concern is two fold in that should there be a power outage or fire, any elderly, disabled, expectant mother, young children would have a difficult time in descending 21 or 18 storeys to safety. The other concern is for surrounding homes that may be utilizing satellite signals that the height of such a high rise may disrupt the signal.

Proposal for Site 3 - would be the same as above as it is being proposed for a 17 storey apartment building.

Proposal for Site 5 - It is not clear as to how many parking spaces will be available for 168 units. Many seniors continue to drive.

Our final concern for all proposals is that there should be a spot for each apartment building that allows for easy access for para transit vehicles (eg Voyager etc.) so that they can easily get in and out for pick ups and drop offs. Many newer buildings aren't allowing easy access for these vehicles.

Sincerely,

Esther Corcoran

**From:** Ed Morrison [mailto: ]  
**Sent:** Thursday, September 27, 2018 11:54 AM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Development

Hello Mrs. Wise

My biggest concern so far is when the development will take place. The widening of Southdale from Pine Valley to Colonel Talbot is slated to be finished by 2030. If this development takes place before the widening it will further aggravate the already congested area.

Ed Morrison



**Agency/Departmental Comments**

August 1, 2018 – Urban Regeneration: Email Excerpt

No further archaeological work is required for the assessed area

August 8, 2018: Bell Canada – Email Excerpt

No conditions or objections at this time

August 8, 2018: Hydro one – Email Excerpt

No comments or concerns

August 30, 2018: Water Engineering – Email

*Zoning By-Law Amendment Z-8931*

Regarding the water servicing, as part of the Zoning By-Law Amendment Application for the subject parcels, we would request Holding Zone Provisions be applied as follows:

- A general “h” provision to ensure the orderly development of lands and the adequate provision of municipal services (i.e. to ensure the detailed design and agreement to construct the required watermain has been satisfied).
- An “h-100” provision to ensure the looped watermain discussed above is constructed, commissioned, and put into service.

*Draft Plan of Subdivision 39T-18502*

A review of Section 9.0 (Water Servicing) of the Final Proposal Report dated May 2018 identified a number of faulty assumptions pertaining to the water servicing to the proposed Draft Plan of Subdivision; we note the following:

- A looped watermain from the 400mm high-level watermain on Southdale Road through the Plan to the low-level 600mm watermain on Bostwick Road would not be permitted; no interconnection between the high and low-level systems, through a check-valve connection or otherwise.
- For watermain looping purposes, a Street ‘A’ watermain and secondary connection to the high-level 400mm watermain on Southdale Road is required. Depending on the existing Southdale Road watermain valving a new line valve may need to be installed on the 400mm main between the two connections to complete the loop.
- Direct water service connections for development Blocks 2 & 6 (and 1, 3, 5 from the original proposal) to the Southdale and Bostwick Road watermains would not be supported; the water servicing strategy for the subject lands is for these development Blocks to connect to the internal subdivision watermain.

*Draft Plan Conditions – Water Servicing*

1. The lands subject to this Draft Plan of Subdivision application are located within a high-level water distribution system service area; an adequately sized high-level watermain is required to be designed and extended along the internal local road network (Streets ‘A’, ‘B’ & ‘C’) with a looped connection to the 400mm watermain on Southdale Road West.
2. As a Condition of Draft Plan Approval the Owner shall have their consulting engineer develop to the satisfaction of the City Engineer a water servicing area plan for the external lands south of this proposed Draft Plan along Bostwick Road. This water servicing area plan shall size the watermains considering future development demands (fire & domestic), establish looped watermain alignment(s) to service the study limits, identify connections to existing watermains (high and low-level), and identify any required external works.

3. In conjunction with the consolidated detailed design the Owner shall have their consulting engineer prepare and submit a water servicing design study which addresses the following, all to the satisfaction of the City Engineer:
  - a) Water distribution system analysis & modeling and hydraulic calculations for the Draft Plan of Subdivision confirming system design requirements are being met;
  - b) Identify domestic and fire flows for the residential\development Blocks from the high-level water distribution system. In addition to Blocks 2 & 6 internal to the Plan, Blocks 1, 3 & 5 “external” to the Plan being created by Consent (B.032/18, B.033/18, B.034/18) are to be serviced off the subdivision internal watermain;
  - c) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
  - d) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
  - e) Include modeling for two fire flow scenarios as follows:
    - i. Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
    - ii. Max Day + Fire confirming the available fire flows at fire hydrants at 20PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
  - f) Identify any water servicing requirements necessary to provide water servicing to external lands through this Plan of Subdivision, incorporating existing area plans as applicable. This would not only encompass the lands immediately adjacent of Street ‘C’ to the south (part of the parent parcel), but also the external lands further to the south along Bostwick Road;
  - g) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
  - h) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
  - i) Identify the effect of development on existing water infrastructure – identify potential conflicts;
  - j) Include full-sized water distribution and area plan(s) which identifies the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings), the fire hydrant rated capacity & marker colour, and the design fire flow applied to development Blocks.
4. In conjunction with the consolidated detailed design the Owner shall have their consulting engineer prepare and submit a design acceptable to the City Engineer for the proposed watermain crossing the Dingman Creek Tributary “D” watercourse (Thorncroft Drain); considerations could include utilization of a specific product(s), joint restraint systems, casing pipe, strategic valve placement, and insulation.
5. 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.
6. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:
  - i. to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
  - ii. any incidental and/or ongoing maintenance of the automatic flushing devices;

- iii. payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
  - iv. all works and the costs of removing the devices when no longer required;
7. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing Issued: August 30, 2018 as set out in the accepted water servicing report, the Owner shall be required to submit revised plans and hydraulic modeling as necessary to address water quality.
8. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water servicing to this Draft Plan of Subdivision:
- v. Construct a looped watermain to serve this Plan along the internal road network (Streets 'A', 'B' & 'C') and connect them to the existing high-level municipal system, namely the existing 400mm diameter watermain on Southdale Road West;
  - vi. Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval; and
  - vii. Have their consulting engineer confirm to the City that the watermain system has been constructed, is operational, and is looped from the watermain on Southdale Road West through this Plan.
9. The Owner shall obtain all necessary approvals from the City Engineer for the servicing of all Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.
10. Where the allowable density of any development Block serviced internal to this Plan would trigger the requirement for a looped private water service connection, incorporate strategic valves on the internal watermains such that dual water service connections could be accommodated without having to cut-in valves in the future.
11. With respect to any proposed development Blocks the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this Plan, a warning clause advising the purchaser/transferee that if it is determined by the Ministry of Environment and Climate Change (MOECC) that the water servicing for the Block is a regulated drinking water system, then the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

## Appendix B – Policy Context

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

### Provincial Policy Statement, 2014

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
  - 1.1.3 Settlement Areas
- 1.7 Long-term economic prosperity

### London Plan

- 54 Our Strategy
- 79 Our City – City Structure Plan
- 193 City Design Policies
- 309 City Building Policies
- 516 Affordable Housing
- 916 Neighbourhoods
- 954 High Density Residential Overlay
- 1556 Secondary Plans
- 1577 Evaluation of Planning Applications
- 1645-1655 Bonus Zoning

### Southwest Area Secondary Plan

- 20.5.1.4 Principles of the Secondary Plan
- 20.5.2 Community Structure Plan
- 20.5.3 General Policies
  - 20.5.4.1 General Land Use Policies
- 20.5.5 Neighbourhoods
- 20.5.9 Bostwick Neighbourhood
- 20.5.17 Appendix 4: Official Plan Excerpts – Policies

### Official Plan

- 2.1 Council Strategic Plan
- 3.4. Multi-Family, High Density Residential
  - 11.1 Urban Design
  - 12 Housing
  - 15 Environmental Policies
  - 16 Parks & Recreation Policies
  - 19.4.4 Bonus Zoning
- 20 Secondary Plans

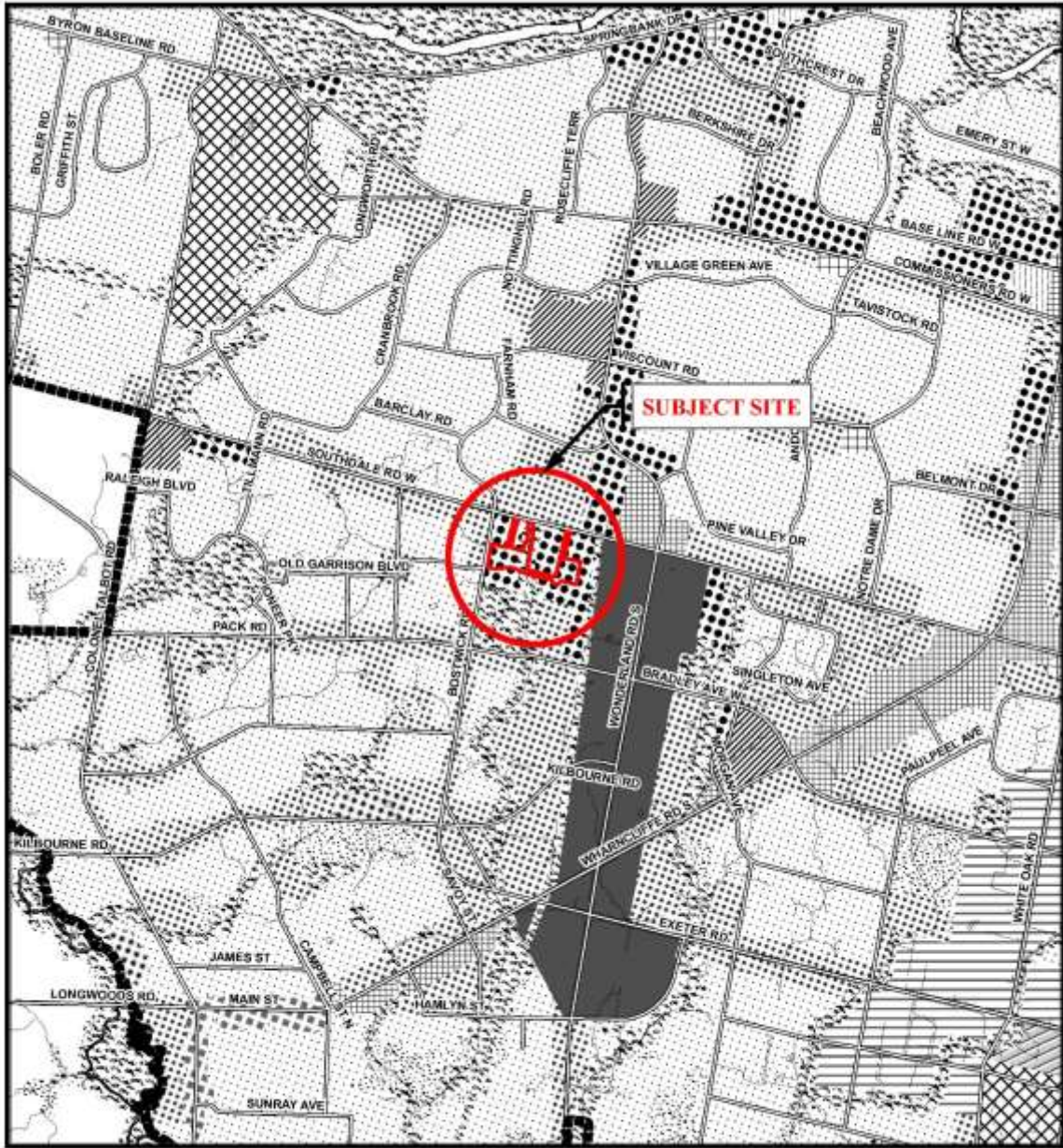
### Z.-1 Zoning By-law

- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 13: Residential R9 Zone
- Section 36: Open Space
- Section 49: Urban Reserve

**Appendix C – Additional Information**

**Additional Maps**



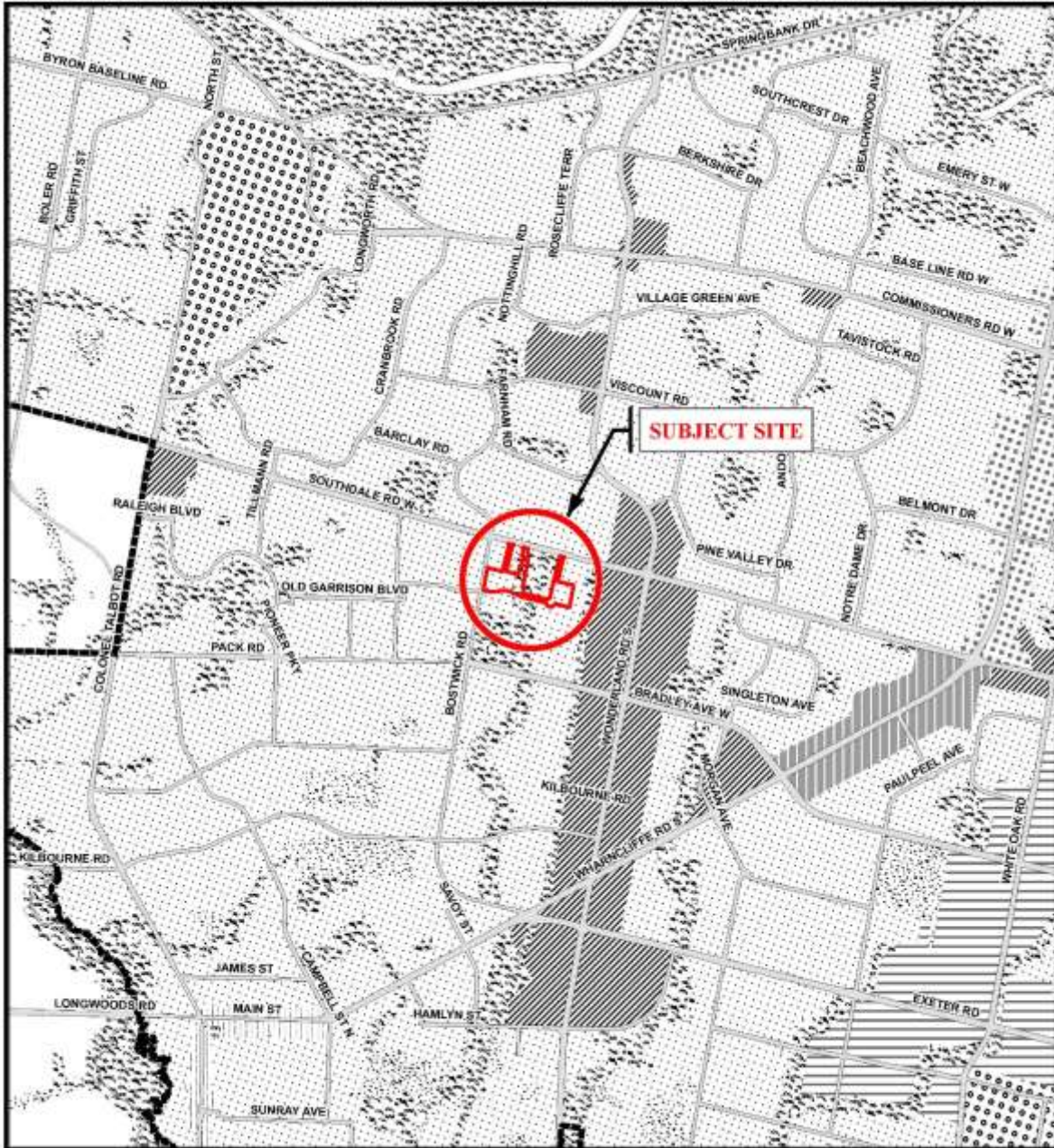


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b> Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39T-18502/Z-8931</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/09/29</p>

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**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:*

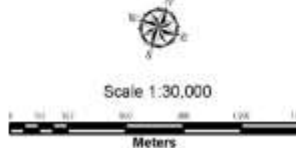
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
Development Services

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

PREPARED BY: Planning Services

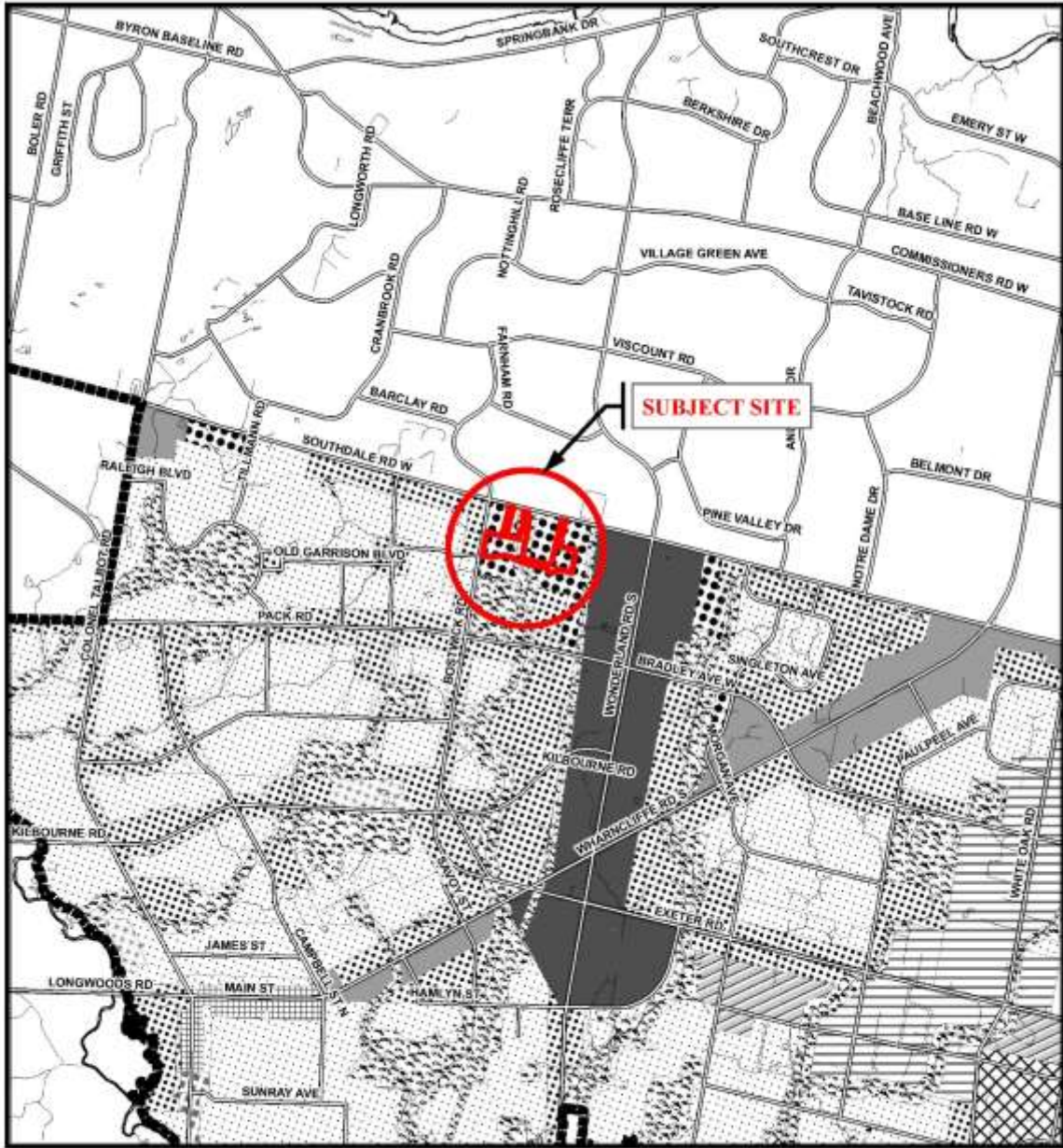


**File Number:** 39T-18502/Z-8931

**Planner:** SW

**Technician:** RC

**Date:** August 29, 2018



Legend	
	High Density Residential
	Medium Density Residential
	Low Density Residential
	Commercial
	Office
	Wonderland Road Community Enterprise Corridor
	Main Street Lambeth North
	Main Street Lambeth South
	Open Space
	Institutional
	Industrial
	Commercial Industrial
	Transitional Industrial
	Urban Reserve Community Growth
	Urban Reserve Industrial Growth
	Rural Settlement
	Urban Growth Boundary

<p><b>CITY OF LONDON</b> Planning Services / Development Services SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39T-18502/Z-8931</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/08/29</p>

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

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"Y" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**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:  
39T-18502/Z-8931 SW

MAP PREPARED:  
2018/08/29 RC

1:5,000  
0 25 50 100 150 200  
Meters

**Additional Reports**

OZ-6662: 2004 Request for Official Plan and Zoning By-law Amendments to develop site for various residential and commercial uses

O-7609: 2012 Council Approved Official Plan Amendments associated with Southwest Area Plan

Z-8386: 2014 Zoning by-law Amendment to facilitate the development of the Bostwick Community Centre

## 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:** Public Participation Meeting Report  
31675 Ontario Ltd (York Developments Inc)  
3080 Bostwick Road (Site 1)  
Public Participation Meeting on: October 9, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of 31675 Ontario Ltd (York Developments Inc) relating to a portion of the property located at 3080 Bostwick Road:

- (a) The comments received from the public during the Public Engagement process attached as Appendix "A" to the staff report dated September 28, 2018, **BE RECEIVED**
- (b) **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 of the subject application.

## Executive Summary

### Summary of Request

The requested amendment is to permit site-specific Official Plan and Zoning By-law Amendments to allow for a mixed-use development with two towers consisting of 18 and 21 storeys, and 3,000m<sup>2</sup> of commercial and office space, at a total density of 262 units per hectare.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the details of the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve the appeal rights of the public and ensure that Municipal Council has had the opportunity to review the requested Official Plan and Zoning By-law Amendments prior to the expiration of the 210 day timeframe legislated for Official Plan and Zoning By-law Amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation period; and
- iv) Bring forward a future recommendation report for consideration by the Planning and Environment Committee once the technical review is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site consists of 1.54ha of vacant land, which also forms part of a larger parcel of land owned by the applicant (approximately 15ha) with frontage on Southdale Road West and Bostwick Road. The portion of the site that is the subject of the Official Plan and Zoning By-law amendment is identified as “Site 1” which is located at the northwestern most part of the site, closest to the intersection of Southdale and Bostwick. The site is vacant and located south of an existing medium density neighbourhood situated on the north side of Southdale Road West.

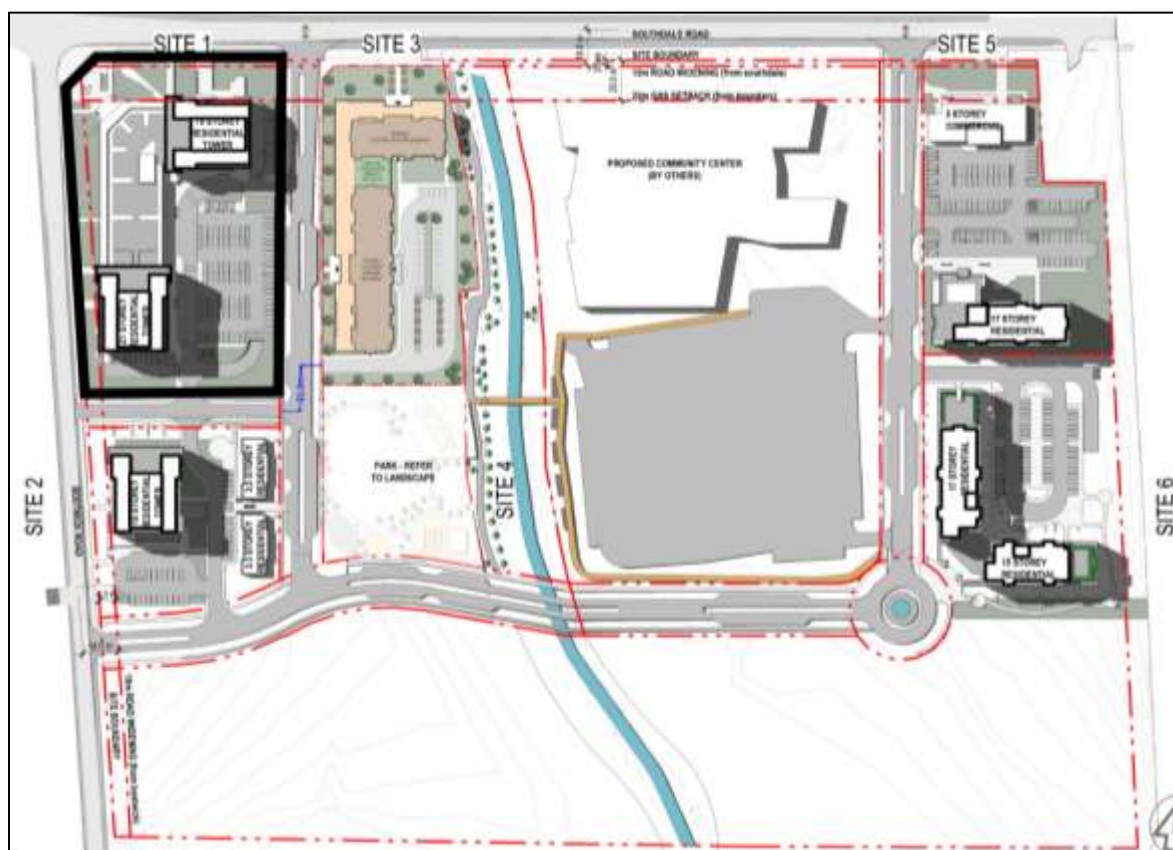


Figure 1: Proposed Master Development Plan

#### 1.2 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Multi-Family, High Density Residential (MFHDR)
- The London Plan Place Type – Neighbourhoods & High Density Residential Overlay
- Southwest Area Plan Designation – Multi-Family, High Density Residential (MFHDR)
- Existing Zoning – Urban Reserve (UR4) Zone

#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 99m (Southdale Road West)
- Depth – 164m (Bostwick Road)
- Area – 1.54ha
- Shape – Rectangular

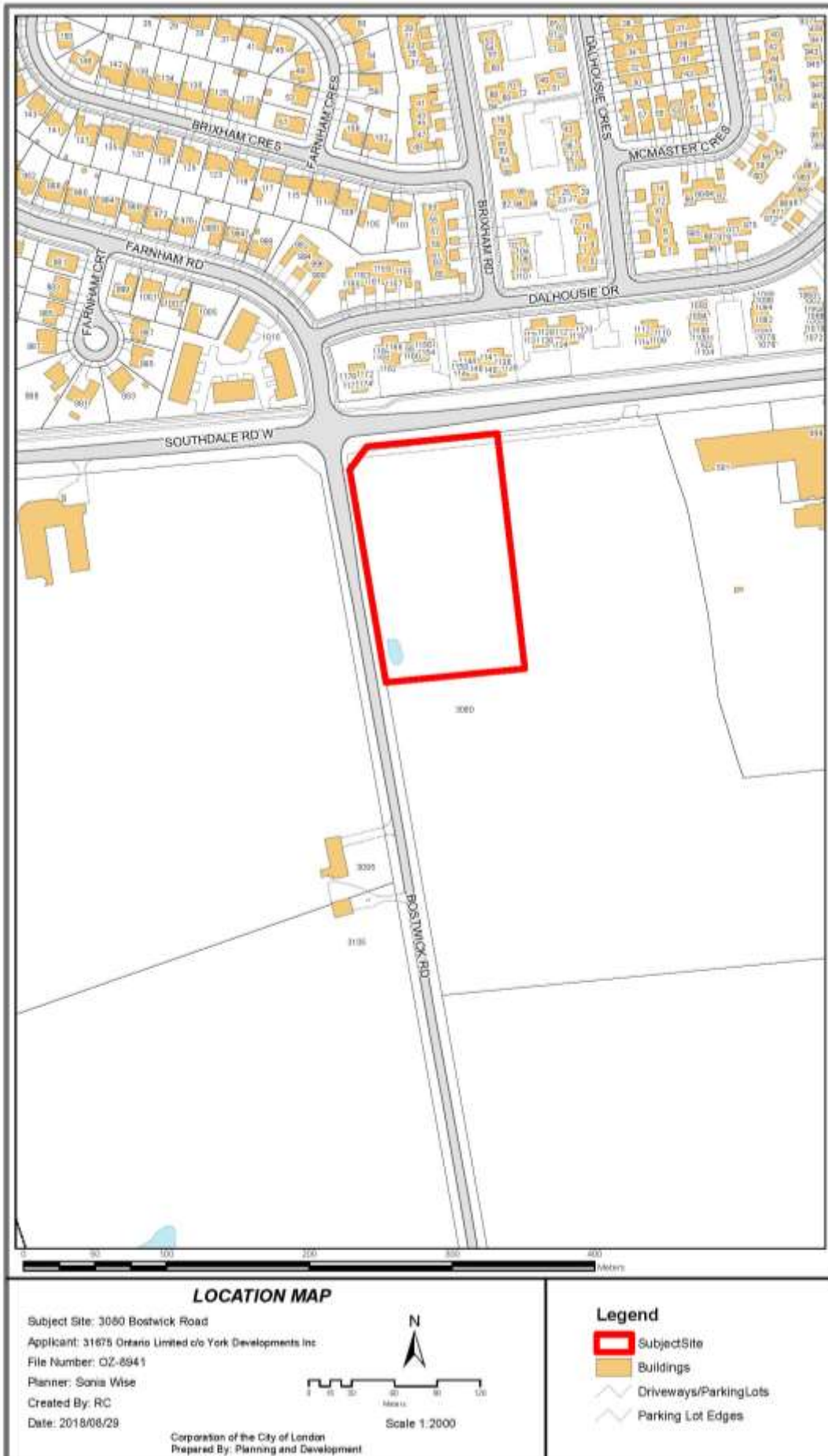
#### 1.4 Surrounding Land Uses

- North – Residential
- East – Vacant land & Community Centre
- South – Vacant land
- West – Vacant & Agricultural

**1.5 Intensification (identify proposed number of units)**

- 372 residential units are being proposed within Site 1 which is located outside of the Built-area Boundary, and Primary Transit Area

**1.6 Location Map**



**1.7 Consent Application B.032/18**

The subject site is also the subject of an application for consent to sever (B.032/18), to create the separate parcel, and retain the remainder of the lands for other development

proposals. The consent application is being considered concurrently with the requested Official Plan and Zoning By-law Amendments.

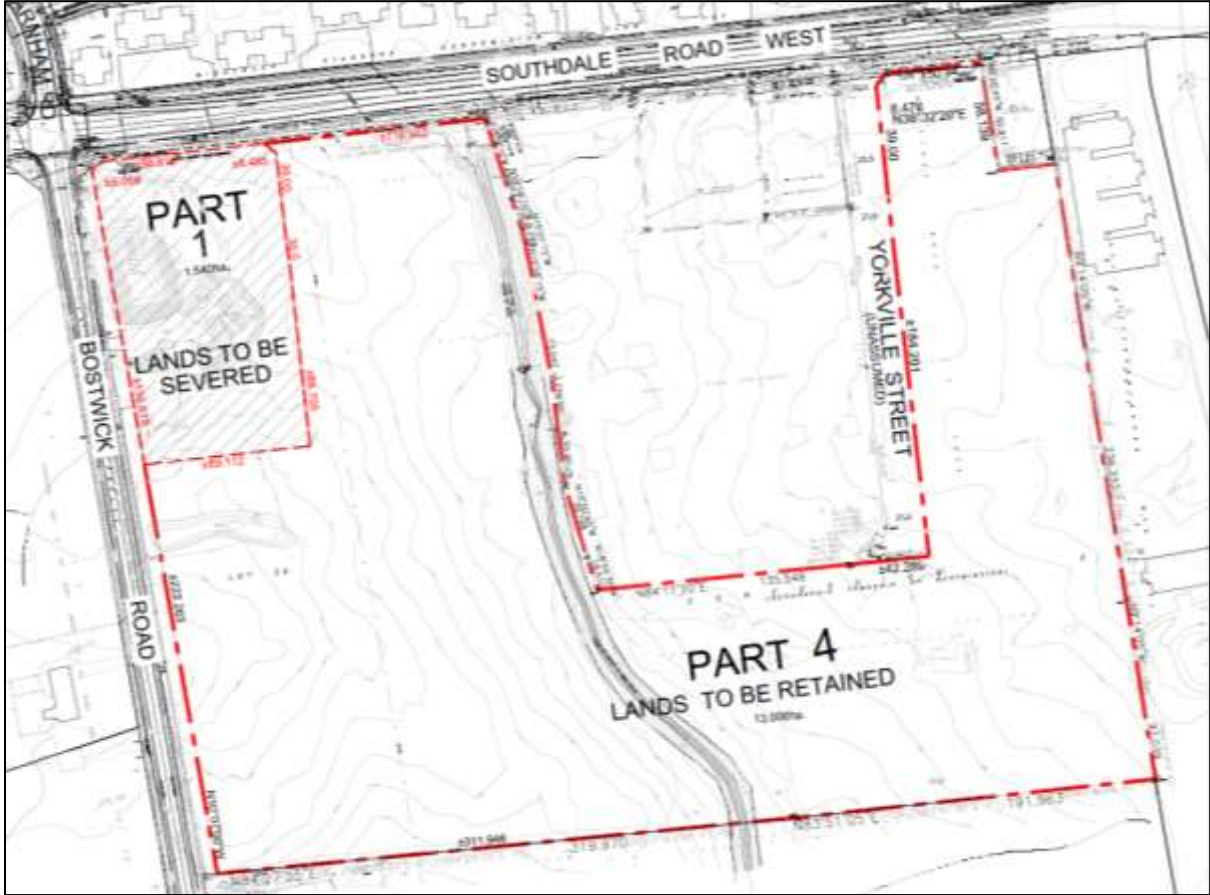


Figure 2: Proposed Severance Sketch B.032/18

**1.8 Subdivision Application 39T-18502**

The remainder of 3080 Bostwick Road to the south of Site 1 is the subject of an application for a draft plan of subdivision and Zoning By-law Amendment (39T-18502/Z-8931). The plan of subdivision is proposing three new roads, two new high density residential development blocks, an open space block and a new park block, as well as lands reserved for future development.

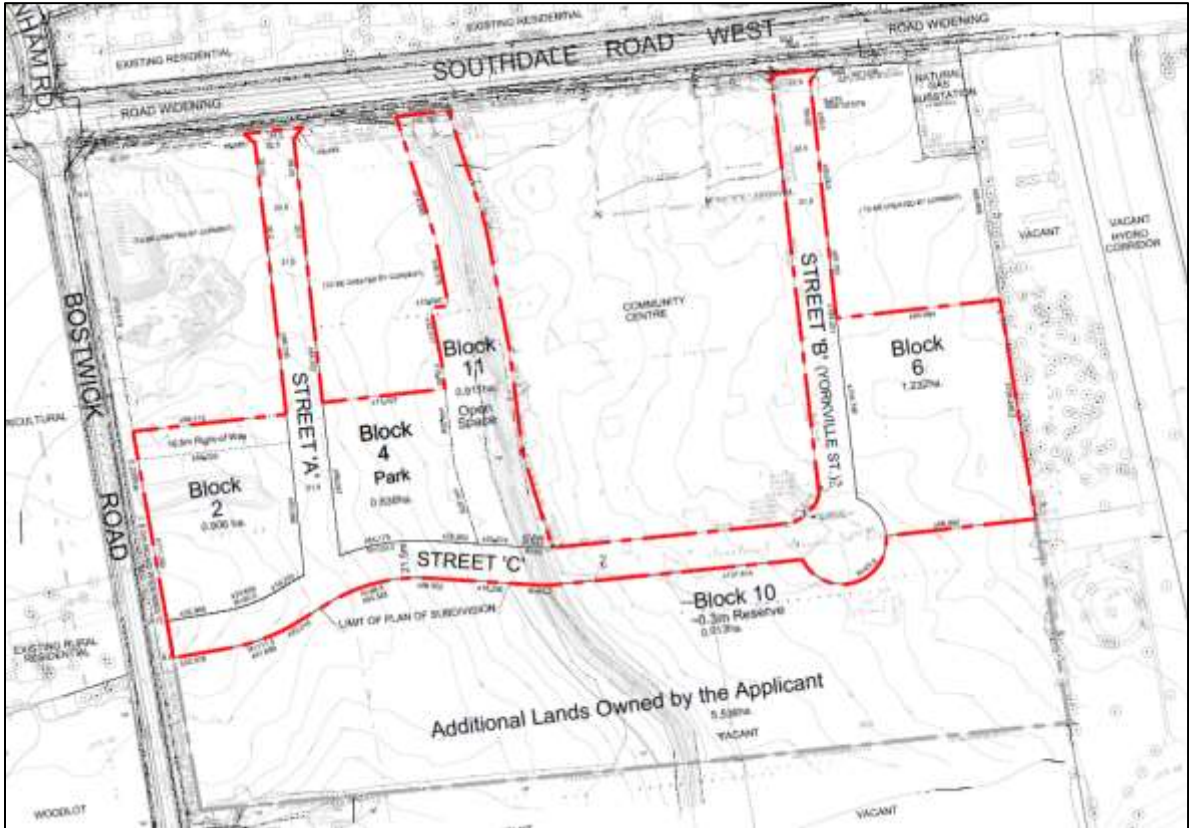


Figure 3: Proposed Draft Plan of Subdivision 39T-18502

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposal is for a mixed use development with residential apartments, offices and convenience commercial uses. There are two towers being proposed consisting of 18 and 21 storeys (77m). Both proposed towers are connected by a proposed five storey building containing 2,000m<sup>2</sup> of office space and 1,000m<sup>2</sup> of convenience commercial gross floor area. A wide range of convenience commercial uses are also being requested, including such uses as: studios, food stores, restaurants, personal service establishments, clinics, financial institutions and pharmacies.

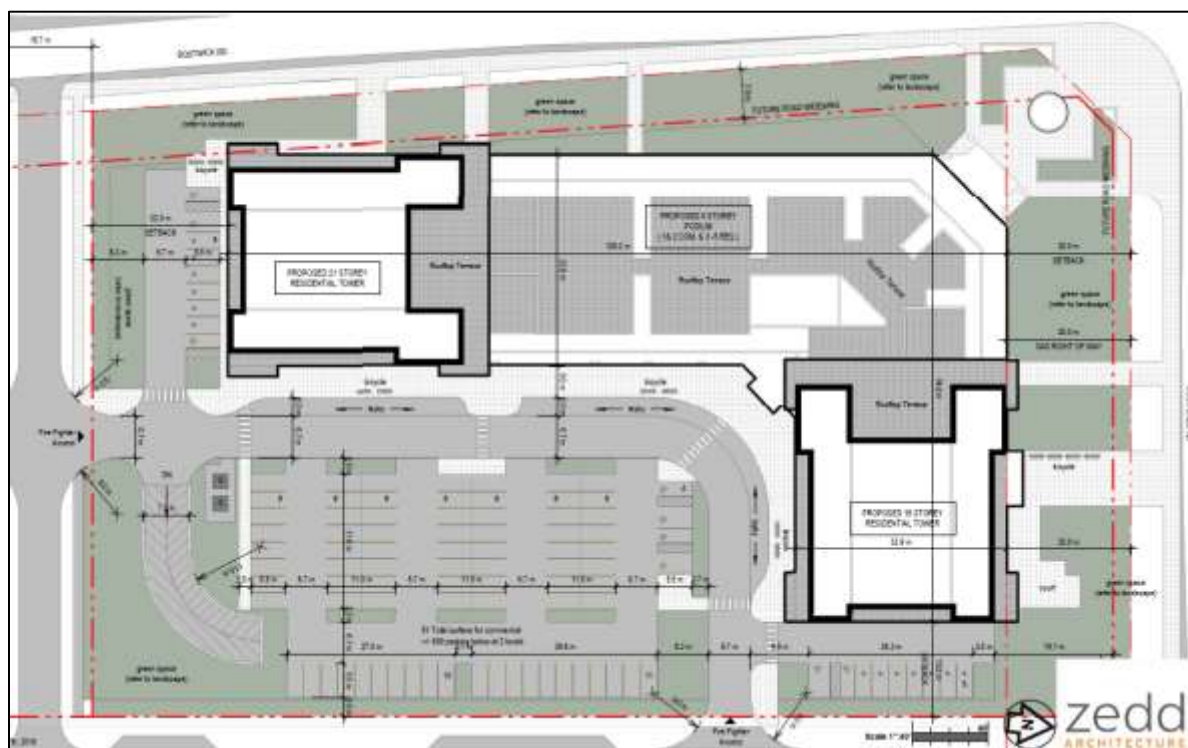


Figure 4: Conceptual Site Plan

There are a total of 372 residential units being proposed at a requested density of 262 units per hectare. A total of 725 parking spaces are proposed, located in two underground parking levels, and some surface parking spaces. Access is proposed from Street A to the east, as well as an east-west connection located to the south of the site.



Figure 5: Conceptual Rendering



Figure 6: Rendering – Southeast View

The increased height of 77m (21 storeys) and density of 262uph is requested through a site-specific bonus zone. The proposed bonusable facilities, services or matters include:

- To support the provision of common open space that is functional for active or passive recreational use;
- To support the provision of underground parking;
- To encourage aesthetically attractive residential development through the enhanced provision of landscaped open space;
- To support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit; and
- To support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.

## 2.2 Submitted Studies

A number of reports and studies were submitted to support the requested amendment, including:

- Transportation Impact Assessment;
- Urban Design Brief;
- Planning Justification Report;
- Sanitary Servicing and Feasibility Analysis;
- Preliminary Geotechnical Investigation;
- Storm Drainage and Stormwater Management Plan;
- Environmental Impact Study;
- Archaeological Assessment;
- Hydrogeological and Water Balance Analysis;
- Drain Erosion Assessment;
- Wind Study; and
- Noise Study.

## 2.3 Requested Amendment

The requested amendment is for an Official Plan/Zoning By-law Amendment to permit the proposed mixed-use development. An Official Plan Amendment is required to add



the site to the list of preferred location for convenience commercial uses. A Zoning By-law Amendment is required to permit the proposed scale and intensity of residential, commercial and office uses on a site-specific basis. The Zone requested by the applicant is for a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(\_)/RO2(\_)\*B-\_\_) Zone.

### 3.0 Relevant Background

#### 3.1 Planning History

The subject lands previously formed part of the Town of Westminster which were annexed into the City of London in 1993. The lands were designated “Urban Reserve – Community Growth” and “Environmental Review” in 1996 when the Official Plan amendment for the annexed area was adopted.

In 2004, the current owner of 3080 Bostwick Road, in its entirety, applied for an Official Plan and Zoning By-law amendment (OZ-6662) to allow for a range of commercial and residential development on the lands. The planning application was considered to be premature in the absence of a comprehensive plan for the area, and was put ‘on hold’ to allow for the completion of the Southwest Area Secondary Plan. The Southwest Area Secondary Plan came into effect on April 29, 2014 (OPA No. 541), following an Ontario Municipal Board hearing. Recent amendments to the Plan were undertaken in April of 2017 to incorporate referenced policies from the 1989 Official Plan prior to the full London Plan coming into effect.

At the time of the draft plan in 2012, the recommended designation of the subject lands was for Multi-Family, Medium Density Residential. During the review of the SWAP, the owner requested a Multi-Family, High Density Residential designation instead of the Medium Density recommended, which was endorsed by the Planning and Environment Committee on October 15, 2012 as follows:

*ix) the portion of the property located at 3080 Bostwick Road west of the open space be designated “Multi-Family, High Density Residential”*

In 2014, a portion of the lands was the subject of a Zoning By-law Amendment Application (Z-8386) to facilitate development of the Bostwick Community Centre. A local road connection was created along the easterly boundary of the Community Centre lands and municipal services were extended along Southdale Road to support the Community Centre.

#### 3.2 Community Engagement (see more detail in Appendix A)

Notice of Application was circulated on August 17, 2018, and notice was published in the Londoner on August 16, 2018. There were 7 responses provided through the community consultation period. A summary of the comments include:

Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 1 – building height is too high, should be 14 storeys or less
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

### 3.3 Policy Context (see more detail in Appendix B)

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The following policies support efficient and resilient development patterns through a range of uses and efficient use of land:

*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1 b); Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1) efficiently use land and resources; 2) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and Long-term economic prosperity should be supported by encouraging a sense of place,[and] by promoting well-designed built form (1.7.1. d).*

In accordance with section 3 of the *Planning Act*, all planning decisions ‘shall be consistent with the PPS’.

#### **The London Plan**

The London Plan directs that all of the relevant policies of the Plan that relate to a planning and development application such as the requested Official Plan and Zoning By-law Amendment, should be read in their entirety and form the basis for evaluating its conformity with this Plan (1577-1578). Planning and development applications are evaluated with consideration of the use, intensity, and form that is proposed, as well as conformity with the policies of:

1. Our Strategy
2. Our City
3. City Building Policies
4. Our Tools
5. Place Type Policies
6. Availability of Municipal Services
7. Potential impacts on adjacent and nearby properties
8. The degree to which the proposal fits within its context and policy goals

#### **Our Strategy**

Relevant planning strategies to support key directions to guide planning and development include the following:

*Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area (59.1); Link land use and transportation plans to ensure they are integrated and mutually supportive (60.4); and Focus intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling (60.5).*

## Our City – City Structure Plan

The City Structure Plan provides a framework for London's growth and change for the future, including the following policies:

*The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing builtup area of the city (79); It is a target of this Plan that a minimum of 45% of all new residential development will be achieved within the Built-Area Boundary of the city, as defined by Figure 2. For the purposes of this Plan, this will be referred to as the "intensification target". The Built-Area Boundary is defined generally as the line circumscribing all lands that were substantively built out as of 2006. This boundary will be used on an on-going basis to monitor intensification and will not change over time (81); and Subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of this Plan (86).*

## City Building Policies

The City Building Policies provide over-arching direction for how the City grows, including the following:

*Throughout this Plan we have recognized that mobility and land use are inextricably linked. The design of a street and its associated public right-of-way will have a large impact on the use, intensity and form of development that can be supported along any corridor. In this way, how we plan our streets will dictate the quality of our neighbourhoods, our ability to facilitate positive infill and intensification along rapid transit corridors, and our success in promoting and supporting a viable transit system. It will also establish our ability to move people, goods, and services efficiently from one location to another within the city and to other parts of the world (309); and Utilize rapid transit services to strategically promote and stimulate intensification and support our growth management policies (313.3).*

## Neighbourhoods Place Type

The subject site is within the Neighbourhoods Place Type in The London Plan and located at the intersection of two Civic Boulevards. The range of permitted uses include: single detached dwellings, semi-detached dwellings, townhouses, triplexes, small-scale community facilities, stacked townhouses, fourplexes, and low-rise apartment buildings. Secondary permitted uses in this location include: stand-alone retail, service and office uses and mixed-use buildings. The development form is intended for a minimum of 2 storeys and a maximum of 4 storeys, with a potential to bonus up to 6 storeys (Tables 10-12).

## High Density Residential Overlay

The London Plan directs higher density uses towards strategic locations to support and take advantage of public transit, such as in transit villages and along rapid transit corridors; though also recognizes some remnant high density residential areas (954). The subject lands are designated in the 1989 Official Plan as High Density Residential, which are recognized in the High Density Residential (HDR) Overlay and retain greater development potential despite not being in a targeted growth location (955).

Lands located within the High Density Residential Overlay but outside of the Primary Transit Area may be permitted to develop up to 12 storeys with a density up to 150 units per hectare. On large sites or areas within the High Density Residential Overlay, capable of accommodating multiple buildings, a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings will be required. Zoning

may not allow for the full range of height and density identified in these policies. (958.2,3 & 5).

### **1989 Official Plan**

The subject site is within the Multi-family, High Density Residential (MFHDR) designation, which primarily permits multiple-attached dwellings, and low and high-rise apartment buildings. Some secondary permitted uses are contemplated within the MFHDR designation that are considered to be integral to, and compatible with, high density residential development. Uses such as community facilities, small-scale office developments, and convenience commercial uses may be considered where they meet relevant policies (3.4.1).

### **Southwest Area Secondary Plan (SWAP)**

Both The London Plan and the 1989 Official Plan recognize the need for a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558). The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan. While the Plan is to be read and applied in its entirety, the most relevant policies for the consideration of the requested amendment include the following:

#### **20.5.1.4 Principles of the Secondary Plan**

The Southwest Area Plan is guided by a series of objectives and principles. Any amendments to the Secondary Plan shall be consistent with the following principles:

##### **20.5.1.4.i) Creation of a Diverse and Connected Community**

- a) Provide for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities; and*
- d) Provide for daily needs without reliance on a car.*

##### **20.5.1.4 ii) A Range of Housing Choices**

- a) Ensure that a range and mix of housing types is provided within developments to achieve a balanced and inclusive residential community;*
- b) Ensure that housing developments and designs achieve compact residential development;*
- e) Provide opportunities for live-work opportunities to reduce the need for commuting; and*
- f) Provide affordable housing opportunities.*

##### **20.5.1.4 v) A Model of Sustainable Growth Management**

- a) Extend infrastructure in a logical and cost-effective manner;*
- e) Establish a high degree of connectivity between residential, open space, commercial and institutional uses within and between existing and new neighbourhoods; and*
- f) Ensure the use of housing densities and efficient development patterns that minimize land consumption and servicing costs.*

#### **20.5.2 Community Structure Plan**

The Community Structure Plan assists with implementing the vision for the built form, public realm and neighbourhood street pattern, including the following objectives:

- i) development patterns shall generally reflect a fine urban grid street network with a high level of connectivity; and*

*iv) the arterial roads shall serve as key organizing elements and shall generally experience a higher intensity of development than the interior portions of the Planning Area.*

### 20.5.3 General Policies

The general policies of the Southwest Area Plan apply to all the lands within the secondary plan boundary as well as all the Neighbourhoods and designations, and include the following policies:

#### 20.5.3.1 Housing i) Affordable Housing

*a) where appropriate, density bonusing will be considered for proposals that have an affordable housing component above 25% of the total dwelling count in any one development; and*

*b) opportunities for affordable housing shall be integrated into neighbourhoods and developments that also provide for regular market housing.*

#### 20.5.3.2 Sustainable/Green Development

##### i) Principles

*The Southwest Area Secondary Plan is based on a design in which one of the key goals is to maximize the potential for sustainable development. In a City Planning context, this is achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system.*

##### ii) Policies

*b) in new buildings, Leadership in Energy and Environmental Design (LEED) principles; d) alternative energy sources, including solar and appropriately sized rooftop mounted wind collectors. Such technologies should be sensitively incorporated into buildings and community design;*

*i) food production opportunities throughout the site. This includes but is not limited to community gardens, private gardens, greenhouses, roof-top gardens and edible landscaping programs; and*

*l) the employment of building technologies such as “greenroofs.” Alternately, the use of reflective roof surface materials with high solar and thermal reflectivity to reduce the “heat island” effect is also desired.*

#### 20.5.3.6 Natural Heritage iii) Tree Planting Standards and Stewardship Practices

*a) All landscape plans for new development and the re-development of existing sites within the Southwest Area Secondary Plan shall comply with tree planting standards and other tree canopy cover targets established for each land use as identified in the Urban Forest Strategy;*

*b) Wherever possible, enhanced tree planting will be encouraged in exterior side yards along local streets; and*

*e) Encourage the use of large stock tree-planting for development adjacent to arterial roads. The use planting technologies and standards to provide for long term and sustainable growth is encouraged.*

#### 20.5.3.8 Transportation i) General Policies

*The transportation network within this Plan consists of Arterial, Primary and Secondary Collector roads. Local Streets may connect to appropriately designed arterial roads to provide new connections to the community neighbourhoods. The local street pattern will provide an organizing structure for each of the Neighbourhood areas.*

*a) The street patterns shall support pedestrian-oriented development patterns, with strong relationships to the natural heritage features in the Southwest Planning Area;*

*b) The Neighbourhood area street pattern shall support transit, cycling and walking;*

*c) At the subdivision and/or site plan application stage, traffic controls, including the provision of signalized intersections and turning movements, and street frontages that may be subject to full or partial restrictions on individual driveway access, shall be identified as part of the appropriate traffic studies required as part of a complete application;*

*h) Long stretches of on-street parking on local roads shall be broken-up with landscaped “bump-outs” sufficiently sized to support boulevard trees; and*

*i) Mitigation and replacement of any natural heritage feature that may be impacted or lost as a result of roads shall be required.*

#### 20.5.3.9 Urban Design

##### i) Development Design Policies

*a) All development, particularly in the Wonderland Boulevard, Lambeth Village Core, Neighbourhood Central Activity Nodes and residential areas, shall be designed in a form that is to be compact, pedestrian oriented and transit friendly. Mixed-use development will be encouraged in the areas of Wonderland Boulevard, Lambeth Village Core and the Neighbourhood Central Activity Nodes;*

*c) Development shall be based on a modified grid road system with interconnected networks of roads designed to disperse and reduce the length of vehicular and pedestrian trips and support the integration and long term viability of transit service. For local roads, the modified grid road system will respond to topography, the Open Space System and the nodal areas identified in the Plan. Cul-de-sacs will generally be permitted only when warranted by natural site conditions;*

*i) The length of the block contributes significantly to creating a pedestrian-friendly environment. Blocks should be short and regular in length to make walking efficient and allow for variation in routes. Where it is impossible or undesirable to provide short blocks, wide public mid-block corridors should be provided to shorten walking distances. Development adjacent to such connections shall be designed to provide an active building facade for a minimum of 50 percent of the length of the pedestrian connection; and*

*m) Community linkages will be established to connect other parts of the city where possible through road, transit, pedestrian and bicycle links, to ensure that the entire city functions in an integrated manner.*

##### ii) Public Realm

*a) Local streets play a dual role as neighbourhood socialization spaces, as well as supporting transportation needs. The design requirements, while less substantial than for arterial and collector streets, must support the dual role of local streets;*

*b) Sidewalks shall generally be required on both sides of all streets;*

*c) Street furniture such as lighting, signage, parking meters, bicycle parking facilities, newspaper boxes, utilities, and garbage facilities shall be designed and placed within a consistent and integrated system of form, pattern, shape, colour, and texture to avoid clutter. Utilities will be grouped or clustered wherever possible and shall not compromise the overall intended character and design response for the street as identified in this section and associated Neighbourhood policies; and*

*d) Pedestrian/cyclist comfort and safety shall be considered in the streetscape design for roads under the control of the City of London. In commercial, office, and mixed-use areas and Neighbourhood Central Activity Nodes, the design will provide for an enhanced streetscape and sidewalk environment for pedestrians. In these same areas, bicycle routes shall be appropriately placed to avoid conflict between on-street parking and the intended character of the public right-of-way.*

##### iii) Buildings and Site Design

*a) Buildings, structures and landscaping shall be designed to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street. Generally, heights of buildings shall also be related to road widths to create a more comfortable pedestrian environment, so that the wider the road width, the higher the building height;*

b) *Where commercial development is permitted it will be encouraged in a “main street” format where retail and service commercial uses are oriented to the street creating a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings. In these areas:*

- *the principal public entrance shall provide direct access onto the public sidewalk;*
- *the primary windows and signage shall face the street;*
- *buildings facing the street shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection;*
- *no parking, driveways, lanes or aisles shall be permitted between the buildings and public sidewalks;*
- *buildings shall have a consistent setback and parking lots abutting the street shall be limited and designed in accordance with the parking provisions in subsection g) below;*
- *any commercial nodes including large-format retail stores shall be integrated into the pattern of streets and blocks of which they are a part. The pattern of blocks and the physical design of the buildings in relation to the street shall encourage pedestrian circulation to, from and within this commercial area. Streets, sidewalks and the orientation of buildings shall be designed to create comfortable, enjoyable pedestrian movement in a vibrant public realm;*

c) *Buildings on corner lots at the intersections of arterial and collector roads shall be sited and massed toward the intersection;*

d) *The rear and side building elevations of all buildings on corner lots shall be designed to take advantage of their extra visibility;*

g) *Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by:*

- *screening of the parking lot at the public right-of-way through the use of features such as low fences, walls and landscaping and in a manner which reflects the safe community design policies of this Section;*
  - *locating the parking lot, within commercial or mixed-use developments, to the side or rear of the main building and permitting no or only minimal parking in front of the main building. Where large-format retail stores are proposed, design alternatives that contribute to the creation of a vibrant and active streetscape, may include, but not be limited to, locating large-format retail structures in the interior or at the rear of commercial or mixed-use development blocks with smaller stores and buildings oriented to the surrounding public rights-of-way to create a strong street presence. Alternatively, the frontage of the large-format retail store facing the public right-of-way should be lined with smaller stores with entrances oriented to the streetscape. Parking areas will be integrated with development associated with large-format retail stores, in a manner designed to contribute to the objective of a vibrant and active streetscape;*
  - *parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings;*
  - *the use of landscaping or decorative paving to reduce the visual expanse of large parking areas;*
  - *provision of pedestrian walkways adjacent to stores, between building clusters, and to provide pedestrian access to transit stops, public sidewalks and adjacent developments.*
- h) *All commercial and office development proposals shall demonstrate safe, effective and accessible pedestrian and bicycle and transit oriented transportation linkages from residential areas, and between and within these developments*
- i) *Landscaping requirements shall ensure:*
- *the creation of a human scale within new development;*
  - *the enhancement of pedestrian comfort;*
  - *the provision of features which contribute to the definition of public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions; and,*
  - *landscape design that promotes the use of native species and enhancement of ecological stability and integrity to reduce the heat island effect.*

#### 20.5.4.1 Residential

##### i) Function and Purpose

*It is intended that the Low, Medium and High Density Residential designations will*

support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”.

iii) All Residential Designations in all Neighbourhoods

a) *Access to Arterial Roads* The primary transit network is expected to be provided on the arterial roads. For all Draft Plan of Subdivision, Consent and Site Plan applications that include land within 400 metres of an arterial road, the requirements for a complete application shall include the submission of a plan that demonstrates the provision of viable, safe and effective pedestrian linkages to the arterial road, to provide pedestrian access to potential future transit services. Public streets are preferred, however, pathway connections may be considered on a case-specific basis; and

c) *Mix of Residential Forms* Plans of subdivision shall accommodate a diversity of building types.

#### 20.5.5 Neighbourhoods and Land Use

This Secondary Plan is organized on the basis of Neighbourhood Areas which have specific functions and characteristics implemented by special policies pertaining specifically to the land use designations within that Neighbourhood. The subject lands are within the Bostwick Residential Neighbourhood which include the following policies:

#### **20.5.9 Bostwick Residential Neighbourhood**

i) Function and Purpose

*The Bostwick Neighbourhood will provide for residential development with the highest intensity of all of the Residential Neighbourhood Areas in the Southwest Planning Area, to support activities in the Wonderland Boulevard Neighbourhood.*

*Higher intensity mid-rise, transit-oriented development is encouraged along portions of the arterial road network to support the provision of transit services as detailed in Section 20.5.4.1 iv) of the General Residential policies.*

ii) Character

*The residential areas will develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the city, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day to day living experience.*

#### 20.5.9.2 High Density Residential

i) Intent

*The High Density Residential designation provides for transit-oriented, mid-to high-rise, residential development that may be mixed use in nature.*

ii) Permitted Uses

*Permitted uses in the High Density Residential designation shall include mid-rise to high-rise apartment buildings, apartment hotels, nursing homes, rest homes, and homes for the aged. Convenience commercial uses and secondary permitted uses, including community centres, allowed in the High Density Residential designation of the Official Plan may be permitted within these areas.*

iii) Built Form and Intensity

a) *New development may be permitted to a maximum density of 150 units per hectare and a maximum building height of 12 storeys, subject to further urban design review at*



*the site plan approval stage;*

*b) The Urban Design policies of Section 20.5.3.9 and the General Residential policies of Section 20.5.4.1 of this Plan shall apply; and*

*c) Notwithstanding Section 20.5.9.2(iii)(a), Sections 3.4.3(ii) and (iv) of the Official Plan shall apply.*

#### 20.5.17.1 Appendix 4: Official Plan Extracts – Policies

Relevant policies from the 1989 Official Plan have been included in the Secondary Plan to ensure that the policies that are required to fully implement the Secondary Plan are carried forward and become part of this Secondary Plan. Where policies of the 1989 Official Plan are referenced in the Secondary Plan and are not carried forward, it is the intent that this Secondary Plan is to be read in conjunction with the policies of The London Plan.

#### 20.5.17.3 - 3.6.5. Convenience Commercial and Service Stations

In accordance with section 20.5.9.2 ii) of SWAP, secondary permitted uses such as convenience commercial uses may be contemplated as permitted uses, and include the following policies:

*The preferred location for convenience commercial uses and service stations is within the various Commercial land use designations. However, it is recognized that on some sites in Residential designations where specific locational and land use compatibility criteria are met, this type of development may be appropriate as a secondary use. The policies of the Plan recognize existing convenience commercial uses and service stations that are appropriately located in Residential designations. New convenience commercial uses and service stations within the Residential designations will require an Official Plan amendment and zone change.*

##### i) Function

*Convenience commercial uses and service stations should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public.*

##### ii) Permitted Uses

*Convenience commercial and service station uses permitted within the Residential designations include the following: ... variety stores; video rental outlets; film processing depots; financial institutions; medical/dental offices; small take-out restaurants, small food stores; and gasoline sales associated with a variety store. For convenience commercial sites with a gross floor area in excess of 500m<sup>2</sup>, additional uses including offices, studios, commercial schools, day care centres, bake and florist shops, pharmacies, restaurants eat-in and convenience business service establishments may be permitted. In special circumstances, Council may permit low impact uses such as small commercial schools and day care centres in convenience commercial sites smaller than 500m<sup>2</sup> in size through a Zoning Bylaw Amendment. A variety store, or personal service establishment located on the ground floor of an apartment building may be permitted provided it is oriented towards serving the needs of the residents of the building and the immediate surrounding area. The exact range of permitted uses will be specified in the Zoning By-law.*

##### iii) Location

*Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

iv) Scale of Development

*The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.*

*(a) Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area*

v) Form of Development

*Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.*

1989 Official Plan - 3.6.8 New Office Development

In accordance with section 20.5.9.2 ii) of SWAP, secondary permitted uses such as new office development may be contemplated as permitted uses, and include the following policies:

*Small-scale, free-standing office buildings may be permitted as secondary uses in the Multi-Family, Medium and Multi-Family, High Density Residential designations, subject to the following provisions:*

i) Location

*Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.*

ii) Buffering

*Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.*

iii) Scale, Appearance

*The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.*

iv) Planning Impact Analysis

*Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7 will be required to determine if the proposed development is appropriate.*

20.5.17.3 - 3.4.3 Scale of Development

Further to the built form and intensity policies in section 20.5.9.2 iii) of SWAP, the 'Scale of Development' policies set out in section 3.4.3 ii) & iv) apply and include the following:

Height and Density outside of the Downtown and Central London Areas are guided by the following policies:

i) Height and Density outside of the Downtown and Central London Areas

*Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will*

normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:

- (a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;
- (b) all areas shall include a diversity of housing forms such as midrise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;
- (c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;
- (d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and
- (e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of a secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.

#### ii) Criteria for Increasing Density

Notwithstanding Section i) above, on any lands designated Multi-Family High Density Residential, Council may consider proposals to allow higher densities than would normally be permitted. Zoning to permit higher densities will only be approved where a development will satisfy all of the following criteria:

- (a) the site or area shall be located at the intersection of two arterial roads or an arterial and primary collector road, and well-served by public transit;
- (b) the development shall include provision for unique attributes and/or amenities that may not be normally provided in lower density projects for public benefit such as, but not limited to, enhanced open space and recreational facilities, innovative forms of housing and architectural design features;
- (c) parking facilities shall be designed to minimize the visual impact off-site, and provide for enhanced amenity and recreation areas for the residents of the development;
- (d) conformity with this policy and urban design principles in Section 11.1 shall be demonstrated through the preparation of a secondary plan or a concept plan of the site which exceed the prevailing standards; and
- (e) the final approval of zoning shall be withheld pending a public participation meeting on the site plan and the enactment of a satisfactory agreement with the City.

#### iv) Density Bonusing

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.

#### 1989 Official Plan - 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.

i) Principle

*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.*

ii) Objectives

*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.*

The London Plan - City Design Policies 193 (1989 Official Plan – Chapter 11 Policies)

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;*
- 3. A high-quality, distinctive and memorable city image;*
- 4. Development that supports a positive pedestrian environment;*
- 5. A built form that is supportive of all types of active mobility and universal accessibility;*
- 6. High-quality public spaces that are safe, accessible, attractive and vibrant;*
- 7. A mix of housing types to support ageing in place and affordability;*
- 8. Sustainably designed development that is resilient to long-term change; and*
- 9. Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.*

The London Plan - 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.”*

#### The London Plan - Affordable Housing 516

*New neighbourhoods will be planned to include a variety of different housing types such that it is possible for people to remain in a neighbourhood as their housing needs change over time (509);*

*A target of 25% of new housing, in aggregate, is to be affordable to low- and moderate-income households as defined by the Provincial Policy Statement and this Plan. This target may be met through residential greenfield development and the many forms of intensification identified in the City Structure policies of this Plan (517); and Secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (518).*

## **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 a mix of residential and commercial uses, efficient use of land, infrastructure and services

### **Range of Uses**

- If the range of residential, commercial and office uses are appropriate in this location

### **Intensity**

- If the requested intensity of 262 units per hectare is appropriate for the site, surrounding context, and is able to be serviced,
- If the proposed intensity is consistent with the Our City, Our Strategy, City Building, Intensification Targets, City Structure, and Place Type policies

### **Bonusing**

- If the requested bonus zone results in enhanced public benefit and is commensurate to the increased height and density

**SWAP**

- Conformity to policies related to the appropriateness of the level of proposed intensity in the Bostwick Neighbourhood and broader secondary plan

**Technical Review**

- Functional servicing analysis and available sanitary capacity to accommodate the proposed intensity
- A review of the Transportation Impact Assessment to ensure no negative impacts on existing roads, and to ensure future road construction can be managed through the consent application
- Appropriate and desirable design of towers and consideration before the Urban Design Peer Review Panel

**Zoning**

- Suitability of the requested bonus zone and regulation amendments in relation to the proposed development and neighbourhood

More information and detail is available in the Appendices of this report.

**5.0 Conclusion**

Development Services staff will continue to review the merits of the application and the comments received with respect to the requested Official Plan and Zoning By-law Amendment. A subsequent planning report will be prepared when the review is complete, including a recommended action for the consideration of the Planning and Environment Committee and Municipal Council.

<b>Recommended by:</b>	<b>Sonia Wise, MCIP, RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
/sw

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

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## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On August 17, 2018, Notice of Application was sent to 552 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 16, 2018. A “Planning Application” sign was also posted on the site.

7 replies were received

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a mixed use development with residential, office and convenience commercial uses. Possible amendment to the Official Plan to add the subject site to the list of preferred sites to allow convenience commercial uses. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone **TO** a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(\_)/RO2(\_)\*B-\_\_) Zone to permit a range of high density residential uses in two towers of 18 & 21 storeys with a 5 storey podium, and 1,000m<sup>2</sup> of convenience commercial uses, and 2,000m<sup>2</sup> of office uses. A bonus zone is requesting an increased height of 21 storeys, and a density of 261 units per hectare in return for such facilities, services or matters described in section 19.4.4 of the Official Plan, and policies 1638-1655 of The London Plan.

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

Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 1 – building height is too high, should be 14 storeys or less
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

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

Telephone	Written
Tom Brimson 12-1015 Farnham Rd London ON N6K 1S3	Amanda Nash 1172 Dalhouse Dr London ON N6K 2Y1
Jim Cressman 957 Dalhousie Dr London ON N6K 1M8	Susan Spencer-Paton 31 Brixham Road London ON NK 1P5
Wing Man Lin	Esther Corcoran 143 McMaster Drive London ON N6K 1J5
	Ed Morrison



From: amanda nash [mailto: ]  
Sent: Monday, August 27, 2018 3:23 PM  
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
Subject: 3080 bostwick rd development

As a resident of Dalhousie dr. We are concerned about traffic on surrounding streets. Traffic is already horrific on southdale and very often backs up through the intersection of Bostwick rd and Southdale rd. It will often back up through the lights at Wonderland and as far west as Colonel Talbot at times. If you add in another potential 1000 plus units that could make this neighbourhood basically inaccessible at many times of day.

With the added population density where will the children go to school ? If even half of the 1000 plus units even have just 2 children where do you suggest these schools put 1000 more students ? The plans do not show any plans for a new school building, so that means our children who already go to these crowded schools will suffer greatly from the overpopulation of their class rooms and school fundings will be stretched even thinner.

**LONDON CONDOMINIUM CORPORATON # 15**  
**31 Brixham Road, London ON N6K 1P5**

September 4, 2018

Sonia Wise  
[swise@london.ca](mailto:swise@london.ca)

Dear Ms. Wise:

**Re: Planning Application, 3080 Bostwick Road**

We represent London Condominium Corporation # 15 which consists of 43 townhouse units along McMaster Drive, Brixham Road, Dalhousie Crescent and Farnham Road. Although we are pleased to finally see that the weeds and mounds of dirt at the corner of Bostwick and Southdale replaced by development, we have concerns about the increase in traffic that it will bring to the area and through our streets.

Although, the majority of our condominium residents are seniors and mature adults, there are also many children living in the area and using these streets to attend the three schools in Westmount. Even without the addition of the proposed 1,670 new residents, plus expanse of commercial retail and office use, the traffic along Southdale Road and through our streets has increased tremendously over the past couple of years. With the addition of this number of residents without improvements, the traffic congestion and safety of pedestrians is a great concern.

We urge the City to implement the recommendations for road improvements proposed in the Environmental Study presented by York Developments in 2017, prior to the completion of and new high rise buildings on Southdale Road

Respectfully submitted,

*Susan Spencer-Paton*  
Susan Spencer-Paton  
President

*Doris E. Hall*  
Doris E. Hall  
Treasurer

Email: [REDACTED]

Cc: Anna Hopkins <ahopkins@london.ca>  
Virginia Ridley <vridley@london.ca>

**From:** Esther Corcoran [mailto: ]  
**Sent:** Monday, September 17, 2018 8:16 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Ms. Wise,

I also forgot to add that to better serve the community and our city, with all the new developments that there is limited affordable homes and rentals with the tightening of the requirements for obtaining a mortgage this greatly impacts young families, single people and those that have already retired and those approaching retirement. People on restricted income or a lack of income growth (eg - seniors), that affordable housing or single family homes are also required. There is a small circle of homes within our subdivision of detached homes that have yards slightly larger than townhome has. Many of them are single floors and this is something that is also needed for those just entering the housing market, downsizing or disabled.

Thank you  
Esther Corcoran

-----original message-----

**From:** Esther Corcoran [mailto: ]  
**Sent:** Sunday, September 16, 2018 8:39 PM  
**To:** Hopkins, Anna <ahopkins@london.ca>  
**Cc:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Anna,

We reside in Westmount and would like to share some of our concerns for the proposals for 3080 Bostwick Road. At this time, traffic from Wonderland Rd. S., to Colonel Talbot Rd along Southdale Rd is extremely heavy especially during the early hours and later afternoon (eg - 7am-10am & 4pm-6pm). With the proposed additions of housing the traffic will increase drastically and Southdale is not equipped to handle the increase in traffic and should be expanded prior to any more additional housing being built.

Proposal for Site 1 - the residential apartment building(s) are too high for the surrounding neighborhood as proposed at 21 & 18 storeys high. They should be no higher than 14 storeys. Concern is two fold in that should there be a power outage or fire, any elderly, disabled, expectant mother, young children would have a difficult time in descending 21 or 18 storeys to safety. The other concern is for surrounding homes that may be utilizing satellite signals that the height of such a high rise may disrupt the signal.

Proposal for Site 3 - would be the same as above as it is being proposed for a 17 storey apartment building.

Proposal for Site 5 - It is not clear as to how many parking spaces will be available for 168 units. Many seniors continue to drive.

Our final concern for all proposals is that there should be a spot for each apartment building that allows for easy access for para transit vehicles (eg Voyager etc.) so that they can easily get in and out for pick ups and drop offs. Many newer buildings aren't allowing easy access for these vehicles.

Sincerely,

Esther Corcoran

**From:** Ed Morrison [mailto: ]  
**Sent:** Thursday, September 27, 2018 11:54 AM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Development

Hello Mrs. Wise

My biggest concern so far is when the development will take place. The widening of Southdale from Pine Valley to Colonel Talbot is slated to be finished by 2030. If this development takes place before the widening it will further aggravate the already congested area.

Ed Morrison

## **Agency/Departmental Comments**

### August 1, 2018 – Urban Regeneration: Email Excerpt

No further archaeological work is required for the assessed area

### September 20, 2018 – Development Services Engineering: Memo

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendment application:

### **Comments for the Re-zoning Application**

- A holding provision for the provision of access to the satisfaction of the City Engineer is required.
- Transportation has reviewed the TIA provided and cannot support a full access for Street 3, the Southdale Road EA identifies a median at this location restricting the access to right in/right out, furthermore the signal spacing does not meet the minimum spacing as identified in the Access Management Guidelines. The timing of various DC road projects is currently being reviewed through the DC update and may impact future road capacity assumptions contained in the TIA. The applicant should update the TIA to reflect the above mentioned street 3 access restriction.
- A general "h" provision to ensure the orderly development of lands and the adequate provision of municipal services (i.e. to ensure the detailed design and agreement to construct the required watermain has been satisfied).
- An "h-100" provision to ensure the looped watermain discussed above is constructed, commissioned, and put into service.
- A revised sanitary capacity analysis to demonstrate flows from all three sites do not exceed the 7.5l/s sanitary allocation. All three sites and the draft plan of subdivision (excluding the SWCC) combined cannot exceed 7.5l/s as agreed upon in the Agreement of Purchase and Sale for these lands. Alternatively, flows above the allocated 7.5l/s for the subject lands may be able to be serviced by the future GMIS Bostwick Road Sanitary Sewer. The applicant should be advised that his consulting engineer can contact Wastewater and Drainage Engineering prior to submitting the revised analysis for further clarification regarding the scope of the sewer assessment.
- Provide a Professional Engineers stamp for the Noise Assessment.

### **Transportation**

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

- The applicant shall construct all external works as identified in the future accepted TIA to facilitate the development of the subject lands;
- Widen Southdale Road to a maximum width of 24.0 metres in perpendicular width from the centerline of Southdale Road along the entire frontage of the subject lands.
- Widen Bostwick Road to a maximum width of 18.0 metres in perpendicular width from the centerline of Bostwick Road along the entire frontage of the subject lands.
- Provide a 0.3m road reserve block along the Bostwick Road and Southdale Road frontages.
- Provide sufficient right-of-way widening to dedicate 6.0 m x 6.0 m "daylighting triangle" at the intersection of Bostwick Road and Southdale Road.

- Provide plan and profile drawings demonstrating the design of the private access road to be located within the future dedicated right of way. The conceptual centerline design of the draft plan of subdivision road network shall be included to ensure the private access road does not impact any future development.
- Individual access from Blocks 1 and 3 will not be permitted to Southdale Road.
- The access road is to be constructed to a standard suitable for winter maintenance, including but not limited to, installation of granular's, base asphalt and curb and gutter. The road structure shall be built to the road classification (as determined by the future draft plan of subdivision) standards.
- A plan/profile of Bostwick Rd may be required to determine sight line requirements as identified in the City's Design and Specifications and Requirements Manual at all street connections. If desirable decision sight distances cannot be achieved the applicant shall undertake works on Bostwick road at no cost to the City to achieve the desirable decision sight distances.
- A temporary turnaround may be required depending on the length of the private access.
- Any road and/or servicing crossing over the Thornicroft drain may require an Environmental Assessment Opinion Letter.
- Access arrangement will need to comply with the Southdale Road EA <https://www.london.ca/residents/Environment/EAs/Pages/Southdale-Road-West-Bostwick-Road-Improvements-.aspx>

### **Water**

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

- Individual water service connections from the site directly to Southdale Road and/or Bostwick Road will not be permitted.
- The proposed municipal watermain shall be sized to accommodate the future draft plan of subdivision and any external tributary lands.
- The alignment of the proposed municipal watermain along the private access road (future dedicated right of way) shall be in standard location as per UCC 1M.

### **Wastewater**

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

- Development of the site should be coordinated with the future draft plan of subdivision.
- The proposed municipal sewers shall be sized to accommodate the future draft plan of subdivision and any external tributary lands.
- The alignment of the proposed municipal sewers along the private access road (future dedicated right of way) shall be in standard location as per UCC 1M.

### **Stormwater**

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

- City of London Permanent Private System policy applies and all post development flows for all storm events up to the 100 year storm shall be controlled to the pre-development levels.
- Quality controls to the standards of the Ministry of the environment, Conservation and Parks – MECP (formerly MOECC) shall be achieved by the use of an OGS (or any other applicable options such as catchbasin hoods, bioswales, etc.) providing normal (70% TSS removal) level.
- An MECP ECA may be required for the design and construction of any proposed outfall (e.g. the outfall proposed in Fig.-2 of the IPR TS2016-008). The applicant will have to contact the MECP to confirm if a new ECA is required. Please note

that any required ECA may be obtained through B.032/18 or B.033/18. Coordination will be required.

- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.

### **Noise**

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

- The noise assessment will be required to be submitted as part of a future application for acceptance by the City. Ensure the report is updated to reflect any changes in design and layout.

## Appendix B – Policy Context

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

### Provincial Policy Statement, 2014

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.7 Long-Term Economic Prosperity

### The London Plan

- 54 Our Strategy
- 79 Our City – City Structure Plan
- 193 City Design Policies
- 309 City Building Policies
- 516 Affordable Housing
- 916 Neighbourhoods
- 954 High Density Residential Overlay
- 1556 Secondary Plans
- 1577 Evaluation of Planning Applications
- 1645-1655 Bonus Zoning

### Southwest Area Secondary Plan

- 20.5.1.4 Principles of the Secondary Plan
- 20.5.2 Community Structure Plan
- 20.5.3 General Policies
- 20.5.4.1 General Land Use Policies
- 20.5.5 Neighbourhoods
- 20.5.9 Bostwick Neighbourhood
- 20.5.17 Appendix 4: Official Plan Excerpts – Policies

### 1989 Official Plan

- 2.1 Council Strategic Plan
- 3.4. Multi-Family, High Density Residential
- 3.6.5 Convenience Commercial and Service Stations
- 3.6.8 New Office Development
- 11.1 Urban Design
- 19.4.4 Bonus Zoning
- 20 Secondary Plans

### Z.-1 Zoning By-law

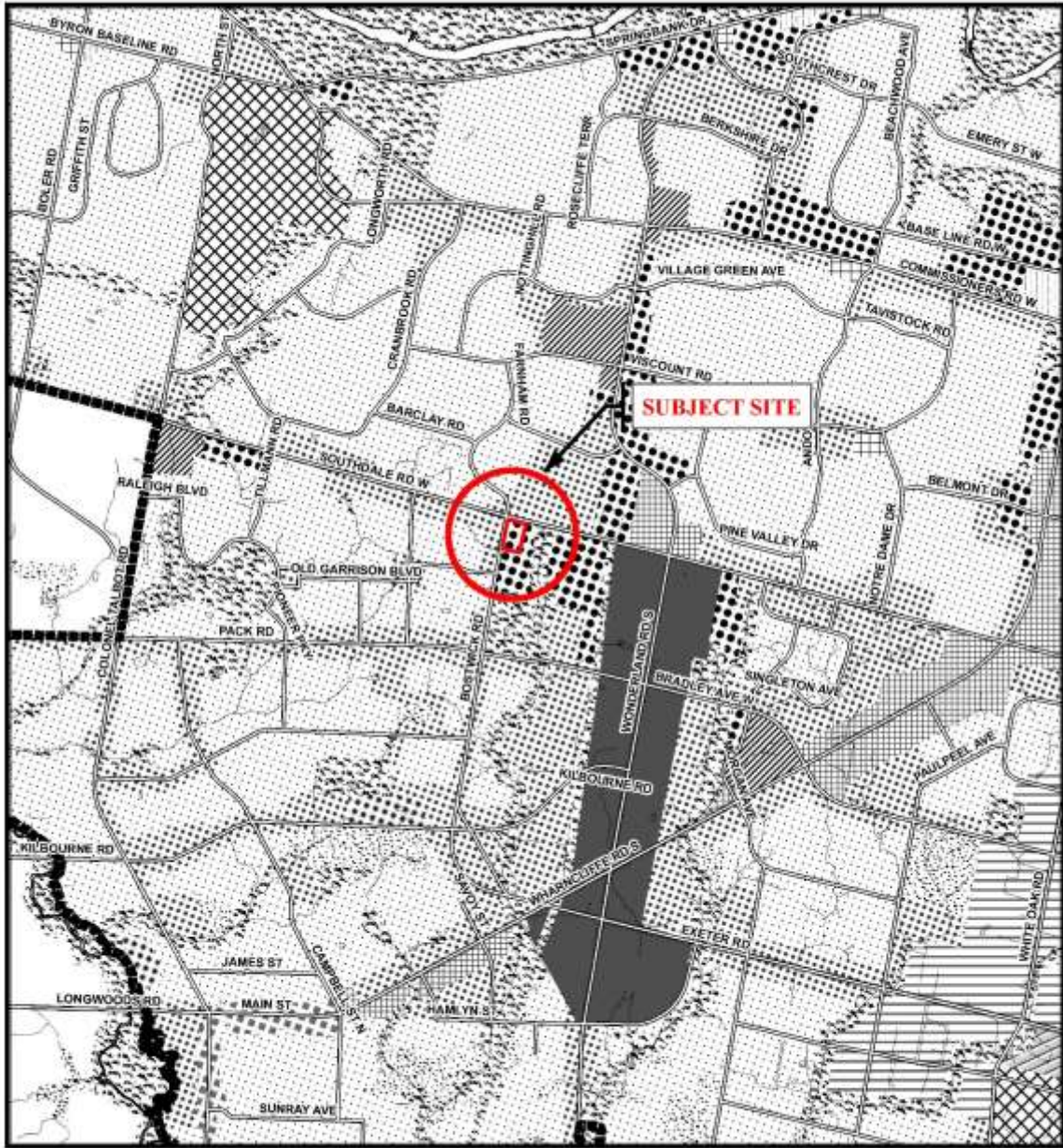
- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 13: Residential R9 Zone

**Appendix C – Additional Information**

**Additional Maps**





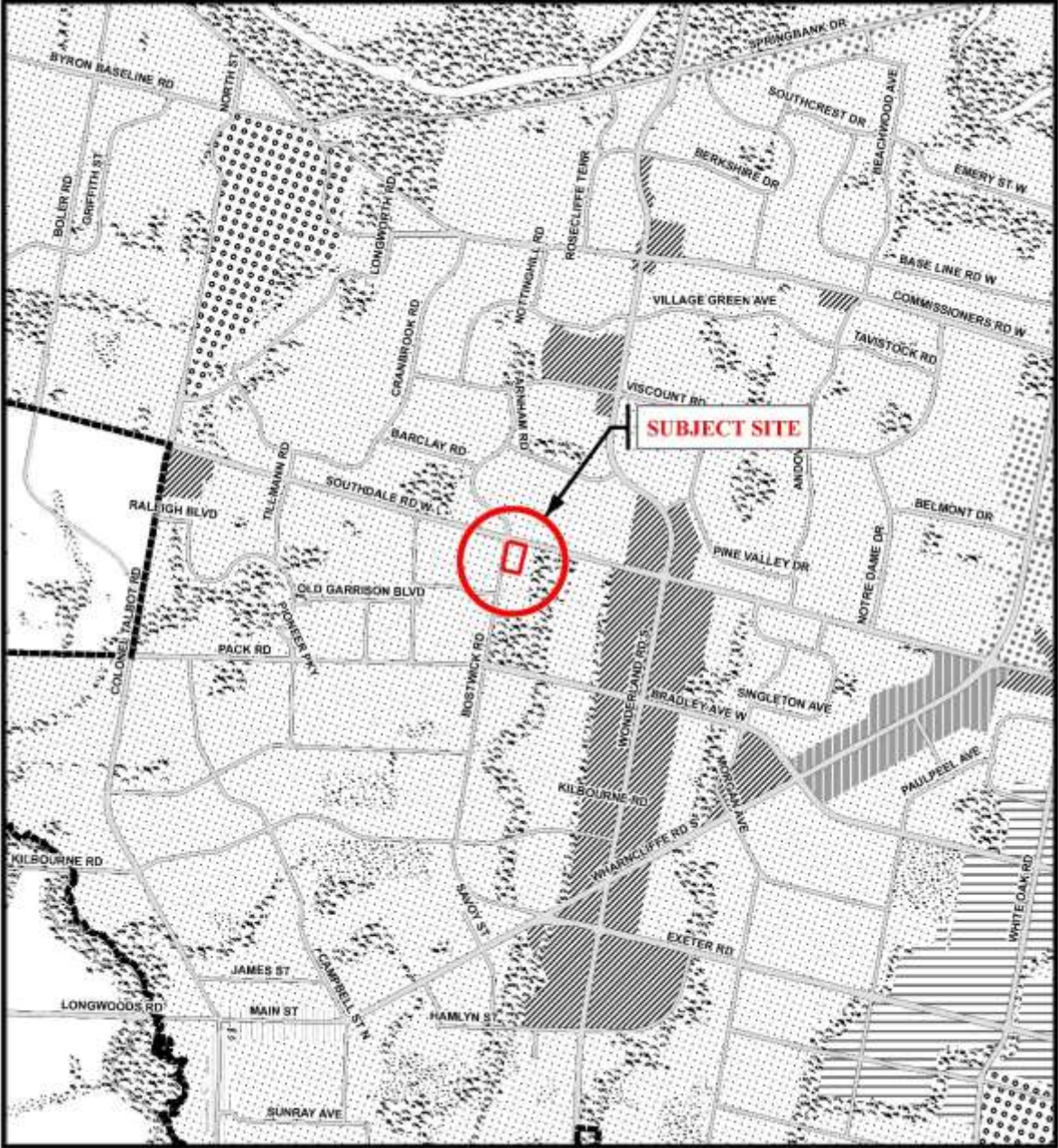


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b> Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8941</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/09/29</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid00\excerpt\imaged\_templates\scheduleA\_b&w\_6x14\_with\_SWAP.mxd



**Legend**

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

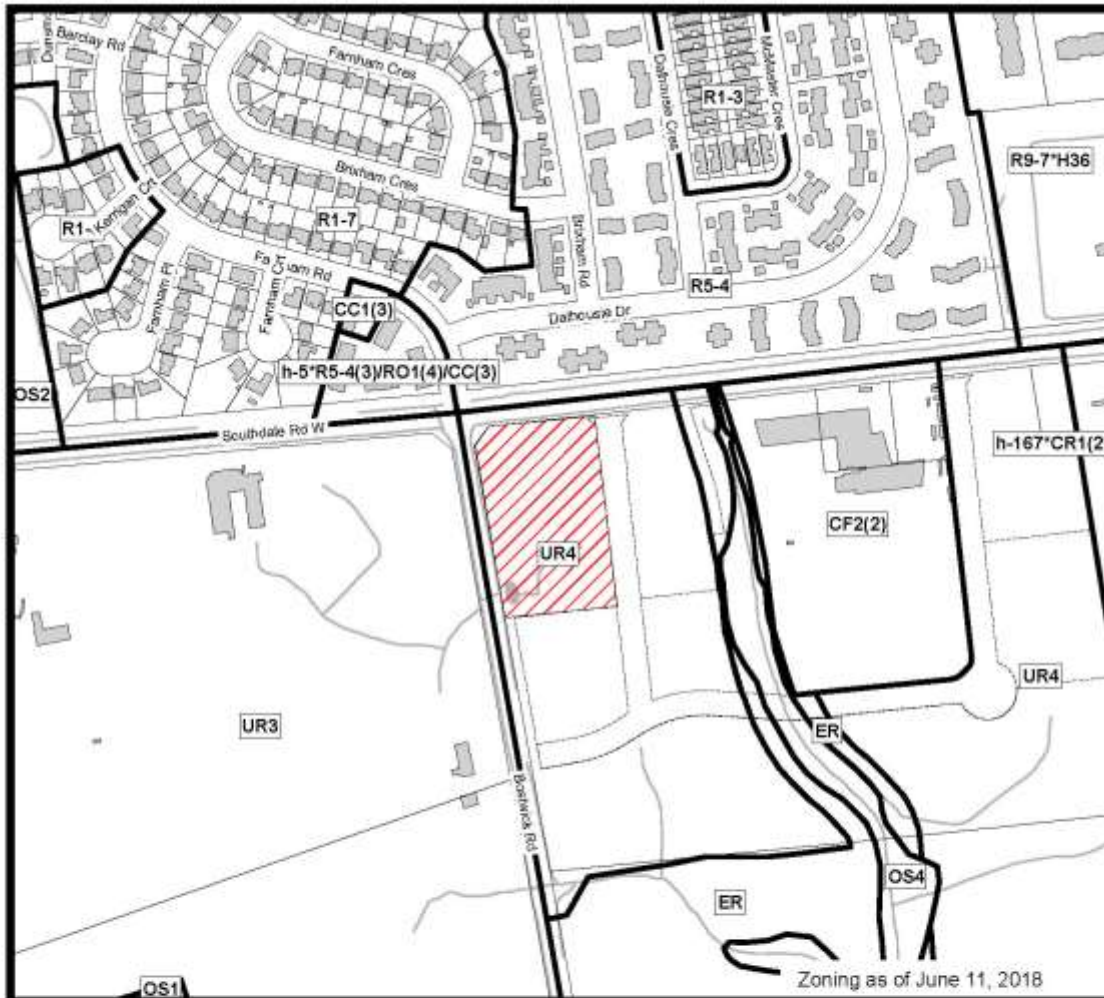
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

<p><b>CITY OF LONDON</b> Planning Services / Development Services</p> <p><b>LONDON PLAN MAP 1</b> - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> OZ-8941</p> <p><b>Planner:</b> SW</p> <p><b>Technician:</b> RC</p> <p><b>Date:</b> August 29, 2018</p>
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Project Location: E:\Planning\Projects\p\_official\plan\work\consolid00\excerpts\_LondonPlan10.3.1\Versions\mxd\OZ-8941-EXCERPT\_Map1\_PlaceTypes\_S&W\_Br14\_Arc10.3.1.mxd





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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
OZ-8941 SW

MAP PREPARED:  
2018/08/28 RC

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0 25 50 100 150 200 Meters

**Additional Reports**

OZ-6662: 2004 Request for Official Plan and Zoning By-law Amendments to develop site for various residential and commercial uses

O-7609: 2012 Council Approved Official Plan Amendments associated with Southwest Area Plan

Z-8386: 2014 Zoning by-law Amendment to facilitate the development of the Bostwick Community Centre

**From:** A C

**Sent:** Friday, September 28, 2018 3:50 PM

**To:** Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Ridley, Virginia <[vridley@london.ca](mailto:vridley@london.ca)>; Wise, Sonia <[swise@london.ca](mailto:swise@london.ca)>

**Subject:** 3080 Bostwick

I am writing to let you know I am against a high rise on Bostwick and Southdale. This area is already highly congested with traffic. It has become more congested with the much needed community centre. Cars trying to get off the congested main roads often speed through residential neighbourhoods with children playing nearby and school children walking to and from school. My daughter and grandson were hit by a car traveling through to get to Wonderland. Traffic flow and speed have already increased in the area.

Blocks 1-4 should be used for townhouse or single family homes only. A high rise in this area will completely change the feel of the neighbourhood, block the skyline, and create far too much congestion. I also suspect that these units are not adding to affordable living and likely will further degrade the apartments along Wonderland. The wooded area should remain a wooded area as there are so few left in the "forest city". Block 11 could be a splash pad. London doesn't need a "Toronto" skyline.

If the city goes ahead and builds up this area they should create additional speed-bumps in the Farnham, Brixham, and McMaster area, better sidewalks on both sides of Southdale, and trees to protect walkers from an already congested area where the pedestrian walkway is very close to the road. The speed limit needs to come down on Southdale and Bostwick.

Adrienne Clarke

## 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:** Public Participation Meeting Report  
31675 Ontario Ltd (York Developments Inc)  
3080 Bostwick Road (Site 3)

**Public Participation Meeting on: October 9, 2018**

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of 31675 Ontario Ltd (York Developments Inc) relating to a portion of the property located at 3080 Bostwick Road:

- (a) The comments received from the public during the Public Engagement process attached as Appendix "A" to the staff report dated September 28, 2018, **BE RECEIVED**
- (b) **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 of the subject application.

## Executive Summary

### Summary of Request

The requested amendment is to permit a site-specific Zoning By-law Amendment to allow for a senior's oriented residential development with two apartment buildings of 12 storeys, connected by a 2 storey podium, at a total density of 150 units per hectare.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the details of the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve the appeal rights of the public and ensure that Municipal Council has had the opportunity to review the requested Zoning By-law Amendment prior to the expiration of the 150 day timeframe legislated for Zoning By-law Amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation; and
- iv) Bring forward a future recommendation report for consideration by the Planning and Environment Committee once the technical review is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site consists of 1.1ha of vacant land, which also forms part of a larger parcel of land owned by the applicant (approximately 15ha) with frontage on Southdale Road West and Bostwick Road. The portion of the site that is the subject of the Zoning By-law amendment is identified as “Site 3” which is located directly west of the Thornicroft Drain and Bostwick Community Centre. The site is vacant and located south of an existing medium density neighbourhood situated on the north side of Southdale Road West.

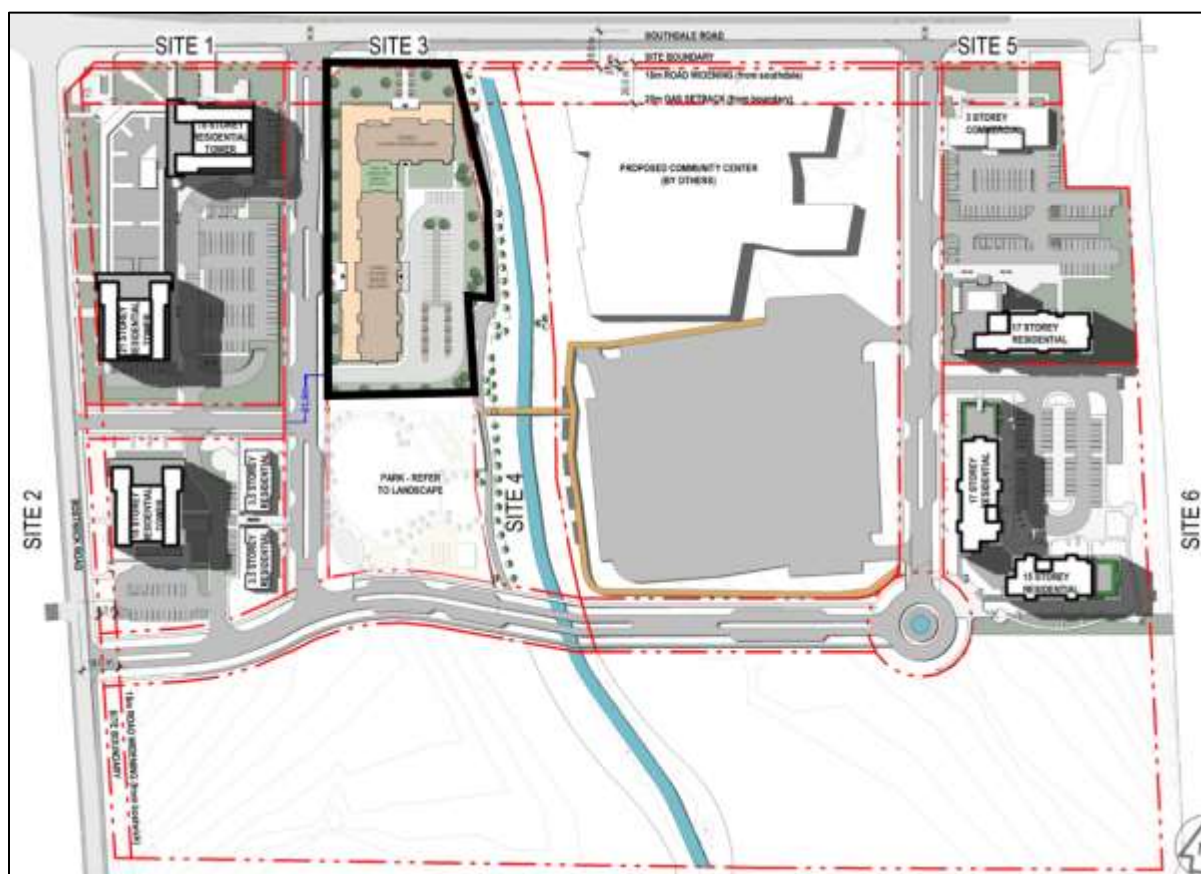


Figure 1: Proposed Master Development Plan

#### 1.2 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Multi-Family, High Density Residential (MFHDR)
- The London Plan Place Type – Neighbourhoods & High Density Residential Overlay
- Southwest Area Plan Designation – Multi-Family, High Density Residential (MFHDR)
- Existing Zoning – Urban Reserve (UR4) Zone

#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 61m (Southdale Road West)
- Depth – 159m
- Area – 1.1ha
- Shape – Irregular

#### 1.4 Surrounding Land Uses

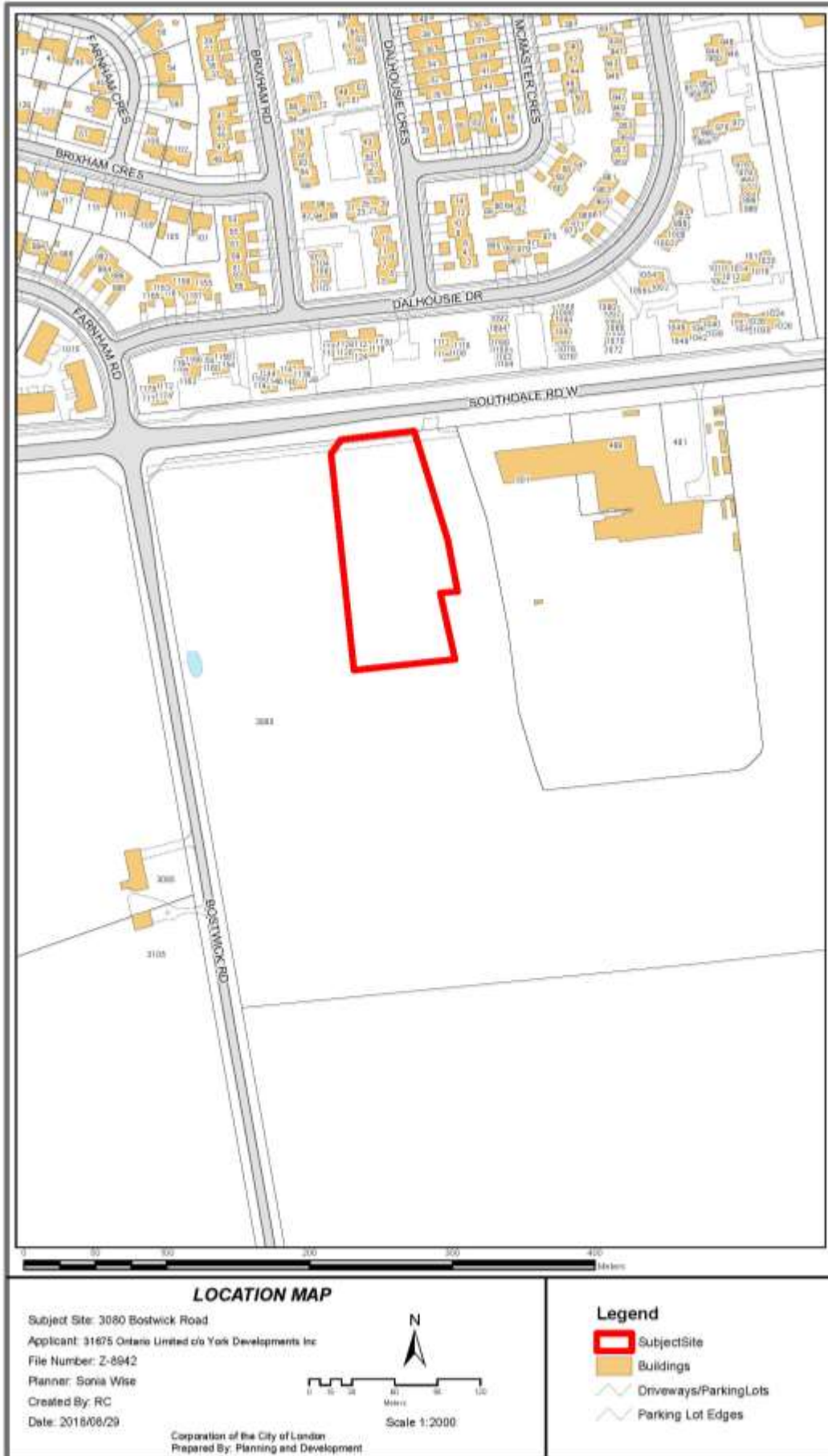
- North – Residential
- East – Thornicroft Drain & Community Centre
- South – Vacant and future park
- West – Vacant & Agricultural



**1.5 Intensification (identify proposed number of units)**

- 168 residential units are being proposed within Site 3 which is located outside of the Built-area Boundary, and Primary Transit Area

**1.6 Location Map**



**1.7 Consent Application B.033/18**

The subject site is also the subject of an application for consent to sever (B.033/18), to create the separate parcel, and retain the remainder of the lands for other development

proposals. The consent application is being considered concurrently with the requested Zoning By-law Amendment.

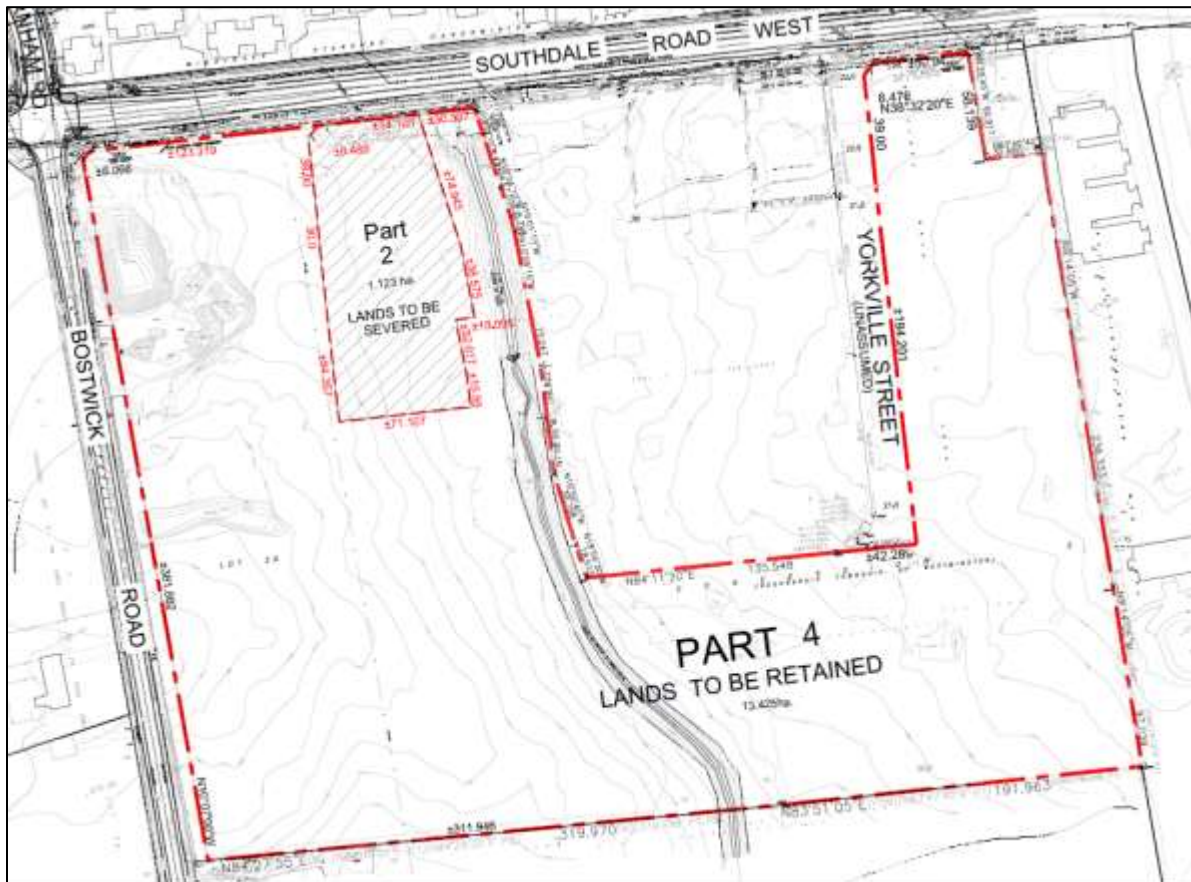


Figure 2: Proposed Severance Sketch B.033/18

### 1.8 Subdivision Application 39T-18502

The remainder of 3080 Bostwick Road to the south of Site 3 is the subject of an application for a draft plan of subdivision and Zoning By-law Amendment (39T-18502/Z-8931). The plan of subdivision is proposing three new roads, two new high density residential development blocks, an open space block and a new park block, as well as lands reserved for future development.

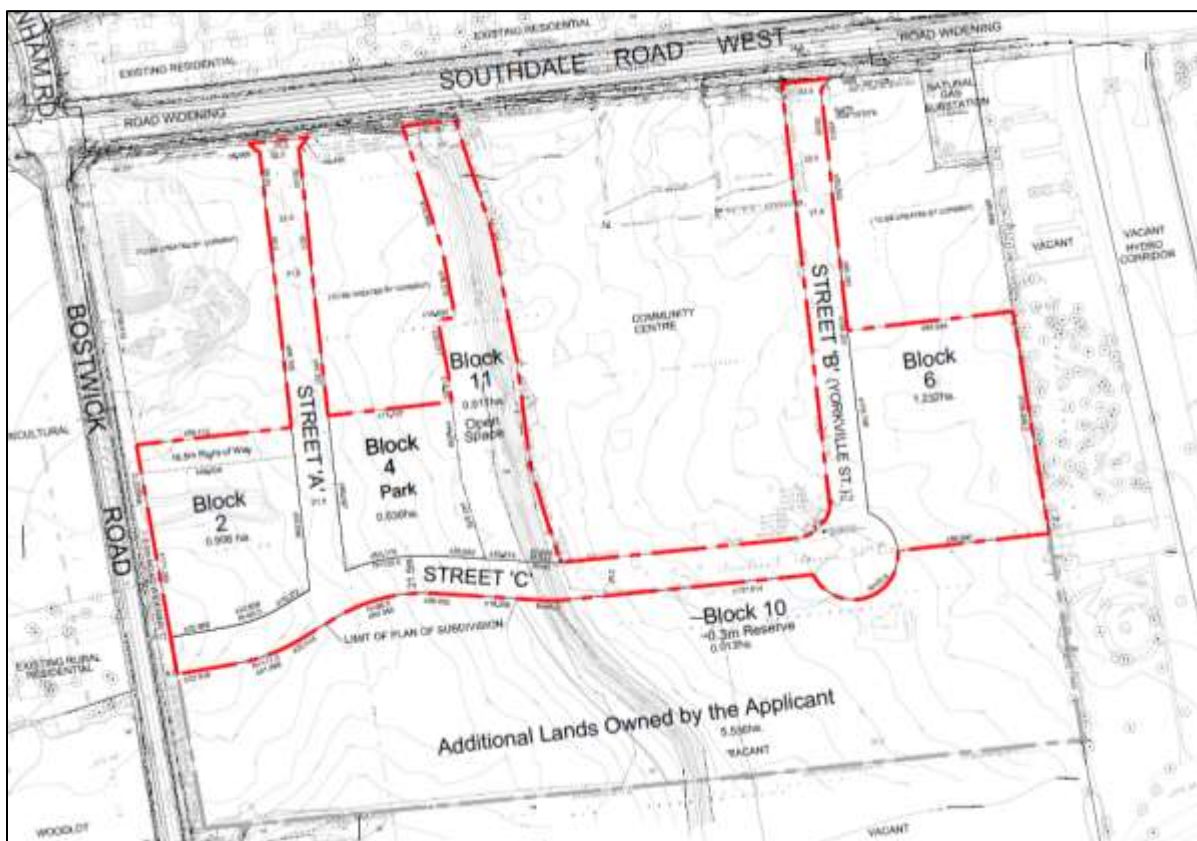


Figure 3: Proposed Draft Plan of Subdivision 39T-18502

## 2.0 Description of Proposal

### 2.1 Development Proposal

The development being requested for Site 3 by the applicant is for a senior's oriented residential apartment building that consists of two 12 storey towers connected by a 2 storey podium. There are a total of 168 units proposed which equates to a density of 150 units per hectare.

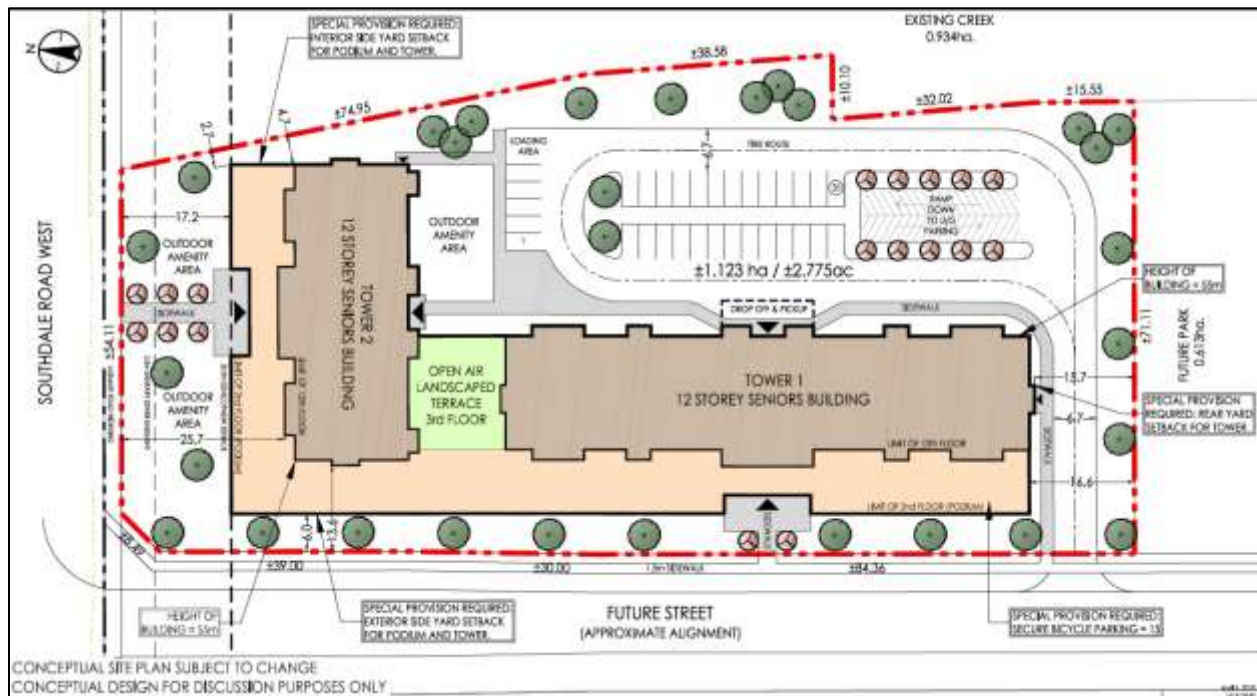


Figure 4: Conceptual Site Plan

The proposed buildings are oriented in an “L” shape along Southdale Road West and the future Street A. Vehicular access is provided to the south of the site from Street A which leads to a parking area in the rear. There are 31 surface parking spaces and 53 underground parking spaces, for a total of 84 spaces to support this proposed development. An open-air landscaped terrace is proposed on the roof of the second storey podium.



Figure 5: Conceptual Rendering – West Elevation

### 2.2 Submitted Studies

A number of reports and studies were submitted to support the requested amendment, including:

- Transportation Impact Assessment;
- Urban Design Brief;
- Planning Justification Report;
- Sanitary Servicing and Feasibility Analysis;

- Preliminary Geotechnical Investigation;
- Storm Drainage and Stormwater Management Plan;
- Environmental Impact Study;
- Archaeological Assessment;
- Hydrogeological and Water Balance Analysis;
- Drain Erosion Assessment;
- Wind Study; and
- Noise Study.

### 2.3 Requested Amendment

The requested amendment to the Zoning By-law is to permit the proposed senior's oriented residential development. A Zoning By-law Amendment is required to permit the site-specific request for a Residential R9 Special Provision (R9-7( )\*H55) Zone with a maximum building height of 12 storeys or 55m. Special provisions are requested to permit a rear yard setback of 15.5m, an interior side yard setback of 2.5m, an exterior side yard setback of 6m, and a lot coverage of 40%.

## 3.0 Relevant Background

### 3.1 Planning History

The subject lands previously formed part of the Town of Westminster which were annexed into the City of London in 1993. The lands were designated "Urban Reserve – Community Growth" and "Environmental Review" in 1996 when the Official Plan amendment for the annexed area was adopted.

In 2004, the current owner of 3080 Bostwick Road, in its entirety, applied for an Official Plan and Zoning By-law amendment (OZ-6662) to allow for a range of commercial and residential development on the lands. The planning application was considered to be premature in the absence of a comprehensive plan for the area, and was put 'on hold' to allow for the completion of the Southwest Area Secondary Plan. The Southwest Area Secondary Plan came into effect on April 29, 2014 (OPA No. 541), following an Ontario Municipal Board hearing. Recent amendments to the Plan were undertaken in April of 2017 to incorporate referenced policies from the 1989 Official Plan prior to the full London Plan coming into effect.

At the time of the draft plan in 2012, the recommended designation of the subject lands was for Multi-Family, Medium Density Residential. During the review of the SWAP, the owner requested a Multi-Family, High Density Residential designation instead of the Medium Density recommended, which was endorsed by the Planning and Environment Committee on October 15, 2012 as follows:

*ix) the portion of the property located at 3080 Bostwick Road west of the open space be designated "Multi-Family, High Density Residential"*

In 2014, a portion of the lands was the subject of a Zoning By-law Amendment Application (Z-8386) to facilitate development of the Bostwick Community Centre. A local road connection was created along the easterly boundary of the Community Centre lands and municipal services were extended along Southdale Road to support the Community Centre.

### 3.2 Community Engagement (see more detail in Appendix A)

Notice of Application was circulated on August 17, 2018, and notice was published in the Londoner on August 16, 2018. There were 7 responses provided through the community consultation period. A summary of the comments include:

Concern for:

- Increased traffic and congestion (x5)

- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 3 – should have adequate parking for seniors
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

### **3.3 Policy Context (see more detail in Appendix B)**

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The following policies support efficient and resilient development patterns through a range of uses and efficient use of land:

*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1 b); Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1) efficiently use land and resources; 2) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and Long-term economic prosperity should be supported by encouraging a sense of place,[and] by promoting well-designed built form (1.7.1. d).*

In accordance with section 3 of the *Planning Act*, all planning decisions ‘shall be consistent with the PPS’.

#### **The London Plan**

The London Plan directs that all of the relevant policies of the Plan that relate to a planning and development application such as the requested Zoning By-law Amendment, should be read in their entirety and form the basis for evaluating its conformity with this Plan (1577-1578). Planning and development applications are evaluated with consideration of the use, intensity, and form that is proposed, as well as conformity with the policies of:

1. Our Strategy
2. Our City
3. City Building Policies
4. Our Tools
5. Place Type Policies
6. Availability of Municipal Services
7. Potential impacts on adjacent and nearby properties
8. The degree to which the proposal fits within its context and policy goals

#### **Our Strategy**

Relevant planning strategies to support key directions to guide planning and

development include the following:

*Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area (59.1);*

*Link land use and transportation plans to ensure they are integrated and mutually supportive (60.4); and*

*Focus intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling (60.5).*

### Our City – City Structure Plan

The City Structure Plan provides a framework for London's growth and change for the future, including the following policies:

*The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing built-up area of the city (79); It is a target of this Plan that a minimum of 45% of all new residential development will be achieved within the Built-Area Boundary of the city, as defined by Figure 2. For the purposes of this Plan, this will be referred to as the "intensification target". The Built-Area Boundary is defined generally as the line circumscribing all lands that were substantively built out as of 2006. This boundary will be used on an on-going basis to monitor intensification and will not change over time (81); and*

*Subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of this Plan (86).*

### City Building Policies

The City Building Policies provide over-arching direction for the City grows, including the following:

*Throughout this Plan we have recognized that mobility and land use are inextricably linked. The design of a street and its associated public right-of-way will have a large impact on the use, intensity and form of development that can be supported along any corridor. In this way, how we plan our streets will dictate the quality of our neighbourhoods, our ability to facilitate positive infill and intensification along rapid transit corridors, and our success in promoting and supporting a viable transit system. It will also establish our ability to move people, goods, and services efficiently from one location to another within the city and to other parts of the world (309); and*

*Utilize rapid transit services to strategically promote and stimulate intensification and support our growth management policies (313.3).*

### Green and Healthy City

A healthy city is one that supports the health of those in it through direction to:

*Develop as an age-friendly city in ways that support the security, health and wellbeing of our senior populations (700).*

### Neighbourhoods Place Type

The subject site is within the Neighbourhoods Place Type in The London Plan and located along a Civic Boulevard. The range of permitted uses include: single detached dwellings, semi-detached dwellings, townhouses, triplexes, small-scale community facilities, stacked townhouses, fourplexes, and low-rise apartment buildings. The development form is intended for a minimum of 2 storeys and a maximum of 4 storeys, with a potential to bonus up to 6 storeys (Tables 10-12).

### High Density Residential Overlay

The London Plan directs higher density uses towards strategic locations to support and take advantage of public transit, such as in transit villages and along rapid transit corridors; though also recognizes some remnant high density residential areas (954). The subject lands are designated in the 1989 Official Plan as High Density Residential, which are recognized in the High Density Residential (HDR) Overlay and retain greater development potential despite not being in a targeted growth location (955).

Lands located within the High Density Residential Overlay but outside of the Primary Transit Area may be permitted to develop up to 12 storeys with a density up to 150 units per hectare. On large sites or areas within the High Density Residential Overlay, capable of accommodating multiple buildings, a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings will be required. Zoning may not allow for the full range of height and density identified in these policies. (958.2, 3 & 5).

### 1989 Official Plan

The subject site is within the Multi-Family, High Density Residential (MFHDR) designation, which primarily permits multiple-attached dwellings, and low and high-rise apartment buildings. Nursing homes, rest homes and homes for the aged are identified as primary permitted uses in the MFHDR designation (3.4.1).

### Southwest Area Secondary Plan (SWAP)

Both The London Plan and the 1989 Official Plan recognize the need for a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558). The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan. While the Plan is to be read and applied in its entirety, the most relevant policies for the consideration of the requested amendment include the following:

#### 20.5.1.4 Principles of the Secondary Plan

The Southwest Area Plan is guided by a series of objectives and principles. Any amendments to the Secondary Plan shall be consistent with the following principles:

##### 20.5.1.4.i) Creation of a Diverse and Connected Community

- a) Provide for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities; and*
- j) Design the community street pattern to create or enhance view corridors.*

##### 20.5.1.4 ii) A Range of Housing Choices

- a) Ensure that a range and mix of housing types is provided within developments to achieve a balanced and inclusive residential community;*
- b) Ensure that housing developments and designs achieve compact residential development; and*
- f) Provide affordable housing opportunities.*

##### 20.5.1.4 iv) A Green and Attractive Environment

- a) Protect and enhance natural heritage features such as woodlands, wetlands, river and creek systems;*
- b) Develop publicly owned open spaces into linear parks with generous buffers to built areas;*

- c) *Enhance livable neighbourhood ideals using public green spaces and urban squares/parkettes as significant design features and by designing walkable neighbourhoods; and*
- d) *Encourage development patterns that provide extensive visual and physical public access to natural features, provided there is minimal impact to the Natural Heritage System.*

#### 20.5.1.4 v) A Model of Sustainable Growth Management

- a) *Extend infrastructure in a logical and cost-effective manner;*
- e) *Establish a high degree of connectivity between residential, open space, commercial and institutional uses within and between existing and new neighbourhoods; and*
- f) *Ensure the use of housing densities and efficient development patterns that minimize land consumption and servicing costs.*

#### 20.5.2 Community Structure Plan

The Community Structure Plan assists with implementing the vision for the built form, public realm and neighbourhood street pattern, including the following objectives:

- i) *development patterns shall generally reflect a fine urban grid street network with a high level of connectivity;*
- iv) *the arterial roads shall serve as key organizing elements and shall generally experience a higher intensity of development than the interior portions of the Planning Area; and*
- viii) *open space areas such as woodlands, river and creek systems and utility corridors may be used to provide pedestrian and cycling linkages between places within and outside the community, that complement the transportation opportunities offered by the street network.*

#### 20.5.3 General Policies

The general policies of the Southwest Area Plan apply to all the lands within the secondary plan boundary as well as all the Neighbourhoods and designations, and include the following policies:

##### 20.5.3.1 Housing

###### i) Affordable Housing

*b) opportunities for affordable housing shall be integrated into neighbourhoods and developments that also provide for regular market housing;*

###### ii) Seniors and Special Populations Housing

*The City may pre-zone specific areas of the Multi-Family, Medium Density Residential designation to permit small-scale nursing homes, homes for the aged, rest homes, and continuum- of-care facilities. These zones should be located within, or in close proximity, to the Wonderland Boulevard Neighbourhood or the areas of intensive residential development set out in Section 20.5.4.1 iv) of this Plan. Permitted uses in such areas may be restricted to ensure the development of such facilities within the Southwest Planning Area.*

##### 20.5.3.2 Sustainable/Green Development

###### i) Principles

*The Southwest Area Secondary Plan is based on a design in which one of the key goals is to maximize the potential for sustainable development. In a City Planning context, this is achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system.*



ii) Policies

*b) in new buildings, Leadership in Energy and Environmental Design (LEED) principles;  
d) alternative energy sources, including solar and appropriately sized rooftop mounted wind collectors. Such technologies should be sensitively incorporated into buildings and community design;*

*f) a range of residential dwelling types that support life-cycle housing and provide opportunities to age-in-place. This may include seniors housing;*

*i) food production opportunities throughout the site. This includes but is not limited to community gardens, private gardens, greenhouses, roof-top gardens and edible landscaping programs; and*

*l) the employment of building technologies such as “greenroofs.” Alternately, the use of reflective roof surface materials with high solar and thermal reflectivity to reduce the “heat island” effect is also desired.*

20.5.3.4 Community Parkland and Trail Network i) Pathways and Trails

*a) Pedestrian pathways and trail development will be focused along the central corridor through the community extending from Dingman Creek to Southdale Road West (and beyond), and include the Sandra McInnis Woods, Thornicroft Drain, Pincombe Drain and hydro corridor. These corridors are intended to provide major pedestrian and cycling linkages within the overall community parkland network;*

*c) The multi-use pathway network shown on Schedule 2 is intended to function as recreational pathways for pedestrians and cyclists; and*

*d) Subdivision design shall incorporate and provide connections of linear pathway/trail and park systems within residential neighbourhoods and between neighbourhoods where possible, and provide significant exposure of the open space feature to the residential community.*

20.5.3.6 Natural Heritage – i) Components of a Natural Heritage System

c) Other Natural Heritage Features

*Natural Heritage Features other than the Dingman Creek, which are identified on Schedule B-1 of the Official Plan will be confirmed and/or delineated through the recommendations of an approved Environmental Impact Study in accordance with Section 15 of the Official Plan. Ecological buffers will be established for Natural Heritage Features based upon the recommendations of an approved Environmental Impact Study (EIS) in accordance with section 15 of the Official Plan.*

d) Development Limit

*Where development occurs within distances adjacent to natural heritage features that trigger the need for an Environmental Impact Study (EIS) as set out in Table 15-1 of the Official Plan, an EIS will be scoped to confirm and delineate the natural feature, to determine the appropriate ecological buffer and to provide details on the Open Space system and naturalization opportunities to integrate the system with the adjacent features to be protected.*

20.5.3.6 Natural Heritage ii) Enhanced Open Space Corridors

*In order to enhance open space opportunities within the Southwest Area, the City will seek to locate open space corridors adjacent to key natural heritage features. These corridors are intended to provide for uses such as trails, active and passive parkland and stewardship opportunities.*

*These enhanced open space corridors are intended to build upon the natural heritage system in the Southwest area and will help to create unique communities and neighbourhoods linked by an integrated open space system. Where there are no natural features to build upon, these corridors may, over time, provide open space connections between natural features. It is intended that these corridors will provide both active and*

*passive recreation opportunities and will form a component of the Southwest area park system.*

#### 20.5.3.6 Natural Heritage iii) Tree Planting Standards and Stewardship Practices

- a) All landscape plans for new development and the re-development of existing sites within the Southwest Area Secondary Plan shall comply with tree planting standards and other tree canopy cover targets established for each land use as identified in the Urban Forest Strategy;*
- b) Wherever possible, enhanced tree planting will be encouraged in exterior side yards along local streets; and*
- e) Encourage the use of large stock tree-planting for development adjacent to arterial roads. The use planting technologies and standards to provide for long term and sustainable growth is encouraged.*

#### 20.5.3.8 Transportation i) General Policies

*The transportation network within this Plan consists of Arterial, Primary and Secondary Collector roads. Local Streets may connect to appropriately designed arterial roads to provide new connections to the community neighbourhoods. The local street pattern will provide an organizing structure for each of the Neighbourhood areas.*

- a) The street patterns shall support pedestrian-oriented development patterns, with strong relationships to the natural heritage features in the Southwest Planning Area;*
- b) The Neighbourhood area street pattern shall support transit, cycling and walking;*
- c) At the subdivision and/or site plan application stage, traffic controls, including the provision of signalized intersections and turning movements, and street frontages that may be subject to full or partial restrictions on individual driveway access, shall be identified as part of the appropriate traffic studies required as part of a complete application;*
- h) Long stretches of on-street parking on local roads shall be broken-up with landscaped “bump-outs” sufficiently sized to support boulevard trees; and*
- i) Mitigation and replacement of any natural heritage feature that may be impacted or lost as a result of roads shall be required.*

#### 20.5.3.9 Urban Design

##### i) Development Design Policies

- a) All development, particularly in the Wonderland Boulevard, Lambeth Village Core, Neighbourhood Central Activity Nodes and residential areas, shall be designed in a form that is to be compact, pedestrian oriented and transit friendly;*
- c) Development shall be based on a modified grid road system with interconnected networks of roads designed to disperse and reduce the length of vehicular and pedestrian trips and support the integration and long term viability of transit service. For local roads, the modified grid road system will respond to topography, the Open Space System and the nodal areas identified in the Plan. Cul-de-sacs will generally be permitted only when warranted by natural site conditions;*
- d) The Open Space System forms a central feature of the Planning Area and the development form should reflect this fact. In addition, an interconnected system of trails will be developed that supports recreation, transit and transportation and connects the Wonderland Boulevard, Lambeth Village Core and the Neighbourhood Central Activity Nodes;*
- e) Public safety, views and accessibility, both physically and visually to the Open Space System, as well as to parks, schools and other natural and civic features, will be an important consideration in community design. This will be accomplished through a range of different approaches including, but not limited to, the use of single loaded roads, combining public open space with other public or institutional facilities (e.g. school/park campuses, easements, stormwater management ponds adjacent to the Open Space System) and the location of high density residential and employment buildings;*
- i) The length of the block contributes significantly to creating a pedestrian-friendly*

environment. Blocks should be short and regular in length to make walking efficient and allow for variation in routes. Where it is impossible or undesirable to provide short blocks, wide public mid-block corridors should be provided to shorten walking distances. Development adjacent to such connections shall be designed to provide an active building facade for a minimum of 50 percent of the length of the pedestrian connection;

j) Views of the following features shall be created at appropriate locations:

- Civic buildings;
- Natural features and open spaces; and

m) Community linkages will be established to connect other parts of the city where possible through road, transit, pedestrian and bicycle links, to ensure that the entire city functions in an integrated manner.

## ii) Public Realm

a) Local streets play a dual role as neighbourhood socialization spaces, as well as supporting transportation needs. The design requirements, while less substantial than for arterial and collector streets, must support the dual role of local streets;

b) Sidewalks shall generally be required on both sides of all streets;

c) Street furniture such as lighting, signage, parking meters, bicycle parking facilities, newspaper boxes, utilities, and garbage facilities shall be designed and placed within a consistent and integrated system of form, pattern, shape, colour, and texture to avoid clutter. Utilities will be grouped or clustered wherever possible and shall not compromise the overall intended character and design response for the street as identified in this section and associated Neighbourhood policies; and

d) Pedestrian/cyclist comfort and safety shall be considered in the streetscape design for roads under the control of the City of London. In commercial, office, and mixed-use areas and Neighbourhood Central Activity Nodes, the design will provide for an enhanced streetscape and sidewalk environment for pedestrians. In these same areas, bicycle routes shall be appropriately placed to avoid conflict between on-street parking and the intended character of the public right-of-way.

## iii) Buildings and Site Design

a) Buildings, structures and landscaping shall be designed to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street. Generally, heights of buildings shall also be related to road widths to create a more comfortable pedestrian environment, so that the wider the road width, the higher the building height;

c) Buildings on corner lots at the intersections of arterial and collector roads shall be sited and massed toward the intersection;

d) The rear and side building elevations of all buildings on corner lots shall be designed to take advantage of their extra visibility;

g) Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by:

- screening of the parking lot at the public right-of-way through the use of features such as low fences, walls and landscaping and in a manner which reflects the safe community design policies of this Section;

- parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings;

- the use of landscaping or decorative paving to reduce the visual expanse of large parking areas;

- provision of pedestrian walkways adjacent to stores, between building clusters, and to provide pedestrian access to transit stops, public sidewalks and adjacent developments.

h) All commercial and office development proposals shall demonstrate safe, effective and accessible pedestrian and bicycle and transit oriented transportation linkages from residential areas, and between and within these developments;

i) Landscaping requirements shall ensure:

- the creation of a human scale within new development;

- the enhancement of pedestrian comfort;

- the provision of features which contribute to the definition of public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions; and

- *landscape design that promotes the use of native species and enhancement of ecological stability and integrity to reduce the heat island effect.*

#### 20.5.4.1 Residential

##### i) Function and Purpose

*It is intended that the Low, Medium and High Density Residential designations will support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”.*

##### iii) All Residential Designations in all Neighbourhoods

- a) *Access to Arterial Roads* The primary transit network is expected to be provided on the arterial roads. For all Draft Plan of Subdivision, Consent and Site Plan applications that include land within 400 metres of an arterial road, the requirements for a complete application shall include the submission of a plan that demonstrates the provision of viable, safe and effective pedestrian linkages to the arterial road, to provide pedestrian access to potential future transit services. Public streets are preferred, however, pathway connections may be considered on a case-specific basis; and
- c) *Mix of Residential Forms* Plans of subdivision shall accommodate a diversity of building types.

#### 20.5.4.3 Open Space

##### i) Function and Purpose

*The Open Space designation will apply to lands within the Southwest Planning Area that are intended for active and passive recreation, and that are components of the city’s natural heritage system.*

*The Open Space designation is made of four sub-areas:*

- *Public Parkland – Active Recreation;*
- *Public Parkland – Urban Parks;*
- *Natural Heritage/Environmental; and*
- *Stormwater Management.*

*c) Natural Heritage/Environmental – This open space area is intended to protect the features and functions of the Natural Heritage System. In addition to providing opportunities to enhance the natural heritage system through naturalization and restoration of environmental buffers and linkages, it may allow for pedestrian trails and other forms of passive recreation, where appropriate.*

#### 20.5.5 Neighbourhoods and Land Use

This Secondary Plan is organized on the basis of Neighbourhood Areas which have specific functions and characteristics implemented by special policies pertaining specifically to the land use designations within that Neighbourhood. The subject lands are within the Bostwick Residential Neighbourhood which include the following policies:

#### **20.5.9 Bostwick Residential Neighbourhood**

##### i) Function and Purpose

*The Bostwick Neighbourhood will provide for residential development with the highest intensity of all of the Residential Neighbourhood Areas in the Southwest Planning Area, to support activities in the Wonderland Boulevard Neighbourhood.*

*Higher intensity mid-rise, transit-oriented development is encouraged along portions of*

*the arterial road network to support the provision of transit services as detailed in Section 20.5.4.1 iv) of the General Residential policies.*

ii) Character

*The residential areas will develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the city, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day to day living experience.*

20.5.9.2 High Density Residential

i) Intent

*The High Density Residential designation provides for transit-oriented, mid-to high-rise, residential development that may be mixed use in nature.*

ii) Permitted Uses

*Permitted uses in the High Density Residential designation shall include mid-rise to high-rise apartment buildings, apartment hotels, nursing homes, rest homes, and homes for the aged.*

iii) Built Form and Intensity

*a) New development may be permitted to a maximum density of 150 units per hectare and a maximum building height of 12 storeys, subject to further urban design review at the site plan approval stage;*

*b) The Urban Design policies of Section 20.5.3.9 and the General Residential policies of Section 20.5.4.1 of this Plan shall apply; and*

*c) Notwithstanding Section 20.5.9.2(iii)(a), Sections 3.4.3(ii) and (iv) of the Official Plan shall apply.*

20.5.17.1 Appendix 4: Official Plan Extracts – Policies

Relevant policies from the 1989 Official Plan have been included in the Secondary Plan to ensure that the policies that are required to fully implement the Secondary Plan are carried forward and become part of this Secondary Plan. Where policies of the 1989 Official Plan are referenced in the Secondary Plan and are not carried forward, it is the intent that this Secondary Plan is to be read in conjunction with the policies of The London Plan.

20.5.17.3 - 3.4.3 Scale of Development

Further to the built form and intensity policies in section 20.5.9.2 iii) of SWAP, the 'Scale of Development' policies set out in section 3.4.3 ii) & iv) apply and include the following:

Height and Density outside of the Downtown and Central London Areas are guided by the following policies:

i) Height and Density outside of the Downtown and Central London Areas

*Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:*

*(a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;*

*(b) all areas shall include a diversity of housing forms such as midrise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;*

*(c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;*

*(d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and*

*(e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of a secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.*

#### The London Plan - City Design Policies 193 (1989 Official Plan – Chapter 11 Policies)

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;*
- 3. A high-quality, distinctive and memorable city image;*
- 4. Development that supports a positive pedestrian environment;*
- 5. A built form that is supportive of all types of active mobility and universal accessibility;*
- 6. High-quality public spaces that are safe, accessible, attractive and vibrant;*
- 7. A mix of housing types to support ageing in place and affordability;*
- 8. Sustainably designed development that is resilient to long-term change;*
- 9. Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.*

#### The London Plan - Affordable Housing 516

*Allow for aging in place, so that there are opportunities for people to remain in their neighbourhood as their housing needs change over time (497.8).*

*New neighbourhoods will be planned to include a variety of different housing types such that it is possible for people to remain in a neighbourhood as their housing needs change over time (509);*

*A target of 25% of new housing, in aggregate, is to be affordable to low- and moderate-income households as defined by the Provincial Policy Statement and this Plan. This target may be met through residential greenfield development and the many forms of intensification identified in the City Structure policies of this Plan (517); and*

*Secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (518).*

#### The London Plan - Natural Features

*Where different components of the Natural Heritage System overlap, the limit of development shall be set at the limit of the maximum ecological buffer as determined through an approved environmental impact study. Where the limits of a natural hazard overlap with the limits of an ecological buffer determined for a natural heritage feature, the development limit shall be set as the greater of the limit of the natural hazard corridor or the limit of the ecological buffer (1416).*

## 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 the consistency with policies related to the provision of an appropriate mix and intensity of residential uses

### Form

- If the proposed senior's oriented apartment building achieves an appropriate interface with the surrounding area through design and orientation

### Intensity

- If the requested intensity of 150 units per hectare is appropriate for the site, surrounding context, and is able to be serviced,
- If the proposed intensity is consistent with the Our City, Our Strategy, City Building, Intensification Targets, City Structure, and Place Type policies

### SWAP

- Conformity to policies related to the appropriateness of the proposal in the Bostwick Neighbourhood and broader secondary plan

### Technical Review

- Functional servicing analysis and available sanitary capacity to accommodate the proposed intensity
- A review of the Transportation Impact Assessment to ensure no negative impacts on existing roads, and to ensure future road construction can be managed through the consent application
- Appropriate and desirable design of towers and consideration before the Urban Design Peer Review Panel
- Suitability of the proposed development limit along the east boundary (Thornicroft Drain)

### Zoning

- Suitability of the requested zoning and regulation amendments in relation to the proposed development and neighbourhood

More information and detail is available in the Appendices of this report.

**5.0 Conclusion**

Development Services staff will continue to review the merits of the application and the comments received with respect to the requested Zoning By-law Amendment. A subsequent planning report will be prepared when the review is complete, including a recommended action for the consideration of the Planning and Environment Committee and Municipal Council.

<b>Recommended by:</b>	<b>Sonia Wise, MCIP, RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
/sw

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

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## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On August 17, 2018, Notice of Application was sent to 552 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 16, 2018. A “Planning Application” sign was also posted on the site.

7 replies were received

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a mixed use development with residential, office and convenience commercial uses. Possible amendment to the Official Plan to add the subject site to the list of preferred sites to allow convenience commercial uses. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone **TO** a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(\_)/RO2(\_)\*B-\_\_) Zone to permit a range of high density residential uses in two towers of 18 & 21 storeys with a 5 storey podium, and 1,000m<sup>2</sup> of convenience commercial uses, and 2,000m<sup>2</sup> of office uses. A bonus zone is requesting an increased height of 21 storeys, and a density of 261 units per hectare in return for such facilities, services or matters described in section 19.4.4 of the Official Plan, and policies 1638-1655 of The London Plan.

**Responses:** A summary of the various comments received include the following:  
Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 3 – should have adequate parking for seniors
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

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

Telephone	Written
Tom Brimson 12-1015 Farnham Rd London ON N6K 1S3	Amanda Nash 1172 Dalhouse Dr London ON N6K 2Y1
Jim Cressman 957 Dalhousie Dr London ON N6K 1M8	Susan Spencer-Paton 31 Brixham Road London ON NK 1P5
Wing Man Lin	Esther Corcoran 143 McMaster Drive London ON N6K 1J5
	Ed Morrison

From: amanda nash [mailto: [REDACTED]]  
Sent: Monday, August 27, 2018 3:23 PM  
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
Subject: 3080 bostwick rd development

As a resident of Dalhousie dr. We are concerned about traffic on surrounding streets. Traffic is already horrific on southdale and very often backs up through the intersection of Bostwick rd and Southdale rd. It will often back up through the lights at Wonderland and as far west as Colonel Talbot at times. If you add in another potential 1000 plus units that could make this neighbourhood basically inaccessible at many times of day.

With the added population density where will the children go to school ? If even half of the 1000 plus units even have just 2 children where do you suggest these schools put 1000 more students ? The plans do not show any plans for a new school building, so that means our children who already go to these crowded schools will suffer greatly from the overpopulation of their class rooms and school fundings will be stretched even thinner.

**LONDON CONDOMINIUM CORPORATON # 15**  
**31 Brixham Road, London ON N6K 1P5**

September 4, 2018

Sonia Wise  
[swise@london.ca](mailto:swise@london.ca)

Dear Ms. Wise:

**Re: Planning Application, 3080 Bostwick Road**

We represent London Condominium Corporation # 15 which consists of 43 townhouse units along McMaster Drive, Brixham Road, Dalhousie Crescent and Farnham Road. Although we are pleased to finally see that the weeds and mounds of dirt at the corner of Bostwick and Southdale replaced by development, we have concerns about the increase in traffic that it will bring to the area and through our streets.

Although, the majority of our condominium residents are seniors and mature adults, there are also many children living in the area and using these streets to attend the three schools in Westmount. Even without the addition of the proposed 1,670 new residents, plus expanse of commercial retail and office use, the traffic along Southdale Road and through our streets has increased tremendously over the past couple of years. With the addition of this number of residents without improvements, the traffic congestion and safety of pedestrians is a great concern.

We urge the City to implement the recommendations for road improvements proposed in the Environmental Study presented by York Developments in 2017, prior to the completion of and new high rise buildings on Southdale Road

Respectfully submitted,

*Susan Spencer-Paton*  
Susan Spencer-Paton  
President

Email: [REDACTED]

*Doris E. Hall*  
Doris E. Hall  
Treasurer

Cc: Anna Hopkins <ahopkins@london.ca>  
Virginia Ridley, <vridley@london.ca>

**From:** Esther Corcoran [mailto: ]  
**Sent:** Monday, September 17, 2018 8:16 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Ms. Wise,

I also forgot to add that to better serve the community and our city, with all the new developments that there is limited affordable homes and rentals with the tightening of the requirements for obtaining a mortgage this greatly impacts young families, single people and those that have already retired and those approaching retirement. People on restricted income or a lack of income growth (eg - seniors), that affordable housing or single family homes are also required. There is a small circle of homes within our subdivision of detached homes that have yards slightly larger than townhome has. Many of them are single floors and this is something that is also needed for those just entering the housing market, downsizing or disabled.

Thank you  
Esther Corcoran

-----original message-----

**From:** Esther Corcoran [mailto: ]  
**Sent:** Sunday, September 16, 2018 8:39 PM  
**To:** Hopkins, Anna <ahopkins@london.ca>  
**Cc:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Anna,

We reside in Westmount and would like to share some of our concerns for the proposals for 3080 Bostwick Road. At this time, traffic from Wonderland Rd. S., to Colonel Talbot Rd along Southdale Rd is extremely heavy especially during the early hours and later afternoon (eg - 7am-10am & 4pm-6pm). With the proposed additions of housing the traffic will increase drastically and Southdale is not equipped to handle the increase in traffic and should be expanded prior to any more additional housing being built.

Proposal for Site 1 - the residential apartment building(s) are too high for the surrounding neighborhood as proposed at 21 & 18 storeys high. They should be no higher than 14 storeys. Concern is two fold in that should there be a power outage or fire, any elderly, disabled, expectant mother, young children would have a difficult time in descending 21 or 18 storeys to safety. The other concern is for surrounding homes that may be utilizing satellite signals that the height of such a high rise may disrupt the signal.

Proposal for Site 3 - would be the same as above as it is being proposed for a 17 storey apartment building.

Proposal for Site 5 - It is not clear as to how many parking spaces will be available for 168 units. Many seniors continue to drive.

Our final concern for all proposals is that there should be a spot for each apartment building that allows for easy access for para transit vehicles (eg Voyager etc.) so that they can easily get in and out for pick ups and drop offs. Many newer buildings aren't allowing easy access for these vehicles.

Sincerely,  
Esther Corcoran

**From:** Ed Morrison [mailto: ]  
**Sent:** Thursday, September 27, 2018 11:54 AM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Development

Hello Mrs. Wise

My biggest concern so far is when the development will take place. The widening of Southdale from Pine Valley to Colonel Talbot is slated to be finished by 2030. If this development takes place before the widening it will further aggravate the already congested area.

Ed Morrison

## **Agency/Departmental Comments**

### August 1, 2018 – Urban Regeneration: Email Excerpt

No further archaeological work is required for the assessed area

### September 20, 2018 – Development Services Engineering: Memo

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendment application:

### Comments for the Re-zoning Application

- A holding provision for the provision of access to the satisfaction of the City Engineer is required.
- Transportation has reviewed the TIA provided and cannot support a full access for Street 3, the Southdale Road EA identifies a median at this location restricting the access to right in/right out, furthermore the signal spacing does not meet the minimum spacing as identified in the Access Management Guidelines. The timing of various DC road projects is currently being reviewed through the DC update and may impact future road capacity assumptions contained in the TIA. The applicant should update the TIA to reflect the above mentioned street 3 access restriction.
- A general "h" provision to ensure the orderly development of lands and the adequate provision of municipal services (i.e. to ensure the detailed design and agreement to construct the required watermain has been satisfied).
- A revised sanitary capacity analysis to demonstrate flows from all three sites do not exceed the 7.5l/s sanitary allocation. All three sites and the draft plan of subdivision (excluding the SWCC) combined cannot exceed 7.5l/s as agreed upon in the Agreement of Purchase and Sale for these lands. Alternatively, flows above the allocated 7.5l/s for the subject lands may be able to be serviced by the future GMIS Bostwick Road Sanitary Sewer. The applicant should be advised that his consulting engineer can contact Wastewater and Drainage Engineering prior to submitting the revised analysis for further clarification regarding the scope of the sewer assessment.
- Provide a Professional Engineers stamp for the Noise Assessment.

### Transportation

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

- The applicant shall construct all external works as identified in the future accepted TIA to facilitate the development of the subject lands;
- Widen Southdale Road to a maximum width of 24.0 metres in perpendicular width from the centerline of Southdale Road along the entire frontage of the subject lands.
- Provide a 0.3m road reserve block along Southdale Road frontage.
- Provide plan and profile drawings demonstrating the design of the private access road to be located within the future dedicated right of way. The conceptual centerline design of the draft plan of subdivision road network shall be included to ensure the private access road does not impact any future development.
- Individual access from Blocks 1 and 3 will not be permitted to Southdale Road.
- The access road is to be constructed to a standard suitable for winter maintenance, including but not limited to, installation of granular's, base asphalt and curb and gutter. The road structure shall be built to the road classification (as determined by the future draft plan of subdivision) standards.

- A temporary turnaround may be required depending on the length of the private access.
- Any road and/or servicing crossing over the Thornicroft drain may require an Environmental Assessment Opinion Letter.
- Access arrangement will need to comply with the Southdale Road EA <https://www.london.ca/residents/Environment/EAs/Pages/Southdale-Road-West-Bostwick-Road-Improvements-.aspx>

### **Water**

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

- Individual water service connections from the site directly to Southdale Road will not be permitted.
- The proposed municipal watermain shall be sized to accommodate the future draft plan of subdivision and any external tributary lands.
- The alignment of the proposed municipal watermain along the private access road (future dedicated right of way) shall be in standard location as per UCC 1M.

### **Wastewater**

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

- Development of the site should be coordinated with the future draft plan of subdivision.
- The proposed municipal sewers shall be sized to accommodate the future draft plan of subdivision and any external tributary lands.
- The alignment of the proposed municipal sewers along the private access road (future dedicated right of way) shall be in standard location as per UCC 1M.

### **Stormwater**

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

- City of London Permanent Private System policy applies and all post development flows for all storm events up to the 100 year storm shall be controlled to the pre-development levels.
- Quality controls to the standards of the Ministry of the environment, Conservation and Parks – MECP (formerly MOECC) shall be achieved by the use of an OGS (or any other applicable options such as catchbasin hoods, bioswales, etc.) providing normal (70% TSS removal) level.
- An MECP ECA may be required for the design and construction of any proposed outfall (e.g. the outfall proposed in Fig.-2 of the IPR TS2016-008). The applicant will have to contact the MECP to confirm if a new ECA is required. Please note that any required ECA may be obtained through B.032/18 or B.033/18. Coordination will be required.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.

### **Noise**

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

- The noise assessment will be required to be submitted as part of a future application for acceptance by the City. Ensure the report is updated to reflect any changes in design and layout.

## Appendix B – Policy Context

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

### Provincial Policy Statement, 2014

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
  - 1.1.3 Settlement Areas
- 1.7 Long-term economic prosperity

### The London Plan

- 54 Our Strategy
- 79 Our City – City Structure Plan
- 193 City Design Policies
- 309 City Building Policies
- 516 Affordable Housing
- 916 Neighbourhoods
- 954 High Density Residential Overlay
- 1556 Secondary Plans
- 1577 Evaluation of Planning Applications

### Southwest Area Secondary Plan

- 20.5.1.4 Principles of the Secondary Plan
- 20.5.2 Community Structure Plan
- 20.5.3 General Policies
  - 20.5.4.1 General Land Use Policies
- 20.5.5 Neighbourhoods
  - 20.5.9 Bostwick Neighbourhood
- 20.5.17 Appendix 4: Official Plan Excerpts – Policies

### 1989 Official Plan

- 2.1 Council Strategic Plan
- 3.4. Multi-Family, High Density Residential
  - 11.1 Urban Design
- 20 Secondary Plans

### Z.-1 Zoning By-law

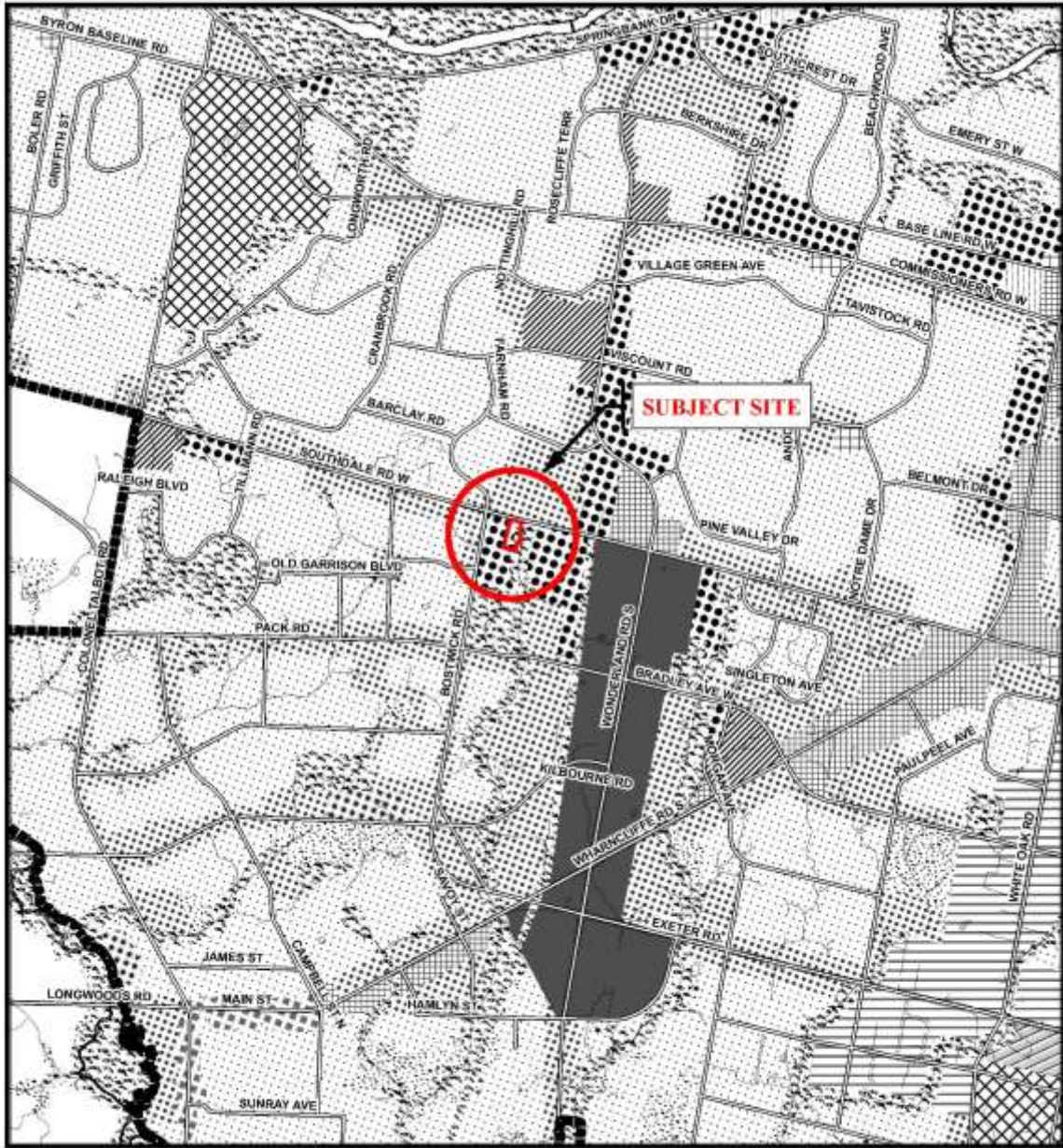
- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 13: Residential R9 Zone



**Appendix C – Additional Information**

**Additional Maps**



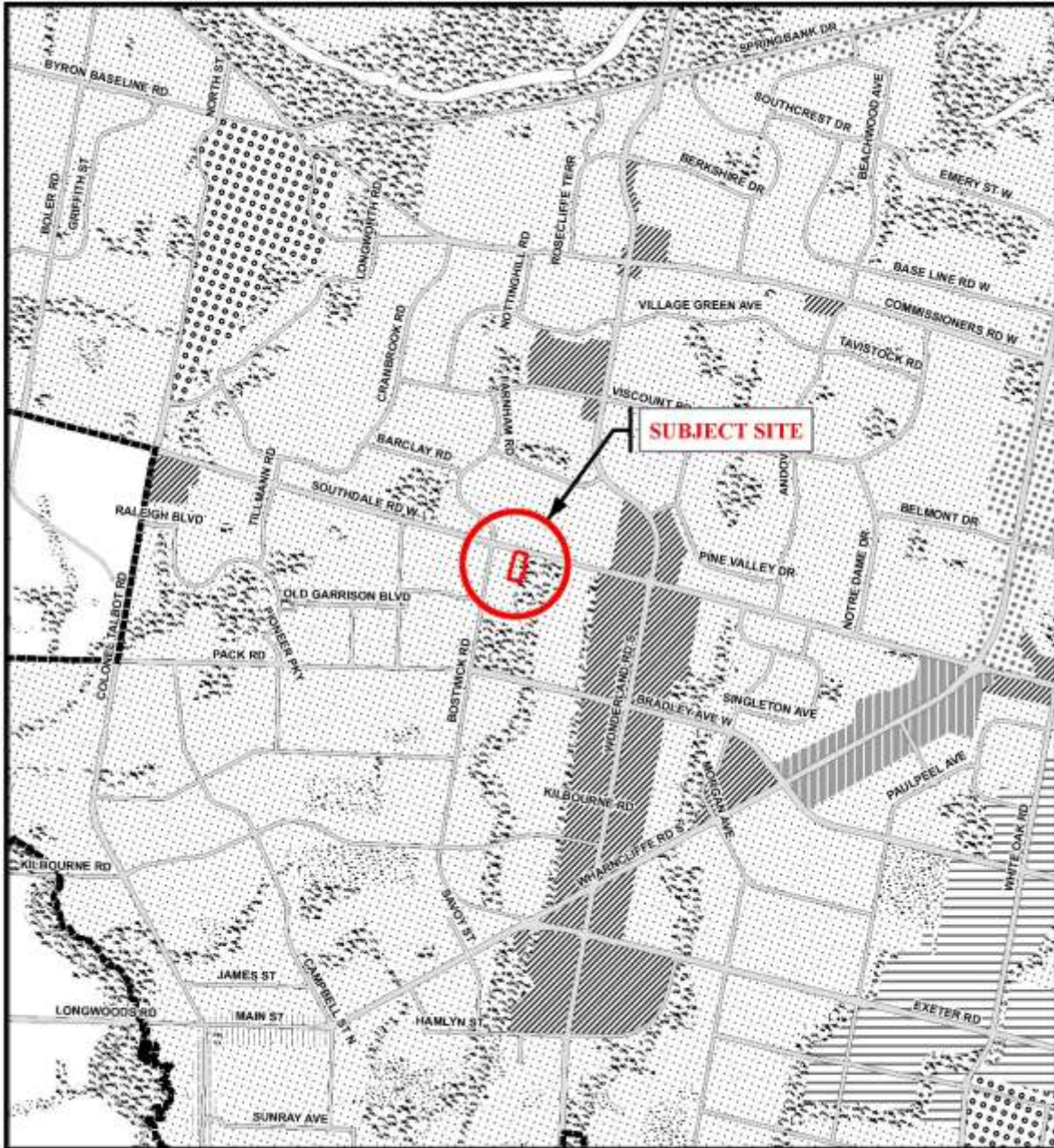


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8942</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/09/29</p>

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**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

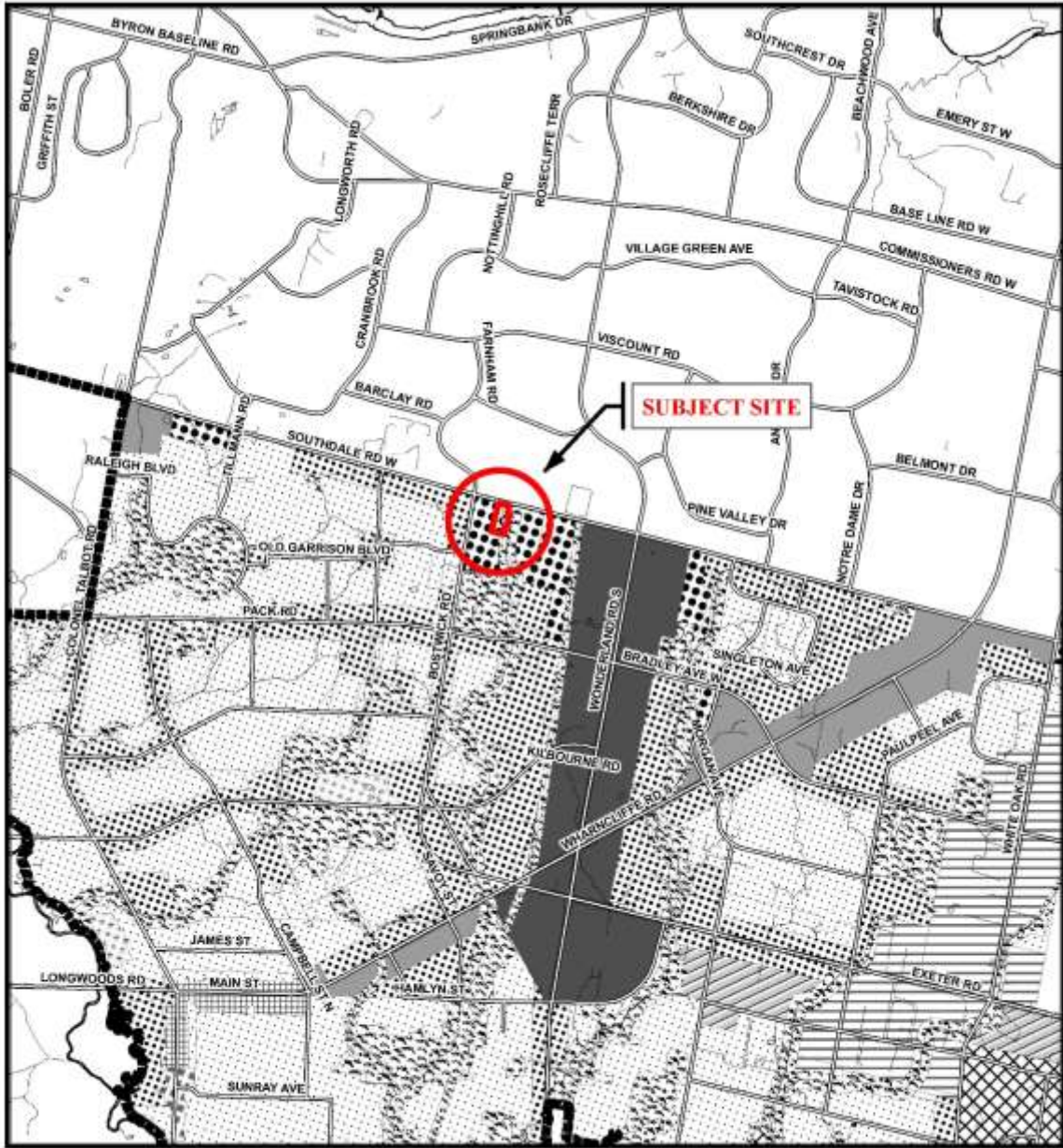


**File Number:** Z-8942

**Planner:** SW

**Technician:** RC

**Date:** August 29, 2018



Legend	
	High Density Residential
	Medium Density Residential
	Low Density Residential
	Commercial
	Office
	Wonderland Road Community Enterprise Corridor
	Main Street Lambeth North
	Main Street Lambeth South
	Open Space
	Institutional
	Industrial
	Commercial Industrial
	Transitional Industrial
	Urban Reserve Community Growth
	Urban Reserve Industrial Growth
	Rural Settlement
	Urban Growth Boundary

<p><b>CITY OF LONDON</b> Planning Services / Development Services SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8942</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/08/29</p>

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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
Z-8942 SW

MAP PREPARED:  
2018/08/28 RC

1:5,000  
0 25 50 100 150 200  
Meters

**Additional Reports**

OZ-6662: 2004 Request for Official Plan and Zoning By-law Amendments to develop site for various residential and commercial uses

O-7609: 2012 Council Approved Official Plan Amendments associated with Southwest Area Plan

Z-8386: 2014 Zoning by-law Amendment to facilitate the development of the Bostwick Community Centre

## 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:** Public Participation Meeting Report  
31675 Ontario Ltd (York Developments Inc)  
3080 Bostwick Road (Site 5)  
Public Participation Meeting on: October 9, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of 31675 Ontario Ltd (York Developments Inc) relating to a portion of the property located at 3080 Bostwick Road:

- (a) The comments received from the public during the Public Engagement process attached as Appendix "A" to the staff report dated September 28, 2018, **BE RECEIVED**
- (b) **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 of the subject application.

## Executive Summary

### Summary of Request

The requested amendment is to permit site-specific Official Plan and Zoning By-law Amendments to allow for a mixed-use development with a three storey stand-alone office and commercial building, and a 17 storey residential apartment building, with a total density of 201 units per hectare.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the details of the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve the appeal rights of the public and ensure that Municipal Council has had the opportunity to review the requested Official Plan and Zoning By-law Amendments prior to the expiration of the 210 day timeframe legislated for Official Plan and Zoning By-law Amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation period; and
- iv) Bring forward a future recommendation report for consideration by the Planning and Environment Committee once the technical review is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site consists of 1.1ha of vacant land, which also forms part of a larger parcel of land owned by the applicant (approximately 15ha) with frontage on Southdale Road West and Bostwick Road. The portion of the site that is the subject of the Official Plan and Zoning By-law amendment is identified as “Site 5” which is located at the northeastern most part of the site just east of the Bostwick Community Centre. The site is vacant and located south of an existing medium density neighbourhood situated on the north side of Southdale Road West.

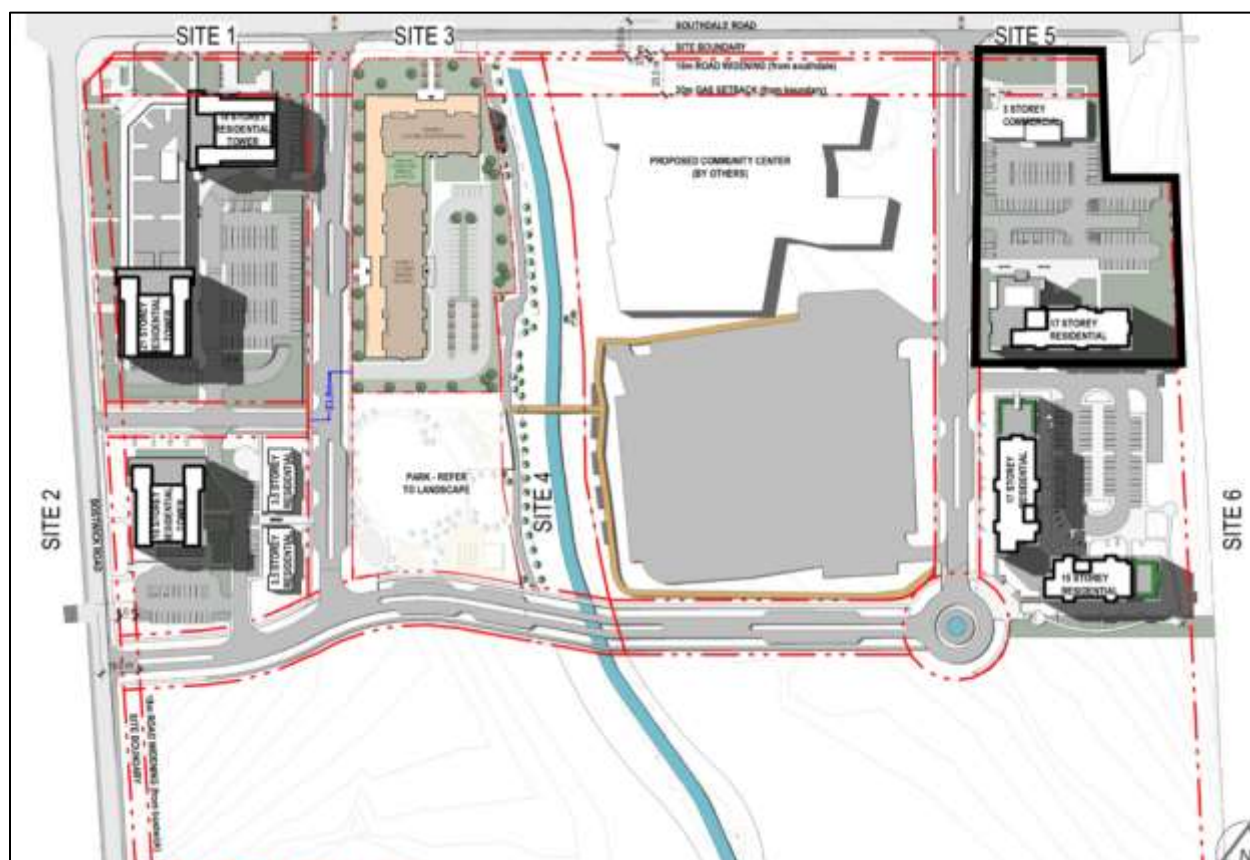


Figure 1: Proposed Master Development Plan

#### 1.2 Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Multi-Family, High Density Residential (MFHDR)
- The London Plan Place Type – Neighbourhoods & High Density Residential Overlay
- Southwest Area Plan Designation – Multi-Family, High Density Residential (MFHDR)
- Existing Zoning – Urban Reserve (UR4) Zone

#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 57m (Southdale Road West)
- Depth – 146m
- Area – 1.1ha
- Shape – Irregular

#### 1.4 Surrounding Land Uses

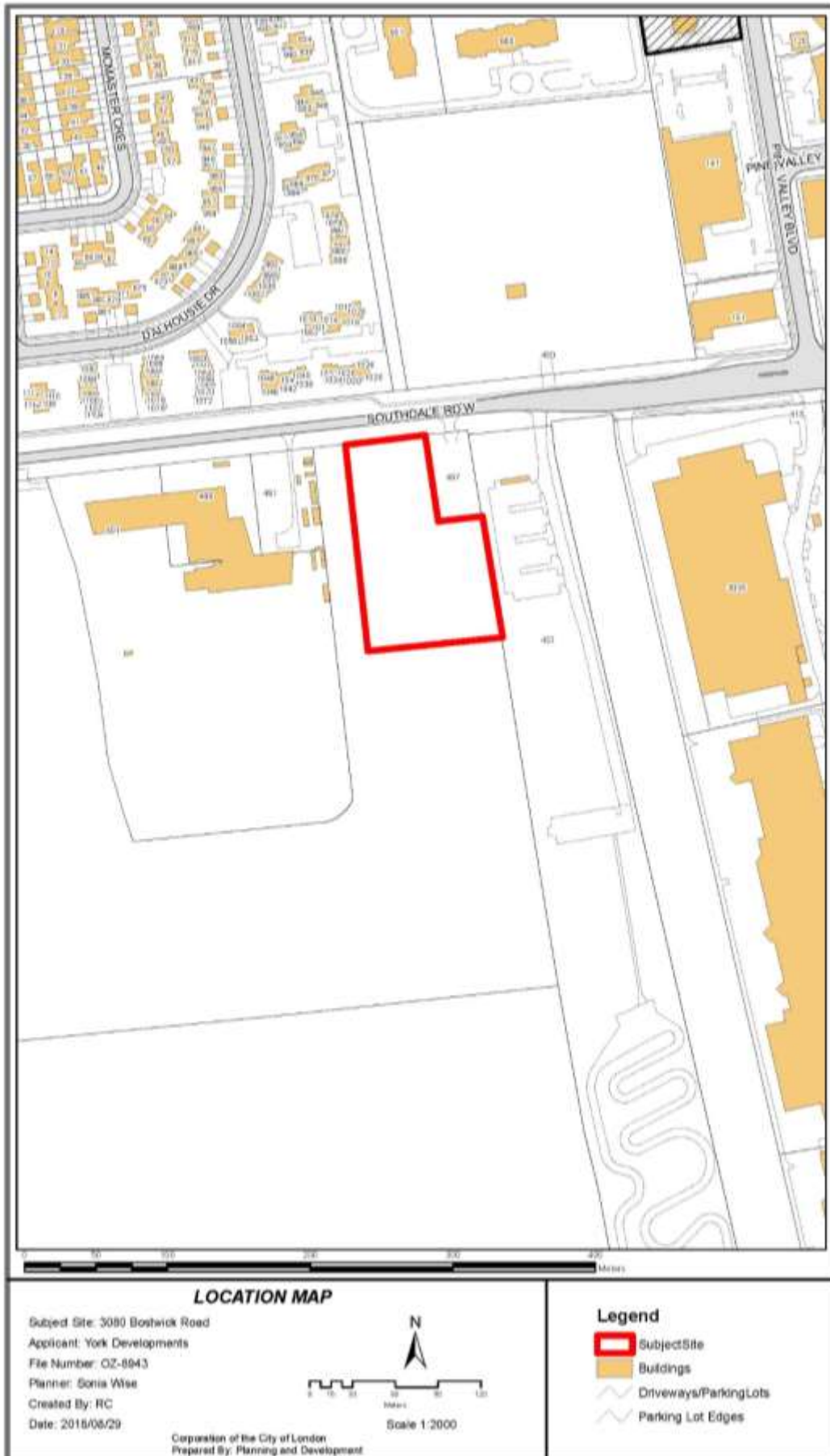
- North – Residential
- East – Vacant land
- South – Vacant land
- West – Community Centre



**1.5 Intensification (identify proposed number of units)**

- 198 residential units are being proposed with Site 5 which is located outside of the Built-area Boundary, and Primary Transit Area

**1.6 Location Map**



**1.7 Consent Application B.034/18**

The subject site is also the subject of an application for consent to sever B.034/18, to create the separate parcel, and retain the remainder of the lands for other development

proposals. The consent application is being considered concurrently with the requested Official Plan and Zoning By-law Amendments.

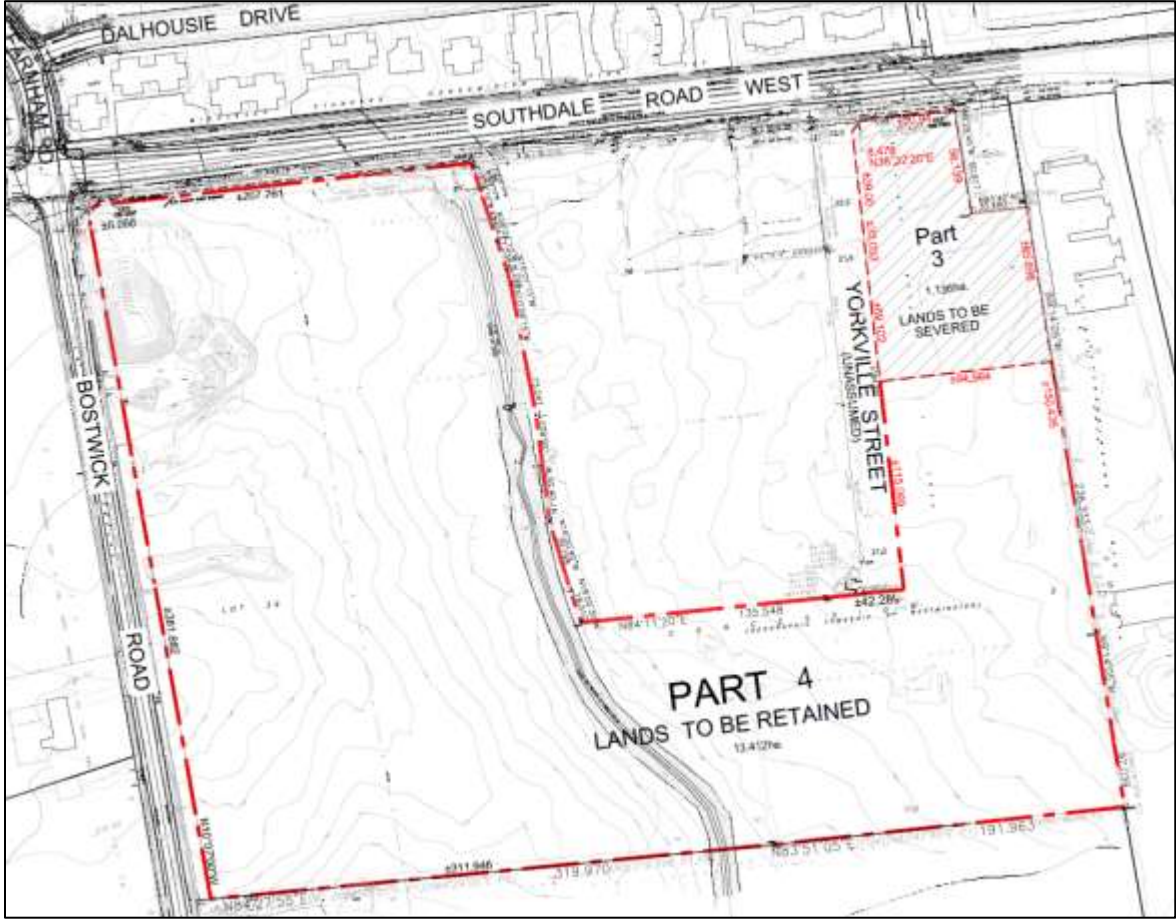


Figure 2: Proposed Severance Sketch B.034/18

**1.8 Subdivision Application 39T-18502**

The remainder of 3080 Bostwick Road to the south of Site 5 is the subject of an application for a draft plan of subdivision and Zoning By-law Amendment (39T-18502/Z-8931). The plan of subdivision is proposing three new roads, two new high density residential development blocks, an open space block and a new park block, as well as lands reserved for future development.

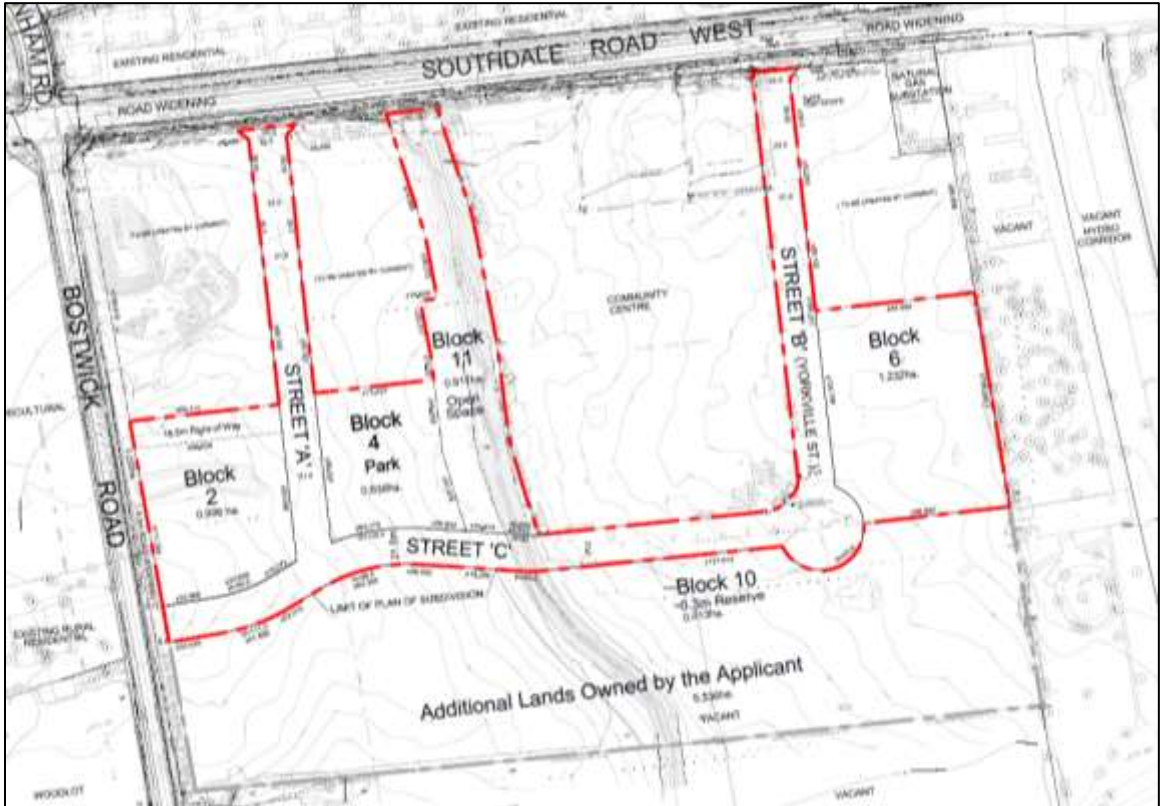


Figure 3: Proposed Draft Plan of Subdivision 39T-18502

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed development being requested for Site 5 consists of a three storey, stand-alone commercial and office building, and a 17 storey (68m) residential apartments building. The three storey building is oriented to Southdale Road West and contains 2,000m<sup>2</sup> of office space and 1,000m<sup>2</sup> of convenience commercial gross floor area. A wide range of convenience commercial uses are also being requested, including such uses as: studios, food stores, restaurants, personal service establishments, clinics, financial institutions and pharmacies.

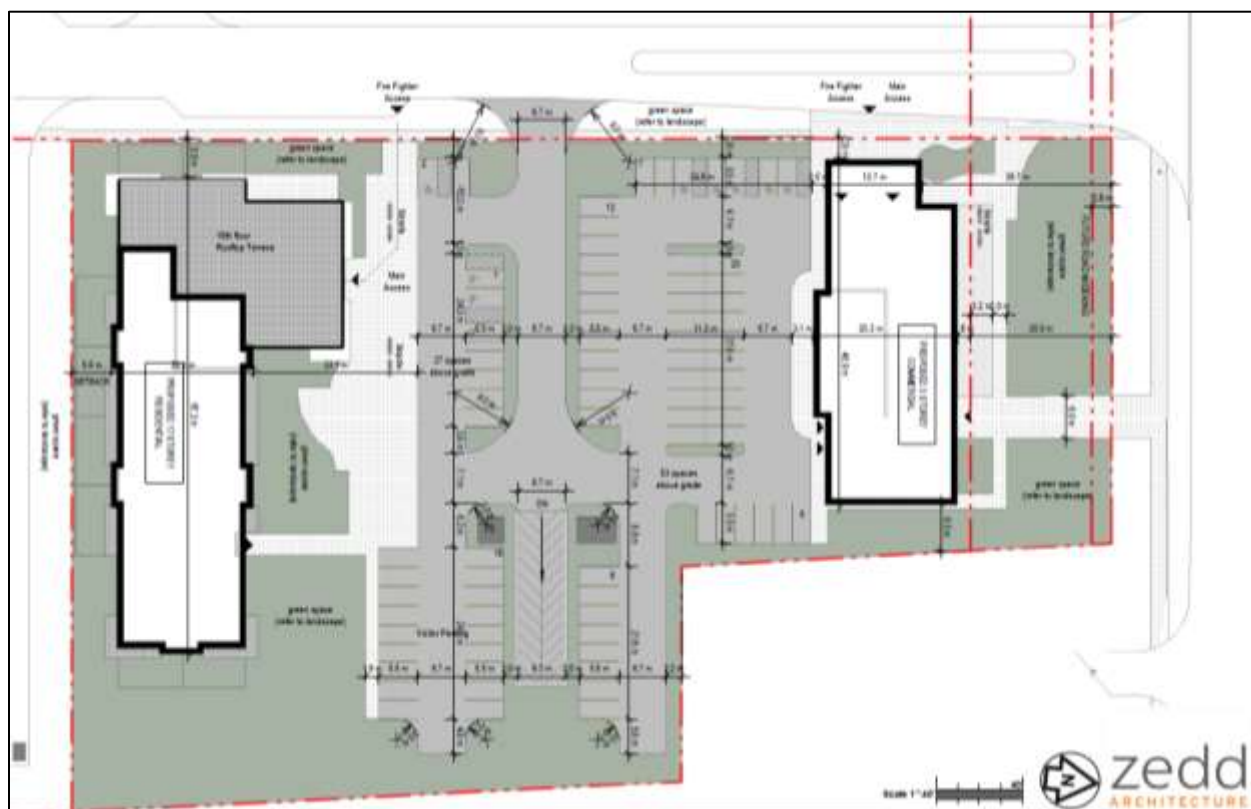


Figure 4: Conceptual Site Plan

The residential apartment building is located at the south (rear) of the site with a total of 198 residential units. The combined commercial, office and residential units equates to a density of 201 units per hectare. The access for the site is proposed from Street B, which leads to 80 surface parking spaces located between the two buildings, and 396 additional underground spaces for a total of 476 spaces.



Figure 5: Conceptual Rendering

The increased height of 68m (17 storeys) and density of 201uph is being requested through a site-specific bonus zone. The proposed bonusable facilities, services or matters include:

- To support the provision of common open space that is functional for active or passive recreational use;
- To support the provision of underground parking;
- To encourage aesthetically attractive residential development through the enhanced provision of landscaped open space;
- To support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit; and
- To support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.

## 2.2 Submitted Studies

A number of reports and studies were submitted to support the requested amendment, including:

- Transportation Impact Assessment;
- Urban Design Brief;
- Planning Justification Report;
- Sanitary Servicing and Feasibility Analysis;
- Preliminary Geotechnical Investigation;
- Storm Drainage and Stormwater Management Plan;
- Environmental Impact Study;
- Archaeological Assessment;
- Hydrogeological and Water Balance Analysis;
- Drain Erosion Assessment;
- Wind Study; and
- Noise Study.

## 2.3 Requested Amendment

The requested amendment is for an Official Plan/Zoning By-law Amendment to permit the proposed mixed-use development. An Official Plan Amendment is required to add the site to the list of preferred location for convenience commercial uses. A Zoning By-law Amendment is required to permit the proposed scale and intensity of residential, commercial and office uses on a site-specific basis. The Zone requested by the applicant is for a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(\_\_\_\_)/RO2(\_\_\_\_)\*B-\_\_\_\_) Zone.

## 3.0 Relevant Background

### 3.1 Planning History

The subject lands previously formed part of the Town of Westminster which were annexed into the City of London in 1993. The lands were designated “Urban Reserve – Community Growth” and “Environmental Review” in 1996 when the Official Plan amendment for the annexed area was adopted.

In 2004, the current owner of 3080 Bostwick Road, in its entirety, applied for an Official Plan and Zoning By-law amendment (OZ-6662) to allow for a range of commercial and residential development on the lands. The planning application was considered to be premature in the absence of a comprehensive plan for the area, and was put ‘on hold’ to allow for the completion of the Southwest Area Secondary Plan. The Southwest Area Secondary Plan came into effect on April 29, 2014 (OPA No. 541), following an Ontario Municipal Board hearing. Recent amendments to the Plan were undertaken in April of 2017 to incorporate referenced policies from the 1989 Official Plan prior to the full London Plan coming into effect.

At the time of the draft plan in 2012, the recommended designation of the subject lands was for Multi-Family, Medium Density Residential. During the review of the SWAP, the owner requested a Multi-Family, High Density Residential designation instead of the Medium Density recommended, which was endorsed by the Planning and Environment Committee on October 15, 2012 as follows:

*ix) the portion of the property located at 3080 Bostwick Road west of the open space be designated "Multi-Family, High Density Residential"*

In 2014, a portion of the lands was the subject of a Zoning By-law Amendment Application (Z-8386) to facilitate development of the Bostwick Community Centre. A local road connection was created along the easterly boundary of the Community Centre lands and municipal services were extended along Southdale Road to support the Community Centre.

### **3.2 Community Engagement (see more detail in Appendix A)**

Notice of Application was circulated on August 17, 2018, and notice was published in the Londoner on August 16, 2018. There were 7 responses provided through the community consultation period. A summary of the comments include:

Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 5 – 17 storeys too tall
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

### **3.3 Policy Context (see more detail in Appendix B)**

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The following policies support efficient and resilient development patterns through a range of uses and efficient use of land:

*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1 b); Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1) efficiently use land and resources; 2) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and*

*Long-term economic prosperity should be supported by encouraging a sense of place,[and] by promoting well-designed built form (1.7.1. d).*

In accordance with section 3 of the *Planning Act*, all planning decisions ‘shall be consistent with the PPS’.

### **The London Plan**

The London Plan directs that all of the relevant policies of the Plan that relate to a planning and development application such as the requested Official Plan and Zoning By-law Amendment, should be read in their entirety and form the basis for evaluating its conformity with this Plan (1577-1578). Planning and development applications are evaluated with consideration of the use, intensity, and form that is proposed, as well as conformity with the policies of:

1. Our Strategy
2. Our City
3. City Building Policies
4. Our Tools
5. Place Type Policies
6. Availability of Municipal Services
7. Potential impacts on adjacent and nearby properties
8. The degree to which the proposal fits within its context and policy goals

### **Our Strategy**

Relevant planning strategies to support key directions to guide planning and development include the following:

*Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area (59.1);*

*Link land use and transportation plans to ensure they are integrated and mutually supportive (60.4); and*

*Focus intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling (60.5).*

### **Our City – City Structure Plan**

The City Structure Plan provides a framework for London’s growth and change for the future, including the following policies:

*The London Plan places an emphasis on growing “inward and upward” to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing builtup area of the city (79); It is a target of this Plan that a minimum of 45% of all new residential development will be achieved within the Built-Area Boundary of the city, as defined by Figure 2. For the purposes of this Plan, this will be referred to as the “intensification target”. The Built-Area Boundary is defined generally as the line circumscribing all lands that were substantively built out as of 2006. This boundary will be used on an on-going basis to monitor intensification and will not change over time (81); and*

*Subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of this Plan (86).*

### **City Building Policies**

The City Building Policies provide over-arching direction for the City grows, including the following:

*Throughout this Plan we have recognized that mobility and land use are inextricably linked. The design of a street and its associated public right-of-way will have a large impact on the use, intensity and form of development that can be supported along any corridor. In this way, how we plan our streets will dictate the quality of our neighbourhoods, our ability to facilitate positive infill and intensification along rapid transit corridors, and our success in promoting and supporting a viable transit system. It will also establish our ability to move people, goods, and services efficiently from one location to another within the city and to other parts of the world (309); and Utilize rapid transit services to strategically promote and stimulate intensification and support our growth management policies (313.3).*

### Neighbourhoods Place Type

The subject site is within the Neighbourhoods Place Type in The London Plan and located along a Civic Boulevard. The range of permitted uses include: single detached dwellings, semi-detached dwellings, townhouses, triplexes, small-scale community facilities, stacked townhouses, fourplexes, and low-rise apartment buildings. The development form is intended for a minimum of 2 storeys and a maximum of 4 storeys, with a potential to bonus up to 6 storeys (Tables 10-12).

### High Density Residential Overlay

The London Plan directs higher density uses towards strategic locations to support and take advantage of public transit, such as in transit villages and along rapid transit corridors; though also recognizes some remnant high density residential areas (954). The subject lands are designated in the 1989 Official Plan as High Density Residential, which are recognized in the High Density Residential (HDR) Overlay and retain greater development potential despite not being in a targeted growth location (955).

Lands located within the High Density Residential Overlay but outside of the Primary Transit Area may be permitted to develop up to 12 storeys with a density up to 150 units per hectare. On large sites or areas within the High Density Residential Overlay, capable of accommodating multiple buildings, a diversity of housing forms such as mid-rise and low-rise apartments and multiple attached dwellings will be required. Zoning may not allow for the full range of height and density identified in these policies. (958.2,3 & 5).

### 1989 Official Plan

The subject site is within the Multi-Family, High Density Residential (MFHDR) designation, which primarily permits multiple-attached dwellings, and low and high-rise apartment buildings. Some secondary permitted uses are contemplated within the MFHDR designation that are considered to be integral to, and compatible with high density residential development. Uses such as community facilities, small-scale office developments, and convenience commercial uses may be considered where they meet relevant policies (3.4.1).

### Southwest Area Secondary Plan (SWAP)

Both The London Plan and the 1989 Official Plan recognize the need for a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558). The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan. While the Plan is to be read and applied in its entirety, the most relevant policies for the consideration of the requested amendment include the following:

#### 20.5.1.4 Principles of the Secondary Plan

The Southwest Area Plan is guided by a series of objectives and principles. Any amendments to the Secondary Plan shall be consistent with the following principles:

##### 20.5.1.4.i) Creation of a Diverse and Connected Community

- a) Provide for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities; and*
- d) Provide for daily needs without reliance on a car.*

##### 20.5.1.4 ii) A Range of Housing Choices

- a) Ensure that a range and mix of housing types is provided within developments to achieve a balanced and inclusive residential community;*
- b) Ensure that housing developments and designs achieve compact residential development;*
- e) Provide opportunities for live-work opportunities to reduce the need for commuting; and*
- f) Provide affordable housing opportunities.*

##### 20.5.1.4 v) A model of Sustainable Growth Management

- a) Extend infrastructure in a logical and cost-effective manner;*
- e) Establish a high degree of connectivity between residential, open space, commercial and institutional uses within and between existing and new neighbourhoods; and*
- f) Ensure the use of housing densities and efficient development patterns that minimize land consumption and servicing costs.*

#### 20.5.2 Community Structure Plan

The Community Structure Plan assists with implementing the vision for the built form, public realm and neighbourhood street pattern, including the following objectives:

- i) development patterns shall generally reflect a fine urban grid street network with a high level of connectivity; and*
- iv) the arterial roads shall serve as key organizing elements and shall generally experience a higher intensity of development than the interior portions of the Planning Area.*

#### 20.5.3 General Policies

The general policies of the Southwest Area Plan apply to all the lands within the secondary plan boundary as well as all the Neighbourhoods and designations, and include the following policies:

##### 20.5.3.1 Housing i) Affordable Housing

- a) where appropriate, density bonusing will be considered for proposals that have an affordable housing component above 25% of the total dwelling count in any one development; and*
- b) opportunities for affordable housing shall be integrated into neighbourhoods and developments that also provide for regular market housing.*

##### 20.5.3.2 Sustainable/Green Development

###### i) Principles

*The Southwest Area Secondary Plan is based on a design in which one of the key goals is to maximize the potential for sustainable development. In a City Planning context, this is achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system.*



ii) Policies

*b) in new buildings, Leadership in Energy and Environmental Design (LEED) principles;  
d) alternative energy sources, including solar and appropriately sized rooftop mounted wind collectors. Such technologies should be sensitively incorporated into buildings and community design;*

*i) food production opportunities throughout the site. This includes but is not limited to community gardens, private gardens, greenhouses, roof-top gardens and edible landscaping programs; and*

*l) the employment of building technologies such as “greenroofs.” Alternately, the use of reflective roof surface materials with high solar and thermal reflectivity to reduce the “heat island” effect is also desired.*

20.5.3.6 Natural Heritage – iii) Tree Planting Standards and Stewardship Practices

*a) All landscape plans for new development and the re-development of existing sites within the Southwest Area Secondary Plan shall comply with tree planting standards and other tree canopy cover targets established for each land use as identified in the Urban Forest Strategy;*

*b) Wherever possible, enhanced tree planting will be encouraged in exterior side yards along local streets; and*

*e) Encourage the use of large stock tree-planting for development adjacent to arterial roads. The use planting technologies and standards to provide for long term and sustainable growth is encouraged.*

20.5.3.8 Transportation – i) General Policies

*The transportation network within this Plan consists of Arterial, Primary and Secondary Collector roads. Local Streets may connect to appropriately designed arterial roads to provide new connections to the community neighbourhoods. The local street pattern will provide an organizing structure for each of the Neighbourhood areas.*

*a) The street patterns shall support pedestrian-oriented development patterns, with strong relationships to the natural heritage features in the Southwest Planning Area;*

*b) The Neighbourhood area street pattern shall support transit, cycling and walking;*

*c) At the subdivision and/or site plan application stage, traffic controls, including the provision of signalized intersections and turning movements, and street frontages that may be subject to full or partial restrictions on individual driveway access, shall be identified as part of the appropriate traffic studies required as part of a complete application;*

*h) Long stretches of on-street parking on local roads shall be broken-up with landscaped “bump-outs” sufficiently sized to support boulevard trees; and*

*i) Mitigation and replacement of any natural heritage feature that may be impacted or lost as a result of roads shall be required.*

20.5.3.9 Urban Design

i) Development Design Policies

*a) All development, particularly in the Wonderland Boulevard, Lambeth Village Core, Neighbourhood Central Activity Nodes and residential areas, shall be designed in a form that is to be compact, pedestrian oriented and transit friendly. Mixed-use development will be encouraged in the areas of Wonderland Boulevard, Lambeth Village Core and the Neighbourhood Central Activity Nodes;*

*c) Development shall be based on a modified grid road system with interconnected networks of roads designed to disperse and reduce the length of vehicular and pedestrian trips and support the integration and long term viability of transit service. For local roads, the modified grid road system will respond to topography, the Open Space System and the nodal areas identified in the Plan. Cul-de-sacs will generally be permitted only when warranted by natural site conditions;*

*i) The length of the block contributes significantly to creating a pedestrian-friendly environment. Blocks should be short and regular in length to make walking efficient and*

*allow for variation in routes. Where it is impossible or undesirable to provide short blocks, wide public mid-block corridors should be provided to shorten walking distances. Development adjacent to such connections shall be designed to provide an active building facade for a minimum of 50 percent of the length of the pedestrian connection; and*

*m) Community linkages will be established to connect other parts of the city where possible through road, transit, pedestrian and bicycle links, to ensure that the entire city functions in an integrated manner.*

## ii) Public Realm

*a) Local streets play a dual role as neighbourhood socialization spaces, as well as supporting transportation needs. The design requirements, while less substantial than for arterial and collector streets, must support the dual role of local streets;*

*b) Sidewalks shall generally be required on both sides of all streets;*

*c) Street furniture such as lighting, signage, parking meters, bicycle parking facilities, newspaper boxes, utilities, and garbage facilities shall be designed and placed within a consistent and integrated system of form, pattern, shape, colour, and texture to avoid clutter. Utilities will be grouped or clustered wherever possible and shall not compromise the overall intended character and design response for the street as identified in this section and associated Neighbourhood policies; and*

*d) Pedestrian/cyclist comfort and safety shall be considered in the streetscape design for roads under the control of the City of London. In commercial, office, and mixed-use areas and Neighbourhood Central Activity Nodes, the design will provide for an enhanced streetscape and sidewalk environment for pedestrians. In these same areas, bicycle routes shall be appropriately placed to avoid conflict between on-street parking and the intended character of the public right-of-way.*

## iii) Buildings and Site Design

*a) Buildings, structures and landscaping shall be designed to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street. Generally, heights of buildings shall also be related to road widths to create a more comfortable pedestrian environment, so that the wider the road width, the higher the building height;*

*b) Where commercial development is permitted it will be encouraged in a “main street” format where retail and service commercial uses are oriented to the street creating a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings. In these areas:*

- the principal public entrance shall provide direct access onto the public sidewalk;*
- the primary windows and signage shall face the street;*
- buildings facing the street shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection;*
- no parking, driveways, lanes or aisles shall be permitted between the buildings and public sidewalks;*
- buildings shall have a consistent setback and parking lots abutting the street shall be limited and designed in accordance with the parking provisions in subsection g) below;*
- any commercial nodes including large-format retail stores shall be integrated into the pattern of streets and blocks of which they are a part. The pattern of blocks and the physical design of the buildings in relation to the street shall encourage pedestrian circulation to, from and within this commercial area. Streets, sidewalks and the orientation of buildings shall be designed to create comfortable, enjoyable pedestrian movement in a vibrant public realm;*

*c) Buildings on corner lots at the intersections of arterial and collector roads shall be sited and massed toward the intersection;*

*d) The rear and side building elevations of all buildings on corner lots shall be designed to take advantage of their extra visibility;*

*g) Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility by:*

- screening of the parking lot at the public right-of-way through the use of features such as low fences, walls and landscaping and in a manner which reflects the safe community design policies of this Section;*

- *locating the parking lot, within commercial or mixed-use developments, to the side or rear of the main building and permitting no or only minimal parking in front of the main building. Where large-format retail stores are proposed, design alternatives that contribute to the creation of a vibrant and active streetscape, may include, but not be limited to, locating large-format retail structures in the interior or at the rear of commercial or mixed-use development blocks with smaller stores and buildings oriented to the surrounding public rights-of-way to create a strong street presence. Alternatively, the frontage of the large-format retail store facing the public right-of-way should be lined with smaller stores with entrances oriented to the streetscape. Parking areas will be integrated with development associated with large-format retail stores, in a manner designed to contribute to the objective of a vibrant and active streetscape;*
  - *parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings;*
  - *the use of landscaping or decorative paving to reduce the visual expanse of large parking areas;*
  - *provision of pedestrian walkways adjacent to stores, between building clusters, and to provide pedestrian access to transit stops, public sidewalks and adjacent developments.*
- h) All commercial and office development proposals shall demonstrate safe, effective and accessible pedestrian and bicycle and transit oriented transportation linkages from residential areas, and between and within these developments*
- i) Landscaping requirements shall ensure:*
- *the creation of a human scale within new development;*
  - *the enhancement of pedestrian comfort;*
  - *the provision of features which contribute to the definition of public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions; and,*
  - *landscape design that promotes the use of native species and enhancement of ecological stability and integrity to reduce the heat island effect.*

#### 20.5.4.1 Residential

##### i) Function and Purpose

*It is intended that the Low, Medium and High Density Residential designations will support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”;*

##### iii) All Residential Designations in all Neighbourhoods

- a) Access to Arterial Roads The primary transit network is expected to be provided on the arterial roads. For all Draft Plan of Subdivision, Consent and Site Plan applications that include land within 400 metres of an arterial road, the requirements for a complete application shall include the submission of a plan that demonstrates the provision of viable, safe and effective pedestrian linkages to the arterial road, to provide pedestrian access to potential future transit services. Public streets are preferred, however, pathway connections may be considered on a case-specific basis; and*
- c) Mix of Residential Forms Plans of subdivision shall accommodate a diversity of building types.*

#### 20.5.5 Neighbourhoods and Land Use

This Secondary Plan is organized on the basis of Neighbourhood Areas which have specific functions and characteristics implemented by special policies pertaining specifically to the land use designations within that Neighbourhood. The subject lands are within the Bostwick Residential Neighbourhood which include the following policies:

### **20.5.9 Bostwick Residential Neighbourhood**

#### i) Function and Purpose

*The Bostwick Neighbourhood will provide for residential development with the highest intensity of all of the Residential Neighbourhood Areas in the Southwest Planning Area, to support activities in the Wonderland Boulevard Neighbourhood.*

*Higher intensity mid-rise, transit-oriented development is encouraged along portions of the arterial road network to support the provision of transit services as detailed in Section 20.5.4.1 iv) of the General Residential policies.*

#### ii) Character

*The residential areas will develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the city, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day to day living experience.*

### 20.5.9.2 High Density Residential

#### i) Intent

*The High Density Residential designation provides for transit-oriented, mid-to high-rise, residential development that may be mixed use in nature.*

#### ii) Permitted Uses

*Permitted uses in the High Density Residential designation shall include mid-rise to high-rise apartment buildings, apartment hotels, nursing homes, rest homes, and homes for the aged. Convenience commercial uses and secondary permitted uses, including community centres, allowed in the High Density Residential designation of the Official Plan may be permitted within these areas.*

#### iii) Built Form and Intensity

- a) New development may be permitted to a maximum density of 150 units per hectare and a maximum building height of 12 storeys, subject to further urban design review at the site plan approval stage;*
- b) The Urban Design policies of Section 20.5.3.9 and the General Residential policies of Section 20.5.4.1 of this Plan shall apply; and*
- c) Notwithstanding Section 20.5.9.2(iii)(a), Sections 3.4.3(ii) and (iv) of the Official Plan shall apply.*

### **20.5.17.1 Appendix 4: Official Plan Extracts – Policies**

Relevant policies from the 1989 Official Plan have been included in the Secondary Plan to ensure that the policies that are required to fully implement the Secondary Plan are carried forward and become part of this Secondary Plan. Where policies of the 1989 Official Plan are referenced in the Secondary Plan and are not carried forward, it is the intent that this Secondary Plan is to be read in conjunction with the policies of The London Plan.

### **20.5.17.3 - 3.6.5. Convenience Commercial and Service Stations**

In accordance with section 20.5.9.2 ii) of SWAP, secondary permitted uses such as convenience commercial uses may be contemplated as permitted uses, and include the following policies:

*The preferred location for convenience commercial uses and service stations is within the various Commercial land use designations. However, it is recognized that on some sites in Residential designations where specific locational and land use compatibility*

*criteria are met, this type of development may be appropriate as a secondary use. The policies of the Plan recognize existing convenience commercial uses and service stations that are appropriately located in Residential designations. New convenience commercial uses and service stations within the Residential designations will require an Official Plan amendment and zone change.*

i) Function

*Convenience commercial uses and service stations should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public.*

ii) Permitted Uses

*Convenience commercial and service station uses permitted within the Residential designations include the following:... variety stores; video rental outlets; film processing depots; financial institutions; medical/dental offices; small take-out restaurants, small food stores; and gasoline sales associated with a variety store. For convenience commercial sites with a gross floor area in excess of 500m<sup>2</sup>, additional uses including offices, studios, commercial schools, day care centres, bake and florist shops, pharmacies, restaurants eat-in and convenience business service establishments may be permitted. In special circumstances, Council may permit low impact uses such as small commercial schools and day care centres in convenience commercial sites smaller than 500m<sup>2</sup> in size through a Zoning Bylaw Amendment. A variety store, or personal service establishment located on the ground floor of an apartment building may be permitted provided it is oriented towards serving the needs of the residents of the building and the immediate surrounding area. The exact range of permitted uses will be specified in the Zoning By-law.*

iii) Location

*Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

iv) Scale of Development

*The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.*

*(a) Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area*

v) Form of Development

*Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.*

1989 Official Plan - 3.6.8. New Office Development

In accordance with section 20.5.9.2 ii) of SWAP, secondary permitted uses such as new office development may be contemplated as permitted uses, and include the following policies:

*Small-scale, free-standing office buildings may be permitted as secondary uses in the Multi-Family, Medium and Multi-Family, High Density Residential designations, subject to the following provisions:*

i) Location

*Office developments shall be located on an arterial or primary collector road. In established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced.*

ii) Buffering

*Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.*

iii) Scale, Appearance

*The proposed building shall be sensitive to the scale and appearance of adjacent residential uses. Zoning,*

iv) Planning Impact Analysis

*Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7. will be required to determine if the proposed development is appropriate.*

20.5.17.3 - 3.4.3 Scale of Development

Further to the built form and intensity policies in section 20.5.9.2 iii) of SWAP, the 'Scale of Development' policies set out in section 3.4.3 ii) & iv) apply and include the following:

Height and Density outside of the Downtown and Central London Areas are guided by the following policies:

i) Height and Density outside of the Downtown and Central London Areas

*Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:*

- (a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;*
- (b) all areas shall include a diversity of housing forms such as midrise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;*
- (c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;*
- (d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and*
- (e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of a secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.*

ii) Criteria for Increasing Density

*Notwithstanding Section i) above, on any lands designated Multi-Family High Density Residential, Council may consider proposals to allow higher densities than would normally be permitted. Zoning to permit higher densities will only be approved where a development will satisfy all of the following criteria:*

- (a) the site or area shall be located at the intersection of two arterial roads or an arterial and primary collector road, and well-served by public transit;*
- (b) the development shall include provision for unique attributes and/or amenities that may not be normally provided in lower density projects for public benefit such as, but not limited to, enhanced open space and recreational facilities, innovative forms of housing and architectural design features;*
- (c) parking facilities shall be designed to minimize the visual impact off-site, and provide for enhanced amenity and recreation areas for the residents of the development;*
- (d) conformity with this policy and urban design principles in Section 11.1 shall be demonstrated through the preparation of an secondary plan or a concept plan of the site which exceed the prevailing standards; and*
- (e) the final approval of zoning shall be withheld pending a public participation meeting on the site plan and the enactment of a satisfactory agreement with the City.*

iv) Density Bonusing

*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.*

1989 Official Plan 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.*

i) Principle

*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.*

ii) Objectives

*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.*

#### The London Plan - City Design Policies 193 (1989 Official Plan – Chapter 11 Policies)

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;*
- 3. A high-quality, distinctive and memorable city image;*
- 4. Development that supports a positive pedestrian environment;*
- 5. A built form that is supportive of all types of active mobility and universal accessibility;*
- 6. High-quality public spaces that are safe, accessible, attractive and vibrant;*
- 7. A mix of housing types to support ageing in place and affordability;*
- 8. Sustainably designed development that is resilient to long-term change; and*
- 9. Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.*

#### The London Plan - Bonus 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.”*

#### The London Plan - Affordable Housing 516

*New neighbourhoods will be planned to include a variety of different housing types such that it is possible for people to remain in a neighbourhood as their housing needs change over time (509);*



*A target of 25% of new housing, in aggregate, is to be affordable to low- and moderate-income households as defined by the Provincial Policy Statement and this Plan. This target may be met through residential greenfield development and the many forms of intensification identified in the City Structure policies of this Plan (517); and Secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (518).*

#### **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 a mix of residential and commercial uses, efficient use of land, infrastructure and services

##### **Range of Uses**

- If the range of residential, commercial and office uses are appropriate in this location

##### **Intensity**

- If the requested intensity of 201 units per hectare is appropriate for the site, surrounding context, and is able to be serviced,
- If the proposed intensity is consistent with the Our City, Our Strategy, City Building, Intensification Targets, City Structure, and Place Type policies

##### **Bonusing**

- If the requested bonus zone results in enhanced public benefit and is commensurate to the increased height and density

##### **SWAP**

- Conformity to policies related to the appropriateness of the level of proposed intensity in the Bostwick Neighbourhood and broader secondary plan

##### **Technical Review**

- Functional servicing analysis and available sanitary capacity to accommodate the proposed intensity
- A review of the Transportation Impact Assessment to ensure no negative impacts on existing roads, and to ensure future road construction can be managed through the consent application
- Appropriate and desirable design of towers and consideration before the Urban Design Peer Review Panel

##### **Zoning**

- Suitability of the requested bonus zone and regulation amendments in relation to the proposed development and neighbourhood

More information and detail is available in the Appendices of this report.

**5.0 Conclusion**

Development Services staff will continue to review the merits of the application and the comments received with respect to the requested Official Plan and Zoning By-law Amendment. A subsequent planning report will be prepared when the review is complete, including a recommended action for the consideration of the Planning and Environment Committee and Municipal Council.

<b>Recommended by:</b>	<b>Sonia Wise, MCIP, RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
/sw

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

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## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On August 17, 2018, Notice of Application was sent to 552 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 16, 2018. A “Planning Application” sign was also posted on the site.

7 replies were received

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a mixed use development with residential, office and convenience commercial uses. Possible amendment to the Official Plan to add the subject site to the list of preferred sites to allow convenience commercial uses. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone **TO** a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(\_)/RO2(\_)\*B-\_\_) Zone to permit a range of high density residential uses in two towers of 18 & 21 storeys with a 5 storey podium, and 1,000m<sup>2</sup> of convenience commercial uses, and 2,000m<sup>2</sup> of office uses. A bonus zone is requesting an increased height of 21 storeys, and a density of 261 units per hectare in return for such facilities, services or matters described in section 19.4.4 of the Official Plan, and policies 1638-1655 of The London Plan.

**Responses:** A summary of the various comments received include the following:  
Concern for:

- Increased traffic and congestion (x5)
- Increased cut through traffic in the established neighbourhood to the north (x3)
- Pedestrian safety
- Road improvements should be implemented as recommended in the Southdale EA (x3)
- Only the ward 9 councillor was identified on the notice, not the nearby ward 10
- The local school capacity and ability to accommodate increased number of pupils (x2)
- Site 5 – 17 storeys too tall
- Greater building heights are difficult to evacuate in emergencies and may block satellite signals
- Provide convenient drop-off/pick-up spaces for para transit vehicles
- Provide affordable housing options and small-lot, small home options

Support for:

- Positive to see the site finally develop
- Interest in investing in the project

### Publication in “The Londoner”

Telephone	Written
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Wing Man Lin	Esther Corcoran 143 McMaster Drive London ON N6K 1J5
	Ed Morrison

From: amanda nash [mailto: ]  
Sent: Monday, August 27, 2018 3:23 PM  
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
Subject: 3080 bostwick rd development

As a resident of Dalhousie dr. We are concerned about traffic on surrounding streets. Traffic is already horrific on southdale and very often backs up through the intersection of Bostwick rd and Southdale rd. It will often back up through the lights at Wonderland and as far west as Colonel Talbot at times. If you add in another potential 1000 plus units that could make this neighbourhood basically inaccessible at many times of day.

With the added population density where will the children go to school ? If even half of the 1000 plus units even have just 2 children where do you suggest these schools put 1000 more students ? The plans do not show any plans for a new school building, so that means our children who already go to these crowded schools will suffer greatly from the overpopulation of their class rooms and school fundings will be stretched even thinner.

**LONDON CONDOMINIUM CORPORATON # 15**  
**31 Brixham Road, London ON N6K 1P5**

September 4, 2018

Sonia Wise  
[swise@london.ca](mailto:swise@london.ca)

Dear Ms. Wise:

**Re: Planning Application, 3080 Bostwick Road**

We represent London Condominium Corporation # 15 which consists of 43 townhouse units along McMaster Drive, Brixham Road, Dalhousie Crescent and Farnham Road. Although we are pleased to finally see that the weeds and mounds of dirt at the corner of Bostwick and Southdale replaced by development, we have concerns about the increase in traffic that it will bring to the area and through our streets.

Although, the majority of our condominium residents are seniors and mature adults, there are also many children living in the area and using these streets to attend the three schools in Westmount. Even without the addition of the proposed 1,670 new residents, plus expanse of commercial retail and office use, the traffic along Southdale Road and through our streets has increased tremendously over the past couple of years. With the addition of this number of residents without improvements, the traffic congestion and safety of pedestrians is a great concern.

We urge the City to implement the recommendations for road improvements proposed in the Environmental Study presented by York Developments in 2017, prior to the completion of and new high rise buildings on Southdale Road

Respectfully submitted,

*Susan Spencer-Paton*  
Susan Spencer-Paton  
President

*Doris E. Hall*  
Doris E. Hall  
Treasurer

Email: [REDACTED]

Cc: Anna Hopkins <ahopkins@london.ca>  
Virginia Ridley <vridley@london.ca>

**From:** Esther Corcoran [mailto: ]  
**Sent:** Monday, September 17, 2018 8:16 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Ms. Wise,

I also forgot to add that to better serve the community and our city, with all the new developments that there is limited affordable homes and rentals with the tightening of the requirements for obtaining a mortgage this greatly impacts young families, single people and those that have already retired and those approaching retirement. People on restricted income or a lack of income growth (eg - seniors), that affordable housing or single family homes are also required. There is a small circle of homes within our subdivision of detached homes that have yards slightly larger than townhome has. Many of them are single floors and this is something that is also needed for those just entering the housing market, downsizing or disabled.

Thank you  
Esther Corcoran

-----original message-----

**From:** Esther Corcoran [mailto: ]  
**Sent:** Sunday, September 16, 2018 8:39 PM  
**To:** Hopkins, Anna <ahopkins@london.ca>  
**Cc:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Planning Applications

Dear Anna,

We reside in Westmount and would like to share some of our concerns for the proposals for 3080 Bostwick Road. At this time, traffic from Wonderland Rd. S., to Colonel Talbot Rd along Southdale Rd is extremely heavy especially during the early hours and later afternoon (eg - 7am-10am & 4pm-6pm). With the proposed additions of housing the traffic will increase drastically and Southdale is not equipped to handle the increase in traffic and should be expanded prior to any more additional housing being built.

Proposal for Site 1 - the residential apartment building(s) are too high for the surrounding neighborhood as proposed at 21 & 18 storeys high. They should be no higher than 14 storeys. Concern is two fold in that should there be a power outage or fire, any elderly, disabled, expectant mother, young children would have a difficult time in descending 21 or 18 storeys to safety. The other concern is for surrounding homes that may be utilizing satellite signals that the height of such a high rise may disrupt the signal.

Proposal for Site 3 - would be the same as above as it is being proposed for a 17 storey apartment building.

Proposal for Site 5 - It is not clear as to how many parking spaces will be available for 168 units. Many seniors continue to drive.

Our final concern for all proposals is that there should be a spot for each apartment building that allows for easy access for para transit vehicles (eg Voyager etc.) so that they can easily get in and out for pick ups and drop offs. Many newer buildings aren't allowing easy access for these vehicles.

Sincerely,

Esther Corcoran

**From:** Ed Morrison [mailto: ]  
**Sent:** Thursday, September 27, 2018 11:54 AM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** Re: 3080 Bostwick Road Development

Hello Mrs. Wise

My biggest concern so far is when the development will take place. The widening of Southdale from Pine Valley to Colonel Talbot is slated to be finished by 2030. If this development takes place before the widening it will further aggravate the already congested area.

Ed Morrison

## **Agency/Departmental Comments**

### August 1, 2018 – Urban Regeneration: Email Excerpt

No further archaeological work is required for the assessed area

### September 20, 2018 – Development Services Engineering: Memo

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendment application:

### Comments for the Re-zoning Application

- A holding provision for the provision of access to the satisfaction of the City Engineer is required.
- Transportation has reviewed the TIA provided and cannot support a full access for Street 3, the Southdale Road EA identifies a median at this location restricting the access to right in/right out, furthermore the signal spacing does not meet the minimum spacing as identified in the Access Management Guidelines. The timing of various DC road projects is currently being reviewed through the DC update and may impact future road capacity assumptions contained in the TIA. The applicant should update the TIA to reflect the above mentioned street 3 access restriction.
- A general "h" provision to ensure the orderly development of lands and the adequate provision of municipal services (i.e. to ensure the detailed design and agreement to construct the required watermain has been satisfied).
- A revised sanitary capacity analysis to demonstrate flows from all three sites do not exceed the 7.5l/s sanitary allocation. All three sites and the draft plan of subdivision (excluding the SWCC) combined cannot exceed 7.5l/s as agreed upon in the Agreement of Purchase and Sale for these lands. Alternatively, flows above the allocated 7.5l/s for the subject lands may be able to be serviced by the future GMIS Bostwick Road Sanitary Sewer. The applicant should be advised that his consulting engineer can contact Wastewater and Drainage Engineering prior to submitting the revised analysis for further clarification regarding the scope of the sewer assessment.
- Provide a Professional Engineers stamp for the Noise Assessment.

### Transportation

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

- The applicant shall construct all external works as identified in the future accepted TIA to facilitate the development of the subject lands;
- Widen Southdale Road to a maximum width of 24.0 metres in perpendicular width from the centerline of Southdale Road along the entire frontage of the subject lands.
- Provide a 0.3m road reserve block along Southdale Road frontage.
- Access arrangement will need to comply with the Southdale Road EA <https://www.london.ca/residents/Environment/EAs/Pages/Southdale-Road-West-Bostwick-Road-Improvements-.aspx>

### Water

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

- Individual water service connections from the site directly to Southdale Road will not be permitted.
- The proposed municipal watermain shall be sized to accommodate the future draft plan of subdivision and any external tributary lands.
- The alignment of the proposed municipal watermain along the private access road (future dedicated right of way) shall be in standard location as per UCC 1M.

### **Wastewater**

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

- Development of the site should be coordinated with the future draft plan of subdivision.

### **Stormwater**

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

- City of London Permanent Private System policy applies and all post development flows for all storm events up to the 100 year storm shall be controlled to the pre-development levels.
- Quality controls to the standards of the Ministry of the environment, Conservation and Parks – MECP (formerly MOECC) shall be achieved by the use of an OGS (or any other applicable options such as catchbasin hoods, bioswales, etc.) providing normal (70% TSS removal) level.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.

### **Noise**

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

- The noise assessment will be required to be submitted as part of a future application for acceptance by the City. Ensure the report is updated to reflect any changes in design and layout.



## Appendix B – Policy Context

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

### Provincial Policy Statement, 2014

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.7 Long-term economic prosperity

### The London Plan

- 54 Our Strategy
- 79 Our City – City Structure Plan
- 193 City Design Policies
- 309 City Building Policies
- 516 Affordable Housing
- 916 Neighbourhoods
- 954 High Density Residential Overlay
- 1556 Secondary Plans
- 1577 Evaluation of Planning Applications
- 1645-1655 Bonus Zoning

### Southwest Area Secondary Plan

- 20.5.1.4 Principles of the Secondary Plan
- 20.5.2 Community Structure Plan
- 20.5.3 General Policies
- 20.5.4.1 General Land Use Policies
- 20.5.5 Neighbourhoods
- 20.5.9 Bostwick Neighbourhood
- 20.5.17 Appendix 4: Official Plan Excerpts – Policies

### 1989 Official Plan

- 2.1 Council Strategic Plan
- 3.4. Multi-Family, High Density Residential
- 3.6.5 Convenience Commercial and Service Stations
- 3.6.8 New Office Development
- 11.1 Urban Design
- 19.4.4 Bonus Zoning
- 20 Secondary Plans

### Z.-1 Zoning By-law

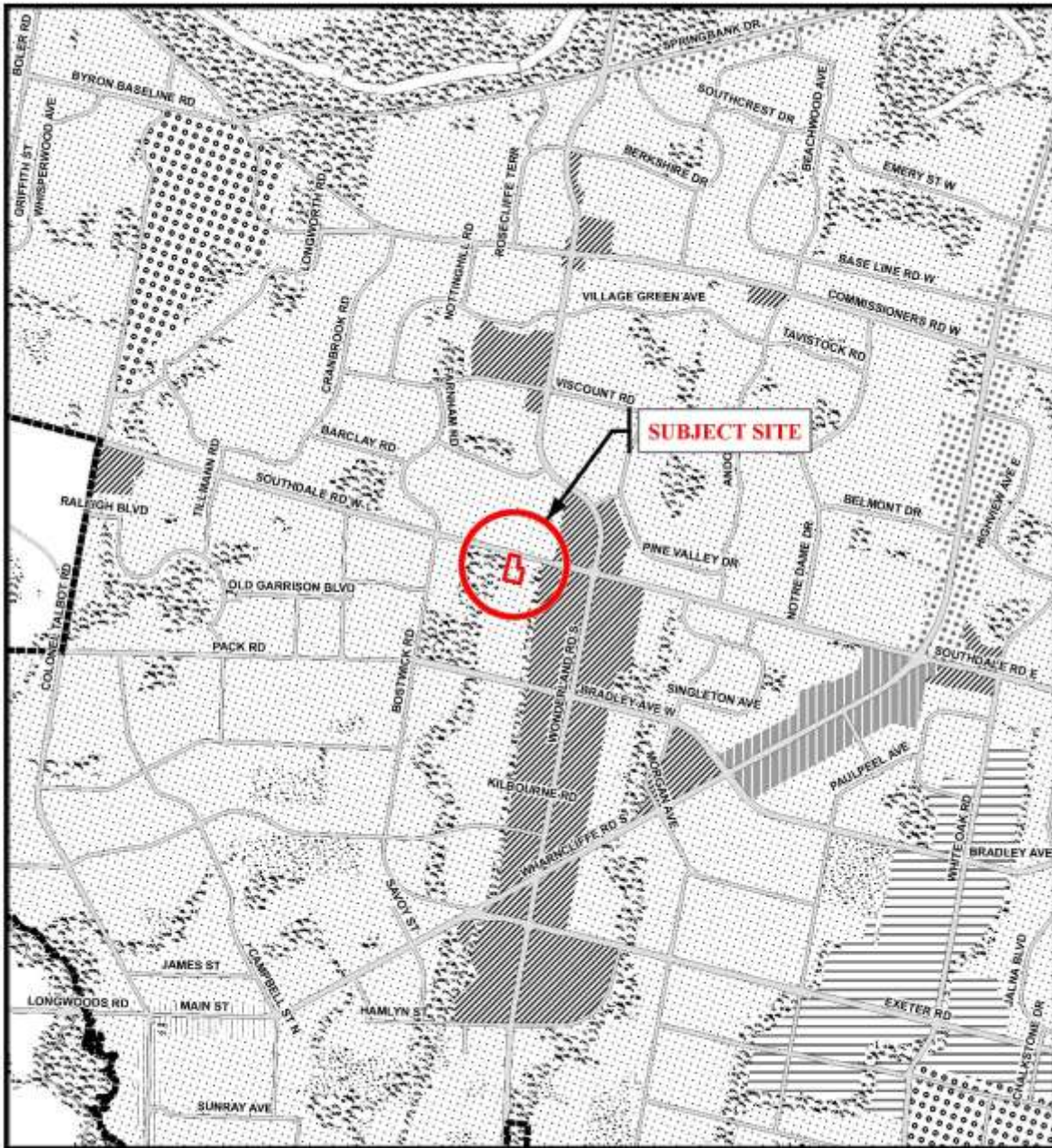
- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 13: Residential R9 Zone

**Appendix C – Additional Information**

**Additional Maps**







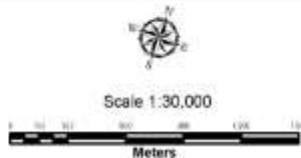
**Legend**

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

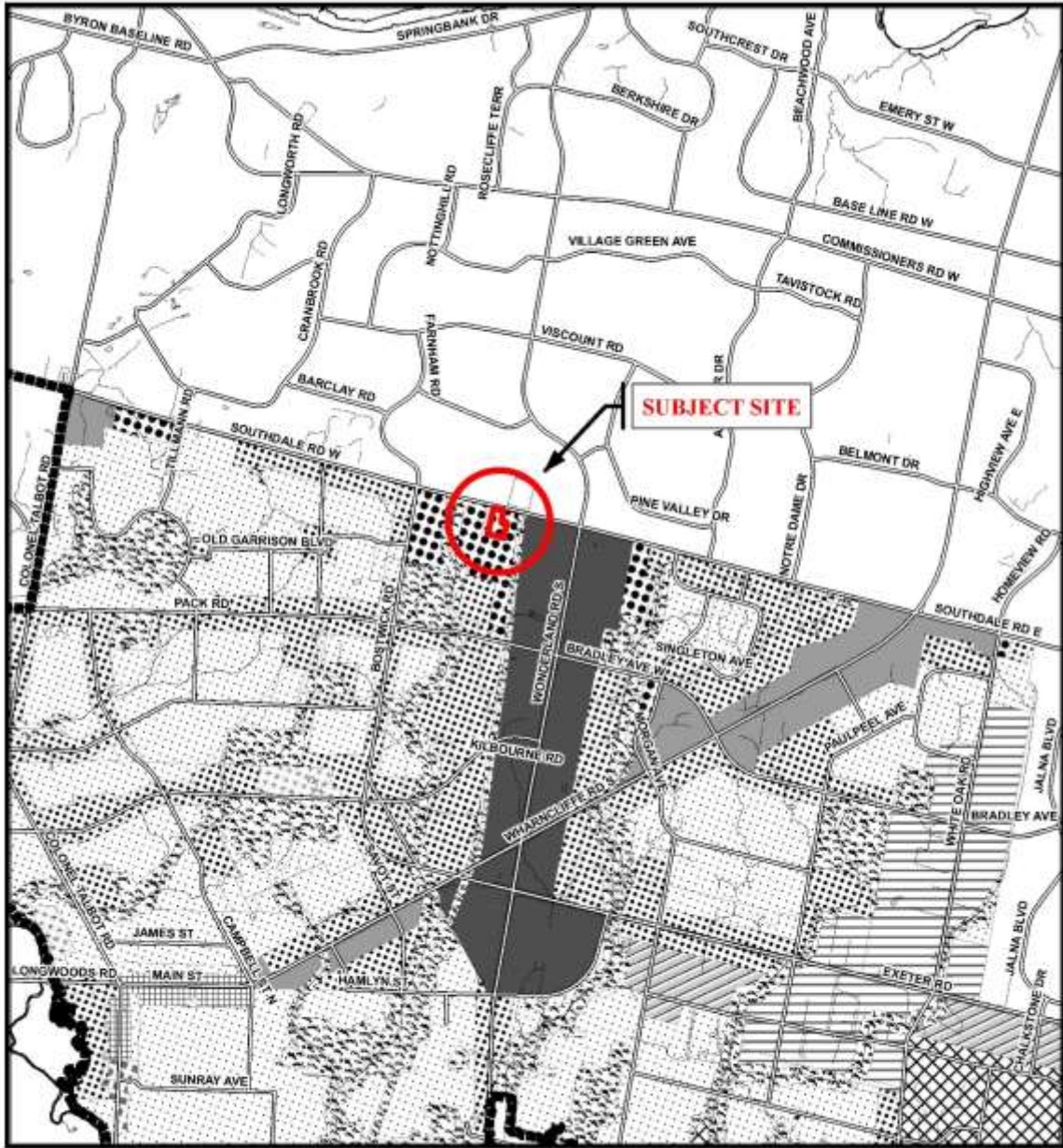
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations:*

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

**CITY OF LONDON**  
Planning Services /  
Development Services  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
PREPARED BY: Planning Services

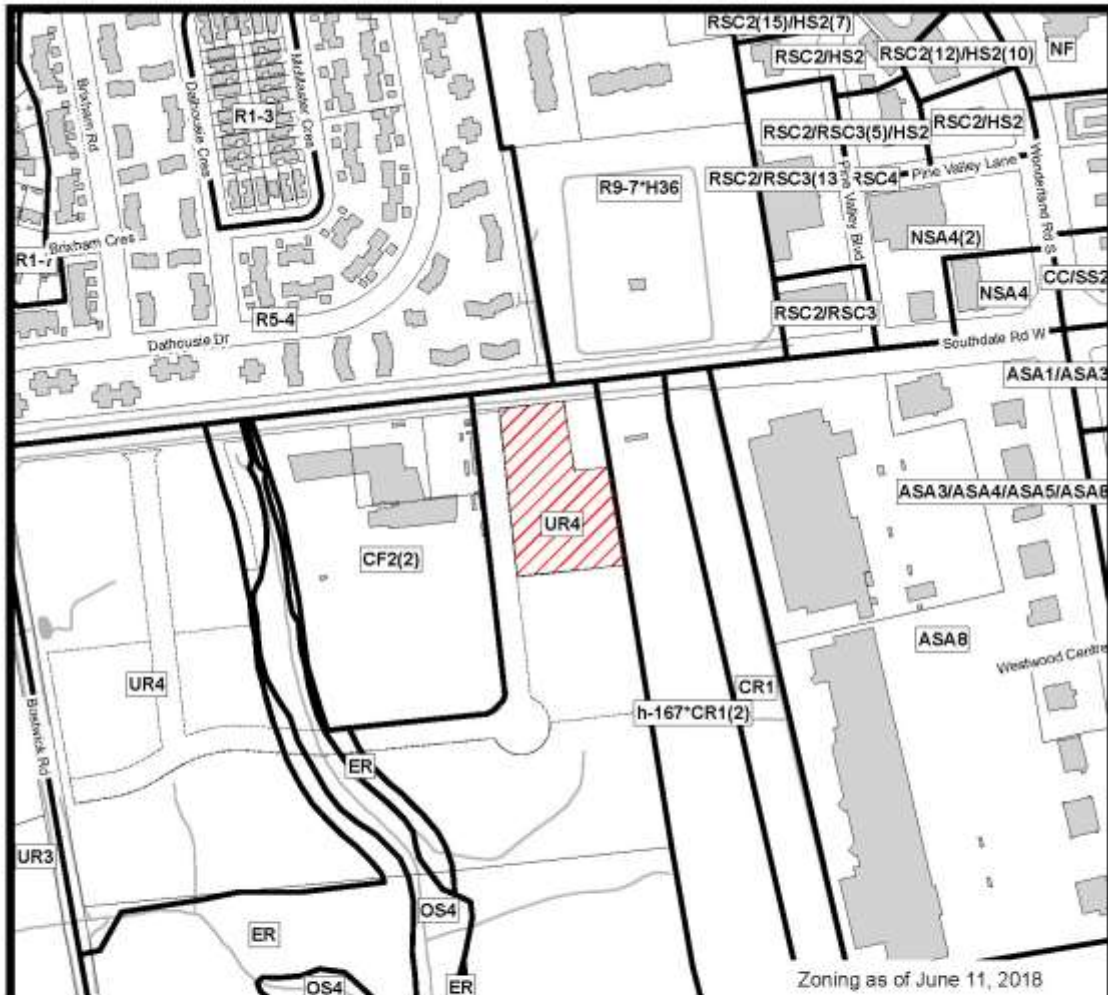


**File Number:** OZ-8943  
**Planner:** SW  
**Technician:** RC  
**Date:** August 29, 2018



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>■ High Density Residential</li> <li>■ Medium Density Residential</li> <li>■ Low Density Residential</li> <li>■ Commercial</li> <li>■ Office</li> <li>■ Wonderland Road Community Enterprise Corridor</li> <li>■ Main Street Lambeth North</li> <li>■ Main Street Lambeth South</li> <li>■ Open Space</li> <li>■ Institutional</li> <li>■ Industrial</li> <li>■ Commercial Industrial</li> <li>■ Transitional Industrial</li> <li>■ Urban Reserve Community Growth</li> <li>■ Urban Reserve Industrial Growth</li> <li>■ Rural Settlement</li> <li>■ Urban Growth Boundary</li> </ul>		
<p><b>CITY OF LONDON</b>  <b>Planning Services /</b>  <b>Development Services</b>  <b>SOUTHWEST AREA STUDY SECONDARY PLAN</b>  <b>- LANDUSE -</b></p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8943</p> <p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/08/29</p>

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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
OZ-8943 SW

MAP PREPARED:  
2018/08/28 RC

1:5,000  
0 25 50 100 150 200  
Meters

**Additional Reports**

OZ-6662: 2004 Request for Official Plan and Zoning By-law Amendments to develop site for various residential and commercial uses

O-7609: 2012 Council Approved Official Plan Amendments associated with Southwest Area Plan

Z-8386: 2014 Zoning by-law Amendment to facilitate the development of the Bostwick Community Centre

## 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: October 9, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of JAM Properties Inc. relating to the property located at 147-149 Wellington Street and 253-257 Grey Street:

- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Business District Commercial 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 B( ) Zone shall be implemented through one or more agreements to provide for an apartment building with a maximum height of 18-storeys or 63 metres with an increased density of up to 560 units per hectare in return for the provision of the following facilities, services, and matters:

- 1) A high quality development which substantially implements the site plan and elevations and rendering as attached in Schedule "1" to the amending by-law:

### Podium

- i) A four storey podium along both the Wellington and Grey street frontages;
- ii) Brick as the primary material on the street facing elevations;
- iii) Ground floor units along the Wellington Street frontage designed to be convertible between residential and commercial;
- iv) Individual unit entrances with front door access for all ground floor units;
- v) Ground floor units with direct access to the City sidewalk for all street facing units;
- vi) A prominent principle entrance into the apartment building, at the intersection of Wellington and Grey Streets, that is easily identifiable by including some or all of the following: a change of massing, a higher level of clear glazing, and/or the incorporation of canopies.

### Mid-Rise Portions

- i) A step back of the mid-rise portions of the building above the podium;
- ii) A step back of the mid-rise portion from the southerly and westerly extents of the podium;
- iii) A material and colour palette that provides for a cohesive design between all elements of the building including the podium, the mid-rise portions and the tower. This includes the use of brick and or alternative materials with similar texture and colour to the brick cladding on the podium;



- iv) A high proportion of glass materials and a relatively low proportion of exposed concrete or similar materials, including floor to ceiling window walls. Use of clear glass balcony barriers.

Tower

- i) the tower portion located on top of the north east corner of the podium;
- ii) A step back of the tower above the podium;
- iii) A material and colour palette that provides for a cohesive design between all elements of the building including the podium, the mid-rise portions and the tower. This could include the inclusion of brick and or a similar colour to the brick cladding on the podium.
- iv) A high proportion of glass materials and a relatively low proportion of exposed concrete or similar materials, including floor to ceiling window walls. Use of clear glass balcony barriers;
- v) The design of the top of the towers that provides interest to the skyline and is well integrated with the design language of the overall building.

2) Transit Station

The financial contribution of funding to the future Transit Station at Wellington Street and Grey Street in the amount of \$200,000, for the provision of public art or other station enhancements to be provided at the time of site plan approval or construction of the station, whichever occurs first.

3) Provision of Affordable Housing

The provision of 10 affordable housing units, established by agreement at 95% of average market rent for a period of 20 years. An agreement shall be entered into with the Corporation of the City of London, to secure those units for this 20 year term.

4) 2 levels of underground parking

- 5) The construction of a civic space provided at the main pedestrian entrance to the building and enhanced landscaping along Wellington Street, consistent with the conceptual site plan and renderings shown in Schedule 1 of the amending by-law.

- b) That Staff **BE DIRECTED** to initiate an amendment to The London Plan for the properties at 147-149 Wellington Street and 253-257 Grey Street to **ADD** a new policy to the Specific Policies for the Rapid Transit and Urban Corridor Place Type to allow for a maximum height of 18-storeys subject to a bonus zone.

## 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 246 dwelling units (560uph). Two levels of underground parking will provide 162 parking spaces with another 38 spaces being provided at ground level.

### Purpose and the Effect of Recommended Action

The purpose and effect of the requested amendment is to permit a residential apartment building with a maximum height of 18-storeys which will include 246 dwelling units. The bonus zone shall be implemented through one or more agreements to facilitate the development of the requested apartment building in return for 10 affordable dwelling units, a financial contribution towards the future transit station at South Street and Wellington Street, enhanced landscaping and civic space at the main entrance and

along Wellington Street, provision of 2 levels of underground parking, and the construction of the high quality form of development illustrated in Schedule “1” of the amending by-law.

### **Rationale of Recommended Action**

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

## **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

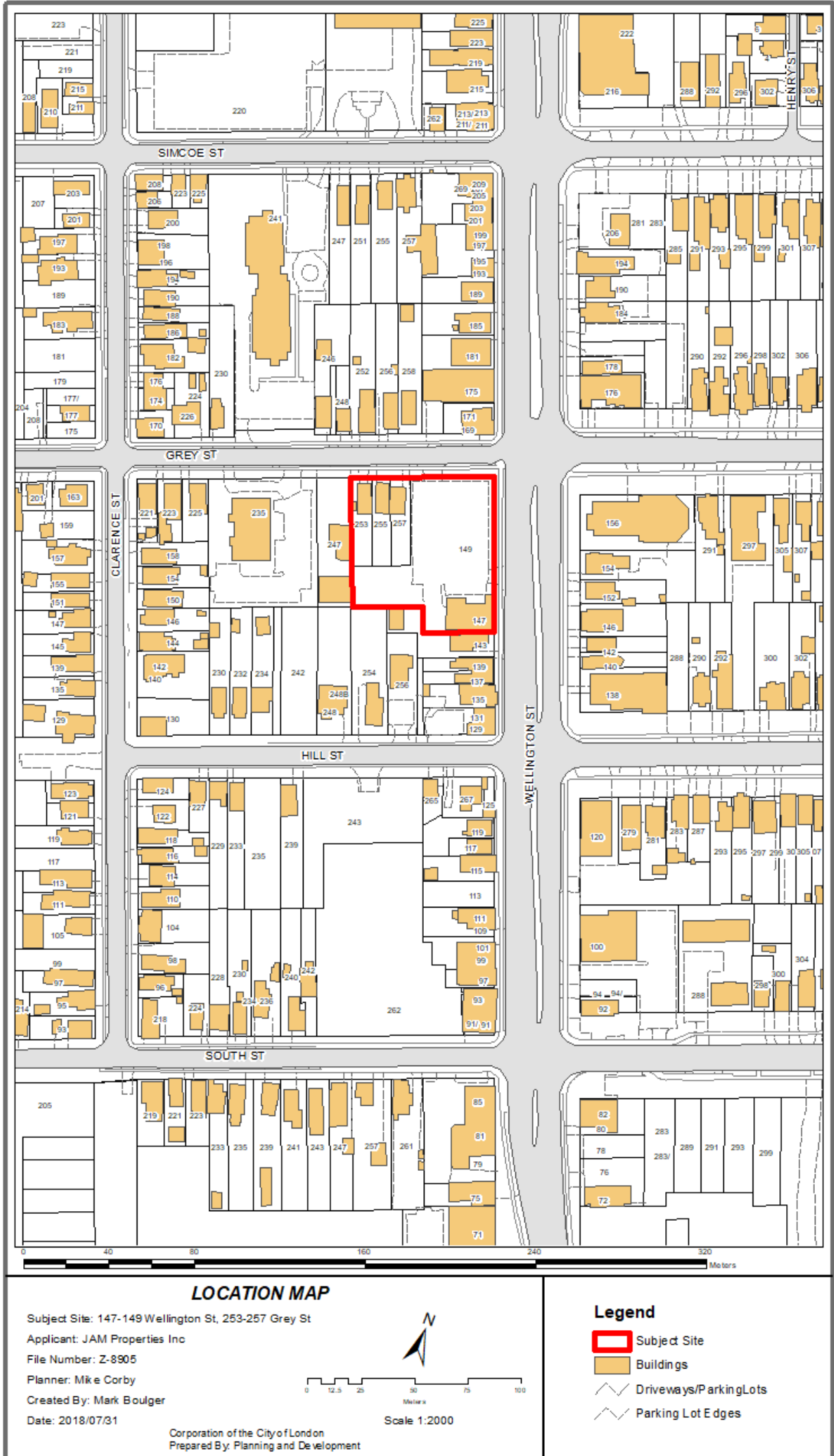
#### **1.4 Surrounding Land Uses**

- North – Commercial/ Single Detached Dwellings
- East – Place of Worship/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

1.6 Location Map







### 3.0 Relevant Background

#### 3.1 Planning History

The subject site previously accommodated 11 total structures, the majority being residential dwellings, with the exception of a grocery store that was located at the intersection of Grey and Wellington Street. Over time the dwellings were removed resulting in the existing land uses seen today. 147-149 Wellington Street were recently added to the City of London's Inventory of Heritage Resources by Council on March 27, 2018 as a result of the Cultural Heritage Screening Report completed for the future Rapid Transit System.

#### 3.2 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 to permit a residential apartment building with a maximum height of 18-stories and 246 dwelling units.

#### 3.3 Community Engagement (see more detail in Appendix B)

The requested amendment was circulated to the public on May 9, 2018 and a community meeting was held on June 26, 2018. Through the public circulation process some community concerns were raised as well as general support for the proposed development. In total 6 responses were received during the community consultation period with an additional 8 submitted at the Community Information Meeting and their comments are summarized below. The comments received by Staff are attached to Appendix "C". The report below addresses these concerns in detail.

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
- Will the bonusing provisions being provided be sufficient for the request being made.

### **3.4 Policy Context (see more detail in Appendix C)**

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 Place Type. This specific section of the Rapid Transit Corridor Place Type is subject to Specific-Segment Policies.

#### **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.

### **The London Plan**

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

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

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

The London Plan also provides Specific-Segment Policies (844) referring to them as Main Street policies. The subject site is within SoHo Main Street policy area which runs along 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. These specific segments are used in areas that have been developed, historically, for pedestrian oriented shopping or commercial activity in the older neighbourhoods of the city. These segments will seek to provide local shopping and commercial options so that residents can walk to meet their daily needs. These areas will be in a linear configuration and street-oriented 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 (SEGMENT GOALS, 845\_). The permitted uses are in keeping with the permitted uses identified within the Rapid Transit Corridor Place Type (PERMITTED USES, 846\_)

Within these segments higher levels of intensity are promoted in order to help implement the goals mentioned above. The policies require buildings to be a minimum of either two storeys or eight metres in height. Podiums for taller buildings are also required to meet these minimum height requirements in order to create a similar scale of development along street frontages. A maximum height of 12 storeys is also permitted within these segments however Type 2 Bonus Zoning beyond this limit, up to

16 storeys, may be permitted in conformity with the Our Tools part of this Plan (INTENSITY, 847\_). Bonusing Provisions Policy 1652 outlines the framework and public facilities, services, or matters that can be provided in order to achieve these increases.

These segments also have additional form policies to help create a main street environment that differs from other parts of the transit corridors (FORM 848). They seek to ensure that:

- 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.
- 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 but is not intended to limit architectural styles.
- 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.

### **1989 Official Plan**

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

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

The scale of development (4.4.1.7.) is also important in the Main Street Commercial Corridor when redeveloping or infilling commercial uses. The corridor aims to maintain a setback and orientation that is consistent with adjacent uses. Residential densities within the corridor should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.3. of this Plan.

Within the MFHDR designation net residential densities will normally be 250 units per hectare (100 units per acre) within Central London (3.4.3. Scale of Development). The MFHDR designation identifies that 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. (3.4.3. Scale of Development, Density Bonusing)

Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas. Main Street Commercial Areas should ensure that



urban design provides continuity of the urban fabric; provides incentives and flexibility for redevelopment opportunities; provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (4.4.1.9. Urban Design)

## 4.0 Key Issues and Considerations

Through the circulation process no departmental concerns were expressed. However, some concerns were raised by the public through the process. The report below addresses these concerns in detail.

### 4.1 Issue and Consideration #1 - Use

The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development will be integral within this community as it will help increase the vitality and regeneration of the surrounding area while maintaining an appropriate land use pattern within a settlement area. The proposed apartment can help stimulate the area and draw future commercial and residential uses in keeping with the goals of The London Plan. The requested infill development will provide an appropriate increase in density and a land use that is considered compatible with the surrounding lands. It will efficiently use the consolidated properties which currently consist of a restaurant/large parking lot and single detached dwellings. The proposed increase in density is appropriate as the apartment will take advantage of the surrounding resources, infrastructure, public service facilities and will be transit-supportive while providing a use to help stimulate growth in the area.

The proposed residential development also provides an alternative form of housing and density and contributes to the mix of housing types in the area. The proposed apartment and inclusion of affordable housing units spread throughout the development will help meet the social, health and wellbeing of current and future residents. The increased density is also appropriate as it will support the existing transit systems in the area and is located along a future BRT route where higher densities are encouraged to locate (1.4 Housing).

### 1989 Official Plan

The Main Street Commercial Corridors provide for a wide range of retail/commercial uses along with residential uses created through the conversion of existing buildings, or through the development of mixed-use buildings with residential uses permitted above the first floor (4.4.1.4 Permitted Uses).

The proposed apartment building is considered a permitted use within the BDC zone variation however, requires commercial uses on the main floor. The proposed application is requesting that residential units be permitted on the main floor as an interim use until the economic viability of commercial uses becomes more sustainable. This section of Wellington Street (Horton Street to the Thames River) has had a high turnover and vacancy rate in regards to commercial uses. The commercial demand is currently limited thereby reducing the ability to occupy a large portion of the proposed building for commercial uses. The subject site has not historically been associated with pedestrian-oriented commercial uses as it was previously made up of single-detached dwellings and a small grocery store and then the converted to a restaurant with a large parking lot along the Wellington Street frontage. The opportunity to create active residential units along the current streetscape will improve the interface with the public realm than the current parking lot. The development will also maintain a built form that will provide the feel of a commercial street scape until future opportunities for commercial uses arise. The use of residential units will provide an appropriate interim use while the surrounding area develops, making it economically feasible to convert the

units to commercial uses. It should be noted that while the recommended zoning permits commercial uses at-grade, it simply removes the regulation to compel it. For these reasons it is appropriate to provide a provision that does not require commercial uses on the main floor of the proposed development.

### **The London Plan**

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

### **4.2 Issue and Consideration # 2 - Intensity**

The PPS requires municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock [1.1.3.3]. The proposed apartment building provides a compact form that appropriately intensifies an underutilized site and is located along a Rapid Transit Corridor which is identified as a preferred location to promote intensification. The site also has access to multiple bus routes and is approximately 600 metres away from the downtown helping the site accommodate increases in density and is of sufficient size to provide a built form that responds to the surrounding context. The proposed development meets the intent of this PPS as it provides a density of 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 [1.4.3(d)].

### **1989 Official Plan**

Residential uses within the Main Street Commercial Corridor (“MSCC”) defer to the scale and densities allowed in the Multi-Family, High Density and Medium Density Residential designations which would permit a maximum density of 250uph at this location.

As previously indicated, the applicant has applied to increase the density to 560uph through the bonusing provisions outlined in Section 19.4.4 of the Official Plan. The policies of the Official Plan permit Bonus Zoning as a means of achieving enhanced development features which result in a public benefit that cannot be obtained through the normal development process in return for permitting increased heights and densities. The Planning Act provides legislation on increases in height and density which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law. The proposed building form and design (discussed in Section 4.3- Form) and provision of 10 affordable housing units, 2 levels of underground parking and publicly accessible civic space located at the northeast corner of the property running south along the Wellington Street frontage, all of which may not otherwise be implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan. These bonusable features are outlined in the Staff recommendation.

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

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

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

### **The London Plan**

Although The London Plan does not limit densities within the Official Plan it does control how intense lands can develop through specific criteria. The proposed development is in keeping with these policies as it is sensitive to adjacent land uses through the use of a 4-storey podium with brick materials to create a compatible scale along the street and steps back the different variations in height to help reduce potential impacts.

Rapid Transit Corridors require a minimum height of 2 storeys (or 8m) with the ability to bonus up to 12 storeys. In the case of the subject site it is located within a “Main Street” Specific Segment policy of the transit corridors. Within the Main Street segments higher levels of intensity are promoted in order to help implement the specific segments goals and allows for Type 2 Bonus Zoning, up to 16 storeys.

As per The London Plan policies the subject site is an assembly of multiple lots in order to create a property of sufficient size and configuration to accommodate the proposed use. The site has allowed for the creation of a comprehensive development which has reduced vehicular accesses to Grey Street and provided a coordinated parking facility underground and in the rear of the development. Although the proposed development is generally in keeping with the intensity policies of the Plan it, the recommended 18-storey height is two storeys taller than that allowed in the bonus zoning policies. However, the Main Street section of the Specific Segment Policies within The Rapid Transit Corridor policies have only recently come into effect, after this application was accepted, and are not the in-force policies that apply to this application. The proposed 18-storeys provides a form of development that is appropriate within this transitional period between Official Plans. (Intensity, 840\_). (INTENSITY, 847\_).

Bonusing Provisions Policy 1652 outlines the framework and public facilities, services, or matters that can be provided in order to achieve these increases and in keeping with the recommended bonusing provisions.

### **4.3 Issue and Consideration # 3 - Form**

#### ***Provincial Policy Statement, 2014 (PPS)***

The proposed development is in keeping with the PPS as it provides an opportunity for intensification at an appropriate location taking into account the existing building stock in the area. The new development provides a compact form that appropriately intensifies an underutilized site while providing an alternative form of development. The development will be required to meet current development standards and site plan requirements. Wellington Street is also an arterial road and considered a gateway to the downtown where a high level of design standards are required. The development will promote active transportation limiting the need for a vehicle to perform daily activities in conformity with the goals of the PPS. It also supports the long-term economic prosperity of the area by promoting an opportunity for economic development and community investment-readiness and promotes a well-designed built form that encourages a sense of place, by conserving features that help define character of the area.

The proposed form of development has considered the surrounding listed heritage properties and community through a podium design that is 4-storeys in height which

responds appropriately to and enhances the existing streetscape along Wellington Street and will help define the future streetscape. The requirement for brick along the podium ensures the materials are similar in nature to what exists in the area helping create compatibility in the community. The reduced massing and stepbacks on the tower portion of the development also helps limit impacts on the surrounding properties helping protect them from adverse impacts in conformity with the PPS [2.6.3.].

### **1989 Official Plan**

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

As part of a complete application the applicant provided an Urban Design Brief, and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. Both the Urban Design Peer Review Panel and Staff had concern over the massing of the original proposal as well as the scale and how it related to the existing and planned context of the site and neighbourhood. It was suggested that the use of warmer materials may allow the development to better relate to the surrounding context. The applicant and Staff worked closely together to further refine the design through several different iterations of the building concept prior to the final design which is attached to the recommended By-law as Schedule "1". Staff feel this proposal responds to many of the community concerns and achieves many of the design principles of the Official Plan and The London Plan. The overall massing of the tower portion has been reduced helping limit shadows on the surrounding community and additional articulation has been used to break down the building. The podium along Wellington Street has been reduced to 4-storeys and has been broken down through a change in building materials helping the development respond to the surrounding context create a more appropriate street level interface. Through the recommended bonus zone Staff are able to achieve a high level of landscaping in front of the building to provide an enhanced pedestrian experience. The development will support public transit while providing a quality form of development to help enhance the SoHo, Main Street Segment as a gateway into Downtown.

Although the Main Street policies aim to maintain a setback that is consistent with adjacent uses this cannot be accommodated through this development. The site is on a future rapid transit route which requires significant road widening dedications in order to accommodate the future rapid transit system. This road widening will require the building to be set back further than existing developments along Wellington Street. However, when the abutting lands redevelop they will also be required to provide the additional setback ensuring future development will be in line with the proposed development creating a continuous, pedestrian oriented block of land in keeping with design objectives of the MSCC. The proposal has evolved to the point where the proposed building is now in keeping with the design guidelines outlined in Chapter 11 and in keeping with the Urban Design objectives of the MSCC.

Diagram 1 – Revisions to Building Design – April – August 2018



See appendix “E” to see how the applicant specifically responded to the panels comments,

### The London Plan

Similar to the current Official Plan all planning and development applications will conform to the City Design policies of The London Plan. The proposed development is in keeping with these policies as the building is sited close to the front lot line, and provides a sufficient height, to create a strong street wall along the corridor. The proposed apartment has used articulation to help break up the massing of the building. The tower portion of the building, specifically along Grey Street, includes a very high level of design and use of step backs and articulation in order to appropriately break up the proposed mass. The podium has also been broken down through material changes to help create a pleasant and interesting pedestrian environment to address the public realm in an appropriate manner.

The bonus provisions being recommended will also ensure that a planned landscaped

area will be created along Wellington Street with a civic space defining the main entrance of the apartment at the intersection. These features will help ensure the development creates a positive pedestrian environment while making the overall development pedestrian, cycling and transit-supportive. The proposed parking is being provided underground and in the rear of the site as per the policies of the Plan (Form, 841).

The SoHo Main Street area of The London Plan also has additional policies to help create a main street environment that differs from other parts of the transit corridors (FORM 848). The proposed development is in keeping with these policies and the development has assessed and addressed the surrounding cultural heritage resources through appropriate design considerations to help mitigate any impacts. The materials and podium design help promote and support the current and future form and character of this Main Street segment and the development includes a setback above the podium base to avoid sheer walls onto the main street corridor.

#### **4.5 Issue and Consideration # 5 – Sanitary Servicing**

Through the original circulation process the City's Wastewater and Drainage Engineering department commented that

*“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.**”*

#### **UPDATED Wastewater – September 12, 2018**

*“Capacity is currently available in the sanitary sewerage system downstream. Sanitary sewerage capacity in the greater SoHo area will be allocated on a first come first serve basis and will be monitored by the Wastewater and Drainage Engineering (WADE) Division as development in the area proceeds. Prior to registration of this Site Plan, the Owner shall obtain consent from the City Engineer (WADE) to reserve capacity in the downstream sewerage system for this development. Capacity will be reserved on the condition that registration occurs within one (1) year of the date specified in the development agreement.”*

With capacity being handed out on a first come first serve basis a holding provision is not required as site plan approval cannot be granted without sufficient capacity being available.

#### **4.6 Issue and Consideration # 6 – Massing/Height/Shadows**

As previously identified by the applicant at the September 10<sup>th</sup>, 2018 Planning Committee Meeting the building design has gone through a substantial review and design process. The final design, which was described in section 4.3 – Form portion of this report, demonstrates that the final building design has evolved to a much narrower tower helping address the issues of massing and shadows thereby reducing the impacts on the surrounding properties.

#### **4.7 Issue and Consideration # 7 - Heritage**

Both LACH and Heritage Staff have expressed concerns with the original proposal and how it fits within the community. The efforts made by the applicant to ensure a brick material will be used along the podium and the reduction from the 5 storey podium to a 4 storey podium along Wellington Street help to complement the surrounding properties in the area. The final proposal also significantly reduces the massing of the building so it does not impose itself within the community and responds to the surrounding listed heritage properties. Additionally the Architectural Conservancy Ontario has expressed support the proposal.

**5.0 Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the City of London Official Plan policies and Rapid Transit Corridor policies of The London Plan. The proposal facilitates the development of an underutilized site and provides an appropriate form of development. The bonusing of the subject site ensures the building form and design will fit within the surrounding area while providing a high quality design standard. The subject lands are situated in a location where intensification can be accommodated given the existing municipal infrastructure, location on main street corridor, arterial road and gateway to the downtown, and existing and future public transit facilities in the area.

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

October 1, 2018  
MT/mt

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## Appendix A

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

By-law No. Z.-1-18 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 147-149 Wellington Street and 253-257 Grey Street.

WHEREAS JAM Properties Inc. has applied to rezone an area of land located at 147-149 Wellington Street and 253-257 Grey 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 147-149 Wellington Street and 253-257 Grey Street, as shown on the attached map comprising part of Key Map No. A.107, 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.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B( ) 147-149 Wellington Street and 253-257 Grey Street

The Bonus Zone shall be implemented through a development agreement to facilitate the development of a high quality apartment building with a maximum of 18 –storeys, 246 dwelling units and density of 560 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law; and

i) Transit Station

The financial contribution of funding to the future Transit Station at Wellington Street and Grey Street in the amount of \$200,000, for the provision of public art or other station enhancements to be provided at the time of site plan approval or construction of the station, whichever occurs first.

ii) Provision of Affordable Housing

The provision of 10 affordable housing units, established by agreement at 95% of average market rent for a period of 20 years. An agreement shall be entered into with the Corporation of the City of London, to secure those units for this 20 year term.

iii) 2 levels of underground parking

iv) The construction of a civic space provided at the main pedestrian entrance to the building and enhanced landscaping along Wellington Street, consistent with the conceptual site plan and renderings shown in Schedule 1 of the amending by-law.



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

a) Regulations:

i)	Density (maximum)	560 units per hectare (226 units per acre)
ii)	Height (maximum)	63 metres (206.7 feet)
iii)	Parking (minimum)	197 Parking Spaces
iv)	Interior Side Yard Depth for floors 1-4 (minimum)	1.6 metres (5.25ft)
v)	Interior Side Yard Depth for floors 5-8 (minimum)	6.0 metres (19.7ft)
vi)	Interior Side Yard Depth for floors 9-18 (minimum)	11.5 metres (37.7ft)
vii)	Lot Coverage	31%
viii)	Dwelling units are permitted on the first floor.	

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

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

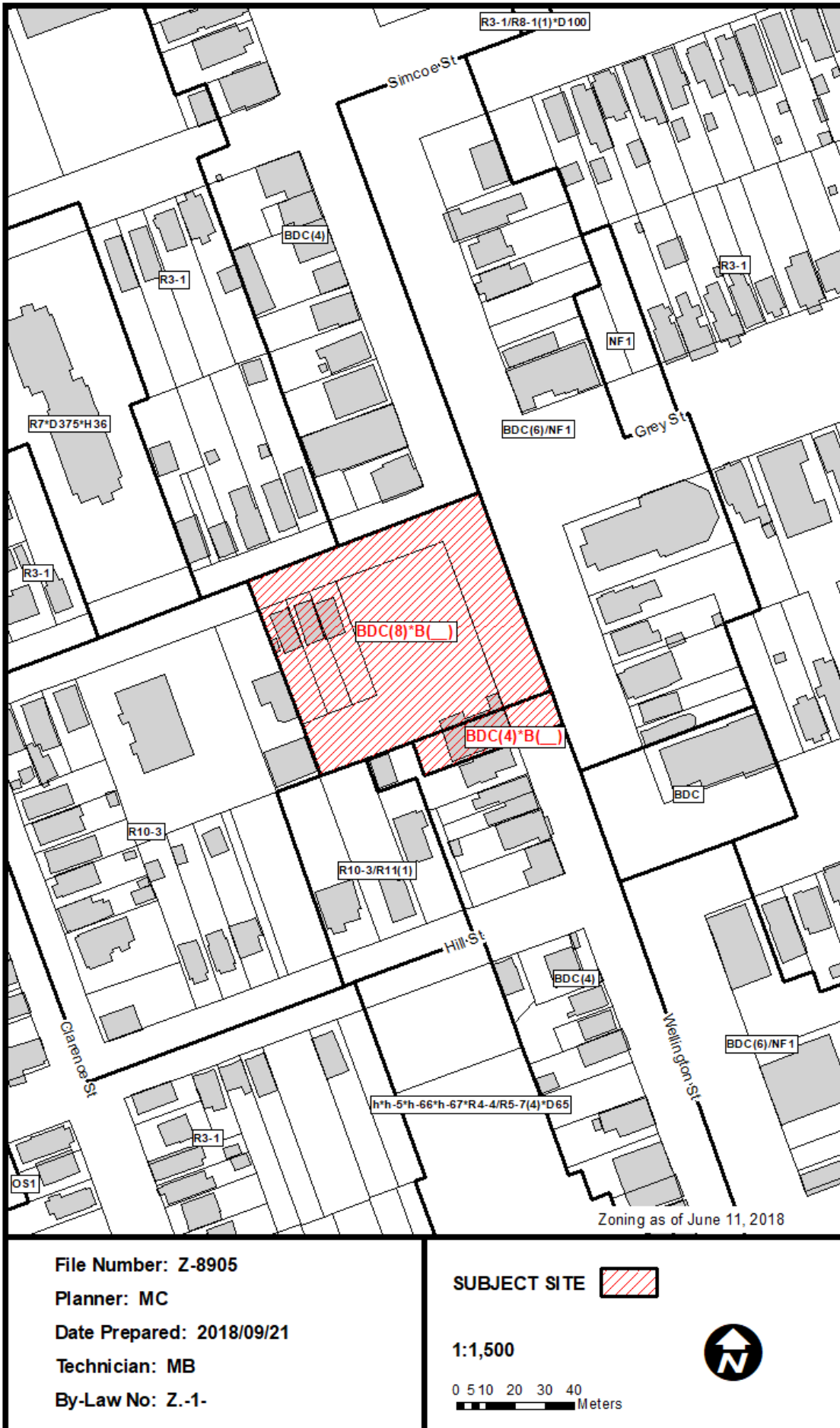
PASSED in Open Council on October 16, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

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







WELLINGTON STREET ELEVATION

**zedd**  
 ARCHITECTURE  
 1000 10th Street, Suite 100, Vancouver, BC V6J 1A1  
 TEL: 604.681.1111 | WWW.ZEDDARCHITECTURE.COM

SK-21

SEP 18, 2018

Elevation

Jam Properties Inc.

ONE FORTY SEVEN

17-019



GREY STREET ELEVATION

17-019 ONE FORTY SEVEN

Jam Properties Inc.

Elevation

SEPT 18, 2018

SK-20

**zedd**  
 ARCHITECTURE

ARCHITECTURE  
 25 NORTH BROAD AVENUE SUITE 200, PORTLAND, ME 04101  
 TEL: 603.733.8888 FAX: 603.733.8889  
 WWW.ZEDDARCHITECTURE.COM





1" = 30'-0"

SOUTH ELEVATION

zedd

ARCHITECTURE  
 20100 15th Avenue, Suite 100, Boulder, CO 80501  
 303.440.1111 | www.zeddarch.com

SK-23

SEPT 15, 2018

Elevation

Jam Properties Inc.

ONE FORTY SEVEN

17-019



## Appendix B – Public Engagement

### Community 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.

6 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.

**Public liaison:** On September 19, 2018 Revised Notice of Application and Public Meeting was sent to 115 property owners in the surrounding area. Revised Notice of Application and Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 20, 2018. A “Planning Application” sign was also posted on the site.

**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 246 residential units (560uph). 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 560uph 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.

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

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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

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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

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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

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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.

---

**From:** Samuel E Trosow  
**Sent:** Monday, August 27, 2018 1:47 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** concerns regarding Z-8905 (Wellington/Grey)

Mr. Corby,

Thank you for taking my call and listening to some of my concerns about the Wellington/Grey Project (Z-8905). I understand that the city will be in further discussion with the applicant about the terms of the bonus arrangement before a staff report is issued.

Generally I feel that the request for 593 UPH with a height of 63 meters is much too large for the area, is out of proportion from other uses in the vicinity, and could have the negative effect of creating similar expectations from other developers.

I would also note that for the size of the bonus, the benefits listed in the Planning Justification document are very weak and need to be expanded on quite a bit. Things like quality of design, quality and mix of materials, underground parking and provision of balconies could be expected in any decent development and I don't think these "amenities" should justify a bonus, certainly not a very large one.

Noticeably absent were provisions for enhanced landscaping, a dedication to civic space, improvements to the streetscape, location of waste/recycling facility and bicycle storage and parking (secured and temporary) There was no mention of an affordability component and no discussion of enhanced accessibility measures. In my view these

are the types of amenities that would warrant a significant bonus. I understand that the civic space dedication could be a problem, but at the very least the setbacks could be a bit more reasonable (zero in front). I am also wondering about the parking, 5 accessible spaces for such a large space (200 parking spaces seems small).

In any event, as it stands now I think staff should not support the project. Some combination of scaling back its height/density back and increasing the benefits of the bonus are needed.

Thank you again for your attention, I really appreciated the chance to speak with you.

Samuel Trosow

**From:** Samuel E Trosow  
**Sent:** Monday, August 27, 2018 3:38 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Re: concerns regarding Z-8905 (Wellington/Grey)

Mike,

One thing I forgot to mention that I think needs to apply to every building on a major street is leaving room on the ground floor for vehicle pull-in turnaround for loading. This can be a semi-circle on the ground floor perhaps with a cantilever.

The importance of this is shown by the dangerous situation in front of the Luxe on Richmond. Delivery trucks, postal vehicles, pizza delivery cars and taxis stop in front on Richmond because there is no delivery area. It creates a very dangerous condition especially when there is congested southbound traffic coming off the bridge.

Sam Trosow

**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.
	Sam Trosow 43 Mayfair Dr, London ON

## 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.

#### **UPDATED Wasterwater – September 12, 2018**

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.

Capacity is currently available in the sanitary sewerage system downstream. Sanitary sewerage capacity in the greater SoHO area will be allocated on a first come first serve basis and will be monitored by the Wastewater and Drainage Engineering (WADE) Division as development in the area proceeds. Prior to registration of this Site Plan, the Owner shall obtain consent from the City Engineer (WADE) to reserve capacity in the downstream sewerage system for this development. Capacity will be reserved on the condition that registration occurs within one (1) year of the date specified in the development agreement.

#### **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](http://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

### **Updated Comment in response to question from Planning Staff**

It is recognised that until the two way conversion of Grey Street takes place there will be traffic associated with this development heading westbound, the volume of traffic generated by the development can be accommodated on the local street network for the interim without adverse impact to the function of the local streets.

The Institute of Traffic Engineers (ITE) trip generation manual suggest the average morning AM vehicle trips for a 246 unit high rise apartment building is 74 trips and 91 trips during the afternoon PM peak hour. This indicates that the trips that will be generated from the development will have minimal effect on the adjacent road network.

### **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.

### 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 Street<sup>1</sup>
- 146 Wellington Street
- 143 Wellington Street<sup>2</sup>
- 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 C – Policy Context

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

### **PPS**

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

1.1.1 a, b, c, e, f

#### 1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

#### 1.4 Housing

1.4.1

#### 1.6.7 Transportation Systems

1.6.7.4

#### 1.7 Long-Term Economic Prosperity

1.1.7 a,d

#### 2.6 Cultural Heritage and Archaeology

2.6.3.

### **Official Plan**

#### 3.4. Multi-Family, High Density Residential

##### 3.4.3. Scale of Development

##### 4.4.1 Main Street Commercial Corridor

###### 4.4.1.3. Function

###### 4.4.1.1. Planning Objectives

###### 4.4.1.2. Urban Design Objectives

###### 4.4.1.4. Permitted Uses

###### 4.4.1.7. Scale of Development

###### 4.4.1.9. Urban Design

#### 19.4 Zoning

##### 19.4.4 Bonus Zoning

### **London Plan**

#### Rapid Transit and Urban Corridors

##### Permitted Uses – 837

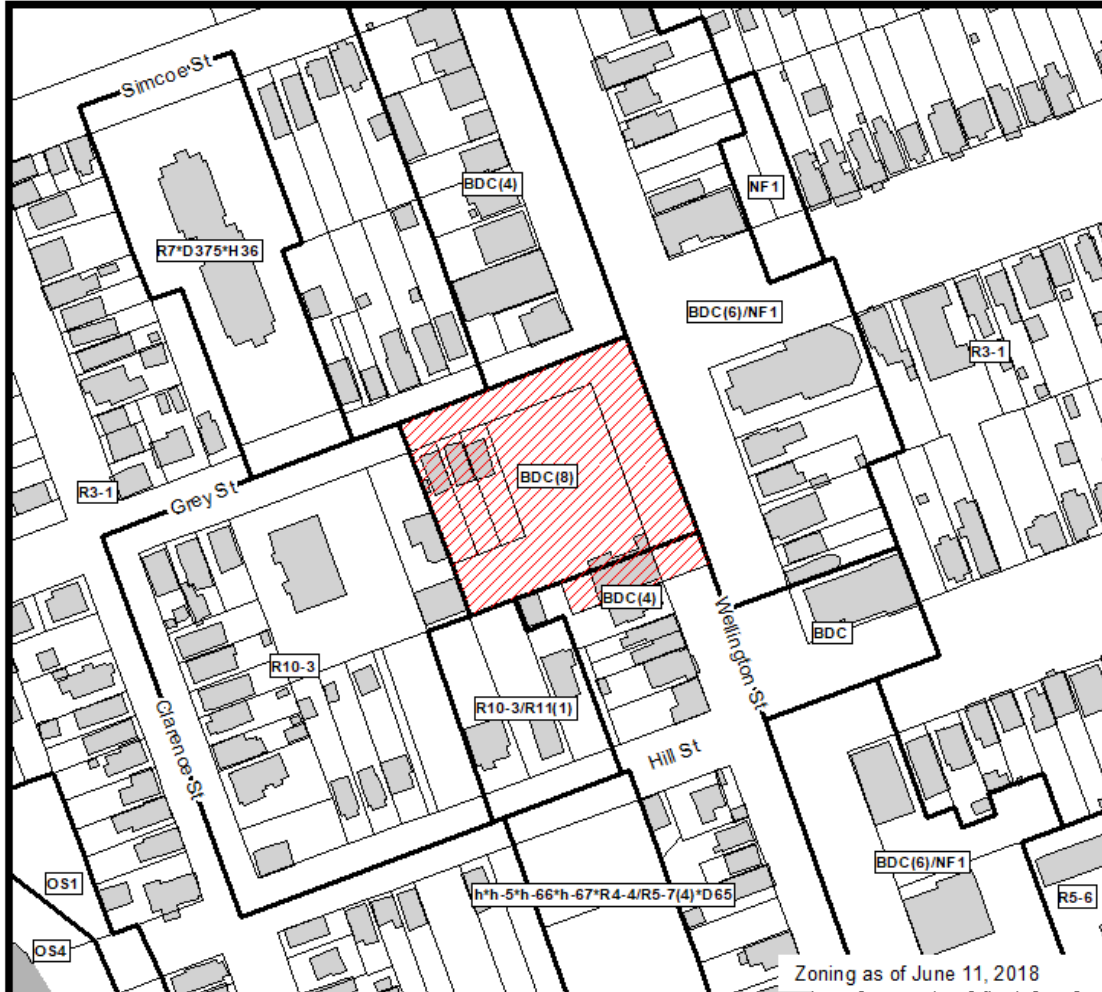
##### Intensity – 840


##### Form – 841

##### Specific Segment Policies - 845

**Appendix D – Relevant Background**

**Additional Maps**



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

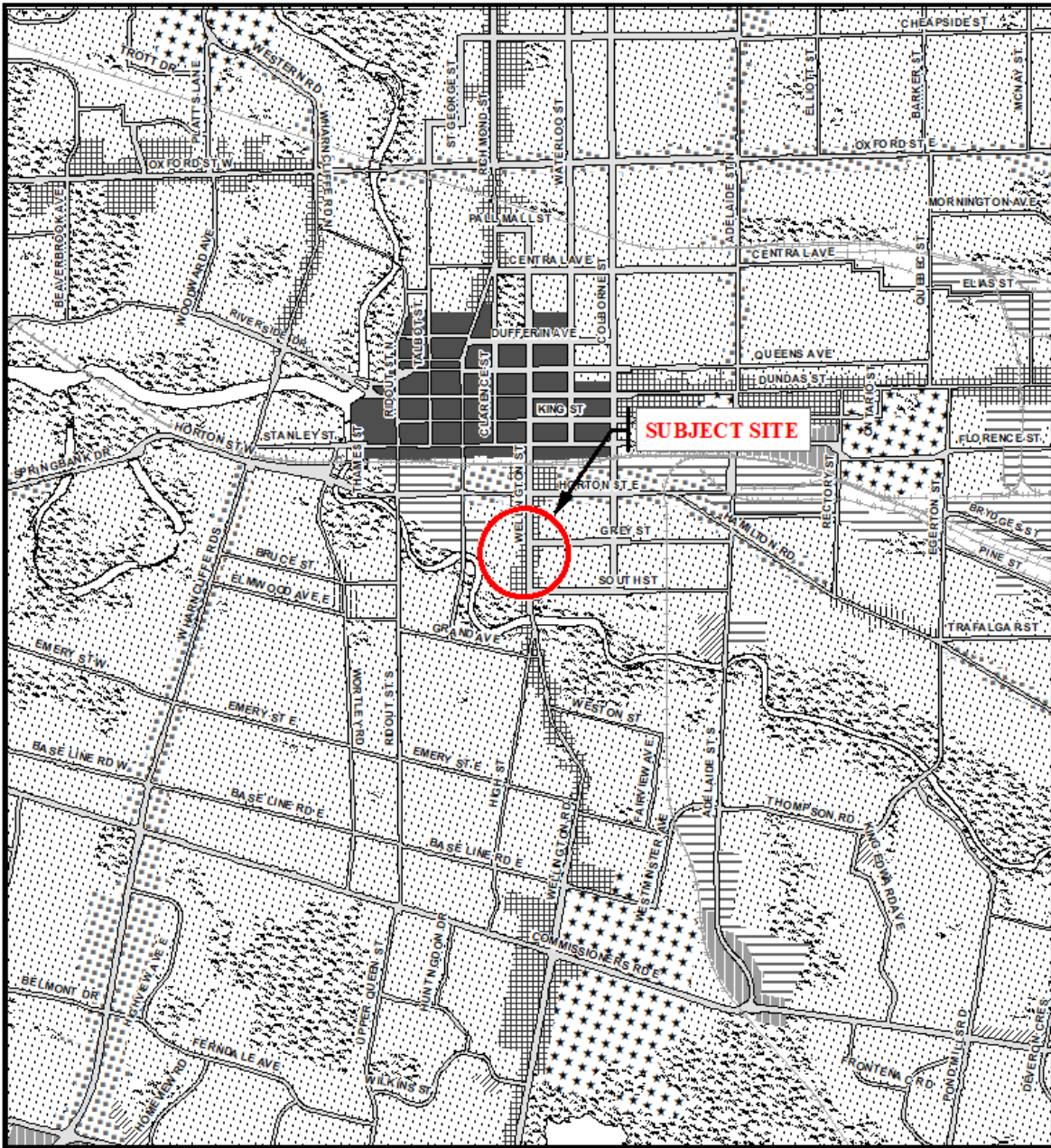
Z-8905 MC

MAP PREPARED:

2018/07/31 MB

1:2,000

0 10 20 40 60 80 Meters



**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              |   |

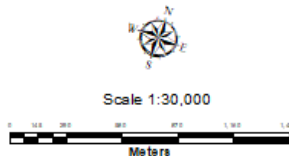
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*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.*

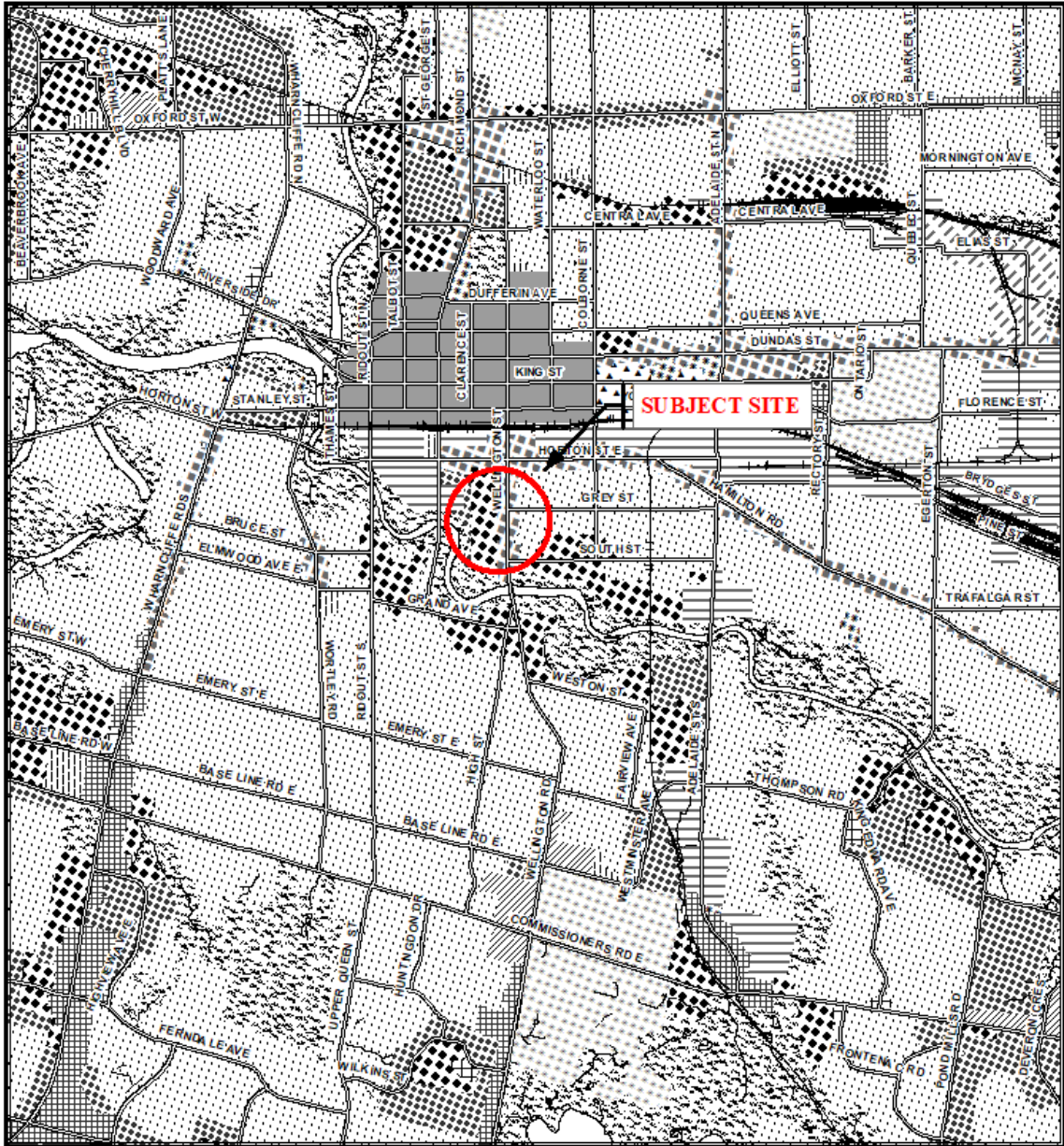
**CITY OF LONDON**  
 Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** Z-8905  
**Planner:** MC  
**Technician:** MB  
**Date:** July 31, 2018



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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8905                  PLANNER: MC                  TECHNICIAN: MB                  DATE: 2018/07/31</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\cons00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

## Appendix E – Urban Design Peer Review Panel Comments/Response

### 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.

**UDPRP Response – 147-149 Wellington Street – Jam Properties**

Date of UDPRP Review – Zoning By-law Amendment – Review Date May 16, 2018.

	<u>UDPRP Comments</u>	<u>Zedd Response</u>
1	<p>A 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 B further to assist in breaking down the proposed massing.</p>	<p>A No Action Required B Further refinements in the overall design have occurred where the physical massing has been reduced on both Grey and Wellington Streets reinforcing distinct and significant stepping in the building façade and reducing the massing and floor plate of the tower. Further refinements in the articulation of materials has also contributed to additional contextual scale reduction.</p>
2	<p>A 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. B Consideration should be made for additional volume at the entrance, and possible glazing, to mitigate this concern.</p>	<p>A The building has been significantly modified on both street frontages to reduce the overall massing of the building and in turn decreasing the tower floor plate to approx. 1000 meters sq. and number of units.  B Glazing at the entry façade as well as a glazed canopy have reinforced the entrance area that in turn assists in a strong identifying entry feature and in turn breaks the building massing.</p>
3	<p>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.</p>	<p>The tower wings are limited to 8 storeys on Wellington Street as per Planning recommendations and reduced to 7 storeys on Grey Street. In both instances the major setbacks are 3 meters. The Wellington Street podium is 5 storeys and the tower wing 3 storeys providing a well proportioned hierarchy of form. This is repeated on Grey Street with a 4 storey podium and 3 level tower wing. In addition the tower itself has reduced in mass providing a more subtle composition of the podium and tower wings. Grey Street has a podium of 4 storeys to respond to the narrower street and residential nature heading west – stepping to the 7 storeys – which is well below the adjacent existing apartment building consisting of 10 storeys. Wellington Street, with the BRT planned intensification anticipated in the London Plan, would see the context evolve to larger building forms. This is the first building to be incorporated within the Intensification Plan – and the need for a future vision is a necessary instrument in assessing the project in this location.</p>



4	<p>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.</p>	<p>The podium wings have been provided further design detailing with additional façade planes to create shadow and distinctive breaks in the façade. This and a material change now undulates the former linear form of the wings into a scale that is in keeping with the context of the historical streetscape.</p>
5	<p>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.</p>	<p>An appropriate shadow study would be necessary to verify this comment of a 'significant affect outside the planned transit corridor'. The overall footprint of the tower has also been decreased to approx. 1000 meters sq. Noting that this is a planned higher density BRT Corridor then the results of shadow affect would be expected as part of the results of increased development and height. The shadow study provided as part of the submission indicates that western cast shadows at summer solstice June 21 8:a.m. have little affect on the Grey Street residences on the north side of Grey Street. The easterly cast shadows summer solstice June 21<sup>st</sup>. 6 pm - fall primarily over Wellington Street and the commercial buildings on the east side of Wellington Street. While the tower component shadow extends further affecting 1 or 2 houses at a time in an easterly direction – It should be noted that the tower component the development has now been reduced to a 10,000 sq. ft. footprint reducing its shadow affect south east and west. This footprint is a Planning recommended and preferred size in order to mitigate the shadow affect.  An updated shadow study would further define these parameters upon submission for SPA.</p>
6	<p>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.</p>	<p>The podium exterior will be brick in order to emulate the residential nature of the neighborhood that consists of a mixture of residential types both in brick and wood cladding. As noted additional color and texture and depth in the materials and design will further articulate the building.</p>
7	<p>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</p>	<p>There are three or four types of exterior private spaces for the inhabitants of the building. The lower podium units incorporate a recessed balcony for the purposes of privacy to the street – cars and pedestrians. The</p>

	from emphasizing the verticality of the project, reducing its perceived width.	tower and tower wings have both traditional slab balconies where they can tuck partially into the corner of the building and the articulated C-shaped balconies that are designed as vertical elements that are staggered on the building façade to draw your eye upward. These more expressive balconies incorporate the textured and colored panels noted in item 6 above by the Panel. The podium as noted above has been re-designed and is much more segmented and articulated to reduce significantly the linear form of the podium.
8	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.	The building as noted has been re-designed to reduce the overall massing and incorporate many of the comments received from the Panel while maintaining the essence of the design and maintain a level of articulation in form, color and texture.
9	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.	“The “bonusable” features for the proposed development have been subject to ongoing discussions with City Staff and will be determined once the specifics of the development (ie. height, density, etc.) have been finalized.  However, it should be noted that the bonusable features may extend beyond an enhanced building design, underground parking, etc. Other items or contributions that are deemed to be of benefit to the public may be included as well in order for the overall bonusing to be commensurate with the increased height and density for the project.



**ZELINKA PRIAMO LTD**

*A Professional Planning Practice*

**Sent via email**

September 21, 2018

Mr. Michael Tomazincic, MCIP, RPP  
Manager, Current Planning  
Planning Services  
City of London  
206 Dundas Street  
London, ON  
N6A 1G7

Dear Mr. Tomazincic,

RE: Zoning By-Law Amendment Application (File Z-8905)  
JAM Properties Inc.  
147-149 Wellington Street and 253-257 Grey Street  
Our File: WDR/LON/16-01

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Further to the comments received at the PEC meeting of September 10, 2018, and our subsequent discussions regarding the above, we are pleased to provide you with the following information regarding the bonusing provisions for the proposed development, on behalf of JAM Properties Inc.

Firstly, we acknowledge PEC's request to incorporate affordable housing as part of the proposed development. As you are aware, there were no discussions with respect to the provision of affordable housing, or requests for the provisions of such, between our client and City Staff prior to the PEC meeting. Although we appreciate PEC's request and acknowledge that there is a desire and need to provide affordable housing units within the City, we respectfully believe that it is premature to mandate this type of housing within a privately-owned development at this time.

To our knowledge, the City does not currently have a policy mechanism in place that outlines the requirements for the provisions of affordable housing within private developments. As you can appreciate, there are several factors including, but not limited to, number/size of units, term, rent, financial incentives, administration, etc. that are important and necessary to be evaluated at the onset of a project of this magnitude to determine its economic viability. As noted above, our client was never made aware at any point during the process that affordable housing would be required as part of the development, nor was it evaluated as part of the overall viability of the project. Through previous discussions with Staff, it was our understanding that bonusing provisions for the proposed development would be focused on the implementation of BRT initiatives.

As such, our client is hesitant and opposed to accepting the provision of affordable housing as part of the bonusing provisions for this project. Our clients have spent considerable time on this project with significant investment and financial obligations that do not take into consideration the prospect of an affordable housing unit component. It would be difficult, if not impossible, to go back and modify the economics of this project to include the cost implications of such a change at this late stage in the process.

We note, however, that the proposed increase in height and density will result in significant additional revenues to the City in the form of development charges and on-going tax revenues. This additional revenue could be used to facilitate affordable housing initiatives while a more comprehensive and publicly vetted process can be designed and adopted by Council. Should such a mechanism be developed, it could then be introduced at the beginning of the development approval process (i.e. at the pre-consultation stage) so that the developer working with City Staff can pursue an appropriate pro-forma for the project prior to making significant capital commitments. In the interim, the extent of bonusing qualified amenities being proposed (detailed below) for this project are consistent with, if not greater than, that which have been approved in many similar developments.

As such, we request that the following items be considered as appropriate bonusing provisions to permit an 18-storey apartment building, with a density of 557 units per hectare, consistent with Section 19.4.4 of the current, in-effect, Official Plan:

1. Provision of a building with an exceptional design standard (Section 19.4.4.ii)  
As you are aware and, as was presented by zedd Architects at the PEC meeting, the proposed building design has undergone several iterations to address comments received from Staff, UDPRP and the public; and also addresses the urban design principles as per Section 11 of the Official Plan. The result is a high-quality design that incorporates various components, materials, and colours to achieve an aesthetically pleasing and vibrant design that will significantly improve and enhance the Wellington Street and Grey Street streetscapes, which currently consists primarily of a parking lot on the subject lands.
2. Provision for underground parking (Section 19.4.4.ii(c))  
A total of 200 parking spaces are proposed for the development. A significant amount (80% or 162 spaces) of the parking will be located within an underground parking structure, to be accessed internally within the site, via Grey Street. The balance of the parking (required for accessible, visitor, and commercial use) will be located at-grade but situated behind the building, so that it is not directly exposed to the public.
3. Provision of enhanced landscaping along the Wellington Street frontage, within the public road allowance (Section 19.4.4.ii(d))  
The proposed development will include the provision for enhanced public space elements along the Wellington Street frontage portion of the subject lands, with an emphasis to be placed on the southwest corner of Wellington Street and Grey Street. Conceptual drawings have been previously provided showing a potential mixture of hard surface (paving stone, benches, planters) and vegetation. The final design can be determined at the Site Plan Approval stage, to the satisfaction of the City.
4. Financial contribution towards the future BRT Station to be located to the south of the subject lands (Section 19.4.4.ii(h))

It is our understanding that the City's current accepted practice with respect to financial contributions that are put towards various public initiatives is an amount equal to 1% of the construction of the project, not to exceed a total amount of \$250,000.00. JAM Properties Inc. agrees to contribute \$250,000.00 towards the construction of the future BRT transit station, to be located to the south of the subject lands.

We believe that a financial contribution towards the BRT initiatives is appropriate in this instance as the subject lands are located along the future BRT route; the proposed development is a response to the City's desire for growth along the Wellington Street corridor; and the proposed development will promote the use of transit. As such, it is our opinion that any public benefit to be derived through bonusing, in addition to the above, should be for the purpose of advancing the BRT initiatives.

The proposed financial contribution towards the BRT station would also satisfy Type 2 Bonusing under the London Plan (contribution to the development of transit amenities, features and facilities).

We trust the proposed bonusing components discussed above are fair and reasonable in exchange for the required height and density for the proposed development, as per Section 19.4.4 of the Official Plan, and are consistent with bonusing provisions approved for other similar developments within the City. We believe the resulting development will effectively address the City's stated goals for developments such as this; will be regarded as a strong contributor to the neighbourhood character; and will be an enviable example for appropriate transit-based residential intensification.

Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Harry Froussios, BA, MCIP, RPP  
Senior Associate

cc. JAM Properties Inc. (via email)

## 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:** The Corporation of the City of London  
City-wide – Amendment to Section 4.10 (Home Occupations)

**Public Participation Meeting on: October 9, 2018**

## Recommendation

That, on the recommendation of the Manager, Development Planning, with respect to the application of the Corporation of the City of London, the following actions be taken with respect to the Zoning By-law for Home Occupations, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting October 16, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to **ADD** day sitting for dogs and domestic cats as a permitted use, subject to specific regulations limiting such uses to single detached dwellings, day time use only, and the number of animals permitted on the premises to a total of eight (8), of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

## Executive Summary

### Summary of Request

The requested zoning amendment is to allow for day sitting of dogs and domestic cats as a Home Occupation.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to amend specific regulations of the Zoning By-law that relate to permitted uses as Home Occupations in the City. This specific recommendation is being brought forward as Civic Administration was directed by Council on June 12, 2018 to hold a public participation meeting before the Planning and Environment Committee on a by-law to amend the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation. This Zoning By-law Amendment is to permit day sitting for dogs and domestic cats, subject to the following regulations:

- A maximum of eight (8) dogs and domestic cats, of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4);
- No breeding, boarding or overnight accommodation of dogs or domestic cats for grooming or day sitting be permitted on the premises;
- Dogs or domestic cats that are brought into the premises shall be permitted outside the dwelling only while leashed or within an enclosed yard but are not to be unsupervised;
- A dog and domestic cat day sitting business may only be permitted within a single detached dwelling;
- The business owner must be the owner of the property, or receive written consent from the property owner to operate a dog and domestic cat day sitting business;
- A dog and domestic cat day sitting business may exceed 25 percent (25%) of the total floor area of the dwelling unit and may exceed 28.0 square metres, and may not be confined to one area.

## **Rationale of Recommended Action**

- 1) The recommended amendment is consistent with, and will serve to implement, the policies of the Provincial Policy Statement 2014 (2014 PPS), which emphasizes the need to plan communities in a manner that accommodates an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs (PPS1.1.1(b), 1.1.3.2(a));
- 2) The recommended amendment conforms to the Neighbourhoods Place Type policies of The London Plan, which also permits home occupations, provided they do not generate any impacts that may have an adverse effect on adjacent properties or dwellings, subject to the regulations of the Zoning By-law;
- 3) The recommended amendment conforms to the policies of the 1989 Official Plan, which permits home occupations provided they do not generate any impacts that may have an adverse effect on adjacent properties or dwellings, subject to the regulations of the Zoning By-law.

## **2.0 Description of Proposal**

### **2.1 Proposal**

The recommended rezoning will result in permission for individuals to operate a day sitting business for dogs and/or domestic cats as a home occupation, subject to a number of regulations.

## **3.0 Relevant Background**

### **3.1 Planning History**

On April 24, 2006, a report was brought to Planning Committee recommending an amendment to Section 4.10 – Home Occupations of the Zoning By-law to allow for a dog and domestic cat grooming business as a home occupation, subject to specific regulations.

A submission was made to the Community and Protective Services Committee on July 18, 2017 by Councillor Ridley which recognized that individuals providing sitting and boarding services for pets as home occupations were doing so in contravention of the Dog Licensing and Control By-law, as well as the Zoning By-law, and identified that such uses may be desirable. Civic Administration was directed to review and report back with respect to the potential amendments to City of London By-laws to provide for individuals to operate a pet boarding and/or sitting business from their homes.

On October 17, 2017 the City of London Animal Control By-law (PH-3), and Dog Licensing and Control By-law (PH-4) were amended, allowing an increased number of dogs and cats to be registered to an owner. This registration is connected to the pet owner's place of residence. The combined total of spayed or neutered cats and dogs within a single detached dwelling unit was increased to eight (8), with no more than three (3) being dogs. In any residential building containing more than one dwelling unit the limit was increased to five (5), with no more than three (3) being dogs.

On May 9, 2018, a report was received by the Community and Protective Services Committee with respect to pet boarding and pet sitting services, which directed Civic Administration to hold a public participation meeting before the Planning and Environment Committee on an amendment to the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation. The motion was passed by Council on June 12, 2018.

### 3.2 Community Engagement (see more detail in Appendix B)

Two (2) public responses were received at the time this report was prepared, both of which expressed opposition to the amendment as proposed. One member of the public found the allowance for eight cats and dogs to be too intense in residential areas while the other was opined that pet boarding should be a permitted use.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1 – Permitted Uses

The General Provisions of the Zoning By-law allow for Home Occupations provided that the character of the dwelling as a private residence does not change and any nuisance such as noise, fumes, dust, odour, traffic or parking is not created which would interfere with the enjoyment of the residential amenities of the neighbourhood. Presently, the only pet-based business permitted is a dog and domestic cat grooming business, which is subject to specific regulations, including the prohibition of breeding, boarding, and overnight accommodation.

Following Council's direction for a Zoning By-law amendment to permit pet boarding and/or pet sitting, Civic Administration consulted nine similar municipalities on their policies regarding such businesses as home occupations, the detailed results of which are attached and included in Appendix "C". None of the municipalities contacted permit pet boarding as a home occupation, nor do they allow overnight pet boarding. Such permissions are typically associated with a kennel use which are typically directed to industrial, commercial, and agricultural areas.

The definition of a kennel in the City of London's Zoning By-law is as follows:

*"KENNEL" means any lot, building or structure, on or within which three or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.*

As per the Dog Licensing and Control By-law (PH-4), kennels must be licensed and registered with an association incorporated under the *Animal Pedigree Act* (Canada).

Kennels are expressly permitted in only the Auto-Oriented Commercial Corridor and Restricted Service Commercial designations in the 1989 Official Plan, which provide for commercial uses that may create nuisance impacts on adjacent land uses. The London Plan is silent with respect to the location of kennels and other pet-based businesses.

Based on the above, permitting pet boarding as a home occupation would be inappropriate given its similarity in nature to a kennel use, which is required to be licensed and are typically directed away from residential neighbourhoods. The recent amendments to the City of London Animal Control By-law (PH-3), and Dog Licensing and Control By-law (PH-4) now allow for a maximum of eight (8) pets within a detached dwelling, of which a maximum of three (3) may be dogs. Granting permissions to allow for pet boarding within residential neighbourhoods could have the potential for greater nuisance impacts on adjacent lands and change the character of the dwelling as a private residence.

While pet boarding is not being recommended as part of this amendment, day time sitting for dogs and domestic cats can be supported, subject to regulations that ensure no nuisance be created by the use which would interfere with the enjoyment of the residential amenities of the neighbourhood.

Notwithstanding the existing provisions in the Zoning By-law that limit home occupations to a confined area of a maximum of 28.0 square metres, the recommended amendment is to allow for greater flexibility for pet day sitting businesses. The regulation is intended to limit the intensity of home occupations and ensure they remain ancillary to the residential dwelling. The nature of a pet sitting use is not necessarily compatible with



confinement to 28.0 square metres, especially if multiple pets are being cared for at the same time.

While the Zoning By-law also requires that the operator of a home occupation be a resident of the dwelling unit, the recommended amendment is to allow pet sitting to be carried out only by the owner of the property or a resident with permission from the property owner to operate a pet sitting business. The owner or landlord of a property is responsible for maintaining rental units thereon, and for complying with health, safety, housing and maintenance standards, while a tenant's responsibility is for ordinary cleanliness and repair of undue damage caused by their own wilful or negligent conduct. The introduction of animals to the dwelling unit as part of a business may constitute a more intensive use of the dwelling than is typically contemplated with personal pets and as such, consent should be obtained from the property owner for the business use.

#### Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. The proposed amendment to allow day sitting as a home occupation facilitates the efficient use of land and accommodates an appropriate range and mix of residential and employment uses that, subject to the specific zoning regulations herein, will not cause environmental or public health and safety concerns.

#### The London Plan

As noted above, The London Plan does not contain specific provisions regarding kennels or pet-based businesses, though it does contain similar policies to the 1989 Official Plan with respect to home occupations within the Neighbourhoods Place Type Policies. It is recognized that these provisions are still under appeal.

The proposed amendment for the inclusion of day sitting for dogs and domestic cats as a permitted home occupation is consistent with the key directions of The London Plan as it provides for an appropriate mix of commercial and residential uses. Under the 1989 Official Plan and Zoning By-law, kennels and other larger scale pet-based businesses are directed to auto-oriented commercial areas. Permitting pet day sitting in residential areas provides for increased accessibility to services within a community that respects the existing character of residential neighbourhoods.

#### 1989 Official Plan

Section 3.6.3 of the Official Plan allows for home occupations within residential land use designations provided the business activity is clearly ancillary to the residential use of the property, is carried on entirely within the dwelling unit by a resident of the dwelling unit, and does not generate any noise, odour, traffic, or visual impacts that may have an adverse effect on adjacent properties. Specific regulations regarding the uses permitted according to dwelling unit type are to be contained in the Zoning By-law.

As the Official Plan permits the regulation of uses as home occupations based on dwelling type, it is recommended that day sitting for dogs and domestic cats be permitted solely in single detached dwellings. This will ensure that potential impacts to abutting property owners are mitigated, and that there is sufficient space and facilities to adequately accommodate the use. In this regard, while a home occupation is to be contained entirely within the dwelling, pets may be permitted outside provided they are leashed or under supervision within an enclosed yard. The business shall be contained within the dwelling, but the nature of the use may require incidental use of outdoor space without creating a nuisance.

## 5.0 Conclusion

The recommendation is to permit day sitting for dogs and domestic cats as a home occupation, subject to specific regulations limiting such uses to single detached dwellings, day time use only, and the number of animals permitted on the premises to a total of eight (8), of which a maximum of three (3) dogs be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

The amendment to the Zoning By-law is considered appropriate as it is consistent with the PPS 2014, the policies of the The London Plan and the 1989 Official Plan and implements the June 12, 2018 direction from Municipal Council related to pet sitting as a home occupation.

<b>Prepared by:</b>	<b>Meg Sundercock, BURPL Planner I, Development Services</b>
<b>Recommended by:</b>	<b>Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Heather McNeely, MCIP RPP Manager, Development Planning (Site Plan)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
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	

October 1, 2018  
MS

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**Previous Reports Pertinent to this Matter**

May 29, 2018 – Report to Community and Protective Services Committee regarding pet boarding and pet sitting services with the recommendation that the Civic Administration BE DIRECTED to hold a public participation meeting before the Planning and Environment Committee on a by-law amendment to the Zoning By-law to permit pet boarding and/or sitting business as a Home Occupation.

April 24, 2006 – Z-7053 – Report to Planning Committee regarding pet grooming businesses as a home occupation.

## Appendix A

Bill No.2018

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 Section 4.10 (Home Occupation) to revise and add new regulations.

WHEREAS The Corporation of the City of London intends to amend regulations in By-law No. Z.-1 pertaining to home occupations within the City of London;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Section 4.10 HOME OCCUPATIONS, Subsection 12) a) is amended by replacing the pertinent regulation with the following:
  - a) Notwithstanding Subsection 4.10 (12), a dog and domestic cat grooming business, and a dog and domestic cat day sitting business are permitted as home occupations, subject to the following:
2. Section 4.10 HOME OCCUPATIONS, Subsection 12) a) is amended by replacing paragraphs i), iii), and v) with the following:
  - i) A maximum of eight (8) dogs and domestic cats be allowed on the premises at any one time, of which there is a maximum limit of three (3) dogs in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4);
  - iii) No breeding, boarding or overnight accommodation of dogs or domestic cats for grooming or day sitting be permitted on the premises;
  - v) Dogs or domestic cats that are brought into the premises shall be permitted outside the dwelling only while leashed or within an enclosed yard but are not to be left unsupervised;
5. Section 4.10 HOME OCCUPATIONS, Subsection 12) a) is amended by adding the following clause:
  - \_ ) Notwithstanding Section 4.10, a dog and domestic cat day sitting business may only be permitted within a single detached dwelling;
6. Section 4.10 HOME OCCUPATIONS, Subsection 12) a) is amended by adding the following clause:
  - \_ ) The business owner must be the owner of the property, or receive written consent from the property owner to operate a dog and domestic cat day sitting business;
7. Section 4.10 HOME OCCUPATIONS, Subsection 12) a) is amended by adding the following clause:
  - \_ ) Notwithstanding Section 4.10 (2), a dog and domestic cat day sitting business may exceed 25 percent (25%) of the total floor area of the dwelling unit and may exceed 28.0 square metres;
8. The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.
9. 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 October 16, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

## Appendix B – Public Engagement

### Public liaison:

On August 16, 2018, Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner*. A Revised Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 13, 2018. Notice of Application and Notice of Public Meeting was sent to Councillor Ridley who forwarded the notice to individuals that expressed interest in an amendment to the By-law on September 12, 2018. The Notice was posted on the City of London website on September 12, 2018.

Two (2) replies were received at the time this report was prepared.

### Nature of Liaison:

The General Provisions of the Zoning By-law include policies which regulate the uses permitted as home occupations. Currently, the only pet-based business permitted is grooming. The proposed amendment would consider permissions to allow day sitting for dogs and domestic cats as a home occupation in single detached dwellings and subject to the regulations of the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

A proposed amendment to clause 12 of Section 4.10 (Home Occupations) with regard to the number of animals which may be permitted on the premises will also be considered to reflect the recent updates to the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4).

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

Telephone	Written
Anonymous Resident – voiced concerns regarding the number of dogs permitted, and that 3 is too intense.	Kim McHugh – expressed disappointment that the proposed amendment does not consider pet boarding as a home occupation.

### Departmental/Agency Comments:

The Animal Welfare Advisory Committee (AWAC) considered the potential amendment to the Zoning By-law regarding Pet Related Services as Home Occupations and made the following recommendations:

Standards for good animal welfare be addressed in terms of physical space, and also caring for these animals such as:

- basic obedience training
- CPR First Aid
- human First Aid
- fire & safety measures must be put in place
- sanitation protocol and standards
- vaccination and insurance requirements
- fence height restriction
- education requirements
- determine if current business owners are meeting these standards and if not, recommend timeline to be established.

London Hydro: No objections.

## Appendix C – Relevant Background & Policy Context

### Pet Boarding as a Home Based Business

#### Summary

After conducting a municipal scan, the overall consensus is that pet boarding / pet sitting being accepted as a home based business is not permitted in every municipality contacted. There were some differing laws with regards to other pet based businesses in the home but the act of having animals stay overnight for business purposes was universally agreed upon. As well, none of the municipalities contacted had any plans moving forward to allow this as a home based business.

The response from each municipality is as follows:

**Windsor** - No overnight boarding is permitted. Only overnight boarding permitted is for medical purposes in a properly zoned area. Windsor does not even have specific provisions for kennels.

**Sarnia** – Sarnia has a “Doggy Day Care” acting like a kennel but it is in a commercial area. They do not permit overnight boarding in a residential area.

**Hamilton** – No overnight boarding is permitted. If boarded overnight, it is considered a kennel and must be in the proper zoned area for such a use.

**Burlington** – Overnight boarding is not permitted but they do accept home grooming and training as a home based business with some specific restrictions.

**Kingston** – Can obtain a permit to house and board animals but this also must be in an area that conforms to the zoning requirements. Residential areas would not qualify for this option.

**Vaughan** – Not permitted, only permitted in agricultural zones.

**Guelph** – Not permitted, animal care cannot be overnight and this is only acceptable in their industrial areas.

**Oakville** – Not permitted, only in industrial and agricultural areas can there be overnight boarding options.

**St. Catharines** – Not permitted, grooming and training as a home based business is also not permitted. The by-law was modified in 2013 to ensure that such a home based business or any home based business involving animals does not occur. Take a strong stance on avoiding animal home based businesses.

## 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: PenEquity / Goal Ventures Inc.  
3130 & 3260 Dingman Drive and 4313 Wellington Road South  
Public Participation Meeting on: October 9<sup>th</sup>, 2018

## Recommendation

That, on the recommendation of the Manger, Development Planning, the following actions **BE TAKEN** with respect to the application of PenEquity / Goal Ventures Inc. relating to the properties located at 3130 & 3260 Dingman Drive:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of approximately 73,000m<sup>2</sup> of commercial space; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

## Executive Summary

### Summary of Request

The Site Plan Control application (SPA17-109) for 3130 & 3260 Dingman Drive is proposing approximately 73,000m<sup>2</sup> of commercial space including, through two separate and concurrent applications (SPA17-111 & SPA17-117), two large format commercial buildings specifically for an Ikea and a Costco with a gas bar. The remainder of the development is arranged around fourteen commercial buildings fronting onto a 'main-street' and eight other commercial buildings spread across the site. Access to the site is proposed via an extended Roxburgh Road which would be extended to connect to Dingman Drive. A system including private roads which connect to both Roxburgh Road and Dingman Drive are proposed as part of the application. The site includes a restored woodlot and linear storm water management blocks to be landscaped as features along the Dingman Drive frontage.

### Purpose and the Effect of Recommended Action

The purpose of this application is to attain Site Plan Control Approval for approximately 73,000m<sup>2</sup> of commercial space including, through two separate and concurrent applications, two large format commercial buildings specifically for an Ikea and a Costco with a gas bar at 3130 & 3260 Dingman Drive. The site is subject to a holding provision (h-5) that requires a public site plan review, which is to be heard at a public meeting of the Planning and Environment Committee.

### Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the policies of the Shopping Area Place Type and all other applicable policies of The London Plan.



3. The proposed Site Plan is in conformity with the policies of the New Format Regional Commercial Node designation of the Official Plan (1989) and will implement an appropriate range of commercial uses in accordance with the Official Plan policies.

4. The proposed Site Plan Control application integrates conforms to the Policies of the Southwest Area Secondary Plan.

5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

## **Analysis**

### **1.0 Site at a Glance**

#### **1.1 Property Description**

The subject site is located on the north side of Dingman Drive, west of Wellington Road South and south of Highway 401. The site has a frontage of 606 metres along Dingman Drive and a lot area of approximately 19 hectares. In addition to the Dingman Drive frontage the site has frontage along Wellington Road South and exposure to Highway 401. The site will be accessed by way of a private spine road which connects Dingman Drive and Roxburgh Road. The site currently contains a single large format retail building and its associated parking area in the northeast corner of the parcel. The balance of the lands are presently undeveloped.

#### **1.2 Current Planning Information**

- Official Plan Designation – New Format Regional Commercial Node
- The London Plan Place Type – Shopping Area
- Existing Zoning – h\* h-5\* h-18\* h-55\* h-103\* h-141\* ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11) and OS5

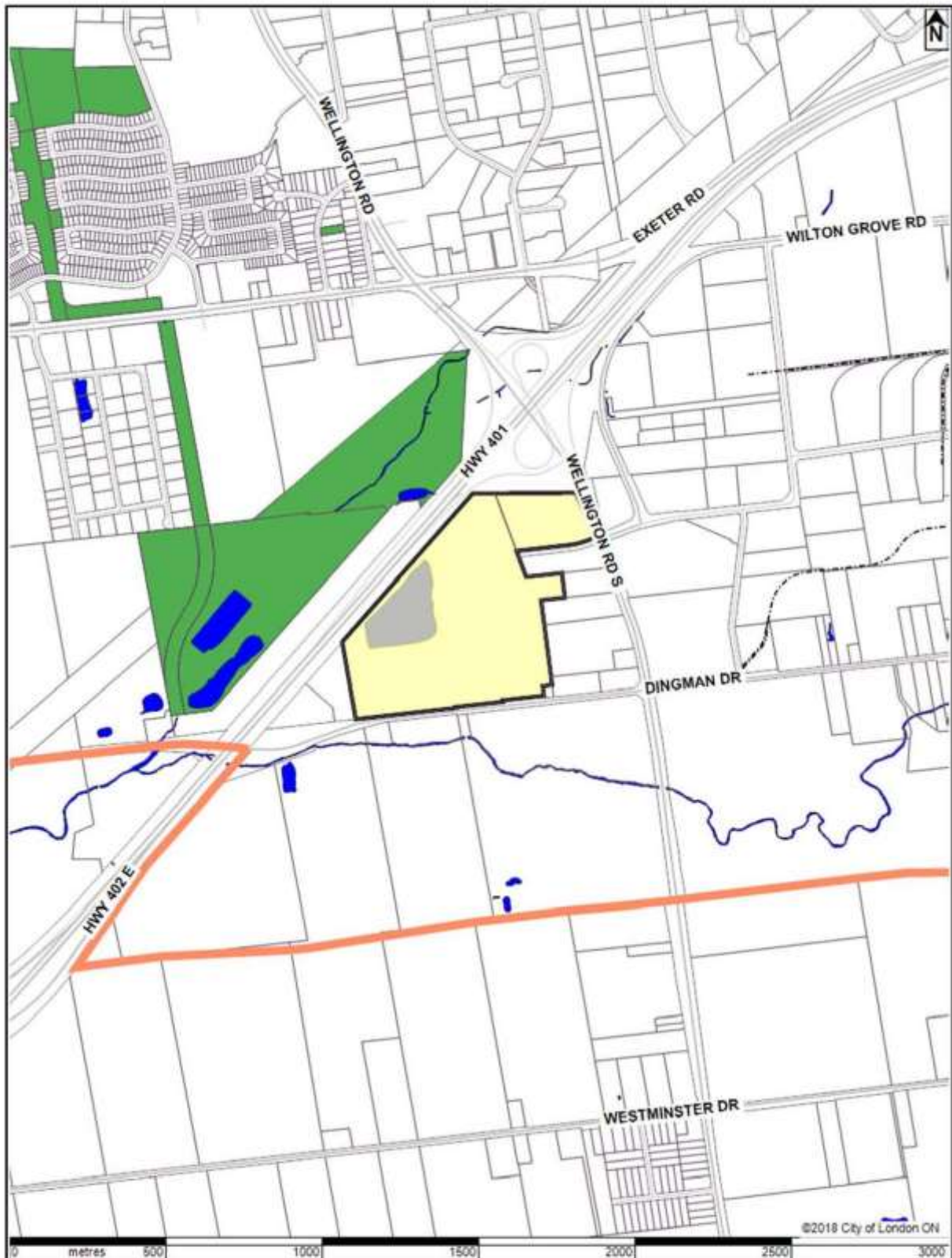
#### **1.3 Site Characteristics**

- Current Land Use – Vacant with the exception of a single large format commercial building and associated parking in the northeast corner of the site.
- Frontage – 606m (Dingman)
- Depth – 675m
- Area – 190,558.0 m<sup>2</sup>
- Shape – Irregular

#### **1.4 Surrounding Land Uses**

- North – A combination of a Provincial Highway transportation corridor(Highway 401), open space, and commercial uses
- East – Large format commercial uses
- South – A combination of open space and agricultural uses
- West – A combination of a Provincial Highway transportation corridor, open space, commercial and agricultural uses

1.5 Location Map

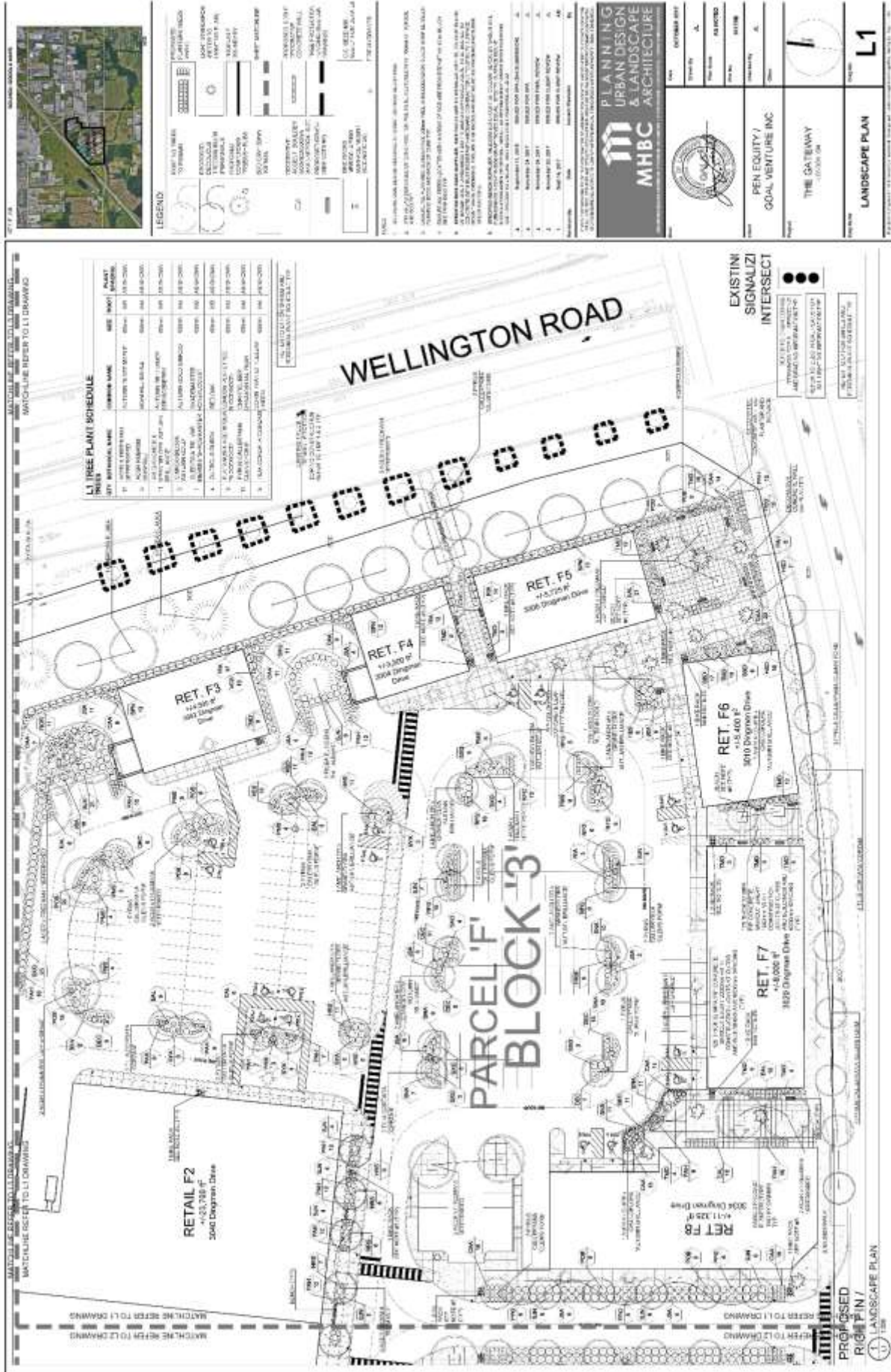


LOCATION MAP	LEGEND
<p>Subject Site: 3130 and 3260 Dingman Dr and 4313 Wellington Road S                      File Number: SPA17-109/111/117                      Created By: Eric L Conway                      Date: 2018-01-04                      Scale: 1:15100</p>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
<p>Corporation of the City of London                      Prepared By: Planning and Development</p>	<p style="text-align: center;">N</p>



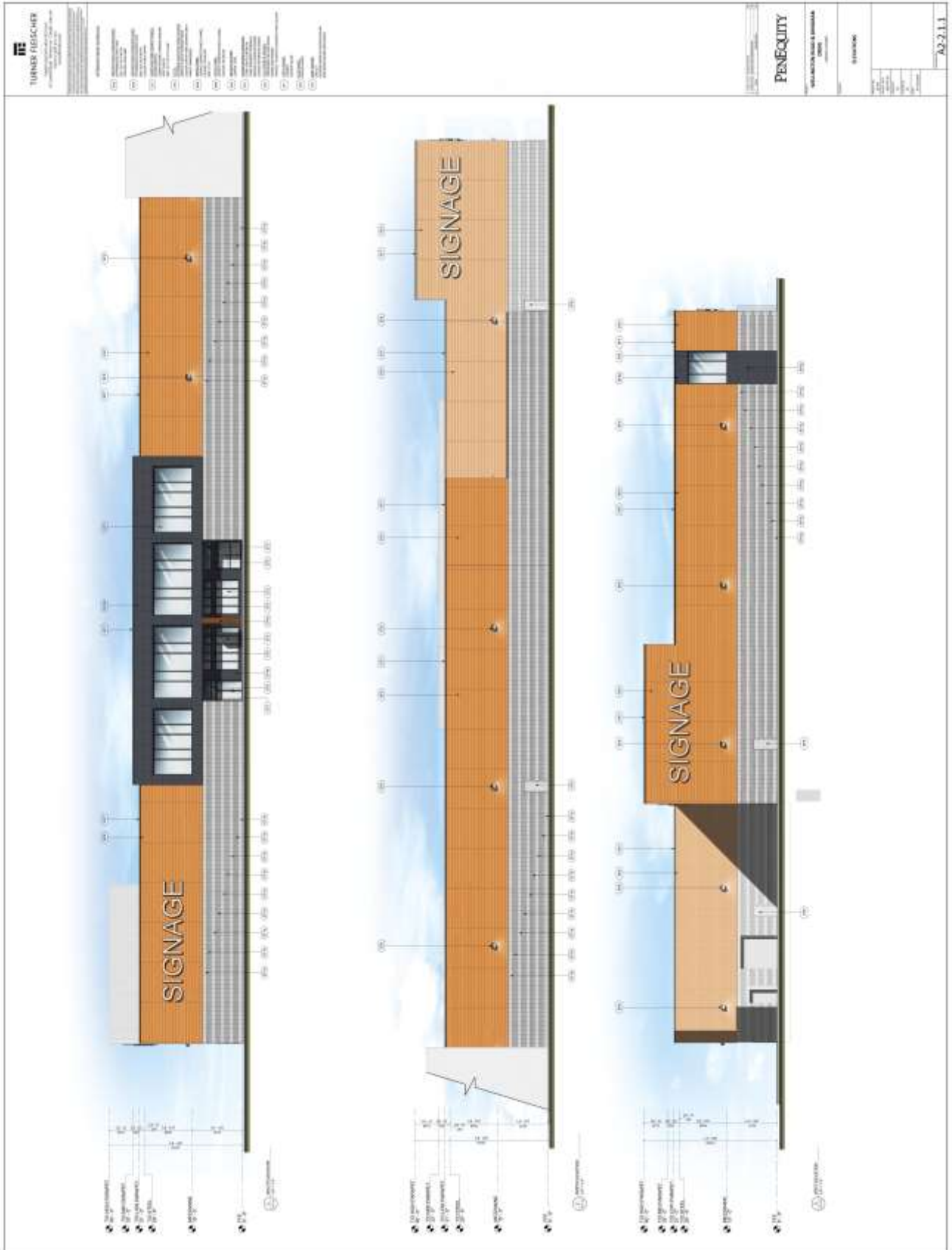
# 1.7 Landscape Plans

See Appendix E for all Landscape Plans

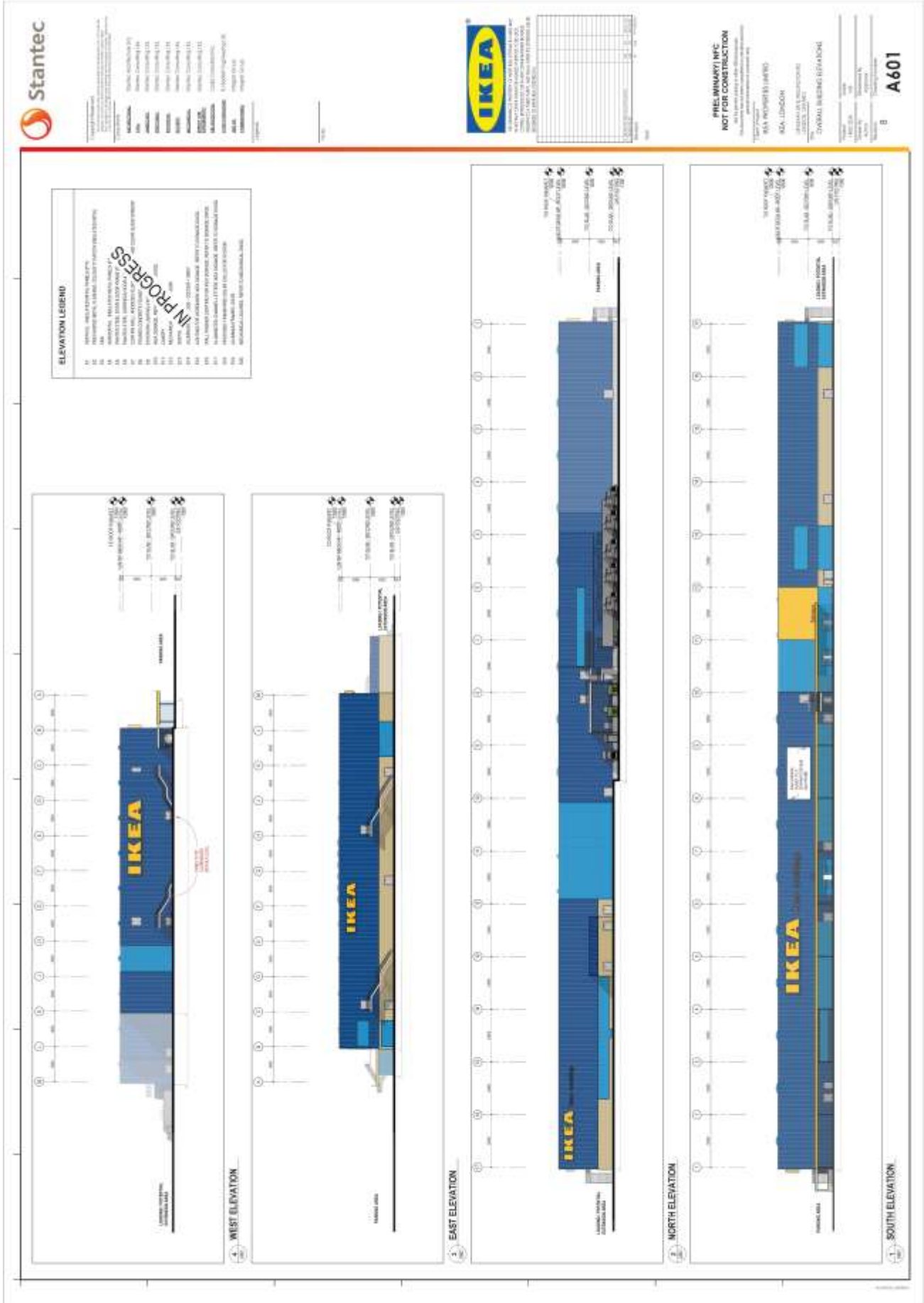




# Retail D1



# Ikea Elevations



**1 SOUTH ELEVATION**  
SCALE: 1:200

**2 WEST ELEVATION**  
SCALE: 1:200

**3 ENTRY ELEVATION**  
SCALE: 1:200

**4 NORTH ELEVATION**  
SCALE: 1:200

**5 EAST ELEVATION**  
SCALE: 1:200

**6 CANOPY SIGNAGE**  
SCALE: 1:100 (SUPPLIED AND INSTALLED BY MBI) 1014

**7 BUILDING SIGNAGE**  
SCALE: 1:100 (SUPPLIED AND INSTALLED BY MBI) 1015

**8 TIRE CENTRE**  
SCALE: 1:200

**9 LOCATION SIGNAGE**  
SCALE: 1:200 (SUPPLIED AND INSTALLED BY MBI) 1016

**10**

**SIGNAGE AREA TABULATION (WALL SIGNS)**

QTY	SIZE	AREA (SQ FT)	TOTAL (SQ FT)
1	1000 (H) X 100 (V)	100,000	100,000
1	1000 (H) X 100 (V)	100,000	200,000
1	1000 (H) X 100 (V)	100,000	300,000
1	1000 (H) X 100 (V)	100,000	400,000
1	1000 (H) X 100 (V)	100,000	500,000

**KEY PLAN**

**Costco WHOLESALE**  
S. LONDON, ON

**MULVANNY G2**

15-5177-01  
DECEMBER 05, 2017  
CONCEPT  
BUILDING  
ELEVATIONS  
DD31-03

**COSTCO WHOLESALE CONCEPT BUILDING ELEVATIONS**  
SOUTH LONDON, ON  
DECEMBER 05, 2017



## 2.0 Description of Proposal

### 2.1 Development Proposal

On December 19<sup>th</sup>, 2017, Staff received a Site Plan Control application for 3130 & 3260 Dingman Drive, and 4313 Wellington Road South proposing approximately 76,000m<sup>2</sup> of commercial space including, through two separate and concurrent applications, two large format commercial buildings specifically for an Ikea and a Costco with a gas bar. The remainder of the development is arranged around fourteen commercial buildings fronting onto a 'main-street' and eight other commercial buildings spread across the site. Access to the site is proposed on Wellington Road South via Roxburgh Road and Dingman Drive. A networks of private roads which connect to both Roxburgh Road and Dingman Drive are proposed as part of the application. The site includes a restored woodlot and linear storm water management blocks to be landscaped as natural features along the Dingman Drive frontage. The proposed development is consistent with the nature of what was contemplated as part of a planning application (OZ-8120) to amend the Official Plan and Zoning By-law to permit the use; however, there have been revisions to the original site plan concept presented at the time of the Zoning By-law and Official Plan amendment approvals

## 3.0 Relevant Background

### 3.1 Planning History

On November 6, 2012 the City of London accepted an application for an Official Plan and Zoning By-law Amendment for the properties at 3130 & 3260 Dingman Drive from the PenEquity Realty Corporation. The requested amendment sought an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 ( )/ASA7( )/ASA8) Zone and an Open Space (OS1) Zone to allow for 50,183m<sup>2</sup> of commercial retail use, 13,564m<sup>2</sup> of commercial recreational use, 3,921m<sup>2</sup> cinema use, a gas bar use and a passive recreational use. This change was to an area zoned Restricted Service Commercial (RSC) as well as Light Industrial and Community Shopping Area but used as a woodlot and for agricultural purposes at the time.

The application was addressed at the June 18, 2013 meeting of the Planning and Environment Committee. Council resolved on June 26, 2013 that the requested application be referred back to staff to modify the zoning by-law. The stated purpose of the referral was to examine the potential for a solution that would include holding provisions to the Zoning By-law which would ensure: "the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch".

The decision of Council was subsequently appealed to the Ontario Municipal Board. On June 30, 2015 the Board issued its decision, following the withdrawal of the appeal by Greenhills SC Ltd. Minutes of Settlement dated June 24, 2014 between PenEquity Realty Corporation/Goal Ventures Inc. and the Upper Thames River Conservation Authority were provided to the Board indicating that both parties were satisfied with the proposed resolution. The Board ordered that the portion zoned Open Space (OS5) now present in the southeast corner of the site be created and that the applicable holding provisions regarding the environmental features on site be removed.

The Council resolution of June 26, 2013 provided the following additional direction with regards to Site Plan Approval:

*"the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:*

- *ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;*
- *ensure that the design of the buildings located along Highway 401 and Dingman Drive are of a high design standard and do not appear as "the back of house";*
- *screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;*
- *create a block pattern on the site in order to allow for future redevelopment;*
- *create a high quality main street through the centre of the site that includes:*
  - *on-street parking;*
  - *wide sidewalks;*
  - *street trees;*
  - *landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);*
  - *improved pedestrian experience and access throughout the site;*
- *locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage;*
- *include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);*
- *provision of a variety of high quality materials (such as transparent glass, brick, stone, etc.) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;*
- *create a centralized public space, located along the main street;*
- *provide for continuous pedestrian connections through the site;*
- *ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;*
- *include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping;*
- *submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process; and,*
- *plant three trees for every tree removed, at a location of the applicant's choice, on the property;"*

### **3.2 Community Engagement (see more detail in Appendix A)**

#### Notice of Application

On January 4<sup>th</sup>, 2018, Notice of Application was sent to 17 property owners in the surrounding area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on January, 18<sup>th</sup>, 2018.

## Notice of Public Meeting

On September 14<sup>th</sup>, 2018, Notice of Public Meeting was sent to 17 property owners in the surrounding area. Notice was also published in the Public Notices and Bidding Opportunities section of the *Londoner* on Thursday, September 20<sup>th</sup>, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response, 1 telephone response

## **Summary of Concerns and Comments:**

**Transportation:** 1) Concern with traffic as the site will draw customers from London/Middlesex and beyond.

## Response to Public Concerns

A Traffic Impact Assessment (TIA) was completed by R.J. Burnside & Associates Limited on behalf of PenEquity realty Corporation/Goal Ventures Incorporated on in December 2017. The City of London and the Ministry of Transportation (MTO) provided comments and an updated TIA was provided in August, 2018. The City has accepted the overall findings of the revised TIA with support of access scenario 1, which allows full access from Roxburgh Road, pending MTO's final comments. The City and MTO are actively working with the applicant on transportation related matters.

## **3.3 Policy and Regulatory Context**

### *Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement, 2014 directs, through policy 1.1.3.6 that “new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.” In accordance with the policies of the PPS, 2014, the location of the proposed development is identified as one of the designated areas for growth within The London Plan. The proposed development is adjacent to an existing development so as to make use of existing infrastructure. The proposed development is in conformity with the Provincial Policy Statement, 2014.

### *The London Plan*

The City Design Policies in The London Plan encourages that built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns, streetscapes, public spaces, landscapes, site layout, buildings, material, and cultural heritage (Policy 197, Under Appeal). Buildings should be sited with regard for the planned street wall or street line (Policy 256), and sited with minimal setback from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment (Policy 259, Under Appeal). To ensure safe and comfortable pedestrian networks, Policy 268 of the London Plan establishes that sites shall be designed with direct connection from the principle building entrances to the municipal sidewalk. Policy 291 (Under Appeal) in The London Plan establishes that principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.

The impact of surface parking on the public realm should be minimized through a mix of strategic location and visual screening. Buildings should be sited to minimize the visual exposure of parking areas to the street (Policy 269). Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect (Policy 282, Under Appeal).

The proposed development conforms to the City Design Policies of the London Plan by siting buildings along gateway portion of the main street of the development. The building are situated with minimal setbacks from the spine road. Direct pedestrian connections are

proposed from principal entrances to the main pedestrian walkway. Active frontages are proposed along the main street corridor, and buildings located along the 401 are designed to not appear as 'back of house'. Surface parking is located behind buildings where possible, and a mix of low landscape walls and vegetation is introduced where appropriate. Landscaped islands are proposed within all surface parking and along all major pedestrian networks.

The London Plan encourages built form within the Shopping Area Place Type that allow for future redevelopment of large commercial blocks. Policy 879 of The London Plan specifically, directs that "a grid of driveways extend through the site" and that said driveways contain sidewalks and trees. The purpose of this approach includes the production of quality transit, pedestrian and cyclist circulation in the near term which can be maintained in any long term redevelopment which may not affect the entire site in a single phase. Development of large commercial blocks are also required to contain pedestrian amenities and wide tree-lined sidewalks. Pedestrian oriented commercial of a smaller scale should be situated to provide a street wall and oriented to provide continuous pedestrian shopping experience and a defined street wall. Conversely uses that are auto-centric such as gas bars should be situated where they do not detract from the development of a high quality pedestrian experience.

The proposed development conforms to the Shopping Area Place Type policies of The London Plan through locating smaller scale commercial together in the north and east of the site in a continuous manner whilst maintaining an overall site layout that is conducive to future redevelopment.

#### *Official Plan (1989)*

As a New Format Regional Commercial Node, under the policies of the Official Plan (1989), the area where the proposed development is located is intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs. New Format Regional Commercial Nodes are also regarded as major activity centres by reason of their size and range of uses, and may have trade areas that also extend beyond the municipal boundary. The proposed development fulfills this function through the proposed site plan. The proposed development is in conformity with the City of London Official Plan (1989).

#### *Southwest Area Secondary Plan*

The properties at 3130 & 3260 Dingman Drive fall within the Wellington Road South/Highway 401 Neighbourhood outlined by the Southwest Area Secondary Plan (SWAP). The lands purpose, as set out in 20.5.15 of SWAP, is to provide "a range and mix of commercial and office uses, and continue to support and promote employment lands." The area policies direct that development on the lands provide:

- An integrated streetscape having quality and varied built forms
- Parking facilities screened by small floor plate buildings adjacent to Wellington Road South and Highway 401
- Overall site design and built form of commercial and industrial buildings along the road edge of Wellington Road South and Highway 401 supportive of a high quality gateway image
- Enhanced landscaping along the gateway corridors including a minimum 10 metre landscaped area along Wellington Road South

The policies for the Wellington Road South/Highway 401 Neighbourhood also require that direct access to Wellington Road South may be limited and that pedestrian "connections between buildings on large sites and between sites shall be clearly established with landscaping and identifiable surface treatments used to clearly indicate pedestrian areas."

The general policies of SWAP provide direction on public realm, buildings and site design and are applicable to the site plan application. The public realm policies direct for street planting and a high level of design treatment along Wellington Road South and Dingman

Drive, which is achieved through proposed plantings. Commercial buildings provided within SWAP are to be oriented and designed for a quality pedestrian experience through elements such as entrance location, use of awnings and canopies, window and signage design and the development of a street wall. These elements are achieved through the site plan and utilize landscape features to achieve the desired pedestrian experience. The screening, buffering and locating of parking areas and their access points to reduce their impact is directed through SWAP.

The proposed site plan locates parking and large format commercial buildings behind the pedestrianized commercial core adjacent to Wellington Road South and Fronting on Roxburgh roads and provides significant landscaping to screen parking expanses where they are visible. The policies of SWAP with regards to public realm, buildings and site design are being met.

### *Z.-1 Zoning By-law*

Through the Zoning By-law Amendment (OZ-8120) and the subsequent OMB decision, the compound zone of h-h-5-h-18-h-55-h-103-h-141\*ASA3/ASA5/ASA6(3)/ASA7(1)/ASA8(11) was applied to the majority of the lands at 3130 & 3260 Dingman Drive. The remainder of the lands were applied an OS5 zone to provide for a restored woodlot. The existing zoning permits:

- A wide range of retail, personal service, community facility, automotive and office uses. Special provisions allow for additional uses beyond the base zones including, hotels, cinemas, and a gas bar.
- An OS5 zone has been established in the southwest corner of the site to provide for a woodlot restoration feature.

The holding provisions delineate additional requirements specifically:

- h Requires a subdivision agreement or development agreement prior to development
- h-5 Requires a public site plan review process be undertaken
- h-18 Requires adequate archaeological review and necessary follow-up and prevents demolition until the review is completed.
- h-55 Requires a Traffic Impact study be conducted.
- h-103 Requires that a development agreement be entered into which implements the urban design objectives identified through rezoning process.
- h-141 Requires the issuance of permits by the Ministry of Transportation as required by the Public Transportation and Highway Improvement Act prior to any development.

This report addresses the requirement of the h-5 holding provision whilst the remainder will continue to be addressed through the Site Plan Control Process. Building construction will not commence until all holding provisions have been removed.

### *Board Order*

On June 30, 2015, the Ontario Municipal Board issued an Order on the Zoning By-law and Official Plan amendment for the lands. The Zoning By-law amendment was issued on a contingent basis which requires confirmation from the parties that satisfactory arrangements have been made to address the transportation matters on surrounding lands. Potential remains for further adjudication if matters are not addressed between parties. As a condition of Site Plan Control Approval the Ontario Municipal Board order shall be finalized. This would ensure that the Zoning for the development is in force and effect.

## **4.0 Key Issues and Considerations**

### **4.1 Use**

The Shopping Area Place Type allows for a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (Policy 877). This site proposes multi-use buildings with a variety of uses allowing for flexibility for future development. The zoning established through the zoning amendment allows for a wide range in retail, personal service, community facility, automotive and office uses.

### **4.2 Form**

All Shopping Area Place Types should be designed to allow for future development of large commercial blocks. This is achieved by creating a grid of driveways that extend through the site, spaced appropriately across the width of the property, designed to include sidewalks and trees (Policy 879.2. Under Appeal). Large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall. These buildings should be constructed with their front entrances oriented toward the primary street (Policy 879.3. Under Appeal). Sites should be designed such that these street-oriented pads serve to screen any large fields of parking from the street. Parking should not be permitted between these smaller buildings and the street (Policy 879.4. Under Appeal). Roxburgh Road dissects the site with smaller driveways crossing the main intersection at three points, dividing into seven “parcels”. This proposal has made efforts to create a main street along Roxburgh Road by including pedestrian entrances along the street and connecting buildings by pedestrian walkways. Large fields of parking are generally located behind buildings, out of view from Roxburgh Road, Wellington Street and the 401.

### **4.3 Traffic and Transportation**

The site is located with frontage on Wellington Road South, Dingman Drive, and along the 401. One access is proposed from Wellington Road South (via Roxburgh Road) and three accesses are proposed along Dingman Drive. The site is within proximity of an eastbound and westbound connection to and from the 401, which is within the jurisdiction of the Ministry of Transportation.

A Traffic Impact Assessment (TIA) has been submitted by R.J. Burnside & Associates Limited to determine whether there is sufficient capacity for a full access on Roxburgh Road. The City has reviewed the latest version of the TIA and accept the overall findings with support for Access Scenario 1, allowing for full access to Wellington Road South at Roxburgh Road. The TIA is still under review by the Ministry of Transportation (MTO). The City and the MTO are actively working with the applicant to finalize the TIA.

The MTO has been working with the City and the developer throughout the development proposal and approval process. A holding provision is in place to ensure that the necessary Ministry permits are in place, prior to a building permit being issued. With respect to the development proposal, the MTO has been reviewing the aforementioned TIA to ensure that there are no impacts on the abutting highway corridor and interchange as a result of development. Staff will continue to work with the agency and the developer in this regard. Recommendations and outcomes of the TIA may result in revising access arrangements, access management, and improvements to external roadways.

### **4.4 Enhanced Landscaping**

The existing site was highly vegetated with a variety of mature trees and shrubs. Through the Site Plan process, and with permits from the MTO, the applicant was granted permission to remove the existing trees on site in preparation for grading. As per The London Plan, all Shopping Area development should include abundant tree planting, in conformity with the Forest City and City Design policies of The London Plan to provide shaded areas for parking, and comfortable pedestrian environments (Policy 879. 8. Under Appeal). Planted islands are provided at the end of each drive aisle and every 15 parking stalls. Shade trees and

vegetation are included along pedestrian networks and surrounding proposed site furniture. Additionally, surface parking located in highly visible areas should be screen by low wall and landscape treatment (Policy 278, Under Appeal). A robust vegetation buffer is proposed along all frontages; a 14m setback is required by the MTO along the 401 and Wellington Road South frontages, and is planted with native vegetation and large storm water management ponds are located along the Dingman Drive frontage with a mix of vegetation.

#### **4.5 Response to Council Resolution**

In response to the June 26, 2013 Council resolution, the latest submission provides for many of the matters which were directed to the Site Plan Approval Authority by Council. With respect to landscaping, a 14m MTO setback from the 401 is being utilized as a vegetation buffer to ensure a high quality of landscape quality along all portion of the site that are visible from the 401 and screen all visible parking areas. To ensure a high level of architectural quality along these portions and ensure they do not appear “back of house”, the City is working with the applicant to create buildings that have high quality materials and buffer all loading areas from surrounding streets.

A spine road is proposed through the site as a continuation of the existing Roxburgh Road. Private interior drive aisles intersect the spine road to create a block pattern for future redevelopment. The City is working with the applicant to create a “main street” feel along the northern portion of the spine road by incorporating wide sidewalks, street trees, landscaping and street furniture. The buildings along this portion will be oriented to the spine road with pedestrian connections to the central pedestrian walkway that continuous throughout the site.

Landscape islands are incorporated at the end of all drive aisles and every 15 parking stalls to break up large surface parking areas, including shade trees and a mix of vegetation.

The City will continue to work with the applicant to ensure buildings have high quality materials on all proposed buildings including accented main pedestrian entry points, transparent glass and articulated facades and rooflines.

As noted in the June 26, 2013 Council resolution, it was requested that an updated Urban Design Brief be submitted to the Urban Design Peer Review Panel (UDPRP) for comment. The Site Plan Approval Authority is satisfied that a second submission to the UDPRP is not required and that urban design matters can be sufficiently addressed through staff review of the original URPRP comments to ensure that the recommendations of the Panel and City policies are being met. The proposed site design and interfaces are significantly improved from the original zoning submission in 2013.

#### **4.6 Outstanding Site Plan Comments**

On February 7<sup>th</sup>, 2018, Staff provided comments to the applicant with respect to their first submission for Site Plan Control Approval. A partial second submission for consideration before the Planning and Environment Committee has been received and is currently under review with City staff. A full second submission is forthcoming from the applicant. Below are a summary of the outstanding matters:

##### *Transportation*

The City has reviewed the updated Traffic Impact Assessment (TIA) for SPA17-111, which can be found at 3130 & 3260 Dingman Drive. The updated TIA is dated August 2018 and was submitted by R.J. Burnside & Associates Limited on behalf of PenEquity Realty Corporation/Goal Ventures Incorporated.

The City of London accepts the overall findings of the revised TIA with support of the proposed Access Scenario 1, which permits a full movement access to Wellington Road South at Roxburgh Avenue. “Appendix B” provides more detailed comments that will need to be addressed / considered when finalizing the TIA, subject to MTO’s final comments.

Transportation has provided additional comments regarding the preliminary second submission drawings:

- Confirm a road widening of 22.5 metres along the Wellington Road frontage
- Revisions to signalized intersections required
- Consider transit shelters at the proposed bus stop locations
- Attempt to line up the internal drive aisles

### *Form and Design*

The City has reviewed the drawings submitted for consideration of the Planning and Environment Committee. The following high level comments were provided:

To ensure a high quality main street along Wellington Road, Roxburgh Road, and the private drive the applicant is further requested to include wider sidewalks, street trees, landscaping and street furniture in a manner which promotes street facing orientation. Incorporating the main street into the overall design of the development will improve the pedestrian experience and access throughout the site in accordance with City design policies.

Lastly, the applicant is being requested to ensure that buildings located along the main street are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines. Ensuring this will create an active frontage in accordance with City policy.

For detailed Urban Design comments please refer to “Appendix D”.

### *Zoning*

Currently a slight increase in height for one of the commercial buildings is proposed. The opportunity to address this deficiency in Zoning may be remedied through mechanisms of the *Planning Act* (e.g. Minor Variance, or the potential for modification of the Boards Order). The Ontario Municipal Board’s order, with respect to the Zoning on the lands, is interim until such time that all parties finalize the transportation matters on the subject and surrounding lands. Once finalized, the Zoning outlined in the interim order, will permit the development.

### *Site Plan Control*

A Development Agreement is required to address the outstanding matters and any additional issues as directed by Council, by incorporating the site plan, landscape plan, site engineering plans, and building elevations design that is necessary for Site Plan Approval. Special provisions in the development agreement will address any other outstanding issues pertaining to the site.

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plans.

Once the development agreement has been entered into, in accordance with the Site Plan Control Area By-law, a separate application to remove the h-5 holding provisions will be brought forward to Council to recommend the removal of the holding provisions.

## **5.0 Conclusion**

The proposed Site Plan Application is consistent with the Provincial Policy Statement, is in conformity with The London Plan and 1989 Official Plan, and policies of the Southwest Area Secondary Plan. Upon the Ontario Municipal Board issuing a Final Order of the Zoning By-law amendment, the development will conform to the regulations of the Z.-1 Zoning By-law. The proposed Site Plan and elevations will result in development that will maintain the character of the area and is in compliance with the Site Plan Control By-law.



<b>Prepared By:</b>	<b>Amanda Lockwood Site Development Planner, Development Services</b>
<b>Recommended by:</b>	<b>Michael Pease, MCIP RPP Manager, Development Planning</b>
<b>Reviewed by:</b>	<b>Heather McNeely, MCIP RPP Manager, Development Services (Site Plan)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
<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>	

October 1, 2018

AL/lm

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## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On January 4th, 2018, Notice of Application was sent to 17 property owners in the surrounding area, Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on January, 18th, 2018.

2 replies were received

**Nature of Liaison:** The purpose and effect of this proposal would result in a multi building commercial development with twenty-seven buildings and approximately 73,000 square metres of gross leasable area.

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

#### Concern for:

**Transportation:** 1) Concern with traffic as the site will draw customers from London/Middlesex and beyond.

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

Telephone	Written
Manocha, Jug	Trudel, Regis

#### Written Response 1:

Good day Eric,

I am writing concerning the Site Plan application for the PenEquity/IKEA/Costco lands. I am sure you appreciate that this proposed “big box” retail development will have a wide regional attraction that will draw customers and traffic from London/Middlesex and beyond. It is for this reason that I, as a resident of St. Thomas and a frequent shopper at the existing Costco store, have concerns regarding the future traffic impact of the fully realized proposed development.

As a Professional Urban Planner and development senior executive (now retired) I am fully cognizant of the potential impact of large retail developments.

Therefore, I am pleased to see the various “holding zone” provisions that currently apply to this property and ask to be notified of any Planning Committee or other Council Committee meetings concerning this application or these lands. I would also like to be notified when the required traffic impact study is available for review.

In addition, I note that reference is made to an existing OMB appeal. Can you please direct me to the applicable City files on the web site for this matter.

Thank you in advance for your assistance.

Regis Trudel

Sent from my iPad

## Appendix B – Policy Context

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

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement, 2014*.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *The London Plan*, Council adopted June 23, 2016, Minister approved December 28, 2016.

City of London. *Southwest Area Secondary Plan*. April 29, 2014, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

City of London. Site Plan Control By-law, C.P.-1455-541 – Consolidated October 17, 2017

## Appendix C – Relevant Background

### Council Resolution – OZ-8120

June 26, 2013

PenEquity Realty Corporation  
10 Dundas Street E., #1002  
Toronto, ON M5B 2G9

I hereby certify that the Municipal Council, at its session held on June 25, 2013 resolved that the amended clause be referred back to Civic Administration to complete an Environmental Impact Study, which is to include an evaluation and comment on the status of the woodlot and/or wetland; a summary of the net jobs, including a description of that type of jobs that will be created by this proposal; and to permit the applicant an opportunity further consider the potential to retain some, or all of the woodlot, and to report back to the Planning and Environment Committee:

Clause 18 as amended, and referred reads as follows:

18. That, on the direction of Municipal Council, in recognition of the circumstance where these lands have been previously zoned and designated to permit a range of commercial uses, and that an "Unevaluated Vegetation Patch" (Patch 10102) as identified on Schedule "B-1" of the Official Plan is located on a portion of these lands, the following actions be taken with respect to the application of PenEquity Realty Corporation, relating to the property located at 3130 and 3260 Dingman Drive and the rear portion of 4397 and 4407 Wellington Road South:

- a) the proposed by-law, as appended to the staff report dated June 20, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan as follows:
  - i) by adding a special policy in Chapter 10 – "Policies for Specific Areas" to permit cinema use outside of the downtown area in the New Format Regional Commercial Node; and,
  - ii) by amending Schedule B-1- Natural Heritage Features, to delete "Unevaluated Vegetation Patch";
- b) the proposed revised by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2013, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part a) above, **FROM** a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Community Shopping Area (CSA6) which allows for a large range of commercial uses **TO** a Holding Associated Shopping Area Commercial Special Provision (h\*h-5\*h-18\*h-55\*h-103\*h-141\*h(\_)\*ASA3/ASA5/ASA6 (\_)/ASA7(\_)/ASA8(\_)) Zone to allow for commercial retail use, 14,000m<sup>2</sup> of commercial recreational use, 4,000m<sup>2</sup> cinema use, a gas bar use, a hotel use, home improvement and furnishing stores, and liquor, beer and wine stores subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102);"
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - ensure a high level of architectural and landscape quality on all portions of the site with visual exposure to Highway 401;
  - ensure that the design of the buildings located along Highway 401 and Dingman Drive are of a high design standard and do not appear as "the back of house";
  - screen all parking areas visible from Highway 401 as well as Dingman Drive using enhanced landscaping;

The Corporation of the City of London  
Office: 519-661-2500 ext. 0969  
Fax: 519-661-4892  
www.london.ca

- create a block pattern on the site in order to allow for future redevelopment;
  - create a high quality main street through the centre of the site that includes:
    - on-street parking;
    - wide sidewalks;
    - street trees;
    - landscaping as well as street furniture (i.e.: lamp posts, signage, benches, garbage bins, etc...);
    - improved pedestrian experience and access throughout the site;
  - locate buildings along the main street that are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage;
  - include a key building at the view terminus of the proposed main street (e.g., proposed movie theatre);
  - provision of a variety of high quality materials (such as transparent glass, brick, stone, etc.) on all proposed buildings, in particular the elevations facing Highway 401, Dingman Drive and the mainstreet;
  - create a centralized public space, located along the main street;
  - provide for continuous pedestrian connections through the site;
  - ensure all buildings have a walkway to the proposed on site main street commercial corridor as well as continuous walkways connecting to other buildings on the site;
  - include adequately sized landscape islands to break up large surface parking areas, these landscape islands should include trees as well as enhanced landscaping;
  - submit an updated urban design brief to the Urban Design Review Panel for a more comprehensive review of the final proposal through the site plan process; and,
  - plant three trees for every tree removed, at a location of the applicant's choice, on the property;
- d) the request to amend Zoning By-law No. Z.-1 from a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9) /RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone, which permits a wide range of service commercial uses such as automobile services, home and auto supply, service repair and light industrial uses and a Commercial Shopping Area (CSA6) Zone, which allows for a large range of commercial uses to an Associated Shopping Area Commercial Special Provision (ASA3/ASA5/ASA6 ( )/ASA7( )/ASA8) Zone and an Open Space (OS1) Zone, to allow for 50,183m<sup>2</sup> of commercial retail use, 13,564m<sup>2</sup> of commercial recreational use, 3,921m<sup>2</sup> cinema use, a gas bar use and a passive recreational use, BE REFUSED for the following reasons:
- iii) the requested amendment is not consistent with the Provincial Policy Statement, 2005, including Wise Use and Management of Resources policies; and,
  - iv) the requested amendment is not consistent with the Environmental policies of the Official Plan;
- e) the Civic Administration **BE DIRECTED** to determine if there are similar instances where "Unevaluated Vegetation Patches" on Schedule "B-1" of the Official Plan are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, and to initiate an Official Plan Amendment to show these lands as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan, noting that this would then make these lands subject to the City's Tree Conservation By-law (By-Law C.P.-1466-249);
- f) the Civic Administration **BE DIRECTED** to work with the Applicant to develop the Natural Heritage Compensation Agreement required by the h( ) holding provision for Municipal Council approval that reflects the natural heritage value of the natural heritage feature to be removed, and is consistent with the compensation achieved through the Sovereign Woods resolution, it being noted that the Natural Heritage Compensation Agreement may include both natural heritage lands and lands that may be planted; and,
- g) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the by-law is consistent with the request of the applicant, is consistent with what was circulated to the public and the changes are minor in nature;

it being pointed out that the Planning and Environment Committee reviewed and received a communication, dated June 17, 2013, from Roslyn Houser, Goodmans, with respect to this matter. (2013-D14A) (AS AMENDED) (18/15/PEC)

C. Saunders  
City Clerk  
/jb

cc: V. White, Glanworth Community Association, By E-mail  
S. Kernohan, Lumberteria Home Hardware, 4425 Wellington Road South, London, ON N6E 2Z8  
D. Johnson, PenEquity Realty Corporation, 10 Dundas Street E., #1002, Toronto, ON M5B 2G9  
C. Weibe, MHBC Consultants, 630 Colborne Street, Suite 202, London, ON N6B 2V2  
L. Xavier, PenEquity Realty Corporation, 10 Dundas Street E., #1002, Toronto, ON M5B 2G9  
S. Gammon, MMM Group, 100 Commerce Valley West, Thornhill, ON L3T 0A1  
J. Manocha, Flexion Properties Inc., 6-971 Commissioners Road, London, ON N6E 1L3  
M. Lisbon, CRL Developments, 3330 Dingman Drive, London, ON N6E 3W8  
S. Snider, Turkstra Mazza Shirehoft Associates, 17 Renwick Avenue, London, ON N6A 3V1  
R. Houser, Goodmans LLP, Bay Adelaide Centre, 333 Bay Street, Suite 3400, Toronto, ON  
M5H 2S7  
C. Creighton, Upper Thames River Conservation Authority, 1424 Clarke Rd., London, ON N5V 5B9  
D. Sheppard, Chair, EEPAC  
J.M. Fleming, Managing Director, Planning and City Planner  
J. Yanchula, Manager, Community Planning and Urban Design  
G. Barrett, Manager, City Planning and Research  
M. Tomazincic, Manager, Planning Review  
C. Smith, Senior Planner  
J. Nethercott, Documentation Services Representative

Bill No.  
2013

By-law No. Z-1-13 \_\_\_\_\_

A by-law to amend By-law No. Z-1 to rezone an area of land located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South.

WHEREAS **PenEquity Realty Corporation** has applied to rezone an area of land located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number 553 this rezoning will conform to the Official Plan;

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

1. Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, as shown on the attached map comprising part of Key Map No. A.111, from a Holding Restricted Service Commercial Special Provision/Light Industrial (h\*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h\*RSC1(9)/RSC3/RSC4(5)/RSC5) Zone and a Community Shopping Area (CSA6) to a Holding Associated Shopping Area Commercial Special Provision (h\*h-5\*h-18\*h-55\*h-103\*h-141\*h-\_\*ASA3/ASA5/ASA6(\_)/ASA7(\_)/ASA8(\_)) Zone.

2. Section Number 24.4 of the Associated Shopping Area Commercial (ASA) Zone is amended by adding the following Special Provisions:

- 3) ASA6( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Additional Permitted Uses
    - i) Hotel
    - ii) Home improvement and furnishing store
    - iii) Liquor, beer and wine store
  - b) Regulations:
    - i) Commercial Recreational Use – Gross Floor Area: 14,000 square metres (maximum)
  
- 1) ASA7( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Regulations:
    - i) Cinema Use Gross Floor Area: 4,000 square metre (maximum)
  
- 11) ASA8( ) 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South
  - a) Additional Permitted Use
    - i) Gas Bar

3. Section Number 3.8(2) of the Holding Provisions Section to By-law No. Z.-1 is amended by adding the following holding provisions:

h- Purpose: A Natural Heritage Compensation Agreement between the City and the Owner be executed prior to the removal of the "h-" symbol, to ensure appropriate natural heritage compensation measures are implemented resulting from the removal of the Unevaluated Vegetation Patch (Patch 10102).

4. 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 June 25, 2013.

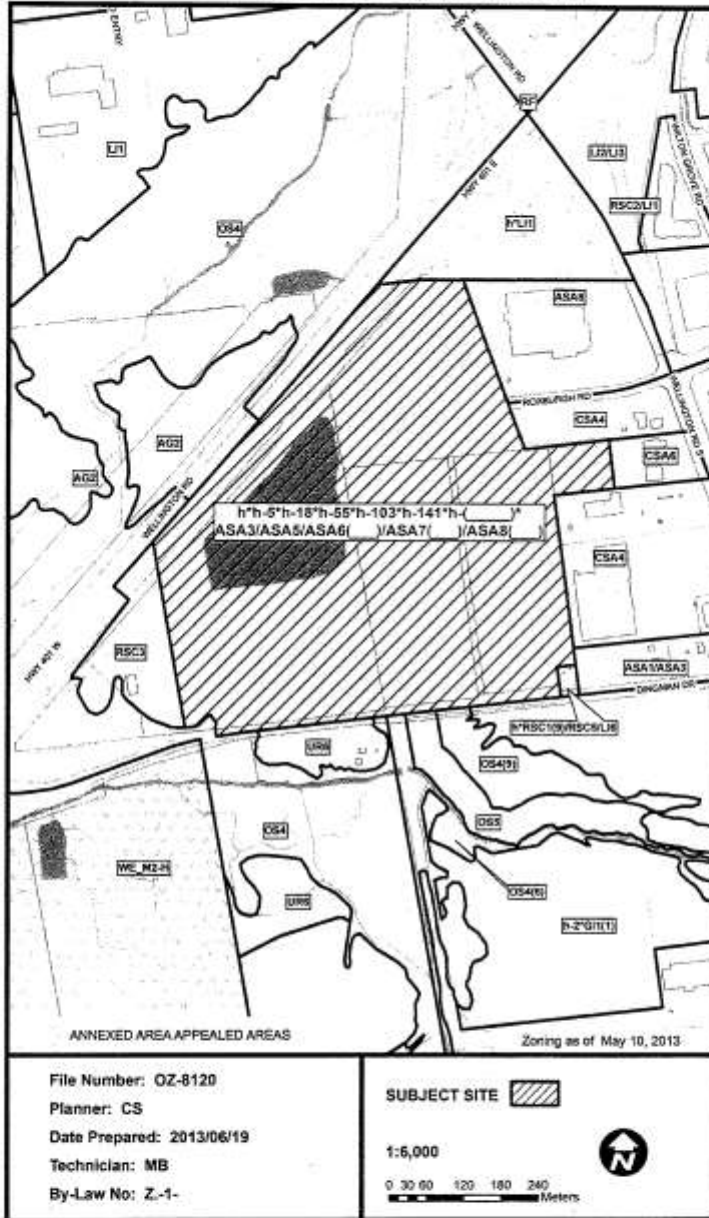
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - June 25, 2013  
Second Reading – June 25, 2013  
Third Reading - June 25, 2013



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



# London Gateway Transportation Study Update

## SPA17-111 – August 2018 TIA Submission

Transportation Review – August 21, 2018.

The City of London's Transportation Planning & Design group accepts the overall finding of the revised TIA with support of the proposed Access Scenario 1. The following comments will need to be addressed/considered when finalizing the TIA:

- The City is co-ordinating and planning for future capital work in and around the development site including:
  - 2 to 4 lane widening of Dingman Drive between Wellington Road and Highway 401 (*short-term - subject to Council approval*)
  - Intersection improvements (New Roundabout) of Dingman Drive & White Oak Road (*medium-term – subject to Council approval*)
  - Intersection improvements of Wellington Road South & Exeter Road (*short-term– subject to Council approval*)
- The MTO is considering the replacement of the Dingman Drive overpass of Highway 401 – (*timing TBC – subject to MTO and Council approval*).
- Along Dingman Drive, ensure all interim proposed works (temporary signals, turn lanes, etc.) confirm to requirements fitting within the scope of a Schedule A/A+ EA, and do not trigger the need for a Schedule B or C EA.
- The City highly recommends re-consideration for roundabouts along Spine Road to determine if feasible and assess vs. an all-way stop and/or traffic signal options.
- Confirm if formal discussions / confirmation with the London Transit Commission (LTC) has occurred to re-route bus Route #30 through the site.
  - Consider if extending Route #13 would be more appropriate, due to the direct routing along Wellington Road to the north, and some trips currently truncate just north of Highway 401 at Wellington Road & Exeter Road.
- All turn lane storages do not include a parallel length. Parallel length must be added unless physically constrained by other accesses or turn lanes, and are also needed to be added for any outbound left turn lanes from the site to City streets.
- Highbury Avenue / Dingman Drive:
  - Undertake signal warrant analysis to determine if and when warranted, including forecast horizon year.
  - Left turn lanes on all four legs are required. Confirm what type of EA would be required as the bridge on the north leg would need to be reconstructed.
  - Cost estimates for this intersection improvement should be revised to include turn lanes in all four directions and incorporating an expanded bridge deck on Highbury Avenue.

- Provide a conceptual design, including necessary left turn lane storage, required parallel lengths as well as tapers based on a 90 km/h design speed.
- Wellington Road / Exeter Road:
  - Based on the proposed scope, cost, and required land acquisition to accommodate the intersection improvements, please confirm whether or not a Schedule B EA would be required.
- Wellington Road / Roxburgh Road:
  - Eastbound left turn lane must be extended back to Internal Driveway D, with a raised centre median constructed across the Proposed RI/RO driveway, which must extend a minimum 25.0m on either side of the access, measured by the start/end points of the driveway's radiuses. No need to construct the pork-chop island.
- East Driveway / Dingman Drive:
  - Storage of the outbound SB left turn lane from Costco needs to be significantly increased to handle forecast 95<sup>th</sup> percentile queues.
  - Drawings in Appendix X do not show the designed intersection as signalized.
- Spine Road / Internal A:
  - If a privately-owned traffic signal is implemented, the City would wish to reserve the right to specify the signals to be compatible with our central traffic signal system and reserve the right be given communication access so that we can have control over signal timings and coordinate with adjacent intersections, such as Dingman Drive & Centre Driveway, which is approximately 180 metres south of proposed internal signal.
- Synchro analysis at some intersections did not include assumption for 1.0 m/s walking speed, as the default 5.0 seconds for WALK and 11.0 seconds for FLASHING DON'T WALK are used.

Hi Amanda,

Below are comments from a Transportation perspective. Note some my comments get into some of the on-site matters, but I figured there'd be value to highlight these items:

**Note that external works are not truly shown at this time, which will need to be provided with much more detail moving forward, especially once the access requirements are reviewed and commented on by the MTO.**

**Road Widening:**

- Confirm that the drawing shows the required 22.5m road widening from centreline along the Wellington Road frontage.
- Ensure that road widening of 18.0m from centreline of Dingman Drive is provided across Block 4 for the Woodlot Restoration Area and is dedicated through this site plan process.

**Internal Proposed Signalization intersection:**

- Revise the north leg at the internal signalized intersection to have laning as:
  - 1 - SB Shared Through/Right lane
  - 1 - SB Through Only lane
  - 1 - SB Left Turn Only lane with adequate storage and taper
    - This would line up with the proposed NB Left Only lane on the south leg of the intersection
  - 1- NB Through Only lane
    - This would increase to two northbound through lanes beyond the storage / taper of the SB left-only lane
- Revise the south leg at this internal signalized intersection to have laning as:
  - 2- SB Through Only lane
  - 1- NB Left Only lane with adequate storage and taper
  - 1- NB Through Only lane
  - 1- NB Right Only lane with adequate storage and taper
    - This would provide a dedicated right turn only lane to the Costco site.
    - A right turn only lane is provided on the Costco site plan drawings as soon as you enter their site, in order to provide a faster route to the gas pumps.
    - The right through lane entering the site from Dingman would convert into the right-only lane
    - The left through lane entering the site from Dingman would continue to be the sole through lane
    - The left-only lane would exist with only the adequate storage and taper, provided through pavement markings.

**Dingman / Spine Road:**

- Consider “future-proofing” the southbound outbound lanes at the main signalized access to Dingman Drive to allow for the ability in the future to add an additional second southbound left turn lane, where doing so could provide dual left turn movements.
  - The shared through/right lane would remain, as little or no through traffic would be present, meaning it would primarily function as a right-turn only lane.
  - The 2<sup>nd</sup> left turn lane may be of value once Dingman Drive is widened to 4 lanes. The area for the 2<sup>nd</sup> left turn lane would hatched-out in the interim.
- Ensure the private south leg of the intersection is realigned / reconstructed to have the respective through lanes line up.

**General:**

- Install transit shelters at both of the proposed bus stop locations along “Spine Road”.

- Ensure bus pads are constructed to an accessible standard (minimum 3.0m wide sidewalk beyond the back of the curb), extending along the length of the bus storage area (15.0m)
- Dimension lane widths along “Spine Road”
- Dimension the Raised Median at proposed right-in, right-out access to Roxburgh Road.
  - Ensure raised median extends at least 25.0m west of the right-in, right-out access, measured by the end point of the radius.
- At intersections along “Spine Road”, remove curb drops across the side accesses to make them feel less like side driveway accesses and more like intersections.
- Attempt to line up the internal drive aisle that extends between Block 3 (SAIL) and the IKEA site. Due to the skew and proximity of other drive aisles, it may pose operational issues dependant on how high traffic may be at that location. All-way stops should also not be considered in these cases.
  - Note there is a discrepancy between the IKEA Site plan and the overall site plan for the skew of this drive aisle, as well as which intersections would be controlled by an internal all-way stop.

Please let me know if you need anything further,

Thanks,

Tim



**Tim Kooistra, C.E.T.**  
 Transportation Technologist  
 Transportation Planning & Design  
 City of London



# Memo

**To:** Amanda Lockwood  
Site Development Planner

**From:** Jerzy Smolarek  
Urban Designer

**Date:** October 1, 2018

**RE:** **SPA17-111:**  
3130 & 3260 Dingman Drive

Amanda,

The Planning Services Urban Design section has reviewed the above noted site plan and provide the following comments consistent with the Official Plan, applicable by-laws/guidelines and related council resolution:

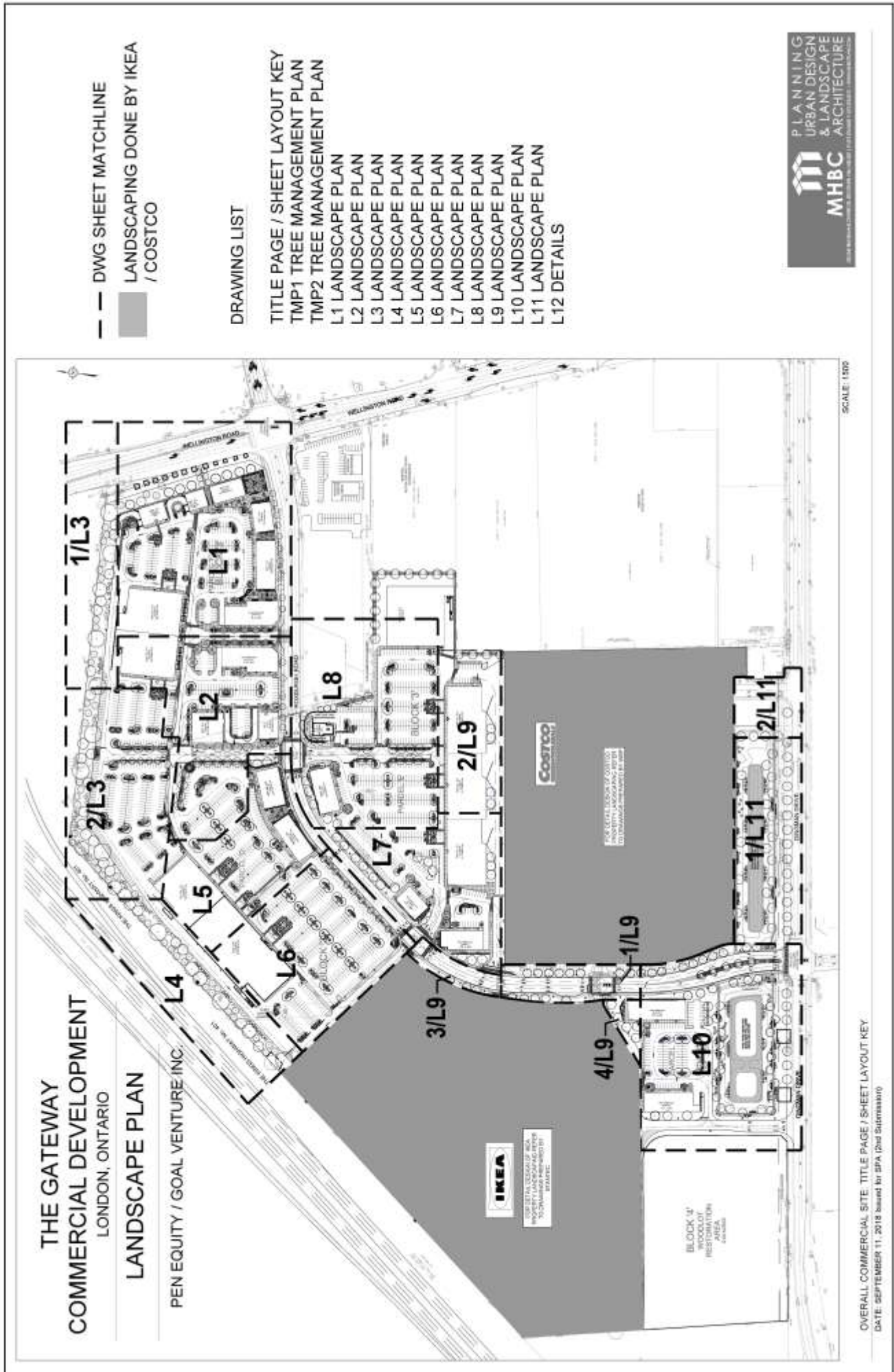
- Create a high quality main street from Wellington Road to the western edge of proposed buildings D3 and E6 along Roxburgh Road and the private drive as well as between buildings F9, F7, F10, F8 and F1/F2. The main street should include, wide sidewalks, street trees, landscaping as well as street furniture (i.e.: Pedestrian lighting, signage, benches, garbage bins, etc...). Incorporating the main street into the design will improve the pedestrian experience and access throughout the site in accordance with Official Plan Policies 4.3.2(i) & 4.3.2(vi).
- Ensure that the buildings located along the main street are oriented towards the street with accented main pedestrian entry points, transparent glass, articulated facades and rooflines, in order to create an active frontage in accordance with Official Plan Policy 4.3.2(i).
- Create a centralized public space, in accordance with Official Plan policy 4.3.6.4. This public space could be located along the main street in order to act as a resting or destination point along the street. This public space could also act as the forecourt for the proposed key building at the terminus of the main street.
- Remove the proposed low walls surrounding the plaza space at the intersection of Wellington Road and Roxburgh, extend the paving treatment of the space to the sidewalk along the Wellington Road frontage.
- Locate drive-thru's in the rear or interior side yard, in accordance with the Zoning By-Law, particularly for any drive-thrus located along the Wellington Road frontage as well as the main driveway through the site.
- Provide a combination of low masonry walls and landscaping along the Wellington Road and Roxburgh Road frontages where parking is visible from the street in order to screen the parking area.
- Include elevations for all proposed buildings with notes detailing material types and colours in order for staff to complete a comprehensive review of the proposal. Further comments may follow once elevations are submitted.
- Include a variety of high quality materials (such as, transparent glass, brick, stone, etc...) on all proposed buildings. In particular the elevations facing Highway 401, Dingman Drive and the main street.

Please advise if you have any questions.  
Sincerely,

A handwritten signature in black ink, appearing to read 'Jerzy'.

**Jerzy Smolarek, MAUD**  
Urban Designer  
City of London

**Appendix E – Additional Drawings – Landscape Plans and Elevations**







**LEGEND**

EXISTING TREES TO REMAIN	PROPOSED PLANTINGS
<ul style="list-style-type: none"> <li>PROPOSED TREES TO REMAIN</li> <li>PROPOSED TREES TO BE REMOVED</li> <li>PROPOSED TREES TO BE REPLANTED</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE AND DATE</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE AND DATE AND COMMENTS</li> </ul>	<ul style="list-style-type: none"> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE AND DATE</li> <li>PROPOSED TREES TO BE REPLANTED WITH SPECIES AND SIZE AND DATE AND COMMENTS</li> </ul>

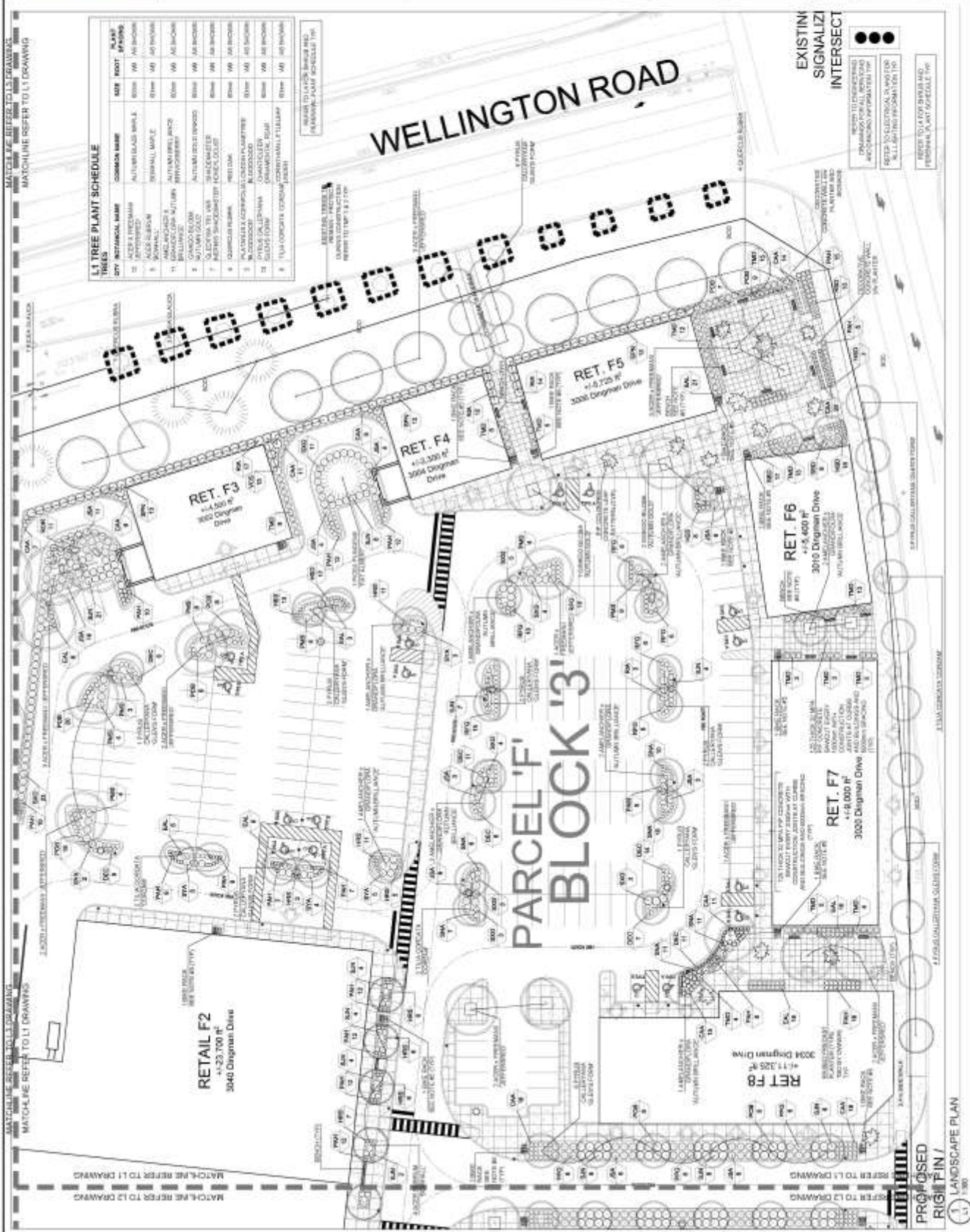
**NOTES**

1. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
2. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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10. ALL TREES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE**  
**MHBC**

**THE GATEWAY**  
 LANDSCAPE PLAN

**LANDSCAPE PLAN**





**LEGEND**

	EXISTING TREES TO REMAIN		PROPOSED TREES
	EXISTING STRUCTURES		PROPOSED STRUCTURES
	EXISTING PARKING		PROPOSED PARKING
	EXISTING UTILITIES		PROPOSED UTILITIES
	EXISTING SITE LINES		PROPOSED SITE LINES
	EXISTING EASEMENTS		PROPOSED EASEMENTS

**NOTES**

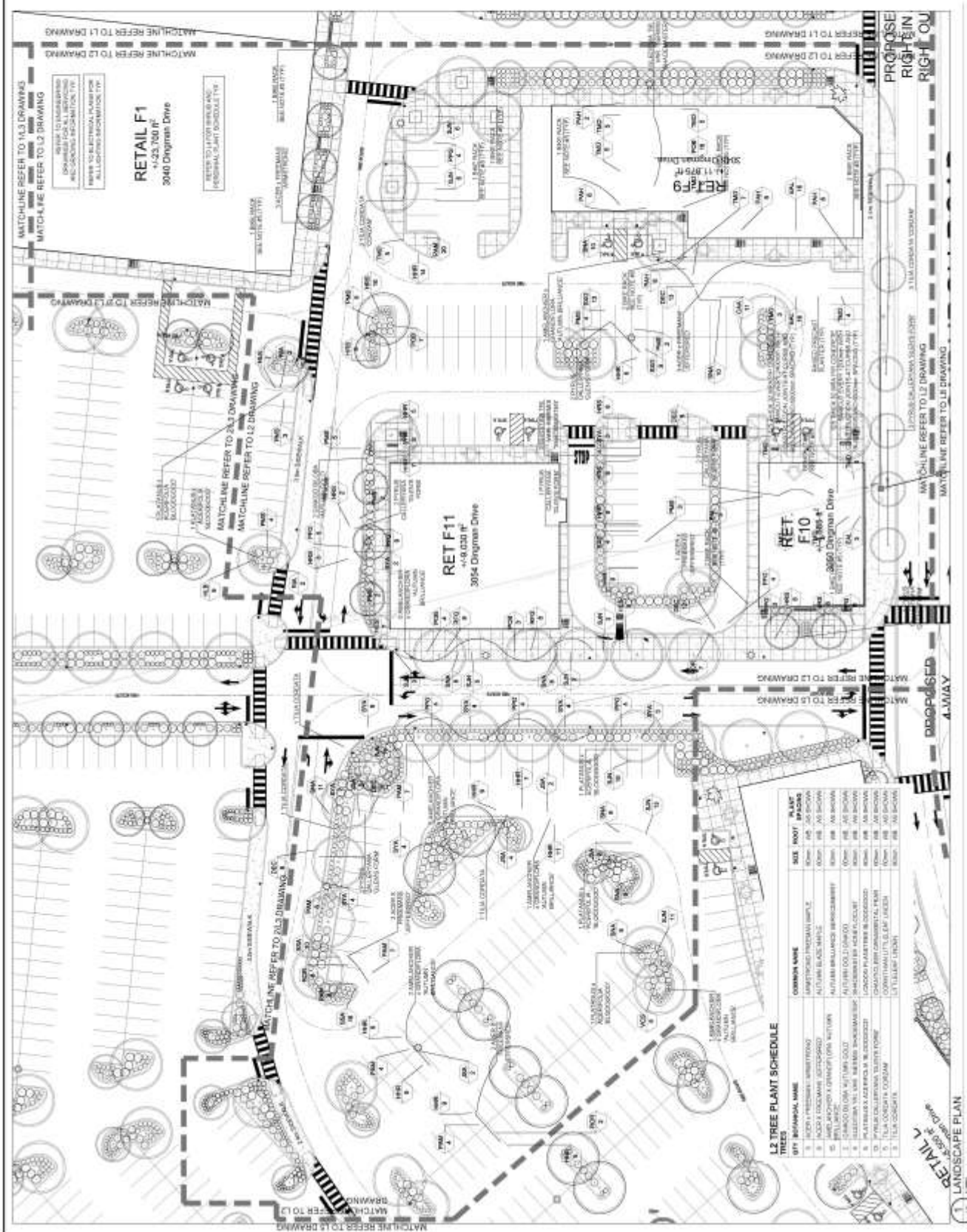
- SEE PLAN FOR EXISTING AND PROPOSED UTILITIES.
- ALL PROPOSED UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF CHICAGO.
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DATE	10/20/2023
BY	ARCHITECT
PROJECT NAME	THE GATEWAY
CLIENT	GOAL VENTURE INC
SCALE	AS NOTED
DATE	10/20/2023
BY	ARCHITECT

THE GATEWAY  
LANDSCAPE PLAN

**L2**



**L2 TREE PLANT SCHEDULE**

QTY	BRAND/NAME	COMMON NAME	SIZE	ROOT SPACING
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'
1	AMERICAN REDWOOD	AMERICAN REDWOOD	12" DBH	12' x 12'

















**LEGEND**

	PROPOSED PLANTINGS
	EXISTING PLANTINGS
	PROPOSED PAVEMENT
	EXISTING PAVEMENT
	PROPOSED LANDSCAPING
	EXISTING LANDSCAPING
	PROPOSED FENCING
	EXISTING FENCING
	PROPOSED SIGNAGE
	EXISTING SIGNAGE
	PROPOSED UTILITIES
	EXISTING UTILITIES

**NOTES**

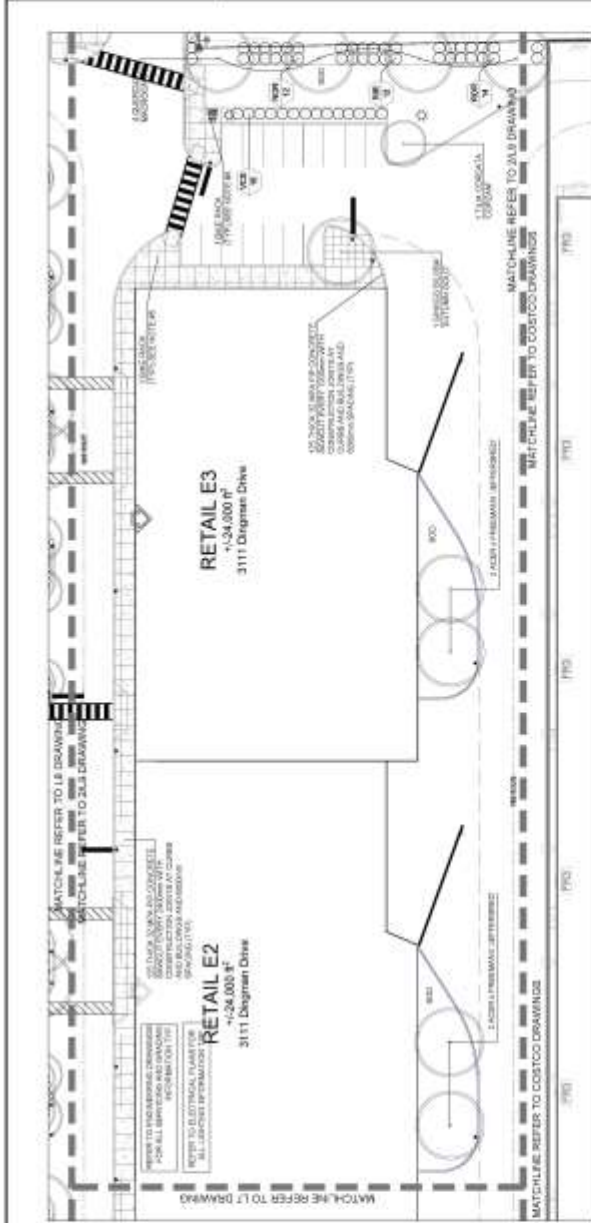
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**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE**  
**MHBC ARCHITECTURE**

DATE: 10/20/2017  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: [Name]  
 SHEET: [Name]

**THE GATEWAY**  
 COSTA MESA, CA

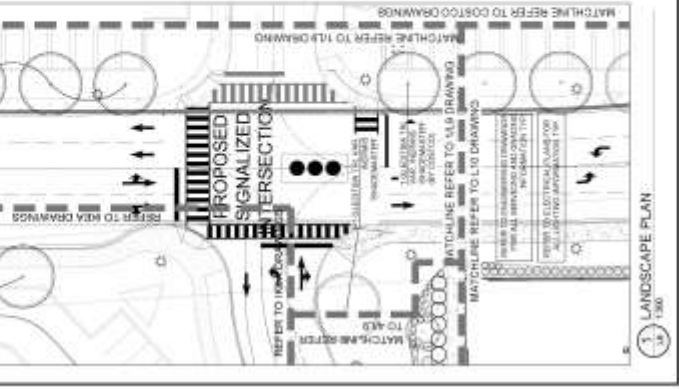
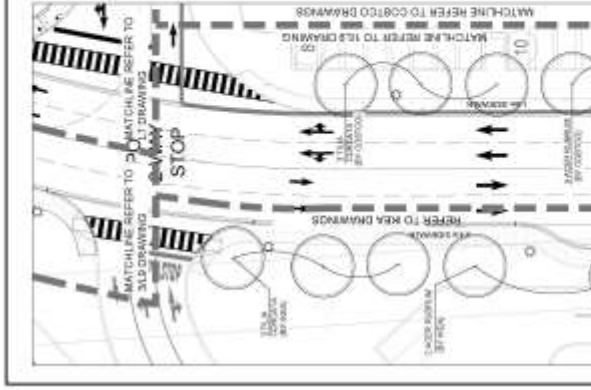
**LANDSCAPE PLAN**  
**L9**



**LANDSCAPE PLAN 1:300**

**1.3 TREE PLANT SCHEDULE**

KEY	UTY	BOTANICAL NAME	SIZE	ROOT	PLANT	WASING
1	UTY	ACACIA SALICINA	100	100	100	100
2	UTY	ACACIA SALICINA	100	100	100	100
3	UTY	ACACIA SALICINA	100	100	100	100
4	UTY	ACACIA SALICINA	100	100	100	100
5	UTY	ACACIA SALICINA	100	100	100	100
6	UTY	ACACIA SALICINA	100	100	100	100
7	UTY	ACACIA SALICINA	100	100	100	100
8	UTY	ACACIA SALICINA	100	100	100	100
9	UTY	ACACIA SALICINA	100	100	100	100
10	UTY	ACACIA SALICINA	100	100	100	100





**LEGEND:**

	PROPOSED FEATURES		EXISTING FEATURES
	PROPOSED PLANTING		EXISTING PLANTING
	PROPOSED PAVING		EXISTING PAVING
	PROPOSED WALLS		EXISTING WALLS
	PROPOSED FENCES		EXISTING FENCES
	PROPOSED UTILITIES		EXISTING UTILITIES
	PROPOSED STORMWATER		EXISTING STORMWATER
	PROPOSED EASEMENTS		EXISTING EASEMENTS
	PROPOSED STRUCTURES		EXISTING STRUCTURES
	PROPOSED LANDMARKS		EXISTING LANDMARKS
	PROPOSED UTILITIES (WATER)		EXISTING UTILITIES (WATER)
	PROPOSED UTILITIES (SEWER)		EXISTING UTILITIES (SEWER)
	PROPOSED UTILITIES (GAS)		EXISTING UTILITIES (GAS)
	PROPOSED UTILITIES (ELECTRIC)		EXISTING UTILITIES (ELECTRIC)
	PROPOSED UTILITIES (TELECOM)		EXISTING UTILITIES (TELECOM)
	PROPOSED UTILITIES (CABLE)		EXISTING UTILITIES (CABLE)
	PROPOSED UTILITIES (FIBER)		EXISTING UTILITIES (FIBER)
	PROPOSED UTILITIES (OTHER)		EXISTING UTILITIES (OTHER)

**NOTES:**

- SEE PLAN FOR ALL UTILITIES AND EASEMENTS. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF COSTA MESA SPECIFICATIONS AND THE CALIFORNIA PUBLIC UTILITIES CODE.
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**PLANNING URBAN DESIGN & LANDSCAPE**  
**MHBC ARCHITECTURE**

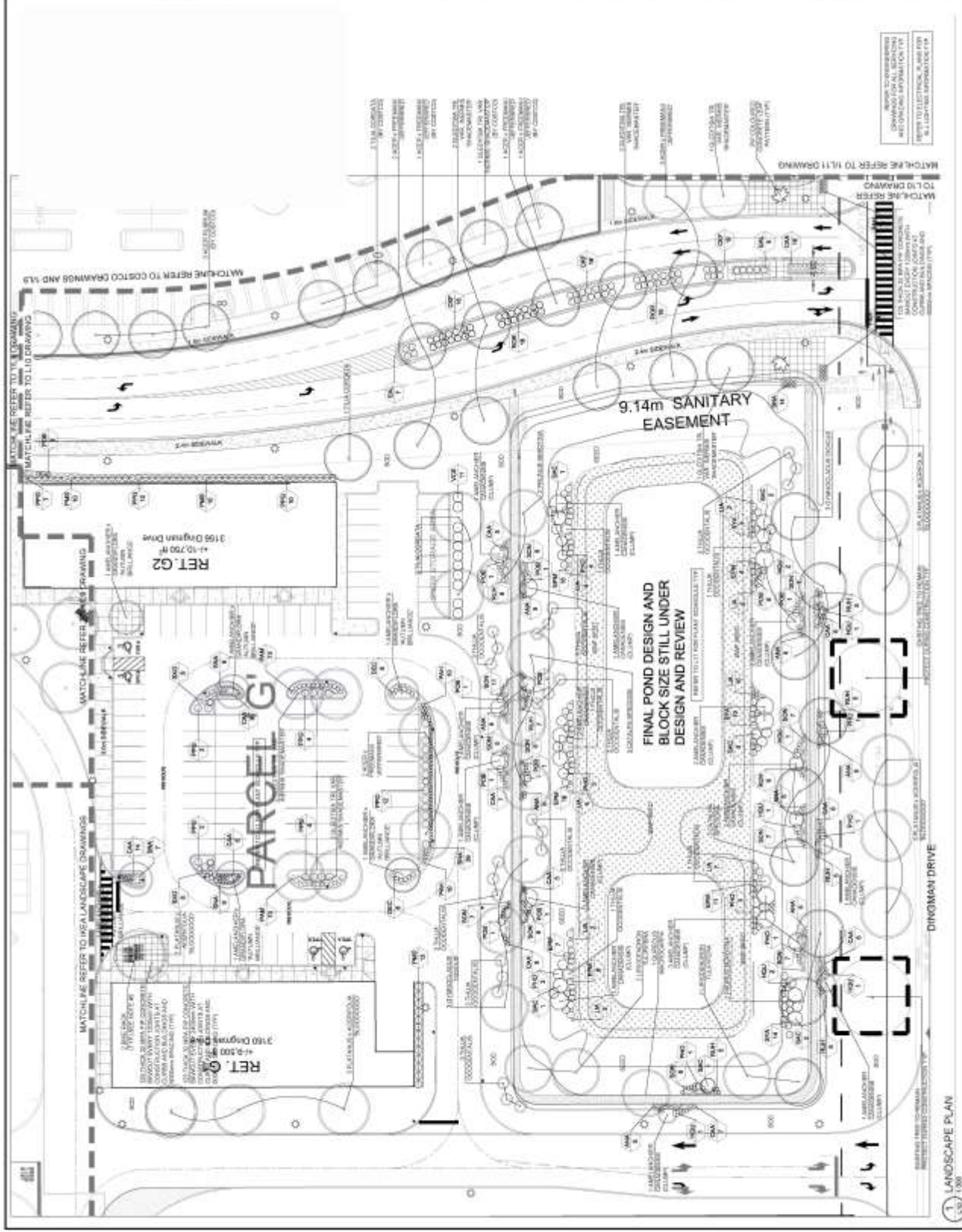
DATE: OCTOBER 2017

PROJECT: PEN EQUITY / GOAL EQUITY INC

CLIENT: THE GATEWAY CENTER, LLC

SCALE: 1/8" = 1'-0"

PROJECT NO: L10



**1 LANDSCAPE PLAN**

DATE: OCTOBER 2017

PROJECT: PEN EQUITY / GOAL EQUITY INC

CLIENT: THE GATEWAY CENTER, LLC

SCALE: 1/8" = 1'-0"

PROJECT NO: L10





**LEGEND:**

	EXISTING TREES		PROPOSED TREES
	EXISTING BUILDINGS		PROPOSED BUILDINGS
	EXISTING PAVEMENT		PROPOSED PAVEMENT
	EXISTING UTILITIES		PROPOSED UTILITIES
	EXISTING LANDSCAPING		PROPOSED LANDSCAPING
	EXISTING FENCING		PROPOSED FENCING
	EXISTING WALLS		PROPOSED WALLS
	EXISTING DRIVEWAYS		PROPOSED DRIVEWAYS
	EXISTING PARKING		PROPOSED PARKING
	EXISTING PATHS		PROPOSED PATHS
	EXISTING STORMWATER		PROPOSED STORMWATER
	EXISTING SEWER		PROPOSED SEWER
	EXISTING WATER		PROPOSED WATER
	EXISTING GAS		PROPOSED GAS
	EXISTING ELECTRIC		PROPOSED ELECTRIC
	EXISTING TELEPHONE		PROPOSED TELEPHONE
	EXISTING CABLE		PROPOSED CABLE
	EXISTING OTHER		PROPOSED OTHER

**NOTES:**

- SEE PLAN FOR EXISTING AND PROPOSED UTILITIES.
- ALL UTILITIES SHOWN BY CONTOUR LINES TO BE MAINTAINED OR DELETED AS APPROPRIATE.
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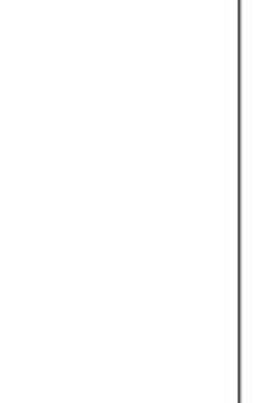
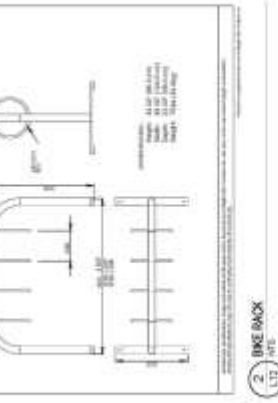
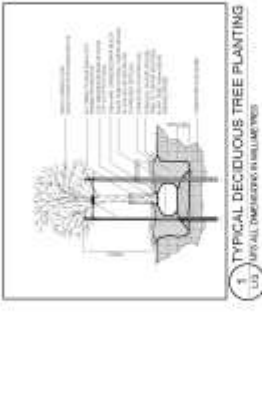
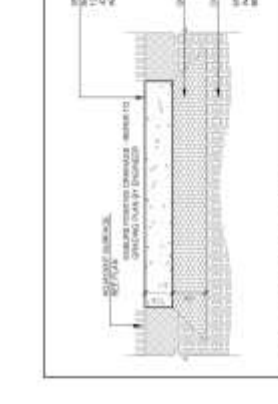
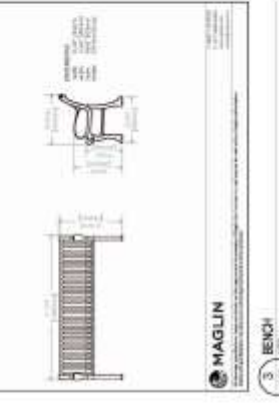
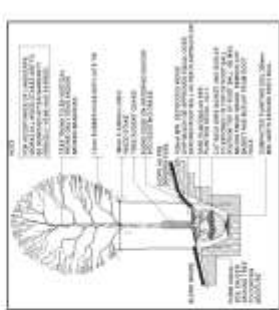
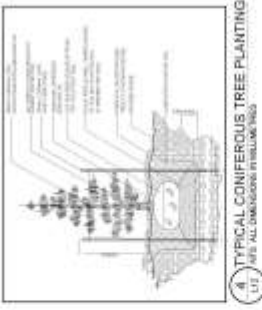
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18	September 11, 2014	ISSUED FOR PERMITS	AK
19	September 11, 2014	ISSUED FOR PERMITS	AK
20	September 11, 2014	ISSUED FOR PERMITS	AK

**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
MHBC  
ARCHITECTURE**



Client: PEN EQUITY / GOAL VENTURE INC  
 Project: THE GATEWAY LONDON, ON

Sheet No: **L12**  
 Details





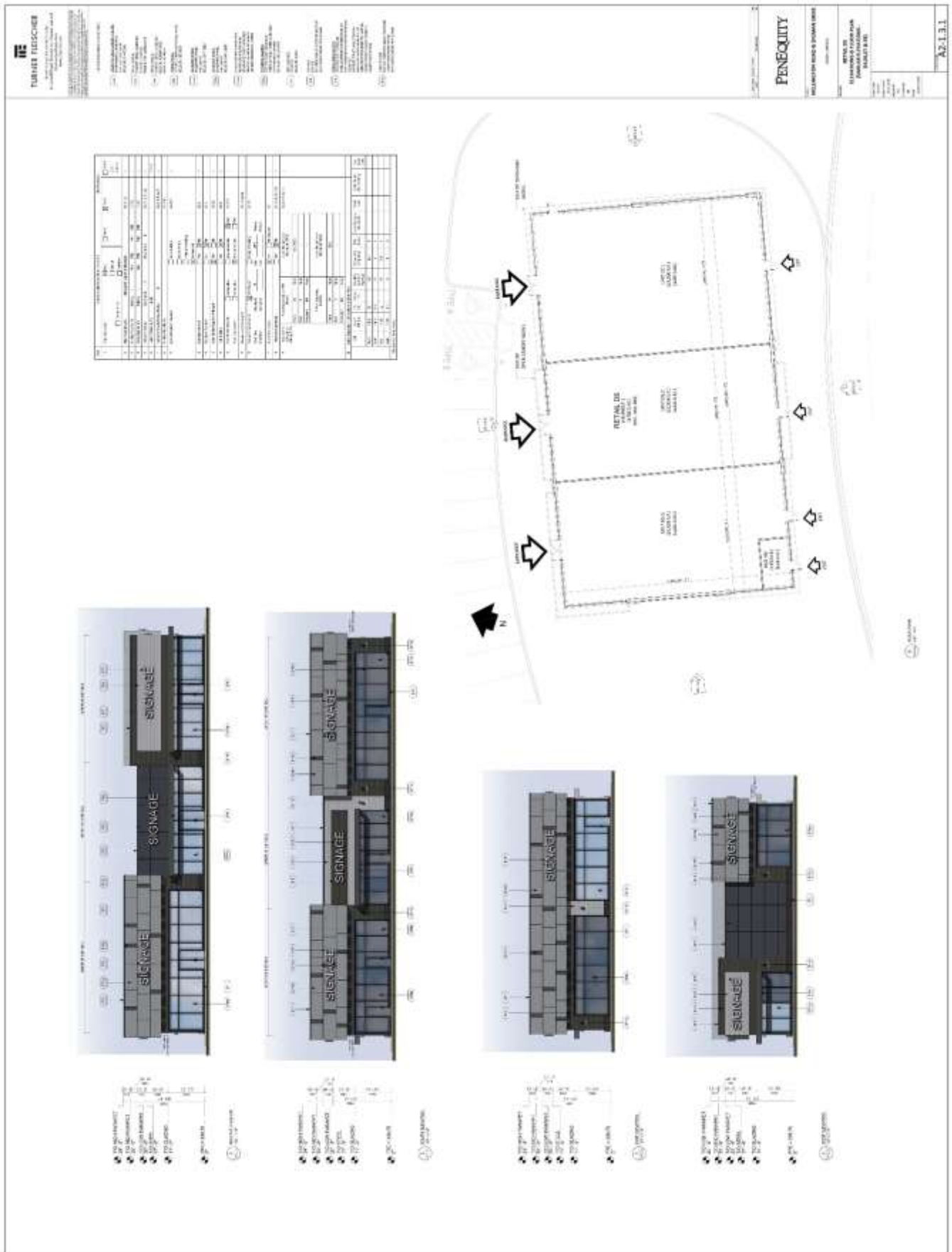






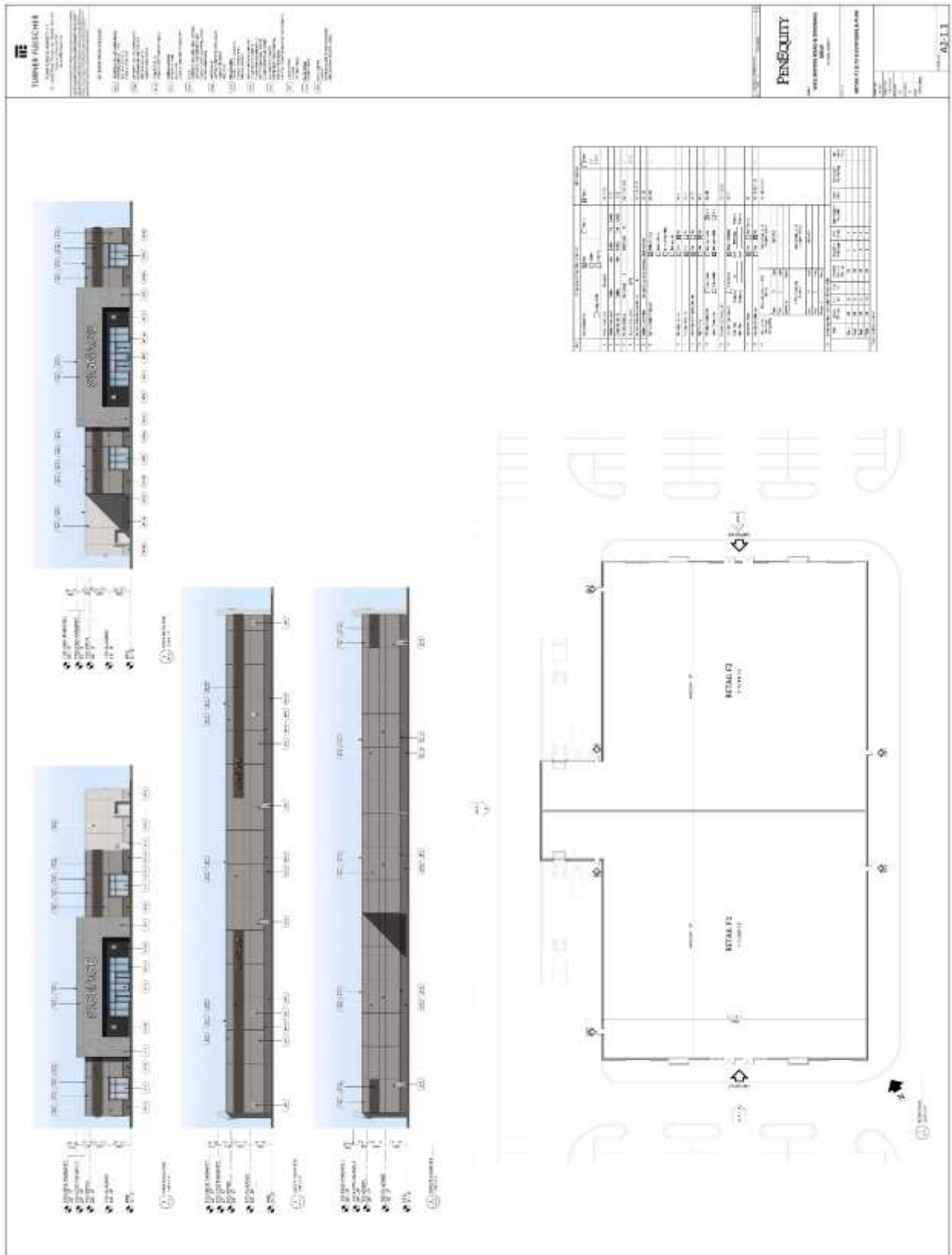


Retail D5, Similar to D4, E6, E7, & E8

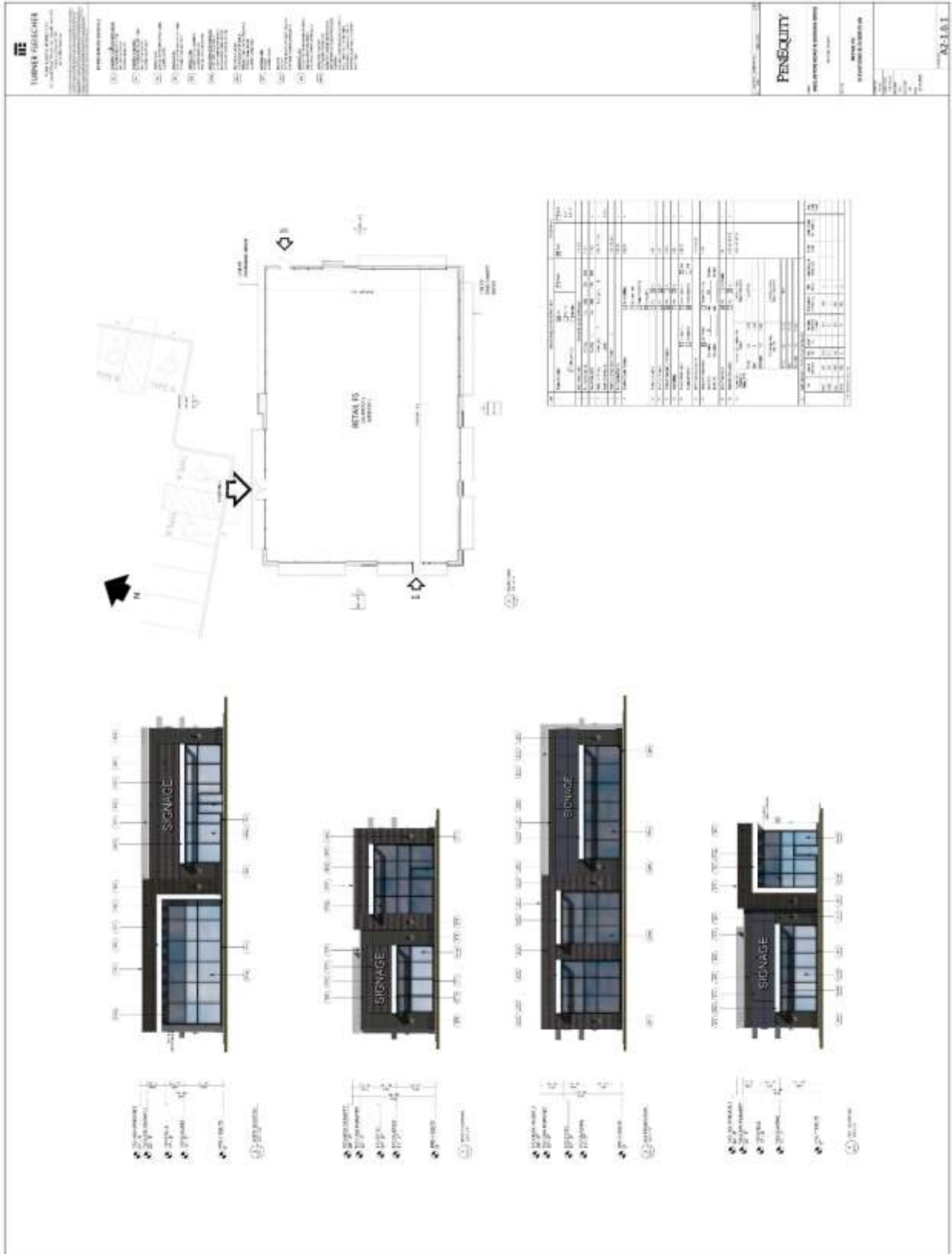




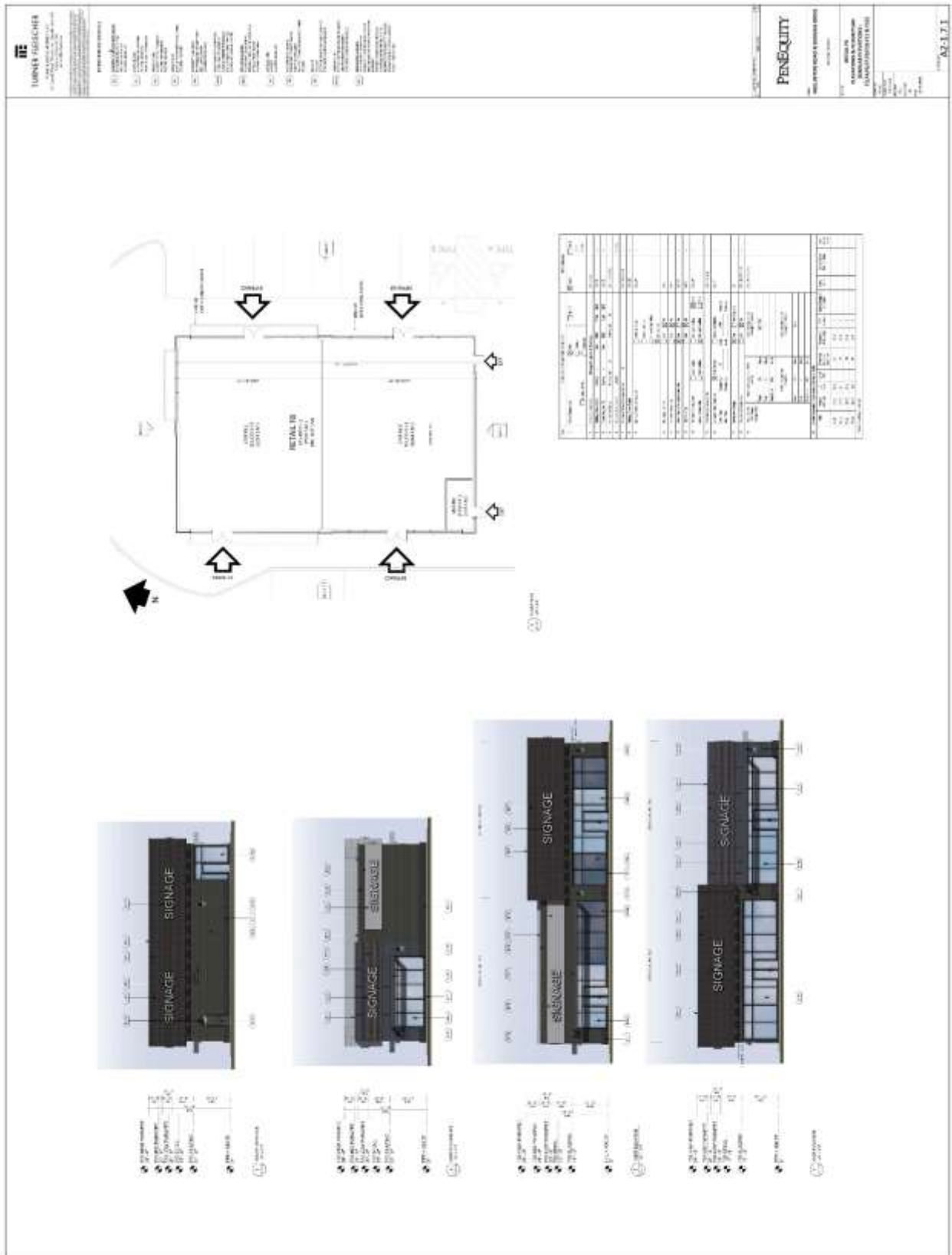
# Retail F1 & F2



# Retail F5



Retail F8, Similar to F3, F4, F6, F7, F9, F10, F11, & F12



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** The Corporation of the City of London  
Neighbourhood School Strategy - Evaluation and Acquisition  
of Surplus School Sites

**Meeting on:** October 9, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** to describe the City's approach to the evaluation and acquisition of school sites identified as surplus to School Boards' needs:

- a) That the proposed Council Policy for the Evaluation and Acquisition of Surplus School Sites by-law attached hereto as Appendix "A" **BE ADOPTED**; and,
- b) The Administrative Policy for the Evaluation and Acquisition of Surplus School Sites attached hereto as Appendix "B" **BE RECEIVED** for information.

## Executive Summary

- This report and policy do not address the Pupil Accommodation Review (PAR) process which is led by the School Boards. The policy describes the City's evaluation and potential acquisition of sites declared surplus and made available for acquisition by a School Board through the PAR process.
- This report provides an update to the report presented to Planning and Environment Committee in April 2018 (see Appendix 'D' for April 2018 report).
- School Boards undertake "Pupil Accommodation Review" (PAR) processes to evaluate schools for consolidations, closures and/or new school development as a means of ensuring that the School Boards' resources are managed effectively and that students are provided appropriate and sustainable accommodations.
- In some instances, the results of a PAR may identify a school for closure. The School Boards' surplus school site disposition processes provide the City with an opportunity to acquire an identified surplus school site.
- The purpose of this report is to provide a strategy for the evaluation of school sites that have been declared surplus by the School Boards' process and determine if there is a municipal purpose for the lands.
- All sites identified by a School Board in a PAR process will be evaluated. The results of the City's evaluation will only be reported if the School Board identifies a site to be closed through the PAR process that is made available for acquisition that meets the City's criteria for acquisition.
- The City would consider acquiring an identified surplus school site for one or more of the following municipal needs:
  - Affordable housing
  - Parkland
  - Community Facility.
- If no municipal need for the site is identified, the site will not be recommended for acquisition.
- Consistent with City policies, all surplus public lands are to be evaluated for affordable housing opportunities before the consideration of other public uses.
- In all evaluations, the City shall consider the adaptive re-use potential of the existing school building in its evaluation of the surplus school site.
- Heritage considerations will be part of the Staff evaluation for acquisition of sites. School buildings that have been evaluated to be significant heritage resources will

be conserved, and may be recommended for designation under the *Ontario Heritage Act*.

- Where the site is required for municipal purposes and the surplus school building has been identified as a significant heritage resource, the site evaluation shall include the costs of the restoration and rehabilitation of the heritage structure.
- If the site evaluation identifies that the entire site is required for municipal purposes, and the surplus school building is not a heritage structure or able to be re-purposed for an identified municipal purpose, the structures on the site will be removed.
- Where a City need for the land is identified, partners for the intended future development may be sought. Any potential partnerships will be supplementary and complementary to the identified City purpose for the use of the lands. The City will not acquire surplus school sites to meet the needs of any potential partner if there is no identified municipal need for the lands.

### **Council Strategic Plan**

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

## **1.0 Relevant Background**

On April 3, 2018, the Planning and Environment Committee received a report regarding the City’s draft Surplus School Site Evaluation and Acquisition Policy (see Appendix ‘D’). That report noted the important role schools play in creating complete communities and how the School Boards must respond to demographic changes, the age and condition of their school buildings, the ability of older schools to accommodate changing educational instruction needs, and other operations and programming requirements. Additionally, it was recognized that School Boards undertake a difficult task through Pupil Accommodation Reviews (PARs), where groupings of schools are assessed for potential site closures, consolidations, or for new school construction.

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

The April 3, 2018 report highlighted the three (3) possible municipal needs for which a school site could be acquired. These are: affordable housing, parkland, and community facilities.

The report also identified the City’s draft evaluation strategy, which would include a Staff review of all the school sites included in the Pupil Accommodation Review grouping, and a change to the timing of the review. The timing of the sites’ evaluations would begin at the outset of the Pupil Accommodation Review process and include a review of each property in the PAR grouping. This would be instead of waiting until after any school is determined to be closed through the PAR process, and evaluating only the school(s) that are recommended for closures. The proposed change in procedure is to allow Staff more time to sufficiently evaluate all school sites for their potential for acquisition for one of the three (3) municipal purposes identified above. Any recommendations to Council to acquire an identified surplus school site and any public processes related to the development of the site would take place after the PAR process has concluded.

The April 3, 2018 report included a draft Surplus School Site Evaluation and Acquisition Policy, addressing the reasons for acquisition, timing of Staff evaluations, as well as considerations related to Heritage resources and potential partnership opportunities.

Council directed that the report and draft policy be circulated to School Board and agency stakeholders for their consideration and feedback before a final Surplus School Site Evaluation and Acquisition Policy be considered at a future meeting of the Planning and Environment Committee.

## 2.0 Feedback on Draft Policy

### Feedback on Draft Policy and Report

The report and draft policy were circulated to School Boards and agencies for their comment. Comments were received from the London District Catholic School Board and the Thames Valley District School Board (Appendix 'C'). Comments included recognition that the City is seeking to allow itself longer than the 180 days provided through Ministry's land disposal regulations to conduct these potentially complicated site evaluations.

However, the concern was expressed that the draft policy would become a Council policy that directs the evaluation of sites to be part of a public participation process. As such, concern was raised that the City's proposal to start site evaluations before the PAR is completed, and to evaluate sites before they are declared surplus, would interfere with the School Board's public processes for Pupil Accommodation Reviews. Concern was also expressed that the City would be actively seeking possible partnership opportunities for site re-use while those sites are still active as operating school facilities (and noting those sites may or may not be declared surplus at the end of the ongoing PAR process). These concerns are understood by City Staff to be based on an interpretation that the City's evaluation processes would be a public process and would therefore have the potential to influence or undermine the School Board's PAR process or outcome.

Through Staff's discussions with the School Boards, it was also noted that some closures are contingent upon conditions being met, and if the conditions are not met, then even schools recommended for closure would remain open and operating. For instance, some closures are contingent upon capital funding becoming available to expand another neighbouring school in order to accommodate the incoming students from the closed school. If such conditions cannot be met, then the closure could not proceed.

Also, the School Board prepares an "Initial Senior Administration Report" at the outset of the PAR. These recommendations are then presented to School Board trustees and the community as the starting point for the PAR discussions. The "Final Senior Administration Report" is produced after the public PAR process, and the final recommendations may be different than the initial report's recommendations. As such, concern was expressed that the City's evaluation of sites would be based on the initial report and its recommendations, rather than the final report, if the City's evaluation process is undertaken before the PAR has concluded.

It was also noted that the City does not have the first priority for site acquisition amongst the public agencies offered a surplus school property. Ontario Regulation 444/98, establishes both the public bodies to be notified if a surplus school site is available, and the priority of those public bodies to acquire any surplus school site to be disposed. The City is one of the public bodies who are notified of the disposition of surplus school properties. Under O. Reg. 444/98, the HDC London is also one of the identified public bodies in its role as the "Service System Manager" for the City of London and for Middlesex County. As a designated Service System Manager, HDC London would have priority over the City to purchase an identified surplus school property.

The School Boards also noted that the School Board's process includes time between when a decision is made to close a school and when the school actually closes and the site is made available before a City response is required. The timeline from the date the School Board makes the decision to close a school until the time a School Board deems it closed and issues notice to the City that the site is available for acquisition is usually a one year minimum. It is only when the notice is issued that the 180 day timeline for a City decision begins. The School Board's timeline uses this period as a transition time for students and families to adjust to new attendance area boundaries.

In summary, the comments and concerns expressed related to the timing of the City's proposed evaluation and the potential for public reporting or public participation before the School Board had completed their accommodation review process. No concerns were expressed regarding the municipal purposes for which the City would acquire a site or how the City proposed to address heritage resources or potential supplementary



partnerships to support the City's municipal need for lands.

To address these concerns, the City's "Surplus School Site Evaluation and Acquisition Policy" has been amended to more clearly note that this process is an internal, administrative City review process intended to provide the City sufficient time to evaluate sites for potential acquisition. The policy has also been clarified that the results of the evaluation would only be reported to Council after the PAR has concluded and a site (or sites) have been identified for closure and disposition by the School Board.

### 3.0 Response to Comments

#### Responses to Comments Received

It is important to recognize the concerns expressed by the School Boards to ensure that the Boards do not perceive the recommended City process as interfering with the PAR process. The following is provided to summarize and clarify the intent of the City's policy noting that the recommended policy would not influence or pre-suppose the outcome of Pupil Accommodation Reviews, as the City's process is an administrative process to evaluate potential surplus school sites as meeting municipal purposes.

Regarding the concern that the City's process would be a public participation process and that the partnerships for re-use of sites would be actively sought while the sites are still under Pupil Accommodation Review, the City's policy is for a *Staff* evaluation of the properties for their potential re-use as the three identified municipal purposes.

The City process will be as follows:

- A preliminary property evaluation and building evaluation will be undertaken by the administrative Site Evaluation Team at the outset of the PAR process;
- The Staff evaluation will be finalized after a School Board finalizes the PAR and declares a site surplus and available for potential City acquisition;
- The Site Evaluation Team's recommendations will be brought to Council only if a property that meets an identified municipal need is declared surplus and made available for sale by the School Board.
- Any site recommended to Council for acquisition will include an identified source of financing (if necessary for an acquisition), and Council will determine if a specific surplus site is acquired.

If the PAR does not recommend closure of any of the sites undergoing the accommodation review then there would not be any sites available for potential acquisition. The City would not pursue partnership opportunities that may be identified as part of the evaluation process until a site has been identified for closure and disposition at the end of the School Board process.

Waiting until the School Board's PAR process has concluded before finalizing the Staff evaluation will ensure that the City's process does not interfere or influence the School Boards' process, nor raise public expectations when school disposition is contingent upon sale conditions such as Provincial funding. This will also recognize that the City does not have first rights for acquisition amongst the public agencies to whom the School Boards' offer surplus school sites. Although the City's evaluation will include all sites identified in the PAR, any recommendation for acquisition would only apply to the final lands that are made available and meet the City's evaluation criteria.

The previous report to the Planning and Environment Committee, on April 3, 2018, included the statement that: "opportunities for public participation related to site re-use may also be explored through the parallel City process". This statement raised the School Board's concern that the City's process would include public participation prior to finalization of their PAR process. As such, the above statement, and any reference to a City public participation process prior to the School Board finishing the PAR and declaring a site surplus have been removed.

## 4.0 Conclusion

### Summary of the Key Considerations for Staff Evaluations

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

Key Factors for City Decision	Considerations	
Municipal Need	<ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Community Facility</li> <li>• Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Land</li> <li>• Building(s)</li> <li>• Entire Site</li> <li>• Portion (with Severance or Partners)</li> </ul>
Opportunities and Constraints to Re-use or Development	<ul style="list-style-type: none"> <li>• Heritage and/or Archaeology</li> <li>• Urban Regeneration (Use or Intensity – Official Plan policy/planning context)</li> <li>• Physical attributes, access, location, and/or servicing</li> </ul>	
Financial Planning and Budgeting	<ul style="list-style-type: none"> <li>• Costs (archaeology; demolitions; designated substance abatement; security, utilities, and maintenance holding costs)</li> <li>• Financial planning considerations (timing, availability of funding, partnership opportunities)</li> <li>• Land value (paying fair market value)</li> </ul>	<ul style="list-style-type: none"> <li>• Sources of financing: <ul style="list-style-type: none"> <li>○ Approved City capital budgets;</li> <li>○ Reserve funds;</li> <li>○ Combination of other sources (e.g. revenues from partners);</li> <li>○ HDC financing</li> <li>○ Opportunities to recoup costs through the sale of a portion of the site (revenue from sale of any portion not required for municipal use)</li> </ul> </li> </ul>

The City's evaluation is an administrative Staff evaluation of all sites (located within the City of London) within a Pupil Accommodation Review. Until the School Board has completed its PAR and identified a site as surplus and thus available for potential municipal acquisition would Staff then finalize their evaluation for the identified surplus site and present any recommendations for acquisition to Council. This would not occur until after the School Board has concluded its process, identified a site for disposition, and made the site available for City acquisition.

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

The re-use or redevelopment of any site identified to be acquired for municipal purposes would be subject to *The London Plan* policies and Zoning on the site. If required, the City would consider the change from the former Institutional land use as a school to other land uses using policies of *The London Plan*, Zoning By-law and Site Plan. Any such changes to land use on closed school sites would require public consultations in accordance with the *Planning Act* and City's policies and practices.

## **Acknowledgements**

This report was prepared with the assistance of Kimberly Wood, Development Manager, HDC London; and Brian Turcotte, Development Manager, HDC London.

<b>Prepared by:</b>	<b>Travis Macbeth, MCIP RPP Planner II, Long Range Planning and Research</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Research</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
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	

September 11, 2018

TM/GB/tm

**Appendix A**

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

By-law No. CPOL.-  
A by-law to introduce the "Surplus School  
Site Evaluation and Acquisition Policy".

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

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

AND WHEREAS the Municipal Council of the Corporation of the City of London wishes to introduce the Council Policy attached as "Schedule A" with the new Council Policy template and applying the gender equity lens;

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

1. The "Surplus School Site Evaluation and Acquisition Policy" attached hereto as Schedule "A" be introduced as Council Policy.
2. This by-law shall come into effect on the date it is passed.

PASSED in Open Council on October 16, 2018

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

## Schedule "A"

### **Council Policy: Surplus School Site Evaluation and Acquisition Policy**

**Policy Name:** Surplus School Site Evaluation and Acquisition Policy  
**Service Area Lead:** Manager, Long Range Planning and Research

#### **1. Policy Statement**

To establish a Council policy for the evaluation and acquisition of surplus school sites.

#### **2. Definitions**

Not applicable.

#### **3. Applicability**

This policy applies to the Corporation of the City of London for the evaluation of sites for potential municipal acquisition that have been identified by School Boards as surplus to school needs.

#### **4. The Policy**

##### **4.1 Municipal Needs**

Surplus school sites will be evaluated for acquisition for one or more of the following municipal needs:

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

##### **4.2 Evaluation Process**

An administrative review team representing Service Areas and Agencies responsible for affordable housing, parkland development and community centre development shall be established to evaluate sites within the City for potential acquisition that have been identified as surplus to a School Board's needs.

Criteria for the municipal acquisition of an identified surplus school site will be established.

Staff will report the results of the evaluation if the site meets one or more identified municipal needs, and prepare a recommendation to Council to acquire the site. If the site that is declared surplus does not meet an identified municipal need, it will not be recommended for acquisition.

##### **4.3 Partnerships**

The City may partner in the development of a site that has been recommended for acquisition in accordance with City policies regarding partnerships. Such partnerships may include the development of any portion of a site.

##### **4.5 Sites Recommended for Acquisition**

Sites that meet a municipal need will be recommended for acquisition, and a Source of Financing will be identified.

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

## Appendix B

### **Administrative Policy: Surplus School Site Evaluation and Acquisition Policy**

**Policy Name:** Surplus School Site Evaluation and Acquisition Policy

**Service Area Lead:** Manager, Long Range Planning and Research

#### **1. Policy Statement**

To establish evaluation criteria to be used in the administrative review of sites identified by School Boards as surplus to school needs and made available for municipal acquisition. Surplus school sites will be recommended for municipal acquisition if they meet an identified municipal need.

#### **2. Definitions**

Not applicable.

#### **3. Applicability**

This policy applies to the administrative review and evaluation of surplus schools sites for potential acquisition for identified municipal purposes.

#### **4. The Policy**

##### **4.1 Municipal Needs**

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

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

##### **4.2 Timing of the Evaluation**

All sites within the City that have been identified by a School Board to be considered as part of a Board-approved Pupil Accommodation Review (PAR) process will be evaluated. This municipal evaluation shall be undertaken in parallel with the School Board's process, and all sites identified in the PAR shall be evaluated by administration.

At the conclusion of the PAR, the administrative Site Evaluation Team will finalize and confirm any recommendations regarding the potential City acquisition of any site identified as surplus to the School Board's needs and made available to the City for acquisition. Results of the finalized evaluation will be reported out to Council following the identification of any site to be closed and identified for disposition by the School Board, if the identified site has been evaluated as meeting one or more of the three identified municipal needs. If the site that is declared surplus does not meet an identified municipal need, it will not be recommended for acquisition.

If a site meets the evaluation criteria, the Staff recommendation will include identification of a source of financing to acquire the site, and Council will determine if the site will be acquired.

Figure 1. illustrates both the generalized process for the closed school site evaluation and the School Board PAR process and the Building Evaluation process. The Building Evaluation process illustrates how to address any structures on the site, including re-use/re-purposing, selling, or demolishing, and where the school building has been determined to be a significant heritage resource.

### 4.3 Site Evaluation Team

Surplus school sites will be evaluated by a Staff Team representing the following Service Areas and Agency partners with municipal interests:

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

### 4.4 Site Evaluation Criteria

#### 4.4.1 Affordable Housing

- The site is within the urban growth boundary;
- The site is identified as being appropriate and meets community need for Affordable Housing
- The site would support and provide for regeneration opportunities;
- The site is not constrained by built features (including gas lines, pipelines, utility corridors, etc.) or significant environmental features or functions;
- The site enjoys proximity to community amenities (including but not limited to, public facilities and services), infrastructure (including transit) and Place Types that would provide for a range of uses typically supportive of affordable housing (including, but not limited to Shopping Areas).

#### 4.4.2 Community Centre

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

#### 4.4.3 Parkland

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

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

#### 4.4.4 Financial Considerations

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

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

Additional factors to be considered include:

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

#### 4.5 Partnerships

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

#### 4.6 Sites Recommended for Acquisition

Only sites that meet the evaluation criteria for an identified municipal need will be recommended for acquisition. An evaluation of the acquisition costs shall be



undertaken for any site identified to be acquired, and a Source of Financing will be identified.

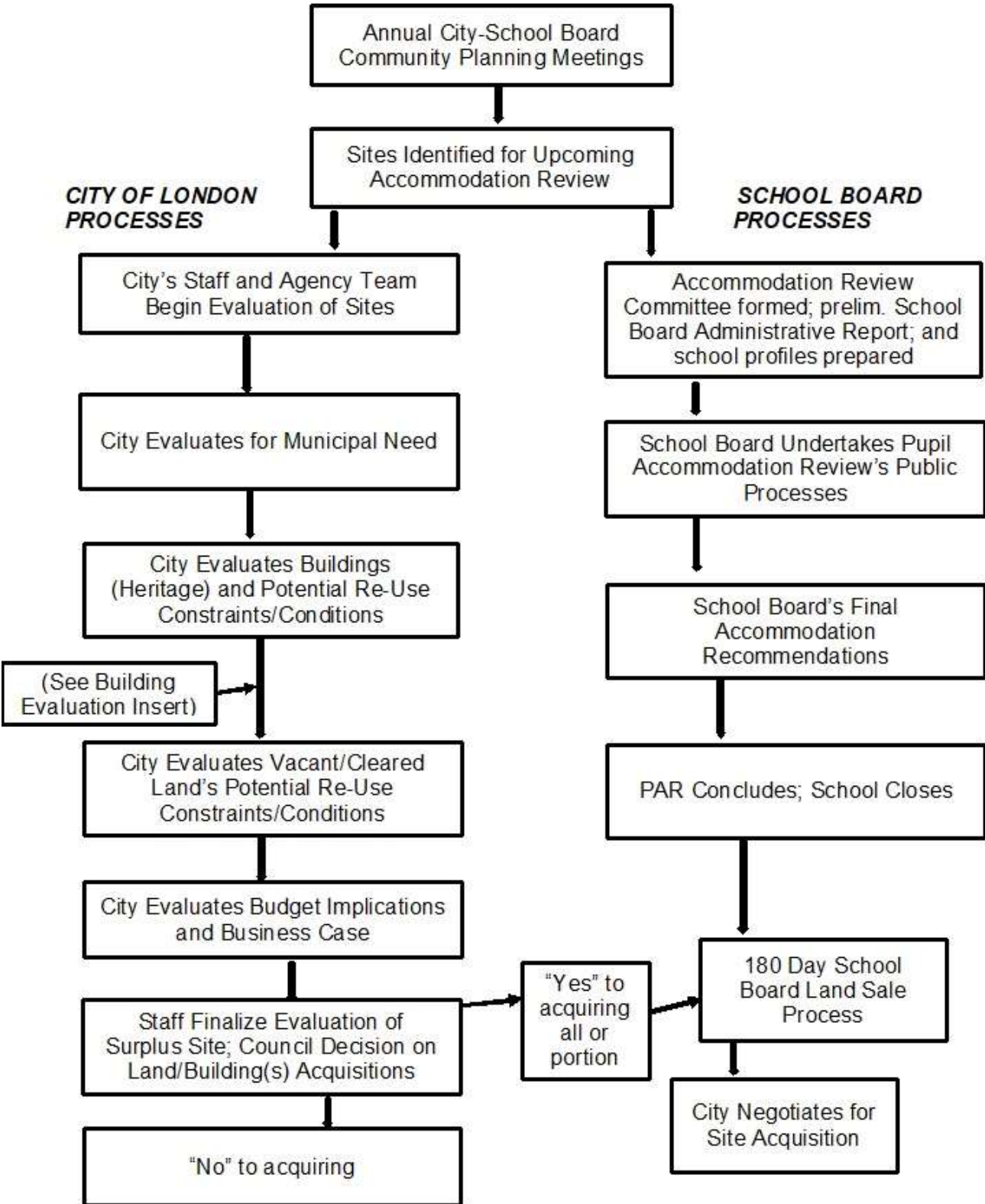
The City may consider the acquisition of sites that are larger than required to meet the identified municipal need, and may dispose of the portion not required to offset costs associated with the acquisition and development of the site.

**4.7 Table of Key Factors and Considerations**

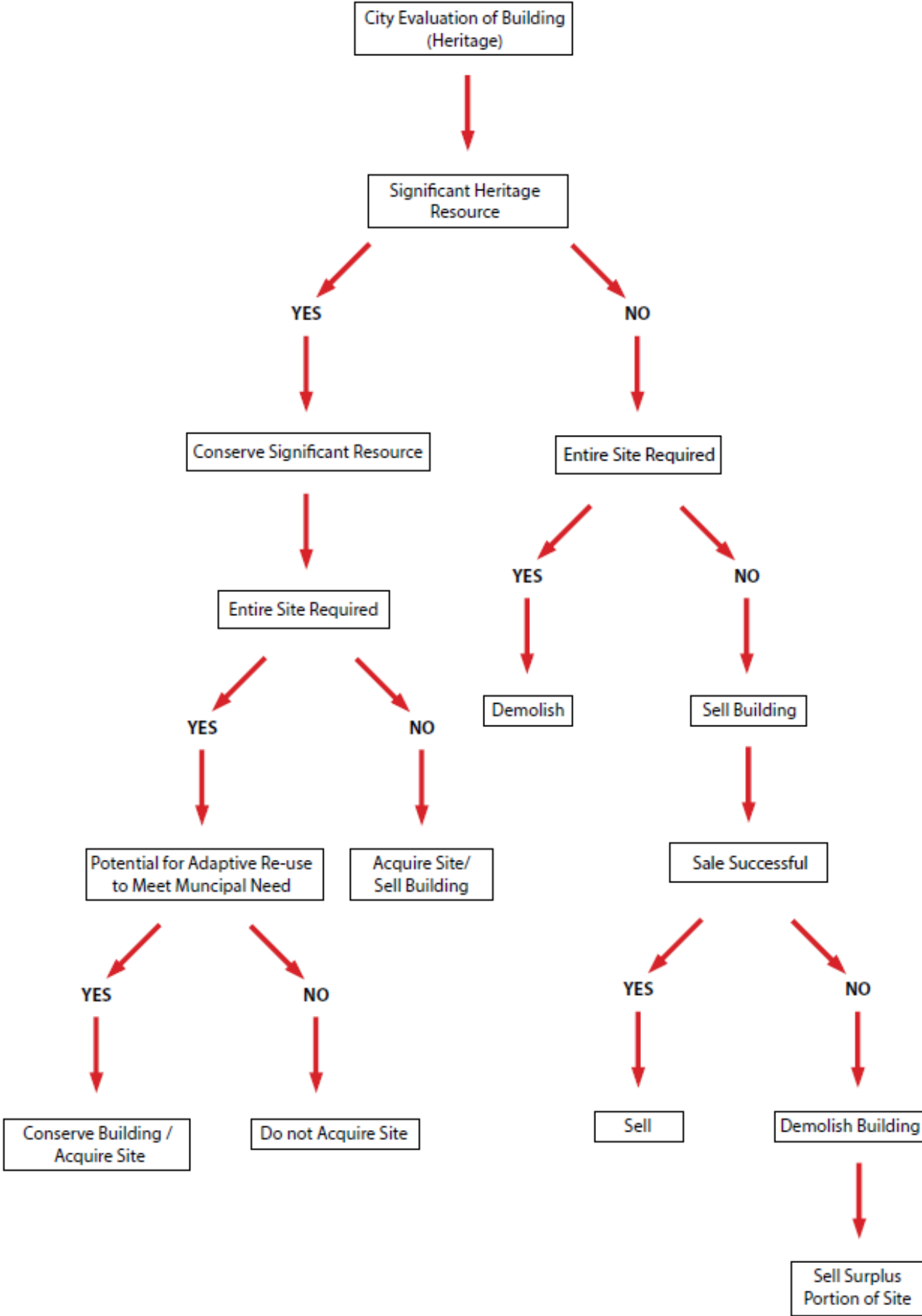
<b>Key Factors for City Decision</b>	<b>Considerations</b>	
Municipal Need	<ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Community Facility</li> <li>• Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Land</li> <li>• Building(s)</li> <li>• Entire Site</li> <li>• Portion (with Severance or Partners)</li> </ul>
Opportunities and Constraints to Re-use or Development	<ul style="list-style-type: none"> <li>• Heritage and/or Archaeology</li> <li>• Urban Regeneration (Use or Intensity – Official Plan policy/planning context)</li> <li>• Physical attributes, access, location, and/or servicing</li> </ul>	
Financial Planning and Budgeting	<ul style="list-style-type: none"> <li>• Costs (archaeology; demolitions; designated substance abatement; security, utilities, and maintenance holding costs)</li> <li>• Financial planning considerations (timing, availability of funding, partnership opportunities)</li> <li>• Land value (paying fair market value)</li> </ul>	<ul style="list-style-type: none"> <li>• Sources of financing:               <ul style="list-style-type: none"> <li>○ Approved City capital budgets;</li> <li>○ Reserve funds;</li> <li>○ Combination of other sources (e.g. revenues from partners);</li> <li>○ HDC financing</li> <li>○ Opportunities to recoup costs through the sale of a portion of the site (revenue from sale of any portion not required for municipal use)</li> </ul> </li> </ul>

**Figure 1**

**City's Closed School Site Evaluations: Generalized Process**



Building Evaluation Process



## Appendix C

### Responses to Draft Policy



CATHOLIC EDUCATION CENTRE  
5200 Wellington Road S. London, Ontario N6E 3X8 Canada  
T 519-663-2088 F 519-663-9250

May 24, 2018

Travis Macbeth  
Planner II  
Long Range Planning and Research  
City of London  
300 Dufferin Avenue, London ON  
P. O. Box 5035  
N6A 4L9

Dear T. Macbeth:

**Re: Draft Surplus School Site Acquisition and Evaluation Policy  
City of London**

We are in receipt of your department's circulation requesting comment regarding the City of London's *Surplus School Site Acquisition and Evaluation Policy (Draft)* which will be considered at a future Planning and Environment Committee meeting. We have reviewed the draft policy and the April 3, 2018 report, and would like to submit the following comments.

The Board recognizes that the policy takes a proactive approach to the City of London's evaluation of sites identified by the Board as surplus to its needs. The timing specified in the policy aims to allow sufficient time for the City of London to internally assess its needs and budget for the acquisition of potential school sites should they be declared surplus by the Board following a school closure review (ARC review). Appendix B outlines the generalized City's review process for school site evaluations which is intended to parallel the Board's ARC review process and the Ont. Reg. 444/98 regarding the disposition of surplus property by a School Board.

The Board has no objections to the draft policy provided that the site reviews undertaken by City of London staff are conducted internally by municipal staff having no direct or indirect influence on the Board's school closure review processes and related decisions regarding the actual disposition of surplus school sites. It is understood that the City's site review process will be undertaken independent of the Board's closure review processes and shall have no impact upon the Board's closure review process and/or disposition of surplus sites that may result from future closure reviews.

In view of these comments, we therefore request that the City's review process for potential site acquisition be limited to an internal staff policy/process and that there be no opportunity

*Inspired by Christ. Learning together. Serving together.*

for public participation related to site re-use conducted by the City of London prior to any final decision(s) of future ARC reviews and Board decision(s) to declare a property surplus to its needs. This would be inappropriate and could potentially conflict with the integrity of the Board's ARC review and property disposition process.

Thank you for the opportunity to review and comment on the report and draft policy. If you require clarification of these comments, do not hesitate to contact the undersigned.

Yours truly,



Jacquie Davison  
Superintendent and Treasurer of the Board

Cc: D. Kettle, Planning Analyst, Thames Valley District School Board  
G. Barrett, Manager, Long Range Planning and Research, City of London



Laura Elliott, Director of Education and Secretary

May 24th, 2018

Travis Macbeth, MCIP, RPP  
Planner II  
Long Range Planning and Research  
City of London  
300 Dufferin Avenue  
P.O. Box 5035  
N6A 4L9

Dear T. Macbeth,

Re: Surplus School Site Acquisition and Evaluation Policy (Draft)

Thank-you for the opportunity to comment on the City of London's (COL) *Draft Surplus School Site Acquisition and Evaluation Policy* being submitting at a future City Planning and Environment Committee meeting. The Thames Valley District School Board (TVDSB) has reviewed both the draft policy and report titled "*Neighbourhood School Strategy – Evaluation and Acquisition of Surplus School Sites*".

In the report it is indicated that "*By evaluating all of the sites that have been identified for consideration as part of the PAR process at the outset of the process, the City will have more sufficient time to more fully evaluate all sites for municipal purposes.*"

The TVDSB understands that the process to evaluate the City's potential need for a school property is extensive and requires a suitable amount of time.

In the Ontario Regulations 444/98 – Disposition of Surplus Property, boards are required to circulate notification of surplus property sale or lease simultaneously to the following prioritized list:

1. Coterminous school boards
2. Agencies accommodating Section 23 programming
3. District Social Services Administration Boards (DSSABs) or Consolidated Municipal Service Managers (CMSMs)
4. Public colleges
5. Public universities
6. Children's mental health lead agencies
7. Local Health Integration Networks (LHINs)
8. Public health boards
9. Provincial government (The Crown in Right of Ontario)
10. Lower-tier municipalities
11. Upper-tier municipalities
12. Local service boards
13. First Nation and Métis Organizations
14. Federal government (The Crown in Right of Ontario)

The listed agencies are allocated 90 days to submit their expression of interest (EOI) and an additional 90 days to submit an offer.

---

Thames Valley District School Board - Office of the Director of Education  
1250 Dundas Street, P.O. Box 5888, London, Ontario N6A 5L1 Tel: 519-452-2000 Fax: 519-452-2396 website: www.tvdsb.ca

*We build each student's tomorrow, every day.*



Laura Elliott, Director of Education and Secretary

The TVDSB recognizes that the completion of the evaluation may require more of a timeline than the 180 days allocated. With the new Community Planning and Partnerships Guideline (CPPG) the TVDSB will have the opportunity to notify the City of London of all Board decisions regarding PAR's at the June CPPG meetings. With the early notification of a Board decisions the City would have sufficient time to engage in a full evaluation. The timeline from, a decision to close a school and the circulated notification of surplus property sale or lease, can be from (1) year to (3) years. After a school is approved to be closed, the TVDSB usually allows a (1) year transition period for students and administration. This timeline could be longer if construction of additional capacity is required at the associated school(s) or if a new school is to be constructed.

With ongoing communication between the City of London and the TVDSB, the required time to evaluate the property could be completed outside of the Pupil Accommodation Review (PAR) process. The TVDSB is requesting that the *Draft Surplus School Site Acquisition and Evaluation Policy* be revised to begin the evaluation process after a final decision to close a school has been approved by our Trustees. Public consultation is a priority to the TVDSB and the basis for the PAR process. The process begins with the Initial Senior Administration Report (ISAR), which is presented to the Trustees and Community. Through the PAR public consultation process the Board's Final Senior Administration Report (FSAR) is produced from the outcome of the consultation process. Therefore the Final Report could be different than the Initial Report. If the City uses the ISAR to determine school closures, this may be viewed as a predetermination of the decision to close a school, prior to the completion of community input, public delegations and the Trustees final approval. Boards may also determine that a closed school would not be declared surplus if the building could be utilized for future school board needs.

Some aspects of evaluation discussed in the COL's report, such as the site evaluation, would be better suited to be completed after a school has closed when students are not occupying the site. The TVDSB is supportive to the steps taken with evaluation of properties and will be of assistance to provide available information suggested in the report when a school has been declared surplus with the completion of a PAR.

If further information or clarification is required, please do not hesitate to contact our office.

Regards,

A handwritten signature in cursive script that reads "Laura Elliott".

Laura Elliott  
Director of Education

## Appendix D

April 3, 2018 Report to Planning and Environment Committee, entitled "Neighbourhood School Strategy - Evaluation and Acquisition of Surplus School Sites"



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** The Corporation of the City of London  
Neighbourhood School Strategy - Evaluation and Acquisition  
of Surplus School Sites

**Meeting on:** October 9, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** to describe the City's approach to the evaluation and acquisition of school sites identified as surplus to School Boards' needs:

- a) That the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018, to adopt the Council Policy for the Evaluation and Acquisition of Surplus School Sites; and
- b) The Administrative Policy for the Evaluation and Acquisition of Surplus School Sites attached hereto as Appendix "B" **BE RECEIVED** for information.

## Executive Summary

- This report and policy do not address the Pupil Accommodation Review (PAR) process which is led by the School Boards. The policy describes the City's evaluation and potential acquisition of sites declared surplus and made available for acquisition by a School Board through the PAR process.
- This report provides an update to the report presented to Planning and Environment Committee in April 2018 (see Appendix 'D' for April 2018 report).
- School Boards undertake "Pupil Accommodation Review" (PAR) processes to evaluate schools for consolidations, closures and/or new school development as a means of ensuring that the School Boards' resources are managed effectively and that students are provided appropriate and sustainable accommodations.
- In some instances, the results of a PAR may identify a school for closure. The School Boards' surplus school site disposition processes provide the City with an opportunity to acquire an identified surplus school site.
- The purpose of this report is to provide a strategy for the evaluation of school sites that have been declared surplus by the School Boards' process and determine if there is a municipal purpose for the lands.
- All sites identified by a School Board in a PAR process will be evaluated. The results of the City's evaluation will only be reported if the School Board identifies a site to be closed through the PAR process that is made available for acquisition that meets the City's criteria for acquisition.
- The City would consider acquiring an identified surplus school site for one or more of the following municipal needs:
  - Affordable housing
  - Parkland
  - Community Facility.
- If no municipal need for the site is identified, the site will not be recommended for acquisition.
- Consistent with City policies, all surplus public lands are to be evaluated for affordable housing opportunities before the consideration of other public uses.
- In all evaluations, the City shall consider the adaptive re-use potential of the existing school building in its evaluation of the surplus school site.
- Heritage considerations will be part of the Staff evaluation for acquisition of sites.

School buildings that have been evaluated to be significant heritage resources will be conserved, and may be recommended for designation under the *Ontario Heritage Act*.

- Where the site is required for municipal purposes and the surplus school building has been identified as a significant heritage resource, the site evaluation shall include the costs of the restoration and rehabilitation of the heritage structure.
- If the site evaluation identifies that the entire site is required for municipal purposes, and the surplus school building is not a heritage structure or able to be re-purposed for an identified municipal purpose, the structures on the site will be removed.
- Where a City need for the land is identified, partners for the intended future development may be sought. Any potential partnerships will be supplementary and complementary to the identified City purpose for the use of the lands. The City will not acquire surplus school sites to meet the needs of any potential partner if there is no identified municipal need for the lands.

### **Council Strategic Plan**

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

### **1.0 Relevant Background**

On April 3, 2018, the Planning and Environment Committee received a report regarding the City’s draft Surplus School Site Evaluation and Acquisition Policy (see Appendix ‘D’). That report noted the important role schools play in creating complete communities and how the School Boards must respond to demographic changes, the age and condition of their school buildings, the ability of older schools to accommodate changing educational instruction needs, and other operations and programming requirements. Additionally, it was recognized that School Boards undertake a difficult task through Pupil Accommodation Reviews (PARs), where groupings of schools are assessed for potential site closures, consolidations, or for new school construction.

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

The April 3, 2018 report highlighted the three (3) possible municipal needs for which a school site could be acquired. These are: affordable housing, parkland, and community facilities.

The report also identified the City’s draft evaluation strategy, which would include a Staff review of all the school sites included in the Pupil Accommodation Review grouping, and a change to the timing of the review. The timing of the sites’ evaluations would begin at the outset of the Pupil Accommodation Review process and include a review of each property in the PAR grouping. This would be instead of waiting until after any school is determined to be closed through the PAR process, and evaluating only the school(s) that are recommended for closures. The proposed change in procedure is to allow Staff more time to sufficiently evaluate all school sites for their potential for acquisition for one of the three (3) municipal purposes identified above. Any recommendations to Council to acquire an identified surplus school site and any public processes related to the development of the site would take place after the PAR process has concluded.

The April 3, 2018 report included a draft Surplus School Site Evaluation and Acquisition Policy, addressing the reasons for acquisition, timing of Staff evaluations, as well as considerations related to Heritage resources and potential partnership opportunities.

Council directed that the report and draft policy be circulated to School Board and agency stakeholders for their consideration and feedback before a final Surplus School Site Evaluation and Acquisition Policy be considered at a future meeting of the Planning and Environment Committee.

## 2.0 Feedback on Draft Policy

### Feedback on Draft Policy and Report

The report and draft policy were circulated to School Boards and agencies for their comment. Comments were received from the London District Catholic School Board and the Thames Valley District School Board (Appendix 'C'). Comments included recognition that the City is seeking to allow itself longer than the 180 days provided through Ministry's land disposal regulations to conduct these potentially complicated site evaluations.

However, the concern was expressed that the draft policy would become a Council policy that directs the evaluation of sites to be part of a public participation process. As such, concern was raised that the City's proposal to start site evaluations before the PAR is completed, and to evaluate sites before they are declared surplus, would interfere with the School Board's public processes for Pupil Accommodation Reviews. Concern was also expressed that the City would be actively seeking possible partnership opportunities for site re-use while those sites are still active as operating school facilities (and noting those sites may or may not be declared surplus at the end of the ongoing PAR process). These concerns are understood by City Staff to be based on an interpretation that the City's evaluation processes would be a public process and would therefore have the potential to influence or undermine the School Board's PAR process or outcome.

Through Staff's discussions with the School Boards, it was also noted that some closures are contingent upon conditions being met, and if the conditions are not met, then even schools recommended for closure would remain open and operating. For instance, some closures are contingent upon capital funding becoming available to expand another neighbouring school in order to accommodate the incoming students from the closed school. If such conditions cannot be met, then the closure could not proceed.

Also, the School Board prepares an "Initial Senior Administration Report" at the outset of the PAR. These recommendations are then presented to School Board trustees and the community as the starting point for the PAR discussions. The "Final Senior Administration Report" is produced after the public PAR process, and the final recommendations may be different than the initial report's recommendations. As such, concern was expressed that the City's evaluation of sites would be based on the initial report and its recommendations, rather than the final report, if the City's evaluation process is undertaken before the PAR has concluded.

It was also noted that the City does not have the first priority for site acquisition amongst the public agencies offered a surplus school property. Ontario Regulation 444/98, establishes both the public bodies to be notified if a surplus school site is available, and the priority of those public bodies to acquire any surplus school site to be disposed. The City is one of the public bodies who are notified of the disposition of surplus school properties. Under O. Reg. 444/98, the HDC London is also one of the identified public bodies in its role as the "Service System Manager" for the City of London and for Middlesex County. As a designated Service System Manager, HDC London would have priority over the City to purchase an identified surplus school property.

The School Boards also noted that the School Board's process includes time between when a decision is made to close a school and when the school actually closes and the site is made available before a City response is required. The timeline from the date the School Board makes the decision to close a school until the time a School Board deems it closed and issues notice to the City that the site is available for acquisition is usually a one year minimum. It is only when the notice is issued that the 180 day timeline for a City decision begins. The School Board's timeline uses this period as a transition time for students and families to adjust to new attendance area boundaries.

In summary, the comments and concerns expressed related to the timing of the City's proposed evaluation and the potential for public reporting or public participation before the School Board had completed their accommodation review process. No concerns were expressed regarding the municipal purposes for which the City would acquire a site or how the City proposed to address heritage resources or potential supplementary

partnerships to support the City's municipal need for lands.

To address these concerns, the City's "Surplus School Site Evaluation and Acquisition Policy" has been amended to more clearly note that this process is an internal, administrative City review process intended to provide the City sufficient time to evaluate sites for potential acquisition. The policy has also been clarified that the results of the evaluation would only be reported to Council after the PAR has concluded and a site (or sites) have been identified for closure and disposition by the School Board.

### 3.0 Response to Comments

#### Responses to Comments Received

It is important to recognize the concerns expressed by the School Boards to ensure that the Boards do not perceive the recommended City process as interfering with the PAR process. The following is provided to summarize and clarify the intent of the City's policy noting that the recommended policy would not influence or pre-suppose the outcome of Pupil Accommodation Reviews, as the City's process is an administrative process to evaluate potential surplus school sites as meeting municipal purposes.

Regarding the concern that the City's process would be a public participation process and that the partnerships for re-use of sites would be actively sought while the sites are still under Pupil Accommodation Review, the City's policy is for a *Staff* evaluation of the properties for their potential re-use as the three identified municipal purposes.

The City process will be as follows:

- A preliminary property evaluation and building evaluation will be undertaken by the administrative Site Evaluation Team at the outset of the PAR process;
- The Staff evaluation will be finalized after a School Board finalizes the PAR and declares a site surplus and available for potential City acquisition;
- The Site Evaluation Team's recommendations will be brought to Council only if a property that meets an identified municipal need is declared surplus and made available for sale by the School Board.
- Any site recommended to Council for acquisition will include an identified source of financing (if necessary for an acquisition), and Council will determine if a specific surplus site is acquired.

If the PAR does not recommend closure of any of the sites undergoing the accommodation review then there would not be any sites available for potential acquisition. The City would not pursue partnership opportunities that may be identified as part of the evaluation process until a site has been identified for closure and disposition at the end of the School Board process.

Waiting until the School Board's PAR process has concluded before finalizing the Staff evaluation will ensure that the City's process does not interfere or influence the School Boards' process, nor raise public expectations when school disposition is contingent upon sale conditions such as Provincial funding. This will also recognize that the City does not have first rights for acquisition amongst the public agencies to whom the School Boards' offer surplus school sites. Although the City's evaluation will include all sites identified in the PAR, any recommendation for acquisition would only apply to the final lands that are made available and meet the City's evaluation criteria.

The previous report to the Planning and Environment Committee, on April 3, 2018, included the statement that: "opportunities for public participation related to site re-use may also be explored through the parallel City process". This statement raised the School Board's concern that the City's process would include public participation prior to finalization of their PAR process. As such, the above statement, and any reference to a City public participation process prior to the School Board finishing the PAR and declaring a site surplus have been removed.

## 4.0 Conclusion

### Summary of the Key Considerations for Staff Evaluations

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

Key Factors for City Decision	Considerations	
Municipal Need	<ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Community Facility</li> <li>• Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Land</li> <li>• Building(s)</li> <li>• Entire Site</li> <li>• Portion (with Severance or Partners)</li> </ul>
Opportunities and Constraints to Re-use or Development	<ul style="list-style-type: none"> <li>• Heritage and/or Archaeology</li> <li>• Urban Regeneration (Use or Intensity – Official Plan policy/planning context)</li> <li>• Physical attributes, access, location, and/or servicing</li> </ul>	
Financial Planning and Budgeting	<ul style="list-style-type: none"> <li>• Costs (archaeology; demolitions; designated substance abatement; security, utilities, and maintenance holding costs)</li> <li>• Financial planning considerations (timing, availability of funding, partnership opportunities)</li> <li>• Land value (paying fair market value)</li> </ul>	<ul style="list-style-type: none"> <li>• Sources of financing: <ul style="list-style-type: none"> <li>○ Approved City capital budgets;</li> <li>○ Reserve funds;</li> <li>○ Combination of other sources (e.g. revenues from partners);</li> <li>○ HDC financing</li> <li>○ Opportunities to recoup costs through the sale of a portion of the site (revenue from sale of any portion not required for municipal use)</li> </ul> </li> </ul>

The City's evaluation is an administrative Staff evaluation of all sites (located within the City of London) within a Pupil Accommodation Review. Until the School Board has completed its PAR and identified a site as surplus and thus available for potential municipal acquisition would Staff then finalize their evaluation for the identified surplus site and present any recommendations for acquisition to Council. This would not occur until after the School Board has concluded its process, identified a site for disposition, and made the site available for City acquisition.

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

The re-use or redevelopment of any site identified to be acquired for municipal purposes would be subject to *The London Plan* policies and Zoning on the site. If required, the City would consider the change from the former Institutional land use as a school to other land uses using policies of *The London Plan*, Zoning By-law and Site Plan. Any such changes to land use on closed school sites would require public consultations in accordance with the *Planning Act* and City's policies and practices.

## Acknowledgements

This report was prepared with the assistance of Kimberly Wood, Development Manager, HDC London; and Brian Turcotte, Development Manager, HDC London.

<b>Prepared by:</b>	<b>Travis Macbeth, MCIP RPP Planner II, Long Range Planning and Research</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Research</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
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	

September 11, 2018

TM/GB/tm

## Appendix A

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

By-law No. CPOL.-  
A by-law to introduce the "Surplus School  
Site Evaluation and Acquisition Policy".

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

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

AND WHEREAS the Municipal Council of the Corporation of the City of London wishes to introduce the Council Policy attached as "Schedule A" with the new Council Policy template and applying the gender equity lens;

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

1. The "Surplus School Site Evaluation and Acquisition Policy" attached hereto as Schedule "A" be introduced as Council Policy.
2. This by-law shall come into effect on the date it is passed.

PASSED in Open Council on October 16, 2018

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 16, 2018  
Second Reading – October 16, 2018  
Third Reading – October 16, 2018

## Schedule "A"

**Policy Name:** Surplus School Site Evaluation and Acquisition Policy

**Legislative History:** None

**Last Review Date:** October 16, 2018

**Service Area Lead:** Manager, Long Range Planning and Research

### 1. Policy Statement

To establish a Council policy for the evaluation and acquisition of surplus school sites.

### 2. Definitions

Not applicable.

### 3. Applicability

This policy applies to the Corporation of the City of London for the evaluation of sites for potential municipal acquisition that have been identified by School Boards as surplus to school needs.

### 4. The Policy

#### 4.1 Municipal Needs

Surplus school sites will be evaluated for acquisition for one or more of the following municipal needs:

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

#### 4.2 Evaluation Process

An administrative review team representing Service Areas and Agencies responsible for affordable housing, parkland development and community centre development shall be established to evaluate sites within the City for potential acquisition that have been identified as surplus to a School Board's needs.

Criteria for the municipal acquisition of an identified surplus school site will be established.

Staff will report the results of the evaluation if the site meets one or more identified municipal needs, and prepare a recommendation to Council to acquire the site. If the site that is declared surplus does not meet an identified municipal need, it will not be recommended for acquisition.

#### 4.3 Partnerships

The City may partner in the development of a site that has been recommended for acquisition in accordance with City policies regarding partnerships. Such partnerships may include the development of any portion of a site.

#### 4.4 Sites Recommended for Acquisition

Sites that meet a municipal need will be recommended for acquisition, and a Source of Financing will be identified.



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

## Appendix B

### Administrative Policy: Surplus School Site Evaluation and Acquisition Policy

**Policy Name:** Surplus School Site Evaluation and Acquisition Policy

**Service Area Lead:** Manager, Long Range Planning and Research

#### 1. Policy Statement

To establish evaluation criteria to be used in the administrative review of sites identified by School Boards as surplus to school needs and made available for municipal acquisition. Surplus school sites will be recommended for municipal acquisition if they meet an identified municipal need.

#### 2. Definitions

Not applicable.

#### 3. Applicability

This policy applies to the administrative review and evaluation of surplus schools sites for potential acquisition for identified municipal purposes.

#### 4. The Policy

##### 4.1 Municipal Needs

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

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

##### 4.2 Timing of the Evaluation

All sites within the City that have been identified by a School Board to be considered as part of a Board-approved Pupil Accommodation Review (PAR) process will be evaluated. This municipal evaluation shall be undertaken in parallel with the School Board's process, and all sites identified in the PAR shall be evaluated by administration.

At the conclusion of the PAR, the administrative Site Evaluation Team will finalize and confirm any recommendations regarding the potential City acquisition of any site identified as surplus to the School Board's needs and made available to the City for acquisition. Results of the finalized evaluation will be reported out to Council following the identification of any site to be closed and identified for disposition by the School Board, if the identified site has been evaluated as meeting one or more of the three identified municipal needs. If the site that is declared surplus does not meet an identified municipal need, it will not be recommended for acquisition.

If a site meets the evaluation criteria, the Staff recommendation will include identification of a source of financing to acquire the site, and Council will determine if the site will be acquired.

Figure 1. illustrates both the generalized process for the closed school site evaluation and the School Board PAR process and the Building Evaluation process. The Building Evaluation process illustrates how to address any structures on the site, including re-

use/re-purposing, selling, or demolishing, and where the school building has been determined to be a significant heritage resource.

### 4.3 Site Evaluation Team

Surplus school sites will be evaluated by a Staff Team representing the following Service Areas and Agency partners with municipal interests:

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

### 4.4 Site Evaluation Criteria

#### 4.4.1 Affordable Housing

- The site is within the urban growth boundary;
- The site is identified as being appropriate and meets community need for Affordable Housing
- The site would support and provide for regeneration opportunities;
- The site is not constrained by built features (including gas lines, pipelines, utility corridors, etc.) or significant environmental features or functions;
- The site enjoys proximity to community amenities (including but not limited to, public facilities and services), infrastructure (including transit) and Place Types that would provide for a range of uses typically supportive of affordable housing (including, but not limited to Shopping Areas).

#### 4.4.2 Community Centre

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

#### 4.4.3 Parkland

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

- iv) the suitability of lands available for sale; and,
- v) acquisitions which will serve to create a more continuous or linked park system.
- Additional considerations for parkland use include other opportunities for parkland acquisition:
  - In the development or redevelopment of land, the City may acquire a 5% dedication of land under consideration for development for parkland purposes. For small developments, this would not provide a sufficient land base to meet parkland needs. In older parts of the City, the required dedication is not always achieved. As an alternative, the *Planning Act* provides for a dedication of 1 hectare of park space per 300 dwelling units (or 500 units for cash-in-lieu).
  - Other opportunities to meet neighbourhood parkland needs on other lands that are open and accessible to the public, such as other school sites within the neighbourhood.
  - The location of other nearby amenities and the convenience of access to park space. The service standard objective is for neighbourhood park space and play equipment to be located within an approximately 800 metre radius of every home in a residential neighbourhood.
  - If the neighbourhood is deficient in parkland and the school functions as the primary park within that immediate neighbourhood, then retention of the school site as municipal parkland will be given high priority.

#### 4.4.4 Financial Considerations

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

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

Additional factors to be considered include:

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

#### 4.5 Partnerships

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

#### 4.6 Sites Recommended for Acquisition

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

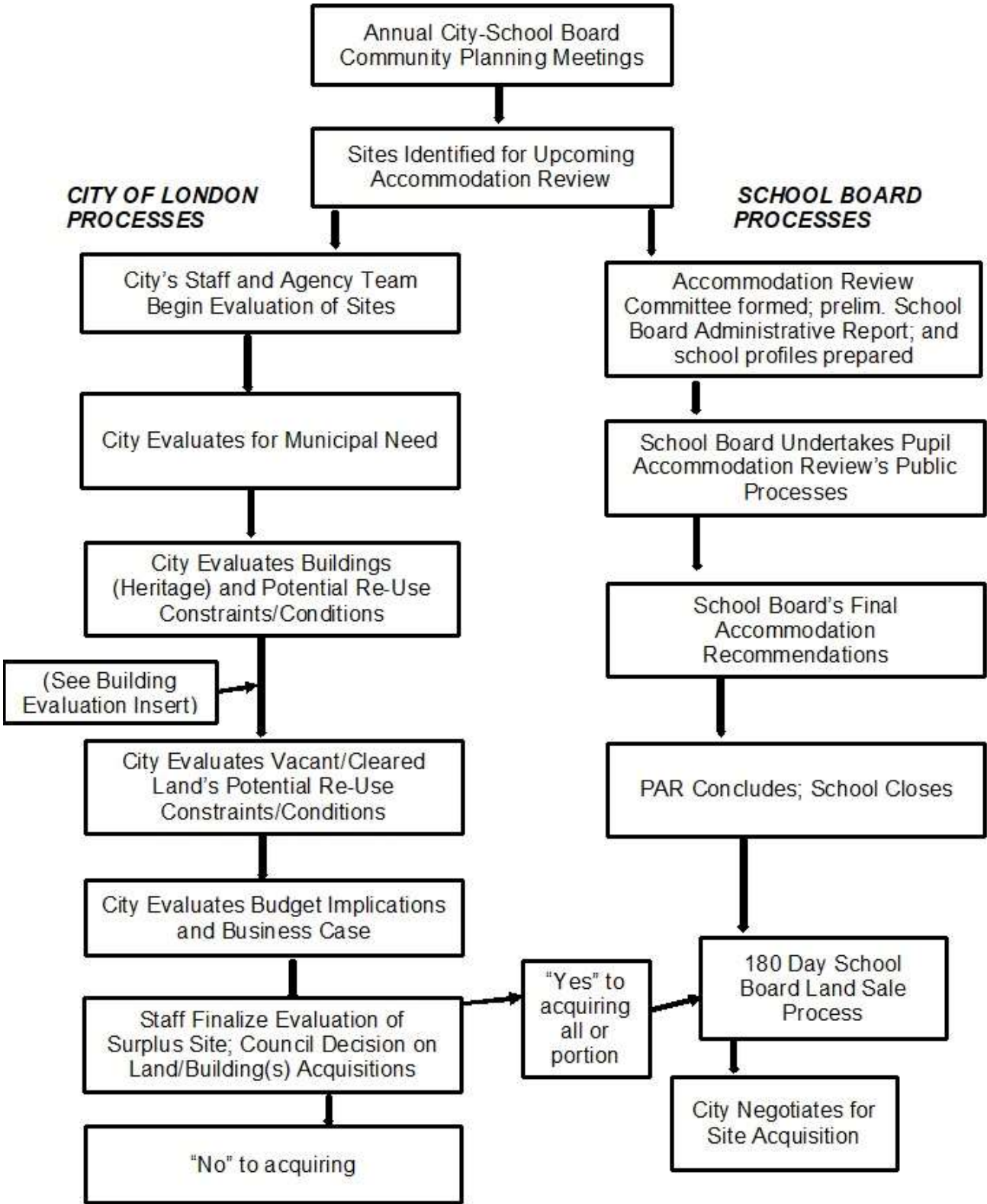
The City may consider the acquisition of sites that are larger than required to meet the identified municipal need, and may dispose of the portion not required to offset costs associated with the acquisition and development of the site.

#### 4.7 Table of Key Factors and Considerations

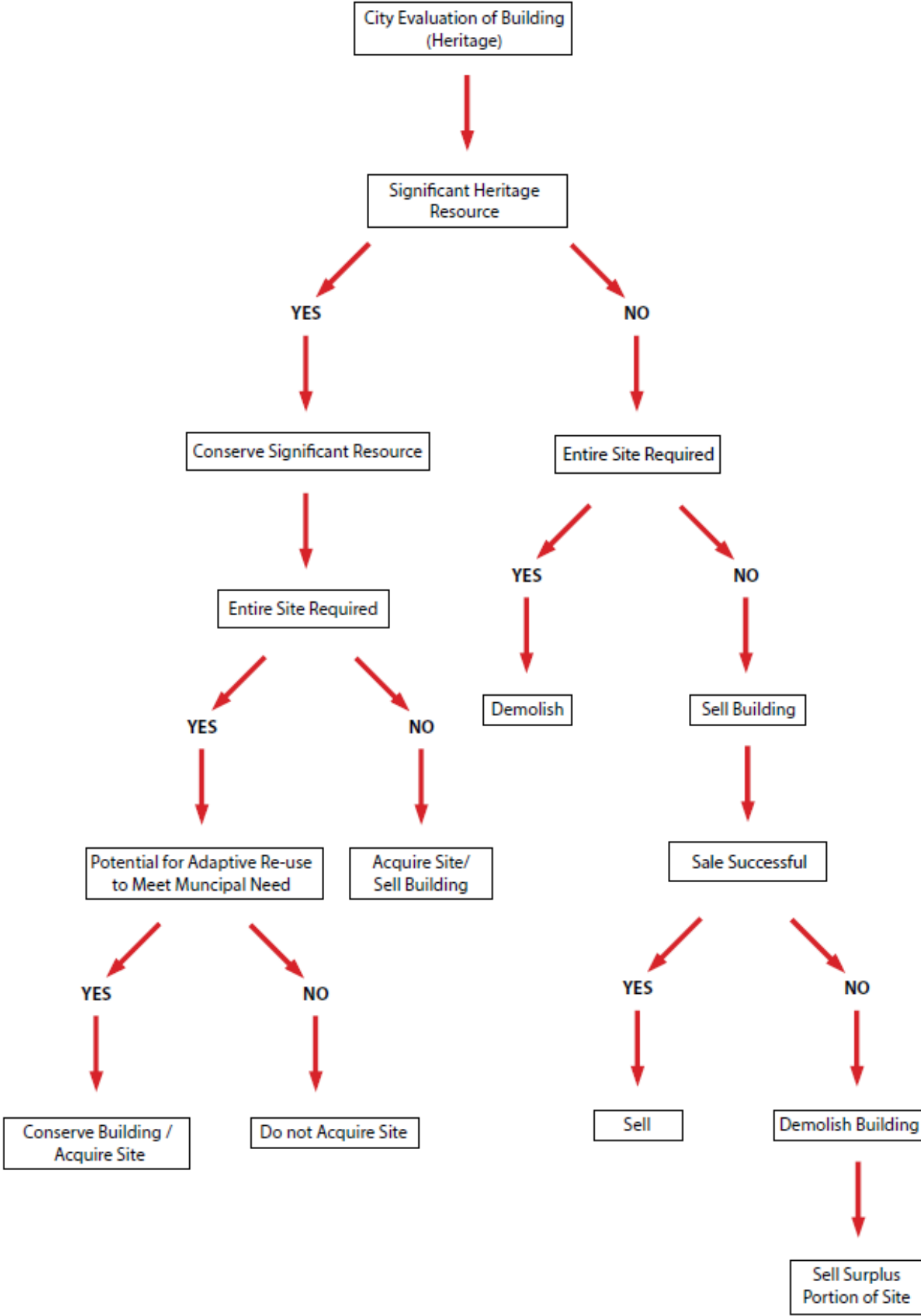
Key Factors for City Decision	Considerations	
Municipal Need	<ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Community Facility</li> <li>• Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Land</li> <li>• Building(s)</li> <li>• Entire Site</li> <li>• Portion (with Severance or Partners)</li> </ul>
Opportunities and Constraints to Re-use or Development	<ul style="list-style-type: none"> <li>• Heritage and/or Archaeology</li> <li>• Urban Regeneration (Use or Intensity – Official Plan policy/planning context)</li> <li>• Physical attributes, access, location, and/or servicing</li> </ul>	
Financial Planning and Budgeting	<ul style="list-style-type: none"> <li>• Costs (archaeology; demolitions; designated substance abatement; security, utilities, and maintenance holding costs)</li> <li>• Financial planning considerations (timing, availability of funding, partnership opportunities)</li> <li>• Land value (paying fair market value)</li> </ul>	<ul style="list-style-type: none"> <li>• Sources of financing:               <ul style="list-style-type: none"> <li>○ Approved City capital budgets;</li> <li>○ Reserve funds;</li> <li>○ Combination of other sources (e.g. revenues from partners);</li> <li>○ HDC financing</li> <li>○ Opportunities to recoup costs through the sale of a portion of the site (revenue from sale of any portion not required for municipal use)</li> </ul> </li> </ul>

**Figure 1**

**City's Closed School Site Evaluations: Generalized Process**



Building Evaluation Process



## Appendix C

### Responses to Draft Policy



CATHOLIC EDUCATION CENTRE  
5200 Wellington Road S. London, Ontario N6E 3X8 Canada  
T 519-663-2088 F 519-663-9250

May 24, 2018

Travis Macbeth  
Planner II  
Long Range Planning and Research  
City of London  
300 Dufferin Avenue, London ON  
P. O. Box 5035  
N6A 4L9

Dear T. Macbeth:

**Re: Draft Surplus School Site Acquisition and Evaluation Policy  
City of London**

We are in receipt of your department's circulation requesting comment regarding the City of London's *Surplus School Site Acquisition and Evaluation Policy (Draft)* which will be considered at a future Planning and Environment Committee meeting. We have reviewed the draft policy and the April 3, 2018 report, and would like to submit the following comments.

The Board recognizes that the policy takes a proactive approach to the City of London's evaluation of sites identified by the Board as surplus to its needs. The timing specified in the policy aims to allow sufficient time for the City of London to internally assess its needs and budget for the acquisition of potential school sites should they be declared surplus by the Board following a school closure review (ARC review). Appendix B outlines the generalized City's review process for school site evaluations which is intended to parallel the Board's ARC review process and the Ont. Reg. 444/98 regarding the disposition of surplus property by a School Board.

The Board has no objections to the draft policy provided that the site reviews undertaken by City of London staff are conducted internally by municipal staff having no direct or indirect influence on the Board's school closure review processes and related decisions regarding the actual disposition of surplus school sites. It is understood that the City's site review process will be undertaken independent of the Board's closure review processes and shall have no impact upon the Board's closure review process and/or disposition of surplus sites that may result from future closure reviews.

In view of these comments, we therefore request that the City's review process for potential site acquisition be limited to an internal staff policy/process and that there be no opportunity

*Inspired by Christ. Learning together. Serving together.*

for public participation related to site re-use conducted by the City of London prior to any final decision(s) of future ARC reviews and Board decision(s) to declare a property surplus to its needs. This would be inappropriate and could potentially conflict with the integrity of the Board's ARC review and property disposition process.

Thank you for the opportunity to review and comment on the report and draft policy. If you require clarification of these comments, do not hesitate to contact the undersigned.

Yours truly,



Jacquie Davison  
Superintendent and Treasurer of the Board

Cc: D. Kettle, Planning Analyst, Thames Valley District School Board  
G. Barrett, Manager, Long Range Planning and Research, City of London





Laura Elliott, Director of Education and Secretary

May 24th, 2018

Travis Macbeth, MCIP, RPP  
Planner II  
Long Range Planning and Research  
City of London  
300 Dufferin Avenue  
P.O. Box 5035  
N6A 4L9

Dear T. Macbeth,

Re: Surplus School Site Acquisition and Evaluation Policy (Draft)

Thank-you for the opportunity to comment on the City of London's (COL) *Draft Surplus School Site Acquisition and Evaluation Policy* being submitting at a future City Planning and Environment Committee meeting. The Thames Valley District School Board (TVDSB) has reviewed both the draft policy and report titled "*Neighbourhood School Strategy – Evaluation and Acquisition of Surplus School Sites*".

In the report it is indicated that "*By evaluating all of the sites that have been identified for consideration as part of the PAR process at the outset of the process, the City will have more sufficient time to more fully evaluate all sites for municipal purposes.*"

The TVDSB understands that the process to evaluate the City's potential need for a school property is extensive and requires a suitable amount of time.

In the Ontario Regulations 444/98 – Disposition of Surplus Property, boards are required to circulate notification of surplus property sale or lease simultaneously to the following prioritized list:

1. Coterminous school boards
2. Agencies accommodating Section 23 programming
3. District Social Services Administration Boards (DSSABs) or Consolidated Municipal Service Managers (CMSMs)
4. Public colleges
5. Public universities
6. Children's mental health lead agencies
7. Local Health Integration Networks (LHINs)
8. Public health boards
9. Provincial government (The Crown in Right of Ontario)
10. Lower-tier municipalities
11. Upper-tier municipalities
12. Local service boards
13. First Nation and Métis Organizations
14. Federal government (The Crown in Right of Ontario)

The listed agencies are allocated 90 days to submit their expression of interest (EOI) and an additional 90 days to submit an offer.



Laura Elliott, Director of Education and Secretary

The TVDSB recognizes that the completion of the evaluation may require more of a timeline than the 180 days allocated. With the new Community Planning and Partnerships Guideline (CPPG) the TVDSB will have the opportunity to notify the City of London of all Board decisions regarding PAR's at the June CPPG meetings. With the early notification of a Board decisions the City would have sufficient time to engage in a full evaluation. The timeline from, a decision to close a school and the circulated notification of surplus property sale or lease, can be from (1) year to (3) years. After a school is approved to be closed, the TVDSB usually allows a (1) year transition period for students and administration. This timeline could be longer if construction of additional capacity is required at the associated school(s) or if a new school is to be constructed.

With ongoing communication between the City of London and the TVDSB, the required time to evaluate the property could be completed outside of the Pupil Accommodation Review (PAR) process. The TVDSB is requesting that the *Draft Surplus School Site Acquisition and Evaluation Policy* be revised to begin the evaluation process after a final decision to close a school has been approved by our Trustees. Public consultation is a priority to the TVDSB and the basis for the PAR process. The process begins with the Initial Senior Administration Report (ISAR), which is presented to the Trustees and Community. Through the PAR public consultation process the Board's Final Senior Administration Report (FSAR) is produced from the outcome of the consultation process. Therefore the Final Report could be different than the Initial Report. If the City uses the ISAR to determine school closures, this may be viewed as a predetermination of the decision to close a school, prior to the completion of community input, public delegations and the Trustees final approval. Boards may also determine that a closed school would not be declared surplus if the building could be utilized for future school board needs.

Some aspects of evaluation discussed in the COL's report, such as the site evaluation, would be better suited to be completed after a school has closed when students are not occupying the site. The TVDSB is supportive to the steps taken with evaluation of properties and will be of assistance to provide available information suggested in the report when a school has been declared surplus with the completion of a PAR.

If further information or clarification is required, please do not hesitate to contact our office.

Regards,

A handwritten signature in cursive script that reads "Laura Elliott".

Laura Elliott  
Director of Education

## Appendix D

April 3, 2018 Report to Planning and Environment Committee, entitled "Neighbourhood School Strategy - Evaluation and Acquisition of Surplus School Sites"

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** The Corporation of the City of London  
Neighbourhood School Strategy - Evaluation and Acquisition  
of Surplus School Sites

**Meeting on:** April 3, 2018

## Recommendation

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

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

## Executive Summary

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

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

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

### Council Strategic Plan

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

## 1.0 Relevant Background

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

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

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

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

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

Policy 440\_ of the London Plan recognizes this opportunity:

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

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

- As a site for affordable housing

- As parkland
- As a Community Facility

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

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

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

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

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

## **2.0 Closed School Site Evaluations for Potential City Acquisition**

### **Site Evaluations by Municipal Team**

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

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

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

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

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

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

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

**Key Considerations for Staff Evaluations**

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

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

<b>3.0 Land Need Evaluation</b>
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**Municipal Land Needs**

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

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

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

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

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

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

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

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

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

### **Review as Potential Affordable Housing Site**

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

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

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

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

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

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



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

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

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

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

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

### **Community Facility Site Evaluation**

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

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

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

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

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

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

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

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

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

### **Parkland Site Evaluation**

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

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

Additional considerations for parkland use include:

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

in a residential neighbourhood.

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

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

#### **4.0 Financial Considerations**

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

Costs and budget implications to be evaluated include:

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

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

Additional factors to be considered include:

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

Sources of Funding may include:

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

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

Three options include:

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

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

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

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

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

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

## **5.0 No Municipal Acquisition Required**

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

## **6.0 Conclusion**

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

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

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

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

**Acknowledgements:**

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March 26, 2018

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## Appendix A

### Surplus School Site Acquisition and Evaluation Policy (Draft)

#### Policy Statement

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

#### Municipal Needs

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

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

#### Timing of the Evaluation

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

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

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

#### Site Evaluation Team

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

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

#### Site Evaluation Criteria

##### Affordable Housing

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

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

#### Community Centre

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

#### Parkland

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

Additional considerations for parkland use include:

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

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

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

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

#### Financial Considerations

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

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

Additional factors to be considered include:

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

#### Partnerships

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

#### Sites Recommended for Acquisition

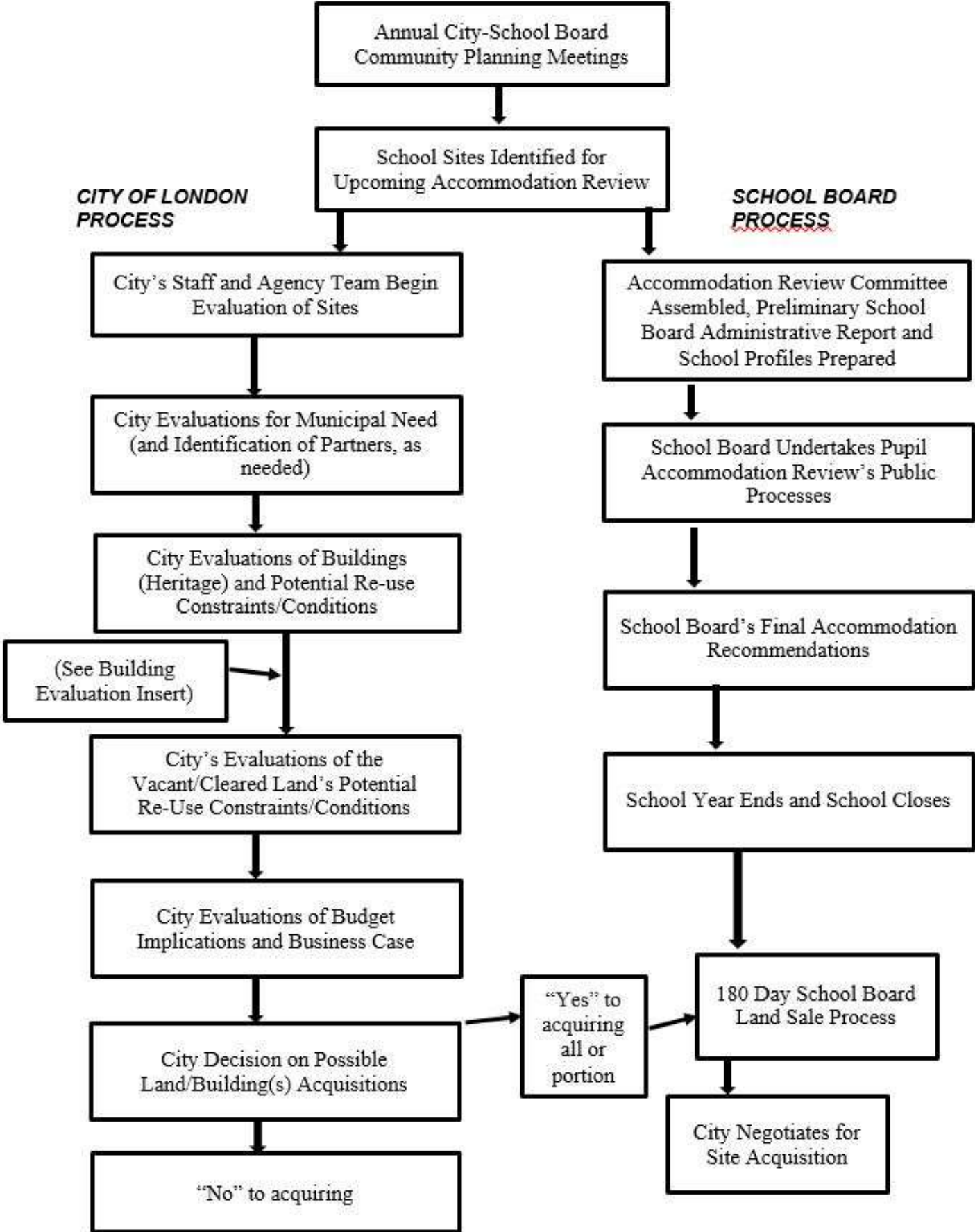
Only sites that meet the evaluation criteria for an identified municipal need will be recommended for acquisition. An evaluation of the acquisition costs shall be undertaken for any site identified to be acquired, and a Source of Financing will be identified.

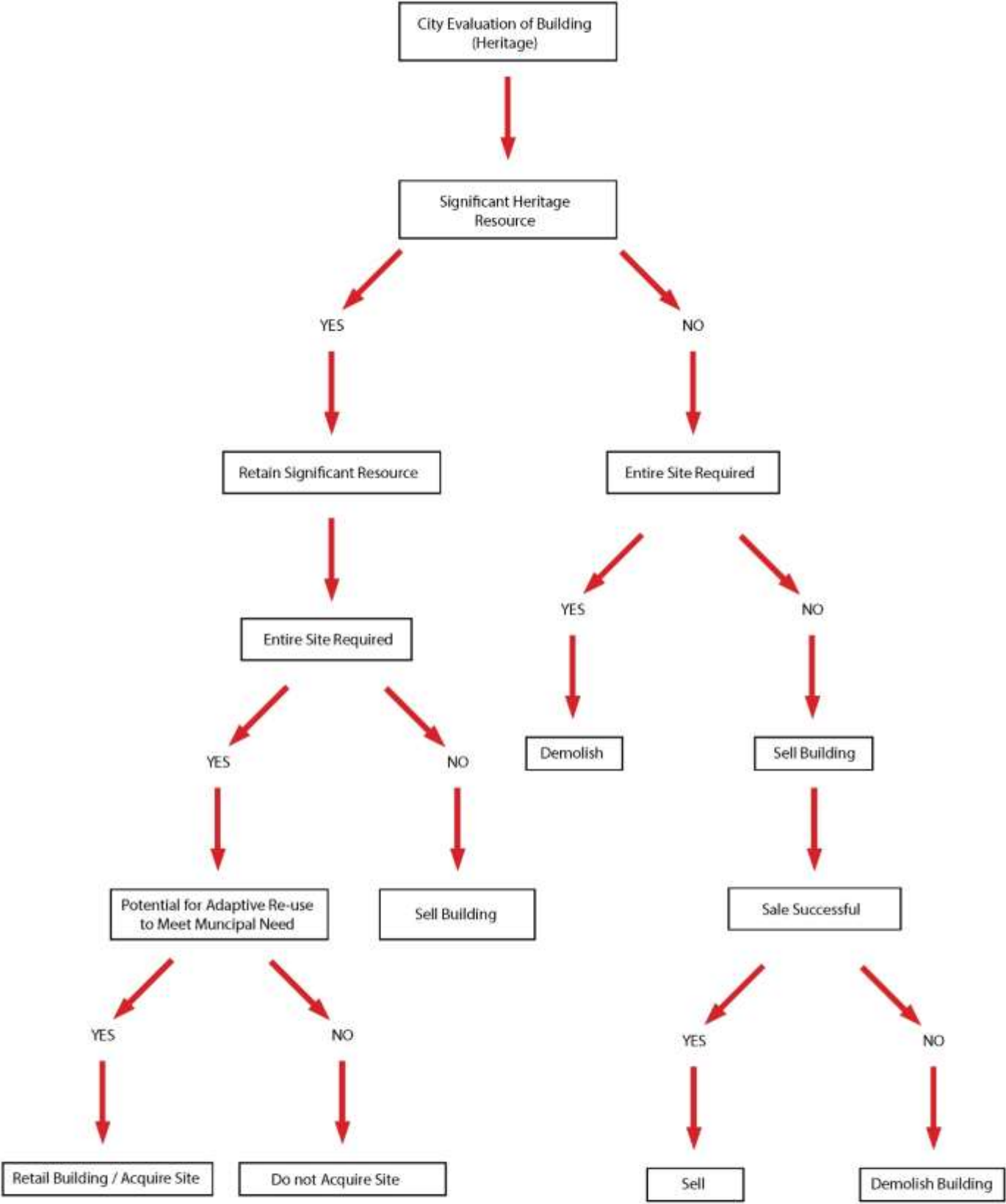
The City may consider the acquisition of sites that are larger than required to meet the identified municipal need, and may dispose of the portion not required to offset costs associated with the acquisition and development of the site.



**Appendix B**

**City's Closed School Site Evaluations: Generalized Process**





During the August 2018 Hyde Park Business Association Board of Management meeting, the HPBIA by-laws were reviewed.

For the following three by-laws, the amended wording was approved by the Board of Management, and thus we are respectfully requesting that the suggested amendments be placed on the Tuesday October 9 PEC agenda for the committee, (and thus council as a whole) for consideration of approving our request:

**Existing:**

5.13 Each committee appointed shall be composed of not fewer than three (3) directors of the Board of Management and shall perform such duties and undertake such responsibilities as the Board of Management specifies and shall report only to the Board of Management.

**To:** Each committee appointed shall be composed of not fewer than **two (2)** directors of the Board of Management and shall perform such duties and undertake such responsibilities as the Board of Management specifies and shall report only to the Board of Management.

**Reason:**

The Hyde Park Business Association Board of Management is a small Board (By-law 4.1) of seven (7) members. Smaller committees usually work better than having too many people, and this allows for more members to be involved. As a small board this allows us to stay more organized and don't have individual board members on too many committees.

**Existing:**

8.2 Notice for all Members' meetings shall be:

(a) Sent by prepaid mail to each Member not less than 15 days prior to the meeting. Notice shall be mailed to the address last provided by the Member to the Board of Management or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll.

**To:** Membership should receive written or electronic notice of the Annual General Meeting not less than ten (10) days prior to the meeting date. The accidental omission to give notice to any member, Board member or auditor shall not invalidate any action taken at any meeting held pursuant to such notice.

**Reason:**

The main communication tool used is email and social media. We believe in this day and age that including these modes for notification to be reasonable. As well, in preparing the details for the AGM the 10-day window is much more manageable than the existing 15-day requirement.

**Existing:**

8.6 A majority of the Members constitutes a quorum at any meeting of the Members.

**To:** The members present shall constitute a quorum at any meeting of the members. If there are less the twenty (20) members present, then the presiding officer will adjourn the meeting

**Reason:**

The existing By-law can be interpreted to mean that to have quorum, there must be a majority of members present or over 50%; or over i.e. 150 members which is an unattainable attendance to achieve. This would change to 'The members shall constitute a quorum at any meeting of the members'.

Please let me know if you require any other information and thank you in advance for your time,

*Donna*

Donna Szpakowski

Good morning Cathy and PEC Committee,

During the September 2018 Argyle BIA Board of Management Meeting, the ABIA by-laws were reviewed.

For the following two by-laws, the amended wording was approved by the Board of Management, and thus we are respectfully requesting that the suggested amendments be placed on the Tuesday, October 9th PEC Agenda for the Committee for consideration of approving our request:

## **8.2 (Annual General Meeting Invitations)**

*Existing:*

- (a) Sent by prepaid mail to each Member not less than 15 days prior to the meeting. Notice shall be mailed to the address last provided by the Member to the Board of Management or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) Delivered personally to each member.

*To:*

Membership should receive written or electronic notice of the Annual General Meeting not less than ten (10) days prior to the meeting date. The accidental omission to give notice to any member, Board member or auditor shall not invalidate any action taken at any meeting held pursuant to such notice.

*Reason:*

The main communication tool used is email and social media. We believe in this day and age that including these modes for notification to be reasonable. As well, in preparing the details for the AGM the 10-day window is much more manageable than the existing 15-day requirement.

## **8.6 (Quorum at Annual General Meeting)**

*Existing:*

A majority of the Members constitutes a quorum at any meeting of the Members.

*To:*

The members present shall constitute a quorum at any meeting of the members. If there are less the twenty (20) members present, then the presiding officer will adjourn the meeting

*Reason:*

The existing By-law can be interpreted to mean that to have quorum, there must be a majority of members present or over 50% (i.e. 105 in the Argyle BIA's case). As such, it is an unattainable attendance to achieve. This would change to 'The members shall constitute a quorum at any meeting of the members', as listed above.

Please let me know if you require any other information.

On behalf of the Argyle Business Improvement Association Board of Management, we thank you for your time and consideration.

Kind regards,

--

**Sarah McConnell**

# Advisory Committee on the Environment

## Report

10th Meeting of the Advisory Committee on the Environment  
October 3, 2018  
Committee Room #3

Attendance                      PRESENT: S. Ratz (Chair), M. Bhavra, M. Bloxam, S. Brooks,  
M. Hodge, N. St. Amour and D. Szoller and J. Bunn (Secretary)

ABSENT: K. Birchall, S. Hall, J. Howell, L. Langdon, T. Stoiber  
and A. Tipping

The meeting was called to order at 12:15 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

None.

### 3. Consent

#### 3.1 9th Report of the Advisory Committee on the Environment

That it BE NOTED that the 9th Report of the Advisory Committee on the Environment, from its meeting held on September 5, 2018, was received.

### 4. Sub-Committees and Working Groups

None.

### 5. Items for Discussion

#### 5.1 Tree Planting and Maintenance

That Municipal Council BE REQUESTED to consider additional funding for the 2019 Forestry Operations budget to allow for further maintenance and watering of existing trees in the City of London; it being noted that the Advisory Committee on the Environment (ACE) received a presentation from A. Beaton, Manager, Forestry Operations with respect to the practices related to the watering of London trees at a past meeting of the ACE; it being further noted that the ACE feels that increased maintenance and watering of existing trees will extend the average tree life expectancy of mature trees in London and potentially achieve London's 34% canopy target.

#### 5.2 Green in the City Speaker Series - Update

That it BE NOTED that the Green in the City Speaker Series communication, dated September 25, 2018, from S. Ratz, was received.

#### 5.3 The River Talks

That it BE NOTED that the poster for The River Talks event "A Gathering at Deshkan Ziibi", being held October 18-20, 2018 at Museum London, was received.

5.4 ACE Presentations/Events/Meeting List

That it BE NOTED that the ACE Presentations/Events/Meeting List document, dated September 25, 2018, submitted by S. Ratz, was received.

**6. Deferred Matters/Additional Business**

None.

**7. Adjournment**

The meeting adjourned at 12:47 PM.



# Trees and Forests Advisory Committee

## Report

9th Meeting of the Trees and Forests Advisory Committee  
September 26, 2018  
Committee Room #3

Attendance                   PRESENT: R. Mannella (Chair), J. Koelheide, C. Linton, A. Morrison, N. St. Amour, M. Szabo, S. Teichert, R. Walker; and P. Shack (Secretary)

ABSENT: C. Haindl, T. Khan, A. Meilutis and G. Mitchell

ALSO PRESENT: A. Beaton, S. Rowland and J. Spence

The meeting was called to order at 12:15 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interest were disclosed.

### 2. Scheduled Items

#### 2.1 Boulevard Tree Protection By-Law

That, the following action be taken with respect to the Boulevard Tree Protection By-law:

the Trees and Forests Advisory Committee BE REQUESTED to have the opportunity to review street tree species that are listed in the Design and Specification Manual prior to final decision, to prevent fruit trees from being planted on boulevards.

it being noted that the attached presentation from S. Rowland, Urban Forestry Planner, with respect to Boulevard Tree Protection By-Law, was received.

### 3. Consent

#### 3.1 8th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 8th Report of the Trees and Forestry Advisory Committee, from its meeting held on August 22, 2018, was received.

#### 3.2 Municipal Council resolution with respect to the 7th Report of the Trees and Forests Advisory Committee from its meeting held on July 25, 2018

That it BE NOTED that the Municipal Council Resolution adopted at its meeting held on July 25, 2018, with respect to the 7th Report of the Trees and Forests Advisory Committee, was received.

### 4. Sub-Committees and Working Groups

None.

**5. Items for Discussion**

5.1 Removal of Trees- J. Spence

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from J. Spence, Manager, Urban Forestry, with respect to the removal of trees.

5.2 National Tree Day

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal presentation from J. Spence, Manager, Urban Forestry, with respect to National Tree Day being held on September 26, 2018.

5.3 Urban Forest Strategy Working Group-S. Rowland

That consideration of the Urban Forest Strategy Working Group BE DEFERRED to a future meeting of the Trees and Forests Advisory Committee.

5.4 Shade Policy Update-R. Walker

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from R. Walker, with respect to the Shade Policy.

**6. Deferred Matters/Additional Business**

None.

**7. Adjournment**

The meeting adjourned at 1:35 PM.



London  
CANADA

## Boulevard Tree Protection By-law



Trees & Forests Advisory Committee  
September 26, 2018  
Sara Rowland – Urban Forestry Planner



London  
CANADA

## Overview

### We Are “The Forest City”

Urban Forest Strategy (2014) “Protect More, Plant More”

Tree Canopy Cover Goal 34% by 2065

Update Boulevard Tree Protection By-law

The London Plan – Walkable, attractive, shaded streets and neighbourhoods



London  
CANADA

## What is the purpose?

- Protect City tree on the boulevard from the actions of others
- Process to remove a street tree that is not a hazard
- Fees to recover our costs
- Not about restricting maintenance, day to day operations
- Boulevard = portion of every road allowance not used as sidewalk, driveway, travelled roadway or shoulder



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## Background – Previous Report

February 2015 – Public Participation Meeting to repeal, replace Boulevard Tree Protection By-law

Directed Civic Administration to report back

Report delayed by Tree Protection By-law development



## Issues with the current By-law

No Part I set fines – no ability to issue “tickets”

Part III Laying of an Information

1. Charge
2. Summons
3. Court (or Early Resolution)

Consensual Removal fee insufficient



## Public Comments (2015)

- Allow easier planting of tree = without permission of City
- Reconsider fees, consensual removal
- Implications for developments requiring tree removal?



## 2018 Public Engagement

Building and Development Liaison Forum

Urban Agriculture Steering Committee

1. Evaluate public land for “foodscaping”
2. Edible trees – where safely maintained, long-term (rarely on boulevards)

Other initiatives underway:

- map edible trees on City lands
- identify suitable community orchard sites
- promote adoption of existing apple orchard



## How we addressed concerns

**Street tree planting**

- Down from 6 years (2013) to 1 year (in most cases) – Emerald Ash Borer
- Proactively identifying plantable spots
- Homeowner requests – City plants in next planting season for “free”
- Consider edible trees - where appropriate



## Main Changes Proposed

- Improve language of By-law
- Tool for efficient enforcement – Part I or Part III
- Increase fees for removal and replacement of boulevard tree where City Engineer agrees
- Tree replacement 1 tree:10 cm DBH removed - replacement tree(s) may go elsewhere
- Fee includes interim boulevard repair e.g. stumping, seed



## Remaining Unchanged

- City Engineer's By-law
- Forestry Operations will administer and enforce
- Scope of By-law – trees on boulevard
- Persons wishing to plant a tree require consent of City Engineer

*City Engineer has broad authority to manage trees on boulevard, or adjacent trees threatening public safety*



## What We Propose to Do Next

- Receive, consider and, if appropriate, incorporate suggestions from public
- Consult Trees and Forestry Advisory Committee
- Finalize By-law
- Return with By-law to appropriate Committee, first quarter of 2019

